UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92^d^ CONGRESS
SECOND SESSION

SEP 14 1973

VOLUME 118—PART 1

JANUARY 18, 1972 TO JANUARY 25, 1972

(PAGES 3 TO 1240)

GENERAL SERVICES ADMINISTRATION
LAW
LIBRARY
CENTRAL OFFICE

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1972

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92^{d} CONGRESS, SECOND SESSION

SENATE—*Tuesday, January 18, 1972*

The 18th day of January being the day prescribed by Public Law 92–217, 92d Congress, first session, for the meeting of the second session of the 92d Congress, the Senate assembled in its Chamber at the Capitol.

The VICE PRESIDENT called the Senate to order at 12 o'clock meridian.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, who has watched over our going out and our coming in and has brought us to this new time of service, accept now the dedication of our hearts, our minds, and our souls in the service of this Nation and of all mankind. Grant to the President, to all our leaders, and especially to all who labor in this Chamber, grace and wisdom for their tasks. Help them to keep their honor bright, their hearts pure, their devotion to the people's welfare high and true. May new opportunities bring new insights, and new responsibilities bring new powers. May Thy reconciling grace pervade this place and Thy peace abide in our hearts so that united in spirit we may fulfill Thy will for this Nation and advance the kingdom over which Thou dost rule.

We pray in the name of the Redeemer who is the Lord of Lords. Amen.

SENATOR FROM VERMONT—ADMINISTRATION OF OATH

The VICE PRESIDENT. The Chair lays before the Senate a certificate of election of the distinguished Senator from Vermont (Mr. Stafford), which the clerk will state:

The assistant legislative clerk read as follows:

State of Vermont, Certificate of Election for Unexpired Term, U.S. Senator

To the President of the Senate of the United States:

This is to certify that on the 7th day of January, 1972, Robert T. Stafford was duly chosen by the qualified electors of the State of Vermont a Senator for the unexpired term ending at noon on the 3d day of January, 1977, to fill the vacancy in the representation from said State in the Senate of the United States caused by the death of Winston L. Prouty.

Witness: His Excellency our Governor, and our seal hereto affixed at Montpelier this 17th day of January, in the year of our Lord 1972.

[seal] John S. Burgess,
Acting Governor.
Richard C. Thomas,
Secretary of State.

The VICE PRESIDENT. If the Senator-designate will present himself at the desk, the oath of office will be administered to him.

Mr. STAFFORD, escorted by Mr. Aiken, advanced to the Vice President's desk; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the official oath book.

[Applause, Senators rising.]

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative cerk called the roll, and the following Senators answered to their names:

[No. 1 Leg.]

Aiken
Allen
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cooper
Curtis
Dole
Eagleton
Ellender
Fulbright
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hart
Hatfield
Hruska
Javits
Jordan, N.C.
Jordan, Idaho
Mansfield
Mathias
McClellan
McGee
Metcalf
Montoya
Nelson
Packwood
Pastore
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith
Spong
Stafford
Symington
Taft
Talmadge
Thurmond
Williams
Young

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Bible), the Senator from California (Mr. Cranston), the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from South Carolina (Mr. Hollings), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Washington (Mr. Magnuson), the Senator from Minnesota (Mr. Mondale), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), the Senator from Alabama (Mr. Sparkman), the Senator from Mississippi (Mr. Stennis), and the Senator from Illinois (Mr. Stevenson) are necessarily absent.

I also announce that the Senator from California (Mr. Tunney), the Senator from Utah (Mr. Moss), and the Senator from Hawaii (Mr. Inouye) are absent on official business.

Mr. GRIFFIN. I announce that the Senators from Colorado (Mr. Allott and Mr. Dominick), the Senator from Tennessee (Mr. Brock), the Senator from Massachusetts (Mr. Brooke), the Senator from Kentucky (Mr. Cook), the Senator from New Hampshire (Mr. Cotton), the Senator from Arizona (Mr. Fannin), the Senator from Iowa (Mr. Miller), the Senator from Kansas (Mr. Pearson), the Senator from Illinois (Mr. Percy), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from New York (Mr. Buckley) is absent on official business.

The Senator from Hawaii (Mr. Fong) and the Senator from Alaska (Mr. Stevens) are absent on official committee business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

Also, the Senator from Delaware (Mr. Roth), the Senator from Texas (Mr. Tower), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The VICE PRESIDENT. A quorum is present.

LIST OF SENATORS BY STATES

Alabama.—John J. Sparkman and James B. Allen.

Alaska.—Ted Stevens and Mike Gravel.

Arizona.—Paul J. Fannin and Barry Goldwater.

Arkansas.—John L. McClellan and J. W. Fulbright.

California.—Alan Cranston and John V. Tunney.

Colorado.—Gordon Allott and Peter H. Dominick.

Connecticut.—Abraham A. Ribicoff and Lowell P. Weicker, Jr.

Delaware.—J. Caleb Boggs and William V. Roth, Jr.

Florida.—Edward J. Gurney and Lawton Chiles.

Georgia.—Herman E. Talmadge and David H. Gambrell.

Hawaii.—Hiram L. Fong and Daniel K. Inouye.

Idaho.—Frank Church and Len B. Jordan.

Illinois.—Charles H. Percy and Adlai E. Stevenson III.

Indiana.—Vance Hartke and Birch E. Bayh.

Iowa.—Jack Miller and Harold E. Hughes.

Kansas.—James B. Pearson and Robert Dole.

Kentucky.—John Sherman Cooper and Marlow W. Cook.

Louisiana.—Allen J. Ellender and Russell B. Long.

Maine.—Margaret Chase Smith and Edmund S. Muskie.

Maryland.—Charles McC. Mathias, Jr., and J. Glenn Beall, Jr.

Massachusetts.—Edward M. Kennedy and Edward W. Brooke.

Michigan.—Philip A. Hart and Robert P. Griffin.

Minnesota.—Walter F. Mondale and Hubert H. Humphrey.

Mississippi.—James O. Eastland and John Stennis.

Missouri.—Stuart Symington and Thomas F. Eagleton.

Montana.—Mike Mansfield and Lee Metcalf.

Nebraska.—Roman L. Hruska and Carl T. Curtis.

Nevada.—Alan Bible and Howard W. Cannon.

New Hampshire.—Norris Cotton and Thomas J. McIntyre.

New Jersey.—Clifford P. Case and Harrison A. Williams, Jr.

New Mexico.—Clinton P. Anderson and Joseph M. Montoya.

New York.—Jacob K. Javits and James L. Buckley.

North Carolina.—Sam J. Ervin, Jr. and B. Everett Jordan.

North Dakota.—Milton R. Young and Quentin N. Burdick.

Ohio.—William B. Saxbe and Robert Taft, Jr.

Oklahoma.—Fred R. Harris and Henry Bellmon.

Oregon.—Mark O. Hatfield and Bob Packwood.

Pennsylvania.—Hugh Scott and Richard S. Schweiker.

Rhode Island.—John O. Pastore and Claiborne Pell.

South Carolina.—Strom Thurmond and Ernest F. Hollings.

South Dakota.—Karl E. Mundt and George S. McGovern.

Tennessee.—Howard H. Baker, Jr. and Bill Brock.

Texas.—John G. Tower and Lloyd Bentsen.

Utah.—Wallace F. Bennett and Frank E. Moss.

Vermont.—George D. Aiken and Robert T. Stafford.

Virginia.—Harry F. Byrd, Jr. and William B. Spong, Jr.

Washington.—Warren G. Magnuson and Henry M. Jackson.

West Virginia.—Jennings Randolph and Robert C. Byrd.

Wisconsin.—William Proxmire and Gaylord Nelson.

Wyoming.—Gale W. McGee and Clifford P. Hansen.

NOTIFICATION TO THE PRESIDENT

Mr. MANSFIELD. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be stated.

The assistant legislative clerk read the resolution (S. Res. 222) as follows:

> *Resolved,* That a committee consisting of two Senators be appointed by the Vice President to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

The VICE PRESIDENT. The Chair appoints the Senator from Montana (Mr. MANSFIELD) and the Senator from Pennsylvania (Mr. SCOTT) as members of the committee on the part of the Senate.

NOTIFICATION TO THE HOUSE

Mr. SCOTT. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be stated.

The assistant legislative clerk read the resolution (S. Res. 223) as follows:

> *Resolved,* That the Secretary inform the House of Representatives that a quorum of the Senate is asembled and that the Senate is ready to proceed to business.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

HOUR OF DAILY MEETING

Mr. BYRD of West Virginia. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be stated.

The assistant legislative clerk read the resolution (S. Res. 224) as follows:

> *Resolved,* That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

PROGRAM—ORDER TO TAKE UP UNFINISHED BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, there will be no further business conducted by the Senate today, except that the distinguished minority leader and I will telephone the President of the United States and await any communications or messages he may wish for us to deliver to the Senate.

There will be no insertions and no speeches today but, contrary to the usual custom, I ask unanimous consent that beginning tomorrow the Senate take up the unfinished business.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 11 o'clock tomorrow morning.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ALLEN TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the prayer by the Chaplain and the recognition of the two leaders tomorrow, the distinguished Senator from Alabama (Mr. ALLEN) be recognized for not to exceed 15 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the recognition of the distinguished Senator from Alabama (Mr. ALLEN) tomorrow there be a period for the transaction of routine morning business, with a time limitation of 3 minutes on speeches, and that the period not extend beyond the hour of 12 o'clock noon.

The VICE PRESIDENT. Without objection, it is so ordered.

REPORT OF COMMITTEES ON NOTIFICATION TO THE PRESIDENT

Mr. MANSFIELD. Mr. President, from the committee appointed to join a similar committee of the House of Representatives to wait upon the President of the United States to inform him that a quorum of each House had assembled and was ready to receive any communication he may be pleased to make, I report that we have performed that duty, and that the President has advised us that he would be pleased to address the two Houses in joint session at 12:30 p.m., Thursday, January 20, 1972.

Mr. SCOTT. Mr. President, if the Senator will yield, the President extends his best wishes to all Members of the Senate and to the Presiding Officer, the President pro tempore, and to the Vice President.

The PRESIDENT pro tempore. The Chair thanks the Senator.

ADJOURNMENT UNTIL 11 A.M.

Mr. MANSFIELD. Mr. President, in accordance with the previous order, I move that the Senate stand in adjournment until the hour of 11 o'clock tomorrow morning.

The motion was agreed to; and (at 12:37 p.m.) the Senate adjourned until tomorrow, Wednesday, January 19, 1972, at 11 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, January 18, 1972*

This being the day fixed by Public Law 92–217, 92d Congress, enacted pursuant to the 20th amendment of the Constitution, for the meeting of the second session of the 92d Congress, the Members of the House of Representatives of the 92d Congress met in their Hall, and at 12 o'clock noon were called to order by the Speaker, the Honorable CARL ALBERT, a Representative from the State of Oklahoma.

The Chaplain, Rev. Edward G. Latch, D.D., L.H.D., offered the following prayer:

I have set before you life and death, blessing and cursing: therefore choose life, that both thou and thy seed may live.—Deuteronomy 30: 19.

Almighty God, our Father, whose love created us, whose strength sustains us, and whose wisdom makes us wise in reverence of mind and humility of heart, we bow before Thee as we set out upon a new year. May we be empowered by Thy spirit to meet these disturbing days with creative courage and a worthy willingness to work.

Bless Thou our President, our Speaker, our Representatives, and those who labor with them. Lay Thy blessing upon all who work in our Government, with our Armed Forces and especially for our prisoners of war. Together may they and we face the future with faith and hope and love.

We remember before Thee our beloved colleague, GEORGE W. ANDREWS, of Alabama, who passed away during our recess. We thank Thee for him, and the fine contributions he made to our country and to his State of Alabama. May Thy presence comfort his family and give them strength for the days ahead.

Our Father who art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil. For Thine is the kingdom and the power and the glory forever. Amen.

CALL OF THE HOUSE

The SPEAKER. The Clerk will call the roll to ascertain the presence of a quorum.

The Clerk called the roll, and the following Members answered to their names:

[Roll No. 1]

Abbitt
Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Andrews
Arends
Ashley
Aspinall
Baker
Begich
Belcher
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Boggs
Bolling
Bow
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Cotter
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Dowdy
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Fascell
Fish
Fisher
Flood
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Gray
Green, Pa.
Griffiths
Gross
Grover
Gude
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harsha
Hathaway
Hawkins
Hays
Hechler, W. Va.
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Link
Lloyd
Long, Md.
Lujan
McClory
McCollister
McCormack
McDonald, Mich.
McEwen
McFall
McKinney
Macdonald, Mass.
Madden
Mahon
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Peyser
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Quillen
Railsback
Rarick
Reid, N.Y.
Reuss
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schmitz
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stanton, J. William
Stanton, James V.
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Sullivan
Symington
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Ullman
Vanik
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wright
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Zablocki
Zion

The SPEAKER. On this rollcall 308 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE HONORABLE RICHARD W. MALLARY

The SPEAKER laid before the House the following communication:

WASHINGTON, D.C.,
January 17, 1972.

The Honorable CARL ALBERT,
The Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Please be advised that the Clerk of the House has received the official certification of election issued by the Board of Canvassers of Vermont, showing that Richard W. Mallary received the greatest number of votes to be elected Representative to Congress for the unexpired term, ending on the third day of January 1973.

The above certification of election is on file in the Clerk's Office.

With kind regards, I am,
Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

The SPEAKER. The Representative-elect will present himself in the well of the House for the purpose of having the oath administered to him.

Mr. MALLARY presented himself at the bar of the House and took the oath of office.

COMMITTEE TO NOTIFY THE PRESIDENT

Mr. BOGGS. Mr. Speaker, I offer a privileged resolution (H. Res. 758) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 758

Resolved, That a committee of three Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that the Congress is ready to receive any communication that he may be pleased to make, the gentleman from Louisiana, Mr. BOGGS, the gentleman from Massachusetts, Mr. O'NEILL, and the gentleman from Michigan, Mr.GERALD R. FORD.

NOTIFICATION TO SENATE

Mr. MAHON. Mr. Speaker, I offer a privileged resolution (H. Res. 759) and aske for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 759

Resolved, That the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DAILY HOUR OF MEETING

Mr. COLMER. Mr. Speaker, I offer a privileged resolution (H. Res. 760) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 760

Resolved, That until otherwise ordered, the daily hour of meeting of the House of Representatives shall be at 12 o'clock meridian.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
December 17, 1971.

The Honorable, the SPEAKER,
House of Representatives.

DEAR SIR: Pursuant to the authority granted by the House on December 17, 1971, the Clerk received today the following messages from the Secretary of the Senate:

That the Senate passed without amendment:

H. Con. Res. 439, to provide for the printing of fifty thousand additional copies of the Subcommittee print of the Subcommittee on Domestic Finance, of the House Committee on Banking and Currency, entitled "A Primer on Money";

H. Con. Res. 441, Authorizing the printing of "The Joint Committee on Congressional Operations: Purpose, Legislative History, Jurisdiction, and Rules" as a House document, and for other purposes;

H. Con. Res. 469, to provide for the printing as a House document a compilation of the eulogies on the late Justice Hugo L. Black;

H. Con. Res. 498, providing for the sine die adjournment of the First Session of the Ninety-Second Congress; and

That the Senate passed S. Res. 215, resolving that a committee of two Senators be appointed by the Presiding Officer to join a similar committee of the House of Representatives to notify the President of the United States that the two Houses have completed their business of the session and are ready to adjourn unless he has some further communication to make to them.

With kind regards, I am,
Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive unanimous-consent requests from Members, but will first recognize the gentleman from South Dakota (Mr. DENHOLM) to announce the death of a former Member.

THE LATE HONORABLE HAROLD O. LOVRE

Mr. DENHOLM. Mr. Speaker, it is my sad duty to announce to the Members of this assembly the death of the Honorable Harold O. Lovre, who served with distinction as a former Member and colleague in this House from 1948 through 1956.

Mr. Lovre was an able and kind man—devoted to a lifetime of service to others and to his country. He lived a commendable life and his death last night is a sorrow sensed by all of us today.

Harold O. Lovre, 67 years of age and a former Republican Member of this House of Representatives from South Dakota passed away last night at Silver Spring, Md. Mr. Lovre lived at 9516 East Bexhill Drive in Kensington and was a Member of Congress from 1948 through 1956.

As a member of the House Agriculture Committee, Mr. Lovre sponsored many bills to provide full 100 percent of parity for the Nation's farmers and was also active in promoting legislation for extended farm credit. He was also an advocate of river development and took the lead in the House to obtain funds for construction of dams on the Missouri River for flood control, navigation, and power generation. Mr. Lovre was an advocate of a two-price farm program which provided full parity for farm products sold in the United States while surplus commodities would be sold in international markets at prevailing world prices.

Mr. Lovre was a charter member of the Chowder and Marching Club. President Nixon and Secretary of Defense Melvin Laird are also charter members of the group organized in 1949 by new Republican Congressmen for the purpose of discussing legislation. The organization later became deeply involved in President Nixon's campaigns for the Presidency. Even after leaving the House of Representatives, Mr. Lovre was very active in the organization and each year, until recently, provided a wild game dinner for the group.

While in Congress, Mr. Lovre served as an assistant Republican whip for the Midwest States and after leaving Congress, he was active in Republican activities in the district and throughout the Nation. He was known as one of the leading fundraisers for the Republican Party and for individual Congressmen and Senators.

In 1957, Mr. Lovre established a law practice in the district and was Washington counsel for the American Football League from its inception until the merger with the National Football League. He also represented the merged leagues and was one of the leaders in obtaining a congressional exemption from the antitrust laws for the merger. Also, in addition, he represented the American Trucking Associations and a number of trade associations before regulatory agencies and the Congress. He was an advocate of protecting American farmers and ranchers from imports and represented American mink ranchers several times before the Congress and the Tariff Commission.

Mr. Lovre was born in Toronto, S. Dak., on January 30, 1904, and was graduated from Toronto High School. He received an LLB degree from the University of South Dakota in 1927. He served as Republican county chairman and State GOP chairman and was a member of the South Dakota State Senate. He was also president of the South Dakota State Fair Board. He was a member of Lambda Chi Alpha, social fraternity, and Phi Delta Phi, legal fraternity. He was admitted to the practice of law in South Dakota, the District of Columbia, and Maryland and also the U.S. Supreme Court. He was also active in the Masons and Elks.

Mr. Lovre was a member of St. Luke Evangelical Lutheran Church of Silver Spring and a former president and member of the church council.

Mr. Lovre is survived by his widow, Viola, of the home address, and four daughters. The daughters are Mrs. Wayne L. Hall, Janice, of Hanover, N.H.; Mrs. M. O. Ryan, Jr., Carmen; Mrs. Stacy Williams, Sandy, of Potomac; and Mrs. Zachery Taylor, Linda, of Saddlebrook, N.J. A brother, Dr. Stanton Lovre of Arizona, also survives.

The family has requested that in lieu of flowers, contributions be made to the American Cancer Society or the St. Luke Memorial Fund.

Mr. Lovre was my friend—he was the friend of all who knew him. He shall be remembered by many and forgotten by few. He was a man among men—he knew the sense of duty, honor, and country. He was an American and his work of life shall be his memorial on this earth for all to see.

I am sure that all of us—his acquaintances, his friends, and his colleagues—join with me in extending our sincere sympathy to Mrs. Lovre and their four daughters, and to all of his loved ones at this time of great sorrow.

I have been informed that friends may call at Joseph Gawler's and Sons Funeral Home at 5130 Wisconsin Avenue at Harrison Street NW., from 3 to 5 and 7 to 9 p.m., Wednesday, January 19.

Funeral services will be held January 20, at 3:30 p.m. at St. Luke's Evangelical Lutheran Church at Colesville Road and Highland Drive, Silver Spring, Md. Interment will be at Parklawn Cemetery.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. DENHOLM. I yield to the gentleman.

Mr. BYRNES of Wisconsin. Mr. Speaker, I am sure the news of the passing of our former colleague, Harold Lovre, saddens the hearts of all who knew him. He was a respected Member of this House and a gentleman in every way—a wonderful father, and a great friend, and I must say, Mr. Speaker, I listed Harold Lovre among my closest friends.

All who knew him share deeply, I am sure, the sorrow and sympathy that words cannot express. We hope that his family, particularly his dear wife, will get some solace in the knowledge of the great respect in which he was held by all who knew him. To his wife and his children I extend my deepest sympathy.

Mr. DAVIS of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. DENHOLM. I am pleased to yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. Certainly everyone who served here with Harold Lovre or had an opportunity to become acquainted with him in the years since his service while he remained in the Washington area and thousands of people in the State of South Dakota will share in the grief that all of us feel at the passing of Harold Lovre.

The things that we think of every time

we try to describe a good friend, one we respected and admired, can be said in all sincerity relating to Harold. He was a generous man, a man with a great love for his country and his God, a man who doted upon his family, a man who was generous and kindly, and a true friend of those many who could be named among his friends.

He suffered a difficult time prior to his passing; so for him I suppose it can be said it is a blessing that finally eternal peace has come to him.

I know that many of us here want to share in expressing to his wife Viola and to his fine family the grief that we feel and the admiration that we had for him as a Member of this House and as a true and lasting friend.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. DENHOLM. I am delighted to yield to the gentleman from Illinois.

Mr. MICHEL. I appreciate the gentleman's yielding.

I must say I am very saddened to hear of the passing of our departed friend, Harold Lovre.

I got to know Harold Lovre when he first came to Washington, as he was sworn in as a Member of this body, when I was still serving as an assistant, to my predecessor, but he had occasion to stop by our office any number of times. All through these years we got to know one another well and we have kept up our close ties after he left this body.

As Mr. Davis has indicated, he experienced very troublesome times physically within the past couple of years, having suffered a stroke and several serious stints in the hospital. But through it all he always had a very optimistic outlook on life. Harold loved life when he was in good health and always had such a friendly attitude toward all Members of this body, even after leaving. I am certainly going to miss the good times we had together.

It is a terrible loss for us to have to sustain, and I certainly want to express my unbounded sympathy to Viola and the children for our having lost such a dear friend.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. DENHOLM. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I am extremely sorry to hear the announcement the gentleman has made. This is my first news of Harold Lovre's passing.

I join with my colleagues in extending to Viola and his family the sincere sympathies of Joyce and myself.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from South Dakota yield?

Mr. DENHOLM. I am delighted to yield to the minority leader, the distinguished gentleman from Michigan.

Mr. GERALD R. FORD. I heard this morning of Harold Lovre's passing.

Harold and I came to the Congress together. We were sworn in on January 3, 1949. We became very close friends, almost from the beginning, and that friendship continued following his political defeat in the 1950's. Our families were very close and still are today. I have the highest respect for his service in the House of Representatives.

He was a conscientious, dedicated, and able legislator. He continued his interest in government following his defeat, and it was a constructive, unselfish, forward-looking interest on behalf of what he thought was right. With the death of Harold Lovre, the country has lost one of the finest and most conscientious people I have ever known.

I join with our other Members in extending to Harold's wonderful wife Viola, and to his family, my deepest sympathy. They have gone through a very difficult time in the last several months. We have all lost a great friend, and the country has lost a very fine citizen.

Harold Lovre passed away Monday night at Carriage Hill extended care nursing home in Silver Spring, Md. He lived at 9516 East Bexhill Drive in Kensington and was a Member of Congress from 1949 to 1957.

As a member of the House Agriculture Committee, Mr. Lovre sponsored many bills to provide full 100 percent of parity for the Nation's farmers, and was also active in promoting legislation for extended farm credit. He was also an advocate of river development and took the lead in the House to obtain funds for construction of dams on the Missouri River for flood control, navigation, and power generation. Mr. Lovre was an advocate of a two-price farm program which provided full parity for farm products sold in the United States, while surplus commodities would be sold in international markets at prevailing world prices.

Mr. Lovre was a charter member of the Chowder and Marching Club. President Nixon and Secretary of Defense Melvin Laird are also charter members of the group, organized in 1949 by new Republican Congressmen for the purpose of discussing legislation. The organization later became deeply involved in President Nixon's campaigns for the Presidency. Even after leaving the House of Representatives, Mr. Lovre was very active in the organization and each year, until recently, provided a wild game dinner for the group.

While in Congress, Mr. Lovre served as an assistant Republican whip for the Midwest States and after leaving Congress he was active in Republican activities in the District and throughout the Nation. He was known as one of the leading fundraisers for the Republican Party and for individual Congressmen and Senators.

In 1957, Mr. Lovre established a law practice in the District and was Washington counsel for the American Football League from its inception until the merger with the National Football League. He also represented the merged leagues and was one of the leaders in obtaining a congressional exemption from the antitrust laws for the merger. Also, in addition, he represented the American Trucking Association and a number of trade associations before regulatory agencies and the Congress. He was an advocate of protecting American farmers and ranchers from imports and represented American mink ranchers several times before the Congress and the Tariff Commission.

Mr. Lovre was born in Toronto, S. Dak., on January 30, 1904, and was graduated from Toronto High School. He received an LL.B. degree from the University of South Dakota in 1927. He served as Republican county chairman and State GOP chairman and was a member of the South Dakota State Senate. He was also president of the South Dakota State Fair Board. He was a member of Lambda Chi Alpha, social fraternity, and Phi Delta Phi, legal fraternity. He was admitted to the practice of law in South Dakota, the District of Columbia, and Maryland and also the U.S. Supreme Court. He was also active in the Masons and Elks.

Mr. Lovre was a member of St. Luke's Evangelical Lutheran Church of Silver Spring and a former president and member of the church council.

Mr. DENHOLM. Mr. Speaker, I thank the gentleman from Michigan.

Mr. ZABLOCKI. Mr. Speaker, I wish to join my colleageus in expressing sorrow at the untimely passing of our esteemed former colleague, the Honorable Harold Lovre.

It was my privilege to enter the Congress with him as a member of the 81st Congress and to serve with him. Congreesman Lovre represented his district and his State and country with dedication and devotion. He was a pleasant and friendly gentleman.

He will be missed by his family and his many friends. The Nation has lost a great citizen. My wife joins me in expressing deep sympathy to his beloved wife and family. May they derive some small consolation from the knowledge that their loss is shared by his many friends.

Mr. GROSS. Mr. Speaker, it is with great sadness that I learned today of the death of my friend and former colleague, the Honorable Harold O. Lovre.

Harold and I were elected in 1948 and came to Congress for the first time in the 81st session. Prior to his election to this body, Harold served as a State's attorney in South Dakota; as president of the State Board of Agriculture in South Dakota; and a member of the State senate.

He was a capable and dedicated Member of the House of Representatives, and his untimely death is a blow to all of his many friends.

Mrs. Gross joins me in extending deepest sympathy to his wife, Viola, and all members of the family.

Mr. MAHON. Mr. Speaker, I wish to join my colleagues in paying tribute to the memory of our former colleague from South Dakota, Harold Lovre. He performed a distinguished service for his State and for the Nation during his service in the House. After leaving Congress he continued in private life to make a significant contribution to the strength and stability of the Nation.

I join in mourning the passing of Mr. Lovre and in expressing deepest sympathy to the loved ones left behind.

GENERAL LEAVE

Mr. DENHOLM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. BOGGS. Mr. Speaker, your committee on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty. The President asked us to report that he will be pleased to deliver his message at 12:30 o'clock p.m., Thursday, January 20, to a joint session of the two Houses.

JOINT SESSION OF THE TWO HOUSES, THURSDAY, JANUARY 20, 1972

Mr. BOGGS. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 499) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 499

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Thursday, January 20, 1972, at 12:30 p.m., for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The consurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING SPEAKER TO DECLARE RECESS ON THURSDAY, JANUARY 20

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that on Thursday, January 20, 1972, it may be in order for the Speaker to declare a recess at any time subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY OF THIS WEEK

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of this week may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ANNOUNCEMENT BY SPEAKER OF PROCEDURES FOR JOINT SESSION JANUARY 20, 1972

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that on Thursday, January 20, 1972, the date set the joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open. No one will be allowed on the floor of the House who does not have the privileges of the floor of the House.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title:

S. Con. Res. 54. Concurrent resolution to print additional copies of hearings on "War Powers Legislation."

The message also announced that a committee consisting of two Senators be appointed by the Vice President to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The message also announced that the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

RESOLUTION DISAPPROVING AND CENSURING CONDUCT OF PRESIDENT

(Mrs. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, I am introducing today a resolution disapproving and censuring the conduct of the President of the United States in deliberately violating the law. Section 601 of the Military Procurement Act of 1971 declares it to be the policy of the United States to terminate "at the earliest practicable date" all military operations of the United States in Indochina and provides for the withdrawal of all U.S. military forces "at a date certain" subject to the release of all American prisoners of war.

In signing this law, the President said he had no intention of abiding by section 601, and he has flouted both its language and intent by refusing to set a date for withdrawal. He escalated the massive bombing of North Vietnam while Congress was in recess, and he has continued the mass bombings in Laos and Cambodia.

What is at issue here is a constitutional confrontation. Has the President the authority to pick and choose which sections of the law to obey and which to disobey?

Congress must correct the imbalance of power that we allowed to develop between the executive and the legislative branches. By its overwhelming vote to repeal the Gulf of Tonkin resolution on December 31, 1970, Congress attempted to reassert its authority by removing from the President a statement of policy which the Executive had improperly interpreted as a blank check for war.

The House can now take another step to restore its independence and dignity. In adopting this resolution, which "disapproves and censures" the conduct of the President and directs him to implement the provisions of section 601, we will be assuring the American people that the Constitution lives in our land and that we will not allow the law to be violated, even by the President of the United States.

The SPEAKER. The Chair must, under the rules and precedents of the House, admonish our visitors who are guests of the House in the galleries, that demonstrations of approval or disapproval are not permitted from the galleries during proceedings of the House.

THE PRESIDENT'S POLICY IN SOUTHEAST ASIA

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RYAN. Mr. Speaker, as we begin this new session of Congress, the war in Southeast Asia remains the supreme issue before our country and before Congress.

The President has attempted to show the American people a reassuring scene of a war dwindling away. But behind the facade of Vietnamization, the facts of Vietnam remain as ugly and brutal as ever.

No amount of Presidential rhetoric can mask the impact of this dreaded war—the blood shed and the lives lost; the horror and tragedy of a disastrous conflict which has drained our treasure and stained our conscience.

No amount of Presidential rhetoric can mask the fact that the President's policy is not one of peace—but of continued death and destruction in direct violation of the will of the people and the letter of the law.

Section 601 of the Military Procurement Act of 1971, Public Law 92-156, declares it to be the policy of the United States to terminate at the earliest practicable date all U.S. military operations in Indochina and to provide for the withdrawal of all U.S. military forces at a date certain subject to the release of all American prisoners of war. The Congress passed this law in response to the overwhelming sentiment of the American people who want this deadly conflict to end, and to end now.

At the time the President signed this law, he stated that he did not intend to abide by this provision, and he has lived up to his word. Not only has he ignored the law of the land, but through renewed bombings—while the Congress was in recess—he has embarked on a policy in direct opposition to it.

The people of this Nation have demonstrated their steadfast opposition to this war time and time again: in the voting booth, in public opinion polls, and in the streets.

Yet the President—as deaf as his so-called majority is silent—continues to fuel the fires of war. Such callous disregard for the will of the people and the laws of the United States cannot be countenanced.

Therefore, we are today introducing a resolution to disapprove and censure the conduct of the President. The President must be held accountable for his actions.

THE PRESIDENT IS NOT ABOVE THE LAW

(Mr. MITCHELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MITCHELL. Mr. Speaker and Members of the House, as a new Member coming in last year I was thrilled by the charge and the mandate given by our distinguished Speaker. That mandate and charge said that this body would assume its rightful place of leadership in the structure of Government in this country.

I was thrilled, and every Member of the House was thrilled, because we know that we have the ability and the capacity to assume that role. We must do this because we are the body closest to the people.

I am rising to speak to the resolution introduced by the distinguished gentlewoman from New York. The President is not above the law. This House has a responsibility to act when basic laws are transgressed, ignored, and defied.

I am rising to speak in support of this resolution because once and for all in this Nation we must make a determination that the separation of powers of Government means the equal sharing of power.

No one is above the law, not even the President of the United States.

The **SPEAKER.** The Chair reminds our guests in the galleries that the Chair must enforce the rules of the House and that demonstrations from the galleries will not be permitted.

ON THE MOTION TO CENSURE THE PRESIDENT

(Mr. KOCH asked and was given permission to address the House for 1 minute.)

Mr. KOCH. Mr. Speaker, I join in this motion to censure not because I expect that this will occur, but because I know that so many times on this floor Members have stood up and criticized the other body for failing in its responsibilities. I think it is time that the Members stood up and criticized the President when he has failed in his responsibilities.

However, there is something we can do even if we do not censure the President, and that is we can cut off the funding of this immoral and unconstitutional war in Vietnam.

Mrs. MINK. Mr. Speaker, we are told that there will be much said this year by certain strategists about law and order.

Certainly the highest form of law in this country is the constitution, and the most important issue of order is war or peace.

Yet we find the President of the United States in flagrant and admitted violation of the constitution.

Our Constitution wisely preserves for the Congress, the body most closely representative of all the people, the right to declare war. It names the President as Commander in Chief, thereby assigning him the lesser duty of implementing the military decisions made by Congress.

By the adoption of the Mansfield amendment in Public Law 92–156, the Congress made a decision that the Vietnam war should be ended at the earliest practicable date. The President was mandated to withdraw all our troops, with the provision that our forces should remain only as long as our prisoners of war are not released.

In his remarks on signing the bill the President stated flatly that he would ignore this provision of law. By so doing, he has usurped the constitutional power of Congress, and it is our duty to respond. If we fail to act, we will have only ourselves to blame for further erosion of the rights and responsibilities of the legislative branch of government.

I am today joining in the introduction of the concurrent resolution sponsored by the gentlewoman from New York (Mrs. ABZUG) resolving that President Nixon be censured for disregarding his constitutional obligation to end the Vietnam war.

He has failed to order a prompt withdrawal of all our forces by a date certain, and instead has decreed a massive increase in the air war and bombing. This escalation of the war was commenced when Congress was away on recess and college students were home on vacation.

I support an immediate end to the war, the immediate withdrawal of all our forces and a total halt to the bombing.

THE WEST COAST DOCK STRIKE

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK. Mr. Speaker, I regret that on this first day of this new session of Congress I must rise to express my deep regret that the parties representing the west coast shipping industry who were in negotiation were unable to arrive at a settlement, necessitating the resumption of the strike yesterday.

Those of us who followed this situation that began last summer realize the economic hardships and losses both to the State of Hawaii, which I represent, and many west coast areas and other agricultural communities.

Because of the resumption of this strike we are again faced with the possibility of even more serious economic hardships in our areas. Therefore, I am today introducing a joint resolution which will require the Attorney General to seek another court injunction calling for a second 80-day cooling off period in order to permit the parties additional time in which to arrive at a settlement.

In yesterday's news releases one of the parties declared that they simply "ran out of time" while the other party stated that there was only one major issue that was preventing a settlement. In view of this and because of the precedents established by this House and by this Congress in dealing with the railway transportation difficulties, I call upon the committees that will be receiving this resolution to expeditiously handle this legislation and to enact it in order that all areas involved may be saved from further difficulties.

POINT OF ORDER

Mr. HALL. Mr. Speaker, I demand that the gallery be cleared.

The **SPEAKER.** The Chair will not tolerate demonstrations of approval or disapproval in the galleries.

Mr. HALL. Mr. Speaker, I make a point of order that our guests and those in the galleries are not in order. I request that the gallery be cleared.

The **SPEAKER.** The gentleman's point is well taken. The galleries will be cleared.

CRUDE AND UNWARRANTED PUBLICITY GIMMICK

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. YOUNG of Florida. Mr. Speaker, nobody is more interested in bringing the Vietnam war to a swift and just conclusion than President Nixon. By May 1, American strength will have been reduced by almost one-half million troops during the course of the Nixon administration. Casualty figures, which were hitting 300 in the last years of the Johnson administration, are now in single figures. The dollar cost of the war is less than a third of what it was in 1968.

The spectacle we have just witnessed should really focus the attention of all Americans on this question: should we support the programs of those very people who put us so deeply involved in Vietnam or should we support the only policy that has had any effect in getting us out of Vietnam? The answer should be obvious to us all.

The so-called Mansfield amendment, as finally approved by the Congress, does not claim to be binding on the President. It expresses a judgment about the manner in which American involvement in the war should be ended. The President is not obliged to follow its recommendations—and as the success of the alternative course he is taking should make clear, it is a good thing that he does not feel obliged to follow it.

And that is why, before closing, I would like to make just a few remarks about the tone and character of the unnecessary and uninvited display here this afternoon. Democracies are fragile institutions. They are dependent on reasoned discourse and mutual respect. What we have just witnessed here today was far from that. It was an attempt to use the floor of the House of Representatives—an institution I regard as the greatest deliberative, constitutional body anywhere in the world—for a crude and unwarranted publicity gimmick.

I think the organizer of this spectacle owes both our colleagues and the Nation at large an apology for this behavior. If anybody warrants the censure of this body, it is not President Nixon who has courageously and selflessly endured assault after assault on his motives and character—but, rather, those who would use this Chamber as a stage for continuing those assaults—a stage being watched by the world audience with our friends in amazement and our enemies chuckling with glee.

DEMONSTRATION IN THE GALLERY OF THE HOUSE OF REPRESENTATIVES

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, the demonstration—if that is the proper word for the disturbance which has just taken place in the galleries—quite obviously is well organized and well planned. It flaunts the tradition and dignity of the House. It is an insult to the constitutional processes of government.

Now, the question is who organized it? It cannot be held that this disturbance was simply coincidental with the statements that were made earlier today in the House urging that the President be censured. It makes one wonder who is directing this ugly show, what their connections are, and what their true motives are.

A MISORDERING OF PRIORITIES

(Mr. ECKHARDT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ECKHARDT. Mr. Speaker, it appears to me to be a misordering of priorities for speeches to point to a floor demonstration as a breach of the rules so as to becloud the issue that the President of the United States has violated the Constitution of the United States.

It is true that the President has the power to direct the Armed Forces of the United States, but not to declare war or to continue it in opposition to the policy of the Congress of the United States.

The statements that have been made before are entitled to be respected and should in no manner be disparaged because of any activity which may happen in the gallaries.

I am not intimidated, and support the gentlewoman from New York and the gentleman from New York on the resolution. I favor it. I believe in this instance it is a serious offense for the President to say flatly he will not respect the broad policy determination of the Congress of the United States.

NO HAPPY NEW YEAR UNLESS BIG STRIKES CURBED

(Mr. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LLOYD. Mr. Speaker, 1972 is only a few hours old and already it appears that our Nation faces the ominous and all too familiar threat of again being brought to its economic knees by a major transportation strike.

We were greeted in this morning's papers, for example, with the news that the long and costly west coast longshoremen's strike has been resumed.

This unhappy New Year's development dramatically underscores the urgency of devising better means of dealing with these major labor disputes.

The House Republican Task Force on Labor-Management Relations, which I am privileged to chair, conducted a series of informal meetings on this subject early last year.

Since then, a number of bills have been introduced—and formal hearings begun by the Committee of Jurisdiction.

While these developments are highly encouraging, few of us need be reminded of the past reluctance of the Congress to come to grips with this issue. Not even a recent series of three back-to-back crises, for example, was enough to command more than 11th-hour temporary solutions.

Thus, as the secoond session of the 92d Congress begins, it is imperative that the momentum now built up not be lost.

Accordingly, our Task Force will continue to work to complement the activities of others in keeping the debate on this issue in sharp focus.

Beginning this month, we will intensify our efforts to help the Congress identify a legislative solution which is both workable and fair to the parties—and which, most importantly, reflects our paramount concern of protecting the public interest.

Our examination will be thorough. In addition to complete analyses of presently pending proposals, we will solicit the views of other Members of Congress, the administration, academicians, and representatives of business, labor and the public. We are not looking for an anti-union or anti-management solution—but a pro-public one, which is really in the best interest of everyone concerned. I am confident that at the conclusion of our review we will be able to offer some specific recommendations which will assist the Congress in reaching a consensus over this sorely-needed and long-overdue reform.

The American people, innocent bystanders whose wellbeing and livelihoods are jeopardized and ravaged by these major strikes, are demanding—and deserve, an expeditious and effective congressional response.

And our Task Force is anxious to lend all the assistance it can to help hasten the day when Congress acts.

PUBLIC OPINION CANNOT BE ACCURATELY MEASURED IN NEW YORK CITY

(Mr. MICHEL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I am a little bit amused at the remarks of the gentlewoman from the city of New York who seems to think the sun rises and sets in that community, and that New York City is a good bellwether of public opinion in this country.

I am reminded of a few of the talk shows originating there with a stacked audience such as we witnessed here a few moments ago. The reactions to questions or statements by individuals on those shows is predictable when the audience is made up strictly of native New Yorkers. And if one would take the measure of public opinion simply from that community he would certainly be fooling himself.

I would suggest that to get an honest sampling of public opinion as to what kind of President Mr. Nixon is that the gentlewoman from New York ought to get a much better reading from around our country. I suspect most Members fresh from their districts will agree with me that he's more popular now than ever before.

Finally, if the gentlewoman from New York and a few others do not like what our President is doing, it is certainly their right to introduce a censure or impeachment resolution, but I predict its support will be as negligible as the gentlewoman's influence in this House.

ANTONIO B. WON PAT FULLY REBUTS U.N. ASSERTION THAT GUAM'S CITIZENS ARE UNHAPPY WITH ROLE AS U.S. TERRITORY

(Mr. MATSUNAGA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MATSUNAGA. Mr. Speaker, Hauoli Makahiki Hou"—or Happy New Year, as we say in Hawaii. It is my understanding that the first legislative order of business in the House in this second session of the 92d Congress will be the consideration of H.R. 8787, a bill to provide nonvoting representation in the House for Guam and the Virgin Islands.

In this connection my colleagues will no doubt be interested in the correspondence from Antonio B. Won Pat, Guam's elected but as yet unofficial delegate to Washington, relating to charges by a United Nations subcommittee that Guam's political association with the United States is detrimental to the best interests of Guam's citizens.

Mr. Won Pat responded to that assertion in the strongest possible terms, pointing out that—

> Even the most casual visitor to Guam would readily see that the people are anything but captive subjects of an oppressive colonial power.
>
> To the contrary, since Guam first became a possession of the United States in 1898, the overwhelming sentiment of our people has been to obtain greater participation in America's affairs, not less.

And, Mr. Speaker, it is precisely to that end that H.R. 8787 is directed. It would provide both Guam and the Virgin Islands with a real voice in our Nation's affairs.

I urge that each Member be present today to support this equitable legislation, and I commend to each Member the full text of the letters from Mr. Won Pat, referred to above, which I include in the RECORD:

TERRITORY OF GUAM, U.S.A., OFFICE OF GUAM'S REPRESENTATIVE IN WASHINGTON.
Washington, D.C., November 2, 1971.

DEAR CONGRESSMAN: The United Nations Subcommittee on the Pacific recently submitted to the full Committee on Colonialism a report critical of the present relationships between the United States and two of its territories, Guam and American Samoa. The report asserted, in effect, that in the best interests of the island's inhabitants these relationships well might be re-evaluated.

While I cannot speak for American Samoa, as the elected Representative of the 100,000 American citizens of Guam, I can and do denounce all statements which denigrate the excellent relations Guam and the rest of the United States enjoy.

In the hope that it may be of interest to you and in view of the pendency of the Delegate Bill, H.R. 8787, I am pleased to enclose a copy of my letter to the Honorable U. Thant, Secretary-General of the U.N., rebutting some of the misinformed and misleading statements in the report of the U.N. Subcommittee.

I would be glad to have any comments you might care to make.

With best wishes,
Sincerely yours,
ANTONIO B. WON PAT.

TERRITORY OF GUAM, U.S.A., OFFICE OF GUAM'S REPRESENTATIVE IN WASHINGTON,
Washington, D.C., November 1, 1971.

Hon. U. THANT,
Secretary-General of the United Nations,
U.N. Plaza,
New York, N.Y.

DEAR MR. SECRETARY: As a native of Guam and the elected Representative of the more than 100,000 people of Guam who are all Guamanians (U.S. citizens), I am writing to protest the allegations of the United Nations Subcommittee on the Pacific, Special Committee on Colonialism, that Guam's political association with the United States is detrimental to the best interests of its citizens.

A careful examination of the facts will certainly reveal that nothing could be further from the truth.

It is difficult to conceive of what grounds the members of the Subcommittee used as a basis for their findings. Certainly, it could not be laid to information received from disgruntled islanders lobbying for a change in our status. To my knowledge, no such group exists.

Nor could substantiating data have been gathered during a personal inspection tour. Even the most casual visitor to Guam would readily see that the people are anything but captive subjects of an oppressive colonialist power.

To the contrary, since Guam first became a possession of the United States in 1898, the overwhelming sentiment of our people has been to obtain greater participation in America's affairs, not less.

Our loyalty to America has been proven many times. In World War II, when Japanese forces invaded and held Guam captive for several years; yet not a single Guamanian turned his back on America. In the conflict in Vietnam, where 67 of our sons, to date, have died in support of U.S. foreign policy in Southeast Asia. And in countless other instances where my fellow islanders have gladly volunteered to serve whenever America called.

In return, our fellow Americans have expressed their awareness of our efforts on their behalf by granting us citizenship in 1950, along with the right to elect a 21-man legislature. Two years ago, the U.S. Congress authorized Guam to elect its first native Governor. Last year, the elections were held, and over 85 per cent of the registered voters turned out to cast their ballots in an open and honest election. This last fact, I am sure you will note, is more than can be said for many of Guam's neighbors in the Far East.

Today, the U.S. House of Representatives is preparing to vote on a bill, H.R. 8787, that would authorize the Territories of Guam and the Virgin Islands to each elect a non-voting delegate to that body. Passage of this legislation would not only assure the people of Guam true representation within the Federal establishment but also permit us at least a voice in our Nation's affairs.

Obviously, Guam's relationship with the United States has not been a one-way street. The people of Guam have benefited enormously and the United States has been able to count on the lasting support and affection of the Guamanian people. In today's confused world nothing more can be expected and, quite often, far less is received.

To be sure, through the years moments of stress and strain have shown through the fabric of our mutual association. Today, for example, the Government of Guam is hard at work seeking an agreement with the U.S. Navy to limit the amount of island land the military controls. Efforts are being made to have large tracts of Federally-owned land, now lying vacant, returned to the people of Guam.

Chances of a settlement in each of these instances appear favorable in time and I am confident that our present differences, much like our past difficulties, will all be adequately resolved by working within a democratic system of government.

I trust that the preceding statements will afford you and the members of the Subcommittee a better understanding of the true nature of Guam's relationship with the United States. If I may be of further service to you with respect to the American Territory of Guam, please feel free to call on me at any time.

With best wishes,
Sincerely yours,
ANTONIO B. WON PAT.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MARIA LUIGIA DI GIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Luigia Di Giorgio.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

CHARLES COLBATH

The Clerk called the bill (H.R. 4310) for the relief of Charles Colbath.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

MRS. CARMEN PRADO

The Clerk called the bill (H.R. 6108) for the relief of Mrs. Carmen Prado.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was on objection.

RENE PAULO ROHDEN-SOBRINHO

The Clerk called the bill (H.R. 5181) for the relief of Rene Paulo Rohden-Sobrinho.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CATHERINE E. SPELL

The Clerk called the bill (H.R. 7312) for the relief of Catherine E. Spell.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

FRANK J. McCABE

The Clerk called the bill (H.R. 1862) for the relief of Frank J. McCabe.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DONALD L. BULMER

The Clerk called the bill (H.R. 1994) for the relief of Donald L. Bulmer.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. MARINA MUNOZ DE WYSS (NEE LOPEZ)

The Clerk called the bill (H.R. 5579) for the relief of Mrs. Marina Munoz de Wyss (nee Lopez).

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

VITO SERRA

The Clerk called the bill (H.R. 5586) for the relief of Vito Serra.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CARMEN MARIA PENA-GARCANO

The Clerk called the bill (H.R. 6342) for the relief of Carmen Maria Pena-Garcano.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WILLIAM H. NICKERSON

The Clerk called the bill (H.R. 4064) for the relief of William H. Nickerson.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

ANTONIO BENAVIDES

The Clerk called the bill (H.R. 2394) for the relief of Antonio Benavides.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. CONCEPCION GARCIA BALAURO

The Clerk called the bill (H.R. 2703) for the relief of Mrs. Concepcion Garcia Balauro.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ALBINA LUCIO Z. MANLUCU

The Clerk called the bill (S. 559) for the relief of Albina Lucio Z. Manlucu.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

DELEGATES TO THE HOUSE OF REPRESENTATIVES FOR GUAM AND THE VIRGIN ISLANDS

Mr. BURTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8787) to provide that the unincorporated territories of Guam and the Virgin Islands shall be represented in Congress by a Delegate to the House of Representatives.

The SPEAKER. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8787, with Mr. SLACK in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. BURTON) will be recognized for 1 hour, and the gentleman from California (Mr. DON H. CLAUSEN) will be recognized for 1 hour.

The Chair recognizes the gentleman from California, (Mr. BURTON).

Mr. BURTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the author of this legislation, I am pleased to have been honored by the responsibility of managing this bill.

Mr. Chairman, the bill before us would extend the democratic and representative process to our fellow Americans of two of our self-governing territories, Guam and the Virgin Islands, by providing them the opportunity to elect non-voting Delegates who would represent them here, in this House, beginning with the next Congress.

This bill has received bipartisan support in the Committee on Interior and Insular Affairs: the vote was 26 ayes, and only one no.

The proposal to grant these territories a non-voting Delegate has been before the Congress, in one form or another, since the 84th Congress.

At the last Congress, my bill, almost identical to H.R. 8787, was reported by the Committee on Interior and Insular Affairs. Its coauthors included such distinguished colleagues as the Hon. Rogers Morton, now Secretary of the Interior, and Mr. ALBERT and Mr. FORD and Mr. ASPINALL. Unfortunately, the committee action came too late in the session for a rule to be granted and the bill never came to the floor.

However, the bipartisan spirit of support continued during the current Congress. Three bills were introduced at this session and were considered by the subcommitteee on Territorial and Insular Affairs. One was introduced by myself and other members. In addition, the distinguished ranking minority member, Mr. SAYLOR, introduced a separate bill, and so did Mr. HOSMER and nine other minority members of the committee.

The bills were almost identical. The minor differences generally were easily resolved. It was decided that there should be a runoff election should no candidate receive a majority—which was a proposal of the Administration. It was resolved that the Delegates would not have a vote in committee unless the House Rules were changed; and that the House Rules could be amended to adjust the compensation and benefits of the Delegates. It was proposed that the cost of the Delegates be paid by the territories, but this was not adopted as there was no precedent for it.

A clean bill, H.R. 8658 was introduced by myself with Mr. ASPINALL and Mr. DON H. CLAUSEN as principal coauthors and with 23 other sponsors including Mr. STEPHENS of Georgia, Mr. TAYLOR of North Carolina, Mr. KASTENMEIER, and Mrs. CHISHOLM.

So that members of the full committee, who were not members of the subcommittee, could join in sponsorship of this legislation, the committee reported out this bill, H.R. 8787, introduced by myself, which incorporated the committee amendments. Mr. ASPINALL and Mr. SAYLOR are principal coauthors of this bill.

It is this legislation, H.R. 8787, which is before the House today.

Mr. Chairman, I would like to point out that we in the Congress more than anyone else have created the imperative need for the territories to be represented among us. Year by year the Congress has included the territories more and more in general legislation—from public assistance to housing; from educational aid to the minimum wage; from airports to veterans benefits; and in a multitude of other bills. Seldom today do we pass separate legislation just for the territories. We have come to recognize that they have reached a stage in their development when we can treat them like the rest of our country. It is a credit to our fellow Americans in the territories, and to the Congress, that they have come so far. They elect their Governors and their legislators and manage their own affairs as do the people of the several States.

No longer does legislation for the territories pass through a handful of subcommittees. Every committee of Congress is legislating for the territories. And no longer does only one administrative department, the Department of the Interior, have control over Federal programs for the territories. Every agency of Government now is administering these programs.

The territories recognized several years ago that they, like congressional districts each of us represent, need an elected official in Washington. Therefore, Guam and the Virgin Islands each elected a Washington representative. This proved an unsatisfactory solution because these representatives, although able men, have no status above that of any lobbyist. They could only ask Congressmen and Senators to do for them what they could not do themselves.

And I must add, Mr. Chairman, that many Members of this House have shown great interest, and devoted much time, to assisting Guam and the Virgin Islands.

The two territories petitioned the Congress to grant them what we have granted every mature territory for 180 years: a nonvoting delegate in the House of Representatives. Such a delegate would have the access and the official stature necessary to represent the American citizens of the territories. His voice could be heard in the Congress and in the Executive.

Under this legislation, a Delegate would be elected under the same conditions and for the same term of office as a Member of the House. He would have the privilege to speak and access to the same resources as does the Resident Commissioner from Puerto Rico.

More important, indeed, than all the practical reasons I have given for passage of this legislation, is that this bill extends democratic representation to American citizens who have never had a direct voice in the course of their government. In passing this bill, we shall be affirming our commitment to the democratic principles of our Republic.

For the first time in our history, with the passage of this legislation, every American citizen living permanently on American soil, will be represented in the Congress of the United States.

Mr. Chairman, I yield 20 minutes to the distinguished chairman of the Committee on Interior and Insular Affairs, the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Chairman, as I have seen the years come and go in my public service, which period is now approaching the half century mark, I have become more and more impressed by a philosophy of life which has been expressed ofttimes as follows:

> The better we know each other, the more we love each other.

To this I would add that as understanding and love develops in the minds of people who are associated together by common principles of freedom and liberty, we tend to desire to share not only the responsibilities which flow to those of us who are dedicated to such principles of freedom and liberty but also we desire to share the benefits. It is in this spirit as members of a freedom-loving nation that I wish to make my statement in support of the legislation now before us.

It has been my responsibility and privilege in this body beginning in January 1949 to help in the consideration of matters and problems relating to the territories of the United States of America. I chose such assignment when I came to Congress because of my interest in government, attained and furthered during my university days and my years of teaching in the public schools.

Our fellow citizens of the territories are not our wards, but rather, they are full-fledged citizens of our Nation. Insofar as it is practical to do so, they are entitled to the full spectrum of the responsibilities and the benefits of citizens of the United States. Since the beginning of our Nation, segments of our area have been inhabited and developed by citizens of the territories. In all instances except that one having to do with the Republic of the Philippines, they have become integral parts of our Nation, either as sister states or as incorporated or unincorporated territories or as a Commonwealth, such as Puerto Rico.

Twenty-two years ago this summer I was charged with the handling of the legislation on the floor of this body providing for Puerto Rico to develop its own Commonwealth Constitution. I was acting chairman of the Committee on Interior and Insular Affairs when the statehood bill for Alaska was passed by this body in 1958. I was chairman of the committee when Hawaii was granted statehood in 1959. I have been a part of the legislative operation of the House committee and the approving of the Organic Acts for Guam and the Virgin Islands. Since passage of the Organic Acts, we have seen fit to provide for the election of the territorial legislatures and the Governors of these two areas. We have also provided for the election of the legislature for the national area of Samoa as well as the legislative body of the Trust Territory. Recently the unincorporated territories of Guam and the Virgin Islands have provided for the election of persons designated by them to serve as representatives here in our Nation's Capital.

As far as the unincorporated territories of Guam and the Virgin Islands, may I say that in my opinion the next orderly step is to pass legislation permitting these integral parts of our Nation whose industry, service, and loyalty have been proven over and over again, to have nonvoting delegates serving in the House of Representatives of the United States of America.

Mr. Chairman, I know the people in these areas almost as well, in some cases just as well or even better, than I know the people of my own congressional district. I have visited their areas and worked with their people continually during the last 23 years. I know them intimately, including all of their leaders, Governors appointed by various administrations and now elected by the people, and legislators belonging to all political organizations present in the territories.

It has been one of the most rewarding experiences of my public life to see what I am prompted to refer to as the orderly and constructive development of the people of these areas into local bodies which are completely in harmony with our government and which are serving the citizens of these areas not only in the interests of the areas concerned, but in the interests of our Nation itself.

The Virgin Islands were acquired by the United States in 1916. Those who did not desire to become citizens of their new nation were allowed to seek their citizenship elsewhere. Very few of them did. They have been continually proud of their association with their new mother country. I have never seen a people who are prouder of the fact that they are citizens of the United States of America than these people of the Caribbean.

Guam came to the United States in 1898 as a part of the treaty which ended the war between the United States of America and the monarchy of Spain. Since that time Guam has been the western gateway to the United States of America. Because of its relationship to the international dateline, they have the slogan that Guam is the first area of each new day where the sun rises on American territory. Its struggles and phenomenal growth, advantaged and disadvantaged at the same time by the military, has been unequalled in any other part of our great Nation. The loyalty of its people during two great world wars has been so outstanding that knowledgeable citizens of the United States have constantly referred to such loyalty as being unsurpassed by any of our citizens.

In each of these two territories the people have proved themselves worthy of the confidence and trust reposed in them by the Federal Government. I would be the first to admit that during their progress toward closer and fuller association with the rest of the citizens of the United States that they have had their difficulties and problems, but I would suggest at the same time that by and large they have handled them as wisely as any peoples we have within this Union.

They are now asking for this closer relationship with the people of the United States of America. They are not outsiders—they are insiders. We are not helping some people removed from us, we are helping our own. We are making it easier for them to let all of us understand and know their problems and their potential contributions to our Nation. We are not giving them something new and unheard of—we are sharing with them that which is dear to us. I return to my first quote:

> The better we know each other, the more we love each other and the more we love each other, the more determined we are to share with each other mutual responsibilities and benefits.

Mr. Chairman, I urge the enactment of H.R. 8787, which provides for two nonvoting Delegates to the House of Representatives, one from the Virgin Islands and one from Guam. At the present time the House has a nonvoting Resident Commissioner from Puerto Rico, and a nonvoting Delegate from the District of Columbia. The enactment of this bill will result in a total of four nonvoting Delegates to the House from the U.S. territories and possessions. Incidentally, in the past Congress has had as many as 10 nonvoting Delegates at one time. There is no particular significance to the fact that one is called a Resident Commissioner and the others are called Delegates. Under this legislation each of them are elected representatives from their respective territories, with the right to represent their territorial interests in the House of Representatives in a nonvoting capacity.

It should be emphasized at the outset that the enactment of this bill will not affect the total number of Members in the House. That total has been 435 since 1910, except for the brief period prior to 1960 when it was increased to 437 as the result of the admission into the Union of the State of Alaska and the State of Hawaii. When the Representatives were apportioned after the 1960 census the total number became 435 again, where it is today. The nonvoting Delegates are not Members of the House and are not counted in the total number.

As a matter of general interest, the total membership of the House during its entire history has been as follows: 65 under the original constitutional apportionment; 106 after the 1790 census; 142 after the 1800 census; 186 after the 1810 census; 213 after the 1820 census; 242 after the 1830 census; 232 after the 1840 census; 237 after the 1850 census; 243 after the 1860 census; 293 after the 1870 census; 332 after the 1880 census; 357 after the 1890 census; 391 after the 1900 census; 435 after the 1910 census.

In addition to its official Members, the House has had a long history of official, nonvoting, delegates from the various territories. The practice started under the ordinance of 1787, and has continued to the present time. The ordinance of 1787 provided for a delegate from the territory northwest of the River Ohio, and the first delegate from that territory was William Henry Harrison. In 1790 Congress authorized a delegate from the territory south of the River Ohio, but the delegate did not actually take office until 1795. The following list shows the territories authorized to send delegates to Congress, and the authorizing statute:

TERRITORY AND AUTHORIZING STATUTE

North of the Ohio River—Northwest Ordinance of 1787.
South of the Ohio River—1 Statute 123 (1790).
Mississippi—1 Statute 549 (1798).
Indiana—2 Statute 58 (1800).
Orleans—2 Statute 322 (1805).
Michigan—2 Statute 309 (1805).
Illinois—2 Statute 514 (1809).
Missouri—2 Statute 743 (1812).
Alabama—3 Statute 371 (1817).
Arkansas—3 Statute 493 (1819).
Florida—3 Statute 654 (1822).
Wisconsin—5 Statute 10 (1838).
Iowa—5 Statute 235 (1838).
Oregon—9 Statute 323 (1848).
Minnesota—9 Statute 403 (1849).
New Mexico—9 Statute 446 (1850).
Utah—9 Statute 453 (1850).
Washington—10 Statute 172 (1853).
Nebraska—10 Statute 277 (1854).
Kansas—10 Statute 283 (1854).
Colorado—12 Statute 172 (1861).
Nevada—12 Statute 209 (1861).
Dakota—12 Statute 239 (1861).
Arizona—12 Statute 664 (1863).
Idaho—12 Statute 808 (1863).
Montana—13 Statute 853 (1864).
Wyoming—15 Statute 178 (1868).
District of Columbia—16 Statute 426 (1871).
Oklahoma—26 Statute 81 (1890).
Hawaii—31 Statute 141 (1900).
Puerto Rico—31 Statute 86 (1900).
Philippine Islands—32 Statute 694 (1902).
Alaska—34 Statute 169 (1906).
District of Columbia—84 Statute 848 (1970).

One important fact with respect to territorial Delegates needs to be mentioned and emphasized. The provision for a nonvoting territorial representative in the House is in no sense a first step in the admission of the territory into the Union as a State. It is, of course, a historical fact that most of the territories that have sent Delegates to the House were later admitted as States. There are important exceptions, however, and these exceptions underscore the fact that the provision for a Delegate is not necessarily a prelude to statehood.

The most obvious exception is the Philippine Islands. Instead of becoming a State, the territory became an independent nation. Another exception is Puerto Rico. It has a special statutory status called Commonwealth, and although future statehood is a possibility, there are other alternatives that are equally possible, and that are under active consideration today. The provision for a Resident Commissioner in Congress is in no sense a prejudgment that the Commonwealth is destined to become a State. I do not mean to imply that it would not. I mean only to say that statehood is not necessarily the alternative that will be provided by Congress. Other alternatives are available.

What I have said about Puerto Rico is equally applicable to the District of Columbia.

Next, I want to say a word about the distinction between incorporated and unincorporated territories. An incorporated territory is one to which all of the provisions of the Constitution have been extended. The Constitution is usually extended to a territory by a specific provision in its organic act. An unincorporated territory is one in which some provisions of the Constitution do not apply, again because of the terms of its organic act. The United States does not now have any incorporated territories. The last ones were Alaska and Hawaii. Our present territories are Guam, the Virgin Islands, American Samoa, the Commonwealth of Puerto Rico, and a few small islands. All of them are unincorporated. My point is that incorporation or lack of incorporation has no relevance to the need for nonvoting representation in the House of Representatives.

Although the incorporation of a territory has, historically, been a preliminary step to statehood, this bill has nothing to do with incorporation. It is concerned only with a nonvoting Delegate, and historically a nonvoting Delegate is not necessarily associated with statehood, as I have pointed out with respect to Puerto Rico, the Philippines, and the District of Columbia.

When this bill is enacted, American Samoa will be our only remaining territory which has no representation in Congress. I do not regard the enactment of this bill, which provides for nonvoting delegates from Guam and the Virgin Islands, as any precedent for a nonvoting Delegate from American Samoa. The need for a nonvoting Delegate must be determined on the basis of the facts applicable to each territory. The facts relating to American Samoa at the present time are vastly different from the facts applicable to Guam and the Virgin Islands, and the enactment of this bill should not be regarded as a precedent for American Samoa under present circumstances.

It has long been the policy of the Federal Government to encourage the development of self-government in the various territories. Puerto Rico probably has a greater degree of self-government than either Guam or the Virgin Islands. The District of Columbia, however, probably has less.

Tremendous strides have been made in recent years in the development of self-government in Guam and the Virgin Islands. Each territory has a broad Organic Act, enacted by Congress, under which the territory has an elected Governor, an elected legislature, and an independent judiciary. The local government has a degree of autonomy in local affairs that is comparable to that of the States.

In both territories the people have shown an increasingly mature grasp of their responsibilities. Politically, they have developed meaningful party systems. In the last general election in the Virgin Islands, 80 percent of the registered voters actually voted. In Guam 88 percent voted. That is an unusual record. Moreover, there was not a single charge of election irregularity or fraud.

The budgets for operating the territorial governments are in the neighborhood of $70 million annually for Guam and $87 million annually for the Virgin Islands. The territorial governments are responsible for the administration of these funds.

Economically, the private economy in both territories is growing and prosperous. It is based both on tourism and supporting services, and on manufacturing. Development of the economy has increased the need for health, education, and welfare services, and for public improvements. The territorial governments are responding to those needs.

The population of Guam is around 87,000 and the population of the Virgin Islands is about 64,000. This is larger than the population of many of our earlier territories which sent delegates to the House.

The enactment of H.R. 8787 will benefit both the Federal Government and the territorial governments. The day has passed when all Federal legislation for the territories can be handled separately from general legislation. Rapidly changing economic and social conditions in both the continental United States and the territories make it necessary to determine on a case-by-case basis whether a particular Federal program should or should not be made applicable in the territories. As legislation progresses through the various legislative committees of the House, the presence of a nonvoting delegate who can speak with authority and with knowledge of territorial needs will be invaluable to the House.

From the standpoint of the territory, it is equally important that the people have an elected spokesman who can participate in the legislative process, on a nonvoting basis, and make certain that Congress considers the interests of the territory along with the interests of all other citizens.

For several years, both Guam and the Virgin Islands have maintained a representative in Washington, and those two representatives have been diligent in their efforts to bring to the attention of the committees and to the Members of the House the needs and aspirations of the territorial people. These representatives, however, have no status in Congress and they must function in much the same manner that a lobbyist functions. This is not a satisfactory arrangement. The territorial people should have a representative, accredited to the House, who can participate in committee deliberations and in floor debate.

Many of my colleagues will remember the important contributions that were made by the Delegates from Alaska and the Delegates from Hawaii before those States were admitted to the Union. All of my colleagues have firsthand knowledge of the contributions made by our present Resident Commissioner from Puerto Rico. Their participation in the legislative process up to the point of voting has been helpful both from the national and from the territorial viewpoint. I believe the time has come for similar partition by Delegates from Guam and the Virgin Islands.

The cost of this bill will equal the compensation and allowances payable for two Members of the House of Representatives. That is, each of the Delegates will be entitled to receive the same compensation and allowances that are provided for a Member of the House of Representatives. This is the same rule that applies to the Resident Commissioner from Puerto Rico and to the Delegate from the District of Columbia. I shall offer an amendment to provide for four trips for each Delegate and 60 percent of the statutory amounts to operate the offices of the Delegates.

The following table, prepared by the Congressional Research Service, shows the various general statutes, some of which relate to cost, that apply both to Members of the House and to nonvoting Delegates:

STATUTORY REFERENCES TO CONGRESSMEN, DELEGATES, AND RESIDENT COMMISSIONERS

Reference	Citation	Congressman/delegate
Time of election	2 U.S.C. sec. 7 (1970)	Tuesday after 1st Monday in November in every even-numbered year.
Vacancies, manner of filling	2 U.S.C. sec. 8 (1970)	Prescribed by laws of several States or territories respectively.
Oath of office	2 U.S.C. sec. 25 (1970)	Given by Speaker.
Compensation	2 U.S.C. sec. 31 (1970)	$42,500 per year.
Concerning residence	2 U.S.C. sec. 31c (1970)	$3,000 yearly limit on tax deductions for living expenses away from residence.
Salaries	2 U.S.C. sec. 34 (1970)	Payable monthly.
Salaries upon taking oath	2 U.S.C. sec. 35 (1970)	Payable at end of month.
Salaries for unexpired term	2 U.S.C. sec. 37 (1970)	Commence on date of election and not before.
Disposition of unpaid salary upon death.	2 U.S.C. sec. 38a (1970)	Paid to persons surviving according to statutory procedure.
Deductions for absence	2 U.S.C. sec. 39 (1970)	Deducted from monthly payments.
Deductions for withdrawal	2 U.S.C. sec. 40 (1970)	Mileage for returning home forfeited.
Deductions for delinquent indebtedness.	2 U.S.C. sec. 40a (1970)	Deducted from salary.
Allowance for newspapers	2 U.S.C. sec. 41 (1970)	None allowed.
Airmail and special delivery stamps.	2 U.S.C. sec. 42c (1970)	$700 maximum per session.
Mileage	2 U.S.C. sec. 43 (1970)	20 cents per mile.
Additional transportation expenses.	2 U.S.C. sec. 43b (1970)	Number of round trips per year between Washington, D.C., and place represented equal to number of months Congress is in session.
Stationery	2 U.S.C. sec. 46b (1970)	$3,000 per regular session.
Do	2 U.S.C. sec. 46b-2 (1970).	Prorated when Member elected for portion of term.
Telephone, telegraph, radiotelegraph allowance.	2 U.S.C. sec. 46g (1970)	70,000 units per session.
Telephone charges outside the District of Columbia.	2 U.S.C. sec. 46g-1 (1970).	Reimbursed up to $300 quarterly.
Certification of salary and mileage accounts.	2 U.S.C. sec. 48 (1970)	Conclusive upon all departments and officers in Government.
Certificate during recess	2 U.S.C. sec. 49 (1970)	Signed by Clerk of House.
Substitute to sign accounts	2 U.S.C. sec. 50 (1970)	Speaker may sign accounts for those who appoint him.
Monuments for deceased members.	2 U.S.C. sec. 51 (1970)	For Members buried in Congressional Cemetery (not delegates).
U.S. Code Annotated	2 U.S.C. sec. 54 (1970)	Provided for each Member and Delegate.
Student interns	2 U.S.C. sec. 60g-2 (1970).	Each Member and Delegate may have 1 for summer.
Clerk hire	2 U.S.C. sec. 92 (1970)	8 or 9 per Member or Delegate depending upon population of district.
Pay of clerks as affected by death of representative or delegate.	2 U.S.C. sec. 92a (1970)	Continues for 1 month after death.
Pay of clerks as affected by death of Member of Congress only.	2 U.S.C. sec. 92b (1970)	Continued until election of successor
Office space in district	2 U.S.C. sec. 122 (1970)	Each Member and Delegate entitled to 2 places.
Reimbursement for office outside the District of Columbia.	2 U.S.C. sec. 122(2) (1970).	Amount not to exceed $300 quarterly.
Use of recording studio	2 U.S.C. sec. 123b(b) (1970).	Access exclusively to Members (including Delegates).
Reimbursement for transportation expenses of employee of office of Member or Delegate.	2 U.S.C. sec. 127a (1970)	1 employee, 2 trips; 1 trip, 2 employees between the District of Columbia and district.
Corrupt practices	2 U.S.C. sec. 241(b) (1970) et seq.	Corrupt Practices Act applies to candidates for Congressman and Delegate.
Contested elections	2 U.S.C. sec. 381 et seq. (1970).	Provisions apply to candidates and incumbents, Members or Delegates.
Rules of the House of Representatives.		
Generally	Rule XII, secs. 1, 2[1]	Resident Commissioner from Puerto Rico and Delegate from the District of Columbia may serve on standing committees in same manner as Members, and possess in such committees the same powers and privileges as other Members. Delegate from the District of Columbia to serve on District Committee.
Franking privilege	Rules, misc., 39 U.S.C. sec. 4161 (1970).	May send free through the mails any matter not exceeding 4 lbs. to any Government official, and to any person, correspondence not exceeding 4 oz., upon official or department business.
Do	39 U.S.C. sec. 4162 (1970).	May send and receive all public documents printed by order of Congress.
Do	39 U.S.C. sec. 4163 (1970).	May send Congressional Record, or any part thereof.
Do	39 U.S.C. sec. 4171 (1970).	Upon death of Member, Delegate, or Resident Commissioner, surviving spouse may send materials relating to death, under frank, for 180 days thereafter.
Do	39 U.S.C. sec. 4164 (1970).	Seeds and agricultural reports emanating from Department of Agriculture. This privilege extends to ex-Members and ex-Delegates until June 30 following expiration of term of office.

[1] Citations under this rule indicate that a Delegate may debate, may in debate call another Member to order, may make any motion which a Member may make except the motion to reconsider, may make a point of order. He may move an impeachment, be appointed a teller, and make reports for committees. But he may not vote.

The need of the citizens of the United States who reside in Guam and the Virgin Islands for representation in Congress, and the need of Congress for the advice and counsel of such representatives, are, in my judgment, beyond dispute. Now is the hour to cement this closer union and mutual feeling of understanding and security. I urge the enactment of H.R. 8787.

Mr. Burton, the chairman of the Subcommittee on Territorial and Insular Affairs, will discuss in more detail the provisions of the bill.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to my friend from California.

Mr. DON H. CLAUSEN. I just want to state that in my remarks, which I will be including in the Record at a later time, I want to concur fully in the content and substance of the remarks the gentleman just made as they related to statehood.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. Yes, I would be glad to yield to my friend from Iowa.

Mr. GROSS. What were the figures given by the gentleman for the population of these two islands?

Mr. ASPINALL. I am sorry, but I did not hear my friend.

Mr. GROSS. What population figures did the gentleman give for these two islands? I have a figure from the 1970 census for Guam of 84,996 population and for the Virgin Islands 62,468.

I believe the gentleman from Colorado increased that by 2,000 or 3,000 in each case; did he not?

Mr. ASPINALL. I would suggest to my friend that the population has been growing. I am giving the gentleman some figures which I think are up to date at the present time. It is 87,000 for Guam and about 64,000 for the Virgin Islands.

Mr. GROSS. Will the gentleman yield for a further question?

Mr. ASPINALL. Yes.

Mr. GROSS. Where does the influx of population come from—the increase in the last year over the 1970 census?

Mr. ASPINALL. Most of it comes from certain areas of the United States as a result of some of our people who are retiring with a desire to go to these areas to make their home.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, is it the purpose of these Delegates in each case to represent the Americans who are retiring to live on the Virgin Islands and Guam?

Mr. ASPINALL. Well, my friend has Americans, as he knows it—and we are talking about Americans in each instance—who retire in his congressional area. I have those who retire to my congressional area, and as soon as they retire there they become citizens and it is my pleasure—and I am sure it is my friend's pleasure—to represent them here in Congress in any interest which they may have. These people who we legislate for in this bill are our own. They are no different than anybody else.

Mr. GROSS. If the gentleman will yield further, why is it that this legislation has been before the Congress in one form or another since the 84th Congress but never has it reached this stage to my knowledge. I do not recall it ever having been considered on the floor.

Has this legislation been before the House?

Mr. ASPINALL. It has never been before the House heretofore. It has been before our committee for some time. May I say to my friend who has served in this body the same length of time that I have—and the gentleman has seen the operations of the House Committee on Interior and Insular Affairs. He has seen what I called attention to in my opening remarks, the orderly development of territorial areas.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. BURTON. Mr. Chairman, I yield 10 additional minutes to the gentleman from Colorado.

Mr. ASPINALL. At first, we had naval or military control over both of these areas. Then, they had the Organic Act with administration under the Department of the Interior, a part of our Government closer to us than the other. Next we provided for the election of legislatures—unicameral legislatures in each territory—and next we provided for the election of a Governor. Until these steps took place, there was never any real purpose in bringing this legislation before this body for approval.

This is the orderly development that comes with any governmental process for developing peoples, permitting them to proceed in the fashion which I have described.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in support of the legislation as it has been presented from the committee.

Mr. Chairman, I rise in support of H.R. 8787, a bill which provides that the unincorporated territories of Guam and the Virgin Islands shall each be represented in the Congress by a nonvoting Delegate to the House of Representatives.

The territory of Guam was ceded to the United States in 1898. The Virgin Islands territory was purchased from Spain in 1917. Since that time, Congress has passed legislation providing organic acts for each territorial government. Each territorial government has a formal structure. The 90th Congress provided for the popular election of the Governor and Lieutenant Governor in each territory. Congress has supported social, economic, and political growth and advancement in each territory in the best of democratic traditions and both territories have matured rapidly along lines compatible with and in furtherance of our democratic way of life. Nevertheless, the citizens of Guam and the Virgin Islands, though affected in varying degrees by the acts of Congress, do not have direct representation in Congress. This bill before the House today is designed to remedy that defect.

Both Guam and the Virgin Islands are key areas and, in addition to serving the interests of the U.S. citizens living in these areas, it becomes increasingly mandatory that we provide the legislatures and elected Governors with the best possible ties to our Nation through improved communications with the Congress.

Legislation of the sort here proposed is not new. In every Congress for the past 8 years proposals to provide for congressional representation for each territory have been introduced. In the 90th Congress the Committee on Interior and Insular Affairs reported out a bill similar to this one. This bill is not the idea of someone sitting here in Washington divorced from the problems and aspirations of the citizens of Guam and the Virgin Islands. It is the wish of the people, expressed through their elected legislators and heard here in Washington. The Subcommittee on Territorial and Insular Affairs, of the Committee on Interior and Insular Affairs charged with oversight responsibility for the territories carefully considered this proposal. The Department of the Interior recommended enactment of similar legislation and the committee carefully considered this bill and has recommended enactment.

The fact is that the rapidly changing economic and social conditions in Guam and the Virgin Islands are no longer so limited in scope that the national interest and general welfare of the inhabitants of these territories can be so easily handled in one committee of the Congress.

There are political and security considerations which are changing in the areas surrounding these territories and demand our urgent attention. Our attention can best be focused through an elected delegate who can carry the responsibility for maintaining contact and liaison with the Congress and with the executive agencies.

We have had problems in the past in the world because we did not have the important proper line of communication between existing governments and the United States. We must always be prepared for any eventuality.

The Delegates to Congress authorized by this bill would be duly accredited and accepted Members of the House of Representatives and, as such, would receive the same compensation and allowances as any other Member unless the rules of the House are amended to provide otherwise. The Delegates would receive the same privileges and immunities as the Resident Commissioner from Puerto Rico except the right to vote, which shall be the same as the Resident Commissioner from Puerto Rico, unless the rules of the House are amended to provide otherwise.

There is ample precedent for seating territorial Delegates or Commisisoners in the House. The first Delegate was elected from the territory south of the Ohio River which had been created by Congress in 1790. That territory later became the State of Tennessee. He was seated in the second session of the Third Congress, November 3, 1794. The second Delegate elected to the House came from the territory northwest of the Ohio River. He was seated in the Sixth Congress, convening on January 2, 1800. Since that time, there have been many Delegates from many territories—most recently, we seated a nonvoting Delegate from the District of Columbia. The pattern can and should continue. Our representative form of government should continue to be representative. To do that, it must grow with the people.

These two territories, Guam and the Virgin Islands, can and should have representation in the Congress. Citizens, resident in these territories should, just as the citizens, resident in the several States, have the opportunity to express their views respecting the acts of the Congress through their elected representatives, duly accredited and accepted by the House of Representatives. Although these delegates will have limited powers, their presence in the House will aid their constituents and territorial governments in the pursuit of the broad range of legislative objectives of the territories. Passage of this bill is a step in the right direction. I sincerely hope that at the beginning of the 93d Congress, the duly elected delegates from Guam and the Virgin Islands will be here assuming the responsibility of representing the needs, welfare and interests of the inhabitants of each territory. Fuller representation of the people is not a partisan issue.

I would like at this point to express my appreciation to the distinguished representatives from Guam and the Virgin Islands, Mr. Antonio B. Won Pat and Mr. Ron DeLugo, the popularly elected Governor of Guam and the Virgin Islands, Gov. Carlos Camacho and Gov. Melvin Evans, and their respective legislatures for their enthusiastic support and endorsement of this legislation. Governor Evans flew to Washington as did Governor Comacho and members of the Guam Legislature to express their deep concern and support for legislation.

This bill is in the best interests of the United States and I strongly support it. Mr. Chairman, I hope our colleagues will give this legislation the overwhelming support it fully deserves.

Mr. Chairman, I will reserve my time.

Mr. BURTON. Mr. Chairman, would the gentleman yield?

Mr. DON H. CLAUSEN. I am happy to yield to the gentleman from California.

Mr. BURTON. Mr. Chairman, at this time I would like to note the leadership and applaud the effective contributions made by our distinguished colleague, the gentleman from California (Mr. DON H. CLAUSEN), the ranking minority member on our subcommittee.

Mr. DON H. CLAUSEN, working in conjunction with the administration, has played a most significant role in developing the legislation before us, and I would like to commend the gentleman. And for that matter I would also like to commend all of our colleagues on the subcommittee, as well as on the full committee, on the other side of the aisle, because there literally was not a single Member on the other side of the aisle in the subcommittee or in the full committee who voted against the recommendation of this legislation.

Mr. DON H. CLAUSEN. Mr. Chairman, I thank the gentleman from California.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman.

Mr. HUTCHINSON. Mr. Chairman, I understand from the discussion here today that there are plenty of precedents for this bill en toto. But I have one problem.

I understand that both of these territories are organized but are unincorporated. My question is, Is there precedent for admitting delegates to the House from unincorporated territories?

Mr. DON H. CLAUSEN. In checking with counsel, I am advised that, based upon their research, there would be precedents for this. The answer is "Yes." And these precedents are the District of Columbia and the Philippines.

Mr. HUTCHINSON. Thank you very much.

Mr. DON H. CLAUSEN. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania (Mr. SAYLOR), the ranking minority member of the full Committee on Interior and Insular Affairs.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman.

Mr. BURTON. Mr. Chairman, I would also like to take this opportunity to commend the ranking minority member of the full committee, our distinguished colleague, the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR, as all of us know, is learned in the work and the affairs of various matters pending before the Interior Committee and the various subcommittees. He has been of enormous assistance to us and has backstopped our ranking subcommittee member and has always been most cooperative in the efforts to construct the most viable pieces of legislation that can be constructed that come out of our full committee.

Mr. SAYLOR. I thank my colleague from California for those kind remarks.

Mr. Chairman, I rise to urge the support of my colleagues for this bill, H.R. 8787, a bill to provide for a delegate to the House of Representatives for the unincorporated territories of Guam and the Virgin Islands. This is a logical step that the Congress should take at this time with regard to these two territories.

Very frankly, it has been my privilege to serve along with WAYNE ASPINALL as chairman of the full Committee of the House Committee on Interior and Insular Affairs since 1949, and it has been interesting to watch the development that has taken place in these and other territories, former territories under the American flag.

What is happening is completely contrary to what has happened with every other nation that I know of in the world because, instead of exploitation and colonization which has been the role of other nations, the United States has assumed a different attitude toward the individuals in the territories under the American flag; to wit that, as they show that they could handle properly more and more elements of self-government, the Congress in its wisdom has given them those rights.

As a result, all of the territories and the people in the territories under the American flag have come closer and closer to the American people rather than further and further away from self-government and independence as has been the policy of other nations.

In 1970, when the census was conducted in the territory of Guam, there were 84,996 people. In the Virgin Islands, there were 62,468 people.

These are American citizens. The Congress has given them that right.

Let us look at the government of these two territories, because these are the governments that provide for over 150,000 American citizens. In both territories the Congress has given them the right to elect their local representatives of their local legislatures—and they have done that. That legislature has been responsive in both cases to the needs of the people.

In both territories the Congress has given them the right to set up a separate judicial branch so their courts are separate and operate under the federal system, of course.

In the last step we took, we gave to both territories the opportunity for them to elect their own Governor.

And in the election which occurred 2 years ago, in a turnout which makes most of our voting areas hang their heads in shame as far as comparison is concerned, because over 90 percent of the eligible voters in both territories turned out, and after a very, very spirited campaign, they elected two fine gentlemen as Governors. Melvin Evans was elected as Governor of the Virgin Islands, and Governor Camacho was elected in Guam.

The next step, therefore, should be to give them some voice in the Halls of Congress, because this is what Congress had done in the other territories which now call themselves States.

You will find my name on this piece of legislation for the reason that I support the concept that the people of these territories can and should have some representation in the Congress. That representative can, should and will, if this bill is enacted, be here as an elected representative with limited powers representing each of the territories. It matters little to me what you would call him, whether you call him a resident commissioner, a delegate, or any other name, as long as they are here in an official capacity. But that representative will be charged with the responsibility of representing the desires, aspirations, and the hopes of his constituents in a broad range of legislative proposals, proposals ranging from social welfare to housing, agriculture assistance, aid for highways and airports, import quotas, veterans' benefits, immigration laws, and voting rights.

By the way, since I mentioned the veterans' benefits, it is interesting to note that from both territories percentagewise, both of them have turned out tremendous portions of their population to participate in the armed services of their country, your country, and mine.

Presently, only one of the committees of Congress has the responsibility of looking after the specific needs of people and the governments of these territories. Many measures considered by many Members of the Congress, ranging from simple to complex Federal problems, affect the political, social, and economic welfare of the territories. Elected Delegates from the territories will be able to more easily handle the varied territorial legislative objectives. For this reason it troubles me a little that this bill does not give the territorial representatives, Delegates, a vote in the committees unless the rules of the House are amended to so provide. I am afraid that the effects of the provisions in this bill will be to create the impression in the minds of my colleagues that the Committee on Interior and Insular Affairs wants to handicap these Delegates. I have no argument with the proposition that the Delegates should conform and be governed by the rules of the House. I just want the record clarified to reflect a positive application of those rules rather than a negative inference. One purpose of the Delegates will be to express the views of the citizen-resident in his respective territory. They are entitled to have their views heard concerning legislation which affects them, as they are citizens of the United States, just as the citizens of the 50 States are so entitled, and it is surely not the intention of the committee to stifle those views.

There is a section of the bill that concerns me very much, and that is section 5. This section would have the Treasurer of the United States absorb the cost of the salaries and office expense of the two nonvoting Delegates. Both Guam and the Virgin Islands now have representatives in Washington. These representatives are not Delegates to and recognized Members of this body. Both Guam and the Virgin Islands now pay the salaries and expenses of those representatives, and I am not aware that the governments of these two territories plan to discontinue the practice if this bill does not pass and their representatives are already here continuing to perform their functions under their present status.

I can see no reason why the passage of this bill should relieve those governments of that obligation they have already assumed, especially since their assumption of that obligation is partially offset by financial support. I will, therefore, at the proper time offer an amendment to provide that the territories each pay the expenses of their respective Delegates and to delete the appropriate language.

During the 91st Congress the Committee on Interior and Insular Affairs did report out legislation providing for Delegates from these two territories. The bill was reported late in the session, and there just was not enough time to get a rule.

This Congress will be able to do a little better. We are now on the floor, the rule having been granted, and discussing a measure that is going to reflect the growth and contribute to the political maturity of these two territories of this great country. The passage of this bill will be in keeping with the principles of representative government. The cost to the Federal Government considered in these terms, is small. Therefore I urge Members of Congress and the House to proclaim their support of this bill and on a rollcall vote to vote "aye."

Mr. TAYLOR. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from North Carolina.

Mr. TAYLOR. Mr. Chairman, I liked the gentleman's statement that we have two groups of American citizens who do not have any voice in this body. Does the gentleman agree that this condition is not equitable and is not right and that the purpose of this bill is to correct this condition?

Mr. SAYLOR. That is correct. This bill is in keeping with what prior Congresses have done with every territory that has been added to the sisterhood of States to make us now the 50 States of the Union.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I thank the ranking Republican Member of our full committee for his very articulate statement. His comments parallel, I believe, the unanimous position of the membership of our committee. While there may be different points of view as to how the nonvoting delegate and his staff should be funded, the very fact that the gentleman has stood in the well and has presented in this very articulate manner the reasons why we should have this legislation is deserving of my thanks as well as that of the membership of the committee.

Mr. SAYLOR. I thank the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I yield such time as he may consume to the Resident Commissioner from Puerto Rico.

Mr. CÓRDOVA. Mr. Chairman, I rise in support of H.R. 8787. I commend the chairman and the ranking minority member of the committee on their remarks and their support of this legislation. It is, indeed, important to these two communities of American citizens as it is important to the Nation to grant this measure of recognition to these citizens.

It is true that the grant of representation with voice and without vote in Congress will involve additional expense and that these two communities have thought it important enough to have someone in Washington to appropriate the money to pay for the expenses of a representative from each of them, but at the same time I suggest that in considering this legislation we do not distinguish between these two representatives and others who have preceded them from territories and other communities of American citizens, that we do not distinguish in the sense of withholding from them that degree of recognition which is implicit in the assumption by the Government of the United States of the expenses of these officers, as has always been done in the case of all the delegates and Resident Commissioners who have represented the territories and other communities of American citizens in the House of Representatives.

It is true that these two communities of American citizens, just as is true of the community which I represent, do not for the most part pay Federal taxes in the end. They are entitled to retain the taxes which are collected in the respective communities. But they do carry a heavier burden than the tax burden, just as my constituents carry it. There is a burden inherent in our citizenship, the burden of contributing to the defense of our Nation. This burden has been particularly severe in recent years in the Virgin Islands and in Guam, as well as in Puerto Rico and as well as in the rest of the Nation, because of the unfortunate conflict in which the Nation saw fit to engage itself quite some years ago, from which it has not yet been completely extricated.

The sacrifice of the blood of the young people of the Virgin Islands and of Guam should be a sufficient consideration to justify the treatment of their representative in the same manner as representatives from other communities of American citizens.

It may be wise and convenient to place a limit, as has been suggested by the chairman of the committee, on the expenses of these two officials. There is no question that, because of the limited populations of these two areas, consideration must be given to the issue of whether their representatives here should have the same staffing as allowed to Members of Congress. But, whatever limitation it may be wise to place on the expenses, the expenses should be borne by the U. S. Government, just as has been done in the case of every other nonvoting delegate who has been permitted to represent his community in this body.

I strongly urge the Members of the House, in considering this legislation, not to withhold from the Virgin Islands and Guam, not to withhold from their elected Representatives, the same recognition that has been uniformly granted to delegates from every other part of the country throughout history.

I believe it is particularly important in the case of these two communities of American citizens, precisely because they are small, precisely because their populations are small, precisely because the possibility of their becoming full-fledged States is perhaps so remote, to grant to these communities such recognition as may be granted them short of statehood.

I believe one of the things that can be done is the granting of the nonvoting delegate to represent each of these communities in the Congress, and the assumption by the Government of the United States of whatever reasonable expenses these delegates may incur.

I, therefore, urge my colleagues to vote in favor of this bill. I suggest that whatever amendments are deemed wise they do not eliminate the assumption by the U.S. Government of the expenses of these delegates.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. CÓRDOVA. I yield to the distinguished gentleman from California.

Mr. DON H. CLAUSEN. I believe the gentleman now speaking in the well, the Resident Commissioner from Puerto Rico, is probably the most qualified Member in the House to be able to respond to this kind of question.

The questions I would ask, pertain not only to the Virgin Islands on the one hand, which is in the Caribbean area, but also to Guam even more so, which is in the Pacific. As an example, I am thinking in terms of service to your constituency. I recognize you have a substantially larger number of people in Puerto Rico than they have in these other areas, but I would like to have you respond to this question for the benefit of the House. What percentage of your time is spent in responding to requests in the area of military and veterans affairs alone? Second, the other question which I think would be very helpful—and I understand the gentleman from Hawaii will be speaking later on this, and I hope he will possibly address himself to this question, also—is how much do you feel this nonvoting delegate would improve on your ability as well as the potential ability of other countries in the Caribbean area to improve their communications between the people who are American citizens in these areas and the people of Puerto Rico as well as those in the Nation's Capital?

Mr. CÓRDOVA. As to the percentage of my time devoted to veterans' affairs, I could not say. I know that by far the greater proportion of my time is taken up with casework, work on matters involving veterans and soldiers and social security affairs, but soldiers and veterans are the bulk of it. We have 165,000 veterans in Puerto Rico right now from every war this country has engaged in during this century. Although the Virgin Islands and Guam do not have a comparable number of veterans, yet I have found that being a Member of the House and a Delegate in the Congress has helped me enormously in seeking to help the veterans and members of the Armed Forces.

The bureaucracy pays particular attention to the letterheads of the U.S. Congress. That alone is important. That alone will help the elected Delegates from the Virgin Islands and Guam in taking care of the problems of their constituents in regard to such problems as they might encounter in the Armed Forces or thereafter as veterans.

Mr. DON H. CLAUSEN. My concluding comment to the gentleman in the well is that I do want to compliment him for the excellent advice and counsel that he provided to the committee where he sits as a member in helping to educate the members as to the problems he faces and how it would relate directly to the areas under consideration at this point.

Mr. CÓRDOVA. I thank the gentleman.

Mr. BURTON. Mr. Chairman, I yield 5 minutes to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman, as a cosponsor of H.R. 8787, I rise in support of the bill to provide both the territories of Guam and the Virgin Islands with nonvoting delegates to the House of Representatives.

When the rule for H.R. 8787 was adopted last October, I set forth in some detail the reasons for my support; I will not repeat them now. But let me say that this measure represents, for me and a number of other Members, the culmination of several years of legislative labor. I wish, therefore, to commend the chairman of the subcommittee, the gentleman from California (Mr. BARTON), and members of his committee for bringing this measure to the floor.

The issue before us is a very simple one. It is this: Do the people of Guam and the Virgin Islands deserve some form of official representation in Congress?

We who are proponents of the legislation say "Yes." The people of both territories are highly literate and politically mature, and imbued with a deep sense of loyalty, appreciation, and respect for the principles of American democracy. Congress recognized this in 1969 by granting them the right to elect their own Governors.

Guam now has a larger population than that living in any of 17 territories at the time of their admission to statehood; the population of the Virgin Islands now exceeds that of eight former territories at the time of their admission into the Union of States. But neither of these two territories now seek nor desire statehood. They are not asking for admission into the Union as States. They are not even asking for any voting representation in the Congress. But, as Americans, they do assert that their cherished American heritage of "consent of the governed" demands some measure of representation in the National Legislature, and all they are asking for is to be represented by a nonvoting Delegate in the U.S. House of Representatives.

Certainly there is ample precedent for voteless representation. A nonvoting Delegate served in the Congress as early as 1794, as a representative from what is now the State of Tennessee. Hawaii was allowed a nonvoting Delegate throughout her status as a territory; so was Alaska. A nonvoting Resident Commissioner has represented Puerto Rico in the House since 1904, and 1971 saw the addition of a nonvoting Delegate elected by the residents of the District of Columbia.

In fact, both Guam and the Virgin Islands are now represented in the Nation's Capitol by Delegates who are elected by the people of these territories, but who are without any official status from the Federal standpoint. What the pending bill would do would be to grant these duly elected Delegates official recognition on the same basis as the nonvoting representatives from Puerto Rico and Washington, D.C. In more simplistic terms, the financial burden of maintaining their nonvoting representation in Washington, D.C., would be shifted from the territories to the Federal Government. Certainly, our fellow Americans in Guam and the Virgin Islands deserve at least this much consideration.

We need to remember, too, Mr. Chairman, that enactment of H.R. 8787, will not operate as one-way legislation. The Federal Government, and consequently, the American people in general, will gain as much as will the citizens of Guam and the Virgin Islands.

Congress would have at hand experts fully cognizant of territorial problems and all their nuances.

The peoples' representatives would be informed of crucial developments in legislation affecting the welfare of their respective territories, and could work for legislation beneficial to the best interest of their people.

The advice and expertise of the Delegates would benefit the Department of the Interior and other interested agencies as well as the Congress.

Finally, the American public would benefit, with the Delegates' informed remarks and opinions being widely disseminated through the CONGRESSIONAL RECORD and other media.

One other consideration of greatest significance is that the creation of the office of delegate for Guam and the Virgin Islands would do much to dispel lingering impressions of American colonialism still held in some areas of the Pacific and the Caribbean. A recent report of the United Nations Colonialism Subcommittee on the Pacific, inept as it may have been, tended to lend credibility to such misimpressions. Representation in Congress for these island residents is an urgent and necessary step in our American democratic process.

Mr. Chairman, if we genuinely believe in furthering that democratic process, then we must provide the Guamanians and Virgin Islanders with at least a nonvoting Delegate to Congress, for, in fact, they are not colonists; they are Americans.

Mrs. MINK. Mr. Chairman, will the gentleman yield?

Mr. MATSUNAGA. I am happy to yield to my colleague from Hawaii.

The CHAIRMAN. The time of the gentleman from Hawaii has expired.

Mr. BURTON. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mrs. MINK. I thank the gentleman from Hawaii for yielding. I want to commend the gentleman for his most excellent and persuasive statement in support of this bill which has been reported out of the subcommittee of which I am a member. I want to join also in strong support and advocacy of the passage of this legislation.

Both the gentleman from Hawaii (Mr. MATSUNAGA) and I, representing the State of Hawaii, are fully aware of the importance of this bill as well as the services which the people of these areas will be able to benefit from through the passage of this legislation.

I wish to take this opportunity to commend the chairman of the full committee and the chairman of the subcommittee for their work in making possible this legislation which is pending before the House today.

Mr. Chairman, I support this legislation. I want to first of all commend the distinguished chairman of the full committee and the chairman of the subcommittee for their leadership and stanch advocacy of full recognition of the rights of the people of our territories. Because of their great leadership, our territories have moved step by step toward full participation in their own governance. Today's legislation is the culmination of our recognition of the right of all Americans to have representation in a legislative body which controls their welfare and their destiny.

The progress of Guam and the Virgin Islands has been steady and impressive. These two territories, through their own initiative, have sent to the Congress their own delegates to speak to their needs. Mr. Won Pat of Guam and Mr. Ron de Lugo of the Virgin Islands have done a remarkable job despite the handicaps of being without portfolio, without office, and almost without staff.

Since I came to the Congress, along with my predecessors, feeling a strong alliance with our friends from Guam and the Virgin Islands, we have attempted to speak for them whenever and wherever it was required or opportune. Hawaii has known what it is like to be without a voice in Congress. She has known the great advantages that came from our being allowed a nonvoting Delegate in 1900.

We must remember that as a nation we have renounced our intention of being a colonial power. We have more than proven this point on many occasions. Certainly, the granting of Statehood to Hawaii was one of the principal acts of faith in the right of all Americans to equal participation in the affairs of our country.

The people of Guam and the Virgin Islands, like the people of Hawaii and Alaska before Statehood, are every bit as American as you and I. Their citizens are Americans by birthright. Any one of them could be elected President of the United States.

Yet, they are not accorded the privilege of participating in this national legislative body, where decisions are made which apply to them, equally as they apply to us. They are not seeking to affect the policies of our country. They are merely seeking the right to be heard. Only the right to be heard in matters which affect their people. This is an essential right of representative government. The Constitution provides that all citizens have the basic right to present their grievances to their government. These Americans in Guam and the Virgin Islands are hampered in this right because they do not have the mechanism by which they can effectively be heard.

It seems to me that we have an obligation and responsibility to these citizens, to provide for their representation in the House of Representatives. While the Delegate envisioned by this legislation will be nonvoting, he will be able to effectively bring before the Members of Congress the needs and wishes of these constituents.

We need information about the problems and the conditions on Guam and the Virgin Islands in order to effectively legislate for them, just as much as the people there need to give us their counsel. We should not operate in the dark with regard to these territories but should have the full-time working representation of their elected Delegates to advise us of their special needs and requirements.

Consequently, this legislation works both ways—it benefits both the Congress and the people who now lack representation.

This House has previously enacted laws for the people of Guam and the Virgin Islands through legislation granting them greater self-determination, including the power of their local legislatures to fix their own salaries, to reapportion themselves, and the right to elect their own Governors.

In keeping with this recognition of the principle of complete self-government, the people of the Virgin Islands and Guam should be afforded this coordinate right to representation here in the Congress.

I urge the adoption of H.R. 8787.

Mr. DENHOLM. Mr. Chairman, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from South Dakota.

Mr. DENHOLM. Mr. Chairman, I thank the gentleman for yielding to me, and I want to associate myself with the remarks of the gentleman from Hawaii. I support the effort the gentleman has made in enacting this legislation, and who, as an individual, did so much for our country in the last great war in the Pacific.

I would think that those who oppose this legislation would be glad that the people of Guam and the Virgin Islands are willing to join us and that they want to join us in our efforts to maintain the peace in the Pacific and around the world. And insofar as the opponents to this legislation are concerned——

I wonder what country they prefer that the people of Guam and the Virgin Islands should be associated with rather than America. The people that we talk of today are Americans—I welcome their representation in this House of the people and I urge the adoption of the resolution.

I commend the gentleman from Hawaii (Mr. MATSUNAGA) on his courageous efforts in behalf of the people of the Islands in the peaceful Pacific—and for his duty and honor to our country.

Mr. ANDERSON of California. Mr. Chairman, would the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from California.

Mr. ANDERSON of California. Mr. Chairman, I want to commend the gentleman from Hawaii (Mr. MATSUNAGA) for the remarks he has made on behalf of this bill. I, too, want to congratulate the Members who introduced this very worthwhile legislation.

Mr. Chairman, I rise in strong support of H.R. 8787, a bill which would allow both the citizens of Guam and the citizens of the Virgin Islands to each elect a representative to sit in the U.S. House of Representatives.

Since the Treaty of Paris in 1898 when Guam was ceded to the United States by Spain, the territory of Guam has had a history of participatory democracy. The territory has developed a formal governmental structure of a locally elected legislature and executive. Last year, when elections were held, over 85 percent of the registered voters cast their ballots in an open, honest election.

The loyalty that the Guamanians have shown toward America has been proven over and over again. In World War II, Japan held Guam captive, but the Guamanians remained true to the United States. In Vietnam, to date, 67 Guamanians have died in support of U.S. foreign policy.

The rapid political, economic, and social maturity of this island of 100,000 people parallels the highest ideals of American democracy and human aspiration. Such growth brings with it the need for further, more effective representation on the Federal level.

Mr. Chairman, many Guamanians live in the area that I am privileged to represent and I have witnessed firsthand their industry, their diligence, and their grasp of political, economic, and social responsibilities.

Simple justice demands that the U.S. citizens of these two territories be allowed to elect a delegate to the House of Representatives.

I enthusiastically support this measure and I urge my colleagues to also vote favorably on H.R. 8787.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from California.

Mr. BURTON. Mr. Chairman, I would like to commend the gentleman in the well, the gentleman from Hawai (Mr. MATSUNAGA) for his invaluable assistance in developing this legislation, and his helpful support before the House Committee on Rules.

I would also like to underscore with great emphasis the leadership given by our distinguished colleague, the gentlewoman from Hawaii (Mrs. MINK) and that is "Ms."—for her leadership on this question over the years, and her great work and contribution in the subcommittee and the full committee not only in this Congress, but in the Congress before this, and the one before that.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Chairman, I thank the gentleman for yielding, and I would like to commend our colleague, the gentleman from Hawaii (Mr. MATSUNAGA) for his statement, and particularly that part of the statement where he called attention to the report from the United Nations, and to the everlasting credit of the two individuals who now represent Guam and the Virgin Islands on a selective basis for those people, may I say that both of them sent very scathing letters of denunciation to the United Nations saying that they were not colonies, and that they had full rights, and that they looked forward to the day when they would have a voice on the floor of this Congress. This will be a further step in that direction.

Mr. BURTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to take this time to thank and commend the majority staff, Bill Thomas and Nancy Larson, of the subcommittee, and the minority staff counsel, Mr. Charles Leppert. I have already mentioned the contribution of the gentleman from California, the ranking minority member (Mr. DON H. CLAUSEN) as well as the contribution of the ranking minority member of the full committee, the gentleman from Pennsylvania (Mr. SAYLOR).

I would also like at this time to mention for the record the thanks of the subcommittee to the gentleman from North Carolina (Mr. TAYLOR), the gentleman from Washington (Mr. FOLEY), the gentleman from New York (Mr. RYAN), the gentlewoman from Hawaii (Mrs. MINK), the gentleman from Washington (Mr. MEEDS), the gentleman from Missouri (Mr. BURLISON), the gentleman from Georgia (Mr. STEPHENS), the gentleman from Pennsylvania (Mr. VIGORITO), the gentleman from Wyoming (Mr. RONCALIO), who has championed this issue for some time. And, of course, the gentleman from Alaska (Mr. BEGICH), as well as obviously the contribution of the gentleman from California (Mr. HOSMER), the gentleman from Kansas (Mr. SKUBITZ), our distinguished colleague from Michigan (Mr. RUPPE), our distinguished colleague from New Mexico (Mr. LUJAN), our colleague from Kansas (Mr. SEBELIUS), the gentleman from Colorado (Mr. MCKEVITT) and the Resident Commissioner from Puerto Rico (Mr. CÓRDOVA).

Finally, I should like to note the effort of my predecessor as chairman of the Subcommittee on Territorial and Insular Affairs (Mr. CAREY of New York). When I proposed in 1968 that the subcommittee include in the Elected Governor Act nonvoting delegates for Guam and the Virgin Islands, Mr. CAREY was very helpful. Subsequently this amendment was removed in the full committee, but not before we received a promise that the nonvoting delegates would be considered at the next session. Consequently, Mr. CAREY'S assistance enabled this bill to take its first step toward enactment.

In addition, Mr. Chairman, I would like to call attention to an editorial which appeared in today's editions of the Washington Post:

AMERICANS WITHOUT A VOICE IN CONGRESS

Today, as a new congressional session begins on Capitol Hill, members of the House will have an important opportunity to realize the longstanding hopes of some American citizens who are without any representation in the Congress. They are the people of Guam and the Virgin Islands who, in a bill scheduled as the first order of business, are seeking voices in the House in the form of non-voting delegates.

Obviously, the subject strikes a familiar chord in this community, which until last year was similarly voiceless—but the situations are by no means identical. For one thing, Guam and the Virgin Islands are U.S. territories that already enjoy the right to elect their own local governments and governors; thus, the quest for non-voting delegates is not really related to any "home rule" issue—or even to the future status of the two areas.

The legislation, sponsored by Rep. Phillip Burton (D-Calif.), would simply provide a non-voting delegate for each of the two territories with the same privileges granted already to the resident commissioner of Puerto Rico and the District of Columbia delegate—except for a vote in committee. (The committee-vote issue would remain up to the House to decide later, through amendment to its rules.) The legislation has administration support and was reported favorably by the Interior Committee by a 26-to-1 vote.

The bill does not entail any abdication of power by the Congress. Rather, it would permit the people of Guam and the Virgin Islands a formal voice, if not a vote, in the handling of their affairs on the Hill. It is a limited and appropriate way to recognize the reasonable desires of these American territories, and we hope the House will act favorably on it.

I was reluctant to urge the adoption of Chairman ASPINALL's amendment spelling out that the clerk hire allowance to each delegate shall be 60 percent of a Member and that the transportation expenses shall be limited to less than those granted to Members. However, these two limited exceptions undoubtedly will assure passage of the legislation. The amendment does not effect many benefits to the delegates including Government contributions to life insurance, health benefits, and retirement. Nor does it affect postage, district office rental and expense, telephone and telegraph allowances, and electrical equipment. The amendment was a small price to pay for passage of the legislation.

I would like to commend the elected representatives of both the territories, Mr. Antonio B. Won Pat of Guam and Mr. Ron de Lugo of the Virgin Islands, for their able and effective role in gaining passage of this legislation. Able assistance was also give to me by Mr. Tom Dunn, Virgin Islands Affairs Officer for the Department of the Interior, and Mr. Ed Baxter, Washington representative for the Governor of the Virgin Islands.

Without the counsel and advice of our distinguished chairman of the full committee (Mr. ASPINALL) this effort today would have been enormously more difficult.

Mr. DON H. CLAUSEN. Mr. Chairman, I will just make these concluding remarks.

The principal reason that I have added my support to the legislation before us is that this will not only provide that these people will have representation, but it will improve their ability to communicate with we who serve in the position of responsibility in the Congress through their own popularly elected delegate.

But most significant of all in my view is the rapidly changing circumstances throughout the world as it relates to the security question.

In the Caribbean certainly, we have the Cuban problem. We have had problems with the Dominican Republic. There has been some unsettlement in Haiti and in some of these other areas.

I believe it is necessary for the United States to move toward an action program rather than a reaction program after the problems develop. Certainly, with the changes that have taken place in the Pacific, with the question of Okinawa and the question of Taiwan and the political status question of Micronesia, yet to be resolved, I think what we do here today will have great effect on the kinds of working relationships that we have with these other areas in the future. Certainly, the meeting that I attended with our chairman of the subcommittee with the Pacific conference of legislators in Guam brought out very clearly some of the problems that have become a part of a total Pacific basic community and their effort to resolve some of the security questions as well as the political, economic, and social problems that do exist in those areas.

For that reason, I strongly urge a strong vote in support of this legislation which is now before us.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. A few moments ago the gentleman from Hawaii spoke of the admission of these territories to the Union. I have heard a couple of other Members, perhaps three or four Members say this afternoon that there is no thought of admitting them. Which is it? Is this a preliminary thing to admitting these two territories—one with a population of 84,000 and the other with a population of 60,000—admitting them as States to the Union? Is this what we are up to?

Mr. DON H. CLAUSEN. As I stated earlier, Mr. GROSS, I view this as no movement toward statehood and I intend to include in the record to make the legislative history what my comments are, which are consistent with what the chairman of the full committee (Mr. ASPINALL) has stated earlier. Certainly, the resolution factor alone, the fact that the Congress itself will determine whether or not there will be a change in the political status question is safeguard enough so far as I am concerned. I would not entertain that as long as I am in this particular position because, obviously, it is not realistic.

Mr. GROSS. If the gentleman will yield further, of course, that is the next step on the part of the Congress, if it wants to take it, to admit them to statehood; it is not?

Mr. DON H. CLAUSEN. Obviously, that is a possibility, but I do not see it as a likelihood because I believe this will be considered with the other political questions of the entire area surrounding these areas. So I am not the slightest bit concerned at this particular point about that kind of movement receiving the support not only in this body but also the support of the other body.

Mr. Chairman, on the question whether providing a nonvoting Delegate for Guam and the Virgin Islands in the Congress can or should be considered as the first step toward granting statehood to the Territories of Guam and the Virgin Islands, let me assure my colleagues that this bill should not, and I urge that it not be considered in the context of granting statehood to these territories.

I ask and urge that this bill not be looked upon as a first step to statehood because that is not the intent of the legislation and the committee. During hearings on this bill, it was made explicitly clear that the committee did not, nor should the people of the territories, consider the passage and enactment of this legislation as preliminary to the granting of statehood. The question of statehood is a matter that must be decided by this Congress or a future Congress.

Many of my colleagues in this body who have studied the history of our great Nation will recall that Congress in its wisdom provided for a nonvoting Delegate or Resident Commissioner for the Territory of the Philippines.

Today, this former territory, after having sought their independence, rather than statehood, obtained the same, despite their having representation in the Congress of the United States.

On the importance of providing a nonvoting Delegate for the Territories of Guam and the Virgin Islands, let me cite for my colleagues some cogent points from the committee report on this:

> Each Congress considers and acts upon a variety of proposals which (if enacted, affect the territories and their people in varying degress, sometimes only remotely, but often in a direct and substantial way. We submit the citizen residents of these territories are as entitled as the citizens of the several States to express their views respecting the actions of the Congress through a duly accredited and accepted member of the House of Representatives, albeit one with limited powers.
>
> At the present time, the unincorporated territories of the United States are not affected by general legislation unless they are specifically mentioned in the legislation or the legislation is made applicable to the territories and possessions of the United States.
>
> The fact is that the rapidly changing economic and social conditions in Guam and the Virgin Islands are no longer so limited in scope that the national interest and general welfare of the inhabitants of these territories can be so easily handled in one Committee of the Congress. For example, the legislative objectives of these territories range, inter alia, from education and welfare assistance, to housing, agricultural assistance, food stamps, unemployment compensation, prevailing wage rates, immigration amendments, airport construction assistance, federal highway and harbor assistance, air routes, water and electric power, oil and watch quotas, veterans benefits, and voting rights.
>
> Through legislation already enacted the federal involvement in the economic and social conditions of both Guam and the Virgin Islands has progressed to the point where they are affected by measures considered by

many of the Committees of Congress. The various and complex federal programs which affect the needs of these territories are now so numerous and so varied that the territories require direct territorial representation to meet the changing economic and social conditions in each territory. The enactment of the bill will place the responsibility for the furtherance of the legislative objectives of these territories upon the popularly elected delegates.

This bill provides for the election of a Delegate from each of the territories to the House of Representatives who can more effectively represent and interpret the needs, welfare and interest of the inhabitants of each territory. He will carry the responsibility of maintaining the contacts and liaison with the Committees of the Congress and the officials of the Executive Branch of Government to meet territorial concerns. In doing so, the elected Delegate will relieve other Members of Congress of the necessity of dealing with individual problems in these territories in addition to meeting the usual calls upon them from their own constituencies.

Mr. BURTON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Wyoming (Mr. Roncalio).

Mr. RONCALIO. Mr. Chairman, I would first like to pay tribute and my respect for the ability and expertise of the chairman of the full committee (Mr. Aspinall), and the chairman of the subcommittee (Mr. Burton), who this year embarks on the work in the House Interior Committee regarding the legislative chores in enacting laws from the subcommittee he now chairs.

I, too, support the bill which I am honored to cosponsor.

Earlier in the debate we had our attention called to the fact that the first delegate elected to this House came from a territory, a nonvoting delegate, in 1793. That tradition has been firmly established ever since.

I am pleased to note also in our report that the second delegate to be elected to the House as a nonvoting delegate, and again from an unincorporated territory, was William Henry Harrison who came here from the Northwest Territory of Ohio, in 1799.

His great, great grandson some 138 years later came to the State of Wyoming, then not too many years a full State, and he was then elected to the Congress and for many years was one of my predecessors from the State of Wyoming.

In addition to the 70,000 to 80,000 who live in the Virgin Islands and the 80,000 or so who live in Guam, hundreds of thousands of American citizens visit these territories monthly. This factor, and a respect for the American visitor there, as well as the military roles, which were alluded to by my colleague from California (Mr. Don H. Clausen) and above all the National Parks which great conservationists such as Rockefellers created in the Virgin Islands—areas for wildlife and for marine life observation, as we have in the National Parks in the Virgin Islands—I think all this commends the bill to all of us, and I sincerely hope it will pass with a strong approval.

Lastly, Mr. Ron De Lugo, the representative from the Virgin Islands, and Mr. Tony Won Pat, of Guam, will make commendable additions to this membership. Their welcome is long past due.

Mr. BURTON. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. Ryan).

Mr. RYAN. Mr. Chairman, I rise in strong support of this bill, which will give a voice in Congress to the people of Guam and the Virgin Islands. It is a need which is long overdue and one which we should now recognize.

I should like to take occasion to commend not only the distinguished gentleman from Colorado, the chairman of the full committee (Mr. Aspinall), but also the distinguished gentleman from California, the chairman of the Subcommittee on Territorial and Insular Affairs (Mr. Burton), for the effective support which they have given this measure and the leadership which they have shown. Particularly the gentleman from California, a new subcommittee chairman, has demonstrated great ability in bringing this measure to the floor and presenting it very lucidly.

As a cosponsor of this legislation (H.R. 8787), I believe it will improve our relationships with Guam and the Virgin Islands. It is consistent with the democratic principles which we cherish and coincides with the aspirations of the people of both territories.

I include at this point in the Record an editorial from today's Washington Post:

Americans Without a Voice in Congress

Today, as a new congressional session begins on Capitol Hill, members of the House will have an important opportunity to realize the longstanding hopes of some American citizens who are without any representation in the Congress. They are the people of Guam and the Virgin Islands who, in a bill scheduled as the first order of business, are seeking voices in the House in the form of nonvoting delegates.

Obviously, the subject strikes a familiar chord in this community, which until last year was similarly voiceless—but the situations are by no means identical. For one thing, Guam and the Virgin Islands are U.S. territories that already enjoy the right to elect their own local governments and governors; thus, the quest for non-voting delegates is not really related to any "home rule" issue—or even to the future status of the two areas.

The legislation, sponsored by Rep. Phillip Burton (D-Calif.), would simply provide a non-voting delegate for each of the two territories with the same privileges granted already to the resident commissioner of Puerto Rico and the District of Columbia delegate—except for a vote in committee. (The committee-vote issue would remain up to the House to decide later, through amendment to its rules.) The legislation has administration support and was reported favorably by the Interior Committee by a 26-to-1 vote.

The bill does not entail any abdication of power by the Congress. Rather, it would permit the people of Guam and the Virgin Islands a formal voice, if not a vote, in the handling of their affairs on the Hill. It is a limited and appropriate way to recognize the reasonable desires of these American territories, and we hope the House will act favorably on it.

Mr. BURTON. Mr. Chairman, I have no further requests for time.

Mr. DON H. CLAUSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. Ruppe).

Mr. RUPPE. Mr. Chairman and Members, I should like to offer my very strong support for H.R. 8787, which would provide Guam and the Virgin Islands nonvoting representation in the Congress.

I just had an opportunity last week to join my colleagues (Mr. Johnson of California and Mr. Burlison of Missouri) in a trip to Guam, and I would like to point out that this territory is certainly ripe for representation and indeed very deserving of representation in the Congress.

I am proud to note, first of all, that the enthusiasm of the people of Guam for the strongest affiliation with the United States and for representation here is unqualified. They have throughout that island the warmest regard for all of us here on the mainland and a great patriotism, perhaps even a greater patriotism than has been evidenced by many other Americans in the last few years.

Statistics indicate that well over 60 people from Guam have been killed in Vietnam and in Southeast Asia in the Vietnam conflict. If we had the same proportion of loss within the continental United States, it would mean that our losses suffered here on the mainland would total well over 200,000 killed. This more than anything else I saw demonstrates the patriotism, the loyal devotion to the flag on the part of the people of Guam.

In addition, we should recognize that they very actively participate in their own governmental and elective affairs and have done so for the past several years. They have elected successively a Governor and a 21-member Senate. The people on the island are obviously very enthusiastic about the elective process. They very widely participate in their own elections on Guam. It is obvious they understand the importance and appreciate the impact of the elective process. I am sure they are going to elect someone as a delegate to this Congress who will very ably represent them, as indeed they have been ably represented by Governor Comacho and Mr. Tony Won Pat these past years. So, understanding the patriotism and interest of the people of Guam in the mainland of the United States and their devotion to us, and considering their participation in the election process these past years, I think they merit our support, and certainly H.R. 8787 should be passed forthwith.

Mr. O'NEILL. Mr. Chairman, I wish to commend my friend from the Virgin Islands, Mr. Don DeLugo, who has been the Virgin Islands representative in Washington since 1968. He has performed an outstanding job in interpreting the needs of his territory in his capacity as official representative for the Virgin Islands. But the needs of the Virgin Islands and Guam have changed; these territories have had rapidly changing economic and social conditions in the past decade. Legislative objectives of these two territories now range from education and welfare systems to housing, agriculture, food stamps, veterans' benefits, and voting rights: these objectives are such that they can no longer be handled by just one congressional committee. The national interest and general welfare of the 86,926 inhabitants of Guam and 63,200 inhabitants of the Virgin Islands necessitate their direct representation in the House of Representatives. I strongly support this initiative.

A nonvoting delegate from Guam and the Virgin Islands in the House of Representatives is hardly a new proposal. It has been before us since the 84th Congress. During the 91st Congress, a nonvoting delegate legislation was overwhelmingly approved by the Subcommittee on Territorial and Insular Affairs. But this bill was reported out too late to receive a rule. In this Congress we have an opportunity to vote on this proposal.

This proposal represents a progressive step in enhancing the principles of American democracy. Our democratic government encourages fuller representation of its people. By a series of enactments over the past decade, Congress has continually provided greater self-government for its territories. We now have a nonvoting delegate from Puerto Rico.

We now also have nonvoting delegate from the District of Columbia. How many years did it take for us to finally grant the District of Columbia a nonvoting delegate? This is only a beginning. I have supported these previous moves toward fuller representation and as my colleagues know, I strongly support the next step of home-rule for the District of Columbia.

Now let me ask you how many years will it take us to grant the Virgin Islands and Guam a nonvoting delegate?

The enactment of this legislation is not only in keeping with our modern trend of democratic representation; it would also serve to erase any lingering impressions of American colonialism which may still exist in some quarters of the world. Colonialism has been an anathema to the principles of American democracy. We have before us today another excellent chance to prove this once again.

Mrs. CHISHOLM. Mr. Chairman, at a time when every effort is being made to recognize and to secure the human rights of all segments of our society, the interests of 150,000 American citizens are being forgotten. The residents of Guam and the Virgin Islands lack a direct voice in the Government that rules them. In every matter of concern to these people, Congress acts as self-appointed representative, and it is time to create a position of real power for a delegate native to these territories who will voice their aspirations and be responsive to their needs.

Loyal and law-abiding, these island citizens have more than earned their right to an elected spokesman in Congress. Many Guamanians, for example, have served in our Armed Forces. Fifty-nine men, all of them volunteers, have died in Vietnam. No other State, commonwealth, or territory has sacrificed a greater proportion of lives. The islanders are proud and dedicated people willing to die for our country.

At the same time, they are helpless, even more so than mainlanders, in the face of governmental bureaucracy. If nothing else, a Congressman in Washington is an indispensable source of reassurance and aid to those who are confused by the intricacies, vastness, and impersonality of our national machinery. The Congressman is a valuable mediator making Government work for his constituents and, in so doing, maintaining their faith in the democratic process.

We have much to lose by their disenchantment. It is these people and their representatives who can best provide us with the knowledge and expertise necessary to drafting meaningful and responsive legislation.

If Americans are sincere in their belief that self-determination is the right of all people, they will welcome this move on the part of Virgin Islanders and Guamanians to participate in the decisionmaking processes that control their destiny. Let us not get trapped in petty quarrels over official titles and the incorporated or unincorporated status of these territories. Let us, rather, direct our energies to the realization of one of our most precious national principles: the right to choose who will speak for us in the representative bodies having authority over us. More than ever, it is imperative that we inject dignity and trust into our relations with fellow citizens in the territories.

Mr. DERWINSKI. Mr. Chairman, I am pleased to see this bill, H.R. 8787, which would authorize a nonvoting delegate for Guam and the Virgin Islands, brought to the floor and I hope that the House will expedite passage of the bill. I feel enactment of this measure is long overdue and I especially want to go on record as supporting H.R. 8787.

There is ample precedent for granting nonvoting representation in Congress to American citizens of Guam and the Virgin Islands—for example, Puerto Rico, the Philippines, and Alaska. It must also be remembered that Congress has recognized the growing political maturity of the American citizens of Guam and the Virgin Islands by passing laws granting them greater self-determination and responsibility.

This legislation has had bipartisan support for many years in the territories, in the Congress, and in the executive branch of the Federal Government. The administration of Dwight D. Eisenhower first called for such legislation, the administration of John F. Kennedy, Lyndon Johnson, and now Richard Nixon have all supported such legislation.

Since Guam and the Virgin Islands are an integral part of the United States, I believe that their views and interests should be articulated in Congress by their elected representatives. This can be done by passing this legislation before us today, and I urge all Members to support H.R. 8787.

Mr. KASTENMEIER. Mr. Chairman, as a cosponsor of H.R. 8787, I am pleased to rise in support of this measure which grants each of the territories of Guam and the Virgin Islands with a Delegate to the U.S. House of Representatives.

The people of Guam and the Virgin Islands are governed in large part by the laws enacted by Congress. It is only fitting, therefore, that these two communities of American citizens enjoy the same privileges as other citizens of this Nation, and that includes having representation in this Chamber.

The success of this legislation is due, in large part, to my good friend and colleague, the distinguished gentleman from California, PHIL BURTON. He is to be commended for outstanding leadership in the development and passage of this measure. As chairman of the House Interior Subcommittee on Territorial and Insular Affairs, and as principal author of H.R. 8787, PHIL BURTON has honored his longstanding personal commitment to extending the democratic process of government and representation to the people of Guam and the Virgin Islands.

Mr. LONG of Maryland. Mr. Chairman, I rise in opposition to H.R. 8787, providing nonvoting delegates to the House of Representatives from Guam and the Virgin Islands.

I oppose this legislation on population grounds. Guam, with a population of 84,994, and the Virgin Islands, with a population of 62,468, have a combined total population less than one-third that of the average congressional district, which has a population of nearly 500,000.

I oppose this legislation because we are already short on office space. If we have to provide space for two more Members, it will hasten the time when we have to build an additional House Office Building.

I oppose this legislation because neither Guam nor the Virgin Islands pays any money into the Federal Treasury. In 1970, the $10,837,000 in Federal taxes collected in Guam went back into Guam's treasury. Federal taxes collected in the Virgin Islands that year were not large enough to be listed as a separate category in Internal Revenue statistics. But all of the money collected was returned to the Virgin Islands treasury. In comparison, Federal revenue collected in Alaska, the smallest congressional district, totaled $181,287,000. And yet, if this bill is enacted, the American taxpayers will have to provide hundreds of thousands of dollars a year in salaries and allowances for these delegates. The people of the Virgin Islands and Guam will not have to share this cost.

Representatives of Guam and the Virgin Islands argue that their residents are subject to the draft, and should thus have a voice in our legislature. However, aliens residing in the United States are also subject to the draft. They do not elect representatives to Congress. I do not hear anybody arguing that they should have this privilege.

I urge you to join me in voting to defeat this legislation.

Mr. DON H. CLAUSEN. Mr. Chairman, I have no further requests for time.

Mr. BURTON. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the territory of Guam and the territory of the Virgin Islands each shall be represented in the United States Congress by a nonvoting Delegate to the House of Representatives, elected as hereinafter provided.

Mr. SAYLOR. Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

Mr. GROSS. Mr. Chairman, reserving the right to object, this is a very short bill, and I believe it could stand at least a little reading before we dispense with further reading of it. It is less than a three-page bill.

Mr. Chairman, I therefore object.

The CHAIRMAN. Objection is heard.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: Page 1, line 6, after the comma, insert "and the United States Senate,".

Mr. GROSS. Mr. Chairman, until the rule came up on this bill, I could not believe that anyone was serious in offering this kind of legislation—that is, serious to the extent that it would ever get to the floor of the House. I do not know what the purpose of this bill really is. It can only be on the basis of giving these two nonvoting delegates prestige or something akin to prestige and recognition.

If we really want to give them prestige and if we want to give them recognition, the Members should support this amendment to give them a delegate in the U.S. Senate. Can Members think of a more prestigious deal than that?

I am amazed that the committee did not report a bill giving both these islands a delegate in that august body across the Capitol. I simply do not understand why the U.S. Senate is not included. I think there ought to be a representative in the U.S. Senate from Puerto Rico or any other islands we can drum up with 84,000 population or 62,000 population or less. Surely we do not propose here this afternoon to deny the Senate the pleasure of rubbing elbows with the delegates from Guam, the Virgin Islands, and Puerto Rico. Surely the Members do not mean to do that. I have several technical amendments to offer elsewhere to make the bill conform and which I will offer after the Members adopt—as I am sure they will want to do—my amendment to give these territories representatives in the U.S. Senate. Also at the conclusion of the bill, I will offer an amendment to amend the title.

I urge a favorable vote for this amendment which I know will provide a glorious hour in the lives of these islanders.

Mr. BURTON. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I rise to oppose the amendment, and I urge its defeat.

Mr. ASPINALL. Mr. Chairman, I move to strike the necessary number of words.

There has never been the consideration our friend from Iowa (Mr. GROSS) would give to the legislation. We are providing for a representative for these people in the House of Representatives which, after all, is the body which represents the people.

We are not providing for prestige. We are providing for these people simply to have representation in this body, which I believe they are entitled to one way or another. Now that the Department of the Interior no longer represents them to any great extent, this would give them the opportunity of being represented here. I am sure my friend from Iowa understands this.

I cannot take exception to the reference to the other body, but I believe, after all, this is the body where people are represented. This is the reason why we provide in this legislation for representation in this body and not in the other body.

Mr. GROSS. Mr. Chairman, will my friend from Colorado yield?

Mr. ASPINALL. I am always willing to yield to my genial friend from Iowa.

Mr. GROSS. I thank the gentleman for so doing.

Is the gentleman saying that the U.S. Senate does not represent the people?

Mr. ASPINALL. No. The gentleman from Colorado is stating the constitutional situation about the other body in its origin. I would hope at this time it represents States as well as people, and there is no State involved in this particular matter. We are talking here about people in various areas. Therefore, representation in that distinguished body on the other side of the Capitol is not a part of this legislation, and should not be.

Mr. GROSS. But would not the gentleman think they would be much more prestigious and much more distinguished and carry far more weight? Prestige and recognition seems to be the argument here. I have heard no other argument for these delegates.

Mr. ASPINALL. May I again remind my friend from Iowa, this is not an attempt to make a State or States out of these areas, and it is no precedent.

Mr. GROSS. I am not talking about a precedent; I am talking about prestige.

Mr. ASPINALL. I know what the gentleman is talking about, and that kind of prestige does not mean anything to these people, I can guarantee the gentleman.

Mr. SAYLOR. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the amendment. I do so because our colleague from Iowa has stated he was concerned as to whether or not this was a precedent for statehood.

If we really want a precedent for statehood, we should adopt the amendment of the gentleman from Iowa, because the Founding Fathers said that all States should be equal and should have two Senators. If we want to treat these people as equals in that respect, we should not accept just one Senator, but we ought to have it amended to provide that they have two, both of which should be designated as Senators.

From the very earliest days of this country, after our Constitution was originally drafted, the House of Representatives has set the pattern for admission of delegates or commissioners to come and represent the people and to give voice to the desires of the people in the territories. This House of Representatives is the forge of democracy. This is where the laws actually are made. This is where the vital decisions are made.

If we really want to give these people prestige, we will do so by adopting the bill which the committee has reported.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. All I am trying to do is spread the good things of life among the greatest number.

Mr. SAYLOR. All I can say, in deference to the gentleman's desire is that to extend those rights to the other body, in my opinion does not extend the good things of life.

Mr. GROSS. I am talking about the delegates from Guam and the Virgin Islands, not what it will do to enhance the other body.

Mr. DON H. CLAUSEN. Will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman?

Mr. DON H. CLAUSEN. It is not my intent to take up too much time other than to express my opposition to the amendment.

I know that the gentleman from Iowa is very sincere in wanting to help the people in those areas, but I believe we should not infringe upon the prerogatives of the other body and add to their confusion.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

As I understand it, I would like to ask the gentleman handling this bill, this delegate or whatever you will call him will get all of the staff and everything that a Member of the House gets?

Mr. BURTON. Will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. BURTON. Well, this would be determined by the very important and authoritative and highly regarded and well thought of committee chaired by our colleague from Ohio (Mr. HAYS).

Mr. HAYS. Let me put another question to you after all those encomiums, which I appreciate thoroughly. What is the population of this group of islands?

Mr. BURTON. In the order of 80,000 each.

Mr. HAYS. In other words, the average House of Representatives area will now range from 460,000 to 470,000, depending on the State. Do you think that an area with a population of approximately one-sixth that of the average congressional district should have as many staff people as a Congressman should have? I want a little guidance on what to set. Do you not think about two or three would be sufficient?

Mr. BURTON. I have always had great confidence in the judgment of our distinguished colleague from Ohio in matters of this sort. I am led to believe further that the distinguished chairman of the full Committee on Interior and Insular Affairs will offer an amendment which will provide not only some insight but even a ceiling that the gentleman from Ohio might appreciate.

Mr. HAYS. I understood that it was going to be 60 percent. So that would be 9 people to run an office for 80,000 people as against 15 people to run an office for 470,000 people. I do not mind telling you that that seems to be quite a bit too high for me.

Mr. BURTON. I would just like in further response to the gentleman to state that I have full confidence that after hearing the case the Committee on House Administration, which, as it has in almost all instances in the past, rendered a very sound judgment, will do so with regard to the case stated. It was because in part of the fact that we wanted to leave the House this flexibility and with the knowledge that this committee, led by our distinguished friend from Ohio, would be rendering a judgment on it that we felt the facts contained in the bill would permit the soundest possible judgment in this regard.

Mr. DON H. CLAUSEN. Will the gentleman yield?

Mr. HAYS. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. In addition to what has been said, the committee saw fit to establish a very detailed hearing record on the budgets of each of the territorial governments and what is now allocated to the current representatives. I am convinced that Mr. De Lugo and Mr. Won Pat are fully aware of the concerns that are being expressed by the gentleman. We do not want to infringe on another committee; namely, that chaired by the gentleman from Ohio, but certainly the budget they present will be given careful scrutiny not only by our committee but by the gentleman from Ohio's committee.

Mr. HAYS. I appreciate what the gentleman has said. I had not been aware, really, that we had authority to set the number of employees for this delegate. If we do, that is one thing, but if it is set arbitrarily at a certain number, that will influence how I vote on this particular piece of legislation.

Mr. DON H. CLAUSEN. That is where we will rely on the discretion of that particular individual. I can say categorically that we have stated in the strongest possible terms that the entire legislation would be in jeopardy if they did not prove themselves responsible as far as the number of employees they employed as staff, whatever that number is.

Mr. HAYS. That does not make much sense, because the legislation is going to be passed, obviously, before they show whether they have any discretion or not. So, the gentleman's argument does not carry much water with me.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HAYS. Yes, I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman has not asked the question, although I suspect it has occurred to him, but he has not had time to do so, about travel to Guam. As I understand it, the first-class air fare is a substantial amount of money. I think it is about $1,700 first class, and that involves 12 trips, exclusive of the trip at the opening of a session.

I think some attention ought to be given to this as well as the cost of the staff.

Mr. HAYS. Well, I have never been to Guam but it may be, as in the case of some Members from places closer, once they get down here they do not want to go home. Maybe the fellow may not want to go back very often and we may not have that problem at this time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. Gross).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GROSS. Mr. Chairman, on that I demand tellers.

Tellers were refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 2. (a) The Delegate shall be elected by the people qualified to vote for the members of the legislature of the territory he is to represent at the general election of 1972, and thereafter at such general election every second year thereafter. The Delegate shall be elected at large, by separate ballot and by a majority of the votes cast for the office of Delegate. If no candidate receives such majority, on the fourteenth day following such election a runoff election shall be held between the candidates receiving the highest and the second highest number of votes cast for the office of Delegate. In case of a permanent vacancy in the office of Delegate, by reason of death, resignation, or permanent disability, the office of Delegate shall remain vacant until a successor shall have been elected and qualified.

(b) The term of the Delegate shall commence on the third day of January following the date of the election.

Sec. 3. To be eligible for the office of Delegate a candidate must—

(a) be at least twenty-five years of age on the date of the election,

(b) have been a citizen of the United States for at least seven years prior to the date of the election,

(c) be an inhabitant of the territory from which he is elected, and

(d) not be, on the date of the election, a candidate for any other office.

Sec. 4. The legislature of each territory may determine the order of names on the ballot for election of Delegate, the method by which a special election to fill a vacancy in the office of Delegate shall be conducted, the method by which ties between candidates for the office of Delegate shall be resolved and all other matters of local application pertaining to the election and the office of Delegate not otherwise expressly provided for herein.

Sec. 5. The Delegate from Guam and the Delegate from the Virgin Islands shall have such privileges in the House of Representatives as may be afforded him under the Rules of the House of Representatives. Until the Rules of the House of Representatives are amended to provide otherwise, the Delegate from each territory shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives, and shall be entitled to whatever privileges and immunities are, or hereinafter may be, granted to the Resident Commissioner for Puerto Rico: *Provided*, That the right to vote in committee shall be as provided by the Rules of the House of Representatives.

Mr. SAYLOR (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. SAYLOR

Mr. SAYLOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Saylor: Page 3, line 11, After the period insert the following:

The salary and expenses of office for the Delegate from each territory shall be paid by each territory respectively.

And on lines 13 through 15, strike the following languages: "shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives, and".

Mr. SAYLOR. Mr. Chairman, this is an important amendment. It has to do with the matters which were just being discussed by the gentleman from Ohio (Mr. Hays) and the gentleman from Iowa (Mr. Gross). The bill now provides that the Delegate from the Virgin Islands and Guam shall receive compensation, allowances, and benefits as a Member of the House of Representatives.

Mr. Chairman, this is the same pattern that has been used in every other bill that has been passed affecting a Resident Commissioner or a Delegate to the House of Representatives.

However, we are dealing with a situation in Guam and the Virgin Islands that is not the same as it is in any other territory that we have talked about up until now, and that is that these territories enjoy a special tax privilege. The taxes which are normally paid into the Federal Treasury in the form of income tax and other taxes in these two territories are not covered in the Treasury of the United States. They are covered into the treasury of the local territory.

Now, for that reason, and since they get this privilege they should pay their bills. Congress did this because these two territories were not self-supporting and rather than having the people come to the Congress each year and to the Appropriations Committee and ask for large contributions to run their office of Governor, to run their legislature, to run their judicial system, Congress in its wisdom said it was foolish to have it come in and then turn around and send it back out. Why not let the people in these territories keep their money and spend it?

The two territories at the present time do pay all of the expenses of their Delegates here in Washington.

Some question has been raised as to what this will cost, or what it will save if this amendment is adopted. The Clerk of the House of Representatives, Mr. Jennings, under date of May 20, 1971, sent to the Committee on Interior and Insular Affairs an estimated cost of the nonvoting Delegate from the Virgin Islands in assuming his office, if he comes from the city of St. Thomas, and the nonvoting Delegate from the island of Guam, the differences are only in air travel. The mileage, of course, from Guam is in the first instance $3,808.20, and from the Virgin Islands it is $720.80. As to the round trips provided for Members for air travel, from Guam it is $16,800, and from the Virgin Islands it is $3,024.

The total expenditure for 15 employees—and, by the way, I would like to say to our colleague, the gentleman from

Ohio (Mr. Hays), that if this bill is passed in its present form without my amendment, the gentleman has no jurisdiction except to give them 15 clerks if they so desire to hire them at the salaries specified in the various acts, and the expenses will be, for the Virgin Islands, $253,250.80, and the expenses for Guam, because of the difference in air travel, is $272,410.20.

I realize that we have in the Congress, with reference to prior Delegates or prior Resident Commissioners, never required that they pay the expenses of their office.

In view of the fact that we are tight for space in the House at the present time, one of the real jobs, when this bill is passed, that the Speaker is going to have and that the Clerk of the House is going to have, is to find adequate office space to put these two nonvoting Delegates in but if we give them free office space, which will be a savings to the people in both of these territories, then I think it is only fair, because of the unusual tax situation, that we should ask them at the present time to assume this responsibility and to continue to pay for the expenses of their Delegates. This they have done in the past, and I am sure they would be willing to do this in the future.

Mr. Chairman, I urge that this amendment be adopted.

SUBSTITUTE AMENDMENT OFFERED BY MR. ASPINALL FOR THE AMENDMENT OFFERED BY MR. SAYLOR

Mr. ASPINALL. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Pennsylvania (Mr. Saylor).

The Clerk read as follows:

Substitute amendment offered by Mr. Aspinall for the amendment offered by Mr. Saylor: Page 3, line 19, change the period to a colon and add: "*Provided further*, That the clerk hire allowance of each Delegate shall be a single per annum gross rate that is 60% of the clerk hire allowance of a Member: *Provided further*, That the transportation expenses of each Delegate that are subject to reimbursement under section 1 of the Act of September 17, 1967 (81 Stat. 226, 2 U.S.C. 43b), shall not exceed the cost of four round trips each year."

Mr. ASPINALL. Mr. Chairman, no matter which way we go in this particular matter, we are going to establish a precedent. The amendment that my friend, the gentleman from Pennsylvania (Mr. Saylor) has ordered, establishes for the first time the precedent that representatives from territories would have to pay their own expenses.

My amendment limits the amount for such Representatives serving in the House of Representatives in two instances.

First, in the matter having to do with clerk hire. The total amount of which is around $133,500 per year for each Member. I would limit that to 60 percent which would be about $80,100.

Then in the matter of the four trips that are involved. The round trip fare to Guam is $1,400 and four trips would amount to $6,400. The round trip fare to the Virgin Islands is $260 and four trips would cost $1,040.

This would have nothing to do with travel expenses of Representatives that a Representative receives in reporting to the Congress and his return to his district once every session of the Congress.

I can see logic to limiting the expenses in the matters that I have set forth in my substitute because of the size of these areas at the present time. Although I would say this—these are full-time jobs and more than likely the offices will be quite busy.

Guam is far removed and about the only way there would be any way at all to get in touch would be by correspondence. Secretarial help is very necessary.

I listened to what my good friend, the gentleman from Ohio (Mr. Hays) had to say relative to the expenditure of these funds. May I say that I have been here going on 24 years now and only once in my service have I ever spent the total amount of my allowance. I may approximate it again in a matter of 6 weeks or so. I understand that not spending the full allowance is not uncommon. This is a common practice—we do not spend all of the money that is available to us unless we need it—and this is the way it should be.

My difficulty in following the logic of my good friend and coworker, the gentleman from Pennsylvania (Mr. Saylor) is this—if we give to our fellow citizens the benefits and responsibilities coupled with their citizenship, then I see no reason why we should treat them any differently except perhaps in amounts, than we treat ourselves. They have a job to do for the citizens they represent just like we do. I think we should not give them something and then in the legislation hold back from them some of the benefits that go with the task which we have given to them.

For that reason, I think there is more logic to the substitute which I have proposed.

We are not talking about very much money. Most of us think in terms of thousands of dollars rather than millions of dollars or billions of dollars. As I said in my opening statement, we are thinking about our own. We are not thinking about others away from us—we are not thinking about outsiders. We are talking about insiders. When we take these amounts of money, as small as this, and when it comes to our relationship—and I might say I sometimes question my own actions—with some of our neighbors throughout the world—this small amount means nothing.

But it does mean something. I am the first one to agree with my friend, the gentleman from Pennsylvania, that sooner or later—and the sooner the better—that these territories should begin to return to the Federal Government some part of their special tax funds they now keep for themselves. I have made overtures to this effect and I understand this proposition will be considered soon in their constitutional conventions. But right at the present time it just is not possible, in my opinion, for us to give something on the one hand and then not go the full way and make their operation honorable and in most respects similar to the responsibilities which you and I accept without question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in opposition to the amendment offered by my friend from Pennsylvania (Mr. Saylor) and in support of the substitute offered by the gentleman from Colorado.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. DON H. CLAUSEN. We have had a number of continuing discussions since the resolution was considered in the committee, and while we developed, as I said earlier, in-depth information as to the operating budget of the respective individuals now serving in a representative capacity, Mr. DeLugo and Mr. Won Pat, I am inclined to believe that this is an acceptable compromise. As stated before, I was concerned about precedent, but I am also concerned about discrimination. If you look at the situation, as an example, in Alaska, there is no limitation on administrative allocation, and yet the population is, I believe, a little over 200,000. In this instance, with all the other demands that will be met—and I am convinced there will be increasing demands because in Guam alone we have not only the 85,000—this summer it will be 85- or 90,000 residents of the area who are American citizens—but we also have a substantial military population. For that reason, as far as I am concerned, and I believe I speak for the majority of the membership on our side, we are willing to accept the substitute offered by the gentleman from Colorado.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman from California.

Mr. BURTON. I would like to join with our colleague, the ranking Member on the other side of the subcommittee, in urging adoption of the substitute amendment offered by the distinguished chairman of our full committee, the gentleman from Colorado (Mr. Aspinall).

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened to some of the debate on the amendment offered by the gentleman from Pennsylvania and the substitute offered by the gentleman from Colorado, the distinguished chairman of the Committee on Interior and Insular Affairs.

I would like to ask a question, because I think this is part of the overall problem we are discussing. As I read the bill and the committee report, the two individuals who would come in this instance to the House would get the same allowances, et cetera, that the Members of the House of Representatives get. If I solicit accurately, each Member of the House currently has the right to 15 staff members for a congressional district that has, on the average, a population of 450,000 to 460,000. I read in the committee report that the Census for 1970 indicates the Government of Guam will have a population of 86,926. The Government of the Virgin Islands will have 63,200 inhabitants. It is hard for me to rationalize why those who represent those two areas should have 15 employees for a far lesser number of people to serve than a Member of the House who has far more constituents to serve. Is there an answer to that question?

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. Of course, I yield to the chairman of the committee.

Mr. ASPINALL. We are talking in numbers, and, of course, the number 15 is the maximum number that Members can have.

It so happens that I have in my office six or seven employees. I use, not the maximum, but the major part of my allowance. My amendment which I just offered as a substitute in place of the amendment offered by the gentleman from Pennsylvania (Mr. SAYLOR) would limit the clerk hire to 60 percent of what the other Members of the House use, and it would limit the number of trips which we have to four trips instead of the 12 which we take, keeping in mind each one of us is entitled to a trip to the session and a return trip from the session as an additional trip.

I think there is some logic to what the gentleman from Pennsylvania has in mind, but I do not want to go so far as to establish a precedent in this instance and cause these areas to pay all of their own expenses. So my amendment would limit it to 60 percent and four trips.

Mr. GERALD R. FORD. One of the words used by my friend, the gentleman from Colorado, I think was used inadvertently incorrectly. I believe the chairman said 60 percent of the allowance for personnel "used" by Members of Congress. Did the gentleman not mean 60 percent of that authorized for Members of Congress?

Mr. ASPINALL. That is correct. My friend, the gentleman from Michigan is correct.

Mr. GERALD R. FORD. Let me say, Mr. Chairman, in conclusion that I favor this legislation. I have some concern about the precedent that might be established by the amendment offered by the gentleman from Pennsylvania or even that offered by the gentleman from Colorado, but whatever happens on either of these amendments, it is my intention to support the legislation. I think it should be passed, and I hope the House will approve it.

Mr. SAYLOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time for the purpose of directing a question to the gentleman from Colorado who offered the substitute amendment. In the summary that was submitted by the Clerk of the House to our committee, and in accordance with the statutes on the books at the present time, the clerks to Members are entitled to two round trips into the district in any 1 year. Is there any effort in the amendment the gentleman has offered to limit the travel for clerks?

Mr. ASPINALL. I would say to my friend that, as I understand this amendment, it goes to the trips by the Members. I would have to refer to this statute again to see, but it would seem to me if the Members have the right to have their staffs visit their home districts, that we could not deny this particular right within limitaiton to the Members from Guam and the Virgin Islands.

Mr. SAYLOR. I am only asking these questions for purposes of clarification.

Now, the total amount for clerk hire in accordance with the letter submitted by the Clerk of the House to our committee is $141,500, and that was before the last 5-percent increase, so the present amount allowed for clerk hire is $148,575. Is it the intention of the gentleman from Colorado to take 60 percent of the figures submitted by the Clerk of the House or the latter figure which is the present allowance?

Mr. ASPINALL. It is the intention of the gentleman from Colorado to take 60 percent of whatever the total amount would be. I do not have that from the Clerk, I have it from our staff members. If I am a little under, it would not be by very much.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I take this time to ask a question of the gentleman from Colorado. How did the gentleman arrive at 60 percent? Is it just a good round percentage figure, or is there something back of the 60 percent?

Mr. ASPINALL. If my friend, the gentleman from Iowa, would yield to me, I arrived at that figure as a logical reasonable percentage of what we Members of the House have had allowed to us. I did not try to boost their officers, I did not try to cause their officers to be understaffed. I say again, as I said when I was in the well of the House a few minutes ago, that we do not have to use all of our office allowances. These gentlemen will not have to use all of their office allowances. I would say that if they become Members, they will be closer in touch with us all the time, and we will know what they are doing. I think this will be good for all of us. And if they are overstaffing, I think we can take care of that.

Mr. GROSS. The 60 percent is not based on the population that the delegates are designed to serve?

Mr. ASPINALL. The gentleman is correct.

Mr. GROSS. It has no relation whatever to that. I cannot think of anything it does have a relation to.

Mr. ASPINALL. If my friend will yield, the 60 percent is based on the amount necessary to operate a reasonable, honorable staff which operates for the benefit of the people whom they represent.

Mr. GROSS. I am not asking a question, but I would hope when these delegates get here, if this bill is passed and I hope it is not approved, that their offices will not be equipped with crystal chandeliers which were installed in the Speaker's lounge during adjournment and I saw for the first time a few minutes ago. I am told those things cost about $15,000.

I would hope that at this time in the history of this country, the House would begin to husband the taxpayers' dollars, and it will not be accomplished by purchasing expensive crystal chandeliers such as now adorn the Speaker's lounge.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Colorado.

Mr. ASPINALL. For 24 years my friend has had the best eyesight and has had the best hearing and, may I say, as industrious an operation as any Member of Congress. I know this to be a fact.

Do not measure this operation by what it costs here at the Capitol. Let us see what these people can do for us.

Mr. GROSS. Of course, this operation is happening right here at the Capitol.

Mr. ASPINALL. I suppose it is.

Mr. GROSS. That is right.

Mr. ASPINALL. The gentleman has to advise me. He sees a lot more of those things than I do.

Mr. GROSS. And this legislation, providing for delegates from these two comparatively small islands, is being acted on right here at the Capitol this afternoon. This legislation will cost money—make no mistake about that.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. This will be very brief.

So far as my reason for accepting this particular percentage as offered by the gentleman from Colorado is concerned, I believe it is reasonable, in that again I refer to the number of people living in the State of Alaska. There are something around 200,000 people. When we combine the military people living on Guam with the number of American citizens living out there, it is a little over half. This is one reason why I felt 60 percent as a formula, restrictive as it is, is reasonable.

Mr. GROSS. Of course, those servicemen living on Guam will likely come back to the Representatives or Senators from their home States and districts for the help they get. That is what they have been doing.

I do not see that as a basis for 60 percent, 80 percent, 40 percent or any other figure.

I support the amendment of the gentleman from Pennsylvania. So long as the taxes are being retained by the islands, there is no reason why we should dip into the Federal Treasury to pay the costs of maintaining these delegates.

Mr. DON H. CLAUSEN. If the gentleman will yield further, the only thing I can say is so long as the particular military operation in that area has the significance it has on the total security picture I believe it is a small price to pay.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. BOW. It comes to my mind, if they have 80,000 on these two islands and want to get the 60 percent, how about Puerto Rico, with 2.7 million? Are we going to adjust that figure?

Mr. GROSS. That is a very good question, an excellent question. I cannot answer it. The proponents of this bill should do so.

Mr. QUILLEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this legislation, and ask not a question of the gentleman from Pennsylvania or the gentleman from Colorado, but the Members of this body.

We are talking about U.S. citizens. We are talking about U.S. possessions.

I had the happy privilege of visiting Guam during World War II, and again in August of this past year. It is the coming recreation point of the Pacific. It is our last bulwark against the agressors of the Far East.

Why do we single them out to restrict in any way the privileges of these citizens, these people who will die for our freedom? If we suffer the fires of our national devotion to expire, then the flames, the democratic flames, will also expire, to the ultimate detriment of mankind.

I say we should be here today championing the cause of Guam and the Virgin Islands, treating the people as citizens, and going forward to build up these islands for the defense of this great Nation.

The majority of the tourists who came to Guam last year, other than those from the United States, from the mainland, were from Japan. Japan is now the economic giant of the Pacific. She is building up these islands and pouring millions and millions of dollars into Guam while we here on the mainland speak as if Guam is an island so distant that we will never get there or never travel there.

Today, Guam is a part of America. Her people are U.S. citizens. We should build them up. We should welcome them with open arms, remembering the future of this country lies in these islands as well as in our defense posture. Let us go forward; let us recognize these U.S. citizens; let us bring them in on an equal basis and go forward toward a greater and broader United States of America.

Thank you.

Mr. BOGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall take only a minute to compliment the chairman of the full committee and of the subcommittee, the gentleman from California, as well as the members of the committee on this legislation.

I know that the chairmen of the committee and the subcommittee have devoted a tremendous amount of time to this subject. I know they have been to both places on several occasions.

I feel this House would be acting very wisely if it adopts this bill by a very large majority.

I think the gentleman from Tennessee correctly described the thrust of the legislation, which is to extend as far as is practicable and possible the benefits of citizenship in this great Republic. That has indeed been the thrust of our democracy since its inception.

The amendments we have adopted to our Constitution, many of them, have been in that direction; namely, to extend citizenship and the privileges and responsibilities of citizenship to all.

As the gentleman from Tennessee (Mr. Quillen), has pointed out, these are not very distant places today. We have instant communication with them and travel there in a matter of hours.

The best evidence of good citizenship I think, has been the great rewards we have obtained by extending statehood to our fellow State of Hawaii which is not contiguous to the States and what it meant to this great union of States.

This is not a question of statehood, of course, but it is a question of recognition of the fact that the people who live in Guam and the Virgin Islands are American citizens and are entitled at least to have some voice and some recognition here in this deliberative body.

I hope the amendment offered by the chairman of the committee which seeks a fair solution to the staffing problem will be adopted and that thereafter we will adopt the bill.

Mr. CÓRDOVA. I move to strike the requisite number of words, Mr. Chairman.

In connection with the need for these delegates whom we are considering here for staff and other help, may I point out that while the degree and the load of the casework varies more or less directly with the population, still the population does not provide the only measure for determining the need for clerical and other assistance.

The nonvoting Delegate from a territory, like the Resident Commissioner from Puerto Rico, must and does have a legislative workload which is probably larger than that of most Members in that he must watch the progress of legislation, but he must do it in the Senate as well as in the House; that is, he has no help at all in the Senate, no representation at all in the Senate.

The amendment which has been proposed by the gentleman from Iowa (Mr. Gross) would indeed be a boon to Puerto Rico, it would be a boon to me if I could have some assistance on the other side of the Hill. But, the fact remains that we do not have that assistance. The legislative workload requires the nonvoting Delegate to do whatever representation is required not only on this side of the Hill but also on the other and that should be taken into account. So, it is not purely a question of what is the population. There are other factors involved.

I, therefore, find the amendment proposed by the chairman of the committee eminently reasonable. I understand it is acceptable to the people and the representatives of Guam and the Virgin Islands. I certainly endorse it in preference to the amendment which has been offered by the gentleman from Pennsylvania (Mr. Saylor).

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Colorado (Mr. Aspinall) for the amendment offered by the gentleman from Pennsylvania (Mr. Saylor).

The substitute amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. Saylor), as amended by the substitute amendment offered by the gentleman from Colorado (Mr. Aspinall).

The amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Slack, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8787) to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives, pursuant to House Resolution 624, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SAYLOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 232, nays 104, not voting 95, as follows:

[Roll No. 2]

YEAS—232

Abourezk
Abzug
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews
Arends
Ashley
Aspinall
Badillo
Begich
Bennett
Bergland
Biester
Bingham
Blanton
Blatnik
Boggs
Bolling
Brasco
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Burke, Mass.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Carney
Carter
Cederberg
Celler
Chamberlain
Chisholm
Clark
Clausen, Don H.
Cleveland
Collins, Ill.
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, Wis.
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Donohue
Dow
Drinan
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Evans, Colo.
Fascell
Findley
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Frelinghuysen
Frenzel
Fuqua
Gallagher
Gibbons
Gonzalez
Gray
Green, Pa.
Griffiths
Grover
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heinz
Helstoski
Hicks, Mass.
Hillis
Hogan
Holifield
Hosmer
Howard
Hungate
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
Kluczynski
Koch
Kyl
Kyros
Latta
Link
Lloyd
Lujan
McClory
McCloskey
McCormack
McDonald, Mich.
McEwen
McFall
McKinney
Macdonald, Mass.
Madden
Mallary
Mathias, Calif.
Matsunaga
Meeds
Melcher
Mikva
Miller, Calif.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mollohan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Neill
Patman
Patten

Pelly
Pepper
Perkins
Peyser
Pike
Pirnie
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Quillen
Rees
Reid
Reuss
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rostenkowski
Roush
Roy
Ruppe
Ryan
Sarbanes
Saylor
Schwengel
Sebelius
Seiberling
Shipley
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Sullivan
Symington
Taylor
Terry
Thompson, Ga.
Thompson, N.J.
Thone
Ullman
Vanik
Veysey
Vigorito
Wampler
Ware
White
Widnall
Wiggins
Wilson, Charles H.
Winn
Wright
Wydler
Yates
Young, Fla.
Zablocki

NAYS—104

Abbitt
Ashbrook
Baker
Belcher
Bevill
Biaggi
Blackburn
Bow
Brinkley
Brooks
Broyhill, N.C.
Burleson, Tex.
Casey, Tex.
Chappell
Clancy
Clawson, Del
Collier
Collins, Tex.
Colmer
Conable
Conte
Cotter
Crane
Curlin
Daniel, Va.
Davis, Ga.
Davis, S.C.
Delaney
Devine
Dickinson
Dorn
Dulski
Eshleman
Fisher
Fountain
Galifianakis
Gaydos
Gettys
Giaimo
Goodling
Gross
Hagan
Haley
Hall
Harsha
Hays
Hicks, Wash.
Hull
Hunt
Jarman
Jones, N.C.
Jones, Tenn.
King
Kuykendall
Landgrebe
Landrum
Long, Md.
McCollister
Mahon
Mann
Mathis, Ga.
Mazzoli
Michel
Miller, Ohio
Mizell
Monagan
O'Konski
Pickle
Poage
Powell
Price, Tex.
Purcell
Railsback
Randall
Rarick
Robinson, Va.
Rooney, N.Y.
Rousselot
Runnels
Ruth
St Germain
Sandman
Satterfield
Scherle
Schmitz
Scott
Shoup
Sikes
Smith, Calif.
Snyder
Spence
Steele
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Tiernan
Waggonner
Whalley
Whitehurst
Williams
Wylie
Wyman
Yatron
Zion

NOT VOTING—95

Abernethy
Addabbo
Anderson, Tenn.
Annunzio
Archer
Aspin
Baring
Barrett
Bell
Betts
Boland
Brademas
Bray
Buchanan
Burke, Fla.
Byrne, Pa.
Caffery
Camp
Carey, N.Y.
Clay
Conyers
Corman
de la Garza
Diggs
Dingell
Dowdy
Downing
Edwards, Ala.
Edwards, La.
Esch
Evins, Tenn.
Flowers
Flynt
Fraser
Frey
Fulton
Garmatz
Goldwater
Grasso
Green, Oreg.
Griffin
Gubser
Hansen, Wash.
Harvey
Hébert
Heckler, Mass.
Henderson
Horton
Johnson, Pa.
Jonas
Leggett
Lennon
Lent
Long, La.
McClure
McCulloch
McDade
McKay
McKevitt
McMillan
Mailliard
Martin
Mayne
Metcalfe
Mills, Ark.
Montgomery
Murphy, Ill.
Nichols
Passman
Pettis
Podell
Rangel
Rhodes
Riegle
Rosenthal
Roybal
Scheuer
Schneebeli
Shriver
Sisk
Stokes
Stubblefield
Stuckey
Talcott
Udall
Van Deerlin
Vander Jagt
Waldie
Whalen
Whitten
Wilson, Bob
Wolff
Wyatt
Young, Tex.
Zwach

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Stubblefield for, with Mr. Annunzio against.

Mr. Aspin for, with Mr. Nichols against.

Mr. Waldie for, with Mr. Abernethy against.

Mr. Van Deerlin for, with Mr. Hébert against.

Mr. Leggett for, with Mr. Passman against.

Mr. Clay for, with Mr. Long of Louisiana against.

Mr. Barrett for, with Mr. Whitten against.

Mr. Rangel for, with Mr. Dowdy against.

Mr. Diggs for, with Mr. Flynt against.

Mr. Metcalfe for, with Mr. Griffin against.

Mr. Conyers for, with Mr. McMillan against.

Mr. Byrne of Pennsylvania for, with Mr. Montgomery against.

Mr. Rhodes for, with Mr. Betts against.

Mr. Martin for, with Mr. Archer against.

Mr. Buchanan for, with Mr. Talcott against.

Mr. Stokes for, with Mr. Baring against.

Mr. Mailliard for, with Mr. Johnson of Pennsylvania against.

Mr. Camp for, with Mr. Schneebeli against.

Mr. McDade for, with Mr. Zwach against.

Until further notice:

Mr. Addabbo with Mr. Bell.

Mr. Wolff with Mr. Esch.

Mr. Carey of New York with Mr. Shriver.

Mr. Sisk with Mr. Bob Wilson.

Mr. Dingell with Mr. Vander Jagt.

Mr. Evins of Tennessee with Mr. Bray.

Mr. Fulton with Mr. Mayne.

Mr. Garmatz with Mr. McClure.

Mrs. Grasso with Mr. Lent.

Mr. Brademas with Mr. Wyatt.

Mrs. Green of Oregon with Mrs. Heckler of Massachusetts.

Mr. Boland with Mr. Gubser.

Mr. Anderson of Tennessee with Mr. Harvey.

Mr. Caffery with Mr. Frey.

Mr. Corman with Mr. Pettis.

Mr. Downing with Mr. Edwards of Alabama.

Mr. Flowers with Mr. Burke of Florida.

Mr. McKay with Mr. Riegle.

Mr. Henderson with Mr. Goldwater.

Mr. Podell with Mr. Horton.

Mr. Lennon with Mr. Jonas.

Mr. Rosenthal with Mr. McCulloch.

Mr. Fraser with Mr. McKevitt.

Mr. Roybal with Mr. Whalen.

Mr. de la Garza with Mr. Udall.

Mr. Young of Texas with Mr. Stuckey.

Mrs. Hansen of Washington with Mr. Scheuer.

Mr. Murphy of Illinois with Mr. Mills of Arkansas.

Mr. DENT and Mr. WILLIAM D. FORD changed their votes from "nay" to "yea."

Mr. ROONEY of New York changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BURTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks and to include extraneous material prior to the vote on the passage of the bill H.R. 8787.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT ON S. 2819, FOREIGN ASSISTANCE ACT OF 1971

Mr. BOLLING, from the Committee on Rules, reported the following privileged resolution (H. Res. 765, Rept. No. 92–763) which was referred to the House Calendar and ordered to be printed:

H. RES. 765

Resolved, That upon the adoption of this resolution it shall be in order to consider the conference report on the bill (S. 2819) to provide foreign military and related assistance authorizations for fiscal year 1972, and for other purposes, and all points of order against the conference report for failure to comply with the provisions of clause 3, Rule XXVIII are hereby waived.

LAW CHANGE PROPOSED TO AID FAMILIES SEEKING DRUG HELP

(Mr. DULSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DULSKI. Mr. Speaker, I am today introducing legislation to permit use of the mails by family members seeking anonymous counsel from law enforcement agencies as to whether samples found in their homes contain dangerous drugs.

Present law includes a flat prohibition against the sending of dangerous drugs through the mails.

But I feel a strong case can be made for a limited exception to enable properly worried parents to seek counsel about substances which they discover on the person or in the belongings of their children.

The drug problem among young people is critical and I believe we should seek to cooperate in every way possible with family members who need and seek factual information upon which to proceed.

The plan is intended to overcome the sensitivity of some individuals toward dealing directly with law enforcement officers. They would need simply to mail in the sample, using a code number of perhaps six numerals. A week later, the sender could call the office to which the sample was sent and obtain the report associated with that code number.

My bill was prepared after consulting informally with the several Federal agencies involved.

In addition, I have sent copies of the bill test and an explanation of the plan to law enforcement officials throughout the country. I have asked these State, county, and municipal law enforcement officials for their comments.

I already have talked with Erie County Sheriff Michael A. Amico and he has indicated that he would be happy to analyze any sample submitted to his office in Buffalo, N.Y.

Now, I am seeking the reaction of other representative officials in law enforcement. I recognize that some departments lack laboratory facilities and we need suggestions on how they could handle requests for tests of samples.

In brief, we are looking carefully into all aspects of this plan from the outset in the hope of reducing the time for legislative consideration and action. I am hopeful that the Subcommittee on Postal Facilities and Mail, of which I am an ex officio member, can set hearings in the next couple of weeks.

This plan has a twofold purpose:

First, it is intended to provide parents with facts, in place of suspicions, in dealing with a potential—or real—drug problem in their family. Unfounded suspicions can wreck family relations unnecessarily.

Second, it would contribute to the overall effort to control narcotics traffic by soliciting the cooperation of families and hopefully improving relations with law enforcement officials. Those in police work are interested in preventive action as well as enforcement, in this case by intercepting problems before they endanger both the individuals themselves, their families, and society in general.

A MAJOR ACHIEVEMENT IN EMERGENCY COMMUNICATIONS FOR THE DISTRICT OF COLUMBIA

(Mr. ROUSH asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include a statement.)

Mr. ROUSH. Mr. Speaker, I am very happy to be able to announce at this opening of the second session of the 92d Congress, a major achievement in emergency communications for the District of Columbia. I refer to the fact that as of January 16, 1972, the District of Columbia adopted "911" as the single, emergency number, thus joining the more than 100 other communities who have taken this step.

I would like to include in the RECORD at this point the text of Mayor Walter E. Washington's statement on the "911" emergency system made at a special press conference January 14, 1972.

STATEMENT OF MAYOR WALTER E. WASHINGTON ON THE 9–1–1 EMERGENCY SYSTEM, JANUARY 14, 1972

We are today announcing the start of a project that will be of major significance to this community.

Beginning Sunday, this City will have a new around-the-clock emergency telephone system that will sharply reduce the time between a citizen call for help and a response by emergency vehicles.

Using this system, anyone in the City who needs emergency assistance can dial 9–1–1 and have immediate access to fire, police and ambulance dispatchers. The seven-digit emergency numbers we have been using until now will continue in service until we are sure all Washington residents are familiar with the simpler 9–1–1 system.

What we are talking about is shaving the time on calls for help when seconds may spell the difference between life and death for a resident.

The 9–1–1 system has proved successful in other jurisdictions. We want—and we must provide—the most up-to-date emergency system available to the community.

I would caution residents against overtaxing the system by using it for all emergencies, not just the ones it was designed to handle. Calls that do not require a response by police and fire vehicles or ambulances will just tie up the 9–1–1 system so other people in need of help cannot get through. All other emergency calls should be made to the District Government switchboard at NA–8–6000.

The new emergency system will work this way:

When a citizen dials 9–1–1 he will get a dispatcher at the Police Department Communications Center who will immediately send whatever police emergency vehicles are needed. If the call is for fire equipment or an ambulance, the call will be instantly transferred by a direct line to the fire dispatcher. The police officer who originally took the call will remain on the line to determine whether police help is also needed.

There are several additional features to the system we hope will be available within 18 months. These include a mechanism that enables the dispatcher to keep a line open even if the caller hangs up and another that flashes in front of the dispatcher the caller's telephone number. Both features enable the police to help even if the caller is incoherent or confused.

To make the new emergency system operational, we expanded to 33 the number of answering positions at the Command Center. Previously there were 22 positions. In addition, direct lines were installed to several agencies.

I am delighted that Washington is joining 150 communities around the country, including New York City, in using the system. The Council of Governments is making plans for a number of suburban communities to switch to the service.

While the police department will be in charge of day-to-day operations of the 9–1–1 system, its planning has been a joint effort by a number of city agencies and the C&P Telephone Company. I would like to thank all of those involved for their efforts toward making emergency help closer to the people.

We look to this system to bring dramatic improvements in our ability to help citizens in trouble.

Mr. Speaker, my interest in a single, nationwide, emergency telephone number goes back 5 years. I was an original initiator of legislation to provide a sense of Congress resolution regarding the value of such emergency communications. I am the sponsor of legislation at this time to provide funds under the Omnibus Crime Control and Safe Streets Act to assist communities in adopting "911" with the hope that we will make this a nationwide emergency number, easily known, quickly remembered, immediately accessible to persons of all ages, occupations and locations. I have been anxious for the city of Washington to adopt this number. While I had hoped that the whole metropolitan area would be included I recognize that there are many distinct problems in the various jurisdictions involved. I am delighted that the city of Washington, my second home, has now made this progressive step forward. Huntington, Ind., my first home, and the place where my family resides, was the first city in the Bell System to adopt "911." I hope that other cities will follow in the lead of these two vastly different communities, both of which recognize the value of simplified emergency communications.

NEW SATELLITE WILL BE AIMED AT SOLVING EARTH'S POLLUTION PROBLEMS

(Mr. CASEY of Texas asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. CASEY of Texas. During past years on the floor of this Chamber, I have heard my learned colleagues refer to the National Aeronautics and Space Administration as a "wasteful luxury." As you may remember, I have been more than vocal in taking exception to that label.

NASA's past achievements, including landing men on the moon, I feel have more than justified the money Americans have spent on the program. The Agency's activities have stimulated this country's economy by creating new industry and jobs and what may be more important, have captured the imagination of man and crossed international boundaries to achieve a sense of world unity seldom seen in our disjointed world.

In spite of what I feel to be the past advantages of an adequately funded space program, many of you have continued to view NASA as a "wasteful luxury."

The collection of great minds, unparalleled technological capacity and untapped potential at the Manned Spacecraft Center in Houston and at other NASA facilities over the world is unmatched by any university or industry in the world.

With the incredible talent we have assembled at NASA, I have always contended and will continue to assert that there are no technical problems—including pollution of our environment—that cannot be approached and in many cases conquered by the intelligent use of the collected talent at NASA.

I call your attention to an article written by Peter Mosley of the British news service, Reuters, with a dateline in Houston, written at the Manned Spacecraft Center.

The story details a few of the more than 700 experiments which will be carried out by the first earth resources technology satellite due for launch this spring into a near-polar orbit 565 miles above the earth.

This satellite will act as a remote scientific station, relaying information to earthbound scientists regarding such problems as the haze over Los Angeles, land use, environment, and weather in the Great Lakes region of Wisconsin, an inventory of timber resources in U.S. forests, protection of the seacoast and tidal marshes of New Jersey.

The information gathered by this satellite—information which would be difficult or even impossible to gather by any other means—will be used and analyzed by scientists all over the world to solve some complex problems we could solve no other way.

Why even the forests and waters of Wisconsin, so dear to the senior Senator from that State, who has often disagreed with me on the necessity of adequately funding NASA, will benefit from this newest NASA project.

I could go on and name all 700 experiments—including 10 aimed at researching problems in my own home State—but I will let you read for yourselves the benefits the United States and many of our allies will gain from this far-reaching and eventually productive experiment.

After looking into this program, I dare you, I defy you, to label NASA a "wasteful luxury." I do not believe any of you gentlemen would call this satellite project either wasteful or luxurious. Instead, I believe you will agree with me that such a program is vital, useful, imaginative, and resourceful.

I only ask that the next time this Congress has a chance to vote on any bill which sells the space agency short, you remember this particular NASA project and consider the many more like it which could result if the agency would receive the level of funding it so richly deserves.

I think then you will agree with me that NASA, far from being a "wasteful luxury," is the embodiment of man's desire to achieve, improve, and explore and a necessity which we may well not be able to live without.

The article follows:

ABOUT 700 JOBS ASSIGNED ORBITERS

(By Peter Mosley)

HOUSTON.—Hundreds of experiments, ranging from locating icebergs in the Antarctic to spotting locust breeding grounds in Saudi Arabia and analyzing the haze over Los Angeles, are being planned for the space agency's first major examination of mankind's environment.

Scientists from all over the world proposed more than 700 experiments for the two earth-orbiting spacecraft which will conduct the examination with an array of cameras and sensors.

They are the first Earth Resources Technology Satellite (ERTS–A), due for launch next spring into a near-polar orbit 565 miles above earth which will keep it synchronous with the sun, and the three-man Skylab orbiting station planned to start operations about one year later.

So far, the National Aeronautics and Space Administration has accepted about 130 Experiment proposals. They came from scientists in 29 states and the District of Columbia and from 22 foreign countries. Another 270 proposals were rejected, and the rest are being evaluated.

The two earth-survey projects represent NASA's answer to those who say the space program is a wasteful luxury.

Even NASA's foes in Congress stand to benefit from the surveys. Sen. William Proxmire (D-Wis.) and Walter F. Mondale (D-Minn.), who have spearheaded the regular attacks on the space agency's budget, can note two experiments planned for studying the ecology, land planning and weather in the Great Lakes region of Wisconsin, and another for studying land use management in Minnesota.

A total of 10 experiments, however, will focus on Texas, and eight on California.

A cross-section of the experiments indicates the ambitious scope of the projects' domestic studies:

Vegetation damage from highway construction in Maine;

Pollution of Lake Pontchartrain, La.;

Effectiveness of measures to control pink bollworm infestation of cotton in the Imperial Valley of California;

Grazing of wild and domestic animals on public lands in the West;

Protection of the seacoast and tidal marshes of New Jersey;

Land use in the great urban stretch from Boston to Washington, D.C.;

Ecological effects of the Gulf Stream off the East Coast;

An inventory of the timber resources in all the major types of forest in the United States.

The experiment to study the formation and location of Antarctic icebergs was proposed by John L. Hult of Santa Monica, Calif. A NASA spokesman said one aspect of the experiment was to examine the feasibility of towing an iceberg to Los Angeles and using it for drinking water or ice cubes.

Remote sensoring of the haze that frequently hangs in the Los Angeles basin was proposed by Dr. Ernest H. Rogers of the Aerospace Corp. in Los Angeles.

The 32 foreign experiments accepted so far include one proposed by D. E. Pedgley of the Anti-Locust Research Center in London, for detecting potential locust breeding sites in southwest Saudi Arabia.

Other environmental studies will be conducted by scientists in Australia, Brazil, Canada, Chile, Colombia, Ecuador, France, West Germany, Greece, Guatemala, India, Indonesia, Israel, Japan, South Korea, Mexico, Norway, Peru, South Africa, Switzerland and Venezuela.

NASA will fund the U.S.-proposed experiments and foreign experiments will be funded by the countries concerned.

HIGHWAY USER ACT OF 1972

(Mr. SCHWENGEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, Americans today enjoy the finest highway system in the world. They enjoy this wonderful system largely due to two companion acts passed by the Congress in 1956. The acts to which I refer are the Highway Revenue Act of 1956 and the Federal-Aid Highway Act of 1956. Together, these acts have provided the mechanics and the finances necessary to build this great system. This system of highways has greatly facilitated our "fifth great freedom," the freedom of movement of men and goods. All sectors of our economy have benefited a good deal from this highway system. One sector of the economy has made especially productive use of this highway system. I refer, of course, to our great transportation industry, and in particular, the trucking industry.

Mr. Speaker, I am a great admirer of the wonderful success story which is the story of our trucking industry. Our truckers move more ton-miles of goods in the United States than all of the rest of the world put together. Their growth and success have been phenomenal. This immense success story was made possible largely due to the action and leadership of the House Roads Subcommittee and the Congress.

At the time the Highway Revenue Act was passed, it was felt Congress lacked sufficient information on the question of the relative shares of the highway costs which should be borne by various classes of highway users. The Congress directed that a study be undertaken to provide this information.

Section 210 of the Highway Revenue Act of 1956, contained a provision which directed a study as to the basis for—

> An equitable distribution of the tax burden among the various classes of persons using the Federal-Aid highways or otherwise deriving benefits from such highways.

The study was known as the Highway Cost Allocation Study. The final report on the study was due on March 1, 1959, but an extension to January 3, 1961, was granted. The report is contained in House Document No. 54, 87th Congress, First session. The provisions of section 210 required that the study be coordinated with the results of the AASHO road test at Ottawa, Ill. The AASHO tests were not completed at the time the original cost allocation report was submitted. As a result, a supplementary report of the Highway Cost Allocation Study was submitted—House Document No. 124, 89th Congress, first session, dated March 24, 1965.

Mr. Speaker, these reports showed rather dramatically, that certain categories of highway users have not in fact been paying "their fair share" of the cost of our highway programs. I am today introducing a bill which will make certain adjustments in our highway user tax structure to correct these inequities.

In particular, the larger truck combinations, especially those over 55,000 appeared to be paying considerably less than their fair share of the cost of the highway program.

The State of Iowa recently had occasion to utilize the results of the cost allocation study in analyzing their highway user tax structure. A couple of points made in a letter from Mr. Joseph Coupal, director of highways, Iowa State Highway Commission, are of particular interest on this point:

> In our analysis, we have found that generally, truck-tractor semi-trailers are not paying their full share of cost responsibility, based upon an incremental cost study conducted by the Bureau of Public Roads in 1965. The results of this study have been adjusted to reflect the proportionate changes in vehicle miles traveled in Iowa by the several vehicle types, and preliminary figures indicate that truck-tractor semi-trailer combinations have an incremental cost responsibility of 32.5 per cent. Our preliminary figures indicate that this type of vehicle produces 14.3 per cent of the State road use tax fund. We are presently reanalyzing this data, and these percentages are subject to correction....
>
> We have found through the results of the AASHO road test and the Bureau of Public Roads incremental cost study that the road user responsibility for commercial vehicles increases at an accelerating rate as the gross weight increases. The formula that we are suggesting provides for such an accelerated rate per ton of gross weight. . . .
>
> We further believe that there should be a greater than one cent differential between gasoline taxes and diesel fuel taxes. Various studies have indicated that a diesel-powered vehicle obtains twenty-five to thirty-five per cent more miles per gallon than a gasoline-powered vehicle of the same gross weight.

Careful analysis by the Department of Transportation shows a similar pattern of underpayment on a national basis. Figures contained in the publication, "Road-User and Property Taxes," published by the Department of Transportation in 1970 clearly document this point. Based on my analysis of these figures, I find that automobiles pay taxes amounting to 0.1185 cents per ton-mile, while trucks pay only 0.02267 cents per ton-mile. This indicates that automobiles are paying 5.227 times as much in Federal taxes on the fuel they use as do trucks on a ton-mile basis. You must keep in mind too, that trucks have a much higher cost responsibility for highway programs according to Department of Transportation calculations. Trucks should be paying several times more than automobiles rather than the reverse situation which now exists. For this reason, I am today introducing a bill which will make certain adjustments in our highway user tax structure to correct these inequities.

The proposed bill is intended to distribute highway program costs more justly among the different classes of highway users. It would do this by changing the present flat annual tax rate of $3 per thousand pounds of gross weight on trucks and buses in excess of 26 pounds gross weight, to a graduated tax applicable only to vehicle combinations—consisting of a truck-tractor and semitrailer either with or without a full trailer, or a truck with one or more full trailers—and intercity buses. The new rates proposed would range from $3.50 per thousand pounds for a vehicle combination with gross weight between 26,000 pounds and 40,000 pounds, to $9.50 per thousand pounds for vehicles with a gross weight of 70,000 pounds or more. In table form the tax as proposed is as follows:

If the taxable gross weight of such highway motor vehicle is equal to or more than (pounds)—	But less than (pounds)—	The tax for each 1,000 pounds of taxable gross weight or fraction thereof for each taxable period is—	Except that for the taxable period beginning on July 1, 1977, and ending on Sept. 30, 1977, the tax for each 1,000 pounds of taxable gross or fraction thereof is—
26,001	40,000	$3.50	$0.88
40,000	50,000	5.00	1.25
50,000	60,000	6.50	1.63
60,000	70,000	8.00	2.00
70,000	------------	9.50	2.38

In recognition of the much higher mileage obtained by those vehicles using diesel fuel, my bill proposes an increase in the tax on diesel fuel used in highway vehicles to 6 cents per gallon, a raise from the present 4 cents per gallon. The additional mileage obtained through the use of diesel fuel naturally means increased wear and tear on the highways.

The text of my bill is that submitted to the Congress earlier this year by the Secretary of Transportation, John Volpe. Secretary Volpe is to be commended for his courage in proposing the much needed changes. Federal Highway Administrator, Frank Turner, made reference to the Department's bill and their position on it during his testimony before our Roads Subcommittee relative to the big truck bill. He stated:

> This Department has transmitted legislation to the Congress to increase heavy truck user charges so that this class of highway user bears what our previous reports to Congress have indicated to be a more equitable share of the cost of Federally aided highway construction. This legislation would carry out congressional policy as set forth in Section 209(b) of the Highway Revenue Act of 1956. It relates to existing disparities in sharing of costs and should be enacted *before* and *regardless* of whether any increase in size and weights would simply compound the current inequitable distribution. (Emphasis added.)

Mr. Speaker, one point raised by the trucking industry on the question of cost allocation should be clarified here. Representatives of the truckers have referred to a recent revision of the truck use tax tables as a "tax increase without legislation." They have inferred that because of this so-called tax increase without legislation, no further tax increase can be justified. This charge clearly indicates the utter irresponsibility of some of the truckowners.

The question arose as a result of stories early this year by Mr. William Steif of the Scripps-Howard newspapers. Mr. Steif revealed that the Treasury Department was losing $40 to $50 million per year, because the truck use tax tables only covered trucks weighing 60,000 pounds or less. The Internal Revenue Code requires that the Secretary of the Treasury promulgate regulations for determining the taxable gross weight of various types of vehicles. Under the regulations which had been promulgated, a maximum gross weight of 60,000 pounds was the heaviest taxable category. The tables ignored any truck having a total gross weight in excess of 60,000 pounds.

So what we really had was a gigantic tax loophole through which the truckers were happily rolling their big rigs. The loophole was created by the negligence of Internal Revenue officials in failing to change the tax table. Secretary Kennedy has quickly moved to bring the tax table up to date and thus close the loophole.

The point I would make is this, not only was there no "administrative tax increase," but there is a real question of whether or not the truckers owe "back taxes" for the heavier rigs operated during this period. Certainly, the updating of the truck use tax tables is not a valid reason for delaying the enactment of the Highway User Act of 1969.

The enactment of H.R. 10947, the Revenue Act of 1971, will cause an estimated loss of $360 million annually in trust fund receipts, due to the repeal of the 7-percent excise provision on light trucks. While I supported this provision of the Revenue Act, I feel that enactment of the bill which I am introducing today will go far toward restoring the loss to the trust fund. By my estimates, the bill which I am introducing today will bring in approximately $295 million per year in excise tax revenues.

Mr. Speaker, the text of this bill was originally submitted to you by the Secretary of Transportation, John Volpe, on July 28, 1969. I introduced the bill as H.R. 15106 in the 91st Congress, and as H.R. 455 in the first session of this Congress. I am reintroducing the bill at this time, because of minor changes made in it, principally due to enactment of the Federal Aid Highway Act of 1970, which extended the termination date of the excise taxes involved here.

The text of my new bill, together with a section-by-section analysis follows:

H.R. 12429

A bill to provide additional revenues for the Highway Trust Fund and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 101. SHORT TITLE.

(a) Short Title.—This Act may be cited as the "Highway User Act of 1972".

(b) Amendment of 1954 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SECTION 102. TAX ON SPECIAL FUELS.

(a) Section 4041 (a) and (b) (relating to tax on special fuels) is amended to read as follows:

"(a) Motor Vehicles.—

"(1) In general.—Except as provided in paragraphs (2) and (3), there is hereby imposed a tax of 2 cents a gallon upon any liquid (other than any product taxable under section 4081)—

"(A) sold by any person to an owner, lessee, or other operator of a motor vehicle, for use as a fuel in such vehicle; or

"(B) used by any person as a fuel in a motor vehicle unless there was a taxable sale of such liquid under this section.

"(2) Diesel-powered highway vehicles.—In lieu of the tax imposed by paragraph (1), there is hereby imposed a tax of 6 cents a gallon upon any liquid (other than any product taxable under section 4081)—

"(A) sold by any person to an owner, lessee, or other operator of a diesel-powered highway vehicle, for use as a fuel in such vehicle; or

"(B) used by any person as a fuel in a diesel-powered highway vehicle unless there was a taxable sale of such liquid under this section.

"(3) Other highway vehicles.—In lieu of the tax imposed by paragraph (1), there is hereby imposed a tax of 4 cents a gallon upon any liquid (other than any product taxable under section 4081)—

"(A) sold by any person to an owner, lessee, or other operator of a highway vehicle (other than a diesel-powered highway vehicle), for the use as a fuel in such vehicle; or

"(B) used by any person as a fuel in a highway vehicle (other than a diesel-powered highway vehicle) unless there was a taxable sale of such liquid under this section.

"(4) Definition of highway vehicle.—For purposes of this chapter, the term 'highway vehicle' means a motor vehicle—

"(A) which is registered, or required to be registered, for highway use under the laws of any State or foreign country, or

"(B) which, if owned by the United States, is used on the highway.

"(b) Special Motor Fuels.—There is hereby imposed a tax of 2 cents a gallon on benzol, benzene, naphtha, liquefied petroleum gas, casinghead and natural gasoline, or any other liquid (other than kerosene, gas oil, or fuel oil, or any product taxable under section 4081 or subsection (a) of this section)—

"(1) sold by any person to an owner, lessee, or other operator of a motorboat for use as a fuel in such motorboat; or

"(2) used by any person as a fuel in a motorboat unless there was a taxable sale of such liquid under paragraph (1)."

(b) Section 4041(d) (relating to tax on special fuels) is amended to read as follows:

"(d) Additional Tax.—If a liquid on which tax was imposed on the sale thereof is taxable at a higher rate on the use thereof under this section, there is hereby imposed a tax equal to the difference between the tax so imposed and the tax payable at such higher rate."

SECTION 103. TAX ON USE OF CERTAIN VEHICLES.

Section 4481(a) (relating to tax on use of certain highway motor vehicles) is amended to read as follows:

"(a) Imposition of Tax.—A tax is hereby imposed on the use of any highway motor vehicle, other than a single unit truck, as follows:

If the taxable gross weight of such highway motor vehicle is equal to or more than (pounds)—	But less than (pounds)—	The tax for each 1,000 pounds of taxable gross weight or fraction thereof for each taxable period is—	Except that for the taxable period beginning on July 1, 1977, and ending on Sept. 30, 1977, the tax for each 1,000 pounds of taxable gross weight or fraction thereof is—
26, 001	40, 000	$3. 50	0. 88
40, 000	50, 000	5. 00	1. 25
50, 000	60, 000	6. 50	1. 63
60, 000	70, 000	8. 00	2. 00
70, 000		9. 50	2. 38

SECTION 104. HIGHWAY TRUST FUND.

Section 209 of the Highway Revenue Act of 1956 (relating to the highway trust fund) is amended as follows:

(a) Subsection (c)(1)(A) (relating generally to transfer to trust fund of amounts equivalent to certain taxes) and subsection (c (3)(A) (relating to liabilities incurred before October 1, 1977, for new or increased taxes) are amended by striking out "under sections 4041 (taxes on diesel fuel and special motor fuels)" and inserting in lieu thereof "under sections 4041 (tax on special fuels)".

(b) Subsection (e)(1) (relating to management of trust fund in general) is amended by striking out "Commerce" and inserting in lieu thereof "Transportation".

(c) Subsection (f) (relating to expenditures from trust fund) is amended as follows:

(1) Paragraph (1) (relating to Federal-aid highway program) is amended to read as follows:

"Amounts in the Trust Fund shall be available as provided by appropriation acts, for making expenditures to meet obligations of the United States which are attributable to Federal-aid highways or as otherwise specifically authorized to be appropriated from the Trust Fund by Federal-aid highway legislation and to general administrative expenses of the Federal Highway Administration in carrying out the programs to be financed from the Trust Fund."

(2) Paragraph (5) (relating to transfers from the trust fund for special motor fuels and gasoline used in motorboats) is amended by striking out "Commerce" and inserting in lieu thereof "Transportation".

(d) Subsection (g) (relating to adjustments of apportionments) is amended by striking out "Commerce" each place it appears and inserting in lieu thereof "Transportation".

SECTION 105. EFFECTIVE DATE.

The amendments made by this Act, except by section 103, shall apply to sales or uses occurring on or after the first day of the first calendar month beginning more than sixty days after enactment of this Act. This amendment made by section 103 shall be effective with respect to use on and after July 1, 1972.

SECTION-BY-SECTION ANALYSIS PROPOSED HIGHWAY USER ACT OF 1972

SECTION 101—SHORT TITLE; AMENDMENT OF 1954 CODE

Section 101(a) of the bill provides that the Act may be cited as the "Highway User Act of 1972".

Section 101(b) of the bill provides that, unless otherwise specified, references are to sections or other provisions of the Internal Revenue Code of 1954.

SECTION 102—TAX ON SPECIAL FUELS

Section 102 amends section 4021(a) and (b) and section 4021(d) of the Internal Revenue Code (relating to tax on special fuels).

Present Law.—Under present law, diesel fuel is taxed under section 4041(a) and special motor fuels are taxed under section 4041(b). The general rate of tax on both diesel fuel and special motor fuel is 4 cents a gallon, but the effective rate of tax varies according to the use of the fuel and the type of fuel. For example, liquids (other than gasoline) sold for use or used as fuel in a diesel-powered highway vehicle which is registered or required to be registered for highway use are taxed as diesel fuel at the 4-cent-per-gallon rate. If such vehicle is not registered or required to be registered for highway use, the tax is 2 cents per gallon. Similarly, the special motor fuel tax of 4 cents a gallon is imposed on designated fuels (such as benzol, benzene, etc.) sold for use or used as a fuel in a motor vehicle or motorboat. However, the rate of tax on special motor fuels is only 2 cents per gallon where sold for use or used in a vehicle (including a motorboat) other than a highway vehicle.

The amendment made by section 102(a) of this bill is designed to change the rate of tax applicable in certain cases and to clarify the present system of taxing diesel fuel and special motor fuels by reorganizing section 4041. Thus, subsection (a) imposes tax on liquids sold for use or used as fuel in motor vehicles, while subsection (b) imposes tax on liquids sold for use or used as fuel in motorboats.

Motor Vehicles.—Under the bill subsection (a) of section 4041 will impose a tax on fuel sold for use or used in motor vehicles.

Paragraph (1) of subsection (a) provides the general rule that, except as provided in paragraphs (2) and (3), any liquid (other than gasoline) sold for use or used as a fuel in a motor vehicle is subject to tax at the rate of 2 cents per gallon, the same rate as generally applicable under present law.

This is a change from present law wherein some liquids (including kerosene, gas oil, and fuel oil) are not subject to tax unless sold for use or used in diesel-powered highway vehicles. It is desirable to remove the possible competitive advantage accorded fuels not presently subject to tax.

Paragraph (2) of section 4041(a) imposes a tax of 6 cents a gallon (as compared to 4 cents a gallon under present law) on any liquid (except gasoline) sold for use or used in a diesel-powered highway vehicle.

Paragraph (3) of section 4041(a) imposes a tax of 4 cents a gallon on any liquid (except gasoline) sold for use or used in highway vehicles which are not diesel-powered.

Paragraph (4) of section 4041(a) defines "highway vehicle" for purposes of chapter 31 to mean a motor vehicle which is registered, or required to be registered, for highway use under the laws of any State or foreign country, or which, if owned by the United States, is used on the highway. This definition is consistent with present law.

Special Motor Fuels.—Under this bill subsection (b) of section 4041 continues the present tax on special motor fuels (benzol, benzene, naphtha, liquefied petroleum gas, casinghead and natural gasoline, or any other liquid (other than kerosene, gas oil, or fuel oil or any product taxable under section 4081 or subsection (a) of section 4041)). The bill deletes the reference to motor vehicles in this subsection because all fuel used in such vehicles is taxable under section 4041 (a). Hence, subsection (b) will only apply a tax of 2 cents a gallon on these fuels when sold for use or used in motorboats in order to preserve existing law.

Additional Tax.—Subsection (d) of section 4041 provides for the imposition of an additional tax if a liquid is subject to tax at a higher rate on the actual use made of such liquid than the rate levied on its sale. This additional tax is equal to the difference between (a) the tax imposed on the sale of such liquid and (b) the tax payable at such higher rate on the use thereof.

SECTION 103—TAX ON USE OF CERTAIN VEHICLES

Section 103 of the bill amends subsection (a) of section 4481 (relating to imposition of tax on use of certain highway motor vehicles) by increasing the rate of tax and by instituting a graduated rate system. Under present law the rate of tax is $3 for each 1,000 pounds of taxable gross weight or fraction thereof if the taxable gross weight is more than 26,000 pounds. The rates imposed by section 4481(a) as amended by the bill on each 1,000 pounds of taxable gross weight or fraction thereof for each year are:

Taxable gross weight equal to or more than—	But less than—	Rate
26,001 pounds	40,000 pounds	$3. 50
40,000 pounds	50,000 pounds	5. 00
50,000 pounds	60,000 pounds	6. 50
60,000 pounds	70,000 pounds	8. 00
70,000 pounds		9. 50

Provision is made for proration of the tax for the taxable period beginning on July 1, 1977, and ending on September 30, 1977 (the day immediately preceding the date on which the tax is scheduled to terminate).

In accordance with the Highway Cost Allocation Study conducted by the Bureau of Public Roads, section 4481(a), as amended by section 103 of the bill, modifies existing law to provide that the tax shall not apply to single-unit trucks. Thus, the tax would apply only to combination trucks and trailers, tractors and trailers, and buses. This section would also amend section 4481(a) so as to reflect the rate of tax which is applicable for the portion of the fiscal year between the end of the last full fiscal year and the date of the termination of the trust fund.

SECTION 104—HIGHWAY TRUST FUND

Section 104 of the bill amends the Highway Trust Fund provisions in section 209 of the Highway Revenue Act of 1956, as amended.

Subsection (a) of section 104 of the bill amends subparagraph (A) of sections 209(c) (1) and (3) of the Highway Revenue Act to provide for the transfer to the Highway Trust Fund of taxes collected on the sale or use of special fuels as imposed by section 4041 of the code as amended by section 102 of the bill.

All revenues from the present tax on special fuels imposed by section 4041 of the code now are transferred to the Highway Trust Fund. Currently, estimated revenues from the tax on special motor fuels used in all motorboats are now and would continue to be transferred from the Highway Trust Fund to the Land and Water Conservation Fund.

Subsection (b) of section 104 of the bill amends paragraph (1) of section 209(e) (relating to management of trust fund in general) of the Highway Revenue Act by changing "Secretary of Commerce" to "Secretary of Transportation" to reflect transfer of these functions by the Department of Transportation Act.

Subsection (c)(1) of section 104 of the bill amends section 209(f)(1) of the Highway Revenue Act relating to the date during which expenditures may be made from the trust fund. Present law terminates such expenditures on October 1, 1977; this bill amends section 209(f) so as to make available the revenue transferred to the trust fund for the payment of expenditures after September 30, 1977, attributable to obligations incurred on or before that date in connection with the Federal-aid highway program. A clarifying amendment is made in the language relating to general expenses. Also, the bill deletes the reference to Bureau of Public Roads made necessary due to the creation of the Federal Highway Administration.

Subsection (c)(2) amends section 209(f)(5) of the Highway Revenue Act by changing "Secretary of Commerce" to "Secretary of Transportation" to reflect transfer of functions under that subsection by the Department of Transportation Act.

Subsection (d) amends section 209(g) relating to adjustments of apportionments by changing "Secretary of Commerce" to "Secretary of Transportation" to reflect transfer of functions under that subsection by the DOT Act.

SECTION 105—EFFECTIVE DATE

Section 105 of the bill sets forth the effective date of the amendments contained in the bill.

Section 105 provides that the amendments made by the bill, except section 103, shall apply to sales or uses occurring on the first day of the first calendar month beginning more than sixty days after enactment of the Act. The amendment made by section 103 shall apply to uses occurring on and after July 1, 1972.

CHATTANOOGA JUDGE ATTACKS COURT-ORDERED BUSING

(Mr. BAKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER. Mr. Speaker, last week in Chattanooga, Tenn., Circuit Court Judge Joe Hunter handed down an order prohibiting expenditure of the taxpayers' funds for busing to achieve numerical racial balance in our city's school system.

Responding to a lawsuit brought by concerned Chattanooga parents, Judge Hunter ruled no new funds may be appropriated for busing and ordered the city to stop spending money already earmarked for this purpose.

This is another chapter in the conflict between the people and the Supreme Court of the United States. The question becomes, "Will the wishes of the people be respected?" This query becomes particularly important when over 80 percent take the same position on a question, as they have overwhelmingly against court-ordered crosstown busing of our young people.

I believe this is one battle the people will win, with freedom of choice and right of individual determination being upheld in the American system.

Judge Hunter stated, and rightfully so:

> The concept (of forced busing to achieve racial balance) violates the laws of reasoning and even sanity. It endangers and jeopardizes the health and lives of hundreds of small children. It creates unbelievable traffic conditions. It gets small children out before daylight to go to school.
>
> It is disturbing the minds of citizens and their tranquility. It disrupts the neighborhood's whole concept of the American way of life, and it depreciates quality education. In addition to being illegal, it is feared and despised by the vast majority of people in this nation, and in the opinion of the court, it should not be allowed.

Our proposed constitutional amendment to outlaw assignment of a student to any school on the basis of race, color, or creed remains in the House Committee on the Judiciary. More than 125 of my colleagues and I have joined in signing a petition to discharge the measure so that the representatives of the people may vote upon it. Judge Hunter's remarks point up once again the very significant reasons for passage of this amendment during this session.

THE NEW IMMIGRATION—1970

The SPEAKER. Under a previous order of the House, the gentleman from Missouri (Mr. HALL) is recognized for 20 minutes.

Mr. HALL. Mr. Speaker, when Congress was considering the Kennedy-Johnson immigration bill, now the act of October 3, 1965, Public Law 89-236, I cautioned that if enacted this law would do several things of questionable value to the Nation, including the following:

> It would increase immigration at a time when the nation was already suffering from the social and economic problems of overpopulation and unemployment.
>
> It would shift the source of our immigration from the countries of northern and western Europe, which founded the nation and gave to it its language, culture and political institutions, and thus would discriminate against the majority of our citizens.
>
> It would in a generation or so bring about vast and radical changes in the culture and institutions of this nation because the population would be ethnically changed in composition.
>
> It would accentuate political and social unrest by increasing racial minorities out of proportion to their numbers in our population, so that the chaos and riots of the 1960's would be tame in comparison to those of the future.

I stand upon these predictions. I was, perhaps, too cautious, because they are coming true faster than anticipated.

The 1970 annual report of the Immigration and Naturalization Service is now available to the public and to Members of Congress from the Superintendent of Documents, U.S. Government Printing Office. This 130-page report is carefully prepared by experts, and is the official record of what is being done under the Kennedy-Johnson first-come, first-served immigration law of 1965. I quote one paragraph from page 4 of the report:

> There has been a significant shift in the ethnic makeup of immigrants coming to this country. The flow of English, Irish, German, and Scandinavian immigrants of past years has slowed considerably, and, in their place, more immigrants are coming from Asia and from Southern and Eastern Europe. Thus, while total immigration to the United States in 1970 was up 26 percent over that of 1965 (the last full fiscal year prior to the Act of October 3, 1965), immigration from Northern and Western Europe dropped 54 percent. At the same time, immigration from Asia increased 369 percent; from Southern and Eastern Europe it increased 121 percent.

The following table from page 5 of the report gives a country-by-country breakdown of these regional totals:

IMMIGRANTS BORN IN SPECIFIED COUNTRIES AND AREAS: PERCENT CHANGE, 1965 VERSUS 1970

Country of birth	Fiscal year—		Percent change 1965–70
	1965	1970	
Total immigrants	296, 697	373, 326	+25.8
Total, Northern and Western Europe	76, 816	35, 112	−54.3
Austria	1, 680	888	−47.2
Denmark	1, 384	602	−56.5
France	4, 039	2, 477	−38.7
Germany	24, 045	9, 684	−59.7
Ireland	5, 463	1, 562	−71.4
Netherlands	3, 085	1, 457	−52.8
Norway	2, 256	539	−76.1
Sweden	2, 411	722	−70.1
Switzerland	1, 984	1, 051	−47.0
United Kingdom	27, 358	14, 158	−48.3
Other Northern and Western Europe	3, 111	1, 972	−36.6
Total, Southern and Eastern Europe	37, 513	82, 994	+121.2
Czechoslovakia	1, 894	4, 520	+138.6
Greece	3, 002	16, 464	+448.4
Hungary	1, 574	1, 770	+12.5
Italy	10, 821	24, 973	+130.8
Poland	8, 465	3, 585	−57.7
Portugal	2, 005	13, 195	+558.1
Romania	1, 644	1, 768	+7.5
Spain	2, 200	4, 139	+88.1
Turkey	905	2, 067	+128.4
U.S.S.R	1, 853	912	−50.8
Yugoslavia	2, 818	8, 575	+204.3
Other Southern and Eastern Europe	332	1, 026	+209.0
Total, Asia	19, 778	92, 816	+369.3
China [1]	4, 057	14, 093	+247.4
Hong Kong	712	3, 863	+442.6
India	582	10, 114	+1, 637.8
Iran	804	1, 825	+127.0
Israel	882	1, 980	+124.5
Japan	3, 180	4, 485	+41.0
Jordan [2]	702	2, 842	+304.8
Korea	2, 165	9, 314	+330.2
Philippines	3, 130	31, 203	+896.9
Other Asia	3, 564	13, 097	+267.5
Total, North America	126, 729	129, 114	+1.9
West Indies	37, 583	61, 403	+63.4
Cuba	19, 760	16, 334	−17.3
Dominican Republic	9, 504	10, 807	+13.7
Haiti	3, 609	6, 932	+92.1
Jamaica	1, 837	15, 033	+718.3
Trinidad and Tobago	485	7, 350	+1, 415.5
Other West Indies	2, 388	4, 947	+107.2
Other North America	89, 146	67, 711	−24.1
Total, South America	30, 962	21, 973	−29.0
Total, Africa	3, 383	8, 115	+139.9
Total, Oceania	1, 512	3, 198	+111.5
Other countries	4	4	0

[1] Includes Taiwan.

[2] Includes Arab Palestine.

I do not doubt that many of the new immigrants will make good citizens. Good citizenship does not necessarily depend upon the color of a man's skin. But, there is no evidence to justify an optimistic conclusion that it will inevitably benefit this Nation for these people of alien cultures to come here. It is their "problems" and "concepts," which have kept their nations of origin from being great countries, with benefits of liberty and prosperity for their citizens. There is just no evidence upon which to assume that they will adopt America's ways. The largest increases in immigration are of those peoples in our national experience has shown to have the least disposition to assimilate. They are those who have been the exception to the rule, and thus disproved the "melting pot" theory, that immigrants will always adopt an American character. Specifically, I wonder just how this Nation benefits from a decline of 54.3 percent in immigration from Northern and Western Europe while we have an increase of 442.6 percent from Hong Kong, 247.4 percent from China, 1,637.8 percent from India, 896.9 percent from the Philippines, 718.3 percent from Jamaica, and 1,415.5 percent from Trinidad and Tobago? This is what the Kennedy-Johnson bill has done since it became law in 1965 and the trend is speeding up. These are the facts of record. I do not want anybody to say when the roof finally falls in, "Oh, if someone had only warned me."

A few additional random statistics from the 1970 annual report of the Immigration and Naturalization Service are pertinent. The number of immigrants in the fiscal year 1970 must be compared by areas in order to get the full impact of the change wrought by the 1965 Immigration Act. For instance, in the fiscal year 1970 only 35,112 immigrants were permitted from Northern and Western Europe, a 54.3-percent decline. Immigration from Southern and Eastern Europe shot up 121.2 percent to a total for 1970 of 82,994. Asia went up 369.3 percent to 92,816. The West Indies went up 63.4 percent to 61,403. Africa went up 139.9 percent to 8,115. In other words, the region of the world formerly furnishing most of our immigrants has declined rapidly, as the first-come, first-served concept of immigrant selection has given the edge to those areas of the world of greatest population pressures, poverty, and political instability. A good example of this is Germany. In the 1965 fiscal year she furnished 24,045 immigrants and in 1970 only 9,684, a decline of 59.7 percent. Ireland's immigration fell 71.4 percent from 5,463 to only 1,562. The United Kingdom fell 48.3 percent from 27,358 to 14,158. At the same time, Portugal's immigration increased 558.1 percent from 2,005 to 13,195. Communist Yugoslavia increased 204.3 percent from 2,818 to 8,575. China and Hong Kong now furnish more immigrants than the United Kingdom and about twice as many as Germany. India furnishes more immigrants to us than any nation in Northern and Western Europe except the United Kingdom, and India is rapidly approaching parity there and will soon exceed the English-speaking immigrants. The Philippines have already done so. In 5 years they have increased 869.9 percent from 3,130 to 31,203 for the 1965 and 1970 fiscal years, respectively.

The Dominican Republic, Haiti, Jamaica, Trinidad, Tobago and the other West Indies furnished 9,975 more immigrants to the United States in 1970 than all of Northern and Western Europe put together. By this I mean more than the combined totals of Austria, Denmark, France, Germany, Ireland, Netherlands, Norway, Sweden, Switzerland, and the United Kingdom.

Scarcely a day goes by that we do not read of the problems the new immigration policy is bringing to America. In the last few days I have read in the press of the crowded conditions and of the increase in crime in the Manhattan and San Francisco Chinatowns. We read of Paterson, N.J., where a third of the 143,000 population is Spanish-speaking and of the housing, social service, and educational costs this is creating for the taxpayers. Similar problems are developing in the District of Columbia, Florida, Texas, California, and elsewhere. And so the story goes. As in the past, New York remains the State in which most immigrants take up residency with 26.2 percent, but California is second with 19.9 percent and growing. However, all States are now building up large blocs of unassimilable aliens within their populations.

In January 1970, a total of 4,247,377 aliens reported their addresses as required by law. This is a 6.1 percent increase over 1969. Of the total reporting, 87.6 percent were listed as permanent residents in the United States. The largest single nationality group was Mexican with 734,119 reporting. Of these, 97.3 percent were permanent resident aliens, and 81.2 percent of these resident alien Mexicans were living in California and Texas. The West Indies made up the second largest group of aliens with 613,249 reporting. Registered Asian aliens numbered 491,150.

In addition to the aliens legally admitted into this country, there continues to be an increase in the number of illegal entrants. During fiscal 1970, 345,353 deportable aliens were apprehended, an increase of 22 percent over fiscal year 1969. Of this total, 277,377, or 80 percent, were deportable Mexicans. The Immigration Service is doing a fine job within the limits of its manpower to stem the tide of illegal aliens storming our gates and burrowing under them. Prosecutions and convictions for immigration violations have increased. It seems that all problems of immigration enforcement have turned for the worse under the liberal first-come, first-served Kennedy-Johnson law of 1965. The magnitude of the task of border inspection boggles the mind. During the 1970 fiscal year, 97,097,498 citizens and 134,500,887 aliens were inspected and admitted as immigrants or nonimmigrants. It is small wonder that there has been an ascertainable 59-percent increase in smuggled aliens who are deportable and that the alien subversives and criminal classes have sorely taxed the capacity of authorities to cope with them. Understandably then, our U.S. welfare roles increase.

The sobering fact is that in each year since the 1965 act became the law, immigration into this country has soared and has exceeded each year any prior year, back to 1924 and 1927. Many of the most severe problems facing mankind can be traced to overpopulation. The United States cannot solve the overpopulation problems of the world by continually opening more widely its doors to immigrants on this first-come, first-served basis. Our own problems are only being made worse. The 29-percent increase in immigration in the past 5 fiscal years, 1966–70, over the 5 years prior to that, can be attributed solely to the new Kennedy-Johnson immigration formula, relaxing immigration restrictions. However noble the professed intentions of the supporters of this legislation, it is not serving the national interest. It is time to lower the immigration ceiling. It is time to show that we are not intimidated by false cries of racism and bigotry, when all we seek to do is to preserve our freedom and way of life for our children and grandchildren. And when all we seek to do is to preserve our God-given natural resources for our own development as set forth in the words of Daniel Webster in the quotation over the dais of the Speaker.

HAWAII OCEAN COMMERCE PROTECTION ACT, H.R. 12362, URGENTLY NEEDED: THE WEST COAST SHIPPING STRIKE

The SPEAKER pro tempore (Mr. GALIFIANAKIS). Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 15 minutes.

Mr. MATSUNAGA. Mr. Speaker, the west coast shipping strike has been resumed as of yesterday. In anticipation of this eventuality, just 2 days before the end of the first session of the 92d Congress, I introduced H.R. 12362, the proposed Hawaii Ocean Commerce Protection Act. I am taking this time today so that I might explain the provisions of my bill, offer my reasons for introducing it, and ask the support of my colleagues for the passage of this necessary legislation.

As my colleagues are aware, a longshoremen's strike shutdown west coast ports on July 1, 1971, and continued unabated until Federal court injunctions forced a return to work on October 9. During that 100-day strike period, neither shipping companies nor maritime labor unions gained anything, since profits and wages simply ceased to exist; but the real victims of the strike were the innocent bystanders who were not parties to the dispute. Farmers in the western United States, for example, found there was no way to export their products and suffered heavy economic losses; and by far the most severely affected by the tie-up were the people of the State of Hawaii, whose health, safety, and economic well-being became more precarious each day the strike continued. Separated by thousands of miles of ocean from the rest of the United States, Hawaii found that life's essentials could not be brought to the islands, that Hawaii's own agricultural products were cut off from their markets, that already high prices were forced even higher, and that unemployment by November of last year had reached 6.4 percent, the highest rate recorded in Hawaii since figures have been compiled.

When surface ships and barges cannot reach Hawaii from the west coast, the effect is as devastating as that of a total stoppage of all land transportation into a landlocked State on the mainland. When ocean commerce shuts down for any reason, it is as if a Midwestern State were suddenly deprived of truck, train, and auto transit simultaneously. That is, in effect, what happened to Hawaii during the 1971 strike.

During those 100 days, I called on President Nixon time after time to use the powers at his disposal to alleviate the hardships being suffered by the people of Hawaii. He could have provided Government ships to carry needed goods between the mainland and Hawaii. That is what President Truman did in 1949, during the devastating Hawaii dock strike which stretched from May 1 to October 24, nearly 6 months. Mr. Nixon could also have invoked the provisions of the Taft-Hartley Act at a much earlier point, as President Kennedy did after 27 days of a Pacific coast-Hawaii walkout in 1962.

Last year, despite repeated urgings by me and scores of other interested parties, President Nixon chose to do neither of these things. In fact, it was not until the east and gulf coast longshoremen went on strike in October that Mr. Nixon finally saw fit to seek a Taft-Hartley injunction, under which the people of Hawaii were granted an 80-day respite from the crippling tieup.

The inconsistency in the exercise of the Presidential powers, even when it results from good faith judgments by the Federal officials involved, demonstrate the need for placing the authority to alleviate the hardship in Hawaii in a position closer to those responsible directly for the welfare of the State and its people.

To meet this most urgent need and to prevent a recurrence of the 1971 series of events, I have introduced H.R. 12362, the Hawaii Ocean Commerce Protection Act. At my urging, the House Education and Labor Committee has already requested reports on my bill from the appropriate executive agencies, and I am hopeful for early hearings and committee approval.

Mr. Speaker, H.R. 12362 would make a congressional finding that the welfare of the people of Hawaii could stand no more than a 30-day interruption in surface water transportation from the west coast because of any labor dispute. At that point, if requested to do so by the Governor of Hawaii, the President would be mandated to provide the necessary vessels to restore the normal flow of goods between the mainland and Hawaii. If necessary, the President could charter private ships and hire private workers to fulfill this obligation, but neither ships nor workers could be from management or labor involved in the dispute itself.

There are unique advantages offered by my proposal. First, Hawaii would be given automatic relief from any stoppage in surface water transportation which lasts for 30 or more days; and, second, the integrity of the collectvie bargaining system would not be compromised. The parties to the dispute would not be required to accept a settlement imposed upon them by a third party. They would, however, be encouraged to negotiate an early settlement, for so long as the strike continues, both sides would continue to suffer the same economic loss as if there was no resumption of shipping. As stated earlier, none of the ships and none of the workers involved in the strike would be put back into operation or be ordered back to work by the Presidential order.

I should point out, Mr. Speaker, that my bill is patterned closely after S. 2836, introduced by my good friend and colleague from Hawaii, Senator DANIEL K. INOUYE.

Hearings on S. 2836 by the Senate Commerce Subcommittee on Merchant Marine begin today in Honolulu.

Mr. Speaker, Hawaii's unique insularity, and its resultant nearly total dependence on shipping to carry ordinary consumer, commercial and industrial goods, demand that action be taken to prevent a recurrence of crippling tie-ups like the one Hawaii has just experienced. I believe that H.R. 12362 represents the appropriate action and urge its support.

I include at this point a section-by-section analysis of my bill:

SECTION-BY-SECTION ANALYSIS

HAWAII OCEAN COMMERCE PROTECTION ACT (H.R. 12362)

(Introduced December 15, 1971 by Congressman SPARK M. MATSUNAGA of Hawaii)

SECTION 1. Short title.

SEC. 2. Congressional Findings.

To maintain the health, safety, and welfare of the people of the State of Hawaii surface water transportation between the State and the United States mainland is required. The cessation of such transportation for more than 30 days would be inimical to the best interests of Hawaii. Previous cessations or reductions have resulted in irreparable harm to the people and economy of Hawaii, and new legislation is required.

SEC. 3. Congressional Purposes and Policies.

It is the purpose of this Act to regulate commerce so as to insure that no maritime or longshore dispute of more than 30 days will imperil the health, safety, or welfare of the people of Hawaii.

SEC. 4. Definitions of terms.

SEC. 5. Governor's Discretionary Powers.

The Governor of Hawaii may, 31 days after the major seaports of either Hawaii or of the west coast are obstructed or closed due to a strike or lockout or other form of labor strife or discord in either the maritime or longshore industry, request the President to furnish remedial assistance.

SEC. 6. President's Mandatory Powers.

The President *shall* comply with the request from the Governor of Hawaii by immediately making available for public use whatever vessels, either owned or chartered by the United States Government, and whatever supporting seaport facilities are necessary, for the earliest possible resumption of maritime commerce both to and from Hawaii. If the vessels which the President is empowered to provide are already engaged in national emergency relief or national defense, the President shall charter whatever vessels the Governor deems necessary.

But the President shall under no circumstances charter vessels which are owned by any of the parties involved in a labor dispute which is obstructing or closing the major seaports of either Hawaii or of the west coast, or hire any personnel who are members of a labor union which is engaged in such dispute.

SEC. 7. Separability clause.

SEC. 8. Effective date.

Effective immediately upon enactment.

TRIBUTE TO WALTER TROHAN, EMERITUS WASHINGTON BUREAU CHIEF, CHICAGO TRIBUNE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DERWINSKI) is recognized for 30 minutes.

Mr. DERWINSKI. Mr. Speaker, I have asked for this time under a special order to pay tribute to Walter Trohan, the emeritus Washington bureau chief of the Chicago Tribune's Washington office who retired on December 31, 1971, after 43 years of service with the Tribune.

In most of his long and illustrious career with the Tribune, Walter Trohan served in Washington and earned a very deserving reputation for his penetrating analysis of the Washington scene, his objectivity, and his unusual perceptiveness of political and governmental developments.

All of us who know Walter appreciate his journalistic talents and recognized him as one of the most penetrating observers on the Washington scene. I am pleased that so many of my colleagues from Illinois have joined me in this special tribute to a dear friend.

Mr. Speaker, at this point I wish to insert in the RECORD the farewell column by Walter Trohan, which appeared in the Friday, December 31, 1971, Tribune:

TROHAN BIDS HAIL AND FAREWELL

(By Walter Trohan)

WASHINGTON, Dec. 30.—Ave atque vale—hail and farewell—were the simple but moving words of the Roman poet, Gaius Valerius Catullus, at the tomb of his brother beside the pines of the Appian Way. They will serve fittingly to mark the last rites of this 12-year-old column and the end of almost 43 years of service on THE TRIBUNE, more than 37 of them in Washington and various world capitals.

In these columns the ever burning desire has been to light what Biblical apocrypha so illuminatively terms, "a candle of understanding." Perhaps if I had begun these writings earlier, I might have reached for Jove's lightning, a sky piercing searchlight, or even a book burning torch.

As it was, I was content to strive for a small flame, one that might throw some light into a dark corner or lengthen a shadow in history. I sought for a warm light, a friendly light; one that like a dinner candle would lend grace and beauty to the table and a fine reflected glow to the wine of knowledge.

Often I was far from the mark and frequently I lost sight of my purpose, being in sore need of light for my own way. I was not always mellow or friendly. In fact, in looking back over the years, I wonder whether I was not sometimes unconsciously seeking to rival the medieval scholar, who planned a book under the title: De Omni re Scibili et Quibusdam Aliis—Of Everything Knowable and Several Other Things.

I tried to keep the faith—in God, country and my fellow man. I did maintain my loyalty, first to the man and then to the memory of the man who made my way and purpose possible, the late Robert R. McCormick, editor and publisher of THE TRIBUNE. Also, it was ever my aim to offer some knowledge with whatever I wrote, so that if I did not convince I did educate in history, literature and the arts, especially in music, the greatest and most moving.

How well I succeeded, if at all, I can never know. I have been cheered over the years by many glowing and encouraging letters and aided by many interesting and penetrating suggestions. I was helped as well by a share of criticism and even abuse, at times loud and even violent but always studied as representing an expression of a point of view I might not have taken into proper consideration.

Writing is not the easiest road for making one's way thru life. Not only is it hard work, but it is a road on which one is forever forced to measure himself against what he ought to be or ought to do. Even at best, one is constantly aware he could do much better if he were wiser, more gifted, more retentive and more responsive.

Of course, with all the agony there is much satisfaction. There is a solemn pride in serving a great man and in being part of a great institution. There is excitement in seeing the world and observing scenes of crises. There is fascination in attaining varying degrees of intimacy with men and women who are making the world we live in or influencing its thought. This is especially true because one is not isolated from the common people, but walks and talks and lives among them to win a balance the leaders do not know.

It has been a rare, if trying privilege, to serve as the eyes and ears of so many of you, both as a reporter and a commentator, a service that actually began a half century ago on graduation from high school and which was interrupted only by four years in college. In being able to render this service, I have been among the luckiest of men. If I had it all to do over again, I would go the same way, concerned only about doing it better and more effectively than before.

And so, in my farewell, may I thank each and every reader over the long corridor of years, because you have all helped to make this good life possible and may the good Lord bless you and make the light of His face shine upon you now and forever.

Walter and his wife, Carol, have been planning for their retirement and have built a home in the beautiful Irish countryside in Shannon. There Walter will work on his memoirs, but, knowing him as I do, I am sure he will keep a lively eye on developments in Europe and he will surely maintain his contacts with the thousands of friends he has made during his great career.

Mr. Speaker, I wish to conclude my remarks with the Tribune's December 31, 1971 editorial paying tribute to Mr. Trohan after a long and storied career:

A FRIEND WE WILL MISS

Readers of Walter Trohan's valedictory column on this page today will reach the same conclusion that we did: he can say it better than we can. His long service with the Tribune now ends, and looking back over a lifetime he has no occasion for regret that he ever failed to do his best as a reporter, Washington Bureau Chief, and commentator.

His writings have made him known to a host of Americans. He has known the great without ever betraying a confidence, and he has, as he says, been the eyes and ears of a multitude without ever failing his trust. He has a distinguished career but, typically, sums it up with modesty.

Walter and his wife, Carol, are retiring to Ireland where they have built a house. He should be at home among kindred spirits, whose pleasure in the association will grow with knowledge of him as ours has. We can think of no more fitting leave-taking than the old Gaelic blessing:

"May the roads rise with you, and the wind be always at your back, and may the Lord hold you in the hollow of his hand."

We wish the Trohans many years of life. May they all be happy and serene.

Mr. ANNUNZIO. Mr. Speaker, I am delighted to join my esteemed colleague from Illinois, Hon. EDWARD J. DERWINSKI, who requested this special order, in paying tribute to a distinguished journalist—Walter Trohan.

Mr. Trohan's career with one of the outstanding newspapers in my city, the Chicago Tribune, has spanned 43 years. He served as chief of the Washington bureau of the Tribune for the historic period from 1949 to 1969. On January 1 of 1969, Mr. Trohan retired as chief of the Washington bureau, but continued to write his column until December 31, 1971, the date of the last column, written from his home. After a long career of unusual distinction, he and Mrs. Trohan are retiring to Ireland.

Walter Trohan, born in Mount Carmel, Pa., in 1903, received his A.B. from the University of Notre Dame in 1926; he was a recipient of the D. Litt. from Lincoln College in 1958.

Employed as a reporter as early as 1922—with the Chicago Daily Calumet—he moved to the city news bureau of the old Calumet in 1927. Two years later, in 1929, he began his long association with the Chicago Tribune, one of America's greatest newspapers. In that same year he married Carol Rowland.

In 1934 Walter Trohan came to the Nation's Capitol as assistant Washington correspondent of the Tribune. From 1947 to 1949 he was executive director of the Washington bureau, of which he later became chief. His career as a columnist began in 1960 and closed with his recent retirement—after 11 years—from the world of the press.

Special assignments and honors in his career were many and varied, providing a rich background of experience and insight for his interpretation of the news of the day.

In 1936 and 1941 he visited South America, and Europe in 1940. He attended the Summit Conference of 1955, 1960, and 1961; the Foreign Ministers Conference of 1957 and 1959, and the Paris Peace Talks in 1968. He served as news commentator for WGN and MBS from 1951 to 1969.

A member of the advisory council of the College of Arts and Letters at Notre Dame, he was also a trustee of Lincoln College. In Washington, he served as president of the White House Correspondents Association from 1937 to 1938, and was active in the Association for many years.

Author and editor, his "the Roosevelt Years" and "Jim Farley's Story" are representative of his reporting skill and understanding.

To him and to his wife, we wish every happiness and the opportunity for well-earned tranquillity. He takes with him the enduring satisfaction of a life-time of honorable service to the public press to the American people.

Mr. McCLORY. Mr. Speaker, the name Walter Trohan is virtually synonymous with that of the Chicago Tribune. As a distinguished editorial and feature writer as well as former Washington bureau chief of the Tribune, Walter Trohan has always reported the news in a style which was unmistakably clear and forthright.

Mr. Speaker, there is little question but that the political philosophy of the area known as Chicagoland, which the Chicago Tribune serves, has been influenced substantially by the late Col. Robert R. McCormick and by Tribune editorial writers and columnists.

One of those who was intimately associted with the late Colonel McCormick was Walter Trohan. His 43 years of service with the Tribune—including 37 years of service in our Nation's Capital, cover a dramatic era of American history and establish a record which has earned the respect and admiration of all Americans—particularly those from the great heartland of the Midwest. It has been my privilege to meet Walter Trohan personally on a number of occasions and to observe firsthand his thoughtful analysis of events as they occurred, as well as his prophecies of their consequences.

Without Colonel McCormick and now, without Walter Trohan, the Chicago Tribune certainly can never be the same. I read the Tribune quite thoroughly almost every day. I sense the changes that are occurring in Tribune Tower. However, the influence of Colonel McCormick will never entirely disappear, nor will the wisdom expressed by Walter Trohan be discarded—nor his sage advice ignored.

It is reported that Walter Trohan and Mrs. Trohan will soon be leaving Washington to take residence in Ireland. I am suspicious that Walter will find some things about which to report from Ireland, either in the columns of the Tribune, or some other publication. Thus, we will continue to benefit from Walter Trohan's talents for observing and reporting.

It is only fair to say that I already miss his Washington Reports, as well as the stories he composed when he visited many other parts of the world. In bidding him farewell from the Washington scene, I extend to him and Mrs. Trohan my best wishes for long, enjoyable, and productive lives in the Irish Republic.

Mr. RAILSBACK. Mr. Speaker, the Congressmen who are paying tribute to Walter Trohan today are but a few of the many people who miss his "Washington Report." We have lost an able, dedicated, and inspired journalist. I know I have personally benefitted from reading his fine works. However, Walter Trohan's retirement is well-deserved, and I wish him and Mrs. Trohan every happiness in Ireland. He should now look back on his career with pride, remembering that he has spent most of his life informing the American public.

In 1922, Walter Trohan began his career as a reporter for the Chicago Daily Calumet. Five years later he was working in the city news bureau of the old Calumet. Then, in 1929, his long and rewarding association of 43 years began with the Chicago Tribune, an outstanding newspaper. Walter Trohan served as chief of the Washington bureau for 20 years—1949–69—but continued writing his column, "Washington Report," until his retirement the end of December. At that time, he presented a moving and revealing editorial about himself. I think better than anything I could say Walter Trohan explains in this work what he was trying to accomplish in his profession. I include this particular article, "Trohan Bids Hail and Farewell," immediately following my remarks. I am certain all will agree with me that Walter Trohan was successful in his efforts and that he truly "kept the faith."

[From the Chicago Tribune, Dec. 31, 1971]

WASHINGTON REPORT: TROHAN BIDS HAIL AND FAREWELL

(By Walter Trohan)

WASHINGTON.—Ave atque vale—hail and farewell—were the simple but moving words of the Roman poet, Gaius Valerius Catullus, at the tomb of his brother beside the pines of the Appian Way. They will serve fittingly to mark the last rites of this 12-year-old column and the end of almost 43 years of service on THE TRIBUNE, more than 37 of them in Washington and various world capitals.

In these columns the ever burning desire has been to light what Biblical apocrypha so illuminatively terms, "a candle of understanding." Perhaps if I had begun these writings earlier, I might have reached for Jove's lighting, a sky piercing searchlight, or even a book burning torch.

As it was, I was content to strive for a small flame, one that might throw some light into a dark corner or lengthen a shadow in history. I sought for a warm light, a friendly light; one that like a dinner candle would lend grace and beauty to the table and a fine reflected glow to the wine of knowledge.

Often I was far from the mark and frequently I lost sight of my purpose, being in sore need of light for my own way. I was not always mellow or friendly. In fact, in looking back over the year, I wonder whether I was not sometimes unconsciously seeking to rival the medieval scholar, who planned a book under the title: De Omni re Scibili et Quibusdam Allis—Of Everything Knowable and Several Other Things.

I tried to keep the faith—in God, country and my fellow man. I did maintain my loyalty, first to the man and then to the memory of the man who made my way and purpose possible, the late Robert R. McCormick, editor and publisher of THE TRIBUNE. Also, it was ever my aim to offer some knowledge with whatever I wrote, so that if I did not convince I did educate in history, literature and the arts, especially in music, the greatest and most moving.

How well I succeeded, if at all, I can never know. I have been cheered over the years by many glowing and encouraging letters and aided by many interesting and penetrating suggestions. I was helped as well by a share of criticism and even abuse, at times loud and even violent but always studied as representing an expression of a point of view I might not have taken into proper consideration.

Writing is not the easiest road for making one's way thru life. Not only is it hard work, but it is a road on which one is forever forced to measure himself against what he ought to be or ought to do. Even at best, one is constantly aware he could do much better if he were wiser, more gifted, more retentive and more responsive.

Of course, with all the agony there is much satisfaction. There is a solemn pride in serving a great man and in being part of a great institution. There is excitement in seeing the world and observing scenes of crises. There is fascination in attaining varying degrees of intimacy with men and women who are making the world we live in or influencing its thought. This is especially true because one is not isolated from the common people, but walks and talks and lives among them to win a balance the leaders do not know.

It has been a rare, if trying privilege, to serve as the eyes and ears of so many of you, both as a reporter and a commentator, a service that actually began a half century ago on graduation from high school and which was interrupted only by four years in college. In being able to render this service, I have been among the luckiest of men. If I had it all to do over again, I would go the same way, concerned only about doing it better and more effectively than before.

And so, in my farewell, may I thank each and every reader over the long corridor of years, because you have all helped to make this good life possible and may the good Lord bless you and make the light of His face shine upon you now and forever.

Mr. KLUCZYNSKI. Mr. Speaker, I would like at this time to express my deepest admiration for the work of an outstanding journalist, Walter Trohan, on the occasion of his retirement as chief of the Washington bureau of the Chicago Tribune Press Service.

Of all the members of the Washington press corps I have had the pleasure of knowing, during my service in the Congress, none has exceeded Walter Trohan in the grand experience of getting the truth to the American people. His performance has been truly remarkable.

In 25 years with the Washington bureau, he has covered the White House, the House of Representatives, the Senate, all of the principal and many of the lesser departments of the Federal Government. And in all his reporting, he has revealed the genius that has rendered him a giant in his field.

Walter Trohan began his newspaper career in 1927, as a member of the Chicago City News Bureau. He transferred to the Tribune staff in February 1929 and soon was on his way, establishing a reputation as a remarkable foreign correspondent, with stories relayed home from places far afield such as Buenos Aires, Madrid, Geneva, Rio de Janeiro, London, Paris, Rome, Berlin, Quebec, Mexico City, Lisbon, Athens, Ankara, New Delhi, Kabul, Karachi, Teheran, Tunis and Casablanca.

Walter Trohan was the first reporter to find out that the United States had broken the Japanese code in advance of the Pearl Harbor attack, and his report of the matter triggered a congressional investigation. He also was the first reporter to uncover the news of the impending removal of Gen. Douglas MacArthur as commander of U.N. forces in Korea. Two other scoops included his stories on the fall of France, in 1940, and President Truman's abortive plan to send Chief Justice Vinson to Moscow following World War II. He covered the Big Four Conference at Geneva, the United Nations, and the First International Food Conference.

On the domestic scene, Walter Trohan has reported on political conventions since 1932. He also has covered Governors' conferences and ghostwritten speeches for many famous people. As chief of the Washington Bureau, he has continued to excel as a journalist, also becoming known as a radio commentator for station WGN.

It is a great pleasure on this occasion to pay my respects to a man who has represented the cause of journalism with the greatest skill imaginable over the past 43 years, to the benefit of his employers, his profession, and the people of Chicago.

Mr. SPRINGER. Mr. Speaker, Walter Trohan already was one of the best known Washington correspondents when I took my seat in the 82d Congress just 21 years ago. We soon became good friends and, as the years went on, our friendship ripened and my respect for him as a newspaperman increased.

In 1958 Walter received a high honor from one of the leading institutions of higher learning in the congressional district which I represent when Lincoln College at Lincoln, Ill., gave him the honorary degree of doctor of literature. He later became a member of the college's board of trustees.

Most of his 43 years with the Chicago Tribune were in the Washington bureau. He came here during President Franklin D. Roosevelt's first term and was chief of the Tribune's Washington bureau for 20 years from 1949 to 1969.

Throughout these years Walter Trohan was known to his colleagues in the press corps as a hard digger for the real facts behind the headlines, as a forceful writer, and as a penetrating analyst of the major issues of his times.

I am sorry to see Walter Trohan leave the Washington scene but I imagine we will be hearing from him again before long. His mind is a storehouse of knowledge and I suspect that his fingers soon will itch for the typewriter keys. Whatever books he writes in coming years will be eagerly awaited. They will be well worth reading.

Elsie joins me in wishing Walter and his wife much happiness in their new home in Ireland.

Mr. CRANE. Mr. Speaker, several months ago, when I had the honor of having Walter Trohan as a guest on my weekly television program in Chicago, I introduced him as the "dean of the Washington press corps."

Walter then told me he did not like that title because "it is something you get only by age, not by merit or ability and I would prefer to earn whatever titles come my way rather than having them merely conferred upon me as I get older."

Well, Mr. Speaker, Walter Trohan's 37 years as a Washington reporter, spanning the terms of six Presidents and hundreds of Senators and Congressmen, have included a lot more than just time on the job.

He has, without a doubt, earned whatever titles may be conferred upon him and he has earned them in the manner he prefers, through merit and ability. Rarely has the news media claimed a member with the dedication and devotion to truth, to accuracy, and to good reporting.

As might be expected from a veteran of so many years, Walter Trohan has many thoughts on today's press and not all of them are favorable.

Walter told me:

> Today slanting the news has become a way of life for many reporters. They set out with preconceived ideas of what they want to prove and throw all the other ideas out. I'm not denying that all reporters have their own ideas and their own prejudices, but at least there was an attempt to tell both sides of the story in my earlier days in Washington.

He said many of today's reporters will interview only those public officials whose political persuasions are similar to their own and as a result, reporting is becoming more and more one-sided.

I, and more than 80 of my colleagues, had first-hand experience with this one-sidedness last summer when we participated in a series of special orders dealing with our Nation's defense posture.

Despite the fact that more than 80 Members of Congress, who represent about 40 million Americans, joined together in a single effort on August 4, there was almost a total blackout of this event by the news media.

Walter Trohan was the only Chicago newspaperman to mention this event. I suppose that should not be surprising since Walter Trohan frequently was the only reporter to cover other significant events which for various reasons were ignored by other segments of the press.

Walter's retirement is a great loss to those of us who have read him faithfully and who believe and trusted him. Dozens of his readers in the Chicago Tribune have expressed their best wishes to him through letters to the editor and I think that expression of faith in him is very revealing at a time when public opinion polls show very little reliance in the news media.

Mr. Speaker, I join with my colleagues in thanking Walter for his service as a journalist and I wish him Godspeed as he and Mrs. Trohan begin their retirement in Ireland.

Mr. MICHEL. Mr. Speaker, I am happy to join my colleagues in paying tribute to a man who has done a difficult job and has done it exceedingly well. Walter Trohan is perhaps a model of the newsman's newsman. He has covered the most difficult beat in the world, and has gained the respect and friendship of thousands of public figures. He has been resourceful—yet fair, and has made the Chicago Tribune's Washington coverage among the most complete and interesting of all the major newspapers in the Nation.

Nothing that we can say here on the House floor will add anything to the lustre of a man who has covered the major events of the past quarter century, who has interviewed the top figures of the political world, and who has remained through it all a human, likeable, and enjoyable member of the fourth estate. Walter Trohan's retirement will leave a void in the Washington press corps. He will be missed, not only by those of us from Illinois, but by a host of people in politics. I know that Walter will retire only from active reporting, and devote his time and energies to his library and literary pursuits.

I will join many others in missing his distinctive byline pieces, and hope that he will still "keep his hand in" now and then with a discourse on some of the major events of the future. For now we hate to see him go, but wish him a long and productive retirement, well earned by his years of top-notch reporting on the Washington scene.

I include his last column which appeared in the December 31, 1971, edition of the Chicago Tribune in the RECORD at this point:

WASHINGTON REPORT: TROHAN BIDS HAIL AND FAREWELL

(By Walter Trohan)

WASHINGTON.—Ave atque vale—hail and farewell—were the simple but moving words of the Roman poet, Gaius Valerius Catullus, at the tomb of his brother beside the pines of the Appian Way. They will serve fittingly to mark the last rites of this 12-year-old column and the end of almost 43 years of service on the Tribune, more than 37 of them in Washington and various world capitals.

In these columns the ever burning desire has been to light what Biblical apocrypha so illuminatively terms, "a candle of understanding." Perhaps if I had begun these writings earlier, I might have reached for Jove's lightning, a sky piercing searchlight, or even a book burning torch.

As it was, I was content to strive for a small flame, one that might throw some light into a dark corner or lengthen a shadow in history. I sought for a warm light, a friendly light; one that like a dinner candle would lend grace and beauty to the table and a fine reflected glow to the wine of knowledge.

Often I was far from the mark and frequently I lost sight of my purpose, being in sore need of light for my own way. I was not always mellow or friendly. In fact, in looking back over the years, I wonder whether I was not sometimes unconsciously seeking to rival the medieval scholar, who planned a book under the title: De Omni re Scibili et Quibusdam Aliis—Of Everything Knowable and Several Other Things.

I tried to keep the faith—in God, country and my fellow man. I did maintain my loyalty, first to the man and then to the memory of the man who made my way and purpose possible, the late Robert R. McCormick, editor and publisher of the Tribune. Also, it was ever my aim to offer some knowledge with whatever I wrote, so that if I did not convince I did educate in history, literature and the arts, especially in music, the greatest and most moving.

How well I succeeded, if at all, I can never know. I have been cheered over the years by many glowing and encouraging letters and aided by many interesting and penetrating suggestions. I was helped as well by a share of criticism and even abuse, at times loud and even violent but always studied as representing an expression of a point of view I might not have taken into proper consideration.

Writing is not the easiest road for making one's way thru life. Not only is it hard work, but it is a road on which one is forever forced to measure himself against what he ought to be or ought to do. Even at best, one is constantly aware he could do much better if he were wiser, more gifted, more retentive and more responsive.

Of course, with all the agony there is much satisfaction. There is a solemn pride in serving a great man and in being part of a great institution. There is excitement in seeing the world and observing scenes of crises. There is fascination in attaining varying degrees of intimacy with men and women who are making the world we live in or influencing its thought. This is especially true because one is not isolated from the common people, but walks and talks and lives among them to win a balance the leaders do not know.

It has been a rare, if trying privilege, to serve as the eyes and ears of so many of you, both as a reporter and a commentator, a service that actually began a half century ago on graduation from high school and which was interrupted only by four years in college. In being able to render this service, I have been among the luckiest of men. If I had it all to do over again, I would go the same way, concerned only about doing it better and more effectively than before.

And so, in any farewell, may I thank each and every reader over the long corridor of years, because you have all helped to make this good life possible and may the good Lord bless you and make the light of His face shine upon you now and forever.

Mr. ANDERSON of Illinois. Mr. Speaker, December 31, 1971, was a benchmark in the history of Washington journalism. On that day, Walter Trohan, the Chicago Tribune's bureau chief, stepped down after a distinguished career which spanned 43 years in the newspaper business and a full decade as chief Washington correspondent for "the world's greatest newspaper."

Everyone who reads the Tribune will miss the highly individualistic, trenchant reporting which could always be found in the Trohan column at the top of the editorial page. And the Washington press corps will be the poorer for his departure. A man of strong views who did not pull his punches even when powerful interests were involved, he will stand as an example of journalistic integrity and insight long after he goes. I take pleasure in joining my colleague Mr. DERWINSKI and other Members of the Illinois delegation who are saluting a great reporter at the close of his distinguished career.

GENERAL LEAVE

Mr. DERWINSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

KANSAS VERSUS ATOMIC ENERGY COMMISSION—ROUND 2

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. SKUBITZ) is recognized for 10 minutes.

Mr. SKUBITZ. Mr. Speaker, I have, as many of my colleagues are by now acutely aware, a deep and abiding interest in the endeavor of the Atomic Energy Commission to install what is best described as an atomic waste garbage dump in my State of Kansas.

I have resisted this move because my earliest probing into the proposal convinced me that inadequate study and research had been devoted to this aspect of the problems of the atomic age. It was as if the Atomic Energy Commission had adopted a policy of promoting the peaceful uses of the atom without too much concern for the consequences; as if someone had said—let us get these atomic powerplants on the road and we will cross that waste disposal bridge later.

Unfortunately, the waste disposal problem is fully as big and as important as the building of the powerplants—unless and until we get into the nuclear breeder powerplant age. As investigation of waste disposal proceeds, by the Atomic Energy Commission and by other experts, it becomes increasingly obvious that the initial ideas proposed by the Atomic Energy Commission must undergo sharp revision. And particularly is this true with respect to the plan for burying wastes in salt beds in the Lyons, Kans., area.

The Commission no longer denies publicly that the site poses "problems," as it euphemistically phrases it. It continues to explore those "problems" and hopes that they may be solved. Meanwhile, it commissioned the Kansas Geological Survey to investigate, inspect, and report on other salt bearing areas in Kansas. For some reason I have not yet been able to fathom, the Atomic Energy Commission has an obsession with my State—

a sort of unnatural love that most of us in the State would prefer it abandon.

The director of the Kansas Geological Survey was invited last month to deliver a paper before the 138th meeting of the prestigious American Association for the Advancement of Science. In a symposium titled "The Energy Crisis: Some Implications and Perspectives," Dr. William W. Hambleton dealt with this issue in some detail. Fossil fuels, their scarcity, the increased threats of brownouts, the demand for nuclear energy, and the onrush of the atomic power age without adequate advance planning on all of the problems that flow from it, these were the *basis of* Dr. Hambleton's tremendously interesting paper.

It tends to prove that the concern against dumping dangerously lethal high level wastes is a real one, a scientific one, and not the bogeyman conjured up by an untutored, country boy Congressman from the Kansas prairies nor yet the motivated pleas of some schoolchildren from my hometown, as was once suggested in order to demean and make light of our concern.

Discussing bedrock storage of wastes, Dr. Hambleton notes that as long as 5 years ago a majority of the Committee of the Earth Sciences Division of the National Academy of Sciences expressed strong reservation about that method of storage. More recently, Dr. Hambleton said, a prominent member of that committee observed that the proposed storage plan at Savannah is a "disaster looking for a place to happen." But the AEC is going ahead with a study of this storage because of cost differences.

After discussing in intimate detail the selection of the Lyons site by the AEC, its geographic problems, and its geologic inadequacies, all of which might easily have been determined prior to the choice of Lyons, Dr. Hambleton observes that—

> The Lyons site is a bit like a piece of swiss cheese and the possibility for entrance and circulation of fluids is great.

Moreover, he adds:

> The jury is still out on the entire concept of burial of wastes in salt.

I call particular attention to the following statements made before his peers by an eminent scientist who must be chary of overstatement and careful in his choice of words:

Dr. Hambleton wrote:

> The AEC has not established an overall, well-coordinated plan for resolving its waste management problems and achieving its objectives at all installations. . . . Even where long-term storage has been of concern, the AEC has adopted the attitude that what is worth doing is worth doing wrong.

Mind you, Mr. Speaker, this is the man whose Kansas Geological Survey was commissioned by the AEC to study and report on alternative sites in Kansas ever since the AEC became aware of the geologic faults of the Lyons site. Dr. Hambleton's private report has now been completed and delivered to the AEC who will make it public shortly, I hope. It will show, I am sure, that not a single salt site in Kansas is free of gas and oil well holes that puncture into subsurface water areas, thus opening the possibility of atomic pollution of water sources in the State.

Before asking, Mr. Speaker, that the full text of Dr. Hambleton's paper be inserted in the RECORD following my remarks, I would like to repeat Dr. Hambleton's invocation to his scientific colleges. It is particularly appropriate for the AEC's most prayerful consideration and it was obviously so intended:

> From ignorance, which shrinks from truth; from apathy, which is satisfied with half-truth; from arrogance, which knows all truth; oh God of truth deliver us!

STORAGE OF HIGH-LEVEL RADIOACTIVE WASTE

(By William W. Hambleton, Ph. D.)

One of the most gainful occupations in Kansas is the production of large quantities of wheat. Kansas has experienced no brownouts. No nuclear power plants are sited within the borders of the State. Why, then, should Kansas be central to the problems of the nuclear power industry, and to the larger question of the energy requirements and resources of the United States?

To begin with, Kansas is illustrative of our domestic energy problems. Annually, we produce energy valued at approximately one-half billion dollars in the form of crude oil, gas, natural gas liquids, and coal, and have drilled more than 250,000 wells in the search for oil and gas. Nevertheless, during the past eight years average daily production in Kansas has declined to 5.4 barrels per well, the number of wells drilled has declined from 4,326 to 2,465. Exploration, production, and reserves have decreased by almost any measure one can use, a trend which is characteristic of the national energy industry. Secondly, in 1970 Kansas had the doubtful distinction of being chosen as the site for a national high-level radioactive waste repository. Perhaps it is poetic justice that we, who have extracted so much energy from our state, should now be asked to place in it the high-energy waste products of another part of our energy industry.

As for the Kansas Geological Survey, I judge that it has been highly regarded as a competent mineral resources research and development organization, quietly going about its business of reasonably innovative contribution to Kansas for nearly one hundred years. In 1970, things changed with a vengeance. We began testifying before legislative and congressional committees. Our advice was sought by governmental agencies, congressmen, and governors. We were praised or blamed by one or another conservation or citizens groups. In fact, the title of my paper this morning probably should be "Environment, Energy, Nuclear Power, and Politics." At least, I hope that we have gained some humility. Perhaps you will permit me to share our invocation with you: "From ignorance, which shrinks from truth; from apathy, which is satisfied with half-truth; from arrogance, which knows all truth; Oh God of truth deliver us!

The potential hazards from radioactive waste derive from the basic characteristics of the radioisotopic contaminants. Many radioisotopes decay rapidly; some decay at such a slow rate that they represent a potential hazard to mankind for centuries, and allowing these radioisotopes to decay naturally is the only practical means of reducing their radioactivity to non-hazardous levels. The isotopes that are of the greatest concern are those which are highly toxic and have long lives, including strontium 90 and cesium 137, which require hundreds of years to decay, and plutonium 239, which has a half life of 24,000 years and requires more than 250,000 years to decay to an innocuous level—five times the history of man on earth.

Radioactive wastes vary widely in the concentration of radioactive materials. High-level liquid wastes cannot be released into the environment because of their high radioactivity concentration, which may be as much as 10,000 curies per gallon. To confine and isolate high-level liquid wastes the AEC has stored them underground in large steel-lined, concrete tanks and in steel tanks within concrete vaults. These liquid wastes from AEC operations, which now amount to some 80 million gallons, require continual surveillance, and storage in this manner can be considered only as an interim solution.

Radioactive waste containing numerous radioisotopic products has been generated in processing irradiated nuclear fuels at the chemical-processing plants operated by AEC's Richland, Savannah River, and Idaho Operations Offices, as well as at the commercial plant of Nuclear Fuel Services Incorporated, at West Valley, New York. Oak Ridge National Laboratory has generated high-level liquid wastes at its radiochemical-processing pilot plant, and is currently generating such wastes at its transuranium-processing facilities. Additional commercial fuel reprocessing plants are being, or will be, constructed to meet the requirements for processing increasing amounts of irradiated fuels which will be generated in nuclear powered electric plants. The waste from these plants will amount to an estimated 60 million gallons by the year 2000.

At present, Richland is proceeding with removal of strontium 90 and cesium 137 from high-heat liquid wastes and in-tank solidification of the remaining liquid. Removal of cesium and strontium enables the remaining wastes to decay to low-heat liquid within about five years, and Richland is developing a process to construct a facility for solidifying and encapsulating liquid strontium and cesium concentrates. Solidification of low-heat liquid wastes into salt cakes in tanks is considered to be an interim storage process until the acceptability of the process can be determined. In 1968 Richland was faced with a potentially serious situation with respect to the condition of its existing tanks, for some leaks had been detected.

Idaho National Reactor Testing Station is converting liquid waste to a granular, calcined material, which is stored in stainless-steel bins in underground concrete vaults, as an interim storage process. At Idaho, the burial grounds have been inundated on occasion by water from melting snow.

At Savannah River, wastes are segregated on the basis of their heat generation rates, and are immobilized in tanks by evaporation to salt crystals and sludges. A tank leak at Savannah River would be more serious than at Richland because the leakage would be expected to migrate into ground water. According to the AEC, burial practices followed by Richland, Savannah River, Idaho, and Oak Ridge have not resulted in releases of radioactivity beyond the confines of the burial grounds.

STORAGE CONCEPTS

Dupont and Company, the operator of the Savannah River plant, has proposed that radioactive, separation-process waste be permanently stored in caverns to be excavated in bedrock at the plant site. The concept suggests that storage for 100 million gallons of waste can be excavated in bedrock, approximately 1,500 feet below grade, and consisting of six storage tunnels arranged in three pairs. After each storage tunnel is ready to receive waste, it is to be sealed from an access tunnel by impervious bulkheads, designed to withstand hydrostatic pressure at tunnel depth. The tunnels are to be constructed in predominantly Precambrian and Paleozoic metamorphic gneiss and schist, which are relatively impervious, but exhibit some fractures and fissures.

These fracture and fissure zones can be sealed by grouting, and it is predicted that the migration of radioactive constituents from the storage facility will be so slow that no harmful contamination of off-site water will occur because of the low hydraulic gradient of bedrock water, the low solubility of plutonium, and the high density of the waste fluids as compared with groundwater. Geological, geochemical, hydrological, and economic aspects of the project have been investigated for almost eight years. A review panel of the National Academy of Sciences in May of 1969 concluded that the storage proposal has sufficient promise that construction of the shaft and several tunnels should be undertaken in order to determine the severity of the fracture problem. I note that in 1966 a majority of the Committee of the Earth Sciences Division of the National Academy of Sciences expressed strong reservation concerning the bedrock concept of waste storage, and recommended that the investigation be discontinued. More recently, a prominent member of that committee observed that the proposed storage at Savannah is a "disaster looking for a place to happen." The AEC has decided, however, to perform the additional studies because of the cost differential between bedrock storage and other alternatives.

Deep-cavern storage also has been proposed for Richland as an alternative to long-term storage of solidified waste in tanks. Studies were begun in 1969 to determine the feasibility of isolating wastes in caverns mined into basalt, 2,000 to 4,000 feet beneath the site. According to this concept, salt cake resulting from in-tank solidification of liquid waste would be removed from the tanks in the dry state, water would be added in the transfer system, and the slurry waste would be transported to the underground caverns. Richland is conducting a program of exploratory drilling into secure geological, hydrological, and other physical data to be used in evaluating the suitability of these subsurface rocks for waste storage.

Salt formations attracted the attention of a National Academy of Sciences Committee in 1955 because salt is abundant, can heal its own fractures by plastic flow, transmit heat readily, and exhibits compressive strength and radiation shielding properties similar to those of concrete. However, not until 1959 were studies relating to salt storage initiated at Oak Ridge, and not until 1963 were studies undertaken in Kansas. In that year, the AEC chose a mine of the Carey Salt Company at Hutchinson for study of salt properties, and subsequently extended this study to the abandoned Carey salt mine at Lyons. During Project Salt Vault studies at Lyons, engineering test-reactor fuel assemblies were utilized, along with heaters, to create an environment that would be similar to the expected environment of a real repository. The mine was instrumented with devices for recording heat, radiation, and physical properties. Subsequent selection of the Lyons site in 1970 as the actual storage location was based partly on research from the nearby Hutchinson mine and the Lyons mine. Other determining factors included the seismic stability of central Kansas, availability of a 300 foot section of salt overlain by 800 feet of rock containing impermeable shales, the generally flat-bedded character of the salt, the economic aspect of also using the abandoned Carey Salt mine for storage of low-level waste, and the hospitality of the people of Lyons.

Meanwhile, additional studies and design of storage facilities and methods to transport the radioactive waste were proceeding at Oak Ridge National Laboratory. According to plans, liquid wastes from commercial reprocessing plants would be converted into solid form and placed in stainless steel cylinders, which would be transported by rail in large shielded casks. Each cylinder would be lowered down a shaft into a newly excavated salt mine at Lyons. The cylinder would be placed in a hole in the floor of the mine with specially designed equipment. When an appropriate number of these cylinders had been placed in the mine, the entire room would be backfilled with crushed salt. Experimental evidence suggested that the crushed salt would recrystallize, and both crushed salt and bedded salt would flow plastically so as to completely seal-off the waste material. Other low-level radioactive materials consisting of contaminated clothing, lubricants, and laboratory ware were to be stored in the abandoned Carey Salt mine. There was some suggestion that granular, calcined waste from Idaho also eventually would be transferred to this repository.

The Kansas Geological Survey expressed serious concern about the proposal. One kind of concern related to the Lyons site itself; another related to the burial-in-salt concept. Initially, the geology of the area was inadequately known. On the basis of Survey recommendations, the AEC funded further geological studies. Numerous holes were drilled and logged at the site, water samples were taken in all the holes and analyzed, and a geological evaluation of the area has been conducted. These investigations revealed a probable major fault in the area and a pressure sink on the water surface of a major aquifer, suggesting vertical circulation. Furthermore, other conditions at Lyons were revealed that demonstrated the inadequacy of prior investigations.

The abandoned Carey Salt mine is located on the north border of this town of approximately 5,000 people at a depth of 800 feet. An entry in this mine extends southward beneath the City of Lyons. The only access to the mine is a vertical shaft, which penetrates 40 feet of saturated aquifer and was constructed through use of a caisson. The abandoned salt mine, plus an adjoining 1,000-acre site is the proposed repository for the radioactive waste. At the south border of the town is the mine of the American Salt Company. An entry in this mine extends northward under the town of Lyons. The Carey entry and the American Salt Company entry are within 1,800 feet of each other. The only access to the American Salt Company mine is a vertical shaft, which also penetrates about 40 feet of saturated aquifer.

The water is collected in a ring about 200 feet down the shaft, and pumped back to the surface. Just to the southwest of the underground mining operation, the American Salt Company also mines salt hydraulically by injecting fresh water, which dissolves the salt and creates caverns the full height of the salt. The resulting brine is returned to the surface for processing.

The area contains both abandoned and producing oil and gas wells, numbering into the hundreds. The locations of some of these old wells have never been determined, and surface subsidence has occurred in places where old casing has corroded and permitted surface and groundwater to excavate caverns in the salt. Some of the resulting surface depressions are as much as ¼ of a mile in diameter. Some of these wells penetrate deep Arbuckle rocks, which contain fluids under hydrostatic pressure sufficiently great that the static water level in the well stands higher than the level of salt mines. It is clear that intersection of an Arbuckle well by mining will cause flooding of the mine. At least 29 wells have been identified on the site to be acquired by the Atomic Energy Commission, and these must be completely cleaned out and replugged. We have reason to believe that other unidentified wells may be present. An abandoned shaft representing an earlier salt mining effort has been located just west of Lyons. This shaft is full of water.

During the past summer, the American Salt Company intersected an abandoned oil well with a rock bit, preparatory to shooting the salt face. Although some water entered the mine, the hole was plugged satisfactorily. Somewhat earlier, the American Salt Company lost all circulation during a hydraulic mining operation. Following successful injection of fresh water and production of brine for five days, approximately 180 thousand gallons of fresh water disappeared. The operation was terminated and no one can discover where the water went. In other words, the Lyons site is a bit like a piece of swiss cheese, and the possibility for entrance and circulation of fluids is great. Should fluids penetrate the American Salt Company mine, the possibility of salt solution and entrance into the Carey operation also is great.

Other investigations revealed approximately 400 feet of displacement in Arbuckle rocks, suggesting the presence of a major fault. All of these factors have led the Geological Survey to recommend that the Lyons site be abandoned. An independent analysis by a Committee of the Kansas Geological Society produced similar conclusions, as did an analysis of the Council of the Kansas Academy of Science. There is nothing more important than recognizing a dead horse early, and burying it with as little ceremony as possible.

As to the concept of burial in salt, the jury is still out. The axial temperature of the cylinders containing the radioactive waste is about 930° C. The cylinders will generate heat that must be dissipated through the salt and other overlying and underlying rocks. We claim that the two-layer, two-dimensional heat-flow model used by the Atomic Energy Commission is overly simplified. A multi-layered, three-dimensional heat flow model is necessary for resolution of the problem. This work is being undertaken at the present time. Another problem relates to possible mine subsidence. The crushed salt used to back-fill the mine will contain approximately 30 percent void space. Recrystallization and plastic flow of the salt could cause subsidence and shear in the overlying rocks, permitting surface or ground water to penetrate the mine, dissolve the salt, and set up a thermal transport system. This situation is even more dangerous because the stainless steel cylinders are expected to begin to break down within three months, releasing the waste. Likewise, the rock mechanical model used for studies of mine subsidence is overly simplified. Many rock properties are temperature dependent, and even dewatering of shales could create problems. Radiation damage and subsequent release of energy as a thermal excursion, both with respect to the salt and the radioactive waste itself, is an improperly investigated subject. Appropriate studies should reveal whether or not radioactive waste can be stored safely in salt.

Meanwhile, the Kansas Geological Survey has undertaken additional reconnaissance studies of other areas of Kansas for possible storage of radioactive waste. The study is concerned with eight large areas that seemingly are underlain by salt beds that are at least 200 feet thick, no deeper than 2,000 feet, and no shallower than 500 feet. Additionally, these areas contain a small number of oil and gas wells, salt mines, storage cavities, and pipelines, and a small population. A literature and file search has been undertaken for these areas to assemble information regarding salt and overburden thickness, quality of the salt, ground water conditions, and regional geological characteristics, as well as information about mineral resources, well locations, salt mines, liquid-petroleum-gas storage cavities, pipelines and population.

The report will present an evaluation of these factors for each area. On the basis of these evaluations, the Atomic Commission will determine if any of the areas justify further investigation. Because the areas contain few wells, information concerning the underlying rocks is sparse, and much additional investigation will be required before any of the areas can be judged to be suitable for storage of radioactive waste.

In July, 1971, Cohen, Lewis, and Braun of Lawrence Radiation Laboratory proposed a method for disposing of nuclear reactor wastes by in-situ incorporation in molten silicate rock. The proposal suggests injection of liquid wastes into a chimney formed by a 5 kiloton nuclear explosion at approximately a 2,000 meter depth. The waste would be permitted to self-boil, and the resulting steam would be recycled and processed in a closed system. When waste addition is terminated, the chimney would be allowed to boil dry, thereby solidifying the wastes. The heat generated by the radioactive waste would then melt the surrounding rock, which would dissolve the waste. Finally the rock would refreeze, trapping the radioactive material underground in an insoluble rock matrix. The authors claim safe, permanent, and timely removal of radioactive material from the biosphere at relatively low cost, elimination of the need for waste transportation by siting in the immediate vicinity of the reprocessing plant, and waste injection with minimal or no treatment. Waste addition at a rate of 1,500 tons per year for a period of 25 years is contemplated. The concept has been described as interesting and worthy of further study by numerous reviewers. However, it has been criticized on the grounds of conflict with the concept of recoverability, and serious doubts about the insolubility of the rock matrix, differentiation permitting plutonium to concentrate in a near-critical mass, geochemical alteration of the drill hole and casing, and gaseous phase transport of such elements as ruthenium tetraoxide. Obviously, much research is necessary.

On September 16 and 17, 1971, Gisela Dreschhoff and Edward J. Zeller, Research Associates of the Geological Survey of Kansas, visited the Asse Nuclear Waste Repository in Germany where key staff members provided a complete review of the project. At present, low-level waste is stored in a cavity in the Asse salt stock. Containers are released from shipping shields and lowered by crane into a chamber. Remote control facilities and remote television cameras permit movement and observation of the waste containers. No attempt is made to achieve symmetrical stacking. At the present time, nearly 10,000 casks of low-level waste, each having a limit of five curies total activity, are stored in two rooms at the 750 meter level. High-level waste emplacement is planned for 1974 or 1975. The waste will be solidified in the form of glass cylinders approximately 20 centimeters in diameter and one meter in length. These will be stacked vertically in bore holes in the salt roughly 50 meters deep in tunnels at the 750 meter level. After filling the bore holes with 30 meters of high-level waste cylinders, a concrete plug will be poured and the upper part of the hole above the plug will be filled with crushed salt. The Asse anticline is structurally stable and a massive gypsum cap rock can support the load of overlying sediments and serve as a shield for the underlying salt. Two nearby mines are flooded as a result of improper mining techniques. The Germans do not seem to be concerned, because the system has reached an equilibrium, no collapse has been observed near the old shafts, and no significant leakage has been determined. Even if water entered the mine, the Germans feel the water would be nearly saturated and would cause no problems. However, the presence of sinkholes and salt springs does indicate that some solution is taking place.

Extensive studies are being conducted at the Hahn-Meitner-Institut for Nuclear Research in Berlin and at the Nuclear Research Center at Karlsruhe, which our colleagues also visited. These studies are concerned with radiation damage and the problems of processing and solidifying nuclear waste in form suitable for storage in the Asse mine. Competent scientists are in charge of the programs, which appear to be free of irrational political influence. Mention was made of the desirability of greater interchange of information between the United States and Germany regarding matters related to nuclear waste disposal. Seemingly, there has been little exchange in the past four years, and direct liaison between the U.S. and German research and development groups should be established as soon as possible.

As far as we can determine, high-level radioactive waste is being stored at or near the surface in other countries.

For the fiscal year 1970, AEC was authorized $2.3 billion for its various programs. Of this amount, only 28 million or roughly one percent represents operating and capital funds authorized for waste management programs. The Government Accounting Office believes that to expedite the development of methods for placing high-level waste in long-term isolation, AEC should place greater emphasis on evaluating the actions taken by its contractors, determining the adequacy of long-term storage proposals, and taking the steps needed to accomplish long-term storage. AEC has not established an overall, well-coordinated plan for resolving its waste management problems and achieving its objectives at all installations. In the past and currently, AEC management has emphasized and given priority to the development of technology and plans with respect to weapons production and reactor development which result in the generation of radioactive waste. Even where long-term storage has been of concern, the AEC has adopted the attitude that what is worth doing is worth doing wrong.

The chronicle of disarray in storage of high-level waste is characteristic of the disarray which we face with respect to the entire energy situation in this country. That we face an energy crisis can no longer be doubted. The September, 1971 issue of *Scientific American* is devoted entirely to the problem. At the recent Interstate Oil Compact Commission meeting in Biloxi, Pinckney C. Walker of the Federal Power Commission noted that from 1968 to 1970, consumption of natural gas nation-wide was almost twice the amount of new gas reserves found. Consumption of gas by interstate customers exceeded additions of new reserves by 17 trillion cubic feet in 1970. The National Petroleum Council estimates that unless public policies are modified, or economic conditions in the energy industry changed, the gap between the nation's requirement for gas and probable supply will be 17.4 trillion cubic feet in 1985. Crude oil and related product withdrawals exceeded new reserves discovered by about a billion barrels in 1969.

Consequently, total petroleum imports to the United States amounted to 23 percent of total supplies in 1970, and forecasts indicate that the percentage of total supply provided by foreign sources will increase to about 50 percent during the next 15 years. Mr. Walker concludes that if the nation is to have an adequate and reliable supply of energy in the future there must be a comprehensive reevaluation of current energy policies. That he should reach this conclusion is curious for the Federal Power Commission has been instrumental in pricing gas at such low prices that the incentive for exploration has nearly disappeared, and crude oil and coal have been undervalued.

At the same meeting in Biloxi, Gene P. Morrell, Director of the Office of Oil and Gas, noted that as the decade of the 70s began, we are consuming energy at a rate of 68.8 quadrillion B.T.U.s annually, and that requirements may reach 133 quadrillion B.T.U.s by 1985. He concludes that our national energy policies have not kept pace with the rapid and unprecedented changes in our consumptive patterns and social objectives. Superimposed upon this pattern, we find a developing nuclear power complex, with its waste storage problem largely unresolved, that probably will provide up to 15 percent of our energy needs by 1985.

As I mentioned at the beginning of this talk, the nuclear power industry is, indeed, of special interest to Kansas, not because we have vast resources of uranium or abundant sites for power plants, but because we have been chosen to be the location of all waste from the nuclear power industry and because our energy production is declining at an alarming rate. Chosen by the Atomic Energy Commission, an agency of the federal government having vast powers and a program largely unrelated to other energy agencies of the federal establishment.

In fact, other energy agencies of the federal establishment have little relationship to each other. Gas supply is regulated by the Federal Power Commission through an obsolete pricing structure. Petroleum supply is regulated by an outmoded system of state regulatory activity, Department of the Interior and Office of Oil and Gas regulations regarding public and off-shore lands, an Environmental Protection Agency determined to protect the environment, and an indecisive import policy. A similar situation exists with respect to coal, and some members of Congress even seem determined to prevent strip mining. In short, we have no articulated national goals with respect to energy, and we have no coherent and coordinated national energy policy. As Kenneth Boulding noted under other circumstances, "We keep coming to decision points where there are a number of possible futures and of which we select only one. Our decisions, however, depend on values and in man values are almost wholly learned. Instincts are quite literally for the birds. Decision theory states that everybody does what he thinks best at the time, which is hard to deny. The tricky problem is how do we learn not only what the real alternatives are but also what values we place on them." Unless we as scientists are willing to become involved in evaluation of real alternatives, we will have no complaint if others become involved for us and make incorrect decisions in the absence of adequate data. We must be willing to get out of our ivory towers and academic straightjackets and go to legislative and congressional hearings and propose alternatives. By taking such action we can accomplish much. By just talking to ourselves at meetings such as this, we do not accomplish much as far as the "real world" is concerned. We must speak with an to decision-makers, and most emphatically in a language that decision-makers understand. To not do so is to fail our disciplines, our young, and most importantly ourselves.

GRANTING A BASIC AMERICAN RIGHT TO THE PEOPLE OF GUAM AND THE VIRGIN ISLANDS: A STATEMENT IN SUPPORT OF H.R. 8787

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, I rise to urge passage of H.R. 8787, a bill to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives. Enactment of such provision is long overdue.

The citizens both of Guam and the Virgin Islands are citizens of the United States, and as such are entitled to all basic rights under the Federal Constitution. Certainly one of the more fundamental rights is the right of citizens to be heard in the Nation's premier council. Whereas the Constitution restricts the right to vote in national elections to citizens of the States and the District of Columbia, there is no proscription against the nonvoting participation of territorial citizens in the deliberations of either House of the Congress, and there is no legal distinction, in terms of nonvoting representation, between incorporated and unincorporated territories.

When Congress in 1794 first permitted a Delegate from a Territory to sit in the House—the Territory South of the River Ohio, which became the State of Tennessee in 1796—there was some question as to whether he should serve in the Senate rather than in the House. After a short debate, the House voted to seat him within its own Chamber, and without consulting the Senate; the latter, rather imperiously, chose to ignore the issue. Precedent thereby was set to seat Delegates only in the House, and only from incorporated territories; but there remains no constitutional bar to seating a Delegate from an unincorporated territory, or, even, to granting him a seat in the Senate.

And the precedent, in effect, was shattered many years ago in terms of seating Delegates only from incorporated territories. Puerto Rico has been represented in the House by a Resident Commissioner since shortly after the turn of this century; and the Philippine Islands had two Resident Commissioners sitting simultaneously in the House for decades. It should be noted that the only difference between a Delegate and a Resident Commissioner lies in the name: both can speak on the House floor and introduce resolutions, although neither can vote in the Chamber; both serve on committees and both can vote therein—since the Legislative Reorganization Act of 1970—both receive the same compensation that is accorded Representatives and Senators.

Like Puerto Rico and like the Philippine Islands before the latter territory was granted its independence, Guam and the Virgin Islands are unincorporated territories; and they deserve, at the very least, to have the same representation in the House as that enjoyed by the other unincorporated territories.

Whether their representatives, once seated, should be called "Delegates" or "Resident Commissioners" would seem of no import inasmuch as the terms are synonymous in legal connotation. A subtle distinction, however, originally separated the two concepts, and that distinction still exists in the minds of those opposed to the admission of additional States. A Delegate from the first represented an incorporated territory—the latter title is always capitalized when it refers to an incorporated area, which is considered to be an integral part of the United States, whereas an unincorporated territory merely belongs to the United States—and such territory, in the collective mind of the Congress, was expected to become a State sooner or later. Congress, on the other hand, never envisioned either the Philippines or Puerto Rico as a prospective State; consequently, while granting both unincorporated territories nonvoting representatives in the House, it named them "Resident Commissioners." Puerto Rico, even though a commonwealth since 1952, is still an unincorporated territory; and the title of its representative remains unchanged.

It may well be that Congress will insist that any representative from either Guam or the Virgin Islands be called Resident Commissioner rather than Delegate. Yet, Congress posed no objection to the designation of Delegate for the recently elected representative of the District of Columbia. And certainly the District was not considered, initially at least, a candidate for statehood. And, unlike Guam and the Virgin Islands, it could not become a State without an amendment to the Constitution.

Whatever the title of the representatives, I, along with most of my fellow American citizens in Guam and the Virgin Islands, could not care less. I am profoundly concerned that all Americans have a voice in this Nation's main legislative body. Another compelling reason for seating representatives from Guam and the Virgin Islands lies in the significant benefit that would accrue to all parties concerned. Congress would have immediately available advice and information on two of its more important strategic outposts, and the islanders would be immediately informed of the mechanics and politics of legislation involving their interests. Perhaps most importantly, the islanders' sense of isolation would be sublimated through the meaningful participation of their representatives in the proceedings of the National Congress.

For these reasons, Mr. Speaker, I wish to reiterate my full support for H.R. 8787.

POLITICAL CLOUT AT WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. GERALD R. FORD) is recognized for 5 minutes.

Mr. GERALD R. FORD. Mr. Speaker, it goes without saying that one of the foremost duties of a Member of Congress is to serve the needs of his constituents. In this connection, a service performed by Senator ROBERT P. GRIFFIN of Michigan in handling a situation involving Detroit's poor is deserving of special attention. Senator GRIFFIN deftly used his political clout to bring about expansion of a supplemental feeding program for low-income infants, nursing and pregnant mothers in Detroit. The Detroit Free Press in an editorial dated December 28, 1971, explains how Senator GRIFFIN succeeded in getting the supplemental feeding program expanded and how he used his political influence for the good of the people of Detroit. The editorial follows:

POLITICAL CLOUT AT WORK

> More of Detroit's poor are being fed—and fed better—as a result of Sen. Robert Griffin's use of "clout" with the Nixon administration. It makes an interesting story.
>
> Griffin, Republican whip in the Senate, voted with the majority as controversial Earl L. Butz was confirmed as secretary of Agriculture by a vote of 51–44. From his position of leadership, if Sen. Griffin had gone against Butz he could conceivably have influenced three other senators to vote with him and defeat the nomination.
>
> The senator has denied that he would have voted against confirmation, but added that "Butz's nomination came along at a very fortuitous time." Indeed it did.
>
> Two days before the vote, Butz met with Griffin in an attempt to solicit support for his confirmation. The senator didn't commit himself and expressed concern about the food situation in Detroit. Dr. Butz got the message and the next morning, Philip C. Olsson, deputy assistant secretary of Agriculture, flew to Detroit to investigate.
>
> The day following the vote, the Department of Agriculture approved expansion of the supplemental feeding program for low-income infants, nursing and pregnant mothers in Detroit from 3,400 to 15,000. In the short time since then, the USDA has restored high-nutrition foods such as peanut butter and scrambled egg mix to the program. And the fruit juice allotment, which had been cut by two-thirds, has been restored to its original level and more juices added.
>
> Sen. Griffin, Sen. Philip Hart, Detroit area representatives and the Rev. Father William T. Cunningham, director of Focus: HOPE, which administers the supplemental food program, had been working with little success for a year to expand and restore the program.
>
> Sen. Griffin has modestly shared credit with Sen. Hart, who is a member of the Senate Select Committee on Hunger and Nutrition, and Sen. Warren Magnuson of Washington, who wanted the program for the depressed Seattle area.
>
> But Magnuson, a Democrat, was right in saying the Republican whip was the "key man who breaks logjams." Griffin has influence with Republican senators and with the Nixon administration. And he has used it to help his constituents in the Detroit area and 185,000 other infants and mothers around the country.

ILLEGAL ALIEN HEARINGS TO BE HELD IN DETROIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, I wish to advise the House that Subcommittee No. I of the Committee on the Judiciary has scheduled 1 day of field hearings on illegal aliens in Detroit, Mich. These public hearings will be held on Friday, January 21, 1972, in room 802, U.S. Federal Building, Detroit, Mich.

The hearings are a continuation of hearings which began in the first session of the 92d Congress to investigate the numerous problems presented by illegal aliens and nonimmigrants who obtain unauthorized employment. During the last session of Congress, hearings were held in Washington, D.C.; Los Angeles, Calif.; Denver, Colo.; El Paso, Tex.; and Chicago, Ill.

Interested parties wishing to testify or prepare statements to be submitted for the hearing record should address their request to Subcommittee No. I, Committee on the Judiciary, U.S. House of Representatives, room 2139 Rayburn House Office Building, Washington, D.C. 20515.

TRIBUTE TO LATE HON. L. MENDEL RIVERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. DAVIS) is recognized for 10 minutes.

Mr. DAVIS of South Carolina. Mr. Speaker, it has been a little over a year since the death of one of the outstanding sons of South Carolina. While the happy Christmas season was celebrated across the world, in Charleston and across South Carolina, another anniversary was observed. On December the 28th, in 1970, Congressman L. Mendel Rivers was called to his eternal task. There are many of his associates here in these halls. Numerous persons who can look back on their friendships with Mr. Rivers. While he was not a man to mince his words, he was respected by friend and foe alike.

I would, at this time of reflection, call upon the words of another illustrious citizen of our State, the Speaker of the South Carolina House of Representatives, the Honorable Solomon Blatt. To Speaker Blatt fell the task of accepting a portrait of the late Congressman to hang in the hall of the representative's chamber in the State House. I would, at this time, enter into the RECORD the remarks made by Speaker Blatt. I feel he has eloquently put down on the record, what all of us feel in our hearts:

SPEECH ACCEPTING THE PORTRAIT OF THE LATE HONORABLE L. MENDEL RIVERS ON BEHALF OF THE HOUSE OF REPRESENTATIVES BY SOLOMON BLATT, SPEAKER OF THE HOUSE

As night follows the day—death follows life. Life is divided into five areas. Hope—Faith—Charity—Love—and Service. Death is the sum total of all these as the key that opens the door to that home high in the heavens where there is happiness that flows as the result of the accomplishments of the individual during his lifetime.

While, for me, this is a sad moment as it is for you, as we recall the life and death of our departed friend, it is also the time when sadness fades away and the yesteryears of Mendel Rivers brings to us, his family and friends over the world the fond recollections of the dedicated services of a great man.

I am highly honored to be chosen as his friend to receive this portrait on behalf of all South Carolinians. Though Mendel Rivers is not here with us in body at this hour—he is with us in spirit and he sees every act, and hears every word as we dedicate this occasion to him for a life well lived, well spent and for his outstanding service to his God, his family and his fellowman.

Mendel Rivers was born in Berkeley County, September 28, 1905. He graduated from the high school of Charleston and from there he went to the College of Charleston and graduated from the University of South Carolina School of Law. He and his family moved from Berkeley County in 1916. He served in the South Carolina House of Representatives from 1933–36. From 1936–40 he served as special attorney for the United States Department of Justice. He was married to the former Margaret Middleton of Charleston, a dedicated help mate, and had two daughters, Mrs. Robert G. Eastman and Miss Lois Marion Rivers, and a son, Lucius Mendel Rivers, Jr.

He was elected to the 77th Congress on November 5, 1940, and he served on the Merchant Marine and Fisheries Committee and the Naval Affairs Committee, which became the House Committee on Armed Services. He became Chairman of the Committee on Armed Services in 1965.

He held honorary degrees from The Citadel, Clemson University, the College of Charleston, and Bob Jones University. He held honorary memberships in almost every military reserve and veterans' association in the United States. The Reserve Officers' Association presented him the Minuteman Award in 1965, and the Air Force Association presented him wtih the Distinguished American Award in 1970. On October 29, 1970, the L. Mendel Rivers Library was dedicated at the Baptist College at Charleston.

Congressman Rivers died on December 28, 1970, at the University of Alabama Medical Center in Birmingham, Alabama, and was buried on December 30, 1970, in the churchyard of the St. Stephen Episcopal Church, St. Stephen, South Carolina, in Berkeley County where he was born.

Mendel Rivers was a gentleman, an honest, sincere, dedicated statesman and in my judgment was one of the great Americans of our time. He was outspoken and fearless. The United States is a greater nation today and we are a free people because Mendel dared to tell the truth and kept us strong. He believed that our future as a free people was secure only if we had an army-navy-air corps second to none and this was a responsibility he assumed and he saw to it that sufficient funds were appropriated annually to provide the instruments of war if and when needed and to keep our shores free from any invaders. He loved and protected with all he had those who were in the armed forces of the United States.

Mendel Rivers was a man of sound judgment, strong and capable. He not only served his district with outstanding ability, he was Mr. Congressman At Large. He loved his state and nation. He loved people and he burned the midnight oil in his official capacity to better serve the people of his state and nation. He was responsible for many military installations found in many areas of South Carolina, giving employment to thousands of people in our state.

Mendel came to the South Carolina House of Representatives in 1933 the same year I began my service in this hall. He was kind and made friends without difficulty. He instantly became a leader in the House and was loved and respected by all of his colleagues. He was with us but a short while when I predicted he would travel a long way during the time he lived. I am so happy that the opportunity was mine to serve with him where we became fast friends and that friendship continued to the date of his death.

The Congress of the United States has lost its most outstanding member and the nation one of its most outstanding statesmen. This state is a better state because Mendel Rivers was a citizen of South Carolina and lived here and our nation is a better nation because he served in the halls of Congress.

Though Mendel Rivers be dead he will never die and he will always live in the hearts and minds of freedom loving people the world over and it is entirely proper and fitting that his portrait be painted and hung in this historic chamber where the generations yet unborn might have the opportunity to see this great man and to learn of his love for his family, his state and the people he fought to protect during all the years of his life. In honoring him we honor ourselves.

As one who loved him, it is with pride and a deep sense of gratitude that I have been designated to accept this portrait of my good and great friend, and I do so now for you, his family, South Carolina, and all mankind.

REPLY TO ISTHMIAN DEMAGOGS AND THEIR COLLABORATORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 20 minutes.

Mr. FLOOD. Mr. Speaker, in the evolution of the Isthmian Canal policy of the United States, November 29, 1971, may be recorded in history as a pivotal date. On that day were started the first comprehensive congressional hearings on crucial canal policy questions since 1906 by the Subcommittee on the Panama Canal of the House Committee on Merchant Marine and Fisheries under the chairmanship of my able and distinguished colleague from New York (Mr. MURPHY).

Since the start of the indicated inquiry there have been a number of interesting developments and significant disclosures. As they have not been adequately covered by the major press of the United States, I shall mention some of them:

First. The attempts during the hearings by the executive branch of our Government, especially the Department of State, to avoid the spotlight of public scrutiny on canal policy questions by requesting executive sessions.

Second. The determination of certain State Department officials to surrender U.S. sovereignty over the Canal Zone to Panama.

Third. The biological dangers of constructing a canal of so-called sea level design, which include the infestation of the Atlantic with the poisonous Pacific sea snake and the voracious crown of thorns starfish that are not indigenous to the Atlantic.

Fourth. The inherent instability of Panama as evidenced by the fact that during the last 69 years it has had 59 presidents. One of them, who had been elected by an overwhelming majority, was deposed by the present revolutionary government of Panama in 1968 after serving only 11 days of his 4-year term and had to flee for his life into the Canal Zone.

In contrast to the general ignoring of these hearings by the mass news media in our country except the Chicago Tribune, Phildelphia Bulletin, and New York Daily News, the Spanish-language press in Panama has featured sensationally hostile propaganda against the United States and Members of the Congress. This has included statements by Gen. Omar Torrijos and Foreign Minister Juan Tack, who have not only maliciously criticized Chairman MURPHY of the subcommittee but also have threatened to prevent his committee from holding hearings on the Isthmus and reiterated false charges of colonialism and imperialism at Panama. One threat by General Torrijos is to invade the Canal Zone in the event Panama does not succeed in obtaining its aspirations in the current treaty negotiations, which includes full sovereignty over the zone territory.

In the early part of the 20th century, when the Isthmian Canal policy of the United States was being formulated, the highest officials in our Government personally studied the subject, and, when needed, made public statements. Today there is no evidence of such study by our highest officials, who have made no significant statements protective of the U.S. interests at Panama since Secretary Dulles, following the 1956 Suez Canal crisis.

In the absence of such statements by our high responsible officials in the executive branch, I shall reply to some of the Panamanian allegations as to the imperialism and colonialism.

In 1902, the United States selected the Panama route in preference to Nicaragua. Was that colonialism or imperialism? It was not but an action based upon specific recommendations of the Isthmian Canal Commission headed by Rear Adm. John G. Walker, after years of study of the complicated subject.

In 1903, the United States recognized the independence of Panama after its secession from Colombia, and guaranteed that independence. Were these colonialism or imperialism? They certainly were not, but actions necessary for the construction of an Isthmian Canal at Panama as desired by Panamanian leaders who feared its loss to Nicaragua. These facts are never mentioned by present revolutionary leaders of Panama.

During the construction of the canal, 1904–14, the United States was unable to get many Panamanians to work and had to employ West Indian nationals by the thousands. Was this colonialism or imperialism? Of course not.

When the United States started upon the task of sanitating the Canal Zone in 1904, it transformed the Isthmus from the worst pest hole in the world to a place of health and sanitation, supplying the people of Panama an example for emulation. Was that action colonialism or imperialism? Most certainly not, but these facts are never mentioned by Panamanian propagandists.

As of June 30, 1968, the total net investment of the United States in the Panama Canal, including its defense since 1904, was more than $5,000,000,000, much of which was expended in Panama. Were such expenditures colonialism or imperialism? They were not.

Since U.S. occupation of the Canal Zone that territory has been frequently used as a haven of refuge for Panamanian leaders seeking to escape assassination, one of the most recent examples having been that of Señora Torrijos who fled there from Panama during an abortive attempt to overthrow General Torrijos. Was such use of the Canal Zone colonialism or imperialism? Certainly not but humane action. For humanitarian reasons alone let us preserve the zone as an island of stability and security in a sea of endemic revolution and guerrilla control. If present Panamanian demagogues have their way it is likely that they themselves, when the time comes for their overthrow, will be the first victims of their own practices.

One of the defects of the 1903 treaty was its failure to provide for an adequate crossing of the canal for Panamanians. To correct that situation the United States constructed the Thatcher Ferry and Highway at the Pacific end of the canal and in 1962 replaced the ferry with a great bridge. Were these actions colonialism or imperialism? Obviously not but measures for the convenience of residents of Panama as well as the Canal Zone.

The Congress, in the Panama Canal Reorganization Act of 1950, placed the canal on a self-sustaining basis and has thus been able to keep tolls relatively low for the benefit of the ultimate consumer of the products transported through the canal. Was this colonialism or imperialism? Of course not, but a benefaction to the world at large, including Panama.

Since completion of the canal the United States has expended vast sums in defending it and maintains forces in the isthmus for its protection. Are these acts of colonialism or imperialism? Of course not, but measures essential for the defense of the entire Western Hemisphere, including Panama.

Since opening the canal to traffic in 1914, the United States has employed thousands of Panamanians in the maintenance and operation of the canal. Was this colonialism or imperialism? Certainly not, and about 16,000 Panamanians now have employment in the Canal Zone and do not wish to have it jeopardized.

In 1969, Canal Zone sources injected about $161 million into the Panamanian economy, giving this small country one of the highest per capita incomes in all of Latin America. Was this colonialism or imperialism? Certainly not, for zone activities were and still are a major source of income for that country.

In the face of the truly beneficent policy of the United States in the building, maintenance, operation, sanitation, and protection of the Panama Canal our country has written one of the most glorious chapters in its history. Yet the present revolutionary government of Panama, in temporary control of that country, in order to prolong its existence has attempted to misinform and mislead the people of Panama that everything done by the United States since 1904 has been imperialistic or colonial in character for the purpose of oppressing them. There could be no greater falsehood. The truth is that the present government of Panama has been communistic in character and practice, serving as a tool for Soviet power. Were the United States today to withdraw its recognition of the present revolutionary regime that government would wither and die.

During recent years our own Department of State has adopted and practiced weak and timid policies with respect to Panama; and this course has served to invite the intolerable conditions now plaguing our relations with that small country. Looking back, it is indeed fortunate that during the construction of the canal the State Department was not in the picture for if it had been, the canal could probably not have been built.

Never in the entire diplomatic history of the United States has our State Department been so weak, vapid, stupid, and submissive as it has been in recent years, and now is, at Panama. All of this plays directly into the hands of the U.S.S.R. policy which since 1917 has had for a main objective the wresting of control of the Panama Canal from the United States, which would be followed by a complete takeover of the canal and Panama as was done in Cuba and Chile.

In the face of the pro-Communist attitude of the present revolutionary government of Panama that threatens the security of our maritime jugular vein, the Department of State never offers a public denial of the false and malicious charges of that government which would not even be in existence except for our ill-advised recognition of it.

During recent months I have received many comunications from persons especially knowledgeable about our relations with Panama and the present situation there. The writers reside in Panama, the Canal Zone, and the United States and most of them for security reasons must not be named.

One of my informants from California, because of his family connections with former President Manuel Amador of Panama, has followed the Isthmian situation closely. Because of their relevance, I quote major excerpts from some of his letters, as follows:

NOVEMBER 7, 1971.

DEAR CONGRESSMAN FLOOD: I am enclosing a copy of a letter that I sent to Mr. Harold Lord Varney about his article that you kindly sent me.

Concerning Torrijos' flight to Cuba to meet with Kosygin and Castro, *this meeting is not to be ignored*. We know that Torrijos has been meeting with agents of Castro in David for the past two years. As we know that Torrijos is being steered by the Kremlin, that meeting with Castro and Kosygin in Cuba could only mean that Torrijos is working out a plan with the Kremlin concerning further violent attacks against the United States and *a possible financing of a new Canal in Panama*. This financing of a new Canal by the Soviets, has been strongly rumored during the past two months.

From what we can gather from very reliable sources in Panama, Torrijos will announce shortly opening diplomatic relations with Red China. Panama has enjoyed the vocal support of the Red Chinese in its demand for more equitable arrangement concerning the Canal Zone.

Actually, what has kept Torrijos in power for the past 3 years has been the U.S. economic aid and financial assistance both publicly and privately. This is a paradox as Panama *has no safeguards* being a non-constitutional government. You probably are aware of the financial crisis in Panama today.

As close to 100% of the Panameños want their constitutional government of President Arias back, they are making a very concise, unified effort to restore their legal government. As Torrijos has a highly paid network of spies in all aspects of society, this still will not stop the people of Panama from restoring their elected government of 1968 and this could happen at anytime.

Again, with my warmest regards.

Sincerely,

PHILLIP HARMAN.

NOVEMBER 6, 1971.

Mr. HAROLD LORD VARNEY,
President, Committee on Pan American Policy of New York, New York, N.Y.:

Congressman Flood so kindly sent me a copy of your article "Why is Mr. Nixon giving away the Canal Zone?"

Mrs. Harman, whose grandfather was the founder of the Republic of Panama, and I enjoyed very much your article.

There are two (2) factors that I would like to mention concerning this article. The first factor concerns the present treaty discussions in Washington. You mentioned on page 28 "But so certain are the Nixon negotiators that they will prevail that they have already adopted a tentative timetable calling for the completion and signing of the new treaty this year, and its submission to the Senate for ratification in the present session. Anderson and his associates are confident that the new surrender treaty will be operative, with Mr. Nixon's signature, by the beginning of 1972."

As I am so close to Panama and also followed the 1964–67 proposed treaties, I personally do not believe that President Nixon will submit a treaty or treaties to the Senate for Advice and Consent for the following reasons:

1. The House of Representatives are again against any new treaty.

2. The present government in Panama is leftist.

3. The present government in Panama is non-constitutional.

The constitution of Panama clearly states that any treaty has to be signed by a constitutional elected president and ratified by the National Assembly of Panama. As there are no procedures for ratification being a non-constitutional government, the United States could not validly sign a treaty with the present government in Panama.

The second factor concerns the constitutional President of Panama, Dr. Arnulfo Arias, whom you mentioned on page 23. As I have explained to Congressman Flood and also to Senator Thurmond, *President Arias has been the target of the Red conspiracy since the 1940's* when he openly declared that the Soviets plan of conquest was first the Republic of Panama and after that would come the "cold war" battle for control of the Panama Canal. Of all of the Panamanian presidents, Dr. Arias was the one the people listened to and that is what the Reds feared. As he was the only Panamanian President that fought the Reds and exposed them, *they falsely accused him and slandered his name both in the United States and abroad.*

In President Arias' presidency of 1949–51, he endeavored to pass a bill through the National Assembly to ban Communists from public office. On April 11th, 1951 this bill was defeated. One month later on May 10th, the Reds who hide behind other people in Panama, were able to overthrow his government and take away his civil rights for 10 years.

President Arias has devoted his whole life both as a physician and as a president endeavoring to improve the lot of the poorer Panamanians. And because of that he has been shot and wounded, imprisoned, citizenship taken away for 10 years, 3 governments overthrown, robbed of an election, his home burned to the ground with all of his personal effects and documents, and then had to leave his presidency on October 11th, 1968 otherwise he would have been shot and killed.

The Panamanian politicians have always used the Canal as a political football. The only Panamanian that never used the Canal as an issue is President Arias. He always maintained that the country should be developed and not depend so much on the economy of the Canal. However, he has always been very much aware that Panama receives in fringe benefits $166 million dollars paid for in salaries, pensions, and products bought from Panama. You will be interested in reading the enclosed 1963 newspaper clipping concerning the viewpoints of Dr. Octavio Fabrega and President Arias. Dr. Fabrega said there should be a full revision of the 1903 treaty whereas President Arias in reply said the Canal issue is fallacious. He warned that *"anti-Yankee campaigns opens the door to subversive agents of Castro communism and Soviet imperialism."* Today, we know that Torrijos is meeting with agents of Castro in Panama City and David and Soviet advisors have been in Panama for the past 2 years. That statement of President Arias was made 8 years ago.

Of the four (4) elections that President Arias won and always with an overwhelming majority of votes by the people of Panama (one of which the Reds did not allow him to assume in 1964) the Reds were always able to keep him out of office after a short period of time in the presidency. However, they were unable to stop him from iniating the Social Security and making it possible for the women of Panama to vote.

Last Wednesday I talked to President Arias in Miami where he is in exile. He is very much concerned over the rumored flight of Torrijos to Cuba where he met with Kosygin and Castro. As I am in constant touch with Panama, the Panamanians who are captives in their own country by the leftist military regime, are also very worried over this Communist meeting. I am enclosing the Miami article about this secret flight. The article also mentioned about the pressure being brought upon Torrijos to adopt a more violent position against the United States.

We must remember that the Soviet's "Panama Canal prize" is much greater than their Naval bases in Cuba. They do not want to lose this once in a lifetime opportunity with the leftist military regime now in power in Panama.

For your information, a very recent "secret poll" was taken in David, Panama City, and Colon to determine the thinking of the Panamanians relative to restoring their 1968 constitutional government. Close to 100% were in favor of bringing back their elected government of President Arias. It is with this strength of the people that will restore their constitutional government and this could happen at anytime.

Cordially,

PHILLIP HARMAN.

NOVEMBER 13, 1971.

Hon. DAVID M. ABSHIRE,
Assistant Secretary of State for Congressional Relations, Department of State, Washington, D.C.

DEAR SECRETARY ABSHIRE: Mrs. Harman, whose grandfather was the founder of the Republic of Panama, and I read with interest the November 10th issue of the Miami Herald newspaper concerning your apprehension over Congressman John M. Murphy's Subcommittee on Panama Canal hearings that will start on November 29th.

In my letter to you of November 4th, I had enclosed the Miami article about the secret rumored flight of Omar Torrijos to Cuba where he met with Kosygin and Castro. It is said that Torrijos asked Kosygin for $27 million dollars in cash and $44 million dollars worth of arms. His need for these arms would be for his threat of invading the Canal Zone if he doesn't get jurisdiction over the Canal Zone. Congressman Durward G. Hall in his address before the House of Representatives on November 11th, also mentioned about Torrijos' invasion of the Canal Zone with 6,000 rifles if he failed to get a new treaty.

As the Panamanian treaty negotiators only represent the non-constitutional military government, the Panameños, who are captives in their own country, know that the discussions do not have any validity. Your statement of "The presence of your committee in Panama and the Canal Zone in order to take testimony from Panamanian officials or residents of the Canal Zone could certainly affect the course of these negotiations to the detriment of U.S. interests as well as adversely affect our over-all relations with Panama" should take into consideration two (2) factors of your statement:

I. Concerning "detriment of U.S. interests" the military of Panama, who are steered by Communist Agents, already have plans for the nationalization of three (3) American interests; namely,

A. *Utilities.* They already have harassed the Fuerza y Luz (The Panama Power and Light Company) who also supply gas and operate the telephone company. As the military does not pay their government bills, it it very difficult for the Fuerza y Luz to stay in business. Then the military takes over.

B. *Banks.* The plan of the military is to follow the procedure that Allende is now doing in Chile in taking over the banks.

C. *Bananas.* As this is the principal product of Panama (more than $60 million dollars worth were exported in 1970) this is the number one objective of the military.

2. Concerning "over-all relations with Panama" the recent "secret poll" taken in Panama to determine the thinking of the Panameños relative to restoring their constitutional government President Arnulfo Arias, showed that close to 100% of the people wanted their 1968 elected government back. The Panameños are now making a very concise unified effort to restore their constitutional government and this could happen at anytime.

Because the "over-all relations with Panama" could change at anytime when the Panameños restore their constitutional government, it should be taken into consideration by the United States, that President Arnulfo Arias, a good friend of the United States and now in exile in Miami, would be confronted with these present de facto treaty discussions. If these discussions are to be resumed upon President Arias return, I do know they would be conducted in a very friendly atmosphere and on a very open basis with responsible and knowledgeable Panamanians representing the constitutional government of President Arias.

With my warmest regards.

Most sincerely,

PHILLIP HARMAN.

DECEMBER 11, 1971.

DEAR CONGRESSMAN FLOOD: It was so kind of you to send me a copy of the Hearings of the Subcommittee on Inter-American Affairs and also your letter of Dec. 6th thanking me for the birthday greetings.

In the Evening Star clipping that you graciously sent me, I noticed where it said "The State Department is concerned largely because the issue so explosive with the Panamanian public." Nothing could be further from the truth. In answer to this, I sent a letter to Secretary Abshire. The number 2 point explains how the propaganda of the military operates. I am enclosing a copy of my letter as I know that you would be interested in seeing it. Nine individuals are running the Republic of Panama and I have listed their names. Omar Torrijos is the figurehead.

At the present time in San Jose, Costa Rica are two Soviet diplomats whose names are Arnold Ivanovich Mosolov and Stanislav Vesselovsky. They are endeavoring to persuade the Costra Rican people to open relations with the Soviets. However, these two Russian diplomats have made several trips to David and Panama City where they met with the military. The strategy between the two countries is that Costa Rica would be the first to open relations and then Panama would follow. Foreign Minister Facio of Costa Rica has been an admirer of the leftist military in Panama and has publicly supported the military's demand for sovereignty over the Zone. Because of his support, the military recently decorated him.

With my warmest regards and admiration.

Sincerely,

PHILLIP HARMAN.

DECEMBER 11, 1971.

Hon. DAVID M. ABSHIRE,
Assistant Secretary of State for Congressional Relations, Department of State, Washington, D.C.

DEAR SECRETARY ABSHIRE: Thank you for writing to Senator Case concerning a letter that I wrote to him about the military dictatorship in Panama that is threatening the security of the Panama Canal. Because of this do keep five (5) factors in mind:

1. The Panamanian negotiators only represent 9 individuals and not the people of Panama who deplore this dictatorship. The

9 individuals are: Omar Torrijos, Rodrigo Garcia, Florencio Florez, Armando Contreras, Manuel Noriega, Ruben Paredes, and Manuel Arauz all of the military; Bolivar Vallarino, former head of the military and Ruben Dario Souza, General Secretary of the People's Party, the Communist Party of Panama.

2. The military control all news media. Their propaganda given out to the world that the Canal Zone sovereignty is an explosive situation with the Panamanian public. This is not true. The large silent majority of Panamanians are aware of the $160 million they receive from the U.S. for salaries, pensions, and products bought from them. They do not want to lose this income and livelihood.

3. The head of the military is a Communist like Castro. In a press interview on Sept. 30th, 1970 in Moscow, Ruben Dario Souza of the Communist Party of Panama, informed the press that Omar Torrijos is a Communist.

4. The Panamanians are gravely worried over the Justice Department report that Panama is one of the world's key centers of the illegal narcotics traffic.

5. The recent "secret poll" taken in Panama showed that close to 100% of the people want to restore their constitutional government of President Arnulfo Arias, a good friend of the U.S. and this could happen at anytime.

Cordially,

Phillip Harman.

December 18, 1971.

Mr. Jeremiah O' Leary,
The Evening Star,
Washington, D.C.

Dear Mr. O'Leary: Mrs. Harman, whose grandfather was the founder of the Republic of Panama, and I have been following the hearings of the Subcommittee on Panama Canal. As I understand it, the hearings were concluded on December 10th.

Congressman Flood so kindly sent me your article of December 1st concerning the hearings. May I bring up two (2) parts of your article that may be of interest to you? Ambassador Mundt had requested to conduct the questioning in executive session and the State Department is concerned largely because the issue is so explosive with the Panamanian public:

1. Perhaps the reason why Ambassador Mundt requested the secret hearings pertains to a secret report that I am enclosing for you to read. This was a meeting held at the Presidential Palace in Panama on September 21st concerning the Panamanian treaty negotiators. This report states that the United States and Panama have agreed *that Panama would ratify the treaty first and this must be done before December 31st of this year.*

Perhaps that explains Ambassador Mundt's request and also why Omar Torrijos had asked Congressman Murphy not to come to the Canal Zone to continue his hearings. Congressman Murphy's presence in the Isthmus would alert the Panamanians and may disturb the strategy that Torrijos has planned for a de facto ratification before the year is out.

2. The issue of the sovereignty over the Canal Zone *is not an explosive issue with the Panamanian public.* As the military control all news media and as there is no freedom of speech in Panama, the propaganda machine of the military in conjunction with the Communist party of Panama, have given out this false publicity in order to stir up world sympathy.

The large silent majority of Panamanians are very much aware of the fact that they receive over $160 million dollars yearly from the United States in the form of salaries, pensions, and products bought from them. They do not want to lose this income and livelihood.

I am also enclosing a copy of a letter that I sent to Mr. Mark B. Feldman, legal adviser for Inter-American Affairs and a letter to Secretary Abshire of the State Department who also had requested Congressman Murphy not to continue his hearings in the Zone.

You will be interested to know that the Panameños are making a very concentrated and unified effort to restore their 1968 constitutional government *and this could happen at anytime.* The return of President Arnulfo Arias, a good friend of the United States and now in exile in Miami, *would certainly change the status of the treaty talks now going on in Washington.* As to President Arias' viewpoints concerning the Canal issue, you will be interested in reading the enclosed article of October, 1963 where he says "anti-Yankee" campaigns opens the door to subversive agents of Castro communism and Soviet imperialism." That statement was made over 8 years ago. Today in Panama, the military have been meeting with agents of Castro for over 2 years and Soviet advisers are now there.

As I am in constant touch with factual happenings in Panama, do let me know if there is any information that I can send to you. The planned nationalization of American interests in Panama such as utilities, banks, and the banana industry by the leftist military is another story.

With my warmest regards and best wishes for the holidays.

Cordially,

Phillip Harman.

December 13, 1971.

Mr. Mark B. Feldman,
Assistant Legal Adviser for Inter-American Affairs, Department of State, Washington, D.C.

Dear Mr. Feldman: Mrs. Harman, whose grandfather was the founder of the Republic of Panama, and I have been following Congressman Murphy's hearings with a great deal of interest.

As you probably know, as a private individual I have been informing the members of Congress and others about the leftist military dictatorship in Panama and their ties with the Soviets and Cuba. Just the other day, the two Soviet diplomats that are in San Jose, Costa Rica endeavoring to get that government to open relations with the Soviets, have made several trips to David and Panama City where they met with the military. Their names are Arnold Ivanovich Mosolov and Stanislav Vesselovsky. At the present time in Panama are several Russian professors who are holding conferences on various subjects at the University of Panama. I am enclosing a picture of some of the Russian advisers that have been coming into the country.

In the December 1st issue of the Washington Evening Star, the article mentioned that "The State Department is concerned largely because the issue is so explosive with the Panamanian public." *Nothing could be further from the truth.* As the military control all news media, this is the false propaganda to stir up world sympathy. The Panamanian public deplore this leftist dictatorship and also they are very aware of the $160 million dollars a year that the U.S. pays to them in the form of salaries, pensions, and products bought from them. They do not want to lose this income and livelihood.

I am enclosing a 5 page letter that I sent recently to Senator Spong of the Foreign Relations Committee concerning the military in Panama and also a letter that I have sent to Secretary Abshire. As you are a member of the Bar, you will be interested in the enclosed statement of the National Bar Association of Panama that was made on Oct. 14th, 1968 just 3 days after the military took the country over by gunpoint. Their statement to the world should be read by the other Latin American countries who do not already have a military government.

You will be interested to know that in the recent *"secret poll"* that was taken in Colon, David, and Panama City that close to 100% of the Panameños were in favor of restoring their 1968 constitutional government of President Arnulfo Arias, a good friend of the United States and now in exile in Miami, Florida. It is with this thought in mind that the Panameños are making a very concentrated and unified effort to bring back their elected government so that civil liberties and democracy will be restored to them *and this could happen at anytime.*

I do know that upon the return of President Arias, if the United States wishes to resume the treaty talks, that President Arias would be pleased to do so. They would be resumed in an open and friendly atmosphere with responsible and knowledgeable Panamanians representing the people of Panama. As it is now, the Panamanian treaty negotiators are only representing 9 individuals which I listed in my letter to Secretary Abshire and not the one million Panameños who deplore what the leftist military did to their country.

With my warmest regards.

Cordially,

Phillip Harman.

January 10, 1972.

Dear Congressman Flood: For the first time in the Canal Zone history, the canal is now surrounded by Communist countries and countries that have full diplomatic relations with the USSR. What with Cuba in the Atlantic, Chile in the Pacific, Colombia in the South and now with Costa Rica in the North, the USSR is getting closer to their primary objective of gaining control over the Panama Canal.

As I previously mentioned in one of my letters, the new Soviet Ambassador to Costa Rica, Stanislav Vesenovsky, and his Russian diplomatic adviser for Latin America, Arnold Ivanovich Mosolov, have made several trips to Panama where they met with Torrijos and other officers as well as Ruben Dario Souza, General Secretary of the Communist Party in Panama.

I am enclosing a copy of the Copley News Service article that was released yesterday concerning the leftist military of Panama and their threats to divert the Chagres River and control the waters that supply the canal.

Because of the military's threats to divert and control the water that supply the canal; the threats to takeover the Canal Zone by force; and to stop the military from trafficing in narcotics of which 12% of the drugs in the U.S. stem from Panama, *the people of Panama are making a very concentrated effort to restore the constitutional government of President Arnulfo Arias and this could happen at anytime.*

With my warmest regards and best wishes for the New Year.

Cordially,

Phillip Harman.

[From the San Diego (Calif.) Union, Jan. 9, 1972]

Give Up Canal, Panama Tells United States

(By William Giandoni)

Panama, not Communist Cuba or Marxist Chile, could well be the United States' biggest problem in Latin America in 1972.

Panamanians, from strong man Gen. Omar Torrijos on down, are publicly threatening the United States with violence if demands for "Panamanian sovereignty and effective jurisdiction" over the Panama Canal are not met.

Clearly, the government of Panama is trying to force the United States to give up the "direct, unilateral and effective control over canal operations and defense" that it has long exercised and wants included in any new treaty between the two countries.

Panamanian student spokesman Conrado

Gutierrez, for example, told the National Student and Popular Assembly for the Unity of Anti-imperialist forces in Panama City that the U.S. military presence must be eliminated in the Isthmian republic.

"Not a single U.S. soldier to remain in our country," he told the meeting at the University of Panama. "The aggressive U.S. nature and the military bases must be liquidated, and the canal area must be returned to the Panamanian government."

Gen. Torrijos, the head of Panama's National Guard, himself declared that the masses would rise up in rebellion if they were not satisfied by outcome of the treaty talks, and that he would not move to put down the uprising.

The National Guard serves as both police force and army in Panama. It has long enjoyed a reputation for expertise in handling volatile crowds and preventing riots, but it acts only on command from higher authority, currently Gen. Torrijos.

What apparently worries the Panamanian government is contradiction between the stands of the United States and Panama on the matter of sovereignty over the Panama Canal.

Under terms of the Hay-Bunau Varilla treaty, Panama granted the United States, in perpetuity, the use, occupation and control of a zone of land and land under water for the construction, maintenance, operation, sanitation and protection of a canal, with all the rights, powers and authority within the zone which the United States would possess and exercise if it were the sovereign of the territory.

Although that document, signed in Washington Nov. 15, 1903, 15 days after Panamanian independence was proclaimed, aroused objections in Panama as soon as its terms became known there, it has served to permit the United States to construct and operate the Panama Canal.

* * * * *

Attempts to draft new treaties reflecting the realities of this day and age started years ago. Panamanian and U.S. negotiators did manage to work out a set of three proposed agreements in 1967.

As one former U.S. treaty negotiator, John C. Mundt, told the House subcommittee on the Panama Canal, the 1967 drafts contained the following provisions:

The first treaty, relating to the present canal, would have abrogated the Treaty of 1903 and provided for recognition of Panamanian sovereignty and sharing of jurisdiction in the canal area, operation of the canal by a joint U.S.-Panamanian authority with U.S. majority membership, and ultimate possession of the existing canal by Panama.

The second treaty would have granted the United States an option for 20 years to start constructing a sea-level canal in Panama and U.S. majority membership in the controlling authority for 60 years after its opening.

The third treaty would have provided for continued U.S. defense of the existing canal and, subsequently, U.S. defense of the sea-level canal, if built.

While Mundt did not mention the fact, the draft treaties were concluded about the time that a presidential election campaign started in Panama and quickly became a political football. President Marco A. Robles, who now lives in exile in the United States, did not bother to submit them to the National Assembly for ratification.

President Arnulfo Arias, inaugurated to succeed Robles Oct. 1, 1968, was ousted on Oct. 11, and also went into exile in the United States.

The provisional junta government that emerged in Panama under the leadership of Gen. Torrijos, studied the drafts, rejected them and asked for renewal of negotiations.

Serious talks got under way again in mid-1971 in Washington.

But, as is obvious from the tone of comment in Panama's tightly controlled newspapers, "emotional issues" cloud the discussions.

There is ample evidence that Marxist agitators are doing their utmost to excerbate Panamanian sentiments against the United States. Students at the University of Panama are being harangued with inflammatory speeches.

One such was the talk by law professor Camilo O. Perez, who spoke of Panama's struggle for sovereignty and peace. He went so far as to suggest that Panama could divert the Chagres River and control the waters that supply the canal, to strengthen its position in the treaty negotiations.

Efforts are being made in other Latin American countries to mobilize students to support Panama's fight against "imperialism."

Among the countries egging Panama into a confrontation with the United States are China, Communist China and Marxist Chile.

A CONSTITUTIONAL LIMIT ON DEFICIT SPENDING, BY HON. HAROLD RUNNELS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. RUNNELS) is recognized for 20 minutes.

Mr. RUNNELS. Mr. Speaker, today I am introducing a bill to amend our constitution to limit deficit spending by the Federal Government.

Our public debt now exceeds $423 billion. This fiscal year it is estimated that we will go $28 billion further into debt. Our debt last year was over $23 billion and our debt next year apparently will be over $32 billion.

The reasons for the present economic condition of this Nation can and probably will be debated and discussed for decades; however, I think almost all economists will agree that continued large-scale deficit spending by the Federal Government has become the greatest single factor acting to the detriment of our Nation's overall economic health.

Last fiscal year, President Nixon presented Congress with a budget which he said would create a $1.3 billion surplus. At the end of that fiscal year we learned that this $1.3 billion surplus had changed into a staggering deficit of over $23 billion. Initial explanations of next year's recommended budget deficit are somewhat confusing in that unemployment statistics have somehow been integrated into administration calculations. The total figures stand out quite clearly, however. In 4 years this administration will have incurred a debt somewhere in the neighborhood of $86 billion, a feat surpassed only by Franklin Delano Roosevelt during the Second World War.

Of course, Congress must also be held accountable for deficit spending. But it must be pointed out that Congress is given a budget by the administration to be followed each fiscal year. Congress uses that budget as a general guideline together with revenue estimates also provided by the administration. I have already introduced legislation, House Joint Resolution 907, which would have Congress draft its own budget using its own revenue estimates in hopes that a different approach might lead to more success. I don't see how a new approach could be much worse than our present system.

The legislation I am introducing today complements House Joint Resolution 907. This bill would, through an amendment to our constitution, impose a ceiling on deficit spending. Any appropriation made by Congress in excess of that ceiling would be without constitutionally granted powers and this would be null and void. I have set the deficit spending ceiling for any fiscal accounting period at 5 percent of the total revenues received by the Federal Government during the preceding fiscal accounting period. This would allow a relatively small amount of deficit spending when necessary. At the same time the ceiling would not be set at an arbitrary monetary figure which could become insignificant as the Federal budget grows with our economy.

In fiscal year 1971, Federal receipts amounted to $188.4 billion. If the deficit spending ceiling I am proposing today were in effect for the current fiscal year, our budget for fiscal year 1972 would be $197.82 billion. Any legislation passed subsequent to appropriations in that amount would be null and void.

Perhaps the most important effect the deficit ceiling would have would be to force Congress to keep a close account of its appropriations each year. The fact that those appropriations, enacted into law after the spending limit ceiling has been reached, would be null and void would necessitate that Congress set up spending priorities, an event which I think a vast majority of Americans feel is long overdue. The establishment of spending priorities would perhaps be difficult and painful but the resultant savings to the American taxpayer would be a blessing. In my opinion the American economy would have an opportunity to revitalize and rejuvenate itself.

Aother important effect of setting a deficit spending ceiling would be to provide a clear and distinct guideline to be used as a basis for our Federal budget each fiscal year. The revenues of one fiscal year would control the budget for the subsequent fiscal year. Congress would no longer have to rely on vague and fluctuating revenue estimates which somehow almost always end up producing an unbalanced budget.

As our revenues grow each year our budgets would also be able to grow. Congress would be forced to provide a means of raising revenues if it determined that a significant increase in Federal spending had become necessary the following fiscal year.

I have included an emergency provision in this bill. It would allow Congress, by a two-thirds vote of both houses, to declare a national emergency necessitating the temporary suspension of the deficit spending ceiling limit in any given fiscal year.

The end result of this bill would be to curb the almost geometrical expansion of our Nation's public debt. Since 1930 our national debt has grown by leaps and bounds from $16 billion to well over $400 billion. During the last two decades our national debt has increased by an amount greater than the entire national debt which accumulated from the birth of this Nation until the Second World War. We are now paying over $40,000 per minute on interest on this debt. This interest amounted to over $20 billion in fiscal year 1971.

The state of our economy has become the primary topic of concern in our Nation. Americans are now working from day to day under Federal regulations which control our financial affairs to the extent of even limiting how much we can receive in salary increases. Some of the most fundamental concepts of the free enterprise system have been suspended. Whether or not these controls will restore a healthy economy to our land is a matter of speculation at this point. The one thing which is certain is that the Federal Government must straighten out its financial affairs. We can begin by eliminating once and for all such deficit spending as last year's $23 billion debt and the $28 billion debt anticipated for the current fiscal year.

The following is the text of my bill:

H.J. RES. 907

Joint resolution proposing an amendment to the Constitution of the United States limiting deficit spending by the Federal Government

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The Congress shall have power for any fiscal accounting period to draw money from the Treasury in consequence of appropriations made by law in excess of no more than 5 per centum of those receipts received by the United States during the previous fiscal accounting period, except where Congress by two-thirds vote of both Houses during any fiscal accounting period shall determine that a national emergency requires that additional money be drawn from the Treasury during that fiscal accounting period."

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

RESOLUTION TO CENSURE THE CONDUCT OF THE PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 5 minutes.

Mrs. ABZUG. Mr. Speaker, I am introducing today a resolution of censure of the conduct of the President in deliberately and explicitly violating section 601 of Public Law 92–156, duly enacted by the Congress and signed into law on November 17, 1971.

Section 601 of the Military Procurement Act of 1971 declares it to be "the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina" and to provide for the withdrawal of all U.S. military forces "at a date certain" subject to the release of all American prisoners of war. Section 601 then directed the President to take the following steps to implement this policy:

First. Establish a final date for the withdrawal of all our military forces contingent upon the release of the prisoners.

Second. Negotiate with the government of North Vietnam for an immediate cease fire by all parties to the hostilities in Indochina.

Third. Negotiate for an agreement which would provide for a series of phased and rapid withdrawals of our forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, to be completed by a date certain.

This modified version of the Mansfield amendment did not itself set a specific date for withdrawal, as so many of us have urged and will continue to urge. It does, however, declare it to be not just the sense of Congress, but rather the "policy of the United States" that a date certain for total withdrawal of our forces from Indochina be established, subject only to the release of American prisoners.

In enacting this language, the Congress did not act lightly or without deliberation. The question of our involvement in Indochina has been the all-consuming issue before the Congress and before the American people for at least half a decade. The debate has been held, and the consensus is in. A majority of the American people, now that they know the horrible truth about this war which has been wrong from its inception, have repudiated it. They want it to end, the sooner the better, and they want our prisoners returned.

In response to this overwhelming demand, the Congress has formally declared it to be the policy of our Nation to terminate all military operations in Indochina at the earliest practicable date and to set a specific date for total withdrawal. It would remind you that this language was overwhelmingly approved by the Congress, including the minority leadership of both houses.

Yet in signing into law the Military Procurement Act, the President flatly and publicly stated that he had no intention of abiding by section 601. He has indeed proceed to flout both the intent and the language of the law. He has refused to set a date for withdrawal. He has escalated the mass bombing of North Vietnam, choosing to do so while Congress was in recess, and he is continuing the massive bombing of Laos and Cambodia. He has not negotiated in good faith in Paris. He has bitterly disappointed and abused the faith in Paris. He has bitterly disappointed and abused the faith of the families of our prisoners of war by pretending that he must maintain a military presence in Indochina in order to obtain the release of the prisoners when, in fact, the reverse is true.

If the President truly wants to secure their release, he has only to name the date when all our troops will have departed from Indochina. If he considers this a risk, it is a risk well worth taking. If the President should set a withdrawal date and the North Vietnamese were to renege on their public statement that they would agree to a simultaneous phased release of the prisoners, then the whole world know where the fault lies and the President would have the support of the Congress and the public in reconsidering the withdrawal date.

But, in fact, the real stumbling block is that the President has imposed another condition for a settlement, and that is the maintenance in power of the Thieu government in South Vietnam, a government that is in office by virtue of a sham election. It is to this goal that he continues to commit American lives and resources in violation of the law.

I believe that what is at issue for us is a clear constitutional confrontation. Does the President have the authority under the Constitution to pick and choose which sections of the law he will obey and which he will disobey? Is the President to decide by himself, with perhaps the advice of one man elected by nobody, whether this Nation is to be at peace or war?

Under the Constitution the President is charged with the duty to "take care that the laws be faithfully executed." Under our constitution it is the Congress that has the authority to determine when and where we go to war and, as Commander in Chief, the President's role is to implement the decision of the Congress.

In this body, we know only too well how our authority has eroded and the power of the Executive has grown to such enormous dimensions that the President has been described as the most powerful elected dictator in the world.

Unfortunately, this process has occurred with the tacit consent of the Congress which has ceded its powers to the President. If we are now at the point where the President feels free to declare openly that he will ignore the law, then the Congress shares in the responsibility for this shocking state of affairs.

Our forefathers in framing our Constitution did not construct a monarchy. They did not construct a government in which one branch would have inordinate power while the legislature would be subservient. They constructed a democratic system of checks and balances in which the legislature represents the most direct link with the will of the electorate.

It is the responsibility of the Congress to correct the imbalance that we have allowed to develop. By its overwhelming vote to repeal the Gulf of Tonkin resolution on December 31, 1970, the Congress attempted to reassert its authority by removing from the President a statement of policy which the Executive had improperly interpreted as a blank check for war.

The House can now take another step to restore its independence and dignity. In adopting this resolution which "disapproves and censures" the conduct of the President and directs him immediately to implement the provisions of section 601, the House will be assuring the American people that the Constitution is still alive in our land and that we will not allow the law to be violated, even if it be by the President of the United States.

The text of the resolution of censure, and the names of the Members cosponsoring it, follow:

H. CON. RES. 500

Concurrent Resolution disapproving and censuring the conduct of the President of the United States in failing and refusing to comply with the provisions of section 601 of Public Law 92–156, known as the Mansfield Amendment, and his conduct in resuming the bombing of North Vietnam, and directing him to comply with the said section 601.

Whereas, section 601 of Public Law 92–156, approved November 17, 1971, provides as follows:

"SEC. 601. (a) It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces at a date certain, subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces. The Congress hereby urges and requests the President to implement the above-expressed policy by initiating immediately the following actions:

"(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

"(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

"(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties;" and;

Whereas, the President of the United States, at the time he approved the said law, stated that he did not intend to observe, follow, or abide by the provisions of the said section; and,

Whereas, the President of the United States, in the time since the said law was approved, has not observed, followed, or abided by the provisions of the said section; and,

Whereas, the President of the United States, in clear violation of the law, the will of Congress, and the will of the American people, resumed the mass bombing of North Vietnam while Congress was in recess; and,

Whereas, the said resumption of bombing has exposed more American military personnel to the risk of imprisonment by the Government of North Vietnam and forces allied with such Government; and,

Whereas, in violation of the requirement of section 601 of Public Law 92–156 that the withdrawal of the military forces of the United States from Indochina be conditioned only upon the release of American prisoners of war, the President has imposed an additional condition upon such withdrawal, namely, that the present Government of South Vietnam, headed by President Thieu, be preserved;

Resolved by the House of Representatives (the Senate concurring), that the aforementioned conduct of the President of the United States should be, and hereby is disapproved and censured; and further,

Resolved by the House of Representatives (the Senate concurring), that the President of the United States is directed to observe immediately the explicit policy of the United States that he establish "a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces," and otherwise comply with the provisions of section 601 of Public Law 92–156.

LIST OF SPONSORS

H. CON. RES. 500

Bella S. Abzug, Herman Badillo, John Conyers, Ronald V. Dellums, Bob Eckhardt, Don Edwards, Joshua Eilberg, Henry Helstoski.

Edward Koch, Abner Mikva, Patsy Mink, Parren Mitchell, Thomas Rees, Benjamin Rosenthal, William F. Ryan.

SOFT DRINK FRANCHISE AGREEMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Mrs. GRIFFITHS) is recognized for 10 minutes.

Mrs. GRIFFITHS. Mr. Speaker, today I am introducing legislation which will enable soft drink bottlers to continue marketing their products in accordance with the principles of the franchise system as it has existed in this industry for more than 70 years.

This past year has seen the Federal Trade Commission file numerous complaints against soft drink companies, stating that there must be full intrabrand competition within the soft drink industry. Although in its recent complaints the FTC charges that the geographical limitation of franchise agreements between soft drink manufacturers and retail bottlers-distributors is in violation of antitrust laws, I believe in this instance that the letter of the antitrust laws is without just consideration for the intent of this legislation.

Undoubtedly, the FTC is genuinely seeking to promote the public interest; and, on a superficial view, the elimination of territorial restrictions would appear to promote competition with a corresponding benefit to the public and the unrestricted distributor.

This theoretical analysis, however, ignores many hard facts and realities of the marketplace. The marketing method traditionally used by the soft-drink industry has been sales and service by route delivery. This method requires and in fact has produced intensive competition between the bottlers of the different national brands for the trade of virtually every restaurant, filling station, and other outlet in the territory and competition for shelf space within the supermarkets. Low prices and good service to the public at all retail outlets have been the results of this method. Some of the large grocery chains, however, find this method inconvenient with their practice of mass purchasing from suppliers and redistribution through warehouses to their retail outlets. This is particularly true of those chains which offer their own private brand beverages in competition with the national brands. Generally, the chains which want central warehouse delivery are interested only in cans and nonreturnable bottles, since they are unwilling to assume the cost of dual handling and local storage space at the retail outlets which are inherent in returnable bottle use.

If this territorial system is destroyed as a result of the FTC action, warehouse delivery to the large grocery chains and other volume buyers will become the rule rather than the exception. It would permit supermarkets and large distributors to maintain monopolistic control of the market. A step further is that it would permit a grocery chain store to purchase one small franchise and distribute to its chain all over the country. Those bottlers fortunate enough to be located in close proximity to the chain's warehouses or who are in financial position to restructure their methods of operation to specialize in only large volume customers over a wide geographic area will be able to increase their sales. The majority of bottlers, however, who are neither fortunately situated nor financially able to quickly adapt will inevitably be placed in a precarious economic and competitive position. The cost of distribution to small volume outlets—such as "mom and pop" grocery stores, drugstores, office buildings, and vending machine outlets, and so forth—is considerably higher than to large volume outlets—such as grocery chain retail stores. Therefore, bottlers left with only smaller volume outlets will immediately suffer sharp reductions in sales and be forced to raise prices to their remaining customers. Without some sort of territorial protection for their trademark rights or the large customer base of a metropolitan area, bottlers will become credit risks unlikely to obtain the financing necessary to compete under the changed circumstances. Only large metropolitan bottlers now have the consumer base and financing necessary for the $1 million-plus investment required for the production of nonreturnable containers demanded by the chains. It is an exercise in fantasy to expect many of the smaller bottlers to be able to make an investment of this kind on the mere hope that they will in some way be able to compete successfully in the restructured market.

The success of the Federal Trade Commission's complaints will inevitably lead to the demise of the majority of small local bottlers. An increased trend to mergers may be the only alternative to a rash of bankruptcies. Should that happen, any immediate, short-term gain in intrabrand competition which might result from the commission's action would surely be far out-weighed by a long-term loss to competition in general. Once the large grocery chains and the surviving regional bottlers are dictating the terms of the competitive struggle, the smaller retail outlets and the consuming public will be the losers. The chains' present emphasis on nonreturnable containers despite their high retail prices is illustrative of their lack of desire to save the consumer any money. Soft drink bottlers are skeptical of the thought that any savings the chains might realize in lower wholesale prices would in fact be passed on to the consumer.

If, as I would predict, the FTC's action results in the restructuring of what is now a competitive industry of about 3,000 local manufacturing concerns into a highly concentrated one with the loss of years of financial investment by the unlucky bottlers might still be justified if in some way the public is benefited. But monopolistic rather than competitive pricing, reduced or no competition and service to smaller retail outlets, loss of easily identifiable manufacturer responsibility for pure quality beverages are the more likely results which will flow from this action; and these results are not in the public interest. Ironically, the purpose of the Federal Trade Commission Act will have been used to achieve the opposite of congressional intent.

DESCRIPTION OF LEGISLATION

The legislation which I am introducing has the objective of assuring that, where the licensee of a trademarked food product, whether he is the bottler or the licensee of another food product, is engaged in the manufacture, distribution, and sale of such product, he and the trademark owner may legally include provisions in the trademark licensing agreement which give the licensee the sole right to manufacture, distribute, and sell the trademarked product in a defined geographic area or which limit the licensee, directly or indirectly, to the manufacture, distribution, and sale of such product only for ultimate resale to consumers within that geographic area, subject to the conditions that: First, there is adequate competition between the trademarked product and products of the same general class manufactured, distributed, and sold by others, second, the licensee is in free and open competition with vendors of products of the same general class, and third, the licensor retains control over the nature and quality of such product in accordance with the Trademark Act of 1946—Lanham Act.

Thus, if the legislation is enacted, each territorial agreement would be viewed in the economic context in which it operates and the existence of competition in the market would be taken into account, subject to the further requirement that the nature and quality of the licensee's goods or services in connection in which the mark is used are legitimately controlled by the licensor in accordance with the Trademark Act of 1946. These are traditional, legal concepts. The legislation seeks no more than to continue the climate created almost a century ago and which has been part and parcel of our national economy unencumbered until the recent FTC action. It establishes nothing new and asks no more than to continue in the same atmosphere where vigorous interbrand competition has produced quality, quantity, low price, nationwide availability, and a healthy, small business complex which has proven beneficial to the consumer.

LEST WE FORGET—THE NATIONAL DEBT REACHED $423,771,319,347.55 ON JANUARY 3

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, on January 3, 1972, the gross public debt of the United States of America reached the grand total of $423,771,319,347.55. That amount represented a modest decrease since December 1, 1971, but compared to the January figure of 1 year ago, the gross public debt increased over $34.8 billion.

I bring these staggering figures to your attention because there is an all too unfortunate tendency on the part of Members of both Houses of Congress to forget that the American taxpayer is forced to shoulder the financial burden resulting from our deliberations.

Day after day, month after month, and year after year, Federal programs for this, that, and everything are added to the lawbooks and the money used to pay for the schemes thus created comes from the citizen's wallet. In this regard, I hope each Member has read the important staff study released on January 11 by the Joint Economic Committee. Even a quick perusal of that document, "The Economics of Federal Subsidy Programs," will convince the skeptics that "something" must be done to control the Federal Government's involvement in our free-market economy. A quote from the introduction to the study illuminates the problem:

> Federal programs aimed at supporting or improving the economic position of particular groups or industries should be constantly reevaluated in the light of changing circumstances. Whatever their initial justification, subsidy programs should be so contrived as to eliminate the necessity for their continuation.
>
> New subsidies are constantly being proposed, often enacted, and the total subsidy system grows in size and cost to the general public. The system of Federal subsidies seems to be somewhat out of control in the sense that it continues to grow despite the fact that we know so little about it.
>
> As these comments imply, difficulty in controlling the subsidy system stems from public ignorance about this form of government activity. Neither the facts nor a framework for identifying, understanding, and evaluating the facts have been brought to the public arena. Subsidies have been allowed to exist in the shadows of public policy.

When, and usually, money is not readily available to pay for the programs voted by Congress and approved by the President, the size of the national debt is increased. The resulting debt is financed through the issuance of Government securities. In order to pay the interest cost alone on this whopping debt, the Federal Government budgeted the tidy sum of $21,150 million for fiscal year 1972. For fiscal year 1973—beginning July 1, 1972—you and I and the long-suffering productive members of the American society can expect the administration's budget to contain a sizable increase in the amount requested for debt repayment.

I attempted to learn the exact amount of this new figure for inclusion in these remarks but the Division of Budget Preparation of the Office of Management and Budget refused to shed any light on the subject prior to the formal submission of the new budget to the Congress. In fact, the Division's spokesman said the figure was "extremely sensitive" to the administration. I am not surprised.

To pay the interest due on the public debt during the month of December 1971, the Federal Government made withdrawals in the amount of $94,382.82 from the accounts of the Treasurer of the United States. That amount was the fifth largest withdrawal for the month following withdrawals for, first, the Department of Defense—civil and military; second, the Veterans' Administration; third, the Department of Health, Education, and Welfare; and fourth, the Federal old-age, disability, and health insurance trust funds.

One tends to ignore figures of the magnitude thus far mentioned—therefore, a more meaningful and personal comparison is made: the current gross national debt on January 3, 1972, is a financial burden to the tune of $2,031.80 for each of the 208,569,344 men, women, and children in the United States. For the average family of four, its national debt bill on the third day of the new year stood at $8,127.20. And that on top of the Christmas bills.

In times past, when the people demanded that the Federal Government give to the public without first taking from the public, the "solution" was the printing of worthless paper money, commonly referred to as "greenbacks." When used by the Central Government to pay its bills, such paper money acquired value at the expense of the value of all the other money. The printing of greenbacks—to permit "giving" without seeming to be taking—was, in effect, an invisible tax on anybody who had any money.

Today, under a more sophisticated banking system, Government no longer prints greenbacks when it is called upon to spend more money than it takes in from taxes or through the sale of bonds to the public. In order to raise additional funds necessitated by congressional and executive action, the Government sells interest-bearing securities in the financial marketplace. Many of the Government I O U's become a part of the commercial banks' reserves, thus permitting the creation of "checkbook" money. The effect of this checkbook money on the value of the public's money is the same as if greenbacks had been printed in the first place. But it also has an effect that greenbacks did not have: The public must be taxed to pay the bank interest on the I O U's and then taxed again to pay back the banks.

The custom of governments everywhere, and particularly the Federal Government of the United States—the creation and spending of new, unearned money—is the root cause of inflation. The simple lesson to be learned from this admittedly abbreviated discourse on economics is that, in order to control inflation, the Federal Government must be controlled. And that is our primary responsibility as Members of Congress.

During the first session of the 92d Congress, I introduced, along with Congressman John H. Dent, of Pennsylvania, a proposed amendment to the Constitution of the United States which would require the submission of balanced Federal funds budgets each year by the President and action by the Congress to provide revenues to offset the Federal debt. Our proposal was referred to the House Committee on the Judiciary; it reads as follows:

H.J. Res. 1004

Joint resolution proposing an amendment to the Constitution of the United States requiring the submission of balanced Federal funds budgets by the President and action by the Congress to provide revenues to offset Federal funds deficits

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"Article —

"Section 1. (a) On or before the fifteenth day after the beginning of each regular session of the Congress, the President shall transmit to the Congress a budget which shall set forth separately—

"(1) his estimate of the receipts of the Government, other than receipts of trust funds, during the ensuing fiscal year under the laws then existing, and his recommendations with respect to expenditures to be made by the Government, other than expenditures to be made by the Government, other than from trust funds, during such ensuing fiscal year, which shall not exceed his estimate of such receipts; and

"(2) his estimate of the receipts of Government trust funds during such ensuing fiscal year under the laws then existing, and his estimate and recommendations with respect to expenditures from such trust funds during such ensuing fiscal year.

The President may, from time to time, transmit revisions of his estimates of the receipts referred to in paragraphs (1) and (2) and revisions of his estimates and recommendations with respect to expenditures referred to in paragraphs (1) and (2), and shall include any necessary revision with respect to expenditures referred to in paragraph (1) so that his recommendations with respect to such expenditures do not exceed his estimate of the receipts referred to in paragraph (1).

"(b) In transmitting the budget for any fiscal year, the President may recommend measures for raising additional revenues and measures for the expenditure of all or part of such additional revenues.

"Sec. 2. On or before the last day of the second month following the close of each fiscal year, the President shall report to the Congress the actual amount of receipts and expenditures of the Government during such fiscal year, other than receipts and expenditures of trust funds.

"Sec. 3. (a) If, for the period of two consecutive fiscal years, beginning with the first fiscal year for which the report required by section 2 is made to the Congress, or for any period of two consecutive fiscal years thereafter following the close of the preceding two-fiscal-year period, the aggregate expenditures by the Government, other than expenditures from trust funds, exceed the aggregate receipts of the Government, other than receipts of trust funds, neither the House of Representatives nor the Senate shall, after receiving the report under section 2 for the second of such fiscal years, have power to pass any bill or other measure appropriating any moneys out of the general funds of the Treasury until such time as provisions of law have come into effect which will provide additional revenue, within a period of not more than twelve months thereafter, in an amount not less than the amount by which such expenditures exceeded such receipts.

"(b) During a war or other national emergency the provisions of subsection (a), and of so much of section 1 as requires the President to submit a budget in which recommended expenditures do not exceed estimated receipts, shall not apply with respect to any period if—

"(1) the President recommends to the Congress the suspension of such provisions with respect to such period, and

"(2) the Congress by a two-thirds vote of each House agrees to a resolution suspending such provisions with respect to such period.

"Sec. 4. Section 1 of this article shall take effect on the first day of the first calendar year which begins after the ratification of this article. Sections 2 and 3 of this article shall apply with respect to fiscal years commencing after such first day.

"Sec. 5. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

Congressman Dent and I are by no means the only Members of Congress knowing the public debt situation is out of control, nor are we the only two Members searching for ways and means of re-establishing monetary and fiscal sanity to the affairs of the Federal Government. The "honor roll" of congressional sponsors of bills or resolutions similar to our House Joint Resolution 1004, though not large, is growing. To conclude my remarks, I want to cite and commend that distinguished group and call upon other Members of both Houses to join in the struggle to put America back on a sound financial basis. After all, is there a higher national priority?

The bipartisan list of sponsors includes:

Representative Bill Archer of Texas;
Representative Leslie C. Arends of Illinois;
Representative Mark Andrews of North Dakota;
Senator Henry Bellmon of Oklahoma;
Representative Ben B. Blackburn of Georgia;
Representative Frank T. Bow of Ohio;
Representative John N. Happy Camp of Oklahoma;
Representative Elford A. Cederberg of Michigan;
Senator Lawton Chiles of Florida;
Representative Del Clawson of California;
Representative James M. Collins of Texas;
Representative Barber B. Conable, Jr., of New York;
Senator Marlow W. Cook of Kentucky;
Senator Carl T. Curtis of Nebraska;
Representative John H. Dent of Pennsylvania;
Senator Robert Dole of Kansas;
Representative Jack Edwards of Alabama;
Senator Sam J. Ervin, Jr. of North Carolina;
Senator Paul J. Fannin of Arizona;
Representative Dante B. Fascell of Florida;
Representative Gerald R. Ford of Michigan;
Senator Barry M. Goldwater of Arizona;
Representative H. R. Gross of Iowa;
Representative James A. Haley of Florida;
Senator Mark O. Hatfield of Oregon;
Representative Louise Day Hicks of Massachusetts;
Senator Roman L. Hruska of Nebraska;
Representative W. R. Hull, Jr. of Missouri;
Representative Charles Raper Jonas of North Carolina;
Senator Len B. Jordan of Idaho;
Representative Jack F. Kemp of New York;
Representative Manuel Lujan, Jr. of New Mexico;
Representative Robert C. McEwen of New York;
Representative James R. Mann of South Carolina;
Representative Robert H. Michel of Illinois;
Representative John T. Myers of Indiana;
Representative N. C. Nix of Pennsylvania;
Representative Otis G. Pike of New York;
Representative John R. Rarick of Louisiana;
Representative John J. Rhodes of Arizona;
Representative Donald W. Riegle, Jr. of Michigan;
Representative Howard W. Robinson of New York;
Representative William R. Roy of Kansas;
Representative Charles W. Sandman, Jr. of New Jersey;
Representative John P. Saylor of Pennsylvania;
Representative William J. Scherle of Iowa;
Representative John G. Schmitz of California;
Representative William Lloyd Scott of Virginia;
Representative Keith G. Sebelius of Kansas;
Representative Garner E. Shriver of Kansas;
Representative H. Allen Smith of California;
Representative M. G. Snyder of Kentucky;
Representative Burt L. Talcott of California;
Representative Olin E. Teague of Texas;
Representative Fletcher Thompson of Georgia;
Senator Strom Thurmond of South Carolina;
Senator John G. Tower of Texas;
Representative Joe D. Waggonner, Jr. of Louisiana;
Representative Lawrence G. Williams of Pennsylvania;
Representative Lester L. Wolff of New York;
Representative Wendell Wyatt of Oregon;
Representative Louis C. Wyman of New Hampshire; and
Representative Gus Yatron of Pennsylvania.

THE RETROACTIVE PAY AMENDMENT

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, last Thursday—a full month after the Congress had passed the amendments to the Economic Stabilization Act—the Pay Board finally got around to issuing the necessary orders to make certain that teachers, public employees and workers entitled to retroactive pay receive the payments.

The requirement that the contracts and agreements entered into prior to the August 15 freeze be honored was included in the amendments which the Congress passed on December 14, 1971. As a result of the action of the Congress, millions of teachers, public employees and other workers will be receiving their checks.

It was mandatory that the Pay Board take action to implement the congressional mandate, but the Board kept dragging its feet before finally issuing the orders. This created great confusion for school boards, local and State governments and other employers all around the Nation.

Because of the slowness in implementing the pay sections as well as other amendments to the Economic Stabilization Act, I have written both the Pay Board and the Price Commission asking for a full report on what steps have been taken to issue the necessary regulations and interpretations. Mr. Speaker, I place in the RECORD a copy of these letters to the Chairman of the Pay Board and the Price Commission.

HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., January 10, 1972.

Hon. GEORGE H. BOLDT,
Chairman, Pay Board, Economic Stabilization Program, Washington, D.C.

DEAR JUDGE BOLDT: As I am sure you realize, the Banking and Currency Committee is receiving numerous inquiries concerning the Economic Stabilization program and the manner in which it is being administered. These inquiries are coming from Members of the Committee, other Members of the Congress, and the general public. So that these questions may be answered promptly and accurately, I would appreciate a complete and detailed statement from you concerning what steps the Pay Board has taken to comply with the amendments to the Economic Stabilization Act which were signed into law on December 22, 1971.

In this regard, I would like to receive copies of any regulations, interpretations, or other documents which have been prepared or issued in connection with these amendments. As you know, this Committee originated the Economic Stabilization Act in 1970 and all Members of the Committee are vitally concerned with the manner in which the law is being carried out.

While I would appreciate a complete rundown of all the steps that have been taken to comply with the Act as amended, I would particularly want the details of the regulations which have been issued to comply with Section 207 dealing with administrative procedures and public hearings.

Subsection (b) of Section 207 requires:

"Any agency authorized by the President to issue rules, regulations, or orders under this title shall, in regulations prescribed by it, establish procedures which are available to any person for the purpose of seeking an interpretation, modification, or rescission of, or seeking an exception or exemption from, such rules, regulations, and orders. If such person is aggrieved by the denial of a request for such action under the preceding sentence, he may request a review of such denial by the agency. The agency shall, in regulations prescribed by it, establish appropriate procedures, including hearings where deemed advisable, for considering such requests for action under this section."

Subsection (c) of Section 207 states:

"To the maximum extent possible, the President or his delegate shall conduct formal hearings for the purpose of hearing arguments or acquiring information bearing on a change or a proposed change in wages, salaries, prices, rents, interest rates, or corporate dividends or similar transfers, which have or may have a significantly large impact upon the national economy, and such hearings shall be open to the public except that a private formal hearing may be conducted to receive information considered confidential under section 205 of this title."

When the amendments were going through the Congress, there was much controversy surrounding the provisions dealing with pay contracts entered into prior to August 15, 1971. I would particularly like the details of what steps have been taken to comply with these provisions and the dates on which the actions were implemented. These are mandatory requirements and there is no legal justification for delay in triggering these Sections.

Throughout the years, this Committee has carefully monitored the administration of the various laws which it has originated. We regard this as a prime legislative responsibility and, in the past, the Committee has not hesitated to convene oversight hearings where necessary to see that the laws over which it has jurisdiction are being carried out in accordance with the intent of the Congress. Such hearings are time-consuming and the public interest is better-served when the agencies involved take the appropriate steps to comply with the letter and the spirit of the law.

This Committee—over the past eighteen months—has carried out its functions concerning the Economic Stabilization Act against much opposition and amidst a great deal of controversy. With this background, I am sure that you can understand that the Committee does not take its oversight functions lightly and that it is not willing to see its legislative work overturned by arbitrary administrative decisions which do not meet the intent of the Congress.

With best regards, I am
Sincerely,
WRIGHT PATMAN, *Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., January 10, 1972.

Hon. C. JACKSON GRAYSON,
Chairman, Price Commission, Economic Stabilization Program, Washington, D.C.

DEAR MR. CHAIRMAN: You are undoubtedly aware that the Banking and Currency Committee is receiving a great number of inquiries concerning the Economic Stabilization program and the manner in which the amendments to the Economic Stabilization Act, signed into law on December 22, 1971, are being carried out. So that we may answer these questions quickly and accurately, I would appreciate a detailed statement from you concerning the steps which your Commission has taken to meet the specific requirements of these amendments.

As you know, the Congress included a provision which allows the consumer and others to help police prices through civil damage suits. Obviously, this provision is meaningful only if the Price Commission requires that sufficient information be made available to the consumer concerning prices. Otherwise, they have little basis on which to avail themselves of the legal rights which the Congress accorded them in this amendment. Therefore, I would like for your statement to include a detailed rundown of what is being done to assure that these rights, as provided by the Congress, are being protected.

My office has received numerous inquiries from Members of Congress and the public concerning rents. When the amendments to the Economic Stabilization Act were before the House of Representatives, there was widespread agreement that rent increases should be controlled by the Price Commission and not left to local rent authorities. An amendment was adopted requiring the continued jurisdiction of the Price Commission over such matters and I would like to know what you have done to make certain that this clear intent of the Congress has been carried out.

While I would appreciate a complete rundown of all the steps that have been taken to comply with the Act as amended, I would particularly want the details of the regulations which have been issued to comply with Section 207 dealing with administrative procedures and public hearings.

Subsection (b) of Section 207 requires:

"Any agency authorized by the President to issue rules, regulations, or orders under this title shall, in regulations prescribed by it, establish procedures which are available to any person for the purpose of seeking an interpretation, modification, or rescission of, or seeking an exception or exemption from, such rules, regulations, and orders. If such person is aggrieved by the denial of a request for such action under the preceding sentence, he may request a review of such denial by the agency. The agency shall, in regulations prescribed by it, establish appropriate procedures, including hearings where deemed advisable, for considering such requests for action under this section."

Subsection (c) of Section 207 states:

"To the maximum extent possible, the President or his delegate shall conduct formal hearings for the purpose of hearing arguments or acquiring information bearing on a change or a proposed change in wages, salaries, prices, rents, interest rates, or corporate dividends or similar transfers, which have or may have a significantly large impact upon the national economy, and such hearings shall be open to the public except that a private formal hearing may be conducted to receive information considered confidential under Section 205 of this title."

Throughout the years, this Committee has carefully monitored the administration of the various laws which it has originated. We regard this as a prime legislative responsibility and, in the past, the Committee has not hesitated to convene oversight hearings where necessary to see that the laws over which it has jurisdiction are being carried out in accordance with the intent of the Congress. Such hearings are time-consuming and the public interest is better-served when the agencies involved take the appropriate steps to comply with the letter and the spirit of the law.

This Committee—over the past eighteen months—has carried out its function concerning the Economic Stabilization Act against much opposition and amidst a great deal of controversy. With this background, I am sure that you can understand that the Committee does not take its oversight functions lightly and that it is not willing to see its legislative work overturned by arbitrary administrative decisions which do not meet the intent of Congress.

With best regards, I am
Sincerely,
WRIGHT PATMAN, *Chairman.*

Mr. Speaker, the Nixon administration opposed—by every means possible—the congressional action on any amendments to the Economic Stabilization Act, particularly those dealing with the retroactive pay for teachers and working people. Some have attempted to cloud the issue and there have been some distorted claims about who did and who did not support the legitimate claims of such groups as the teachers on this issue.

Mr. Speaker, it is not my purpose to question the motives of the Nixon administration and its supporters in opposing these key amendments to the Economic Stabilization Act and their attempts to block retroactive pay for teachers. But I do think it is important that the record be clear so that each Member may be able to have the vote reported accurately in the news media.

So that the record will be straight and so that distortions will not be possible, Mr. Speaker, I want to place in the RECORD a letter dated January 14, 1972, from Mr. Stanley J. McFarland, assistant executive secretary for Government Relations and Citizenship of the National

Education Association which represents 1.1 million teachers. Mr. McFarland explains fully the vote and the position which the teachers took on the retroactive pay issues on the floor of the House of Representatives last December. The letter follows:

NATIONAL EDUCATION ASSOCIATION,
Washington, D.C., January 14, 1972.
Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE PATMAN: I'd like to take this opportunity to thank you for your interest in securing equitable treatment and retroactive pay for teachers whose salary increases were unjustly withheld due to the wage-price freeze.

You are probably aware that the National Education Association, on behalf of our 1.1 million members, supported H.R. 11309 as reported by the House Banking and Currency Committee. We hoped that it would be accepted by the House of Representatives without change. However, we are fully aware that a "No" vote on the Stephens amendment—because of the parliamentary situation—was not a vote against retroactive pay for teachers. We realize that, in effect, a "No" vote was actually a "Yes" vote for the language of the Minish amendment which had been added at our request to the bill during the Committee's deliberations. The NEA fully endorsed the Minish amendment and opposed the Stephens amendment in the form in which it was initially offered.

Since a substantial majority of the Members of the House of Representatives decided to accept the Stephens amendment, we wish to further express our appreciation for the successful efforts to modify the language of that amendment in a way that made final passage of the bill totally acceptable to the NEA.

We look forward to working with you as you consider important legislation to combat the problems facing American education.

Sincerely,

STANLEY J. MCFARLAND,
Assistant Executive Secretary, Government Relations and Citizenship.

IS BIGNESS AN EXEMPTION FROM THE LAW?

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, during the recess, the Federal Communications Commission issued a far-reaching decision which, in effect, said that size would be an exemption from regulation.

This decision came in the case of the American Telephone & Telegraph Corp. and the FCC announced that the investigation of this mammoth company was being stopped simply because the Commission did not have the staff or resources to carry on the project. As a result, the FCC will now accept the figures submitted by A.T. & T. itself in determining the rates which the American people will pay for long-distance calls.

Mr. Speaker, this is a tragic mistake. Not only will this mean higher telephone rates for millions of families, but it also raises a major question about this administration's approach to big corporations operating both in the United States and overseas. To many, it may appear that bigness is an exemption from regulation and law.

Certainly, I do not have the information at hand to know whether the FCC has the staff and the resources to carry out its functions, but I feel sure that this Congress would move immediately to provide whatever staff and funds were necessary to protect the American public on the matters which come under the Commission's jurisdiction. It seems strange that the FCC has issued such a decision without asking for an emergency appropriation from the Congress and without requesting the assignment of personnel from other agencies of the Federal Government.

The A.T. & T. case brings to mind how little the regulatory agencies, the Congress, and the public really know about the corporate giants which control the economy of the Nation. According to the FCC, these corporations are so big that no one will ever know what is going on inside the board rooms and what is being entered on the ledger sheets. They are bigger than the Federal Government and the American people—the FCC tells us in an official decision.

Mr. Speaker, the Washington Post carried an excellent article on this problem by D. J. R. Bruckner in last Friday's edition, January 14, 1972. Mr. Speaker, I place a copy of this article in the RECORD:

IS HOWARD HUGHES SUCH A SPECIAL CASE OF SECRECY?: TOWARD A SEPARATE SOVEREIGNTY FOR BIG BUSINESS

(By D. J. R. Bruckner)

NEW YORK.—So, there is a Howard Hughes. More precisely, there is a voice of Howard Hughes which has convinced people who talked with him long ago when he could be seen as well as heard that it is the true voice. This confirmation must be of special interest to multitudes whose lives have been directly affected by the power and money of this discreet gentleman—people in the securities business, banking, aircraft and airlines, casino and hotel businesses, and in the government of the State of Nevada.

The hidden Hughes may be thought personally eccentric, but he is not as unusual as he ought to be. How many of the 800,000 employes or 100 million customers of American Telephone and Telegraph know who the directors of the company are, who makes policies, what are the company's finances?

WOULD IT MAKE ANY DIFFERENCE WHATEVER TO THE NORMAL CONDUCT OF BIG BUSINESS IF ALL THE PEOPLE RUNNING THEM WERE CLOSETED IN HOTELS IN THE BAHAMAS?

The Federal Communications Commission confesses it is not big enough to investigate the telephone company's long-distance rate structure. Who is big enough?

How many drivers of cars in America know anything about the process of decision making in the auto companies or in the oil companies? That is if the directors are not in hiding, of course; if you are curious, you can catch sight of them. So what? Would it make any difference whatever to the normal conduct of big business if all the people running them were closeted in hotels in the Bahamas? Would it make any difference to the governments of the states, or to the government of the United States? Probably, it would not.

The directors of the Penn Central railroad, for instance, might have run that railroad into bankruptcy from the Caribbean just as efficiently as they did it from Philadelphia, and they would not have been any more distant from the attention of government, which seems to have paid no attention to what they were up to until it was too late.

Now, three directors of the Penn Central face a trial in Philadelphia. Would they have been tried if the company had not collapsed? I doubt it. Hughes, whose record certainly has not been soiled by inconvenient bankruptcies, said in his telephone interview last week that among other reasons for his remaining unseen for so long is a reluctance to spend the rest of his life in courtrooms testifying in various civil actions which other individuals have brought against him. That is a cogent reason. And Hughes, after all, is not in trouble with the government. But his reason must be appealing to a few businessmen who have fallen afoul of the government.

Perhaps the ultimate solution lies in a separate sovereignty for big business. The people running the largest companies in the world could conspire to purchase an island, establish their headquarters there and set up their own government. This would give them total immunity.

Perhaps they could persuade the leaders of the major labor unions to join them. An incidental benefit of this scheme would be restoration of the faith of the American people in their own government, since government would then have a legitimate excuse for paying no attention to what the powerful of the earth are doing, and it would have an excuse for resisting their insolence.

You will think, perhaps, this is an exaggeration of the problem. But you need not look far for disturbing evidence. If that big customer, the U.S. Government, had kept a sharp eye on Lockheed, would Congress have had to put up collateral (tax money) to prevent a bankruptcy in that company?

Again, until recently, the government was unable to extract enough financial information from some major international oil companies to make a judgment about their tax liabilities. Even now, the government—and the governments of other nations—have to deal with a handful of these companies as with worldwide independent powers. Well, oil was only early in that game. There are now hundreds of businesses, and banks, which have simply extended themselves beyond the sovereignties of nations and thus, in effective ways, beyond the reach of national laws and controls.

In the case of conglomerates, not even their investors, creditors and bankers can be sure they know very much about them. The methods used by many of these firms for drawing up balance sheets have badly damaged the credibility of the accounting profession in the United States.

THE METHODS USED BY MANY OF THESE FIRMS FOR DRAWING UP BALANCE SHEETS HAVE BADLY DAMAGED THE CREDIBILITY OF THE ACCOUNTING PROFESSION IN THE UNITED STATES

The customers of some conglomerates are even further removed from any knowledge of the people they are dealing with. It is practically impossible for the average man to know who is deciding price, quality, variety, availability of the things he buys and uses every day, and there is no effective way for him to find out why these decisions are made. It would be a lot easier to get Howard Hughes on the telephone, than to get behind normal, everyday business decisions in America.

The Hughes' case is not really very complicated, you see, nor he very hidden. His wealth and power, his operations, sales and purchases are fairly widely known. The only thing really illusory about him is his appearance. In the case of much of the big business of the world, the appearance of the men of power is real; it is everything else that seems an illusion.

As this article plainly points out, the problem of corporate secrecy has increased in recent years through the growth of the multinational firms which operate all over the world. These multinational operations go hand in hand with major money center banks which finance their activities in these foreign countries. Little is known about the operation of these companies and even less about the financing arrangements which are conducted through U.S. commercial banks. The export of U.S. capital, without control, is massive through these banks.

Let me quote from the article by Mr. Bruckner:

> Again, until recently, the government was unable to extract enough financial information from some major oil companies to make a judgment about their tax liabilities. Even now, the government—and the governments of other nations—have to deal with a handful of these companies as with worldwide independent powers. Well, oil was only early in that game. There are now hundreds of businesses, and banks, which have simply extended themselves beyond the sovereignties of nations and thus, in effective ways, beyond the reach of national laws and controls.

The Congress has done little about these multinational banking and corporate expansions despite the fact that today the operations of these international high fliers can drastically affect the domestic economy. There seems to be little inclination within the Nixon administration for any firm action.

Mr. Speaker, if we are going to continue to have regulatory agencies announce that the corporations which they regulate are too big to be regulated the Congress will be required to step in and provide some restrictions of its own on the operations of these giant concerns. Apparently no action is contemplated by the Nixon administration, which has remained silent about the FCC's strange decision. Judging from this silence, we can only assume that it has approval at the highest levels.

We are in the midst of a wage-price control program and this is an excellent time for the regulatory agencies, the Congress, and the entire administration to take a hard look at the role that the large banking and business corporations play in controlling the economy. Now is the time to peel back some of the secrecy to which Mr. Bruckner refers in his article. Now is the time to discover to what degree prices are actually administered by a handful of corporate giants. Now is the time to find out how the multinational corporations and the commercial banks which operate branches all over the world are contributing to some of our economic problems.

The Economic Stabilization Act has given the President and the Cost of Living Council, the Pay Board, and the Price Commission vast powers to investigate these situations. They have the power of subpena and the full authority to investigate the books of these corporations and banking institutions. The Antitrust Division of the Justice Department and the various regulatory agencies should work closely with the agencies involved in the economic stabilization program and take the steps necessary to assure that high prices are not being administered and that the economy is not being distorted by the arbitrary decisions of a handful of corporate managers.

Immediate steps should be taken to determine what is wrong at the Federal Communications Commission. If the FCC—or any of its members—have decided that they cannot do their job—as the A.T. & T. decision seems to indicate—then steps should be taken to see that replacements are appointed. The public is entitled to an active FCC and to the protections written into the Federal Communications Act. It is not the role of the Commission to issue decisions announcing that it does not intend to carry out the functions which have been assigned it by law.

Mr. Speaker, I would suggest that the President, who appoints the members of this Commission, investigate this most serious problem immediately.

THE NEED FOR REFORM ON REAL ESTATE TRANSACTIONS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the Washington Post has been running an excellent series of articles on a long-standing problem for homeowners—the high costs of closing a real estate transaction.

This is an area that has gotten little attention despite the fact that millions of consumers all over the Nation are required to shell out hundreds—and even thousands—of dollars to pay the various legal fees, title insurance, unnecessarily large escrow accounts and other charges which are thrown into a closing of any home purchase. As the article plainly establishes, these charges vary greatly from jurisdiction to jurisdiction while the services performed are virtually identical.

Mr. Speaker, this is a particularly important area since these fees must be paid in cash out of the pocket of the home buyer. At times, the massive nature of these closing costs actually prevents families from obtaining decent housing.

Unfortunately, the Department of Housing and Urban Development has taken an apathetic approach to these problems. The National Housing Act gives the Secretary the power necessary to control fees which are charged in connection with any mortgage insured by the Federal Government. Instead, it appears that the Federal Housing Administration has simply endorsed whatever the charges were in the local jurisdiction.

Many of us in the Congress have been dissatisfied with the lack of attention given this area by HUD and in the Emergency Home Finance Act of 1970, the Department was ordered to make a detailed study of mortgage settlement costs around the Nation. More importantly, HUD was to develop recommendations for legislative and administrative actions which could be taken to reduce closing costs and standardize them for all geographical areas. The Secretary of Housing and Urban Development was required to submit the report by July 24, 1971, but was able to come up only with a "Preliminary Report." The full report, with recommendations, is expected to reach the Congress sometime this month.

Mr. Speaker, the Housing Subcommittee of the Banking and Currency Committee is working on a new housing bill and this legislation is scheduled to be reported to the full committee very soon. In light of this, I have urged the subcommittee chairman, the Honorable William Barrett of Pennsylvania, to consider the problem outlined in the Washington Post articles and to consider including amendments which would remedy this situation. In addition to this work at the subcommittee level, it is anticipated that the full committee will hold hearings on the housing bill and I would like to see this subject dealt with in these sessions. At that time, we should have available the final report of the Department of Housing and Urban Development and there would be no excuse for failing to legislate in this area.

A number of remedies might be considered. For example, it would be possible to prohibit federally-insured financial institutions from participating either directly or indirectly in any transactions in which extortionate and unreasonable fees are being charged in connection with real estate closings. In addition, it would be possible to prohibit the charging of unnecessary or unreasonable fees on any mortgage which is insured by any entity of the Federal Government.

Also, it would be possible to broaden and strengthen the truth in lending law to provide control over all costs connected with a real estate loan. All of the closing costs are tied either directly or indirectly to the loan on the real estate, and it would be a simple matter to extend the truth in lending authority to this area. Undoubtedly, there are other routes which could be used to solve these problems.

Last year, I introduced H.R. 5700—the so-called Bank Reform Act—which sought to eliminate the various conflicts of interest which I am convinced contribute greatly to the inflated charges tacked on to the closing of real estate transactions. H.R. 5700 prohibited any insured institution, officers or directors of such an institution, or a member of the immediate family of any officer or director or an insured institution from directly or indirectly controlling any title company; company engaged in the business of appraising property; or company which provides services in connection with the closing of real estate transactions. H.R. 5700 also prohibited any person who is a trustee, director, officer or employee of an insured financial institution from performing legal services—in connection with a loan or other business transaction—with such insured institution for, or on behalf of, any person.

In short, H.R. 5700 would separate the lending functions from the other aspects of the real estate transaction and eliminate the conflicts of interest which contribute to the inflation of the fees, and which deny the homebuyer access to independent judgments. The committee conducted lengthy hearings on this measure but we have not been successful in gaining a broad consensus for the passage of this set of reforms. In light of the revelations of the Washington Post articles, I hope that the committee and the Congress will take another look at H.R 5700.

Mr. Speaker, the current articles in

the Washington Post are part of a series of investigative stories which that newspaper had published on questionable housing practices over the past several years. These series have been invaluable in focusing attention on some of the dark corners of the real estate and mortgage lending industries. These are areas which have been too long ignored and I am hopeful that the Washington Post series will make it impossible for this apathy to continue. The writer—Ron Kessler—and his editors have performed a tremendous public service. This series may encourage other newsmen around the Nation to look at their local situations and bring a broader public understanding of the need for reforms in these industries. Legislation—such as H.R. 5700—simply cannot pass against the tremendous lobbying pressures unless the spotlight is thrown on these practices. This is a simple fact of legislative life and I welcome the public exposure which the Washington Post is providing in this area.

Mr. Speaker, I place in the Record copies of the articles which have appeared in the Washington Post:

[From the Washington Post, Jan. 9, 1972]

The Settlement Squeeze: Kickbacks Victimize Home Buyers

(By Ronald Kessler)

Charges paid by virtually all Washington area home buyers at settlements include a variety of kickbacks and payoffs, many of them in apparent violation of criminal laws, a Washington Post investigation has found.

These hidden arrangements account for large chunks of settlement charges paid by Washington area home buyers, amount by one estimate to millions of dollars each year, and in most instances constitute clear-cut evidence that home buyers are being overcharged.

Indeed, government comparisons show that settlement costs in the Washington area are among the highest in the nation.

Settlement costs, a mystery to most home buyers, are an array of legal fees, title insurance premiums, taxes and other services that lending institutions require as a condition to giving a mortgage on a house. The costs vary with purchase price, but on a $40,000 home they amount to $1,248 in D.C., $1,418 in northern Virginia, $2,514 in Montgomery County, and $2,562 in Prince George's County.

These charges are double to triple the settlement fees levied for the purchase of the same house in Boston, which was visited by a Post reporter as part of a two-month investigation of settlement practices. During the course of the study, more than a hundred lawyers, title insurance officials, lenders, real estate brokers, developers, and other academic, legal, and government experts were interviewed.

The most common arrangements in the Washington area were found to be kickbacks and other hidden payments given by lawyers and by title insurance companies. They are paid to developers, lenders, real estate brokers, and buildings in cash or in free or cut-rate services. The one who pays for all the arrangements is the home buyer.

Although some lawyers, title insurance companies, lenders, developers, builders, and brokers will have no part of the deals, many of the practices are so pervasive that it is difficult to find exceptions.

What such kickbacks amount to, says Seymour Glanzer, chief of the U.S. attorney's fraud unit, is "commercial bribery" that directly inflates settlement costs paid by home buyers.

The purpose of giving kickbacks and hidden payments is to gain referral of home buyers' settlement business, and the referral methods are not always subtle.

Some developers refuse to sell houses unless settlement is held with the attorney or title company that gives them kickbacks. Some lenders refuse to give agreed-upon mortgage loans, or charge up to $150 extra, unless borrowers deal with the chosen attorney. Some real estate brokers include clauses in their contracts with home buyers giving them the right to select the title attorney.

Almost without exception, Maryland lawyers pocket a quarter to a third of the title insurance premium that home buyers with mortgages are required to pay. This is their commission for choosing a particular insuring company and accounts for 27 per cent of premiums paid by home buyers to Washington's four major title insurance companies.

Although they are legal, the commissions, according to bar association officials, would violate bar ethics unless lawyers obtain buyers' permission to take them. However, buyers are seldom consulted.

Some lawyers inflate their charges by adding on to surveyors' charges. Through an inflated bill arrangement, one Maryland title attorney receives $8,000 a year in this way.

There are geographical variations. Virginia lawyers do not take a part of the title insurance premium, while most Maryland lawyers do. D.C. lenders do not require that customers settle with designated attorneys, while this is common practice in Virginia and Maryland.

Kickback-type payments to developers are more common than to brokers, and D.C. lawyers rarely get involved, because they generally leave settlement work to the title insurance companies.

But most of the practices are so pervasive that some of the participants admit to them openly.

They are "the rule rather than the exception," says F. Shield McCandlish, who headed a special Virginia State Bar investigation into the practices in northern Virginia earlier this year.

The investigation, conducted by a committee appointed by past and present presidents of state and local bar associations, compiled a 16-page "confidential" report that found a number of the arrangements to be widespread, illegal, and a factor in unreasonably high settlement costs imposed on Virginia home buyers.

Spokesmen for the Virginia and Maryland attorneys general and for the U.S. attorney in D.C. say that many of the arrangements violate state criminal and insurance laws, bar association ethics, and could violate federal fraud laws.

The lawyer who initiated the bar investigation while he headed the state bar's grievance committee in Northern Virginia, Walter L. Stephens Jr., a Fairfax attorney, attributes the pervasiveness of the practices to a feeling by established lawyers that prosecutors are "afraid" to touch members of the bar.

Although a copy of the report was submitted by the bar last April to Virginia Attorney General Andrew P. Miller in a request for a ruling on whether certain of the practices were illegal, and he determined that they were, nothing has come of it.

NO PROSECUTION SCHEDULED

Virginia Assistant Attorney General T. J. Markow explains, "We would not take any action to prosecute until the bar asks us to."

The president of the bar, C. Wynne Tolbert, an Arlington lawyer, says the report is still being studied. He calls the report and its findings "confidential" and refuses to discuss any part of them.

Since the report was submitted, "nothing has changed," says McCandlish, the chairman of the bar committee and a partner with Boothe, Prichard & Dudley, one of Virginia's largest law firms.

"Lawyers are not willing to finger one another; that's why all these arrangements have remained invisible for so long," says James E. Starrs, a George Washington University professor specializing in real estate law.

The dollar value of the kickbacks and other hidden arrangements is impossible to determine without an audit of the companies and individuals involved. Even the number of houses bought and sold in the Washington area is not known, realty agents and government officials say.

But Starrs, citing the quick turnover of real estate in the Washington area, estimates the total to be "staggering" and easily in the millions of dollars each year.

The profits to be made are illustrated by a typical kickback-type arrangement on a 200-house development. Several Virginia lawyers and bar officials estimate that by referring buyers to the "proper" lawyer, the developer with 200 houses to build brings the lawyer $100,000 of business, of which nearly $80,000 is for work already done. In return, the lawyer rebates some $16,000 in free legal services to the developer.

Although the home buyer pays the bill, his interests often come last, says Stephens of the Virginia bar. He says those persons funneling business to a lawyer sometimes bring pressure to bear to have him overlook defects in the title or ownership of houses or to give clients less than straightforward advice.

Most home buyers have no idea why they must pay settlement fees, what the mystifying array of charges means, or where the money goes. Indeed, nearly all settlement sheets that list the charges are arranged in such a way that it is impossible to tell who gets some of the fees.

"I REALLY GOT STUNG"

But although they do not understand, home buyers generally have a feeling that the charges are too high. "I really got stung," says a White House aide of the charges he paid when he bought his Bethesda home.

The charges are required by lenders before they will give mortgages. How many of the services would be purchased by home buyers if they weren't mandatory is open to question.

"People who buy one or maybe two homes in their lifetimes just do not have the economic clout to bargain with the real estate establishment," says Sen. William Proxmire (D-Wis.), who has introduced a bill to require lenders to pay for title insurance charges.

Why the charges are at particular levels is also open to question. In many respects, settlement costs imposed on Washington area residents are a microscosm of a national pattern, which is crazy-quilt.

Although living costs are approximately the same among the various Washington jurisdictions, settlement costs are not. The purchase of a $40,000 home, as indicated earlier, brings with it settlement costs that vary by more than 100 per cent in D.C., Virginia, Prince George's, and Montgomery.

Many of the variations are due to differing levels of transfer taxes, which are paid, like sales taxes, on house purchase prices. The charges also include property tax escrows which vary in level with different local collection requirements and tax levels.

But comparison of legal fees, the largest and most flexible nongovernment expense, shows variations from locality to locality of up to 76 per cent for the same service.

Searching title, preparing papers, and holding settlement on a $40,000 house costs $314 in D.C. but $555 in Virginia.

The same service in Maryland costs $385 in Montgomery County but $525 in Prince

George's County (including title insurance commissions taken by Maryland lawyers).

This roller-coaster pattern produces the spectacle of a law firm with offices in both Maryland counties charging 36 per cent more in their Prince George's office than in their Montgomery office for the same work.

"Custom rather than reason underlies many of the title costs the home buyer must bear," says Sen. Proxmire.

Locally, more than custom is involved. In Maryland and Virginia, lawyers' fees for title work are set by the local bar associations through minimum fee schedules, and the variations in the schedules account for the disparities among the suburban jurisdictions.

The fee schedules are often used to justify lawyers' charges when skeptical home buyers question the fees. Lawyers say they can be disbarred for not following the minimums.

But minimum fee schedules are little more than price-fixing, according to Richard W. McLaren, who recently left his post as chief of the Justice Department's antitrust division to become a federal judge.

Asked if the schedules violate antitrust laws, McLaren said before he left Justice, "I don't think there is too much question . . . that there is a *per se* violation there," and for the bar to say it is exempt because it is not engaged in interstate commerce "would be to place its faith in a rather slender reed." A Justice Department spokesman declined to say whether the bar is being investigated on antitrust grounds.

"It is rather astonishing that the bar has failed to recognize that such minimum fee schedules constitute price fixing and are in direct violation of federal antitrust laws," says an article last May in Case & Comment, a lawyers' magazine.

Last July's American Bar Association Journal, concluding that fee schedules should be abolished, said they "may well violate the antitrust laws."

LOWER FEE TO INDIGENTS

Some local bar association presidents say they are not violating the law because a lawyer sometimes charges less than the fee schedule requirement (to an indigent for example), and because the latest American Bar Association ruling says charging less is only one factor to be considered when determining if a member is to be disbarred.

"The fee schedule is a guide, it's not a hard-and-fast rule," says Charles W. Woodward Jr., a Rockville attorney who is president of the Montgomery County Bar Association.

Asked what would happen if a lawyer charged half the prescribed minimum fee, Woodward said, "It might be a question presented to the ethics committee . . . You'd have to go into the reason for doing it and find out why."

"I guess the members would be concerned," Albert T. Blackwell Jr., chairman of the Prince George's County Bar Association's minimum fee schedule committee, said in response to the same question.

DISBARMENT POSSIBLE

Others are more explicit. "If a lawyer consistently charges low, it's considered unethical, and he could be disbarred," says Betty A. Thompson, president of the Arlington County Bar Association.

Whatever the interpretations, practicing lawyers interviewed in Maryland and Virginia said they clearly understood that they could be disbarred for undercharging. As a matter of fact lawyers in Virginia and Maryland agree that the schedule is hardly ever violated.

Differing explanations are given by ABA officials for the existence of a minimum fee schedule. They are to "inform the lawyers what it costs to deliver legal services," says Philadelphia lawyer William J. Fuchs, chairman of the ABA's economics committee. Others say it is a public service to show what reasonable fees might be, or to discourage kickbacks and ambulance-chasing.

However, three of the five bar associations around D.C., refused to show this reporter copies of their fee schedules. (Copies were obtained anyway.)

Asked why the schedules were not public, Woodward of the Montgomery bar confessed he knew of no reason but said bar rules prohibit it.

"If the ultimate purpose of the schedule is the protection of the public," says Prof. Starrs of George Washington, "they should be disclosed. Of course, the purpose is to protect the well-entrenched lawyers by stamping out competition and keeping rates high," says Starrs, who is a member of the D.C. Bar Association.

The lawyers' charges are far higher than charges for the same work by title insurance companies, which traditionally handle settlements in D.C. These companies perform two functions: they sell title insurance, which protects lenders and home owners against defects in the title to their houses and any other claims, such as attachments or tax liens, that might have been outstanding against a house prior to its purchase.

If a house turns out to be owned not by the seller but by some previous occupant, for example, title insurance will reimburse the purchaser of the house for any losses he incurs.

The title companies also perform in the District the jobs that lawyers perform in Virginia and Maryland: searching title, preparing papers, and holding settlements.

The companies, as indicated by the legal fees incurred at settlements in D.C., simply charge less than do the lawyers in the suburbs. The lawyers, in turn, have warded off competition by keeping the title companies out of the suburbs.

SUIT IN MONTGOMERY

Some 12 years ago, the Montgomery County Bar Association filed suit against a title company, contending it was practicing law illegally. In Virginia, legislation was readied to bar title companies from the state.

The net effect, says E. Spencer Fitzgerald, president of District-Realty Title Insurance Corp., is that title companies' searching of titles is "taboo" in Virginia. In Maryland, lawyers permit the companies to search titles (the "menial work," says Fitzgerald), but the companies cannot hold settlements without alienating the bar.

This produces an anomalous situation. While the lawyers contend the title companies illegally practice law by searching titles to houses, many of the companies are engaged to do just that by Maryland lawyers, who charge clients the bar rate, rather than the lower title company rate.

Home buyers in Maryland can hire title companies to handle settlements at a substantial saving, but the closing must be held in D.C. This requirement keeps title companies' Maryland business to a minimum.

Many bar associations contend that preparation of legal documents and rendering opinions on title is a lawyer's job. The lawyers acknowledge that it is lawyers employed by title companies who do this work for the companies. But they say that unless the lawyers are practicing independently, they cannot adequately represent the interests of home buyers.

Courts in many jurisdictions have upheld this argument.

Nevertheless, no bar official interviewed contended the title companies do an inferior job. Frank D. Swart, president of the Fairfax Bar Association, says, "In my opinion, if the title companies can do the job for less, they should be permitted to do so."

LAWYER'S DEFENSE OF PRACTICE

In defending their charges, lawyers say they and their secretaries spend far more time than is apparent to the home buyer in searching title, preparing documents, adjusting utility charges, arranging the date of the settlement and sending out checks.

Lawyers also point out that they assume liability for the work done, because a title insurance company, faced with a loss, may try to collect it from the lawyer who searched title.

Because of archaic record-keeping by city and county agencies, a research of title records on a property may take a day to a week if it is done from scratch.

But often lawyers have searched the title to a home or the subdivision where it is located for a previous client, and the additional searching required is minimal.

Although lawyers certify they have searched title for 60 years back, it is not uncommon, according to the Virginia bar report and Virginia and Maryland lawyers interviewed, for lawyers to stop after a year or two.

It is also not uncommon for Virginia and Maryland lawyers, rather than searching the title themselves or hiring employees to do it, to buy a title certificate from free-lance title searchers who can be found in the courthouses.

Such a certificate costs $30 to $50 per house, but the lawyer charges the client up to $400 for the same service, the Virginia bar report says.

Lawyers say the markup covers their liability in event of error. Sen. Proxmire calls this an example of protection piled upon protection: the home buyer is forced to pay for title insurance that fully protects the lender, then is forced to pay a form of insurance to the attorney to cover his own errors, which in turn are generally covered by lawyers' malpractice insurance.

"It's a matter of how much can you improve on 100 per cent protection?" says Martin Lobel, an aide to Proxmire.

Lenders say they need the services and insurance to protect their interests when giving a mortgage loan on a property. For example, they want to be sure that the house is owned by the owner; for this they require both a title search and insurance. To be sure the house does not encroach on other properties, they require a survey.

While such services are required by Washington lenders, they are not required by Boston lenders. Greater Boston is about the same size as metropolitan Washington; it has about the same living costs; it is an eastern, urban city; and it is older than Washington.

SETTLEMENT COSTS LOWER

Yet settlement costs there are a half to a quarter what they are here. Besides lower lawyer fees, Boston's costs are lower because lenders either do not require or absorb the expense of title insurance, surveys, credit reports, appraisals, and notary fees.

Referring to Washington lenders' requirements, Norman McIntosh, vice president of Boston's Provident Institution for Savings, Boston's largest source of mortgage money, says, "You know why they require them?"

"Because," he says, "they can get away with it."

Thornton W. Owen, president of Perpetual Building Association, the Washington's area's largest source of mortgage funds, says banks are more competitive in New England, forcing them to absorb costs to get more business.

"We feel we should be reimbursed for costs we put out," he says.

L. A. Jennings, chairman of Riggs National Bank, the Washington area's largest bank, acknowledges that the charges could be "foregone." "But, Jennings says, "We're in business to make a profit, and we're not making a large profit on it."

The chart above [not printed in the RECORD] includes all charges that buyers with conventional mortgages must pay above the price of the house. Several small lawyer charges are paid by sellers in some jurisdictions and buyers in others; for purposes of consistency, and since seller charges are theoretically passed along to buyers in the price of the house, they are all shown under buyer costs.

The figures are prevailing rates and taxes according to Commonwealth Land Title Insurance Co. in D.C. and lawyers B. George Ballman in Montgomery County, Robert K. Williams Jr. in Prince George's County, and F. Shield McCandlish in Northern Virginia.

A breakdown of the charges:

Fees to lawyers include examination or search of title, drawing of papers, preliminary report or binder, and settlement fee. In D.C., these fees go to title insurance companies rather than lawyers because the companies handle settlements. In Maryland, lawyers also take about 25 per cent of the title insurance premium as their commission, and this is included in the chart under fees to lawyers. The title insurance premium is shown as being reduced proportionately. For purposes of consistency, the 25 per cent cut is shown in D.C. under fees to title companies rather than under title insurance premium.

Title insurance includes lenders', insurance, which is required, and owners' insurance which is optimal but usually taken. The owners' policy is about a third more than the lenders' premium. The money goes to title insurance companies.

Services required by lender (misc.) include appraisal, credit report, survey, fire insurance and notary. The fees go to those providing the services.

Taxes to government include transfer taxes or stamps, clerks' fees for recording and giving tax statements, and property tax escrow required by lenders, based on typical property taxes for sale prices shown.

[From the Washington Post, Jan. 10, 1972]

THE SETTLEMENT SQUEEZE—II: HIDDEN FEES BOOST HOME'S COST

(By Ronald Kessler)

Anyone who has bought a house has had the experience. You sit rather tensely before a lawyer or settlement clerk. Papers are passed, documents signed.

You are handed a sheet of mystifying charges. There is not much sense in questioning them. You will only be told they are "set" or "required."

You want your house, and with some relief, you pay.

What you pay are settlement costs, an array of legal fees, title insurance premiums, taxes, and service charges required by lenders. There is often more to the charges than meets the eye.

Consider the settlement sheets of Elmer F. Blanchard, a suburban Maryland title attorney with four offices in Prince George's and Montgomery counties. Settlement sheets list all the charges that must be paid at settlement.

Blanchard's sheets show that home buyers are charged $55 for a survey, one of the services lenders generally require. But, unknown to Blanchard's clients, the actual charge for most of his surveys is $45. Blanchard retains the extra $10.

Blanchard acknowledges that he has what he calls a "deal" with Maryland surveyor Roger M. Vales. He refers nearly all of his survey business to Vales. Vales charges Blanchard only $45, less than the going rate of $60. Vales says that he sends Blanchard a bill for $55. The higher figure appears on settlement sheets, and Blanchard makes $10 per settlement.

Blanchard says he handles some 700 to 800 settlements in this way each year. That comes to $7,000 to $8,000 a year.

However, he says, "We're not going to be sitting here with any $8,000 at the end (of the year)."

Blanchard figures part of the money is returned to Vales when Blanchard has to pay him for surveys for which Blanchard doesn't get reimbursed. This happens when home buyers cancel settlements after the survey has been done. Other lawyers and surveyors say lawyers nearly always pay surveyors in these cases anyway.

Blanchard maintains that the "arrangement" helps everyone, since home buyers pay $5 less than the going survey rate. He says his other charges are in line with or below the usual fees.

Blanchard later said that because of the prospect of reporting of his arrangement in The Washington Post, he plans to give all the money to Vales.

Henry R. Lord, deputy attorney general of Maryland, says such a practice would appear to violate the Maryland criminal law dealing with rebates at real estate settlements.

The law cited by Lord provides that "no person . . . having any connection whatsoever with the settlement of real estate transactions . . . shall, for the purpose of soliciting, obtaining, retaining, or arranging any real estate settlement or real estate settlement business, pay to or receive from, any other person, firm, or corporation any fee, compensation, gift . . . thing of value, rebate, or other consideration . . ."

An arrangement like that described by Blanchard also would appear to violate American Bar Association ethics, according to Rockville attorney David E. Betts, the president-elect of the Maryland Bar Association.

Blanchard's arrangement is only one example of the types of hidden payments and kickback practices larding settlement costs in the Washington area. The most prevalent payments are by lawyers and title insurance companies (those who handle settlements) to developers, builders, real estate brokers, and lenders (those who bring in settlement business).

In D.C., settlements are generally handled by title insurance companies, while in the suburbs they are handled by lawyers. Central to the pervasiveness of kickback-type arrangements by lawyers is the fact that no one, including the lawyers, knows whom the lawyers represent at settlements.

Lawyers are normally hired by one person, paid by him, and given orders by him. At settlements, however, although lawyers are supposed to represent home buyers, who pay their fees, they are given instructions by lenders, and many lawyers interviewed conceded that their first loyalty is to those who hire them—usually developers, brokers, or lenders.

"How can you represent people who are on opposite sides of the table?" asks Lawrence A. Widmayer Jr. of Bethesda's Jones, O'Brien & Widmayer, a law firm that does a large settlement business. Conflict-of-interest is inherent in the work, he says.

Many home buyers have never heard of settlements, much less settlement attorneys, who specialize in title work. They are likely to hear the terms first from brokers, lenders, or developers when they have decided upon a house or applied for a mortgage. Brokers often tell buyers they don't need their own attorney, who would only add to expenses. One way or another, the buyer is steered to where the payments are.

The most lucrative arrangement is with developers. This is how it works:

Before new houses are built, developers hire lawyers to check the title to the raw land and to perform other legal work, such as zoning appeals.

Lawyers say a typical charge for such work on a 200-house development is $16,000. If a buyer of a finished house in the development hires the same lawyer to check title to the property, the lawyer's charge is almost pure profit, since he has already checked the title and does not reduce his fee.

Richard B. Chess Jr., a Fairfax lawyer, estimates that the additional work involved to bring a title up to date for all the purchasers of 200 homes of $40,000 would be a total of $1,600.

If the lawyer gets the business on all 200 homes, however, he gets a total title search fee of $80,000 under bar association minimum requirements. He gets another $20,000 for drawing up papers and holding settlements.

What happens is that the lawyer makes a deal with the developer: You refer buyers to me, and I'll do the initial title work for you free or at cost. The seller's settlement fee of $25 to $50 per house is also waived.

"It's an open secret that any builder that has a subdivision usually gets the entire work done free provided he refers purchasers to the lawyer," says C. Edwin Kline, president of Citizens Building and Loan Association Inc., Silver Spring, one of Montgomery County's largest savings and loan associations.

F. Sheild McCandlish, who headed a special Virginia State Bar investigation of the practices earlier this year, estimates that 90 per cent of closings on new houses in Virginia developments involve such arrangements.

One developer figures he saved $14,000 in legal costs on 20 houses he built in Virginia this year. The developer said only one out of five Virginia law firms he approached did not offer a reduced rate in return for an agreement to refer business.

"Referring cases is understood if you want to reduce fees," says Carl Bernstein, president of Berlage-Bernstein Builders, Inc., of Alexandria, one of the largest builders in Virginia and Maryland.

Bernstein's method of following through on his side of the agreement is simple: he refuses to sell a house to anyone who won't settle with the agreed-upon firm, he says.

"We'll do them (title searchers for developers) at cost," acknowledges Victor A. De Leon of Conroy & Williams, a Bethesda and Prince George's County title law firm. "The general idea behind it is that they (the developers) will refer the finished business." New developers, he added, may not get a break until they are more established.

"In 21 years in Montgomery County," says Widmayer, of Jones, O'Brien & Widmayer, another established title law firm in Bethesda, "I've never heard of a law firm that doesn't' give a special rate to a developer with the hope and anticipation that they will get return business." Widmayer says his firm knocks off up to two-thirds of title search charges and waives other fees for developers.

The American Bar Association's code of ethics says: ". . . a lawyer shall not compensate or give anything of value to a person or organization to recommend or secure his employment."

Whether the "thing of value" is legal services or money is irrelevant, says N. Samuel Clifton, executive director of the Virginia State Bar in Richmond. "What it amounts to is a kickback," he says, and is "illegal."

The Virginia law cited by Clifton, by the Virginia bar report on the practices in northern Virginia, and by the Virginia attorney general's office prohibits anyone from acting as an agent for an attorney by soliciting business for him. An agent is defined as "one who acts with or without compensation at the request, or with the knowledge and acquiescence of the other in dealing with a third person or persons."

Both agent and attorney are subject to fines of up to $1,000 or jail terms of up to a year or both.

As indicated previously, the Maryland criminal code cited by Deputy Attorney General Lord prohibits those connected with real estate settlements from giving any "fee, compensation, gift . . . thing of value, rebate, or other consideration . . ." for the purpose of "soliciting, obtaining, retaining, or arranging any real estate settlement or real estate settlement business. . . ."

Many of the lawyers interviewed contended their arrangements do not violate the law or professional ethics because, so far as they know, developers do not insist that buyers settle with the lawyers. As a result, they say, perhaps 10 per cent of buyers of new houses settle elsewhere.

One of the lawyers, De Leon, added in a subsequent interview that the reduced rates his firm gives to developers are still within bar association minimums, because the bar's fee schedules permit negotiated rates on properties with values in excess of a certain level.

Referring to lawyers' arguments that developers don't insist that all buyers settle at the agreed-on law firm, Betts, the president-elect of the Maryland State Bar Association says, "It doesn't make a hell of a lot of difference whether the developer says he'll give you all or part of it (the business)." Betts, a partner in the Rockville law firm of Betts, Clogg & Murdock, which does a large title business, says such arrangements with developers "in all probability violate the (ABA) ethics."

Kickback arrangements between attorneys and real estate brokers are harder to pin down. "I wouldn't tell you if they did (offer me kickbacks)," says Ted R. Lingo, president of Ted Lingo, Inc., a Maryland and D.C. real estate broker. However, he says that while some brokers insist on settlements with one lawyer, he gives buyers free reign.

The Virginia state bar report says that "many attorneys do legal work and/or title work for brokers at no charge in consideration of the broker directing settlements to those law firms."

Walter L. Stephens Jr., the Fairfax lawyer who initiated the investigation as head of the state bar's grievance committee for northern Virginia, says that it is common practice for realtors to designate settlement attorneys on purchases of existing houses by getting buyers to sign contracts delegating this right to the realtor.

Gilbert A. Schlesinger, a Silver Spring realtor, says brokers have told him as recently as several months ago, "Why don't you deal with so-and-so (lawyer). He gives a kickback." The usual payment quoted, says Schlesinger, is $25 to $35 per house.

John H. Beers, another Silver Spring broker, says, "It (kickbacks to brokers) is something that is going on. People in the trade say it's cash; $25 a case."

"A lot of brokers get a lot of kickbacks" says Kline, the president of Citizens Building and Loan Association.

"When a real estate broker is steering everyone to the same lawyer, it isn't because of a great fondness for him," notes Clifton, the Virginia bar director.

Schlesinger and others say it is not uncommon for the payment to take the form of free legal services, which an average broker's office may require once a month. In addition, says Widmayer of Jones, O'Brien & Widmayer, brokers will get a third of the legal charges knocked off when buying their own houses.

"We figure, what the hell, it's out of our pockets," says Widmayer.

Earlier this year, Robert E. Bullard, a Rockville lawyer active in bar association affairs, filed suit against Citizens Building and Loan Association, charging that since 1969 it has required that all settlements on its mortgages be held by two lawyers.

The lawyers, Herbert W. Jorgensen and Joe M. Kyle of Heise, Kyle & Jorgensen also are the attorneys for the Citizens S&L. They have their offices in the same building in Silver Spring. And Jorgensen is a member of the S&L's advisory board.

Bullard charges in his suit that he was told by Kline, the president of Citizens, that the institution was paying "approximately $17.000 a year to their attorney and had to compensate them in some other way. The feeding of all settlements to their attorneys was their solution."

Since the suit was filed, Citizens has changed its practice, according to Kline. The S&L now permits borrowers to settle elsewhere but requires that they pay Kyle and Jorgensen $70.

Kline says the fee is partly to cover the lawyers' charges for looking over the papers prepared by other lawyers and partly to prepare the required deed of trust and note, which the borrower's own lawyer should not therefore have to do.

Jorgensen said this practice protects home owners, since the lender has the greatest stake in the soundness of the title to a house on which it lends money. "When our attorney does it we know it's right," says Kline.

However, he said that in return for the funneling of business to Kyle and Jorgensen, they "give us some free services. They won't charge if it's an opinion or advice." Jorgensen did not comment on Kline's statement.

A similar arrangement exists at Metropolitan Federal Savings and Loan Association, whose Bethesda office is adjacent to the firm that gets the business—Jones, O'Brien & Widmayer. Ellis M. Jones of the law firm is also senior vice president and a director of the S&L.

Jessie Hilderbrand, president of Metropolitan Federal, said the purpose of the arrangement is to "insure safety" because the S&L's law firm can be trusted to do a good job.

The extra charge for borrowers who use their own lawyers is $150. Of this, $35 is for preparation of papers.

Some lawyers make their own charge for preparation of the same papers, doubling this cost to the home buyer.

While many S&L's say they don't require their own lawyer at settlement, Schlesinger says some lenders will "look a little glazey-eyed at you and give the hint to the broker not to come back again" with customers who insist on their lawyers.

In Virginia, the bar report says, many banks and S&Ls require that their loans be settled with specific firms. "Usually, there is a relationship between a member of the law firm, i.e., a directorship," the report says. Other lenders charge an extra fee instead of requiring closing with their attorneys, it adds.

A Federal Home Loan Bank Board regulation that became effective last January permits S&Ls to engage in these practices. The Federal Reserve Board, which regulates banks, has no regulation either way.

The Virginia bar report, too, concluded there was nothing wrong with the practice.

One Montgomery County S&L president, called the Federal Home Loan Bank Board regulation a "farce."

"It's absurd; all you have to do is read them (the mortgage documents)," he says. "What the arrangement does is force everyone into the arms of the lawyers, when the title companies from D.C. could do the job for far less, and in my opinion, they do a far more professional job."

D.C. banks and S&L's permit borrowers to settle with any lawyer or title company. Thornton W. Owens, president of Perpetual Building Association, Washington's largest S&L, says the mortgage documents are read over by clerks when they come in from the buyer's lawyers, and the cost is considered an ordinary business expense.

The problem with all these arrangements, says Stephens of the Virginia bar, is that lawyers wind up representing the interests of those who hire them—the lenders, brokers, and developers—rather than those of the buyers. If the lawyer gets a substantial portion of his business from a few lenders or developers, he may become dependent upon them and succumb to pressure to overlook defects in title or to give bad advice to clients, he says.

The danger is not hypothetical. Stephens says a number of lawyers have told him of attempts at such pressure.

To insure that lawyers represent only their clients, ABA ethics provide that a lawyer "should not accept compensation or any thing of value incident to his employment or services from one other than his client without the knowledge and consent of his client after full disclosure."

The idea behind the rule is that one giving compensation to a lawyer may exert influence over him, and the influence may not coincide with the client's best interests.

Despite the rule, nearly all Maryland title lawyers accept a "commission" from title insurance companies in return for choosing a particular company. (Virginia lawyers, by custom, do not.) And although the ABA rule requires that permission of home buyers be obtained before taking such payments, few home buyers are aware of the arrangements, and Maryland brokers say they have never heard a lawyer ask such permission.

Many Maryland lawyers believe they comply with the ethic by disclosing the arrangement in a printed line on their settlement sheets. The line, in small type, generally says the law firm acts as the agent for a title insurance company and may take a commission on the insurance premium.

I. John Ritterpusch of Ritterpusch and Gingell, a Silver Spring law firm with a large title business, says that as a rule he doesn't expressly tell clients about the commission. Instead, the charge for title insurance is described on his settlement sheets as "Premium & Commission," with no indication that the commission goes to Ritterpusch.

Ritterpusch who is chairman of the Montgomery County Bar Association's real estate committee, says he believes the description satisfies ethical requirements. He says if the commissions were eliminated, legal fees would have to go up.

The commission varies from 20 per cent to about 35 per cent of the total premium. Some lawyers who help write the policies are paid commissions of up to 50 per cent of the premium.

Although title companies acknowledge that lawyers who get the lower commissions do no work in return, they say that any single company that dropped the payments would immediately lose substantial business.

Whether home buyers always get what they are paying for at settlement is an open question. The Virginia bar report says that while lawyers certify they have searched title to a house back at least 60 years, "many attorneys," the report says, "do far less than a 60-year examination."

"There are some shortcutters in the business who will stop (searching) with a mortgage—maybe a year back," says T. Hammond Welsh Jr., president of Maryland State Savings and Loan Association in Hyattsville.

Welsh, a former Prince George's lawyer, says the practice has been common in Maryland for years.

Another common practice, the Virginia bar report says, is for "an attorney to pay $75 for a certificate of title to a $40,000 house and charge the purchaser from $350 to $400." Such certificates, which are purchased from free-lance searchers who can be found in county court houses, go for $35 in Montgomery County.

Lawyers justify this practice by saying their charges are to cover their liability. But the bar report notes that when the same lawyer handles settlement on the same house several times, his "exposure (liability) has not been increased one iota, so how can the additional . . . fee be justified?"

Even the survey, a service generally required by lenders to make sure the mortgaged house is within property lines and isn't encumbered by other adjoining properties, is not always what it appears to be. Charles B. DeLashmutt, a partner of DeLushmutt Associates, Arlington surveyors, acknowledges that nearly half the surveys he supplies on existing properties are ones he has done for previous purchasers.

He takes a picture of the old survey, he says, places a new date on it, and goes out to the property to make sure there have been no changes.

DeLashmutt says he charges as if he had to do a new survey because his liability is increased when a new owner buys the house.

Rodney L. Hanson, president of the Maryland Society of Surveyors, says lawyers sometimes add on to survey charges at settlement. Often the evidence turns up years later, when a home owner calls Hanson's firm, Hanson & den Outer in Rockville, to ask a question about the survey.

The owner mentions what he was charged, and it turns out he paid as much as $120 for a $60 survey, Hanson says.

Typical settlement on a $36,500 home in Maryland suburbs

Price	$36, 500. 00
Deposit with broker	1, 500. 00
Appraisal fee lender	35. 00
First deed of trust lender	29, 200. 00
Insurance paid policy at settlement, 1 mo. ins. escrow to lender	$10. 00
Taxes 12-22-71 to 6-30 @ $692.91 yr.	363. 72
Front foot benefit charges @ $52.50 yr.	1. 26
Taxes for 4 mo. escrow—lender	248. 56
Survey	60. 00
Title insurance & interim binder-owners-mortgagees	149. 50
Examination of title	165. 00
Preliminary report	2. 50
Tax certificate and report	2. 50
Conveyancing deed	15. 00
Recording deed, trust	23. 00
Notary fee	1. 50
Settlement fee	56. 00
Most Constr. Co	365. 00
Revenue stamps, State	160. 00
Maryland transfer tax	182. 50
Balance	7, 641. 64
Total	38, 341. 64

[From the Washington Post, Jan. 11, 1972]

The Settlement Squeeze, III: Home Buying a Grab Bag for All

(By Ronald Kessler)

The charges look legitimate enough. Sen. William Proxmire paid $205 when he bought his $60,000 home in D.C. Sen. John E. Moss paid $161 on his $40,000 Washington home. Rep. James E. Hanley paid $180 when he bought his $48,000 Bethesda home.

What they paid for was title insurance, one of the most visible and controversial charges imposed on home buyers at real estate settlements. Lenders in the Washington area require that buyers pay for title insurance as a condition to getting a mortgage. The insurance protects the lender if any defects later arise on the title, or legal ownership, of the house. For a small additional charge, home buyers can get protection for themselves as well.

Unknown to home buyers, whether members of Congress or ordinary citizens, the title insurance premiums they must pay frequently contain sizable hidden fees, as well as kickbacks that appear to be in violation of criminal laws.

"Everybody and his brother is making money off the title insurance companies—the bankers, the brokers, the lawyers, and the developers," says William J. Kuntz, director of the Pennsylvania Insurance Department's licenses bureau, which has taken a tough stand on insurance rate regulation. "This is a grab bag for everybody," he says.

Title insurance companies sell title insurance to home buyers throughout the Washington area, and in D.C. they perform the additional function—handled by lawyers in the suburbs—of checking title to houses, preparing legal documents, and holding settlements.

Since business is referred to the companies by lawyers, developers, lenders, and brokers, the companies do not attempt to compete by lowering rates to home owners, they concede. Rather, they offer free or cut-rate services and other monetary favors to the real estate men who bring in the business.

Consumers get no benefit from the kickbacks, and have to settle with particular companies without knowledge of the arrangements, says Seymour Glanzer, chief of the U.S. attorney's fraud unit. Glanzer calls the kickbacks "commercial bribery."

Anthony J. Horak, manager of the Washington branch of Lawyers Title Insurance Corp., the largest of Washington's four major title insurance companies, says that giving discounts on title examination and settlements work to brokers, lenders, developers, and lawyers in return for business referred is common practice throughout the title insurance industry.

Developers, he says, generally get a 75 per cent reduction on title examination charges in return for an agreement to refer buyers of finished houses to the companies for purchase of title insurance and handling of the settlement. The idea, he says, is that the developer gets work done at cost.

Sometimes the agreement is put in writing, he says. The contract provides that if a substantial amount of business isn't referred, the developer gets charged at the regular rate.

"It's the way we do business," Horak says.

Brokers, lenders, and lawyers also generally get a third or more of title charges knocked off when they buy their own houses, Horak says.

"It's conceivable that he might get most of it (the title charge) off if he's a real good customer," Horak says, Title company charges on a $60,000 house purchase are $220 for the title search and $111 for drawing up papers and conducting settlement. The charges vary with house price.

Horak estimates that besides these discounts, Lawyers Title this year spent at least $15,000 entertaining local lawyers, developers, lenders, and brokers, including providing them with tickets to the Redskins' games.

Ralph C. Smith, president of the Washington division of Commonwealth Land Title Insurance Co., another of Washington's four largest title companies, says most title companies, including Commonwealth, give some form of discount to developers.

"To the title company it means getting business it might otherwise not get. To the home buyer it means reduced rates" because savings to builders theoretically should be passed along to home buyers, Smith says.

"Everybody cooperates with these builders," says E. Spencer Fitzgerald, president of District-Realty Title Insurance Corp., another of the four major companies. "When you give a builder a break on these things, it should bring down the cost of the house—whether it works that way or not I don't know," he says.

Smith of Commonwealth Land Title maintained that his company doesn't give kickbacks to brokers. But Allyn J. Rickman, a partner of Schick & Pepe Inc., one of suburban Maryland's largest realtors, says that for every settlement case he refers to Commonwealth, Schick & Pepe gets a cash "rebate" from Commonwealth.

Rickman contends the arrangement is legal because the money—the amount of which he declines to disclose—is funneled through a company set up for the purpose of receiving the money from Commonwealth and giving it to the owners of Schick & Pepe.

Rickman says his salesmen, who are not aware of the arrangement, only suggest that settlement be held with Commonwealth when asked by buyers for a recommendation. Only 150 of 450 existing houses sold by Schick & Pepe this year were settled at Commonwealth, Rickman says.

Rickman says the arrangement benefits home buyers because Commonwealth's charges are lower than those of Maryland settlement attorneys. "It's not wrong; I'm using the cheapest place in town," he says. Although he concedes the arrangement "doesn't sound good," Rickman says, "As long as it's not illegal or immoral, what's wrong with it?"

Smith said he doesn't believe the arrangement is illegal, and he said Schick & Pepe gives some services in return for the payments.

Smith declined to say what the services are.

Samuel R. Gillman, president of Columbia Real Estate Title Insurance Co., the fourth major D.C. title company, says any payment or discount by a title company to a broker, lender, or developer is illegal, and he says his firm never does it.

"You cannot give kickbacks. Anybody who is willing to take that risk is crazy," Gillman says. When told several companies had admitted to the practices, Gillman was incredulous.

Henry R. Lord, deputy attorney general of Maryland, agrees that such arrangements are illegal if they involve purchase or sale of Maryland property. Funneling the payments through a company, as Schick & Pepe says it does, doesn't alter the violation, he says.

Under the provisions of the Maryland criminal law cited by Lord, those having any connection with settlements on Maryland real estate are prohibited from giving or receiving any "fee, compensation, gift . . . thing of value, rebate, or other consideration . . ." for the purpose of "soliciting, obtaining, retaining, or arranging any real estate settlement or real estate settlement business . . ."

The Maryland insurance code, also cited by the attorney general's office, bars title insurance companies from giving—directly or indirectly—as an inducement to insurance, any "valuable consideration or inducement whatever . . ."

The insurance law provides a fine of up to $50,000 and possible revocation of the right to do business for violations. The criminal law provides a penalty of up to six months in jail or up to a $1,000 fine or both for each offense.

Such arrangements could also violate federal fraud laws, Glanzer of the U.S. attorney's office says. In government contract work, any kickback is legally presumed to constitute over-pricing and must be given to the government, he says.

Horak of Lawyers Title and Smith of Commonwealth said they don't believe they are violating the law. They offered no elaboration.

Fitzgerald of District-Realty said he believes the practices are legal because title examination charges are not set by the Maryland insurance department. A special assistant attorney general assigned to the department, Murray K. Josephson, said this is not relevant.

Analysis of title insurance company financial statements on file with the D.C. insurance department shows that $8.8 million, or 27 per cent, of the title insurance premiums paid by home buyers to the four major local companies was paid out by the companies in 1970 as commissions.

The commissions are paid to induce lawyers who handle settlements to buy title insurance for home buyers from a particular insurer. Maryland lawyers accept them, while Virginia lawyers do not or are not offered them. (Lawyers Title says it pays commissions only to agents who write policies.)

The commissions are specifically exempted from the Maryland law prohibiting real estate settlement rebates, and they are legal in D.C. and Virginia. In California they are against the law. A bill to outlaw them in New York State recently died in the legislature.

"The commission is of absolutely no benefit to the home buyer," says Fairfax Leary Jr., counsel to Ralph Nader's Public Interest Research Group and former counsel and a director of Title Insurance Corp. of Pennsylvania.

Fitzgerald of District-Realty concedes the commissions are of no value to consumers and outlawing them could bring title insurance rates down substantially.

James E. Starrs, a George Washington University law professor, calls commissions in the title insurance business "only kickbacks that have been legalized by the state legislatures controlled by the lawyers." He says they bear no relation to commissions paid to life insurance agents, for example, because the life insurance agents work to get more business, while lawyers are simply performing their duties by securing various services for their clients.

Further, Starrs, says, the title insurance market cannot be expanded, since the insurance is required by lenders, while agents can work to induce more people to buy life insurance. Every dollar spent on commissions is wasted money, he says.

Here lies the key to the title insurance problem. The title insurance companies do not make exorbitant profits. Analysis of their insurance department statements shows average annual profit last year after taxes of 9 per cent for the four major companies. By most business standards, this is not excessive. Nor are the companies falling down on the job.

"The system, with all of its irritations, costs, and delays, is a very effective consumer protection," says Allison Dunham, a University of Chicago law professor, one of many professors throughout the country who has studied settlement costs and laws.

But congressional and consumer critics say the cost of this protection is inflated by millions of dollars a year because the companies have no incentive to cut costs.

Indeed, says Sen. Proxmire, who has introduced a bill to require lenders to pay for title insurance, the structure of the title business puts a premium on raising costs to the consumer.

"The only way title companies can get more business," says Martin Lobel, an aide to Proxmire, "is by throwing away money to the real establishment."

"The companies don't show high profits because they give all the money away to brokers, lenders, developers, and lawyers," adds Kuntz of the Pennsylvania insurance department.

(The companies do not pay employees well, either. At Lawyers Title, clerks make $4,800 a year, title searchers up to $6,000 a year, examiners up to $10,000 a year, and lawyers between $10,000 and $17,500 a year.)

Besides getting their business from those in the real estate business, title companies generally are controlled by real estate men on their boards of directors, a study by Proxmire's office found.

In Washington, for example, 20 of the 24 directors of Columbia Real Estate Title Co. are either lenders or real estate brokers.

The reason, says Charles E. Mitchell, vice president of Guaranty Land Title Agency Inc., which represents an out-of-town insurer, is that the companies hope these directors will refer business to them.

Critics such as Proxmire say title insurance premiums are far too high, and they point out that losses on title insurance policies are almost nonexistent. Last year, insurance department statements show, the four major Washington companies paid as losses 5 per cent of the premiums they took in from D.C., Maryland, and Virginia home buyers.

Two of the companies—Columbia and District-Realty—reported losses of 0.1 per cent. Columbia had no losses in D.C. and Maryland, and only a $1,000 loss in Virginia.

Title companies counter that their losses cannot be compared with those of other insurance companies because they try to prevent risks, rather than assuming them. Fire insurance companies, they say, have no control over the outbreak of fires, but title insurance companies, if they search title properly, should have minimal losses.

Since most losses are the fault of the title company that overlooked an outstanding claim when it searched title, many home buyers question why they should pay for a title search and pay again to insure that it was done properly.

The companies counter that they could make a lump charge for the search and insurance, and no one would question it.

Title insurance rates have remained unchanged in the Washington area for years, but since they are based on house prices, the rates bring in more money per house as real estate values go up. The Maryland insurance commissioner has authority to reject rate filings but never has, while the D.C. and Virginia insurance departments say they have no authority over rates.

Proxmire reasons that since lenders are the ones who require title insurance, they should pay for it, and he believes they would then use their economic clout to force rates down.

Although the title insurance charge would still be passed along to consumers as part of the interest rate on mortgages, Proxmire says, lenders would try to reduce the charge as a competitive measure.

Rep. William L. Hungate (D-Mo.) has introduced a bill to regulate D.C. title insurance companies. Benny L. Kass, a consumer advocate lawyer, says it reads "like an industry attempt to keep out competition; it has no provision for reducing excessive rates."

The bill, concedes a spokesman from Rep. Hungate, was prepared by the executive vice president of the Columbia title company.

PURPOSE OF TITLE SEARCH EXPLAINED

The purpose of a title search and title insurance is to make sure that the seller of a property is the true owner and that no one else has an interest in the property.

Examination of a typical file at District-Realty Title Insurance Corp. shows how this is done. Title records generally are searched back 60 years, but District previously had checked title on the particular property, a Northwest Washington home, in 1963.

Since that date, 13 mortgages and deeds had been placed on the home. Each of the documents was examined, and those who were parties to the transactions checked out legally. If one of the signers of a deed had been declared at the time to be legally insane, for example, the deed could be void.

The title check turned up a condemnation proceeding involving the property, four declarations of insanity proceedings against four persons with the same name as the signer of one of the deeds, a domestic relations claim, a guardianship proceeding, and a prior tax lien against the house.

Besides these claims and legal vagaries, ownership of a house may not be free and clear because of a legal judgment outstanding against the property or an undisclosed mortgage on it.

The ultimate title defect—a wrong owner—is a rare occurrence, and when it happens the new occupants of the house are almost never evicted. Rather, title insurance companies reach some form of cash settlement with the rightful owner.

Although most title insurance losses are the fault of a title searcher who overlooked an outstanding claim, some are beyond the control of the company—a forged deed, for example, or an error by a recorder of deeds. Most title policies cover these unforeseen losses.

[From the Washington Post, Jan. 12, 1972]

THIS SETTLEMENT SQUEEZE, IV: BOSTON AND WASHINGTON: COST DIFFERENCE SHOCKING

(By Ronald Kessler)

"Great Scott!" "You're nuts!" "I'm quaking in my shoes!"

These are the reactions of Boston bankers and title lawyers when told how much settlement charges are in Washington. Their shock is well-founded.

Purchasing a $40,000 house in the Washington metropolitan area requires double to triple the settlement cost outlay required in the Boston area. Nor is Boston out of line with the rest of the country.

A soon-to-be released Department of Housing and Urban Development study shows that it is Washington that is out of line. The highest settlement costs in the nation—exclusive of government transfer taxes and fees—are in Maryland, the study found. The fifth and sixth highest costs, respectively, are in Washington and Virginia.

Transfer taxes and government fees required at settlement also are higher in Maryland than in any state in the nation. Virginia and D.C. are seventh and eighth highest, respectively.

Those who make the charges—the lenders, lawyers and title insurance companies—generally agree that costs here are too high. "When I came down here from Ohio, I was shocked too," says Anthony J. Horak, branch manager of Lawyers Title Insurance Corp., Washington's largest title insurance company. "The buyer down here really gets clobbered," he says.

One effect of the high closing costs, a 1967 Montgomery County housing report concluded, is that fewer people can afford to buy their own homes.

Although they agree charges are too high, each of the parties to settlement blames the other. "No one has come out and said who is gouging whom and how," says Gary L. Garrity, director of public affairs of the American Land Title Association, a trade group.

As detailed in previous stories, a Washington Post investigation has found that Washington area title insurance companies and developers involved in real estate settlements are engaged in widespread kickback-type practices.

Such hidden arrangements, says Seymour Glanzer, chief of the U.S. attorney's fraud unit, constitute clear-cut evidence of overcharging. "It's obvious that money used for kickbacks is money that consumers are being cheated of," he says.

From an economic standpoint, says Paul A. Samuelson, the Nobel Prize winner in economics, kickbacks mean that charges are being forced up by "monopoly pricing."

"If you can insist through cartel that fees are too high, the result is swag and it has to go to somebody—frequently in the form of kickbacks," says the Massachusetts Institute of Technology professor.

James E. Starrs, a George Washington University law professor specializing in real estate, says the first measure that should be taken is "stringent disciplinary action" against lawyers violating bar association ethics, and enforcement of the insurance laws dealing with rebates.

However, Starrs says, "The same lawyers who do the investigating of ethical violations are often the ones who should be investigated."

Starrs proposes creation of a special commission with subpoena power and a mandate to hold public hearings on Washington area settlement practices.

Although hidden payments and kickbacks represent a sizeable chunk of charges paid at settlements in Washington, home buyers in part are being gouged not by individuals but by the system.

Many experts compare the present system of transferring title to homes by searching title, drawing legal papers surveying, adjusting and insuring to auto liability insurance. The costs of fixing blame for accidents under the liability system far exceed the benefits, critics say.

In Massachusetts, where liability insurance has been replaced by no-fault insurance, bodily injury premiums have been reduced by 55 per cent over two years.

Boston still has a long way to go before its methods of transferring title are as simple as the state no-fault insurance plan. But Boston, which is about the same size as the Washington area, has about the same living costs and is older than Washington, has settlement costs that are enviably low.

Settlement on a $40,000 house in the Boston area costs $753 to $843. This compares with $2,562 in Prince George's County, $2,514 in Montgomery County, $1,418 in Virginia and $1,248 in the District.

An observer of Boston settlements is immediately struck by their low-key atmosphere. Passing of papers, as the process is called there, often is held in musty recorder of deeds' offices rather than in plush lawyers' offices.

Unlike Washington lawyers, Boston attorneys do not keep escrow accounts for the funds transferred at settlement. They simply endorse the checks to the proper parties, never touching the money. In Maryland and Washington, escrow accounts have led in some instances to embezzlements of home buyer's funds. (Three Maryland lawyers were jailed when it was found in 1967 that they had pocketed the new mortgage loans of 70 home buyers, who were left with old unpaid mortgages still outstanding against their properties.)

Escrow accounts kept by attorneys with large settlement practices here typically amount to $1 million and more. The accounts don't bear interest, making them lucrative arrangements for banks. As an inducement to getting the accounts, some lending institutions say they give loans at reduced interest rates to attorneys with the accounts.

By delaying dispersal of funds after a settlement, an attorney can increase the "float" or average daily balance in these accounts. While many attorneys disperse funds within four or five days—the time it takes for checks to clear—a common complaint by home buyers is that their settlement attorney took three weeks and more to complete the transaction and send them their deed.

Although title insurance rarely is bought in Massachusetts, in those instances when it is purchased for large commercial properties lawyers say they decline to accept a commission when it is offered by the title companies.

"It's a violation of bar ethics to accept money in connection with your client's business unless you get his permission," says Albert B. Wolfe, a Boston lawyer. "So most lawyers I know either give the money to the client or don't accept it."

Nearly every Washington area title lawyer and broker acknowledges hearing reports or rumors of kickbacks here. In Boston, says John S. Bottomly, a Boston lawyer who formerly was an assistant attorney general of Massachusetts, "You never hear of kickbacks."

"The lawyers have the Protestant ethic up there, and the banks don't like to see screwing around," contends Martin Lobel, an aid to Sen. William Proxmire (D-Wis.). Proxmire has introduced a bill to place the burden of paying for title insurance and other title charges on lenders. Lobel's father is a Boston lawyer.

Why Boston has this different atmosphere is hard to pin down. Periodically rocked by political scandal, Massachusetts usually looks outside its borders for models of reform.

But two differences are clear: Boston's lending institutions are highly competitive and work to keep closing costs down to get an edge; Boston's records system, even to the untrained eye, is far superior to Washington's.

The key to a good records system is the index, which is supposed to pinpoint the material wanted in one listing. Washington area indexes are more like chapters in books than indexes.

In Washington, property sales are indexed by both location of the property and by names of buyers and sellers. The location index consists of index cards placed loosely in file drawers. Since any card can be misplaced or stolen, title searchers say they cannot rely on the index because they may overlook a mortgage outstanding against a property.

The buyer-seller index, while it is reliable, is cumbersome and this leads to errors. For one thing, it is not strictly alphabetical. To find a buyer by the name of Freeman, one has to search some 10 to 20 handwritten pages listing everyone from Frederick to Fritz.

In Montgomery County, matters are worse. The seller-buyer index neglects to note the location of the property involved, and one developer or speculator may have bought and sold hundreds of properties each year. The deed to each of the transactions must be extracted from weighty record books and examined in order to find the right one.

John W. Byrnes, a deputy recording clerk in Montgomery, says that originally, locations were left out because "almost all property was acreage. Like Topsy, it's just grown that way," he says.

Defending the D.C. records system, Eleanore D. W. Shoop, first deputy recorder of deeds, says that strict alphabetization of the indexes would be "impossible."

What is impossible here has been done for years in Boston, where the Suffolk County and Middlesex County recorders' offices, covering most of Greater Boston keep alphabetical indexes both by first and last names, listing property locations as well.

Each index goes back 5 to 10 years, eliminating the need to pull an index book for each year to be searched.

And each of the Boston indexes lists mortgages, deeds, attachments, liens and bankruptcies, all of which are needed to search titles. In Washington, these records are scattered all over the city in various court buildings and city agencies.

Because of these defects, Washington title insurance companies keep their own set of land records. "Anybody who thinks he can do a title by going to the D.C. recorder of deeds is a jackass," says Samuel R. Gillman, president of Columbia Real Estate Title Insurance Co., one of the four major D.C. title companies that keeps its own records.

Peter S. Ridley, D.C. recorder of deeds, says he has never heard this criticism. He says he understood the companies keep their own records because it is more convenient to search titles at their own offices. He notes that the companies get the data for their records from his office, and he says, "We don't arrange our records for the convenience of any special group."

The time it took this reporter to look up the last deed to Sen. Birch Bayh's house on Garfield Street NW, ranged from 5 minutes at Lawyers Title Insurance Corp. to more than a half hour at District-Realty Title Insurance Corp. Bayh bought the house in 1966.

Such duplicate records, says Nicholas N. Kittrie, an American University law professor who recently completed a study of closing costs for HUD, massively inflate costs to consumers.

"If the government is paying for a system of recording, why shouldn't the citizen be able to go in and count on its accuracy?" asks Kittrie.

It is the lenders who dictate settlement practices. A house purchased for cash could be transferred without any expense other than taxes and recording fees. But what lenders in Washington dictate is quite different from what Boston lenders want.

Boston lenders do not require title insurance; Washington lenders do. And Boston lenders either don't require or else pay themselves for surveys, appraisals, credit reports, notaries and extended property tax escrows. Washington lenders require all these services and place the burden of paying for them on the buyer.

Bankers say Boston banks, which charge lower interest on mortgage loans than do Washington banks, are competitive for mortgage customers. This is because New England, with its manufacturing and insurance companies, has a surplus of money. Washington, without an industrial base, has a deficit of money, meaning the banks here compete to get money rather than to lend it.

As one competitive measure, Boston savings banks offer lower closing costs. "People here shop for closing costs," say Robert T. Lawrence, senior vice president of Boston Five Cents Savings Bank, Boston's second largest mortgage loan source.

Referring to protection required by Washington lenders, Norman McIntosh, vice president for real estate of Provident Institution for Savings, the Boston area's largest mortgage loan source, says, "There's such a thing as going overboard."

Instead of requiring title insurance, Boston lenders rely upon the word of lawyers that title is sound. If the lawyer is wrong, he pays.

"We have a strong tradition of lawyers making good on their titles," says Paul G. Counihan, a Boston lawyer.

Title insurance is a relatively recent development related to quicker turnover of property in urban areas, says Ted J. Fiflis, a University of Colorado law professor who has studied settlement costs. Ralph C. Smith of Commonwealth Land Title Insurance Co. says fewer than 25 per cent of property transfers in the U.S. are covered by title insurance.

Another major difference between Washington and Boston practices is that it is unclear whether Washington area settlement attorneys represent buyers, developers, lenders or real estate brokers, while in Boston it is made clear that the lawyer represents the lender.

Massachusetts law requires banks to tell borrowers in their letters committing mortgages that the lawyer will represent the bank. The law also requires that the bank bill buyers for the lawyer's fees. And to comply with bar ethics, says Boston lawyer Wolfe, lawyers tell buyers orally at settlement that they represent the lender. Buyers are told they can hire their own lawyer if they wish.

Through this direct tie between lawyers and banks, banks keep costs down by exerting pressure on their lawyers. As a result, a buyer can call five banks in Boston and get five different quotes on closing costs.

Lawyers' charges on a $40,000 house closing range from $270 to $360 in Boston. This compares with $555 in Virginia, $525 in Prince Georges County, $385 in Montgomery County and $314 in the District. (The Maryland fees include title insurance commissions pocketed by lawyers there.) The title insurance premium, that practically rules out the possibility that lawyers will have to pay for claims, is an extra $160 in the Washington area.

Boston lenders require an average of 2½ months of property taxes in escrow, compared with up to a year in the Washington area. Transfer taxes also are far lower in Boston, and many experts believe Washington levies should be brought into line.

Transfer taxes, says Henry J. Aaron, a

Brookings Institution economist, are a poor and arbitrary way to get revenue.

"Transfer taxes are not related in any logical way either to ability to pay or benefits received," Dr. Aaron says. "Lots of people who are wealthy don't buy houses, and the fact that these people aren't taxed and others are is inequitable."

Traditionally, property taxes are the most politically sensitive taxes on a local level, and experts say transfer taxes are a less visible way to increase revenues.

A report prepared this year by the Virginia bar on kickback arrangements of Virginia title lawyers and the inefficiency of present title-searching methods concludes that "unless the bar itself makes a serious effort to rectify the injustices to the public set out above, the day will soon come when outside forces will do just that."

The report continues: "It would seem that the committee is recommending a change which would adversely affect the lawyer's pocketbook. This may be so, but we are living in times of change, and this would not be the only change that might adversely affect the income of lawyers. The no-fault rule in personal injury cases is another example of such a change which is currently being proposed."

The comparison with no-fault insurance is apt. Prof. Starrs, for one, contends that as in no-fault insurance plans, lawyers could "for almost all purposes be taken out of the title picture."

Others say that the principle behind no-fault—that changes in the law can reduce costs by eliminating needless work—can be applied to title transfers.

Charles S. Bresler, head of Bresler & Reiner Inc., one of Metropolitan Washington's largest and most diversified developers of residential housing, office buildings, and shopping centers, says he sees no reason why sale of a house should not be as simple and inexpensive as the sale of a car.

Bresler, who studied the problem in an attempt to cut costs on his own developments, says regional computer centers should keep records on property transfers the way state auto registration bureaus keep track of car ownership.

"The cost of this would be infinitesimal," he says, and would considerably cut down on title defects.

In addition, Bresler proposes a federal title insurance program, as mortgages are insured by the Federal Housing Administration and Veterans Administration, to cover any claims that arise. The insurance, like FHA insurance, would be paid for by a premium representing less than a half of a per cent of the mortgage taken on a house, Bresler says. The premium would be paid only once for each house rather than being collected each time the house is sold, as is the practice of private title insurance companies.

"This could cut out the duplication of effort by title insurance companies and title searchers and bring costs down to almost nothing," Bresler claims.

Others are not so sure. Quintin Johnstone, a Yale University law professor, believes that the method would make property ownership "too uncertain" that the cost of computerizing might exceed the efficiencies produced, and that federal title insurance wouldn't represent any savings over private title insurance.

Garrity, of the American Land Title Association, says computerization "probably would be a great expense, and whether it would work might be questionable." Government title insurance would only create "a new federal bureaucracy" which would add to taxpayer expense to benefit those who buy houses, he says.

Prof. Kittrie of American University says it is the function of government to "tell you that title to property is valid and clear." If it did, there would be no need for insurance, he says.

"The present system," says developer Bresler, "puts a burden on every home buyer without giving him anything in return. In a day when you can put a man on the moon," he says, "the transfer of property is still back in the horse-and-buggy era."

CREDIT UNION SAVES HOME PURCHASER $12,000

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the enclosed article from Intercom, the publication for members of the Government Employees Credit Union, El Paso, Tex., is another example of how credit unions work in the interest of their members.

The article tells of a woman who saved $12,000 on a home purchase transaction after receiving advice from the credit union. The lady wanted to refinance the house for an additional 25-year mortgage at 7½ percent interest. But after visiting the credit union, she found that she could assume a 5-percent mortgage loan which had only 12 years to run. Thus, the short visit to the credit union provided a $12,000 saving.

Perhaps the moral in this situation is that while not everyone who is a credit union member can expect such a windfall, every member can be assured that the credit union works only in the interest of the member, and if there is any advantage to be gained, it will be gained by the member.

The article follows:

WORK MIRACLES? NOT ALWAYS! BUT CREDIT UNIONS CAN AND DO SAVE MEMBERS MONEY

The other day a lady came to see us saying she "just wanted some advice." The lady, a widow and long-time good credit union member, wanted to buy a home. She showed us a proposed Contract calling for a small down payment on a house she liked and financing the balance due under an FHA 25-year mortgage loan at 7½% per annum, including the FHA insurance.

It looked like a good deal. Everyone knows an FHA mortgage loan is usually the most reasonable home financing arrangement around. The lady had saved enough money to cover the small down payment. She had also carefully figured her personal budget and knew she could meet the monthly payments.

But was it really a good deal.

It turned out the owner of the house had a 5% mortgage loan which had only 12 years to run. A little figuring, and the use of some real estate loan amortization tables, showed the lady could borrow a few thousand dollars on a personal loan from the credit union, purchase the former owner's equity, assume the existing 5% mortgage and save $12,000 in interest charges.

The result: the lady will own her home free and clear in 12 years instead of 25 years, will save the $12,000 and her total monthly loan payments (on the house and to the credit union) will be only a few dollars more for the 12 years than they would have been for 25 years under the FHA mortgage loans arrangement.

Please do not misunderstand us . . . FHA mortgage loans are fine and it is all right to take 25 years, if need be, to pay for a home. And please do not think we are offering to save $12,000 for every member who comes to us for "advice" about buying a home. But we did save one member $12,000!

(The above editorial appeared in Intercom, publication for members of Government Employes Credit Union, El Paso, Texas.)

COST-OF-LIVING COUNCIL SHOULD OBEY CONGRESSIONAL INTENT WITH RESPECT TO DEFINING LOW-WAGE WORKER EXEMPTION

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, when the Congress enacted the Economic Stabilization Act Amendments of 1971, it included a section, title II, section 203(d), which provides that—

> [W]age increases to an individual whose earnings are substandard or who is amongst the working poor shall not be limited in any manner, until such time as his earnings are no longer substandard or he is no longer a member of the working poor.

Instead of implementing this section as intended by the Congress, the Cost-of-Living Council is on the verge of applying an administrative interpretation which would perpetuate the inequity this provision was designed to cure. The Cost-of-Living Council has submitted a memorandum to the Pay Board suggesting that the wage level for defining substandard earnings be $1.90 an hour, less than $4,000 per year.

The legislative history of this section makes it quite clear that the intent of Congress was to define "substandard earnings," and "working poor," to mean a level of income of about $6,960 annually.

This language exempting low-paid workers originated in the House (my bill H.R. 11406). The House Banking and Currency Committee Report states with respect to this language:

> It is the intention of the Committee that this exemption from control apply to all persons whose earnings are at or below levels established by the Bureau of Labor Statistics in determining an income necessary to afford adequate food, clothing and shelter and similar necessities. (Report No. 92–14, p. 5)

The BLS in its 1970 report sets forth a minimum budget for a family of four in an urban area as $6,960 per year. Therefore, it is clear that this is the figure which the Congress had in mind in enacting this provision.

It is also important to note that this BLS report contemplates only one wage earner in the family, and it is on that basis that the figure $6,960 annually was determined.

Furthermore, it is critical to note that the most recent BLS report giving the $6,960 figure was based on 1969 data. Therefore, the $6,960 figure is subject to a cost of living increase to account for inflation of about 15 percent through 1972.

I have urged the Cost-of-Living Council and the Pay Board to implement the low-wage exemption in accordance with our congressional intent. The Cost-of Living Council and the Pay Board should carry out our mandate and not attempt to undermine it by administrative interpretation.

ESCALATION OF THE AIR WAR IN SOUTHEAST ASIA

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, the escalation of U.S. air strikes against North Vietnam shattered once and for all the illusion that under the President's vaunted Vietnamization policy the war in Southeast Asia is dwindling to an end.

All that now remains is the stark horror of a brutal war by proxy—sustained by American bombs and aircraft.

Time and time again the President has told the Nation that Vietnamization would lead us to peace. But now this policy must be seen for what it is: A device designed to screen from the American people the bankruptcy of our military intervention in Southeast Asia. It is nothing more than a public relations effort to tranquilize the people of this Nation, while our Government feeds the fires of death and destruction in Indochina.

In an effort to keep his Vietnamization policy from coming apart at the seams, President Nixon ordered massive air strikes against North Vietnam while the Congress was in recess. A tragic and totally unacceptable reversion to the discredited bombing policy of the past, this is not the path to peace but the road to more bloodshed and lives lost. The failure of the bombing strategy has been apparent throughout the past 7 years. It has not broken the will of the North Vietnamese to resist, but it has yielded untold death, vast devastation, and millions of refugees.

Under President Nixon, the air war has continued, more bomb tonnage being dropped during 1969, 1970, and 1971 than in the previous years of the war.

And at the end of December the bombing raids over North Vietnam were renewed and intensified. This escalation was ordered by the President in violation of the declared policy of the Congress that all U.S. military operations in Indochina be terminated at the earliest practicable date and that all U.S. military forces be withdrawn at a date certain subject to the release of prisoners of war, as set forth in section 601 of the Military Procurement Act of 1971, Public Law 92-156.

Therefore, on December 28, 39 Members of Congress joined with me and Representatives Robert Kastenmeier and Benjamin Rosenthal in a bipartisan appeal calling upon the President to order an immediate halt to all American bombing missions in North Vietnam.

The text of our December 28, 1971, telegram to President Nixon follows:

December 28, 1971.

The President,
The White House,
Washington, D.C.

We are deeply distressed by the escalation of United States air strikes in North Vietnam. Such a reversion to the discredited bombing policy of the Johnson administration will not bring the war to the speedy end all Americans desire. Rather, it will serve only to continue the death and destruction in Southeast Asia. What America needs is stepped-up initiatives in the Paris negotiations, not a stepped-up air war. We urge you to order an immediate halt to all American bombing missions on North Vietnam.

William F. Ryan, Robert Kastenmeier, Benjamin Rosenthal, Bella Abzug, Les Aspin, Herman Badillo, Jonathan Bingham, Phillip Burton.
Shirley Chisholm, John Conyers, Ronald Dellums, Robert Drinan, John Dow, Bob Eckhardt, Don Edwards, Donald Fraser.
Ella Grasso, Michael Harrington, Augustus Hawkins, Ken Hechler, Henry Helstoski, Edward Koch, Robert Leggett, Paul McCloskey, Abner Mikva.
Parren Mitchell, F. Bradford Morse, Lucien Nedzi, David Obey, Charles Rangel, Thomas Rees, Ogden Reid.
Henry Reuss, Donald Riegle, Peter Rodino, James Scheuer, John Seiberling, Louis Stokes, Charles Vanik, Members of Congress.

HARRIS-RYAN BILL AUTHORIZING FUNDS FOR THE FEDERAL COMMUNICATIONS COMMISSION TO CONDUCT STUDY OF AMERICAN TELEPHONE & TELEGRAPH

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, the Federal Communications Commission's announcement on December 23 that it has abandoned its investigation of American Telephone and Telegraph constitutes a default of the Commission's fundamental responsibility to regulate A.T. & T. and the Bell System in the public interest. This decision can only be viewed as a victory for special interests at the expense of the public. Once again a regulatory agency has failed to carry out its mandate to regulate a substantial business interest to prevent exploitation of the public.

The Commission gave as its reason for abandoning this investigation a lack of funds. But the Commission never made a specific request to Congress for funds to carry out a study of the factors which make up the rate base of A.T. & T.

So that a lack of funds can no longer be used as an excuse, Senator Fred Harris and I today are proposing legislation to provide the Commission with funding to carry out this long deferred study of A.T. & T.

This legislation authorizes $2 million for the purpose of carrying out a full and complete investigation of A.T. & T. and the Bell System. This investigation will include, but is not limited to: the revenue requirements of the A.T. & T. and the Bell System, the reasonableness of prices and profits, the amounts claimed for investment and operating expenses, and the internal rate structure of the interstate and foreign message toll telephone service. The Commission is required within 1 year of the enactment of this act to report to Congress the results of its study together with its recommendations, including any necessary legislation.

I believe it is particularly necessary for the Congress specifically to direct the FCC to carry forth its long-deferred study of A.T. & T. As Commissioner Nicholas Johnson pointed out in his very lucid dissent to the FCC's decision to abandon this investigation, the FCC knows very little about the major factors that go into setting the rate base for A.T. & T. and the Commission is uninformed about many other critical factors such as the phone company pricing structure and the relationship of A.T. & T. to its subsidiaries like Western Electric and New York Telephone. It is unconscionable that the FCC should be uninformed about these matters.

In my own State of New York, consumers lose millions of dollars every year because of the accounting and financial practices employed by A.T. & T. and its wholly owned subsidiary New York Telephone. Despite what New York Telephone describes as a 21-year low in its earnings, the company paid its normal full dividend of $1.60 on all of its stock in 1970. The lucky sole stockholder was A.T. & T. This is money that should stay in New York to help improve service and make rate increases unnecessary. If this money had stayed in New York, the enormous 9-percent rate increase for the New York Telephone Co. which was approved yesterday by the New York State Public Service Commission, might not have been granted. This 9-percent increase, in addition to a "temporary" rate increase granted last July 9 and made permanent yesterday, means that most New York City telephone users will now be paying rates 29 percent above what they were before last July 9. It is essential that the FCC probe the nature of the relationship between A.T. & T. and New York Telephone.

Today, Senator Harris, Federal Communications Commissioner Nicholas Johnson, and I held a press conference to announce the introduction of this legislation. I believe Senator Harris's and Commissioner Johnson's remarks were very cogent. Therefore, I will include their statements in the Record. I am also including other essential background documents relating to this issue as follows:

First. The text of the December 23, 1971, opinion of the Federal Communications Commission announcing its decision to abandon this investigation, together with concurring opinion of Commissioner Bartley and dissenting opinions of Commissioners Johnson and H. Rex Lee.

Second. Correspondence of January 1, 1972, January 14, 1972, and January 16, 1972, between U.S. Senator Fred R. Harris and FCC Chairman Dean Burch concerning this matter.

Third. A letter from FCC Chairman Burch of January 13, 1972, to several Members of Congress defending the Commission's decision in this matter.

Fourth. A letter from Commissioner Johnson of January 13, 1972, to several Members of Congress criticizing the FCC's decision in this matter.

Fifth. An article by Antony Prisendorf from the New York Post of January 12, 1972.

The item follows:

STATEMENT OF SENATOR FRED R. HARRIS (D.-OKLA.) PRESS CONFERENCE, JANUARY 18, 1972

We are here today to talk about the average person's telephone bill—whether it will go up, whether it will go down, whether or not it will buy a decent service.

There are public questions—questions

which Congressman Ryan, Commissioner Johnson and I have some responsibility to address—because the telephone company is a government-regulated monopoly. The American Telephone and Telegraph Company and its local subsidiaries all over the country are not competing firms in a free market.

If you think you're paying too much for telephone service—and many people today think they are—or you are tired of not being able to get a dial tone or get home repair service—and many people today are tired of shoddy telephone service—there is not very much you can do about it. You can't take your business elsewhere; AT & T is the only telephone company in town.

To find protection from telephone company overcharges and shoddy service, the average person must look to the State and Federal agencies that are supposed to regulate AT & T and its local companies. In the States that means the local public service or public utility commission. Nationally it means the Federal Communications Commission.

In the thirty-eight years since the Congress set out the FCC's power and duty to regulate AT & T in the interests of the public, the Commission has never conducted a full and open investigation of the fairness of AT & T's long distance rates. During that same period of time, through prosperity and depression, AT & T never missed paying a dividend to its stockholders.

On December 23, 1971, the FCC announced it had decided over the opposition of Commissioners Johnson and Lee, to call off the only such investigation it had ever planned. Right now the only information the Commission has to go on in setting AT & T's rates is what is submitted by the telephone company itself. And the company obviously has an incentive to overestimate costs and underestimate profits.

Because the law provides that AT & T may earn a "fair" profit on the money it invests in plants and equipment, the company has an incentive to classify everything it can get away with as plant facilities or equipment. For example, as Commissioner Johnson pointed out in his dissent to the FCC's December 23 decision, AT & T counts the cost of turning on a telephone when a new tenatnt moves into an apartment as part of its equipment expenses. Thus, the telephone company earns a profit, first, on the cost of manufacturing the telephone and, then, again every time it turns on the telephone for a customer.

The story is the same on figuring out what is a "fair" profit for AT & T. The Antitrust Subcommittee in the House of Representatives has estimated that between 1955 and 1961, AT & T overcharged consumers by almost $1 billion, simply because the company had overestimated what rates it would have to charge to make a "fair" profit as set by the FCC and the Commission had never bothered to check up on it.

The simple fact is that when the FCC decided to drop its investigation of how AT & T sets long distance rates, it was telling the average person in this country that he is going to pay more for telephone service. When you read in the papers about the Federal Communications Commission and the American Telephone and Telegraph Company, when you read about rates of return and rate bases, when the smallest figures discussed are in the millions of dollars and the biggest are in the billions—you may think it doesn't make any difference to you or your family.

But, in fact, every decision that the FCC makes about AT & T can cost you and me money. Because the telephone company is so big, a one per cent change in its rate of profit will cost the average consumer $13 a year in higher telephone bills. Likewise, if AT & T is allowed to include one-fifth too many expenses as part of its investment in plants and equipment, then the average American will have to pay an extra $17 a year in telephone bills.

Thus, it is clear that the kind of effort the FCC puts into regulating the telephone company has direct impact in dollars and cents on the pocket books of the average person in this country. You'd expect that keeping an eye on AT & T would be one of the FCC's highest priorities. In fact, when the Congress set up the Federal Communications Commission in 1934, it said specifically that "the Commission shall give to the hearing and decision of such questions (telephone rate increases) preference over all other questions pending before it and decide the same as speedily as possible."

And yet now we see the FCC majority abandoning its hearing on AT & T's rates. Explaining the Commission's actions, Chairman Dean Burch has told me that "as a parent, I have made it my practice never to choose among my children, and this same posture carries over to my official responsibilities." In addition, Chairman Burch has suggested that the FCC does not have the resources in money or manpower to adequately investigate AT & T.

These explanations would be acceptable if they did not ignore the simple facts of the situation. Chairman Burch cannot vote legally to drop the investigation "as a low priority," when the Federal Communications Act of 1934 commands the FCC to make telephone rate cases the highest priority. By dropping its hearings, these four FCC commissioners are breaking the law. Likewise it is hypocritical for Chairman Burch to argue that the FCC doesn't have the resources to continue its investigation when it has never come to the Congress to ask for those resources.

In any case that is all past. What we need to do now is get the FCC back into the business of protecting the consumer. First, that means that the Commission must start obeying the law, just like everyone else, by making rate regulation of AT & T the Number One priority the Congress said it must be. If the Commission revises its position of its own accord, fine.

If not, I am prepared to take them to court to make them do it.

Second, Congressman Ryan and I are introducing a bill this week to give the FCC the resources they say they need to keep an eye on the telephone company. It will provide $1 million immediately and an extra million, if necessary, for the FCC to hire the economists, lawyers and accountants it needs to reopen and continue its investigation of AT & T's rates. That sounds like a lot of the taxpayer's money to spend just to keep an eye on the telephone company. But when you realize that if that $1 million investment may lead to even a one-tenth of one per cent cut in AT & T's rate of profit, the public will be saved sixty times as much in lower telephone bills. That's quite a bargain.

Saving the ordinary consumer a few dollars, while protecting his right to good telephone service, is the job the FCC is supposed to do. We hope this legislation will help make sure that's the job it does.

JANUARY 18, 1972, PRESS CONFERENCE OF SENATOR FRED HARRIS AND CONGRESSMAN WILLIAM F. RYAN REGARDING FCC CANCELLATION OF A.T. & T. RATE HEARING

(Statement of FCC Commissioner Nicholas Johnson)

The Federal Communications Commission's cancellation of its hearing into the expenses and investment of the Bell System is the third example in recent weeks of the dominance of big business in communication's policy.

The Report on Televised Violence came out yesterday. To no one's surprise, it is little more than a whitewash. The Administration let the networks pick their "jurors." Given this sell-out to network power, it's a wonder the panel didn't recommend parents force their kids to watch more violence because it's good for them.

This morning I came from FCC deliberations on cable television policy. On August 5, 1971, the Commission advised the Senate and House of its new policy—the product of months of deliberations and compromise. Subsequently, the largest broadcasters, cable operators and program owners—not satisfied with a little bit of greed—got together in private sessions with FCC Chairman Burch and White House staff and wrote their own policy. They—and the Chairman—now expect the other Commissioners to swallow it and tell the Congress it serves "the public interest."

The issue that Senator Harris and Congressman Ryan have highlighted is the Commission's December 21 cancellation of the only hearing the FCC has ever held since 1934 into the expenses and investments of AT&T. Although the Communications Act provides that we should give rate hearings "preference over all other questions" Chairman Burch has decided that the matter is not of sufficient "priority" to warrant use of the Commission's resources. When pressed by Senator Harris to state what his priorities were he would not do so.

No wonder the Commission has been called a leaning tower of jello.

I did not call this press conference. The FCC is now confronted with petitions for rehearing in the rate case, and I would therefore not address the merits of the issues before the Commission. However, Senator Harris and Congressman Ryan requested my attendance here, and I was pleased to be able to come at this time.

The American people are reaching the end of their patience as they sit by and watch this Administration auction off their land, and lives—and tax dollars—to the highest corporate bidder. In my judgment, anything the Congress can do to reverse that trend—at my Commission or other agencies of government—should be given all the support we can muster.

[Before the Federal Communications Commission, Washington, D.C., Docket No. 19129]

IN THE MATTER OF AMERICAN TELEPHONE & TELEGRAPH CO.—CHARGES FOR DOMESTIC TELEPHONE SERVICE, A.T. & T. TRANSMITTAL Nos. 10989, 11027

Adopted: December 21, 1971; Released: December 23, 1971.

By the Commission: Commissioner Bartley concurring and issuing a statement; Commissioners Johnson and H. Rex Lee dissenting and issuing statements.

1. By our Order herein of January 21, 1971, 25 F.C.C. 2d 151, we directed that the issues involved in these proceedings be heard and determined in two phases. In Phase I, we were to address the issue of the fair rate of return that should be allowed the Bell System companies on their interstate and foreign communications services. The issues involved in Phase II call for an examination of those matters that could affect the revenue requirements of the Bell System, including the reasonableness of Western Electric's prices and profits, and the amounts claimed by the carriers for investment and operating expenses. The Phase II issues also contemplated examination of the internal rate structure of the interstate and foreign message toll telephone service. In addition, the Commission announced that it would retain jurisdiction of the proceedings herein until it has reached a determination in Docket No. 19143. In the Matter of the Petitions Filed by the Equal Employment Opportunity Commission, concerning the effect, if any, of alleged discriminatory practices of the Bell System companies on their revenue requirements.

2. Related to the rate of return issue in Phase I herein are the proceedings in Docket No. 18128, in which consideration is being given to the principles that should govern the assignment of the Bell System's revenue requirements among its principal classes of interstate and foreign services. Thus our Order of January 21, 1971, provided that the implementation of our findings in Phase I with respect to rate of return will be subject to the determinations to be made in Docket No. 18128 insofar as they relate to the assignment of any revenue requirements to interstate and foreign message toll telephone service. The accounting and refund requirements of our Order of January 20, 1971, herein, will of course continue to operate until such implementing actions have been taken.

3. Pursuant to our Order of January 21, 1971, the Hearing Examiner has submitted his Initial Decision on the over-all rate of return issue (Phase I). Our Order stated that:

"After the parties have concluded their participation in the rate of return phase, they may address themselves to the remaining issues and every effort should be made to expedite that phase of this proceeding, although we do not, at this time, impose any time limitations on the conduct of that aspect of the matter." (paragraph 13a)

4. With the submission of the Initial Decision, the immediate question is presented with respect to the further proceedings required to treat the issues involved in Phase II. The question arises because we do not have sufficient resources to permit adequate staffing of the hearings that would be involved or to complete the preparatory staff work required for developing a meaningful evidentiary record on these issues. This is the result of the continuing growth in the volume and complexity of regulatory problems within the common carrier field. We need only mention as examples in this connection such matters as the many pending applications which have been filed with us for authorization for the establishment of competitive services and facilities in the field of intercity specialized common carrier communications; our pending proceeding looking toward the formulation of policy to guide our development of domestic satellite systems; further implementation of the *Carterfone* policy by expanding the interconnection options to communications users in the beneficial use of the existing common carrier networks; the initial determination of policies to govern rate-making applicable to international services of the Communications Satellite Corporation; and the determination of rate making principles applicable to the rate levels and structures for the various classifications of domestic communications (Docket No. 18128). This increased workload is, of course, aggravated by budgetary and staffing limitations and turnover over which we have no control.

5. Under these circumstances, we find it necessary to revise our program priorities and to defer action on the Phase II issues until we are in a position to go forward with the proceedings in a meaningful manner. Without minimizing the importance to the consumers of communications services of the issues involved in Phase II and the recognized need to seek their resolution as soon as we are able to do so, we believe it will make for a more orderly procedure to dismiss the proceedings with respect to Phase II issues, rather than simply deferring. We will reinstitute further proceedings on the issues involved as and when we are in a position to treat them with the required effectiveness.

6. It is ordered, That the proceedings are dismissed herein insofar as the issues in Phase II are concerned and jurisdiction is retained with respect to the aforementioned matters involved in and related to the issues involved in Phase I as discussed above.

Federal Communications Commission—See attached statements of Commissioners Bartley, Johnson and H. Rex Lee.

BEN F. WAPLE,
Secretary.

CONCURRING STATEMENT OF COMMISSIONER ROBERT T. BARTLEY

I have joined in the action taken by the majority in this case although I deeply regret the underlying reasons that make this action necessary.

The Commission's action is a frank admission that we do not have the minimum capabilities to carry out our most fundamental statutory responsibilities to protect the interests of the public in fair and reasonable interstate rates. It is also a forceful dramatization of the unrealistic and penurious budget and fiscal policies that have shackled the Commission's regulatory efforts in the past decade in the common carrier field.

The issues involved in Phase 2, which we are dismissing, are addressed to the reasonableness of the billions of dollars of costs upon which the rates of the Bell System are based. They also address the soundness of the rate structure for interstate telephone services. In other words, these issues are dealing with the most basic matters of regulatory concern.

The common carrier industry has been growing at a faster pace than any other sector of our economy. Public expenditures for common carrier services subject to Federal regulation exceed $6.5 billion a year and have been growing by more than 10% annually in the past decade. In 1961 the plant of the telephone system in the United States represented an investment of some $32 billion. Today that plant investment has more than doubled where it now exceeds some $76 billion and it, too, is growing at about an annual rate of 10%.

Advances in communications and related technologies, such as the electronic computer and communications satellites, have not only revolutionized the methods by which conventional communications services are supplied, but they have also generated consumer demands for new, expanded and improved services of all kinds. This dynamic growth and change translate into increasingly complex regulatory problems faced by the country such as those examples cited in the Commission's majority opinion.

I think it is clear that there must be a change in the fundamental approach of Congress to the funding of the Commission's regulatory responsibilities.[1] First, it is imperative that the Commission's resources be sufficiently and systematically augmented to a level which permits an on-going regulatory program to deal with issues, such as those involved in Phase 2, on a continuing basis. Second, with respect to a matter as complex and far-reaching as Western Electric's relationship to the Bell System and the effects of that relationship on the cost of telephone service, it is my opinion that an investigation of this matter should be undertaken by the Congress itself or by a special task force functioning under the aegis of the Commission and financed through a separate appropriation. Any such investigation should also examine the effects of vertical integration of telephone operations and manufacturing. This industry structure no longer applies solely to the Bell System. In recent years, it has also become a basic characteristic of the independent segment of the telephone industry as a result of mergers and consolidations of independent telephone operations within corporate systems which include manufacturing and marketing affiliates.

Bell Non-Regulation

DISSENTING OPINION OF COMMISSIONER NICHOLAS JOHNSON

I dissent to these two actions by the majority but I admire my colleagues' candor.

The FCC has concluded that examination of the appropriateness of Bell's costs, the role of Western Electric, vertical integration in the telephone industry, and the internal rate structure of the long distance telephone schedule are matters of low priority given the Commission's present resources and activities. The promises made in 1965, and reaffirmed in 1971, that these were matters that should be investigated are not to be fulfilled. Rather than continuing the six-year-old charade of "deferring" proceedings the Commission does not plan to activate anyway, however, the majority now simply dismisses them.

I dissent on both management and substantive grounds.

On substantive grounds I believe these matters are of a higher priority than do my colleagues. We have spent significant resources on determining the appropriate rate of return for the Bell System. We have spent very little time in examining the appropriateness of the costs which the Bell System incurs and deducts from revenues before the Commission ever gets to the question of rate of return. (See my opinion concurring to the designation for hearing of the present rate increase, Docket 19129, *AT&T* 27 F.C.C. 2d 151, 165 (1971).) Questions concerning the level of maintenance expenses, levels of managerial expenses, the appropriate treatment of accelerated depreciation and many others—issues raised in prior proceedings—will now not be examined.

The American people paid the Bell System companies over $17 billion last year. The prices they paid were not determined by forces of free private enterprise operating in a competitive market—in part because Bell has fought the possibility of marketplace competition at every turn. Telephone rates are initially set by a monopolistic company at whatever level it wishes. The reason the Federal Communications Commission and the state regulatory commissions are responsible for reviewing and approving those prices is because the public is otherwise left with no protection whatsoever. For the FCC to say it does not have the "resources" to do this job—a job which, of course, the Bell System hopes it won't do—is like your bank telling you it doesn't have the resources to prevent other people withdrawing money from your checking account.

If an unemployed inner city resident breaks into a coin phone box and takes $3.20 to feed his family he is considered an outcast, his earning potential is cut off entirely, and he is sent to the jailhouse. But if a wealthy telephone company executive succeeds in "breaking into" 100 million private telephones, taking $3.20 from each subscriber by manipulating the law, he is hailed as a pillar of the business community, his stock goes up, and he's invited to the White House. I think it's about time that "law and order"—not to mention wage-price control—be applied to rich and poor alike.

There is considerable question whether a handful of professionals in an agency like the FCC can ever "regulate" the rates of a company with $40 billion in assets and a $17 billion gross. But putting aside for a moment that well-founded skepticism, let's take a look at how those rates are set.

"Rate of return"—the part of the proceeding to which the FCC *is* willing to turn its attention—involves perhaps the least significant aspect of the public's monthly telephone bill.

---

[1] From my address, "Let's Abolish the FCC," (page 6), Illinois Broadcasters Association, May 23, 1968: "I believe there would be a more responsible administration of the differing functions now administered by the FCC if they were the responsibilities of separate agencies. I think they would each fare better in their appeals for manpower and money; they would each be able to concentrate more and become more expert in their more specialized field; the members could give greater guidance to their staffs on policy planning and in supervision."

There are at least four factors that go into fixing a phone bill.

(1) Expenses. All the bills together will have to generate at least enough income to pay for the phone company's expenses of operation.

(2) Capital investment. The company is entitled to some return on its "investment"—the value of the lines, and poles, and telephones, and other equipment that goes into running a telephone company. That investment, known as "rate base," has to be computed.

(3) Rate of return. Once the amount of the rate base has been ascertained, the regulatory agency in question then has to address the question of "rate of return"—what percentage return is the company entitled to have on that investment. This is the aspect of utility rate hearings that often attracts the most public and media attention.

(4) Pricing. Decisions must be made about rates for individual services within the guidelines determined for expenses, rate base, and rate of return. How is the revenue to be generated? Will the homeowner pay more for his service while the businessman pays the same—in the way that postal increases tend to be lowest for junk mail and highest for first class? It's little consolation to know the phone company's rate of return went from 8% to 9% (a 12½% increase), if your own bill went up 20%.

Obviously, however high the phone company's profits may be, they do not represent a very large percentage of the average subscriber's telephone bill. Most of that bill goes to pay expenses. Are the expenses reasonable and fair? The FCC doesn't know. And, as of today, it makes clear it has no intention of finding out. It's as if an employee would say to his boss, "I'll negotiate with you about my salary—but of course I won't let you look at my unlimited expense account."

As for the portion of the bill that *is* profit, it is obviously as much affected by the size of the "rate base" as it is by the "rate of return." Let's look at an example.

Suppose the company's capital investment is considerable to be $50 billion. A 10% rate of return means $5 billion profit a year. An 8% rate of return means a $4 billion profit a year—$1 billion difference.

But consider for a moment that the capital investment may be inflated—or represent arbitrary decisions. Suppose what would cost $50 billion to replace today only cost $30 billion when it was built and could only be sold for $20 billion if it had to be sold in its present condition. What's the rate base? Keeping the rate of return the same—at the higher 10% figure—the profit fluctuates from $5 billion to $2 billion, a $3 billion difference.

One example. During the rate of return hearing it came out that Bell regularly puts in its *rate base* at cost—which, of course, it computes internally within the company—for turning on the telephone in an apartment when a new occupant moves in. The value of the telephone (which Bell has bought from itself at whatever price it chooses) is, of course, also placed in the rate base. There is no telling how many new telephones are turned on each year. It is, obviously, far more than there are new telephone instruments manufactured and installed. Whatever may be the most appropriate way of determining the cost to the company of turning on those telephones, it seems to me there is considerable question as to the propriety of treating *that cost* as a "capital" item on which the company will be permitted to earn a "rate of return" for years and years until entirely depreciated. I could go on with the examples, but I trust this makes the point: to regulate telephone rates responsibly one simply must know the contents, and formulae used, in the rate base. To "regulate" a rate of return without examining what's in the rate base is like agreeing to pay a merchant an 18% carrying charge on your unpaid balance, while leaving to him the discretion of "defining" unpaid balance to be the maximum amount you are ever permitted to charge, or any other level he chooses.

These issues need not be made sophisticated and obtuse. They are simple and fundamental.

The FCC has *not* been regulating the Bell System as the law and common sense requires it to do. It has been granting Bell's requested rate increases while procrastinating on the job of examining its costs and rate base. I am as tired of the hypocrisy as my colleagues. I commend them for their candor in abandoning publicly a task that has not, in fact, been tended to anyway. Our difference lies in the fact that I would establish a management system to permit us to evaluate priorities, and then—probably—accord this crucial, first responsibility of the FCC more resources than they have.

Vertical integration also presents several important questions. If the Bell System is correct, and Western Electric is the cheapest supplier of communications equipment, why shouldn't non-Bell companies buy from the lowest cost source? The 1956 Consent Decree prohibiting such sales by Western Electric should be examined in light of developments in the past 15 years. Alternatively, how does vertical integration affect the pace of technological innovation, and also the emergence of non-telephone common carriers who want to sell communications equipment? Our Trial Staff urged in the rate of return proceeding that the rate of return for Western Electric is relevant to any determination of a rate of return for the Bell System overall. The counter-argument is that this is a question for a subsequent phase—which is now dismissed.

In short, it borders on the irresponsible for the regulatory agency concerned with interstate telephone communications to ignore these questions. The 1965 AT&T Investigation was thought important because no such investigation had been held in 30 years on the Bell System. I do not see that six years have made the issues any less urgent.

I must admit that it is difficult to be confident about what the priorities of the FCC should be. I am a little surprised that my colleagues can be so sure. This agency has never attempted to determine what the totality of agency programs and projects are, what resources—personnel, contractual studies, and consultant help—are required to meet the program needs, what the outputs and goals of the various programs and projects are, what alternatives there are to doing the present programs and projects, and finally, what difference it makes to assign alter-agency.

We do not now have this information for the agency as a whole, nor for the common carrier activity in particular. No one questions that this agency cannot do all it would like with every project it might undertake. My objection is that the decisions on what to do are not made rationally and systematically. It has not been done in the budgetary process, it has not been done in managerial control of agency activity, and it is not being done here.

Continuation of Phase II—whether in Docket No. 16258 or Docket No. 19129—has always been a stepchild here. Whenever the question of initiation of proceedings has been raised, it has met with significant resistance. The Commissioners have not made a sophisticated presentation to the Office of Management and Budget or the Congress on this issue, describing with any particularity the resources required to do the job adequately, and the possible multi-billion-dollar benefits that could flow in terms of this Commission's responsibilities to the consuming public, the American business community in general, and the communications industry in particular. We have not attempted to push vigorously a supplemental appropriation request that would focus on these matters. It is wrong to blame, by implication, the Office of Management and Budget or the Congress by saying we don't have the resources, and they should have been provided to us. Neither Congress nor OMB has ever been given the choice of giving us the resources we think we need, or watching these crucial proceedings be terminated. We have no one to blame but ourselves.

I dissent.

Attachment.

Appendix

Excerpt From Concurring Opinion to Initial Commission Action Setting the AT & T Rate Increase for Hearing.

[In the Matter of American Telephone and Telegraph . . . Docket No. 19129, 27 F.C.C. 2d 151, 165, January 21, 1971]

Now that the Commission has decided to designate this case for hearing, I want to indicate the issues I believe must be explored before the Commission can make a determination on this massive rate increases for the Bell System. It is clear what the Bell System wants the Commission to do. It would prefer a quick rate of return hearing where rate of return is the only issue. It wants questions of costs, rate base questions, and questions of pricing allocation to be deferred to the hopefully distant future. I believe we simply must not fall into this trap again. In 1965 the Commission promised to explore costs, pricing policies, and rate base-Western Electric relationships in a full rate investigation. On those particular issues the passage of six years has shown no real results. When questions of quick rate decreases are at stake for the consumer, an argument can be made that ignoring time-consuming issues may delay deserved rate decreases, and the Commission should move ahead quickly. But now that there are price *increases* to be paid by consumers, at a time when the highest national priority should be directed to reducing inflationary price increases, the Commission can no longer ignore important rate issues. I yield to no one in my encouragement of expedition in Commission proceedings, but I will not worship expedition at the expense of thoroughness when hundreds of millions of dollars of the public's money are at stake.

The Commission has expressed a hoped-for time schedule. I would expect that our staff would immediately tell us if its resources are inadequate to do a thorough job, and that it would then be up to the Commission to secure those resources if our staff lacks them. The Commission has indicated in its January 12 letter to Bell the issues it particularly wishes to explore in the upcoming hearing—issues on allocations of revenue requirements among Bell's services, and a speedy resolution of the issues in Dkt. No. 18128 where those questions are already being litigated. Other issues the Commission pointed to in its letter include Bell's estimate of the elasticity of the MTT service (message toll telephone, the "long distance" per-call pricing system), and its predictions on the increases in costs, particularly in maintenance expenses. Naturally these are all issues the Commission must explore in the forthcoming hearing.

But there are other Bell costs which the Commission should evaluate before deciding that Bell can tax its subscribers an additional half billion dollars every year. These should include Bell's advertising expenses, particularly expenses for institutional advertising and for service stimulation at times when Bell was already having problems meeting service demands. Another category which sould be examined is that of managerial expenses, and the possibility that the cost-plus contract of regulation has induced padding in this area. And fundamental to any determinations about cost of capital, rate of return, and financing policies are evaluations of growth policies—particularly in areas which might be considered peripheral to the provision of a basic telephone service. The spector of other utilities, such as railroads like the Penn-Central, concentrating on expansion in exotic areas to the detriment of basic consumer services, should be explored in any expansion program as massive as that of the Bell System.

In my judgment, public utility regulation generally tends to be perceived by public, companies and commissions alike in a way that over-emphasizes profit ("rate of return") and under-emphasizes costs (and capital investment, or "rate base").

Bell earns a rate of return on its "rate base" (depreciated capital investment). Subscribers' monthly bills are computed at levels sufficient to guarantee the company the recovery of all of its costs of operation plus a profit ("rate of return"). Of the total amount paid by the subscribers, something on the order of 80% represents costs rather than profits.

Assume the following ballpark figures for purposes of ease of illustration:

Rate base: $40 billion.

Rate of return: 7%.

Annual costs of operation: $10 billion.

Subscribers would have to pay telephone bills sufficient to raise $10 billion costs plus $2.8 billion profit (7% of a $40 million rate base as a rate of return) or $12.8 billion.

Now assume the rate of return is increased 10%, from $2.8 billion to about $3 billion, and costs remain constant. The total subscriber burden increases from $12.8 billion to $13 billion.

If, on the other hand, *costs* increase by 10%, from $10 billion to $11 billion (while the rate of return remains constant), the subscribers' burden goes from $12.8 billion to $13.8 billion.

Moreover, even the amount of profit is affected as much by the amount of the rate base as by the "rate" of return.

A 7% rate of return on $40 billion is $2.8 billion of annual profit. A 6% rate of return on $40 billion is $2.4 billion. But a 7% rate of return on $30 billion is only $2.1 billion.

The only point of this discussion is that it is dangerously shortsighted for this Commission to be willing to accept the company's suggestion that it pass upon a half-billion-dollar annual increase by examining *only* the issue of *rate* of return while ignoring (or continuing to postpone for subsequent consideration—which is the same thing) the 80% of the subscribers' burden represented by the company's unexamined multi-billion-dollar levels of costs, and the tens-of-billions-of-dollars of rate base to which the simple rate-of-return percentage would be applied.

The Equal Employment Opportunity Commission petition charging that Bell discriminates in its hiring practices is an issue the Commission cannot duck, no matter how strongly Bell cries "foul." EEOC's position is that no rate increases may be found by the Commission to be in the public interest while Bell discriminates in employment. There is some concern by the Commission on the relevance of this issue to what is construed as the narrow issue of rate levels. I do not now reach that question because I do not need to. I would establish a separate proceeding, to be resolved concurrently with this one, to examine EEOC's charge. EEOC should be permitted to file a brief subsequently, after the evidentiary proceeding, showing how its complaint is relevant to the Commission determination on the proposed rate increase.

It should also be noted that half of Bell's direct case in this proceeding, Bell statements 10 through 16, are directed toward justifying the present vertically integrated relationship with Western Electric. This is another terribly important issue that the Commission promised it would explore in its 1965 rate investigation, but which it has never considered. I do not believe the Commission can any longer shirk its duty in this area. Vertical integration has increased in the domestic common carrier industry since 1965. I believe the Commission must now open a new proceeding and undertake a full market study of vertical integration, particularly in this era of changing rates of technological innovation. The Department of Justice has commented in another proceeding before the FCC:

"The Bell System has traditionally relied on a captive equipment supplier, Western Electric, and has continued to rely extremely heavily on that supplier, thereby insuring that virtual nationwide monopoly in public message telephone service be repeated in the field of telephonic equipment, *whether or not there was any economic justification for such concentration at the manufacturing level.*"

DOJ Reply Comments in Dkt. No. 18920, p. 3 (emphasis supplied). Under these circumstances, the question of vertical integration in the domestic common carrier industry is one the Commission simply must examine fully, particularly when the issues are related to the Bell half-billion-dollar rate increase. Even Bell acknowledges the crucial importance of this relationship by devoting so much of its direct case to it. A full market study of vertical integration should again proceed concurrently with the other proceedings related to the rate increases—Dkt. No. 18128 on pricing; the EEOC proceeding; and the rate of return/cost justification proceeding.

For this Commission to do otherwise seems to me to leave it open to the charge that it acquiesces in Bell's setting the rules for Commission action, rather than the Commission setting the rules to protect the public. In short, I believe the least the Commission can do on a rate increase of this magnitude is to conduct a proceeding no less thorough than some of those conducted by the state commissions—for example, the California investigation in 1964 of Pacific Telephone. *Pacific Telephone & Telegraph Co.*, 55 P.U.R. 3d 513 (1964), *aff'd in major respects* 62 Cal. 2d 634, 58 P.U.R. 3d 229 (1965). I do not see how the Commission can maintain that it has done an adequate job of protecting the public without such an effort. This is particularly so when it is apparently this Commission's destiny to preside over perhaps the largest proposed public utility rate increase in history.

Perhaps the Commission does not have the resources to undertake the job it should. If true, then an estimate of the resources required should be made and a candid request for those resources made. (And, of course, any "public interest" intervenors ought to be specially welcomed, rather than discouraged as has so often been the case in the past.) But I cannot believe that with a half-billion dollars at stake, the representatives of the public—who must pay these prices—will not give serious consideration to the Commission's needs. And if statutory authority is thought to be lacking to protect the public and its own regulatory processes, I would expect the Commission to seek that authority with vigor.

It might be argued that pursuing these issues would risk "delays." I have heard these arguments, and I am not persuaded. If an adequate hearing takes a little longer, the Commission has ample power to protect the interests of all parties, including Bell. I would welcome a reasoned presentation as to why the Commission should not move in the manner I have suggested. And I would especially like to hear any reason why an intervening six years have decreased the urgency of the issues the Commission should explore.

DISSENTING STATEMENT OF COMMISSIONER H. REX LEE

I must dissent to the majority's action in dismissing further proceedings in Docket No. 16258 and in Phase II of Docket No. 19129. While I am most sympathetic with the majority's position, especially in light of the current budgetary and staffing limitations (including restrictions imposed by the Office of Management and Budget), I cannot agree with the timing of the action taken.

The Commission intended these proceedings to serve as the vehicle for a thorough examination of the revenue requirements of the Bell System, including the reasonableness of Western Electric's prices and profits, and of the basis upon which such revenue requirements are to be determined. The Phase II inquiry also contemplated an examination of the internal rate structure of the interstate and foreign message toll telephone service. The majority's action in dismissing these highly important inquiries is based on the painful fact that the Commission does not now possess sufficient resources to ensure the development of meaningful records in these proceedings or even to staff the hearings that must be held.

The inquiries previously ordered by the Commission into the rate structure of the Bell System, including the amounts claimed by the carriers for investment and operating expenses and the relationship between the associated telephone companies and their equipment supplier, are much too important to the consumers of interstate and foreign communications services to permit a termination of these proceedings. Moreover, our decision in the Phase I inquiry as to the appropriate rate of return for AT&T is closely interwoven with an existing rate structure that must be examined if we are to fulfill our regulatory responsibilities.

With the given restraints imposed upon this agency in the form of budgetary and average grade reductions and the current staff turnover in the Common Carrier Bureau, it seems unlikely that these proceedings will be reactivated in the near future. Rather than be faced with such a prospect, I would have preferred to keep the proceedings alive by seeking from the OMB a specific exemption from the existing budgetary and average grade restrictions to the extent necessary to accomplish this task. I believe it pertinent to point out that the Congress in the last session appropriated all the monies requested by the FCC that were cleared by the OMB. This appropriation included funds for additional staff for the Common Carrier Bureau. While this additional personnel may not have been adequate for the total tasks contemplated in this proceeding, it would have been enough to keep this proceeding alive until the next fiscal year. I would then have presented to the OMB an adequate program for the 1973 fiscal year budget.

Quite simply, before taking such a drastic step as the majority is doing today, I believe that the Commission should have notified the Congress that without additional resources the Bell System, as well as other important utilities, will be entering into a period of effective deregulation in significant areas. If after presentation to the OMB and the Congress, it is decided to follow this line of deregulation, I would certainly consider the majority's action to be appropriate. But not until that time.

U.S. SENATE,
Washington, D.C., January 1, 1972.

Mr. DEAN BURCH,
Chairman, Federal Communications Commission, Washington, D.C.

DEAR CHAIRMAN BURCH: I was disturbed to read of the December 23 decision by the FCC to abandon plans to investigate the rate base of the Bell Telephone System because of inadequate staff. The effect of this decision on the public and on American industry could be disastrous. They will conclude, and justifiably I believe, that in choosing not to proceed with this examination, the FCC has surrendered to bigness. They will think that while the FCC will tackle the little guys, the giants will be left alone.

In exploring the history of this case, it was especially distressing to realize that this is not an isolated instance of the regulated ruling the regulators. Who knows how many quiet surrenders are made by federal regulatory bodies each year?

Because this case thus carries implications far beyond its immediate boundaries, I am preparing legislation to provide the necessary funds to continue the investigation of mammoth AT&T—with its 800,000 employees and billions in assets. I will propose an initial appropriation of $1 million to the FCC for fiscal 1972 to add 50 economists and office personnel to the FCC staff. If this addition proves inadequate, the bill will earmark another $1 million in supplementary funds for still more staff later.

I ask you to join me in seeking from the Congress the necessary funds to rescue this crucial project. In defending this appropriation, however, it will be helpful to have from you a list of the priorities the FCC will pursue during your tenure as Chairman. In announcing its decision, the FCC majority declared that an exploration of the AT&T rate base is not high on the Commission's list of priorities.

Since the FCC has never made public a detailed agenda of priorities, this declaration invites serious mistrust and cynicism among AT&T consumers—who will conclude that such major decisions are made on an ad hoc basis.

It therefore would be useful to have answers to the following questions: What is a higher priority than regulating the biggest monopoly in America? Exactly how will Commission resources be allocated during the next several years? What additional funding will the FCC require to perform what you consider its duties? What price will the American public pay in overcharges and deteriorating services if the FCC is forced to back away from encounters with the corporate giants because of inadequate funding or staff?

Since I will be submitting this bill to the Congress when it reconvenes January 18, I would appreciate having your answers before that date. I ask you to speak out on behalf of the tens of millions of Americans who will pay excessive telephone charges for years if the FCC does not undertake this vital investigation of AT&T.

Thank you for your cooperation.

Sincerely,

Fred R. Harris,
U. S. Senate.

Federal Communications Commission,
Washington, D.C., January 14, 1972.
Hon. Fred R. Harris,
U.S. Senate,
Washington, D.C.

Dear Senator Harris: Your letter of January 1st raises questions of the utmost importance, and I welcome the opportunity to address them.

But, first, I feel I must demur from your characterization of the Commission's decision of December 23, 1971. It did not constitute an "abandonment" of our intention "to investigate the rate base" of the Bell System. And, although I can only speak for myself and from my own perspective, I know of no "surrenders" (quiet or otherwise) that this Commission has made during my tenure as Chairman. This is not to say that every one of our judgment calls has been greeted with universal approbation—but "surrenders to the regulated," no.

Rather than restating here the thinking that entered into the December 23rd decision, I have attached a copy of my recent letter to several of your colleagues that sets forth the rationale for that decision. I reiterate and underscore its conclusion: that it does define an effective regulatory program and one that has worked to the public benefit.

You ask for my personal "list of priorities" and, again, I must demur. As a parent, I've made it my practice never to choose among my children, and this same posture carries over to my official responsibilities. I have no facetious intent in saying this, for the fact is that the Commission is confronted with literally dozens of "priority" issues at any given time—all of them of high importance, all of them with far-reaching public interest implications.

Let me cite just as examples, the AT&T rate case now awaiting decision as to permissible "range of return" (the critical Phase One of Docket 19129); the proceeding on allocation of overall revenue requirements among the various categories of Bell's interstate services; the formulation of policy governing domestic satellite systems; rate determinations involving COMSAT; the drafting and implementation of new rules for the near-term evolution of cable television; pending proceedings with respect to children 's programing and its commercial content; completion of new policies and procedures as to broadcast license renewals; revision of the Commission's fairness doctrine; revision of our broadcast and cable multiple ownership policies—and I could go on for several additional pages before running low on "priorities" and beginning to note the "normal" business that constantly confronts us.

I am neither making excuses nor looking for sympathy. The further fact is, very candidly, that we can never have staff resources wholly adequate to these responsibilities. Nor can such staff be recruited and trained on a one-year one-shot "crash" basis. During my tenure as Chairman, we have asked each year for steady incremental build-ups in staff resources—which, as a general rule, the Congress has granted. We will continue to do so in Fiscal '73, and for as long as I hold this office. We will, more particularly, continue to apply the lion's share of our Common Carrier Bureau resources to an ongoing program of in-depth surveillance of the Bell System and other carriers, always retaining the option of moving to the hearing process when this course of action promises a substantial pay off. Let me repeat this: the action of December 23rd did *not* foreclose the hearing option with respect to rate-base determinations.

Again, Senator, I want to thank you for your inquiry. Whether or not we agree about the impact of this or any other Commission decision is relatively unimportant. What does matter is that the reasons for them be made part of the public record.

Finally, petitions for reconsideration of our December 23rd action have been filed by parties to the proceeding. I have not yet examined these petitions and have thus reached no judgment on their merits. You will appreciate that the sole purpose of this letter is to set forth the basic holding of the December 23rd action and to indicate the range of important matters facing the Commission. In view of the pending petitions, I cannot engage in any continuing exchange on the merits of these matters; but I hope that this general background and clarification is helpful to you.

Sincerely,

Dean Burch,
Chairman.

U.S. Senate,
Washington, D.C., January 16, 1972.
Mr. Dean Burch
Chairman, Federal Communications Commission, Washington, D.C.

Dear Mr. Chairman: I am afraid your letter of January 14 on the FCC decision to abandon its examination of the AT&T rate base raises more questions than it answers.

You object to my description of that decision as a surrender to bigness. But you fail to provide any evidence to lead me to think otherwise.

I still believe that setting a rate of return for the Bell System without examining its rate base could cost the American public hundreds of millions of dollars in telephone overcharges for years to come. No one will ever know, because so-called "continuous surveillance" is a feeble substitute for hard-nosed investigation of the AT&T rate base by FCC specialists. This program you defend consists of private meetings with AT&T executives, from which representatives of the consumer are excluded. The public is entitled to better protection than this.

I am also disturbed by your refusal to set forth the priorities the FCC is following. In my letter of January 1, I asked you to make public how Commission resources will be allocated during your tenure as Chairman.

You reply that you "never choose among my children, and . . . this same posture carries over to my official responsibilities." This strikes me as a clear abdication of your responsibility as Chairman to set goals for the FCC and to give it direction.

You also tell me "we never have staff resources wholly adequate to these responsibilities." Doesn't this mean you must decide how to spend these resources, make choices, set an agenda? Some projects must suffer, I take it, while others are served. Is this not to set priorities?

So again I ask you, as Chairman of the FCC, to make public your list of priorities for the Commission in the years ahead.

And I repeat my questions of January 1: What is a higher priority than regulating the biggest monopoly in America? And what price will the public pay in overcharges and deteriorating service if the FCC is forced to back away from encounters with this corporate giant because of inadequate staff or funding?

These difficult questions remain, Mr. Chairman.

I again urge you to join me in seeking from the Congress emergency funding to revive this important investigation. I intend to proceed with legislation to appropriate $1 million to add the necessary economists and aides to the FCC staff to carry out this vital task.

I still believe the ordinary people in this country have a right to expect the FCC to conduct a full, fair, and open investigation of the AT&T rate base, as the law requires.

Sincerely,

Fred R. Harris,
U.S. Senate.

News From Federal Communications Commission

For information on releases and texts call 632-0002—January 13, 1972—C.

In a letter to a group of key Congressional leaders, FCC Chairman Dean Burch has reaffirmed Commission policies in common carrier regulation, stating that, "The Commission always has, does now, and will continue to regulate the Bell System—vigorously, effectively, and with all the resources we can muster."

The letter was being submitted, Chairman Burch said, to record his personal views on the reasoning behind a Commission announcement December 23, 1971, terminating certain aspects of the AT&T rate case (Phase II, Docket 19129).

The following is the text of the letter:

On December 23, 1971, the Commission announced that it would not go forward as originally planned with formal hearings in Phase II of the AT&T rate case (Docket 19129). It seemed to me then that the decision spoke for itself. But in view of the reaction—extending even to the suggestion that it represented some sort of devious "end run" around the Congressional appropriations and oversight processes—I can see that I was mistaken, and I believe it is essential to go on record with my personal views as to the rationale underlying the decision.

That decision does not mean that the FCC has abdicated its regulatory responsibilities. And it is impossible to put this point too emphatically. We have not "caved in" to the AT&T "giant". The Commission always has, does now, and will continue to regulate the Bell System—vigorously, effectively, and with all the resources we can muster.

What the decision *does* mean is that the Commission will not now conduct a formal hearing on the Phase II issues. They remain before us. And all our future options, including ultimate recourse to the hearing process, remain open.

It may be that the December 23rd action was impolitic. Clearly, it could have been more lucidly explained. But it was made with the public interest uppermost, and for reasons that I believe are sound. Before turning to those reasons, let me review the salient background.

The roots of the decision go back at least to 1965 and Docket 16258. That landmark proceeding resulted in an interim decision of July 1967, introducing the "range of return" concept as the benchmark for AT&T tariff determinations. (The permissible rate of return was fixed then in the range of 7.0 to 7.5 percent.) Equally important, the Commission for the first time formulated basic principles and guidelines governing rate-base determinations and identified the principal components of investment that could be included in the rate base. Other issues in that proceeding—deferred in 1967 and still unresolved as of last month—were the prices and profits of Western Electric (the Bell System's manufacturing arm) and their impact on the cost of telephone service, and amounts claimed for investment and operating expenses. You will note, Mr. Chairman, that these are much the same issues as are involved in Phase II of Docket 19129 and were to repeat, still unresolved fully six years after Docket 16258 was originally instituted.

In November, 1970, AT&T filed with the Commission proposed interstate rate increases that would have produced $545 million in net income before taxes. Because of the obvious public interest considerations of so major an increase, the Commission requested the Company to set aside its original proposal and file instead for a substantially lesser amount—about $250 million in net income before taxes. AT&T acceded to this request. (Even this proposed increase was suspended by our order of January 20 1971, and made subject to accounting and possible refund; it will not become final pending the outcome of this and related proceedings.) And, as section 204 of the Act requires, we determined to hold an expedited hearing on the justification for the proposed rate of return (Phase I); this was to be followed immediately by a hearing on all the other issues (Phase II).

The hearing process was divided in this way for sound reasons. The burden of proof is on the carrier seeking rate increases. Thus, as part of its direct case filed in support of tariff changes, AT&T submitted voluminous testimony and data on the operations, prices, and profits of Western Electric—to demonstrate that the payments by the operating companies of the Bell System for the equipment and service they purchase from their Western Electric affiliate are fair and reasonable, and constitute no undue burden on the users of telephone services.

This relationship involves unique complexities. Further, the Commission could not be certain about the amounts of time and staff preparation that would be required for an in-depth examination of AT&T's case in this regard, and so we reserved treatment of this issue for Phase II of the hearings. It was contemplated that Phase II would consider this and other matters, including operating expenses and maintenance costs, that could affect rate levels and revenue requirements. All these matters call for highly specialized investigation and analysis of the carrier's operations, to identify any problems and then to establish the nature and extent of rate adjustments that might be called for.

The rate of return issues of Phase I were designed to examine AT&T's principal justification for an immediate rate increase. And the hearing on these issues was among the most exhaustive in recent Commission history. It consumed 33 days; involved 12 AT&T witnesses plus eight others, including two independent experts on the cost of capital presented by the trial staff; and produced more than 5,000 pages of testimony. And the hearing *was* expedited. It began in March, 1971, and the Hearing Examiner's initial decision (recommending an 8.25 percent rate of return) was issued in August. Following that, the Commission *en banc* held oral arguments covering two days—and Phase I is now ripe for final decision.

An unpredictable element of delay has skewed the normal course of events. Since early November, we have been waiting for the Price Commission to publish guidelines that will have an impact on pricing policies and thus on rate determinations involving regulated industries under the President's economic stabilization program. A decision on Phase I will soon be issued, however. And that decision will determine the most critical questions that are involved in passing on the merits of AT&T's case for rate increases.

This brings us again to mid-December and the issues we had originally deferred to the Phase II hearings. When the Hearing Examiner indicated that he was ready to proceed, we had to face the reality that we simply were not prepared for a meaningful examination of TA&T's case on Western Electric or the other Phase II issues. There had been no in-depth investigation of these complex, highly-specialized issues. Our staff resources had proved to be too thin. And some sort of "crash" effort seemed to promise mere "appearances", considering the substance of the issues involved. With all the advantages of hindsight, I can now see that a whole series of factors had come together:

(i) Phase I had not only required a great deal of staff effort, because of its complexity and expedited timetable, but also had involved a new "staff consuming" procedure recommended by the Administrative Conference. We separated the trial staff totally from all decisionary aspects of both Phase I and II. And this has had the practical effect—requiring very nearly two staffs—of drastically diminishing the Common Carrier Bureau's available staff expertise.

(ii) That staff was already thinned by several key losses and, since August, by stringent hiring cutbacks required to implement the President's economic stabilization program.

(iii) Finally, there are many other complex common carrier proceedings competing for priority, all of them calling for substantial staff commitments. In bare outline, there are hundreds of applications for competitive services in the field of specialized common carrier communications; implementation of the *Carterfone* policy to expand interconnection options for users of existing common carrier networks; proceedings toward development of a policy governing domestic satellite systems; and initial determination of policies to govern Comsat rates in international services. Of particular pertinence to regulation of Bell System rates, there is also Docket 18128—in which the Commission will establish principles to prevent cross-subsidy and to facilitate equitable allocation of overall revenue requirements among the various classes of Bell's interstate services. Action on this docket is moving forward on schedule.

Confronting all these considerations at once, the Commission essentially had three choices. We could have proceeded to Phase II as planned. But while this course of action might have kept up appearances, it would in fact have been mostly window dressing in view of the lack of necessary staff preparation.

Second, we could simply have deferred the hearing in Phase II. But this again would have meant evading the hard choice we confronted. The staff that was not available on December 23rd for specialized preparatory work would not miraculously become available on the 24th. It takes time to recruit and train such expert staff, and then more time for them to do the digging and preparation that the Phase II issues call for. Then, too, effective government—and effective regulation in particular—means acting as rapidly is possible consistent with available resources and competing priorities. Postponement *per se* might simply have been a re-enactment of the history of Docket 16258.

We turned instead to a third choice: principal reliance on a continuing program of surveillance to develop the in-depth understanding we need concerning the fundamental aspects of Bell System operations, and a steady build-up of this program. We will in this way recruit and train the needed staff. And we will be dealing informally but effectively with most of the Phase II issues. Surveillance in my view is the most useful instrument for developing the data that enables us to sharpen the issues that may or, indeed, should ultimately be referred to formal hearings. The hearing option, I repeat, remains open. Our choice has been to position ourselves for maximum effectiveness—by surveillance and hearings. Far from sloughing off our obligation to deal with the issues of Phase II, we assessed the pragmatics of the situation and opted for the one course of action that promises real and immediate returns.

This means, of course, that our continuing surveillance efforts must be bolstered. We have constantly been attempting to augment our professional staff resources by steady annual increments for several years—and will continue to do so in Fiscal '73. This means more Common Carrier staff overall and, even beyond that, the most effective possible utilization of whatever staff we do have. We are also updating our methods of gathering and analyzing both operating and financial data by use of computerized processing techniques.

Clearly, Mr. Chairman, some accounting is in order with respect to the Commission's ongoing surveillance program. I do not claim that the program is perfect, nor that a better job could not have been done with more resources and longer range planning. But that will always be true—particularly because there always are unpredictable factors that enter into the equation. I do maintain, however, that continuing surveillance has been and will continue to be a critically important component of the total regulatory program. And it has worked to benefit the public.

This can be spelled out in dollars and cents. In the period since 1953, the last general long-distance interstate rate increase, there have been several major rate reductions and assumption of expenses by interstate operations that, together, substantially amount to more than a billion dollars at current levels of business. During the same period, it is relevant to note, Bell's wage index went up by 123 percent and its cost of debt capital by 102 percent. Even with the interim increase of 1971 (now subject to our decision in Phase I), rate levels are about 9 percent lower than those prevailing in 1953—and, by contrast, the Consumer Price Index has risen by 52 percent and the Wholesale Price Index by 30 percent.

The continuing surveillance program encompasses many of the issues that were involved in Phase II. First: the Commission establishes the rules and regulations that govern the Bell System's accounting practices, and this Uniform System of Accounts (first prescribed in 1935) is under continuous staff review with an eye to revision and improvement. Second: our staff makes studies and continual spot-checks of Bell's compliance with these prescribed practices. Third: fifty State regulatory agencies also have continuing access to the books and records of Bell System companies, and we work closely with NARUC to make sure that our efforts are complementary. Fourth: the Commission prescribes and every three years revises the depreciation rates that the Bell System companies may use for their depreciation entries. And fifth: we receive regular reports (upwards of 2600 a year) containing extensive financial and operating data pertaining to the Bell System, including Western Electric, and these are the subject of staff scrutiny of any significant deviations from normal trends. Indeed, Commission rules require that tariff changes, new service offerings, and facility applications must always be accompanied by relevant economic data—and all this is part of the continuing surveillance process.

It is difficult to quantify all the savings that accrue to the public from such efforts—as, for example, in the depreciation area. But such savings do result and they are substantial. With heightened surveillance efforts, year by year, I am convinced that significantly greater public benefits can reasonably be expected.

In the last analysis, we are left with two principal questions. In view of all the circumstances, was the December 23rd decision a sound one? I believe it was. And, even more important, do we have a program of effective regulation that promises results commensurate with the Commission's high statutory responsibilities? Mr. Chairman, I believe we do.

Copies of the letter were sent to: Senator Warren G. Magnuson; Senator John O. Pastore; Senator Norris Cotton; Senator Howard H. Baker, Jr.; Senator Gordon Allott; Congressman Harley O. Staggers; Congressman Torbert Macdonald, Congressman William Springer; Congressman Hastings Keith; and Congressman Edward P. Boland.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., January 13, 1972.

Senators PASTORE, MAGNUSON, COTTON, BAKER and ALLOTT,
Congressmen STAGGERS, MACDONALD, BOLAND, KEITH and SPRINGER,
U.S. Congress,
Washington, D.C.

GENTLEMEN: In 1934 the United States Congress instructed the Federal Communications Commission to prevent AT&T from making "unreasonable discrimination in charges," or charges that are "unjust or unreasonable," and to "make a valuation" of AT&T's property. Sections 201(b), 202(a), 203(a).

In 1965 the FCC undertook a hearing that *could* have been a step towards carrying out these instructions.

During the seven years since, little or nothing has been done to execute the most important aspects of this hearing: whether Bell is discriminating against the small consumer in its pricing; whether its charges are based upon costs of doing business that are unjust and unreasonable (including prices paid its wholly-owned subsidiary Western Electric); and the effort to make a valuation of its property (the "rate base"—which Bell asserts is worth about $40 billion—upon which the "rate of return" must be paid by consumers). Note that each of these features are the very ones that Congress identified as essential 38 years ago.

On December 21, 1971, the FCC majority finally admitted—with commendable candor—that not only had nothing been done in the past, but that very little was likely to be done in the future. Accordingly, it was simply cutting out the hypocrisy and calling off the hearing.

The majority concluded (Commissioner Bartley concurring with "deep regret," Commissioner H. Rex Lee and I dissenting) that this hearing was being called off because, "we find it necessary to revise our program priorities. . . ." But it is Congress that establishes our "program priorities" in common carrier regulation, not an FCC majority's whim. And the Congress has expressly and precisely provided that the FCC should give "the hearing and decision of such questions [telephone rate increases] preference over all other questions pending before it and decide the same as speedily as possible." Section 204.

The Commission, comfortable with the years of cozy privacy of its so-called "continuous surveillance" procedures (closed door sessions with company officials), was taken aback to find the Congress and public did not take quite so lightly its abdication of responsibility for regulating the Bell system in public hearings.

Now today, January 13, the Chairman feels compelled to reply to the understandable public outrage that has accompanied our cancellation of the hearing. So he has written you that "The Commission always has, does now, and will continue to regulate the Bell System—vigorously, effectively, and with all the resources we can muster." (One of the most disturbing sentiments in his letter is his seeming willingness—even desire—to return to the "continuous surveillance" of the good old days.)

After all the verbiage in Chairman Burch's six page letter is scraped away, what remains—with the stark prominence of the Washington Monument on our city's skyline—is the overpowering fact that the Federal Communications Commission has never, and I emphasize never, carried out the rather straightforward Congressional mandate of 1934. Nor, I would note, has it today asked you for the additional funds to do the job.

I would be the first to acknowledge our lack of resources to regulate AT&T. (Although there have been unfilled positions in the Common Carrier Bureau for months.) But our failure even to *ask* for those resources raises questions as to whether the FCC has the will, as well as the way, to regulate Bell.

My dissenting opinion of December 21, 1971, further spelling out my concerns, is attached.

Respectfully,
NICHOLAS JOHNSON,
Commissioner.

[From the New York Post, Jan. 12, 1972]

CONGRESS TO PUSH ON ATT RATES

(By Anthony Prisendorf)

WASHINGTON.—Consumer-conscious Congressmen are planning to pressure the Federal Communications Commission to reverse itself and reopen its cancelled investigation of the rate base used by the American Telephone & Telegraph Co. for its interstate telephone service.

When Congress reconvenes next week, companion bills will be submitted to the House and Senate appropriating $1 million in emergency funds to cover the extraordinary costs involved in such a massive accounting probe of AT&T.

The sponsors of the Congressional pressure tactic—Sen Harris (D-Okla.) and Rep. Ryan (D-Man.) are predicting that the gesture will receive broad, bipartisan support in both houses.

"It'll be pretty tough for any Senator or Congressman to get on the consumer-protection band-wagon in this election year and not support such an investment," one Senator's aide remarked.

The basic thinking behind this "investment" approach in Congress is essentially this: AT&T's current rate base is about $50 billion, with an annual return—based on the recent request for a 10 per cent return—of roughly $5 billion a year.

HUGE POTENTIAL SAVINGS

Harris and Ryan are prepared to argue that even if that rate base is only slightly inflated—and no regulatory agency in the federal government has studied it for accuracy within the past six years—a change could result in a tremendous savings for the average telephone user.

For example, one of Harris' key legislative aides theorized, if the rate base were $2 billion too high, the adjusted rate of return would mean a savings to telephone users of $200 million a year.

Thus, Harris and Ryan reason, investing $1 million of public funds to conduct a thorough study of the rate base is a small price to pay in view of the potential savings it could lead to.

The FCC, by a 4 to 2 vote last month, announced it was abandoning the AT&T investigation which the commission initially scheduled six years ago.

The reasons given: the commission's Common Carrier Bureau, the FCC's investigative arm in this case, has neither the financial nor manpower resources to do the proper job.

AT&T, with subsidiaries that include the Bell System, has $50 billion in assets, revenues last year totalling $17 billion, and 800,000 employes around the world.

The FCC's Common Carrier Bureau has a $3 million annual budget and 162 staff workers.

CONDITIONAL AMNESTY FOR DRAFT RESISTERS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, there are an estimated 50,000 to 70,000 Americans in exile who have left this country over the past half a decade to avoid service in the Armed Forces. Many have left because they could not in good conscience fight in Vietnam; others perhaps had less good reasons.

With the "winding down" of the war and the return of our troops from Vietnam, I think it is appropriate and necessary that we consider how we can bring home these young Americans. This country has already suffered a tragic loss through the deaths of 55,000 young Americans in Vietnam. We cannot bring these men back, but we can bring back those who are in exile. To effectively bar their return would be to compound the tragedy of Vietnam.

Mr. Speaker, I am introducing a bill today to offer conditional amnesty to draft resisters. This bill, H.R. 12417 would allow young men who have left the United States since August 4, 1964, to avoid the draft to return, without fear of prosecution, if they agreed to provide

2 years of civilian service to the United States in such programs as VISTA, in Veterans' Administration and Public Health Service hospitals, and in other services approved by the Attorney General. This bill would also apply to those men imprisoned for draft violations, giving them the option to leave prison and perform such alternative service with up to 1 year's credit being given for the time spent in jail.

Mr. Speaker, the bill I am introducing is like the amnesty bill introduced by our distinguished colleague in the Senate (Mr. TAFT), the only significant difference being that the Senator's bill would require 3 years of civilian service while my bill requires 2 years of such service. I believe that a 2-year requirement is appropriate because this is the length of alternative service presently required of conscientious objectors.

H.R. 12417 would become effective immediately upon enactment and allow a man a year in which to exercise his option to return.

In April of 1969, I introduced legislation that would assist the return of those who left for reasons of conscience by allowing them to apply for selective conscientious objector status. In December 1969, I went to Canada and visited with some of the draft resisters.

I believe that enabling the young men now in exile to rejoin American society is of paramount importance and that is why I have joined with Senator TAFT in sponsoring this bi-partisan measure offering conditional amnesty. The war has left great divisions in our society. The subject of amnesty is a highly emotional one. But, it is time that our country put aside its differences and lay to rest the acrimony that has consumed us. Instituting this conditional amnesty that demands some compromise from everyone would be a step in this direction. I believe that civilian service in return for repatriation is a reasonable and necessary response which takes into consideration the legitimate feelings of those who served in Vietnam—many of whom opposed the war—and of the families of those who lost their lives there.

Amnesty is not a new concept to the United States. George Washington granted amnesty to several hundred Whiskey Insurrectionists in 1795. In a move to reunite the country, President Lincoln instituted a program of amnesty, and most recently President Harry Truman in 1945 granted pardons to draft evaders. Surely, the United States at this point in her economic and social history should have the magnanimity to grant an amnesty to those who left the country in order to avoid fighting in a war they believed to be unconstitutional and immoral.

In a recent survey conducted by the Gallup Organization for Newsweek considerable support was found for conditional amnesty; 64 percent of the respondents said they favored amnesty with a national service requirement. A number of religious leaders have advanced the idea of an amnesty for the Vietnam draft evaders, including the late Cardinal Cushing who urged the Government as an Easter gesture to drop charges against these men for, in his words, "wherever our young people, even for reasons we do not know, stand in need of mercy, let us reach out to them."

The text of H.R. 12417 follows:

H.R. 12417

A bill to amend title 18, United States Code, to conditionally suspend the application of certain penal provisions of law

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That title 18, United States Code, is amended by inserting at the end of chapter 119 a new chapter, as follows:

"CHAPTER 122.—CONDITIONAL SUSPENSION OF THE APPLICATION OF CERTAIN PENAL PROVISIONS OF LAW

"Sec.
"2610. Amnesty; conditions.
"2611. Release of persons convicted; dismissal of proceedings.
"2612. Pardons.
"2613. Exception.
"2614. Administration.

"§ 2610. Amnesty; conditions.

"(a) No law providing for the punishment of persons evading or refusing registration for the military service of the United States, or of persons evading or refusing induction in the Armed Forces of the United States shall apply to any person who has evaded or refused such registration or induction since August 4, 1964, if not later than one year after the date of the enactment of this chapter, such person—

"(1) presents himself to the Attorney General of the United States or such other official or officials as may be designated by the President,

"(2) agrees in accordance with regulations established by the Attorney General of the United States to enlist and serve for a period of two years in the Armed Forces of the United States or agrees to serve for a period of two years in Volunteers in Service to America (VISTA), a Veterans' Administration hospital, a Public Health Service hospital, or other service eligible pursuant to regulations issued under section 2614 of this title, and

"(3) agrees to serve for such period in the lowest pay grade at which persons serve in the Armed Forces of the United States, Volunteers in Service to America (VISTA), Veterans' Administration hospitals, Public Health Service hospitals, or other service eligible pursuant to regulations issued under section 2614 of this title.

"(b) The willful failure or refusal of any person to comply with the terms of his agreement under this section shall void any grant of immunity made to such person under this section.

"§ 2611. Release of persons convicted; dismissal of proceedings.

"(a) Any person who has been convicted and is serving a prison sentence for evading or failing to register for the military service of the United States after August 4, 1964, or for evading or refusing induction in the Armed Forces of the United States after such date shall be released from prison, and the remaining portion of any punishment shall be waived if such person complies with the provisions of section 2610(a) of this title, except that the two-year period of military or public service required thereunder shall be reduced by any period equal to the period served by such person in prison for his conviction, but such period shall not be reduced by more than one year. Any such person shall be afforded an opportunity to present himself to the Attorney General pursuant to section 2610(a) of this title.

"(b) Any pending legal proceedings brought against any person as a result of his evading or failing to register for the military service of the United States after August 4, 1964, or for evading or refusing induction in the Armed Forces of the United States after such date shall be dismissed by the United States if such person enters into an agreement described in section 2610(a) of this title and completes the period of military or public service prescribed in such agreement.

"§ 2612. Pardons.

"(a) It is the sense of the Congress that the President grant a pardon to any person convicted of any offense described in section 2611(a) of this title if such person enters into an agreement described in section 2610 (a) of this title and completes the period of military or public service prescribed in such agreement.

"(b) In any case in which a person has been convicted of an offense described in section 2611(a) of this title and has been released from prison, or given a suspended sentence, it is the sense of the Congress that the President grant a pardon to such person for such offense if such person performs military or public service prescribed in section 2610(a) of this title, reduced by a period equal to the period served by such person in prison for his conviction (such period of service not to be reduced by more than one year), provided such person undertook to perform such service prior to the expiration of one year following the date of enactment of this chapter.

"§ 2613. Exception.

"The provisions of sections 2611 and 2612 of this title shall not apply in the case of any person otherwise eligible for the benefits of such provisions if such person (1) is serving a prison sentence for an offense not described in section 2611 of this title or is scheduled to serve, immediately after completion of his sentence for an offense described in section 2611 of this title a prison term for any other offense for which he has been convicted or (2) is wanted for trial for any other alleged offense, unless the President determines that the public interest would be better served by affording such person the benefits of this chapter.

"§ 2614. Administration.

"The Attorney General is authorized to issue such rules and regulations as may be necessary to carry out effectively the provisions of this chapter."

SEC. 2 (a) The table of chapters of title 18, United States Code is amended by inserting at the end of the table of chapters for Part I—Crimes, the following:

"122. Registration and induction for military service."

(b) The table of chapters of Part I of title 18, United States Code, is amended by inserting at the end thereof the following:

"122. Registration and induction for military service."

"SEC. 3. Section 12(a) of the Military Selective Service Act of 1967 is amended by striking out "Any" at the beginning of such section and inserting in lieu thereof "Except as provided in chapter 122 of title 18, United States Code, any".

FEDERAL OPERATING SUBSIDIES FOR MASS TRANSIT

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on January 5 of this year the New York City transit fare was raised 16⅔ percent to 35 cents. During this time of supposed economic stabilization, this increase will have a devastating effect on many New Yorkers: those who live in two fare zones, 18 percent of all riders, must now pay $350 annually, to ride a dilapidated and sometimes dangerous subway system to and from work.

This fare increase, however, will cover only a small portion of the New York City Transit Authority's estimated deficit of $440 million over the next 2 years, part of which is caused by a costly New Year's Eve labor settlement totaling $151 million.

In an attempt to pay for this enormous deficit the Transit Authority's financing for the next 2 years will be a jerrybuilt operation depending heavily on moneys borrowed from both the city and the State. This is a poor way to cover operating expenses. It is a stop-gap approach that bodes an even more costly fare increase 2 years hence when the Transit Authority must find the revenue to cover the repayment of interest and principal on the loans, not to mention the expense of new labor negotiations.

The fare box can no longer pay for transit service, and localities cannot continue their makeshift, desperate efforts to finance these systems endlessly from local taxes, or borrowing schemes. More than ever before, this fare package in New York City points out the urgent need for Federal assistance to mass transit systems. And the New York transit situation is not unique: Saint Louis, Boston, Minneapolis-St. Paul, Miami are only some of the other cities whose transit systems face operating deficits.

I have introduced a bill, H.R. 10400, as amended, which would create a 5 year, $1 billion emergency relief program for rapid transit and commuter railroad systems. This Federal money would offset transit deficits by paying for the maintenance and repair of rights-of-way.

Mr. Speaker, the emergency nature of transit operations can no longer be ignored by this Congress, which has approved subsidy programs similar in concept to that contained in H.R. 10400 as amended, for air and automobile transportation. The time for action is now. The failure of this Congress to enact subsidies for transit operations will only spur the demise of those systems and encourages the growing dependence on the automobile that is already congesting and befouling our cities.

THE PRICE OF LIBERTY IS ETERNAL VIGILANCE

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the Record.)

Mr. ICHORD. Mr. Speaker, acknowledging the verity of the axiom that "the price of liberty is eternal vigilance," I feel it incumbent upon me as chairman of the House Committee on Internal Security to inform my colleagues of yet another example of what I call "issue exploitation" by those out to undermine our society, government, and institutions.

This subversive activity often takes place under the guise of the most worthy appearing causes and, with increasing frequency, it is done in the most subtle way imaginable.

The most recent example was a full-page advertisement in the New York Times of Sunday, December 19, 1971—just 6 days before Christmas—when much of the non-Communist world is most vulnerable to emotional appeals regarding children and humanitarianism.

The ad—entitled "A Letter to Four Children—and to all the children of the world"—was directed by a so-called Ad Hoc Committee of Concerned Citizens at a regrettable act of violence on the night of October 20, 1971—2 months earlier it should be noted—in New York City when four shots were fired by snipers into a room of the Soviet Union's United Nations Mission which, at that moment, was occupied by four children. No one was injured and an arrest has been made of the suspected sniper, who has been identified as a member of the extremist Jewish Defense League.

After some 60 days of presumably deep reflection upon the nature of this criminal act, the Ad Hoc Committee of Concerned Citizens published its message deploring what it called a series of—previous bombings, harassment, threats of murder, and other attacks on Soviet personnel and installations in New York and Washington.

The advertisement was illustrated by a charming sketch of two children—one garbed in Arab attire and the other presumably Jewish—jointly feeding pigeons symbolizing the doves of peace and amity.

In the text of "A Letter to Four Children," the ad's sponsors said the sniper shots "struck terror in our hearts—and shame, dismay, and anger." Continuing, the ad declared:

> We know you are citizens of the Soviet Union, and guests in our country, even as so many of our children are guests in yours. We don't know if any of you are Jewish. It does not matter. Some of us are, some are not. We write you simply as Americans who detest mindless violence and discrimination in any form—racial, religious or political.

Up to this point, the message cannot be faulted. Then the ad's backers picked up a broader brush, clearly suggesting that those who would snipe at the Soviet Mission to the U.N. are simply an extension of what the ad implies is an American conspiracy to "murder" thousands in Vietnam, slay Negro children in a Birmingham Sunday School in 1963 and gun down black Americans leading the struggle for an end to "racism."

Furthermore, the advertisement warns that such an attack on the Soviet Mission endangers efforts by the Soviet Union and the United States to prevent nuclear war. The text continues:

> Our two peoples, dear children, have much in common. Together your people and ours fought against fascism, in a wartime alliance that was dismantled by men of bad will.

It was at this point, Mr. Speaker, that I had my first real misgivings about this advertisement. The alliance that defeated fascism in World War II, as every Member of this House well knows, Mr. Speaker, was torn asunder by only one man of bad will—Josef Stalin—who then threatened his Western allies with world war III while he trampled down the flickering hopes for freedom in Eastern Europe from the Baltic to the Balkans.

The balance of "A Letter to Four Children" amounted to an appeal for "human rights" and an end to hatred and violence in any form—something to which we all subscribe.

Curious as I was about the language and emphasis of the first part of the advertisement, I then looked at the list of 162 published signers who so decried "mindless violence and discrimination in any form—racial, religious or political."

I discovered, interestingly enough, that of the sponsors 50 were, in fact, members of the Communist Party, U.S.A.

Now, Mr. Speaker, when it comes to "mindless violence," these are the people who have consistently condoned the Kremlin's starvation and execution of the Kulaks in the Ukraine, the massacre of the Poles while Poland fought alone against the Nazi armies, the massive purges of Jews and intellectuals, the cruel slaughter of the Hungarians, the invasion of Czechoslovakia, and the concentration camp torture of thousands upon thousands of innocent Russians.

When it comes to "discrimination in any form—racial, religious, or political" these Communist Party, U.S.A. signers for the Ad Hoc Committee of Concerned Citizens are the very same people who support Soviet persecution of Jews, the physical destruction of churches, and religious activity throughout the Communist world, the mass execution of Cubans unwilling or unable to endorse Fidel Castro—Mr. Speaker, I could go on and on with the infamies of Red facism, but it would serve no further purpose.

And these same people—at least the 50 who are members of the Communist Party, U.S.A.—are trying to link up extremist sniping with the U.S. Government's efforts to halt Communist aggression in Southeast Asia while suggesting that such men as Franklin Roosevelt, Harry S. Truman, Dwight David Eisenhower, and Winston Churchill "dismantled" the World War II alliance against fascism, because of "bad will."

This advertisement, hiding behind our natural disgust for a sniping attack which endangered children's lives and playing upon the desire for an end to "mindless violence and discrimination in any form," very cleverly seeks to shift all blame and responsibility for crimes against humanity to the people and the Government of these United States. This is an intellectual atrocity I do not want to go unchallenged or unexposed.

LET'S LOOK BEFORE WE DRILL

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, residents of the east coast have voiced alarm over the announcement by the Secretary of the Interior that exploratory oil drilling might be started in the Atlantic Ocean. On December 9, I introduced H.R. 12146, establishing a moratorium on all oceanic drilling until the Secretary of the Interior determined, in conjunction with the Council on Environmental Quality, the requirements of our nation's resources. The bill also provides for the establishment of marine sanctuaries in the Atlantic, permanently free of the threat of drilling.

This month, two Connecticut newspapers have editorialized on this problem calling for action similar to that proposed in my bill. An editorial in the January 8 edition of the Meriden Morning Record notes,

> To rush into projects without full research, is to battle without the weapons modern technology has made available.

And an editorial in the Hartford Courant on January 12 states,

> One current proposal that seems to make sense would ban Atlantic oil drilling for at least some time to come. The restriction would stay in effect until it could be demonstrated that the new supplies are definitely needed.

I am sure that editorials such as these, and the legislative action proposed by myself and my colleagues have had a bearing on the recent decision by the Secretary of the Interior to halt all drilling for 4 years. Although the Secretary's action is proper, I feel that we should pass legislation giving this action the status of law.

[From the Meriden Record, Jan. 8, 1972]

LET'S LOOK BEFORE WE DRILL

Congressman John S. Monagan, whose district includes Meriden, believes residents of the Atlantic seacoast have cause to be concerned over announcement by the Secretary of the Interior of plans to lease areas off the New Jersey-Maryland shore and Cape Cod for offshore oil drilling.

He has submitted a bill establishing a moratorium on all oceanic drilling until the Secretary of the Interior determines, in conjunction with the Council on Environmental Quality, the precise requirements of the nation's natural resources.

"If an oil spill similar to that which occurred off Santa Barbara, Calif., should happen in the Atlantic, a devastating environmental and economic blow would be dealt the eastern half of our nation," he says.

The bill also provides for the establishment of marine sanctuaries in the Atlantic, permanently free from the threat of drilling.

Monagan has made clear that he is aware of the Secretary of the Interior's responsibility to insure that the nation's demands for energy are met, but he notes that he also has "a responsibility to consider the environmental impact of production."

The dickens of it is that projects such as the Secretary's proposal increasingly seem to require a vast amount of exact study. Do we have adequately documented evaluations of our need for new sources of energy? Just what is the total environmental impact of drilling? The Congressman thinks we do not, and that to embark upon such an activity as Atlantic oceanic drilling until we know more about what is involved could be tragic.

It is not only the bearer of the "Excelsior" blazoned banner of ecology who will see the sense of Representative Monagan's bill. This is an age in which decisions can increasingly rest more and more upon precise knowledge. To rush into projects without full research, is to battle without the weapons modern technology has made available.

[From the Hartford Courant, Jan. 12, 1972]

SEARCH FOR MORE OIL MOVES TO ATLANTIC

Both the riches and the problems of drilling for oil have for the most part been found in places far away from Connecticut. Texas, the Gulf Coast, Alaska, South America and Arabia have had them. We haven't.

Oil exploration and production could soon come closer to home. Geologists say they have uncovered a new and promising source of oil under the costal shelf of the Atlantic Seaboard.

Canadians have already tapped an oil supply off Novia Scotia, and oil companies say there are 27 billion gallons to be found off the coasts of Canada and the United States.

The new "find," however, may lie untapped for many years to come. The announcement of the Canadian discovery sent environmentalists into action, and one anti-drilling bill was almost immediately introduced in Congress. Interior Secretary Rogers C. B. Morton has also been finding a cool reception to drilling proposals in talks with Eastern congressmen and governors.

Offshore oil wells have been the source of a string of ecological disasters in recent years, including the Santa Barbara leak of 1960 and two oil well "blowouts" in 1970 off the Louisiana coast.

With Long Island standing offshore as a buffer, Connecticut would be relatively well-protected from a similar incident in the Atlantic. We would not be immune, though, from the dangers posed by a possible increase in oil shipping and handling in and around Long Island Sound.

Connecticut has a history of jealously protecting its Sound. We have launched or backed dozens of anti-pollution measures and have helped short-circuit such projects as the 1970 plan for an oil processing plan on Long Island's northern shore and the test drilling last year for a possible man-made island to serve as a gas shipment terminal.

Secretary Morton has promised to proceed with caution and look closely at possible environmental effects before his department issues any permits for offshore drilling in the Atlantic. The work may not even be permitted at all.

The drilling debate is not a one-sided one. While the present available supply of oil will hardly run dry tomorrow, it does have its limits, and new sources will eventually be needed.

One current proposal that seems to make sense would ban Atlantic oil drilling for at least some time to come. The restriction would stay in effect until it could be demonstrated that the new supplies are definitely needed.

PRESIDENT NIXON APPROVES DEVELOPMENT OF SPACE SHUTTLE

(Mr. MILLER of California asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MILLER of California. Mr. Speaker, on January 5, 1972, President Nixon approved the development by NASA of the Space Shuttle, something engineers and scientists have been looking forward to for several years.

I commend the President upon his farsightedness in this instance, for I am confident the shuttle will be the very keystone of our space program. This reusable launch system will make space travel easy on the passenger and easy on the taxpayer. It will convert space travel into a low-cost airline mode of operation and bring it closer home, just as the DC-3 airplane revolutionized commercial aviation.

The shuttle will be an important new system, one that will result in major advances in aerospace technology. With it, we will have a simpler, safer, and less costly way to place men and machines in earth orbit, support them while they are there, and then bring them back to earth It will serve science, the national economy, and the national defense. In itself, it will be an orbital laboratory manned by scientists and engineers.

In my view, the President's action has come at the right time. We have spent the first decade or so of our space program learning techniques and feeling our way as we advanced. We can now move confidently into the second generation of launch systems—reusable launch systems—to serve us in the decades ahead.

There are those who would have us turn away from this challenge and this opportunity, to abandon the promise of space to other nations. In my view, to halt shuttle development would be comparable to what might have happened in the last century if the railroads had been prevented from pushing into the West. Space is the new frontier, just as the West was after the early settlers had established a firm foundation in the East.

Space officials have predicated a great increase in worldwide demand for applications satellites in the years to come. But this demand can be met only if we can make the satellites less costly to build and easier to design, launch and maintain. To do this, we must have the shuttle—to deploy spacecraft in orbit, repair them, resupply them with film or fuel or whatever else they need, or bring them back to earth for refurbishment or reuse.

It will open the way for us to develop new technology for space use. It will bridge the gap between aeronautics and astronautics providing valuable new technology for aviation as well as space flight.

The technology which will come as a result of shuttle development will help us maintain a strong economy with continually increasing productivity, something that is dependent primarily upon technological advance. We have already seen that a strong, continuing space program contributes significantly to the economy.

We have shown the world that we are the leaders on the new frontier—space. We must not turn back. We must remain active with a productive, forward-looking, cost-conscious program. That is the basis on which NASA has planned the shuttle program.

Mr. Speaker, the Committee on Science and Astronautics, which I am privileged to chair, has held extensive hearings on the space shuttle concept. During these hearings, I became convinced that this Nation needs a more flexible and less costly way of getting to space, and that the shuttle will meet that need.

I am very pleased with the President's decision to proceed with shuttle development. Our committee plans to hold hearings on NASA's specific plans for the shuttle. And I am confident that, when the fiscal year 1973 NASA Authorization Act comes to the Floor for the consideration of the House of Representatives, we will endorse the President's historic step.

PERSONAL ANNOUNCEMENT

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the Record.)

Mr. MIKVA. Mr. Speaker, I regret that I was unavoidably absent December 16 when the House voted to table the Mansfield amendment. Had I been present I would have voted "no" on roll 472. It is past time for Congress to accept its responsibility in ending the war.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to the following Members (at the request of Mr. Boggs):

Mr. Griffin, for today, on account official business.

Mr. Rangel, for today and the balance of the week, on account of official business.

Mr. Roybal, for today and the balance of the week, on account of official business.

Mrs. Green of Oregon, for the week of January 18, on account of illness.

By unanimous consent, leave of absence was granted to the following Members (at the request of Mr. Gerald R. Ford):

Mr. Minshall, for Wednesday, January 19, on account of official business.

Mr. Saylor, for Wednesday, January 19, on account of official business.

Mr. Lent, for today, on account of illness.

Mr. McKevitt, for January 18 and 19, on account of official business.

Mr. Annunzio (at the request of Mr. Price of Illinois), for the week of January 18, on account of official business.

Mr. Byrne of Pennsylvania (at the request of Mr. Nix), for the week of January 18, on account of official business .

Mr. Wolff (at the request of Mr. Ryan), for from January 18 to February 1, on account of official business.

Mr. Murphy of Illinois (at the request of Mr. O'Neill), for the week of January 18, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Ryan for 30 minutes, tomorrow, January 19, 1972, and to revise and extend his remarks and include extraneous matter.

Mr. Hall, for 20 minutes, today, and to revise and extend his remarks and include pertinent tables.

Mr. Jones of Alabama, for 1 hour, Tuesday, January 25, in tribute to the memory of the late Honorable George W. Andrews of Alabama, to revise and extend his remarks and include extraneous material.

Mr. Matsunaga, for 15 minutes, today, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. Spence) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Derwinski, for 30 minutes, today.

Mr. Skubitz, for 10 minutes, today.

Mr. Halpern, for 5 minutes, today.

Mr. Gerald R. Ford, for 5 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. Denholm) to revise and extend his remarks and include extraneous material:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Rodino, for 5 minutes, today.

Mr. Davis of South Carolina, for 10 minutes, today.

Mr. Flood, for 20 minutes, today.

Mr. Runnels, for 20 minutes, today.

Mrs. Abzug, for 5 minutes, today.

Mrs. Griffiths, for 10 minutes, today.

Mr. Flood, for 60 minutes, January 26.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Sikes in five instances and to include extraneous material.

Mr. Bolling and to include extraneous matter.

Mr. Dulski and to include extraneous matter.

Mrs. Mink to extend her remarks in the Record following those of Mr. Koch.

Mr. Sikes in five instances.

Mr. Gross and to include pertinent material.

Mr. Aspinall to revise and extend remarks made in Committee of the Whole on H.R. 8787 and include certain pertinent matters and include tables.

Mr. Matsunaga immediately preceding the conclusion of the Private Calendar.

(The following Members (at the request of Mr. Spence) and to include extraneous matter:)

Mr. Hansen of Idaho.

Mr. Smith of New York in two instances.

Mr. Springer in two instances.

Mr. Young of Florida in five instances.

Mr. Derwinski in three instances.

Mr. McClory in three instances.

Mr. Schwengel in 12 instances.

Mr. Cederberg.

Mr. Carter in five instances.

Mr. Hosmer in four instances.

Mr. Goodling.

Mr. Schmitz in four instances.

Mr. Wyman in two instances.

Mr. Anderson of Illinois in two instances.

Mr. Chamberlain in two instances.

Mr. Steiger of Wisconsin in two instances.

Mr. Veysey in five instances.

Mr. Snyder in two instances.

Mr. Scott.

Mr. Findley.

Mr. Halpern in three instances.

Mr. Collins of Texas in five instances.

Mr. Broyhill of Virginia in two instances.

Mr. Whitehurst.

Mr. Wiggins.

Mr. Collier in five instances.

Mr. Michel.

Mr. Baker.

Mr. O'Konski in 10 instances.

(The following Members (at the request of Mr. Denholm) and to include extraneous matter:)

Mr. Brooks.

Mr. Moorhead in 10 instances.

Mrs. Abzug in 10 instances.

Mr. Aspin in 10 instances.

Mr. Gaydos in five instances.

Mr. Dingell in three instances.

Mr. Rostenkowski.

Mr. Diggs.

Mr. Pucinski in 10 instances.

Mr. Drinan.

Mr. Flynt in two instances.

Mr. Seiberling in 10 instances.

Mr. Rarick in five instances.

Mr. Edwards of California.

Mr. Metcalfe.

Mr. Waldie in 10 instances.

Mr. Karth.

Mr. Hamilton in four instances.

Mr. Brinkley.

Mr. Begich in five instances.

Mr. Jones of Tennessee.

Mr. Hagan in three instances.

Mr. Steed in two instances.

Mr. Stokes in two instances.

Mr. Mikva in 12 instances.

Mr. Nix.

Mr. Conyers in 10 instances.

Mr. Symington in three instances.

Mr. Gallagher.

Mr. Bingham in three instances.

Mr. Fraser in three instances.

Mr. Blatnik.

Mr. Kyros.

Mr. Murphy of New York in eight instances.

Mr. Patten.

Mrs. Griffiths.

Mr. Gonzalez in three instances.

Mr. Jacobs in two instances.

Mr. Byron in 10 instances.

Mr. Matsunaga.

Mr. Hébert.

Mr. Fauntroy in five instances.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 54. Concurrent resolution to print additional copies of hearings on "War Powers Legislation"; to the Committee on House Administration.

SPECIAL ORDER TO PAY RESPECT TO THE MEMORY OF THE LATE HONORABLE GEORGE W. ANDREWS

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that on Tuesday next after the disposition of all other special orders heretofore entered into that I may address the House for 1 hour and, may I add, Mr. Speaker, that the subject of my special order on that day will be to pay tribute to the memory of our beloved colleague, the Honorable George William Andrews.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

THE LATE HONORABLE GEORGE W. ANDREWS

Mr. JONES of Alabama. Mr. Speaker, I offer a resolution.

The Clerk read the resolution as follows:

H. RES. 766

Resolved, That the House has heard with profound sorrow of the death of the Honorable George W. Andrews, a Representative from the State of Alabama.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

The resolutions were agreed to.

ADJOURNMENT

Accordingly (at 4 o'clock and 26 minutes p.m.) the House adjourned until tomorrow, Wednesday, January 19, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1372. A letter from the Secretary of Defense, transmitting a report on the transportation of certain unserviceable material, pursuant to Public Law 91-121; to the Committee on Armed Services.

1373. A letter from the Assistant Secretary of State for Congressional Relations, transmitting copies of Presidential Determination 72-8, pursuant to section 504(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1374. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting a report of sales to less-developed countries during fiscal year 1971, pursuant to section 35(b) of the Foreign Military Sales Act of 1968; to the Committee on Foreign Affairs.

1375. A letter from the Clerk, U.S. House of Representatives, transmitting a list of reports which it is the duty of any officer or department to make to Congress, pursuant to rule III, clause 2, of the Rules of the House of Representatives (H. Doc. No. 92-221); to the Committee on House Administration and ordered to be printed.

1376. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's study of unsafe and unsound practices in the securities industry, prepared pursuant to section 11(h) of the Securities Investor Protection Act of 1970 (H. Doc. No. 92-231); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

1377. A letter from the national adjutant, Veterans of World War I of the U.S.A., Inc., transmitting the proceedings of the 19th annual national convention of the organization including a report of its receipts and expenditures for the year ended September 30, 1971, pursuant to Public Laws 88-105 and 85-530 (H. Doc. No. 92-223); to the Committee on the Judiciary and ordered to be printed with illustrations.

1378. A letter from the General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, transmitting a report of agreements signed during November and December 1971, providing for use of foreign currencies, pursuant to Public Law 85-128; to the Committee on Agriculture.

1379. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the "Limitation on salaries and expenses," Railroad Retirement Board for fiscal year 1972, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

1380. A letter from the Administrator, Agency for International Development, Department of State, transmitting a report on a violation of section 3679, Revised Statutes, involving the "Acquisition of Property Revolving Fund, AID," pursuant to said section; to the Committee on Appropriations.

1381. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize the Secretary of the Navy to establish the amount of compensation paid to members of the Naval Research Advisory Committee; to the Committee on Armed Services.

1382. A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation to simplify the administrative procedures for promoting an Air Force Reserve, or Air National Guard, official to the next higher reserve grade when he is serving, or has served, on extended active duty in a temporary grade which is higher than his reserve grade; to the Committee on Armed Services.

1383. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various facilities projects proposed to be undertaken for the Naval and Marine Corps Reserve, and notice of the cancellation of certain previously proposed projects, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

1384. A letter from the Deputy Assistant Secretary of Defense (Military Personnel Policy), transmitting a list of persons formerly affiliated with the Department of Defense who have filed reports for fiscal year 1971 indicating employment by a defense contractor, together with copies of their reports, pursuant to 83 Stat. 212; to the Committee on Armed Services.

1385. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report of Department of Defense procurement from small and other business firms for July–September 1971, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

1386. A letter from the Comptroller of the Currency, transmitting his 1970 annual report, pursuant to section 333 of the Revised Statutes; to the Committee on Banking and Currency.

1387. A letter from the Vice Chairman, Board of Governors of the Federal Reserve System, transmitting the third annual report of the Board on truth in lending, covering the year 1971, pursuant to section 114 of the Truth in Lending Act; to the Committee on Banking and Currency.

1388. A letter from the Executive Secretary, Public Service Commission of the District of Columbia, transmitting the 58th annual report of the Commission, covering calendar year 1970, pursuant to section 8 of the act of March 4, 1913; to the Committee on the District of Columbia.

1389. A letter from the vice president and general manager, Chesapeake & Potomac Telephone Co., transmitting the annual report of the company for 1971; to the Committee on the District of Columbia.

1390. Secretary of the Treasury, transmitting the semiannual consolidated report of balances of foreign currencies acquired without payment of dollars, as of June 30, 1971, pursuant to 75 Stat. 443; to the Committee on Foreign Affairs.

1391. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of Presidential Determination 72-9 concerning the grant of defense articles and services, pursuant to section 614(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1392. A letter from the Administrator, Agency for International Development, Department of State, transmitting a report on the implementation of section 620(s) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1393. A letter from the Secretary of the Treasury, transmitting the combined statement of receipts, expenditures, and balances of the U.S. Government for fiscal year 1971, pursuant to 31 U.S.C. 1029 and 66b; to the Committee on Government Operations.

1394. A letter from the Secretary of Health, Education, and Welfare, transmitting a negative report covering the disposal of excess property in foreign countries for the calendar year 1971, pursuant to the Federal Property and Administrative Services Act of 1949; to the Committee on Government Operations.

1395. A letter from the Administrator of General Services, transmitting the 1971 annual report of the General Services Administration; to the Committee on Government Operations.

1396. A letter from the General Manager, U.S. Atomic Energy Commission, transmitting a report on disposal of foreign excess property by the AEC during fiscal year 1971, pursuant to 40 U.S.C. 514; to the Committee on Government Operations.

1397. A letter from the Sergeant at Arms, U.S. House of Representatives, transmitting a report for 1971 showing the sums drawn by him pursuant to 2 U.S.C. 78 and 80, the application and disbursement of the sums, and balances remaining in his hands, pursuant to 2 U.S.C. 84; to the Committee on House Administration.

1398. A letter from the Acting Administrator of General Services, transmitting the annual report concerning the disposal of records, pursuant to 44 U.S.C. 3303a(f); to the Committee on House Administration.

1399. A letter from the Assistant Secretary of the Interior, transmitting the 15th annual report on the status of the Colorado River storage project and participating projects, pursuant to 70 Stat. 105; to the Committee on Interior and Insular Affairs.

1400. A letter from the Assistant Secretary of the Interior, transmitting the annual report of the Bureau of Reclamation on 1971 operation of the Colorado River Basin and 1972 projected operations, pursuant to 82 Stat. 885; to the Committee on Interior and Insular Affairs.

1401. A letter from the Assistant Secretary of the Interior, transmitting a report of the reclassification of certain lands in the Huntley Project Irrigation District, Huntley project, Montana; to the Committee on Interior and Insular Affairs.

1402. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed amendment to the concession contract for the operation of a motion picture, lecture, and photographic studio on the South Rim of Grand Canyon National Park, Ariz., for an additional year, through December 31, 1972, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1403. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed amendment to a concession contract for the operation of Lake Mead Marina and related facilities and services within the Lake Mead National Recreation Area, Nevada, for an additional year, through December 31, 1972, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1404. A letter from the Chairman, Indian Claims Commission, transmitting the report of the final determination of the Commission in docket No. 230, *The Cayuga Nation of Indians of Oklahoma, Plaintiff,* v. *The United States of America, Defendant,* pursuant, to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

1405. A letter from the Attorney General, transmitting a report on proceedings instituted before the Subversive Activities Control Board during calendar year 1971, pursuant to the Subversive Activities Control

Act of 1950, as amended; to the Committee on Internal Security.

1406. A letter from the Chairman, Subversive Activities Control Board, transmitting the 21st annual report of the Board; to the Committee on Internal Security.

1407. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on the need for emergency financial assistance to medical and dental schools, including recommendations for appropriate administrative and legislative action, pursuant to section 102(b) of the Health Training Improvement Act of 1970; to the Committee on Interstate and Foreign Commerce.

1408. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on the administration of the Fair Packaging and Labeling Act by the Food and Drug Administration during fiscal year 1971, pursuant to section 8 of Public Law 89–755; to the Committee on Interstate and Foreign Commerce.

1409. A letter from the Director, Office of Legislative Services, Food and Drug Administration, Public Health Service, Department of Health, Education, and Welfare, transmitting a copy of a proposed regulation to set up procedures and standards for evaluating the safety and effectiveness of over-the-counter drugs; to the Committee on Interstate and Foreign Commerce.

1410. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to amend the Transportation Act of 1940, as amended, to facilitate the payment of transportation charges; to the Committee on Interstate and Foreign Commerce.

1411. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of November 30, 1971, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1412. A letter from the Chairman, Federal Power Commission, transmitting a report on permits and licenses for hydroelectric projects issued by the Commission during fiscal year 1971, financial statements of proceeds derived from licenses issued by authority of the Federal Power Act, and the names and compensation of persons employed by the Commission during that year, all pursuant to section 4(d) of the Federal Power Act; to the Committee on Interstate and Foreign Commerce.

1413. A letter from the Chairman, Interstate Commerce Commission, transmitting the Commission's 85th annual report, covering fiscal year 1971; to the Committee on Interstate and Foreign Commerce.

1414. A letter from the President, National Academy of Sciences, transmitting a semiannual progress report by the Academy's Committee on Motor Vehicle Emissions, pursuant to section 6 of the Clean Air Amendments of 1970; to the Committee on Interstate and Foreign Commerce.

1415. A letter from the Chairman, National Mediation Board, transmitting the 37th annual report of the National Mediation Board, including the report of the National Railroad Adjustment Board; to the Committee on Interstate and Foreign Commerce.

1416. A letter from the clerk, U.S. Court of Claims transmitting a list of all the judgments rendered by the court for the year ended September 30, 1971, the amounts thereof, the parties in whose favor rendered, and a synopsis of the nature of the claims, pursuant to 28 U.S.C. 791(c); to the Committee on the Judiciary.

1417. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1418. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1419. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of an order entered in the case of an alien found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

1420. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

1421. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered under the authority contained in section 13(b) of the act of September 11, 1957, pursuant to section 13(c) of the act; to the Committee on the Judiciary.

1422. A letter from the Director, Community Relations Service, Department of Justice, transmitting a draft report of the activities of the Service for fiscal year 1971, pursuant to section 1004 of the Civil Rights Act of 1964; to the Committee on the Judiciary.

1423. A letter from the National Quartermaster, Veterans of World War I of the U.S.A., Inc., transmitting the financial report of the organization as of September 30, 1971, pursuant to Public Law 85–530; to the Committee on the Judiciary.

1424. A letter from the National Shipswriter/Secretary, Navy Club of the U.S.A., transmitting copies of the annual audit and of the minutes of the annual convention of the organization for 1971; to the Committee on the Judiciary.

1425. A letter from the Chairman, Board of Directors, Future Farmers of America, transmitting a report on the audit of the accounts of the Future Farmers of America for the fiscal year ended June 30, 1971; to the Committee on the Judiciary.

1426. A letter from the Commandant, U.S. Coast Guard, transmitting a report on the number of Coast Guard officers above the grade of lieutenant commander entitled to receive incentive pay for flight duty, and the average monthly incentive pay authorized by law paid to such officers during the 6 months ended December 15, 1971, to the Committee on Merchant Marine and Fisheries.

1427. A letter from the Assistant Secretary of Agriculture for Administration, transmitting a report for calendar year 1971 on scientific and professional positions in the Department of Agriculture, pursuant to 5 U.S.C. 3104; to the Committee on Post Office and Civil Service.

1428. A letter from the Director of Personnel, Department of Commerce, transmitting a report for calendar year 1971 on scientific and professional positions in the Department of Commerce, pursuant to 5 U.S.C. 3104(c); to the Committee on Post Office and Civil Service.

1429. A letter from the Deputy Assistant Secretary of the Interior (Management and Budget), transmitting a report for calendar year 1971 on scientific and professional positions in the Department of the Interior, pursuant 5 U.S.C. 3104; to the Committee on Post Office and Civil Service.

1430. A letter from the Director, U.S. Arms Control and Disarmament Agency; transmitting a report for calendar year 1971 on scientific and professional positions in the Agency, pursuant to 5 U.S.C. 3104(c); to the Committee on Post Office and Civil Service.

1431. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a report on positions in grades GS–16, 17, and 18 in the Administrative Office of the U.S. Courts during 1971, pursuant to 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

1432. A letter from the Chairman, Railroad Retirement Board, transmitting a report on positions in grades GS–16, 17, and 18 in the Railroad Retirement Board during 1971, pursuant to 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

1433. A letter from the Secretary of Transportation, transmitting a revised estimate of the cost of completing the National System of Interstate and Defense Highways, pursuant to 23 U.S.C. 104(b)(5); to the Committee on Public Works.

1434. A letter from the Secretary of Transportation, transmitting the 1972 Annual Report on the urban area traffic operations improvement (TOPICS) program, pursuant to 23 U.S.C. 135; to the Committee on Public Works.

1435. A letter from the Secretary of Transportation, transmitting his report and recommendations regarding completion of certain segments of the Interstate Highway System in the District of Columbia, pursuant to section 129 of the Federal-Aid Highway Act of 1970; to the Committee on Public Works.

1436. A letter from the Commissioner of the District of Columbia, transmitting the report and recommendations of the D.C. City Council on the Interstate Highway System in the District of Columbia, pursuant to section 129 of the Federal-Aid Highway Act of 1970; to the Committee on Public Works.

1437. A letter from the acting Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 11, 1971, submitting a report, together with accompanying papers and illustrations, on Holly Beach and vicinity, La., requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted August 4 and September 3, 1964; to the Committee on Public Works.

1438. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 2, 1971, submitting a report, together with accompanying papers and an illustration, on Great South Bay and Patchogue River, N.Y., requested by a resolution of the Committee on Public Works, House of Representatives, adopted May 10, 1962. No authorization by Congress is recommended as the desired improvements have been approved by the Chief of Engineers for accomplishment under the provisions of section 107 of the River and Harbor Act of 1960; to the Committee on Public Works.

1439. A letter from the Assistant Secretary of Commerce for Economic Development, transmitting an explanation for the delay in presentation of the Report of the Economic Development Administration for fiscal year 1971; to the Committee on Public Works.

1440. A letter from the Board of Directors, Tennessee Valley Authority, transmitting the Annual Report of TVA for fiscal year 1971; to the Committee on Public Works.

1441. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a list of the present and former NASA employees who have filed reports with NASA pertaining to their NASA and aerospace related industry employment for fiscal year 1971, pursuant to section 6 of Public Law 91–119, as amended; to the Committee on Science and Astronautics.

1442. A letter from the Secretary of the

Treasury, transmitting the statement of liabilities and other financial commitments of the U.S. Government as of June 30, 1971, pursuant to 80 Stat. 1590; to the Committee on Ways and Means.

1443. A letter from the Chairman of the Renegotiation Board, transmitting the 16th Annual Report of the Board, covering fiscal year 1971, as required by section 114 of the Renegotiation Act of 1951, as amended; to the Committee on Ways and Means.

Received From the Comptroller General

1444. A letter from the Comptroller General of the United States, transmitting a report on examination of financial statements of the Student Loan Insurance Fund, administered by the Office of Education, Department of Health, Education, and Welfare, for fiscal year 1970 (H. Doc. No. 92–232); to the Committee on Government Operations and ordered to be printed.

1445. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Commodity Credit Corporation, Department of Agriculture, for fiscal year 1971 (H. Doc. No. 92–233); to the Committee on Government Operations and ordered to be printed.

1446. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in the administration of contracts for evaluations and studies of antipoverty programs of the Office of Economic Opportunity; to the Committee on Government Operations.

1447. A letter from the Comptroller General of the United States, transmitting a report on the need for long-range planning for avionics development programs of the Department of the Army; to the Committee on Government Operations.

1448. A letter from the Comptroller General of the United States, transmitting a report on improving procedures to recover defaulted loans under the guaranteed student loan program, Office of Education, Department of Health, Education, and Welfare; to the Committee on Government Operations.

1449. A letter from the Comptroller General of the United States, transmitting a report on the costly replacement of faulty potting compounds—a protective material—in major weapon systems by the Department of Defense; to the Committee on Government Operations.

1450. A letter from the Comptroller General of the United States, transmitting a report on the increased use of financial data and an improved tariff system needed by the Military Airlift Command, Department of the Air Force; to the Committee on Government Operations.

1451. A letter from the Comptroller General of the United States, transmitting a report on the need for the Forest Service to insure that the best possible use is made of its research program findings; to the Committee on Government Operations.

1452. A letter from the Comptroller General of the United States, transmitting a report on alternatives to secondary sewage treatment which offer greater improvements in Missouri River water quality (Environmental Protection Agency); to the Committee on Government Operations.

1453. A letter from the Comptroller General of the United States, transmitting a report on progress being made to strengthen the U.S. Government foreign tax relief program on defense expenditure overseas, Department of Defense and Department of State; to the Committee on Government Operations.

1454. A letter from the Comptroller General of the United States, transmitting a report on opportunities for improving federally assisted manpower programs identified as a result of our review in the Atlanta, Ga., area; to the Committee on Government Operations.

1455. A letter from the Comptroller General of the United States, transmitting a list of reports of the General Accounting Office issued or released during December 1971, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOLLING: Committee on Rules. House Resolution 765. A resolution waiving points of order against the conference report on the bill of S. 2819 to provide foreign military and related assistance authorizations for the fiscal year 1972, and for other purposes; (Rept. No. 92–763). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXI, public bills and resolutions were introduced and severally referred as follows:

By Mr. DULSKI:

H.R. 12383. A bill to amend chapter 30 of title 39, United States Code, to permit a person, in complete anonymity, to send substances in the mails which they suspect are drugs to Government officials for analysis, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ABERNETHY:

H.R. 12384. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of California:

H.R. 12385. A bill to amend chapter 55 of title 10, United States Code, to provide additional dental care for dependents of active duty members of the uniformed services; to the Committee on Armed Services.

By Mr. ASPINALL:

H.R. 12386. A bill to amend the Alaska Native Claims Settlement Act by correcting minor errors and by correcting an internal inconsistency in the language of subsection 17(d); to the Committee on Interior and Insular Affairs.

By Mr. BARING:

H.R. 12387. A bill to convey the Ely Indian Colony the beneficial interest in certain Federal land; to the Committee on Interior and Insular Affairs.

By Mr. BEVILL:

H.R. 12388. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM (for himself, Mr. ABOUREZK, Mr. BURTON, Mr. BADILLO, Mr. COTTER, Mr. FISH, Mr. HEINZ, Mr. HELSTOSKI, Mr. KOCH, Mr. MATSUNAGA, Mr. MITCHELL, Mr. MIKVA, Mr. MORSE, Mr. PRYOR of Arkansas, Mr. ROSENTHAL, Mr. SCHEUER, Mr. SEIBERLING, Mr. TIERNAN):

H.R. 12389. A bill directing the Federal Communications Commission to investigate the rate base and structure of the American Telephone & Telegraph Co., and its subsidiaries; to the Committee on Interstate and Foreign Commerce.

By Mr. WYLIE:

H.R. 12390. A bill to amend section 404 of the National Housing Act; to the Committee on Banking and Currency.

By Mr. BRINKLEY:

H.R. 12391. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER:

H.R. 12392. A bill to amend title 28, United States Code, section 1491, to authorize the Court of Claims to implement its judgments for compensation; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.R. 12393. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLIER (for himself and Mr. ROSTENKOWSKI):

H.R. 12394. A bill to amend the Internal Revenue Code of 1954 to provide certain rules with respect to the manufacturers excise tax in the case of installment accounts and leased articles sold by one member of an affiliated group to another member of the affiliated group; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 12395. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business corporations; to the Committee on Ways and Means.

By Mr. CULVER:

H.R. 12396. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Sac and Fox Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DANIELSON:

H.R. 12397. A bill to provide for the establishment of a national cemetery in Los Angeles County in the State of California; to the Committee on Veterans' Affairs.

By Mr. DAVIS of South Carolina:

H.R. 12398. A bill to amend the Federal Trade Commission Act to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. FORSYTHE:

H.R. 12399. A bill to amend the Federal Aviation Act of 1958 to authorize reduced-rate transportation for individuals aged 65 and older during nonpeak periods of travel; to the Committee on Interstate and Foreign Commerce.

By Mr. FUQUA:

H.R. 12400. A bill to amend title 28, United States Code, to provide that Madison County, Fla., shall be included in the northern judicial district of Florida; to the Committee on the Judiciary.

By Mr. GARMATZ:

H.R. 12401. A bill to provide for the application of the prohibitions contained in the Sherman Act to the business of organized professional team sports; to the Committee on the Judiciary.

By Mr. GRAY:

H.R. 12402. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 12403. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. HALEY:

H.R. 12404. A bill to amend section 5 of the act of September 21, 1968 (82 Stat. 860), relating to preparation of a roll of persons of California Indian descent and the distribution of certain funds; to the Committee on Interior and Insular Affairs.

H.R. 12405. A bill to declare that certain federally owned lands are held by the United States in trust for the Covelo Indian Community of the Round Valley Indian Reservation, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. HAMILTON (for himself, Mr. Eshleman, Mr. Myers, Mr. Rarick, and Mr. Zion):

H.R. 12406. A bill to amend certain provisions of Federal law relating to explosives; to the Committee on the Judiciary.

By Mr. HAMILTON:

H.R. 12407. A bill to provide for a study of the feasibility and desirability of establishing a proposed Ohio River National Parkway in the State of Indiana, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HOWARD:

H.R. 12408. A bill to authorize the Federal Communications Commission to investigate the American Telephone & Telegraph Co., and its subsidiaries; to the Committee on Interstate and Foreign Commerce.

H.R. 12409. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. JACOBS:

H.R. 12410. A bill to provide for the evidentiary use of prior inconsistent statements by witnesses in trials in the District of Columbia; to the Committee on District of Columbia.

H.R. 12411. A bill to amend the Internal Revenue Code of 1954 to provide for payment under section 6421 or credit under section 39 for gasoline used to operate concrete mixers and to provide for exemption under section 4041 for diesel fuel and special motor fuels used to operate concrete mixers; to the Committee on Ways and Means.

By Mr. JONES of Tennessee:

H.R. 12412. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 12413. A bill to amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Ways and Means.

By Mr. KASTENMEIER:

H.R. 12414. A bill making an appropriation to the Federal Communications Commission to carry out an investigation of the American Telephone & Telegram Co.; to the Committee on Appropriations.

By Mr. KING:

H.R. 12415. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH:

H.R. 12416. A bill to amend the Public Health Service Act to direct the Secretary of Health, Education and Welfare to prescribe radiation standards for, and conduct regular inspections of, diagnostic and other X-ray systems; to the Committee on Interstate and Foreign Commerce.

H.R. 12417. A bill to amend title 18, United States Code, to conditionally suspend the application of certain penal provisions of law; to the Committee on the Judiciary.

By Mr. LANDRUM:

H.R. 12418. A bill to amend the Tennessee Valley Authority Act of 1933, to require payment of certain county taxes, and for other purposes; to the Committee on Public Works.

By Mr. LINK:

H.R. 12419. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. PRYOR of Arkansas:

H.R. 12420. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. RARICK:

H.R. 12421. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 12422. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN:

H.R. 12423. A bill to authorize the Federal Communications Commission to investigate the American Telephone & Telegraph Co., and its subsidiaries; to the Committee on Interstate and Foreign Commerce.

H.R. 12424. A bill to provide supplemental appropriations to fully fund bilingual education programs under title VII of the Elementary and Secondary Education Act of 1965 for the fiscal year 1972; to the Committee on Appropriations.

H.R. 12425. A bill to provide supplemental appropriations and increased contract authority to fully fund the urban renewal model cities, and rent supplement programs, and the low-income homeownership and rental housing programs, for the fiscal year 1972; to the Committee on Appropriations.

By Mr. SCHEUER:

H.R. 12426. A bill to amend Community Mental Health Centers Amendments Act of 1970; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHWENGEL:

H.R. 12427. A bill to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 12428. A bill to amend the Federal Trade Commission Act (14 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 12429. A bill to provide additional revenues for the highway trust fund, and for other purposes; to the Committee on Ways and Means.

By Mr. SCOTT:

H.R. 12430. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMSON of Wisconsin:

H.R. 12431. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 12432. A bill to amend the Community Mental Health Centers Act to reorganize certain grant programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. VANIK (for himself and Mrs. Abzug, Mr. Badillo, Mr. Cotter, Mr. Danielson, Mr. Dent, Mr. Dingell, Mr. Eckhardt, Mr. Eilberg, Mrs. Grasso, Mr. Gude, Mr. Halpern, Mr. Leggett, Mr. McClory, Mr. Mitchell, Mr. Pepper, Mr. Rosenthal, Mr. Scheuer, and Mr. Vigorito):

H.R. 12433. A bill to amend the Internal Revenue Code of 1954 to encourage the use of recycled oil; to the Committee on Ways and Means.

By Mr. VEYSEY (for himself, Mr. Begich, Mr. Bell, Mr. Harsha, Mr. Helstoski, Mr. Hillis, Mr. Lent, Mr. Mikva, Mr. Murphy of Illinois, Mr. Scheuer, Mr. Whitehurst, Mr. Bob Wilson, Mr. Wright, Mr. Zion):

H.R. 12434. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. WRIGHT:

H.R. 12435. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 12436. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Florida:

H.R. 12437. A bill to amend the Communications Act of 1934 to direct the Federal Communications Commission to require the establishment of an emergency telephone call referral system using a single, nationwide telephone number for such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER:

H.R. 12438. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between the officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BURTON:

H.R. 12439. A bill to establish the Cabinet Committee for Asian American Affairs, and for other purposes; to the Committee on Government Operations.

By Mr. CELLER:

H.R. 12440. A bill to permit suits to adjudicate disputed titles to lands in which the United States claims an interest; to the Committee on the Judiciary.

By Mr. CHAPPELL:

H.R. 12441. A bill to amend title II of the Social Security Act to increase from $1,680 to $3,600 the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. DICKINSON:

H.R. 12442. A bill to provide that the Columbia lock and dam located at Columbia, Ala., shall hereafter be known as the George W. Andrews lock and dam; to the Committee on Public Works.

By Mr. DINGELL:

H.R. 12443. A bill to provide for the restoration of all lands located in the United States upon which strip mining operations are being or have been carried out, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 12444. A bill to authorize Federal standards for the prevention of siltation and the control of erosion on certain Federal and federally assisted construction projects; to the Committee on Public Works.

H.R. 12445. A bill to prohibit Federal financial assistance for shore protection and beach erosion control projects for privately owned shores which are not open for public use; to the Committee on Public Works.

By Mr. DONOHUE:

H.R. 12446. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. FISHER:

H.R. 12447. A bill to amend the Federal Meat Inspection Act to provide that State-inspected facilities after meeting the inspection requirements shall be eligible for distribution in establishments on the same basis as plants inspected under title I; to the Committee on Agriculture.

By Mrs. GRIFFITHS:

H.R. 12448. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. GALIFIANAKIS:

H.R. 12449. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. HALPERN:

H.R. 12450. A bill to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 12451. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Gerontology; to the Committee on Interstate and Foreign Commerce.

By Mr. HALPERN (for himself, Mr. Mayne, and Mr. Begich):

H.R. 12452. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho (for himself and Mr. McClure):

H.R. 12453. A bill to permit suits to adjudicate certain real property quiet title actions; to the Committee on the Judiciary.

By Mr. HEINZ:

H.R. 12454. A bill to improve the financial management of Federal assistance programs, to facilitate the consolidation of such programs, to strengthen further congressional review of Federal grants-in-aid, to provide a catalog of Federal assistance programs, and to extend and amend the law relating to intergovernmental cooperation; to the Committee on Government Operations.

H.R. 12455. A bill to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age; to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts:

H.R. 12456. A bill to provide increased Federal funds for public education to States; to the Committee on Education and Labor.

H.R. 12457. A bill to provide the Secretary of Health, Education, and Welfare with the authority to make grants to States and local communities to pay for the cost of eye examination programs to detect glaucoma for the elderly; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD:

H.R. 12458. A bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 12459. A bill to amend the Postal Reorganization Act of 1970, title 39, U.S.C., to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PEPPER:

H.R. 12460. A bill to amend the Public Health Service Act to strengthen the National Heart and Lung Institute and the National Institutes of Health in order more effectively to carry out the national effort against heart and lung diseases; to the Committee on Interstate and Foreign Commerce.

H.R. 12461. A bill to prohibit local television blackouts of professional football, baseball, basketball, and hockey games which are substantially sold out; to the Committee on the Judiciary.

By Mr. RANDALL:

H.R. 12462. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 12463. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROE:

H.R. 12464. A bill to amend the Youth Conservation Corps Act of 1970 (Public Law 91–738, 85 Stat. 794) to expand the Youth Conservation Corps pilot program, and for other purposes; to the Committee on Education and Labor.

H.R. 12465. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN (for himself, Mr. Bingham, Mr. Burke of Massachusetts, Mr. Burton, Mr. Conte, Mr. Danielson, Mr. Eilberg, Mrs. Grasso, Mr. Helstoski, Mr. Jacobs, Mr. Mikva, Mr. St Germain, Mr. Sarbanes, Mr. Scheuer, and Mr. Symington):

H.R. 12466. A bill to amend the Lead-Based Paint Poisoning Prevention Act; to the Committee on Banking and Currency.

By Mr. RYAN (for himself, Mrs. Abzug, Mr. Badillo, Mr. Brademas, Mr. Dent, Mr. Edwards of California, Mr. Halpern, Mr. Harrington, Mrs. Hicks of Massachusetts, Mr. Koch, Mr. Mitchell, Mr. Pepper, Mr. Rangel, Mr. Rosenthal, and Mr. Rodino):

H.R. 12467. A bill to amend the Lead-Based Paint Poisoning Prevention Act; to the Committee on Banking and Currency.

By Mr. BEVILL:

H.J. Res. 1017. Joint resolution proposing an amendment to the Constitution of the United States requiring the submission of balanced Federal funds budgets by the President and action by the Congress to provide revenues to offset Federal funds deficits; to the Committee on the Judiciary.

By Mrs. MINK:

H.J. Res. 1018. Joint resolution to suspend for 80 days the continuation of any strike or lockout arising out of the labor dispute between the Pacific Maritime Association and the International Longshoreman's and Warehousemen's Union; to the Committee on Education and Labor.

By Mr. RUNNELS:

H.J. Res. 1019. Joint resolution proposing an amendment to the Constitution of the United States limiting deficit spending by the Federal Government; to the Committee on the Judiciary.

By Mrs. ABZUG (for herself, Mr. Badillo, Mr. Conyers, Mr. Dellums, Mr. Eckhardt, Mr. Edwards of California, Mr. Eilberg, Mr. Helstoski, Mr. Koch, Mr. Mikva, Mrs. Mink, Mr. Mitchell, Mr. Rees, Mr. Rosenthal, and Mr. Ryan):

H. Con. Res. 500. Concurrent resolution disapproving and censuring the conduct of the President of the United States in failing and refusing to comply with the provisions of section 601 of Public Law 92–156, known as the Mansfield amendment, and his conduct in resuming the bombing of North Vietnam, and directing him to comply with the said section 601; to the Committee on Foreign Affairs.

By Mr. COLLIER:

H. Con. Res. 501. Concurrent resolution expressing the sense of Congress with respect to the wtihdrawal of American troops from South Vietnam, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PEPPER:

H. Con. Res. 502. Concurrent resolution expressing the sense of Congress that the first amendment to the Constitution applies to radio and television broadcasting; to the Committee on the Judiciary.

By Mr. BOGGS (for himself, Mr. Gerald R. Ford, Mr. Pickle, Mr. Schwengel, Mr. Anderson of Illinois, and Mr. Stephens):

H. Res. 761. Resolution authorizing the U.S. Capitol Historical Society to take pictures of the House while in session; to the Committee on Rules.

By Mr. CELLER:

H. Res. 762. Resolution to provide funds for the Committee on the Judiciary; to the Committee on House Administration.

By Mr. GONZALEZ:

H. Res. 763. Resolution creating a special committee to conduct an investigation and study into the legal, political, and diplomatic status of lands which were the subject of grants from the King of Spain and from the Government of Mexico prior to the acquisition of the American Southwest as a result of the Treaty of Guadalupe-Hidalgo concluding the Mexican-American War in 1848; to the Committee on Rules.

By Mr. MIKVA:

H. Res. 764. Resolution expressing the sense of the House of Representatives relative to the crisis in South Asia; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

292. By the SPEAKER: Memorial of the Legislature of the territory of Guam, relative to public hearings on Guam on the proposed Sella Bay project; to the Committee on Armed Services.

293. Also memorial of the Legislature of the State of Alabama, relative to American prisoners of war in Vietnam; to the Committee on Foreign Affairs.

294. Also memorial of the Legislature of the State of California, relative to Federal grants; to the Committee on Government Operations.

295. Also, memorial of the Legislature of the State of California, relative to economic conversion; to the Committee on the Judiciary.

296. Also, memorial of the Legislature of the State of Nebraska, relative to a postage stamp commemorating veterans of the Spanish-American War; to the Committee on Post Office and Civil Service.

297. Also, memorial of the House of Representatives of the State of Ohio, relative to a postage stamp commemorating Joseph W. Briggs, originator of free city mail delivery; to the Committee on Post Office and Civil Service.

298. Also, Legislature of the territory of Guam, relative to inclusion of certain employees of the government of Guam under the Social Security Act; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGICH:

H.R. 12468. A bill for the relief of Sara Oberti Zumaran; to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 12469. A bill for the relief of Dr. Vivencio P. Baitan; to the Committee on the Judiciary.

H.R. 12470. A bill for the relief of Froilan Abellera; to the Committee on the Judiciary.

By Mr. BROOMFIELD:

H.R. 12471. A bill for the relief of Ignacio A. Mateo; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 12472. A bill for the relief of Edvard DeNeergaard; to the Committee on the Judiciary.

By Mr. FOLEY:

H.R. 12473. A bill for the relief of Trinidad Trevino-Perez; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 12474. A bill for the relief of Anil Khosla; to the Committee on the Judiciary.

H.R. 12475. A bill for the relief of Sonja M. Gozum; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 12476. A bill for the relief of certain members of the civilian guard force of the 6487th Air Base Squadron, Wheeler Air Force Base, Hawaii; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

173. By the SPEAKER: Petition of the Board of Supervisors, City and County of San Francisco, Calif., relative to the imposition of national building codes as a condition for approval of funding by the Department of Housing and Urban Development; to the Committee on Banking and Currency.

174. Also petition of Chief Spencer Beckman, et al., Beaver Clan of the Onondagas, Iroquois Confederacy, Nedrow, NY., relative to an allegedly illegal contract; to the Committee on Interior and Insular Affairs.

175. Also, petition of Mrs. Pearlie Sharp, Dallas, Tex., relative to candy containing alcohol; to the Committee on Interstate and Foreign Commerce.

176. Also, petition of Robert Alexander, Lexington, Va., relative to redress of grievances; to the Committee on the Judiciary.

177. Also, petition of the Board of Commissioners, Asotin County, Wash., relative to Federal-State revenue sharing; to the Committee on Ways and Means.

178. Also, petition of the Board of Commissioners, Pierce County, Wash., relative to Federal-State revenue sharing; to the Committee on Ways and Means.

179. Also, petition of the City Council, Stanwood, Wash., relative to Federal-State revenue sharing; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

PUBLIC EDUCATION FINANCIAL CRISIS

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. HANSEN of Idaho. Mr. Speaker, the present financial crisis of the Nation's public schools is one of the most serious problems confronting us today. The nationwide taxpayers' rebellion against increases in the property tax, which is the mainstay for financing our schools, and recent State court and Federal court decisions which have held that existing school financing systems violate the equal protection clause of the 14th amendment, compel us to acquaint ourselves with the full dimensions of this crisis.

The House Republican Task Force on Education and Training has recently focused its attention on this complex dilemma and during the coming months we plan to continue our examination of the school finance situation and various proposals for Federal action. Today, I would like to insert some of the materials we have compiled, which I believe may be of interest to my colleagues.

Members of the House Republican Task Force on Education and Training are: ORVAL HANSEN, of Idaho, chairman; CLARENCE BROWN, of Ohio; JOHN DELLENBACK, of Oregon; BILL FRENZEL, of Minnesota; JAMES HASTINGS, of New York; MARGARET HECKLER, of Massachusetts; JACK KEMP, of New York; ROBERT MICHEL, of Illinois; JOHN MYERS, of Indiana; WALTER POWELL, of Ohio; ALBERT QUIE, of Minnesota; EARL RUTH, of North Carolina; WILLIAM STEIGER, of Wisconsin; and WILLIAM WHITEHURST, of Virginia.

The materials follow:

PROPERTY TAX: A STRAINED BASE OF SUPPORT

Although charged with providing education, the States down through the years have delegated much of their responsibility to local governments and have authorized them to levy property taxes to support education. In many places, particularly central cities, that tax base now is overburdened and cannot adequately support education in addition to providing sufficient funds for other local services. And the differences in educational quality are so flagrant they are under attack.[1]

The major advantages of the property tax, namely, that (1) it is fairly stable, (2) property is not easily moved to avoid taxation, and (3) benefits are most directly received by residents of the taxing district are far outweighed by its disadvantages: (1) it is, by and large, a tax on housing, (2) it tends to discourage rehabilitation of deteriorating housing, (3) it affects decisions by businesses and industry to locations and plant sites, (4) it favors businesses with a low ratio of property to sales, (5) varying assessment practices tend to make it unequal for taxpayers, (6) property ownership is not closely correlated with either income or net wealth, (7) the amount extracted by a property tax often depends upon the aggressiveness of the local assessor and treasurer and (8) in regards to revenue, property tax is not highly elastic, (9) revenues from property tax often have little correlation to school finance needs.

Local governments presently raise most of their own revenues—seven of every eight dollars—from the property tax, and school districts receive about 98 percent of their local tax revenue from taxes on property. During the past fifteen years the amount of general revenue derived from State and local sources has nearly quadrupled, the amount of revenue from property taxes tripled, but property taxes as a share of State and local revenues has decreased by eight percent. And the share of every local property tax dollar claimed by education has grown from about one-third in 1942 to more than one-half in 1969, leaving cities and counties an ever smaller share to use for other local services.[2]

PROPERTY TAXES: SHARE OF STATE AND LOCAL REVENUES

[In billions]

State and local	1956	1965	1971
Total general revenue	$34.7	$74.0	$141.0
Revenues from property tax	11.7	22.6	36.5
Percent tax/revenues	34.0	31.0	26.0

Irrespective of the source of funds, current trends indicate that responsibility for operating schools will continue to reside at the local level. But public reaction to the property tax and the general resistance to locally levied income and sales taxes suggest that the relative amount of financial support provided by the local school district will not increase significantly.

The extent of taxpayers' rebellion to bond issue renewals and approvals—the mainstay for financing schools' capital needs—has been increasing steadily over the past five years. And bigger bond issues have fared worst of all. Only 1 of 4 bond issues was rejected in 1965, but in 1970 the number had climbed to nearly 1 of 2.

BOND ISSUES

	1965	1966	1967	1968	1969	1970
Total submitted	2,041	1,745	1,625	1,750	1,341	1,216
Total rejected	516	480	543	567	579	569
Percent rejected	25	28	33	32	43	47

DISPARITIES IN TAX DISTRIBUTION

Disparities in tax assessments and distributions occur virtually everywhere in the United States. Only in Hawaii where the State directly administers education are school funds raised through State-wide taxes.

The table below shows the wide disparity in the amounts spent per pupil by school districts in each state and the percent of difference between the highest and lowest amounts spent per pupil within the state, The difference in the amount spent by the highest spending school district in the highest and lowest ranked states (Wyoming and Alabama) is $13,973; between the second highest and lowest ranked states (Texas and Alabama) the difference is much smaller, but still a sizeable $4,724.[3]

---

[1] Who Should Pay For Public Schools?" Report of The Conference On State Financing of Public Schools, Advisory Commission On Intergovernmental Relations, October, 1971, 16.

[2] *Ibid.*, 2.

[3] U.S. News & World Report, November 8, 1971, 49.

THE "EDUCATION GAP" THAT'S UNDER GROWING ATTACK

	Spending per pupil		Excess of high over low district (percent)
	High	Low	
Alabama	$581	$344	68
Alaska	1, 810	480	277
Arizona	2, 223	436	410
Arkansas	664	343	94
California	2, 414	569	324
Colorado	2, 801	444	531
Connecticut	1, 311	499	163
Delaware	1, 081	633	71
Florida	1, 036	593	75
Georgia	736	365	102
Hawaii	984	984	----------
Idaho	7, 763	474	272
Illinois	2, 295	391	487
Indiana	965	447	116
Iowa	1, 167	592	97
Kansas	1, 831	454	303
Kentucky	885	358	147
Louisiana	892	499	79
Maine	1, 555	229	579
Maryland	1, 037	635	63
Massachusetts	1, 281	515	149
Michigan	1, 364	491	178
Minnesota	903	370	144
Mississippi	825	283	192
Missouri	1, 699	213	698
Montana	1, 716	539	218
Nebraska	1, 175	623	89
Nevada	1, 679	746	125
New Hampshire	1, 191	311	284
New Jersey	1, 485	400	271
New Mexico	1, 183	477	148
New York	1, 889	669	182
North Carolina	733	467	57
North Dakota	1, 623	686	138
Ohio	1, 685	413	308
Oklahoma	2, 566	342	650
Oregon	1, 439	399	261
Pennsylvania	1, 401	484	190
Rhode Island	1, 206	531	127
South Carolina	610	397	54
South Dakota	1, 741	350	397
Tennessee	766	315	143
Texas	5, 334	264	1, 920
Utah	1, 515	533	184
Vermont	1, 517	357	325
Virginia	1, 126	441	155
Washington	3, 406	434	685
West Virginia	722	502	43
Wisconsin	1, 532	344	316
Wyoming	14, 554	618	2, 255

Note: Spending is for 1969–70 school year. A study by the President's Commission on School Finance shows wide disparity in the amounts spent per pupil by school districts in each State. A look at the highest and lowest-spending districts, State by State.

Furthermore, big city school districts within many of these states are handicapped in the financing of education by the "municipal overburden" which afflicts nearly every major American center city.

In a major city, cost of police and fire protection, streets, public health and other services may eat up as much as two-thirds of all local tax revenues, leaving only one-third for education. Many suburban districts, with lighter demands for such services, can put two-thirds of their property tax revenues into schools. Because of this municipal overburden, a small suburban district and a large city district may have the same amount of taxable property value behind each student, but the city district would not be able to spend nearly as much per pupil for education. Yet the central city districts where municipal overburden is most acute have the greatest concentrations of disadvantaged children who are the most expensive to educate.[4]

TEACHERS' SALARIES

A large part of current expenditures for public elementary and secondary schools is for salaries of instructional staff (amounting to 61% in 1967–68). Total expenditures for these salaries (in 1969–70 dollars) increased from $9.7 billion in 1959–60 to $20.1 billion in 1969–70, and they are expected to be $26.9 billion in 1970–80. These increases are due to larger numbers of instructional staff and to higher average annual salaries.

The average salary paid to instructional staff (including principals, supervisors, teachers, librarians and related instructional workers) gained $642, or 7.1%, from $9,047 in 1969–70 to $9,689 in 1970–71. By 1979–80 it is expected to be $11,097 (in 1969–70 dollars).[5]

The following table ranks ten of the states according to the average annual salary paid to their instructional staff.

AVERAGE SALARIES INSTRUCTIONAL STAFF 1970–71

State	Amount	Percent change, 1961–71
5 highest:		
Alaska	$14, 025	100. 4
New York	12, 000	76. 5
California	11, 650	65. 8
District of Columbia	11, 289	69. 8
Michigan	10, 875	77. 6
5 lowest:		
South Dakota	7, 500	94. 8
Idaho	7, 393	62. 9
North Dakota	7, 200	75. 6
South Carolina	7, 150	90. 1
Arkansas	6, 841	101. 3
U.S. average	9, 689	77. 8

Alaska ranks first with an average salary of $14,025, while Arkansas ranks last with $6,841—a difference of $7,159.

Average instructional staff salaries were 2.514 times per-capita personal income from 1961–62 to 1965–66. This ratio has declined since then, averaging 2.437 from 1966–67 to 1970–71. This is some indication that the teachers' economic position relative to the rest of the economy has slipped in recent years despite the record of annual increases. The trend is as follows:

Year	Per capita income	Average instructional staff salaries	Ratio of salaries to income
1961–62	$2, 264	$5, 700	2. 518
1962–63	2, 368	5, 921	2. 500
1963–64	2, 455	6, 240	2. 542
1964–65	2, 586	6, 465	2. 500
1965–66	2, 765	6, 935	2. 508
1966–67	2, 980	7, 129	2. 392
1967–68	3, 162	7, 709	2, 438
1968–69	3, 421	8, 272	2. 418
1969–70	3, 680	9, 047	2. 458
1970–71	3, 910	9, 689	2. 478

Although classroom teachers' salaries increased $630, or 7.3% from $8,635 in 1969–70 to $9,265 in 1970–71, regional differences in teachers' salaries are acute. The dollar difference between the average salaries of classroom teachers in the Southeast at $7,835 and in the Far West at $10,633 was $2,798. However, when salaries for 1964–65 and 1970–71 are compared, slight improvement is noted in the salaries in the Southeast and the Plains states relative to the U.S. average, whereas the relative position of the Rocky Mountain and Southwest regions has worsened.[6]

AVERAGE SALARIES PAID TO ELEMENTARY AND SECONDARY SCHOOL CLASSROOM TEACHERS, BY GEOGRAPHIC REGION, 1964–65 AND 1970–71

Region	Average annual salary	
	1964–65	1970–71
United States	$6, 195	$9, 265
New England	6, 583	9, 315
Mideast	6, 928	10, 317
Southeast	5, 039	7, 835
Great Lakes	6, 417	9, 765
Plains	5, 662	8, 530
Southwest	5, 580	8, 270
Rocky Mountain	5, 864	8, 078
Far West [1]	7, 462	10, 633

[1] Not including Alaska and Hawaii.

ACCOUNTABILITY

Prominent attention has been focused recently on the accountability of financial resources and its role in making formal education a more effective tool in the service of society and its children.

In his message on Educational Reform sent to Congress in March 1970, President Nixon supported the concept of accountability in the operation of the nation's public schools. He stated: "School administrators and school teachers alike are responsible for their performance and it is in their interest as well as in the interest of their pupils that they be held accountable . . . We have, as a nation, too long avoided thinking of the productivity of schools."[6]

Accountability is primarily an economic concept concerned with input-output relationships and their efficiency.

Until recently almost everyone engaged in education measured the quality of schools by class size (i.e., teacher-pupil ratio); qualification of teachers (i.e., type of degree, years of experience, salary); number of books in the library; age, size and equipment of the building; and many other types of non-economic measurements. However, the question being asked today "What are we getting in return for the dollars we are spending on education? demands both a more precise and meaningful answer.[7]

Regretfully, at present we can only begin to provide that answer. Although several analytical tools used in economics—namely, systems analysis, planning programming-budgeting, and economies of scale—have been applied to education to help answer questions concerning accountability, as yet there is not overall acceptance of or satisfaction with these analyses by educators and laymen alike. In addition, relevant data used in these analyses is not available in many local school districts, even if their application to operations of the public schools was agreed upon.

STATES PERSPECTIVE ON SCHOOL FINANCE

Since it was long ago determined that education should be a state function and a state responsibility, and that local school districts have no inherent power to levy taxes, the National Education Finance Project * examined variations in fiscal capacity and effort among the states.

The NEFP utilized two methods to make the measurements:

1. the states were compared on economic indicators such as measure of income per capita or per household to determine relative ability of the state to raise revenues for school purposes;

2. the states were compared on the basis of available tax bases and the amounts of revenue these bases would produce if they were subjected to various rates of taxation.

But, according to the NEFP researchers, personal income per capita is not wholly satisfactory for purposes of camparison inasmuch as it ignores the fact that taxpayers must buy the necessities of life and must also pay substantial federal income taxes.

In its studies, the NEFP developed a net personal income formula by making two deductions from total personal income: (1) $750 for each person for food, clothing, and shelter, and (2) the amount of personal income paid as tax to the federal government. The resulting figure was the net personal income and a better measure for determining the amount of income available to a state in its tax program.

Hence, on a national basis, the net personal income amounts to 69.55% of personal income, but among the states it ranges from a high of 74.68% to a low of 58.94%. These figures are illuminated in the following chart:

---

[4] ACIR, 2.

[5] "Financial Status of The Public Schools", Committee on Educational Finance, NEA, 1971, 15.

[6] *Ibid.*

[7] "A Concept of Accountability In Education," Roger Freeman, The University Bookman. Summer, 1971, Vol. XI, No. 4, 77.

* The NEFP is a 4-year, $2 million cooperative research project funded by the U.S. Office of Education in 1968 to study the public school financial crisis.

Rank	State	Net personal per capita, 1969
1	Alaska	$3,369
5	California	3,096
10	Delaware	2,781
15	Ohio	2,633
20	Minnesota	2,538
25	Wyoming	2,338
30	Vermont	2,239
35	Oklahoma	2,056
40	New Mexico	1,909
45	Louisiana	1,784
50	Mississippi	1,292

Obviously, some states, because of more industry, business and resources of one kind or another, have a greater potential for raising revenues because of the higher individual incomes of their residents.

The next important factor, according to the studies of the NEFP, is the amount of effort a state puts into the business of supporting state and local government, including the schools, in relation to its potential fiscal capacity.

Since about one-third of the state and local taxes go to support elementary and secondary education, a state with a relatively large potential for raising revenue, i.e., high per capita income, may not have to make the same effort to support its schools as states with a low revenue potential.

If state revenue is largely based on net personal income, two reasonable indices of state effort to support education are:

1. the percentage of net personal income devoted to elementary-secondary schools,

2. the percentage of the tax revenue of the state and local governments that goes to education.

Once again, there are wide-ranging differences with the citizens of some states providing a larger percentage of their net personal incomes to elementary-secondary education than those of other states. Some examples:

Rank	State	Personal income[1]
1	New Mexico	8.9
5	Mississippi	7.84
10	Minnesota	7.36
15	New York	6.99
20	Colorado/Wisconsin	6.61
25	Michigan	6.44
30	Alaska	6.21
35	North Carolina	5.89
40	Oklahoma	5.66
45	Illinois	5.39
50	Nebraska	5.00

[1] Elementary-secondary education as percent of net personal income, 1969.

There are similar variations in the amounts states and local governments allocate to elementary and secondary schools out of their revenues. On a percentage basis, a dozen states show differences ranging from a top allocation of almost 40% to a low of little more than 25%; again, the following table will assist:

Rank	State	Education[1]
1	Utah	39.73
5	Pennsylvania	38.87
10	Illinois	37.38
15	Virginia	36.30
20	Maine	35.65
25	North Carolina	33.99
30	Texas	32.57
35	Idaho/Georgia	32.11
40	California	30.48
45	Hawaii	29.18
50	Wyoming	25.51

[1] Percent of State and local tax revenue allocated to elementary secondary education, 1969.

So these and other more comprehensive studies show that there are substantial variations in the fiscal capacity of the states to raise revenue whether one uses one measure, e.g., per-capita income, or composite techniques as outlined by researchers of NEFP.

The major conclusion to be remembered is that the differences in state educational expenditures are explained largely by variations in their fiscal ability. Since states are not able to alter their fiscal ability in any substantial amount, the researchers for the NEFP conclude that "it would appear that only the federal government is in a position to eliminate the fiscal variations among the states insofar as education is concerned."

Further, variations among districts within a state are greater than the differences among the states in their support of education. Studies that have been examined by the NEFP demonstrate wide-ranging differences in the fiscal capacities of local governments.

For example, a study of 215 standard metropolitan statistical areas, as defined by the U.S. Census Bureau, showed the revenue capacities for local government varying from a high of $343 per capita to a low of less than $100 per capita.

But what are the avenues of change open to a state? What can it do to offset the inequities in fiscal capacity which exist among the school districts?

First, it could eliminate the local district's authority to levy regressive property taxes, providing the district instead with the entire cost of its program from state and federal sources which are derived principally from income and consumer taxes.

Secondly, if it chooses to retain the existing system it can, as most states do at the present time, reduce inequities in fiscal capacity by providing more state funds per pupil to the districts of less wealth than to the districts of greater wealth; or it could entirely eliminate inequities by distributing whatever amounts of state school aid are required to eliminate the differences in local wealth per pupil.

Thirdly, it can reorganize local districts to increase their efficiency and reduce variations in wealth.

Finally, it could provide for the extra costs of special education programs and the specialized services needed by some pupils and schools.

In the continuing search for effective equalization plans, the National Education Finance Project suggests several guideposts:

1) Full state funding is the surest way to achieve complete equalization. But if local school districts are to retain taxing authority, then equalization begins only as the level of state involvement rises above the local effort. No equalization is possible if state dollars are simply matched with local funds on a dollar to dollar basis.

2) When state funds are allocated as uniform flat grants on a per teacher or per pupil basis without taking into consideration necessary variations in units costs and in local taxpaying ability, very little equalization is achieved.

3) As the state takes into account variations in unit costs, the possibility of equalization through the flat grant method improves somewhat.

4) Most "equalization plans" are designed to assure each school district an agreed upon foundation level of financing per pupil. There are various kinds of plans which provide more equalization than the flat grant type of aid. Under these plans, state funds are allocated to the districts to fill the gap between locally raised dollars and the support the state deems necessary for each pupil.

5) Even the "equalization plans" may be inequitable if a high degree of local leeway is allowed above the state foundation financing level. In short, equal education can be provided by the school districts only if they have a high degree of equality in financial support. The only way this can be achieved is through a state tax structure and allocation plan which provides each district equal access to fiscal resources.

A brief look at the situation in Michigan will serve as an example of the dilemma in the states.

When the 1970–71 school year drew to a close, the school financing picture in Michigan was a bleak one. There have been a large number of teacher strikes every year. Many schools were going on half-day sessions because of lack of funds. Close to 100 school districts—one-sixth of the total number of school districts in Michigan—were deficit spending. Programs in the Michigan schools were substantially reduced.

In a special message to the Michigan legislature, Governor Millikin outlined his concern about the school crisis. Among the deficiencies he noted were a wide disparity in resources for education in the various districts, ranging from about $500 to $1200 per pupil, too much reliance on the property tax to finance school operating costs, and lack of adequate measurement of the effectiveness of present educational systems and methods.

To improve educational resources in Michigan, Governor Milliken proposed that the State a) do away with the property tax for general school operating purposes and b) distribute financial support per pupil in an equitable manner.

The property tax for education operations was averaging 25.7 mills statewide. The Governor called for a constitutional amendment to eliminate the levy which would provide property tax relief of $1.118 billion—$618 million of it on individual property and $500 million for business. To make up the needed revenue, he proposed an increase in the personal income tax of 2.3 percentage points and the adoption of a 2 percent value-added tax, the latter to raise additional revenue from business while keeping the corporate income tax rate low enough to protect Michigan's competitive position with other states. The Michigan proposal to replace the school property tax with a personal income tax increase and a new value-added tax would leave intact the property tax for local government services.

Similarly, in Minnesota, Governor Anderson recommended in his 1971 Budget Message to the Minnesota Legislature a shift away from heavy reliance on the property tax for schools and a new formula for determining State aid.

This concerted response by the states to adjust both to the internal pressures of equalization formulas and the external prod by the judiciary in decisions like the Serrano case in California was actually presaged in a farsighted report by the Advisory Commission on Intergovernmental Relations in April 1969.

After thoroughly reviewing the current crisis, the Commission observed that the States should become the prime financial source for education.

They also commented that with steadily rising educational costs at the local level and only moderate increases in State education aid relative to those local costs, school needs are absorbing more and more of property tax revenues—the claims of education now account for more than half of the local property tax dollar, up from one-third in 1942.

In capsule form, the Commission's recommendations were:

1. In order to create a financial environment more conducive to attainment of equality of educational opportunity and to remove the massive and growing pressure of the school tax on owners of local property the Commission recommends that each State adopt as a basis objective of its long-range State-local fiscal policy the assumption by the State of substantially all fiscal responsibility for financing local schools with opportunity for financial enrichment at the

local level and assurance of retention of appropriate local policymaking authority.

2. In States that have not assumed substantially full responsibility for financing education, the Commission recommends that they construct and fund a school equalization program so as to extend additional financial assistance to those school districts handicapped in raising sufficient property tax revenue due to the extraordinary revenue demands made on the local tax base by city and county jurisdictions.

3. The Commission recommends that in enacting or modifying functional grant-in-aid legislation, States include not only fiscal standards such as those establishing accounting, auditing and financial reporting procedures; but also, to the maximum extent practicable, performance standards such as minimum service levels, client eligibility, and where appropriate, guidelines for citizen participation such as the holding of public hearings.

Mr. Speaker, the California Supreme Court's action in Serrano against Priest has, since August 1971 become a milestone decision in the annals of school finance. Thanks to my colleague from California, the Honorable VICTOR VEYSEY, the text of the Serrano decision has already been printed in the CONGRESSIONAL RECORD, volume 117, part 25, page 33220. Since that decision, a great deal has been written on its significance and meaning. One erroneous interpretation is that it means that property tax can no longer be used to finance education. Another mistaken interpretation is that it means that local and State governments must spend equal amounts on every student—"one student, one dollar" in the same vein as "one man, one vote." Because some confusion exists as to what the Serrano decision and two subsequent decisions in Texas and Minnesota do mean, I would like to insert the texts of the Texas and Minnesota decisions, as well as several articles and excerpts from "Private Wealth and Public Education," by John E. Coons, William H. Clune III, and Stephen D. Sugarman:

[From State Headlines, Council of State Governments, Jan. 3, 1972]

Texas' system of public school financing was declared unconstitutional and ordered to be revamped within two years. A three-judge federal panel ruled December 23 in *Rodriguez* v. *Edgar* that because educational expenditures are made a function of local wealth, the financing system discriminates against children in poorer districts in violation of the Fourteenth Amendment. Local districts fund about 40 percent of educational costs in Texas, relying heavily on property taxes. The State pays 49 percent and the federal government the rest. The State based its defense on an earlier federal court decision, confirmed by the U.S. Supreme Court, which held the Fourteenth Amendment did not apply to school financing (*McInnis* v. *Ogilvie,* 394 U.S. 322). Texas may appeal the December ruling directly to the U.S. Supreme Court and is expected to do so. . . .

The text of the Texas decision follows:

[U.S. District Court, Western District of Texas, San Antonio Division, Civil Action No. 63-175-SA]

DEMETRIO P. RODRIGUEZ, ET AL. v. SAN ANTONIO INDEPENDENT SCHOOL DISTRICT, ET AL.

Before Goldberg, Circuit Judge; Spears, Chief District Judge; and Roberts, District Judge.

Per Curiam: Pursuant to Rule 23, Federal Rules of Civil Procedure, plaintiffs bring this action on behalf of Mexican American school children and their parents who live in the Edgewood Independent School District, and on behalf of all other children throughout Texas who live in school districts with low property valuations. Jurisdiction of this matter is proper under 28 U.S.C. §§ 1331, 1343. This Court finds merit in plaintiffs' claim that the current method of state financing for public elementary and second ary education deprives their class of equal protection of the laws under the Fourteenth Amendment to the United States Constitution.[1]

Edgewood and six other school districts lie wholly or partly within the city of San Antonio, Texas. Five additional districts are located within rural Bexar County. All of these districts and their counterparts throughout the State are dependent upon federal, state, and local sources of financing. Since the federal government contributes only about ten percent of the overall public school expenditures, most revenue is derived from local sources and from two state programs—the Available School Fund and the Minimum Foundation Program. In accordance with the Texas Constitution, the $296 million in the Available School Fund for the 1970-1971 school year was allocated on a per capita basis determined by the average daily attendance within a district for the prior school year.

Costing in excess of one billion dollars for the 1970-1971 school year, the Minimum Foundation Program provides grants for the costs of salaries, school maintenance and transportation. Eighty percent of the cost of this program is financed from general State revenue with the remainder apportioned to the school districts in "the Local Fund Assignment." Tex. Educ. Code Ann. arts. 16.71-16.73 (1969). Although generally measuring the variations in taxpaying ability, the Economic Index employed by the State to determine each district's share of "the Local Fund Assignment" (Tex. Educ. Code Ann. arts. 16.74-16.78) has come under increasing criticism.[2]

To provide their share of the Minimum Foundation Program, to satisfy bonded indebtedness for capital expenditures, and to finance all expenditure above the state minimum, local school districts are empowered within statutory or constitutional limits to levy and collect ad valorem property taxes. Tex. Const. art. 7, §§ 3, 3a; Tex. Educ. Code Ann. art. 20.01, et seq. Since additional tax levies must be approved by a majority of the property-taxpaying voters within the individual district, these statutory and constitutional provisions require as a practical matter that all tax revenues be expended solely within the district in which they are collected.

Within this ad valorem taxation system lies the defect which plaintiffs challenge. This system assumes that the value of property within the various districts will be sufficiently equal to sustain comparable expenditures from one district to another. It makes education a function of the local property tax base. The adverse effects of this erroneous assumption have been vividly demonstrated at trial through the testimony and exhibits adduced by plaintiffs. In this connection, a survey of 110 school districts[3] throughout Texas demonstrated that while the ten districts with a market value of taxable property per pupil above $100,000 enjoyed an equalized tax rate per $100 of only thirty-one cents, the poorest four districts, with less than $10,000 in property per pupil, were burdened with a rate of seventy cents. Nevertheless, the low rate of the rich districts yielded $585 per pupil, while the high rate of the poor districts yielded only $60 per pupil. As might be expected, those districts most rich in property also have the highest median family income and the lowest percentage of minority pupils, while the poor property districts are poor in income and predominately minority in composition.[4]

Data for 1967-1968 show that the seven San Antonio school districts follow the statewide pattern. Market value of property per student varied from a low of $5,429 in Edgewood, to a high of $45,095 in Alamo Heights. Accordingly, taxes as a percent of the property's market value were the highest in Edgewood and the lowest in Alamo Heights. Despite its high rate Edgewood produced a meager twenty-one dollars per pupil from local ad valorem taxes, while the lower rate of Alamo Heights provided $307 per pupil.

Nor does State financial assistance serve to equalize these great disparities. Funds provided from the combined local-state system of financing in 1967-1968 ranged from $231 per pupil in Edgewood to $543 per pupil in Alamo Heights. There was expert testimony to the effect that the current system tends to subsidize the rich at the expense of the poor, rather than the other way around. Any mild equalizing effects that state aid may have do not benefit the poorest districts.

For poor school districts educational financing in Texas is, thus, a tax more, spend less system. The constitutional and statutory framework employed by the State in providing education draws distinction between groups of citizens depending upon the wealth of the district in which they live. Defendants urge this Court to find that there is a reasonable or rational relationship between these distinctions or classifications and a legitimate state purpose. This rational basis test is normally applied by the courts in reviewing state commercial or economic regulation. *See, e.g., McGowan v. Maryland,* 366 U.S. 420 (1961); *Williamson v. Lee Optical of Oklahoma,* 348 U.S. 483 (1955). More than mere rationality is required, however, to maintain a state classification which affects a "fundamental interest", or which is based upon wealth. Here both factors are involved.

These two characteristics of state classification, in the financing of public education, were recognized in *Hargrave v. McKinney,* 413 F. 2d 320 324 (5th Cir. 1969), *on remand, Hargrave v. Kirk,* 313 F. Supp. 944 (M.D. Fla. 1970); vacated on other grounds sub nom., *Askew v. Hargrave,* 401 U.S. 476 (1971). Among the authorities relied upon to support the *Hargrave* conclusion "that lines drawn on wealth are suspect" is *Harper v. Virginia Bd. of Elections,* 383 U.S. 663, 668 (1965).[5] In striking down a poll tax requirement because of the possible effect upon indigent voting, the Supreme Court concluded that "(l)ines drawn on the basis of wealth or property, like those of race . . . are traditionally disfavored. . . . To introduce wealth or payment of a fee as a measure of a voter's qualifications is to introduce a capricious or irrelevant factor." Likewise *McDonald v. Bd. of Elections Comm'rs of Chicago,* 394 U.S. 802, 807 (1969), noted that "a careful examination on our part is especially warranted where lines are drawn on the basis of wealth . . . which would independently render a classification highly suspect and thereby demand a more exacting judicial scrutiny."

Further justification for the very demanding test which this Court applies to defendants' classification is the very great significance of education to the individual. The crucial nature of education for the citizenry lies at the heart of almost twenty years of school desegregation litigation. The oft repeated declaration of *Brown v. Bd. of Education,* 347 U.S. 483, 493 (1954), continues to ring true:

"Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foun-

---

Footnotes at end of article.

dation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms."

Because of the grave significance of education both to the individual and to our society, the defendants must demonstrate a compelling state interest that is promoted by the current classifications created under the financing scheme.

Defendants insist that the Court is bound by the opinions in *McInnis v. Shapiro,* 293 F. Supp. 327 (N.D. Ill. 1968), aff'd mem, sub nom., 394 U.S. 322 (1969); and *Burrus v. Wilkerson,* 310 F. Supp. 572 (W.D. Va. 1969), aff'd mem. sub nom, 397 U.S. 44 (1970). However, we disagree.

The development of judicially manageable standards is imperative when reviewing the complexities of a state educational financing scheme. Plaintiffs in *McInnis* sought to require that educational expenditures in Illinois be made solely on the basis of the "pupils' educational needs." Defining and applying the nebulous concept "educational needs" would have involved the court in the type of endless research and evaluation for which the judiciary is ill-suited.[6] Accordingly, the court refused the claim that the equal protection clause of the Fourteenth Amendment demands such an unworkable standard. The subsequent affirmance, without opinion, by the Supreme Court would not, in our opinion, bar consideration of plaintiffs' claim that lines in Texas have been drawn on the basis of wealth. The same situation prevails with respect to *Burrus* where the Court, in referring to the "varying needs" of the students, found the circumstances "scarcely distinguishable" from *McInnis.*

In the instant case plantiffs have not advocated that educational expenditures be equal for each child.[7] Rather, they have recommended the application of the principle of "fiscal neutrality." Briefly summarized, this standard requires that the quality of public education may not be a function of wealth, other than the wealth of the state as a whole. Unlike the measure offered in *McInnis,* this proposal does not involve the Court in the intricacies of affirmatively requiring that expenditures be made in a certain manner or amount. On the contrary, the state may adopt the financial scheme desired so long as the variations in wealth among the governmentally chosen units do not affect spending for the education of any child.

Considered against this principle of "fiscal neutrality", defendants' arguments for the present system are rendered insubstantial. Not only are defendants unable to demonstrate compelling state interests for their classifications based upon wealth, they fail even to establish a reasonable basis for these classifications. They urge the advantages of the present system in granting decision-making power to individual districts, and in permitting local parents to determine how much they desire to spend on their children's schooling. However, they lose sight of the fact that the state has, in truth and in fact, limited the choice of financing by guaranteeing that "some districts will spend low (with high taxes) while others will spend high (with low taxes)." [8] Hence, the present system does not serve to promote one of the very interests which defendants assert.

Indicative of the character of defendants' other arguments is the statement that plaintiffs are calling for "socialized education". Education like the postal service has been socialized, or publicly financed and operated almost from its origin. The type of socialized education, not the question of its existence, is the only matter currently in dispute. One final contention of the defendants however calls for further analysis. In essence they argue that the state may discriminate as it desires so long as federal financing equalizes the differences.

Initially, the Court notes that plaintiffs have successfully controverted the contention that federal funds do in fact compensate for state discrimination.[9] More importantly, defendants have not adequately explained why the acts of other governmental units should excuse them from the discriminatory consequences of state law. *Hobson* v. *Hansen, supra,* 269 F. Supp. at 496, countered defendants' view by finding that the federal aid to education statutes[10] ". . . are manifestly intended to provide extraordinary services at the slum schools, not merely to compensate for inequalities produced by local school boards in favor of their middle-income schools. Thus, they cannot be regarded as curing any inequalities for which the Board is otherwise responsible."

Since they were designed primarily to meet special needs in disadvantaged schools, these funds cannot be employed as a substitute for state aid without violating the Congressional will. Further support for this view is offered by a series of decisions prohibiting deductions from state aid for districts receiving "impacted areas" aid.[11] Performance of its constitutional obligations must be judged by the state's own behavior, not by the actions of the federal government.

While defendants are correct in their suggestion that this Court cannot act as a "super-legislature", the judiciary can always determine that an act of the legislature is violative of the Constitution. Having determined that the current system of financing public education in Texas discriminates on the basis of wealth by permitting citizens of affluent districts to provide a higher quality education for their children, while paying lower taxes, this Court concludes, as a matter of law, that the plaintiffs have been denied equal protection of the laws under the Fourteenth Amendment to the United States Constitution by the operation of Article 7, § 3 of the Texas Constitution and the sections of the Education Code relating to the financing of education, including the Minimum Foundation Program.

Now it is incumbent upon the defendants and the Texas Legislature to determine what new form of financing should be utilized to support public education.[12] The selection may be made from a wide variety of financing plans so long as the program adopted does not make the quality of public education a function of wealth other than the wealth of the state as a whole.

Accordingly, it is ordered that:

(1) The defendants and each of them be preliminarily and permanently restrained and enjoined from giving any force and effect to said Article 7, § 3 of the Texas Constitution, and the sections of the Texas Education Code relating to the financing of education, including the Minimum Foundation School Program Act (Ch. 16), and that defendants, the Commissioner of Education and the members of the State Board of Education, and each of them, be ordered to reallocate the funds available for financial support of the school system, including, without limitation, funds derived from taxation of real property by school districts, and to otherwise restructure the financial system in such a manner as not to violate the equal protection provisions of both the United States and Texas Constitutions;

(2) The mandate in this cause shall be stayed, and this Court shall retain jurisdiction in this action for a period of two years in order to afford the defendants and the Legislature an opportunity to take all steps reasonably feasible to make the school system comply with the applicable law; and without limiting the generality of the foregoing, to reallocate the school funds, and to otherwise restructure the taxing and financing system so that the educational opportunities afforded the children attending Edgewood Independent School District, and the other children of the State of Texas, are not made a function of wealth, other than the wealth of the State as a whole, as required by the equal protection clause of the Fourteenth Amendment to the United States Constitution. In the event the legislature fails to act within the time stated, the Court is authorized to and will take such further steps as may be necessary to implement both the purpose and the spirit of this order. See *Swann v. Adams,* 263 F. Supp. 225 (S.D. Fla. 1967); *Klahr v. Goddard,* 254 F. Supp. 997 (D. Ariz. 1966). Needless to say, the Court hopes that this latter action will be unnecessary.

Dated December 23, 1971.

FOOTNOTES

[1] See Serrano V. Priest, 5 Cal. 3d. 584, ——— P. 2d ——— (1971); and Van Dusartz v. Hatfield, ——— F. Supp. ——— (D. Minn. 1971). Serrano convincingly analyzes discussions regarding the suspect nature of classification based on wealth, and Van Dusartz points out that in this type case "the variations in wealth are state created. This is not the simple instance in which the poor man is injured by his lack of funds. Here the poverty is that of a governmental unit that the state itself has defined and commissioned."

[2] See the Challenge and the Chance, Rpt. of the Governor's Comm. on Public School Education 58–68 (1968). The accuracy of the Economic Index is the subject of separate litigation in Fort Worth Ind. School Dist. v. J. W. Edgar, (N.D. Tex., Fort Worth Div.).

[3] The total number of districts in the state is approximately 1200.

[4] Plaintiffs' Exhibit VIII shows 1960 median family income of $5,900 in the top ten districts and $3,325 in the bottom four. The rich districts had eight per cent minority pupils while the poor districts were seventy-nine percent minority.

[5] In addition, the court relied upon Douglas v. California, 372 U.S. 353 (1963), and Griffin v. Illinois, 351 U.S. 12 (1956), which are decisions invalidating state laws that discriminated against criminal defendants because of their poverty.

[6] Difficulties in defining the term are discussed at note 4, 293 F. Supp. 329.

[7] Indeed, it is difficult to see how the defendants reach a contrary conclusion since even the McInnis plaintiffs did not request precisely equal expenditures per child.

[8] As the Court said in Van Dusartz v. Hatfield, supra, note 1: "By its own acts, the State has indicated that it is not primarily interested in local choice in school matters. In fact, rather than reposing in each school district the economic power to fix its own level of per pupil expenditure, the State has so arranged to structure as to guarantee that some districts will spend low (with high taxes) while others will spend high (with low taxes). To promote such an erratic dispersal of privilege and burden on a theory of local control of spending would be quite impossible."

[9] Plaintiffs' Exhibit 8, Table X, indicates that while Edgewood receives the highest federal revenues per pupil of any district in San Antonio, $108, and Alamo Heights, the lowest, $36, the former still has the lowest combined local-state-federal revenues per pupil, $356, and the later the highest, $594.

[10] The statutes involved were the Economic Opportunity Act, 42 U.S.C. §§ 2781–2791 (1964); the Elementary and Secondary Education Act, 20 U.S.C. § § 241a–411 (1970 Supp.), and federally impacted areas aid, 20 U.S.C. §§ 236–244 (1964), *as amended.* (1970 Supp.).

[11] These cases have held that the statute clearly provides that the aid is intended as special assistance to local educational agencies, and that to permit a reduction in state aid would violate the Congressional intent. Douglas Ind. School Dist. No. 3 v. Jorgenson, 293 F. Supp. 849 (D. S.D. 1968); Hergenreter v. Hayden, 295 F. Supp. 251 (D. Kan. 1968); Shepheard v. Godwin, 280 F. Supp. 869 (E.D. Va. 1968); Carlsbad Union School Dist. v. Rafferty, 300 F. Supp. 434 (S.D. Cal. 1969), *aff'd*, 429 F. 2d 337 (9th Cir. 1970), and Triplett v. Tiemann, 302 F. Supp. 1244 (D. Neb. 1969). After these actions arose, the statute was amended to prohibit aid to schools in any state which has "taken into consideration payments under this subchapter in determining the eligibility of any local educational agency in that State for State aid . . . ." 20 U.S.C. §§ 240 (d) (2) (1969).

[12] On October 15, 1969 this Court indicated its awareness of the fact that the Legislature of Texas, on its own initiative, had authorized the appointment of a committee to study the public school system of Texas and to recommend "a specific formula or formulae to establish a fair and equitable basis for the division of the financial responsibility between the State and the various school districts of Texas". It was then felt that ample time remained for the committee to "explore all facets and all possibilities in relation to the problem area", in order for appropriate legislation to be enacted not later than the adjournment of the 62nd Legislature, and since the legislature appeared ready to grapple with the problems involved, the trial of this cause was held in abeyance pending further developments. Unfortunately, however, no action was taken during the 62nd Session which has adjourned. Hopefully, the Governor will see fit to submit this matter to one or more special sessions so that members of the legislature can give these complex and complicated problems their undivided attention.

MEMORANDUM AND ORDER

[U.S. District Court, District of Minnesota, Third Division, No. 3–71 Civ. 243]

(Donald Van Dusartz and Audrey Van Dusartz, individually and on behalf of all others similarly situated; et al., Plaintiffs v. Rolland F. Hatfield, Auditor of the State of Minnesota, et al., Defendants.)

Roger S. Haydock, Delores C. Orey, Michael A. Wolff, John E. Brauch, Legal Assistance of Ramsey County, St. Paul, Minn., attorneys for plaintiffs. John E. Coons, Berkeley, California, of counsel. John Mason, Solicitor General, and Douglas Skor, Special Assistant Attorney General, State Capitol, St. Paul, Minn., attorneys for defendants.

This is one of three actions brought by various parties to challenge the constitutional validity of Minnesota's system of financing public elementary and secondary education. The companion cases are Minnesota Federation of Teachers, et al., vs. Hatfield, et al., 4–71 Civ. 458, and Minnesota Real Estate Taxpayers Association, et al., vs. State of Minnesota, et al., 3–71 Civ. 233.

Plaintiffs in the above-entitled action base their claims solely on the alleged denial of equal protection of the laws to a class of plaintiff school children they purport to represent. Jurisdiction of this court is invoked pursuant to 28 U.S.C. 1343 (3) and (4) because plaintiffs' cause of action arises under the Civil Rights Act, 42 U.S.C. § 1983.

Defendants have moved to dismiss in all three cases on the grounds that the complaints fail to state a claim upon which relief can be granted and that the cases are moot.

Since the above-entitled case appears to be on solid jurisdictional grounds as to the plaintiff pupils and does not raise pendent claims under the laws or Constitution of Minnesota, this Court chooses to analyze the narrow claims presented here in light of the recent California Supreme Court decision in *Serrano* v. *Priest*, 5 Cal. 3d 584, ——— P. 2d ——— (1971). Although separate orders will be entered denying defendants' motions to dismiss in the other two cases, the Court chooses to postpone any ruling on the other complex issues presented by those complaints.

The primary purpose here is to test the plaintiff children's cause of action, and to examine the substantive issues raised by their complaint. With proper deference to the Legislature, it is appropriate to consider the correctness of the *Serrano* rule and to examine the applicability of the equal protection clause to the instant case.

The issue posed by the children, here as in *Serrano* v. *Priest* . . . is whether pupils in publicly financed elementary and secondary schools enjoy a right under the equal protection guarantee of the 14th Amendment to have the level of spending for their education unaffected by variations in the taxable wealth of their school district or their parents. This Court concludes that such a right indeed exists and that the principle announced in *Serrano* v. *Priest* is correct. Plainly put, the rule is that the level of spending for a child's education may not be a function of wealth other than the wealth of the state as a whole. For convenience we shall refer to this as the principle of "fiscal neutrality," a reference previously adopted in *Serrano*.[1]

This Court will treat defendants' motion to dismiss as a motion for summary judgment in which, for the purposes here, plaintiffs' allegations of fact must be taken as true. These allegations will be supplemented by judicial notice of facts appearing in official public records and reports which have been stipulated to by the parties herein. The State has argued that the expiration of M.S.A. § 124.211 as rendered the complaint moot. If in fact the existing vacuum in "equalizing" state aids were to continue, the influence of district wealth variations would be even more extensive and invidious than what we are about to describe. In fact, the opposite is true; it has seriously aggravated the injury. In fairness to the State it shall be assumed—contrary to fact—that there presently continues in existence a system of subventions similar to the recently expired system.

The recently expired Minnesota system appears structurally indistinguishable in its basic parts from the California system described in the *Serrano* opinion, *supra* at 591–595. The Minnesota pupils—like those in *Serrano*—allege that the number of dollars per pupil spent in their school districts is a function of the amount of taxable wealth per pupil located within the boundaries of those districts and thus subject to the local educational levy. See M.S.A. Chapter 124. School districts in Minnesota differ in taxable wealth per pupil. Indeed, some districts have almost no taxable wealth while others range up to and even above 30,000 dollars per pupil. The plaintiff children reside in relatively poor districts.[2]

The State has assisted the poorer districts with "equalizing" aid but in a manner which offsets only a portion of the influence of district wealth variations.[3] To be specific, in 1970–71 if a school district's tax rate were at least 20 mills, it was guaranteed a total of $404 spendable dollars by the State. Thus, if the local levy of 20 mills raised only $200 (in a district with $10,000 assessed valuation per pupil) the State supplemented this with a subvention of $204 per pupil. If the district was sufficiently wealthy that a 20-mill levy raised more than the $404 guarantee, it retained the excess collection and now has it available for expenditure. There appear to be a number of districts in this enviable position.

In addition the State has guaranteed to *every* district a minimum state subvention of $141 per pupil. Thus a rich district which raised $450 at the 20-mil rate may spend $591 per pupil. What is important about this flat grant is that it is useful only to the richer districts. Even if it were abolished, those districts poor in taxable wealth would receive no less than they now do, because the $141 is counted as part of the equalizing aid. As in our previous example, a poor district raising only $200 with the 20-mill local rate would receive its $204 from the state in "equalizing" money even if the $141 guaranteed minimum did not exist. Thus this latter guarantee acts in effect as a unique bonus solely for the benefit of rich districts.

Finally, insofar as districts exceed the 20-mill local tax rate (apparently all poor districts do) they are essentially on their own. For every additional mill on its local property a district with $20,000 valuation per pupil adds another $20 per child in spending; a district with $5,000 valuation per pupil adds only $5 in spending. Put another way, above 20 mills there is a high correlation per pupil wealth and the amount available to spend for education for the same mill rate.

To sum up the basic structure, the rich districts may and do enjoy both lower tax rates and higher spending. A district with $20,000 assesed valuation per pupil and a 40 mill tax rate on local property would be able to spend $941 per pupil; to match that level of spending the district with $5,000 taxable wealth per pupil would have to tax itself at more than three times that rate, or 127.4 mills.

There are apparently many minor refinements and subventions, none of which alter this essential pattern.[4] The overall conclusion is inescapable. The level of spending for publicly financed education in Minnesota is profoundly affected by the wealth of each school district. Children living in districts poorer than the richest are proportionately disadvantaged. It is this class which pupil plaintiffs claim to represent.

It may be true, of course, that not every difference in spending level is traceable into a difference in effectiveness of education. We must recognize that there has been disagreement among scholars over the degree to which money counts.[5] For present purposes, however, it is sufficient that the relation between cost and quality of education has been alleged. In any event, the Legislature would seem to have foreclosed this issue to the State by establishing a system encouraging variation in spending; it would be high irony for the State to argue that large portions of the educational budget authorized by law in effect are thrown away. The courts that have considered the issue are in agreement.[6]

Furthermore, this Court notes the affidavit of Van D. Mueller, attached to plaintiffs' brief in that it gives an indication of the correlation between spending per pupil and the quality of education. The statements made in the affidavit must, under the law, be taken as true for the purpose of determining whether plaintiffs have spelled out a cause of action. Mueller flatly states:

"The districts having the lowest per-pupil expenditure, which are generally the poorest districts in terms of assessed valuation per-pupil unit, offer an education that is inferior to the districts having the highest per-pupil expenditures."

While the correlation between expenditure per pupil and the quality of education may be open to argument, the Court must assume here that it is high. To do otherwise would be to hold that in those wealthy districts where the per pupil expenditure is higher than some real or imaginary norm, the school boards are merely wasting the taxpayers' money. The Court is not willing to so hold, absent some strong evidence. Even those who staunchly advocate that the disparities here complained of are the result of local control and that such control and

---

Footnotes at end of article.

taxation with the resulting inequality should be maintained would not be willing to concede that such local autonomy results in waste or inefficiency.

The disparities demonstrated by the California court in *Serrano* stood out in bold relief, while the figures supplied by the Minnesota Department of Education tend to show a lack of such great disparities. Nevertheless, this Court must accept at face value the affidavit of Mueller which states that if the statistics for Minnesota are arranged in the same manner as in California, that is, dividing elementary and secondary school figures, the disparities are "very comparable". Thus, there is little or no difference between the factual allegations in this case and those in *Serrano*.

II

The United States Supreme Court has employed two distinct approaches to claims asserted under the equal protection clause of the 14th Amendment. See, e.g., *Shapiro* v. *Thompson*, 394 U.S. 618 (1969) and *McGowan* v. *Maryland*, 366 U.S. 420 (1961). These approaches involve substantially different degrees of deference for state legislation depending upon its subject matter and character. Most regulation by the states of most kinds of interests is judged merely by the rationality of the relation between the state's objective and the means of regulation (the statutory or administrative classifications) chosen. The Court does not ordinarily undertake to evaluate purposes and effects as such. This test of the relation of means to ends might plausibly be applied to the Minnesota system here attached. If the State's objective is a "general and uniform system" of education, as Article VIII. Sections 1 and 2 of the Minnesota Constitution declare, it might be wondered whether the means chosen are rationally adapted to that goal.

However, this issue is not reached because, in the present case, the stricter test of equal protection is clearly more appropriate. This approach requiring close scrutiny of the state law by the Court is triggered whenever either a "fundamental interest" is at stake or the state has employed a "suspect classification." Here both such factors are involved and mutually reinforce the pupil plaintiffs' attack upon the system.

First, as to the specially protected interest: Where the onus of a legislative classification falls upon an interest which is classified as "fundamental", the State bears the burden of demonstrating a compelling interest of its own which is served by the challenged legislation and which cannot be satisfied by any other convenient legal structure.[7] That approach fits this case because the interest at stake is education. The Serrano opinion, *supra* at 604–610, has correctly inferred from relevant expressions of the United States Supreme Court and from the nature of education itself that this interest is truly fundamental in the constitutional sense.

It is unnecessary to repeat the persuasive analysis of the California court on this point, but it is worth observing that education in this respect is to be sharply distinguished from most other benefits and services provided by government.[8] It is not the "importance" of an assessed interest which alone renders it specially protected. One can concede the significance of welfare payments to an indigent and yet accept the result in *Dandridge v. Williams*, where the Court did not face a suspect classification.[9] Education has a unique impact on the mind, personality, and future role of the individual child. It is basic to the functioning of a free society and thereby evokes special judicial solicitude.[10]

Now we consider the relevance of the legislative classification. As noted above, the pupils' objection to the financing system is augmented by the nature of the classifying fact—district wealth—by which the distribution of education is affected and, in significant degree, determined. In a number of decisions over the last fifteen years the United States Supreme Court has made it plain that classification based upon wealth are suspect. These decisions, convincingly analyzed in *Serrano*,[11] are well known and need no comment here. What is important to note is that the objection to classification by wealth is in this case aggravated by the fact that the variations in wealth are State created. This is not the simple instance in which a poor man is injured by his lack of funds. Here the poverty is that of a governmental unit that the State itself has defined and commissioned. The heaviest burdens of this system surely fall *de facto* upon those poor families residing in poor districts who cannot escape to private schools, but this effect only magnifies the odiousness of the explicit discrimination by the law itself against all children living in relatively poor districts.

This does not suggest that by itself discrimination by wealth is necessarily decisive. No court has so held. However, when the wealth classification affects the distribution of public education, the constitutional significance is cumulative.[12]

It cannot be argued that a quality education endows its recipient with a distinct economic advantage over his less educated brethren. By these standards the inexorable effect of educational financial system such as here maintained puts the state in the position of making the rich richer and the poor poorer. If added to this problem in the problem that the parents of children who live in poor districts have also a lower income than the parents in wealthier districts, then the disparity may be even more severe than that alleged by plaintiffs.

III

A state, of course, could have a powerful and legitimate interest in maintaining the strength of local government by preserving local choice in school spending. If that interest were "compelling"—and sufficiently so—and if because of some extremely important state need, it were necessary that only wealthy children be given quality education and that poor children be denied such, then the present financing structure might be justified. See *Shapiro* v. *Thompson*, 394 U.S. 618 (1969). Whether this interest of the State is constitutionally compelling, however, need not be decided for two reasons. By its own acts, the State has indicated that it is not primarily interested in local choice in school matters. In fact, rather than reposing in each school district the economic power to fix its own level of per pupil expenditure, the State has so arranged the structure as to guarantee that some districts will spend low (with high taxes) while others will spend high (with low taxes). To promote such an erratic dispersal of privilege and burden on a theory of local control of spending would be quite impossible.[13]

The second reason for ignoring the question of whether the State's interest is compelling is that, under the constitutional standard here adopted, if the state chooses to emphasize local control, it remains free to do so to whatever degree it wishes. In fact, it is the singular virtue of the *Serrano* principle that the State remains free to pursue all imaginable interests except that of distributing education according to wealth. The State makes the argument that what plaintiffs seek here is uniformity of expenditure for each pupil in Minnesota. Neither this case nor *Serrano* requires absolute uniformity of school expenditures. On the contrary, the fiscal neutrality principle not only removes discrimination by wealth but also allows free play to local effort and choice and openly permits the State to adopt one of many optional school funding systems which do not violate the equal protection clause.[14]

IV

The State argues that the issues here posed have been foreclosed by *McInnis v. Shapiro*, 293 F. Supp. 327 (N.D. Ill. 1968), aff'd *sub nom McInnis v. Oqlivio*, 394 U.S. 322 (1969), and *Burress v. Wilkerson*, 310 F. Supp. 572 (W.D.Va. 1969) aff'd *nom.* 397 U.S. 74 (1970). It is true that the present complaint—like the two decisions noted—contained references to a duty of the State to respond to individual "needs" of pupils. It appears that plaintiffs herein have now abandoned this aspect of their claim. In any event such a claim is in fact foreclosed by *McInnis* and *Burress, supra*. These two decisions, however, do not speak to the issue here considered—whether there is a right to more fiscal neutrality. As the *Serrano* decision makes clear, the Supreme Court left that issue open. See *Askew v. Hargrave*, 401 U.S. 476 (1971). The reasoning of the California court on this point is completely persuasive and this Court adopts it as its own. *Serrano v. Priest, supra* at 615–618.

V

Therefore, this Court concludes that the allegations of the plaintiff children's complaint state a cause of action and [that a system of public school financing which makes spending per pupil a function of the school district's wealth violates the equal protection guarantee of the 14th Amendment to the Constitution of the United States.] In accordance with the foregoing memorandum.

It is ordered that the motions of defendants to dismiss the action are denied.

The Court will retain jurisdiction of the case but will defer further action until after the current Minnesota Legislative session.

MILES W. LORD,
U.S. District Judge.

Dated: October 12. 1971.

FOOTNOTES

---

[1] The analysis here generally parallels that appearing in J. Coons W. Clunc, and S. Sugarman, *Private Wealth and Public Education* (Cambridge, Harvard University Press, 1970), hereinafter cited as *Private Wealth and Education*.

[2] The rule adopted here and in *Serrano* does not depend upon the personal wealth of the pupils or their parents. It is sufficient that the plaintiffs be members of the larger class of pupils injured, which class is defined as the pupil population of relatively poor school districts. *Serrano v. Priest*, 5 Cal. 3d at 601, — P. 2d at —. Whether "relative" poverty includes *every* district poorer than that one district richest in assessed valuation per pupil need not now be determined, nor would this appear to have great practical significance in the application of the general principle.

[3] The examples that follow in the text are all hypothetical applications of M.S.A. S. 124.211.

[4] Defendants' contention that other categories of state aids substantially increase the revenue of many schools may raise a question of fact, i.e. whether dependence on local school district wealth is overcome by these other aids. However, for purpose of this motion, we must accept as true plaintiffs' allegation of wealth dependence.

[5] The competing views are summed up in *Serrano v. Priest*, 5 Cal. 3d at col.—p. 2d at— (f.n. 16). It is noteworthy that, while Prof. James Coleman's earlier work is sometimes interpreted to question the cost-quality relation, his *foreword* to *Private Wealth and Public Education* suggests that spending differences are a significant factor in education.

[6] The cases are collected in the Serrano opinion at f.n. 16, 5 Cal. 3d at col.—p. 2d at —.

[7] *Shapiro v. Thompson*, 394 U.S. 618 (1969). See also *Griffin v. Illinois*, 351 U.S. 12 (1956); *Douglas v. California*, 372 U.S. 353 (1963); *Harper v. Virginia Board of Elections*, 383 U.S.

66s (1966); *Kramer v. Union Free School District No. 15,* 395 U.S. 621 (1969). The fundamental interest cases and the rationale of the correlative "compelling interest" test are considered at length in the *Serrano* opinion, 5 Cal. 3d at 604–611, —p. 2d at — – —.

[8] And this, incidentally, does not constitute an opening wedge for eventual fiscal neutrality in all government services through the medium of the 14th Amendment, *Serrano v. Priest,* 5 Cal. 3d at 613–614; Coones, Clune, and Sugarman, *Private Wealth and Public Education,* 414–419 (1970).

[9] 397 U.S. 471 (1970). See also *James v. Valtierra,* 402 U.S. 137 (1971). (The interest in housing). In another respect Valtierra actually supports the "fundamentality" of the interest in education. The Court there emphasized the special importance of the democratic process exemplified in local plebiscites. That perspective here assists pupil plaintiffs who ask no more than equal capacity for local voters to raise school money in tax referenda, thus making the democratic process all the more effective.

[10] Even the majority opinion in *Dandridge* seems to intimate this by its citation of the decision in *Shelton v. Tucker,* 364 U.S. 479 (1960) as the exemplar of the Court's commitment to a special view of equal protection in those areas where "freedom guaranteed by the Bill of Rights" may be affected. 397 U.S. 484. In *Shelton,* Mr. Justice Stewart for the majority had declared that "The vigilance protection of constitutional freedom is nowhere more vital than in the community of American Schools", 364 U.S. at 487.

[11] 5 Cal. 3d at 597–604. Elaborate analyses of these cases appear in Note, "Developments in the Law—Equal Protection", 82 *Harv. L. Rev.* 1065 (1969); Michelman, "*On Protecting the Poor Through the Fourteenth Amendment*", 83 *Harv. L. Rev.* 7 (1969); *Private Wealth and Public Education,* 359–387.

[12] As with the conjunction of poverty and the voting interest in *Harper v. Virginia Board of Elections,* 383 U.S. 663 (1966), or poverty and the interest in access to appellate review as in *Griffin v. Illinois,* 351 U.S. 12 (1956).

[13] The *Serrano* opinion states the idea:

"We need not decide whether such decentralized financial decision-making is a compelling state interest, since under the present financing system, such fiscal free will is a cruel illusion for the poor school districts . . . Far from being necessary to promote local fiscal choice, the present financing system actually deprives the less wealthy districts of that option . . ." 5 Cal. 3d at 611.

[14] This Court in no way suggests to the Minnesota Legislature that it adopt any one particular financing system. Rather, this memorandum only recognizes a constitutional standard through which the Legislature may direct and measure its efforts. For an explication of some of the numerous school financing systems available which meet the equal protection standard, see Guthrie, Kleindorfer, Levin and Stout, *Schools and Inequality* (1971); Coons, Clune, and Sugarman, *Private Wealth and Public Education* (1970), and "Educational Opportunity: A Workable Constitutional Test for State Financial Structures," 57 Cal. L. Rev. 305 (1969).

[From the New York Times, Jan. 6, 1972]

MICHIGAN COURT TO REVIEW PROPERTY TAX FOR SCHOOLS

LANSING, MICH., January 5.—The Michigan Supreme Court announced today that it had agreed to review the constitutionality of Michigan's property tax as a basic source of revenue for public schools support.

The court said it would honor Gov. William G. Milliken's request, filed a month earlier, that it take over a suit initiated in Ingham County Circuit Court.

Governor Milliken and Attorney General Frank J. Kelley filed a suit on Oct. 15, 1971, against three suburban Detroit school districts to force a court review of the kind that led a California state court and a Federal court in Texas to throw out property taxes for schools in those states.

[From the Sunday Star, Jan. 9, 1972]

PRINCIPLES OF THE AMERICAN DREAM

(By Phyllis Myers)

Already, certain groups speak to each other easily about "pre-Serrano" and "post-Serrano." Their numbers are not large, but they are persistent and able people who are used to striking, sometimes successfully, often not, at the roots of the privilege and discrimination that have tangled the egalitarian principles of the American dream.

Pre-Serrano and post-Serrano span at least a decade, five years back and five years into the future. The midpoint is Aug. 30, 1971, when the California Supreme Court handed down its long-awaited Serrano v. Priest decision. By a 6–1 majority, the court felled the system of financing public schools in California—a system that, in its heavy dependence on the property tax and hence the vagaries of local wealth, California shares with most states in the union.

"This funding scheme," said the court, "invidiously discriminates against the poor because it makes the quality of a child's education a function of the wealth of his parents and neighbors."

Already, legal activity has stepped up markedly: Similar suits have succeeded in Minnesota and San Antonio, Tex., and more than 20 new suits have been filed. Farsighted educators and lawyers are already thinking beyond the courts about long-range strategies—over five years or longer—aimed at delivering the implicit promise of Serrano by giving legal, political, and fiscal substance to the elusive concept of equality of educational opportunity.

Attorney Sarah C. Carey of the Lawyers' Committee for Civil Rights Under Law recently outlined in Capitol Hill testimony a heady list of reform possibilities opened up by Serrano. They included overall property tax reform, the redrawing of school districts to encourage socioeconomic and racial integration, massive extra resources to poor students, extensive research into effective education, and the ending of intradistrict discrimination against the poor within cities as well as federal intervention to end disparities among states.

Just a few months into the post-Serrano period, however, the mood has changed from elation to extreme caution. For while Serrano may hold out the promise of the resurrection of American education, it also holds out the possibility of equity without fairness. Because of erroneous ideas about the nature of the urban crisis, it is even conceivable that Serrano could lead backwards for city schools, whose desperate plight spurred all the activity to begin with. Arthur Levin of the Potomac Institute recently warned a group of lawyers pressing Serrano-type suits to be careful lest we "snatch defeat from the jaws of victory," ending up "worse off in the end than if we hadn't won the case."

UNUSUAL CONFERENCE

To understand how this could be, one must go back to the pre-Serrano period which, in a real sense, began in 1967, when the principal of an elementary school in East Los Angeles called in John Anthony Serrano for an unusual conference. His two boys were, according to IQ tests, unusually bright and school-ready. The school, in a poor, largely Chicano neighborhood beset by the usual array of urban ills, just couldn't give them the kind of education they deserved.

Serrano was not surprised, either about his children or the school. As the numbers of poor and minority children increased in a school, he knew, there were fewer regular teachers, textbooks, and equipment—and bigger classes.

Articulate and aware, Serrano was already moving among activist types who were trying to change things. At a cocktail party, he met Derek Bell, an attorney then heading the Western Center for Law and Poverty, funded by OEO, and through him, lawyers like Sidney Wolinsky and Harold Horowitz, who were looking into what they believed were unconstitutional inequities in municipal services. These and other meetings finally resulted in a suit, filed in August 1968, on behalf of Serrano and a large group of other dissatisfied parents and children, which moved their gripes about the local school up to the Los Angeles school board and to the state and "the system"—the treasurer, the controller, the tax collector, and the superintendent of schools.

The suit threw a number of arguments before the judge. As a "direct result" of the financing scheme based on varying wealth, the state was failing to meet minimum California and federal constitutional requirements. It was providing substantially inferior educational opportunities to many children, especially black, Spanish-surnamed, and other minority children. Quality of education was a function of wealth and geographical accident. The system failed to take account of varying needs and abilities. School districts were not reasonable units for allocating funds. And so on.

The Serrano suit was turned down twice by lower courts, as other similarly inspired suits floundered in a dozen states. A big blow was the McGinnis vs. Ogilvie case in Illinois, which sought a redistribution of resources based on educational need without suggesting how that need could be determined. The judges agreed that there were inequities, but said these were problems for the legislature, not the judiciary.

The decision of the California Supreme Court to review the Serrano case came as a surprise. No one was particularly optimistic, although the court was already known as a pacesetter for its liberal decisions. By this time, the lawyers had learned a great deal about what courts would buy and wouldn't buy, and had done extensive legal and political spadework.

This paid off now, as a number of "friends of the court" submitted briefs to the California Supreme Court. Among these was one prepared by Berkeley law professor John E. Coons and attorney Stephen Sugarman and supported by the National Committee for Support of the Public Schools and the National Urban Coalition. The brief mirrored theories Coons and Sugarman, along with William H. Clune III, had already extensively developed in their book, "Private Wealth and Public Education." This new assault on the system, much leaner and more judicially manageable, left behind race, geography, and need and focused simply on fiscal equity.

Education, the brief asserted, is a "fundamental interest"—a disarmingly simple phrase to the nonlawyer but one that moves public education to the "inner circle" of the equal protection clause of the Constitution, alongside voting and travel, and puts the burden on the state to show that there is a "compelling reason" for the present system.

The brief moved logically from precedent to precedent with pointed examples of the "bizarre maldistribution of resources" in the system. Beverly Hills had $50,885 behind each student and Baldwin Park only $3,697. Beverly Hills spent $1,232 per student and Baldwin Park only $577—yet Baldwin Park's tax rate was over twice as high as that of Beverly Hills.

State aid, which was supposed to be "equalizing" in favor of the poorer districts, actually operated in favor of districts such as Beverly Hills, "one of the very few governmental devices explicitly favoring the rich." The facts were not new, but they were packaged in a more logical and legally compelling rationale than ever before.

NIXON "SHOCKED"

The court bit the hook and, basing its favorable decision heavily on the Coons-Sugarman brief, found that there was no constitutional justification for an educational system whose quality varied with local wealth.

Suddenly, the neglected and lackluster field of school finance took on unexpected excitement. The jubilation among civil rights and urban groups was echoed in unusual quarters. President Nixon said he was "shocked" by the inequities. Office of Education commissioner Sidney Marland hailed the decision as a "fundamental breakthrough." Fortune and the Wall Street Journal added their plaudits.

Even people in Beverly Hills thought it was a good idea, for hadn't they always thought education was important? Then they realized that Serrano had found the villain and it was them. Someone said it would cost about $5 billion to bring all the districts in California up to Beverly Hills' standard of educational living.

As the euphoria was replaced by thoughts about what to do next, Serrano became a springboard for everyone's pet solution to the education problem. The Advisory Commission on Intergovernmental Relations hoped Serrano would strengthen the states' role in the federal partnership and lead to a total state assumption of education costs. Certain economists were pleased that their favorite whipping boy, the regressive property tax, had been dealt a major blow.

Ralph Nader used Serrano to press instead for reforms that would increase the property tax's equity and yield. Some people wanted "upward leveling" to get more districts to spend more; others wanted "downward leveling" to stop some districts from spending too much. Some wanted to preserve local options, others to kill them. Many taxpayers just thought the whole thing would lower their tax bill. But most of those who were early supporters of the lawsuits seemed to think that Serrano would funnel more funds into the increasing number of bankrupt city schools.

Writing in the New York Times, Coons said, "The decision has been grossly misconstrued and its scope widely exaggerated." Serrano "would forbid the linking of affluence and spending, but that is all it would do. It would not proscribe the use of a real property tax; nor would it require . . . the legislature to impose uniform spending statewide."

Its message is essentially negative: It says the state cannot base differential spending on wealth differences. But it is back in the halls of the state legislatures, which bear the responsibility for the present disarray in the first place, where a political solution must be hammered out.

What Serrano means is probably best understood by looking at Coons' own solution, which is now receiving a good bit of attention in California. "Power-equalization," as he calls it, flows out of the arguments developed in Serrano, and is aimed at giving districts the equal capacity to raise money. It would entail a schedule of minimum and maximum tax rates linked to different spending levels. These would be triggered as each school district elected its own tax level.

A community might opt for the minimum tax rate of, say, $1, which would entitle it to, say, $900 per pupil. If it generated more than it could spend with this rate, the district would spend the excess on the "state kitty." Districts that couldn't raise the minimum with the same tax rate would dip into the kitty to make up the difference. Districts could tax themselves more and spend more, but only according to the specified schedule of statewide tax rates and spending levels.

Fair? Well, it depends on how you look at it. In its simplest form, such a solution in California would result in a $5-per-pupil loss in Los Angeles, virtually no dollar change in Oakland, and a substantial loss in San Francisco. All big cities in California are above the median in taxable real property wealth behind each pupil and thus could lose money or stay about the same on a straight equalization basis.

At a recent conference called by the Lawyer's Committee to align a national strategy vis-a-vis Serrano, Robert J. Goettals of the Syracuse University Research Corporation reported similar findings in New York State. In a study for the Fleischmann Commission, a state legislative study group which has been subjecting the public educational system to intensive analysis, SURC has learned that virtually every sizable city in New York State falls above the state-wide median in wealth as measured by property value per student in average daily attendance, a commonly used measure. Poorer communities in New York State are not necessarily taxing themselves at a heavier rate than wealthier communities, reported Goettals.

Said economist Charles Benson, the Fleischmann Commission's director and a Berkeley professor who is considered the "academic dean" behind the school finance movement: "We must make distinctions among cities. Some are disadvantaged. Others are resting on their oars."

What Goettals and Benson were saying clearly worried many of the lawyers and others who had pushed Serrano and Serrano-type school finance reform suits. Like many, they had taken it as basic urban dogma that any realignment designed to overcome inequities in the distribution of taxable wealth would automatically favor the cities. After all, weren't city tax roles in a disastrous decline?

When one moves up to the state level for equalization purposes, however, and all communities—the less affluent suburbs and rural districts as well—are factored in, a different gestalt comes together. Said Goettals: "The really poor areas (in terms of taxable wealth) we found in New York State are along the St. Lawrence River, in upstate New York."

Robert Reischauer, a Brookings Institution property tax expert, believes that "excess wailing over the plight of cities" has obscured our understanding of the nature of their problem. "It is untested hypothesis that central cities are poor. Relative to new growth, of course, cities are declining. But in very few cities is absolute wealth declining. It is probably going up slightly in most cities." He adds: "Cities have real problems, but maybe it's not their fiscal base, but their excessive needs."

TOO VAGUE

It is need, of course, which the Illinois judges found too vague for judicial intervention in the McGinnis case, but which now must be factored back into legislative proposals for new aid equations.

The problem is that no one really knows what would make either opportunity or achievement "equal" in an urban school—or indeed, how much payoff such an effort directed within school walls can accomplish anyway. The pall left by the so-called 1965 Coleman study, which concluded that nothing the schools did made a significant difference in student achievement, save what he brought from his family upbringing and whom he met in schools, still confounds all discussions about dollars and equality. This is the reason need was dropped from lawsuits, although many of the lawyers involved, sensing the dangers in the concept of fiscal equity, still wish it hadn't been.

There are special things that make urban education more expensive, like higher salaries for teachers, higher land and construction costs, higher vandalism and insurance costs, increased funds for devising new programs to teach disadvantaged minority children, and so on. According to Norman Drachler, former school superintendent in Detroit, equal dollars buy half as much in city schools as they do elsewhere.

Municipal overburden—the extra services such as police, hospitals, lighting, recreation, and transportation that cities must support out of local taxes—is getting particular attention these days. It offers a sizable, readily quantifiable urban excess-cost factor. A study of Detroit and its 19 suburbs showed that when all calls on local property taxes are taken into consideration, Detroit has the highest local tax rate; Detroit's tax rate for schools, alone, however, is at the bottom of the list. In Baltimore, one-third of the total local budget goes for schools, while Baltimore County can devote 56 percent of its local budget to schools. In Boston, schools get 23 percent of the total local budget, while in the neighboring suburb of Lexington, the figure is 81 percent.

Remedies that take these things into account are by no means inconsistent with the Serrano argument, neither are they required. Both Coons and Sugarman point out that Serrano leaves legislatures free to gear extra dollars to special need or to pay for regional cost differences, either as separate aid packages or as weights in "power-equalization formulas."

They even have a scheme that marries power-equalization to vouchers, equalizing the power of families rather than that of districts to buy equal education. But, says Sugarman, "I would be the first to agree that while it is quite easy to suggest that wealth should be eliminated as a basis for supporting schools, as a practical matter determining precisely what equal effort really is very complex indeed."

Just how difficult this job can be is apparent from the SURC study prepared for the Fleischmann Commission. When Joel Berke, the study's co-director, juggled different alternative aid formulas by computer simulation to test their impact in New York State—that is which districts win and which lose—many of the possible solutions left New York City and other cities with a substantial drop in aid. None worked across the board for, say, all rural areas or all small cities or all large cities. It took about 25 simulations to get a formula, which he based on low achievement levels, where enough cities gain, along with some poorer suburbs and rural areas, so that the whole effort was worthwhile and seemed politically feasible.

MUCH TO GAIN

But even if cities don't get any immediate dollar payoff in that short run, they have much to gain, Sugarman insists. If Los Angeles loses $5 per pupil, and Beverly Hills loses $400, has Los Angeles really lost? Isn't the problem of the cities really the fact that they are surrounded by some wealthy suburbs that compete for their better teachers and students? he asks. If rich suburbs can be denied their preferential place, won't Los Angeles be better off?

Although Los Angeles has yet to be heard from, the school board of San Francisco—the richest urban school district, where wealth behind each pupil is almost as high as in Beverly Hills—surprisingly did file a brief supporting the Serrano suit. It was signed by every school official from the city.

Not a little of the credit for this goes to attorney Ephraim Margolin, who agrees that "if what we get out of Serrano is a totally unsophisticated statewide distribution, every city will lose." But though the city seems rich, says Margolin, it is "suffocating in its present condition. The situation is so terrible we had little to lose. We in the cities are paying a terrible premium for the present system, which enshrines the move to the suburbs."

He admits that he gets criticized by those who doubt that even under the gun of Serrano the state legislature will be any more friendly to San Francisco than before, and adds: "I am not willing to accept this argument, although it could possibly be true."

As the data come through, it may well turn out that cities can find new allies, among the rural districts and poorer suburbs, in sufficient strength to ram down some of the gates of privilege. Berke warns that any strategy that only favors the poor in cities just cannot pick up enough strength to push it over the top in state legislatures.

It is clear that those whose concerns are particularly the siphoning of money into desperate city schools had better do a good bit of homework or they could find themselves stuffing cookies into someone else's container. Warns Sarah Carey: "State legislatures don't move often. When they do, unless we are careful, we can be locked into a formula we don't like for over a decade."

BIGGER PIE

Despite these worries, the momentum for reform is in full swing. The President's Commission on School Finance will be reporting next March after a two-year study of the fiscal problems of public and nonpublic schools. The National Educational Finance Project, sponsored by the Office of Education, has just released the results of its lengthy statistical survey. Tax studies are under way in over 20 states.

With this kind of documentation of the fiscal crunch, the general feeling is that cities must end up better off than they were before, if only because long-obscured inequities will be more starkly revealed and the pie may get bigger. Already there is renewed talk about additional federal money keyed to intrastate taxation and spending reforms, possibly including the straightening out of inequities within city districts and those between states.

The legislature is already at work on remedies in California, although at this writing the state has not yet decided whether it will appeal to the U.S. Supreme Court. The possibility of a long wait for a final decision has prompted the California Supreme Court to warn citizens to go on paying taxes until a new system is worked out.

Meanwhile, John Anthony Serrano, whose dissatisfactions with the neighborhood school have taken on proportions he never envisioned, has solved his personal dilemma in a familiar way. Serrano, now a psychiatric social worker and no longer poor, has moved to Whittier City outside of Los Angeles.

Serrano does not share the doubts of Coleman, et al., about whether good schools make a difference. He rates Whittier City's schools much higher than the ones his children used to go to—in teachers, buildings, class size, and materials—and is convinced that they are giving his children a better start in life.

INTRODUCTION: VALUES IN COLLISION

(Coons, John E., William H. Clune III, Stephen D. Sugarman, *Private Wealth and Public Education*, Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1970.)

Soloviev, The Meaning of Love: "In theory . . . every sane man admits a perfect equality between himself and others; but in practice, in his feelings and dealings, he is ever affirming the immeasurable difference, the fundamental dissimilarity between himself and them."

This book is about equality of educational opportunity. Nearly every American—and we include ourselves—endorses it, often with fine unconcern for the serious difficulties of definition. For sheer ambiguity each of its terms would be hard to improve upon: equality and opportunity alike elude description. Taken together they cloak the most diverse and conflicting philosophies. There is here even a suggestion of contradiction; perhaps equality and opportunity can coexist, but theirs is a mixed marriage that requires accommodation.

Despite such reservations, there will be much use of these terms, especially equality, in ensuing chapters. This could be misleading. The frequent use of "equal," "equality," "equalizing," and the like may give the impression of an underlying design more egalitarian than is intended. Our central motif emphasizes opportunity as much as equality, for there is a subtle harmony between those egalitarian and individualistic values that simultaneously inform our "free-enterprise democracy."

But this places us slightly ahead of our story, and indeed it is a story much more than it is a philosophy. It has its heroes and villains, and, as we come upon the scene, the villains are in the ascendancy. The states are dispensing public education according to the wealth of school districts. Children who live in poor districts—children rich and poor, white and black alike—are being injured. This story, which anyone can understand, is an existing condition that needs an alternative more than it needs philosophy. We would like to frame a different plot for the tale and render it less a tragedy.

The new theme is a simple formula with modest aspirations—one designed to reach the specific evil in the system and no more: The quality of public education may not be a function of wealth other than the wealth of the state as a whole. It will be evident from this precept that we do not aim to effect equality of educational opportunity in all its possible senses. But to lapse briefly into philosophy, it should be asked, why do we care at all? Whence the sense of injustice? What is intelligible and sound in "equality of educational opportunity," first, that makes it worth seeking at all, and second, that is offended by the specific existing systems that dispense public education by wealth?

ON HAVING THE SAME POOR ALWAYS WITH US: MOBILITY, EQUALITY, AND EDUCATION

There is an enduring tension of purposes in American public education that is nicely syncretized and obscured in "equality of educational opportunity." Notions of equality, in the senses both of uniformity of schools and of their products, must compete for allegiance with the often contrasting values of individualism and social mobility. All these views must be harmonized; thus, to the extent that equality might imply sameness, our ethos rejects it. To be sure, our consciences may be troubled by permanent inequalities (for example, in the sense of inherited burdens from poverty or race); but the remedy sought is never that of regimented uniformity. Our folklore easily abides the descent of the rich man's son to poverty so long as his grandson may rescend. The Negro's continuing poverty might be tolerable if we could be persuaded that he deserves it. The crucial value to be preserved is the opportunity to succeed, not the uniformity of success. It is the philosophy of contest—free enterprise in the broadest sense. This is not to be construed as an exclusive emphasis on business success, on competition for money or on enterprise in its narrow sense. It is rather a label for the maximizing of individual choice, of flexibility in life roles, of alternatives for participation in the social system.

But, however, broadly the prize is defined, the newborn are incompetent to seek it, and they remain dependent until pushed from the nest into the struggle for place. The mere lapse of time hardly prepares them for entry into the competitive world; when they do enter the contest, they must be reasonably fit, considering their natural limitations. In short, the sine qua non of a fair contest system—of equality of opportunity—is equality of training. And that training is what public education is primarily about. There are, we hope, loftier views of education that coexist, but in a competitive democracy those views represent dependent goals that can be realized only upon a foundation of training for basic competence in the market.

Such a view tolerates gross differences in outcome, if the contest is fair. Native ability and effort must in this view account for relative success, and the marketplace serves as the impartial judge. But because the market can distinguish only competence it cannot decide if the contest itself is just; it neither knows nor cares how competence was achieved. If Stephen cannot read, the market will not ask whether his father could read or whether Stephen had a father. The search for excellence is ruthlessly impartial, but the opportunity to train for excellence may be less so.

Here from the viewpoint of equality we find the soft spot in the system: in practice, the market effectively sustains a competence which is inherited or may even be nourished by governmental privilege but which in either case is unmerited. For many of us competence effectively is "inherited" because our society, organized in large part about the family, stimulates the transference of advantages and disadvantages from parent to child. Democracy can stand certain kinds and amounts of this; there are enormous gains from moderate dynastic stimuli such as the laws of inheritance and wills. Unmerited success can be viewed in such cases as the end product of a fair contest, a legitimate reason for trying to get ahead in the first place. What democracy cannot tolerate is an aristocracy padded and protected by the state itself from competition from below, while an underclass coexists that is largely excluded from hope of success. Members of the new generation of contestants must not be bound by the state to the failure or success of their ancestors, for this is the hallmark of an unfair contest.

Insofar as public education seeks in theory to counter this "inherited incompetence" it is informed by more than egalitarian values. It strives to make room for the deserving children of the poor and the foolish not merely in the middle but at the top. Social mobility as a value plays a potent role here and public education must be seen in its special relation to the underclasses to whom it is the strongest hope for rising in the social scale. The public school was designed to permit the poor to compete; it was explicitly a response to their fate in a pay-as-you-go educational system. The intended relation of the public school to the problem of permanent social inequality is vivid in this excerpt from an address by Thaddeus Stevens to the Pennsylvania legislature, in which he pleaded for the continued existence of the school law:

> This law is often objected to, because its benefits are shared by the children of the profligate spendthrift equally with those of the most industrious and economical habits. It ought to be remembered, that the benefit is bestowed, not on the erring parents, but the innocent children. Carry out this objection and you punish children for the crimes or misfortunes of their parents. You virtually establish castes and grades founded on no merit of the particular generation, but on the demerits of their ancestors; an aristocracy of the most odious and insolent kind—the aristocracy of wealth and power.[1]

Stevens and other nineteenth-century reformers saw the tension in the social order between equality and opportunity.[2]

They saw in "free-enterprise democracy" the potential contradiction between preferment for the excellent and control by the majority.[3] These men were not levelers. They accepted the tension and contradiction, but they did so on condition: equality of opportunity through education. Dewey later put it this way:

"Obviously a society to which stratification into seperate classes would be fatal, must see to it that intellectual opportunities are accessible to all on equable and easy terms. A society marked off into classes need be specially attentive only to the education of its ruling elements. A society which is mo-

---

Footnotes at end of article.

bile, which is full of channels for the distribution of a change occurring anywhere, must see to it that its members are educated to personal initiative and adaptability. Otherwise, they will be overwhelmed by the changes in which they are caught and whose significance and connections they do not perceive. The result will be a confusion in which a few will appropriate to themselves the results of the blind and externally directed activities of others." [4]

To the extent that public education is designed for mobility, the present fiscal discriminations are especially absurd and aggravating. The existing systems represent the very worst basis upon which to distribute public education, if our hope is to increase the mobility of the poor. At least this is true to the degree that poor people live in poor districts.

Obviously nonmonetary factors endemic to poor men and poor districts also have an enormous impact on how well prepared for life a child will be upon completion of his formal education. These factors will remain even after the economic unfairness in the education system is eliminated. Poverty is not eradicated by ending its effect upon the quality of public education a child receives, and its influence will continue to be significant in his life inside and outside of the classroom. The poor will not be saved by equality of opportunity in education; they merely cannot be saved without it.

There is, however, an important difference between discrimination in public education and most of those other social ills we tend to associate with poverty. Crime, slum housing, illness, and bad nutrition are not the anticipated consequence of government planning. Discrimination in education, on the other hand, is precisely the anticipated consequence of the legislated structure of public education. Far from striving to overcome poverty's effects upon education, the state, in structuring the system, has taken that poverty itself as the measure of quality in education. Such a system bears the appearance of calculated unfairness.

EQUALITY AND THE NONPOOR

It would be wrong to suppose that social mobility is the only value competing with equality in public education or to suppose that public education is designed for the poor alone. This is so clear as to need no argument—at least not from those hundred millions of Americans who are not poor but who have used the public schools. It would be tiresome to try to list every purpose of such persons in choosing public education. They are as numerous as the reasons for choosing to be educated at all plus some others peculiar to the American middle class. We might encapsulate them in the general idea that such children, like all others, must be prepared to function in a competitive society. Perhaps the additional value that this suggests may simply be labeled "preparedness." [5]

What, then, is the objection, if any, of the nonpoor to the present systems of distribution of public education? For those nonpoor (or, for that matter, those poor) who live in school districts which are themselves wealthy there is no objection whatsoever; they enjoy the privileges of the system, and their children are in general the best prepared. But for the nonpoor living in a poor district the objection is much the same as that of the poor man. To the extent that quality of public education affects preparedness, each is injured by the system. The complaint of the nonpoor student is less poignant, for he can escape to private schools, protect his mobility, and achieve his other purposes. Nevertheless, quite aside from objecting to the double cost of private education, he may ask the more fundamental question, by what rationale does the state dispense education in such a manner? For him the ultimate value question can be put this way: To what extent may the state be arbitrary in its provisions of public education, and is a wealth-determined system of distribution anything but arbitrary? [6]

With respect to the nonpoor another point should be borne in mind. When persons are distinguished from one another by their relative wealth, irrelevancy is risked, for the subject then has become not school children, but their parents. Children in a true sense are all poor. It is difficult to preceive how children residing in poor districts, either of poor or nonpoor families, deserve less in terms of public education. If government is to educate at all, these children should be as prepared to participate and compete in our society as their peers, rich and poor, who live in wealthy neighborhoods.

If we believe all this, why have we so narrowed our focus? Why, for example, have we left our private schools, and why is the proposition we promote so conservative? If equality of opportunity in education is desirable, why not strike at anything whatsoever that impedes it? The answer is not that we have no constitutional handle upon private education—though we don't—or that we do not approve compensatory education, which we do. Rather it is twofold; first, to us the state's moral and legal imperative extends no further than those inequalities created by government itself. Discrimination by the state is our sole object; this excludes the duty to ameliorate cultural or natural disadvantages. It is important to cast this in terms of absence of the state's *duty:* we do not suggest that the state is forbidden to compensate for such disadvantages.

Yet, if the standard were put in terms of a duty to establish pure equality of schooling, we would be forced either to forbid compensatory education or else to define equality in a most peculiar fashion. Thus we have chosen to employ a negative proposition which reaches the important state-created discrimination (that by wealth) but leaves the way open for rational dispensation of resources according to educational need, if that appears desirable to the legislatures of the states. Let us add that this is not merely a device. We accept in most respects the statement of relevant principles delineated by Hayek:

> A hundred years ago, at the height of the classical liberal movement, the demand was generally expressed by the phrase *la carrière ouverte aux talents*. It was a demand that all man-made obstacles to the rise of some should be removed, that all privileges of individuals should be abolished, and that what the state contributed to the chance of improving one's conditions should be the same for all. That so long as people are different and grow up in different families this could not assure an equal start was fairly generally accepted. It was understood that the duty of government was not to ensure that everybody had the same prospect of reaching a given position but merely to make available to all on equal terms those facilities which in their nature depended on government action. That the results were bound to be different, not only because the individuals were different, but also because only a small part of the relevant circumstances depended on government action, was taken for granted.
>
> This conception that all should be allowed to try has been largely replaced by the altogether different conception that all must be assured an equal start and the same prospects. This means little less than that the government, instead of providing the same circumstances for all, should aim at controlling all conditions relevant to a particular individual's prospects and so adjust them to his capacities as to assure him of the same prospects as everybody else. Such deliberate adaptation of opportunities to individual aims and capacities would, of course, be the opposite of freedom.[7]

Our proposition, of course, is more limited than Hayek's statement insofar as we would forbid only such state discrimination as depends upon wealth. The rationale for this limitation is simply the lawyer's fetish for sticking to the facts of his case; when the state begins to discriminate by the color of one's hair, it will be time to consider broadening the principle.) Further, unlike Hayek, we would confine the prohibition to education (a limitation which requires the more elaborate explanation offered in Part III). We are more "liberal" than Hayek, however, in the sense that we would permit and promote, though not require, prudent expenditure according to such criteria as need or gifts.

Equality of opportunity represents the defining rhetoric of American free-enterprise democracy; the public school is charged with its realization. This renders the distribution of quality of public education according to wealth an incongruity in need either of powerful justification or speedy elimination. That is the bedrock judgment in this book, and we believe that it is supported by an American consensus.

MEASURING OPPORTUNITY

The analysis now is threatened by an ambiguity that is inevitable in any discussion of equality of educational opportunity: the confusion between two competing measures of excellence in education. This is an issue we have already settled by implication, but one we had best make clear before proceeding further. One measure of education focuses upon the *child* and the effects of education upon him. How is he actually changing as a consequence of the process? How is he being prepared for the contest? The other measure focuses upon the school and, thus, the objective characteristics of the education process. We might call one the *child concept* and the other the *school concept* of opportunity. When measuring opportunity, the question may be either: (1) are children graduated from schools A and B equally prepared for life, or (2) are schools A and B providing equal programs of instruction? Another simple way to phrase the problem is this: Are schools to be equal or are they to be equalizers? The distinction corresponds to that between state-created inequalities (unequal schools) and inequalities generated by other sources (unequal children).

Neither view of opportunity can be entirely rejected; both influence policy and will continue to do so. The "child concept," however, involves implications that, at the extreme, approach the whimsical. Setting aside all questions of the proper measure of a child's general competence for life and even allowing for all the "natural" inequalities of intelligence and physique, it remains grossly improbable that public education can compensate for cultural deprivation. In order for the schools to produce children equipped equally except for their natural differences it would be necessary for them to overcome the congeries of forces operating outside the classroom which contribute to the inequality. The school would have to reverse the whole pattern of social stratification and in so doing perform tasks such as improving family life, housing, and protection from crime. It is quite clear that the remedy of formal education is simply not directly relevant to many of these needs, or, if relevant, not adequate.

Yet we have already said and we now reaffirm that, as a matter of policy, the state may choose unequal schools to compensate to the extent possible for environmental burdens; there is nothing in democratic theory to impede this and everything to applaud it, so long as the resources for compensation are reasonably allocated. (If experience shows that it takes $25,000 a year for 10 years to raise an intelligence quotient from 70 to 80, priorities must be carefully evaluated, espe-

---

Footnotes at end of article.

cially when that $25,000 must be drawn from other educational or social uses.) Others would argue that, rather than providing in-school compensation, the money would be better spent in special programs outside the system of formal education. A few perhaps would raise this to an imperative and state that compensatory education is antidemocratic in its violation of formal equality.

While we are much concerned with sound educational policy, we are first concerned with what the state must do or not do under the organic law of our society. As a constitutional standard, the child concept is excessively vague. It is difficult to imagine the most sympathetic court deciding that unequal education is required, if only because the standards of appropriate inequality under a child performance concept are almost totally subjective and incommunicable.

On the other hand, the concept of school equality is objective and could pass muster for clarity in a constitutional contest. It is not entirely quixotic to suppose a duty that the state refrain from operating educational systems that guarantee inferior schools to identifiable classes of persons. We have chosen to formulate that duty in terms of forbidding the state to dispense education by wealth. That standard is as objective as one reasonably can wish; indeed it is measurable in terms of dollars. However, it is not precisely equivalent to "school equality," for it would permit differences in quality springing from sources other than wealth.

SUBSIDIARITY AND EDUCATION

The competing values of equality and mobility have found dynamic balance through their absorption into the complex concept of equal opportunity; and that concept in turn has become the theoretical cornerstone of a democratic educational system. It follows that the imposition of inferior schools upon the residents of poor districts simply because of their district's poverty is offensive to American values. But it is clear that this does not imply the impropriety of every variation in quality within a state. We have already suggested that children with certain needs or certain abilities might well be preferred by the state, as they sometimes are, in its distribution of resources. Equality of opportunity cannot be insulated completely from competition with other values.

Historically, its most constant competition—its nemesis, in fact—has been that slightly eccentric emphasis upon local government which is the scandal of foreign visitors and the pride of the pioneer. There is no adequate name for it. "Federalism" is a label for what is merely one domestic example of the principle; the terms "provincialism" and "localism" both overemphasize the whimsical aspects of the matter and conjure the image of a town meeting featuring spittoons and grass-chewing farmers. There is nothing simpleminded or bizarre about the principle that government should ordinarily leave decision-making and administration to the smallest unit of society competent to handle them. Neither Congress nor the city council should decide when a man's children shall go to bed. On the whole, indeed, we leave decision-making to the individual. Even the family's recognized sector of power over its minor children stands as an exception to the rule, and the rule is self-determination of the individual.

This preference for low level decision-making has furnished the common coin of political discourse in America since 1789. It speaks with many voices on many levels but, for present purposes, its most important application lies in the petty federalisms of local government. The parceling out of the state's powers to its created subentities has provided the incubator for a cultural localism reminiscent of the respect accorded the federal system itself. The citizen who is jealous of state prerogatives under the Constitution is likely also to cherish the "prerogatives" of school district 52 over and against the state. The attitude is not only understandable but, within limits, laudable. It is usually supported upon the rationale noted above: local people should support and run their own schools.

This principle is as old as Aristotle. Like his scholastic successors, we shall give it the ungainly label *subsidiarity*. It is not a word found in Webster's *Unabridged*, but it should be. There is need for it.[8] Subsidiarity embodied in local control of taxation is the apparent stake in the coming struggle for fiscal equity. Our conviction that equality and subsidiarity are compatible values will require elaborate defense and demonstration, a task that will consume a fair portion of this book.

Of all the decisions that have to be made about education, perhaps the most significant is the level of effort that will be made for its financial support. And when we talk about public education, that decision is one about taxation. The decision can be made at a number of levels. Public education is presently financed by taxes set and levied in large part at the school district level; that is, decisions are delegated to and made by units smaller than, and included in, the states whose reserved powers include that to maintain public schools.

To have significant choice at the local level, more is necessary than mere local collection and local expenditure of money, for under such a system all decisions concerning the level and type of tax and expenditures could be made centrally. Subsidiarity means more: it implies at least the power of localities to decide (a) how much education they desire (perhaps within minimums and maximums set by the state) and (b) how much they are willing to spend to reach their goals. It is this outlook toward public education which permits some localities to spend more than others; it is a source of one kind of inequality.

Let us assume for the moment that this kind of inequality is undesirable. To offset the bad effect the special advantages of local decision-making will have to be identified and weighed against equality. Many of the advantages are obvious,[9] starting with sheer satisfaction with schools: a variety of local decisions means that the personal choices of more people are likely to be reflected in the schools. Further, a degree of freedom is gained for the dissatisfied constituents in one school district who at least can move to another; under a system of statewide decisionmaking there is only one choice. Perhaps the point seems elementary, but in our experience persons seeking better schools through centralized "equality" often overlook the fact that the achievement of such an equality guarantees not better but only similar schools.

The educational needs of children differ widely, and various educational services require differential efforts from district to district. It is plausible that persons on the local scene are in general better able to evaluate what must be spent and what measures are required to achieve an acceptable education in their district. At least, there exists no body of experience demonstrating the superiority of the insights of state-level administrators. Furthermore, one district may simply be more efficient than another: it should be allowed to enjoy the benefits of good husbandry, but its neighbor, on the other hand, should not be constrained to poorer schools by a rigid standard of equality. In general, the combination of better information and stronger motivation of those who are affected by decisions assures a better fit of local services to local needs. Virtually any criterion of "equality" dictated from above (equal dollars per pupil, for example) would have to be grossly general and necessarily gloss over one or all of these dimensions.

A similar advantage of local choice lies in the possible desirability of some "inequality" of schools. Schools, after all, are not an end in themselves; much of their purpose is fixed by the general goals of society. When the state permits variation in local commitment to schools, by minimum and maximum tax rates, the local community has discretion to adjust the blend of its total services, educational and otherwise, so as to achieve better these broader goals. Thus $50,000 extra in social services may be more effective in achieving the broader goals of "education" in a general sense than $50,000 in schools. It is also possible that the extra $50,000 is better kept in the taxpayers' pockets; clearly at some point the marginal utility to the community in question of extra money in schools must be too small to justify another dollar.[10] Similar considerations may apply to the diverse needs of subcultures within the general society. Computers and closed circuit television imparting knowledge of calculus and oriental languages will best meet the needs of one district. Montessori and vocational schools another.

There are other, more diffuse advantages of subsidiarity. While it is possible for a community under a local option system to undervalue education, it is also possible—even likely—that the plurality of independent and self-interested decision-makers will stimulate competition, thus constantly increasing the total commitment of the state to education. Further, local freedom may well mean local creativeness. As with the "grand experiment" of federalism, this may mean more trial and error than experiment, but even this is, for us, preferable to bland monotony. Looking at the same argument from the lower level, subsidiarity in education forms (literally) a school for democracy, providing experience in government for the maximum number of people; also, the persons really affected in the constituency are infinitely more likely to come into face-to-face contact with local decision-makers than with centrally located ones. It means, too, an additional political option for the citizen. His participation in local decisions never forecloses his involvement at state levels. To complete the sketch, it can be said that there are also real advantages in amateurism. Educational administration is not noticeably overpopulated with philosopher kings. Even if it were, education is too important to be left to professionals whose plenary control under a centralized system would be difficult to avoid.

In recent years, the historic subsidiarity of state systems of education has come under attack for at least two good reasons. One is the difficulty of lessening racial segregation in our great city school systems in the absence of an interdistrict authority that can order the use of facilities in accessible suburbs. This is not our subject (though we may observe that special-purpose interdistrict authorities are not necessarily inconsistent with a general district system). The other reason for the attack on subsidiarity is its apparent incompatibility with equality of opportunity in the fiscal sense. The poor districts have begun to awaken to the fact that the autonomous district system has something to do with the financial inferiority of their schools. But even while subsidiarity has been under this attack from fanciers of uniform solutions, it has ironically been given a new lease on life by some of its most prominent victims. Black community groups have begun to press, sometimes with success, for something resembling the very "autonomy" which heretofore has crippled the poor district." These groups appear willing to risk equality of opportunity for the sake of greater local control; and a risk it is, for they are not typically wealthy communities and are dependent upon continued outside toleration and support. The stage seems set for a curious struggle for a community "freedom" that in fact can only remain

---

Footnotes at end of article.

an intolerable bondage to the financing authority until community solvency accompanies community autonomy. No way yet has been perceived to harmonize subsidiarity and equal opportunity; there is still a real possibility that centralization and uniformity of fiscal policy will be seen as the only "solution." We think a policy answer can be suggested that will save both values. That answer has the further virtue of being complicated and expensive and is, consequently, an ideal reform.

Preliminarily, however, there are two elementary points to be clarified. First, it must be apparent by now that we have focused upon the state instead of the federal government as the primary source for reform in public education. This is not because federal power is irrelevant; it is simply that the constitutional responsibility we seek to establish is more easily fastened upon the state and, also, that we think the proper federal role is ancillary and remedial in character, even if it is crucial and extensive. That role will be elaborated in Part II, but it should be stated here that the federal role cannot begin to make sense until the states put their own houses in order. It is clear from the data in Appendix A that the states, because of their varying wealth, stand to one another much as school district do within states; but it will only be when the states have ceased to discriminate by wealth *inside* the state that the federal government can begin intelligibly to ameliorate the effects of differences in wealth among them.

The other point to be clarified is the wider implication of subsidiarity. Examples given of its application thus far have all involved school districts and their powers and duties; but there is nothing to prevent extension of our analysis to the level of the family. It is quite possible to argue that the locus of decision about the financing of public education could and therefore should fall on the family, and we will eventually outline a system harmonizing equality and subsidiarity at the family level.

JUGGLING THE VALUES

To understand the apparent conflict between equality of opportunity and subsidiarity, something must be said of the form and effects of a district system of education. Some kind of local support necessarily is involved in the application of subsidiarity to school finance. When it is said that communities must evaluate how much education is worth to them, financial sacrifice is implied. If all the money earmarked by the state for education comes from outside the district just for the asking, local choice is effectively removed. Voters in general would elect the best education available. If subsidiarity is to make any sense, the acquisition of more education must cost the district, just as all other market choices cost, and there should be fewer dollars left for other things.

Allocating wealth among needs, the purchaser (the district) is guided by the totality of everything that is needed and that can be afforded. In the abstract, except for the inequality proceeding from free choice, there is nothing in this kind of local tax support that must produce inequality—a fact which helps explain why the practical effects of existing systems are widely misunderstood. If all districts were equally wealthy in proportion to the amount of education to be provided, inequalities of expenditure might be tolerable. But wealth is not evenly distributed. Indeed, distribution is very uneven, with some districts rich and others poor. The resulting inequities are the source, stimulus, and subject of this book.

The consequence of uneven distribution of wealth is wide variation in the sacrifice necessary to produce the same amount of money. As a result, the multitude of decisions that are made by districts regarding commitment to education is everywhere weighted by wealth. In order for a poor district to procure a school as good as its thrice rich neighbor it must be willing to tax three times as hard; even then it may well be prevented from doing so by state-mandated tax maximums. But in either case it is ordinarily left behind in the race for superior schools, for, clearly, the rich district can always stay ahead if it decides to.

Of course, this systematic hobbling of poor districts in the race for good schools is precisely the condition that conflicts with basic democratic values. The public school system has taken on the evils of the private school system it replaced. In a race for better schools that is fueled by the kudos and hard cash offered by colleges to the best educated students and then reintensified by comparisons of college entrance test scores, the poor districts are doomed to failure by their poverty.

It is group poverty produced by distinctive residential and wealth patterns which is determinative rather than individual poverty, but for most children the outcome is the same. To the extent that extra dollars can purchase educational resources, the people in richer districts can afford to keep their children ahead of those in poorer ones. Often poorer districts tax themselves at higher rates than richer districts, only to garner significantly lower yields. The difference in ability to pay is thus taken out on the children in quality of schools, as well as out of the depleted tax base of the district. Subsidiarity under such circumstances is not only unserviceable; it is hard to see how it can be invoked as a supporting value in the first place, if one of its presuppositions is the uniform—or at least general—competence of the decision-making unit to perform the particular function. We have ceased to depend upon the family alone to teach the child precisely because of the gross differences in educative capacity among families. Our society has decided that the value of educational "home rule" is outweighed by the homes' differential ability to perform the task, and public education has come to replace the family with larger economic and administrative units. But if for variations in family ability we have substituted a similar crazy quilt of district abilities, it is hard to see that we have satisfied the assumption underlying the preference for subsidiarity.

It is of absolutely vital importance to understand that *between the values of equality and subsidiarity, as we have defined them, there is no direct conflict such that choice of one implies abandonment of the other.* Recall that the standard for equality of educational opportunity was framed in the negative. That proposition is satisfied when decisions regarding commitment to education are free of local wealth determinants: to make them so, in the purchase of education it should "hurt" as much for a poor district to raise an extra dollar as a rich one, but it should hurt no more. The mechanism by which proportionality of sacrifice can be obtained will be explored briefly at the end of this chapter and in detail in Part II. To prepare for its explanation a brief section on terminology is in order.

BASIC FACTORS IN SCHOOL DISTRICT FINANCE

The discussion of equality and subsidiarity has thus far proceeded on an abstract level. As the focus shifts increasingly to the existential, it will be necessary to discuss at some length the process of purchasing education in order to render intelligible the reforms that can assure the harmonizing of equality and subsidiarity. The reality of school financing is sufficiently complex and difficult to describe that we must set out some of the major potential sources of misunderstanding and indicate some of the assumptions we will be making later. Though most clarification will be reserved for Chapter 1, three points should be stated here.

First, equality of school districts has no meaning unless we can state the amount of education that must be accomplished in the district ("educational task"); the existence of an equal number of identical school buildings and teachers in every district in the state would obviously leave districts with more students relatively pressed. Equality must be measured according to some unit of educational task; for the moment, and throughout, unless otherwise specified, the task unit we will employ is the individual student. If we say that school districts are spending the same amount on education, we mean that they are spending the same amount per student.

Second, there are technical and, within limits, arbitrary decisions to be made by the state. What is "education" and what is not? In some districts, unrelated community services may be appended to the school; financing of these would not have to be free from local wealth determinants to satisfy our principle. The distinction between current and capital expenditures might be more troublesome. Educational quality is often measured simply by current expenditures because it is thought that these have the most direct impact on the true quality of the school;[12] also, there are formidable problems which inhere in the accounting of capital expenditures. Nevertheless, many modern proposals for reform include capital expenditures.[13] In general these conundrums are no problem for us. We are less interested in the specific substance of education than in its distribution; all we assume (unless otherwise indicated) is that, whatever standards the state is using, they are the same for each district.

Third, there is another basic limitation to the debate. We are interested in the problem of interdistrict discrimination, not in the duty of the school district to distribute its resources to its own constituents according to some standard of rationality or justice. Others have treated of the latter issue,[14] and more surely will follow. The issue for us is not whether a specific school fails to meet some criterion or other, but whether the children of school district 124 are being cheated because of something about the district taken as a whole in comparison to other districts. Thus, ironically, the question of an "equal school" does not concern us except as one potential side effect of reform of the state structure; the actual quality of the individual child's education is technically irrelevant, and the existing wrong he suffers is perceived, for our purposes, solely in the state's treatment of the child's district. To invert the irony, the child may in fact receive a splendid education and yet be cheated by discrimination against his district. We deal, then, in collectives. Further, and crucially, by accepting local decision-making we permit differences in per pupil expenditures from district to district. Again, our formula for equality of opportunity is satisfied by the insulation of quality from the influence of wealth, other than the total wealth of the state. All that need be done to purify the district system is to bestow equal power upon the districts to generate dollars—though, of course, many other solutions also would be consistent with the principle.

THE COST-QUALITY QUESTION

If we are to speak of equality, we must first reckon with quality. There must be some standard for judging whether education is better in one district than in another. We have already distinguished two basic views of equal opportunity—the objective school concept and the subjective child-performance concept—and the difference is relevant here. Having chosen the objective standard, the measure of quality becomes not what is achieved but what is available. This way of stating the issue very nearly dictates the

---

Footnotes at end of article.

answer. What is available becomes whatever goods and services are purchased by school districts to perform their task of education. Quality is the sum of district expenditures per pupil; quality is money.

This approach may appear excessively formal, but it has significant advantages. Its employment reduces the problem of quality to manageable simplicity. Money is the only measure applicable to every element in the educational process—salaries, plant, equipment, and so on: all educational goods and services are objects of purchase. Consider the alternative measures necessary to cope with fifty state systems, each of whose districts exercises a wide administrative discretion in spending. Should the question be whether two hours of folk singing equal one of history? Or whether four teachers with B.A.'s equal three with M.A.'s? We have no stomach for such an imbroglio. Ultimately we will need a standard appropriate to the rigors of judicial proof, and the only convincingly quantifiable item in the spectrum is money available for the general task of education in each district.

The statutes creating district authority to tax and spend are the legal embodiment of the principle that money is quality in education. The power to raise dollars by taxation is the very source of education as far as the state is concerned. By regulating the rates of taxation, typically from a minimum to a maximum, the state is in effect stating that dollars count (at least within this range) and that the district has some freedom to choose better or worse education. If dollars are not assumed to buy education, whence the justification for the tax?

The formal dollar standard for measuring quality would suffice as a basis for our central theme, that wealth must not determine the quality of public education; indeed, it is an integral part of that theme. Suppose, however, it could be shown that those objects which education is designed to promote—knowledge, skills, personal development—would be served equally by forbidding the operation of all schools, public and private. If in fact dollars for schools have no positive effect upon those objects, this book is largely a sterile exercise and all the excitement over the school finance question is a mere distraction. Indeed, something more than merely "some positive effect" would be needed to justify the costs borne by the taxpayer in the name of education. Legislators have assumed, the courts have assumed, society has assumed that spending for education in fact purchases some effect worth having and that more spending will purchase more of that effect. Historically, educators, with near unanimity, have asserted a powerful cost-quality relation in education.[15] Suburban "light house" districts have built their reputations (and their swimming pools) on that foundation. Paul Mort, a leader in this field for forty years, suggested that the cost-quality relation may even be an accelerating one—that the last dollar spent in the district of highest expenditure may be the most productive of all expenditures.[16]

Of course, all of this could be sheer fantasy fired by the self-interest of educators, and America may have wasted all or a fair share of the hundreds of billions it has poured into schools; such heretical notions have received a certain ambiguous support in recent years. This has been the unlikely fallout from massive efforts of social science to explore the effects of racial segregation. The Coleman Report on equality of educational opportunity ironically has been the source of certain of these doubts.[17] Our sole concern with this very complex document centers in its hesitant suggestion that, for certain classes of students, per-pupil expenditures show little relation to achievement if social background and attitudes of individual students and their classmates are held constant.[18] This "conclusion" has been used as ammunition in the sometimes nasty debate over the relation between the goals of racial integration and compensatory education. Some integrationists (not Coleman) seem to adopt the position that the poor—at least the black poor—are incapable of academic improvement except in integrated schools. We find this particular use of the Report difficult to understand and risky in its implications; even the authors themselves hedged the conclusion in several respects, and the Report's authority on the point is uncertain. Bowles and Levin recently have argued that the research design employed by Coleman was "biased in a direction that would dampen the importance of school characteristics. . . ." [19] The Report, for example, was not designed to take into account such arguably cognate factors as class size; further, it used only gross district expenditure figures although individual schools within districts vary widely in per-pupil cost. Nevertheless, even utilizing data in the Report itself, Bowles and Levin found that "some school inputs appear to have significant effects on achievement." [20] Teacher salaries are probably the most significant factor:

> "The same teacher characteristics that account [in the Report] for significant variations in achievement relate directly to instructional expenditures. In a multiple regression analysis using the survey data, teachers' characteristics explain about three-quarters of the variance in teachers' salaries.
>
> "The implication of this evidence is that higher expenditure on teachers' salaries does indeed lead to higher achievement levels among students." [21]

A more recent study by Thomas Ribich has attempted to evaluate the cost-benefit relation in those few "compensatory" programs who have collected data in anything apapproaching a systematic fashion.[22] Ribich's painstaking analyses suggest, if anything, a variety of sometimes conflicting relationships between cost and purely economic benefits from added dollar increments. His analysis seems to show, as one would expect, that a good deal depends on what kind of education, for whom, at what level, with how many extra dollars added to what base, and so on. The relationships that did appear were relatively mild.

Ribich concludes, and we repeat, that all efforts at measuring expenditure efficiency risk the objection that there is no agreement on just what effects schools are intended to have. If one is concerned only with reading scores or I.Q.'s, one kind of conclusion may be drawn; but there are countless ways to state the benefits of education.[23] Ribich's analysis was set largely in terms of fighting poverty: that is, of calculating economic benefits only, and not of assessing quality in the sense of the child's personal development or of the total increase of his opportunities for a useful and happy life as a consequence of his education. Nonetheless, Ribich concludes candidly that, even within the limited compass of his study: "It is at best questionable . . . whether these first-round projects are truly representative of what large scale, broadly based programs can do to fight poverty." [24]

There are similar studies suggesting stronger positive consequences from dollar increments, and there are others suggesting only trivial consequences,[25] but the basic lesson to be drawn from the experts at this point is the current inadequacy of social science to delineate with any clarity the relation between cost and quality. We are unwilling to postpone reform while we await the hoped-for refinements in methodology which will settle the issue. We regard the fierce resistance by rich districts to reform as adequate testimonial to the relevance of money. Whatever it is that money may be thought to contribute to the education of children, that commodity is something highly prized by those who enjoy the greatest measure of it. If money is inadequate to improve education, the residents of poor districts should at least have an equal opportunity to be disappointed by its failure.

Of course one might assert that, though money may be a good measure of quality, this could hold true for rich districts only. Such a notion might require us to assume falsely that nonpoor families seldom inhabit poor districts or that children of the rich are homogeneous; nevertheless, let us suppose for the moment that such is the case. According to the thesis, these children of poor districts (especially those of rural and urban lower class minority families) can absorb only the most rudimentary and (hence?) inexpensive instruction because of environmental or genetic misfortune: the three R's are hard enough to get across without trying anything tougher. Rich children, on the other hand, prepared and motivated, are capable of soaking up the most esoteric offering. Hence it is proper to prefer them in spending. The gross condescension of this argument should be enough to condemn it, but it is regrettably persistent in important private circles. The simple factual responses to it are two. It may be true that, on the average, the educational needs of various groups differ, so that instruction effective for one group would be wasted on another,[26] but it is not necessarily true that costs will differ in a uniform manner between the different kinds of instruction required by each group. Part of this ambiguity arises from differing goals, vocational versus college preparatory for example, and part from differing techniques to reach the same goals. Even the relation between cost and the level of education is quite ambiguous. For all we know, it may be more expensive to teach monkeys to do somersaults than to teach human children to read; nothing in the sheer academic level of the educational job reveals anything about its cost. Historically, in fact, vocational training has been among the most costly. In any event, even assuming that you "get less for your money" with poor children, this doesn't mean such children haven't the right to equal schools. We concede that equal opportunity across the board will not produce equality in a performance sense; still, one doesn't force a losing baseball team to play with seven men.

But there is an even more fundamental difficulty with the uneducable poor argument which renders some of the above needlessly elaborate. Would it not be miraculously coincidental if capacity to use money efficiently were distributed precisely as is school district wealth? Does it seem likely that a system with its historical roots in fiscal considerations would "happen" also to take on a structure related to educational need? The obvious answer to these questions indicates something very fundamental about the uneducable poor argument: it is a rationalization. There is no "educability" standard to debate, there is only a rich-poor standard.

False Issues Concerning Money and Quality. The cost-quality question is occasionally obscured by two arguments that are essentially irrelevant. The first is that schools cannot cure society's ills even with fiscal equity (or, that equal schools will not result in equality of opportunity) and that, therefore, reform elsewhere is more appropriate. We concede the premise, but the conclusion is a non sequitur. Fiscal reform in education concededly is not the sufficient condition of a utopian tomorrow, it is only one of many steps necessary if we expect to realize the societal goals we preach. But it is a step, and the objection is not germane. The children of poor districts have a right to equality of treatment, notwithstanding the impotence of schools to solve all their problems.

The second objection, somewhat closer to the mark, insists that administrative reforms

---

Footnotes at end of article.

must accompany fiscal reform if money is to achieve maximum effect.[27] More money, it is said, will not increase quality so long as and to the extent that the structure of the educational bureaucracy frustrates its efficient application to needs. For example, even if it were assumed that poor urban districts could afford salaries and class sizes equal to suburban districts, equality would not be guaranteed; slums are dangerous, slum children are hard to teach, and few teachers would wish to live within easy commuting distance. Yet the administrative system continues to permit experienced teachers to elect safer neighborhoods and superior young teachers to choose the suburbs in the first place. Equal money power could help to alter this pattern, but administrative changes permitting state control of assignment of teachers to districts might be equally important. Again, however, there is no incompatibility. Fiscal equality will be the answer to some problems; administrative reform to others; both to still others.

A PREVIEW OF THE SOLUTION TO INEQUALITY OF EDUCATIONAL OPPORTUNITY

There are a number of ways to satisfy the basic principle that wealth should not determine the quality of public education. One, of course, is the abolition of public education. Another is the abandonment of subsidiarity by the creation of a completely centralized state system with expenditures either equalized on a per-pupil basis or rationalized according to need and/or other criteria. As we proceed laboriously to lay bare the existing extent and mechanisms of discrimination against the poor, the reader may begin to despair of any middle path that can preserve the subsidiarity built into the existing system while satisfying the principle of fiscal equity. It may therefore be useful in these next few pages to delineate in skeletal form the solution we propose, not as required by the Constitution, but simply as the most desirable social and educational policy. The description will evoke a dozen objections besides those we will raise ourselves; but we trust that the reader will eventually pursue possible answers to the objections in the denser thickets of Part II.

Our approach depends for its practical effect upon manipulation of tax systems. Equal district power is the key. The concrete financing proposal may be stated thus: equal tax rates should provide equal spendable dollars. That is, the local unit would be empowered to fix the tax rate (effort) to be imposed upon a specific class of local wealth. For every level of local tax effort permitted by statute, the state would have fixed the number of dollars per task unit (probably per pupil) that the district would be empowered to spend. The state also guarantees that this number of dollars will be available to the district. Assume, for example, that by statute a fifteen-mill district tax rate makes $600 per pupil available to the district. If the local levy raises less than $600, the state makes up the difference from a fund generated by taxation of general state wealth. If the local tax produces an excess (it can be set so that it never does), that excess is redistributed to poorer districts within the system.

The local share would come probably from a levy on real property, though income would be superior as a fair measure of the district's ability. Whatever the source, it must be a reasonably accurate measure of wealth, and it must be reasonably local in its incidence, for the aim is to provide a measure of the district's sacrifice.

The state tax that supplements insufficient district collections in theory should be progressive to the degree that the decisions of individual taxing units about their appropriate sacrifice for school expenditures are all made on an economic parity. Such a fine adjustment may be too much to expect, but in any event it should not be a regressive tax.

A highly oversimplified example may help.[28] Imagine a state divided into two school districts, A and B, each with 100 pupils. District A has a total wealth of $10,000 ($100 per pupil). District B has a total of $90,000, or $900 per pupil. Each decides to tax its wealth at the rate of 10 percent for schools, yielding respectively $10 and $90 per pupil. Under our basic value judgment, district A is $80 short—it tried just as hard, so it should be able to buy just as good a school. The $80 must come from a state tax. Since the total wealth of the state is $100,000, in order to raise the $80 per pupil for district A the state chooses to levy a flat 8-percent tax, producing $72 per pupil from district B and $8 from district A. Now look at the example from the other side. In *gross taxes* per pupil district A has paid $10 (local) plus $8 (state), or $18. District B has paid $90 (local) plus $72 (state), or $162. *As a percentage of local wealth, each total tax is exactly the same,* while the redistribution of wealth has produced equal expenditures. Each is taxed at 10 percent locally and 18 percent totally, each has $90 to spend—from each according to his ability, to each according to his effort.

We call the scheme "power equalizing." Eventually we will show that it may be used to equalize either governmental units such as school districts or that it may be applied to families. It is imperfect; it is probably feasible; it is vastly superior to any existing system; it preserves most of the present systems. It takes advantage of an interesting phenomenon that will emerge in Part I: poor districts show a tendency to tax themselves as hard as or harder than rich. Under existing systems this sacrifice by the poor is unrewarded, for it is imposed on an inferior tax base and produces inferior education. The solution suggested would sacrifice nothing but the right of the rich to have superior public schools with less effort. It would insist that if you want to be number one, rich or poor, you must try hardest.

APPENDIX A—THE STATE-NATION ANALOGY TO THE DISTRICT-STATE PICTURE

The variation among the states themselves mirrors the pattern of district variation within the states. One of the implications of this is that large-scale federal aid to education is needed if we are to achieve full national equalization. This, of course, is not our major concern, but national analysis can be helpful because it suggests by analogy what is happening within given states.

Among the states, as within the states, variation in expenditure per pupil is a product of the state's (1) task, the amount of educating to be done; (2) gross ability, the total public wealth available in dollars; and (3) effort, the interest and willingness of the people to tax themselves for schools (F. W. Harrison and E. P. McLoone, *Profiles in School Support: A Decennial Overview* [Washington: Government Printing Office, 1965], p. 96).

Task can be cast in terms of the number of classroom units that must be served; such units not only count pupils but also adjust for a variety of factors so as to derive a comparable measure of the educational burden faced in a great diversity of settings. The notion of *relative* task (which allows comparison between populous California and sparsely inhabited Wyoming, for example) can be measured by the number of classroom units to be served for every 1,000 in population. In general, a lower relative task is found where there are "lower birth rates, more private school attendance, restricted coverage of school attendance laws, more satisfactory attendance areas, and dense population" (Harrison and McLoone, p. 100). The national average is 7.73 classroom units per 1,000 population (as a guide, one can expect something like one unit for every 25 pupils). Here are the national extremes (in terms of units of 1,000 population):

Heavy	
South Dakota	12.03
North Dakota	11.17
Oklahoma	10.66
Light	
Rhode Island	5.81
New York	6.19
Illinois	6.41

Another way of looking at relative task is simply in terms of the number of pupils in daily attendance per 1,000 population. The national average is 181; the national extremes follow:

Heavy	
Utah	231
Wyoming	226
West Virginia	225
Light	
Rhode Island	135
New York	147
Illinois	149

It is evident from these task figures that a large variation exists in educational task to be accomplished. That is, having controlled for population differences among relevant units (here the states), one finds that public education systems still have highly different burdens.

Ability, as previously defined, can be measured by the property tax base (gross assessed valuation) or in other ways, for example, by total personal income. Ability alone is not directly helpful. Ability per educational task unit is helpful and is what we call wealth throughout the book. Thus wealth can be measured by assessed valuation per classroom unit or, for example, by personal income per classroom unit. It is a measure that serves as an ideal comparative device—it tells us which education providers are rich and which are poor. The great national variation in wealth is clear below, where the national extremes are compared in terms of the percentage that local wealth (state valuation per classroom unit) is of national median wealth. With the national median 1.00, the relation of median personal income per classroom unit to the national standard can be expressed:

High	
New York	1.58
Illinois	1.44
Delaware	1.44
Low	
Mississippi	.44
South Dakota	.45
Arkansas	.49

With the national median again at 1.00, the same relation for median property values can be expressed:

High	
Illinois	1.44
Nevada	1.43
Texas	1.33
Low	
Mississippi	.42
South Carolina	.43
Alabama	.51

Two facts are now clear. The more important is the great variation—better than a 3–1 relationship—between richest and poorest states; the same or much worse can be expected regarding districts within a state. In addition, the difference in the two sets of figures suggest that property valuation may not be a perfect indicator of income, which is a matter discussed elsewhere in the book.

Finally, effort is measurable by the percentage that funds spent on education are of some measure of wealth. In terms of spending as a percent of personal income, the national figure in 1959–60 was 2.79 percent. Compared here are the efforts, in terms of the percentage that current educational expenditure is of personal income, of the high and low wealth states mentioned above.

Footnotes at end of article.

Selected States

South Dakota	4.50
Mississippi	3.25
South Carolina	2.93
Alabama	2.83
Arkansas	2.80
Nevada	2.83
New York	2.77
Texas	2.69
Illinois	2.31
Delaware	2.26

Clearly, the poorer states, just like the poorer districts, are forced to make a greater effort than their sister states.

FOOTNOTES

[1] Thaddeus Stevens, "An Appeal for Tax-Supported Schools," in C. H, Gross and C. C. Chandler, eds., *The History of American Education through Readings* (Boston, 1964), pp. 114–115.

[2] The idea that merit alone should determine wealth and power is actually very old. Plato's education system was intended to apply to a very small group—magistrates and military men—excluding businessmen, farmers, and, of course, slaves. Yet within the military and magistrate classes, all privilege of birth was to be abolished in favor of physical, moral, and intellectual excellence. As for the excluded classes, it is misleading to apply the contemporary model of mass democracy; there is abundant evidence that, within the limitations of political reality, Plato's egalitarian sentiments extended to those classes as well (except for slaves). See R. C. Lodge, *Plato's Theory of Education* (London, 1947), pp. 234–259. Dewey observes that Plato had no perception of men as individuals, however: education would determine which class an individual should enter, rather than liberate unique capacities; John Dewey, *Democracy and Education* (New York, 1963), pp. 89–90. Plato's idea may since have gained a curious renascence through our heightened awareness of the link between education and social class. See also F. A. Hayek, *The Constitution of Liberty* (Chicago, 1960), pp. 92–93. See generally M. M. Tumin, *Social Stratification* (Englewood Cliffs, 1967), pp. 1–4, for a brief discussion of the ubiquity in Western culture of the proposition that equality of opportunity refers to stratification by merit rather than by birth.

[3] See, e.g., The Rockefeller Brothers Fund, "Excellence and Equality Are Not Incompatible," in Gross and Chandler, *History*, p. 420.

[4] Dewey, *Democracy and Education*, pp. 87–88.

[5] Education's importance in this regard has been greatly magnified by the modern economy. As the economy becomes more specialized and the work environment more bureaucratized, technological, and national, the quality and level of education become increasingly determinative of success in life. At whatever earlier occasion sheer "adaptability" as the focus of training might have sufficed as a kind of universal success factor, and however desirable it remains, it is today an insufficient qualification for success in most areas of the economy. We have indeed witnessed the death of the salesman, and if the "sales engineer" is his legitimate progeny, he is not a chip off the old block. Training, even for the pseudo-engineer, unmistakably implies formal education of a substantial character. See C. S. Benson, *The Economics of Public Education* (Boston, 1961), pp. 220–221.

[6] From the earliest times the state has perceived its interest in education: Aristotle, *Politics*, v. 9, in *Great Issues in Education* (Chicago, 1956), I, 87; Stevens, in Gross and Chandler, *History*, pp. 111–114, 119; Horace Mann, "An Educator Speaks on Education," *ibid.*, pp. 94, 101. This interest may be in preserving a stable and perceptive constituency, as suggested by Aristotle, Stevens, and Mann, or in economic prosperity. See articles by H. M. Groves, Theodore Schulz, R. D. Baldwin, H. P. Clark, and Edward Denison, in C. S. Benson, ed., *Readings on the Economics of Education* (Boston, 1963), pp. 7–41.

Whatever the lure, it is fascinating to observe the onesidedness of this point as it is made in educational literature: The state is seen to have an *interest* in demanding a minimum of education from everyone but to have no corresponding *duty*, having entered the field, to dispense the service fairly. See Sidney Webb in Benson, *Economics of Public Education*, p. 218. This is in spite of the fact that the same underlying "neighborhood effects" support both the right and the duty. If an ignorant man has wide social and economic impact he is also widely impacted by society and economy. See Milton Friedman, "The Role of Government in Education," in Benson, *Perspectives on the Economics of Education*, pp. 132–134. By some legerdemain it seems the state can enter the field of education because of interlocking social and economic effects, intensify the necessity of education a la Sputnik, and then without challenge apply differential pushes to its trainees on the basis of wealth!

[7] Hayek, *Constitution of Liberty*, pp. 92–93. Here Hayek is curiously reminiscent of the words of President Jackson's veto of the bank bill: "There are no necessary evils in government. Its evils exist only in its abuses. If it would confine itself to equal protection, and, as Heaven does it rains, shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing" (J. D. Richardson, ed., *A Compilation of the Messages and Papers of the Presidents, 1787–1887* [Washington, D.C.: U.S. Government Printing Office, 1896–1899], II, 590).

[8] The principle is of course imprecise and is often invoked in support of conflicting positions of the proper location of responsibility and power in a specific case. It is expressed thus in *Quadragesimo Anno*, an encyclical of Pope Pius XI, par. 79: "It is gravely wrong to take from individuals what they can accomplish by their own initiative and industry and give it to the community. It is also an injustice . . . to assign to a greater and higher association what a lesser and subordinate organization can do." See also Austin Fagothey, *Right and Reason* (St. Louis: C. V. Mosby, 1967), pp. 319, 421–422; John XXIII, *Pacem in Terris*, pt. IV (New York: Paulist Press, 1963); J. Messner, *Das Naturrecht* (Innsbruck, 1966), pp. 294–304. The primary value that the principle purports to guard is independence. In scholastic thought dependence, whether imposed or voluntary, is an imperfection in man's nature; J. F. Kenney, "The Principle of Subsidiarity," *The American Catholic Sociological Review*, 16:31–36 (March 1955). The pervasiveness of the principle in American thought is illustrated by the Ninth Amendment, "the enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people," and the Tenth Amendment, "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The concept is not to be confused with "pluralism," which is concerned with the interrelation of social, cultural, and religious groups in a factually differentiated society. Subsidiarity can be satisfied in a homogeneous culture; pluralism cannot. Pluralism can be used either in a descriptive or normative sense; subsidiarity is purely normative.

[9] See generally Benson, *Economics of Public Education*, pp. 226–229.

[10] There is a philosophy of local government, sometimes called the "political economy" school, which holds that a community has a "right" to poor services so long as its taxes are at a low level to compensate the residents; see Benson, *Economics of Public Education*, p. 241, referring to the words of James M. Buchanan and Kjeld Phillips.

[11] See generally Martin Mayer, *The Teachers Strike: New York, 1968* (New York, 1969); *Reconnection for Learning: A Community School System for New York City* (Report of the Mayor's Advisory Panel, 1967).

[12] This was the method chosen in an excellent study of the cost-quality relationship; H. H. Woolatt, *The Cost-Quality Relationship in the Growing Edge* (New York, 1949), pp. 32–33, reviewed by P. R. Mort, "Cost-Quality Relationship in Education," in R. L. Johns and E. L. Morphet, eds., *Problems and Issues in Public School Finance* (New York, 1952), pp. 15–17.

[13] The late Paul R. Mort not only recommended to the New York State legislature that the current debt services be included in determining state aid, but he advocated the dissolution of excessive accumulated debt principal as well. Seventy-five percent of the total accumulated debt which could not be redeemed by a 2-mill tax was to be redeemed by the State. P. R. Mort, "Unification of Fiscal Policy in New York State," in C. S. Benson, ed., *Perspectives on the Economics of Education* (Boston, 1963), pp. 342–343.

[14] Harold Horowitz, "Unseparate But Unequal—The Emerging Fourteenth Amendment Issue in Public School Education," *U.C.L.A. Law Review*, 13:1147 (1966).

[15] See, e.g., C. S. Benson, *The Cheerful Prospect: A Statement on the Future of Public Education* (Boston, 1965), pp. 22–26; W. D. Firmon, "The Relationship of Cost to Quality in Education," in National School Finance Conference, Committee on Educational Finance, ed., *Long Range Planning in School Finance* (Washington, D.C., 1963), pp. 101, 107; H. J. James, J. A. Thomas, and H. J. Dyck, *Wealth, Expenditure and Decision-Making for Education* (Palo Alto, 1963), p. 125.

[16] Mort, in Johns and Morphet, *Problems and Issues*, pp. 9–10 (review of studies).

[17] J. S. Coleman *et al.*, *Equality of Educational Opportunity* (Washington, D.C.: U.S. Government Printing Office, 1966).

[18] *Ibid.*, p. 325.

[19] Samuel Bowles and Henry Levin, "The Determinants of Scholastic Achievement—An Appraisal of Some Recent Evidence," *Journal of Human Resources*, 3:3 (1968). According to Bowles and Levin a fundamental bias was the introduction of a background variable in the regression analysis before the resources variable. Since expenditures were highly correlated with background, the variable first introduced would "wash out" the other. While this choice was based upon the proposition that background precedes school spending in time, the authors of the Report in fact offer no time analysis of the mutual influence, if any, of child resource and school resource. *Ibid.*, pp. 13–16 and n. 24. But see Coleman's reply, *Journal of Human Resources*, 3:237, 240–244 (1968).

[20] *Ibid.*, p. 9.

[21] *Ibid.*, p. 10.

[22] Thomas Ribich, *Education and Poverty* (Washington, D.C., 1968).

[23] *Ibid.*, pp. 100–132. That the problem of defining output poses an almost insuperable barrier to establishing an input (money)-output relationship, see Jesse Burkhead, *Public School Finance* (Syracuse, 1964), pp. 76–77, 92 (chapter based on materials prepared by Harold F. Clark).

[24] Rabich, *Education and Poverty*, p. 62.

[25] For evaluation of a number of studies, see Henry Dyer, "School Factors and Equal Educational Opportunity," *Harvard Educational Review*, 38:38 (1968); James Guthrie and J. A. Kelly, "Compensatory Education—Some Answers for a Skeptic," in E. Keach, R. Fulton, and W. Gardner, eds., *Education and Social Crisis* (New York, 1967). The most recent major report is the "preliminary draft" of the evaluation of Head Start programs. "The Impact of Head Start," mimeographed (Westinghouse Learning Corp.,

1969). Its report of minuscule lasting gains already has caused at least one of its consultants to denounce its methodology and withdraw the use of his name. Another rather gloomy report is that based on data from the More Effective Schools Program in New York City. Here students showed minimal achievement gains from large increases in expenditure; but the increases went mostly for smaller teaching units. The MES data suggests the limited value of the particular technique used alone, but not the hopelessness of every program which might cost more money. See David Cohen, "Policy for the Public Schools: Compensation and Integration," *Harvard Education Review*, 38:114 (1968); "Defining Racial Equality in Education," *U.C.L.A. Law Review*, 16:255 (1969).

[26] Arthur Jensen, "How Much Can We Boost IQ and Scholastic Achievement," *Harvard Education Review*, 39:1 (1969). See also the critiques of the Jensen article in *Harvard Education Review*, 39:273–356 (1969).

[27] See Benson, *Cheerful Prospect*, pp. 71–74, 117–118.

[28] See the closely similar Table 7.1 in Benson, *Economics of Public Education*, p. 243. Benson's demonstration of the evenhandedness of this type of grant provided a primary clue to the more general solution we have adopted as our own.

[From Saturday Review, Nov. 20, 1971]

FINANCING SCHOOLS: PROPERTY TAX IS OBSOLETE—THE CALIFORNIA DOCTRINE

(By Arthur E. Wise)

On August 30, 1971, the Supreme Court of California announced what may become as historic a decision as *Brown vs. Board of Education*. In *Serrano vs. Priest*, the court tentatively concluded that the state's public school financing system denies children equal protection guaranteed under the Fourteenth Amendment, because it produces substantial disparities among school districts in the amount of revenue available for education. The problem to which the case was addressed can be simply stated by an example. The Baldwin Park school district expended only $577.49 to educate each of its pupils in 1968–69, while the Beverly Hills school district, in the same county, expended $1,231.72 per pupil. The principal source of this inequity was the difference in local assessed property valuation per child: In Baldwin Park the figure was $3,706 per child, while in Beverly Hills it was $50,885—a ratio of 1 to 13. Furthermore, Baldwin Park citizens paid a school tax of $5.48 per $100 of assessed valuation, while Beverly Hills residents paid only $2.38 per $100—a ratio of more than 2 to 1.

The idea that the unequal allocation of educational resources within a state might be unconstitutional was first suggested only during the mid-1960s. It was not that the allocation of educational resources among school districts within a state suddenly became unequal in the mid-1960s, nor were these inequities suddenly discovered. Rather, the inequities in school finance were, for the first time, viewed in the light of the then prevailing egalitarian thrust of the U.S. Supreme Court.

The Court, under Chief Justice Earl Warren, had been embarked on a campaign of guaranteeing fundamental rights to dispossessed minorities and had precipitated broad social change. In 1954, the Supreme Court declared that, at least as far as race is concerned, public education is a right that must be made available equally. Beginning in 1956, the Court began to attack discrimination based on wealth in a series of cases concerned with rights of defendants in criminal cases. In 1962, the Court moved to eliminate geographic discrimination by requiring legislative reapportionment. By 1966, the wealth discrimination argument had been extended to voting rights in a case that eliminated the poll tax.

In the context of this historic trend, a Constitutional attack on inequities in educational finance seemed eminently feasible. Many parallels among the rights at stake were possible. More important, perhaps, was the fact that the Warren Court had demonstrated a willingness to guarantee individual rights when legislatures failed to act. State legislatures had been struggling with miserly state school finance equalization formulas for at least as long as they had failed to reapportion themselves.

The California equalization suit was not the first such suit to be prosecuted. Earlier there had been unsuccessful efforts in Illinois and Virginia to challenge the Constitutionality of school finance legislation. The California court took pains to distinguish between the case before it and the earlier ones. The earlier complaints had contended that "only a financing system which apportions public funds according to the educational needs of the students satisfied the Fourteenth Amendment." The lower courts had found the notion of "educational needs" too nebulous a concept with which to deal, and the U.S. Supreme Court had affirmed their decisions that held that the equal protection clause did not apply to school financing. However, the U.S. Supreme Court was obliged to render a judgment when these cases were appealed to it from the lower courts because of a technicality. According to the California court, the U.S. Supreme Court's affirmance of these decisions was substantially the equivalent of a decision not to become involved in the issue at that time. Furthermore, the California court thought that its case was different in that it involved the simpler principle of discrimination on the basis of wealth. It should be pointed out, however, that the earlier cases had perhaps erred because they contained a remedy in the complaint. The California complaint simply attempted to have the present system of finance declared unconstitutional.

There were three steps in the reasoning of the California court as it reached its decision. First, it noted that "the U.S. Supreme Court has demonstrated a marked antipathy toward legislative classifications which discriminate on the basis of certain 'suspect' personal characteristics. One factor which has repeatedly come under the close scrutiny of the High Court is wealth." The California court reviewed precedents in which the High Court had invalidated wealth classifications that infringed on the rights of defendants in criminal and voting rights cases. It appeared to the court that California's school financing system does discriminate on the basis of the wealth of a district and its residents.

While the court had substantial judicial precedent for finding wealth a suspect classification, it did not have judicial precedent for finding education a "fundamental interest." Such a finding was an important second step for the theory that the court was attempting to develop. The court relied upon a number of decisions that "while not *legally* controlling" are "persuasive in the factual description of the significance of learning." The classic expression of this position came in *Brown vs. Board of Education:*

"Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms."

These cases, together with the court's own analysis of the importance of education, compelled it to treat education as a "fundamental interest." "Education," the court stated, "is the lifeline of both the individual and society."

The final step was a determination of whether the California school financing scheme, as presently structured, constituted a "compelling state interest." Finding that education is a "fundamental interest" and that the present method of school financing interferes with no "compelling state interest," the court declared:

"The California public school financing system, as presented to us by plaintiffs' complaint supplemented by matters judicially noticed, since it deals intimately with education, obviously touches upon a fundamental interest. For the reasons we have explained in detail, this system conditions the full entitlement to such interest on wealth, classifies its recipients on the basis of their collective affluence and makes the quality of a child's education depend upon the resources of his school district and ultimately upon the pocketbook of his parents. We find that such financing system as presently constituted is not necessary to the attainment of any compelling state interest. Since it does not withstand the requisite "strict scrutiny," it denies to the plaintiffs and others similarly situated the equal protection of the laws."

To this point the court was supporting the proposition that the quality of public education may not be a function of wealth other than the wealth of the state as a whole. [See *SR*, April 17, 1971, p. 76.] This proposition would permit educational quality to vary from school district to school district so long as each district had an equal capacity to raise funds for education. Thus, for example, a community that chose to tax itself at the rate of 1 per cent might have available $400 per student, irrespective of the wealth of that community. A community that chose to tax itself at the rate of 2 per cent might have available $800 per student, again irrespective of the wealth of that community. The state in this scheme commits itself to the specified level of expenditure per student regardless of what it raises by the local tax. The state gives aid in exactly the amount that local resources are insufficient to reach the specified expenditure. This scheme, known as "district power equalizing" is apparently, however, inconsistent with the principle of territorial uniformity.

The court took some pains to argue that territorial uniformity in school finance is constitutionally required. "Where fundamental rights or suspect classifications are at stake," said the court, "a state's general freedom to discriminate on a geographical basis will be significantly curtailed by the equal protection clause." In support of this interpretation, the court first relied upon the school closing cases in which the U.S. Supreme Court invalidated efforts to shut schools in one part of a state while schools in other areas continued to operate. Secondly, the court relied upon the reapportionment cases in which the U.S. Supreme Court held that accidents of geography and arbitrary boundary lines of local government can afford no ground for discrimination among a state's citizens. "If a voter's address may not determine the weight to which his ballot is entitled, surely it should not determine the quality of his child's education."

This analysis is consistent with the more egalitarian proposition that the quality of a child's education may not be a function of local wealth or of how highly his neighbors value education. In other words, it would prohibit variations in the number of dollars spent on any child by virtue of his place of residence. It would apparently permit variations based on educationally relevant characteristics of the child. One point that remains unclear in the opinion is whether the equal protection clauses applies to children or to school districts. If it is children who are entitled to equal protection, then the quality of a child's education could not be subject to a vote of his neighbors.

It should be clear that the California court simply declared the present system of school finance unconstitutional. It (fortunately) did not prescribe solutions, but apparently left these to be developed by the California legislature. However, because the opinion is somewhat hazy, it is unclear what new plans will be acceptable to the courts. The next steps are in the hands of the defendants and the trial court to which the case was remanded.

(On October 21, the California Supreme Court issued a clarification of its earlier ruling, pointing out that it had not yet actually struck down the school finance system, but had merely ordered the case returned to the trial court. Apparently, however, the trial court, if it determines that the facts are as alleged, must find the system unconstitutional.)

In the weeks since the California equalization decision was announced, perhaps as many as twenty or thirty challenges to school finance legislation have been made throughout the nation. In the first of these to be decided, a federal district court in Minnesota has ruled, on grounds similar to those in the California case, that Minnesota's school financing system is unconstitutional. The court retained jurisdiction of the case but deferred further action until after the current Minnesota legislative session.

One of the most important outcomes of these lawsuits is their effect upon legislative bodies. To be sure, the California and Minnesota decisions explicitly call for responses from the state legislatures. However, the years since the legal theories were developed have seen an unprecedented level of school finance activity on the part of political bodies. While other factors have undoubtedly played a part, the threat of impending lawsuits may have served as an impetus to action in an area that has been characterized by legislative intransigence.

The concept of "full state funding" has entered the vocabulary of education. President Nixon has appointed a Commission on School Finance and is reported to be "deeply conscious of the inequities and the inadequacies of the property tax as the principal source of support at the local level for the cost of education." The Advisory Commission on Intergovernmental Relations has recommended that the states assume "substantially all" of the responsibility for financing local schools in order to grant property tax relief and ensure equal educational opportunity. Governor William Milliken of Michigan has been endeavoring to achieve broad reform in educational finance in that state for the last two years. Reportedly, the Fleischmann Commission in New York State will recommend, before the end of the year, full state assumption of the costs of education, imposition of a statewide property tax, stabilization of spending in wealthy school districts, and ultimately greater spending in districts with poor, disadvantaged youth.

It is quite conceivable that *Serrano*, or a similar case, will be appealed to the U.S. Supreme Court in the near future. If it should refuse to review the decision, the effect would be to leave the judgment standing in California. The California legislature, under the supervision of the trial court, would have to develop a new school finance system, and the pace of filing suits in other states might be quickened. The California Supreme Court, a prestigious state court, would have established a precedent that, though certainly not binding on other courts, would carry some weight. One would expect decisions on both sides of the question. At that point, the U.S. Supreme Court would probably feel compelled to hear a case in order to establish a single interpretation of the equal protection clause in this area. By that time one or more states would have grappled with the implementation of a *Serrano*-type decision and have demonstrated whether or not school finance systems can be operated along lines consistent with *Serrano*.

On the other hand, it is possible that the U.S. Supreme Court would agree to hear an appeal on a *Serrano*-type decision immediately. The Court may be anxious to dispose of this potentially troublesome affair. Indeed, under certain circumstances, the Supreme Court is obliged to accept an appeal and render a judgment. Under present circumstances most observers would not predict that the decision would be upheld, and a negative judgment would spell the end of judicially induced school finance reform for some time. For this reason many legal experts believe that an appeal to the U.S. Supreme Court should be postponed for as long as possible.

The next months, indeed years, will be a time of substantial confusion in the history of American public school finance. A principal outcome of *Serrano* will be to free legislatures from the strictures of the past to experiment with new models of school finance. Efforts at reform will be aided by a growing discontent with the local property tax.

In sum, *Serrano*-type lawsuits are designed to attack our school finance system that effectively deliver more educational resources to children in wealthy communities and less to children in poor communities. The suits have as their objective squaring the reality of school finance schemes with the rhetoric of equality of educational opportunity.

COMPARISON OF TAX RATES AND EXPENDITURE LEVELS IN SELECTED COUNTIES IN CALIFORNIA (1968-69)

County	ADA	Assessed value per ADA	Tax rate	Expenditure per ADA
Alameda:				
Emery Unified	586	$100,187	$2.57	$2,223
Newark Unified	8,638	6,048	5.65	661
Fresno:				
Coalinga Unified	2,640	33,244	2.17	963
Clovis Unified	8,144	6,480	4.28	565
Kern:				
Rio Bravo Elementary	121	136,271	1.05	1,545
Lamont Elementary	1,847	5,971	3.06	533
Los Angeles:				
Beverly Hills Unified	5,542	50,885	2.38	1,232
Baldwin Park Unified	13,108	3,706	5.48	577

Note: Some districts with low expenditures per child in average daily attendance (ADA) have correspondingly low tax rates, but in many other cases the opposite is true. Often districts with very low expenditures per ADA have unusually high tax rates, as a result of their limited tax base, while the tax rate is comparatively low in "wealthy" districts.

Source: Table and text adapted from the decision of the California Supreme Court in Serrano v. Priest.

[From the Legislative Review, Dec. 20, 1971]

LEGAL EXPERTS AND LEGISLATORS DISCUSS SERRANO AT ECS SEMINAR . . . LAWYER SUGARMAN SAYS BASIC EVIL IS THAT LOCAL DISTRICTS CAN TAX . . . LAWYER SILARD OFFERS FOUR LEGISLATIVE OPTIONS . . . WYOMING COURT "URGES" STATEWIDE PROPERTY TAXES FOR COWBOY STATE SCHOOLS . . . MUNICIPAL OVERBURDEN RECOGNIZED IN OHIO . . . REFORMS PROPOSED

Educators and legislators in every state have been talking about and worrying about the *California* Supreme Court *Serrano* decision since it was handed down August 30. Lawyers representing 21 states met in Washington on October 16 to plan a legal assault on local property taxes for school purposes, but it remained for 125 men and women, including 100 legislators from 38 states to get down to some hard-nosed analyses and nitty-gritty discussions at a day-long ECS sponsored meeting in Houston.

A great many pertinent questions were asked:

What does Serrano really mean to the other states? What has happened in California since August 30? What can be expected to happen in the other states in the days ahead? What can the states expect in the way of side effects and lateral problems? What can the federal government be expected to do and not do? What are some of the possible options available to legislatures as the states move to reform their school funding systems, either with or without orders from their respective supreme courts? What are the pluses and negatives of possible legislative options?

And there were answers. They came primarily from Stephen Sugarman, *Los Angeles* attorney in the *Serrano versus Priest* case, and from John Silard, *Washington, D.C.* attorney and author of *Intrastate Inequalities in Education: The Case for Judicial Relief Under the Equal Protection Clause; Wisconsin Law Review. 1970. No. 1.*

Lawyer Sugarman said that while much of the emphasis in post-decision reporting has been on ending property taxation a major effect is that it benefits poor people. Essentially, the Serrano decisions says that *California's* school finance system (which is similar to that of all other states with the possible exceptions of *Hawaii* and *North Carolina*) is for the most part locally based, locally financed and in violation of the 14th Amendment.

"I see that Serrano strikes a blow for rationality in school finance as much as it does for treating children fairly," Mr. Sugarman said. "It says it is no longer permissible for us to let the irrational groupings of property values determine the quality of education that a child gets, that we must adopt some new approach for funding our elementary and high schools . . ."

Since the disparities of the traditional property tax system are found virtually everywhere and since its invidiousness often is related to the amount of industry or the amount of natural resources, Mr. Sugarman believes that the "essential evil of the system is that local districts are allowed to tax . . . allowed to tax an unequal amount of wealth base. Thus everybody's bad example, Beverly Hills, taxes not only its rich citizens, but a fabulous business community along Wilshire."

Soon after the first shock of Serrano wore off, a number of things happened in California, things that may be expected to happen in the other states: A giant committee composed of business, agriculture, education, the minorities and other interest groups was set up to "review" Serrano and make recommendations. Assemblyman Leroy Greene wrote a bill designed to bring the state into compliance. The state senate set up a committee to study the decision. The big cities got together to protect their interests. The governor put his staff to work on it and such rich districts as Beverly Hills got together, hired lobbyists and mapped campaigns to preserve their advantages as long as possible.

So expect a lot of people to get into the act in your state! There will be, as in California, a proliferation of committees, organizations and studies. The interests of some of them will be obvious and apparent; some will not.

Lawyer Sugarman sees all sorts of side problems: bussing for integration, capital expenditures, statewide, standard salaries for teachers, what happens to outstanding bond issues . . . all of these will be affected in some degree.

Lawyer Sugarman does NOT believe the federal government will force the states to adopt similar plans as they go about the big job of remedying their local property tax systems and does NOT believe the feds will take over financing of the nation's schools . . . but, YES, he does believe the states will be driving even harder for more federal money once they realize what Serrano is going to cost them.

On the matter of local control, which is always brought up as important and desirable when local taxes are discussed, Mr. Sugarman waved it away, said, "The poor districts simply do not have local control; they simply do not have the local ability to raise enough money to compete with places like Beverly Hills . . . local option is just a myth. It is only an option available to the rich."

In his presentation to the seminar, Lawyer Silard agreed with Mr. Sugarman 95%, then offered FOUR alternative legislative options, said the one clear constitutional requirement in *Serrano* is the "untying" of the cost (and thus the quality) of public education from the accident of a locality's taxable wealth . . . thus *untying* is the first and indispensable requirement.

He saw two desirable goals: (1) maintenance of a local option to improve local public education through a greater taxing effort. In other words, if local districts could and would impose an additional surcharge for education they might achieve the premium education they need for culturally disadvantaged students; (2) facilitation of an educational disbursement system which does NOT become impaled on an equal dollars per child formula, e.g., a desirable system would permit increased dollar allocations to school districts with above average costs in such areas as transportation, plant maintenance, employee pay and special teaching burdens resulting from language barriers, cultural deprivation, etc. He also stressed the importance of political acceptability.

His four options:

1. Abandonment of the local property tax base for education in favor of full state funding: Could be accomplished through the outright abolition of local taxes in favor of state income, sales or other taxes or by pooling and distributing local revenues from the state level.

2. Major shift of funding burden from local to state sources. He believes this could best be accomplished in homogenous states with minor imbalances in local taxable wealth per pupil.

3. Power equalizing. Under this system local taxes for education would be shifted from tax-rich districts to poorer districts in amounts representing their taxable wealth advantage. Note: He believes No. 3 has low political acceptability.

4. Local tax yield equalization. Under this approach, the legislature would prescribe a statewide "local public education contribution" set at a prescribed annual per child expenditure. Each school district would raise that sum. Wealthier districts would still be able to raise their contribution at a lower millage rate than poorer districts.

Berke, Joel S. The current crisis in school finance: inadequacy and inequity. Phi Delta Kappan, September 1971: 2–7.

Coons, John E., William H. Clune, III, *and* Stephen D. Sugarman. Educational opportunity: a workable constitutional test for state financial structures. California law review, v. 57, April 1969: 305–421.

——— Private wealth and public education. Cambridge, Massachusetts, Belknap press of Harvard University press, 1970. 462 p.

——— Reslicing the school pie. Teachers college record, v. 72, May 1971: 485–493.

Guthrie, James W., George B. Kleindorfer, Henry M. Levin, *and* Robert T. Stout. Schools and inequality. Cambridge, Massachusetts, MIT press, 1971. 157 p.

Keiter, Robert B. California educational financing system violates equal protection. Clearinghouse review, v. 5, October 1971: 287–288.

Naughton, James W. President seeks to ease school tax on property. New York Times, December 3, 1971.

Shipler, David K. Marland indicates Nixon plans increase in federal school aid. New York Times, December 17, 1971: 44.

U.S. *Congress. Senate. Select Committee on Equal Educational Opportunity.* Equal educational opportunity. Part 7: Inequality of economic resuorces. Hearings. 91st Congress, 2nd session. Washington, U.S. Govt. Print. Off., 1970. Hearings held September 30, October 1 and 6, 1970.

——— ——— ——— Equal educational opportunity Part 16: Inequality in school finance. Hearings. 92nd Congress, 1st session. Washington, U.S. Govt. Print. Off., 1971. Hearings held September 21, 22, 23, October 5, September 29, 30, 28, 1971.

Urban Education Task Force. The urban education task force report: final report of the task force on urban education to the Department of Health, Education, and Welfare. New York, Praeger publishers, 1970 and Congressional Record, volume 116, part 1, pages 156–219.

Wise, Arthur E. Rich Schools, Poor Schools: The promise of equal educational opportunity. Chicago: University of Chicago Press, 1978.

Mr. Speaker, the following articles pertain to the value added tax, one of the proposals now under consideration to make Federal revenues available to support public education:

[From the Washington Post, Dec. 10, 1971]

Nixon's Tax Bombshell

(By Joseph Alsop)

A plea for a modest value-added tax is due to be the most surprising, most interesting and most generally gusty of President Nixon's bombshells for the election year.

The President's shrewdness with bombshells, and the Democrats' invariable failure to be ready for them, are by now becoming almost proverbial. But we have not yet had anything quite like the one that is now in preparation at the Treasury Department, under the astute supervision of Secretary John Connally.

Until the day for it comes, the fact of the coming bombshell may well be denied. The day may not come, moreover, until the scheduled report, in early February, of the presidential commission now studying the school problem under the chairmanship of former Secretary of Defense Neil McElroy.

This will be a multi-purpose bombshell, in truth, calculated to bring down a perfect covey of birds in a single thunderclap. But one must begin at the beginning, with the value-added tax itself. This is sometimes called a "transactions" tax; and it is loathed by all the liberal faithful, because its impact resembles that of a simple sales tax.

To be sure, the Scandinavian countries, with their strongly social-minded governments, live quite comfortably with value-added taxes at the rate of 15 per cent. At the West German level of 11 per cent, with exceptions for such things as food, an American value-added tax would raise an additional $50 billion of revenue each year.

President Nixon's proposed value-added tax will be far more modest, in the neighborhood of 3 per cent. Very substantial remissions and exceptions will be included, to make the tax less "regressive." Yet the estimated revenue will be somewhere between $10 billion and $12 billion a year.

But that will be no more than the first part of the bombshell-package. The revenue promised by the suggested new tax is calculated to be equal to the share of the national school bill that is now paid by the hated local property taxes. And this, please understand, is by design.

Thus the revenue from the new Nixon tax will be shared out to the states on a complex pro rata basis, roughly in proportion to the number of children in school in each state.

The states will then be required to prorate the tax to the towns, cities, counties or other tax levying bodies that use property taxes to pay school bills. And these bodies, in turn, will be required to forgive all property taxes being paid on residential real estate, to the extent these taxes are now used to support the schools.

Both home-renters and home-owners will benefit, since landlords will be also required to pass on the forgiven taxes to their tenants. It is hard to imagine any measure that is more likely to arouse middle American enthusiasm than what will amount to a very big cut in home-owner's property taxes and a considerable cut in rents.

By the same token, moreover, a crying inequity will also be removed. At present, the rich suburbs can levy much lower property taxes, and can also pay for much better schools, than center cities and other areas where the average personal income level is far lower. But the Nixon bombshell will put the whole business on a basis of share and share alike. Rich school districts and poor school districts will get precisely the same sum per child in school.

In addition, since the value-added tax will be neatly tied to a per capita subsidy for individual school children, it may be possible to include the Catholic school systems in the larger shareout. These systems are now tottering towards disaster. Saving them will also save vast sums for the general taxpayer.

It can be seen, then, that bringing down coveys of birds with a single thunderclap, is really a very mild way of putting it. The true blue liberals, of course, will die a thousand deaths, turning as many colors of rage as the legendary dolphin in agony. But if you think about it, this Nixon bombshell is not merely bold and cleverly contrived.

It further promises sensible, practical, equitable solutions to a whole series of urgent national problems. And it will also be interesting to see the liberal Democrats running against a big cut in home owners-property taxes.

Value-Added Tax: The Case For

(By Dan Throop Smith)

FOREWORD

In the days of a $1-trillion economy and a $200-billion budget, all indications point to the need for more federal revenues. But from what sources? The only options open would seem to be increases in the corporation or individual income tax, or the adoption of a value-added tax, which is a type of national sales tax. In arguing the case for a VA tax, this expert on taxation takes the position that it is the "least bad" alternative and would produce minimum distortions in business decisions, and in the organization and efficient use of resources.

Mr. Smith is Professor of Finance, Emeritus, Harvard Business School, and Lecturer in Finance at Stanford University. He is Chairman of Fison Corporation, a Director of Cambridge Research Institute, CML Group, and a member of the Commission on International Trade and Investment. He was Deputy to the Secretary of the Treasury from 1953 to 1959.

A value-added tax is being proposed with increasing frequency in discussions regarding federal tax policy. Even a strong advocate of VA taxation cannot argue that it is a good tax in any absolute sense or without fault. But no major tax is positively good or without fault.

A "least bad" tax must be considered as

the "best available" tax in the real and somewhat unpleasant field of tax policy. A value-added tax appears to be the least bad, and hence the best available, tax for additional revenue or as a partial substitute for the corporation income tax or the payroll taxes when one balances the various relevant criteria of economic effects, equity, administrative feasibility, and perhaps—when the chips are finally down—political acceptability.

Interest in a VA tax here in the United States has been heightened by its adoption in the European Common Market as a principal source of revenue and the fact that it is the basis there for border taxes on imports and tax rebates on exports. Under this system, European exports receive tax rebates when they leave the Common Market countries to compete with our products in the U.S. domestic market and in other countries.

However, because of the nature of our tax system, without a value-added tax we can neither give tax rebates to our exports to the Common Market countries nor impose border taxes, as distinct from tariffs, on imports into our own country. European taxation thus provides us with both a precedent and an incentive.

While the implications for U.S. foreign trade have made consideration of a value-added tax timely, growing recognition of the tax revenues—the corporation income and payroll taxes—has made the VA tax seem relatively desirable from a purely domestic standpoint. Though first contemplated in this country as a partial substitute for just the corporation income tax, it has more recently been thought of in this way for both the corporation income tax and the payroll taxes or—in response to pressure for greater revenues than can be produced by the existing tax system—as a new element in our tax structure.

The value-added tax should be appraised both as a partial substitute for existing taxes and as a new revenue source, and compared with alternative sources of revenue from other new taxes or from increases in the rates or the base of existing taxes. But first, because it is still somewhat unfamiliar to many people, I shall describe what a VA tax is.

COMPUTING THE TAX

For a typical company, the value-added would be measured by the total sales less purchases from all other business entities which are themselves subject to value-added taxation. As its name indicates, a VA tax would be imposed on the value added by each successive independent company or other business entity in the productive process. If one could imagine a company which was fully integrated vertically, owning all its raw materials and making all its own capital equipment, the entire value of its products sold would be the result of its own activities, and its value-added tax base would be simply its net sales.

Thus, through the cumulative process of successive stages of production, the total value-added would be equal to the final sales to ultimate consumers. The total value-added would be the same, regardless of the degree of vertical integration.

A VA tax may be regarded as a turnover tax with a deduction for purchases to avoid any discrimination in favor of vertical integration. In theory value-added may be thought of as the sum of all payments to others, including wages, interest, rents, and dividends, plus retained earnings (except payments to those who are themselves subject to the value-added tax). It may be so computed. But the same result can be secured by deducting purchases from sales; the result of the subtraction is identical with the sum of the addition, and the calculation is simpler.

In fact, the easiest calculation of all is to apply the tax rate to net sales and then to apply, as a credit against this amount, the tax paid on all purchases for the period. The difference is the net tax due by the company, or—if purchases have exceeded sales for any reason—the excess of tax credits becomes the basis for a tax rebate from the government or a carry-over.

CONSUMPTION BASIS

In the foregoing description, I have made no distinction between purchases of raw materials or goods for resale and buildings or capital equipment. One might separate the two and require the tax on purchased capital equipment to be amortized over its useful life. Thus defined, the tax base would be the national income. This procedure would mean that more funds would be tied up in the unamortized tax component of the purchase price of capital equipment.

In practice the European value-added taxes allow an immediate offset of the tax on purchased capital items. The tax base thus is national consumption. The existence of the tax does not increase the net cost of capital investment, and no distinctions need be made between, or records kept of, the taxes on different categories of purchases.

Since the consumption type of value-added has been universally adopted abroad and is much easier for both taxpayers and tax collectors, there is a strong presumption that it is the form which would be adopted here. It also seems preferable in theory because, by resting on consumption, it minimizes any influence taxation might exert on decisions regarding the productive processes in industry. In this analysis, accordingly, I shall consider only the consumption form of the value-added tax, in which all purchases, whether of raw materials, component parts, supplies, or capital items, are treated alike.

ADMINISTRATIVE ASPECTS

Typically, the corporation is required to state the tax separately on all invoices up to, but not including, sales to final consumers. This procedure provides a certain amount of self-policing and also simplifies calculations for taxpayers. The total of the taxes paid on all purchases for the period needs only to be determined and deducted from the single calculation of the tax rate applied to net sales for that period. The period may be monthly or quarterly, or any interval deemed preferable from an administrative standpoint.

In my discussions with taxpayers and government officials in Europe, the universal recommendation regarding a value-added tax is to avoid exemptions and differential rates. The administrative advantages of a universal single-rate tax are obvious. (The implications from the standpoint of equity will be noted later.)

Some critics of value-added taxation refer to unspecified administrative problems as being virtually insuperable. European experience gives no evidence to support this criticism. True in a primitive economy, where records consist at most of total sales, or net income is assumed to be measured by changes in cash on hand, the calculation of value-added by subtracting purchases from sales, or of net tax due by subtracting taxes on purchases from a computed tax on sales, would call for a higher level of competence.

However, in a country where every business has to compute its net income for tax purposes, it is hard to imagine that a value-added tax could present any really significant problems. After all, the calculation starts with net sales, the same figure as that used in computing net income. From it, there is just one deduction, total purchases from all those suppliers of goods and services which have included a value-added tax on the purchase invoices.

In some of the European countries, very small companies—ones that we would call mom-and-pop stores—are given an option of stating value-added as some specified percentage of sales. This could be done here, though it really seems appropriate only if the net income is also determined by some standard formulas or on the basis of external indicia, procedures which we have not found necessary to adopt here.

NEUTRALITY ADVANTAGE

The principal theoretical advantage of a value-added tax from the domestic standpoint is its neutral treatment of—

. . . labor-intensive and capital-intensive methods of production;

. . . efficient and inefficient companies;

. . . partnerships and proprietorships;

. . . equity financing and debt financing.

The tax is imposed as a cost of doing business, regardless of how the business is organized, how efficiently it is carried on, or how it is financed. In other words, tax factors are minimized in business decisions; inherent advantages and relative efficiencies are allowed to operate in the market economy with minimum tax distortions.

This neutrality of a value-added tax is in notable contrast to the effects of both the corporation income tax and the payroll taxes. The former, by definition, is applied only to corporations and varies with their reliance on equity rather than debt capital and the efficiency with which they use equity capital—that is, their net profits.

Although we have become conditioned by long usage to thinking of the corporation income tax as a normal part of an economic system, it is hard to imagine that, if one could start with a clean slate, one would choose a tax which, in effect, penalizes the efficient use of one form of capital. This is especially so when one recognizes (a) that there is both a domestic and a worldwide need for much more capital for private and public investment, and (b) that capital is critically important to increase labor productivity.

Some businessmen, when they first consider a value-added tax, discover that it has no equivalent of a loss carry-over and promptly decide against it. Now, a loss carry-over is significant only because there is a tax on profits. It seems not unfair to point out to those who are entranced with the loss carry-over aspect of an income tax that they could maximize the "benefits" of a loss carry-over by pushing the rate of tax on income ever higher. Just think how helpful a loss carry-over would be at a 100% tax rate! This *reductio ad absurdum* seldom produces a counterargument, but it usually leaves a skeptic unconvinced.

Income tax distortion: Even those who favor a corporation income tax in spite of, or perhaps because of, its distorting effects agree that it cannot be raised indefinitely. A 50% rate seems to be accepted as a generally practical upper limit, except for war periods when general economic controls are imposed. Even at a 50% rate it is twice as important to save a dollar of taxes as to earn another dollar of income.

It is still true, however, that half of what is earned belongs to the earning entity, and there also seems to be a quasi-intuitive recognition of the proposition that, when the tax rates are pushed above 50%, there is almost a qualitative difference in their distorting effect on decisions. The critical significance of the 50% maxmum was well stated in the Report of the House Ways and Means Committee in its explanation for the reduction in the ceiling marginal rate on individual earned income over a succession of years in the 1969 tax legislation proceedings.

A value-added tax, by contrast and because of its neutrality, probably will produce less distortion in individual and business decisions than any other major tax. It will tend to encourage savings at the expense of consumption to the extent that individual decisions on the choice between savings and investment are influenced by the price of consumer goods relative to the returns on savings.

Payroll tax discrimination: When viewed as a revenue source, payroll taxes are clearly discriminatory against labor, because they increase the cost of labor by the amount of the tax. Historically, they were adopted as a means of financing the social security system on a contributory basis. Many people, myself among them, regard the contributory principle as so important for a variety of social and political reasons that it should be maintained. From this point of view, the payroll taxes are simply a device to spread part of wage income over a lifetime.

Because some of the death benefits and the failure of retirement benefits to increase in proportion to the taxable wage base, there are some substantial redistribution effects between individuals and generations, and even some elements of real insurance. But the system still relates benefits in general to contributions in general, and forced savings during active years to pay for income of an individual and his survivors after retirement or death. To those of us who believe that such a program is the only valid one for old-age and survivors' benefit payments, payroll taxes are not general revenue sources and should not be appraised as such.

In recent years, there have been several proposals advocating that part of the social security benefits should be financed by general revenues. If a fundamental change of this sort is made, a value-added tax seems to be, for reasons already indicated, the least bad source for additional general revenue.

Those who are anxious for the contributory principal not to be abandoned should perhaps hesitate to suggest that there is any alternative source of funds, but a comprehensive appraisal of the alternative sources of available funds in the federal fiscal system could not ignore this possibility.

ALTERNATIVE SOURCE

The most intriguing—and probably the best—of all possible alternative sources has only begun to receive serious attention in tax literature. It would be a personal tax, at a single standard rate, on a very broad base which might include, not only income as ordinarily defined, but gifts, bequests, various forms of currently exempt income, and realized capital gains in full. Progression could be secured through the use of personal exemptions.

Statistical analyses indicate that, with a rate of perhaps less than 20% and certainly not more than 25%, such tax would not only produce the same revenue as now derived from the individual income tax and the estate and gift taxes, but would also impose about the same burdens on all income classes, including those at the very top. The simplification would be enormous, and the distorting effects of very high rates and differential rates would be eliminated. The tax would be almost completely neutral in its impact on decisions, including the choice between consumption and investment.

A fundamental feature of such a tax would be in single rate. However, the danger would be that while it would be adopted at a single rate, subsequent legislation could make the rates progressive. High rates on such a broad base would have even more perverse effects than the high rates on the present income tax base, and they would be especially destructive in regard to the formation and maintenance of capital. Because the broad base would almost certainly exceed any concept of income sustainable under the Sixteenth Amendment, authorizing a federal income tax, the new approach would require another Constitutional Amendment which could and should specify a single rate.

The broad-based, single-rate tax seems to appeal to tax specialists, regardless of their social philosophies or attitudes regarding redistribution of income. But the fact that most readers of this article will not even have thought or heard about it indicates how far away it is from serious legislative attention. Value-added taxation will continue for some time to be the most likely candidate for adoption in tax reform.

EQUITY OF VA TAX

If a value-added tax at a flat rate and with no exemptions were the sole or principal source of revenue, it would generally be regarded as inequitable, since, by definition, it would not contain the equivalent of the personal exemptions in the individual income tax. But no one has proposed the value-added tax as the sole or even the principal source of revenue, and hence there is no need to debate an unreal contingency.

We have an individual income tax, and we also have a miscellaneous collection of welfare programs. In addition, for the first time we may have the basis for a sensible general welfare program before this article appears in print. In recent years, we have had increases in personal income tax exemptions, and direct and indirect reductions in bottom-bracket income tax rates. We have also had increases in welfare payments.

There is plenty of room for further changes along these lines to offset what may be regarded as inequities from a value added tax on those wtih the lowest incomes. Changes in income tax exemptions and rates and in welfare schedules will continue to be made in any case. It would be much simpler to fit in additional adjustments as desired than to try to devise a set of exemptions and differential rates in a value-added tax. Viewed in perspective as part of a whole federal system of taxation and payments for income maintenance, any equity problems that result for low-income families from a value-added tax can be handled readily.

LIKELY PROBLEMS

A value-added tax, if adopted as a new revenue source, or an increase in the rate of an existing value-added tax, will tend to be shifted forward to ultimate consumers, as will any other general increase in costs. If the tax is shown separately on invoices, the shifting may occur more promptly, though this procedural detail will not make any basic difference. The extent and speed of shifting will vary, among other things, with the elasticities of demand, the relative growth of demand for various products and services, and the competitive-structure in industries.

A full macroeconomic analysis of the effects of a value-added tax is very involved. A general rise in prices, which is suggested by the adoption of a value-added tax, assumes certain monetary policies. Additional revenues presumably are associated with additional government expenditures, with a shift of resources from the private sector to the public sector.

Pressures to maintain private real incomes at the level they would have attained in the absence of the tax will be abortive in an aggregate sense, but will shift burdens among various groups. An attempt to maintain real incomes by a rise in wages, discussed in the next paragraph, is one of the more likely complications—and must be kept in mind in a complete analysis of the effects of any major change in the balance of private and public spending in a dynamic economy.

INFLATIONARY PRESSURES

The most serious objection to a VA tax as a major source of revenue is that it may be more likely than some other taxes to lead to wage increases when wage earners attempt to avoid the impact of the tax on them as consumers. As just noted, increased taxation is intended to shift resources from the private to the public sector of the economy: public or collective wants are being satisfied to a greater extent, which means that direct satisfaction of private wants must be reduced from the level that would otherwise be possible. Sometimes this fact is recognized.

An increase in individual income taxes, for example, may be accepted as inevitably leading to a reduction in net private real income when government expenditures increase. But if (a) prices are rising through inflation, and (b) wage negotiations are based on objectives of increasing the real value of take-home pay, then the corollary effects of a tax increase are likely to be lost sight of and absorbed in a new wage settlement.

A cost-of-living increase through a price increase arising from a tax increase is not likely to be distinguished from an inflationary price increase. Wage demands and settlements, and perhaps even contractual wage increases based on the cost of living, may occur in ways which give a further twist to an inflationary spiral.

Though one or more groups may avoid the impact of a tax imposed on them by shifting it to others, the tax burden cannot be universally avoided. A government embarked on an expenditure program will finance it in one way or another, and only the government can resort to deficit financing—the source of last resort. The federal government is the one spender that will not run out of funds to meet its authorized expenditure programs. If a shift from the private sector through orderly taxation is frustrated, then the shift will take place through disorderly inflation.

In view of the constant and understandable demands to increase personal income faster than can be justified by productivity increases, efforts should be made to prevent a VA tax or any other tax increase from creating additional inflationary price increases which reduce take-home pay.

Statistically, the task may be easier for a value-added tax, since its effect on any broad price index could be estimated reasonably well and, to that extent, a price increase recognized as a way to shift funds and resources to public consumption. A statistical calculation will by no means ensure practical acceptance of the result, but to calculate and discuss the concept and problem is a necessary preliminary.

A similar but more subtle problem will arise in connection with improvements in the quality of the environment. To the extent that less damaging methods of production will be more costly, prices will rise. Consumers will be buying the better environment along with the same or better goods and services.

But if they regard the higher prices as just another twist in the inflation spiral, ignoring the fact of the improved environment and the further fact that it, too, has a price, and attempt to offset it by additional wage demands, part of the cost of improvement in the environment will be greater inflation. The problem for statisticians in isolating the effects of greater costs will be substantial—and the need to recognize and accept the implications is only beginning.

INTERNATIONAL IMPLICATIONS

In the introductory paragraphs, I referred to the international advantages of a tax system that included a VA tax. Under long-standing practice, and embodied in the GATT agreements, indirect taxes may be rebated on exports and equivalent taxes imposed on imports. Direct taxes are not subject to similar adjustments at international borders. Thus a country which raises a substantial part of its revenue from indirect taxation can give rebates on exports and impose taxes on imports to its own advantage and to the disadvantage of countries relying primarily on direct taxation. The United States, with its very small use of indirect taxation, is at a particular disadvantage.

The distinction between indirect and direct taxes was based on the belief that theoretically the former were shifted and reflected in prices, while the latter were not. To the extent that this was true, the difference in treatment was reasonable. A failure to make border tax adjustments for indirect taxes would have placed domestic producers at a tax disadvantage, while border adjustments for direct taxes would have amounted to export subsidies and nontariff protection of home markets.

However, with increasing sophistication in economic analysis, the clear distinction between the effects of indirect and direct taxation is recognized as a gross oversimplification. Not all indirect taxes are fully reflected in prices, and many direct taxes may lead to price increases.

The incidence of the corporation income tax is perhaps the most uncertain major point in tax literature. Neither theoretical nor statistical analysis has led to generally accepted conclusions. Opinion over the past generation has changed in the United States in the direction of a belief that the tax is to a very large extent shifted forward, though the degree of shifting depends on many factors. Both economists and businessmen quite widely now accept the fact that the tax is largely shifted.

One may sidestep some very elaborate analysis by asking oneself and others whether pretax corporate profits would be as high as they now are if there had been no corporate income tax and, with even more telling effect, whether net profits would increase by the amount of the tax, and stay there, if the tax were abolished. It is a rare and bold person who believes that competition would not ultimately drive profits a long way down toward the present level of net after-tax profits if the corporate tax were eliminated.

The incidence of the corporation income tax is critical in appraising the extent of disadvantage in international competition from our present tax structure. To the extent that the tax has been shifted forward, our labor and industry are at a competitive disadvantage in both foreign and domestic markets. To the extent that the tax has not been shifted, we are not at a disadvantage. Those of us who believe the tax has largely shifted believe that our disadvantage is substantial and that, in view of the problems in our balance of payments and in maintaining employment in competitive industries, we can no longer afford to hold to a tax structure which does not permit border tax adjustments.

In brief, to the extent that our tax system has led to higher prices, we are at a competitive international disadvantage because we cannot make border tax adjustments of the sort which are feasible and regularly applied in countries with tax structures which include value-added taxes. Even if international agreements were modified to permit border tax adjustments for some segment of direct taxes, the task of determining any defensible average rate based on the uncertain, and doubtless highly varying, impact of the corporation income tax on prices of different products would be almost insuperable.

While we would be better off if we had a better tax structure which permitted us to make border tax adjustments, there should be no illusions that any conceivable substitution would solve the competitive problems of the industries acutely suffering from foreign competition. The textile, shoe, steel products, and perhaps automobile industries are confronted with products from efficient, low-cost foreign competitors.

Differences in tax burdens and, more particularly, the differences which might be compensated for in border tax adjustments are relatively minor compared to fundamental differences in costs and export policies of foreign companies and governments. Although a better tax system would be no panacea, our balance of payments problem is nevertheless so serious that we should welcome any significant benefit, especially if the change also has advantages in improving the allocation and efficient use of our resources domestically.

SHIFTS IN TAX BURDENS

The equity of a value-added tax substituted for part of the corporation income tax also depends on the incidence of the latter. Those who still argue that the corporation income tax rests upon the corporation and its stockholders believe quite correctly that any substitution would shift the burden of taxation from the relatively well-to-do to a proportional levy on everyone.

Even if true, as just noted, there could be offsetting shifts in personal income tax exemptions and rates and welfare payments. But to the extent that the corporation income tax is shifted forward directly in higher prices or impedes the efficient allocation and use of resources, it too has a generally proportional impact.

The partial substitution would not significantly change the distribution of the tax burden over different income classes, while it *would* produce general benefit from a better and more efficient use of resources. [Reference is made only to a partial substitution, because of certain very involved equity problems arising from retained corporate income in a tax system which has no corporation income tax.]

Opponents of VA taxation as a partial substitute for the corporation income tax usually insist that the corporation income tax rests on the corporation and the stockholders, and is thereby good as a device to redistribtue income. It is sometimes forgotten, however, that excessive progression can create great inequities and do great harm with little, if any, gain in revenue.[1]

In all honesty one must admit that it is the more subtle adverse economic effects of the corporation income tax, and not the excessive progression ostensibly imposed by a combined corporate rate of about 50% and individual rates rising to 70%, which are so objectionable. The process of tax shifting has relieved us of the reality of a virtually confiscatory tax burden of this sort, and of the great and direct damage to this sort, and of the great and direct damage to savings and investment which it would entail.

If politics demands the appearance of extreme progressivity, the present combination of corporate and individual taxes is less inequitable and less bad in its economic effects than effective confiscatory taxation would be. But perhaps the political climate is changing for the better. The sense of moderation and the recognition of economic realities reflected in the adoption of a 50% maximum marginal rate on earned income in the 1969 tax legislation came as a breath of fresh air after a period of generally oppressive taxation. One can at least hope that the political atmosphere will permit moderation and good sense in other aspects of taxation.

A personal income tax has certain advantages from the standpoint of equity, and, if the total funds needed by the government were relatively small, it might be relied on as the only major revenue source. But it does not follow that a least bad form of tax should be the only tax. High rates in any tax produce strains, distortions, and inequities. When revenue requirements are large, a combination of taxes is desirable.

The disadvantages of different taxes are likely to offset each other to some extent, and the aggregate strains, distortions, and inequities probably will be less than those from a single tax with excessive rates. Unfortunately, this proposition is frequently ignored by those who most strongly emphasize the theoretical advantages of income taxation.

CONCLUSION

If significant amounts of new revenue are needed beyond those produced from an expanding economy with existing taxes, a value-added tax appears to be the best and most feasible source. Any adverse effects on our international competitive position will be fully offset by the border tax adjustments which would go with it. Any undesired effects on the distribution of the tax burden on different income groups could be offset by adjustments in the individual income tax and welfare payments. The tax would produce minimum distortions in business decisions and in the organization and efficient use of resources.

The appropriate rate of tax would depend on revenue needs. Each percentage point of a value-added tax would produce from $4 billion to $6 billion of revenue, depending on its coverage. Because of inevitable problems associated with any new tax, it would be desirable to start with a low rate of 2% or at most 3%. The impact of border tax adjustments at that rate would not be very significant. Some will argue that, at such a rate, the domestic and international advantages would not justify the trouble of introducing a new element in our tax system.

However, even $5 billion is a great deal of revenue, equivalent to the yield of an additional 5% or 6% on the corporation income tax. And in the improvement of a tax system, as in other aspects of national policy as well as personal affairs, the fact that one cannot instantaneously reach a much better position is no reason for not making a start on improvement. It is notably true in tax policy that one can sometimes only prevent a bad situation from becoming worse.

If more revenue is needed, the only alternatives to a value-added tax would be increases in the corporation income tax or the individual income tax. Significantly higher rates in the former would increase the distortions for which it is already responsible, worsen our international competitive position, and to a considerable extent also impose a broadly proportional, although concealed, burden at all income levels.

The increase in exemptions and reduction in bottom-bracket rates in the individual income tax in 1969 were very costly in terms of revenue forgone. Congress is not likely to reverse these relief provisions, and the middle- and upper-bracket rates are still so high that further increases in them would increase their perverse effects and be generally counterproductive. The value-added tax thus comes out as the least bad source of additional revenue.

In a general tax reform, the addition of a value-added tax would be desirable as a partial substitute for the corporation income tax. It would reduce the present distorting effects of the corporation income tax on the allocation and use of resources, and permit us to counter, to some extent, the international competitive advantages which so many other countries now have because of their border tax adjustments.

In addition, a value-added tax might be used as a partial substitute for the individual income tax if such a move was deemed necessary to offset actual or presumed undesirable shifts in the distribution of the tax burden or to make a politically acceptable package of tax legislation.

Whether used to provide a source of new revenue or to give partial relief from some of our existing taxes, and thereby create a better balance in our tax structure, the value-added tax should rank at the top of the list for adoption. In the uncertain world of politics and tax policy, where it is generally foolhardy to make predictions, it seems safe to say that the chances are more than even that within a decade we shall have some sort of value-added tax. Those of us who are particularly concerned about the adverse effects of our present tax system can only declare, "The sooner, the better."

---

[1] See my article, "High Progressive Tax Rates: Inequity and Immorality?" *University of Florida Law Review*, Spring 1968, p. 451.

VALUE-ADDED TAX: THE CASE AGAINST

(By Stanley S. Surrey)

FOREWORD

In stating the case against the VA tax, this expert on taxation argues that the adoption of this regressive tax would not only worsen our present domestic tax situation, but also fail to bring us any significant international trade advantages. He further says: "There is no need for the United States, with an already effectively functioning retail sales tax structure at the state level, to have at the federal level a value-added structure that collects, in more complex fashion, the amounts which could otherwise be collected under a retail sales tax."

Mr. Surrey is the Jeremiah Smith, Jr. Professor of Law at the Harvard Law School, where he teaches taxation. From 1961 to 1969, he served as Assistant Secretary for Tax Policy in the U.S. Treasury Department.

Writers of tax articles have recently found a new topic for discussion—or what they appear to indicate is a new topic—namely, "Should the United States have a value-added tax?" The question, when so phrased does appear to be a new one, since most readers do not know what a value-added tax is and are led to believe it is a novel form of taxation. But if the question were phrased more accurately as, "Should the United States adopt a national sales tax?" the readers would at once be on familiar ground.

This question has been discussed for four decades or more in the United States— and the answer has been consistently in the negative. A value-added tax is just a general retail sales tax collected in a different way.

It is interesting that advocates of the value-added tax generally go out of their way to avoid mentioning this. Indeed, articles urging the VA tax are written without once using the words "sales taxation" or "retail sales tax." Many other people, however, such as public finance experts and the Europeans who have such taxes, are quite clear on the sales tax classification of the value-added tax.

There is nothing wrong in once again debating a question we have considered a number of times before in the United States. Any tax system must constantly face up to continued scrutiny. Nevertheless, we should maintain our perspective in talking about a value-added tax, and constantly keep in mind that it is no more than one way of collecting a retail sales tax.

Moreover, and this is important, we should recognize that many who wish to add a national sales tax to our tax system hope to find a new and stronger urgency for their position by pushing this variant of the usual retail sales tax under a name that is generally novel to our ears and, even more significant it does not reveal its basic character. They also seek thereby to capitalize on the current wave of adoption of value-added taxes in the European Economic Community.

Let us, therefore, first look at that background and see how a VA tax functions. Then, in succeeding sections, I shall discuss the domestic and international considerations, and present my judgment that the United States should not adopt a national sales tax and that, in any event, the typical retail sales tax is preferable to the value-added tax variation.

VA TAX BACKGROUND

What is new in the world today is that the European countries are in the process of adopting value-added taxes. France has had one since 1954; Denmark adopted one in 1967; Germany adopted one in 1968; The Netherlands, Sweden, and Belgium, in 1969; Norway, in 1970; and so on. But a word of perspective is in order.

All of these countries have for many years had a national sales tax of one form or another, usually the inefficient turnover tax. The main topic for them, therefore, was not whether to have a national sales tax. Rather, in seeking to replace the undesirable turnover taxes and to harmonize their tax systems under the European Economic Community, the consideration was whether they should adopt the VA form of sales taxation or some other form of sales tax as the common denominator.

For reasons growing out of their political and tax histories, which in some countries involved the inability to effectively collect a mass income tax, they had already chosen to utilize high-rate sales tax. The significant point is that they were concerned with the subtopic—namely, the form of a sales tax which both would be superior to the turnover tax and would achieve harmonization—and not the main topic: Should there be a sales tax at all? They had answered that question, as I have said, many years before, for their national sales taxes go back at least to post-World War I days. As for the present they are choosing the value-added tax, partly for political reasons and partly because of worries about collection problems under the retail sales tax. I shall present more on this point later.

HOW IT WORKS

We all know what a retail sales tax is—44 of our states and some of our cities have this tax. We also know what a wholesale sales tax is and what a manufacturer's sales tax is. What, then, is a value-added tax? A VA tax is merely a different method of collecting a retail sales tax. Moreover, it is a more complex method. Using the recent German tax as a model—and that is the type urged for adoption in the United States—let us see how a VA tax works.

The German tax is imposed at an 11% rate on almost all sales of goods (and some services) by any business. Take the case of a manfacturing company: it applies an 11% rate to its total sales to find the preliminary tax due. From this, the company subtracts the 11% taxes it has paid on its purchases; the net is payable to the government.

In essence, the tax is computed on the value-added by the manufacturer, as represented by the difference between the values of the company's total sales and its total purchases. The latter include all components, either as raw materials or semi-processed goods; capital goods, such as plant machinery and equipment; goods used up in manufacture; business furniture; and so forth. The manufacturing company, of course, bills its wholesale customers for the 11% tax on the sales price of the articles it sells, just as it was earlier billed 11% on its purchases from suppliers. The tax is invoiced separately on all sales and is thus not hidden in the sales price.

The process is repeated at the wholesale stage—the wholesaling company pays the government 11% of its sales, less the taxes the company has paid previously on its purchases, and then bills the 11% tax to its customers. No pyramiding should occur with the VA tax—in contrast to the turnover form of sales tax—since the taxes paid by the wholesaling company are kept apart from the price of the goods it purchased, and it can subtract this tax cost. The process is repeated once again at the retail stage, with the retailer charging its customers for the 11% tax.

The process ends there if the retail sale is for personal consumption, as in the case of a family automobile, household furniture, clothing, and food. But if the article is purchased for use in a business—say, a company automobile or office desk—the process begins again, and the company subtracts the tax on the car or desk from the taxes it collects on its sales.

There is one additional important facet to note. Under the German system, the tax payment is due each month. Suppose, then, that a company has paid more tax on its purchases than it has collected on its sales to customers (e.g., sales may be slow). In that case, the government makes a refund of any excess tax paid in any given month; thus the cost of carrying the value-added tax is not borne by the company beyond a month or two.

All this clearly adds up in economic effect and intended result to an 11% retail sales tax on personal consumption. The 11% VA levy is designed to be passed all along the processing line to the consumer who buys from a retailer and is left with the tax. The 11% tax is not intended to enter into the price structure until the final sale. Prior to that time, it is a tax item that accompanies each sale, it is kept separate on the books, and it is so indicated. If the tax item is not promptly moved along the business chain, the government refunds the amount promptly.

(Economists refer to this form of value-added tax as a consumption type. It is the form used by all European countries that have adopted the tax. There are other forms—for example, the income type, which allows only depreciation of a producer's capital goods purchased and has the effect of a proportional income tax. But the consumption type is the one that advocates of a value-added tax have in mind for the United States.)

The obvious question that one familiar with an effective retail sales tax would ask is: "Should the government bother with the preliminary steps when it can get the final 11% tax at retail?" The response is presumptively, "Don't bother with the preliminaries that occur under a value-added tax; just have the retail sales tax." Indeed, this was the reply given by the Canadian Royal Commission on Taxation, which did pose the question for itself. I shall return later to this aspect.

DOMESTIC CONSIDERATIONS

Against the preceding background, we can return to the main question I posed at the outset of this article: Should the United States adopt a national sales tax? Proponents of this tax have followed two courses. One is to argue that we should have a sales tax right away, and it should be substituted for part of the present income tax, usually the corporation income tax. The other course is to assert that if, as a nation, we decide to increase our tax payments, the sales tax should be utilized to raise the additional revenues.

While, in the eyes of sales tax proponents, these two courses of action embody the view that the VA tax is clearly superior to all other taxes, in part the courses raise separate issues. Let us first consider the substitution of a sales tax for part of the corporate tax.

SUBSTITUTING A SALES TAX

A 1% national retail sales tax would yield about $5 billion. Similarly, six percentage points of the corporate income tax would yield about the same revenue. Hence should we, for example, reduce our 48% corporate income tax to about 30%—proponents of a value-added tax do not say how much of a substitution they desire—and make up the $15 billion loss of revenue through a 3% sales tax? What would the United States gain through this change?

Aspect of neutrality: Certain virtues are claimed for the value-added tax in the name of "neutrality." There is no such thing, however, as a really neutral tax; some transactions or people must in the end be taxed and not others.

The VA tax is said to be neutral because it applies in the same way to all types of business. Thus the tax is said to be a cost for every business—whether a business makes or loses money, whether efficient or inefficient, whether in corporate form or proprietorship form, whether labor-intensive or capital-intensive, whether debt-financed or equity-financed, and so on. We are left with the impression that here is a really neutral tax *imposed on businesses* which we are substituting for the corporate income tax.

But this just is not so. The value-added tax is neutral as to businesses because it does not apply to businesses; rather, it is a retail sales tax on the consumers of goods and services, and not a tax on the producers or sellers of goods and services. For the business sector, the neutrality of the VA tax simply means the *neutrality of the nontaxpayer*, because it casts the business firm in the role of a collector of taxes from the ultimate consumer.

Nor should be view a VA tax as a neutral tax on consumers. A VA tax would be neutral only if it taxed all consumer goods and services at the *same* rate. But no such tax actually exists in Europe, and none would exist here. The French tax, for example, has four rates: a normal rate; an increased rate for luxury items; an intermediate rate for certain utilities, such as hospital care and some foodstuffs; and a reduced rate for widely consumed foods, tourist hotels, and so forth. The German tax has two rates—a general 11% rate and a 5.5% rate for most agricultural products—and other countries generally also have at least two rates.

Some systems exempt food, and many exempt a large variety of services, financial activities (banking and insurance), newspapers, nonprofit institutions (schools and governments themselves), and so on. Some favor small businesses. Other systems avoid differential rates, but reduce the tax base for certain sectors of the economy (e.g., construction) by taxing only a percentage of the sales price. The list of separate rates, differentials, exclusions, and discriminations is endless. No mass tax can be a simple, neutral tax, as anyone acquainted with a state retail tax will agree, and a value-added tax is more complex than a retail tax.

Advocates' arguments: Some supporters of a VA tax say that the United States should derive a larger portion of its revenue from indirect taxes—that is, from sales taxes. This argument is usually associated with the idea that substituting a tax on sales to raise part of the revenue now provided by the corporate income tax would stimulate economic growth through enhancement of investment in corporate equity. Foreign tax systems are often cited as evidence to support this view.

But if one looks at the components of the tax systems of various industrialized nations over a period of time and relates them to the growth rate of their economies, there seems to be no observable relationship between the two. We have been doing pretty well in the United States in the last decade, and we do not have a national sales tax.

Arguments as to the "fairness" of taxing corporate income will continue so long as there is a corporation tax. Far be it from me to deny that a separate tax on corporate profits does not have distributional and incentive effects. It does, but so does every tax, and some of these effects could be corrected by appropriate revisions in our corporate tax rules. The real question is whether there are advantages to corporate profits taxation which offset the disadvantages. I believe there are.

The history of corporate income taxation in this and other industrialized nations has shown that there is a significant tax-paying capability inherent in the corporate structure. Moreover, many approve of the distribution of the corporate tax by income classes. And the taxation of corporations and their dividends hardly seems to put a damper on the long-run advantages that investors find in corporate equities. Some economists, of course, would like to see the corporate income tax integrated with the individual income tax—by regarding the corporate tax as a preliminary withholding tax on shareholders and the latter taxed on their shares of all corporate income—and capital gains made fully taxable on an accrual basis as far as possible; but this is a step which is rarely urged by advocates of a VA tax.

If we desire to adjust our income tax structure to tilt it, or rebalance it, or what you will, so as to favor investment, there are ways to accomplish this (e.g., investment credit) without having to resort to an entirely new tax.

Inasmuch as proponents of a VA tax for the United States so often refer to the tax systems of foreign countries as a model for the use of indirect taxes, I wonder why, if they are so worried about the level of our corporate tax, they so conveniently ignore the corporate tax rates in those countries. Heavy reliance of a country on indirect taxation does not mean low corporate rates.

For example, both Germany and France have a rate of over 50% on undistributed corporate profits, and the United Kingdom's rate is in the 40% bracket. The experience of U.S. companies with international operations and U.S. Treasury data on the foreign tax credit indicate that the effective rate of European corporate income taxes generally is quite comparable to that of the United States.

Moreover, it is on top of these high corporate rates that European countries have their value-added taxes, also at high rates. Thus the top French rate is 23%; the Swedish rate, 15%; and the German rate, 11%. No European country has reduced its corporate tax as a result of having adopted a value-added tax.

I thus can find no persuasive reasons to shift from the corporate tax—or any other existing tax—to a national sales tax. The Conference Report of the National Bureau of Economic Research and the Brookings Institution in 1964, on the subject of "The Role of Direct and Indirect Taxes in the Federal Revenue System," ends with the same conclusion: "It is hard, then, to find much support for more reliance on indirect taxation in the record of the conference, even though some participants came, and left, with a disposition toward this view."[1]

Detractors' objections: There are a number of persuasive reasons against a shift from the corporate tax to a sales tax. It would mean the substitution of a regressive tax for a progressive tax, and on equity grounds this would be a distinct step backward. A Bureau of Labor Statistics Study contrasts the distribution of consumer expenditures as a percentage of income with the distribution of corporate dividends, also as a percentage of income.[2] Consider:

The consumer expenditures range downward from over 100% of income in the lowest brackets to 80% at the $10,000-to-$15,000 level, and 62% in the brackets over $15,000.

The dividends hover around 0.6% to 0.7% of income until the $10,000-to-$15,000 bracket, where they are 1.9%, while in the over-$15,000 bracket they are 6.7%.

The groups under $10,000 accounted for 82.5% of overall consumer expenditures, but only 29.3% of the total dividends.

The groups over $15,000, which included only 2% of the consumer units in the country, made 5.7% of the expenditures but received 41.6% of the dividends.

The value-added tax is levied on the consumer expenditures, whereas the corporate tax, in effect, reaches the dividends. If one believes in progressivity in our federal tax system, one would oppose the substitution of the VA tax for the corporate tax.

Proponents of the VA tax seek to meet this objection in several ways. One course is to argue that the corporate tax itself is shifted forward, so no change in regressivity would be involved.

[This argument assumes that on reduction of the corporate tax there would be, pro-tanto, a deshifting which, coupled with the effect on prices of the value-added tax, would leave prices unchanged. However, the deshifting is a result one could well be skeptical about, even if one felt that there had been some previous shifting of the corporate tax. If there is no deshifting, then the price structure will of course rise with the imposition of the value-added tax.]

The economic aspects of the incidence of the corporate tax are very involved, and economists are in varying stages of disagreement on the theoretical arguments and statistical analysis. But if they were put to the crucial and operative question, "What should a legislator, in deciding how to vote on tax issues, assume as to who bears the corporate tax?" I believe most economists would answer, "The legislator should assume the tax is borne by the shareholders." Further, if put to the same form of question on a retail sales tax, or a VA tax, I believe they would answer, "The legislator should assume the tax is borne by the consumer."

Another course of the proponents of a VA tax is to seek to minimize the regressivity effect, either by raising income tax exemptions and increasing welfare payments, or by granting exemptions from the sales tax—say, for food. Perhaps the burden of a VA tax on the very poor can be moderated in this way. But the VA tax, including the added load of the increased welfare payments, must be paid—and it will be paid—through a shift of the tax burden from the upper to lower brackets.

A third course is to acknowledge some increase in regressivity, but to consider this disadvantage outweighed by the purported advantages of the tax in fostering economic growth and giving corporate investors more "reasonable" tax treatment. However, this defense is only as good as those purported advantages, and they, in my view, do not carry the needed weight.

In the end, the arguments come down to the fact that most of those who advocate a VA tax simply have a distinctly lower regard for progressivity and tax equity as factors in shaping a tax system.

The substitution of a sales tax would cause prices of consumer goods to rise, which is the underlying purpose of the tax. This rise in price would, in all likelihood, set off a round of wage increases as the price index rose, and thus the substitution of the tax would have an inflationary potential. The addition of a new mass federal tax also would have its costs in taxpayer compliance and IRS administration. A proposal for a value-added tax would involve a political and legislative battle of the first order. The country would not be well served by provoking such a battle for a tax that has so little to offer to our tax system.

RAISING ADDITIONAL REVENUE

Let us turn to the question of what should be done if the country decides that additional revenue should be raised. The previous discussion indicates that a national sales tax should not be the first measure to turn to for the additional funds. Recently, $10 billion in additional taxes was raised by a 10% income tax surcharge without any adverse consequences or administrative problems. This indicates that, if additional revenue is needed the first course should be to raise income tax rates to higher levels.

---

[1] Role of Direct and Indirect Taxes in the Federal Revenue System (Princeton, Princeton University Press, 1964), p. 313.

[2] Bureau of Labor Statistics, Survey of Consumer Expenditures, 1960–1961, "Supplement 3—Part A to BLS Report No. 237–93," May 1966.

Along with this should come further steps toward reforming the income tax. Target areas could include a stronger minimum income tax, income taxation of appreciated capital assets at death, withholding on dividends and interest, elimination of the maximum tax on earned income, wringing out the "tax water" in our tax preference subsidies (state and local bonds, real estate, oil exploration, timber, farm losses), and strengthening the estate and gift tax laws.

Thus, given the revenue increase likely to be needed—if it is indeed needed—for economic stabilization reasons or voted by Congress for expenditure purposes, we would not be faced with the question of whether we were using our existing tax system beyond safe limits, and a new mass tax would thus not be required. Moreover, and I shall consider this later, if such a tax becomes necessary, a retail sales tax is preferable to a value-added tax.

(Some economists, seeking far larger revenues for social purposes, see a national sales tax as part of a revised tax structure with a strengthened income tax, especially as to appreciation in capital assets whether or not realized by sales; increased taxes on wealth through stronger estate and gift taxes and perhaps a net wealth tax; a progressive expenditure tax for well-to-do spenders; and a strong negative income tax or income maintenance arrangement to protect the poor. But most of the advocates of a value-added tax are not found here, for they see only the sales tax ingredient.)

INTERNATIONAL ASPECTS

The preceding discussion states the view that, on the basis of domestic considerations, the adoption of a national sales tax is not desirable. If one accepts this conclusion, the next question is: Should the answer nevertheless be altered because of international considerations?

Many proponents of a value-added tax would reply in the affirmative, and indeed rely on international considerations to differentiate the latest discussion of the need for a sales tax from the previous debates on that subject in this country. This reliance on international considerations is based on the structure of a VA tax as applied to international trade.

A country with a value-added tax, while recognizing the effect of the tax on domestic prices, prevents the tax from increasing export prices. It does so by exempting a manufacturing company (or other exporter) from paying a VA tax on its exports. The country also rebates to that company the VA taxes it has paid to its suppliers so that it does not incur those tax costs for its exports.

At the same time, the country brings imports under the value- added tax by imposing a border tax on the imports equal to that tax, thereby subjecting imports to the same sales tax system as domestically produced goods. There is nothing mysterious or tricky in this approach. We do the same in the United States in the case of our single-stage manufacturer's taxes on automobiles, cigarette, alcohol, and so on—namely, rebate the tax (if previously paid) on that part of the output which is exported and collect an equivalent excise tax on imports.

INADEQUATE ARGUMENTS

Why, then, is it said that a country having a VA tax is favored in its international trade? Some business firms and groups have a simple, first-level answer. They say that a German company exporting machine tools, for example, is exempted from an 11% VA tax if it sells for export, but not if it sells domestically, so that those German exports are favored by the 11% differential.

This simply means, however, that a German exporter of machine tools does not pay a sales tax in Germany, and the tax does not increase his price; but neither does a U.S. exporter of machine tools pay a sales tax in the United States. Hence both, in this respect are already on the same basis.

They also say a German exporter receives a rebate of 11% of the cost of his purchases, while the American exporter does not. But the German exporter has paid a sales tax equal to that 11% rebate, while the American exporter has not. Thus, in this respect, they also end up on the same basis—selling in world markets free of a domestic tax.

And so it it with imports. Machine tools coming into Germany must pay an 11% tax because machine tools produced and sold in Germany are subject to that tax. Machine tools coming into U.S. domestic markets do not face a border tax in the United States because machine tools produced in the United States are not subject to such a tax.

Clearly, we must look beyond this erroneous first-level contention to see if there is an international trade effect. Some proponents of a VA tax assert that while this system of border tax adjustments keeps that tax from affecting international prices, the United States does not have comparable border tax adjustments to reflect the corporate income tax. But this argument has validity only if the corporate tax is shifted forward in prices and thus, without the rebate, would affect the export price. This is a point considered earlier, and we took the view that the corporate tax should, for legislative policy purposes, be considered as not shifted forward. Moreover, since the principal European countries also have corporate taxes at about the same effective level as ours, they are in the same posture in this regard, and this argument thus has no weight.

Let us move from these clearly inadequate arguments of the proponents of a value-added tax to try another avenue of analysis. As noted earlier, the VA tax is passed forward in an accounting sense and is expected also to be shifted forward in an economic sense through a price rise.

Suppose, however, that it is not fully shifted forward in domestic prices because of market conditions. Then a manufacturing company will be forced to absorb some of the tax effects on its domestic sales and thus reduce its profits, since it is only realistic to assume that wages cannot be reduced.

But the company would not have the consequence of reduced profits on its exempted export sales; therefore, it would perhaps turn more of its energies to exporting and thereby enlarge the country's international trade. Similarly, foreigners exporting the same product to the value-added tax country would suffer lower profits and be less induced to push those exports.

If this be so, a country with a VA tax would have some trade advantage through such an incentive to export and the disincentive to import. The situation could vary from product to product, depending on supply-and-demand elasticities.

But, given full employment, the absence of full forward shifting in price of the VA tax would presumably be due to a reasonably tough monetary policy that did not allow domestic prices to rise to absorb the tax. If it takes such a tough policy to produce the trade advantage when a sales tax is introduced, then presumably the advantage could also be obtained by the same monetary policy and its deflationary effect on domestic prices without resorting to a value-added tax.

Finally, for the trade advantage to be at all significant, the rate of the VA tax must be quite high, at levels commensurate with the European rates. But a VA tax applied in the United States at such levels would swamp our existing tax system. For example, even a 10% rate would mean a revenue yield considerably greater than that from our total corporate tax.

The conclusion which emerges from this examination of international aspects is this: if the United States were to decide, on domestic considerations, that it should not adopt a national sales tax, it should not change that decision because of international considerations. The international considerations are either neutral or so minor in their effect that the final decision should rest on domestic policy considerations alone.

PREFERABLE ALTERNATIVE

In regard to the major question of whether the United States should adopt a national sales tax, my answer is *no*, at least in the foreseeable future, whether the sales tax would be offered as a substitute for an existing tax or as a method of raising any additional revenues needed. But even if the answer were *yes*, why should the value-added tax be chosen by the United States? Why not the familiar retail sales tax?

EFFECTIVE STRUCTURE EXISTS

In the United States, with 44 states having retail sales taxes, over 97% of our population live in states with retail sales taxes, and 97% of our retail establishments are located in states having such taxes. The usual rate is around 5%, with some rates as high as 8%. Thus, today, a retail sales tax is being successfully administered in the United States. Therefore, if the federal tax system is to have a national sales tax, why not simply use the retail tax structure we already have functioning and adopt a national retail sales tax?

What is to be gained by having a VA tax rather than a retail sales tax? As far as I can see, the answer is more paper work and administrative chores, and greater temptations for exemptions and special rates.

The end result of a VA tax, as we noted earlier, is that the retailer collects the tax from his customer. Let us compare the effect of a 5% retail sales tax and a 5% VA tax. Under the retail sales tax, a retailer collects 5% of the sales price from his customers and pays the full 5% to the government; that is the end of the matter. Under a value-added tax, however, a retailer first pays 5% to his wholesaler on goods purchased, then collects 5% from his customers on the retail price, and pays the net difference to the government.

For example, if the wholesale price is $70 and the retail price is $100 before tax, the retailer pays the wholesaler $3.50, later collects $5.00 from its customer, and pays $1.50 to the government. The government is thus collecting the $5.00 in bits and pieces: $1.50 from the retailer; say, $1.00 from the wholesaler (if the manufacturer's price is $50, the wholesaler collects $3.50 from the retailer but has paid the manufacturer $2.50, leaving a net of $1.00); say, $1.50 from the manufacturer; and the rest from various suppliers of the manufacturer.

While the government gets part of the $5 earlier, it has the administrative problems of dealing with all the other units in the productive process. These units, in turn—wholesalers, manufacturers, and suppliers—are all involved in paper work under the VA tax, whereas they are less encumbered under the retail tax. The retailer also has an additional burden under the VA tax, for he must keep track of both purchases and sales, whereas only sales records are involved with a retail sales tax.

Of course, under a retail sales tax, most businesses would probably be registered, since some nonretailers do have sales at retail. Also, such registration may be relied on to administer the exemption for sales of a producer's goods and goods to be used in further manufacture, with a registered seller being permitted to sell such goods on an exempt basis to a registered buyer. In addition to some direct exemptions, the exclusion of such goods could, of course, also partly be handled under a system of refunds to the exempt purchaser, which is essentially the way a VA tax does it.

Overall, however, the paper work and back-and-forth tax payments and credits or refunds would be considerably less under the retail sales tax. Moreover, the conclusion of various classes of business organizations, rate differentials, and the like—and surely there would be these—are considerably more difficult to handle under a VA tax (e.g., where a company not required to collect the tax, because it is exempt, has paid tax on its purchases) than under a retail tax.

We must remember that the Europeans developed the VA tax because they (a) did not believe that they could effectively handle a retail sales tax and (b) were improving a turnover tax system under which they had been taxing all sectors of manufacturing and distribution, and hence tended to think of all sectors as still playing a role in the sales tax process. The Europeans, especially with their high rates of sales tax, said that if the retailers would cheat and not collect a retail sales tax, then under a VA tax the government at least would get the tax on the wholesale price, provided the wholesaler played his role.

Even this view disregards two aspects: (1) typical retailer cheating—that of understating the retail price for tax computation purposes—which is not reached by either tax; and (2) retailer cheating that hides some sales entirely or cuts below the wholesale price, which can be reached under a retail tax by using wholesaler sales records without requiring wholesaler tax collections. In short, both types of tax require effective government auditing programs.

Hence there is no need for the United States, with an already effectively functioning retail sales tax structure at the state level, to have at the federal level a value-added structure that collects, in more complex fashion, the amounts which could otherwise be collected under a retail sales tax.

CRUCIAL INTERRELATIONSHIPS

Our federal system adds a special reason to have the same structure for the national tax as that used in our states. Clearly, our states are not going to give up their retail sales taxes as a revenue factor; more likely, they would oppose a national sales tax as an encroachment on their tax preserves.

But if we are to have a national sales tax, we should at least use it to work in the direction of uniformity in the sales tax field. This could best be achieved by letting the states "ride" the federal tax—that is, add their rate to the federal rate and have the federal government pay over to a state the amounts collected on its behalf.

The states cannot, however, without a great deal of confusion, ride a VA tax and end up with the same revenue allocations among them as exist today.

Retail sales taxes in a federal system essentially allocate their revenues to the state of final sale, i.e., the state of destination of the goods. In the absence of border adjustments, a value-added tax allocates its revenues in part to the state of origin, in part to any states having intermediate wholesalers, and in part to the state of final sale. Indeed, since the Europeans desire for the period ahead to allocate revenues within the Common Market to the country of destination, they must retain their border adjustments among themselves.

In the United States, under current Supreme Court decisions, the states cannot apply a sales tax on an origin basis, and hence the states have adopted a different method of allocation. On the one hand, it would seem difficult to change that method, because a federally imposed minimum state sales tax would be required to prevent interstate competition. On the other hand, it would seem confusing to accommodate a VA tax to that method, while still obtaining a uniform sales tax structure with its total rate made up of national and varying state, and even city, rates.

Indeed, if the United States is to have a national sales tax, it would appear that this federal-state-city interrelationship is a crucial aspect requiring full exploration.

The prudent course, if we are to have a national sales tax in the United States, would be to build on our already functioning retail sales tax structure and to see if any difficulties turn up which cannot adequately be coped with under that structure. We should explore the known, rather than the unknown of whether a value-added tax offers any expectation of better meeting those difficulties without incurring new problems.

CONCLUDING NOTE

In varying degrees, our existing federal tax system provides equity, incentives, certainty, and familiarity. It is by no means perfect, but any change should be in the direction of improvement, balancing the various goals the system seeks to achieve. Consider:

Viewed from the standpoint of domestic considerations, the addition of a national sales tax would clearly not improve our present federal tax system; rather, it would make it distinctly worse.

On the international side, a national sales tax would not bring the United States any advantages which would alter a policy decision against the tax made for domestic reasons.

Finally, if a national sales tax were ever deemed desirable in the United States, it should take the form of a retail sales tax and not a value-added tax.

In this light, the case against a value-added tax for the United States is very strong.

THE VALUE ADDED TAX—REBUTTAL OF A NEGATIVE VIEW

(By Richard W. Lindholm) *

In order to be as useful as possible to readers of *The Tax Executive* in their efforts to evaluate the value-added tax (VAT), my comments will be releated very closely to the views of Mr. Surrey as given in a previous issue of this Journal.[1]

CONDITIONS ARE NEW

Today the desirability of VAT as a source of tax revenues must be considered in light of the Federal Government's greatly expanded emphasis on human welfare expenditure goals. In the 1920's,[2] and again in the early 1940's, this type of expenditure emphasis was not the principal purpose of Federal revenue maintenance and revenue increase actions. This is the great change in today's conditions from those of yesterday. Expenditures at the Federal level have become meaningfully similar to those existing at the local and state government levels when many states introduced the retail sales tax in the 1930's. This action was taken to prevent a revenue shortage from causing a sharp decline in the quality of primary and secondary public education. The state expenditure goals to be reached with the revenues collected from the new retail sales tax justified the introduction of a tax that did not attempt to change the verticle distribution of incomes. This continues to be a fundamental aspect of the political acceptance of the state and municipal retail sales tax.

There are a number of other basic changes of the past forty years that make the current situation relative to use of a broad indirect Federal tax very "new" indeed. For example, taxes as a percent of Gross National Product (GNP) are growing year-by-year in all industrial nations.[3] The additional revenues used directly to finance social security in all its various aspects have been expanding particularly rapidly. During this same recent past the rates of customs duties have been declining. The goals of lowered tariffs of the Kennedy Round are also our goals as the world's major trading and investing nation.

The combined economic impact of these three simultaneous fiscal developments, i.e., (1) the expanding Federal welfare role, (2) higher taxes as percent of GNP, and (3) reduced tariffs, is to sharply increase the need to consider international impacts of tax methods used to raise the National Government's revenues. In many export categories the competition being faced by American produced goods in the markets of the world is very sharp indeed. The direct impact on costs of exporters of the internal tax method used in the nation of production and importation has become important. The helpfulness of the strength of VAT in the international economic arena is largely another "new" situation.[4] High domestic taxes and low tariffs, plus the ability of VAT to provide an internationally acceptable procedure to levy compensating border taxes and to extend refunds to exporters gives VAT a "new" internal attractiveness. The favorableness of the international aspects of VAT is not limited to the trade account portion of the balance of payments. VAT, by providing a new major tax base, permits a reduction of taxes on capital, profits and savings. This makes a nation using VAT a more attractive place to invest. This in turn stimulates economic growth and helps prevent a negative balance of international payments.[5]

Mr. Surrey's suggestion of adjustments at the border by simply giving rebates to exporters and collecting border taxes on imports is *not* accepted international practice. We protest actions along these lines by other nations and use countervailing tariff legislative provisions to combat the economic effect.[6] However, we do not react in this way toward a similar type of trade impact through use of VAT. This appears to be the typical situation. The attitude difference perhaps arises because an export rebate and the associated border tax arising from adjustments due to a national broad-based tax cannot be easily changed upward and there is therefore strict built-in limits.

A TAX THAT USES GROSS NATIONAL PRODUCT AS ITS BASE

The base of a VAT that would include all value-added sold in the market place is our familiar business portion of private sector GNP. It is also true if Government services as well as other services are added to this total that the aggregate is total consumption. Production has no value unless it is directly and indirectly consumed by those willing to pay a price of some kind.[7] Basically production and consumption are equal, and the fact this is only true in a long-run or a static equilibrium situation does not destroy the basic truth or usefulness of the relationship when considering the nature of VAT.

This private sector GNP total, which is the one reported by the Office of Business Economics of the United States Department of Commerce, includes the value of capital goods produced as well as consumer goods such as corn flakes. That this is the situation is sometimes forgotten. For example, the price of corn flakes at retail must of necessity include the cost of the consumption of buildings and machines used from the plow to the cash register of the grocer. Therefore to calculate the private sector GNP total, while avoiding double counting, the retail total reported as a portion of GNP is much less than the retail sale price of these goods. The total is the value-added at retail.

In some cases retail GNP will be 50 percent of the wholesale price and in others it may be 10 percent. On the other hand, the aggregate of the value of all goods and services sold includes all the costs, and this cost

---

Footnotes at end of article.

total is equal to the production total which is GNP. What you and I spend for consumer goods and services includes in its total the cost of all capital goods used, as well as all payments to governments as taxes.

These basic characteristics of our GNP data are well known and do not create serious analytical difficulties to knowledgeable people. The only reason for bringing it up is to highlight the meaninglessness of trying to distinguish between a production tax and a sales tax or between a gross income tax and a gross production tax, or even between a tax on consumption and a tax on production or a tax on gross income or receipts.

The VAT literature distinguishes between what is called a consumption type VAT and an income type VAT. The difference between the two approaches is the treatment given to capital purchases. In the income type approach, the VAT paid on capital purchases is not deducted in calculating VAT liability, but depreciation allowances are provided. In the consumer type, the VAT which is included on invoices of capital purchases is deducted the same as is true of all other VAT reported as paid on invoices of purchases.

It is extremely easy to fall into the error of believing VAT is not being paid on the value of the production that went into the creation of capital goods when the tax paid is immediately deductible in calculating the VAT liability of the business firm purchasing and using the machine. The possibility of making this error has been compounded by the literature's nomenclature which calls this the consumption type VAT.[8]

What the consumption type VAT administrative procedure does, as is demonstrated in a little arithmetic example given below, is to prevent a portion of the monetary value of a nation's production or value-added from being taxed twice. It is a method of making VAT live up to its advance billing of being a truly *net* gross sales or turnover or production or even income tax. You choose the name you prefer—the tax is the same. VAT of the consumption type is being used by both France and Germany.

Under what has come to be called the consumption type administrative machinery it is assumed that each year all capital equipment purchased is used up in productive activity just as is the case of all electricity purchased.[9] Therefore the receipts from the sales of each firm must include the price of all capital, as well as the price of all electricity, and in addition, of course, the expenditures made for labor and the return on capital funds invested. In the aggregate and over a period of years this is the true situation.

Example Calculations (10% VAT) Costs of Production

Payments for—		*Prior Payment of VAT*
Taxes	$40,000	----
Capital equipment	100,000	$10,000
Electricity	10,000	1,000
Labor	200,000	----
Profits and interest	50,000	----
Total costs and selling price	400,000	11,000

The prior payment of VAT by other firms on costs is $11,000. If taxes are deducted from the VAT base so that only private sector GNP is taxed, the VAT check written to the Treasury by this firm is $36,000—$11,000 or $25,000. This private sector GNP total does not include double counting nor does it exempt value-added in producing production goods. VAT by using the approach of sticking continually to the position that any value-added on which VAT had previously been collected is deductible in calculating the tax base, avoids the difficulties of typical turnover taxes and also of income taxes where income is taxed as corporate income and again as individual income.

This excursion into national income accounting has been made to demonstrate that VAT is just what its name says. It is a tax on value-added and it is applied where that value-added arises in an economy. If it must be labeled an income, a sales, a consumption, or a production tax, the best economic support exists for calling it a production tax. However, the Michigan Business Activity Tax, really a type of VAT, was called an income tax by the courts and the *taxé sur la valeur ajouteé* (TVA) of France was labeled a tax on consumption under the understanding of the General Agreement on Tariff and Trade (GATT).[10]

RETAIL SALES TAX INSTEAD OF VAT

In a previous footnote it was noted that Sweden has replaced a single stage largely retail sales tax with VAT. This change was made for many reasons. Some of these are:

The tax evasion problem of a high rate tax on a single transaction completed in many cases by small and underfinanced businessmen was reduced.

It made the economic stimulation to exporters a refund of taxes paid by others rather than the elimination of the tax liability on the portion of sales not sold domestically at retail.

The likelihood of the incidence of the tax being passed backward in lower prices to factors of production rather than forward in higher retail prices was increased.

While avoiding the problem of collection from each establishment, it made possible the taxation of a considerable portion of the value of the sales of the seller of services, i.e., all materials and equipment plus rent paid.

It avoided taxpayer protests from those who saw others enjoying the consumption of purchases that were purchased at wholesale or for production and therefore exempted from the high rate retail sales tax.

The net effect of Sweden replacing the national retail sales tax with VAT was that it permitted a broadening of the base and an increase of the rate and collections while decreasing administrative problems, increasing justice and adding to Sweden's international competitiveness.

In the United States, these good reasons to adopt VAT and not a retail sales tax are also applicable. However, a desire to avoid burdening retail sales in most states with another very substantial tax to be collected at the point of retail sale is another justification for favoring VAT here. The VAT liability of a retailer varies depending on his markup. The retail sale liability of a 10 percent VAT on a washing machine selling for $200 with a 20 percent of selling price markup is $4 or .2 percent. The VAT liability on retail sale of a men's suit for $200 with a 50 percent of selling price markup would be 5 percent or $10. Because the retail VAT liability is a variable portion of the retail selling price, depending on markup percentage, it is not a tax added on at time of sale, unless the retailer wishes his customers to know the markup on each item.

Because of this administrative situation with VAT, it does not become another retail sales tax to be added on to sales price at point of sale. This of course would not be the situation with a national retail sales tax. Instead of functioning as another major tax to be collected at point of sale, VAT takes on the characteristics of a cost of doing business. VAT at the retail level is like property taxes and payroll taxes. In fact it is reported that some Dutch retailers insisted on being covêred by VAT so they would be able to benefit from VAT credits and refunds.[11]

TAXATION INCIDENCE

There can be no denying that all taxes are included in prices paid and all members of the economic community are continually paying prices and receiving prices. Any element of the economic community that is able to pay low prices for what it purchases and to charge high prices for what it sells, possesses considerable economic power. More than likely taxes levied on any base of this type of economic unit are shifted to weaker economic units through the market mechanism.

The strong economic unit could be a consumer employed as an airline pilot and the weak economic unit could be an American steel plant. It is not where the economic activity is located in the production-income circle of the national income accounts that determines the ability of the unit to maintain and increase its economic wellbeing. This is a function of all the various elements that determine relative economic and political strengths in a society.

VAT, like all taxes, provides revenues for Government use. Government revenues spent to provide services, possessing a high priority, but difficult or impossible to provide outside of Government, greatly increase satisfactions or economic efficiencies from the level that would exist if the taxes were not paid.

More than likely the greatest shortcoming of our existing Federal tax system's emphasis on ability-to-pay and the avoidance of taxation of the final goal of *all* economic activity—consumption—is its development of an ostrich head-in-the-sand attitude that taxation does not transfer consumer goods and services from private control to Government control. Yet, of course, that is what taxation is all about.

ECONOMIC NEUTRALITY

VAT, by taking a portion of production, i.e., GNP, wherever it takes place—in an electronics plant or a ma and pa grocery store—very definitely aims directly at making this transfer of economic power from the private economy to the public economy. It does not judge whether one type of "for sale" productive activity is more useful than another. This judgment as to social or welfare priorities is left to Government expenditure decisions. If Government wishes to stimulate ma and pa grocery stores it pays a subsidy to the operators of these stores out of the resources it has acquired through application of its taxes to the total "for sale" productivity of the economy.

The justifiably unfavorable position developed by the Treasury under Mr. Surrey's leadership in its attitude toward what is frequently called "tax expenditures" is applicable to any tax that fails to apply a flat rate to the total GNP arising from the private sector.[12] Relative economic positions are changed through the levy of taxes at a higher rate on corporate income than on individual income and the collection of an excise tax when one type of product is sold and not when another type is sold. This, i.e., the deviation from a neutral base, is what the concept of "tax expenditures" is really all about. Of course, the undesirableness of using a tax base that isn't neutral is heightened if the rates are graduated. A major basic economic advantage of VAT arises from its economic neutrality and therefore its avoidance of "tax expenditures."

Undoubtedly the American people are not ready to completely abandon "tax expenditures" whether it takes place through tax exemptions or tax applications. The beliefs supporting varied tax treatments of incomes and production from different sources in moving toward an improved society are deeply imbedded. The use of VAT in this sort of environment can at most provide a substantial economically neutral revenue flow to finance a portion of properly determined public expenditure choices. However, it seems to me that this can be a major contribution of VAT and it is one that Mr. Surrey and all others interested in

---

Footnotes at end of article.

wise use of scarce economic resources should support. A commentator of the International Monetary Fund has written: "Perhaps the overriding consideration that has led to the adoption of the value-added principle in Europe is its internal and external neutrality at the retail level.[13]

FOOTNOTES

*Richard W. Lindholm, former consultant to the Federal Reserve Board and the U.S. Department of Commerce in the area of value-added taxation, is Dean of the Graduate School of Management and Business of the University of Oregon.

[1] Stanley S. Surrey, *A Value Added Tax for the United States—A Negative View,* April 1969, pp. 151–172.

[2] In the 1920's the impetus for a general tax collected on transactions come from a desire to eliminate war-stimulated special excise taxes and in the 1940's to provide additional revenues to finance war-related expenditures.

[3] *Report on Tax Adjustments Applied to Exports and Imports in OECD Member Countries,* (OECD, 1968) pp. 214–255. The United States was an exception between 1964–1965.

[4] In recognition of this the Swedes in January 1969, repealed their national retail sales tax of 8 percent and replaced it with VAT having an effective rate of 11.11 percent. *European Taxation,* Vol. 8, No. 11 & 12, pp. 294–297.

[5] I have expanded on this point in Joint Economic Committee Hearings, *A Review of Balance of Payments,* January 13–15, 1969, pp. 253–254, and in the JOURNAL OF FINANCE, May 1966, pp. 255–265 and September 1968, pp. 659–665.

[6] Treasury announcement relative to countervailing duties on Italian tomato concentrates, December 30, 1968.

[7] Some imputed rents and values of goods and services consumed by producers are also a portion of the GNP calculations used.

[8] William H. Oakland, *The Theory of the Value-Added: I–A Comparison of Tax Bases,* NATIONAL TAX JOURNAL, Vol. XX, No. 2, p. 122.

[9] For procedures used in the introduction of the German VAT see Rudolf J. Nichus, TAXES, November 1967, and September 1969.

[10] Armco Steel Corp. v. Dept. of Rev., 359 Mich. 430. France went to considerable pains to label her TVA a tax on consumption. More than likely this was done to avoid future difficulty with GATT understandings.

[11] K. V. Antal, EUROPEAN TAXATION, Vol. 8, No. 11 & 12, p. 241.

[12] Remarks by the Honorable William F. Hellmuth, Jr., Deputy Assistant Secretary for Tax Policy, Treasury Department Release of October 29, 1968, pp. 5–6.

[13] Walter Missorten, *Some Problems in Implementing a Tax on Value Added,* NATIONAL TAX JOURNAL, Vol. XXI, No. 4, p. 396.

U.S. POLICY TOWARD AFRICA

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. DIGGS. Mr. Speaker, on September 15, 1971, upon returning from a 5-week study tour of several African nations and just 1 week after having been appointed by President Nixon to serve as a U.S. delegate to the United Nations General Assembly, I issued a press statement in which I assessed for our Government the implications for U.S. policy of the intensity of the determination for freedom of the black majorities in South Africa, Guinea-Bissau, and Cape Verde.

Included in this statement is a set of preliminary recommendations that, in general, advised that the United States "get on the side of freedom" and "work towards the peaceful and expeditious termination of minority rule" in the minority-ruled and colonial areas of Africa.

Following this press statement, I began to prepare in comprehensive form a set of recommendations on the U.S. policies from the information and insight that I gained during this trip. These recommendations were detailed in the document, which I issued in a December 14 press conference, entitled "Action Manifesto as a Result of My Trip to South Africa, Guinea-Bissau and Cape Verde," and were presented in this form to the Secretary of State and to Dr. Kissinger.

There are some 55 recommendations. Although these arise primarily from my recent trip to Guinea-Bissau, Cape Verde, and South Africa, certain other immediate aspects of U.S.-African policy are addressed. Recommendation 54 relates to Zimbabwe and, inter alia, urges that our Government recognize that the Heath/Smith "Proposals for a Settlement" do not secure to the people of Zimbabwe majority rule or self-determination in terms of their rights as set forth in the Charter of the United Nations. Recommendation 55 addresses to our Government some of the many questions raised by the anomalous and unprecedented half billion dollar commitment in the Azores agreement by this Government to Portugal which is waging three colonial wars against black people in Africa. In fact, it was the conclusion of this Accord which constrained me to submit to the President my resignation from the U.S. delegation to the United Nations General Assembly on December 17, 1971.

The statement which I made at that time rehearses some of the serious problems with respect to U.S. policy toward Africa which confronted me as a member of the U.S. delegation to the United Nations, as well as my inability to get underway a consultative process on these vital issues. Indeed, I was forced to the conclusion that considerations of integrity and of the desperate need to turn U.S. policy around from the perilous course on which it has embarked, required that I completely disassociate myself from the administration on African policy and submit my resignation.

Of most significant note is the fact that the overwhelming majority of the many messages that I have received to date in regard to this decision have been congratulatory and supportive. A most generous percentage of these expressions has come from spokesmen for the some 26 million U.S. citizens of African descent whose wishes and loyal presence are not being considered in the shaping of our Government's diplomatic and trade policies with Portugal and the minority-ruled areas of Africa.

Following are the full texts of both the Action Manifesto, and of my statement of resignation as it was made in a press conference called by me on December 17, 1971:

ACTION MANIFESTO AS A RESULT OF MY TRIP TO SOUTH AFRICA, GUINEA-BISSAU AND CAPE VERDE

(By the Honorable CHARLES C. DIGGS, Jr., Chairman, Subcommittee on Africa Committee on Foreign Affairs, U.S. House of Representatives)

PROLOGUE

This prologue which is drawn from my Press Statement of September 15, upon my return from the fact-finding mission to several African countries, including Guinea-Bissau, Cape Verde and South Africa, is designed to provide a background for this Action Manifesto which consists of a number of recommendations for United States Policy resulting, for the most part, from the trip. In view of the immediacy of concern on the proposed Heath/Smith settlement, and in view of the action which was announced last week by this government of the agreement on the Azores, recommendations have been added on these two subjects.

The visit to Guinea-Bissau and Cape Verde was extremely informative, both on the stark racism of the Portuguese Government and on the tenuous situation of the Portuguese in Guinea-Bissau. Guinea-Bissau is an armed camp, and the Portuguese are indeed beleaguered. At the same time, it was obvious that a consideration of the effect of the PAIGC must include not only its military gains and its concomitant efforts to improve conditions in the liberated areas, but even the housing, health and educational programs currently being undertaken in the Portuguese-held areas in Guinea and on Cape Verde.

The basic fact which I found on the fact-finding mission to South Africa was the indomitable spirit and the unquenchable will of the people of South Africa to be free. I have rturned with the conviction that majority rule in South Africa is inevitable and the rest of the world, particularly the United States, has no choice but to get on the side of freedom.

I am not prepared to start predicting when or how, but the countdown has begun.

Our government, at present, decries violence as a means of liberation, without condemning the violence which the South African Government uses to enforce the subjugation of the majority of the people. The United States must recognize that any means are legitimate so long as the recalcitrance of the South African Government continues.

For, despite some questioning among some of the while elements in South Africa, the situation of the African is worsening. He has no right of political participation in the government, no right of movement, no right to work or even to live with his family. We found no evidence either that the inhuman, all pervasive restrictions on the majority of the people, or that the repressive laws—applicable against anyone, black or white, who opposes the system—are being mitigated one iota. In fact, the resettlement projects, the Terrorism Act trials, the detention, the tortures, the deaths in detention and the bannings by unchallengable executive fiat continue. The pass laws, under which 2,500 Africans are arrested each day, symbolize the tyranny and the repression.

In my opinion, the United States, as the leading power in the world, must act to avoid the holocaust which will otherwise surely come. The government must reform its own employment practices in its enterprises, including the embassy and consulates in South Africa.

There is positively no justification, under present administration policy, whereunder black foreign service officers are not assigned to South Africa. Such assignments must be made without delay. The city of

Soweto has nearly a million blacks, there should be a USIS office there.

In my discussions with various U.S. business managers in South Africa, as well as in my visit to NASA, I found an utter lack of realization that blacks are human beings. The United States Government, in its own enlightened interest, must end its complicity with apartheid, and work towards the peaceful and expeditious termination of minority rule in South Africa.

It is incontrovertible that U.S. business, representing the second largest foreign investment in South Africa and concentrated in the manufacturing and dynamic sectors, buttresses the South African economy and, therefore, the present government and apartheid. Its presence not only renders the U.S. hostage to apartheid, it provides a stake in the status quo. Because of the innumerable policy and legal difficulties in forcing U.S. business to disengage, I am directing present efforts against the exploitation of the blacks by U.S. business, which uses the apartheid system as an excuse for slave labor practices.

The United States Government must use every legitimate means to bring U.S. business to dedicate itself to the principles and effectuation of fair employment practices with respect to wages, training and educational programs, fringe benefits, and special services and programs for the African. American firms must push beyond the limits of the permissible and end their racist practices. The signs—Whites Only—and the segregated facilities and the discrimination in jobs which we witnessed both in U.S. plants in South Africa and as the NASA facility there must be eliminated.

I have long opposed the sugar quota for South Africa, and frankly, I was shocked when I visited the sugar estates and actually witnessed the blatant racism of the Sugar Association and the deplorable conditions of employment for the sugar workers—the wages, the housing, the diet, and the long hours of work.

The potential of a free South Africa, with its tremendous natural, industrial, and human resources for all of its people, indeed, for all of Africa, is unlimited.

South Africa is not isolated from the tide of self-determination and freedom which has revolutionized the world in the middle of this century. Through the Charter of the United Nations, majority rule, self-determination and human rights have become recognized legal obligations of all member countries, including South Africa *and the United States.* The international community has been transformed from independent powers and dependent areas to communities of sovereign and independent states. This tide of freedom is a surging undertow in South Africa that will overcome.

We must utilize all our resources for its early realization; for although in the final analysis the resolution is coming from the people themselves, external forces and external assistance can make a vast difference in the way in which their freedom will be won.

I have thus issued this Action Manifesto with recommendations to the Secretary of State and to Dr. Kissinger for United States Government action.

INDEX TO SUBJECT MATTER OF RECOMMENDATIONS

U.S. policy respecting apartheid, self-determination and human rights, 1–2.

U.S. policy towards efforts to achieve self-determination and violence to thwart such efforts, 3–4.

U.S. contributions to United Nations Trust Fund, 5.

U.S. policy towards Portugal, 6–13.

U.S. policy towards liberation forces of Guinea-Bissau and Cape Verde, 14–17.

U.S. support of liberation movements and refugees, 18–19.

U.S. policy towards South Africa generally, 20.

U.S. policy on the Bantustans, 21.

U.S. Government enterprises in South Africa, 22–25.

U.S. policy towards U.S. business in South Africa, 26–32.

Export-Import Bank policy towards South Africa, 33.

Enforcement of statutory prohibition prohibiting importation into the U.S. of goods produced by forced labor, 34.

Sugar Quota for South Africa, 35.

Arms Embargo against South Africa, 36.

Assignment of military attachés to South Africa, 37.

Educational and cultural programs for South Africa, 38.

Legal assistance, 39.

U.S./S.A. cooperation in the nuclear field, 40.

U.S. international financial cooperation with South Africa, 41.

Visa policy towards South Africa, 42.

U.S. policy concerning Namibia, 43.

U.S. policy towards investment in the Portuguese territories, 44.

OPIC policy for the minority-ruled areas of Africa, 45.

General reporting requirements for U.S. businesses operating abroad, 46.

Geneva Conventions, 47.

U.S. policy towards the majority-ruled states of Southern Africa, 48–49.

U.S. policy towards the majority-ruled states of Africa, 50.

Chapter VII of the United Nations Charter, 51.

Special Task Force on Africa, 52.

Recommendations of UNA Panel on Southern Africa, 53.

U.S. policy toward Zimbabwe, 54.

The Azores Agreement, 55.

1. That the United States take meaningful steps, as spelled out below, (1) to end its complicity with apartheid, (2) to implement its pronouncements of adherence to the principle of self-determination and of abhorrence of apartheid with concrete actions towards their realization, (3) to comply with United States obligations under Articles 1, 2, 55 and 56 of the United Nations Charter, and (4) to act in accordance with the moral and legal standards of the Constitution.

2. That the United States Government show cause why it should not, as an earnest of its position on human rights and self-determination, downgrade its representation in South Africa and Portugal to the Chargé level.

3. That the United States condemn the violence with which the Government of South Africa and Portugal perpetuate their rule in these countries.

4. That the United States cease its condemnation of the efforts by the majority of the people of these areas to achieve their freedom by the only means available to them, and in reaffirmation of the principles enunciated in the Declaration of Independence—principles which gave birth to the American Revolution and to the United States of America—acknowledge the sacred right of these peoples to use, so long as the recalcitrance of those governments continues, whatever means are necessary to achieve self-determination and to win their freedom.

5. That the United States contribute to the United Nations Trust Fund. The Fund is made up of voluntary contributions and is used for:

"(a) Legal assistance to persons persecuted under the repressive and discriminatory legislation of South Africa;

"(b) Relief to such persons and their dependents;

"(c) Education of such persons and their dependents;

"(d) Relief for refugees from South Africa."

(General Assembly Resolution 2397 (XXIII) of 2 December 1968).

The General Assembly Report of October, 1971 listed the following contributions as received during the previous 12 months: Austria, $5,000; Belgium, $20,149; Bulgaria, $1,000; Cyprus, $242; Denmark, $66,796; Finland, $25,000; France, $20,000; Ghana, $1,000; Ireland, $2,750; Jamaica, $840; Japan, $20,000; Khmer Republic, $1,000; Liberia, $1,000; Morocco, $3,972; Norway, $35,000; Pakistan, $3,000: Saudi Arabia, $2,400; Sweden, $77,369; Yugoslavia, $1,000. Note, there was no contribution by the United States.

6. That United States NATO contributions to Portugal should be suspended until Portugal recognizes its obligations under the United Nations Charter with respect to the self-determination of the people of Guinea-Bissau, Angola and Mozambique, and until Portugal ceases its expenditure of a disproportionate amount of its budget to fight a colonial war in Africa. This recommendation is underscored by (1) the absence of any significant military reason for such contribution (the United States NATO contribution to Portugal amounts to "approximately one-fourth of one percent of Portuguese military expenditures") and (2) Portugal's expenditure of almost 50% of its budget for military purposes.

7. That the United States suspend *all* sales to the Portuguese armed forces until such time as Portugal takes the two actions specified in Recommendation 6.

8. That again, until Portugal takes the two actions specified in Recommendation 6, the United States suspend all sales to the Government of Portugal or to Portuguese buyers, whether such sales are public or commercial, of the following:

(a) Aircraft which can be used for troop transport;

(b) Arms, ammunition, and items of a weapons nature;

(c) Items for the use of, or by, the Portuguese armed forces;

(d) Spare parts and third party componentry for any of the above.

9. That United States export licenses for the sale of any of the items listed in the prior two paragraphs be denied. The present arms embargo against Portugal not only raises questions of adequacy of enforcement; it continues a military partnership with Portugal without regard to either Portugal's violations of the rights of the people of those territories or to Portugal's obligations under international law, and indeed without regard to our own obligations under the United Nations Charter. Regulations of the Department of Commerce (validated and G-dest license controls) and State Department (Munitions Control) should be amended accordingly.

10. That the United States suspend all Export-Import Bank facilities to Portugal until such time as Portugal takes the two actions specified in Recommendation 6.

11. That the United States pursue a positive program for bringing Portugal to rethink its obdurate position on Guinea-Bissau and Cape Verde.

12. That the United States cease its obstruction of efforts by other NATO countries to place on the agenda an item to reconsider NATO assistance to Portugal and that the United States Government use every effort to have this item placed on the agenda for the next NATO Council meeting.

13. That the United States take whatever steps are necessary, including amending its validated license regulations, to prevent the sale of defoliants to Portuguese buyers.

14. That the United States clearly and publicly state its support for self-determination for the people of Guinea-Bissau and Cape Verde.

15. That the United States either bilaterally, or through the United Nations, give humanitarian aid to the PAIGC and other liberation movements. (The feasibility of such aid is attested by the program of the Swedish Government which has an on-going assistance program to liberation movements and, in the calendar year of 1971 will contribute to the PAIGC 1,750,000 kroner in kind for humanitarian or educational purposes).

16. That the United States Government welcome the leaders of the PAIGC and other liberation movements for visits to this country and that United States officials meet with such leaders.

17. That the United States endeavor to get the two sides, the PAIGC and other liberation movements, and the Government of Portugal, together to the conference table on the basis of the Lusaka Manifesto, the principles of which the United States generally endorsed.

18. That the United States support multilateral and/or bilateral programs of humanitarian support to the liberation movements, through the provision of educational and reading materials, as well as medical supplies, to people in the liberated areas and to refugees.

19. That the United States adopt a positive and substantial program of assistance to Southern African refugees.

20. That our foreign policy towards South Africa be completely revamped. Our present foreign policy towards South Africa is based on pronouncements of abhorrence of apartheid on the one hand, and coexistence with, and even support of, its adherents on the other. In our own enlightened interest, this must be changed, and we must come to grips with the fact of change in South Africa due not to the largesse of the whites, but to the determination of the majority to achieve self-determination. To this end, the United States should affirmatively adopt a policy, attuned to and supporting the majority and their rights.

21. That the United States clearly and publicly state the legal position on the Bantustans, namely, that (1) they are illegal under international law, and (2) that international law requires the right of political participation in the Government of South Africa by all the people without distinction as to race, color, sex, language or religion.

22. That the United States establish substantial contact with the majorty in South Africa through the opening of USIS offices in Soweto and in other large black communities.

23. That the government reform its own enterprises in South Africa and terminate the apartheid practices I observed there, and that the embassy and consular staffs be integrated at all posts and at all levels in South Africa, and specifically:

(a) That the United States assign black personnel without delay to the embassy and consulate staff and to the USIS staff in South Africa on all levels, and

(b) That local blacks be employed by the diplomatic and consulate staff at each post and in all categories.

24. That guidelines be established for the United States Embassy and Consulate Post for (1) the use of segregated facilities in South Africa, and (2) for entertaining by United States Government personnel on a non-racial basis, and (3) for their attendance at segregated functions. (I cannot accept the position of the Department of State that (a) it gives maximum discretion to our Ambassador in regard to the "delicate problem of having to maintain adequate relations with the authorities while continuing to support and project our abhorrence of apartheid and dedication to multiracial principles" and (b) it permits the Ambassador to exercise "this discretion in tailoring the nature of his entertainment and that of his staff to fit the needs of the occasion." Under these vague standards, spelled out in Mr. Abshire's letter to me of July 26, 1971, our Ambassador gave a large, segregated reception which has subjected the United States to much criticism in South Africa and in the United States. Our policy interests require the establishment of functional and legal guidelines for embassy, consular and all official United States Government personnel in South Africa as to their participation at official and social functions and their use of segregated facilities).

25. That the agreement with South Africa for tracking stations in South Africa (T.I.A.S. 4562 of September 13, 1960) be terminated according to its terms and, in the interim, (1) that NASA be required to end its apartheid policies and racist practices and (2) that there be no discrimination in either the conditions of labor and employment or in the facilities available to employees. The callous racism and apartheid which I found at the NASA Tracking Station near Johannesburg must be ended.

26. That the role of the Commercial Attaché and Economic Officer be reexamined and their functions of encouraging United States businesses in South Africa be terminated.

27. That the United States Government take a stand against business expansion in South Africa until such time as South Africa ceases its racial policies, and implement effective disincentives to United States business investment in South Africa.

28. That the United States advise businesses that, if they decide to stay in South Africa, they do so at their own risk; and in the event of difficulties with liberation elements, the United States Government will not support them or afford protection.

29. That the United States Government actively and publicly use its power and influence to cause and assist United States businesses in South Africa to:

(a) Close the communications gap between United States headquarters and their subsidiaries and branch offices in South Africa;

(b) To pay equal pay for equal work;

(c) To get on with the task of training and whatever else is necessary so that blacks, coloreds and whites are performing equal work on a substantial scale;

(d) To throw off local coloration and give respect to all employees;

(e) In sum, to establish fair employment practices and to refuse to adhere to racial policies and practices.

30. (a) That Executive Order No. 10925 be amended so that, with respect to those United States businesses in South Africa, fair employment practices in their South African enterprises be a condition for their eligibility for government contracts. I am also planning to introduce legislation for this purpose.

(b) In accordance with Executive Order 10925 requiring non-discrimination by government contractors and in view of Pan-Am's exclusion of Black Americans from its African runs, each United States Government agency having a contract with Pan-Am should review such contract under section 301 (6) concerning sanctions and remedies for noncompliance with the discrimination clause.

31. That an appropriate mechanism be established within the executive departments to investigate the practices of American firms in South Africa, to report to the Executive and Congress thereon, and to advise as to those firms which are not implementing fair employment practices.

32. That the United States Government establish an Honor Roll of those firms who are implementing fair employment practices, and are providing substantial educational, counseling and training for their African employees.

33. That the United States Government end all Export-Import Bank facilities and services for South Africa. As brought out in our hearings of June 3, 1971, at which the Vice President of the Export-Import Bank appeared before the Subcommittee, the following services of the Export-Import Bank are allowable under present guidelines for South Africa:

(1) Short-term FCIA [Foreign Credit Insurance Association] insurance.

(2) Medium-term FCIA insurance. As of April 30, 1971, $9,882,000 insurance was authorized.

(3) Guarantees of loans by United States financial institutions to South African purchases of United States goods or services.

(4) Guarantees of loans by non United States financial institutions to South African purchasers of United States goods or services.

Export-Import Bank has informed the Subcommittee that as of April 30, 1971, $20,246,000 guarantees were authorized as medium-term guarantees, but did not indicate the nationality (i.e., United States or South African) of the exporter bank.

(5) Exim discount loans to South African purchasers. In his statement on May 20, 1970, before the Subcommittee, a State Department witness had listed the Exim Bank exposure in South Africa as confined to medium-term and short-term insurance and guarantees, adding that no Exim loans or credits have been issued for transactions with South Africa since 1959. However, four discount loan commitments to South African companies were approved by Exim between October 20, 1969 and February 25, 1971 for export sales to South Africa, indicating a change and relaxation of policy by this Administration. (Two of these transactions were cancelled by the borrowers).

(6) The facilities of the Foreign Credit Insurance Association for insuring political risks in South Africa.

(7) The Export Expansion Facility for insuring higher risks transactions.

(8) Guarantees of non-United States loans to cover local costs related to United States purchases.

(9) The re-lending credit program.

(10) The provision by Exim Staff of guidance and information to South African importers and United States exporters to South Africa.

(11) And the availability to South Africa of Exim's program of providing direct loans to a foreign government suffering temporary dollar shortages was not stated outside of present guidelines by the Exim Bank witness before the Subcommittee on June 3.

34. That Section 307 of the Tariff Act of 1930, 19 U.S.C. 1307, prohibiting the importation into the United States of goods produced by forced labor be enforced. This provision reads:

"All goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision. The provisions of this section relating to goods, wares, articles, and merchandise mined, produced, or manufactured by forced labor or/and indentured labor, shall take effect on January 1, 1932; but in no case shall such provisions be applicable to goods, wares, articles, or merchandise so mined, produced, or manufactured which are not mined, produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States.

"Forced labor," as herein used, shall mean all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily.

(June 17, 1930, ch. 497, title III, section 307, 46 Stat. 689)."

35. That the sugar quota for South Africa be terminated; and that in no circumstances should South Africa be permitted an increased allocation so long as the benefits of the quota do not inure to the majority of the people. I personally witnessed the blatant racism of the South African Sugar Association and the deplorable conditions of employment of the workers as to wages, housing, diet, and hours of work. To this end, I recommend:

(a) That the President, acting pursuant to Section 202(d) (1) (B), suspend the continuation of the sugar quota for South Africa. This section provides:

"(B) Whenever and to the extent that the President finds that the establishment or continuation of a quota or any part thereof for any foreign country would be contrary to the national interest of the United States, such quota or part thereof shall be withheld or suspended, and such importation shall not be permitted. A quantity of sugar equal to the amount of any quota so withheld or suspended shall be prorated to the other countries listed in subsection (c) (3) (A) (other than any country whose quota is withheld or suspended) on the basis of the quotas then in effect for such countries."

(b) That South Africa not be eligible for the benefits of the provisions of Section 202 (d) (2) (A) of the Sugar Act. This section provides:

"(2) (A) Whenever the Secretary finds that it is not practicable to obtain the quantity of sugar needed from foreign countries to meet any increase during the year in the requirements of consumers under section 201 by apportionment to countries pursuant to subsections (b) and (c) and the foregoing provisions of this subsection, such quantity of sugar may be imported on a first-come, first-served basis from any foreign country, except that no sugar shall be authorized for importation from Cuba until the United States resumes diplomatic relations with that country and no sugar shall be authorized for importation here under from any foreign country with respect to which a finding by the President is in effect under paragraph (1) (B) of this subsection: *Provided*, That such finding shall not be made in the first nine months of the year unless the Secretary also finds that limited sugar supplies and increases in prices have created or may create an emergency situation significantly interfering with the orderly movement of foreign raw sugar to the United States. In authorizing the importation of such sugar the Secretary shall give special consideration to countries which agree to purchase for dollars additional quantities of United States agricultural products. In the event that the requirements of consumers under section 201 are thereafter reduced in the same calendar year, an amount not exceeding such increase in requirements shall be deducted pro rata from the quotas established pursuant to subsection (c) and this subsection."

36. That the arms embargo against South Africa include:

(a) All sales to, or for, the South African military, including the provision of spare parts, componentry and repairs. The relaxation of the arms embargo by the present Administration to permit certain sales of aircraft to the South African military must be ended.

(b) All sales of light aircraft, military or civilian, destined for South Africa. The significance of this recommendation is indicated by the structure of the South African military forces, in which all physically qualified white males must serve and in which Africans cannot serve—a structure such that the "citizen forces" and citizen "air commandos" form an integral part of the defense force of the country. Thus, planes sold for civilian use are in fact available for military purposes.

(c) Training to South African military, including correspondence courses and participation in conferences.

(d) Cooperation in, and the transfer of, research, development and/or military knowhow, including the testing of military equipment. At the Subcommittee hearings of November 12, 1971, the Department of Defense testified that the United States had tested, in the United States, weapons (surface-to-air missiles) developed by joint South African-French participation, while dealing only with the French firm, to which we had provided money for the testing.

37. That the role of the military attaché in South Africa be reviewed and cause be shown why these functions not be terminated. (Note, information supplied by the Department of Defense at the November 12 hearings before the Subcommittee indicated that there are more United States military attachés assigned to South Africa than to any other African country.)

38. That the United States institute an expanded educational and cultural program with the South African majority as a primary target and with those institutions and individuals working for change to majority rule as a secondary target.

39. That the United States facilitate private efforts and programs to provide legal and humanitarian assistance to the victims of the repressive legislation of South Africa.

40. United States cooperation with South Africa in the field of nuclear energy should be ended and, in no event, should there be a new agreement or an amendment to the present agreement to provide for an increase in the amount of uranium enriching services which the United States can supply South Africa. (South Africa has allegedly developed a new uranium enrichment process which the Prime Minister estimates (Speech of August 3, 1971) may bring South Africa $336,000,000 a year in foreign exchange.) Any support of South Africa in this effort would thus significantly undergird apartheid economically and militarily. South Africa has not signed the Non-Proliferation Treaty.

The Chairman of the South African Atomic Energy Commission has been quoted (Rand Daily Mail, 12 April 1971) as saying that:

"With its uranium enrichment process, South Africa is theoretically in a position to make its own nuclear weapons, whereas before, it was not practical to make the bomb from plutonium since that would have to be imported from abroad and the installation would be subject to international inspection."

41. That United States policy in international financial organizations be consistent with a policy of supporting change in South Africa and not of economically undergirding the status quo.

42. That the United States visa policy towards South Africa be based on "*quid pro quo*" considerations.

43. That, in conformity with the international legal obligations of the United States and in accordance with the acceptance by the United States of the Advisory Opinion of the International Court of Justice on the "Legal Consequence for States of the Continued Presence of South Africa in Namibia, notwithstanding Security Council Resolution 276," the United States:

(a) Recognize the illegality of South Africa's presence in Namibia and the invalidity of its acts on behalf of and concerning Namibia, and

(b) Refrain from any acts and in particular any dealings with South Africa implying recognition of the legality of, or lending support or assistance to, South Africa's illegal presence and administration of Namibia, and in particular

(1) that United States firms doing business in Namibia not be allowed tax deductions or tax credits for monies paid to the South African Administering Authority (see also (5) (V) below);

(2) that grants, concessions, titles, licenses, privileges or interests of any kind granted by the South African Government in regard to Namibia, Namibian products, goods or property of whatever kind be declared invalid (see also (5) (IV) below);

(3) that the importation of goods originating in Namibia into the United States on the basis of rights or interests purported to be granted by the South African Authority be prohibited;

(4) that the United States not apply the provisions of any treaty with South Africa on behalf of, or concerning, Namibia (see also (5) (III) below);

(5) that the United States implement without delay the recommendations of the American Committee on Africa, as presented to Ambassador George Bush on November 4, specifically those regarding:

(I) American diplomatic and consular accreditation to South Africa;

(II) Preventing South African representation of Namibia in international affairs;

(III) No invocation of treaties extended to Namibia;

(IV) Invalidity of South African concessions and other acts;

(V) Treatment of American businesses in Namibia;

(VI) Political asylum for Namibian refugees;

(VII) Actions which should be taken by the United States through the United Nations.

(c) Cooperation with the legal Administering Authority for Namibia by joining a reconstituted Council for Namibia and seek to implement practical measures to end South Africa's illegal occupation of Namibia. (See (5) (VII) above).

44. That Recommendations 26 through 32 regarding United States policy and its implementation with respect to United States investment and business involvement in South Africa also be applied to United States investment and business involvement in the Portuguese territories.

45. That all investment-incentive programs of the Overseas Private Investment Corporation (OPIC) in, and for, the Portuguese territories be terminated and that the United States Government adopt an affirmative policy proscribing OPIC programs for the minority-ruled areas of Africa.

46. That American companies operating abroad, directly or indirectly, he required to furnish to the Departments of State, Commerce and Labor and to the appropriate committees of the Congress an annual, detailed comprehensive statement on their employment and wage practices. I also intend to introduce legislation to make this a statutory requirement.

47. That the United States support in the United Nations and all other appropriate forums, as well as bilaterally in our relations with South Africa and Portugal, the application of the Geneva Conventions of 1949 to the freedom fighters, and participants in resistance movements and to the civilian population. The status of, and treatment as, prisoners of war should be accorded to the freedom fighters. The humanitarian provisions of these conventions should be extended to the combatants as well as the civilians in conflicts arising from the struggle for the liberation and self-determination of the minority-ruled areas of Africa.

48. That the United States (1) place increased emphasis on the majority-ruled states of Southern Africa, particularly through economic and technical assistance and educational and cultural programs, and (2) assist their efforts to resist South African domination.

49. That the United States should encour-

age and assist feasibility studies into the mineral resources of the majority-ruled countries of Southern Africa in order to lessen the dependence of those countries on South Africa.

50. That the United States look for an effective means to encourage greater interest in the majority-ruled states of Africa from United States investors and businesses.

51. That the United States ceases its hypocrisy, dissimulation and legal dishonesty and recognize that the situation in Southern Africa is within the purview of Article 39 of the United Nations Charter. This section provides:

"The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Article 41 and 42, to maintain or restore international peace and security."

In order that the Security Council can get on with the task of considering appropriate measures to be taken, the United States must acknowledge that the situation in each of the minority-ruled areas of Africa—the situation in South Africa, the situation in Namibia, the situation in the Portuguese territories, as well as the situation in Southern Rhodesia—that each of these presents a threat to the peace.

52. That a Special Task Force on Africa be created:

(a) Composed of ranking members of the Departments of State, Commerce, Defense and other pertinent agencies, and of recognized experts on Africa including members of Congress, academicians, journalists and businesmen;

(b) Charged with the task of making a comprehensive review of our policies towards Africa; and

(c) Established on the principle that its recommendations will be effectively implemented.

53. Finally, that the United States recognize the validity of, and take appropriate action on, the following recommendations and findings of the United Nations Association—United States of America National Policy Panel on Southern Africa:

(a) That "the 'rightness' of any particular course of action should be judged on the basis of its ability to assist in the realization of racial equality and representative government in South Africa"; and thus that "a boycott in sports and a strengthening of exchange programs may both be helpful in promoting change." (page 41 of Panel Report of December 2).

(b) That (in addition to those points made in Recommendation 29) United States businesses in South Africa institute the following:

(1) "providing hot lunches, improved medical care, pension programs, and disability insurance" (page 45);

(2) facilitating the organizing of black workers (page 45);

(3) "that American companies cease making financial contributions to the South Africa Foundation" (page 57);

(4) "that American companies appoint as managers of their South African affiliates only those who are willing to work for change and are committed to the implementation of fair labor practices" (page 46).

(c) "That all United States groups and organizations concerned with apartheid and racial discrimination—and particularly the American labor movement in its tradition of active concern with the betterment of working conditions throughout the world become concerned with the need for American companies to adopt a program of fair labor practices in their South African operations" (page 47).

(d) "That concerned stockholders take advantage of the annual stockholders' meetings to bring to public light the matter of employment practices and conditions in South Africa" (page 47).

(e) That "each American company operating in South Africa should assess the use to which its products are employed in terms of the government's apartheid policy. Any products used directly or indirectly in support of apartheid or racial discrimination—particularly those used by the police or military—should be withdrawn from the South African market" (pages 47–48).

(f) That "United States business should not, within the framework of its own domestic labor practices and in the context of its social responsibility, rely on racially discriminatory labor practices in other parts of the world to make a profit" (page 48).

(g) "That United States banks and other financial institutions refuse to accord any financing to South African Government subsidiaries or to government-sponsored commercial or military projects" (page 48).

(h) "That the United States Government review questions concerning the impact and future of international companies operating in South Africa with other investing nations. The United States might initiate such discussions in GATT and the OECD as well as in the United Nations" (page 50).

(i) That the United States assist the Government of Botswana, Zambia and Tanzania in their programs "for the thousands of political refugees from Southern Africa whose needs are great in terms of housing, education and health care" (page 76).

54. That the United States, cognizant of its obligations under the United Nations Charter, and specifically Articles 1, 2 (2), 25, 55 and 56;

(a) Recognize that the Heath/Smith "Proposals for a Settlement" do not secure to the people of Zimbabwe majority rule, self-determination, human rights or the enjoyment of the totality of their rights as set forth in Article 73 of the United Nations Charter.

(b) Recognize that the situation in Zimbabwe continues to constitute a threat to the peace.

(c) Support the authority of the Security Council with respect to Zimbabwe.

(d) Recognize the legitimacy of the struggle of the people of Zimbabwe to secure their rights.

55. (a) That the United States Government must be required, and is herein called upon, to explain the enormous, unprecedented and anomalous commitments which the United States is making to Portugal in connection with the Agreement to extend U.S. base rights in the Azores—an Agreement under which Portugal is to receive in the next two years (the Agreement expires on February 3, 1974) the following quid pro quo:

$15 million in P.L. 480 agricultural commodities;

the loan of a hydrographic vessel at no cost;

$1 million for educational development programs;

$5 million in drawing rights for non-military excess equipment;

the waiver of MAAG support payments ($350,000) for the MAAG (Military Assistance Advisory Group) to Lisbon;

$400 million of Exim loans and guarantees for development projects.

(b) That specifically, the government is called upon to address each of the following points:

1. From the point of view of U.S. interests, the new Agreement with Portugal represents an unusual and anomalous commitment. There is no apparent justification for the quid pro quo in then new Agreement.

a. The general availability of funds for foreign economic assistance has been diminishing since 1967. In that year, funds for economic assistance totalled $5,120 million. In 1968, they were $4,634 million. In 1969, they were $4,067 million. Last year, they totalled $4,711 million. The Export-Import Bank is an exception to the rule; its funds have been increasing in the last few years. But the question must arise why loans and credit guarantees to Portugal are rising at a moment when federal funds are so scarce, and when total appropriations for economic assistance are falling.

b. The funds projected for commitment to Portugal are out of all proportion to previous development commitments through the Export-Import Bank to either Europe or Africa. The total of Export-Import Bank loans to Africa in the whole period 1946–1970 was less than $358 million. The total of long-term economic loans to Europe from the same source in that period was only $753.7 million.

c. The projected commitment is also out of proportion to any previous commitments to Portugal itself. That country received less than $50 million in the whole period from 1946–1970 through the Export-Import Bank. The present Administration is proposing to provide more than four times this amount in the next two years alone.

d. The projected new commitments would constitute a tremendous drain on the funds of the Export-Import Bank. They would represent about 10% of the average annual commitments to all countries from the Bank in the last few years; and this does not even take into consideration the $200 million in Exim credit guarantees.

e. The question which remains to be answered, therefore, and it is a most important question, is why a small nation of 8.6 million people should receive such extraordinary special treatment.

2. The United States, furthermore, is now going through the worst balance of payments crisis in its history. We now have the largest deficit on record. Unemployment has risen to high levels as a consequence of deflationary measures designed to remedy that situation. In this context the Administration has undertaken an Agreement with a small European country which will lead to a substantial increase in the foreign exchange costs of our economic assistance. Again, the question must arise why Portugal should qualify for such special treatment.

3. Total U.S. dollar flows to Portugal and its overseas territories now exceed $400 million. (See Table below.) These flows are important to that country's balance of payments. The Administration is now proposing a substantial increase in these flows through the loans provided for in the new Agreement.

*Portugal and overseas territories: gross flows of funds from North America**

[1969, millions of dollars]

Imports from Portugal and overseas territories	$166
Freight and insurance on merchandise	3
Other transportation	11
Travel	79
Investment income	29
Other government	6
Other private	24
Unrequited transfers (pension remittances, etc.)	89
Nonmonetary sectors: Direct investment	6
Total	413

* These figures refer to flows from the U.S. and Canada. U.S. funds account for almost the whole of the total.

Source: IMF Balance of Payments Yearbook, August 1971, vol. 22.

4. The Portuguese are now running a trade deficit of just under $500 million. This deficit is, to an important degree, the result of the drain on Portugal's economy created by the pursuit of three colonial wars in Africa. Additional, and substantial, assistance to Portugal in this context will have

the effect of helping it to continue those wars at the very moment when it is being forced to consider seriously whether it ought to withdraw from its overseas territories.

5. It should be noted that parts of the new Agreement can easily become open-ended commitments. The expanded commitment under P.L. 480 may well be increased still further when the Agreement is reviewed two years from now. The provision dealing with excess equipment is *already* open-ended. Secretary Rogers' letter clearly states that $5 million for this purpose is not to be considered a maximum ceiling.

6. Dollar flows to Portugal, from both the private and the public sector, are already on a scale amounting to "economic intervention that might just decide the outcome of the colonial war." The new Agreement increases that indirect assistance by a substantial amount and changes the character of our commitment to Portugal.

7. The political context cannot be ignored. Particularly:

The liberation forces control large areas of Angola, east and south of the Central Plateau.

In Mozambique the liberation forces control several provinces and operate freely south of the Zambesi River.

In Guinea-Bissau, the PAIGC have forced the Portuguese to leave the countryside and to retreat to the urban areas and a few scattered military bases.

The obvious effect of the Azores Agreement is to enable Portugal to continue waging the three wars in Africa.

8. There is nothing to indicate that the military value of the Azores is of overriding importance to U.S. security so that it merits such an inordinate expenditure. Further, the fact that the base Agreement remained dormant for the past 10 years (since 1962) indicates this.

9. The injection of huge sums for economic and educational assistance, as well as aid in kind, into the Portuguese economy, in the existing internal situation of considerable domestic unhappiness with, and criticism of, wholly disproportionate budgetary expenditures on colonial wars, will greatly assist the Caetano Government in dampening the domestic antipathy to the wars and thus to continue their prosecution.

(c) That, if the Administration cannot provide a statement of compelling reasons for making this Agreement, it must be considered as admitting that it is the intention of the Administration to directly assist Portugal in waging these wars against the peoples of Guinea-Bissau, Angola and Mozambique.

(d) That the United States Government respond to the following questions:

1. What projects were reviewed, or are contemplated for Exim loans?

2. Are these projects in Portugal, that is in so-called "metropolitan Portugal" as distinguished from Guinea-Bissau, Angola and Mozambique.

3. Are similar increases in Exim loans being considered (i) for South Africa, (ii) for majority-ruled African countries?

(e) That, in view of the implications of this Agreement for the United States internally, the Administration explain why this Agreement was entered into by the executive agreement route rather than as a treaty and submitted to the Senate for its advice and consent to ratification.

(f) That the Administration explain the discrepancy between its claimed lack of funds to assist Black business in the United States, with its 23 million Blacks, on the one hand and, on the other, its expenditure of tremendous sums to assist the economy of Portugal, a country with only 8.6 million people, and thus to assist the waging of wars against Black people in Africa. According to its reports to the Congress, the Federal Government is now giving only $213.8 million in loans to minority businesses in this country (including Blacks and Spanish-speaking Americans), whereas the sums projected for Portugal in this Agreement are more than double that amount.

PRESS CONFERENCE STATEMENT, CONGRESSMAN CHARLES C. DIGGS, JR. (D.-MICH), DECEMBER 17, 1971

When I was informed of my assignment to the United Nations, I was fully aware, of course, that I would become a part of an instructed delegation. But I only undertook the assignment after being assured that there would be opportunity for input. Indeed, at the initial meeting of State Department officials with the delegation, we were assured that the Department would welcome our interest and that our concerns would be granted full consideration. On Monday, November 29, however, during a meeting of the General Assembly, I was informed that a vote was coming up within that hour on apartheid and that the United States was to vote against one and abstain on three of the resolutions relating to the Report of the Special Political Committee. Out of courtesy to the Government, I walked out of the Assembly and left a staff person to cast the votes. That afternoon, I dispatched a cable to the Secretary of State (copy of text is Attachment No. 1), emphasizing my position on consultation. Although, more than two weeks and several voting instructions later, I did receive a reply, my request for consultation was ignored insofar as decisions on voting were concerned. Admittedly, in the press of the work here at the Mission, there is not the optimum time frame for discussion. Even so, time for consultation could have been found, if there had been a real interest on the part of the Administration in giving me opportunity for input into these vital questions on Africa.

I have been especially concerned with our position on the resolutions on the Arms Embargo; on the work of the Special Committee on Apartheid, and on the dissemination of information on apartheid. The reasons which have been furnished for these votes (Attachment No. 2: letter from Dr. Palma of Dec. 14) appear tenuous and inadequate to me. Additionally, although I understand it is a long-standing position, I cannot accept the argument that apartheid is not a "crime against humanity" as anything except legal verbiage to support a policy position (see Attachment No. 3: cable to the Secretary on this. The Department classified its response).

In company with South Africa and Portugal, the United States voted against this year's resolution on the "Question of Territories under Portuguese Administration" (A/C.r/L.992). I believe that my problems with this position are evident from the following partial catalogue of the U.S. difficulties with this resolution:

We objected to deploring Portugal's refusal to recognize the inalienable right of the people of those territories to self-determination *and independence* in accordance with GA Resolution 1514, the Declaration on the Granting of Independence to Colonial Counties and Peoples".

We objected to the expression of deep concern over the "continued and intensified activities of those foreign economic financial and other interests which contrary to the relevant resolutions of the General Assembly are directly and indirectly assisting the Government of Portugal in its colonial wars. . . ." To those who would argue that the Azores Agreement is a matter of bilateral concern, I would point to this and many other similar resolutions of the General Assembly.

We objected to the statement that the colonial wars waged by Portugal in these territories seriously disturbed international peace and security. The United States continues to keep vigilance to avoid any steps which would indicate a frank acknowledgement that the situation in the Portuguese territories is a "threat to international peace and security", and therefore, constitutes a Chapter VII situation. Further, hiding behind an irrelevant "domestic jurisdiction" argument in relation to territories within Chapter XI of the Charter, we objected to interfering with Portugal and urgently calling upon it to end the wars and grant self-determination and independence to the peoples of these territories.

The United States abstained on the General Assembly resolution on Namibia. Inter alia:

We had difficulty with a provision deploring support to South Africa, which enables South Africa to pursue its repressive policies in Namibia, and calling for the termination of such support.

We found difficulty with a provision calling support to South Africa, which enables relations concerning Namibia, although we acknowledge that the General Assembly is the legitimate administering authority for Namibia.

We were concerned about the financial implications of a clause inviting the Specialized Agencies to give full publicity to Namibia and to the conditions prevailing there.

Although we acknowledge that South Africa is illegally present in Namibia, we object to the clause calling upon States not to recognize rights or interests in property or resources in Namibia.

As in the case of the resolution on the Portuguese territories, the hypocrisy of the positions enumerated above is self-evident.

The United States has voted against the UN resolutions on the "Activities of Foreign Economic and Other Interests which are Impeding" the granting of independence to countries under colonial domination. This resolution (as contained in A/C.4/L 1005) affirms that the activities of foreign economic and financial interests constitutes a major obstacle to the political independence of these countries and deplores the support given by other States to such interests in exploiting the resources of these areas without regard to the welfare of the people. These positions are supported by much of the evidence resulting from the hearings and investigations of the House Subcommittee on Africa. Further, irrefuted testimony has shown that the condition of the majority in South Africa has actually worsened economically and financially since the development and industrialization of that country. For regardless of the growth of an economy, unless all the people are given an opportunity to participate fully and freely, a full economy does not mean benefits to those segments whose free participation is excluded. In South Africa, economic growth has not meant greater spending power for the Africans. A study prepared for a UN agency, the Unit on Apartheid, "Poverty, Apartheid and Economic Growth", deals directly with this question. The position of the United States on "the need for trade to help Black Africans" is not based on fact. I am also concerned with an indication that the United States is allying itself with South Africa's "outward policy".

We would have supported the resolution and effort to have more information on apartheid disseminated, but this would have been an addition to the UN budget, and we are opposed to anything that increases the UN budget. Therefore, we abstained. I find this explanation inadequate, because we do support changes in the structure in the UN that will call for more money.

As a firsthand witness, I have found stifling the hypocrisy of our Government which, while uttering its abhorrence of apartheid, unflaggingly votes in opposition to any attempt to act, rather than orate, with respect to apartheid and the minority regimes of southern Africa.

The deterioration in U.S. policy on Africa, reflected here at the UN in our votes on critical resolutions on Southern Africa was continued by the hypocrisy shown by the Administration during the hard fight we made in Congress against the Byrd Amendment to the Military Procurement Bill. This amendment would permit the importation of Rhodesian chrome. If enforced, it would make the U.S. an international law breaker and put us in violation of our UN obligation under Article 25 of the Charter to enforce the Security Council decisions to embargo all trade with the illegal Smith regime in Zimbabwe. The Administration, while emitting soft noises of adherence to sanctions, utterly failed to convey the cues to Congress which sophisticated people look for to determine the seriousness of the Administration's interest in defeating a particular measure. It was clear that the White House was not concerned in stopping the effort to undercut the sanctions. Consistent with that posture of this Administration is a suspicion that out of the Nixon-Heath meeting in Bermuda this coming Monday or Tuesday, there may come an understanding that the United States will support the British on the Rhodesian settlement proposals—settlement proposals which do not accord with the inalienable right of the people of Zimbabwe to self-determination. A position of supporting a unilateral British decision that the rebellion of the Smith regime was ended would be consistent with our opposition to a resolution (A/C. 4/L.,998) providing that it is the UN which must find that "a non-self-governing territory" has attained a full measure of self-government in terms of Chapter XI of the Charter.

At this point, I wish to make clear that the people here at the U.S. Mission to the UN have not been responsible for this situation. Many people at the Mission, including the Ambassador, have been frustrated in their desires for a more enlightened policy because of the instructions that have come down. They have fought for a more enlightened position and have lost to the European, to the economic and to the military groups which have been dominating policy vis-a-vis Africa issues, as well as to those "watch dogs" of Southern African policy who have relegated unto themselves the decision-making authority so that positions on this area are the peculiar responsibility of the White House at the National Security Council level.

My concern about the drift in our decision-making was heightened last week when the State Department announced the conclusion of an agreement with Portugal continuing U.S. base rights in the Azores and providing a $436 million quid pro quo for Portugal. This enormous, unprecedented and anomalous commitment was made to a country which has not only refused to recognize its obligations, under the UN Charter, of self-determination for the people of Angola, Mozambique, Guinea-Bissau and Cape Verde, but is waging wars against the peoples of each of these African territories.

The Government of Portugal has been undergoing severe financial difficulties because of its expenditure of approximately one-half of its budget to fight these wars against the legitimate aspirations of Black people in Africa for freedom and independence.

The Caetano Government has also been subject to much domestic criticism for this diversion of 50% of its annual resources away from the development of its own country, which is the least developed in Western Europe, to maintain a colonial empire.

Having visited two of the so-called Portuguese territories in Africa, Angola and Mozambique in 1969, I visited the other two—Guinea-Bissau and Cape Verde, last August. I have seen first-hand the exploitation by the Portuguese of their African colonies and their subjugation of the people, and the inordinately low state of the economy of these territories.

I have seen that whatever the Portuguese are doing for the people of these areas is attributable to the pressures of the Liberation movements. At the same time, it was clear that the Portuguese do not admit their legal obligations to grant self-determination to the peoples of these areas. Entering into a pact to provide Portugal with vast amounts of economic assistance is, therefore, incredible.

What is the justification for the extraordinary economic assistance program for Portugal in this agreement, in which the aid proposed for Portugal through loans from the Export-Import Bank of the United States is more than four times the Exim assistance program to Portugal in the whole period from 1946 to 1970?

Does this agreement not add a new dimension to the already deeply perturbing indications of NATO interest in buttressing the white minority-ruled areas of Africa?

Does not our Azores agreement with Portugal appear to represent a feeling that Portugal is threatened by the successes of the freedom fighters militarily and economically? Portugal is suffering a trade deficit of approximately $498.8 million dollars. The liberation forces hold substantial territory in Angola, Mozambique and Guinea-Bissau. Has there been a call to the NATO countries to come to Portugal's rescue to which the United States has responded?

I should stress that my quarrel is really much deeper than the injection of such huge sums into Portugal—although (when I consider our alleged inability to put money into crucial areas for the 23 million Blacks in the United States) I find the amount staggering. But, I object most strenuously to the U.S. commitment to bail Portugal out from the economic and political consequences of its nefarious policies in Africa *without* any commitment and definitive action by Portugal towards ending the wars and towards granting independence to the peoples of these areas.

This decision by our government dramatically climaxes a series of actions which this Administration has taken both against the true foreign policy interests of the United States vis-a-vis Africa, and against the interests of Africa itself.

The character of this Administration's support to South Africa and Portugal has changed. Until now, there has been a *sub rosa* alliance with the forces of racism and repression in southern Africa, as indicated:

By the relaxation of the arms embargo to permit the sale of light aircraft to the South African military and of troop transport planes to Portugal;

By the sale of Bell helicopters to the Portuguese;

By the quiet reversal of our former policy of limited Exim involvement in South Africa for a policy of substantial Exim exposure in South Africa;

By the erosion of our policy here at the United Nations on African questions beginning in 1969, first to abstaining on important issues on African policy and, finally, to actually voting against such resolutions.

In the Azores Agreement, this Administration has announced both an open alliance with Portugal and a decision which I can interpret only to mean "partnership" in the subjugation of the African people. The hard line on African issues with which I have been confronted here at the United Nations must have been a precursor of this decision to become directly involved with Portugal in a pact which is in flagrant violation of numerous General Assembly resolutions on Portugal and the territories under Portuguese Administration. (For text of statement submitted to the President with request for point-by-point response, see Attachment #4.)

As a member of the United States delegation to the United Nations, I have tried in vain to get underway a real consultative process on U.S. positions here at the United Nations. However, the Azores Agreement is a watershed. After much thought I have decided that considerations of integrity and of the now desperate need to turn U.S. policy around from the perilous course on which it has embarked require that I completely disassociate myself from this Administration on African policy.

The conclusion of the Azores Agreement compels me to cut any ties that bind me to the foreign policy of this Administration. Although it is nearly the final hour of this General Assembly, the new commitment of this government to actively assist Portugal in waging wars against Black people constrains me to act. I am therefore submitting my resignation to the President.

ATTACHMENT NO. 1

The following telegram was sent to Secretary of State William P. Rogers, with a copy to The Hon. Henry A. Kissinger, Assistant to the President for National Security Affairs, on November 29, 1971:

Walked out of General Assembly today rather than follow instructions regarding report of SPC (Pt. II) (A/8504/Add. 1), Pt. A (Arms Embargo, U.S. abstaining), Pt. C (on behalf of work of the Special Committee on Apartheid, U.S. abstaining), Pt. F (Situation in South Africa resulting from policies of Apartheid, U.S. voting no), Pt. G (dissemination of information on Apartheid, U.S. abstaining).

Explanation of U.S. rationale totally unacceptable to me. Informed of U.S. position on these votes about 11 o'clock approximately one hour before the Resolutions were to be voted on, and while in attendance at the General Assembly session. There was no time to register dissent, and out of courtesy to the U.S. Government, I left Grigg to cast vote.

You are hereby placed on notice, however, that under the separation of powers principle of our Constitution, and as a member of the legislative branch of the government, I consider (1) that I should be afforded full consultation on all votes in which I am expected to participate, i.e., (a) I should be fully briefed in advance on the proposed United States position and on the basis therefor, and (b) there should be adequate opportunity for my discussing a revised position with USUN and Washington and for reconciliation of any points of difference, and (2) that, certainly in the absence of such consultations, any voting instructions that I may receive are non-binding.

Hon. CHARLES C. DIGGS, Jr.

ATTACHMENT NO. 2

DEPARTMENT OF STATE,
Washington, D.C., December 14, 1971.

Hon. CHARLES C. DIGGS, Jr.,
House of Representatives,
Washington, D.C.

DEAR MR. DIGGS: Secretary Rogers has asked that I reply on his behalf to your telegram of November 29, 1971, objecting to the position of our government on four resolutions on apartheid.

The Department is sincerely appreciative of the part which Members of Congress have played over the years as part of the official United States Delegations to successive General Assemblies. We believe our efforts at the United Nations derive strength from the participation of Members of Congress, particularly from the new ideas and perspectives which they bring to bear on some of our perennial problems.

I regret that you have found consultation inadequate between yourself and the Mission. As you know, the General Assembly session usually develops a momentum of work in which the pressures build up as deadlines become tighter and tighter. Both we in the Department and the Mission regret that at certain periods these pressures have not permitted coordination and consultation as close as would be desirable. We know, too, that your own responsibilities as a member of the House of Representatives have occasionally created difficulties of scheduling.

While we welcome dissenting views and fresh appraisals of policy, we strongly believe, and are pleased to note from your telegram that you also do, that the United States must speak with one voice in the General Assembly. If it were otherwise, the resulting confusion would not redound to the credit of our country.

In the particular cases you cited, there may have been some misunderstanding about the status of the instructions we had issued. Voting in the General Assembly plenary normally confirms the voting position taken in committee. This was true in the cases of the four resolutions on apartheid cited in your telegram. Instructions on all of these resolutions had been sent to the Delegation by November 15 and were to govern our actions both in the Special Political Committee and in the plenary. I understand that because of your other obligations you were not able to participate in all discussions on this subject at the United Nations Mission, but that the instructions were discussed with you at the earliest time when you were available in New York, well before the question was considered in plenary on November 29.

The four resolutions cited were particularly troubling to us, and I would like to review briefly our position on each of them. We instructed the Mission to abstain on the Arms Embargo resolution (Part A of Section II of the Special Political Committee's Report) principally because it would sweep aside the reservations made by Ambassador Adlai Stevenson in 1963 and which continue to govern our policy on this question. As you know, we have applied an arms embargo to South Africa, subject only to honoring our existing contracts and "our right in the future to interpret this policy in the light of requirements for assuring the maintenance of international peace and security." The resolution also confirmed Security Council Resolution 282 (1970) on which we had abstained because its sweeping provisions carried with them the danger of weakening, rather than strengthening, the measure of compliance required to give practical effect to resolutions of the Council.

We also abstained on the resolution establishing the Apartheid Committee's Work Program (II.C), on budgetary and other grounds. The Work Program entails, among other things, sending representatives or delegations to international conferences concerned with apartheid, which would further strain the already existing UN budget crisis. The resolution also endorsed the Apartheid Committee's plans to prepare and publish periodic reports on "collaboration" between governments and private enterprises with South Africa. Such activities can only exacerbate the differences in approaches among those, including the United States, who are seeking to put an end to apartheid practices, and in our view would represent a rather shortsighted position on how best to accomplish this goal.

Our Mission was instructed to vote against the general resolution on South Africa's policy because it was based upon a call for Security Council action under Chapter VII of the United Nations Charter. As you know, Chapter VII action is to be taken in connection with threats to international peace or breaches of international peace. We cannot agree that, bad as the situation in South Africa is, it represents a threat to the peace within the meaning of Chapter VII. This resolution also reaffirmed the right of the people of South Africa to eliminate racial discrimination and apartheid by "all means at their disposal" including, obviously, armed force. We do not believe that such a course of action would be at all in the interest of the majority in South Africa.

We abstained on the resolution on Dissemination of Information on Apartheid (II.G). Our position again was derived from our concern over the financial implications of an extensive public relations campaign at a time of severe budgetary stringency.

You are probably aware that we were able to support five other resolutions on apartheid which were also voted in plenary on November 29. While not entirely acceptable in all respects, these five resolutions were a step in the direction of promoting peaceful change in southern Africa and encouraging UN adoption of non-extreme, practical steps to induce South Africa to abandon its policy of apartheid. Unfortunately, the four resolutions which you cited were not measures of this kind.

This government has made it plain on many occasions, in deed as well as in word, that we regard apartheid as an abhorrent practice and a criminal affront to human dignity and conscience. But in seeking to end this practice, we must be careful to distinguish between practical steps which would work toward betterment of the condition of the black majority in South Africa, and steps which would not only not help but could actually worsen their situation.

If you would find it useful, I would be most happy to discuss these issues further with you personally.

Sincerely,

Samuel De Palma,
Assistant Secretary for International Organization Affairs.

Attachment No. 3

Washington, D.C., November 22, 1971.

From Congressman Diggs:

SPC resolution on Bantustans came up during my absence. I was shocked to learn of instruction and U.S. position that construing apartheid as "crime against humanity" is "unwarranted". This is one of the things that seriously impairs our credibility. I therefore request Department to show cause in most comprehensive way for rationale this position, including all precedents used for this interpretation, all other nuances that go into it, bearing in mind the obligations of each member State under the Charter, specifically Articles 1, 55 and 56.

Attachment 4: Statement Submitted to President Nixon Requesting Point by Point Reply

(a) That the United States Government must be required, and is herein called upon, to explain the enormous, unprecedented and anomalous commitments which the United States is making to Portugal in connection with the Agreement to extend U.S. base rights in the Azores—an Agreement under which Portugal is to receive in the next two years (the Agreement expires on February 3, 1974) the following quid pro quo:

$15 million in P.L. 480 agricultural commodities;

The loan of a hydrographic vessel at no cost;

$1 million for educational development programs;

$5 million in drawing rights for non-military excess equipment;

The waiver of MAAG support payments ($350,000) for the MAAG (Military Assistance Advisory Group) to Lisbon;

$400 million of Exim loans and guarantees for development projects.

(b) That specifically, the government is called upon to address each of the following points:

1. From the point of view of U.S. interests, the new Agreement with Portugal represents an unusual and anomalous commitment. There is no apparent justification for the quid pro quo in the new Agreements.

a. The general availability of funds for foreign economic assistance has been diminishing since 1967. In that year, funds for economic assistance totalled $5,120 million. In 1968, they were $4,634 million. In 1969, they were $4,067 million. Last year, they totalled $4,711 million. The Export-Import Bank is an exception to the rule; its funds have been increasing in the last few years. But the question must arise why loans and credit guarantees to Portugal are rising at a moment when federal funds are so scarce, and when total appropriations for economic assistance are falling.

b. The funds projected for commitment to Portugal are out of all proportion to previous development commitments through the Export-Import Bank to either Europe or Africa. The total of Export-Import Bank loans to Africa in the whole period 1946–1970 was less than $358 million. The total of long-term economic loans to Europe from the same source in that period was only $753.7 million.

c. The projected commitment is also out of proportion to any previous commitments to Portugal itself. That country received less than $50 million in the whole period from 1946–1970 through the Export-Import Bank. The present Administration is proposing to provide more than four times this amount in the next two years alone.

d. The projected new commitments would constitute a tremendous drain on the funds of the Export-Import Bank. They would represent about 10% of the average annual commitments to all countries from the Bank in the last few years; and this does not even take into consideration the $200 million in Exim credit guarantees.

e. The question which remains to be answered, therefore, and it is a most important question, is why a small nation of 8.6 million people should receive such extraordinary special treatment.

2. The United States, furthermore, is now going through the worst balance of payments crisis in its history. We now have the largest deficit on record. Unemployment has risen to high levels as a consequence of deflationary measures designed to remedy that situation. In this context the Administration has undertaken an Agreement with a small European country which will lead to a substantial increase in the foreign exchange costs of our economic assistance. Again, the question must arise why Portugal should qualify for such special treatment.

3. Total U.S. dollar flows to Portugal and its overseas territories now exceed $400 million. (See Table below). These flows are important to that country's balance of payments. The Administration is now proposing a substantial increase in these flows through the loans provided for in the new Agreement.

*Portugal and overseas territories: Gross flows of funds from North America**

[1969, millions of dollars]

Imports from Portugal and overseas territories	$166
Freight and insurance on merchandise	3
Other transportation	11
Travel	79
Investment income	29
Other government	6
Other private	24
Unrequited transfers (pension remittances, etc.)	89
Nonmonetary sectors: Direct investment	6
Total	413

*These figures refer to flows from the U.S. and Canada. U.S. funds account for almost the whole of the total.

Source: IMF Balance of Payments Yearbook, August 1971, vol. 22

4. The Portuguese are now running a trade deficit of just under $500 million. This deficit

is, to an important degree, the result of the drain on Portugal's economy created by the pursuit of three colonial wars in Africa. Additional, and substantial, assistance to Portugal in this context will have the effect of helping it to continue those wars at the very moment when it is being forced to consider seriously whether it ought to withdraw from its overseas territories.

5. It should be noted that parts of the new Agreement can easily become open-ended commitments. The expanded commitment under P.L. 480 may well be increased still further when the Agreement is reviewed two years from now. The provision dealing with excess equipment is *already* open-ended. Secretary Rogers' letter clearly states that $5 million for this purpose is not to be considered a maximum ceiling.

6. Dollar flows to Portugal, from both the private and the public sector, are already on a scale amounting to "economic intervention that might just decide the outcome of the colonial war." The new Agreement increases that indirect assistance by a substantial amount and changes the character of our commitment to Portugal.

7. The political context cannot be ignored. Particularly:

The liberation forces control large areas of Angola, east and south of the Central Plateau.

In Mozambique the liberation forces control several provinces and operate freely south of the Zambesi River.

In Guinea-Bissau, the PAIGC have forced the Portuguese to leave the countryside and to retreat to the urban areas and a few scattered military bases.

The obvious effect of the Azores Agreement is to enable Portugal to continue waging the three wars in Africa.

8. There is nothing to indicate that the military value of the Azores is of overriding importance to U.S. security so that it merits such an inordinate expenditure. Further, the fact that the base Agreement remained dormant for the past 10 years (since 1962) indicates this.

9. The injection of huge sums for economic and educational assistance, as well as aid in kind, into the Portuguese economy, in the existing internal situation of considerable domestic unhappiness with, and criticism of, wholly disproportionate budgetary expenditures on colonial wars, will greatly assist the Caetano Government in dampening the domestic antipathy to the wars and thus to continue their prosecution.

(c) That, if the Administration cannot provide a statement of compelling reasons for making this Agreement, it must be considered as admitting that it is the intention of the Administration to directly assist Portugal in waging these wars against the peoples of Guinea-Bissau, Angola and Mozambique.

(d) That the United States Government respond to the following questions:

1. What projects were reviewed, or are contemplated for Exim loans?

2. Are these projects in Portugal, that is in so-called "metropolitan Portugal" as distinguished from Guinea-Bissau, Angola and Mozambique?

3. Are similar increases in Exim loans being considered (i) for South Africa, (ii) for majority-ruled African countries?

(e) That, in view of the implications of this Agreement for the United States, the Administration explains why this Agreement was entered into by the executive agreement route rather than as a treaty and submitted to the Senate for its advice and consent to ratification.

(f) That the Administration explain the discrepancy between its claimed lack of funds to assist Black business in the United States, with its 23 million Blacks, on the one hand and, on the other, its expenditure of tremendous sums to assist the economy of Portugal, a country with only 8.6 million people, and thus to assist the waging of wars against Black people in Africa. According to its reports to the Congress, the Federal Government is now giving only $213.8 million in loans to minority businesses in this country (including Blacks and Spanish-speaking Americans), whereas the sums projected for Portugal in this Agreement are more than double that amount.

THE PERSIAN GULF AND THE INDIAN OCEAN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. HAMILTON. Mr. Speaker, great power maneuvering in the Indian Ocean and the Persian Gulf has been the subject of many news items recently. The three articles which follow examine briefly the British, American, and Soviet roles and involvement in this area, and I call them to the attention of my colleagues:

U.S. AGREEMENT WITH BAHRAIN TO SET UP NAVY BASE DISCLOSED

(By John W. Finney)

WASHINGTON, January 5.—In a move to maintain an American military presence in the Persian Gulf area, the United States has entered into an unpublicized agreement to establish a permanent naval station on the island of Bahrain.

According to State Department officials, the agreement represents an extension of arrangements that the United States has had over the last 20 years to use a British naval base on Bahrain.

These officials explained that now that Britain had given up her protectorate role in Bahrain and pulled her military forces out of the Persian Gulf, it was decided that the United States should enter into an agreement with the new independent Government of Bahrain to have the Navy's small Middle East force continue to use some of the facilities of the former British base.

SENATORS QUESTION ACCORD

To some members of the Senate Foreign Relations Committee, however, the lease of the naval facilities raises questions of whether the Administration is undertaking new foreign commitments without first obtaining the advice and consent of the Senate.

The lease had been arranged in the form of an executive approval.

Last month, five committee members introduced a resolution that would call upon the executive branch to submit as a treaty the recent agreement with Portugal extending American base rights on the Azores.

The resolution was sponsored by Clifford P. Case of New Jersey and Jacob K. Javits of New York, both Republicans, and by three Democrats—J. W. Fulbright of Arkansas, Stuart Symington of Missouri and Frank Church of Idaho.

The agreement with Bahrain, which is unclassified, was signed on Dec. 23. According to State Department officials, there has been no public announcement at the request of the Bahrain Government.

Diplomatic sources say that Bahrain was interested in having the United States take over part of the former British base as a way of assuring American protection against the Soviet Union, neighboring Iraq and Iran, which makes territorial claims on Bahrain.

At the same time, however, Bahrain was said to have been somewhat sensitive about having attention drawn to the fact that she was granted to the United States the one foreign military base in the area.

CHALLENGE EXPECTED

When the Case resolution on the Azores agreement was being favorably considered by the committee early last month, Senator Fulbright, the committee chairman, observed that the same issue seemed to be developing in Bahrain. In recent days, the committee staff has informed the Senators about the Bahrain base agreement, thus setting the stage for what is expected to be a challenge by the committee to the executive branch when Congress returns later this month.

A State Department official who helped negotiate the agreement said that the United States needed the base to continue the Middle East naval force as "a flag-showing operation to manifest United States interests in the area."

"If we had pulled out after the British left, it might have been misinterpreted that we were losing interest in the area," he added.

State Department officials emphasized that the agreement contains no military or political commitments, either explicitly or implicitly, to Bahrain or other countries in the area.

"All we are doing is changing landlords," from Britain to Bahrain, explained a spokesman in the State Department's bureau of Near East and South Asian affairs.

MISSION TO SHOW THE FLAG

Bahrain, which is 240 square miles in area, gives its name to a group of islands in the Persian Gulf.

The question raised increasingly in recent months by members of the Foreign Relations Committee about foreign bases in general is whether a United States base does not inevitably carry with it at least an implied commitment to the defense of the host country.

The explanation offered by State Department officials for not entering into the agreement in the form of a treaty was that "a treaty would have implied more than was intended" in the way of commitments.

Staff members of the Foreign Relations Committee assert that, if the agreement had been entered into as a treaty it would have been possible in the course of hearings for the committee to raise such questions as whether the United States was assuming the protectorate role exercised by Britain for a century in the Persian Gulf and whether the Middle East force was carrying out a symbolic role of little military significance but of potential political embarrassment to the United States in a troubled region of the world.

The Middle East force consists of a flagship—a converted World War II seaplane tender—for the commanding rear admiral, Marmaduke G. Bayne. Normally two destroyers from the Atlantic fleet are assigned to the force, whose primary mission is to show the American flag in the Persian Gulf and the Red Sea.

Under the new base arrangement, the size of the Middle East force is to be expanded from around 200 men—including the crew of the flagship—to about 260 men. The reason given by a State Department official was that the Navy would have to assume some of the housekeeping functions formerly performed by the British.

The Navy is to lease about one-tenth of the Jufir base formerly operated by the British, including the soccer field, according to a State Department official. What facilities beyond the soccer field will be leased neither the State Department nor the Navy was immediately prepared to say.

INDIAN OCEAN: THE POINT BEHIND ALL THOSE MANEUVERS

The Bay of Bengal has not seen the last of the American aircraft carrier Enterprise. She may have returned last week to the Philippine Sea. And no doubt many of the 20 or so Soviet warships presently in the Indian Ocean will soon be on their way to some shore leave in Vladivostok.

But the December war on the Indian subcontinent has nevertheless produced competitive demonstrations of naval power of a kind that the world is familiar with from successive crises in the Mediterranean. Now that this pattern has been established in the Indian Ocean, it will surely be repeated.

The new American presence in these waters is a reply to Moscow. The arrival of a Soviet navy in the Indian Ocean in recent years is an immensely important strategic happening—in political if not in strictly military terms. The United States Navy does not intend to ignore it.

Ironically, the original reinforcement of the Soviet naval forces, which caused such a stir in the early stages of the Indo-Pakistan conflict, was almost certainly fortuitous. The Russians were operating what by then had come to be regarded as a normal assortment of vessels in the Indian Ocean—a destroyer, a minesweeper, at least one F Class submarine, a landing ship and a few support craft. These ships had done their six-month stint of patroling, exercising, paying courtesy visits and periodically resting in anchorages in the Seychelles and elsewhere. But the arrival of their relief squadron from Vladivostok coincided with the war.

A routine rotation became a timely reinforcement. The United States Seventh Fleet promptly dispatched the Enterprise and a powerful amphibious task force from the Gulf of Tonkin; their mission was never confirmed, but was evidently partly in response to the Russian presence. Within days, a new Soviet squadron, including two guided-missile destroyers and a pair of submarines—this time, it apparently was a genuine, deliberate reinforcement—set sail from Vladivostok.

Now that the Enterprise has returned to her normal station, the Russian ships whose winter leave is overdue probably will go back to their bases. But will the "normal" level of Soviet deployment in this area return to what it was or will it be stepped up, as it was in the Mediterranean, after the Arab-Israeli War in 1967?

Russian research vessels first appeared in the Indian Ocean in 1967, some of them connected with the Soviet space program but also undertaking an extensive hydrographic survey. They were followed the next year by warships; first, a small group from the Far East fleet and then a bigger squadron assembled from both the Eastern and Western fleets. By 1969, they were sufficiently at home in these blue waters to have laid their own mooring buoys off the Seychelles; on the buoys was painted (in English and Russian) "Property of the U.S.S.R."

Why should the Soviet naval commander suddenly choose to send his ships so far afield when only 10 years previously they scarcely ventured outside the Baltic or the Sea of Japan? There can be no single answer. The working sailor might argue that the commander, having struggled to create an ocean-going navy against all the traditions of the Soviet military establishment, simply had to find things for his ships and men to do. The strategist would point to the fact that Moscow is now within range of American Polaris missiles launched from the Indian Ocean, and that the Soviets must feel the need to counter growing Chinese influence in Pakistan, Arabia and East Africa.

In strictly military terms, the Soviet force is still insignificant. But it is a powerful symbol of the moral support and practical military aid that the Soviet Union extended to India when she needed it most. It represents a new dimension in the political and economic infiltration; for example, through "fishing" agreements with countries like Mauritius, the Russians are now organizing east of Suez, just as they have done to the west of it.

The only permanent American naval presence between the Red Sea and the Malacca Straits is the small squadron that has been stationed in the Persian Gulf for the last 20 years or so. It consists of a converted World War II seaplane tender—"The Great White Ghost of the Arabian Sea"—and a couple of destroyers on rotation from the Atlantic.

While the British were still there, shore facilities for the American crews and their families were provided by the Royal Navy in Bahrain. When Britain pulled out at the end of last year, the United States had to sign a new agreement that involved taking over about a tenth of the area covered by the former British base.

The handover was the source of a good deal of diplomatic embarrassment, not helped by what looked like an attempt at concealment. But there has been no indication so far that the United States Navy intends to augment the Gulf squadron, which has been transferred to its European command.

The new American presence in the Indian Ocean will almost certainly not be deployed from the Persian Gulf. What will happen, if the war in Vietnam continues to run down, is that units of the Seventh Fleet in the Pacific will be free to make periodic visits to the Indian Ocean to show the Stars and Stripes.

The Delhi Government's frequently expressed hope that, with the departure of the British Imperial Navy, its ocean could be left to the seabirds and the dolphins—plus the Indian Navy—now looks like no more than a sad piece of wishful thinking.

BRITISH STILL DOMINANT IN PERSIAN GULF AREA

(By Marvine Howe)

JUFAIR, BAHRAIN.—The withdrawal of British forces from the Arab Persian Gulf is nearly complete, leaving an urgent question: Who will succeed Britain, which has dominated this strategic area since the early 19th century?

The lower-gulf sheikdoms with their vast and scarcely tapped oil resources, sparse population, small defense force and serious lack of qualified technicians have become a ripe target for outside influences.

The gulf sheiks, or emirs, are firmly opposed to the assumption of Britain's role as protector by any single country and want to establish good relations with all the forces in the area. Openly engaged in the power politics in the gulf are the United States, Iran, Iraq, Libya, Saudi Arabia and Britain.

A tour of the sheikdoms from the important communications center of Bahrain to the poor emirate of Ras al Khaima reveals that there is no real power vacuum in the area but rather a new balance of powers with the British remaining in the dominant position.

Britain has signed special friendship treaties with the sheiks and will retain the responsibility of training and arming the local defense force.

SIX EMIRATES IN UNION

Originally Britain had hoped to leave the nine sheikdoms of the lower gulf securely united in a federation. However, after three years of delicate negotiations, Bahrain and Qatar declared themselves independent sovereign states last summer, leaving the seven Trucial States to form the Union of Arab Emirates, which was established Dec. 2.

Six of the Trucial States established the union, but one emirate, Ras al Khaima, stayed out. The members—Abu Dubai, Dubai, Sharja, Ajman, Fujaira and Umm al Qaiwain—cover 40,000 square miles and have a total population of 300,000.

The name Trucial States derives from the truces that Britain imposed on sheikdoms in the last century to end piracy and protect trade routes to India by undertaking defense of the area.

The British Forces Gulf command, situated here at Jufair, will be turned over to Bahraini authorities by mid-February. Most of the 10,000 British troops stationed here and elsewhere on the coast were gradually pulled out by the end of 1971.

SPECULATION ABOUT UNITED STATES

Only the United States Navy will continue to occupy one corner of the Jufair base. The flagship of the United States Middle Eastern force—a converted World War II seaplane tender—has been based here since 1949 under agreement with the British. The other ships are two destroyers detached from the Atlantic fleet.

Bahrain has agreed to lease to the United States Navy the same facilities that the Navy used to get from the British, according to the United States chargé d'affaires, John N. Gatch Jr., who insists that no substantial change in forces is contemplated and that the installations will be provided for a "fair rental" and with no military commitments.

"We don't intend to let anyone take over the British Base," Bahrgin's Foreign Minister, Mohammed bin Mubarak al-Khalifah, declared in a recent interview. He emphasized that the Americans were welcome to use the naval facilities here—"as are the Russians."

The new agreement with Bahrain, signed Dec. 23, has given rise to wide speculation that the United States is seeking to inherit Britain's role in the gulf.

It is evident that the United States has a new interest in the Persian Gulf area with the British withdrawal. Rodger P. Davies, Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs, toured the area and Oman, on the Arabian Peninsula, last month with messages from President Nixon to Bahrain's Ruler, Sheik Isa bin Sulman al-Khalifa, and the Ruler of Abu Dhabi, Sheik Zaved bin Sultan.

The United States interest appears to be more economic than political. American banks are coming into the area and a number of oil-service companies are moving regional offices from Beirut, Lebanon, to Bahrain. American businessmen hope to win a greater share of contracts in the fast-developing sheikdoms now that the British no longer handle the sheiks' foreign affairs.

The Northrop Corporation and Trans World Airlines have been called in as consultants for the conversion of the former British Air Force base in the sheikdom of Sharja. Plans for the huge base include a new town, the Union of Arab Emirates' Defense Ministry and the largest aircraft-repair workshop in the Middle East. Sheik Khalid bin Muhammad al-Qasimi, the Ruler of Sharja, has kept eight British technicians to run the base, and British forces will be allowed to use the base for desert training.

Bahrain, where oil was first struck in the gulf, is the most self-sufficient sheikdom but still depends heavily on British technicians. The other sheikdoms have brought in consultants, administrators and but seem to prefer the British technicians from everywhere for key posts over possibly revolutionary Palestinians, Iraqis, Syrians or Egyptians.

Most of the sheiks still depend on British security officers and are not ashamed to admit it. Sheik Rashid bin Said al-Maktum, Ruler of the prosperous trading emirate of Dubai, recently appointed an Englishman as chief of the Dubai security forces in addition to his present position as commandant of the police force. Another Englishman, a financial expert, is one of Dubai's most powerful men.

Britain's permanence in the gulf was particularly striking at the end of the year when the new Union of Arab Emirates, officially a Moslem state, not only celebrated Christmas as a national holiday but also Boxing Day—in Britain the first weekday after Christmas and a legal holiday.

Iran is undoubtedly the foremost military presence in the gulf now that the British forces are gone. The Iranians made a dramatic bid for power Nov. 30 by occupying three small gulf islands—Abu Musa, Greater Tunb and Lesser Tunb—in an apparent move to deter other forces from moving into the area. The islands command the Strait of Hormuz, a channel that connects the Persian Gulf with the Gulf of Oman and Arabian Sea and through which Iranian and other Persian Gulf oil is shipped.

Iran and Ras al Khaima both claim sovereignty over the two Tunbs. Iran's troops took up positions on Abu Musa under an agreement with Sharja.

For Iraq, the Persian Gulf is an economic lifeline and her only access to the sea. She has broken relations with Iran over the seizure.

Baghdad has taken up the issue of the gulf islands, and is trying to counter Iranian influence in the gulf by developing new trade centers and branches of the Commercial Bank of Iraq.

Libya responded to the Iranian take-over by offering to provide the sheiks with Arab guerrillas to combat Teheran's "expansionism" and by nationalizing British Petroleum in Libya.

Meanwhile, Saudi Arabia is quietly pressing claims to nearly two-thirds of Abu Dhabi, a wealthy oil producer. The popular Front for the Liberation of the Occupied Arab Gulf, based in Aden and supported by China, has been sending pamphlets into the area but has not caused much concern.

"We think the so-called liberation movements will be weaker now that they have lost their main argument for 'liberating' the area—the British military presence in the gulf," Bahrain's Foreign Minister declared optimistically.

SAVE THE PEACE CORPS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, I think it is important on this, the first day of the new session, to call the attention of this body to the dire financial straits in which we have placed the Peace Corps in this fiscal year. The Peace Corps began its planning on the basis of the administration's request of $82.2 million for fiscal 1972. This request represented a reduction of nearly $3 million from the previous year's spending. On October 8, 1971, Public Law 92-135, the Peace Corps authorization, was enacted, setting a spending ceiling of $77.2 million for the Peace Corps, thus forcing rigorous cost cutting, amounting to $5 million. Over the last 6 months, the Peace Corps has been operating on a series of continuing appropriations resolutions because of delays on the foreign assistance appropriations bill. In December the Congress passed yet another continuing resolution for our foreign assistance programs, only this time the spending level for the Peace Corps was reduced to $72 million, through February 22, 1972.

While this further reduction of $5.2 million may not seem too significant on its face, it is when one considers that the Peace Corps has been spending at the higher levels for the past 6 months and has been training and fielding volunteers based on these higher spending levels. What this all comes down to is the fact that following February 22, the Peace Corps will only have $19 million for the remainder of the fiscal year, nowhere near enough to continue its present operations. Consequently, unless the Congress takes action to rectify this situation, the Peace Corps will be forced to bring home 4,000 of the 8,000 volunteers now in the field, terminate programs in 15 or more of the 55 countries in which it now serves, and cancel training programs involving some 2,400 trainees between now and the end of June. In addition, of course, there will have to be a concomitant reduction in staff both at home and abroad—even though the Peace Corps has already just effected a 15-percent reduction in staff.

Mr. Speaker, I do not think this Congress can or should allow this situation to persist. I continue to believe that the Peace Corps has been one of the most successful of our overseas assistance programs, and I have been greatly impressed with the reforms introduced by Joe Blatchford since he assumed the directorship of the Peace Corps in the summer of 1969, and more recently the directorship of the new ACTION agency which includes Peace Corps and VISTA. Joe Blatchford has made a special attempt to meet the changing needs and requirements of the developing countries by recruiting more volunteers with special skills and experience; he has made reductions in staff, included more host country people in the Peace Corps operation, and has made the training program more relevant and effective by moving it to the country in which the volunteer will serve. These are only a few of the reforms which have given the Peace Corps a new outlook and meaningful role to play in third world development.

In referring to the forced cutbacks, Columnist William Rasberry has said:

> If that happens, the Peace Corps could be out of business just when it is showing new signs of revitalization. The irony is that the threat comes at a time when it appears that Peace Corps is the only thing we're doing right overseas.

Mr. Speaker, it is my hope that the full authorized amount of $77.2 million will be restored in the House-Senate conference on the foreign assistance appropriations bill so that we might save the Peace Corps the agony of halving its present operations and having to default on commitments already made to other countries. At a time when Peace Corps applications are once again on an upswing after a 5-year decline, and at a time when more countries are asking for more volunteers, because we are doing something right for a change, it would be indeed ironic and tragic if this Congress allowed the agency to slide into oblivion.

At this point in the RECORD, Mr. Speaker, I include certain extraneous materials including articles from the New York Times and Washington Post, a letter from Joe Blatchford to all Peace Corps volunteers explaining the forced cutbacks, and a letter I have received from a constituent, a former volunteer, urging restoration of the agency's funds:

[From the Washington Post, Jan. 5, 1972]

PEACE CORPS WILL SHRINK SIZE, SERVICE

The money-short Peace Corps began shaping plans yesterday to reduce its 8,000 member volunteer force by half and to cancel programs in as many as 15 countries.

Joseph H. Blatchford, director of the ACTION agency which oversees the Peace Corps, ordered a halt in signing up volunteers, at least until July 1. Applications will continue to be accepted.

Blatchford instructed Keven O'Donnell, associate director of ACTION for international affairs, to prepare plans for termination of about 4,000 volunteers now on duty in 55 foreign countries.

There are now about 7,100 volunteers on active assignments overseas and some 800 to 900 in training, most of them in host countries.

Blatchford acted, it is understood, because Congress refused to appropriate the $82 million requested by the Nixon administration. In the last hour before it adjourned Dec. 17, Congress passed a continuing resolution that would give the Peace Corps a budget of $72 million.

[From the New York Times, Jan. 9, 1972]

PEACE CORPS: "WHY ARE THEY PICKING ON US?"

WASHINGTON.—A pale winter sun slanted across Lafayette park, casting thin ribbons of light into an office across from the White House. On this afternoon of Dec. 20 Joseph H. Blatchford, the youthful director of Action, the volunteer agency that includes the Peace Corps, was pacing back and forth angrily, running his fingers through his modishly-long hair. Three days before, Congress had passed a continuing resolution slashing his $82-million operating budget by $10-million.

"Why are they picking on the Peace Corps?" he demanded in exasperation. "Our whole budget doesn't amount to half the price of a submarine. Those characters over at the Defense Department are rolling in dough. They *round off* their cost estimates to the nearest Peace Corps budget."

Mr. Blatchford laughed at his own line, but it was a rueful laugh. And last week, partly as a warning signal to Congress—aimed at getting a Senate-House conference to restore at least half of the cut—and partly as a precaution against defeat, the director took steps to bring his agency's expenditures into line. He ordered a temporary halt, at least until July 1, in signing up new volunteers, although applications will continue to be accepted. And he ordered plans drawn up for the termination of about half the 8,000-man volunteer force—plans that will be implemented if Congress fails to restore the funds. The odds are thought to be better than 50-50 that the Senate-House conference will give the agency what it needs, but it is impossible to be sure.

The Peace Corps budget squeeze in part reflects the general dissatisfaction in Congress with foreign aid. But it is also a sign of deeper change in prevailing attitudes towards the nation's largest and most successful volunteer program. Budget disputes notwithstanding, it is clear that much of the original bloom has faded from the Peace Corps rose.

The agency was founded in 1961 in the early and ambitiously idealistic days of the New Frontier. It was an outgrowth of the young President's inaugural commitment to "bear any burden, meet any hardship, support any friend . . ." in defense of liberty.

The youth of the country responded. In 1961, there were 750 volunteers in training or in the field, in 1963, 6,500; and by 1966, 15,500. Money was no problem for the prodigy; Congress provided more than was needed, so that in some years the agency actually turned back unspent funds. By the middle of the decade, Peace Corps officials were speaking of the possibility of 100,000 volunteers. The idea spread to Europe where half a dozen countries started their own volunteer programs.

Problems began to emerge in the late 1960's, at home and abroad. Governments overseas began to have doubts about the presence and influence of so many foreigners teaching in their schools and dealing with their young people. In the late 1960's the volunteers were asked to leave Pakistan and nine other countries, including some where military regimes suspected them of fomenting revolution. In this country, a generation already bearing the burden of Vietnam lost its enthusiasm for international volunteerism. Applications dropped off from 42,000 in 1966 to 19,000 in 1970.

Doubts were raised for the first time in Congress. The Senate Foreign Relations Committee issued a report in 1970 observing: "The committee believes that the time is near when the assumptions and concepts on which the Peace Corps was founded need complete re-examination."

To cope with the new realities, the Nixon Administration, personified by Mr. Blatchford, moved to streamline the program, trim its staff, and increase the specialization of its volunteers in order to make them more appealing to skeptical foreign governments. More older people and more specialists with specific skills, such as civil engineering or farming, were recruited in the place of the liberal-arts generalists who had frequently worn their antiwar sentiments on their sleeves.

Last fall, the corps was amalgamated into Action along with its domestic counterpart, VISTA, over the protests of critics who argued that the program would suffocate in an expanded bureaucracy. The move also gave rise to fears that the Nixon Administration was out to kill the Kennedy-inspired program—fears that since have largely evaporated in the face of the President's continuing support for the program.

The budget cut is a consequence of all these factors. But ironically, it is being imposed just at a time when the Peace Corps appears to be picking up steam again.

As a result of an intensive recruiting campaign, applications in 1971 were up to 26,000, reversing the five-year trend. The number of volunteers in the field is still down, but they are serving in a record 57 countries, and eight other nations have submitted requests for new volunteers.

"Just at the point when we are getting off the ground again," Mr. Blatchford said, "they're cutting us off at the knees."

[From the Washington Post, Jan. 14, 1972]

THE BUDGET SPECTER

(By William Raspberry)

The director of Action put it plainly enough in a letter that went out to Peace Corps volunteers this week:

"The Peace Corps," he said, "faces a moment of truth, a point of decision second to none in its history."

What Joseph H. Blatchford was talking about was money. The Peace Corps has too little of it, and that is believable.

But the contingencies he outlines in the letter may not be so believable; they sound too much like the cries of doom that attend every appropriations fight here.

Blatchford virtually is begging to be accused of overkill when he says that if Congress fails to do right by the Corps he may have to:

Recall nearly half of the 8,000 volunteers now in service before their terms can be completed.

Withdraw from 15 or more of the 55 countries Peace Corps now is in.

Cancel training plans and projects for about 2,400 volunteers scheduled to enter the Corps by June.

Reduce staffs, both here and abroad.

And what is it that could bring on these dire consequences? A budget reduction from $77.2 million to $72 million for fiscal 1972—a reduction of a little more than $5 million.

Is Blatchford kidding? He swears he isn't and the explanation from his office is serious enough.

The original budget request as amended was for $82.2 million; $5 million less than that—$77.2 million—authorized. But the money never was appropriated—still hasn't been.

Meanwhile, Peace Corps had been operating, by congressional permission, at levels based on the $82.2 million and $77.2 million figures.

Then in December, with the fiscal year half gone, Congress passed a continuing resolution that forces the Corps to operate at the annual level of only $72 million a year until such time as regular funds are appropriated.

And that is a lot worse than it sounds. Kevin O'Donnell, head of the Peace Corps (Blatchford heads Action, which includes Peace Corps, VISTA and other volunteer agencies), tells why:

"The reductions Congress has handed out are not just for the future or remaining months of the fiscal year. These authorizations set the level of spending for the entire year—past, present and future."

Thus, each reduction in the annual budget "has the ex post facto result of making previously legal spending into over-expenditures ... Monies spent in good faith under previously higher authorizations must be recouped in the remaining months of the fiscal year."

For this reason—and because the reductions can never be put into effect immediately—O'Donnell says the apparently tolerable reduction of $10 million halfway into the fiscal year has the effect of a $30 million cut at the beginning of the year.

And if that is anywhere close to straight, a $30 million cut in an $80 million budget could well lead to the kind of dire things Blatchford listed in his letter.

The cuts hit particularly hard at an agency like Peace Corps, which has what O'Donnell describes as "a people budget."

"Most agencies involved in the kinds of social programs we're involved in have some power to make grants and other kinds of outlays. Well, this kind of thing you can stop doing tomorrow.

"But our money goes not for grants or expensive equipment but for people. And you really can't stop supporting your people in the field tomorrow. You can't say, 'Sorry, but we can't pay you this month.'"

The whole thing could, of course, be rendered academic when Congress reconvenes next week. But the fear at Action is that their cries of disaster won't be taken seriously and that Congress will appropriate funds dangerously close to the present spending level.

If that happens, the Peace Corps could be out of business just when it is showing new signs of revitalization. The irony is that the threat comes at a time when it appears that Peace Corps is the only thing we're doing right overseas.

PEACE CORPS,
Washington, D.C., January 11, 1972.

DEAR PEACE CORPS VOLUNTEER: The Peace Corps faces a moment of truth, a point of decision second to none in its history. Press reports about cutbacks in the Peace Corps have suggested the critical nature of the present situation, but they have left many members of the Peace Corps' large family confused and concerned. Thus, I am taking this moment to write to you, to explain the gravity of the days ahead and to outline the steps we have taken to preserve the Peace Corps idea.

As a result of unexpected budget pressures by the Congress, the Peace Corps must prepare a contingency plan in the event Congress fails to properly fund our activities. These include:

To recall nearly 4,000 of the 8,000 volunteers now in service before their terms can be completed;

To withdraw from 15 or more of the present 55 countries;

To cancel the training plans and postpone or cancel the projects of the 2,400 volunteers scheduled to enter the Peace Corps between now and the end of June;

And to reduce staff both at home and abroad for the second time this year—having just absorbed a 15% reduction.

Oddly, these measures are threatened at a time of particular popularity and support for the Peace Corps. President Nixon has expressed his support for the Peace Corps personally to me, and in his public statements and speeches.

In spite of austere economic conditions in the nation, the President requested an $82.2 million budget for fiscal 1972.[1] His confidence in the important mission of the Peace Corps was illustrated, too, when he indicated that the success of the Peace Corps lent promise to his plans for ACTION, the new Federal citizen service idea inaugurated on July 1, 1971.

Foreign leaders have joined their people in renewed enthusiasm and interest. Many countries of the world have initiated domestic volunteer corps of their own, and at the same time requested more and more volunteers from the U.S. Peace Corps.

Americans, too, have continued to demonstrate their belief in the Peace Corps: 26,564 applied last year, and applications in recent months have arrived at the highest level in five years. When the Peace Corps held a poster contest celebrating its Tenth Anniversary, over 1500 entries arrived, one of the designs will become a U.S. postage stamp early next month.

But in spite of these signs of obvious health, the Peace Corps is in crisis. Here, then, is the history. Last year, fiscal 1971, Peace Corps spent $85 million and placed approximately 5000 new volunteers into the field. This year, fiscal 1972, we sought ways of saving in line with the President's attempt to reduce Federal expenditures. In planning this year's programs, the Peace Corps found that it was able to increase the numbers of volunteers and trainees from last year and still operate on a lower budget of $82.2 million. During fiscal 1972, it was planned, the Peace Corps would grow to 8,500 volunteers, and enroll 5,800 trainees. But the Congress, instead of passing the Peace Corps bill as requested, responded to these efficiencies by cutting the Peace Corps budget.

After hearings, the Congress passed the authorization bill[2], setting a ceiling of $77.2 million. In order to operate within this budget, instead of the $82.2 million, we were forced to do rigorous cost-cutting. Heavy reductions were made in staff and two of the four operating regions were combined. We reluctantly decided to invite 800 less into training. Additionally, Washington and country budgets were cut to barest operating minimums. Finally, we even reviewed each training program to reduce the normal training time and effect cost savings.

If we are to keep the Peace Corps operative—as it now stands—to avoid massive cutbacks on the present volunteer and staff strength—$77.2 million is rock bottom. This means that the Congress must pass an appropriation bill equal to the authorized $77.2 million. As of this date—over six months into the fiscal year—the Congress has not passed an appropriations bill for the Peace Corps. Since the 1st of July, we have been operating on a series of continuing resolutions, acts of Congress which permit continued spending in lieu of specific appropriations bills. As indicated, we had found ways to continue effectively under the $77.2 million ceiling. But in December, unexpectedly, the Congress set a new ceiling of $72 million on its most recent continuing resolution, which expires on February 22nd.

---

[1] The 1972 fiscal year runs from July 1, 1971 to June 30, 1972.

[2] The Congress goes through two steps in setting the Peace Corps budget. It first passes an authorization bill which authorizes us to spend at a certain level; it then passes an appropriation bill which actually appropriates the money.

To meet the present crisis of having to operate the Peace Corps at $72 million, I have issued instructions to prepare the contingency plans outlined at the beginning of this letter.

This, then, is the issue: If at this late stage in the fiscal year, the Congress votes only an appropriation of $72 million, the drastic action of recalling volunteers, cancelling training projects, and cutting staff further will be necessary. If $77.2 million is approved, we will survive. The difference may seem small, but it is a vital difference when the full year's expenditures are taken into account. Having started the year spending at the rate of the $82.2 million the President requested, then cutting costs down to $77.2 million when the authorization was passed, the Peace Corps now will be forced to cut back at a disproportionate rate for the remainder of the year, if the budget is cut now. In actual terms, this means that no more than $19 million would be available for the period following February 22, or the date that the continuing resolution expires. Because the volunteers' allowances are small, a large number must be brought home in order to curb expenditures significantly. And since efforts we can make to save money are in themselves costly—airfare for returning volunteers and staff, severance pay, costs of breaking leases and terminating contracts, etc.—these will further compound the strains on Peace Corps funding.

So we are in the painful, and paradoxical, situation of having today to begin to bring about a significant reduction in the Peace Corps activities—in spite of rising levels of support for the Peace Corps both at home and abroad—in order to avoid having to dismantle it completely in the very near future.

The fate of the final Peace Corps appropriation is still in doubt. The Congress must take up this bill when it returns. Obviously, the consequences of an appropriation of $72 million are so severe that we are very hopeful that the Congress will appropriate the full amount authorized: $77.2 million.

By the time the issue is resolved, Peace Corps projects around the world will have been done irreparable harm. We are struggling to keep the very idea of the Peace Corps alive. It has always been the Peace Corps philosophy that if things must be cut back to meet spending limitations, the volunteers must be kept in the field as long as possible. We are adhering to that philosophy, and yet recalling volunteers and cancelling projects may still prove necessary. These are indeed moments of truth for the Peace Corps.

As you can see, we are fighting as hard as we can to keep the Peace Corps alive: we are redoubling our efforts to explain to the Congress what the Peace Corps has done, and can do; we are attempting to place before them a clear picture of the critical moments ahead.

We must win. The moment has not yet arrived when the United States will allow the Peace Corps to die out because small amounts of money are not made available to support all the benefits to mankind the Peace Corps can and does deliver. I expect the Peace Corps will emerge from this fight stronger, and even more importantly, that it will emerge from the fight with renewed commitment of support from both the American people and their representatives in Congress.

Sincerely,

JOSEPH H. BLATCHFORD.

ELIZABETH, ILL.,
January 12, 1972.

HON. JOHN B. ANDERSON,
House of Representatives,
Washington, D.C.

SIR: I am writing to urge your support for the restoration of funds cut from the Peace Corps budget. As a returned Peace Corps Volunteer (I served in Ghana, West Africa, from 1967 to 1969), I am deeply angered at the financial priorities which have been pursued in this case.

How can the United States Congress possibly justify spending the exorbitant amount of money which continues to be poured into Southeast Asia—and simultaneously propose cutbacks in a program whose sole objective is the peaceful ideal of helping people to help themselves?

Just one of the recent bombing runs into North Vietnam would exceed in costs the total amount spent by the Peace Corps in an entire year. How very ironic are America's present priorities!

I hope that you will speak out against the unwarranted and uninformed criticisms of the Peace Corps which Representative Otto E. Passman has made. I frankly acknowledge that the Peace Corps is not perfect, but I firmly believe that the Peace Corps remains the one most valuable program in America's entire foreign aid policy. Again, I urgently ask your help in restoring needed funds so that the vital work of the Peace Corps may continue.

Sincerely yours,

GERALD W. SPEER.

THE RICHMOND RULING—A MONSTER UNLEASHED?

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. BAKER. Mr. Speaker, the recent ruling of U.S. District Judge Robert R. Merhige, Jr., of Richmond, Va., which will permit busing of schoolchildren across county lines, is alarming indeed. Its implications for individual freedom of choice and States' rights are far-reaching.

This decision must be appealed and reversed.

When we ignore political and jurisdictional boundaries to achieve an arbitrary racial balance, we disrupt the delicate mechanism of our Federal system, which has existed since the beginning of our Republic.

Neither the Constitution nor any other Federal law require this busing. In fact, article X of the U.S. Constitution, the famous "reserved powers clause," leaves control over education to each State.

When we ignore the Constitution and tamper with the autonomy and integrity of State and local governments, we may be unleasing a monster which will run rampant over the rights of all Americans. The giant hand of the Federal bureaucracy which sweeps away first city and county lines, as in the Richmond decision, may later attempt to destroy State lines as well. Given speed of modern transportation, what is to prevent this grasping hand from swooping down upon children in rural areas and setting them down in an urgan ghetto hundreds of miles away—after a 3- to 4-hour bus ride?

This inequitable and illegal court order now stands as the law of the land and must be upheld until overruled at a higher judicial level. In the name of freedom and commonsense, let us hope that second decision comes promptly. The entire future of American education and our way of life are at stake.

The Chattanooga News-Free Press, which has consistently defended the neighborhood school system and opposed court-ordered massive busing of our young people, displayed solid knowledge of the law and dedication to constitutional principles in its editorial on the Richmond case:

RIDICULOUS RULING

Those who are inclined to tell a lie have been warned that, aside from moral considerations, lying is bad because one lie often requires another. So it is with court decisions. Aside from legal considerations, one bad ruling often leads to another.

Now U.S. District Judge Robert R. Merhige Jr. of Richmond, Va., has come forth with one of the most indefensible but potentially far-reaching court rulings possible, completely without constitutional or legal foundation.

In a nutshell, and that expression is quite pertinent to this case, he has ruled that the busing of school children to a consolidated education system of Richmond and Henrico and Chesterfield counties must be undertaken simply because the racial composition of the counties is such that if each is left on its own, it will not have the degree of racial integration that Judge Merhige desires.

It should be understood from the first that there is no complaint that any of these counties is failing on its own to meet every legal requirement for racial equality in its schools.

What troubles the high-handed judge is that Richmond's schools are 60 per cent black while the schools of the two neighboring systems are 90 per cent white. So the judge has ordered racial discrimination to combine the school systems just because he wants more mixing.

The Constitution does not require it. The judge should have no power to require it.

The original school desegregation ruling of 1954, which was extreme in concept, was without constitutional foundation and was rendered by perhaps the most liberal Supreme Court in American history, did not require balanced racial integration. It simply outlawed racial discrimination to produce racial segregation. Subsequent congressional action outlawed racial balance orders by courts or other officials. Yet here is a district judge forcing separate school systems into consolidation for the sole purpose of racial discrimination for racial balance.

"The consolidation of the respective school systems is a first, reasonable and feasible step toward the eradication of the effect of the past unlawful discrimination." Judge Merhige declared. Thus he makes two errors: 1. All school systems already were in compliance with prevailing court rulings banning discrimination. 2. No power has been delegated by the Constitution to any court to legislate any such remedy as Judge Merihige dictates.

His ruling will be appealed. It must be.

Is it possible that this extremism in judicial dictatorship might provide the new "test case" on forced busing by which a more constitutionally oriented Supreme Court may undo the despotism of the forced busing tyranny? Is it possible this could lead to establishing a constitutional system of equality before the law for all, freedom of choice for all, protection of all from such dictation as Judge Merhige has resorted to in accelerated deterioration of judicial integrity as one bad precedent has led to another?

KWETHLUK PROTESTS BIA PERSONNEL CUTBACK

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. BEGICH. Mr. Speaker, it is certainly true that many aspects of the Federal services made available to the American public will suffer by virtue of the employment cutback standards proposed by the administration as a part of the new economic program. Such cutbacks will have a particularly undesirable effect in those areas where the present level of Federal governmental services are already only minimal to meet the needs. In the opinion of the people of Kwethluk, Alaska, this situation exists with regard to the Bureau of Indian Affairs personnel presently assigned to the village. Their sentiments are expressed in the petition which I believe will be of interest to other Members of the House:

PETITION

KWETHLUK, BIA SCHOOL ADVISORY SCHOOL BOARD

To whom it may concern:

We, the people of Kwethluk, the Kwethluk Advisory School Board, and the Kwethluk Village Council members do not wish for the Bureau of Indian Affairs to reduce its present employees for the year 1972 as has been proposed to meet the employment cutback demands of President Nixon's economic move. We deeply feel this reduction will set our educational standards in Alaska Native Villages back instead of going forward as we all want.

Frank Nicori,
Advisory School Board Chairman.
Nick Epcheak,
Advisory School Board Secretary and Kwethluk Village Council Vice President.
Evan Olick, Sr.,
Advisory School Board Member.
Mrs. Madrona Fisher,
Advisory School Board Member.
Mrs. Lela Evan,
Advisory School Board Member.
David K. Nicolai,
Kwethluk Village Council President.
Mrs. Elena Triplett,
Kwethluk Village Council Treasurer.
Joseph Gay,
Kwethluk Village Council Secretary.
John Andrew,
Kwethluk Village Council Member.
Yesho Fisher,
Kwethluk Village Council Member.
Nicolai Andrew,
Kwethluk Village Council Member.

LIST OF SIGNATURES

Henry Frank, Nevada R. Enon, Alfred Togayak, Alexander Necore, Nastasia Larson, Harry Larson, Paul Alexel, Richard L. Long,

Willie M. Andrew II, Mary Grey Long, Nicolai K. Nicolai, Anna K. Nicolai, Adam Andrew, John Nose, John L. Alexie, Matthew Spein, Pete Boros, Andrew Olicle, Yako Hayes, Nick Fahr, Katherine Ayapan, Coretta Maird, and Igrata Olah.

Alfred Alexie, James Michael, Phillip Grey, Alexie Alexie, Martha M. Nicolai, Elizabeth A. Nicolai, Balassa Nicolai, Mary O. Evan, Katie W. Mann, Mary Phillip, Glelea Alexie, Peter Nick, Elena E. Olick, Flora Fisher, Minnie Nick, Alfred Evan, Evan Kopuk, Paul Dabinski, Sophie A. Grey, Necolai E. Nicolai, Ivan Michael, Katherine Andrews, Lucy M. Frank, Jacob Jackson, and Abraham Alexie Sr.

Maggie Grey, Elizabeth Andrew, Lena Angrecian, Kathy S. Alexie, William Frank, Nick Alfred, Vera Michael, Elina Egoak, Katherine Epchonk, Xernice Nicolai, Daniel Mildred, Nellie Fiher, Nichols Malik, Elizabeth W. Paul, Elia Grey, Natalia Jackson, Henry Jackson, Timothy Mann, Elizabeth Owens, Wassilie P. Nicolai, Evan Paul Sr. Annie N. Michael, and Annie K. Alexie.

Anesia Nick, Alexie Nore, Paul G. Nicolai, Xenia Nicori, Wassilie Macai, James Grey Sr., Evan Olick Sr., Martin Alexie, Philip Phillip, Nick N. Nicolai, and Raymond Sjoak.

LEARNING AND TEACHING CAN BE FUN

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. BRINKLEY. Mr. Speaker, I would like to bring to the attention of my colleagues the following article written by Mrs. Madge Methvin, editor and publisher of the Vienna, Ga., News, for it points out so vividly that "learning and teaching can be fun." The article reads:

THIS JOHNNY CAN WRITE—AND HOW!

A few years ago a nationally known educator came out with a book entitled "Johnny Can't Read" and also held forth Johnnys and Marys of today couldn't write either. It disturbed a lot of people; parents and teachers—and now we are seeing a lot of changes in education, in a return to the old phonetics methods of teaching reading and spelling, as well as many new methods and materials for remedial reading, with considerable federal spending for the boosting needed.

A big boost to our hopes for the sad situation we have long observed in news releases brought to us by school students in their reports on school news came this week. We were shown this essay written, believe it or not, by a third grader, and in a writing far more legible than our own. He is Lyle Woodruff, son of Mr. and Mrs. Larry Woodruff, and grandson of the Bury Woodruffs and he goes to school at Tucker, near Atlanta. We break our long-standing rule of publishing no essays or poetry, which has saved us a lot of headaches about space and selectivity, and bring it to our readers, many of whom are very discouraged about our schools and the type of education we are getting from them. The essay follows:

"WHAT IT IS LIKE TO BE JELLO

"Here I am being made! What a pride it is to be made! What color am I? Wow! I'm Green. They're boxing us. I'm in a truck with all the other boxes of green jello. Whoops! I fell out! Here comes the cherry truck. He sees me! He picked me up. Here I am with all the cherries. They make fun of me because I am green. We're almost to the supermarket. Now I am on the shelf.

"Here comes somebody. He grabbed me. Oh boy. Here I am in the shopping bag. We're on the way home. I'm in the cabinet. It's dark in here. They're taking me down! They're mixing me with hot water, now cold water. I'm in the refrigerator. Brrr—I'm cold. I have some new friends. Milk, ketchup, dressing and casserole are my best friends. Grapefruit is the bully. We have fun. Milk acts like he is going to be a bully, too. He always squirts us.

"Cream is my girl friend. One day somebody took cream and me out. They put me in a bowl with cream on top. I have never been so close to Cream. I am in the spoon. Wobble, wobble. Gulp! Down I go. I am no longer solid. Now I am a green river. Round and round! Yipes! A big pit! Yummie—Splash."

On his paper was this teacher notation: "Larry, This is great. I would like you to read this to the class." Wouldn't you love to have been there to see those kids faces light up and hear their delighted giggles over this piece of imaginative whimsy? Learning and teaching can be fun, too.

FEDERAL ELECTION CAMPAIGN REFORM

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. CEDERBERG. Mr. Speaker, I want to take this opportunity to bring to the attention of the entire House membership a most concise and thorough statement by our colleague, Congressman Jim Harvey, on the conference report on Federal election campaign reform—S. 382—which this body is likely to consider for final approval this week. Congressman Harvey's complete statement, which follows, highlights the major provisions of this historic legislation.

I would particularly like to quote his concluding paragraph wherein he states:

> In conclusion, let me say that the final version of this legislation is far from perfect. One newspaper properly entitled a story about its history "Chronicle of Compromise." The final version passed by the Senate and soon to come before the House certainly is a compromise, but it is also a noteworthy accomplishment. I urge adoption of the Conference Report.

I believe that this statement by Jim Harvey, who serves on both the House Committee on Interstate and Foreign Commerce and the House Administration Committee, both of which acted on campaign spending reform legislation, and who was a conferee on S. 382, should be of great interest to all of us. His complete statement follows:

CONGRESSMAN JAMES HARVEY DISCUSSES CONFERENCE REPORT ON CAMPAIGN SPENDING BILL

Just prior to the adjournment of the first session of this Congress, the conference on the campaign spending bill concluded its work and issued its report. I was honored to serve as a conferee on this very important matter, and now that the House is about to take final action on this bill, I would like to state, for the Record, some of my thoughts on the final action of the conferees.

Last spring, and again during the recent House debate, I indicated that I was strongly in favor of legislation that would strengthen disclosure and reporting requirements and also provide for an income tax credit for political contributions. These two steps, I believe, would instill confidence in the voters and increase political participation, the cornerstone of a democratic political system. At the same time, I did not feel an extensive bill to limit contributions and spending was necessary. I still do not. Yet, a majority of the American people and many of my colleagues in the House and Senate feel that such steps are desirable, and despite the hardships that the reported legislation will cause, I will yield to their wishes and support the conference report.

The thrust of the bill, I am happy to say, is toward strengthening the reporting and disclosure provisions, but not in what I consider to be the strongest possible way. I had hoped to see an independent Federal Elections Commission as the Senate bill recommended. It was not the will of the conference committee, and thus the House language on reporting was accepted. The bill also did not provide for any form of tax credit for political contributions. As it turned out, such a step was unnecessary; the recently approved "Revenue Act of 1971" contains a provision permitting a $50 per person deduction for such contributions.

There are several other points discussed in conference that I would like to bring to the attention of my colleagues at this time. All indicate that this report reflects the compromise so necessary to a successful conference.

(1) *Section 315 of the Communications Act of 1934:* The Senate, as you will recall, required that Section 315 of the Communications Act be repealed for all Federal elections. The House agreed to my amendment to the Macdonald amendment to the Hays bill which, in effect, left Section 315 as it is now. During the conference, the Senate receded from its position and agreed to accept the House version pertaining to Section 315.

(2) *Reduced Media Rates:* The House receded from its position and agreed to accept the Senate version on reduced media rates. This provision provides that during the 45 days preceding a primary election and the 60 days preceding a general or special election, a candidate should be entitled to the lowest unit charge of the station for the same class and amount of time for the same period. I disagreed sharply with the action of the conference committee, because I believe that the language in the House bill, which limited candidates to the "actual charges made by such station for any comparable use of such station for other purposes," is far superior. More important, I do not feel that candidates, whether incumbents or challengers, should be entitled to special privileges or special treatment as far as rates are concerned. It is the essence of the conference, however, to give and take, and since the Senate felt very strongly on this issue, it was necessary for the House to recede.

(3) *Newspaper rates:* The Senate agreed to accept the House version on newspaper rates. The language in the House bill provided that the charges made for the use of space shall "not exceed the charges made for comparable use of such space for other purposes." I agree with the action of the conference on this issue, and I believe that similar action should also have been taken for the broadcast media. Given the final decision of the conferees on newspaper rates, my question now is, "How do I return to my constituents and justify the different treatment afforded to the broadcast media in contrast to newspapers and magazines?" I presume that my only answer is to point out, as some of the Senate conferees did, that the broadcasters are licensees of the Federal Government and as such, occupy monopoly positions. At the same time, these monopoly licenses are sold and resold under very profitable circumstances.

(4) *Direct Mail:* The House agreed to recede and delete that portion of the House-passed bill which included direct and computerized mailings under the spending limits. The conference did, however, agree to keep that portion of the House bill which included telephones, the paid telephonists and automated equipment, under this limitation. I very much agree with this action because to have included the cost of direct mail in either a Congressional, Senatorial or Presidential campaign would have been grossly unfair. The cost of first class postage is itself eight cents, and given the ten cent limitation, the candidates would hardly have had enough left to pay for the cost of typing the letter. Perhaps more important in the eyes of the press and those who consider themselves to be the "watchdogs of the Congress," is that the inclusion of direct mailings under the ten cent limitation would definitely have labeled the campaign spending bill an "incumbent's" bill. To limit a challenger's mailing while doing nothing to impose similar restrictions on the use of the Congressional frank would certainly have been termed "pro-incumbent."

(5) *Elections Commission:* The Senate receded and agreed to accept the House language which removed the provisions for an independent elections commission. The House, as you will recall, substituted for the elections commission the Clerk of the House, the Secretary of the Senate and the Comptroller General as the reporting agents for House, Senate and Presidential candidates, respectively. I disagreed with this change, but the action of the conferees clearly reflected the strong views that had been set forth in the debate in the House. Once again, it was necessary to yield on this provision in order to have the conference agree to a final bill.

In conclusion, let me say that the final version of this legislation is far from perfect. One newspaper properly entitled a story about its history "Chronicle of Compromise." The final version passed by the Senate and soon to come before the House certainly is a compromise, but it is also a noteworthy accomplishment. I urge adoption of the conference report.

BUFFALO'S ROBERT I. MILLONZI NAMED MAN OF THE YEAR

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. DULSKI. Mr. Speaker, a personal friend of mine of many years standing has been singularly honored by our home community.

Robert I. Millonzi, a distinguished attorney and public servant—well known in New York State and the Nation's Capital, as well as in Buffalo—has been named Man of the Year in the first award made by Focus magazine of the Buffalo Courier-Express.

The award is designed to honor the individual who has done the most during the year in behalf of cultural enrichment in the Buffalo area.

No better selection could have been made for this initial award, because Robert Millonzi has been conspicuous in support of the arts in Buffalo for as long as anyone can remember.

I recall well when I was on the Common Council, before coming to Washington, and the cooperation which he gave in the valiant, but futile, effort to save Buffalo's last major legitimate theater, the Erlanger.

Where music, drama, artwork is concerned in Buffalo, Robert Millonzi is somewhere in the picture, doggedly working to make and keep Buffalo truly a cultural center.

It is not a one-man job, of course, but there must be a catalyst, a dynamo to keep others moving forward. In Buffalo, you spell that factor Robert Millonzi.

During the Truman administration, he was appointed to the Securities and Exchange Commission and later served with distinction on United Nations groups dedicated to programs of economic and social development.

On the national scene, he is a trustee of the John F. Kennedy Center for the Performing Arts, having been renamed to a 10-year term in 1968.

The cultural story in Buffalo in 1971 was the appointment of Michael Tilson Thomas as conductor and music director of the Buffalo Philharmonic Orchestra. It was Robert Millonzi who was the driving force behind convincing Mr. Thomas he should come to Buffalo.

Buffalo and western New York is indeed fortunate to have Robert Millonzi on its cultural team and his recognition by the Courier-Express is well deserved.

Mr. Speaker, as part of my remarks, I include an excellent story on Mr. Millonzi by the well-respected Courier-Express columnist, Mrs. Anne McIlhenney Matthews:

FOCUS NAMES MILLONZI AS MAN OF YEAR; COURIER-EXPRESS MAGAZINE'S FIRST AWARD SALUTES BUFFALO'S PATRON OF THE ARTS

(By Anne McI. Matthews)

Being first is no novelty to Robert I. Millonzi.

Millonzi is the first recipient of the Focus Magazine Award.

The Focus Award is designed to honor the man or woman who has made outstanding contributions, through participation, leadership or patronage in the arts or entertainment in Western New York.

Millonzi is the man behind the cultural story of 1971—the appointment of Michael Tilson Thomas as conductor and music director of the Buffalo Philharmonic Orchestra.

Millonzi, a long-time patron and promoter of the orchestra, was the driving force behind the acquisition of this brilliant young conductor by Buffalo. It was Millonzi who first seriously conceived of bringing Thomas to Buffalo; it was Millonzi who made the treks to Boston, where Thomas was associate conductor, and it was Millonzi who announced at a meeting of the Buffalo orchestra's executive committee in his home that Thomas was ready to take over here.

The appointment of Thomas made music news throughout North America, and burnished Buffalo's reputation accordingly. This may well be the crowning achievement for Millonzi as a patron, and as a cultural leader. But Millonzi is no stranger to honors.

On the occasion of the 10th annual citation dinner at the 20th anniversary of the Buffalo Council on World Affairs in June 1968, he was given a plaque for his contribution to "human achievement and international understanding." In many ways it was a masterpiece of understatement because it stressed the big picture image of Robert Millonzi and not the true picture of the smiling, quiet, man of great charm who can almost fade into the woodwork in his passion for doing big things in a big way but always, if possible, choosing the way of anonymity.

A TRUE MAN OF ACTION

He is primarily a man of action. If you want a job done and well done you give it to Robert I. Millonzi and mark it "mission accomplished." In world affairs, national affairs, city affairs and particularly in the realm of music and the performing arts he is a formidable entrepreneur.

From his father, Philip, a founder of the Community Music School, Millonzi inherited a great love and appreciation of music and as a direct result of his leadership in the Buffalo Philharmonic Orchestra Society, (he is a former president), Buffalo has achieved the securing of Thomas to replace Lukas Foss as conductor.

Another result of this is the finest audience season the Buffalo Philharmonic orchestra has had in many years. Crowds even attend rehearsals.

Millonzi is interested in all aspects of art. In 1968 he was reappointed to a second 10-year term as a trustee of the John F. Kennedy Center for the Performing Arts. He is also interested in the new Niagara Frontier Center for the Performing Arts in Lewiston.

One of the greatest honors given Millonzi was his designation as Public Member, U.S. Delegation to the Economic and Social Council of the United Nations in 1967. This designation has the assimilated rank of an ambassador.

Millonzi's office in the sixth floor of the Western Savings Bank Bldg. at Main and Court is a testimonial to the high regard that Presidents Harry S Truman and Lyndon B. Johnson had for him especially and there are many historic other documents on his walls from prominent persons.

NAMED TO U.N. GROUPS

Truman appointed him a member of the Securities and Exchange Commission and to the ECO-SOC which is one of the main executive bodies of the United Nations and has supervision of all U.N. programs of economic and social development. In 1967 he was one of two public advisers of the U.S. delegation to the U.N.'s Economic and Social Council (ECO-SOC) session in New York. In the same year he was named to Buffalo's Human Relations Commission.

Last year he was named vice chairman of the Concerned Citizens on the Arts organization. He is also an Honorary Fellow of the Harry S Truman Institute for National and International Affairs.

Millonzi is the senior partner in the law firm of Diebold and Millonzi which headquarters on the sixth floor of the Western Savings Bank.

His association with Charles Diebold dates back 40 years to when they were fellow students in the Law School at the University of Buffalo. Diebold spread his hands when I told him of the Focus Man Of The Year distinction and said it—as he always does—simply.

"There is just no way to describe the high esteem I have for this man," he said. "The words don't come. We are partners and we operate like brothers. We have been together in the thin days and the thick days, the good times and the problem times. He has a tremendous vitality and a tremendous mind and I am forever impressed with his many and varied talents and abilities."

Millonzi and his wife, the former Eleanor Verduin live at 75 Meadow Rd. One daughter is Mrs. Victor Raiser II of Chapin Pkwy. and another daughter, Miss Elizabeth J. Millonzi lives in Boston.

Millonzi was graduated from the University of Buffalo with a BA degree (Honors) in 1932. He was graduated from the University of Buffalo Law School, LL.B in 1935.

AFFILIATIONS ARE MANY

He was admitted to practice, New York State Supreme Court in September 1935 and also admitted to practice in Federal Court and the Tax Court of the United States. In 1952 he was admitted to practice in the United States Supreme Court.

He is a Fellow of the American Bar Assn.; a member of the New York State Bar Assn.; the Erie County Bar Assn.; the National and State Title Assns.; and the American Judicature Society.

From 1940 to 1943 he was counsel to the New York State Dept. of Agriculture and Markets. In 1951–1952 he was commissioner, U.S. Securities and Exchange Commission. In 1952–1953 he was consultant, Reconstruction Finance Corp., Washington.

He was a lecturer at the University of Buffalo School of Law on Corporate Finance. He is a member of the Administrative Law Section of the American Bar Assn. He is a member of the Committee on Public Utility Law (formerly Atomic Energy), New York State Bar Assn.

He is director and counsel of the First Empire State Corp., Buffalo; director and regular member of the Executive Committee, Manufacturers and Traders Trust Co., and trustee and counsel, The Western New York Savings Bank, Buffalo.

He is a director and was one of the founders of the Buffalo Council on World Affairs; a member of the Governing Committee of the Buffalo Foundation and a Life member of the Museum of Science.

He is a member of the Buffalo Historical Society; a former member of the Board of Trustees and life member of the Fine Arts Academy (Albright-Knox Gallery), a member of the Council on International Studies, State University of New York at Buffalo.

TRIBUTE TO GOLF GREAT BOBBY JONES

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. MICHEL. Mr. Speaker, during the holiday recess the world, and particularly the world of golf, lost one of its giants when the great Bobby Jones passed away on December 18, 1971. To those millions who enjoy playing the game of golf, he was indeed a living legend and his unbelievable feat of winning four national championships in the same year, 1930, is unlikely to ever be equaled.

A story written by Will Grimsley of the Associated Press recounts some of the highlights of the life and career of Bobby Jones and I insert it in the RECORD at this point:

"GENTLEMAN GOLFER" WITH A TEMPER

(By Will Grimsley)

Robert Tyre "Bobby" Jones, Jr., was recognized as the "gentleman golfer" but he shared one universal trait with fellow devotees of the game—he was a club thrower.

As a youngster, Bobby had an ungovernable temper. He ranted when he missed a shot and often showed his disgust by sending one of his wooden clubs flying through the air.

He was a round-faced chubby youngster of 14 when he made his debut in the U.S. Amateur at Marion Cricket Club outside Philadelphia in 1916. He created quite a stir when he led the field through the first round of qualifying and won two matches before bowing to the defending champion, Bob Gardner, 5 and 3.

However, his petulance and bad temper drew sharp criticism from the press, who labelled him a "hot head" and "spoiled brat."

Jones learned to harness his emotions in later years en route to his phenomenal record of 13 national championships and Grand Slam in 1930 and became an example of good sportsmanship and the highest ideals of the game.

Associates recalled recently some of the highlights in the career of the golfing immortal, who was buried in his home city of Atlanta. Jones, 69, died Dec. 18 after years of battling a spinal ailment that produced slow paralysis.

"Bob often jested about his early temper tantrums," said Fred Corcoran, former director of the PGA tour and director of the World Cup matches. "He wasn't a cry baby or a poor sport. He was a perfectionist. He got mad when he failed to execute a shot the way he thought he should."

Describing his opening match in 1916 against Eben Byers, Jones later commented good-naturedly in one of his many books:

"Mr. Byers and I both played very wretchedly, and I think the main reason I beat him was because he ran out of clubs first."

Jones, who played in the wooden-shaft era, became in the ensuing years a master craftsman although even in his championship days he became so nervous before an important match that he was unable to hold food on his stomach.

A scot writer once wrote of him:

"Mr. Jones stands over the ball just as if he were engaged in ordinary conversation. There is no straddling of legs, no tying of muscles into a knot, no extravagant poses, nothing to suggest that he is thinking or doing anything in particular . . . of the millions of golfers in the world, I do not suppose there is another who swings a club back so smoothly or so sweetly."

In 1925, playing in the U.S. Open at Worcester, Mass., Jones called a penalty shot on himself which cost him the championship.

It happened on the 12th hole of the final round. As he left the green, Jones signalled to a U.S. Golf Association official.

"My ball moved as I address it," he said. "I didn't see it move. Neither did anyone else."

"I did," said Jones resolutely, refusing the proffered reprieve. He lost the tournament by a shot.

In the 1929 Open at Winged Foot in Mamaroneck, N.Y., Bobby unleashed a phenomenal string of five 3s, including two birdies and an eagle, from the 10th through the 14th holes, finished with a back nine 31 that still stands as a record. The card is under glass at Winged Foot.

As Jones entered the locker room, he heard officials discussing 9 a.m. and 2 p.m. starting time for the 36-hole playoff the next day.

"Al is a Catholic and he probably would like to go to Mass," Jones said. "Why don't we make it 10 and 3?" the officials acceded.

At church the next day, Jones and his wife, Mary, sat next to Al Espinosa. Then he went out to win the playoff by 23 strokes.

Jones always had great admiration for Gene Sarazen, the doughty pro of the same age. They were of opposite backgrounds. Jones was the son of a well-to-do Atlanta attorney. Sarazen was an ex-caddie, offspring of poor Italian immigrants. Sarazen and Jones had many battles, Sarazen beating out the Atlanta Wonder Boy for the 1922 Open.

Jones remained an amateur, steadfastly spurning offers to turn professional. A great admirer of Jack Nicklaus, whom he saw at the age of 12 and pinpointed for greatness, Bobby once wrote Nicklaus a letter urging him not to turn pro.

Hailed for his feats by U.S. fans, Bobby was idolized overseas, particularly by the Scots and Japanese. He recalled that once, visiting Japan, he lost a $5 bet to the Japanese star, Tommy Miyamoto. Many years later, he learned that Miyamoto had taken the $5 bill and framed it.

"If I had been forwarned of Miyamoto's intentions," Jones said, "I would have paid him by check."

The late Walter Hagen, king of the pros

in the Golden Twenties when Jones was the amateur emperor of golf, was confronted with a touchy question once during a locker room gab session.

"If you had to put up $10,000 to put on one golfer to win an important match," the Haig was asked, "who would it be?"

Hagen stroked his chin momentarily and replied:

"Bob Jones—he has to be the greatest."

Forty-one years have passed since Jones scored the most monumental one-mean feat in golf—the Grand slam, winning the U.S. and British Opens, U.S. and British Amateurs in a single year—and forty-eight hours have passed since Jones was laid to rest in his beloved Atlanta, but golf buffs still debate the question:

"Was Bob Jones the greatest of them all?"

Jones himself scoffed at such comparisons, lauding Ben Hogan, Arnold Palmer and Jack Nicklaus as men who came along in the procession of bigger-stronger-better athletic specimens, but he left a record that is staggering.

Over an eight-year span—from 1923 through 1930—he won 13 U.S. and British national championships. In the last nine years of his career, he played in 12 Open championships, nine American and three British, and finished no worse than second in 11 of them.

At 28, still in his prime, he quit competitive golf. At that time, he was eight years younger than Ben Hogan was when Hogan won the first of his four Open Crowns. Jack Nicklaus, at 31, like Jones a Boy Wonder, a standout amateur before he turned professional, has accumulated 11 major crowns. Three of these are Masters, not rated national championships.

Jones' best 72-hole score in the Open was 287 at Interlachen in Minneapolis in 1930. Eleven years later Hogan won the Open in Riviera in Los Angeles with 276, a score subsequently bettered by Nicklaus and Lee Trevino with 275.

Jones, however, played in only a few selected tournaments a year and lacked the challenge of tough year-around competition. Also, he played with wooden-shafted clubs on courses which had not been barbered to foster low scores for crowd appeal.

"Bob Jones was supreme," said Francis Ouimet, the scholarly Bostonian whose 1913 triumph over England's Harry Vardon and Ted Ray is credited with triggering the golfing explosion in the United States.

"I am convinced if Bob had come along 15 or 20 years later he would have rolled out birdies as easily as he did pars."

Charles "Chick" Evans, who played championship golf after he was 60 and who was one of Bobby's keenest rivals, called Jones "the master shotmaker."

"He was at his best when conditions were tough and when one missed stroke cost a tournament—he was incomparable," argued Evans.

O. B. Keeler, the late Atlanta golf historian who became known as Jones' Boswell, attributed the difference in scoring to improved equipment and softened courses.

"The player in Jones' days had to know his club intimately and play every club with regard to severe playing conditions," Keller said. "The modern player merely steps up and bangs away.

"It's the difference between a craftsman and a slugger."

What was the secret of Jones' success?

"Perfection in style and spirit," argued Ouimet. "It was monotonous and discouraging the way he hit practically every shot exactly as it should be hit.

"This perfection rattled opponents. They started gambling and changing their games. I know I was that other person often enough."

Jones was a strong driver—it was the key to his game. If he had a weakness, it was with the mashie-niblick, equivalent to the present nine-iron. Yet, outside of his putter The Calamity Jane, it was his favorite club.

"Concentration was Jones' strong point," said Keeler. "He played his shot promptly and without apparent worry or anxiety. Although highly nervous, he had complete command of himself at all times."

Jones once played with Sam Snead, the winner of more than 100 pro tournaments, and Snead sought advice on the proper way to fade the ball.

"I don't know," said Jones.

"My policy always has been to hit the ball straight. If you can hit the ball straight, I don't think you'll get into too much trouble."

THE RETIREMENT OF MR. WALTER TROHAN

HON. RALPH H. METCALFE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. METCALFE. Mr. Speaker, Mr. Walter Trohan, former chief of the Washington bureau of the Chicago Tribune, has retired after 25 years as the bureau chief.

Mr. Trohan has been one of this country's most prominent political reporters, covering the White House, the House of Representatives, and the Senate, as well as other departments in the Federal Government.

He was a conscientious reporter, often being the first newspaperman to scoop news stories that made national headlines.

He was the lone reporter on the first press plans charter flight with President Roosevelt to South America in 1936. He was the only reporter to follow Under Secretary of State Summer Welles, from start to finish, on the 1940 peace mission which took them on both sides of the battlefront. He covered President Roosevelt in four election campaigns, as well as other presidential candidates at the time. He also accompanied "Ike" on his "flying carpet" trip to three continents in December 1959.

Mr. Trohan's list of "firsts" and outstanding performance in the field of journalism, goes on and on.

His list of activities outside the field of journalism, is just as impressive. He is a trustee of the Robert A. Taft Memorial Foundation, a member of the Advisory Council for Liberal and Fine Arts of the University of Notre Dame, and a member of the Editorial Advisory Board of Civil War History, a quarterly published by the State University of Iowa. He has been awarded an honorary Lit. D. degree by Lincoln College, Lincoln, Ill. He is a member of the National Press Club, Overseas Writers' Club, White House Correspondents' Association, and Gridiron Club, an exclusive organization founded in 1885 and limited to 50 of the 1,500 newspapermen in the Capitol.

Walter Trohan's journalistic talents and experience will surely be missed on the firing lines of newsmaking events the world over. We wish him a long and satisfying life in his retirement.

MR. R. A. "ROONEY" STIPES, JR.—FRIEND OF HIGHER EDUCATION

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. SPRINGER. Mr. Speaker, my good friend and esteemed fellow townsman, R. A. "Rooney" Stipes, Jr., of Champaign, Ill., has had more to do with the growth and development of tax-supported higher education in our State than any other private citizen.

So I was greatly pleased to learn that the University of Illinois Alumni Association has given him its first distinguished service award. No one is more deserving of this great honor.

Rooney retired in November after serving more than 20 years as a member of the board of governors of State colleges and universities in Illinois. During the past 7 years he was the chairman of that board, which is the governing body of five major institutions of higher learning—Eastern Illinois University at Charleston, Western Illinois University at Macomb; Chicago State University and Northeastern Illinois University, both in Chicago, and Governors State University in Park Forest South.

The two decades from 1951 through 1971 marked the most dramatic period of growth of higher education experienced in Illinois. Enrollments mushroomed, academic and nonacademic staffs multiplied, campuses expanded, and construction of buildings and other facilities increased beyond all expectations.

Over these long years Rooney worked unselfishly and with dedication to the immense benefit of the universities under the board's jurisdiction, to their faculties and students and to the people of the State of Illinois.

"He brought with him," said a resolution adopted at the board's November 17–18 meeting, "a wealth of experience, commonsense, ingenuity, intelligence, and initiative, all of which enabled him to provide outstanding leadership for the board." His complete candor, honesty, and integrity earned him an unexcelled reputation among those who served as members of the Illinois General Assembly during his 20 years with the board.

Rooney's retirement also marked the end of almost 20 years service as president of the board of trustees of the State universities retirement system. As president of this board and chairman of its executive committee he gave generously of his time and efforts in considering and making decisions relating to investments, applications for benefits, and other administrative matters under the retirement board's jurisdiction.

Rooney Stipes, a successful businessman in private life, can look back on a career of voluntary service in the public interest that has seldom been equaled and never excelled in the long history of the State of Illinois. His shoes will be hard to fill.

SMUG VIEW NO ANSWER ON DEFENSE

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. CHAMBERLAIN. Mr. Speaker, in a report filed earlier this month by the Armed Services Investigating Committee attention was drawn to the recent penetration of our defense perimeter by Cuban aircraft which have raised basic questions as to the adequacy of our air defense system. This report has not gone unnoticed, as is clearly evident from the editorial appearing in the January 14 edition of the State Journal of Lansing, Mich., entitled "Smug View No Answer on Defense." The thoughtful views that it expresses deserve to be carefully weighed by all branches of our Government and I particularly commend them to the attention of my colleagues:

SMUG VIEW NO ANSWER ON DEFENSE

Recent charges by a House subcommittee that most of the southern coast of the U.S. is virtually devoid of adequate air defense and air surveillance ought to shake up a few people in Washington and bring some fast remedial measures.

The House armed services investigating subcommittee based its report largely on a probe of circumstances last October when a non-scheduled Cuban airliner, a slow one at that, lumbered into New Orleans entirely undetected by the U.S. air defense command.

This was not the only incident. In October of 1969 an armed Cuban MIG-17 jet suddenly dropped in undetected at Homestead Air Force Base in Florida, landed and parked next to the President's aircraft, Air Force One.

Pentagon officials, apparently having a hard time explaining the lapse in air defense security, allowed as how the possibility of an enemy attack from the south is extremely remote and said there is no way anyone could launch a bomber attack without the U.S. knowing about it.

Maybe so, but one is reminded of the same kind of smug reassurances from the military in 1941 when war clouds were gathering in the Pacific.

Top strategists all but ruled out the possibility of a Japanese air attack on Pearl Harbor, home of the Pacific fleet. It was said the Japanese would never take such a gamble. Most military brass in Washington rested comfortably with the theory that radar and continuing U.S. air surveillance around the Hawaiian Islands would make such a surprise attack impossible.

Historians have long since documented the tragic blunders of Pearl Harbor, including the fact that radar operators picked up the oncoming Japanese armada, but their warnings were disregarded by lower echelon officers who simply could not believe reality on a pleasant Sunday morning.

It would be nice to believe that it could not happen again. But events of the past few months suggest there could indeed be a gaping hole in the air defense system for the southern part of the nation.

The House subcommittee deserves congratulations for bringing this to the attention of the nation. Leaving the back door open negates what is otherwise supposed to be a foolproof defense system and is an invitation to big trouble.

TRIBUTE TO ROBERT TYRE JONES, JR., "BOBBY JONES"

HON. JOHN J. FLYNT, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. FLYNT. Mr. Speaker, Robert Tyre Jones, Jr., "Bobby Jones," died December 18, 1971, at his Atlanta home from a crippling illness that had plagued him since 1948.

The name, the legend, and the man that was Bobby Jones dominated golf for 50 years. He was a national champion 8 years in succession—U.S. Open Champion in 1923; U.S. Amateur Champion in 1924 and 1925; U.S. Open and British Open Champion in 1926 and 1927; U.S. Amateur Champion in 1927 and 1928; U.S. Open Champion in 1929. In 1930 he accomplished what no other man has ever accomplished, the legendary "Grand Slam" winning all four major championships, the U.S. Open and Amateur and the British Open and Amateur.

Beginning competitive golf at the age of 13, Jones retired from the competitive strain in 1930 after winning the "Grand Slam." In 1934 he assisted in the founding of the famed Masters Tournament at the Augusta National Golf Club. In the early years of the Masters Jones' reappearance in competition was a signal event in golf's year. Gradually, the tournament grew, and an invitation to the Masters became the most coveted prize in golfdom.

Bobby Jones' accolades in golf reveal only part of the man. Jones was an astute scholar and capable lawyer. Although his illness finally forced him to a wheelchair, he still made daily trips to his office, never giving in to his affliction.

One of the greatest tributes paid to Jones came from his close friend, Grantland Rice, who was to sportswriting what Jones was to golf. In 1936 when Jones played a one-round exhibition at St. Andrews, the birthplace of golf and scene of his victory in the British Open of 1930, the legendary Rice wrote the following article:

LOS ANGELES, Jan. 15.—It may seem to be a trifle odd to give precedence to a retired champion playing an exhibition game above title competitions. Yet, to my mind, the one-day visit and the 18-hole round that Bobby Jones played over the old course at St. Andrews last July was the top of golf for 1936. Only those present could appreciate what it meant in the way of drama, thrills, tradition, and you can add adoration if you care to get the true picture of what happened.

In the first place, there were no advance notices of any sort. Bob called up the night before from Glen Eagles to ask if he could bring up a friend and play a round. It has been six years since his last appearance at St. Andrews—part of his grand slam tour. Under these conditions, it had occurred to no one that any sort of crowd would be present. At the most, a hundred or so might get the news and follow for a few holes.

It was all quite different when Bob came out to the first tee. He suddenly came through the gate and stepped into the presence of 6,000 Scots who in some way or another had heard he was to play. He also stepped into the middle of one of those ovations that few people ever get when it comes to such complete sincerity it can never be mistaken.

Bobby Jones was back—back at St. Andrews—back on the old course after six long years. "If we had only known a day in advance," one of them said, "we'd had 25,000 here today. They would have walked in from a hundred miles away." And they would.

Even as it was, Bob had a bigger crowd at St. Andrews than either the open or the amateur attracted on any one day. For this reason—golf is the life blood of St. Andrews, and Bobby Jones to those Scots is the king of golf still. "He should be king of Scotland," one of them told me. "That's where he belongs."

We expected them to watch him drive off and that a few would follow. But the 6,000 set out in pursuit. Some of them were lugging or tugging kids along who were no more than four or five years old. Others were carrying babies. The ages of this gallery ranged from three to the upper seventies. This was the middle section of a hard trip for Jones, with no great amount of sleep or rest, and he had played little golf in several weeks. Yet he caught the spirit of the occasion to such an extent that he went out in 32—four under par. This was the thrill this gallery wanted. On the eleventh hole, his caddie suggested a 4 iron in place of the No. 5 Bob had in his hand. His shot to the green almost hit the pin but bounded over into heavy trouble, costing a five on a par three hole. This broke the spell, but, even as it was he finished in 71, two under par.

This one-round exhibition drew more newspaper notices than most championships ever know. For days afterward, there were columns piled on columns in the leading papers of Scotland, the smaller dailies and the weeklies. Many of Scotland's leading golf writers used up two and three columns each day describing each type of shot played.

When he finished there were tears running down the faces of men 60 and 70 years old. They understood. Here was Scotland—the spirit of Scotland—the tradition of Scotland—embodied in one man. And one lady, standing next to Mrs. Bobby Jones, not knowing who she was, remarked to a friend as Bob came to the final green to sink a 30-foot putt for a three, "what a fine face he has—how good looking—he doesn't look a bit like a Yank."

I saw Tony Manero and Harry Cooper fight out their brilliant duel at Baltusrol in the open where Manero raced around in 67 strokes to break all open records for four rounds. I saw Johnny Fischer finish with three consecutive birdies to beat Jock McLean on the 37th hole at Garden City in the amateur final.

They were performances to remember. But after all, each was just another round. But this one-round stand at St. Andrews was something entirely different. It brought a lump to your throat when you watched the faces of that gallery, when you read its emotions from their eyes. Scotland, you may know, doesn't get hysterical. If there is one race in the world that keeps its feet planted solidly on the terrain of the great mother, meaning earth, it is the Scots. But Scotland on this occasion let itself go. Its emotional outburst was completely unashamed.

Here was its favorite person from a somewhat narrow world that has so few worthy of any extended acclaim. And 6,000 Scots let him know it, holding nothing back in the way of tribute. Here was the type of art, skill, character, and sportsmanship represented in Scotland's favorite son. And the fact that he came from Georgia meant nothing at all. To this gallery, he was a product of bluebells and heather, sand dunes and wind—he was Scotland.

Mr. Speaker, we have all suffered a great loss. The world has lost an international ambassador of goodwill and a great sportsman. Bob Jones will be missed.

NOBEL PRIZE WINNER—DDT

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. GOODLING. Mr. Speaker, there are some supposed environmentalists in our society today who are crying out for the acceleration of a program designed to outlaw the use of DDT and other pesticides.

Dr. Norman E. Borlaug, a 1970 Nobel prize winner, has made some comment on this matter, and his remarks serve to dissipate the clouds of confusion that currently enshroud this subject. Dr. Borlaug endeavors to boil this matter of pesticide use down to its fundamental fine points, and because his effort provides an urgently needed practical perspective on this subject of pesticides control. I insert his article in to the Congressional Record and commend it to the attention of my colleagues.

Nobel Prize Winner . . . DDT

The following article is from a statement by Dr. Norman E. Borlaug, 1970 Nobel prize winner and director of the Wheat Program of the International Center for Maize and Wheat Improvement, before a recent EPA hearing on DDT. The article has appeared in numerous publications and contains some very thought-provoking information.

"Environmentalists today seek a simple solution to very complex problems. The pollution of the environment is the result of every human activity as well as the whims of nature. It is a tragic error to believe that agricultural chemicals are a prime factor in the deterioration of our environment.

"The indiscriminate cancellation, suspension, or outright banning of such pesticides as DDT is a game of dominoes we will live to regret.

"DDT, because it is a name popularly known to most segments of the public, has been the first target. Once that is accomplished, the so-called ecologists will work on hydrocarbons, then organophosphates, carbamates, weed killers, and perhaps even fertilizers will come under the assault of their barrage of misinformation.

"If this happens—and I predict it will if most DDT uses are cancelled—I have wasted my life's work. I have dedicated myself to finding better methods of feeding the world's starving populations. Without DDT and other important agricultural chemicals, our goals are simply unattainable—and starvation and world chaos will result.

"Perhaps more than any other single factor in the world today, DDT has made a unique contribution to the relief of human suffering. I need not reiterate its vital importance in the control of malaria.

"DDT critics will say, of course, that only domestic uses of the chemical are being reviewed in the hearings at which I appeared today. But I have spent my life working with the nations of the world to help them feed themselves. I know how they will react if we terminate uses of DDT in this country and, in effect, label it "poison." If it is not good enough for your purposes, they will reason, then it shouldn't be used in our countries. The impact will be catastrophic. All the urging and reasoning by me and other scientists will fall on deaf ears. Cancel DDT in the United States and you will see a chain reaction of cancellations throughout the world.

"Science without common sense is worthless, and environmentalists are not using common sense when they examine DDT and its effect on wildlife in this country.

"To my knowledge, there has not been one shred of reliable evidence that DDT has put any species of wildlife in danger. Ecologists point to diminishing counts of such birds as the bald eagle and peregrine falcon. These smaller counts are a result of many factors, and a crowded habitat is perhaps the most important. Some species of wildlife simply cannot adapt to the spread of man into areas which were once uninhabited.

"The argument that pesticides are upsetting the balance of nature is utter nonsense. Today we have 1 million to 1¼ million species of animals and 350,000 species of plants existing in the world. But throughout the history of the world, over 130 million species once existed. In other words, today only one per cent of the species is left. The rest have perished for a variety of reasons. People who blame DDT and other pesticides for the elimination of species are ignoring geological history. Is DDT, which has only been in existence for 25 years, to be blamed for this too?

"The agricultural chemical industry has been the whipping boy of environmentalists, whose views have been so short-sighted that they haven't bothered to examine some key facts:

"1. To produce food for ourselves and other nations, we required 290 million acres of farmland last year.

"2. To get the same yield while relying on the technology we used thirty years ago—when most of today's pesticides and fertilizers were non-existent—we would have required nearly 600 million acres, or twice the amount used last year.

"3. This would have resulted in a huge loss of forest and grass lands which not only would have further crowded some animal species into extinction but would have caused other problems as well.

"4. Pesticides, therefore, have actually helped prevent the development that environmentalists fear most—diminishing species of wildlife.

"What we need in this country is a positive approach to the solution of these problems instead of the negative reactions that now prevail. Legislating against the problem will not make it disappear—it will only postpone the issue to a time when it will be insurmountable. Instead, let's take a positive approach. Let's allocate more money to research so we can find the best means to reestablish our wildlife for the future.

"But even more important, let's get our priorities in perspective. As much as I favor wildlife, man must come first. We must feed ourselves and protect ourselves against the health hazards of the world. To do that, we must have agricultural chemicals. Without them, the world population will starve."

PRESIDENT NIXON IS KEEPING HIS WORD

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. McCLORY. Mr. Speaker, last week, the President of the United States ordered the withdrawal of an additional 5,900 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 148,100 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

COMPTROLLER GENERAL'S MONTHLY LIST OF REPORTS

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. BROOKS. Mr. Speaker, the Comptroller General's Monthly List of Reports covers a wide range of Federal activities on which the General Accounting Office has conducted audits and made recommendations for improvements. The compilation has been required for 1 year thus far and already it has shown its utility in keeping the Congress better informed on financial and management aspects of the Federal department and agency operations.

The list of reports issued during the month of December 1971 follows:

Washington, D.C.,
January 7, 1972.

The President of the Senate.
The Speaker of the House of Representatives.

Public Law 91–510, the Legislative Reorganization Act of 1970, directs the Comptroller General, in Section 234, to prepare and transmit each month to the Congress, its committees, and Members a list of reports of the General Accounting Office of the previous month.

Reports issued or released in December 1971 are listed on the attachment.

The title of each report, file number, date of issuance and agencies reviewed or affected are provided.

Copies may be obtained from GAO's Report Distribution Section, Room 6417. Telephone: code 129–3784 or 386–3784.

Elmer B. Staats,
Comptroller General of the United States.

GAO Reports Issued or Released in December 1971

PART I. REPORTS TO CONGRESS, COMMITTEES OR MEMBERS

Commerce and Transportation

Management of selected aspects of the strategic and critical stockpile. Office of Emergency Preparedness, General Services Administration. B–125067 of December 9.

The Office of Emergency Preparedness determines the minimum quantity of a material which should be stockpiled and the General Services Administration buys, sells, and maintains the stockpile. GAO found that improvements are needed in the management of certain strategic and critical materials.

Three—molybdenum, cordage fibers, and vegetable tannin extracts—no longer need to be stockpiled and should be eliminated. Other materials—rubber, cordage fibers and, to a lesser degree, magnesium, tin, high-carbon ferromanganese, and antimony sulfide ore—are deteriorating in quality. Although stockpiling law provides for the rotation of materials—none of the materials which are subject to deterioration have been rotated since 1962.

Community Development and Housing

Inquiry into the low-rent housing project at 108th Street—62nd Drive, Queens, New York, proposed by the New York City Housing Authority. Department of Housing and Urban Development. B–118718 of December 1, released by Congressman Benjamin S. Rosenthal, December 3.

GAO found that—

HUD has no written assurance that the Authority will bear any abnormal foundation costs,

Cost of the piling is uncertain,

The site of the project borders on the six-lane Long Island Expressway (selection of sites near hazards such as expressways was to be avoided),

Existing schools may not have sufficient capacity to serve the project's children, and

The estimated total development cost of the project falls within the limitations prescribed by HUD.

Benefits could be realized through reuse of designs for public housing projects. Department of Housing and Urban Development. B–114863 of December 2.

Most of the 2,500 public housing projects approved and subsidized by HUD since July 1965 have been designed individually. In private construction such as housing, motels, or schools, designs are often reused. GAO estimates that, if 50 percent of the housing projects placed under construction in fiscal year 1970 had been based on existing designs rather than on designs individually developed, about $31 million could have been saved.

Approximately 1,400 individual project designs could be made available to local housing authorities; allowing them to avoid stereotyped or monotonous projects. Most local housing authorities interviewed by GAO were willing to make greater use of existing designs.

Education and manpower

Office of Education should improve procedures to recover defaulted loans under the guaranteed student loan program. Department of Health, Education, and Welfare. B–117604(7) of December 30.

The Guaranteed Student Loan Program enables students attending colleges or vocational schools to finance part of their education by borrowing. In cases of default the Office of Education, which administers the program, is liable for unpaid balances of loans.

Over 1 million loans amounting to nearly $1 billion had been insured under the program. As of September 30, 1971, 15,427 loans were in default and 8,963 had not been processed.

The rapid buildup of unprocessed defaults is clear evidence that the Claims and Collection Section of OE is inadequately staffed and GAO noted that improvements were needed in debt-collection operations, in handling bankruptcy cases, and that there was lack of a uniform refund policy.

General government

Government executive lunchrooms fail to pay their way. Departments of Agriculture, Justice, Treasury, Transportation, the Interstate Commerce Commission, and the National Science Foundation. B–168033 of December 7, released by Senator Margeret Chase Smith, December 8.

Except at Agriculture, Government employees were used full or part-time to prepare and serve meals. The cost for each meal substantially exceeded the price charged for the meal. The high cost is attributable principally to the labor costs incurred in preparing and serving a relatively small number of meals.

Cost Escalation of FBI Building. Department of Justice. B–169974 of December 8, released by Senator William Proxmire, December 10.

Based on an escalation factor supplied by GSA, GAO projected the cost of the building at January 1, 1972, to about $109.6 million. The original estimated cost (construction only) was about $20 a gross square foot. This cost had increased to about $34 by April 1971.

The average cost for each gross square foot for five recent Government buildings in Washington is about $39. Construction costs for eight commercial buildings in the Washington area, adjusted to April 1971, ranged from $23.10 to $61.36 a gross square foot and also averaged about $39. Special features to be included in the FBI building are not found generally in office buildings. GSA estimated the cost of these features to be about $10 million.

Examination of financial statements of Federal Prison Industries, Inc., fiscal year 1971. Department of Justice. B–114826 of December 14.

The Government Corporation Control Act requires the Comptroller General to make an annual audit of the Federal Prison Industries, Inc. and to report to the Congress. This year's report contains no recommendations or suggestions.

Contract award procedures and practices of the Office of Economic Opportunity need improving. B–130515 of December 15.

The Office of Economic Opportunity (OEO) has been awarding a large number of its contracts to carry out anti-poverty programs in the final month of the fiscal year—a period when constraints can result in contract award problems. GAO has reviewed OEO policies, procedures, and practices on this matter, finding various administrative and management problems.

OEO recognized these difficulties and has convened a high-level task force to reexamine and assess OEO's planning process, as well as the various phases associated with project definition, project management, and source solicitation and selection. Several committees and Members of Congress have expressed specific interest in OEO's contracting activities.

Improvements needed in the administration of contracts for evaluations and studies of antipoverty programs. Office of Economic Opportunity. B–130515 of December 28.

In carrying out its function, OEO has been a pioneer in advancing the state of the art of evaluating social action programs—an important, complex, difficult task. During fiscal years 1968 through 1970, OEO entered into 237 evaluation and study contracts amounting to about $30 million.

GAO examined the management of these contracts and this report illustrates the need for exercising careful control over such contracts to ensure that the results obtained are objective and useful and are effectively utilized.

Income security

Allocation of funds for the public employment program under the Emergency Employment Act of 1971. Deaprtment of Labor. B–163922 of December 17.

The purpose of the Act is to provide unemployed and underemployed persons with temporary employment in public service jobs during times of high unemployment. The Act authorizes a total of $1 billion for fiscal year 1972 and $1.25 billion for 1973. This report—the first of several—discusses how $600 million was allocated under Section 9 of the Act; first by the Federal Government and then by the States. GAO believes that the allocation of funds by States to local areas primarily on the basis of population without considering the degree of unemployment in the areas is questionable.

International affairs and finance

Reorganization proposals relative to foreign aid and foreign military sales programs. Department of State, Agency for International Development, and Department of Defense. B–172311 of November 24, released by the Senate Committee on Foreign Relations, December 1.

This report identifies areas in which the administration's proposed reorganization of foreign aid and foreign military sales programs may fall short of, or do not expressly address, recommendations from past GAO audits. It points up issues arising from proposed legislative changes; brings up several matters for consideration by the Committee and the Congress; and suggests legislative language to remedy some of the matters discussed.

Allegations of mismanagement of a Peruvian highway project financed with U.S. assistance funds. Agency for International Development, Export-Import Bank, and Department of Transportation. B–172661 of December 2, released by Senator Williams Proxmire, December 26.

AID and Eximbank put up $35.1 million for a $47 million trans-Andes highway and the Government of Peru provided the rest. The 139 mile project is far behind schedule and no work has been done on a 57 mile stretch. Both U.S. contractors have stopped work on the highway, and are being sued by the Government of Peru on charges of poor workmanship, collusion, and fraud. U.S. foreign aid officials failed to supervise the project effectively.

Coordinated consideration needed of buy-national procurement program policies. Office of Management and Budget. B–162222 of December 9.

Although the "buy-national" program has been in existence for a number of years, information has not been accumulated to apprise its effects on the balance-of-payments deficit or to determine what it has cost to obtain balance-of-payments benefits. The report questions whether it is in the national interest to pay premiums of millions of dollars annually to retain procurement dollars in the U.S. without some form of reporting system to determine whether balance-of-payments benefits are being achieved.

National defense

Close air support: Principal issues and aircraft choices. Department of Defense. B–173850 of December 8.

The Army, Navy, Marine Corps, and Air Force all participate in close air support or the reinforcement of ground troops by close-in delivery of ordnance from low-flying airplanes. The services have differed over equipment to employ, tactics to use, and the priority of this type of mission. The Army's AH–56A Cheyenne helicopter, the Marine Corps' Harrier, and the Air Force's A–X are under consideration. They may duplicate each other or be substantially overlapping in capabilities.

A powerful operational test and evaluation authority is needed in the weapon acquisition cycle to give the Congress greater assurance that only proven equipment will be passed on to the troops and that fewer disappointing weapons will be in the arsenal should hostilities break out.

Improvements needed in establishing requirements for, and uses of, medical professional personnel in the military services. Department of Defense. B–169556 of December 16.

GAO reviewed the use made by the Army, Navy, and Air Force of their medical personnel at a time of national shortage of medical personnel. The report makes two essential points: (1) Medical professionals could give more time to patient care if command, administrative, and nonprofessional duties were assigned to nonprofessional personnel, (2) Imbalances exist in the number of medical professionals authorized and assigned in each service, and in certain medical specialties. Better distribution of medical manpower would be possible by apportioning medical specialists according to needs on a regional basis.

Need for long-range planning for avionics development programs. Department of the Army. B–174248 of December 28.

Because the standard lightweight avionics equipment (SLAE) package—committed for use in several new Army aircraft systems—

experienced problems in development which affected airframe programs, GAO reviewed the SLAE program to determine the underlying causes for its shortcomings.

Lack of adequate planning for avionics to meet the needs of the Army's light observation helicopter was the primary cause of development problems encountered. To ensure the timely development of avionics equipment, the Army should prepare a long-range avionics plan to support its long-range aviation plan.

Natural resources

Coordinating deep-ocean geophysical surveys would save money. National Oceanic and Atmospheric Administration, Department of Commerce; and Department of the Navy. B-133188 of December 8.

GAO wanted to know whether it would be feasible for the Commerce Department's agency and the Navy to coordinate deep-ocean geophysical surveys of the same areas and what benefits might result. It found that the Federal government could save $20 million by the early 1980's if the deep-ocean geophysical surveys to be conducted by NOAA and the Navy are planned and coordinated. Both agencies are aware of the other's geophysical surveying activities but have no formal mechanism for coordinating the surveys. Initial steps to correct the situation were taken by the two agencies; more specific procedures were yet to be established.

II. REPORTS TO HEADS OF DEPARTMENT AND AGENCIES

Need for the Peace Corps to improve its controls over unused transportation tickets and travel advances. (To the Director, Peace Corps.) B-156996 of December 8.

In this follow-up of a 1967 audit, GAO found the Peace Corps had still not established satisfactory management controls over unused tickets and travel advances. Although GAO called attention to weaknesses in controls over unused transportation tickets as early as 1967, controls still are inadequate, and the Government continues to suffer monetary losses.

Implementation of the coordinated Federal wage system in selected wage survey areas. (To the Chairman, Civil Service Commission.) B-164515 of December 10.

Recommendations made to ensure a more equitable and effective pay system for "blue-collar" employees.

Army National Guard drill pay system generally effective and accurate. (To the Secretary of the Army.) B-125037 of December 16.

The system could still be improved by centralizing and fully mechanizing drill pay processing and the Army could save an estimated $105,000 annually.

Inferior painting done by contractors at military installations. (To the Secretary of Defense.) B-156106 of December 20.

Deficiencies resulted from—

Inadequate pre-award investigations as to contractor qualifications,

Inadequate Government and contractor inspection during and upon acceptance of work,

Inadequate paint testing, and

Failure to prepare and distribute reports of contractors' unsatisfactory work.

Administration of debt and payment claims. (To the Commandant, Coast Guard.) B-117604(12) of December 20.

As a result of GAO's audit, the Coast Guard said more effective procedures have been developed and implemented for collecting, terminating, or suspending collection actions.

The price of steam sold from Government heating plants does not cover all costs. (To the Administrator, General Services Administration.) B-174701 of December 22.

The rate charged for steam sold in the Washington, D.C. area does not include depreciation, repair, and improvement costs—a loss of about $259,000 for fiscal year 1970.

Benefits from centralized management of leased communications services. (To the Secretary of Defense.) B-169857 of December 22.

There is no independent evaluation or centralized control over these functions which cost some $187,000 annually.

Pricing of fixed-price architect-engineer contracts. (To the Secretary of Defense.) B-152306 of December 22.

A small number of contracts showed noncompliance with the Truth-in-Negotiations Act; the details were turned over to the contracting officers for follow-up.

Bonneville Power Administration's method of computing interest understates expense. (To the Secretary of the Interior.) B-114858 of December 30.

In GAO's opinion, the financial statements of the Columbia Power System are presented fairly with the exception of Bonneville's interest computations and subject to any future adjustments.

Two ways to improve the use of warehouse space on the west coast. (To the Secretary of Defense.) B-169968 of December 30.

More efficient use of warehouses could be obtained by the Department of Defense not storing obsolete or questionable materials, and by not constructing new, unneeded buildings.

Greater balance-of-payments benefits, and lower interest costs, possible through better management of excess foreign currencies. (To the Secretaries of State and Treasury.) B-146749 of December 29.

GAO made three recommendations regarding the management of excess foreign currencies, not all of which were agreeable to the Departments involved.

PERSONAL EXPLANATION

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. BLATNIK. Mr. Speaker, due to illness and recovery time, I was unable to be present in the House for rollcall votes taken from November 17, 1971, through December 16, 1971. I was recorded in live pairs on some votes and my position for or against certain legislation was declared. However, on the remainder of the votes, I secured only a general pair. While this indicates I was following the course of legislation, it does not indicate my position.

In order that my positions on these issues be a matter of public record, I include in the RECORD, at this point, a table indicating the rollcall number, date, RECORD page, and my position for or against.

The table follows:

Roll No.	Date	Page in Bound Record	Pair
402	Nov. 17, 1971	41840	For.
406	Nov. 18, 1971	42052	For.
407	do	42060	For.
408	do	42062	For.
409	Nov. 19, 1971	42210	For.
410	do	42220	For.
418	Nov. 30, 1971	43411	For.
431	Dec. 6, 1971	44934	Against.
432	do	44936	For.
435	do	44939	For.
443	Dec. 8, 1971	45519	For.
450	Dec. 9, 1971	45871	For.
453	do	45886	For.
458	Dec. 10, 1971	46026	For.
459	do	46033	For.
461	Dec. 13, 1971	46577	For.
465	Dec. 14, 1971	46790	For.
466	Dec. 15, 1971	47136	For.
467	do	47147	For.
469	do	47154	For.

SOME FACTS ON SPENDING

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. COLLIER. Mr. Speaker, back in 1932, while he was campaigning for the presidency, Franklin D. Roosevelt described Herbert Hoover's administration as "the greatest spending administration in history." Similar words are now being hurled at Richard Nixon. They ought not to go unchallenged.

True, expenditures did climb during Hoover's 4-year incumbency of the White House as compared to the 8 years of the Harding-Coolidge era. Hoover was President during the early years of the great depression and by instituting programs for relief and recovery naturally spent more than did his immediate predecessors. The following tabulation shows the amounts spent during the 12 fiscal years during which these three Chief Executives served:

(Amounts in millions)

1922	$3,289
1923	3,140
1924	2,908
1925	2,924
Total	12,261
Harding-Coolidge, $3,065 average.	
1926	2,930
1927	2,857
1928	2,961
1929	3,127
Total	11,875
Coolidge, $2,969 average.	
Total	24,136
Average entire 8 years, $3,017.	
1930	3,320
1931	3,577
1932	4,659
1933	4,598
Total	16,154
Hoover, $4,039 average.	

Candidate Roosevelt, who had dubbed the Hoover regime "the greatest spending administration in history," became President Roosevelt and soon forgot the economy pledges of the platform on which he had campaigned. During his unprecedented three terms he broke all previous records for Federal spending, as the following tabulation demonstrates:

[In millions]

1934	$6,645
1935	6,497
1936	8,422
1937	7,733
Total	29,297
First FDR term, $7,324 average.	
1938	6,765
1939	8,841
1940	9,589
1941	13,980
Total	39,175
Second FDR term, $9,794 average.	
1942	34,500
1943	78,909
1944	93,956
1945	95,184
Total	302,549

Third FDR term, $75,637 average.	
Total	371,021
Entire 12 years, $30,918 average.	

Harry S. Truman succeeded Roosevelt and spent more in 8 years than his predecessor had in 12:

[In millions]

1946	$61,738
1947	36,931
1948	36,493
1949	40,570
Total	175,732
FDR-Truman, $43,933 average.	
1950	43,147
1951	45,797
1952	67,962
1953	76,769
Total	233,675
Truman full term, $58,419 average.	
Total	409,407
Entire 8 years, $51,176 average.	

Expenditures continued to climb during Dwight D. Eisenhower's two terms:

(Amounts in millions)

1954	$70,890
1955	68,509
1956	70,460
1957	76,741
Total	286,600
First term, $71,650 average.	
1958	82,575
1959	92,104
1960	92,223
1961	97,795
Total	364,697
Second term, $91,174 average.	
Entire 8 years, $81,412 average.	

Spending kept climbing during the tenures of John F. Kennedy and Lyndon B. Johnson:

(Amounts in millions)

1962	$106,813
1963	111,311
1964	118,584
1965	118,430
Total	455,138
Kennedy-Johnson, $113,785 average.	
1966	134,652
1967	158,254
1968	178,833
1969	184,548
Total	656,287
Johnson full term, $164,072 average.	
Total	$1,111,425
Entire 8 years, $138,928 average.	

(NOTE.—In 1940 a change was made from an administrative budget to a consolidated cash statement and in 1954 a change was made from the latter to a unified budget. This causes some distortion but will not negate the point that spending increases will be automatic unless serious efforts are made to remove built-in mechanisms that trigger the increases.)

Fiscal years begin July 1, presidential terms January 20 (March 4 prior to 1937), and Congresses January 3 (March 4 prior to 1935). This tabulation uses the first fiscal year for each presidential term—the one beginning the first July 1 following the inauguration.

As I have detailed the facts regarding spending by eight Presidents, four from each major political party, my friends on the other side of the aisle have doubtlessly been saying to themselves, "Yes, but Roosevelt had a war on his hands and had to spend a lot of money." Granted, Mr. Speaker, and so does Mr. Nixon, a war that had been going on for some years before he assumed the Presidency and from which he is laboring mightily to withdraw.

The point that I have been attempting to get across by reciting these figures is that every President in my time has inherited a tremendous burden of spending from those who have gone before him. No matter how hard he works to curtail spending, he can avoid the title of "the greatest spending President in history" only by performing major surgery on the budget.

He must do more than eliminate waste, end duplication, and consolidate similar activities. Programs that are no longer needed must be terminated, programs that are not constitutional responsibilities of the National Government must be shifted to the State and local governments, and programs that are not proper functions of any branch of Government must be turned over to the private sector.

All this will require the wholehearted cooperation of the President, the Congress, State and local governing officials, and private individuals, organizations, and businesses. Otherwise it is inevitable that Richard M. Nixon, who inherited the multitude of programs established by his extravagant predecessor, will set new records for spending. His vetoes, like Mr. Eisenhower's, can be overridden by a profligate Congress.

During the last 3 years we have heard a great deal about a reordering of priorities. Let us by all means reorder our priorities and put first things first.

Before we vote for a renewal of existing authorizations or the assumption of new burdens and the accompanying appropriations for financing them, let us ask ourselves whether the programs under consideration are necessary. If they are necessary, let us ask ourselves whether they are constitutional. If they are constitutional, let us ask ourselves whether we can afford them.

Existing programs that are unnecessary and unconstitutional should be terminated and proposals for new programs in those categories should be rejected. Programs which we cannot afford should be postponed until we can afford them or sufficiently reduced in cost so that we can afford to undertake them.

While pursuing the goal of economy in Government, we must not practice false economy. Cutting expenditures for the defense of the Nation, when pursued beyond the elimination of waste, would endanger national security. Self-preservation demands the highest priority; if we fail to preserve our national independence everything else will quickly and inevitably go down the drain with it.

In conclusion, Mr. Speaker, let those who hurl the epithet, "the greatest spending President in history," at Mr. Nixon cease their destructive tactics and instead enlist in a campaign to cut spending. Let them strive mightily to remove the built-in mechanisms that trigger future increases in spending, increases that will plague any future President, regardless of his personal or political party identity.

100,001 CARICATURES

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. MURPHY of New York. Mr. Speaker, caricaturist Jack Rosen recently completed his 100,000th caricature of a wounded war veteran, a most unique accomplishment and one that has been recognized by the National Cartoonist Society.

Over the years, Jack Rosen has brought humor and joy to wounded vets in hospitals throughout the country, and his only reward has been the grateful smile of a fallen GI.

I include for the RECORD a New York Post article detailing the remarkable career of this dedicated man from Brooklyn, so that my colleagues might take a glimpse at this extraordinary man:

FOR THE VETS, HIS PUNCH LINE IS A SQUIGGLE

"I got itchy fingers," warned the world's fastest man on the draw.

Jack Rosen's fingers tightened around the handle of his favorite weapon. He took aim between the eyes of his next hospital victim.

Zip! Zip! Zip! Zag!

It was all over in 20 seconds. Rosen carved another notch in his No. 2 lead pencil and dropped it into his pocket.

"I bet I draw that man's caricature faster than you can write down this sentence," he boasted. He was right.

THE WORLD'S FASTEST

The National Cartoonist Society regards Rosen as the world's fastest caricaturist. And after 40 years, the 57-year-old Brooklyn man had just proved the point by completing his 100,000th caricature of a wounded war veteran—this one in the orthopedic ward of the Veterans' Administration hospital on E. 24th St.

The distinction went to former Army Sp/5 Fred Zurheida, 33, still undergoing therapy for the multiple sclerosis he contracted on a Vietnam jungle patrol in 1966. The wheelchair vet accepted the humorous impression of himself with a guffaw of instant recognition, the same happy response Rosen has been getting since his first GI caricature of a World War I veteran stranded in a Houston VA hospital in 1934.

Times have changed, of course. Rosen's 100,000th subject, like many Vietnam vets now, is vociferously antiwar, sporting a peace button on his chest. Rosen, too, says he's gone from hawk to dove on Vietnam—especially since he traveled to Saigon in 1967 on a Defense Dept. tour of hospital wards in the war zone.

"This is my life, my greatest enjoyment, to give the unfortunate side a break," says the retired sketch artist, formerly a security man at the Waldorf-Astoria. "I did 3200 caricatures in Vietnam. I couldn't stop. You should have seen me, jumping from bunk to bunk like a monkey." Rosen can sketch every patient in a 60-bed hospital ward or orphanage within a half-hour.

"I used to be faster, but my fingers aren't as good any more," he sighed.

Rosen often sketches as many as three wards a day. He pays for his own pencils and sketchpads. Making others smile is his only reward.

"In Vietnam, I did a boy's caricature many times. He'd look up at me and give a little smile then fade out. Two minutes later, he'd be dead."

Rosen labors under no pretensions that he is a serious artist. "I'm an entertainer!" he laughs.

Nor does he consider himself on the same level of artistry with political caricaturists like his friend David Levine, or Ronald Searle.

PENCIL AND KNISH

"He's a genius," says Rosen. "A great painter, too. We're both Coney Island buffs. We go to the beach together, David with a paintbrush in one hand a knish in the other. But by the time he does one caricature, I do 150!"

Rosen, of 8701 Shore Rd., hopes to make more overseas tours in the future, concentrating on children's hospitals and medical facilities for veterans.

"When Bob Hope does a show, the boys have fun for an hour or two," says Jack Rosen. "But when I draw their portrait in funnyface, they have fun with it for weeks and weeks."

In the VA orthopedic ward, Jack Rosen turned his sketchpad to former Pfc Louis De Gregorio, whose hospital designation is "BKA." That stands for "below knee amputee."

"You're not going to get mad at me if I draw your picture," Jack Rosen teased the young soldier, who shook his head with a bashful grin. "If anyone did this to me, I'd knock his block off," Rosen kidded, and then put pencil to paper, sketching an exaggerated nose and ears for the 100,000st time.

CONGRESSMAN SCHERLE INSISTS THAT RIGHTS AND FREEDOMS OF INDIVIDUAL WORKERS BE MAINTAINED

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. GROSS. Mr. Speaker, my good friend and colleague, Bill Scherle, of Iowa, gave an excellent speech in Des Moines recently when he addressed a statewide meeting of Iowans for Right To Work.

In view of the national emergency caused by transportation and dock worker strikes, especially damaging to the industry of agriculture, Congressman Scherle's address pointed up once again the importance of right-to-work legislation.

I am pleased to insert the text of his speech in the Record at this point:

It is a great pleasure to be with you here this afternoon. The Iowans for Right-to-Work have always been staunch supporters of sound, sane labor legislation, and you have worked diligently for years to gain acceptance of these principles both among the general public and in the state and national legislatures. You know that I have been right behind you in your efforts. It has always been one of my primary goals, first as a State Representative, then as a member of Congress and your representative on the Education and Labor Committee, and now as a member of the Appropriations Committee, to promote sensible, equitable labor laws. For this is one of the most vital areas in which a lawmaker can exert his influence. Eighty million Americans are members of the nation's work force. They and their families depend on us to insure that their rights and freedoms as individuals are preserved and protected from any and all encroachments.

There are some (with ready access to the mass media) who would accuse us and those who agree with our views, of being anti-union, anti-labor, anti-worker. They do not understand our position very well—or perhaps they deliberately distort it because it threatens their special privileges—and so it is essential for us to carry our message clearly and effectively to the people whose interests we cherish, to the working people of America. No one respects the prerogatives of the individual worker more honestly or sincerely than those who would protect his most basic and inalienable right, the right to work. No one accords a higher status to labor than those who would preserve the independence and freedom of the working man. Anyone who examines our position objectively would understand that, far from being opposed to labor unions, we heartily endorse the labor movement, and are concerned to insure that it retains its original purpose as an effective champion of workers' rights. One reason we oppose compulsory unionism, in fact, is that it works to the detriment of responsive and responsible union leadership. As one union member put it: "Good unions don't need compulsory unionism—and bad unions don't deserve it."

Advocates of right-to-work laws base their position on one fundamental principle: a belief in the dignity of labor and the integrity of the laborer. We are fortunate in this country to enjoy a heritage which recognizes the dignity of honest work. Americans have never been handicapped by an aristocratic disdain for the fruits of hard labor. Our early folk heroes were men of enterprise and initiative who pitted their own strength and ingenuity against the forces of nature—and won. The cultivation of these pioneer virtues has made us the most prosperous nation in history. Nevertheless, as America turned gradually from an agrarian based to an industrialized economy, the individual worker found that he lacked the political clout to defend his interests in an increasingly mechanized technological environment. He found that he needed to organize to make his voice heard. The labor union movement, which answered his need, thus played an essential part in the development of American democracy. The private sector, like the public sector, requires a balance of power if it is to thrive. The growth of this movement provided a necessary counter-weight to the burgeoning power of big business.

Today, however, the pendulum of social change has swung in the opposite direction. The labor unions—the institutions themselves, that is, not the workers they are supposed to represent—have grown in economic power and political influence to the point where they can virtually control the national life. This is not the purpose for which they were founded, and it serves no interest beyond the self-aggrandizement of the labor czars who run their unions like so many feudal fiefdoms. In retrospect we can see that the actions of the Democratic administration during and immediately following World War II proved detrimental to the economy and the country as a whole. At the beginning of the war, only 22% of the nation's union members were covered by compulsory unionization regulations. By the end of the war, fully 77% were obligated by mandatory membership requirements. These concessions were made to labor leaders, as you know, in return for their pledge not to strike during the wage-price freeze. The fact that a parallel situation exists today, where the government needs labor's support for its economic policies, raises the potential danger of similar concessions being granted to similar demands.

Having granted favored legislative status to the unions through the 1935 National Labor Relations Act, the nation now finds itself facing an octopus of political and economic domination. The balance of power in the private sector needs to be re-weighted by recognizing the legitimate claims of a third interested party—the American public. The interests of this group have never really been eloquently or even adequately defended in the long series of battles between management and labor. Yet the public is as nearly and directly affected by crippling strikes and the inflation which results from exorbitant wage hikes as the business community.

Life in most of our big cities has degenerated to the level of a bitter, tastless joke. Time and again, the machinery of urban existance grinds to a virtual halt because the labor bosses decree that essential services will be withheld until their demands are met.

We in Iowa who are close to the agri-business community are perhaps more fully aware than most people of the effects of the nation-wide dock strike, but its impact will be felt throughout the nation. The idle docks have caused special hardships to the agricultural sector of the economy, but when the farmers suffer, the rest of the economy will eventually be penalized also. The situation is especially critical this year which produced a bumper crop of corn. The blessing of abundance as usual hurt the farmer in the marketplace where oversupply has depressed prices below the cost of production. The dock strike delivered the final coup de grace to the farmer's hopes of a reasonable return for his efforts. Unable to ship their stocks out of the country, commodity buyers have reduced prices still further. Worst of all, the loss of overseas sales this year may mean the contraction of foreign markets for American food products for some time to come, as foreign competitors move in to supply what the U.S. has forfeited by default.

What this will do to the American balance of trade for this year economists shudder to think. Agricultural exports reached a record high of $7.8 billion last year, and contributed more than $6 billion to our commercial trade balance. The administration had hopes of surpassing those figures this year. A healthy level of agricultural exports is essential to the President's program to stabilize the economy, reduce inflation and restore soundness to the dollar. The high-handed tactics of the longshoremen's labor leaders have probably torpedoed these ambitions for the present.

Farmers meanwhile are sustaining serious losses at home. A partial estimate of the sales sacrificed during the West Coast walkout includes $50 million worth of soybeans, feed-grains valued at $58 million, and meat representing $5 million. These figures, moreover, do not even include losses from the East Coast and Gulf ports strikes, which cost farmers $1 million daily.

The pressures of union demands are aiding foreign competition to the disadvantage of the American workers in other ways as well. The trend to U.S. investments abroad is on the increase, and most businessmen blame it on high labor costs at home. Union officials, of course, denounce companies which export jobs as callous profiteers, and refuse to recognize their responsibility for the exodus. But the fact is that the rate of increase in wage settlements and fringe benefits in the United States has more than doubled over the past five years. You cannot open your morning paper these days without reading of some new extravagant pay hike. The Presidential Pay Commission notwithstanding, some major unions are still managing to extort wage settlements of up to 15%, thus flagrantly flaunting the Board's announced 5.5% guideline. But AFL–CIO President George Meany's proposed salary increase really exceeds all bounds: he has requested a ruling on a 28% pay boost for himself from $70,000 to $90,000!

Most economists concede that the chief reason for opening plants abroad using American materials, machines and management techniques is to make use of cheaper foreign labor. The average hourly labor cost in the United States in 1970 was $4.10. Comparable foreign labor costs range from one-quarter to one-half that amount—a considerable savings for a manufacturer seeking to economize. And most companies which move overseas are not unpatriotic penny-pinchers. Many are businessmen bankrupted by excessive union demands and the related inflation in the cost of equipment and materials. Their profits are so marginal that they would be forced to shut down operations entirely if they remained in the United States.

You don't have to be an expert on business trends, however, to understand inflation. Every housewife knows that her allotted food budget no longer buys what it used to. In the last two decades the dollar has lost more than half its present value. Worth 74.8¢ in 1950, it dropped more than a quarter in a mere twenty years, to 46.3¢ in 1970. Now no one contends that labor unions are entirely responsible for all this. Wasteful federal spending certainly has contributed in large part to the present dollar dilemma. But economists concur in the opinion that the continuing pattern of wage increases far in excess of gains in productivity must bear a substantial portion of the blame for inflaiton.

Unfortunately the extent of labor's influence does not end with inflationary wage demands. Compulsory unionism with its massive organization and mandatory dues collection provides a strong vehicle for the purveyance of political power not only within the union's hierarchy and in the economic sector, but in contests for elective office at the local, state and national level as well. A respected political observer and labor columnist, Victor Riesel, states that "labor leaders poured out well over $60 million" in support of Hubert Humphrey's 1968 quest for the Presidency. The true impact of the AFL–CIO effort in that campaign can only be realized in the final summary figures compiled by Theodore H. White in his respected study, *The Making of the President, 1968:*

"The ultimate registration, by labor's efforts, of 4.6 million voters; the printing and distribution of 55 million pamphlets and leaflets out of Washington, 60 million more from local unions; telephone banks in 638 localities, using 8,055 telephones manned by 24,611 union men and women and their families; some 72,225 house to house canvassers; and, on Election Day, 94,357 volunteers serving as car-pool drivers, materials distribution, baby-sitters, poll-watchers and telephoners."

Although many people do not know it, present law forbids such practices. Banks, corporations and labor unions are all prohibited from making contributions or expenditures in connection with federal elections. This law was amended in 1947 to cover political expenditures by labor. Its stated purpose was:

(1) to reduce the undue and disproportionate influence of labor unions upon federal elections;

(2) to preserve the purity of such elections against the aggregated wealth by union as well as corporate entities; and

(3) to protect union members holding political views contrary to those supported by the union from use of funds contributed by them to promote acceptance of those opposing views.

Unfortunately these objectives have not been met and the law has been flagrantly flouted. Labor unions, of course, are not alone in this. The provisions of the Corrupt Practices Act regulating contributions to political campaigns are disregarded by virtually everybody including those federal officials assigned to enforce them. As you undoubtedly know, the House of Representatives recently passed the Federal Election Reform Act which is designed to correct some of these abuses. One privileged group, however, emerged from these Congressional deliberations with its sacrosanct privileges intact. Representative Phillip Crane of Illinois introduced an amendment banning the use of compulsory union dues for partisan political purposes. As might have been expected, the union bosses' Congressional cohorts rushed to their defense and roundly defeated the measure. A like amendment introduced earlier this year in the Senate met a similar fate.

Nor are the unions content with this display of muscle. Organized labor (as distinct from the individual members of the rank and file) has already done all it can to thwart President Nixon's new economic policy, balking belligerently at every step of the way. More ominous yet, George Meany has declared war on the White House and has already begun a drive to trounce him in 1972. Meany's boorish arrogance to the President at the recent AFL–CIO convention in Miami betokens just a taste of the onslaught to come. The labor sachems' childish and tasteless temper tantrum was remarkable, not so much for its hostility to Mr. Nixon and antipathy for his policies, which could have been anticipated, but for the utter contempt publicly displayed for the high office of the Presidency.

Well, what's to be done? This kind of rampant power must be curbed, and it is up to us in Congress to try to do it. As all of you know, the heart of the problem is compulsory unionism and the automatic access to money and power it assures for union leaders. I have therefore co-sponsored a bill to prohibit precisely this. Nineteen states including our own now have right-to-work laws. As a state legislator, I defended Iowa's statute from repeal and, as a member of Congress, I am proud to sponsor a national right-to-work bill.

Compulsory union membership and coerced payment of union dues runs counter to the basic concepts of individual freedom expressed in the first, fifth, and fourteenth amendments to the Constitution, and seriously infringes on those rights. No person should be forced to belong to or pay money to any private organization in order to earn a living for himself and his family. Everyone should have the right to join a union, but he should also have the same right not to join. These two rights must be balanced if the individual is to be preserved. There is little difference between denying a person employment because of color, race, religion or sex and denying him employment because he will not join a union.

It is one of the astounding paradoxes of our times that those who cherish the designation of "liberal" should nevertheless be in the forefront of those pressing for nationwide compulsory unionism. It is an index of the unbridled power of the unions that this legislation will probably win Committee approval. Even if it did, it could never gain the acceptance of a majority of the House. Opposition in the Senate, where the officeholders beholden to big labor include such nationally prominent figures as Presidential hopefuls Humphrey and Kennedy and Presidential dropouts Bayh and Hughes, would even be more unyielding.

The general public, however, is quite a different matter. Individual citizens, who do not depend for their continued job security on toadying to the labor chiefs, have expressed themselves on the subject with surprising vehemence. An independent nationwide poll conducted by the Opinion Research Corporation early this year revealed that 62% of the American people believe that a man should be able to hold a job regardless of whether he belongs to a union. This figure includes 53% of the union families polled. Seventy-two percent of those questioned favor retention of section 14–B of the Taft-Hartley Act which authorizes state right-to-work laws; only 13% wanted it repealed.

Other surveys show deep-seated dissatisfaction on the part of the union members with their leaders' recent actions. Half of those queried said that union chiefs represented only their own views when they criticized President Nixon's new economic policy. A majority (52%) of the public disapproved of the union bosses' position and 46% of union members agree with them. A much bigger proportion (63%) of the union respondents were opposed to Meany's disgraceful conduct in Miami and a whopping 86% resented his $20,000 pay raise. On broader questions, the union leaders fared even more poorly. A considerable "confidence gap" seems to have opened up between the rank-and-file and their bosses. Two out of three members of union families give their leaders negative ratings on their performance, both in advancing the interests of union members and in meeting their public responsibilities. Among the general public, the union chiefs' image was even more tarnished. 73% of adult Americans feel they have fallen down on their public responsibilities and poorly represent the workingman. On other issues relating to unions, the response was equally negative. Sixty-nine percent of the American people and 61% of union families believe that the recent strikes have hurt the country, and 64% of both groups recognize the casual connections between higher wage demands and higher prices.

Obviously the mood of the nation has changed. Where previously union leaders could count on public sympathy for their cause, they can no longer rely even on tolerance. People are fed up to their eyeballs with strikes. The arm-twisting, self-serving, short-sighted tactics of the unions no longer receive the support, or at least the acquiescence, they once did. And Congress, ever sensitive to the mood of its constituency, is soft-pedaling labor legislation. Even labor's strongest Democratic backers on the Education and Labor Committee are laying low this year. No hearings have been scheduled on such traditional union targets as 14–B and situs picketing.

With organized labor's star on the decline in the public view, they are concentrating instead on what we may characterize as "home and mother" bills. The trend is all towards legislation which benefits individual workers rather than bolstering the power of unions as such. Chief beneficiaries of the bills currently under consideration are workers from low-income, minority and ethnic groups, the underdogs of society with whom, presumably, everyone can sympathize.

Just as Congress earlier this year approved legislation to compensate victims of black lung disease, so it will soon consider bills to raise the minimum wage and expand its coverage, as well as proposals establishing an agricultural workers' "bill of rights" and limiting the employment of minors in agricultural work. In the same vein is a bill transferring jurisdiction over cases involving discriminations against minority groups from the Office of Contract Compliance in the Department of Labor to the Equal Employment Opportunity Commission.

Now the merits of all these individual bills may and will be hotly debated, but their significance in the aggregate offers considerable encouragement to our cause. The exclusive concentration on such measures means that the unions are worried. They know that their prestige has declined and are trying to refurbish their tarnished image by allying themselves with humanitarian causes. Their failure to retain public sympathy may mean at long last that people are beginning to realize the need for right-to-work legislation. And—who knows?—that bill we introduced this year may prove to be the historic forerunner of a similar measure that will ultimately be approved by both Houses of Congress.

LAIRD FOR HIGHER OFFICE, SHEBOYGAN EDITORIAL SUGGESTS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, a few weeks before President Nixon gave his warm endorsement of Vice President AGNEW, a Wisconsin daily independence, the Sheboygan Press, strongly suggested that Secretary of Defense Melvin Laird be considered for the Republican nomination for Vice President.

The Sheboygan Press editorial noted:

> Mr. Laird possesses unusual characteristics as a potential candidate. Prior to his accepting (under extreme Nixon pressure) the defense role, he had served with distinction in the House of Representatives since 1952. He is highly regarded in both Houses of the Congress and in the inner sanctums of the Republican party. He would do much to restore a proper understanding of the legislative role in the presently murky corners of the White House. He has gained an unusual understanding of the world and defense situation in these last four years. Mr. Laird has greatly magnified his national image in his tour of duty in the Defense Department and his leadership there, his accomplishments and credibility have never been challenged. His political skill and astuteness are unanimously recognized and his complete loyalty to his old Marching and Chowder Club fellow member Richard Nixon has never been questioned. And he is only 48 with a long future ahead of him.

For the information of my colleagues I insert the full editorial as part of my remarks.

The editorial follows:

WHY NOT LAIRD?

There is no secrecy about the contention of many Republicans that Vice President Agnew would be a distinct drag upon the Nixon reelection ticket. There is almost complete unanimity that if Mr. Nixon is to be successful, the road must be smoothed as much as possible. It is also true that to a good many of the G.O.P. faithful, the Vice President is the last fearless, uncompromising, articulate voice of real conservatism left in the land. Whether or not the slashing attacks of Agnew upon the media and upon any who dare to disagree have been by Nixon direction is immaterial. It is no secret, either, that Mr. Agnew publicly discusses his future and insists loyally and consistently that the decision is Mr. Nixon's alone and that the only criterion for that decision should be whether or not he can help Mr. Nixon. Even the most bitter of the Agnew critics must admit that he is a good soldier ever loyal to the Commander in Chief.

There is no secret, either, about the intention of Secretary of Defense Melvin Laird to resign his present position some time in 1972. The Wisconsin native, son of a former Wisconsin state senator and whose mother served with distinction as a university regent, himself a former member of the Wisconsin legislature and long time congressman from the 7th district, says four years in the defense spot is long enough. Neither is there any secret in the nation's capital, in the Armed Forces, in the nation that Mel Laird is regarded as one of the best secretaries of defense this nation has ever had and that he has done and is doing an outstanding job in that spot.

Why not Secretary Laird for vice president along side Mr. Nixon? Granted that we do not often get into the task of choosing Republican candidates but this seems to be such a natural that Wisconsin should wait no longer to start the drive though Mr. Laird himself may not be too enthusiastic.

Mr. Laird possesses unusual characteristics as a potential candidate. Prior to his accepting (under extreme Nixon pressure) the defense role, he had served with distinction in the House of Representatives since 1952. He is highly regarded in both Houses of the Congress and in the inner sanctums of the Republican party. He would do much to restore a proper understanding of the legislative role in the presently murky corners of the White House. He has gained an unusual understanding of the world and defense situation in these last four years. Mr. Laird has greatly magnified his national image in his tour of duty in the Defense Department and his leadership there, his accomplishments and credibility have never been challenged. His political skill and astuteness are unanimously recognized and his complete loyalty to his old Marching and Chowder Club fellow member Richard Nixon has never been questioned. And he is only 48 with a long future ahead of him.

Can Mr. Nixon twist the Laird arm once more and get him to take one more difficult assignment for the party and for the nation? Can he convince him that such an assignment would be an excellent stepping stone for the presidential nomination in 1976? We hope so and if the raised voices of Wisconsin can help, we are glad to raise our voice. Laird for Agnew? Fine, we say!

MARSHA SWARTZ: OUTSTANDING MANPOWER LEADER AND HUMANITARIAN

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. PATTEN. Mr. Speaker, one of the most talented and dedicated women in the Nation, Marsha Swartz, of Highland Park, N.J., was appointed to a key manpower post in the New Brunswick-Perth Amboy labor area, in New Jersey.

What made Marsha Swartz' appointment so unique is that she was the first woman in New Jersey selected as a full-time coordinator for manpower programs, a major position that requires a great many talents—ranging from administrative ability, to great human understanding. She is blessed with these qualities—and more—and has earned the respect and admiration of those who know her.

Mr. Speaker, I was especially touched by a statement Marsha Swartz made when her appointment was made:

> People have four basic needs—personal respect, social justice, economic opportunity, and political representation—which, when put together, add up to human rights.

Marsha Swartz has always excelled in her work, so I know she will be an outstanding Manpower Coordinator. As far as human rights are concerned, she has fought for them all her life because she believes in them with all her heart and soul. In fact, many of the gains that all citizens—especially workers—enjoy today, were made possible by persons like Marsha Swartz—a woman of outstanding ability, leadership, and courage.

At this point, I insert the article that appeared in the Home News, of New Brunswick, N.J., when her appointment was announced:

MANPOWER LEADER A WOMAN

Mrs. Marsha J. Swartz of Highland Park, has been named full-time coordinator for Manpower programs in New Brunswick-Perth Amboy labor market area.

The announcement was made by the Middlesex-Somerset County Area Manpower Planning Council, a coordinating organization established nationally by executive order in August 1968 and located at the Institute of Management and Labor at Rutgers University.

Mrs. Swartz is the first woman coordinator in New Jersey of a Manpower program and was hired through a process of selection by the council's personnel committee. Her position was made possible by a Perth Amboy model city special grant which will become effective Aug. 2.

She will coordinate the efforts of all the Manpower agencies in the labor area with the services available from adult educators, employers, unions, community agencies and organizations, and interested citizens for the purpose of providing job and training opportunities for employed, under-employed and unemployed workers.

Referring to her new job as the sixth full-time coordinator in the state, Mrs. Swartz said, "People have four basic needs—personal respect, social justice, economic opportunity and political representation—which when put together add up to human rights.

"I understand the complex and many-sided problems of both the minorities and the majorities in the country. I hope I can contribute to the opportunities for all in my new job."

INTRODUCTION OF A BILL

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. JACOBS. Mr. Speaker, I have today introduced a bill which would permit as direct evidence prior inconsistent statements by witnesses in trials in the District of Columbia.

The hearsay rule against the use of statements by third parties in trials is based on the absence of such parties for the purpose of cross-examination.

Such disability does not obtain in the case of the prior inconsistent statements of persons actually present and performing as witnesses.

It occurs to me, then, that this is nothing more or less than commonsense legislation.

The same reasoning seemed commonsense to the U.S. Supreme Court in the recent case of *California* v. *Green,* 399 U.S. 149 (1970).

PRICE AND WAGE CONTROL AUTHORITY EXTENDED

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. SCHMITZ. Mr. Speaker, on December 10 the House of Representatives passed H.R. 11309 to extend and amend the Economic Stabilization Act, authorizing price and wage controls, which it originally passed July 31, 1970. One of my first newsletters as a Member of Congress, No. 70–5 concerned this act, which I voted against even though at the time we were solemnly assured by the White House that President Nixon never intended to use the vast powers we were giving him.

The Economic Stabilization Act was extended earlier this year and now will be extended again, until April 30, 1973, if it wins final congressional approval as expected. Although the imposition of price and wage controls involved a Presidential declaration of national emergency, the President has acted in this matter not on the basis of any preexisting executive orders applying to national emergencies, but solely under the authority granted by this act and now renewed by its extension. The defeat of H.R. 11309 would have freed our economy once again by next April.

The House Banking and Currency Committee, to which the Economic Stabilization Act amendments of 1971 were referred, approved this bill despite a well-researched and carefully reasoned dissent by three of its Republican members: Benjamin B. Blackburn of Georgia, Philip M. Crane of Illinois and John H. Rousselot of California. I subscribe whole-heartedly to their minority report. My three Republican colleagues remind us that in his address to the Nation on the rising cost of living October 17, 1969, President Nixon said:

> We are not considering wage or price controls. My own first job in Government was with the old Office of Price Administration at the beginning of World War II. And from personal experience, let me say this: Wage and price controls are bad for business, bad for the working man, and bad for the consumer. Rationing, black markets, regimentation—that is the wrong road for America, and I will not take the Nation down that road.

Since when—and why—did price and wage controls become the right road for America? I have yet to hear President Nixon answer his own impressively stated argument of October 17, 1969.

The three Republican authors of the House Banking and Currency Committee minority report on this legislation went on to quote the lead editorial in the December 6, 1971 issue of Barron's financial weekly by John Davenport, former editor of Fortune magazine. Referring to the price and wage control program, Mr. Davenport said:

> This is the very kind of power which Mr. Nixon was committed to reduce on coming to office, and the real case against controls goes beyond whether they break down, as some hope, or whether they *seem* to produce results. The real case against controls is that for the first time short of declared war (indeed, at a time when the war in Vietnam is being wound down), the government has chosen to slap on to a trillion-dollar economy regulations which their authors admit are wholly arbitrary, and which do nothing to get at the real underlying causes of inflation and unemployment. In the process, they may fatally erode and weaken both now and in the future the whole free market economy, which, along with respect for private property, has been the basic underpinning of our higher liberties and our whole constitutional system of strong but limited governments.

We can still check inflation and preserve the free market, Mr. Davenport declared, "through fiscal prudence and a limitation of the money supply to a reasonable yearly increase" coupled with "a wholesale revision of present labor laws which give unions their power."

Speaking on the House floor just before final passage of the bill, 12-term Republican Congressman H. R. Gross of Iowa summed it up in these scathing words:

> This is a sad day in the annals of a once proud and free nation . . . President Nixon can ask for, and Congress can enact economic and monetary control measures from now until doomsday, but unless there are drastic reductions in expenditures, inflation and the slide to financial collapse will continue. Last year the Federal deficit was more than $25 billion. It is freely predicted that at the end of the current fiscal year it will be $30 to $35 billion. No stabilization act can save the American people from this kind of folly and irresponsibility. Mr. Chairman, never did I think I would live to see the day when this proud Nation would tolerate controls and regimentation in time of peace. It bespeaks moral decadence—a tragic loss of integrity and courage.

HOUSE RESOLUTION 630

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. JACOBS. Mr. Speaker, I was wondering if, at this late date, any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity or freedom—POW even for another day—further to prop up the Saigon dictatorship.

Other Americans are being ordered to do so today.

Following is the language of House Resolution 630, which I introduced on September 30, 1971:

H. Res. 630

Whereas, the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas, Madame Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on July 1, 1971, that the policy of her government is: "If the United States Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of United States forces and those of the other foreign countries in the United States camp, the parties will at the same time agree on the modalities:

"A. Of the withdrawal in safety from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp;

"B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

"These two operations will begin on the same date and will end on the same date.

"A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the Armed Forces of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from South Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

A NEW FRONTIER FOR BLACK ELECTED OFFICIALS: YOUTH DEVELOPMENT THROUGH PARK AND RECREATION SERVICES

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. ROSTENKOWSKI. Mr. Speaker, in June of 1971, mainly as the result of poor planning and a lack of foresight on the part of the administration, it was necessary for the Congress to request, in a rush action, additional funds for the Neighborhood Youth Corp and for other national summer youth programs to operate. As a result of this retarded action, and because of the collage of agencies involved in the initial allocation of the funds, the moneys that were allotted were not properly distributed in a manner designed to make the best use of the manpower and the available local recreational facilities.

Mr. Speaker, we must avoid another year of "cram" legislation for summer youth programs. The Congress must act early in this session if we are to provide the proper authorizing and funding legislation—legislation that will enable all American youth to have the summer jobs and recreational facilities they so desperately need.

At this time, Mr. Speaker, I would like to insert in the Record a paper that was presented by Clarence M. Pendleton, Jr., director of urban affairs at the National Recreation and Park Association before the Conference for Black Elected Officials, convened by the congressional black caucus, November 18, 1971. "Penny" Pendleton is both deeply concerned with the future plans for our Nation's youth facilities and with the Government's role in helping to shape those plans.

The paper follows:

A New Frontier for Black Elected Officials: Youth Development Through Park and Recreation Services

(By Clarence M. Pendleton, Jr.)

Few elected officials in America are concerned about the social development of their youthful constituents. In the case of black youth, the problems are more serious, but this area has not been adequately attacked by black elected officials—especially in devising new and unique approaches.

Youth—both black and white—have been turned off by the establishment. Many are tuning out. They need reassurance that the system is not all bad—that there are opportunities for human growth and development within society.

Black elected officials are generally more sympathetic to social conditions. Black youth could regard you as living proof that the races can work together, and you could be their representation to correct many of their social development problems. If you move in the area of "change" you could be their link to the future.

One key area often overlooked by black elected officials is the operation of park and recreation services. Park and recreation departments offer both facilities and programs which elicit and sustain human contact. Given a fighting chance, they could play a decisive role in the social development of youth. To date, in most cities, this potent force for building social bridges has been pathetically underutilized and underfunded.

Each summer since 1967, lawmakers at all levels of government, including blacks, have supported actions which provide about 25 million dollars each summer for short-term social control fun and games activities, and related jobs, for about 7 million disadvantaged youth, as the primary method of responding to their needs—to keep them from burning down the cities, if you will. Each year, you literally beg the federal power structure to continue supplying these fire-extinguishing funds for the upcoming summer, even though every evaluation of these programs has indicated they do not accomplish their purposes. These programs operate only two months out of twelve; they duplicate and compete with many existing programs. As a result, little progress is made toward enhancing youth development. When you continue support of these fragmented, short-term, duplicative programs, you are, in essence, really responding to your own needs to keep things cool. In satisfying your own thing, you are stifling the growth of your youthful constituents. You are indicating, once again, that the system does not understand them or their needs.

What is needed is for you to focus on year-round programs. Needs of youth are ongoing. They cannot be turned on and off like a faucet. Not only does year-round programming provide a continuing base for social development and awareness, it also negates the need for you to participate in the annual summer-funding hassle, with its uncertainties and disappointments. You should be pushing hard for legislation which will provide maximum recreation and job related activities throughout the year—not only for blacks—but for all youth.

Whereas fun and games are crucial to the mission of the park and recreation system, there are additional areas where this system can provide services which will aid social development. There is hardly an issue on your agenda which could not be helped toward solution by the park and recreation system. Take the matter of welfare and child care. Park and recreation facilities can house extended day care programs. Many mothers are anxious either to enter manpower training programs and/or go to work so they can come off welfare, but many cannot because child care facilities and services are inadequate for their needs. A human enrichment program, operating in recreation centers and community school sites between 3 and 8 P.M., could allow mothers to work a full day with the assurance that their children are receiving proper care and supervision. Perhaps, as part of the program, a hot meal could even be served to mothers and children at the end of the day. Such a program would enhance the self-concept and expand the social horizons of mothers, children, and the youths who would be employed as program assistants to the trained leaders.

Another example is to expand the use of therapeutic recreation programs. Under the leadership of qualified therapeutic recreation specialists, youth could be trained as therapeutic recreation aides to work in hospitals assisting in the rehabilitation of patients from the pediatric to the geriatric wards. Recreation center programs could include important services in preventive medicine—with physical fitness and other related health programs. Both of these examples could provide cost-savings to government and personal budgets.

There are many other human problems to which the parks and recreation system can contribute solutions—prison reform, education, pollution, housing, manpower training and employment, to name a few. There are many agencies and organizations ready and anxious to work with you in developing solutions to these problems. One such organization is the National Recreation and Park Association, a service, research, and education organization of professionals and lay citizens, whose major mission is to generate understanding, within the general public, that park and recreation programs are critical human services and activities.

First and foremost you must emphasize new goals for park and recreation programs which are more substantial than merely fun and games—goals that help to realize the great potentials for social growth and adjustment that are inherent in park and recreation experiences. As black elected officials you have a golden opportunity to enhance the social development of the nation's youth and adults—black, brown, and white.

A LADY OF THE PRESS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. MURPHY of New York. Mr. Speaker, recently, Mrs. Marian Leifsen was officially named managing editor of the Home Reporter and Sunset News of Brooklyn, N.Y. This appointment reflected a recognition of her excellent performance as a journalist, and in a broader sense recognized the substantial contribution she has made to the community during the time she has been associated with this valuable Brooklyn newspaper.

I include for the Record an article which appeared in the Home Reporter announcing Mrs. Leifsen's appointment, and I wish her great success in the challenging assignment ahead:

Marian Leifsen Named Managing Editor of Home Reporter

Marian Leifsen has been named Managing Editor of the Home Reporter it was announced this week by Publisher J. Frank Griffin.

Mrs. Leifsen is believed to be the first woman to be named to an executive post on a major weekly community newspaper in New York. She has been functioning as the Acting Managing Editor here since last May, when former Executive Editor Charles Otey left to join the law firm of Bromsen, Gammerman, Altier and Wayne in Manhattan.

Five years ago, Mrs. Leifsen joined The Home Reporter as a free lance journalist and a short time later became a staff writer and police reporter. She later assumed the position of Assistant to the Editor.

With hundreds of major stories to her credit, Mrs. Leifsen, is well known for her coverage of the narcotics crisis in Bay Ridge. The most recent story, written in collaboration with Dennis McHahon, prompted a crackdown by police on the heroin traffic on Third Ave. "It was your story that prompted us," police said about the coverage.

Mrs. Leifsen is also known for "The Battle of P.S. 102", an intensive report written with Charles Otey on the effects of the 1968 U.F.T. strike in Bay Ridge. A New York Magazine story hailed the coverage as "the best single account of the anger and bitterness on local levels of any paper in the city."

Some of the community's most important news events were reported by Mrs. Leifsen, including the tragic story of the eleven day search for two little boys, Michael Ungaro and Chris Berggren who disappeared from their homes and were later found drowned in Dyker Park pond.

A native of Staten Island, Ms. Leifsen has lived in Bay Ridge for most of her life. She is a graduate of Bay Ridge High School and attended Long Island University and Brooklyn College.

Her children, Thomas 11, and Karen, 9, are students at P.S. 102, where Thomas was recently elected president of the general organization.

Ms. Leifsen has been active in various community activities including BREATHE (Bay Ridge Ecological Action Towards a Healthier Environment), the P.S. 102 PTA, Bay Ridge Independent Democrats and the Central Brooklyn Independent Democrats. She was instrumental in organizing a recycling drive in Bay Ridge and several years ago founded the Bay Ridge Writers Workshop.

She is responsible for many innovations in this newspaper including the creation of a page of news space devoted to block associations, as well as an environmental column. She is also responsible for helping develop the Park Slope News edition into a major community newspaper in its own right, a newspaper which Pete Hamill hailed as "the best I've seen".

Some of Ms. Leifsen's writing accomplishments included a script for the award-winning television series "The Fugitive." Her "Profiles" column, spotlighting community personalities, appears regularly in this newspaper.

In making the appointment, Mr. Griffin said,

"The decade ahead will make even greater demands on the community newspaper to close the information gap created by the death of our dailies and the shortcomings of television. The position of Managing Editor of the Home Reporter is not one that can be filled lightly. By education, by ability, by training and by dedication to the field of community journalism, Marian Leifsen is the right choice for this tough assignment."

CONCERNED CITIZENS FOR RESPONSIBLE FEDERAL WELFARE ADMINISTRATION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. WALDIE. Mr. Speaker, it has been brought to my attention that many welfare recipients are being forced to file lawsuits to protect their rights under the Federal law. Lawsuits of this nature would appear to be unnecessary in light of the existing authority granted the Department of Health, Education, and Welfare to enforce compliance with Federal laws and regulations pertaining to public welfare.

I would like at this time, Mr. Speaker, to place in the RECORD a letter from a constituent prepared by nine concerned citizens for responsible Federal welfare administration.

I think this letter reflects concerns that may very well be shared by many Americans.

The letter follows:

A LETTER FROM CONCERNED CITIZENS FOR RESPONSIBLE FEDERAL WELFARE ADMINISTRATION

We, the Undersigned, are active in local, state and national voluntary and governmental agencies and organizations concerned with public welfare.

We are deeply troubled by the failure of the Department of Health, Education, and Welfare to meet its administrative responsibilities, namely, to enforce state compliance with federal laws and regulations pertaining to public welfare.

To illustrate the breakdown of income maintenance and services caused by contradictory federal and state regulations and further confused by judicial fiat, we cite four specific examples:

1. The 1971 State "Welfare Reform Act" was passed with ample warning that immediate injunctions would be obtained on provisions known to be out of conformity with federal law. Parts of the law were implemented by state regulations on October 1, and court orders setting some of them aside were obtained almost immediately. These orders have not been uniformly recognized by the State Department of Social Welfare pending State appeals, and the State Department continues its position that noncompliance with State regulations by counties may result in loss of funds to Counties. As an example of this in Contra Costa County, the Welfare Director, obeying State regulations, has been charged with contempt of court.

2. Why is it necessary for welfare recipients to file law suits to force the state to comply with federal law? Why doesn't the federal agency enforce its own laws and regulations? Following are three examples from some 300 lawsuits on file against California welfare administrators:

Conover vs. Carleson challenges the state's arbitrary restrictions on allowances for work expense of recipients working toward independence through employment. The Social Security Act specifically allows necessary work expenses.

Villa vs. Hall challenges the state's deduction of a recipient's income from an arbitary amount, called "maximum grant", rather that from the state-determined standard of need as required by the Social Security Act, and as now required by the California State Supreme Court.

Kent vs. Carleson challenges the state's regulation that insists that a portion of a husband's income is available to support his wife's children who are not his. This is in direct defiance of a previous order of the U.S. Supreme Court and current Federal law which forbid counting income which is not actually available to support needy children.

3. Federal law and regulations require that recipient appeals be handled expeditiously and that payments be continued pending the decision when there is a question of fact. These principles are being violated: (1) Appeals are not heard promptly. There is a backlog of over 15,000 cases. Prior to the passage of the "Welfare Reform Act" this was caused by state regulations and directives promulgated contrary to law and intended to impose restrictions in areas where the legislature had refused to act. The numerous restrictive provisions of the "Welfare Reform Act" have substantially increased the backlog. (2) One of the persons signing this statement is a specific example of a case in which payments were discontinued illegally pending the hearing of her appeal. The employment of legal aid resulted in resumption of her payments pending hearing. Further, since the average fair hearing has been estimated to cost about $1,000, the total county, state and federal cost of a backlog of 15,000 cases alone would be about $15,000,000.

4. Why has the State Department of Social Welfare not been forced into conformity with the federal requirement to maintain a State Family and Children's Services Advisory Committee and a State Day Care Advisory Committee? Citizen participation as mandated would serve a useful purpose in the resolution of public welfare problems.

To summarize, it is our firm conviction that if the federal laws and regulations were enforced, there would be no need for most of this litigation. The vast majority of the lawsuits and appeals arise because people are short-changed as the intent of the federal law is subverted by the state. This is wasteful and deplorable, both in terms of money and human resources. Due to the breakdown in income maintenance, the elementary needs for food and shelter are not being met. Voluntary organizations find themselves unable to cope with what comes near to being a crisis situation.

We ask you to address yourselves to these problems.

Ann Lenway, Chairman; Ruth Anderson, Donald Fibush, Albertha Preston, Jane McKaskle Murphy, Charlotte Jones, Mary Charles, Keith Thompson, Father John J. O'Connor.

CHRISTMAS IN AMERICA, 1971

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. SCHMITZ. Mr. Speaker, despite all the changes of the times and the years, Christmas remains the great American festival. Though America as a Nation has lost far too much of its once-strong Christian commitment, still America celebrates Christmas, lovingly, joyously, with immense enthusiasm, far more than any other holiday of the year. In that—despite all the often-mentioned abuses of tawdry commercialism—there is hope.

For this spirit of Christmas in America is not a love, a joy, an enthusiasm generated by government or society or ideology or even advertising. It comes essentially from the family, from little children; and this is profoundly fitting for this day which commemorates the day nearly 2,000 years ago when, according to the faith of Christians—which is my faith—God himself became a little child and part of a loving family.

The American family today faces a major, well-organized and sustained assault by avowed enemies, the first it has encountered in any significant numbers in our Nation's history. My Christmas newsletter last year was almost entirely devoted to documenting instances of this attack on the family and warning of the shattering consequences that would flow from its success. I pointed out then that:

> The critics of motherhood lobby for free abortion on demand so that children conceived need not be born, and for government child care centers so that children who are born need not be cared for. It is hard to see how personal irresponsibility could go much farther.

Regular readers of my newsletter know only too well how much bad news I have to report in it as the months and the years pass and so many aspects of American Government and life slide further down the road of the decline of our Republic. It is, therefore, a special pleasure in this Christmas season of 1971 to be able to point to two really significant victories on the two fronts I specifically mentioned at Christmas time a year ago.

First, while there are still far too many abortions in our country, the drive for abortion on demand has been at least temporarily halted. No more major "liberalizations" of State abortion laws took place during the past year. And at the Federal level, the first significant rollback of permissive abortions occurred when the President ordered U.S. military hospitals to abide by the abortion laws of the State in which they are located, rather than providing what amounted to abortion on demand as they had been allowed to do from July 1970 to April 1971.

Second, the Government child-care bill which the antimotherhood lobby wanted so badly was pushed through Congress, at first without the knowledge of most of the American people, later against a rising tide of grassroots opposition; but as that tide reached its crest with the bill on the President's desk, he vetoed it December 9. Although just 2 months earlier the "Report on a Positive Presidency" praising his administration had included an item recalling his past support for "a range of programs running from the 'first 5 years of life' project and the National Center for Child Advocacy," his December 9 veto message stated:

> For the Federal Government to plunge headlong financially into supporting child development would commit the vast moral authority of the National Government to the side of communal approaches to child rearing over against the family-centered approach. This President, this Government, is unwilling to take that step.

The voice of the people—of American parents, of that strong majority of Americans who still love and honor the family—had been heard and, for once, heeded.

And so in 1971, from Christmas to Christmas, on the ultimate battle line so beautifully symbolized by the nativity scene in Bethlehem, the American family held its ground and hurled back the attackers in two critical engagements. For this we may indeed give thanks—to God, and to good American parents and citizens who let their President know what they wanted on both these issues, finally inducing him to do as they asked.

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. WHITEHURST. Mr. Speaker, the goal of the American Revolution Bicentennial Commission—ARBC—is to help forge a national commitment, a new "Spirit of '76," an attitude which makes relevant the ideals for which the Revolution was fought, a spirit which will unite the Nation in purpose and dedication to the advancement of human welfare as the United States moves into its third century.

Congress formed the Commission in 1966 and charged it to plan, encourage, develop, and coordinate activities celebrating the 200th anniversary of the United States. Much remains to be done to meet our goal, but much has and is being accomplished. With the impetus given by Chairman Emeritus J. E. Wallace Sterling, Chairman David Mahoney, and the ARBC leadership and staff are working with State and local organizations to meet ARBC responsibilities.

As an effort to help communicate bicentennial activity I am inserting into the RECORD the weekly news bulletin published by the ARBC communications committee, chaired by James S. Copley, and compiled by the communications staff.

The bulletin outlines in capsule form the programs and projects of the Commission, State commissions and other bicentennial-oriented groups across the Nation and around the world. It is written for quick scanning, giving an idea of activities during the past week. It is not intended to be an all-inclusive or indepth report. Those wishing such information may contact the Commission.

The bulletin reveals the wide scope of programs and the many organizations already involved in the bicentennial. It is my hope that this information will spark an idea among persons and groups not yet involved to adopt a bicentennial project of their own.

I will introduce copies of the bulletin published in the past weeks to give my colleagues background information in the planning and activity already underway for the bicentennial celebration. Members may want to encourage individuals and organizations in their districts to consider their own projects for the bicentennial. Most areas of the Nation have already been heard from in the bulletin.

While I have this opportunity, Mr. Speaker, I would like to mention one other aspect of the ARBC, one that is going to be brought to the attention of Congress in the coming weeks. The opportunities the Commission programs provide are boundless. The ideas have been outlined and put down on paper, and some are beginning to be implemented. Now comes the time for action. At this critical juncture Congress will decide whether the celebration will realize its potential and fulfill its promising future.

The ARBC has been struggling to accomplish its mission with a totally inadequate budget. A bill containing an authorization for the Commission will come before the House, hopefully within a few weeks. I urge prompt approval. The funds are desperately needed. Further, the Commission will need an expanded financial base in the coming fiscal year.

It is a deplorable situation for a prestigious commission of the Federal government, headed and staffed by talented, dedicated citizens planning for an anniversary that will come only once in the nation's history, to find itself stripped to the bare bones and unable to properly function through insufficient funding.

The American Revolution Bicentennial Commission is a child of Congress. It has performed its homework admirably. The time is rapidly approaching for Congress to supply the spiritual and financial support needed by the Commission to reach its potential. Congress must then face up to its responsibilities.

I include the ARBC News Bulletin for the week ending January 17 at this point in the RECORD:

AMERICAN REVOLUTION BICENTENNIAL COMMISSION, JANUARY 17, 1972

In an article entitled "1976 Bicentennial may trigger boom" appearing in the January 9 Washington Post, D.C. Mayor Walter Washington is attributed with saying that growing interest in bicentennial plans reflects a healthy development among city businessmen. It indicates, he thinks, that company executives no longer fear the city is dying. "Call it self-interest or whatever," he said, "but more businessmen are getting involved."

ARBC Director Jack I. Levant last week met Scouts of America, in a meeting to initiate a program of involvement of some 60,000 with George C. Freeman, a director of Boy Scouts in the efforts of the bicentennial. The program is expected to get under way in the very near future.

Philadelphia Mayor Frank Rizzo on Monday, January 10, appointed a 14-member committee to find another site for the 1976 exposition. Mayor Rizzo, who said the committee had 30 days "to propose a workable site," named Girard Bank chairman Stephen S. Gardner to head the panel. Mr. Gardner said the group would give "great and serious consideration to Fairmont Park" in its search for a new site.

Philadelphia State Senator Benjamin R. Donolow has ordered legislation drawn for a referendum in Philadelphia in the April primary to determine whether an exposition should be held in the city for the bicentennial. Senator Donolow said, "I think it is time we establish once and for all whether the people of Philadelphia do want this exposition." Donolow has not taken a public position of the question.

ARBC Philatelic Advisory Panel Chairman John C. Chapin, special assistant to the Secretary of Housing and Urban Development, has announced the names of three new members who will attend the third business meeting to the panel at ARBC headquarters on January 17. The new appointees add a youth, a woman and a black to the stamp group. They include John Thomas, a black resident of New York City (with a special interest in primitive and oriental stamps) who has been actively collecting stamps for 27 years: Barbara Williams, a Californian with an interest in sports and Olympic stamps and current president of sports Philatelists International; and David Halaas, a seventeen-year-old stamp columnist who is a member of the Junior Philatelic Society of America and creator of Ustampoll, an annual poll on commemorative stamps.

The Charlottesville-Albemarle (Va.) American Independence Bicentennial Commission presented Supreme Court Justice Lewis F. Powell, Jr., with a set of goose-quill pens and an engraved replica of former Chief Justice John Marshall's inkwell when he took office of January 7.

Joe Albi, a former state representative from Denver and president of the Cascade Investment Co., has been named executive director of the Colorado Centennial—Bicentennial Commission. Mr. Albi has announced that the Commission will soon take action on the selection of an official medallion and commemorative coin to symbolize Colorado's centennial.

In 1976 the town of Stoughton, Mass., will be 250 years old and will couple the commemoration of the anniversary with the national bicentennial. Stoughton proudly boasts that it is the birthplace of American liberty, basing this on the fact that on August 16, 1774, at the Doty Tavern in Old Stoughton the first formal meeting was held to write the principles of American independence. This document was carried on horseback by Paul Revere to electrify a discordant Congress at Philadelphia.

Alexandria, Virginia's bicentennial commission approved recently the use of a bagpipe band for official city functions and a Washington's Birthday "parade with a purpose." The commission unanimously approved the idea of a bagpipe and drum band "in keeping with Alexandria's Scots heritage." On Washington's Birthday a walk from Alexandria to Mount Vernon is designed to raise money for future bicentennial activities for youth, particularly the classes of 1974–76.

President Nixon has sent a letter to Ralph Bingham, Chairman of the Shenandoah (Va.) County Bicentennial Committee saluting the county on the observance of its 200th anniversary. The letter applauds the county for its great heritage and for its constructive civic value. The letter will appear in the Shenandoah Bicentennial magazine which will be released March 1. The commemoration will be observed through 1972 and each town in the county will have a month-long program to celebrate the anniversary.

Milton L. Weilenmann, executive director, Utah State Development Services Department and acting chairman of the Utah Bicentennial Commission informed the ARBC that Governor Calvin Rampton, as chairman of the Four Corners Regional Commission, has given assurance that the commission will allocate funds for a four-state bicentennial observance.

Vocational Industrial Clubs of America (VICA) has informed the ARBC that they, along with other vocational organizations, have organized in a youth effort which involves a five-year program called the "Spirit of '76." "This five-year program was developed out of a challenge from the White House for us to involve 1.5 million young people in the appreciation of America on tis 200th birthday," said Gary M. Diehl, Assistant Executive Director of VICA.

The Berks County (Pa.) commissioners are planning to study the county open space and recreation plan, which represents 16 months of research and includes a recreation and open space plan for the city of Reading. According to Jacob Bowers, Executive Director of the commission, a big consideration in the plan is the bicentennial celebration. Hence, a number of proposals are oriented to getting things done in the next four years to entice tourists to Berks County.

Asbury Theological Seminary (Wilmore, Ky.) last month moved to get in tune with the bicentennial. The faculty set up a commission: to plan Asbury's 1976 celebration; to initiate historical research on the role of Christian Institutions in national growth; and to seek contributions for the Asbury Library that will boost its American History Resources.

Deputy Director Hugh A. Hall and Director of Communications Dan Buser last week met with Oklahoma Governor David Hall and Mrs. Gladys Warren, Chairman of the Oklahoma Bicentennial Commission to discuss various aspects of that State's role in the National Anniversary Commemoration. Mr. Hall and Mr. Buser also visited Oklahoma Christian College to take a look at the American Heritage Program and a special mini course on the Declaration of Independence. Mr. Hall said that OCC could play a significant role in the State's celebration.

The next meeting on the ARBC Executive Committee will be at 9:00 a.m., Thursday, January 27, 1972, in ARBC headquarters, Washington, D.C.

VINCENT E. GALKA KILLED IN VIETNAM

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. GAYDOS. Mr. Speaker, it is with deep regret that I announce the death of another of our brave fighting men, Spc. 4 Vincent E. Galka, of McKeesport, Pa., who was killed in Vietnam on December 26, 1971.

We owe a profound debt of gratitude and appreciation to our dedicated servicemen who sacrificed their lives for this great country. In tribute to Specialist 4 Galka for his heroic actions, I wish to honor his memory and commend his courage and valor, by placing in the RECORD the following article:

VINCENT GALKA

Friends are being received today in the Craig Memorial Home for Specialist 4 Vincent E. Galka who died Dec. 26 in Vietnam where he was serving with the 101st Airborne Division of the U.S. Army at Camp Eagle near DaNang.

Resurrection service will be conducted by the Rev. Stanley F. Idzik tomorrow at 1 p.m. in St. Mary Church on Versailles Ave. Interment will be in the parish cemetery where military rites will take place. Requiem mass will be offered Tuesday at 10 a.m. in the church.

Son of Edward F. and Helen Maha Galka, he also is survived by a brother, Richard, and sisters, Kathleen and Joanne at home; and a grandmother, Mrs. Anna Maha of Port Vue.

Mr. Galka was born May 23, 1951, in McKeesport, was graduated from McKeesport Area Senior High School in 1969, had been employed in the tool room of the Christy Park Works, U.S. Steel Corp., and was a member of St. Mary Church.

UNIVERSITY OF TENNESSEE STUDENTS HELP CUT HOSPITAL COSTS

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. JONES of Tennessee. Mr. Speaker, the students at the University of Tennessee College of Pharmacy are paving the way with a new scheme to lower hospital costs.

This system of utilizing student power to benefit both the students and the public will no doubt be copied and expanded by schools all over the country.

Drug Topics covered the system in their October 11, 1971 issue. The article follows:

PHARMACY STUDENTS WORK HOSPITALS; CITY PAYS COLLEGE PERCENTAGE OF MONEY SAVED

MEMPHIS, TENN.—Pharmacy students at the University of Tennessee are getting a bird's eye view of how a hospital pharmacy operates, making money for their school, and improving pharmacy services at a five-hospital complex here.

An agreement between the UT College of Pharmacy and the City of Memphis Hospitals provides that the college handle administration of hospital pharmacy services. Under the contract, 25% of the money saved the city by having students and faculty coordinate pharmacy operations is returned to the college.

The school needed clinical facilities and the hospital needed manpower for operations of their pharmacy, Dean Seldon D. Fuert told Drug Topics. "It was a natural," he said.

Having students take over routine pharmacy duties like inventory control has enabled the hospitals' nine pharmacists to practice full-time pharmacy.

Also, because the pharmacy service is so closely supervised, there is less chance of drug pilferage and waste. National studies show that hospital pharmacies in general have great pilferage problems—an expensive dilemma. Having the students on the premises with their advisors has practically eliminated that problem, according to the college.

Hospitals are saving money in another way, too—they don't have to go into the manufacturing business. As part of the student program, a small drug manufacturing plant has been set up at the school. The "plant" conforms with the Food and Drug Administration's good manufacturing practices and is periodically inspected by FDA.

The students are producing aluminum hydroxide capsules for use in hospital renal dialysis procedures. The capsules are not available from any pharmaceutical company, Dr. Fuert said, indicating that by making the capsules at school, the hospitals are saved the expense of manufacturing their own.

The program is succeeding. In fact, "we estimate that eventually we may save the City of Memphis Hospitals about $200,000 a year in actual savings for their bills for drugs," Dr. Fuert said. The idea for the joint agreement between the city hospitals and UT was formulated by Dr. Fuert about 1965. It was begun in July 1969 on a handshake agreement.

Use of hospital facilities "puts our students in a better environment to learn," Dr. Fuert said. It establishes a relationship between pharmacy students with the medical, nursing, dental students—"these people work together more harmoniously than we have ever seen before on our campus," he added.

There are about 100 senior students and 20 doctoral candidates (registreed pharmacists) participating under direction of 14 faculty members—registered pharmacists with faculty status.

The students spend about 220 hours at hospital as part of their clinical training, Dr. Fuert said. They average about six to seven hours per week on duty. There are anywhere from one to six students at any location at any one time, working with at least one faculty member.

UT has instituted several new programs at the city's hospitals. On one 30-bed floor in one of the institutions they have established a satellite pharmacy. The pharmacy operates round-the-clock and has a full-time pharmacist coordinator, one part-time pharmacist, and one doctoral student.

This is a unit dose operation, Dr. Sidney Rosenbluth told DT. Dr. Rosenbluth is in charge of the student's hospital training program. He explained that the students have an opportunity to screen patient records for possible drug interactions, run a 24-hour drug information service, and take patients' drug histories.

They also monitor drug therapy and discuss medication with patients being discharged from hospital.

The school has also set up an I.V. additive program, Dr. Rosenbluth said.

In the out-patient department the school has brought in three full-time faculty-pharmacists, and one or two doctoral candidates working four hours a day.

The students have reacted well to the program and "feel they are performing a service while they learn," Dr. Rosenbluth said. Before the agreement, students learned about being a pharmacist by play-acting on campus, he explained. "Now they are becoming productive members of the medical community while they learn from a real life situation," he said.

The only problem is keeping the service part of the program from becoming too great, Dr. Rosenbluth added. "We want them (the students) to be learning as well as participating in health care," he said.

A similar contract between the college and the West Tennessee Chest Disease Hospital, a state-owned facility, has just been signed. Dr. Fuert has hopes of signing another with a large psychiatric hospital, it was revealed to DT.

TRANSPORTATION LEGISLATION NEEDED

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. FINDLEY. Mr. Speaker, the resumption of the west coast dockworkers strike yesterday is a stark reminder that we must find a way to help both workers and employers reach a solution to their differences in transportation strikes. While many Members of Congress are affected by the strike on the west coast, those of us who rely so greatly on the gulf and east coast ports for overseas shipments have a few days of nervous anticipation before the 80-day cooling off period expires on February 13 or 14 and we, too, once again are faced with the cessation of ocean shipments.

Farmers lost hundreds of millions of dollars during the dock strikes which began last July 1. Our cash grain producers have taken losses of 10 cents per bushel on their corn and up to 25 cents per bushel for the soybeans they were forced to sell during the strike.

Much has been said about the low

prices Midwest corn farmers received for their 1971 crop. Visits I just completed in my district this morning and the mail I have received for several weeks indicate farmers are much more upset about the lack of action on the part of Congress to end the dock strike and to prevent further costly strikes of this nature than they are about the price of corn.

During the congressional recess, I have developed a bill to deal with future strikes of this nature. It provides the procedures for reaching an early settlement of transportation strikes. I plan to introduce the measure soon and will be calling for cosponsors on this vitally important legislative item.

Transportation strikes affect all citizens of the Nation—not just the employees and their employers who are most directly involved. The current strike has done irreparable damage to our balance-of-payments situation. It has eroded our overseas agricultural marketing potential for years to come because many good customers, like Japan, have been forced to look to other nations to supply their feed grain needs.

In addition, it has caused other nations to look with skepticism at making long-range purchases from the United States because we seem to lack the ability to handle transportation emergencies like the dock strike. It is time that situation be changed and the bill I plan to introduce soon should provide the necessary first step in that change.

911: THE LIFE AND DEATH DIFFERENCE

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. YOUNG of Florida. Mr. Speaker, in the event of a serious emergency, be it an automobile accident, a burglary, or a fire, we all know that mere seconds can mean the difference between life and death. Too often now, precious moments are lost when people, under the stress of an emergency situation, stumble through the phone book trying to find the number for the police or the fire department, or for medical help.

There is no need for this confusion which has caused many people great loss, in some cases, even their lives. For this reason, I am introducing today a bill which calls for the establishment of a "911" emergency number system nationwide for calls of this nature. This system has proven to be of great value in cities that have tried it, and I believe this lifesaving program should be available to all Americans, no matter where they reside.

In an emergency, prompt action can save lives and property. Whether a doctor, or a policeman, or a fireman is needed, he is needed as soon as possible. Also, a prompt report of a crime can vastly improve the chances of capturing the criminal.

In addition, this bill will make it unlawful for anyone to knowingly use this prescribed number for a telephone call that is not an emergency—it will be crucial to the success of this system not to have the lines tied up with prank calls and false alarms.

Action on this bill is needed as soon as possible so that this vital service might be made available to our country, for one can never tell when, or where, or for whom, this number might make a life and death difference.

GEORGE FIRTH RETIRES FROM ACTIVE SERVICE WITH OPEIU

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. MOORHEAD. Mr. Speaker, a constituent of mine, an outstanding individual, and a friend, recently retired, and was duly honored by the union he served unselfishly for some 40 years.

In a moving display of affection, delegates to the recent convention of the Office and Professional Employees International Union gave a sustained standing ovation to George Firth, one of union's founders.

The convention then named George vice president emeritus, the first such honor ever bestowed by the group.

George Firth deserves this acclaim and more. He is one of those individuals that makes a science of being immensely effective and virtually invisible. His presence is felt in whatever activity he undertakes, yet he guides with a velvet glove.

Whether in union activity or in heading local political clubs, George is a master.

His union will miss his "inactivity," yet there are those of us who will profit from his availability for nonunion activities.

I include in the RECORD at this time some clippings from the OPEIU publication White Collar. They are a small chronicle of a big man:

DECEMBER 24, 1971.

Hon. WILLIAM S. MOORHEAD,
House of Representatives,
House Office Building,
Washington, D.C.:

Thank you, Congressman, for the calendar. Both my wife and myself are U.S. history "buffs", and never will get enough of Washington, in spite of the many, many times that we have been there. Therefore the calendar will be retained long after its prime purpose has been served. It is beautiful.

More than the calendar itself, we appreciate the fact that you remembered us and took the time to so well express yourself.

As things stand now, I will not be the chairman of the Oakland Democratic Club next year. Believe that we have at least one candidate for the office who will, if given the opportunity, be much more active than I could be in the affairs of the Club. Our mutual friend, Jim Young, was kind enough to re-nominate me, but since I have often said that I would always yield if and when a younger candidate was available, I declined and will support one of the other candidates. I will continue as a member of the Executive Committee, however, and do my best to keep the Club pointed in the right direction (i.e. in support of Bill Moorhead).

My wife and I hear your remarks every week, when Merle Pollis talks with you. We believe that this is a great bit of public relations for you, it doesn't hurt one bit. You come across good.

I am enclosing a recent issue of "White Collar" which recounts some of the convention actions. Obviously, I am very happy with this issue. Had considerable recognition during my active life with OPEIU, but the demonstration at this convention topped everything that I could have dreamed about. OPEIU is "my baby" no doubt, and I hated to leave the active position, but it is now "of age" and quite capable of progressing as a part of the AFL–CIO. Really, the union achieved this status many years ago, but I stuck around, . . . clucking like a mother hen.

When the time comes to again "do our stuff" in your next campaign, let me know.

In the meanwhile you may be hearing from my wife, she is trying to figure out how "Phase 2" has stopped the rise in the cost of living. As pensioners, we are now more conscious of these certain facts of life than we may have been before.

This is late for the beginning of the Season, but will close by extending our best wishes to you and your family and most efficient staff, for a Happy Holiday Season, and the best of everything for 1972.

Sincerely,

GEORGE P. FIRTH.

CONVENTION SALUTES RETIRING GEORGE FIRTH

On Tuesday morning of the convention, the session was moving up to the noon break with the Resolutions Committee, under Chairman John Kinnick, reporting. Resolution 45, calling for a vacation bonus, had just been concurred in. Then the convention took up Resolution 52, whose subject matter was Vice President George P. Firth.

Suddenly a lot of delegates realized that Firth was 67 years old and that he was going to retire. As he always has been a wiry, agile type, this was flabbergasting news to many. Emil Steck, of Buffalo, who later was elected to the Executive Board to replace Firth, spoke on the resolution, and many seconds, led by Rose Cohen of Pittsburgh, were offered. Then came a rising ovation, many wet eyes, with Firth the only man seated in the big hall at the Hotel Deauville. More tributes:

Arthur P. Lewandowski, Director of Organization, speaking for the staff: "A large part of our stature is due to the efforts of George P. Firth."

President Howard Coughlin: "I have known this wonderful man since 1942 when we met in Chicago at the founding convention of the International Council of Office Employees Unions."

Secretary-Treasurer Howard Hicks: "George was the guiding light in the formation of the Pacific Northwest Council of Office Employees, back in 1937, which later became the Pacific Coast Council, including Denver and Salt Lake—and in turn became the Western States Council."

Hicks recalled that he and Firth appeared before the Resolutions Committee of the 1941 AFL convention in Seattle calling for establishment of an International Union. The committee recommended that President William Green and Secretary-Treasurer George Meany consider the matter and take appropriate action.

In the spring of 1942, Green and Meany called a meeting in Chicago of federal locals to form the International Council of Office Employees, out of which the International Union charter grew in 1945. The names of four men present at the 12th Convention, Howard Coughlin, Howard Hicks, J. Oscar Bloodworth, and George P. Firth, appear on the charter.

Responding succinctly, with just a tinge of emotion in his voice, Firth characteristically credited others, among them his wife, for whatever he had been able to achieve.

The convention then voted him the title of Vice President Emeritus—the first man in the union to be so honored.

KIRCHER SEES ORGANIZING BECOMING MORE MILITANT

The changing nature of the vast work force was a "challenge to all of us," William L. Kircher, AFL–CIO Director of Organizing, told the 1971 convention.

Of the need for more militancy in organizing, Kircher said, "We may have to demonstrate our majorities (to employers) in elections by saying we will go out on the picket line on order that you can count us."

"We are coming out of the namby-pamby phase where organizing is concerned," he asserted. "In our organizing postures we must give credit to people for having more guts to obtain their right to collective bargaining."

The challenges to union organizing lay in the following figures, he said:

Up to 48,000,000 job openings by 1980 (30,000,000 because of retirements, etc.);

18,000,000 new jobs, of which 6,000,000 are expected to be clerical.

"By 1980, clericals will be 19 percent of the work force, nearly one in five, while professional, technical and kindred workers will be approximately 16 percent of the work force. . . . These figures will disabuse you of the notion that there are no further fields to conquer," the AFL–CIO leader declared.

Referring to recent agricultural organizing successes in the west under Cesar Chavez, Kircher commended OPEIU leaders in Los Angeles, Gwen Newton among them, for help in circularizing farm workers with an OPEIU label. Kircher also paid tribute to the long endeavors of retiring OPEIU Vice President George Firth in the white-collar organizing field.

UNION LEADERS RETURNED TO OFFICE; CORBEIL AND STECK ARE ELECTED VP'S

Emil Steck, Local 212 Business Manager in Buffalo, N.Y., and Romeo Corbeil, of Montreal, Regional Direector for Eastern Canada, were elected as new OPEIU Vice Presidents by the 12th Convention to succeed George P. Firth (retired), of Pittsburgh, Pa., and William J. Mullin, of Hawkesbury, Ontario, both of whom declined to run again.

Steck will represent Region 2 and Corbeil Region 1 on the Executive Board.

President Howard Coughlin was joined by other Executive Board members in voicing their deep appreciation to both retiring board members. George Firth, they recalled, had made major contributions to the cause of white-collar workers and the OPEIU during his more than 25 years as a Vice President and full-time International Representative.

Since his retirement a year ago, Firth had continued as principal historian for the OPEIU and was responsible for the striking historical display at the Convention, showing the union's growth, viewed with unusual interest by the attending delegates.

He had also been engaged in a number of projects to benefit future students of OPEIU history, and has also assisted many Local unions in establishing historical facilities of interest to their members.

Warm tributes also were paid to Bill Mullin who had served ably on the Executive Board for two consecutive terms during which his advice was invaluable in making decisions on problems of OPEIU members in his Canadian Region.

OPEIU officers reelected unanimously without opposition were: Howard Coughlin, President; J. Howard Hicks, Secretary-Treasurer; Vice Presidents: J. Oscar Bloodworth, Ronald F. Bone, John P. Cahill, John Kelly, John B. Kinnick, William A. Lowe, Frank E. Morton, Gwen Newton and Edward P. Springman.

The only contests were in Region 7 where incumbent Vice Presidents Billie D. Adams and H. R. Markusen were opposed by Catherine Lewis, of Local 333, and Arnold Shamis of Local 49. Adams and Markusen were reelected by large majorities.

IN DEFERENCE TO POPE GREGORY

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. BOLLING. Mr. Speaker, after a plethora of predictions for the year 1972 from many sources with widely differing opinions, the column by George W. Ball on this subject is both thoughtful and sound. It appeared in Newsweek of January 10 as follows:

IN DEFERENCE TO POPE GREGORY

(By George W. Ball)

It was Pope Gregory XIII who fixed a date soon after the winter solstice to mark the beginning of the new year, and in recent times omniscient journalists have exploited that date as an excuse to ponder and pontificate.

For the most part, such pontification has followed a stylized pattern. The passing of the old year is hailed as the end of an era; the prognosis for the new year is invariably bright. "There will, of course, be problems, but we are well on the way, etc."

Well, I am not all that sanguine. I do not know what the next twelve months will bring forth, but I am certain we are not at the end of an era. What we should realistically anticipate is more of the same—but with a difference, since history adds its own fresh whimseys. Yet, though all we can confidently expect is the unexpected, I would note at least two particularly unstable areas—two foci of danger—that demand special vigilance. One is Belgrade, and the other the United States Congress.

MEDITERRANEAN SCENARIO

Belgrade because the past fortnight's uprisings in Croatia foreshadow the disintegration of Yugoslavia once the 79-year-old Tito is no longer available to hold it together. With an energetic assist from the KGB and other agents whom Moscow has enlisted in Eastern Europe, ancient hatreds are being stirred to the point where the momentary success of a local insurgency could provide an excuse for separatist leaders to call for help from the Soviet Army. The scenario has, I suspect, already been scripted in Moscow, where the elimination of the schismatic Communist regime in Yugoslavia is a long-cherished ambition. It would complete the consolidation of the Kremlin's Eastern European empire, encircle an obstinately prickly Rumania, and make chaos of the febrile politics of Italy, with its decaying political center and the largest Communist Party in the non-Communist world.

Nor would the impact of such an event be limited to the European mainland. It would be sharply felt in the whole Mediterranean basin where Soviet power is increasingly visible. This is where the vagaries of Congress are relevant, for if Congress finally yields to the Catonian call of certain key senators for the withdrawal of our troops from Europe, the logic and momentum of the legislative process will, sooner or later, remove the Sixth Fleet from the Mediterranean. After all, if we leave it to our allies to look after Western security on the mainland, why should they not take responsibility for what has long been thought of as a European lake?

MIDDLE EAST STRATEGY

Given the present neurotic state of American opinion, such a nightmare sequence can definitely not be ruled out. Most of our countrymen still regard the Middle East as an affair of Arabs and Israelis, forgetting that the Russians have made it an integral part of the great-power struggle. They ignore the fact that the only operative forces deterring Moscow from a unilateral reopening of the canal and the effective isolation of Israel are the presence of the Sixth Fleet, the continuing availability of effective American military power in Europe, and—most important of all—fear that they would feel the thrust of that power if they tried to turn their Egyptian beachhead into hegemonic dominance of the southern Mediterranean littoral.

In spite of an epidemic of piety—which has led many otherwise sensible Americans to a self-flagellating rejection of great-power responsibilities—the West cannot afford to lose much more strategic ground to a Soviet Union clearly in an expansionist phase. For what is worth prayerful note—at this turn of the year—is that, while we are systematically contracting our power, the Kremlin is pursuing a reverse Nixon doctrine—establishing forward bases, deploying its rapidly expanding fleet of ships and submarines in strange waters, extending its military reach, and expanding its political presence around the world.

To contend—in the face of these flamboyant actions—that we should deliberately reduce our own weight in a power balance that has served the West well for two decades seems curious indeed. But no great nation has been wholly immune from aberrant behavior; we were blind and stupid in the 1920s and, in the words of the late New York City mayor, Fiorello La Guardia, "when we make a mistake, it's a beaut."

So let us see what 1972 brings forth and try to be more sensible than we have sometimes been in the past—which, I suspect, is as much as one should reasonably hope for in this imperfect world.

TURNER N. ROBERTSON: A FRIEND WHO WILL BE SEVERELY MISSED

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. KYROS. Mr. Speaker, on this opening day of the second session of the 92d Congress, a gentle and extremely dedicated man is missing from the House of Representatives. My great personal friend Turner N. Robertson, majority Chief Page, has ended his career in the House after 32 years of faithful and exceptional service. This esteemed public servant was always gracious, efficient, and a valuable friend to all Members of Congress.

In my own 5 years in this Chamber, I have asked Turner so many, many times for assistance and advice on a multitude of matters, and he never once let me down. Not only was the smooth operation of the Page Service, so invaluable to each Representative, his responsibility, but in addition Turner also touched each Member through his warm council, his unfailing kindness, and his constant eagerness to help.

Turner now looks forward to many years of relaxing retirement, and he is to be envied indeed, since few men can reminisce upon such a richly fulfilling and satisfying career of service. Turner has been written into the history of the House, and I am grateful of having had the opportunity to know and work with him.

I am certain that everyone who has ever known Turner wishes him a long and happy retirement, which he so richly deserves. He will be severely missed by all who ever came in contact with this remarkable and unforgettable man.

PETTY OFFICER DORIS MILLER HONORED IN DEDICATION OF NAVY BACHELOR QUARTERS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. McCLORY. Mr. Speaker, a most significant ceremony occurred recently in my congressional district in the dedication of the Doris Miller Bachelor Quarters at Great Lakes Naval Training Center.

The late petty officer, Doris Miller, was an American hero. His spectacular bravery under fire at Pearl Harbor on December 7, 1941, earned for him the Navy Cross. He survived that conflict and continued for many years as a loyal man of the Navy.

The significant aspect of the recent events at Great Lakes Naval Training Center is that this complex military living quarters is named in memory of what is currently described as a "black" American. Indeed, this is the first such recognition—and may be—in a sense—characteristic of the trend toward recognition of qualities of character without regard to questions of race or color.

It was my privilege to participate in this ceremony and to pay appropriate honor to the late Petty Officer Doris Miller, and to honor his mother—Mrs. Henrietta Miller—who journeyed from Texas to Great Lakes for the occasion.

In addition to the base commander and the Ninth Naval District Commandant Rear Adm. Draper L. Kaufman, there were many prominent participants in the dedication ceremony. Judge Archibald Carey of the Circuit Court of Cook County addressed eloquent remarks paying tribute to the late Petty Officer Doris Miller. Also participating, were the Reverend Elmer L. Fowler and Mrs. Beatrice Luther who presented Mrs. Henrietta Miller with a check in the amount of $10,000 resulting from voluntary contributions in the Great Lakes, Waukegan, and North Chicago communities.

I am confident that my colleagues will be keenly interested in this landmark development, and particularly in the eloquent words which were uttered by the late Petty Officer Miller's friend and partner in the Navy, Mr. Herbert G. Odom, and those of Admiral Kaufman. Accordingly, I am inserting copies of those remarks in the Record at this point. I commend them to all Americans:

Rear Adm. Draper L. Kaufman's Remarks, Doris Miller Dedication, December 7, 1971

We are gathered here today for a very serious purpose. We are dedicating our largest and finest Bachelor Enlisted Quarters to the memory of a gallant and courageous Navy man. Why? First, because this Navy man, Doris Miller, on a Sunday morning just 30 years ago today displayed an incredible amount of courage, heart and unsuspected ability in the face of heavy, concentrated and bloody enemy fire. When Japanese bombs and machine guns were killing and wounding all around him, did he seek the safety of the armor plated bulkheads or walls so easily available. He did not. He deliberately exposed himself to the full brunt of attack in order to carry his Captain to a safe place and then he returned to an exposed position to man a machine gun whose crew had been decimated. This is what we in the Navy call "above and beyond the call of duty"—way, way above and beyond.

However, the dedication of this building is only the beginning of what we must do here today. Much more important is it that we dedicate ourselves to the elimination of prejudice, fear, hatred and discrimination that still prevail between two great American communities—the black race and the white race.

Did Doris Miller, who was black, think about color or race when he seriously endangered his own life to carry his white Captain to safety? Obviously not. Can we do less than he did? Obviously not. We too, must rise above and beyond the call of duty. As human beings under God and as citizens of a great country we cannot do less.

Ladies and gentlemen, I feel very strongly that this critical problem of accord and concord between Black Americans and White Americans that has festered like a cancer in this country since its creation must be solved and solved quickly. Furthermore, I believe that the United States Navy has the opportunity and therefore the sacred responsibility to lead the way. It is not enough that we follow the rest of our citizens. We, like Doris Miller, must rise above and beyond—way above and beyond.

Thus, the christening of this building is designed to do far more than bestow well deserved honor to a great Navy man. Primarily, it is designed to inspire each of us who work and live on this base to make a major effort every day and I repeat—a major effort every day to bring into brotherly harmony our two great communities of black and white Navy men so that we can actually reach the positive goal of Admiral Zumwalt, our great Chief of Naval Operations. He has said again and again that we cannot, we must not, have a Black Navy and a White Navy. We can only have a United States Navy.

I have just used and emphasized the the phrase—"make a major effort every day." I did so deliberately because this divisive problem of ours must be solved, can only be solved by a long long succession of small acts done by each of us every day—every hour of every day. Fine words, fine intentions, fine plans are not enough.

I am proud to say that we here at this Naval Base have made some considerable progress during this past year. This has been the result of major efforts made every day by many, many people under the quite inspiring leadership of the commanders of our many individual commands on this base. Particularly I should commend Admiral Turville, Commander of the Hospital, Captain Talbot the Commander of our Naval Training Center and his subordinate skippers—Captain Symons of Recruit Training, Captain Loveday of Service Schools, Captain West of the Administrative Command. But I should also commend the many members, black and white, of our nine CETO's or Committees on Equal Treatment and Opportunity—our officers and chief petty officers that run our Race Relations School that has become a model for military bases throughout the country, our Navy Exchange and Special Services people who have ensured that black products, magazines and books are available in our Exchanges, Commissary and Library, that black barbers and beauticians are available, the music and entertainment particularly interesting to our black Navy men and their friends is a significant part of our club life on the base. In addition I should mention all of our supply and procurement people who make a major effort every day to ensure that an appropriate share—and this means a much greater share—of our total buying goes to black business. Finally I must mention Captain Allen and his superb Housing Officer Mr. Waddell Brooks who have markedly improved the housing situation for our black servicemen in the surrounding communities. Of course none of this would have been possible without the sympathetic understanding and tremendous support given to us by the leaders of the Black Community in this whole area—leaders who are so well represented in this program by our great and good friends, those warm and loving friends, the Reverend Fowler and Judge Carey.

I have mentioned our accomplishments and progress of the past year or so. I am proud of these, yes, but they are not enough, not nearly enough. Last month we were visited by two congressmen. One of these gentlemen stated that there was far too much racial prejudice and discrimination on this base. Although I might not agree with him as to scope or extent, I wholeheartedly agree with his basic premise that there is too much prejudice and discrimination here. Any prejudice and discrimination is too much. Furthermore, it must be stopped and it can be stopped. There is no point whatsoever in hiding behind the bland statement that the armed forces merely reflect the prejudices of the country at large. That is no excuse. As I said before we have the opportunity and therefore the responsibility to lead our country—to show our citizenry an example.

Ladies and gentlemen, inspired by this memorial to a gallant black Navyman who risked his life to move his white Captain to a safer spot, we at Great Lakes promise you that we too will raise ourselves above and beyond the call of duty, we too will make a major effort every day to solve this, our nations' most serious problem.

Mr. Herbert G. Odom's Remarks, Doris Miller Dedication

Admiral Kaufman, Mrs. Miller, honored guests, men and women of the United States Navy, ladies and gentlemen; having been a friend of the late Doris Miller, I am frankly happy to participate in this program marking the dedication of this bachelor enlisted quarters to his memory and in his honor. My pleasure is greatly enlarged through having as a co-participant, the venerable Mrs. Henrietta Miller of Waco, Texas; the mother of Doris Miller, a lovable matriarch, a sharecropper's wife, a living indictment, personification of the black experience. I feel humble and insignificant in her presence, because I know that she embodies and symbolizes, and exemplifies all that is in me which is good, and all that is in me that is strong, and all that is in me which is enduring, and all that is in me which is unconquerable.

It is commendable of this command and of the United States Navy that she is here and is being so honored! We, of the black community are highly appreciative on this occasion. But we do not construe it as a personal honor, an individual honor; rather, we view it as a debt acknowledged and a tribute paid to all mothers black and white, who over the years, the decades and the centuries, have given their sons, whenever and where-ever the flag was threatened; from Bunker Hill in Massachusetts to Khe-Sahn, South Viet Nam. I wish to emphasize for the sake of those who may not know, that there were sons of black mothers at Bunker Hill.

The story of Doris Miller as a Navy man is a short one. His star hovered above the horizon for a very brief time and in that span he faced the thundering guns of war, was decorated by his country, and went to a watery grave.

We were never shipmates, but on two separate occasions our respective ships shared the same home port. That we should gravitate toward each other was natural. Being black was not our only tie; we shared many common experience bases. We were both rural in background; both country boys. Doris Miller was a sharecropper's son, even as I am myself. We had joined the Navy for the same basic reasons; not from patriotism, not for adventure, not to travel, but for a place to eat, and sleep, and to send a little much needed money home. My assertion that Miller did not join the Navy from patriotism might lead us to the question: "Was Doris Miller patriotic?" He had to be—he was poor wasn't he? Did you ever see a man who was both rural and poor who was not patriotic? I haven't. Whether the man is a peasant in France, a serf in Russia, or a sharecropper in Georgia; show me a rural man who does not own enough land on which to be buried and who lives in lacks and wants, and I'll show you a super-patriot. A man who will lay down his life at the drop of a hat for the one thing he can claim as his own; that mystical thing, that abstract thing called country. A man from this social strata is usually a mighty man in war and a brave and resolute foe to any enemy of his country. The ferocity and the tenacity of the sharecropper as a fighting man stemmed mostly from his fatalism, his singlemindedness, his ability to concentrate on annihilating the enemy. You see, of all American soldiers, the sharecropper was the one least concerned with coming back—back to what? Other Americans might have just a small corner of their minds preoccupied with such things as, "Who will come to own my land? Who will spend my money? Who will marry my wife?" The sharecropper had no such distractions. In the first place, he had no land, in the second place he had no money and he didn't worry about who would marry his wife, and there's good reason why. Just ask yourselves; who of all Americans save a sharecropper could go into battle, close in for hand-to-hand combat with an enemy whose bayonet is as long as his own; soothed by the feeling, comforted by the thought and calmed by the knowledge that his wife just couldn't do worse the second time around. Having been one myself, I believe that if the sharecropper really and truly loved his wife; after killing off what he thought was his fair share of the enemy, he might just deliberately get himself killed to give her that second time around.

The sharecropper is a vanishing breed today, thank God, but what a man he was; what a man! He could be hurt and he could be scared; he could be maimed and he could be killed—many of them were—but he could never be conquered. Thus I pay tribute to Doris Miller's dead father and to mine.

Doris Miller entered the naval service at a time when the virus of racism, injected in the Navy during the administration of Woodrow Wilson, was still running rampant. It was also at a time when the black enlistees were relegated exclusively to the duties of mess attendants. This was a cause of constant vexation, humiliation, protest and agitation on the part of the black press and public. When this dark, ignoble and regrettable chapter of our naval history is set in historical perspective, it would appear that what happened to the Navy was a byproduct of, or fallout from, the Jim Crow laws passed in all Southern States around the turn of the century—some just before and some just after. The Navy, standing out like a sore thumb; an island of integration in a sea of national separatism soon came under the jaundiced eyes of the segregationists, and when given the chance, they struck.

When Josephus Daniels was appointed Secretary of the Navy by President Woodrow Wilson, he publicly avowed to make the Navy "lily white." Forthwith, the book of merit, with respect to the black man was closed. He was suddenly a nobody, not even worthy of enlistment.

The gallant deeds and illustrative record of black men who fought and died with John Paul Jones, Stephen Decatur, Oliver Hazzard Perry, and David Porter were willfully disregarded, never mentioned officially, and buried in naval archives. Each of these exacting but unbiased commanders, along with many others left the record clear and plain. Each in his own way was lavish in praise of the black men in his command, citing in particular their courage, coolness under fire, and devotion to duty.

How was it, then, that during the time of Doris Miller's service, throughout World War Two, and even thereafter, intelligent men, educated men, men of high rank were seriously debating and somberly contemplating such things as: "Would the black sailor hold his post under fire, could he master the complexities of the modern warship, and its weaponry, and, strangest of all, would one black man take orders from another?" The explanation of this lies in the way a man is related to his beliefs. A man is shaped, molded, and limited by what he believes. He is belief expressed. A man will make manifest pitifully, that which he believes to be true. He will endow with a false reality, that which he believes to be true. And, too often, that which he believes to be true is that which he wishes was true. And, in turn, that which he wishes was true usually is that which enhances his ego. It is through this process that men are often trapped into believing their own lies.

Ironical as it may seem, the man whom fate for years placed in the unenviable position of having to defend the Navy's discriminatory policies, practices and attitudes was the very same man who pinned the Navy Cross on the chest of Doris Miller, Admiral Chester W. Nimitz. The Navy's hard and rigid position was that the black man was already serving in the capacity for which he was best suited.

If you should wonder or if you should ask if this incident caused the Navy to reevaluate its policies or reexamine its position, my answer would be no, no, a thousand times no! The remainder of Miller's sojourn on this veil of tears after his decoration bears this out. For instance, he remained in the rating of mess attendant 2nd class, although, later in the normal course of events he was promoted to mess attendant 1st class, which today is equivalent to the pay grade of seaman.

Miller's last ship, the Aircraft Carrier *Liscombe Bay*, was sunk by enemy action somewhere in the South Pacific on October 24, 1943. Miller and 700 of his shipmates were lost. At that time he was serving in the rating of officer's cook 3rd class.

And although his Navy Cross did not provide him a ticket out of the Messman Branch, he died like hundreds of other Messmen did—without rancor and without malice toward the Navy or his country.

Black people, including the family of Doris Miller, wish the Doris Miller saga to be kept in proper perspective. They especially resent any untimation that that he was exceptional among his peers, for this is indicative of a false perception of black people, their motivations, their capacities and their attitudes. Moreover it bespeaks the philosophy which made him a mess attendant in the first place. Doris Miller is revered in the black community not so much as a great hero, as he is, but as the boy who embarrassed the Navy. There was not a single black mess attendant at Pearl Harbor who would not have given his right arm to be top side, exposed to danger and firing a weapon.

The black man is like that and he always will be. No amount of wishful thinking can change him. His cultural background in Africa was warlike and he was no more changed by enslavement in America than were the Jews by their enslavement in Babylon or later in Egypt. Of course the black man learned survival tactics and learned them well. He resisted change by seeming to change. He feigned docility when this led to hand-outs, he pretended servility when this brought favors, he acted obsequious when he was rewarded for seeming so. But I know, and you know, and all Americans deep down in their hearts know, that the American of African descent in defense of his country is on the average an aggressive man, a combative man; attack oriented and fearless. He is not awed by violence and he is not paralyzed by peril. He is not intimidated by odds and he is not panicked by imminent death.

I submit to you, ladies and gentlemen, that the military annals of our country would be richer by far if these innate qualities, so essential to the military and so native to the black American had always been grudgingly acknowledged, fully appreciated and sensibly used. These qualities not withstanding, the American black is still a friendly man, an amiable man; a man of deep feelings and broad sympathies, always watching, looking and listening for the genuine in another man.

For insights into Doris Millers' actions at Pearl Harbor then, we must look to his cultural heritage. We must look back beyond the cotton fields of Spigleville Texas; back beyond the slave cabin in which is grandfather lived. Back, back, back to the continent of Africa. Here we would find a society where to be a male meant to be a warrior. We would find a social context where from the age of puberty on, one's very claim to manhood was predicated on not only his willingness, but his eagerness to seize the throat of the enemy of his tribe and an unquenchable desire to annihilate all those who would violate the sanctity of his peoples' territory.

This explains why, on that beautiful, sun-drenched Sunday morning which I remember so well, Doris Miller did not say to himself: "It is none of my business what is going on up here. I'm going to do what I've been trained to do, I'm going back down below and keep the coffee hot." It explains why he did not say to himself, "The captain does not love me, and I know it. The captain does not respect me, and I know it; so I will let him fall and I will let him bleed and I will leave him exposed to strafing." This was not possible, my beloved fellow Americans, because, regardless of how the captain felt; Doris Miller knew that with the impact of the first bomb on Pearl Harbor, he and the captain became "us", and members of the same tribe. Every man worthy of life will die that the tribe might live. On the other hand, it explains why, when the precious moment of action came, he seized it and thereby ridiculed, in a most effective way, those policies, practices and attitudes which assaulted his dignity and trampled his manhood.

The Navy today is far different from the Navy in which Doris Miller served and this is an understatement. The dark night of racial superstition—and racial prejudice is a superstition—was lifted by fiat of a president named Harry S. Truman. Truman, like Paraoh of old, decided at long last to let Doris Miller's people go.

As a member of both the black community and the naval establishment, as one who for twenty-six years proudly wore the blue, as one who saw the transition from the inside, and as a man who wears no other man's halter, I can say categorically that racial discrimination as a characteristic of official naval policy is dead and can never be resurrected.

Wherever discrimination is found, prompt measures are taken to eradicate it, and those who practice it surreptitiously, do so at the risk of damage to their careers. Wrongs of the past can never be righted but the navy moves aggressively to equalize opportunity and participation in every field, every program and at every level.

Much has been accomplished, but not enough. The record is good but it will be improved. The goal is set and we move steadily and determinedly to achieve it.

The Navy especially solicits the help of the black community in telling the Navy's story. Whatever the field, whatever the program, if it is Navy, it is for you. Too often a boy is looking for an opportunity and an opportunity is looking for the boy but their courses do not cross. Here is where you come in—make them cross. Do not emote over past exclusions while present opportunities go wanting and above all do not in point of fact, confuse past practices with present reality.

Today, along with you and along with the Miller family, the Navy too is sad that heaven did not grant and fate did not decree that Doris Miller should reach this promised land of integration, acceptance and opportunity. He was destined to die in the wilderness of inequity, subordination and rejection.

Providence did not ordain that Doris Miller should live to see how the Navy has vindicated his gallant deed. He saw no surgeon black and proud, steady of hand and calm of eye, lancing, binding, curing, healing in naval hospitals throughout this land. He saw no black eagle soar above, no black navigator chart his course! He saw no black man, glasses raised, scan the horizon from the skipper's seat. But somehow in some mysterious way, I like to feel that Doris knows that these things have come to pass, and that he hastened their coming. And by him knowing and from his knowing, and because of his knowing; somewhere on the ocean's floor, in his tomb of steel, painted grey; the poor farm boy from Spigleville; the sharecropper's son with a tiger's heart can rest in peace.

CONGRESSMAN MCCLORY'S REMARKS

When it comes to heroes in time of peace or war, there are no color lines, nor are there color lines which distinguish one human being from another in terms of genuine love or in terms of the basic character of a man or woman. Certainly, we are learning more clearly every day that the men and women of the Navy are to be measured on the basis of their individual merit as human beings.

One Navy hero who gave that last full measure of devotion to his nation and to the survival of his fellowman was Petty Officer Doris Miller whom we are honoring today in dedicating this beautiful enlisted men's Quarters at this, the greatest naval training center in the world.

Men and women of the Navy, I am proud, indeed, to participate in this ceremony and to pay humble and grateful tribute to Petty Officer Doris Miller—who was decorated for his bravery at Pearl Harbor—just 30 years ago, and who later gave his life—a great and noble hero of the Navy—and a man whom the whole nation honors and respects. I'm pleased to know that Petty Officer Miller's mother, Mrs. Henrietta Miller, has come here today from Texas to witness this ceremony and that his brother, James Miller, is also with us.

Others who are participating in this service today have recounted the events surrounding Petty Officer Miller's service and decorations.

I appear today in behalf of the Civilian Government of the United States, and of the 500,000 people of this Congressional District which I am privileged to represent in the U.S. Congress. In their behalf and in my individual capacity, I salute Petty Officer Miller and I join in honoring his memory in the dedication of this great and enduring monument.

ASSESSMENT OF 24TH COMMUNIST PARTY CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. HAMILTON. Mr. Speaker, I would like to bring a government study of the 24th Communist Party Congress to the attention of my colleagues. The congress was held from March 30 to April 9, 1971, and the study is based on information available through April 28, 1971.

It focuses on the Soviet Union, and assesses Soviet developments in several areas, including the party, the government, the economy, and its foreign relations with China, Eastern Europe, the West and the Third World.

This is a very comprehensive presentation, and one that deserves examination by my colleagues.

The study follows:

THE 24TH CPSU CONGRESS: AN ASSESSMENT

PART 1. INTERNAL AFFAIRS

I. The party

A. Brezhnev Now Stronger in the Collective

The 24th Party Congress (March 30-April 9) was largely a one-man show; the honors paid to Brezhnev by various speakers, the preeminence accorded him in the congress proceedings, in media reporting, and the membership and protocol rankings of the new leading Party bodies all confirmed previous indicators of Brezhnev's increasing strength as the top Soviet leader. But even the transfer of four of the top 25 political leaders to full membership on the Politburo does not apepar to have given Brezhnev and his coterie an automatic voting majority in the Politburo. Consensus politics will apparently continue to be practiced and will probably put much the same imprint on Soviet decision-making as has been observed during the post-Khruschev period.

Through skillful maneuvering, Brezhnev appears to have forged further ahead of his colleagues, particularly Kosygin. The addition of several of his outspoken admirers to the Politburo will probably dilute the responsibilities of the incumbents. It is possible that their promotions were made in anticipation of the departure or removal of some of his old colleagues (Pelshe, Suslov, Podgorny, and Kosygin are all over 65). The new men, however, appear to be competent but uninspiring Party bureaucrats, and their votes would not seem to herald marked change in Soviet policy. Moreover, Brezhnev's own predilections seems to be centrist in nature with, of course, a strong conservative bias. Since this stance has been reflected in Soviet policy under his secretaryship, his stronger position in the leadership does not appear likely to generate policy innovations over the near term.

B. Varied Treatment of Brezhnev's Pre-eminence

That the extent of Brezhnev's pre-eminence in the leadership is an unresolved issue was reflected both in the speeches at the 24th Party Congress and in those at the republic Party Congresses preceding it. In the latter, for example, new Politburo members Kunayev and Aliyev, First Secretaries of the Kazakh and Azerbaydzhan Party organizations respectively, placed themselves at the pro-Brezhnev end of the spectrum by referring to him as the "leader of the Politburo." Bodyul, First Secretary in Moldavia, also warmly praised Brezhnev, as did Usubaliyev in Kirgizia.

At the other end of the spectrum stood Kebin, the First Secretary in Estonia, who failed even to mention Brezhnev's name. Shelest, First Secretary in the Ukraine, Masherov in Byelorussia, and Mzhavanadze in Georgia also gave the General Secretary short shrift. The remaining republic First Secretaries fell somewhere in between the two ends of the pole.

At the 24th Party Congress itself such varied treatment was equally visible, though there appeared to have been some crossing of lines. Kunayev and Aliyev continued to lead the panegyrics, closely followed by Bodyul and Maslennikov, First Secretary of Gorkiy Oblast and a follower of Brezhnev protegé K. F. Katushev. Politburo member Mazurov's Belorussian colleague Masherov, too, now seemed to fall in line, mentioning Brezhnev four times in his speech and giving him personal credit for "huge efforts" in agriculture. Rashidov, First Secretary in Uzbekistan, also got on the Brezhnev bandwagon, giving the General Secretary personal credit for a number of successful programs and mentioning him warmly several times in other contexts.

With the exception of Masherov, all the above, plus Latvian First Secretary Voss, Chairman of the Central Auditing Committee Sizov, and Moscow Oblast First Secretary Konotop and Zolotukhin, First Secretary of Krasnodar Kray, both of whom are believed to be members of Polyanskiy's coterie, followed a pattern set by Brezhnev himself of referring to the "collectivity" of the leadership. In addition, most of them signaled their support for Brezhnev by vocally backing his call for changes in the Party statutes. Kochinyan, First Secretary in Armenia, Romanov, First Secretary of the Leningrad Oblast, and Ryabov of the Sverdlovsk Oblast, all chimed in with approval of the contemplated changes in the statutes.

Sisov, Maslennikov and Georgiyev, First Secretary of the Altay Kraykom, expressed or implied support for Brezhnev's exchange of party cards. Neither Kunayev or Aliyev expressly mentioned the exchange of cards at the 24th Congress but both had called, in earlier speeches at their respective republic Party Congresses, for dismissal from Party ranks of members who violated discipline or otherwise showed themselves unworthy of the title "Communist."

Kebin and Shelest were again the most lukewarm toward Brezhnev and his programs. Neither mentioned "collectivity," nor did they voice any support for the exchange of Party cards or change of Party statutes. Kosygin, Party cadres secretary Kapitonov, and Lithuanian First Secretary Sneehkus also failed to voice support for these latter initiatives. Grishin, First Secretary of the Moscow City Party Committee and just promoted to full membership in the Politburo, vaguely supported changes in the statutes but was otherwise rather unforthcoming with respect to the General Secretary and his programs.

Several speakers clearly stressed the Politburo when pinpointing the center of authority and initiatives, which is in sharp contrast to the long-standing practice of describing the Central Committee as the focus of power. Foreign Minister Gromyko spoke about the Politburo's daily interest in foreign affairs, and Brezhnev made the unique public statement that the Politburo and Secretariat meet weekly. He said that the Politburo considered the most vital and urgent questions of foreign and domestic affairs, but he underplayed the importance of the Secretariat by saying that it dealt chiefly with personnel moves and checking execution. A noticeable fact was that the speakers who stressed the Politburo were often those who appeared to be very friendly toward Brezhnev.

Two subjects which had figured prominently in pre-Congress political activity apparently were taboo at the Congress: the two-volume collection of Brezhnev's works which has been widely published in the languages of several of the republics as well as in a Russian edition of a half-million; and the very controversial political formulation of the "Politburo headed by Brezhnev." This formula had appeared in the second half of 1970 during Brezhnev's stumping tour of Central Asia and was later widely circulated in the republic press in January 1971. Although this formula was carried in all but two of the 14 republics Party newspapers, it failed to appear at the 24th Party Congress.

Two "honored workers" at the Congress drew attention to Brezhnev's record as a front-line warrior in World War II, a subject which Brezhnev may feel receives too little mention in the heavy daily coverage of wartime reminiscences in the Soviet press. Collective farm chairman I. Mazunov harked back to the Red Square victory celebration of 1945 in which Brezhnev participated, and L. V. Smirnova, an ex-machine-gunner, confessed to tears of pride and joy when Brezhnev, "himself a former front-line soldier who passed through the flames of war," praised the work of veterans.

C. Changes in the Politburo

The only change in the Politburo made at the Congress was the addition of four full members, of whom Moscow City Party boss Grishin (56), Kazakh Party boss Kunayev (58), and Ukrainian Premier Shcherbitskiy (53) were previously candidate members. The fourth, F. D. Kulakov (53), the CPSU Secretary in charge of agriculture, has had a rapid rise; he now joins Brezhnev, Suslov, and Kirilenko in holding a CPSU secretaryship and full Politburo membership. Kunayev and Shcherbiskiy are believed to be closely tied to Brezhnev, and Kulakov has worked closely with both Brezhnev and Polyanskiy in agriculture. Grishin's political ties are less clear, but his rise was linked with Shelepin's slow decline in political fortunes. The addition of these new men lowers the average age of the Politburo full members from 63 to 61.

As was the case in 1966 at the 23rd Party Congress, Brezhnev announced the newly-elected Politburo members and Secretaries in an order of ranking other than the standard alphabetical order. For the most part, his listings are consistent with the apparent standings of political leaders. Kosygin was dropped from second to third place in Politburo ranking, which possibly reflects slippage in the role of the government as the Party encroaches upon the economic sphere. Podgorny rose to second place in the Party protocol rankings, but this is probably more the result of Kosygin's downward movement than of any significant accrual of power or status to Podgorny (it is also normal in official protocol that the President ranks ahead of the Premier). Suslov and Kirilenko retained their rankings as fourth and fifth, respectively. The failure to give any public recognition of Kirilenko's role as Breznev's general deputy was somewhat surprising.

More significant was the drop of RSFSR Premier Voronov from fifth to tenth place and that of Shelepin from seventh to eleventh place in protocol ranking, the lowest of the incumbents. After the 23d Party Congress Shelepin lost his CPSU secretaryship after being demoted in July 1967 to leadership of the Soviet trade union movement, and at the 24th Party Congress he has seen many of his former associates lose their CPSU Central Committee status subsequent to losing their domestic posts and being sent into diplomatic exile. Retention of Shelepin and Voronov on the Politburo, despite Brezhnev's reported animus toward the former, may in large part result from Politburo determination not to upset the political balance which has prevailed since the ouster of Khrushchev and suggests continued limits to Brezhnev's power.

Politburo listed by Brezhnev at the 1966 and 1971 Party Congresses; full members

1966	1971
1. Brezhnev	Brezhnev
2. Kosygin	Podgorny
3. Podgorny	Kosygin
4. Suslov	Suslov
5. Voronov	Kirilenko
6. Kirilenko	Pel'she
7. Shelepin	Mazurov
8. Mazurov	Polyanskiy
9. Polyanskiy	Shelest
10. Shelest	Voronov
11. Pel'she	Shelepin
	Grishin
	Kunayev
	Shcherbitskiy
	Kulakov

Demichev dropped from first to third place in the protocol list of Politburo candidate members and now ranks behind Andropov and Ustinov. Demichev may have slipped because of regime dissatisfaction with the effectiveness of ideology and propaganda, which is his area of responsibility. A consolidation of all ideological efforts in one section of the CPSU Secretariat was called for by Tadzhik Party boss Dzhabar Rasulov in his speech at the 24th Party Congress who said that such a move would eliminate unnecessary "parallelism." If this measure is carried out Demichev's position would be considerably undermined should someone else be named to head the consolidated section.

The increase in KGB representation on the new Central Committee and the protocol ranking position of Yuriy Andropov appear to be consistent with the regime's recognition of the importance of the political police as a pillar of the system.

Politburo listed by Brezhnev at the 1966 and 1971 Party Congresses; candidate members

1966	1971
1. Demichev	Andropov
2. Grishin	Ustinov
3. Mzhavanadze	Demichev
4. Rashidov	Rashidov
5. Ustinov	Masherov
6. Shcherbitskiy	Mzhavanadze
7. Kunayev	
8. Masherov	

The changes worthy of note in the ranking of CPSU secretaries are the rise of Kulakov from tenth to fourth place, which clearly stems from his advancement to the Politburo, and the exchange of the fifth and sixth places by Ustinov and Demichev with Ustinov the beneficiary. Katushev continues to hold a very junior ranking in the Secretariat, number nine of ten; despite top-level patronage he has not managed to rise even to the number seven ranking once held by Yuriy Andropov, his predecessor in the bloc liaison post. His relative youth and lack of seniority (only three years on the Secretariat) apparently are still restraining factors. This point was underlined in the December 19, 1968 issue of *Pravda* which used the unique formula—"Secretary under (*pri*) the CPSU Central Committee"—when referring to Katushev.

Protocol listing of CPSU Secretariat given by Brezhnev at 1966 and 1971 Party Congresses

1966	1971
1. Brezhnev	Brezhnev
2. Suslov	Suslov
3. Shelepin (removed September 1967)	Kirilenko
4. Kirilenko	Kulakov
5. Demichev	Ustinov
6. Ustinov	Demichev
7. Andropov	Kapitonov
8. Ponomarev	Ponomarev
9. Kapitonov	Katushev
10. Kulakov	Solomentsev
11. Rudakov (died July 1966)	

D. Protocol Revised for Chairing of Daily Sessions

Protocol snubs were experienced by four full members of the pre-expansion Politburo—Kosygin, Polyanskiy, Voronov, and Mazurov in that none of them chaired sessions of the 1971 Party Congress, although they had five years ago. Kosygin and Voronov received further protocol snubs which were discussed previously, but the common tie in this case appears to be that their responsibilities are governmental rather than Party.

The slights administered to the four government leaders in respect to chairing daily sessions of the Congress is in contrast to the scrupulous observance of the protocol governing Politburo speakers. At both the 23rd and 24th Party Congresses, the same four full members of the Politburo gave speeches: Brezhnev, Kosygin, Podgorny, and Shelest.

E. Future Leadership Changes Still Possible

The failure to retire senior Politburo members was consistent with the stand-pat posture of the 24th Party Congress, but it only postponed the inevitable. In view of the age of the senior political leadership, it seems quite clear that many of the present incumbents of the top Politburo posts will not be in office five years hence at the 25th Party Congress. The expansion of the Politburo from 11 to 15 full members may, however, be a prelude to an eventual rejuvenation of the top leadership. One possibility for change exists in the Ukraine since it is not clear whether the newly promoted Shcherbitskiy will remain as Ukrainian premier or will come to Moscow.

It is also possible that Pel'she, now 72, will remain in office as chairman of the Party Control Committee only long enough to supervise the exchange of Party cards and presumed cleansing of Party ranks announced by Brezhnev at the Congress. The often rumored departure of Kosygin did not occur. But at 67 he might be inclined to lay down the burdens of office once the Five-Year Plan is finally approved later this year.

F. New Central Committee Contains Few Surprises

As expected, the composition of the new Central Committee revealed few surprises. Most of the changes resulted from the Congress placing its stamp of approval on promotions, demotions, and transfers of personnel since the 23rd Congress. Others recognized retirements and death of incumbents and their replacement by rising younger officials. But one fact emerged clearly from the composition of the new Central Committee: no process of rejuvenation is underway if only because many of the shifts were promotions within the Central Committee. The increased tenure in the Central Committee reflects the strength of the bureaucracy but does not seem to indicate any increased role in policy formulation in this regime except, perhaps, as a conservative constraint.

The overall size of the Central Committee increased from 360 to 396, including an increase of 46 full members and a decline of candidates from 165 to 155 (see Table 1). Actual turnover among full members was 37 percent: 19 percent were dropped and 17 percent were promoted from candidate status and from the Central Auditing Commission. The rate of change was higher among the candidate members and the Central Auditing Commission, although total membership in these categories fell slightly. Most of the 96 Central Committee members who were dropped had either died (e.g., Marshal Voroshilov), retired (e.g., ex-Ambassador to Poland Aristov), or had already been demoted (e.g., ex-KGB head Semichastnyy). Several, however, had not been known to be in difficulty and their loss of Central Committee status would seem to presage their removal from office (see below).

The occupational and geographic distribution of the new Central Committee closely parallels those of 1961 and 1966 (see Table 2). What changes are evident within categories are largely compensatory. The highest proportion by occupation was and is found among the professional Party workers (42.7 percent), the ***apparatchiki*, the vast majority** of whom live and work outside of Moscow (78.1 percent). Government is the next largest category (36.4 percent); in contrast to Party workers on the Central Committee, they are found primarily in Moscow (68.1 percent). Virtually all members of the USSR Council of Ministers are represented as are ranking government officials from each of the republics. Military and security apparatus representation in the Central Committee increased slightly but remained numerically small. The "others" category, comprising mostly plant directors and outstanding workers, also remained small.

Analysis of individual changes in the Central Committee shows that several officials associated with Brezhnev have prospered at the 24th Party Congress. Among those promoted were two of his personal assistants—G. E. Tsukanov and A. M. Aleksandrov-Agentov—but his assistant for agriculture, V. A. Golikov, did not receive this honor. Two key officials of the CPSU Secretariat—K. U. Chernenko, head of the General Section, and G. S. Pavlov, Administrator of Affairs—who are also considered close to Brezhnev, were both elected full members of the CPSU Central Committee.

The other members of the visible triumvirate also placed their aides on leading Party bodies. Two officials close to Kosygin—A. K. Gorchakov, head of the Secretariat of the Council of Ministers USSR, and M. S. Smirtyukov, Administrator of Affairs of the same body—were added to the Central Auditing Commission. Two assistants of Podgorny were similarly honored: L. M. Shevchenko, Podgorny's assistant, and P. F. Pigalev, head of the Department for Soviets of the Presidum of the Supreme Soviet USSR. Unlike Shevchenko, Pigalev was a hold-over on the Central Auditing Commission from 1961 although at that time he held a far more important post in the CPSU Secretariat.

Future changes within the CPSU Secretariat were signaled by the altered status of several officials. Four officials were dropped from the Central Committee: A. S. Panyushkin (66), head of the Cadres Abroad Section (and former Ambassador to the US); N. N. Organov (70), head of an unnamed section; S. A. Baskakov (60), deputy head of the Heavy Industry Section; and P. K. Sizov (55), head of the Light and Food Industry Section. Sizov appears to be linked by career with Kosygin.

The promotion to the Central Auditing Commission of I. P. Yastrebov, presently First Deputy Head of the Heavy Industry Section, apparently compensates for the departure of S. A. Baskakov. Two promotions of officials in the Propaganda Section—A. N. Yakovlev, First Deputy Head, and K. M. Bogolyubov, a deputy head—suggests that the regime may be on the verge of filling the top post in the section which has been vacant since V. I. Stepakov was assigned as Ambassador to Belgrade.

Changes are apparently planned also in the People's Control Committee, USSR, since the present Chairman, P. V. Kovanov (64), was dropped from the Central Committee; his deputy, V. M. Churayev, was also demoted from full membership on the Central Committee to the Central Auditing Commission.

A change in the government appears likely since A. P. Volkov (61), Chairman of the State Committee for Labor and Wages USSR, has lost his seat on the Central Committee. And a change in the Ukrainian Government also appears likely since N. A. Sobol's, a First Deputy Chairman of the Council of Ministers Ukrainian SSR, has lost his seat on the Central Committee. The loss of his candidate membership in the Central Commitee by N. D. Bubnovskiy suggests that he may lose his rank as First Secretary of the Khmel'nitskaya Oblast Party Committee in the near future.

Changes in the membership of the trade-union leadership seem likely; trade-union secretary N. N. Romanov and V. A. Podzerko, a secretary of the World Federation of Trade Unions, lost their seats as candidate members of the Central Committee. An official of the RSFSR Council of Ministers also lost his candidate member rank: Minister of Culture N. A. Kuznetsov.

The diplomatic establishment increased its representation on top Party bodies to a high of 23. Both the Foreign Office representation and the number of ambassadors to non-bloc countries increased; for the first time the ambassadors to Washington, Havana, and Chile achieved full membership on the Central Committee. The Soviet Ambassador to Paris lost his Central Committee seat, but this seems due more to age (69) and his possibly early departure than to any diminished interest in Franco-Soviet relations. It is rumored that Abrasimov, Soviet Ambassador to East Germany and a full member of the Central Committee, will be assigned to Paris.

TABLE 1.—OCCUPATIONAL COMPOSITION OF CPSU CENTRAL COMMITTEE, 1961, 1966, 1971

Primary occupation [1]	November 1961 (22d CP Congress) Number	November 1961 (22d CP Congress) Percent	April 1966 (23d CP Congress) Number	April 1966 (23d CP Congress) Percent	April 1971 (24th CP Congress) Number	April 1971 (24th CP Congress) Percent
Full members:						
Party workers	87	49.7	90	46.1	100	41.5
Government	62	35.4	75	38.5	95	39.4
Military and security	14	8.0	16	8.2	24	10.0
Others	12	6.9	14	7.2	19	7.9
Unidentified	0	----------	0	----------	3	1.2
Total	175	100.0	195	100.0	241	100.0
Candidate members:						
Party workers	63	40.7	69	41.8	69	44.5
Government	54	34.8	59	35.8	49	31.6
Military and security	18	11.6	19	11.5	15	9.7
Others	20	12.9	13	7.9	15	9.7
Unidentified			5	3.0	7	4.5
Total	155	100.0	165	100.0	155	100.0
Total:						
Party workers	150	45.5	159	44.2	169	42.7
Government	116	35.1	134	37.2	144	36.4
Military and security	32	9.7	35	9.7	39	9.8
Others	32	9.7	27	7.5	34	8.6
Unidentified	0	----------	5	1.4	10	2.5
Total	330	100.0	360	100.0	396	100.0

[1] Includes officials transferred to other, unidentified work or who were "retired" and those engaged in unidentified work who were elected in April 1971.

TABLE 2.—GEOGRAPHIC DISTRIBUTION OF CPSU CENTRAL COMMITTEE, 1961, 1966, 1971

Primary location [1]	November 1961 (22d CP Congress) Number	November 1961 (22d CP Congress) Percent	April 1966 (23d CP Congress) Number	April 1966 (23d CP Congress) Percent	April 1971 (24th CP Congress) Number	April 1971 (24th CP Congress) Percent
Full members:						
Moscow:						
Party workers	21	24.1	23	25.6	23	23.0
Government	43	69.3	52	69.3	70	73.7
Military and security	11	78.5	15	93.8	19	79.2
Other	5	41.7	7	50.0	10	52.6
Total	80	45.7	97	49.7	122	50.6
Candidate members:						
Moscow:						
Party workers	12	19.0	16	23.2	14	20.3
Government	33	61.1	39	79.6	28	57.1
Military and security	11	61.1	11	57.9	7	46.7
Others	11	55.0	4	30.8	8	53.3
Total	67	43.2	70	43.8	57	36.8
Total:						
Moscow:						
Party workers	33	22.0	39	24.5	37	21.9
Government	76	65.5	91	67.9	98	68.1
Military and security	22	68.7	26	74.3	26	66.7
Others	16	50.0	11	40.7	18	52.9
Total	147	44.5	167	47.0	179	45.2

[1] Includes officials transferred to other, unidentified work or who were "retired", and those engaged in unidentified work who were elected in April 1971.

The only change in bloc representation was the promotion of the ambassador to North Korea to the Central Auditing Commission, thus restoring the rank the position formerly enjoyed. Several one-time associates of Politburo member Shelepin, namely the ambassadors to Copenhagen (N. G. Yegorychev), Canberra (N. N. Mesyatsev), and Nairobi (D. P. Goryunov), lost their seats on the Central Committee. A small mystery is connected with the naming of G. I. Fomin as a Candidate Member of the Central Committee; he departed Mexico City to retire from the diplomatic service in early 1970 and has not been seen since. Whether or not he is still connected with the Ministry of Foreign Affairs is unknown. The election of the Ambassador to Stockholm, V. F. Mal'tsev, to the status of candidate member of the Central Committee was apparently linked with the decision to make him Ambassador to Helsinki, which was announced at the end of April. Mal'tsev replaced Aleksey Belyakov who held no national Party rank and may be in difficulty.

Proportionately the largest change was in the security apparatus. In 1966 KGB head Semichastnyy was a full member and the ranking regular police chief, RSFER MOOP Minister Tikunov, was a candidate. In 1971, these demoted members of Shelepin's coterie were dropped, but overall security representation went up to five. KGB chief Andropov and MVD head Shchelokov, a Brezhnev man, were made full members, and Andropov's three deputies received national Party recognition; First Deputy KGB head Tsvigun and Deputy Chebrikov were named candidates, and Deputy Tsinev was made a member of the Central Auditing Commission.

Military representation on the Central Committee remained almost constant, but there were changes in composition. The commander of the Air Defense Forces (PVO), Marshal Batitskiy, was made a full member; in 1966 his predecessor was not made a full member and shortly thereafter was removed from office. Now all major force commands are once again represented on the Central Committee.

The deaths of several of the aged marshals apparently opened up positions which were filled primarily by heads of field commands, the relative importance of which also seems to have changed. Those facing China were upgraded. The commanding generals of the Far East Military District (MD) and the new Central Asian MD were made full members of the Central Committee and the head of the Transbaykal MD was named to the Central Auditing Commission. The commanders of the Group of Soviet Forces, Germany, and of the Leningrad MD were promoted from candidate to full members, while Kiev MD's representation was dropped from full to candidate status. Moscow's PVO, the Central Group of Forces (Czechoslovakia), and Transcaucasus MD's commanders were also made candidate members for the first time. The latter two apparently replaced the chiefs of the Carpathian MD and of the Baku PVO who were dropped, along with the Volga MD.

6. The Party: Changes in Statutes

On Brezhnev's initiative the Congress made three basic changes in the Party Statutes. The first materially broadened the Party's formal right to interfere in the work of ministries' and non-economic agencies. The second extended the intervals between Party Congresses and lesser Party meetings. And the third altered the traditional administrative-territorial structure of Party subordination of civilian Party units to take into account the formation of production associations.

Primary Party organizations now have the right to control the management of cultural, education, research and other institutions, in addition to their long-standing right of control over the management of productive enterprises. This extension fills a long-standing gap in the system of Party controls and probably reflects in part leadership concern with the apparently growing disenchantment among intellectuals with Party structures. It is very much in line with the recent decree criticizing the Party unit in the Lebedev Physics Institute, the home base of Academician Sakharov and other prominent dissidents.

Of equal if not greater importance, Party organizations within ministries and comparable state agencies have been given the right to control their respective administrations and oversee the observance of Party as well as State discipline by all employees of the agency. Heretofore, ministerial-type Party organizations were specifically forbidden exercise of such rights; now they are only prohibited from directly interfering in the activities of enterprises and institutions subordinate to the ministry, which are, of course, already monitored by local Party organs. While ministerial-type Party units still will have somewhat less control than their counterparts in other organizations, the formal granting of even these limited rights represents a victory for the Party apparatus over the government bureaucracy.

These changes directly counter the thrust of the 23rd Party Congress against Party interference in the operations of non-Party activities. Then, "petty tutelage," defined as direct action by the Party apparatus in the affairs of enterprises and institutions, was roundly condemned, and the Party was directed to exert its influence only through primary Party organization formed within enterprises and institutions. This theme was totally lacking at the 24th Congress not because it is no longer practiced but evidently because it has not proved effective enough. Rather than formally sanction the practice, the Party chose to ignore it and concentrate instead on beefing up the rights of primary Party organizations. The decision to grant control rights to them, moreover, marks a fundamental shift in organizational philosophy. Up until now Party "control" was limited to productive operations in accordance with Marxian writ; now it is being extended to intellectual work as well.

The Congress also decreed an extension of the intervals between its convocations and those of lesser Party meetings. All-Union Party Congresses are now to be held at five rather than four-year intervals, ostensibly to have them coincide with five-year plan periods. Actually, the frequency proviso has usually not been observed, and the lengthening of the interval at the national level amounts largely to an *ex-post facto* approval of Congress timing.

At lower levels, all republic congresses are now scheduled for five years; heretofore, those republics subdivided into provinces had a four-year interval while those without provincial subdivision, a two-year one. Provincial Party conferences are now to be held twice within the five-year period rather than once every two years. Local Party convocation schedules remain unchanged except for those large organizations which have the rights of a county Party unit. At the lower levels at least, the lengthening of the interval has the effect of lessening the accountability of Party professionals to their so-called constituents.

Other statute changes included granting the right to intermediate-level Party committees to form primary Party organizations within the framework of several enterprises belonging to one of the new production associations even though the enterprises may be located in different administrative-territorial divisions but usually within the boundaries of one city. This represents a departure from the administrative-territorial approach in the management of civilian Party organizations; the military and security apparatus Party organizations follow the chain of command. It does, however, constitute an improvement over the muddled structure obtaining during the *sovnarkhoz* period when Party officials within a given *sovnarkhoz* frequently reported through different channels. Its adoption will strengthen the powers of superior Party units in whose territory production association headquarters are located at the expense of those which lack them.

H. Cleansing of Party Ranks

While Brezhnev noted with pride that the Party now numbers almost 14.5 million, or 9 percent of the adult population of the Soviet Union, he also expressed approval of the marked slowing down in its rate of growth in recent years,[1] and went on to call for an exchange of Party cards. He implied that the Party has become too large, unwieldy and undisciplined and that the exchange would be used to weed out apathetic as well as undesirable members. The Congress resolution confirmed that the occasion would be utilized to cleanse Party ranks. While a major Stalinist-type purge is unlikely, it is unclear how widespread or high up in the hierarchy this cleansing of ranks is expected to reach. Brezhnev's reference to the 17-year period which has elapsed since the last exchange, however, hints that a net decline in Party membership may occur, for 1953 saw the only such net decline in the post-Stalin period.

The exchange of Party cards could also be utilized against higher-ranking figures in the regime. Brezhnev struck an ominous note in his discussion of managerial deficiencies when he stated: "Nobody is appointed to leading posts forever, Comrades." Another hint that his cleansing of Party ranks might extend upward was contained in the revelation that the Party Control Committee attached to the Central Committee as well as is local counterparts would play a serious role in this operation. It is believed that the Control Committee's jurisdiction as a prosecutor and court of the first instance is limited to persons having Central Committee status. As a court of second instance, it of course encompasses cases at all echelons.

In this connection, Brezhnev noted in his final remarks, as broadcast but not published, that a number of communists who had been expelled in the past have petitioned for reinstatement. He did not identify them, but mention at this forum indicates that they were once high-ranking, and his use of the term "Communists" suggests that these appeals will be heard favorably. The most prominent persons within this category are members of the so-called anti-Party group, such as Molotov, at least several of whom were quietly expelled after their removal from office. Reinstatement would enable them to receive their not inconsiderable Party pensions and enable them to die with their Party boots on. The Congress agreed with Brezhnev's suggestion that the Central Committee take cognizance of the matter.

II. The Government

Relatively little attention was given at the Congress to Soviet state organs. Indeed, the manner in which the issue of expanded powers for local soviets was given short shrift by the leadership simply underscores the hollowness of the recent decrees on the subject.

The importance of law and the need for stricter enforcement of state and labor discipline, however, received considerable attention. At the republic congresses, every First Secretary without exception emphasized the "law-and-order" theme, as did many who addressed the 24th Party Congress. In his accountability report before the latter, for example, Brezhnev emphasized the importance of law and the equality of all before it. Law was envisaged, however, as a means to enforce stricter discipline, a persistent theme throughout his speech. The emphasis, therefore, was on the duties of the citizen before the state rather than on the individual's rights.

Footnotes at end of article.

Clearly concerned over the economic repercussions of violations of labor discipline, economic crimes ranging from embezzlement to petty pilferage, "parasitism" and low labor productivity resulting from cynicism, the regime is turning to stricter enforcement of the laws as a means to crack down on dissenters, nonproducers and those who siphon off public funds. This is unlikely to have any curative effects, however, since in essence it deals with the results rather than the causes.

On a related theme, Brezhnev, in his report, emphasized the prophylactic role played by the KGB in protecting Soviet society from the ever-present threat of imperialist subversion. The security organs had been strengthened by more ideologically mature cadres, he said. Brezhnev's remark that the Party was indoctrinating the KGB in the strict observance of socialist legality, however, was clearly designed to imply that while the hand of the KGB was being strengthened, the Party had no intention of allowing it to return to the excesses of the Stalinist period.

III. Other internal issues

A. Political-Military

Political-military relations appeared to be quite harmonious at the Congress. Hints of military concern over their share of the resource pie seen in articles and speeches by military leaders prior to its convocation were not apparent during the course of the Congress. Defense Minister A. A. Grechko continued to play up the imperialist threat, but at the same time he expressed gratitude for the Party's constant concern for the armed forces and for its "worthy attention to questions of further strengthening the country's defenses."

There were slight nuances between the Brezhnev and Grechko speeches. Grechko spoke of the objective necessity for a *constant* strengthening of the armed forces. Brezhnev asserted that "to strengthen the Soviet State means to strengthen its armed forces," but he did not promise increased allocations; rather, he said the military had been provided with the most modern weapons and implied that the future growth of military industries would depend upon the international situation.

The congress did not attempt to establish a doctrinal definition of the balance of force between East and West. Although Brezhnev and Gromyko seemed to be at pains to avoid appearing provocative by boasting of Sovet weapons, both referred to military strength as one of the underpinnings of Soviet policy and seemed to reflect satisfaction with improvement in the USSR's military position vis-à-vis the West in recent years. Most of the statements about Soviet spending on the military establishment were cast in terms of continuing Party concern to maintain the Soviet Union's defenses, suggesting that the Soviet Union had the forces it needed but without measuring them against Western forces. The exception was Defense Minister Grechko who, in rejecting any idea of Western negotiation from positions of strength, asserted that the USSR and the socialist countries were capable of meeting force with greater force. Although Brezhnev referred to equal consideration of the security interests of both sides and renunciation of unilateral advantages as the necessary conditions for success in SALT, he did not refer to equality or parity in weapons. The net impression left by the congress materials was one of awareness and satisfaction with increasing Soviet military strength, but an inability or reluctance to try to translate that into a pithy net assessment.

Nonetheless, the military had little cause for dissatisfaction. Brezhnev emphasized that they would get what they needed to defend socialist and communist gains. Moreover, the resolution of the 24th Congress gives somewhat more emphasis to defense than did the 23rd Congress in 1966. In 1966, the resolution called for the CPSU to sharpen the vigilance of the people and reinforce the country's defense potential. In 1971, the order is reversed. The new resolution calls first for "the utmost improvement" of defense might and then for sharpened vigilance. It adds that defense and vigilance are one of the Party's most important tasks.

There were no indications at all during the Congress of any alterations in the relationship between the political leadership and the military establishment. The more extensive commitment of Soviet prestige abroad, particularly than before upon the marshals for expert advice. There is no evidence, on the other hand, to indicate that their role in policy-making has increased.

B. Cultural Policies Unchanged

After almost seven years of progressive retrenchment from the relatively free-swinging Khrushchev days, the Congress found relatively little left to criticize on the cultural scene. Hewing closely to the conservative, middle-of-the-road policies of the recent past, Brezhnev expressed overall satisfaction with the dreary conformity which increasingly rigid Party control has clamped on Soviet culture.

Despite advance speculation, the General Secretary dealt only superficially with the perennial Stalin issue which remains so symbolic of the issues fermenting below the calm surface of society. Brezhnev declared the symbolic Stalin dead and buried, his legacy disposed of by past Party decisions. Solzhenitsyn and other liberal critics who rally round continuing de-Stalinization were lumped together with their ideological opposite numbers, the dogmatic neo-Stalinists and both were dismissed as falling to the left and to the right of the "principled" centrist position.

Chakovskiy was almost alone among speakers to devote considerable attention to the problem of internal dissent, which he characterized as "so-called 'intellectual' anti-communism" designed to "corrupt the Soviet intelligentsia, so to speak, from within." He lumped together all criticism, foreign and domestic, as part of the ideas "earnestly exported by our enemies," including (paraphrasing Solzhenitsyn) the "allegedly inevitable necessity for every genuine artist to find himself in opposition to the State." While cheering on oppositionists in capitalist countries, Chakovskiy denied that artists in socialist states have the same right to criticize their system, which he claimed is already based on social justice.

The final Congress resolution, though it finessed Chakovskiy's more substantive points, implied mild criticism of past cultural performance in urging the creative unions to pay "daily attention" to improvement of the "ideological standard and professional skill" of artists. But the Congress overall, while avoiding the more dire alternatives predicted by internal dissidents and many foreign communists, provided little indication of any change in the direction in which the Party has been moving in cultural policy.

C. Youth Problems Ignored

Ideological and social disaffection among young people regularly receives considerable attention in the press and was discussed at nearly all the republic Party congresses. Yet this issue was, like many others, swept under the rug in Moscow. Komsomol boss Tyazhelnikov gave an empty presentation replete with standard pledges of labor and loyalty. Though he recommended in passing the creation of a special council to coordinate scientific research into youth problems, without further elaboration it is not clear what his organization might consider to be the major trouble spots in youth work. Brezhnev's only substantive remark regarding youth contained a recommendation to further strengthen the "Party nucleus" within the Komsomol by requiring new Party members to continue working in the Komsomol until they receive a regular Party assignment. This would, of course, tend to increase even more the age gap between the leaders and the led in this ostensible youth organization.

D. Increased Attention to Nationalism

The issue of nationalism received somewhat greater attention at this Congress than at the 23rd, including a return to increased deference to the leading place of the great Russian people among Soviet ethnic groups. This may reveal continuing, even increased concern with the stubborn persistence of anti-Russian and localist sentiment. But no really new notes were struck which have not been heard many times before in other forum and the treatment does not seem to herald any substantive policy changes. Neither did the commentary on this problem—which may well be worsening—suggest that recrudescent nationalism constitutes a destabilizing factor at present.

Brezhnev set the tone with praise for the "special role" of the great Russian people which, though a standard formulation, is a theme he omitted in 1966. He went on to call for the "further gradual *rapprochement* of ethnic groups," and while maintaining that general state interests must be balanced with specific national concerns, he appeared to come down on the side of the former in expressing support for the "strengthening" of the USSR.

Brezhnev's rather vague remarks on the subject five years ago were largely limited to exhortations to friendship among peoples and respect for all nationalities, and contained only a passing reference to *rapprochement*. This time around, he deferred to a "spirit of deep respect for all nations" only as an addendum to a call for an uncompromising attitude toward nationalism and chauvinism. Brezhnev concluded with an expression of pride in the "new historical community—the Soviet people," and declared that the past five years had witnessed progress to strengthening the unity of Soviet society. He promised to continue to "develop the process of drawing together."

The comments of republic Party first secretaries reflected local variations in the problem of nationalism through the leaders of the Ukraine and Kazakhstan, the two largest republics after the Russian Federation, again this year largely ignored the issue. Representatives of the Turkic republics, where traditional colonial relationships most obviously still pertain, went to some lengths to demonstrate that they bore their yokes lightly. Kirgiz First Secretary Usubaliyev won the honors for groveling obeisance to the great Russians whom he praised for their "profound internationalism, great talent, brilliant intellects, generous hearts, unselfishness constant readiness for self-sacrifice, and magnanimity."

Uzbek Party boss Rashidov spoke of the Russian people as an "elder brother and faithful friend," while the new Turkmen First Secretary, Gapurov, refuted Western "slander" regarding "Soviet colonialism" in Central Asia. Another new first secretary, Azerbaydzhan Party leader Aliyev, may have reflected deep-seated concern over the issue (and perhaps some inclination to pass the buck) in asking for more theoretical work on the *rapprochement* of nations, research which would correct the "one-sided" ideological concentration on the development of individual republics.

Speakers from those republics with significant emigre populations overseas, i.e., the Baltic states and Armenia, placed somewhat more emphasis on the external threat posed by imperialist encouragement of bourgeois nationalism. Lithuanian Party head Snechkus joined his Baltic comrades in denouncing the machinations of emigre organizations, while adding a reference to the use of nationalist "criminals' which probably reflects his embarrassment over the Lithuanian hijack case.

Though Latvian First Secretary Voss' predecessor, Arvid Pel'she, had prospered while largely avoiding the issue of nationalism five years ago, Voss addressed himself to the need to acknowledge the primacy of multinational interests and spoke of the "objective necessity" for the mutual exchange of workers among republics. Voss cautioned against both "thoughtless haste or artificial restraint" on the issue, but promised to "expose the bearers" of nationalistic views. In these comments he returned to the theme of an earlier *Pravda* article in which he assailed nationalist Latvian officials for opposing industrial projects which could bring in non-Latvian workers and dilute the native population.

Estonian First Secretary Kebin produced somewhat unique phraseology in promoting the "enrichment and flowering of the multinational Soviet culture" while omitting any attendant genuflection to *rapprochement* of peoples or the pre-eminence of Russian culture. Incidentally, Kebin was almost alone among republic first secretaries in indicating no real concern with nationalistic manifestations in his speech to his own republic congress.

It was perhaps typical of the avoidance of many issues at the Congress that no speaker mentioned the agitation of the Crimean Tatars for repatriation to their homeland and of many Jews for emigration to Israel. These are, of course, two of the most troublesome nationality problems facing the present regime. Zionism was mentioned by several speakers, most notably by *Literary Gazette* editor Chakovskiy, but only in an international context.

Another cluster of issues closely connected with the nationality question was sidestepped by delaying publication of the preliminary 1970 census results until the delegates had all gone home. The census revealed that a number of ethnic groups have registered a net decline in numbers while others have entered into incipient population decline. The Jews, down a surprising 5.2 percent since 1959, are the most prominent losers in the former category, and the hard-pressed Latvian and Estonian minorities in the latter. While ethnic Russians retained an overall majority, the percentage of Slavic peoples as a group in the USSR declined under the onslaught of the explosive Central Asian birth rates.

Advance knowledge of these widely divergent demographic trends may well have underlain the anxiety over nationalism apparent in the Congress deliberations. The Central Asian demographic challenge may also have spurred Brezhnev's announcement of new measures to make it easier for working mothers to bear and care for children and provision of cash payments for children of poorer families. Though these measures may have the effect of raising birth rates overall, the assistance to working mothers will have a stimulative result primarily among European populations in which a high proportion of women are employed.

IV. The economy

A. New Economic Five-Year Plan Continues Established Policies

Continuity, the banner word epitomizing the scenario and the outcome of the recently concluded 24th CPSU Congress, was manifest also in the economic plans for the current five-year period. The CPSU directives for the drafting of the Ninth Five-Year Plan (1971–75), published in February after 30 months' delay and approved with only minor changes by the Congress, chart no novel departures from the policy trends established during the first five years of the present leadership. Most major indicators of economic growth are slated to increase at rates about equal to or below both the planned and actual figures for 1966–70, and there is no evidence of any major reshuffling of resources among the three principal claimants—defense, investment, and consumption.

The apparent moderation in setting the targets and a lack of novel policy departures are in accord with the regime's generally conservative posture and seem to represent a compromise along established lines. The lack of detail compared to the past allows for flexibility in implementation but may also suggest a continuing lack of agreement. For a number of reasons, however, even the seemingly moderate targets may turn out to be too ambitious.

B. Review of Main 1970 Results

Both the directives and the principal speakers reviewed the main economic results in 1970, the final year of the Eighth Five-Year Plan (1966–70), which brought a steep upturn in the growth rate of overall output, chiefly as a result of the superior performance of agriculture. In assessing the results, Brezhnev and other main speakers[2] repeated the by now standard official claim that the basic tasks of the 1966–70 plan, set by the 23rd CPSU Congress in April 1966, were successfully achieved.[3]

This claim is entirely unwarranted, since what was actually achieved was the fulfillment (or a slight overfulfillment) of revised targets, twice scaled down from the original levels by substantial margins. Both downward revisions, necessitated by the economy's lag behind the original targets, took place at what the regime must have considered politically most inopportune moments—the first in October 1967, on the eve of the 50th annivesary of the Bolshevik Revolution; the second in December 1969, on the eve of Lenin's Centenary. Even a veiled acknowledgement of a failure to meet the original goals from the forum of a Party Congress clearly proved unpalatable to the leadership.

The unwarranted claim that the original 1966–70 targets were on the whole met is belied with particular clarity by output statistics for key industrial commodities, although agriculture, investment (including housing construction), and labor productivity also fell short of their mark (see Tables 3 and 4). The targets for money incomes and real per capita incomes, set at relatively modest levels, were, however, somewhat overfulfilled. The official assessment of the 1966–70 results is plainly intended to convey the political message that the present leadership has faithfully carried out the mandate of the 23rd Party Congress, and thus, by implication, deserves continuing confidence and support.

National Income. The growth rate of national income in 1970, as reported in the plan fulfillment report published in February and cited by the main speakers at the Congress, reached 8.5 percent, nearly twice the rate reported for 1969, bringing the 1966–70 annual average to 7.1 percent and the overall increase for the five-year period to 41 percent. The latter figure represents the upper limit of the original target (38 to 41 percent) and is suspect, since the output of most important individual commodities fell far short of the stated goals. The same reservation applies in particular to industry, where overall production goals assertedly were either met or slightly exceeded, while the bulk of individual industrial commodities fell far short of the original output goals.

Industry. Overall industrial output in 1970 registered a slight acceleration in the rate of growth, officially reported at 8.3 percent, reversing the declining trend of the preceding two years. For the fourth consecutive year, the rate of output of consumers' goods ("Group B") registered a slight edge over that of producers' goods ("Group A"), but for the five-year period as a whole "Group A" goods output retained a small margin over "Group B" goods overall growth rate.[4] The traditional emphasis on rapid growth of producers' goods output since the launching of the First Five-Year Plan (1928–32) had increased its proportion in the total industrial output from 40 percent in 1928 to over 74 percent in 1966 and correspondingly had reduced the proportion of consumers' goods from 60 to less than 26 percent.[5] These proportions have remained virtually unchanged to date. Despite the slightly increased emphasis on a stepped-up production of consumers' goods, the largest output growth rates in 1970 were posted by branches or lines of production which are essential for the modernization of the economy, such as machine-building and metalworking (11 percent), the chemical industry (12 percent), and, within these branches, the production of instruments, means of automation, and control systems (21 percent), mineral fertilizers (20 percent), and plastics and synthetics resins (15 percent).

Agriculture. The farm sector, which was chiefly responsible for the 1970 spurt in the growth rate of national income, registered an increase in overall output of 8.7 percent, following a drop of 3–4 percent in 1969, to a total valued at 85.8 billion rubles. That the regime regards the 1970 upturn as a temporary — if not fortuitous — development which cannot be sustained over a longer term is evident from the growth targets set for the current five-year period for both agriculture and the non agricultural sectors (see below).

The output of grain, the crucial crop, reached over 186 million metric tons (bunker weight, including excess moisture and impurities), which will yield an estimated 150–155 million metric tons of usable grain (of standard moisture, net of impurities). It is noteworthy that, unlike the other statistics on the 1970 result cited in the directives and mentioned by several speakers at the Congress, the figure on grain production had not been officially announced previously. A prize political plum, its release was obviously delayed to be proffered by the proper person from the proper forum and to add another feather to Brezhev's cap.

Consumer Welfare. The relatively moderate 1966–70 targets for increases in money and real incomes of both urban and rural labor forces were overfulfilled (see Table 3)—money incomes of workers and employees by a fairly wide margin, largely because of the regime's inability to keep wages and salary expeditures in check. The gap between urban and rural incomes was somewhat reduced but still remains wide.[6] Expenditures from the social consumption funds also increased faster than planned (possibly reflecting salary increases for teachers, health services personnel, pension increases, etc.) as did retail trade turnover. Nevertheless, savings deposits continued to increase at the rate of about 20 percent annually throughout the quinquennium, attesting to continuing inadequacy of the supply of acceptable goods and services at the going prices, and further aggravating the latent inflationary pressures.

Footnotes at end of article.

C. Main Targets for 1971-75

The directives imply an average annual increase in national income over the next five years of 6.7 percent, which is somewhat below the average annual rate achieved during 1966-70 and substantially below that claimed for 1970 (see Table 3). This lowering of sights on growth may have been mainly prompted by an anticipated slowdown in the rates of labor and capital inputs which is to be at least partially offset by step increases in productivity and a marked improvement in product quality and durability, which the regime has come increasingly to recognize as an effective substitute for growth *per se*. To this end, the directives—as well as the speeches of the principal rapporteurs at the Congress—lay great stress on the need to accelerate the pace of technological progress, but offer no concrete recipe for a speedy attainment of this objective.

Industry: Producers' vs. Consumers' Goods. In industry, some slowdown is also indicated by the projected growth rates for both overall output and (with some exceptions, most notably motor vehicles) individual industrial commodities (see Tables 3 and 4). For the first time since the launching of the First Five-Year Plan (1928-32), the directives for the drafting of the current plan call for the output of consumers' goods to grow at a slightly higher rate than that of producers' goods during the entire five-year period, continuing a policy initiated on an annual basis in 1968. But heavy industry and particularly the branches and lines of production which are key to the modernization of the entire economy retain their high priority; these include electric power generation, chemical and petrochemical industries, machine-building, instrument-making, production of means of automation, computers and equipment for mechanizing labor-intensive operations.[7] Despite the window-dressing, the traditional pattern of priorities seems virtually unchanged.

Agricultural Goals. Overall output of the farm sector is scheduled to rise by 20 to 22 percent over the next five years, or at the same overall rate as it had registered during 1966-70. The production of grain, the pivotal crop, is to reach the annual average of 195 million metric tons (bunker weight, providing some 160 million metric tons of usable grain). The three-pronged program of complex mechanization, large-scale chemicalization and land improvement, initiated in 1965, but lagging behind the original schedule, is to continue at a somewhat accelerated pace. To implement this program, agriculture is to receive 129 billion rubles or about one-quarter of the total investment funds of some 490 billion rubles.

D. Consumer Program Gets Top Billing

Most of the principal speakers at the Congress, with the notable exception of Kosygin,[8] played the highly-advertised consumer-orientation of the current Five-Year Plan (a theme accepted uncritically by many a Western newsman) to the hilt—albeit without justification. Brezhnev in particular, took great pains to give the new Five-Year Plan's consumer program a prominence which is totally unwarranted by the adduced figures. While there is little doubt about the regime's earnestness in seeking to provide tangible material incentives to stimulate greater and more productive efforts on the part of the working population, and while the directives describe the need for a marked improvment in the consumers' lot as "the main task of the Five-Year-Plan," they add the usual caveat that this objective can only be achieved on the basis of high rates of production throughout the economy, particularly in agriculture, based on steep increases in productivity, product quality, and efficiency in general.

While the output of consumers' goods over the next five years is slated to increase at a slightly higher rate than that of producers' goods, the planned overall rate of increase is lower than that claimed to have been achieved during the Eighth Five-Year Plan (1966-70) (see Table 3). Furthermore, the overall increases planned for the light and food industries—the two main contributors to the total volume of consumers' goods—are scheduled at levels far below that scheduled for consumers' goods as a whole,[9] indicating that the regime is banking heavily on a dramatic increase in the supply of durable consumers' goods, whose output has been growing fast from a still small base, and on additional supply from heavy industry enterprises, which in the past, despite continuous exhortations by the regime, have found production of consumers' goods from scrap materials unprofitable. The low overall rates planned for the light and food industries and the very narrowness of the gap projected for the growth rates of consumers' and producers' goods, respectively, suggest continuing division within the regime on this issue or, at best, an intent to continue the policy of carefully doled, gradual concessions to the consumer. Although the specific targets of the consumer program may have been set prior to the outbreak of the Polish riots of December 1970, the packaging and presentation of the program by Brezhnev seem to have been motivated by those events.

The planned increases in minimum wages, increases in pay of medium-paid workers, introductions of regional pay differentials based on the arduousness of working conditions, increases in minimum pensions, grants and allowances for some families, increased maternity benefits and student stipends, increased payments to the disabled, selective reductions of income taxes, and other benefits are phased over the entire five-year period.[10] Average increases in money earnings of workers and employees, income of collective farmers from the communal economy (both cash and in kind), expenditures from the social consumption fund, retail trade turnover, and real per capital income of the working population are all planned to increase at lower rates than were registered during 1966-70 (see Table 3). The post-Stalin policy of narrowing the gap between the urban and rural living standards is to be continued, but the gap will still remain wide by the end of the current Five-Year Plan even if the policy is successfully implemented.[11]

E. Economic Policies Remain Contentious

Glimpse of disagreements over economic policies that doubtless simmered beneath the smooth surface of the Congress were caught in several speeches there and in those at the republic congresses immediately preceding it. Prominent among these were the perennial problem of resource allocation, which appeared in several variants, and the question of the efficacy of the economic reform adopted in 1965 but subsequently watered down.

Allocation of Resources. Persisting differences over the allocation of resources were expressed in the contexts of light versus heavy industry, agriculture versus industry, and military versus civilian sectors.

In his accountability report, for example, Brezhnev seemed to be defending his increased attention to consumer goods (even if largely cosmetic) against diehard exponents of heavy industry. He reminded them that Lenin himself had pointed to consumers' goods as the ultimate objective of the manufacture of producers' goods. He gave assurances that attention to heavy industry and defense would not be reduced in the future, and said that in the past there had been no choice but to sacrifice allocations for consumers' goods so that the industrial base might be strengthened. But times had changed, he declared, and the Soviet Union now had the economic potential to direct larger investment to light industry. And in what could only have been seen as a rebuke to the heavy industry lobby, he condemned those who "subjectively" opposed the consumer goods program. He warned:

"What was explicable and natural in the past when other tasks were in the foreground is unacceptable, comrades, in present conductions. And if some comrades do not take this into account, the Party has the right to see in such attitudes either a lack of understanding of the essence of its policy . . . or the desire to justify their inactivity."

For reasons which remain obscure, however, *Pravda* carried this passage in the account of his speech while it deleted his broadcast comment that producers' goods account for 74 percent of total industrial output while consumers' goods account for only 26 percent.

The agricultural lobby's long-standing grievances against heavy industry exponents were also given expression. For example, G.S. Zolotukhin, First Secretary in Krasnodar Kray and believed to be a member of the Polyanskiy coterie, insisted that "comrades" at all levels must have a clear understanding of the importance of agricultural production and must "rebuff and correct those who still do not fully comprehend agriculture's role and requirements." Perhaps significantly, these controversial passages which implied criticism of the industrial lobby were deleted from *Izvestiya's* account of Zolotukhin's speech but not from *Pravda's*.

Resource allocations were less of a contentious issue at the republic Party congresses—or perhaps the disagreements were simply articulated less sharply. Differences were nonetheless visible. While, for example, virtually every major speaker at the republic congresses called for higher living standards, there were differences as to how to go about achieving them. The majority stressed more consumers' goods at the key element, but Byelorussia Party chief P. M. Masherov, a supporter of Politburo member K. T. Mazurov, gave them short shrift. Rather, his emphasis was on higher wages, which in turn would be brought about by increased productivity. As further evidence that he favored heavy and military industries over light, he stated flatly that the Soviet people are "willing to make any sacrifice" in order to strengthen their armed forces, thus implying that they would be willing to do without the consumers' goods Brezhnev has been talking about. (Given this position on Masherov's part. (it was rather dubious that he was among those lauding Brezhnev at the Moscow Congress.)

Brezhnev adherents Usubaliyev in Kirgizia and Aliyev in Azerbaidzhan followed the same general pattern as Masherov, though in somewhat muted form. They, like Mzhavanadze, the Georgian Party leader, pointed to consumers' goods but were more emphatic in urging defense needs. Why Aliyev and Usubaliyev, who normally hew closely to Brezhnev's line, should have given relatively more stress to defense than to consumers' goods while their chief was giving exactly the reverse emphasis remains a mystery.

In another context, the extreme paucity of data on investment in the directives of the 24th CPSU Congress contrasts sharply with

Footnotes at end of article.

those of the 23rd Congress, held in 1966, and suggests that specific allocations of resources among the various sectors and branches (except for agriculture for which the allocation was approved last July) continue to be a subject of indecision. Both Brezhnev and Kosygin cited some specific figures—notably planned investments in the light and food industries—but Brezhnev's subsequent remarks suggested that the source of the funds intended for these industries was by no means assured and, at any rate, neither the draft nor the approved directives cited the figures. Kosygin also stated that "there are to be essential changes in the size of capital investments in individual branches of the economy," and mentioned approximate percentage increases intended for some branches, but gave no specific absolute figures. In any event, the allocation of resources should be finalized before August 1, the latest of a number of deadlines set for the drawing up of the final draft of the Five-Year Plan, which is to be submitted to the Supreme Soviet economic and budgetary commissions by September 1.

Economic Reform. Further indications of political infighting were seen also over the issues of economic reform and planning. At the republic Party congresses, the majority of speakers ignored the economic reform issue altogether and those who did mention it generally did so in the context of unfulfilled expectations. At the Moscow Congress, Brezhnev and Party officials generally gave the reform short shrift and then usually critically. Moldavian Party leader Bodyul, for example, lambasted Gosplan, which is directed by Kosygin adherent Baybakov, for its ineffective administration of the reform.

Kosygin himself, while praising the reform's efficacy, seemed rather defensive on the issue, and emphasized that reform is not a one-shot affair but a continuing process. Aside from saying that it would be extended to the remainder of the economy, including the service sector, however, he gave no hint of its further development. On the contrary, he strongly endorsed the concept of centralized planning, equally strongly rejected the idea of giving greater play to market forces, and implied that, for the time being at least, improvement of economic performance will be sought by organizational measures, such as increasing the number of production associations which amalgamate enterprises producing similar commodities, encompass two or more stages of a given production process or use similar production technology.

While the merits of the production associations in raising the standards of performance of their constituent enterprises (by more efficient use of labor, capital and managerial skills, specialization, better organization of supply and research services, etc.) have not been questioned, the associations continue to meet with opposition in several quarters. As organizational forms intermediate between the producing enterprises and the ministries, they are opposed by both individual enterprises that would be absorbed by them and the ministries, both of which would lose some of their prerogatives to the associations. Furthermore, the formation of an association almost invariably entails a shift of control over the enterprises absorbed by the association from lower to higher echelons of both Party and government hierarchy, and, in the case of the latter, also the loss of revenue from the enterprises' profits which will now flow into the treasury of the higher-echelon organ; hence the resistance—often passive but occasionally vocal—to production associations among local and mid-level Party and government officials. It would seem that Brezhenv's warning that administrative boundaries must not stand in the way of improvement of economic management was prompted mainly by this problem.

The directives do not devote a separate section to the subject of economic reform and mention it only briefly, noting that the transfer of industrial enterprises to the new system of planning and management will be completed by 1975, i.e., with several years' delay. The section on management and planning contains a long list of familiar appeals for improvement in planning and economic administration—including the somewhat ominous call for "greater state discipline in every way in all links of the economy," and a call on Party organs at all levels to exercise closer control over the economy—but it is by and large a hortatory appeal containing no new, genuinely reformist proposals. The proponents of such reforms, who aired their views in public while the directives were still being debated, apparently were allowed to be heard but not listened to.

Neither the directives nor any of the speakers mentioned the "Shchekino method" (involving dismissal of superfluous workers without reducing an enterprise's wage fund and using part of the savings to reward those of the remaining workers who raise their productivity) as one of the ways of improving productive efficiency. This reticence is somewhat surprising, particularly in view of the prospect of a diminished rate of flow of labor inputs and the fact that, like the production associations, the "Shchekino method" does not clash with what the conservatives consider economic "orthodoxy" and should thus be doctrinally acceptable.

Pravda's account of the Brezhnev speech also failed to mention Shchekino but *Izvestiya's* version contains an explicit endorsement of the "Shchekino method" which is in fact a costless way (from the point of view of the economy as a whole) to ease the expected tightening in labor supply. However, while it is unobjectionable on doctrinal grounds, it apparently continues to meet with resistance on other grounds.

Planning Reform. Harking to earlier, but never implemented proposals, both the directives and the principal speakers called for a basic improvement in the system of planning, particularly for the elaboration of "scientifically grounded" long-term plans, spanning a period of 10 to 15 years. This should assertedly be the function of Gosplan. The ministries should concentrate on major problems common to their various sectors and branches, such as prognoses of the development of science and technology and their implications, population trends, formulation and enforcement of uniform technological policy, and training of skilled labor cadres. The details of the elaboration and implementation of plans under this policy could assertedly be left to the lower echelons of economic administration, particularly the production associations. The directives also call for an improvement in the drafting of medium-term (five-year) plans by specifying not only the main tasks for the plan period as a whole but also for its annual segments, instead of drafting annual plans separately on the basis of the previous year's results.

F. Prospects

Although the Ninth Five-Year Plan appears relatively moderate at first glance, it may turn out to be overly ambitious and therefore unrealistic on several counts. The steep increases in productivity (to offset the reduced rates of inputs of labor and capital) upon which the output targets are predicated may not materialize because, as in the past, the plans for large-scale introduction of up-to-date technology are unlikely to be met as scheduled. The same applies to the plans for a radical improvement in output quality. Moreover, a deterioration in the international climate may lead to yet another unplanned diversion to the military of resources (including modern technology) which would otherwise be available to the civilian economy. The agricultural goal may also turn out to be somewhat ambitious; while its attainment would require only a small increase in the average annual growth rate over that achieved during 1966–70 (4.2 percent compared with 3.9 percent), it implies incomparably larger increases in the physical volume of output since the 1966–70 average rate was based on a poor year (1965) whereas the 1971–75 projected average is based on the record output of 1970.

As for the economic reform, the introduction of production associations and the "Shchekino method" will apparently continue, albeit at a slow pace, for they still continue to be controversial and appear to tread on too many toes. The "Shchekino method" to many smacks too much of capitalism. As for the production associations, the regime may well find them a trustworthy vehicle for a limited decentralization by endowing them with the degree of operational autonomy originally intended by the 1965 reform for the individual enterprises, which was later watered down. On the other hand, the associations also lend themselves to use as instruments of tighter centralization by being transformed into main administrations of the ministries and thus into extended arms of the central organs, as has happened in the case of at least one association in Leningrad. In the present climate of regime thinking, the latter development appears a distinct possibility.

Aside from a wider scope for these two organizational measures, however, there seems to be no prospect for any liberalizing measures such as the introduction of some degree of competitiveness into the economy (e.g., by replacing the rigid system of centrally controlled material supply by a system of wholesale trade and the free choice by the users among a number of suppliers, with an attendant system of penalties and fines for breaches of contract), more meaningful and flexible prices, or a greater degree of enterprise autonomy—without ministerial or Party meddling—in making decisions about questions other than relatively trivial ones.

One of the major shortcomings of the present limited economic reform is the patent meagerness of the incentive funds designed to reward better-than-average performance. This is amply evident from the figures cited by Kosygin at the Congress. In 1970, for example, the deductions from profits, channeled into the incentive funds of industrial enterprises, amounted to 4 billion rubles, or about 10 rubles per month per worker. But even this amount was not fully paid out. During 1966–70, the average premium payment amounted to slightly more than 5 rubles per month, or about 4 percent of average gross wages (before taxes). A substantial increase in the incentive funds—as well as those designed to stimulate the introduction of new technology—could have a highly beneficial effect even under the present rigid framework of bureaucratic constraints. As for the plans for a large-scale technological modernization, short of providing adequate incentives to enterprises to overcome the managers' resistance to innovations, which they generally view as risky, the regime may find no alternative but to try to impose technological modernization by administrative fiat—a method which has proved to be unproductive in the past.

TABLE 3.—U.S.S.R.: SELECTED AGGREGATE ECONOMIC INDICATORS, 1966–70 AND 1971–75 PLAN [1]

[Percentage increases over corresponding previous period]

	1966–70				1971–75 plan	
	Planned overall increase	Actual overall increase	Average annual increase	1970 actual increase	Planned overall increase	Average annual increase needed to meet goal
National income	38–41	41	7.1	8.5	37–40	6.7
Gross industrial production	47–50	50	8.4	8.3	42–46	7.6
Producers' goods (Group A)	49–52	50	8.4	8.2	41–45	7.4
Consumers' goods (Group B)	43–46	49	8.3	8.5	44–48	7.9
Gross agricultural output	[2] 25	[2] 21	3.9	8.7	[2] 20–22	4.2
Labor productivity:						
In industry	33–35	32	5.7	7.0	36–40	6.7
In agriculture [3]	40–45	35	6.2	11.0	37–40	6.7
Total investment	47	40	7.0	9.0	36–40	6.7
Average money earnings of workers and employees	20	26	4.8	4.0	20–22	3.9
Income of collective farmers from communal economy	35–40	42	7.3	6.8	30–35	5.8
Social consumption fund	40	53	8.9	7.3	40	7.0
Retail trade turnover	44	48	8.2	7.4	42	7.2
Real per capita income of working population	30	33	5.8	5.2	30	5.4

[1] All figures are official Soviet data or calculations based on official data.

[2] Refers to the increase in the 5-year average over the previous 5-year average.

[3] Socialized sector only.

TABLE 4.—U.S.S.R.: OUTPUT OF SELECTED INDUSTRIAL COMMODITIES, 1966–70 AND 1971–75 PLAN

	1966–70 average annual growth rate (percent)	1970 plan		1970 actual		1975 plan	Average annual increase needed in 1971–75 to meet 1975 goal
		Original	Revised	Output	Growth rate		
Electric power (billion kilowatt-hours)	7.9	830–850	740	740	7.4	1,030–1,070	7.3
Oil (million tons)	7.8	345–355	350	353	7.6	480–500	6.8
Gas (billion cubic meters)	9.1	225–240	195.8	200	9.3	300–320	9.2
Coal (million tons)	1.6	665–675	618	624	2.6	685–695	2.0
Steel (million tons)	4.9	124–129	115	116	5.5	142–150	4.7
Cement (million tons)	5.6	100–105	94.3	95.2	6.0	122–127	5.5
Mineral fertilizers (million tons)	12.1	62–65	57.5	55.4	20.4	90	10.2
Plastics and synthetic resins (million tons)	15.9	2.1–2.3	1.67	1.67	15.3	3.34	15.0
Chemical fibers (thousand tons)	8.9	700–800	694	623	6.9	1,050–1,100	11.5
Tractors (thousand)	5.3	600–625	456.4	459	3.8	575	4.6
Motor vehicles (thousands)	8.2	1,360–1,510	922	916	8.5	2,000–2,100	17.5
Trucks	6.7	600–650	527.3	525	4.1	700–800	7.4
Passenger cars	11.3	700–800	398	344	17.2	1,200–1,300	29.4
Television sets (millions)	12.9	7.5–7.7	7.4	6.7	1.5	[1] 12.1	[1] 12.4
Refrigerators (millions)	19.6	5.3–5.6	4.4	4.1	10.8	6.9	11.0

[1] Estimated on the basis of planned overall increase in the output of consumers' durables.

PART 2. FOREIGN POLICY

I. General review

In the foreign policy field the Congress also indicated satisfaction with Soviet policies and determination to pursue them along familiar lines. The only development approaching a surprise was the relatively restrained treatment given the U.S. However, Breznev's opening address generally reflected restraint in its treatment of all international issues, and the Soviet leadership seemed clearly to be trying to project Moscow's image as a responsible global power striving for peace.

The tone of confidence pervading most of the Congress pronouncements seemed in many instances genuine, and justified by the passage of events. Although practically nothing was said at the session about purely military aspects of the international balance of power, and the USSR's greatly improved position therein, Moscow's confidence in its growing role as a global power seemed reflected in Foreign Minister's Gromyko's boast that "there is not a single question of any importance which could at present be solved without the Soviet Union or against its will," and his statistical exposition of the USSR's ubiquitous role in international affairs.

The Congress, and Brezhnev in particular, also evidence satisfaction over the state of affairs in the European sector of the communist interstate system. As Brezhnev made clear, the Soviet feeling of greater security in this chronically unstable area stemmed from more effective use of the Warsaw Pact organization as a vehicle to enforce military/political cohesion in the area, the harsh lesson Moscow feels it has effectively taught the world with the 1968 invasion of Czechoslovakia, and Soviet detente policy in Central Europe which Moscow feels has resulted in Western acquiescence to the European status quo, especially the dividing lines between the Western and communist systems in the area. Even the recent turbulence in Poland was optimistically viewed (perhaps mistakenly) as merely an unpleasant episode on the historical record which was now well in hand. Generalities on difficulties in the European sector of the communist world were contained in both Brezhnev's speech and the Congress Resolution, but the general picture drawn was a positive one.

With regard to Sino-Soviet relations, the Congress views reflected the serious problems existing in that area, although even here an effort was made to emphasize the positive aspect evident in the progress toward normalization of state-to-state relations. The unusual Brezhnev statement, repeated in the Resolution, to the effect that the USSR would never compromise its national interests in seeking rapport with Communist China, suggested a Soviet awareness that troubles between the two countries are rooted in basic national divergencies rather than more transient phenomena such as personalities or ideological disagreements. The Soviet position vis-a-vis China and in Asian affairs generally was perhaps the main area of foreign relations where the posture of confidence and optimism adopted at the Congress appeared a bit strained, and where inherently serious problems—such as the steady erosion of Soviet influence among Asian communists and the crisis in the subcontinent—were either minimized or conveniently kept out of sight.

Despite continuing developments in both bilateral relations (the Jewish question) and international affairs (US policies in Indochina) that have oiled Soviet-US relations in recent months, the US has given relatively restrained treatment at the Congress. The harshest anti-US rhetoric was contained in the two separate statements adopted by the Congress on the Middle East and Vietnam, although even here the attacks were couched largely in abstract terms of Soviet support for "national liberation struggles" against "aggressive imperialism." Brezhnev's attack on the US for its "crime" of aggression in Indochina was offset by his assertion that Soviet-US relations can and should improve, and the Congress Resolution expressed Soviet willingness to develop bilateral relations. This line was in marked contrast to that taken at the 1966 Congress, where an improvement in Soviet-US relations was made conditional upon the US changing its policy in Vietnam. At the same time, both Brezhnev and Foreign Minister Gromyko expressed reservations about the possibility of conducting fruitful negotiations with the US at present.

The Vietnam issue has for at least the last two years receded in Moscow's view as an insuperable barrier to improvement of Soviet-US relations. In addition, the USSR has other international concerns—such as its heavy military/political involvement in the critical Middle East situation and the intractable China problem—which incline it against needlessly exacerbating its problems with the US. And, of course, the restrained treatment of the US was part and parcel of the Congress' general moderation on international issues in an effort to portary the Soviet Union as the foremost advocate of peaceful, negotiated settlement of international problems.

In this connection, the Congress broke no new ground in the development of communist ideology, and it retained the same order of foreign policy priorities as the last Congress. Support for the "national liberation struggle"—i.e., in Soviet eyes, anti-West trends in the Third World—was given second place, immediately after strengthening the international communist system and ahead of "peaceful coexistence" (mainly, improvement of relations with the West). However, Brezhnev's speech did appear to breathe a stronger coexistence spirit into the old priorities in his emphasis on measures that could be taken to improve relations with the West, including the US; detente in Europe; and, especially, various steps in the disarmament field. However, it is noteworthy that the Congress' resolution, like the 1966 Congress resolution, made no mention whatever of disarmament in its outline of Soviet foreign policy goals and objectives.

What is probably the major new development in Soviet foreign policy since the 1966 Congress—Moscow's military involvement in the Middle East imbroglio—was given only routine treatment. Brezhnev noted Soviet measures taken to restore the military balance in the area, and the resolution spoke of continuing to render the "utmost support" to the Arab peoples. But the moderation of Brezhnev's language on the Middle East, and the resolution's repetition of his call for a political settlement with the added proviso that each state have a right to independent existence, indicated the USSR's awareness of the potential dangers of its Middle East involvement and its desire to contain the crisis there.

Congress treatment of other Third World areas was routine and skimpy. Apparently Moscow sees new opportunities opening in Latin America, which was highlighted in Brezhnev's speech and even more so in the Resolution, where it was the only Third World area specifically mentioned outside of the Middle East and Indochina. Even here, though, caution was the keynote, and the Congress only welcomed the "revolutionary, democratic transformations" taking place in the area without suggesting the nature of Soviet reaction or commitment to them.

II. Areas and issues

A. The Communist World

1. Sino-Soviet relations

In general, the Soviet leadership handled the topic of Sino-Soviet relations in low-key, albeit slightly upbeat fashion, and none of the references to this subject either by Soviet speakers or any of the other delegates broke any new ground. There were no major polemics, no new disclosures, no significant shifts of attitude, and even the detectable nuances covered a relatively narrow range. The Soviets had apparently invited the Chinese to attend, but the latter—according to some reports—declined to send a delegation. Peking remained silent on the proceedings at the Congress, although NCNA did publish on April 3 a harshly anti-Soviet Red-Flag article which had been broadcast on Peking radio on the eve of the Congress. Indeed, the Congress adjourned with Sino-Soviet relations remaining essentially unchanged.

In his formal report to the Congress, Brezhnev took a balanced view, recognizing both the difficult problem presented by continuing Chinese enmity and ideological intransigence and the more hopeful, though admittedly limited, signs of normalization in state-to-state relations. He pledged tne USSR to a policy of seeking wider areas of agreement and reconciliation and ended his discussion of China on a note of optimism. Nevertheless, Brezhnev aired Soviet grievances against Peking at some length. Citing Indochina (though not by name) as a situation demanding "more than ever before" unity and joint action rather than hostility between China and the Soviet Union, Brezhnev noted that "we will never forsake the national interests of the Soviet state." In this context, what began as a seeming appeal for joint action ended with something resembling a cryptic warning that Soviet national interests might require Moscow to take some unspecified actions. The gist of Brezhnev's remarks on the China problem, including his statement about defending Soviet national interests, were repeated in the resolution adopted by the Congress, thereby giving them the formal endorsement of what in theory is the USSR's supreme political forum.

Elsewhere in the speech Brezhnev spoke of difficulties caused not only by Trotskyites but also by China's efforts to set up splinter parties in various countries as a counterweight to the international communist movement. Although there was no direct reference to Party relations, Brezhnev did characterize the "special ideological-political platform" of the Chinese leaders as "incompatible with Leninism." He also noted as unacceptable their demand "that we refute the 20th CPSU Congress program line"—this presumably being Brezhnev's veiled way of saying that the CPSU was not prepared to disavow destalinization.

References to China in speeches of other Soviet leaders and foreign delegates included harsh denunciations—by Snechkus, Masherov, Zhivkov, and Mongolian leader Tsedenbal; favorable mentions—not surprisingly—by Le Duan and Nguyen Van Hieu; and circumspect treatment—again, not surprisingly—by Ceausescu. The Party chiefs of Moscow's other Warsaw Pact allies repeated the positions taken by their parties at the 1969 communist conference in taking China to task for undermining socialist unity. Gromyko made only passing mention of China, citing Brezhnev's speech as the authoritative statement on the subject. Grechko did not allude to China at all, evidently because anything he might say on the subject would inevitably have awkward connatations. Equally striking was the absence of comment from Soviet leaders representing regions closest to China, which could be presumed to be of direct immediate concern. It was left to spokesmen from regions well removed from the Sino-Soviet border to express indignation over Peking's anti-Sovietism. Apart from Brezhnev's remarks on upholding Soviet national interests, which were repeated in the Congress Resolution, the Soviets apparently deliberately sought to avoid any implication that they were concerned by the security threat presented by China.

2. Eastern Europe—through Moscow's eyes

Brezhnev revealed considerable Soviet satisfaction with the progress made toward closer cooperation in the Warsaw Pact and CEMA since the last Congress. In addition to claiming further perfection of the Pact's military structure, he expressed satisfaction with the Pact as the "main center" for coordinating foreign political activities. At the same time, his treatment of economic integration intimated that it was still only a glimmer at the far end of a long tunnel, even though he spoke of it as "integration." (In 1966 he had spoken only of "cooperation" in matters economic.)

The Brezhnev "Diktat." Despite evident satisfaction with the progress achieved, Brezhnev did admit that the path to communist cohesion was not always a smooth one. In particular, he felt compelled to give special attention to the Pact decision to intervene in Czechoslovakia, and to justify it once again in the name of class duty to socialist internationalism. He described in detail a "right revisionist" threat to socialism which had developed within Czechoslovakia, and a concurrent imperialist threat to the socialist camp as a whole. He stressed the joint nature of the Pact's counteraction in response to an "appeal of the party and state leaders and the communists and workers of Czechoslovakia," and the Czechoslovak Party's subsequent justification of the intervention. The latter he quoted verbatim, to "stormy applause" from his audience. This revival, with the Czech regime's help, of the invitation-to-intervene line in a sense tended to mitigate the Brezhnev doctrine since it provided another, more legitimate prop to justify the Soviet invasion.

Nevertheless, the reaffirmation of the Brezhnev doctrine gained added impact from the fact that Brezhnev could simultaneously omit even lip-service to what heretofore had been termed the governing principles in state relations within the socialist community. As it was, he skillfully and brutally exploited the *mea culpa* of the Czechoslovak Party to squelch in advance any criticism of the 1968 Pact action at the Congress, and only Ceausescu of the Warsaw Pact leaders (plus the Yugoslav representative) subsequently dared insist that mutual respect, noninterference, and equality were still supposed to characterize relations among socialist states.

In Unity There Is Hegemony. In discussing the Warsaw Pact at the 23rd Congress, Brezhnev had devoted considerable attention to the military collaboration which took place within the Pact structure. That military role rated just two sentences in 1971, to the effect that the Pact military organization had been "perfected" as a result of new measures implemented in the interim. Brezhnev now stressed the thesis that the Warsaw Pact "had been and remains the main center for coordinating the fraternal countries' foreign political activities" (an idea nowhere reflected at the 23rd Congress).

These shifts in emphasis evidently reflect changes in Moscow's perception of its East European alliance system in the intervening years. Both the Warsaw Pact's military function and the foreign policy coordination have been strengthened since the last Party Congress. This trend, along with token involvement of other East European countries in the invasion of Czechoslovakia to share the guilt for that operation provided some basis for Brezhnev's emphasis on the growing importance of the Pact.

Brezhnev's praise for the long-term coordination of economic ties, the role of cooperative economic ventures, the CEMA bank functions, and the coordination of economic plans seemed a perfunctory reiteration of agreed upon Soviet goals, but showed little determination to make faster progress in spite of the impetus of Western economic integration. Brezhnev pointed out approvingly that a similar trend toward long-term agreements was becoming more prevalent in Soviet economic ties with the Western European states as well, and he also stressed the value of joint economic undertakings with Western powers. Kosygin's reference to a conference on European security centered on the prospects a CES could open up for East-West economic-scientific collaboration on a large scale. Apparently the Soviet leadership would like to achieve a degree of economic integration in Eastern Europe which not only would protect the Soviet empire from the adverse consequences of greater economic contact with the outside world, but also would permit and facilitate an economic interchange with the West on terms more profitable for Moscow.

Miscellany. Otherwise Europe received only general rather than specific attention at the Congress. Brezhnev treated the current *Polish* difficulties in the past tense, as over and done with, and very explicitly underscored Soviet support for the measures taken by the Polish party to master the situation. There was no discussion of what had happened in Poland, but Brezhnev did note that Soviet friendship with Poland was "unflinching." No other Pact country was so honored, although East Germany's claim to international recognition was endorsed.

Albania was accorded passing but conciliatory mention, almost as an afterthought in a discussion of USSR-Chinese problems. Brezhnev merely noted that a re-establishment of normal relations would be useful for both Moscow and Tirana. *Yugoslavia* received somewhat more positive treatment, and favorable mention was made of the USSR's "developing contacts" with Belgrade.

B. Relations With the West

1. Soviet-United States Relations

The treatment accorded the United States and Soviet-US relations was remarkable for its relative restraint. In comparison to his strident anti-US tone at the 23rd Party Congress, Brezhnev was more moderate and forthcoming this time. Despite continued strong criticism of the US involvement in Vietnam, the possibility and desirability of improving US-Soviet relations was cast in more positive tones than obtained in 1966. At that time Congress speakers took the line that it was incumbent on the US to take certain measures, notably on Vietnam, before relations could improve. This time Brezhnev suggested merely that relations both could and should improve—without additional qualifications.

On many of the specific issues dividing the US and the USSR, the tone was also quite moderate. In discussing the Middle East, Brezhnev referred only once to American activities in support of Israel, and in the next paragraph obliquely referred to the US approvingly when speaking of the desirability of the members of the UN Security Council involving themselves in pacifying the Mediterranean. Brezhnev also referred approvingly to the SALT negotiations and noted the desirability of concluding an agreement at these talks.

Gromyko's foreign policy report to the Congress echoed Brezhnev and similarly contained little substance on the US, but again what there was came out in a fairly nonpolemical fashion. The Congress Resolution simply repeated Brezhnev in suggesting that the relations between the two countries should be improved.

While the general attitude toward the US in Congress pronouncements was one of restraint, remarks of both Brezhnev and Gromyko clearly indicated skepticism about the possibility of conducting fruitful negotiations with the US at present. Brezhnev asserted that the US position on certain issues which touch upon the interests of the USSR had hardened, and he professed to see "zigzags" in US policy apparently due to domestic political developments. Gromyko repeated the line about "zigzags" in US policy, and indicated the issues that Brezhnev had in mind were Vietnam, the Middle East, Berlin, and the SALT talks.

2. Ambiguity on Western Europe

Neither Brezhnev nor Gromyko described the status of Soviet-West European relations in terms of policy successes. In fact, the subject was given relatively routine treatment at the Congress. On the other hand, both left the impression that the regime would continue along its present course of detente in Europe. The "concrete tasks" for the future outlined by Brezhnev carried this impression a step farther. There Brezhnev asserted baldly that the regime intended "to implement a radical turn toward relaxation and peace on this continent (of Europe)." But neither he nor any other speaker shed light on the significance of meaning of that pledge.

CES. The Secretary General also reiterated Soviet interest in a conference on European security (CES) although he consistently spoke of an "all-European conference," without mentioning security. (Other speakers, Gromyko included, used the terms interchangeably.) The list of "concrete tasks" included facilitating the "convocation and success of an All-European conference," the first time the Soviet leadership had looked beyond convocation to the need for a successful result in this context. Nonetheless, Brezhnev skimmed over the subject in notably pro forma fashion, as did Gromkyo. It was left to Kosygin to proffer details, and he in turn spun a vision of CES as a vehicle for solving a gamut of European problems, ranging from economic-scientific cooperation to transcontinental rail and power networks to ecology and cancer. In essence, however, Kosygin's details amounted to little more than a recapitulation of the possible East-West European ventures which Brezhnev had enumerated at the communist conference in Karlovy Vary in 1967.

German Focus. Brezhnev did acknowledge there had been a "substantial shift" in Soviet relations with the FRG in recent years, a shift which allegedly opened up "new prospects in Europe." But he did not expand on that particular theme. Instead he warned that delay in ratifying the FRG treaties with the USSR and Poland would give rise to a "crisis of confidence in the whole FRG policy" and that the European "political climate would deteriorate, as would prospects for lessening international tensions." His phraseology seemed deliberately ambiguous, leaving it moot whether the potential "crisis of confidence" referred to Soviet attitudes toward the FRG, or to attitudes within the FRG itself, or both. Similarly, the warning about international tension in Europe could apply to communist hardliners as well as to FRG opponents of the treaties.

In any event, Brezhnev himself stressed the need to bring the FRG treaties into force "more rapidly." He also noted that "the problems connected with West Berlin must be settled" and that this could be done if all concerned "respected the Allied agreements which determined the special status of West Berlin and the sovereign rights of the GDR as an independent specialist state." The resolution, adopted by the CPSU at the end of the Congress echoed his point about the need to ratify the treaties but it made no mention at all of the Berlin talks.

Gromyko meanwhile had merely observed that settlement of the FRG's relations with Eastern Europe, the CES, and the Berlin negotations were all "important steps" on the road to peace and all would have to be implemented "in parallel," not consecutively. He thereby maintained Soviet opposition to Western insistence that progress on concrete issues, such as the Berlin talks, must precede a CES. But he, too, sidestepped any discussion of the issues themselves.

Europe in Generalities. The improved status of Franco-Soviet relations was duly noted in all foreign affairs speeches at the Congress, and it was also cited in the final resolution. Brezhnev termed it "an important factor of international security." He also accorded favorable mention to the Soviet cooperative ventures with Italy and Austria, to Moscow's "good neighborliness and cooperation" with Finland, and to "stable" Soviet relations with Sweden. Gromyko mentioned only France and Italy by name, and these only in general terms.

Whereas at the 1966 Congress those speaking on foreign policy had attempted to provide thumbnail sketches of the status of bilateral Soviet ties with each significant European power, the leadership at the 24th Congress tended to generalize its treatment of Europe and avoided specifics whenever possible. The approach created the impression of a more integrated Soviet policy toward the area. Specific problems such as ratification of the FRG treaties or the Berlin negotiations were thus submerged in the context of Soviet policy toward the whole continent and treated as elements in the more general struggle for peaceful coexistence, detente, and collective security there. Of course, that approach had the added advantage for the leadership in that it limited criticism of any particular facet of the regime's tactics in Europe, since these concepts are by now sacrosanct to the Party.

3. Disarmament

The major references to disarmament expressed at the Congress were those in Brezhnev's speech, where the subject was the highlight of the Soviet leader's "peace program." In contrast to his fairly extensive and detailed treatment of this subject, other speakers barely touched the issue. Gromyko's foreign policy speech, for instance, had only two references to this subject, neither very explicit, and the Resolution adopted by the Congress did not mention it at all.

In discussing disarmament, Brezhnev appeared intent on projecting the image of statesmanship and of Soviet initiative in the field. His emphasis on disarmament issues included a specific reference to the Soviet proposal just tabled at the Geneva disarmament conference for a separate draft convention on biological weapons—an issue the Soviets had heretofore insisted must be combined with a ban on chemical weapons. Perhaps most eye-catching, and designed to titillate Western interest, was a statement that might be construed as favoring a Mutual Balanced Force Reduction (MBFR) in Europe. Specifically, Brezhnev proposed "a reduction of armed forces and armament in areas where the military confrontation is especially dangerous, above all in Central Europe." This is a subject the Soviets have been reluctant to discuss in recent years, and Brezhnev's formulation may have been an attempt to appear forthcoming to NATO's initiative on MBFR.

Brezhnev also spoke approvingly of the strategic arms limitations talks (SALT) with the U.S., although his assertion that in such delicate talks no one should seek a unilateral advantage could be read as an implicit rebuke to the U.S.

The remainder of Brezhnev's disarmament program was for the most part a revival of longstanding Soviet proposals traditionally advanced more with propagandistic advantage than serious intent in mind. Some of these proposals, such as a comprehensive nuclear test ban, a conference of the five nuclear powers (China specifically included) to discuss nuclear disarmament, universal ratification of the NPT, and a world disarmament conference, implied a rebuke to Peking (as well as the West) for its past recalcitrance on these issues.

In sum, some of Brezhnev's disarmament program touched upon substantive issues which are or could become subjects of serious East-West negotiations. However, the failure of other Congress pronouncements, including the authoritative Resolution, to pay even lip service to them casts some doubt on the Soviet leadership's seriousness in advancing them (the 1966 Congress resolution also ignored Brezhnev's list of disarmament measures).

4. United Nations

The United Nations received only sporadic attention, mostly in connection with discussion of other issues. Brezhnev accorded it two brief references at the tail end of the foreign policy section of his keynote speech. These mentions both came in the context of other issues—Southeast Asia and the Middle East conflicts and colonialism. Brezhnev suggested that the possibilities of the UN must be used in these, and other cases. He also referred earlier to the concerted efforts of the socialist countries in the UN and other international organizations. In contrast, at the 23rd Congress in 1966 he had devoted two paragraphs to UN operation, and praised the UN itself. His latest remarks also contrast with the treatment he gave the UN in his speech last October on the occasion of the 50th anniversary of Soviet Azerbaidzhan, in which he positively appraised the role the international organization could play, especially because of the communist world's assertedly growing influence in the UN.

C. The Third World

The Congress gave relatively brief treatment to Third World developments. Discussion of Soviet relations with Third World countries was for the most part couched in general and doctrinal terms, although the Middle East and Vietnamese issues understandably received more detailed treatment.

1. Doctrinal formulations

Brezhnev seemed more cautious than he had been in 1966 in describing progress toward "socialist" (i.e., communist) systems in Third World countries, but he added nothing new to the doctrinal underpinnings of Soviet policy in these areas. However, the Congress resolution gave a somewhat more prominent place to those countries said to be on the "non-capitalist path" than Brezhnev had done; these countries were said to be in the "front ranks" of the national liberation struggle. Notably, the resolution advanced Latin America's role in this struggle by ascribing "revolutionary-democratic" changes to current developments there. In another apparent attempt to partially compensate for Brezhnev's lack of attention to Third World issues, *Pravda* issued an authoritative editorial during the congress reaffirming Soviet support for African national liberation fronts.

Brezhnev used the same formulations he had employed in his 1966 congress speech to indicate that "quite a number" of Afro-Asian countries are on a course "toward the future construction of a socialist society," thereby implying no higher ideological stage had been reached in the intervening five years in these "noncapitalist" states. Furthermore, in contrast to his last congress presentation, he did not enumerate the countries considered on the "noncapitalist" road, possibly out of concern that the label might not stick in all cases. However in regard to priorities, Brezhnev gave the Third World exactly the same order of precedence as at the last congress: he placed support for national liberation struggles in second place after the cardinal priority of strengthening the communist world, but before peaceful coexistence with the capitalist West.

Brezhnev's praise for the "ever greater role" of "revolutionary democratic" regimes in pursuing communist-approved domestic programs illustrated anew Moscow's strategy of putting a "socialist"-type label on regimes—especially in Africa—which in fact lack many credentials for such a label (such as a communist party, or a well-organized proletariat, not to mention ideological commitment). This Soviet strategem was also underscored by attendance at the congress, as in 1966, of 21 (according to Moscow's claim) high-ranking, noncommunist delegations from leftist Third World countries, as well as African states still under white minority rule. In a word, where the communist party is ineffective or nonexistent, Moscow tends to find a substitute to justify its pursuit of Soviet state interests.

2. Middle East

Despite the critical nature of the situation, treatment of the Middle East at the Congress was neither substantial nor ominous. The tone of relative moderation set by Brezhnev in this opening speech was mirrored both in the Special Statement on the Middle East subsequently issued by the Congress, and in the very brief portion of the concluding Resolution devoted to Middle East issues. Taken together, they seemed designed to reassure the Arabs in a modest way of continued Soviet support (and at the same time to dampen the war sounds coming from Cairo), to project Moscow's peaceful image, and to maintain diplomatic pressure on Israel and the US.

Although Brezhnev introduced the subject by describing the area as a "hotspot," and the crisis that had developed there as "one of the most tense" on the international scene, neither the statement nor the resolution repeated these formulations. In forebearing to use more inflamatory descriptions for this admittedly four-year-old crisis, Brezhnev conveyed a lack of urgency that was not eroded by any of the standard denunciations of Israel and the US and declarations of support for the Arabs common to all three documents.

Only Brezhnev noted specific "important initiatives" recently advanced by the UAR. He included in this category Egypt's positive responses to Jarring, the UAR's readiness to conclude a peace treaty upon Israeli withdrawal, and Sadat's proposal for opening the Suez Canal (the last amounting to the first public, high-level Soviet endorsement of this Egyptian initiative). The statement made only passing reference to the "constructive position of the Arab countries, first of all the UAR," as a lead-in to full implementation of UN Resolution 242 (its only specific mention), but the resolution was silent on specific proposals.

On the question of withdrawal, all three documents were very mild and general, with no effort being made to suggest a timetable, set a deadline, or define limits. In contrast to this common, generalized, approach on withdrawal, the Palestinian issue received varying treatment. Brezhnev failed to mention the Palestinians at all, whereas support for the legitimate rights of the Palestinian Arabs was duly revived and stressed in both the Congress statement on the Middle East and the resolution.

Perhaps to provide balance missing from the statement and Brezhnev's speech, the standard phrase concerning the right of each state in the area "to an independent existence" was inserted in the resolution. Regarding Soviet participation in a settlement, Brezhnev alone referred to Moscow's readiness to join other permanent members of the U.N. Security Council in guaranteeing a political settlement in the Middle East, a goal mentioned favorably in all three documents.

The communist and fraternal parties of the Middle East were well represented at the Congress and a number of them appeared on the speaker's rostrum. Their remarks reflected varying shades of opinion on the Middle East situation and internal differences, with the common thread being support for the Palestinian cause in greater or lesser degree. Significantly the Soviets' leading Arab client, the UAR (which has no legal communist party), in the person of General Secretary of the Arab Socialist Union an-Nur, provided the first speaker. An-Nur's address was uninspired and restrained, even in its expression of "profound gratitude to Comrade Brezhnev for the noble position laid out in his report in relation to the Arab countries.

The Syrian Ba'th delegate, in accordance with his regime's position, refrained from publicly endorsing the need for a political settlement. In contrast, Syrian Communist Party Secretary General Bakdash asserted that "we" (read SCP) support the efforts of the Soviet Union in obtaining a political settlement in the Middle East. Moreover, according to Bakdash, Brezhnev's words about the Middle East crisis found "their way to the heart of every Arab patriot."

3. Asia

The very diversity of Asia, reflecting both the variety of Soviet interests vis-a-vis Asian political trends and governments on the one hand and the equally diverse concerns of both ruling and non-ruling communist parties on the other, precluded any clear expression of coherent policy toward the area by Soviet speakers at the Congress, or any achievement of a consensus among the Asian delegations.

Indochina. The only Asian issue Soviet leaders could and did feel free to discuss at length was Indochina, whether in an anti-Chinese or an anti-U.S. context, or as an example of Soviet solidarity with a national liberation srtuggle. One of the two special statements issued by the Congress on foreign policy was devoted to Indochina. As befitted the occasion, it was hortatory in tone and heaped praise on the "liberaiton forces." It pledged continued assistance to North Vietnam, including the "strengthening of its defense capability," but did not break any new ground or involve any new commitments.

Unlike the Soviet Government statement of December 16, which warned the US against resuming bombing raids on the DRV, or the Soviet Government statement on Laos of February 25, which warned against continuing "escalation of the American aggression," the Congress statement was cast in a more optimistic mold and spoke of the aggressors' "uninterrupted chain of shameful failures" without suggesting the possibility of new dangers ahead. Nor did the statement assert, as had its February predecessor, that US actions in Indochina might spoil Soviet-US relations. As a party document, however, it conveniently overlooked Moscow's careful maintenance of diplomatic ties with the governments in Phnom Penh and Vientiane when it described the Soviet Union as "resolutely standing on the side of the liberation movement in South Vietnam, Laos, and Cambodia."

In line with its militant tone, the statement did not specifically endorse a political solution for Indochina, but it did describe the various proposals put forward by the Democratic Republic of Vietnam, the Provisional Revolutionary Government of South Vietnam, and the Pathet Lao as constituting constructive bases for resolving the conflict —without, however, referring to the unification of Vietnam, as did the 23rd Congress in 1966.

Asian Communists. A cursory examination of Asian communist parties—those attending the Congress as well as those not present —provides graphic evidence of Moscow's embarrassingly limited influence among the communists of Asia. The existence of splinter communist factions had been recognized by Soviet speakers in the context of condemning the "splittist activities" of Communist China. But how far this process had in fact gone in producing fragmented parties, parties following an independent line, and parties aligned with Peking—and how this disintegration of the movement affected attendance at the Congress—was deliberately concealed by the Soviets, who as usual did not list all attending delegations. Although information remains incomplete, it appears that a significant number of Asian parties either did not send official delegations or were represented by rump groups.

The Nepalese and Burmese parties reportedly declined to attend the Congress. The Malaysian and Thai parties, being Chinese-oriented, probably did not attend. The status of some other parties remains in doubt, inducing the Afghan and Indonesian. Soviet media published greetings to the Congress from the New Zealand and Filipino parties, suggesting that these two did not send delegations either. The Filipino message reflected the party's disarray by admitting to defeat in the 1950's and by complaining of being currently undercut by the tactics of a pro-Maoist faction.

The Soviets reacted to the subcontinent's complicated and unstable affairs by reiterating their intention to maintain close ties with India, and by displaying a measure of collaborative harmony with the communists of East Pakistan. The delegation of the pro-Soviet Indian CP had to face Moscow's fawning on Mrs. Gandhi in the wake of her recent electoral victory. At the Congress they heard Brezhnev praise Soviet-Indian cooperation and the Indian Government's foreign policy, making clear that their interests were being subordinated to the state interests of the USSR. The Pakistani CP was not listed among the delegations present at the Congress, but an East Pakistani group did attend and evidently it agreed to cooperate with the Soviets, at least by not airing some of the more delicate aspects of Pakistan's current internal crisis.

In a speech published by *Pravda* on April 8, the unnamed head of this delegation expressed gratitude both for Soviet aid to East Pakistan during last year's typhoon and flood disaster and for Soviet concern about the current political crisis. The speaker, however, described the East Pakistanis as desiring "democracy, national autonomy, and liberation from exploitation on the part of monopoly capital." By avoiding any reference to the independence movement, he in effect allowed the Soviets to postpone discussion of this delicate issue for the time being, prevented new damage to Moscow's already strained relations with the government of Yahya Khan, and perhaps reflected Moscow's hope that the integrity of Pakistan might yet be preserved.

Few of the other attending Asian parties arrived without problems, nor did attendance necessarily indicate a pro Soviet orientation. Indeed, the Mongolian delegation was probably the only one that Moscow could regard as solidly and unabashedly pro-Soviet, as was made amply evident by numerous warm references to the Mongolians by Soviet speakers and information media. A Ceylonese delegation, presumably representing the pro-Soviet faction of the party, attended the Congress, but for some reason it was not officially greeted at the opening session.

The Australian, Japanese, and North Korean parties were also present, though on their own terms, and with a record of prickly, intransigent independence. The North and the South Vietnamese parties came, and gave thanks for Soviet aid, but their independent status and considerable freedom of action was hardly to be questioned. Their close ally, the Patriotic Front of Laos, was in attendance, but the Cambodians were apparently not represented.

4. Africa

Many of the same African states attending the 1966 Congress sent delegations to the 24th conclave as well. Somalia and Sudan, represented by high-ranking officers from their ruling military councils, were notable additions. Surprisingly, a leader of Mauritania's ruling party was also in attendance, representing Mauritania's first official participation in a major CPSU meeting. Apparently, attendance by Africa's tiny band of communist parties was severely reduced; only the parties of Sudan, Tunisia, South Africa, and Reunion were cited as present. However, in greeting each delegation by name during his opening speech, Podgorny mentioned the presence of other unnamed parties in the hall.

There was no mention of congress participation by the communist parties of Nigeria, Morocco, or Algeria (all of whom have been present at previous major CPSU gatherings), although representatives of these groups may have been among the unnamed parties which attended. The top leadership of Nigeria's party is under police detention, and perhaps it was decided that public participation by Nigerians would further arouse Lagos authorities. The Moroccan CP has also had recent difficulties with the police. In the past, Algeria has been incensed about Soviet invitations to Algerian communists, and the delegation of Algeria's ruling FLN walked out of the 23rd CPSU Congress when Algerian communists appeared. This year, apparently no Algerians were present, although the FLN may have been invited. (Algiers' press has studiously avoided any mention of the 24th Congress.) Why Lesotho's miniscule party, a usual participant in such CPSU events, did not appear is unknown.

In discussing achievements of revolutionary-democratic regimes, Brezhnev cited Algeria for "taking serious measures aimed at nationalization." He praised Guinea, Sudan, Somalia, and Tanzania for seizing foreign enterprises. Brezhnev noted Algeria had recently introduced a land reform program. The sole citation for the People's Republic of Congo (Brazzaville) lauded its alleged control over all land and mineral rights. Almost as an afterthought, Brezhnev mentioned Nigeria as a country in which unspecified "important social changes" are occurring. (Interestingly enough, the Tass English-language summary of Brezhnev's speech, designed to constitute the basis of foreign press coverage, omitted practically all of the foregoing, including references to nationalization.) At the same time, reflecting Moscow's dissatisfaction with erratic developments in the Third World, the Soviet party leader did not neglect to mention that noncapitalist development was "no easy matter" and a path full of difficulties.

Speeches delivered by noncommunist African delegates were not especially notable. Congo-Brazzaville's Ndalla denigrated separate roads to socialism in an attack on negritude, maintaining that Marxism-Leninism is the only way. But he refrained from full endorsement of Soviet policies by noting that Congo-B and the USSR hold identical positions on "many" international questions. Guinea's Lansana Diane, perhaps carried away by his own rhetoric, hailed the CPSU Congress as "our congress," and expressed thanks for Soviet help in assuring Guinea's security.

A no less sycophantic address was made by Mozambique's FRELIMO representative. Of the national liberation groups, Cabral of the PAIGC was most optimistic when assessing progress in the war against Portugal. He thanked the USSR for supplying the "largest amount" of aid to his movement. By contrast, Angola's MPLA leader, Neto, was quite gloomy in evaluating the prospects of his insurgency movement.

5. Latin America

Looking toward Latin America, Brezhnev seemed to glimpse better prospects for more solid achievement, although he indicated awareness these trends were not irreversible by warning darkly of "subversive activity against the progressive regimes." Moreover, the Congress resolution gave Latin America pride of place in discussing Third World developments.

Brezhnev led off with Chile (represented at the Congress by both its Moscow-oriented communist party and Allende's socialist party) in describing the changes for the better taking place in Latin America. However, he placed Chile's Popular Unity triumph in the context of a constitutional victory by "the people" and laid no claim for communist success. Brezhnev gave the also-in-the-running treatment to Peru and Bolivia, praising their governments for fighting against "the enslavement of U.S. monopolies."

Chile also garnered prominent attention from a number of delegations, who hailed the Allende victory as the beginning of a new era in Latin America. Chilean CP secretary general Corvalan reaffirmed his party's close ties with the CPSU, stressed that each country must make its own way to socialism, and denied that Chile should necessarily serve as a model to others. Unity was a main theme of his address; he underlined his party's position that all questions were to be resolved on the basis of cooperation among all elements of Allende's coalition, within an unlimited time frame. Corvalan cited President Nixon's nonintervention pledge and then accused the U.S. of organizing an anti-Chilean campaign in Latin America, of "deliberately distorting reality," and claimed the U.S. is refusing credit. Somewhat ominously he stated that Chile's internal opposition is moving toward "open resistance," adding "nothing is ruled out."

Socialist Party attendance at the Congress marked the first time Chile's socialists had participated in a major CPSU function. Party representative Herman Del Canto's brief address spoke of the coincidence of Marxist-Leninist views among the members of Allende's Popular Unity front, while hailing Chile's communist-socialist alliance as the "vital nucleus" of the revolution.

Brezhnev reconfirmed Cuba's full-fledged membership in the socialist camp, claiming "considerable success" in the development of Soviet-Cuban relations. Cuba's Dorticos hailed the "inviolability" of Cuban-Soviet friendship in a rather lackluster speech which praised Moscow's economic aid and defense support. The Cuban President lauded Allende's election, and cited Peru's "patriotic policy," but unlike many of the Latin American communists he failed to mention Bolivia.

China and the role of violence in Latin America's revolutionary experience received conflicting treatment. Several delegates attacked Peking directly for "splittist" activities, whereas others—including Dorticos—ignored the issue. Brazil's Prestes criticized "desperate adventuristic actions of isolated groups, without any ties with the people." However, the Guatamalan speaker defended the use of violence in his own country.

Some Latin American representatives espoused the popular front tactic, notably those from Venezuela and Uruguay. The latter's Arismendi claimed that victory in Uruguay by a broad unity of popular forces is "perhaps very close." Reflecting Soviet involvement in the internal affairs of Latin America's CP's, Venezuela's Faria felt the need to express gratitude for CPSU "solidarity" at the time of Petkoff's recent expulsion from the Venezuelan CP (Petkoff, an avowed anti-Soviet communist, had become an increasing embarrassment to the Moscow-supported Venezuelan CP.)

6. Foreign Economic Relations

As to Soviet foreign economic relations, the draft Directives for the new Five-Year Plan and the leader speeches are of moderate interest. Foreign trade as a whole is to expand by 33–35 percent, i.e., by roughly 6 percent on the annual average. This is supposed to be a minimum. In the past five years the increase was a reported average of 8.6 percent per annum and since Soviet foreign trade is carried out more or less at so-called world market prices, the rate reflects an international price rise for manufactured goods

(2½ percent annum) and primary commodities (about ¾ of 1 percent). The plan figures are probably in present prices but they have little meaning since foreign trade, as the Soviets themselves know, eludes effective planning.

The advanced industrial countries will continue to exchange Soviet primary materials for Western manufactured goods; in this respect the second industrial power in the world offers the picture of a less developed country. The USSR will purchase modern equipment within the limits of its hard currency earnings with some gold sales thrown in for good measure and with due allowance for the credit balance. At a press conference on March 23, 1971 V. S. Alkhimov, Deputy Minister of Foreign Trade, answered a question on the Soviet balance of payments with the West in the spirit of a good 19th century liberal: "We favor multilateral trade and do not pay too much attention to our balance with individual countries." The draft Directives, incidentally, recommend a greater "initiative and responsibility of ministries and enterprises in the development of foreign economic relations." This remains to be seen.

Economic relations with countries of the Third World are to expand in order to strengthen their independence in their struggle with imperialism, as Kosygin put it. Since OECD imports from less developed countries are still 40 times as large as those of the USSR, and the *net* outflow of Soviet aid has dwindled, Soviet economic support in general does not amount to much but it is important for a very few countries more closely tied to the USSR, such as the UAR. In this connection the trade potential of the USSR is seriously hampered by its autarchic tendencies. Thus the Soviet Union promotes the domestic production of rice in order "to completely satisfy the country's demand by the end of the Five-Year Plan" in Brezhnev's words, even though the Soviet cost price is almost three times the world market price and even though rice shipments would be advantageous for the LDC's (including the UAR).

FOOTNOTES

[1] Even at this lowered rate, within a decade or so, the Party will reach 20 million members.

[2] With the noteworthy exception of Kosygin, whose report showed some restraint in the appraisal of the 1966–70 results.

[3] This claim was included in both the draft and approved versions of the directives for the Ninth Five-Year Plan.

[4] The small edge of consumers' goods output growth rate over that of producers' goods in 1967 seems fortuitous, but during 1968–70 it was the reflection of deliberate policy decisions.

[5] Although the figures are regularly published in official Soviet statistical yearbooks, they are rarely if ever mentioned in the press.

[6] Average money incomes of workers and employees in 1970 were 65 percent higher than the incomes of kolkhoz farmers (both cash and in kind) from the communal economy.

[7] Output of these branches in the next five years is to go up by 67 percent, while overall industrial output is scheduled to grow by 42–46 percent, that of producers' goods by 41–45 percent, and consumers' goods by 44–48 percent.

[8] While Brezhnev chose to feature the consumer program as the first major point in his report on domestic affairs, Kosygin relegated this topic to the end of his much more restrained and balanced report on the internal situation.

[9] While the output of consumers' goods as a whole is scheduled to increase by 44–48 percent during the five-year period, production of light industry is slated for an increase of 35–40 percent and that of food industry of only 33–35 percent.

[10] The repayment of the state loan of some 30 billion rubles is phased over the period from 1974 to 1990.

[11] The figures cited in the directives imply that average money incomes of workers and employees by 1975 are expected to be 50 percent higher than the incomes of kolkhoz farmers.

WRC–TV CALLS FOR ACTION TO ASSURE SAFER BLOOD

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. VEYSEY. Mr. Speaker, during the Christmas holiday season WRC–TV, a Washington, D.C., television station, broadcast a significant editorial explaining the urgent need for more voluntary blood donations. Mr. Bryson B. Rash, the editorial manager for WRC–TV, called attention to the dangerous alternate source used when there is a shortage of voluntary blood.

Since donors who are paid for their blood are 11 to 70 times more likely to carry the hepatitis virus in their veins, the use of their blood increases the patient's danger dramatically.

I recently introduced a bill, H.R. 11828, which would encourage people to voluntarily donate blood, and would provide for the inspection and regulation of all the blood banks in the country. By requiring that each unit of blood be labeled as to its original source, volunteer or paid, and by beginning a vigorous national donor recruitment program, my bill would provide the basis for a return to a completely volunteer blood system.

Station WRC–TV is to be commended for its contribution to public awareness of this critical problem. The editorial follows:

[Vol. 4, No. 92, broadcast: December 27 and 28, 1971]

"Red Cross—Blood"

In this joyous holiday season people seem to forget the hospital patient or the accident victim who may desperately need blood. Voluntary blood donors at the Red Cross center drop off to a handful—but the need remains constant.

Washington is fortunate because thus far it has just managed to meet its year round needs. Elsewhere paid donors and commercial blood banks fill the gap. In far too many cases the product may result in serious illness and death. The specter is serum hepatitis.

Representative Victor Veysey of California, who has introduced a bill to regulate blood banks, reveals shocking figures. In 1971 over two million blood transfusions will be performed in the United States. One out of 150 will cause a death from serum hepatitis in the over forty age group.

Representative Veysey says studies have shown that the risk of contracting hepatitis from blood of paid donors is from 11 to 70 times greater than the risk from voluntarily donated blood.

Only 166 of the nation's 7,000 blood banks are supervised by the Federal government. The District and Maryland have license and inspection laws—Virginia has none.

Representative Veysey's bill would regulate all blood banks and provide for a massive donor recruitment effort. It deserves support and approval.

The risk of contracting hepatitis from voluntary donors is small. If enough volunteers gave blood to the Red Cross nationally the danger would be minimal.

The need is great right now and it will be in the future. Give blood to the Red Cross this week.

PEACE CORPS FUNDS

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. SYMINGTON. Mr. Speaker, in the general disenchantment currently surrounding this Nation's foreign aid programs, we must take special care that one of our most hopeful and humanitarian efforts, the Peace Corps, is not an innocent victim of appropriations cuts.

The continuing resolution passed at the end of last session set a ceiling of $72 million on the Peace Corps budget. This reduced figure, compared with the $82.2 million authorization with which the Peace Corps began the fiscal year, forces the Peace Corps to "unspend" retroactively money spent in good faith earlier in the fiscal year.

To conform to the reduced spending ceiling, Director Joseph Blatchford has ordered a freeze on invitations to join the Peace Corps, and ordered contingency plans to bring home upward to 4,000 volunteers before March 31.

Before we aquiesce in this enforced cutback, we would do well to consider the importance of the Peace Corps at this point in history. I would suggest that few programs have done more to foster international communication at its best level—the interpersonal. Few programs have done more to promote understanding of the United States as a Good Neighbor, and to counter the notion of the "imperialist aggressor." The President is striving to build bridges abroad through summitry, we can help cement these bridges through the personal efforts of Peace Corps volunteers.

It would be particularly disastrous to reduce the Peace Corps by misplaced congressional thrift at a time when volunteers are increasing by 40 percent in 1971, and by a projected 70 percent in 1972.

The interest young people show in the Peace Corps is especially relevant when we are considering alternatives to the military service. We have discussed new proposals for a national volunteer service. Until such a system should be implemented, let us not discard the good and workable programs we already have —programs which have captured the support and enthusiasm of both the young people who would volunteer, and the countries which benefit from their commitment to building a better and more peaceful world.

MONITOR NO LONGER SENT FREE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. DINGELL. Mr. Speaker, so that my colleagues may have an opportunity to be aware of its contents, I include the text of the Council on Environmental Quality's January 1972 issue of 102 Monitor at this point in the RECORD:

ENVIRONMENTAL IMPACT STATEMENTS

NOTICE

This is the next-to-last issue of the 102 Monitor that you will receive free of charge. If you wish to continue receiving the *Monitor*, you must place a subscription with the Superintendent of Documents, U.S. Government Printing Office. Cost will be $6.50 per year or 60¢ each for single copy. An order blank is enclosed for your convenience.

NEPA AND THE COURTS

In two short years since the National Environmental Policy Act (NEPA) was enacted, Federal courts across the country in widely varying fact situations have proved that the "102" provisions are court enforceable. In so doing, their decisions have given important interpretations to various aspects of NEPA. Because of the growing interest in these decisions—which include 15 Courts of Appeals decisions, 48 District Court opinions and 3 discussions in Supreme Court dissents—this issue of the *102 Monitor* features a cumulative list of the reported NEPA decisions through December 31, 1971.

CUMULATIVE LIST OF REPORTED JUDICIAL DECISIONS INVOLVING THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969—PUBLIC LAW 91-190, 42 U.S.C. §§ 4321-47—THROUGH DECEMBER 31, 1971

UNITED STATES SUPREME COURT

Committee for Nuclear Responsibility v. Seaborg, 3 ERC 1276 (11/6/71) (Douglas, Brennan, and Marshall, JJ., dissenting). The court denied an injunction, pending action on a petition for certiorari, against the underground nuclear test Cannikin. Justice Douglas' dissent discusses possible defects in the AEC's 102 statement.

San Antonio Conservation Society v. Texas Highway Dept., 2 ERC 1083, 1 ELR 20069 (12/21/70) (Black, Douglas, Brennan, JJ., dissenting from denial of cert.). The dissenting Justices stated that NEPA does apply to Federally funded State highway projects, and that the Supreme Court should have taken for review, prior to decision in Court of Appeals, this dispute concerning a highway project for which an environmental statement under section 102(2)(C) was not prepared. There has been a further decision in the 5th Circuit referred to below.

2606.84 Acres v. United States, 2 ERC 1623, 1 ELR 20155 (4/19/71) (Douglas, Black, JJ., dissenting from denial of cert.). A landowner challenged the taking of his land for a Corps of Engineers project on the ground that the project had been expanded so radically since its authorization by Congress that a new authorization was required. The Fifth Circuit rejected this claim, and the Supreme Court denied certiorari. The dissenting Justices argued that the case warranted review partially to determine whether the Corps had complied with NEPA with respect to future work on the project.

UNITED STATES COURTS OF APPEALS

Calvert Cliffs' Coordinating Comm. v. *AEC*, 2 ERC 1779, 1 ELR 20346 (D.C. Cir. 7/23/71). The Court found the AEC's rules for implementing NEPA in licensing nuclear power plants invalid in four respects: (1) the rules failed to require hearing boards to consider environmental factors unless raised by the regulatory staff or outside persons; (2) they excluded nonradiological environmental issues in all cases where the notice of hearing was published before 3/4/71; (3) they prohibited reconsideration of water quality impacts where a certification of compliance with State standards had been obtained; and (4) they failed to provide for environmental review of cases in which a construction permit had been granted prior to NEPA's effective date but the time was not yet ripe for granting an operating license.

Committee for Nuclear Responsibility v. *Seaborg*, 3 ERC 1126, 1210, 1256 (D.C. Cir. 10/5/71, 10/28/71, 11/3/71). The court reversed a summary judgment for defendants, holding that plaintiffs had alleged a legally sufficient claim that the AEC's 102 statement on the underground nuclear test Cannikin was deficient under NEPA. The court later upheld the district judge's order requiring release of Government documents, which were not part of the 102 statement, discussing environmental aspects of the proposed test. However, the court refused to stay the test *pendente lite*. Finally, after release of the documents, the court refused on national security grounds to delay the test—without deciding whether NEPA had been satisfied. (The Supreme Court later upheld this refusal.)

Ely v. *Velde*, 3 ERC 1280 (4th Cir. 11/8/71). The court, in reversing a district court decision, held that the Law Enforcement Assistance Administration must prepare a 102 statement on the portion of a block grant to the State of Virginia that will be used to construct a prison facility in a historic area.

Lathan v. Volpe, 3 ERC 1362 (9th Cir. 11/15/71). The court held that citizens were entitled to a preliminary injunction against further acquisition of property by the State of Washington for Interstate 90 in Seattle until Federal officials prepared a 102 statement.

National Helium Corp. v. Morton, 3 ERC 1129, 1 ELR 20478 (10th Cir. 10/4/71). The court upheld a preliminary injunction against the Interior Department's cancellation of contracts to buy helium, on the basis of noncompliance with NEPA.

Pennsylvania Environmental Council v. Bartlett, 3 ERC 1421 (3d Cir. 12/1/71). The court upheld a district court ruling that a 102 statement was not required for a Federal-aid highway project for which all Federal approvals were given and all contracts awarded prior to enactment of NEPA.

San Antonio Conservation Society v. Texas Highway Department, 2 ERC 1872, 1 ELR 20379 (5th Cir. 8/5/71). The court stayed construction of a highway through a park in San Antonio, on the basis of noncompliance with NEPA and other laws. The court held that the "segments" of the highway adjacent to the park must be considered together with the park "segment" in the application of these laws. It further held that, since the highway had been approved for Federal funding, the State could not defeat the application of the Federal laws by proceeding without Federal funds.

Scenic Hudson Preservation Conf. v. FPC, 3 ERC 1232 (2d Cir. 10/22/71). The court upheld the FPC's grant of a license for the Storm King pumped storage power plant. The court found that the FPC had considered all relevant factors as required by NEPA, and that its findings were supported by substantial evidence.

Thermal Ecology Must Be Preserved v. AEC, 2 ERC 1379, 1 ELR 20078 (D.C. Cir. 7/20/70). The court refused to grant an order restraining AEC hearings on a permit application for a nuclear power plant near South Haven, Michigan. Citizens groups claimed the hearings were illegal under NEPA because the AEC was refusing to consider the dangers of thermal pollution or of cumulative radiation. However, the court said that this question could be raised only on review of a final AEC order.

Thermal Ecology Must Be Preserved v. AEC, 2 ERC 1405 (7th Cir. 8/24/70). The court refused to grant an order restraining AEC hearings on a permit application for a nuclear power plant near South Haven, Michigan. The court relief on the D.C. Circuit ruling of the same name.

Upper Pecos Assn. v. Stans, 2 ERC 1418 (10th Cir. 12/7/71). The court affirmed a district court ruling that the economic Development Administration did not have to prepare a 102 statement on a grant for road construction, since the Forest Service was the lead agency in developing the road and had prepared a statement on it. Although the Forest Service's 102 statement was not prepared until after the EDA had made an offer of funds, the court held that this timing satisfied NEPA because the Forest Service still had full authority to grant or deny a right-of-way, and the application for EDA funds was made prior to enactment of NEPA.

West Virginia Highlands Conservancy v. Island Creek Coal Co., 2 ERC 1422, 1 ELR 20160 (4th Cir. 4/6/71). The court upheld the standing of a citizen group under NEPA and the Wilderness Act to challenge the Forest Service's permission of private timber cutting and road construction in Monongahela National Forest. The citizen group charged that a 102 statement should have been prepared, and that the area was protected by the Wilderness Act until studied for wilderness character. Without deciding these claims, the court found them sufficiently strong to justify a preliminary injunction pending further proceedings in the district court.

Zabel v. Tabb, 1 ERC 1449, 1 ELR 20023 (5th Cir. 7/16/70), *cert. denied*, 39 U.S.L.W. 3360 (2/22/71). The court held that the Army Corps of Engineers has authority to deny a dredge-and-fill permit under 33 U.S.C. 403 on ecological grounds, basing its holdings in part on NEPA.

UNITED STATES DISTRICT COURTS

Arlington Coalition on Transportation v. *Volpe*, 3 ERC 1138 (E.D. Va. 10/8/71). The court dismissed a suit to enjoin construction of Interstate 66 through Arlington. It held that NEPA was inapplicable to portions of the highway approved before January 1, 1970, and found that a 102 statement would be prepared before approval or additional work. The decision was reversed by the 4th Circuit, in an unreported opinion.

Berkson v. Morton, 3 ERC 1121 (D. Md. 10/1/71). The court issued a 10-day temporary restraining order against construction in the C&O Canal National Historic Park without compliance with NEPA and other Federal statutes. This order has subsequently been extended.

Brooks v. Volpe, 2 ERC 1004, 1571, 1 ELR 20045, 20286, W.D. Wash. 9/25/70, 4/6/71). The court held that a 102 statement was not required for an Interstate highway segment whose location had been approved in 1967. The court upheld the standing of the individual plaintiffs to bring the suit, but denied the standing of the environmental groups.

Bucklein v. Volpe, 2 ERC 1082, 1 ELR 20043 (N.D. Cal. 10/29/70). The court refused an injunction against disbursement of Federal emergency funds for a road relocation project. The plaintiff challenged the location of the road as an abuse of discretion, arguing that an alternative location was environmentally preferable. The court found that there had been "ample consideration" of environmental factors, and stated that it is unlikely that the policy declaration in Section 101 of NEPA was intended to create "court enforcible duties."

Businessmen for the Public Interest v. Resor, 3 ERC 1216 (N.D. Ill. 10/14/71). The court ruled that citizens could not sue to challenge the application of the Refuse Act permit program to Lake Michigan until the Corps of Engineers propsed to issue a permit under the program. However, the court went on to uphold the regulations implementing the program, replying in part on NEPA.

Citizens to Preserve Foster Park v. Volpe, 3 ERC 1931, 1 ELR 20389 (N.D. Ind. 8/18/71). The court denied a preliminary injunction against further work on a federally assisted highway. The court found that a 102 statement prepared in June 1970 complied with NEPA "to the extent possible" even though it did not comply with guidelines and procedures issued before that date. The court stressed that the park affected by the highway was already as "torn up" as it would be from further construction.

Coastal Petroleum Co. v. Secretary of the Army, 1 ERC 1475 (S.D. Fla. 7/1/70). The court held, on the basis of the District Court ruling (later reversed) in *Zabel v. Tabb,* that the Corps of Engineers has no authority to deny a permit under 33 U.S.C. 403 on other than navigational grounds. However, the court refused to order the Corps to grant a permit for limestone mining in Lake Okeechobee because of environmental danger and because other remedies were available to protect the applicant's financial interests. NEPA was discussed in supplemental briefs after the trial, but the court found it "not to be applicable." The court later reversed itself, without opinion, on the basis of the 5th Circuit's decision in *Zabel.*

Daly v. Volpe, 2 ERC 1506, 1 ELR 20242 (E. D. Wash. 4/9/71). Local residents sought an injunction against construction of an interstate highway segment near North Bend, Washington, asserting that the Department of Transportation had not complied with the requirements of NEPA. The segment, on which planning and hearings had begun before enactment of NEPA, was approved on November 30, 1970. At that time a draft environmental statement had been prepared, but agency comments were not received or a final statement prepared until after the approval. The court held that the Department of Transportation had substantially complied with NEPA in approving the segment, since the plans had been coordinated with many groups before approval, and agency procedures for formal circulation of draft environmental statements were still being developed.

Delaware v. *Pennsylvania New York Central Transp. Co.,* 2 ERC 1355, 1 ELR 20106 (D. Del. 2/24/71). The court granted standing to a State and private persons to challenge the Corps of Engineers' issuance of permits to Penn Central for a dike and fill operation along the foreshore of the Delaware River. Plaintiffs allege, *inter alia,* that the Corps violated NEPA by giving inadequate consideration to the environmental effects of the operation. However, consideration of plaintiffs' claims will be delayed pending Penn Central's bankruptcy proceedings in another Federal court.

Dorothy Thomas Foundation v. *Hardin,* 1 ERC 1679 (W.D. N.C. 8/31/70). The court denied a preliminary injunction against timber cutting in a National Forest, finding that plaintiffs had not proven that the Federal defendants had failed to consider the factors required by NEPA and the Multiple Use and Sustained Yield Act.

Echo Park Residents Comm. v. *Romney,* 3 ERC 1255 (C.D. Cal. 5/11/71). The court upheld the finding by HUD that Federal assistance for a 66-unit apartment project would not significantly affect the environment and did not need a 102 statement.

Elliot v. *Volpe,* 2 ERC 1498, 1 ELR 20243 (D. Mass. 4/20/71). Plaintiffs sued to halt construction of interstate highway segments through Somerville, Massachusetts, asserting that the Department of Transportation had not complied with the requirements of NEPA. The court denied an injunction, on the ground that the planning and location of the segments had been completed and approved in 1966, and substantial construction had taken place before the enactment of NEPA. The court concluded that it would be an unwarranted "restroactive" application of NEPA to require a total halt in construction while the NEPA procedures were followed for the remaining action on the segments.

Ely v. *Velde,* 2 ERC 1185, 1 ELR 20082 (E.D. Va. 1/22/71). In a suit by neighboring property owners to contest a Federal grant to a State for construction of a prison facility, the court held that NEPA did not require the Federal granting agency to consider the environmental impact of the facility. The court stated that the Safe Streets Act of 1968 imposed a mandatory duty to award the funds, which was not modified by enactment of the "discretionary" provisions of NEPA in 1970. The decision was later reversed by the 4th Circuit.

Environmental Defense Fund, Inc. v. *Corps of Engineers,* 1 ELR 20130, 2 ERC 1260 (E.D. Ark. 2/19/71). Plaintiff environmental groups sued to enjoin further construction of the Gillham Dam, on which the Corps has prepared an environmental statement under section 102(2)(C). The court upheld plaintiffs' standing and held that NEPA was applicable even though the project was partially constructed prior to January 1, 1970. On the merits, the court rejected plaintiffs' argument that section 101 creates an enforceable duty not to undertake environmentally damaging projects. However, it found the environmental statement legally inadequate and enjoined further construction until the Corps has complied with section 102(2)(A), (B), (C), (D) of NEPA.

Environmental Defense Fund, Inc. v. *Corps of Engineers,* 2 ERC 1173, 1797, 1 ELR 20079, 20366 (D. D.C. 1/27/71, 7/27/71). The court granted a preliminary injunction against further construction of the Cross-Florida Barge Canal. The court held that a 102 statement was required for further actions even though the project was begun before January 1, 1970. The case was later consolidated with others involving the canal and transferred to M.D. Fla. for pretrial proceedings.

Environmental Defense Fund, Inc. v. Corps of Engineers, 3 ERC 1085, 1ELR 20466 (D. D.C. 9/21/71). The court granted a preliminary injunction against construction of the Tennessee-Tombigbee Waterway. It ruled that the plaintiffs had made a sufficient showing of noncompliance with NEPA to warrant an injunction pending trial.

Environmental Defense Fund, Inc. v. *Hardin,* 2 ERC 1424, 1 ELR 20207 (D. D.C. 4/14/71). The court ruled that the Department of Agriculture's fire ant control program, involving dissemination of the pesticide Mirex, was a major action requiring an environmental statement under Section 102(2)(C) of NEPA. However, it refused a preliminary injunction against the program, on the ground that the Department had performed adequate studies of the program's environmental effects and had prepared an environmental statement discussing those effects in sufficient detail to satisfy all procedural requirements of Section 102(2)(C).

Gibson v. *Ruckelshaus,* 3 ERC 1028, 1 ELR 20337 (E.D. Tex. 3/1/71). The court granted an injunction against condemnation proceedings for Federal financing for a sewage treatment facility, on the ground that the Environmental Protection Agency had failed to comply with NEPA and the Federal Water Pollution Control Act. The 5th Cir. later reversed and remanded the case on the basis of the plaintiff's refusal to cooperate with the court. (8/9/71, 3 ERC 1370).

Goose Hollow Foothills League v. *Romney,* 3 ERC 1087 (D. Ore. 9/9/71). The court enjoined construction of a Federally assisted college high-rise housing project for failure to prepare a 102 statement. However, the court stayed its injunction for 90 days to permit the filing of the statement. The injunction was made effective on 12/28/71, 3 ERC 1457.

Harrisburg Coalition Against Ruining the Environment v. *Volpe,* 2 ERC 1671, 1 ELR 20237 (M.D. Pa. 5/12/71). In a suit to enjoin construction of Interstate 81 through a park, the court found that the Secretary of Transportation had not made the findings required by Section 4(f) of the DOT Act. The case was remanded for new findings by the Secretary and for preparation of a 102 statement in accordance with the CEQ guidelines.

Investment Syndicates, Inc. v. *Richmond,* 1 ERC 1713, 1 ELR 20044 (D. Ore. 10/27/70). A landowner sued to enjoin construction of a power line across his land on the basis of the failure of Bonneville Power Administration to prepare an environmental statement under section 102(2)(C). The court held that a statement was not required, noting that the project had been approved and funded and nearly half of the necessary easements purchased before January 1, 1970, and that evidence of the proposed right of way was visible on plaintiff's land when he purchased it.

Izaak Walton League v. *Macchia,* 2 ERC 1661 (D. N.J. 6/16/71). The court upheld the plaintiff's standing to sue private developers and the Corps of Engineers to stop the developers from dredging in navigable waters under a Corps permit. The court also rejected the defenses of sovereign immunity and laches, and continued the case for trial. The suit challenges the validity of the permit under NEPA and other Federal laws.

Izaak Walton League v. *Schlesinger,* 3 ERC 1453 (D. D.C. 12/13/71). The court granted a preliminary injunction against the AEC's issuance of a partial operating license for the Quad Cities nuclear reactor pending completion of the NEPA review of the application for a full operating license. The court held that the partial license was itself a major action requiring a 102 statement.

Izaak Walton League v. *St. Clair,* 1 ERC 1401 (D. Minn. 6/1/70). The court denied the Government's motion to dismiss a suit brought to invalidate private mineral claims in the Boundary Waters Canoe Area (a Wilderness Area). The court upheld the plaintiff's standing to sue and ruled that the suit was not barred by sovereign immunity.

Kalur v. *Resor,* 3 ERC 1485 (D. D.C. 12/21/71). In an action to review the Corps of Engineers' regulations governing the Refuse Act permit program, the court found the regulations invalid in two respects: (1) the regulations permitted the issuance of permits for discharges into nonnavigable tributaries of navigable waters; and (2) they failed to require 102 statements for the issuance of permits. The court enjoined further issuance of permits under the program.

LaRaza Unida v. Volpe, 3 ERC 1306 (N.D. Cal. 11/8/71). The court granted a preliminary injunction against construction or property acquisition for a Federally assisted highway in Alameda County. The court based its order on violations of other Federal statutes, leaving a claimed violation of NEPA for consideration at trial.

Lever Bros. Co. v. FTC, 2 ERC 1648, 1 ELR 20185 (D. Me. 4/19/71). Detergent manufacturers sought an injunction forbidding the FTC to hold hearings on a proposed rule to require special labeling of detergents, including a pollution warning on detergents containing phosphorus. The manufacturers claimed that the hearings were illegal because the FTC had not prepared an environmental impact statement under NEPA on the proposed rule. The district court denied an injunction on the ground that the legality of the FTC's procedures could be reviewed only on review of the final adoption of a rule. The manufacturers then moved in the First Circuit Court of Appeals for an injunction pending appeal, which was denied by a single judge on the ground that as long as an environmental statement will be released prior to adoption of a rule, the manufacturers will not suffer sufficient hardship to justify court review prior to such adoption. (4/20/71, 2 ERC 1651, 1 ELR 20328.) The appeal was apparently dropped before hearing in the full court of appeals.

Lloyd Harbor Study Group, Inc. v. Seaborg, 2 ERC 1380, 1 ELR 20188 (E.D. N.Y. 4/2/71). A citizen group sought a court order under NEPA requiring the AEC to consider non-radiological environmental effects in its hearings on a permit application for a nuclear power plant in Shoreham, Long Island. The AEC had refused to receive evidence of such effects. The court dismissed the suit on the ground that this refusal could be reviewed only by a Court of Appeals after entry of a final AEC order.

McQueary v. Laird, 3 ERC 1185 (D. Colo. 10/2/71). In a suit to enjoin the Defense Department from storing chemical and biological warfare agents at Rocky Mountain Arsenal, the court held that NEPA did not create a substantive right to prevent the storage. The court held that the decision to store the agents was within the Department's discretion.

Monroe County Conservation Assn. v. *Hansen,* 1 ELR 20362, 3 ERC 1208 (W.D. N.Y. 6/1/71). The court denied a preliminary injunction against Corps of Engineers dumping of dredge spoil into Lake Ontario, saying that under the circumstances no law, including NEPA, required an immediate halt to the dumping.

Morningside-Lenox Park Assn. v. *Volpe,* 3 ERC 1327 (N.D. Ga. 11/22/71). The court preliminary enjoined further work on Interstate 485 in Atlanta, holding that a 102 statement was required for further actions even though location approval was given before January 1, 1970.

National Helium Corp. v. *Morton,* 2 ERC 1372, 1 ELR 20157 (D. Kan. 3/27/71). The court held that the Secretary of the Interior's cancellation of contracts for Federal purchase of helium constituted a "major action" requiring an environmental impact statement under Section 102(2)(C) of NEPA, and that the contractor had standing to seek compliance with this requirement. The court issued a preliminary injunction against termination of the contracts until the Secretary complied with NEPA. The injunction was subsequently affirmed by the 10th Circuit.

Nolop v. *Volpe,* 3 ERC 1338 (D. S.D. 11/11/71). The court upheld the standing of minor students at U.S.D. to sue as a class (through a guardian ad litem) to prevent construction through the campus of a Federally funded highway. It granted a preliminary injunction against further construction until a 102 statement is prepared.

Northwest Area Welfare Rights Orgn. v. *Volpe,* 2 ERC 1704, 1 ELR 20186 (E.D. Wash. 12/3/70). The court denied a preliminary injunction against further development of a highway project in Spokane. The court held that a claim of violation of NEPA was premature, since the only Federal participation was *funding* of an area transportation study.

NRDC v. *Morton,* 3 ERC 1473 (D. D.C. 12/16/71). The court preliminarily enjoined a proposed sale of leases for oil and gas extraction on the Outer Continental Shelf off eastern Louisiana. The court held that a substantial question had been raised about the legal sufficiency of Interior's 102 statement, particularly in the scope of alternative actions discussed.

NRDC v. TVA, 3 ERC 1468 (S.D. N.Y. 12/8/71). The court denied the defendants' motion to dismiss, which was premised on these grounds: (1) improper service of process; (2) improper venue; (3) lack of jurisdiction; and (4) failure to join indispensable parties. It granted the motion of the Audubon Society to intervene as a plaintiff.

Pennsylvania Environmental Council v. Bartlett, 1 ERC 1271 (M.D. Pa. 4/30/70). The court held that a conservation group had standing to challenge the Secretary of Transportation's approval of a State secondary highway relocation project, but that NEPA did not apply to a project for which planning and the award of a contract preceded January 1, 1970. In dictum the court also expressed doubt that NEPA requires the Secretary to study the environmental impact of State secondary highway projects before approving them. The decision was later affirmed by the 3d Circuit.

Petterson v. Resor, 3 ERC 1170 (D. Ore. 10/4/71). The court upheld citizens' standing to challenge a Corps of Engineers dredge-and-fill permit for the expansion of the Portland airport. However, it ruled that the permit was not one for which congressional approval was required under 33 U.S.C. 401. A NEPA violation was claimed, but the court only mentioned it without dealing with it.

Sierra Club v. Hardin, 2 ERC 1385, 1 ELR 20161 (D. Alaska 3/25/71). The court upheld the standing of conservation groups to challenge the Forest Service's sale of timber in Tongass National Forest as violative of NEPA and other statutes. However, the court found that the Forest Service's reliance on the report of a panel of conservationists complied with NEPA "to the fullest extent possible" in view of the advanced stage of the transaction at the time of NEPA's passage. It found the claims under other statutes to be barred by laches. The decision has been appealed.

Sierra Club v. Laird, 1 ELR 20085 (D. Ariz. 6/23/70). Plaintiff conservation groups sued to enjoin the Corps of Engineers from proceeding with a channel-clearing project on the Gila River, which had been authorized prior to January 1, 1970. The court granted a preliminary injunction on the basis of the Corps' failure to comply with section 102(2)(C), Executive Order 11514, and paragraph 11 of SEQ's Interim Guidelines.

State Committee to Stop Sanguine v. *Laird,* 317 F. Supp. 665 (W.D. Wis. 1970). In a suit by conservationists to enjoin the operation of a signal-system test facility for noncompliance with section 102(2)(E) (requiring *inter alia,* that Federal agencies support international environmental initiatives), the court refused an injunction because of plaintiffs' failure to make specific allegations of noncompliance.

Texas Committee v. *Resor,* 1 ELR 20466 (E.D. Tex. 6/29/71). The court granted a preliminary injunction against work on the Cooper Dam project until the Corps of Engineers prepares a 102 statement.

Texas Committee v. *United States,* 1 ERC 1303 (W.D. Tex. 2/5/70), *dismissed as moot* (5th Cir. 8/25/70). The court granted a preliminary injunction to prevent Farmers Home Administration from financing a golf-course project that allegedly threatened important wildlife habitat. The project had been approved, but not commenced, before January 1, 1970. The basis for the injunction was that FHA had not considered the environmental impact as required by NEPA. The case was dismissed as moot when the golf course was located elsewhere.

United States v. *Brookhaven,* 2 ERC 1761, 1 ELR 20377 (E.D. N.Y. 7/2/71). The court granted a preliminary injunction against dredging by a municipality in navigable waters without a Corps of Engineers permit. It held that the Corps, which had issued a permit in 1967, was not required to grant a subsequent permit, since the law had changed with the passage of NEPA.

United States v. *Joseph G. Moretti, Inc.,* 1 ELR 20443, 3 ERC 1052 (S.D. Fla. 9/2/71). The court issued an injunction against further private dredging in Florida Bay without a Corps of Engineers permit. The injunction also required restoration of the defendant's past damage to the bay. The court relied on NEPA to justify considering ecological damage.

United States v. *247.37 Acres,* 3 ERC 1099 (S.D. Ohio 9/9/71). In a suit to condemn land for the Corps of Engineers' East Fork Reservoir project, the court refused to grant summary judgment for the Government. The court held that failure to comply with NEPA was a valid defense to the condemnation suit.

Upper Pecos Assn. v. Stans, 2 ERC 1614, 1 ELR 20228 (D. N.M. 6/1/71). The court upheld the plaintiff's standing to challenge an Economic Development Administration grant for construction of a road. However, the court held that a 102 statement was not required on the grant because the Forest Service, which was the lead agency in developing the road, had prepared a 102 statement on it. The decision was affirmed on appeal.

Wilderness Society v. Morton, 1 ERC 1335, 1 ELR 20042 (D. D.C. 4/23/70). In a suit by conservation groups, the court enjoined the issuance by the Secretary of the Interior of a permit for a road across Federal lands on the basis, among others, of the Secretary's failure to prepare a statement under section 102(2)(C) discussing the environmental impact of both the road and the related Trans-Alaska Pipeline.

SOURCES FOR ENVIRONMENTAL IMPACT STATEMENTS

In order to receive more efficient and prompt service, requestors are urged to order draft and final impact statements from the Department of Commerce's National Technical Information Service (NTIS) rather than the preparing agency. Each statement will be assigned an order number that will appear in the *102 Monitor* (at the end of the summary of each statement) and also in the NTIS semi-monthly Announcement Series No. 68, "Environmental Pollution and Control." (An annual subscription costs $5.00 and can be ordered from the NTIS, U.S. Department of Commerce, Springfield, Virginia 22151.)

Final statements will be available in microfiche as well as paper copy. A paper copy of any statement can be obtained by writing NTIS at the above address and enclosing $3.00 and the order number. A microfiche costs $0.95. (Paper copies of documents that are over 300 pages are $6.00.)

NTIS is also offering a special "package" in which the subscriber receives all statements in microfiche for $0.35 per statement.

Statements will still be available for public scrutiny in the document rooms of the various agencies. However, only limited copies will be available for distribution.

Yet another possible source of statements is from the Environmental Law Institute, 1346 Connecticut Avenue, N.W., Washington, D.C. 20036. To order a document, please indicate the Department, date, and ELR Order # (given at the end of each summary). The Institute charges $0.10 per page, and as you will note the number of pages is also given at the end of the summaries. Please enclose the correct amount of money with your order and mark the envelope to the attention to the "Document Service."

SOURCE FOR BACK ISSUES OF THE 102 MONITOR

Because the supply of past issues of the 102 Monitor is not sufficient to meet all requests, a list is provided below indicating where the various issues of the 102 Monitor appeared in the Congressional Record. You may wish to order these Congressional Records from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 ($.25 per copy).

Vol. 1, Nos. 1, 2 & 3: Congressional Record (page E3607)—April 28, 1971.

Vol. 1, No. 4: Congressional Record (page E5151)—May 27, 1971.

Vol. 1, No. 5: Congressional Record (page E6023)—June 16, 1971.

Vol. 1, No. 6: Congressional Record (page E8458)—July 28, 1971.

Vol. 1, No. 7: Congressional Record (page E9483)—September 13, 1971.

Vol. 1, No. 8: Congressional Record (page E10002)—September 24, 1971.

Vol. 1, No. 9: Congressional Record (page E11596)—November 1, 1971.

Vol. 1, No. 10: Congressional Record (page E12213)—November 15, 1971.

Vol. 1, No. 11: Congressional Record (page E13322)—December 11, 1971.

ENVIRONMENTAL IMPACT STATEMENTS RECEIVED BY THE COUNCIL FROM DECEMBER 1 THROUGH DECEMBER 31, 1971

(NOTE.—At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.)

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250 (202) 388-7803.

Agricultural Research Service

Supplement to draft (9/15). Cooperative Federal-State (*North Carolina* and *South Carolina*) control and regulatory program for witchweed, involving use of 2,4-D and paraquat. (ELR Order No. 820, draft—17 pages, supplement—6 pages) (NTIS Order No. PB-202 650-D) 12/7.

Forest Service

Draft

Title, description, and date

Construction of a 403-mile 345 Kv powerline from Waterflow, *New Mexico* to Tucson, *Arizona* by the Tucson Gas and Electric Co. (ELR Order No. 1458, 90 pages) (NTIS Order No. PB-204 960-D) 12/15.

Final

Title, description, and date

Legislative proposal to establish the Seward National Recreation area, Kenai Peninsula and Greater Anchorage Area Boroughs, *Alaska*. Consists of 1.4 million acres, of which 1,280,500 are National Forest lands, 116,000 are Public Domain lands, 282 State and 3,230 private owned. No draft statement received. (ELR Order No. 1360, 26 pages) (NTIS Order No. PB-204 694-F) 12/6.

Office of the Secretary

Final

Title, description, and date

Establishment of Scapegoat Wilderness, now a part of Helena, Lewis and Clark, and Lolo National Forests, *Montana*. Involves about 233,000 acres in northern Rocky Mountains. (ELR Order No. 1451, 17 pages) (NTIS Order No. PB-204 956-F) 12/13.

Rural Electric Administration

Final

Title, description, and date

Mooreland Electric Generating Station Unit No. 3, Woodward County, *Oklahoma*. Loan application from the Western Farmers Electric Cooperative for construction of additional 135,000 kw unit. Comments made by USDA, FPC, DOI, Okla. Office of Community Affairs and Planning and Okla. Dept. of Health. (ELR Order No. 1302, 166 pages) (NTIS Order No. PB-204 505-F) 11/24.

Transmission line between Beaver Creek and Wray, *Colorado*. Application of Tri-State Generation and Transmission Assn., Inc. for a change-of-purpose of $3,088,000 of loaned funds and of $345,600 of general funds to construct a 77-mile, 230 kv transmission line, a switching station at Beaver Creek and a substation addition at Wray. Comments made by USDA, EPA, FPC, DOI and 2 state agencies. (ELR Order No. 1333, 57 pages) (NTIS Order No. PB-203 797-F) 12/1.

Social Conservation Service

Draft

Title, description, and date

Cornudas, North and Culp Draws Watershed, Hudspeth County, *Texas* and Otero County, *New Mexico*. Application of land treatment measures within the watershed supplemented by 3 floodwater retarding structures. Involves 1,315 acres of rangeland. (ELR Order No. 1321, 11 pages) (NTIS Order No. PB-204 573-D) 11/30.

Hitson, C&L and Washburn Draws Watershed, Hudspeth County, *Texas*. Application of land treatment measures on 29,900 acres of agricultural land supplemented by 1 floodwater retarding structure, 2 multi-purpose structures, and 25,150′ of diversions. Will change land use of 624 acres of land and occasionally inundate 2 miles of draws included in that acreage. (ELR Order No. 1326, 11 pages) (NTIS Order No. PB-204 561-D) 12/1.

Final

Title, description, and date

Hollow Creek Watershed, Lexington and Saluda Counties, *South Carolina*. Conservation land treatment of 2,700 acres and construction of 2 floodwater retarding dams. Will destroy agricultural use and wildlife habitat on 92 acres of pasture and woodland. Comments made by Army COE, EPA, FPC, DOI, S.C. Water Resources Commission and S.C. Planning and Grants Division. (ELR Order No. 1445, 10 pages) (NTIS Order No. PB-203 233-F) 12/10.

Tekamah-Mud Creek Watershed, *Nebraska*. A multi-purpose reservoir, 4 combination floodwater retarding-grade stabilization structures and 10 grade stabilization structures. Will inundate 8 miles of intermittently flowing streams. Purpose is to reduce erosion and land destruction. Comments made by DOI, DOA, EPA, HEW, Governor of Nebraska and State Soil and Water Conservation Comm. (ELR Order No. 1475, 33 pages) (NTIS Order No. PB-199 326-F) 12/16.

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 29545 (202) 973-5391.

For Regulatory Matters: Christopher L. Henderson, Assistant Director of Regulation for Administration, Washington, D.C. 20545 (202) 973-7531.

Draft

Title, description, and date

Power Burst Facility, National Reactor Testing Station, southeastern, *Idaho*. Operation of reactor with a sudden increase in power level for a short period of time (burst of power) to subject test fuel elements to severe operating conditions. Construction essentially complete. (ELR Order 1427, 72 pages) (NTIS Order PB-204 915-D) 12/15.

Oconee Nuclear Station, Unit 1, Oconee County, *South Carolina*. Application of the Duke Power Co. for operating license. Action pertains to operation of 1 of 3 units (922 mgw each); statement considers impact of simultaneous operation of all 3 (waste heat generation of 1650 mgw). Docket No. 50-269. (Note: this is a new statement; final of an earlier draft was transmitted 2/12/71) (ELR Order 1438, 147 pages) (NTIS Order PB-202 796-F) 12/15.

Elk River Reactor dismantling, *Minnesota*. Contaminated materials to be disposed of at AEC approved burial grounds. (ELR Order 1507, 42 pages) (NTIS Order PB-205 234-D) 12/23.

DEPARTMENT OF DEFENSE—DEPARTMENT OF ARMY

Contact: George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310 (202) OX 4-4269.

Draft

Title, description, and date

Project Eagle—Phase II, Rocky Mountain Arsenal, *Colorado*. Disposal of 21,000 obsolete M34 gas bomb clusters containing approximately 454,000 gallons of the chemical warfare nerve agent GB by chemical neutralization. (ELR No. 1415, 643 pages) (NTIS Order No. PB-204 919-D; price, $9.00) 12/3.

Final

Title, description, and date

Minimum facilities for Air Cavalry Combat Brigade Test, Fort Hood, *Texas*. Construction to provide minimum essential heliport and testing facilities for up to 410 organic helicopters, involving construction of bituminous maintenance aprons, storm sewers, etc. and personnel administrative space, including rehabilitation of 5 permanent buildings. Comments made by USDA, EPA, HEW and DOI. (ELR Order No. 1414, 72 pages) (NTIS Order No. PB-202 796-F) 12/8.

Deactivation of anti-crop biological agent at Fort Detrick, *Maryland*. (No draft statement received.) A separate statement will be filed on the disposal of the inactivated waste. Comments made by HEW, DOI, USDA, EPA, State of Md., Metropolitan Washington Council of Governments. (ELR Order No. 1505, 75 pages) (NTIS Order No. PB-205 226-F) 12/22.

Corps of Engineers

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Office, Chief of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314 (202) 693-6346 or 6329.

For the reader's convenience we have listed the numerous statements from COE by State in alphabetical order.

Draft

Title, description, and date

Hurricane protection project, Stratford, *Connecticut*. Encirclement of low portions adjacent to the Great Meadows and along west bank of the Housatonic River by earth-filled levees and some floodwalls and provision of 6 pumping stations along the river. Will fill about 13.2 acres of marsh and replace 5.1 acres of water area. (ELR Order No. 1316, 31 pages) (NTIS Order No. PB-204 571-D) 12/1.

Miami Harbor, *Florida*. Deepening from 30′ to 36-38′ of a 6-mile reach and widening by 100′ to 500′ of the channel between the jetties. About 5 million cu. yds. of dredged material will be deposited in 2 upland diked areas and 3 open-water disposal areas. (ELR Order No. 1407, 18 pages) (NTIS Order No. PB-204 838-D) 12/3.

Kahului Harbor west breakwater, Maui, *Hawaii*. Repair of 100′ of breakwater trunk by placing 19- and 35-ton concrete units on seaward slope and constructing concrete ribs on the cap of the breakwater. (ELR Order No. 1406, 10 pages) (NTIS Order No. PB-204 848-D) 12/3.

Lake Forest beach erosion project, Lake County, *Illinois*. Removal of 30′ permeable steel sheet piling groin and replacement with impermeable section, extension of this groin 80′ and extension of another steel sheet piling groin 140′ to prevent further erosion and to restore the eroded and damaged beach. (ELR Order No. 1365, 18 pages) (NTIS Order No. PB-204 663-D) 12/1.

Farmers Levee and Drainage District, Mason County, *Illinois*. Levee improvement on the Sangamon River by raising the low sections and extension of levee 2.4 miles downstream, with alteration of interior drainage facilities, underseepage controls and closure structures. (ELR Order No. 1463, 13 pages) (NTIS Order No. PB-204 964-D) 12/17.

Dively Drainage and Levee District, *Illinois*. Construction of 3.53-mile earth levee, 3 gravity drains and 3 collector ditches. Approximately 3,800′ of Kaskia River left bank will be riprapped. (ELR Order No. 1508, 24 pages) (NTIS Order No. PB-205 236-D) 12/27.

Clifty Creek Lake, Clifty Lake, Wabash River Basin, *Indiana*. Construction of a dam and lake for flood control, recreation, etc. Will inundate 2,300 acres and 6 miles of free-flowing stream. (ELR Order No. 1515, 6 pages) (NTIS Order No. PB–205 229–D) 12/13.

Southwest Jefferson County flood protection project, Jefferson and Bullitt Counties, *Kentucky*. Construction of 68,500′ earth levee, 1500′ reinforced concrete flood wall, 5 pumping plants and a permanent impoundment in the Ohio River flood plain. Will inundate 810 acres permanently and 1140 acres periodically. Involves stripping 600 acres of cover for fill material for the levee and the loss of about 20% of Riverview Park. (ELR Order No. 1410, 13 pages) (NTIS Order No. PB–204 856–D) 12/9.

Fall River Harbor, Bristol County, *Massachusetts* and Newport County, *Rhode Island*. Navigation improvement by deepening a turning basin and dredging 11 miles of channel to deepen from 35′ to 40′; 4 million cu. yds. of dredge materials to be deposited at sea disposal site. (ELR Order No. 1363, 36 pages) (NTIS Order No. PB–204 659–D) 12/2.

Red River of the North, Oslo, Marshall County, *Minnesota*. Improvement of local levee and construction of floodwalls and interior drainage facilities. Ponding area will drain a 25-acre marsh, tree removal will alter 3.3 acres of wildlife habitat and 6 houses will be relocated. (ELR Order No. 1440, 47 pages) (NTIS Order No. PB–204 943–D) 12/9.

Tallahala Dam and Lake, Pascagoula River Basin, Jasper County, *Mississippi*. Construction of a 7,880′ earth-fill dam, a 420′ earth-fill saddle dike, a 300′ emergency spillway and a 10′ diameter outlet conduit with facilities to regulate water quality releases. Requires 15,525 acres, inundating 4,435 acres of agricultural and forest lands and intermittently inundating an additional 2,700 acres (ELR Order No. 1357, 25 pages) (NTIS Order No. PB–204 664–D) December 6.

Mississippi River, East Bank, Warren to Wilkinson Counties, *Mississippi* (Vicksburg-Yazoo area). Construction of 11.3 miles of loop-levee,1 16.1 miles of channel improvements within the interior drainage system, installation of a water level control control weir and a 200 cfs pumping station with floodgates, and development of 1,000 acres of bottomland outside the leveed area. Will involve loss of 4,300 acres of bottomland wildlife habitat. (ELR Order No. 1460, 27 pages) (NTIS Order No. PB–204 968–D) December 13.

Western Unit flood protection project, Billings, *Montana*. Diversion project along the west side of Shiloh Rd. extending from Cove Ditch to the Yellowstone River to prevent flows from crossing the road and causing flooding in Billings. Involves loss of agricultural production on 66 acres of irrigated land. (ELR Order No. 1323, 10 pages) (NTIS Order No. PB–204 575–D) November 30.

Snagging and clearing project on Gallinas River, Las Vegas, *New Mexico*. Removal of sediment and vegetation from 5,200′ of channel to provide emergency flood relief. In addition to snagging and clearing, project involves excavating a pilot channel. (ELR Order No. 1484, 16 pages) (NTIS Order No. PB–205 199–D) December 22.

Buffalo Harbor, Erie County, *New York*. Maintenance of channels and breakwaters by dredging 525,000 cu. yds. of sediment annually, about ⅓ of which is placed in inclosed disposal area and remainder in Lake Erie. (ELR Order No. 1361, 6 pages) (NTIS Order No. PB–204 670–D) November 24.

Ninemile Creek Basin, Holland Patent, Oneida County, *New York*. Construction for flood control of an overflow channel and weir, drop inlet, concrete culvert, diversion channel and drainage ditch. (ELR Order No. 1409, 14 pages) (NTIS Order No. PB–204 857–D) December 9.

Railroad closure structure, Beach City Lake, Sugar Creek, Stark County, *Ohio*. Construction of closure structure consisting of a gate opening in a railroad cut and a 400′ long earthen levee with a maximum height of 5′. (ELR Order No. 1317, 6 pages) (NTIS Order No. PB–204 570–D) November 24.

Texas City Channel, *Texas*. Maintenance dredging of channel and turning basin, required about every 2 years, with disposal at land and open bay sites. Disposal areas on Snake and Pelican Islands will be partially leveed. (ELR Order 1404, 10 pages) (NTIS Order PB–204 850–D) 12/9.

Aquatic Plant Control Program, *Texas*. Control and eradication of the water hyacinth and alligatorweed by chemical treatment (2,4-dichlorophenoxyacetic acid) and biological means (Agasicles flea beetle) in navigable waters. (ELR Order 1405, 15 pages) (NTIS Order PB–204 849–D) 12/2.

Corpus Christi Ship Channel, Neuces County, *Texas*. Maintenance dredging, with dredged material to be deposited in the Gulf, in disposal areas north and south of the channel and on land north of the channels. (ELR Order 1411, 7 pages) (NTIS Order PB–204 854–D) 12/3.

Matagorda ship channel, Calhoun and Matagorda Counties, *Texas*. Maintenance of 7 channels by dredging; dredged materials to be deposited in Gulf about 3 miles offshore. (ELR Order 1359, 8 pages) (NTIS Order PB–204 666–D) 12/3.

Virginia Beach, *Virginia*. Hurricanes protection and beach erosion control by construction of sheet pile walls capped with concrete, raising and widening the beach, and recommendation of non-structural measures (zoning and building codes). (ELR Order 1408, 27 pages) (NTIS Order PB–204 839–D) 12/6.

Revised draft following final statement transmitted 1/25/71. LaFarge Lake, Kickapoo River, Vernon County, *Wisconsin*. Construction of lake with a surface area of about 1,780 acres extending 12 miles upstream and of a 3,960′ dam with a maximum height of 103′ for flood control. Requires relocation of 22.5 miles of road, removal of 33 bridges and construction of 17 bridges. (ELR Order 1336, 200 pages) (NTIS Order PB–204 918–D; price, $6.00) 12/2.

Final

Title, description, and date

Papillion Creek and Tributaries flood protection project, Douglas, Sarpy and Washington Counties, *Nebraska*. Construction of 20 dams and lakes and implementation of a flood plain management program. Will eliminate 44 miles of riparian wildlife habitat. Comments made by USDA, EPA, DOI, 3 state agencies, Sarpy County Bd. of Commissioners, City of Omaha, Papio Watershed Bd., Metropolitan Area Planning Agency, Quality Environment Council and Omaha League of Women Voters. (ELR Order 1285, 49 pages) (NTIS Order PB–202 292–F) 11/29.

ENVIRONMENTAL PROTECTION AGENCY

Contact: George Marienthal, Acting Director, Office of Federal Activities, 1750 K Street, N.W., Room 440, Washington, D.C. 20460 (202) 254–7420.

Draft

Title, description, and date

Construction of wastewater facilities, Lufkin, Angelina County, *Texas*. Includes sanitary sewer interceptors, pumping stations, force mains, waste treatment facilities and appurtenances. Will utilize activated sludge process and effluent disinfection. Projects WPC–TEX–625. (ELR Order No. 1426, 71 pages) (NTIS Order No. PB–204 907–D) 12/2.

Lead-Deadwood Sanitary District No. 1, *South Dakota*. Treatment of domestic wastes from the 2 cities and the mine tailings wastes from Homestake Mining Co. A number of alternatives are being considered, most including construction of a tailings-stabilization pond. Will affect Whitewood Creek and remove 600 acres of land from agricultural use. Project WPC SD–200. (ELR Order No. 1368, 42 pages) (NTIS Order No. PB–204 669–D) 12/6.

Sewage treatment facilities, Soldotna, *Alaska*. Application for financial assistance in construction of facilities to provide secondary treatment by extended aeration, with discharges into Kenai River. Project WPC–ALA–24. (ELR Order No. 1367, 13 pages) (NTIS Order No. PB–204 662–D) 12/7.

Wastewater treatment facilities construction grants for Nassau and Suffolk Counties, *New York*. Involves sewers, additions and alterations to sewage treatment plants, construction of sewage treatment plants and construction of outfalls. Will affect waters of Long Island Sound, waters of the Atlantic Ocean and march area. Projects WPC–NY–361, –628, –559, –609, –629, –355, –536, –577, –669, –624, –621 and –709. (ELR Order No. 1429, 214 pages) (NTIS Order No. PB–204 912–D) 12/15.

FEDERAL POWER COMMISSION

Contact: Frederick H. Warren, Advisor on Environmental Quality, 441 G St., N.W., Washington, D.C. 20426 (202) 386–6084.

Draft

Title, description, and date

Application of Arkansas Louisiana Gas Co. for authorization to construct a 298–mile pipeline from Wilburton, *Oklahoma* through the Anadarko Basin to Hemphill County, *Texas*, and a 42-mile lateral line from the Anadarko pipeline to Lawton, Oklahoma, compressor facilities and a hydrogen removal plant. Docket No. CP70–267. (ELR Order 1430, 33 pages) (NTIS Order PB–204 944–D) 12/10.

GENERAL SERVICES ADMINISTRATION

Contact: Rod Kreger, Deputy Administrator, GSA–AD, Washington, D.C. 20405 (202) 343–6077.

Alternative Contact: Aaron Woloshin, Director, Office of Environmental Affairs, GSA–AD, Washington, D.C. 20405 (202) 343–4161.

Draft

Title, description, and date

Disposal of 210 acres of Cleveland Army Tank Testing Site, Cleveland, *Ohio* by conveying 48 acres to City of Cleveland for use as airport buffer zone and by negotiated lease or sale of 162 acres of land and buildings to Cleveland. (ELR Order 1327, 7 pages) NTIS Order No. PB–204 562–D) 12/2.

Exchange of 140 acres of Miller Field, Staten Island, *New York* for the Willard Hotel, *Washington, D.C.*, Miller Field to be used for housing and roads and the Willard property as a part of the National Square. (ELR Order 1428, 13 pages) (NTIS Order No. PB–204 914–D) 12/13.

Final

Title description, and date

Revised final. Disposal of 2,040 acres of AEC's Argonne National Laboratory, Argonne, *Illinois* by assignment to DOI for conveyance for park and recreational uses. Comments made by AEC, EPA, Office of the Governor and Northeastern Ill. Planning Commission. (ELR Order 1335, 58 pages) (NTIS Order No. PB–204 556–F) 12/2.

Disposal of 1909.2 acres of Camp San Luis Obispo, San Luis Obispo County, *California* by assigning 47 acres to HEW for conveyance to County for school purposes, by assigning 513 acres to DOI for conveyance to County for park and recreation use and by sealed bid of 1349 acres. Comments made by HEW, DOI and County Planning Dept. (ELR Order No. 1328, 12 pages) (NTIS Order No. PB–201 525–F) 12/3.

Disposal of 425.75 acres of Fort Lawton Military Reservation, Seattle, *Washington* by assigning 420 acres to DOI for public park and recreational use subject to consideration by HEW for a portion thereof and a separate disposal action for 5.5 acres and chapel building for its continued use for religious purposes. Comments made by EPA, DOI, Puget

Sound Governmental Conference. (ELR Order No. 1350, 16 pages) (NTIS Order No. PB-201 526-F) 12/6.

Disposal of Philadelphia Army Supply Base, Philadelphia, *Pennsylvania* by negotiated sale to the City of Philadelphia for continued use as a pier facility. Comments made by EPA, Mayor of Philadelphia and City of Philadelphia. (ELR Order No. 1462, 8 pages) (NTIS Order No. PB-203 886-F) 12/17.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Richard H. Broun, Director, Environmental & Land Use Planning Division, Washington, D.C. 20410 (202) 755-6186.

Draft

Title, description, and date

Woodlands New Community, Montgomery County, *Texas*. Loan guarantee for 17,000-acre community with resident population of 150,000, primary open space of 2,800 acres, roads and utilities requiring 1,500 acres and industrial and/or employment planned for 2,000 acres. Target completion date, 1992. (ELR Order No. 1309, 111 pages) (NTIS Order No. PB-204 498-D) 11/26.

HUD Project Selection System for the Neighborhood Development Program. Establishment of criteria for evaluating applications under this program in order to determine which projects will receive funding. Neighborhood Development Program provides technical assistance and grants to localities in carrying out urban renewal activities in designated blighted areas. (ELR Order No. 1434, 9 pages) (NTIS Order No. PB-204 908-D) 12/8.

HUD Project Selection System for the Open Space Land (Legacy of Parks) Program. Establishment of criteria for evaluating applications under this program in order to determine which projects will receive funding. Open Space Land Program provides matching grants to state and local public bodies for up to 50% of the cost of acquiring title or other interests in and developing open space land. (ELR Order No. 1435, 11 pages) (NTIS Order No. PB-204 909-D) 12/8.

HUD Project Selection System for the Neighborhood Facilities Program. Establishment of criteria for evaluating applications under this program in order to determine which projects will receive funding. Neighborhood Facilities Program provides grants to help local public bodies finance up to two-thirds of development costs for neighborhood centers to serve low- and moderate-income communities. (ELR Order No. 1436, 9 pages) (NTIS Order No. PB-204 916-D) 12/8.

Ganada New Community, Wayne County, *New York*. Loan guarantee for 10,500-acre development in Genesee-Finger Lakes region, with an estimated population of 85,000 and a completion date of 2002. (ELR Order No. 1413, 56 pages) (NTIS Order No. PB-204 845-D) 12/9.

HUD Project Selection System for the Public Facility Loans Program. Establishment of criteria for evaluating applications under this program in order to determine which projects will receive funding. Public Facility Loans Program provides long-term loans for local public works construction to bodies serving populations of less than 50,000. (ELR Order No. 1437, 10 pages) (NTIS Order No. PB-204 917-D) 12/15.

Final

Title, description, and date

Nationwide promulgation of HUD Handbook I, Comprehensive Planning Assistance Leading to a Grant. Comments made by AEC, EPA, HEW and DOI. (ELR Order No. 1464, 18 pages) (NTIS Order No. PB-200 380-F) 12/15.

DEPARTMENT OF INTERIOR

Contact: Office of Communications, Room 7214, Washington, D.C. 20240 (202 343-6416.

National Park Service

Draft

Title, description, and date

Joshua Tree National Monument Wilderness, *California*. Designation of 10 units totaling 325,200 acres as Wilderness. (Includes statements on both the legislative proposal and the master plan for managing the monument.) (ELR Order No. 1514, 101 pages) (NTIS Order No. PB-205 237-D) 12/22.

Bureau of Reclamation

Final

Title, description, and date

Crystal Dam, Reservoir, and Powerplant, Curecanti Unit, Colorado River Storage Project, *Colorado*. Construction of a dam, reservoir and hydroelectric powerplant on the Gunnison River, 15 miles east of Montrose. Will channelize 8,000′ of river and inundate a scenic area of Black Canyon and 6.5 miles of trout fishery. Comments made by Army COE, EPA, DOI, Advisory Council on Historic Preservation, 4 state agencies, Museum of Northern Arizona, Colorado State Univ. and Colorado River Board of California. (ELR Order No. 1356, 48 pages) (NTIS Order No. PB-202 071-F) 12/6.

NATIONAL SCIENCE FOUNDATION

Contact: Dr. Thomas B. Owen, Assistant Director for National and International Programs, 1800 G Street, N.W., Washington, D.C. 20550 (202) 632-7300.

Final

Title, description, and date

Winter orographic cloud modification experiment, *Colorado*. Random seeding of clouds with silver iodide in the area of Climax to study cloud and precipitation processes involved in increasing the snowpack. Study in progress since 1960. Comments made by USDA, EPA, DOI, and Rocky Mountain Center on Environment. (ELR Order No. 1509, 20 pages) (NTIS Order No. PB-205 227-F) 12/29.

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tennessee 37401 (615) 755-2002.

Draft

Title, description, and date

Nolichucky Project rehabilitation, Greene County, *Tennessee*. Strengthening of dam, development of land and water area behind the dam to Bird Bridge and retirement of the hydroelectric generating units. (ELR Order 1412, 31 pages) (NTIS Order PB-204 844-D) 12/10.

Final

Title, description, and date

Yellow Creek Port Project, Pickwick Reservoir, Tishomingo County, *Mississippi*. Development of a public river port terminal and related industrial complex to encourage economic development of a depressed area. Comments made by USDA, DOC, DOD, EPA, HEW, DOI, DOT, Appalachian Regional Commission, Miss. Clearinghouse for Federal Programs and Regional Clearinghouse for Federal Programs. (ELR Order 1351, 49 pages) (NTIS Order PB-198 738-F) 11/30.

Policies relating to sources of coal used by TVA for electric power generation. Comments made by USDA, DOI, EPA, Appalachian Regional Comm., Ala. Development Office, Ind. Dept. of Commerce, 6 Ky. agencies, Pennyrile Area Development Dist., Lake Cumberland Area Development Dist., 2 Okla. agencies, 2 Tenn. agencies, Va. Dept. of Conservation and Economic Development, LENOWISCO Planning Dist. Comm., Cumberland Planning Dist. Comm. (ELR Order 1500, 145 pages) (NTIS Order PB-205 225-F) 12/6.

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser, Director, Office of Program Co-Ordination, 400 7th Street, S.W., Washington, D.C. 20591 (202) 462-4355. Mr. Convisser's office will refer you to the correct regional office from which the statement originated. In the case of the Federal Highway Administration, a separate page is included in this Monitor giving the names of the Regional Administrators (see page 65).

For the reader's convenience we have listed the numerous statements from DOT by State in alphabetical order.

Federal Aviation Administration

Draft

Title, description, and date

St. Marys Airport, St. Marys, *Alaska*. Extension of runway; widening of runway embankment; construction of crosswind runway embankment, taxiway embankment, a base course on the runway extension and on the crosswind runway and installation of a medium-intensity lighting system and rotating beacon. (ELR Order No. 1295, 9 pages) (NTIS Order No. PB-204 565-D) 11/29.

Sitka Airport, Sitka, *Alaska*. Construction of an extension to the runway safety area, extension of high intensity lighting system, possible acquisition of land, etc. (ELR Order No. 1491, 15 pages) (NTIS Order No. PB-205 193-D) 12/14.

Auburn Municipal Airport, Auburn Placer County, *California*. Reconstruction of runway, taxiway, drainage and lighting system. (ELR Order No. 1474, 17 pages) (NTIS Order No. PB-205 197-D) 12/16.

Nut Tree Airport, Vacaville, *California*. Involves the second development project for the airport which consists primarily of extending the runway to 3800′ and adding a parking apron. (A final statement on the master plan for the development of the airport was sent on 10/1/71.) (ELR Order No. 1483, 33 pages) (NTIS Order No. PB-205 198-D) 12/20.

Stapleton International Airport, Denver, *Colorado*. Construction of north-south runway, with parallel and connecting taxiway. Includes grading, drainage, structures, lighting and relocation of a railroad spur and highway. (ELR Order No. 1334, 52 pages) (NTIS Order No. PB-204 557-D) 12/2.

Jasper-Pickens County Airport, Jasper *Georgia*. Construction of general utility airport to accommodate propeller aircraft of less than 12,500 pounds. (ELR Order No. 1456, 23 pages) (NTIS Order No. PB-204 959-D) 12/15.

Pocatello Municipal Airport, Power County, *Idaho*. Extension of runway and lights, ramp lighting, overlay of taxiway and apron, and construction of taxiway. (ELR Order No. 1455, 24 pages) (NTIS Order No. PB-204 958-D) 12/15.

Hannibal Municipal Airport, Marion County, *Missouri*. Construction of taxiway and runway; extension of runway; installation of runway lights, end indicator lights and visual slope indicators; improvement of auto parking and tiedown areas; fencing; and a deep well. (ELR Order No. 1457, 31 pages) (NTIS Order No. PB-204 962-D) 12/15.

Falls City Municipal Airport, Richardson County, *Nebraksa*. Improvement of landing strips, including paving, realignment and relocation. Project 7-31-0028-01 ADAP. (ELR Order No. 1358, 19 pages) (NTIS Order No. PB-204 665-D) 12/2.

Miller Field, Valentine, Cherry County, *Nebraska*. Extension of runway; construction of an overlay on the runway, taxiways and apron, and construction of segmented circle and wind indicator. Project 7-31-0084-01 ADAP. (ELR Order No. 1443, 18 pages) (NTIS Order No. PB-204 903-D) 12/15.

Chemung County Airport, Big Flats, (Elmira), *New York*. Extension of the secondary runway by 1200′ to the east. (ELR Order No.

1490, 16 pages) (NTIS Order No. PB–205 194–D) 12/20.

Dallas-Fort Worth Regional Airport, Dallas-Fort Worth, *Texas*. Involves acquisition of 17,520 acres of land and construction by stages of a new air carrier airport. (ELR Order No. 1489, 15 pages) (NTIS Order No. PB–205 202–D) 12/20.

Grand Coulee Dam Airport, Grant County, *Washington*. Construction of a general aviation airport. (ELR Order No. 1473, 8 pages) (NTIS Order No. PB–205 196–D) 12/15.

Neillsville Municipal Airport, Grant, Clark County, *Wisconsin*. Construction of new airport, including taxiway, apron, and access road. (ELR Order No. 1320, 14 pages) (NTIS Order No. PB–204 576–D) 11/29.

Final

Title, description, and date

Moton Municipal Airport, Tukeegee, *Alabama*. Construction of runway, taxiway and access road and relocation of power line to accommodate propeller and business jet aircraft with ability to use 5000′ runway. Comments made by USDA, EPA, DOI, OEO, Ala. Development Office, Ala. Dept. of Aeronautics, Macon County Commission, Tuskegee Model Cities Commission, Macon County Medical Society and Negro Airman International, Inc. (ELR Order No. 1376, 42 pages) (NTIS Order No. PB–202 075–F) 12/8.

Muscle Shoals Airport, Muscle Shoals, Colbert County, *Alabama*. Upgrading of runway to DC–9 aircraft standards by extending, strengthening and lighting runway; constructing and lighting taxiway; constructing fire crash building; and grading glide slope. Comments made by USDA, EPA, DOI, Ala. Development Office and Muscle Shoals Council of Local Governments. (ELR Order No. 1450, 29 pages) (NTIS Order No. PB–202 720–F) 12/14.

Chignik Lake Airport, *Alaska*. Construction of a landing strip, parking apron, etc. to provide a utility airport. Comments made by Army COE, EPA, DOI, HEW, Governor of Alaska, Alaska Health Service and Commercial Fisheries. (ELR Order No. 1417, 23 pages) (NTIS Order No. PB–201 401–F) 12/3.

Scammon Bay Airport, Scammon Bay, *Alaska*. Construction of landing strip, parking apron, connecting taxiway, access road, windcone and segmented circle to improve transportation to the community. Comments made by Army COE, EPA and DOI. (ELR Order No. 1403, 13 pages) (NTIS Order No. PB–202 306–F) 12/10.

Thompson-Robbins Field, Helena-West Helena, Phillips County, *Arkansas*. Overlaying and extension of runways, reconstruction of taxiway, installation of segmented circle and lighted wind cone, incidental marking and clearing approaches. Comments made by USDA, Army COE, EPA, HUD, DOI, DOT, State Clearinghouse and East Ark. Planning and Development District. (ELR Order No. 1459, 32 pages (NTIS Order No. PB–201 521–F) 12/14.

Danbury Municipal Airport, Danbury, *Connecticut*. Relocation of airfield lighting vault, installation of drainage culverts, security fencing and runway end identifier lighting system. Comments made by AEC, EPA, FPC, Tri-State Transportation Commission, Tri-State Regional Planning Commission, State Clearinghouse and Housatanic Valley Council of Elected Officials. (ELR Order No. 1448, 32 pages) (NTIS Order No. PB–202 979–F) 12/14.

Ohio State University Airport, Franklin County, *Ohio*. Construction of runway, taxiway and parking apron and lighting of runway and taxiway. Comments made by USDA, Army COE, EPA, DOI, DOT, Ohio Dept. of Natural Resources, Ohio Dept. of Development and Mid-Ohio Regional Planning Commission. (ELR Order No. 1447, 20 pages) (NTIS Order No. PB–201 706–F) 12/14.

Abernathy Field, Pulaski, Giles County, *Tennessee*. Extension of runway 500′, installation of medium intensity lighting system, and addition to apron. Comments made by USDA, EPA, DOI and 4 state agencies. (ELR Order No. 1402, 12 pages) (NTIS Order No. PB–203 231–F) 12/10.

Gillette-Campbell County Airport, Gillette, *Wyoming*. Extension of runway; extension of MIRL system with VASI system; overlay of runway, taxiway and apron; and fencing. Comments made by USDA, Army COE and EPA. (ELR Order No. 1449, 20 pages) (NTIS Order No. PB–201 579–F) 12/14.

Federal Highway Administration

Draft

Title, description, and date

SR–77: Porters Gap to Talladega, Clay and Talladega Counties, *Alabama*. Reconstruction of 9.2-mile segment between Ashland and Talladega. Will displace 23 residences and 1 business. Project S–6109(101). (ELR Order No. 1313, 12 pages) (NTIS Order No. PB–204 566–D) 11/29.

US–280: Harpersville to Childersburg, Shelby and Talladega Counties, *Alabama*. Upgrading to 4 lanes, with a new bridge over Coosa River. Involves displacement of people. Project F–248(11) (ELR Order No. 1325, 7 pages) (NTIS Order No. PB–204 560–D) 12/1.

Chambers County, *Alabama*. Four-lane highway from I–85/US–29 interchange in Lanett to Georgia state line (1.7 miles). Will displace 15 families and 7 businesses. Project S–2–C, F–102( ). (ELR Order No. 1369, 10 pages) (NTIS Order No. PB–204 667–D) 12/6.

SR–21: Calhoun County, *Alabama*. Widening route from 2- to 4-lanes between Jacksonville and Piedmont (9.5 miles). Alternative 1 and 2 involve the displacement of families and businesses. Project F–52( ). (ELR Order No. 1486, 13 pages) (NTIS Order No. PB–205 201–D) 12/17.

Ala. 24: Franklin County, *Alabama*. Relocation from Halltown east to approximately 6 miles west of Russellville (16.85 miles). Will displace 20 residences. Project S–189–D. (ELR Order No. 1394, 7 pages) (NTIS Order No. PB–204 837–D) 12/9.

Dayville Highway: Dayville, *Alaska*. Relocation and and upgrading of road from the Richardson Highway to Dayville (6.5 miles). Planned in anticipation of Dayville being the terminus for the Alaska pipeline. Project S–0863(1). (ELR Order No. 1501, 46 pages) (NTIS Order No. PB–205 204–D) 12/21.

FAS–462 (Stoneman Lake Rd.): Coconino and Yavapai Counties, *Arizona*. Improvement to all-weather facility from I–17 to FAS–209 (13.8 miles), in the Coconino National Forest. Project S–462–401 PE, S–462–402 PE. (ELR Order No. 1329, 18 pages) (NTIS Order No. PB–204 563–D) 12/2.

I–580, SR–238: Alameda County, *California*. Reconstruction to 8-lane freeway from San Lorenzo to the Livermore-Amador Valley near Dublin. Involves relocation of residents. (ELR Order No. 1362, 55 pages) NTIS Order No. PB–204 671–D) 12/6.

I–5: Sacramento County, *California*. Addition of connecting ramps at Elk Grove Blvd. crossing between Lambert Rd. and Beach Lake. Will use 36 acres of pasture land. Project 03–Sac–5–4.6/13.0. (ELR Order No. 1453, 16 pages) (NTIS Order to PB–204 961–D) 12/15.

Ward Ave.: Honolulu, *Hawaii*. Widening between King and Kinau Sts. to eliminate traffic bottleneck. Will require removal or renovation of 2 apartment units and displacement of 3 persons. Project T–9001(3). (ELR Order No. 1312, 12 pages) NTIS Order No. PB–204 567–D) 11/30.

U.S.–20/191. (Rigby Freeway). Rigby Jefferson County, *Idaho*. Construction of 4-lane freeway (2.37 miles). Displaces 17 dwelling units and 17 businesses. Project F–6771(39) (ELR Order No. 1398, 16 pages) (NTIS Order No. PB–204 841–D) 12/8.

Route 127: Greenville, Bond County, *Illinois*. Relocation involving 3 alternatives, extending from intersection with I–70 north to 1.7 miles north of west intersection with Rte. 140. Job P–98–207–70. (ELR Order No. 1286, 25 pages), (NTIS Order No. PB–204 499–D) 11/29.

FA–77 (Ill. 59): DuPage County, *Illinois*. Widening to 4 lanes of E. W. Tollway to Ill. 64 (7.81 miles) 4(f) determination relates to crossing the Illinois Prairie Path. Project F–176(20) (ELR Order No. 1472, 82 pages) (NTIS Order No. PB–205 195–D) 12/16.

U.S.–61: Fort Madison, Lee County, *Iowa*. Reconstruction and widening to a 4-lane divided highway through Fort Madison (6.2 miles). Will displace over 140 families. Project U–61–1. (ELR Order No. 1492, 17 pages) (NTIS Order No. PB–205 203–D) 12/23.

Morris and Lyon Counties, *Kansas*. Improvement from 10th and Main Sts. in Council Grove east to U.S.–56 (6.99 miles). Will displace a house and a rest home, sever pasture land and eradicate 2 farm ponds. Projects 56–64 F 062 3(5) and 56–56 F 062–3(6). (ELR Order No. 1401, 7 pages) (NTIS Order No. PB–204 846–D) 12/7.

I–35W: Wichita, Sedgwick County, *Kansas*. Construction of 6-lane facility from Stafford to English Sts. (2.2 miles). Involves widening and lining of Chisholm Creek and 4(f) determination relating to Wichita East High School, Willard Elementary School and Linwood Park. Project 35W–87 I35W–1 (33)46. (ELR Order No. 1390, 40 pages) (NTIS Order No. PB–204 855–D) 12/7.

Harlan-Cumberland-Whitesburg Rd.: Harlan County, *Kentucky*. Construction from proposed U.S.–421/119 intersection at Baxter to 3500′ east of Putney (6.05 miles). Involves loss of 325 acres, displacement of 30 residences and relocation of 7300′ of channel on Poor Fork and 2 stream crossings. Project APD 140 (10)–AP 48–8–5L. (ELR Order No. 1454, 27 pages) (NTIS Order No. PB–204 957–D) 12/13.

LA–15 (Chase-Winnsboro Hwy.): Franklin Parish, *Louisiana*. Upgrading to 4 lanes and realignment between Chase and Winnsboro, with a bridge across Stakes Bayou and one across Turkey Creek (5.6 miles). Involves use of about 75 acres of argicultural and pasture lands. Project 26–06–17, F–198 (6). (ELR Order No. 1442, 10 pages) (NTIS Order No. PB–204 904–D) 12/13.

US–41: Marquette and Harvey, Marquette County, *Michigan*. Widening from US–41 bypass in Marquette to M–28 in Harvey (4.3 miles). Will displace 2 or 3 families. Federal Project 8–4 ( ). (ELR Order No. 1399, 21 pages) (NTIS Order No. PB–204 840–D) 12/9.

C–SAH 13: St. Louis County, *Minnesota*. Reconstruction between STH–2 and STH–194 (4.2 miles). Project S.P. 69–613–09. (ELR Order N. 1466, 13 pages) (NTIS Order PB–204 966–D) 12/16.

Routes 51 and 34: Bollinger County, *Missouri*. Improvement on Rte. 51 is in 2 sections from 0.3 mile south of Rte. FF to 0.2 mile east of Rtes. 34/51 south junction in Lutesville (2.3 miles) and from 0.7 mile west of Rtes. 34/51 north junction to Rte. 34 in Marbie Hill (0.7 mile); on Rte. 34, from Rtes. 34/51 south junction in Lutesville to 0.2 mile east of Hurricane Creek (1.9 miles). Requires 90 acres of land. Jobs 10–P–51–39 and 10–P–43–38. (ELR Order No. 1397, 10 pages) (NTS Order PB–204 836–D) 12/9.

Route 63: Macon County, *Missouri*. Construction of 2-lane highway from 3.5 miles north of Macon to 2 miles south of Macon (8.7 miles). Requires taking of 355 acres of agricultural land. Project F–FG–63–4(7), job 2–F–63–22. (ELR Order No. 1392, 9 pages) (NTIS Order No. PB–204 852–D) 12/10.

Route 72: Cape Girardeau County, *Missouri*. Relocation from 4 miles west of Jackson southeast to I–55 (9 miles). Requires 300 acres of farm and grazing land. Job 10–P–72–44. (ELR Order No. 1510, 8 pages) (NTIS Order No. PB–205 230–D) 12/27.

US–77 (Lincoln South Freeway, West and

East Bypasses): Lincoln, Lancaster County, *Nebraska*. Construction of freeway from vicinity of Neb.–33/US–77 junction south of Lincoln, north to junction with I–80 on west of central business district and a segment southeast of central business district to a junction with I–80 northeast of Lincoln. Involves taking of dwellings and businesses. 4(f) determination relates to use of Wilderness and Seacrest Parks land. Project F–18 (24). (ELR Order No. 1364, 53 pages) (NTIS Order No. PB–204 660–D) 12/7.

SH–79: Dodge and Saunders Counties, *Nebraska*. Replacement of bridge over the Platte River and upgrading of approaches between North Bend and Morse Bluff. Involves partial removal of an island in the River. Project S–338(17). (ELR Order No. 1504, 10 pages (NTIS Order No. PB–205 233–D) 12/23.

US–95: Clark County, *Nevada*. Location and construction of controlled access, 4-lane highway from Russell Rd. to Railroad Pass (12 miles). Estimate need of 398.4 acres of land for right-of-way. (ELR Order No. 1495, 49 pages) (NTIS Order No. PB–205 192–D) 12/21.

Route 206 Freeway-Newton Bypass: Sussex County, *New Jersey*. Construction from northern borough line to Rte. 15 freeway. Will displace families and businesses. (ELR Order No. 1512, 41 pages) (NTIS Order No. PB–205 231–D) 12/28.

SR–292: Las Cruces, Dona Ana County, *New Mexico*. Improvement from Amador Ave. to US 70–80 (1.1 miles) Project S–1135(2) (ELR Order No. 1396, 7 pages) (NTIS Order No. PB–204 843–D) 12/9.

I–81 to I–88 connection: Hinmans Corners to Port Crane, Broome County, *New York*. Alternatives involve relocation of 19–73 residences and 7–13 business structures. Project 9357.18. (ELR Order No. 1332, 40 pages) (NTIS Order No. PB–204 558–D) 12/3.

Route 266 (Niagara Street Arterial): Tonawanda, Erie County, *New York*. Upgrading from west city line to Seymour St. (1.9 miles). Will displace 2 families and 2 businesses. 4(f) determination included relates to Isle View, Nia-wanda and Veterans Memorial Parks. Project PIN 5429.00. (ELR Order No. 1354, 139 pages) (NTIS Order No. PB–204 658–D) 12/8.

Ogdensburg Area Transportation Plan: Ogdensburg and Oswegatchie, St. Lawrence County, *New York*. Plan consists of an east-west arterial, a connection from the arterial to Main St., etc. Project PIN 7272.01. (ELR Order No. 1485, 25 pages) (NTIS Order No. PB–205 200–D) 12/21.

US–52: Winston Salem to Welcome, Forsyth and Davidson Counties, *North Carolina*. Extension of relocation from interchange now under construction near SR–2758 south to near SR–1815 (6 miles). Involves use of woodland and farmland and relocation of 40 families. Project 6.801814. (ELR Order No. 1315, 21 pages (NTIS Order No. PB–204 568–D) 11/30.

Fairview Rd: Charlotte, Mecklenburg County, *North Carolina*. Extension from Sharon Rd. to Sardis Rd. (2.43 miles). Will displace 2 families and 2 businesses. (ELR Order No. 1400, 10 pages) (NTIS Order No. PB–204 847–D) 12/9.

US–129, US–19: Cherokee County, *North Carolina*. Relocation and upgrading to 4 lanes from 0.5 miles west of Murphy to 1.5 miles east of Andrews (18.1 miles). Will displace 55 families and 5 businesses. Project 8.301911. (ELR Order No. 1444, 26 pages) (NTIS Order No. PB–204 902–D) 12/14.

US–17 Business: Elizabeth City, Pasquotank County, *North Carolina*. Widening Ehringhaus St. from US–17 bypass intersection to McMorrine St. (2.07 miles). Will dislocate 15 families and 4 businesses. Project 9.8011107. (ELR Order No. 1461, 15 pages) (NTIS Order No. PB–204 963–D) 12/15.

Supplement to draft (8/20), 4(f) information relating to use of part of Guilford College campus. Friendly Rd. project, Greensboro, *North Carolina*. Projects 6.801924 and 9.8070830. (ELR Order No. 582, supplement—13 pages) (NTIS Order No. PB–202 090–D) 12/22.

County Road 8: Sidney, Shelby County, *Ohio*. Replacement of bridge over Penn Central R.R. and approaches. 4(f) determination relates to 1.9 acres of land leased from the Board of Education for County Fairgrounds. Project S–SG–SUG–13861(1). (ELR Order No. 1441, 15 pages) (NTIS Order No. PB–204 906–D) 12/2.

SR–241: Massillon, Stark County, *Ohio*. Relocation from US–30 interchange to Oberlin Rd. Viaduct over SR–21 and the Tuscarawas River (3.6 miles). Will dislocate 87 families and 4 businesses. (ELR Order No. 1506, 13 pages) (NTIS Order No. PB–205 235–D) 12/21.

SR–39: Tuscarawas County, *Ohio*. Relocation between Sugarcreek and Dover. Will use 65 acres of tillable land and displace 5 residences. Project TUS–39–2.91. (ELR Order No. 1513, 9 pages) (NTIS Order No. PB–205 232–D) 12/28.

SH–199: Carter County, *Oklahoma*. Development of a new segment from junction of US–77/US–77B 1 mile south of Ardmore east to Marshall County line (10.5 miles). 4(f) determination required for use of Lake Murray State Park land. Project S–1021. (ELR Order No. 1467, 23 pages) (NTIS Order No. PB–204 967–D) 12/17.

Oregon FH7, SH–36: Mapleton, Lane County, *Oregon*. Reconstruction from FH–57/Rte. 126 intersection west 4.8 miles. (ELR Order No. 1393, 27 pages) (NTIS Order No. PB–204, 853–D). 12/3.

Austin Rd. interchange section, Sunset Hwy.: Washington County, *Oregon*. Conversion of Austin Rd. and other local streets and intersections into split diamond interchange. Project F–186(—). (ELR Order No. 1431, 12 pages) (NTIS Order No. PB–204 913–D). 12/10.

I–5: Multonomah and Washington Counties, *Oregon*. Widening to six lanes from N. Tigard interchange to S. Tigard interchange, revision of N. Tigard interchange and Haines Rd. interchange and construction of a truck lane from N. Tigard interchange to S.W. Capitol Hwy. Will displace 16 residential units. Project I–5–6 ( )293. (ELR Order No. 1465, 12 pages) (NTIS Order No. PB–204 965–D) 12/17.

SH–37: Sanborn County, *South Dakota*. Relocation from 5.5 miles south of Huron to 2 miles south of Beadle-Sanborn County line (6 miles). Project F 047–5( ) and F 047–4. (ELR Order No. 1366, 6 pages) (NTIS Order No. PB–204 661–D) 12/7.

SD–18 (Canton Bypass): Lincoln County, *South Dakota*. Grading structures and interim surfacing from SD–11 approximately 2 miles west of Canton east to Iowa state line. Project F 016–5. (ELR Order No. 1395, 6 pages) (NTIS Order No. PB–204 842–D) 12/10.

SR–56: Smithville, DeKalb County, *Tennessee*. Construction of 2-lane section from 0.15 mile south of Tittsworth Rd. to Bryan St. and a 4-lane section from Bryant St. to SR–26 (2.21 miles). Project 21004–0217–04. (ELR Order No. 1391, 43 pages) (NTIS Order No. PB–204 851–D) 12/9.

I–45: Houston, *Texas*. Widening and rehabilitation between Southern and Santa Elena Sts. (1¼ miles). Will displace 17 families and 7 businesses. (ELR Order No. 1318, 8 pages) (NTIS Order No. PB–204 572–D) 11/30.

Orem-Center St.: Utah County, *Utah*. Improvement from US–91 to US–189 (2 miles), including a bridge over the Provo River. 4(f) determination regards 60′ right of way from Edgemont Veterans Memorial Park. Project S–0222(1) (ELR Order No. 1 432, 58 pages) (NTIS Order No. PB–204 911–D) 12/1.

Route 288: Henrico and Chesterfield Counties, *Virginia*. Construction beginning at intersection with proposed I–295 west of Richmond and ending near Rte. 711 south of Richmond (11.8 miles). Will displace 16 families, 85 individuals and 7 businesses. Project F–033–1( ). (ELR Order No. 1324, 47 pages) (NTIS Order No. PB–204 559–D) 12/2.

West Virginia Turnpike: Mercer, Raleigh, Fayette and Kanawha Counties, *West Virginia*. Upgrading to Interstate and Defense Highway System standards from US–460 at Princeton to Kanawha River bridge, Charleston (87 miles). Will displace 188 families. Project I–77–2(11)8. (ELR Order No. 1389, 82 pages) (NTIS Order No. PB–204 858–D) 12/71.

Final

Title, description, and date

Dekalb County, *Alabama*. Construction on new location from Grove Oak to SR–75 near Geraldine (5.3 miles). Projects S–2510(101) and S–1635–J. Comments made by Army COE, EPA, HUD, DOI, OCD, TVA, DOT and Ala. Development Office. (ELR Order No. 1342, 34 pages) (NTIS Order No. PB–199 602–F) 12/2.

Gadsden, Etowah County, *Alabama*. Construction of 2.8-mile highway, requiring relocation of 14 residences. Project APL–2850 (001). Comments made by EPA, HUD, DOI, OCD, DOT, Ala. Agricultural Stabilization and Conservation Service and Ala. Development Office. (ELR Order No. 1378, 50 pages) (NTIS Order No. PB–199 011–F) 12/9.

US–31: Escambia County, *Alabama*. Construction of railroad overpass and 4.6 miles of roadway between Canoe and Flomaton. Project F–226(6), F–FG–96(19). Comments made by EPA, FAA, HUD, DOI, OCD, DOT, So. Ala. Regional Planning Commission and Ala. Development Office. (ELR Order No. 1380, 26 pages) (NTIS Order No. PB–204 828–F) 12/8.

Alabama 55: Covington County, *Alabama*. Construction on new location between Red Level and the Covington-Conecuh County Line (7.8 miles). Will require 175 acres of land, mostly wooded area. Project 2001(103). Comments made by USDA, Army COE, EPA, FAA, DOI, DOT, 7 state agencies and the Covington County Commission. (ELR Order No. 1384, 41 pages) (NTIS Order No. PB–199 628–F) 12/9.

Homer Bypass: *Alaska*. Construction of 2-lane bypass around Homer from the northwest side to the Homer Spit. Project F–201–1(14). Comments made by USDA, EPA, FHWA, HUD, DOI, 3 state agencies and Kenai Peninsula Borough. (ELR Order No. 1311, 35 pages) (NTIS Order No. PB–200 375–F) 11/29.

Rabbit Creek Road: Greater Anchorage Area Borough, *Alaska*. Reconstruction and realignment from Seward Highway to Abbott Loop Rd. (8.9 miles). Project S–0504(4). Comments made by USDA, HUD, DOI, DOT, 5 state agencies and 2 borough offices. (ELR Order No. 1348, 69 pages) (NTIS Order No. PB–204 691–F) 12/1.

Petersburg Thru Route: *Alaska*. Improvement to paved street with curb and sidewalks from Petersburg Ferry Terminal to northern tip of Mitkof Island, then southeast to Sandy Beach. Project S–0937(10). Comments made by Army COE, HUD, DOI, DOT, 4 state agencies and City of Petersburg. (ELR Order No. 1337, 40 pages) (NTIS Order No. PB–200 323–F) 12/2.

International Airport Rd., Anchorage, *Alaska*. Construction of a 4-lane divided facility from the airport terminal east 2.4 miles. Project F–042–1(32). Comments made by HUD, DOI, 3 state agencies and Anchorage Borough School District. (ELR Order No. 1421, 24 pages) (NTIS Order No. PB–204 900–F) 12/3.

Route 227: San Luis Obispo, *California*. Improvement between Edna and High St. in San Luis Obispo (5.3 miles). Project 05–SLO–227–7.5/12.9. Comments made by Army COE, EPA, DOI, DOT, 6 state agencies and the University of California. (ELR Order No. 1469, 34 pages) (NTIS Order No. PB–199 237–F) 12/14.

SR–331: Gainesville, Alachua County, *Florida*. Upgrading to 4-lane highway from

SR–329 to SR–26 (2.75 miles). Job 26050–3510, US–703(1). Comments made by USDA, HUD, DOI, 3 state agencies, Central Florida Regional Planning Commission and City of Gainesville. (ELR Order No. 1319, 24 pages) (NTIS Order No. PB–204 (555–F) 11/23.

SR–50: *Lake County, Florida*. Widening from SR–33 and SR–50 in Mascotte to SR–33/SR–50 in Groveland (2.3 miles). Project F–022–2(18). Comments made by USDA, EPA, HUD, DOI, 5 state agencies. (ELR Order No. 1418, 56 pages) (NTIS Order No. PB–199 019–F) 12/3.

SR–87 (Stewart St.): Milton, Santa Rosa County, *Florida*. Construction of 4-lane highway from SR–10 to SR–191 (1.7 miles). Job 58050–1505. Comments made by HUD, DOI, DOT and Escambia-Santa Rosa Regional Planning Council. (ELR Order 1468, 18 pages) (NTIS Order No. PB–204 969–F) 12/14.

SR–424–A (Fairbanks Ave.): Orange County, *Florida*. Improvement from SR–400 (I–4) to SR–15–600 (US 17–92) (1 mile) Project US–707(1), 75006–1501. Comments made by EPA, DOI and Fla. Game and Fresh Water Fish Commission. (ELR Order No. 1471, 62 pages) (NTIS Order No. PB–200 525–F) 12/14.

Moultrie-Meigs Rd.: Colquitt County, *Georgia*. Replacement of narrow bridges. Project S–1205(2). Comments made by USDA, EPA and HUD. (ELR Order No. 1289, 10 pages) (NTIS Order No. PB–198 677–F) 11/23.

20th St.: Tifton, Tift County, *Georgia*. Reconstruction beginning at Baldwin Dr. and ending at SR–125. Project SU 1536(2). Comments made by USDA, EPA and HUD. (ELR Order No. 1297, 9 pages) (NTIS Order No. PB–204 509–F) 11/23.

SR–111: Colquitt County, *Georgia*. Removal of bridge and reconstruction of drainage structure and approaches on Moultrie-Meigs Rd. Project S–0519(4). Comments made by USDA, Army, EPA, HUD, DOI and Bureau of State Planning and Community Affairs. (ELR Order No. 1298, 15 pages) (NTIS Order No. PB–198 874–F) 11/23.

LaConte *to* Nashville *Rd.: Cook* and Berrien Counties, *Georgia*. Surfacing and improvement of road from US–41 to near the Cook-Berrien county line. Project S–2698(1). Comments made by USDA, Army, COE, EPA, DOI and Bureau of State Planning and Community Affairs. (ELR Order No. 1299, 10 pages) (NTIS Order No. PB–204 513–F) 11/23.

Secondary Rte. 2216(2): Elbert County, *Georgia*. Upgrading of country road between Bowman and Match. Comments made by USDA, Army COE, EPA, DOI and 2 state agencies. (ELR Order No. 1420, 18 pages) (NTIS Order No. PB–204 899–F) 12/3.

Secondary Route S–2576: Lumpkin County, *Georgia*. Replacement of an unimproved country road between Lumpkin Park Rd. and SR–60 with an all-weather paved road. Project S–2576(1). Comments made by Army COE, EPA, HUD, DOI, and State Clearinghouse. (ELR Order No. 1424, 24 pages) (NTIS Order No. PB–204 901–F) 12/3.

Spur and SR–247: Warner Robins, Houston County, *Georgia*. Construction and improvement of a limited access facility from S–1298 to Robins Air Force Base and from Robins' Gate to South Davis Dr. May displace 82 families. Projects R–AD–18(2), F–034–3(6) and S–2041(1). Comments made by USDA, Air Force, EPA, and 3 state agencies. (ELR Order 1425, 38 pages) (NTIS Order PB–201 844–F) 12/3.

Appalachian Route 2697 (001): Bartow County, *Georgia*. Construction of a bypass around Cartersville from the Catersville-Rockmart Hwy. (SR–113) east to SR–293. Project APL 2697 (001) P.E. Comments made by USDA, EPA, HUD, DOT and Bureau of State Planning and Community Affairs. (ELR Order 1423, 22 pages) (NTIS Order PB–204 898–F) 12/3.

Georgia Project F–010–1(9) and Spur: Troup County, *Georgia*. Replacement of bridge over the Chattahoochee River and upgrading of approaches to provide a better facility between West Point, Georgia and Lanett, Alabama. Comments made by Army COE, HUD, EPA, DOT and 2 state agencies. (ELR Order 1494, 33 pages) (NTIS Order PB–200 193–F) 12/20.

US–95: Adams County, *Idaho*. Improvement of 7.3-mile highway beginning near Alpine Store area and ending 1 mile south of Cottonwood Creek in 2 sections, Mesa North and Mesa South. New concrete bridge will be constructed over the Middle Fork of the Weiser River. Projects F–3112(21) and F–3112(30). Comments made by USDA, Army COE, FHWA, HUD, DOI, 6 state agencies, 3 conservation organizations, a utility and private citizens. (ELR Order 1308, 34 pages) (NTIS Order PB–200 533–F) 11/29.

US–63: Davis County, *Iowa*. Construction of a 2-lane facility partially on new location from Missouri state line north to its junction with Iowa 2 (10.9 miles). Project F–63–1. Comments made by USDA, EPA, DOI and 3 state agencies. (ELR Order 1293, 21 pages) (NTIS Order PB–200 366–F) 11/23.

Iowa 2: Taylor County, *Iowa*. Widening from Page County line to just east of the Ringgold County line (28.2 miles). Project F–2–3. Comments made by USDA, EPA, DOI, and Iowa Office for Planning and Programming. (ELR Order 1345, 20 pages) (NTIS Order PB–202 095–F) 12/2.

US–69 (Switzer Bypass): Johnson County, *Kansas*. Construction of 2.9-mile, 4-lane highway from 127th St. in Overland Park to a point near I–435, involving construction of 10 bridges. Highway project (SF) 69–46 F 083–3(20). Comments made by USDA, Army COE, EPA, HUD, DOI, DOT AND 4 State agencies. (ELR Order No. 1291, 45 pages) (NTIS Order No. PB–201 251–F) 11/23.

US–59: Douglas County, *Kansas*. Upgrading and widening 5.37 miles of highway from Lawrence to the Oklahoma line. Projects (SF) 59–23 F–067–2(23), (SF) 59–23 U–067–2(25). Comments made by USDA, Army COE, AEC, DOC, EPA, HEW, HUD, OEO, DOT, AND 3 state agencies. (ELR Order No. 1294, 71 pages) (NTIS Order No. PB–199 626–F) 11/23.

US–169 and K–279 (Osawatomie Bypass): Miami County, *Kansas*. Relocation of US–169 from its junction with K–7 to its crossing the Marais Des Cynges River downstream from First St. (7 miles) and relocation of K–279 to connect with Main St. Involves construction of 12 bridges. Projects 169–61 F 081–1(22) and 279–61 K 100–1(1). Comments made by USDA, Army COE, AEC, EPA, HEW, DOI, OEO and DOT. (ELR Order No. 1310, 28 pages) (NTIS Order No. PB–199 729–F) 11/23.

K–177: Chase County, *Kansas*. Replacing bridge over the Cottonwood River and widening road to 4 lanes through Cottonwood Falls (1.2 miles). Project 177–9 S–1167(13). Comments made by USDA, Army COE, HEW, DOI, State Clearinghouse, and concerned citizens. (ELR Order No. 1422, 74 pages) (NTIS Order No. PB–200 803–F) 12/3.

K–179: Harper County, *Kansas*. Improvement from 1.5 miles south of Anthony to 3.0 miles south of Anthony to widen or replace structures over Bluff Creek and Spring Creek. Project 179–39 RS–594 (3). Comments made by USDA, Army COE, EPA, DOI, Kansas Dept. of Administration, Kansas Office of Comprehensive Health Planning and State Clearinghouse. (ELR Order No. 1375, 76 pages) (NTIS Order No. PB–201 514–F) 12/8.

KY–54: Owensboro, Daviess County, *Kentucky*. Widening Parrish Ave. between Owensboro Interchange limits and Bosley Rd. (1.05 miles). Comments made by Army COE, HUD, DOI, DOT, Ky. Dept. of Natural Resources, Green River Area Development District and Owensboro Chamber of Commerce. (ELR Order No. 1301, 21 pages) (NTIS Order No. PB–204 514–F) 11/23.

KY–54: Henderson, *Kentucky*. Upgrading to 4 lanes from St. to 1100′ east of Adams Lane (2.12 miles). Project S 213(2), SG 214.8. Comments made by HUD, DOI, DOT, Green River Development District and Henderson City-County Planning Commission. (ELR Order No. 1344, 22 pages) (NTIS Order No. PB–204 693–F) 12/2.

Paris Bypass (Section 2): Bourbon County, *Kentucky*. Construction of 2-lane (ultimate 4-lane) highway on US–27, US–227, US–68 and US–460. Project F 558(1) and S 67(6). Comments made by USDA, Army COE, DOC, EPA, FPC and DOI. (ELR Order No. 1385, 24 pages) (NTIS Order No. PB–200 749–F) 12/9.

KY–11 and KY–1325: Fleming and Bath Counties, *Kentucky*. Replacement of covered bridge over Licking River on KY–11, replacement of steel through truss over Flat Creek on KY–1325 and construction of approaches. Projects S 229(3) and S (903). (ELR Order No. 1386, 31 pages) (NTIS Order No. PB–204 833–F) 12/9.

KY–17 and KY–467: Pendleton County, *Kentucky*. Construction of bridges and approaches to replace 2 deficient Bailey bridges over Grassy Creek at KY–17/KY–467 intersection. Comments made by USDA, HUD, DOI, DOT and Ky. Dept. of Natural Resources. Projects S 589 and S 902. (ELR Order No. 1433, 25 pages) (NTIS Order No. PB–204 896–F) 12/10.

Kenner Overpass and approaches (US–61): Jefferson Parish, *Louisiana*. Upgrading 2.2 mile segment of road to a 4-lane divided facility to improve route into New Orleans and Moisant International Airport. Will displace 76 people and 1 business. Federal Aid project U–173(19), State project 7–02–51. Comments made by Army COE, USDA, DOI, HEW, EPA, FPC, GSA, OEO, 3 state agencies. (ELR Order No. 1499, 49 pages) (NTIS Order No. PB–201 524–F) 12/20.

Raceland-Gibson Highway, La 308–US–90 (Gibson): Lafourche Parish, *Louisiana*. Relocation of US–90 beginning north of La 308 and Bayou Lafourche east of Raceland, extending easterly through Lafourche and Terrebonne Parishes (29.2 miles). Federal Aid project F–155(9), State project 700–06–83. Comments made by DOC, FPC, DOI, AEC, HEW, USDA, 3 state agencies and Louisiana State University. (ELR Order No. 1498, 41 pages) (NTIS Order No. PB–205 222–F) 12/22.

US–220: Cumberland, Allegany County, *Maryland*. Construction of a bridge over the C&O–B&O R.R. to eliminate grade crossings at Bedford and Frederick Sts. Project U 907–1(2). Comments made by DOT, Dept. of State Planning, Md. Dept. of Health and Mental Hygiene, Cumberland Urban Renewal Agency, Cumberland Housing Authority and the C&O–B&O R.R. (ELR) Order No. 1373, 17 pages) (NTIS Order PB–204 832–F) 12/9.

TH–60: Watonwan County, *Minnesota*. Construction of 19.6 miles of 4-lane divided highway from Butterfield to TH–15, bypassing St. James (19.6 miles). Attached 4(f) relates to Madelia Game Center. Project S.P. 8308–10 (TH 60=16) F016–1 and S.P. 8309–12 (TH 60=16) F016–1. Comments made by DOT, Army COE, DOI, USDA, HUD, FPC, EPA, 3 state agencies and St. James City Council. (ELR Order No. 1482, 97 pages) (NTIS Order No. PB–199 146–F) 12/15.

US–45: Noxubee County, *Mississippi*. Relocation from 3 miles south of Macon, bypassing Macon to the east, to about 4 miles north of Macon (9 miles). Project SP–0002–03(4). Comments made by Army COE, HUD, DOT, State Clearinghouse, Regional Clearinghouse and Metropolitan Development Office. (ELR Order No. 1370, 13 pages) (NTIS Order No. PB–204 834–F) 12/9.

Routes 210, 10 and 13: Clay and Ray Counties, *Missouri*. Construction on Rte. 210 of a 2-lane facility from east of Route JJ to relocated Rte. 10 southwest of Richmond

(15 miles); on Rte. 10, a 2-lane facility from east of Rte. C to 2.7 miles east of Rte. 13; and on Rte. 13, a 2-lane facility north of Richmond, a 4-lane facility through Richmond to the interchange with Rte. 10 and a 2-lane facility south of Rte. 10 (4 miles). Job nos. 4–P–210–35, 4–P–10–28, and 4–P–13–29, Project nos. S–SG–581(2), F–FG–10–1 (6), and F–13–4(3). Comments made by Army COE, USDA, EPA, DOI, State Clearinghouse Coordinator, K.C. Metropolitan Planning Commission and Orrick Drainage and Levee District. (ELR Order No. 1290, 22 pages) (NTIS Order No. PB–201 228–F) 11/23.

SR 54: Callaway County, *Missouri*. Widening to dual lane highway between Fulton and Jefferson City. Job 5–P–54–1, project F–108–1(4). Comments made by USDA, EPA, DOI, State Clearinghouse Coordinator and Mid-Missouri Regional Planning Commission. (ELR Order No. 1292, 16 pages) (NTIS Order No. PB–204, 515–F) 11/23.

Route 100: St. Louis County, *Missouri*. Replacement of 2.2 miles of highway from Melrose and Allentown Rds. east to Glencoe Rd. Project F–100–1(4). Comments made by USDA, EPA, DOI, State Clearinghouse Coordinator and East-West Gateway Coordinating Council. (ELR Order No. 1300, 13 pages) (NTIS Order No. PB–198 839–F) 11/23.

Route C(106): Shannon County, *Missouri*. Construction of an all-weather crossing of the Current River and upgrading approaches between Eminence and Ellington. Attached 4(f) determination regards Mo. Dept. of Conservation land. Job No. 9–S–106–14, RS–726(2). Comments made by DOT, DOI, EPA, USDA, State Clearinghouse and Mo. Dept. of Conservation. (ELR Order No. 1481, 36 pages) (NTIS Order No. PB–205 223–F) 12/15.

US–77 and US–6 (Cornhusker Hwy.): Lincoln, Lancaster County, *Nebraska*. Reconstruction of US–77 from I–80 south 2.1 miles, rebuilding its intersection with US–6 on new location and improvement of 1.6-mile segment of US–6 from 52nd to 70th Sts. Projects F–155(6) and F–312(23). Comments made by USDA, Army COE, EPA, HUD, DOI and Lincoln City-Lancaster County Planning Commission. (ELR Order No. 1355, 35 pages) (NTIS Order No. PB–200 377–F) 12/2.

I–80: Cheyenne County, *Nebraska*. Construction from Potter to Brownson (8.5 miles) and from the I–80 interchange south of Potter to intersection with US–30. Project I–80–1(10) and S–921(3). Comments made by EPA, HUD, DOI, DOT, and Neb. Game and Parks Commission. (ELR Order No. 1388, 25 pages) (NTIS Order No. PB–198 862–F) 12/10.

I–195: Ocean and Monmouth Counties, *New Jersey*. Corridor location of remaining segment (13.1 miles) from CR–527 east to intersection of SR–34 and SR–38. Project I–195–8 (1)82. Comments made by USDA, DRBC, DOI, DOT, 3 state agencies, Tri-State Regional Planning Commission and Monmouth and Ocean Counties. (ELR Order No. 1339, 36 pages) (NTIS Order No. PB–201 234–F) 12/2.

Route 8: Sidney, Delaware and Otsego Counties, *New York*. Relocation of route (3.5 miles) beginning near Thorp Hill Rd. north as a connector interchange with I–85 and ending at an intersection with Route 7. Project PIN 9067.00. Comments made by Army COE, DOT, and Pa. Dept. of Environmental Resources. (ELR Order No. 1307, 40 pages) (NTIS Order No. PB–200 757–F) 11/23.

US–220: (Candor-Biscoe-Star Bypass): Montgomery County, *North Carolina*. Relocation to bypass 3 towns (14.3 miles). Project 6.801737. Comments made by USDA, Army COE, EPA, GSA, DOI, OEO, State Clearinghouse and Sandhills Community Action Program, Inc. (ELR No. 1338, 28 pages) (NTIS Order No. PB–199 864–F) 12/2.

I–29: Richland County, *North Dakota*. Construction of 4-lane highway from SH–13 near Mooreton south to South Dakota line. Project I–29–1(1)0. Comments made by USDA, DOC, EPA, HUD, DOI and State Water Commission. (ELR Order No. 1372, 15 pages) (NTIS Order No. PB–204 835–F) 12/9.

SR–674: Marcy, Pickaway and Fairfield Counties, *Ohio*. Reconstruction of 2.1 miles from SR–752 north to CR–89. Project PIC–674–5.92, S–1625(2). (ELR Order No. 1296, 7 pages) (NTIS Order No. PB–204 510–F) 11/23.

SR–22: Gambier, Knox County, *Ohio*. Relocation from SR–229/Gambier line intersection southeast for 1.3 miles. Project S–1194(3), KNOX–229–13.02. Comments made by Army COE, DOI, and DOT. (ELR Order No. 1387, 11 pages) (NTIS Order No. PB–200 528–F) 12/9.

US–30 (Delphos Bypass): Van Wert, Putnam and Allen Counties, *Ohio*. Involves connecting relocated US–30, east of Van Wert, to relocated US–30N, east of Delphos (12.1 miles). Also to be constructed is a connection on new location between US–30S & US–30N. Project VAN/PUT/ALL–30–16.28/0.00/0.00. Comments made by DOI and DOT. (ELR Order No. 1488, 18 pages) (NTIS Order No. PB–200 751–F) 12/10.

SR–41: Adams County, *Ohio*. Relocation of 1.8 miles from near Ohio Brush Creek to 0.3 mile north of its intersection with CR–134 (1.8 miles). Project ADA–41–22.40, S–1378(3). Comments made by HUD, DOI, DOT and State Clearinghouse. (ELR Order No. 1470, 22 pages) (NTIS Order No. PB–200 388–F) 12/14.

Cincinnati Ave.: Tulsa, *Oklahoma*. Upgrading with partial reconstruction on new alignment from East 31st St. north to East 42nd St. north (1 mile). Highway project SU–7251 (100)C. Comments made by HEW, DOI, Tulsa Metropolitan Area Planning Commission, Okla. Grant-in Aid Clearinghouse and State Archaeologist. (ELR Order No. 1284, 52 pages) (NTIS Order No. PB–201 859–F) 11/29.

71st Street (Kinosha): Broken Arrow, *Oklahoma*. Construction of a 4-lane divided facility from intersection of 161st East Ave. and South 71st St. to Broken Arrow Expressway (1.5 miles). Project SU–7238(100)c. Comments made by DOT, DOI, HEW, 3 state agencies, Tulsa Metropolitan Area Planning Comm. (ELR Order No. 1497, 65 pages) (NTIS Order No. PB–205 220–F) 12/20

I–5 (Pacific Highway, South Tigard Interchange-Tualatin River Section): Clackamas and Washington Counties, *Oregon*. Widening road from 4 to 6 lanes and upgrading 2 interchanges. Project I–5–5( ) 291. Comments made by HUD, DOI, DOT, Columbia Region Assn. of Governments and State Clearinghouse. (ELR Order No. 1383, 22 pages) (NTIS Order No. PB–204 897–F) 12/9

Oregon Forest Highway 4 (Klamath Lake-West Side Highway): Klamath County, *Oregon*. Construction of 2.9-mile highway through privately owned and U.S. National Forest lands. Project 48–1(4). Comments made by USDA, DOI, DOT, Ore. Dept. of Transportation and Ore. State Highway Division. (ELR 1377, 38 pages) (NTIS Order No. PB–199 623–F) 12/9

Legislative Route 40124, Section 2 (Caverton Rd.): Luzerne County, *Pennsylvania*. Relocation of 34 miles, including bridge construction over Little Connoquenessing Creek. Project 8–40124–04–002–043. Comments made by Army COE, DOC, EPA, HUD, DOI, DOT, 7 State agencies and Economic Development Council of Northeastern Pennsylvania (ELR Order No. 1371, 54 pages) (NTIS Order No. PB-200 001–F) 12/9.

L.R. 1052, Section 2 River Street Exchange, Cross Valley Expressway: Luzerne County, *Pennsylvania*. 4-lane divided highway through Forty Fort Township (0.5 mile). Project 3–1052–4–2–043. Comments made by DOC, DOI, DOT, HUD, EPA, 6 state agencies. Economic Development Council of Northeastern Penna. and Luzerne County Planning Comm. (ELR Order No. 1476, 49 pages) (NTIS Order No. PB–199 242–F) 12/14

Thorn Hill Industrial Park Access Road: Alleghany and Butler Counties, *Pennsylvania*. Construction of access road approximately 1000′ west of the Pa. Turnpike (1.3 miles). Comments made by HUD, Appalachian Regional Comm., EPA, DOT, 10 state agencies, Butler County Planning Comm. Allegheny County Planning Comm. and Towns of Cranberry and Marshall. (ELR Order No. 1477, 46 pages) (NTIS Order No. PB–201 990–F) 12/15

Route 56: Spartanburg, *South Carolina*. Multi-lane widening from East Main to S–88 (4.3 miles). Comments made by Army COE, HUD, S.C. Dept. of Park, Recreation and Tourism, 2 city offices and County Planning and Development Commission. (ELR Order No. 1353, 18 pages) (NTIS Order No. PB–204 695–F) 12/2.

Cliff Avenue: Sioux Falls, Minnehaha County, *South Dakota*. Upgrading and widening between 8th and 17th Sts. and construction of bridge over the Big Sioux River. Attached 4(f) determination relates to Nelson Park land. Project F 057–1. Comments made by DOI, DOC, Army COE, USDA and City of Sioux Falls. (ELR Order No. 1478, 29 pages) (NTIS Order No. PB–201 692–F) 12/15.

SR–29, US–27: Morgan County, *Tennessee*. Improvement from SR–62 southeast of Wartburg to 1 mile north of Emory River on new alignment (3.7 miles). Project F–031–1( ), 65001–5230–04. Comments made by USDA, Army COE, HUD, DOI and East Tenn. Development District. (ELR Order No. 1352, 20 pages) (NTIS Order No. PB–200 218–F) 12/2.

SR–5 (Humboldt Bypass): Gibson County, *Tennessee*. Construction of 2 of 4 lanes from near Sugar Creek to SR–76 (2.6 miles). Project F–044–2( ). Comments made by USDA, Army COE, FAA, HUD, DOI, TVA, DOT and Tenn. Office of Urban and Federal Affairs. (ELR Order No. 1340, 52 pages) (NTIS Order No. PB–204 689–F) 12/2.

SR–3: Dyer County, *Tennessee*. Involves relocation of SR–3 and SR–20 and extension of I–155 to provide a bypass for City of Dyersburg and Municipality of Newbern. Project F–003–4 ( ). Comments made by DOT, USDA, DOI, Army COE, 9 state agencies and Dyer County Court. (ELR Order No. 1496, 35 pages) (NTIS Order No. PB–205 221–F) 12/20.

SH–71: Bastrop County, *Texas*. Upgrading to 4-lane divided highway from east city limits of Bastrop to Fayette County line (13.9 miles). Comments made by DOC, EPA, DOT, Capital Area Planning Council, Smithville City Council and Bastrop County Commissioners Court. (ELR Order No. 1341, 22 pages) (NTIS Order No. PB–204 690–F) 12/2.

SH–49: Cass and Morris Counties, *Texas*. Reconstruction on new location from L & A R.R. to SH–11, east of Hughes Springs (5 miles). Project F–364. Comments made by USDA, DOC, EPA, DOT, Ark-Tex Council of Government and Morris County. (ELR Order No. 1419, 26 pages) (NTIS Order No. PB–198 981–F) 12/3.

SH Spur 484: Irving, Dallas County, *Texas*. Construction of controlled access highway from proposed SH Loop 9 near Belt Line Rd. to SH Loop 635 (3.4 miles). Comments made by DOC, EPA, DOT, North Central Texas Council of Governments, City of Irving and Dallas County Judge. (ELR Order No. 1374, 22 pages) (NTIS Order No. PB–204 831–F) 12/8.

SH Loop 635: Dallas and Tarrant Counties, *Texas*. Six- and eight-lane highway on new location from SH–121 to I–35E/I–635 interchange to connect the Dallas-Fort Worth Regional Airport with the Dallas area freeway system. Comments made by DOC, DOT, OEO, North Central Texas Council of Governments, Dallas County Judge, Dallas-Fort Worth Regional Airport Board and Cities of

Dallas, Farmers Branch, and Irving. (ELR Order No. 1379, 35 pages) (NTIS Order No. PB–204 830–F) 12/8.

Loop 335 around Amarillo: Potter County, *Texas.* Improvement to 4 lanes from US–60 and 66 to US–87 and 287 (8 miles). Project S–2364. Comments made by DOC, HEW, DOT and Panhandle Regional Planning Commission. (ELR Order No. 1381, 24 pages) (NTIS Order No. PB–204 827–F) 12/8.

Loop Highway 143: Perrytown, Ochiltree County, *Texas.* Construction of 1.7 miles of 2-lane highway in northeast part of the highway. Comments made by HEW, USDA, DOT, EPA, and Panhandle Regional Planning Commission. (ELR Order No. 1487, 18 pages) (NTIS Order No. PB–200 194–F) 12/21.

Vermont Route 102: Lemington, Essex County, Vermont. Two projects to pave surface and to realign roadway, one from Bloomfield-Lemington Town Line north for 2 miles and one from 2.89 miles south of the Lemington-Canaan Town Line north for 1.8 miles. Highway Projects S 0271 and S 0271(5). Comments made by EPA, FHWA, HUD, State Clearinghouse and Vt. Agency of Environmental Conservation. (ELR Order No. 1283, 43 pages) (NTIS Order No. PB–200 525–F) 11/23.

Route 102: Duxbury and Moretown, Washington County, *Vermont.* Widening and relocation from north end of "Piggery Bridge" in Duxbury north 0.8 mile to intersection of Route 100 and US–2. Project S 0212(3). Comments made by EPA, HUD and Vt. Dept. of Water Resources. (ELR Order No. 1343, 52 pages) (NTIS Order No. PB–201 231–F) 12/2.

SR–57: Martinsville, Henry County, *Virginia.* Relocation and widening of road southeast of Martinsville. Project S–324( ), State project 0057–044–111, PE–101. Comments made by DOI, HEW and 2 state agencies. (ELR Order No. 1502, 17 pages) (NTIS Order No. PB–198 964–F) 12/20.

SR–2: Chelan County, *Washington.* Replacement of interchange at the Wenatchee Ave. approach to the Columbia River bridge and construction of Stevens St. from the bridge to its intersection with Mission St. 4(f) determination relates to use of 0.1 acre of city park. Project F–028–1. Comments made by EPA, HUD, DOI, DOT, Wash. Planning and Community Affairs Agency, Wash. Parks and Recreation Commission and City of Wenatchee. (ELR Order No. 1287, 16 pages) (NTIS Order No. PB–199 609–F 11/23.

SR–28: East Wenatchee, Douglas County, *Washington.* Construction of 0.6-mile, 2-lane frontage road on both sides of SR–28 from Grant Rd. south. Project F–030–1. Comments made by EPA, FHWA, HUD, DOI and 6 state agencies. (ELR Order No. 1304, 18 pages) (NTIS Order No. PB–204 506–F) 11/23.

SR–20: Okanogan County, *Washington.* Reconstruction of 2-lane highway from SR–153 to its crossing of Beaver Creek (14 miles). Project F–052–3. Comments made by USDA, EPA, FHWA, HUD, DOI and 6 state agencies. (ELR Order No. 1305, 22 pages) (NTIS Order No. PB–204 507–F) 11/23.

SR–12: Walla Walla County, *Washington.* Construction of 4-lane divided highway between Walla Walla and Waitsburg. Project F–018–5. Comments made by USDA, Army COE, EPA, FHWA, HUD, 8 state agencies and Walla Walla Regional Planning Commission. (ELR Order No. 1306, 45 pages) (NTIS Order No. PB–200 020–F) 11/23.

I–90 (SR–90): Kittitas County, *Washington.* Improvement from top of Easton Hill to just east of Easton (5.25 miles). 4(f) approval for use of Lake East Park lands. Comments made by USDA, HUD, DOI, DOT and 7 state agencies. (ELR Order No. 1452, 53 pages) (NTIS Order No. PB–204 945–F) 12/14.

SR–131: Kittitas County, *Washington.* Realignment and widening from SR–10 to intersection with Hungry Junction Rd. (1.5 miles). Comments made by DOT, USDA, HUD, DOI, EPA and 5 state agencies. (ELR Order No. 1479, 30 pages) (NTIS Order No. PB–199 005–F) 12/14.

SR–26: Adams and Whitman Counties, *Washington.* Reconstruction on new alignment between Washtucna and Hooper (10.5 miles). Comments made by DOT, Army COE, HUD, USDA and 4 state agencies. (ELR Order No. 1480, 27 pages) (NTIS Order No. PB–199 605–F) 12/14.

US–53 Hawthorne—US–2 Road: Douglas County, *Wisconsin.* Upgrading to freeway standards on new location between Hawthorne and the junction with US–2 (6 miles). Requires 380 acres of land. Project F 08–5 ( ). Comments made by USDA, DOI and Wis. Dept. of Natural Resources. (ELR Order No. 1288, 36 pages) (NTIS Order No. PB–201 576–F) 11/23.

Ryan Rd. (STH–100): Oak Creek, Milwaukee County, *Wisconsin.* Widening and upgrading of 2.8 miles of road on partial new location. Project U 059–1(6) ID 2040–4–00. Comments made by USDA, EPA, HUD, DOI, DOT, Wis. Dept. of Natural Resources, Southeastern Wis. Regional Planning Commission and Milwaukee County Dept. of Public Works. (ELR Order No. 1303, 28 pages) (NTIS Order No. PB–200 746–F) 11/23.

Sawyer CTH "D": Sawyer County, *Wisconsin.* Improvement of approximately 1 mile and replacement of the "Kretcha Bridge" over the Chippewa River. Project 8950–1–00, S 1417(2). Comments made by USDA, Army COE, EPA, HUD, DOI, DOT, and Wis. Dept. of Natural Resources. (ELR Order No. 1346, 21 pages) (NTIS Order No. PB–200 372–F) 12/2.

STH–13 (Ogema Bypass and Prentice Bypass): Price County, *Wisconsin.* Relocation of Ogema bypass (2.4 miles) ad Prentice Bypass (3.5 miles). Projects 1614–0–01, Fed. Rte. 4–5. Comments made by USDA, EPA, HUD, DOI, Wis. Dept of Natural Resources and Price County Board. (ELR Order No. 1347, 26 pages) (NTIS Order No. PB–200 437–F) 12/2.

US–41: Brown County, *Wisconsin.* Relocation beginning at intersection of STH–32, CTH "G" and US–41 in DePere north to intersection with Lombardi Ave., Green Bay. Project F 03–2( ), 1151–3–00. Comments made by USDA, EPA, HUD, DOI, DOT and Wis. Dept. of Natural Resources. (ELR Order No. 1349, 29 pages) (NTIS Order No. PB–200 771–F) 12/2.

US–51: Marathon and Lincoln Counties, *Wisconsin.* Upgrading to freeway on new alignment from the north terminus of the Wausan Belt line to a new interchange 1¼ miles north of Merrill (17 miles). Projects I.D. 1175–1–00, FAP 5–3–4 and 1173–2–00, FAP 5–4–1. Comments made by USDA, EPA, HUD, DOI, DOT, Wis. Dept. of Natural Resources, Marathon and Lincoln Counties and Merrill Environmental Conservation Advisory Commission. (ELR Order No. 1382, 33 pages) (NTIS Order No. PB–200 034–F) 12/8.

FHWA 4(f) Statements: The following are not 102 statements. They are explanations of the Secretary of Transportation's approval of projects to be implemented under Section 4(f) of the Department of Transportation Act. 49, U.S.C. Section 1653(f). (Statements cannot be ordered through NTIS.)

TH–3: Dakota and Ramsey Counties, *Minnesota.* Use of land from McGroarty and Kaposia Parks for highway purposes. (Order through ELR by title, date and Department—8 pages) 11/23.

Project S–256(2), Boone-Callaway Counties, *Missouri.* Use of land from Cedar Creek Management area for highway purposes. (Order through ELR by title, date and Department—2 pages) 11/11.

I–675: Fairborn, *Ohio.* Beltway construction requires acquisition of 1.13 acres and a 1.39-acre easement for channel relocation in Rona Hills Park. (Order through ELR by title, date and Department—5 pages). 12/2.

U.S. Coast Guard

Contact: D. B. Charter, Jr., Commander, U.S. Coast Guard, Chief, Environmental Coordination Branch, 400 7th Street, S.W., Washington, D.C. 20591 (202) 426–9673.

Draft

Title, description, and date

Full-scale testing of high seas oil containment barrier to verify prototype design in international waters 50 miles south of Mobile, *Alabama.* Will use non-toxic biodegradable soybean oil. (ELR Order No. 1331, 15 pages) (NTIS Order No. PB–204 668–D) 12/3.

Full-scale testing of high seas oil containment barrier to verify prototype design in waters 5 to 30 miles west of Point Conception, *California.* (ELR Order No. 1330, 15 pages) (NTIS Order No. PB–204 564–D) 12/2.

Provincetown Harbor Search and Rescue Station, *Massachusetts.* Construction of new search and rescue station to replace obsolete station. Consists of barracks, operations and administration building onshore, 800′ pier with helicopter landing pad, maintenance building and mooring space. (ELR Order No. 1314, 10 pages) (NTIS Order No. PB–204 569–D) 12/1.

Sandy Hook Station/Group Complex, Fort Hancock, Monmouth County, *New Jersey.* Construction of station buildings, shop buildings, piers, floats and family housing. Project 03–14–70. (ELR Order No. 1322, 6 pages) (NTIS Order No. PB–204 574–D) 12/1.

U.S. Coast Guard Base, Portsmouth, *Virginia.* Construction of a new base, consisting of a reinforced concrete pier, a steel pile bulkhead, a small boat harbor, a messhall, barracks, miscellaneous outbuildings and dredging incidental to the construction to replace inadequate facilities. (ELR Order No. 1446, 3 pages) (NTIS Order No. PB–204 905–D) 12/8.

Issuance of Oil Pollution Regulations governing design, construction and operation of vessels operating in navigable waters and contiguous zone of the U.S. and governing design, construction and operation of onshore and offshore facilities engaged in transferring oil in bulk (over 10,000 gallons). State certification will be required prior to issuance of Coast Guard permit for a facility. (ELR Order 1511, 4 pages) (NTIS Order PB–205 228–D) 12/28.

Urban Mass Transportation Administration

Final

Title, description, and date

Personal Rapid Transit System, Morgantown, *West Virginia.* Installation of a computer controlled transport system with fully automatic service and operation to demonstrate the feasibility of a new system concept. Vehicles will be propelled by electricity. (ELR Order 1416, 11 pages) (NTIS Order PB–202 713–F) 12/2.

U.S. WATER RESOURCES COUNCIL

Contact: W. Don Maughan, Director of Water Resources Council, 2120 L Street, NW., 8th Floor, Washington, D.C. 20037 (202) 254-6303.

Draft

Title, description, and date

Establishment of Principles and Standards for Planning Water and Land Resources to enhance national economic development, the quality of the environment and regional development, with application of Principles and Standards applied at all levels of planning. (ELR Order 1493, 17 pages) (NTIS Order PB–205 224–D) 12/21.

REGIONAL FEDERAL HIGHWAY ADMINISTRATORS

Region 1*: (Col. 5 Montana, N.D., S.D., Utah, Vt., N.J., N.Y., Puerto Rico) Administrator: G. D. Love, 4 Normanskill Blvd., Delmar, N.Y. 12054.

---

* Conforms to Standard Federal Regions 1 & 2.

Region 3: (Del., D.C., Md., Pa., Va., W. Va.) Administrator: August Schofer, 31 Hopkins Plaza, Baltimore, Md., 21201.

Region 4: (Ala., Fla., Ga., Ky., Miss., N.C., S.C., Tenn.) Administrator: H. E. Stark, 1720 Peachtree Rd., N.W., Atlanta, Ga. 30309.

Region 5: (Ill., Ind., Mich., Minn., Ohio, Wisc.) Administrator: F. B. Farrell, 18209 Dixie Hwy., Homewood, Ill. 60430.

Region 6: (Ark., La., N.M., Okla., Texas) Administrator: J. W. White, 819 Taylor St., Fort Worth, Texas 76102

Region 7: (Iowa, Kansas, Mo., Neb.) Administrator: J. B. Kemp, P. O. Box 7186, Country Club Station, Kansas City, Mo. 64113.

Region 8: (Col., Montana, N.D., S.D., Utah, Wyoming) Administrator: W. H. Baugh (Acting), Rm. 242, Bldg. 40, Denver Federal Center, Denver, Colo. 80225.

Region 9: (Arizona, Calif., Hawaii, Nev.) Administrator: S. E. Farin, 450 Golden Gate Ave., San Francisco, Calif. 94102.

Region 10: (Alaska, Idaho, Oregon, Wash.) Administrator: R. M. Phillips, 222 Southwest Morrison St., Portland, Oreg. 97204.

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH DEC. 31, 1971 (BY AGENCY)

	Draft 102's for actions on which no final 102's have yet been received	Final 102's on legislation and actions	Total actions on which final or draft 102 statements for federal actions have been received
Agency:			
Agriculture, Department of	46	95	141
Appalachian Regional Commission	1	0	1
Atomic Energy Commission	30	24	55
Commerce, Department of	1	7	4
Defense, Department of	3	2	8
Air Force	1	3	1
Army	6	7	34
Army Corps of Engineers	170	265	435
Navy	6	4	10
Delaware River Basin Commission	3	0	3
Environmental Protection Agency	7	9	16
Federal Power Commission	15	5	20
General Services Administration	15	22	37
HEW, Department of	0	1	1
Agency—Continued			
HUD, Department of	15	11	26
Interior, Department of	47	36	83
International Boundary and Water Commission—United States and Mexico	1	4	5
National Aeronautics and Space Administration	16	6	22
National Science Foundation	1	1	2
Office of Science and Technology	0	1	1
Tennessee Valley Authority	10	4	14
Transportation, Department of	840	514	1,354
Treasury, Department of	1	3	4
U.S. Water Resources Council	5	0	5
Total	1,240	1,024	2,264

Note: Separate 4(f) statements not incorporated in 102 statements received from DOT are not included.

SUMMARY OF 102 STATEMENTS F.LED WITH THE CEQ THROUGH DECEMBER 31, 1971 (BY PROJECT TYPE)

	Draft statements for actions on which no final statements have yet been filed	Final statements on legislation and actions	Total actions on which final or draft statements for federal actions have been taken
AEC nuclear development	9	7	16
Aircraft, ships, and vehicles	0	5	5
Airports	31	125	156
Buildings	0	5	5
Bridge permits	10	8	18
Defense systems	2	2	4
Forestry	2	4	6
Housing, urban problems, new communities	11	6	17
International boundary	4	2	6
Land acquisition, disposal	11	27	38
Mass transit	2	2	4
Mining	4	2	6
Military installations	13	4	17
Natural gas and oil:			
Drilling and exploration	3	5	8
Transportation, pipeline	4	3	7
Parks, wildlife refuges, recreation facilities	10	16	26
Pesticides, herbicides	8	10	18
Power:			
Hydroelectric	18	5	23
Nuclear	26	16	42
Other	16	1	17
Transmission	6	7	13
Railroads	0	1	1
Roads	666	352	1,018
Plus roads through parks	121	25	146
Space programs	6	2	8
Waste disposal:			
Detoxification of toxic substances	5	2	7
Munition disposal	2	3	5
Radioactive waste disposal	1	1	2
Sewage facilities	6	5	11
Solid wastes	1	0	1
Water:			
Beach erosion, hurricane protection	4	20	24
Irrigation	16	9	25
Navigation	45	95	140
Municipal and industrial supply	4	1	5
Permit (Refuse Act, dredge and fill)	7	0	7
Watershed protection and flood control	126	223	349
Weather modification	7	4	11
Research and development	13	6	19
Miscellaneous	20	13	33
Total	1,240	1,024	2,264

CREED OF TEEN-TEEN CLUB EXEMPLIFIES BEST OF OUR YOUTH

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. FAUNTROY. Mr. Speaker, much is often said that the modern-day teenager is not responsive to the great values that have made this Nation great. I think that myth ought to be put to rest because there are groups and individuals working in Washington in some of the most difficult areas of the city who believe firmly in America, in God, and in respect for each person.

I submit for the enlightenment of all Members the creed of the Teen-Teen Club of Washington, located in the Cardozo area of this city, which I think exemplifies these values in a way that is clear and concise.

The creed follows:

THE TEEN-TEEN CLUB FOR THE BETTERMENT OF AMERICA

1. We shall not lie.
2. We shall not steal.
3. We shall not fight or take things that do not belong to us.
4. We shall not destroy other people's property.
5. We shall not play with guns.
6. We shall not use dope of any kind.
7. We must go to Sunday school and church each and every Sunday.
8. We must not be a tattler.
9. We must obey our parents and leaders.
10. We must attend the Teen-Teen meetings.
11. We must learn to love one another.
12. We must have self control and be courteous to others.
13. We must go to school and learn as much as we can.
14. We must never wander around the street or stay out late at night.
15. We must not hang around with bad company or we will become bad too.
16. To be a good Teen-Teen you must obey all of these commandments.
17. If ever a stranger greets you, offers you candy, cookies or ice cream simply say "no thank you". If this stranger still bothers you, run, scream and yell. Then go to the first house you see and ask for help.
18. If your parents step out for a few minutes and you are alone please lock the doors and do not open them for anyone.
19. Never, never, never accept a ride in anyone's car that you don't know.
20. When you go to the store for yourself or someone else, take a buddy along for safety's sake.
21. We must say the Lord's prayer each and every day.

EDUCATION IN THE PRINCIPLES OF THE U.N.: THE PLAN AND THE MYTH

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. RARICK. Mr. Speaker, following the U.N. burlesque in expelling a charter member, Nationalist China, the only country in the world which adopted the U.N. Charter as its constitution, many Americans are taking another look at the U.N. They do not like what they are finding.

Parents are also becoming concerned that their children are being fed a one-world government diet in schools. School textbooks are redundant with U.N. references and the myth of U.N. promises of attaining world peace.

Many Americans question why American solutions are no longer taught and have been replaced by academic training in one-world government with high respect and confidence in the U.N. Reverence for the promises of U.N. Charter has replaced the proven lessons of American history and our constitutional system of government.

"Education is the Answer" has been the persistent socialist slogan used to indoctrinate public opinion to accept the transition of customs, living styles, morals, religion, and even the people's form of government.

Exploitation of education to teach our young people one-world government in preference to Americanism is required by U.N. edicts which are being adhered to by HEW and every national administration since the U.N. was brought out into the open. The Universal Declaration of Human Rights—a U.N. document—provides for education in U.N. principles as follows:

> Article 26—(2) *Education shall be directed to the full development of the* human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, *and shall further the activities of the United Nations* for the maintenance of peace.

The U.N. Declaration on the Elimination of all Forms of Racial Discrimination, at article 8 calls for education "propagating the purposes and principles of the Charter of the U.N.":

> Article 8—*All effective steps shall be taken immediately in the fields of teaching, education and information,* with a view to eliminating racial discrimination and prejudice and promoting understanding, tolerance and friendship among nations and racial groups, as well as *to propagating the purposes and principles of the Charter of the United Nations,* of the Universal Declaration of Human Rights, and of the Declaration on the granting of independence to colonial countries and peoples.

The mandatory use of education to further the U.N. Charter is provided in article 11:

> Article 11—Every State shall promote respect for and observance of human rights and fundamental freedoms in accordance with the Charter of the United Nations, and shall fully and faithfully observe the provisions of the present Declaration, the Universal Declaration of Human Rights and the Declaration on the granting of independence to colonial countries and peoples.

Education can be the answer, but it can also be a cause. Education should not be confused with disseminating the truth where all of the facts are not present and taught. The myth and superstitions of the U.N. as well as the background material on the organization and its organizers have remained too suspect to stand scrutiny; so they are ignored in the educational lessons taught our children.

No theory, no organization, and no structure can remain strong or long endure, which is not built on the foundation of truth. The U.N. was never intended to be a governmental organization favoring individual liberties, but it is a ploy to control an economic one-world empire. The existence of the United Nations and its announced goals can only be achieved by destruction of constitutional government and U.S. sovereignty. Any movement toward international economic and political equality requires retrogression in the status of the individual American as well as the United States. The U.N. can only succeed if the United States fails.

A most thorough and interesting background study on the facts and people who banded together to organize the U.N. shows they differ greatly from the stature and dedication of the Founding Fathers who drafted the U.S. Constitution.

Such a monograph was prepared by Mrs. Maureen Heaton of California, entitled "The Plan and the Myth," which I insert in the RECORD at this point:

THE PLAN AND THE MYTH

(By Maureen Heaton)

On December 11, 1961, the Los Angeles Herald-Express had a headline story on the second front page, titled "School Book Credits U.N. for U.S. Victory in World War II," and subtitled "Mistake OK'd by Curriculum Board." This set off a wave of indignation through California, particularly with those who were aware of the fact that the books from which our children are taught have been rewritten in the last thirty years, changing perspective and fact. That this time the text might be accurate, and not a "mistake" is indicated by the facts presented in this paper.

In 1962 the American Legion Americanism Committee, Department of California, issued a resolution for the consideration of the National body, asking for an investigation of the Council on Foreign Relations, declaring it to be their considered opinion that this group was subversive, and should be investigated.

That these two circumstances are not unrelated . . . the textbook, and the Legion resolution . . . is the subject of this research.

Many books have been written giving the background for what is about to be presented for your evaluation. It is essential that the information contained in such volumes as "The Turning of the Tides," by Congressman Paul Shafer and John Howland Snow. Lowell Limpus' "Disarm," Robert Morris' "Disarmament," Dan Smoots' "Invisible Government," and Helen Lasel's "Power Behind the Government Today," be assimilated for a better understanding of the present documentary.

The efforts to establish a world government are not a recent development, nor are the "Peace" movements. Current attempts to frighten people into supporting peace at any price have a long history. Those who have succumbed to the idea that "now there is an atom bomb, we MUST not have another war," might be interested in an article which appeared in the quarterly student magazine at Pasadena High School in California in November 1923. (Not a misprint—1923—ed.) entitled "The Prevention of War by Means of a United Nations of the World," the article begins, "We are told that the next war will last only three days, possibly a week. At the end of that time all the people on this planet, at least, will be dead." It continues for three pages and builds a picture of the "only hope for peace," as indicated in the title. The author states, "National sovereignty should exist only so far as it does not interfere with the function of the United Government," and adds, ". . . the United Nations of the World will not be a complete success until all the nations have joined. In the meantime, education of all the people of the world will do more than any other thing in helping to realize this ideal." (emphasis added) The author had source material listed, including an article titled "World Destruction or a World Court."!! As events have transpired, miseducation has brought into being the organization thus described, and in so doing, has brought the world to the brink of destruction of freedom.

The present document is intended to be a study only, and is not to be interpreted as a charge against any individual or group of individuals. There are proper channels existent for thorough investigation, and, if indicated by official investigation, for placing charges. It is hoped that this document will be the straw which will break the back of the resistance to an official examination of both the Council on Foreign Relations and the U.N. The affairs of state are not alone the concern of those we elect to office, nor those our elected representatives appoint. They are the concern of all citizens, and only insofar as the citizens insist on their proper conduct, will the general welfare be served.

THE SHAPE OF THE PLAN

In Cordell Hull's "Memoirs," FDR is quoted as saying, in a talk to the nation on 3 September 1939: "It seems to me clear, even at the outbreak of this great war, that the influence of America should be consistent in seeking for humanity a final peace which will eliminate, as far as it is possible to do so, the continued use of force between nations."

Mr. Hull then adds: "The United States was thus committed from the very moment when chaos descended on Europe to devote her influence toward developing a postwar world in which peace could be assured . . . The Council on Foreign Relations proposed on September 12 to amplify its studies, and make them available to the State Department . . . we forthwith accepted. The Federal Council of Churches and a number of other organizations made similar offers of help . . ."

How FDR knew in 1939 that this was a great war in which America would be involved is aside from the issue at hand, but Hull's statement about our commitment as a nation is not, for he recounts that from the day of Hitler's invasion of Poland, the State Department determined to begin immediately to plan the creation of a new system . . . to preserve the peace . . . profiting by the failures of the past. One of the "failures of the past" was the refusal of the United States Senate to ratify the League of Nations Covenant, which seems, from the record, to have been the first big effort of the planners of today for One-World, indivisible economical and political power. The evidence indicates that this mistake was not intended to happen again.

Four months after the "commitment," Hull announced the establishment of a committee in the State Department, to "study and analyze the measures and policies . . . which may have consequences of an enduring nature . . . once peace is established."

Owing to an apparent oversight in the proofreading of his book, we have an interesting exposure of the makeup of this committee. On pages 1626 and 1627, he lists the people he appointed originally, and then on pages 1632 and 1633, he lists the same committee, as submitted to the president for approval. Both lists are given below. Committee No. 1 is the first list. The names on Committee No. 2 are the changes, and cross referencing indicates that it is the second list which involved itself in the postwar plans. It is interesting to note that Hull states there were fifteen members of the committee, but only fourteen names appear. The section of this study on "The Little Man Who Wasn't There" gives cause for reflection.

ADVISORY COMMITTEE ON POSTWAR FOREIGN POLICY

Committee No. 1

Sumner Wells, Chairman, State, CFR.
Hugh Wilson, Vice Ch., State.
R. Walton Moore, Counsel, State.
A. A. Berle, Jr., State, CFR.
George Messersmith, State.
Henry F. Grady, State.
Green Hackworth, State, CFR.
Leo Pasvolsky, State, CFR.
Herbert Feis, State, CFR.
Jay Pierrepont Moffat, State.
Breckinridge Long, State.
James C. Dunn, State.
Norman Davis, State, CFR.
George Rublee, State.

Committee No. 2

Cordell Hull, Chairman, Secretary, State.
Sumner Welles, Vice Ch., State, CFR.
A. A. Berle, Jr., State, CFR.
Green Hackworth, State, CFR.
Leo Pasvolsky, State, CFR.
Herbert Feis, State, CFR.
Norman Davis, State, CFR.
Benjamin Cohen, Counsel, CFR, National Power Policy Committee.
Harry C. Hawkins, State.
Anne O'Hare McCormick, NY Times.
Isaiah Bowman, CFR, Pres., Johns Hopkins.
Hamilton Fish Armstrong, CFR, Editor, Foreign Affairs.
Dean Acheson, State, CFR.
Myron C. Taylor, CFR, Business Advisory Council.

On this list there were originally eight people who were career officers in the State Department, who did not belong to the Council on Foreign Relations. They were replaced on the official committee by seven people plus the Secretary of State. All but two of the seven were from CFR. One of the replacements, Myron C. Taylor, was also a member of the Business Advisory Council, which in some ways is more powerful than the CFR, and apparently was set up to do the same sort of a job, but in a different fashion. Mrs. McCormick, having the NY Times to funnel information to the public, was a very desirable member of this team.

Norman Davis was president of CFR at the time of the formation of this committee, and Hamilton Fish Armstrong was a past president. At this time, Armstrong was editor of the quarterly magazine for the Council. Myron Taylor had been a director on the board.

THE "ATLANTIC CHARTER"

The next step in the planning took place somewhere in the Atlantic, when, with much fanfare, FDR and Winston Churchill held a "secret" meeting on 14 August 1941. This dramatic setting was necessary to the purposes of the Planners. The statement of "principles" which was touted by wire around the world had to be impressed on the minds of the people . . . as the first move into the propaganda barrage which culminated in the signing of the United Nations Charter by the Senate of the United States.

The statement by the heads of state of the British Empire and the United States, purported to contain "certain common principles" in the national policies of their respective countries. Some of these principles unquestionably were those of the American public, but subsequently, at Teheran and Yalta, the two men primarily involved abrogated most of these. It is exceedingly doubtful, however, as to the amount of enthusiasm which could have been engendered from Mr. and Mrs. America for . . . "access on equal terms for all states, large and small, . . . to the raw material of the world needed for their economic prosperity . . ." or for . . . "fullest collaboration between all nations in the economic field, to obtain improved labor standards, economic adjustment, and social security for all . . ." (For the full text, see Fifty Major Documents of the 20th Century).

If that part about "economic adjustment and social security for all" sounds a little like taking from the haves and giving to the have-nots . . . or even like "from each according to his ability" . . . *they* said it.

According to John T. Flynn in "The Roosevelt Myth," the "Joint Declaration," as it was originally called, was also dubbed "America's Mein Kampf" by the NY Times, and it never really existed except as a news release. And yet for about two years, a "signed copy" was on display in the National Museum in Washington! FDR himself is the authority for the fact that it never existed, at a press conference in 1944. Equally as interesting is a footnote in a book by William Rigdon, who was FDR's Assistant Naval Aide. In "White House Sailor," Rigdon states that the original of the Atlantic Charter is in the possession of one George M. Elsey. Whatever else George M. Elsey may be, and why he should be in possession of the original of a non-existent document, is not known. But we do know that he is or was a member of the Council on Foreign Relations.

THE MYTH

The "Atlantic Charter" was followed on 2 January, 1942, by the Declaration by the United Nations. (See 50 Major Documents.) This declaration was signed in Washington by 26 countries, and though the occasion was noted in the Almanac chronology for 1942, nowhere is there indication of what the complete document was, nor where the original is today. However, unlike the Atlantic Charter, its existence is assured. In addition to the aforementioned textbook, there are references to United Nations troops and/or forces in the Almanac, in many books written during the war, and particularly in "The Century of the Common Man," written in 1943 by then-vice president of the United States, Henry Agard Wallace.

In "The Century of the Common Man," Wallace states, "The first article of the international law of the future is undoubtedly the *United Nations Charter* (emphasis added). The United Nations Charter includes the Atlantic Charter, and there is little reason why it should longer be called the Atlantic Charter, in view of the fact that the broader instrument has been validated by thirty nations."

Another quote from Wallace is of more than passing interest, as developing activities of the UN prove its substance. "If any aggressor nations take the first step toward rearmament," states Mr. Wallace, "they must be served at once with a "cease and desist" order, and be warned of the consequences. If economic quarantine does not suffice, the United Nations' peace force must at once bomb the aggressor nation mercilessly." Cordell Hull echoes this humanitarian thought, in his Memoirs, telling of his dream of an international organization which would keep the peace—by force, if necessary. He also dreams back to World War I, and gathers unto himself the germ of an idea which became the League of Nations. The League is generally credited to Colonel Edward M. House, the "alter ego" of Woodrow Wilson, but whether Hull, House, or Wilson sparked the organization, it did come into being.

Those who organized the League were proud of their brainchild, and brought it, with much fanfare, to the Senate of the United States for ratification. They were shocked and distressed when that august body saw in this newborn infant not the beautiful hope for peace that they had been led to expect, but the destruction of the Constitutional government of the country they served . . . and they rejected it.

As was done later in the case of the UN, peripheral organizations were formed to "enlighten" the citizens, and perhaps to coerce the Senate to reconsider. There were a number of these, but one in particular which is of interest here, not just because it outlived and overshadowed the others, but because of its influence on the events which concern us here, and because of its membership . . . particularly its officers.

On 31 July, 1942, the League of Nations Association issued a Program and Policy Statement, which began, "From past mistakes we gain courage to meet the problems of the present and imagination to plan the future . . ." There are the 'past mistakes' again. . . . and what did they learn from them? One thing they learned was the need for more "education" for acceptance of their plans. The Policy Statement urged an immediate plan for every phase of postwar reconstruction. That this was done is borne out in a book by one Lewis Lorwin. Called "The Postwar Plans of the United Nations," and published in 1943, it contains plans as specified by the League of Nations Association for reconstruction of the United States, Great Britain, Latin America, Canada, Governments in exile and the occupied countries, Australia, New Zealand, South Africa, India, China and the Union of Soviet Socialist Republics. This book is a proper subject for a more complete study in and of itself. Its pertinence here, however, is twofold only. One, its relevance to the call from the LNA, and, two, the fact that it was financed by the Twentieth Century Fund. The Fund had a number of CFR members on its board, and has been noted throughout the years for its assistance to Pro Communist causes.

The policy statement of the LNA also urged that the machinery of the League of Nations, the International Labor Organization and the World Court should be utilized by the United Nations to every extent practicable in organizing the establishment of the universal society of nations. The statement called for this society of nations to be so powerful and capable of "instant application" that every nation would realize in advance that "aggression" would be too hazardous to attempt.

The Program of the League Association was stated as promoting this new organization, of forming UN committees, instigating a program of education, and asking cooperation of all Americans.

The National officers at this time were:

Honorary Presidents: John H. Clarke and James T. Shotwell.

President: Frank G. Boudreau, M.D.

Vice Presidents: Mrs. Emmons Blaine and Mrs. James Lees Laidlaw.

Chairman: Victor Elting.

Treasurer: Frederick McKee.

Director: Clark M. Eichelberger.

Who were these people, and why are they important here?

John H. Clarke was an associate justice of the Supreme Court, which position he resigned, according to Who's Who, in order to promote "public opinion favorable to world Peace." (The question arises as to who is not in favor of world peace?) He was also a trustee of the World Peace Foundation, and of two public libraries, in Youngstown and Cleveland, Ohio. For anyone who desires to mold public opinion, there is nothing like being a trustee for a library or two.

Frank G. Boudreau was an executive director of the Milbank Memorial Fund, and a vice president of the International Students Union. He was also a trustee of the New York School of Social Work.

James T. Shotwell had a long and full life. Beside garnering twelve degrees from eleven different colleges, he was active in civic affairs, in academic and cultural matters, and in government. He was a trustee and a director of the Division of Economics and History at the Carnegie Endowment for International Peace; a director of the Division of International Relations for the Social Science Research Council; Chairman of the National Committee of the USA on the International Intellectual Cooperation of the League of Nations; president of the League of Nations Association, and Honorary president of the American Association for the UN. He held many positions in government, dating all the way from "The Inquiry," which was the conference preparatory to the League of Nations, to the committee in the State Department known as the Commission to Study the Organization of Peace, and the Advisory Committee on Postwar Relations, which paved the way for acceptance of the UN. He was a delegate at San Francisco in 1945. In addition to being an author of fifteen books on International Relations and World Peace, and a lecturer, he was editor of almost two hundred volumes on Social Progress, plus the eleventh edition of the "Encyclopedia Britannica.

Shotwell also found time to sponsor a dinner for the UN in America, which was cited in Appendix Nine as having been promoted through the auspices of the American Committee for the Protection of the Foreign Born. He signed a couple of Appeals of Communist origin . . . one to free Earl Browder, which was cited as "strictly a Communist party affair," and one for Russian War Relief, which was Communist organized. The Professor was a sponsor of a Conference on PanAmerican Democracy, which was cited as subversive and unAmerican. He was a member of the Committee for Peace through World Cooperation, a Communist front. He was also an officer in the Committee for a SANE Nuclear Policy, and held memberships in the Atlantic Union Committee and the Council on Foreign Relations.

Mrs. Emmons Blaine was the daughter of Cyrus Hall McCormick, who invented the reaping machine. She is listed in Appendix Nine as a member of the National Citizens Political Action Committee, which was described by the Dies Committee as the "Communist Party's supreme bid for power throughout its 25 years of existence in this country." Mrs. Blaine was a member of the Chicago Board of Education, and a founder of the School of Education at Chicago University.

Mrs. James Lees Laidlaw was another sponsor of the dinner for the UN, and also of a dinner forum under the auspices of the American Committee to Save Refugees, which was cited as a Communist Front. She, too, signed the Appeal for Russian War Relief. She had six college degrees, and was a teacher in New York High Schools for 12 years. She was very active in civil affairs, particularly woman suffrage and the League of Women Voters, as well as organizations to support the League of Nations, and, later, the UN.

Victor Elting was a member of the Chicago branch of the CFR, and an author.

Clark M. Eichelberger is listed in the section of this study dealing with United States Nationals serving on the Secretariat of the UN, but it should be noted here that he is a member of the CFR.

The fact that these people joined subversive organizations does not mean that they knew them to be under the control of the Communists, and is not significant for that reason. The real significance is that there is a melding of purpose here, which makes it difficult to distinguish between Communist and non-Communist vehicles.

The tragedy for America is that many of these people either did not realize, or did not care, that their efforts to lead Americans down the road to One World were equally as destructive of our sovereignty as those of the Communists. That there were some who knew, and were dedicated to that end, is a certainty. However, it is the duty of official bodies to cause investigation and determine responsibility in this area.

The promoters of the universal utopia have money, prestige, and power to pressure public officials, and some of them are themselves holding public office. With a citizenry unaware of these activities, or not concerned enough to oppose these efforts with equal strength and determination, the one-sided pressure will, in the end, topple the United States Government, as we have known it. If this happens, our nation will be but one state in a world body of states, and on a par with Burundi, Urunda and similar states.

AN UNCERTAIN TRUMPET WITH A POSITIVE SOUND

The Federal Council of Churches (which is now the National Council) came through in great style on their offer of assistance to the State Department in planning for a postwar world. Time magazne, in its issue of 16 March, 1942, gave a report on their "Religion" page of a conference held in Wesleyan University in Ohio by the Federal Council of Churches. Touting the meeting as a "superprotestant new program for a just and durable peace," Time delineates the ultimate goal as "a world government of delegated powers," with the following high spots:

Complete abandonment of U.S. Isolationism.

Strong immediate limitations on national sovereignty.

International control of all armies and navies.

A universal system of money . . . so planned as to prevent inflation and deflation.

Worldwide freedom of immigration.

Elimination of all tariff and quota restrictions on world trade.

Autonomy for all subject and colonial peoples—(with much better treatment for negroes in the U.S.).

A "democratically controlled" international bank.

You may wonder what all these temporal decisions have to do with spiritual matters. The answer is hard to find. Probably pertinent was the situation whereby there were involved in this conference (where the labors of the Federal Council of Churches on behalf of the State Department were unveiled for all the world to gasp over) eight college and university presidents as well as "a group of well known laymen," including members of the Council on Foreign Relations, such as Harvey Firestone, Jr. and John Foster Dulles. Mr. Dulles was chairman for the conference.

In addition to the above goals for a peaceful future, the conferees found the United States wanting in past policy, and stated, "The natural wealth of the world is not evenly distributed. Accordingly, the possession of such wealth . . . is a trust to be discharged in the public interest." (Haves-Have nots?) In case this might not be a clear statement of the FCC position, the conference speaker spelled it out . . . "a new order of economic life is imminent and imperative . . . Collectivism is coming, whether we like it or not."

THE INSTITUTE OF PACIFIC RELATIONS

Another organization which had much to do with the formation of the United Nations was known as the Institute of Pacific Relations. This association was investigated by the Senate Internal Security Subcommittee, in 1951 and 1952, for eleven months, and was found to be an instrument of Communist policy, propaganda and military intelligence. It was found that a small core of officers and staff members did most of the actual work, and that members of this group were either Communist or pro-Communist. It was found that, although the American staff of the Institute of Pacific Relations were fully aware that the Institute was in fact an arm of the Soviet Foreign Office, they were instructed to preserve the fiction that it was independent. It was also found that "a group of persons in the IPR attempted to set the stage for a change in U.S. policy so as to accommodate Communist ends."

All of the documentation about the IPR is taken from the final report of the Senate Judiciary Committee, as based on the hearings mentioned above.

In December, 1942, the IPR held a conference at Mont Tremblant, in Quebec, Canada. This conference dealt with the postwar cooperation of the United Nations in the Pacific and the Far East.

Among those attending were:

From the State Department—Maxwell M. Hamilton, Chairman Far Eastern Affairs; Francis B. Harrison, Special Advisor to Philippines; Stanley K. Hornbeck, Advisor on Political Relations (CFR); Leo Pasvolsky, Spec'l. Asst. to Secretary of State (FR); and C. F. Remer, Chief of Far Eastern Section, OSS.

From the IPR—V. Frank Coe (also from Treasury Department); Lauchlin Currie (also from State Department) (CFR); Len DeCaux, Fred V. Field, Harriet Moore, Benjamin Kizer, Owen Lattimore (CFR), and Joseph Fels Barnes (CFR), et al.

All eight of these last named people from the Institute of Pacific Relations were identified as Communists.

Also in attendance at the Mont Tremblant Conference were Philip Jessup (CFR), and Alger Hiss (CFR), who, with Joseph Fels Barnes and Edward C. Carter, selected the conferees.

The ninth triennial conference of the Institute of Pacific Relations, and the second involved in the area of present concern, took place at Hot Springs, Virginia, in January, 1945. In addition to the above named persons, with the exception of Hornbeck, there were present at this conference:

Harry Dexter White (Treasury Department).

Dean Acheson, State Department (CFR).
Eugene Dooman, State Department.
Will Clayton, State Department (CFR).
Miriam S. Farley.
John Carter Vincent, State Department.
Julian Freedman, State Department.

The State Department gave official recognition to this conference. Philip Jessup presided at both these meetings, and the report of the Hot Springs conference was made available to all delegations at San Francisco, on the recommendation of Alger Hiss.

Philip Jessup was the chairman of IPR's American Council, chairman of its international institute, and chairman of its research committee. Of the thirty people recommended by Jessup for the Hot Springs conference, ten were later identified as being associated with the Communist organization. Jessup is now the representative from the U.S. to the World Court.

THE LITTLE MAN WHO WAS NOT THERE

Those who have read Ralph deToledano's "Seeds of Treason" or Bert Andrews' "Tragedy of History" which delineate the activities of Alger Hiss in Washington, and particularly in the State Department, know there was serious doubt as to his loyalty to the United States as far back as 1941. Whenever the $64 question came up, however, it seems his superior would call him on the carpet and put it to him, man to man, . . . "Alger, are you a Communist?" And Alger would answer, quicklike, no sir." And back to work he would go. It comes as no great surprise then, when reading the memoirs of those who were at the heart of policymaking for the United States during those years, to find that even material written BEFORE Chambers' exposure of Hiss, passes Alger off with the barest tip of the hat.

For instance, Hull in his voluminous "Memoirs," with its comprehensive coverage of the background work for the UN acknowledges the presence of Hiss in a single sentence. "One of the bright young men at State." James Byrnes, who was Secretary of State after Stettinius, didn't find it necessary to even mention Hiss, though he, Byrnes, was much involved with the UN. Tom Connally says he didn't know Hiss, and that Hiss was a kind of glorified office boy at San Francisco. And so it goes . . . Baruch, Forrestal, Ickes, Vandenberg, Hurley . . . for them, Hiss is the little man who wasn't there.

It is unimportant that the papers of Vandenberg and Forrestal were published posthumously . . . Either they themselves had omitted the role of Hiss, or their editors did. The result is the same.

What is the official record at that time, which can't be written off? From the State Department document, "Postwar Foreign Policy Preparation," the following documentation may be gleaned:

Alger Hiss:

Attended meetings of the Subcommittee on Territorial Problems.

Was an alternate member of the Policy Committee (State).

Was Special Assistant to the Director of the Office of Special Affairs.

Attended meetings preparatory to Dumbarton Oaks.

Was on the Agenda Committee for Dumbarton Oaks.

Was an alternate for the Armament Conference.

Served on the committee to allocate (State Department) officers to "work on the basic instrument of the general international organization."

Was responsible for developing administrative arrangements for Dumbarton Oaks.

Was Executive Secretary for the American Group—DO.

Was present at the pre-Conference briefing—DO.

Was Executive Secretary of the Executive Secretariat of the American Group at Dumbarton Oaks.

Was Secretary in International Capacity at DO meetings with heads of Great Britain, Russia and the US.

Was Secretary of the Steering Committee, DO.

Attended meetings to draw up plans for a general International Organization.

Was on the Committee Preparatory to the Crimean Conference.

Was the State Department representative to the Interdepartmental Committee on Dependent Area Aspects of the International Organization.

Accompanied the President to Yalta.

Was in charge of arrangements for UN Conf. at San Francisco.

Was secretary of the Organizing Group on Arrangements at San Francisco.

In addition to this official list of his activities, in the hearings into the Institute of Pacific Relations, a member of the planning staff of the Postwar Planning Committee in the State Department, Dr. Edna Fluegel, testified that Alger Hiss Became HEAD of postwar planning for the State Department, and as such had access to every document, paper and secret of the United States Government.

The reason for pushing Hiss into the shadows is best told in his own words. In a letter to the House Committee, which was investigating Chambers' charges about him, Hiss stated, "This charge goes beyond the personal. Attempts will be made to use it, and the resulting publicity, to discredit recent great achievements of this country, in which I was privileged to participate."

Of course it would be used, and rightly so, when the true nature of the "great achievements" of which he spoke became known. Belittling the part Hiss played in its construction does not change the fact that the United Nations was set up to subvert the sovereignty of the United States, whether or not this was known at that time by the others involved.

Equally as important as the role played by Hiss, but not as well known to most students of the UN, is the part of Leo Pasvolsky, a Russian-born State Department career man. For a full background on Pasvolsky, refer to the splendid study of the UN by Major Arch Roberts, USAR. Entitled "Why Your Soldier Son Serves Under a Soviet Communist Commander," it goes thoroughly into the meaning of the UN Charter, and points out that the UN is not what its supporters say it is, but only what the CHARTER says it is. After a thoughtful hearing of what Major Roberts has to say about the UN, no sincere American could take issue with the great Democratic Senator McCarran, who is quoted as having said, "To my dying day, I shall regret having voted for the United Nations without first having read the Charter."

One of the "mistakes" the Planners made on their first big push for world amalgamation, was in allowing time for debate on the Covenant. They really believed that the Senate and the people of the United States would find the velvet glove so attractive that they wouldn't notice the iron fist inside. As a result, when it came to the point once more of getting the consent of the Senate, the way was prepared years in advance. "Respectable," "responsible" organizations and groups such as the Federal Council of Churches, and the Council on Foreign Relations, the national news media, et cetera, were positioned in advance in the camp for "world peace and security." Books were turned out in record numbers, promoting world union. Speakers were sent on tour of women's groups, Chambers of Commerce, and Rotary Clubs. By the time Alger Hiss was sent to Washington from San Francisco with the Charter of the United Nations in a fireproof safe, and the picture of the priceless scene reproduced for posterity by LIFE magazine, not only would it have appeared a violation of decency for the Senate to vote against it, it would have seemed close to treason.

When it was brought to a vote in the Senate, only two members found it in their conscience to stand alone against the pressures of the time. The names of Henrik Shipstead and William Langer should be enshrined in the hearts of all Americans who hope to retain the sovereignty of their country. When monuments are built to heroes of this "long twilight struggle," which is, in stark reality, the third World War, these two men should head the list, as they were the first in chronological order to take this lonely road to immortality.

The activities of the UN have been thoroughly exposed, not only in the public press, but in numerous books and pamphlets. Especially valuable is "The Best of the Southern Conservative" by Ida M. Darden, not only for her ability to slash through the obfuscation and get at the core of importance, but because the material was written contemporaneously. The new book by Ed Griffin, "The Fearful Master," is a current expose which kaleidoscopes nineteen long years of portentous action into a very readable reference log. Bryton Barron's "Dream Becomes a Nightmare" presents another view from one who was on the inside at the time.

U.S. "NATIONALS" IN THE U.N.

In 1952, the Senate Internal Security Sub-Committee held hearings into the activities of United States citizens employed by the UN.

In these hearings, 29 employees of the UN were called to testify.

Of the 29, 20 had previously worked in the U.S. Government.

21 of the 29 took the fifth amendment.

4 admitted to having been Communists.

1 admitted to being a Comsymp.

5 of the employees held degrees in economics. 3 more had worked in economic areas in government. All eight of these took the fifth.

One of the twenty nine became a Soviet citizen while supposedly serving the U.S. Another admitted working in UNICEF while a Communist. Still another admitted he wasn't even a United States citizen while working in the U.S. Office of War Information.

Of this group, Senator James O. Eastland, Chairman of the Senate Internal Security Committee, said: "After reading the record of these hearings to date, and acting as chairman during the last two sessions, I must say that I am appalled at the extensive evidence indicating that there is today in the United Nations, among the American employees there, the greatest concentration of Communists that this Committee has ever encountered. Those American officials who have been called, represent a substantial percentage of the people who are representing us in the UN. It is my conviction that most of the people who have appeared before this Committee are not fit persons to represent the United States or the United Nations. . . . These people occupy high positions. They have very high salaries, and almost all of these people have in the past been employees of the United States government in high and sensitive positions. I believe the evidence shows that the security officers of our government knew, or at least had reason to know, that these people had been Communists for many years. . . ."

As a result of these hearings, the twenty-one who had taken the fifth were dismissed. They appealed the decision. Ten of them only had indefinite contracts, and therefore could be dismissed. It was held by the court, however, that of the remaining eleven, four had to be reinstated with full back salary. The other seven asked for compensation instead of reinstatement, and were awarded sums up to $40,000 each. Total reimbursement amounted to over $135,000.

During the hearings, Senator Alexander Wiley, who was on the committee, asked for an opinion from the State Department on the selection of personnel for the UN Secretariat. Dean Acheson, then Secretary of State, replied that the United Nations was solely responsible, and continued, "It was decided at the outset that this should be so. It was believed that if individual staff members were to be beholden to their individual governments . . . . it should be impossible for the staff to effectively support the Secretary General. . . . It follows that United States Nationals on the Secretariat *Do Not Represent the United States* but are representatives of the United Nations, insofar as their official capacity is concerned." (emphasis added).

This statement is frightening enough in itself, but when you consider the background of the four Secretary Generals thus far . . . Alger Hiss (who served at the San Francisco Conference), Trygvie Lie (see "The Mind of an Assassin" for his Communist Leanings), Dag Hammarskjold, a Socialist, and U Thant, a self-avowed Marxist, it becomes nightmarish.

Much has been said in this country about loyalty oaths, but have you ever heard any protests from the Uniliberals about taking the oath to the UN? And they do take one. Here it is: "I solemnly swear to exercise in all loyalty, discretion and conscience, the functions entrusted to me as a member of the international service of the United Nations; to discharge those functions and regulate with the interests of the United Nations *only* in view, and not to seek *or accept* instructions in regard to the performance of my duty, from any government or authority external to the Organization," (emphasis added).

In 1956, the Annual Report of the Senate Internal Security Subcommittee, issued through the Judiciary Committee, demanded the recall of the Soviet Agent, Arkady Sobelov, who was the first Under-Secretary of the UN Security and Police Force, and Chief Delegate of the Soviet Mission to the UN, on the grounds of improper activities in spreading propaganda, and for using force, coercion and duress to induce defectors to return to the Soviet Union.

According to Major Arch Roberts, Sobelov had an assistant on the Secretariat, Alexandrei Vasilev, whose title there was Soviet Representative to the Military Staff Committee. Vasilev signed the report which committed our US troops to Korea. In 1954, the Department of Defense issued a document entitled "The Truth about Soviet Involvement in Korea," which identified this same Vasilev as the general in charge of all movements of the *North* Korean Forces. Meantime, back in the UN, a Soviet Communist was receiving and sending orders to the *South* Korean Forces.

Of course, it is to be expected that the Soviet Union would send dedicated Communists to represent them in the UN. Under normal circumstances, it would be expected that our government would send dedicated Americans. We have seen what sort of Americans the lesser lights were. Now let's take a brief glance at some of the really top brass. Following is a partial list of the representation we have had, with corollary information on each: All of these are members of the Council on Foreign Relations.

Bernard Baruch:

Mem.: Advisory Commission on Nat'l. Defense—'16.

Mem.: American Commission to Negotiate Peace—WWI (Economic Section).

Mem.: Supreme Economic Council.

Mem.: Amer. Delegation on Economics & Reparation—WWI.

Mem.: Presidents Conference on Capital & Labor—'19.

Mem.: New York Stock Exchange.

Mem.: Advisory Staff—League of Nations.

Mem.: Advisory Staff—UN Atomic Energy Commission.

Advisor to War Mobilization Director—'43.

Economic Advisor—American Peace Commission.

Head Fact-Finding Com. on Synthetic Rubber—'42.

Commissioner—War Industries Bld.—'42.

Ralph Bunche:

Professor: Howard University.

Bd. of Governors: American National Red Cross.

Institute of Pacific Relations:

1. Delegate, Hot Springs, TB.
2. Delegate, Mont Tremblant Conference.
3. Member, Discussion Group, Washington Branch.

Mem: Intern't'l Committee on African Affairs—CF—'39.

Mem: National Negro Congress—CC.

Mem: NAACP.

Sponsor: Washington Committee for Democratic Action—CC.

Sponsor: Conference on Civil Rights—CF & CC.

Contributing Editor—Sciences and Society—PL.

Andrew W. Cordier:

Exec. Assistant: Sec'y. General, UN.

John Foster Dulles:

Lawyer.

Sec'y.: The Hague Peace Conference—'07.

Spec. Agent: St. Dept. in Central America—'17.

Counsel: Amer. Commission to Negotiate Peace—'18.

Mem: Reparations Commission—'19.

Mem: Supreme Economic Council—'19.

Dir.: Internat'l. Nickel Co.

Dir.: Bank of New York.

Ch.: War Trade Board.

Ch.: Federal Council Churches—Comm. for a Just and durable Peace.

Trustee: Rockefeller Foundation.

American Representative—Berlin Debt Conf.—'33.

Mem: 2nd PanAm Conference.

Charter Member—UN.

C. M. Eichelberger:

Lecturer—Nat'l. & International Affairs.

Dir.: L N Assoc.

Dir.: Com. to Study the Organization of Peace—'39.

Dir.: International Free World Assoc.

Dir.: AAUN.

V. Ch.: UN Assoc.

Editor: Changing World.

Nat'l. Dir: Com. to Defend America—CD.

Signer: Russian War Relief "appeal"—CF.

Nat'l. Adv. Com.: American Youth Congress—CF.

Com. for Peace Through World Cooperation—CF.

Endorser: Amer. Council to Combat Nazi Invasion—C or CC.

UN Delegate—'45.

Thomas Finletter:

Lawyer.

Partner: Coudert Bros.—'26.

Lecturer.

Author.

Mem: International Law Society.

UN Delegate—'45.

Julius C. Holmes:

Brig. Gen'l. U.S. Army.

V. Consul.: France—'25.

V. Consul.: Turkey—'27.

Asst. Del: High comm. to Turkey—'27.

Sec'y. Legation: Albania—'29.

Asst. Ch.: Protocol & International Conf.—'34—'37.

Sec'y. Gen'l.: Rio Conf.—'35.

VP: NY Worlds Fair—'39.

Mem: American Foreign Service Assoc.

Mem: Academy of Pol. Sci.

Minister: Algeria—'55.

Criminal Indictment Dismissed by Technicality—'54.

Spec. Ass't.: Sec'y. St.—'56.

Nominated by DDE for Amb: Iran—'55.

Nomination Wtihdrawn after Senate Protest.

Consul Gen'l.: Hong Kong & Macao—'59.

Amb: Iran—JFK—'61.

UN Delegate—'45.

Paul Hoffman:

Pres: Studebaker Co.

Mem: Bilderberger.

Aide: DDE

Head: Com. for Economic Development.

Dir: Federal Reserve Bank, Chicago.

Dir: European Recovery Plan (Marshall)

Pres: Ford Foundation.

Man. Dir: UN Spec. Found.

US Com. for the UN.

Trustee: Univ. of Chicago.

Trustee: Kenyon College.

Alger Hiss: For which see "The Little Man."

Philip Jessup:

Professor: Columbia University.

Mem. Bd.: Carnegie Foundation.

Institute of Pacific Relations—TB:

Ch. Bd.: American Council—'39—'40.

Mem. Pacific Council—'39—'42.

Asst. Dir: Conf. of Jurists on Permanent Court of International Justice—'29.

Author:

US Representative: World Court—(DDE).

UN Delegate—'45.

Spons.: Dinner, Amer/Russ Institute—C

Spons.: Amer/Sov. Postwar Relations—CF.

Spons.: Nat'l. Emergency Conf.—CF.

Spons.: Nat'l. Emergency Conf. for Democratic Rights—CF.

Faculty Adv. Bd.: American Law Students Assoc.—CF.

National Security Council (HST).

Top Advisor: State Dept.—'50—'53.

Character Witness-Hiss—'50.

Herbert Lehman:

Partner—Lehman Bros., Bankers.

Governor: NY State.

Office of Foreign Relief (FDR).

Dir. Gen'l: UNRRA.

Mem: AAUN.

Mem.: NAACP.

Spons: Dinner Forum, Amer. Com. to Save Refugees—CF.

Spons: League of Amer. Writers—CF.

Spons: United Amer/Spanish Aid Com.

Spons: ad. in NY Times for Russ. War Relief—CF.

US/Sov. Friendship Rally—CF.

Natl'l. Council Amer/Sov. Friendship—CF.

John J. McCloy:

Lawyer.

Pres: Chase Nat'l. Bank.

Asst. Sec'y. War (FDR).

Dir: Comm. to Reestablishment of the German Gov't.—45.

Ch: International Bank for Reconstruction.

UN Delegate—'45.

Greer H. Hackworth:

Lawyer.

Judge: World Court.

Supreme Court Justice—1915.

Dep't. State—'16.

US Counsel: All treaties of International Joint Comm. on Boundary Waters.

Mem: Adv. Com: Research in International Law, Harvard.

Mem: Permanent Court of Arbitration.

Del: Conf. at the Hague—'30.

Del: Conf. at Lima—'38.

Adv. Sec'y. State: 2nd meeting of Ministers of Foreign Affairs of Amer. Republics—'40.

Henry Cabot Lodge:

Newsman in 20's.

Mem: Massachusetts General Court.

Senator: Mass.

Candidate: VP of US.

Amb: UN.

UN Delegate—'45.

Amb: Vietnam (JFK-LBJ).

Leo Pasvolsky:

Economist.

Author.

Editor—Russian Review—'16.

Editor Russkoye Slovo-Russ Language newspaper.

Editor Americansky Viestnik Language newspaper.

Mem: Research, Inst. of Economics, Brookings Inst.

US Bureau Foreign and Domestic Commerce—'34-'35.

Dept. State: Trade Agreements.

Spec. Asst.: Sec'y State—'36-'38.

Chief: Division of Spec. Research—'41.

Mem: Spec. Com. to prepare for World Monetary & Economic Conf.

Alt. Mem: UN Economic Com.

Adv: 2nd meeting Foreign Affairs Ministers—Havana.

UN Delegate—'45.

Exec. Off: US Advisory Com. on Postwar For. Pol. '42.

Representative to Mont Tremblant Conf.—'42.

Ch: SubCom on Economic Problems (State).

With Hackworth and Hornbeck (also (FR) wrote the program for "trusteeship" system for UN—'43.

Nelson Rockefeller:

Asst. Sec'y. State: (HST).

Coordinator: Latin/Amer. Affairs—'40 (FDR).

Dir: Rockefeller Center.
Treas: Museum of Modern Art.
Trustee: Metropolitan Museum.
Gov: NY State.
UN Delegate—'45.
James T. Shotwell: (See LN Assoc. report).
Edward Stettinius:
Del: UN Organizational meeting.
Partner: J. P. Morgan.
Sec'y. State: (FDR-HST).
Asst. Sec'y. Stat: (FDR).
At Yalta.
Ch: Lendlease Admin.
VP: Gen'l. Motors.
VP: US Steel.
Ch.Bd.: US Steel.
NRA.
Dir: "Share the Work" Movement—'32.
Ch: War Resources Board—'39.
Ch: Priorities Board—'41.
Mem: Adv.Com: Council of Nat'l. Defense—'40.
Mem: Central Com., Amer. Red Cross.
Trustee: MIT.
Arthur Dewey Struble:
Vice Admiral, USN.
Ch: US delegation—UN Military Staff.
Adlai Stevenson:
Lawyer.
UN Delegate—'45.
Spec. Counsel: AAA—'33.
Asst. Gen.'l. Counsel: Federal Alcohol Control—'34.
Spec. Asst.: Sec'y. Navy—'41.
Ch: Foreign Economic Admin.—'43.
Trustee: World Citizens Assoc.
Dir: Intern't'l House.
Dir: Immigrants Protective League.
Dir: Hull House.
Dir: Industrial Nat'l. Bank.
Institute of Pacific Relations—TB.
Governor: Illinois.
Candidate: President—'52–'56.
Amb: UN—'61.
Mem: AAUN.
James J. Wadsworth: Amb: Extraordinary and Plenipotentiary Deputy Representative to UN Security Council.

Committee citations

TB—Transmission Belt.
CF—Communist Front.
CC—Communist Controlled.
C or CC—Communist or Communist Controlled.
CD—Communist Dominated.
CO—Communist Organized.

It is true that institutions do not threaten America . . . people do. A study of the various affiliations of these people brings one to the assumption that all of them are internationalist in their thinking, and are seemingly devoid of the basic thought and feelings which are embodied in the word Americanism. Some of them made common cause with the Communists, and all of them support the world government concept. The institutions they devise are the machinery to achieve this end.

TWELVE BY THE VILLAGE CLOCK

Time after time, committees of citizens, and individual members of Congress have called for investigation of the relationship of our sovereign nation with the monster on the East River, but only peripheral areas have been touched. With te power shift in the world going to undeveloped, uncultured, uncivilized, uncouth nations and people, our danger becomes greater with each passing day. Even if there were no other consideration, this would be true. Tragically, the picture today is even worse than this.

The Arms Control and Disarmament Agency is rapidly causing a reduction in our individual military strength. The Department of Defense is helping in this.

Our hands are tied in Southeast Asia, even while our troops are committed there. The subversion in South America goes on apace. Cuba has a gun at our heart. Cypress is a tinderbox. Africa is being remolded into a series of fortresses for global conquest. And anarchy is rampant in our own nation.

Since 1945, when the UN officially started keeping the peace, not one day has passed when true peace existed around the world.

The courts of several of our states have held that the United Nations Charter is the Law of our Land.

Our citizens are taxed to support Communism and Socialism both in the UN, and through "foreign aid."

The amalgamation of the economic systems of the United States and the Soviet Union is already in process, as planned in the Phoenix Study.

The choice is still yours. If the Congress will not conduct an investigation of these organizations, the states must. The evidence is preponderant that a clear and present danger exists. Organize study groups to review all available material. When you are well informed, extend your influence. Contact your assemblyman. Insist on his consideration of the facts you have compiled. Write letters to the editor of your local paper to inform others. Petition the state assembly to call competent witnesses to testify under oath.

This is our year of decision. Will you answer the crying need for citizen action? Or will the epitaph of freedom be carved this year?

BIBLIO

Los Angeles Herald-Express, 11 December, 1951.
Disarm, Lowell Limpus.
The Item, Pasadena High School.
The Turning of the Tides, Shafer-Snow.
Invisible Government, Dan Smoot.
Power Behind the Government, Helen Lasell.
Disarmament, Weapon of Conquest, Robert Morris.
The Best of the Southern Conservative, Ida M. Dareden.
Two Faced Nato, NEDAR.
Atlantic Dilemma, Frank Munk.
Almanac, 1945.
50 Major Documents of the 20th Century.
The Roosevelt Myth, John T. Flynn.
White House Sailor, William M. Rigdon.
The Century of the Common Man, Henry A. Wallace.
Who's Who, 1945.
Appendix Nine, Dies Committee.
TIME Magazine, 16 March, 1942.
Program and Policy Statement, League of Nations Assoc.
Post War Plans of the United Nations, 20th Century Fund.
SR 2050—Institute of Pacific Relations, Report, Senate Judiciary.
Seeds of Treason, Ralph deToledano.
Tragedy of America, Bert Andrews.
The Fearful Master, Edward Griffin.
Dream Becomes a Nightmare, Bryton Barron.
Speaking Frankly, James Byrnes.
My Name is Tom Connally, Autobiography.
The Private Papers of, Sen. Arthur Vandenberg.
Patrick J. Hurley, Don Lohbeck.
The Secret Diaries of Harold J. Ickes.
U.S. Citizens Employed by the U.N., Senate Judiciary Committee.
Internal Security Report 1956, Senate Judiciary Committee.

THE GRAIN PRICE SUPPORT BILL

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. ASPIN. Mr. Speaker, on December 8, the House passed a very significant bill, the Strategic Storable Agricultural Commodities Act of 1971. This legislation, approved by a vote of 182 to 170, should do a great deal to shore up currently depressed grain prices.

The bill has two major parts. The first would order the Agriculture Department to buy up to $1.45 billion of grain and place it in a so-called "strategic reserve." Up to 25 million tons of corn and other feed grains, and 300 million bushels of wheat would be bought under this plan. The bill provides that the grain could be sold into the market only at prices equaling at least 120 percent of the previous 5-year market-price average. This premium-price rule is intended to avoid the risk that the reserve grain could have a longterm adverse effect on prices by posing a continual threat of being dumped on the market.

The second part of the bill, which was added by an amendment which I supported and voted for, requires the Government to increase by 25 percent its basic price-support loans for wheat, corn, and other feed grains. This provision would cover both the 1971 and 1972 crops. Farmers would be eligible for the higher payments on their 1971 crops held in storage if title to the commodities had not passed to the buyer. It is hoped that this provision would have the effect of increasing the total grain crop value by some $2 billion.

Now it is up to the Senate to take action on this measure. I hope that the Senate Agriculture Committee will send it to the Senate floor soon after Congress reconvenes, and that the Senate will adopt it promptly.

It is gratifying that the House has taken this important step toward restoring some equity to the Nation's farmers. They have suffered far too long under administration policies which, to put it simply, have failed.

I will continue in my efforts to see that this legislation is sent to the President for his signature. It is important legislation that will benefit the Nation's farmers, and it deserves to become law.

DISCOVER YOUR AMERICA WEEK

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. WIGGINS. Mr. Speaker, the citizens who live within the Walnut Valley, Calif., Unified School District have joined with the students in the district to plan a program which they are calling "Discover Your America Week." From February 28 to March 4, 1972, more than 5,000 students, kindergarten through high school, will be taking part and competing in events that will afford them the opportunity to discover the joys and responsibilities of living in the United States.

Among the many activities planned are essay and poster contests, classroom displays, ecology events, and school assemblies. The celebration will culminate with a community concert.

Sponsored by the Walnut Valley Community Clubs Coordinating Council, the event is being made possible by the cooperation of local service clubs, the city of Walnut, the school district, and private citizens. It is truly a total community effort.

I know that my colleagues in the Congress will join me in commending the people of Walnut for their "Discover Your America Week" program.

NATIONAL HOME FURNISHINGS ASSOCIATION

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, my very good friend and constituent, Herbert M. Early of Alexandria, Va., was elected 1972 president of the National Home Furnishings Association at its annual meetings during the International Home Furnishings Market in Chicago on January 10, 1972. NHFA is a nationwide organization with over 9,000 home furnishings retailer members.

The incoming president has been a distinguished and active member of the Alexandria community. Mr. Early is past president of both the Alexandria Kiwanis Club and the Salvation Army. He has been the recipient of the Boys Club of America's man and boy award and the Salvation Army's man of the year award. Mr. Early is secretary-treasurer and manager of the Alexandria Furniture Co.

Mrs. Virginia Knauer, Special Assistant to the President for Consumers Affairs, addressed the meeting at which Mr. Early was installed. Mrs. Knauer called the NHFA "consumer confidence program" a good beginning toward resolving legitimate consumer problems. The presidential assistant, however, laid down the challenge to NHFA to establish its own "informal complaint-resolving system." Mrs. Knauer reminded NHFA members that: "I have come to NHFA before with a request for action; the response has always been positive."

Mr. Early's first official act as president was to accept Mrs. Knauer's challenge.

> I would like to accept your challenge for the Association. We will make every effort this coming year to establish a consumer-oriented problem solving mechanism and will encourage our manufacturers to cooperate.

The full text of Mrs. Knauer's address insert at this point in the RECORD.

The address follows:

REMARKS BY VIRGINIA H. KNAUER, SPECIAL ASSISTANT TO THE PRESIDENT FOR CONSUMER AFFAIRS, BEFORE THE BREAKFAST MEETING OF THE NATIONAL HOME FURNISHINGS ASSOCIATION, MERCHANTS & MANUFACTURERS CLUB OF THE MERCHANDISE MART, CHICAGO, ILL.

I want to tell you how much I appreciate this invitation to begin the new year with an address before the National Home Furnishings' Chicago Furniture Market.

The new year is appropriately a time for resolutions and a time for predictions. There are many things I would like to give up—sweets, TV football games, chicken lunches, and all-night plane rides. Unfortunately, my husband likes football, so I can't give that up, chicken lunches are standard fare at hotel conventions, so I can't give them up, and I have to take all-night plane rides at times to get back to the office, so I can't give them up. That leaves sweets, which I like, and I don't want to give them up. So Virginia Knauer in '72 is going to be like the Knauer in '71, only a little older, a little wiser, perhaps a little sweeter, and hopefully, not any wider.

You meet here in Chicago today for the main purpose of looking ahead. You have to choose between what manufacturers have to offer and what you believe your market wants. Upon such decisions, fortunes of manufacturers and retailers may rise or fall.[1]

There is another factor, to, which will have an effect, for better or for worse, on what happens in your future and in the outlook for the home furniture manufacturers. That factor is the consumer.

Today, I would like to discuss with you that all-important factor, in terms of what has been done, and what remains to be done.

First, I don't believe that anyone can say that there has not been considerable progress for the consumer, not only in the furniture industry but in other industries as well. There are those, in fact, who may maintain there has been too much progress.

Some of this progress has been the result of the passage of laws, both on the Federal and state levels. In a recent article on consumers legislation on the state level, the *New York Times* said editorially, "Public pressures for improvements seem certain to continue putting consumer protection on a par with environmental protection as a leading issue for state governments throughout the United States."

One proposal, affecting the furniture industry, was recommended by New York City's Department of Consumer Affairs. In effect, the proposed regulation would require furniture retailers to deliver goods within 30 days of the promised delivery date or give the consumer the option of a refund, a credit, or a new delivery date.

Last year, we saw the United States Senate take action on a warranty bill, which, when passed by the House and signed by the President, will have an effect on the furniture industry. In brief, that bill states that a warranty must be clear and legible, it must be meaningful, and that no consumer can sue a retailer for a breach of warranty or service contract until the consumer has exhausted any informal dispute settlement mechanisms established by the retailer for resolving disputes related to a product warranty or service contract.

Much progress has been achieved because of the voluntary efforts of business. Outside, but nonetheless affecting the furniture field, we have seen the beginnings of new voluntary efforts to police deceptive advertising, to improve the quality of automobile repair service, and to improve quality control systems.

In the furniture field, we have seen progress as a result of voluntary efforts.

NHFA, NAFM, and the Southern Furniture Manufacturers Association have developed voluntary "care labeling" program to give the customer adequate information regarding the appropriate method for cleaning the fabric in upholstered furniture.

A number of manufacturers have agreed to participate in this program when they receive requests from retailers.

Still another innovation took place when NHFA instituted its Consumer Confidence Program. Furniture retailers who choose to do so can sign up for the program by pledging to strive for consumer satisfaction and to take all responsible steps to resolve consumer complaints. Those signing the pledge promise to cooperate with any responsible consumer protection agency, including my office.

I have sent each retailer who has signed this pledge a personal letter thanking them for participating in this effort. Retailers can display this letter in their stores but cannot use it in their advertising.

However, I certainly would not have any objections if a retailer took out an ad which said, in effect, that he had signed the pledge and that he was going to cooperate in every way possible with responsible consumer agencies.

Now I said at the start of this talk that these were good beginnings. We still have a long way to go before you can be assured and I can be assured that a sufficient number of programs are being undertaken to resolve legitimate consumer problems.

For one, though manufacturers have offered care labeling to retailers, it is my understanding that few retailers have requested the labels and few manufacturers have put the labels on without specific request.

For another, though nearly one-third of NHFA's members have expressed their willingness to participate in the Consumer Confidence Program, to take all reasonable steps to resolve a complaint, considerable number of NHFA members have not yet volunteered to participate.

The absence of participation in two praiseworthy programs cannot but make one wonder about the absentees. Don't these retailers want to give consumers information on how to clean and care for upholstery? Don't these retailers want to resolve legitimate complaints, don't they want to work with responsible consumer agencies?

I can tell you one thing. If I were a home furnishing retailer in a competitive market, and I was giving care information to my customers, and I had pledged to resolve any legitimate complaints, and my competitors had not taken these steps, I would let potential customers know about it through my adverstising!

And I know such a public statement would have great pulling power on a number of new customers, because I know from the mail I receive that many customers have had very unpleasant experiences at the marketplace, and when it comes time for these customers, their neighbors and their friends to shop again, they will take great care in selecting the retailer who offers them more information and more service.

Before leaving Washington for Chicago, I reviewed the complaints we have received about home furnishings.

One came from a husband in Paris, Illinois. Here's the first paragraph in the letter:

"I purchased a gold swivel chair from (a retailer) in Mattoon, Illinois, in January 1970. The underneath structure of the chair has been totally faulty and now the ball bearing assembly has broken and the chair is totally unusable. If you sit in it, it falls backwards to the floor. Three different people have fallen to the floor in this chair. Oil has come from the ball-bearings and ruined our rug or at least has made four large oil spots. . . . I have called (the retailer) and the manager said there was no guarantee and there was nothing they could do about it. . . . This chair is not what (the retailer) claimed it to be."

Then another letter from a housewife in Springfield, Virginia:

---

[1] Note: This text is the basis of Mrs. Knauer's oral remarks and should be used with the understanding that some material may be omitted or added during presentation.

"I was promised delivery of the carpet I selected in two weeks. Two months have passed and still no delivery. I have asked for return of my $200 deposit but the store manager says he isn't able to do that.

He said that the supplier is out of my selection it will be a few more weeks before delivery. He has offered me other choices, but I want the one I selected. I have been waiting and waiting for this new carpet. Is there anything you can do to get my deposit back?"

Analyzing the complaints, I have found that consumers have written me about shoddy merchandise, about deceptive advertising, about failure to deliver goods on or near the date promised.

Some letters are pretty hard to read. One housewife from Pennsylvania wants to know why neither the retailer or the manufacturer answer her letters—and her letters appear to me to be very reasonable. I have had to write to the president of that firm and ask him to answer his mail.

These are some but not all complaints. And I must express the view that these problems are the result of the few, and not the many.

The question to be asked, I believe, is what are the many going to do about it. What are the progressives going to do? Will the progressives act, or will the government have to act?

I have asked this question of other organizations, of other progressive industries.

I asked it of the appliance industry, and their solution, the solution by the American Home Appliance Manufacturers and the Gas Appliance Manufacturers Association, was to create an independent consumer organization called MACAP—for Major Appliance Consumer Action Panel. MACAP is composed of consumer and home economists from outside the industry. MACAP receives complaints from consumers, solicits responses from the affected business, and then recommends a solution, a remedy. Thus far, of 304 serious complaints, 57 percent were resolved satisfactorily for the consumer and for the business; 12 percent are pending, 7 percent are unresolved, 7 percent were unrelated to appliances and 17 percent were deemed unjustified. AHAM has found MACAP to be helpful not only in solving complaints, but in recommending creative programs for use by the industry.

I asked that question of the Direct Selling Association. The DSA answered by a strong code of ethics. A code administrator and his staff receive complaints from consumers and follow them through to see if they are legitimate. If they are legitimate, and the business declines to take remedial action, then the business can lose its membership in DSA.

A number of Better Business Bureaus have answered the question by working with local bar asociations or the American Arbitration Association to establish informal complaint-handling systems. Eight such projects are underway in a number of cities such as Houston, Wichita, and Detroit, and 28 are planned in other areas in the near future.

And so there are answers to all these complaints. There are many versions of an informal compalint mechanism. What is important is not the version itself, but that a version exists, that it is effective, and that it is responsive.

I have come to NHFA before with a request for action. The response has always been positive. Today I have another request.

What I would like to see is for the home furnishings industry to establish its own informal complaint-resolving system, to announce to the nation that it is going to take concrete action to solve legitimate problems, that it is not going to wait around for the government to pass a law, a rule or a resolution that states you must solve these problems.

Now I know that any complaint-solving mechanism involves a number of difficulties. I know that sometimes the consumer is caught in a cross fire between manufacturer and a retailer. The retailer blames a problem on the manufacturer. The manufacturer blames the problem on the retailer. And the consumer is left out in the cold, pockets empty, and in his eyes, and in the eyes of those with similar problems, the whole furnishing industry receives a black eye.

I know that there are other difficulties, but the time has come for responsible retailers and manufacturers of home furnishings to find a practical way to eliminate legitimate problems that confront your customers.

Recently, in an open letter to me in *Home Furnishings Daily,* columnist Earl Lifshey wanted to know what I thought about consumers who asked for adjustments or refunds all out of proportion to the circumstances, who were arrogant, and unreasonable, who demanded more than they could justifiably expect.

Well, Mr. Lifshey, as I have said on other occasions, I don't think much of them, just as I don't think much of an unreasonable manufacturer or retailer. I would argue that both the unreasonable consumer and the unreasonable businessman are in the minority, and I would agree with you that something must be done about these few.

In your column, you quote a merchant as saying, "Why isn't there some protection for the legitimate dealer who is honestly serving his customers? Why should we have to hire a lawyer to go to court? Isn't there some way these things can be arbitrated? As it is now, the dealer just can't win, no matter how viciously consumers may attack him."

I believe, Mr. Lifshey, that an informal complaint mechanism will handle both our problems. An informal complaint mechanism as established by AHAM, by the DSA, by the American Arbitration Association, will on the one hand, protect consumers from errant merchants, and on the other, protect merchants from unreasonable consumers. Remember that MACAP found 17 percent of the complaints to be unjustified.

Such a system will only enhance the reputation of the home furnishing industry, and it may stave off action by the state or Federal Governments.

And so that is my request to you, my challenge. Accept it, act on it, and we will be able to say that in the year 1972, the home furnishing industry took a major step to achieve a better marketing world for all Americans.

Thank you.

BROWNIE TROOP 231 SETS AN EXAMPLE FOR ALL OF US

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. EDWARDS of California. Mr. Speaker, there has been a lot of talk throughout the last few years about a communications gap in our country. It is said that parents and children can not communicate. We have all heard about the credibility gap and communications gap between Government and citizens. It is, indeed then, appropriate to take this opportunity to commend a group of youngsters in San Jose who are mastering the art of communication against odds greater than any of us must face.

Girl Scout Brownie Troop 231 in San Jose, Calif., is composed of nine little girls, between the ages of 6 and 8, all of whom are deaf. By the use of sign language, they sing scouting songs and recite the Brownie pledge. Led by their troop leaders, Miss Nancy Rigor and Miss Mary Burns—graduates of San Jose State College—they convey their feelings through their hands, facial expressions, and attempts to pronounce words.

These youngsters have accomplished a goal that should be admired by all of us here. First, they have learned to communicate so that they can live, learn, and relate to other members of their community. Second, they have overcome a severe challenge. Instead of letting a physical handicap limit their lives, they have continued to develop and grow as individuals and as members of society.

The efforts of Miss Rigor and Miss Burns, as scout leaders and as concerned human beings, should be commended. These children have demonstrated that they need not be cutoff from other people because of their hearing loss.

Let me wholeheartedly commend Brownie Troop 231 for the example they have set for all of us and for other youngsters all over America.

CONFLICT ON WATER POLLUTION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. DINGELL. Mr. Speaker, the Nixon administration from the outset has demonstrated a certain ambivalence with regard to our water pollution problems. This ambivalence was strongly pointed up in separate reports in the Detroit Free Press of November 25, 1971, the Washington Post of December 30, 1971, and the Christian Science Monitor of January 3, 1972.

Mr. Speaker, conservationists and citizens generally will be well advised to follow the Nixon administration's dictum to the effect that the public "should watch what we do rather than be convinced by what we say."

I include the articles in question at this point in the RECORD:

[From the Detroit Free Press, Nov. 25, 1971]

WHITE HOUSE TOLD TO STAY OUT OF LAKE POLLUTION CASE

(By Saul Friedman)

WASHINGTON.—William D. Ruckelshaus, chief of the Environmental Protection Agency, has told the White House to "stay out" of his attempts to stop pollution in Lake Superior.

And he predicted in an interview that he and the target of his efforts, the Reserve Mining Co. of Silver Bay, Minn., will "end up in court, no matter what I do."

The company is currently dumping about 67,000 tons of iron mining wastes into the lake daily. And Ruckelshaus said if no agreement is reached on how to dispose of the wastes, which are called "tailings," he will decide in at least three weeks on a course of action.

He insisted he has not made a decision on whether to go to court against the company. But he said he believes that if he does not do so, the company will go to court to prevent any government action.

And Ruckelshaus added that the company, which he said has been "stalling" on taking action, could continue to stall in the courts, perhaps for years.

"I can't move any faster than the law allows," Ruckleshaus said, "and they (Reserve) are entitled to due process. But I'm going to do what needs to be done as fast as I can."

If the case is taken to court, Ruckelshaus promised "vigorous" prosecution.

"There are some cases that are simply filed," he said. "And there are others you can push vigorously."

Although the case involves a relatively remote area on the northernmost of the Great Lakes, it has become a critical test of the agency's authority and willingness to stop longstanding pollution that began with government help before environmental issues became popular and crucial.

Consequently, Reserve and its parent companies—Armco and Republic Steel—have been lobbying heavily on Capitol Hill, at the White House and in the Commerce Department for the government to take a softer position.

Referring to White House aides who have interceded on behalf of industry in other instances, Ruckelshaus said: "We told them to stay out of it (the Reserve case), so that we can look at the facts, and make a decision on what is the best thing to save Lake Superior."

Lake Superior is the last of the Great Lakes to remain relatively pure, and its continued cleanliness is necessary if the four other Great Lakes are to be cleaned. Reserve, with a Corps of Engineers permit, has been dumping tailings into the lake for nearly 20 years.

Last April, after more than two years of conferences among reprsentatives of the companies, the Great Lakes states, and the federal govrnment, which condemned the dumping, Ruckelshaus issued a 180-day order requiring Reserve to come up with a plan to quit polluting the lake.

During the conferences and ever since, Reserve has insisted on its plan to pump the mining wastes to the bottom of the lake rather than dumping them in. And the company argues that any other plan would be too costly and is unnecessary.

However, their arguments have been rejected by most Great Lakes governors and members of Congress, by the conference, which included scientists, and by an engineering consultant hired by EPA.

The consultant suggested two basic alternative dumping plans: Pipe the heavy tailings to the bottom of the lake and dispose of the powdery wastes on land, or dump it all on land. The consultant's cost estimates for complete on-land disposal were far below those claimed by the company.

On Oct. 28, at the end of the 180-day order period, Ruckelshaus gave the states and the company another 30 days to comment on the consultant's suggestion. The deadline is Monday.

So far, Ruckelshaus said, the company has not replied. And when it does so, he added, it is expected to reject the consultant's cost estimates as too low.

If no agreement can be reached, Ruckelshaus said he can either take the company to court, or refuse to grant them a new dumping permit, in which case he predicted the company would take the government to court.

He suggested the state of Minnesota could refuse to certify Reserve's application for a dumping permit. But Minnesota officials, themselves under strong political pressure, say Reserve could challenge such action in the courts.

Ruckelshaus said he has not yet decided on whether he will insist on on-land disposal, but is "biased" in that direction.

In reply to critics who complain that he has given Reserve an inordinate amount of time to solve the problem, Ruckelshaus said he is proceeding carefully, the better to build a case if and when the issue goes to court.

However, it would be up to the Justice Department to go to court. And Reserve has already directed some of its lobbying efforts at Shiro Kashiwa, assistant attorney general in charge of such cases.

Kashiwa, while attending a meeting in Minnesota several months ago, was given a tour of Reserve's plant by the company's general counsel, Edward Friede, who helped set up a meeting Oct. 5 here with White House officials.

Other lobbyists on behalf of Reserve have included Willis Boyer, chairman of Republic Steel and vice-chairman of the Ohio Republican finance committee; Tom Patton, whom Boyer succeeded at Republic, and an active fund-raiser for President Nixon in 1968; and C. William Verity, Jr., chief executive of Armco Steel, who was also a large Nixon contributor.

Boyer and Verity are members of the National Industrial Pollution Advisory Council, which is under the Department of Commerce. Patton, until his retirement, was a member.

At the urging of all three, Secretary of Commerce Maurice Stans has communicated to Ruckelshaus his "concern" that strong action against Reserve might do economic damage to the company.

Ruckelshaus laughed: "Oh, yes, I've heard from Stans, and I've heard from lots of other people. But we'll make the decision on our own."

[From the Washington Post, Dec. 30, 1971]

EPA CHIEF BUCKS GOP DONORS

(By Rowland Evans and Robert Novak)

William D. Ruckelshaus, the dynamic enforcer of environmental laws for the Nixon administration, is poised to oppose the will of influential White House political aides and perhaps President Nixon's own inclinations in the nation's hottest battle over industrial pollution.

The case involves Reserve Mining Co., of Silver Bay, Minn., dumping some 67,000 tons of iron mining wastes into Lake Superior over two decades. Early in January, Ruckelshaus is expected to order Reserve Mining to convert its operations to dump wastes in ways that won't pollute the lake. That would require getting rid of most of it on land, thereby setting off a protracted court struggle.

This will climax weeks of struggle within the administration over the wisdom of cracking down on industrial polluters who happen to be generous Republican campaign contributors. Indeed, the Reserve Mining case typifies the Nixon administration's split personality on environmental questions.

Clearly, President Nixon did not calculate the cost to Republican businessmen when he declared war against pollution in his 1970 State of the Union address. Since then, his ardor as an environmentalist has cooled. In private and public (most recently in Detroit on Sept. 23), Mr. Nixon disclaims any intention of making industry a "whipping boy" or "scapegoat."

But the President's views are moderate compared with Secretary of Commerce Maurice Stans, who sees an environmental conspiracy against private industry. He is supported by the two White House aides with intimate ties to big business: Peter Flanigan and the omnipresent Charles W. Colson. To these friends of industry, Ruckelshaus and his Environmental Protection Agency have capitulated to the conservation freaks.

The Commerce-White House group has been particularly upset with what it considers EPA harassment of Reverse Mining, whose two shareholders—Republic Steel Corp. and Armco Steel Corp.—are part of the Republican Party's fund-raising apparatus in Ohio.

Willis Boyer, chairman of Republic Steel, is a vice chairman of the Ohio Republican Finance Committee. C. William Verity, head of Armco Steel, is an active party fund-raiser. Boyer and Verity are members of the National Industrial Pollution Advisory Council set up by Stans.

Nor do these Republican businessmen hesitate to use their connections. When EPA ordered Armco to stop dumping wastes in the Houston, Tex., ship channel, Verity contacted Flanigan at the White House. The result: negotiations giving Armco a six-month delay.

The industrialists were exerting similar pressure in the Reserve Mining case, including a White House meeting between company officials and Flanigan. But Ruckelshaus put his foot down this time. He explicitly informed the White House staff and Stans that he absolutely would brook no interference from them. Up to now, his strong stance has not been overruled by the President.

So tough a posture could not be dared by a mere bureaucrat. Ruckelshaus is a formidable figure back home in Indiana, with a bright future in electoral politics. More important, as an assistant attorney general before moving to EPA, Ruckelshaus developed a warm relationship with a political adviser who dwarfs even Colson in influence: Attorney General John Mitchell.

Consequently, although Ruckelshaus has no easier access to the President's mind and heart than other top administration officials, he does have an indirect route through Mitchell. Using the Attorney General as an unlikely conduit, Ruckelshaus argues the environmental issue to Mr. Nixon.

Moreover, he is buttressed on the Reserve Mining case by popular support in the three states bordering Lake Superior. The governors of Wisconsin, Minnesota and Michigan all are demanding on-land disposal. So is the politically astute Republican Whip, Sen. Robert Griffin of Michigan.

In fact, Reserve Mining's arrogance in refusing to voluntarily curb pollution has enraged citizens in the area. Quite apart from the issues, backing down would be bad politics for Mr. Nixon in the upper Midwest.

That is not the viewpoint at the White House and Commerce Department, however. Conversion to onland disposal would cost Reserve Mining between $48 million and $75 million in capital expenditures and $10 million to $14 million in extra annual operating costs. Is this the proper reward, ask Mr. Nixon's political advisers, for generosity to the President's election campaign fund? That is the thinking Ruckelshaus is bucking in trying to clean up the environment.

[From the Christian Science Monitor, Jan. 3, 1972]

GOING TWO WAYS ON POLLUTION?

A parallel appears to be surfacing between the Nixon administration's no-more-than-necessary approach to school desegregation and its wait-a-minute approach to environmental action.

Of course, from a political point of view the administration may have guessed "right" on letting the courts take the lead in desegregation. Not only did it escape the onus of advocacy among Southerners, but it may feel its move will pay off in the North, too, as one congressman after another is flip-flopping from consistently liberal civil-rights stands to "hold off" decisions on bussing.

But are its strategy and timing right on the environment?

The Nixon administration has seemed lately to be going in two directions at once on the environment. Some of its own men are troubled by the apparent contradiction. In part they argue the administration's record is sound both in programs and actions. But they have no convincing rebuttal to the "protect-industry" implications of Commerce Secretary Maurice Stans' speeches and the recent attempts to dilute the water pollution bills in Congress.

Was it wise for the administration to open itself to charges of being a polluter protector? Yet this is what it let itself in for, first by creating the National Industrial Pollution Control Council last year. The council is funded through Mr. Stans' Cabinet department, to the tune of $310,000 for fiscal 1972, and it is generally called the biggest collection of the biggest polluters in the country. Environmentalists suspect that the council had a hand in the administration's curious attempt to attack the water bill in the House Public Works committee after a similar bill had been passed 86–0 in the Senate.

It's not just the council's existence that has the public puzzled over the real motives of the administration on the environment, nor the speeches of Mr. Stans. Even the President has been heard warning against "demagogic" attempts "to destroy the industrial system that made this country what it is."

It is understandable that a Republican administration would want to keep its bridges to industry intact. Some leading Democratic presidential contenders have the same ambition. We ourselves have reservations over the full practicality of the emerging water pollution control legislation. And it should come as no surprise that the administration would obey Republican instincts to spend less and take the states' side against total federal pollution control.

But again, what was the point of the administration's attempt to alter the water bill in the House committee—especially after such one-sided passage in the Senate? There was little new in the administration's pitch to the House Public Works committee, which had already held extensive enough hearings. All signs indicate that the House is going ahead with its $27 billion bill, and that a House-Senate compromise will fall between that spending level and the Senate's $20 billion, much above the administration's proposed $8 billion.

The administration in the end appeared not to be contesting government spending but industry's potential spending. It agreed to the "best practicable" technology requirement for 1976, wanting a two-year safety margin for industries having a hard time complying. It largely concurred in the "best available" requirement for 1981. But it balked at the "zero discharge" goal for 1985.

Now the administration may well have a point that such a goal is impractical, especially as the costs of removing the last percentages of pollutants are vastly greater than, say, removing the first 90 percent. Its case for keeping a system of water quality standards—which would permit some "pollution" outflow into waters that can tolerate it, rather than an outright "no discharge" law in all situations—can perhaps be upheld.

But unfortunately, to the public the administration's objections to the House and Senate water bills seem obscurantist. The President will likely sign the eventual bill, saying he has reservations over some of its provisions, and hoping thereby to niggle down the credit his odds-on November opponent Edmund Muskie will take as the bill's chief patron.

This may be a prudent course, and faithful to the professional opinions of staff environmentalists.

Still, was quibbling over the "zero discharge" goal, like Mr. Stans' "go slow" speeches, worth the risk of the administration' [illegible] thought soft on pollution?

If the[illegible]s any danger of environmental backlash, it won't appear until well after the coming election. In the meantime, it would be too bad if the administration lost its credibility on the environment by seeming too solicitous of its business constituency—especially since the economic impact of pollution control, all things considered, will benefit business as much as the voting public.

DAN FLOOD CAPTURES NEW ORLEANS

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. HÉBERT. Mr. Speaker, on January 8, the anniversary of the Battle of New Orleans, the city was captured not by Andrew Jackson, but by my own colleague, DAN FLOOD.

He gave the principal address at the annual dinner of the Louisiana Historical Society, and it was, indeed, a DAN FLOOD night.

Those of us who know him so well in the House are aware of his great ability as a speaker. His text was excellent and he had an audience of awe.

In order to share this night with you, I am enclosing the text of his speech at this point in the RECORD.

157TH ANNIVERSARY OF THE BATTLE OF NEW ORLEANS: A CENTURY AND A HALF OF PEACEFUL UNDERSTANDING

(By Congressman DANIEL J. FLOOD)

A century and a half, in the long vistas of recorded history, is but a moment. Yet even so brief a span can encompass great events, decisive for the shaping of destiny. Our own American Republic celebrates in five years the 200th anniversary of its birth—by the standards of the Pyramids a short time indeed, yet one which has greatly influenced the world community in its movement toward liberty and justice. So it is with our remembrance here (tonight?) of the Battle of New Orleans, fought a century and a half ago, just 50 years after the Revolution while the memory of that struggle was still fresh in the hearts and minds of our people.

There is a kind of tragic glory associated with the Battle of New Orleans, which, in a real sense, belongs to all the chronicles of war through the long travail of history. Fought after the signing of peace, it symbolizes in a special way the futility of bloodshed among men and nations. And yet, in as true a sense, it dramatizes vividly those qualities of courage, faith, and loyalty without which nations must surely perish, qualities essential to the arts of war and of peace alike.

Moreover, by the curious and ironic transmutations of history, it marked the last open conflict between this Nation and the ancient Mother-County, and signalled the coming of an era of good feeling which has lasted to this present day. Who can deny that the peace which has existed between the United States and the United Kingdom for over a hundred and fifty years has been a crucial ingredient in the survival of civilization itself in the course of two great global conflicts. And who can deny that the War of 1812—and the Battle of New Orleans—served to establish the unchallenged independence of these United States, even as it initiated a new mutuality of respect between this Nation and the then mighty and far-flung British Empire.

I suppose that the deepest quest and yearning of all peoples in the world today is for peace, a just and lasting peace which shall realize the vision of universal prophets and seers. And yet, while that is so, there is also for us today a special relevance in recalling the spirit of those who fought at New Orleans in that Christmas and New Year season of 1815–'16, especially in an age of affluence and ease.

We live, to be sure, in troubled times, marked by violence at home and abroad. And yet they are also times of prosperity for Americans in contrast with most of the peoples of the world. It would not be unfair to suggest that we are far from mindful as a Nation of the great cost at which our heritage of ordered liberties was secured. An age of technology too easily helps us forget the price of freedom in history.

The fact of the matter is that in many respects our lives are too easy. The answer is not to regard conveniences as evil, but to recognize that if comfort defines the boundary of life, something precious and essential to our humanity has been lost. Additional physical conveniences can mean that our energy and time are made available for more really worthwhile endeavors. They can also mean that by laziness we can sink to a lower level than our forebears. For we have to exert ourselves and seek out things we believe in fighting for, otherwise it is inevitable that we sink down in comfort, mere comfort. The pioneer had no choice but to fight the wilderness. Most of us, most of the time have a choice. The easy choice is the self-defeating one. William James has stated this matter about as well as anybody:

"If this life be not a real fight, in which something is eternally gained for the universe by success, it is no better than a game of private theatricals from which one may withdraw at will. But it *feels* like a real fight—as if there were something really wild in the universe which we, with all our idealities and faithfulnesses are needed to redeem; and first of all to redeem our own hearts from atheisms and fears. For such a half-wild, half-saved universe our nature is adapted." (*The Will to Believe*, 61)

In another place, he wrote of our need to find a "moral equivalent" for war, which would call forth the same qualities of courage, fidelity, and energy in behalf of peace. The world cries out—America cries out—for those who will fight heroically for good: here surely is one continuing lesson which comes to us from the Battle of New Orleans today.

This then is the first thing to be said: *The good life involves fighting*. It requires struggle; it encounters opposition; it knows the meaning of pain and defeat; it faces danger. Any number of commonplace examples come to mind. The artist must put up a genuine fight before he masters his art, and in all probability the fight is never over. Often this is not merely an "up and onward" attitude, but hovers over some brink, such as Beethoven plainly considering suicide at the time of his Second Symphony, or Toulouse-Lautrec hurt beyond endurance, or Whitman reviled, misunderstood, banned. On a lesser scale the student must struggle to learn—all "ten easy lessons" methods being failures. On a larger scale the mother must battle many things to raise her children. Indeed it would seem to be that anything which is got by easy means, without genuine struggle, is lost in the process or turns out to be a fake.

At a time when many are stressing inner calm and escapism as the sum and substance of life, it is highly important that we see the place of arduous struggle. The kingdom of God is not to be gained by ease be kept by this means. Truth is not like a pillow. Count Lichtenberg came far closer to it when he said, "You can't carry the torch of truth through a crowd without singeing somebody's beard." Any worthwhile attainment we can think of is a struggle and demands at appropriate times a fighting spirit. "Put on the whole armour of God." Contentment is a part of that, to be sure, but not the whole of it. We must also be able to stand in evil days, "girt about with truth, and having on the breastplate of righteousness . . . feet shod with the preparation of the gospel of peace . . . taking the shield of faith . . . the helmet of salvation, and the sword of the Spirit."

I need hardly labor the point that our day—and our Nation—offers ample opportunity for that heroism of the spirit which would strive to redeem the time.

Yet heroism alone is not enough. General Jackson himself is said to have commented wryly as the courage of despair which led General Pakenham to his death: "When our intellect fails us, we have to become heroes." I suggest that by *intellect* General Jackson meant not only intelligence but moral purpose and sound judgment. You will recall Admiral Cochrane's brash toast that he would eat Christmas dinner in New Orleans! The Olympic champion pole vaulter, Bob Richards, made the point when somebody asked him if he prayed before the meet: "Yes . . . , but I never pray to win. I pray to do my best." Only such a faith, comparable to the spirit of those who defended New Orleans confident that, come victory or defeat, America would survive, only such a faith, that can take the possibility of defeat and rise again, is adequate for the tough fight of principle and against evil whether in ourselves, in public life, or in the world at large.

Every time I read the story of David and Goliath I am reminded once again that it is by all odds among my favorite stories in the Hebrew Bible: indeed, it has universal appeal. It says three important things to us today, things pertinent to the Battle we commemorate and to contemporary America. The first of these is that David was victorious because he fought for something he believed in. The second is that he fought with the right weapons. And the third is that the power against which he fought proved to be much less great than it had appeared to be in the beginning.

The more I read history the more I am impressed with the fact that it is the *cause* that usually determines the outcome of a conflict. The greatest strength that man can bring to a battle is the conviction that what they are fighting for is right. Many centuries ago a handful of Greeks succeeded in defeating the mighty Persian Empire, not because they were richer in arms or men or money than the Persians, but because they were fighting for a cause. They were fighting for their homes and families and for the right to determine their own destiny. Against their devotion to such a cause the Persians were powerless.

Each year we celebrate George Washington's birthday and we remember the terrible winter at Valley Forge. The men who endured Valley Forge endured it not because they thought they were close to military victory. They were all but defeated. But they knew that the cause for which they struggled was right. And because they believed in that cause, they stuck it out and the victory was ultimately theirs.

In our own time, who can forget the magnificent courage of Britain when she stood defenseless and alone against the overwhelming might of the Nazi armies? Yet she never for a moment considered giving up, because she knew that she fought for a cause—the cause of human dignity and decency and freedom. David won his battle because he was fighting for a cause.

He also fought with the right weapons. I think one of the most charming scenes in all literature is the one in which King Saul tries to buckle the slender boy into armor that is too big for him. He puts on him a coat of mail and a helmet of bronze, and gives him a heavy sword and a shield. And when David tries to walk in all this equipment he cannot. The armor is more of a hindrance than a help. So he unbuckles it and takes it off. He has no need for such armor, he knows better how to fight without it. He knows the weapons with which he can prevail. As he says to the king, "A siingshot and a stone can kill a lion and a bear; if they can kill lions and bears, they can also kill Goliath of Gath." There is deep wisdom in that. Goliath, with all his heavy armor, was no match for the nimble David. David was free to move swiftly, while Goliath provided a standing target.

How many examples of that does history afford. Think of the Spanish Armada, that vast fleet of lumbering hulks, being harried to death in the Channel by the tiny, swift English ships that darted among them and cut them to pieces. Think of the PT boats of World War II, tiny speedboats of plywood that could dart in and deliver a deadly torpedo against an armor-plated warship. David knew that if he chose the kind of weapons that Goliath used, the advantage would be with Goliath. So he used his own weapons.

David also knew that he was armed with more than a sling and some pebbles. He had a secret weapon as well. He said to Goliath, "You come to me with a sword and a spear and a shield, but I come to you in the name of the Lord, the God of the armies of Israel." That was David's real weapon, the knowledge that he was fighting for God.

The last thing the story has to say it says in a single line: "When the Philistines saw that their champion was dead, they turned and fled."

So the story of David and Goliath speaks to us as we struggle against our own modern-day Goliaths: it tells us that we have nothing to fear if our cause be just and our weapons honorable. It also tells us that the most powerful foe can be overcome.

The most poignant and moving inscription at the Concord bridge was written by James Russell Lowell to honor the British dead—a tribute by an American poet-patriot to a fallen enemy:

"They came three thousand miles and died
To keep the past upon its throne;
Unheard, across the ocean wide,
Their English mother made her moan."

These lines apply with even greater power to the Battle at New Orleans with its astonishing disparity in casualties. They remind us of the essential humanity of the soldier, under whatever flag he may serve.

May our solemn remembrance of the Battle of New Orleans, move us all to a new dedication to America and the ideals which she has embodied during the brief span of her National life. May we fight manfully for all that is worth fighting for, continually reminding ourselves that the weapons of the good fight must ultimately be spiritual and prepare the way for peace. Then and only then shall we find God—alive, real, often seemingly defeated, yet ultimately victorious, for in the words of Lowell,

". . . behind the dim unknown,
Standeth God within the shadow,
Keeping watch above his own."

HENRY AWA WONG, "MAYOR" OF HONOLULU'S CHINATOWN RECOGNIZED FOR HALF CENTURY OF SERVICE

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. MATSUNAGA. Mr. Speaker, during the last holiday period, a very good friend of mine and one of Hawaii's most beloved citizens, Henry Awa Wong, the longtime unofficial "mayor" of the colorful Chinatown district of Honolulu, was publicly recognized by Gov. John A. Burns of Hawaii for his many contributions to the economic, social, and cultural development of the island State.

Mr. Wong, the son of immigrant Chinese parents, began his distinguished business career around the turn of the century in his father's general store on the island of Kauai, which happens to be my birthplace. Now the owner of one of Hawaii's most famous Chinese restaurants and a director of the Liberty Bank of Honolulu, he has been blessed by great personal success. However, he has never forgotten his humble beginnings and, for more than 50 years, he has tirelessly devoted himself to the welfare of less fortunate citizens in Honolulu's Chinatown and throughout the State of Hawaii.

In my opinion, Mr. Wong's greatest and most lasting achievement is the shining example he has established for those of us elected to public office and for the youth of Hawaii. With the thought that my colleagues will find Mr. Wong's story of interest, I am submitting for the RECORD a copy of Governor Burns' proclamation saluting Mr. Wong for his long service as "mayor" of Chinatown and a newspaper summary of the event which appeared in the Honolulu Star-Bulletin of December 28, 1971:

A PROCLAMATION

Born of Immigrant Chinese parents in Waikiki at a time when that district was known largely for its banana fields and duck ponds, Mr. Wong was educated at schools on Kauai and at Mid-Pacific Institute. He was first exposed to merchandising and business through his father's general store and shoe manufacturing shop on Kauai.

After gaining further experience as a dry goods clerk and buyer, Mr. Wong soon struck out on his own in business in Honolulu. Over the years, he has branched out into a wide range of business activities in Hawaii, many of them involving the economic life of Honolulu's famed Chinatown District. Perhaps the most widely known of his many endeavors is Wo Fat Chop Suey, which is virtually synonymous with Chinese cuisine in Hawaii.

In addition to his substantial contributions to the economic development of our State, Mr. Wong has always given generously of his time and his personal resources to countless numbers of cultural and civic organizations and as patron to many charitable endeavors. As an example, it was largely through Mr. Wong's initiative that the Narcissus Festival has come to be staged annually as one of Honolulu's most popular cultural celebrations.

It is singularly appropriate, then, that public recognition be made of the innumerable and widespread contributions Mr. Wong has made to the total enrichment of our society, of the valuable part he has played in the development of all our economic, political, social, and cultural institutions, and of the shining example he has set as a civic leader and as a distinguished citizen of Hawaii Nei.

Now, therefore, I, John A. Burns, Governor of the State of Hawaii, am pleased to extend this recognition to Mr. Henry Awa Wong, mayor of Chinatown, Honolulu, and to extend to him the fondest Aloha of all his fellow citizens for the inspiration he has given to the people of Hawaii.

[From the Honolulu Star-Bulletin Dec. 28, 1971]

Title "Official" for Henry Wong

(By Beverly Creamer)

Henry Awa Wong became the official "mayor" of Chinatown yesterday without ever running for office.

It ended his 50-year-career as "unofficial mayor of Chinatown." The title was given him back in the 1920s by the then Mayor John H. Wilson, and it has stuck.

In a ceremony at the State Capitol, Gov. John A. Burns presented the 76-year-old entrepreneur, businessman and restaurateur with a plaque and a proclamation honoring him as a "shining example" of a civic leader and distinguished citizen.

Wong was born in Waikiki just before the turn of the century. His father, a Chinese immigrant, grew bananas for a living in the swampy land of Waikiki. Tiring of that, the older Wong moved his family to Kauai and opened a general store in Hanapepe.

When young Henry was old enough to work, he started as a drygoods clerk in a department store in Waimea, Kauai. He was rapidly promoted to head clerk and buyer, but decided to come to Honolulu.

Shortly after World War I he opened Honolulu's first five and dime store—Kam Variety Store—in partnership with C. Kam Moon.

Though there have been some failures and disappointments, his career from then on reads like the biography of a tycoon:

Senior vice-president of Liberty Bank; president and general manager of Wo Fat Ltd., United Investment, Ltd. and Pacific Insurance Co.; director of Kalakaua Investment Co. and Kona Land Investment; part-owner of the famous Waikiki restaurant Lau Yee Chai; owner of "Hawaiian Oke and Liquors Ltd.," a brewery; president of the United Chinese Society, the Chinese Chamber of Commerce, the United Chinese Society . . . The list is endless.

In 1967 the elder Wong officially retired as president and general manager of Wo Fat Ltd., his last major business enterprise.

STATE BAR UNDER ATTACK

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. RARICK. Mr. Speaker, another concerted attack on the integrity of the State judicial systems has been mounted in the form of the suggestion that State bar examinations be abolished.

Should such an innovation come to pass, the U.S. legal profession would move further and further down the road to the inevitable uniform code of law applicable across the Nation.

The danger of such an event actually occurring is evident in the recommendation of the American Bar Association that a national bar examination be substituted in lieu of State examinations.

Another national legal organization, the National Bar Association, actually opposes this recommendation of the American Bar as furthering the cause of discrimination against the black minority.

In lieu of bar examinations, the National Bar Association would admit any student who has graduated from an accredited law school to the bar of the State in which the school is located. At face value, this is a reasonable suggestion; however, it is based on the false assumption that the quality of instruction in every accredited law school is equivalent. This is patently not the case; neither does the National Bar Association make it clear as to the identity of the agency accrediting the school. What would inevitably result, is a national accreditation body that would itself further the cause of a national code of law applicable in every State.

It is, therefore, evident that the national legal organizations have placed their considerable power behind the notion that bar examinations be abolished. Neither justice nor the rights of American citizens could benefit from this.

The alternative is a national uniform code of law applicable in every State—a situation that would effectively destroy the integrity of a State judicial system.

I ask that a related article from the December 1971 issue of the American Bar Association Journal be included at this point.

The article follows:

Do Bar Examinations Serve a Useful Purpose?

(By Edward F. Bell, President, National Bar Association)

The National Bar Association in 1970 by unanimous vote of its delegates passed a resolution calling for the abolition of state bar examinations. The chief and most compelling reason for that resolution was the extraordinarily high mortality rate among black applicants across the nation and the honest belief that discrimination was playing a major role in producing that high mortality rate. As President of the National Bar Association, I carried this message across the land with results that were nothing short of startling.

Without exception, of the many persons with whom I spoke, none was able to say whether his bar examination was designed to measure an applicant's achievement or his aptitude. There were, in fact, many who declared that they were sure their examination tested neither of the two. This is likewise the case in my home state. An eminent law professor from one of our Michigan law schools has stated without equivocation that the Michigan bar examination is designed to test only one thing, knowledge of Michigan law. I would never concede that as serving a useful purpose.

With few exceptions, state boards of bar examiners justify their reason for being by saying, "We give the bar examination to weed out those who are not qualified to practice or those who do not meet a certain professional level of competence." They generally go about their duties by administering a three-day examination in a variety of legal subjects to a rather large group of potential lawyers. Those papers ultimately are read by them, or in some instances by a reader, and a passing or failing grade is attached to each question. If the applicant passes enough questions, theoretically he will be admitted to practice. If he fails too many questions, barring a successful appeal in those states that provide that remedy, he must return to write the examination again, if he is eligible to take it.

At first blush, there appears to be nothing wrong with this procedure. Therefore, the conclusion might be that bar examinations do serve a useful purpose—preventing those applicants who are not qualified from practicing law. That would appear to be a noble purpose. Yet, in my judgment, this position cannot withstand close scrutiny. By what process of reasoning can we determine that a bar examiner, usually a practicing lawyer and not an academician, has more *expertise* through reading an examination written in three days than a law school that has produced the same applicant over a period of three years?

The answer is clear. The law school that has had an intimate association with the student for at least three years is in a better position to observe his achievements and determine his competence. Most bar examiners, although their test is of three days' duration, never have any contact at all with the student save for the three or four hours on the day his paper is written.

Bar examiners are not gods and have not been blessed with infallibility. It is difficult to imagine how they could be given precedence over the law schools. To permit the examination given by the bar examiner to outweigh everything a student has done in law school is an anomaly. Why should the results of three days ever tip the scales against the results of three years? It is even more one sided than that. An applicant need have only one bad day on the bar examination to offset all the successful work he has accomplished in three years of law school and the other two days of that examination.

The inescapable conclusion is that the legal profession does not have faith in its law schools. This is a major indictment of our law schools but one, I feel, that is spurious. Law schools are not on a by-the-number basis; their accreditation is not based on the number of students graduated. Some scrutiny may be given to the number of their graduates who pass the bar examination, but this would be a rather compelling reason for not graduating those whose qualifications are obviously lacking.

The successful practice of law is characterized by a willingness to devote time and energy to counseling clients and to the preparation of lawsuits. I have been both a practicing lawyer and a trial judge, and I know that it can be predicted almost without exception that in any given case, where there is a legitimate controversy, the better prepared lawyer will prevail. That preparation takes place in the law library or the quiet of one's own study where sound legal reasoning can be fashioned into trial methodology. One of the most important ingredients is time and the willingness to spend it in order to be ready. Research must be exhaustive and the latest pronouncement of the law must be recorded so that they may be presented in orderly fashion for the trial judge or the appellate court. If it appears that I have belabored this point, I have done so deliberately.

AT BEST EXAMINATION IS A MEMORY TEST

I want to show that the bar examination is totally unrelated to what I have described as the successful practice of law. At best, the examination is a test of one's memory, and no lawyer, if he's worth anything, will go into a trial depending on his memory to carry him through. Yet the bar examination seeks to substitute a good memory for the calm, cool, reflective reasoning that good lawyers employ without regard to a twenty-minute time limit on the answer. One's ability to remember, no matter how good, will never equal the well-prepared trial brief complete with the latest citations. A trial judge finds a trial brief a good deal more persuasive than he does the lawyer who constantly shoots from the hip with random citations, even if they are accurate.

If the purpose of the bar examination is to eliminate those who are professionally incompetent how then can that competence be measured if memory takes precedence over preparation and execution? Can it be that the general public, after all, is the best selector of who should be lawyers? It is not by accident that certain lawyers thrive and do well; it is because in the marketplace they have set a high standard of professionalism while at the same time maintainng the pursuit of excellence. That's the kind of lawyer the public seeks, particularly those who can afford them, and the sector of the public that can't is entitled to nothing less. It is important, moreover, to recognize that even if the purpose of the examination is to determine competence, that purpose has not been accomplished. There are many grossly incompetent lawyers practicing law to day who have passed a bar examination that failed to eliminate them and to prevent them from practicing on an unsuspecting public. Curiously, the incompetent ones known to me are anything but successful, financially or otherwise. For some reason, the world of clients does not beat a path to their doors.

There is some notion that the bar examination is sacrosanct. Nothing could be further from the truth. To abolish the bar eximination has been interpreted by some uninformed persons as the lowering of professional standards. One columnist has described it as opening the flood gates for a group of incompetent lawyers to prey upon the public and to take advantages of them, but this position does not lend itself to close analysis. Indeed, there are four states which have no bar examinations at all for students who have been graduated from one of their state's accredited law schools.

There are some very cogent reasons why bar examinations really serve no useful purpose. A successful candidate for the English Bar wrote: "The examination is intellectually worthless, as well as being academically very poor. It really was just a question of how many facts one could cram in the months before the examination and then put down on paper in the examination room." That describes every bar examination I know. And we permit members of the practicing bar to serve as examiners and administer the examination. It was Justice Black who commented in a recent case: "The right of a lawyer to practice cannot be left to the mercies of his prospective or present competitors."

BLACK MORTALITY RATE HIGHER THAN WHITE

There is another reason that I oppose bar examinations, and it has to do with discrimination of blacks and other minorities who seek access to the proud profession for which we express so consummate a love. In my judgment, the bar examination has long been and still continues to be a device by which certain applicants, mainly blacks, are prevented from practicing law. Many persons have known for a long time that this was the case or they had strong suspicions. They must have known that blacks were experiencing a mortality rate two and three times that of their white counterparts—in some instances, even higher. Surely they must have known that blacks would cry out one day for retribution and that those cries would take the form of lawsuits calling for an end to an examination alleged to be, among other things, unconstitutional. A lawsuit is pending in Michigan on that very ground, and a similar lawsuit is on file in Georgia.

The legal profession should be shocked by the report of the Philadelphia Bar Association's Special Committee on Pennsylvania Bar Admission Procedures, of which Peter J. Licouras, professor of law at Temple University Law School, was chairman. The report, "Racial Discrimination in Administration of the Pennsylvania Bar Examination", was published in 44 *Temple Law Quarterly* 146 (1971).

The Licouras committee stated three general conclusions: (1) that certain practices raised the "strongest presumption" that blacks "are indeed discriminated against under the procedures used" in Pennsylvania; (2) that certain "examination practices (standards and procedures) raise a serious presumption that a not insubstantial number of all candidates (without regard to race) have been delayed or deprived of admission to the Bar through unequal or arbitrary and capricious actions" of the Pennsylvania Board of Law Examiners; and (3) that a "thorough review of the bar examination process (participants, standards and procedures) raises grave doubts concerning the validity of the Pennsylvania bar examination for graduates of law schools on the approved list of the American Bar Association."

Since 1930, the Licouras committee found, there has been a yearly average of four blacks admitted to practice law, and in one ten-year period from 1933 to 1943 not one black was admitted. From 1955 to 1970 eighty-three blacks passed the bar examination compared to 7,300 whites during the same period. There were 10,790 white papers compared to 306 black papers. The white pass rate was almost 70 per cent, while the black pass rate was less than 30 per cent. The committee almost 70 per cent, while the black pass rate for all white applicants was over more than 98 per cent, and the eventual pass rate for the black applicants was 60 per cent. This prompted the committee to issue the following statement: "Statistical evidence demonstrates that a grossly disproportionate percentage of blacks fail each examination, and there is lacking any available hypothesis other than race by which we can explain these proportions."

And so it is in state after state. The Michigan bar examination results released last spring showed three of eighteen black aspirants were successful, or roughly 16 per cent compared to 71 per cent for white aspirants. Maryland published its results a week later, and only one of seventeen blacks managed to pass. Virginia managed to pass none of seven at its last examination. Arizona passed one of three black applicants at its last examination, but then there are only five black lawyers in Arizona. It has been alleged the state's quota is one per year.

One of the questions most often put to me is how to bar examiners discriminate, especially since everything is done by a number. First, let me pay tribute to the many bar examiners across the country who are, in fact, free from any discriminatory impulses. This is not a blanket indictment of all bar examiners, but there are those who fall within the thrust of the sword, and for them I have no praise, only contempt.

HOW SOME BAR EXAMINERS DISCRIMINATE

Of course, no bar examiner is going to leave a signed affidavit lying around in which he confesses his mischief. If that is the proof positive that must be shown in order to establish discrimination, we might as well become ostrichs and bury our heads in the sand. Lawyers are taught that a given set of facts can give rise to what is known in law as a permissible inference. Sometimes the circumstances are so strong that they may be considered as a presumption. Such a presumption exists in the matter of blacks being discriminated against on bar examinations.

There are many ways in which a bar examiner bent on mischief can accomplish his purpose. The first and most insidious practice is to announce publicly to all candidates for admission that no names will be used on the examination papers, only a number assigned by the examiners. Long before the applicant receives his number he is required to submit a picture. Why? The answer most frequently given is: "So that the applicant does not have a ringer take the examination for him." But if a ringer took the examination, the examiner would never know since, presumably, they would look exactly alike. In populous states, moreover, what examiner goes around checking pictures against candidates?

Following the picture, there is generally oral interview by the character and fitness committee or one that may be similarly named. This committee of the Bar, not the bar examiners, talk to the applicant and forward a report to the state admitting authority, which may contain anything from designation of race to hobbies. The information contained in this report may at any time be correlated to the master list that contains the applicant's name and number. The master list itself is the subject of some criticism. In Pennsylvania it was said to be locked under key, but the committee saw several copies of it in the examiners' offices during the time the bar examination was being given. There is no provision generally to prevent bar examiners from ascertaining the names of the applicants prior to the time the examinations are graded and the results announced.

Even if the master list is kept secure, the biased examiner need only to memorize a few of the numbers on the papers as they are turned in, to record them and to grade accordingly. Sometimes it is not that difficult. In some states bar examinations are given where the desks or seats are numbered consecutively with a large card prominently displayed on the desk indicating the number. That number is the candidate's examination number. With relatively few blacks taking bar examinations, it is not difficult to imagine how a black could get the notion that he was anything but anonymous.

Discrimination also takes place in the actual grading of papers. For example, in Pennsylvania it was discovered that 75 per cent of those applicants who took the examination passed with a flat grade of seventy, the minimum passing grade. Further inquiry disclosed that most of those papers reached seventy after a rereading by the examiners. During the process of rereading, certain of the candidates' personal data were available to the examiner, such as law school attended, number of times examination taken, etc. It was concluded there was ample opportunity to match the applicant's name and number. In Arizona the complaint of one black applicant was that his grades, which originally were passing grades, had been visibly changed to lower grades, causing him to fail.

Those states that do not provide the right of appeal cause a widespread belief that some form of discrimination is present, since all the proceedings are secret and an applicant has no recourse.

Consider also that in the forty-six states that give a bar examination, plus the District of Columbia, there are only four black bar examiners, two of whom are in the District. The absence of black bar examiners certainly creates the impression that it is a white-controlled, white-oriented system.

Let me put it another way. Why does a black law student who has successfully completed all his courses through high school, college and law school suddenly find that he is unable to pass that one final examination that permits him to engage in his chosen profession? I don't suggest there should be no black failures at the examination, but it is too much to expect that the failures will embrace such enormous proportions. The black law student has gone to the same school as his white counterpart and has taken the same courses. He has written the same examinations and has passed them. He only fails the bar examination. This prompted a white judge from Pennsylvania to remark about blacks, "But they don't read quickly; they don't think quickly." Which prompts me to remark, "How do you think he arrived at the point to take a bar examination?"

ALTERNATIVES TO THE BAR EXAMINATION

What are the alternatives to the bar examination? The National Bar Association proposes without reservation that completion of an accredited law school within a state would and should entitle that person to practice law within that state. This practice is now employed in Wisconsin, Montana, West Virginia and Mississippi. Certification to practice law by academicians heeds Justice Black's warning. This plan also would have the effect of inducing our law schools to maintain certain quality levels. Each school would strive to maintain its accreditation. The National Bar Association views this as the most desirable approach to the problem of bar examinations.

Another alternative to the bar examination is that some form of clinical legal education program be included in all law school curricula. The obvious advantage of this would be to acquaint the budding lawyer with the practical aspects of the practice of law. The clinical approach to teaching has considerable merit and should be employed in the last year of law school. A student could be assigned to a private law firm, a public or private defender office, a neighborhood legal services office, a prosecuting attorney's office or even to courts to serve as law clerks to judges. That kind of exposure is far more beneficial to the graduating senior than a continuation of the sterile casebook approach to legal knowledge that surrounds the law school classroom. The student, upon successful completion of his academic studies and serving one year in a clinical legal education program, would then be eligible to practice law.

The American Bar Association has recommended a national bar examination in lieu of state examinations. As currently proposed, it does not provide the safeguards needed to ensure against discriminatory practices. For one thing, it would permit the state to give its own examination following the national examination. The last thing an applicant needs is to take two examinations. The National Bar Association would have to be satisfied that a significant number of black examiners were present on the national board, so that one would not simply remove the ogre of discrimination from the state to the national level. We are sensitive to the fact that a national bar examination would eliminate those state bar examiners bent on mischief. But wouldn't some of those same examiners be administering the national examination?

The time has come for the organized Bar to recognize that the grievances of which I complain are legitimate and require redress. Abolition of the bar examination would not lower professional standards, and since whites have such a high final passing rate, it would not materially affect or reduce the number of white practitioners. If anything, the elimination of the examination would increase the number of black lawyers in this country. Since we currently are less than 4 per cent of the total numbers of lawyers, can anyone honestly oppose an increase in this percentage? One of the goals of the organized Bar is to increase minority participation. So long as there are bar examinations, the figures I have given you will not change significantly.

Let us from this day forward make a concerted effort to improve the profession we love. Let us exclude no one from participation therein for any reason other than lack of competence. We must do away with all the vestiges of discrimination in our profession. To proclaim that it does not exist is naïveté or arrogance. Black lawyers have a stake in the legal profession and in the future of America itself. Langston Hughes said it all:

There's a dream in this land, with its back against the wall;
To save the dream for one, it must be saved for all.

HON. JAMES T. LYNN ADDRESSES NATIONAL FOUNDRY ASSOCIATION

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. SCHWENGEL. Mr. Speaker, it was my privilege last night to be on hand when the Honorable James T. Lynn, Under Secretary of Commerce, addressed a meeting of the representatives of the National Foundry Association.

This is both a profitable statement on principles and an indication of the Government interest in the problems of business and people. It is worthwhile literature for all of us and needs to be thought about and pondered on as we wrestle with the problems of our times.

James T. Lynn was born in Cleveland, Ohio. He graduated from Adelbert College of Western Reserve University summa cum laude in 1948 with a B.A. in economics and political science. He received a LL.B magna cum laude in 1951 from Harvard Law School where he was an officer of the Harvard Law Review.

Mr. Lynn entered the practice of law with the firm of Jones, Day, Cockley & Reavis in 1951, and became a partner in 1960. During his 18 years of practice, he acquired extensive experience in corporate law, including responsibility for corporate acquisitions, dispositions and joint ventures, both in the United States and abroad.

From March 1969 to April 1971, Mr. Lynn served as General Counsel of the U.S. Department of Commerce, at which time he was appointed by President Nixon and confirmed by the Senate to be Under Secretary of Commerce.

Mr. Lynn is a member of the American, Federal, Ohio, and Cleveland Bar Associations.

The speech follows:

ADDRESS BY HONORABLE JAMES T. LYNN, UNDER SECRETARY OF COMMERCE, PREPARED FOR DELIVERY BEFORE THE PUBLIC AFFAIRS CONFERENCE OF THE NATIONAL FOUNDRY ASSOCIATION, STATLER-HILTON HOTEL, WASHINGTON, D.C., MONDAY, JANUARY 17, 1972

It is a real pleasure to participate in this first Public Affairs Conference of our foundry industry.

On behalf of the Department of Commerce, I want to welcome you to Washington on two counts:

First, your visit as a unified group is part of a trend among business organizations that we in the Department find encouraging.

Speaking with a single voice, you can be far more effective in presenting your industry's viewpoint in the councils of government. At the same time, government can be more responsive to your needs and concerns when it is dealing with a convincing unanimity within an industry.

Second, I want to welcome each of you as an individual businessman. If government is to set wise policy and translate it into action that promotes the American enterprise system, we must have more guidance from businessmen who are out there on the firing line, who are coming to grips every day with the hard practicalities of the real world.

You are those men—who have the responsibility to keep a company alive and well in the competitive race and at the same time meet the hundreds of government requirements constituting the rules of the game. We are glad to have you in Washington.

I especially want to urge all of you today to consider our Department your principal point of contact with government. We firmly believe that under the dynamic leadership of Secretary Stans, the "Old Gray Lady of Fourteenth Street"—as Commerce was once known—has been playing a far more effective role in many diverse areas of concern to businessmen. I hope you will become better acquainted with this sprightly lady—a lady of some experience who knows her way around and also has some young ideas that have great appeal for a visiting businessman. So come up to see us sometime—anytime you need help or guidance through the Washington maze. We'll do our best. If in a given case, you don't think we have, I personally want to hear about that too.

The topic I want to discuss this evening is productivity. This is something you expect to hear about at technical gatherings, but you might think it an odd subject for a conference with government in Washington. Except for one small thing:

All the hopes of this nation for a better tomorrow depend on a high rate of productivity growth.

Without it, without the contribution of productivity increases to the real wealth of this nation:

We cannot sharpen our competitive ability to sell in the United States and in foreign markets.

We cannot expand job opportunities fast enough to meet the needs of our growing work force.

We cannot meet the costs of environmental cleanup, or save our decaying cities, or solve the crime problem, or improve transportation, or provide better health facilities, without the wealth produced by rising output per manhour.

And certainly we cannot continue to pay the highest wages in the world and achieve a constantly rising standard of living for our people. This means that every American worker has the most vital stake in improving productivity. His hopes for a better life for himself and his children depend on it.

And so do business profits.

There is no sleight-of-hand, no financial hocus-pocus, that can increase real wages or profits beyond productivity gains. To attempt to do so produces only inflation.

As somebody said once:

"The real pot is only as big as our productivity makes it. This is all there is; there ain't no more."

He is so right—there *ain't* no more!

But if we can even maintain our average growth rate in productivity of around 3 percent per year, that real pot can get awfully big.

So these are some of the reasons why I want to discuss productivity this evening—and why President Nixon has made increases in productivity a primary objective of national economic policy. His creation of the National Commission on Productivity is formal acknowledgement of the key significance of productivity to the economic well-being of every American.

Now it's fair to ask, if productivity is so all-fired important, why hasn't the government been concerned about it long before now?

Well, for one thing, productivity growth in the last half of the 1960's slowed markedly. It averaged only 2.1 percent a year, compared with the 20-year average growth rate of 3 percent. It began to pick up some last year, as the economy expanded, but we are still deeply concerned for another very important reason: our country has never before faced such a challenge to its leadership in the world race for production and markets.

I say never, that's not exactly correct, because we've only been the leader for some 70 or 80 years. But even before that we were gaining on our competitors in Western Europe at a rapid rate. And during the first half of this century, we outdistanced them by a country mile.

But beginning around 1950, it has been a different story.

As the war-torn economies of the nations of Western Europe and especially Japan were rebuilt.

As those countries obtained the technology in many product lines, and management techniques, that brought about our leadership position in the first place.

As those countries developed economies of scale through increased exports and formation of trading entities such as the Common Market.

As all these developments began to converge and build on one another, our country has suddenly found itself in a real horse race.

The technological and managerial superiority which we built up in the course of some 60 years before 1950 is fast disappearing.

Just how fast is revealed in the key index of productivity. During 1965–70, our rates of gain in output per manhour were the lowest of any industrialized nation in the Free World. Our output per manhour increased 2.1 percent, compared with 14.2 percent for Japan, 6.6 percent for France, 5.3 percent for Germany, and 3.6 percent for the United Kingdom.

Granted, their base is much lower. We are still the world leader by a wide margin. The productivity of other industrialized nations is only a half to two-thirds of ours.

But as we all know only too well, productivity is only one of the measurements of competitive ability in the world market. There are also such things as labor costs. And here, from the competition viewpoint, the U.S. is at a very material disadvantage.

Although labor costs have been rising rapidly in competitive countries, the differential is still vast. In 1970, Japanese hourly labor costs, including fringe benefits, were only 26 percent of U.S. levels. United Kingdom labor costs were 37 percent of ours, France 39 percent, West Germany 54 percent. While such differences may narrow somewhat in the foreseeable future it is not likely that wages in these countries will match those in the U.S. for a long time.

Now if the only way to offset these lower wage rates is through healthy gains in productivity, what are our chances? What are the problems involved?

We know some of the negatives:

One of the principal sources of productivity gains as shown by the over-all productivity index has been agriculture, through rapid mechanization. But increases will become increasingly difficult to achieve.

Another negative factor is the shift from manufacturing to a service type economy, where productivity gains come harder. Some two-thirds of the work force is now employed in service occupations such as retailing, education, health and government. We are only now beginning to give productivity in the service sector the focus it deserves. How, for example, do you measure, much less increase, the productivity of a policeman?

A third negative is that we are already at the forefront in many technological areas, and further gains are more difficult. The costs of making improvements in these areas are much higher, and they come more slowly. This is certainly a key problem.

A fourth negative in some industries is the increasing capital expenditure required for pollution abatement equipment, which usually doesn't increase productivity at all, as conventionally measured. Over the long haul, it can't be denied that pollution abatement is a must for productivity gains, indeed, for the continuation of some production. But from the standpoint of unit cost increases in the immediate years ahead, some abatement requirements can look discouraging. For example, in your own industry, I'm told that such equipment will eat up a very sizeable portion of the $1 billion you will spend on capital goods this year. This same is true for many other basic industries.

Now we don't underestimate these negatives for a moment. But even taking them fully into account, we think our productivity goals can be achieved.

For one thing, we know that there is plenty of room for improvement in many manufacturing industries.

In your own industry, for example, I understand that there are wide variations in efficiency in different plants.

One illustration is commercial steel foundries. I am told that the most efficient plants are some 80 percent more efficient than the least efficient plants, that such most efficient plants are about 50 percent more efficient than the average plant.

The disparity in some other industries is even greater. The most efficient plants are two to three times more efficient than the least efficient plants.

I'm aware that there are many special considerations in the foundry industry. Some firms specialize in custom work, where increases in productivity are extremely difficult to achieve. But I'm told that there also are many other establishments that could make outstanding gains through the use of some of the new automated equipment now on the market.

One thing we do know: American industry as a whole is making do with a lot of obsolete equipment—and the average age of that equipment is rising. A recent McGraw-Hill survey showed that 44 percent of business' facilities are over 10 years old. Four years ago the figure was 35 percent.

So the implication is clear for most manufacturing: By using to the hilt the technological capabilities we already have, without breaking new ground at all, many firms could increase their productivity dramatically.

I know what you're probably all thinking. It's easy for me to stand here and lecture about obsolete equipment and the need to modernize our factories and other abstract ideals. But you fellows are on the firing line. You've got payrolls to meet, contracts to fulfill, and shareholders to satisfy.

Before you can go ahead with any investment in plants and equipment, you've got to take a hard-headed look at the general business climate, the outlook for the foundry industry and, most importantly, whether that investment will pay off in increased profits.

And there's no doubt that you've got to take into consideration whether the policies of labor and government are favorable to investment in modern equipment.

Let's consider labor's stake and response in this area for a moment.

As we all know, one of labor's greatest concerns is the displacement of workers caused by the installation of new equipment. This concern has been around a long time, at least since 1812 when British workers went on a rampage and broke up the spinning jennies in Nottingham.

In a particular application, improved machinery or technique can eliminate particular jobs.

But over the long haul productivity gains create many more jobs than they eliminate—designing, making, selling, operating and servicing the machines that do the hard work, that enable men to do more productive work, that pay better, require higher skills, more education, and that free workers for more leisure time, more time to enjoy the good life—travel, sports, interesting hobbies.

Look at the factual record of this process of producing the world's highest standard of living in this country:

Since 1900:

The hours a man works over his lifetime have been cut almost in half.

The number of jobs has almost tripled.

Real per capita income has more than tripled.

Generally, organized labor has followed enlightened policies toward technological change. Labor is represented on the Productivity Commission. That Commission has this to say on the subject: "If we are to maintain and build upon our tradition of high productivity, we must strive to sustain full utilization of our productive capacity, to improve the organization of our human, financial and material resources and to exploit fully our unparalleled reservoir of skill, technology and managerial talent."

And in this connection, the Commission recognized that "Human resources are first and foremost. They are the fountain of energy, skills, organization talent and ingenuity, which must be fully and effectively utilized if we are to realize our productivity goals. Productivity is the basis for progress. Human beings have the life force to make it possible."

But in some instances, by clinging to obsolete work rules, organized labor has slowed, or even halted completely, the installation of new equipment that threaten to displace workers. To help prevent such restriction of new technologies, we must pursue policies that ease the burdens of worker adjustment. As the Productivity Commission said, "A society that seeks the benefits of productivity growth is obligated to safeguard those who otherwise suffer from these adverse effects." Some of these safeguards might include productivity bargaining, job retraining, assisting workers in securing other jobs, and retirement and separation programs that provide special benefits. All deserve close attention in the interest of economic growth and, in some industries, in the interest of industry survival.

I've talked about room in the foundry industry for productivity improvements, and about the role of organized labor with respect to technological change. At this point, you may well ask: "What about the Government? If Government doesn't handle its job right, we in the private sector can't possibly achieve the goals you are talking about!" Fair comment. All right, what is the Government's job?

A key responsibility of Government in this regard is to provide a healthy climate for economic growth. This means a lot of different things. It means relatively stable prices. It means education systems which foster the skills needed in a changing economy. It means adequate investment incentives. A sound fiscal and monetary policy. And certainly belief in the free enterprise system, and in profits as the cement that holds that system together.

Another great responsibility of Government to business is in the area of regulation of business conduct. Where the interests and needs of the public require such regulation, there must be regulation. But where there are alternatives as to how to go about such regulation, the route that meets the need but is least likely to stifle innovation or otherwise do harm to the business sector should be the route that is chosen.

As you well know, these objectives of Government are not easily achieved in today's world. But let me mention a few examples of what we're doing to foster economic growth and encourage productivity increases.

The most obvious, of course, is President Nixon's New Economic Program.

A major provision of that Program is the Job Development Tax Credit. It has the twin aim of creating more jobs and encouraging modernization of plants and equipment in order to boost productivity.

Another very important stimulus to investment in the latest technology is the liberalized depreciation guidelines which President Nixon put into effect last year.

In the international field also, the President has moved as part of the New Economic Program to assure fair and equitable treatment for American products in the world market. Realignment of international currencies and the other trade initiatives that are currently going forth have important meaning for productivity. Wider markets bring increased economies of scale, which can add substantially to productivity.

We also are achieving a better flow of information about new technical developments. More than a year ago the Department of Commerce established the National Technical Information Service to improve access by business and the scientific community to scientific and technological information developed not only in our Department but in other agencies of the Government as well.

President Nixon also will be proposing new initiatives for the future, to stimulate research and development efforts in the private sector. These initiatives will be aimed at removing barriers impeding the use of existing technology and stimulating further development of new technology. No doubt, you'll be hearing more about these efforts in the days ahead.

I've already stated that one of the requirements for productivity gains is a healthy, expanding economy, and every sign points toward a strong advance for this year.

The housing boom will continue.

Autos will enjoy a record year.

Home furnishings also will set a record.

Consumer spending will be at substantially higher levels.

Employment will continue to rise sharply.

Unemployment will drop.

And business capital investment will accelerate. Just last Thursday, the Commerce Department released a survey indicating that businessmen expect a 9.1 percent gain in spending for new plants and equipment.

One more point on providing a healthy economic climate, there can't be a healthy economic climate without peace in the world. And the President's initiatives to bring about peace in the 70's are well known to all of you.

Two hundred and fifty years ago Jonathan Swift wrote in Gulliver's Travels about the man who increases productivity. He said that whoever could make two blades of grass grow where only one grew before, that man would do more essential service for his country than the whole race of politicians put together.

Each of you has the opportunity to be that man, to produce two castings where only one was produced before.

Thank you.

ABC PRESCHOOL CHILD DEVELOPMENT CENTER

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. HALPERN. Mr. Speaker, preschool education is coming to be regarded as an important development which enhances and enriches the future learning of children enrolled in such a program.

If the learning process provided by preschool education begins before the age of 6, significant increases in IQ can be detected on future intelligence tests. Such programs also foster better and easier socialization with other children and adults, and teach a child to have confidence in his own abilities.

The ABC Preschool Child Development Center is presently using the most sophisticated equipment available in order to help children prepare for their future. It is important that preschool education continue to provide an environment in which children enjoy learning.

I would like to thank Joseph Gentile, president of Mr. G. Recreation Center. Inc. for bringing these facts to my attention, and should like, Mr. Speaker, to enter the following material into the RECORD:

ABC PRESCHOOL CHILD DEVELOPMENT CENTER

Pre-school education is a relatively new development. Fifteen years ago, it was unheard of. Years of dedicated research was necessary for the concept to become reality.

Recently, a number of major discoveries have been made regarding the development of childhood intelligence. No longer is the theory held that a child's capacity for learning is fixed by birth; A child's capacity to learn is very much dependent on the teaching process. It is now an accepted fact that a child's I.Q. can be increased by as much as 30 (thirty) points with the proper training . . . but the learning process must begin early, before the age of six.

With this tremendous capacity for learning, it is little wonder that an already bright child can be even brighter if proper teaching methods are used.

The ABC Pre-School Child Development Center program is designed to teach children the basics of numbers, number readiness, letters, shapes, words, and reading readiness as well as abstract concepts. Children are taught in groups and on an individual basis depending upon their understanding of individual lessons. They are taught a confidence in themselves and to solve simple problems in addition to socialization with other children and adults.

Children are also taught a love for learning through the use of sophisticated teaching tools such as the closed circuit TV studio with video recorder, programmed learning equipment and a variety of educational toys and games.

On the basis of this, The ABC Pre-School Child Development Center is dedicated to make this contribution to children: To give each child the benefit of their professional training and research and to guide them on to a greater learning capacity and thereby prepare them better for intellectual, academic and social growth.

THE OIL LOOPHOLE IN THE WATER POLLUTION CONTROL BILL

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. ASPIN. Mr. Speaker, today I would like to include in the RECORD a recent front page article in the Wall Street Journal and my recent testimony before the House Public Works Committee concerning a glaring loophole in the proposed water pollution control bill, which has already passed the Senate and is expected to be considered by the House soon. The loophole leaves unprotected one of our Nation's most important natural resources: our ground water supplies, on which tens of millions of Americans depend for their potable waters.

The Wall Street Journal article and my testimony follow:

LEAKY LEGISLATION: AN ANTIPOLLUTION PLAN CONTAINS A BIG LOOPHOLE FAVORING OIL COMPANIES

(By John Pierson)

WASHINGTON.—The oil industry has drilled itself a loophole in the clean water bill that Congress is due to pass early in its 1972 session.

Down this loophole, some pollution-fighters fear, could flow enough contaminants to foul water and water-bearing rock in oil-producing states for centuries to come.

Oil's loophole is tucked away near the end of the pending Federal Water Pollution Control Act amendments in a harmless-sounding section called "general definitions." The section resembles the fine print on an insurance policy. Section 502(F) says that the term "pollutant," as used in the bill, means "dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes" and a lot of other dirty things. But that it does *not* mean:

" . . . water, gas or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the state in which the well is located."

WHAT THAT PARAGRAPH MEANS

That's a lawyer's way of saying that while the federal government is going to crack down on other industries, it will let oil producers continue to dump all sorts of chemicals—some of them harmful to humans—as well as very salty water into the ground. Only the states are left to watch out for trouble, and by the oil industry's own admission, some states watch less sharply than others.

When carefully done, even environmentalists agree, these oil operations are safe. Carelessly done, they can poison, and have poisoned, well water and the rock formations through which water creeps.

Democratic Rep. Les Aspin of Wisconsin urged the House Public Works Committee to treat oil like other industries. "I don't want to change that (oil) process. I think the process is right," Rep. Aspin told the committee. "I just want to protect the groundwater in the process."

"You want to subject the oil and petroleum industry to regulation by EPA," snapped Rep. Ray Roberts, a Texas Democrat. The EPA is the Environmental Protection Agency, the federal government's antipollution arm.

The Roberts view prevailed. Just before the Christmas recess, the committee, 31 of whose 37 members hail from oil states, okayed the bill, loophole intact. The full House will take up the legislation soon, and the loophole is expected to remain. The Senate passed a similar measure in November, 86-to-0.

A LITTLE BIT OF WEAKNESS

Oil's exemption was largely the work of another Texas Democrat, Sen. Lloyd Bentsen, and of industry representatives, including officials of the American Petroleum Institute. Ron Katz, Sen. Bentsen's pollution specialist, defends the exemption largely on the ground that oil wells are already regulated under state law, and oil industry spokesmen hammer on the same point.

"The states exercise extremely close control over the thousands of wells into which materials are injected," contends P. N. Gammelgard of the petroleum institute. "These states feel they have things in hand." He stresses that they require producers to get permits for injection operations and that they deploy hundreds of field inspectors to watch for trouble.

An EPA official says that behind the exemption for oil is "the presumption that the states are doing a good job." But he concedes that the exemption is "a protection of existing practices in oil-producing states" and "perhaps a little bit of weakness."

Groundwater, the stuff that Rep. Aspin wants to protect, is the water beneath the earth's surface that supplies wells and springs. There's more water underground than on the surface in the U.S., and groundwater is usually purer than surface water.

According to Jack Keeley, an EPA water expert, about 20% of the nation is entirely dependent on groundwater. About a third of the 100 largest U.S. cities get all or part of their drinking water from wells. Nine of 10 rural families drink groundwater. More than half the water used for irrigation and livestock comes from underground. Industry consumes more than seven billion gallons of groundwater a day.

Unlike surface water, groundwater once polluted stays polluted long after the source of contamination has come under control, Mr. Keeley told a Senate Public Works subcommittee. "The restoration of a polluted groundwater resource is very expensive, very lengthy and very difficult," he said.

POLLUTED FOR CENTURIES

In its report on the antipollution bill, the Senate committee said that polluted groundwater, because it lacks living organisms and flows slowly, "could remain polluted for centuries."

The loophole in the bill exempts a number of oil operations from the kind of federal-state supervision that other industries will face. In drilling a well, for example, oil men lubricate the drill bit with "muds," which can contain phosphates, caustic soda, formaldehyde and other chemicals. Once a well is drilled, oil geologists explain, they may pump hydrochloric acid down it to enlarge the little spaces in the oil-bearing rock. Often, when a well appears to have stopped producing, they'll force oil, gas, water or chemicals down to flush out more oil.

Finally, when a well is deemed dry, it may be used for disposal of the brine that often comes up a well along with oil. Oil-field brine is a lot saltier than sea water and may contain lithium, potassium, bromine, sulphur and iodine in amounts that exceed acceptable levels for drinking water.

Oil men used to get rid of brine by putting it in evaporation pits on the surface. But according to Mr. Gammelgard, state officials saw long ago that this was fouling lakes and streams. Many states then told oil producers to put their brine wastes deep underground. Now, each day some nine million gallons of brine are pumped into 40,000 wells.

These methods of producing oil and disposing of brine are recognized as useful and legitimate. The EPA's Mr. Keeley told the subcommittee that all other ways of getting rid of brine are "less satisfactory." David Evans, a geologist at the Colorado School of Mines, recently wrote that injecting brine back into the rock formation from which it came helps keep the ground above from sinking.

Nevertheless, these operations risk polluting the groundwater, environmentalists say. Brine, acid, chemicals and other things are pumped down wells under great pressure to force them out into the rock formations at the bottom. In most places, groundwater lies at a shallower level than oil and is separated from it by layers of impenetrable rock. Still, when an oil well is improperly constructed or when the tubing gets rusty, pollutants can escape into the groundwater on their way down to the deeper oil layers.

Because groundwater moves so slowly, it may be a long time before pollution shows up in a water well—20 to 30 years, according to Jay Lehr, executive director of the National Water Well Association.

SOME ACCIDENTS

Some oil men pooh-pooh the danger. Rep. Roberts of Texas told the House committee that "there is no way" leaks could happen "in any of the reasonable oil-producing states." Wilson Land, director of the Petroleum Institute's committee on exploration, said that each of the nation's 33 oil-producing states regulates brine injection. But in some states, he conceded, regulation "is probably not as stringent as in some of the other states."

And accidents do occur. In a statement submitted to the Senate subcommittee last year, the National Water Well Association said that "instances of water pollution . . . have been reported in operations involving injection of oil-field brines." EPA experts say brine has polluted groundwater in Texas, Kansas, Arkansas, Ohio, California and Oklahoma.

According to a U.S. Public Health Service study, about 10 brine-injection failures are reported to Kansas state authorities each year. Ralph O'Connor, a geologist with the Kansas Board of Health, says there have been "some instances" of groundwater pollution from brine injection wells, usually older wells that lack an inner tubing providing extra safety.

AN AMBIGUOUS APPROACH

Mr. Evans of the Colorado School of Mines reports that injected brine has erupted from the ground "like geysers" in Michigan, Texas and Kansas. And Frank Conselman, past president of the American Association of Petroleum Geologists, while stressing that underground injection of brine is safe if properly done, says the process can cause trouble if precautions aren't taken to insure that the brine gets to its destination. Monitoring is essential, he adds.

Despite these warnings, Congress' approach to the groundwater problem has been ambiguous at best.

Acting on behalf of the Nixon administration, Republican Sen. John Sherman Cooper of Kentucky introduced a bill that would have set up a program of federal-state water quality standards for groundwater as well as navigable waters. The Senate Public Works Committee rejected this approach because "the jurisdiction regarding groundwaters is so complex and varied from state to state."

Both the pending Senate and House clean water bills establish a federal-state system of permits for the discharge of pollutants "into the navigable waters" but not into groundwater. In the next breath, however, both bills say that the permits must "control the disposal of pollutants in wells"—to protect groundwater, according to the Senate committee's report.

And elsewhere the legislation requires the EPA to prepare programs for "eliminating pollution of navigable waters and groundwaters." It requires states and localities by 1974 to develop areawide waste-treatment management plans that control the "disposal of pollutants on land or in subsurface excavations . . . to protect ground and surface water quality."

The EPA is required to publish information on how health and welfare are affected by "the presence of pollutants in any body of water, including groundwater," and to issue information on how to control pollution resulting from "the disposal of pollutants in wells or in subsurface excavations."

This is bad news for chemical, steel, paper and other companies that have a small but growing number of waste-injection wells. They'll have to meet federal or federally approved standards. But the oil industry won't have to. For oil, the saving word is "pollutant"—defined as not including the stuff oil producers put in the ground.

THE NEED FOR CLEAR FEDERAL AUTHORITY OVER GROUNDWATER POLLUTION

(The Honorable Les Aspin of Wisconsin, Testimony Before the House Public Works Committee on the Federal Water Pollution Act Amendments of 1971)

Mr. ASPIN. Mr. Chairman, thank you very much for this opportunity to appear before the Committee on a subject of vital importance to the future health and environment of the country. At the outset, let me say that I believe both H.R. 1896 and S. 2770 are excellent and courageous pieces of legislation which will have an enormous effect in preserving and restoring to health most of our nation's waters.

I emphasize most of our waters because I believe there is one vital area of water pollution that is not adequately treated in either the House or Senate Public Works Committee bills: groundwater pollution. Both bills' treatment of this vital area is, at best, vague, ambiguous, confusing and, at times, apparently contradictory. At worst, the two bills are deceptive and almost totally inadequate in their treatment of groundwater pollution.

As the Committee knows, of course, groundwater is that water which lies below the surface—as opposed to lakes, rivers, oceans and other surface waters. Groundwater comprises almost one-fourth of our usable water; about 56 million people depend almost entirely on groundwater to supply their water needs. It is probably not an exaggeration to say that no natural resource is more important to any country than that resource which supplies potable water, and groundwater provides a vital percentage of this country's supply.

There are a couple of very basic problems with the two bills' treatment of groundwater pollution which are so severe that they appear, without reason or rationale, to virtually exempt the subject of groundwater pollution from the purview of federal study and regulation. At this point, I would like to quote and refer to various sections of the Senate bill S. 2770. These references will apply equally to H.R. 11896. I would also like to add that I am not an expert on either of these bills.

My purpose in testifying today is simply to draw to the Committee's attention what I feel are some ambiguities and inconsistencies concerning one relatively narrow area of this generally excellent landmark legislation.

The term "groundwaters" is referred to frequently throughout S. 2770. Sec. 102. (a), for example, states:

> The Administrator shall, after investigation, and in cooperation with other federal agencies, State water pollution control agencies, interstate agencies, municipalities, industries, and the public prepare and develop comprehensive programs for eliminating pollution of navigable waters and *groundwaters*. For the purpose of this section, the Administrator is authorized to make joint investigations with any such agencies of the condition of *any waters* in any State or States, and of discharge of *any pollutant* which may affect such waters. (My emphasis).

The term "groundwaters" also appears in Secs. 104. (a) (4), 106. (h) (2), 209. (b) (2) (I), 304. (a) (1) and (2), and 304. (e) (E).

Title IV—Permits and Licenses, as the Committee knows, provides much of the teeth in this legislation by establishing the basic procedures involved in the setting and enforcing of water pollution standards. Nowhere in Title IV is the term "groundwaters" mentioned. Both Secs. 401. (a) (1) and 402. (a) (1) use the term "navigable waters", but omit reference to groundwaters. Why groundwaters should be conspicuously included in the other four titles of the bill, but not in Title IV, is a mystery to me. I searched through the report of the Senate Public Works Committee but was unable to find any explanation whatsoever for this apparent, and significant, inconsistency.

The second problem is Title V, Sec. 502. (f) (2) of S. 2770, which specifically excludes from the definition of the term "pollutant" any:

Water, gas or other material which is injected into a well to facilitate production of oil and gas, or water derived in association with oil or gas production and disposal in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located.

What does this mean, especially in relation to ground-water pollution? There are two basic ways groundwaters become polluted. The first, and most important one, is through contamination from municipal septic tanks located throughout the country. The second, pollution of groundwaters due to waste injection wells, is by far the leading factor in the pollution of groundwater reserves by *industry*. Of the more than 24,000 injection wells presently operating in the U.S., 99 percent of them are operated by the petroleum industry.

As the Committee knows, waste injection wells dispose of liquid wastes by injecting them into deep subsurface strata. There is much controversy over both the necessity for using waste injection wells under certain conditions, and the environmental dangers involved in their use. There is no reason for getting into the specifics of this controversy here. I am sure we can all agree that waste injection wells do pose at least some very significant environmental problems which have not yet been overcome. The important thing is that Sec. 502.(f) (2) of S. 2770, if left in, would mean that the Administrator of the EPA would not even have the authority *to obtain data, conduct studies and make recommendations* for the establishment of environmentally-sound regulations of 99 percent of the country's waste injection wells, the primary industrial polluters of the nation's groundwater resources. It is important to emphasize that the Section 502. oil industry exemption prohibits the Administrator not only from the promulgation of enforceable federal standards for 99 percent of the country's waste injection wells, but actually withdraws the Administrator's authority to obtain and analyze much needed environmental data on these waste injection wells.

The effect of these two provisions in the bill, taken together, is to make a sham out of this legislation's often expressed and apparently clear intention to treat the subject of groundwater pollution as a well-deservedly important component of the bill's comprehensive attack on water pollution. (With your permission, Mr. Chairman, I would like to include in the Committee hearings a copy of three articles from the publication *Oil Daily*, which give further evidence of the expected effect of this proposed legislation on our groundwater reserves).

I recommend that the Committee do three things to remedy this strange and unwarranted treatment of groundwater pollution in the legislation. Agreeing to any one of these three suggestions would strengthen and improve the legislation. All three of the suggestions, however, are necessary for fully restoring the area of groundwater pollution to its proper place in this legislation.

(I) The term "groundwaters" should be included after the term "navigable waters" in Secs. 401.(a)(1) and 402.(a)(1). This would simply allow groundwater pollution to be regulated in the same manner as the pollution of the nation's other water resources, which are included under the provisions of Title IV. Indeed, this is the most important of my three proposals because it would allow enforceable federal standards for groundwater pollution control to be set. Specifically, it would allow federal standards to be set for the use and operation of septic tanks, which, as I noted before, are the main cause of groundwater pollution.

One other important point is that the distinction between navigable waters and groundwaters is not always an easy or accurate one. Sometimes a navigable water and a groundwater source run into each other, or come close to each other, so that seepage from the polluted groundwater source could pollute the navigable water or vice versa. To say that the federal government can regulate the ecology of one, but not the other, is silly and counterproductive.

(II) Sec. 502. (f) (2) should be deleted from the legislation. As I stated above, this section simply has the effect of eliminating the Administrator's authority to obtain environmental information on the operation of 99 percent of the country's waste injection wells—those owned by the oil industry. Unless this section is specifically deleted it will be impossible to establish federal regulations for the operation of oil industry waste injection wells, even if groundwater pollution is included under the Title IV provisions. This is so because Sec. 502. defines oil industry wastes, when injected into wells, as *non-pollutants*. Thus, if Sec. 502.(f) (2) is not deleted, we will be saying by legislative decree that if a groundwater source is contaminated from injected oil industry waste, then it is really not contaminated at all because those wastes are non-pollutants. "Just look at the definition of pollutants in the Act; your water can't be polluted," we can tell our aggrieved constituents.

The best solution, I believe, is simply to delete this provision and allow the Administrator to at least study and analyze data on groundwater pollution by all of America's waste injection wells.

(III) Whether the Committee adopts one, none or both of the above suggestions, I would strongly recommend that it include a full and direct discussion of how it intends the area of groundwater pollution to be dealt with under the legislation. The importance of the area of groundwater pollution clearly warrants such a discussion.

In summary, I know that many groups would very much like to see the proposed Federal Water Pollution Control Act Amendments of 1971 significantly weakened. My proposals, however, would strengthen the bill and would serve to make the bill's apparent intent more consistent with its reality. The Water Pollution Control Act has been billed as comprehensive legislation and I believe that is what it should be. It will not embody a truly comprehensive attack against water pollution unless the subject of groundwater pollution is treated in a meaningful way. Far too often, the expectations for a piece of remedial legislation far outstrip the reality of the bill's effect, and disappointment, frustration and cynicism result—from the public, from the industry or agency being regulated, from the bureaucracy and, often, from Congress itself. Both the House and Senate Public Works Committees have put in an enormous amount of energy and resources into this truly landmark legislation precisely to prevent this sort of situation from arising. The fact that this legislation is as tightly written, as meaningful and as comprehensive as it is, is a tremendous tribute to both the work of the two Committees and to the potential of our legislative process. The further refinements I have suggested would simply add to the Committees' achievement.

Failure to include in a meaningful way the area of groundwater pollution in this legislation will, I predict, lead to the enactment of corrective legislation in a relatively short period of time. I think now is the better time to remedy this omission, before we wake up one morning to find that a large portion of the nation's drinking water has been irreparably contaminated.

PROBLEMS FACING COMMERCIAL BROADCASTING

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. RARICK. Mr. Speaker, I recently reported to the people of my district on the present threats to the continued existence of commercial broadcasting. I insert the report at this point in the RECORD:

PROBLEMS FACING COMMERCIAL BROADCASTING

In a previous telecast, I discussed the so-called organized consumer movement. I attempted to show briefly that there have been subversive influences in the background of the drive for consumer rights and that the long range goal of the "consumerists" is not so much to protect the consumers as it is to destroy free enterprise—to outlaw profit. Under the guise of protecting the rights of millions of consumers, the consumer lobby is mobilizing an attack on the productive sectors of our society, both labor and management, using our free enterprise economic system to self destruct itself and transfer our free economic system into a government-managed and controlled society.

A very important private sector in our economy which is beginning to feel the brunt of the regulation and control activities of the consumerists is the commercial broadcasters—both radio and TV. Because of the limited number of frequencies available for use in a given area, the commercial broadcasters find themselves in a quasi-private enterprise category. In a way, they are similar to a public utility. Yet, there is room for competition by public preference of programming more so in the area of radio than television.

From their beginnings until the present, both radio and television stations have sought to inform and entertain the public and to operate in the public interest as private entrepreneurs, with their main source of income coming from advertisers—not the listening or viewing public who are consumers. If the public approves of a program they support the sponsor—if they disapprove they don't buy the product and in some instances so advise the sponsor who for the reason of economics of profit drops his program.

In spite of numerous criticisms of biased programs presented via radio and TV levelled especially against the national networks; most citizens, I believe, will agree that the commercial broadcasting industry has done a fairly creditable job in entertaining the American public while informing them in certain matters.

Today I thought we'd talk about the threat to commercial broadcasting by the federal government which is being perpetrated in the name of the consumer as well as talk about a few of the most serious problems besetting the private broadcaster. Some of these problems are public broadcasting, also called educational TV, CATV (cable television), and license renewals.

For the past few years there has been a concerted movement for expanded public broadcasting paid for, of course, by taxpayers—programs not paid for by advertisers but where the taxpayers are forced to be sponsors.

To illustrate the effect of the consumerists on broadcasters, I quote a portion of a letter recently received from a constituent, in this instance, a radio broadcaster:

"Business is bad enough as it is. We have had the cigarette business taken away from us, although newspapers, magazines, and billboards can still carry it. I understand that we are still subsidizing the tobacco farmers to some $60,000,000 a year. Does this make sense? I can't carry cigarette advertising on my radio station and yet they take my tax money to subsidize the tobacco farmer."

Prior to the ban of paid cigarette advertisements, TV stations were required to give free equal time to groups opposed to cigarette smoking. Then, all cigarette ads were banned.

And in recent weeks, the Federal Trade Commission (FTC) raised the question to the Federal Communications Commission (FCC) of compelling broadcasters to air counter commercials. For example, a radio or television station presenting a paid advertisement to show the advantages of a certain gasoline would be required to give equal time free of charge to a consumerist or ecology group to show the bad qualities of the gasoline—how it pollutes the air, for example.

A group of Satan worshippers has demanded equal time to that used by ministers, priests, and rabbis for religious programs so that they might present their views in opposition to God and in favor of Satan.

If opposing positions on issues or products are kept within the bounds of decency and truth, I can see the justification for presenting both points of view. However, it seems only fair that if one advertiser has to pay for the air time, then the opposition should likewise have to pay. Otherwise, counter commercials could be extended to include soap, toothpaste, cars, fluoridated water, and just about every other product. To gain favor for license renewal commercial broadcasters are already required to give free public service time to public service broadcasts for dogooders.

The public broadcasting can be expected to promote, in large part, material which could not obtain a sponsor because it is unsalable, and sponsors could ill-afford to be linked with it. The sponsors, as businessmen who are selling a competitive product to the public, understand what the people want as opposed to what the bureaucrats, who have all the answers, think the people need.

If broadcasters are required to allow free time to counter almost every paid advertisement it only makes sense that private broadcasters will be forced out of business. Then the Federal Government would take control and, since taxpayers never need a profit, ban most if not all advertising. This would not only be detrimental to free enterprise but would also result in a nationalized and fully controlled broadcasting system, the real goal seemingly desired by the consumerists.

By way of confirming the threat to free thought, there has been established an Advisory Committee of national organizations to determine the range of interest to be served by public broadcasting throughout the United States. A cursory glimpse at the Advisory Board offers no satisfaction that it represents any cross-section of the American people. In fact, the majority of the organizations listed, are highly controversial and exist primarily for the purpose of influencing public opinion and political action.

I insert a list of the Advisory Committee:

To assist it in determining the range of interests to be served by public broadcasting in communities throughout the United States, CPB has established an Advisory Committee of National Organizations. The Advisory Committee presently consists of—

American Association of University Women.

Consumer Federation of America.

Boy Scouts of America.

General Federation of Women's Clubs.

National Association for the Advancement of Colored People.

National Conference of Christians and Jews.

National Council of Churches.

National Council of Senior Citizens.

National Congress of PTAs.

National League of Cities.

National Conference of Mayors.

National 4-H Club Foundation.

National Education Association.

National Wildlife Federation.

National Audubon Society.

U.S. Jaycees.

National Catholic Office for Radio and Television.

League of Women Voters.

This replacement threat to private commercial broadcasting can be found in the continued expansion of public broadcasting. Commercial broadcasting has cooperated with the supported public broadcasting in the form of educational programs for many years even before the Carnegie Commission made its study and recommendations, expanded to include radio, which led to the passage of the Public Broadcasting Act of 1967. This law established the Corporation of Public Broadcasting which later spawned Public Broadcasting Service, and National Public Radio.

What does concern commercial broadcasters is the long range financing of non-commercial TV—who will pay for it? It has even been suggested that a tax be placed on the gross receipts of commercial broadcasters as well as on their excess profits. It is obvious that such taxes would only hasten the death of commercial broadcasters and usher in full tax supported communications media. Other proposed sources of permanent federal funding proposed for non-commercial TV and radio include an excise tax on all TV and radio sets sold, a tax on TV advertising, and fees collected from households with TV and radio sets, and a tax on gross receipts from long distance telephone calls, domestic and on overseas telegraph and radio messages as well as general tax funds matching non federal contributions to public TV on a 2 to 1 basis. Federal funds for public broadcasting have risen from an initial appropriation of $5 million in fiscal 1969 to $35 million in the current 1972 fiscal year. Legislation introduced in the House would increase federal payments to $160 million fiscal year 1977. Commercial broadcasters cannot compete against free government subsidies.

In fiscal 1970, state governments contributing $19 million assisted by local school boards and state boards of education contributing $28.2 million were the largest sources of funds for public broadcasting. Whether funds come from local, State or the federal government, it is only the long-suffering taxpayer who foots the bill. And consumer organizations would herald this as a public benefit!

The Corporation for Public Broadcasting (CPB) was established as a private corporation supported by public funds. While not a government agency, the CPB must submit its requests for funds to the Office of Management and Budget as if it were a regular agency of the government. That is why the CPB would like to have a permanent source of revenue dedicated to its support. In excess of 200 public TV stations are anticipated as a part of its network by the end of this year.

The tax-funded Corporation for Public Broadcasting recently came under criticism for the high salaries of $85,000 and $75,000 respectively paid newsmen Sander Vanocur and Bill Moyers. It also was chastised by the top adviser to the Nixon Administration on telecommunications policy for centralizing control in a "fourth national network."

President Nixon in a message on education reform to the Congress on March 3, 1970 gave his support and encouragement to an expanded role for public broadcasting system in his New American Revolution in which the federal government will continue to usurp functions reserved by the 9th and 10th Amendments of the Constitution to the States and local citizens of controlling and operating public schools. In remarks concerning the role of the National Institute of Education, the President said:

"The National Institute of Education would examine questions such as these, especially in that vital area where out-of-school activities can combine with modern technology and public policy to enhance our children's education. It will work in concert with other organizations and agencies dedicated to the educational uses of television technology. Prominent among these is the Corporation for Public Broadcasting, which the Congress established in 1967 as a private entity to channel and shape the use of Federal funds in support of public broadcasting. With its authorization for Federal funds expiring shortly, the time has come to extend the Federal support for the Corporation to stimulate its continuing growth and improvement. Accordingly, the Secretary of Health, Education and Welfare is today transmitting a bill to authorize funds for the Corporation for a three-year period. This will permit the Corporation to grow in the orderly and planned way so important to a new undertaking. A portion of the annual Federal funding would be based on matching the dollars raised by the Corporation from non-Federal sources. The Congress did not intend that the Corporation derive its funds solely from the Federal Government. Therefore, increased contributions from private sources should be stimulated during the early years through the incentive offered in the matching process."

As evidence of the growth of public broadcasting in Louisiana, I quote the text of a release of January 5, 1972 of the Louisiana Educational Television authority:

"Moise W. Dennery was elected 1972 chairman of the Louisiana Educational Television Authority at its meeting in Baton Rouge, Wednesday.

"Clarence J. Jupiter, director of development at Xavier University in New Orleans, was elected vice-chairman; Mrs. Lucile Woodard of Baton Rouge, secretary and Dr. Walter Mosley, head of the language department at Northwestern State University in Natchitoches, treasurer.

"Dennery, a New Orleans attorney, was temporary chairman appointed by Gov. John J. McKeithen prior to Wednesday's meeting.

"The authority plans to operate a network of six educational stations around the state.

"Numerous applications for the unclassified civil service position of executive director, with a salary range of $20,000 to $25,000 per year, have been received, reported Dennery.

"An executive committee consisting of the four officers and two other members of the 18-man authority to be named by Dennery will select applicants meeting the authority's criteria for the position for interviews with the entire body at its next meeting, Feb. 2.

"The authority will occupy offices and one studio in the Department of Education building in Baton Rouge. Other network stations will be in New Orleans, WYES–TV; Monroe, Shreveport, Lake Charles and Lafayette. Its 1972 budget is $130,000, appropriated by last year's legislature."

Many informed citizens see in the expansion of a public broadcasting system with its own production facilities the establishment of a framework for the nationalization of all broadcasting when the commercial broadcasting stations are forced out of existence by unbearable taxes and other arbitrary bureaucratic regulations which make it unprofitable for their continued operation.

Over a year ago, a former FCC Commissioner reportedly urged the newspapers to take a more active part in the fight to preserve broadcast freedom by warning that any controls imposed now on broadcast journalism would be imposed on newspaper journalism later. It seems only logical that if the consumerist demand for free counter advertisements is upheld that the same regulation applicable to radio and TV would be sought to apply to newspapers, magazines, and other publishers.

For the Federal Government to be in the broadcasting business, directly or indirectly, is no different from its being in the newspaper business or, for that matter, going into commercial movie business. A controlled press is recognized as a threat to freedom and so must be a controlled public broadcasting system. Official Government radio and television in other countries, as opposed to free enterprise radio and television, have never proven superior to private enterprise.

Another potential problem for commercial over-the-air broadcasting is cable television (CATV). Cable television, a private enterprise endeavor, charges fees for its services and broadcasts only to subscribers for a charge.

It provides a multiplicity of channels to communities that are unable to support adequate over-the-air television stations and adds additional programs even in cities having several TV stations. CATV has advertisers only when it originates. The FCC is in the process of developing regulations and guidelines for cable television. It is important that the Congress determine a cable TV communications policy which would best serve the American public.

The Supreme Court has held that CATV systems are passive receivers and do not actively perform copyrighted works. Hence, they are not liable for copyright payments. If we agree that fair competition and not favoritism in the communications media will serve the public interest, then we must agree there can be no fair competition between cable television and over-the-air television unless both industries bargain and pay for copyrights.

Yet another problem facing the broadcasting industry today is that of challenges to the renewal of their broadcast licenses by special interest community groups. Consumerists have taken the lead in a new challenge to commercial broadcasters known as community control of broadcasting. First, a so-called consumer group monitors and investigates the programs of the broadcast station to ascertain if the station's programs are relevant to the particular special interest group—usually an ethnic group—in the community. For example, it is being asserted that if one-third of a city's population is black, then one-third of the radio and TV programming should be beamed to the black segment of the city and one-third of the programs should be produced, directed, and presented by blacks.

Then, if it is determined that the programs of the broadcaster are not relative to the needs of the special interest group, the group will either challenge the extension of the broadcaster's license which must be approved every three years by the FCC or, by threatening loss of license renewal, force a contract with the broadcaster binding the broadcaster to change station policies, personnel, and programming in favor of the special interest group.

This notion of community control of broadcasting supported by a court decision got its start about 7 years ago in Jackson, Mississippi where community groups filed an application to renew the license of a TV station. After lengthy litigation, a court ruled that the station had failed to meet adequately the needs and aspirations of the group, namely blacks, as determined by northern white liberals. This decision has encouraged other groups to challenge renewal of licenses of radio and TV stations. One will appreciate TV programming much more by simply tuning in a Mississippi station to see what that state's owners are required to program.

In this regard, a tax free grant supported institution calling itself the Stern Community Law Firm about six months ago petitioned the FCC to force broadcast stations in Albuquerque, New Mexico, to disclose private yearly financial statements so that a determination could be made as to the actual extent to which stations devote their resources to specific categories, such as news, public affairs, and community oriented programs. This action was designed to obtain information for filing petitions urging the FCC to deny license renewals to stations not devoting enough of their time and resources to problems and interests of the Mexican-Americans.

The FCC has gone a long way in thought control from when established by Congress to monitor stations and frequencies to prevent reception distortions and overlapping interferences. Yet even today the public interest would be better served by the FCC regulating the stations rather than having them regulated covertly by private groups. The true consumers can exert their best control, over free enterprise radio and TV. Who ever heard of a consumer threatening to boycott taxpayers?

Yes, the broadcasting industry is beset with many problems—problems which must be understood by the public if the best course of national action is to be followed.

Public broadcasting is not the answer. Broadcasting media should not be supported by tax funds. I am firmly convinced that the best broadcasting system is in private sector because private commercial broadcasting best serves the interests of the greatest number of citizens and best provides for freedom of speech.

An appealing argument is made that one of the assets to public broadcasting is the praiseworthy dissemination of education and culture. The unanswered question is "Whose culture, and education in what? Who is to decide?"

It appears that we are well underway in creating a monster domestic propaganda agency paid for, but not controlled by, the American people.

Cable television has possibilities of meeting the needs and tastes of groups with special interest and of many other individuals. Its potential should be studied; its use, well planned; and by all means it should be competitive with no special favors from the government.

While not perfect, traditional commercial broadcasting has rendered a yeoman service to the public good. It should continue in a competitive manner under government regulation in the public interest to assure that programs are in good taste, truthful, and fair. Private special interest groups should not be allowed to supplant the role either of the broadcaster or of the FCC.

Only the truth shall keep us free. Privately owned and licensed, independent broadcasters constitute the best broadcasting method for disseminating the truth.

CHANGING A SYSTEM THAT DOES NOT WORK

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. HALPERN. Mr. Speaker, it was over 200 years ago that America's first penitentiary was built. Since that time, the terrible conditions of prisons and their dehumanizing effect on men have been the subject of much discussion. We have only to look at the Soledads, San Quentins, and the Atticas, however, to realize what little progress reform has made. As a result of the increasingly evident failure of the correctional process, we are witnessing today a revolution not just behind prison walls, but in our thinking about prison reform. Criminologists and corrections officers alike are beginning to question the legitimacy of prisons—not only their operation but their very existence.

The changing face of corrections is the subject of a penetrating seven-part series published by the Christian Science Monitor in December. The writer, Jack Waugh, conducted a number of interviews across the country to obtain the views of wardens, guards, and inmates alike.

Based on the interviews, Mr. Waugh finds that the heart of the prison reform problem lies in the inequality of our criminal justice system, particularly, unequal sentencing. Our prisons are cesspools for minority group members who have neither money nor influence, and have usually committed crimes for that reason. Consistent punishment must be in the first order of any prison reform, says Waugh. It is more urgent, than internal reforms.

Of equal concern is victimless crime. Fifty percent of our prison population is made up of those who have committed crimes against no one but themselves. We are filling our cells with drunks, gamblers, and prostitutes, thus overloading our criminal justice system, diluting our total reform, effort, and raising our costs. We should decriminalize the law, points out Waugh, and treat—not institutionalize—these individuals.

Once a man gets inside prison, however, it is the isolation and loneliness that is so unbearable—and so fruitless. How can we expect to rehabilitate a man—make him part of society again—when we shut him up for so long and so far away that he forgets what it is like to be a man?

Isolation has always been a characteristic of the American prison system. Two centuries of "reform" have not changed that. But if isolation is not new on the scene today, the politicization of the American prisoner is—and this is what Waugh cites as the most difficult problem correctional authorities face today. Prisoners of the 1970's regard themselves as political prisoners in a criminal society. It is society, not the offender, who is at fault. The problem this poses for rehabilitation is evident. As one criminologist puts it, "What do you do to rehabilitate a political prisoner—brainwash him?"

Another more recent problem is the ever-increasing tension between guards—95 percent of whom are white, and inmates—50 percent of whom are black or brown. California has seen more guards killed in 1970 than in the previous 17 years. As the Christian Science Monitor series makes evident, our prisons are contributing to, not stemming the current crime rate.

What is the answer? The series offers no pat solutions, but avenues of action are suggested.

Separating the convict from the community and the community from the convict is the "basic slab of penal philosophy" on which U.S. prisons rest. True reform requires that we change this situation. We should make prisons necessary for only the most hardened criminals—

about 10 percent of our prison population. The rehabilitation of the rest must be carried out within the community. How do we do this? The series' last article is a special survey of seemingly successful rehabilitation efforts by other countries to bring the community and the inmate closer together. The real potential for change lies in the community's hands—for they are the ones who can make the difference in our inmate's lives and futures.

Mr. Speaker, at this time, I insert in the RECORD this excellent Christian Science Monitor series—in hopes of stimulating citizen action to change our prison system so that rehabilitation has a chance:

[From the Christian Science Monitor, Dec. 13, 1971]

PRISONS: CHANGING A SYSTEM THAT DOES NOT WORK—THE SWING OF THE PRISON PENDULUM—I

(By Jack Waugh)

Atsushi Nagashima, Japanese Ministry of Justice: "In Japan we hate crime, but not criminals. They are part of our family and they are treated as such."

An ex-inmate, pointing toward San Quentin: "It oughta be bulldozed into the bay."

NEW YORK.—"The day I came out of prison," says Clyde Thompson, "17 other men came out with me. My sweetheart was there with a suit of clothes for me to wear. But not another man was met."

Once a murderer, Clyde Thompson is now a minister. Never in his long years in the penitentiary did he think that he would ever walk out from behind those walls.

Now, 13 years later, every morning of every weekday, he stands outside the bus station in Huntsville, Texas, meeting the unmet.

At about 9, the convicts let out of the Texas Penitentiary that day begin to drift down from the Walls Unit. Clyde Thompson's knowing eye spots them instantly in their prison issue, their unpressed grays and tans, their lives as wrinkled as their clothes. If they have no job, he finds them one, if no place to go, takes them into his home.

FLOTSAM TURNED LOOSE

Every day, like flotsam, the unmet walk out from behind the walls of 200 U.S. prisons, tarnished testimony of the failure of the walls that have held them.

David Rothman, a penal historian from Columbia University, has said: "The rebellion and the hesitant, finally bloody, putdown of the inmate uprising at Attica last September was curious. Traditionally no warden would have waited so long to move in. Hostages or not, there would have been no pause, no delay, as there was at Attica.

"Why did the correctional authorities withhold, then? They held back because prisons are losing their legitimacy. There was a feeling that the demands of the inmates were sane—and the authorities were right [prison officials granted all but three of the 30 inmate demands at Attica]; indeed, people thought all those things had been instituted long before."

Attica was violent testimony that they had not. More than a hundred years of prison "reform" has left the United States still with Atticas and San Quentins and Soledads and Rahways.

Criminologists and penologists now are beginning to think the unthinkable: that prisons, in their existing form, indeed have lost their legitimacy, that there is no evidence that reform has worked and that prison systems must be totally transformed.

RELENTLESS CYCLE

Prisons, like pendulums, make repeated arcs through time. Since their beginnings 200 years ago, they have swung again and again through seven-step cycles: There is always (1) brutality and neglect inside the walls, triggering (2) inmate rebellion, which is (3) quelled, stirring (4) outrage without the walls when the public gets wind of it and demands (5) immediate reform, which is followed by (6) quiet again, in the asylum and (7) lapse back into public forgetfulness.

Today prisons are winging again through Phases 2, 3, and 4, headed for 5, en route to 7 via 6 unless the cycle is broken as it never has been since prisons began.

For nearly all of the two centuries since the Pennsylvania Quakers founded the first penitentiary in the United States, the legitimacy of prisons and their reasons for existing and the manner in which they are run have never basically been questioned. And Phase 1 in the cycle always, inevitably, has ended in Phase 7. What may be new in the cycle that is repeating itself in the 1970's is that prison reformers now are not merely questioning the operation of the present prison system but its basic legitimacy, its reason for being.

Prisons, long viewed as walls of fear and terror and punishment, are potential gateways of promise.

There is a way ultimately to transform prisons, and it calls for the best from the society that is outside the walls. The solutions are implicit in the problems. And avenues of action will surface throughout this series. But here is the heart of the matter, as sifted from scores of interviews across the U.S., inside and outside prison walls:

Problem: Half of the six million people arrested every year, as well as half who languish behind prison bars, today are there for so-called "victimless" crimes.

By criminologists' definitions, drunks, gamblers, prostitutes, drug addicts and others who fall into this category commit crimes where there is no immediately visible victim—apart from the offender himself. Thus, in the legal sense, these crimes are said to differ from violent crimes like assault.

Solution: "Decriminalize" the law, and send the committers of "moral crimes" where criminologists now are demanding more and more they be sent—elsewhere but to prison.

Where? Perhaps, as in Massachusetts, to drying-out tanks overnight, or as in Sweden, turned over to specially established temperance boards, or to narcotics rehabilitation centers.

Problem: Offenders are sent to prison to do unequal time for equal crimes. Out of the crazy quilt of criminal justice comes a tapestry of sentencing and parole dictated by the arbitrary whim of judges, juries, and parole boards.

Solution: Make uniform the law that sends people to prison and make just and sensitive the decisions that let them out. If necessary, take sentencing out of the hands of judges and juries and put it in the hands of a special prison admissions board, which could also take into account extenuating circumstances and probation where it seems necessary.

Problem: Prisons are the most shrouded and unopen public institutions. So closed off from society's eye are the walls that prison officials can do anything to anybody inside, and nobody outside will ever know.

Solution: Open up the prison walls to unlimited community and press scrutiny.

Traditionally prison officials and the press have not trusted one another. One solution: a "Code of Ethics" to govern both administrators and newsmen. Administrators would grant free access to inmates and guards; in return, newsmen would confront administrators with evidence of oppressive conditions and also write the administrators' side.

This idea is already beginning to take shape in correctional and press circles.

Problem: Men and women still go out of prisons unmet, homeless, penniless, and jobless, foredoomed to return again.

Solution: Programs should be devised to ensure that no convict goes back on the streets without a job to fill and a place to go.

Problem: Prisoners are consigned to forced pariahship, with no contact and no continuity with the community that banished them. They forget how to be part of it because they aren't allowed to be.

Solution: Make prisons a part of society. The community should not only be allowed to see inside the walls, but to reach out, to visit, to encourage, to change, to reaccept, the convict it has banished. Every prison should have its own citizen advisory committee.

These are more than reforms. They are the beginning of the dismantling of the prison itself as it has traditionally been for two centuries. Ultimately only the hardest of criminals need to go to prison—and once there, be grouped into small enclaves and made the subject of intensive campaigns of human rehabilitation and salvage.

This is already beginning to happen. Some U.S. penologists see indications that only the most difficult convicts are coming into their institutions now.

BIBLE GIVEN TO A KILLER

The man who now meets the unmet at the Huntsville bus station was himself once the most feared and hardened inmate in the Texas Penitentiary. Clyde Thompson killed two men to get there, and at least six others were slain because he tried four times to escape. He was sentenced twice to be executed in the electric chair and finally given three life terms and thrown into isolation with not even a spoon to eat with, so bad a man was he considered to be.

For 13 years he lay in roach-ridden isolation at Huntsville, with only a single hole in the door of his cell and with cockroaches to eat the food off his hands at night.

In isolation he had about five hours of daylight each day with nothing to read until a guard brought him a Bible which at first he angrily tried to refute, couldn't, then started to memorize, and, finally, to live by.

"The time was," he says, "when I would have killed any man who stood in my way to breaking out of that penitentiary, and the time came when those prison walls could have fallen down around me and I would not have left unless I was told I could."

ONLY JULIA WROTE

After he was released from isolation and cautiously put in with the general inmate population, he began conducting Bible classes behind the walls. A Huntsville minister heard of him and urged the congregation to write him. Only one did, a woman named Julia. She went to visit him. And for seven years she devoted her life to getting Clyde Thompson out of prison. One day, 13 years ago, she succeeded. He was paroled. And the warden came down to help him tie his tie, and put the French cuffs on the shirt Julia had brought him because he didn't know how. He had spent 28 years behind bars, all his adult life.

Once the deadliest killer in the Texas Penitentiary, the Rev. Clyde Thompson is now an ordained minister in the Church of Christ "and married to Sister Julia." He has returned to Huntsville and made the prisoners his ministry.

No amount of prison reform got Clyde Thompson out of prison. He and Julia did it with little help.

Before prisons were invented, society whipped convicts too poor to fine, and fined those too rich to whip. For misdemeanors and minor felonies—the stocks; for more serious felonies—banishment; for capital offenses—the gallows.

Cut and dried. No confusion. No prisons.

FRIENDS DEMAND PENITENCE

Then one day the Friends decided prisoners ought to be penitent as well as punished. So why not a "penitentiary?"

Make the walls four feet thick. But the walls were not only to keep the convict in, but the community out. The theory was: That's the only way a man can be penitent in perfect peace.

Not so cut and dried.

And people have been confused ever since. They flatout don't know what prisons ought to be for. To keep society safe from criminals? Or criminals safe from society? For vengeance? For punishment? How do we treat them when we do keep them—bad? Good? Do we love them until they are better? Or hate them forever? Do we try to rehabilitate them? Educate them? Reform them? Just throw away the key and forget it? Or do we do all those things?

We do all those things.

Keeping the convict strictly in and community influence strictly out is still the basic slab of penal philosophy on which modern prisons in the U.S. rest.

Upon it was built the highly regimented, isolated systems that exist today and only now show signs of cracking. Prisons still are built away from the community. Inputs and outputs are still strictly curbed. The two worlds kept as separate as possible. "Inside" and "outside" are still the lines of demarcation of prison life.

POTENTIAL FOR CHANGE

The potential opportunity is to change these traditional lines of demarcation, and to make prisons unnecessary for all but the most hardened and murderous of felons.

And even they are a opportunity. For to say some men are good only for throwing away is to deny Clyde Thompson.

Some prison reform has spun out from the repeated cycles of upheaval. Probation and parole measures have been changed, indeterminate sentences adopted, halfway houses started, furloughs instituted, even convict self-government tried.

Some of these, billed as reforms, have come up Frankensteins, the indeterminate sentence, for example. Criminologist Gresham Sykes looks at the rest of them and says, "They may not have made a wit's bit of difference. There is no hard evidence that they have."

These reforms and countless others are still being tried within the nation's prisons. Some of them have bettered conditions within the walls, but all of them together have not slowed the crime rate or made significant inroads in what is still the major problem how to keep a man out of prison the first time, and if he is released, the second, third, and fourth times.

MOST-TALKED-ABOUT REFORMS

The two rising stars of modern reform, the ones being talked about most in the '70's, are to build more but smaller, more specialized, more manageable prisons; and to bring prisons and—more importantly—inmates closer to the community.

The first of these is as old as reform itself. And it is subject to bursts of "what good will that do?" Counter to this trend, Texas is building a new unit that will house 2,000 prisoners, and George Beto, director of the Texas Department of Corrections, is saying, "It isn't size that matters—it's how the place is run that matters."

Another prison director, Winston Moore of the Cook County Jail, is saying that what is needed is, "not smaller prisons but an end to inept prison administration."

And Carrol Waymon, a psychologist in California, is saying, "We can build a new prison on every street corner. All that means is that we'd then find ways to fill them all, even if it meant devising some new offenses we haven't yet thought of, just because the new prisons are there and need filling. That's the way it works."

The second of the "new" reforms—bringing inmates and prisons closer to the community from which they came isn't new either. But it is the one that departs from the old-as-prisons philosophy of keeping the convicts in and the community out, and both separate.

It is the one that holds promise of breaking the pendulum's basic swing. It is the one that may, if any can, make prisons as we know them obsolete. Because men and women who reform in prison are those, like Clyde Thompson, who have felt the touch of something better. Something better almost always means the touch of someone better. And that something and someone is rarely found within prison walls.

Criminologist Norval Morris has said: "Reform is faddy. We always want quick and simple and cheap solutions, and there aren't any. Reform is not shortwinded."

It isn't very long-winded either.

Just a century ago, the nation's foremost reformers met in Cincinnati as the first national prison association and adopted a Declaration of Principles. It said nearly everything that has been said since:

Reformation, not vindictive suffering, should be the rule of inmate treatment; prisoner classification must be modernized; reward a prisoner for good conduct; stop making corrections jobs political, since that is the chief obstacle to reform; officers should be trained; disparities and inequities in prison sentences should be removed.

WORDS FROM THE PAST

It said a prisoner should be disciplined so as to win his goodwill and preserve his self-respect; prisons should make for industrious freemen rather than orderly and obedient prisoners; prisons should be small with like offenders put with like; the law should lock up "higher-ups" in crime as well as lesser operatives; there should be a more judicious exercise of the pardoning power; there should be better prison architecture geared for humanity and inhabitation; prison management should be centralized; prisoners should get social training by proper association; and society-at-large should be made to realize that it is responsible for crime too.

Today criminologist Hans W. Mattick gazes at that list of lofty goals and snorts: "They haven't been realized yet in 90 percent of the institutions."

Gresham Skyes also contemplates that list from a century ago and says: "It makes me think that maybe the old liberal solutions to this prison problem make sense. What is wrong is we haven't been applying them. What if we did just what we always said we would do to make society better?"

[From the Christian Science Monitor, Dec. 14, 1971]

VOICES FROM BEHIND THE WALLS

(By Jack Waugh)

Inmate, Texas Woman's Prison: "Prison? It's like the world has stopped and you've lost contact with life; like you've stopped living—yet you are."

Inmate, Cook County Jail: "There's only one step beyond jail—and that's the graveyard."

SAN FRANCISCO.—The voices from behind the walls are the voices of felons and sinners mixed together, of murderers and child molesters, burglars and bad-check passers, rapists and robbers, dope pushers and dope takers, draft evaders and parole violators, wife beaters and husband slayers.

They are the voices of the poor (many) and the rich (few), of the reformed and the unreformed, the angry and the apathetic, the guilty and the innocent; of those who should never be there and of those who, some say, should never be let out.

Their common bond is doing time. Their common goal is getting out. Their common condition is that they got caught. Their common jailer is the inconsistent criminal-justice system that sent them there.

They speak with no common tongue. But here is why some of them are there and how they feel and what they say:

He is black, had a wife, and couldn't find a job on the outside, so he took up burglary. He has been in prison 11 years, serving out a 42-year sentence of four counts of robbery:

"We're all here because we have limited backgrounds. I have it broken up into thirds—one-third of the inmates shouldn't be in prison at all. Another third should only be here a very short time. And the last third should die here because they are detrimental to themselves and everybody else.

"Now, in this prison, 80 percent of the problems we have are inmate instituted. Man, I tell you there has been a time when you gave the inmate over you more respect than you gave a guard. The worst part about prison is that when you are all thrown into the same coop this way it contributes to your wrong-headed education. Here you not only learn to burglarize—from experts—but you enlarge your talents. You can learn to become an expert safe cracker if you want, and you can learn to shoot dope if you don't know how."

He was 18 when he was first sent up on a narcotics conviction in 1953. He has been out twice for eight months each and back in again for burglary and theft. He was a tough, rebellious inmate, a hard case, so he spent nine years on the "line" in the Texas Penitentiary picking cotton and hoeing the ground. He has passed more days than he cares to remember in solitary. He is a Mexican-American, now 37, and about to be paroled:

"Prison has been a home where I stayed while I was young and growing up. I made a parent out of the penitentiary. It has been a career for me. And when I went out I was unable to adjust to the free world. I had become dependent on this place and I wasn't prepared for the outside. I didn't want to come back, but I couldn't get adjusted outside and I fell right back into my old way of life. I wasn't forced to do it; I just wasn't prepared for anything else.

"The penitentiary has changed. There is still brutality here if a man needs it and they wouldn't hesitate to beat your brains out if you insulted an officer. And it's probably still worse in other pens. But there are methods now to discipline a man without brutality, little things—shelling a gallon of peanuts, strict rules, no talking in the dining hall. To me it's worse than going to solitary."

She is white, 22 years old, pregnant, and in prison, sent up four months ago on a bad-check charge:

"It's lonely here. I get depressed and want a friend I can talk to. But you can't make friends with anybody or the matrons assume it's a homosexual relationship and they break it up. You go to the mess hall four times with the same girl and they separate you.

"The women in prison, they play house. One is the daddy, one is the mother. There is a brother, sister, and grandparents. Most of the women have families on the street and they do it just to occupy their minds or to aggravate the matrons.

"What I am afraid of most is being locked in that cell at night by myself, going into labor and not being able to get a matron there on time. But I am luckier than some. My mother will come and get my baby after it is born, and I won't have to put it in a foster home or up for adoption."

He is black and he has been in prison in two states, Texas and California, since 1951, most of his adult life, and each time on a narcotics charge, the last time in Texas:

"I pled guilty as most of us do in Texas. To fight a charge without money is out of the question. And here you work, pardner, you work. You begin to realize how much work a human being can do. But like any other form of prison life, it is left up to you whether you become bitter or not. Eventually you become conditioned to the point you can cope with it.

"I was doin' it out there, man, and I know I had to pay. But you have got to know if a man commits a crime it's not the end of the world for him.

"By getting into this bag so early I didn't know what else to do. I had this fixation the first time I got out of San Quentin—I refused to do time out of the pen and in, too. I couldn't accept the fact that parole was just a change in custody, rather than a release.

"Now it's reached the point if I get out and get in trouble again, I'll get throwed away. The struggle I have is still with myself. Can I get out there and make it? But I believe now I am ready and I have never said that before."

He was an Iowa farmer. He had served time in his home state for burglary in the 1950's. Then traveling through Texas alone in his camper in 1965, he was stopped by two state troopers, got angry, hit one, got in a running shootout with both, and got 17 years. Away from home, the lawyer assigned him by the court was a law partner to the District Attorney who prosecuted him. His children have since grown up back in Iowa, his wife has divorced him, and I was his first visitor in 6½ years in the penitentiary.

"It makes you bitter. I can't see no benefit in keeping a man in so long. It doesn't deter others from committing a crime. They keep you the longest possible time. I came up for parole in 1968, but the parole board wrote me a form letter saying it would review my case in one year and I haven't heard back since."

"She is white and only 28. But she has seven children on the outside and a husband in prison. The family couldn't make ends meet so she passed bad checks twice and this is her second time in. Her mother has two of her children, her mother-in-law has another, three others are in a boys' home and she is fighting the adoption of her 18-month-old daughter.

"I've learned all about homosexuality here. I didn't know anything about it before. I have learned to shoot dope, and with what I have learned since I have been here I could even be a better check buster now."

He is one of 42 men on death row, a condemned multiple murderer. Five years ago he was only 19 and he killed his common-law wife, her brother, her father, and a state patrolman. A Mexican-American, now 24, he faces a capital sentence, four 99-year sentences, and one 25-year sentence. His crime—murder with malice—is the most serious a man can commit.

He is an outcast, considered too bad to live, and he awaits execution. Sitting in the cross breeze of the "death row" day room, he says:

"I can spread my arms and touch both sides of my cell, and that is my whole life.

"We are looked on as the scum of the earth. But 90 percent of the men on death row are no worse than the rest of the prison population. It's hard to get a death sentence. Most of us, if we had money, a proper defense, or friends, or anyone to fight for us would have never gotten death.

"Most of us have no objection to being punished for our crimes. But justice is unequal. Men who can't fight back are bound to get a more severe punishment than those who can. The 'D.A.' isn't out to see justice done, he wants to get a conviction and build a record. And, in my case, the judge was old and I was young. He was white and I was brown. He was well off and I was poor. His social status was high, mine low. He knew the D.A., I didn't. He is going to believe the state, not me. So we—most of us here—went into court without a chance in the world."

Another on death row, white, condemned to the chair for murder, now 44 years old, no longer hopes, is no longer optimistic, and no longer wants to live—if the choice is a commuted sentence:

"I pray every day the Supreme Court doesn't abolish the death sentence like they're talking about doing, because then every man on death row—650 of us in this country—will get a life sentence automatically. I am too old for that now. I would rather sit in 'Sparky' (the electric chair) and get it over with. When they electrocute me they can't do nothing to me then but bury me."

John Irwin, ex-California inmate, now associate professor of sociology at San Francisco State College: "The difference between felons and nonfelons is that felons couldn't bring enough pressure on to stay out of jail."

Few people knew who Robert Apablaza, a housepainter, was—or cared. Four years ago he was arrested for selling a matchbox full of marijuana to undercover agents in New Orleans, and a judge sentenced him to 50 years with no provision for parole.

It was not until four years later, after he had escaped once, fled to New York, been recaptured and was under threat of extradition that the case caught the eye of one man, William vanden Heuvel, chairman of New York City's Board of Corrections. And when that happened extradition was dropped and Mr. Apablaza was set free.

The world knew who the sons of TV-personality Johnny Carson, and the late Sen. Robert F. Kennedy, were. They, like Robert Apablaza, were arrested on charges of drug possession. Neither went to prison.

Possession is not the same as selling drugs, of course; observers doubt, however, that children of such prominent citizens would receive a 50-year sentence even for selling.

In Odessa, Texas, last March, a jury found Bentura Flores guilty of selling $10 worth of heroin to an undercover agent and sentenced him to 1,800 years in prison—the penalty District Attorney John Green had asked. Sentences of 60 years, 88 years, 99 years, and 250 years for crimes similarly uncovered have issued recently from Odessa courtrooms. All have been laid on Mexican-Americans. All were arrested selling drugs to the same undercover agent.

A jury in Dallas, Texas, going Odessa 600 years better, last April sentenced Robert Floyd Angel, a black criminal with a past record, to 2,500 years for armed robbery and murder. In Dallas other sentences of 1,001, 1,000, and 1,500 years have been handed down.

An inmate's time in prison continues to be at the whim of judge, jury, and parole board. Reformers call for the unbending force of consistent punishment for like crimes across the United States, even to establishing elected boards of admission, sentencing, and release above and beyond the courts and parole boards.

The boards would have the same latitude judges now have to consider extenuating circumstances. The aim of the reform would be to end the wide divergence of sentencing now found in the U.S.

This would confine the court's function to saying guilty or not guilty.

The boards should include prominent local citizens along with penitentiary officials. Membership should be regarded as a prestigious as well as a responsible position—rather like local school boards are today. Boards should be set up for each state prison system.

As yet, most talk among specialists deals only with taking sentencing out of the courts. The concept of the new boards is not yet widely discussed, or accepted; it has not been tested; but prison reformers agree that it appears to be at least one logical way to tackle the current patchwork of sentencing procedures, which often turns up bizarre results.

Another approach, already begun, is to work to upgrade the quality of judges; such efforts continue.

Most criminologists, prison officials, and inmates agree that unequal sentencing is among the first orders of business in any prison reform—more pressing than all the internal reform of prison life behind the walls, more critical and urgent than all the rehabilitation and work-release programs and half-way houses put together.

The fact of uneven justice lands hardest of all on the black and minority poor. Blacks and Mexican-Americans alone now make up more than 50 percent of the inmate population of some of the nation's prisons—California for one. And as many as 85 percent of the inmates in some prisons in large urban states are black. These ratios run far in excess of black and Chicano percentages of the total population.

Moreover, most prisons, as they have always been, are cesspools for the poor, their walls and pickets holding men and women without money or influence, who had committed their crimes in the first place for that reason, and who went to court with a poor legal defense or no defense at all.

Eighty percent of all crimes in the country are committed for money. And the poor constitute an overwhelming majority of the inmates now in United States prisons.

John Irving, an ex-inmate turned sociologist, who has been out of prison for 15 years but has made its study his life work ever since, says: "The poor inmate is seeing more sharply than ever before that crime is rampant throughout the system, committed by rich and poor alike. And he is asking Why am I the only one going to prison."

Not only are the accused unevenly sentenced for identical crimes but one-half of them are sent to prison for crimes that are not crimes against persons or property in the strictly legal sense.

These are crimes which are said to have no immediate, visible "victims." As criminologists see it, no one has had his property or person violated against his will in such crimes, which are not seen as crimes against society as such.

There are 200,000 inmates in U.S. prisons, 15,000 of them women. Six million adults are arrested every year in the United States for nontraffic offenses. More than 3 million of them are for what George Beto, director of the Texas Department of Corrections calls "sins instead of crimes."

Among them according to legal definition: drunkenness (which accounts for one out of every three nontraffic arrests every year), drug addicts, gambling, disorderly conduct, vagrancy, abortion, juvenile delinquency, and a mix of sex offenses—adultery, statutory rape, carnal knowledge, prostitution, pornography, and obscenity.

Washington, D.C., has a sextet called the Washington Six, a half dozen drunks, who have been arrested 1,409 times among them for public drunkedness. Collectively they have spent 125 years in the city's jails and prisons.

Several states are mulling the dectiminalizing of their laws. At least one, Massachusetts, has acted. Governor Francis W. Sargent in November signed a law making public drunkenness without an accompanying felony a medical matter rather than a criminal offense.

Velda Dobbs, for 20 years Warden at Goree, the Texas women's prison, says, "There was a time when the black narcotics case just wasn't in this prison. In the last two years it has become the No. 1 offense of the inmates here. Murder used to be, but now it is only No. 4. Theft and bad-check passing both rank above it as an offense women are committing.

Crime at any given time is what leaders define it to be. Criminologist Gresham Sykes, of the University of Denver, says: "Remember, in his time, Jesus Christ was a criminal, too, convicted and sentenced to crucifixion. What would you do with a 'criminal' like him today—put him through psychotherapy and rehabilitate him?"

For blacks, prison is an extension of the life they live in the ghettos. Ninety percent of all black males can expect to go to jail or prison sometime in their life. "And what acts society now calls criminal," says Jose Paris, a black Attica ex-inmate, "are the very acts we call survival."

[From the Christian Science Monitor, Dec. 15, 1971]

FROM LOCKSTEP TO CLENCHED FIST—III

(By Jack Waugh)

Criminologist Gresham Sykes: "What do you do to rehabilitate a political prisoner—brainwash him?"

ATTICA, N.Y.—1821. Prisoners moving down the dim-lit cell-block row, single file, each looking over the shoulder of the man in front, their faces inclined to the right, their feet sliding and shuffling in demeaning unison. The lockstep. The trademark of the convict that was.

1971. A single inmate's arm upthrust through the bars in defiant anger and outrage. A clenched fist—the trademark of a convict that is.

Most of the 150 years between the lockstep and the clenched fist were the years of the prison warden, guard, and corrections officer. He was unquestioned authority with unquestioned power. Now the inmate is beginning to question that authority and that power—and he has listeners outside the walls.

Behind this turn smolders an active new element in prison life, which, while there before, was slumbering. Modern criminologists and penologists called it the politicizing—also known as the radicalizing—of the prisoner. And it is as active in prisons now as a charged electron.

Nearly every warden and prison director in the United States believes with Russell G. Oswald, the unsmiling, said figure of Attica, director of the New York Department of Corrections, who said: "It is the most difficult problem we face in prisons today."

A TWO-SIDED PROBLEM

It can be viewed from two angles: It is straight-out agitation, fomented from the outside, nurtured from the inside, highly-organized, conspiratorial, and destructive of the prison as an institution. That is how most guards and corrections officers see it.

Or it can be seen as a wave of hope. That is how the prisoners themselves and critics of prisons outside the walls see it. Those bivouacked in the latter camp believe with the prison psychologist from California who says: "What politicizing has done is give greater hope and determination to an inmate to resist becoming a vegetable and a robot behind those walls."

There are also two ways to look at whether prisoners are truly political or not. One viewpoint says flatly, "The robber who holds up the service station and shoots and kills the manager—he's a political prisoner? That man is a criminal."

The other point of view: Society made him do it, whatever it was. Poor, he has no job, no money, he faces a wall of discrimination, a world on the outside that to him is cruel and puts him down. The crime that he committed was against a corrupt society that puts him down politically. No matter what he did, he is a political prisoner.

This view sets Winston Moore's teeth on edge. The black director of the Cook County Jail in Chicago says, "You let that philosophy prevail and what you've got is an out for every prisoner, no matter how heinous his crime. It's the system's fault, therefore he doesn't have to do anything for remorse. Now he can go out and kill you again. Rehabilitation is impossible when you tell a man it wasn't his fault."

The rise of the political-prisoner syndrome parallels the development on the outside of black militancy.

Buffalo law professor Herman Schwartz says: "'Prison is for blacks just a stopping point through life, a natural extension of his existence on the streets." Or as one ex-Attica inmate puts it: 'Our communities are already prisons to us. Jail is just a concentration camp."

All sides agree that some prisoners are truly political, especially now that draft resisters and others who in some way bridle against the system are occupying more cells than ever. And so are such convicted political assassins as Sirhan Sirhan and James Earl Ray.

RADICAL LEADERSHIP STRONG

And whether all prisoners are political is an academic question because, as criminologist Gresham Sykes says, "Whether they are or not, they believe they are, and that is what matters. You can't arrest a black man in San Francisco today without it being considered a political act."

From the beginning, the political movement in the prison cellblock and yard has had black leadership, dating back to Malcolm X, the slain Black Muslim who served time in Massachusetts prisons in the late '40's and early '50's. He was to become the father-philosopher of the radical movement in American prisons.

Since his time, the Black Muslims, joined by the Black Panthers and the Puerto Rican Young Lords, have grown to make up the nub, nucleus, and leadership of the radical movement behind prison walls. The Panthers are still a force inside prisons, though their importance has declined outside. The arm with the clenched fist is predominantly a black arm.

The focus of the militancy on the streets which shook the nation's cities in the '60's has shifted now behind the walls. Indeed, a case can be made that one of the reasons the streets are now quiet is that much of the black leadership once active in the ghettos is now in prison.

While the political revolt in the cellblock broke out in the '70's, it incubated for a full two decades.

John Irwin's goate twitches when he tracks back into the roots of the movement. Though white, he was a part of it. Now an associate professor of sociology at San Francisco State College, he was for five years—from 1952 to 1957—an inmate in the California prison system.

FROM PRIVILEGES TO RIGHTS

He says: "It started with a few books. We read behind those walls, those of us inclined that way. And we got ourselves into little intellectual cliques. We traded books. It was going on in prisons all over, and the reading was remarkably the same from prison to prison—most of it running to literature, the humanities, history. I was reading the same books Malcolm X and later Eldridge Cleaver were reading—among them J. B. Bury's "History of Greece," Will Durant's "History of Civilization," H. G. Wells' "Outline of History," and Gibbon's "Decline and Fall of the Roman Empire.'

"That was the foundation. It was what we were all reading, but we were just the beginning. Now it has gone to the more radicalized Marxist stuff—Mao, Guevara, and the black protest literature. We didn't have that black rage smoldering in us. It was a socialist dream I had. These new convicts have the radical dream."

The lockstep inmate wanted privileges. The clenched-fist inmate wants rights. And that's the critical difference between the convict world of then and now. That difference kept prisoners in lockstep then; it is firing the political rebellion now.

John Irwin believes that the only right that should be denied the convict is the right to roam. Besides living under the shadow of punishment—which every inmate considers denial enough—the felon is denied the right to vote in some states even after he has served his time. In many prisons, his mail is censored throughout his prison life. He has none of the rights inherent in the "free world"—free speech, the right to assemble, the right to advocate, in some cases not even the right to worship as he wishes.

California psychologist Carrol Waymon says there is "a deep dichotomy about prisons. We are taught from the time we are born that this is a democracy. We are taught to protest, to take our grievances to the proper authorities. We are schooled to believe we have rights and we are taught we should caucus, apply pressure—anything to protect them.

"But when you go to prison, you are to stop all that at once, cut it off. Yet you are the same person who went in only suddenly everything you were taught was right becomes wrong."

The American Civil Liberties Union and the National Committee for Prisoners' Rights (NCPR) are spearheading a legal war raging now within and without the walls. It aims to restore such rights to inmates in the penitentiary cellblocks.

LEGAL ATTACK CLARIFYING

The legal action so far centers on what the lawyers in the briefs call "cruel and unusual punishment"—solitary, bread and water, physical abuse, and the myriad of traditional mental hardships convicts are heir to.

The Landman decision, handed down in Virginia on the last day of October this year, has successfully attacked some of these basic breaches of human rights and become a model for the legal push inside the walls.

In it, the court ordered the Virginia State Penitentiary System to halt a host of "cruel and unusual punishments"—bread and water diets; the use of chains, handcuffs, or tear gas unnecessarily; holding inmates nude for extended periods of time.

It forbids prisons to clamp inmates in a solitary cell with any other inmate except when necessary and then only for a short time. The court ordered the penitentiary to hew to minimum due-process standards and it guaranteed convicts sole, unimpeded access to the courts and to counsel.

Other ever-more-sophisticated cases are headed for court dockets in the country, addressing the civil rights of due process, speech, and freedom from censorship. And cases are now mounting to break open the prison walls to greater press and community scrutiny. The ACLU in New York has just initiated a court suit aimed at forcing the federal prisons to permit press interviews with individual inmates, a practice they have never permitted.

UNIONS A GOAL NOW

This basic drive for fundamental rights for convicts has spawned a natural extension—prisoner's unions. They are working outside the prison walls to become the bargaining agents for inmates within.

The leading prisoner's union in the country was founded in California just last spring by a group of ex-inmates headed by John Irwin. Its programs are nearly identical to demands that surfaced in the Attica rebellion last September. The union wants to become the inmates' collective bargaining agent not only for human and civil rights but for such alien ideas to prison life as a liveable wage.

Canada is even now experimenting with higher wage scales for its inmates; Sweden has long paid its prisoners relatively well.

This new, cresting wave of civil-rights demands is viewed by corrections officers with puzzlement. To them, basic inmate's rights are what one warden says they are: "The right to food, lodging, and clothing, and the right to do time without interference from others. But decisions about what is good for him and not good for him—they can't be his to make.

THE 1961 STRIKE BECOMES POLITICAL

It is the abrupt veering away from the basic philosophy of "do your own number and get out" that shakes prison officers everywhere. The new number is collective action. And that is what politicization and radicalization is. Officers in every penitentiary are resisting it with every device at their command. They believe it represents a serious threat to the stability of the prison and to the well-being of other prisoners.

Some 140 years have passed on American penalty history since the shuffling lockstep was the pervading sound of prison life. During those years the struggle behind the walls was for better food, better living conditions, and freedom from brutality.

Then in February, 1961, inmates at California's Folsom prison went on strike. It started as a traditional rebellion against prison conditions, but it mutated into a set of demands that were political in nature. It was the first. And the subsequent Folsom Manifesto has since spread through the penitentiaries of the country.

Elements of the manifesto surfaced in full-blown view in the Attica uprising last September. The political issue was, with that, clearly out in the open.

The demands for amnesty for offenses committed during riots, the call for deportation to a "non-imperialist country" (to which societies before prisons would have said, "Why not?"—banishment was a chief tenet of correction then) are all ideas of the age of the politicized prisoner.

The genesis of the clenched fist was Folsom. But its end is nowhere in sight.

[From the Christian Science Monitor,
Dec. 16, 1971]

TWO VIEWS OF ONE SYSTEM—IV

(By Jack Waugh)

THE OFFICERS

Robert Miers, inmate, Texas State Prison: "There is no good penitentiary. To be confined, to be restricted, to not be able to make any decisions that affect your future—if that's your future life, then being locked up 30 years in the Shamrock Hilton would be bad."

HUNTSVILLE, TEX.—They call him "Walking George." And it's a name he earns. George Beto is director of the Texas Department of Corrections, the czar of Texas prisons. His domain is a $25 million-a-year business. His constituency is 15,600 convicted felons—murderers, sex offenders, rapists, robbers, and dope pushers.

He has brought the Texas prison system about as far into the 20th century as any in the country.

A big-shouldered Texan, he leads a constant round through the system's 14 units. He walks anywhere within the walls without fear, watching, talking, available to any inmate who wants to approach him—and many do. There is no unit in his empire he doesn't visit in his big black Fury III at least once a month—and most of them more often than that.

His philosophy of corrections reaches down to the last cell in the uttermost unit of the system because he literally takes it there himself. And it is a simple one:

The enemy is inmate idleness, so you put him to work. It is also permissiveness, so your discipline is swift and sure. But even in security, the atmosphere is relaxed. They may be the waste of society, but they are still human beings, so listen to what they say and help them if you can. Understand them, know them. There are only two ways—either you run the prison or the inmates run you. And there are only two kinds of prisons—clean or dirty.

Working that philosophy, George Beto has built the Texas prison system into a Beto-run, clean, highly disciplined industrial dynasty. Every inmate who is able bodied works, and gets no salary. Every prison structure in the system has been built by the inmates themselves—many of them are highly skilled.

There are no less than a dozen prison industries within the system. The Texas Department of Corrections runs textile mills and a box factory. It makes brushes and furniture, brooms and mops, soaps, waxes and detergents, garments, mattresses, shoes, belts, and license plates. It retreads tires, cans food, repairs Texas school buses, and makes dentures. From September, 1970, through August, '71, it generated $7,083,077 in industrial sales. Besides this, it maintains machine shops, printshops, and woodworking shops for exclusive in-prison use.

FARMING JUST AS VAST

A Texas work-use law permits the prison to produce industrial products for other tax-supported activities in the state. And unlike many prisons it gets little static from labor unions. (California law forbids its prisons to build anything worth more than $2,000 with inmate labor.) The machinery and equipment used in the penitentiary shops is modern and up to date. "The secret of good prison industry," George Beto says, "is good equipment. You can't 'poor-boy' it. This is no horse-and-buggy operation."

The agricultural side of the Texas prison system is just as vast. Some 200 inmate cowboys wrangle 20,000 head of cattle on penitentiary ranges. And from its crop rows, tended by inmates on the line (3,000 inmates work as farm labor), comes most of the food that feeds the system's 15,600 inmates.

From the penitentiary's fields and pasturelands, mills, and refineries come 16,000 head of hogs every year, 3,500 head of cattle to slaughter, 80,000 dozen eggs, 100,000 chickens, 9 million pounds of milk, 100,000 pounds of cheese, 50,000 gallons of ribbon cane syrup, 120,000 pounds of peanut butter from prison-grown peanuts, 3½ million pounds of Irish potatoes, 2 million pounds of sweet potatoes, 360,000 pounds of milled rice, one-quarter million pounds of corn meal, 400,000 gallons of canned products, and 6 million to 8 million pounds of fresh vegetables.

Of the 60 cents' worth of food each inmate in the system consumes a day, only 13 cents' worth has to be bought. Everything else is produced within the penitentiary's 105,000-acre empire, and all of it by inmate labor.

The first job every inmate gets coming into the Texas system, if he is able bodied, is six months on the line—hard, back-bending labor in the fields, and recalcitrant, rebellious prisoners are often sent back to the line as punishment. On-the-line inmates labor under a gun. Armed bosses on horseback supervise as the inmates stoop in the fields. A boss called the "long arm," with a high-powered rifle over his saddlehorn, watches from a distance for any sign of an attempted break.

"The thing our critics criticize us hardest for," says Byron Frierson, the man who for 25 years has superintended the system's vast agricultural program, is that "George Beto makes inmates work. And to a lot of people work is a dirty word. But permissiveness and idleness are the powderkegs of prison life. We don't admit either one here."

CELLBLOCKS HAD BEEN CALDRONS

It has taken George Beto 10 years to build the Texas penitentiary into the industrial-agricultural barony it is, picking up where his predecessor, O. B. Ellis, had left off in the early '60's.

In the pre-Ellis days before 1948, the Texas system was a sump tank of deterioration. Prisoners ran the units, and the tanks and cellblocks were caldrons of terror, extortion, and forced rape. Pictures taken during those years line the corridors of virtually every unit in the system, and George Beto smiles as he passes them and says, "I hang them there lest we forget the way it used to be."

The Texas system also reflects George Beto's fixation with education. A classics scholar and former college president who reads Greek and Latin, he maintains an education program that goes up through the junior-college level and is manned by educators from Texas school systems. Many inmates who are illiterate when they come read before they leave—they are forced to go through school up to the eighth grade. Other inmates with deficient educations have gone all the way through the junior-college program. One-half of all Texas inmates are involved in the educational program on some level.

George Beto likes to remind visitors whom he personally—and often—tows along in his wake that because of the education program the average IQ of the Texas inmates has jumped 10 points in 10 years. It was 85. Now it's 95.

The 14 units in the Texas system range from the maximum-security Ellis unit, where the toughest prisoners, the high-escape risks, are incarcerated, to the prerelease center called the Jester unit, a prison without walls where convicts about to be paroled or discharged roam on an institution that looks like a campus, attending lectures geared to helping them make it back in the "free world." There are no high-towered pickets with searchlights at Jester or "long arms" or tracking dogs. The only guns are locked up in a gun case in the warden's office.

But as much as George Beto walks, it is the bosses and officers, men such as C. L. McAdams, who has been a warden in the system for 30 years, who must deal with him day by day. White, rough hewn, with little formal education, authoritarian, with the nickname "Bear Tracks" ("big as a bear and he leaves tracks in every prison where he goes"), he has a legend about him that transcends Texas borders. C. L. McAdams is the most feared warden in the Texas system.

Three inmates I talked with who had served under him considered him the ultimate sadist. But others said that he runs a tight, tight prison and respect him for it. Clyde Thompson, an ex-inmate who served 28 years in the Texas penitentiary, says of him, "If you keep your business straight, you have nothing to fear from McAdams. If you don't he's the last warden you would want over you."

"TREAT 'EM FIRM, BUT FAIR"

He has spent a career in the corrections system trouble-shooting in the toughest of the Texas units.

He says: "I got one philosophy, you treat 'em firm, but fair. And you treat 'em all alike and you keep 'em working because idleness is the devil's workshop."

Warden McAdams is the perfect example of the strict authoritarian prison boss. His relationship to the inmate is as parent to child. As we walked the corridors of the Wynne unit in Huntsville together, the prisoners who approached him, or whom he called in because they wanted to see him, were treated as errant kids, and they acted that way. If they had had hats, they would have been in hand.

His tactics, though he came by them naturally, are textbook methods in the successful handling of the defiant and undisciplined child.

In 1948 when he was sent to the Retrieve unit in south Texas, it was run by prisoners and out of control. The month before he came, one inmate had beheaded another with a meat cleaver in the dining hall. And only three days after he arrived the inmates "struck" in the mess hall and demanded to negotiate with the warden.

McAdams strode into the hall, didn't say a word, but picked up the nearest inmate by the scruff of the shirt and dragged him out into the corridor alone and demanded what his grievance was. One by one he took the inmates out, not permitting them to negotiate as a group, but isolating them, separating them, until he had found the leaders and thrown them into solitary.

One Texas inmate has said of C. L. McAdams, "The man knows the inmate so well that there is almost no difference between us. He can look down into that cell tank and tell you what you're thinking. Bear Tracks would make a perfect convict."

Of prisoners, Bear Tracks says, "Those that don't like me don't like me because I don't let them do what they want." Moreover, in any confrontation C. L. McAdams, like any parent, one way or the other, always holds the upper hand.

And in Texas, so does the entire prison system.

THE INMATES

Mike Middleton got out of the Texas penitentiary four months ago. He had been in nearly two years, and the memory of it is still heavy on his mind, the taste of it still bitter on his tongue.

"In dehumanizing men," he says, "Texas has got to rank with the worst.

"They have a system in Texas called 'the big bitch' and it ought to be outlawed. A man can be convicted and go to the pen three times on felony charges. Then he can be out three days, be picked up on the street for the smallest infraction, and with those three convictions behind him be sent back again—and this time for life. There are hundreds of men in Texas prison on 'the bitch.'

"And in there, you don't know the things the bosses [guards] do to degrade and make you less than a man. Your life is a constant strip-down. Every man that works goes through a strip shakedown twice a day in all weather, when he comes in for lunch and when he comes back in the evening. On construction jobs you can get strip shakedowns four times a day—to keep you from taking anything in and bringing anything out.

"And there is nothing stopping bosses from taking off on convicts. A whole squad of men back from 'the line' could have done something to make a boss mad, and they are put up against the wall and that means you are going to solitary, too."

"YOU AREN'T WORKIN' FAST ENOUGH

"One day I was chipping rock with a ball-peen hammer," he says, "and this boss—we had had trouble before, he didn't like me—kept watching me and said, 'You aren't workin' fast enough.' He said, 'Use the sledge in one hand and the chisel in the other.' Well, that meant having to swing a sledge one-handed. That sledge weighed 30 or 40 pounds and I couldn't swing it. And that boss went into a screaming fit, put me on the wall, and called the assistant warden. He charged me with never working and doing some agitating—a bad offense in a Texas prison.

"I went to trial before the assistant warden, the captain, and a sergeant and explained I physically couldn't swing that sledge. I spent 8 hours on that wall and then went into solitary. I was there 7 days. And the warden came in and said, 'You ready to come out?' and I said, 'I'm not going to swing that sledge, warden,' and he said, 'Then you stay in there some more.' And I was in there another 15 days."

In the Texas prisons, the bosses maintain a system of building tenders—inmates put in charge of tanks and cellblocks, and handed a measure of power and authority over the other inmates. It is a hark-back to the old days of giving power to selected inmates.

Every inmate I talked to within the Texas system complained that at one time or another he had been brutalized by building tenders, or knew men who had, while officers turned their backs or gave tacit approval."

"It's the way the bosses get to a man they don't like without having to lay a hand on him themselves," Mike Middleton says. "Man, I know if they get a real bad agitator, they send him to solitary and his chances of getting out of there without being beat up are slim. The building-tender system can lead to real violence and even death for somebody.

"One tender got killed in our unit over a newspaper. This Mexican kid named Frank wanted to read the paper, but the building tender took it and gave it to a white inmate instead. Frank went and got a shank—there were a dozen or more knives stashed away in that tank—and stabbed him 15 times. And instead of taking him into Houston 40 miles away they headed with him to Huntsville 180 miles north. The tender died that night.

"They put Frank in lockup for 60 days, but he never came to trial and he was finally put back into the general population. I guess to this day he literally believes he can get away with murder."

"KILL-OR-BE-KILLED" IMPRESSION

"To survive in the penitentiary," Mike said, "you have got to radiate the impression that you are willing to kill or be killed, that men can't push you and get away with it. You are being tested all the time. Prison life is full of strong inmates preying on the weaker. And forced rape is the way one man subjects and shows his authority and status by subjecting another to his will. You save yourself from this by instant violence yourself, establishing yourself immediately as a dangerous man to fool with. Or you just radiate an aura of superiority of 'I-don't-care-about-any-of-you'—in effect isolate yourself from the general population. You are there, but you're not there. Either way you have got to let other inmates know that you wouldn't hesitate to creep up on a guy and slit his throat if you are pushed hard enough.

"There is a strict unwritten inmate code in the penitentiary. And it has got to be strictly obeyed. Men are not in a good mood very often in prison, if ever. Asking a man, 'What's the biggest score (robbery) job you ever pulled?' or sitting on his bunk uninvited, or rapping with a man without finding something about him first—those are things you never do. And when you brush against a man, you had better apologize. If you don't then the man is free to do what he wants to you. I have seen a shank put in a man's back for that."

"MAKING YOURSELF SMALL"

"And the only way to really make it with the bosses is to withdraw into yourself, both mentally and physically—literally make yourself as small as possible. It's another way they dehumanize you. They want you to make no waves in prison and they want you to make no waves when you get out.

"On the surface the Texas prison system seems to run with few attempted breaks—there are about a dozen each year—without sit-downs, without bucks against prison authority, without riot or rebellion."

Mike Middleton says such things happen, but officials have so much strength it never gets out.

"A man," he says, "must realize when he revolts against prison authority that he is putting his life on the line.

"In Texas they have the full power to use any weapon in any way to put down any rebellion. It is a rule—by any means necessary, a wipe-'em-out attitude.

"And convicts have a low threshold of boredom. It's usually a case of 'what are we doing today, rioting today, huh?' The monotony is ever present.

"And if a man stays in that place long enough he becomes as docile as sheep. Eventually they break most men—not all of them, but most of them."

A black inmate who has served time in the Retrieve unit, where Mike Middleton also made time, and who had been in both the California and Texas prisons, says, "The man is right. I see it in the blacks. The difference is they all get domesticated here. Those black brothers become like house cats in this penitentiary."

[From the Christian Science Monotor, Dec. 17, 1971]

THE JAILER AND THE JAILED—V

(By Jack Waugh)

Criminologist Norval Morris: "In the big prisons there are still areas where guards won't go."

Winston Moore, executive director, Cook County Jail: "We were set for a guided tour of the prison and the warden asked if he could go along because he was afraid to go by himself."

CHICAGO.—Since Attica, every prison officer in the U.S. today pays a price—the price of an uneasy mind.

Guards in particular, on the line with inmates day in and day out, live in a state of tension. It is having two effects:

It is driving them to be tough, but it is also driving many toward advocating reforms inside the walls—for their own safety. A radicalizing of guards has accompanied radicalizing of inmates.

Some guards in some prisons are very tough indeed. They tolerate not the slightest deviation from rule. The next step beyond that is brutality.

More moderate guards believe that strict discipline is indeed necessary—but that reforms are an equally necessary part of an overall answer to conditions that produce an uprising like Attica. Guards who become liberal in demanding prison reform find themselves aligned wtih inmates against prison administrators.

Says P. J. Ciampa, director of organization for the Correctional Officers' Union in New York:

"The foot dragging in prison reforms is at the top. You wouldn't believe some of the meetings I've been to with wardens. You could close your eyes and swear you were hearing a cheap Edward G. Robinson movie."

DEMANDS SPELLED OUT

After Attica, the International Union of American Federal, State, Local and Municipal Employees, which is the bargaining agent for New York's correctional officers, angrily spelled out a list of demands:

Greater safety; better restitution to the families of guard hostages; improved conditions for inmates; better training for officers; better radio communication within the walls; more decisive firepower with which to put down an inmate uprising. All were granted.

Most prisons that run without visible trouble and rebellion are citadels of authoritarianism. In some cases it is tempered with humanity; in other cases not. The inmate, in any case, is clearly the caged and the guards the keepers.

Wardens who run their prisons that way tend to look on the delay in moving against rebelling inmates at Attica, and on experiments in inmate self-rule, such as is being practiced now at Washington State's maximum security prison in Walla Walla, with horror. The Walla Walla inmates have an elected inmate government and sit in councils of self-determination over their prison life.

FAILURE FORESEEN

At least three wardens and prison directors of totally divergent backgrounds—Winston Moore, black warden of the Cook County Jail; George Beto, white director of the Texas prisons; and James Park, San Quentin's associate warden and a clinical psychologist—look at the Walla Walla experiment and predict certain disaster.

The prison walls attract certain kinds of men as guards just as they attract certain kinds of men as inmates. Though there are marked exceptions, the prison systems of the U.S. draw heavily on men in their late 30's or early 40's who have retired from the military services.

As we walked down the long, near-empty corridor toward death row in one prison, the correctional officer assigned as my escort, said, "I've only been here a few months. Just got out of the Marines after 20 years. Had to have something to do and this seemed kind of natural."

In the New Mexico state prison, for instance, a veteran gets preference when he applies to be a guard. Five points are added automatically to his test score, whatever it is, and often make the difference between his being hired and not hired. Most of the guards in the prison are ex-servicemen. In San Quentin, also, many of the guards have a military background.

SERGEANT-PRIVATE RELATIONSHIP

There is a lot of intellectual and emotional comfort in prisons—despite the tentative terror there—that the guard with a military bent can slide into quickly. The relationship of guard to inmate is one of sergeant to private, drill instructor to raw recruit.

Few men live closer—yet farther apart—than the jailer and the jailed.

Some 95 percent of guards are white; half of all inmates in the U.S. are either black or brown, and in some prisons in urban states, the ratio of black inmates reaches as high as 85 percent.

Twenty-six percent of all guards are over 50 years old; the average age of inmates is under 30.

Most guards and officers are middle class; most convicts are lower class. Most inmates in American prisons come from the big cities; most guards still come from the isolated back country where many prisons are situated.

SALARIES HAVE BEEN LOW

Salaries for guards have been low, though some have risen in the last two or three years. Across the U.S., 21 percent of all guards make more than $8,000 a year. A breakdown shows that 36 percent earn less than $6,000 a year; 43 percent earn between $6,000 and $8,000 a year; 16 percent earn between $8,000 and $10,000; 5 percent earn more than $10,000.

Albert Curtis earns $10,500 a year as a sergeant in the Cook County Jail. White, he works in a world that is 85 percent black. Most unusually, his prison director is black, his lieutenant is black, and all of the officers under him are black. More typically, 8 out of every 10 inmates are black.

He is a studied, skilled practitioner of the guard-inmate relationship.

We stood in the cellblock together, our backs against the bars as the inmates began to pass through the mess line, their tin plates in their hands. The menu was beans and frankfurters and bread.

Sergeant Curtis always stands inside the cellblock when the men eat, "to make sure the weaker don't get left out."

BANTER OF THE "PUT DOWN"

His banter is the banter of the "put down": "Don't push off me again," he growls in mock threat to one inmate, "or I will make you look like those beans." Then to another passing inmate making a remark about the food. "That's all you ate at home. I don't know what you're griping about."

"Come on," he shouted out into the cellblock, "all you black Muslims [who don't eat pork for religious reasons] come up here and get those hot dogs."

As the inmates filed by, he said to me: "I rap to them. I put them down in a way. They are all different. Some I know from the neighborhood on a first-name basis. Some I don't talk to at all or speak respectfully to. Others, if I don't call them dumb and rap on them, they would be hurt."

Breaking off, he said, "OK, you two, in a minute I'm going to slap both of ya. And if that cigarette falls in the food, you are goin' to eat it all."

GUARD KNOWS PATOIS

Lt. Ned Lenoir comes from a different world than Albert Curtis. A black man, born in Mississippi, raised in the ghetto, he is one of the less than 5 percent of the correctional officers in U.S. prisons who are not white. As a lieutenant, he earns $11,500 a year.

He moves through the tiers and the corridors of the Cook County Jail, a two-way radio crammed into his hip pocket, the clatter of the cellblocks and the steady drone of prison life competing with much of what he says.

From the streets originally himself, he instantly catches the near-whispered patois of the black inmate. He believes being black in a largely black inmate world gives him an advantage most white correctional officers don't have. But he also insists that color doesn't basically matter. He says:

"We treat the inmates like human beings. Most of the time we ask them to do something rather than rapping them alongside the head. That's why we have had no riots. No matter what their crime, it isn't your job to judge them, but to keep them safe."

Lt. Lester Sykes, black, only 27—about the same age as the average Cook County inmate—is Ned Lenoir's peer. He also earns $11,500 a year. Together they supervise much of the day-to-day routine in the bleak old prison on Chicago's California Avenue.

EVEN REVOLUTIONARY HANDSHAKE

If anything, Lt. Sykes is even more attuned to the patois and rhythms of the inmates than Ned Lenoir, down to greeting a stranger with the revolutionary handshake. Easy and smiling, he moves up the catwalks that face off into the cells of his units. He is a stickler for order. By jailhouse rules, inmates may stuff a Bible, a dictionary, law books, and an ashtray between the bars of their cells. But everything else must be kept inside away from the bars. A violation brings on a Sykes dress down:

You sleep here, man?"

"Yeh."

"You know better than to put your shoes in those bars, man, take 'em down."

It is like a father chastising a wayward son.

As Lt. Sykes moves down the catwalk and out into the corridor again, he says, "We make a big thing out of a man keeping his cell clean, because if we don't, he starts to thinking he is finished."

Some black guards can develop a rapport with black inmates, but increasing the number of black guards in the U.S. is no guarantee of instant solutions, experts point out. Many blacks don't want to be guards for a number of reasons, and some prison administrators simply discriminate against any black who might want to become a guard.

MORE BLACKS MIGHT HELP

More black guards might help, however, in jails where white inmates are in a small minority, reformers say.

Better training is also desirable, they say. Today, most training for guards is on the job. It ranges from about two weeks to six weeks. Sometimes a new guard is simply told where to go—and he goes, on his own.

Conscientious prison officials are looking for better methods, mixing in classroom instruction. In New York, correctional officers themselves have pushed for reforms, and every guard in the New York system now receives some form of training.

On discipline, the correctional philosophy of a black guard who successfully keeps order and a white guard who does is remarkably the same.

In the Cook County Jail the ring "61" on the interprison phone system is a Mayday call. It means trouble in some cellblock. Within 20 seconds Ned Lenoir and Lester Sykes can be in any cellblock in the prison.

When five inmates two years ago took guards hostage and put knives to their throats in an isolation cellblock, Ned Lenoir was beaten to the scene only by Winston Moore, the executive director himself (also black). In a rush of running officers they stormed the cellblock without hesitation and disarmed the inmates.

NO TALK, NO HESITATION

There was no negotiation, no talk, no hesitating over hostages. It was no different than what a hard-nosed white warden would do in the Texas penitentiary.

A primary reason for increased tension between most guards and most inmates is that the social structure of life behind the walls has been sharply realigned in the decades since the 1940's.

Traditionally, prisons were run in relative quiet within the structure of a guard-inmate trade-off. White guards handed over limited power to selected white inmate leaders in return for keeping the prisons calm and riot free.

But now "inmate power" has changed color, from white to black. Blacks are now the leaders in the cell blocks and prison yards, and the guards, still overwhelmingly white, don't want to give power to them.

That fact, criminologist Gresham Sykes says, "is breaking down traditional institutional and social patterns in American prisons." The result is instability in prison yards everywhere and prisons on the edge of riot and rebellion. Dr. Sykes says, "Twenty percent or 30 percent of any inmate body acting as a unit can bring a prison to a standstill." There is scarcely a penitentiary in any major urban state today that hasn't that potential just in its black inmate population alone.

ANOTHER SHIFT UNDER WAY

Another critical shift is under way behind the walls. And it issues from the same fountainhead—the rise of young black inmates. Largely through their eyes, prisoners are looking at guards differently than ever before.

Tony Newland, a white ex-inmate who has spent nearly half of his life behind bars at Folsom, Soledad, and San Quentin, describes it this way:

"Inmates have redefined the enemy. And he is the correctional officer. He is now considered an oppressor, and that is new in prison life. Before, a guard was no more significant than a prison wall. No inmate knew the names of more than one or two officers and didn't care. But today, to blacks, the prison guard is no different from the cop cruising the ghetto street. Therefore he is an enemy. Prison guards, looked at in that way, no longer have the protection they once had.

"BUT BY DESIGN"

"Now you are beginning to see guards being killed behind walls, not by accident, but by design. [Nine correctional officers have been slain in California prisons alone since 1970. In the prior 17 years four had been killed—and three of them in one incident in 1953.] Now many prisons are divided into armed camps—guard and inmate—with both waiting for it to happen. It's raw, naked human fear on both sides and you can't run a prison on that."

Yet the relationship between the keeper and the caged is an interdependent one. "Each," says a close observer of the California prison system, "is playing a part in a game. The men must stay behind the walls, the guards must have the appearance that all is well. It is a symbiotic relationship. The guards have to depend on the inmates to follow the rules—and vice versa. When either one fails there is either brutality or rebellion."

[From the Christian Science Monitor, Dec. 18, 1971]

THE REFORMED AND THE UNREFORMED—VI

(By Jack Waugh)

THOSE WHO CHANGE

George Beto, director, Texas Department of Corrections: "I hesitate to use the word 'incorrigible.' Today a man may be incorrigible, but who knows what he will be tomorrow?"

LOS ANGELES.—Robert Ernest Miers came up to death row in Huntsville, Texas, on Aug. 25, 1952, a condemned killer. The sheriff of Bexar County where he was held for 18 months until convicted, said of him: "In my humble opinion I know that he is the most insincere, vicious, and dangerous prisoner I have ever known."

On Jan. 9, 1953, before he could be sent to the electric chair, the then Governor, Allan Shivers, commuted his sentence. But so mean was Bobby Miers then that the Governor said he should never be let out of prison.

One November evening this year, nearly 19 years later, Bobby Miers sat in a small office on the Ramsey unit of the Texas penitentiary and talked.

"When they took me off death row," he said, "they locked me up in isolation. And I made it a point to be a troublemaker. I knew the inmates expected it of me and the warden expected it of me. All the things I was accused of I had done. And if I hadn't, I was going to do them anyway. The inmate population looked on me as a leader, even though I was only 21, a youngster. I had known a lot of them from before. I had spent five years in a federal reformatory before I came to Huntsville. It was their concept of me, and I had to hold my position.

ISOLATION WAS—HORRIBLE

"Isolation was mentally a horrible place. We were physically laid up there on two meals a day. I broke my arm, and cut my heel strings in protest—as much to have something to do as anything.

"Then in the early '60's they turned us all out of isolation and put us to work. But I was so mean the only man who would take me was John Durbin (then chief steward at the Walls unit in Huntsville, now director of food service for the Texas Department of Corrections).

"So I was put to work making the noon and supper meals. Mr. Durbin kind of raised me, put the responsiiblity on me, and said it was up to me whether I lived up to it or was a failure.

"Well, in the process, a lot of things happened to me. The man made me understand it was more important to be a human being than it was to be a big-time professional convict. He had a different concept of me. And suddenly I wanted to start living up to what he expected of me instead of what others did.

"MY GOALS WERE PRISON GOALS"

"Before all this I had done a lot of reading. When I first went into isolation it was about the time of the hearings involving Sen. Joseph McCarthy. And I was fascinated. It proved to me that an accusation carried more weight than a denial. And I read and read.

"But despite all that reading, my mind was still in the penitentiary, my goals were prison goals—winning the esteem of my fellow inmates and the respect and the fear of the warden. And I had both.

"But then I started working for Mr. Durbin like a dog—16, 18 hours a day. I stayed at that job about six years until one day he took a vacation and while he was gone I had a disagreement with one of the officers and I was sent here to the Ramsey unit to a hoe squad. I caught that line and beat on that ground for a year. And while I was on that line I didn't pay much attention to what I was doing except to keep out of trouble.

"Then this major on the Ramsey unit made a remark to me one time and what he said made me understand in no uncertain terms I had to learn how to think—not what to think, but how to think. Do you understand? I suddenly realized few of us do any thinking.

"With it I realized I didn't have enough words at my command even to think with. After you use the 300 words you have, then you have nothing to do but react and when I reacted it was always violent. It had happened to me all my life: I was one big ball of emotion. And when my vocabulary was not such as to allow me to explain to anybody how I felt or what I was up against, the only thing I could do was rap somebody alongside the head or start cussing.

"It had me miserable all my years—just a little thing like that. I wondered why I hadn't come up with that earlier, why somebody hadn't told me."

Bobby Miers, totally hung up behind that word "think," started taking courses in the education program at the prison while officers watched warily. He has worked his way from 10th grade to within only two courses of a junior-college degree.

And something else happened to him: "Somewhere in all this I realized I was a person instead of a convict, that I still had my pride and self-respect. Before, I had always been a professional convict. When I changed, I still had the advantage of knowing how my fellow convicts felt and thought, and it gave me an edge. But if I had used that edge to my own advantage, you see, I would still have been a professional convict. Anybody who realizes that difference will probably never come back to the penitentiary.

ON THE BRINK OF PAROLE

"I realized that it was not a matter of bad luck with me or that I was a victim. It was a lack of standards, man, of values. I wasn't like the square on the outside. He's not on an emotional elevator. A convict is. When my emotions rose, I went out to satisfy them. A square doesn't."

Bobby Miers has gone now from the meanest man in the Texas penitentiary to the brink of possible parole. He isn't the same man whose sentence was commuted to life in the penitentiary. He isn't the same man who went to death row 20 years ago.

It isn't that the prison changed him. He himself says, "A penitentiary brings out the worst in a man, it just isn't designed to bring out the good. A man has got to reach down inside himself, take hold, and change."

That's what happened to Bobby Miers. Now he is where nobody ever thought they would find him—up for parole. And the same prison officers and wardens who once feared and hated him are hoping he gets it.

THOSE WHO DO NOT

Clyde Thompson, ex-inmate, 28 years in the Texas Penitentiary: "Punishment doesn't cure a man. Punishment made me worse."

Robert Davis, ex-inmate, New York prison system: "The penal system made me a better crook."

Not every prisoner finds the self-revelation to save himself that Bobby Miers did.

Every third prisoner who walks outside a prison wall, either free or on parole, will be back. There is a fraternity of inmates. Bobby Miers calls them professional convicts. He was one. "I had friends," he says, "in every prison in the United States. I came into the prison system as a young man and was raised by it."

Tony Newland, an ex-inmate, who spent 15 years in the California prison system and is now studying sociology at San Francisco State College, was another professional convict. "As individuals," he says, "we considered ourselves thieves. Prison was but an occupational hazard with us, like falling might be to a bridge painter. We went to prison to do our own number, get out, and go back to doing what we do."

SOME EXPECT TO COME BACK

Some inmates in this fraternity of inmates go out expecting to come back. One inmate for instance, stood in a prerelease room at the Walls unit of the Texas penitentiary early on a November morning this year. He had spent 17 years off and on in prisons in Alabama and Texas for robbery and he was about to be released again that morning. He said: "Am I going to stay out? I don't know, I am going to steal again, I know that."

"There's a fellow out there says he is coming to meet me. And I hope he doesn't, because I promised him if he did I would do this robbery job with him. I don't really want to do it, because I don't want to come back. But if it's the only ride I have to Houston and if he's there, I promised him. And I guess I'll go with him."

Some inmates who leave not only know they are coming back, they are relieved when they do. Isaac Easley, who has served 11 years in the Texas penitentiary for robbery, says, "Fifty percent of the men I have seen come back actually seem to be contented. 'Yeh, man,' they say, all jolly and full of thrills, 'I just couldn't make it out there.' And it doesn't seem to matter about the time they bring back with them, whether it's two years or 30 years."

PRISON SYSTEM CRITICIZED

Criminologists universally indict United States prison systems for doing little to halt this cycle. Prisons, they say, do not reform, deter, or rehabilitate.

Hans W. Mattick, director of the Center for Studies in Criminal Justice at the University of Chicago, says: "Prisons isolate and incapacitate. We have contradictory expectations of them. Simultaneously we expect them to rap a man alongside one ear while whispering reform to him through the other. We call this rehabilitation? You don't train aviators in a submarine. Indeed, in proportion that a man adjusts himself to prison life he unfits himself for any other life on the outside."

Carrol Wayman, a black psychologist who works with prisoners in the California system, says: "The most telling point of all about correctional institutions is that they can't correct. They are run on contradictory concepts. When men and women are prodded at the end of a stick or a gun there can be no rehabilitation. The agenda is survival, period."

"SEE YOU IN 90 DAYS"

No inmate or exinmate will say a prison ever helped him. "Prisons," says Jeannette Spenser, an exinmate in the Westfield women's prison in New York, "are geared to failure. There is no rehabilitation there, no help for you. If you get help, you do it yourself. Ten years ago 70 percent of the women doing time were in there for drug- and drink-related crimes. There was no narcotics rehabilitation program then—or today. The percentage now is up 15 percent. All that happens to you is you serve your time, you're given a set of clothes, and the officer says, "Good-bye, I'll see you in 90 days."

"'It's that great sense of injustice convicts feel," says Tony Newland. "After you finish your time you are told that wipes the slate clean. But meanwhile they have robbed you of every means to survive in this world. It becomes a vicious circle of in-and-out for the rest of your life. We come out, feeling we have paid our debt, whatever it was. But on the outside it is the same thing in a different form. We are discriminated against in countless ways. We find a rationale out there to commit other crimes. Hardened criminals? Man, prison is where they make them hard. That's the forge up there—in Soledad and in Quentin or wherever."

"YOU EITHER REBEL OR SUBMIT"

Michael Middleton, a Texas exinmate, describes the deterioration that sets in on convicts that don't resist it.

"If I had a life sentence in that place I would agitate for the sake of agitating. With time that long you either have to rebel or submit. Years in the penitentiary make a vegetable out of a man. I have seen men 40 years old who started out human, but now can't discuss the weather. They can't even read a pocketbook any more. They look for comic books to read instead.

"And they walk around with vacant looks on their faces. If they were turned out to society now, they really couldn't make it. They have deteriorated so far they can't even be paroled."

Pat Wood, a white ex-inmate in both the Women's House of Detention in New York and Santa Rita women's prison in California, says: "The thing is you are treated like an animal for so long you begin acting that way. And then they tell you when you get out to go and lead a middle-class life. Given that kind of training, it's impossible to do."

THEY HAVE TAKEN ALL HUMANNESS

A black inmate in Goree, the Texas prison for women, convicted of murdering her husband, says: "The problem is, they keep you so long you become like an animal. The walls make animals out of you. They expect you to go back into society as human beings when they have taken all humanness out of you. They keep you so long it affects you mentally and physically.

"What happens time and again is that you come in angry, and then there comes a point when you decide to live by the law—when you actually are rehabilitated. Then is when you should be let out. But they don't, they keep you until you pass that point and lapse into an animal."

That is the chorus of complaint from the inmate side. There is hardly a dissenting note to be heard from any cellblock in any American prison. In Sweden the longest a criminal, even the most violent of men, is held in prison—with few exceptions—is ten years. Then he is released under a carefully prepared program of community supervision. The penalty for pushing heroin would likely not be prison at all, but probation.

INNOVATION BECAME NIGHTMARE

An innovation pioneered in the California prisons in 1917 hailed at first as a great liberal reform—was the indeterminate sentence. It has turned into a nightmare. Envisioned as a means to let the deserving out early, it has been used by prison officials instead as a weapon to keep men who bridle at prison ways incarcerated indefinitely. It has maximized the discretionary powers of the California Parole Board. Now even reformers, who once thought it a good idea, are calling for its end. And the California Department of Corrections, pressed by the outcry, is charting changes that will guarantee inmates that they will be told six months after coming to prison when they can expect to get out.

Convict George Jackson, one of California's "Soledad brothers," convicted originally of a $71 robbery, spent 10 years in prison under an indeterminate sentence and was finally shot and killed in the San Quentin prison yard last August.

Clearly it is difficult for prison or parole officers to tell if a convicted murderer or robber or rapist is truly a changed man, that he will go out and not come back.

CHANGED BY A NEW THOUGHT

Convicts—particularly the most violent—are men who need help, not just to be punished, dumped in the "hole," or locked behind bars for a lifetime. There are others whose experiences parallel that of Bobby Miers, men who were changed in a moment of self-awakening and maturity. It is something that can be sparked by the smallest incident, idea, or particle of help. Bobby Miers was changed from a killer by a new thought about himself. Clyde Thompson, a man considered in his time—the '30's—as the most dangerous convict in all of Texas, was changed in isolation by reading the Bible. And he got out only because one woman, who was later to become his wife, spent seven years trying to get him out.

Howard King was a contemporary of Bobby Miers and perhaps even more of a prison terrorizer. Serving two concurrent sentences of life and 99 years, he once said he was "harder than concrete" and that he would break any warden in the Texas system. He has just been paroled. Before he left he had become a "model" prisoner.

Nobody "broke" these men. Nor did any of them receive systematic help from society or from the prison system.

What they did they did for themselves or with the help of perhaps one lone, interested individual who may have just passed briefly into and out of their prison lives.

How many other violent men, presumably lost forever to society, can find that moment of change—with help—there is no way of knowing.

CONTRA COSTA SAND PITS?

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. WALDIE. Mr. Speaker, in the near future the Land Appeals Board of the Department of the Interior will issue a decision which will have a profound effect on a great part of my district.

The Board will determine whether a claim for sand mining operations in an area earmarked for park and recreation development should be upheld.

I sincerely hope that the Board will see that the claim is not upheld and that the area can be used for the recreation and parklands vitally necessary in this area.

A recent editorial by television station KPIX provides an informative look at this issue and I would suggest that my colleagues give this editorial some study.

The editorial follows:

CONTRA COSTA SAND PITS?

One of the more interesting elements of western history was the process of "staking a claim" for mining purposes, on vacant public lands. Many valuable land holdings in present day California started as mining claims.

Well, the East Bay Regional Park District recently discovered that the laws under which such claims were made are far from dead. In 1964, a Mr. Steven Kosanke, a Utah mining engineer came to Contra Costa County and laid claim to 360 acres of vacant land south of Pittsburg. He then began plans to do open strip mining for sand. County officials, however, had for years planned to include the area in a large regional park. As a result, the future of the acreage has been in dispute for several years. Mr. Kosanke bases his claim on an 1872 mining law. The East Bay Regional Park District bases its claim on the 1964 Recreation Act which designated the area for recreation and the Environmental Protection Act of 1969 designed to preserve natural open space in and around urban areas.

The Bureau of Land Management, after extensive hearings last year, denied Mr. Kosanke's claim. He appealed to the Department of Interior where a three-man panel overruled the previous decision and gave Mr. Kosanke the go-ahead. Now the matter is being further appealed to the Secretary of the Interior, Mr. Rogers Morton.

We believe that the park use is far more appropriate for this land than an open sand mine which would scar the hillsides and destroy the recreational value of surrounding areas. We urge you to write to the Secretary of Interior and ask his support of the East Bay Regional Park District's position on these park lands. The public interest carries great weight in a decision such as this.

PROPERTY TAX RELIEF RECOMMENDED FOR ELDERLY

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, a friend and constituent of mine, Mr. Kenneth E. Dunlap of Arlington, Va., was a delegate at large at the recent White House Conference on Aging.

Mr. Dunlap made a two-fold representation to the Conference which I believe may be of interest to those who are concerned with solutions to problems for the elderly.

I insert the text of Mr. Dunlap's presentation at this point in the RECORD:

PROPERTY TAX RELIEF FOR THE ELDERLY

(By Delegate-at-Large Kenneth E. Dunlap)

Mr. Chairman and Delegates to the 1971 White House Conference on Aging, I am Kenneth E. Dunlap, Arlington, Virginia, Delegate at Large, representing approximately 20 million Elderly Homeowners and an indeterminate number of Elderly Renters, Delegate to the 1971 Virginia White House Conference on Aging, and Member of the Arlington County Commission on Aging.

Elderly Homeowners are facing a financial crisis in that thousands and thousands are being forced to sell their homes and are trying to rent due to spiraling property taxes which increased 28.1 percent betwen 1963 and 1969, together with an increase of 32.9 percent in home maintenance and repairs for the same period. It is to be noted that Social Security Benefits, the major source of income for most, have increased approximately 20 percent for this period. Elderly Renters face increased rents due to spiraling property taxes.

By passage of Public Law 874, 81st Congress, chapter 1124, 2d Session, an instrument to provide financial assistance for local educational agencies in areas upon which the United States has placed financial burdens by reason of the fact that the revenues available from local sources have been reduced as the result of the acquisition of real property by the United States, the Congress recognizes that the Federal Government has an obligation to State and Local governments for depriving them of substantial revenues, in the form of real property taxes, on property owned, in many instances occupied and controlled by it.

By way of example, it is established in a report dated July 1971 entitled "A plan for Department of Defense Facilities in the National Capital Region" under the caption "Existing Facilities" indicating that of a total of 56,729,000 square feet of government owned, 44 percent or 23,459,260 square feet is located in Virginia, 35 percent or 20,505,800 square feet is located in Maryland and 21 percent or 12,763,940 square feet is located in the District of Columbia. I am fairly certain and I'm led to believe that like conditions exist throughout the United States.

The purpose of this recommendation is to provide property tax relief to the Elderly homeowner and renter by providing the making of fair and equitable payments by the Federal government in lieu of property taxes to State and Local governments. This proposed Federal payment in lieu of taxes will compensate in part for resultant loss in tax revenue and can be passed on to the Elderly. It most certainly falls short of meeting the full obligation the Federal Government would assume were it privately owned and operated. In the case of Federal real property with respect to which payments in lieu of taxes are made to States or local governmental units pursuant to any other Federal law, the amount payable under this action with respect to such property shall be reduced by the amount paid under such other law.

On the other side of the ledger and in order to meet these needs, I, as an Editor, Auditor and Retired Government Contract Negotiator, submit a plan, which, if approved by Congress will provide substantial revenue to offset the Federal payment made in lieu of taxes. My plan, made the subject of a beneficial suggestion in January 1966, of cutting composition costs in the maximum amount of $80 million annually in the printing of Technical Manuals by Contractors furnishing equipment under Government contracts to the Army, Navy and Air Force in the total amount of $400 million annually, remain unacceptable by the Department of Defense in that they believe savings to be overstated and by the General Accounting Office in their letter of July 28, 1969, which reads in pertinent part "* * * our report dated November 1966 to Congress would appear to achieve essentially the same goal as I suggested * * *" in January 1966 even though the GAO report states "We did not undertake an evaluation of all aspects of the procurement of technical manuals by the military departments." The point I covered in my suggestion was not evaluated by the GAO whose examination of the records of 5 contractors only out of 15 selected as a sample of 100 top dollar-wise Contractors, under contract with the military departments of our government is not considered representative. The maximum savings of $80 million annually has now reached a saving potentially of $480 million of a total expenditure of $2.4 billion for the 6 year period. In view of these facts, which I will be glad to document on request, I am including this as a major part of my recommendation for further review by the Government Operations Committee.

Ladies and Gentlemen, I ask for your prayerful consideration of my twofold recommendation. It is high time we alleviate the many problems of our Elderly, realizing full well that we fall tremendously short of matching, dollar for dollar, the Foreign Aid program. Thank you.

This, Mr. Chairman, is my recommendation. I move its adoption.

IN MEMORIAM: DR. RALPH JOHNSON BUNCHE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. CONYERS. Mr. Speaker, diplomats and integrity, like old men and wisdom, are not always found together in those engaged in the game of international politics. International accord turns on the good will and steadfastness of those who design strategies and plan moves. Less the threads of harmony fray and tear, the game must be played by those whose counsel is wise and whose insight is clear. Because of the many inconsistencies in both men and politics, chance seldom finds men of stature and integrity in positions of power, and when it does, they seldom endure. Ralph J. Bunche was an exception which proved the rule.

Born in Detroit, Mich., in 1904, Dr. Bunche could claim a list of accomplishments which would shame most men. As a young man, he studied government and international relations at Harvard University where he earned his Ph. D. in 1934. He pursued his studies from there to Northwestern University, the London School of Economics, and the University of Cape Town, South Africa. After returning home, he took up residence in Washington, D.C., where he headed Howard University's political science department. He must have been as superlative an educator as he was a diplomat for among his former students can be counted some of Africa's great leaders, including President Jomo Kenyatta of Kenya, former Nigerian President Amandi Azikiwe, and Wwame Nkrumah of Ghana.

His debut into the world of government and politics began during World War II when he worked in African affairs with the Office of the Coordinator of Information and later with the Office of Stategic Services. As a State Department representative, he participated in the planning of the Dumbarton and San Francisco conferences in 1945. From this early association with the United Nations, Dr. Bunche's career climbed steadily upward. Soon after, he was appointed U.N. mediator to succeed the murdered Count Folke Bernadotte at the time of the partition of Palestine.

In 1950, he received the Nobel Peace Prize for his role in the subsequent Arab-Israeli armistice. Ralph Bunche did the detailed organizing of the United Nations Emergency Force during the 1956 Middle East crisis, a force which helped dampen antagonisms in that part of the world until 1967. As the Secretary-General's first representative in the Congo, Dr. Bunche also organized the U.N. effort to prevent the spread of civil war in the former Belgian colony after its independence in 1960. His distinguished positions within the U.N. administration include Under Secretary for Special Political Affairs as well as Under Secretary General. Perhaps most gratifying from our perspective, he was the highest ranking American in the United Nations until his resignation 10 weeks before his death last week.

Dr. Ralph Bunche, like his great friend the Reverend Martin Luther King, Jr., was a man of profound insight, of objectivity, of compassion, and of vision. He, too, had a dream, a dream of the ideal world peace. It was a goal which he never confused, and which he hoped to realize through a strong and just United Nations. In his own words, he believed that "the United Nations must ever be strong and unassailable; it must stand steadfastly, always, for the right."

He believed that the problems of the world are "human problems," none of "which cannot be solved by peaceful means." Mediation and conciliation, compassion and understanding were his tools; peace was his goal. In losing Dr. Ralph Bunche, the United States has lost a great representative, the United Nations, a great citizen. Let us hope that in the future, nations of the world will neither profain his dream nor mock his methods, for he truly belonged to us all.

COMMUNICATION GAP

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. DERWINSKI. Mr. Speaker, we are often told of the generation gap and the communication gap, and these and other gaps are charged to be the cause of many problems facing our society.

Therefore, I am especially pleased to direct the attention of the Members to a commentary in the "Marian Megaphone," a publication of the senior journalism class of Marian Catholic School in Chicago Heights, Ill., by one of its editors, Angie Speca, which in my opinion is a very sensible, objective commentary by a youngster on the attitude which teenagers should have toward their parents.

Miss Speca's commentary follows:

IN FAMILIES—WORDS ARE CONFUSING

Misunderstandings weaken the relationship between parents and their teenagers. For example, parents kill a love existing between themselves and their teenagers by being "over protective." Yet many of us fail to realize that parents' concern and interest in their teenagers, even though badly expressed, is really a show of love.

By the time a teenager reaches his senior year in high school, maybe younger for some, he should have proved to his parents that he is a responsible person. He should be able to handle his own personal situations, such as friends and places to go by using common sense. When parents constantly question their child's judgment, it makes the teenager feel he is losing his responsibility. He feels it will not make any difference whether or not he asks his parents for advice because in the end his parents tell him to listen to them because "we're older and more experienced." With that as a predictable answer, a teenager just resorts to doing as he pleases behind his parents' back.

Teens, on the other hand, should be willing to listen to the advice their parents give without storming out of the house after the first harsh word is spoken. They too should have open minds and try to help make the conversation beneficial to understanding both sides of the issue.

Teens should make an effort to confide in their parents, but the parents should also realize that a monologue or a lot of threats is not the solution to a real personal problem.

If teens and parents tried harder to understand each other, their family life would be much happier.

—ANGIE SPECA.

FREEDOM LIGHTS FOR SOVIET JEWRY

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. HALPERN. Mr. Speaker, on December 13, a rally was held at Madison Square Garden in New York. The Freedom Lights for Soviet Jewry rally was significant and, at the same time, characteristic: It exhibited the solidarity of feeling which Americans have with the oppressed Jews of Soviet Russia.

As in the past, this Congress has expressed its concern over actions taken by the Government of the Soviet Union against that country's Jewish minority. The Freedom Lights for Soviet Jewry rally has given articulate expression to this concern and reiterated the belief that the human rights of all peoples must never be abridged under any circumstance. Indeed, the Soviet Union is a signatory to the United Nations Declaration on Human Rights, a document for which it has shown little respect and less observance.

At this convention, attended by more than 10,000 people, the minority leader of the House of Representatives, Hon. GERALD R. FORD, gave voice to the beliefs and hopes of the people there assembled. I know all of my colleagues would concur with the minority leader that the sentiment of Congress is clear, a sentiment which the President has the opportunity to make fully known upon his visit to Moscow.

So that my colleagues can fully appreciate the text of Mr. FORD's remarks, I would like to submit them for the RECORD. This cogent appraisal of a situation long overdue for rectification demands attention at the highest level.

Following is Representative FORD's speech:

REMARKS BY REPRESENTATIVE GERALD R. FORD, REPUBLICAN LEADER, U.S. HOUSE OF REPSENTATIVES, FREEDOM LIGHTS FOR SOVIET JEWRY RALLY, MADISON SQUARE GARDEN, NEW YORK, N.Y., MONDAY, DECEMBER 13, 1971

I am very proud to be with you tonight. This massive demonstration is in the finest tradition of the United States. I say so because this gathering is positive in its approach rather than negative, constructive rather than destructive, and for a great cause rather than against such a cause. The cause advocated here is human freedom.

It has been brought to my attention that today is the eve of the second light of the Hebrew festival of Chanukah. I have learned that this is an occasion when one is supposed to light candles to commemorate an ancient struggle for Jewish liberation. As a fellow American who is inspired by the deeds of Israel and the brave struggle by so many Jewish residents of Soviet Russia, and as the person responsible for the leadership of my party, the Republican Party, in the United States House of Representatives, I want to join in lighting some candles of hope. Let there be beacons of light that shine forth from this meeting to let the Jewish people of the Soviet Union know they have not been forgotten.

I see no point in elaborating on or repeating the facts of which you are so painfully aware. You know that there are more than 40 Jews in prison in Russia merely because they sought the right to join coreligionists in Israel. You know that Sylva Zalmonson is dying in captivity. You know about the deprivation of cultural and religious rights, the scapegoating of Jews, the Anti-Semitic propaganda, the discrimination in education and employment. You know about the cruel obstructions placed in the way of those who seek to emigrate.

The real reason I came here from Washington is to discuss what the United States Government can do to help Soviet Jewry.

Some of our diplomats and experts on the protocol of statesmanship have, in the past, insisted that we have no business as a government to comment on the internal and domestic affairs of another nation. But that has not stopped the Soviet Union from intervening in the internal and domestic affairs of Czechoslovakia, of Hungary, of Poland, of Romania, of Lithuania, of Latvia, and of other nations. They certainly showed no sense of propriety in intervening in the India-Pakistan dispute when they vetoed the United Nations' efforts to stop the bloodshed!

Since the Soviet Union uses its veto at the United Nations and asserts itself through the U.N. when it suits Russian convenience, I feel that it is now very appropriate for the United States to remind the Russians of the United Nations Declaration on Human Rights. And I speak specifically about the right of the Jews of the Soviet Union to live as normal human beings with all the rights and freedoms enjoyed by others—and especially the freedom to leave the U.S.S.R. if they want to.

Earlier this year, President Nixon in a telegram to Max Fisher, president of the Council of Jewish Federations and Welfare funds, urged freedom of emigration for Soviet Jews as explicitly provided for by Article 13 of the United Nations Declaration on Human Rights. He also called for cultural and religious freedom for Soviet Jewry.

It would now appear to me that the President of the United States has an historic opportunity to serve a compelling humanitarian cause on his forthcoming visit to the Soviet Union. The President will be speaking with the prestige of our great nation. The Russians will be seeking various concessions and compromises from the United States. The time would be ripe for President Nixon to very appropriately raise the issue of Soviet Jewry with the Soviet Government.

When Prime Minister Trudeau of Canada visited Moscow he told the Kremlin how Canadians felt about the oppression of the Russian Jews. Leaders of many other nations have similarly expressed themselves. President Nixon can exert the greatest impact on behalf of Soviet Jewry. I have talked with the President and he has indicated a deep concern.

Accordingly, I will recommend very strongly to the President that he consider this line of direct action. If the decision is made at top levels now, there will be adequate time for planning and structuring the most effective approach.

The Jewish people of the Soviet Union have been singled out for special restrictions. They are denied the consideration accorded other minorities. The Kremlin is very sensitive to this issue. It has undermined the Communist pretensions of human equality and social justice. Indeed, there are some indications of minor concessions by the Moscow authorities to the rising outcry of world public opinion. This year more than 10,000 Jews were permitted to emigrate to Israel in response to the pressure exerted by men of good will. 1971 has been a record year and hopefully the first step toward greater and greater progress.

But this is not the moment to relax our efforts. Too many lives are at stake. Too many men, women, and children are waiting. Too many people are in jeopardy.

The President has a very clear mandate from the Congress. Our Congress has adopted many resolutions and other expressions requesting and authorizing the President to act on behalf of those subjected to religious discrimination by the Soviet Union, as far back as 1953, the Congress condemned the persecution by the U.S.S.R. of all minorities. In 1954 the Congress asked the Churches and Synagogues of America to set aside a portion of their services on Easter Sunday and Passover for special prayers for deliverance of all those behind the iron curtain who are denied freedom of worship. Perhaps it would be wise to repeat this in 1972.

Even now there is new legislation pending before the Congress. I have offered my support for a House Concurrent Resolution that calls for the free exercise of religion in the Soviet Union and asks that country to permit its citizens to emigrate to countries of their choice.

Attorney General John Mitchell, on behalf of President Nixon, has already disclosed that Soviet Jewish refugees could be admitted to the United States under the parole authority provided by our immigration laws. I congratulate the Attorney General on this initiative. This makes it unnecessary for Congress to pass additional legislation covering nonquota Visas for Soviet Jews. This action by our administration imposes no limitation on the number of Jewish refugees who could be admitted to the United States. I refer, of course, to persons who may not elect to settle in the state of Israel because they have relatives here or for some other reasons.

I might mention at this point the fact that the Voice of America has increased the amount of its broadcasts in Russian, on Jewish subjects, beamed at the Soviet Union. This is significant but I personally believe that there should be Voice of America broadcasts in Yiddish. Not only would this tend to enhance the Jewish cultural heritage among Soviet Jews, but it also would be a symbol of U.S. support for Jews in the Soviet Union.

Your President has a long record of deep concern in these matters. As far back as 1959 when he served as Vice-President, Mr. Nixon inaugurated a practice of presenting to Soviet leaders lists of names of Soviet residents, including many Jews, who were denied exit permits to join relatives in the United States. In fact, Mr. Nixon innovated this approach on a visit to Moscow in that year, 1959.

I would make a particular point with the President that he place high on his agenda the liberation from Siberian labor camps of all persons jailed for Jewish activities. Also, there is no reason that a government which pretends to be civilized cannot for humanitarian considerations notify Israel, whether or not Israel is diplomatically recognized at this time by that government, of numbers and dates of departure of Jews to be released from Russia. Then the Jewish Agency and the Israeli government ministry of absorption would be in a better position to make adequate preparations for housing, feeding, jobs, educations, health and so forth. Now tragically, there is no notice whatever until the trains arrive in Vienna from Russia.

It was with a sense of horror that I read of the Soviet policy of confining to mental institutions as psychiatric cases those persons with courage enough to speak out against the government. I was shocked that Russian doctors would lend themselves to a policy of declaring insane those individuals whose views trouble the authorities. When the world psychiatric association met last week in Mexico, the association refused to condemn the Soviet's use of psychiatry as a tool for political repression.

In this country we have an American Psychiatric Association. I would recommend to the A.P.A. that it adopt a suitable resolution condemning the Russian psychiatrists when the association meets at its coming convention.

Perhaps educators, clergymen, scientists and people of various other professions in the public sector of American life could do likewise when Soviet policies involve a particular profession. This struggle must be waged on a people-to-people basis as well as a government-to-government basis.

After tonight, I will return to Washington better equipped to see the President of the United States on the basis of the strong dedication to human liberty demonstrated by you here in this great meeting in the city of New York. I can bear witness that America cares. Over the harbor of this city stands the Statue of Liberty. It symbolizes the role of our nation as a champion of the oppressed and as a haven for those who seek to worship God in their own way. It is a light to the world.

Let our American values again demonstrate to the peoples of the world that we Americans have not changed in our devotion to the freedom and brotherhood of man under the fatherhood of God. I thank you.

PASTORAL BY CATHOLIC BISHOP OF MEMPHIS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. DRINAN. Mr. Speaker, I attach herewith an extraordinarily fine pastoral issued by the Catholic bishop of Memphis, the Most Reverend Carroll T. Dozier.

Bishop Dozier states unmistakably that "the present American military action in Vietnam is not justified. The only morally acceptable act on our part is to withdraw all our armed forces and begin to repair the damage we have done."

Bishop Dozier also reveals that he is starting a diocesan draft counseling service so that he will be able to carry out his pledge to give "my support to any young man of draft age who refuses to serve in the military because he conscientiously objects to war and killing."

Bishop Dozier states categorically that Vietnamization "is a program not for ending the war, but for continuing it with undiminished intensity."

I can think of no more clear or cogent expression of the immorality of the continuation of the Vietnam war than this statement which comes from a clergyman who, having served as a priest in the diocese of Richmond, Va., was elevated to be the bishop of Memphis.

Bishop Dozier's pastoral follows:

PASTORAL

(By the Most Reverend Carroll T. Dozier)

WORLD WAR II

Christian sensitivity was almost completely extinguished during the course of World War II. In our fervor to crush the warmaking power of Germany and Japan we American Christians tended to lose our perspective. We readily accepted the call for their unconditional surrender as the only legitimate solution to that war, even though it meant the killing of millions more people. Many innocent women and children died in Hamburg, Dresden, Berlin, Tokyo, and other cities that we bombed in our effort to break the will of our enemies.

Such indiscriminate bombing is clearly wrong. Catholic moral teaching has consistently maintained that the end does not justify the means. In no way can the directly intended killing of innocent people be justified. It cannot be accepted no matter how urgent the purpose for which it was done.

The atomic bombing of Hiroshima and Nagasaki was the final atrocity. Most American Catholics easily accepted the direct killing of 200,000 people in these blast as a means of ending the war. Our consciences had been numbed by the intensified destruction of whole areas by increasingly severe weapons. Pope Paul has rightly called the dropping of the atomic bomb an "infernal massacre," an "outrage against civilization," and prayed "that the world may never again see such a disgraceful day."

MODERN WAR

It is precisely because of the immense destructive power of modern weapons that recent Popes have spoken out clearly and strongly against war. Pope Pius XII said that war as a means of settling disputes was simply "out of date," because of the enormous violence it involves.

In *Pacem in Terris* Pope John XXIII wrote, "In this age which boasts of its atomic power, it no longer makes sense to maintain that war is a fit instrument with which to repair the violation of justice." And Pope Paul cried out to the United Nations, during his historic visit, "No more war, war never again."

The Second Vatican Council called for all men of good will to evaluate war "with an entirely new attitude." It praised those "who renounce the use of violence in the vindication of their rights." It requested all countries to enact laws which "make humane provisions for the case of those who for reasons of conscience refuse to bear arms." The Council condemned acts of war which go against the natural law, especially "any act of war aimed indiscriminately at the destruction of entire cities or of extensive areas along with their population." This, the Council said, "is a crime against God and man himself. It merits unequivocal and unhesitating condemnation." Orders commanding such acts "are criminal," it said. "Blind obedience cannot excuse those who yield to them."

The bishops at Vatican II labeled the international arms race, in which the United States and the Soviet Union are the principal competitors, "an utterly treacherous trap for humanity," and warned that it may lead to worldwide ruin. They called on all of us to work for international disarmament.

It is clear to me that each of these teachings of Vatican II applies to the United States at this time in history. They spell out part of the new attitude all of us must develop about war.

We must now squarely face the fact that war is no longer tolerable for a Christian. We must speak out loudly and clearly, and repudiate war as an instrument of national policy. We must be particularly clear in our attitude toward our nation's terribly destructive new weapons. *Never* must a nuclear bomb be dropped on a city, under any circumstances, including retaliation. This would be "a crime against God and man himself." Orders to operate these weapons against cities must be refused, because they are criminal, as Vatican II has taught.

We have come to this new realization after pondering the meaning of our bonds with *all* our human brothers. It comes as a painful shock to many of us to realize that we are no longer merely citizens of one country, but members of the international community of mankind. The interdependence of all people is made clear to us by the web of communications linking all parts of the world ever more tightly together. No longer can we be satisfied with actions of our government that are detrimental to our brothers in other lands. As Vatican II pointed out, "Today the bonds of mutual dependence become increasingly close between all citizens and all the peoples of the world. The *universal* common good needs to be intelligently pursued and more effectively achieved." We have seen how one nation's economic policies, the value of its money, affects the life of people in other countries. Local wars also today can draw other nations into them, like swirling pools of hatred that grow ever wider.

LOVE FOR ALL MEN

We Christians have our own call, which at times may well be different from our national self-interest. True patriotism demands that we love our country in the context of our love for all mankind. We want the best for our country, and the best must always be to contribute to the good of the entire human race.

"Profound and rapid changes make it particularly urgent that no one, ignoring the trend of events or drugged by laziness, content himself with a merely individualistic morality," warned Vatican II. "Let everyone consider it his sacred obligation to count social necessities among the primary duties of modern man, and to pay heed to them." As the meaning of these words sinks into us, we must take a second look, a hard look, at the priorities in our own personal lives, and those of our nation. Concern for our neighbor, at home and around the world, has to take precedence over military equipment and personal luxuries. We must reduce the amount of money, now well over half the national budget, that our government spends on "defense." Underlying our approach to this problem must be our conviction that true peace is not preserved by weapons of enormous destruction, but by fostering an attitude of trust among nations. "True and solid peace of nations consists not in equality of arms," wrote Pope John XXIII in *Pacem in Terris,* "but in mutual trust alone. We believe that this can be brought to pass." This change of attitude is vital. We must begin to realize that the only really effective human power comes from love, not out of the barrel of a gun.

The possibility that the Christian approach might actually work has been brought home to us by the effectiveness of nonviolent action in the 20th century, such as Mahatma Gandhi's liberation of India and Martin Luther King's courageous struggle for equal rights for black people here in America. These examples of progress through peaceful action have been complemented by the dismay we have felt at the atrocities of Vietnam. These have been brought into our living rooms each evening on television, and into our hearts by our young men returning from Vietnam. They have shown us how dehumanizing war actually is. I believe the Holy Spirit is speaking to us in all these situations, showing us how to respond in a new way to Christ's message of peace.

VIETNAM

In particular we must stop the war in Vietnam. Looking back, we can see that Vietnam was more than a mistake. It was a tragedy. We fell into a sinful situation which swallowed us up. The present American military action in Vietnam is not justified, whether we judge it by the standards of the Just War Theory, or by the need to bring peace and justice to all men. The only morally acceptable act on our part is to withdraw all our armed forces, and begin to repair the damage we have done to that country.

We must not be lulled into a false sense of comfort by the present program called "Vietnamization" of the war. Instead of stopping the killing this program is transfering the instruments of slaughter into the hands of the South Vietnamese military and other Indochinese mercenaries. It is a program not for ending the war, but for continuing it with undiminished intensity. Nor must we be misled by assurances that the war is "winding down." All that is happening is that fewer

American soldiers are being killed. Vietnamese deaths are continuing as before, caused by more intensive bombings by our warplans, caused also by increasingly sophisticated electronic devices making possible even more devastating bombings and shellings. I repeat. The only morally acceptable course for the United States is to withdraw *all* our armed forces, stop providing the means of war for the Saigon government, and begin repairing the damage for which we have been responsible in that country.

THE TASK OF PEACE

Turning away from Vietnam, we see people suffering in many other places in the world. Some are forced to remain poor and are deprived of the means of bettering themselves by an unfair economic system which governs their lives. The conditions under which they live are a breeding ground for violence, for more Vietnams at home and abroad. We are reminded of the words of Pope Paul in *Populorum Progressio*, echoed again in his recent Apostolic Letter to Cardinal Roy, "Peace cannot be limited to a mere absence of war. No, peace is something that is built up day after day, in pursuit of an order intended by God, which implies a more perfect form of justice among men."

Our task, then, is wider than just stopping the war in Indochina, urgent as that may be. We are faced with the need to work for justice among peoples everywhere—in Vietnam, Pakistan, the Middle East, Northern Ireland, Latin America, Africa, here at home, everywhere—in order that true peace may spread throughout the world. We must, as the prophet Amos urged long ago, "let justice flow like water, and integrity like an unfailing stream" (Am. 5:24). I intend to go into this in much more detail in a second Pastoral Letter I shall be writing very soon.

The peacemaking task facing us is monumental. It might even seem impossible, when we reflect on the tendencies toward violence and selfishness deep within each one of us. We have strong instincts to fight to defend our territory, our property, our lives. But we are comforted by Christ's assurance. "'For men,' he said, 'it is impossible, but not for God: because everything is possible for God'" (Mark 10:27). The grace of redemption given by our Savior helps us overcome the evil tendencies within us, helps us to go beyond ourselves in trust, willing to seek out other means than violence to solve our problems. "By this love you have for one another," Jesus said, "everyone will know that you are my disciples". (John 13:35). We are confident that the Holy Spirit of God will help us deepen and extend our love for one another, and encourage us to work tirelessly for that day when "there will be no more training for war" (Is. 2:4).

PRACTICAL STEPS

I intend at this time to take certain concrete actions in Memphis to help us move toward peace. First, I pledge my support to any young man of draft age who refuses to serve in the military because he conscientiously objects to war and killing. As the bishops of the United States made clear in their Pastoral Letter of 1968, and again in their "Resolution on Southeast Asia" in Washington last month, it is quite consistent with Catholic tradition to oppose war, whether it is the Vietnam war right now, or all war, I shall provide help for any young man seeking to formulate his conscientious objection to killing another human being.

Secondly, I am starting a diocesan draft counseling service, to provide adequate knowledge of the rights each person holds under the Selective Service laws. I am particularly concerned that those who are poor, or undereducated, have available to them the same advice and legal resources that more affluent members of our society have. I appeal to Memphis adults to volunteer to help in staffing our draft counseling center. We need persons expert in the law, but we also need everyone who is willing to help in any way with this project. Please let me know personally or by letter of your interest.

I am particularly requesting our priests to make our pulpits beacons of truth pointing to peace. Sermons must be given, and people presented with concrete guidelines for their attitudes and actions for peace. I agree with those assertions in the recent Synod in Rome that our people need to be educated for peace.

I am establishing an information center on peace, where persons can find the most recent as well as the most helpful material available concerning peace. Literature glorifying the peaceful, rather than the military, aspects of our history should be made available.

I urge those responsible for education in our area to make our schools instruments for reconciliation and peace. I especially ask our institutions of higher learning to establish courses on peace, where our young men and women can explore these questions in depth and shape their attitudes during the years when they have enough time to do this. Our colleges and universities should become centers for peace-oriented citizens.

I call upon all of you to write to our elected leaders and encourage them to end the Vietnam war immediately. I hope you will join your efforts with those who are working to stop the war, remembering what Pope Paul has already urged about Vietnam: "We call to them in God's name to stop."

I beg you to be sensitive to those who in conscience feel that they must speak out or take part in public demonstrations against this war.

I suggest that families this Christmas buy toys of peace instead of toys of war for their children.

I strongly encourage all of you to attend Mass on January 1, the World Day of Peace, and to take seriously the challenge with which our Holy Father, Pope Paul, has confronted us in calling for this Day: "If you want peace, work for justice."

OUR HOPE

The road ahead of us is long and difficult. Many of our friends and neighbors may not understand what we are doing. Some will oppose us, perhaps bitterly. In the struggle for peace the shadow of the cross falls across our own lives. We take up the burdens of peace-making, remembering that Jesus said, "Come to me, all you who labor and are overburdened, and I will give you rest. Shoulder my yoke and learn from me, for I am gentle and humble of heart, and you will find rest for your souls. Yes, my yoke is easy and my burden light" (Matt. 11:28–30).

So we are confident that the road we are taking leads to that peace on earth about which the angels sang. And we are confident because of the legacy left us by the Savior who was born to us. "Peace I bequeath to you; my own peace I give you, a peace the world cannot give, this is my gift to you. Do not let your hearts be troubled or afraid" (John 14:27).

Our goal is as broad as the human race, peace on earth. The means at our disposal are close at hand, our own change of attitudes and our own personal action. "For this Law that I enjoin on you today is not beyond your strength or beyond your reach. It is not in heaven . . . Nor is it beyond the seas . . . No, the Word is very near to you, it is in your mouth and in your heart for your observance" (Deut. 30:11–14).

This Christmas let us pray with Saint Francis: "Lord, make me an instrument of your peace."

May the New Year be for all of us a new dawning of the Peace of Christ.

NURSING SERVICE IN KENTUCKY

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. CARTER. Mr. Speaker, an interesting article describing the effective work of the Frontier Nursing Service in eastern Kentucky appeared in the Washington Post on December 28, 1971. The wonderful people who work for this rural health organization are an inspiration to all of us. The story is included for your perusal.

Highly Praised Nursing Service Cuts Rural Kentucky Birth Rate

(By Kenneth Reich)

WENDOVER, KY.—In the first half of the 1960s, 1,944 babies were born in Leslie County in mountainous Eastern Kentucky. In the second half of the decade, the number of births declined to 1,278.

The birth rate in the county slipped from 37.9 in 1962 to 23.4 in 1969. For the first time in memory here, school enrollment is actually going down year by year.

"It's the Frontier Nursing Service," explained Hayes Lewis, the superintendent of the county's public schools. "They've introduced birth control services. Families that were having 12 children now are having only one or two."

Birth control campaigns are having considerable effect throughout the Appalachian region, but here in Leslie County it is a new orientation of the Frontier Nursing Service—one of the nation's most successful rural health organization—that accounts for the change.

"If families are smaller," explained its director, Helene Browne, "the economy in this area will rise. The education will be better."

Miss Browne said the service is offering a full range of intra-uterine contraceptive devices (IUDs) and finds that men are becoming interested in having vasectomies, a simple sterilization procedure.

The nursing service, which has had its rustic headquarters on a wooded hill in this hamlet for more than four decades, provides health services over an area of 1,000 square miles populated by about 18,000 mountaineers.

The service was founded in 1925 by Mary Breckinridge, a native of the region who decided, upon the death of her own two children, to devote the rest of her life to the medical and nursing care of children in remote areas. She served as director of the service until her death in 1963 at age 84.

"In 1925, the territory in the Kentucky mountains was a vast forested area inhabited by some 10,000 people," Mrs. Breckinridge once wrote. "There was no motor road within 60 miles in any direction. Horseback and mule team were the only modes of travel. Supplies came from distant railroad points and took from two to five days to haul in . . . There was not in this whole area a single state-licensed physician—not one."

Within a few years, the Frontier Nursing Service grew to encompass a health program for the entire population of an area that even today remains relatively isolated, although it is now crisscrossed by narrow, tortuous roads.

Through 1968, service personnel delivered 15,940 babies, 9,079 of them in private homes. During this period, the service recorded only 11 maternal deaths, 2 less than a third of the national rate for white women.

The service, which has a 1971 budget of $1,025,343, is engaged in activities that range from operating a 16-bed hospital in nearby Hyden to running the Frontier Graduate

School of Midwifery. Ten nurses staff five scattered outposts, and others are at the headquarters in Wendover, where a new hospital is planned.

Many residents of the county talk of the nursing services in tones of veneration. Miss Browne says happily, "We've become so well accepted by the community. They trust us."

In this nominally Protestant area, there has been little resistance to birth control campaigns, and the recent trends are warmly welcomed by public officials.

In addition to disseminating intra-uterine devices, the service makes birth control pills available to those who ask for them and is carrying on an experiment with more than 60 women for Dr. John Rock, a birth control specialist.

"The decline in the birth rate is one of the most significant recent developments in the mountains," Miss Browne said in an interview. "It holds out as good a promise as any for reducing poverty."

U.S.S.R. HAS PROBLEMS, TOO

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. DERWINSKI. Mr. Speaker, one area of the cold war where the Soviet Union has excelled is in the field of propaganda. The mouthpieces for the dictators of the Kremlin glorify their alleged utopia, and would have the naive reader and listener of their propaganda believe that the U.S.S.R. has solved all of its social, political, and economic problems.

Therefore, it was with special interest that I noted the column in the Aurora, Ill., Beacon-News of December 27 by the distinguished international correspondent of the Copley Press, Dumitru Danielopol, which quite effectively speaks for itself.

RUSSIANS GO ON A GIANT BINGE

(By Dumitru Danielopol)

WASHINGTON.—Brezhnev calls it the "Antipode of Communism."

Lenin considered it a "Bourgeois scourge, inconceivable in a Communist society."

We call it alcoholism.

It has reached such proportions in the U.S.S.R. that the top echelons in the Kremlin are concerned.

For years, after the October revolution of 1917, the Soviets refused to recognize alcoholism. But ignoring it did not eliminate it. They were finally obliged to acknowledge its presence in major proportions. In 1926 the Kremlin ordered lectures in schools on the pernicious effects of alcohol. In 1930 a council of antialcohol societies was established. A publication called "Society and Culture" was instituted.

But in the drab world of communism, alcoholism increased by leaps and bounds. It is now recognized in the Soviet press as "a social calamity."

Boris Levin, a candidate in economic science published some grim facts recently:

Since 1940, the population of the U.S.S.R. has increased by 20 per cent and the sale of alcoholic beverages by 250 per cent.

Drunkenness is called the major cause of production breakdowns, industrial injuries, crime, hooliganism, traffic accidents, family trouble, etc., etc.

". . . 100 per cent of premeditated murders on the books in the last year were committed in a state of intoxication," Levin reports; "72.6 per cent of severe body injuries and 53 per cent of robberies were due to the same cause."

Russia is now riddled with so-called sobering up stations full to capacity.

There is hardly a sector of society which is not affected, according to Levin.

Foreign visitors are shocked at spectacles of public drunkenness in Moscow—even at the doorsteps of some of the leading tourist hotels.

Levin says 60 per cent of the drunks come from uneducated, low income, semiskilled and unskilled workers.

Sociologists blame the scourge on the boredom complicit in any Communist society, the absence of intellectual stimulation.

The bulletin of the Institute for the Study of the U.S.S.R., in Munich, says Soviet living conditions resemble very much those described by Frederick Engels in 1844 in his "Conditions of the Working Class in England."

"The worker comes home from work tired and limp; he finds a flat devoid of all comfort, damp, unfriendly and dirty, he badly needs to be cheered up . . . his need for company can only be satisfied in the public house . . . drunkenness has ceased to be a vice. . . . it is becoming a phenomenon of the necessary unavoidable consequence of certain conditions. . . ."

Publicity for government manufactured vodka, complains Chemonin, is better organized than propaganda against it. "Everything works for it—display windows, publicity firms, etc."

Why doesn't the Kremlin take drastic measures to kill the scourge?

It can't afford to. The Soviet government needs the substantial income it derives from the sale of alcoholic beverages in order to help finance its vast military machine, political apparatus, space programs, foreign ambitions, etc.

NEWSLETTER AND QUESTIONNAIRE TO MY CONSTITUENTS

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. SCOTT. Mr. Speaker, this month we are sending to all constituents our 6th annual questionnaire and our regular monthly newsletter. These are inserted in the RECORD for the information of the membership.

YOUR CONGRESSMAN—BILL SCOTT REPORTS

(January 1972, Volume VI, No. 1)

The Congress is now in recess but will reconvene on January 18. The first week's agenda includes a measure to give representation in the Congress to the Territories of Guam and the Virgin Islands; a conference report on political spending measures; and a conference report on this year's foreign assistance authorization. The President is scheduled to deliver the State of the Union Address to a Joint Session of Congress on Thursday, January 20, and thereafter House Members will pose for an official picture.

VOTING AND ATTENDANCE RECORD

During 1971 the House of Representatives had a total of 319 recorded votes and 151 quorum calls. The Clerk of the House has advised me that I voted or answered to my name 448 times, or 95.3 percent of the time.

YOUR OPINION, PLEASE

In order to better represent you I have taken an opinion poll of constituents each year since coming to Congress, and our sixth annual questionnaire is enclosed. Information is available to members from many sources; however, knowing your opinion complements other available data and gives me insight into your philospohy of the proper function of government. The results will be tabulated, reported in a subsequent newsletter, and inserted in the Congressional Record for the benefit of colleagues.

VETERANS LEGISLATION

Two veterans measures I co-sponsored have been signed into law and benefits became effective January 1, 1972.

The first, Public Law 92–197, provides a cost-of-living increase in monthly payments to survivors of veterans who died as a result of service-incurred disabilities. Approximately 176,000 widows; 46,000 orphaned children and 68,500 dependent parents will benefit from the new law.

The second bill, Public Law 92–198, authorizes a cost-of-living increase in monthly pension payments to approximately 1.6 million veterans and widows. All pensioners are protected against any reduction in monthly payments that would otherwise result from the 1971 increase in Social Security benefits received in their own behalf. Maximum annual income limitations are increased by $300, and a new formula for the payment of pension which will be more responsive to the needs of veterans and widows is established.

FERRY FARM

The Director of the National Park Service, the Chief Historian, and a representative of the Southeast Region of the Park Service met in our Fredericksburg Congressional office on December 17 with the Mayor, representatives of the Chamber of Commerce, and other area leaders to discuss the feasibility of the government acquiring and preserving George Washington's boyhood home. We later visited the property and had lunch together at the George Washington Inn. The Park Director appeared very much interested in preserving this property and indicated that he would have the historian and an archeologist examine it and give every consideration to recommending its acquisition to the Congress. Of course, after introducing a bill for the acquisition of the property I talked with the Chairman, the senior Republican, and a number of other House Committee members urging that a hearing be had and that this property be restored as part of our Bicentennial for 1976. As you can understand, there are many requests for the acquisition and restoration of historic sites and the Committee on Interior and Insular Affairs must choose from among them. However, Washington was our first President and the prospect for favorable action is good.

SUMMER JOB OPPORTUNITIES

The Civil Service Commission recently announced its 1972 summer job program for federal agencies. Applications for the written test must be received by the Commission not later than February 2, 1972. Booklets explaining the program and including a copy of the application form are available at Civil Service examining offices, often located in Post Office buildings, or from the Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415. In the event you are interested, let me urge that you submit your application as early as possible to prevent missing the deadline. Our office does have a limited supply of the bulletin explaining job opportunities and the application, which can be forwarded to you in the event it is not convenient to obtain one directly from the Commission.

EMERGENCY LOANS TO FARMERS

The Farmers Home Administration recently advised us of the availability, through June 1972, of emergency loans to farmers who suffered damage to their dwellings, farm buildings or crops as a result of hurricane

Ginger. The Virginia counties and cities which have been designated for this assistance are Charles City, Chesapeake, Virginia Beach, Essex, Gloucester, James City, King and Queen, King William, Lancaster, Mathews, Middlesex, New Kent, Northampton, Northumberland, Richmond, Westmoreland and York. Information regarding these loans may be obtained from the Warsaw, Tappahannock or Williamsburg local offices of the Farmers Home Administration or from the headquarters in Richmond.

DISTRICT OFFICE—JANUARY 14

We have maintained a Congressional office in the Post Office at Fredericksburg for the past 5 years, and while it is staffed on a full-time basis, of necessity, most of my time is spent in the Washington office. However, if you have a matter which you would like to discuss, I will be in the Fredericksburg office all day on January 14. You may want to call 373-0536 to arrange an appointment but this is not essential.

MAILING LIST

This month's newsletter and questionnaire is being sent to all postal patrons in our district. In the event you are not currently on our mailing list and would like to receive the newsletter on a regular basis, please furnish your name and address. Also, please let us know of any necessary correction of our mailing list.

SERVICE ACADEMY NOMINEES

This year we were able to make more nominations than usual for appointment to the service academies. Peyton Nelson Brittle II, a student at Fauquier County High School, Warrenton, and Floyd Coleman Searl, Jr., a Fort Hunt High School student in the Mount Vernon area, were named as principal nominees to the Naval Academy at Annapolis. The principal nominations for the Air Force Academy, at Colorado Springs, were William Robert Craig, a student at Robert E. Lee High School, and Joseph Lawrence Byerly of George C. Marshall High School, both located in Lee District of Fairfax County. Theodore Norris Goble III, also a student at Marshall High School, was named principal nominee to the Military Academy at West Point.

All nominations were based upon merit examinations and these young men deserve credit for their efforts and scholastic abilities by attaining top ratings from among 218 who took the examinations. We are also fortunate in being able to name 9 alternates for each principal nominee. These alternates are sometimes named directly by the academies as principals or may be substituted for a principal when a principal nominee fails in some manner to qualify. Certainly I want to add my congratulations to these young men on their achievement.

INTERNATIONAL FISHERIES CONSERVATION

During the Christmas holiday, the President signed into law a bill cosponsored by a number of us to endorse international fisheries conservation programs. This measure, introduced in the House and adopted by the Senate, authorizes the U.S. to join other coastal nations in protecting endangered species of sealife, such as the Atlantic salmon, that spend all or part of their lives in our freshwater streams or in the shallow water just offshore.

MASS DEMONSTRATIONS

You may recall the damage done to government property a few years ago when Resurrection City was constructed in Washington near the Lincoln Memorial and the 1971 May Day demonstrations which resulted in damages of several million dollars. Recent activities near the Memorial and the White House indicate that this type of activity has not ceased to be a problem. Therefore, you may be interested in a measure I recently introduced relating to the conduct of public demonstrations within the District of Columbia. This bill would require applicants for parade or demonstration permits to post a bond or other form of security to indemnify the government from possible damage. It provides for pre-identification of persons intended to participate in the parade or demonstration so that the holder of the permit will not be unfairly charged for activities of any unauthorized demonstrator and to also facilitate any necessary police action against unlawful activities by a demonstrator. The measure further provides that anyone who makes use of public property within the District of Columbia for which a bond is required without first having obtained such a bond shall be guilty of a misdemeanor. Of course, the measure does not forbid parades or demonstrations, but does prevent the issuance of a permit or authorization by government officials if such officials have reason to believe that damage may occur or public funds may be required to restore property to its condition prior to the issuance of a permit. It seems reasonable that those who occupy government property overnight or who participate in demonstrations or parades which result in damages to government property should bear the cost of any damage.

SOMETHING TO PONDER

"I don't believe in luck, but if you put a 'P' in front of it, that's different." J. C. Penney

SIXTH ANNUAL QUESTIONNAIRE—WHAT IS YOUR OPINION?

1. Do you believe that present wage and price controls are: a. Helping to win the fight against inflation? b. Failing to have any real effect on prices and wages? c. Not in keeping with the American free enterprise system and should be abandoned?

2. Do you favor increasing the federal minimum wage above the present $1.60?

3. Our policy in Vietnam should be to: a. Continue present withdrawal plans; b. Immediately withdraw all troops; c. Retain a limited number of non-combatant troops as advisers to South Vietnam; and d. Increase U.S. involvement for military victory.

4. Do you favor prompt reduction of U.S. troop strength in Europe?

5. Do you favor busing of school children to obtain racial balance: a. Between cities and suburban areas? b. Solely within a city or county? c. Under any circumstances?

6. Do you believe this country should expand its trade with communist nations in non-strategic materials?

7. With regard to our foreign policy in the Middle East, do you favor: a. Increasing military aid to Israel? b. Adopting a neutral position? c. Providing military aid to the Arab nations? d. A policy to maintain a balance of power?

8. Do you favor the federal government guaranteeing a minimum family income?

9. Do you believe the federal government should protect the consumer by more stringent control in the advertising and selling of manufactured products?

10. Do you favor compulsory racial quotas in employment by private industry?

11. In the field of pollution, do you feel the federal government should: a. Encourage private industry to reduce pollution by tax credits? b. Finance a crash federal program from tax funds to minimize pollution of air and water? c. Enforce strict standards and controls on all forms of pollution? and, d. Enact no further laws on pollution control?

12. The government's fiscal policy should consist of: a. A reduction of federal expenditures; b. A continuation of present spending regardless of deficit; and c. An increase of taxes to balance budget.

13. How do you rate Mr. Nixon's service as President? Excellent; Good; Fair; Poor.

14. Rate in order of importance the 3 most important problems confronting the country: State of economy; Vietnam conflict; Welfare reform; Drug addiction; Labor relations; Crime control; and Others.

Your County or City.

THE WORLD'S GREATEST FOOTBALL TEAM, THE DALLAS COWBOYS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. COLLINS of Texas. Mr. Speaker, most of you football authorities in Congress last Sunday saw the Dallas Cowboys win the Super Bowl as the football champions of the world. It was a great victory for a team that fought hard all the way. The Cowboys came so close back in 1966 and 1967 when they took a frost-bitten defeat from the hands of the mighty Green Bay Packers. And then last year they lost to the Baltimore Colts in Miami in the fading few seconds. These were heartbreaking losses, but the Cowboys came back in this Super Bowl of January 16 in New Orleans to show that they are all heart with a winning team effort.

When the Cowboys started down the stretch, they were riding for victory all the way. It was 10 straight wins, including the hardfought victory over Minnesota, the exciting win over San Francisco, and the final Super Bowl victory where the Cowboys were the champions all the way.

Where do you begin in saluting a team of men who are the world champions. The logical place to start is with Tom Landry who has coached the Cowboys from the first pass, run, and kick on the field back in 1960. In football circles, it is generally agreed that Landry has the best mind in professional football—that is today and probably from all of the days gone by. Landry has always been recognized as the greatest brain in defense, but the Cowboys' multiple offenses which clicked so successfully proved his strategy as an offensive wizard. His defenses have been recognized as the professional league ultimate in intellectual complexity. And as you watched the Cowboy winners, you thrilled to their genius of detailed responsiveness. The offense that Landry set for the Cowboys was explosive and imaginative.

And as you witnessed this great Cowboy team you may have viewed the greatest professional football team in the history of the game. And we should think of the Cowboys as an entire team because it was a team effort for victory.

In the newspaper, I read that President Nixon in commending Landry on the victory spoke highly of the offensive line. Many times an offensive line is overlooked, but with the Cowboys opening up those holes, their efforts merited this outstanding recognition.

Leading the attack was Roger Staubach, who was chosen as the most valuable player on the field. And setting the pace for defense was Captain Bob Lilly, who always gives 110 percent for every game. Last year the outstanding player in the Super Bowl was Chuck Howley, and Howley looked just as great with the big plays in this game.

The offensive was slow in beginning to roll but its momentum grew stronger all the time. Duane Thomas, who prefers to have you judge his ability by results, spoke with great emphasis on the field, with the most yardage.

When you saw Calvin Hill run, you wondered about his mileage without a slow leg, as he looked like a race horse. The greatest comment of the day came from Hill, who with his deep religious humility remarked that during the warm-ups he saw a skywriting plane over the stadium write a big "D" in the sky, and he said to himself, "God is on our side." Then there was Garrison running like a wild bull. I remember one play where he must have carried seven different men with him for an additional 5 yards.

The rushing set a new record in the Super Bowl, with 252 giant yards. Every Cowboy that got his hands on the ball was running. Ditka carried only once for 17 yards. There was the fast end around play where Hayes carried to net 16. Reeves only carried once with a 7-yard gainer. So every man that had it was running and running hard.

When Staubach was passing he was hitting everybody in every direction. Thomas got three, there were two for Hayes, Garrison, Alworth, Ditka, and one for Hill. For the best catches of the day we should give a special salute to Lance Alworth, who got a key catch on a 3d down, and another time made that super catch for the first touchdown.

There are many unsung heroes that add so much to the victory. Craig Morton was standing by with his strong right arm. To catch that ball on kickoff were Claxton Welch and Gloster Richardson. On tight ends there were Billy Truax and Mike Ditka; leading the way on the offense for tackles were Tony Liscio, Rayfield Wright with Forrest Gregg always available. The two guards that set the pace were Blaine Nye and John Niland, with Rodney Wallace backing them up. The center was Dave Manders, with John Fitzgerald and Mike Clark.

Through the entire season the essential strength of the Cowboys has been their defense. When the Miami Dolphins ended up the afternoon they had only 3 points on the board. Let us look at the men that made this possible. For ends you have Larry Cole, George Andrie, Pat Toomay, and Tody Smith. The tackles are led by Bob Lilly, Jethro Pugh, and Bill Gregory. You also have the linebackers, D. D. Lewis, Dave Edwards, Chuck Howley, Lee Roy Jordan, and Lee Roy Caffey. The greatest tribute to Mel Renfro was when he was given the man-for-man assignment against Paul Warfield and held on to him all afternoon. But you had experienced Herb Adderley and Ike Thomas back there. You had the most capable Cornell Green, along with Charlie Waters, Cliff Harris. So everywhere you looked in that defensive backfield the pastures were sure to be covered. There was consistent Ron Widby doing the punting.

In Dallas we are all mighty proud of the Murchisons and what they have meant to building our community. Clint brought the Cowboys to Dallas and we have seen them grow stronger year by year. We all know the great coach, Tom Landry. In the Cowboys' climb to the top let us also salute these key staff members: Ermal Allen, special assistant to Landry; Dan Reeves, player coach; Ray Renfro, pass offensive coach; Bobby Franklin, defensive backfield coach; Jim Myers, offensive line coach; Jerry Tubbs, linebacker coach; and Ernie Stautner, defense coach.

The Cowboys have a well coordinated front office. The officers are Tex Schramm, president and general manager; Clint W. Murchison, Jr., chairman of the board; Al Ward, vice president for administration; Gil Brandt, vice president for personal development; Curt Mosher, public relations director; Doug Todd, assistant public relations director; Joe Bailey, business manager; and Kay Lang, ticket manager.

This was a great win for Texas, for Dallas and for the Nation. The Cowboys came back and were champions all the way.

MINNESOTAN DESCRIBES PRESENT-DAY TRAVEL IN POLAND

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. KARTH. Mr. Speaker, occasionally we are told of the glories of traveling abroad, but often reality proves to be far different from the glories promised. That is why I draw your attention today to a letter to the editor of the Polish American Journal written by a distinguished resident of my Congressional district. The author of this letter is a Pole and proud of it—additionally he is a former member of the Minnesota House of Representatives. I believe this letter by Mr. D. D. Wozniak may remove some myths about present-day travel in the country of Poland, and that his views and his report deserve wide circulation.

WOZNIAK AND FINLEY,
Saint Paul, Minn., November 18, 1971.

EDITOR,
Polish American Journal,
Scranton, Pennsylvania.

DEAR SIR: After reading Mr. Strydl's glorious description of travel to Poland, I feel compelled to answer.

I am a Pole and proud of my heritage. I am an attorney and have served in elected and appointive portions almost all of my adult life. I had visited Poland previously as a VIP. This is much different from traveling as an ordinary tourist, as I recently discovered. Underneath the glowing colors in which Mr. Strydl paints "travel" in Poland are some drab realities about which our people should know.

In August of this year, I changed my itinerary to revisit Poland as an ordinary tourist. My last visit to Poland was seven years ago.

Housing accommodations have not changed—they are still bad. I rented an automobile. The fees were exhorbitant. Orbis (travel agency) employees in Warsaw were rude and impolite (as was also the case in the Post Office). There were other instances of just generally poor and impolite service, both in and out of the hotel. By contrast, the friendliest and most helpful women we met were the employees at the Cepelia store in the Old City and the people in the rural areas, who were wonderful. Language was a severe barrier no matter where you visited unless you spoke Polish, which I don't.

However, I can easily understand and do sympathize with all employees in Poland, considering the poor living conditions under a Communist government. My complaint is not with the Polish people, who were generally warm, responsive and receptive. It is with the Polish Government.

The Polish Government wants American dollars for its own industrial expansion. They have been accorded "most favored nation" treatment in both exports and imports by the U.S. They have been huge beneficiaries of the PL 480 Program; they are recipients of much help from various Polish groups in the United States; also, through Pekao, Social Security and many other special programs, American dollars aid the economy greatly. Recently we have approved special oil cracking equipment for their use.

Yet, the Polish Government, by their rate of exchange of American dollars, extorts money from American tourists in an unconscionable manner. If the Polish zloty were to be fairly evaluated with our dollar, it would amount to about 90 zlotys per dollar; however, the Polish Government, who wants our American dollars and business, requires certain amounts to be spent each day in Poland, and then sets an arbitrary rate of less than 24 zlotys per dollar. The so-called "tourist rate" is established at 40 zlotys per dollar, still less than half of what it is worth. If one gives a Polish citizen American dollars, he can receive over 70 zlotys in the Pekao store. If one wanted to take a chance (which I did not) and exchange dollars on the Black Market, one can receive 100 zlotys.

To add insult to injury, the Polish Government exhorts us to buy Polish hams and other Polish products; but if one purchases certain items in Poland, or purchases over certain amounts, the Polish Government will charge an export tax!

The most recent insult was my bill from American Express—payment of my hotel bill. I was assured of a tourist rate. Would you believe that I received less than 24 zlotys per dollar!

It is my firm belief that such unjust, unconscionable and discriminatory treatment of American tourists should not be allowed to continue. I fully realize that we can do nothing about this, except to refuse to visit, and refuse to buy Polish goods, until this discrimination ends.

Obviously, those who have relatives in Poland are in a different position, and this cannot be measured in terms of money; however, to others without relatives, thinking about placing Poland on their itinerary, I would suggest that they postpone their visit until the Polish Government takes steps to rectify this discrimination against American tourists.

Yours very truly,

D. D. WOZNIAK.

SMITH LAUDS BUFFALO COURIER-EXPRESS EDITORIAL ADVOCATING REDUCED GOVERNMENT SPENDING

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. SMITH of New York. Mr. Speaker, as a recipient of the "Watchdog of the

Treasury Award," I wish to take this opportunity to confer my own special congratulations to the Buffalo, N.Y., Courier-Express. Its editorial on Thursday, December 16, 1971, about reducing Government spending brings a reminder of responsibilities too often ignored in the Congress.

With the continued proliferation and expansion of Federal programs, we have abandoned a balance of spending and income. We in the Congress must make every determined effort to keep the cost of Government within the bounds of revenue.

As an example of the almost insurmountable cost to the taxpayers of this Nation, let me cite two examples. In my own home State of New York, citizens are faced with the unnerving prospect of a $1.5 billion deficit over the next 16 months. At the same time, our projected Federal deficit for fiscal year 1972 is in the range of $35 billion.

Let us all, at the Federal, State, and local level, heed the call made by the Courier-Express. The editorial follows:

Governments Must Reduce Spending

Our chiefs of government cannot seem to get it through their heads that they simply cannot go on spending more and more money, borrowing against the future and selling out the present. The federal government long ago abandoned any real semblance of keeping spending balanced with income. The state hasn't done it for years. The county barely balanced its budget this year with a sales-tax boost. And now Mayor Sedita has announced that the City of Buffalo will borrow $5.43-million to meet current operation and maintenance costs.

These things do not take into account the capital budgets—the office buildings, schools, hospitals, etc., which are somewhat akin to the individual's purchase of a home on a long-term mortgage. No, this is a question of borrowing to meet current expenses, like getting a finance-company loan to pay for this week's groceries.

Individuals, when they get into that kind of financial bind, tighten their belts, do with less and do their utmost to get back on an even keel. Business and industry retrench, cut back expenditures, eliminate unprofitable enterprises. They have to or they will go under. But governments just go on expanding. They seem to figure that nobody is going to repossess the city, or the county or the state, so they go on—working every financial gimmick possible, borrowing to the limit with no idea of how they are going to pay, digging themselves deeper and deeper into the fiscal hole.

We aren't saying that it wouldn't be nice to provide all the services people want. We aren't saying that it wouldn't be nice to give the teachers or other public employees more money. It's tough to get along on what many of them are getting. We aren't saying either that it wouldn't be nice to eat butter instead of margarine, have meat at least once every day, go to a movie once in a while. It would be wonderful. But the money simply isn't there. And until it comes, we'll have to do without the things that are merely nice and spend only for what is essential.

That applies to the people; certainly it applies to the people's public officials. Cut back, gentlemen, cut back! We're being bled white just paying the taxes we have to pay today. If that's not enough to meet the current costs of government today, just where do you think you're going to get the money you're going to need tomorrow?

A BRILLIANT SOURCE DOCUMENT FOR THE DEBATE OVER THE PROPOSED SELECT COMMITTEE ON PRIVACY, HUMAN VALUES AND DEMOCRATIC INSTITUTIONS

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. GALLAGHER. Mr. Speaker, quite soon the House of Representatives will vote on House Resolution 164 to create a Select Committee on Privacy, Human Values and Democratic Institutions. This proposal, sponsored by our distinguished Republican colleague, Frank Horton and myself, will establish a study group which will consider the highly publicized developments of the new "technology of behavior." One of the finest documents to come to my attention is by Dr. Nicholas N. Kittrie, Director of American University's Institute for Studies in Justice and Social Behavior. Dr. Kittrie's paper is based on recent comments he has made at prestigious conferences and is a brilliant description of the currently operative techniques of behavior modification and discusses very clearly their ultimate social potential.

The point to be made is that these new developments can be used for good—as in the possibility for modifying the distress of our prisons and asylums—or for evil by monitoring and dictating the behavior of all our citizens. The choice clearly is ours, and it is my conviction that the proposed Select Committee could help society find a proper balance.

While the major thrust of the Select Committee is envisioned to be the computer and the massive computerized information systems in Federal or private hands, it should also be very concerned about the techniques of behavior control which depend on the same kind of electronic wizardry that created the information revolution.

I am convinced that the Congress must acquaint itself with this whole new era of devices, drugs, and attitudes finding support in a philosophy which asserts that social engineering is more important than individual freedom and which places awesome power in the hands of those who control "the technology of behavior."

Mr. Speaker, I insert Dr. Kittrie's paper at this point in the Record:

Prisons or Behavior Control?—Legal and Socio-Political Considerations

(By Dr. Nicholas N. Kittrie)

Our prisons are undergoing convulsive reassessment. And even such "strict constructionists" as Attorney General John Mitchell and Chief Justice Warren Burger call for the overhaul of the existing system. Concurrently, an intensive search for new tools of social control is underway.

What was science fiction only yesterday, might be reality now. Testifying before a Congressional committee, Professor D. N. Michael described new potentials for electronic and computer control of deviants. He painted a picture of prison gates being opened to release hosts of inmates into the community. These "parolees will check in and be monitored by transmitters embedded in their flesh, reporting their whereabouts in code and automatically as they pass receiving stations (perhaps like fireboxes) systematically deployed over the country as part of one computer-monitored network." Looking into the future, he could foresee the day where emotionally ill people would be allowed the freedom of the streets, providing they are effectively "defused" through chemical agents implanted in their bodies. "The task, then, for the computer-linked sensors would be to telemeter, not their emotional state, but simply the sufficiency of concentration of the chemical agent to insure an acceptable emotional state."

Recently, Harvard researcher Ralph K. Schwitzgebel proposed a similar electronic surveillance and rehabilitation program as a new alternative to the incarceration of chonic offenders. The system would permit not only the monitoring of the locations of recidivists but also the regulation of specific offending behaviors in the community. A parole officer could easily send a signal to the deviant asking him to call in. Signals could also be used to reward or warn a deviant regarding certain types of behavior. Thus, for example, if a parolee who had previously been very inconsistent in his work patterns was at work on time he might be sent a signal from the parole officer that meant, "You're doing well," or that he would receive a bonus. On the other hand, if it appeared that the parolee was in a high crime-rate area at two o'clock in the morning, he might be sent a signal reminding him to return home.

For nearly two hundred years, the most widely used tool of society in controlling those it feared most—the criminals and the insane—has been through commitment to "total institutions." These prisons and asylums (in which the inmates were to live, pray, work and learn) had been designed to furnish security for the public. Hopefully, they were also to afford an opportunity of reformation to the offender. And for a long time institutional confinement, introduced in this country for the first time by reform-minded Quakers in 1776 continued to be viewed as a great progressive advance.

This it no doubt was, when compared with its predecessors: public executions, maiming, and transportation to devil islands.

But the promise once thought to be contained in prisons is quickly fading. The benefits of solitude, religious reawakening, education, vocational training and psychological counseling (the practitioners of which have each taken turns in promising the ultimate cure) have not been able to ban recidivism. Inadequate facilities and staffs resulted in greater attention to institutional security than to rehabilitation. Isolation from the community, as well as the system's total unaccountability to those it was set up to reform, have been advanced as the major causes of failure. Most critical are the recent conclusions that even an unblemished institutional adjustment offers little preparation for coping in the everyday milieu to which the offender must return.

Given an increasing disaffection with institutional isolation, recent experiments have been towards community based corrections. We have seen greater reliance on probation—including new diversion projects where an offender may choose voluntary therapy over traditional sentencing. There has been growing utilization of halfway houses in which soon-to-be released inmates can gradually readjust to their return to a normal environment. But totally new methods for controlling deviant behavior, derived from recent scientific discoveries in neurosurgery, pharmacology and psychology, are increasingly being pointed to as the wave of the future.

A Reuters dispatch from Shrewsbury, England, carried the proposal of a British psychiatrist that compulsive speeders be "cured" not by fines or jail but by electric shock treatment. According to Dr. John Barker of the Shelton Hospital, treatment would start with a film of a driver exceeding 70 miles per hour past speed limit signs. In the consulting room, the patient would receive shock up to 70 volts through a strap attached to his wrists. It simply boils down to associating excessive speed with discomfort and pain, Dr. Barker is reported to have said.

Yet another cure was prescribed for a 21-year old English ice cream salesman, Eric Edward Wills, charged with larceny and obtaining property under false pretenses. Sent to a Lancashire mental hospital for observation, Wills was diagnosed as a compulsive gambler, the medical report recommended brain surgery, in the hope that the leucotomy operation would cure him of his compulsion. The magistrate, heeding the medical report, ordered that he be hospitalized and operated upon.

Science will soon offer many additional alternatives to the old-fashioned and ineffective tools for reforming behavior. Some will attempt to redo the adult offender, others will seek to prevent his very creation. Hormone injections have been demonstrated to alter the intensity of sexual drives and modify the response to sexual stimuli. Drugs that act on the brain and central nervous system to modulate moods and alter states of consciousness are already in use in many mental institutions. Psychosurgical techniques have advanced in recent years beyond the early lobotomies. Brain stimulation by electronic impulses through implanted electrodes has proved capable of modifying human behavior.

In their formulation, these new therapeutic solutions for social control could have great public appeal. In the first place, they will affect only a selected, troublesome segment of the population. They can be related to the humanistic desire for therapy and improvement, and they offer social controls and improvements without dreary institutions and with ostensible freedom. No chains—only change.

Yet to many the prospect of the new technologies is a source of grave concerns. Responding to the magistrate's decision that the young gambling ice cream salesman required brain surgery, London's *Sunday Times* questioned: "Is the drastic measure of operating on a man's brain an appropriate remedy for what respected pundits have called a national psychosis?" Going a step further, one soon awakens to the realization that the remedy offered to Eric Edward Wills might be equally justified for all gambling Englishmen. And if gambling is a sufficiently serious national malady, in England or America, what other undesired behaviors would support similar reforming campaigns?

THE NEW REVOLUTION

It is not merely an overzealous magistrate and a few over-reaching scientists that we must prepare to meet. There is, in fact, a human modification revolution upon us, which in its magnitude is not unlike the industrial revolution of nearly two hundred years ago. But while the industrial revolution was directed toward the physical world and the production of its goods—and affected in the first place man's environment rather than man himself—the new revolution focuses upon man as the central actor in our universe and aims at his direct control and reform.

One out of every four Americans has been prescribed or has taken some mood or mind-changing drug within the past year, according to the National Institute of Health.

Hearings before the House Privacy Subcommittee, in September of 1970, disclosed that 3000,000 American children are being given stimulants or tranquilizing drugs in order to calm their hyperactive and often disruptive class behavior. And this is only the beginning, according to experts. Most of the subjects so far are elementary school children of average or above average intelligence, alleged to suffer from minimal brain dysfunction (MBD) which is said to hinder them from achieving their full educational potential. Some four to six million underprivileged school children, almost one third of the ghetto juvenile population, might be the next recipients of the new therapy. Such treatment is encouraged by the *Journal of Learning Disabilities'* conclusion that: "Disadvantaged children function similarly to advantaged children with learning disabilities."

A recent report in the National Education Association's journal, *Today's Education*, projected the future educational trend: "Biochemical and psychological mediation of learning is likely to increase. New drama will play on the educational stage as drugs are introduced experimentally to improve in the learner such qualities as personality, concentration, and memory."

Pharmaceutical manufacturers already market a drug, proved successful in laboratory experiments with rats, which is used as a memory-improving aid for humans. And what we develop some drugs to do, others are designed to undo. Working with goldfish, University of Michigan researchers have developed antibiotics that can effectively "erase" the memories of recently acquired experiences.

Testifying before a Senate subcommittee, the former Director of the National Institute of Mental Health predicted that the next five to ten years will see a hundred fold increase in the number and types of drugs capable of affecting the mind. Awareness of the initial successes of behavior modifying drugs in the educational arena is likely to have a spillover effect. A special panel of the prestigious American Association for the Advancement of Science meeting in December of 1971, carefully explored the utilization of new behavior control and modification techniques as alternatives to such traditional penal methods as prisons and probation.

The possible application of behavior modification techniques in the political arena is obvious and was recently advocated in Dr. Kenneth Clark's presidential address to the American Psychological Association. Dr. Clark called for new drugs that would routinely be given to political leaders the world over in order to subdue hostility and aggression. Reporting that we are on the threshold of electrical and chemical discoveries that could "stabilize and make dominant the moral and ethical propensities of man and subordinate, if not eliminate, his negative and primitive behavior tendencies," Dr. Clark predicted that new psycho-technological controls could be implemented within a few years, "and with a fraction of the cost required to produce the atom bomb."

But the newly developed tools of behavior control, which promise more effective procedures for the management of unruly and deviant people, also post difficult questions of public policy and ethics: Is the use of drugs for hyperactive school children justified if the function of the drugs is to make children more "teachable?" And what of drug use merely to permit calm to be restored for both tired parent and overburdened teacher? Should a mentally ill or mentally retarded patient be administered medications or be psychologically conditioned to allow understaffed hospitals better management over their wards? Should a chronic alcoholic be required to undergo brain manipulations to cure him of his disease? Should an adult homosexual be made to go through behavior modification? And what about all the other non-conformists, rebels, deviates, and never-do-wells?

Only a few nineteenth century romanticists were alarmed by the prospects of the Industrial Revolution when its first came on the scene. Many more people of diverse philosophical persuasions are now concerned with its manifestations as they have become apparent over the years: the unequal distribution of its benefits, and its effects on the family, on employment, on natural resources, on the environment, and on the quality of life generally.

Can we forecast and guard against the hazards of the new revolution? Five years ago, Dr. David Krech, a highly respected professor of psychology at the University of California, called attention to the urgency of the moral and social questions raised by the new scientific discoveries which permit the manipulation of man's mind and behavior. Of particular concern to Dr. Krech was the prospect of chemical brain control agents that can be used unobtrusively and without the cooperation or even knowledge of those affected. Most other forms of behavior control require that you first "catch the man" you seek to manipulate. But "chemicals placed in water supplies, in food, or in the air we breathe, can perform their work on a mass basis and without the victim's knowledge."

Lately the concern with behavior research and control has transcended the scientists' laboratories and has found a resounding echo in the political arena. Lashing out against the use of psychodrama and psychological drugs in the schools, Vice President Spiro Agnew recently condemned the new scientists and "futuristic planners" who no longer wish to rely on religion, moral philosophy, law, and education as tools for improving mankind, but instead want to tinker with man himself.

While the awareness of the new and drastic potentials for behavior control is growing, it is essential that the implicit questions posed by the new sciences be recognized and debated as valid public issues: who is to control science—and especially the human modification sciences—and how can we make certain that science is made to serve rather than abuse us?

One cannot allow these questions to become crank or partisan issues, to be taken up alternatively by radical elements on either the left or the right. For what is in issue is the nature of the society that we seek to create for ourselves and our children. And what we may be asked is to choose between a well-planned and controlled uni-culture, on the one hand, or the pursuit of a pluralistic society in which conflicting ideologies, religions, races, and life styles can be accommodated and tolerated, on the other.

MEANS TO WHAT ENDS?

Since writer-scientist Jean Rostand (the son of the author Cyrano de Bergerac) asked *Can Man Be Modified?* in his 1956 book, the state of the man-modifying sciences has undergone drastic growth. Chemical birth control agents have been developed to change the fertility cycle, and organ transplants are routinely changing the physical composition of humans. As present means for diagnosing and correcting abnormalities in a person's genetic code are becoming more sophisticated, geneticists propose to manipulate the human embryo or ovum in order to improve the offspring or at least preselect it to better fit social demands.

While chemists and pharmaceutical houses are concocting and promoting their medications—designed to mold behavior to predetermined standards—a host of other behavior modification experts labor feverishly in their laboratories. Several concentrate on electricity as an instrument for both the monitoring and modification of behavior. Electronic devices have been fashioned which not only permit the long distance monitoring of a person's location and movements, but also of such physiological activity as blood pressure and penile erection, as possible predictors of forthcoming behavior. A bellboy paging system has been used experimentally to permit communication and crisis intervention with persons engaging or about to engage in undesirable behavior.

More potent means of intervention and control have been provided by electrophysiology. By implanting tiny electrodes in the brain of animals, experimenters can send electrical impulses in order to create specific behavioral responses—"now making them cringe, now sending them into furious attack, now making them drink, now making them sexually hyperactive." The mass media has widely reported the successful experiments of Dr. Jose Delgado of Yale's School of Medicine, who has managed through remote controls to stop and reverse his "brave bulls" in the middle of their bull ring charge. Current research, concludes Dr. Delgado, supports "the distasteful conclusion that motion, emotion behavior can be directed by electrical forces and that humans can be controlled like Robots by push buttons."

Other behavioral scientists find it unnecessary to rely upon surgical, chemical or electric agents, which must directly operate on the human physiology, to achieve behavior modification. The classical work of Ivan Pavlov in conditioning his dogs to salivate everytime the dinner bell was struck, whether food was served or not, has in recent years given way in the United States to sophisticated systems of conditioning, where a series of reinforcers (popularly called "rewards") are used to encourage the emission of "correct" behavior responses. "A reinforcer such as food, money, or time out from a task is known to be a reinforcer when it increases the rate, or changes the form of the behavior it follows." If the correct response is not emitted by the individual, no reinforcer is given. Generally, it is the goal of the process to so condition the individual that he continue to "voluntarily" cooperate in order to receive his reinforcement.

Describing the techniques of one of the better known of these systems (operant conditioning), Dr. Perry London concluded in his book *Behavior Control:* "Operating entirely with incentives given as the individual acts in ways which approach the controller's goals for him, virtually any skill of muscle or attitude of mind can be taught, if only it can be applied with sufficient ingenuity."

By far one of the most ingenious users of the psychological conditioning techniques is Harvard's Dr. B. F. Skinner. Through his fictional hero in *Walden Two* (1948), Skinner asserts what might be the motto of the behavior controller: "I've had only one idea in my life—a true idee fixe. To put it as bluntly as possible—the idea of having my own way. 'Control' expresses it. The control of human behavior. In my early experimental days . . . I remember the rage I used to feel when a prediction went awry. I could have shouted at the subjects of my experiments, 'Behave, Damn you! Behave as you ought!"

But what are to be the societal goals of the modification of human behavior? To the tired school administrator, modification may be desirable to achieve conformity with educational standards as they now exist; to the reformer modification may mean more stimulated students. To the overburdened mental hospital administrator it may mean patients who make no trouble, and possibly no demands; to the ambitious innovator it may stand for institutional overhaul. To some behavior modification means adjustment to things as they are; and to others it may mean compliance not with the world as it is but the world as they perceive it should be.

Some of the contradictions inherent in behavior control came to light in response to Dr. Clark's suggestion for a drug therapy program for political leaders. Critics warned that using chemical and behavioral controls to reduce abuses of power would reduce positive exercise of power as well, and could turn people into "jellyfish." Moreover, a system aiming to humanize and reduce the aggressiveness of political leaders would not work unless the total populace was treated likewise, or else the humanized leaders would be left to the mercy of the more aggressive and primitive members of their constituencies.

Like all scientific knowledge, the tools of behavior modification can serve many and opposing masters. They can maintain the status quo or can work against it. They can serve the dreamers of eternal justice and peace, or just as easily and effectively strengthen the reactionary forces of bigotry and hatred. They can eliminate both majorities and minorities and even dictate the final parameters of good and evil. Will it then become only a question of who dares and who can afford to pick up these tools and use them?

AND WHERE DOES MAN FIT IN?

The new sciences of behavior modification have developed and relied upon a concept of man which is at clear variance with past religions and philosophies. Grounded in animal experiments, they view man as a member of the animal world with few differentiating attributes. Frequently, these sciences describe man as a mere biological container or machine, "rejecting the myth that each individual is born with a mental homunculus, and accepting the fact that we are merely a product of genes plus sensory inputs," according to Dr. Delgado. It is upon this neutral mechanism, say the behaviorists, that environment acts and leaves its accumulated impressions. Thus, it is the environmental input—through man's sensory capacity—which is superimposed upon the genetic machine and determines what man is. So viewed, man is not admitted to possess any spiritual qualities and becomes stripped of conscience, free will or any other inner values. Indeed, the very existence of inner-man is now denied.

The behaviorist's view of how the human machine operates is primarily hedonistic. Man is a mechanism which favors pleasure and abhors pain. According to Skinner, one characteristic of the human organism "is the avoidance of or escape from so-called 'aversive' features of the environment." Consequently, by offering rewards for desired behavior and following undesirable behavior with averse reinforcement, a skillful behaviorist, much like a machine operator, could elicit from his subject any behavior to suit his operational goals.

For man so naked of values, of spirit and of natural rights, what kind of world is being proposed by the behavioral scientists? In the first place the present social order is condemned by both Dr. Skinner and Dr. Delgado as beyond repair. Both agree we must design a new culture in which many would be allowed to develop a new and better style of life.

Having perfected conditioning technologies, Skinner is anxious to use them for the building of the world of the future. What is that world to be, however? To answer this question, Dr. Skinner is required to go beyond his role of experimental scientist and must assume the mantle of the philosopher or cultural designer. Viewing the history of Western culture, he suggests in his 1971 book, *Beyond Freedom and Dignity,* that man has been conditioned to abuse his powers. It is not difficult, Skinner asserts, "to demonstrate a connection between the unlimited right of the individual to pursue happiness and the catastrophes threatened by unchecked breeding, the unrestrained affluence which exhausts resources and pollutes the environment, and the imminence of nuclear war." We must, therefore, abolish "autonomous man . . . the man defended by the literatures of freedom and dignity, who is the cause of most social evil." Like George Orwell in his *1984,* Dr. Skinner pronounces that "Freedom is Slavery," and concludes that a new type of man, who is to be free of the urge for freedom, need be produced.

Dr. Skinner proposes "a world in which people live together without quarreling, maintain themselves by producing the food, shelter, and clothing they need, enjoy themselves and contribute to the enjoyment of others in art, music, literature, and games, consume only a reasonable part of the resources of the world and add as little as possible to its pollution, and bear no more children than can be raised decently. . . ." What is proposed is an escape from poverty, from war, from overpopulation, from ignorance, and from most other ills which have plagued civilized man. That being so, why have the brave new world images of Dr. Skinner engenedered so much recent controversy?

THE DEMISE OF PLURALISM?

In the first place opposition is voiced to the very idea that one could presume to design a total and comprehensive culture or society. Precisely what kind of society is to be sought by those who wield the new powers of control? It is now that one suddenly discovers the uncertain present day goals of the Western, Christian or American society. Is competition or socialistic cooperation to be preferred? Is simple monastic life to be given preference over urban plenty with a chicken in every pot and two cars in every garage? Is the work-ethic to be preserved or is leisure to be encouraged? Are sex, sensuality and other traditional vices to be discredited as socially wasteful or are they to be promoted? Is a Lincoln, Emerson or a Walt Whitman the American dream—or is it Hugh Hefner, Abbie Hoffman and William Kunstler, individually, or all put together?

The behaviorists' talk of a new culture contains in it undercurrents of messianic zeal. Such culture implies a hierarchy of values, well ordered and maintained, which may stifle and suppress unorthodox cultural goals. Cultural authorizationism thus becomes a specter.

A planned culture suggests also that in lieu of conflicting social organizations—such as families, different religious faiths, political parties, schools, and economic classes—each advocating and trying to advance its own version of the cultural goals, and thus producing a constant reformulation of these goals, there may be created a new single, uniform, and inflexible conditioning machinery for the achievement of one preprogrammed culture. Totalitarianism and the stifling of social evolution thus loom as a second objectionable ramification of the new revolution.

Thirdly, in their proposals for the design of the new culture, Dr. Skinner and others seem most concerned with the survival of "the culture"—which they do not always particularize yet somehow endow with the unquestionable right to life. At the same time, the view of man advanced by them is devoid of any inner meaning or rights. What could be at stake, therefore, is the de-emphasis of man and his "natural rights" (as previously conceived in the literatures of freedom and dignity) vis-a-vis the "community" or "fasces" and the needs of its efficiency and prosperity. Since behaviorists deny inner man, there is the constant apprehension that they will be callous to the invasion of the domains of man's personality and inner values by behavior controls. In the pursuit of a "sane" and "tranquil" culture, the individual may thus be perceived as the rim in the societal wheel, rather than its nave.

The behavior modifiers fourthly seem to exhibit little faith in the ability of individuals to share in the design of the needed culture, through some form of participatory process. Proposing to design a new world, Dr. Skinner pointedly notes that the aim is to create "a world which will be liked not by people as they now are but those who [will] live in it." Urgently calling for the braver new world, Skinner believes that "a world that would be likely by contemporary people would perpetuate the status quo." But if today's collective man, due to his faulty past conditioning is not able to conceive and plan his future world, are we willing to turn over the undertaking to Dr. Skinner, or to some other outstanding and benevolent scientist? And what precisely makes Dr. Skinner (unless he is the only one to have escaped faulty conditioning) free of the near-sighted vision of his fellow contemporaries?

Finally, the very tools of new behavior control are viewed with alarm by some as being overly massive for the precarious balance of man and society. There is nothing newly drastic in the behavior modification techniques, Dr. Skinner and others assure us. We have always been the product of our environment, our schools, our parents, and our friends. Why not accept behavior modification as a more beneficient, rational and advanced influence upon our lives?

After all, it is a major function of all societies to mold behavior to pre-determined standards. The Ten Commandments were proclaimed in order to control behavior. And in primitive societies, the manipulations of witch doctors were usually intended to affect human changes.

But these and other early approaches, one soon recognizes suffered from two major defects as social control agents, and it is these limitations which made them acceptable: they either were only one influence among many other factors, or else they relied exclusively on the questionable power of punishment to affect control.

Even the most repressive penology has thus had only limited power over the individual, for he usually possessed the option to choose punishment over conformity. It is the promised effectiveness of the new scientific techniques and the relative helplessness of those to be affected by them which raise many of the new objections. For these tools may be so effective that they no longer preserve individual options. And once instituted at early stages of individual life, those affected might even be conditioned to like the lack of options.

None of these questions have been satisfactorily answered by the behavior modification leaders. Responding to the warning that a planned culture necessarily means uniformity, regimentation and restraints on evolution, Dr. Skinner in his recent book advances the need for "planned diversification." This apparently means again that somebody, somehow, will determine how much deviance from norms can be tolerated: how many musicians, artists, rebels, red-heads, anarchists, democrats and so on should be created or cultivated through careful diversification.

No meaningful answer has been advanced by the new technologies regarding the ethical issues involved in behavior modification work with involuntary subjects—criminals, juveniles, the mentally ill and the retarded, alcoholics and other deviants. Are all these fair game for behavior modification in the name of the social good?

One additional critical question remains: even if we grant the total benevolence of our leaders of science, how are we to protect the new behavior techniques against abuse, commercial exploitation, power seekers, overzealousness, and selfishness? It required the atomic scientists twenty-five years to develop an urgent sense of their special social responsibility. Can we allow the behavior modifiers to continue with their research endeavors, lending their tools to all kinds of social experiments, and defer the question of their science's social accountability?

LET'S LEARN FROM THE LUDDITES

Despite all the fears, hesitations, and uncertainties, it is evident that many new behavior modification technologies are with us, and many more are to come. The mounting demands for social order, as well as increasing hopes for a better world, will produce both popular and scientific calls for more experimentation and greater use of these techniques. Are we, however, to be overrun by the new revolution as we have been by the industrial one, or is there a system of safeguards and scrutiny which will help assure that the new techniques be so utilized and absorbed into the social fiber as to help improve the human condition rather than debase it?

In 19th century England, there were those who set out to block the coming of the industrial state and attempted to destroy or sabotage its machinery. Only their name, not accomplishments, remains with us—the Luddites. They were not successful. Neither is it realistically possible now to engender sufficient public consensus in order to turn the clock back to a pre-human modification age. But we must make certain that the lessons of the industrial revolution do not go unnoticed. The best intended of revolutions require planning in order to prevent anarchy and to make certain that the revolution's adverse side effects do not become more undesirable than the ills it set out to cure.

For the industrial revolution, the entrepreneur was the focus of decision-making; he decided what to produce and sell. In more complex industrial states, the entrepreneur was joined by both the capital supplier and by professional management. Consideration for the employee came much later, and direct input from the eventual consumer and from the community at large did not fully materialize to this day. To justify this questionable and unbalanced exercise of controls, the industrial revolution supported and relied heavily upon the philosophy of free enterprise which pleaded that the total social good was being served by leaving the entrepreneur to his own devices. We obviously do not ascribe to this conviction any longer, or else we would not have created a National Labor Relations Board, minimum hourly wages, prohibitions of child labor, and the latest wage and price controls.

Our experience with the entrepreneurs of the industrial revolution and their latter day brethren warns us against turning similar unrestrained power to the new entrepreneurs: the behavior modification technicians, their capital suppliers and their sales forces. If the man-modifying revolution has potentials for both good and evil, and its progress can no longer be turned back, vital questions must be answered: How are we to monitor the revolution? How are we to direct it? Can it indeed be controlled? And for what purposes? What should be the function of government? Of the scientific community? Of the people?

Justice Brandeis warned us some forty-five years ago that "the greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding." We know from experience that justice and benevolence-seeking prophets much too often end up carrying out their prophesies through bloodshed and inquisition. Behavior modification could readily "snowball" out of control simply because it has the potential for becoming big business. One cannot accept on face value the assurances of the behavior modifier that the purpose of his ministrations is totally beneficient. Reforms which have long been claimed by our juvenile court agencies as benefiting children have often been nothing more than so much additional social control for bureaucratic convenience and conformity. Half of our mental hospital populations, allegedly there for a cure, find themselves locked up not for their own benefit but for the public's convenience and peace of mind.

WHO WILL CONTROL THE CONTROLLERS?

Our protection against possible zeal, arbitrariness and antihumanistic exploitations of the new scientific technologies lies in the definition and curtailment of the power of those who control them. In structuring a system of control over the new revolution, we must carefully consider separately the needs of the persons who are proposed to be modified, their immediate families, their children, their parents, their teachers, their pupils, their employers, their employees, the representatives of the community and the spokesmen of official government. It is faulty to assume that the interests of pupils and teachers, parents and children, or of individuals and society always or frequently coincide.

We must advance and enforce the public's right to know the facts about behavior control plans and practices. Should not the state, the medical profession, the teaching profession, therapists and others be prevented from administering new behavior modification techniques unbeknown to the major parties concerned. Is a parent not to be consulted regarding the school's prescription of pills to his child? At the same time should a parent or teacher be free to authorize such techniques without the benefit of any other scrutiny? These are important public issues, which cannot be left within the sole domain of the scientific and medical community.

We must determine when and under what circumstances decisions regarding behavior modification are to be designated as private, subject to the individual discretion of the person affected, or his therapist, and in what cases they are to be viewed as public questions, requiring an open inquiry where more than mere personal preference might be considered. To be decided is whether any involuntary administration of these techniques is to be permitted, and if so, upon whose authority and subject to what scrutiny. Finally, certain modification practices, such as lobotomies, may be so objectionable as to be totally outlawed through legislative enactment.

It is significant that the whole body of American law and jurisprudence, founded as it is on Age of Enlightenment's assumptions regarding the benevolence of man in the state of nature (derived from Jean Jacques Rousseau and John Locke), sought to protect the individual from the excesses of "evil" government. Our constitutional safeguards have thus been framed not to grant positive rights but to assure against the government's encroachment upon the individual's own pursuit of life, liberty and property. The constitutional protections against unreasonable "search and seizure," or against "cruel and unusual punishment" are proper examples. But the scientific advances of recent years pose new types of ethical and jurisprudential issues in the relationship of man to the state.

Increasingly we are presented with instances where governments, as well as lesser units of social organization, are offering programs of action and intervention for the asserted purpose of improving the individual's lot rather than restricting it. Yet in doing something *for* people, government also does something *to* them. Often, these programs are sought to be extended to non-voluntary recipients—with the assertion, however, that they are intended not as punishment but as therapy and self-improvement. But while experienced in combat against "evil" government, American jurisprudence has never advanced or studied the necessary norms for the control and supervision of the new programs or scientific techniques which are offered by an allegedly beneficient state.

The professed change in motive and in the degree of effectiveness of the new techniques for behavior and human modification clearly require a new look at existing schemes of ethical and legal control. Just as American society once was able to rely upon the prohibition of littering as a sufficient protection of our environment, yet finds this restriction inadequate to meet the hazards of present day pollution, so previous legal protections may be insufficient in light of the new realities. Reassessment is required not only of the workings of official government, but also of the decision-making or sanctioning processes of public and quasi-public institutions, such as hospitals, professional organizations, and therapeutic practitioners.

In the past when we became concerned with the distribution, control or modification of natural assets or natural resources, we usually created regulatory agencies to help protect the public interest. This is what the Federal Communications Commission, the Federal Power Commission and the Tennessee Valley Authority were set up to do. These agencies have not always been vigorous enough in the pursuit of the common good—but we are probably better off with them than without them. Now that the human resources of this country are becoming subject to concentration research, manipulation and control, there is the need to determine and set policies which many encourage or discourage the new practices.

But the need is not merely for the open discussion and formulation of public policies and regulations which could affect public funding for behavior modifications, as well as determine the adequacy of professional self-policing. There must also be created a central exchange for information, and a procedure designed for the effective monitoring of new developments and the assessment of their effect upon the public interest. There is a need for a public forum, administrative or juricial, where affected or other interested parties might be heard and assisted. There is a need for a new therapeutic bill of rights to help guarantee man's right to be and remain as different as is compatible with social survival. (I have spelled out the details of such a bill of rights in my new book, "The Right To Be Different.")

Man created an industrial revolution and it has taken him two hundred years to realize that it must be controlled before it chokes him to death. Civilization evolved an atomic bomb without controls and is now frantically seeking restraints under the shadow of annihilation. Humanity is today on the threshold of a world "beyond 1984" where behavior modifiers offer drastic new tools not only to change man but also to redesign society. If indeed our major cultural goal is to preserve and promote a society where pluralism—individual, religious, artistic, economic, and political—takes precedence over the desire for tranquil uniformity; if our commitment is to continue social experimentation and a constant readjustment of the power balance between man and society, we must protect our future options and our right to be different now, while we still have the will and power to do so.

FIRST FOUNDRY INDUSTRY CONFERENCE IN MILWAUKEE, WIS.

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. SCHWENGEL. Mr. Speaker, last night it was my pleasure to meet with representatives of the foundry industry who are having a conference here for the first time. The keynote speech by Burleigh E. Jacobs, Jr., president of Grede Foundries, Inc., is a fine statement and ought to be read by every Representative of the Congress and every thoughtful American because it reminds us of some basic and fundamental thoughts on free enterprise. It is valuable and speaks of the problems of the industry that need our sympathy and understanding. The speech follows:

FOUNDRY INDUSTRY CONFERENCE SPEECH

(By Burleigh E. Jacobs, Jr.)

Thank you, Mr. Chairman. I deeply appreciate the honor of being asked to be the opening speaker at this first Foundry Industry Governmental Affairs Conference—an historic occasion for our industry.

The conference itself is a development which has come about through the confluence of two forces. One of these is the spirit of cooperation between the trade associations representing the various segments of the foundry industry. The other is the increasing effect which decisions made in Washington have on our everyday lives as foundry operators. One could say that Washington has had a tremendous effect on us for almost forty years—and ask what took us so long to get here. Over the years each trade association has tried to do its very best for its members and part of this service included coming to Washington to handle matters affecting its particular segment of the industry. There were occasions in which several of the trade associations would get together on a common problem but these were always on an ad hoc basis.

During the past several years two industry moves toward greater cooperation have evolved. One was the series of meetings on matters of mutual interest between the ferrous trade associations which will soon culminate in a formal federation. The other was the arrangement between Steel Founders' Society and the National Foundry Association wherein all SFSA members were enrolled in the NFA. The relationship and cooperation between these groups became such that they recognized the greater efficiency which could be obtained in Washington through the retention of a common representative here.

As a result, Executive Consultants, Inc., represented here by Walter Kiplinger, was retained through the NFA—which in turn was supported financially by the ferrous trade associations. The Non-Ferrous Founders' Society was invited to participate—and did—and is also a participant in this venture.

The AFS, being a technical society, not a trade association, did not participate financially but has, through its Environmental Control Department, in cooperation with the trade associations, contributed technical data to EPA and other governmental agencies on behalf of the foundry industry and has been most helpful in the development of the industry-wide safety and health program which you will hear about tomorrow.

Thus, gentlemen, and especially non-foundry attendees, we do speak today as a united viable industry which has a story to tell and which wants to listen. Our minds are like parachutes, they only function when open—and we well recognize that we can't keep our month and our mind open at the same time.

We know we are late in having representation in Washington—but we are not too late. We have much to learn, but one fact we have learned is that we have an educational job to develop an understanding of our industry in Washington.

This brings me to the reasons for and the purposes of this conference:

(1) To promote, publicize and create an awareness of the metal castings industry on those in Washington whose decisions affect us; and

(2) To stimulate foundry operators to a greater awareness of the effect of Washington on their industrial lives and of the necessity of their becoming involved in public affairs.

Let us first take a look at the foundry industry, an industry which is the backbone of our industrial complex. Foundries produce metal castings. Ninety percent (90%) of all durable goods manufactured require castings as end products or as component parts.

The foundry industry size is often measured on the basis of tons of castings shipped. It is usually compared with other industries on the basis of the dollar value added by manufacture. According to the latest data issued by the U.S. Department of Commerce, the foundry industry ranks sixth among all manufacturing industries. Only motor vehicles, blast furnaces and steel mills, aircraft, basic chemicals and communication equipment exceed the foundry industry in rank and in size by the value added by manufacture. The foundry industry is larger than metal working machinery and equipment, larger than fabricated structural and metal products, larger than the newspaper industry, and larger than the beverage industry.

The size of our industry is misleading because most foundries are either small, independent privately owned operations, or are captive foundries of large automotive or heavy equipment manufacturers. Of the roughly 4,500 foundries in the United States, employing over 300,000 workers, 82% employ less than 100 workers. The dollar value represented by casting production exceeds $15 billion and represents 22 million tons of castings each year. Sixty percent (60%) of the total industry output is produced by independent jobbing foundries.

It is an interesting paradox, as eloquently pointed out by Chuck Drury, President of Hayes-Albion, that while demand for castings is increasing at a rate of 6–7% per year, the number of foundries are decreasing each year. For example, in 1950 there were 3,000 gray and ductile iron foundries, by 1970 only 1,500, and it is estimated that as many as 500 more will close in the next five years. The primary reason is that metal casters have not traditionally generated the funds to modernize, expand, and equip. The anticipated increasing decline in number of foundries is due to lack of profits and to the need for capital to meet OSHA and environmental control standards.

Yes, castings are vital to our economy—as vital as any raw material or component can be. As an example, these major industries buy castings from jobbing foundries:

(1) Motor vehicles and trucks
(2) Industrial machinery
(3) Metal products, including heating and air conditioning equipment
(4) Machine tools
(5) Water pipe
(6) Railroads
(7) Electrical machinery
(8) Construction and farm machinery
(9) Engines and turbines
(10) Household appliances

I might also point out that the ten general industries summarized above actually encompass approximately 500 different industries.

Ask a foundryman what he does, and he might say that he melts metal and pours it into a mold to make a casting. What he also might say is this—and here I am borrowing from Bill Watkins of Esco Corporation:

"I am feeding and clothing and sheltering the people of the world. I am digging the world's coal, drilling its oil. I am building its thousandths of miles of highways and railroads, and the locomotives, trucks and automobiles that travel over them. I make the airplanes that fly through the air and the ships that ply the seven seas. I make the tools with which man accomplishes his work, and I must sadly admit that I make the implements of war with which he attempts to destroy his kind. Products of my foundry are in the hospital delivery room when a man is born, in his home and at his work bench while he lives, and in the mortuary when he dies. Throughout his life, I have bettered his standard of living to a point where the working man of today lives in a splendor undreamed of by the kings of the middle ages. I have put men into orbit around the earth, and I have sent men safely to the moon and back."

Examine this statement and you will find it to be true. Practically every development leading to man's material progress has found its beginning in the foundry.

Let me update Bill Watkin's statement by adding that a foundryman might also say that in the creation of my product I recycle discarded metal into useful goods. Eighty-two percent (82%) of the ingredients of all ferrous castings is scrap metal. The cast iron engine block in your car today may contain molecules of iron that were present in a Civil War cannon, a steel rail that bridged the continent, a plow that broke the virgin soil of the West, or a Model "T" Ford. Every time a ton of iron and steel scrap is recycled through a foundry, our natural resources are preserved by 1½ tons of iron ore, one ton of coke and ½ ton of limestone. In the non-ferrous metals, we find that 45% of the total amount of copper, 1.8 million tons per year, is recycled. Similarly with lead—38%; with aluminum—20%; with zinc—20%.

Despite the importance of the foundry industry to our industrial economy, we are almost unknown to the public. It is no exaggeration to say that any mature or semi-mature adult has a pretty good concept of what a steel mill is or what an automobile factory is or what the oil industry is, and perhaps could even come up with a pretty fair description of what the textile industry is. But I'll defy you to find very many people who can give you any idea of what a foundry is unless they or one of their relatives or the next door neighbor has worked in one.

How has all this come about? Possibly because we are an industry of small owner operators, technically oriented and more concerned with our customers' industries than our own. This is because they, our customers, are the ones who sell the end product to the consumer—the public. The technical orientation of our industry has been obvious for years. Call a meeting on a technical subject and foundrymen come in droves. It's standing room only. Call a meeting on a non-technical subject—be it labor, management, sales, or even Washington activity—and a "corporal's guard" will respond.

John B. Connally, Honorable Secretary of the Treasury, had this to say about the businessmen's role in government:

"One of the greatest weaknesses of businessmen is that they don't want to get involved in politics. They'll spend 15 hours a day in their business, but they won't spend 10 minutes a week on the thing that is most important to them—their governmental relations problem. This is why businessmen don't have the wallop they have had in the past.

"Businessmen ought to spend more time because government is more important to them than any other decision they'll make in the whole year. Businessmen ought to make up their minds that politics is here to stay, that it's a part of the life of this economy, and they should be prepared to deal on that plane with it."

That's why we are here today. Now let's look at areas where Washington has affected our decisions or decision making in the past year.

The Environmental Protection Agency, created just 14 months ago under the Clean Air Act Amendments of 1970, has promulgated its regulations. These regulations must be followed in substance by the various states this year. If the states do not develop approved control regulations, the Federal EPA will enforce its regulations. In one way or another, we will be confronted with stringent air pollution control regulations. The Federal regulations are tough enough—and weigh particularly heavily on the small iron foundry—but there is nothing in these regulations which says that the states cannnot develop more stringent regulations. The Federal regulations do provide that the states may consider the social and economic impact of emission limitations—but as yet there has been no evidence that any state has let such consideration sway it in its deliberations. In fact, I fear that some states are vying with one another to see which can be the most unrealistic.

It is good to know that the EPA is conducting micro-economic studies of industries which will be severely impacted by air pollution control regulations. The gray iron foundry industry is one of these. Walter Hamilton will touch upon these studies in greater detail tomorrow.

Water pollution control is still up in the air and is contingent upon House action regarding the water legislation recently passed by the Senate. The Nixon Administration is fighting this bill—which states as a national goal that there shall be no discharge of pollutants in our waterways by 1985. EPA Director Ruckelshaus has called such a goal "unattainable." He urges instead the same approach as that which is being used with air—the process of setting standards and enforcing them. Whichever way it goes, some foundries will be severely hurt by water control legislation.

The implementation of the Occupational Safety and Health Act of 1970 began this year. The foundry industry was not among the five worst industries which were singled out as target industries for special treatment in enforcing the Act and we are proud of our industry-wide safety and health program which will be discussed tomorrow. Many experts have estimated that, in the long run, the Occupational Safety and Health Law will be more costly to the foundry industry than air and water pollution controls. I, for one, believe this and, if unreasonably enforced, it could bankrupt many, if not most, of today's foundries.

However, I do agree with Miles Stephens, President of Ross-Meehan Foundry, that the issues raised by the OSHA and pollution control legislation are desirable, as the foundry industry must provide a working environment that will attract people. It's the implementation of the issues that worries me.

A survey by Foundry magazine estimates that foundries will spend approximately $1 billion in 1972 for new plant and equipment. There is no breakdown of these expenditures by particular segment but, according to the Conference Board Record, February, 1970: "The primary iron and steel industry has spent and anticipates to spend more than 50% of total capital appropriations for pollution control." What percentage of these budgets will be for in-plant environmental controls and safety measures is another question which remains unanswered but, as an example, approximately 30% of Grede Foundries' capital expenditures in 1972 and 1973 will be for this purpose.

Imports and Exports—Until recent years, imports of rough castings have never been a major problem for the foundry industry—except, of course, to those firms whose specialties were involved. The bulk of imported castings are in the form of components—power drives, machine tools and automobiles.

The exact number and weight of these castings is not known. They are not reported to the Tariff Commission. Available data, however, indicates that the extent of imports represents hundreds of millions of dollars in income lost by foundries, as well as wages lost for domestic foundry workers. Casting Engineering magazine, drawing upon Commerce Department data, reports a 30% increase between 1968 and 1970 in the value of imported goods which involve substantial use of castings.

Exports of raw materials, such as coal and scrap, have had a very serious effect on our industry, and at a time when ecologists were pressuring power plants to use low sulphur coal, the foundry industry found its usual coke supply being diverted to power plants or being exported to Japan. Likewise with scrap. Only the recession of 1971 prevented serious disorders in normal supply and demand relationships on coke and scrap and, if the economic forecasters are right about 1972, this could be serious and will require intense Commerce Department policing.

We have no intention of engaging in a discussion concerning the merits of free trade vs protectionism, but we do hope the recent devaluation of the dollar and other international monetary decisions will enable the United States to gain a fair shake in world trade so that durable goods can once again compete.

Tax Credit—One of the most encouraging pieces of legislation passed in the Congress in 1971 was the adoption of the 7% investment tax credit. Historically, the foundry industry will find economic conditions improving following such encouragements to modernization and expansion. We are basic to growth and modernization. We precede the cycle because of what we produce. If the producers of industrial and other basic equipment find a market, they place orders for castings. They find a market when their customers decide to expand or modernize. Therefore, when the government encourages the modernization of industry in its tax laws, castings will be ordered.

The problem is that the tax credit has been a political football. It gets kicked back and forth. It is on-again, off-again. It is termed a hand-out or subsidy to business when it is really a creator of jobs.

Economic life today is completely unlike the economic structure of 20, 30 or 40 years ago. The major portion of spiralling consumer prices are found in the "service" area rather than in basic industries. If you want to see inflation, don't look at the prices of castings or capital equipment, look at the medical, legal, governmental and other "services" industries. Furthermore, the "services" now dominate our GNP—not capital goods.

There is no basis for the philosophy that curtailing modernization will make the cost of manufactured products go down. Prices will only go down when costs go down. Costs go down as a result of modern management and modern machinery—not obsolescence. Unless labor wants to cut its price—and it doesn't—industry cannot reduce costs except by scrapping obsolete equipment and buying new and efficient replacements.

The investment tax credit—or better yet—a sound capital recovery tax structure—must become a permanent part of our governmental tax philosophy. This will eliminate the tendency to revert to the harmful cycle of inadequate capital recovery allowances and a shortage of funds for replacement of an aging industrial plant facility.

We must, during our visit here in Washington and in the future through our representatives, stress the relationship between our multi-billion dollar industry and a sound capital recovery tax structure.

We hear much about the possibility of a value added tax in the future. As a high labor content industry that is extremely capital sensitive, we have a great interest in this proposal.

Wage and Price Controls came down upon us in 1971. Without engaging in debate over the wisdom or necessity of such controls, the fact remains that they are with us. In the price area, we were deeply hurt during the

90 day freeze because of lack of understanding by OEP of pricing practices in the custom metal components industries. The now infamous Circular 17 required a roll-back of prices on reordered castings. Through our industry representatives explaining, explaining and explaining formula pricing, Circular 17 was finally superseded by some sensible regulations, and that particular problem is no longer with us.

The thought persists, though, that had we been more experienced, had we been on the Washington scene, constantly acquainting officialdom with our industry, Circular 17 would not have been promulgated in the first place. Hopefully, in time, we will reach such a level of competence.

In the pay area, some level of reason seemed to have come in current labor negotiations as a result of the controls, but now we see the sorry situation in which Congress has bowed to the pressure of labor unions and passed legislation permitting retroactive pay. Even worse, it has tacked on a provision to the Economic Stabilization Act which exempts pension and insurance from wage standards established by the Pay Board. Some discretion was left to the President, but the very existence of this piece of the legislative package may well touch off the same wild ride we have seen in labor negotiations in recent years. It could easily be the key factor in causing the destruction of the entire control program.

In these remarks I have attempted to highlight some of the key issues which have affected us in past years, and will affect us in years to come, in order to emphasize why we are here and why we must continue to function at the Washington level. In most of the areas discussed, such as EPA, OSHA, and pay and price controls, the amount of paper work, forms to be filled, orders, regulations, standards, counterorders and amendments is enough to suffocate even the largest company and certainly succeeds in increasing costs. The average foundry, a very small business, finds it well nigh impossible to cope with them. Yet the penalties, fines, imprisonment, tax exemption disqualifications, loss of government contracts, etc., apply equally whether large or small. If we are sincere and do the best we know how and still find ourselves in violation of a code or regulation of which we should have been aware or of which we were unable to obtain a satisfactory interpretation, what does that do to the small foundry except to help put him out of business? As Charles Kettering said, "You can be sincere and still be stupid."

Foundrymen fear, as I guess do most rational people, the problems and dangers inherent in Federal Bureaucracy. It is frightening to realize that interpretations of technical operating standards or wage-price interrelationships can be left in Bureaucratic hands, well intentioned as they may be, that may well put one out of business. As George Washington said, "Government is not reason, it is not eloquence—it is force! Like fire, it is a dangerous servant and a fearful master; never for a moment should it be left to irresponsible action."

An example, which may be a bit self-serving, occurred recently to one of NFA's members who is in the room today. He had reached tentative agreement on a contract settlement with his union. Based on reports and intepretations he had read in the NFA Governmental Affairs Newsletter, he thought that the terms were within the Pay Board Standards but, because of possible penalties, he wanted to obtain verification from IRS. First he spoke with his local office. They did not know the answer and suggested he contact the Detroit office. He went to Detroit and posed his question. The IRS agent could not give him an answer. The member then pulled out the National Foundry Association Governmental Affairs Newsletter and went over the rulings and interpretations. The IRS man was astounded at what he saw and said he wished that his office obtained such a service from Washington. To top it all off, he asked if it would be possible for him, an IRS representative, to subscribe to NFA's Governmental Affairs Newsletter. This would be humorous if it were not so tragic in its impact.

Eugene Pulliam, a newspaper publisher, wrote:

"The most serious threat to freedom in America today—including freedom of the press, comes from a federal bureaucracy which seems determined to gain control over every facet of American life.

"This is not a partisan issue. As a matter of fact there are now three great parties in America—the Democratic party, the Republican party and the Federal Bureaucracy. Of the three, the Federal Bureaucracy is the strongest and the most powerful because it is the best organized and is protected from political reprisal by civil service."

Fellow foundrymen, we must work with this Federal Bureaucracy and with our legislators who are the ones who stimulate action on the part of the Bureaucracts. It will be hard work—leg work, contacts, effective educational effort, and incolvement in politics here and at home. We must tell our story—we must listen. We must respond to the environmental influences of the day and make our foundries a great place to work. The solution of these social changes as demanded by our increasingly affluent society is not easy and not inexpensive. But society and our employees have a right to expect healthy and congenial places to live and work.

If we do our part, I am sure we can work effectively with legislators, Bureaucrats, and all those who are striving for a better and more productive America. Let us use these three days in Washington as a starting point.

COFFEE IS NO CURE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. DERWINSKI. Mr. Speaker, statistics show that highway fatalities zoom at holiday periods, and that drivers under the influence of alcohol are major contributors to accidents and fatalities in such periods.

The West Proviso Herald carried a very timely and succinct editorial in its December 29th issue which gave a sound warning to potential drunk drivers of the New Year's Eve holiday.

The editorial follows:

COFFEE IS NO CURE

We're constantly bombarded with public service messages on television and radio about not drinking and driving but every year at this time the National Safety Council issues a score-card listing the accidental deaths on our highways.

The big campaign last year revolved around the slogan "drunk drivers go to jail." In some cases, jail would be better than where some drunk drivers end up.

The New Year's Day weekend is filled with parties, from the trek to the neighbor's home for a good luck wish to the gala full-dress affairs at downtown hotels. The pause that refreshes at these is not Pepsi. And then you're faced with the drive home.

Drunk drivers not only face a threat of jail, they face the loss of their driving privileges if convicted. And if they aren't involved in an accident themselves, they could be the cause of one involving other vehicles.

Don't trust a cup of coffee as a sobering agent. Coffee won't replace time. It takes time for the alcohol to be absorbed into the system. Only then is reaction time back to normal.

Don't become a news item on our obituary page. Don't turn your ignition key into a passport to the cemetery. Don't drink and drive.

THE ENVIRONMENT AND POLITICS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. HAMILTON. Mr. Speaker, pollution control involves more than regulations issued by the Environmental Protection Agency. It involves a comprehensive change in life styles, a change that we in the Congress must work to implement.

Anthony Lewis commented on the needed "revolution of attitudes" in the January 17, 1972, New York Times. I urge my colleagues to read his column, which follows:

LIFE AND POLITICS

AT HOME AND ABROAD

(By Anthony Lewis)

LONDON, January 16.—Anyone who reflects these days on the relationship of man and earth must eventually find himself operating at two levels of awareness.

He worries about his house and his car, his income and his possessions in the usual way. He gets angry at politicians when the power fails and his air-conditioner stops. He hopes his union will get that wage increase, or the company whose stock he owns will sell more of its new gadgets.

But all the time he knows that the premises of that life are false, that before long it must give way. For even a little serious thought will have made him aware that all the "progress" and "growth" of modern economic life are based on the plundering of a finite environment. And the thin crust of earth and air and water that sustains us is near its limits.

A coincidence of events last week showed how our political life deals with the unpleasant reality of environmental crisis in the same way, by operating in separate compartments.

In London, 33 distinguished scientists supported a "Blueprint for Survival" to avoid ecological catastrophe in our children's lifetimes if not ours. Instead of industrailization and growth, it said, we must move toward a "stable society" with limits on population and the use of everything we do in terms of effects on the environment.

In the same week it became known that the Stockholm Conference on the Environment, long planned for next June as the first great worldwide event of its kind, was in danger of foundering on a diplomatic issue. At the insistence of West Germany and its allies, East Germany was being excluded—and the Soviet bloc therefore threatening to stay away. And this exclusion despite the fact that East Germany is a major industrial power and is likely to be a United Nations member by the time of the conference.

"Diplomacy against biology," one scientist said—"It is absurd." He might better have said: Politics against life.

Politicians are like the rest of us enlarged. They underestimate, or perhaps they hide from, the gravity of the ecological crisis and the speed with which it is coming. They tinker with this pollution or that, they pass a useful law, but they do not face the essential truth that a revolution of attitudes is needed.

The Ecologist, a British magazine, published the "Blueprint for Survival." First it set out the reasons for urgency. For example, resources are running out under the pressures of exponential growth: Ecological demand will multiply by a factor of 32 over the next 66 years at present growth rates. Can anyone imagine the earth meeting such a requirement? Even if we stop population growth completely in developed countries in thirty years, and the rest of the world in seventy, world population will stabilize at more than four times present numbers. One may argue over this figure or that, but it is impossible to resist the conclusion that a crisis is coming.

The Blueprint proposed an integrated program to meet the crisis. It rested on a call for abandonment of some basic human ideas: the instinct for fertility, the worship of economic growth, the tendency of our culture to become more industrialized, urbanized, centralized.

Those are demands for the most immense changes in human attitudes. Consider the matter of "growth" alone: How easy is it to imagine politicians giving up their promises of faster growth and higher incomes and heavier investment, and instead promising work for all at lower levels of income and productivity and investment and resource-use? But that is a minimum part of the necessary future.

Barry Commoner, in his new book, "The Closing Circle," puts it honestly and in moving words:

"The world is being carried to the brink of ecological disaster not by a singular fault, which some clever scheme can correct, but by the phalanx of powerful economic, political and social forces that constitute the march of history. Anyone who proposes to cure the environmental crisis undertakes thereby to change the course of history."

What makes "The Closing Circle" such an impressive book is that Commoner rejects pessimism. He does so not by fleeing from reality, or by responding to facts with despair, but by thinking in hard terms of what has to be done. He says calmly and quietly, for example, that over the next generation the United States must spend more than $40 billion *annually* on ecological reconstruction. That would mean almost all of our capital investment.

Can it conceivably be done? If we begin to think about it, begin to read the newspaper stories and the blue-prints and the books, a sated and weary society might even welcome the challenge. Commoner would say that America, richest and also most inventive of countries, offers the world its best hope. The first step is for politicians to take the issue seriously: the whole problem, the philosophical challenge. Who will begin?

FORD URGES FUNDS FOR MASS TRANSIT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. DINGELL. Mr. Speaker, the New York Times of January 7, 1972, carried a news item reporting on the proposal by Henry Ford II that a portion of the Federal highway trust fund be utilized to assist mass transit facilities.

In making this proposal on behalf of mass transit, the chairman of the Ford Motor Co. has once again demonstrated that he is a man of great vision who gives his support to innovative programs in the broad public interest.

So that my colleagues may be aware of Mr. Ford's comments, I insert the text of the New York Times news item at this point in the CONGRESSIONAL RECORD:

FORD URGES FUNDS FOR MASS TRANSIT—PROPOSES DIVERSION OF U.S. FREEWAY SYSTEM MONEY

(By Jerry M. Flint)

FLAT ROCK, MICH., January 6.—Henry Ford 2d recommended today that some of the Federal highway trust fund, used to build the nation's freeway system, be diverted toward mass transit.

This is the first major defection from the ranks of the auto establishment, including the auto clubs and road builders, over the fund. This fund, which takes an $5-billion to $6-billion a year, comes largely from a 4-cent-a-gallon tax on gasoline.

Persons favoring mass transit often propose tapping this fund for mass transit—making car owners pay for subways and the like.

Mr. Ford, chairman of the Ford Motor Company, in a news conference at a new Ford plant here, did not propose any exact percentage for mass transit.

But he said that a start should be made, spending some of the money for study, research and development of mass transit and even experimentation such as "building one system."

Persons opposing the building of roads and automobiles have generally sought to tap the fund because the money was available without new taxation and because the use of the money for mass transit, they believe, would slow the self-feeding growth of freeway and automobile travel.

The first diversions should be on a small scale, Mr. Ford said, because transit systems "have to be viable" and "can't cost the public a fortune."

Mr. Ford and Lee A. Iacocca, the Ford president, also said at their news conference:

Government-ordered improvements in automobiles for safety, emission control and damage ability would add an average of $750 to the price of a car between now and 1976.

Car buyers may never recover the added cost of $100 or more a car to improve bumpers because the promised insurance company premium reductions will be much less than expected by consumers.

The latest reduction in the price of steel will save car buyers $4 or so a car, but this will likely be more for other car manufacturers because Ford makes half of its own steel.

Mr. Ford also estimated that the new economic programs of the Federal Government would mean 300,000 to 500,000 added automobile sales this year. But he also said this would not mean many more new jobs at Ford because the company had plenty of production capacity and could build extra cars with overtime rather than major additions to the work force.

Mr. Iacocca, who earlier had said the Government-ordered rollback of 1972 car price increases would cost Ford $130-million in the last three months of the year, also said that the added volume resulting from Government economic policies would go far in helping to make up for the lost profits. Such added volume "goes a long way in our business," the company president said.

The executives spoke at a press showing of a new foundry here, 20 miles southwest of Detroit. The foundry makes engine blocks and other components and cost Ford more than $200-million.

It replaces a 50-year-old foundry in Dearborn, and has 15 to 20 per cent more capacity yet will employ 500 fewer employes. Mr. Ford said that $24-million had been spent on pollution control for the plant "to make it the cleanest and most efficient producer of castings that modern technology can offer." Foundries are commonly among the leading air polluters.

DOMENIC COLAROOSA HONORED AT TESTIMONIAL DINNER IN PITTSBURGH

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. MOORHEAD. Mr. Speaker, one of my good friends, and one of the most energetic workers on behalf of veterans everywhere is being feted at a testimonial dinner in Pittsburgh this weekend.

Domenic Colaroosa is a man known to thousands of Pennsylvanians who served in the Armed Forces of the United States.

Last year, Dom was elected commander of the Pennsylvania's Disabled American Veteran's organization. It was small tribute indeed for the hundreds of hours this man has contributed to the cause of ex-servicemen injured while serving their country.

On Saturday, January 22, Dom's friends in the DAV, and those not part of the group, will gather to honor him for his tireless efforts.

The acclaim can be none too large for this selfless man whose days and nights are never too full to help one of his comrades.

I would like to enclose a copy of Dom's glowing biography, prepared by the DAV, to show my colleagues the caliber of the man being honored in Pittsburgh this weekend and I would like to add my best wishes and congratulations to the hundreds he soon will be receiving.

The testimonial follows:

DOMENIC T. COLAROSA WAS ELECTED DEPARTMENT OF PENNSYLVANIA COMMANDER FOR THE DISABLED AMERICAN VETERANS AT THEIR 41ST CONVENTION IN HARRISBURG, PA., JULY 1971

Domenic T. Colarosa, is now the new leader for the Disabled American Veterans and will represent them at all local, State and National functions. He has held every position possible in this great organization. Domenic is a man of trust and is respected by all who come in contact with him. His character is of the highest calibre; he is honest and sincere in his undertakings; he is an able and dependable individual who recognizes the great importance of our veterans organizations functioning efficiently and for the welfare of the veteran. His excellent understanding of human problems and his education qualify him to perform exceptionally well in any position requiring judgment and knowledge of business, finance, commerce and economics.

His background consists of Bachelor of Science Degree in Accounting, School of Business Administration, Duquesne University; 1948. Master of Science Degree in Management, School of Business Administration, University of Pittsburgh; 1949. His Master thesis was written in 1949, and the subject was "Interstate Commerce Commission as it effects, Railway, Motor, Air, Water and Pipeline Transportation". He also studied Engineering and did graduate work at the University of Colorado toward a (PHD) Doctor of Philosophy Degree. His education was furthered by specialized courses in his field.

He is a combat veteran of World War II, having served in the Air Corps as a Master Sergeant in the Department of Engineering and Operations connected with B-17 Flying

Fortresses and B-24 Liberator Bombers. His service connected injuries qualify him to membership in the Disabled American Veterans and he has been very active in aiding and assisting other disabled veterans and families, and furthermore is an excellent leader. He is a Life Member of this organization.

At present he is employed by the Commonwealth of Pennsylvania as the Coordinator for the State Treasury Department, Bureau of Investigation, in charge of all cases that involve forgeries and stolen checks. He works with the Federal Bureau of Investigation, Secret Service, Postal Inspectors and all Minor Municipality Law Enforcing Agencies. The investigators under his jurisdiction have the right to walk in on all cases that involve fraud and embezzlements. This bureau has a high record of success in all such cases.

Formerly he was the Director of the Bureau of Disbursements for the Commonwealth having complete charge of the disbursing of millions of dollars, personnel, training and allocation of work.

He also worked for the Department of Commerce as a Director for the United States Government. It was his duty to represent the Government and sit in on all meetings of Major Corporations such as Gulf Oil Corp, U.S. Steel, Jones & Laughlin, Koppers, American Aluminum Corp. of America and others.

The organizations that he belongs to are numerous. He is a member of Alpha Phi Delta Fraternity, Pittsburgh Alumni Club, President of the Duquesne University Alumni Federation, Air Force Association, Catholic University Club, American Legion, American Amvets, Pittsburgh Chamber of Commerce, National Trustee and member of the Italia Nuova Club 112 of the Order Sons of Columbus of America, Pennsylvania Veterans Commission, Governor's Advisory Board, Regular Democratic Party and Pennsylvania State Finance Comm. Vice President of the Joint War Veterans Council of Penna. Membership 2,000,000.

Dom built his beautiful home in Brown Manor, Scott Township. He is married to the former Laura Marchetti whom he met at Duquesne University while a student there. He has three lovely children; Don, 16; Deanna, 13, and Dean, 8. Don is the son of Mrs. Ersilia Colombo, member of the Bloomfield Ladies 28, and deceased Mr. Nicola Colombo of DePineto 29.

For his recognition for all his meritorious service to the Disabled American Veterans his fellow comrades are going to have a Testimonial Banquet in his honor January 22nd, 1972, at the Redwood Motor Inn, Banksville Road, Pittsburgh, Penna. 15222, Saturday at 6 o'clock P.M. The National Commander, Governor of Pennsylvania, Officials of Government, Officers of other Veterans Organizations, Ladies Auxiliaries and many other dignitaries from across the United States, will be present.

Dom has received many honors in his life time and is mostly recognized for his public speaking and his poetry. He has spearheaded many successful campaigns for local, state and national candidates.

The work that Dom loves best is being with his fellow comrades every chance he has. His work takes him to all parts of the state and country and likes to be referred to as a Goodwill ambassador and always projects the good image of the veterans wherever he goes. He has been the Treasurer of the organization for years and at present is also an Executive Director of the Trust Fund Corporation and a member of the Finance Committee of the Disabled American Veterans. It is very possible that Dom will be in the National picture in the near future in a position to further the aims and legislation for veterans.

CONTINUING MIDEAST CRISIS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. MURPHY of New York. Mr. Speaker, on Sunday, November 21, I had the honor and pleasure of addressing more than 50 leaders of the Knights of Pythias Grand Lodge of the State of New York at a breakfast at the Piccadilly Hotel honoring Chief Assistant District Attorney Elliott Golden, of Brooklyn, a past grand chancellor of the Pythian Fraternal Order.

The gathering was a kickoff breakfast for the Pythian Israel bond drive.

Among those present were Grand Chancellor Seymour Piken; Supreme Representative Alexander C. Maller; Past Grand Chancellor Dr. Morris Smoller; Grand Master at Arms Dr. Henry A. Trow; Grand Inner Guard Harry Goodwin, and Grand Outer Guard Edward Birnbaum.

It was my pleasure to honor my friend Elliott Golden. The Knights of Pythias is one of America's outstanding fraternal orders, devoted to brotherhood—and to the principles of friendship, charity, and benevolence. This is their credo and they are doing a good job in the communities throughout the State of New York and indeed in the Nation.

The Pythian Order's programs include antidrug educational campaigns in the schools and the community; the distribution of more than 25 $800 scholarships to worthy students to any college in the country; incentive awards programs in the schools for outstanding students in the arts and sciences; poster contests on antinarcotics addiction; highway safety contests; public speaking and other contests to direct students into righteous paths so they may become better Americans of tomorrow.

The Pythian drive to aid Israel is part of the order's program of altruism. I, therefore, include for the RECORD my statement to this dedicated group of fraternal Americans:

KICKOFF BREAKFAST OF THE ISRAEL BOND DRIVE OF THE KNIGHTS OF PYTHIAS

I thank you for the invitation to be with you this morning at the kick-off breakfast of the Israel Bond Drive of the Knights of Pythias. It is a pleasure to be here this morning to honor my friend, Elliott Golden, the Former Grand Chancellor of the Knights of Pythias.

I have risen on many occasions expressing my concern over the increasing gap in fire power between Egypt and Israel. This is a gap that is pushing the world headlong into a cataclysmic eruption in the Middle East. This is a gap that was even further evidenced this recently when the Department of State announced that the Soviet Union has shipped more warplanes to Egypt—planes that are equipped to fire sophisticated air-to-surface missiles.

Even though they were out-gunned in previous years, Israel could—and did—defeat aggression by pre-emptive strikes as they did so brilliantly in the 1967 Six Day War.

But the Israeli situation has deteriorated rapidly.

The increase in size and effectiveness of Egyptian weaponry including the acquisition of numbers of the best fighter plane in the world far outweighs the admitted higher morale and superior training of the Israeli defenders.

The elements of surprise and advantage inherent in a pre-emptive strike have been minimized by the incorporation into the Egyptian defense system of sophisticated warning and detection equipment.

Given the distances involved and the modern weapons now available, military leaders I have talked to feel it would be impossible to conclude that a sudden attack by the Arabs could be successfully resisted. In short, Israel is now in a military position where in a head to head confrontation there is serious doubt that they could win.

Given this situation the issues are quite clear.

The American government is of course committed to pursuing an active diplomatic policy of negotiation between all sides in the continuing Mideast crises.

This is as it should be.

But we should not be put in the position of negotiating from a position of weakness—nor should Israel.

The United States government has through the years given Israel a guarantee of security, from the personal guarantee of President Dwight D. Eisenhower through the words and actions of each succeeding president. That is why I cannot endorse the present "carrot and stick" policy of this administration as far as the jets for Israel question goes. The administration position is that there now exists a balance of power in the Middle East, the reasoning being that Israeli "esprit" and training make up for the numerical difference in Arab equipment. In effect, our government is saying we are willing to gamble by trading the lives of Israeli soldiers for Russian planes, missiles and tanks. I for one can understand the hesitancy on the part of Israeli leaders to sacrifice young lives in order to overcome the enemy's numerical superiority in combat divisions and destructive weapons.

It is now recognized by just about everyone that there has been an accelerated Russian military buildup in Egypt with some of the most advanced weapons in the Soviet arsenal. This is in addition to 20,000 military personnel including combat pilots expert in handling the MIG-23, Russia's super fighter plane. This means that not only is the Israeli Air Force outnumbered five to one, but in any future conflict it would be pitted against perhaps the worlds best fighter plane.

I am convinced that Egypt's leaders should know, Soviet leaders should know, indeed, the leaders of the entire Arab world should know that we do not intend to allow the defensive and deterrent capabilities of Israel to be weakened or overpowered by a continued massive Soviet infusion of military hardware under the new USSR-UAR arms agreement.

These leaders should also know that we do not intend to abandon Israel by default; that this country will maintain Israel's deterrent strength even while we negotiate; that the American government and the American people are committed to this course of action; and, to assume anything less would be a fatal miscalculation on their part.

If we are to achieve the goals of peace in the Middle East we must demonstrate to the Arabs and the Soviet Union the danger of armed aggression and the futility of hoping to overwhelm Israel by brute force.

We must demonstrate to them that the necessary course—the inevitable course—is a negotiated settlement recognizing the rights of Israel. And the way to do this is to make it clear beyond doubt that there can be no quick military victory over Israel, that any such action would be met with not only the same fury and the same resolve as in 1967, but with the military muscle needed to guarantee a mortal blow to the aggressor.

That is why there is an urgent need for the Congress to make clear to the world in no uncertain terms this country's support for maintaining a balance of firepower in the Middle East and an unequivocal commitment to not only the spirit but the letter of Security Council Resolution 242 of November, 1967.

That is why I have sponsored resolutions to sustain the United States' support of this doctrine since 1967 when I first introduced such a proposal. In 1968 I visited Israel and studied the military configuration developing there. And while I marvelled at the brilliant success of the Six Day War, I also took into account the staggering losses that Israel sustained in order to achieve that victory. The losses of first line combat troops on the Golan Heights were astronomical for a country of her size. Yet they now face a better equipped foe with no hope of the stunning surprise that contributed to their '67 sweep. This leads me to conclude that they could in no way repeat such a victory in the future without help from their American allies. That is why in each succeeding year I have restated my desire for U.S. support of the right of the Israeli nation to exist free from the depredations of those whose goal it is to bury these heroic people.

That is why I support the resolution of Speaker Carl Albert, Minority Leader Gerald Ford, and Congressman Emanuel Celler which calls for:

(1) The sale to Israel of F-4 Phantom fighters and the necessary support equipment and assistance.

(2) The opposition of the government of the United States to any attemtps to alter the meaning and effect of Security Council Resolution 242 of November 22, 1967, and,

(3) A reaffirmation of the necessity of secure and defensible borders to maintain the peace.

The longer the United States delays in sending the jets to Israel, the more reassured the Russians are that they can continue to move a mountain of missiles, planes, equipment and men into Egypt and Syria. Our reluctance to help Israel in this hour of peril is convincing the Russian and Arab governments that they can push us to the wall without fear of forcing a firm stand. This reluctance is not in the interests of peace in the Middle East. It can only foment aggression that threatens to demolish Israel and United States interests not only in the Middle East, but the world as well.

We must show that we can be firm.

We must let Israel have the arms it needs.

We must make this small investment for the great return of peace in the Middle East.

PALESTINIAN REFUGEES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. HAMILTON. Mr. Speaker, at a time when most of the world is searching for ways to bring peace to the Middle East and ease tensions there, it is most unfortunate that the United Nations fiscal crisis might lead to a reduction of international educational and humanitarian aid to the Palestinian refugees. The tremendous human plight of these refugees is well known, and all nations should work to give these people hope rather than despair. The enclosed article highlights the current financial crisis.

The article follows:

Fiscal Crisis Imperils U.N. Aid for Palestine Refugees

(By Marvine Howe)

Saida, Lebanon, December 20.—Palestinian refugees earning a bare living at this ancient Phoenician port still talk of home and plan for the future, apparently unaware that even their meager support is threatened.

The United Nations Relief and Works Agency, which serves nearly a million and a half registered Palestinian refugees in Lebanon, Syria, Jordan and Israeli-occupied territory is faced with the gravest financial crisis since it began operations in May, 1950.

"This could mean a severe cut in services unless new contributions come in rapidly." Robert Prévot, a spokesman for the agency, said during a visit to Lebanon's largest refugee camp on the outskirts of Saida. There is discussion of reductions in the supplementary feeding program and medical services, and, above all, in the costly education and training program he said.

The closing of schools or vocational training centers would be a hard blow to refugees who still dream of returning to what they still thing is Palestine with their families but who feel that the only immediate escape from their barren condition is through education.

VIOLENT REACTION FORESEEN

"We have need of everything, but at least my seven children are in school," said Bussein el-Ali, chief of the Ghower tribe, who fled here in 1948 from the Tiberias district of what is now Israel.

There is deep concern among officials of the agency, commonly known as U.N.R.W.A., that an immediate cut in program, particularly schools, would provoke a violent reaction.

"The Palestinians would see this as the liquidation of U.N.R.W.A. and, consequently, their own abandonment by the international community," John F. Defrates, director of public information at the agency's headquarters in Beirut, said in an interview.

Despite intensive appeals and a rise in contributions, he added, the forecast of income for next year is $5 million less than projected expenditures. "We will have no option in 1972 but to reduce our expenditures to the level of our income," he said.

The cost, estimated at $51 million for 1972, has risen ungrowth and price and salary increases. For several years the agency has been operating with a deficit; now working capital has been reduced to a level where further deficits cannot be absorbed.

"If this situation is allowed to drift on, there will be a financial breakdown and the consequences for the refugees will be catastrophic," Sir John Renne, Commissioner General of the agency, told the United Nations General Assembly this month.

The United States is the principal backer, contributing over 45 per cent of the budget. The Scandinavian countries, Canada and West Germany also make substantial contributions.

The Commissioner General, in a draft report on possible reductions, emphasizes that even dangerously big cuts in the relief and health services would not close the budgetary gap.

Education is the major cause of the agency's financial difficulties, he said, noting that expenditures for general education and vocational and professional training forecast for 1972 were $24.4-million, or 47 per cent of the budget.

MOST CONSTRUCTIVE PART

The problem is that the number of refugee children in school has almost doubled in a decade to reach nearly 250,000. The relief agency, with aid of UNESCO, provides nine years' general education to all registered children and special training at eight vocational centers.

The reductions to be made if no new funds are found include subsidies to government schools, preparatory education, vocational and teacher training and university scholarships.

"This is the most constructive part of our program and gets the refugees out of the camps," Mr. Prevot said.

Even a model training center in the hills 10 miles east of Saida could be a victim of the cutback, he said. Set up 10 years ago with Canadian financing and Swedish technical assistance, it is training teachers, mechanics, carpenters, plumbers and office personnel, mainly for export to the Arabian gulf states badly in need of skilled workers.

Mohammed Miri, who lives with his family in the gloomy, crowded camp at Saida, is studying instrument mechanics and hopes to get a job with an oil company in Kuwait if he can finish the course.

A working group of nine countries, including the United States, set up by the General Assembly a year ago to study the financial crisis, was asked to continue its mission next year. In a report to the 26th Assembly session, the group called for a basic reappraisal of current operations.

"The working group believes that it will be necessary to maintain the activities of U.N.R.W.A. in the immediate years to come," the report concluded, based on the assumption that "no solution of all the existing problems in the Middle East, including a just and lasting settlement of the problem of the Palestine refugees, appears likely in the immediate future."

RACIAL PROGRESS IN AMERICA

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. McCLORY. Mr. Speaker, as one who has persistently called for an occasional tabulation of the progress which we are making in the area of race relations, I was particularly gratified to read an editorial comment by Clayton Fritchey in the Chicago Tribune, dated January 4, 1972.

Mr. Fritchey dutifully points out that there are still areas where the Government is being criticized, but he then goes on to do what so few others appear willing to do—either out of ignorance, or out of a misguided feeling that they will become unpopular. He actually sets forth the proposition that "it is difficult to maintain any reliable perspective" when only the negative aspects of the problem are highlighted.

Mr. Speaker, I welcome this kind of reporting and commend Mr. Fritchey's article to my colleagues' attention:

Racial Progress During 1971? It Was a Reassuring Year

(By Clayton Fritchey)

Washington.—Reviewing the record for most of 1971, the United States Civil Rights Commission, headed by the Rev. Theodore Hesburgh, the president of the University of Notre Dame, indicted the Nixon administration for failing to enforce adequately the nation's civil rights laws and regulations.

That was the domestic finding. Internationally, there was a rebuke from another quarter. Rep. Charles Diggs [D., Mich.] quit the American delegation to the United Nations in protest to the administration's affinity for the white rulers of South Africa, Rhodesia, and Portugal, who continue to suppress their black majorities.

Yet, distressing as this may be, 1971 was, on balance, a reassuring year for those who still believe racial progress is possible in the United States. The negative aspects of the problem are often so conspicuous and painful that it is difficult to maintain any reliable perspective. But the effort should be made, and the end of the year is a good time to make it.

AN OPTIMISTIC VIEW

At the risk of being called an Uncle Tom, the head of the National Association for the Advancement of Colored People, Roy Wilkins, celebrated his 70th birthday and his 41st year with the NAACP by saying, "Some days its optimism, some days sheer frustration—but optimism prevails. If I didn't believe it was possible for minority groups in this country to achieve equality by using the tools within the system—voting, legislation, court action—I would have given up long ago."

Wilkins may sound too sanguine to some, but he could have gone further and pointed out that much recent progress has come not just from improvements imposed by the legal initiatives he cited, but from a favorable climate of opinion that makes everything else possible.

Many political strategists have repeatedly warned that "too hasty" civil rights reform would trigger a white backlash that would wipe out all racial progress, but there are still no signs of it. The National Opinion Research Center, which has been surveying racial attitudes for 30 years, reports that there is now "no evidence of racism" even among most white ethnics.

Back in 1942, it adds, only 2 per cent of Southern whites favored school integration, whereas almost 50 per cent of them now support it. Nationally, the white support for integrated schools has risen from 30 per cent in 1942, to nearly 75 per cent in 1970, despite all the adverse publicity in the last few years about school busing.

Skeptics may not be convinced when Wilkins says that more and more blacks "believe it's possible to make progress within the system," but his view has been confirmed by a remarkable new study by The Potomac Associates. It found that while the American people, generally, think the country has "slid backward" in the last five years, the black community feels otherwise. It "senses measurable accomplishment."

One other survey, made by the Louis Harris polling organization, should also be noted, for it helps explain why the predicted white backlash has not occurred. Over an eight-year period, according to Harris, the number of whites who hold "stereotypes" about blacks, has markedly declined.

The number of whites, for example, who feel that "blacks have lower morals than whites'" has decreased from 55 per cent to 40 per cent. And the number who say, "blacks are inferior" has dropped from 31 per cent to 22 per cent. Obviously, the drop has not been fast enough nor far enough, but it is in the right direction, and the momentum is on the hopeful side.

The year has been marked by countless encouraging incidents, despite the foot-dragging in Washington, but the biggest gains have been in politics, education, and income. One of the most spectacular findings of the Census Bureau in 1971 was that the historic gap between the incomes of young black families and young white families living outside the South has been closed. In fact, the black families actually earn 104 per cent as much as their white counterparts, compared with 85 per cent in 1959.

MOVING IN RIGHT DIRECTION

That, of course, is not the whole story, for more black wives have jobs and that inflates the family income. Still, for the entire nation, including the South, the median younger black family is now earning $8,032 compared with $9,796 for whites. Reviewing the last decade, the Census Bureau found that the average American Negro family had acquired a better education, a better home and better paying job than ever before.

Nevertheless, there is much yet to be done. The Civil Rights Commission, for example, charges that not one of 29 federal agencies charged with enforcing America's racial laws has done an adequate job. It is all very well to talk about "gradualism," but, as Father Hesburgh said, "No one can get greatly excited about progress that is made after he is dead."

NIXON LEADS ALL DEMOCRATS

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. SPRINGER. Mr. Speaker, Godfrey Sperling, Jr., who is a national political correspondent of the Christian Science Monitor and who hails from my hometown of Champaign-Urbana, Ill., wrote a most interesting article in the January 12 issue of the Monitor entitled "Nixon Leading All Democrats."

Mr. Sperling has specified the States which Mr. Nixon and his various potential opponents could be expected to win if the 1972 presidential election were to be held today.

So far as I know this is the first State by State breakdown which measures the President's vote getting ability against each of his possible Democrat rivals. I am sure that every Member of the House will find it interesting reading and I include it in extension of my remarks.

How Political Writers See 1972—Nixon Leading All Democrats

(By Godfrey Sperling, Jr.)

WASHINGTON.—President Nixon would be reelected if the election were held today, a state-by-state survey by the Christian Science Monitor discloses.

Pitted in a two-man race against Sen. Edmund S. Muskie of Maine, his strongest possible opponent, Mr. Nixon would win 35 states with 315 electoral votes (270 votes are needed to be elected). He would lose 10 states and the District of Columbia, and 5 would be in doubt.

Against other possible opponents, the Nixon advantage is even greater. None of the races included a third contender such as Gov. George C. Wallace of Alabama.

On Aug. 31, 1967, a similar Monitor survey showed the vulnerability of President Lyndon B. Johnson to defeat at the hands of the possible Republican opponents of that period.

The poll consists of the assessment of Monitor political writers in each of the 50 states plus the District of Columbia.

Their reference points include their conversations with voters, politicians, and political observers and state polls.

From this, and their own knowledge of the state's political climate, the writers have made their "calls" on the outcome, as they see it, of seven possible pairings with Mr. Nixon.

Against Sen. Edward M. Kennedy, the writers conclude, Mr. Nixon would win 40 states with 374 electoral votes.

Against Sen. Hubert H. Humphrey, President Nixon would win 39 states with 421 electoral votes.

Against Sen. George McGovern, Mr. Nixon would win 42 states with 455 electoral votes.

Against Sen. Henry M. Jackson, Mr. Nixon would win 42 states with 469 electoral votes.

Against New York Mayor John V. Lindsay, Mr. Nixon would win 45 states with 460 electoral votes.

Against former Sen. Eugene J. McCarthy, Mr. Nixon would win 46 states with 501 electoral votes.

Thus, while the President had an average of 50 percent approval of the public for his performance during 1971, according to the Gallup Poll, this does not seem to result in a neck-and-neck Nixon race, state by state.

Should Governor Wallace be included, it might be that he would take a swathe of Southern states, as he did in 1968—thus deducting several states from those included in Mr. Nixon's winning totals in the Monitor poll.

In the findings Mr. Nixon, when running against Mr. Muskie, would win the following states:

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Maryland, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, and Wyoming.

OPPOSITION STRONGHOLDS

Against Senator Muskie, Mr. Nixon would lose Massachusetts, Michigan, Minnesota, Connecticut, New Jersey, New York, Pennsylvania, Rhode Island, West Virginia, Maine, and the District of Columbia.

The outcome-in-doubt states in a Nixon-Muskie race: Indiana, Louisiana, Ohio, Washington, and Wisconsin.

If Mr. Nixon were to oppose Senator Kennedy, the President would win Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Wisconsin, Wyoming, and Maine.

Mr. Nixon would lose these areas to Senator Kennedy: Connecticut, Massachusetts, Minnesota, New Jersey, New York, Pennsylvania, Rhode Island, West Virginia, and the District of Columbia.

States "in doubt" in a Nixon-Kennedy contest: Ohio and Washington.

Against Senator Humphrey, the states Nixon would win: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Wisconsin, Wyoming Maine, and Louisiana.

Against Mr. Humphrey, the states Mr. Nixon would lose include Connecticut, Massachusetts, Minnesota, Pennsylvania, Rhode Island, West Virginia, and the District of Columbia.

"In doubt" states in a Nixon-Humphrey race: New Jersey, North Dakota, Virginia, and Washington.

Against Senator McGovern, Mr. Nixon would win Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Ohio, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, Wyoming, Maine and New Hampshire.

Against Senator McGovern, President Nixon would lose Massachusetts, Minnesota, South Dakota, and the District of Columbia.

In a McGovern-Nixon contest the states in doubt: North Dakota, Pennsylvania, Rhode Island, Virginia, and West Virginia.

Against Senator Jackson, Mr. Nixon would win Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Illinios, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming, Maine and New Hampshire.

Against Senator Jackson, Mr. Nixon would lose Arkansas, Massachusetts, Minnesota, Rhode Island, and the District of Columbia.

States in doubt in a Nixon-Jackson race are Georgia, Louisiana, South Dakota, and West Virginia.

LINDSAY ON TICKET

Against Mayor Lindsay, President Nixon would win Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming, Maine, and Louisiana.

Against Mayor Lindsay, Mr. Nixon would lose Massachusetts and the District of Columbia.

States in doubt in a Nixon-Lindsay race are Minnesota, New York, Rhode Island, and West Virginia.

M'CARTHY AS FOE

Against Eugene McCarthy, Mr. Nixon would win Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan ,Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming, Maine, and Louisiana.

Against Mr. McCarthy, President Nixon would lose Massachusetts and the District of Columbia.

States in doubt in a Nixon-McCarthy meeting are Minnesota, Rhode Island, and West Virginia.

THOUGHTFUL REPORT ON THE SPACE SHUTTLE BY CONGRESSMAN LARRY WINN

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, President Nixon's announcement over the holidays that he would seek funds in the fiscal year 1973 budget to move ahead with the space shuttle is certain to arouse one of the major controversies over national budget priorities in this session of the 92d Congress. Congressman LARRY WINN, Republican of Kansas, who, as the new ranking Republican member of the Manned Space Flight Subcommittee of the House Committee on Science and Astronautics, is one of the House's most informed experts on this issue, recently published a report that deserves the attention of all Members of this body.

Congressman WINN points out that the possibility of new technological spinoffs, new sources of scarce natural resources, improved communications, new means of fighting disease and poverty, and reduced costs in getting men and material in and out of orbit, all argue strongly in favor of the President's decision to go ahead with the shuttle program. At the same time, Congressman WINN admits that all the evidence is not yet in and that it will be necessary for partisans on both sides of this issue to keep an "open mind." Let us hope that the debate over the space shuttle program can be maintained on the same high plane of reasoned, careful analysis displayed in this report by my colleague from Kansas:

STATEMENT OF CONGRESSMAN LARRY WINN

Over the holidays President Nixon announced his plans for the space shuttle: the go-ahead was given to the Administrator of the National Aeronautics and Space Administration, James Fletcher. What does this mean to America? is perhaps the basic question of relevance today.

As a partial answer to that question I could give you the bit about glory for America, patriotism and all that. Well, America needs more than pat, non-substantive responses. There are too many things which need doing: hunger and poverty are still a part of the life-style of thousands of Americans, for example.

The real answer then is a little further down the pike. Our natural resources are showing signs of exhaustion. Space exploration will help in the long-run to give us a source for needed minerals and metals. In the short run period, our space efforts are already producing spin-off benefits which are helping us to do a better job with the resources we have. I guess what it boils down to is that, through our space effort, we are betting on a future for America—a good future.

Of course we can't overlook man's natural instinct to explore. His curiosity is never satisfied. He must keep searching for the answers to life's questions. The more man knows the more he knows he doesn't know. This has frustrated man over the years, but it also keeps him going, moving forward—a perpetual motion which should not be stopped.

Now about the shuttle itself. Under the current system we launch a space vehicle with a booster rocket. They cost a lot of money and they can only be used once. The shuttle, on the other hand, is designed to be launched with a booster rocket. But, the space ship does its thing in space and then returns to earth like a standard airplane. The result is a flexible and much more inexpensive space capability. The jobs the shuttle could perform are various and include such things as repairing satellites and perhaps saving the lives of astronauts in space.

What does the space program mean to such problems as hunger and poverty? Well, for one thing, we have proven that satellites can serve as electronic watchdogs over diseases which affect our nation's food and fiber crops. Recent experiments related to corn blight have helped to show the way in this area.

The people of India will benefit from another space-related effort. Basically, it means that remote villages will have a communications link with the rest of the world. Through effective use of a communications satellite these villages will have access to the latest information on planting and harvesting crops as well as medical advice when needed.

Humane space spin-offs such as these are abundant and have been pointed out many times before. The main reason I mention them once again is that I anticipate considerable opposition in Congress to the shuttle program. For one thing we have wrecked the aerospace industry in the past few years. Unemployment in that field has been rampant. It needs a shot in the arm such as the shuttle can give it. But that's just one of the reasons to go ahead with the shuttle.

Certainly an area to be looked at closely is whether or not the shuttle will create environmental problems. NASA is already planning studies to look into any such potential problems. Previous studies, by the way, have shown that adverse environmental effects would be similar to the rather nominal problems presented by the operation of existing launch vehicles. I will personally keep an eye on this area.

And, I will be alert to any other potential problem areas as well. I agree with the concept of the shuttle, but I will not let my thinking be clouded regarding arguments on the other side of the question. You can be assured that I will maintain an open mind on the subject.

SENATE—*Wednesday, January 19, 1972*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, in this quiet moment, dedicated to the unseen and the eternal, we pray for the United States. Grant that her strength may be in her goodness, and her greatness in the quality of her people.

In this disturbing and baffling world of swift and shifting change, we turn to Thee for that wisdom which comes from beyond all that is human. Give the people patience with those who serve them, and give to their servants here zeal and energy to come to wise solutions to vexing problems. Invest us all with that understanding and love which holds us together in harmony and peace.

We pray in the Master's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, January 18, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ATTENDANCE OF SENATORS

Hon. SAM J. ERVIN, JR., a Senator from the State of North Carolina, Hon. PAUL J. FANNIN, a Senator from the State of Arizona, Hon. JOHN C. STENNIS, a Senator from the State of Mississippi, Hon. JOHN TOWER, a Senator from the State of Texas, Hon. WILLIAM V. ROTH, JR., a Senator from the State of Delaware, Hon. HAROLD E. HUGHES, a Senator from the State of Iowa, Hon. EDMUND S. MUSKIE, a Senator from the State of Maine, and Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina, attended the session of the Senate today.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield back my time under the standing order.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Alabama (Mr. ALLEN) is now recognized for not to exceed 15 minutes.

THE DEATH OF REPRESENTATIVE GEORGE W. ANDREWS OF ALABAMA

Mr. ALLEN. Mr. President, yesterday it was the intention of my distinguished senior colleague from Alabama (Mr. SPARKMAN) and myself to submit to the Senate a resolution mourning the death of the Honorable George W. Andrews, dean of the Alabama delegation in the House of Representatives, who died on Christmas Day.

Due to the formalities of Senate procedure, such a resolution would not be in order until the Senate had been officially notified by the House of the death of one of its Members.

Sometime during the day, such a resolution will be submitted by Senator SPARKMAN and myself, mourning the death of our good and great friend, Representative Andrews, and asking that the Senate adjourn today in respect to his memory.

At this time, Mr. President, it is my wish, and it is the wish of the people of Alabama, that words be spoken in the Senate Chamber about George Andrews and his fruitful career in our State and our Nation—especially in this historic building.

Mr. President, I was deeply saddened by the untimely passing of George W. Andrews. His life and works will long be remembered by the people of Alabama, particularly those of the Third Congressional District whom he so ably represented. George Andrews was one of our Nation's most influential and powerful Members of Congress, and the people from Alabama are proud of him. I cannot adequately convey the sense of loss felt by all of us without referring to a few of the highlights of his truly extraordinary background.

George Andrews received both undergraduate and law degrees from the University of Alabama. He began his public career in 1931 upon election to the office of circuit solicitor—now district attorney—of the third judicial district of Alabama and served in that capacity until 1943. At his hometown of Union Springs, he was a member of the Baptist Church, which he served as deacon. He was elected to Congress, in absentia, in 1944 while serving Navy duty at Pearl Harbor in the grade of lieutenant junior grade. The fact that in one of the counties of his district he received every vote but one is an indication of the esteem in which he was held, even at this early stage of his career. In these brief references there are manifestations of traits of character which were to shape the future career of George Andrews: love of God and country; service to church and community; and the concept of public service as a calling of the highest distinction. But we have mentioned only the beginning of a long and illustrious career of public service which eventually would span a total of 40 years and lead George Andrews to the heights of national eminence.

Mr. President, it has often been said that real statesmen do not arrive full flowered on the national stage. Instead, they arrive with the potential for statesmanship. They are nurtured and matured by an apprenticeship and experience in a wide variety of public affairs. In the case of George Andrews, his experience in Congress spanned 27 turbulent years—years characterized by periods of war and peace; prosperity and recession; social upheavals; and unprecedented technological and scientific advances. These rampant changes and stresses tested both the fiber of our Nation and the character of its political leaders. In the process, George Andrews proved himself a statesman.

His power and influence derived from intangible attributes of accumulated experience and wisdom, and his ability to persuade others to his views. Thus, the judgments of George Andrews on critical national problems were widely solicited and universally respected in Congress and in the executive branch of Federal Government.

Mr. President, George Andrews left us an example of a life devoted to public service. It is a rich heritage which can only inspire those who follow. In order to better appreciate the value of this heritage, I think it would be helpful to look to what I think were some of the main sources of George Andrews' strengths. Let us begin with the services conducted in the century-old Baptist Church in George Andrews' hometown of Union Springs, Ala. Chaplain Edward G. Latch, of the House of Representatives, was speaking. He said, speaking of our dear friend, George Andrews:

> He was born in Alabama, he was educated in Alabama, he was elected to Congress from Alabama, and he loved the people of this community, the people of the Third Congressional District, and the people of Alabama.

A friend of George Andrews, in commenting on this observation, said:

> Yes, it was a mutual love affair.

Those who knew George Andrews could not agree more. To demonstrate the truth of this observation, George Andrews was elected and reelected to Congress for 14 consecutive terms and always without meaningful opposition.

Mr. President, I suggest that there are very important but sometimes overlooked factors that help to account for this remarkable record of confidence in George Andrews. It was obvious that he faithfully reflected the sentiments of the vast majority of the people of his district. It is equally obvious that he served administratively his constituency ably and well and the interest of his district with extraordinary efficiency. But there is more to political success than merely doing what is expected.

George Andrews not only represented the sentiment and interests of his people, but he also personified the best in the traditions of a State and region—the traditions of a people whose hearts and minds were and will ever remain united in devotion to a common heritage. And here, I believe, is the touchstone of his character and his great success. A part of that common heritage is reflected in principles and values by which public service is judged an honor, a trust, and a high distinction. Those of this tradition know that the objects of public office are not power or ephemeral fame but service and continuing opportunity to help promote the well-being of one's fellow man.

But George Andrews shared with the people of Alabama more than a common attitude toward public service. He shared with them a philosophy of government. He believed in constitutional government, a strong national defense, and sound fiscal and monetary policies. His affirmance of these ends automatically placed him in opposition to judicial activists, social engineers, the advocates of disarmament and no-win wars, and peace at any price. By reason of his shared principles—principles that he shared with the people of Alabama—convictions, and goals, he opposed communism, fascism, and other brands of statism. In his beliefs and actions he mirrored the convictions of his constituents and the people of Alabama. He was consistent, steadfast, loyal to his friends, and true to his country, its institutions, and the principles upon which they were founded. In fact, the people knew where George Andrews stood on any and all issues. The expression, "You can count on George Andrews," was not a political slogan but a universal judgment and compliment.

Mr. President, I think it was loyalty to principles which accounted for the consistency of judgments which inspired confidence in George Andrews. Such consistency is indeed a virtue. On this point, I am reminded of what the great Justice Joseph Story once said:

> He, who is ever veering about with every wind of doctrine and opinion, is possessed of feeble judgment, or feeble principles, or both. . . . As a guide or an example, he is equally unsafe; and it is difficult to say,

whether he does most injury as a friend or a foe....

This was not so with George Andrews. George Andrews always knew where he stood. He was steadfast to his principles and his convictions.

Of course, loyalty to principles does not imply a refusal to change an opinion on a subject. George Andrews was open-minded—subject to persuasion but not to compromise on fundamental principles. Yes, the people knew where George Andrews stood on principles, and they knew his convictions and they loved and respected him.

Thus, Mr. President, in paying our respects to the memory of our good friend and associate, we honor also the people of Alabama with whom he shared a common heritage and tradition. While the career of George Andrews is ended, the example of his life will linger on in the hearts and memories of all who knew him—and that includes all the people of Alabama.

Mr. President, the people of Alabama mourn the loss of George Andrews. They mourn with his widow Mrs. Elizabeth Andrews, with his son George W. Andrews III, a lieutenant junior grade in the Navy and with his daughter, Mrs. Jane Hinds. Speaking for myself individually and for Mrs. Allen, we extend our deepest sympathy to the fine family of Representative Andrews.

Mr. President, editorial comment and news accounts from several State and local newspapers in George Andrews' congressional district provide biographical data on the life of the man whose memory we honor and reflect a measure of the sense of his loss. I have chosen several illustrative examples and ask unanimous consent that they be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Union Springs (Ala.) Herald, Dec. 30, 1971]

Representative George Andrews Will Be Missed

The untimely death of Representative George Andrews has left a void in this community, in the Third Congressional District, and in Alabama which is going to be hard to fill.

Chaplain Edward G. Latch of the United States House of Representatives described "George" this way, when he said, "He was born in Alabama, he was educated in Alabama, he was elected to Congress from Alabama and he loved the people of this community, the people of the Third Congressional District and the people of Alabama." And the people of the Third District loved and trusted George Andrews. They kept him in Washington for more than 25 years. It seems that he has always been there, like the Rock of Gibraltar, responding to the many needs of his constituents back home.

No one ever doubted where he stood on any issue at any time. He was one of the outstanding conservative stalwarts on Capitol Hill, and if one had to sum up his political philosophy in a few words they would have to describe George Andrews as one who stood for Constitutional Government and Fiscal Responsibility. He was also a supporter of maintaining a strong defense posture for America.

He was not only the dean of the Alabama Congressional delegation, but he was the second ranking member of the powerful House Appropriations Committee and was considered one of the House's more powerful members. He was also one of only three congressmen who served on major appropriations sub-committees: Defense, Public Works and Legislative, and he served as Chairman of the latter. At a time when many of his colleagues in Congress were supporting free-wheeling big federal spending and were in favor of treaties with Communist nations which would weaken our defense posture, he never changed his political philosophy.

He was among the first to see the advantages of locks and dams on the Chattahoochee river and he worked for many years to finally see his dream come true. He resisted Pentagon efforts to close Camp Rucker after World War II and he fought a holding action at Fort McClellan until it obtained permanent status. Through the lean years he helped to sustain the Alabama-Coosa river navigation up to Montgomery, and he helped to keep alive the Tennessee-Tombigbee waterway project.

One of his working habits while in Congress, regardless of work pressure, was to clear his desk and answer every communication that day. Whether it was a mother trying to locate her son in Vietnam, a school boy or girl seeking a summer job, or a plea for assistance on a waterway, George Andrews got to the heart of the problem quickly and the party on the other end received a reply or a phone call regarding the problem. One of his greatest pleasures was helping young people further their careers and those he has helped along the way are legion.

It may be true that there is no such thing as an indispensable person, but it is going to be hard to replace George Andrews. We are going to miss his voice in the House. America has lost a truly great statesman.

[From the Birmingham (Ala.) News, Jan. 2, 1972]

Tribute Paid Representative Andrews

(By Rev. Martin Stanley Beason)

For nearly five years, I handled publicity, research and constituents' mail for one of the greatest statesmen in Alabama's history. I performed a wide range of administrative services for him, and counted it an honor, but last Monday, I rendered my final service—I was a pallbearer for George W. Andrews.

The dean of Alabama's delegation in Congress had served 28 years and had risen to great seniority and power on the House Appropriations Committee. Through his influence, our state's major waterways have been developed and Fort McClellan and Fort Rucker have been kept open.

The legislative accomplishments of Rep. Andrews will remain obvious to generations of Alabamians, and there are many persons more highly qualified than I to analyze them. Therefore, I merely wanted to offer a very subjective glimpse of this gigantic but warmly human personality.

My first encounter with George Andrews occurred in early 1957, when, as a reporter with The Dothan Eagle, I covered a series of his speeches before the major civic clubs in Dothan. After each speech, he and I would have another cup of coffee and review my notes to make certain I hadn't misquoted him.

I was impressed by his accessibility. He was the first celebrity I had ever met on a more than superficial level. Furthermore, he showed genuine interest in me as a person, and he asked if I had any plans for the future. I told him that I wanted to become a public relations man, but had resigned myself to the seeming impossibility of achieving such a goal.

"How would you like to work for me in Washington, D.C., and get a master's degree in night school at one of the universities up there?" he asked.

This seemed like an unbelievable fantasy, but it all came true in November when I joined Rep. Andrews' staff in Union Springs. Just three months later, when Congress convened, I went to the nation's capital and enrolled at The American University. I received my master's degree in public relations in 1962.

Mr. Andrews' dedication to competent and thorough service to the people of Alabama was rapidly ingrained into the attitudes of all his staff members. While he demonstrated a kindly, even fatherly, concern for each of us, he was adamantly intolerant of careless work. He exacted the best from each of us.

All of these memories drifted back during the funeral sermon, and as the political giants of Alabama parted outside the church to make way for the pallbearers (myself and seven other men who owe a tremendous measure of their success in life to the man whose remains we bore), I could see that they, too, felt a keen sense of loss—maybe even the same personal loss that we felt.

Now that George Andrews is gone, I don't feel quite as safe. How do you replace a man of his stature? The only thing that really comforts me is my theory of a great man who reached out to help a young guy who could never reciprocate—that's my definition of statesmanship.

[From the Alexander City (Ala.) Outlook]

Representative George Andrews

Alabama lost a great public servant when death last Saturday claimed Third District Congressman George W. Andrews of Union Springs.

Rep. Andrews, 65, represented his district, which included Alexander City and Tallapoosa County, long and well. A great indication of this lies in the length of time he was in public service.

He was elected in March 1944, in absentia, to fill the unexpired term of Rep. Henry B. Steagall who, like Rep. Andrews, died in midterm. He then went on to 14 consecutive terms in Congress, the majority without opposition.

Prior to becoming a member of Congress, Rep. Andrews served as circuit solicitor (district attorney) for the third judicial circuit from 1931–43, thus compiling a total of some 40 years in public service.

Rep. Andrews was the 17th ranking member of Congress in years of service and was the second ranking member of the House Appropriations Committee and was considered one of the most powerful members. He also was a member of the defense, public works and legislative appropriations subcommittee, being chairman of the latter.

The public owes a great debt of gratitude to Rep. Andrews for his service, not only those of us within his district, but thousands of others outside it. He labored long and hard to keep the Army from closing Fort Rucker years ago. Today it's the Army's flight center for helicopter training. He worked tirelessly on behalf of Fort McClellan years ago to keep it open. Today it's the Army's WAC headquarters.

For years Rep. Andrews was the bulwark in furthering Alabama's navigable waterways network. There were countless other instances where Rep. Andrews stepped in to protect and further the best interests of his beloved Third District and Alabama.

Rep. Andrews will be sorely missed by those of us in his district and by all Alabamians.

[From the Clayton Record]

South's Great Loss

Congressman George Andrews death is a great loss to the South.

Andrews, a native of Clayton, who often

visited his aunt, Mrs. Irene Andrews Ventress, would sit on the porch here of the Andrews home and recollect interesting events during his younger days.

We have gone through the files of The Clayton Record and a number of other newspapers. Many times Andrews has told us that Bill Gammell of this newspaper was the first editor to editorially endorse him. So we looked at our files of March 24, 1944 which reads: "House Democrats gained their 326th member and the Navy released a lieutenant (jg) Monday as George W. Andrews Jr. took the oath of office as Representative from Alabama's Third District.

"Back from active duty at Pearl Harbor, Andrews barely had time to change from navy blue to a business suit for the noon ceremony less than an hour after the Navy placed him on the inactive list.

"He succeeded the late Henry B. Steagall.

"House Democrats now number one more than the bare majority they have been holding since the death last week of Rep. O'Leary (D., N.Y.)

"The new representative was presented to the House by Rep. Starnes, dean of the Alabama delegation. Members of the delegation presented him to Speaker Sam Rayburn (D., Tex.) and Majority Leader John McCormack (D. Mass.) at a luncheon in the speaker's dining room.

"Luncheon guests were Mrs. George Andrews, Jr., Mrs. George Andrews, Sr., Mr. and Mrs. Fred McClendon, Mr. and Mrs. E. C. Clouse, Walter Brackin, Miss Etta Claire Bracklin, Mr. and Mrs. Winton M. Blount, Miss Jo Ann Clouse and Lt. Boykin Haynes all of Alabama."

Rep. Andrews will be hard to replace in the South. He served his country in many ways, in the Navy and as Congressman. He was loved and admired by his personal friends as well as political friends. His death is indeed a great loss.

[From the Opelika-Auburn Daily News, Dec. 27, 1971]

Andrews Buried in Union Springs

Union Springs, Ala.—Funeral services for U.S. Rep. George Andrews, D-Ala., who died Saturday in Birmingham, were held today at 2 p.m. at the First Baptist Church here.

Andrews was 65. He underwent surgery Friday for the second time in the past three weeks. His first operation, on Dec. 9 at Birmingham's University Hospital, was to repair a weakening of the aortic artery.

A hospital spokesman said the veteran congressman was recovering normally until Friday, when he developed symptoms of an infection.

Andrews was the dean of Alabama's legislative delegation, and was the third ranking member of the House Appropriations Committee. He was one of three congressmen to serve on major appropriations subcommittees, including defense, public works, and legislative.

Gov. George C. Wallace, a close friend of Andrews', canceled all his appointments for today to attend the funeral, a capital source said.

The 17th ranking member of Congress in years of service, Andrews was elected to the 78th Congress in March of 1944 to fill the unexpired term of Rep. Henry B. Steagall who had died, and had won 14 times since.

A native of Clayton in Barbour County, Andrews afterward called Union Springs home. He received both undergraduate and law degrees from the University of Alabama and served as circuit solicitor for the state's third judicial circuit (Barbour, Bullock, Russell and Dale Counties) from 1931–43.

At the time of his election to Congress, Andrews was a Lieutenant (jg) in the U.S. Navy at Pearl Harbor and won the post in absentia. His campaign was run by his brother.

In his 28th year (15th consecutive term) in Congress at the time of his death, the colorful Andrews was expected to run for reelection next year.

Andrews was the second ranking member of the House Appropriations Committee and was considered one of the most powerful members of the lawmaking body.

Andrews, had suffered from an "aneurysm of the aortic artery where it goes through the abdomen," a hospital spokesman said. He had receved a plastic graft in surgery Dec. 9 for correction of the condition, described as a "weakening and enlargement of the artery."

However, the hospital spokesman said Andrews developed complications and a "re-operation" was required.

"The surgery was performed Friday afternoon," the spokesman said. "It revealed an intra-abdominal infection, perhaps related to an acute appendicitis.

"Although Congressman Andrews condition was serious following surgery, he tolerated the operation well. In the subsequent 12 hours. the combination of the second operation and severe infection resulted in a rapid deterioration in his general condition and succumbed at 7 a.m. Saturday.

Andrews gained a reputation for being a watchdog of federal finances as a member of the Appropriations Committee. He was usually re-elected easily and ran at the top of the ticket when Alabama congressmen ran at large in the early 1960's when the legislature failed to cut down the number of districts from nine to eight.

[From the Birmingham (Ala.) News Sun, Dec. 26, 1971]

House Speaker Leads Tributes

(By James Free)

Washington.—Speaker Carl Albert, D-Okla., best summed up the reaction of House colleagues to the death Saturday of Rep. George W. Andrews, D-Ala., at the University of Alabama Medical Center in Birmingham.

"I am deeply shocked," said Albert, "for George Andrews was not only the dean of the Alabama House delegation, a strong member of the Appropriations Committee and an outstanding legislator, but he possessed warm qualities that made him a close personal friend to me and many others.

"He had wit and impromptu humor and a rare talent for telling stories to bring home important points of discussion. He was third-ranking Democrat on the Appropriations Committee. As chairman of the Appropriation Subcommittee that handles funds for operations of the legislative branch, Andrews had an irreplaceable knowledge of the various functions of the Congress.

"He will be sorely missed."

The Union Springs congressman's death came less than two weeks after his 65th birthday on Dec. 12, and after nearly 28 years of service in the House. It was something of a surprise, for up to late this week he had been progressing as well as could be expected, according to medical reports, following an operation early this month to correct an aneurysm of the aorta (a weakening of the main artery in the circulatory system).

The fatal complication reportedly was an abdominal infection, which required a second major operation.

Andrews' aneurysm was discovered in a routine medical examination in Washington late last month. Before leaving for Alabama and a double-check by nationally respected experts at the University Center, Andrews told this reporter that "I have never had a serious illness in my life."

Sen. John J. Sparkman, D-Ala., in paying tribute to Andrews, said "He performed invaluable service not only to the constituents in his own congressional district, but to all Alabamians. Our delegation in Congress has worked as a team over the years, but George's considerable influence on the Appropriations Committee was invaluable in a number of critical situations."

The Alabama senior senator, who was himself a member of the House when Andrews came to Washington in 1944, gave these as some of Andrews contributions:

Keeping Camp Rucker, a World War II infantry training base, on a stand-by status after that war and after the Korean War—resisting Pentagon efforts to close it. And later pressing successfully for its use as an Army aviation training center. It is, of course, now Ft. Rucker, "the" Army Aviation Center.

A similar holding operation at Camp, now Ft. McClellan, until it received permanent assignment as the center for the Women's Army Corps and the chemical warfare school.

Opening of a navigation system from the Gulf up to Phenix City, on the Chattahoochee River.

Helping sustain the proposed Alabama-Coosa navigation system on an active basis through lean years, and seeing it through to completion so far up to Montgomery.

Helping keep alive the now court-delayed Tennessee-Tombigbee waterway project.

A potent assist in getting the University of Alabama Medical Center in line for one of the new regional cancer centers called for in President Nixon's intensified war on cancer. A key part will be the Lurleen Wallace Memorial Hospital, for which more than $5 million has been raised in local contributions.

Andrews is survived by his wife, the former Miss Elizabeth Bullock of Geneva; a daughter, Mrs. Jane Andrews Hinds of Greensboro, N.C., and a son, George W. Andrews Jr. of Washington, D.C.

Andrews had been a close friend of three other south Alabamians who achieved national fame in recent years.

Andrews was born in Clayton, home town of George C. Wallace. The two long have been mutual admirers.

The congressman was an old friend of Adm. Thomas B. Moorer, a native of Mount Willing and legal resident of Eufaula, Andrews and his associates on the Defense Appropriations Subcommittee saw to it that Moorer got the fullest consideration for elevation from Navy chief of operations to chairman of the Joint Chiefs of Staff. And that consideration was enough to get Moorer the top career defense position.

Andrews first campaign for Congress, back in 1944 when he was a junior naval reserve officer serving at Pearl Harbor, was run by Winton M. Blount, Sr., father of the former postmaster general. And "Red" Blount's mother worked with Andrews in his Washington office for several years.

After his graduation from the University of Alabama law school in 1928, Andrews practiced law in Union Springs for three years before his election as circuit solicitor for the third circuit comprised of Barbour, Bullock and Dale Counties. He was proud of his 12 years in this position, and some of his best stories were based on his experiences in the courtroom.

Due to his long service in Congress, Andrews for several years has been eligible for a substantial congressional pension—one which would have given him a higher take-home pay than his active service salary. He had often talked of possible retirement, or returning to law practice in south Alabama. But he often said: "I owe too much to my people to quit, so long as they want me to serve them in Washington."

[From the Andalusia (Ala.) Star-News, Dec. 30, 1971]

Congressman George W. Andrews

Some of our strong prejudices will missile to the surface when death claims a friend. This happened on Christmas morning when Congressman George W. Andrews, of Union Springs, died in a Birmingham hospital.

For South Alabama and the Wiregrass

corner of this state, an area that Congressman Andrews represented for 28 years in the U.S. Congress, this is a terrific loss, for George Andrews carried weight and impact in the national political scene.

George Andrews was the second ranking member of the powerful House Appropriations Committee. The force of his power and authority in Washington is mirrored in the millions of dollars that have been expended at Fort Rucker; in the development of the Chattahoochee River valley, where the Alabama Power Co., is currently spending millions of dollars; and at Fort Benning, an Army installation at Columbus, Ga., that spilled over to the Alabama side of the Chattahoochee to gain some extra Federal funds with George Andrews in the driver's seat up on the banks of the Potomac.

There was more to George Andrews' tenure in Washington than in keeping the home fires burning. Any man who stays in Washington for fourteen two-year terms has to have strong ties "back home."

If that is a sin, this editor is going to plead guilty right along with George Andrews right here and now. When Congressman Andrews first went to Washington almost three decades ago, the policies were established and this editor, as the Executive Secretary of Congressman Andrews, was handed the duties of keeping the communications warm between Washington and the Third Alabama District.

As George Andrews gained experience on the House Appropriations Committee, his outlook and approach to governmental affairs widened and he had a big hand in expanding the military might of this nation.

Because he was a conservative, George Andrews was never given the credit he deserves for spurring economic assistance to poverty nations along with his voting to put muscle into the Naval, Army and Air arms of Uncle Sam's military.

George Andrews' Congressional service played every key in the scale. At his funeral in the First Baptist Church of Union Springs the chaplain of the U.S. House of Representatives, Dr. E. G. Latch, stood before a filled sanctuary, with the crowd overflowing out of the downstairs fellowship hall and into the street, and stated: "This was a good man, a good man."

That is the gospel truth. We base our opinion on four years spent at the right hand of Congressman George Andrews.

Mr. STENNIS. Will the Senator from Alabama yield?

Mr. ALLEN. I am happy to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, I came into the Chamber during the remarks of the Senator from Alabama. I commend the Senator from Alabama very highly for his fine words and his eloquence concerning our departed friend, George Andrews.

I did not know that the Senator was going to speak at this time or I would have had some prepared remarks of my own. However, let me say that I could not have been more shocked or grieved at the loss of a colleague than I was when I heard of the passing of Representative Andrews.

I was his neighbor. In Alabama and Mississippi we lived in adjoining States. We were neighbors here in the Northwest part of the city of Washington. I loved the man. He came to me last fall to invite me to his State. He was so friendly that he almost made me go. However, there was a pending bill that several Senators had promised to get ready for consideration, and I was interested in the matter; but when I was told that George Andrews was ill, I readily agreed that the matter go over.

I again commend the Senator from Alabama for his forcefully directing the attention of the Senate and those who knew him, and also his constituents, to the passing of Representative Andrews. He represented a tradition in the House that was of the very best and highest prerogatives and aspects. Moreover, he represented the people who elected him to that office 14 consecutive times and represented them according to the finest principles of our system. May God rest his soul.

Mr. ALLEN. Mr. President, I thank the Senator from Mississippi. I know that George Andrews loved and admired and respected the Senator from Mississippi. We have always followed his leadership.

I appreciate, and I know that the family of George Andrews will deeply appreciate, the kind remarks made by the distinguished Senator from Mississippi (Mr. STENNIS).

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. There will now be a period for the transaction of routine morning business until 12:30 with each Senator limited to 3 minutes. Is there morning business?

THE FOOD STAMP PROGRAM

Mr. AIKEN. Mr. President, as a longtime advocate of the food stamp program, which virtually had its genesis in Vermont where I could observe its operations just prior to World War II and judge its potential for the future, it goes without saying that I have found efforts to use this worthwhile and needed program for personal purposes abhorrent—to say the least.

For 20 years after coming to this Senate, I, with certain of my colleagues, tried futilely to get this program reestablished.

It remained for Congresswoman LEONOR SULLIVAN to get the program approved by the House in 1964.

It was sent to the Senate where we had little difficulty in securing its passage.

Even before its enactment, Secretary of Agriculture Orville Freeman had set up the machinery for putting the food stamp program into effect again—for the purpose of helping poor people to have proper and adequate nourishment.

The procedure set in motion in 1965 got underway modestly and continued its cautious progress until the election year of 1968.

In fiscal 1968 the amount provided by Congress for food stamps was only $185 million.

This was increased to $280 million for fiscal 1969.

After the administration changed hands, however, there was a radical change in the attitude of Congress toward food stamps.

Proposals were made to permit the use of these stamps for purposes which had very little relation to the dietary process.

The upshot of all this commotion was that for fiscal 1972 Congress appropriated nearly $2.3 billion for the program, an increase of over 700 percent in a 4-year period.

Of course the inevitable happened.

With insufficient experienced personnel, the program got messy.

Abuses became widespread.

Some undeserving persons got the benefits while some needy persons were overlooked completely.

In an effort to curb abuses, the U.S. Department of Agriculture last year wrote new regulations but these new rules were so complicated that to comply with them some areas would have incurred losses rather than benefits.

The uproar increased in volume and most every candidate for office from dog catcher to President found himself concerned with the diets of the poor.

A lot of voters became concerned, too.

Several States, including my own State of Vermont, found that the new regulations would create hardships on the State itself and felt that it might be more advantageous to give up the program.

Under such circumstances, Federal officials realized that some revised action should be taken.

Apparently, the new Secretary of Agriculture, Earl Butz, was given a free hand to bring order out of near chaos.

He lost no time and on January 16 released a substitute for the objectionable regulations.

Under the new order there will be no reduction in the number of persons presently eligible for food stamps and no reduction in benefits.

Neither will there be any reduction in cost to Government.

In fact, there may be a substantial increase.

There will undoubtedly be some cheating but this will not distinguish the food stamp program from programs which are participated in by some that are not always needy.

It will be difficult to administer the expanded program and supervision may not always be of the highest order.

But in this case the Secretary had to choose between the possibility of waste and mismanagement and depriving a percentage of poor and deserving people of their just benefits.

Under our court system, it is deemed better to permit a guilty party to escape than to convict an innocent person for a crime he did not commit.

I believe that this principle should also apply to participants in the food stamp program.

Secretary Butz is to be commended for his prompt action and for meeting the issue head on.

Now that the Secretary has taken positive action, I feel that it is the duty of all of us to see that it is made to work fairly, adequately, and honestly.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to a concurrent resolution (H. Con. Res. 499) providing for a joint session to receive the President of the United States on January 20, 1972, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the following resolutions:

H. Res. 758. Resolution relating to the appointment of a committee to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make;

H. Res. 759. Resolution informing the Senate that a quorum of the House is present and that the House is ready to proceed with business; and

H. Res. 766. Resolution communicating to the Senate the intelligence of the death of Hon. George W. Andrews, late a Representative from the State of Alabama.

The message further announced that the House had passed a bill (H.R. 8787) to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a delegate to the House of Representatives, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 8787) to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a delegate to the House of Representatives, was read twice by its title and referred to the Committee on Interior and Insular Affairs.

DEATH OF REPRESENTATIVE GEORGE W. ANDREWS OF ALABAMA

Mr. ALLEN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Resolution 766.

The President pro tempore laid before the Senate a resolution (H. Res. 766) which was read as follows:

Resolved, That the House has heard with profound sorrow of the death of the Honorable George W. Andrews, a Representative from the State of Alabama.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. ALLEN. Mr. President, on behalf of my distinguished senior colleague (Mr. SPARKMAN) and myself, I submit a resolution and ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution offered by the Senator from Alabama will be read.

The resolution (S. Res. 225) was read, considered, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. George W. Andrews, late a Representative from the State of Alabama.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Representative.

THE WEST COAST DOCK STRIKE

Mr. PACKWOOD. Mr. President, the west coast dock strike has started again. For about 15 weeks the Pacific coast docks were in operation because of the 80-day injunction under the Taft-Hartley Act. The injunction has now expired and there is no law on the books that can in any way guarantee maritime transportation to the farmers, businessmen, and consumers of the Pacific coast.

For almost 2 years the administration has had before the Senate a bill which would guarantee continuity of services in the transportation industry. The Committee on Labor and Public Welfare of the Senate has had 8 days of hearings. Nothing further has been done. I fear there is a general feeling in the committee that nothing should be done other than create a 2-year study commission to study the problem.

This problem does not require any more study. In the 3 years since I have been in the Senate we have been faced with five emergency transportation crises: four in the railroad industry and one in the longshore industry. We may soon be faced with a resumption of the longshore strike on the east coast after the 80-day injunction under the Taft-Hartley Act expires. The same is true with respect to the gulf coast.

I, therefore, have written a letter to the chairman of the Committee on Labor and Public Welfare asking that the committee be called into session and kept in continuous session until some type of emergency legislation is reported to guarantee transportation services to the people of this country.

Mr. President, the public can no longer tolerate the strangulation of our economy by a few small but powerful interests, who have the ability to bring our economy to its knees. The public has a right to make a normal living and to collect a normal wage, without arbitrary interruptions by a variety of transportation strikes.

Secretary Butz yesterday spoke dramatically of the effect that the west coast dock strike will have on farmers in the West and Midwest. It borders on the ruinous. If there are strikes on the east coast and the gulf coast, we will see an economic decline in this country at a time when we desperately are trying to stimulate the economy.

Mr. President, I ask unanimous consent to have printed in the RECORD the speech given by Secretary Butz relating to the dock strike.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

BUTZ CALLS FOR IMMEDIATE PASSAGE OF DOCK STRIKE LEGISLATION

WASHINGTON, January 17.—"The resumption of the dock strike on the West Coast is a sad day for American farmers. It will further depress farm prices and cause a deterioration in the farm export markets that are so vital to the welfare of the Nation's agriculture," Secretary of Agriculture Earl L. Butz said today.

"The resumption of the 100-day strike on the West Coast points up the failure of the leadership of the present Congress to provide the Administration with the means to deal effectively with the dock strike and other transportation emergencies," Secretary Butz said.

"Farmers have already lost hundreds of millions of dollars since the dock strike started last July 1. During this time, Congress fiddled and stalled and wrung its hands over distressed grain prices, but did nothing about providing a solution to the strikes that were depressing farm prices and shrinking farm income," the Secretary said.

"If the leaders in Congress really want to do something for farmers, they will stand up in Congress tomorrow and demand that the Administration's legislation be passed immediately," Secretary Butz said.

"Farmers realize that they are going to suffer a dismal reduction in farm exports this fiscal year and that Congress has failed to provide a sensible solution for the Administration to use to deal with prolonged dock strikes," Secretary Butz said.

"Even worse than the present loss of income to farmers is the fact that purchasers of U.S. farm products have told our Government representatives that they are turning to other countries for future supplies because of the undependability of our delivery system," Secretary Butz added.

"This should be ample evidence that this Nation needs a better, more sensible system for dealing with strikes that so vitally affect the well-being of so many of the Nation's citizens," Secretary Butz said.

Secretary Butz said:

"It has been nearly two years since President Nixon proposed to Congress a realistic solution to emergency disputes in transportation. Since the dock strikes started last July 1 on the West Coast, and on October 1 at East Coast and Gulf ports, the Department of Agriculture has diligently kept the Congress informed of the serious damage being done to farmers. The Department of Agriculture has testified before Congress on the Administration's bill. I have repeatedly called on Congressional leaders to act, as did my predecessor, Secretary Hardin. On December 15, President Nixon publicly requested Congress to consider the seriousness of the absence of statutory means to deal with further transportation emergencies. So far, all we have received is a deaf ear from the Congress.

"I implore the union leaders to bring this strike to an immediate solution, and for Congress to provide a sensible and realistic plan to deal with this and future disruptions in transportation."

The farm production from one harvested acre in four moves into export, meaning that the output from more than 70 million U.S. farm acres moves overseas each year. In the year ended last June 30, the value of farm exports reached an all-time high of $7.8 billion. Trade experts generally agree that farm export values will show a substantial drop from that level during the current fiscal year that ends next June 30.

Department of Agriculture authorities have estimated that the dock tie-up during the heart of the 1971 farm harvest cut 10 cents per bushel from the price of corn and perhaps as much as 25 cents per bushel from soybean prices. Secretary Butz has said recently that the dock strikes will cost farmers a billion dollars in income.

During the months of October and November 1970, the East Coast and Gulf ports moved $917 million worth of agricultural exports. In the same months in 1971, these ports moved only $400 million of agricultural exports. When the strike hit last October 1, more than 1,000 barges and 1,400 rail cars were brought to a standstill on the approaches to Gulf ports. Farm prices were depressed almost immediately.

The 100-day strike by West Coast dock workers which began July 1 reduced agricultural exports from the West Coast by $215 million during July–September compared with a year earlier. Major losses were in wheat and perishable fruits and vegetables.

Only $6 million of tobacco were exported from the East and Gulf Coasts in October and November 1971, compared with $136 million during the same months a year earlier.

The Emergency Public Interest Protection Act that deals with transportation strikes has been before Congressional committees for nearly two years. It provides for measures to deal with transportation strikes after the expiration of the 80-day cooling off period provided in the Taft-Hartley Act. President Nixon invoked the Taft-Hartley Act on the West Coast last October 4; and applied it to the East and Gulf port strikes on November 27.

The 80-day cooling off period on the West Coast expired on December 24th and the unions agreed to continue working temporarily until today, January 17. The 80-day cooling off period for the East Coast and Gulf port strikes expires on February 14.

The Emergency Public Interest Protection Act authorizes the President to extend the cooling off period beyond 80 days; it authorizes the President to set up a special board to study the potential damage of a continued strike; and it provides for both parties to submit final offers to a panel that would select one of the offers as binding.

In a 1968–69 dock strike that was extremely costly to farm exports, the strike started on September 30, 1968. The Taft-Hartley Act was invoked by President Johnson on October 3, and the strike resumed on December 20 after the cooling off period had expired. It was April 13, 1969 before the strike was settled at all ports. The value of farm exports dropped drastically, and by the end of the fiscal year were $430 million behind the farm export value of the previous year.

Mr. PACKWOOD. Mr. President, yesterday the New York Times published an editorial entitled "Always Trouble on the Docks." I ask unanimous consent that the editorial may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ALWAYS TROUBLE ON THE DOCKS

The renewal yesterday of last year's hundred-day longshore strike in Pacific Coast ports reflects a triple breakdown—in the processes of collective bargaining, in the effectiveness of the nation's statutory safeguards against strike emergencies and in the credibility of Federal wage controls.

It is a bizarre abuse of union power that a single, rather rarefied issue affecting the mechanics of employer payments into a wage guarantee fund could result in an order to cut off deep-sea commerce in the West. It is doubly strange that such a hang-up should develop after employers and union had agreed on wage increases and other benefits extravagantly in excess of the Pay Board's loosely monitored guideposts.

Unfortunately, it is not surprising at all that the eighty-day injunction provisions of the Taft-Hartley Act have proved no adequate defense against a resumption of the strike. The feebleness of that protection has been proved over and over again in the last quarter-century in tie-ups of Atlantic and Gulf ports.

Now the Administration must rush to Capitol Hill with hastily improvised back-to-work legislation of the kind it has repeatedly had to devise in the railroads. But any formula the White House proposes for final settlement of the West Coast dispute opens up a Pandora's box of new woes in this shaky stage of wage stabilization.

If compulsory arbitration is decreed, the umpire designated by President Nixon almost surely would limit his ruling to the one unresolved issue and certify the rest of the package as independently agreed to by the parties. in effect, that would put a governmental imprimatur on wage raises of 32.2 per cent in a contract with less than eighteen months to run. Such a pact would represent a green light for Federal approval of the tentative accord reached ten days ago on the East Coast for increases of 41 per cent over three years; it would shatter respect for the 5.5 per cent annual standard set by the Pay Board.

For Congress to act on its own to legislate a settlement embodying the basic terms of the West Coast wage understanding would be even more destructive of the stabilization effort. What is required is a formula for limited ship operation that would meet national needs without stripping the wage regulators of the authority that unions insisted they be given to determine what pay increases are "unreasonably inconsistent" with their anti-inflation mandate.

Strikes and strike threats by overstrong unions cannot become the make-or-break element in a program essential to America's economic welfare.

Mr. PACKWOOD. Mr. President, the New York Times editorial calls upon Congress to alleviate the perpetual threat that hangs over this country because of the possibility of transportation strikes. Congress can no longer ignore its responsibility. We can not go along every 6 months meeting this problem crisis by crisis and passing ad hoc legislation. We must pass permanent legislation that allows unions and management, as well as the general public who depend upon our transportation system, to know what they can expect. I hope Congress will now be willing to face its responsibility and pass meaningful legislation to guarantee to all the people of this country continuity of transportation services.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Maryland is recognized.

(The remarks of Mr. MATHIAS when he introduced S. 3037 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

The PRESIDENT pro tempore. Is there further morning business?

BLACK LUNG

Mr. BYRD of West Virginia. Mr. President, on January 6, I had the privilege of testifying at a Senate Subcommittee on Labor hearing chaired by my colleague, Senator RANDOLPH and conducted in my hometown of Beckley, W. Va. The hearing received testimony on how improvements could be made in title IV of the Federal Coal Mine Health and Safety Act—on how the Federal Government could improve its benefits program for miners suffering from the dread disease of pneumoconiosis.

I ask unanimous consent that my remarks made before that hearing be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR BYRD OF WEST VIRGINIA

Mr. Chairman, it is particularly appropriate that you have chosen this locale in the heart of the mining section of West Virginia, for a Congressional hearing to develop the case for improvement of the Black Lung Benefits Program (Title IV of the Federal Coal Mine Health and Safety Act). Many of the people most directly affected by that program reside here.

The aforementioned Act, adopted by the Congress in 1969, holds great promise for the eventual elimination of the coal dust in our underground mines, which constitutes one of the greatest hazards to the coal miner. However, the law's full effects will not be felt for many years. In the meantime, we have the Black Lung Benefits Program to assist those disabled miners who will not benefit from the improved safety conditions—a program which you and I, Mr. Chairman, cooperated in including in the overall Act in an effort to compensate those miners disabled by pneumoconiosis for the physical suffering and loss of earning power and also to benefit the widows of men so affected.

We have now observed the Black Lung program in operation for two years. As a result, we have seen dramatic benefits to a large segment of coal miners and their families. This program has restored or increased financial independence and personal dignity for over 260,000 workers and dependents, assuring them of greater capability to cope with their living needs and their extraordinary medical requirements. These workers had gone uncompensated under State programs under which workers with other occupational disorders had been awarded benefits.

However, the life of the Federal program, as provided by the Health and Safety Act, is about to expire. The Act presently diverts administrative responsibility for continuation of the program from the Social Security Administration of the Department of Health, Education, and Welfare to the Department of Labor in 1973, with claims to be processed through workmen's compensation agencies in the States. Those valid claims not compensable under State workmen's compensation laws would qualify for Federal payments from the Secretary of Labor, with the mine operators being liable to the United States in civil court proceedings for the amounts involved. Furthermore, we now are aware of many shortcomings and inequities of the program as it has developed. It is time now for the Congress to act to extend and refinance the program and to improve it so that it will, indeed, benefit all those disabled miners and families for whom its benefits were intended.

S. 2675, the bill which you have introduced, Mr. Chairman—and which I am pleased to have co-sponsored with you—should meet these needs.

First of all, we need to extend the life of this Federal program, the States in many cases not yet having established adequate programs to compensate workers for this irreversible disease.

Secondly, we must act to extend benefits to eligible children or orphans of miners disabled by black lung. It was an unfortunate oversight that the original Act failed to provide for such children.

We must also clearly establish that the black lung benefits program is not to be considered a form of workmen's compensation, which, under the administration of the social security system, has resulted in the application of the offset provision normally applied to social security disability benefits where the beneficiary is eligible for the two types of compensation. For a disabled worker to be expected to survive, support his family, and provide for the extraordinary medical needs occasioned by his illness on 80 per cent of his former average wage—is the height of injustice. I hope eventually to see the social security law also changed in this respect.

Finally, and of great import, the use of X-rays must not be the sole determinant of the presence of pneumoconiosis to a compensable degree. Experience has shown the X-ray to be unreliable and inadequate, albeit useful, in establishing the presence and degree of pneumoconiosis. The British, who are far ahead of us in the recognition and the compensation of this disease, might be cited on this point. For example, The Annual Report, 1967–68, Medical Service and Medical Research, National Coal Board, Great Britain, stated, in part (quote): ". . . it was . . . rapidly apparent that the X-ray film was not, by itself, a reasonable measure of disability . . ." Moreover, the British Government Publication, "Pneumoconiosis and Allied Occupational Chest Disease," Ministry of Social Security, London, England, stated (quote):

"The disease (pneumoconiosis) is difficult to diagnose, especially in the early stages, and accurate diagnosis depends on three essentials—a high quality full-size radiograph of the chest, a full clinical examination (including lung function tests) and complete industrial history."

Mr. Chairman, we must act to extend deserved benefits to the many thousands of black lung cripples who have been arbitrarily and unjustly denied—whether by terms of the law or by the administrative approach—the compensation intended by the Congress for those who have been dealt a death blow (slow in action though it may be) by the occupation in which they have been engaged. My correspondence files will attest, as I am sure yours will, to the fact that many thousands in our own State have been shocked and cruelly disappointed to be advised that they may not participate in this beneficial program—despite the indisputable record of ten, twenty, thirty, or more years, spent below the surface of the ground, in extremely hazardous work, subject to rock falls, runaway cars, timber collapse, poison gas, bone-penetrating moisture and cold, and always the coal dust—the layers of black removable from skin and hair, but permanently coating vital lungs and leading to their break-down, to sleepless nights spent in racking coughs and near suffocation, followed by the natural deterioration of the rest of the body. These men, or their family members in their behalf, write letters to you and to me, as their Senators, stating that they are totally unacceptable for further employment in the mines, but are not deemed eligible for the compensation intended for them by the Congress.

We *must* remedy this. Some of our colleagues may feel that the coal miner must meet the same disability criteria applied to workers in other occupations, but, in all justice, I believe we must take recognition of the uniquely severe conditions under which the coal miner has labored and of the fact that, once incapacitated for this work at mid-point or near the end of his working life, he is not retrainable as are individuals who have worked in other occupations. He, usually, is not educated for work requiring sophisticated mental skills; he will not be up to any job requiring even ordinary physical exertion. Furthermore, in the region of the coal mines, there are few, if any, other jobs in which he might be employed. We cannot expect a man so spent in body and spirit to pull up stakes and relocate. The present economy and unarguable employment policies have doomed him to stagnation and a stake of marking time until death.

So, in simple compassion and justice, I believe that we must come to the provisions included in S. 2675. This bill would extend the benefits to those disabled, not solely by pneumonoconiosis, but by "pneumonoconiosis, or other respiratory or pulmonary impairments." Further, it would modify the definition of total disability so that "a minor shall be considered totally disabled when any respiratory or pulmonary impairment or impairments resulting from his employment in a mine or mines prevents him from engaging in gainful employment requiring the skills and abilities comparable to those of any employment in a mine or mines in which he previously engaged with some regularity and over a substantial period of time."

Let us stop quibbling with dying men as to whether their lungs are riddled with black lung or whether they are affected with miners' asthma, or silicosis, or chronic bronchitis. And let us stop telling a man whose lungs have failed him—or predictably will do so—that he can qualify for a job operating some non-existent elevator or selling some produce in a highly competitive market. It is my hope that the Labor and Public Welfare Committee will recognize the merit and justice of this bill and recommend it to the Senate. Americans are a compassionate people, and I believe that the Congress should so represent them in dealing compassionately with this small group, assuring these disabled miners and their families of more certain assistance in their unique suffering and deprivation.

Mr. Chairman, if the new provisions proposed in S. 2675 can be enacted and if the administration of the program can be improved, based on experience with it to date, I hope that the result will be that no eligible miner and no eligible dependent will be denied his or her just benefits under the law.

As to the cost of the program, it will certainly rise with the improvements being considered, and it must be admitted that the program has proved more costly than was originally anticipated—because the true number of individuals disabled or killed by pneumoconiosis was not known at the time the legislation was enacted. However, it should be borne in mind that this program, unlike other Federal programs, is not expected to perpetuate itself and proliferate into the usual ever-expanding bureaucratic program. The cost, once having reached its peak when all presently eligible individuals have been brought into the program, can be expected to diminish. Improved dust conditions in the mines—called for in the basic Act—should, in time, eliminate pneumonoconiosis as a killer and crippler of men. In due time, therefore, the financial burden will lessen. I do not recommend that the States be pushed too fast to assume the cost burden, but I do feel that the States should be encouraged to gradually assume the burden, so as to gradually relieve the Federal government—which presently carries the total costs. Perhaps some program for gradual assumption by the States of the program could be written into the law.

In the same vein, Mr. Chairman, I want to emphasize what you already know—that the fight against crippling miners' diseases began a long time ago. In 1962, I added $100,000 to the HEW Appropriation Bill to establish a pneumoconiosis research, study, and rehabilitation project right here in Beckley; and the following year I amended the Public Health Service Appropriation Bill, adding $400,000 for expansion and acceleration of the research program on chronic chest diseases among coal miners.

Just this past November, I was honored to dedicate the new Appalachian Center for Occupational Safety and Health at Morgantown. The dedication of this $6 million laboratory climaxed six years of work, which began in 1964 when I restored $1 million in planning funds to the HEW Appropriation Bill. The following year, I added $266,000 to the Public Health Service appropriations for continuing research into miners' pulmonary diseases—vital work which is being conducted at the Morgantown facility, along with the testing and certification of mine health and safety equipment.

The Morgantown facility is of tremendous importance in the overall battle against unsafe and unhealthy conditions in our mines—and equally important in this struggle is the Mine Health and Safety Academy, a $13.5 million facility which, as a member of the Appropriations Committee, I was able to have properly funded and which I was able to have located here in Berkley. The Academy serves as an education and training center to expand and upgrade the health and safety expertise of mine management and mine workers, as well as that of Federal and State agencies responsible for health and safety.

I say all this in closing, Mr. Chairman, for two reasons: to show that the battle for improved mine health and safety must be fought on many fronts, and to underscore my intensely personal interest in this compassionate legislation which you and your subcommittee are shaping.

I suppose that I am the only one of 100 senators who grew up in the home of a coal miner. I do not know that to be a fact, but I believe it is a fact. I grew up in the coal mining areas of southern West Virginia—Raleigh County, Mercer County, and McDowell County—and my foster father was a coal miner, back in the days of the pick and shovel, and so I lived with coal miners in my home where my foster mother kept boarders.

At one time, she cooked for as many as twenty-eight boarders, who were all coal miners, and I have seen them have to get up in the dead of the night, and burn and inhale a powder, because of severe asthma brought on by working in the mines.

I have helped to carry coal miners to their graves on the rugged West Virginia hillsides. I have stood in the homes of weeping widows of coal miners, and I have seen the tears of their children.

I stood, when a boy, at the entry of a coal mine after an explosion, in which fathers of my school classmates were killed. No Mr. Chairman, the coal miners of West Virginia do not have to spend their money for postage to write to me asking for support for legislation to benefit them, because they know they have my support in the fight against black lung. My early life was a part of their lives, and I shall not forget them now.

I want to compliment this Committee, and to commend you, Mr. Chairman, for the good work you have done. I have had the honor of appearing before your committee in the Nation's Capital to testify on behalf of this legislation, and I am glad to present this statement to you here in my home county today.

Whatever we do in the legislative halls of Congress will, in my judgment, not to be too much; if anything, it may be too little for the disabled miners and their families.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER TO PROCEED TO UNFINISHED BUSINESS AT CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when morning business is concluded today, the

Chair lay before the Senate the unfinished business, S. 2515.

The PRESIDENT pro tempore. Without objection, it is so ordered.

JOINT SESSION OF THE TWO HOUSES TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Concurrent Resolution 499.

The PRESIDENT pro tempore. The Chair lays before the Senate a message from the House on Concurrent Resolution 499, which will be read.

The legislative clerk read the concurrent resolution (H. Con. Res. 499) as follows:

H. CON. RES. 499

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Thursday, January 20, 1972, at 12:30 p.m., for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AIME J. FORAND

Mr. PASTORE. Mr. President, it is my sad province to announce the sudden passing of a distinguished American, the former Congressman from Rhode Island, the Honorable Aime J. Forand.

He died suddenly last night at his retirement residence in Boca Raton, Fla., and my sympathy—as does the sympathy of all America—goes to his beloved wife, Gertrude.

Aime Forand was my lifetime friend and—in office—an able legislator, skilled parliamentarian, fabulous for his faithful attendance.

He will be immortalized as "The Father of Medicare"—the persistent advocate of the Forand bill that established Federal social responsibility toward our senior citizens.

The life story of Aime Forand—the overcoming of handicaps—the awakening to public service and its dedication to the well-being of his fellow Americans, can be an inspiration to all youth. America still offers opportunity if youth has the will to find the way.

Because I believe that the biography of this good and great man should be part of the current history of the Congress and be perpetuated to exert its influence on the future, I ask unanimous consent that the obituary of Aime J. Forand from the pages of the Providence Journal be printed in the RECORD at this point in my remarks.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

[From the Providence Journal, Jan. 19, 1972]

AIME J. FORAND DIES: EX-RHODE ISLAND CONGRESSMAN

Aime J. Forand, often called the father of medicare because of his advocacy of medical care for the elderly while representing Rhode Island for 22 years in Congress, died last night at the age of 76.

He suffered a heart attack while having dinner with his wife at their Boca Raton, Fla., home and was pronounced dead at 8:45 p.m. in Boca Raton Hospital. He had lived in Florida for several years.

Mr. Forand chose not to run for reelection in 1960, and it was five years after he left Capitol Hill before the idea he had espoused for years became law.

When President Lyndon B. Johnson in 1965 signed the law aiding the elderly in their medical payments, Mr. Forand was present. He had first introduced the bill in 1957.

Remembering his unstinting work on behalf of the elderly, several Rhode Island communities in recent years have thought of Mr. Forand when it came time to dedicate housing for the elderly, and have named the buildings in his honor.

His health, however, never permitted him to journey back to Rhode Island for these celebrations.

Mr. Forand achieved political success by dint of his own perseverance. He went to work in a Blackstone Valley mill at the age of 14 to help support a meager family budget. His father, who had gone blind, and his mother were the parents of 16 children.

The future congressman quit Cumberland schools after the seventh grade, but his thirst for an education never abated. He attended Magnus Commercial School at night, took Columbia University corerspondence courses and read prodigiously.

He had been a pick and shovel laborer, a dump truck driver, a radio repairman, a private chauffeur, a grocery clerk, a lubricating oil salesman, a newspaperman, and secretary to two congressmen.

Mr. Forand also served an apprenticeship in politics as a two-term Democratic state representative from Central Falls.

His sponsorship of what became widely known as the controversial Forand bill, he once recalled, stemmed from his years in the General Assembly. There the late Barney McElroy, a Democratic colleague from Fox Point, annually introduced an old age pension bill backed by the Fraternal Order of Eagles.

Although his education was limited, precluding his attempted admission to law school in Washington, Mr. Forand in 1951 was the recipient of the honorary degree of doctor of laws conferred by Providence College.

The accompanying citation hailed him as a "consistently able and upright public servant" who had a "broad concept of social responsibility and citizenship" and an "unflagging devotion to democratic processes."

For 18 years Mr. Forand was a member of the powerful House ways and means committee on which he ranked No. 2 at the time of his retirement.

In the 1960 presidential campaign, he headed the Senior-Citizens for Kennedy Committee and after leaving Congress became chairman of the National Council of Senior Citizens, an organization devoted primarily to promoting enactment of a program of medical care for the aged under Social Security as later embodied in the King-Anderson bill. He also was named to a 25-man advisory committee on housing for senior citizens.

Mr. Forand once told an interviewer that he could have "made a gold mine" had he chosen to speak before scores of organizations in support of his plan.

"But I declined them all because I didn't want anyone to accuse me of making a racket of it and I think too much of the plan on its merits to risk that," he said.

The former congressman was short in height—5 feet 5¾ inches—and inclined to stockiness. He once weighed 214 pounds, but shortly before his retirement had reduced to 174. A man of pleasant appearance, he wore glasses, dressed conservatively.

Mr. Forand did not engage in the Washington social whirl.

"I duck everything" he explained on one occasion. "I'd rather go home and do my work than go to a function anytime. In the summer I like to putter around my vegetable garden."

Mr. Forand was born in Fall River on May 23, 1895, a son of the late Francis X. and Meliuce (Ruest) Forand. His parents moved to Cumberland while he was a small child.

During World War I he served in France for 12 months with the American Expeditionary Force as a member of the Motor Transport Corps. As a legislator, he afterwards championed many veterans causes, including the establishment of a veterans hospital in Rhode Island.

After the war he worked at sales jobs, became a court reporter and in 1922 ran and was elected as a Democratic candidate for representative from the Second Central Falls district. He was persuaded to run for the legislature by the late Joseph Cadoret, mayor of Central Falls and father-in-law of J. Howard McGrath. At the time Mr. Forand said he wasn't even sure who the governor of the state was.

He served until 1927 and then in 1929 became secretary to Congressman Jeremiah E. O'Connell, later presiding Justice of the Superior Court. In 1930 when Mr. O'Connell was appointed to the court Mr. Forand went to work for his successor, Congressman Francis B. Condon, later chief justice of the Rhode Island Supreme Court. Mr. Condon was elected to the bench in 1935 and Mr. Forand found himself without a patron but by then the Washington bug had bitten him.

"It began to look as though I would have to go to Washington as a congressman myself in order to stay there," he said.

WINS ELECTION

Charles F. Risk, a Republican, was elected in the first district to succeed Mr. Condon and Mr. Forand landed a state job as chief of the division of soldiers' relief and commandant of the R.I. Soldiers' Home at Bristol. He remained in it until 1936 when he ran for Congress himself and defeated Mr. Risk.

Two years later, when Republicans swept the state, Mr. Forand was defeated by Mr. Risk but came back in 1940 to turn the tables. In the interim he had been supervisor in Rhode Island for the federal census in District Two.

From then on, Mr. Forand was reelected every two years by healthy pluralities. Being of French extraction, he always polled a strong vote throughout the Blackstone Valley.

In January, 1943, he gained a covered seat on the ways and means committee and the same year was appointed by Speaker Sam Rayburn to the Board of Visitors of the U.S. Coast Guard Academy. In 1948 he served as board chairman.

As a member of the ways and means committee, he became chairman of the subcommittee on unemployment insurance and later was chairman of the subcommittee on technical and administrative problems of excise taxes. In the latter capacity he presided over lengthy hearings that culminated in massive revision of the entire excise tax structure. A 925-page bill emerged that the House passed without a rollcall and "the Senate didn't even dot an I," Mr. Forand recalled.

PARLIAMENTARIAN

Mr. Forand specialized in tax legislation and also in parliamentary procedure. He studied the precedents and rules of order for the House and often was called upon to take the chair in the absence of the speaker. He was presented three gavels in appreciation of his work in chairing debate in three major pieces of legislation—the antilynching bill in 1937, the 44-billion-dollar defense appropriation bill and the civil rights bill.

In addition to his sponsorship of the old age benefits bill, Mr. Forand sponsored scores of other measures, among them federal reinsurance of precarious state unemployment insurance funds. He was a major participant in the successful battle for federal funds for flood control in Woonsocket and for the Fox Point hurricane dam.

Mr. Forand first introduced his old age medical aid bill in 1957 and waged an unsuccessful four-year fight for its enactment. The measure had the strong support of organized labor and other organizations, but aroused bitter opposition of still others, chiefly the American Medical Association and state medical societies. It likewise was opposed by the Eisenhower administration.

FALLS FAR SHORT

Finally when he voted for the Kerr-Mills bill in 1960, Mr. Forand told the House it "falls far short of what Congress should do." But the 1960 Democratic platform contained a flat endorsement of the approach to medical care originally advanced by him.

While a member of the House, Mr. Forand also had served on the joint congressional committee on atomic energy, was chairman of the House Democratic caucus in 1947–48 and was a member of the Democratic steering committee.

Mr. Forand's decision not to seek another term in Congress came suddenly in April, 1960. He had come to Providence to attend a meeting of the Democratic state executive committee and there urge the election of Judge John P. Cooney, Jr., as Democratic state chairman.

During his remarks to the committee, he announced he would retire at the end of the term he then was serving.

SURPRISED HIMSELF

"I have reached the point where I am exhausted," he said. Later he said his announcement had surprised even himself since he had not gone to the meeting with any intention of making it.

As a congressman he was one of the most conscientious. In 20 years of service in the House, he said, when running for reelection in 1958, he had answered 3,489 roll calls and had missed only 111.

During the Roosevelt administration, Mr. Forand was an ardent New Dealer and an equally loyal Fair Dealer during the Truman administration.

He was a member of the American Legion, Veterans of Foreign Wars, the Elks, Eagles, Knights of Columbus (Fourth degree), Club Marquette, LeFoyer, Franco-American and L'Union St. Jean Baptist d'Amerique. He was a founder and treasurer of Club de la Jeunesse Franco-American of Central Falls and an incorporator of the Young Men's Democratic League. In 1927 and 1928 he was treasurer of the Central Falls Democratic City Committee.

In retirement, Mr. Forand first lived in Maryland, and then in Pompano Beach, Fla., for several years before buying a home overlooking the Royal Palms Country Club in Boca Raton about four years ago.

At his home at 1600 Salle Pond Rd., he spent his time "just relaxing in the yard, enjoying Florida, taking it easy and receiving friends from Rhode Island and across the country," a neighbor said last night.

Mr. Forand is survived by his wife, the former Gerturude B. Bedard of Central Falls, and several brothers and sisters.

PRICE TAG FOR FEDERAL SUBSIDIES EXCEEDS $63 BILLION

Mr. PROXMIRE. Mr. President, during the past few weeks the Joint Economic Committee, of which I have the honor to be the chairman, has issued a study on Federal subsidies and has held 3 days of hearings on that subject. These were hearings on issues which have never before been examined altogether and in their totality. Up until now, no price tag has even been placed on them. Even under modest definitions our study indicated that they cost a minimum of $63 billion a year.

The McClatchy newspapers in California, namely, the Sacramento Bee, the Fresno Bee, and the Modesto Bee, carried an editorial on January 14 concerning the study and the hearings.

Some subsidies are good. Many are bad. Some achieve their purpose. Others do not. Some do not achieve their stated purposes as well as could be done by other methods. In some cases it would cost less for private enterprise to do the job. In some cases highly productive funds are removed from the private sector through taxation only to be spent on projects which have a much lower return on capital. That is what is known as waste and inefficiency.

But the major question and problem are that much of the subsidy payments are made mindlessly through complex or hidden methods for which no economic analysis or justification is made. In most cases we do not know what they are, how they work, what they cost, or whether they do the job or do it better or worse than other methods.

The time to focus attention on the way we spend billions is long overdue.

The McClatchy editorial makes these points and makes them clearly and succinctly.

I ask unanimous consent that their excellent editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Price Tag for Subsidies Comes High

The House of Representatives-U.S. Senate Economic Committee has issued a report showing that various subsidies, both direct and indirect, cost the nation's taxpayers at least $63 billion per year.

That huge sum is about one fourth of total government spending and amounts to more than $308 for every man, woman and child in the country.

Outright cash subsidies amount to between $10 and $23 billion, tax subsidies $38 billion, federally-subsidized loans between $4 and $5 billion and so-called benefit in kind such as the postal system and public housing, $10 billion.

The subsidies cover a wide range.

There is one which goes to bee keepers and milk producers whose products become contaminated by poisons which have been registered and approved by the government.

One becoming effective this year will go to the owners of ponds on farms which are used to preserve and restore the nation's wetlands vital to waterfowl.

Another costing $95 million in tax revenue gives a special tax advantage to a citizen whose income is made in foreign lands.

U.S. Sen. William Proxmire of Wisconsin, chairman of the joint committee, summed up the situation thus:

"This mammoth subsidy system represents a mindless means of spending taxpayer's money. There is virtually no analysis of economic benefits and little analysis of the cost of these programs. Neither Congress nor the executive branch determines if alternative programs can do a better job."

Subsidies in general should not be condemned out of hand.

Some are essential for the welfare of the citizen and the economic health of the nation.

Others are of questionable value.

But too often the "good" subsidy is regarded as one which benefits yours truly and a "bad" subsidy as one which benefits the other fellow.

Congress should turn its attention to a thorough study which would result in separating the wheat from the chaff.

ARE OIL IMPORT QUOTAS OF IMPORTANCE TO NATIONAL SECURITY?

Mr. PROXMIRE. Mr. President, oil prices and phase II were the subject of hearings last week in the Subcommittee on Priorities and Economy in Government of the Joint Economic Committee.

The hearings revealed a hodgepodge of conflicting oil policies whose only common theme seems to be "what's good for big oil is good for the Nation." We heard evidence from academics, independent segments of the oil industry, and the major oil companies. A common theme underlying most of the testimony was that our oil policies are not working to encourage domestic exploration, to protect our national security, or to encourage competition. As a matter of fact, the testimony we heard was just the opposite: Our conflicting oil policies are encouraging foreign rather than domestic exploration, our economy is being weakened by inflationary oil policies which are not responsive to our national security needs, and the independent segments of the oil industry are being driven out of business because the Government has failed to enforce the antitrust laws and because most of the Government's subsidies are going to the major international oil companies rather than the independent domestic companies.

Rather than belabor the point I ask unanimous consent that an article by Morton Mintz which appeared in the Washington Post on January 17, 1972, be printed in the Record at the conclusion of my remarks. Mr. Mintz, as Senators know, is one of the most respected reporters in Washington, and I think catches the essence of the hearings.

There being no objection, the article was ordered to be printed in the Record, as follows:

Are We Subsidizing Success—Or Are Oil Quotas of Importance to National Security?

(By Morton Mintz)

The federal government has a greater direct impact on the prices of petroleum products—before, during or after price controls—than on the prices charged by any other industry.

Each of 50 million American families, for example, pays an average of $100 per year more for fuels because of the import quotas that restrict inexpensive foreign oil.

In addition to this estimated $5 billion annual cost of quotas, the Treasury grants an estimated $4 billion a year in assorted tax breaks.

Why we grant such subsidies is, clearly, an important question; and now, in three days of hearings, a Joint Economic subcommittee has explored it.

Much of the testimony concerned the quotas. By keeping out foreign oil, the theory is, they stimulate domestic exploration. This assures that the supply of oil needed by the civilian economy will continue without interruption. The national security is thereby protected, or so the argument goes. That is the key, because national security is the only legal reason for the quota system.

The major oil companies (through trade associations they control), the Interior Department and a pro-industry legislator all strongly urged this line of reasoning.

In contrast, subcommittee chairman William Proxmire (D-Wis.) and independent economists and lawyers generally saw the great bulk of the benefits of a $9 billion annual subsidy for success flowing only to the major oil companies, which account for seven of the 20 largest industrial corporations.

An explanation indicated by evidence produced at the hearings—and, of course, rejected by advocates of federal intrusion in oil marketing mechanism—was simply that economic power was translating into political power.

The Internal Revenue Service, to take one item, determined, in the 1960s, that major firms operating in the Persian Gulf had so inflated their "posted" prices for foreign crude as to run up a $1 billion tax deficiency; the IRS settled for half of that—and has never gotten around to investigating the domestic "posted" prices. The IRS says its rules forbid disclosure of the identities of the companies, the sums each owed and the amounts they paid.

Attorney General John N. Mitchell, it developed, had shelved a request from his Antitrust Division for the civil equivalent of subpoenas for papers on the possible anticompetitive consequences of the proposed Trans-Alaska pipeline. A recommendation by the division staff for divestiture by eight of the nine huge firms that own Colonial Pipeline hasn't been acted on, though it was made six years ago.

One witness, Rep. Silvio O. Conte (R-Mass.), was asked to comment on the lag in the Colonial case, which actually came under investigation about nine years ago.

"The oil industry," Conte told Proxmire, "is the most powerful lobby and the most powerful unit we have in the United States."

If that seems an overstatement, try to imagine a more plausible explanation for the anomalies that fairly gushed forth at the hearing (and in earlier Capitol Hill inquiries, as well), such as:

In 1958, the year before President Eisenhower set up the quota system with an Executive Order, American oil companies listed exploration expenses of $650 million in this country and $255 million abroad. In 1969, after a dozen years of quotas, spending for domestic exploration had increased $75 million (11.5 per cent), while it had gone up $255 million (63.8 per cent) in foreign countries.

In the half-dozen years ended in 1970, the cost of quotas to the public increased by at least $7.4 billion—2.3 times as much as the increase in the companies' domestic exploration expenditures, for gas as well as for oil. Obviously, as Proxmire pointed out, a straightforward, honest subsidy for domestic exploration would be a bargain.

By barring low-price imports, quotas have worked to "Drain America First," said S. David Freeman, who until September headed the White House Energy Policy Staff. But, now, he said, we face "a major shortage of energy" unless we end the quotas—which the President can do with a stroke of the pen—or induce further domestic production. That, he said, would require price increases so large that the cost of quotas could climb from $5 billion to $10 billion a year. And this "would be contrary to our long-term security," Freeman said, because it would mean "really draining America dry." Besides, the Phase II controls appear "to rule out the kind of price increases the oil industry feels is necessary."

Without such price increases, one major oil company has suggested, we will end up by 1985 importing half of the nation's crude primarily from Arab nations. Ironically, Freeman pointed out, large price increases and heavy future reliance on Arab oil are "the very dire consequences which industry representatives suggested would take place if the quotas were abolished."

The nation is said to have an acute shortage of natural gas. The most immediate way to relieve it is either to use more oil, or to convert oil into synthetic gas. But the import quotas, supposedly protecting national security by preventing an energy shortage, keep out the oil that could ease the shortage.

Canada has larger oil resources than she needs for her own people. But, Freeman said, they will not be discovered, developed and brought to American markets so long as the United States maintains the quotas.

The quotas bar petrochemical feedstocks for use in a great variety of plastic and other products. "The security purpose of import controls does not apply to petro-chemicals," President Nixon was told last March in a memo prepared by the Justice Department's Antitrust Division and signed by Attorney General Mitchell.

While the public, through higher prices, is "taxed" $5 billion a year to keep foreign oil out, the major companies that are the principal beneficiaries have a tax incentive to explore and produce abroad: a 1953 Internal Revenue Service ruling allowing them to credit the "royalties" they pay foreign governments against the taxes they would owe the United States. The estimated tax loss is $1 billion to $1.25 billion a year.

In the 12 years of quotas, which bar independent wholesalers from importing petroleum products, including unleaded gasoline, their number in the Midwest has declined from 88 to 15.

The most devastating attack on the quota system—because of its source—came in February, 1970, from President Nixon's own Cabinet Task Force on Oil Import Control. Of the 13 Cabinet officers and other federal officials who were members and official observers, 10 agreed that the quota program "is not adequately responsive to present and future security considerations" and "is no longer acceptable."

The task force chairman was George P. Shultz, then Secretary of Labor. The President thought enough of him to make him director of the Office of Management and Budget—but thought so little of the condemnation of quotas by Shultz and others in the majority that he did not so much as mention their recommendation of tariffs as a substitute.

Instead, Mr. Nixon called attention to the divergence of views between th majority and the minority. Then he appointed a new Oil Policy Committee which, without formal discussions or working papers, approved retention of quotas. Thus he continued a massive intervention in the free market he extols.

QUORUM CALL

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR SENATORS TO SUBMIT SIGNED REQUESTS AT THE DESK TO ADD COSPONSORS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, for the remainder of the second session of the 92d Congress, Senators may submit signed requests at the desk to add cosponsors to bills and resolutions—joint, concurrent, or simple—without having to make such requests from the floor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

STANDING ORDER FOR RECOGNITION OF THE MAJORITY AND MINORITY LEADERS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, for the remainder of the second session of the 92d Congress, in each daily session, immediately following the disposition of the reading of the Journal or the approval of the same, 3 minutes be set aside for the recognition of the majority leader or his designee and 3 minutes be set aside for the recognition of the minority leader or his designee, if they so desire, prior to the recognition of other Senators.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11:30 a.m. tomorrow.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

TRANSACTION OF BUSINESS FOLLOWING THE PRESIDENT'S ADDRESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I am authorized by the distinguished majority leader to state that following the President's address before the joint session of the two Houses tomorrow, the Senate will return and proceed with the further consideration of the unfinished business.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

List of NASA Employees Who Have Filed Reports Pertaining to Employment

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a list of the present and former NASA employees who have filed reports with NASA pertaining to their NASA and aerospace industry related employment for the fiscal year ended June 30, 1971 (with accompanying papers); to the Committee on Aeronautical and Space Sciences.

Report on Title I Agreements Under Agricultural Trade Development and Assistance Act of 1954

A letter from the General Sales Manager, Export Marketing Service, Department of Agriculture, transmitting, pursuant to law, a report on title I agreements under the Agricultural Trade Development and Assistance Act of 1954 (with accompanying papers); to the Committee on Agriculture and Forestry.

Report of National Forest Reservation Commission

A letter from the President, National Forest Reservation Commission, transmitting, pursuant to law, a report of that Commission, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Agriculture and Forestry.

Report on Final Determination on Indian Claim Case

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on the final determination of Docket No. 261, the Samish Tribe of Indians, plaintiff, against the United States of America, defendant (with accompanying papers); to the Committee on Appropriations.

Report of the Public Service Commission for the District of Columbia

A letter from the Executive Secretary of the Public Service Commission of the District of Columbia submitting, pursuant to law, its report for the calendar year 1970 (with accompanying report); to the Committee on Appropriations.

Report of the Administration of the Agency for International Development

A letter from the Administrator of the Agency for International Development submitting, pursuant to law, a report on the violation of section 3679, Revised Statutes, involving a revolving fund under the control of the Agency (with accompanying papers); to the Committee on Appropriations.

Report on Overobligation of an Appropriation

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the "Limitation on salaries and expenses," Railroad Retirement Board, for the fiscal year 1972, had been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

Report on Final Determination of Indian Claim Case

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, its final determination with respect to Docket No. 230, the Cayuga Nation of Indians of Oklahoma, plaintiff, against the United States of America, defendant (with accompanying papers); to the Committee on Appropriations.

Report on Property Acquisitions of Emergency Supplies and Equipment

A letter from the Director of Civil Defense, reporting, pursuant to law, on property acquisitions of emergency supplies and equipment, for the quarter ended December 31, 1971; to the Committee on Armed Services.

Report on Military Personnel Policy

A letter from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, a report on military personnel policy (with an accompanying report); to the Committee on Armed Services.

Report on Certain Facilities Projects Proposed To Be Undertaken for the Naval and Marine Corps Reserve

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on certain facilities projects proposed to be undertaken for the Naval and Marine Corps Reserve; to the Committee on Armed Services.

Proposed Amendment of Section 8376, Title 10, United States Code

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation to amend section 8376 of title 10, United States Code, to eliminate the requirement that an Air Force Reserve, or Air National Guard, officer serving on extended active duty in a temporary grade which is higher than his Reserve grade must apply for promotion to his next higher Reserve grade, when otherwise eligible (with an accompanying paper); to the Committee on Armed Services.

Proposed Amendment of Title 10, United States Code

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize the Secretary of the Navy to establish the amount of compensation paid to members of the Naval Research Advisory Committee (with an accompanying paper); to the Committee on Armed Services.

Report on Truth in Lending

A letter from the Vice Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report on truth in lending, for the year 1971 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Report of Comptroller of the Currency

A letter from the Comptroller of the Currency, transmitting, pursuant to law, a report, for the year 1970 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Report on Department of Defense Procurement From Small and Other Business Firms

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms, for July-September 1971 (with an accompanying report); to the Committee on Banking, Housing, and Urban Affairs.

Study of Unsafe and Unsound Practices

A letter from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, a study of unsafe and unsound practices (with an accompanying report); to the Committee on Banking, Housing, and Urban Affairs.

Document Published by Federal Power Commission

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a publication entitled "Statistics of Interstate Natural Gas Pipeline Companies, 1970" (with an accompanying document); to the Committee on Commerce.

Report on Flight Pay

A letter from the commandant, U.S. Coast Guard, reporting, pursuant to law, on flight pay, for the 6-month period ended December 31, 1971; to the Committee on Commerce.

Report on Administration of Fair Packaging and Labeling Act

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on the administration of the Fair Packaging and Labeling Act, for the fiscal year 1971 (with an accompanying report); to the Committee on Commerce.

Report of Secretary of Commerce

A letter from the Secretary of Commerce, transmitting, pursuant to law, his report, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Commerce.

Delay of Report of Economic Development Administration

A letter from the Assistant Secretary for Economic Development, reporting a delay in processing of the report of the Economic Development Administration, for fiscal year 1971; to the Committee on Commerce.

Report of Interstate Commerce Commission

A letter from the Chairman, Interstate Commerce Commission, transmitting, pursuant to law, a report of that Commission, for the fiscal year 1971 (with an accompanying report); to the Committee on Commerce.

Report on Permits and Licenses Issued by Federal Power Commission

A letter from the Chairman, Federal Power Commission, transmitting, pursuant to law, a report on permits and licenses for hydroelectric projects issued by that Commission, for the fiscal year 1971 (with an accompanying report); to the Committee on Commerce.

Report on Health Consequences of Smoking

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on the health consequences of smoking, 1972 (with an accompanying report); to the Committee on Commerce.

Proposed Legislation To Facilitate the Payment of Transportation Charges

A letter from the Assistant Administrator of General Services submitting proposed legislation to amend the Transportation Act of 1940, as amended, to facilitate the payment of transportation charges (with accompanying papers); to the Committee on Commerce.

Report of the Chesapeake & Potomac Telephone Co.

A letter from the vice president and general manager, Chesapeake & Potomac Telephone Co., Washington, D.C., transmitting, pursuant to law, a report of that company, for the year 1971 (with an accompanying report); to the Committee on the District of Columbia.

Statement of Receipts, Expenditures, and Balances of the U.S. Government

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a statement of receipts, expenditures, and balances of the U.S. Government, for the fiscal year 1971 (with an accompanying report); to the Committee on Finance.

Report of the Renegotiation Board

A letter from the Chairman, the Renegotiation Board, transmitting, pursuant to law, a report of that Board for the year 1971 (with an accompanying report); to the Committee on Finance.

Report of Balances of Foreign Currencies Acquired Without Payment of Dollars

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report of balances of foreign currencies acquired without payment of dollars, as of June 30, 1971 (with an accompanying report); to the Committee on Foreign Relations.

Report of the U.S. Arms Control and Disarmament Agency

A letter from the Director of the U.S. Arms Control and Disarmament Agency transmitting, pursuant to law, the annual report for the year 1971 on the 14 scientific or professional positions authorized for establishment in the Agency (with accompanying papers); to the Committee on Post Office and Civil Service.

Reports of the General Accounting Office

A letter from the Comptroller General of the United States transmitting, pursuant to law, a list of reports of the General Accounting Office for December 1971 (with accompanying papers); to the Committee on Government Operations.

Report on Disposal of Excess Property in Foreign Countries

A letter from the Secretary of Health, Education, and Welfare, submitting, pursuant to law, a negative report covering the disposal of excess property in foreign countries, for calendar year 1971; to the Committee on Government Operations.

Report on Disposal of Foreign Excess Property

A letter from the General Manager, Atomic Energy Commission, reporting, pursuant to law, on the disposal of foreign excess property; to the Committee on Government Operations.

Report of General Services Administration

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, the 1971 annual report of that Administration (with an accompanying report); to the Committee on Government Operations.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Examination of Financial Statements of the Student Loan Insurance Fund Fiscal Year 1970," Office of Education, Department of Health, Education, and Welfare, dated January 12, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Office of Education Should Improve Procedures To Recover Defaulted Loans Under the Guaranteed Student Loan Program," Office of Education, Department of Health, Education, and Welfare, dated December 30, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Improvements Needed in the Administration of Contracts for Evaluations and Studies of Antipoverty Programs," Office of Economic Opportunity, dated December 28, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Need for Long-Range Planning for Avionics Development Programs," Department of the Army, dated December 28, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Opportunities for Improving Federally Assisted Manpower Programs Identified as a Result of Review in the Atlanta, Ga., Area," Department of Labor, Department of Health, Education, and Welfare, Department of Housing and Urban Development, dated January 7, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Forest Service Needs to Ensure That the Best Possible Use is Made of Its Research Program Findings," Department of Agriculture, dated January 6, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Progress to Strengthen U.S. Government Foreign Tax Relief on Defense Expenditures Overseas," Department of Defense, Department of State, dated January 6, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Alternatives to Secondary Sewage Treatment Offer Greater Improvements in Missouri River Water Quality," Environmental Protection Agency, dated January 6, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Costly Replacement of Faulty Potting Compounds—a Protective Material—in Major Weapon Systems," Department of Defense, dated January 5, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of Commodity Credit Corporation, Fiscal Year 1971," Department of Agriculture, dated January 14, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Increased Use of Financial Data and an Improved Tariff System Needed by a Military Airlift Command," Department of the Air Force, dated January 5, 1972 (with an accompanying report); to the Committee on Government Operations.

Report on Status of Colorado River Storage Project and Participating Projects

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on the status of the Colorado River storage project and participating projects for fiscal year 1971 (with an acompanying report); to the Committee on Interior and Insular Affairs.

Proposed Amendment to Concession Contract Within Lake Mead National Recreation Area, Nev.

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed amendment to a concession contract within Lake Mead National Recreation Area, Nev. (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report on Operation of the Colorado River Basin

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report entitled "1971 Operation of the Colorado River Basin, 1972 Projected Operations" (with an accompanying report); to the Committee on Interior and Insular Affairs.

Proposed Amendment to Concession Contract on South Rim of Grand Canyon National Park, Ariz.

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed amendment to a concession contract for the public on the South Rim of Grand Canyon National Park, Ariz. (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report on Reclassification of Certain Lands of the Huntley Project Irrigation District, Mont.

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on the reclassification of certain lands of the Huntley Project Irrigation District, Mont.; to the Committee on Interior and Insular Affairs.

Report on Proceedings Instituted Before the Subversive Activities Control Board

A letter from the Attorney General, transmitting, pursuant to law, a report with respect to proceedings instituted before the Subversive Activities Control Board, during the year ended December 31, 1971 (with an accompanying report); to the Committee on the Judiciary.

Report of Veterans of World War I of the United States of America

A letter from the national quartermaster, Veterans of World War I of the United States of America, Alexandria, Va., transmitting, pursuant to law, a report of that organization, as of September 30, 1971 (with an accompanying report); to the Committee on the Judiciary.

Report of Future Farmers of America

A letter from the chairman, Board of Directors, Future Farmers of America, Washington, D.C., transmitting, pursuant to law, a report of that organization, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on the Judiciary.

Report of Community Relations Service

A letter from the Director, Community Relations Service, Department of Justice, transmitting, pursuant to law, a report of that Department, for the fiscal year 1971 (with an accompanying report); to the Committee on the Judiciary.

Report of American Revolution Bicentennial Commission

A letter from the Chairman, American Revolution Bicentennial Commission, Washington, D.C., reporting, pursuant to law, of the activities of that Commission; to the Committee on the Judiciary.

Report of Subversive Activities Control Board

A letter from the Chairman, Subversive Activities Control Board, Washington, D.C., transmitting, pursuant to law, a report of that Board (with an accompanying report); to the Committee on the Judiciary.

Adjustment of Status of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders relating to the adjustment of status of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Report on a Defector Alien

A letter from the Commissioner Immigration and Naturalization Service, Department of Justice, reporting, pursuant to law, on a defector alien, Petro Ascenso (with an accompanying paper); to the Committee on the Judiciary.

Temporary Admission of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting pursuant to law, copies of orders entered relating to the temporary admission of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Third Preference and Sixth Preference for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, dated December 15, 1971, transmitting, pursuant to law, reports concerning visa petitions according the beneficiaries of such petitions third preferences and sixth preference classifications (with accompanying papers); to the Committee on the Judiciary.

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, dated January 3, 1972, transmitting, pursuant to law, reports concerning visa petitions according the beneficiaries of such petitions third preference and sixth preference classifications (with accompanying papers); to the Committee on the Judiciary.

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports concerning visa petitions according the beneficiaries of such petitions third preference and sixth preference classification, dated January 17, 1972 (with accompanying papers); to the Committee on the Judiciary.

Statement on Judgments Rendered by the U.S. Court of Claims

A letter from the Clerk, U.S. Court of Claims, Washington, D.C., transmitting, pursuant to law, a statement of all judgments rendered by that court, for the year ended September 30, 1971 (with an accompanying report); to the Committee on the Judiciary.

Report on Adjustment in the National Science Foundation Fiscal Year 1972 Program

A letter from the Director, National Science Foundation, transmitting, pursuant to law, a report on adjustment in the National Science Foundation fiscal year 1972 program (with accompanying papers); to the Committee on Labor and Public Welfare.

Report on Need for Emergency Financial Assistance to Medical and Dental Schools

A letter from the Secretary of Health, Education, and Welfare, transmitting a report on the need for emergency financial assistance to medical and dental schools, including recommendations for appropriate administrative and legislative action (with an accompanying report); to the Committee on Labor and Public Welfare.

Program Relating to Drugs on the Market

A letter from the Director, Office of Legislative Services, Food and Drug Administration, transmitting, for the information of the Senate, a program to assure that all drugs on the market are safe and effective, in accordance with the law (with an accompanying report); to the Committee on Labor and Public Welfare.

Report on Actions Taken With Respect to Scientific and Professional Positions

A letter from the Deputy Assistant Secretary, Management and Budget, Department of the Interior, reporting, pursuant to law, on actions taken with respect to scientific and professional positions, during the calendar year 1971; to the Committee on Post Office and Civil Service.

Report on Scientific and Professional Positions

A letter from the Director of Personnel, Department of Commerce, transmitting, pursuant to law, a report on scientific and professional positions, for the year 1971 (with an accompanying report); to the Committee on Post Office and Civil Service.

Report on GS-17 Positions in Administrative Office of the U.S. Courts

A letter from the Director, Administrative Office of the U.S. Courts, reporting, pursuant to law, on the GS-17 positions in that Office; to the Committee on Post Office and Civil Service.

Report on Position in Grade GS-18

A letter from the Chairman, U.S. Civil Service Commission, transmitting, pursuant to law, a report on a position in grade GS-18 (with an accompanying report); to the Committee on Post Office and Civil Service.

Report Relating To Disposal of Records

A letter from the Acting Administrator, General Services Administration, reporting, pursuant to law, on the disposal of records; to the Committee on Post Office and Civil Service.

Progress Report of Committee on Motor Vehicle Emissions

A letter from the President, National Academy of Sciences, transmitting, pursuant to law, a semiannual progress report summarizing the work and findings of the Committee on Motor Vehicle Emissions (with an accompanying report); to the Committee on Public Works.

Report on Urban Area Traffic Operations Improvement Program

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on urban area traffic operations improvement program (with an accompanying report); to the Committee on Public Works.

Report of Revised Estimate of Cost of Completing the National System of Interstate and Defense Highways

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on revised estimate of cost of completing the national system of interstate and defense highways (with an accompanying report); to the Committee on Public Works.

Report of Tennessee Valley Authority

A letter from the Board of Directors, Tennessee Valley Authority, Knoxville, Tenn., transmitting, pursuant to law, a report of that Authority, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Public Works.

Report on Completion of Certain Segments of the Interstate Highway System in the District of Columbia

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on the completion of certain segments of the Interstate Highway System in the District of Columbia (with an accompanying report); to the Committee on Public Works.

Report of District of Columbia City Council Relating to the Interstate Freeway System

A letter from the Commissioner, the District of Columbia, Washington, D.C., transmitting, pursuant to law, a report of the District of Columbia City Council, relating to the interstate freeway system (with an accompanying report); to the Committee on Public Works.

Study of the Problems Facing Vietnam Era Veterans

A letter from the Administrator of Veterans Affairs, transmitting, for the information of the Senate, a study of the problems facing Vietnam era veterans: Their readjustment to civilian life (with an accompanying report); to the Committee on Veterans' Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Alabama; to the Committee on Foreign Relations:

"H.J.R. 2

"Memoralizing the President and Congress to do all in their power to secure the freedom of the prisoners of war in Vietnam

"Whereas the involvement of this country in Vietnam appears to be drawing to a close with the rapid withdrawal of our troops from Vietnam; and

"Whereas the release of our prisoners of war by North Vietnam has not been secured by even a tentative agreement; and

"Whereas the people of this State and their duly elected representatives in this Legislature are vitally concerned that the release of these men who have given so much for their country be secured, now therefore,

"Be it resolved by the Legislature of Alabama, both Houses thereof concurring, That we do encourage the President and Congress to use all honorable means at their disposal to secure the release of our prisoners of war by North Vietnam.

"Be it further resolved That the Clerk of the House send copies of this resolution to the President and the members of Congress."

"In witness whereof, I have hereunto set my hand and have caused the Great Seal of the State of Alabama to be affixed by the Secretary of State, at the Capitol in the city of Montgomery on this 19th day of November, 1971.

"George C. Wallace,
"Governor."

A resolution of the House of Representatives of the State of Ohio; to the Committee on Post Office and Civil Service:

"H.R. No. 135

"A resolution to memorialize the 92d Congress of the United States to request a postage stamp commemorating Joseph William Briggs, the father of free city mail delivery

"Whereas, The members of the House of Representatives of the 109th General Assembly of Ohio are cognizant that the United States Postal Service traditionally issues commemorative postage stamps honoring the distinguished men and great events of our proud history as a Nation; and

"Whereas, One such man was Joseph William Briggs, a postal employee himself in Cleveland, Ohio, who, on July 1, 1863, fathered the idea of free city mail delivery; and

"Whereas, This ingenious public servant zealously and courageously implemented the "Postman" institution throughout the Nation, creating additional revenues for the Postoffice Department and saving American taxpayers millions of dollars; and

"Whereas, It seems most fitting that the state of Ohio honor one of its favorite sons, Joseph William Briggs, the first postman as well as the designer of the first mail box and the first letter carrier's uniform; and

"Whereas, Recognition of this distinguished American falls upon the threshold of yet further reforms in the United States Postal Service, a most befitting coincidence among men who are similarly blessed with the foresight and courage to put their ideas into action as Joseph William Briggs did a century ago; therefore be it

"Resolved, That we, the members of the House of Representatives of the 109th General Assembly of Ohio, in adopting this Resolution do hereby memorialize the 92nd Congress of the United States to request through the United States Postal Service and the United States Citizens' Stamp Advisory Committee a postage stamp commemorating Joseph William Briggs, the father of free city mail delivery; and be it further

"Resolved, That the Legislative Clerk of the House of Representatives transmit duly authenticated copies of this Resolution to the United States Citizens' Stamp Advisory Committee; to Postmaster General Elmer Klassen; to Vice President Spiro T. Agnew, President of the Senate; to the Honorable Allen J. Ellender, President pro tem of the Senate; to the Honorable Carl Albert, Speaker of the House of Representatives; and to each Senator and Representative from Ohio in the Congress of the United States.

"Adopted December 15, 1971."

A petition of sundry American citizens calling for the repeal of the United Nations Charter; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following report of a committee was submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

S. 596. A bill to require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Congress within sixty days after the execution thereof (Rept. No. 92–591).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BYRD of West Virginia (for Mr. SPARKMAN) (for himself and Mr. ALLEN):

S. 3033. A bill to provide that the lock and dam referred to as the "Columbia Lock and Dam" on the Chattahoochee River, Alabama, shall hereafter be known as the George William Andrews Lock and Dam. Referred to the Committee on Public Works.

By Mr. BEALL:

S. 3034. A bill for the relief of Miss Anamaria Moratoya Jimenez; and

S. 3035. A bill for the relief of Mrs. Luisa P. Zapanta. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 3036. A bill to repeal the Davis-Bacon Act and the Contract Work Hours Standards Act, and related provisions of law. Referred to the Committee on Labor and Public Welfare.

By Mr. MATHIAS (for Mr. WEICKER) (for himself, Mr. COOPER, Mr. JAVITS, Mr. RIBICOFF, and Mr. MATHIAS):

S. 3037. A bill to amend the Federal Aid Highway Act of 1956, as amended. Referred to the Committee on Public Works.

By Mr. BYRD of West Virginia (for Mr. CRANSTON):

S. 3038. A bill for the relief of Arthur E. Lane. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TOWER:

S. 3036. A bill to repeal the Davis-Bacon Act and the Contract Work Hours Standards Act, and related provisions of law. Referred to the Committee on Labor and Public Welfare.

Mr. TOWER. Mr. President, I am introducing today a bill to repeal the Davis-Bacon Act and the Contract Work Hours Standards Act. Whatever justification may have once existed for these statutes has disappeared with changed conditions over the years. These laws today harm rather than help our society and our economy. The most negative aspect of these laws is that they unnecessarily raise costs in construction, an industry which we all recognize as an historically high wage one.

The Davis-Bacon Act, commonly referred to as the prevailing wage law, was enacted on March 3, 1931, with the explicit purpose of protecting local wage standards of workers on Federal construction projects. Later, the scope of the act was expanded to include construction which was Federally assisted, even though the contract was not a Government one. The depression of the 1930's gave impetus to the law's passage: some States had already enacted similar measures for State and local projects. Proponents of the Davis-Bacon Act contended that construction contractors working on Federal projects were paying substandard wages. Contractors had little difficulty in doing this because of the large amount of unemployment then prevailing. Contractors using union labor often were underbid by contractors who used cheaper, unorganized labor imported from low-wage areas. Senator James J. Davis of Pennsylvania, Congressman Robert L. Bacon of New York, and other proponents of the legislation, wanted to prevent the Federal Government from being an instrument either of deflating or inflating wage rates for Federal construction. They also wanted to give local labor and local contractors a fair opportunity to participate in the Federal construction program. The Davis-Bacon Act was designed to achieve these objectives by providing that wages "prevailing" in the area of Federal construction must be paid by the bidding contractors irrespective of the sources of labor supply.

The actual determination of prevailing wage rates was, in the 1931 enactment, left in the hands of contractors and contracting agencies. The act was amended in 1935 so as to delegate to the Secretary of Labor the responsibility for determining prevailing wage rates in advance of inviting bids for Federal projects. By a 1964 amendment, fringe benefits were included in the definition of "prevailing wages."

For some years after its passage, little attention was paid to the Davis-Bacon Act, primarily because comparatively few people were effected directly. However, recent developments have tremendously enlarged the impact and importance of this law. One major development has been the great growth in Federal construction. The traditional areas of dams, reservoirs, and buildings to house Federal operations, have now burgeoned into such programs as missiles and space systems, defense-related installations and the interstate highway complex. A second major development has been the rapid increase in Federal assistance, through loans and grants, for construction awarded on a State and local basis. Federal funds now help construct hospitals, sewerage plants, parks, housing, airports and many other facilities.

Wage-rate determinations under the Davis-Bacon Act are issued to the requesting Federal agency responsible for the award of the contract. These rates are then shown as minimum wages in the bid specifications and the final contract documents. The number of wage determinations issued yearly by the Department of Labor has increased from 3,884 in fiscal year 1945 to about 25,900 in fiscal year 1970 and an estimated 26,200 in fiscal year 1971. In fiscal year 1970, about 58,000 contract awards totaling approximately $28 billion were covered under the Davis-Bacon wage determinations. For fiscal year 1971, an estimated 59,000 contract awards totaling roughly $30.1 billion were covered by wage determinations. The $30 billion in 1971 represented about one-third of all construction expenditures during that fiscal year, public and private.

Administration of the Davis-Bacon Act by the Labor Department has engendered much warranted criticism over the years. disapproval has been registered by not only building-employee groups, but by others as well. Studies by academicians point up consistent mismanagement by the Labor Department constituting an actual perversion of the statute. This same conclusion was reached by the General Accounting Office, the congressional watchdog over the executive branch, after an extremely comprehensive analysis of the Davis-Bacon administration which dates from 1962 until 1971.

The following are some of the criticisms made by the General Accounting Office in a report issued July 14, 1971. These conclusions were based on GAO findings from their studies over the past decade in 29 selected construction projects, including military family housing, low-rent public housing, federally insured housing, and a water storage dam.

First. Minimum rates prescribed by the Labor Department were significantly higher than prevailing wages in the areas and therefore substantially increased construction costs borne by the Federal Government, by 5 to 15 percent. This violates one major concept of the Davis-Bacon Act: that payment of prevailing wages should not be inflationary.

Some contractors do not bid on federally-financed construction projects, according to the report of the General Accounting Office, because the higher wage rates required on such projects lower the morale of workers in their labor forces paid lower wage rates on privately financed projects in the same locality. Morale is also hurt when workers return to lower wage rates after a Federal construction project is completed.

Second. The Labor Department must identify classifications of workers for which determinations should be made. In some cases, the Department has applied the wage rates of one classification to another classification without investigating the actual prevailing wage rates paid to each group.

Third. In defining the geographical area for which prevailing wages were to be determined, the Labor Department in some cases has gone beyond the county where the project was located and has applied rates from other, sometimes nonadjacent counties or from another State having different labor conditions.

Fourth. In many cases the Labor Department has not distinguished between different types of construction, such as commercial and residential, although significant variances exist between labor rates applicable to these two types of construction. Often wage determinations have called for the higher rates applicable for commercial-type building construction and have disregarded the rates for residential-type construction.

Fifth. The Labor Department places undue emphasis on wage rates established in prior determinations and rates included in collective bargaining agreements, without verifying whether such rates are representative of the rates prevailing on similar construction in the area. These practices may be attributed to the fact that the Department has not compiled sufficient up-to-date and accurate information on prevailing basic wages and fringe benefits.

Sixth. The Labor Department's wage determinations do not generally prescribe separate rates for helpers and trainees. When local labor practices recognize these categories, separate rates may help lower construction costs and encourage contractors to hire semiskilled and untrained persons on Government-financed projects.

Such a procedure would be particularly desirable in areas of hardcore unemployment.

Mr. President, I rise today not to add my voice to the criticism of the Federal Government's total disregard for the law's intent, although that aspect of the situation is indeed reprehensible. Nor am I recommending enactment of specific legislative guidelines to end the Government's indifferent posture towards that intent, although revision of the law is desperately needed if it is to remain on the statute books. Rather, I rise today to sponsor a bill calling for outright repeal of the act.

Mr. President, the Davis-Bacon Act was an emergency measure passed during a great depression. It carried the humanitarian purpose of preventing wages from falling precipitously at that time. The situation in today's construction industry is totally different. Average hourly earnings in contract construction equaled $5.22 in 1970, compared to $3.85 in the next highest-paying industry—transportation and public utilities—and $3.23 for private industry as a whole. Wage increases negotiated in construction contracts in recent years have been notoriously out of line with wage increases negotiated in contracts in other industries—about twice as high as those in manufacturing, for example. Construction unions have become so powerful relative to contract employers, and so effective in negotiating excessive wage increases, that construction became the first industry singled out by the administration for a wage stabilization program which went into effect in March of 1971.

The construction industry is highly organized, with more than three-quarters of its workers in unions. Only six industries in the country have such a high degree of unionization, according to the U.S. Bureau of Labor Statistics.

It seems obvious that such an industry does not need the assistance of an inflationary Davis-Bacon Act. The fact that the law's impact has been inflationary seems beyond dispute. In February, 1971, at the time he temporarily suspended the law, President Nixon said the following:

> Under the Davis-Bacon Act wage rates on Federal projects have been artificially set by this law rather than by customary market forces. Frequently, they have been set to match the highest wages paid on private projects. This means that many of the most inflationary local wage settlements in the construction industry have automatically been sanctioned and spread through Government contracts.

I strongly supported President Nixon's suspension of the Davis-Bacon Act. Unfortunately, the suspension lasted only a little more than a month. The angry reaction of union leaders to the suspension was proof that it was indeed operating to check the upward escalation of construction wages. In a syndicated column on April 10, 1971, Labor reporter Victor Riesel made the following comment:

> "Why the sudden anger? Well, in one New England city some operating engineers' wages had been sliced from about $6.50 an hour to $3.50. As new bids were coming in after the Davis-Bacon suspension, contractors were cutting their wage costs. At Wright-Patterson Air Force Base in Ohio, the bid on some family housing units came in for some $400,000 less. At some projected family housing units in Fort Huachuca, Ariz., the bid came in for $50,000 less. At a proposed small El Paso, Tex., hospital, the bid returned $51,000 less than the previous bid. These were but symptoms—but there were hundreds of them.

Mr. President, repeal of the Davis-Bacon Act not only would help to restore the free market mechanism for construction wages on Federally supported projects and end the arbitrary imposition of the highest union rates for such projects, but it also would help to increase employment in construction work. The irony is that, at the same time that it enjoys the highest wages of all industries, construction suffers from the highest unemployment rate. During 1970, unemployment in construction averaged 9.7 percent—higher than the 7.5 percent unemployment in agriculture, the industry with the next highest unemployment rate, and about twice as high as the 4.9 percent unemployment level for industry as a whole. Currently unemployment in the construction industry continues to linger in the 9- to 10-percent range.

Many persons see the Davis-Bacon Act effectively curtailing entry of unemployed workers, particularly the unskilled and semi-skilled, into government construction projects because of the high wages which would have to be paid to them. No doubt the closed system that is promoted by the Davis-Bacon Act has contributed to the inability of blacks, Spanish-speaking people, and other minorities from gaining entrance into the construction industry.

For the above reasons, many groups applauded President Nixon's recent suspension of the Davis-Bacon Act. They recommended the dismantling of the Labor Department's staff for administering this law and advocated its permanent suspension. In an article in the April 1971 Labor Law Journal, Prof. Jerry E. Pohlman, assistant professor at the State University of New York at Buffalo, concludes that:

> The provisions of the Davis-Bacon Act do prohibit the adoption of more job-creating programs by the government . . . /and/ the Davis-Bacon Act reduces the potential of job-creating programs in the war against poverty.

In a recently concluded study authorized by the American Enterprise Institute for Public Policy Research, Dr. John P. Gould, an economist at the University of Chicago, said that:

> High prevailing wage determinations appear to discourage nonunion contractors from bidding on federal construction . . . This means that nonunion contractors are less competitive and that the government has to pay a premium price for construction work, and that the bargaining power of unionized construction workers is strengthened substantially.

Moreover, stated Dr. Gould:

> Excluding nonunion contractors from a substantial part of the construction market also has undesirable economic consequences for minority groups and younger workers who are more likely to find employment in the nonunion sector of the construction industry.

Because it serves as an inflation generating mechanism in an era when inflation appears to be a constant sore on the American economy, and because it is curtailing employment in an age of relatively high employment, I urge the repeal of the Davis-Bacon Act. Furthermore, the Fair Labor Standards Act, enacted in 1938, 7 years after the passage of Davis-Bacon, provides a floor under construction wages, the same floor that serves for all other industries. Reason dictates that construction should not have special status with a separate, statutory wage floor much higher than the rest of the American economy.

Mr. President, no doubt some will consider this bill to be patently "anti-labor." This is simply not the case. The Davis-Bacon Act has caused high unemployment in the construction industry. It has restricted low-income people from that industry, and it has driven the cost of low-cost public housing and other government construction upward at a tremendous rate. In essence, the Davis-Bacon Act has deprived many low and middle-income Americans the opportunities enjoyed by other Americans, while, at the same time, has kept the free market mechanism from working in a natural and free manner. There are those who are constantly accusing others of not helping the little man. The bill I am introducing today would repeal a 40-year-old law that has, for the past 30 years, kept the little man from being able to compete for jobs in the construction industry.

The bill I am introducing today would also repeal the Contract Work Hours Standards Act. This act requires the payment of premium pay to laborers and mechanics on Federal and Federally-financed public works, at the rate of time and one-half for hours in excess of 8 in any 1 calendar day or 40 hours in any 1 workweek. There is also a penalty of $10 a day for each worker employed in violation of these requirements. The Contract Work Hours Standard Act was passed in 1962 to replace several 8-hour laws applicable to laborers and mechanics on public works.

This law is a bad statute on several counts. For one thing it adds to the complexity and confusion of Federal labor law. It covers much the same ground as the Fair Labor Standards Act. The latter subjects the construction industry to its overtime provisions for work over 40 hours per week. Hence, contractors find that the same conduct is governed by two different legislative standards and enforcement procedures.

Furthermore, the statutory requirement of overtime pay for work in excess of 8 hours in any 1 day, found in the Contract Work Hours Standards Act, but not in the Fair Labor Standards Act, is a poor idea. It discourages the growing trend in American industry for experimentation in workweek scheduling. Collective bargaining agreements aimed to test various scheduling combinations, such as the 4-day workweek of 10 hours each, or of 9 hours each, is discouraged when the employer must pay a penalty for work over 8 hours in 1 day. The law also discourages the scheduling of extra hours of work on any 1 day to make up time lost on other days due to bad weather, delays in receiving necessary supplies and other legitimate reasons.

Mr. President, it is indeed ironic that the construction industry should be the recipient of extra Federal statutory protection in the form of Davis-Bacon and Work Hours Laws. Other employees have only the protection of the Fair Labor Standards Act. The Davis-Bacon Act was a product of a depression and the 8-hour law the product of an era when the Federal commerce power was interpreted on the basis that Federal construction was one of the few activities the Congress could regulate. Both of these laws are anachronisms today.

Protective labor legislation is intended primarily for the unorganized worker, the marginal employee, the personnel of depressed industries and those Americans residing in the country's poorer regions. This type of legislation may serve a useful purpose. But protective legislation should not be extended to such growth industries as the construction industry. It is time to restore the processes of the free market and collective bargaining to the construction industry.

Mr. President, I ask unanimous consent that the text of my bill be inserted in the Record at this time. In addition, I ask unanimous consent that the text of an editorial which appeared in the January 17 edition of the Wall Street Journal be inserted in the Record. This editorial further amplifies upon many of the negative aspects of the Davis-Bacon Act that I have mentioned in my remarks. I urge my colleagues to give their closest consideration to the current practices and situations which have brought me to the conclusion that these two laws should be repealed.

There being no objection, the bill and editorial were ordered to be printed in the Record, as follows:

S. 3036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following provisions of law are repealed:

(1) The Davis-Bacon Act (as amended (40 U.S.C. 276a-276a-5).

(2) The Contract Work Hours Standards Act (40 U.S.C., ch. 5).

(3) All legislation which is subject to Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267).

(4) Section 1499 of title 28, United States Code.

Sec. 2. This Act shall take effect sixty days after its enactment, but shall not affect any contract then existing or any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding at the time of the enactment of this Act.

Cross Purposes in Construction

While the Pay Board is struggling to get wages under control, a number of federal laws are working effectively to push wages up. It isn't exactly novel for the government to be working at cross purposes but this instance is especially astonishing.

The federal wage-boosting program was instituted in 1931, with passage of the Davis-Bacon Act. In a troubled economy builders sought federal construction contracts even more avidly than usual, and here is how one of the sponsors of the legislation described the results:

"A practice has been growing up in carrying out the building program where certain itinerant, irresponsible contractors, with itinerant, cheap, bootleg labor have been going around throughout the country 'picking' off a contract here and a contract there, and local labor and local contractors have been standing on the sidelines. . . . This bill . . . is simply to give local labor and the local contractor a fair opportunity to participate in this building program."

At least some of those allegedly irresponsible contractors were on the move because they were as desperate for business as the local contractors. And some of that "cheap, bootleg" labor was merely recognizing that, in 1931, almost any job was better than no job at all. But Congress nonetheless sought to stabilize local wage rates, at least those paid on federal construction contracts.

The theory was simple. The law merely required contractors to pay "prevailing" wages on federal projects, and the Labor Department was to determine what those prevailing wages were. In practice the program has worked perversely, to put it mildly.

John P. Gould, asociate professor of business economics at the University of Chicago's Graduate School of Business, details some of the results in a new study published by the American Enterprise Institute. As he notes, the results have become more pervasive and damaging as the prevailing wage scheme has been extended to many other types of projects, including those aided by the federal government.

One problem has been that the Labor Department's wage-determination staff has not been large enough to cope with a massive and growing work load. As a result the department has tried to simplify its task, often leaning heavily on arguments and information provided by construction unions, hardly disinterested parties.

Professor Gould recounts the trouble the Navy had with a housing project for the Marine Corps School at Quantico, Va. The Navy told the Labor Department that the latest prevailing-wage figures for the area were far in excess of the wages that actually did prevail there. The department lowered its figures but labor unions protested, so it went to the original, out-of-line wage rates.

With the strong influence of the unions it's hardly surprising that the Labor Department's determinations are union rates, no matter what portion of the workers in the area are unionized. If union rates are relatively low or nonexistent in an area, the Labor Department may settle for the high union rates in an area many miles away.

The Chicago professor's analysis cites a General Accounting Office study: "Wage determinations for power equipment operators on federally financed projects throughout Maine were found to be higher than those prevailing in Maine. The Davis-Bacon rates corresponded to union-negotiated rates in Boston, Mass."

It's obvious that the prevailing-wage program helps to extend and solidify union pay scales. When Davis-Bacon rates are out of line and a local labor market is tight, the prevailing-pay setup can put strong upward pressure on all local wages.

"By creating artificial wage differentials," Professor Gould writes, "the Davis-Bacon Act tends to cause greater frictional unemployment in the construction trades. Construction workers appear to be willing to forgo current employment in order to wait for jobs paying higher union wage rates."

The prevailing-wage machinery helped to cause the sharp rise in construction wage rates in recent years, a rise that was accompanied by heavy unemployment. Unable to get the unions to moderate their demands, President Nixon early last year suspended the Davis-Bacon Act; the unions then agreed to a pay stabilization committee and Mr. Nixon reinstated the the act.

Public members of the committee boast that the group has slowed the industry's wage rise to "only 11% a year, and the Pay Board struggles to slow wage boosts elsewhere. Meanwhile, the Davis-Bacon engine of pay inflation roars right ahead.

By Mr. MATHIAS (for Mr. Weicker) (for himself, Mr. Cooper, Mr. Javits, Mr. Ribicoff, and Mr. Mathias):

S. 3037. A bill to amend the Federal Aid Highway Act of 1956, as amended. Referred to the Committee on Public Works.

FEDERAL AID HIGHWAY ACT OF 1972

Mr. MATHIAS. Mr. President, I am sending to the desk a bill to restore balance to America's transportation policy. I am introducing this bill for the junior Senator of Connecticut (Mr. Weicker), the senior Senator from Connecticut (Mr. Ribicoff), the senior Senator from Kentucky (Mr. Cooper), the Senator from New York (Mr. Javits), and myself. The junior Senator from Connecticut regrettably cannot be present today, but I am happy to be able to submit for the Record a copy of the remarks he would make if he were here. I wish to congratulate the Senator and his able staff for addressing themselves so intelligently to this important issue and for their hard work in producing an excellent piece of legislation.

The bill which I am sending to the floor is entitled the "Federal Aid Highway Act of 1972." It would amend the legislation governing the highway trust fund to permit approximately one-half of the trust fund to be used for various forms of mass transit, including commuter railroads, buses, subways, and regional mass transit systems such as that proposed for Baltimore.

America needs a balanced transportation policy. In the past, at different levels of technology, we have maintained turnpikes, canals, railroads, stagecoaches, riverways, and airways. Our goal is to move people and goods quickly, inexpensively, and safely with little damage to our environment. To maintain a balance in our transportation system, however, requires that we occasionally adjust the weights on the scales, that we change the emphasis we give to different modes of transportation.

During the past generation, America

has built a network of highways that is truly a wonder of the world. But today the question is whether we will strive so hard to become king of the road that we become its slave instead. Today, our most urgent transportation needs are not for more highways, but rather for better systems of local and regional mass transit. Today we know that the highway alone cannot meet all our transportation needs. In the future we must find additional means of getting commuters from their homes to their jobs, of carrying shoppers to their stores, of carrying people from one part of a metropolitan area to another, as well as superior roads and freeways.

We can achieve this new goal by utilizing the great engine of growth that has built our current network of highways. That engine is the highway trust fund, which provides a method for secure financing of long-term transportation projects. If we can devote some of the money in this trust fund to improving mass transit within our metropolitan areas, we will take the commuters and shoppers off our congested interstate highways and return these roads to interstate travelers.

The bill which I am sending to the floor will allow approximately one-half of the funds in the trust fund to be used for mass transit systems in accord with the Urban Mass Transportation Act of 1964. It would give State highway officials new flexibility in building transportation systems that can best serve the needs of the people of their States. The bill would improve transportation planning in America by requiring long-range coordinated planning for all transportation modes within and among States. It would reduce annual authorization from $4 billion to $3 billion, but it would continue the program for an extra year. The bill continues authorizations for the primary and secondary highway systems at their current level but increases the urban-aid programs from $100 million to $1 billion in fiscal year 1974 and $1.2 billion in fiscal year 1975. Overall the bill would provide up to $2.25 billion in fiscal year 1974 and up to $2.45 billion in fiscal year 1975 for all forms of urban transportation. While it would not require that State officials spend these funds in the highway trust fund for mass transit systems, it would for the first time provide these officials with this option.

I ask unanimous consent that the statement of the Senator from Connecticut (Mr. WEICKER) and the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENTS BY SENATOR WEICKER

Mr. President. In 1956 the Highway Trust Fund was created to alleviate the most serious transportation problem we then faced. Whole sections of the country were virtually isolated and the aim of this important law was to tie all of our cities and towns together, to bring speed, mobility and commerce to everyone individual. After 15 years, the Interstate System is over 75% completed and the Federal-Aid Highway System must be counted a success.

But today our transportation problems are different. Today we know that in many parts of the country highways alone are not enough. We know that people want to move, they want mass transit to supplement highways in congested urban areas. They want to take commuters off the Interstate System and return the highways to interstate travelers. Today, buses, subways and new, innovative forms of transportation are essential.

The Federal-Aid Highway Act of 1970—brought about in large measure by the dedication and ability of the Chairman of the Senate Public Works Committee—took the first big step toward providing for these new needs. Highway safety, the highway environment and highway uses for mass transit are now firmly established as integral parts of the Federal-Aid system.

With a recognition of our new, broader transportation needs, I propose today that we take the next logical step. For the bus lanes now provided for in the Trust Fund to be fully effective, we must allow communities to purchase the most modern, efficient buses. We must allow other communities to more fully utilize the thousands of miles of railroad tracks already built in urban areas for mass transit. We must allow the purchase and construction of the latest mass transit facilities in those areas where they provide the best opportunities for freeing our highways of congestion.

Specifically, I propose that we definitely complete the Interstate System. However, in accordance with the recommendations of the American Association of State Highway Officials, this vital program should be extended in time and reduced in authorized cost from $4 billion to $3 billion per year.

It is clear that as we approach the end of Interstate construction, the final links are being slowed by planning, environmental and legal problems which clearly call for partial slow-downs in annual authorizations.

Further, I propose that the annual saving of $1 billion in fiscal years 1974 and 1975 be shifted to the Urban Transportation Program to be used for renovating, building and equipping mass transit systems in urban areas.

Finally, I propose that all highway programs financed through the Trust Fund—excepting, of course, the Interstate System—be made available for solving all kinds of mass transit problems in a manner best suited to the circumstances facing each individual State. This would provide the new flexibility so desperately needed by State governors and transportation officials.

Mr. President, let me emphasize here that this bill would in no way prevent a state from using its entire allocation from the Trust Fund for highways, but it would allow the states the freedom to spend more on mass transit facilities and vehicles where necessary. Further, as I have stated many times in the past, it is likely that buses, and therefore highways in one form or another, will be selected by most cities as they seek to provide individualized mass transit systems to serve their people. Flexibility is the real key to this bill. The people of this country clearly recognize the need for greater flexibility and better balance in transportation planning and funding, and I look forward to hearings on my proposals at the earliest possible date.

Mr. President, I ask unanimous consent that the complete text of my bill be included in the Record at this point.

S. 3037

A bill to amend The Federal Aid Highway Act of 1956, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Aid Highway Act of 1972."

SEC. 2. Section 142 of Title 23 of the United States Code is amended to read as follows:

"URBAN PUBLIC TRANSPORTATION

"SEC. 142(a). To encourage the development, improvement, and use of public transportation systems operating motor vehicles on interstate highways for the transportation of passengers within urbanized areas so as to increase the traffic capacity of the Federal aid system, sums apportioned in accordance with paragraph (5) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the costs of projects for the construction of exclusive or preferential bus lanes, highway traffic control devices, passenger loading areas and facilities, including shelters, and fringe and transportation corridor parking facilities to serve bus and other public transportation passengers.

"(b) To further encourage the development, improvement, and use of public transportation systems within urbanized areas, sums appropriated in accordance with paragraphs (1), (2), (3), and (6) of subsection (b) of section 104 of this title shall be available for carrying out the purposes of the Urban Mass Transportation Act of 1964 as amended.

"(c) The establishment of routes and schedules of such public transportation systems shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title.

"(d) For all purposes of this title, a project authorized by subsections (a) and (b) of this section shall be deemed to be a highway project and the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(e) No project authorized by this section shall be approved unless the Secretary of Transportation has received assurances satisfactory to him from the state that public transportation systems will have adequate capability to fully utilize the proposed project."

SEC. 3. Section 134(a) of Title 23 of the United States Code is amended to read as follows:

"SEC. 134(a). It is declared to be in the national interest to encourage and promote the development of transportation systems, embracing various modes of transport in a manner that will serve the states and local communities efficiently and effectively. To accomplish this objective the Secretary shall cooperate with the states, as authorized in this title, in the development of long-range comprehensive public transportation plans and programs which are properly coordinated with plans for improvements in other affected forms of transportation and with the plans of adjacent states and which are formulated with due consideration to their probable effect on the future development of urban areas. The Secretary shall not approve under this title any program for projects in any urban area unless he finds that such projects are based on a continuing comprehensive public transportation planning process carried on cooperatively by states and local communities in conformance with the objectives stated in this section. No project under this title may be approved unless the responsible public officials of the urban area in which the project is located have been consulted and their views considered with respect to the location, design and type of the project.

SEC. 4. Subsection (b) of Section 108 of the Federal Aid Highway Act of 1956, as amended, is amended by striking out: "The additional sum of $4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1975, and the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1976." and inserting in lieu thereof the following: "The additional sum of $3,00,000,000 for the fiscal year ending June 30, 1974, the additional sum of $3,000,000,000 for the fiscal year ending June 30, 1975, the additional sum of $3,000,000,000 for the fiscal year ending June 30, 1976 and the additional sum of $3,000,000,000 for the fiscal year ending June 30, 1977.

SEC. 5. For the purpose of carrying out the provisions of Title 23, United States Code, tht following sums are hereby authorized:

(a) For the Federal-aid primary system and the Federal-aid secondary system and for their extension within urban areas, out of the Highway Trust Fund, $1,100,000,000 for the fiscal year ending June 30, 1974, and $1,100,000,000 for the fiscal year ending June 30, 1975. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(1) 45 per centum for projects on the Federal-aid primary highway system;

(2) 30 per centum for projects on the Federal-aid secondary system; and

(3) 25 per centum for projects on extensions of the Federal-aid primary and Federal-aid secondary highway systems in urban areas.

(b) For the Federal-aid primary system and the Federal-aid secondary system, exclusive of their extensions in urban areas, out of the Highway Trust Fund, $125,000,000 for the fiscal year ending June 30, 1974, and $125,000,000 for the fiscal year ending June 30, 1975, such sums to be in addition to the sums authorized in Subsection (a) of this Section. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(1) 60 per centum for projects on the Federal-aid primary highway system; and

(2) 40 per centum for projects on the Federal-aid secondary system.

(c) For the Federal-aid urban system, out of the Highway Trust Fund, $1,000,000,000 for the fiscal year ending June 30, 1974, and $1,200,000,000 for the fiscal year ending June 30, 1975.

Mr. COOPER. Mr. President, I wish to speak on the highway bill introduced at the request of the Senator from Connecticut (Mr. WEICKER). Although I strongly urge the revision of one provision of the bill, I support its intent to allow greater flexibility in the use of Federal-aid highway funds for urban transportation.

This bill would permit Federal-aid highway funds to be used in the planning, design, and construction of railways and other modes of urban transportation in addition to highways, and for the purchase of rolling stock—whether buses, railway cars, or other conveyances.

It would strengthen the planning requirements of section 134(a) of title 23, and would increase appropriations for urban transportation needs while decreasing annual appropriations for the Interstate System and extend the life of the Interstate program.

What this bill intends to accomplish, and what I believe all of us who have a responsibility for transportation policy seek to accomplish, is a balanced transportation system. We hear that phrase often, but I think the concept an important one. A balanced system makes the best use of all available means of transportation, and does not favor the interests of one segment of the population over another.

Because I favor such a balance, I do wish to emphasize one point about this bill in its present form which I believe should be changed. As introduced, the bill would permit funds designated for rural primary and secondary roads to be used for mass transportation—primarily urban needs. This provision should be eliminated. Rural areas should not be placed in the position of taking what is left over after the needs of other areas are satisfied. Funds appropriated by Congress for rural transportation systems should be used for rural purposes.

I do, however, favor allowing States and cities the flexibility prescribed by this bill in their use of Federal-aid funds appropriated for the urban highway program. Primary and secondary funds, excluding those for urban extensions, should not be affected by the provisions of the bill.

With the exception of this one area of disagreement, I believe the bill provides for a program consistent with the national policy—as stated in previous highway legislation—of developing a balanced transportation system.

In 1962, Congress enacted what is now section 134(a) of title 23, which declared it to be "in the national interest to encourage and promote the development of transportation systems, embracing various modes of transport in a manner that will serve the States and local communities efficiently and effectively." The section required that highway planning in urbanized areas be coordinated with other forms of transportation.

In 1968, the urban area traffic operations improvement program, referred to as TOPICS, was enacted to reduce traffic congestion and facilitate the flow of traffic in urban areas. This program provided for traffic control devices, loading and unloading ramps, grade separation of intersections and other projects to promote a smoother flow of traffic.

The Highway Act of 1970 contained several provisions directly related to achieving balanced transportation systems. Section 142, which Senator WEICKER's bill would amend, was added to title 23 and authorized use of Federal-aid highway funds to construct fringe parking facilities for bus and other public mass transportation passengers, preferential bus lanes, and bus loading areas and shelters.

While this bill if enacted would, for the first time, specifically allow the use of highway funds for transportation modes other than highways, I believe that would be an extension of past policy rather than a departure from it. As the history of highway legislation shows, we have been moving toward a broader definition of programs to benefit highway travel. In some urban areas, it appears that what would help most to relieve this congestion is not more or wider roads, but alternatives to highway travel. At the present time, Federal funds available for highway projects so far exceed those available for other forms of transportation that a community's decision on the solution of its transportation problem may be too heavily weighted in favor of highway projects. This bill would encourage urban areas to arrive at the best combination of transportation modes to satisfy their needs.

I would like to point out here that the use of highway funds for public transportation may in most cases mean using those funds for road-related transit systems. Almost 75 percent of all mass transit passengers are bus passengers; if we exclude New York City, the ratio of bus to rail passengers on the Nation's mass transit systems is 9 to 1. Thus, when we talk of funds for mass transportation, we are certainly including the improvement of bus systems and the road networks they use.

Senator WEICKER's bill modifies section 134(a) of title 23 to require interstate and intermodal planning for the solution of urban transportation problems. I support this modification.

I would like to call attention also to the following section, section 134(b) of title 23, which I offered as an amendment to the Highway Act of 1970, and which was approved. This section authorizes the Secretary of Transportation to designate critical transportation regions and provide assistance to planning bodies established in those regions to develop comprehensive, integrated transportation plans. The section specifically calls for planning which embraces various modes of transportation and for consultation with the Governors—not the highway departments—of the States in the regions involved. Section 134(b) gives the Secretary authority to begin to solve problems of coordination between transportation modes in regions comprising several local and State jurisdictions. In enacting 1972 highway legislation, I would like Congress to make known to the Secretary its intent that he exercise, to the fullest, the authority vested in him by this section and that he actively implement planning programs to assist States and communities in developing balanced transportation systems. I would like to see increased funds made available to the Secretary to carry out the programs in this section, which, I believe, will be complemented and strengthened by the provisions of Senator WEICKER's bill.

I would now like to comment very briefly on the proposed shift of Federal highway funds from the Interstate to the urban system. The bill proposes and intends no cutback or curtailment of the Interstate program; it simply recognizes the urgency of urban needs in relation to the completion date of the Interstate system. Representatives of the chief officials of State Highway Departments have lent support to such a reordering of priorities, with increased emphasis on urban needs.

Mr. President, I am convinced that solutions to urban transportation problems are possible only through comprehensive planning, with greater flexibility permitted the planners. A program which limits its focus to highways may not serve the goal of a balanced system. I believe the bill offered by Senator WEICKER, with the reservation I have pointed out, provides a realistic approach to the urban transportation problem, and to the best future use of the highway trust fund.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 582

At the request of Mr. Hollings, the Senator from California (Mr. Tunney) was added as a cosponsor of S. 582, a bill to establish a national policy to develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal and estuarine zones.

S. 2675

At the request of the Senator from West Virginia (Mr. Randolph), the Senator from Pennsylvania (Mr. Schweiker) was added as a cosponsor of S. 2675, a bill to amend certain provisions of the Federal Coal Mine Health and Safety Act of 1969 relating to payment of black lung benefits.

SENATE JOINT RESOLUTION 169

At the request of Mr. Hollings, the Senator from Delaware (Mr. Boggs), the Senator from New York (Mr. Buckley), the Senator from Kentucky (Mr. Cook), the Senator from Wyoming (Mr. McGee), and the Senator from Rhode Island (Mr. Pell) were added as cosponsors of Senate Joint Resolution 169, to pay tribute to law-enforcement officers of this country on Law Day, May 1, 1972.

SENATE JOINT RESOLUTION 181

Mr. BEALL. Mr. President, on December 6 I introduced Senate Joint Resolution 181 to establish a Joint House-Senate Committee on Aging.

In addition to its other responsibilities, this committee would be given the specific assignment of following up on the White House Conference on Aging. I am pleased to add Senator Baker's name to those who have agreed to cosponsor this measure and I ask unanimous consent that at the next printing of the bill his name be added.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971—AMENDMENTS

(Ordered to be printed and to lie on the table.)

AMENDMENT NO. 797

Mr. SCHWEIKER (for Mr. Taft) (for himself and Mr. Javits) submitted an amendment intended to be proposed to the bill (S. 2515) to further promote equal employment opportunities for American workers.

Mr. TAFT. Mr. President, many businessmen have expressed the concern that the Equal Employment Opportunity Commission will be investigator, prosecutor, and judge. I share the concern that this agency should not have all of these powers combined under a centralized authority. For that reason I am today introducing for myself, the Senator from Pennsylvania, Mr. Schweiker, and the Senator from New York, Mr. Javits, an amendment to separate the Office of General Counsel so that it can operate autonomously from the remainder of the Commission.

Under this amendment, the General Counsel of the Commission shall be autonomous and shall be appointed by the President, by and with the advice and consent of the Senate, for a term of 4 years. The General Counsel shall have full responsibility for the issuance of all complaints, the prosecution of such complaints before the Commission and the conduct of litigation.

I have deliberately separated the investigatory and prosecutory functions under this amendment, since I believe that the General Counsel will be able to act far more objectively and dispassionately in reviewing these cases if there is a separation of personnel so that those who have investigated a case will not be those who will make a prosecutory decision.

In order to facilitate the working relationship between the General Counsel's staff and the EEOC staff in the field, this amendment provides that the Chairman shall concur in the appointment of the regional attorneys and the General Counsel shall concur in the appointment of regional directors.

I believe that this provision will go a long way toward avoiding the difficulties which otherwise might be present in having a divided staff at the field level. In all other respects, however, the General Counsel's staff shall be completely autonomous from that of the Commission.

So that there will be no misunderstanding of the intent of this amendment, the General Counsel will be able to decide whether or not he wishes to bring an action. The only area in which the General Counsel shall not have discretion shall be in those instances where the Commission recommends that the General Counsel seek a temporary injunction in court. In such cases the General Counsel shall act. I believe that the discretion of the General Counsel is not required in these instances because these cases will be brought in the U.S. Circuit Courts of Appeals and consequently these cases do not involve situations where the Commission is able to act as investigator, prosecutor, and judge.

In all other situations, the General Counsel will be able to review facts independently and decide for himself whether or not he wishes to launch a prosecution and the manner in which that prosecution shall be handled.

Under this amendment, after the issuance of a complaint, proceedings may be ended by agreement between the General Counsel and the respondent upon the approval of the Commission.

If this amendment is adopted, I will be able to support the bill as written. As I stated in my supplemental views to the committee report the adoption of this amendment "will insure procedural fairness in the administrative operation of the Commission and eliminate some serious objections to broaden Commission authority." If this amendment is not adopted, I may not be able to support the bill as written.

I have discussed the amendment with the chairman of the committee and my staff has worked closely with the staff of the chairman in preparing the amendment. I have written to the chairman about the amendment and have received his reply. I ask unanimous consent that the letters be printed in the Record. I also ask that the text of the amendment be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

January 17, 1972.

Hon. Harrison A. Williams, Jr.,
Chairman, Labor and Public Welfare Committee, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: As you will recall, when we were marking up S. 2515, I indicated that I would be offering an amendment to make the office of General Counsel independent from the remainder of the EEOC. You requested that I reserve this amendment in order that our respective staffs could have an opportunity to get together and work out agreeable language.

I am enclosing a copy of the amendment which I intend to offer. I understand that it has been reviewed at length by members of your staff. I would hope that this amendment will be agreeable to you and that you will be able to accept it on the floor.

With kind regards,
Sincerely,
Robert Taft, Jr.

U.S. Senate,
Committee on Labor and Public Welfare,
Washington, D.C., January 18, 1972.

Hon. Robert Taft, Jr.,
U.S. Senate,
Washington, D.C.

Dear Senator Taft: This will acknowledge your letter of January 17th in which you express your intention to introduce an amendment to S. 2515 which would create a statutory General Counsel within the organizational framework of the Equal Employment Opportunity Commission.

I know how concerned you have been that the enforcement procedures reported by the Committee in S. 2515 have the maximum requirement of fairness and due process for all parties. The approach you suggest has been a part of the National Labor Relations Board and has worked successfully for many years. A similar provision was offered to S. 2453 last year and accepted, and I will recommend that the Senate agree to your amendment at the appropriate time in the debates. It certainly is agreeable to me.

With kind personal regards,
Sincerely,
Harrison A. Williams, Jr.,
Chairman.

Amendments No. 797

On page 38, line 11, immediately after "shall", insert the following: "so notify the General Counsel who may".

On page 40, line 23, immediately after "Commission" insert the following: "or, after issuance of a complaint, the General Counsel upon approval of the Commission".

On page 43, line 15, immediately after "The" insert the following: "General Counsel, upon the recommendation of the"; immediately after "Commission" insert a comma; and strike out the word "may" and insert in lieu thereof "shall".

On page 43, line 18, strike out "it's" and insert in lieu thereof "the Commission's".

On page 43, line 20, strike out "its" and insert in lieu thereof "the Commission's".

On page 43, line 22, strike out "Commission" and insert in lieu thereof "General Counsel".

On page 45, line 19, strike out "Commission" and insert in lieu thereof "General Counsel".

On page 46, line 3, strike out "Commission" and insert in lieu thereof "General Counsel".

On page 46, line 4, strike out "its" and insert in lieu thereof "the Commission's".

On page 46, line 21, immediately after "the" insert the following: "the General

Counsel, upon the recommendation of the"; and immediately after "Commission" insert a comma.

On page 46, line 22, strike out "it" and insert in lieu thereof "he".

On page 46, line 23, strike out "its" and insert in lieu thereof "the Commission's".

On page 47, line 23, strike out "Commission" and insert in lieu thereof "General Counsel".

On page 49, line 6, strike out "Commission" and insert in lieu thereof "General Counsel".

On page 50, line 1, immediately after "and the" insert "General Counsel, upon the recommendation of the"; and immediately after "Commission" insert a comma.

On page 50, line 1, strike out "may" and insert in lieu thereof "shall".

On page 56, lines 16 and 17, strike out "Commission" and insert in lieu thereof "General Counsel".

On page 58, line 18, immediately after "and", insert the following: ", except as provided in subsection (b),".

On page 58, line 22, immediately after "employees", insert the following: ", except that regional directors of the Commission shall be appointed by the Chairman with the concurrence of the General Counsel.".

On page 59, immediately after line 22, insert a new subsection (e) as follows:

"(e) (1) Section 705 of the Act is amended by inserting the following new subsection (b):

"'(b) There shall be a General Counsel of the Commission appointed by the President, by and with the advice and consent of the Senate, for a term of four years. The General Counsel shall have responsibility for the issuance of compaints, the prosecution of such complaints before the Commission, and the conduct of litigation as provided in sections 706 and 707 of this title. The General Counsel shall have such other duties as the Commission may prescribe or as may be provided by law. The General Counsel shall appoint regional attorneys with the concurrence of the Chairman, and shall appoint such other employees in the Office of the General Counsel as may be necessary to assist in carrying out the General Counsel's responsibilities and functions under this title. In accordance with the provisions of section 554 (d) of title 5, United States Code, no employee or agent of the Commission may engage in the performance of prosecutorial functions for the Commission in a case or any factually related case, and also participate or advise in the decision, recommended decision, or Commission review of a decision, except as a witness in public proceedings. The General Counsel of the Commission on the effective date of this Act shall continue in such position and perform the functions specified in this subsection until a successor is appointed and qualified.'

"(2) Subsections (b) through (j) of section 705 of such Act are redesignated as subsections (c) through (k), respectively."

On page 59, line 23, strike out "(e)" and insert in lieu thereof "(f)".

On page 60, line 3, strike out "(f)" and insert in lieu thereof "(g)".

On page 60, line 7, strike out "(g)" and insert in lieu thereof "(h)".

On page 61, line 10, strike out "(h)" and insert in lieu thereof "(i)".

On page 61, following line 23, add the following new subsection 9(d), as follows:

"(d) Section 5316 of such title is amended by adding at the end thereof the following new clause:

"(131) General Counsel of the Equal Employment Opportunity Commission."

ANNOUNCEMENT OF FURTHER HEARINGS ON BLACK LUNG BENEFIT LEGISLATION

Mr. RANDOLPH. Mr. President, this is to announce that the Subcommittee on Labor of the Committee on Labor and Public Welfare will continue its hearings on legislation to amend title IV of the Federal Coal Mine Health and Safety Act of 1969. Two days of hearings are scheduled, both to begin at 9:30 a.m. in room 4200, New Senate Office Building. The dates are Thursday, January 27, 1972, and Friday, January 28, 1972.

NOTICE OF HEARINGS ON A TREATY

Mr. FULBRIGHT. Mr. President, I wish to announce that the Committee on Foreign Relations will initiate hearings on the Treaty on the Prohibition of Nuclear Weapons on the Seabed commencing on January 27, 1972. The hearings will be held in room 4221 in the New Senate Office Building beginning at 9:30 a.m. each day of the hearings. At the outset of the hearings the committee will hear representatives of the administration; the committee will then hear public testimony. Any United States citizen wishing to testify should communicate with Arthur M. Kuhl, chief clerk, of the committee staff. Senator PELL will preside at the hearings.

ADDITIONAL STATEMENTS

ORDER OF THE PRESIDENT PRO TEMPORE IMPLEMENTING PROVISIONS OF FEDERAL PAY COMPARABILITY ACT OF 1970

Mr. ELLENDER. Mr. President, pursuant to the Federal Pay Comparability Act of 1970, as reinstated by section 3 of Public Law 92–210, approved December 22, 1971, the President of the United States, by Executive Order 11637 of December 22, 1971, authorized a 5.5-percent salary increase for the Federal pay systems under his jurisdiction.

In discharging my responsibility as President pro tempore of the Senate, and under authority vested in me by section 4 of the Federal Pay Comparability Act of 1970, I issued an order implementing the action of the President for the U.S. Senate. I ask unanimous consent that this order be printed in the RECORD.

There being no objection, the order was ordered to be printed in the RECORD, as follows:

[U.S. Senate, Office of the President pro tempore]

ORDER

By virtue of the authority vested in me by section 4 of the Federal Pay Comparability Act of 1970 and section 3 of the Economic Stabilization Act Amendments of 1971, it is hereby—

Ordered,

CONVERSION TO NEW MULTIPLE

SECTION 1. (a) Except as otherwise specified in this order or unless an annual rate of compensation of an employee whose compensation is disbursed by the Secretary of the Senate is adjusted in accordance with the provisions of this order, the annual rate of compensation of each employee whose compensation is disbursed by the secretary of the Senate is adjusted to the lowest multiple of $259 which is not lower than the rate such employee was receiving immediately prior to January 1, 1972.

(b) For purposes of this order—

(1) "employee" includes an officer other than a Senator; and

(2) "annual rate of compensation" shall not include longevity compensation authorized by section 106 of the Legislative Branch Appropriation Act, 1963, as amended.

RATE INCREASES FOR SPECIFIED POSITIONS

SEC. 2. (a) The annual rates of compensation of the Secretary of the Senate, the Sergeant at Arms, the Legislative Counsel, the Comptroller of the Senate, the secretary for the majority (other than the present incumbent), the secretary for the minority, and the four Senior Counsel in the Office of the Legislative Counsel (as such rates were increased by prior orders of the President pro tempore) are further increased by 5.5 percent, and as so increased, adjusted to the nearest multiple of $259. Notwithstanding the provisions of this subsection, an individual occupying a position whose annual rate of compensation is determined under this subsection shall not be paid, by reason of the promulgation of this order, an annual rate of compensation in excess of the annual rate of basic pay, which is now or may hereafter be in effect, for positions in level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) The maximum annual rates of compensation of the Secretary for the Majority (as long as that position is occupied by the present incumbent), the Assistant Secretary of the Senate, the Parliamentarian, the Financial Clerk, and the Chief Reporter of Debates are increased by 5.5 percent, and as so increased, adjusted to the nearest multiple of $259. Notwithstanding the provisions of this subsection, an individual occupying a position whose annual rate of compensation is determined under this subsection shall not have his compensation fixed, by reason of the promulgation of this Order, at an annual rate in excess of the annual rate of basic pay, which is now or may hereafter be in effect, for positions in level V of the Executive Schedule under section 5316 of title 5, United States Code.

(c) The maximum annual rates of compensation of the Administrative Assistant in the Office of the Majority Leader, the Administrative Assistant in the Office of the Majority Whip, the Administrative Assistant in the Office of the Minority Leader, the Administrative Assistant in the Office of the Minority Whip, the seven Reporters of Debates in the Office of the Secretary, the Assistant Secretary for the Majority, and the Assistant Secretary for the Minority are increased by 5.5 percent, and as so increased, adjusted to the nearest multiple of $259. Notwithstanding the provisions of this subsection, each individual occupying any such position shall not have his compensation fixed, by reason of the promulgation of this Order, at an anual rate in excess of $35,742, until the annual rate of basic pay for positions at such level V is increased to $38,000 or more, except that any individual occupying the position of Administrative Assistant in the Office of the Majority Whip or Minority Whip shall not have his compensation fixed, by reason of the promulgation of this Order at an annual rate in excess of $34,447 until such rate for level V is increased to $38,000 or more.

CHAPLAIN'S OFFICE

SEC. 3. The annual rate of compensation of the Chaplian is adjusted to that multiple of $259 which is nearest to the annual rate of compensation he was receiving immediately prior to January 1, 1972. The maximum annual rate of compensation for the position of secretary to the Chaplain is the maximum rate in effect immediately prior to January 1, 1972, adjusted to the nearest multiple of $259.

OFFICES OF THE SENATE

SEC. 4. (a) Any specific rate of compensation established by law, as such rate has been increased by or pursuant to law, for any position under the jurisdiction of the Sergeant at Arms (including positions established by the Supplemental Appropriations Act, 1972) shall be considered as the maximum annual rate of compensation for that position. Each such maximum annual rate is increased by 5.5 percent, and as so increased, adjusted to the nearest multiple of $259. The Sergeant at Arms is hereafter authorized to adjust the rate of compensation of an individual occupying any such position to a rate not exceeding such maximum rate as authorized by this Order or hereafter changed by or pursuant to law.

(b) The maximum annual rates of compensation for positions or classes of positions (other than those positions referred to in sections 2 (b) and (c) of this Order) under the jurisdiction of the Majority and Minority Leaders, the Majority and Minority Whips, the Secretary of the Senate, the Secretary for the Minority and the Comptroller of the Senate are increased by 5.5 percent, and as so increased, adjusted to the nearest multiple of $259.

(c) The following individuals are authorized to increase the annual rates of compensation of the employees specified by 5.5 percent, and as so increased, adjusted to the nearest multiple of $259:

(1) the Vice President, for any employee under his jurisdiction;

(2) the President pro tempore, for any employee under his jurisdiction (other than the Comptroller of the Senate);

(3) the Majority Leader, the Minority Leader, the Majority Whip, and the Minority Whip, for any employee under the jurisdiction of that Leader or Whip (subject to the provisions of section 2 (c) of this Order);

(4) the Majority Leader, for the Secretary for the Majority so long as the position is occupied by the present incumbent (subject to the provisions of section 2 (b) of this Order);

(5) the Secretary of the Senate, for any employee under his jurisdiction (subject to the provisions of sections 2 (b) and (c) of this Order);

(6) the Sergeant at Arms, for any employee under his jurisdiction;

(7) the Comptroller of the Senate, for his secretary;

(8) the Legislative Counsel, subject to the approval of the President pro tempore, for any employee in that Office (other than the four Senior Counsel);

(9) the Secretary for the Majority and the Secretary for the Minority, for any employee under the jurisdiction of that Secretary (subject to the provisions of section 2 (c) of this Order); and

(10) the Capitol Guide Board, for the Chief Guide, the Assistant Chief Guide, and the Guides of the Capitol Guide Service.

(d) The figure "$738", appearing in the first sentence of section 106 (b) of the Legislative Branch Appropriation Act, 1963, as amended (as increased by prior Orders of the President pro tempore), shall be deemed to refer to the figure "$777".

(e) The limitation on the rate per hour per person provided by applicable law immediately prior to January 1, 1972, with respect to the folding of speeches and pamphlets for the Senate, is increased by 5.5 percent. The amount of such increase shall be computed to the nearest cent, counting one-half cent and over as a whole cent.

COMMITTEE STAFFS

SEC. 5. (a) Subject to the provisions of section 105 of the Legislative Branch Appropriation Act, 1968, as amended (as modified by this Order), and the other provisions of this Order, the chairman of any standing or select committee of the Senate (including the majority and minority policy committees and the conference majority and conference minority of the Senate), and the chairman of any joint committee of the Congress whose funds are disbursed by the Secretary of the Senate are each authorized to increase the annual rate of compensation of any employee of the committee, or subcommittee thereof, of which he is chairman, by 5.5 percent, and as so increased, adjusted to the nearest multiple of $259.

(b) (1) The figures "$8,118", "$14,514", "$14,022", "$18,450", "$21,402", and "$20,418" appearing in section 105 (e) of the Legislative Branch Appropriation Act, 1968, as amended (as modified by the Order of the President pro tempore of January 15, 1971), shall be deemed to refer to the figures "$8,288", "$15,281", "$14,245", "$18,648", "$22,533", and "$20,461", respectively.

(2) The maximum annual rates of $32,712, $34,104, and $35,496 appearing in such section, and as increased and adjusted by section 5(b)(2) of the order of the President pro tempore of January 15, 1971, are each further increased by 5.5 percent, and as so increased, adjusted to the nearest multiple of $259. Notwithstanding the provisions of this paragraph, any individual occupying a position to which any such rate applies (A) shall not have his compensation fixed at a rate exceeding $32,893, $34,447, or $35,742 per annum, respectively, as long as the annual rate of basic pay for positions at level V of the Executive schedule under section 5316 of title 5, United States Code, is less than $38,000, and (B) shall not have his compensation fixed at a rate exceeding $34,706, $36,260, or $37,814 per annum, respectively, as long as such annual rate for positions at that level V is $38,00 or more but less than $40,000.

SENATOR'S OFFICES

SEC. 6. (a) Subject to the provisions of section 105 of the Legislative Branch Appropriation Act, 1968, as amended (as modified by this order), and the other provisions of this order, each Senator is authorized to increase the annual rate of compensation of any employee in his office by 5.5 percent, and as so increased, adjusted to the nearest multiple of $259.

(b) The table contained in section 105 (d)(1) of such Act, as amended by the Supplemental Appropriations Act, 1972, shall be deemed to read as follows:

"$311,577 if the population of his State is less than 3,000,000;

"$338,772 if such population is 3,000,000 but less than 4,000,000;

"$363,377 if such population is 4,000,000 but less than 5,000,000;

"$382,025 if such population is 5,000,000 but less than 7,000,000;

"$402,227 if such population is 7,000,000 but less than 9,000,000;

"$424,760 if such population is 9,000,000 but less than 10,000,000;

"$447,293 if such population is 10,000,000 but less than 11,000,000;

"$469,826 if such population is 11,000,000 but less than 12,000,000;

"$492,359 if such population is 12,000,000 but less than 13,000,000;

"$514,374 if such population is 13,000,000 but less than 15,000,000;

"$536,389 if such population is 15,000,000 but less than 17,000,000;

"$558,145 if such population is 17,000,000 or more.".

(c) (1) The figures "$1,230", "$19,680", and "$26,568" appearing in the second sentence of section 105(d)(2) of such Act shall be deemed to refer to the figures "$1,295", "$20,720", and "$27,972", respectively.

(2) The maximum annual rates of $32,226, $33,702, and $35,178 appearing in such second sentence are each increased by 5.5 percent, and as so increased, adjusted to the nearest multiple of $259. Notwithstanding the provisions of this paragraph, any individual occupying a position to which such rate applies shall not have his compensation fixed at a rate exceeding $32,893, $34,447, or $35,742, per annum, respectively, until the annual rate of basic pay for positions at level V of the Executive Schedule under section 5316 of title 5, United States Code, is increased to $38,000 or more.

GENERAL LIMITATION

SEC. 7. (a) The figure "$1,230" appearing in section 105(f) of the Legislative Branch Appropriation Act, 1968, as amended, shall be deemed to read "$1,295".

(b) The maximum annual rate of compensation of $35,496 appearing in such section, as increased by section 7(b) of the Order of the President pro tempore of January 15, 1971, is further increased by 5.5 percent, and as so increased, adjusted to the nearest mutliple of $259. Notwithstanding the provisions of this subsection, any individual occupying a position to which such rate applies (1) shall not have his compensation fixed at a rate exceeding $35,742 per annum as long as the annual rate of basic pay for positions at level V of the Executive Schedule under section 5316 of title 5, United States Code, is less than $38,000, and (2) shall not have his compensation fixed at a rate exceeding $37,814 per annum as long as such annual rate for positions at that level V is $38,000 or more but less than $40,000.

NOTIFYING DISBURSING OFFICE OF INCREASES

SEC. 8. In order for an employee to be paid an increase in the annual rate of his compensation authorized under section 4, 5, or 6 of this Order, the individual designated by such section to authorize an increased rate shall notify the disbursing office of the Senate in writing that he authorizes an increase in such rate for that employee and the date such increase is to be effective.

DUAL COMPENSATION

SEC. 9. The figure "$7,724" contained in section 5533(c)(1) of title 5, United States Code, insofar as such section relates to individuals whose pay is disbursed by the Secretary of the Senate, shall be deemed, insofar as such section relates to such individuals, to refer to the figure "$8,637".

EFFECTIVE DATE

SEC. 10. Sections 1–9 of this Order are effective January 1, 1972. This section shall not be construed as prohibiting the filing with the disbursing office of the Senate, on any day earlier than such date, a notice authorizing an increase under this Order in the rate of compensation of an individual if such increase is not effective prior to such date.

ALLEN J. ELLENDER,
President pro tempore.

DECEMBER 23, 1971.

TRIBUTES TO THE LATE SENATOR PROUTY OF VERMONT

Mr. AIKEN. Mr. President, I present for printing in the RECORD eulogies to the late Senator Winston L. Prouty, by Gov. Deane C. Davis of Vermont, and by the legislature of the State of Vermont.

The PRESIDING OFFICER. Under the previous order, the eulogies will be printed in the RECORD.

The eulogies are as follows:

REMARKS BY GOV. DEANE C. DAVIS IN EULOGY OF OUR LATE SENATOR WINSTON L. PROUTY

Tonight, in the shadow of Win Prouty's distinguished career, I find myself faced with a difficult task—that of expressing in adequate terms our thoughts of his greatness.

There is no tribute I can pay that will increase his stature in your minds or on the pages of history. The story of this man—friend, patriot, farsighted legislator—cannot be told adequately in words. But it is told, and lastingly told, in his own deeds. It is a story that will not be forgotten by those of us who knew him, worked with him, and deeply respected him.

I could not let this occasion pass without adding my deeply grateful appreciation for his service to all of us and my profound sorrow at his passing. Win's passing has left a void that is both personal and deep. My affection for Win was borne of a feeling that this great State was his very life and as he was devoted to us, we were devoted to him.

This is not the time to attempt a lengthy statement, but I would, as I reflect upon the life of our late Senator, observe that of all the memories I have of Win, by far the most memorable will always be the enduring example of his personal integrity. He was a superior man because of this.

As the apostle has told us: "Him that is great among you, let him become your servant" and so our good friend made himself a servant, not of one class or group, but of all of us.

We here who knew him best chose him as our standard bearer, and Vermonters of all persuasions reciprocated in expressing their confidence in our selection by entrusting the mantle of leadership upon our chosen representative.

Although a stalwart Republican who strove mightily to advance the interest of our party, I know from having campaigned with him last fall that his constant and principal concern was the welfare and progress of his beloved constituents.

He never forgot that it was the people who sent him to Washington for over twenty years, through years of recession and years of prosperity.

He would not let any of us forget this unassailable confidence in the judgment of Vermonters. He was prepared always to abide by their choices. Vermonters, he reasoned, would not be fooled for long and poor choices would be corrected.

He insisted that a conscientious concern for the common good be held aloft as the standard to which all worthy politicians could aspire.

As he himself so aptly expressed it:

"A man cannot delegate his conscience to the crowd. It is as solitary as his soul."

He would not let any of us forget this bedrock truth and for the enduring example set by this conception of the public trust. I remain indebted to him.

He was truly a Green Mountain patriot. He was forever loyal to old traditions and forever alert to new ways to serve social progress and human freedom. He dedicated his life to compassion and understanding in our behalf.

He focused his legislative concerns on the plight of our elderly, on the need for educating our youngsters and providing meaningful employment for the unskilled and otherwise disadvantaged. His thoughts and energies were directed toward the people and his resolve was to help those who justly needed and deserved the benefits of his legislative skills. Regardless of his work schedule, he cared and took the time to champion the cause of the sick, the afflicted and the destitute.

"When someone writes me on tablet paper with a lead pencil," he once told me, "I figure what he's writing me about is pretty important to him."

He never forgot the people, the plain average people who put their trust in him, nor did they ever once lose faith in him.

This, my friends, was a great and good man. To him we owe a debt of gratitude for demonstrating to us the values of honesty without vanity and friendship without falsehood.

If he were here tonight, he would urge us to maintain the traditions of Vermont's patriots whom he emulated in thought and action.

His life and his achievements will be emulated—but not surpassed. Surely here was a man whose imprint upon this State will be one for good and strength long after all of us have left this earth.

His place in history is secure.

It can truly be said he left "footprints on the sands of time."

And now it is our duty to carry on the legacy of devotion to the public interest which his example has taught us. This is the monument which we can all help build to this outstanding Vermonter.

JOINT RESOLUTION EXPRESSING SYMPATHY ON THE DEATH OF U.S. SENATOR WINSTON L. PROUTY, WHICH WAS ENACTED BY THE GENERAL ASSEMBLY AND APPROVED JANUARY 10, 1972.

In testimony whereof, I have hereunto set my hand and affixed my Official Seal, at Montpelier, this 11th day of January A.D., 1972.

RICHARD C. THOMAS,
Secretary of State.

J.R.H. 58. JOINT RESOLUTION EXPRESSING SYMPATHY ON THE DEATH OF U.S. SENATOR WINSTON L. PROUTY

Whereas, United States Senator Winston L. Prouty died September 10, 1971, at the age of 65; *and*

Whereas, Win Prouty was active in municipal, state and federal government for many years, having served most ably as mayor of his home town of Newport, as representative to the General Assembly from the city in 1941 and 1945, being elected Speaker in 1947, member of the U.S. House of Representatives from 1951 to 1959, and of the U.S. Senate from 1959 until his death; *and*

Whereas, during that long and dedicated service to his beloved city, state and country he dedicated his life and his legislative concerns with humility and integrity on the plight of our elderly, the sick, the afflicted and the destitute. His thoughts and energies were directed on the need for educating our youngsters and providing meaningful employment for the unskilled and otherwise disadvantaged; *and*

Whereas, during that entire period Win Prouty demonstrated his leadership and dedication to the principles of good government. As he himself so aptly expressed it "A man cannot delegate his conscience to the crowd. It is as solitary as his soul"; *and*

Whereas, with the passing of the Honorable Winston L. Prouty, Vermont and the Nation lost a well loved citizen and a humble and dedicated public servant, *now therefore be it*

Resolved by the Senate and House of Representatives: That we express our deep sympathy and deep sense of loss on the death of United States Senator Winston L. Prouty; and be it further

Resolved: That the Secretary of State be hereby instructed to send copies of this resolution to the bereaved family, to the President of the United States, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives and to our Congressional delegation.

Approved: January 10, 1972.

DEANE C. DAVIS,
Governor.
WALTER L. KENNEDY,
Speaker of the House of Representatives.
JOHN S. BURGESS,
President of the Senate.

THE CONDUCT OF U.S. FOREIGN RELATIONS

Mr. MANSFIELD. Mr. President, an extraordinary article by the chairman of the Committee on Foreign Relations (Mr. FULBRIGHT) was published in the New Yorker magazine of January 10. It presents a perspective of the premises upon which our foreign relations have been conducted that will be educational to the scholar as well as to every American.

The article demonstrates the type of perspective that is so vitally needed by those in charge of, or interested in, foreign affairs and demonstrates again the seriousness with which the distinguished Senator from Arkansas (Mr. FULBRIGHT) takes his responsibilities and the extraordinary contributions he makes to these dialogs.

Congress has a responsibility of oversight in the conduct of Executive actions, but Senator FULBRIGHT provides more than oversight; he provides creativity and perspective.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN THRALL TO FEAR

For reasons still not wholly known and understood, the grand alliance of the Second World War broke up almost as soon as victory was won, and the powers that had called themselves "the United Nations" fell into the pattern of hostility, periodic crisis, and "limited" war that has characterized world politics for the last twenty-five years. At Yalta in February, 1945, the United States, Great Britain, and the Soviet Union pledged to maintain and strengthen in peace the "unity of purpose and of action" that was bringing victory in war. Just over two years later, on March 12, 1947, President Truman proclaimed the doctrine that came to be recognized as the basic rationale, from the American standpoint, for the Cold War. President Truman based the appeal he made to Congress for support of Greece and Turkey not primarily on the specific circumstances of those two countries at that time but on a general formulation of the American national interest which held that "totalitarian regimes imposed on free peoples, by direct or indirect aggression, undermine the foundations of international peace and hence the security of the United States." President Truman went on to say that at that moment in world history "nearly every nation must choose between alternative ways of life"—the one based on democratic institutions, like our own, and the other based on "terror and oppression," for which the model, of course, was the Soviet Union.

Most of us thought we knew how and why this great transition—from "unity of purpose and of action" to Truman's declaration of ideological warfare—had come about in so short a time. The cause was Soviet Communist aggression, limited at the outset to Stalin's subjugation of Eastern Europe but shown by Marxist-Leninist doctrine to be universal in design, aimed at nothing less than the Communization of the world. American policy and opinion were profoundly influenced in the early postwar period by the thesis that George Kennan, signing himself "X," set forth in *Foreign Affairs* for July, 1947, which depicted Soviet policy as relentlessly expansionist, committed by a fanatical ideology to filling "every nook and cranny available . . . in the basin of world power," and "stopping only when it meets with some unanswerable force." Warning against bluster and excessive reliance on military force, Kennan nonetheless called for an American policy of "unalterable counter force," of "firm and vigilant containment," which he anticipated would "increase enormously the strains under which Soviet policy must operate," and encourage changes within Russia leading to "either the breakup or the gradual mellowing of Soviet power."

From Korea to Berlin to Cuba to Vietnam, the Truman Doctrine governed America's response to the Communist world. Tactics changed—from "massive retaliation" to "limited war" and "counterinsurgency"—but these were variations on a classic formulation based on assumptions that few really questioned. Sustained by an inert Congress, the policymakers of the forties, fifties, and early sixties were never compelled to reexamine the premises of the Truman Doctrine, or even to defend them in constructive adversary proceedings.

Change has come not from wisdom but from disaster. The calamitous failure of American policy in Vietnam has induced on the part of scholars, journalists, and politicians a belated willingness to reexamine the basic assumptions of American postwar policy. Induced by the agitations of the present moment, this new look at old events may well result in an excess of revision, or of emotion, but the corrective is much needed if we are to profit from experience and recast our policies. It cannot be said that the assumptions underlying the Truman Doctrine were wholly false, especially for their time and place. But there is a powerful presumptive case against their subsequent universal application—the case deriving from the disaster of our policy in Asia—and it seems appropriate to look back and try to discover how and why the promise of the United Nations Charter gave way so quickly to ideological warfare between East and West.

Until fairly recently, I accepted the conventional view that the United States had acted in good faith to make the United Nations work but that the Charter was undermined by the Soviet veto. In retrospect, this seems less certain, and one suspects now that, like the League of Nations before it, the United Nations was orphaned at birth. Whereas Woodrow Wilson's great creation was abandoned to skeptical Europeans, Franklin Roosevelt's project was consigned to the care of unsympathetic men of his own country. President Roosevelt died only two weeks before the opening of the meeting in San Francisco at which the United Nations was organized. Truman, as a new and inexperienced President, was naturally more dependent on his advisers than President Roosevelt had been; among these, so far as I know, none was a strong supporter of the plan for a world organization, as Cordell Hull had been. The Undersecretary of State, Dean Acheson, was assigned to lobby for Senate approval of the United Nations Charter, and he recalled later that "I did my duty faithfully and successfully, but always believed that the Charter was impractical." And, with even greater asperity and candor, he told an interviewer in 1970, "I never thought the United Nations was worth a damn. To a lot of people it was a Holy Grail, and those who set store by it had the misfortune to believe their own bunk."

Disdaining the United Nations, the framers of the Truman Doctrine also nurtured an intense hostility toward Communism and the Soviet Union. Stalin, of course, did much to earn this hostility, with his paranoiac suspiciousness, the imposition of Soviet domination in Eastern Europe, and the use of Western Communist parties as instruments of Soviet policy. All this is well known. Less well known, far more puzzling, and also more pertinent to our position in the world today is the eagerness with which we seized upon postwar Soviet provocations and plunged into the Cold War. If it be granted that Stalin started the Cold War, it must also be recognized that the Truman Administration seemed to welcome it.

By early 1947—a year and a half after the founding of the United Nations—the assumptions of the Cold War were all but unchallenged within the United States government. It was *assumed* that the object of Soviet policy was the Communization of the world; if Soviet behavior in Europe and northern China were not proof enough, the design was spelled out in the writings of Lenin and Marx, which our policymakers chose to read not as a body of political philosophy but as the field manual of Soviet strategy. It is true, of course, that by 1947, with the United States virtually disarmed and Western Europe in a condition of economic paralysis, the Soviet Union might plausibly have tried to take over Western Europe through the manipulation of Communist parties, through military intimidation, through economic strangulation, and possibly even through direct military action. The fact that Stalin could have done this, and might well have tried but for timely American countraction through the Marshall Plan and the formation of NATO, was quickly and uncritically taken as proof of a design for unlimited conquest comparable to that of Nazi Germany. Neither in the executive branch of our government nor in Congress were more than a few, isolated voices raised to suggest the possibility that Soviet policy in Europe might be motivated by morbid fears for the security of the Soviet Union rather than by a design for world conquest. Virtually no one in a position of power was receptive to the hypothesis that Soviet truculence reflected weakness rather than strength, intensified by memories of 1919, when the Western powers had intervened in an effort—however halfhearted—to strangle the Bolshevik "monster" in its cradle. Our own policy was formed without the benefit of constructive adversary proceedings. A few brave individuals, like former Vice-President Henry Wallace, offered dissenting counsel—and paid dear for it.

When Great Britain informed the United States in February, 1947, that it was no longer able to provide military support for Greece, the American government was ready with a policy and a world view. The latter was an early version of the domino theory. Knowing, as we thought we did, that Russian support for Communist insurgents in Greece was part of a grand design for the takeover first of Greece, then of Turkey, the Middle East, and so forth, we were not content simply to assume the British role of providing arms to a beleaguered government; instead, we chose to issue a declaration of ideological warfare in the form of the Truman Doctrine. It may well be true that the grand phrases were motivated in part by a desire to arouse this nation's combative spirit, and so to build congressional support for the funds involved, but it is also true—at least, according to Joseph Jones, the State Department official who drafted President Truman's appeal to Congress, under Acheson's direction—that the new policy was conceived not just as a practical measure to bolster the Greeks and Turks but as a historic summons of the United States to world leadership. "*All* barriers to bold action were indeed down," as Jones has written. Among the State Department policymakers, Jones reports, it was felt that "a new chapter in world history had opened, and they were the most privileged of men, participants in a drama such as rarely occurs even in the long life of a great nation."

The Truman Doctrine, which may have made sense for its time and place, was followed by the Marshall Plan and NATO, which surely did make sense for their time and place. But as a charter for twenty-five years of global ideological warfare and unilateral military intervention against Communist insurgencies the Truman Doctrine has a different set of implications altogether. It represents a view of Communim, of the world, and of our role in the world that has had much to do with the disaster of our policy in Asia. Even in the country to which it was first applied, President Truman's basic formulation—that "we shall not realize our objectives . . . unless we are willing to help free peoples to maintain their free institutions"—has been reduced to a mockery. But who remembers now (surely not Mr. Agnew) that the Truman Doctrine was initially designed to preserve democracy in Greece?

Acheson, who prided himself on being a realist, may not have taken all that ideological claptrap seriously, but his successors Dulles and Rusk certainly did, and they framed their policies accordingly. Whatever merit the Truman Doctrine may have had in the circumstances of early-postwar Europe, the bond with reality became more and more strained as the Doctrine came to be applied at times and in places increasingly remote from the Greek civil war. Operating on a set of assumptions that defined reality for them—that as a social system Communism was deeply immoral, that as a political movement it was a conspiracy for world conquest—our leaders became liberated from the normal rules of evidence and inference when it came to dealing with Communism. After all, who ever heard of giving the Devil a fair shake? Since we know what he has in mind, it is pedantry to split hairs over what he is actually doing.

Political pressures at home intensified the virulence of the anti-Communist ideology. In retrospect, the surprise Democratic victory in the election of 1948 was probably a misfortune for the country. The Republicans, frustrated and enraged by their fifth successive defeat, became desperate in their search for a winning issue. They found their issue in the threat of Communism, at home and abroad, and they seized upon it with uncommon ferocity. They blamed the Truman Administration for Chiang Kai-shek 's defeat in the Chinese civil war; they attacked President Truman for the bloody stalemate in Korea, although they had strongly supported his initial commitment; and they tolerated and in many cases encouraged Senator Joseph R. McCarthy's attacks on reputable, and even eminent, Americans. Every American President since that time has been under intense pressure to demonstrate his anti-Communist orthodoxy.

More by far than any other factor, the anti-Communism of the Truman Doctrine has been the guiding spirit of American foreign policy since the Second World War. Stalin and Mao Tse-tung and even Ho Chi Minh replaced Hitler in our minds as the sources of all evil in the world. We came to see the hand of "Moscow Communism" in every disruption that occurred anywhere. First, there was the conception of Communism as an international conspiracy—as an octopus with its body in Moscow and its tentacles reaching out to the farthest corners of the world. Later, after the Sino-Soviet break, sophisticated foreign-policy analysts disavowed the conspiracy thesis, but at the same time they disavowed it they said things that showed that the faith lingered on. Secretary Rusk and his associates professed to be scornful of the conspiracy thesis, but still they defended the Vietnam war with references to a world "cut in two by Asian Communism," the only difference between the earlier view and the later one being that where once we had seen one octopus we now saw two.

If you accepted the premise, the rest followed. If Moscow and Peking represented centers of great power implacably hostile to the United States, and if every local crisis, from Cuba to the Congo to Vietnam, had the Communist mark upon it, then it followed logically that every crisis posed a threat to the security of the United States. The effect of the anti-Communist ideology was to spare us the task of taking cognizance of the specific facts of specific situations. Our "faith" liberated us, like the believers of old, from the requirements of empirical thinking, from the necessity of observing and evaluating the actual behavior of the nations and leaders with whom we were dealing. Like medieval theologians, we had a philosophy that explained everything to us in advance, and everything that did not fit could be readily identified as a fraud or a lie or an illusion. The fact that in some respects the behavior of the Soviet Union and of China and North Vietnam lived up to our ideological expectations made it all the easier to ignore the instances in which it did not. What we are now, belatedly, discovering is not that the Communist states have never really been hostile to us but that they have been neither consistent nor united in hostility to us; that their hostility has by no means been wholly unprovoked; and that they have been willing from time to time to do business or come to terms with us. Our ideological blinders concealed these instances from us, robbing us of useful information and of promising opportunities. The perniciousness of the anti-Communist ideology of the Truman Doctrine arises not from any patent falsehood but from its distortion and simplification of reality, from its universalization and its elevation to the status of a revealed truth.

Psychologists tell us that there is often a great difference between what one person says and what another hears, or, in variation of the old adage, that the evil may be in the ear of the hearer. When Khrushchev said, "We will bury you," Americans heard the statement as a threat of nuclear war and were outraged accordingly. The matter was raised when Chairman Khrushchev visited the United States in 1959, and he replied with some anger that he had been talking about economic competition. "I am deeply concerned over these conscious distortions of my thoughts," he said. "I've never mentioned any rockets."

We will never know, of course, but it is possible that an opportunity for a stable peace was lost during the years of Khrushchev's power. As we look back now on the many things he said regarding peaceful coexistence, the words have a different ring. At the time, we did not believe them: at best, they were Communist propaganda; at worst, outright lies. I recalled recently, for example, the visit of Chairman Khrushchev to the Senate Foreign Relations Committee on September 16, 1959. Suggesting that we lay aside the polemics of the past, Mr. Khrushchev said:

"We must face the future more and have wisdom enough to secure peace for our countries and for the whole world. We have always had great respect for the American people. We have also been somewhat envious of your achievements in the economic field, and for that reason we are doing our best to try to catch up with you in that field, to compete with you, and when we do catch up to move further ahead. I should say that future generations would be grateful to us if we managed to switch our efforts from stockpiling and perfecting weapons and concentrated those efforts fully on competition in the economic field."

Now, in retrospect, one wonders: why were we so sure that Khrushchev didn't mean what he said about peace? The answer lies in part, I believe, in our anti-Communist obsession—in the distortions it created in our perception of Soviet behavior, and in the extraordinary sense of threat we experienced when the Russians proclaimed their desire to catch up and overtake us economically. In our own national value system, competition has always been prized; why, then, should we have been so alarmed by a challenge to compete? Perhaps our national tendency to extoll competition rather than cooperation as a social virtue and our preoccupation with our own primacy—with being the "biggest," the "greatest" nation—suggest an underlying lack of confidence in ourselves, a supposition that unless we are "No. 1" we will be nothing: worthless and despised, and deservedly so. I am convinced that the real reason we squandered twenty billion dollars or more getting men to the moon in the decade of the sixties was our fear of something like horrible humiliation if the Russians got men there first. All this suggests that slogans about competition and our own primacy in that competition are largely hot air—sincerely believed, no doubt, but nonetheless masking an exaggerated fear of failure, which, in turn, lends a quality of desperation to our competitive endeavors. One detects this cast of mind in President Johnson's determination that he would not be "the first American President to lose a war," and also in President Nixon's spectre of America a "a pitiful, helpless giant."

This kind of thinking robs a nation's policymakers of objectivity and drives them to irresponsible behavior. The distortion of priorities involved in going to the moon is a relatively benign example. The perpetuation of the Vietnam war is the most terrible and fateful manifestation of the determination to prove that we are "No. 1." Assistant Secretary of Defense for International Security Affairs John T. McNaughton, as quoted in the Pentagon Papers, measured the American interest in Vietnam and found that "to permit the people of South Vietnam to enjoy a better, freer way of life" accounted for a mere ten per cent and "to avoid a humiliating U.S. defeat" for up to seventy per cent. McNaughton's statistical metaphor suggests a nation in thrall to fear; it suggests a policymaking élite unable to distinguish between the national interest and their own personal pride.

Perhaps if we had been less proud and less fearful, we would have responded in a more positive way to the earthy, unorthodox Khrushchev. Whatever his faults and excesses, Khrushchev is recognized in retrospect as the Communist leader who repudiated the Marxist dogma of the "inevitability" of war between Socialist and capitalist states. Understanding the insanity of war with nuclear weapons, Khrushchev became the advocate of "goulash" Communism, of peaceful economic competition with the West. During his period in office, some amenities were restored in East-West relations; the Berlin issue was stirred up but finally defused; and most important, the limited-nuclear-test-ban treaty was concluded. These were solid achievements, though meagre in proportion to mankind's need for peace, and meagre, too, it now appears, in proportion to the opportunity that may then have existed. One wonders how much more might have been accomplished—particularly in the field of disarmament—if Americans had not still been caught up in the prideful, fearful spirit of the Truman Doctrine.

Even the crises look different in retrospect, especially when one takes into account the internal workings of the Communist world. A leading British authority on Soviet affairs, Victor Zorza, has traced the beginning of the Vietnam war to a "fatal misreading" by President Kennedy of Khrushchev's endorsement of "wars of national liberation." The Kennedy Administration interpreted Khrushchev's statement as a declaration that the Soviet Union intended to sponsor subversion, guerrilla warfare, and rebellion all over the world. Accordingly, the Administration attached enormous significance to Soviet material support for the Laotian Communists, as if the issue in that remote and backward land were directly pertinent to the world balance of power. It was judged that Khrushchev must be shown that he could not get away with it. We had taught Stalin that "direct" aggression did not pay; now we must teach Khrushchev—and the Chinese—that "indirect" aggression did not pay. In Zorza's view, Khrushchev's talk of "wars of national liberation" was not a serious plan for worldwide subversion but a response to Communist China, whose leaders were then accusing Khrushchev of selling out the cause of revolution and making a deal with the United States.

In the spirit of the Truman Doctrine, the Kennedy Administration read the Soviet endorsement of "wars of national liberation" as a direct challenge to the United States. Speaking of Russia and China, President Kennedy said in his first State of the Union Message, "We must never be lulled into believing that either power has yielded its ambitions for world domination—ambitions which they forcefully restated only a short time ago." I do not recall these words for purposes of reproach; they represented an assessment of Communist intentions that most of us shared at that time, an assessment that had been held by every Administration and most members of Congress since the Second World War, an assessment that had scarcely—if at all—been brought up for critical examination in the executive branch, in congressional committees, in the proliferating "think tanks," or in the universities. Perhaps no better assessment could have been made on the basis of the information available at that time, but I doubt it. I think it more likely that we simply chose to ignore evidence that did not fit our preconceptions, or—as is more often the case—when the facts lent themselves to several possible interpretations we chose to seize upon the one with which we were most familiar: the Communist drive for world domination.

In the amplified form it acquired during the Johnson years, the conception of "wars of national liberation" as part of the Communist design for world domination became the basic rationale for the Vietnam war. All the other excuses—defending freedom, honoring our "commitments," demonstrating America's resolution—are secondary in importance and are easily shown to be fallacious and contradictory. But no one can *prove* that Mao Tse-tung and Brezhnev and Kosygin—or Khrushchev, for that matter—have not harbored secret ambitions to conquer the world. Who can prove that the desire or the intention was never in their minds? The truly remarkable thing about this Cold War psychology is the totally illogical transfer of the burden of proof from those who make charges to those who question them. In this frame of reference, Communists are guilty until proved innocent—or simply by definition. The Cold Warriors, instead of having to say how they knew that Vietnam was part of a plan for the Communization of the world, so manipulated the terms of public discussion as to be able to demand that the skeptics prove that it was not. If the skeptics could not, then the war must go on—to end it would be recklessly risking the national security. We come to the ultimate illogic: war is the course of prudence and sobriety until the case for peace is proved under impossible rules of evidence—or until the enemy surrenders.

Rational men cannot deal with each other on this basis. Recognizing their inability to know with anything like certainty what is going on in other men's minds, they do not try to deal with others on the basis of their presumed intentions. Instead, rational men respond to others on the basis of their actual, observable behavior, and they place the burden of proof where it belongs—on those who assert and accuse rather than on those who question or deny. The departure from these elementary rules for the ascertainment of truth is the essence of the Cold War way of thinking; its weakened but still formidable hold on our minds is indicative of the surviving tyranny of the Truman Doctrine.

In a decade's perspective—and without the blinders of the Truman Doctrine—it even seems possible that the Cuban missile crisis of 1962 was not so enormous a crisis as it then seemed. Khrushchev in the early sixties was engaged in an internal struggle with the Soviet military, who, not unlike our own generals, were constantly lobbying for more funds for ever more colossal weapons systems. Khrushchev had been cutting back on conventional forces and, largely for purposes of appeasing his unhappy generals, was talking a great deal about the power of Soviet missiles. President Kennedy, however, was applying pressure from another direction: unnerved by Khrushchev's endorsement of "wars of national liberation," he was undertaking to build up American conventional forces at the same time that he was greatly expanding the American nuclear-missile force, even though by this time the United States had an enormous strategic superiority. Khrushchev's effort to resist the pressures from his generals was, of course, undermined by the American buildup. It exposed him to pressures within the Kremlin from a hostile coalition of thwarted generals and politicians who opposed his de-Stalinization policies. In the view of a number of specialists in the Soviet field, the placement of missiles in Cuba was motivated largely, if not primarily by Khrushchev's need to deal with these domestic pressures; it was meant to close or narrow the Soviet "missile gap" in relation to the United States without forcing Khrushchev to concentrate all available resources on a ruinous arms race.

Lacking an expert knowledge of my own on these matters, I commend this interpretation of Khrushchev's purpose not as necessarily true but as highly plausible. As far as I know, however, none of the American officials who participated in the decisions relating to the Cuban missile crisis seriously considered the possibility that Khrushchev might be acting defensively or in response to domestic pressures. It was universally assumed that the installation of Soviet missiles in Cuba was an aggressive strategic move against the United States—that, and nothing more. Assuming Khrushchev's aggressive intent, we imposed on the Soviet Union a resounding defeat, for which Khrushchev was naturally held responsible. In this way, we helped to strengthen the military and political conservatives within the Soviet Union, who were to overthrow Khrushchev two years later. If we had been willing to consider the possibility that Khrushchev was acting on internal considerations, we would still have wished to secure the removal of the missiles from Cuba, but it might have been accomplished by means less embarrassing to Khrushchev, such as a *quid pro quo* under which we would have removed our Jupiter missiles from Turkey.

Khrushchev had paid for his "softness on capitalism" in an earlier encounter with President Eisenhower. After his visit to the United States in 1959, Khrushchev apparently tried to persuade his skeptical, hard-line colleagues that Americans were not such monsters as they supposed and that President Eisenhower was a reasonable man. This heretical theory—heretical from the Soviet point of view—was shot out of the sky along with the American U-2 spy plane in May, 1960. When President Eisenhower subsequently declined the opportunity Khrushchev offered him to disclaim personal responsibility, Khrushchev felt compelled to break up the Paris summit meeting. The U-2 incident was later cited by Khrushchev himself as a critical moment in his loss of power at home. It shattered his plans for President Eisenhower to pay a visit to the Soviet Union—for which, it is said, he had already had a golf course secretly constructed in the Crimea.

There were, of course, other factors in Khrushchev's fall, and perhaps more important ones; nor is it suggested that his intentions toward the West were necessarily benevolent. The point that must emerge, however—more for the sake of the future than for history's sake—is that if we had not been wearing ideological blinders, if our judgment had not been clouded by fear and hostility, we might have perceived in Khrushchev a world statesman with whom constructive business could be done. When he fell, his successors put an end to de-Stalinization, began the military buildup that has brought the Soviet Union to a rough strategic parity with the United States, and greatly stepped up their aid to Communist forces in Vietnam.

While our response to Soviet Communism has been marked by hostility, tensions, and fear, our response to Communism in Asia has been marked by all these and, in addition, by a profound sense of injury and betrayal. Russia never was a country for which we had much affection anyway; it was the bleak and terrible land of the czars, which, when it went to the Communist devils, was merely trading one tyranny for another. But China has a special place in our hearts. We had favored her with our merchants and missionaries and our "open door" policy; we had even given back the Boxer indemnity so that Chinese students could study in America. In the Second World War, we fought shoulder to shoulder with "free" China; we were filled with admiration for its fighting Generalisimo Chiang Kai-shek, and utterly charmed by his Wellesly-educated wife.

When the Chinese darlings of our patronizing hearts went to Communist perdition, we could only assume that they had been sold or betrayed into bondage. It was inconceivable that our star pupils in the East could actually have willed this calamity; it had to be the work of Chinese traitors, abetted by disloyal Americans, joined in an unholy alliance to sell out China to those quintessential bad people the Russians. A white paper on China was issued in 1949, and Secretary of State Acheson's letter of transmittal recounted accurately the intense but futile American effort to salvage a Kuomintang regime whose officials and soldiers had "sunk into corruption, into a scramble for place and power, and into reliance on the United States to win the war for them and to preserve their own domestic supremacy." Then, having exonerated the United States from responsibility for the loss of China, Secretary Acheson wrote:

"The heart of China is in Communist hands. The Communist leaders have forsworn their Chinese heritage and have publicly announced their subservience to a foreign power, Russia, which during the last 50 years, under czars and Communists alike, has been most assiduous in its efforts to extend its control in the Far East. . . . The foreign domination has been masked behind the facade of a vast crusading movement which apparently has seemed to many Chinese to be wholly indigenous and national. . . .

"However tragic may be the immediate future of China and however ruthlessly a major portion of this great people may be exploited by a party in the interest of a foreign imperialism, ultimately the profound civilization and the democratic individualism of China will reassert themselves and she will throw off the foreign yoke. I consider that we should encourage all developments in China which now and in the future work toward this end."

In these words, the United States government enunciated what became its Truman Doctrine for Asia. By the end of 1950, we were at war with China in Korea, but even then our belief in Moscow's control of the "Communist conspiracy" or our sentimental unwillingness to believe that China of its own free will would make war on the United States, or some combination of the two, made it difficult for us to believe that the Chinese Communists had intervened in Korea for reasons directly related to their own national interest. The fact that General MacArthur's sweep to the Yalu was bringing American ground forces within striking distance of China's industrial heartland in Manchuria was not at that time widely thought to be a factor in China's intervention in the war. The view of Dean Rusk, then the Assistant Secretary of State for Far Eastern Affairs, was that "the peace and security of China are being sacrificed to the ambitions of the Communist conspiracy," and that "China has been driven by foreign masters into an adventure of foreign aggression which cuts across the most fundamental national interests of the Chinese people." Mr. Rusk went on to say, "We do not recognize the authorities in Peiping for what they pretend to be. The Peiping régime may be a colonial Russian government—a Slavic Manchukuo on a larger scale. It is not the government of China."

Nonetheless, for the first time in our history we were coming to regard China as our enemy, departing from a half century's policy of supporting a strong, independent China. One of our leading young China scholars, Warren I. Cohen, has provided this summary in his recent book, "America's Response to China":

"The great aberration in American policy began in 1950, as the people and their leaders were blinded by fear of Communism and forgot the sound geopolitical, economic, and ethical basis of their historic desire for China's well-being. Having always assumed that China would be friendly, Americans were further bewildered by the hostility of Mao's China, leading them to forsake their traditional support of Asian nationalism, not only in China, but wherever Marxist leadership threatened to enlarge the apparent Communist monolith. With the full support of the American people, Truman and his advisors committed the United States to a policy of containing Communism in Asia as well as in Europe—and in practice this policy became increasingly anti-Chinese, an unprecedented campaign of opposition to the development of a strong, modern China. There was no longer any question of whether the United States would interpose itself between China and her enemies, for the United States had become China's principal enemy."

Over the years, the notion of a "Slavic Manchukuo" gave way to a recognition of the Chinese Communists as the authors of their own deviltry. This was not a fundamental change of outlook toward "international Communism" but an accommodation to a fact that had become obvious to all save the most fanatical and self-deluded Cold Warriors: that, far from being an instrument in Moscow's hands, the Chinese Communist leaders had become defiant and hostile toward Soviet leadership of the Communist world. Now, from the American viewpoint, there were two "Communist conspiracies," and of the two great Communist states China was judged to be the more virulent and aggressive. The Chinese had withdrawn their troops from Korea in 1958, limited themselves to a border adjustment with India in 1962 (when they could have detached a large area after defeating the Indian Army), and assumed no direct combat role in the developing conflict in Vietnam. But these facts were judged to be less important than the fact that they were Communists, who openly advocated subversion and "wars of national liberation." Communist China was not judged to be aggressive on the basis of its actions; it was presumed to be aggressive because it was Communist.

In much the same way that Khrushchev terrified us with his talk of "burying" us, the Chinese sent us into a panic with their doctrine of "wars of national liberation." While the Russians had become relatively benign, contained by America's nuclear deterrent, China claimed to be impervious to the horrors of nuclear war and was still intensely revolutionary itself, committed to the promotion and support of "wars of national liberation" throughout the world. The Kennedy and Johnson Administrations concluded that still another gauntlet had been flung down before the United States. To meet this presumed threat, our military planners invented the strategy of "counterinsurgency," which they undertook to put into effect in Vietnam.

None of this is meant to suggest that China would have been friendly to us, if we ourselves had not been hostile. I do not know whether the Chinese Communists would have been friendly or not; nor, I think, does anyone else know, since we never tried to find out. Most probably, in the turmoil of revolutionary change, the Chinese Communists would have been deeply suspicious and verbally abusive of the citadel of capitalism and the leader of the Western "imperialist camp" even if the United States had been willing to come to terms with them. Be that as it may, an objective observer must admit that on the basis of their actual behavior the Chinese Communists have never proved the Hitlerian menace we have taken them to be. They have not tried to conquer and subjugate their neighbors. Nor, upon examination, does the doctrine of "wars of national liberation," as set forth by Lin Piao, constitute a charter of Chinese aggression. It stresses self-reliance and the limitations of external support. Lin Piao wrote:

"In order to make a revolution and to fight a people's war and be victorious, it is imperative to adhere to the policy of self-reliance, rely on the strength of the masses in one's own country and prepare to carry on the fight independently even when all material aid from outside is cut off. If one does not operate by one's own efforts, does not independently ponder and solve the problems of the revolution in one's own country, and does not rely on the strength of the masses, but leans wholly on foreign aid—even though this be aid from Socialist countries which persist in revolution—no victory can be won, or be consolidated even if it is won.

The sudden reversal of American policy toward China in 1971 necessarily invites our attention back to the basic causes of these two decades of conflict between the United States and the Communist countries of Asia. In the course of these two decades, we have engaged in armed conflict with all three of these countries—with Communist China, North Korea, and North Vietnam—but we have never fought a war with the Soviet Union, which is the only Communist power capable of posing a direct strategic threat to the United States. Although it was assumed from the outset of the Cold War that our real strategic interests lay in Europe rather than in Asia, it has been in Asia that we have thought it necessary to fight two wars to enforce the Truman Doctrine. Looking back, one is bound to ask whether these conflicts were inescapable. Having avoided war in the region we judged more important, and with the power we judged the greater threat, why have we found it necessary to fight in Asia, at such enormous cost in lives and money and in the internal cohesion of our own society? Is it possible that if Mao Tse-tung and Ho Chi Minh had not borne the title of "Communist" but otherwise had done exactly what they have done in their two countries, we would have accepted their victories over their domestic rivals and lived with them in peace? I think it quite possible that we would have come to terms wth both. Apart from the North Korean invasion of South Korea, which was a direct violation of the United Nations Charter, the Communist countries of Asia have done nothing that has threatened the security of the United States and little, if anything, that has impaired our legitimate interests. We intervened in the Chinese and Vietnamese civil wars only because the stronger side in each case was the Communist side and we assumed that, as Communists, they were parties to a conspiracy for world domination, and were therefore our enemies. We intervened against them not for what they *did* but for what they *were* and for what we assumed to be their purpose.

There were Americans in official positions who provided a more objective, less ideologically colored view of the Chinese Communists back in the days before they won their civil war. These wartime observers in China, who included John S. Service, John Paton Davies, and Colonel David D. Barrett, were themselves sympathetic to the Nationalist government of Chiang Kai-shek, at least to the extent of urging it to make the reforms that might have allowed it to survive. Nonetheless, they reported objectively on the weakness and corruption of the Kuomintang and on the organization and discipline of the Communists in their headquarters in Yenan. They also provided information suggesting that at that time Mao Tse-tung and his associates had no intention whatever of becoming subservient to the Soviet Union and hoped to cooperate with the United States. Not only did the observations of these men go unheeded; they themselves were subsequently denounced and persecuted. Colonel Barrett did not attain the promotion to brigadier general that his service in the Army merited, and Service and Davies were hounded out of the Foreign Service, charged with advocacy of, and even responsibility for, the Chinese Communist victory that they had foreseen. The nation was deprived thereafter of their accurate observations and valuable insights, and, what is more, their surviving colleagues in the bureaucracy got the unmistakable message that it was unhealthy to deviate from the anti-Communist line. To survive and get ahead, it was necessary to see the world as the world was defined by the Truman Doctrine.

Having been thoroughly educated in the catechism of the Cold War, we look back now with astonishment on the reports of Service, Barrett, and others from China in 1944. Barrett and Service came to know the Chinese Communist leaders well through the Dixie Mission, which was the name given to the mission of the United States Army Observer Group, headed by Colonel Barrett, at Chinese Communist headquarters in Yenan in late 1944 and early 1945. Their assignment was to assess the potential contribution of the Chinese Communists to a final assault against Japanese forces in China. They came to know and respect the Communists, not for their ideology but for their discipline, organization, fighting skills, and morale.

In his recent book "Dixie Mission," Colonel Barrett comments, "The Chinese Communists are our bitter enemies now, but they were certainly 'good guys' then, particularly to the airmen who received their help." Colonel Barrett found that as sources of information about the Japanese the Communists were "all we had hoped they would be and even more"—among other reasons, because they "could almost always count on the cooperation and support of a local population." American observers sent out into the countryside from Yenan "all expressed the belief that the Communists were being supported by the entire civil population." In retrospect, Colonel Barrett felt that he had been "oversold" on the Communists in Yenan, but nonetheless he comments, "The overall look of things there was one which most Americans were inclined to regard with favor." American observers were impressed by the absence of sentries around the leaders, in contrast with the Nationalist capital in Chungking, where there were "police and sentries everywhere;" by the tough, well-nourished, and well-dressed troops, in contrast with the poorly nourished, shabbily uniformed Kuomintang soldiers; and by the general atmosphere of roughhewn equality and shared sacrifice. "As a whole," Colonel Barrett comments, "the Communist outlook on life was old-fashioned and conservative."

Even the flamboyant and volatile General Patrick J. Hurley—Roosevelt's special emissary and, later, Ambassador to Chungking—was at first favorably impressed by the Chinese Communists' terms for a settlement with Chiang Kai-shek. In November, 1944, Hurley flew to Yenan, where he signed an agreement with Mao Tse-tung calling for a coalition government; Hurley pronounced the agreement eminently fair, and even told Mao—in Barrett's hearing—that the terms did not go far enough in the Communists' favor. Chiang Kai-shek rejected Hurley's plan out of hand; nonetheless, Hurley thereafter supported Chiang as the sole leader of China and publicly blamed the failure of his mediation on his Embassy staff, whom he accused, in effect, of being pro-Communist. Although he contended in November, 1944, that "if there is a breakdown in the parleys it will be the fault of the Government and not the Communists," and although he told President Truman in May, 1945, that the Communists were holding back "in my opinion with some degree of reasonableness," Hurley still backed the Nationalist regime to the hilt, and in the spring of 1945 even reimposed the ban on nonmilitary travel by Americans to the Communist headquarters in Yenan. Thus began the process, culminating in the failure of the mission undertaken in 1946 by General George C. Marshall through which, without having ascertained their attitudes and intentions toward us, the United States government came to identify the Chinese Communists as enemies of the United States—presaging the policy of isolation and containment that was to endure at least until 1971.

This was not at the outset the result of decisions made at the highest level. President Roosevelt wrote to a friend on November 15, 1944, "I am hoping and praying for a real working out of the situation with the so-called Communists." And in March, 1945, in reply to a question from Edgar Snow about whether we could work with two governments in China for purposes of prosecuting the war with Japan, Roosevelt said, "Well, I've been working with two governments there. I intend to go on doing so until we can get them together." Within a few weeks after that interview, Roosevelt was dead and the conduct of American foreign policy had passed into the hands of the inexperienced President Truman. Neither Roosevelt nor Truman, however, seems in the last days of the Second World War to have given serious and sustained thought to the internal problems of China. Both Presidents were preoccupied with the defeat of Japan, and it had been clear for some time that China was unlikely to play a decisive role in bringing that about.

There was no lack of information available to the United States Government in 1944 and 1945 about either the weakness and corruption of the Kuomintang or the strength and aspirations of the Chinese Communists. The views of the professional diplomats were rejected, however, and their reports ignored—that is, until the witchhunters in the State Department and Congress got hold of them. In June, 1944, for example, a warning was conveyed to Washington in a memorandum written principally by John Service:

"The situation in China is rapidly becoming critical. . . . There is a progressive internal breakdown. . . . The fundamental cause of this suicidal trend is that the Kuomintang, steadily losing popular support . . . is concentrating more and more on putting the preservation of its shrinking power above all other considerations.

"These policies, unless checked by the internal opposition they evoke and by friendly foreign influence, seem certain to bring about a collapse which will be harmful to the war and our long-term interests in the Far East."

At the same time that American observers in China were reporting the enfeeblement of the Kuomintang, they were providing detailed accounts of the growing military and political strength of the Communists. Service summed up the importance of these circumstances for the United States:

From the basic fact that the Communists have built up popular support of a magnitude and depth which makes their elimination impossible, we must draw the conclusion that the Communists will have a certain and important share in China's future.

His colleague John Paton Davies put it even more succinctly:

> The Communists are in China to stay. And China's destiny is not Chiang's but theirs.

The Communists were not only strong but—at least, so they said—willing and eager to cooperate with the United States. In his recent book "The Amerasia Papers: Some Problems in the History of U.S.-China Relations," Service reports on a long conversation he had with Mao Tse-tung in Yenan on August 23, 1944, in which Mao emphasized that the Chinese Communists were "first of all Chinese," and appealed for American help for China after the war. "The Russians," Mao said, "have suffered greatly in the war and will have their hands full with their own job of rebuilding. We do not expect Russian help." America, he thought, could help China, and he told Service:

"China must industrialize. This can be done—in China—only by free enterprise and with the aid of foreign capital. Chinese and American interests are correlated and similar. They fit together, economically and politically. We can and must work together.

"The United States would find us more cooperative than the Kuomintang. We will not be afraid of democratic American influence—we will welcome it. We have no silly ideas of taking only Western mechanical techniques.

"America does not need to fear that we will not be cooperative. We must cooperate and we must have American help. This is why it is so important to us Communists to know what you Americans are thinking and planning. We cannot risk crossing you—cannot risk any conflict with you."

We do not know, of course, whether Mao was sincere in his repeated appeals for American friendship. The reason we do not know is that we never tried to find out. In our postwar anti-Communist hysteria, we assumed that the Chinese Communists were hostile simply because they were Communists, and we also assumed, despite impressive evidence to the contrary, that they were subservient to the Soviet Union. We thereupon made our fateful commitment to the losing side in the Chinese civil war—the side of whose weakness and probable defeat full warning had been provided by our own highly competent observers. From these events followed two wars and a quarter century of bitter hostility, which might have been avoided if we had remained neutral in the Chinese civil war.

This is not to say that Mao might have been expected to put Sino-American relations back on their prewar basis. He most assuredly would not have done that. Certainly our pretensions to a benevolent paternalism toward China would have been given short shrift; the age of missionaries and the "open door" was at an end. But whatever our relations might have been if we had not intervened in the civil war, they would at least have been initiated on a more realistic and more promising basis. We might have long ago established a working relationship at least as tolerable, and as peaceful, as the one we have had with the Soviet Union: the sort of relationship toward which—belatedly but most commendably—the Nixon Administration now seems to be working.

The anti-Communist spirit that governed our relations with China after the Second World War also shaped—and distorted—our involvement in Vietnam. Our interest in China's civil war, though tragic in consequence, was attenuated and limited in time. Vietnam was less fortunate. In a test application of the new science of "counterinsurgency," it has been subjected to a prolonged, though inconclusive, devastation. But for the American intervention, the Vietnamese civil war would have ended long ago—at infinitely less cost in lives, money, and property—in a nationalist Communist victory under the leadership of Ho Chi Minh.

In retrospect, it is difficult to understand how we could have accepted the "loss" of China but not the "loss" of the small, undeveloped countries on China's southern border. Only in the context of the assumptions of the Truman Doctrine could the Vietnamese war ever have been rationalized as having something to do with American security or American interests. Looking through our anti-Communist prism, we saw Ho Chi Minh not as a Vietnamese nationalist who was also a Communist but as a spear-carrier for the international Communist conspiracy, the driving force for a "world cut in two by Asian Communism." The Johnson Administration, as Mr. Johnson's memoirs show clearly, believed itself to be acting on President Truman's doctrine that "totalitarian regimes imposed on free peoples, by direct or indirect aggression, undermine the foundations of international peace and hence the security of the United States." President Johnson and his advisers believed this despite a set of facts that did not fit the formula: the fact that the issue was not between a "free people" and a "totalitarian regime" but between rival totalitarian regimes; the fact that the war was not one of international aggression, "direct" or otherwise, but an anti-colonial war and then a civil war; and the fact that, in any case, the country was too small and the issue too indigenous to Vietnam to pose anything resembling a threat to "the foundations of international peace," much less to "the security of the United States." In practice, the issue had resolved itself into a corruption of the Truman Doctrine—into the fear of a "humiliating" defeat at the hands of Communists. It was not so much that we needed to win, or that there was anything for us to win, as that our leaders felt—for reasons of prestige abroad and political standing at home—that they could not afford to "lose." President Johnson said soon after he took office, "I am not going to be the President who saw Southeast Asia go the way China went."

The notion that a country is "lost" or "gone" when it becomes Communist is a peculiarly revealing one. How can we have "lost" a country unless it was ours to begin with—unless it was some part of an unacknowledged American imperium? To my eye, China under Mao is in the same place on the map that it was in the days of Chiang. Where, then, has it "gone"? To the moon? Or to the devil? The "lost" and "gone" concept is indicative of a virulent sanctimoniousness that is only now beginning to abate. In October, 1971, members of the Senate gave President Tito of Yugoslavia a cordial reception at an afternoon tea. In September, 1959, a similar reception was held for Chairman Khrushchev, but one senator refused to sit in the room with him—for fear, apparently, of ideological contamination. As the President now moves toward lifting the "quarantine" of China, as we recognize at long last that there really still is a China, Communist though it may be, the tragic irrationality of the Vietnam war is thrown once again into high relief. All that bloodletting—not just for ourselves but for the Vietnamese—could have been avoided by an awareness that Communism is not a contagious disease but a political movement and a way of organizing a society.

In the case of Ho Chi Minh, as in the case of Mao Tse-tung, we might have come to this awareness twenty-five years—and two wars—ago. Ho, in fact, was a lifelong admirer of the American Revolution, of Lincoln, and of Wilson and his Fourteen Points. As a young man, in 1919, he went to the Versailles Peace Conference to appeal for self-determination for his country in accordance with President Wilson's principles, but no attention was paid to him, and Vietnam remained within the French empire. In 1945, Ho Chi Minh started his declaration of independence for Vietnam with words taken from our own: "All men are created equal." In 1945 and 1946, Ho addressed a series of letters to the United States government asking for its mediation toward a compromise with France, but none of these letters were ever answered, because Ho was, in Dean Acheson's words, "an outright Commie."

President Roosevelt, during the Second World War, had favored independence for Indo-China, or a trusteeship, but in any event he was opposed to letting the French recover Indo-China for their colonial empire. Roosevelt's attitude was spelled out in a memorandum to Secretary of State Hull dated January 24, 1944, which appears in the Pentagon Papers:

> I saw Halifax last week and told him quite frankly that it was perfectly true that I had, for over a year, expressed the opinion that Indo-China should not go back to France but that it should be administered by an international trusteeship. France has had the country—thirty million inhabitants—for nearly one hundred years, and the people are worse off than they were at the beginning.
>
> As a matter of interest, I am wholeheartedly supported in this view by Generalissimo Chiang Kai-shek and by Marshal Stalin. I see no reason to play in with the British Foreign Office in this matter. The only reason they seem to oppose it is that they fear the effect it would have on their own possessions and those of the Dutch. They have never liked the idea of a trusteeship because it is, in some instances, aimed at future independence. This is true in the case of Indo-China.
>
> Each case must, of course, stand on its own feet, but the case of Indo-China is perfectly clear. France has milked it for one hundred years. The people of Indo-China are entitled to something better than that.

British intransigence and the requirements of military strategy prevented Roosevelt from acting on his anticolonialist preference, which was so wholly in keeping with the traditional American outlook. When the Truman Administration took office, American policy was changed, and the French were officially assured by our State Department that the United States had never questioned, "even by implication, French sovereignty over Indo-China." The United States would advocate reforms but would leave it to the French to decide when, or even whether, the people of Indo-China were to be given independence: "Such decisions would preclude the establishment of a trusteeship in Indo-China except with the consent of the French Government."

Whether this initial commitment to France—and therefore against Ho—was the result of growing anti-Communist sentiment within the Truman Administration or of friendly feelings toward the colonial powers on the part of President Truman's old-line advisers, or both, American policy was constant and firm from that time on. Later, when Acheson and his colleagues were attempting to build up France as the centerpiece of the anti-Communist coalition in Europe, the commitment to France's position in Indo-China became stronger than ever. By 1951, the United States was paying forty per cent of the cost of France's war against the Vietminh, and by 1954 eighty per cent. After the Geneva settlement, American military aid to South Vietnam averaged about two hundred million dollars a year between 1955 and 1961. By 1963, South Vietnam ranked first among the recipients of our military assistance, and only India and Pakistan received more in economic assistance. In this way, foreign aid served as a vehicle of commitment, from our initial support of French colonial rule in Indo-China to sending an American force of over half a million men to fight in a war that is still going on.

As with China, it might have been different. The Pentagon Papers show that between October, 1945, and February, 1946, Ho Chi Minh addressed at least eight communications to the President of the United States or to the Secretary of State asking America to intervene for Vietnamese independence. Earlier, in the summer of 1945, Ho had asked that Vietnam be accorded "the same status as the Philippines"—a period of tutelage to be followed by independence. Following the outbreak of hostilities in Vietnam in the early fall of 1945, Ho made his appeals to President Truman on the basis of the Atlantic Charter, the United Nations Charter, and Mr. Truman's Navy Day speech of October 27, 1945, in which the President expressed the American belief that "all peoples who are prepared for self-government should be permitted to choose their own form of government by their own freely expressed choice, without interference from any foreign source." In November, 1945, Ho wrote to the Secretary of State requesting the initiation of cultural relations through the sending of fifty Vietnamese students to the United States. On February 16, 1946, in a letter to President Truman, Ho referred to American "complicity" with the French, but he still appealed to the Americans "as guardians and champions of world justice" to "take a decisive step" in support of Vietnamese independence, and pointed out that he was asking only what had been "graciously granted to the Philippines." On September 11, 1946, Ho communicated directly with the United States government for the last time, expressing to an American Embassy official in Paris his own admiration for the United States and the Vietnamese people's respect and affection for President Roosevelt; again he referred to America's granting of independence to the Philippines.

As far as the record shows, neither President Truman nor any of his subordinates replied to any of Ho Chi Minh's appeals. He got his answer nonetheless, clearly and unmistakably. By late 1946, with the first Vietnam war under way, American military equipment was being used by the French against the Vietnamese. As far as the United States government was concerned, Vietnam was a sideshow to the real struggle against Communism, in Europe. If the price of French support in that struggle was American support of French colonialism in Southeast Asia—and we seem never to have questioned that it was—the Truman Administration was ready to pay that price. Ho, after all, was just another "Commie." In a cable to the United States representative in Hanoi in May, 1949, Acheson said:

> Question whether Ho as much Nationalist as Commie is irrelevant. All Stalinists in colonial areas are Nationalists. With achievement Nat'l aims (i.e., independence) their objective necessarily becomes subordination state to Commie purposes.

In February, 1950, the recognition of Ho Chi Minh's government by the Communist powers moved Secretary Acheson to declare that this recognition "should remove any illusion as to the nationalist character of Ho Chi Minh's aims and reveals Ho in his true colors as the mortal enemy of native independence in Indochina."

As with China under Mao Tse-tung, we might have got along tolerably well—maybe even quite well—with a unified, independent Vietnam under Ho Chi Minh if our leaders' minds had not been hopelessly locked in by the imprisoning theory of the international Communist conspiracy. Ho was an authentic Vietnamese patriot, revered by his countrymen. He had led the resistance to the Japanese within Vietnam and had welcomed the Allies as liberators. His unwillingness to submit to foreign domination was clear—or should have been clear—from the outset. But if the evidence of Ho Chi Minh's Vietnamese nationalism ever reached the American policymakers, it certainly did not persuade them. Acting Secretary of State Acheson instructed an American diplomat in Hanoi in December, 1946, "Keep in mind Ho's clear record as agent international communism." In February, 1947, by which time the war between France and the Vietminh was well under way, Secretary of State Marshall conceded, in another cable, that colonial empires were rapidly becoming a thing of the past but, as to Vietnam:

> We do not lose sight of the fact that Ho Chi Minh has direct Communist connections, and it should be obvious that we are not interested in seeing colonial empire administrations supplanted by philosophy and political organizations emanating from and controlled by the Kremlin.

General Marshall's words were prophetic of what became a guiding principle—or, more accurately, a guiding aberration—of American foreign policy for at least two decades: where Communists were involved, the United States would depart from its traditional anti-colonialism and support the imperial power. Assuming as we did that Communists by definition were agents of an international conspiracy, we further assumed that a Communist leader could not be an authentic patriot no matter what he said or did. If the choice was to be—as we then rationalized it—between the old imperialism of the West and the new imperialism of the Kremlin, we would side with the former. Where possible, we told ourselves, we would support or nurture "third forces"—genuine independence movements that were neither colonialist nor Communist—and where such movements existed, as in India, we did support and welcome independence. Where they did not exist, as in Vietnam and Cuba and the Dominican Republic, we intervened, making these countries the great crisis areas of postwar American foreign policy and, in the process, earning for the United States the reputation of foremost imperialist power.

The role is one to which we are unsuited by temperament and tradition. Until a generation ago, America was regarded throughout the world—and deservedly so—as the one great nation that was authentically anti-imperialist. It was Woodrow Wilson who introduced into international relations the revolutionary principle of "justice to all peoples and nationalities, and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak." Perhaps it was a utopian dream, but Americans meant it at the time, and the world believed we meant it, and we had plans for realizing it: first the Covenant of the League of Nations and then the United Nations Charter, both purporting to introduce the rule of law into international relations, both purporting to supplant the old imperialist anarchy with the principle of trusteeship for the weak and the poor, both purporting to supplant the old balance of power with a new community of power.

The dismay and disillusion that have overtaken so many of us in America are the result, I believe, of our departure from these traditional American values. The corrosive, consuming fear of Communism has driven us into a role in the world which suits us badly and which we deeply dislike. I think that the American people have sensed this all along and are moving now to an active, conscious awareness of their own real preferences. It is no easy matter for us to knock over the household gods we have been taught for a generation to worship, but I think the American people have all along had an uneasy awareness that the dictators and warlords with whom we have been in league for so long are not really our kind of people. I suspect, too, that if Khrushchev and Mao and Ho had not had the name of "Communist" we might have recognized them as men we could respect: tough and sometimes ruthless, but patriots nonetheless; committed to an ideology we would not want for ourselves, but also committed to the well-being of their own people. With China's entry into the United Nations and the President's imminent trip to Peking, we may find that we can do business with the Chinese, just as we have done with the Russians. We may even find it possible to be cordial, as we have been with the Yugoslavs. Eventually (who knows?), we may even kick over the household gods once and for all and become friends. Huck Finn, when he helped Jim escape, knew it was a sin and knew he was going to go to Hell for it, but he liked Jim, so he did it anyway.

History is filled with turning points that are not easily identified until long after the event. It seems almost inevitable that Vietnam will prove to have been a watershed in American foreign policy, but it is by no means clear what kind. Before it can represent anything of a lasting historical nature, the war, of course, will have to be ended—not just scaled down but ended, and not just for Americans but for the tortured Vietnamese as well. One assumes that it will be ended—if not by our present leaders, then by their successors—and that when at last it is, the American people will once again in their history have the opportunity and the responsiblity of deciding where they want to go in the world, of deciding what kind of role they want their country to play, of deciding what kind of country they want America to be.

The Truman Doctrine, which made limited sense for a limited time in a particular place, has led us in its universalized form to disaster in Southeast Asia and demoralization at home. In view of all that has happened, it seems unlikely that we will wish to resume the anti-Communist crusade of the early postwar years. Yet it is not impossible; memories will fade, controversies may recur; pride may once again be challenged and competitive instincts aroused. The Truman Doctrine is frayed and tattered, but it is still an influence upon our policy and outlook.

I do not think we are going to return to isolationism. I will go further: I do not think there is or ever has been the slightest chance of the United States' returning to the isolationism of the prewar years. It will not happen because it cannot happen: we are inextricably involved with the world politically, economically, militarily, and—in case anyone cares—legally. We could not get loose if we wanted to. And no one wants to. The people who are called "neo-isolationists" are no such thing; the word is an invention of people who confuse internationalism with an intrusive American unilateralism, with a quasi-imperialism. Those of us who are accused of "neo-isolationism" are, I believe, the opposite: internationalists in the classic sense of that term—in the sense in which it was brought into American usage by Woodrow Wilson and Franklin Roosevelt. We believe in international cooperation through international institutions. We would like to try to keep the peace through the United Nations, and we would like to try to assist the poor countries through institutions like the World Bank. We do not think the United Nations is a failure; we think it has never been tried.

In the aftermath of Vietnam, it is America's option—not its "destiny," because there is no such thing—to return to the practical idealism of the United Nations Charter. It is, I believe, consistent with our national tradition and congenial to our national character, and is therefore the most natural course for us to follow. It is also the most logical, in terms of our interests and the interests of all other nations living in a diverse and crowded but interdependent world in the age of nuclear weapons.

The essence of any community—local, national, or international—is some degree of acceptance of the principle that the good of the whole must take precedence over the good of the parts. I do not believe that the

United States (or any of the other big countries) has ever accepted that principle with respect to the United Nations. Like the Soviet Union and other great powers, we have treated the United Nations as an instrument of our policy, to be used when it is helpful but otherwise ignored. Orphaned at birth by the passing from the political scene of those who understood its potential real usefulness, the United Nations has never been treated as a potential world-security community—as an institution to be developed and strengthened for the long-term purpose of protecting humanity from the destructiveness of unrestrained nationalism. The immediate, short-term advantage of the leading members has invariably been given precedence over the needs of the collectivity. That is why the United Nations has not worked. There is no mystery about it, no fatal shortcoming in the Charter. Our own federal government would soon collapse if the states and the people had no loyalty to it. The reason that the United Nations has not functioned as a peace-keeping organization is that its members, including the United States, have not wished it to; if they had wanted it to work, it could have—and it still can. Acheson and his colleagues were wholly justified in their expectation of the United Nations' failure; their own cynicism, along with Stalin's cynicism, assured that failure.

Our shortsighted, self-serving, and sanctimonious view of the United Nations was put on vivid display in the reaction to the General Assembly's vote to take in mainland China and expel Nationalist China. Mr. Nixon expressed unctuous indignation, not at the loss of the vote but at the "shocking demonstration" of "undisguised glee" shown by the winners, especially those among the winners to whom the United States had been "quite generous"—as the President's press secretary was at pains to add. Mr. Agnew at least spared us the pomposities, denouncing the United Nations as a "paper tiger" and a "sounding board for the left," whose only value for the United States was that "it's good to be in the other guy's huddle." The Senate Minority Leader was equally candid: "I think we are going to wipe off some of the smiles from the faces we saw on television during the United Nations voting." The revelations are striking. Having controlled the United Nations for many years as tightly and as easily as a big-city boss controls his party machine, we had got used to the idea that the United Nations was a place where we could work our will; Communists could delay and disrupt the proceedings and could exercise the Soviet veto in the Security Council, but they certainly were not supposed to be able to win votes. When they did, we were naturally shocked—all the more because, as one European diplomat commented, our unrestrained arm-twisting had turned the issue into a "worldwide plebiscite for or against the United States," and had thereby made it difficult for many nations to judge the question of Chinese representation on its merits. When the vote went against us nonetheless, the right-wingers among us saw that as proof of what they had always contended—that the United Nations was a nest of Red vipers.

The test of devotion to the law is not how people behave when it goes their way but how they behave when it goes against them. During these years of internal dissension over the war in Vietnam, our leaders have pointed out frequently—and correctly—that citizens, however little they may like it, have a duty to obey the law. The same principle applies on the international level. *"Pacta sunt servanda,"* the internal lawyers say: "The law must be obeyed." The China vote in the General Assembly may well have been unwise, and it may have shown a certain vindictiveness toward the United States, but it was a legal vote, wholly consistent with the procedures spelled out in the Charter.

The old balance-of-power system is a discredited failure, having broken down in two world wars in the twentieth century. The human race managed to survive those conflicts; it is by no means certain that it would survive another. This being the case, it is myopic to dismiss the idea of an effective world peace-keeping organization as a visionary ideal—or as anything, indeed, but an immediate, practical necessity.

With the cooperation of the major powers—and there is no reason in terms of their own national interests for them not to cooperate—the conflict in the Middle East could be resolved on the basis of the Security Council resolution of 1967, to which all the principal parties have agreed, calling for a settlement based upon, among other things, the principle of "the inadmissibility of the acquisition of territory by war." Similarly, I believe that the Security Council should have interceded to prevent war between India and Pakistan. This proved impossible largely because of the self-seeking of the great powers, each of which perceived and acted upon the situation not on its merits, and certainly not in terms of human cost, but in terms of its own shortsighted geopolitical interests. Moreover, the Security Council waited until war had actually broken out and an Indian victory seemed certain before attempting to intervene. The time for the United Nations to act on the crisis in East Pakistan was many months earlier, when the Bengalis were being brutally suppressed by the armed forces of the Pakistani government. The United Nations, it is true, is proscribed by Article 2 of the Charter from intervention in "matters which are essentially within the domestic jurisdiction of any state," but Article 2 also states that "the principle shall not prejudice the application of enforcement measures" under the peace-enforcement provisions of the Charter. By any reasonable standard of judgment, the mass killing of East Bengalis and the flight of ten million refugees across the Indian border constituted a "threat to the peace" as that term is used in the Charter, warranting United Nations intervention. I do not think it likely under present circumstances that the United Nations could play a mediating role in the war in Indo-China, the disabling circumstance being that the belligerents, including the United States, almost certainly would not permit it. But, looking ahead to the time when the Vietnam war is finally ended, I think it would be feasible for the United Nations to oversee and police a general peace settlement, through a revived International Control Commission, and perhaps through the assignment of peace-keeping forces.

When a conflict presents what Article 39 of the Charter calls a "threat to the peace, breach of the peace, or act of aggression," it makes no sense to leave the issue to the caprices of the belligerents. I have never understood why it is so widely regarded as outrageous or immoral for external parties to impose a solution to a dangerous conflict. Under the United Nations Charter, the Security Council has full authority—possibly even an obligation—to impose a settlement upon warring parties that fail to make peace on their own. The very premise of the Charter is that warring nations can no longer be permitted immunity from a world police power. As far as the United States is concerned, it is worth recalling that the United Nations Charter is a valid and binding obligation upon us, ratified as a treaty with the advice and consent of the Senate. And as far as the parties to various conflicts are concerned—Arabs and Israelis, Indians and Pakistanis—it needs to be recognized that they, too, are signatories to the Charter and are therefore obligated, under Article 25, "to accept and carry out the decisions of the Security Council in accordance with the present Charter."

In this century of conflict, the United States led in the conception and formulation of plans for an international peace-keeping organization. We did not invent the idea, nor have we been its only proponents, but without our leadership the ideal embodied in the Covenant of the League of Nations and the United Nations Charter would not have attained even the meager degree of realization it has attained. It is this idea of world organization—rather than our democratic ideology, or our capitalist economy, or our power and the responsibilities it is supposed to have thrust upon us—that entitles the United States to claim to have made a valuable and unique contribution to the progress of international relations. Coming as we did on the international scene as a new and inexperienced participant, with a special historical experience that had sheltered us from the normal pressures of world politics, we Americans pursued our conception of a rational world order with uncritical optimism and excessive fervor. As a consequence, the first encounter with disappointment, in the form of Stalin and his ambitions in Eastern Europe, sent us reeling back from Wilsonian idealism. And from the practical idealism of the United Nations Charter we reverted to the unrealistic "realism" of the Truman Doctrine in its universalized application. We made the conversion from Wilson to Machiavelli with zeal.

At no point, of course, did the leading architects of Vietnam or the Bay of Pigs or the participants in the Cuban missile crisis conceive of themselves as power brokers pure and simple. Having themselves been reared in the tenets of Wilson-Roosevelt internationalism, and having lived through the disaster of appeasement in the inter-war years, they came to regard themselves as "tough-minded idealists," as "realists with vision," and, above all, as practitioners of collective security against aggression. What the United Nations could not do the United States could and would do, with allies if possible, alone if necessary. We, after all, were the ones who bore the burden of the "responsibilities of power." It was up to us, if all else failed, to curb aggression at its outset, to accept whatever sacrifices had to be made in order to defend the "free world" against the new Communist predator. We, in effect, were the successors to an enfeebled United Nations, and were forced by fate and circumstance to endure the glory and agony of power.

In this heady frame of reference, Vietnam and its consequences might be conceived as the ripe harvest of the American era of romantic "realism." Primarily, no doubt, because of its military failures, the war in Vietnam has brought many Americans to an awareness of the sham idealism of the "responsibilities of power," and of the inadequacies of the new "realism" once it is stripped of its romantic facade. Many young Americans, and some older ones, are appalled not only by the horrors of the Vietnam war but by the deterministic philosophy, espoused by intellectuals who came into government in the sixties, of a permanent, purposeless struggle for power and advantage. We seem to be discovering once again that without a moral purpose and frame of reference there can be no such thing as "advantage."

America may be coming near to the closing of a circle. Having begun the postwar period with the idealism of the United Nations Charter, we retreated in disillusion to the "realism" of the Cold War, to the Truman Doctrine and its consummation in Vietnam, easing the transition by telling ourselves that we were not really abandoning the old values at all but simply applying them in more practical ways. Now, having failed most dismally and shockingly, we are beginning to cast about for a new set of values. The American people, if not their leaders, have come near to recognizing the failure of romantic, aggressive "realism," although a new idealism has yet to take its place. Perhaps we will settle for an old idealism—the one we conceived and commended to the world but have never tried.

SENATOR RANDOLPH ANNOUNCES INTENTION TO IMPROVE PENDING BLACK LUNG LEGISLATION

Mr. RANDOLPH. Mr. President, after holding intensive field hearings on the need to improve the black lung benefits title of the Federal Coal Mine Health and Safety Act, I have concluded that further improvements must be made to insure a better life for miners, widows, and children.

My bill, S. 2675, is cosponsored by Senator BYRD of West Virginia; by Senator WILLIAMS, chairman of the Committee on Labor and Public Welfare under whose aegis the black lung hearings have been held; by Senator HARTKE, author of another pending black lung bill, S. 2289; and by Senator SCHWEIKER, who so ably assisted me in conducting the field hearings.

To date, 4 days of hearings have been held on this vital subject by the Subcommittee on Labor, including two very well attended field hearings in Beckley, W. Va., and Scranton, Pa.

Mr. President, the committee has accumulated a wealth of additional knowledge during these hearings, and although 2 final days of hearings have been scheduled, during which the committee will hear the views of the Departments of Health, Education, and Welfare, and Labor, among others, I believe certain preliminary judgments can be made with respect to deficiencies in the existing law, and inadequacies in pending legislation.

Widows, who know best what their husbands' breathing difficulties were, cannot prove their eligibility for benefits because they lack medical evidence.

Miners, whose breathing is so severely restricted that they can no longer walk the one flight of stairs to their bedrooms, cannot prove that their health disability is caused by their employment in the mines.

Miners, whose health has been wrecked by their 30 and 40 years of service to the national need for energy, cannot find the necessary medical services because of the severe unavailability of clinics and other medical facilities.

The legislation passed late last year in the House of Representatives, H.R. 9212, is a good bill. It would in several ways improve the incomplete benefits now available to miners, their widows, and their children.

S. 2675 would be a further improvement, because of its occupational definition of total disability, and because it would extend benefits to miners with respiratory and pulmonary impairments other than black lung. But in my estimation, even the provisions of S. 2675 can be improved to better meet the legitimate needs and rightful expectations of disabled miners and their families.

Therefore, I will introduce amendments to S. 2675 which will:

First, relax evidence requirements for widows claiming benefits;

Second, add surface miners to those eligible for black lung benefits;

Third, authorize additional specialized medical services in mining areas;

Fourth, authorize research to devise simple, yet effective, tests to detect pulmonary and respiratory impairments;

Fifth, allow the transfer of benefits to dependents where desirable;

Sixth, authorize free disability tests for those unable to pay for them;

Seventh, establish a presumption that a miner's disability arose from employment in the mines; and

Eighth, assure that all benefits in title IV are available retroactive to December 30, 1969.

Each of these proposed amendments offers a tangible improvement in the black lung benefit program, and in a very real sense, will offer life, breath, and hope for many to whom despair is now their daily expectation. It is my hope that all these proposals will be accepted in the final legislation. Other recommendations may be expected to unfold as the committee further explores ways to perfect the program. I pledge my cooperation to this end.

THE CENTER FOR EARLY DEVELOPMENT, LITTLE ROCK, ARK.

Mr. FULBRIGHT. Mr. President, Parade magazine for January 9 contains an article about the Center for Early Development, a pioneering day-care program in Little Rock.

According to the article in Parade, educational authorities regard the Little Rock experiment so important that the Office of Child Development is investing $2 million in it, and the participants include the State of Arkansas Department of Education, the Little Rock school system, and the University of Arkansas.

The center is directed by Dr. Bettye Caldwell, who initiated the program 2 years ago. The Parade article describes the center in this way:

> Unlike many other day-care centers, which are merely places where working mothers park their toddlers all day and pick them up at night, Little Rock's Kramer School, a renovated structure in a mixed black-and-white neighborhood, is a hive of purposeful activity where three-year-olds learn numbers and four-year-olds explore basic math concepts. And all the while the building also functions as a regular elementary school through the sixth grade.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A PIONEERING DAY-CARE PROGRAM—HOW MUCH CAN A 6-MONTH INFANT LEARN IN SCHOOL?

(By Ted Irwin)

LITTLE ROCK, ARK.—A day-care center in Little Rock has come up with the revolutionary idea of using the time that small children are left in its custody to educate them, rather than wasting it in aimless activities.

This concept of early, continuous, away-from-home education for youngsters starting almost in infancy is attracting deep interest elsewhere and, if it spreads, could change the face of American education.

Unlike many other day-care centers, which are merely places where working mothers park their toddlers all day and pick them up at night, Little Rock's Kramer School, a renovated structure in a mixed black-and-white neighborhood, is a hive of purposeful activity where three-year-olds learn numbers and four-year-olds explore basic math concepts. And all the while the building also functions as a regular elementary school through the sixth grade.

FIRST YEARS CRITICAL

"Our is a new kind of educational delivery system," rays Dr. Bettye Caldwell, the petite redhead educator in charge of the Center for Early Development, which runs the innovative Kramer project. "The first few years of life are critical for normal development as a human being. In this process, day care should not be separated from education. We're striving for a setup which can be adopted or adapted in other communities through the nation."

So important do educational authorities regard the Little Rock experiment that the Office of Child Development is investing $2 million in it, and the participants include the State Department of Education, the Little Rock school system, and the University of Arkansas.

Central to the project, initiated by Bettye Caldwell two years ago, is the conviction that it is not only possible but essential to give formal education to very young children whose mothers are separated from them all day. By providing instruction in the same building where they'll later be enrolled as elementary school pupils, the program gives them a running start on their formal education.

"An early enrichment program can't touch the lives of children in a significant way unless it's linked to public education," says Bettye, who is the wife of a surgeon. "Only in the public schools can you reach a large number of day-care children, and give them educational continuity, starting with infancy. Like this, there is no danger of a child losing out later, as some children in other programs have lost their early gains."

For the day-care children, school starts early at the center—at 7 a.m., two hours before the regular elementary grade children arrive. Their parents drop them off on the way to their jobs. Care starts at the age of six months, with very small children spending their day in the "Baby House," a maple-paneled structure with playpens, cribs, a feeding table, playground equipment, and even a diaper-changing room. Teachers and aides are on hand to blow bubbles and play games.

REWARD SYSTEM

Special rooms are reserved for three-, four-, and five-year-olds, where learning begins in earnest. Teaching techniques are adapted to age groups. Three-year-olds, for instance, learn numbers by being handed small dolls and taught to give back one, two, and three at a time. A successful performance brings a feeling of pride and a special snack for reward. Children six and over go to the school's regular classes, their day-care blended in imperceptibly with education.

One of the center's most intriguing rooms is the "Learning Library," where special equipment has been installed to help slow learning. A projector flashes letters, numbers and geometric patterns for the child to identify or copy. The latest in audiovisual apparatus helps speed up language proficiency and development. Activities go right on for these youngsters after the regular school pupils leave at 3:15, with the children remaining until their parents pick them up at 5 p.m.

"Most day-care centers," says Bettye Caldwell, "look at their function from the standpoint of the mother's benefit—relieving them from custodial care of their children during working hours. We look at it from the standpoint of the child's enrichment. Our day care actually strengthens the bonds between mothers and children. In many cases, we take enough of a load off a mother so that she can be more loving, more patient, and take more time to play with the child. Separation during the day can heighten the enjoyment and appreciation of each other when they are together. The quality of the relationship is improved."

Dr. Caldwell, herself the mother of 13-year-old twins and a professor at the University of Arkansas, says the day-care program emphasizes emotional stability, mental health, and mutual understanding, as well as academic subjects. The result is improved behavior and a warm attitude toward school. One three-year-old named Billy, who threw temper tantrums regularly when he first came, has now turned into a creative and constructive leader of other small fry at the Center. Eighteen-month Janice, pale, underweight, and unsmiling, seemed destined to be retarded, like her older brother. At the Center, before long she was laughing, verbalizing, clapping her hands to music.

It's the same story for older day-care children who attend regular classes at the Kramer School. Says 11-year-old Tommy, the product of a broken home: "Every one treats me like an animal except the people here at school." Says nine-year-old Martha: "In my old school you couldn't even stand up without being yelled at."

Parents are delighted with the results they have observed in their youngsters: Says Pauline Trotter: "If my two-year-old daughter Paula were left with a baby-sitter, she'd be kept in front of the TV all day, scared to move. At the Center she's learning to play with others." Mrs. Vivian Runyon, mother of six, is so happy with the Center that she's returned to the neighborhood just to be near it, after moving away for a while.

"I thought no one could take care of my kids like I could," she explains. "But I'm amazed at how much Rodney, who's only two, was able to learn at the Center. I'm sure that my older boys would be better students today if they had been in the program when they were very young." Adds a waitress with two youngsters at the Center: "My kids are getting a lot better start in life than I or my husband ever did."

The effect on the children also is measurable in objective tests. After one year at the Center, day-care preschoolers registered a gain of 12 I.Q. points as compared to 2 points for a control group on the outside. On achievement tests involving language and numbers concepts, Center children gained 16 scaled points more than other youngsters. In a test that involved associating spoken words with pictures, day-care four-year-olds outscored a control group in the same age range.

With results like these—and with an estimated 6 million pre-school children with working mothers in the U.S.—it's no wonder that education and child psychologists from all over the country, and some from countries like Brazil, Israel, Taiwan and Ghana, have been flocking to Little Rock to see the Center for Early Development in action.

ENTHUSIASTIC RESPONSE

One of these visiting experts, Prof. Joan Costello of Yale's Child Study Center, sums up the prevalent feeling this way: "This is one of the most exciting educational demonstrations going on in the country today. In this combination of day care and school, elementary grade pupils have a chance to learn about little children and parenthood. The day-care children were deeply interested in what they were doing and learning a lot. What impressed me is that it is a happy place. I see the Kramer program as potentially a model for the schools of the future."

To Bettye Caldwell, the promise of her day-care venture extends far beyond proficiency in schoolwork.

SOCIAL AWARENESS STRESSED

"Before a child leaves us we hope he will have acquired a love of learning and be able to meet all later school experiences," she says. "But we want him also to have made substantial progress toward becoming a responsible citizen. We must think big about what kind of children we want to have in the next generation, about which kind of human characteristics will stand them in good stead in this rapidly changing world. Early child care, such as is being practiced at this Center, can be a powerful instrument for influencing the quality of life."

A WISH FOR 1972

Mr. SCOTT. Mr. President, a wish for 1972 by William Randolph Hearst, Jr., presents some interesting reading. He examines four points related to the recent India-Pakistan outbreak.

Mr. President, his points of view are most interesting and present some interesting areas for consideration.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Wish for 1972

(By William Randolph Hearst, Jr.)

New York.—The day after Christmas is hardly the ideal time to read about a serious matter which has been bugging me for several weeks—but it should be done while the news is still fresh.

Under the circumstances I will try to be as brief and uncomplicated as possible. If you are disinclined to follow me right now, why not clip this short column and read it later? I honestly believe its points are well worth considering.

What I want to get off my chest is my irritation with the tidal flood of criticism which hit the Nixon administration for its role in the India-Pakistan war. Seldom has there been an outpouring so unjust and misleading.

Before starting, I'd like to make clear that I am no blatant apologist for the administration in this. Many Americans think we had no business being involved in the mess. I certainly agree there are some squabbles we should stay away from and really valid criticism could be directed at the Nixonites for messing around in this one.

Having gotten involved however—if you believe the critics, both domestic and foreign—the White House and its advisers acted like a bunch of blundering idiots both before and during the South Asia conflict.

According to them the United States was somehow responsible for the war because for years it had been giving aid to the military government of Pakistan.

When war broke out, as the pundits see it, the U.S. made a series of major foreign policy blunders by blaming India and then further infuriating its leaders by sending a naval task force into the Bay of Bengal.

The result of our picking the wrong side, it is contended, is that American prestige in the subcontinent has been damaged beyond repair while that of Russia—which supported India—has been greatly strengthened in the area.

Almost all of this is either balderdash, wishful thinking or confusion on the part of the critics, whose identity goes a long way toward understanding why they say what they have been saying.

They are: (a) our powerful liberal press and broadcast industry; (b) the cabal of Democratic presidential hopefuls and doves in Congress; (c) the left-wing press of western Europe; and, (d) some well intentioned but poorly informed people who apparently have been influenced or misled by the others.

What the first three categories have in common is their automatic, built-in tendency to take a dim view of the Nixon administration and to knock it in every possible way.

You can see this clearly if you take the major criticisms cited earlier and examine them one by one—so let's do just that.

Point one—rather than abetting the war, the U.S. for years tried to maintain peace by working with the now defunct SEATO (Southeast Asia Treaty Organization).

As a matter of fact in 1962 President, Jack Kennedy approved a secret agreement with the then President Ayub Khan to defend Pakistan specifically against Indian aggression.

But we also helped far from perfect India—to the tune of 10 billion in aid since 1947, 700 million last year. And that hardly makes the U.S. appear anti-India.

Point two—If blaming India for the outbreak of hostilities was a blunder, then all the countries of the world—outside of Russia, Cuba and eight other Red satellites—were equally wrong. In voting at the United Nations, only Russia and her nine stooges failed to agree that India's armed invasion of East Pakistan was a flagrant breach of the peace and inexcusable direct interference with the internal affairs of a neighbor.

Point Three—The U.S. was accused of "gunboat diplomacy" in sending the nuclear-powered aircraft carrier Enterprise and sister vessels to the general war zone. But suppose British planes had been unable to evacuate our nationals stranded in Dacca? And how come nobody howled at the Russian flotilla prowling the same waters?

Point Four—It is true that U.S.-Indian relations have suffered as a result of the war while Russia has benefited—but hardly to the extent suggested by the critics' crocodile tears. Russia no more won the war for India than we lost it for Pakistan. India has emerged as a strong power in its own right, beholden to nobody yet anxious to pursue the most neutral course possible.

Fences can and will be mended, an aim already expressed by Indian Prime Minister Indira Gandhi. Meanwhile, just why was it stupid for our leaders to have tried to prevent the war? Or protect our nationals? Or vote in the UN in support of a fundamental principle of peace which every other member nation outside the world of Red Russia likewise supported?

Think it over—and I suspect you will wind up agreeing with me that the Nixon critics have indeed been outrageously unjust and most of them deliberately misleading.

As usual.

It would be foolish to make a wish that in the coming year these critics might become generous, or constructive, because they never will.

Maybe, however, it is just barely possible that 1972 might see them becoming a little more fair in their pronouncements. Even a tiny little bit.

That is my sincere wish and hope—just as it is my sincere wish and hope that the coming year will bring health, contentment and prosperity to you and to all your loved ones.

A Happy New Year!

TRIBUTE TO JAYCEES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record a statement by the distinguished Senator from North Carolina (Mr. JORDAN), paying tribute to the Jaycees.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Senator Everett Jordan Pays Tribute to Jaycees

Mr. Jordan of North Carolina. Mr. President, January 16–22 is being observed as Jaycee Week in my State of North Carolina and across the Nation.

The 10,000 young men who are members of 229 Jaycee community chapters throughout my state have established a fine record of meaningful public service which I heartily commend.

Their vigor, enthusiasm and dedication have been brought to bear on environmental problems, in promoting organized youth activities and in working for better health programs, to name but a few of their contributions. Particularly noteworthy are their efforts in the battle against cystic fibrosis.

Mr. T. Avery Nye, Jr. of Fairmont, North Carolina, is the current and 35th president of the North Carolina Jaycees. Before attaining this post, he served in a variety of responsible positions and established himself as a distinguished North Carolinian and a hard-working business and community leader.

I extend my sincere and enthusiastic congratulations to him and to all North Carolina Jaycees for a memorable week which will herald many years of continued and dedicated public service and community leadership.

CLEVELAND PLAIN DEALER SUPPORTS BAN ON DES

Mr. PROXMIRE. Mr. President, on November 8, I introduced legislation to ban the use of a cancer-causing artificial hormone, diethylstilbestrol, in the raising of livestock. This growth promoter continues to be used despite the fact that residues are found in about one-half of 1 percent of slaughtered carcasses in violation of the law.

Since I introduced the bill I have received literally hundreds of letters and telegrams of support. There is a deep concern in this country over the use of artificial additives in our food supply—additives that are added for economic, not nutritional, reasons.

I was particularly pleased by an editorial published in one of the Nation's finest newspapers and Ohio's largest, the Cleveland Plain Dealer, endorsing my proposal. I ask unanimous consent that this succinct statement be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Cleveland Plain Dealer, Dec. 20, 1971]

Ban Hormone in Livestock Feed

Diethylstilbestrol (DES) is an artificial hormone fed to cattle and sheep to make them grow faster.

It is known to cause cancer in laboratory animals and may possibly cause cancer in humans.

As a known cancer-causing agent, it should not be permitted to show up in food; yet traces of it are found routinely in spot checks of beef and sheep carcasses (in one of every 200 animals checked, on the average).

Because of its potential health hazard, DES should be banned as an animal fattener. It is banned in many nations, including Argentina, Australia, Israel and most of Europe. The United Nations Food and Agriculture Organization has called for a worldwide prohibition.

Sen. William Proxmire, D-Wis., has introduced a bill in the Senate that would prohibit use of DES in U.S. agriculture. We support it.

Federal regulations have recently been tightened to require livestock growers to cease feeding the hormone to their animals seven days before slaughter, rather than two days before, the previous requirements.

But even so, there is no assurance that DES residues will cease showing up in meat, for there is no way for federal inspectors to enforce compliance. It's all voluntary, and that's not good enough.

DEPARTMENT OF COMMERCE OMBUDSMAN

Mr. TOWER. Mr. President, on April 1, of last year, I placed in the RECORD the announcement by Secretary of Commerce Maurice H. Stans that he was creating in his Department the position of ombudsman. The job of this new office, ably filled by Thomas E. Drumm, Jr., was to assist businesses and their representatives in their dealings with the Federal Government. At that time, I expressed optimism that this program would help the American businessman to more successfully communicate with his government. I am happy to report that this optimism has been justified after only half a year of operations by the ombudsman. I ask unanimous consent that an assessment of this program be printed at this point in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

Commerce Department's Ombudsman Operation Termed Successful

Secretary of commerce Maurice H. Stans today termed the Department's new Ombudsman for Business operation a success and said it has had "a special impact" on government-business relations in its first half-year of existence.

"The success of this pioneering program demonstrates that it is filling a need and we are gratified that so many businessmen and others are making use of the service", he said.

The Secretary established the office in the Commerce Department last April 1, to give the business community a central point within the Federal establishment where it could bring its questions, requests for information, and its complaints and criticisms. He appointed Thomas E. Drumm, Jr., a veteran Commerce Department official, as Ombudsman.

The Ombudsman has already handled more than 1,600 inquiries from businessmen and others in 49 states and 16 foreign countries on such matters as government procurement planning and practices, contract awards, how to sell to the U.S. Government, how to get on bidder's lists, industrial and economic development, government loans, guarantees and grants, industrial pollution abatement, commodity standards, product standards, metrication, franchising, patents and marketing and distribution.

Other questions put to the Ombudsman have dealt with economic stabilization measures, surplus property, truth-in-lending and advertising, foreign trade, non-tariff barriers, foreign market data, joint ventures and licensing abroad, import impact, trade with the Soviet Bloc and with Mainland China.

Users of the service have included individual businessmen, firms of all sizes, minority enterprises, educational institutions, trade associations, professional societies, students, attorney, accountants, members of Congress, state and local government entities, banks, and Chambers of Commerce.

Secretary Stans noted that the activity of the Ombudsman is helping to improve communication and understanding between government and business and to facilitate and extend the furnishing of available government services.

"For example," said the Secretary, "the 'good offices' approach of the Ombudsman has resulted in clarification of misunderstandings between government agencies and the business public. And, practices and procedures in particular situations of which business has complained have been corrected or explained."

"Businessmen", Drumann stated, "know that the Federal Government has set up many programs of benefit to them.

"However, these same businessmen often do not know what the programs are, or where to go to find out information about them. The Ombudsmen Office, acting as a one-stop service for them, is helping to solve this problem."

Other Federal departments and agencies are giving Drumm full cooperation. Fifteen have established liaison relations with him through nineteen senior officials who assist the Ombudsman on all matters that involve the jurisdiction of their departments.

Drumm also said that the 42 field offices of the Commerce Department, located strategically throughout the country, have been invaluable in giving on-the-spot service in follow-up and consultations. (Drumm can be contacted at the Department of Commerce, Washington, D.C., 20230, telephone (202) 967–3176.

THE SPACE SHUTTLE SYSTEM

Mr. FULBRIGHT. Mr. President, the Nixon administration has announced its intention to proceed with the development of a space shuttle system, at a cost of $6.5 billion or more over a 6-year period. According to news stories, estimated costs of designing and building two flight test vehicles would be $5.5 billion. There would also be an additional "contingency" fund of about $1 billion.

This would be an extremely large expenditure for a project which can hardly be considered vital. The administration proposes to spend this money at a time when many important social and development programs are severely limited because of a lack of funds.

I hope that in considering appropriations for the space shuttle system we will weigh the value and importance of this program against other needs in our society.

In a recent editorial, the Arkansas Gazette questioned the wisdom of allocating such a large amount of money for this project at this time. I concur with the Gazette:

> Even if the proposition can be accepted that there is in truth a need for a space shuttle transportation system—a proposition that we are not prepared to accept—there is little justifiable reason for undertaking the program here and now at the beginning of 1972.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Arkansas Gazette, Jan. 8, 1972]

"Saving" Money With the Space Shuttle

President Nixon has gone ahead and ordered the National Aeronautics and Space Administration to develop a space ship to shuttle between earth and orbiting space vehicles, and now the country has sitting in its lap a minimum bill of $5.5 billion. It is not a very pleasant way to start a new year, for sure, except for all those who benefit in the aerospace and related industries.

Even if the proposition can be accepted that there is in truth a need for a space shuttle transportation system—a proposition we are not prepared to accept—there is little justifiable reason for undertaking the program here and now at the beginning of 1972. Mr. Nixon resorted to the elaborate language that is becoming one of his trademarks in saying the system would "help transform the space frontier of the 1970s into familiar territory, easily accessible for human endeavor in the 1980s and '90s."

It is a familiar piece of rationale for the whole sweep of the space program that perhaps was appropriate a decade ago, before the United States became bogged down in an Asian war it has been too slow to quit, or the cities erupted, or the national economy plunged into deep trouble (to mention just three examples in modern-day America). With the burdens facing the country at the start of 1972, a new program in space to cost a minimum of $5.5 billion is sheer folly. There is no evident reason why the United States must right now undertake a shuttle program to serve the two decades immediately in front of us. What, indeed, is the rush, from a scientific or national interest standpoint?

The country is going to save money, Mr. Nixon contends, by building reusable space ships, instead of the one-shot rockets the space program has become accustomed to using. Officials with the president at his announcement ceremony estimated that the shuttle system would reduce the cost of putting a pound of payload into space from between $600 and $700 to about $100. Thus, the country is asked to accept the faulty logic inherent in the Madison Avenue technique that it is "saving" money by spending money.

Could a space shuttle program be started just as well in 1975 or 1985? The answer, of course, is yes, but that does not take into account the purely coincidental circumstance that the shuttle announcement took place at the California White House, just an easy helicopter hop into Los Angeles, where unemployment—especially in the aerospace industry—has been running even higher than the national unemployment figures that Richard Nixon has to do something about in Election Year '72. It was left to NASA Director James Fletcher to note that the $5.5 billion shuttle program would create 50,000 new jobs—about half of them on the West Coast.

Unemployment is a pesky political problem for Mr. Nixon all right, but if the shuttle is in fact an example of the way it's going to be tackled the costs are going to be terribly painful to bear.

POLICEMAN OF THE YEAR AWARD

Mr. BEALL. Mr. President, in recent years much criticism has been directed toward the police of our Nation. Thus, it is refreshing indeed to read of two officers whom I think more truly represent law enforcement than the negative reports. I refer to the selection of two Baltimore policemen, Patrolmen Leonard V. Santivasci and Robert E. Cohen, as winners of the Sunpapers Policeman of the Year Award.

Interestingly enough, Patrolmen Santivasci and Cohen are a team, working from the same cruiser. They symbolize the spirit of police work, teamwork, and cooperation, which is often ignored by the public. Together they patrol east and northeast Baltimore, protecting and serving its residents.

These officers have an enviable record, including arrests in three homicides, two rapes, 40 robberies, and 75 narcotics violations. But it is significant to note that their most fulfilling act came not as a result of any arrest, but from saving the life of a 4-year-old boy. Clearly, Patrolmen Santivasci and Cohen represent a new breed of policemen, dedicated not only to crime detection but to community involvement as well.

I ask unanimous consent that the editorial be printed in the RECORD, so that Senators may have the opportunity to read of these fine accomplishments.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

POLICEMAN OF THE YEAR AWARD

The selection of the *Sunpapers* Policeman of the Year Award goes to two winners this year and reflects the highest degree of professionalism. The recipients, Patrolmen Leonard V. Santivasci and Robert E. Cohen, joined the city force in the late 1950's and have served together nearly the entire time. Their dedication is not just to routine crime detection, but to community involvement as well. During award ceremonies at the Chamber of Commerce, the officers noted their most fulfilling act came not from any of the countless cases they worked on or numerous arrests they made. Rather it came from their role in saving the life of a 4-year-old boy who lay apparently dead after mistakenly ingesting a dose of methadone.

The Eastern police district, one of the largest in the city, is a sprawling collection of tenements, low and middle-income row houses, heavy industries, neighborhood shopping centers, gaudy used car lots, markets, retail stores and discount centers. Crime is its hidden neighbor. Fortunately for the residents and businessmen in East and Northeast Baltimore, however, men like Patrolmen Santivasci and Cohen are dutifully on patrol. Their remarkable achievements include arrests in 3 homicides, 2 rapes, 40 burglaries and 75 narcotics offenses, including 1 in which $150,000 worth of heroin was seized.

The interesting aspect of their selection is that they are a team. Only once since the *Sunpapers* established this award have two men been selected the same year, and both were from separate stations. Patrolmen Santivasci and Cohen, moreover underline what reliability and friendship can accomplish. They are two men, operating out of the same cruiser, cooperating in a common cause and serving the larger community. The results they've achieved seem to say it all.

DES MOINES REGISTER SAYS OIL DEPLETION SUBSIDY UNWARRANTED

Mr. PROXMIRE. Mr. President, on January 10, 1972, the Des Moines Register, one of the finest newspapers in the United States, published an editorial entitled "Misused Oil Subsidy."

The editorial correctly points out that the fundamental argument in support of the big oil depletion tax allowance, which costs other taxpayers some $2.25 billion a year and raises their taxes by that amount, is that it encourages exploration of oil.

But the editorial also properly points out that in recent years exploration has fallen off. The subsidy is not doing the job it is intended to do.

If we determine that it is in the national interest to subsidize exploration for oil and gas, we should do so directly. We should pay those who explore for and find oil and gas. We should not pay out massive sums totaling billions if the sums do not even achieve their stated purpose. Also, it should be remembered that if a firm drills for oil and hits a dry hole, it can write off that expense in any event.

What we have is a system which not only allows costs and dry holes to be expensed, but which essentially fails to tax success. Yet if a man earn an income by the sweat of his brow or in most other businesses through effort, he is taxed generally at rates which rise progressively with his income.

The oil depletion allowance and other tax favors effectively reverse this system. Many men in the oil business, instead of paying larger amounts in taxes as their incomes grow, actually pay little or nothing in Federal taxes. Many become tax free or pay at rates lower than the average family pays even though they receive many tens of thousands of dollars in income.

That is an unfair system. It is not only unfair but it appears conclusively that the tax favors are not achieving the purposes for which they were allegedly designed.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MISUSED OIL SUBSIDY

Since 1926, the federal income tax law has permitted oil and gas producers to deduct 27½ per cent 22 percent starting in 1970) from their taxable income. Some other extractive industries get similar treatment, but oil is the big one. The argument for this gross favoritism has been that they are drawing on a wasting asset, and that the allowance would encourage them to explore for new sources.

The argument was dubious at best. Successful exploration brings its own rewards, and conservation of wasting assets is hardly accomplished by so indirect a method as a tax subsidy.

President Truman called the oil depletion allowance the most inequitable provision in the tax laws, which is saying a lot, but he was unable to get it repealed. Senator Paul Douglas crusaded against it throughout his career in Washington (1948–66). No results. Drives in the later 1960s brought only a slight reduction in the percentage, though tax favoritism to the oil industry costs taxpayers some $2.25 billion a year and dots the Southwest with millionaires. This figure is mostly oil depletion allowance, but there are a number of other special benefits to oilmen.

Now a forthcoming report of the Joint Senate-House Economic Committee shows that the oil firms are falling down on exploration. Instead, they are pouring money into non-oil ventures at home and abroad.

They are buying into competing fuels like coal and uranium. They are getting into other industries because of a competitive advantage derived from the oil subsidy. They are adding profits for lavish living—and for influencing congressmen and senators to keep the subsidies coming.

Oil state members of Congress tend to rally around to protect this subsidy which brings so much easy money to their region, so that repeal or modification is difficult.

But the facts are clear. The subsidy is unwarranted. It does not buy what it is alleged to buy.

Senator William Proxmire (Dem., Wis.) is chairman of the Joint Economic Committee and he does not intend to let the matter drop with one report. He was a leader in the fight against the oil depletion allowance in the 1960s which led to the reduction in 1970. He starts hearings on oil prices Jan. 10.

"We're certainly not giving the major oil companies these subsidies so that they can expand in Europe and buy their competitors here at home," Proxmire said.

But that is what they are doing.

RECOMMENDATIONS FOR INCREASED PRICE SUPPORTS FOR AGRICULTURAL COMMODITIES

Mr. CURTIS. Mr. President, the Legislature of the State of Nebraska has passed Legislative Resolution No. 9, recommending an increase in price supports for agricultural commodities.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

LEGISLATIVE RESOLUTION 9

Whereas, the total economy of Nebraska and its future growth is closely related to agricultural income; and

Whereas, the chronic disparity between agricultural income and the income of other segments of our economy has now assumed even greater proportions due to bountiful harvests, increased farm productive efficiency, and the resultant disaster level prices for farm crops; and

Whereas, a measure now pending action in the Senate of the United States which has already been approved by the House of Representatives would if adopted increase federal price supports for wheat and feed grains by 25%; and

Whereas, this measure had the support of all the Nebraska members of the House of Representatives.

Now, therefore, be it resolved by the members of the Eighty-Second Legislature of Nebraska, second session:

1. That the Legislature fully supports the proposed increases in federal price supports for wheat and feed grains.

2. Be it further resolved that copies of this resolution be forwarded to the office of the President, to the Secretary of the U.S.D.A., to the members of the House and Senate Committees for Agriculture and the members of the Nebraska Congressional delegation.

MISALLOCATION IN FEDERAL AID TO EDUCATION

Mr. FULBRIGHT. Mr. President, the Arkansas Business and Economic Review for November 1971, a publication of the University of Arkansas, includes a very interesting article entitled, "The Misallocation in Federal Aid to Education."

The article is by David L. Scott, associate professor of economics, Florida Southern College, and Michael W. Butler of the department of economics, University of Arkansas.

The article points out that in the past two decades one of the main educational problems was a shortage of teachers and there has been considerably Federal assistance to help alleviate that problem. According to the authors, the problem of a teacher shortage has been resolved; indeed there is a growing teacher surplus. However, much of the Federal educational aid is directed toward producing more teachers. The authors feel that it would be much more productive to spend this money for other objectives, "such as programs which attempt to educate illiterate adults, handicapped persons, the economic disadvantaged, and racial minority groups."

Mr. President, the article merits our serious consideration. I ask unanimous consent that it be printed in the RECORD, together with supporting tables and footnotes.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE MISALLOCATION IN FEDERAL AID TO EDUCATION

(By David L. Scott and Michael W. Butler)

Over the past two decades one of the main educational problems was a shortage of teachers. To eliminate this shortage several government aid programs were put into effect. In 1958 President Eisenhower signed into law the National Defense Education Act, the purpose of which was to eliminate the shortage of teachers and scientists. The Higher Education Act of 1956 provided for teacher training programs, established a National Teachers Corps, and provided for graduate teacher training fellowships. The Education Professions Development Act of 1967 established programs to eliminate shortages of adequately trained educational personnel and to attract a greater number of qualified persons into the teaching profession. These acts and other federal aid programs are currently providing over $250,000,000 to train new teachers and to increase the educational attainment level of existing teachers.

The problem of a teacher shortage has been resolved. Today we are faced with a teacher surplus, and this surplus is projected by most sources to increase in the coming years. Table I shows a recent projection by the Office of Education.

TABLE 1.—SUPPLY CONDITIONS FOR TEACHERS IN SECONDARY AND ELEMENTARY SCHOOLS

Year	Supply condition	Number
1968–69	Undersupply	61,000
1969–70	do	2,000
1970–71	Oversupply	20,000
1971–72	do	33,000
1972–73	do	44,000
1975–76	do	72,000
1978–79	do	93,000

Source: U.S. Department of Health, Education, and Welfare, Office of Education, "the Education Profession," 1969–70, p. 78.

While many factors affect the supply of teachers, federal subsidies are among the more significant.[1] Some examples of federal programs that have as their objective an increase in the supply of teachers are listed in Table II.[2]

TABLE II.—OFFICE OF EDUCATION PROGRAMS THAT ATTEMPT TO DIRECTLY INCREASE THE SUPPLY OF TEACHERS

[Millions of dollars]

	1967	1968	1969	[1] 1970	[1] 1971
National Defense Education Act: Title IV, college teacher fellowships	52.6	60.7	70.3	79.0	82.8
Education Professions Development Act:					
Higher education training program	.9	1.9	5.5	2.0	5.2
Preschool, elementary, and secondary training programs	55.4	58.4	42.0	83.0	83.3
Preschool, elementary, and secondary grants to States			2.1	17.6	15.3
Higher Education Act: National Teachers Corps	15.5	16.0	19.4	24.2	29.8
Educational improvement for handicapped: Teacher education and recruitment	21.9	24.2	21.7	27.8	31.0
Total	146.3	161.2	161.0	234.6	247.4

[1] Estimated expenditures.

Source: K. A. Simon and W. V. Grant, U.S. Department of Health, Education, and Welfare, Office of Education, National Center for Educational Statistics, Digest of Educational Statistics 1970, p. 112–113.

Although we continue to spend money to solve a problem of teacher shortages that no longer exists, other problem area programs are inadequately funded. If money is to be spent in the area of education it should be diverted from the subsidization of teachers (which aggravates the problem of a teacher surplus) to programs that might offer greater benefit to our society. There are many areas of education that require additional aid in order to carry out their objectives such as programs which attempt to educate illiterate adults, handicapped persons, the economic disadvantaged and racial minority groups.

In 1969 $303,000 was spent under Title VIII of the Elementary and Secondary Education Act for dropout prevention. The amounts spent for 1970 and 1971, $6.9 million and $10.2 million respectively, although considerably more, were still insufficient.[3] The number of 16–17 year olds not in school in October 1970 was 772,000 or ten percent of this age group. There were over 1,200,000 children ages 7 through 17 not in school during the same time period.[4] Most of these, especially in the higher age groups, are considered dropouts. Furthermore, increased federal aid through the dropout prevention program with the primary objective of retaining these children in school could have benefits other than simply increasing the educational attainment of these children. Crime rates are high among 16–17 year olds not in school, especially in large cities, and welfare roles are crowded by people with low levels of educational attainment.[5] Both crime rates and welfare roles would probably be lowered by having fewer elementary and secondary school dropouts.

The number of illiterates in the United States 14 years of age and over is 1,433,000. The number between 14 and 24 years of age is 97,000 or about .3 percent of this age group. For the 16–24 year age group the illiteracy rate for whites is .2 percent and for Negroes it is .6 percent.[6] Many of these people could be helped by a properly funded program in remedial education. Under Title

---

Footnotes at end of article.

VI of the Higher Education Act, Office of Education expenditures for Special Programs for the Disadvantaged-Talent Search and Remedial Assistance, for 1970 and 1971 are $1.8 million and $6.2 million respectively.[7] Expenditures for these years on a "per-person" basis amount to about $1.25 in 1970 and $4.33 in 1971, an insignificant amount considering the magnitude of the problem. The Committee on Economic Development recently wrote,

"A general equality in basic student skills and understanding is both possible and mandatory. Nearly everyone can learn to read and write and develop the skills necessary to secure equality of minimal achievement in the basic literacy skills of reading, writing and computation. These skills are essential to every person . . ."[8]

Day care centers provide a means by which the illiteracy rate might be lowered in the long run. Providing pre-school education in day care centers could have a profound effect in raising the educational attainment level of young children.

"The most effective point at which to influence the cumulative process of education is in the early preschool years, when the child has a large capacity for acquiring skills and cultivating expectancies. Only a massive effort to establish both public and private preschool educational programs will provide the preparation in motivation, intellectual capacities, and physical skills essential to success in achieving total basic literacy."[9]

As more and more women begin to work full-time, especially those considered economically disadvantaged, an increasing number of children are being put in preschool day care centers.[10] Both the number of children and the percent of children enrolled in preschool programs have been increasing since 1964. Table III shows the number of children enrolled in such programs during 1969. A further funding for preschool programs could have a significant long run impact in reducing the illiteracy rate and in reducing the dropout rate among disadvantaged youth. "Disadvantaged children who reach school age without preschooling soon fall behind in reading and writing. This results in retardation in all tasks requiring basic literacy" leading to failure and early dropouts.[11] The Headstart Program has had some success in providing early childhood education for disadvantaged preschool children. Since 1964, 3,300,000 children have benefited under this program. Even though the average assistance per child is currently about $1,050 per year, both a greater effort and a larger budget is necessary to solve the problems of the economically disadvantaged child.

TABLE III.—CHILDREN UNDER 6 YEARS OF AGE ENROLLED IN PREKINDERGARTEN PROGRAMS, OCTOBER 1969

Age:	Number of Students
3 years	29, 395
4 years	484, 880
5 years	79, 895

Source: Alvin Renetzky and J. S. Green (eds), *Standard Education Almanac* (Los Angeles: Academic Media Publishers, 1971), p. 64.

Title II of the Economic Opportunity Act of 1964 established the Followthrough Program which is intended "to help children from low income families sustain in the primary grades the educational gains made in Headstart or other similar preschool programs."[12] Followthrough could be a very significant program if it were properly funded but it is estimated that in 1970 the program was able to serve only about 35,000 children, a totally inadequate number.[13]

Despite the magnitude of the problem many programs designed to aid the disadvantaged, handicapped and minority groups are not successful simply because the programs lack money. Table IV illustrates some of the expenditures of the Office of Education for 1970. In comparing the expenditures on these programs to expenditures for teacher training in Table II, it is obvious that there exists a misallocation of Office of Education funds.

TABLE IV—PARTIAL LISTING OF EXPENDITURES, OFFICE OF EDUCATION, 1970

[Millions of dollars]

Programs:	*Expenditures**
Educationally Deprived Children (Indian)	$9.0
Early Childhood Education for Handicapped	3. 0
Programs for Disadvantaged—Talent Search	5. 0
Adult Basic Education—Special Projects	8. 0
Adult Education Courses (American Indian)	1. 1
Program for Disadvantaged—Upward Bound	30. 0
Dropout Prevention	10. 0

*Estimated.

Source: List of Operating Federal Assistance Programs Compiled during the Roth Study, Prepared by the Staff of Representative William V. Roth, Jr. (Washington: U.S. Government Printing Office, 1969).

We think it is necessary that the programs of the Office of Education be reviewed and programs that are no longer serving the public be eliminated. Money needs to be allocated to programs that are attempting to solve current problems, not problems of the past. More specifically, the programs whose purpose it is to increase the supply of teachers should be eliminated and the money used to fund programs which aid disadvantaged and handicapped students. This would accomplish two goals: the elimination or reduction of the projected surplus of teachers and the elevation of the education level of a large number of students, especially the handicapped and disadvantaged.

FOOTNOTES

[1] Some other factors affecting teacher supply are higher salaries, job security, improved working conditions, greater job prestige, *etc*. Both demand and supply are significant in determining the surplus of teachers.

[2] For a complete summary of Office of Education expenditures by legislative program for fiscal years 1960 through 1971 see K. A. Simon and W. V. Grant, U.S. Department of Health, Education, and Welfare, Office of Education, *Digest of Educational Statistics 1970* (Washington: U.S. Government Printing Office, 1971), pp. 112–13.

[3] Estimated amounts.

[4] U.S. Department of Commerce, Bureau of Census, *Current Population Reports—Population Characteristics*, series P–20, no. 222, (Washington, U.S. Government Printing Office, June 28, 1971), p. 12.

[5] In 1969 30.5 percent of total arrests occurred in the age group of 18 years old and under. Juvenile delinquents tend to be concentrated in the inner city area. See the FBI's Uniform Crime Reports—1969, *Crime in the United States* (Washington: U.S. Government Printing Office, 1970), p. 56 and p. 122. Also see the President's Commission on Law Enforcement and Administration of Justice Task Force Report: *Crime and Its Impact—An Assessment* (Washington, D.C.: U.S. Government Printing Office, 1967), pp. 60–72.

[6] U.S. Department of Commerce, Bureau of Census, *Current Population Reports—Population Characteristics*, series P–20, no. 217 (Washington: U.S. Government Printing Office, March 10, 1971), p. 8.

[7] Estimates by the Office of Education.

[8] Committee for Economic Development, *Education for the Urban Disadvantaged—From Preschool to Employment* (New York: Committee for Economic Development, 1971), p. 17.

[9] *Ibid.*

[10] The probability of being poor is about three times as great for a Negro family as it is for a white family, a fact which probably accounts for there being a larger percentage of Negro children age 3 to 4 years enrolled in nursery school than white children of the same age group. See U.S. Department of Commerce, Bureau of the Census, *Current Population Reports—Population Characteristics*, series P–20, no. 215 (Washington: U.S. Government Printing Office, March 5, 1971), p. 2.

[11] CED Report, *loc. cit.*, p. 35.

[12] List of Operating Federal Assistance Programs Compiled during the Roth Study, Prepared by the Staff of Representative William V. Roth, Jr. (Washington: U.S. Government Printing Office, 1969), p. 394.

[13] *Ibid.*, p. 395.

BODY RADIATION PROGRAM

Mr. TAFT. Mr. President, on October 8, 1971, an article in the Washington Post precipitated a controversy relative to the whole body radiation program being undertaken at the University of Cincinnati Medical Center. While I have previously raised procedural questions about the way in which this matter has been pursued by the Health Subcommittee, I have avoided any substantive statements on this issue because of the technical nature of the questions involved. I have, instead, requested that full and complete hearings be undertaken by the Health Subcommittee, in order that all interested parties will have an opportunity to publicly and openly present their positions.

I have now received from the American College of Radiology a copy of their letter to the distinguished Senator from Alaska (Mr. Gravel), wherein they set forth the conclusions of their study into the radiation program. Because this is the first professional study that I know of which has been made relative to this program, I ask unanimous consent that it be printed in the Record.

There being no objection, the study was ordered to be printed in the Record, as follows:

American College of Radiology,
Washington, D.C., January 3, 1972.

Hon. Mike Gravel,
New Senate Office Building,
Washington, D.C.

Dear Senator Gravel: This letter represents our response to your request of us to inquire into the whole-body radiation therapy project being conducted by Dr. Eugene L. Saenger and his colleagues at the University of Cincinnati. We have made our inquiry and our broad conclusions are as follows:

1. In the normal context of a clinical investigation, the project is validly conceived, stated, executed, controlled and followed up. The appropriate scientific and professional committees of the University of Cincinnati have performed their functions during the course of the project.

2. The process of patient selection based upon clinical considerations conforms with good medical practice.

3. The records, publications and patient followup are voluminous and commendable.

4. The procedure used for obtaining patient consent is valid, thorough and consistent with the recommendations of the National Institutes of Health and with the practice of most cancer centers.

5. Should this project come before the Senate or one of its committees in some fashion, we would urge your support for its continuation.

Though physicians do not invariably share with the public the ways in which they reach professional conclusions, we think it appropriate to your inquiry to detail below the way in which we reached these conclusions. Our acceptance of your request was based upon the realization that senators have need of expert, impartial medical and scientific advice in evaluating complex biomedical problems. Should you desire further information, we will again endeavor to be responsive.

THE COMMITTEE

As I noted in my earlier letter to you, the College is seldom called upon to investigate the scientific efforts of any of its members and thus has no standing committee with such a charge. Instead, I asked two leading radiation therapists and a third distinguished physician to undertake the inquiry. They are:

Dr. Henry Kaplan, chairman and professor of radiology at Stanford University Medical School in Palo Alto, California. Dr. Kaplan is internationally known for his pioneering work in several areas of cancer therapy. He has been a member of various cancer study and advisory groups including the Committee of Consultants to Conquer Cancer which recently advised the Senate. His extensive bibliography includes descriptions of his work on Hodgkin's disease involving extensive radiation of patients. Dr. Kaplan is currently chairman of our Commission on Cancer.

Dr. Frank R. Hendrickson, chairman of the department of radiation therapy at Chicago's Presbyterian-St. Luke's Hospital. Dr. Hendrickson is also a faculty member of the University of Illinois College of Medicine and the Rush Medical College as well as a consultant to the Veterans Administration and a member of various national cancer bodies. His bibliography includes reports of his treatment of children afflicted with Ewing's sarcoma with radiation. He is the present chairman of our Commission on Radiation Therapy.

Dr. Samuel Taylor, III, a distinguished internist and oncologist at Presbyterian-St. Luke's Hospital in Chicago. He is the founder of the American College of Physicians cancer program. He is a professor of medicine at Rush. Dr. Taylor's wide experience as a senior investigator in the field of cancer provided us with a view from another discipline. He is a long time expert in chemotherapy of disseminated cancer.

Mr. Otha Linton, director of our Washington Office, provided staff support to the group and coordinated their inquiry with Dr. Saenger and his colleagues.

NATURE OF THE INQUIRY

Drs. Kaplan and Hendrickson and Mr. Linton met with Dr. Saenger and Dr. Charles M. Barrett, director of radiation therapy at the University of Cincinnati, November 29 in Chicago. The discussion covered the background of the project and the purposes, objectives and achievements of the effort to date. Dr. Saenger then provided the committee with published papers and summary materials about the project.

On December 16, Drs. Kaplan, Hendrickson and Taylor met in Cincinnati with Dr. Saenger, other members of his team, two members of the University of Cincinnati human investigation committee, and the chairman of the special university committee which was created by the president to review the project.

Those interviewed were, from the UC Human Research Committee, Dr. Evelyn V. Hess, professor of medicine and Dr. Harvey C. Knowles, Jr., professor of medicine, from the special university committee to review the Saenger project, Dr. Raymond R. Suskind, professor of environmental health and medicine, from the department of radiology and the study team, Drs. Charles M. Barrett, Harry Horwitz, Bernard S. Aron and Edward B. Silberstein, physicists, Drs. I-Wen Chen and James G. Keriakes, and the psychologist, Mrs. Carolyn N. Winget.

Dr. Saenger and everyone at the university were willing to recognize our competence and to cooperate fully with our inquiry. The committee members were extended full cooperation and can conclude that they apprised themselves of the situation to the same extent that they would have needed to do as members of an NIH study section or site review team. Each member of the committee has served in such a capacity.

The committee viewed the project as it was designed—as a clinical investigation of a modality for the care of cancer patients with extensive and incurable disease. Phase one investigations follow basic animal work and always precede randomized clinical trials which may or may not be justified on the basis of the first human applications.

In the opinion of the committee, the team at Cincinnati had abundant bases in the literature for undertaking its study. The participants are fully qualified to undertake the investigation, both from the viewpoint of good patient care and importantly the possibility that new and valuable clinical information could be obtained.

Our committee did not concern itself with the implications which have been raised concerning partial funding of the effort by the Department of Defense. We did note that DOD funds were used only to support the laboratory and psychological studies but not the treatment or the care of the patient. The basic costs were borne by the university and its teaching hospitals.

Because of the prevalence of cancer which has been noted so recently by the Senate, the House of Representatives and the President, those charged with the care of cancer patients have need for every possible bit of information concerning the methods and modalities which we use to treat these patients. In our opinion, this project has the possibility of contributing useful clinical information.

It is worth noting that if others have had access only to the reports made to DOD on its part of the project or if they somehow failed to understand that the fact of extensive followup in no way departed or detracted from fundamental precepts of good patient care, then it follows that they might reach conclusions different from those of our committee.

THE NATURE OF CANCER INVESTIGATIONS AND TREATMENT

In clinical investigations of cancer, we are concerned both with the basic cancer process and with its manifestations in humans and specifically in the patients who present themselves for care. The treatment of an individual represents a series of choices for his physicians which are based upon diagnostic findings and their best judgment. Since humans respond to the assault of cancer and to attempts to treat it as uniquely as they do to most other things, generalizations here have statistical value but limited application to individuals.

There are many forms of cancer. Each type has in common the loss of intracellular control upon which normal cells depend to regulate their growth. The cancers differ in cellular types and in the site of origin of a primary lesion within the body as well as the bodily pathways through which they may spread. Thus, for example, the problem of defining and treating a solid tumor may differ radically from the approach to a form of leukemia.

Physicians have three fundamental modalities which may be used singly or combined to attempt to cure or control cancers. These are extirpative surgery, high energy radiation and chemicals. Hormones also are used to attempt to alter the course of certain cancers involving the endocrine system.

The choice of treatment must be decided for each patient. The decision is based upon the type of cancer, its location, its size, its degree of spread and upon the age and general health of the patient. Ideally, the therapeutic decision is made in a cancer conference involving physicians from the different disciplines appropriate to the problem at hand. By the nature of the disease, any cancer therapy must be regarded as heroic. The cancer patient must accept lesser probabilities of success and more stringent side effects of treatment than usually befall sufferers from other diseases.

Timing is all important in the treatment of most cancers. A small, early cancer may be removed surgically or destroyed with radiation. But if the cancer has begun to spread beyond its original site and beyond the surgical or radiation field, the destruction of the primary lesion will not suffice to save the patient.

Unfortunately, many patients still are diagnosed as having far advanced cancer which must be judged unlikely to respond to any standard curative effort. These patients may have undergone various treatments without success. Or they may have had a "silent" primary cancer which was diagnosed only after it began to spread through the body.

The physician having the care of a patient with advanced cancer has three practical choices. One is to do nothing, allowing the disease to take its course. Another is to attempt palliation, an effort to retard the tumor growth and/or to ease the pain of the patient. The third is to attempt drastic or radical treatments not commonly accepted as reliable or efficacious for patients having a greater chance of success. The third approach carries the long-shot possibility of direct patient gain. The doctor and patient must agree that something of benefit to others may be learned from the effort.

Thus, the effort to improve cancer treatments has been based upon the first application of new or questionable techniques to those patients having nothing to lose by their failure because there is no known treatment available. Often, the effectiveness of the technique must be measured in time of survival, relief of pain, or from certain body measurements, rather than in terms of overt tumor destruction. Efforts must be made to isolate and measure the specific timing, dosages, procedures and restraints which can be observed to alter the course of the disease. When a form of treatment has been shown to have some measurable beneficial effect on far advanced patients it can be considered for general use.

The nature of cancer investigation requires that more than one therapist must undertake a new modality at each stage of its development before it can be accepted for general usage. If an improvement in some tool or resource becomes available, such as the advent of supervoltage radiation sources then previous studies may be repeated with profit.

Both the high energy radiation and the several chemicals now used in cancer therapy have harmful effects upon patients. So does radical surgery. The choice must be made to refrain from curative efforts when the destruction of the tumor would involve unacceptable side effects of a localized or systemic nature. Thus, efforts to control or relieve side effects are equally significant with those to destroy the tumor.

When radiation is used as the tumoricidal agent, the effort is made to limit its effect by tailoring the dose to the suspect area and by using a series of tolerable exposures to destroy the cancer cells without damaging vital organs and adjacent normal tissues. If a cancer is widespread, then a tumoricidal dose of radiation presents problems which, for the most part, remain unsolved. Lesser amounts of radiation have been used in various ways as part of efforts to retard tumor growth, to relieve pain or to alter the pattern of cancer development.

The literature of radiation therapy offers substantial numbers of citations of efforts to use whole or partial body radiation for the palliation of advanced cancers. The conclusion, broadly, must be that the concept has not been sufficiently productive to recommend generally nor so lacking in effect to be abandoned as an approach.

THE CINCINNATI PROJECT

The actual treatment of patients was begun in 1960 by Dr. Saenger and his colleagues as a clinical assessment of the use of sublethal whole body radiation for the palliation of patients with a variety of disseminated cancers. The premise was that the level of radiation selected would have a retardant effect upon the growth of the tumor cells throughout the body and that the patient, for the most part, could tolerate the side effects of systemic radiation.

The second part of the premise was that patients who were closely followed after their cancer treatments could indicate both the physical and psychological reactions to the therapeutic effort over a period of several weeks. This clinical assessment provided a new dimension to previous studies of the use of whole body radiation.

Beginning in 1964, the group began to use the technique of autologous bone marrow transplants as a means of overcoming the marrow depression otherwise inescapable after whole body radiation. The technique after some modification involves the extraction of 300 to 600 cubic centimeters (about a pint or so) of marrow from the posterior iliac crest just before the radiation exposure. The same day, the marrow is filtered and reinjected into the patient. As a clinical procedure, this has succeeded in averting most of the extended radiation syndrome effects previously observed in patients in this series and in other whole body studies.

Efforts to minimize late effects, such as the drop in white cells and platelets and the decrease in red blood cells which are classic to radiation syndromes, began in 1965. This method using autologous bone marrow immediately after radiation therapy, became practical early in 1969.

The concept of whole body radiation as a method of treating cancer is not new with the Cincinnati project. There is voluminous literature reporting controlled animal experiments which are highly useful but not indicative of human responses to human tumors. The literature reporting on human exposures dates back to efforts in 1923. A review of reports to 1942 showed more than 270 patients thus treated with fairly little encouragement. Since these patients in all cases had disseminated tumors and the radiation sources available were in the orthovoltage range, the results were not surprising.

The advent of supervoltage generators and particularly cobalt 60 sources prompted additional studies to assess the effect of higher energy radiation and led to a new round of studies. In 1953, V. P. Collins and R. K. Loeffler called the use of 200 roentgens whole body "a useful addition to the management of advanced cancer."

A current bibliography contains some 86 scientific articles on the subject, excluding Dr. Saenger's contributions. Whole body projects have been undertaken in more than 42 U.S. medical centers. At present, efforts are underway using whole or partial body radiation for the control of leukemia, Hodgkin's disease, polycythemia vera, multiple myeloma, and disseminated cancers of the breast, thyroid and prostate. In very small groups, whole body radiation has been used successfully in curative efforts against Ewing's sarcoma, a bone tumor primarily of children.

The Cincinnati study through the end of 1970 involved a total of 106 patients referred from the Tumor Clinic of the Cincinnati General Hospital. These were patients found by biopsy and clinical examination to have disseminated tumors. They "were chosen because they suffered from advanced and widespread neoplastic disease such that cure could not be anticipated," in Dr. Saenger's words.

All of the patients underwent a 7 to 14 day assessment period to reaffirm the diagnosis and to determine whether their disease and their general health would make the radiation attempt feasible. Some 24 patients were rejected and received no radiation on the basis of their clinical assessment. Some of the 82 patients later treated received sham radiation sessions during the assessment period but none actually were exposed until after a decision by the team which determined the treatment could be beneficial.

The patients had a variety of tumors. The largest group was 25 with cancers originating in the colon and rectum. A second group of 14 had tumors of the bronchus. Fifteen women had disseminated breast cancer. There were 25 patients with miscellaneous tumors. Three children had Ewing's sarcoma and were treated for curative effect. One of the 25 patients with miscellaneous tumors had Ewing's sarcoma with metastases too widespread for a curative effort.

Discussions with the patients and members of their families are standard in any cancer therapy situation and were a part of this project from its beginning. Specific patient consent forms have been used since 1965, when this step was recommended by the National Institutes of Health.

Since 1968, patients selected for the study were interviewed on succeeding days by the internist in the project before being asked to sign a consent form for the therapy. When possible and in all cases of children, the interview included one or more members of the family who also consented to the treatment. Except for the three children with Ewing's sarcoma, all were told that their cancers had been defined as incurable and that the treatment would be attempted in an effort to prolong their lives and possibly to retard or shrink the tumors. They were told that the information gained from the study was hoped to be helpful to other patients. In the last few years they were told that the information might have military as well as clinical siginficance.

The patients were told that there could be some side effects from the radiation exposure and that the team would wish to keep in close touch with them for a period of weeks to study their reactions both to the advances in their disease and to the impact of the radiation. The possible side effects were not described in detail nor emphasized to avoid subjective inducement of the symptoms.

So far as the side effects were concerned, the team reported that 45 percent had no vomiting or nausea after the radiation. Some 24 percent experienced transient vomiting and nausea within three hours and another 17 percent had the same symptoms within 12 hours of exposure. Another 9 percent continued vomiting up to 24 hours. Only five percent had prolonged and severe vomiting and nausea.

It is worth noting that these symptoms are certainly no greater than those experienced by patients treated either by surgery or by any of the systemic drugs now being used clinically on disseminated cancers.

The patients were selected by clinicians at the Cincinnati General Hospital from the population served by that institution solely on the basis of their tumor diagnosis. Since CGH is a institution, none of the patients were private patients. The three children with Ewing's sarcoma were referred by physicians at the affiliated Cincinnati Children's Hospital.

Extensive psychological studies were done on 39 patients. It was possible to establish their IQs. The median on the studied group was 87. The range was from 116 to a low of 63. Some 31 of the treated patients were caucasian and 51 were negro. In both race and IQ the group was representative of the patients served by CGH.

The three children who were treated definitively for Ewing's sarcoma remained alive from one to four years after treatment. From the other 79, for whom only palliation was expected, five others survived as of October of 1971, the longest by more than six years.

The clinical assessment of the effort indicated that (with overlapping percentages) 29 percent felt relief of pain, 30 percent showed a measurable decrease in primary tumor size, 11 percent reported an increase in activity on their own part following treatment and 29 percent reported an increase in "well-being." About 29 percent showed no evidence of improvement or change. Four percent were lost to followup. A group of 10 percent or eight patients died from 20 to 60 days after the whole body exposure.

It is not possible to determine positively that those patients who died within 60 days of the treatment would not have succumbed to their disease within that period, even though the clinical assessment had been that their disease was stable enough to justify their inclusion in the study. However, it was noted from the followup studies that their bone marrow function was subnormal and thus relatable to radiation syndrome.

In terms of survival, the Cincinnati group reported results showing an extension of days over untreated patients in each of the tumor categories. However, results were not markedly superior to the survival results reported by other investigators using various chemicals or other combinations.

The survival figures are clouded by the fact that many of the patients included in the sample had already undergone one or more types of treatment unsuccessfully, often only a short time before their inclusion in the study. Some of the patients in the study also received extensive followup treatment, sometimes involving further radiation of the primary tumor area.

Thus, the patients received a therapeutic regimen which was clinically judged most efficacious for their survival and palliation, however much the added efforts blurred the observation of the effects of the single whole body exposure.

In specific terms of survival, Dr. Saenger was able to draw rough comparisons which indicated the benefit of some treatment over none. He found that his results compared to those gained by other investigators using surgical resections, drugs such as 5-fluorouracial and, for the breast cancer patients, estrogens and androgens.

In Dr. Saenger's words, "The relatively small numbers of patients in these groups (his and the ones compared from the literature) preclude any claim to therapeutic superiority. On the other hand, it seems reasonable to continue therapy for these gravely ill individuals since this method of treatment is less elaborate and with no greater risk than many present forms of chemotherapy."

In this conclusion, the ACR committee would concur. The committee would also observe that the protocols, reviews by appropriate institutional authorities, attention to patient interests and responsibilities and reporting are all consistent with accepted good clinical and scientific practice.

RESPONSES TO SENATOR GRAVEL'S QUESTIONS

Some of the points raised in the questions in your letter of November 10 or covered at least in general above. Some are not. Hence, the questions and specific responses are detailed below:

1. Animal data: Don't experimental animal trials as a rule precede human trials in the testing of new medical therapies and drugs? What animal trials using partial or whole-body irradiation to treat cancer were completed before Dr. Saenger began his human experimentation? Did Dr. Saenger begin his

special "therapy" before or after Defense Department support?

Answer: The literature on radiation biology is substantial with regard to animal trials of whole body radiation for a variety of purposes. One bibliography is appended. Almost always, clinical researchers have had the benefit of animal work to test the toxicity of their materials and to develop general patterns of biological response. However, since inter-species differences never allow the total transfer of animal data to human usage, it is necessary to undertake clinical trials under proper conditions to test any new therapy or agent. It is not necessary for a clinical researcher himself to undertake animal work if he has access to and a good understanding of the literature on the subject. This was the case of Dr. Saenger and his colleagues.

As an example of the application of animal studies to human uses, the use of autologous bone marrow transplants and the basic understanding of the influence of marrow stem cells on mammalian survival after whole body radiation exposure were worked out in animal experiments. The marrow transplants are a most important part of the Cincinnati investigation. The detailed biochemistry not only permits a more complete analysis of the response of these patients but also could point the way to other researchers who are attempting systemic therapy with radiation and with investigative chemicals.

It was a necessary part of the clinical investigation for Dr. Saenger to determine the optimal amount of marrow to extract, the most effective way to handle it and the best timing for its reinjection into the patient. At the beginning of their work, Dr. Saenger and his group extracted the marrow and froze it to retain it for the 18 to 21 days during which blood white and red cell levels are expected to decline. With subsequent patients, they determined that the prompt reinjection of the marrow the same day the radiation was administered averted much of the blood depleting effect of the radiation.

Since Dr. Saenger in this instance applied to the Department of Defense, rather than another funding agency, for the support for the extensive biochemical workups which would provide the "new" element of information from the survey, his preparation preceded the 1960 data at which the actual project was funded by DOD and patient treatment began. As noted, the support for the patient treatment and management was provided by the University of Cincinnati and its hospitals. The DOD funds were applied only to the biochemistry and subsequently the psychological testing which allowed a more complete assessment of the effort.

2. Followup studies: How does Dr. Saenger follow up his own patients to find out if his "treatment" has been helpful or harmful to them? Does he measure the tumors he hoped to reduce, for instance?

Answer: As noted, the followup on these patients is considerably more complete than is possible for most tumor clinics. The followup consisted of clinical observations and diagnostic studies and frequent doctor-patient contacts between both the internists and the radiation therapists on the team with the patients who had been treated. In addition, the team psychologist maintained contact, not only for her tests but also as a further supportive measure.

The data on biochemical responses and upon psychological reactions is valuable but simply too expensive in terms of manpower and laboratory facilities to be possible for every cancer patient, even in the best of cancer centers.

The assessment of results was made by clinical observations of the patient which indicate the elements of well-being and systemic function plus laboratory analyses of blood condition and voiding functions plus x-ray diagnosis to check the size and penetration of solid tumors. In many of the patients, the primary tumor had been excised surgically or treated previously with a prophylactic dose of radiation, leaving management of the metastases as the major clinical concern. It is worth noting that only 4 percent of the 82 patients in the 10-year series were lost to complete followup. A detailed report on these results is cited in the preceding section.

3. Control groups: What control groups does Dr. Saenger have, or has he arranged for at our great cancer research institutes, so that he can determine how his special "treatment" is working?

Answer: The question of specific control groups and randomized samples does not usually arise until after the completion and evaluation of the type of study currently underway by Dr. Saenger. He advises that planning for a more elaborate phase three study began last June on the basis of assessment of the 10-year results of the present effort.

The literature contains sufficient studies of similar patients and comparable sized samples treated by other methods to allow basic comparisons of tumor regression, post-treatment symptoms and survival times after palliation.

Again, it is worth noting that the extent of preparations and followup on each patient and the number of cancer patients at CGH who are suitable for an aggressive palliation study have combined to limit the size of the group under investigation. A phase three study appears feasible at Cincinnati but will require a substantial commitment of staffing and financing from some source other than patient care funds.

4. Private patients: Does Dr. Saenger treat any private cancer patients, or offer consultation on private cases? Does he recommend or use his partial or whole-body radiation "therapy" on paying patients? Does he know any doctor who does?

Answer: Dr. Saenger and his colleagues are full-time faculty members of the University of Cincinnati College of Medicine and have no private practice in the ordinary sense. Their patient care responsibilities are restricted to patients at the city-operated Cincinnati General Hospital and its affiliated institutions. A very few patients were referred to the group from doctors at the Holmes Hospital, a private practice institution affiliated with the university. However, those patients were not charged for the treatment and medical care involved in their participation in the study.

At this point, Dr. Saenger does not use his treatment on "paying patients" because he has none. He does not recommend his technique to other physicians because the investigation is not yet complete and the results are not indicative of immediate application to clinical situations apart from a research effort. Dr. Saenger would encourage other qualified researchers to duplicate his project or to modify his techniques on the basis that results to date are sufficiently promising to warrant further investigation both by his group and by others.

As noted above, some type of partial or whole body radiation is used in more than 42 different U.S. medical centers. A total list of these is not available, but they do include both public institutions like the University of Cincinnati and private ones where most patients are charged for their care and treatment. Thus, it is likely that instances could be found in which patients did pay for this treatment approach. However, the scientific literature does not ordinarily cite the question of patient payment in reporting on clinical research. The ACR committee was not in a position to make any extended inquiry on this point.

5. Trickery: Is there any trickery of the patients involved?

(a) Do the patients really understand the experiment is largely to help the Defense Department prepare for nuclear warfare?

(b) Do you consider the release the patients sign to be sufficient evidence that they understand?

(c) Do the patients understand that the experiment may cause them severe discomfort, such as hours of vomiting?

(d) Do the patients understand that partial or whole-body irradiation may shorten their lives, and if so, by how much?

(e) Do the patients understand whether or not there exists any basis for suggesting that the "treatment" may reduce the size of their tumors or reduce their pain (as Dr. Saenger suggests in the *Washington Post*, Oct. 8, 1971)?

The question of informed consent was investigated extensively by the ACR committee. The University of Cincinnati Committee for Human Investigation was formed in 1965, as it was in most other institutions, and has had a parallel development under the guidelines of the National Institutes of Health. Their consent forms have been gradually modified over the years and the sophistication of their review has increased in a parallel fashion.

It is the opinion of the ACR committee that at the present time and through the years the UC committee has functioned effectively and comparably to similar committees at any of the other leading institutions which conduct cancer research. It is likely that the UC committee has performed its function better than the average group because of the volume of projects generated by the medical faculty and the professional competence of the people involved.

The current consent seeking procedure was reviewed by the ACR committee. The team internist (Dr. Silberstein) interviews patients two times at least 24 hours apart and discusses in extensive detail the procedures that will be undertaken. This is done not only for the patient but also for members of his family, when available. The specific and detailed consent forms are not presented to the patient until the completion of the second interview. The form in use is modified for specificity from the basic ones prepared by the National Institutes of Health.

Except in the case of the three children with Ewing's sarcoma who were treated curatively, the patients knew before being referred to the study team that they had malignant disease for which no curative treatment is possible. They knew that the efforts of the study team were not offered as curative.

Many patients expressed a desire to participate in the study and possibly to help the plight of other cancer patients in the future. The documented psychological studies which were incorporated in the project beginning in 1965 give the study group more than the usual assurance that their explanations and the required forms were understood by the patients and by their families.

The ACR committee felt that the patients were adequately informed about the nature of the proposed therapy and about the consequences. As noted above, the patients were not informed in detail about the side effects of radiation because of the psychological influence of expectation involved in both nausea and vomiting. As mentioned in the project narrative, about half of the patients did not experience unpleasant side effects and most of the others had only transient symptoms. It should also be noted that since most of the patients had undergone previous cancer treatments, often involving radiation or systemic chemicals, they were aware from previous experience of the types of sequellae which might be encountered.

The patients were advised that the project was designed in the hope that the radiation would relieve the pain of their cancer, that it might shrink the size of the primary tumor or retard the development of metastases. No guarantees of any of those results were offered.

In the ACR committee's view, the assertion in question 5 a. that the experiment "is largely to help the Defense Department prepare for nuclear warfare" is not correct. This is not the primary purpose of the effort and to have advised the patients to that effect would have been misleading.

The patients were not specifically informed that the partial support came from DOD any more than other patients in other studies at Cincinnati or elsewhere are advised of the specific agency support of projects in which they are involved. The Cincinnati patients were told that support came in part from a national agency.

At the time the patients were counseled prior to the request for execution of the informed consent form, they were advised that the possible findings may have more than clinical implications and could be helpful to persons receiving whole body radiation in industrial accidents, military activities or as fallout from a nuclear detonation.

The question of the source of support for a project is not construed by the ACR committee or by most medical investigators as being relevant to the issue of informed consent. In this case, the DOD exercised no control over patient selection or clinical treatment and indeed did not require descriptions of that part of the project been directed primarily toward the assessment of whole body effects of radiation rather than the management of disseminated cancer by radiation, the study group could not have incorporated the autologous marrow transplants which so drastically altered the classic radiation response.

Though this letter has extended to substantial length, it obviously represents a summary of the facts of the Cincinnati study and a precis of the opinions of the College's committee members on that study and on the basic issues of cancer investigation in humans. As we indicated at the beginning of the letter, we would be happy to attempt further discussion of any point on which you may still have concern.

Sincerely,

Robert W. McConnell, M.D.,
President, American College of Radiology.

PUBLISHED PAPERS

Comparison of Serum Phenylalanine Levels with Growth in Guthries's Inhibition Assay in Newborn Infants. Carolyn Scheel and Helen K. Berry. The Jour. of Pediatrics, Vol. 61, No. 4, pp. 610–616, October 1962.

Deoxycytidine in Urine of Humans after Whole-Body Irradiation. Helen K. Berry, Eugene L. Saenger, Harold Perry, Ben I. Friedman, James G. Kereiakes and Carolyn Scheel. Science, October 18, 1963, Vol. 142, No. 3590, pp. 396–398.

Deoxycytidine Levels in the Urine of X-irradiated Rats. James G. Kereiakes, Eugene L. Saenger and Helen Berry. Abstracted in Radiation Research, Vol. 22, No. 1, May 1964.

Urinary Excretion of Amino Acids and Nucleosides by Cancer Patients Following Whole Body Irradiation. E. L. Saenger, J. G. Kereiakes and Helen Berry. Abstracted in Radiation Research, Vol. 22, No. 1, May 1964.

Endoreduplication in Leucocyte Chromosomes: Preliminary Report of its Relation to Cancer and Whole-Body Irradiation. Ben I. Friendman, Eugene L. Saenger and Michael S. Kreindler. The Lancet, September 5, 1964, pp. 494–495.

Radiation Casualties: Newer Aspects of Mass Casualty Care. Eugene L. Saenger and Max L. Boone. New York State J. Med., Vol. 64, No. 2, January 14, 1964.

Specific Proteins in Serum of Total-Body Irradiated Humans. A. J. Luzzio, B. I. Friendman, J. G. Kereiakes and E. L. Saenger. The Jour. of Immunology, Vol. 96, No. 1, pp. 64–67, 1966.

Hematologic Effects of Total-Body Radiation in the Human Being. Gould A. Andrews, C. C. Lushbaugh, Ralph M. Kniseley, David A. White and Ben I. Friedman. This paper is submitted intramurally to the Division of Biology and Medicine, U. S. Atomic Energy Commission, for transmittal to the Space Medicine Directorate, Office of Manned Space Flight, National Aeronautics and Space Administration, as a supplementary progress report of the AEC/NASA supported Retrospective Study of the Radiosensitivity of Man. This study is being conducted at the ORINS Medical Division with the cooperation of investigators at other institutions throughout the country. The University of Cincinnati project, directed by Drs. Eugene Saenger and Ben Friedman with DASA support, contributed materially to this analysis of human postirradiation hematologic data. This paper was presented at the International Atomic Energy Agency Panel on the Effects of Various Types of Ionizing Radiation from Different Sources on the Haematopoietic Tissues, meeting in Vienna, Austria May 17–20, 1966. Published in 1967, Panel Proceeding Series—STI/PUB/134, IAEA.

Effects of Whole and Half Body Irradiation in Human Beings with Cancer. E. L. Saenger, B. I. Friedman, J. G. Kereiakes and H. Perry. Published in the Proceedings of the Third International Congress of Radiation, Cortina d'Ampezzo, Italy, June 26–July 2, 1966, p. 191, abstract 759.

Effects of Total and Partial Body Therapeutic Irradiation Man. Eugene L. Saenger. Published in Proceedings of the 1st International Symposium on the Biological Interpretation of Dose from Accelerator-Produced Radiation—Held at the Lawrence Radiation Laboratory, Berkeley, California, March 13–16, 1967. Published U.S. Atomic Energy Commission/Division of Technical Information, CONF–670305, p. 114–127.

Colorimetric Analysis of Deoxycytidine in Urine After Separation by Ion-Exchange Column, Chromatography. I-Wen Chen James G. Kereiakes, Ben I. Friedman and Eugene L. Saenger. Analytical Biochemistry, Vol. 23, No. 2, May 1968, pp. 230–240.

Radiation-Induced Urinary Excretion of Deoxcytidine by Rats and Humans. I-Wen Chen, James G. Kereiakes, Ben I. Friedman and Eugene L. Saenger. Radiology, Vol. 91, No. 2, pp. 343–348, August 1968.

Total and Half Body Irradiation: Effect on Cognitive and Emotional Processes. Louis A. Gottschalk, Robert Kunkel, Theodore H. Wohl, Eugene L. Saenger and Carolyn N. Winget. Arch. Gen. Psychiat. Vol. 21, pp. 574–580, Nov. 1969.

Cytologic-Biochemical Radiation Dosimeters in Man. E. B. Silberstein, I-Wen Chen, E. L. Saenger and J. G. Kereiakes. Published in Proceedings "Biochemical Indicators of Radiation Injury in Man" International Atomic Energy Agency, PL–409/13, pp. 181–214, Vienna, 1971.

The Evaluation of Granulocytic Reserves of Patients Receiving Whole- or Half-Body Radiation with the Use of Etiocholanolone. Edward B. Silberstein. Experimental Hematology No. 21:, p. 29, 1971.

BIBLIOGRAPHY

1. Adelstein, S. J. and Dealy, J. R. Hematologic Responses to Human Whole Body Irradiation. Am. J. Roent., Rad. Ther., Nuc. Med. *93:* (No. 4) 927–934 (Apr.) 1965.

2. Alpen, E. L., Jones, D. M., Hechter, H. H. and Bond, V. P. The comparative biological response of dogs to 250 kVp and 100 kVp X rays. Radiology *70:* 541–550, 1958.

3. Andrews, G. A. Sitterson, B. W. White, D. A., Kniseley, R. M. and Comas F. V. Summary of clinical total-body irradiation program. Oak Ridge Institute of Nuclear Studies, Medical Division, Research Report, 1962.

4. Andrews, G. A., Comas, F. V., Edwards, C. L., Kniseley, R. M., Lushbaugh, C. C. and Vodopick, Helen. Hematologic and therapeutic effects of total-body irradiation (50R–100R) in patients with malignant lymphoma, chronic lymphocytic and granulocytic leukemias, and polycythemia vera. (USAEC Division of Technical Information Extension, Oak Ridge, Tennessee, ORAU–112, Biology and Medicine (TID–4500)).

5. Balish, E., Pearson, T. A. and Chaskes, S. Irradiated humans: microbial flora, immunoglobulins, complement (C′ 3), transferrin, agglutinins, and bacteriocidins. Radiation Res. *43:* 729–756, 1970.

6. Baum, S. J., Wyant, D. E. Erythropoietic Stem Cell Recovery in Irradiated Polycythemic Dogs, Armed Forces Radiobiology Research Institute Scientific Report 71–9, (July) 1971.

7. Beierwaltes, W. H., Haynie, T. P., and Nofal, M. M. Treatment of Thyroid Carcinoma with 131I. Results at Fourteen Years. J.A.M.A. *183:* 303, 1963.

8. Bond, V. P. and Robertson, J. S. Vertebrate radiobiology (lethal actions and associated effects). Ann. Rev. Nuclear Sc. *7:* 135–162, 1957.

9. Bond, V. P., Cronkite, E. P., Sandhaus, C. A., Imirie, G., Robertson, J. S. and Borg, D. C. Influence of exposure geometry on pattern of radiation dose delivered to large animal phantoms. Radiation Research *6:* 554–572, May, 1957.

10. Bond, V. P. and Cronkite, E. P. Effects of radiation on mammals. Ann. Rev. Physiol. *19:* 299–328, 1957.

11. Bond, V. P., Fliedner, T. M. and Archambeau, J. S. Mammalian radiation lethality: a disturbance in cellular kinetics. Academic Press, N.Y. 1965.

12. Bond, V. P. and Robinson, C. V. A mortality determinant in non-uniform exposures of the mammal. Radiation Res. Suppl. *7:* 265–275, 1967.

13. Bortin, M. A compendium of bone marrow transplantation. Transplantation *9:* 571–587, 1970.

14. Brucer, M. A total-body irradiator. International J. Applied Radiation & Isotopes, *10:* 99–105, 1961.

15. Buckner, C. D., Epstein R., Rudolph, R., Clift, R., Storb, R., Thomas, E. Allogenic Marrow Engraftment Following Whole Body Irradiation in a Patient with Leukemia, Blood *35:* (No. 6) 741–750 (June), 1970.

16. Campbell, A., Godlee, J. N. Emery, E. W., Prankerd, T. A. Diagnosis and treatment of primary polycythemia. Lancet *1:* 1074–1077, 1970.

17. Carsten, A. L. and Norman, T. B. Recovery from partial-body x-irradiation as measured by the lethality of two exposures. Radiation Res. *11:* 165–176, 1959.

18. Carsten, A. L. and Noonan, T. R., Hematological effects of partial-body and whole body x-irradiation in the rat. Radiation Res. 22: 136–143, 1964.

19. Carsten, A. L. and Innes, J. R. Effects of partial-body irradiation on delayed responses. Annals N.Y. Academy of Sciences *114:* (Article 1), 316–325, 1964.

20. Collins, V. P., Loeffler, R. K. The therapeutic use of single doses of total body radiation. The Am. J. of Roentgen., Radium Ther. and Nucl. Med., *75:* (No. 3), 542–547 (Mar.), 1956.

21. Collins, V. P. The effect of total body irradiation on immunologic tolerance of bone marrow and homografts of other living tissue. Technical Progress Report DASA 1286, Defense Atomic Support Agency, Feb. 1, 1961–Jan. 31, 1962.

22. Collins, V. P. The effect of total body irradiation on immunologic tolerance of bone marrow and homografts of other living tissue. Technical Progress Report (DASA). Defense Atomic Support Agency, Feb. 1, 1962–Jan. 31, 1963.

23. Corwin, S. H. Phosphorus 32 in advanced carcinoma of the prostate. J. Urol. *104:* 745–748, 1970.

24. Cronkite, E. P. Ionizing radiation in-

jury. JAMA *139* (No. 6): 366–369, (5 Feb.) 1949.

25. Cronkite, E. P. and Bond, V. P. Effects of radiation on mammals. Ann. Rev. Physiol. *18:* 483–526, 1956.

26. Cronkite, E. P., Bond, V. P., Dunham, C. L. Some effects of ionizing radiation on human beings. U.S.A.E.C., July, 1956, pp. 106.

27. Cronkite, E. P. and Bond, V. P. Diagnosis of radiation injury and analysis of the human lethal dose of radiation, U.S. Armed Forces Medical Journal *11* (No. 3): 249–260 (Mar.) 1960.

28. Cronkite, E. P., The diagnosis, treatment and prognosis of human radiation injury from whole body exposure. Ann. N.Y. Acad. Sci. *114:* 349–354 (31 Mar.) 1964.

29. Cunningham, J. R., and Wright, D. J. A simple facility for whole-body irradiation. Radiology, 78: (No. 6) 941–949, June, 1962.

30. Dowdy, A. R., Bennett, L. R. Response to total body irradiation. Am. J. Roent., Radium Ther., Nuc. Med. *73:* (No. 4), 639–648 (Apr.) 1955.

31. Fleidner, T. M., Cronkite, E. P., Bond, V. P., Rubini, J. R. and Andrews, G. The mitotic index of human bone marrow in healthy individuals and irradiated human beings. Acta Haemat. *22:* 65–78, 1959.

32. Friedell, H. L. and Storaasli, J. P. The use of radioactive phosphorus in the treatment of carcinoma of the breast with widespread metastases to bone. Am. J. Roentgen. *64:* 559, 1950.

33. Gerstner, H. B. Military and civil defense aspects of acute radiation syndrome in man. U.S. Air Force School of Aviation Medicine, Randolph Field, Texas. Report No. 58–6, November, 1957.

34. Gerstner, H. B. Acute radiation syndrome in man: military and civil defense aspects. U.S. Armed Forces M. J. *9:* 313–354, March, 1958.

35. Gidali, J. and Feher, I. Some data on mechanism of leukopenia and leukocytosis following irradiation. Blood *23:* 27–37, 1964.

36. Hayes, R. L., Oddie, T. H. and Brucer, M. Dose comparison of two total-body irradiation facilities. International J. Applied Radiation & Isotopes, *15:* 313–318, 1964.

37. Hemplemann, L. H. Acute radiation injuries in man. Surg. Gyn. Obstet. *93:* (No. 4) 385–403 (Oct.) 1951.

38. van Hoek, R., Hanson, C. Radiation recovery in man, Aerospace Med. *35:* 383–385 (Apr.), 1964.

39. Hollcroft, J., Lorenz, E., and Hunstiger, H. Effect of ionizing radiations on a transplanted lymphosarcoma. J. Nat. Cancer Inst. *11:* 1–16, 1950.

40. Hollcroft, J., Lorenz, E. and Matthews, M. Factors modifying the effect of x-irradiation on regression of transplanted lymphosarcoma. J. Nat. Cancer Inst. *12:* 751–763, 1952.

41. Hollcroft, J. and Matthews, M. Effect of ionizinug irradiation treatments on tumor regression. J. Nat. Cancer Inst. *14:* 527–535, 1953.

42. Jacobs, M. L. and Marasso., F. J. A four-year experience with total-body irradiation. Radiology *84:* 452–457, 1965.

43. Jammet, H. P., Gongora, R., LeGo, R., Marble, G. and Faes, M. Observation clinique et traitement d"un cas d"irradiation globale accidentelle. Int. Congress of Int. Radiation Protection Association, Rome, September, 1966.

44. Jenkin, R. D. T., Rider, W. D., and Sonley, M. R., Ewing's sarcoma—a trial of adjuvant total-body irradiation. Radiology *96*: 151–155, July, 1970.

45. Johnson, R. E., Foley, H. T., Swain, R. W. and O'Conor, G. T. Treatment of lymphosarcoma with fractionated total-body irradiation. Cancer *20*: 482, 1967.

46. Johnson, R. E. Total-body irradiation with fractionated dosage schedules. Frontiers of Radiation Therapy and Oncology, *3*: 152–162, New York, S. Karger, Basel, 1968.

47. Johnson, R. E. Ray of hope in lymphosarcoma? Medical World News, 9 January, 1970.

48. Johnson, R. E., O'Conor, G. T., Levin, D. Primary management of advanced lymphosarcoma with radiotherapy, Cancer, 25: (No. 4) 787–791 (Apr.), 1970.

49. Johnson, R. E. Total body irradiation of chronic lymphocytic leukemia: incidence and duration of remission. Cancer, *25*: 523–530, March, 1970.

50. King, C. R. The use of total body irradiation in the treatment of far advanced malignancies, JAMA *177*: (No. 9) 610–613, Sept. 2, 1961.

51. King, E. R. Survival in nuclear warfare, Clinical Symposia (Ciba) *14*: (No. 1) 3–33, 1962.

52. Kurnick, N. B. Autologous and isologous bone marrow storage and infusion in the treatment of myelo-suppression. Transfusion *2*: 178–187, 1962.

53. Loeffler, R. K., Collins, V. P., Hymen, G. Comparative effects of total body irradiation, nitrogen mustard and triethylenemalamine on the hematopoietic system of terminal cancer patients. Science, *118*: 161–163 (Aug. 7), 1953.

54. Lushbaugh, C. C., Comas, F. and Hofstra, R. Clinical studies of radiation effects in man: a preliminary report of a retrospective search for dose-response relationships in the prodromal syndrome. 13th Annual Meeting of Radiation Research Society, Philadelphia, May 17, 1965 and Workshop Conference on Space Radiation Biology, Berkeley, Calif. September 8, 1965.

55. Maxfield, J. R., Jr. The use of radioactive phosphorus and testosterone in the treatment of metastatic lesions in bone from breast and prostate, Int. J. Appl. Radiat. *1*: 133, 1956.

56. McGovern, J. J., Russell, P., Atkins, L., Webster, E. Treatment of terminal leukemic relapse by total-body irradiation and intravenous infusion of stored autologous bone marrow obtained during remission N.E.J.M. *260*: (No. 14) 675–683 (Apr. 2), 1959.

57. Medinger, F. G. and Craver, L. F. Total body irradiation with review of cases. Am. J. Roentgenol. *48*: 651–671, 1942.

58. Miletich, D. and Strike, T. Alteration of post-irradiation hypertension and incapacitation in the monkey by administration of vasopressor drugs. Armed Forces Radiobiology Research Institute Scientific Report 70–1, (Jan.), 1970.

59. Millburn, L. F., O'Grady, L., and Hendrickson, F. R. Radical radiation therapy and total body irradiation in the treatment of Ewing's sarcoma. Cancer *22*: 919–925, November, 1968.

60. Miller, L. S., Fletcher, G. H. and Gerstner, H. B. Systemic and clinical effects induced in 263 cancer patients by whole-body x-irradiation with nominal air doses of 15 to 200 R. 57–92, Air University, School of Aviation Medicine, USAF Randolph AFB, Texas, 1957.

61. Miller, L. S., Fletcher, G. H. and Gerstner, H. B. Radiobiologic observations on cancer patients treated with whole body x-irradiation. Radiation Research *8*: 150–165, February, 1958.

62. Modan, B. and Lilienfeld, A. M. Polycythemia vera and leukemia—the role of radiation treatment. Medicine *44*: 305–344, 1965.

63. Morris, A. C., Jr. Measurements in a total-body irradiation facility. International J. Applied Radiation & Isotopes, *11*: 108–113, 1961.

64. Newell, R. R. Human tolerance for large amounts of radiation. Radiology *54*: 598–601, April, 1950.

65. Page, N. P., Ainsworth, E. J., Taylor, J. F. and Leong, G. F. Recovery of sheep after whole-body irradiation: a comparison of changes in radiosensitivity after acute or protracted exposure. Radiation Res. *46*: 301–306, 1971.

66. Pegg, D. E., Humble, J. G. and Newton, K. A. The clinical application of bone marrow grafting. Brit. J. Cancer 16:417–435, 1962.

67. Rider, W. D. and Hasselback, R. The symptomatic and haematological disturbance following total body radiation of 300-rad gamma-ray irradiation. In International Conference on Guidelines to Radiological Health, published as 999 RH–33, U.S. Bureau of Radiological Health, USPHS, Rockville, Maryland, pp. 139–144, 1968.

68. Schultze, M. O., Perman, V., Mizuro, N.S., Bates, F. W., Sautter, J. H., Isbin, H. S., Loken, M. D. Effect of gamma radiation on calves, Rad. Res. *11:* 399–408, 1959.

69. Sikov, M. R., Cook, B. B. and Lofstrom, J. Effect of total-body irradiation on the response of transplanted mouse tumors to fractionated local radio-therapy. II. Development of Metastases. Radiology *83:* 807–815, 1954.

70. Sikov, M. R. and Loftstrom, J. E. Synergism between small doses of total-body and local X radiation to transplanted mouse tumors. Jour. Nat'l Cancer Institute *26:* 1335–1347, 1961.

71. Sikov, M. R., Cook, B. B. and Lofstrom, J. Effect of total-body irradiation on the response of transplanted mouse tumors to fractionated local radiotherapy. Radiology *81:* (No. 4), 642–651, (Oct.), 1963.

72. Sikov, M. R. and Lofstrom, J. Further studies in oncolysis enhancement Am. J. Roent, Radium Ther. and Nuc. Med. *90:* (No. 2) 300–310, (Aug.), 1963.

73. Sikov, M. R. and Lofstrom, J. Contribution of plasma constituents produced following whole-body irradiation on the efficacy of local radiation therapy. Am. J. Roent., Radium Ther. and Nuc. Med. *84:* (No. 4), 705–771 (Oct.), 1960.

74. Sinclair, W. K. Change in plasma clearance rate and red cell uptake of radioactive iron in patients following total-body X-irradiation. Int. J. Applied Rad. and Isotopes *3:* 93–99, 1958.

75. Sorenson, D. K., Bond, V. P., Cronkite, E. P. and Perman, V. An effective therapeutic regimen for the hematopoietic phase of the acute radiation syndrome in dogs. Radiation Res. *13:* 669–685, 1960.

76. Taylor, J. F., Still, E. T., Page, N. P., Leong, G. F. and Ainsworth, E. J. Acute lethality and recovery of goats after 1 MVp x-irradiation, Radiation Res. *45:* 110–126, 1971.

77. Teschendorf, W. Uber bestrahlung des ganzen menlichen korpers bei blutkrankheiten. Strahlentherapie 26: 720, 1927.

78. Thomas, E. D., Herman, E. C., Greenough, W. B., Hager, E. P., Cannon, J. H., Sahler, O. D. and Ferrebee, J. W. Irradiation and marrow infusion in leukemia. Archives of Int. Med. *107:* 829–845, 1961.

79. Thomas, E. D., Buckner, C. D., Rudolph, R. H., Fefer, A., Storb, R., Neiman, P., Bryant, J., Chard, R., Clift, R., Epstein, R., Fialkow, P.. Funk, D., Giblett, E., Lerner, K., Reynolds, F., Slichter, S. Allogeneic marrow grafting for hematologic malignancy using HL–A matched donor-recipient sibling pairs. Blood *38:* (No. 3), 267–287, (Sept.), 1971.

80. Tubiana, M. Lalanne, C. M. and Surmont, J. Total body irradiation for organ transplantation. Proceedings of the Royal Society of Medicine, Section of Radiology, *54:* 1143–1140, 1961.

81. Tubiana, M., Lalanne, C., Surmont, J. Whole body irradiation for renal homotransplantation, in Diagnosis and Treatment of Acute *Radiation Injury,* 1961, Geneva, World Health Organization, pp. 237–263.

82. Turbyfill, C. L. Plasma chemistry values for the monkey (*Macaca mulatta*) after a supralethal dose of pulsed mixed gamma-neutron radiation. Armed Forces Radiobiology Research Institute Scientific Report 69–23, (Dec.), 1969.

83. Turbyfill, C., Kieffer, V., Dewes, W. Cardiovascular response of monkey to supralethal dose of mixed gamma-neutron radia-

tion. Armed Forces Radiobiology Research Institute Scientific Report 70–10 (Nov.), 1970.

84. Wilson, R., Barry, T., Bealmear, P. Evidence for a toxic substance of bacterial origin in the blood of irradiated mice. Radiation Res. *41:* 89–103, 1970.

85. Wise, D., George, R. An effective, readily available treatment for acute radiation injury in beagles. Armed Forces Radiobiology Research Institute Scientific Report 71–14, (Oct.), 1971.

86. Yuhas, J. M., Stokes, T. R. and Lushbaugh, C. C. Multifactorial analysis of human blood cell responses to clinical total-body irradiation. (Proceedings of the National Symposium on Natural and Manmade Radiation in Space, March 2–5, 1971, Las Vegas, Nevada, supported by USAEC.)

PRESENTATIONS

Bone Marrow Dosimetry in a Cobalt 60 Irradiated Tissue Equivalent Human Phantom. Presented by James G. Kereiakes at the Second International Conference on Medical Physics, Boston, Massachusetts, August 11–15, 1969.

Effect of Total and Partial Body Radiation on Cognitive-Intellectual Functioning and Emotional Reactions, C. C. Gleser, C. N. Winget, R. L. Kunkel and E. L. Saenger. Presented at the DASA Medical Coordination Conference "Radiation-Induced Incapacitation/Performance Decrement", Armed Forces Radiobiology Research Institute, Bethesda, Md., 18–19 November 1969.

Cytologic-Biochemical Indicators of Radiation Injury in Man. Presented by E. B. Silberstein at the WHO/IAEA Conference, Paris, June 22–26, 1970.

The Changing Picture of Bone Marrow Granulocyte Reserves in Irradiated Patients. Presented at the Experimental Hematology Society by E. B. Silberstein, November 12–13, 1970, Pittsburgh.

Presentations listed below were made by staff of the Radioisotope Lab. at the Joint Oak Ridge Associated Universities-Defense Atomic Support Agency Information Exchange Program "Radiation Effects on Biological Systems, Oak Ridge, Tenn., March 29–30, 1971.

A Closed System for Marrow Transplantation—E. B. Silberstein.

Chromosome Aberrations as a Dosimeter of Whole Body Irradiation—E. B. Silberstein.

Active Bone Marrow Doses in Whole-Body and Partial Body Exposures, J. G. Kereiakes.

Serum and Urinary Amylase Activities in Irradiated Cancer Patients, E. L. Saenger.

The Relationship of Nausea and Vomiting to Radiation Dose—E. L. Saenger.

In vitro studies of Chromosome aberrations caused by Irradiation—E. B. Silberstein.

Ultraviolet-Absorbing Compounds in Urine of Two Irradiated Cancer Patients as Determined by High-Resolution Column Chromatography—E. L. Saenger.

Active Bone Marrow Dose Related to Hematological Changes in Whole Body and Partial Body Exposures—J. C. Kereiakes, E. B. Silberstein, E. L. Saenger, W. G. Van De Riet and C. Born—submitted for presentation at the Annual Meeting of the Radiological Society of North America in December 1971.

Bone Marrow Dose in Whole and Partial Body Cobalt 60 tissue-equivalent human phantom. C. Born, J. G. Kereiakes, G. K. Gahr and G. H. Simmons, presented at the annual meeting of the AAPM, Houston, Texas, July 1971.

PRESENTATIONS—MADE UNDER DASA CONTRACT—RADIATION EFFECTS IN CANCER PATIENTS

Radiation Casualties—Newer Aspects of Mass Casualty Care. Presented by Eugene L. Saenger and Max L. M. Boone, at the Thirteenth County Medical Societies Conference on Disaster Medical Care, American Medical Association, Chicago, Illinois, November 4, 1962.

Deoxycytidine Levels in the Urine of X-irradiated Rats. Presented by James G. Kereiakes at the Annual Meeting of the Radiation Research Society, May 1964, Miami Beach, Florida.

Urinary Excretion of Amino Acids and Nucleosides by Cancer Patients Following Whole-Body Irradiation, presented by E. L. Saenger at the Annual Meeting of the Radiation Research Society, May 1964 at Miami Beach, Florida.

Autologous Bone Marrow Storage and Infusion in Patients Receiving Whole Body Radiation. Presented by Ben I. Friedman at the American College of Physicians Regional Meeting in Pittsburgh on November 20, 1965.

Effects of Whole and Half-Body Irradiation in Human Beings with Cancer. Presented by Eugene L. Saenger at the Third International Congress of Radiation Research, Cortina d'Ampezzo, Italy, June 26, July 2, 1966.

Hope and Denial in Metastatic Carcinoma—A Preliminary Report. Presented by Dr. Robert L. Kunkel at a Psychosomatic Meeting in New Orleans, 1966.

Effects of Total and Partial Body Therapeutic Irradiation in Man. Presented by Eugene L. Saenger at the Proceedings of the 1st International Symposium on the Biological Interpretation of Dose from Accelerator-Produced Radiation. Held at the Lawrence Radiation Laboratory, Berkeley, California, March 13–16, 1967.

Quantitive Analysis of Deoxycytidine in the Urine of Irradiated Cancer Patients and Rats. Presented by James G. Kereiakes at the DASA Symposium, U.S. Naval Radiological Defense Laboratory, San Francisco, California, April 9–11, 1968.

The Management of the Acute Radiation Syndrome in Man. Presented by Eugene L. Saenger at the DASA Symposium, U.S. Naval Radiological Defense Laboratory, San Francisco, California, April 9–11, 1968.

Bone Marrow Dosimetry in a Cobalt 60 Irradiated Tissue-Equivalent Human Phantom. Presented by James G. Kereiakes at the DASA Medical Coordination Conference, Air Force Weapons Laboratory, Kirkland Air Force Base, New Mexico, May 27–29, 1969.

Radiation-Induced Urinary Excretion of Deoxycytidine by Rats and Humans. Presented by I-Wen Chen at the Annual Meeting of the Radiological Society of North America, Chicago, Illinois, December, 1967.

TECHNICAL REPORTS—SUBMITTED BY UNIVERSITY OF CINCINNATI TO DEFENSE NUCLEAR AGENCY (DNA) FORMERLY DASA

Report period	Title	Contract No.	DASA report No.
February 1960 through October 1961	Metabolic changes in humans following total body radiation	DA-49-146-XZ-029	None assigned.
November 1961 through April 1963	do	DA-49-146-XZ-029	DASA 1422.
May 1963 through February 1964	do	DA-49-146-XZ-029	DASA 1633.
February 1960 through April 1966	do	DA-49-146-XZ-315	DASA 1844.
May 1966 through April 1967	do	DA-49-146-XZ-315	DASA 2179.
May 1967 through April 1968	Radiation effects in man: Manifestations and therapeutic efforts	DA-49-146-XZ-315	DASA 2168.
May 1968 through April 1969	do	DA-49-146-XZ-315	DASA 2428.
May 1969 through April 1970	do	DASA01-69-C-0131	DASA 2599.
May 1970 through April 1971	do	DASA01-69-C-0131	DNA 2751T.
			DASA report No

EQUAL POLITICAL RIGHTS FOR WOMEN THROUGHOUT THE WORLD

Mr. PROXMIRE. Mr. President, is not the United States committed to the protection of equal political rights for women? The United Nations Convention for the Political Rights of Women guarantees such political rights as the right of women to vote, to hold office, and to exercise all public functions without discrimination. These are rights long guaranteed to women in the United States. Beginning in 1920, with the 18th amendment to the Constitution, women obtained and have exercised the right to vote, and, consequently, to hold office and exercise public functions on an equal basis with men.

Unfortunately, in many parts of the world, women do not have such rights, these rights have become issues. The United States could show its interest and continue its dedication to the cause expressed in the Declaration of Independence—the pursuit of human rights and freedom—not just for Americans, but for all peoples by reaffirming its support of these rights through the ratification of the United Nations Convention of Political Rights for Women.

Mr. President, I call upon the Senate to ratify the United Nations Convention for the Political Rights of Women.

THE PRESIDENT'S SPACE SHUTTLE DECISION

Mr. CURTIS. Mr. President, January 5, 1972, holds the promise of becoming a milestone date in the history of America's space program, because President Nixon announced his decision to proceed with the construction of a space shuttle system.

I believe the space shuttle is deserving of bipartisan support for two main reasons:

First, it will help maintain a high level of technology in our Nation;

Second, it should substantially reduce the costs of our space program.

President Nixon stated the technological importance of the space shuttle in these words:

> The continued pre-eminence of America and American industry in the aerospace field will be an important part of the shuttle's "payload."

On the dollar savings to be obtained through a space shuttle system, the President declared:

> It will revolutionize transportation into near space, by routinizing it. It will take the astronomical costs out of astronautics. In short, it will go a long way toward delivering the rich benefits of practical space utilization and the valuable spinoffs from space efforts into the daily lives of Americans and all people.

When the President made his statement, Dr. James Fletcher, the Administrator of NASA, was at his side. He, too, made a very cogent statement about the space shuttle, which said in part:

> By the end of this decade the nation will have the means of getting men and equipment to and from space routinely, on a moment's notice if necessary, and at a small fraction of today's cost. This will be done within the framework of a useful total space program of science, exploration, and applications at approximately the present overall level of the space budget.

The statements of the President and the NASA Administrator of January 5 make a powerful case for going ahead with the space shuttle. I commend them to the Senate. Accordingly, I ask unanimous consent to place them in the RECORD, along with a White House factsheet entitled "The Space Shuttle."

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT BY THE PRESIDENT

I have decided today that the United States should proceed at once with the development of an entirely new type of space transportation system designed to help transform the space frontier of the 1970s into familiar territory, easily accessible for human endeavor in the 1980s and '90s.

This system will center on a space vehicle that can shuttle repeatedly from earth to orbit and back. It will revolutionize transportation into near space, by routinizing it. It will take the astronomical costs out of astronautics. In short, it will go a long way toward delivering the rich benefits of practical space utilization and the valuable spinoffs from space efforts into the daily lives of Americans and all people.

The new year 1972 is a year of conclusion for America's current series of manned flights to the moon. Much is expected from the two remaining Apollo missions—in fact, their scientific results should exceed the return from all the earlier flights together. Thus they will place a fitting capstone on this vastly successful undertaking. But they also bring us to an important decision point—a point of assessing what our space horizons are as Apollo ends, and of determining where we go from here.

In the scientific arena, the past decade of experience has taught us that spacecraft are an irreplaceable tool for learning about our near-earth space environment, the moon, and the planets, besides being an important aid to our studies of the sun and stars. In utilizing space to meet needs on earth, we have seen the tremendous potential of satellites for intercontinental communications and world-wide weather forecasting. We are gaining the capability to use satellites as tools in global monitoring and management of natural resources, in agricultural applications, and in pollution control. We can foresee their use in guiding airliners across the oceans and in bringing televised education to wide areas of the world.

However, all these possibilities, and countless others with direct and dramatic bearing on human betterment, can never be more than fractionally realized so long as every single trip from earth to orbit remains a matter of special effort and staggering expense. This is why commitment to the space shuttle program is the right next step for America to take, in moving out from our present beachhead in the sky to achieve a real working presence in space—because the space shuttle will give us routine access to space by sharply reducing costs in dollars and preparation time.

The new system will differ radically from all existing booster systems, in that most of this new system will be recovered and used again and again—up to 100 times. The resulting economies may bring operating costs down as low as one-tenth of those for present launch vehicles.

The resulting changes in modes of flight and re-entry will make the ride safer and less demanding for the passengers, so that men and women with work to do in space can "commute" aloft, without having to spend years in training for the skills and rigors of old-style space flight. As scientists and technicians are actually able to accompany their instruments into space, limiting boundaries between our manned and unmanned space programs will disappear. Development of new space applications will be able to proceed much faster. Repair or servicing of satellites in space will become possible, as will delivery of valuable payloads from orbit back to earth.

The general reliability and versatility which the shuttle system offers seems likely to establish it quickly as the workhorse of our whole space effort, taking the place of all present launch vehicles except the very smallest and very largest.

NASA and many aerospace companies have carried out extensive design studies for the shuttle. Congress has reviewed and approved this effort. Preparation is now sufficient for us to commence the actual work of construction with full confidence of success. In order to minimize technical and economic risks, the space agency will continue to take a cautious evolutionary approach in the development of this new system. Even so, by moving ahead at this time, we can have the shuttle in manned flight by 1978, and operational a short time later.

It is also significant that this major new national enterprise will engage the best efforts of thousands of highly skilled workers and hundreds of contractor firms over the next several years. The amazing "technology explosion" that has swept this country in the years since we ventured into space should remind us that robust activity in the aerospace industry is healthy for everyone—not just in jobs and income, but in the extension of our capabilities in every direction. The continued pre-eminence of America and American industry in the aerospace field will be an important part of the shuttle's "payload."

Views of the earth from space have shown us how small and fragile our home planet truly is. We are learning the imperatives of universal brotherhood and global ecology—learning to think and act as guardians of one tiny blue and green island in the trackless oceans of the universe. This new program will give more people more access to the liberating perspectives of space, even as it extends our ability to cope with physical challenges of earth and broadens our opportunties or international cooperation in low-cost, multi-purpose space missions.

"We must sail sometimes with the wind and sometimes against it," said Oliver Wendell Holmes, "but we must sail, and not drift, nor lie at anchor." So with man's epic voyage into space—a voyage the United States of America has led and still shall lead.

STATEMENT BY DR. FLETCHER

As indicated in the President's statement, the studies by NASA and the aerospace industry of the space shuttle have now reached the point where the decision can be made to proceed into actual development of the space shuttle vehicle. The decision to proceed, which the President has now approved, is consistent with the plans presented to and approved by the Congress in NASA's FY 1972 budget.

This decision by the President is a historic step in the nation's space program—it will change the nature of what man can do in space. By the end of this decade the nation will have the means of getting men and equipment to and from space routinely, on a moment's notice if necessary, and at a small fraction of today's cost. This will be done within the framework of a useful total space program of science, exploration, and applications at approximately the present overall level of the space budget.

The space shuttle will consist of an airplane-like orbiter, about the size of a DC–9. It will be capable of carrying into orbit and back again to earth useful payloads up to 15 feet in diameter by 60 feet long, and weighing up to 65,000 lbs. Fuel for the orbiter's liquid-hydrogen liquid-oxygen engines will be carried in an external tank that will be jettisoned in orbit.

The orbiter will be launched by an unmanned booster.

The orbiter can operate in space for about a week. The men on board will be able to launch, service, or recover unmanned spacecraft; perform experiments and other useful operations in earth orbit; and farther in the future resupply with men and equipment space modules which themselves have been brought to space by the space shuttle. When each mission has been completed, the space shuttle will return to earth and land on a runway like an airplane.

There are four main reasons why the space shuttle is important and is the right step in manned space flight and the U.S. space program. Very briefly:

First, the shuttle is the only meaningful new manned space program which can be accomplished on a modest budget.

Second, the space shuttle is needed to make space operations less complex and less costly.

Third, the space shuttle is needed to do useful things.

Fourth, the shuttle will encourage greater international participation in space flight.

On the basis of today's decision, NASA will proceed as follows:

This spring we will issue a request for prospective contractors. This summer we will place the space shuttle under contract and development work will start. Between now and about the end of February, NASA and our contractors will focus their study efforts on technical areas where further detailed information is required before the requests for contractor proposals can be issued. These areas include comparisons of pressure-fed liquid and solid rocket motor options for the booster stage.

THE SPACE SHUTTLE

The space shuttle will be the first reusable space vehicle. With savings in launch costs, payload costs, and payload development time, it is expected that the space shuttle will greatly increase the use of space by government agencies and commercial users, and lead to the discovery of new uses for space.

One of the primary reasons for development of the shuttle is to open the use of space for the practical benefit of mankind. It will better enable man to survey the Earth's resources, monitor and predict weather, improve worldwide communications, develop improved vaccines and manufacturing processes, enlarge our knowledge of the Earth and our solar system, and perhaps even harness the sun's energy as a source of pollution-free energy.

DESCRIPTION

It will consist of two stages: a booster and an orbiter. The space shuttle will take off like a rocket, fly in orbit like a spaceship, and land like an airplane.

The orbiter will have a delta-wing and will look very much like a modern airplane. It will be powered by three high-pressure oxygen-hydrogen engines. Propellants for these engines will be carried in an external jettisonable tank.

Two different kinds of boosters are still under consideration. The first uses liquid propellants, pressure-fed engines, and is recoverable. The second uses solid rocket motors. One of these two booster options will be selected within the next several weeks.

DIMENSIONS

The orbiter will have a large payload, 14 to 15 feet in diameter and 45 to 60 in length. Hatches on top of the compartment will open wide in orbit to facilitate unloading and deployment of large spacecraft.

The overall length of the shuttle is approximately 175 feet, or about 17 stories high. The orbiter is about the size of a DC–9. It measures more than 120 feet in length and has a wing span of 75 feet. Fully fueled and ready for launch, the shuttle will weigh approximately 4.7 million pounds on the launch pad. (The dimensions described above are subject to modification upon completion of contractor studies and analysis of their recommendations.)

OPERATION

The booster and orbiter stages will be joined for launch, with the orbiter in piggyback position. At altitude the two stages will separate and the orbiter's engines will fire to carry it into orbit around the Earth. The multipurpose shuttle will replace almost all present expendable launch vehicles. It will be used to carry into space virtually all of this nation's payloads, scientific and applications, manned and unmanned, civilian and military. It will also accommodate the future needs of commercial users, other government agencies, and foreign governments. In the future it will be used to ferry passengers and freight between Earth and orbiting space laboratories. If necessary, the shuttle will also be available for rescue missions in space.

DURATION

The orbiter will be able to remain in orbit anywhere from a week to a maximum of 30 days, depending on mission requirements. When its mission is completed, its two-man crew will pilot the orbiter back to earth for an airplane type landing at the take-off point or another landing field.

SCHEDULE

The system is expected to take six years to develop. It should be operational by the end of this decade.

FIRST MISSION

There will be many mission requirements waiting for the shuttle when it is built, ranging from deployment of weather and communications satellites to the retrieval of automated spacecraft now in orbit.

NASA CENTERS

The Manned Spacecraft Center in Houston has been designated the lead center with program management responsibility, overall engineering and systems integration, and basic performance requirements for the Shuttle. Houston will also be responsible for the orbiter stage of the Shuttle. The Marshall Space Flight Center has been designated responsibility for the booster stage and the space shuttle main engine. Kennedy Space Center will be responsible for design of launch and recovery facilities. As in the Apollo program all other NASA centers will contribute by providing a great deal of technical know-how and support.

COST

Development costs are estimated at $5.5 billion (in current dollars) over a six-year period; this is about one-fourth the cost of the Apollo program. The refined cost-estimating techniques used in detailed design studies indicate that the job will be completed within the estimated cost figure. But because of the highly complex technical nature of the project, a contingency of 20 percent above the $5.5 billion figure was included for future planning purposes.

Development costs include all research, development, test, and evaluation expenses as well as two flight test vehicles. In addition, development and initial operational facilities will cost about $300 million; each added orbiter $250 million; and each added booster $50 million.

Cost to fly the shuttle will be less than $10 million per flight—far less than any other space vehicle with an equivalent payload capacity.

COST REDUCTION

It is estimated that the reusable space shuttle will reduce the cost per pound of putting a payload into space from between $600 and $700 at present to $100. By comparison, the first U.S. satellite, Explorer I, which weighed only 30 pounds, represented a payload delivery cost of $100,000 per pound. In addition to the direct savings available with the reusable shuttle, significant additional economies will be achieved through reduction of the number and types of launch vehicles needed to support the nation's space effort, and in the cost of the satellites themselves. With the shuttle, automated satellites can be repaired or serviced in space or returned to earth for refurbishment and reuse. Moreover, the size and weight-carrying capacity of the orbiter will free designers from constraints which make design more difficult and costly. This will make it possible to use relatively inexpensive standard laboratory equipment in place of specially constructed, highly miniaturized equipment which is expensive to develop and test. In the final analysis, total savings made possible by the shuttle will depend on its frequency of use.

TIMING OF PROPOSAL REQUEST FOR BUILDING THE VEHICLE

A source Evaluation Board will be selected this month and it is planned to issue requests for proposals in the spring. NASA's present time-table calls for awarding a definite contract for Phase C/D in the summer of this year.

MANNED FLIGHT

The interior of the shuttle will be pressurized so that passengers and crew can travel in shirt-sleeves comfort without spacesuits. No special flight training would be required for passengers, making it possible to send scientists, doctors, artists, photographers into space.

CONGRESSIONAL SUPPORT

The Congress strongly supported and approved the shuttle proposal presented in NASA's budget for Fiscal Year 1972, with the clear understanding that development would proceed at completion of the studies then underway.

CREW

The orbiter will be piloted by a crew of two. The orbiter will carry two passengers in addition to the crew. Provisions can also be made to carry six to twelve more (or even more if required) in special modules carried in the payload bay.

SLOYAN ARTICLES DESCRIBE C–5A FIASCO

Mr. PROXMIRE. Mr. President, two excellent articles by Hearst reporter Patrick Sloyan have pinpointed many of the technical operating problems that have turned the C–5A cargo plane from a projected cargo carrying brute which would give us an immense airlift capability in wartime situations into a punchless taxpayer's folly. The Sloyan articles are a case study of how not to run a procurement system. They demonstrate that the Air Force followed the most cavalier approach in holding the Lockheed Corp. to original technical specifications. For example, Lockheed started production on the C–5A without completing wing stress tests, a move that Air Force Secretary Seamans has characterized as "engineering negligence." The avionics system on the plane continues to perform very badly. There are major defects in the landing gear.

As a result, the taxpayer is paying much more than the original contract called for while the plane cannot meet original specifications with regard to takeoff and landing distance, payload and low level flight as well as a host of other requirements. In fact the Boeing 747, cargo version, currently can carry a heavier payload than the C–5A. The 747 costs $24 million—the C–5A, $61 million and climbing.

Mr. President, I ask unanimous consent that the Sloyan articles be printed in the RECORD. The American people are entitled to know the gigantic dimensions of the white elephant the Defense Department has purchased with their money.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

C–5A FIASCO—PART 1

(By Patrick J. Sloyan)

WASHINGTON.—The most serious problem of the Air Force C5, the world's most expensive airplane—weak wings that threaten its life span—can be traced in part to the changing whims of national leaders.

Robert C. Seamans, the secretary of the Air Force, can only shake his head at demands his predecessors made on Lockheed, the plane's builder.

The inescapable flaw of fatigue designed into the C5 resulted from the Johnson administration's insistence that the plane be able to take off from a short, rough field.

Today, in the Nixon administration, such a mission for the C5 is viewed as madness. "You're just not going to send a plane as expensive as this into a battlefield area where a machine gunner can knock it down," Seamans said.

The Air Force has terminated testing on airstrip matting and unprepared fields after the C5 suffered engine and body damage.

Seamans now is more concerned about conserving the lifetime of the C5. "You're going to have to give this plane a mother's love," Seamans said.

To avoid undue stresses and strains, the C5 is now operated at only 80 per cent of its original design load. It will be restricted to modern concrete runways. Air Force pilots will be under strict orders to use needed—not full-throttle on take-off. Reverse thrust on landing will also be limited.

The plane's ailerons—the critical maneuvering edges on the wing tips—will be adjusted upward during flight to distribute airflow loads over the wing, thus lessening structural and fatigue strain. But the system will slightly reduce the plane's range.

Besides a continuous check for fatigue cracks in operating planes, Seamans said the Air Force would keep an elaborate record of each individual plane's loads and missions.

Although no decision has been made, the C5 clearly will not fly the 4,200 hours a year as the Boeing 747. At one point, the Air Force planned 1,800 hours a year for the C5 but now even that may be reduced to less than 1,000 hours.

MAJOR UNCERTAINTY

The major uncertainty is lagging fatigue testing, already two years behind schedule. Making fatigue modifications are difficult. The first series of wing modifications made by Lockheed resulted in new fatigue failures. Bonding with adhesives is now being considered for making fatigue patches on the wing in place of drilling additional wing holes for path fasteners.

But there are no immediate fears that the C5 will get too much flying time. Where the Air Force Military Airlift Command (MAC) hoped to have its C5's operating 75 per cent of the time each month, actual experience has ranged between 10 and 40 per cent a month.

"The main reason for the downtime now is the landing gear," Brig. Gen. Warner Newby said.

Seamans is intimately aware of the landing gear problems.

"I flew in the airplane," Seamans said. "I was sitting right between the pilot and copilot and as we took off I noticed there was a fair amount of buffeting and inquired as to whether this was normal. I was told, "no, the right outboard bogie (a strut holding six of the plane's 28 wheels) was not retracted."

"To retract, it has to turn 90 degrees and then swing up into the fuselage, and it turned 90 degrees all right but there she sat and it wouldn't go down and it wouldn't go up.

"I looked over my shoulder and there was a crew chief and he was looking through the manuals. Well, I figured that was the time for me to walk around in the airplane. They did (finally) turn the wheel around the right way and went back and landed."

The C5 has the world's most complex landing gear. Among other things, it can lower the plane to runway level so that vehicles can be driven aboard without need of a separate ramp.

But MAC's problems with the kneeling system have been serious and persistent, according to a General Accounting Office (GAO) study. It has caused serious damage to the plane, the GAO said.

When the plane takes off, its wheels are spinning. A device was designed to stop the wheels in the air. But it was deactivated because it would inadvertently engage on the ground, damaging, tires.

AFTER TAKE-OFF

Now, after take-off, pilots leave the gear down for one minute to permit the wheels to slow before being retracted. "This is undesirable because it creates drag, decreases the rate of climb and may restrict payload," the GAO said.

Newby has come up with a landing gear retraction system based on old but simple and cheaper electronics to replace the more complex and troubled system now on most planes.

The electonics or avionics in the C5 are comparable only to the costly systems found on the F111 tactical bomber. Most of them were developed just for the C5.

But the "gee whiz" that was first associated with the C5 avionics has now become, in Seamans' words, "that damn computer."

According to Newby, many of the avionics problems are associated with "interface"—the improper melding of various components. Another problem is that several systems depend on a single electronic source—a space-saving design, again to reduce weight for the short take-off capability now scorned and considered too strenuous for the C5.

Newby and the GAO see these problems requiring modifications:

Low reliability for attitude and heading reference units, a key system for bad weather flying. MAC C5's are prohibited from operating with less than a mile visibility and a 500-foot cloud ceiling.

The Air Force has banned the use of the automatic pilot system until problems are fixed. This restricts the plane's ability to hug the ground on low-level missions. There are also problems with the complex radar that feeds the autopilot.

Low reliability on the inertial navigation system that uses computers and gyroscopes to electronically direct the plane. Instead of working as planned for 1,000 hours before malfunctioning, the system has been failing at between 80 and 100 hours.

A system to warn pilots of a potential stall had to be replaced, again because of the "damn" computer.

Low reliability on a inertial navigation system to detect problems in other systems. Called malfunction detection anaysis and recording system, it is listed along with 10 other systems as having the highest failure rate on the C5.

MINOR PROBLEMS

These are some of the major problems with the C5, problems crucial to its safe and effective operation. Some of the minor ones involve such items as the location of the air turbine motors (ATM).

When most jets land, an electrical generator is rolled up and plugged into the plane to keep the electrical system working after the engines are shutdown. But in the C5, two ATM's are deployed to provide hydraulic pressure for the plane.

The Air Force objected to the belly location of the ATM because it was difficult to get to. But Lockheed insisted the location was safe.

When C5 No. 11 was at Palmdale, Calif., on May 25, 1970, a mishap in the hydraulic system sprayed flammable fluid on a hot, operating ATM. "Firefighters were on the scene immediately," said the formal Air Force investigation of the incident.

"But (they) were unable to extinguish or contain the fire in the ATM area, which is inaccessible from the interior of the aircraft and has no direct access from the exterior."

C5 No. 11 is one of two planes that have been lost to fires.

The most recent and most spectacular problem resulted in the grounding of the entire C5 fleet. On Sept. 29, at Altus Air Force Base, a pilot gave a C5 full throttle and then watched an engine tear loose from the wing pylon, somersault and crash on the runway. A brief fire was quickly extinguished.

"It's fatigue problem in the pylon," Newby said. "We need to reinforce the piece that connects the engine to the wing."

The pylon is just one of a series of problems the Air Force general is attempting to deal with in almost King Canute fashion. Newby is seeking to make needed repairs while holding back a rising tide of costs.

There has already been one series of modifications to C5s in service and still in the production line. But another series of modifications—structural, fatigues, landing gear, pylons, avionics—will start in April of 1972.

These spring modifications, particularly those dealing with fatigue fixes, will affect planes now in service—but not those currently under production.

The Air Force will get an additional 30 planes—two a month through April of 1973—that will require the additional fatigue fixes. One reason is that an accurate picture of total fatigue fixes required for the C5 will not be available until—you guessed it—April of 1973.

SUBCONTRACTORS

It is this vise that makes Prof Raymond Bisplinghoff wince. According to Newby, the arrangement has crippled most of the Lockheed subcontractors.

"I've never seen so many subcontractors lose their shirts as they have in this program," Newby said.

"I'd say in about two years the C5 fleet will be operating pretty smooth. But you're just going to have to conserve use of this plane as you would any other valuable resource."

But there is agreement that the C5 will never measure up to its original conception. One measure of the importance of this conclusion comes from Lockheed engineer Robert B. Ormsby.

In an "Air Force" magazine article, Ormsby wrote that in the case of cargo aircraft on "military missions, slight performance advantages may mean the difference between success or failure."

The Air Force has considered a variety of drastic solutions to the C5 dilemma.

"It costs too much money just to kill the program," Seamans said.

According to Newby, there is still "a lot of talk" about halting additional purchases after the 66th plane. "But you just wouldn't save that much money," Newby said.

At one point, the unique contract between Lockheed and the Air Force required the firm to pay costs of modifications to the new plane. But Lockheed, the nation's largest defense contractor, has now become a ward of the Nixon administration.

Earlier this year, the firm's financial crisis resulted in a federally-guaranteed loan to keep Lockheed out of bankruptcy.

Deputy Defense Secretary David Packard also terminated the McNamara total procurement contract. The C5 program was shifted to a cost-plus arrangement under which the Air Force must use taxpayer dollars to repair brand new planes.

A $200 MILLION LOSS

But Packard has insisted that Lockheed suffer a penalty, a $200 million loss on the C5 program. Of course, the Packard penalty can be eliminated by his successor, just as Packard nullified McNamara's penalties. And Packard has now left the Pentagon.

"There is still a need for the airplane," Seamans said.

True enough. Only the C5 can carry the bulky, outsized cargo the Army needs in a pinch—heavy tanks, big helicopters or a tracked vehicle that carries and extends an assault bridge.

But while the CS's interior remains the only one large enough to permit such outsized Army items, Boeing can do just as well in carrying total weight.

Boeing has developed a cargo version of the 747 that will fly 200,000 pounds of payload 3,500 miles. The price tag on the 747F is $24 million, plus additional money for spare parts and equipment. With new engines Boeing is now planning, the plane could carry 250,000 pounds.

Currently, the $61 million C5 is under safety restrictions limiting its payload to 174,000 pounds. Lockheed is optimistic that the payload will be increased to 190,000 to 200,000 for a 3,500-mile mission. The Air Force doesn't share Lockheed's optimism. The Air Force now views the C5 fleet as something to be saved for an emergency. It will not be the muscular brute that would slam down on a strip of grass or handle easily the routing grind of Air Force cargo service.

"We've got to learn from this program," Seamans said firmly.

"Lessons learned" from the C5 program are the subject of an unending series of "who struck John," meetings, Seamans, Lockheed engineer Ormsby, Gen. Newby and anyone connected with the program have found a good slice of their time and the time of their aides consumed at such sessions.

Yet another study is under way—this one costing $3.5 million in taxpayer dollars—to find out what's "really wrong" with the C5 and how to avoid problems in the future.

Bisplinghoff wonders if they will ever learn.

"Okay," Bisplinghoff said, "Lockheed did a lousy job, a very poor job. But so did the Air Force. They both knew about fatigue problems and how to deal with them. They knew about going into production without first testing a plane. They knew all this, but they did it anyway."

NEWBY AGREES

Newby, who dealt with a series of fatigue problems associated with the B52 strategic bomber, agrees. "We can't let this happen again," he said. "We have to force these lessons into our contracting system."

The GAO also has some ideas. This watchdog agency for Congress, as part of their unending investigation of the C5, checked on the way airlines bought the 747 from Boeing.

According to the GAO, the airlines simply refused to accept any plane with operating problems. And, once the plane was accepted, it was flying passengers within 12 to 24 hours.

In contrast, the GAO noted, the Air Force continues to accept planes with major problems. For example, on C5 No. 11, the plane that burned, the Air Force accepted it even though it had pinpointed 647 deficiencies in the plane.

Lockheed officials are quick to note that the Air Force has had similar or even worse problems than the C5 in the past. The trouble is, these past programs were officially "classified."

The nation got a glimpse of what really goes on in major defense programs because the C5 program could never hide the problems behind a "secret" stamp.

Lockheed, along with other firms, is now looking to the 1980s when the military may need yet another new cargo jet—this one carrying a 300,000 pound payload and weighing 1 million pounds or more.

But to hearts, pounding in the Pentagon over planes of the future, Bisplinghoff has a word of caution.

"I think people today just expect a little too much from our technology."

C-5A FIASCO—PART 2

(By Patrick J. Sloyan)

(Critics of the way the Pentagon spends $30 million a year on new weapons have focused on the soaring costs with the Lockheed C5 cargo jet—Fat Albert. After a year's experience with the world's most expensive aircraft even the Air Force is expressing unhappiness with the C5. To get the full story of the project, Patrick J. Sloyan went to the men who should know. This is his account.)

WASHINGTON.—Fat Albert is sick, fragile and will require a mother's love for what promises to be an all too short lifetime.

Fat Albert is the Air Force nickname for the Lockheed C5 Galaxy jet, a cargo plane conceived in hyperbole and produced in the face of withering criticisms about its soaring cost.

During more than three years of attacks spearheaded by Sen. William Proxmire, D-Wis., Lockheed, the Air Force and members of the congressional Armed Services Committee have defended the plane as its price tag went from $28 million to $61 million per plane. Supporters of the C5 program, conceding it was costing more than expected, promised that the plane would usher in a new era in airlift for the Military Air Command (MAC).

(Officially, the "A" has been dropped from the designation, because no "B" model is now expected to be built.)

But today, after more than a year of MAC experience with the C5, even the plane's staunchest supporters have begun to sour. Air Force optimism about the C5 has been replaced with hostility, bitterness and frustration.

There are problems today with the plane's landing gear and electronic systems that will take at least two years to repair if the C5 is to be an effective tool for President Richard Nixon's plan to maintain world peace.

But there are problems in the inherent design of the C5 for which there is no certain solution. And, these design deficiencies have resulted in a much narrower role for the plane for far less than the lifetime originally anticipated by the Air Force.

What went wrong?

Some of the answers were found in interviews with Lockheed engineers at Marietta, Ga., where the plane is being made; in Dayton, Ohio, where an Air Force general is attempting to control the program, and in the Pentagon where top defense officials are grim.

"I'd call it engineering negligence," said Robert C. Seamans Jr., the secretary of the Air Force.

"Lockheed did a lousy job, but so did the Air Force," said Raymond L. Bisplinghoff, the scientist the Air Force hired to find out what was wrong.

"You just get tired of it and you want to say, 'a pox on it,'" said Robert B. Ormsby, the Lockheed engineer who has been in the hot seat.

"Frankly, I don't like this job," said Brig. Gen. Warner Newby, the Air Force officer charged with sorting out C5 problems.

In conception, the C5 fulfilled an abiding passion of Robert S. McNamara. Above all, it would be "cost-effective." As secretary of defense, McNamara on Oct. 1, 1965 selected Lockheed to build the world's largest airplane under a unique contract.

Called total package procurement, the contract gave Lockheed responsibility for everything—the plane, engines, electronics, tires, lightbulbs and performance.

For 120 planes, the contract would have provided Lockheed and its subcontractors $3.4 billion. Today, the General Accounting Office says the Air Force will get only 81 planes and these for a total of at least $5 billion.

But as McNamara saw it, the C5's beauty was in saving costs. One C5 would carry more than three C141's, then the biggest Air Force cargo jet—also made by Lockheed.

In 1965, McNamara predicted the military program would result in a commercial counterpart providing transcontinental trips for less than $100 per passenger.

But most important, the C5 would be a rugged assault plane, able to ferry heavy equipment of an Army division to some world troublespot and land near the front lines on a strip of grass.

Building a plane as large as the C5 was considered well within the state-of-the-art of aeronautical engineering. McNamara, the Air Force, Lockheed and other competitors for the C5 contract agreed the plane could be built with proven, established techology.

Lockheed engineers essentially were confronted with the problem that confronted the Wright Brothers: Make a plane strong enough to carry a payload but light enough to fly.

It's the basic problem with almost any airplane," said Bisplinghoff, former dean of engineering at Massachusetts Institute of Technology. He is now deputy director of the National Science Foundation.

"When you're building a plane, the engineers are always struggling to control the weight of the plane so it can have good performance—speed and range. But you've got to have enough strength in the design so you don't have a catastrophic failure—the plane falls apart and crashes."

During competition for the Air Force C5 contract, Lockheed proposed a plane that would carry a 160,000-pound payload for 2,500 nautical miles.

After looking over proposals by Lockheed, Boeing and Douglas, the Air Force decided it wanted a bigger airplane—one able to carry a 265,000 pound payload over 2,700 nautical miles. Lockheed agreed to do the job with a plane with a basic weight of 712,000 pounds instead of the initial version of 690,000 pounds.

Lockheed conducted limited wind tunnel testing on the bigger plane and spotted some "minor" difficulties. Nevertheless, it ordered its subcontractors to start building parts for production of the C5 in December, 1965, only two months after the contract had been awarded.

Utmost speed in production was necessary. Lockheed believed, even though preliminary testing of the plane was not underway. The Air Force contract imposed penalties—up to $11 million—if Lockheed failed to meet delivery deadlines.

The quicker the production, the Air Force believed, the cheaper the total costs.

The nightmare for Lockheed engineers started in 1966, when more detailed wind tunnel tests were "full of surprises." The tests showed eight major design changes were required, changes in everything from nose to tail, from top to bottom.

Subcontractors were thrown into turmoil. They were told to junk work they had done and start building new designs.

Even with the new designs, there were serious problems. Too much drag from the bulky wing design was sure to degrade the C5's ability to operate from short, unprepared battlefield airstrips. The plane was too heavy.

Boeing had encountered the same problems. When it lost out on the C5 competition, Boeing modified its plans and came up with the 747 commercial passenger plane. When Boeing reached the overweight problem, its single most important solution was to require its subcontractor to build more powerful engines.

"Lockheed could have done the same thing," said Gen. Newby, in hindsight. "The Air Force told them to go ahead and get bigger engines—but that Lockheed was responsible and would have to absorb the price increase for the engines.

"But they didn't do it that way."

Ormsby, vice president of engineering at Marietta, has a different version. Ormsby said the Air Force would simply not relax the requirements for C5 performance, particularly the rough field performance.

The C5 wings are not swept back to the degree seen on most commercial jetliners. This limited sweep design provides more lift when the C5 is attempting to get airborne from a short runway. Using 10,000-foot runways, swept-wing commercial jets have ample time to build sufficient speed to become airborne.

Ormsby said Lockheed's solution to the weight problem was to emphasize a high-stress design. "If I had to go off to a desert island and build a wing, I'd do it with a high stress design."

Basically, the high-stress approach is to design the wing understrength and then repair as it fails. "This way, you get maximum strength with repairs and minimum weight," Ormsby said.

Bisplinghoff agrees.

"It is an old philosophy," Bisplinghoff said. "You go ahead and design understrength. But the important thing is, you find your failures in a test model and then correct them before you go into production. But Lockheed started production without testing.

"They did it the insane way at Lockheed. Insane."

Lockheed began carving 4,500 pounds of metal out of the C5 wing. More accurately, removing weight from wing parts scattered around in bits and pieces.

Exotic techniques were employed. For example, some wing sections were bathed in chemicals to eat away the exact amount of unwanted metal. Besides chemical milling of parts already produced, lighter metals and beryllium alloys were employed.

The weight reduction effort started in 1967. Lockheed continued production without waiting for test results of the high-stress design.

"That's what I call engineering negligence," fumes Seamans, the Air Force civilian chief who has a distinguished engineering background.

"Lockheed didn't test when they knew they were putting the plane right on the knife's edge."

More than two years later—in July of 1969—a test wing broke at the Marietta plant. This was a static test. Weights were added until the wing broke. The test relates to how much weight the plane can lift off the ground.

The C5 wing is designed so that the plane can lift 265,000 pounds with a margin of safety: the wing should not break at 150 per cent of the design load. But in the test, the wing failed at 125 per cent of design load—a sharp reduction in the safety margin. There was a second static failure last September, this time at 126 per cent of design.

But there were even more chilling results from fatigue testing. In fatigue test machines are used to bend, twist and turn plane wings to simulate landings, takeoffs, rough flights and other activities the C5 would encounter in a lifetime.

In this case, Lockheed had guaranteed the Air Force a C5 with a lifetime flying expectancy of 30,000 hours.

But fatigue cracks began appearing both in planes being flight tested and in wings set up for ground testing at as few as 2,000 hours.

Continued testing showed a series of fatigue failures throughout the wing under simulated flying of only 8,000 hours.

"You can do things, such as limiting loads, to deal with the structural problems related to the static tests," said Seamans. "But you can't get around fatigue problems. You have to fix fatigue problems and you always want to make this modification before you get the plane in service or, at least, before your fleet approaches the flying hours associated with the cracks."

But between the time the fatigue problems were first spotted and today, the Air Force has accepted almost 50 C5's that will need modifications for fatigue problems.

Just how many hours of operations the C5 will achieve is subject to dispute between Lockheed and the Air Force.

"We can get 30,000 hours of life if it is worth the money to the Air Force to make the needed modifications," said Lockheed's Ormsby. "There's no doubt about it. The C5 has an unusually high rate of fatigue failures."

But in Dayton, General Newby takes a different view.

"I'm certain we can get 15,000 hours of life," Newby said. "Most of the fatigue failures we have seen so far have been small ones—fatigue hotspots in the wing. But we don't know whether we'll get major fatigue failures as we continue testing.

"If all hell starts popping loose as testing goes on, well, we'll have big problems. But I'd say chances are 50–50 it could get better or worse."

Bisplinghoff, the expert the Air Force called on to resolve uncertainties, is not as optimistic as Newby.

"They'll never reach the design life of 30,000 hours without major difficulties," Bisplinghoff said. "When you talk about possible fatigue fixes, you must consider the economics of the problem. How much can you afford?

"I looked at the possibility of a new wing, but that's just too much money. The only reason our committee did not tell the Air Force to get a new wing is that I think the C5 wing can suffer a fatigue failure and still be able to land safely.

"In other words, the way the wing is built, you could have a serious fatigue failure but the wing wouldn't fall off like it does on other planes."

When planes such as the C5 start having problems, the first thing emphasized by the Air Force, Lockheed and anyone else associated with the program is that all new planes have problems.

"Sure, all new planes have problems," said Seamans. "But the C5 problems are unusual—not usual."

For example, buyers of the Boeing 747 were also guaranteed a 30,000 hour lifetime. After 60,000 hours of fatigue testing, Boeing has pinpointed three fatigue failures that will require modifications at 4,500 hours, 18,000 hours and 23,000 hours respectively.

According to Pan American World Airways, which put 25 of the Boeing Jumbo jets into service in one year, the company eventually plans a 100,000 hour lifetime for the 747, including new and more powerful engines.

Currently, Pan Am is flying each 747 about 4,200 hours a year. "We've had a lot less problems with the 747 than we did with the other Boeing jets—the 707 and 727," a Pan Am official said.

SUPPORT GROWS FOR QUALIFIED AMNESTY

Mr. TAFT. Mr. President, since December 14 when I introduced S. 3011, a bill to provide qualified amnesty for draft evaders, I have been heartened by the support which has been generated in behalf of this measure.

A Gallup poll, commissioned by Newsweek, and published in its January 17 issue, reveals that while only 7 percent of Americans favor unqualified amnesty, and only 22 percent oppose amnesty without qualification, 63 percent of all Americans favor amnesty with a service requirement. This poll indicates that the overwhelming majority of Americans believe as I do, that draft resisters should be given a chance to be reunited with American society, if they are willing to work for their country and thereby pay the debt which they owe to America.

In large part this degree of public support may reflect the widespread editorial support which this measure has received in the Nation's press, radio, and television.

I ask unanimous consent that there be printed in the Record certain representative editorials and columns supporting this proposal.

There being no objection, the editorials and columns were ordered to be printed in the Record, as follows:

A. Editorials

[From the Boston Globe, Dec. 15, 1971]

Amnesty for Draft Evaders?

Ohio's Senator Robert Taft Jr., son of the late "Mr. Republican," has done something not even the antiwar Democrats in Congress have dared to do. He has filed legislation offering amnesty for draft evaders who are now in exile or in prison.

To be sure, there are conditions attached. Draft evaders who have fled this country could come back if they agree to a 3-year tour of duty in the military or in some other designated Federal agency such as the Public Health Sevice. Those in prison could deduct up to 2 years of their time there from this 3-year obligation.

Senator Taft estimates this would apply to 500 now in prison and 70,000 youths now in Canada or in exile elsewhere because they oppose the war in Vietnam.

The proposal, we think deserves praise, and should have been made long before this. But we are not at all sure that such drastic conditions should be attached. Those who have gone to prison, or who have fled their native land, have already paid a price in lost years of their lives and in emotional grief that is impossible to measure by any ordinary standards.

The fact is that this war from which they fled their country, or in which they refused to serve, is by now acknowledged by most Americans to have been a massive blunder, one of the worst in our history. And it was legally sanctioned neither by any international commitment nor by the only body authorized by the Constitution to declare war—the Congress.

But on the other hand, it will be pointed out that many other men "faced up to their responsibilities" under the draft law, and some 55,000 of them died because they did. This is true, and we do not and should not in the slightest degree denigrate them.

Yet perhaps the time has again come, as it did for the country of Abraham Lincoln, to bind up the Nation's wounds, with malice toward none and with charity for all.

[From the Ripon Forum, Dec. 15, 1971]

Senator Robert Taft (II)

In introducing the first Senate bill providing amnesty for draft resisters now in exile or prison, Robert Taft Jr. took a courageous step from the shadowy retreats in which Senators have long evaded the moral responsibilities of Vietnam. It is a step in the tradition of the greatest of Republicans, Abraham Lincoln, who gave amnesty to Southern soldiers, and in the spirit of the man once known as Mr. Republican himself, Robert Taft, Sr., who almost alone among Americans attacked the vindictive justice of the Nuremburg trials. It is a step prepared by a bold Republican contemporary, Charles Goodell, who introduced the first bill to set a deadline to end the war and who interceded for the Berrigan brothers in prison. It is a step which sets a Republican standard to which Democratic doves are now likely to flock but from which even John Lindsay, with all his Republican training, has to date recoiled. And for Robert Taft Jr., it is a first step to fulfill a heritage of greatness from which his name will never allow him amnesty.

[From the Madison (Wis.) Capital Times, Dec., 16, 1971]

Senator Taft's Courageous Stand

Senator Robert Taft Jr., Republican of Ohio, has taken a courageous position in introducing legislation offering amnesty to draft resisters in federal prison or who have fled the country to avoid service in the Vietnam war.

It is a position few men in Congress have dared to expouse, with the notable exception of Sen. George McGovern (D-S.D.), Rep. Edward Koch (D-N.Y.) and a few others.

Taft's bill specifically excludes military deserters, which we think is a shortsighted. Taft said military deserters must be dealt with by the military authorities in order to avoid destroying "morale and discipline in the armed forces."

Even though we think there are solid grounds for extending amnesty to deserters, we welcome Taft's legislation and hope his congressional colleagues will display the same brand of courage and humanitarianism.

Draft resisters under Taft's bill would be allowed a year after enactment to volunteer for alternate service, either as noncombatants in the military or in some civilian Federal service such as a hospital.

Taft should join forces with Sen. McGovern who has advocated a general amnesty for all resisters and exiles without a requirement for alternate service.

The agonizing dimensions of the problem are illustrated by numbers of persons involved. A total of 500 young men are in prison; an estimated 70,000 are abroad as exiles, and military deserters numbered an estimated 89,000 last year.

[From the Cleveland (Ohio) Press, Dec. 17, 1971]

Taft's Amnesty Bill

Sen. Robert Taft's proposal to grant amnesty to draft resisters is sure to kick up a storm.

But the problem must be faced. What is this nation to do about the estimated 70,000 men who fled the country rather than serve in the Vietnam War?

Under Taft's bill draft resisters would have one year in which to volunteer for service in the military as noncombatants or in some federal service such as veterans' hospitals. This is a reasonable and compassionate approach to the problem.

Amnesty would be granted to those now in prison, who number about 500, and those who left the country. Those who deserted would be dealt with by the military.

Sen. William Saxbe already has reacted angrily to Taft's amnesty proposal. Saxbe's characterization of draft resisters as "dogs" is intemperate and unworthy of that senator.

This country cannot write off 70,000 young men as cowards and deny them repatriation. The Vietnam War has been the most unpopular conflict in this country's history. The young men who refused to fight in what they considered an immoral war faced a crisis in conscience.

The Taft bill does not offer a free ride to draft resisters. They would still be obligated to give three years of some kind of service to their country.

Taft asks whether this country is "wise, strong and charitable" enough to offer draft resisters a chance to be "reunified with our American society." This country should be.

[From the Chicago (Ill.) Sun-Times, Dec. 18, 1971]

The Matter of Amnesty

Few Americans fully understand the war in Southeast Asia, yet an increasing number recognize its futility and long for an abrupt end to the wasting of lives and to the moral dissolution with which the war is equated. Therefore, it is of paramount importance that the government consider with reason and compassion the anti-war positions taken by young men who chose exile or prison rather than war-time military service.

Sen. George McGovern, the liberal Democrat from South Dakota, has for some time advocated amnesty for draft resisters. Now, Sen. Robert Taft Jr., a conservative Republican from Ohio, has shown the idea to be one with bipartisan support. Taft has introduced legislation which would grant amnesty to 500 draft objectors now in prison and to the estimated 70,000 in exile. Taft's proposal differs from McGovern's in that it would require those granted amnesty to volunteer for a form of alternative service.

A wider choice of alternatives than is now available would be of value, were Taft's plan to be accepted, and there remains the matter of what to do with men who entered service, then deserted for anti-war reasons. However, it is the question of amnesty itself, not its mechanics, that is at issue. Most of America's troops are expected home from Vietnam by next fall, and it is anticipated that the prisoners of war will be freed. Because it then will be necessary to deal in good conscience with those who refused to serve, the matter must be confronted now.

Not all draft resisters are good guys. Many merely sought safe haven. But these are men who face their own private hells and it is not at their level that men who resisted the draft out of patriotism should be judged. The United States must show itself strong enough and compassionate enough to embrace those who defy it honestly and with love of country.

[From WKYC radio, Cleveland, Ohio, Dec. 19, 20, 1971]

Taft Suggestion

Ohio's two U.S. Senators seem to have divergent views of that most elusive of human qualities . . . forgiveness.

Senator Robert Taft says he thinks draft dodgers and deserters who have gone to Canada, Sweden and other places because of disagreement with the Viet Nam war, or militarism in general, should be granted amnesty by the U.S. government, provided they are willing to work at some public service job for three years.

Senator William Saxbe, however, says no . . . no amnesty . . . no forgiveness. They made their bed, let them lie in it.

We think Senator Taft shows us a reasonable way out of a dilemma. These young men should be allowed to return to their own country if they want, but they shouldn't get a free ride. They didn't fulfill an obligation others accepted, despite their personal feelings. Somewhere along the line more young people have to find a heart in America. We think Senator Taft's suggestion shows we can have one without being labeled softies. Senator Saxbe's, on the other hand, only helps to perpetuate blind hatred of one man for another no matter what the reason. Come to think of it, hatred is one of the ingredients necessary to start a war in the first place.

[From the Lorain (Ohio) Journal, Dec. 21, 1971]

Taft's War Amnesty Bill Hailed

Sen. Robert Taft Jr. has introduced a bill to grant amnesty to U.S. draft dodgers—if they serve their time in the military or in some acceptable federal service.

It is to the credit of the Ohio Senator that he has thus demonstrated his humanitarianism in the face of his consistent approval of President Nixon's war policy. The door should be opened to the young Americans who avoided war services, due in most cases to the dictates of their conscience.

Taft's legislation takes the sensible approach, this being to allow the young men to work their way back to good standing as Americans.

This is not written to sanction draft dodging. We still believe that a person should be ready to serve his country when called. But we understand the reluctance of some to serve in a war as futile and unjustified as the conflict in Vietnam. They should not be forever barred from their homeland.

Give the young Americans a chance to come home if they are willing to pay the price, even though it is less than the price paid by those who served in Vietnam.

[From CBS radio network]

Spectrum

(By John K. Jessup)

This is Spectrum on the CBS Radio Network. I am John K. Jessup with my personal viewpoint on Senator Taft and our boys in Canada. After this message.

Robert Taft of Ohio is only a freshman Senator, but his name stands for humane and responsible conservatism in American politics. He's added lustre to that tradition, in my opinion, with a bill he introduced into the Senate last week. It would extend amnesty to some 70,000 draft dodgers in Canada, Sweden and elsewhere, plus 500 or so in American jails, provided they serve three years in non-combatant military or other federal jobs such as the public health service. The Taft bill is less all-forgiving than the free amnesty for draft dodgers advocated by Senator McGovern. But it is a lot more imaginative than the flat and unqualified "No" which a question about amnesty recently drew from President Nixon. The question is one that will loom larger as we get into the Presidential race.

Some estimates put the number of draft exiles as high as a hundred thousand. At mid-1970 they were crossing the Canadian border at the rate of 40 or 50 a day, though the flow has dwindled with the draft calls. Some 20,000 exiles have already become landed immigrants, the first step to a job and Canadian citizenship. But jobs aren't too plentiful in Canada these days, and a lot of the younger exiles survive only with the diminishing help of aid centers. Many wander from one hippie-type commune to another, or in and out of that outpost of educational chaos called Rochdale College in Toronto. If he were to inspect some of these sanctuaries for exiles, even George McGovern might think twice about welcoming all of them back.

But the Taft bill is more discriminating. It would select out the most deserving and penitent by imposing a stiff three-year passage to forgiveness. It would not apply to deserters from the military. It would not appeal to many willing emigres who have become super-Canadians. It has already been pronounced unacceptable by some of the more stiff-necked exiles who think they deserve repatriation as heroes on the grounds that the government was wrong about Vietnam. But it is a very fair offer to those thousands of draft resisters who, in Robert Taft's words, held deep and conscientious objections to the war, or who were "victims of bad judgment or poor advice," and who want very much to come home. The Senator deserves applause for his well-conceived treatment of a tough problem and his bill deserves to pass. This is John K. Jessup with Spectrum.

[From the Akron (Ohio) Beacon Journal, Dec. 24, 1971]

Taft's "Amnesty" Proposal Merits Serious Thought

Despite the instant angry opposition of Sen. Saxbe and many others, Sen. Taft's "amnesty plan" for draft law violators strikes us as a good idea.

His bill doesn't really call for outright amnesty in the scot-free forgive-and-forget sense, which would doubtless be offensive to huge numbers of Americans thinking of the millions who have served and the 55,000-plus who have died in U.S. service in the Vietnamese war.

It offers, instead, a presidential pardon and restoration of citizenship rights in return for volunteer acceptance of a kind of "penance duty": three years of service in the armed forces or alternate services in VISTA, a Veterans Administration or Public Health Service hospital, or such other federal service as the government directs—at the lowest pay rate.

For those serving sentences for draft evasion or failure to register, the bill would allow prison time up to two years to "count" as a sort of part-payment of service. Similarly, it would offset up to two years of prison time for those who have completed such sentences or have been paroled from them. Thus those with two years or more of imprisonment could "get right" and win back their citizenship rights with one year of "penance" service.

Sen. Taft says more than 500 draft resisters are now in federal prisons, and that nearly 70,000 young Americans have exiled themselves rather than serve in the Vietnam war.

Sen. Saxbe calls them "a bunch of dogs," and says he's "not ready to forgive and forget that these evaders have skipped service while thousands of others served and died." And his view is echoed in much of the flood of mail and wires and phone calls pouring into Taft's office these days.

While we have the greatest respect possible for the sacrifices of those who have served and those who have died, we can't see that lifelong condemnation of those who refused to go does any honor to those who went.

Nor can we agree with a blanket characterization of all draft resisters as "dogs."

From the beginning this war has riven the country, the split widening and deepening as the war ground on. Few Americans would now argue that it was not in some sense a mistake from the outset. This in no way diminishes the deeds of those who served; there is honor in serving your country, whether your country's policy is right or wrong.

But it has been almost classically a case where opinions can honestly differ, and have differed, violently. And it has been possible for some young men refusing service to believe honestly that their example served their country better than their armed service would have done.

It would be foolish to say that all or even most of those who have refused service have done so with high moral purpose. No doubt some have been shirkers moved by no more than cowardice. But a hesitation to mass-condemn comes with the thought that no one but God can look into a man's mind and say why he did what he did. Often even the man himself can't be sure.

Among those thousands now cut away from American society by this most divisive of America's wars are some we need—young men of high principle and the kind of courage it takes to act on conviction even when they know the action will condemn them forever in the eyes of many.

There is now no mechanism for bringing them back—they are outcasts. Taft's idea would provide a way for them to "atone," if that is how you choose to view it, or, in any case, to prove their willingness to serve their country in ways that will accord with their consciences.

The political prospects for Taft's bill look poor. He has found only one fellow senator—Democrat Frank Moss of Utah—willing to go along with him on it, and Taft's staff says most of the reaction coming in is hostile.

That the proposal came from Taft has startled most who know him; he is known as a moderate conservative, a strong administration supporter, and anything but a "bleeding heart." Some have speculated that he is only floating a youth-oriented administration balloon to test public sentiment—which Taft firmly denies and of which there is no traceable evidence. If this is so, the instant storm of protest may scuttle the bill quickly.

Nevertheless, we think there is merit in Taft's idea or something like it.

[From the Tucson (Ariz.) Daily Star, Dec. 26, 1971]

PLEA FOR AMNESTY

The Vietnam war has spawned a mountain of personal tragedies, so many that not in time and space can they be counted.

Among the tragedies has been the defection of American youth, their resistance to being drafted to fight in an undeclared, unpopular war, and the resulting split in many families. The division has hit all levels, the wealthy as well as the poor and the middle class. Fathers and mothers have been hurt as they have watched their sons slip across the border into Canada or go to other countries.

For fathers who marched off to fight in World War II, the sight of sons seemingly turning their backs on their flag has been very difficult. Some fathers will never understand. Others are beginning to understand that their sons, in many cases, did not turn their backs on their country, but instead in their own way tried to resist the unjustness of the war in Vietnam. There have been, of course, some disaffecting youth who could be classed only as draft evaders or military deserters. But there have been evaders and deserters in every war.

The majority of the 500 young men in prison and the estimated 70,000 abroad classify not as evaders or deserters, but as draft resisters—conscionable young men who left their families and jeopardized their careers to actively protest the war in Southeast Asia.

It is time, now that the facts of Vietnam have been brought before the public, that a plea for amnesty for these young men be heard in the land. And it has been heard, not by radical or liberal leaders, but from a member of a long-time conservative Republican line.

Sen. Robert Taft Jr. of Ohio has introduced legislation offering amnesty to draft resisters in federal prisons or who are now in foreign countries.

"The time has come," said Senator Taft, "for us to turn our attention to the question of draft resisters and whether we, as a nation, are so wise, strong and charitable as to offer them an opportunity to be reunified with our American society."

Senator Taft's bill may not be the exact piece of legislation needed as it is written. But it moves toward healing America's wounds.

There will be those who will bitterly oppose any form of amnesty. They will point to the nearly 50,000 Americans who have died on the battlefields of Southeast Asia. Amnesty will not dishonor the dead nor make any mockery of sacrifices of the living. It will allow restoration of honor and opportunity of useful service to America.

[From the Battle Creek (Mich.) Enquirer and News, Dec. 27, 1971]

REPATRIATE CONSCIENCE

There are now, because of conscientious objections to the Indochina war, many young Americans living apart from their own society. Some 70,000 of them are living abroad, about 500 have chosen prison over service in a military they believe to be fighting an immoral war, and many more await indictment and trial for refusing induction.

As the war winds down, whether in fact or in tactics, and during this season of new beginnings when forgiveness seems easier to extend, the question of amnesty is one we feel must be raised. The question is, in the words of Ohio Senator Robert Taft Jr., "whether we are so wise, strong and charitable as to offer them an opportunity to be reunified with our American society."

Legislation has been introduced by Mr. Taft and others to grant amnesty to draft resistors, and we feel these bills deserve the most serious consideration. Under the Taft proposal, those abroad or having refused induction but not yet tried would be granted immunity from prosecution. Those already in prison would be released. In return the resistors would perform voluntary service in civilian federal agencies or noncombatant military duties. Mr. Taft's bill excludes deserters, who now number some 90,000, on the basis that they must be dealt with by military authorities.

The question of amnesty is, of course, a controversial one. Of the Democratic presidential candidates, only South Dakota Senator George McGovern has endorsed the concept without qualification. The others have remained silent for the most part. President Nixon is on record against amnesty. Mr. Taft, one of the staunchest of the staunch conservatives, is to be commended for his political courage in having raised the question. For it is a problem which can not forever be ignored. A large group of political exiles will be a growing embarrassment to the nation as the war comes to an end.

There is ample precedent in American history for the extension of amnesty to war resistors. Even those who fought against the Union in the Civil War were granted such on a limited basis. And the nation has given sanctuary to exiles of other nations who fled to avoid military service they did not believe in.

As Congress considers the proposals before it, specifies—such as alternative service and its length and whether amnesty will be granted also to soldiers who deserted out of moral objections to the war—can be debated. What is important is for that debate to begin, for the United States to find some way to bring back into American society those the war drove out.

[From the Chicago (Ill.) Tribune, Dec. 29, 1971]

WHAT ABOUT THE DESERTERS?

In the last several years, about 70,000 draft dodgers and military deserters have fled this country for Canada and Western Europe to avoid serving in the Viet Nam war. With the war now winding down, pressure is mounting for a general amnesty for these fugitives and an official policy of forgiveness for their crimes.

The rationale for this is that the war was immoral and unjust, or at least unpopular, and that therefore the continued separation of these young men from their families and homeland is also unjust. A few even say that it was the federal government which acted criminally.

The response to the amnesty proposal has been varied. President Nixon reacted with a predictable "No." The military has prepared cases against many of these fugitives and is ready to ask for stiff jail sentences for those who are convicted.

Sen. Robert Taft [R., Ohio] has proposed an amnesty which permits these men to return home but requires them to serve three years in the military or in some other form of government service. Sen. George McGovern, predictably, has called for amnesty with no questions asked for draft evaders, and leniency for those who fled in uniform. Charles O. Porter, a former congressman from Oregon, has formed an organization called Amnesty Now. The name is self-explanatory.

Mr. Nixon's flat rejection of the concept is normally sound, we think. But to prosecute every draft dodger and deserter according to existing laws would almost certainly be impossible, and the punishment of lifelong exile may be disproportionate to the crime. On the other hand, Mr. McGovern is going too far.

What he overlooks is that, whatever they thought of the war, hundreds of thousands of young Americans fulfilled their obligations to their country and accepted military service, more than 40,000 of them losing their lives as a consequence. Other thousands sought the status of conscientious objectors and served as medics or otherwise gave of their time. Still others, while disagreeing with the war and this nation's laws, were willing to pay the price of that disagreement by going to jail.

Among those who fled were acknowledged cowards and those who would shirk their responsibilities whatever the circumstances. But even if they were all motivated by philosophical and moral objections, they cannot be let off with nothing more than the inconvenience of living in Canada for two or three years. It would be a gross injustice to all those who stayed and did their duty or served their time.

Mr. McGovern seeks historical precedent for his case by recalling that Abraham Lincoln granted amnesty after the Civil War "even to those who fought against the Union cause." True, many Confederate soldiers were freed to return to their homes. But this was a dispensation to a defeated enemy in the tradition of honorable war. Mr. Lincoln did pardon deserters, but only on the condition that they return to their units within 60 days and serve for the remainder of their enlistment plus a period of time equal to their desertion.

If we are to have amnesty, Mr. Taft's proposal is the only one acceptable. It provides punishment for those who acted out of cowardice and irresponsibility and also provides an opportunity for those more highly motivated to show the courage of their convictions. There is an old Spanish proverb which goes: "Take what you want," said God, "but be willing to pay for it."

[From the Cincinnati (Ohio) Enquirer.
Jan. 2, 1972]

Senator Taft's Qualified Amnesty

Sen. Robert Taft Jr.'s (R-Ohio) bill to grant qualified amnesty to draft resisters currently living abroad has been roundly criticized by many who have not, in our opinion, given the plan a thorough appraisal against the circumstances of the problem to which it is addressed.

Senator Taft's plan would provide that interested resisters could return to the United States without fear of imprisonment any time during the year following passage of the measure. Once here, they would be required to offer three years in the service of the country.

The nature of the service would be optional. If a returnee desired, he could enter the military and serve his three years at the lowest pay grade. For those still adamantly opposed to military duty, there would be public-service alternatives including stints with Volunteers in Service to America (VISTA), and hospital work with the Veterans Administration or the Public Health Service. Other agencies may be added during the course of deliberation on the bill.

War resisters who chose to remain in the United States to serve prison terms would be credited with up to two years' service in meeting their obligation under the Taft measure.

Predictably, the highly emotional subject of the bill has resulted in its receiving more than a little attention, and, thus far, the lion's share of the reactions has not been favorable. It seems to us, however, that the bill has not been given a fair hearing—that there are historical precedents and practical advantages connected with it.

Coinciding with the introduction of Senator Taft's plan is the establishment of a national movement known as Amnesty Now, which proposed to press Congress for an immediate unqualified amnesty for draft resisters as well as actual deserters. In addition, the American Civil Liberties Union has just opened an office to help co-ordinate the work of a number of organizations urging amnesty.

The idea of amnesty is not new. In the periods following all the major U.S. wars, the President in office issued general amnesty proclamations. In other wars, however, where the opposition was not nearly so widespread and organized as in the case of Vietnam, amnesty did not become so great an issue and the proclamations created little stir.

The Taft proposal is different insofar as it asks the approval of Congress for a qualified amnesty. It is a step more rigid than the presidential proclamations of the past, which simply wiped the slate clean without stipulating conditions.

From the standpoint of practicality, the Taft bill is the first reasonable response to the real problem of draft evaders. We do not favor general amnesty. But at the same time, we recognize that there are currently some 70,000 American expatriates on foreign soil, most of whom are there because they decided against answering the country's call. From the standpoint of numbers alone, some solution will have to be devised.

What kind of young men are these evaders? The tendency has been to lump them all together and characterize them as wild-eyed anti-Americans whom the country is better off without. But that may be a harsh appraisal.

It will be remembered that, at the height of the war-resistance movement when most of the evasions occurred, persuasive antiwar counselors could be found in abundance around colleges, induction centers and anywhere draft-eligible young men could be found. We are not excusing or condoning the decision to leave the country. But it is easy to believe that many evaders acted hastily and on the advice of others. To deny these young men the chance to correct their mistake seems severe and not at all in keeping with the nation's values.

As far as the hard-line opposition is concerned, the bill clearly does harm to their cause. Many will probably not take advantage of the offer of qualified amnesty, protesting that the basic error was the nation's, not theirs. But the point is that the nation, by showing justice and compassion in the offer, will discredit their contentions that the United States is repressive and uncaring. Future generations of impressionable youths may not be so inclined to listen to the ravings of the disenfranchised few when they know that the alienation is self-imposed.

There is one final, important point to consider. There seems to be some degree of misunderstanding about the limits of the bill. In fact, the qualified amnesty would extend only to draft evaders, not to deserters. According to Senator Taft, the distinction resides in the oath of allegiance taken upon entering the service. Once this has been done, and subsequently dishonored by desertion, the matter can only be handled according to the provisions of military justice.

There will probably be alterations considered in committee and by Congress, and amendments to the bill as it is in Congress. But given the gravity of the problem, we feel that Senator Taft has produced a commendable beginning by forcing congressional attention to the matter. It was the right thing to do—for the sake of the evaders, justice and the nation; it was the courageous thing to do—following the dictates of conscience despite probable adverse political reaction.

We are reminded by this incident of another case when a U.S. senator followed his convictions in finding fault with the legal bases of the Nuremberg war-crimes trials. In the passions of the times, his position was attacked and his beliefs questioned. Later, however, a wide circle of Americans has come to see the soundness of his view and to honor him all the more for having enunciated it. He was Senator Taft's father, the late Sen. Robert A. Taft.

We are confident that, once all the facts concerning the qualified-amnesty bill are understood, Sen. Robert Taft Jr. will have earned a similar measure of respect for his prescience and judgment, and, perhaps most important, for his willingness to stand on them.

[From the Dayton (Ohio) Journal Herald,
Jan. 3, 1972]

Amnesty Bill—Proposal by Senator Robert Taft Is Humane

Sen. Robert Taft Jr., R-Ohio, has offered a humane way for the United States to repatriate many of the estimated 70,000 young men who chose to flee the country in the last few years rather than accept induction in the armed forces.

His limited amnesty bill would enable draft resisters to return to this country if they agree to serve for three years, either in the armed forces or in some form of approved alternative service, including service with Volunteers in Service to America (VISTA). The amnesty would also apply to those who chose to go to jail. About 500 draft resisters are now in prison.

The conditional amnesty would not apply to those persons who have deserted from the armed services. About 35,000 deserters are at large.

Sen. Taft's bill has received support from Rep. Edward I. Koch, D-N.Y., who has announced that he will introduce companion legislation in the U.S. House of Representatives. Quick action on one of the bills would offer to many thousands of young Americans in Canada and overseas a new start as American citizens.

We are certain that many of the young American men who fled the country rather than face induction and possible service in an unpopular war would like a second chance to fulfill the obligations of citizenship.

Some draft resisters of course would not return on any terms acceptable to a society with an obligation to uphold the law and honor bound to keep the faith with those who did obey the law—even though obedience may have been in conflict with conscience. The alienation of these resisters is a price they—and we—must pay in the balancing of public and private morality.

But to close the door implacably against the others—those who want to return home, and who are willing to accept the service obligations they once shunned—is to turn the nation's back to its children. Sen. Taft's bill seems to offer a graceful way for these young men to retrace their steps.

There have been victims enough in the Vietnam war. We believe the United States must find a way to reach out to some of the young people who oppose the war, and to heal the divisions that the war has created.

[From the Detroit Free Press, Jan. 4, 1972]

We Must Find Compromise To Heal Amnesty Division

If Sen. Robert Taft of Ohio was floating any kind of trial balloon when he suggested an amnesty plan for draft dodgers recently, it must have been for President Nixon's personal inspection.

Public reaction was instantaneous and lopsidedly negative, but in Mr. Nixon's interview Sunday night with Dan Rather of CBS, the President indicated that he had paid some attention and was at least moderately impressed by what Sen. Taft proposed. He didn't get specific, but he was less specifically opposed than he was in November. Asked then if he would grant amnesty once the war was over, Mr. Nixon answered with a flat "No."

But Sunday night he first said he wouldn't consider amnesty, then later qualified it to say he wouldn't consider amnesty as long as there are troops in Vietnam and POWs in Vietnamese prison camps. After that, perhaps, "we will consider it, but it would have to be on the basis of their paying the price, of course, that anyone should pay for violating the law."

Whether what Mr. Nixon said will be any more acceptable than what Sen. Taft said remains to be seen, but Sen. Taft discovered he was caught between two strong and highly volatile views of patriotic duty.

What Sen. Taft proposed "in the name of simple charity" was no forgive-and-forget plan, but three years of "penance duty." The draft evader could serve in the armed forces or in some alternative service such as a VA hospital for three years and win his citizenship back. For those 500 or so draft resisters imprisoned, time spent in jail up to two years would count as part of the penance.

Maybe because the source was so respectably and rigorously Establishment, in contrast to Sen. George McGovern's plan, Sen. Taft's plan has stirred more furor than any other. Only one Senate colleague, Frank Moss of Utah, joined him. His Ohio colleague, Williams Saxbe, called the draft dodgers "a bunch of dogs" and said he's not ready to forgive and forget.

Sen. Taft's mail is overwhelmingly against his plan, his office says, with hatred and vitriol being the most common ingredients.

On the other side, the draft dodgers in Canada, who make up approximately 50,000 of our 70,000 total, hardly take any more kindly to the idea. Robert Gardner, a counselor for the Canadian Council of Churches, summed up their attitudes in a recent issue of the New Republic:

"What the raticulate among them are saying goes something like this," he wrote. "Amnesty is not our problem; it is the problem of guilt-ridden American liberals. We have done nothing for which we need to accept forgiveness. In a choice between being criminals in Southeast Asia, being treated as criminals in American prisons and stockades, and a new life in Canada, we chose Canada.

Given the passions of the moment, it is hard to see what compromise can be reached, though one must eventually be found. Mr. Nixon's implied answer of a jail term at best can probably be ruled out, if for no other reason than that he could hardly offer more while he's still sending young men to Indochina.

So, too, can the response of the draft dodgers in Canada, if for no other reason than that their solution is unrealistic. To accept their position that they are not the ones who need forgiveness means that all of those who did go to Indochina, all of those who died, and all of those who ordered them to go, do need forgiveness.

If "amnesty" implies guilt, then "repatriation," which is what they want, implies confession of national criminality. While most Americans would agree the war was a tragic mistake and many would agree that it was immoral and illegal, a national mea culpa borders on the ridiculous.

Between these two extremes, though, there must be grounds for compromise. Agreement that the war was a mistake in no way diminishes the deeds or heroism of those who served. In no way does it diminish the anguish of the families of those who died.

But from its very start this war has split the nation. While we do not believe that every draft dodger acted from conscience, it is undeniably true that many did. And it is also true that, under today's Supreme Court interpretations of the Selective Service Act, many who were denied conscientious objector status before going to Canada would have been granted it now.

At the same time, we must recognize that, while Vietnam was the main reason for the draft, it was not the only reason. Whether the Vietnam war was legal is moot in the face of the fact that the draft itself is legal. Thus a distinction must and should be made between refusing to be drafted and refusing to fight in Vietnam. Those who obeyed the law are entitled to considerations not earned by those who evaded it. And, to assume the right of civil disobedience, as draft evaders did, also means to assume the consequences.

This is not an easy debate or a neat one. At its worst it could divide the country as the war itself has done. At its best some will feel cheated, others abused.

But a solution needs to be found, not only for the 70,000 who dodged the law, but for the millions who did not. We have no ready answer. Neither, apparently, does Sen. Taft. But he deserves our thanks for putting a highly emotional issue into what he called the framework for a "reasonable discussion."

[From the Cleveland Press, Jan. 5, 1972]

TAFT STICKS TO HIS GUNS

Ohio's Sen. Robert Taft is getting some flak on his proposal of amnesty for draft evaders, which he must have expected.

But as reported by Press Washington writer Bob Crater, Taft also is receiving a fair amount of encouraging support, which is good to hear.

Feelings run high on both sides of this matter, an unfortunate side issue in a costly, undeclared war which has badly divided this country and brought some measure of discredit to the leaders who stealthily escalated the conflict.

President Nixon has been cool to Taft's amnesty plan, but Taft has stuck to his guns and shown his independence in doing so.

The President said that after the war is over "we will consider amnesty, but it would have to be on the basis of their paying the price . . . that anyone should pay for violating the law."

Nixon's statement is ambiguous and raises the question of whether he fully understands Taft's proposal. When the President talks of "paying the price for violating the law," this does not sound like amnesty.

Perhaps he is not aware that the proposal for amnesty calls for draft evaders to serve three years in a noncombatant role in the armed forces or spend a similar amount of time in some public service work, such as a job in a veterans' hospital. Thus draft evaders would not go scot free, but would be offered a path they could travel back into society without going to prison.

This is a reasonable approach to a nettlesome problem that will not go away by itself. The nation cannot merely forget about some 70,000 young men who faced an awesome decision and acted as their conscience dictated.

Taft should stay with this. It could well turn into a presidential campaign issue, one on which all the candidates would have to stand up and be counted.

[From TV channel 5–WEWS, Cleveland, Ohio, Jan. 8, 1972]

TAFT AMNESTY PLAN MAKES SENSE

"Someday, maybe. But not now." That was Senator Saxbe's reply when I asked him about Senator Taft's amnesty bill. When Saxbe first heard about it, he had been a good deal more emphatic than that. He called the draft resisters dogs and said they deserved to be in jail.

Senator Taft told me yesterday that he wasn't surprised at the national debate his plan has started. As the war winds down it was inevitable that he would have to get into the questions that Senator Taft's bill has raised. Most Americans, including Senator Saxbe, think the war was a mistake. Yet, not so long ago most Americans supported the war. What should our attitude be toward young men who saw the light before the rest of us and refused to be involved in it? Is there a difference between the man who resists service out of fear and the man who resists out of moral conviction? How do you tell one from the other? Do you treat them differently? Is amnesty to draft resisters unfair to those who didn't resist and who served and were wounded or killed? Will amnesty help heal the nation's wounds in the aftermath of this unpopular war or will it make them worse?

I asked Senator Taft if he felt the timing of his bill was a mistake, especially in light of the debate it has kicked up. He said, no, that when people understand his bill, they will support it. He said his mail which was negative at first is now favorable to the plan.

To be realistic the immediate prospects for Taft's amnesty bill don't look too good. But as the war continues to wind down and the pain of it recedes in the national mind, there will be amnesty of some kind. I think Senator Saxbe spoke for most middle Americans when he said, "Someday, but not now." It still hurts too much to deal with the emotional and moral questions that it poses. But certainly someday. And we will most likely accept an amnesty fashioned along the lines that Senator Taft, with rare courage, laid out before the Senate and the nation.

[From the Dayton Daily News, Jan. 4, 1972]

LIMITED AMNESTY

As the Nixon administration winds down the United States participation in the Vietnam conflict, one of the stickier issues remaining is that of the draft dodger.

These are the young men who either fled the country or went to prison rather than be inducted into the Nation's armed forces.

The issue is emotional. Eventually, there probably will be a general amnesty; that has been past practice.

Senator ROBERT TAFT has come up with a possible interim solution. It is certain not to please the extremists on either side.

Senator TAFT has introduced legislation which would amnesty those who have fled the Nation (some 70,000) and those who are in prison (some 500) because they refused to be drafted. To qualify for amnesty, the young man would have to serve 3 years in one branch of the armed forces or in some other selected Federal field of endeavor. Time already served in prison would count.

The proposed bill would not apply to military deserters.

It may be that Senator TAFT's proposal is the one embodying the greatest amount of logic and the greatest sum of understanding. At this point it appears to be an acceptable answer.

[From the Byzantine Catholic World, Jan. 9, 1972]

EDITORIAL—AMNESTY

We are now in a presidential election year and the administration's timetable will increasingly dictate a wind down of American participation in the Indochina War. As our participation in this war diminishes and increasing numbers of our soldiers return home, there is mounting new interest in the uncounted numbers of draft evaders in Cannada who, too, now want to come home as honorable citizens if not, indeed, as heroes.

In Eugene, Oregon, Charles O. Porter, formerly a Representative, has organized "Amnesty Now," with the purpose of gaining general amnesty for draft evaders whom Mr. Porter describes as "victims of the national debate over the war." "No man," he adds, "should be punished for refusal to participate in an immoral war."

In New York City, Harry Schwarzchild heads the American Civil Liberties Union "Amnesty Project" office which opened January 1st. He refers to draft resisters as "American refugees (who are) made up of some of the most promising young men in our society."

In the Congress, Representative Edward I. Koch (D.-N.Y.) and Senator Robert Taft Jr. (R.-Ohio) both have introduced bills which would permit those draft evaders to return but avoid prosecution by volunteering for two or three years of alternative service in some Federal social program. (In response to this, Mr. Porter says that "these men have already paid a high price in exile or hiding," and he is opposed to any alternative service.)

Jack Calhoun, a draft resister in Toronto, Ontario, Canada, wants a general amnesty without any obligation of alternative service. He has written to Representative Koch saying that alternative service was something which he and his brethren wanted but were denied five years ago. It is his contention that they had no choice but to flee the United States because they did not want to "become criminals of the heart." Calhoun added that a "Government which has the stain of Indo-China on its conscience has no business passing judgment on our 'crimes'." (Curiously, in 1960, now 12 years ago, 16,278 men were granted conscientious objector status, a figure which rose to 61,412 in 1971. In the years 1967 to 1971, 182,918 men won C.O. status.)

All America wants out of Vietnam not because our entry into it was immoral—there was a time when fighting communism was considered to be a very noble and righteous thing—but, rather, because we became bogged down in a no-win war. We had given the enemy sanctuary and did not pursue him; we bombed the Ho Chi Minh trail and left Haiphong harbor wide open, to cite two examples of a no-win strategy. Our soldiers in Vietnam have been fighting in accordance with the expediency of politicians rather than under the strategy of military commanders. And, politicians have no more expertise in running wars than they do, necessarily, in operating governments.

Nevertheless, thousands upon thousands of American young men have stepped forward upon the call of their draft boards to fulfill their obligations to their government as citizens of this nation.

Thousands of others, some 70,000 to 100,000, have either gone into hiding in this country or have fled to Canada.

Now, as the G.I.s return from Indochina, these draft evaders want to come back from Canada or come out of hiding, returning to their hometowns and assuming once again their true identity.

We would gladly extend a hand of welcome to Jack Calhoun, now of Toronto, if we could at the same time give a Vietnam veteran back his arm. We would happily embrace the draft evader as a hero if we would not at the same time be calling the returning infantryman a fool. Quickly would we pay tribute to the high price of exile and hiding if we could just as speedily breathe life into a mother's son who has come home and knows not where he has been laid to rest.

Mr. Schwarzchild's reference to those "American refugees" as the "most promising young men in our society" is not only a brazen falsehood but an insult to every young American who had the courage to accept the chalice of service when it was asked of him. We have always been under the impression that boys become men in the face of adversity rather than in the shadow of disguise.

The penalty for draft evasion is up to five years imprisonment and a $10,000 fine. Asking draft evaders, those outdoor track men to the north, to serve two or three years of alternative service is a most gracious gesture on the part of Representative Koch and Senator Taft and should be accepted with humble thanks by those deserters of their country. They would, indeed, have to travel far and wide to find elsewhere so forgiving a nation betrayed.

[From Time magazine, Jan. 10, 1972]

The Pros and Cons of Granting Amnesty

Should draft resisters and deserters be given amnesty? Or should they continue to be prosecuted and forced to remain in exile? The question is one of the most difficult the country confronts as the bitter war winds to its conclusion. Until recently, even longtime opponents of the war have shied away from this emotionally charged issue. President Nixon, his chin outthrust, answered the question with one firm word—no—at a press conference in November. But with an end to the war in sight and an all-volunteer Army on the near horizon, the topic is gaining currency. Ohio's Republican Senator Robert Taft Jr., a Republican with impeccable credentials, went so far last month as to introduce a bill to grant amnesty to draft resisters—with the stiff provision that it be coupled with three years in compensatory military or civilian federal service.

Others would go much further. Groups are being formed round the country to bring pressure to bear on Congress and the Administration to grant amnesty, and the American Civil Liberties Union is opening an office in New York this week to coordinate their efforts. The question may be one of the emotional issues of the presidential campaign. Though the Democratic front runner, Senator Edmond Muskie, believes that the matter should not even be discussed until the was is over, other Democratic contenders, Senator George McGovern and New York's Mayor John Lindsay, have taken positions in direct opposition to Nixon. McGovern has announced that if he is elected, he will grant amnesty to all draft resisters (but, like Taft, he would not give it to deserters). Lindsay has taken a position similiar to Taft's, although he would require two, rather than three years of work in the national interest.

The new youth vote will probably favor amnesty. "If a candidate expects to have young people going door to door in his behalf, he'd better get right on amnesty," says Charles Porter, a former Congressman from Oregon and head of the National Committee for Amnesty Now. Many older people, especially those who have had sons in Viet Nam, would undoubtedly be just as vehemently against it. The political advantages on either side are difficult to assess, but on balance, it seems that this year a position that favors complete amnesty, without some kind of compensatory work, would be a political minus that could cost any candidate votes from the center.

Yet the issue itself transcends politics and comes down to a basic moral question: Is amnesty justified under the circumstances?

The first recorded amnesty was granted by Athens in 403 B.C. to most of those who had collaborated with Athens' Spartan conquerors after the Peloponnesian War. (The word itself is from the Greek *amnestia*, which means "forgetfulness.") The Romans, on occasion, continued the custom, which they called *restitutio in integrum*, and many other states since then have granted amnesty to achieve reconciliation after a civil war or a period of internal strife. France, which has seen more such conflict than most countries, has made amnesty almost a habit; the latest example occurred in 1968 when right-wing opponents of Charles de Gaulle's Algerian policy were forgiven their earlier campaign of terror. Britain, with a more placid history, has had less reason to grant amnesty; it did so, however, after its civil war in the 17th century, after the Restoration of Charles II a few years later, and again in the 18th century to those who took part in the second Jacobite rebillion.

Like Britain, the U.S. luckily has not until now had much occasion to grant amnesty. There is precedent for it, however. George Washington pardoned those who participated in the so-called Whiskey Rebellion in 1794, and Abraham Lincoln offered forgiveness to lower-ranking members of the Confederacy in December 1863. That, of course, was 16 months before the end of the Civil War, and could be read as a shrewd tactical encouragement of defections. But Lincoln's successor, Andrew Johnson, extended the clemency to the South after the war, over the opposition of the Radical Republicans, as a way of bringing a divided nation back together. More to the point—and a better precedent for today's proponents of amnesty—would be the case of deserters from the Union itself. In March, 1865, just weeks before the war ended, Lincoln, with the approval of Congress, granted amnesty to all Union deserters, with the stipulation that they must return to their units within 60 days and serve out their enlistment periods. Those who chose not to take advantage of this offer lost their citizenship.

The question did not take on major proportions again until World War II. Sixteen months after V-J day, President Truman responded to public pressure and established a three-man Amnesty Board to determine whether those who had been convicted of refusing to fight should be further punished. The board was less than lenient, partially because World War II had wide popular support. Of the more than 15,000 cases considered, only about 1,500 men were pardoned, most of them on religious grounds. "Intellectual, political or sociological convictions" against the war were not accepted as excuses, and clemency was not granted to those who, in the board's words, "set themselves up as wiser and more competent than society to determine their duty to come to the defense of the nation."

Since the Viet Nam War is unlike any in the nation's history, perhaps no precedent should be sought in history. Nearly everyone, even those few who still favor pursuing the war, now agrees that the U.S. should never have become involved in the way it did. Why punish those, ask the proponents of amnesty, who saw the light first? Many Americans have been against the war, but because they were ineligible through age, sex or infirmity, were not forced to back up their beliefs with their lives and careers. Why persecute those who, because they were young and eligible, did put their lives behind their convictions? Those now in exile or in jail, add the supporters of amnesty, include some of the most intelligent, the best educated and the most passionately concerned men of their generation. Most of them are a gain for their homes of exile, particularly Canada, where the majority live, and equally clearly, they are a great loss to the U.S. Why should the country so willingly, even perversely, suffer such a drain on its talent and spirit?

Beyond that, there is a practical argument in favor of amnesty. Many deserters, perhaps a majority, are already being quietly discharged, mostly because many military commands are unwilling to go through complicated prosecution procedures. The most celebrated recent example was the case of eight sailors who deserted last October from the carrier *Constellation* as it made ready to depart for Indochina, and took refuge in a San Diego church. All received a general discharge from the Navy under honorable conditions, which carries no penalty and only slight stigma. Is it fair to let some go and not others, or to create a situation in which it is wiser to desert than to resist the draft. The FBI, after all, boasts of its record in catching resisters. Uneven justice is no justice. Another highly persuasive argument for amnesty: no other action could be as effective in persuading the young that once again they can trust the humanity of their Government. In this sense, amnesty would serve its traditional function: healing angry wounds.

The case against complete amnesty is more compelling, however. Perhaps 70,000 men evaded the war—though no one has anything like an accurate figure. What about the 3,000,000 others who fought in it, 55,000 of whom died? In effect, say its opponents, amnesty would tell the man who fought or was wounded—or the survivors of the man who died—that he should have had better sense and sat out the war in Stockholm or Toronto. This is the emotional crux of the problem: Would it be fair to those who fought to forgive those who refused?

More practically, how could the U.S. ever field an army of draftees again if it established the precedent that draft evasion will be forgiven? An act of compassion and mercy now, however well-intentioned, might cost the country its freedom at some time in the future. And while amnesty might reconcile one group, say the opponents, it would embitter many Americans. Healing some wounds, it would exacerbate others, they contend. Senator Taft can attest to the bitterness of those who oppose amnesty. He asked one protester what should be done about draft evaders if his plan is rejected. The answer: "Shoot them."

One further technical point against amnesty is the difficulty in separating the draft evader from the deserter, as Senators McGovern and Taft both do. They would give amnesty only to resisters, presumably on the premise that it is not as bad to avoid service as it is to desert once in. Desertion still sounds like unpardonable cowardice to most Americans. In a sense, this distinction may be discriminatory. An uneducated farm boy from Mississippi probably would not have had the knowledge to evade the draft; any college boy could pick it up in an hour. Or, on the other hand, perhaps the deserter did not oppose the war until he saw it firsthand. Should he therefore be penalized? If amnesty is granted, it should in fairness be given to both draft evaders and deserters.

After all the other arguments are made, two bedrock questions remain, one profoundly moral, one eminently practical. Does the individual have the right to decide which laws or which wars he will support? If he does, can the U.S. Government—or any government—survive? The draft evaders and deserters claim that they are serving a higher law than the Selective Service Law—the law of morality. They might quote St. Thomas Aquinas. "Human law," he wrote, "does not bind a man in conscience, and if it conflicts with the higher law, human law should not be obeyed." That is a maxim followed by all who have broken the law as a matter of conscience, from Thoreau and Gandhi to Martin Luther King and the brothers Berrigan. The principle that a man's conscience takes precedence over the dictates of his government was reinforced at the Nuremberg war crimes trials, which rejected the claims of Hitler's lieutenants that they were only following orders.

Historically, however, democratic states have countered that they represent the people's will and the people's morality. They are merely instruments, not ends in themselves. If he has a legitimate means of registering his dissent, the citizen cannot take illegitimate means or decide for himself which laws he will obey and which he will disobey. "In war, and in the court of justice, and everywhere," Socrates told Crito before he drank the hemlock, "you must do whatever your state and your country tell you to do, or you must persuade them that their commands are unjust." For each man unilaterally to veto the law would create anarchy—a kind of immorality of its own. The precedent of Nuremberg, it might be added, applied only to the high officials of the Nazi government, those who had substantial freedom. The ordinary officer or soldier was not held responsible because he did not have the right to question Hitler's orders.

Yet there are some laws, even in a democratic society, that are so unjust that any man of conscience and determination cannot obey them. Segregation laws that discriminate against race are the best recent example in the U.S. Opponents of the war would say that service in Viet Nam is another. In that case, the conflict between the two arguments is in a sense insoluble, and the answer is not at all satisfactory: the law must be disobeyed, but the law's penalty must be accepted. That is the solution of the Thoreaus, the Gandhis and the Kings, and it must be the solution for the current resisters and deserters as well. The country can appreciate their courage and their convictions, but cannot excuse them from the consequences of breaking the law.

To say this, however, does not exclude mercy or suggest a vengeful policy. After the war finally ends and passions have cooled, a conditional amnesty should be granted. Under it, the exiles should be offered the right to return, and those imprisoned for draft resistance should be released—provided that they are willing to accept certain conditions. One of these might be some kind of compensatory service, perhaps as has been proposed, in a poverty program or in the peacetime military. That is far from an ideal solution—but it may just be the best.

[From the Nation, Jan. 17, 1972]

THE AMNESTY PROBLEM

Amnesty is an idea whose time has come. Not that it is a simple idea, or without shades of implication. The fact that the individuals affected fall into different categories—conscientious objectors, deserters, young men who simply failed to register, et al.—is one source of complexity. Then too it is said that the proposal is premature, in the sense that the war drags on and it is unfair to consider amnesty for some men while we are still drafting others.

There are obvious answers to both sets of objections, but they all boil down to one outstanding fact: this war is *different*. We are approaching a consensus that it was a mistake from the beginning, that we should never have gotten into it, that "a decent respect for the opinions of mankind" requires that we repent and get out as soon as logistics will permit.

That this war is unlike any other in which we have engaged is shown by one statistic: the U.S. desertion rate in Indochina far exceeds that of our earlier wars and is nearly double that of World War II—72.9 per 1,000 for the latter, 142.2 per 1,000 in the present conflict. Of course desertion has many causes and may not always involve revulsion against a vicious national policy, but a 14 per cent desertion rate surely indicates that American intervention in Vietnam has had a low patriotic appeal.

But if the policy was and is wrong, those who opposed it, either by open refusal to serve or by leaving the country, should not be punished. If there is to be redemption, they will have helped to redeem us. That is the flaw in Rep. Edward I. Koch's compromise proposal for alternative service. It comes too late. A draft register now living in Canada wrote to Koch that "many of us would have been quick, willing and anxious to accept such a proposal five years ago. . . . Many of us are exiles today precisely because such an alternative was denied to us in the past. We left the States because we did not want to become criminals of the heart and now feel that a government which has the stain of Indochina on its conscience has no business passing judgment on our 'crimes' and meting out punishment. . . ."

The problems inherent in the amnesty proposals can be worked out equitably if the public is let in on what is at stake, and this can be done only by open Congressional hearings. The roadblock is Senator Eastland, chairman of the Judiciary Committee. If he can, he will resort to total opposition, in line with the President, who sees another chance to placate his right-wing critics. However, Eastland may be forced to submit the measure sponsored by Representative Koch and Sen. Robert A. Taft, Jr. to one of several subcommittees; if so, he is likely to choose the least amenable. He may not have it all his own way; the Taft name carries weight in the Senate. There is also the possibility of adding amnesty measures by amendment or rider to bills dealing with other matters.

A few commentators have expressed surprise that Senator Taft is in favor of amnesty in principle, and is sponsoring legislation to that end. *The Nation* finds Mr. Taft's action quite in keeping with the family tradition. The Tafts have always been conservatives, but conservatives with a conscience and good sense in the face of changing conditions. They have not been militarists and have never been ashamed to exhibit humanitarian concerns. They have shown consistent respect for the Constitution and for civil liberties. They differ, in this respect, from the *ersatz* conservatives who are trying to take over the Republican Party, and who will surely oppose amnesty with the usual cry of "bleeding hearts." But that is a difficult label to pin on a Taft.

THE PAINFUL QUESTION OF AMNESTY

(By Milton Viorst)

President Nixon, as you may have noticed, is not accustomed to referring to himself as liberal. But in his interview on CBS last week, he said—rather courageously, I thought—that he would be "very liberal with regard to amnesty."

He was not specific about what he would do, except that he would do nothing immediately. But the fact that he eschewed an attitude of punitiveness toward the young men who preferred flight to fighting in Vietnam is very encouraging.

It would have been easy for him to do otherwise. Unpopular as the war has become, I don't think the young men who broke the law to avoid it have become national heroes. Besides, the President tends to be a cold-hearted moralist—and it would have been characteristic of him to be stern and unforgiving.

Instead, he enunciated the important principle that the war must be followed by the nation's reconciliation—even with those who dodged the draft. This was Nixon at his best.

What his statement signifies, I think, is that there will, indeed, be amnesty for the estimated 70,000 young men living in exile, as well as for some 5,000 others in jail or under indictment. But I foresee much agonizing before a national decision on amnesty is made—and on what kind of amnesty it will be.

For the amnesty decision will, in the eyes of most people, embody a moral judgment—on whether the Vietnam war was right or wrong. This is a question on which most Americans continue to feel very deeply.

My own view is much closer to the second than to the first. I don't, of course, idealize all the young men who fled the draft. Some, I am sure, did so for quite ignoble motives.

But I hold the war as reprehensible—and I feel that those who were revolted enough by it to flee their homeland and go into exile have been guardians of the national conscience. I think they will be remembered by history for symbolizing that all of America did not acquiesce in this god-awful war.

Yet, having said that, I confess I am not comfortable with the notion of their being welcomed back as if nothing had happened—if only because 55,000 other young men who had a different and valid conception of duty died in Vietnam.

I think that if we accept the patriotism of the draft-evader, we also must accept the patriotism of the soldier—and though both made sacrifices for their country, few of us would deny that Sweden, or even a federal penitentiary, is sweeter than the grave.

What I am saying is that there is a question of fairness involved, which I do not think can be dismissed.

I would keep in mind, furthermore, that the draft-evader, however lofty his objectives, knowingly chose to put his conscience above the constitutional processes of the state. That I happen to agree with his objectives is irrelevant. I believe our society still is democratic enough that violations of the law—however ideological—should not be overlooked.

At the least, the draft evasion of the Vietnam era has been civil disobedience (quite distinguished from treason). In helping turn sentiment against the war, it achieved its purpose. But the claim that the state should now forget it demeans, in my view, the meaning and courage of the act.

Sen. Robert Taft Jr., the Ohio Republican, introduced the first amnesty bill in Congress last month. It proposes, in return for amnesty, three years of service—I'd prefer two—in hospitals, ghetto schools, VISTA or similar work.

He made the proposal, he says, "neither out of remorse nor of sympathy, but as a practical solution to a national concern . . . to unite these men and their native land."

The Taft conception, it seems to me, is fair, workable and free of ideological self-righteousness. The President already has set a tone of conciliation. It is time now to face up to this painful problem—and enact a settlement.

What About "Our Boys" Who Refused Viet Duty?

(By Max Lerner)

NEW YORK.—Draft resisters, fugitives, exiles: What shall we do with them? How a nation ends a war is as important as how it starts one. Along with the winding down of actual fighting, there must be a winding down of the internal hates and hostilities the war generated. That is why the issue of amnesty for draft resisters is crucial now and why a national debate on it is overdue.

Sen. Robert Taft's bill to extend a hand of conditional welcome to those who resisted or fled the war has caught national attention, where the earlier bills of Rep. Ed Koch didn't. The reason may lie in Taft's name and in the fact that he is a respected Ohio Republican, while Koch is a liberal New York Democrat.

Many will resent the idea of bringing back into society those who refused to fight while others were dying. There is always the danger that those who fought and the families of those who died will be embittered by such an act of clemency and that they may stir up social passions. But the idea of revenge is already a social passion. Neither revenge nor hardness of heart is a good emotion to have rampant in a nation.

500 IN PRISONS

There are 500 still in American prisons whose lives have been blighted enough. There are 15,000 exiles in Canada, some 55,000 in other countries. Let them come home, give them a second chance, says Taft, and I agree. A continuing social anger against them will turn them from young men who heeded their conscience at a high cost, into a group of permanently embittered outcasts who could turn into enemies of America.

Taft's proposal sets a condition, that they volunteer for some form of noncombatant or civilian service. Some of the spokesmen of the exiled groups in Canada have rejected the whole idea, saying that the war as they see it was illegal and immoral from the start, and that America owes them the right to go back with no ifs attached.

OWES SECOND CHANCE

I doubt whether this will get a wide response. What does America owe them actually? It owes them a second chance. The right to return is not an absolute right. They must earn it. I don't see this as a kind of redemption but quite simply as an effort which will again make them part of American life, without violating their antiwar conscience which made them go to prison or leave America in the first place.

The noncombatant or civilian service need not be for three years, as Taft's bill provides. If it is seen as a symbolic act on the part of the returning exiles, a year or 18 months should do as well. The life of exiles is bleak and rootless. The life in prison is mutilating. Both groups have already paid a heavy price for what they did, whatever their motivation. The additional price should be only a symbolic one.

AND THE DESERTERS

One must treat the question of some 300,000 military deserters and AWOLs as a separate one. While many of them recoiled from the war, the element of antiwar conscience was not there to start with. When the draft is done with and a volunteer army takes its place and if the problem of the fugitives can be settled, the deserter problem will become more manageable. For the present, a general amnesty for them might crumble whatever discipline and deterrence the military still has.

In the case of the draft resisters this doesn't apply. Toward them there should be nothing to interfere with magnanimity. There has been considerable talk of politics, not magnanimity. There are some who feel that President Nixon will welcome the whole issue of amnesty in the election campaign, since his opposition to it would give him a chance to reassure the South and the conservatives in his own party.

BEST POLITICS?

That may be so, yet here as in other cases the generous policy may prove to be the best politics, also. If Nixon wants to undercut the Democratic hold on the vote of the young, this may be one way to do it.

On every score, magnanimity is the key. This has been true after previous wars as well. The stakes of social peace and creativeness are high. Such an act by Congress and the administration would set a good example for postwar social cohesion and trust. It would make it possible to heal the traumatic breaks in tens of thousands of lives, and give young men in the prime of life a second chance to use their full potentials back on the soil of their own country.

Finally, it would undo what could be an unhealthy effect on the nation's future. There has been a selective migration of many who showed a courage of the individual conscience. This is something that America—or any other power system—cannot afford to lose.

Dodgers, Come Home

(By Andrew Tully)

I trust none of my readers fell down in a faint upon learning that "spokesmen" for American draft dodgers in Canada denounced as "unacceptable" an amnesty bill offered by Sen. Robert Taft Jr., R.-Ohio, which would require three years of noncombatant military duty or service in a social agency in return for immunity from prosecution.

It is the position of these gems of nobility that they have a right to repatriation. According to their assorted "spokesmen," Taft's bill is an affront to the "more sensitive and articulate" among them.

There is strong reason to doubt that this represents the attitude of the some 70,000 dodgers living in Canada or elsewhere. Most of them I gather would like to come home if the government agrees not to herd them off to jail. At any rate, the exiles were not too ruddy sensitive to let other young men serve in their places and sometimes get killed, and they are mostly articulate on the issue of a privileged right to defy the law of the land.

Taft's bill is a good one. (Were there any injustice, it would be called the Tully bill, since I have been demanding such a solution for years, but as a politician Taft needs more points than I do.)

The bill is good for many reasons. It would apply also to about 500 draft dodgers now in Federal prisons, with as much as two years of their prison time deducted from their three-year service obligation. The amnesty offer would hold good for only a year after the bill's enactment, a test of the exile's sincerity. And military deserters are specifically excluded, on the solid grounds that discipline in the armed forces must be sustained.

Perhaps most important, Taft's bill jibes with the American theory of the right of redemption. The Republic should salvage these young men if possible. As Taft put it, draft evaders who agree to take up the offer would show that they "are entitled to a second chance"—even as are three and me.

Taft also has reminded us that "many of these draft resisters are victims of bad judgment and poor advice." Regardless of the proclamations of professional youthdom that they should run the country, sane people recognize that an 18-year-old's judgment is relatively imperfect simply because he's lived only a little. Unfortunately, this bloc tends to think with its glands, as was shown by its emotional support of the charlatan Gene McCarthy in the 1968 Presidential campaign.

And they sure as shooting—you should pardon the expression—got some bad advice from ol' Ben Spock and other self-styled intellectual "freedom lovers" and assorted academic rabble rousers. While their followers went to jail or into exile, Spock & Co. survived arrest, indictment and trial for their "poor advice" and have continued freely to live it up on campus, in plush foundation offices and the more elegant saloons.

I suppose it is inevitable that the amnesty question will become an issue in the 1972 campaign. I will also give fat odds on Republican Taft against Democratic Sen. George McGovern, whose solution has the doubtful quality of absolute simplicity. McGovern, a nice guy who sometimes lets his good heart run away with him, has advocated a general amnesty for all resisters and exiles with no requirement for alternate service.

Congress may not buy the Taft bill. Legislators like Sen. Richard Schweiker, R-Pa., have come out against it as unfair to those who died in Vietnam, and President Nixon has always been cool to the amnesty idea. But the administration and its Congressional leadership could win some votes by backing Taft, whereas the Democrats suddenly would have to come down with a death wish to go along with McGovern.

[From the Minneapolis Star, Dec. 29, 1971]

Viet Amnesty Pros and Cons

(By Austin C. Wehrwein)

Despite precedents for a Vietnam amnesty reaching back to George Washington, Sen. Robert A. Taft Jr. stirred some furious response when he introduced a conditional amnesty bill just before Christmas.

A few samples from his mail: "Only traitors defend draft dodgers" . . . "A bald insult to the men now in service and their families" . . . "A political football, an attempt to defuse the issue with the approach of an election year."

The Ohioan, whose name is synonymous with "Republican," fully expected such reaction. And, rather than defusing the issue, he put a match to it.

Yet, his courageous stand was inspired neither by draft dodgers nor left-wing peace groups, but by a Scio (Ohio) Air Force Reserve colonel, Dr. J. Z. Scott.

No dove, Scott early this month wrote Taft, saying that because 55,000 died serving their country in Southeast Asia, draft resisters should not be welcomed back with unconditional amnesty. Then Scott added, "Similarly, I believe it is a great mistake for us forever to foreclose these young men, however misguided, from participation in American life."

That sentence is the essence of Taft's rationale. He believes that the exiled and imprisoned resisters were victims of bad judgment or poor advice, or, he concedes, deep conscientious objections. The basic concept is forgiveness and rehabilitation.

In a letter to constituents and others who wrote him about his bill, Taft added another point: that the June 15, 1970, Supreme Court case of Welsh versus U.S. liberalized the test for conscientious objector status by eliminating the need for belief in a supreme being.

Thus, Taft said, in one family a youth might have been ineligible for C.O. status and opted for prison or exile, while his younger brother, holding the same views on the war, could have become a C.O. after the Welsh case came down. That, Taft said, was unfair.

But he drew the line at amnesty for deserters in his bill, contending that they were a matter for the military and that to release them would destroy the armed forces' morale and discipline.

There are three general categories:

First, the self-imposed exiles, at least 70,000 in Canada and other countries, notably Sweden, many of whom have been joined by wives and girl friends. Some are deserters, as opposed to evaders.

Second, those in prison, about 500, plus about 3,000 who have finished their sentences. Among them are activists like the "Minnesota Eight" who not only refused to serve but staged incidents at draft boards that involved offenses against government property.

Third, 89,000 deserters, exiled and otherwise, together with close to 10,000 in military stockades for violation of the military code or awaiting trial on that ground.

Those figures, plus men dishonorably (or less than honorably) discharged, present a mix of problems that Taft's plan can't completely cover.

Taft is caught between those like former Sen. Ernest Gruening, D-Alaska, who would amnesty all with "war-connected" prison sentences or less than honorable discharges and the evading exiles . . . and, on the other hand, those like the American Legionnaires, who insist on full prosecution of "draft dodgers."

Then there are those like Sen. Thomas J. McIntyre, D-N.H., whose question is: "What do I do with a mother whose son had doubts, and was killed?"

A basic legal-philosophical problem is that many resisters, regardless of category, mix religious and moral scruples with equally strong political convictions. Too, it is not uncommon for them to hate the military, as such, as much as the concept of war.

How then can a simple distinction be made between a "deserter" and an "exile" who was never actually in uniform, or between a "resister" who took prison and an imprisoned man whose "resistance" bloomed after he was in service?

Another sticking point is that Canadian exiles are hardly unanimous. The militants insist that, rather than being forgiven, it is they who should be asked to forgive. They talk not of amnesty, but of unconditional "repatriation."

On the other hand, many exiles, both in Canada and Sweden, have become homesick, or if not actually homesick they find it impossible to adjust, often to find jobs. There is some open hostility to the exiles as well. While it would be surprising if many would opt for military service, one of Taft's conditions, his other condition—for alternative service like that for C.O. status—makes more sense.

This would, of course, be true for resisters released from prison service, especially as they'd get a credit up to two years for time served. But if another round of evasion, resistance and litigation is to be avoided, this time for those under this new compulsion, those accepted for alternate service would have to be carefully screened. The three-year requirement is not an easy one. Therefore the service opportunities must be useful and meaningful, not only for the "forgivees" but for the good of the country.

[From the Minneapolis Star, Dec. 30. 1971]

Proposal by Taft Raised Amnesty Into a National Issue

(By Austin C. Wehrwein)

As the war in Vietnam grinds down and the 1972 election moves closer, an emotionally charged word is being heard more often: amnesty.

In November, President Nixon was asked at a news conference if he could foresee himself granting amnesty to any who fled the United States "to avoid fighting in a war that they considered to be immoral."

The President: "No."

About a month later, Sen. Robert Taft Jr., R-Ohio, said, as he introduced amnesty legislation: "I believe the time has come for us to turn our attention to the question of draft resisters and whether we, as a nation, are so wise, strong and charitable as to offer them an opportunity to be reunified with our American society."

Taft, who has two 17-year-old sons and whose impeccable Republican lineage includes a grandfather who was both a president and a chief justice and a senator-father who was a presidential candidate, raised the amnesty issue to a new political plane.

Theretofore it had, for practical political purposes, been pretty much a monopoly of Sen. George McGovern, D-S.D., who finds it a surefire signal for applause from liberal and student audiences, although he has not introduced an implementing bill.

Not that McGovern is any less sincere than Taft. But since McGovern is a liberal presidential candidate, his advocacy was bound to be discounted, whereas Taft's conservative background lends at least a bipartisan aspect to the debate.

McGovern has promised, if he is elected president, to grant non-conditional amnesty to draft resisters in self-imposed exile abroad, and a case-by-case study of imprisoned deserters.

Taft's bill does not cover deserters. But it would permit exiles to return, on the condition that they enlist for three years or perform alternative service for three years similar to that performed by conscientious objectors. Those in prison for draft resistance would be released on similar conditions, and time served up to two years would be credited against the three-year obligation.

Sen. Edward M. Kennedy, D-Mass., has introduced legislation to set up an amnesty study commission. Eugene McCarthy first advocated amnesty in 1968.

Other Democratic presidential contenders have been cool to it: Sen. Henry Jackson, D-Wash., is in flat opposition; Sen. Edmund Muskie, D-Maine, said amnesty talk should wait until the war is over; and Mayor John V. Lindsay of New York has ambiguously suggested that amnesty for exiles would be unfair to those who served or who took prison as their alternative. Sen. Hubert Humphrey has been silent on the issue.

Just exactly what is "amnesty"?

It comes from a Greek term meaning forgetfulness, from which we also have "amnesia," for loss of memory. But in law, the word applies to a sovereign, or a government, rather than an individual citizen. It is an act of grace, a forgetting or forgiving of certain crimes, typically political offenses.

It differs from a pardon in that it applies to groups or classifications of offenders. As we can see from the Taft bill, it can be absolute or conditional.

Technically, since Taft proposes immunity from conviction for returning exiles who meet the alternative service conditions, he and others have stretched the meaning to those not yet convicted.

McGovern has ample precedent for his promise of presidential amnesty. There have been many examples in our history, deriving from the presidential power to "grant reprieves and pardons for offenses against the United States, except in cases of impeachment" (Art. 2, Sect. 2). There is also precedent for Taft's route via congressional action.

The first use of the presidential amnesty was in 1795 when George Washington, certainly no dove on war, by proclamation granted "full, free and entire" pardons for "all treasons, misprisions (i.e., failure to prevent) of treason, and other indictable offenses against the United States" committed by participants in the 1794 Whiskey Rebellion.

• • • • •

"For though I shall always think it a sacred duty to exercise with firmness and energy the constitutional powers with which I am vested, yet it appears to me no less consistent with the public good than it is with my personal feelings to mingle in the operations of the government every degree of moderation and tenderness which the national justice, dignity and safety may permit."

Since Washington there have been, as the accompanying table prepared by the Library of Congress shows, a steady flow of presidential amnesty actions, plus some instances of War Department administrative action.

In addition to the instances listed in the table, Harding pardoned Eugene Debs and 23 other political prisoners in 1921 but issued no general amnesty.

It is noteworthy that, based on recommendations of an amnesty board, President Truman pardoned 1,523 persons who had evaded or otherwise violated the World War II draft laws. Strictly speaking, this was more like a series of individual pardons than amnesty, although the effect was the same.

In addition, Truman granted full pardons to all convicts inducted into the armed forces after July 29, 1941. This proclamation affected those with at least one year of service and an honorable discharge; it did not cover offenses after induction. The object was to reward those paroled directly from federal prisons for entry into the Army; about 2,000 men benefited.

This and other examples of amnesty shown in the compilation do not precisely match today's situation; yet, taken as a whole, they do illustrate the principle of "moderation and tenderness . . . national justice, (and) dignity" of which George Washington spoke.

AMNESTY RECORD

1795 Washington—Whiskey Insurrectionists (several hundred).

1800 Adams—Pennsylvania Insurrectionists.

1807 Jefferson—Deserters given full pardon if they surrendered.

1812 Madison—Deserters. Full pardon if they surrendered in 4 months.

1830 Jackson (War Dept.)—Deserters, with provisions.

1862 Congress—Authorized the President to etxend pardon and amnesty to rebels.

1863 Lincoln—Deserters restored to regiments without punishment (except forfeiture of pay).

1863 Lincoln—Certain rebels of Confederate states.

1865 Lincoln—Deserters who returned in 60 days.

1865 Johnson—Certain rebels of Confederate states (qualified).

1866 Johnson (War Dept.)—Deserters returned to duty.

1868 Johnson—All rebels of Confederate states.

1873 Grant (War Dept.)—Deserters. Recommended that Congress remove political disabilities.

1893 Harrison—Mormons—liability for polygamy amnestied.

1894 Cleveland—Mormons—in accord with above.

1902 T. Roosevelt—Philippine Insurrectionists.

1924 Coolidge—More than 100 deserters since WWI armistice.

1933 F. Roosevelt—1,500 violaters of espionage and draft laws, WWI.

1945 Truman—Estimated 2,000 ex-convicts, after WWII service; Amnesty Board: 1,523 pardons for draft evasion.

FINANCIAL STATEMENT OF SENATOR AND MRS. SPONG

Mr. SPONG. Mr. President, I ask unanimous consent to have printed in the RECORD a letter addressed to the Secretary of the Senate, dated January 18, 1972, wherein I certified as true a complete statement of the financial assets of my wife and myself. I have done this each year since my service in the Senate began.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., January 8, 1972.

Hon. FRANCIS R. VALEO,
Secretary of the Senate,
Washington, D.C.

DEAR MR. SECRETARY: My purpose in writing this is to again report to you a statement of the financial status, holdings and liabilities for my wife and myself. This statement is as of January 1, 1972:

ASSETS

Cash in checking and savings accounts (after provision for Federal income tax for 1971 and other obligations) approximately	$1,500.00
Life insurance policies with the following insurers (currently providing for death benefits totaling $129,500): Minnesota Mutual Life Insurance Co.; National Service Life Insurance Co.; Aetna Life Insurance Co.; Southwestern Life Insurance Co.; Continental Assurance Co.; Federal Employees Group Life Insurance; Jefferson Standard Life Insurance Co.: cash surrender value and accumulated dividends	21,205.21
Stocks as listed on Schedule A	49,872.00
Note of Cherdel Corp. secured by deed of trust on 200 acres of unimproved property at Great Bridge Chesapeake, Va	30,000.00
Real estate as listed on Schedule B	46,350.00
Tangible personal property in Portsmouth home and rented home in Alexandria, Va., estimated	$11,500.00
1968 Ford station wagon, Country Squire	500.00
Notes receivable and accounts receivable, estimated	3,570.00

LIABILITIES

Note at First National Bank of Norfolk, Norfolk, Va	13,202.00
Note at American National Bank, Portsmouth, Va	2,000.00
Mortgage on home in Portsmouth, Va., at Norfolk Federal Savings & Loan Association	7,271.24

These figures disclose a net worth of approximately $142,023.97.

The foregoing, Mr. Secretary, I attest as being a true and accurate statement of financial holdings and liabilities of my wife and myself.

Yours very truly,
WILLIAM B. SPONG, Jr.

SCHEDULE A

Stocks:	Value
Fidelity American Bankshares, Inc., 2,332 shares per $21	$48,972
Old Town Corporation, 15 shares at $60	900

SCHEDULE B

Real Estate:	
Residence at 316 North Street, Portsmouth, Va	20,000
One-half interest in service station at Gosport Rd., Portsmouth, Va	10,000
One-half interest in three parcels of land on Sunnyside Farms, West Norfolk, Portsmouth, Va. Received by Deed of Gift dated October 1, 1971 from May Lindsay Galliford to Virginia Galliford Spong	16,350

THE LOST CHARM OF URBAN LIFE

Mr. TAFT. Mr. President, after World War I Americans sang a song entitled "How Ya Gonna Keep 'Em Down on the Farm After They've Seen Paree?" That song reflected the lure of the cities as farm boys in Iowa, Indiana, and Ohio were attracted to urban life.

In Europe, Paris, Copenhagen, and London, as well as other great cities, still have their attraction. But in the United States urban life has lost much of its charm, and the flight of the more affluent is away from cities rather than toward them.

The fact that most Americans do not want to vacation or live in our great urban areas reflects the problems which have overtaken many of our cities.

The rioting in our inner cities has ended. But the underlying problems are still with us.

Urban America in 1972 represents physicial decay, crime, congestion, and pollution. It reflects a deterioration of our social fabric, a destruction of our old neighborhoods, and a corrosion of the inner-city spirit.

Urban America has suffered from decades of neglect, and commitments that were never fulfilled.

The Full Employment Act of 1946 committed America to the principle that widespread unemployment could be overcome through Federal effort. But in our inner cities, 24 percent of teenage residents in our poorer neighborhoods were unemployed in 1970. For black youths in these neighborhoods the unemployment rate was 35.8 percent.

The National Housing Act of 1949 set our goal as "a decent home and suitable living environment for every American family." Yet, in 1966, more than 6 million housing units were "substandard" and were either dilapidated, deteriorating, or lacking in full plumbing facilities. During the last 4 years the number of housing units constructed has fallen far short of our existing and projected needs.

In New York City, the abandonment rate currently exceeds the construction rate and during the past decade housing construction in the city of New York has declined by 75 percent. If we are to renew our cities and arrest the physical, social and spiritual decay of our neighborhoods, we must embark upon a new urban strategy. This strategy should lay aside some of the nostrums of social planners and take a hard look at urban life as it is and as it ought to be.

There are those who would simply call for the infusion of billions of dollars of Federal money into our Nation's cities. I suggest, however, that city life will not improve by merely pumping additional funds into institutions, programs, and agencies, which have not been responsive in improving the quality of urban life. Instead, we must begin to reevaluate the factors which have contributed to the deterioration of urban America and make a pointed and concerted effort to arrest the deterioration which is so well under way.

First, we must come to grips with the problems of crime in our inner cities. Some people would have us believe that the words "law and order" are merely code words for racial prejudice and bigotry. I believe that the words "law and order" should properly reflect the concern which each man has for the safety of his wife on her way to the market and the safety of his children as they come home from school. Crime in the inner city is no myth and it affects black and white, rich and poor, worker and welfare recipient alike. During the decade from 1960 to 1970 our crime rate rose 144 percent and the violent crime rate increased 126 percent. In 1970, in our cities having a population over 250 thousand, the crime rate was 2½ times as great as it was in our suburban areas and over five times as great as in our rural areas. In 1970 the robbery rate in these cities was over 10 times as great as it was in our suburban communities and over 40 times as great as in our rural areas.

During that year over 100 police officers were slain in the performance of their duty.

Let us make no mistake about it, crime affects the lives of all inner city residents.

When crime forces companies to take their factories out of the inner city it means a loss of jobs to the very people who can least afford to be unemployed. When burglars rob inner city homes they steal from families which can least afford the loss. When women are afraid to shop in the inner city, they reduce the number of jobs and the tax base that the inner city needs if it is to survive. I suggest that we undertake an all-out effort against inner city crime.

We must strike at the heroin traffic which has forced so many young men into criminal paths in order to keep this crippling habit going. In some cities it is estimated that as much as 70 percent of property crime is attributable to heroin addicts. The administration has recently undertaken significant efforts to cut off the flow of heroin in the United States. It is equally important, however, for us to continue our research into heroin substitutes so that these addicts can break the chain of criminality in which they are now captive.

In addition, our police departments should be assisted in returning policemen to foot patrol in our various neighborhoods. If the police are not to be thought of as enemies they will have to renew personal contact with the residents and particularly the younger residents of our inner city neighborhoods. Years ago, everyone knew the policeman on the beat. But all too often today, policemen have become impersonal and unknown to the people they serve. We must encourage police athletic leagues and other programs that will generate a personal relationship between law enforcement officers and the residents of our urban neighborhoods.

Second, we must provide meaningful job opportunities in our inner cities so that welfare dependency is reduced. In my judgment many of the most pressing problems af our inner city have been the products of our welfare system. When men had to abandon their families in order for them to qualify for ADC we should not have wondered why there were so many broken homes. When women thought they had to have a child in order to qualify for welfare, we should not have wondered at the number of illegitimate births and unwanted children. When men are forced to turn to welfare rather than to jobs, we should not wonder at their loss of self-pride as the family breadwinners.

The disparity of welfare payments among States has contributed to the influx of the poor from southern and rural areas to our inner cities. This has in turn compounded the problems of crime, housing, and education. Today, one person in every five in the city of Boston is on welfare and welfare has become a way of life for too many Americans. If we are to reduce the dependency on welfare we must not only reform our welfare laws, as the President is attempting to do through H.R. 1, but we must make job opportunities a reality. We must provide incentives for industry to train young men and women on the job. This is far preferable to job corps training centers where young men and women may be trained for jobs that never exist.

The Emergency Employment Act which we passed in this session of the Congress distributes Federal funds to our States and cities so that they can offer jobs to the unemployed where joblessness is most severe. I have long believed that it is far better to give people jobs where they can do productive work and go on to higher paying positions than keep them chained to welfare.

We must strike down every vestige of racial discrimination whether it be practiced by employers or unions. On March 1, 1971, Time magazine reported the following example of discrimination as practiced by a plumbers' union.

> In order to gain admission the applicant is asked, among other things, the relationship of Shakespeare to Othello, Dante to the Inferno, Brahms to music, and Whitman to poetry. He must understand such words as debutante and modiste, know that Dali is a painter and verity is the opposite of myth. Only after having established such credentials is a man judged to be qualified under the union rules to become an apprentice steamfitter in New York. In the past, the test has weeded out 66 percent of the nonwhite applicants and only 18 percent of the whites—a fairly effective method, according to charges filed last week by the New York State attorney general's office, of preserving the union's whiteness. On this particular test, one of four an applicant must pass, there is not one question about the relationship of monkey wrench to pipe."

Third, we should not try to homogenize the American people. As important as it is for all Americans to have upward mobility, I believe that we should undertake new efforts to preserve our ethnic neighborhoods and our neighborhood schools. We should stop trying to think that neighborhoods are improved with the bulldozer and the bureaucrat. Far too many neighborhoods have been "redeveloped" into expressways and parking lots. Far too frequently high commercial rents have driven out old family restaurants, old book shops, and other stores that give a neighborhood its character. In far too many instances we have "renewed" neighborhoods to the point where you cannot find a place to play ball or buy a beer. In far too many instances we have settled for terrible architecture with dozens of apartment houses looking like the prisons that they sometimes are. The frustration in many black and ethnic neighborhoods with this type of so-called urban renewal was noted in the report of the Commission on the Cities in the 1970's, which spoke of the concerns of our blue collar neighborhoods:

> It is typically their neighborhoods that get "blockbusted." It is typically the schools their children attend that suffer the most acute social tensions and conflicts. It is their cherished traditional notions about authority and responsibility and respectability that the crime wave and the sexual revolution and the drug culture most brazenly flout.

When we redevelop neighborhoods we must maintain a sense of community and a sense of neighborhood. Urban renewal should not be simply a physical renewal. You cannot repackage the slums. Neighborhood renewal must take into account the hopes, the fears, the dreams and the life style of the people who live in these neighborhoods or otherwise it will be a failure. When we rebuild a neighborhood we must have mixed use so that women can walk to the market and men can walk to their local tavern and not find themselves in a steel and concrete jungle from which the more affluent would wish to escape.

Our public housing policies should be changed so that we will not again build these large public housing projects. The program of leased housing, which disperses public housing families throughout an entire community is the far preferable approach. This is working successfully in many Ohio communities and I believe that it has distinct advantages over the large public housing complex. With leased housing we can provide more units than we could through Federal ownership. With leased housing the units remain on the tax duplicate and pay their proper share for the support of schools and other community services. Most important leased housing eliminates the social and psychological stigma of coming from "the project". Leased housing tenants are not all put together like cattle in pens but are dispersed throughout the community.

With leased housing, children are not branded as residents of public housing and the economic and social differentials are obliterated from public view. In one Ohio county 97 percent of leased housing tenants live in new homes. These homes resemble other new homes in the same neighborhood and in most cases no one can tell which families are public housing and which ones are not. This leased housing approach which I have firmly supported for many years should be expanded and become our dominant urban housing strategy.

Fourth, we must restore the cultural and commercial vitality of our inner cities. In the east side of Washington there is a place called the D.C. Farmers Market. This is a large building owned by the government of the District of Columbia, which leases out a great number of booths and stalls to individual farmers and merchants to sell their wares. On any weekday, and particularly on Saturday, this market is alive, as rich and poor, black and white, young and old mill about and shop for meats, fish, groceries and flowers. It brings the community together and it gives the east side of Washington a sense of identity. Recently it was proposed to tear this building down and replace it with a so-called community center, which presumably like most community centers, would have been a large empty room with a juke box in one end. Fortunately, this plan was dropped when it was realized that they had the perfect community center right there, as old as it might be. I suggest that it would be very inexpensive but very important to our neighborhoods in other cities if similar markets could be constructed that would bring together small merchants who cannot afford the high rent of shopping centers.

Recently, I have introduced legislation that would create another kind of community center. Under this bill disabled Americans would be brought together from each neighborhood to a common place where they could receive a hot meal and have social contact with their friends. A similar bill has passed the Senate for the aged. Neighborhood centers such as these will perform an important function in not only providing nutrition to those who may not be able to adequately feed themselves but also open the windows to a much brighter world to people who would otherwise be shut in.

The President's proposals for health maintenance organizations afford similar opportunities for neighborhood health centers where people can come for preventive care. If we are interested in preserving our neighborhoods we can do a great deal to renew their sense of community by providing neighborhood health care, neighborhood nutritional programs for the elderly and disabled, and neighborhood markets for our inner city residents.

There are a great number of other initiatives which I believe we can and should take to improve the quality of life in our inner cities, but I will only briefly mention a few. We should seriously question whether or not some of our cities are not too large to be properly administered. Perhaps it would be better to follow the example of Greater London which has many autonomous local governments. In this way local government can be more responsive to neighborhood needs than large city governments such as New York and Los Angeles.

We must put greater emphasis on public transportation so that automobiles, expressways, and parking lots do not choke off inner city life and destroy our old neighborhoods through which these freeways pass.

We should improve our neighborhood schools so that middle income families do not have to flee to the suburbs in order to get away from the school system.

We should undertake imaginative programs of aesthetic zoning.

The planting of trees along our streets does a great deal to make congested urban areas seem more livable and unemployed men can be used to maintain neighborhood parks.

Finally, it is important that we back up these initiatives with new resources so that local leaders can solve the unique problems of each community. In this regard I strongly support the President's revenue sharing program which would bring 213 million new and unrestricted dollars to local and State government in Ohio. Because each community is unique, local mayors and councilmen should have the resources to improve the life of their own cities rather than fitting their programs around the Federal categorical grants which may be rather inappropriate to local needs.

Above all, we must acknowledge that urban America involves a challenge to all of us. It means that we must lay aside some of our personal financial interests and work for the betterment of our communities. It will require the support of business, the support of labor, and the support of the neighborhoods.

I am not ready to give up on our inner cities. The future of this country is largely dependent upon the quality of our urban life and if the quality of that life improves it will only be because of the dedication, the energy, and the commitment of all of us.

ANALYSIS OF GROWTH OF EMPLOYMENT IN 1971

Mr. PROXMIRE. Mr. President, it seems to be the popular assumption that 1971 was a year of economic recovery and that, helped along by the new economic policy, we now stand on the threshold of a golden era of increased prosperity for all.

Naturally I wish that this were the case. But the facts do not support the theory. The facts show that the economic gap to be closed before we get back to full employment actually widened in 1971. The facts also cast doubt on the happy predictions for 1972.

An article written by Gardiner Means, published in last Saturday's Washington Post, spells out some of these facts. I ask unanimous consent that Dr. Means' careful and lucid analysis of the growth of employment in 1971 be printed in the RECORD at the end of my remarks.

Dr. Means' article examines the differences between our two basic sources of employment statistics. One source of employment data is the interviews conducted with individual households. This is called the "household series." A separate set of estimates is derived from employers' payroll records. This is called the "payroll series."

As Dr. Means points out, the payroll data show an actual decline in industrial jobs between January and November of 1971. I might add that this decline continued in December. The only substantial growth in payroll employment has been in the service sector.

By contrast, the household data show a very substantial increase in employment over the same period. I have for some time been puzzled by this large divergence between the two sources of employment data. When asked about this at Joint Economic Committee hearings, the Commissioner of Labor Statistics, Mr. Moore, has frankly confessed that he, too, has been puzzled.

In his article, Dr. Means advances a possible explanation. The household data, he points out, include the self-employed, and they are included even if they worked only 1 hour during the survey week. Many of the thousands who have been unable to find payroll employment may have turned to self-employment as salesmen, consultants, seamstresses, lawn mowers, or snow shovelers. These newly self-employed constitute a "holding pool" of persons who would take full-time payroll jobs if they could find them. Past experience confirms the existence of such a holding pool, which fills with depression and empties with prosperity.

Thus the recent divergence between household and payroll employment estimates is a sign not of recovery, but of stagnation. This picture of stagnation is reinforced by the GNP estimates. The GNP estimates for the second and third quarters of 1971 have been revised downward since Dr. Means wrote his article last week. The picture is even bleaker than he paints it. The annual growth rate of real output was only 3.4 percent in the second quarter and fell to 2.7 percent in the third. This is far, far below the 4 to 4½ percent growth rate needed to prevent further increases in unemployment. It is even farther below the 5½ to 6 percent so rosily predicted for 1972.

If we are honest with ourselves, I think we must all join with Dr. Means in concluding that progress in business recovery during 1971 was a myth. Moreover, we must be equally candid in facing up to the very real possibility that, in the absence of new positive action to provide jobs, 1972 may be very little better.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WAS THERE PROGRESS IN BUSINESS RECOVERY IN 1971?

(By Gardiner C. Means)

The cheering section of the present administration is constantly pointing to the increase in employment and the growth in the gross national product as evidence of substantial progress in business recovery. It talks about 1971 as "a good year for the economy." But examination of the official data shows, not business progress, but business stagnation. Instead of substantial increase in business payrolls there has been only a minor increase while most of the increase in persons employed has been either in government or in what can be called a "holding pool" which builds up as people take on makeshift jobs while waiting to obtain a proper job.

There is no question that there was a quick recovery from the auto strike in the fall of 1970. By January 1971, auto production had doubled over the low point of November and was running above the seasonally adjusted rate for the first half of 1970. But this was recovery from the strike, not recovery with respect to the decline in business activity which had been going on for more than a year. The real question is whether there has been any business recovery during 1971.

The seasonally adjusted official figures for industrial payrolls show a decline of 328,000 jobs between January and November. These figures are consistent with the change in the index of industrial production which rose 1.6 per cent while productivity rose by more than double that amount. As far as industrial employment is concerned, the recession has continued.

Construction has shown some increase in employment, but the sharp rise in housing has been largely offset by the decline in other types of construction. The official figures for contract construction show a rise of 30,000 in payroll jobs. The dollar figures for "new construction put in place" reflect little increase when corrected for the large rise in construction costs.

The only substantial increase in payroll jobs came in the service categories. The official figures thus show a new increase in roll jobs from January to November for the total of "wholesale and retail trade," "finance, insurance and real estate" and "other services."

For the private sector as a whole, the official figures thus shows a net increase in private payroll jobs of only 231,000 from January to November. In the context of approximately 5 million persons actively looking for jobs and unable to find them, this increase of four-tenths of 1 per cent is a pitiful business performance. At this rate it would take nearly six years for the private sector to absorb one year's normal growth in the labor force. The increase was less than the 282,000 reduction in the armed forces in the same period. The private sector of the economy is not even running fast enough to stay in the same place.

During this period, employment in agriculture dropped by 20,000. No figures are available for domestic service but the change, if any, is more likely to have been down than up. Government payrolls increased by 230,000, but one does not look to government payrolls for evidence of progress toward business recovery.

What, then, is the meaning of the 1,158,000 increase in the total number of persons employed? Taking account of the figures for government and agriculture, this would represent an increase of approximately 950,000 instead of 231,000 in the private sector, a difference of more than 700,000.

The official figures do not allow a precise explanation for this difference. But a major part appears to lie in the category of the self-employed who are included among the persons employed but are not on payroll jobs.

A big increase in self employment is difficult to explain if one thinks in terms of an expansion in business demand but is easily explained if one thinks of people becoming temporarily self-employed because they cannot find normal jobs. The army officer, mustered out, who is told he is over-equipped for this job and under-equipped for that, may take to selling encyclopedias or real estate on commission as a temporary stop-gap. An engineer, no longer designing airplanes, may set himself up as a consultant. A factory worker who loses her job may take in sewing or typing or start a beauty parlor in her home. A man out of work may obtain some income from mowing lawns or shoveling snow. Since a person is classed as self-employed if he or she obtained self-employment income from working one hour or more during the census week, it is not difficult for the number of self-employed to rise when jobs are scarce and fall when jobs are plentiful.

Such a rise in employment when there are around 5 million unemployed should not be taken as a sign of progress in business recovery but rather as a sign of stagnation.

This makeshift employment constitutes a sort of holding pool which fills with depression and empties with prosperity.

The presence of such a holding pool is confirmed by past experience. Historically, the gap between the number of persons reported employed and the number of reported payroll jobs has tended to widen when jobs are scarce and narrow, when jobs are plentiful. For example, in the recession from 1957 to 1958, the difference between the two figures increased by over 800,000 and by 1,690,000 from 1969 to November 1971. Conversely, in the recovery from 1950 to 1951 the gap was reduced by 1,226,000 and by 1,360,000 in the expansion from 1964 to 1966.

The evidence of stagnation is reinforced by the data on gross national product. The increase in the latter at the annual rate of 4.3 percent, measured in constant dollars, is almost wholly accounted for by the increase in national productivity per man-hour which has been at the annual rate of 4.2 per cent. It reflects greater output from essentially the same body of workers, but provides no evidence of progress in business recovery.

The monthly data on total personal income say the same thing. Between January and November the dollar figure for personal income went up 5.5 per cent but the consumer price index rose 2.9 per cent. This left an increase in real personal income of only 2.6 per cent, hardly enough to buy the extra product arising from increased productivity.

When one considers the very small increase in payroll jobs in the private sector, the evidence of a large rise in self employment in the holding pool, an increase in total production scarcely greater than the increase in productivity, and a rise in personal income insufficient to purchase more than just the increase in output due to greater productivity, one finds only evidence of continued stagnation. One must conclude that progress in business recovery during 1971 is a myth. From the point of view of the economy as a whole, 1971 was not one for cheering or even complacency. It was a poor year.

TECHNOLOGY AND GOVERNMENT

Mr. DOLE. Mr. President, on behalf of the distinguished Senator from Tennessee (Mr. BROCK), I ask unanimous consent to have printed in the RECORD a statement by him entitled "Technology and Government."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TECHNOLOGY AND GOVERNMENT

Well over a year ago, the President convened a panel of public and private persons to develop recommendations for utilizing the nation's technological capabilities to solve this nation's social problems and improve its competitive position in world markets. Recent articles in both the Wall Street Journal and Business Week Magazine have indicated that these recommendations will be fully revealed to the Public during the President's State of the Union message. Just what final form this program will take is of great significance for the country.

The development of new technology and its marketing, nationally and internationally, has provided the base for the strength of economic growth in the post war II period. New technology has developed from many sources, as fallout from the wartime research and development, as utilization of technology developed elsewhere but first introduced on a wide scale in the United States—Wherever it has developed however it has occurred less through the massive application of funds than through the combination of policies and persons evolved in a competitive and free economy. Technology like new ideas cannot be programmed; it originates in small firms, as well as large ones, its adoption in a wider market is dependent on only one element—the ability of another individual to recognize new potential uses and market the product.

The success of any new program to bring about a faster rate of technological change cannot be mandated by issuing directives that specify achievement of a goal in accordance with some predetermined time table; the program will also come up short if it attempts to achieve its ends by way of fiscal grantsmanship, both of these two roads have been trodden unsuccessfully in the past.

What is needed now is the evolution of new forms of cooperation in sharing the costs of new technology; what is needed is not the creation of a new Super agency; what is needed now is a program to recognize potential break through areas and assist them, without competing with the private market; what is needed is not a screening agency for all new ideas; what is needed now is a pride in technological educations lost in our most recent obsession with only the ill side effects of technology, what is needed is not a crash program of federal scholarships in engineering.

Most importantly, what is needed is wisdom in experimenting in the widest possible way with bringing about new technology and in adopting successful experiments and throwing out the failures. Whatever the President's program is, it will need the most immediate support of all sectors of the Nation. In technology the necessity of playing catch up ball stands its greatest chances for success when you catch up at the earliest possible moment.

FINANCIAL STATEMENT OF SENATOR ALLEN

Mr. ALLEN. Mr. President, prior to coming to the U.S. Senate on January 3, 1969, I publicly stated that I would, each year during my service in the Senate, file a statement of my financial condition with the Secretary of the U.S. Senate, the secretary of state of the State of Alabama, and the probate judge of Etowah County—my home county—Alabama.

I have pursued this policy and have filed statements of my financial condition at the end of 1968, 1969, and 1970. In addition to such filings, I have placed in the CONGRESSIONAL RECORD copies of my 1968, 1969, and 1970 statements. I ask unanimous consent that my 1971 statement be printed at this point in the RECORD. The statement sets forth my reason for making these statements public.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FINANCIAL STATEMENT

I, James B. Allen, Gadsden, Alabama, do hereby certify that the following is a true and correct statement of my financial condition as of December 31, 1971:

ASSETS

Home at 1321 Bellevue Drive, Gadsden, Ala	$32,500.00
Furniture, furnishings, books	5,000.00
Automobile	2,500.00
State of Alabama; city of Huntsville, Ala., bonds at market	26,000.00
U.S. savings bonds, at cost	600.00
Residence at 7405 Hallcrest Dr., McLean, Va.—Cost $47,700 less $1,533.33 depreciation	46,166.67
Bank accounts—exact	2,453.46
Payments into Civil Service Retirement account—exact	9,818.96
Life insurance surrender value (all but $1,000 is term)	100.00
Total	125,139.09

LIABILITIES

Indebtedness on residence at 7405 Hallcrest Dr., McLean, Va., to First State Bank of Altoona, Ala., and Exchange Bank of Attalla, Ala., monthly payment loan	39,200.00
Total	39,200.00
Net worth	85,939.09

I am not an officer, director, stockholder, employee or attorney for any person, firm, company, or corporation, nor am I a member of any law firm, nor am I engaged in the practice of law in any form.

My income is limited to my Senate salary and interest on assets listed above. During 1971 I received no honoraria or expense payments or reimbursements of any sort. I have never during my service in the Senate, or at any time prior thereto, accepted any such honoraria or expense payments or reimbursements of any sort, nor do I have a committee or person designated to receive contributions, political or otherwise.

This statement is made pursuant to a declared policy of filing annually with the Secretary of the U.S. Senate, the Secretary of State of the State of Alabama, the Probate Judge of Etowah County, Alabama (my home county), a statement of my assets and liabilities. A similar statement will be filed each year during my service in the Senate.

The purpose of this statement is two-fold:

1. To show the absence of any conflict of interest between my ownership of assets and my service in the Senate in the public interest.

2. To keep the public advised as to my financial status, and to disclose the extent to which I have benefited financially during my public service.

I believe the public is entitled to this information from me as a United States Senator in the discharge of this public trust.

Recapitulation of past years' net worth:

End of 1968	$92,984.81
End of 1969	87,750.00
End of 1970	87,243.34
End of 1971	85,939.09

This January 17, 1972.

JAMES B. ALLEN.

Sworn to and subscribed before me on this 17th day of January 1972.

VALDA S. HARRIS,
Notary Public.

PRESIDENT NIXON'S SPACE SHUTTLE DECISION

Mr. CURTIS. Mr. President, on January 8, 1972, the New York Times published an editorial on President Nixon's decision to proceed with the development of a space shuttle—an entirely new and relatively low-cost system of space transportation.

I disagree with some aspects of this editorial. However, the economic and technical reasons for supporting the space shuttle are well stated. For example, the New York Times declares:

> The economic revolution resulting from this new capability would permit the opening of numerous frontiers of space for human benefit. Whether one thinks of earth surveillance projects for ecological, agricultural, forestry, fishing or other purposes, or of the capability of repairing communications or navigational satellites in orbit, or of launching unmanned planetary probes more cheaply

than is now possible, or even of using the weightlessness and vacuum of space for manufacturing purposes, the prospects would all be greatly enhanced by the new space economics flowing from a shuttle.

The shuttle will open the use of space for the practical benefit of all mankind. It will better enable man to survey the earth's resources, monitor and predict weather, improve worldwide communications, develop improved vaccines and manufacturing processes, enlarge our knowledge of the earth and our solar system, and perhaps even harness the sun's energy as a source of pollution-free energy.

The Congress gave strong bipartisan support to the shuttle proposal in NASA's budget for fiscal year 1972, with the clear understanding that development would proceed at completion of the studies then underway. For the good of the Nation, the project must now be allowed to proceed as quickly as possible.

I ask unanimous consent to place the New York Times editorial in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Investment in the Future

President Nixon has made a wise decision in authorizing the National Space and Aeronautics Administration to proceed with development of the space shuttle. We recognize that many will consider it another grave distortion of national priorities to divert scarce Federal funds to such a venture when so much remains undone in meeting the needs of the cities, the environment and the poor. Yet we are convinced that the necessary money can easily be taken from the defense budget without blocking action on revenue sharing, welfare reform and other neglected social programs.

The space shuttle represents a major investment in the future. If implemented successfully, it will radically alter the economics of space activities and provide dividends that should continue for decades to come. More immediately, appropriation of the needed sums—averaging almost a billion dollars annually for the next six years—will revitalize a major branch of American technology which could literally disintegrate if no such project were undertaken this decade.

Anyone who has ever watched a meteor flash along its fiery path through the night sky has observed the natural phenomenon that causes the problem the space shuttle is designed to solve. An object—natural or manmade—which falls from space to the earth must first pass through the atmosphere. In doing so, it heats up to temperatures of thousands of degrees and normally is consumed in whole or in part before reaching earth's surface. In the returning Apollo capsule, this problem is met by a protective heat shield which chars in effect, but saves the capsule from conflagration. Nevertheless no manmade vehicle yet made is capable of reuse for more than one voyage into space.

The space shuttle is basically intended to be a reuseable space vehicle, so constructed that it could land unharmed after the fiery test of atmospheric passage, to go up again soon. If successfully built, this reusable shuttle would cut the cost of putting a pound of matter into space from $600 or $700 to about $100.

The economic revolution resulting from this new capability would permit the opening of numerous frontiers of space for human benefit. Whether one thinks of earth surveillance projects for ecological, agricultural, forestry, fishing or other purposes, or of the capability of repairing communications or navigational satellites in orbit, or of launching unmanned planetary probes more cheaply than is now possible, or even of using the weightlessness and vacuum of space for manufacturing purposes, the prospects would all be greatly enchanced by the new space economics flowing from a shuttle. Moreover post-shuttle development would almost certainly reduce the cost of putting material into space significantly below $100 a pound by the 1980's. In short, the space shuttle has the possibility of beginning for space travel what the model T Ford did for the automobile age.

The space shuttle is far less expensive than the Apollo Project, and, fortunately, is not being launched in the atmosphere of Cold War hysteria that attended the birth of the lunar landing effort. On the contrary, NASA has already stated publicly it would welcome cooperation on the space shuttle from other industrially developed nations, including the Soviet Union. The argument that the space shuttle is simply another SST boondoggle has little validity. The potential benefits are far greater, and the space shuttle presents none of the environmental problems that counted so heavily against the supersonic transport.

Many technical problems still block the way to the space shuttle, as NASA fully realizes. And it is imperative that Congress monitor the project to make sure that it does not experience the horrendous cost overruns that marred the F-111 and C-5A. In these days of scarce contracts and financial stringency, both NASA and the aerospace industry have every incentive to make this imaginative project a reality in the most efficient and economic manner possible.

DISCRIMINATION AGAINST WOMEN IN EDUCATION

Mr. McGOVERN. Mr. President, discrimination against women in education is a stark reality which few women can escape. If she chooses to pursue higher education, a woman must face discriminatory college admissions policies. She will be less likely to receive fellowships and scholarships than her male counterpart. And once she has graduated from college, a woman can expect to earn only as much as a man with an eighth grade education.

The following facts are a national disgrace, a bitter truth which must be confronted and challenged:

While 70 percent of all public school teachers are women, in 1966 only two women served as superintendents in the Nation's 13,000 school districts.

Only 9 percent of all full professors are women, and they earn from $500 to $1,000 per year less than male professors.

The proportion of women attending graduate schools today is less than in 1930. Women are only 6 percent of all engineering students, and 8 percent of all medical students.

Women possess the same brainpower and innate abilities as men but are not allowed to use them fully. We cannot afford to continue to waste our enormous fund of female talent and experience. Let us begin now by declaring a firm commitment to ending sex discrimination in our Nation's educational facilities.

This week's issue of Science contains two excellent pieces on disrimination against women in our academic institutions and weak, ineffective tools the Federal Government is using to combat it. I hope that Senators will read this material, which appears in a publication devoted to the advancement of science. I ask unanimous consent that the two articles be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Women in Academia

During the past several years higher education has experienced a series of crises. The newest, and in the long term perhaps the most significant, development is the issue of discrimination against women. Militant women's groups have been organized, and they have brought charges against various institutions. The federal government has provided a powerful tool for such groups in the form of a 1968 Executive Order that forbids discrimination by federal contractors on the grounds of sex. Using provisions of this order, individuals and women's groups have filed more than 350 formal charges against some of the greatest of our universities and state systems, and they are winning.

Male chauvinists would like to think that the current uproar is the work of a few militant troublemakers. They may hope that, if they are cautious and patient, the storm can be counted on to dissipate. The odds are, however, that we are witnessing a major movement that will persist until it has brought forth substantial changes, not only in the universities, but also in the professions.

In part the movement will persist because substantial injustices have been perpetrated. There has been massive discrimination against women in academia. In part the movement will persist because woman's role in the world is in the process of change. If society frowns on childbearing, how are women to occupy themselves constructively? What can they do to lead significant and interesting lives? Increasingly women are turning to employment of some kind.

Today women make up about 37 percent of the labor force. But women hold only a small portion of the desirable positions. For example, in the United States, only 2 percent of dentists and 7 percent of physicians are women. In contrast, in Denmark, 70 percent of dentists are women, while in Germany 20 percent of physicians are women. The limited presence (about 2 percent) of women as full professors in our major universities is particularly striking. This compares with an annual doctorate production of about 12 percent women.

In 1930, some 28 percent of doctorates were won by women, and at many institutions the proportion of women faculty members was higher than today. These were times of a comparatively low birthrate. Later, after World War II, having babies became the thing for young women to do. Correspondingly, women's participation in graduate training dropped.

At present, although a larger proportion of girls than boys complete high school, only about 50 percent of girls go to college as against 80 percent of boys. Between 75 and 90 percent of the well-qualified students who do not go on to higher education are women. This represents a large loss of talent for the nation and often leads to personal dissatisfactions that occur when intelligent people must work at unchallenging jobs.

With universities as dependent as they are on government contracts, and with the government determined to enforce legal constraints against discrimination, university administrations must make some major changes in their personnel and admissions policies. But there is more behind the current drive than law or militant women's groups. Transition from a time in which babies were the thing to an era of zero population growth must have profound consequences on the relations between men and women and on the structure of society. We have only begun to see some of the effects.—Philip H. Abelson

(The statistics in this editorial are taken from a speech given by Alan Pifer, president, Carnegie Corporation of New York, to the Southern Association of Colleges and Schools, Miami, Florida, 29 November 1971.)

UNIVERSITY WOMEN'S RIGHTS: WHOSE FEET ARE DRAGGING?

When the Department of Health, Education, and Welfare (HEW) hand-delivered to Columbia University's President William J. McGill on 4 November 1971 a letter that threatened cutoffs of federal funds to Columbia if the university did not provide certain data on hiring and promotion of women and minorities, it seemed to many that HEW was setting the stage for a crackdown on the issue of discrimination in universities.

The move against Columbia was prompted, like many of HEW's recent university investigations, by charges filed in January 1970, by the Women's Equity Action League (WEAL). Since then, WEAL's head, Bernice Sandler, has organized the filing of charges of alleged discrimination at about 260 campuses.

The WEAL charges have sparked a lot of reaction. Increased activity by women's liberation advocates, an appearance by Sandler on the NBC *Today* show, and several HEW investigations. Sky-high hopes have been raised concerning the prospects for proportional representation of minorities and women on faculties, equal admission of women to all colleges, equal consideration for financial aid, and the like. Indeed, starry-eyed proponents of women's rights have promised that their movement could ultimately transform the university scene far more than has the campus-based radical antiwar movement of the last 5 years.

But the feminists may be frustrated by HEW's performance. Already, some are critical of civil rights chief J. Stanley Pottinger for not enforcing the rules. Pottinger and HEW staff reply that the program of enforcement is only just getting under way.

But despite the fact that Executive Order 11246, as amended, has been on the books for 4 years saying "the contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin," to date no university contract has been terminated by HEW, and no hearings have been held concerning termination. Eleven colleges and universities have, however, had "holds" placed on new contract signatures, and about the same number have drawn up affirmative action plans.[1]

Among HEW staffers, university spokesmen, and feminist critics, there is some consensus on the causes of HEW's sluggish performance in university civil rights. Lack of staff is the first reason given by all. To this the critics add HEWs alleged reluctance to use the sanctions at its disposal. A related problem has been that of extracting vital employment data from recalcitrant universities. And even the affirmative action plans, required by executive order, fall below some expectations. The 12-page letter which HEW delivered to Columbia, hitherto confidential but obtained by *Science*, offers another reason for delay; the university has been almost perverse in not complying with government requests.

In HEW's arsenal for insuring that the 2300 universities with federal contracts do not discriminate, the principal weapon is "contract compliance." Technically, if a government contractor is found out of compliance with federal rules in one part of his organization, then all federal funds flowing to the whole institution may be withdrawn. However, with the prohibition on discrimination by federal contractors, it hasn't worked that way.

To actually cut off, or "terminate," ongoing contracts to universities has proved unbelievably difficult. The government must investigate, make a responsible legal case that violations exist, and hold a due-process hearing. This procedure is designed to protect the rights of the contractor, but in fact it is so clumsy that HEW has never used it. To date no university contract has been terminated, nor have any hearings been held, despite the fact that, according to one staffer, "we find noncompliance at virtually every campus we visit."

Short of starting to cut off contracts and renewals, HEW can, and has, put a "hold" on the signing of new contracts with 11 colleges and universities.[1] This is a quicker, simpler, enforcement mechanism, and many college administrators vouch for its effectiveness in spurring them to action. Critics say that these holds are not enough.

For years, HEW had a staff of 17 to insure nondiscrimination in some 2000 universities, three times that number of hospitals, and hundreds of HEW-funded construction projects. Now, after what top government observers describe as Herculean efforts by the Office of Management and Budget to resist federal personnel cuts and budgetary belt-tightening, HEW has slots for 96 contract compliance investigators—and most of them are filled. The investigators are spread out over nine regional offices and are swamped.[2] One regional civil rights chief says "We could use all our staff just to answer the mail."

Ninety-six people investigating 2300 colleges and universities might be viewed as inadequate, yet in recent months, several memos and directives, says John L. Wilks, director of the Office of Federal Contract Compliance (OFCC), have instructed all agency contract compliance staffs, including HEW's to investigate federally funded construction projects.

In HEW, this means that the 96 staffers, many of whom in the last year have been learning the ruses of university personnel offices and the Byzantine maneuverings of faculty promotion schemes, are now attending training sessions dealing with carpenters' and plumbers' unions. Wilks admitted to *Science* that HEW's contract compliance efforts "because of a lack of staff have been bogged down" already. But it would seem that to reassign them to the construction industry would add to their chores in such a way as to make the shortage almost ludicrous.

Some officials are willing to admit, privately, that, in the silent language in which bureaucrat and policy-maker often communicate, to assign a staff of 96 to achieve such sweeping reforms is a signal that perhaps their goals aren't so important anyway.[3]

That the program is understaffed is the one proposition on which both the feminist critics and HEW officials, including civil rights chief J. Stanley Pottinger, all agree. On the question of HEW's use of the legal sanctions it wields—contract termination and holds on the signing of new contracts—there is considerable disagreement.

Pottinger told *Science* that his office has used adequate sanctions in every case where violations of the Executive Order have been found to exist. Speaking of contract termination—a device that his office has never yet used on a college or university—he said, "termination is like execution. You wouldn't find a serious reporter trying to measure the effectiveness of a law enforcement program by how many executions had been carried out. You would measure it by how much crime is or isn't taking place."

However, according to the government's civil rights watchdog, the U.S. Commission on Civil Rights, "use of sanctions and the collection of significant racial and ethnic data," are "essentials" of a "successful contract compliance program." Indeed, advocates of civil rights in other fields, such as school integration, often vouch for the need to use sanctions and to use them frequently enough to make the government's intentions of ending discrimination credible.[4]

Feminist critics of HEW's role say that HEW has not been tough enough. "They just don't enforce the order," says Sandler. Sylvia Roberts, a lawyer for Ina Braden, a University of Pittsburgh assistant professor whose claim of discrimination was thrown out by the local HEW office, says of HEW, "They seem to be totally unwilling to take one institution, investigate it, issue holds on contracts, and really follow through. We cannot look to HEW to do this for us." As a result of HEW's treatment of her case, Braden is now pressing her claim in court.

Columbia's case shows how the use of sanctions and the collection of data—both "essentials" for good contract compliance—have become so intertwined and tangled that discrimination just continues.

Columbia and HEW began negotiating in January 1969. Three years later, the university still has no acceptable affirmative action plan.

The letter from HEW to Columbia is principally a chronicle of the negotiations between HEW and OFCC officials and Columbia since January 1969. It is 12 pages long, addressed to Columbia President McGill, and signed by Pottinger. It enumerates the reasons for the hold now placed on new contracts, and the fact that HEW lawyers will proceed toward a due-process hearing if the university continues with its practice of noncooperation.

---

[1] The 11 colleges and universities are Harvard, University of Michigan, Columbia, Cornell, and Duke, all with funds actually delayed, and St. Louis University, Yeshiva, University of Rochester, New York University, University of Pittsburgh, and Northwestern with holds, but no funds delayed. (Data from HEW.) In 1970, before the university women's rights movements developed, the U.S. Commission on Civil Rights attacked government contract compliance programs as being inadequate. Mainly these were efforts by the Department of Defense to get contractors to use the same rest rooms for blacks and whites, or adequate housing for all employees. Two prominent cases were the 1968–69 negotiations with Dan River Mills, Burlington Industries, and J. P. Stevens Co., Inc., charged with reserving better-paid jobs for whites, and segregated housing, and McDonnell Douglas Corp., which signed a $7.7 billion contract with DOD although there was evidence of discriminatory practices, and violation of regulations. See "Federal Civil Rights Enforcement Effort" submitted to the President, September 1970, by Theodore M. Hesburgh, chairman, and the U.S. Commission on Civil Rights, pp. 42–85, for a general history of U.S. contract compliance efforts by the federal governments.

[2] Throughout government, the number of authorized posts for contract compliance staff has risen from under 400 to 1500. This miracle is said to have been wrought by George P. Shultz, director of OMB and former Secretary of Labor. Shultz is said to have a personal commitment to the cause of civil rights, and observers agree that he in fact exercises more influence over federal contract compliance—particularly the recent boom in staff positions and high level concern for construction trade discrimination—than does Pottinger or his counterparts in other branches of government.

[3] The New England regional office, for example, has six staffers to look at several hundred colleges and universities for six states. Boston office spokesmen estimate they need ten times that number to take care of New England's plethora of educational institutions. But recently, the staff was given a series of training sessions on how to investigate the construction industry. Staffers there and elsewhere simply question whether the government is serious.

[4] An excellent description of how this process works is contained in a book written by Pottinger's predecessor, Leon E. Panetta, *Bring Us Together: The Nixon Team and Civil Rights Retreat*, Leon Panetta and Peter Gall (Lippincott, New York, 1971). Panetta was frequently described by the press as a "liberal" on civil rights. Pottinger rarely has been awarded this label.

The chronicle of negotiations shows that it was not only HEW's feet that were dragging: Columbia's administration stalled on a number of key requests—mainly that of data collection—from Joseph F. Leahy, chief of HEW's New York office of civil rights, contract compliance branch. Some samples:

March 4, 1969: Mr. Leahy arrived on the campus to conduct the compliance review and found that only three of the 12 items which he had requested in his 31 January letter were available.

Later:

March 5-26, 1969: Mr. Leahy made numerous telephone contacts with Dr. Ralph Helford, Vice President for Special Projects, in an attempt to set up a meeting with University officials, including the Acting President, Dr. Andrew W. Cordier. . . . All these efforts were unsuccessful.

According to the letter, by November 1969, after several HEW requests for an affirmative action plan:

Mr. Leahy contacted the university by telephone to ascertain the status of the university's affirmative action program and was advised that it had not been developed.

A year and a half later, in February 1971, when HEW investigators arrived on campus to view the data that they had requested, Columbia vice president Charles Goodell handed them a computer printout of all employees, but without a breakdown by race, sex, or organizational unit.

At the conclusion of the letter, Pottinger informed McGill that the second affirmative action plan submitted in July, 6 months later, still lacked basic data and analyses of current employment. Pottinger called the years of delays, "unexplained" and "exorbitant."

Yet, even after all these negotiations about data, when HEW put the 4 November hold on signing of new federal contracts, President McGill, according to the *New York Times*, got up before the university senate and said that Columbia's "problem is not that we are charged with discriminating—we are not charged with discrimination and we do not discriminate. . . . Columbia's problem is that it is difficult to prove what we do because it is exceedingly difficult to develop the data base to show, in the depth and detail demanded, what the university's personnel practices in fact are."[5]

HEW contract compliance officials explain that they cannot responsibly proceed to cut contracts or hold up new ones without a defensible, mathematical proof that a pattern of discrimination exists. However, in Columbia's case, the university, by arguing that the data base is very "difficult to develop" in "adequate" "depth and detail" (or by arguing that its personnel files are confidential, as Harvard attempted to do in 1970 when HEW demanded similar data), university administrators can effectively thwart HEW from imposing its sanctions.

Pottinger told *Science* that the sanctions have been applied whenever HEW has been able to make a case, but the principal problem has been getting the information. He added that he felt the information issue is "ultimately a red herring," since the universities are legally obligated to submit the data HEW requests. However, so far, the information red herring has proved to be a rather big fish.

Pottinger's philosophy on sanctions is "our objective is not to punish. Our objective is to bring them into compliance. When a university doesn't want to comply, then a strong enforcement action will have wide ramifications." Feminist critics, however, contend that the "holds" on new contracts which HEW announces from time to time affect only small contracts, do not last very long, and are easily evaded by the bureaucracy. Once the university comes to the bargaining table, the sanction stops, but the alleged discrimination continues.

Although two new contracts with Columbia have been delayed, the Office of Naval Research just signed a $1.9 million contract renewal with Columbia's Lamont-Doherty Geological Observatory. This dramatized the fact that, through continuing contracts and renewals, a big university can go on doing business as usual with the government—even when sanction have been imposed by the Office of Civil Rights.

BUREAUCRACY

The federal bureaucracy has an array of tactics worthy of pro football to block, dodge, and outrun the enforcers. At the University of Michigan, there have been persistent rumors that some new contracts were signed and that some new projects—expected in the form of contracts—went through as grants during the period October through December 1970, when HEW had placed a hold on signing of new contracts in the university. Asked to comment, one HEW spokesman says "we are unaware that anything illegal happened."

HEW has placed holds on new contract signings at one time or another at 11 universities and colleges. But only five of these actually experienced delays in funds. One regional civil rights staffer explains that the contract officers both in the university and in government are adept at dodging the holds. Anticipating that the ban won't last, they keep a contract sitting on their desks, allegedly tied up in paper work, until the hold is lifted. By not submitting the document for signing the bureaucrats evade the whole messy issue of discrimination and non-compliance.

Finally, according to one university contract officer, the contracting officers in the various federal agencies vary widely in their commitment to civil rights. Some are highly conscientious and respect the hold. They even bring pressure to bear on university officials to cooperate with HEW. However, others are more interested in business as usual, and will avoid the bother of delays or holds.

So far, feminist criticism has been directed at HEW procedures. A separate problem, however, is the substance of the reforms HEW approves: the affirmative action plans themselves. Science has obtained a number of proposed and ongoing affirmative action plans—of varying degrees of confidentiality.

The goals for hiring of women in the plans, however, are often blueprints not for change but for keeping the status quo. Some of the plans that HEW has approved, Pottinger admits, "are not as strong as they should be," which raises the question as to why HEW approved them in the first place.

The current feminist theory on how to calibrate hiring and promotion of women to top faculty posts is to aim for women's representation in proportion to the number of women Ph.D.'s in current and future labor pools.[6]

But at the University of Michigan, the hiring goals in the current proposed affirmative action plan would keep the percentages of women in the faculty unchanged. Full professors, in 1970–71 were 4.5 percent of the faculty. In 1973–74 they will number 78 out of 1177 or 6.6 percent. Associate professors who are women, now 11.2 percent, are to rise to only 13.9 percent by 1973–74, or 96. Women assistant professors, who in 1970–71 were 14.4 percent will rise to 27 percent. Yet, nationally, of all graduate students, women now are 41 percent and graduate enrollments of women graduate students rose by 9 percent.

HEW has had Michigan's latest proposed affirmative action plan for ten months without public comment—or approval. HEW received the University of Pittsburgh's affirmative action plan 14 months ago. The plan outlined the following hiring goals for the fall 1971. Projected faculty size was to be 595. But the actual hiring carried out in the last year resulted in a faculty of 575, or 20 members smaller than planned. The breakdown is shown in the Table 1.

TABLE 1[1]

	Projected	Hired
Total faculty	595	575
Majority men	7	61
Minority men	9	4
Majority women	14	9
Minority women	5	1

[1] From the affirmative action program report November 11, 1971, University of Pittsburgh Faculty of Arts and Sciences.

A final problem with the hiring goals—both modest and ambitious—and with implementing them is, as any physics Ph.D. knows, there are very few faculty jobs available. The shortage of university funds is making particularly so-called "soft money"—which now provides research jobs to many academic women—to disappear. University spokesmen say that the job market for women is shrinking at the fiscally pressed university too fast for even a vigorous affirmative action program to significantly increase hiring of women. "We're struggling hard in affirmative action to stay where we are," says a spokeswoman.

AT STAKE ARE VOTES

By Pottinger's own analogy, progress in contract compliance should not be measured by the number of "executions" but by "how much crime is or isn't taking place." The trouble is that such measurements have been impossible hitherto because HEW, does not make the details of affirmative action plans, such as hiring goals, public. Pottinger told *Science* that he wants to make a requirement that the plans be made public. Policy on this, however, is dictated by OFCC, not HEW, and is now under review.

In sum, contract compliance is proving a clumsy mechanism for women's groups anxious to make rapid changes at their universities. At present, it is easy to find criticisms of HEW's performance to date, but difficult to find suggestions for legal or administrative alternatives to the contract compliance route.

As the 1972 Presidential election year gets into full swing, both advocates and opponents of the older, better known civil rights causes, such as busing and Southern school integration will be eyeing the record of the Nixon HEW team, including Pottinger.

In addition, those who favor immediate appointment of more women to university professor's chairs, and those who are opposed to it, will be asking how well the team has done.

They may find that HEW has done all it can in getting the new program under way and using its limited staff to advantage. Or they may, as have some feminists discover "a sorry record." WEAL will have to decide how much heat to put on HEW, and whether to oppose Pottinger personally on the grounds that he has done too little too slowly.—DEBORAH SHAPLEY

---

[5] *New York Times*, 6 November 1971, p. 24, column 1.

[6] According to a Wesleyan draft affirmative action program (there are 25 women and 11 minority members of a faculty of 305) the college plans an "increase in the number of minority persons and women on the faculty in proportion to the number of Ph.D.'s in the national pool by field by 1980." This is apparently a typical manner of calculating hiring goals.

FDA NUTRITION IMPROVEMENTS

Mr. DOLE. Mr. President, the Federal Register of December 3, 1971, contained some proposed changes by the Food and Drug Administration in the standards for enriched flour and certain other flour products. As a member of the Select Committee on Nutrition and Human Needs I am particularly aware of the value of the changes and was pleased to learn of them.

INCREASE FLOUR ENRICHMENT

The proposal would substantially change and increase the enrichment formula, and the FDA commissioner, Dr. Charles Edwards, has invited the views and comments of interested persons in writing within 60 days after publication. Leading nutritionists have already endorsed the proposed changes, which in part reflect a petition jointly filed by the Millers' National Federation and the American Bakers Association in November, 1969, and published April 1, 1970, requesting increased amounts of iron in the formula. The iron petition received the support of both the Food and Nutrition Board and the Council on Foods and Nutrition of the American Medical Association. Subsequently, the milling industry also asked Food and Nutrition Board endorsement of an increase in the B vitamins in enrichment, citing the drop in intake of those nutrients due to declining consumption and a shift from enriched to unenriched forms of cereal and baked foods.

WHITE HOUSE CONFERENCE RECOMMENDATIONS

The dramatic move to improve the nutritional quality of our flour, breads, and farina also reflects recommendations made at the December 1969, White House Conference on Food, Nutrition, and Health, as well as implicit need disclosed in testimony concerning the shortage of particular nutrients in popular diet, heard by the members of the Senate Select Committee.

The FDA proposal would set new, substantially higher levels for the B-vitamins in enrichment—thiamine, riboflavin, and niacin—and for the minerals, iron and calcium, at fixed single levels, rather than present ranges. Provision is made for reasonable overages within the limits of good manufacturing practice. Because iron deficiency anemia has been generally recognized as a problem among certain segments of U.S. population, the FDA also asked for about three times the present minimum of that mineral as a single, fixed amount. Present minimum levels of calcium, an optional ingredient except in self-rising flours, would be almost doubled. Another optional ingredient no longer in general use in enrichment, vitamin D, would be eliminated entirely since that nutrient is available in other products. In all cases, added nutrients in enrichment must be harmless and assimilable. See chart attached.

Publication of the proposed FDA amendments to present standards marked the 30th year of the enrichment program, hailed as one of the great forward steps in public health nutrition, along with the iodization of salt, the fortification of milk with vitamin D and margarine with vitamin A.

The Chairman of the Food and Nutrition Board, National Research Council, National Academy of Sciences, Dr. D. Mark Hegsted, of Harvard, pointed to changes in American diet in his comment:

WOULD IMPROVE DIETS

> The changes proposed in the standards for enriched flours, breads and farina are in the best interests of the American public. Since the original standards were established, there have been marked changes in the diet of most Americans. We now consume less total food, because we have become increasingly sedentary, and a relatively large proportion of the food consists of fats, oils, sugar and refined foods. Grain products consumption has fallen in the past 30 years. Thus the degree of protection provided by the enrichment of breads and cereals has decreased with these changes in dietary habits and higher levels are required to provide equivalent protection.

Dr. Hegsted, who is professor of nutrition at Harvard, added that —

> Although grain products consumption has fallen, cereals still provide the backbone of the diet for many people. They are among the less expensive sources of foods. Thus it is particularly important that the nutritional quality of cereals be maintained.

A member of the department of human nutrition, college of human ecology, at Michigan State University, Dr. Olaf Michelsen, also stressed changes in popular diet and misconceptions which have arisen concerning breadstuffs. He said:

> The use of higher levels for the vitamins and calcium should make bread, which is even now a good source of nutrients, a still better dietary ingredient. Over the centuries, bread has withstood the rigors of tests and trials carried out by millions of individuals. The countless numbers of people who have and who still find that bread is not only tasteful but also good for them bear witness to the sterling qualities of this universally used food.

LOWER FAT CONTENT

The Chairman of the White House Conference of 1969 on Food, Nutrition, and Health, Dr. Jean Mayer of Harvard, cited heart disease in his comment on the FDA's proposed changes.

Dr. Mayer declared:

> I support the principle of increasing the enrichment level for iron and vitamins in bread. An increase in the amount of bread consumed represents our best chance to lower the fat content of the American diet and thus take an effective step in trying to lower cholesterol levels and mortality from our number one cause of death, atherosclerotic heart disease.

Meanwhile, the consumption of bread is for many people at a level such that only increasing the amount of iron and vitamins will insure that the intake in these nutrients is adequate. This is particularly so for women, he added.

NEED ALL NUTRIENTS

Dr. Hegsted cautioned, however, against the development of a false sense of security in the reliance of modern man on the fortification of foods. He said that:

> Americans should be advised to consume a wide variety of foods, selected with some knowledge of their nutrient content, as the assurance that they will receive an adequate intake of all nutrients.

He urged people to engage in more physical activity so that they can consume more food and avoid obesity, and concluded that under such conditions increased cereal consumption would be beneficial.

I ask unanimous consent that a table on this subject be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PROPOSED (AND PRESENT MINIMUM) ENRICHMENT LEVELS

	Milligrams per pound		
	Flour	Bread	Farina
Thiamine	2.9 (2.0)	1.8 (1.1)	2.9 (2.0)
Riboflavin	1.8 (1.2)	1.1 (0.7)	1.8 (1.2)
Niacin	24.0 (16.0)	15.0 (10.0)	24.0 (16.0)
Iron	40.0 (13.0)	25.0 (8.0)	40.0 (13.0)
Calcium	[1] 960 (500)	[1] 600 (300)	[1] 960 (500)

[1] Mandatory for self-rising flour; otherwise optional. When a calcium compound is needed in self-rising flour for technical purposes, the food may contain in excess of this amount, but no more than is needed.

MORE SEGREGATION OUTSIDE THE SOUTH THAN IN THE SOUTH

Mr. ALLEN. Mr. President, on Thursday, January 13, 1972, the Department of Health, Education, and Welfare released the results of a 1971 nationwide survey of enrollment in public schools by races.

It came as no surprise to those of us from the South that there is less segregation in the public schools of the South than there is in public schools located outside of the South in all quantitative categories in which segregation is measured.

For one example, in the category of 100 percent minority schools, the survey shows that only 9.2 percent of blacks remain in such schools in 11 Southern States, whereas, the percentage is 11.2 in 32 Northern and Western States and 24.2 percent in six border States, plus the District of Columbia. Of course, the District of Columbia has a 95 percent black school population which somewhat distorts the picture in the border States.

Under the circumstances, it is surprising only that U.S. district court judges should continue to clobber public schools of the southern region of the United States with radical, disruptive, and destructive desegregation decrees. It is also increasingly difficult to understand the discriminatory regionally oriented legislation on this subject that continues to emanate from Congress.

Mr. President, the news release issued by the Department of HEW with an accompanying table of school populations by race and region contains much information of value to those who are concerned more with facts than with pious platitudes and vaporish social theories concerning desegregation of public schools. I ask unanimous consent that the news release and accompanying table be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

HEW NEWS, JANUARY 13, 1972

The 11-State South for the first time has a smaller number and percentage of Negro students isolated in 100-percent minority schools than has the North, Secretary of Health, Education, and Welfare Elliot L. Richardson said today.

The South last year surpassed the North in the number of Negro pupils attending majority white public schools and has continued to widen the gap this school year.

Secretary Richardson said:

"The only measure of desegregation enforcement is results. It cannot be measured by a level of rhetoric or the amount of money cut off from financially distressed school systems. It can be measured only by the persistent fulfillment of our legal and educational mandate—the elimination of dual schools based on race. And on that score, this Administration has a documented record of solid performance."

HEW conducted comprehensive national surveys in 1968 and 1970 with more limited surveys in 1969 and 1971. Projections based on the limited survey of 1971 of racial data underscore extensive changes, almost all of them in the South, since 1968.

For example, 2,000,486 Negro pupils were in 100 percent minority schools in the 11-State South in 1968, representing *68 percent* of the total Negro pupils in the region. For the current school year, the projection shows that only 290,390 Negro students, representing *9.2 percent* of the total in the region, are in all-minority schools.

By way of regional contrast, an estimated 325,874 Negro pupils representing 11.2 percent of the total in 32 Northern and Western States remain in all-minority schools, substantially unchanged from last year. In the continental United States, 11.6 percent of Negro students, or 778,832, are in all-minority schools compared to 39.7 percent or 2,493,398 in 1968.

In the six border States and District of Columbia, an estimated 24.2 percent or 162,568 Negro students are in all-minority schools, a number showing relatively little change since 1968. With the predominantly black District of Columbia enrollment excluded, the six border States still have approximately 21 percent or 115,052 black students in all-minority schools.

The statistics, collected by HEW's Office for Civil Rights and compiled by an independent contractor, show that an estimated 35.6 percent Negro pupils in the United States are in majority white schools, 27.8 percent in the North and West, 43.9 percent in the 11-State South, and 30.5 percent in the six border States and District of Columbia.

In the South, this figure rose from *18.4 percent* in 1968 to *39.1 percent* in 1970 and to an estimated *43.9 percent* in the current school year.

The South has also progressively reduced the number of Negro pupils in schools 80 to 100 percent minority, down from 78.8 percent in 1968 to 39.4 percent in the 1970–71 school year, to 32.2 percent this year.

Relatively little desegregation change is shown in the past year for minorities other than Negro.

In Southern school systems surveyed where the school population is made up mostly of white students, two thirds (67.9 percent) of all Negro students in those districts attend majority white schools. Conversely, in Southern school districts having mostly minority students, where white students constitute the "local minority," nearly half (48.8 percent) of all white children attend schools more than 50 percent minority in makeup. More dramatically, there are virtually no all-white school enrollments remaining in these districts today. Only 0.3 percent of the white pupils in predominantly minority districts attend all-white schools. More than one third of all Negro students in the South today live in school districts that are predominantly minority in their school enrollment.

EXPLANATION OF REPORT ON NEGRO PUPILS BY GEOGRAPHIC AREA COMPARING FALL 1971 PROJECTIONS WITH FINAL FALL 1968 AND 1970 DATA

The attached table was constructed by using the data provided by 2,698 districts reporting in 1971, and then adding the 1970 data from those districts not reporting in 1971 but surveyed in 1970. All data was then weighted to give national representation.

Of the 43 million pupils represented by our 1970 data, OCR received 1971 data representing 20 million pupils. For the projection, OCR assumed no change in the districts which were represented in the 1970 survey, but not included in the preliminary results of the 1971 survey.

Of the 6.7 million Negroes represented in the data, OCR received 1971 data representing 5.0 million Negroes. A third national survey comparable in scope to those conducted in 1968 and 1970 is planned for 1972.

DHEW OFFICE FOR CIVIL RIGHTS FALL 1971 ESTIMATED PROJECTIONS OF PUBLIC SCHOOL NEGRO ENROLLMENT COMPARED WITH FINAL FALL 1968 AND 1970 DATA[1]

Geographic area	Total pupils	Negro pupils		Negro pupils attending schools which are— 0 to 49.9 percent minority		80 to 100 percent minority		100 percent minority	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States:									
1968	43,353,568	6,282,173	14.5	1,467,291	23.4	4,274,461	68.0	2,493,398	39.7
1970	44,877,547	6,707,411	14.9	2,223,506	33.1	3,311,372	49.4	941,111	14.0
1971 estimate	44,691,675	6,724,956	15.0	2,393,824	35.6	3,084,785	45.9	778,832	11.6
Difference 1970–71	−185,872	17,000	.1	170,318	2.5	−226,587	−3.5	−162,279	−2.4
32 North and West:[2]									
1968	28,579,766	2,703,056	9.5	746,030	27.6	1,550,440	57.4	332,408	12.3
1970	29,451,976	2,889,858	9.8	793,979	27.5	1,665,926	57.6	343,629	11.9
1971 estimate	29,299,586	2,913,047	9.9	810,895	27.8	1,664,771	57.1	325,874	11.2
Difference 1970–71	−152,390	23,189	.1	16,916	.3	−1,155	−.5	−17,755	−.7
11 South:[3]									
1968	11,043,485	2,942,960	26.6	540,692	18.4	2,317,850	78.8	2,000,486	68.0
1970	11,570,351	3,150,192	27.2	1,230,868	39.1	1,241,050	39.4	443,073	14.1
1971 estimate	11,551,697	3,139,436	27.2	1,377,847	43.9	1,010,558	32.2	290,390	9.2
Difference 1970–71	−18,654	−10,756	0	146,979	4.8	−230,492	−7.2	−152,683	−4.9
6 border and District of Columbia:[4]									
1968	3,730,317	636,157	17.1	180,569	28.4	406,171	63.8	160,504	25.2
1970	3,855,221	667,362	17.3	198,659	29.8	404,396	60.6	154,409	23.1
1971 estimate	3,840,392	672,473	17.5	205,082	30.5	409,456	60.9	162,568	24.2
Difference 1970–71	−14,829	5,111	.2	6,423	.7	5,060	.3	8,159	1.1

[1] 1971 figures are estimations based on latest available data and are subject to change upon final compilation.

[2] Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.

[3] Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.

[4] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.

A NEW BALL GAME IN BROADCASTING

Mr. SCOTT. Mr. President, I ask unanimous consent that remarks by Donald H. McGannon, president of Westinghouse Electric Co., at Temple University in Philadelphia, be printed in the RECORD. The remarks are entitled "A New Ball Game in Broadcasting."

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

A NEW BALL GAME IN BROADCASTING

I believe there is a certain parallel in the post-World War II destinies of the United States and its system of commercial television.

For almost a quarter of a century both enjoyed an economic boom that seemingly had no end. Both appeared to ignore or shrug off problems that were more social than economic.

But the problems didn't go away. They grew to plague-like proportions. Then the boom tapered off but the problems remained. Now for both the nation and broadcasting, it's a whole new ball game.

We are in a time of great change, nationally and within the industry. A new reality is a new challenge, and a new challenge calls for new approaches, new creativity, new energy. It's not a time to attempt to cling to past accomplishments or to the status quo and deny the many changes in the facts of life which are beginning to overwhelm us. It's a time to entertain new ideas, to forge new tools for survival, to create new solutions to new and old problems.

We have seen our nation undergoing a tremendous change of heart in recent years, a change which many thought would arrive much more slowly—if at all.

We are winding down the war in Indochina, a war that five years ago a majority of the members of both major political parties and of the nation, according to reliable polls, were in favor of waging and winning.

We have extended a gesture of friendship to Communist China and are advocating its admission to the U.N. Wasn't it only yesterday that we were speaking of "unleashing" the Nationalist Chinese for an assault on mainland China and waged last-ditch efforts to block repeated attempts to its entry into the world body?

Our cold war with Russia has thawed considerably.

And we are in the process of changing our economic policies and practices despite our historical antipathy to a controlled economy. This change, moreover, is not being made by a liberal or a radical, as might have been expected, but by a conservative President.

I offer this brief recital of national affairs not merely as a preamble to my views on broadcasting, but as a worthy precedent for a case in behalf of change without violent revolt, of change within the system, which I believe is in the noblest American tradition. Indeed, I believe that the true genius of the American system is that it embodies within its stability the capacity for change.

It is within this context that I have been speaking these recent years about the broadcasting industry, a system of communication which I consider the finest in the world and to which I have devoted most of my adult life. In my position at Westinghouse Broadcasting, I need not remind anyone, I am a member of the Establishment, or what outsiders call the Establishment. And when I speak critically of industry practices, as I sometimes do, I do speak not in repudiation of the system but as a defender of the system who sometimes grow impatient with its myopia, its particularly when the challenge is so great, slowness of response to challenge and change, and affirmative and constructive response so needed.

Let us look backwards to television's beginnings. In the 1950's the new art, free of inhibitions based on past form or practice, manifested an exhilarating excitement as it undertook creative experimentation with courage and willingness to try anything new. In that first decade of television, we saw new program series of all kinds on our television sets, which seemed electronic mircales in themselves, even though most of them were small screen and black and white.

The decade of the 60's represented a considerable change, in my opinion. It was a decade in which television lost much of its compelling quality. The medium became more cautious, less innovating and less pioneering. Programs like "Playhouse 90," "Armstrong Theatre," "The U.S. Steel Hour," "Studio One," "The Bell Telephone Hour," "Omnibus" literally disappeared from the screen. In their place came a proliferation of programming in the situation comedy, western or mystery formats.

The second decade, on the other hand, brought in the field of technology and actuality—color, tape, stop-action and split screens, etc., etc. It also brought the Great Debates, live pictures from Europe and Asia, the fabulous trips into outer space and man's first walk on the moon.

But on the whole, television programming fell out of step with American reality. The social crises of the 1960's outstripped television's ability to keep up with the swiftly changing world. The successive assassinations of national leaders, the emerging civil rights struggle of blacks, the riots and disorders of the campuses, ghettoes and streets were well covered as breaking news stories, but the background, the causes, the "why" of these events went begging, largely unexplained on the television screen.

Of the Indochina war, which many called "television's war" or "the livingroom war," James Reston of The New York Times said in 1967—after the great escalation and the bombing of North Vietnam—and I quote:

"More than 400,000 Americans, most of them conscripts, are now fighting a war in Vietnam. Most of them do not know how it started, and even many officials are extremely vague about how we got so deeply involved.

"It cannot be said that the people were well informed before their commitment to the battle, or even that their representatives in the Congress really debated the decision to wage this kind of war at the time of our involvement."

As a result, television programming of the 1960's became progressively tired and irrelevant to the times, and segments of our society, most notably our youth but also blacks and parents, became alienated.

The American economy was thriving but at the same time large parts of American society were coming apart at the seems. And many in broadcasting began to realize that for too long we had been preoccupied with ourselves, specifically with our technology and our economics, and not enough with the larger picture of American society.

For to be dedicated to good broadcasting is to be concerned about society. As broadcasters we are not just members of our society and community; by virtue of our enormous reach, our huge audiences, we cannot escape being among the shapers of our communities.

The larger picture of American society of the 1960's revealed an ongoing conflict of basic issues of universal interest.

On all sides, the image of man was being tarnished and demeanded, belittled and degraded, diminished when not actually held in contempt. This is what I think much of the young rebellion is all about. It is a cry against the mechanization of human life, against the brutalization of human life, against the dehumanization of human life. It is a cry of help for the sacredness of life. It is a call, once more, of man to greatness.

War and peace, civil rights and social justice . . . these are just the beginnings of a list of issues that should concern us. Aid for poor and the needy, the imperative of more and better education, the alarming dehumanization of sex are among others.

The disease of racial and religious bigotry, the crime of injustice, the blight of chronic poverty amid general affluence, man's slow suffocation of life on earth by his own pollution of air, land and sea—these are the enemies worthy of noble rebels—of activists.

In other words, the task of modern man, it was revealed, was to regain his dignity, and broadcasting was not sufficiently involved in the work.

I think the time has come—indeed, is past due—for the great instruments of broadcasting to do more than report and explain problems. Radio and television must help solve problems, broadcasters must become activists.

All of us once had difficulty identifying the problems of our society and communities. But we know them now. We know them well. We have discussed them over and over again.

Now broadcasting must do more. We must take on a greater task, to help our communities find the solutions to their problems, which have been our problems as well all along.

Towards that end, more than a year and a half ago, I proposed that a national policy of telecommunications goals and objectives be established by a public-interest group that would include educators, social scientists, creative programmers and managers from within and without the industry, and representatives from communities.

It is my conviction that people outside the industry must be included, as well as insiders, because neither television nor society operates in a vacuum. Each is a part of the other; they are inevitably intertwined. The future of television rests foursquare on the foundation of advice and consent of all of society, not just a part of it.

The national telecommunications public-policy committee I propose would seek answers to some basic questions. Among them are these:

Is the community concept of American television still valid?

What is the proper balance of station and network programming?

How should the broadcast day be divided between entertainment and news, public-affairs and public-service programming?

What is the fair division between commercial content and programming content?

What relevance should there be between programming and the need and interest of the American people?

What are the social and political obligations and objectives of television?

But at the outset, the proposed public-policy committee must grapple with truly urgent problems dealing with our survival in a changed world. The four most urgent are these:

1. Our relationships with minorities—blacks, Chicanos, Puerto Ricans, Asian-Americans, Indians and so on—in regard to their training and increasing employment in our industry and in regard to our programming to their needs and interests.

2. The imperative to re-establish our integrity in the face of a widening credibility gap between our audience and us. No matter that the attacks on our industry are not always well founded, or conceived in the spirit of constructive criticism. Our integrity is not being taken for granted. We must demonstrate it by commitment and performance, and by consistent proof of our fairness, objectivity and professionalism.

3. Our programming lacks diversity and falls short of the medium's potential. We must find ways of preventing any alienation or erosion of our most precious resource, our audience.

4. Our need to plan industry policies and goals for ourselves. For we—and not government, in ad hoc decisions—are the proper parties to make such deliberations by virtue of capability, qualifications and experience.

This suggestion was not well received—it was construed as an invitation to big government to take over free broadcasting. This was totally not so. It was and is intended as a creditable means of keeping big government out and broadcasting free. It was considered by others as encouragement to the many dissenters and critics of broadcasting—this also was not the case. It was and is hoped to be a means of bringing order to our industry and yet create ambitious public goals for all broadcasters.

Bold, courageous action taken by this industry in its enlightened self interest can produce a level of public opportunity in the 1970's and 1980's, beyond any previously experienced or enjoyed by the American people.

If we commit ourselves to creating goals and making our medium more flexible, more responsive, energetic and lively, we can more sensibly and realistically make progress. Long-range problems of major proportions such as our industry and our nation have in abundance do not lend themselves to one-shot instant solutions. But we can take small, positive and effective steps. And we must not minimize the cumulative importance of small steps taken in the right direction.

Let me recapitulate. Change is urgent. Change is essential. Change is coming—is around us in industry and the nation—whether we like it or not. But change of our own making within the system—not a system radicalized or politicized—is the only key to our survival and to our future prosperity.

I thank you for this opportunity to present a digest of an Establishment insider's thoughts, beliefs and hopes about broadcasting.

IMPROVEMENT OF FARM INCOME

Mr. McGOVERN. Mr. President, it is my hope that the Senate will soon act favorably on H.R. 1163. Unless we pass this bill and send it to the White House for the President's signature, it is doubtful that any action will be taken to improve farm income in this session of the Congress.

It would serve no useful purpose to belabor the serious cost-price squeeze facing the American farmer. According to the latest statistics from the Department of Agriculture, the parity ratio now stands on 71 percent, one of the lowest levels since the Great Depression. Farmers need help and they need it now. H.R. 1163 would provide this badly needed assistance.

The National Farmers Union Washington newsletter of January 7, 1972, discusses the impact H.R. 1163 would have on our agricultural economy and also presents an incisive grasp of the issues involved. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

NATIONAL FARMERS UNION, WASHINGTON NEWSLETTER, JANUARY 7, 1972

The Farmers Union has launched a campaign to pass the emergency wheat and feed grains legislation which would increase loan rates by 25%. Support is being enlisted from small business interests, independent bankers, mayors, and consumer groups. The bill, which would increase income for wheat and grains producers by nearly $1.5 billion, has passed the House of Representatives and a Senate agriculture subcommittee. It awaits action by the full committee. Farmers Union National President Tony Dechant said, "We are urging that the measure be an early order of business when the Senate reconvenes later this month. The matter is urgent." Dechant said, "Commodity prices have dropped drastically as a result of overproduction in 1971 under the disastrous 'set-aside' land retirement plan. Part of the economic damage to farmers can be remedied by prompt passage of this important piece of legislation." The appeal to other groups is being made on the basis that increasing commodity loans will increase income to all economic sectors of rural America and will result in less expenditure of government funds. "Clearly," Dechant said, "the corrective action sought under H.R. 1163 would increase income of farmers and rural businessmen; reduce government expenditures in 1972 for both wheat and feed grains programs; establish a strategic reserve of wheat and feed grains, thus protecting the national food supply; and continue stable consumer prices for food." (See page 3.)

A new wheat program is expected to be announced next week by the USDA. An election forecast of a record crop with resulting low prices is forcing the Administration to take another look at the production control aspects of its set-aside program. The Department is said to be studying 1972 wheat program changes including increased price supports and payments for set-aside above the required 83%. The 1971–72 winter wheat crop is estimated at nearly 1.3 billion bu., 11% above the 1971 harvest and 16% above the 1970 crop. It is 56 million bu. above the previous winter wheat record of 1.235 billion bu. set in 1968. The 42.2 million acres planted to winter wheat was 9% (3.5 million) above 1971 and 10% (3.9 million) more than the 1970 crop. The estimated yield of 30.6 bu. per acre is a 0.1% increase over last year. The 1972 harvest is the first full wheat crop planted under the set-aside land retirement plan. Much of the 1971 crop had already been planted when the first set-aside was announced. Carryover for all wheat is expected to increase by nearly 250 million bu. to 975 million bu. by next summer. The USDA predicts that total disappearance of all wheat may fall by about 150 million bu. because of lower feeding and a 15% to 20% reduction in exports. The Administration blamed the feed grains surplus on the failure of the corn blight but there is no such excuse involved in the record wheat production. Chances for an improved wheat program appear to be good.

The impounded $55.5 million in REAP funds was finally released by the Office of Management and Budget Tuesday. The Administration is referring to the money as "additional" funding for the Rural Environmental Assistance Program but, in fact, the $55.5 million had been held by the O.M.B. Although Congress had appropriated $195 million for the conservation program, the Administration had refused to release any more than their request of $140 million. Farmers Union and others have been demanding release of the impounded funds for many months.

The role of governors and state party organizations in national politics will be emphasized at the Farmers Union National Convention to be held in Houston, Texas, Feb. 28 through March 2. Farmers Union National President Tony Dechant said, "This new approach to the national political scene in a Presidential election year evolves from the renewed emphasis on grassroots involvement of our members in the political processes. The structure of our political parties, as well as the Electoral College itself allocates a crucial role to the states. Within most states, no leader exerts influence comparable to that of the governors. That is why we are inviting them to our convention. We want our members to be involved in every aspect of politics, from voter registration, precinct caucuses, election of county committees, to selection of delegates to the national party conventions." Dechant said, "The governors from key farm states are not being asked to make speeches. They will take part in a 'dialogue' with delegates through panel discussions on specific issues including: The corporate domination of politics and the economy; taxes; and the processes of the political system. The governors will be asked some hard, tough questions." Announced presidential candidates will also be invited to the convention and will face many of the same tough questions. "Farmers Union delegates will be seeking firm commitments to family farm agriculture as opposed to the traditional political 'promises'," Dechant said. Governors who have already accepted invitations to the convention include: Robert Docking of Kansas, Chairman of the Midwest Governor's Conference; William Guy of North Dakota; and James Exon of Nebraska.

Revised Federal farm truck driver regulations went into effect on Jan. 1 after nearly 2 years of negotiations with the Department of Transportation. The original DOT proposals contained no exemptions for farm truck drivers from federal safety regulations. The revisions were first printed in the Fedeal Register on April 22, 1970, and would have gone into effect on Jan. 1, 1971 except for a last-minute postponement at the request of Farmers Union and the National Council of Farmer Cooperatives. Other farm organizations and interested parties then joined in opposition to new, but unacceptable DOT exemption proposals. The controversy forced a second postponement from July 1 to the first of this year. In the regulations, now in effect, a blanket exemption has been made for the drivers of farm trucks weighing 10,000 lbs. or less. There is no minimum age requirement, other than state laws, for drivers of farm vehicles below 10,000 lbs. or straight trucks of any weight within 150 miles of the farm. The age limit for trips beyond the 150-mile limit was reduced from 21 to 18. The need for investigation into the driver's background and written or road tests are eliminated. However, medical examination for physical qualifications will be required for farm truck drivers after Jan. 1, 1973.

New payment limitation regulations became effective on Jan. 1. The modifications require that each person receiving payments be actively engaged in the farming operation. The law had restricted payments to a minimum of $55,000 per "person" but had not specified any particular involvement required to qualify as a "person." Under the new regulations, a "person" must be engaged in the farming operation by contributing land, labor, equipment or capital. The new provisions also limit the total payments to $55,000 for anyone owning more than 20% of stock in a corporation even though he may qualify for payments under a number of different programs.

Meanwhile, Agriculture Secretary Butz has refused to suspend ASCS Administrator Kenneth Frick. Senators John Tower (Tex.) and Fred Harris (Okla.) had demanded Frick's resignation after learning that he had half interest in one of the farms cited for program "irregularities" in Kern County, Calif.

A portion of impounded REA funds has been released but the rural electrics still stand to lose $107 million in appropriated funds. The Administration announced Thursday that it is releasing $109 million of the $216 million held up by the O.M.B. Congress authorized $545 million but only the budget request of $329 million was released. The O.M.B. says the balance will be released in July. *But a new fiscal year,* covered by new appropriations, begins July 1. If the Administration refuses to release the balance before July, REA will be deprived of $107 million.

$1.5 BILLION MORE FARM INCOME

The House-passed bill to increase the price support loan on wheat and feed grains by 25% and to establish a strategic reserve for wheat and feed grains (H.R. 1163) should be the first item of business for the Senate Agriculture Committee when the Senate returns from the holiday recess January 18. The 25% loan increase is the heart of the bill in every respect. It can mean an immediate rise in income for feed grain and wheat farmers. Here's roughly the effect that a loan increase of 25% will have on income to farmers from the 1971 production of the 4 major commodities that are covered:

	Yield (millions of bushels)	Income increase (millions)
Corn	5,550	$971.6
Wheat	1,640	283.6
Grain Sorghum	889	124.5
Barley	462	92.5
Total 4 commodities		1,472.2

In sum, enactment of the 25% loan increase for wheat and feed grains would mean added income to farmers of roughly $1.5 billion on the 1971 crop alone. The bill provides for the increase for 1971 and 1972, so that comparable increases could be expected on the 1972 crop as well.

The issue is clear. The income of profit-making enterprises and wage earners was frozen temporarily on August 15, 1971, under the President's "new economic policy." This freeze lasted only 90 days, and now labor and management are free to increase their returns within limits set by the Administration. Farm income was frozen much earlier, at least since enactment of the Agricultural Act of 1970. And no relief for the farmer is in sight from the Nixon Administration despite the fact that the farmer's productivity and his costs of production continue to rise rapidly. Congress now appears ready to force the Administration's hand by enacting H.R. 1163, and in this way requiring the Administration to allow a modest increase in price supports to feed grain and wheat farmers who are faced with massive surpluses and disastrously low prices.

The response of the Administration thus far is to put up a smoke screen of opposition to this badly needed income improvement for farmers. A veto by the President has been threatened if Congress enacts H.R. 1163; Agriculture Secretary Butz told the press that a veto would not be "all bad politically." Butz referred to problems of detail in making the loan increase fit into the on-going set aside program.

This reference by the Secretary to problems of detail is a tactic designed to divert attention from the central issue of farm income improvement. The Secretary has plenty of authority under present laws to make adjustments so as to dovetail the wheat and feed grain loan increase into present programs without major disruptions. For example, Secretary Butz has legal authority to increase price supports on other commodities to maintain balance among crops, and to return to supply management on a crop-by-crop basis for 1972.

Regardless of how, the burden of working out the details to accommodate the loan increase provided in H.R. 1163 rests squarely upon the Administration. If the Administration had not taken an absolutely negative position on the price support and strategic reserve bills earlier in 1971 when adjustments to on-going programs would have been easier, last-minute improvising would not now be necessary.

All that Congress can do is force the Nixon Administration's hand by insisting upon higher prices for wheat and feed grains. It is up to the Administration to get itself out of this self-imposed crisis by making the necessary changes in the set aside program. The sooner the Administration shifts to such a more positive attack on low farm income, the better off everyone will be.

WASHINGTON WRAP-UP

Hidden government subsidies will be the subject of a hearing by a subcommittee of the Joint Economic Committee of Congress, Jan. 13, 14 and 17. Committee Chairman, Sen. William Proxmire (Wis.) said, "The Federal Government provides billions of dollars of subsidies through the budget. Billions more never appear because they are hidden, difficult to calculate, represent taxes not paid, or special privileges for which no one has yet placed a price tag."

Sign-up periods for the cotton, wheat and feed grains programs have been changed to Feb. 3 through March 10. The USDA says the delay is to allow additional time to evaluate the results of the special Jan. 27 Farmers Planting Intentions Report. ASCS offices will accept sign-ups prior to the official period.

Groups from two Farmers Union states will make the fly-in trips to Washington on successive weeks toward the end of January. Some 40 Farmers Union members from South Dakota will arrive in Washington on Jan. 23 and remain through Jan. 28. The following day, 47 North Dakotans will visit the Nation's Capital and stay through Feb. 2.

This week's 2.7 million bu. corn purchase brings to a total of 7.7 million bu. bought by the USDA since Dec. 12. Price paid the first week ranged from $1.12 to $1.30 per bu. Prices this week ranged from $1.11 to $1.21 per bu.

MORE BUREAUCRATIC LEGALESE

Mr. CURTIS. Mr. President, on December 17 last, the day that the 92d Congress adjourned its first session, I made some remarks about how people are confused by the Government's legalese, particularly in the writing of rules and regulations to implement the laws we pass.

I cited as an example the definition of the word "exit" in the following manner in the regulations implementing the Occupational Safety and Health Law:

> Exit is that portion of a means of egress which is separated from all other spaces of the building or structure by construction or equipment as required in this subpart to provide a protected way of travel to the exit discharge.

The use of the term "exit discharge" at the end of the definition of "exit" then made it necessary for the regulation writers to define "exit discharge," which they did as follows:

> Exit discharge is that portion of a means of egress between the termination of an exit and a public way.

None of the expert scribes at the Labor Department had access to or confidence in the dictionary, which describes exit simply and accurately as:

> A way out of an enclosed place or space.

I said in pointing out the confusing nature of the Labor Department's definition of exit that I would be exposing similar specific examples of language in the laws and regulations that creates public misunderstanding and mistrust.

I expect to do this repeatedly in the days and months ahead.

Today, Mr. President, I invite the attention of the Senate to a regulation published by the Department of Housing and Urban Development in the Federal Register on December 22, 1971.

I have no quarrel with the Department of Housing and Urban Development, but I believe that Congress has appropriated sufficient funds to the Department to hire writers who can do a better job of communicating.

Here is what the Department proclaims in one sentence under the title of "excess earnings" in paragraph 238.254 of subpart B, part 237, entitled "Special Mortgage Insurance for Low and Moderate Income Families"—part II, section 2 of December 22, 1971 Federal Register on Reorganization of title for Department of Housing and Urban Development.

> For all of the purposes of any insurance contract, 50 percent of the excess earnings, if any, for any operating year may be applied, in addition to the minimum annual return, to return on the outstanding investment but only to the extent that such application thereof does not result in an annual return of more than 5 percent of the outstanding investment for such operating year, and the balance of any such excess earnings shall be applied, in addition to the minimum annual amortization charge, to amortization of the outstanding investment: Provided, That if in any preceding operating years the gross income shall have been less than the operating expenses, such excess earnings shall be applied to the extent necessary in whole or in part, first, to the reimbursement of the amount of the difference between such expenses (exclusive of any premium charges previously waived under Paragraph 238.252) and such income, and second, to the payment of any premium charges previously waived hereunder.

That sentence is 163 words long, Mr. President, and I will throw in with you if you can tell me what it means, without a battery of Philadelphia lawyers and several years of litigation.

And they say ignorance of the law is no excuse?

PRESIDENT NIXON WILL TAKE THE HIGH ROAD

Mr. SCOTT. Mr. President, I invite the attention of Senators to an exceptional column entitled, "Nixon Will Take High Road in His Bid for Reelection," written by Nick Thimmesch, and published in the Philadelphia Bulletin.

These opinions are a fair summation of what we can expect this year. I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON WILL TAKE HIGH ROAD IN HIS BID FOR REELECTION

(By Nick Thimmesch)

WASHINGTON.—As far as the man who occupies the White House is concerned, it's going to be "The President" instead of Richard M. Nixon in the 1972 presidential election. The present strategy is high-road, philosophical, look-what-our-President-is-doing to make peace and protect and improve the nation.

At a strategy session conducted by Vice President Agnew in the Roosevelt Room of the White House, Republicans holding top-drawer positions in the Administration were urged to stress, in speeches, what the President has accomplished, to make it "The President, The President, The President." No need to talk about the Nixon-Agnew team.

WILL SHUN IN-FIGHTING

Mr. Nixon, the participants were told, will conduct himself in a high-minded manner and do his best to keep out of the political fighting this year. John Scali, a special consultant to the President, dipped into his experience as a TV network correspondent to explain how Administration officials failed to salute the President's accomplishments in their speeches. Some participants responded with complaints they couldn't get through to White House officials to get advice for selling the President's performance.

Anyway, Mr. Nixon, in his "conversation" with CBS' Dan Rather (it was more of a confrontation), said his strong points weren't rhetoric, showmanship or charisma, but "performance. I always do more than I say," and added that the country needs action over personality.

PRESIDENT WAS CAUTIOUS

In that nationally televised program, which drew a somewhat smaller audience than the show it pre-empted (Cade's County). Rather tried hard to draw Mr. Nixon into contention, but the President successfully slipped off the hook.

After Rather asked Mr. Nixon, in effect, how come people don't think he has personal warmth and compassion, the President said that he wouldn't psychoanalyze himself, "because that's your job . . ." Still, the Gallup Poll reports that Mr. Nixon is the most admired American.

When Rather cited a Nixon quote (out of context), "Black people are still different from white people," asking what did he mean, how are black people different from white people, the President's answer not only thwarted any implication that he was biased, but reaffirmed the unique greatness of pluralistic American society.

Mr. Nixon said that in talking to blacks on his staff or whom he went to school with, he learned that they have "the inevitable memory" of slavery and lingering prejudice. A black realizes, the President continued, that when he is in school or looking for a job, "that he is different, he is different from the white person, and for that reason he therefore has problems that the white person does not have. I think unless we recognize that fact, we are not going to do the right kind of job that we should in handling black-white relations."

QUOTED OUT OF TEXT

If Rather had presented the entire blacks-are-different-from-whites quote, he would have had to include Mr. Nixon's remark that black identity "would enrich the country in the long run," a statement that blacks who stress the black contribution to our culture would heartily endorse.

Rather went from blacks to George Wallace, naturally, and the President tossed the Alabama governor, an elected Democrat, right back to his home party, noting that Wallace will be entering Democratic primaries.

In professional terms, Rather, who is not without ambition, did very well in firmly pressing the President. The "conversation" might be "The Making of Dan Rather at CBS." Like other White House regulars, Rather resents the infrequency of Mr. Nixon's meetings with newsmen, and understandably turned this opportunity into a sort of one-man press conference. CBS was right in resisting the White House preference to have a luminary like Walter Cronkite, instead of Rather, whose sentiments toward Mr. Nixon are well known.

TONE OF TELEGRAMS

While his colleagues generally applauded Rather's performance, the public reaction was something else. CBS reports a favorable response to Rather's deportment. But the program also drew these telegrams:

"I would have liked to have seen the President ask you a few questions. Not only were yours irrelevant but they were downright hostile to him. You never gave him a chance to answer. Couldn't you be quiet and let him finish?"

"Richard Nixon's command of fact and historical perspective made you look like a little boy."

"Nixon and Agnew get more votes every time you go after him that way. I'm for Muskie and I'm sure glad you don't do it to him, too. But lots of people think that CBS is out to get Nixon so they support him. Let Richard Nixon have all the rope he needs to hang himself, but don't help him like George Meany did."

Presidents Dwight Eisenhower, John F. Kennedy and Lyndon B. Johnson, in comparable visits with the press, weren't subjected to questions about their personalities or how much the public loved them. Mr. Nixon gets this kind of stuff and will continue to get it, I suspect, because he has been a fiesty political brawler, a man enunciating high principles, and as the nation's most important public figure, one who now clothes himself in the presidency.

This is what he wants to do in the months ahead, as the presidential politicking intensifies, as he is nominated and enters the campaign. He will be in the role of President all the way, and resist every effort, as he showed in the Rather "conversation" to get down there in the street and fight.

AMNESTY

Mr. McGOVERN. Mr. President, since initially proposing amnesty for all American young men who fled the country or filled our prisons because of conviction of mind and command of conscience, there has been considerable discussion of this proposal. It is particularly gratifying to me that the amnesty proposal has been the subject of serious discussion instead of partisan controversy. As a matter of fact, President Nixon no longer rejects the idea out of hand. This signifies, at least to me, that the proposal is well within the mainstream of American thought.

Commonweal magazine for January 14 has published a commendable editorial analyzing the issue. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AMNESTY

The question of an amnesy for the 70,000-100,000 young Americans who have either quit the military or refused the draft over the war in Vietnam is short of being an idea whose time has come, but it is not an idea whose time is far away. The swing of President Nixon from a flat rejection of the idea several weeks ago to qualified openness in his recent CBS interview with Dan Rather is clue to the mood which is settling over the land on the subject. When Cardinal Cushing spoke out in favor of amnesty a couple of Christmases ago, the notion of an amnesty was as alien as the notion of surrendering in Vietnam. The latter notion is today no less alien, but not amnesty. Not only does the nation's Chief Executive entertain the possibility, but two bills are in the Congress which would implement the idea.

In point of fact, the amnesty idea is, as Mr. Nixon himself conceded, neither singular nor radical so far as American history is concerned. George Washington granted amnesty to the Whiskey insurrectionists. Abraham Lincoln provided an amnesty for Union deserters in the last days of the Civil War. Andrew Johnson helped bind up the wounds of the nation after the Civil War by extending amnesty to the soldiers of the Confederacy . . . and if it is possible to give amnesty to persons who fought in rebellion *against* the country, how much more possible should it be to be magnanimous with those reluctant inheritors of a violent situation, whose consciences would not let them accommodate the violence of Vietnam? More than being just possible, magnanimity is demanded by justice if the individual conscience is still to be respected in the United States, and if conscientious resistance remains a factor to be entered into value equations.

If there is a barrier to amnesty, it is a political one more than any other. Religious authority is pretty much in agreement that American involvement in Vietnam has passed the point of proportionality, and public opinion would seem to concur; 58 percent of Americans, according to a Harris Poll of last May, indicated that they believe it "morally wrong" for the U.S. to be warring in Vietnam. If there is an immorality involved in the Vietnam enterprise, as the growing consensus would have it, then it is impossible to be other than generous toward those who refused to be party to that immorality.

None of this is to say precisely what form amnesty should take—whether it should be unconditioned, as some argue, or whether, as one Congressional bill would provide, it should be tied to some kind of redemptive public service. It is not to say either that no differentiation should be made between draft evaders and deserters from the military; these may not always be cases of the same genre. What is important is that the issue not become an emotional one, as could happen if Mr. Nixon persists in his pound-of-flesh approach, demanding that those pardoned "pay the price" for violating the law; and that it not be politicized by being joined to other issues, as Mr. Nixon seems prone on doing in linking amnesty to the return of the prisoners of war.

This said, we welcome Mr. Nixon's comments on the amnesty question, tentative though they were. Hopefully they will serve to broaden a process of national discussion, a detail vital of itself. For although Mr. Nixon is exact in saying the "prerogative" for an amnesty is his, it is essential that the public have a fuller understanding of the issue so that, when amnesty comes, it will be received in a spirit of reconciliation.

DEATH OF PUBLIC PRINTER SPENCE

Mr. SCOTT. Mr. President, Adolphus Nichols Spence II, the Public Printer of the United States, died January 11 of a heart attack. He leaves a reputation for thoroughness and imagination, often providing the inspiration for many new printing services.

Nick Spence, as his friends knew him, had an outstanding career. He began his printing career in private industry and joined the Federal Government in 1932, becoming a printer and later supervisor. He was recognized as an innovator in printing management techniques and machinery manufacturing.

Mr. Spence greatly improved services to Congress by generating the Federal printing program under the auspices of the Joint Committee on Printing. This program aims at eliminating Government competition with private industry. In addition, he headed both the Navy Publications and Printing Service and the Defense Printing Service prior to his appointment as Public Printer.

We grieve the passing of this humble, genuine, and extremely capable man.

I ask unanimous consent that the New York Times obituary be printed in the RECORD.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 12, 1972]

ADOLPHUS SPENCE II, 55, DIES; HEAD OF U.S. PRINTING OFFICE

WASHINGTON, JAN. 11.—Adolphus N. Spence II, head of the Government Printing Office, died today at his home in Alexandria, Va. He was 55 years old.

He leaves his wife, Ruth; four children, Adolphus N. III, Stuart, Victoria and Elizabeth, and his mother.

IN NAVY INTELLIGENCE

Mr. Spence was an innovator of techniques involving printing management and graphic communications generally. He was appointed Public Printer, the administrative head of the Government Printing Office, by President Nixon on April 1, 1970.

After serving as a Navy intelligence officer in World War II, Mr. Spence became a civilian employe of the Navy as director of publications and printing service.

Mr. Spence started the venerable Government Printing Office on a new course with the introduction of a $20-million Linotron, then the fastest, largest and most expensive photo-composing machine in the field.

This machine performed electronically such tasks as printing lists of world broadcasting stations for the Central Intelligence Agency and the Defense Department's "master cross-reference list."

The latter consisted of 60,000 pages, each page with 14,000 characters, the whole making 81 volumes, with a total of 5,000 sets produced.

The Government Printing Office recently noted that its dollar volume was $235-million annually and that it employed 7,500 persons.

JOHN TROTMAN, OF ALABAMA, NEW PRESIDENT OF AMERICAN NATIONAL CATTLEMEN'S ASSOCIATION

Mr. ALLEN. Mr. President, January is the traditional month for changes in leadership for many civic, business and cultural organizations. The American National Cattlemen's Association, one of the most prominent of our national farm-related groups, is no exception, and the new president of the association is fellow Alabamian John Trotman of Troy and Montgomery. This is not only an honor for Mr. Trotman, but it is a signal honor for Alabama because this is the first time in 75 years that a man from east of the Mississippi River has been named president of the American National Cattlemen's Association.

In the Sunday, December 19, 1971, edition of the Birmingham News, Thomas F. Hill, one of Alabama's finest reporters, has written about Mr. Trotman's cattle raising operations and of his efforts to improve the quality of beef grown for the American consumer. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SETS PRECEDENT—ALABAMIAN TO LEAD CATTLEMEN OF NATION

(By Thomas F. Hill)

MONTGOMERY.—Sometime next month a youthful looking, nattily dressed Alabama cattleman will board a jet plane for Denver to attend a convention. He will walk away from that convention as president of the American National Cattlemen's Association.

He is John "Bubber" Trotman, Pike County native who has one of the state's largest beef operations, sometimes moving as many as 1,000 head of cattle in a week.

Elevation of Trotman from first vice president to president is a signal honor for Alabama as well as for the personable cattleman, for this is the first time in 75 years that a man from east of the Mississippi River has been named president of the beef association.

A past president of the Alabama Cattlemens' Association, and long-time active worker in affairs of the state and national associations, Trotman is a Pike County native who was born into the livestock business and elected to stay with it.

"My father was in the horse and mule business and had a good-sized farm devoted to general agriculture," he said.

Trotman presently has about 1,500 acres on his home operation near Montgomery and also has acreage in Pike County.

He was president of the Montgomery County association in 1960, and headed the state organization in 1960. During 1968 and '69, Trotman was regional vice president of the national association, traveling over six southeastern states. He was moved to first vice president of the national association in 1970.

Trotman will have a large cheering section rooting for him at the Denver convention in January, for Alabama cattlemen are chartering a jetliner for the trip and expect to have it filled.

"We have 48 states affiliated with the national organization," Trotman said. "Plus all the breed associations."

Alaska and Hawaii have state associations now. The 1969 convention was held in Honolulu.

Trotman has a strictly cow-calf operation, maintaining a brood cow herd. He also buys steers. The Trotman Cattle Company also operated by him, buys and sells stocker and feeder cattle.

He grows the calves out on grass and then ships them into about 25 Midwest and Western states for feedlot finishing out to market size. He also is a cattle feeder, sending his own cattle to feedlots and then shipping them back.

His ultimate goal is to get a U.S. choice grade out of a steer weighing from 1,000 to 1,200 pounds.

Trotman's cattle are cross bred, with lots of Charolais blood in them.

"We don't care what color they are," he said. "We are interested in gaining ability on grass or the feedlot."

The size of his herd varies, as it is constantly moving. Some days it will expand to several thousand head. He has handled as much as 1,000 in a week.

E. H. (Ham) Wilson, who has guided the Alabama Cattlemen's Association for the past 20 years as executive vice president, said Trotman's elevation to the presidency of the American National Association was something for which the state could feel proud.

"He will make them an outstanding president," Wilson said.

Trotman graduated from Auburn University after attending grade and high schools in Troy. He is married to the granddaughter of the late Mayor William A. Gunter, for whom Gunter Air Force Base was named.

The Trotman's have four sons, Randy, 19, who is associated with his father in the business; John, 15, Charles, 13, and Robert, 9.

JANUARY BIRTHDAY ANNIVERSARIES

Mr. SCOTT. Mr. President, this month we mark the birthday anniversaries of three outstanding American leaders . . . men of different generations, men who were giants.

January 15, 1929, Dr. Martin Luther King, Jr., was born.

January 17, 1706, Benjamin Franklin was born.

January 19, 1807, Gen. Robert E. Lee was born.

Mr. President, the outstanding accomplishments of each of these men have been written in the pages of American history. I think it appropriate that from time to time we reflect upon their innovations, their leadership, their determined efforts to help build this great Nation.

TAX REFORM AND REDISTRIBUTION OF INCOME

Mr. McGOVERN. Mr. President, I ask unanimous consent that a broad program of tax and welfare reform which I recently proposed be printed in the RECORD.

There being no objection, the program was ordered to be printed in the RECORD, as follows:

TAX REFORM AND REDISTRIBUTION OF INCOME

INTRODUCTION

Many Americans feel themselves the victims of economic discrimination at the hands of the Federal tax system. Although that system is, in many respects, one of the most enlightened in the world, it is an undeniable fact that millions of ordinary, working middle income families pay their taxes as required by law, while many of the wealthy use a variety of devices to escape their rightful tax burden. At the same time, the man in the middle sees billions of dollars going into welfare programs that don't work. In short, many Americans pay their taxes dutifully and feel that others are exploiting the tax and welfare systems.

The most urgently needed change in our systems of taxation and public assistance is to place far greater emphasis on fairness. Each American should feel that he is getting his money's worth and that he is being treated exactly like every other American. Each American should pay his fair share and each American should receive his fair share. That is clearly not the case now.

TAX REFORM

The purpose of taxation

In the United States, taxes pay for those activities which we wish to have carried out by government rather than by the private sector. The costs are supposed to be carried by each income group paying its share and by those within each income group paying a similar amount. The progressive tax system asks those who are better off to bear a greater share of the load than those who have less ability to pay. In general, the progressive system is one of the most positive elements of our tax system.

Individual income taxes

Previous efforts at tax reform have failed to bring our system closer to a truly progressive one. Every effort at reform shows that the cloth of our tax codes is so worn that every patch rips another hole somewhere else. Even more importantly, efforts to promote fairness by giving everyone his own loophole are slowly dismantling the progressive federal income tax.

The actual tax system is just about half as progressive as it is supposed to be, according to the tax rates adopted by Congress. While nominal rates range from 0.1 percent at low incomes to 69.2 percent for those with incomes over $1 million per year, actual rates on average range from 0.7 percent to 34 percent.

Two taxpayers with the same annual income pay quite different taxes. A factory worker or a school teacher whose taxes are withheld from his wages cannot take advantage of loopholes. They may expect to pay almost $1,000 in taxes on earnings of $10,000. A wealthy person who receives $10,000 income from state and local bonds will pay no Federal taxes at all. Clearly this system is unfair.

And these inequities are not theoretical. On the basis of 1969 tax returns, the last year for which figures are available, some 21,317 people earning more than $20,000 paid no Federal taxes whatsoever. That includes 56 people with incomes in a single year of $1,000,000 or more.

Because the effort to close one loophole at a time has been a failure and because to do so would still leave a great number of inequities until all were closed, we should shift to a really effective minimum tax. While a minimum tax was created in 1969 tax legislation, it is actually windowdressing and is not effective. Recent reports indicate that some who earn over $1 million still pay no taxes.

I propose a minimum income tax so that the rich could not avoid their share of the tax burden no matter what loopholes they used. One possible formula would be a minimum income tax to apply to all those with total incomes in excess of $50,000. The entire income of any person in this range would be subject to payment of taxes at a rate of 75 percent of the current nominal rates at the rate that they would have to pay if there were no loopholes. All income regardless of source would be included. (Of course, if the computed tax exceeds the minimum tax, it would be payable.)

If this minimum income tax were now in effect it would bring in approximately $5 billion during the present fiscal year and $6 billion in fiscal 1973. That would amount to about a 7 percent increase in receipts from the individual income tax. This increase would be paid by the wealthiest 411,000 out of the 76 million Federal taxpayers.

This basic tax reform would not unfairly penalize the wealthy just because they were well off. It would simply insure that they could not dump their tax load onto the backs of already hard-pressed middle income taxpayers.

Corporate taxes

The strength of the American economy is due mainly to the dynamic growth of the private sector led by corporations and other businesses. It is sound public policy to create the conditions for business to function effectively.

The Federal tax system has been used to help the corporations. As Joseph Pechman, one of the leading tax experts in the United States points out: "A special tax on the corporate form of doing business is considered appropriate because corporations enjoy special privileges and benefits." In order to stimulate corporate economic activity, the Federal government can and does alter tax rates. That is the principal form of assistance that has recently been given.

The present corporate tax rate is 48 percent of the taxable base defined by law. (Of this 22 percent is the normal tax which applies, without the 26 percent surtax, to the first $25,000 of corporate net income. This feature is of special benefit to small businesses—some 77 percent of the taxpaying corporations. It should be maintained.)

In each post-war recession, demands have arisen to stimulate the economy through corporate tax reductions. These have taken the form, not of overt rate reductions, but of covert rate reductions in the form of increased depreciation allowances and special devices such as the investment tax credit. Such devices transfer profits from the taxable category to the untaxable category. In the process, the corporate income tax is gradually being abolished.

Because of steady reductions in the taxable base over the past twenty years, the effective corporation income tax rate has been cut in half. There is a real question about how much farther we can go.

The time has come to end the dismantling of the corporation income tax and to reestablish a fair balance between personal and corporate income tax collections. As a result, I have opposed the new depreciation guidelines and the investment tax credit. Special loopholes, such as percentage depletion, need to be phased out, but a broad balance also needs to be established between taxable and untaxable earnings of corporations. As it is, we have tipped that balance too far in the direction of untaxable earnings.

I propose that the actual corporation income tax be returned to its 1960 level by the elimination of the special loopholes that have been opened since then. (About two-thirds of the gap between the present level and the 1960 level results from Nixon Administration cuts in the last year.)

This reform of the corporation income tax would raise approximately $9 billion in the current fiscal year and about $17 billion in fiscal 1973 (based on Administration estimates of increased corporate activity.)

This proposal for increasing the corporation income tax rate does not mean reduced government assistance to business. If the entire McGovern economic program were to be applied, there would be more stimulus to business than is available from the tax privileges now in effect. This program includes an immediate $10 billion fiscal stimulus to create new jobs and use underutilized capacity, economic conversion from a war to a peace economy with the extensive use of government contracting for specific purposes and the Minimum Income Grant, discussed below, which would greatly stimulate consumer purchases. Nothing spurs profits like a strong full employment economy, which has the highest priority in my economy program.

In short, our corporations must be healthy and growing if our economy is to prosper. But we have a wider range of tools at our disposal than perpetual reductions in the corporation income tax.

Estate and gift taxation

Most Americans subscribe to a fundamental belief of our Founding Fathers that we should be allowed to keep a fair proportion of what we earn but should not be allowed to inherit great wealth. Yet, in practice, the loopholes in our gift and inheritance taxes are much greater than those in our income taxes. Just 9 percent of all families own 50 percent of all private assets. More than a quarter of all private assets are owned by less than 1 percent of the population. Although some of these fortunes are based on earned income, most are based on inherited wealth.

Estate and gift tax rates are high—as high as 77 percent on estates above $70,000. But actual rates are a tiny fraction of the theoretical rates.

Estate and gift taxation should be reformed in the same manner as the income tax. Instead of proceeding to close loopholes, one by one, a whole new system needs to be constructed.

Gift and inheritance taxes should shift from a tax on the estate or giver to a lifetime cumulative tax on the recipient. This shift would make it possible to prevent tax avoidance and would be more fair, because it would regard the money received as income to the recipient, which it is.

This cumulative lifetime tax on recipients would mean that we must set a ceiling on the amount that might be received and then place a 100 percent tax on all gifts and inheritances above that amount. Below the ceiling, a progressive tax might be applied with a certain amount excluded from all taxation. Even if the ceiling were set as high as $500,000, the amount of new revenues would be considerable. While it is impossible to calculate the exact amount of such new revenues, a conservative estimate would indicate the doubling of present tax receipts from estate and gift taxes. That would mean additional tax revenues of $4 billion in the present fiscal year and $5 billion in fiscal 1973.

State and local taxes

While the Federal tax system is generally progressive, with room for improvement, the state and local tax systems are far less progressive and do not respond as directly to changes of income of taxpayers. It is well known that there has been excessive reliance on the property tax.

The property tax revolt may be a major issue in the coming months. The Federal government may have to step in to allow for a reduction of property taxes used to support education—perhaps their complete removal. As I indicated in July 1971 in my proposals on revenue sharing, the states should be given the incentive to raise more of their revenues from progressive income taxes. In addition, the Federal government should take over at least a third of the total bill for primary and secondary education. Funds should be distributed to school districts in line with an equalization formula as is outlined in my revenue sharing proposals.

It has been suggested that a value added tax, which in effect is a national sales tax, should be used either as a method of increasing Federal tax revenues or as a method of reducing or eliminating the property tax or both. I disagree. In the first case, we should increase individual and corporation taxation, as indicated, rather than resort to the national sales tax. In the second case, a shift to the value added tax would represent a retreat from the far sounder revenue sharing aproach. In addition, while the Federal government should assume a greater share of the cost of education, certain local services are associated with the ownership of property, and there is thus a justification for some property taxation. Also, as mentioned above, the property tax can be cut by a shift to more progressive forms of taxation by the states.

In any case, the value added tax or national sales tax is against the interest of middle and low income people. It is a regressive tax on consumption, which cannot, of course, be reduced beyond a certain point necessary to insure a decent life. And it represents a backdoor method of increasing individual taxes just after a reduction in taxation on individual incomes has been enacted.

Conclusion

The Federal tax system is basically sound, although it has been riddled with special privileges for the rich. We should move now to establish a fair tax system for all Americans.

The reforms of the Federal tax system relating to individual and corporation income taxes and to estate and gift taxes would result in additional revenues of about $18 billion this fiscal year and $28 billion in fiscal 1973. This amounts to an additional $140 in Federal income for every man, woman and child in the United States. Depending on how these additional revenues were applied they could bring about the reduction or elimination of the local property tax for education; spent on other urgent national needs such as rebuilding our cities, pollution control, adequate nutrition for all; or could go a long way toward financing the Minimum Income Grant program, discussed below.

REDISTRIBUTION OF INCOME

The need for redistribution

The present tax system contains inequities because it does not levy a correspondingly fair burden on all taxpayers. While the rich benefit from the tax system, middle income groups and low income groups including the poor do not receive such benefits. Those with medium incomes find they are paying their taxes but not receiving either the kind of tax breaks given to the wealthy or the kind of public assistance payments made to the poor. The poor find that, as soon as they go to work, they are subject to extremely high rates of income taxation because of their sudden sharp reduction of public aid when they earn their first dollar. The net result is mounting frustration for those in the middle and a future of poverty for those who are heavily penalized when they seek to work their way out of welfare dependence.

There are other weaknesses of the public assistance or welfare program. Many people in need are not covered; family groups are penalized; benefits are insufficient; migration from one state to another is encouraged; extensive controls are applied; and it is possible for taxpayers to be worse off than those receiving public assistance.

A number of welfare proposals are now pending before the Congress. I sponsored the proposals of the National Welfare Rights Organization in an effort to insure that benefits will take into account real needs. Naturally these proposals deal only with those on public assistance—not medium income taxpayers. Some of them represent major improvements in the present system. But none of them offers the broad application of the Minimum Income Grant described below. Even the negative income tax proposal has the defect of creating or, more properly, maintaining a two-class society—those who pay and those who receive.

The minimum income grant

I propose that every man, woman and child receive from the Federal government an annual payment. This payment would not vary in accordance with the wealth of the recipient For those on public assistance, this income grant would replace the welfare system. It has also been suggested that the national income grant could replace certain social security benefits.

There are a number of methods by which this proposal could be implemented. Some are discussed here. These methods require full examination by the best economic talent available, and the plan chosen must have the support of the President, if it is to have any chance of adoption, for those reasons, the present proposal is not designed for immediate legislative action. Instead, it represents a pledge that, if elected, I would prepare a detailed plan and submit it to the Congress.

One proposal calls for the same payment to be made to all Americans. This is the credit income tax idea, proposed by Professor Earl Rolph, and more recently associated with the name of Professor James Tobin of Yale, immediate past President of the American Economic Association, former member of the Council of Economic Advisors and a member of the National Economic Advisory Group of the McGovern Campaign. Using a 1966 base, Professor Tobin suggests a payment of $750 per person. At the present time, a payment of almost $1,000 per person would be required. This would amount to $4,000 for a family of four—just about the official poverty level boundary.

Another formula has been suggested by Leonard Greene, President of the Safelight Instrument Corporation of New York. Under his "Fair Share" plan, each adult would receive $900 a year and each child would receive $400. This would amount to $2,600 for a family of four.

It should be stressed that neither of these proposals relates to the size of the family unit; the payments are made on an individual basis. Thus, there would be no incentive for a family to break up in order to receive higher total benefits.

A third formula would involve payments according to the family group. Joseph Pechman of the Brookings Institution has shown that: "The relative incomes that would provide roughly equivalent standards of living appear to be in the ratio of 75:100:25 for single, married, and dependent persons, respectively." The payment of the Minimum Income Grant could be made according to such a formula. In this case, adequate account would be taken of those who receive welfare and who live alone.

Financing the minimum income grant

As redistribution of income, the Minimum Income Grant would represent no additional cost to the Treasury. Funds to finance the grant would be expected to come from those above a designated break-even income and would take the form of additional taxes. If the break-even income for a family of four were set at $12,000, about 20 percent of Federal taxpayers would experience a tax increase, while about 80 percent would be able to keep all or part of the grant. It is expected that those below the poverty line would keep all of the Grant, while those between the poverty line and the break-even point would keep a gradually decreasing amount as their incomes rose. The loss of Grant benefits would thus be sufficiently gradual as not to discourage those on welfare from seeking a job (in fact, it would encourage them to seek work) and would provide a significant income supplement to the millions of Americans in the medium income range. Thus, for example, a family of four with its own income of $8,000 would be able to retain an additional $2,000 of the Minimum Income Grant.

Professor Tobin's explanation of the credit income tax suggests that the grant would be tax-free but that each person would be required to pay a uniform income tax to the Federal Treasury (a 33.3 percent tax is suggested with the $750 payment). Although this might seem to be a regressive tax, the tax credit resulting from the Grant would cause it to have a progressive effect. While taxes would be much higher for the wealthy, others would receive significant tax relief. Professor Tobin uses the example of a family of four with an income of less than $9,000 that would pay no taxes at all.

This credit income tax proposal would imply a redistribution of income of some $14.1 billion from those above the poverty line to those below it. The redistribution from those above the break-even income line to those below it but still above the poverty line would amount to $29 billion. These figures demonstrate that while the Minimum Income Grant would represent a total reform of the present welfare system, it would actually provide more money to medium income taxpayers than it would to the poor.

Leonard Greene's Fair Share would be financed by the present progressive tax system plus a 20 percent tax surcharge on all taxpayers. The Minimum Income Grant, according to Mr. Greene, would not be tax exempt. This proposal distributes the cost over a greater number of taxpayers but the burden on any one of them is lower than under the credit income tax formula.

It would not be necessary to finance all of the Minimum Income Grant by tax increases. The billions of dollars saved in welfare benefits and the cumbersome administration of the welfare system—a total since it began of $9.6 billion or $1.4 billion in fiscal 1970—could be allocated to the Grant. It should be noted that this procedure would represent a major saving for states and localities which would not be required to finance the welfare system and could use the resulting funds—an estimated $5 billion—to lower property taxes. This step would represent additional income assistance to medium income taxpayers. (To the extent that social security payments were replaced by the Grant, social security funds could be used to finance the system.)

In addition, the revenues resulting from the kind of tax reform proposed earlier ($28 billion in fiscal 1973) could be applied to the Grant.

Finally, the justification for the personal exemption on individual tax returns would be removed by the adoption of the Minimum Income Grant. If the personal exemption were removed, the Federal Government would receive $63.6 billion in additional tax revenues. These funds could also be applied to the Grant.

MINE LIFESAVING APPARATUS

Mr. SCOTT. Mr. President, on Monday, at the Smithsonian Institution, a lifesaving apparatus used in the mines of Pennsylvania and produced by a firm in Germany was presented to the curator of mining for the Institute's division of agriculture and mining.

This device, manufactured in 1903 by Draegerwerk AG in Lubeck, Germany, is one of the first oxygen breathing units developed. More refined mine rescue equipment is now being developed by National Mine Service of Pittsburgh and distributed throughout the United States. My colleagues from the mine-producing States are well aware of the values of this type of equipment in sustaining the men who work the mines.

Kenton E. McElhattan, president of National Mine Service Co. of Pittsburgh, made the presentation of the apparatus, manufactured in 1903 by Draegerwerk AG in Lubeck, Germany, to Dr. John N. Hoffman, curator of mining for the Institution's Division of Agriculture and Mining.

The mine rescue unit and other historical photographs and literature to be presented by National Mine Service will be displayed temporarily, beginning February 1, in the special exhibit case of the Smithsonian Institution's National Museum of History and Technology. Dr. Hoffman said the rescue unit will be displayed permanently in the new Hall of Mining, to be constructed soon by the Museum of History and Technology.

The mine rescue unit, identified as Draeger Model 1904/09, was manufactured in Germany and several thousand units were sold in the United States by Draeger Oxygen Apparatus Co., which was located at 422 First Avenue in Pittsburgh at the turn of the century.

INCOME REDISTRIBUTION

Mr. McGOVERN. Mr. President, the income redistribution scheme that I outlined this morning contains the germ of a welfare reform proposal. It sets out the principle that every man, woman, and child is entitled to at least the minimal standard of living provided out of a payment per person of $1,000 per year. The details have to be worked out, but the concept is a simple one. I have made no mention of categories of eligible and ineligible poor, of worthy and unworthy poor. There is no reference to how the money must be spent, or how the lives of recipients must be lived.

All of us are being asked to line up with one or another of the "welfare reform" proposals now before the Congress. From one side we are hearing that all of the proposals go too far and therefore none should be accepted. From the other side, we are being told that if the proposal already passed by the House can be sufficiently improved by the Senate, it should be acceptable as the best that can be obtained for the moment.

The welfare reform debate of this 2½ years has been a curious one. In the past, reforms were offered because of new information or new evidence that made the old approaches inappropriate. This debate has been different. The President offered a new approach while at the same time accepting all of the myths that caused the old system to become a failure. He offered no new evidence or information; his new approach was to be applied, it seemed, to the same mythical lazy, irresponsible, immoral people who Congress and the public have always been reluctant to support. Not surprisingly, Congress has been reluctant to once again enact a law, only to see its objective unfulfilled.

My friend and colleague, the Senator from Connecticut (Mr. RIBICOFF), has attempted to turn the debate around. He wants to establish the truth that we can only achieve a reformed welfare system if we understand those old myths to be unfounded. The Senator fights the accumulated misconceptions of many years, as well as the newly minted myths of these past 2½ years. But his remarks published in last Sunday's Washington Post, which I will ask unanimous consent to have inserted in the RECORD, underscore the need for us to proceed with caution. He makes clear that any proposals establishing a new system unwisely based on old myths is doomed to totter and eventually fall of its own weight. There is yet another aspect to this debate that should be carefully considered. Even if the Senate should pass the most desirable legislation possible, there will likely be substantial compromise required before a bill emerges from conference. If one-half of the equation continues to rest upon the myths and prejudices while the other rests upon reality, then the final product may well be unworkable.

The uncertainty on this issue of many Members of Congress, whatever its source, may yet prove valuable to the cause of true welfare reform. We can recognize and respond to the very pressing financial needs of our States without embracing a new program based on the faulty principles of the past. The fate of no less than 25 to 40 million poor Americans is at stake. We need not, we should not rush from old mistakes to new ones. This time we must be sure that our welfare system really achieves what we all wish for it.

I ask unanimous consent that the remarks of Senator RIBICOFF be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE MYTHS OF WELFARE

(By Abraham A. Ribicoff)

No domestic issue confronting the country or the Congress is the subject of more myths and misinformation than the question of reforming our archaic welfare system. Fortunately, a broad spectrum of political leaders recognize that this program needs a drastic overhaul. No one supports the present system and it supports no one adequately.

More than 2½ years ago, President Nixon announced his proposal for a dramatic reform of our welfare system, which now includes at least 1,150 separate administrative units in 54 different jurisdictions. While major improvements are needed in the President's Family Assistance Plan, or FAP as it has come to be called, the President deserves great credit for bringing this matter to the public's attention.

A few weeks ago in this space, Sen. Russell Long (D-La.), Chairman of the Senate Finance Committee, gave his views about needed welfare reforms. At times you would never know we were talking about the same system. All of us agree that something needs to be done, but our suggestions reflect our differing perceptions of the nature of the problem.

Both the President and Sen. Long have stressed the need to support the "work ethic" and to get loafers and cheaters off the welfare rolls. The clear implication is that welfare reform is somehow going to save us millions, if not billions, of dollars.

But the problem of welfare is not a problem of loafers, cheaters and ne'er-do-wells. The problem is 26 million Americans living in poverty. For these people the "welfare mess" is not one of increasing financial burdens on state and local governments. Nor is it the cheating and loafing which many Americans believe to be widespread.

For millions of Americans, the problem is getting enough food to eat, enough clothes for their children, enough heat for their apartments. The welfare problem for them is also finding work in an economy in which more than 5 million people are unemployed and finding adequate day care for children in a society which has so far failed to provide decent child care programs. In short, the "welfare mess" to the recipient is the "mess" of a system which provides inadequate benefits and exacts a heavy price in human dignity and privacy.

The Senate will resume hearings this week on H.R. 1, which has already passed the House. If we continue to debate this issue only in terms of the mythical millions of cheaters and loafers, we run the real risk of constructing an unwieldly and inhuman system of primitive measures which ignore or slight the legitimate needs of the 95 per cent of those on welfare through no fault or failing of their own.

THE "LOAFERS" MYTH

Virtually everyone agrees that all able-bodied adult males should be working rather than depending on public assistance. The myths arise from the assumption that many of the 13 million Americans on welfare are able-bodied males. The President's continued reference to "workfare," as he puts it, implies that that's where the emphasis needs to be put. In a recent statement the President said, "We are a nation that pays tribute to the working man and rightly scorns the free-loader who voluntarily opts to be a ward of the state." Sen. Long likewise focused his recent comments on the need to make people work.

In fact, less than 1 per cent of those on welfare—126,000 people—are able-bodied, unemployed adult males. Of these adults, more than 80 per cent want to work, according to a government-sponsored study. And about half the men are enrolled in work training programs hopefully designed to make them more employable. This is hardly the picture of millions of slackers making a full-time job out of avoiding work.

The rest of the welfare population includes children (55 per cent), the aged (15 per cent), the blind or disabled (9 per cent) and welfare mothers with children (18 per cent). Even the most outspoken advocates of "workfare not welfare" have not proposed requiring children, the aged or the blind and disabled to work. Yet these groups make up almost 70 per cent of our welfare population.

This leaves us with welfare mothers. Some 14 per cent of these women already work, and 7 per cent are in work training. An additional 35 per cent could work if adequate day care programs were available for their children. Five per cent would have employment potential following extensive social rehabilitation efforts, and the remaining 40 per cent have little employment potential because they care for small children at home, have major physical or mental incapacities or other insurmountable work barriers. Despite all these barriers, 70 to 80 per cent of welfare mothers desire employment.

What the adults on welfare lack is not the incentive to work but the opportunity to work. The President and Sen. Long can talk about "workfare," but they have not explained where we will find the jobs needed in an economy that already is unable to provide work for 5 million unemployed Americans.

Sen. Long suggests providing deductions for those hiring domestic help to generate jobs. Aides from the destructive psychological effects resulting from creation of a "welfare servant" class, tax breaks for the well-to-do would not open up enough jobs for those who need them.

WELFARE CHEATERS

The myth that welfare fraud is widespread is also erroneous, according to all available evidence. Suspected incidents of fraud or misrepresentation among welfare recipients occur in less than four-tenths of 1 per cent of the total welfare caseload. No more than 5 or 6 per cent are technically ineligible because of a misunderstanding of the rules, agency mistakes, or changes in family circumstances not yet reflected in payment checks.

The many publicized charges of large-scale cheating simply have not stood up under investigation. But the true facts did not receive the same attention as the original charges. It was widely reported in the media, for example, that 22 per cent of the Nevada welfare caseload was found ineligible by that state. A follow-up investigation by the federal government showed that the ineligibility was only in the 3 per cent range. In New York City it was widely reported recently that 18 per cent of the assistance recipients failed to make a personal appearance to claim their welfare checks, as required under a new law, leaving the impression that those 18 per cent were fraudulently on the welfare rolls. Again, a follow-up investigation showed that legitimate reasons unrelated to fraud existed for failure to claim the payments for all but a small minority of the 18 per cent.

Neither I nor President Nixon nor Sen. Long condones welfare fraud. We must do whatever we can to combat it. But it must be placed in its proper perspective. It is only one point to be dealt with in a major overhaul of the welfare structure. The fraud we should be most concerned about we will never find among the people we are trying to help. The fraud we should be on the lookout for is the welfare program itself—in its failure to bring to the poor and destitute a semblance of dignity and minimal comfort.

DESERTION AND ILLEGITIMACY

A third myth which permeates the debate is that the welfare problem revolves around desertion and illegitimacy.

Sen. Long believes that the "welfare mess" is essentially caused by an increase in the welfare rolls due to illigitimacy and desertion. The beginning of his welfare reform program would be a federal child support law in which the federal government would assist mothers in locating the fathers of their children with the help of the Internal Revenue Service, Social Security Administration and other agencies.

I agree that fathers should support their wives and children. The best way to achieve this goal, however, is to attack the cause of the problem. The sad reality is that our welfare system as now structured encourages the disintegration of the family unit and virtually forces fathers out of their homes. In most states a mother with children can receive welfare benefits only if there is no man present in the house. Thus if the husband is unemployed or making a substandard wage, his only choice for the financial good of the family is to desert, thereby making the family eligible for welfare. Desertion is not a "cause" of the welfare mess, but rather the "effect" of a poorly structured system.

The Family Assistance Plan, with certain modifications, would be a major step toward eliminating the cause of desertion. Under FAP, welfare benefits would not be stopped if there were a man in the house. In fact, it would always be to the financial advantage of the family for the father to be living at home and working. He would be allowed to earn money, and welfare benefits would be only gradually phased out as he earned more.

The companion problem of illegitimacy also should be placed in its proper perspective. The facts are that the average welfare family has only three children. This is only slightly above the national average for all Americans. While a certain proportion are illegitimate, we should also recognize that one-third of all first-born children in this country born between 1964 and 1966 were conceived out of wedlock. In addition, H.R. 1 as amended would provide family planning services for those who desire such assistance. This aid has been available for years to upper- and middle-income families through their private physicians.

PUBLIC SERVICE JOBS

If we are truly interested in reform, let us discard the myths and the rhetoric. For those unable to work, assistance must be provided. Even the strongest opponents of FAP would admit that responsibility. (In fact, Sen. Long stated in The Washington

Post that the minimum standard of living for a woman and three children living in a city should be about $3,000—the amount I have proposed for the first year of the Family Assistance program.)

For those able to work, let us not give them rhetoric about "workfare" and the "work ethic." Let us not encourage employment only through indirect methods such as tax breaks for the rich designed to create a welfare caste working class. We must go directly to the heart of the problem and provide meaningful jobs for those who can work—as many as need to be created. No "make-work" program is needed. The deterioration of our cities, environment and health services makes it clear that much needs to be done in public service at the state and local level. It is estimated that local governments could easily use 3 to 4 million more employees to provide basic services.

What must be added to the President's program is funding for 300,000 public service jobs at no less than the federal minimum wage. If more jobs are needed, they should be created. It is futile to continue mouthing the "work ethic" rhetoric and to continue requiring people to register for work training unless jobs are available for all those able to work.

Even guaranteeing jobs by themselves will not begin to make employment a meaningful concept for many of those on welfare. The day care facilities of this country are woefully inadequate and the President's recent veto of the comprehensive day care program, together with the inadequate day care provisions of H.R. 1, cnly undercut his efforts to provide work for those on welfare. More day care is needed.

But we will be kidding ourselves if we focus all of our energies on the poor who can work. We must also provide a decent minimal standard of living for those millions of poor unable to work, a group that includes more than three-fourths of those now on welfare. To save money on welfare we will have to spend money—money to provide a system that opens opportunity for this generation's welfare children to become the next generation's productive citizens.

In effect, H.R. 1 is a proposal for a guaranteed minimum annual income—very minimum—but guaranteed nonetheless. The President has not been candid with the American people about this for fear, apparently, that they would object. But why should they? We provide assistance to millions of other Americans without any qualms. Only the names of those subsidies have been changed to avoid the tarnish of the word "welfare."

Perhaps we could keep things in better perspective if we took Herbert Gans' suggestion and relabeled all of our subsidies and tax loopholes with more realistic names—the "Oil Producers Public Assistance Program," "Tobacco Growers' Dole," "Aid to Sick and Dependent Airlines," and "Tax Relief for Purchasers of Tax-Exempt Bonds."

Ultimately, we must be willing to admit that welfare is a confession of our society's failures in education, employment and housing. We now spend less than 1½ per cent of our trillion dollar economy on welfare and less than 5 per cent of government spending at all levels. Even spending 2 per cent of our gross national product for welfare, as I propose, is a small overhead to pay for the inadequacies and inequities of our system. We can afford to do no less.

DR. EDWARD L. R. ELSON, CHAPLAIN OF THE SENATE

Mr. SCOTT. Mr. President, I note in yesterday's Washington Post that our good friend, Dr. Edward L. R. Elson, the Senate Chaplain, has announced his resignation as pastor of the National Presbyterian Church. His reason: He wishes to devote more time to his duties as Senate Chaplain and he plans to function as what he refers to as a preacher at large.

Dr. Elson is a product of the great Commonwealth of Pennsylvania and still has a family there. He has chatted with me on numerous occasions about our Pennsylvania problems and certainly is a stimulating gentleman. Just recently he accorded me a special honor when he selected my pastor in Philadelphia to offer the prayer to open the Senate on 1 day when Dr. Elson was giving the principal address at a graduation ceremony at a Pennsylvania college.

I know that Senators will join with me in expressing our appreciation to Dr. Elson for his untiring service to the Senate. I, for one, look forward to seeing him even more frequently throughout the session.

ADDRESS BY SENATOR KENNEDY TO THE WASHINGTON PRESS CLUB

Mr. MANSFIELD. Mr. President, Members of the House of Representatives as well as others have attacked the senior Senator from Massachusetts (Mr. KENNEDY) regarding a speech he delivered to the Washington Press Club earlier this week. The senior Senator from Massachusetts (Mr. KENNEDY) strongly believes in the convictions he holds and expresses them with honesty and candor.

In view of the much publicized criticism of Senator KENNEDY, I believe the American people should have the full text of his remarks and judge for themselves.

I ask unanimous consent that the full text of Senator KENNEDY's remarks be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR EDWARD M. KENNEDY TO THE WASHINGTON PRESS CLUB, WASHINGTON, D.C., JANUARY 17, 1971

I am honored to be here with you this evening and to have the opportunity to address the Washington Press Club on what I see as the major challenges facing Congress and the nation in 1972.

This is the time of year to assess the state of our national spirit, a spirit now in crisis.

It is a crisis of performance, as we see our government unable to manage the economy, and American business and labor subjected to withering competition from foreign nations.

It is a crisis of violence, for even as the fires of urban riot that so disfigured America a few years ago seem of late to have been banked, yet the violent impulse that gave them birth has survived, broken into a million tiny ripples, a hundred daily murders, ten thousand assaults, and uncounted other crimes by Americans against their fellow citizens.

It is a crisis of morality and idealism, which sees us still heaping destruction on a small and alien land, even as we see terrible cruelties in our own country, so that the names of My Lai and Kent State and Attica are seared forever into the American soul.

This cumulative crisis of the spirit is felt by us in many different ways. There can be few who do not feel it at all. And, however we analyze the causes of our present concern, we share a common judgment. This is not why we labored and our fathers sacrificed. This is not why men served and martyrs died. This is not why we raised such hopes when the decade of the 1960's began, such a few short years ago.

The crisis is not the creation of any single man, nor was it manufactured by the Administration now in power. But if our current difficulties run deeper than any single Administration, they also show how much we need direction from the top.

In times like these, the American people have traditionally turned to their President for leadership. They demand a sense of national purpose and inspiration they can identify with, participate in, be proud of. For above all, they have a deep and profound sense of belonging to this country and its historic purpose. That sense of purpose is what we must struggle to recapture. There could be no better year to begin than now.

A FOREIGN POLICY FOR THE PEOPLE

The first and most important issue, the one that leads all the rest, is the issue of the war. It may be true that Vietnam is not so desperate a problem now as it was three years ago. Our involvement on the ground has been reduced.

Troops are coming home. And this is an enormous improvement over the policies of prior years. But the war has also been extended into Laos and Cambodia, and now, perhaps, to Thailand. No one thinks that the bombing is winding down.

These foreboding signs illuminate the paradoxes of our policy. We are withdrawing, but not completely. The South Vietnamese are supposed to defend themselves, but American forces must stay on to help. The war is largely on the ground, but our ultimate answer is still from the air.

If ever a President was elected to end a war, to wash away the stain brought on us by Vietnam, Richard Nixon was elected for that purpose. With far less outcry in the nation at the time, President Eisenhower vowed to end the Korean War in the campaign of 1952, and by 1954, America was at peace.

Now, four years have passed since 1968. Twenty thousand more Americans have died, and still the war goes on. We know that the monstrous bombing will continue. And we know that thousands of soldiers of North and South Vietnam, and tens of thousands of innocent men and women and children, will die in Indochina in 1972, for the simple reason that President Nixon will not allow the Saigon Government to falter until he is secure at home for another term of office.

I believe there is no more to the discussion of Vietnam than that.

The regime of President Thieu is nothing but a minor trapping of American power, a regime that, when we leave Vietnam, will immediately wash away in the stench of its own inconsequence and incompetence and corruption. It is for this that Americans and Asians still die, for this that American bombs still ravage four small nations for this that American prisoners still rot in Hanoi.

President Nixon holds the key to release the prisoners in his hand, as surely as he held the key that released James Hoffa last December, and the sooner he unlocks the door the better.

Let us end completely every aspect of our military involvement in Vietnam, once and for all. Let us abandon every one of the false dreams that led us into that swamp. Let us admit that as all men make mistakes, so do nations, and that we are large and courageous enough to disdain false pride, repair our errors, and seek the path of decency once again.

The failure of our Vietnam policy is matched only by the shame of our policy toward India and Pakistan. Intoxicated by the acclaim at home for the magnificent new policy toward China, in debt to Pakistan for her assistance in launching the new policy, the Administration shut its eyes to months of brutality and repression in Bangladesh, while India staggered under the burden of millions of refugees crossing her border to escape the killing.

We failed our very history when we allied ourselves with the cruel effort to halt the birth of a nation that had voted to be born.

And then, when the provocation was too great and India struck back, the Administration finally spoke, but in cruel words that called India the sole aggressor in the conflict and left Pakistan absolved of any blame.

The India-Pakistan war has become the Achilles heel of the Nixon foreign policy. It demonstrates how warped our policy really is, how prostrate toward Peking our policy has become.

Of course, the President deserves great credit for his new approach to China. The policy is right toward China, and let us pray that history does not tell us that the price we paid was wrong, because we lost sight of other nations and deeper values.

Let us not be led astray by our morbid preoccupation with Vietnam of our new-found fascination with Peking. Let us sound instead a new theme in American foreign policy. Let us return to the reality of who we are and what we are supposed to be—a nation born of revolution, a nation of immigrants, a nation of people in love with the pure idea of freedom. The treaties and alliances of the past have served us well, but they were designed for a bygone era, an era as obsolete as our China policy used to be. The world has now moved on, and America is being left behind.

We should tell the world that we are the friend of individual worth and human dignity, the enemy of poverty and pestilence, disease and malnutrition.

If, in this new day, we need Greece to stand against Russia, if we need Arab oil when the life of Israel is at stake, if we need Portugal to arrange our summits, if we need Pakistan to get to China, if we need dictators to preserve our interests in Latin America, if we need chrome from Rhodesia and sugar from South Africa, if we stand silent before torture in Brazil and Northern Ireland, then we do not understand the direction of the world. We deny our heritage. We deny our Declaration of Independence and our Constitution and our Bill of Rights.

Let us ask the American people this year a simple question—with whom do we wish our government to keep faith at this crossroad leading into the final quarter of the century—the few whose power stems from tyranny and oppression, or the billions who seek a decent life of hope and freedom for their children? I have faith in the answer of our people. Together, let us share the pride of a policy for the people of the world, a policy that puts America where our soul and our traditions tell us we should be.

A DOMESTIC POLICY FOR THE PEOPLE

We are accustomed to being perplexed by the world beyond our borders. But in the past decade, we have come to a sense that we do not understand even our own society, or even our own selves.

And yet, the central issue of domestic policy is really quite a simple one—are we going to have a government that is responsive to the people, or only to the special interests?

Do we want welfare only for Lockheed and the giant farmers, and not for those who live in poverty? Shall we spend our dollars on a space shuttle and an SST for the few to fly the heavens, when the many here on earth have simple unmet needs like homes and schools and health?

How can we have the confidence of the people, if we have leaders who stand squarely with the insurance industry and the American Medical Association against health reform, with the National Rifle Association against gun control, with the oil industry against tax reform, with the highway lobby against mass transit?

These are the sort of questions we have to ask, because they cut across all the specific issues now before us. And once the people understand and begin to stir, we shall end this era of trouble and discontent, and rediscover the meaning of government by the people.

Together, then, let us examine six great issues for America in 1972. Let us ask what the government has said and done. Let us ask what the people want.

THE ECONOMY

We begin with the economy. No one disagrees that the overriding domestic issue of the year will be our economic strength.

We know that a sound economy is the greatest social program America ever had, the foundation on which all our other goals depend. Only by solving the problems of the economy can we buy the time we need to meet the great domestic issues of our day.

Yet, the problems of Phase II and the actions of the government fill none of us with confidence that the Administration means to persevere, if the merits of the issue prove inconvenient as the campaign plans unfold. And, if the job is abandoned before the work is done, we will pay for years to come for marching this nation up and down the hill of wage and price controls.

In the area of unemployment, the promise is no better.

The Administration meets the problem with excuses instead of programs. They are quick to explain why things go wrong, but slow to make any effort to anticipate or solve the problem.

Again and again we hear the explanations, as they attempt to shift the blame. They blame this, they blame that. They blame returning veterans from Vietnam. They blame women in the labor force. They even blame the teenagers. They blame everyone but themselves. All the people want is jobs, but they are ignored and unemployed.

THE CITIES

The next great issue for the nation is the crisis of our cities. There are some who believe that because the cities are not burning, their problems can be ignored. I think those people are misleading the nation and themselves.

How can the Administration turn its back on housing for the inner cities? How can they freeze a billion dollars for the cities, and shut off the meager rescue that Congress tried to send last year? Is it just so that the flow of funds can be restored in 1972?

The people know the need, and they know that tomorrow is too late. Today, the cities of the nation are tense with poverty and despair—full housing built for the waves of immigrants a century ago, public facilities that are overcrowded and understaffed, streets that are choked with traffic, parks decayed, human values lost in the desperate search for the food and clothing, the health and housing, that people need to live.

The decade of the Seventies should be a decade of reconstruction for urban America, a decade of concerted effort to end the shameful conditions that exist. Without changing a single piece of federal legislation, but simply by directing dollars to our real priorities, we can begin that reconstruction. If we can build new suburban satellites in Maryland and Virginia, surely we can also build new cities in Harlem and Roxbury, in Watts and Woodlawn, in Atlanta and Anacostia, and do all the other things we have to do to make our cities whole.

WELFARE

The third great issue for the nation is the choice we face on welfare.

The most tragic aspects of the legislation now before the Congress are the appeal it has to those for whom the politics of poverty means another chance to push the poor around and the appeal it has to those who are so insulated from the problems of the poor that they do not really understand the despair that poverty can bring.

What sense does it make, in an economy with unemployment at 6.1%, to require people to look for work that does not exist?

What sense does it make to tell the poor they can have food and clothing and housing, but only if they register for jobs that are not there?

What sense does it make to talk so much of work when 70% of the people who need welfare are the blind, the halt, the lame, the very young and others who cannot work at all?

What sense does it make that a President so hostile to the bureaucracy of Phase II now wants a massive new bureaucracy to force the poor to work?

Jobs are the key to welfare, but not the way the Administration means. What we need is a serious national program to create the jobs that are so desperately needed by white and black America—not make-work, but real jobs. Not at poverty pay, but at pay that enables a man to hold his family together and bring hope to the dreams his children have.

The problem is the same for engineers laid off in Florida and California as it is for blacks in any urban ghetto. When a family has no job, it has no money. It cannot meet its daily needs in areas like health, nutrition, education, and housing. The family itself begins to disintegrate. Crime begins to flourish. Whole communities begin to die.

If all we do is enact a bill like H.R. 1, as the Administration wants, we shall have a law that is primitive in philosophy, pitiless in substance, and punitive in practice. We shall be creating a permanent new pauper class of the American population, forever estranged from their fellow citizens, living not as the rest of us by the labor of their own hands and minds, but by a meager computerized assistance check. Generations of our children will be reared, not in independence as free Americans, but under the constant watchful eye of the government bureaucracy.

That is not the true path of the American spirit, and it is not the path that Congress should travel in 1972.

HEALTH

The fourth great issue is on health.

If you think we have a system that is working well today, ask the person next to you. Ask a mother who tries to call a doctor after dark. Ask a man who lost his health insurance because he lost his job. Ask a senior citizen whose Medicare has run out. Ask anyone who ever paid a bill or tried to file a health insurance claim.

Our people will never get fair value for their enormous investment in health care unless we break the stranglehold of the health providers and the health insurance companies. We have a mammoth health care crisis because we have a mammoth health care system that works well only for the few. It works well for the doctors. It works well for the hospitals. It works well for the insurance industry. It works well for everyone but the sick.

And it is the people who pay the price for this enormous profiteering. They have been sold a bill of goods for a system that is marred throughout by high cost and inefficiency, by inconvenience and incompetence, and by implicit or outright fraud.

I do not believe that Congress will be a party to the passage of any health insurance bill that maintains such vital flaws. We stand on the threshold of real reform. And 1972 can be the year when we cross that threshold, and fulfill at last the promise that health is a basic right for all our citizens, not just an expensive privilege for the few.

SCIENCE

The fifth great issue for the nation is the challenge to redirect the energies of science.

For a generation, science in America has thrived on defense and outer space. Our triumphs have been legends. We have become strong beyond our deepest dreams or needs.

Now, we have other dreams, and other needs to meet—needs that go by names like health and education, crime and poverty, transportation and drug control. And because the needs are great, we can no longer afford the luxury by which we focus science elsewhere, and depend on spin-offs to meet our basic social goals.

Who dares to claim that the promise of science is even remotely matched by its performance, when we propel nuclear aircraft carriers around the globe on a bucketful of fuel, yet our cities are plagued by blackouts; when we harvest more crops per acre than our ancestors could cultivate for miles around, yet millions of our children live in hunger or die of malnutrition.

Let us commit ourselves to narrow the awful gaps between potential and reality in modern American science. And if we do, then the resulting benefits will accrue to all the people, for generations to come.

RACE

The last great issue is on race. With the possible exception of foreign policy, nothing I have mentioned so far is as vital to the long-run well-being of the nation, as the direction we choose on race. Americans are a decent people, and they want to do the decent thing. They do not like to think we are a racist society, and they do not like to hear it said.

But if a man or woman is young and gifted and black in America, he knows that his dreams have different boundaries. And he knows that now, for the first time in his life, those boundaries have stopped expanding.

Examine the record of our six modern Presidents, and you see how the march of history has been halted.

Franklin Roosevelt built the first true coalition that embraced black Americans as members of society. He restored their faith that the nation could reach out to its weakest citizens.

Harry Truman ordered the end of segregation in the armed forces of the nation.

Dwight Eisenhower proposed the first substantial Civil Rights Act since the Civil War. He founded the Civil Rights Division in the Department of Justice as a monument to his concern. He stood with Earl Warren and the Supreme Court, against the darkness that threatened to consume Little Rock and the nation in the wake of the historic school decision.

John Kennedy stood with Martin Luther King, and proposed the most sweeping civil rights legislation in our history, the Civil Rights Act of 1964.

Lyndon Johnson presided over the enactment of that bill, and then went on to sponsor his own historic measure, the Voting Rights Act of 1965.

And, now, in the fourth year of the Presidency of Richard Nixon, the chain has broken, the progress has stopped, there are no achievements to cite. Twenty-five million black Americans starving for the bread of hope and notice, and all they have from the Administration is cake inscribed with names like Carswell and benign neglect, and opposition to every meaningful civil rights bill that Congress tries to pass.

In American history, you have to go back to the Era of Reconstruction to find a comparable abdiction by the Federal Government of its responsibility for civil rights.

Black America lies becalmed today, half way between hope and desperation. And unless the Administration acts more positively now, it would be a wiser man than I who could predict the direction we shall move when the wind begins to blow again.

Let us restore the promise and sense of progress we used to have, before it is too late. Let us resume the work our friends and brothers began.

And perhaps, in 1976, when we meet to celebrate the Declaration of Independence, we can read those brief immortal words, that "all men are created equal," and be able to persuade black America that when it says "all," it means "all."

CONCLUSION

As these remarks have shown, the list of our goals in foreign and domestic affairs is large, and it is large because we have left so much undone.

Our present difficulties do not flow, I think, so much from the fact that people mistrust their government, as from the fact that the government so obviously mistrusts the people.

And yet today, as so often in the past, the people are far ahead of the politicians. It was not government, but the people themselves, who began the civil rights movement, and the drive for women's rights. It was not the government, but the people themselves, who discovered poverty and hunger in America. It was not government, but the people themselves, who first sensed our failure in Vietnam, and who know today that the war's continuation is nothing but a waste.

Time and again, it is the people who have shown the greatest wisdom and judgment. All they ask is a leader to inspire their efforts and coordinate their actions.

It is now more than ten years since John Kennedy told us to ask not what our country could do for us, but what we could do for our country. That was a phrase and a feeling that fired the imagination of an entire generation of Americans, and of people all around the world. To all our citizens—rich and poor, North and South, business and labor—it brought a new awareness of the purpose of America. It brought new respect for our basic civil liberties. It brought new compassion to the strong. It brought new hope to all the weak—to the poor and the black, the Indian and the Chicano, the small farmer in our rural counties.

I believe that government can still inspire the people. That is what we need once more. Let us enlist again the energies and talents of our citizens, especially our young, in the great public enterprises of the American nation. The idealism we had before may be just a spark today, but it is still there, waiting for the call that can fan it back to life.

Perhaps, in closing, we can pull it all together and appreciate our need by considering the name Charles Thompson. Charles Thompson recently pleaded guilty in New York to manslaughter in the first degree. He shot a cab-driver he was trying to rob when the man put up an unexpected fight.

Before sentencing, the judge received a probation report. Charles Thompson, it seems, has only one leg. He lost the other at Khe Sanh. He also has a heroin addiction that he acquired at an army hospital in Japan. He returned to the United States, as have so many of our veterans, without adequate education or job training, crippled and addicted, without any prospect or hope of employment. His disability pay was inadequate to support his habit. So he did the only thing he was trained to do—he used a gun.

The judge was compassionate. He could not just release this dangerous man. He had to think of the next cabdriver. So he called agency after agency, state and federal and local and private, trying to find any place or person who would accept responsibility for treating Charles Thompson under appropriate safeguards. There was none. No one would take him in. And so, two days before Thanksgiving of 1971, Charles Thompson was sentenced to serve up to 25 years in Attica State Prison.

That story sums up something of what we have done to the bright promise of the American nation. It measures our misguided policies of the recent past, and their survival into the present. It measures the failures of our society, the imperfections of our justice, the extent of our insensitivity to the suffering of our fellow citizens. And most of all, it illuminates our helplessness, our seeming inability to do what we know is right, what we know we have the capacity to accomplish.

That is the flagging spirit we can and must revive, for ourselves and for the future of our children. For in the last analysis, to live peacefully and decently as a nation, we need a certain kind of moral order, a certain kind of social and political order, an order based on things like hope and work and faith and love, the age-old virtues that built America in the past. That is the challenge of leadership we face today, and that is what 1972 is all about.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2515) to further promote equal employment opportunities for American workers.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Equal Employment Opportunities Enforcement Act of 1971".

SEC. 2. Section 701 of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e) is amended as follows:

(1) In subsection (a) insert "governments, governmental agencies, political subdivisions," after the word "individuals".

(2) Subsection (b) is amended to read as follows:

"(b) The term 'employer' means a person engaged in an industry affecting commerce who has eight or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include (1) the United States, a corporation wholly owned by the Government of the United States, an Indian tribe, or any department or agency of the District of Columbia subject by statute to procedures of the competitive service (as defined in section 2102 of title 5 of the United States Code), or (2) a bona fide private membership club (other than a labor organization) which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954, except that during the first year after the date of enactment of the Equal Employment Opportunities Enforcement Act of 1971, persons having fewer than twenty-five employees (and their agents) shall not be considered employers."

(3) In subsection (c) beginning with the semicolon strike out through the word "assistance".

(4) In subsection (e) strike out between "(A)" and "and such labor organization", and insert in lieu thereof "twenty-five or more during the first year after the date of enactment of the Equal Employment Opportunities Enforcement Act of 1971, or (B) eight or more thereafter,"

(5) At the end of subsection (h) insert before the period a comma and the following: "and further includes any governmental industry, business, or activity".

SEC. 3. Section 702 of the Civil Rights Act of 1964 (78 Stat. 255; 42 U.S.C. 2000e-1) is amended to read as follows:

"EXEMPTION

"SEC. 702. This title shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its religious activities."

SEC. 4. (a) Subsections (a) through (e) of section 706 of the Civil Rights Act of 1964 (78 Stat. 259; 42 U.S.C. 2000e-5(a)-(e)) are amended to read as follows:

"(a) The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in section 703 or 704 of this title.

"(b) Whenever a charge is filed by or on behalf of a person claiming to be aggrieved, or by an officer or employee of the Commission upon the request of any person claiming to be aggrieved, alleging that an employer, employment agency, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, has engaged in an unlawful employment practice, the Commission shall serve a notice of the charge (including the date, place and circumstances of the alleged unlawful employment practice) on such employer, employment agency, labor organization, or joint labor-management committee (hereinafter referred to as the 'respondent') within ten days, and shall make an investigation thereof. Charges shall be in writing and shall contain such information and be in such form as the Commission requires. Charges shall not be made public by the Commission. If the Commission determines after such investigation that there is not reasonable cause to believe that the charge is true, it shall dismiss the charge and promptly notify the person claiming to be aggrieved and the respondent of its action. In determining whether reasonable cause exists, the Commission shall accord substantial weight to final findings and orders made by State or local authorities in proceedings commenced under State or local law pursuant to the requirements of subsections (c) and (d). If the Commission determines after such investigation that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such informal endeavors may be made public by the Commission, its officers or employees, or used as evidence in a subsequent proceeding without the written consent of the persons concerned. Any person who makes public information in violation of this subsection shall be fined not more than $1,000 or imprisoned for not more than one year, or both. The Commission shall make its determination on reasonable cause as promptly as possible and, so far as practicable, not later than one hundred and twenty days from the filing of the charge or, where applicable under subsection (c) and (d), from the date upon which the Commission is authorized to take action with respect to the charge.

"(c) In the case of a charge filed by or on behalf of a person claiming to be aggrieved alleging an unlawful employment practice occurring in a State or political subdivision of a State which has a State or local law prohibiting the unlawful employment practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof the Commission shall take no action with respect to the investigation of such charge before the expiration of sixty days after proceedings have been commenced under the State or local law, unless such proceedings have been earlier terminated, except that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State or local law. If any requirement for the commencement of such proceedings is imposed by a State or local authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of this subsection at the time such statement is sent by registered or certified mail to the appropriate State or local authority.

"(d) In the case of any charge filed by an officer or employee of the Commission alleging an unlawful employment practice occurring in a State or political subdivision of a State which has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof the Commission shall, before taking any action with respect to such charge, notify the appropriate State or local officials and, upon request, afford them a reasonable time, but not less than sixty days (provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State or local law), unless a shorter period is requested, to act under such State or local law to remedy the practice alleged.

"(e) A charge under this section shall be filed within one hundred and eighty days after the alleged unlawful employment practice occurred and notice of the charge (including the date, place and circumstances of the alleged unlawful employment practice) shall be served upon the person against whom such charge is made within ten days thereafter, except that in a case of an unlawful employment practice with respect to which the person aggrieved has initially instituted proceedings with a State or local agency with authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, such charge shall be filed by or on behalf of the person aggrieved within three hundred days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency.

"(f) If the Commission determines after attempting to secure voluntary compliance under subsection (b) that it is unable to secure from the respondent a conciliation agreement acceptable to the Commission, which determination shall not be reviewable in any court, the Commission shall issue and cause to be served upon any respondent not a government, governmental agency, or political subdivision a complaint stating the facts upon which the allegation of the unlawful employment practice is based, together with a notice of hearing before the Commission, or a member or agent thereof, at a place therein fixed not less than five days after the serving of such complaint. In the case of a respondent which is a government, governmental agency, or political subdivision, the Commission shall take no further action and shall refer the case to the Attorney General who may bring a civil action against such respondent in the appropriate United States district court. The person or persons aggrieved shall have the right to intervene in such civil action. The provisions of section 706 (q) through (w), as applicable, shall govern civil actions brought hereunder. Related proceedings may be consolidated for hearing. Any officer or employee of the Commission who filed a charge in any case shall not participate in a hearing on any complaint arising out of such charge, except as a witness.

"(g) A respondent shall have the right to file an answer to the complaint against him and with the leave of the Commission, which shall be granted whenever it is reasonable and fair to do so, may amend his answer at any time. Respondents and the person or persons aggrieved shall be parties and may appear at any stage of the proceedings, with or without counsel. The Commission may grant other persons a right to intervene or to file briefs or make oral arguments as amicus curiae or for other purposes, as it considers appropriate. All testimony shall be taken under oath and shall be reduced to writing. Any such proceeding shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in the district courts of the United States under the Rules of Civil Procedure for the district courts of the United States.

"(h) If the Commission finds that the respondent has engaged in an unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent and the person or persons aggrieved by such unlawful employment practice an order requiring the respondent to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organizations, as the case may be, responsible for the unlawful employment practice), as will effectuate the policies of this title, except that (1) back pay liability shall not exceed that which has accrued more than two years prior to the filing of a charge with the Commission, and (2) interim earnings or amounts earnable with reasonable diligence by the aggrieved person or persons shall operate to reduce the back pay otherwise allowable. Such order may further require such respondent to make reports from time to time showing the extent to which he has complied with the order. If the Commission finds that the respondent has not engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent and the person or persons alleged in the complaint to be aggrieved an order dismissing the complaint.

"(i) After a charge has been filed and until the record has been filed in court as hereinafter provided, the proceeding may at any time be ended by agreement between the Commission and the respondent for the elimination of the alleged unlawful employment practice and the Commission may at any time, upon reasonable notice, modify or set aside, in whole or in part, any finding or order made or issued by it. An agreement approved by the Commission shall be enforceable under subsections (l) through (n) and the provisions of those subsections shall be applicable to the extent appropriate to a proceeding to enforce an agreement.

"(j) Findings of fact and orders made or issued under subsections (h) or (i) of this section shall be determined on the record.

Sections 554, 555, 556, and 557 of title 5 of the United States Code shall apply to such proceedings.

"(k) Any party aggrieved by a final order of the Commission granting or denying in whole or in part the relief sought may obtain a review of such order in any United States court of appeals for the circuit in which the unlawful employment practice in question is alleged to have occurred or in which such party resides or transacts business, or in the Court of Appeals for the District of Columbia Circuit, by filing in such court within sixty days after the service of such order, a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission and to any other party to the proceeding before the Commission, and thereupon the Commission shall file in the court the record in the proceeding as provided in section 2112 of title 28, United States Code. Upon the filing of the petition the court shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant to the petitioner or any other party, including the Commission, such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, or setting aside, in whole or in part, the order of the Commission and enforcing the same to the extent that such order is affirmed or modified. Any party to the proceeding before the Commission shall be permitted to intervene in the court of appeals. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Commission. No objection that has not been urged before the Commission, its member, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or its agent, the court may order such additional evidence to be taken before the Commission, its member, or its agent, and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

"(l) The Commission may petition any United States court of appeals for the circuit in which the unlawful employment practice in question occurred or in which the respondent resides or transacts business, for the enforcement of its order and for appropriate temporary relief or restraining order, by filing in such court a written petition praying that its order be enforced and for appropriate temporary relief or restraining order. The Commission shall file in court with its petition the record in the proceeding as provided in section 2112 of title 28, United States Code. A copy of such petition shall be forthwith transmitted by the clerk of the court to the parties to the proceeding before the Commission. Upon the filing of such petition, the court shall have jurisdicition of the proceeding and of the question determined therein and shall have power to grant to the Commission, or any other party, such temporary relief, retraining order, or other order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, or setting aside in whole or in part, the order of the Commission and enforcing the same to the extent that such order is affirmed or modified. Any party to the proceeding before the Commission shall be permitted to intervene in the court of appeals. No objection that has not been urged before the Commission, its members, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or its agent, the court may order such additional evidence to be taken before the Commission, its member, or its agent, and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States as provided in section 1254 of title 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

"(m) If no petition for review, as provided in subsection (k), is filed within sixty days after service of the Commission's order, the Commission's findings of fact and order shall be conclusive in connection with any petition for enforcement which is filed by the Commission under subsection (l) after the expiration of such sixty-day period. The clerk of the court of appeals in which such petition for enforcement is filed shall forthwith enter a decree enforcing the order of the Commission and shall transmit a copy of such decree to the Commission, the respondent named in the petition, and to any other parties to the proceeding before the Commission.

"(n) If within ninety days after service of the Commission's order, no petition for review has been filed as provided in subsection (k), and the Commission has not sought enforcement of its order as provided in subsection (l), any person entitled to relief under the Commission's order may petition for a decree enforcing the order in the United States court of appeals for the circuit in which the unlawful employment practice in question occurred, or in which a respondent named in the order resides or transacts business. The provisions of subsection (m) shall apply to such petitions for enforcement.

"(o) The Attorney General shall conduct all litigation to which the Commission is a party in the Supreme Court of the United States pursuant to this title. All other litigation affecting the Commission, or to which it is a party, shall be conducted by attorneys appointed by the Commission.

"(p) Whenever a charge is filed with the Commission pursuant to subsection (b) and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to preserve the power of the Commisison to grant effective relief in the proceeding, the Commission shall, after it issues a complaint, bring an action for appropriate temporary or preliminary relief pending its final disposition of such charge, or until the filing of a petition under subsections (k), (l), (m), or (n) of this section, as the case may be, in the United States district court for any judicial district in the State in which the unlawful employment practice concerned is alleged to have been committed, or the judicial district in which the aggrieved person would have been employed but for the alleged unlawful employment practice, but, if the respondent is not found within any such judicial district, such an action may be brought in the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28, United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a judicial district in which such an action might have been brought. Upon the bringing of any such action, the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law. Rule 65 of the Federal Rules of Civil Procedure, except paragraph (a)(2) thereof, shall govern proceedings under this subsection.

"(q)(1) If a charge filed with the Commission pursuant to subsection (b) is dismissed by the Commission, or if within one hundred and eighty days from the filing of such charge or the expiration of any period of reference under subsection (c) or (d), whichever is later, the Commission has not issued a complaint under subsection (f), the Attorney General has not filed a civil action under subsection (f), or the Commission has not entered into an agreement under subsection (f) or (i) to which the person aggrieved is a party, the Commission shall so notify the person aggrieved and within sixty days after the giving of such notice a civil action may be brought against the respondent named in the charge (1) by the person claiming to be aggrieved, or (2) if such charge was filed by an officer or employee of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon the commencement of such civil action, the Commission, or the Attorney General in a case involving a government, governmental agency, or political subdivision, shall take no further action with respect thereto, except that, upon timely application, the court in its discretion may permit the Commission, or the Attorney General in a case involving a government, governmental agency, or political subdivision, to intervene in such civil action if the Commission, or the Attorney General in a case involving a government, governmental agency, or political subdivision, certifies that the case is of general public importance. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending termination of State or local proceedings described in subsection (c) or (d) or the efforts of the Commission to obtain voluntary compliance.

"(2) The right of an aggrieved person to bring a civil action under paragraph (1) of this subsection shall terminate once the Commission has issued a complaint under subsection (f) or the Attorney General has filed a civil action under subsection (f), or the Commission has entered into an agreement under subsection (f) or (i) to which the person aggrieved is a party, except that (1) if after issuing a complaint the Commission enters into an agreement under subsection (i) without the agreement of the persons aggrieved, or has not issued an order under subsection (h) within a period of one hundred and eighty days of the issuance of the complaint, the Commission shall so notify the person aggrieved and a civil action may be brought against the respondent named in the charge at any time prior to the Commission's issuance of an order under subsection (h) or, in the case of an agreement under subsection (i) to which the person aggrieved is not a party, within sixty days after receiving notice thereof from the Commission, and (2) where there has been no agreement under subsection (i), if the person aggrieved files a civil action against the respondent during the period from one hundred and eighty days to one year after the issuance of the complaint such person shall notify the Commission of such action and the Commission may petition the court not to proceed with the suit. The court may dismiss or stay any such action upon a showing that the Commission has been acting with due diligence on the complaint, that the Commission anticipates the issuance of an order under subsection (h) within a reasonable period of time, that the case is exceptional, and that extension of the Commission's jurisdiction is warranted."

(b) Subsections (f) through (k) of section 706 of such Act and references thereto are redesignated as subsections (r) through (w), respectively.

(c) Section 706(r) of such Act, as redesignated by this section, is amended by adding at the end the following sentence: "Upon the bringing of any such action, the district court shall have jurisdiction to grant such temporary or preliminary relief as it deems just and proper."

(d) Subsections (u) and (v) of section 706 of such Act, as redesignated by this section, are amended (1) by striking out "(e)" and inserting in lieu thereof "(q)", and (2) by striking out "(i)" and inserting in lieu thereof "(u)".

SEC. 5. Section 707 of the Civil Rights Act of 1964 is amended by adding at the end thereof the following new subsection:

"(c) Effective two years after the date of enactment of the Equal Employment Opportunities Enforcement Act of 1971, the functions of the Attorney General under this section shall be transferred to the Commission, together with such personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with such functions unless the President submits, and neither House of Congress vetoes, a reorganization plan pursuant to chapter 9, of title 5, United States Code, inconsistent with the provisions of this subsection. The Commission shall carry out such functions in accordance with the provisions of subsection (d) and (e) of this section.

"(d) Upon the transfer of functions provided for in subsection (c) of this section, in all suits commenced pursuant to this section prior to the date of such transfer, proceedings shall continue without abatement, all court orders and decrees shall remain in effect, and the Commission shall be substituted as a party for the United States of America, the Attorney General, or the Acting Attorney General, as appropriate.

"(e) Subsequent to the date of enactment of the Equal Employment Opportunities Enforcement Act of 1971, the Commission shall have authority to investigate and act on a charge of a pattern or practice of discrimination, whether filed by or on behalf of a person claiming to be aggrieved or by an officer or employee of the Commission. All such actions shall be conducted in accordance with the procedures set forth in section 706, including the provisions for enforcement and appellate review contained in subsections (k), (l), (m), and (n) thereof."

SEC. 6. (a) Subsections (b), (c), and (d) of section 709 of the Civil Rights Act of 1964 (78 Stat. 263; 42 U.S.C. 2000e-8(b)-(d) are amended to read as follows:

"(b) The Commission may cooperate with State and local agencies charged with the administration of State fair employment practices laws and, with the consent of such agencies, may, for the purpose of carrying out its functions and duties under this title and within the limitation of funds appropriated specifically for such purpose, engage in and contribute to the cost of research and other projects of mutual interest undertaken by such agencies, and utilize the services of such agencies and their employees, and, notwithstanding any other provision of law, pay by advance or reimbursement such agencies and their employees for services rendered to assist the Commission in carrying out this title. In furtherance of such cooperative efforts, the Commission may enter into written agreements with such State or local agencies and such agreements may include provisions under which the Commission shall refrain from processing a charge in any cases or class of cases specified in such agreements or under which the Commission shall relieve any person or class of persons in such State or locality from requirements imposed under this section. The Commission shall rescind any such agreement whenever it determines that the agreement no longer serves the interest of effective enforcement of this title.

"(c) Every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulations or orders thereunder. The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purposes of this title, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which applications were received, and to furnish to the Commission upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may apply to the Commission for an exemption from the application of such regulation or order, and, if such application for an exemption is denied, bring a civil action in the United States district court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief. If any person required to comply with the provisions of this subsection fails or refuses to do so, the United States district court for the district in which such person is found, resides, or transacts business, shall, upon application of the Commission, or the Attorney General in a case involving a government, governmental agency or political subdivision, have jurisdiction to issue to such person an order requiring him to comply.

"(d) In prescribing requirements pursuant to subsection (c) of this section, the Commission shall consult with other interested State and Federal agencies and shall endeavor to coordinate its requirements with those adopted by such agencies. The Commission shall furnish upon request and without cost to any State or local agency charged with the administration of a fair employment practice law information obtained pursuant to subsection (c) of this section from any employer, employment agency, labor organization, or joint labor-management committee subject to the jurisdiction of such agency. Such information shall be furnished on condition that it not be made public by the recipient agency prior to the institution of a proceeding under State or local law involving such information. If this condition is violated by a recipient agency, the Commission may decline to honor subsequent requests pursuant to this subsection."

(b) Section 709 of the Civil Rights Act of 1964 is amended by: (1) redesignating subsection (e) or subsection (f) and (2) by adding immediately after section 709(d) as amended, the following subsection (e):

"(e) Any record or paper required by section 709(c) of this title to be preserved or maintained shall be made available for inspection, reproduction, and copying by the Commission or its representative, or by the Attorney General or his representative, upon demand in writing directed to the person having custody, possession, or control of such record or paper. Unless otherwise ordered by a court of the United States, neither the members of the Commission or its representative nor the Attorney General or his representative shall disclose any record or paper produced pursuant to this title, or any reproduction or copy, except to Congress or any committee thereof, or to a governmental agency, or in the presentation of any case or proceeding before any court or grand jury. The United States district court for the district in which a demand is made or in which a record or paper so demanded is located, shall have jurisdiction to compel by appropriate process the production of such record or paper."

SEC. 7. Section 710 of the Civil Rights Act of 1964 (78 Stat. 264; 42 U.S.C. 2000e-9) is amended to read as follows:

"INVESTIGATORY POWERS

"SEC. 710. For the purpose of all hearings and investigations conducted by the Commission or its duly authorized agents or agencies, section 11 of the National Labor Relations Act (49 Stat. 455; 29 U.S.C. 161) shall apply. No subpoena shall be issued on the application of any party to proceedings before the Commission until after the Commission has issued and caused to be served upon the respondent a complaint and notice of hearing under subsection (f) of section 706."

SEC. 8. (a) Section 703(a)(2) of the Civil Rights Act of 1964 (78 Stat. 255; 42 U.S.C. 2000e-2(a)(2) is amended by inserting the words "or applicants for employment" after the words "his employees".

(b) Section 703(c)(2) of such Act is amended by inserting the words "or applicants for membership" after the word "membership".

(c)(1) Section 704(a) of such Act is amended by inserting "or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs," after "employment agency" in section 704(a).

(2) Section 704(b) of such Act is amended by (A) striking out "or employment agency" and inserting in lieu thereof "employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs,", and (B) inserting a comma

and the words "or relating to admission to, or employment in, any program established to provide apprenticeship or other training by such a joint labor-management committee" before the word "indicating".

(d) Section 705(a) of the Civil Rights Act of 1964 (785 Stat. 258, 42 U.S.C. 2000e–4(a)) is amended to read as follows:

"Sec. 705. (a) There is hereby created a Commission to be known as the Equal Employment Opportunity Commission, which shall be composed of five members, unless additional members are appointed as hereinafter provided in this subsection. Not more than the least number of members sufficient to constitute a majority of the members of the Commission shall be members of the same political party. Members of the Commission shall be appointed by the President by and with the advice and consent of the Senate. Any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed, and all members of the Commission shall continue to serve until their successors are appointed and qualified, except that no such members of the Commission shall continue to serve (1) for more than sixty days when the Congress is in session unless a nomination to fill such vacancy shall have been submitted to the Senate, or (2) after the adjournment sine die of the session of the Senate in which such nomination was submitted. The President shall designate one member to serve as Chairman of the Commission, and one member to serve as Vice Chairman. The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and shall appoint, in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, such officers, agents, attorneys, hearing examiners, and employees as he deems necessary to assist it in the performance of its functions and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates: *Provided,* That assignment, removal, and compensation of hearing examiners shall be in accordance with sections 3105, 3344, 5362, and 7521 of title 5, United States Code. At any time after one year from the effective date of the Equal Employment Opportunities Enforcement Act of 1971, the Chairman of the Commission, if he determines that the appointment of additional members of the Commission would help to effectuate the purposes of this title, may request the President to appoint up to four additional members of the Commission. Upon receiving such a request, the President may appoint up to four additional members of the Commission by and with the advice and consent of the Senate. Such additional members shall be appointed for a term of five years. Upon the expiration of the term of appointment of any such additional member no further appointment to the same position shall be made, and the total number of members of the Commission shall be reduced accordingly unless the Chairman of the Commission determines that the appointment of one or more additional members of the Commission continues to be necessary to better effectuate the purposes of this title and so advises the President."

(e) Section 705(g)(1) of such Act is amended by inserting at the end thereof the following: ", and to accept voluntary and uncompensated services, nowithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b))".

(f) Section 705(g)(6) of such Act is amended to read as follows:

"(6) to intervene in a civil action brought by an aggrieved party under section 706."

(g) Section 713 of such Act is amended by adding at the end thereof the following new subsections:

"(c) Except for the powers granted to the Commission under subsection (h) of section 706, the power to modify or set aside its findings, or make new findings, under subsections (i), (k), and (l) of section 706, the rulemaking power as defined in subchapter II of chapter 5 of title 5, United States Code, with reference to general rules as distinguished from rules of specific applicability, and the power to enter into or rescind agreements with State and local agencies, as provided in subsection (b) of section 709, under which the Commission agrees to refrain from processing a charge in any cases or class of cases or under which the Commission agrees to relieve any person or class of persons in such State or locality from requirements imposed by section 709, the Commission may delegate any of its functions, duties and powers to such person or persons as the Commission may designate by regulation, including functions, duties, and powers with respect to hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter. Nothing in this subsection authorizes the Commission to provide for persons other than those referred to in clauses (2) and (3) of subsection (b) of section 556 of title 5 of the United States Code to conduct any hearing to which that section applies.

"(d) The Commission is authorized to delegate to any group of three or more members of the Commission any or all of the powers which it may itself exercise."

(h) Section 714 of such Act is amended by striking out "section 111" and inserting in lieu thereof "sections 111 and 1114".

Sec. 9. (a) Section 5314 of title 5 of the United States Code is amended by adding at the end thereof the following new clause:

"(58) Chairman, Equal Employment Opportunity Commission."

(b) Clause (72) of section 5315 of such title is amended to read as follows:

"(72) Members, Equal Employment Opportunity Commission (8)."

(c) Clause (111) of section 5316 of such title is repealed.

Sec. 10. Section 715 of the Civil Rights Act of 1964 (78 Stat. 265; 42 U.S.C. 2000e–14) is amended to read as follows:

"Sec. 715. All authority, functions, and responsibilities vested in the Secretary of Labor pursuant to Executive Order 11246, as amended, relating to nondiscrimination in employment by Government contractors and subcontractors and nondiscrimination in federally assisted construction contracts are transferred to the Equal Employment Opportunity Commission, together with such personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available or to be made available in connection with the functions transferred to the Commission hereby as may be necessary to enable the Commission to carry out its functions pursuant to this section, and the Commission shall hereafter carry out all such authority, functions, and responsibilities pursuant to such order."

Sec. 11. Title VII of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e et seq.) is amended by adding at the end thereof the following new section:

"NONDISCRIMINATION IN FEDERAL GOVERNMENT EMPLOYMENT

"Sec. 717. (a) All personnel actions affecting employees or applicants for employment (except with regard to aliens employed outside the limits of the United States) in military departments as defined in section 102 of title 5, United States Code, in executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code (including employees and applicants for employment who are paid from nonappropriated funds), in the United States Postal Service and the Postal Rate Commission, in those units of the Government of the District of Columbia having positions in the competitive service, and in the legislative and judicial branches of the Federal Government having positions in the competitive service, shall be made free from any discrimination based on race, color, religion, sex, or national origin.

"(b) The Civil Service Commission shall have authority to enforce the provisions of subsection (a) through appropriate remedies, including reinstatement or hiring of employees with or without back pay, as will effectuate the policies of this section, and shall issue such rules, regulations, orders and instructions as it deems necessary and appropriate to carry out its responsibilities under this section. The Civil Service Commission shall—

(1) be responsible for the annual review and approval of a national and regional equal employment opportunity plan which each department and agency and each appropriate unit referred to in section 717(a) shall submit in order to maintain an affirmative program of equal employment opportunity for all such employees and applicants for employment;

(2) be responsible for the review and evaluation of the operation of all agency equal employment opportunity programs, periodically obtaining and publishing (on at least a semiannual basis) progress reports from each such department, agency, or unit; and

(3) consult with and solicit the recommendations of interested individuals, groups, and organizations relating to equal employment opportunity.

The head of each such department, agency, or unit shall comply with such rules, regulations, orders, and instructions which shall include a provision that an employee or applicant for employment shall be notified of any final action taken on any complaint of discrimination filed by him thereunder. The plan submitted by each department, agency, and unit shall include, but not be limited to—

(1) provision for the establishment of training and education programs designed to provide a maximum opportunity for employees to advance so as to perform at their highest potential; and

"(2) a description of the qualifications in terms of training and experience relating to equal employment opportunity for the principal and operating officials of each such department, agency, or unit responsible for carrying out the equal employment opportunity program and of the allocation of personnel and resources proposed by such department, agency, or unit to carry out its equal employment opportunity program.

"(c) Within thirty days of receipt of notice of final action taken by a department, agency, or unit referred to in subsection 717(a), or by the Civil Service Commission upon an appeal from a decision or order of such department, agency, or unit on a complaint of discrimination based on race, color, religion, sex or national origin, brought pursuant to subsection (a) of this section, Executive Order 11478 or any succeeding Executive orders, or after one hundred and eighty days from the filing of the initial charge with the department agency, or unit or with the Civil Service Commission on appeal from a decision or order of such department, agency, or unit until such time as final action may be taken by a department, agency, or unit, an employee or applicant for employment, if aggrieved by the final disposition of his complaint, or by the failure to take final action on his complaint, may file a civil action as provided in section 706(q), in which civil action the head of the department, agency, or unit, as appropriate, shall be the defendant.

"(d) The provisions of section 706(q) through (w), as applicable, shall govern civil actions brought hereunder.

"(e) Nothing contained in this Act shall relieve any Government agency or official of its or his primary responsibility to assure nondiscrimination in employment as required by the Constitution and statutes or of its or his responsibilities under Executive Order 11478 relating to equal employment opportunity in the Federal Government.

SEC. 12. Section 716 of the Civil Rights Act of 1964 (42 U.S.C. 2000(e)-15, 78 Stat. 266) is amended by adding at the end thereof the following new subsection:

"(d) In the performance of their responsibilities under this Act, the Attorney General, the Chairman of the Civil Service Commission and the Chairman of the Equal Employment Opportunity Commission shall consult regarding their rules, regulations, and policies."

SEC. 13. The amendments made by this Act to section 706 of the Civil Rights Act of 1964 shall not be applicable to charges filed with the Commission prior to the enactment of this Act.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GAMBRELL. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WILLIAMS. Mr. President, I ask unanimous consent that during debate on S. 2515, Gerald Feder, Donald Elisburg, Robert Nagle, and Eugene Mittelman, members of the staff of the Committee on Labor and Public Welfare, be permitted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, for more than a century now, the Constitution of the United States has guaranteed the equal protection of the laws to all Americans. Congress has, in bits and pieces, over several generations, enacted legislation to fulfill these rights for all Americans.

We have had the rights of minorities before the public in the area of voting rights, schools, and public accommodations. In equal employment, we took a major step forward in 1964, more than 7 years ago, by enacting title VII of the Civil Rights Act.

Sixteen months ago, this body debated and passed S. 2453, the Equal Employment Opportunities Enforcement Act of 1970.

Unfortunately, the House did not act before the 91st Congress adjourned. This past year the House has passed such a bill and the duty is clearly on us to act now and once again.

We are considering this bill again because we have not achieved the respect and obedience to the congressional mandate of 1964 that Members of Congress of that year expected. Parenthetically, it can be recalled that today there are 63 Members of this body now serving who were Members of Congress in 1964 when the Civil Rights Act of that year was enacted. The concept of equal employment opportunity is generally couched in not unpleasant terms such as the desirability of insuring fairness in employment, the right to have a decent job, and the obligation of all citizens to help our disadvantaged Americans. These discussions, however, fail to perceive that those institutions and individuals in our society responsible for providing equal employment opportunity are deliberately disregarding their obligation to contribute to law and order in society when they violate the Civil Rights Act of 1964 by denying jobs to minorities and denying jobs and equality to women.

As we all know, that act declares that it is an unlawful employment practice to fail or refuse to hire or promote, or to otherwise discriminate against a person with respect to his employment because of race, color, religion, sex, or national origin. When these violations take place, they cause the loss of economic security and the inability to maintain a decent household just as surely as the burglar in the night when he steals money, savings, and possessions.

Title VII of the Civil Rights Act established the Equal Employment Opportunities Commission as an independent bipartisan agency charged with the administration of the act's substantive provisions.

The act contemplated informal methods of conciliation and persuasion as the primary mechanism for obtaining compliance with its provisions. Only when a pattern or practice of resistance to the statute was indicated did it make provision for enforcement by the Government and then only by the Attorney General. Individuals who failed to receive relief through the Commission were left to private lawsuits, an expensive procedure not readily available to most complainants.

Title VII, quite frankly, has not been a notable success. In 1964, employment discrimination tended to be viewed as a series of isolated and distinguishable events, for the most part due to ill will on the part of some identifiable individual or organization. It was thought that a scheme that stressed conciliation rather than compulsory processes would be most appropriate for the resolution of this essentially human problem, and that litigation would be necessary only on an occasional basis in the event of determined recalcitrace. Unfortunately, this view has not been borne out by the experience of the last 7 years. Not enough is being done to obey the act and improve the situation. In its first 6 years of experience, the Equal Employment Opportunity Commission has received over 81,000 actionable charges of which approximately 50 percent complained of discrimination because of race; 30 percent were concerned with sex discrimination, with the remainder of the charges involving discrimination on a basis of national origin or religion.

Furthermore, during each year of the Commission's existence, the number of charges filed per year has increased. In fiscal year 1970 alone, the Commission received 14,129 new charges; in fiscal year 1971, this number increased to 22,920; and the indications for the current year are that more than 32,000 charges will be filed with the Commission.

Compliance reviews and employment surveys continually reflect the same traditional situation. Minority workers—black, Spanish-surnamed, Oriental or Indian—are relegated to the lowest paying, least desirable jobs—if, indeed, they get hired at all. Often, seniority systems further perpetuate the problem by locking the minority worker into a line of progression that tops out at an hourly income far below the highest positions in an all-white line of progression.

I think it is useful in illustrating the results of this continued and flagrant disregard of the law to examine this unlawful conduct as it affects the ability of so many members of minority groups in this country to participate in the economic life of our society.

The statistics are vivid, and I would like to recite just a few of the more significant results.

In a special report released this year by the Bureau of the Census, entitled "The Social and Economic Status of Negroes in the United States," the evidence is clear that while some progress has been made toward bettering the economic position of the Nation's black population, the avowed goal of social and economic equality is not yet anywhere near a reality. For example, the report shows that the median family income for Negroes in 1970 was $6,279, while the median income for whites during the same period was $10,236. This earnings gap shows that Negroes are still far from reaching their rightful place in our society.

Support for the above statement is provided by statistics in the Census Bureau report which show that Negroes are concentrated in the lower paying, less prestigious positions in industry and are largely precluded from advancement to the higher paid, more prestigious positions. For example, while Negroes constitute about 10 percent of the labor force, they account for only 3 percent of all jobs in the high-paying professional, technical, and managerial positions. In the nine industries with the highest earning capabilities—printing and publishing, chemicals, primary metals, fabricated metals, nonelectrical machinery, transportation equipment, air transportation, and instruments manufacture—Negroes hold only 1 percent of professional and managerial positions. On the other hand, in the lowest paying laborer and service worker categories, Negroes account for 24 percent of all jobs.

This economic disparity is further reinforced by statistics which show that the unemployment rate for Negroes is considerably higher than that for whites. Figures available for 1970 show that while 4 percent of white males were unemployed, and the unemployment rate for all whites was 5.4 percent, 9.3 percent of all Negroes were unemployed. Even in the managerial and professional positions, the area with the lowest unemployment rate, Negro unemployment was 2.1 percent while white unemployment was 1.7 percent.

While statistics on Spanish-speaking Americans are not nearly as current or as complete, available data indicates that this, the second-largest ethnic minority group in the Nation, with approximately 7.5 million members, is in a similar situation. In 1969, the median family income for Spanish-speaking American families was $5,641. About 17 percent of these families had incomes of less than $3,000. Both male and female Spanish-speaking American workers, as has already been shown to be the case with Negroes, are also concentrated in the lower paying occupations. Only 25 percent of employed Spanish-speaking males are in white-collar jobs, compared to 41 percent of all men. On the other hand, 58.8 percent of Spanish-speaking males are concentrated in blue-collar occupations. The statistics for Spanish-speaking women workers indicates a similar disparate distribution. Also, as with Negroes, Spanish-speaking workers suffer a higher unemployment rate when compared to the white population. In 1969, 6 percent of Spanish-speaking Americans were unemployed, compared to 3.5 percent for the rest of the Nation.

Mr. President, if I stated that too rapidly, that goes back to 1969. Six percent of Spanish-speaking Americans were unemployed. The figure for the rest of the Nation was 3.5 percent.

The unemployment figures are far worse today and with the best estimates we have of unemployment today of 6 percent, this is one of the tragedies of our land at this time. The unemployment of Spanish-speaking Americans has increased in degree and is greater by far than the tragically high general unemployment of 6 percent.

The burden of unfair employment practices does not just fall on our minority citizens. The right of female workers to equal employment opportunity is all too frequently ignored by employers.

There are approximately 30 million employed women in the Nation, constituting about 38 percent of the total work force. The number of working women has also increased very rapidly during the last two decades—between 1947 and 1968 the number of women in the civilian labor force increased by 75 percent while the number of men during the same period increased only 16 percent. Despite this large increase in the numbers of women in the work force, women continue to be relegated to low-paying positions and are precluded from high-paying executive positions. Similarly, the rate of advancement for women is slower than for men in similar positions.

About 70 percent of all employed women work in order to provide primary support for themselves or to provide a supplement to the incomes of their husbands which may be needed to meet household expenses. However, within established occupational categories, women are paid less for doing the same jobs as are done by men. For example, in 1968, the latest year for which extensive data is presently available, the median salary for all scientists was $13,200; for women scientists the median salary was $10,000. Similarly, the median salary for a full-time male factory worker was $6,738 while his female counterpart could only expect to earn $3,991. This economic disparity is further emphasized by figures which show that 60 percent of women but only 20 percent of men earned less than $5,000 per year, while only 3 percent of women but 28 percent of men earned $10,000 per year or more.

While some have looked at the entire issue of women's rights as a frivolous divertissement, I believe that discrimination against women is no less serious than other prohibited forms of discrimination, and that it must be accorded the same degree of concern given to any type of similarly unlawful conduct. Remember, we are often talking not just about a woman's right to use her resources for self-fulfillment, we are also talking about a woman's right to be able to provide for her children. Without a doubt the problem of female underemployment presents deep sociological ramifications, and empolyers, employment agencies, and labor unions cannot deny the responsibility they have to abide by the law and to treat women on an equal basis with men.

All of this statistical data and recitation of the sad history of compliance with this act has very real significance to our efforts in trying to make the world in which we live a better place. For unless we are able to bring some measure of hope for progress in our society to the sons and daughters of our citizens and make absolutely clear that they have a stake in the future of the system, we are all going to suffer with their disillusionment.

I realize that enactment of this bill will not automatically and overnight end employment discrimination in this country. But this bill will take us forward. The time has come to bring an end to job discrimination once and for all and to insure to every American the opportunity for the decent self-respect that goes with a job. The promises of equal job opportunity made in 1964 must be made realities in 1972.

The bill, as reported by the committee, provides for significant revisions in the primary enforcement mechanisms of title VII. The Commission would continue to seek voluntary resolution of disputes, but if conciliation efforts were unsuccessful, the Commission would be authorized to issue complaints, hold hearings, and where unlawful employment practices are found, issue appropriate orders subject to review by the courts of appeal. Upon petition by either the Commission, the respondent, or the person alleged to be aggrieved, a court of appeals may enter an order enforcing, modifying, or setting aside the order of the Commission. The committee bill requires that petitions for review must be filed within 60 days of the Commission's order. This avoids the burdensome experience encountered by the NLRB, which alone among all regulatory agencies, does not possess authority to issue orders that are in some measure self-enforcing. I might note that the procedure in this bill is similar to that contained in the Occupational Health and Safety Act and last year's equal employment opportunity bill, S. 2453.

The committee has taken pains to see that the rights of all parties to EEOC proceedings are protected. The Commission has to give respondents notice of the charges within 10 days. The right to a hearing on the record before a disinterested trial examiner is specifically provided for, and all proceedings must be conducted in accordance with the Administrative Procedure Act. Interested persons may intervene or appear as amicus curiae, and all parties to proceedings before the Commission may take part in any review in the court of appeals. Finally, provision is made for review by the U.S. Supreme Court as provided in 28 U.S.C. 1254.

During the committee deliberations, the Senator from Ohio (Mr. TAFT) suggested that the administrative procedures adopted in this bill would be strengthened by the addition of a statutory general counsel to insure the maximum in independence and separation of functions.

Last year when this bill was before us in the Senate, a separation proposal was offered as an amendment. As manager of the bill, I accepted the proposal during the floor debate. When the suggestion was made by the Senator from Ohio in committee I indicated that I would be amenable to such an amendment.

It is my understanding that the amendment will be offered, and again that will be the position of the manager of the bill when it is offered. An exchange of correspondence between the Senator from Ohio and me will be included as a part of the RECORD today. I believe that request already has been made.

The bill also contains provision for individual recourse to the Federal district courts if the Commission dismisses a charge, or if it has not issued a complaint or entered into a conciliation agreement agreeable to the parties within 60 days after filing of a charge. Under certain circumstances, the private right of action would also obtain if the Commission has issued a complaint but taken no action on it for 6 months. In any event, duplication of proceedings is avoided by termination of one at the commencement of the other. For example, if an individual should perfect and exercise his title VII right of court action, the Commission would thenceforth be divested of jurisdiction over the matter. Likewise, if the Commission issued a complaint and proceeded with reasonable speed, its jurisdiction would remain exclusive prior to the institution of enforcement or review proceedings in the court of appeals. The committee concluded that this scheme would protect aggrieved persons from undue delay as well as prevent respondents from being subject to dual proceedings.

Several other significant changes were made in the statute's enforcement provisions. First, the authority of the Attorney General to institute court actions directed at "patterns or practices" of resistance to the act would be transferred to the Commission after 2 years, with the Commission having concurrent jurisdiction to issue such complaints during the 2-year period. The broad scale actions against any "pattern or practice" of discrimination that have been brought by the Justice Department under section 707 of the act have been an integral and important part of the overall Federal effort to combat discrimination. It is the committee's view that with the enactment of legislation providing the Commission with effective power to enforce title VII, the further retention of section 707 power in the Department of Justice is not necessary.

Moreover, employees would benefit by having to look to only one agency to obtain relief; employers similarly would be free from the burden of multiple investigations, examining their employment policies and personnel records in response to similar or identical complaints filed with different agencies. Second, the Secretary of Labor's responsibilities for Federal contract compliance under Executive Order 11246, as amended, are transferred to the Commission. As I have stated in connection with the pattern and practice transfer, the basic purpose of this consolidation is to enable the Federal Government, through the procedures of the Commission, to pursue a unified program of attack upon all elements of employment discrimination.

Unlike the Department of Justice program, however, the contract compliance effort has not been a notable success. It should be an important and viable tool in the Government's efforts to achieve equal employment opportunity. The transfer to the Commission will enable it to operate in a fresh atmosphere within an agency that has equal employment opportunity as its sole priority.

The bill also makes a number of changes in the coverage of the act. Title VII's jurisdiction is expanded after 1 year from enactment to reach employers and unions with eight or more employees and members; it is also extended to State and local governments, and educational institutions. The extension of coverage to employees of State and local governments was accompanied by a special enforcement procedure which provides that the Commission refer the case to the Attorney General for filing of a civil action against the respondent in the appropriate U.S. district court. During discussion in the committee, several members expressed concern that States and political subdivisions would be subjected to administrative hearings and orders of EEOC. This enforcement scheme was devised to provide the necessary power to achieve results without the needless friction that might be created by a Federal executive agency issuing orders to sovereign States and their localities.

The Civil Service Commission is given added responsibilities for insuring equal employment opportunities for Federal employees. These employees are also given a right to bring actions in the Federal courts if they are not satisfied with the Civil Service Commission's actions. All of these changes are intended to provide a more universal and effective application of the national policy against job discrimination.

The bill would make a number of other changes in title VII involving filing requirements for charges, Commission organization, terms and compensation of members, and revision of the recordkeeping requirements of section 709(d) to lessen the duplicatory effect of overlapping Federal and State regulations. The investigations language of section 11 of the National Labor Relations Act has also been incorporated to complement the new enforcement authority bestowed on the Commission.

The entire committee worked hard at reporting a comprehensive bill. Throughout consideration of this legislation, there was a unanimity of views that enforcement powers were needed for the Commission.

The only significant area of disagreement was whether this enforcement power should be through a Commission lawsuit in a U.S. district court, or by an administrative proceeding followed by a cease-and-desist order, with a review in the appropriate U.S. court of appeals. The committee carefully considered both of these approaches, both of these possibilities, but decided to adopt the cease-and-desist approach.

Several other constructive changes were made in the bill during committee deliberations. For example, the provisions strengthening the equal employment program for Federal Government employees represents an approach developed by the Senator from Colorado (Mr. DOMINICK), with the cooperation of the Civil Service Commission, and the special enforcement provision for State and local governments was very carefully worked out by the Senator from Missouri (Mr. EAGLETON), and, here again, the Senator from Ohio (Mr. TAFT).

Mr. President, in the interest of time. I leave further explanation of the bill's provisions to the debate which will follow. I would urge the Senate to proceed with a sense of urgency and recommend the bill's prompt passage.

This legislation is long overdue, and can wait no longer. We are on the eve of the celebration of 200 years of promise in this country that there is to be equality for all people, and under this bill, the full effect would be reacted just beyond that 200th anniversary date, with its delays of the full transfer.

The equality and the promise of this land in the basic business of living—a job—is long overdue. Wherever you move, you see the tragic ramifications of the absence of full equality of opportunity in getting a job, in holding a job, and in being promoted in a job. This land of opportunity, in this Senator's judgment, needs this legislation, which extends the force of law to the provisions of our Declaration of Independence, and to the provisions of the Constitution of our great land.

Mr. President, there will be debate. There will be amendments. I believe that this debate and discussion of amendments need not take, in relative terms, forever, that we can get to the heart of our disagreement in discussion, have our votes, and see the measure as fashioned by this body ready for conference with the House of Representatives, which has already, of course, passed a measure in this area.

I ask unanimous consent that a comparison of title VII as it presently exists, and changes proposed in the Senate and the House bills be printed in the RECORD at this point.

There being no objection, the comparison was ordered to be printed in the RECORD, as follows:

COMPARISON OF TITLE VII, CIVIL RIGHTS ACT OF 1964, PUBLIC LAW 88-352, 78 STAT. 241, 253; 42 U.S.C. 2000E ET SEQ., AS PROPOSED TO BE AMENDED BY S. 2515 (WILLIAMS, ET AL), AS REPORTED TO SENATE (S. REPT. NO. 92-415), AND H.R. 1746 (ERLENBORN) 92D CONG., 1ST SESS., PASSED BY THE HOUSE OF REPRESENTATIVES, SEPT. 16, 1971

PRESENT LAW, TITLE VII	S. 2551 WILLIAMS ET AL., AS REPORTED TO SENATE (S. REPT. NO. 92-415)	H.R. 1746 (ERLENBORN)
Who is covered:		
1. Employer. A covered "employer" is a "person" engaged in an industry affecting commerce who has 25 or more employees. "Persons," in turn, is defined to include not only one or more natural persons, but also "partnerships, associations, corporations, mutual companies, joint-stock companies, trusts, and unincorporated organizations." Legal representatives, trustees, trustees in bankruptcy and receivers also are "persons." "Commerce" is defined as "trade, traffic, commerce, transportation, transmission or communication" among or between the several States or between points in the same State if the terminus is reached through a point outside such State. The term also includes "commerce" within the District of Columbia and possessions. The term "industry affecting commerce" is patterned after and incorporates the definition of "affecting commerce" in the Labor Management Reporting and Disclosure Act of 1959, which in turn, incorporates the definition of "affecting commerce" of the Labor Management Relations Act of 1947. (By this technique, Congress in-	This bill would bring States and political subdivisions of States within the definition of covered employers. First, it would redefine "person" to include "governments, governmental agencies, and political subdivisions." Second, it would eliminate the exemption of "State or political subdivision thereof" allowed by the existing law. Third, it would include "any governmental industry, business, or activity" within the term "industry affecting commerce." (Sec. 2 (1), (2), (5).) The bill would also define the term "employer" to mean individuals and organizations engaged in an industry affecting commerce if they have eight or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year. According to the terms of the bill, this change affecting the numerical standard which brings employees within its requirements would become effective 1 year after enactment. (Sec. 2(2).)	**Retains provisions of existing law.**

PRESENT LAW, TITLE VII	S. 2515 (WILLIAMS, ET AL) AS REPORTED TO SENATE (S. REPT. NO. 92-415)	H.R. 1746 (ERLENBORN)
voked "the fullest *jurisdictional* breadth constitutionally permissible under the Commerce Clause.") (Sec. 701 (a), (g), (h).) All these individuals and organizations are deemed to be covered employers if they are engaged in an industry affecting commerce and if they have 25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year. (Sec. 701(b).)		
2. Employment agency. A covered "employment agency" is one which "regularly" procures employees for a covered employer or which "regularly" procures for employees opportunities to work for covered employers. The term also includes the United States Employment Service and the system of State and local employment services receiving Federal assistance. (Sec. 701(c).)	The bill would eliminate the existing law's exemption of all levels of government from the definition of "employment agency". Consequently, to the extent that "an agency of the United States, or an agency of a State or political subdivision of a State" (in addition to "the United States Employment Service and the System of State and local employment services receiving Federal assistance" presently covered by the law) "regularly" procures employees for a covered employer or which "regularly" procures for employees opportunities to work for covered employers, they would be covered. (See 2(3).)	
3. Labor organization. The definition of labor organization is substantially the same as the definition in the Labor Management Reporting and Disclosure Act of 1959, except that State and local central bodies are treated as are other labor organizations. It includes "any organization of any kind . . . in which employees participate and which exists for the purpose . . . of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment. . . ." National and international unions and their subordinate units—conferences, general committees, joint or system boards, or joint councils—are included in the definition as well as local unions. (Sec. 701(d).) Labor organizations are covered only if they are engaged in an "industry affecting commerce" within the meaning of the Act. Labor organizations so engaged include: First, a labor organization that maintains or operates a hiring hall or office to provide employees for a covered employer or to procure for employees opportunities to work for a covered employer. Labor organizations operating hiring halls are covered without regard to their numerical strength. Second, a labor organization which has an aggregate number of 25 or more employees. If it meets the numercial standard, a labor organization is covered if it (1) is certified as the bargaining representative under the National Labor Relations Act or Railway Labor Act, or (2) is recognized as the bargaining representative by a covered employer, or (3) has some formal relationship with a covered labor organization whether through a charter or as a joint interest organization. (See 701(e).)	The bill would redefine covered labor organizations by reducing the numerical standard from twenty-five to eight employees. As in the case of the similar change with respect to covered employers, this amendment would not go into effect until 1 year after passage of the act. (Sec. 2(4).)	
Who is not covered: 1. Employer. The Federal Government and corporations wholly owned by it are excluded from the definition of employer. Also excluded are States and their political subdivisions, Indian tribes, and private membership clubs. (Sec. 701(b).) Employers are exempted *with respect to aliens they employ abroad* and educational institutions *with respect to educational personnel.* Religious organizations also have a partial exemption. They are exempt with respect to the "employment of individuals of a particular religion to perform work connected with the carrying on" of its religious activities. (Sec. 702.).	As noted above, the provision exempting States and their political subdivisions is eliminated and, instead, departments and agencies of the District of Columbia subject to procedures of the competitive service (see Sec. 11) are excluded from the definition of the term "employer". (Sec. 2(2).) Repeals the exemption for employment of individuals engaged in educational activities of nonreligious educational institutions. (Sec. 3.)	**Retains provisions of existing law.**
2. Employment agency. Although the term includes the United States Employment Service and the system of State and local employment services receiving Federal assistance, it does not take in any other Federal, State, or local agencies. (Sec. 701(c).)		

COMPARISON OF TITLE VII, CIVIL RIGHTS ACT OF 1964, PUBLIC LAW 88-352, 78 STAT. 241, 253; 42 U.S.C. 2000E ET SEQ., AS PROPOSED TO BE AMENDED BY S. 2515 (WILLIAMS, ET AL), AS REPORTED TO SENATE (S. REPT. NO. 92-415), AND H.R. 1746 (ERLENBORN) 92D CONG., 1ST SESS., PASSED BY THE HOUSE OF REPRESENTATIVES, SEPT. 16, 1971—Continued

PRESENT LAW, TITLE VII	S. 2515 (WILLIAMS, ET AL) AS REPORTED TO SENATE (S. REPT. NO. 92-415)	H.R. 1746 (ERLENBORN)
Prohibited practices: Section 703 of the existing law consist of ten subsections; four of these describe a number of activities which if engaged in by covered persons constitute unlawful employment practices. The balance of the section sets out various limiting qualifications.	Retains provisions of existing law with the following changes:	Retains provisions of existing law.
1. Employer. Discrimination by employers falls into four general areas: (1) hiring and firing, (2) employment conditions, (3) segregation and classification, and (4) training programs. Thus, it is an unlawful employment practice for an employer to fail or refuse to hire or to discharge any individual because of his race, color, religion, sex, or national origin. It is also an unlawful employment practice for an employer to discriminate against an individual because of his race, color, religion, sex, or national origin with respect to compensation, terms, conditions, or privileges of employment. Further, an employer is forbidden to limit, segregate, or classify employees in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee because of his race, color, religion, sex, or national origin. (Sec. 703(a).)	The bill would amend this portion of the Act to make it clear that discrimination against applicants for employment is an unlawful employment practice. (Sec. 8(a).)	
Together with labor organizations and joint labor-management committees, employers are prohibited from discriminating on the basis of race, color, religion, sex, or national origin in admission to or employment in any apprenticeship training or retraining programs. This includes on-the-job training programs. (Sec. 703(d).)		
2. Employment agency. It is an unlawful employment practice for an employment agency to (1) fail or refuse to refer for employment, or otherwise discriminate against any individual because of his race, color, religion, sex or national origin, or (2) classify or refer any individual for employment on the basis of his race, color, religion, sex or national origin. (Sec. 703(b).)		
3. Labor organization. Labor organizations are affected by the current law both in their capacity as employers and as organizations representing employees. With respect to the former, they are subject to the prohibitions applicable to employers generally, as noted above. In their capacity as labor organizations, unions are affected in three general areas. First, they may not exclude or expel from membership or otherwise discriminate against any individual because of his race, color, religion, sex, or national origin. Second, they are forbidden to limit, segregate, or classify membership, or classify or fail or refuse to refer for employment any individual in any way that would deprive him of employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment because of his race, color, religion, sex, or national origin. Third, labor organizations are prohibited from attempting to cause employers to discriminate. (Sec. 703(c).)	The bill would amend this portion of the Act to make it clear that discrimination against applicants for union membership is an unlawful employment practice. (Sec. 8(b).)	
As is true of employers, labor organizations and joint labor-management committees are prohibited from discriminating with respect to apprenticeship and other training programs. (Sec. 703(d).)		
Other prohibited practices: Section 704 of the law contains a pair of ancillary prohibitions applicable to employers, employment agencies, and labor organizations. First, it is an unlawful employment practice to discriminate against any person for opposing discriminatory practices, and for bringing charges before the Commission or otherwise participating in proceedings under the Act. Discriminatory advertising is prohibited unless the discrimination is based	The bill would amend this portion of the Act to make it clear that joint labor-management apprenticeship-committees are subject to provisions making it an unlawful employment practice to retaliate against persons for bringing charges before the EEOC or otherwise participating in proceedings under the Act. (Sec. 8(c)(1).) The bill would amend this portion of the Act to make it clear that joint labor-manage-	Retains provisions of existing law.

PRESENT LAW, TITLE VII	S. 2515 (WILLIAMS, ET AL) AS REPORTED TO SENATE (S. REPT. NO. 92–415)	H.R. 1746 (ERLENBORN)
on a *bona fide* occupational qualification. (Sec. 704.)	ment apprenticeship-committees are subject to provisions making it an unlawful employment practice to engage in discriminatory advertising. (Sec. 8(c) (2).)	
Practices not prohibited by the Act: There are a number of exceptions to the general prohibition against employment discrimination on account of race, color, religion, sex, or national origin. One of the broadest of these permits employers, employment agencies, and labor organizations to discriminate on the basis of religion, sex, or national origin "in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise." This exception applies to hiring by employers, classification and referral by employment agencies, classification or referral by labor organizations, and admission to or employment in an apprenticeship or other training program. This exception also applies to the ban against discriminatory job notices or advertising noted above. (Sec. 703(e).) Another exception allows religiously affiliated educational institutions to hire employees along religious lines. Unlike the exception noted above, this one is not limited to educational employees but extends to the institution's entire work force. (Sec. 703(e).) The Act also provides that the term "unlawful practice" shall not include any action taken against any individual "who is a member of the Communist Party of the United States or of any other organization required to register as a Communist-action or Communist-front organization by final order of the Subversive Activities Control Board pursuant to the Subversive Activities Control Act of 1950." (Sec. 703(f).) Likewise, it is not an unlawful employment practice to deny any person a job if he cannot obtain the requisite security clearance. (Sec. 703(g).) It is not an unlawful employment practice "for an employer to apply different standards of compensation, or different terms of employment pursuant to a *bona fide* seniority or merit system which measures earning by quantity or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, sex, or national origin. In brief, differences in treatment in certain factors will be permitted where they are not intentionally employed to accomplish discrimination by indirection. (Sec. 703(h).) Also, it is not an unlawful employment practice for an employer to give and to act upon the result of a professionally developed ability test provided they are not "designed, intended, or used to discriminate because of race, color, religion, sex, or national origin." (Sec. 703(h).) Also, it is not an unlawful employment practice for businesses operating on or near an Indian reservation to accord preferential treatment to Indians. (Sec. 703(i).)	Retains provision of existing law.	Retains provisions of existing law.
Administration: The principal enforcement organ under title VII is the Equal Employment Opportunity Commission (EEOC). The Commission is composed of five members, not more than three of whom may be members of the same political party. EEOC members are appointed by the President by and with the advice and consent of the Senate. Although initial appointments were made for one, two, three, four, and five year terms, respectively, all appointments are now for a full five year term. The President designates both chairman and vice chairman. The chairman is responsible for the administrative operations of the Commission and staffing the agency in accordance with civil service laws.	The bill would amend provisions of the law relating to the establishment of a 5-man EEOC in several particulars. First, it would provide that all EEOC members "shall continue to serve until their successors are appointed and qualified." However, no person is to serve for more than 60 days when Congress is in session unless his nomination has been submitted for Senate confirmation or after *sine die* adjournment by the Senate without acting on the nomination. Second, "hearing examiners" are added to the list of positions which may be filled by the EEOC Chairman. Appointments to position of hearing officer are to be made in accord with 5 U.S.C. and assignment, removal and compensation are subject to sections 3105, 3344, 5362, and 7521 of that title. Finally, the bill	

COMPARISON OF TITLE VII, CIVIL RIGHTS ACT OF 1964, PUBLIC LAW 88-352, 78 STAT. 241, 253; 42 U.S.C. 2000E ET SEQ., AS PROPOSED TO BE AMENDED BY S. 2515 (WILLIAMS, ET AL), AS REPORTED TO SENATE (S. REPT. NO. 92-415), AND H.R. 1746 (ERLENBORN) 92D CONG., 1ST SESS., PASSED BY THE HOUSE OF REPRESENTATIVES, SEPT. 16, 1971—Continued

PRESENT LAW, TITLE VII	S. 2515 (WILLIAMS, ET AL) AS REPORTED TO SENATE (S. REPT. NO. 92-415)	H.R. 1746 (ERLENBORN)
	would allow the Chairman to ask the President to appoint from one to four new members. Any appointments made by the President pursuant to this request would require the advice and consent of the Senate. "Not more than the least number of members sufficient to constitute a majority of the members of the Commission shall be members of the same political party." Generally, the authority to appoint additional EEOC members would be used only once except that such posts may be filled again if the Chairman believes that extra members are necessary to "better effectuate" the purposes of Title VII. (Sec. 7(d).)	
Three members comprise a quorum for purposes of conducting Commission business. The EEOC is authorized a seal which is to be judicially noticed.	The bill also would amend the Act to permit the EEOC to accept voluntary and uncompensated services notwithstanding contrary and inconsistent legal requirements. (See 8(e).)	
The EEOC is required to make an annual report of its activities and other specified matters to the Congress and to the President. The principal office of the EEOC is to be in or near the District of Columbia, but it is authorized to meet or exercise its powers at any other place. Regional or State offices may be established as the EEOC deems necessary. The EEOC's chief responsibilities include the investigation and conciliation of complaints, promulgation of recordkeeping requirements, and participation in a variety of cooperative efforts to further *voluntary* compliance with the title. (Sec. 705.)	The bill would eliminate provisions of existing law authorizing the EEOC to request the Attorney General to intervene in private suits and substitutes the EEOC instead in conformity with new provisions added by other parts of this bill. (Sec. 8(f).)	**The bill would amend the existing law in two ways. First, it would amend portions of the law enumerating the EEOC's powers to permit the Commission to recommend to the Attorney General that the Justice Department intervene in court actions brought by private persons, institute "pattern or practice" suits, and process any appeals on its behalf in the courts of appeals or in the Supreme Court as the case may be. Second it would amend the provision which permits the EEOC to appoint attorneys to represent it to authorize the Commission to appoint attorneys to handle its litigation in all cases except appeals in the courts of appeals and in the Supreme Court which appeals "shall" be conducted by the Attorney General. (Sec. 2.)**
Enforcement: EEOC procedures are initiated by filing a charge of unlawful discrimination. The charge must be filed within 90 days after the occurrence of the alleged unlawful employment practice. It must be in writing and under oath and may be filed by either the person claiming to be aggrieved or by a member of the Commission who has reasonable cause to believe that a violation of Title VII has occurred. (Sec. 706(a).)	The bill would rewrite substantial portions of this part of the law in conformity with the fundamental change from an EEOC authorized to effect voluntary compliance to an EEOC empowered to compel compliance with its orders. Thus, the Commission is empowered to prevent persons from engaging in unlawful employment practices as defined above. (Sec. 4(a) "(a)".)	**The bill retains the major portion of the administration and enforcement provisions of existing law with a few changes to various subsections which are intended to authorize the EEOC to *bring court suits* to eliminate unlawful employment discrimination. (Sec. 3.)**
Upon receipt of the charge the EEOC is to furnish the accused employer, employment agency or labor organization, as the case may be, with a copy of the complaint and to make an investigation. Charges are required to be kept confidential. (Sec. 706(a).) If, after investigation, the EEOC determines that there is reasonable cause to believe that the charge is true, it "shall endeavor to eliminate any such unlawful employment practice by informal methods of conference, conciliation and persuasion." Other provisions of the Act prohibit the EEOC and its employees from making public, information obtained by compulsory process in the course of its investigation except in the course of litigation arising under the title. Sec. 706(a).)	An unlawful employment practice charge may be filed "by or on behalf of a person claiming to be aggrieved" or by an officer or employee of the EEOC. Oath requirement of the Act is not retained. The EEOC must serve the charge upon employers, employment agency, labor organization, or joint labor-management committee (termed respondent) as the case may be. The requirement of existing law that charges filed by a member of the EEOC must be based upon reasonable cause to believe that a violation has occurred is not retained. The charges must be in writing and contain information specified by the EEOC. The EEOC is not to disclose the contents of the charges. The EEOC is required to serve the respondent employer, employment agency, or union, as the case may be, with "notice" that a charge against him has been filed. The notice must specify the date, place, and circumstances of the alleged unlawful employment practice within ten days after the filing of the charge. If after investigating, the EEOC determines that there is no reasonable cause to believe that the charge is true, it must dismiss the charge promptly, notifying the parties of its action. Conversely, if the EEOC determines that there is reasonable cause, it is required to correct the unlawful practice by informal methods. The EEOC must make its finding as to reasonable cause as promptly as possible, and, "as far as practicable," within 120 days from the filing of the charge or from the date it can begin to take action as described shortly hereafter	**The bill proposes two amendments to the provision dealing with the filing of charges with the EEOC. First, to the present law's requirement that charges set out the facts upon which they are based, the bill would require that the "person or persons aggrieved" be identified. Second, the bill would require that the Commission serve the respondent with a copy of the complaint within 5 days of its receipt by the EOCC. (Sec. 3(a).)**

PRESENT LAW, TITLE VII	S. 2515 (WILLIAMS, ET AL) AS REPORTED TO SENATE (S. REPT. NO. 92-415)	H.R. 1746 (ERLENBORN)
	The EEOC must in its determination of reasonable cause accord substantial weight to final findings and orders made by State or local authorities pursuant to their respective laws. Personnel of the EEOC are required to maintain information obtained during the preliminary phase in strict confidence and are prohibited from using it in any subsequent proceedng without the consent of the persons concerned. Breaches of confidentiality may be punished by maximum fine of $1,000 or imprisonment for one year or both. (Sec. 4(a) "(b)".)	
In States and localities which have FEP laws applicable to the incident complained of, and that law establishes or authorizes "a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto", no charge may be filed with the EEOC until the State or local agency has had 60 days to deal with the case. During the first year following the effective date of the State or local law, the time allowed local agencies to effect a resolution is 120 days. In order to insure against the adoption of onerous requirements by State and local agencies as a means of forestalling Federal proceedings, the Act deems it to be sufficient compliance with the requirement of deference to local authority if the person aggrieved submits a written statement of the facts to such agency by registered mail. If the charge is filed by an EEOC Commissioner, the Commission "before taking any action," must notify the appropriate State or local agency and "upon request," allow it 60 days (120 days in the case of a new agency) to deal with the complaint. However, once the 60 days have passed, the complainant may take his case to the EEOC, regardless of the statue of the case or its outcome at that time. (Sec. 706 (b), (c).)	Charges alleging commission of an unlawful employment practice in an area subject to State or local anti-discrimination law may be filed with the EEOC, but it must defer acting until passage of 60 days from commencement of proceeding under such State or local law unless the proceedings have been terminated earlier. In keeping with similar provisions in existing law, 120 days rather than 60 days are permitted during the first year of operation of a new State or local anti-discrimination law. However, if a State or local law requires something more than the filing of a written charge, proceedings thereunder shall be deemed to have commenced at the time a written statement of the facts is sent to the local agency by certified mail. (Sec. 4(a) "(c)".) An alternate provision is set out to deal with the case of deferring to State and local agencies when the charge is filed by an officer or employee of the Commission. The time period is the same as that authorized when the charge is filed by a person aggrieved or someone in his behalf. The procedure also is the same except that the EEOC must notify its State or local counterpart. (Sec. 4(a) "(d)".)	
As previously noted, the charge must be filed within 90 days of the alleged discriminatory practice. If the complainant has pursued the State or local remedy, he may file his charge with the commission within 210 days after the occurrence of the activity complained of, or 30 days after receipt of notice of termination of the State or local proceedings, whichever is earlier. (Sec. 706(d)).	An unlawful employment practice charge must be filed within 180 days after it has occurred. This contrasts with 90 days authorized under existing law. In cases where the EEOC defers to a State or local agency, the charge must be filed within 300 days (the law presently allows 210 in these circumstances) or within 30 days after the person aggrieved receives notice that the State or local agency has terminated proceedings, whichever is earlier. (Sec. 4(a)"(e)".)	Another two amendments are directed to the provisions of Title VII which set out the time for the filing or charges. The first would extend the allowable time for the filing of an unlawful employment practice charge from 90 to 180 days. The second would make EEOC enforcement the person aggrieved's exclusive remedy save for deferrals to State or local FEP agencies and so called "pattern or practice" actions brought by the Attorney General. (Sec. 3(b).)
If attempts at voluntary compliance fail, the EEOC is to notify the complainant. Within 30 days of receipt of such notice, a civil action may be brought by the person claiming to be aggrieved, or if such charge was filed by a Commissioner, by a person whom the charge alleges was aggrieved by the discriminatory practices. If the person aggrieved files suit on his own behalf, the court is authorized to appoint an attorney for him and to discharge him from liability for fees, costs, or security. (Sec. 706(e).)	If the EEOC determines that informal methods cannot produce an acceptable conciliation agreement, it can issue and serve respondent with a complaint stating the facts upon which the alleged unlawful employment practice is based together with notice of an impending hearing. The EEOC's determination in this regard is not subject to judicial review. The hearing may not be held less than 5 days after service of the complaint. An officer or employee of the Commission who files a charge in a case may not participate in the case except as a witness. An alternate procedure is provided where the respondent is a government, government agency, or political subdivision. In that case, if conciliation fails the EEOC would take no further action and would refer the matter to the Attorney General who would bring a civil action in the Federal district courts. The person or persons aggrieved may intervene in actions brought by the Attorney General. Civil proceedings brought by the Attorney General are subject to provisions of sections 706(q) through (w). (Sec. 4(a)"(f)".)	As proposed by the bill, the EEOC would be authorized to bring a civil action if, within 30 days from the filing of the charge (or within 30 days of the expiration of the time allowed for complying with the deferral period), it determines that informal methods will not achieve voluntary compliance. However, should the EEOC fail or refuse to bring such proceedings within 180 days following the filing of a charge the person aggrieved has an additional 90 days during which to bring his own action. He may bring his own action in these circumstances without regard to whom filed the initial charge. As is the current practice, the court may appoint an attorney to represent the party aggrieved and discharge him from any and all liability for fees, costs, or security. Similarly, the bill retains the provisions of title VII which enable the Attorney General to intervene in job discrimination suits for as much as 60 days to permit further administrative efforts, at any level, to arrive at voluntary compliance. (Sec. 3(c).)
If permitted by the court, the Attorney General may intervene in any action brought by an individual under the Act. However, before being permitted to intervene, the Attorey General is required to certify that the case is one of general public importance. (Sec. 706(e).)	Respondent has the right to file an answer to the complaint and the EEOC shall whenever reasonable grant him leave to amend it. Respondent and person aggrieved are deemed to be parties and may appear at any stage of the proceedings with or without counsel. The EEOC has discretion to allow persons other than parties to intervene, file briefs, make *amicus* appearances, etc. All testimony is to be under oath and recorded in writing. To the extent practicable, the	

COMPARISON OF TITLE VII, CIVIL RIGHTS ACT OF 1964, PUBLIC LAW 88-352, 78 STAT. 241, 253; 42 U.S.C. 2000E ET SEQ., AS PROPOSED TO BE AMENDED BY S. 2515 (WILLIAMS, ET AL), AS REPORTED TO SENATE (S. REPT. NO. 92-415), AND H.R. 1746 (ERLENBORN) 92D CONG., 1ST SESS., PASSED BY THE HOUSE OF REPRESENTATIVES, SEPT. 16, 1971—Continued

PRESENT LAW, TITLE VII	S. 2515 (WILLIAMS, ET AL) AS REPORTED TO SENATE (S. REPT. NO. 92-415)	H.R. 1746 (ERLENBORN)
	EEOC shall conduct its proceedings in accordance with the rules of evidence in U.S. District Courts. (Sec. 4(a) "(g)".) If the EEOC finds that respondent has engaged in an unlawful employment practice, it shall state its findings of fact and issue and serve the parties with an order requiring the respondent to cease and desist from such unlawful employment practice and take such affirmative action as will effectuate the policies of the Act. An award of back pay is not to exceed that which has accrued more than two years prior to the filing of a charge with EEOC. Interim earnings operate to reduce backpay otherwise allowable. EEOC also may require respondent to make periodic reports detailing compliance with its order. If EEOC does not find an unlawful employment practice, it shall state its finding, notify respondent, and dismiss the complaint. (Sec. 4(a) "(h)".) After filing the charge but before filing the record in a court, proceedings may be ended by agreement between EEOC and parties and EEOC may at any time, upon reasonable notice, modify or set aside, wholly or partly, any order or finding issued or made by it. An agreement thus approved by the EEOC is enforceable in the courts in keeping with other provisions of this bill. (Sec. 4(a) "(i)".)	
If an employer, employment agency, or labor organization fails to comply with a court order, the EEOC may institute proceedings to compel compliance. (Sec. 706(i).) All appeals from a district court judgment are to be made to the courts of appeals. (Sec. 706(j).) Reasonable attorney's fees are authorized as an element of costs. Although neither the EEOC nor the United States is eligible to receive attorney's fees, they are liable for such costs the same as a private person. (Sec. 706 (k).)	Findings of fact and orders made or issued are to be determined on the record consistent with the requirements of the Administrative procedure Act. (Sec. 4(a) "(j)".). Any party aggrieved by a final EEOC order may obtain judicial review of the same in the U.S. Courts of Appeals. Petitions for judicial review must be filed within 60 days after service of the order. Review of such an order may be had in the court of appeals having jurisdiction over the place where the act complained of occurred or where respondent resides or transacts business. A copy of the petition is to be sent to the EEOC and to all other parties to the administrative proceedings and the EEOC, in turn, is to file a copy of the record of its proceedings with the court in accordance with 28 U.S.C. 2112. Upon filing of the petition, the court acquires jurisdiction and may issue such temporary relief or restraining order as it deems just and proper and enter on the record a decree enforcing, modifying, and enforcing as so modified, or wholly or partly setting aside the EEOC order. Intervention by parties before EEOC is authorized. The filing of a petition for judicial review does not stay the contested order unless the court directs otherwise. Objections not urged before EEOC, its members or agents shall not be considered by the court except in extraordinary circumstances. EEOC findings on questions of fact are conclusive if supported by substantial evidence on the whole record. The court may direct the EEOC to take additional evidence upon a satisfactory showing that such evidence is material and that there were reasonable grounds for failing to adduce it earlier. The record thereafter may be modified in accordance with any evidence so turned up. Upon the filing of the record with the court, its jurisdiction shall be exclusive and its degree final except that it may be reviewed by the Supreme Court. The courts are urged to handle expeditiously all matters related to equal opportunity enforcement proceedings. (Sec. 4(a) "(k)".) The EEOC may petition the courts of appeals for enforcement of its orders and appropriate temporary relief or restraining orders. Procedures are the same as those authorized in connection with review of EEOC orders. (Sec. 4(a) "(l)".)	

PRESENT LAW, TITLE VII

The Federal district courts have jurisdiction to try job bias suits authorized by this act. Proper venue lies with the judicial dis-

S. 2515 (WILLIAMS, ET AL) AS REPORTED TO SENATE (S. REPT. NO. 92–415)

If a petition for judicial review of an EEOC order is not timely filed (within 60 days after service of the order) the findings of fact together with the order become conclusive in any action by the EEOC to enforce the same. Upon the filing of a petition for enforcement by the EEOC in these circumstances, the clerk of the court of appeals is to enter a decree enforcing the order and to transmit copies of the decree to the EEOC and the parties. (Sec. 4(a) "(m)".)

Any person entitled to relief under an EEOC order may move to have it enforced if within 90 days of service of the order, neither the losing party has sought to review it nor the EEOC has moved for its enforcement. Here also, findings of fact and the order are deemed to be conclusive and the clerk of the court is to enter a decree enforcing the order and to transmit copies of the decree to the EEOC and the parties. (Sec. 4(a) "(n)".)

The EEOC's attorneys are authorized to conduct all litigation involving the Commission except in the Supreme Court. Litigation involving the Commission in the high court is to be conducted by the Attorney General. (Sec. 4(a) "(o)".)

If, after the filing of a charge, the EEOC's preliminary investigation leads it to conclude that prompt judicial action is necessary to preserve its power to grant effective relief, it may bring an action for appropriate temporary or permanent relief in U.S. District Court for the district where the unlawful employment practice was allegedly committed, or in the district where the aggrieved person would have been employed, or, as a final resort in the district where the respondent had his principal office. Accordingly, the district court in its discretion may grant injunctive relief or temporary restraining order subject to Rule 65 of the Federal Rules of Civil Procedure. (Sec. 4(a) "(p)".)

The occurrence of either one of two circumstances enables the person aggrieved to bring a civil action to obtain relief from an alleged unlawful employment practice. First, such an action may be brought within 60 days of receipt of notification from the EEOC that it has dismissed the charge. Second, such an action may be brought if the EEOC fails to act on a charge within 180 days of its filing (or such time as required to defer to State or local law). The commencement of a civil action pursuant to these provisions divest the EEOC, or the Attorney General in a case involving a government, governmental agency, or political subdivision, of any jurisdiction in the case. However, the court, in its discretion, may allow the EEOC to intervene in any private suit which the EEOC, or Attorney General in a case involving a government, governmental agency, or political subdivision certifies to be of "general public importance." (Sec. 4(a) "(q) (1)".)

Similarly, the right to bring a private action is terminated when the EEOC either issues a complaint or enters into a conciliation agreement which is agreeable to it and the person aggrieved. The right of an aggrieved person to bring a private action would terminate if the Attorney General files suit under section 706(f). The party aggrieved may bring a private action if the EEOC does not issue an order within 180 days after it issues a complaint. If a private suit is started within one year of the issuance of the complaint the EEOC may petition the court not to proceed with such suit. The court may dismiss or stay the suit if the EEOC shows that it has been acting with due diligence, that it expects to issue an order within a reasonable time, that the case is exceptional, and the extension of its jurisdiction is warranted. (sec. 4(a) "(q) (2)".)

Retains provision of existing law with language making it clear that the district court shall have jurisdiction to grant "such tem-

H.R. 1746 (ERLENBORN)

COMPARISON OF TITLE VII, CIVIL RIGHTS ACT OF 1964, PUBLIC LAW 88-352, 78 STAT. 241, 253; 42 U.S.C. 2000E ET SEQ., AS PROPOSED TO BE AMENDED BY S. 2515 (WILLIAMS, ET AL), AS REPORTED TO SENATE (S. REPT. NO. 92-415), AND H.R. 1746 (ERLENBORN) 92D CONG., 1ST SESS., PASSED BY THE HOUSE OF REPRESENTATIVES, SEPT. 16, 1971—Continued

PRESENT LAW, TITLE VII	S. 2515 (WILLIAMS, ET AL) AS REPORTED TO SENATE (S. REPT. NO. 92-415)	H.R. 1746 (ERLENBORN)
trict in the State in which the practice occurred, in the district in which the relevant employment records are kept, or in the district in which the plaintiff would have been employed but for the alleged discrimination. In the rare case where the respondent cannot be served in any of these districts, suit may be brought in the district of his principal office. (Sec. 706(f).)	porary or preliminary relief as it deems just and proper." (Sec. 4(c).)	
If the court finds an intentional violation, it may enjoin the respondent from engaging in further violations and order such affirmative action as may be appropriate. Appropriate forms of relief include reinstatement or hiring of employees, with or without backpay, but interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the backpay otherwise allowable. The court cannot, however, require the admission or reinstatement or promotion of an individual as a member of a union or the hiring, reinstatement or promotion of an individual as an employee, or the payment to him of any backpay, if he was refused admission, suspended, or expelled, or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex, or national origin, or for participation in an investigation, proceedng, or hearing designed to eliminate discrimination. (Sec. 706(g).)	Retains provisions of existing law.	The bill conditions the grant of relief in two particulars not found in the current law. First, the court may not grant any relief with respect to any person who neither has filed a charge nor had a charge filed on his behalf. Second, the court is prohibited from ordering backpay or other liability which accrued more than two years before the filing of the complaint. (Sec. 3(e).)
		The bill would add a new provision which would authorize the EEOC to seek judicial aid as may be needed pending final administrative proceedings in connection with an unlawful employment practice charge. The courts are directed to expedite the handling of this and all other litigation brought by the EEOC. However, before the court may grant any form of temporary, interim relief, the EEOC would be required to show that absent such relief "substantial and irreparable injury to the aggrieved party will be unavoidable." (Sec. 3(g).)
Enforcement (Attorney General): The present law authorizes the Attorney General to bring a civil suit if he believes that there is a "pattern or practice of resistance to the full enjoyment of rights" protected by Title VII. Before bringing suit, however, he must be convinced that the "pattern or practice is of such nature and is intended to deny the full exercise" of these rights. The complaint must be signed by the Attorney General and must set forth facts pertaining to such "pattern or practice" and request such relief, including an application for a permanent or temporary injunction, restraining order or other order as he deems necessary. (Sec. 707.)	The bill would transfer the Attorney General's "pattern or practice" authority to the EEOC two years after enactment of the bill. In the interim, the Attorney General and the EEOC would have concurrent jurisdiction in the "pattern or practice" area. The transfer contemplated by the bill may be put off or otherwise altered by the President in the exercise of his Reorganization Act authority. All "personnel, property, records, and unexpended balances of appropriations, allocations and other funds employed, used, held, available, or to be made available in this connection" are to be transferred to the EEOC. During the transfer period, "proceedings shall continue without abatement, all court order and decrees shall remain in effect, and the EEOC will be substituted as a party for the United States Attorney General, as the case may be." After passage of this bill, the EEOC will investigate "pattern or practice" charges filed by or on behalf of a person or by a Commissioner. Proceedings in "pattern or practice" suits are to be the same as those authorized for judicial review of and enforcement of EEOC orders. (Sec. 5.)	Retains provisions of existing law.
Investigations, inspections, records, State agencies: Title VII grants the EEOC access to and the right to copy evidence of a person being proceeded against or investigated. The right to copy is strictly limited to evidence that relates to unfair employment practices as de-		Retains provisions of existing law.

PRESENT LAW, TITLE VII	S. 2515 (WILLIAMS, ET AL.) AS REPORTED TO SENATE (S. REPT. NO. 92–415)	H.R. 1746 (ERLENBORN)
fined above, and that is relevant to the charge under investigation by the EEOC. (Sec. 709(a).)		
The EEOC is authorized to utilize the services of State and local agencies, and with their consent, and reimburse them for services rendered to assist the Commission in carrying out the provisions of this title. In addition the EEOC is authorized to enter into agreements with State and local agencies relinquishing the Commission's concurrent jurisdiction over such classes of cases as may be specified therein. (Sec. 709(b).)	The bill would enlarge the EEOC's present authority to utilize the services of State and local agencies, and to reimburse them for services rendered by way of assisting it to carry out its responsibilities. As amended by this bill, the EEOC would be permitted, *inter alia,* to contribute to research and other projects of mutual interest. Payments in advance as well as by reimbursement are authorized. (Sec. 6(a) "(b)".)	
The EEOC is authorized to impose recordkeeping and reporting requirements on employers, employment agencies, and labor organizations subject to the Act. Similarly, covered persons and organizations are required to maintain records including, but not limited to, a list of applicants who wish to participate in apprenticeship and other training programs, the chronological order in which applications are received, and a detailed description of the manner in which participants are selected. (Sec. 709(c).)	The bill would keep the recordkeeping requirements of the Act intact except that the provision allowing for modification in certain hardship situations is altered so as to permit persons or organizations experiencing hardship to petition the courts for relief after having exhausted all administrative avenues for such relief. (Sec. 6(a) "(c)".)	
If an employer, employment agency, or labor organization is subject to a State or local FEP regulation, it is not subject to the recordkeeping or reporting requirements adopted by the EEOC. However, the EEOC may require such notations on records kept or required to be kept "as are necessary because of differences in coverage or methods of enforcement" between State and local FEP laws and Title VII. (Sec. 709(d).)	In place of the provision to Title VII which permits modification of recordkeeping requirements where similar or related records are kept pursuant to some other law, the bill would order the EEOC to consult with other interested State and federal agencies with a view to coordinating their recordkeeping and reporting requirements. The EEOC is directed to furnish its information to State and local antidiscrimination agencies that request it on condition that such agencies maintain confidentiality of material prior to the commencement of its proceedings. Disclosures in violation of this condition constitute grounds for refusing to honor future requests (Sec. 6(a) "(d)".)	
Another exemption from the recordkeeping requirements is authorized in the case of Government contractors who are subject to the reporting requirements of Executive Order 11246, as amended, which governs employment practices by contractors and subcontractors on federal projects or federally assisted projects. (Sec. 709(d).) EEOC officials and employees are prohibited from disclosing any information obtained during an investigation. This prohibition carries a maximum fine of $1,000 or imprisonment for one year (Sec. 709(e).)		
	The bill would add a new provision authorizing the EEOC or the Attorney General to require any person having custody of records or papers kept pursuant to the law to make them available for inspection or copying. The district court having jurisdiction over the place where the demand is made may be petitioned for purposes of compelling production of such records or papers. (Sec. 6(b) "(e)".)	
"The Commission shall have authority to examine witnesses under oath and to require the production of documentary evidence relevant or material to the charge under investigation." It may "demand" (1) the right to examine and copy evidence in the possession or control of the respondent, (2) production of such evidence, and (3) the testimony of a witness under oath. If such a "demand" is not complied with, the EEOC may seek court enforcement of its "demand". It cannot require the attendance of a witness outside the State where he is found, resides, or transacts business, or the production of evidence outside the State where it is kept. (Sec. 710(a), (b).) Anyone served with a "demand" for access to or the production of evidence by the EEOC has 20 days in which to object. A petition for relief from a Commission "demand" must specify each ground upon which the petitioner seeks relief, but objections not raised within 20-day period cannot be raised in defense to a proceeding to enforce the	The bill would revise the provisions of existing law relating to investigations by incorporating the provision of section 11 of the National Labor Relations Act (29 U.S.C. 161). Accordingly, the EEOC would have access to and the right to copy relevant evidence of a person under investigation or party to a proceeding. It shall issue subpoenas to require the appearance of witnesses or the production of evidence upon application of a party to a proceeding. Any objection to a subpoena on grounds that the evidence sought is not relevant, must be made within five days of its being served. The attendance of a witness or the production of evidence may be required from any place in the U.S. or U.S. possessions and the Federal courts may be petitioned to compel compliance with a subpoena. Witnesses may not refuse to comply with a subpoena on self-incrimination grounds, but may not be proceeded against on the basis of evidence obtained from him. Complaints and all other forms of process may be served personally or by regis-	

COMPARISON OF TITLE VII, CIVIL RIGHTS ACT OF 1964, PUBLIC LAW 88-352, 78 STAT. 241, 253; 42 U.S.C. 2000E ET SEQ., AS PROPOSED TO BE AMENDED BY S. 2515 (WILLIAMS, ET AL), AS REPORTED TO SENATE (S. REPT. NO. 92-415), AND H.R. 1746 (ERLENBORN) 92D CONG., 1ST SESS., PASSED BY THE HOUSE OF REPRESENTATIVES, SEPT. 16, 1971—Continued

PRESENT LAW, TITLE VII	S. 2515 (WILLIAMS, ET AL.) AS REPORTED TO SENATE (S. REPT. NO. 92-415)	H.R. 1746 (ERLENBORN)
"demand", in the absence of special circumstances. (Sec. 710(c).)	tered mail or telegraph, or by leaving a copy at the principal office for the person being served. No subpoena shall be issued on the application of any party to the proceedings before EEOC until the respondent has been served a copy of the complaint and notice of a hearing. Witnesses and persons deposed are entitled to similar proceedings in Federal district courts. (Sec. 7.)	
Posting requirements: Employers, employment agencies, and labor organizations subject to Title VII are required to post in conspicuous places notices to be prepared or approved by the EEOC setting forth excerpts of the Act and other relevant information. Willful violations of the posting requirements carry a fine of not more than $100 for each offense. (Sec. 711.)	Retains provisions of existing law.	Retains provisions of existing law.
Veterans' preference: Title VII makes clear that it does not repeal or modify any Federal, State, territorial or local law creating special rights for veterans. (Sec. 712.)	Retains provisions of existing law.	Retains provisions of existing law.
Rules and regulations: The EEOC is empowered to issue, amend, or rescind suitable procedural regulations to carry out its functions. Such regulations must be in conformity with the standards and limitations of the Administrative Procedures Act. (Sec. 713(a).) In any action or proceeding based upon an alleged unlawful employment practice, no person will be subject to any liability or punishment because of the commission of an unlawful employment practice if he shows that the act complained of is in good faith, in conformity with, or in reliance upon a written interpretation of the EEOC. No such person will be subject to any liability or punishment because of his failure to publish or file such information in good faith in conformity with instructions of the EEOC. These good faith defenses are effective even though the interpretation or opinion in question is modified or rescinded or is determined by judicial authority to be invalid and even though, after publishing or filing, it is determined by judicial authority not to be in conformity with the provisions of Title VII. (Sec. 713(b).)	Retains provisions of existing law.	Retains provisions of existing law.
	The bill would amend the EEOC's rulemaking authority to authorize it, except in specified instances, to delegate its powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, etc. Exemptions from this broad authority to delegate include the power to issue cease and desist orders, the power to modify or set aside its findings, the power to make rules of general applicability, the power to enter to rescind agreements with the State and local nondiscrimination agencies whereby it refrains from processing a charge in any case or cases or to relieve certain persons from recordkeeping requirements; however, it is not given authority to provide for conduct of hearings by other than hearing officers as specified in 5 U.S.C. 556. The EEOC may delegate to three or more of its members all of its power. The bill also would extend criminal safeguards against interference with officials of 18 U.S.C. 1111 and 1114 to EEOC officers, agents and employees. (Sec. 8(g).) *Equal employment opportunity put under one roof:* The bill would repeal an obsolete provision of existing law that directed the Secretary of Labor to make a full and complete study of the problem of age discrimination in employment and to report to Congress thereon by June 30, 1965. In its place the	

PRESENT LAW, TITLE VII	S. 2515 (WILLIAMS, ET AL.) AS REPORTED TO SENATE (S. REPT. NO. 92–415)	H.R. 1746 (ERLENBORN)
	bill would add a new provision transferring to the EEOC all functions relating to contract compliance conferred upon the Secretary of Labor by Executive Order 11246, as amended, together with necessary personnel, property, records, and unexpended balances. (Sec. 10.) A new section would be added to the Act dealing with non-discrimination in employment by the federal government. All personnel actions of the U.S. Government and in the U.S. Postal Service and Postal Rate Commission in the D.C. government affecting employees or applicants for employment are to be free of discrimination on account of race, color, religion, sex, or national origin. Aliens employed abroad are excluded from these provisions. The Committee report gives the Civil Service Commission authority to enforce these provisions. The CSC may remedy violations by awarding back pay for applicants as well as employees, denied promotion opportunities, reinstatement, hire, immediate promotion and any other remedy needed to carry out the purposes of this section. The CSC is authorized to issue appropriate rules and regulations. It also is charged with mailing annual reviews of national and regional equal employment opportunity plans and conducting reviews and evaluations of all agency equal opportunity programs. Agency and department heads of the executive branch and D.C. officials are required to comply with rules and regulations issued pursuant to this section, to submit an annual equal employment opportunity plan, and to notify any employee or applicant of any final action taken filed by him. Provisions of 706 (q) through (w.) applicable to private actions by aggrieved persons are made applicable to U.S. government workers and applicants for Federal employment. Both would be authorized to file a civil action within 30 days of notice of final action on their complaints or, alternatively, after 180 days from the filing of an initial charge, or an appeal with the EEOC. A final subsection makes clear that nothing in this bill, if adopted, would relieve any governmental agency or official of his duty not to discriminate as spelled out in the Constitution, statutes or Executive Order No. 11478. (Sec. 11.) A section is continued which would call for mutual consultation by the Attorney General, the CSC and the EEOC with respect to rules, regulations and policies. (Sec. 12.)	
Miscellaneous: Title VII provides that "nothing in this title shall be deemed to exempt or relieve any person from liability, duty, penalty, or punishment provided by any present or future law of any State or political subdivision of a State, other than any such law which purports to require or permit doing any act which would be an unlawful employment practice under this title." (Sec. 708.)	Retain provision of existing law.	Retains provisions of existing law.
Nothing in Title VII requires that preferential treatment is to be given to any individual or group on account of an imbalance that may exist with respect to the total number of persons of any race, color, religion, sex, or national origin in comparison with the total number or percentage of persons in that or any other community. This provision applies to the admission to apprenticeship or other training programs as well as hiring by employers, referrals or classifications by employment agencies, and admission to union membership. (Sec. 703(j).)	Retains provisions of existing law.	Retains provisions of existing law.
	The bill adds a provision which makes it clear that the new enforcement authority conferred hereby is not to apply to charges filed before this bill becomes law. (Sec. 13.)	

Mr. ERVIN. Mr. President, will the Senator yield for some questions?

Mr. WILLIAMS. I am happy to yield to the Senator from North Carolina.

Mr. ERVIN. As I understand this bill, after the lapse of a year from its enactment, the commission would undertake to supervise the hiring of State employees.

Mr. WILLIAMS. Well, that is not exactly what the bill provides. In reply to the Senator, it does not provide for supervision of hiring. It would provide that the commission would work together with the States to insure that there is not discrimination for the listed reasons in employment at the State and local levels of government.

Mr. ERVIN. The commission would have the power to determine whether there was discrimination, and then to tell the States that they would have to hire the man that had been discriminated against—the man or the woman?

Mr. WILLIAMS. As the Senator knows, under the procedures provided in the bill, the Equal Employment Opportunity Commission would first be required to wait upon State action. I believe that 26 of the States have comparable provisions in State law providing for enforcement of the general prohibition against discrimination in both public and private employment.

Obviously, as the Senator knows, discrimination in employment in government at any level is prohibited. The State law specifically provides for enforcement of that in 26 States.

Mr. ERVIN. But the 22 States that do not have any State law to that effect——

Mr. WILLIAMS. On the question of enforcement in State and local government employment, the answer, as I understand it, is yes. Whether that is precisely the number, there are a number of States that do not have enforcement, yes.

Mr. ERVIN. As I understand the measure, it would apply to all State officials who had the power to hire people. Would the Commission have the power, under the bill, to tell the Governor of North Carolina, for example, whom he should hire as a secretary?

Mr. WILLIAMS. The answer is clearly no.

Mr. ERVIN. Well, if the Commissioner found that the Governor of North Carolina preferred to hire a secretary of his own race, would the Commission not have the right to compel him to hire a secretary of another race?

Mr. WILLIAMS. This bill would provide that he could not discriminate in his employment because of the listed reasons. Race is one of them.

Mr. ERVIN. Is there any difference between a discrimination and a preference? Suppose the Governor of a supposedly sovereign State prefers to hire a secretary who is of his own race. If he did so, he would violate the provisions of this bill, would he not?

Mr. WILLIAMS. The Senator referred to a secretary. Is this a cabinet position that the Senator is referring to?

Mr. ERVIN. No, a secretary that takes dictation from the Governor.

Mr. WILLIAMS. I see. I refer the Senator from North Carolina to page 11 of the committee report, and suggest we read it together:

> A question was raised in the Committee concerning the application of Title VII in the case of a Governor whose cabinet appointees and close personal aides are drawn from one political party. The Committee's intention is that nothing in this bill should be interpreted to prohibit such appointments unless they are based on discrimination because of race, color, religion, sex or national origin. That intention is reflected in sections 703(h) and 706(g) of the law.

Mr. ERVIN. Suppose the Governor of a State prefers to dictate to a male secretary. He has some ladies who apply to him for the job. He prefers to hire a man for that purpose rather than a woman, and does so, although all applicants are equally capable of doing the job, or the women might be superior to the man in qualifications. Then the Federal Government would have the power to tell the Governor of a State that he would have to hire a woman rather than a man to be his secretary, would it not?

Mr. WILLIAMS. The question is——

Mr. ERVIN. The question is that the Federal Government would have the power to tell the Governor of a supposedly sovereign State that he had to hire a male secretary in preference to a female, or the converse, hire a female secretary in preference to a male, would it not?

Mr. WILLIAMS. If the question was simply brought down to that he refused to hire a person because the person was a woman, this is interdicted by law.

Mr. ERVIN. By this law. Not other law, but this law.

Mr. WILLIAMS. I believe that this particular question has come to the Supreme Court, or I believe that it is on its way to the Supreme Court now.

Mr. ERVIN. Yes. But the existing law about so-called fair employment practices does not apply to State governments or political subdivisions of a State.

Mr. WILLIAMS. That is right.

Mr. ERVIN. This bill is designed to make them apply to State employment practices.

Mr. WILLIAMS. That is right.

Mr. ERVIN. So under this bill a Federal agency would have the power, if it though there was any discrimination on account of race, sex, or national origin, to tell the University of North Carolina whom they had to hire as a professor of philosophy, would it not?

Mr. WILLIAMS. Of course, the procedure here is for enforcement, if this bill became law. In this area, the Attorney General brings the complaint against the agency that is charged, in the State or the local government, with discrimination against an individual because of his race, his color, his sex, or his national origin, and this goes to trial. It goes to trial right there in the district court in the State of North Carolina.

Mr. ERVIN. Is the Senator from North Carolina correct in saying that this bill makes a distinction in its enforcement as against the State or political subdivision of the State and its enforcement against a private employer.

Mr. WILLIAMS. Yes.

Mr. ERVIN. And one has to go to the Federal district court to proceed against a State or a political subdivision of a State.

Mr. WILLIAMS. That is right.

The bill as originally introduced did not proceed in this way. It was felt—I was sitting as chairman—and I agreed, after it was fully discussed, that it would be better received, perhaps, when the Federal Government was moving into the dispute with a State or one of its subdivisions; that an agency of the Federal Government not be the moving party, but one of its departments, its law department, through the Attorney General. The administration did accept and agree with it.

Mr. ERVIN. By this bill, the executive branch of the Federal Government is given the power to go into the judicial branch of the Federal Government and ask it to tell State officials who control the hiring practices of the State what to do. Is that not so?

Mr. WILLIAMS. It says there shall be no discrimination because of one's color. I will tell the Senator that. It is as clear as can be.

Mr. ERVIN. Does not the word "discrimination" means a preference—if one exercises a preference, is he not practicing a discrimination?

Mr. WILLIAMS. A prejudice or a preference, put it as you will. I would say a prejudice rather than a preference.

Mr. ERVIN. Those of us who are married proposed to one girl because we preferred her over another. Is that not a discrimination?

Mr. WILLIAMS. That will be the day, when the Senate involves itself in that.

Mr. ERVIN. The Senate has involved itself in that, and Congress has, because in the open occupancy bill it is stated that it is discrimination to prefer to rent a house to a man of your own race in preference to a man of another race, or to rent it to a person of your own religion in preference to a man of another religion.

Mr. WILLIAMS. I thought the Senator was talking about matrimony. The Senator shifted gears on me, from matrimony into housing.

Mr. ERVIN. I brought out the point to show that every one of us discriminates every day in all the relationships of life. We discriminate when we decide to walk along the right side of the street instead of the left side, because that is the exercise of a preference.

Under this bill the Governor of a State, which was at one time alleged to be sovereign, cannot even exercise his own preferences in employing his secretaries, without running the risk of being hailed into a Federal court by the Department of Justice, and having the Federal court tell him who he has to hire. I think it is rather drastic to enact a bill which empowers a Federal agency to supervise whom the University of North Carolina employs to teach philosophy. That is exactly what this bill will do.

The distinguished Senator from New Jersey said earlier that there is something in the committee report that states that one cannot interfere in the case of employees of Cabinet members, but nothing in this bill says that; and the bill controls rather than the committee report.

Mr. WILLIAMS. If the Senator is talking about racial discrimination or preference, the 14th amendment goes back more than one hundred years. There, the constitutional equality is protected. What we are doing is exactly what is suggested in the 14th amendment, section 5:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

And here we are, legislating.

Mr. ERVIN. One of the provisions of that amendment is that nobody shall be deprived of liberty without due process of law; and at one time the 14th amendment was construed to mean that a man had liberty of contract, which this bill would take away.

Mr. WILLIAMS. Nor deny to any person within its jurisdiction the equal protection of the laws.

People are protected in this country against discrimination because they are black. The Constitution has said it, and what we are doing now is making sure that the Constitution means what it says. It is as simple as that.

Mr. ERVIN. The Constitution also says, in substance, that the Constitution was written to create an indestructible union composed of indestructible States; and here is a bill that would give the Federal Government, acting through the Federal court, the power to supervise the hiring practices of every official in the State or its subdivision. The bill would empower the Federal court at the suit of the Attorney General to govern the employment practices whereby all persons, other than elected officers, are engaged to work for a State or any of its political subdivisions. Neither a State nor any of its subdivisions could exercise any preference in employment on account of race, religion, or national origin.

Mr. WILLIAMS. I stated earlier that it is not as broad as that. Basically, to all employees, yes. But there are those who can be hired for other reasons, even political reasons, but they cannot be discriminated against because of color.

Mr. ERVIN. But nothing in this bill says that. The bill controls, not the report of the committee. The State cannot exercise any preference as between persons of different races, religion, or national origins. It means in practical operation that the State will be compelled to hire members of minorities in preference to members of the majority.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. WILLIAMS. If the Senator would refer to page 63 of the committee report and permit me to yield to the Senator from New Mexico——

Mr. ERVIN. The Senator from North Carolina looks at the bill. The committee report is inconsistent with the provisions of the bill on that point, and the provisions of the law control over a committee report where there is an inconsistency.

Mr. MONTOYA. Mr. President, will the Senator yield at this point?

Mr. WILLIAMS. This is amending present law, and present law covers this. I yield.

Mr. MONTOYA. I have listened with great interest to the colloquy, and I believe something has not been mentioned which is the main thrust of this bill—that the provisions of this bill do not apply to a State unless that State has a law which prohibits the practice about which a complaint is being made. If a State has no such law and if the particular practice which is being complained of is not violative of any criteria in the State law, the Equal Employment Opportunity Commission has no right to intervene, under the provisions of this bill. Is that correct?

Mr. WILLIAMS. Where there is State procedure, the Federal Government waits upon the States.

Mr. MONTOYA. Yes. As I understand the provisions here—I am referring to the provisions on pages 35, 36, and 37 of the bill, the State must have a law which prohibits such an employment practice. The State must have a certain procedure which must be adhered to, and it must make certain findings that either the practice complained of did occur or did not occur. Then the Federal Employment Commission steps in to make a final judgment; but before that final judgment is made, they go in to persuade, if a certain practice has been going on which is violative of State law. Is that correct?

Mr. WILLIAMS. That is basically correct.

Mr. MONTOYA. So, up to that point, there is no mandate from the Federal Commission. The Federal Commission has no authority to step in unless there is substantial evidence that the State law has been violated by a State official with respect to the employment of an individual.

Mr. WILLIAMS. That is right. That pertains in 26 States. New Mexico is one of those States.

Mr. ERVIN. I say this with all due respect to the Senator from New Mexico. The way I read the bill is that it applies to all 50 States of the Union regardless of whether they have a State law on the subject or not. The only difference between a State which does not have a State law and a State which does have a State law on this subject is that the Federal authorities will stay their hands temporarily to give the State authorities, acting under State law, a chance to decide the matter.

Mr. WILLIAMS. That is not inconsistent with what the Senator from New Mexico said.

Mr. ERVIN. Oh, yes. He said that the bill did not apply to a State that did not have the State law.

Mr. MONTOYA. Let me read the particular provision, on page 36, beginning on line 22, section (d):

> In the case of any charge filed by an officer or employee of the Commission alleging an unlawful employment practice occurring in a State or political subdivision of a State which has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof the Commission shall, before taking any action. . . .

Mr. ERVIN. Before any action, yes——

Mr. MONTOYA. "Before taking any action with respect to such charge," yes—

> notify the appropriate State or local officials and, upon request, afford them a reasonable time, but not less than sixty days (provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State or local law), unless a shorter period is requested, to act under such State or local law to remedy the practice alleged.

The condition in that particular position is that the State must have a law prohibiting such practices.

Mr. ERVIN. I hate to disagree with my good and genial friend from New Mexico, but what I read says exactly the opposite. The bill says that where a State has a law on the subject the Commission before acting in respect to a charge arising in that State will notify the appropriate State or local officials and afford them a reasonable time to correct the matter.

But those provisions have no application to a State which has no State law on the subject. The Commisison can "sic" the Attorney General and the Attorney General can "sic" a Federal judge on the State having no such State law immediately.

Mr. WILLIAMS. If I could intervene there, this is the situation. It is understandable because the State of New Mexico has such a law. What the Senator from New Mexico is stating applies completely to the State of New Mexico.

Mr. MONTOYA. Right.

Mr. WILLIAMS. I come from a State, and the Senator from North Carolina comes from a State which are otherwise. Our States do not have State laws that comes from a State, which are otherwise. Therefore our situation is different.

Mr. ERVIN. But the Senator from North Carolina would say, if his hearing apparatus is working properly, that what the distinguished Senator from New Mexico said is that this bill did not apply to a State that did not have a State law on the subject covered by the bill.

I say that the bill applies to all 50 States and the only difference between them is that the bill can and be immediately applied to a State which does not have a State law, but that where a State does have a State law on the subject the Commission must wait until the period of time specified on page 37 of the bill in section (d) has elapsed.

Mr. WILLIAMS. I can only point to the word "immediately." All the reasonable procedures are there before the Federal Attorney General would, indeed. move to file in a court of law against a State or a city or a county. So it is not immediately. All of the reasonable requirements are there for reasonable men to try to work towards no discrimination in a State or local government; but I will say again that it is true the State of North Carolina and the State of New Jersey, which we represent, are two of the States that do not have the State law. The great State of New Mexico, enlightened as it is, does.

Mr. MONTOYA. If the Senator will yield further to me, in answer to what the Senator from North Carolina has stated, I would like to ask either the Senator from New Jersey or the Senator from North Carolina, what is the purpose of this particular language, then, if the Senator from North Carolina is correct, the language occurring on page 35, beginning on line 3—

> . . . the Commission shall accord substantial weight to final findings and orders made by State or local authorities in proceedings commenced under State or local law pursuant to the requirements of subsections (c) and (d).

Mr. ERVIN. That makes the same distinction. It provides that where there is a State law on the subject the commission will accord respect to the findings of State authorities acting under the State law.

Mr. MONTOYA. Therefore, this law presumes that its application shall be triggered only when it seeks to review findings by State or local law with respect to prohibited employment practices.

Mr. ERVIN. Oh, no. Oh, no. Not the way I read it. This bill applies to every State in the Union and every political subdivision of every State, but it makes a distinction between a State which has a law authorizing its authorities to deal with the situation under State law, and a State which does not have such a law.

The bill applies to all States, but the Commission is required to postpone action until in a State having a State law the State authorities are given a chance to act. In States where the State acts under State law, the Commission will not reverse its action peremptorily, but will give due respect to the findings of the State or local authorities.

My feeling about this bill would be dissipated substantially if it did state that there was nothing in the bill applicable to any State which does not have a State law of this nature. If the Senator from New Jersey would accept an amendment to that effect, I will sit down and be quiet for the time being.

Mr. MONTOYA. I have not been able to find any language in the bill which indicates that the bill does apply in two situations. If the Senator is correct, then there are two proceedings here. One would be where the Federal Employment Opportunities Commission steps in to review the reactions under a State or local law, and the other would be a proceeding whereby the Federal Employment Opportunities Commission steps in to review, prohibiting an employment practice under Federal law when there is no State law or local law to govern such a violation.

Mr. ERVIN. I have no difficulty finding the provision that my good friend has not found. It is on pages 32 and 33, subsection (1). It amends the original act of 1964 so as to make it applicable to governments, governmental agencies, and political subdivisions.

Also on the next page, page 33, subsection (b), it brings all States and political subdivisions of States under the bill by omitting the language of the 1964 act which exempted States and political subdivisions of States from the act. So that brings them in.

Also on page 35, subsection (5), it describes the activities that come under this bill by these words in—

> . . . and further includes any governmental industry, business, or activity.

So that is why the State governments and their subdivisions are brought in—all of them. None of them are exempted.

Let me ask another question. If the authorities of a private school, for example—a private military school—prefer to hire a man to be their instructor in military tactics, and a former WAC or former WAVE want the job, but they prefer the man to the former WAC or the former WAVE, this commission can compel that private school to hire the WAC or the WAVE rather than the man, can it not?

Mr. WILLIAMS. If the sole reason for denying employment was that the employed person in that case was a woman, that would be prohibited.

Mr. ERVIN. Or if they preferred to hire the one they did hire because he was a man rather than the WAC, that would be a violation of the act.

Mr. WILLIAMS. I am not too sure that that follows. If there were no WAC waiting to be hired, there would be no way to test it.

Mr. ERVIN. I am asking a hypothetical question.

Mr. WILLIAMS. The Senator means if there were two applications, one from a WAC and one from a WAVE?

Mr. ERVIN. The Senator is correct, and if they were familiar with military tactics in the school. If the board of trustees preferred a man instead of a woman, they would be discriminating.

Mr. WILLIAMS. The Senator could put it in the context of the Naval Academy. We would then have a little problem. It is an interesting problem that the Senator is exploring.

Mr. ERVIN. We have a proposed constitutional amendment pending that would convert the service academies into coeducational war academies.

Does not the Senator from New Jersey think that the board of trustees of a State university are better qualified to select a professor of mathematics or philosophy than a Federal judge or the Attorney General?

Mr. WILLIAMS. If there is discrimination practiced in the university, there is an action at law for the individual discriminated against, if the reason is race.

Mr. ERVIN. For example, this bill also refers to national origin. Let us get at the matter of national origin. Assume that the University of North Carolina wants a professor of history, and they prefer that that professor be a man who was born and reared in North Carolina, rather than someone who was born and reared in Australia. If they prefer the North Carolinian to teach that history course rather than someone from Australia, they would be subject to being hailed into the Federal court and being told by the Federal judge that they would have to hire the Australian rather than the North Carolinian, would they not?

Mr. WILLIAMS. Is the hypothesis the Senator is suggesting that the sole reason for not employing the other individual was that he was from Australia?

Mr. ERVIN. If both of them are equally qualified and the board of trustees prefers to hire the man born in North Carolina rather than a man born in Australia to teach North Carolina history at the University of North Carolina.

Mr. WILLIAMS. Even in the hypothetical question I see a reason for selecting the North Carolinian that does not have to do with national origin.

Mr. ERVIN. But I am assuming that the board of trustees prefers to hire the North Carolinian rather than the Australian, even though both are equally qualified.

Mr. WILLIAMS. If the reason that a man from Australia, Italy, or Greece, does not receive a job that he has been found to be equally qualified for is his national origin, that is discrimination. That is the enemy, and that is what this legislation goes after.

Mr. ERVIN. The board of trustees of the University of North Carolina would not be allowed under this act to prefer a North Carolinian, even to a Georgian, for example. They could be hailed into Federal court.

Mr. WILLIAMS. The national origin is specifically mentioned. I think there is a separate question as to the State of origin. That is not the language of the legislation.

Mr. ERVIN. No, but even though they do not get their full rights under the Constitution of the United States, North Carolinians are generally considered to be Americans. That would be their national origin.

Under North Carolinian law, the sheriff of a county is allowed to select deputy sheriffs to serve under him. This bill would give the Federal judge jusisdiction on petition of the Attorney General to tell the sheriff whom he shall appoint as deputies, assuming that he has eight or more.

Mr. WILLIAMS. No.

Mr. ERVIN. Why not?

Mr. WILLIAMS. I should have referred to a section in the current law that I did not refer to in our earlier discussion. Section 703(e) does put it in a different way really. The Senator suggested that a person was not hired, because of his national origin.

There can be a preference in employment where that was a reasonable basis in terms of the job, because the present law says:

> (e) Notwithstanding any other provision of this title, (1) it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ an individual in any such program, on the basis of his religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise . . . .

So, there can be a selection on that basis, if that were a bona fide basis.

Mr. ERVIN. Would the Senator tell me what text he is reading?

Mr. WILLIAMS. Page 50 of the committee report. And this is the current law. It is printed from the current law.

Mr. ERVIN. I respectfully submit that the committee report is not controlling where the committee report states something that is not in the bill. The bill is what controls.

Mr. WILLIAMS. Or the law that the bill does not change.

Mr. ERVIN. The only law that I know about on it is in the 1964 act where it says that one can discriminate on the grounds of race, sex or national origin where such factor is a bona fide qualification for the job.

Mr. WILLIAMS. This is Public Law 88–352. The provision that I read from is from the law. It is printed word for word in the committee print under the provisions of our own rules. This is in the committee print. This is in the public law, and it is from section 703(e).

Mr. ERVIN. I assume that the Senator is reading from the 1964 act.

Mr. WILLIAMS. The Senator is correct. And that is the law.

Mr. ERVIN. Yes, but there is no bona fide qualification about race, sex, religion, or national origin in teaching history. There is no qualification whatever. There is no bona fide qualification in respect to race, sex, religion or national origin with relation to a police force. That has no application, I submit.

Mr. WILLIAMS. These would be employers who would be covered, and that would apply.

Mr. ERVIN. But that is where race, sex, religion, or national origin is a qualification for the job.

Mr. WILLIAMS. The Senator is correct.

Mr. ERVIN. The provision the Senator has just read allows a church to get a preacher who belongs to the denomination of the church, and things like that.

Mr. WILLIAMS. Or whether it is North Carolina history, and whether the applicant was reared and born and raised in North Carolina.

Mr. ERVIN. There is no qualification either in race, sex, national origin, or religion in teaching history. That is not a qualification.

Mr. WILLIAMS. It is a bona fide qualification. There can be a selection because of——

Mr. ERVIN. Well, I will have to say I do not think that race, sex, religion, or national origin is a bona fide qualification for teaching history.

Mr. WILLIAMS. It would be hard to conceive the situation where it was a bona fide qualification.

Mr. ERVIN. Yes. In fact, I do not have enough imagination to conceive of such a situation.

Mr. WILLIAMS. In the hypothesis the Senator was giving was the North Carolina history to be taught by a North Carolinian and not an Australian?

Mr. ERVIN. Yes.

Mr. WILLIAMS. I can see every reason to find this bona fide qualification.

Mr. ERVIN. Not when you turn this over to a bunch of crusaders.

Mr. WILLIAMS. We are dealing in this matter with the district court and I find them mostly to be reasonable men.

Mr. ERVIN. They would have jurisdiction in the case of Duke University, which is not a State school. Under this legislation the commission can pass on qualifications of doctors of philosophy or professors of mathematics in all non-State colleges in the United States.

What about police forces? Here is the police force of the town. Under this measure the Federal judge, who is set in motion by the Department of Justice and the Department of Justice which is set in motion by the Commission, can tell my hometown whom they have to hire to be policemen. I do not think that is a proper function for any branch of the Federal Government to exercise.

Mr. WILLIAMS. They can say they cannot discriminate, because the man's national origins run back to the other part of the universe.

Mr. ERVIN. They can say, "You cannot refuse to hire this man." We say we prefer someone brought up in the hometown to this other fellow. Their qualifications are the same. So they say, "You have discriminated against the man from Tierra del Fuego to be a policeman there and if you do not hire him, you have to pay his wages anyway."

Is that not what the bill provides?

Mr. WILLIAMS. That is not really a part of this legislation. The question of residency for employment for a police officer is not the thrust and reach of this legislation. There are other provisions, "privileges, and immunities."

Mr. ERVIN. No. In this case one man was from Tierra del Fuego and the other man was born and raised locally. So we have that proposition.

Mr. WILLIAMS. That is possible, yes.

Mr. ERVIN. All I hope is that if this bill becomes law the people who execute it will have more discretion than I think many human beings have.

Mr. WILLIAMS. We are dealing with State and local governments. It was felt, again, that the enforcement of this legislation, when the Federal law is applied to State and local governments, should come from the prestigious level of the Department of Justice, the Attorney General.

I do not think this is particularly a crusade here that we are dealing with. It is not a crusade.

Mr. ERVIN. No, but on most of these commissions there are crusaders. Most of the members of such commissions are crusaders.

Mr. WILLIAMS. What is a crusader? How does the Senator define a crusader?

Mr. ERVIN. They are necessarily so. The commission is the prosecutor; it is an agency which can prefer the charge. It can prosecute the charge, it can act as a jury and determine the facts in connection with the charge, and be the judge and executioner.

Mr. WILLIAMS. That is an alliteration and it sounds like something out of the theater, but it is not the case.

As I explained to the Senator, the commission refers to the Attorney General, the Attorney General carries it against the States or the local government, and it goes to a district court.

Mr. ERVIN. That is only where the proceeding is against the State, but in the case of a private employer, the commission can make the charge——

Mr. WILLIAMS. We are not dealing with governments now.

Mr. ERVIN. No, I am now discussing private employers. It makes the charge, it prosecutes the charge, and then it tries the charge, and then enters judgment. In other words, it combines the office of prosecutor, jury, and judge in one agency. The Supreme Court has had something to say in this regard:

> More fundamental, however, was the purpose to curtail and change the practice of embodying in one person or agency the duties of prosecutor and judge.

I say that no agency should ever be both the prosecutor and the judge. I say it is incompatible with fair play and it should be judged incompatible with due process of law, because if a man prefers a charge against me and prosecutes me, and he will be prone to adjudge me guilty. The accused has a poor chance of ever having his innocence established. So I think that this combining of the offices of prosecutor and judge in the same agency is a prostitution of the judicial process.

Mr. WILLIAMS. If the situation were as the Senator has described after this becomes law I would feel somewhat as the Senator from North Carolina does, but even the bill as first introduced had its separation of functions. But this bill, after it is finally considered here, will have, in my judgment, all of the separation of functions and powers that the Senator is addressing himself to.

Before the Senator came into the Chamber I indicated for the committee that an amendment would be offered by the Senator from Ohio creating the Office of General Counsel. That will more certainly separate the various functions or investigations, the hearing process and prosecutions. These will be separated and it will not be one man. It will be in its separate compartments, in the whole orderly judicial process under due process.

Mr. ERVIN. I have not seen the amendment of the Senator from Ohio, but will it take away and eliminate from the bill the provision authorizing an officer or employee of the commission to prefer a charge?

Mr. WILLIAMS. No; that part is not dealt with by this. A charge can be——

Mr. ERVIN. They can prefer charges?

Mr. WILLIAMS. Yes.

Mr. ERVIN. And then, the commission can determine the validity of the charge.

Mr. WILLIAMS. Yes, but not the same man.

Mr. ERVIN. That is about as separate the Siamese twins were.

Mr. WILLIAMS. The general counsel would, as in other agencies, make an independent evaluation for prosecution.

Mr. ERVIN. Would it prohibit an officer or agent from prosecuting the charge? I refer to the amendment of the Senator from Ohio.

Mr. WILLIAMS. I am sorry. I missed the question.

Mr. ERVIN. Would the amendment to be offered by the Senator from Ohio forbid an officer or agent to prosecute a charge?

Mr. WILLIAMS. As I understand it, the answer to that, if I understand the proposed amendments that will be offered, and if I understand the question, the answer is he cannot prosecute the charge.

Mr. ERVIN. Can he prefer a charge?

Mr. WILLIAMS. Prefer, yes.

Mr. ERVIN. And still the members of the Commission are going to conduct the trial.

Mr. WILLIAMS. He will not be in the trial.

Mr. ERVIN. General Counsel will bring the proceeding, but the same Commission whose agents prefer the charge will be the judge and the jury—not the prosecutor, but the judge and the jury.

Mr. WILLIAMS. Where a Commission employee prefers the charge, he is not part of the jury, and the same would, of course, apply to the decision, excluding an officer or employee who first puts in the charge.

Mr. ERVIN. But it is going to be tried by members who are on the same Commission with him and whose offices are in the same building and who associate with him daily and draw their pay from the same place.

Mr. WILLIAMS. That is right, and the district attorneys live right across the hall from the district judges, appointed by the same appointing officer.

Mr. ERVIN. Yes, but one is the judiciary and the other is the executive, and here we have the executive and judiciary all balled up together.

Mr. WILLIAMS. It is easy to say, but it does not work out that way. It is very easy to say that.

Mr. ERVIN. Yes, it does.

Mr. WILLIAMS. That is why we are separating these functions.

Mr. ERVIN. It is comparable to having the prosecuting attorney, who makes the change or the grand jury that returns the bill of indictment sitting on the bench to determine the validity of the bill of indictment. So the divorce is not enough.

Mr. WILLIAMS. Let me stay with this analogy. I hope the respondent will have with him an attorney more than a defendant can have in a grand jury. There is a record on this. When it comes to a record, the whole record goes to the Court of Appeals and, if necessary, to the Supreme Court of the United States.

Mr. ERVIN. Yes, it does, but there is a provision in the bill that if the findings of the commission are supported by substantial evidence—and 5 percent may be substantial—they are binding on the courts and they cannot do anything about it. If I can write the verdict, I do not care who writes the judgment; the findings of fact determine the kind of judgment which must be written.

Mr. WILLIAMS. I think we are talking about the time-honored test of "substantial evidence." This is time-honored. I always thought that term was better than "weight of the evidence." "Substantial," I think, is better than "weight of the evidence."

Mr. ERVIN. Oh, no. "Substantial" is any part of it. Five percent can be substantial, but it takes a little over 50 percent of the convincing force of the testimony to be the weight of the evidence.

Mr. WILLIAMS. I always thought it was a little more than that. I thought it was the bulk.

Mr. ERVIN. I remember a number of decisions which Federal judges have written in which they stated, "If I had the power to find the facts in this case, I would find the facts exactly opposite from those found by the board, but I am powerless."

So you can take 5 percent of the evidence and that may control the matter, and no power on earth can correct that finding of fact, because it is binding on the courts. That is one reason why we ought to have jury trials in all cases.

Mr. WILLIAMS. Yes, and we have our anxious moments before juries.

Mr. ERVIN. Yes, but you have 12 impartial men. The jury is charged with ascertaining the truth between two conflicting sides, and the jury is not charged with enforcing the law, except to do justice and to find the facts. Here you have this very agency which is charged with the duty of enforcing the law having the power to prefer charges and the power to act as judge, even if you adopt the amendment of the Senator from Ohio and keep him from being prosecuting attorney, too.

I want to thank the Senator. I hope I have not tried his patience. He is a very patient man.

Mr. WILLIAMS. Not at all. I believe it was helpful to the record. I know it was helpful to the Senator from New Jersey. I appreciate it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING CHAIR (Mr. BYRD of Virginia). The Chair, on behalf of the Vice President, appoints the Senator from Wisconsin (Mr. NELSON) as an alternate to the United Nations Conference on the Human Environment, to be held in Stockholm, Sweden, June 6–16, 1972.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business, not to extend beyond 12:10 p.m., with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TOMORROW, SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the hour of 12:10 p.m. tomorrow, the Senate stand in recess, subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PACKWOOD TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Oregon (Mr. PACKWOOD) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, upon return of Senators to the Chamber tomorrow following the state of the Union message by the President of the United States to a joint session of Congress, the unfinished business be laid before the Senate by the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I regret that no Senator wishes to speak further today on either side of the aisle or on either side of the question. Tomorrow, following the President's state of the Union message, the Senate will resume consideration of the unfinished business, S. 2515. In the interest of expediting action on that bill, the leadership wishes to express the hope that Senators will be prepared to call up amendments tomorrow, debate them, and take action thereon; otherwise, at some reasonable point along the way, the leadership will be prepared to ask for the third reading of the bill—but only after Senators have had ample opportunity to offer amendments.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROTH). The clerk will call the roll.

The second assistance legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is ordered.

ORDER FOR PERIOD OF 15 MINUTES TO BE ALLOCATED FOR YEA-AND-NAY VOTES DURING REMAINDER OF SESSION

Mr. BYRD of West Virginia. Mr. President, by authorization of the distinguished majority leader, and having consulted with the distinguished minority leader and the distinguished assistant Republican leader, I make the following unanimous-consent request:

That, effective immediately and for the remainder of the second session of the 92d Congress, there be a period of 15 minutes allocated to each rollcall vote, with the warning bell to be rung midway, at the expiration of 7½ minutes.

The PRESIDING OFFICER (Mr. Roth). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I invite attention to the fact that last year there were 423 rollcall votes. The saving of 5 minutes on each rollcall vote would amount to something like 2,115 minutes saved for the session; or, to carry that further, a saving of over 35 hours.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the Senate will convene tomorrow at 11:30 a.m. After the two leaders have been recognized, the distinguished Senator from Oregon (Mr. Packwood) will be recognized for not to exceed 15 minutes, following which there will be a period for transaction of routine morning business, with statements limited therein to 3 minutes. Routine morning business will end no later than 12:10 p.m. At 10 minutes past 12 noon tomorrow, the Senate will stand in recess, subject to the call of the Chair. Senators will assemble in a body and will begin to depart this Chamber at 10 minutes past 12 noon and will proceed to the other side of the Capitol to hear the President's state of the Union message delivered before a joint session of the Senate and House of Representatives. Following the President's speech, Senators will return to the Senate Chamber, the Chair will lay before the Senate the unfinished business, S. 2515, and the consideration of that measure will be resumed.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, for the record what is the pending question before the Senate?

The PRESIDING OFFICER (Mr. Roth). The pending question before the Senate is on agreeing to the committee amendment to the bill, S. 2515.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

ADJOURNMENT TO 11:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, pursuant to the provisions of Senate Resolution 225, as a further mark of respect to the memory of the deceased, the Honorable George W. Andrews, late a Representative from the State of Alabama, and in accordance with the previous order, that the Senate stand in adjournment until 11:30 a.m. tomorrow.

The motion was agreed to; and (at 2:09 p.m.) the Senate adjourned until tomorrow, Thursday, January 20, 1972, at 11:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, January 19, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

In God is my salvation and my glory: The rock of my strength and my refuge is in God.—Psalm 62: 7.

Eternal Father, who hast been the dwelling place of Thy people in all generations and who in Thy mercy hast brought us to the beginning of another year and another day, we thank Thee for the leading of Thy spirit in the past and pray that we may respond to Thy summons to live a truer life, to make our country a greater nation, and to build a better world where man can live together safely and securely. Only with Thee can this be done.

Teach us to bring our littleness to Thy greatness, our weakness to Thy strength, our ill will to Thy never-failing good will, and amid all the changes of this mortal life may we rest upon Thine unchanging presence. In life and in death, O Lord, abide with us and with our people now forevermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

THE LATE HONORABLE COURTNEY W. CAMPBELL, FORMER MEMBER OF CONGRESS FROM THE FIRST DISTRICT OF FLORIDA

(Mr. SIKES asked and was given permission to address the House for 1 minute.)

Mr. SIKES. Mr. Speaker, I rise to announce to the House and to express my sorrow and profound sense of loss on the death of Courtney Campbell. His distinguished public career included service in the Congress from 1953 to 1955.

Mr. Campbell's life was long and rich. Born in 1895, in Chillicothe, Mo., he rose to distinction through outstanding achievements in many different fields. A graduate of the University of Missouri, he returned from his service with the U.S. Army during the First World War to begin studying for a legal career. He came to Florida in the early 1920's. In 1924 he was admitted to the bar in Missouri and Florida and began his practice in Tampa. He went on to become assistant attorney general for the State, meanwhile distinguishing himself as well as a citrus grower, banker, land developer, and vice president and general manager of the Food Machinery & Chemical Corp. in Lakeland.

The citizens of Florida will always remember Courtney Campbell with gratitude, respect, and admiration. From 1942 to 1947 he served with the Florida State Road Board, and in that office one of his proudest achievements was the establishment of the system of Florida State roadside parks. The naming of the Courtney Campbell Parkway between Clearwater and Tampa in his honor was a well-earned tribute to his remarkable dedication and energy, and to his belief in the need to develop and protect Florida's scenic beauty. In 1948 and 1949 he also served as chairman of the Pinellas County Park Board.

During the Second World War Mr. Campbell's leadership and experience were called into service as a member of the Florida War Labor Relations Board, where his tact, patience, and ability made a major contribution to the war effort.

Those of us who served with Courtney Campbell in Congress remember him with great affection and respect as a kindly man who impressed the membership on both sides with his ability, his dedication, and his conscientious service. He had the true spirit of patriotism that is grounded in the love of service to one's nation and one's fellow citizens. The people of Florida will mourn his passing and feel their loss for years to come, but they can take great pride in the memory of a man whose achievements made such an outstanding contribution to their State and to the Nation.

Mrs. Sikes and I extend our deepest sympathies to his beloved wife, Henrietta, and to all the members of his family in their great loss.

Now I yield to my distinguished colleague from Florida (Mr. YOUNG) who ably represents the district in which Mr. Campbell lived at the time of his death.

Mr. YOUNG of Florida. I thank the gentleman for yielding. Mr. Speaker, it is with great sadness that I report the death on December 22 of former Congressman Courtney Warren Campbell, a distinguished American whom many here will recall performed outstanding service in the 83d Congress.

A resident of Clearwater in my home district, Courtney Campbell was one of Florida's most eminent businessmen and public servants. He was a man of courage, ability, and integrity, and his death at the age of 76 is a loss to all of us.

Courtney Campbell served as a second lieutenant in World War I, and will be remembered by many of us for his unfailing and outspoken love of his country. At a time when patriotism and Americanism cause snickers among some elements of our population, Courtney Campbell was an unashamed—yes, even proud—patriot.

Like many of us, he felt the best hope for peace in this troubled world lies in a strong, free America, and he devoted his life to helping insure that this great Nation maintains the strength to discourage aggression.

As a member of the Florida Road Department, Courtney Campbell was responsible for rebuilding of the causeway that links Tampa and Pinellas County, and although he objected, this facility was named in his honor. He was elected to Congress in 1952 and represented the Tampa Bay area.

A man of deep spiritual faith, Courtney Campbell served his community and Nation in many capacities and was an inspiration to all who knew him. I extend my deepest sympathy and heartfelt condolences to his family.

Mr. SIKES. Mr. Speaker, I now yield to my distinguished colleague, Mr. GIBBONS, who also represented the district in which Mr. Campbell served and lived.

(Mr. GIBBONS asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. GIBBONS. I thank the distinguished gentleman (Mr. SIKES) for yielding to me on this sad occasion.

Mr. Speaker, I had known Courtney Campbell ever since I was a little boy and he was a young man. He was always a very fine gentleman, very thoughtful, very considerate, and he always took part in good causes in his community, State, and Nation.

His death is one of those untimely passings that we all see from time to time.

Mr. Speaker, I had a great deal of respect for Courtney Campbell. He was a quiet, persuasive businessman who spent some of his time working in government and made a great contribution to it.

I wish to extend my own personal regrets to his wife, Henrietta, and to the other members of his family.

The recent passing of the Honorable Courtney Warren Campbell has taken from the American scene a noted citizen whose long life had been marked by dedicated public service to his home State of Florida and to the whole Nation. Courtney was born in 1895 in Chillicothe, Mo., he was educated at Westminster College in Fulton, Mo., and at the University of Missouri, Columbia, Mo. He saw service as a second lieutenant with the U.S. Army during the First World War.

Following his law studies after the war, he was admitted to the bar in Missouri and in Florida in 1924, practicing in Tampa until 1928. His subsequent career was one of continuing distinction in the public affairs of Florida as farmer, citrus grower, banker, and land developer. In 1927 he became vice president and general manager of the Food Machinery & Chemical Corp. in Lakeland.

From 1942 to 1947 he served with the Florida State Road Board, and in 1944 was a founder of the Florida State Roadside Parks. The Courtney Campbell Parkway between Clearwater and Tampa, built in 1947, is a memorial to his energy and initiative. In 1948 and 1949 he served as chairman of the Pinellas County Park Board.

From 1941 to 1946, years which covered the period of the Second World War, he was a devoted member of the Florida War Labor Relations Board. Courtney Campbell came to this House in 1953 as a member of the 83d Congress, and served faithfully and well the best interests of his party, his State, and his country. In 1955 he returned to his extensive business and civic interests, residing in Clearwater.

Few men have accomplished so much for the communities he represented and in which he lived and worked. The people of Florida will long remember his life and achievement. To the members of his family and to his many friends and associates, I extend my sincere condolences and the sympathies of his colleagues in this House.

[From the Tampa Tribune, Dec. 24, 1971]

FORMER CONGRESSMAN COURTNEY CAMPBELL DIES

CLEARWATER.—One of Pinellas County's best known citizens and former U.S. congressman, Courtney Warren Campbell, died late Wednesday at Mease Hospital in Dunedin.

Campbell, 76, lived at 1086 Eldorado Ave., on Clearwater Beach.

Born in Chillicothe, Mo., he attended Westminster College and the University of Missouri. He also served in the Army during World War I as a second lieutenant.

Campbell came to Florida during the great land boom of the 1920s and joined the law firm of M. Shackleford Jr., which is now in Tampa and known as Shackleford, Farrior, Stallings and Evans.

When the land boom crashed Campbell was appointed to a number of federal receiverships by the district court and successfully reorganized many of them into thriving businesses.

Then in 1927 he was named vice president of Food Machinery and Chemical and general manager of the Florida division. He pioneered development of many packaging processes in south Florida.

In World War II the company went into the manufacturing of amphibious tractors which were invented by another Clearwater resident Donald Roebling. These contracts eventually led to an expansion of the business to Lakeland and finally to the west coast of the U.S.

In 1942 Gov. Millard Caldwell appointed Campbell to the State Road Board and the Davis Causeway which linked Tampa with Pinellas across old Tampa Bay was purchased by the state.

This lifted the toll being charged and demanded immediate refurbishing of the causeway in order to handle the increased traffic loads.

It was Campbell who was instrumental in having the base of the causeway rebuilt and widened and installation of the many recreation sites.

Although he protested—the Davis Causeway was eventually renamed the "Courtney Campbell Causeway."

He successfully ran for a congressional seat in 1952 and served as a representative in the U.S. Congress.

He was a charter member of the first Pinellas County Park Board and later one of the founders of WLCY-Television.

Campbell held numerous positions as bank director as well as many offices in various civic and service organizations. He was a member of the American Bar as well as the Florida Bar and the Hillsborough Bar.

Named in Who's Who in America, Campbell was also a member of the Sons of the Revolution.

Survivors include his widow, Mrs. Henrietta Campbell of Clearwater.

Funeral services are scheduled for today at 2:20 p.m. at Moss Ft. Harrison Chapel and will be conducted by Dr. Gray N. Blandy, rector of the Episcopalian Church of the Ascension. Burial will be in Sylvan Abbey Memorial Park.

Mr. SIKES. I thank my colleague for those kind remarks.

Mr. Speaker, at this time I am pleased to yield to my distinguished colleague from Florida (Mr. HALEY) who also enjoyed the pleasure of serving with Courtney Campbell and was his very dear and close friend.

Mr. HALEY. Mr. Speaker, it is always a sad occasion to rise here and pay tribute to a former colleague who has passed from this world. It is especially so today as we eulogize the late Courtney Warren Campbell, who served Florida well in the 83d Congress.

When Courtney Campbell and I came to Washington together from adjoining congressional districts in 1953, we had been friends for many years and here we shared adjoining offices during the 2 years of his tenure in the House of Representatives. We worked together on many projects and legislation for the good of our State and Nation. He was an effective legislator and represented well his congressional district.

Courtney Campbell was deeply respected by all who knew him. He was a leader of men. He was practical, resourceful and farsighted about the needs of our State as illustrated by the fact that during his service as general manager of the Florida Division of the Food Machinery and Chemical Corp., he pioneered development of many packaging processes in south Florida. He was a very successful businessman. He was an attorney, a banker, a citrus grower, and a land developer.

He served our Nation during World War I as a first lieutenant in the Army and in World War II as a member of Florida's War Labor Relations Board. He gave distinguished service to his county of Pinellas and our State of Florida. During his lengthy career of public service he was an assistant attorney general of Florida, a member of the Florida

State Road Board, a founder of the Florida Roadside Park System, and a member of the Pinellas County Park Board. He was instrumental in the purchase by the State of the old Davis Causeway, a toll facility which crossed Tampa Bay connecting Clearwater with Tampa. He was responsible for the refurbishing of the bridges, widening of the causeway, the creation of park facilities, and the removal of the tolls.

In recognition of his great work in park development the renovated Davis Causeway was renamed the Courtney Campbell Causeway. Millions of people have since enjoyed its park and recreational facilities.

Florida has lost one of her finest adopted sons. The Nation has lost one of its finest citizens. I have lost a dear and close friend.

Mrs. Haley joins me in expressing our deepest sympathy to his widow Mrs. Henrietta Campbell. We have shared her grief and we mourn her loss.

Mr. SIKES. I thank my colleague from Florida for those kind remarks.

Mr. Speaker, at this time I am pleased to yield to the distinguished majority leader, the gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. Mr. Speaker, I am distressed to learn from the distinguished dean of the Florida delegation of the passing of our former colleague, Courtney Campbell.

I was pleased to serve with Mr. Campbell. He was one of the best-liked Members of the House of Representatives.

I might say that the distinguished majority whip has reminded me that invariably he was kind enough to pass out cigars made in Florida to Members of the House. We have missed that and we would suggest that some of the other members of the delegation carry on that tradition.

I do not say that in any spirit of levity because he served his district and State well and ably. He was a respected Member and he continued serving his community, State, and Nation with distinction after he left the House.

Mr. Speaker, all of us join in extending our sympathy and sorrow to his family.

Mr. BENNETT. Mr. Speaker, all of us who had the privilege of serving in Congress with the late Courtney Campbell know of his sterling service here and of his great accomplishments for his Nation and his State. We also know that his lovely wife, Henrietta, played a great part in all of his accomplishments. On behalf of myself and family and of all of my constituents, I express deepest sympathy to Mrs. Campbell and to all of his relatives.

Mr. FASCELL. Mr. Speaker, I join my good friends and colleagues in the Florida delegation, in paying tribute to Courtney Warren Campbell, an outstanding Floridian and former Member of the U.S. House of Representatives who served during the 83d Congress.

A native of Missouri, Mr. Campbell moved to Florida in the 1920's, and began a long and distinguished career of public service. As an attorney, he was appointed by the district court to a number of Federal receiverships when the Florida land boom crashed, and successfully reorganized many into thriving businesses.

As vice president of Food Machinery & Chemical Corp., and general manager of the Florida division, he led the development of many packaging processes in south Florida.

A veteran of World War I, Mr. Campbell served during World War II from 1941 to 1946 as a member of the Florida War Labor Relations Board. He also served the State as assistant attorney general.

In 1942, Mr. Campbell was appointed by then Governor Millard Caldwell to the State road board. His contributions in this position, particularly his role in the State's purchase of the Davis Causeway linking Tampa with Pinellas County, and the resultant improvements of the causeway, will long be remembered by the residents of west Florida. The causeway was subsequently named in his honor and is now known as the Courtney Campbell Causeway.

Visitors to Florida and Florida residents have enjoyed the beauty and availability of the Florida roadside parks thanks to Courtney Campbell who founded the program while a member of the Florida State Road Board.

Mr. Speaker, I extend my warm sympathy to Mrs. Campbell with assurances that the State of Florida and particularly the residents of Pinellas County, will deeply miss the leadership of Courtney Warren Campbell.

Mr. FUQUA. Mr. Speaker, the passing of former Congressman Courtney Campbell closes a distinguished page in the history of my State.

Particularly in the Tampa Bay area of Florida will his name remain a symbol of vision, courage, and hard work. He passed away during the holiday season, December 22, 1971.

One of the things for which Mr. Campbell will be most remembered was the service he rendered to our State road board as a member appointed by another former Congressman and then Governor of our State, the Honorable Millard Caldwell.

It was during this period that the Davis Causeway which linked Tampa with Pinellas County across old Tampa Bay was purchased.

This lifted the toll being charged and demanded immediate refurbishing of the causeway in order to handle the increased traffic loads. Mr. Campbell, with characteristic vigor, was the leader in getting the base of the causeway rebuilt and the roadway widened.

He also promoted the installation of many recreation sites in the area.

It is fitting that the causeway was later renamed, despite his protests, the "Courtney Campbell Causeway."

He served in the 83d Congress and made his mark in that one brief span of service. It was characteristic of the man that whatever he did, he left his mark.

Born in Chillicothe, Mo., he attended Westminster College and the University of Missouri. He also served in the Army during World War I as a second lieutenant.

Campbell came to Florida during the great land boom of the 1920's and joined a Tampa law firm. When the land boom crashed, Campbell was appointed to a number of Federal receiverships by the district court and successfully reorganized many of them into thriving businesses.

In 1927 he was named vice president of Food Machinery & Chemical and general manager of the Florida division. He pioneered development of many packaging processes in South Florida.

He was a charter member of the first Pinellas County Park Board and later one of the founders of WLCY television.

Campbell held numerous positions as bank director as well as many offices in various civic and service organizations. He was a member of the American bar as well as the Florida bar and the Hillsborough bar.

Named in "Who's Who in America," Campbell was also a member of the Sons of the American Revolution.

Congressman Campbell is survived by his beloved wife, Henrietta, who was a source of comfort and encouragement during his distinguished career. To her, might I add another of the very sincere tributes which all of those who had the chance to know him feel very deeply.

GENERAL LEAVE

Mr. SIKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the life and service of the late Honorable Courtney Campbell.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

THE LATE HONORABLE AIME J. FORAND

The SPEAKER. The Chair recognizes the gentleman from Rhode Island (Mr. ST GERMAIN).

Mr. ST GERMAIN. Mr. Speaker, it is with a great deal of regret and a heavy heart that I have the obligation of informing my colleagues of the passing of my predecessor, the very distinguished and respected Aime J. Forand.

As the Members of this body know, Aime Forand served in this House for a period of 20 years from the First District of Rhode Island.

At the time of his retirement he was the No. 2 man on the Committee on Ways and Means. As we all know, he was the father of the legislation that was adopted subsequent to his leaving the House, legislation which has meant so much to all of the senior citizens of this Nation, the medicare legislation.

Mr. Speaker, Aime Forand served in the House for 20 years. He was recognized by all as a gentleman and as one of the most knowledgeable Members as far as parliamentary procedures are concerned in the House.

I extend my personal condolences to his wife Gertrude.

I am told by telephone that the funeral services will be held in Florida where Aime Forand moved for purposes of his health and where he has lived for the past several years. We are not certain as yet as to whether the funeral will be on Friday or Saturday.

Mr. Speaker, I would ask unanimous consent at this time also that I be granted a special order for Wednesday, February 2 for 30 minutes so that all Members may have an opportunity to eulogize this very distinguished gentleman and very honorable American.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. TIERNAN. Mr. Speaker, I rise to pay tribute to the memory and person of the late Aime J. Forand of Rhode Island who passed away yesterday at the age of 76.

Congressman Forand spent 22 years in this body and 18 years as a member of the Committee on Ways and Means.

Known as the father of medicare, Aime Forand was a faithful and conscientious representative of the people of Rhode Island. His constituency knew no bounds, however, when he began the long, arduous struggle for medical care for citizens 65 and older back in the 1950's. Although a quiet and introspective man, he fought the medicare fight both in Congress and later as a private citizen when he accepted the chairmanship of the Council of Senior Citizens upon his retirement from Congress in 1961.

Aime Forand's goal was finally realized in 1965 when Congress enacted medicare that year.

Aime Forand was a gentle man, thoughtful and dveoted as a husband, considerate of his fellow man, and one who gave his all.

We in Rhode Island shall miss him now that he is gone, but we shall not forget him or his work.

THE SERIOUSLY DETERIORATING FEDERAL BUDGET SITUATION

(Mr. MAHON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAHON. Mr. Speaker, over a period of many months I have been warning that the fiscal affairs of the Government are in an intolerable condition.

The budget deficit in Federal funds last year—for the fiscal year ending June 30, 1971—was just under $30 billion. The year before it was $13 billion.

I have been warning that the deficit for the current fiscal year 1972, which ends June 30, 1972, would be vastly greater than originally projected by the administration. The morning paper carries the following front page headline in bold, black type: "Budget Deficit Seen Nearing $40 Billion."

Mr. Speaker, I don't know just how high the deficit will go this year but the headline just quoted underplays the magnitude and seriousness of it. In a few days, we will have a more precise reading from the administration.

I am not lambasting anybody but I do warn that the administration and the Congress will have to do a better job of putting our fiscal house in order if we are to prevent disastrous consequences.

Yes, the morning headline underplays the magnitude of the deficit because it does not point out that when the administration—and consequently the press—speaks of the deficit it counts in, as an offset to the Federal funds deficit, surplus trust funds which are borrowed for the purpose of paying current Government expenses but which must be repaid with interest to the trust accounts, namely, the highway, social security, and other trust accounts. Collectively, in recent years the trust accounts have been taking in more than the amounts expended.

Last year, the trust fund surpluses were about $7 billion and will probably approximate roughly that figure this year.

Mr. Speaker, the budget for next year—fiscal 1973—will project another whopping deficit. It seems beyond doubt that the Federal funds deficit for the four fiscal years, 1970–1973, will be considerably in excess of $100 billion.

In the interest of the welfare and stability of the United States, it is imperative that here on the threshold of the new Congress we take account of our worsening fiscal situation.

BIRTHDAY OF ROBERT E. LEE

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, on this, the birthday of Robert E. Lee, I feel it is entirely fitting that we pause to consider the virtues of this remarkable man.

About Robert E. Lee, Senator Benjamin Hill of Georgia penned these words:

> He was a foe without hate; a friend without treachery; a soldier without cruelty; and a victim without murmuring. He was a public officer without vices, a private citizen without wrong, a neighbor without reproach, a Christian without hypocrisy, and a man without guilt. He was a Caesar without his ambition, Frederick without his tyranny, Napoleon without his selfishness, and Washington without his reward.

FINANCIAL CRISIS IN THE STATE AND CITY OF NEW YORK

(Mr. BINGHAM asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, New York State and New York City face a financial crisis of major proportions. To meet this crisis Federal financial help is absolutely essential and urgently needed, whether it be called "revenue sharing" or by some other name.

I am today introducing a bill identical with that introduced last by the distinguished chairman of the Committee on Ways and Means, the gentleman from Arkansas (Mr. Mills) and cosponsored by my able colleague from New York (Mr. Carey) and others. This bill in my judgment represents an absolute minimum of what must be done, at least in terms of amounts.

I am appalled by the cutbacks in State aid and State services that have already occurred in my State, let alone those that are contemplated in Governor Rockefeller's proposed budget.

The situation in our mental hospitals and in our State institutions for the retarded is deplorable, and getting worse. Obviously our correctional institutions are in need of drastic rehabilitation and reform. The City University, especially its open enrollment program, is in grave danger.

All across the board the State and city are not meeting their responsibilities to our young people, our senior citizens, indeed, to all of our people, for the lack of resources. In this crisis, the Congress and the President simply cannot stand idly by.

The $400 million of unprogramed Federal aid called for in Governor Rockefeller's budget is a bare minimum. Even with this assistance, New York's situation will be scarcely tolerable. Without it, the State will be confronted with virtual catastrophe.

I say these things in spite of the fact that for years I have tended to favor program aid, directed to particular targets. I still prefer such aid, and will press for substantial increases in Federal aid for such purposes as education, mental health, crime control, and mass transit. But in the current situation we cannot wait for the slow, sometimes tortuous process that must be followed in obtaining Federal funds for specific purposes. And we must recognize that such aid often imposes additional burdens on States and cities.

The need is acute and imperative for general financial assistance for our hard-pressed States and cities. I urge my colleagues, not only from New York, but from all over the country, to lay aside partisanship and prejudices and to respond promptly and generously to the urgent call for help from the people of our States and cities.

The SPEAKER. The time of the gentleman from New York has expired.

A $40 BILLION DEFICIT

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, today's announcement of a $40 billion deficit in the next fiscal year constitutes the most shocking news of the new year.

The cause and the effect of this deficit should constitute the principal business of this second session of the 92d Congress.

We must pursue a more vigorous effort to put our accounts into balance and decide what steps must be taken to reverse this trend toward increasing deficits.

We must endeavor to close tax loopholes and recover diminishing tax revenues. We must restrain public spending to essential programs to meet critical human needs and to recover the economy.

Otherwise, we are on a jet trip to fiscal disaster which should frighten every American.

HIGHER EDUCATION BILL

(Mr. PERKINS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PERKINS. Mr. Speaker, on last November 5 the House passed by an overwhelming vote, an omnibus higher education bill, after attaching to it a separate bill authorizing emergency aid to desegregating elementary and secondary schools. More than 2 months have passed since that date and the bill still has not been referred by the other body to a House-Senate conference committee. Therefore, I think we should consider separating the school desegregation bill from the higher education bill.

My reasons for suggesting this course are these: all major higher education programs administered by the Office of Education are due to expire on June 30. It is necessary to pass the higher education bill (S. 659) in order to continue their authorization, and thus permit appropriations for them to be made for the next fiscal year. It has been widely reported that disagreements over the school desegregation measure and anti-busing amendments are the major obstacle to sending S. 659 to the conference committee. It is my belief that we should not further delay action on the higher education provisions in order that the Appropriations Committee will be able to proceed to consider the funding of college and student aid programs.

The whole education community is grateful to the gentleman from Texas (Mr. MAHON), chairman of Appropriations, and the gentleman from Pennsylvania (Mr. FLOOD) for the speed and efficiency the committee has exerted in bringing education appropriations to the floor early in the session.

Let me make it unequivocably clear that I support aid to both higher education and to desegregating schools. But I believe it is now time to consider each on its own merits.

IS FEDERAL DEPOSIT INSURANCE COMPANY GOING INTO COMMERCIAL BANKING FIELD?

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, I am concerned, and deeply concerned, by the fact that the Federal Deposit Insurance Corporation, which was designed by the Congress to provide insurance on the money of depositors in the banks of this country, is now making loans in the millions upon millions of dollars.

A few months ago, and for the first time in its nearly 40 years of operation, it made a loan ostensibly to save a failing bank in Boston. Only a few days ago, according to the newspapers, the FDIC made a $60 million loan to save a failing bank in Detroit, Mich.

The question that arises is whether the Federal Deposit Insurance Corporation is going to go into the commercial banking and loan field.

The House Committee on Banking and Currency should promptly determine whether the Federal Deposit Insurance Corporation is going to carry on the mission for which it was originally established; and that is to provide insurance on the bank deposits of all citizens of this country. We are entitled to know now in what direction this corporation is headed.

ROBERT E. LEE

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. DORN. Mr. Speaker, it is a special privilege to join my distinguished colleague (Mr. MONTGOMERY) in paying respect today on his birthday to the memory of Robert E. Lee. Robert E. Lee was truly the first great Southern moderate. He rejected extremism and prejudice. He did not lend his great influence to the right or to the left. He devoted the latter years of his life promoting a united Nation and perhaps contributed more than any other American of his time to heal the wounds of sectionalism, revenge, and hatred.

Mr. Speaker, in our great Nation today, with its tendency toward divisiveness, credibility gaps, and partisanship, we would do well to emulate the compassion, the absolute integrity, and gentlemanly conduct of this great American. Robert E. Lee set an example to those who would have run from the almost insurmountable problems facing our Nation in the late 1860's. He was absolutely without hatred, envy, jealousy, or prejudice.

As an educator, he was superb. He emphasized the basic fundamentals of education and advanced education as an answer to the abject poverty, disease, and misunderstanding of that era. He was devoted to education as the means toward enlightenment, understanding, and brotherhood.

As an American soldier and as a military commander he was without superior. Robert E. Lee was one of the greatest commanders the English-speaking world ever produced, ranking with the Duke of Wellington, Oliver Cromwell, the Duke of Marlboro, Washington, and MacArthur.

Lee was fittingly honored by all of the American people when he was placed in the Hall of Fame of Great Americans at New York University. Mr. Speaker, this Nation can be proud of Robert E. Lee. It is fitting and proper today on his birthday that we pause to honor his memory.

THE FISCAL SITUATION

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, it is with some chagrin that I stand here in the House today and listen to some of my colleagues, particularly my friends from the opposite side of the aisle, deplore the fact that an announcement has been made that there may be a deficit of $40 billion in this fiscal year.

You know, it is interesting that many of the people who deplore these deficits that occur from time to time are the very people who have never voted against a spending bill in the whole history of the Congress.

Let us put the saddle just exactly where it belongs. The President of the United States cannot authorize expenditures. The President of the United States cannot appropriate expenditures. The people who spend the money and create the deficits are the people in the Congress of the United States.

This is 1972. Since 1932, 40 years have expired, and only twice in 40 years has the Congress of the United States been in control of the Republican Party, the minority party.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Ohio, who votes for every spending bill that comes to the floor of the House.

Mr. VANIK. That statement is not justified by the record. I would like to point out that the deficit is caused by tax giveaways and by large subsidies.

Mr. DEVINE. Voted for by your committee.

Mr. VANIK. Not from my committee, and I voted against them.

THE FISCAL SITUATION

(Mr. CEDERBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CEDERBERG. Mr. Speaker, I support the comments of my colleague, the gentleman from Ohio (Mr. DEVINE). The gentleman has stated the matter correctly. We are talking about fiscal irresponsibility and deficits, but the majority of those who are complaining are those who, as the gentleman has so adequately said, have been in favor of every spending proposal that has ever come down the pike. And it will be interesting, as the President's budget message comes to us, to see what occurs. We, in the Appropriations Committee, will do our very best to reduce that budget, but when it gets to the floor there are going to be amendments after amendments offered to increase the amounts, and the same gentlemen who have been here pleading for fiscal responsibility will be those who will be for full funding of every program as it comes down the pike.

There is an old saying, "By your deeds ye shall be known." It is now early in the session. We will find out very soon as to who is going to be for fiscal responsibility and who is not going to be for fiscal responsibility.

RESUMPTION OF WORK ON THREE SISTERS BRIDGE

(Mr. CONTE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CONTE. Mr. Speaker, I know that

the many supporters of the Metro subway system share my gratification with the Justice Department's petition filed in the Supreme Court Monday which seeks resumption of work on the Three Sisters Bridge.

This manifests a clear, responsible fulfillment of the administration's pledge to take all possible legal steps to permit completion of this project.

This should also satisfy those who argued last month against release of the District's share of the subway funds on the grounds that the executive branch was dragging its feet on the Three Sisters Bridge case.

The brief filed in support of the petition makes two convincing points in my estimation. First, the regional planning, safety, environmental protection, and location hearing provisions in question do not bar the Secretary of Transportation from authorizing federally assisted highway projects until "final plans" have been prepared.

Second, the Congress, by enacting section 23 of the Federal-Aid Highway Act of 1968, mandated in no uncertain terms that construction of the Three Sisters Bridge be commenced within 30 days, any other provision of Federal law to the contrary notwithstanding.

It is my earnest hope both that the Supreme Court acts favorably on the Government's petition and that the Congress will now give its unqualified support to completion of the vitally needed Metro project.

Thank you, Mr. Speaker.

Mr. Speaker. I include the following letter from Secretary Volpe.

SECRETARY OF TRANSPORTATION,
Washington, D.C., January 17, 1972.

Hon. SILVIO O. CONTE,
House of Representatives,
Washington, D.C.

DEAR SIL: I know you will be interested in seeing a copy of the petition for certiorari in the Three Sisters Bridge case which was filed in the Supreme Court today as promised by the President. We make two principal arguments in the petition. First, we contend that the decision of the Court of Appeals, by its requirement that nothing be done until final plans for a project are approved, would frustrate highway planning nationwide. Secondly, we contend that Congress, in enacting Section 23 of the Federal Highway-Aid Act of 1968, directed in no uncertain terms that construction of the Three Sisters Bridge be commenced within 30 days, any other provision of Federal law to the contrary notwithstanding.

Respondents have 30 days within which to file a brief in opposition to our petition. If you are interested, I would be pleased to send you a copy of their brief when it is received.

Sincerely,

JOHN VOLPE.

IN THE MATTER OF UNITED STATES OF AMERICA AGAINST ERNEST LONG—PRIVILEGES OF THE HOUSE

The SPEAKER. The Chair recognizes the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, I rise to a question of the privileges of the House.

Mr. Speaker, I have been subpenaed to appear before the criminal assignment branch of the District of Columbia Court of General Sessions on January 28, 1972, in the case of the United States of America against Ernest Long.

Under the precedents of the House, I am unable to comply with the subpena without the consent of the House, the privileges of the House being involved. I therefore submit the matter for the consideration of this body.

I send the subpena to the desk.

The SPEAKER. The Clerk will report the subpena.

The Clerk read as follows:

[In the District of Columbia Court of General Sessions, Criminal Division]

UNITED STATES OF AMERICA *v.* ERNEST LONG

The President of the United States to Congressman George P. Miller, 100 Maryland Ave. N.E., Washington, D.C.

You are hereby commanded to appear before the Criminal Assignment Branch of the District of Columbia Court of General Sessions at 9:00 a.m. on January 28, 1972 as a witness for the United States and not depart the Court without leave thereof.

Witness, The Honorable Harold H. Greene, Chief Judge of the District of Columbia Court of General Sessions.

JOSEPH M. BURTON,
Clerk, District of Columbia,
Court of General Sessions.

Report to: Court of General Sessions, Criminal Division Building, 5th and E Streets, N.W., Washington, D.C., Room 310. (Please bring this subpoena with you when you come to Court).

Mr. BOGGS. Mr. Speaker, I offer a privileged resolution (H. Res. 767) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 767

Whereas Representative George P. Miller, a Member of this House, has been served with a subpena to appear as a witness before the Criminal Assignment Branch of the District of Columbia Court of General Sessions, Washington, D.C. to testify on January 28, 1972 in the case of *United States of America against Ernest Long*; and

Whereas by the privileges of this House no Member is authorized to appear and testify, but by order of the House: Therefore be it

Resolved, That Representative George P. Miller is authorized to appear in response to the subpena of the Criminal Assignment Branch of the District of Columbia Court of General Sessions; and be it further

Resolved, That as a respectful answer to the subpena a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE FEDERAL DEFICIT

(Mr. BOGGS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BOGGS. Mr. Speaker, I was interested in the remarks made here a few minutes ago by some of my colleagues with respect to the enormous Federal deficit which is approaching $40 billion.

I think if one compares the request made by the administration and the amounts appropriated for this fiscal year by the Congress, it will be found the figure will be many billions of dollars short of the approximate $40 billion deficit. As a matter of fact the amount appropriated may be less than the administration requested.

In truth and in fact, administration spokesmen continue to make the statement that many thousands of people have been released from defense plants, from the aerospace industry, all of which are savings to the Federal Treasury, and which they say account for the increase in unemployment. Moreover, at the beginning of the last session, some of us were asked to come down to the White House to meet with Mr. Shultz and others, where we were informed they would officially have a deficit policy for this fiscal year—and I presume for the next fiscal year. I doubt if they contemplated a deficit of near $40 billion.

The theory was that a large deficit would reemploy people and reinvigorate the economy. Whether it has or not, I do not know. The unemployment rate remains at 6 percent. Industrial capacity remains unused to about 30 percent.

Mr. Speaker, I think every economist who has ever studied this subject will agree that where we have high unemployment and a failure to use our industrial resources, there is an immediately translated downfall in Federal revenues. I think the total estimated as a result of the recession for calendar year 1971 in Federal, State and local governments is approaching $30 billion. Moreover, the President has withheld spending billions of dollars that the Congress appropriated.

To accuse this Congress of being fiscally irresponsible is to ignore the facts and to ignore the fundamental proposition that it is the responsibility of the Executive in power to make the recommendations and for the Congress to act on them. I maintain, Mr. Speaker, that the record is abundantly clear that the Congress has acted responsibly.

DEFICITS AND FULL EMPLOYMENT

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I can see that on the second day of this session we are going to have a number of accusations and charges, and, very properly so, some response from our side of the aisle in a political sense.

Some Members of the body—and I believe a majority on the other side of the aisle—in my judgment are in no position to talk about any deficit of any magnitude, because if we go back to look at the record of one vote after another we will find that the majority on that side of the aisle have been in favor of greater, not lesser, expenditures, and when there is a deficit those added expenditures inevitably contribute to such a deficit.

The gentleman from Louisiana properly said that we were told a year ago about this time that there would be a deficit. It was a part of a full employment budget. I am convinced that is a proper function of the Federal Government. I do not think it has to be $40 billion. I do not think the deficit will be $40 billion.

Let me say that the economic policies of this administration are producing results. Even though there has been a stabilization of the unemployment rate at a figure too high, on the other hand I believe we can point out that for the last 2 months, for the first time in the history of the United States, more than 80 million people have been gainfully employed, for an all-time record.

As of last month, compared to 6 months before, over 1.5 million more Americans were employed; in other words, an increase of those totally employed of 1.5 million in the last 6 months.

This is progress, and I am going to make a little prediction for my friend from Louisiana. Come the summer, that unemployment rate will be down, and employment will continue to go up, and that is what the American people want.

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Michigan.

Mr. CEDERBERG. I believe the gentleman's prognostication is correct. Actually, the unemployment rate is now back to where it was at the beginning of the Kennedy administration and through the Kennedy administration until we got so deeply involved in the war in Vietnam.

One of the easiest ways to handle unemployment is to draft young men in the country, put them in the Army, and increase your defense expenditures and your defense contracts. There is no secret about how to handle unemployment that way.

I understand also there is a movement on foot on the other side of the aisle—there was during the last part of the session—that some are complaining about the fact that the President is not spending all of the money which the Congress has appropriated, and there have been resolutions adopted or proposed to demand and require that the Congress go on record to say that every dime which is appropriated for all projects should be spent. This does not seem to me to be the way to handle fiscal responsibility, if we are really concerned about it. I would forget those kinds of resolutions.

DEFICITS

(Mr. HAYS asked and was given permission to address the House for 1 minute.)

Mr. HAYS. Mr. Speaker, for the edification of the minority leader, let me say that I, too, was a little surprised by all these speeches from my side of the aisle about the deficit but, you know, there has been a big vacuum here, and inevitably a vacuum always has something to go in to fill it.

The speeches about the deficit should have been coming, as they have been for years, from the Republican side of the aisle. They deplored and prognosticated and predicted the imminent downfall of the Republic when the deficit was only $10 billion a year, and now it is projected to be $35 billion or $40 billion and they are strangely silent, and consequently somebody over here began talking about it.

The way to keep the Democrats from talking about a deficit is for you fellows over on that side to continue your ancient practice of deploring it.

CONFERENCE REPORT ON S. 382, FEDERAL ELECTION CAMPAIGN ACT OF 1971

Mr. HAYS. Mr. Speaker, I call up the conference report on the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

(For conference report and statement, see proceedings of the House of December 14, 1971.)

Mr. HAYS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 3]

Annunzio
Aspin
Baring
Barrett
Bell
Betts
Boland
Brademas
Bray
Burke, Fla.
Byrne, Pa.
Caffery
Carey
Chisholm
Clark
Clay
Collier
Conyers
Corman
Dellums
Diggs
Dingell
Downing
Edwards, Ala.
Edwards, La.
Esch
Evins, Tenn.
Fisher
Fraser
Fulton
Fuqua
Garmatz
Giaimo
Goldwater
Gray
Green, Oreg.
Griffin
Griffiths
Gubser
Hansen, Wash.
Harvey
Hébert
Heckler, Mass.
Henderson
Ichord
Jarman
Johnson, Pa.
Jonas
Kluczynski
Leggett
Lennon
Long, La.
McClure
McCulloch
McDade
McKay
McKevitt
Martin
Mayne
Mills, Ark.
Minshall
Murphy, Ill.
Nelsen
Nichols
Passman
Pelly
Pepper
Pettis
Rangel
Rees
Rhodes
Rosenthal
Roybal
Ruppe
Saylor
Scheuer
Schneebeli
Shipley
Sisk
Stokes
Stubblefield
Stuckey
Teague, Calif.
Teague, Tex.
Udall
Van Deerlin
Vander Jagt
Waldie
Whalen
Wilson, Bob
Wolff
Wyatt
Young, Tex.
Zwach

The SPEAKER. On this rollcall 337 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a resolution of the following title:

S. RES. 225

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable George W. Andrews, late a Representative from the State of Alabama.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof of the family of the deceased.

Resolved, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Representative.

The message also announced that the Senate had passed a concurrent resolution of the House of the following title:

H. Con. Res. 499. Concurrent resolution providing for a joint session to receive the President of the United States on January 20, 1972.

CONFERENCE REPORT ON S. 382, FEDERAL ELECTION CAMPAIGN ACT OF 1971

Mr. HAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conference report has been printed since December. The report was deliberately not brought up until now to allow every Member to have an opportunity, if he so desired, to look at the conference report.

I do not propose to take a great deal of time, but I do want to mention some of the key provisions as cleared by the conference committee.

The report retains the equal time requirement of the Communications Act of 1934.

It limits to 10 cents per voter, the amount that can be spent by candidates for Congress and the President on advertising by television, radio, newspapers, magazines, billboards, and automatic telephones.

Up to 60 percent of the overall limitation could be spent for broadcasting purposes.

It requires broadcasters to sell candidates advertising at the lowest unit rate in effect for the time and space used for the period of the last 45 days preceding a primary election or the last 60 days preceding a general election.

It strengthens the requirements for reporting to the public on how much a candidate spent in his campaign and the sources of his contributions.

It specifies that all candidates, including political committees, must report the names and addresses of all persons who made contributions or loans in excess of $100 and all persons to whom expenditures in excess of $100 are made.

It authorizes the supervisory officers for the filing of campaign reports; the Secretary of the Senate for the Senate and the Clerk of the House for the House and the Comptroller General for presidential candidates.

In addition to that, it requires reports to be filed with the secretaries of State or whoever the election official is in the State where the election is held.

It defines more strictly the roles of corporations and limits the amount a candidate or his family can contribute to his own campaign and repeals the Corrupt Practices Act of 1925.

Mr. HALL. Will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. HALL. I appreciate the gentleman's explanation of the conference report.

I just wonder, as far as the limitations are concerned, if they are, in the opinion of the gentleman from Ohio, the chairman of the Committee on House Administration, equally applicable and limiting to all concerned.

The gentleman knows, as do I, that we have different congressional clubs, some partisan and some nonpartisan; we have different groups; we have a marching organization, as I understand it. I have never marched with them, but we do have these organizations. We have this kind of a conference and that kind of a caucus. I wonder if this would be applicable in its limitations to all of these organizations insofar as reporting requirements and limitations are concerned.

As another example I will give the recently formed black caucus as an example.

Will the gentleman please explain that to us?

Mr. HAYS. My opinion is that it absolutely does apply to all of the organizations mentioned, if they come within the purview of the rules laid down, which I will read: "political committee" means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000.

Mr. HALL. I appreciate the gentleman's explanation.

Mr. HAYS. My opinion is whatever name they may go by, if they receive or spend more than $1,000, they must report it.

Mr. HALL. I appreciate that, because I am constantly asked and constantly beseiged by people wanting contributions for this or for that ideology. I find it most difficult to find out how they have expended their funds. In some cases we know they have not been expended for the purpose for which the funds were originally solicited. I believe that this will take care of it, and I compliment the gentleman.

Mr. BINGHAM. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding.

First of all, I would like to compliment the chairman and the conferees for their work. I think this is a very satisfactory measure, and indeed I intend to vote for it.

I would like to ask the chairman of the Committee on House Administration a question about the interpretation of section 403 which deals with the effect of this legislation on State laws. As I understand it, section 403(b) would vitiate any State laws which impose either spending ceilings or lower ceilings on the amount that a candidate or his family might spend for a campaign. Is that correct?

Mr. HAYS. My opinion is that the gentleman is correct in his interpretation. Subsection (b) of section 403 refers to a whole list of purposes in section 301(f) for which expenditures may be lawfully made. Obviously, contradictory State laws are superseded. Similarly limitations on contributions lower than those in this bill forcibly vitiate the intent of this bill and therefore, in my opinion, they are not valid.

Mr. BINGHAM. I thank the gentleman.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Iowa.

Mr. GROSS. Is the so-called Hansen amendment in this conference report?

Mr. HAYS. It is.

Mr. GROSS. In all of its glory?

Mr. HAYS. Well, I do not know exactly what the gentleman means by that, but the Hansen amendment is in.

Mr. GROSS. In other words, it was not changed; is that correct?

Mr. HAYS. That is correct.

Mr. GROSS. And I wonder if we will have a repetition such as that in the November 30, 1971, Congressional Record of two almost verbatim speeches put in the Record by two Members of the House in support of the Hansen amendment?

Mr. HAYS. May I say to the gentleman that I do not know anything about who is going to put what in the Record. Surely, some people will ask unanimous consent to extend their remarks, but insofar as the question is directed to me, my remarks are being made, as you can plainly see, extemporaneously. They will not be changed substantially, unless there is a gramatical error. if they are changed at all.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Speaker, first of all, I would like to pay tribute to you, my chairman, for what I consider to be a really splendid job, but not an easy one by any means; and to pay tribute for your courage, for your willingness during the debate to yield, for your willingness during the debate to accept the ideas of other persons about a matter which is extraordinarily sensitive and complicated, and for the product that you have brought here today.

You, in my judgment, have done not only the committee but the House a wonderful service.

With respect to the question by my distinguished friend from Iowa, it might well be important that in order to make legislative history, in order that there be no misunderstanding and that there may be coincidentally, or otherwise, a degree of identity or similarity expressing the legislative intent which is so important in this matter.

I have no idea what my distinguished colleague (Mr. Hansen of Idaho) is or is not going to say, but his amendment is intact. In my judgment it should be intact because it is correct.

Mr. Speaker, I simply want to conclude by saying again that this is an opportunity for this body to respond to a national demand for election reform.

Many of us have differences. You, our chairman, yielded some of the things that you held most closely in your view.

I, as the second-ranking member on the committee, having worked on this for a long time, felt strongly about certain matters but I did not get my way and, therefore, had to yield on the question that the reporting should go elsewhere.

However, it did not come out that way.

That item is not nearly so important as the overall product which you produced and I am willing with complete enthusiasm to accept and to support this conference report. I wish to express my personal appreciation and the appreciation of the members of your committee to you for the job that you have done.

Mr. HAYS. Well, I thank the gentleman for his remarks and I hope that some of the people in one or two of the newspapers who have been accusing me of trying to kill the bill were listening.

Mr. Speaker, I hope that the gentlemen on the other side, the gentleman from Illinois (Mr. Springer) and the gentleman from Ohio (Mr. Devine) will use some time.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. HAYS. Yes, I yield to the gentleman.

Mr. WILLIAMS. I want to ask the distinguished chairman if I understood correctly that they are to report to the State or to somebody that the State designates?

Mr. HAYS. Everyone will send a copy of their report to the Clerk of the House of Representatives and to the Secretary of State, if he is the chief election officer, as he is in most States.

Mr. WILLIAMS. And one other question: The gentleman made the statement that anyone who contributes more than $100, their name and address and other information must be included in the report.

What happens if you have a dinner where the cost of the dinner may be anywhere from $10 to $50? It would not be necessary to report the names and addresses of those in attendance?

Mr. HAYS. Not if the person contributes $100 or less.

Mr. WILLIAMS. I thank the gentleman.

Mr. SPRINGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as all Members are well aware, the campaign reform bill is a very complicated piece of legislation. When it was considered by this body there were three bills touching the various issues involved. The rule under which the House operated in considering these bills was unique. In order to arrive at a consensus it was necessary to look at the terms of bills which came from two different committees and which were being handled separately by the leadership of those committees. That the House was able to make the necessary decisions and pass what seemed to us a fairly good bill was a minor miracle.

The prospects for conferring with the other body in the hope of retaining most of the decisions made in the House were not promising. The conference as expected was difficult but agreement was eventually reached, and we bring to you today for your approval the results of that effort.

There were two issues upon which the House expressed strong conviction, and in these two matters your conferees were able to prevail. The first of these issues affects the status of section 315 of the Federal Communications Act—the equal-time section. The House determined after lengthy debate and several proposed amendments to leave section 315 in the law as it is today. The conference struggled greatly over this particular provision, but the other body did recede, and we bring a bill back to you with section 315 intact.

The other major issue upon which the House expressed strong feeling was the matter of an election commission. You will recall that in the course of considering the Senate bill as a substitute the House made a very definite and firm decision that such a commission is not desirable and that candidates for Federal elective offices should report to supervisory officers of the Houses of Congress as at present. This issue also was resolved in favor of the House version.

Naturally the House conferees could not expect to win every argument on every issue involved in this legislation and of course they did not. In the matter of rates for the use of broadcast media the House conferees did recede so that the bill before you today provides that broadcasters must offer to candidates the "lowest unit rate." We preferred to have broadcast media and newspapers on the same level as regards rates and use "comparable" standards. This was not possible. As a result we do have a different standard for printed media and for broadcast media. Newspapers and magazines will be required to charge "comparable rates," but the requirement of equal access to printed media was deleted.

In the very important matter of spending limitations the provisions of the House bill were accepted. The Senate bill would have given an overall ceiling of $60,000 for the use of media while the House version provides only $50,000. Both bills allowed as much as 60 percent of that spending limitation to be used for broadcast purposes. The bills did this in quite different ways, but the result was in fact the same and the House language was used to accomplish it.

Many changes that were made, although important, were not as controversial as those which I have already mentioned. There was, for example, the matter of who should make the regulations to implement certain provisions of this law. There was some rather strong feeling that the Attorney General was too apt to be a party in interest in things political. An agreement was reached to use instead the General Accounting Office.

The base upon which all of these expenditures will be made is certainly an important consideration. The House bill used the term "civilian residents" while the Senate bill counted all residents over 18 years old. The conferees considered the Senate version to be fair to all concerned, and this was agreed upon.

Considerable discussion was directed at the problem of telephone campaigns and computerized mail campaigns. There was considerable feeling that administration of any restrictions on such expenses would be most difficult, although the desirability of limiting these activities was undeniable. This issue was resolved by eliminating restrictions on the use of postage but including in the definition of communications media the cost of telephones when used by other than volunteers.

Members of the House may recall earlier discussion of the status of loans to political candidates. Some Members feel that loans for use in a political campaign should be considered as contributions. Others felt that loans made in the regular course of business to an individual with proper credentials and security should in no way be considered a part of campaign funds. The conference version provides that loans by banks to candidates must be disclosed but they will not be considered to be contributions if they are made in the regular course of business.

Since the thrust of this entire bill is the improvement of campaign practices in Federal elections, State laws are preempted only insofar as they would frustrate the operation of the Federal law for the purposes included. If States wish to create restrictions applying to State and local candidates in much the same manner as this bill applies to Federal candidates, it may be done and broadcasters would be under the same requirement to obtain certification if this is included in the State law.

This bill goes a long way in campaign reforms. It also falls far short of providing the ultimate desirable reforms. There are many things I would like to see included which do not appear, things which did not finally end up in either the House or Senate bill and therefore were not even subject to the consideration of the conference.

The subject of campaign reform brings forth wide differences of opinion in the committees concerned and in a legislative body as a whole. Considering this the resulting legislation is well worth the effort and the conference report deserves our support.

Attached, by reference, are the specific parts of the conference report—15 in number.

Conference Report on S. 382—Federal Election Campaign Act of 1971

1. Section 315 is untouched. The House voted on this issue and the conference report follows its decision.

2. The House bill provided for "comparable" rates for broadcasting while the Senate bill used "lowest unit rate". The House conferees agreed to the Senate language.

3. The Senate bill made it an offense resulting in loss of license for a broadcaster to wilfully fail to make time available to candidates. This was limited to federal offices by the conference.

4. The conference agreed to "comparable" rates for newspapers and deleted the "equal access" requirements.

5. The spending limitations of the House bill, $50,000 with up to 60% for broadcasting, prevailed.

6. House provisions for presidential primaries limitations were retained except that regulations will be prescribed by GAO rather than the Attorney General.

7. Cost of living increases in the limits, based on the price index, were provided in both bills. Both needed some technical changes to be workable and these were made.

8. Persons counted to determine the limits will be all residents over 18. The House limited this to "civilian" residents.

9. House provision for including agents' commissions in the limits was retained.

10. A Senate provision for state limits on local candidates and certifying procedures was included in the conference version.

11. Accounting for amounts spent purely against a candidate or an issue will be covered by regulations of GAO.

12. Costs of telephones other than by volunteers are included, postage is not.

13. Loans by banks must be disclosed as in the Senate bill but they will not be considered contributions if made in the regular order of business.

14. The Senate bill created an elections commission while the House bill kept the present system of reporting to the "supervisory officer". The House had expressed itself on this issue by amending the substitute and its version prevailed.

15. State law is preempted only so far as it would frustrate the federal law.

Mr. TIERNAN. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. Mr. Speaker, I thank the gentleman for yielding, and I want to congratulate the gentleman and the other conferees in reporting back to the House a fine conference report. There is one area that I was concerned about, and that was the deletion of the inclusion of computerized letters of 200 or more. It is my understanding that that has been taken out by the conference.

Mr. SPRINGER. Mr. Speaker, will the gentleman repeat his statement? I missed about two or three words in the middle of his statement.

Mr. TIERNAN. In the overall categories that are included in the limitations on expenditures, including radio, television, newspapers, magazines, outdoor advertising, telephones in banks of more than five phones, we had included in the House version to be incorporated in that limitation, also computerized letters of 200 or more.

It is my understanding that that provision or that category has been deleted from the final bill.

Mr. SPRINGER. The gentleman is correct.

Mr. TIERNAN. Could the gentleman tell us why that was deleted if there is any explanation? Could the gentleman enlighten the Members on that? Because I remember we debated that quite at length here in the House. I believe that is one of the areas that should be included in the limitation.

Mr. SPRINGER. May I say I think the gentleman raised a good question, but in the compromise we had, it was eliminated after a lot of opposition because this is a provision which I do not believe we had full and accurate knowledge of.

I hope in the future we can get some good experience and knowledge with regard to this category.

I understand the gentleman's concern because this has been viewed by certain candidates who have had the expense of using computerized mail in the various communities who have been using this and it was a matter of concern to the conferees, but we did not feel we had sufficient knowledge to be able to say that such restrictions were capable of administration and enforcement.

Mr. TIERNAN. I appreciate the gentleman's remarks and his explanation made about the development in the conference.

Mr. PEYSER. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. PEYSER. I, too, would like to join in that comment. As I understand it, the mass mailing question was not included as the House had voted on it. But I would like to ask a question—is there a limitation on the money that can be spent on an individual staff in a campaign? In other words, if a candidate wanted to put on an unlimited staff of people to work; is that counted in the total expense of the campaign?

Mr. SPRINGER. I think It would be included but defer to the other committee on this subject. I do not believe that the question of House staffs is included.

Mr. PEYSER. I am not talking of House staffs. I am talking of outside staffs, in other words, if you hire 50 people in an area; is that included in as part of the campaign expense?

Mr. SPRINGER. I am not sure it is included. But as to whether it is in the compromise version, the gentleman would have to ask the gentleman from Ohio to answer that specifically.

Mr. HAYS. My impression is that if you hire a staff of 100 people that the wages if they were telephonists would be included as part of the $50,000 limitation that would have to be reported and included in that limitation. This would not however include regular staff members of a sitting Congressman.

Mr. PEYSER. I thank the gentleman.

Mr. HAYS. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Committee on Interstate and Foreign Commerce, the gentleman from West Virginia (Mr. Staggers).

Mr. STAGGERS. Mr. Speaker and Members of the House, I rise in support of the conference report and to say I think the conferees on the part of the House did a very fine job.

The bill was very intricate and there was a lot of emotion tied up in it.

I am going to review only briefly some of the things involved here.

In 1970, we passed a campaign media spending bill which was vetoed by the President. One of the things he said was that it only plugged up one of the holes and there were several more that needed to be stopped up.

And so this year we decided in our committee that we would try to stop up all the holes possible. Our distinguished colleague, the gentleman from Massachusetts (Mr. Macdonald), introduced a bill to do this. Under his leadership, the Subcommittee on Communications and Power reported out the bill which I believe is substantially the version adopted by the conference.

Mr. Speaker, this legislation cannot be defeated to serve the purposes of any private interest group. I am told that there is some opposition to the legislation because of the so-called lowest unit rate provision. For the benefit of the Members, I would like to explain how that provision got into the Conference Report.

As Members may recall, the House bill provided that candidates for public office could be charged the same rate for use of a broadcast station as was charged for other comparable uses of the station. The Senate version contained the "lowest unit rate" provision.

The Senate bill also contained a repeal of the equal-time provisions (sec. 315(a)) of the Communications Act for all Federal elective offices. This was a provision to which I, and, I think, most Members of the House, and certainly the House conferees were dead set against. The House version made no change in section 315(a). The White House had passed out the word that section 315 had to apply to all Federal elective offices or none, otherwise the legislation would be vetoed. Faced with these alternatives the House conferees were adamant on leaving section 315(a) alone. We finally prevailed over the Senate conferees but in return reluctantly agreed to accept their "lowest unit rate" provision for broadcast stations.

But this "lowest unit rate" provision only applies during the 45 days before a primary election and the 60 days before a general election. During any such period a broadcast licensee may not charge a candidate more for air time than the licensee's lowest unit charge for the same class and amount of time in the same time period.

I would like to point out, Mr. Speaker, that the legislation passed in 1970 on campaign spending did not limit the "lowest unit rate" to a class and applied the whole year round.

Mr. Speaker, there was a lot of give and take between the conferees on the part of the Senate and those on the part of the House. I wish to congratulate the House Administration Committee under the leadership of the gentleman from Ohio (Mr. Hays) and particularly the conferees from that committee, their distinguished chairman whom I have already named, Mr. Abbitt, the chairman of the subcommittee on elections; Mr. Gray; Mr. Harvey who is also a member of our committee; and Mr. Dickinson.

I would also like to recognize the members of our Subcommittee on Communications and Power who have worked on this legislation going on to 2 years under their distinguished chairman, Mr. Macdonald, Lionel Van Deerlin, Fred Rooney, Bob Tiernan, Goodloe Byron, Hastings Keith, Clarence Brown, James Collins, and Louis Frey. And also the conferees from our committee, who, in addition to Mr. Macdonald and myself, were Mr. Van Deerlin, Sam Devine, and Ancher Nelsen. Each of these Members worked long, hard, and faithfully on this legislation.

Mr. Speaker, I would be remiss if I did not also mention our distinguished ranking minority member, Bill Springer, who has worked cooperatively and patiently for the last 2 years on getting good legislation in the field of media rates and expenditures for political campaigns. Mr. Speaker, I would like to say that I believe the Members on the other side of the aisle showed real statesmanship during the consideration of this legislation, in subcommittee, the full committee, in conference, and here on the House floor. They should be commended for it.

Mr. Speaker, I hope that there will not be any votes against the conference report, although I am sure there will be some.

We must look at reality. The time has come for us to revise the law and put a lid on spending during political campaigns. That is evident from what has been happening in this country.

I should like to make two things clear. First, the legislation provides that anyone who spends $100 or receives contributions of more than $100, and uses it in any way, must report that. I would ask the chairman of the Committee on House Administration if that is not correct, and if there is not also provided a fine of $1,000 or a term in jail if that is not done?

Mr. HAYS. The gentleman is absolutely correct. The person, whoever he may be, must make such a report, and section 612 of title XVIII in the election laws, which we did not repeal, provides for the publication or distribution of political statements, and states that they must be signed, and there is a fine for a violation of that section. So it is covered twice.

Mr. STAGGERS. The legislation will stop a lot of scurrilous material that has been going out before elections against individuals that is unsigned. Those who engage in such activity will be liable for prosecution and a fine of up to $1,000 and imprisonment for 1 year, or both.

Mr. Speaker, the time has come for the House to make a judgment as to whether we shall have better election laws. When we considered the bill on the floor of the House last November, I said if we did not put a limitation on spending, sooner or later the United States would be governed by a plutocracy. That is the direction we are headed. If candidates running for public office are not rich men, they will not be able to afford to run, and if those who run but do not have the money themselves to do so, those who put up the money for them will be the ones who dictate to those candidates as to how they should vote.

Mr. Speaker, I do not believe that we want such a form of government. It certainly is not the kind of government our forefathers envisioned when they founded this Nation.

This legislation is a small but effective start in revising the election laws. I am sure it will have to be revised from time to time. I suggest that it should be looked at every year or two.

Again I wish to compliment both the subcommittee under the chairmanship of the gentleman from Massachusetts (Mr. Macdonald) and the committee headed up by the gentleman from Ohio (Mr. Hays) for the work they have done in bringing this measure and conference report to the floor.

Mr. Speaker, I hope the conference report will be adopted unanimously.

Mr. CRANE. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Illinois.

(Mr. CRANE asked and was given permission to revise and extend his remarks, and to include extraneous material.)

Mr. CRANE. Mr. Speaker, this afternoon, the House of Representatives is being asked to approve the conference report on the Federal Election Reform Act. Undoubtedly, passage of this act will be hailed as a step toward meaningful reform of campaign spending laws and many of our colleagues will tell their constituents during this election year that they have voted in favor of campaign spending regulations.

Well, Mr. Speaker, they may be voting for a campaign spending bill but they are not voting for meaningful reform.

Anyone who has studied the legislation we are considering this afternoon realizes that it fails to come to grips with one of the major weaknesses of our election system, the labor union practice of spending millions of dollars of funds compulsorily contributed by union members for candidates or causes with which the members may be in total disagreement.

The original version of this legislation, H.R. 11060, included an amendment which would have addresed this problem. Yet that amendment—the so-called Crane amendment—was not included in the substitute version of the bill after an intensive campaign against it by the labor unions.

A revealing article in the Wall Street Journal of Tuesday, January 18, 1972, explained what happened when this bill was passed in the House. This article needs no further explanation and I include it with my remarks at this point:

How Two Legislators, Unions Work To Undo Fundraising Curbs

(By Jerry Landauer)

Washington.—Rep. Orval Hansen of Idaho and Rep. Frank Thompson of New Jersey seem to be lawmakers of different breeds. Mr. Hansen is a softspoken Republican with conservative leanings, and Mr. Thompson is a voluble, super-liberal Democrat whose voting record is rated 100% right by the AFL–CIO.

Nonetheless, as the House resumes work today on long-pending legislation to clean up the financing of political campaigns, the two lawmakers are collaborating to support a little-noticed provision in the bill. It would nullify a five-year effort by the Justice Department to stamp out questionable fundraising by labor unions—and, in fact, could enhance labor's political clout.

The provision would specifically authorize unions (and corporations) to "establish and administer" fund-raising campaigns, so long as the collections go into a separate bank account and so long as the soliciting doesn't involve force, financial reprisals or job discrimination. Moreover, union chiefs could use dues money to pay for the soliciting, and they wouldn't be required to tell members for what purpose the money is going.

The campaign-reform bill, complete with this provision, has been approved by the Senate. Only a final House vote, which may come today, is needed to send the measure to President Nixon's desk.

The proceeds of union fund-raising mostly go to labor-leaning Democrats such as Mr. Thompson. But the amendment in question was sponsored by Republican Hansen shortly before the House adjourned in December. Many moderates and even some conservatives voted for the amendment after hearing the respected Mr. Hansen explain that it merely "codifies" federal court rulings defining labor's permissible political activity.

"OVERRULES EXISTING LAW"

In fact, however, the Hansen amendment invalidates a key court of appeals decision restricting labor's right to raise political dollars and upholding the first successful criminal prosecution of any union for making illegal campaign contributions. "The (Hansen) provision . . . not only doesn't codify existing law, but it overrules existing law," a man at the Justice Department says.

Mr. Hansen seems surprised that his "clarifying" amendment could have any such union-protecting effect. "If that should be the interpretation, the language should be refined," he now says. (But it's too late in the legislative process for any revising; the House can only vote the whole bill up or down.) The Congressman wasn't aware of all the implications when he agreed to sponsor the amendment, and for a noteworthy reason: The text as well as an explanation he gave on the House floor apparently were drafted not by congressional aides but by the labor lobby.

Mr. Hansen was acting in good faith. His objective was to protect the campaign clean-up bill against another amendment, considered hostile by labor, which conservative Rep. Philip Crane of Illinois was pushing. "If the Crane amendment or something like it had gotten in, enough guys would have voted against the bill to kill it," Democratic Rep. Morris Udall of Arizona explains.

(Basically, the reform bill limits candidates' spending on political advertising and requires disclosure of who's giving or getting campaign dollars; Congress is acting partly in response to criticism that many elections are being bought.)

To head off Rep. Crane's proposal, campaign reformers and labor lobbyists got less-conservative Republican Hansen to sponsor a competing amendment. He isn't unfriendly toward unions, and he enjoys just enough seniority on the House committee handling the reform bill to deserve floor recognition ahead of Mr. Crane.

"I TOOK IT AROUND . . ."

Spokesmen for the AFL–CIO disavow participation in the drafting—perhaps because the campaign bill might not survive its final House hurdle if more lawmakers knew who wrote the provision relating to labor. "Sure, I took it around to talk to people, and we discussed with Hansen the importance of the legislative history," says Kenneth Young, the labor federation's No. 2 operative on Capitol Hill. "I don't recall who actually did the drafting," he adds.

Still, an unusual mix-up on the House floor involving Rep. Thompson suggests that lobbyist Young isn't telling all he knows.

The mix-up occurred on the day of the House vote, right after Mr. Hansen explained his amendment. When he sat down, Rep. Thompson got up "to commend the distinguished gentleman from Idaho for the development and for the offering of this amendment." Mr. Thompson spoke some more off-the-cuff, then gained permission to "revise and extend"—that is, edit—his remarks before publication in the Congressional Record. In doing so, he inadvertently inserted a copy of the canned explanatory speech that had also been supplied to Mr. Hansen.

The consequence of Mr. Thompson's slipup appears in the Congressional Record of Nov. 30. Diligent readers of that day's proceedings will find Mr. Hansen and Mr. Thompson giving almost the same speech, back to back. Except for minor editing ("Analytically, my proposal has three component parts," Mr. Hansen intoned; "Analytically the proposal has three component parts," Mr. Thompson echoed) the two successive explanations coincide word for word, for 18 paragraphs.

Mr. Thompson attributes this embarrassing overlap not to a common authorship but to "interchangeability of staff and identity of legislative intent." But he won't identify the staffers who supposedly wrote the speech. His three top aides say they weren't involved, and Mr. Hansen's legislative assistant says he was out sick at the time.

In any case, the speech ghost-written for Messrs. Hansen and Thompson is perhaps more significant for what it omits than for what it says. Most important, the speech ignores a 1970 ruling by the Eighth Circuit Court of Appeals in St. Louis that holds that labor can raise campaign cash only through voluntary funds that are "separate and distinct" from the sponsoring union.

A bit of background is necessary to understand why this decision threatens labor's multi-million-dollar political drives and why union strategists so keenly seek to reverse it, either in the Supreme Court (where an appeal was argued last week) or by means of Mr. Hansen's amendment.

Since the Taft-Hartley Act was passed in 1947, unions haven't been permitted to contribute directly to candidates for Congress or President (corporations can't contribute either). But it's been generally assumed that unions could set up separate collection committees and give to politicians the proceeds of voluntary fund-raising drives. So long as force wasn't used, most unions assumed that such collecting was legal. Nor did the government challenge that assumption until 1968.

In that year, the Justice Department brought charges against Pipefitters Local 562 in St. Louis, a 1,200-member union that raised well over $1 million in five years. The Pipefitters achieved this unprecedented feat by systematically collecting up to $2 a day from every man on the job. An indictment didn't allege that the union extracted cash by force. Instead, it accused the union of organizing an innocent-sounding fund—Pipefitters Voluntary Political, Educational, Legislative, Charity and Defense Fund—as a device to contribute what in effect was union money.

After the Pipefitters were convicted, the Justice Department went after the Seafarers International Union. The indictment in this case is based on the same theory: that the Seafarers Political Activity Donation Committee (1968 contributions: $947,000) exists mostly on paper—as a front to conceal unlawful union contributions—instead of being a "separate and distinct entity," as the court decision in the Pipefitters case seems to require.

Indeed, it's safe to suggest that much of labor's political income would dry up if all the dollars had to be collected by separate organizations wholly or even largely independent of union control. How many Pipefitters or Seafarers would give if their unions' foremen or port patrolmen weren't soliciting? And would 2,000 retired Marine Engineers let some independent fund take $10 from every monthly pension check?

To labor politicos worried about these questions, the answer is the Hansen amendment. But as the Justice Department reads the amendment, prosecuting violators when and if it becomes law will pose "a very difficult burden."

A memorandum by Wallace Johnson, Associate Deputy Attorney General, stresses how hard it could be to prove that a union fund's

> donations aren't voluntary. "Suppose one man in a 50,000-member union is beaten for not making a 'voluntary' contribution. Whether this would be sufficient to show that the entire fund was derived from threats of force, job discrimination, et cetera, is doubtful, but that one incident would definitely influence many union members to make their 'voluntary' contributions."
>
> "In some unions," Mr. Johnson argues, "membership itself is inherently coercive, since the union exercises complete control over the hiring, firing, payroll, job allocations and other incidents of employment. In those unions, if the union representative states to the member that he wants a $100 contribution to an unnamed cause, the union member won't question the agent. . . . Thus it is the government's position that a contribution to a political fund be not only 'voluntary,' in the sense of an absence of force, but also knowingly made."

Mr. HAYS. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MACDONALD).

Mr. MACDONALD of Massachusetts. Mr. Speaker, I am not going to use the 3 minutes. We have plowed this ground innumerable times. We did it in 1970, we did it in 1971, and now we are here at the moment of truth. I think this bill is a great example of how the House can work its will on difficult subjects when it puts its mind to do that.

One point when I thought this bill would be in serious trouble was when we had the rule granted by the Rules Committee, because there could have been disputes between the Committee on House Administration and the Committee on Interstate and Foreign Commerce on the serious abuses which this bill seeks to correct. But the persons involved put their differences aside and we have a good bill. It is a bill I understand President Nixon said he would sign. It is a bill which covers areas which President Nixon said he objected to previously and a bill which under bipartisan support we sent to him a year ago. I hope we will send this bill to the President today. I urge adoption of the conference report.

Mr. Speaker, as the 92d Congress convened a year ago, prospects for campaign reform legislation were virtually nonexistent. The President had vetoed one major effort with the promise to come up with a better bill—one that plugged more than "one hole in the sieve."

Those of us in the Congress who are concerned with this important issue waited into the spring of last year for this promised legislation; however, none was forthcoming. In May, I introduced the Campaign Communications Reform Act in an effort to meet the objections raised in the President's veto message.

This legislation, which has become title I of the conference report before us today, had as its goal the placing of meaningful curbs on media spending during campaigns for Federal office.

The spiral of this media spending has continued unabated for far too long and the time has come to put an end to it. The area of primary abuse is in spending on broadcast media. In the 1970 elections, candidates from both parties in the various Federal, State, and local elections spent a total of $59.2 million to purchase time on television and radio. What is especially significant about this figure is that it represented an increase of almost 100 percent over the figures for the previous off year election in 1966.

The abuse of the communications media, and specifically the broadcast media, has developed a new form of politics in America. It is politics by bankroll, where those who are rich have the advantage and those who are not are being forced in many, many cases, to prostrate themselves to various monied interests.

Many of the most competent candidates are literally being priced out of the competition. On the other hand, many who enter the political lists do so because they are confident that with things as they presently are they can buy their way into office. The American people are deprived of the opportunity to judge candidates on their individual merits, political beliefs, and innate ability.

As we enter the 1970's, American political campaigns are being handled like accounts with a Madison Avenue advertising agency and candidates are being packaged in the same way that we package toothpaste or shaving cream.

Ultimately, it is the American voter who is being abused. While in some cases he rejects the high-priced, high-powered campaign, the fact is that the millions are still spent and that money has become the biggest single factor in determining a person's ability to run for office.

In the 1970 elections, of the major candidates for the Senate in the Nation's seven largest States, 11 of the 15 were millionaires. While not all 11 won, the four candidates who were not millionaires all lost.

We will take an important and noteworthy step today in giving final approval to the conference report on the Federal Election Campaign Act of 1971. Not only will we put an end to the media blitz as a campaign tool, but we will also be enacting the first significant piece of campaign reform legislation since the Federal Corrupt Practices Act was adopted in 1925.

Title I of this bill, which embodies the legislation which I introduced last May, returns campaigning for political office to a level of financial sanity. The development of title I in subcommittee, committee, on the House floor, and finally in conference with the Senate has embodied the spirit of cooperation between those from both political parties. The fact that title I was adopted by the House last November with only one dissenting vote is ample testimony to that fact. The entire bill was approved by a vote of 373 to 23, and your conferees, of whom I was privileged to be one, were successful in maintaining the House position in conference on virtually every major point.

The Senate approved this conference report by voice vote shortly before the recess, and the House should act decisively today to send the bill on to the White House.

On occasion, there have been ill-founded charges that this was a partisan bill or an incumbent's bill. Clearly, this is not the case. It is a bill in the public interest—a bill which will bring new life to our American system of politics. It is a step forward which we should not delay one day longer in taking. I urge adoption of this conference report.

PARLIAMENTARY INQUIRY

Mr. DEVINE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DEVINE. Mr. Speaker, how is the time allocated, and how much time is left?

The SPEAKER. The Chair assumes the gentleman was using time from the 30 minutes allocated to his side.

Mr. DEVINE. Does the 30 minutes represent the time of both committees, the Committee on House Administration and the Committee on Interstate and Foreign Commerce?

The SPEAKER. The total time allowable is 1 hour, 30 minutes to each side. At this time the minority have 21 minutes remaining and the majority have 9 minutes remaining.

Mr. SPRINGER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Ohio (Mr. DEVINE), the ranking minority member of the Committee on House Administration.

Mr. HEINZ. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Pennsylvania.

Mr. HEINZ. Mr. Speaker, I rise to indicate my concern over one provision in what is otherwise an excellent campaign spending reform bill. The section which guarantees candidates the lowest unit cost for advertising on radio and television is discriminatory because it effectively destroys the media marketplace by providing cut rates for candidates. Occasionally radio and television fill their open time slots at the last minute with commercials offered at special low rates. This legislation allows candidates to take advantage of this practice by giving the same low rate on a regular basis. This sets a bad precedent. Congress in effect is starting a fire sale in one industry which could conceivably extend to other areas of political self-interest.

Mr. DEVINE. Mr. Speaker, the conference report on S. 382 now before the House represents the successful conclusion of a great many efforts over a number of years to replace our antiquated Federal election laws with updated campaign spending and disclosure regulations.

I think I would be remiss if I did not point out at this time that special commendation should go to the chairman of the House Committee on Administration, the gentleman from Ohio (Mr. HAYS), the gentleman from Massachusetts (Mr. MACDONALD), on behalf of the Interstate and Foreign Commerce Committee, and, of course, the gentleman from West Virginia (Mr. STAGGERS), chairman of that committee, in addition to the work which was done by the gentleman from Minnesota (Mr. FRENZEL), of the Committee on House Administration, as well as the tremendous and dedicated work of the gentleman from Michigan (Mr. HARVEY) and the gentleman from Illinois (Mr. ANDERSON), all of whom demonstrated great interest and worked hard to have legislation in this area.

The conferees on S. 382 have brought back to the House, in my opinion, a workable campaign spending bill and one that will be generally acceptable to the membership of the House.

The controls placed on campaign activities by this legislation should go a long way toward helping to cope with the problem of rapidly spiraling campaign costs in many Federal campaigns and also to provide more information to the public about elections and create more trust and confidence in the election process.

As the Members of the House will recall, when the House Administration Committee bill, H.R. 11060, was brought up in the House the rule made it in order to consider as an amendment the text of an Interstate and Foreign Commerce Committee bill, H.R. 11231, which contained limitations on communications media spending in Federal elections and related provisions. That amendment was modified and approved. Under the rule H.R. 11280, which was identical with the Senate-passed bill S. 382, was then considered as an amendment in the nature of a substitute. That amendment was approved, but after it was modified by the addition of the communications media spending limitations the House had already approved and by the addition of some of the major provisions of the original House bill, H.R. 11060, and several other amendments.

The situation, then, at the time the conferees met was that while the bill as it emerged from the House was identical in many respects with the campaign spending legislation passed by the Senate, there were some fundamental differences. The House conferees were successful in bringing back a report upholding the House position to a considerable extent.

One of the most significant actions taken in conference is that relating to section 315(a) of the Communications Act of 1934, the equal time requirement which provides that if a licensee permits a legally qualified candidate for public office to use his station he must afford equal opportunity to all other candidates for the same office in the use of the station. The Senate bill would have made that section inapplicable to candidates for all Federal elective offices, in other words, not only for the Presidency but also to House and Senate races. The House, on the other hand, amended the bill to provide that there would be no change at all in section 315(a), that it would stay just as it is. I am glad to report that the House position prevailed in conference.

A major purpose of this legislation is to place limits on campaign spending. Both the House and Senate versions of S. 382 contained limitations on expenditures for the use of communications media by candidates for Federal elective office. The House formula was accepted. It sets an overall limit on spending for communications media to 10 cents time the voting age populations or $50,000, whichever is greater. Not more than 60 percent of that amount can be spent for broadcasting stations. Each primary, general, special, or runoff election is treated as a separate election and has a separate expenditure limitation.

In this regard, the conferees also adopted the House provisions covering limitations on media expenditures with regard to Presidential nominations. Under those provisions candidates for Presidential nomination will be limited on media expenditures to the same amount applicable to the candidates for the office of Senate. As the bill passed the House, the Attorney General was directed to prescribe regulations to determine to which State the limitation would be charged if media is used which reaches more than one State. The conferees modified this to provide that the Comptroller General would prescribe such regulations.

The Senate escalator clause applying to the spending limitations for communications media was adopted, providing for the limitation to be increased in proportion to increases in the Consumer Price Index over calendar year 1970.

Both the House and Senate provided that amounts spent for the use of communications media on behalf of candidates are deemed to have been spent by the candidates for the purposes of the expenditure limitations of the bill, and also that no charge may be made for the use of any broadcasting station, newspaper, magazine, outdoor advertising facility unless the candidate or his authorized representative certifies the charge will not violate the applicable expenditure limitation. These provisions are of course included in the conference report before the House.

The conferees accepted a House amendment providing that in computing the candidates expenditures for the use of communications media there would be included not only the direct charges but also agents commissions. Also adopted was a Senate provision which permits States to impose limitations under State law on expenditures for the use of broadcasting stations by or on behalf of candidates for State and local office.

A significant modification made in conference was with regard to two items the House added for inclusion under the communications spending limitations, in addition to broadcasting stations and nonbroadcast media such as newspapers, magazines, and outdoor advertising facilities. When this legislation was being considered by the House an amendment was passed providing that the cost of telephone campaigns, when telephones are used in banks of five or more, and the cost of postage for computerized or identical mailings in quantities of 200 or more, would come under the communications media limitation. The mailing part was dropped in conference. However, telephone costs will come under the spending limitation to the extent they reflect expenses for telephones, paid telephonists, and automatic telephone equipment used by Federal candidates to communicate with voters. Costs of telephones incurred by volunteers for use of telephone by volunteers are excluded.

Various other provisions concerning communications media are included in this legislation. Both the House and Senate bills contained restrictions on charges to candidates for the use of both broadcast and nonbroadcast media, the Senate proposing to require the media to grant candidates the benefit of their lowest unit rate charge, while the House approach was that the media could charge candidates no more than they charged others for comparable use.

In the area of broadcast media, the Senate position was accepted. It stipulates that a station may not charge candidates more than the lowest unit charge of the station for the same class and amount of time for the same period. This applies for a 45-day period before primaries and a 60-day period before a general or special election. The House position was accepted concerning nonbroadcast media rates. It provides that to the extent newspaper or magazine space is sold to candidates for nomination or election to Federal office the charges for the use of such space in connection with the campaign may not exceed the charges for comparable use of such space for other purposes. Actually this test should have been applied across the board, rather than to discriminate.

The conferees accepted a Senate provision designed to insure access to broadcast stations. As it emerged from conference it amends the Communications Act to make a broadcast license subject to revocation for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of broadcasting stations by candidates for Federal elective office.

A somewhat similar House provision, to require that space made available in any newspaper or magazine to candidates for Federal office equivalent space must be made available on the same basis to all candidates for that same office, was dropped by the conferees.

The Senate had a provision to require that candidates be given maximum flexibility to choose their program format for use on broadcasting stations and a provision stipulating if nonbroadcast media is furnished without charge or at a reduced rate it would be deemed a contribution made to the candidate. These were also dropped by the conferees.

One of the primary purposes of this legislation is to provide for complete and comprehensive reporting of campaign expenditures and related activities by candidates and political committees. While the bills were very much alike generally in this regard, there was a major difference in the approach taken concerning who will receive the reports and disseminate the information. As passed by the Senate, S. 382 would have created a Federal Elections Commission to receive and handle the reports. In contrast, the House version, which was accepted, retains the Clerk of the House as the supervisory officer to handle the reports in the case of House elections. The Secretary of the Senate will be the supervisory officer for Senate elections and the Comptroller General for presidential elections. Reports on political convention financing are also required to be submitted to the Comptroller General.

The conferees accepted House provisions under which the Comptroller General would serve as a national clearinghouse with respect to information regarding elections, and which would prohibit the use of OEO funds from being used in any way to influence the outline of any election to Federal office. The conferees accepted in part the Senate requirement that copies of reports required to be filed with the supervisory officer be also filed with the various U.S. district courts. However, instead of being filed with the clerk of the U.S. district court, they would be filed with the Secretary of State or equivalent office.

The conference report contains a provision to modify section 610 of title 18 of the United States Code. That law was enacted to prevent national banks, corporations, and labor unions from making political contributions or expenditures, a prohibition which is now extensively circumvented, especially by labor unions as was brought out when this legislation was being debated. H.R. 11060, the original House bill, as reported contained a proposed amendment to strengthen the language of section 610 to help it better to serve its original purpose. However, that provision was replaced with a watered down amendment that will in all likelihood allow labor unions an even wider latitude to engage in political activities. The author of the so-called Hansen amendment clearly stated its purpose was to codify existing law, so no other interpretation should be made as to his intention nor the application of the amendment. This provision has the potential to allow widespread abuse of what should be a union member's right to prevent the channeling of his dues to political purposes against his wishes and will bear close watching. Possibly followup legislation will be indicated.

The gentleman from Idaho (Mr. HANSEN) offered an amendment that was adopted in the House, and at that time he stated specifically that it was his intention that his amendment codified existing law. I believe that should be made clear as a part of the legislative history, that that was the intention of the gentleman from Idaho. I believe the gentleman will enlarge upon that when time is allotted to him.

With such reservations as I have expressed, I would recommend adoption of the conference report on S. 382. The bill does represent a significant step forward by way of providing essential guidelines and controls on the conduct of Federal elections and in my opinion its enactment into law will be in the public interest.

Mr. SPRINGER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Speaker, as one of the Senate-House conferees who worked out final details of the campaign spending reform measure before us today. I want once again to publicly protest those provisions in this otherwise laudatory bill that are clearly discriminatory to the broadcasting industry.

On the last day of the first session, I pointed out to colleagues that under this bill, broadcasters solely would be required to extend their lowest unit rate for campaign advertising of Federal political candidates.

Obviously, this requirement singles out the broadcasting industry and requires it to provide bargain basement rates for politicians, entirely overlooking the fact that nonpolitical advertisers are often much more entitled to a more economical rate by virtue of their advertising volume or frequency.

The measure is, therefore, discriminatory to millions of businesses and enterprises that are in no way related to politics and political candidates.

I very much regret that this unfair requirement was not removed during the conference. The "comparable rate" requirement of our original House bill was much more equitable.

While I do intend to vote for this legislation because of its many improvements other than this particular matter, I do want once again to express my concern that the measure does discriminate against the broadcast industry in the manner described.

Mr. SPRINGER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Speaker, I shall vote for this conference report on S. 382, the Federal Election Campaign Act of 1971.

On balance, it is good and necessary reform legislation. It gives us a broad basis for this badly needed reform. And it gives us great ability to end abuses.

I am particularly pleased that this report contains the things for which I have been pressing—and which the House adopted in passing its version of the bill last November: Full and timely disclosure of contributions to campaigns for Federal office, and prohibition of unsecured credit advancement by federally regulated industries to such candidates.

I consider these reforms so necessary that we cannot risk losing the benefits that they provide by voting down this report in the hope of rectifying or remedying the elements of this report which, so obviously, impose undue restrictions upon the Nation's radio and television broadcast industry.

There is no doubt that this conference report does contain elements that are inequitable and discriminatory as far as the federally regulated broadcasting industry is concerned—particularly when compared with the manner in which its unregulated competition is treated by this report.

This legislation will require broadcasters to give political candidates a broadcaster's lowest unit rate for campaign advertising. But it will permit such other media as newspapers and billboards to charge prices paid for "comparable" use by commercial advertising accounts.

It will impose a 6-cents-per-voter restriction on a political candidate's total broadcast spending. But it will permit the full 10-cents-per-voter limitation to be spent with competing media.

It includes the Pearson amendment to require broadcasters to permit any legally qualified candidate to purchase a "reasonable amount of time" for his campaign advertising. Any broadcaster found in willful or repeated violation of this requirement could lose his license and be thrown out of business, his total record of public service notwithstanding.

In other words, this conference report not only retains the unfair and repressive equal-time law now on the books as section 315, but it tightens it, thereby making it all the more unfair and repressive.

Who is to say what is really a "reasonable amount of time"?

What a broadcaster may consider, under his circumstances, a "reasonable amount of time" may not be considered so by a candidate who demands such time in the heat of a campaign.

In fact, what may be considered a "reasonable amount of time" by one broadcaster may not be so considered by another broadcaster. Their regular contractural and programing commitments—and audience requirements or preferences—may vary greatly.

There are bound to be times in every broadcasting schedule—and in the professional experience of every broadcaster—that are not conducive to the sale of political time, however badly a candidate may think he wants it, or should have it.

Who is to say whether it is reasonable for a broadcaster, upon a political candidate's demand, to be compelled to preempt the time of the long-term commercial client to whom, by contract, that time belongs?

Who is to say whether it is reasonable, and really in the public interest, for a broadcaster, upon such demand, to be compelled to preempt an established public service program which his listeners have come to enjoy and, upon which to depend?

Yet, under this provision, a broadcaster, whose license is obtained and retained on basis of performance in the public interest, may be charged with being unreasonable and, therefore, fall subject to revocation of his license.

To suggest that such a requirement is needed to assure reasonable responses to political campaign advertising purchase requests is to fly in the face of the industry's 37-year record of performance under FCC regulation. In fact, a number of large market radio and television stations have actually given substantial discounts to political candidates. Their hard-copy competitors have done less.

But, here again, it is wrong to enact legislation which is discriminatory and inquitable to the regulated electronic media and which, therefore, places it at severe handicap and considerable jeopardy vis-a-vis its unregulated competition.

And so it is that, for these reasons, I shall work for early remedy of the inequitable and discriminatory aspects of this conference report as they pertain to the broadcasting and telecasting industry—but, today, I shall vote for passage of the report as essential to long-overdue campaign reform.

Mr. SPRINGER. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL of North Carolina. Mr. Speaker, today the House is considering the conference report on a most important piece of legislation, the Federal Election Campaign Act. This measure would provide some greatly needed reforms in regulating political campaigns, and it is especially timely in light of upcoming presidential primaries in a few months.

The enactment of this reform legislation would be the first major revision of the Corrupt Practices Act of 1925, the law currently governing campaign spending practices. Consideration of this issue is long overdue in view of the astronomical expense of conducting political campaigns in the age of mass communications.

While I feel it is commendable that the Congress is addressing its attention to this problem, I would like to express a few reservations I hold about some provisions of the conference report.

One of my major objections concerns the treatment of limitations on rate charges for political advertisements for the broadcast and print media. I feel that the distinction which has been made in the conference report between the broadcast and print media is unjustified and unfairly discriminates against the broadcasters. Under this provision, newspapers and magazines may charge political candidates comparable rates to charges for commercial advertisers. However, broadcasters are restricted to charging the lowest unit rate available to commercial advertisers. This change from the original House version of the bill, which treated the broadcast and nonbroadcast media alike and allowed for comparable rates for both, is unsatisfactory and can, I hope, be corrected in the future.

Another section which I would like to see included in the conference report is the repeal of section 315(a) of the Communications Act, or the "equal time" requirement, for candidates for President and Vice President. I do not feel that section 315(a) should be repealed for all candidates for Federal office, as had been provided by the Senate, but I feel that leaving this section of the law as it presently stands has the effect of reducing access to broadcast time by major presidential and vice presidential contenders.

I feel that the section of the conference report regarding the filing of campaign reports was weakened by the elimination of the provision for a Federal Elections Commission. Originally included in the Senate version, this section was replaced by the House version vesting supervision of campaign reports in the Clerk of the House for House candidates and in the Secretary of the Senate for Senate candidates. I feel that the supervisory role should be outside of the Congress itself in order to maintain greater distance between political candidates and election supervisors.

I am also dissatisfied with the provision which would define in law the roles that corporations and labor unions may take in political campaigns. I feel that this section is not as strong as it should be and would have the effect of sanctioning certain union and corporate activities in political campaigns. I would much prefer a provision to prohibit any union activity and any union funds for political purposes.

While I cannot in good conscience oppose this legislation, I would certainly be willing for the bill to be returned to conference in order to correct some of the defects which I have mentioned.

Mr. SPRINGER. Mr. Speaker, I yield one minute to the gentleman from Illinois (Mr. Anderson).

Mr. ANDERSON of Illinois. I rise in support of the conference report on the Federal Elections Campaign Act of 1971. This legislation represents a significant and important first step forward in the imperative task of restoring public confidence in the integrity of the electoral process. To be sure, we should be under no illusions that this legislation is perfect or that it is the final solution to the problems of campaign finance; but at the same time, there can be little doubt that it is a vast improvement over the loophole-ridden Corrupt Practices Act of 1925 which it replaces.

One long-time advocate of campaign finance reform said earlier this year that if we could at least close up the District of Columbia Committee loophole, require intrastate as well as interstate committees to report, and extend coverage of the act to primaries, we would have made a significant improvement over the old law. Well, this act does eliminate these important areas of abuse and a number of other ones as well. Most importantly, the act provides for timely and thorough preelection reports on campaign contributions and expenditures. As Senate Majority Leader Scott said during the debate in the other body, the single most important item on the agenda of campaign finance reform is to provide the electorate with the opportunity to determine "who gave it and who got it" before they enter the voting booth. Every poll and opinion survey that I have seen indicates that the great majority of the American people disapprove of the escalating costs of modern campaigns and the disproportionate influence that this gives groups and individuals possessed of large financial resources. This act now gives the electorate a concrete opportunity to register that disapproval at the ballot box.

Mr. Speaker, I must also point out that the conference report is disappointing in one major respect. I refer to the fact that the supervisory power was left with the Clerk of the House and the Secretary of the Senate. I strongly supported the Senate provision for an Independent Election Commission, and when it became clear that this could not gain the approval of the House, I, along with many of my colleagues on both sides of the aisle, urged that an Election Board be established in the GAO with the Speaker of the House, the President pro tempore of the Senate, and the President sharing in the appointments. In my view, this was a reasonable compromise that would have been far superior to the provision as finally agreed to by the conferees.

I think we must remember that thorough and timely reporting by candidates is only one side of the disclosure equation. The other half is an agency that can process, collate, and disseminate these reports in an expeditious manner. I do not believe that the Clerk of the House, as presently equipped, can possibly fulfill this important function. So, if we are determined to leave the supervisory responsibilities in that office, it seems to me that it is essential that we promptly provide him with the additional resources and manpower that will be required to do the job effectively.

Mr. Speaker, despite this one area of disappointment let me again urge that the conference report be approved. As my able colleague, Jim Harvey, who played such an important and instrumental role in moving this measure through the legislative process last year said in a recent report to his constituents: "The final version of this legislation is far from perfect." One newspaper properly entitled a story about its history "Chronicle of Compromise." The final version passed by the Senate and the House certainly is a compromise, but it is also a noteworthy accomplishment. I urge adoption of the conference report.

(Mr. McCLORY (at the request of Mr. Springer) was granted permission to extend his remarks at this point in the Record.)

Mr. McCLORY. Mr. Speaker, I am pleased to express my support of the conference report on the Federal Election Campaign Act of 1971 (S. 382). This measure sets forth detailed provisions for reporting campaign receipts and expenditures.

Mr. Speaker, this measure imposes appropriate responsibilities on political candidates and campaign committees. It is designed to close loopholes which, at present, permit concealment of contributions and campaign spending. The bill sets a top limit on campaign expenditures which should prevent any future charges that a political candidate has "bought" an election. The language of S. 382 is fair to candidates of modest means. Those who seek election as a Representative in the Congress—for instance—would be barred from spending personal or family funds in excess of of $25,000 in any election.

Mr. Speaker, the Comptroller General is given principal responsibility for administering the new law. This should persuade the American public to have confidence that the Congress is determined to establish fair and honorable standards with which all candidates for Federal office are required to comply.

Mr. Speaker, the new law has some obvious shortcomings—including exemptions which others have discussed in the course of this debate. However, the measure provides a substantial response to the need for reform in campaign spending—and I am pleased to express my full support for the conference report.

Mr. SPRINGER. Mr. Speaker, I yield such time as he may use to the gentleman from Georgia (Mr. Thompson).

Mr. THOMPSON of Georgia. Mr. Speaker, it difficult for me to understand how anyone can justify the discrimination that exists in this bill against the broadcast media and the candidates' use of the broadcast media.

Make no mistake about the fact that I am delighted that we now have a campaign spending bill before us and will vote for the bill although I cannot support the unfair section relating to broadcasts.

In the committee I voted against treating the broadcast media differently than the printed media. It is wrong to allow all money allotted for media advertising to be spent, if it is the individual's desire, on newspaper ads and not at the same time allow a similar right for the use of broadcasting media. I hope this will be changed at a later date.

Another unfair provision in this bill is to require of the broadcast media the "lowest unit rate" rather than a "comparable unit rate" allowed the printed media. It is also my hope that this too will be corrected at a later date.

Taken in its entirety, however, this is a much needed bill and will have my support and vote.

(Mr. LLOYD (at the request of Mr. SPRINGER) was granted permission to extend his remarks at this point in the RECORD.)

Mr. LLOYD. Mr. Speaker, the proverb states: "A journey of a thousand miles begins with the first step." We are taking a long step today toward campaign expenditure reform.

Actually, so far as expenditure limitation is concerned, I am very little personally affected. This bill allows 10 cents per eligible voter to be spent for media advertising, or $50,000, whichever is greater. I represent more than 500,000 persons, one of the largest districts in the country. There are less than 350,000 "eligible voters" in the district. Thus, in the case of a Congressman, the 10-cent limitation is meaningless. In my case, it would mean $35,000. Therefore, the meaningful figure becomes $50,000. This is more than has ever been spent on my campaign media advertising in the past.

The reporting requirements, the contribution limitations, the disclosure mechanics, these are all long-needed improvements. I regret we have not eliminated the equal-time requirements, because I believe it encourages irresponsible political efforts and mischief makers, and does not contribute to constructive and useful campaign procedure.

There are other changes I would make, but I realize that each one of us sees this problem a little differently. In the American tradition, our product today is a consensus product. As such consensus product, I support it enthusiastically, in the hope and in the belief that it will be further refined and further improved by subsequent Congresses.

Mr. SPRINGER. Mr. Speaker, I now yield to the distinguished gentleman from Nebraska (Mr. McCOLLISTER) for a question.

Mr. McCOLLISTER. Mr. Speaker, I thank the gentleman for yielding.

I would like to direct a question to the chairman of the Committee on House Administration.

The gentleman from Ohio, in describing the subjects with respect to which limitation is made, made some mention of the campaign staff. I see that in section 104 is described the limit on communications media, and it describes in section 102 what the communications media are. I see no reference there to the staff.

Mr. HAYS. Will the gentleman yield?

Mr. McCOLLISTER. I yield to the chairman of the committee.

Mr. HAYS. Well, I made a broad generalization which I would like to explain in more detail.

As I see it, it seems to me that under the law that we have in the proposed legislation, if no member of that staff you are talking about hiring as much as picked up a telephone, that they would not be covered, but if they picked up a telephone and talked to someone about something for somebody, that they would be covered, in my opinion.

That is not the way we wanted it. That came about as part of a compromise. The only thing I can say to you is if any staff person you hired has anything to do wide open, as I am trying to explain, on will be covered, in my opinion. So personally I will be very cautious and include staff as a part of the $50,000.

Mr. McCOLLISTER. Does the gentleman mean in his description of the use of the telephone where it is used in banks of five or more?

Mr. HAYS. Well, I have that specifically in mind, but the thing is a little wide open, as I am trying to explain, on communications media. You know they are prohibited. I am just telling you how I am going to handle it. I am going to consider any staff who works in my election, that their salary is part of the $50,000.

If somebody else wants to take a chance, and if it is interpreted otherwise, and someone comes in and says, "Joe Doakes was on the telephone and he called 50 people," and they bring in 50 people and ask them to vote, I think they would be covered.

Mr. SPRINGER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. FREY).

Mr. FREY. Mr. Speaker, I would like to very briefly address the attention of the House to the provision regarding the media. There has been much made and written about it and, quite frankly, I worked very hard in the committee to allow the candidate complete discretion regarding the spending of his campaign funds. However, this did not come about, but we did manage to get a compromise through.

Mr. Speaker, I think it is extremely important that we have this bill. The house has acted and the Senator has also. While I am not necessarily in favor of all of the provisions of this bill, I think it is a good compromise and one with which we can live. This bill is important, more important, than the few items with which I disagree.

Therefore, I would urge everyone, to support this bill.

Mr. SPRINGER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. Mr. Speaker, I take this time because questions have recently been raised as to the purpose and effect of the so-called Hansen amendment to the election reform bill. This amendment was adopted by the House of Representatives by a margin of 233 to 147 and was retained by the joint Senate-House conference committee.

At the outset, I would like to make two points. First, I stand fully behind every word of the statement I made in explanation of my amendment and in answer to questions during the course of the debate on the amendment. Second, I will repeat what I stated several times during the course of the debate that the purpose and effect of my amendment is to codify and clarify the existing law and not to make any substantive changes in the law.

It is significant that I gave notice to the House and to the public of my intention to introduce my amendment approximately 2 weeks before it was considered on the floor of the House. On November 17, 1971, I inserted the full text of the proposed amendment and an explanation in the CONGRESSIONAL RECORD, volume 117, part 32, page 41869. The amendment was offered and debated on November 30, 1971. Prior to the time of the debate no question was raised by anyone in the Justice Department or by anyone else to my knowledge concerning the provisions of the amendment that have recently been questioned. Those provisions relating to the legality of a separate, segregated voluntary political fund were not raised during the course of the debate. In fact, most of the attention during the debate was centered on the feature of the bill which represented the principal difference between the Hansen amendment and the so-called Crane amendment; that is, the extent to which union or corporate funds could be used to finance a get-out-the-vote drive directed at the union members or the corporate stockholders.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. HANSEN of Idaho. I yield briefly to the gentleman from Ohio, but I would like to complete my statement.

Mr. HAYS. I will say to the gentleman that what he is saying will be the legitimate legislative history and that what somebody down in the Department of Justice, some Assistant Attorney General's opinion, is worth exactly as much as the piece of paper it is printed on, no more and no less.

Mr. HANSEN of Idaho. I thank the gentleman.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. HANSEN of Idaho. I shall yield to the gentleman when I complete my statement.

I can certainly understand why the questions now being raised were not raised prior to or during the course of the debate on the amendment. The Hansen amendment is consistent with the legislative intent expressed by the original author of section 610, the late Senator Robert Taft of Ohio. The Hansen amendment is consistent with the position taken by the Justice Department in the brief it filed with the U.S. Supreme Court in the Pipefitter case and with the position taken by the Justice Department when the case of United States against UAW was before the Supreme Court. The Hansen amendment is also consistent with the provisions of the so-called Crane amendment dealing with the legality of a separate, voluntary political fund. The pertinent portions of both amendments are as follows:

HANSEN AMENDMENT

"As used in this section, the phrase 'contribution or expenditure' . . . shall not include . . . the *establishment, administration and solicitation of contributions to a separate segregated fund to be utilized for political purposes* by a corporation or labor organization: *Provided*, That it shall be unlawful for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination or financial reprisal; or by dues, fees, or other moneys required as a condition of membership in a labor organization or as a condition of employment, or by moneys obtained in any commercial transaction." (Emphasis supplied.)

CRANE AMENDMENT

(Sec. 8 of H.R. 11060)

Nothing in this section shall preclude an organization from *establishing and administering a separate contributory fund for any political purpose*, including voter registration or get-out-the-vote drives, if all contributions, gifts, or payments to such fund are made freely and voluntarily, and are unrelated to dues, fees, or other moneys required as a condition of membership in such organization or as a condition of employment. (Emphasis supplied)

It has been suggested recently that the so-called Hansen amendment to the present 18 U.S.C. section 610 has the purpose and effect of thwarting present prosecutions against the Pipefitters Local 562 and the Seafarers International Union as well as a contemplated prosecution against the Marine Engineers Beneficial Association. As I will show, this contention is completely without substance.

In its original draft form, the Hansen amendment made it unlawful for a labor political committee to make a contribution or expenditure by utilizing money secured by physical force or job discrimination or threat thereof. Subsequently, when the allegation was made that the Marine Engineers Beneficial Association had coerced contributions to its political action fund by threatening pension cutoffs or reductions, the amendment was redrafted and broadened in order to make the use of financial reprisals or threats thereof unlawful. Therefore, far from undercutting any action the Department of Justice may see fit to take in this case, if action is warranted, the Hansen amendment actually strengthens the Department's hand.

Again, in the Seafarers' case, the Government's contention insofar as it can be gleaned from the indictment and from the newspaper stories which led to the indictment, is that section 610 was violated because the payments were coerced through job discrimination and threats of job discrimination. That precise evil is also covered and prohibited in explict terms in the Hansen amendment.

With respect to the Pipefitters' case, the thrust of the prosecutions there, as is evident from the Government's briefs, is that section 610 was violated because the Pipefitters' Political Action Fund utilized assessments whose payment was required as a condition of employment. That precise evil is covered in explicit terms in the Hansen amendment.

The Hansen amendment is completely consistent with the basic theory of the Government's prosecution in United States against Pipefitters Local 562—United States Supreme Court No. 70-74 October Term, 1971—as stated in the Solicitor General's brief filed with the Court in November 1971. In that brief the Government states:

> The essential charge of the indictment and the theory on which the case was tried was that the Fund, although formally set up as an entity independent of Local 562, was in fact a union fund, controlled by the union, *contributions to which were assessed by the union as part of its dues structure*, collected from non-members in lieu of dues, and expended, when deemed necessary, for union purposes and the personal use of the directors of the Fund. (Brief for the United States at p. 23, emphasis added.)

The Hansen amendment makes it perfectly plain that Federal contributions or expenditures financed by "dues, fees, or other moneys required as a condition of membership in a labor organization or as a condition of employment" are unlawful. Thus, under the Hansen amendment the Government would be entitled to a guilty verdict whenever it meets the burden of proving to a properly instructed jury that contributions were made from assessments which were part of a union's dues structure.

There could be no dispute on this point for in his floor explanation of the 18 U.S.C. section 610 Senator Taft emphasized that:

> [U]nions can * * * organize something like the PAC, a political organization, and receive direct contributions, just so long as members of the union know what they are contributing to, and the dues which they pay into the union treasury are not used for [the] purpose [of making federal political expenditures and contributions]. 93 Congressional Record 6440.

In light of this explanation the Government advised the Supreme Court in *United States* v. *UAW*, 352 U.S. 567, that section 610 "had not silenced the political voice of labor unions" since unions may "properly" use "special funds contributed voluntarily by the membership" for "purely political activities." Brief for the United States in the UAW case at pages 37 and 38. And, consistent with that view, despite the fact that unions, as well as the Chamber of Commerce and the NAM, have openly and notoriously carried on political activities through labor and business political organizations such as AFL–CIO, COPE, and BIPAC for almost 30 years, the Government has never prosecuted either a union or a corporate group on the theory that unions and corporations have no right to set up and run legitimate labor or corporate political organizations such as COPE and BIPAC.

Thus as Senator DOMINICK stated, speaking in support of an amendment to section 610 he offered to the other body, the general view is that:

> If a member wishes to pay money voluntarily to a candidate or to a labor organization fund for a candidate or even to a fund which the union will determine how it is to be spent, I have no objections.
>
> CONGRESSIONAL RECORD, volume 117, part 22, page 29329.

The Hansen amendment building on this consensus tracks this language with a single addition making explicit what is implicit in the Crane amendment—that unions and corporations may solicit contributions to these funds as long as they do so without attempting to secure money through "physical force, job discrimination, financial reprisals" or the threat thereof. Thus the Hansen amendment does not break new ground, it merely writes currently accepted practices into clear and explicit statutory language.

Much has been made of the fact that some of the material which I inserted in the CONGRESSIONAL RECORD as part of legislative history in connection with my remarks is similar to material inserted by the gentleman from New Jersey (Mr. THOMPSON) as part of his remarks.

Those who are familiar with the operation of the Congress are aware of the rather common practice of Members drawing upon committee reports, hearings, briefs, and other background materials and documents in developing legislative history for a bill which will help to set forth legislative intent to guide those charged with responsibility of implementing and administering the act. In the development of my amendment I worked with other Members and their staffs. A background paper was prepared and underwent several modifications reflecting comments and suggestions made by Members who had an opportunity to review it. In order to make certain that the record was complete I inserted portions of that background material in the RECORD under authority to revise and extend my remarks. Obviously, the gentleman from New Jersey (Mr. THOMPSON) with whom I serve on the House Administration Committee which considered this legislation, utilized some of the same materials in revising and extending his own remarks.

Obviously, the members of the joint Senate-House conference committee were not concerned about the suggested effect of this amendment on pending cases. Nor were Members of the other body who approved the conference report by a voice vote. There is no reason for Members of this body to be concerned. This is much needed and meritorious legislation. I strongly urge an overwhelming vote of approval.

GENERAL LEAVE

Mr. DEVINE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this subject.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DEVINE. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Speaker, and Members of the House, I regret that I could not ask the question of the gentleman from Idaho, but during the debate, in a colloquy with the gentleman, I pointed out that it seemed to me that his amendment operated to legalize certain union practices regarding the use of union dues for political purposes which heretofore had not been legalized. I am glad to note that the gentleman claims that this is not true, and that he is merely codifying existing law.

I presume—and this is the question I wished to ask the gentleman—that the existing law which the gentleman says his amendment codifies, includes the decision in the Circuit Court of Appeals in the Eighth Circuit, I believe, in the Pipefitters' case, which specifically holds that the use for political purposes, of coerced funds, or of union dues which have to be paid, is illegal.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. DEVINE. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, today this House will pass a much-needed election reform bill. It is a good compromise bill which merits broad support. In addition it stands as a prime example of congressional responsiveness.

This bill is the first significant reform in decades. It provides for expanded disclosure both for expenses and contributions, and establishes spending limitations for certain media expenses. More importantly, it is tailored to disrupt as little as possible our traditionally fair and open election systems.

The Congress has wisely resisted the strong temptation to expand substantially the existing, and obvious, advantages of incumbency. It also resisted the equally strong temptation to restrict unduly the rights of citizens who participate financially in the political process.

The bill has flaws, omissions, and even a loophole, or two. Most significant is the omission of a Federal Elections Commission. On balance, however, the good in this bill far outweighs its minor defects.

This reform bill complements the $50—$100 joint—deductibility for political contributions. Together, they provide great incentives for broadened political participation. Together, they are a real bonus for the people of this country.

Perhaps the happiest element in our whole treatment of election reform is that we are passing Congress own bill. It did not come from the Executive, although the Executive did contribute greatly and has indicated support and approval. It did not come from pressure groups, although many groups also made important inputs. It did not come from heavy popular interest, although the majority of our citizenry has been shown, in poll after poll, as favoring election reform.

All of these influences were important, but this bill was passed because Congress saw a problem area and tried to solve it in a reasonable way.

I want to add my commendations to those already heaped on the deserving chairmen, the gentleman from Ohio and the gentleman from West Virginia, and on the deserving subcommittee chairman, the gentleman from Virginia, and the gentleman from Massachusetts. Their efforts reflect credit on all of us.

It is my hope that this bill will be passed by an overwhelming majority today.

Mr. HAYS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, the Members of the House will remember that during the first floor debate on this legislation I offered an amendment providing that broadcasters should charge comparable or earned rates, the same as the newspapers and other media could charge. The House passed that amendment by a strong vote of 219 to 150, a 69-vote majority, on a record vote.

When the bill went to conference this amendment was sort of traded off on the equal time provision. If I could offer an amendment now that would restate what was the clear intent of the House I would do so.

But, as you know, we have a straight yes or no vote on this conference report.

I want to make it plain that I do support the legislation because overall the two committees have done a good job and the overall purposes and the strong intent here outweighs any individual objection that I might have.

I do think the provision requiring broadcasters to give the lowest unit rate to political candidates, if that is indeed what the language really says, is patently unfair and should be corrected. I hope to take steps as we go along this year to correct that difference.

Mr. HAYS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Speaker, the question has been raised about the meaning of the term paid telephonists in section 102(1) and the suggestion was made that this might include a campaign staff. For what it is worth, I would like to say as author of the amendment in House which included the term "paid telephonists"—it was not my intention to include in that term all staff that might use telephones incidentally talk to voters.

I had in mind people who are hired for the purpose of making telephone calls. That is a very distinct and recognizable category. It was not my intention to include anything beyond that. These people are generally hired in considerable numbers and it is, as I say, a distinct category. I repeat it was not my intention as author of the amendment which included the phrase "paid telephonists" to include general campaign staffs.

Mr. HAYS. Mr. Speaker, I yield 1 minute to the gentleman from Wyoming (Mr. RONCALIO).

Mr. RONCALIO. Mr. Speaker, I thank the chairman of the committee, the gentleman from Ohio (Mr. HAYS).

Mr. Speaker, my purpose in taking the floor at this time is to ask a question for the benefit of absent Members.

What about attacks on an incumbent? For example, those who have already said, in effect, "We will come into your area and put up billboards attacking you on the way you voted on a particular thing last year." Is that allocable to your opponent's expense limitations?

Mr. HAYS. No, it is not. But if a person—if it is an individual, and he spends more than $100, he has to make a report on it and, if he does not, then he is in violation of the law and can be fined or sent to jail.

Mr. RONCALIO. I thank the gentleman very much.

Mr. HAYS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. ABBITT), chairman of the subcommittee, who did all of the hard work holding the hearings and who did a great job on the section of the bill on House administration.

Mr. ABBITT. Mr. Speaker, I appreciate very much the gentleman yielding to me and the kind words he has just spoken.

Mr. Speaker, I want to commend the chairman of the committee, and the chairman of the conference, and the House Members for the splendid job they have done.

To all intents and purposes, this is a bill that was passed originally by the House, with a few exceptions.

First, I want to comment on the subject of telephones. There was a slight change there. Some of the Members are a little bit excited and exercised by what we mean when we say "media".

If you will look at the first page of the report, it explains it very concisely.

The report reads as follows:

> (1) The term "communications media" means broadcasting stations, newspapers, magazines, outdoor advertising facilities, and telephones; but, with respect to telephones, spending or an expenditure shall be deemed to be spending or an expenditure for the use of communications media only if such spending or expenditure is for the costs of telephones, paid telephonists, and automatic telephone equipment.

Mr. Speaker, it is just that simple. That is all that applies to telephones.

Now, as to the conference report, there were only about five instances in which the House bill was changed.

First, the provision of the Senate bill relating to the requirements on broadcasters, that is, television and radio, was adopted. Broadcasters must charge the lowest unit rate for space and time during the 45 days preceding a primary and 60 days preceding the general election.

Second, there was stricken from the House bill the provision requiring anyone who makes space available in a newspaper or magazine to a candidate in a national election campaign must make space available to other candidates for office.

Third, under the definition of "news media," we took out the provision relating to postage in computerized mailing as defined in the House version, and changed cost of telephoning to telephone expenditures.

Fourth, the House receded from their provision providing for a penalty for violation of section 103 and adopted the Senate provision, which provides for a fine of not exceeding $5,000 or imprisonment of not more than a year or both.

The fifth change was in the matter of reporting. We in the House report to the Clerk; the Senate reports to the Secretary of the Senate. In addition, there was the amendment that was offered by Mr. HARVEY requiring a report to the clerk's office of the Federal court in the various districts. That amendment was defeated in the House. At that time the chairman, (Mr. HAYS) promised that some provision would be made. What we did in the conference committee was to say that a report should be filed with the appropriate

State official, either the State election official or whoever the appropriate State official might be, the secretary of state or the equivalent officer. A copy of the report would be filed with that officer so it would be available locally. Other than that the House provision stands.

I think we have a good bill, one we can live with, and one which represents a great step in the right direction.

I am pleased that the Members of the House of Representatives were afforded ample time to study the conference report on S. 382, and I'm sure that having read the provisions of the bill, we all realize the importance and far-reaching effects of the legislation.

Although the bill is not what we had all hoped it would be, it takes a giant step in the right direction. Our existing laws are so outdated and unrealistic that an urgent need for reform exists.

The House conferees were opposed to a Senate attempt to repeal the "Equal Time" requirement for political candidates and after lengthy discussion, the repeal clause was removed and the existing law remained unchanged.

In an attempt to keep down the rapidly rising costs of campaigning, the conferees agreed to limit expenditures for the communications media to 10 cents per eligible voter, or $50,000, whichever is greater. Of this limit, no more than 60 percent could be spent for television and radio. An escalator clause was included with the communications media spending limit, based on annual increases in the consumer price index.

The bill also provides that broadcasters, meaning TV and radio stations, are required to sell candidates advertising time at the lowest unit rate for the time and space used. This stipulation would take effect only during the last 45 days preceding a primary election and the last 60 days preceding a general election.

In order to maintain the highest degree of confidence in Federal campaigns, the public is entitled to know specifically and accurately what money is spent by and on behalf of a candidate for Federal elective office, and also where those funds came from. This bill goes a long way in strengthening the requirements for reporting expenditures and contributions, and thus providing for disclosure to the people.

As opposed to creating another high cost commission, financed by the taxpayers, the House conferees were able to retain the provisions of the House version which provided for campaign reports to be filed with the Clerk of the House, for House candidates, the Secretary of the Senate for Senate candidates, and the Comptroller General for Presidential candidates. Also, copies of campaign reports are to be filed with the secretary of state—or equivalent officer—of the State in which the election is held. This last stipulation, I feel, is much more practical than what was proposed by the Senate which attempted to have additional copies of the campaign reports filed with the clerk of the United States District Court in which is located the residence of the candidate or the principal office of the political committee.

Another important aspect of the bill pertains to the role unions and corporations can play in political campaigns. Under the provisions of this bill, the definition of the terms "contribution" and "expenditure" does not include communications, nonpartisan registration, and get-out-the-vote campaigns directed at the stockholders of the corporation and their families and members and their families of labor organizations.

One of the most crucial provisions of the bill provides for a ceiling on contributions by any candidate from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election to Federal office in excess of $50,000 for President or Vice President, $35,000 for Senator, and $25,000 for Representative. I feel that this will help deter a wealthy candidate from being in a position, as a result of his or his family's personal fortune, to "buy" an election. The cost of campaigning is so great today that the average citizen cannot even consider running for office.

Finally, this bill repeals the Corrupt Practices Act of 1925 which is so outdated and impossible to live under that, as we all know, it has been honored only in its breach.

Gentlemen, the time to act is now. Although S. 382 is not a perfect bill, I urge your full support for passage—so that we might take the first step to needed election reform.

Mr. SPRINGER. Mr. Speaker, I yield the remaining time to the minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, at the outset let me commend the Conferees. I think a good job has been done, and I intend to support the report. I think it is good legislation.

I would like to ask the distinguished gentleman from Ohio one question. As I read the Conference Report, except for section 401, the effective date for the new legislation is 60 days after the President signs it and it becomes law. Is that correct?

Mr. HAYS. The answer to that is "Yes." That is exactly right.

Mr. GERALD R. FORD. One other clarification. When I say "effective date," that means as to reporting expenditures, disbursements, or any other requirements under the legislation.

Mr. HAYS. That is right. No section, except for one, takes effect, and it does not either until 60 days after. It even has a longer period. But the rest of it, no part of it becomes effective until 60 days after the President signs it.

Mr. GERALD R. FORD. Mr. Speaker, let me reiterate what I said at the outset: I congratulate the conferees. I think this is good legislation and I hope it is overwhelmingly approved.

Mr. HAYS. Mr. Speaker, I yield myself the remaining time.

Does the gentleman from South Dakota have a question?

Mr. DENHOLM. Thank you very much, Mr. Chairman. The question I wanted to ask is this: If someone is operating on less than $50,000 in contributions, is there any attempt or purpose in the proposed law that would suggest or compel an allocation of the funds?

Mr. HAYS. No, not at all. If a person, for example, had only $20,000, he could spend the whole $20,000 on the media if he wanted to. The only limitation is that he may not spend more than $30,000 total of the $50,000 on the media.

Mr. DENHOLM. Thank you very much.

Mr. HAYS. Mr. Speaker, I want to say in conclusion that I appreciate all the cooperation from both sides, from all the members of my committee especially Mr. DEVINE and those on the other side, who while they were exhausting and penetrating in their questions made no attempt to filibuster consideration of the bill. Also I appreciate the cooperation of the members of the Committee on Interstate and Foreign Commerce, the gentleman from West Virginia (Mr. STAGGERS), and the gentleman from Massachusetts (Mr. MACDONALD) as well as the minority members of that committee.

Mr. Speaker, I do not say this is a perfect bill. It does not suit me in every particular. I would rather have had lower limits and a few other things, but we gave very little to the Senate in the conference. There are only a few items, which did not amount to much. In a conference we have to take as well as give in order to get agreement. I appreciate the attitude of the Senator from Rhode Island (Mr. PASTORE) and the other Senate conferees. We came up with the bill in record time. I think it is a long step in the right direction, and I urge adoption of the conference report.

Mr. MAHON. Mr. Speaker, under permission to extend my remarks, I wish to insert at this point in the RECORD the following:

Last Saturday, January 15, I met with members of the broadcasting industry from the district which I have the honor to represent. We had a splendid meeting. It was informative and helpful to me. I was given a broad range of information and assistance with respect to the pending measure, and other pending legislation, and with respect to a multitude of serious problems which confront the broadcasting industry. I was much impressed with the objectivity and dedication to public service which was apparent throughout the meeting.

As to the pending conference report, those speaking on the report have pointed out many of the weaknesses and inequities. The measure is far from perfect, but, under all the circumstances, I shall join in the passage of the measure as the best thing that can be done at this time.

With respect to related measures affecting the broadcasting industry I would urge that early hearings be held and House consideration be given to the high-priority problems involved.

Mr. HILLIS. Mr. Speaker, campaign reform is an absolute must, if we are to make our election system more just and democratic.

However, justice and democracy cannot

be well served by legislation which treats any party involved in election reform with gross inequity.

I feel the reform legislation we have before us today is unjustifiably discriminatory against the American broadcast industry and therefore it is with great reluctance that I am voting against the conference bill.

I agree with all other sections of the reform bill and am pleased Congress has finally taken action in this important field. However, the great advantages which would result from the bill still cannot outweigh the gross injustice which we would perpetrate on the broadcast media by passing this bill as reported out of conference committee.

What is so discriminatory? Only three provisions, but they are quite important. First, while print media would be required by the bill to charge political candidates "comparable rates," broadcasters would be required to furnish time at "the lowest unit rate." This could represent as much as a 50-percent difference in rates.

Second, in the 10-cent-per-voter limitation on spending, this bill specifies that only 6 cents can be spent on the broadcast media, but makes no similar provision for any other media—print, letters, telephoning, and so forth.

Third, the bill retains the equal-time requirement for broadcast media, but includes no such provision for other media.

To me, this amounts to unfair discrimination and favoritism at the expense of an industry which the Federal Government has already sought to control far beyond the bounds which I consider necessary and in the public interest. Certainly, I recognize the need for regulation of the airwaves, but not to this extent.

I would guess we feel justified in placing additional restraints on this media merely because it is the only one which the Federal Government licenses and, therefore, has considerable control over. Congress did not attempt to apply these three odious requirements to the print media because we knew full well we would have to answer to charges of violation of freedom of the press. Surely the electronic press should receive the same consideration. Freedom of the press must apply to all forms of public communication and information, and not only to certain segments.

Furthermore, if we are to accomplish the ends these provisions were designed to accomplish, we would have to extend these regulations to all the media.

For instance, in Indianapolis, if the equal-time provision did not exist and a candidate was not allowed to appear or advertise on one radio station, he would have more than a dozen other stations to go to. However, he would have the chance to appeal to only two daily newspapers in the city. Is it fair for us to require equal time of only one segment of a city's media? This is not to say I feel these regulations should be extended to the other media—I do not. Instead, they should be lifted from the broadcast industry's back.

What are the consequences of this type of favoritism and overregulation? Take a look at the railroads. Because of legislative and executive restrictions which were uniquely punitive and inequitable, America's railroads could not continue to operate competitively with airlines, buses, and the trucking industry. Hence, they are now being heavily subsidized and passenger service has been taken over by the Federal Government.

Overregulation is worse than no regulation at all, in my opinion, because it leads to such Government control and, ultimately, heavy subsidization and takeover.

Is broadcasting to be next on this list? If so, there are few who could doubt this would spell a heavy blow to a free press and, most importantly, to a free society.

I recognize how hard the Conference Committee has worked to report out a workable, compromise bill. But I simply do not think this is something on which Congress should compromise. What we are dealing with is a basic principle—and this is something on which Congress cannot compromise.

Surely Congress has not come so far in this important area to hurriedly accept at this point a blatantly inferior and unjust piece of legislation. I feel this bill should be sent back to committee so these odious provisions can be eliminated and Congress can send to the President a truly fair and effective campaign reform bill.

Mr. EDMONDSON. Mr. Speaker, the conferees have done a good job with a most difficult piece of legislation in bringing this conference report on S. 382 to the floor. I believe the Committee on House Administration and the Committee on Interstate and Foreign Commerce are deserving of general public commendation for the product of their joint labor in this most important field.

The bill on which we vote today is not perfect and no one who has worked for its passage makes such a claim for it.

Nonetheless, it represents progress in an area on which progress is long overdue, and good men have worked long and hard to make this day possible.

The committee and subcommittee chairman, and their minority counterparts, have earned the appreciation of the House and of the country.

I am confident their product will be overwhelmingly approved, both in this body and in the country at large.

Mr. Speaker, I supported the Pickle amendment in the House when this matter was before us last year, and share his view that broadcasters should have equal treatment with other media in rate requirements for candidates.

I hope this question can be resolved to assure this fairness of treatment by later legislation.

Mr. DERWINSKI. Mr. Speaker, I am, with some reluctance, voting for this Conference Report on the Federal Election Compaign Act of 1971.

The reason for my reluctance is that the final bill before us does have, in my judgment, substantial loopholes and inconsistencies. I am also concerned by the possibility that the public will be led to believe that through this vehicle we have solved all the abuses of election campaigns.

I also question the propriety of limiting funds that might be allocated for a specific media. I have a feeling that this decision should be made by the candidate or his advisers.

Further review of campaign expenditures and funds is certainly in order. However, I recognize that there is much in the bill which is certainly needed. I have expressed reservations but feel that the overall need and the great amount of study and legislative effort that has gone into this measure deserve a positive vote on final passage.

Mr. ANDERSON of California. Mr. Speaker, the current law governing political campaign financing was written in 1925 and does not adequately control the conduct of elections for Federal office. In addition, it does not protect the electorate, nor the candidate, from corruption.

Under the current 1925 law, the spending ceiling for House of Representatives candidates is unrealistically low at $5,000; for Senatorial elections, the ceiling is $25,000; and worse, there is no ceiling on Presidential election spending.

The unrealistically low House and Senate ceilings invite avoidance; whereas the absence of a spending ceiling in Presidential elections tends to give a candidate with large financial resources an undue advantage over one whose resources are limited.

The 1925 act is riddled with loopholes that allow an estimated 50 percent of the money spent on political campaigns to go unreported. In fact, 182 candidates for the U.S. Congress in 1968 filed campaign financial disclosure reports indicating that they neither received nor spent any money on their campaigns.

Largely because of advanced communications technology, campaign costs have skyrocketed in recent years. In 1952, candidates for all elective office spent 19 cents per vote. In 1968, candidates for public office spent nearly $60 million on radio and television broadcasts alone. Spending in 1968 totaled over $300 million.

In order to close the loopholes, open the doors of Federal office to men of outstanding ability who have limited financial resources and, simultaneously, free all candidates from the pressure of political obligations which are often incurred in raising funds to underwrite political campaigns, I urge my colleagues to support the Conference Report to the bill, S. 382, the Federal Election Reform.

Under this measure, a candidate for Federal office would be limited to 10 cents per eligible voter, or $50,000, whichever is the larger for the use of the communications media. Not more than 60 percent of these funds could be spent for the use of broadcasting stations.

A candidate who spent more than the legal amount would be subject to a $5,000 fine and 5 years imprisonment.

Special interests would not be allowed to unduly influence the outcome of elections by making contributions which were secured by physical force, job discrimination, nor would they be allowed to use dues required as a condition of membership or employment to further the interests of a candidate.

In addition, so that the public will know who is attempting to influence elections, the disclosure of campaign contributions is required. If a person contributed over $100 toward the election of a candidate, this would be revealed to the public.

Mr. Speaker, I support S. 382 as a meaningful reform in the election process.

However, the bill has several shortcomings. I feel that individual contributions to campaigns must be limited to $5,000. I feel that a candidate's use of his personal funds should also be limited. I feel that television and radio stations should be allowed to present "debates" between the major candidates.

These provisions are not in the bill, but will be introduced in the future and, hopefully, the law will be amended.

In conclusion, Mr. Speaker, I feel that the conference report, S. 382, is a necessary step toward campaign reform. It closes loopholes, and it provides for a more open atmosphere in campaign finance. I will support this conference report and I urge my colleagues to also vote for its adoption.

Mr. DONOHUE. Mr. Speaker, our overriding objective, with respect to this Federal Election Campaign Reform Conference Report before us, must be, in my opinion, to strengthen public faith and confidence in the national government.

Our immediate purpose, in our action on this report, is to try to insure that our Federal elective offices are, in fact, equally open to any qualified candidate and are not the exclusive preserve of individuals who possess great wealth or those who have access to extraordinarily large amounts of campaign spending subsidies.

To accomplish both of these primary objectives, I earnestly hope and urge that the great majority of the House will register their acceptance of this Conference Report. It is not, of course, perfect nor as strong as many of us would like but it is commonly regarded as the most acceptable compromise presently obtainable to effectively limit election campaign spending to a reasonable level and establish a contributor revelation procedure that will serve to reassure the general public about the integrity of the elective process in our national government election campaigns.

The SPEAKER. Without objection, the previous question is ordered on the Conference Report.

There was no objection.

The SPEAKER. The question is on the Conference Report.

Mr. SPRINGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 334, nays 20, not voting 77, as follows:

[Roll No. 4]

YEAS—334

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews
Archer
Arends
Ashley
Aspinall
Badillo
Baker
Begich
Belcher
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Bolling
Bow
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Camp
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Donohue
Dorn
Dow
Dowdy
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Fascel
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Pa.
Grover
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McCulloch
McDonald, Mich.
McEwen
McFall
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Mink
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Peyser
Pickle
Pike
Pirnie
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Quie
Quillen
Railsback
Randall
Rees
Reid
Reuss
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Scherle
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Ullman
Vanik
Veysey
Vigorito
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wright
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Zablocki
Zion

NAYS—20

Ashbrook
Blackburn
Chappell
Crane
Goodling
Gross
Hall
Hillis
Jones, N.C.
Kyl
McMillan
Myers
O'Konski
Poage
Purcell
Rarick
Schmitz
Sikes
Teague, Tex.
Waggonner

NOT VOTING—77

Annunzio
Aspin
Baring
Barrett
Bell
Betts
Boland
Brademas
Bray
Burke, Fla.
Byrne, Pa.
Caffery
Carey, N.Y.
Clay
Collier
Conyers
Corman
Diggs
Dingell
Downing
Edwards, Ala.
Edwards, La.
Esch
Evins, Tenn.
Fisher
Fraser
Fulton
Goldwater
Green, Oreg.
Griffin
Griffiths
Gubser
Harvey
Hébert
Heckler, Mass.
Henderson
Johnson, Pa.
Jonas
Landgrebe
Leggett
Lennon
Long, La.
McClure
McDade
McKay
McKevitt
Martin
Mayne
Mills, Ark.
Minshall
Mitchell
Murphy, Ill.
Nichols
Passman
Pettis
Pryor, Ark.
Rangel
Rhodes
Rosenthal
Roybal
Ruppe
Saylor
Scheuer
Schneebeli
Sisk
Stokes
Stubblefield
Udall
Van Deerlin
Vander Jagt
Waldie
Whalen
Wilson, Bob
Wolff
Wyatt
Young, Tex.
Zwach

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Annunzio for, with Mr. Passman against.

Mrs. Green of Oregon for, with Mr. Baring against.

Mr. Nichols for, with Mr. Hébert against.

Mr. Martin for, with Mr. Landgrebe against.

Mr. Rhodes for, with Mr. Goldwater against.

Until further notice:

Mr. Wolff with Mr. Bell.

Mr. Barrett with Mr. Collier.

Mr. Stubblefield with Mr. Edwards of Alabama.

Mr. Fisher with Mr. Betts.

Mr. Evins of Tennessee with Mr. Johnson of Pennsylvania.

Mr. Griffin with Mr. McClure.

Mr. Mitchell with Mr. Leggett.

Mr. Aspin with Mr. McDade.

Mr. Henderson with Mr. Burke of Florida.

Mr. Lennon with Mr. Jonas.

Mr. Byrne of Pennsylvania with Mr. Bray.

Mr. Carey of New York with Mrs. Heckler of Massachusetts.

Mr. Dingell with Mr. Esch.

Mr. Murphy of Illinois with Mr. Diggs

Mr. Rosenthal with Mr. Clay.

Mr. Fraser with Mr. Rangel.

Mr. Conyers with Mr. Roybal.

Mr. Stokes with Mr. Scheuer.

Mr. Fulton of Tennessee with Mr. McKevitt.

Mr. McKay with Mr. Mayne.

Mr. Brademas with Mr. Harvey.

Mr. Boland with Mr. Saylor.

Mr. Sisk with Mr. Gubser.

Mr. Young of Texas with Mr. Schneebeli.

Mr.Waldie with Mr. Pettis.

Mr. Udall with Mr. Minshall.

Mr. Ullman with Mr. Ruppe.

Mr. Caffery with Mr. Vander Jagt.

Mr. Downing with Mr. Bob Wilson.

Mr. Corman with Mr. Long of Louisiana.

Mrs. Griffiths with Mr. Mills of Arkansas.

Mr. Pryor of Arkansas with Mr. Whalen.

Mr. Wyatt with Mr. Zwach.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRESIDENT NIXON'S $3½ BILLION CAMPAIGN FUND

(Mr. ANDERSON of Tennessee asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of Tennessee. Mr. Speaker, an elected official in America can discharge his oath of office and acquire the possibility of statesmanship only when he stops running and starts serving.

Under this definition, we have not had a President for the past 3 years—only a candidate for President. Whether it be Vietnam or the domestic economy the President's actions have been geared not to his constitutional obligations but to E-Day, election day 1972.

Richard Nixon has violated his constitutional oath by undermining, eroding and undercutting the constitutional obligation of this Congress to determine the expenditure of public funds. Something has to be done about this because it is tantamount to a conspiracy to deprive the American people of their full rights to representative, constitutional government.

Somewhere downtown Richard Nixon has a three and a half billion dollar campaign slush fund built up of public funds this Congress appropriated for obligation and expenditure many months ago.

But let me assure you that this money will be spent. When? Precisely in time to jack up the economy and the President's publicity by November. A super pork barrel. In the meanwhile unemployment, pollution—yes, even law and order—are second order.

Much has been said during the past several months regarding the practice by the Nixon administration of withholding or freezing appropriations while Governors, mayors, and city managers are finding it more difficult to provide needed services to the people we represent.

The administration has shown an increasingly insensitive attitude to the deliberations and decisions of this Congress and the millions of constituents who await our actions and who expect to express their needs, their concerns and their priorities through us.

At the start of this fiscal year it was estimated that over $12 billion was being withheld from previously appropriated funds for various Federal aid programs designed to relieve the burdens of the poor, the elderly, the schoolchildren and those suffering from inadequate public facilities.

Last May, in a report received by my office, the Executive Office of Management and Budget detailed an ambiguous, and what I consider a ridiculous and unacceptable, explanation for the withholding of needed congressionally approved funds.

The OMB statement that "withholding is essential to prudent management" and the subsequent explanation that "we might think of all congressional appropriations as pouring large bulk sums of money into a single tank from which hundreds of pipes lead out. Money is released from the tank into the various pipes when projects are ready" is typical of the shell game approach to the Nation's problems upon which this administration has so heavily relied.

The Office of Management and Budget further contends that the fault lies with Congress, that withholding is necessary to "resolve inconsistent legislative directives concerning total Government spending and individual appropriation bills." This is sheer nonsense. We do need to speed up the appropriations process and all that leads to it, but I can recall many emergency sessions involving explicit continuing appropriations and other actions designed to accommodate the need for timely, orderly and exact appropriation laws.

Any congressional "inconsistency" regarding the $3.5 billion campaign slush fund will evaporate within the next few months like the morning dew in Dixie. Congressional "inconsistency" will be replaced by executive political expediency.

The Nixon administration's retort that it is a "prudent manager" is empty reasoning at best. Three years of this "prudence" has resulted in nearly $80 billion in public debt. Four years of the Nixon economy will witness an unprecedented $100 billion added to the debt of the Nation. But we do not call that deficit spending. Now it is a "full employment budget." More of the shell game.

The President is a politician and 1972 is an election year. Whether it is milk producers or a series of summit meetings, the President is constantly on stage watching the Gallup and Harris polls.

The President's campaign staff is now meticulously planning the use of appropriated funds so that the impact will be maximum by election day.

It is difficult to determine how many billions of dollars in all the agencies of Government are involved. My small staff has attempted to take on the Nixon bureaucracy and seek out the expected release of funds for the 10 major programs within the Departments of Housing and Urban Development and Agriculture between now and July. Thus far, from the bits and pieces we were able to put together, we anticipate that the Nixon campaign strategists will release during the next 6 months over three and one half billion dollars, 80 percent of the entire amount we appropriated for the fiscal year started last July, for reasons other than orderly management of public funds. The tactic is simply this: spend at a 20 percent rate in a nonelection year; 80 percent as an election rolls near.

Thus, many urban and rural communities throughout this country will be duped into believing that Mr. Nixon finally understands their problems and is willing to act to ease their burdens.

Mr. Speaker, whether the administration releases $3 billion or $30 billion of sorely needed funds is not the only major issue. The practice of withholding must be questioned.

If a city manager resorted to this same practice he would immediately be called to account for his actions. The same holds true for any appointed or elected official. It is the constitutional duty of Congress to seek out areas of concern, to appropriate moneys for the various programs to meet these concerns, and it is the duty of the executive to act with dispatch to see that these concerns are resolved.

This administration has failed in its constitutional responsibility and should be called to account.

The President has coined many new phrases during the last 3 years. We have hard "protective reaction" and "selective decontrol." I would hope Mr. Nixon would adopt the word "priority" in his growing "new language."

The administration's lack of concern for our growing domestic ills, the persistent blindness of the President to react to the real needs of his fellow countrymen, has resulted in a severe deterioration of the social and moral fiber of our society.

A few examples of the end run being planned by the administration using the $3.5 billion football are these:

Of the appropriated but unobligated funds for basic water and sewer grants for urban communities, the administration intends to release 90 percent during the closing months of the fiscal year. Even with his delayed expenditure of such massive amounts of money, there will still be some $500 million of basic urban water and sewer money in the OMB coffers at the end of fiscal year 1972. Maybe this will be released just in time for the election.

In addition, over three-fourths of water and waste disposal funds for rural communities are planned to be released during the same period.

Nearly all of the appropriated urban renewal funds, totaling nearly $1½ billion are ready to be obligated between now and July 1.

In the field of neighborhood facilities, practically 100 percent of the appropriated funds have yet to be released and can be expected to be granted during the next 5 months.

For the open space land program, Congress appropriated $100 million. Thus far, no obligations have been made in fiscal 1972 and we have learned that this entire amount will be granted prior to July.

In nearly every inquiry my office has made a similar trend has developed. That is, the apparent manipulation by the administration to announce the awarding of grants for various projects during the latter part of this fiscal year, thus receiving as much political mileage as possible before the November election.

There are more examples of administration manipulation. Nearly two-thirds of the funds for low rent public housing are expected to be obligated during the closing months of fiscal 1972.

Under the rural environmental assistance program for which Congress has appropriated $195,500,000, the Department of Agriculture plans to release about 80 percent just prior to July.

Finally, the New York Times reports that over $200 million are being withheld by the Nixon administration for the vital food stamp program. As a result of this news article and the response it stirred among Congressmen and Senators from both sides of the aisle, the Secretary of Agriculture announced last Sunday his intention to release these funds. But, Mr. Speaker, as I have stated, there will be $500 million of needed funds withheld from the essential basic water and sewer program in July.

My staff is minute compared to the vast Nixon bureaucracy. However, one need not be a financial expert to see trends of political manipulation by those in high executive positions.

Listed at the close of this statement are those aid programs I have referred to in addition to others. Also listed are the amount of funds the administration plans to obligate and use as a complement to the already plush campaign fund to reelect the present occupant of the White House.

My office, as I am sure every congressional office, has had numerous inquiries from constituent localities regarding the withholding of approvals for urgently needed projects. I, as a majority of Members of this body, supported these programs and fully expected that the executive branch would forthrightly execute the disbursement of funds in a timely, judicious, and nonpolitical manner. The administration has not been the "prudent manager" it has so proudly declared itself to be. On the contrary, the Nixon budget managers have become "prudent politicians" in managing funds appropriated to it by this Congress.

Such mismanagement of Federal funds has made a shambles of needed public service projects. For months, a city government must await money to complete an urban mass transportation project. In the interim, workers are laid off and local contracts are left unfulfilled. Besides this, such sporadic, shotgun disbursement of Federal funds is the grossest form of business mismanagement and wastes countless millions.

Thus, we encounter a situation wherein the administration is not only playing politics with the well-being and livelihood of many American citizens, but is wasting money.

The newspaper, television and radio accounts will look good over the next several months as they tell the public that President Nixon and his department heads are furiously approving hundreds of millions to every section of the country for projects which could have been funded last year—but last year was not an election year.

Today I have referred to manipulation of funds appropriated this fiscal year. Previous discussions on this subject have centered around the administration's blatant efforts to impound funds appropriated in previous fiscal years. Those programs I have mentioned accounted for $1 billion of the alleged $12 billion impounded in fiscal 1971. Whether the withholding of funds for political purposes is described as "impoundment," I believe is just a matter of semantics.

The U.S. General Accounting Office, in its "Glossary of Terms Relating to the Budget and Fiscal Provisions of the Legislative Reorganization Act of 1970," dated December 1971, defines impounded funds as "any type of executive action which effectively precludes the obligation or expenditure of the appropriated funds." It is clear, therefore, that executive action precluding the obligation of appropriated funds for political purposes is, according to the glossary, an act of impounding.

The Office of Management and Budget has thus become the second most powerful office in the Nation. It has surpassed the importance of both the Congress and the judiciary and has, by its action, become the fourth branch of Government.

The time has come when Congress must reassert its control of the Nation's revenue and make clear to the executive that moneys appropriated for the various programs be distributed in an orderly manner on the basis of public need rather than the need by an incumbent President to be reelected.

If we are going to be weak-kneed about this, we had better get a constitutional amendment adopted not for a single 6-year term as has been proposed, but for a single 4-year term. It is unfortunate such an amendment could not be made retroactive.

We must conclude that restrictions imposed by the President on spending congressionally appropriated moneys is at least poor management and at worst wholly unconstitutional. Even William Rehnquist, former Assistant Attorney General and newly confirmed Justice of the Supreme Court, stated in a 1969 memo:

> With respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that the existence of such a broad power is supported by neither reason nor precedent.

And in Senate testimony last year, Mr. Rehnquist further stated that—

> The President is not at liberty to impound in the case of domestic affairs which have no national defense or foreign policy considerations.

This applies to all of the funds mentioned in my discussion.

This situation has prompted me to draft remedial legislation aimed at correcting this flagrant usurpation by the Executive—legislation which I hope will restore congressional authority over the purse. Legislation to breathe new life into our Constitution.

Congressional committees, their members and staffs devote a considerable amount of effort in the final drafting of appropriation proposals to be offered to both Houses of Congress. Floor debates are at time extensive and after final passage of such legislation we find that the Executive will only allow the disbursement of funds in a disorganized manner aimed to influence the American voter.

We in Congress took our own constitutional oath.

We had better shape up or ship out.

FEDERAL APPROPRIATIONS, OBLIGATIONS, AND RESERVES FOR MAJOR PROGRAMS WITHIN THE DEPARTMENTS OF HUD AND AGRICULTURE, FISCAL YEARS 1971-72

Department and program	Reserved from fiscal year 1971	Appropriations, fiscal year 1972	July-December obligations, fiscal year 1972	Anticipated January-July 1972 obligations	Anticipated reserves from fiscal year 1972
HUD					
Model cities	$786, 165, 000	$150, 000, 000	$200, 000, 000	$420, 000, 000	$316, 165, 000
Water and sewer	200, 043, 000	500, 000, 000	25, 000, 000	175, 000, 000	500, 043, 000
Urban renewal	200, 000, 000	1, 250, 000, 000	36, 000, 000	1, 414, 000, 000	None
Neighborhood facilities	None	40, 000, 000	450, 000	39, 550, 000	None
Open space	None	100, 000, 000	None	100, 000, 000	None
Low-rent public housing	None	886, 000, 000	319, 959, 000	566, 041, 000	None
AGRICULTURE					
REA (2 programs)	None	669, 100, 000	208, 383, 000	460, 717, 000	None
FHA (2 programs)	77, 092, 000	137, 192, 000	48, 441, 000	165, 843, 000	None
Soil Conservation Service (4 programs)	None	303, 664, 000	117, 854, 000	185, 810, 000	None
REAP	45, 000, 000	195, 500, 000	43, 901, 000	196, 599, 000	None
Total	1, 308, 300, 000	4, 231, 456, 000	999, 988, 000	3, 723, 560, 000	816, 208, 000

THE WEST COAST DOCK STRIKE

(Mr. SCHERLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SCHERLE. Mr. Speaker, the intolerable dock strike continues to strangle the American economy. I have today introduced legislation which would permanently solve the west coast strike as well as bring about a quick settlement of the gulf ports and east coast strikes presently enjoined under the 80-day cooling-off period of the Taft-Hartley Act. For 2 years now, the President has been urging Congress to enact permanent emergency transportation legislation. My proposal encompasses and modifies the President's request. Congress should not evade the issue by approving another one-shot settlement for the west coast strike alone, as we have done so often in the past. The time to bring about a permanent solution to these crippling strikes is now.

The lengthy dock dispute, which has dragged on for 6 months and cost the American economy $1 billion, dramatically points up the deficiencies in current labor legislation. Once the limited resources of the Taft-Hartley Act have been exhausted—the court-ordered injunction has already expired on the west coast and is due to run out in the east coast and gulf ports next month—the President has no further recourse under present law, national emergency or no national emergency. All he can do is submit the case to Congress as a special crisis requiring a separate legislative solution. This "solution" is really none at all, for it bucks responsibility to the Federal Government which should not become embroiled in labor litigation. Repeated congressional intervention violates the principle of collective bargaining and is a costly and inefficient waste of congressional energies.

Nevertheless, protracted transportation work stoppages, of which the United States has suffered a veritable plague in recent years, cannot be allowed to cripple the economy indefinitely. Some way must be found to represent the interests of the American public in these disputes. Thousands, perhaps millions of people who have no direct connection with the longshoremen or their employers have suffered heavy losses as a result of the dock strike, yet no way now exists to make their voices heard in the bargaining session between labor and management. No one would deny the dockworkers their legitimate right to a reasonable return for their labors. At the same time, it must be realized that others are being denied the fruits of their labors because the longshoremen closed virtually every major port in the Nation to gain their ends.

Farmers have suffered perhaps most of all. But lost farm income, estimated at a million dollars a day during the strike, is not an isolated economic occurrence. Sympathy for the farmer's woes will rapidly turn to empathy as the impact of agriculture's shrunken dollar is felt in other sectors of the economy. Agricultural loans will have to be renegotiated, new purchases of farm machinery will be deferred and consumer-purchasing patterns in farm States will decline sharply.

Nor are farmers the *only* exporters to feel the pinch. Other producers of goods for foreign markets not only sacrifice current sales; like the farmer, they also risk permanent loss of their overseas customers to competitors who can guarantee reliable delivery on a steady basis. Precautionary stockpiling can cushion the blow for manufacturers to some extent, as it cannot for farmers who are at the mercy of seasonal harvest and perishable commodities, but even these measures do not entirely compensate for the uncertainties of a long strike. Thus the businessman on Main Street, the worker in the factory—union and nonunion alike—and the farmer in the field are all penalized for work stoppages in the transportation industries.

In order to avert another such disaster for the economy, I plan to introduce a bill in the new session of Congress revising the Taft-Hartley Act to broaden its coverage to the entire transportation industry, including rail, air, maritime, longshore, and trucking. My proposal would also extend the President's powers to deal with national emergencies in the industry, and would redefine "national emergency" to include regional strikes with national impact, a concept not now recognized under Taft-Hartley. When the present provisions of the law have been exhausted, my bill would give the President three additional options which could be exercised singly or in succession, as his judgment of the situation warranted.

First, he could extend the cooling-off period up to 30 days more. This option would be useful if a settlement appeared imminent. In the event that no end to the dispute seemed to be in sight, he could direct the workers to resume partial operations, just enough to insure essential transportation services. Finally, if the participants were unable to reach agreement, he could empanel three neutral parties to act as judges. Labor and management would each submit a final offer and the three would then select one of the two. No arbitration would be permitted. Whichever offer was chosen would become the binding contract between labor and management. This solution should induce the participants to submit reasonable and realistic proposals since the panel would obviously reject extreme demands in favor of a more moderate position. It is hoped that the "final offer selection" device will obviate the need for arbitration by providing the necessary incentive for compromise.

It is my belief that this bill represents a viable solution to the impassed provoked by protracted transportation strikes. Despite the demonstrated need for such legislation, however, Congress has so far been reluctant to act. President Nixon submitted similar legislation almost 2 years ago. It is still languishing in committees in the Senate and the House. AFL–CIO President George Meany rejected these proposals when they were introduced, contending that they nullify the principle of collective bargaining and impose compulsory arbitration under another name. This is both inaccurate and shortsighted. All three additional options provided in my bill are actually incentives to labor and management to settle their own disputes. The deficiencies of the present law, on the other hand, virtually insure Federal intervention because Congress is forced to step in with special legislation in default of any other procedure for resolving labor-management differences.

Hopefully, the majority of my colleagues will recognize the fallacy of this reasoning and its partisan motivation. We must act promptly in the public interest to forestall future recurrences of strangling strikes. My bill offers one way to accomplish this. Those who reject it should be prepared to furnish a better solution.

ANNOUNCEMENT OF HEARINGS ON CONSTITUTIONAL OATH SUPPORT ACT

(Mr. **PREYER** of North Carolina asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **PREYER** of North Carolina. Mr. Speaker, I wish to advise the House that a subcommittee of the Committee on Internal Security, consisting of myself as chairman, together with Mr. Ichord, chairman of the full committee, Mr. Pepper, Mr. Ashbrook, and Mr. Zion, will resume hearings this coming Tuesday, January 25, regarding the administration of the Subversive Activities Control Act of 1950 and the related Federal civilian employee loyalty-security program. At the same time we are meeting to consider bills on this subject which have been referred to this subcommittee for consideration and report. These include H.R. 11120, introduced by Mr. Ichord and myself, a bill to repeal the Subversive Activities Control Act of 1950, and which would establish a new program more fully set forth in the bill and known as the Constitutional Oath Support Act. We shall also give consideration to two bills, introduced by Mr. Ashbrook, which would amend the Subversive Activities Control Act, namely, H.R. 9669, a bill drafted and requested by the Attorney General, and the bill H.R. 574.

I wish to extend an invitation to all interested Members of the House to give us the benefit of their views. The subcommittee's extensive inquiry has revealed a number of failures in the administration of the Subversive Activities Control Act and of the loyalty and security program. Undoubtedly the bills we shall consider, although of varying scope, represent an effort to repair some of the deficiencies. The subject, however, is of a vast and complicated nature. We shall welcome the assistance of Members who may wish to make a contribution on the subject.

The bills before us address themselves to one or more of the principal issues which have been the subject of consideration in the subcommittee's oversight hearings to date. They include the question of the repeal or retention of the Subversive Activities Control Act of 1950, an Act which established the Subversive Activities Control Board, now a subject of much controversy; the question of the relationship of the Attorney General's "list" to the administration of the loyalty-security program; the question of an appropriate employment standard to assure the maintenance of a loyalty program for access to positions in Government whether "sensitive" or "nonsensitive"; and the question of remedial legislation in light of *Stewart* v. *Washington*, 301 F. Supp. 601, a Federal district court decision which invalidated the Hatch Act loyalty oath provisions.

The bill (H.R. 11120) would repeal the Subversive Activities Control Act of 1950—under which the Subversive Activities Control Board has functioned—and would establish a Federal Employee Security and Appeals Commission. This Commission would have the function of making determinations of the character of certain subversive organizations and also serve as an appeal board for Federal employees dismissed on loyalty or security grounds. Its functions would be performed in connection with the administration of an executive branch civilian employee screening program established by the bill, and not solely for general disclosure purposes. This program would require in general preappointment investigations and the exclusion of persons as to whom there is reasonable doubt that they will in good faith support the Constitution of the United States.

Only such orgainzations as are clearly relevant to the employment standard are the subject of determination by the Commission. These include: First, organizations which have as a purpose the overthrow of the Government of the United States or of any State by force, violence, or any unlawful means; second, organizations which advocate, teach, or urge, as a principle to be translated into action, the propriety or necessity of armed resistance or resistance by force to the execution of laws of the United States or the propriety or necessity of assisting or engaging in any rebellion or insurrection against the authority of the United States; and third, organizations controlled by the foregoing and which operate in support of their purposes. The Commission will proceed to make these determinations only upon application made by the Attorney General, by the head of any department or agency of the executive branch in cases in which the character of particular organizations is a controverted fact in issue before the agency, and such other persons as the President may authorize.

Determinations of the character of such organizations are for the purpose of assisting the employing agencies in the investigation of individuals so that "only such persons as are loyal to the Constitution, disposed to defend and maintain it against all enemies, foreign and domestic, and committed to the efficient execution of their duties thereunder, are employed by the Government of the United States." For this purpose likewise, and as an alternative to the requirements of the provisions of the Hatch Act invalidated in Stewart against Washington, the bill requires the completion of a written questionnaire by an applicant for Federal employment relating to his membership in organizations advocating or teaching that the Government of the United States, or of any State, should be overturned by force, and organizations determined by the Commission to be of the type previously noted. Unlike the Hatch Act "loyalty oath," there is in this provision no denial of employment conditioned on a disclaimer of membership in relevant organizations. The questionnaire is for investigative purposes only, to assist the agency concerned in arriving at its ultimate determination with respect to the question whether there is any reasonable doubt that the applicant will in good faith support the Constitution of the United States.

On the other hand, the bill, H.R. 9669, would retain the Subversive Activities Control Act of 1950 in its present form with the exception that it would change the name of the Subversive Activities Control Board by renaming it the "Federal Internal Security Board." The bill is an administration proposal and is intended to give support to the President's July 2, 1971, amendment, Executive Order 11605, to Executive Order 10450. The bill in no way alters the act. Its provisions would make applicable to proceedings conducted pursuant to Executive Order 10450, as amended, those provisions of sections 13 and 14 of the Subversive Activities Control Act of 1950 which accord subpena power to the Board, require public hearings with the assistance of counsel and the right to cross-examination, require the Board to take evidence and proceed to a determination of the issues when an organization fails to appear at a hearing, make punishable behavior in the presence of the Board or so near thereto as to obstruct the hearings, and accord judicial review.

This amendment to Executive Order 10450 authorizes the SACB upon petition of the Attorney General to make determination of the character of certain organizations described in the order as totalitarian, Fascist, Communist, subversive, or whether adopting a policy of unlawfully advocating commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State, or which seek to overthrow the Government of the United States or any State or subdivision thereof by unlawful means. These determinations are in aid of the administration of the screening program established by Executive Order 10450 which has a purpose "to insure that the employment and retention in employment of any civilian officer or employee within the department or agency is clearly consistent with the interests of the national security."

The bill (H.R. 574) would amend the Subversive Activities Control Act of 1950 by conferring on the attorneys general of each State the power to initiate cases and to continue proceedings before the Board to the same extent and manner as conferred upon the Attorney General of the United States by the terms of the act. This appears to be an effort to expand the work of the Board, particularly in view of the fact that over the years, following the administration of Attorney General Brownell, the Department of Justice has not given the Board an appreciable amount of work to do.

It is my hope that the subcommittee can shortly resolve the major issues disclosed by our inquiry and that a bill may be drafted which will find support within the subcommittee, the committee, and ultimately the Congress. Surely at this stage in our history it must be clear to all that the systematic efforts to undermine our free institutions requires some kind of internal security system. To evolve a system which will protect our free society from its hidden enemies without making less free those who are not its hidden enemies will require the best thinking of liberals and conservatives alike. With the cooperation and assistance of the Members of this House, I believe that this result can be accomplished.

CHILDHOOD LEAD POISONING: THE SILENT EPIDEMIC

The SPEAKER pro tempore (Mr. VIGORITO). Under a previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 60 minutes.

Mr. RYAN. Mr. Speaker, during the course of the next 12 months, some 200 young children will die as the result of a totally preventable, manmade disease: Lead-based paint poisoning.

Childhood lead poisoning is a national peril, plaguing the children of our country's inner cities. Its genesis lies in the congruence of two factors. The first is the high incidence among young children of pica—a craving for nonfood items such as dirt, paper, paint, and plaster. The second is the presence of lead-based paint on the walls and ceilings of dwellings.

As the sweet-tasting lead-tainted paint and plaster fall within the reach of the children living in dilapidated dwellings, they are picked up and eaten.

According to the Department of Health, Education, and Welfare, 400,000 children are poisoned each year as a result of this disease. Of these, some 16,000 require treatment; 3,200 suffer moderate to severe brain damage; and 800 are so severely afflicted that they require institutionalization for the remainder of their lives.

To this we must add another grim figure: the 200 young children who die each year as a result of this dread menace.

The tragedy is that lead poisoning is a totally manmade and totally preventable disease. We know how to identify it. We know how to treat it; and we know how to avert its recurrence. It exists only because we let it exist.

In an effort to mount a Federal assault on this silent epidemic, I introduced three bills in March 1969. Subsequently, the senior Senator from Massachusetts, Senator EDWARD KENNEDY, introduced companion legislation in the other body.

On January 13, 1971, this legislation was signed into law as the Lead-Based Paint Poisoning Prevention Act, Public Law 91-695.

This law authorized a total of $30,000,000 to be appropriated for fiscal years 1971 and 1972 to combat childhood lead poisoning. Title I of the act authorized $9,990,000 of these funds to be used for grants by the Secretary of Health, Education, and Welfare to units of general local government to assist in developing and carrying out detection and treatment programs for victims of childhood lead poisoning. Under title II, $15 million was authorized for grants by the Secretary for developing and carrying out programs to identify high-risk areas, and then to develop and carry out lead-based paint elimination programs.

And $5,010,000 was authorized under title III for grants by the Secretary of Housing and Urban Development to carry out a demonstration and research program to determine the nature and extent of the problem, and the methods by which lead-based paint can be most effectively removed. And the Secretary was directed to submit to the Congress a full and complete report of his findings and recommendations by January 13, 1972. Such a report has not yet been forthcoming.

Title IV of the act prohibits the use of paint with a lead content in excess of 1 percent in residential structures constructed or rehabilitated after the date of enactment by the Federal Government, or with Federal assistance in any form. Regulations implementing this provision have now been promulgated, effective as of January 1, 1972.

Yet, despite the fact that the Congress mandated—by virtue of the passage of this act—a Federal program to fight lead-based paint poisoning, the administration steadfastly refused to request funds to implement this law for either fiscal year 1971 and 1972. It was only after I had organized a bipartisan coalition of concerned Congressmen and citizens, and had repeatedly testified before the appropriate congressional committees that the administration submitted a belated amended budget request for $2 million.

This figure was totally inadequate to meet the needs of the Nation in combating this childhood menace. Therefore, those of us concerned about this devastating disease turned our attention toward the Congress to appropriate a more meaningful level of funding. As a result of our efforts, the Congress provided $7.5 million to fund the Ryan-Kennedy law for fiscal year 1972. And on August 10, 1971, President Nixon signed into law the Departments of Labor-HEW appropriations bill for fiscal year 1972—Public Law 92-280—containing this $7.5 million to fund the Lead-Based Paint Poisoning Prevention Act.

Although this amount was woefully below the $30 million authorized by the Ryan-Kennedy bill, it was urgently needed by local communities to mount programs to fight lead-based paint poisoning. Yet, despite this, months dragged by while these funds were impounded.

On October 4, I wrote to Secretary of Health, Education, and Welfare Elliot Richardson expressing my deep concern that these funds had not been released and urging him immediately to make these funds available.

On December 7, I received a response from the Secretary informing me that—

> The full $7.5 million appropriated by Congress for fiscal year 1972 for lead-based paint poisoning prevention is now available for obligation, pending completion of necessary regulations for implementation of Titles I and II of the Act. We will attempt to get these regulations out as quickly as possible.

Although long overdue, the release of this money will be a step toward facing the problem of childhood lead poisoning. Now it is the obligation of the Congress and the administration to insure that a much higher—and more adequate—level of funding is provided in the future.

Therefore, on January 18, 1972, the opening day of the second session of the 92d Congress, I introduced H.R. 12466 and its identical companion H.R. 12467 to amend the Lead-Based Paint Poisoning Prevention Act to increase the authorized level of funding for fiscal year 1973 and each year thereafter to $50 million, and to enlarge the scope of the Federal assault on lead poisoning.

Thirty-two Members of Congress have joined me in cosponsoring this legislation in the House. And Senator Kennedy is introducing similar legislation in the other body.

Specifically, this legislation does five things:

First, for fiscal year 1973 and succeeding fiscal years it authorizes $20 million for grants to units of general local government for programs of detection and treatment; $25 million for grants for programs to identify high-risk areas and to develop and carry out elimination programs; and $5 million for HUD to carry out demonstration and research programs to determine the nature and extent of the problem and the methods by which the lead-based paint can best be removed. Any amounts authorized for one fiscal year but not appropriated may be appropriated for the succeeding fiscal year.

Second, it broadens the provisions relating to grants for detection and treatment of childhood lead poisoning to allow the Secretary to make grants to State agencies for the purpose of establishing centralized laboratory facilities for analyzing biological and environmental lead specimens obtained from local lead-based paint poisoning detection programs. The amount of any such grant cannot exceed 75 percent of the cost of such a facility—a matching requirement similar to that under the other sections of title I.

Third, the definition of lead-based paint is changed from paint containing more than 1 percent lead by weight—calculated as lead metal—in the total nonvolatile content of liquid paints or in the dried surface coating to 0.06 percent lead by weight. This change definition has been supported by preponderance of medical evidence and opinion. Perhaps the best summary of the reasons behind this were put forth in a statement by the American Academy of Pediatrics in support of my petition to the Food and Drug Administration, which was published in the Federal Register on November 2, 1971, to ban paint with a lead-content in excess of 0.06 percent from all household uses under the authority of the Federal Hazardous Substances Act. The text of this statement by the Academy, long in the forefront of the effort to combat childhood lead poisoning, may be found in the Congressional Record, volume 117, part 35, page 45640.

Fourth, my bill broadens the definition of those eligible to receive grants to include any comprehensive health services program within the meaning of section 222(a)(4) of the Economic Opportunity Act of 1964, thus facilitating the flow of funds to the community level at which they are most needed.

And fifth, it includes a provision encompassing legislation proposed by Representatives Robert Tiernan and Fernand St Germain of Rhode Island and Representative Pierre du Pont of Delaware, which authorizes grants to be made to State agencies in any case where units of local government within the State are prevented by State law from receiving such grants or from expending such grants in accordance with their intended purpose. Such is the case in both Delaware and Rhode Island.

The sponsors of this legislation are:

William F. Ryan of New York.
Bella Abzug of New York.
Herman Badillo of New York.
Jonathan Bingham of New York.
John Brademas of Indiana.
Frank Brasco of New York.
James Burke of Massachusetts.
Phillip Burton of California.
Silvio Conte of Massachusetts.
George Danielson of California.
John Dent of Pennsylvania.
Don Edwards of California.
Joshua Eilberg of Pennsylvania.
Ella Grasso of Connecticut.
Seymour Halpern of New York.
Michael Harrington of Massachusetts.
Ken Hechler of West Virginia.
Henry Helstoski of New Jersey.
Louise Day Hicks of Massachusetts.
Andy Jacobs of Indiana.
Edward Koch of New York.
Abner Mikva of Illinois.
Parren Mitchell of Maryland.
Claude Pepper of Florida.
Otis Pike of New York.
Charles Rangel of New York.
Ogden Reid of New York.
Benjamin Rosenthal of New York.
Peter Rodino of New Jersey.
Fernand St Germain of Rhode Island.
Paul Sarbanes of Maryland.
James Scheuer of New York.
James Symington of Missouri.

As long as this Government fails to mount a meaningful effort to eradicate the plague of lead-based paint poisoning, we will continue to expend far more resources patching up the sins which have been committed against our children by allowing them to fall victim to this manmade, yet preventable disease.

The obligations we owe the children of the Nation are inescapable. We either meet these obligations or we fail them. We do not neutralize them by ignoring them.

EDUCATION ACT AMENDMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Halpern) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, at the time of the House vote on amendments to the Higher Education Act—including the all-important antibusing amendments of November 4, 1971—unfortunately I could not be present, having been officially excused for some weeks due to injuries sustained in a taxicab accident. Had I been able to be present to be recorded, I would have voted in favor of the Ashbrook amendment to prohibit the use of Federal funds for the forced busing of students or teachers, or for the purchase of equipment for such transportation to achieve racial balance. I am very much pleased that the House of Representatives overwhelmingly passed the Ashbrook amendment as well as the Green amendment, which added strength to this important measure by extending the prohibition to State and local funding.

The concept of the neighborhood school is a basic American tradition. Its preservation and support, regretfully, has become a highly emotional issue throughout the Nation. Buses have been burned; lawsuits have been filed; heated words have been exchanged, and the issue is far from dead.

This is due, I feel, to the misinterpretation of the implementation of the concepts of racial integration. To bus schoolchildren from one neighborhood to another to achieve racial integration is contrary to the provisions of the Civil Rights Act of 1964. Title IV clearly states that:

> Desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Busing, to achieve racial balance is not an answer to this Nation's educational problems. Let us develop highly qualified teachers, build modern schools in more neighborhoods, recondition and improve existing educational facilities, develop better educational methods of instruction and learning and let us solve the problem of poor education in certain of our Nation's schools by meeting the problems at those schools. We have the resources and the will to effect meaningful and substantial changes which will correct our educational deficiences. The transportation of children across community or county lines to distant and unfamiliar schools is unjust. Parents who live in such neighborhoods as Flushing, Bayside, Kew Gardens, Richmond Hill, Jamaica, Queens Village and Forest Hills take great price in their communities and have carefully selected their homes and apartments largely on the basis of the availability and proximity of neighborhood schools. These parents should not be forced to send their children across Queens County or into other counties in New York; nor for that matter, should parents anywhere in the Nation be compelled to bus their children out of their home community just to achieve so-called racial balance. It seems clear to me that citizens should have an unqualified right to reap the full benefits of the community in which they live.

For the Congress or anyone else to deny them these rights would be blatantly unfair—rich or poor, black or white do not wish to bus their children to a distant and unfamiliar school.

It is time, Mr. Speaker, for our Nation's lawmakers to act to clarify the law so that the court can reflect the will of the American populace. To force busing on an unwilling and hostile community does little to encourage our citizens to believe that Government is responsive to the needs and wants of the community. It is for this reason that I support the discharge petition which would allow the Congress to act on the proposed constitutional amendment which would prohibit busing as a method of achieving racial balance.

We are a nation made up of minorities and this, Mr. Speaker, is our great strength. Our children must not become the object or the tools of social experiment. If our school systems are carefully planned and we make a commitment to assure that necessary funds are allocated to develop and train skilled personnel and new programs are created and instituted to aid the underachiever as well as the gifted, then and only then can we begin to solve the critical problems of our educational system.

Let us give rational thought to the problems that face our educational institutions and then let us commit ourselves to meaningful solutions which will meet the needs of all our children.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as nation.

American literature has had a strong influence and played an important role in our society. For instance, the January 1903 editorial in McClure's magazine has been called the most influential ever published. In it publisher, S. S. McClure declared war on the immorality and paved the way for a moral crusade against the evils of a modern society during the period of our history called the "progressive era."

EXPROPRIATION POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, today the President announced a definite policy toward countries that expropriate property owned by U.S. citizens and firms.

We all know that in a developing country one of the critical needs is for capital. Capital can be had by saving, or by borrowing, or by some outside investment. During the past decade the developing countries have incurred a startling external debt; this external debt today amounts to some $43 billion, of which $23 billion will fall due in the next 5 years. All of this is loans from official sources. Private loans to developing countries aggregate to $16 billion of which $13 billion will be due by 1975.

In terms of individual countries, Chile is an example of a developing country that has a good base of natural resources, and has every hope of developing into a sizable economic power. Yet Chile now has annual debt servicing obligations amounting to a full 35 percent of her total export earnings, and has an external debt of some $3 billion.

For a country like Chile, or any developing country for that matter, private investment is a must, because there is a limit to the capital that can be generated from savings and a limit to the amount that can be borrowed. Private investment is not a new requirement; much of the development of the United States came about through foreign private investment.

Every country of course has a sovereign power, and among the powers of the sovereign is the right to expropriate. The difficulty, as the President has correctly observed, is that expropriation without reason, and without compensation, can only discourage outside investment. An expropriating country instantly creates an external debt—which it might not recognize, but must, if it is prudent—and at the same time discourages foreign investment, which may indeed be vital to its development. In some cases, and one that I know of in particular, the ability to pay a promised compensation for expropriated property hinged on new foreign investment, including loans from world lending institutions. Whatever the merits of the case, it is readily seen that the case created a great dilemma for all parties concerned.

The United States has immense private investments abroad—over $12 billion in the 19 countries of Latin America alone. These countries are developing, some very rapidly, and have great need of additional capital, both from official lending agencies and private investment alike. It seems clear the official sources cannot provide anything like the amounts that will be needed, so prudence would seem to dictate that private investment—at least to a sensible degree—should be encouraged. No one would suggest that a country allow itself to be wholly taken over by foreign private investors, but neither should any country discourage private investment altogether. There is a prudent way.

It seems to me the duty of the United States to protect its citizens and their investments. Moreover, we have the duty to encourage the developing countries to allow a prudent amount of private investment, if we are to see our assistance programs bear the full fruits of their promise. Recognizing all this—that official capital lending is insufficient, that there are limits on what a developing country can save or borrow—and that there is a role for foreign investment, it seems to me only reasonable that the United States should seek to protect and encourage private investment in developing countries. It is in our own best interests to do this, and it should in fact be in the interest of the developing countries themselves. I do not insist that we demand any unreasonable rights, but only that all parties concerned should follow a path of reason.

I, therefore, welcome the President's statement on a new U.S. policy concerning expropriation. In some respects, the policy statement closely follows an amendment I have offered to the various bills authorizing added U.S. participation in the various multilateral lending institutions. This legislation will be brought to the House floor in the coming weeks.

I, therefore, welcome the President's amendments creating an expropriation policy, however, because the President's announced policy is deficient in some respects, specifically in that it does not lodge responsibility in any particular person or department and in that it does not contain language quite as positive as in my amendment. Finally, I believe that it is the duty of Congress to state its own policy, to join with the President, and help bring about the goal that he seeks to further, as we all do—the continued orderly development of the countries of the world, for the benefit of all mankind.

Mr. Speaker, I include the text of the President's message on expropriation policy in the RECORD at this point:

POLICY STATEMENT, ECONOMIC ASSISTANCE AND INVESTMENT SECURITY IN DEVELOPING NATIONS

We live in an age that rightly attaches very high importance to economic development. The people of the developing societies in particular see in their own economic development the path to fulfillment of a whole range of national and human aspirations. The United States continues to support wholeheartedly, as we have done for decades, the efforts of those societies to grow economically—out of our deep conviction that, as I said in my Inaugural Address, "to go forward at all is to go forward together;" that the well-being of mankind is in the final analysis indivisible; and that a better-fed, better-clothed, healthier, and more literate world will be a more peaceful world as well.

As we enter 1972, therefore, I think it is appropriate to outline my views on some important aspects of overseas development policy. I shall discuss these matters in broader compass and greater detail in messages to be transmitted to the Congress in the coming weeks. Nineteen seventy-one saw great changes in the international monetary and trade fields, especially among the developed nations. A new economic policy was charted for the United States and a promising beginning was made on a broad reform of the international monetary system—starting with a realignment of international exchange rates. Now, in 1972, the problem of how best to assist the development of the world's emerging nations will move more to the forefront of our concern.

Any policy for such assistance is prompted by a mutuality of interest. Through our development assistance programs, financing in the form of taxes paid by ordinary Americans at all income levels is made available to help people in other nations realize their aspirations. A variety of other mechanisms also serves to transfer economic resources from the United States to developing nations.

Three aspects of U.S. development assistance programs received concentrated attention during the past year. These were:

Continuing a program of bilateral economic assistance;

Meeting our international undertakings for the funding of multilateral development institutions; and

Clarifying the role of private foreign investment in overseas development and dealing with the problem of expropriations.

As to our bilateral economic program, it is my intention to seek a regular and adequate fiscal year 1972 appropriation to replace the present interim financing arrangement which expires February 22. I urge that this be one of the first items addressed and completed by the Congress after it reconvenes. Looking beyond this immediate need, I hope the Congress will give early attention to the proposals which I submitted last year to reform our foreign assistance programs to meet the challenges of the '70s.

In regard to our participation in multilateral institutions, I attach the highest importance to meeting in full the financial pledges we make. In 1970, the U.S. agreed with its hemispheric partners on replenishing the Inter-American Development Bank. Our contributions to this Bank represent our most concrete form of support for regional development in Latin America. While the Congress did approve partial financial for the Bank before the recess, it is urgent that the integrity of this international agreement be preserved through providing the needed payments in full.

These Inter-American Bank contributions—together with our vital contributions to the International Development Association, the World Bank and the Asian Development Bank—are the heart of my announced policy of channeling substantial resources for development through these experienced and technically proficient multilateral institutions. These latter contributions also require prompt legislative action, and I look to the Congress to demonstrate to other nations that the United States will continue its long-standing cooperative approach to international development through multilateral financial mechanisms.

I also wish to make clear the approach of this administration to the role of private investment in developing countries, and in particular to one of the major problems affecting such private investment: upholding accepted principles of international law in the face of expropriations without adequate compensation.

A principal objective of foreign economic assistance programs is to assist developing countries in attracting private investment. A nation's ability to compete for this scarce and vital development ingredient is improved by programs which develop economic infrastructure, increase literacy, and raise health standards. Private investment, as a carrier of technology, of trade opportunities, and of capital itself, in turn becomes a major factor in promoting industrial and agricultural development. Further, a significant flow of private foreign capital stimulates the mobilization and formation of domestic capital within the recipient country.

A sort of symbiosis exists—with government aid effort not only spending the flow of, but actually depending for their success upon, private capital both domestic and foreign. And, of course, from the investor's point of view, foreign private investment must either yield financial benefits to him over time, or cease to be available. Mutual benefit is thus the *sine qua non* of successful foreign private investment.

Unfortunately, for all concerned, these virtually axiomatic views on the beneficial role of and necessary conditions for private capital have been challenged in recent and important instances. U.S. enterprises, and those of many other nations, operating abroad under valid contracts negotiated in good faith, and within the established legal codes of certain foreign countries, have found their contracts revoked and their assets seized with inadequate compensation, or with no compensation.

Such actions by other governments are wasteful from a resource standpoint, short-sighted considering their adverse effects on the flow of private investment funds from all sources, and unfair to the legitimate interests of foreign private investors.

The wisdom of any expropriation is questionable, even when adequate compensation is paid. The resources diverted to compensate investments that are already producing employment and taxes often could be used more productively to finance new investment in the domestic economy, particularly in areas of high social priority to which foreign capital does not always flow. Consequently, countries that expropriate often postpone the attainment of their own development goals. Still more unfairly, expropriations in one developing country can and do impair the investment climate in other developing countries.

In light of all this, it seems to me imperative to state—to our citizens and to other nations—the policy of this Government in future situations involving expropriatory acts.

1. Under international law, the United States has a right to expect:

That any taking of American private property will be nondiscriminatory;

that it will be for a public purpose; and

that its citizens will receive prompt, adequate, and effective compensation from the expropriating country.

Thus, when a country expropriates a significant U.S. interest without making reasonable provision for such compensation to U.S. citizens, we will presume that the U.S. will not extend new bilateral economic benefits to the expropriating country unless and until it is determined that the country is taking reasonable steps to provide adequate compensation or that there are major factors affecting U.S. interests which require continuance of all or part of these benefits.

2. In the fact of the expropriatory circumstances just described, we will presume that the United States Government will withhold its support from loans under consideration in multilateral development banks.

3. Humanitarian assistance will, of course, continue to receive special consideration under such circumstances.

4. In order to carry out this policy effectively, I have directed that each potential expropriation case be followed closely. A special inter-agency group will be established under the Council on International Economic Policy to review such cases and to recommend courses of action for the U.S. Government.

5. The Departments of State, Treasury, and Commerce are increasing their interchange of views with the business community on problems relating to private U.S. investment abroad in order to improve government and business awareness of each other's concerns, actions, and plans. The Department of State has set up a special office to follow expropriation cases in support of the Council on International Economic Policy.

6. Since these issues are of concern to a broad portion of the international community, the U.S. Government will consult with governments of developed and developing countries on expropriation matters, to work out effective measures for dealing with these problems on a multilateral basis.

7. Along with other governments, we shall cooperate with the international financial institutions—in particular the World Bank Group, the Inter-American Development Bank, and the Asian Development Bank—to achieve a mutually beneficial investment atmosphere. The international financial institutions have often assisted in the settlement of investment disputes, and we expect they will continue to do so.

8. One way to make reasonable provision for just compensation in an expropriation dispute is to refer the dispute to international adjudication or arbitration. Firm agreement in advance on dispute settlement procedures is a desirable means of anticipating possible disagreements between host governments and foreign investors. Accordingly, I support the existing International Center for the Settlement of Investment Disputes within the World Bank Group, as well as the establishment in the very near future of the International Investment Insurance Agency, now under discussion in the World Bank Group. The Overseas Private Investment Corporation will make every effort to incorporate independent dispute settlement procedures in its new insurance and guarantee agreements.

I announce these decisions because I believe there should be no uncertainty regarding U.S. policy. The adoption by the United States Government of this policy is consistent with international law. The policy will be implemented within the framework of existing domestic law until the Congress modifies present statutes, along the lines already proposed by this administration. The U.S. fully respects the sovereign rights of others, but it will not ignore actions prejudicial to the rule of law and legitimate U.S. interest.

Finally, as we look beyond our proper national interests to the larger considerations of the world interest, let us not forget that only within a framework of international law will the developed nations be able to provide increasing support for the aspirations of our less developed neighbors around the world.

DEBATE SURROUNDING THE U.S. PUBLIC HEALTH SERVICE HOSPITALS AND CLINICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, as part of the continuing debate surrounding the U.S. Public Health Service hospitals and clinics, I would like to share with my colleagues the correspondence I have received from Colonel Paston, executive committeeman for the Disabled Officers Association. I commend your attention to Colonel Paston's views which are detailed below in correspondence with the Department of Health, Education, and Welfare:

Disabled Officers Association,
Washington, D.C., November 9, 1971.

Re the future of PHS hospital and clinic system.

Hon. Elliot L. Richardson,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

My Dear Mr. Richardson: December 31, 1970, you stressed that no decision had been made at that time and that your Department will review its findings with the Congress, *beneficiary groups*, and employee organizations *before a final decision is reached* (see attached copy of notice signed by Dr. Jack Butler, Assistant Surgeon General, Director, Federal Health Program Service).

I am also enclosing a copy of my February 9, 1971 letter addressed to you referring to Dr. Butler's communication and requesting you to notify me of the date, time, and place you plan to assemble *beneficiary groups* before final decision is reached to afford me an opportunity to be present and participate in the conference, since the members of this organization, all disability retired officers of the armed services, are USPHS beneficiaries.

I now learn that, on October 8, 1971, you closed the Ft. Worth clinical research center after you applied for and received FY 1972 appropriations to operate all the USPHS Hospitals and clinics during that fiscal year (see attached remarks of Rep. James A. Burke, Cong. Rec., vol. 117, pt. 29, p. 37884).

Since your Department didn't review its Ft. Worth findings with this beneficiary group, nor informed me of your intended action, may we rely on your promise to review with us your findings as to the other USPHS Hospitals and Clinics *before a final decision is reached?*

Sincerely,

Col. D. George Paston.

Health Services and Mental
Health Administration,
Rockville, Md., December 22, 1971.

Col. D. George Paston,
Brooklyn, N.Y.

Dear Colonel Paston: Secretary Richardson has asked that I reply to your letter of November 9, 1971, concerning the transfer of the Fort Worth Clinical Research Center to the Department of Justice and the proposed conversion of the Public Health Service hospitals to community management and use.

The Fort Worth Clinical Research Center is not a Public Health Service general hospital. This Center while under the direction of the National Institute of Mental Health was used exclusively for treatment of narcotic addicts and a few geriatric psychiatric cases. The Department of Health, Education, and Welfare's action in transferring this facility to the Department of Justice is separate and distinct from the studies to determine the feasibility of converting the Public Health Service general hospitals to community management and use.

While I cannot speak for the Secretary, he has stated publicly that it is his intention ". . . to consult fully with the appropriate committees of the Congress and with representatives of our beneficiary groups, employee organizations, and community agencies . . ." before making any final decision on the future of the Public Health Service general hospitals and clinics. This final decision has yet to be made.

I am attaching a copy of Secretary Richardson's letter dated November 15 to Congress informing them of the status of the Public Health Service study. As stated in this letter, none of the proposals is sufficiently well spelled out. Our next step will be to refine the proposals and develop the necessary data needed to make a decision.

Sincerely yours,

Roland D. McRae,
Interim Director, Federal Health Programs Service.

Washington, D.C., *January 6, 1972.*

Col. D. George Paston,
Disabled Officers Association,
Brooklyn, N.Y.

Dear Colonel Paston: I can honestly admit that I have never witnessed in all my years in Washintgon such persistent efforts on the part of the Administration to go against the near unanimous feeling of Congress as expressed on several occasions, most recently in the Senate Concurrent Resolution 6, which passed both Houses on December 9th. The closing down of the Fort Worth narcotics treatment facility of the Public Health Service, in my opinion is one of the most blatant displays of Executive Department arrogance this city has seen in many a year.

In late November, the Sunday papers carried reports that the Secretary had made a decision to disband the Public Health Service Commission Corps and whatever rationale they offer for this, it all adds up to the same thing, in my opinion, and that is another attack on the future of the Public Health Service System. I am enclosing for your perusal a copy of my remarks delivered in the House on this very subject.

I honestly wish I could be more optimistic that my efforts and the efforts of others will be successful in this matter. However, everything seems to point in the opposite direction. On December 9th a confidential memorandum from the Department of Health, Education, and Welfare was revealed. Its contents made unpleasant reading for anyone from Boston, since it seems clear that Boston's Public Health Service Hospital is a prime target for early closing. In other words, all the resolutions and bills passed by Congress on the subject, even authorizations and appropriations, seem to be for naught, given the obvious determination of the Executive Department to work its will on the Health Service. All I can do at this point is pledge my efforts to continue the fight and hope that public opinion will make itself known to Mr. Richardson and the President.

With all good wishes, I am

Sincerely,

James A. Burke,
Member of Congress.

Disabled Officers Association,
Washington, D.C., January 11, 1972.

Hon. James A. Burke,
House of Representatives,
Washington, D.C.

Dear Mr. Burke: I fully agree with yours of the 6th that the plan of the Dept of HE&W to close the USPHS hospitals and clinics which the Congress legislated to be maintained and operated by that Dept (Senate Concurrent Resolution 6), is blatant Executive arrogance. I also agree with what you said (Cong. Rec., vol. 117, pt. 34, p. 45046).

In the Declaration of Independence we said: "The history of the present king of Great Britain is a history of repeated injuries and usurpations all having in direct object the establishment of an absolute tyrany." Our Constitution provides. "Every order, resolution, or vote to which the concurrence of the Senate and the House of Representatives may be necessary (except on a question of adjournment) shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and the House of Representatives . . . (Article I, section 7); and, in Article II, section 1: "The executive power shall be vested in a president of the United States of America."

The executive branch is distinguished from the legislative branch (the Congress). The Constitutional power of Congress to make laws may not be abrogated by the executive who is responsible for putting into effect the laws made by Congress, whose legislative duties he may not usurp.

You will recall the copy of my Nov. 9th letter to Mr. Richardson which I sent you. I received a reply (copy enclosed) dated Dec. 22nd from Roland D. McRae, Interim Director, Federal Health Programs Service, with the enclosures he mentions. You will note that he mentions the Ft. Worth, Boston, and the other USPHS hospitals, and doesn't mention the USPHS clinics.

You, Representatives Paul G. Rogers (Fla.), Jim Wright and Jack Brooks (Tex.), Hale Boggs (La.), John M. Murphy (N.Y.) and the other Representatives and Senators have, commendably, been doing a great job (a) to prevent the executive from usurping the power of Congress to make the laws, and (b) to compel the USPHS to continue the maintenance and operation of these health facilities which cost the government far less than to convert them to community management and use with a lesser grade of medical care than the USPHS now provides to statutory beneficiaries.

Armed with the truth, the Constitution, and the President's State of the Union avowal to slow the alarming rise in the cost of medical care and that America, the wealthiest nation in the world, it is time we became the healthiest nation in the world, you are bound to prevail.

Sincerely,

D. George Paston.

FAST BREEDER REACTOR MANAGEMENT TEAM SELECTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Holifield) is recognized for 15 minutes.

Mr. HOLIFIELD. Mr. Speaker, a most important announcement was made on January 15, 1972, by the Atomic Energy Commission. After 10 years of research and development on the "fast breeder" nuclear reactor, we have arrived at the point in technology where we are ready to construct a full scale—500 megawatt—reactor for the produtcion of electricity.

The Joint Committee on Atomic Energy and the Atomic Energy Commission have supported this research and development project for the past 10 years.

On June 4th, 1971, President Nixon, in his energy message to the Nation, made a national commitment to achieve a commercial fast breeder reactor by 1980. On that occasion he said:

> Our best hope today for meeting the Nation's growing demand for economical clean energy lies with the fast breeder reactor. Because of its highly efficient use of nuclear fuel, the breeder reactor could extend the life of our natural uranium fuel supply from decades to centuries, with far less impact on the environment than the power plants which are operating today. . . . I believe it important to the Nation that the commercial demonstration of a breeder reactor be completed by 1980.

With this background of scientific effort and national commitment by the President, the Atomic Energy Commission and a group of advisory representatives of privately and publicly owned electric utilities across the Nation began meetings to work out the preliminary plans for the selection of a common management team for managing, constructing and operating the first demonstration plant. By January 15, 1972, the electric utilities had pledged contributions of approximately $240 million and noncash contributions—land and equipment—valued at $100 million. The total Federal participation in the construction of the demonstration will be over $100 million. On Friday the Atomic Energy Commission and the Utility Advisory Committee camè into unanimous agreement on the selection of the Tennessee Valley Authority and the Commonwealth Edison Co. as the management team. Four groups were considered and it is a tribute to the wisdom of the final selection that the three unsuccessful groups joined in the final approval of selection unanimously.

Mr. Speaker, in these days of increasing need for electricity, the past few years' record of rapidly increasing costs of fossil fuels and the prediction of oil and gas depletion within a century, we face the absolute necessity of finding a new heat fuel source. We believe that we have found the new source in uranium and plutonium.

The new breeder type reactor will extract from any given amount of uranium 100 times as much heat energy as the existing types of nuclear reactors. This will insure the world a new source of heat energy for the next thousand years.

If it is wisely used in the interests of all the people, monopoly pricing techniques can be avoided and our basic energy need can be cheap, clean, and inexhaustible.

I append to my remarks a news release on the breeder reactor and a newspaper article from the Washington Post of January 15, 1972:

TVA, Commonwealth Edison Set To Build Fast Breeder Nuclear Plant

(By Thomas O'Toole)

An atomic power plant that will produce more nuclear fuel than it consumes will be built in the state of Tennessee by the Commonwealth Edison Co. of Chicago and the publicly owned Tennessee Valley Authority.

The first of the so-called fast breeder nuclear plants to be authorized in the United States, the station will generate as much as 500,000 kilowatts of electricity and cost as much as $500 million, making it the most expensive power plant ever built.

"I am very enthusiastic about this project," Atomic Energy Commission Chairman James R. Schlesinger said yesterday in announcing the move. "We are gratified by the fact that this initial plant brings together the resources of a major investor-owned utility as well as a major publicly owned power supplier."

The fast breeder plant was chosen by President Nixon as the best way for the United States to meet its energy needs for the next 30 years.

"Because of its highly efficient use of nuclear fuel," the President said in his energy message June 4, "the breeder reactor could extend the life of our natural uranium fuel supply from decades to centuries, with far less impact on the environment than the power plants which are operating today."

The AEC figures that half the power plants built in the last two decades of the century will be fast breeder plants. By the year 2000, there might be 600 fast breeder power reactors in use in the United States, producing as much as 600 million kilowatts.

The breeder announced yesterday for Tennessee will be what the AEC calls its demonstration plant, providing a testing ground for all the breeders to follow. The AEC and the TVA will put up $100 million each for the plant, with the rest to be paid for by the U.S. electric utility industry.

In what AEC Chairman Schlesinger called an "unprecedented cooperative endeavor," the U.S. utility industry already has pledged $240 million to the plant's financing.

Construction of the plant is due to begin one year from now, with power being generated by 1980. Under terms of a contract drawn up by the AEC, Commonwealth Edison will manage the project. TVA will construct and operate the plant, which will produce power for the TVA system.

A site for the plant has not been chosen, but AEC officials said they are studying three locations, all in Tennessee. The most probable location is near Rogersville, about 63 miles from Knoxville.

Commonwealth Edison and TVA were chosen to build the plant from proposals submitted by four utility groups. Schlesinger said that one reason Commonwealth Edison and TVA were picked was because of their long experience with conventional nuclear power plants.

"Together," he said, "they have 20 per cent of the nuclear capacity in the U.S."

Another reason TVA was chosen is that no opposition to the breeder is expected there from environmentalists, although conservationists did halt construction of a TVA dam for a conventional power plant. TVA has experienced no construction delays on its inherently more dangerous than a conventional atomic plant.

While the fast breeder is theoretically a "cleaner" type of nuclear plant, it is also inherently more dangerous than a conventional atomic plant.

One reason is that the "breeder" produces plutonium fuel, which is the most enduring radioactive poison known to man. Plutonium takes 24,000 years to lose half its radioactivity. Another reason is that a breeder plant will be cooled by liquid sodium metal, which ignites on contact with air or moisture.

Despite such dangers, the AEC is convinced that the sodium-cooled breeder is the safest, most reliable means of producing electricity through splitting the atom.

In the last 20 years, the AEC has spent $600 million on breeder research, most of it on the safety aspects of breeder technology. It expects to spend another $2 billion on the breeder in the next 10 years proving its safety.

The breeder works by bombarding fissile uranium with very high-energy neutrons charged to as much as one million electron volts. This converts the uranium into plutonium, as the uranium itself "burns" to produce electricity. A 1,000 kilogram bundle of uranium fuel will produce twice as much plutonium.

Congressman Holifield Lauds AEC Decision on Demonstration Fast Breeder Reactor

Congressman Holifield praised the decision made on Friday, January 15, 1972, by the Atomic Energy Commission and the Electric Utility Advisory Committee in selecting the Commonwealth Edison Company and the Tennessee Valley Authority as the entity to manage, construct and operate the first nuclear fast breeder demonstration plant.

Congressman Holifield said, "This important decision is the culmination of more than ten years research and development on the 'fast breeder project.' More than 600 million dollars has been authorized by the Joint Committee on Atomic Energy and expended by the Atomic Energy Commission. We are now ready to build a 500 million dollar demonstration electric power generating plant and the decision to start building this plant is the final preparatory act enabling the start of construction in 1972."

"Simply stated the 'fast breeder' reactor will extract 100 times as much heat from a gram of uranium and its by product plutonium, as we now extract from the same gram of uranium. Furthermore, this increase in the extractable heat from uranium will guarantee an electrical energy supply for the people of the United States and the world for the next 1000 years."

"Early last spring I had the personal opportunity to bring the great possibilities of the 'fast breeder reactor' to the attention of President Nixon and to urge his approval. On June 4, 1971, in his energy message to the nation the President made a commitment to support the 'fast breeder' project as a national commitment.

"The President said, and I quote: 'Because of its highly efficient use of nuclear fuel, the breeder reactor could extend the life of our natural uranium fuel supply from decades to centuries, with far less impact on the environment than the power plants which are operating today.'

"Without the President's wise commitment, the active support of the Atomic Energy Commission, and the Joint Committee on Atomic Energy, and the cooperation of the electric utility companies, this decision to go ahead could not have occurred."

Congressman Holifield went on to say, "The Atomic Energy Commission estimates that half of the power plants built in the last two decades of the 20th Century will be 'fast breeder' plants. By the year 2000 there will be 600 'fast breeder' plants in use in the United States.

"Our national use of electricity in 1965 was one trillion kilowatts. It is estimated that we will need ten trillion kilowatts in the year 2000.

"The decision to start building the 'fast breeder reactor' is the most gratifying event of my twenty-nine years of service in the Congress. For more than a decade I have worked, planned and legislated to reach this point. I believe that the 'fast breeder reactor' will make our people free of dependence on fossil fuels which may be depleted within a century or century-and-a-half. Its long range benefits to mankind cannot be properly and adequately estimated. Society depends more and more on electric energy for every facet of life. The more we gain in population the more we will depend on an increased supply of clean and cheap electricity for the reduction of pollution and the production of the necessities of life."

LEGACY OF PARKS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, tomorrow, the President will give his annual state of the Union address. In his January 22, 1971, address, Mr. Nixon had strong and encouraging words for Americans. He said: The American people will not—and should not—continue to tolerate the gap between promise and performance in government." He promised "the most extensive program ever proposed by a President of the United States to expand the Nation's parks, recreation areas and open spaces in a way that truly brings parks to the people, where the people are." He promised "a legacy of parks."

In the year since the President's January 22 address, Mr. Speaker, we have not seen parks brought "to the people, where the people are." We have seen quite the opposite. The administration has proposed, through the Department of Housing and Urban Development, that the highly successful open space program be linked with low-income housing grants. This proposal would make it virtually impossible for any city to obtain open space funds for parks and recreational development unless that city applies for and receives, among other things, low-income housing grants. We have yet to see in this country a meaningful, annual, national recreation program. Unfortunately, we seem to be taking little positive action toward the creation of a genuine "legacy of parks."

Yesterday was the time to reevaluate our priorities. Today, Mr. Speaker, it is past time. Today we must do what needs to be done in our Nation for recreation, for the development of our parks and for the closely linked area of youth opportunity programs. We must make changes. We must make changes now.

VETERANS OF FOREIGN WARS NINTH ANNUAL CONGRESSIONAL AWARD TO HON. THOMAS E. MORGAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Rooney) is recognized for 5 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, the Veterans of Foreign Wars is one of the outstanding organizations representing the veterans of this country. The VFW has selected as the recipient of the annual Congressional Award for outstanding service to the Nation my distinguished dean, Chairman of the House Foreign Affairs Committee, our beloved colleague from Pennsylvania, the Honorable Thomas E. Morgan.

In honoring Tom Morgan the VFW honors itself. There is no one in public life more deserving of this tribute than my friend from Pennsylvania.

The award will be presented to Chairman Morgan at the Sheraton Park Hotel in Washington, D.C., on March 7, 1972.

It is with great pleasure I insert the following news release from the Veterans of Foreign Wars for the benefit of my fellow Members:

[News Release]

Washington, D.C., January 14.—Rep. Thomas E. Morgan, a small town physician from Southwestern Pennsylvania who was first elected to Congress more than a quarter of a century ago, has been selected to receive the Veterans of Foreign Wars 9th annual Congressional Award for outstanding service to the nation.

V.F.W. Commander-in-Chief Joseph L. Vicites, in announcing the 1972 recipient, said, "We have chosen Congressman "Doc" Morgan for this award because of his record of dedication in the Congress of the United States for the past 27 years. During those years he has earned the respect of his colleagues on both sides of the aisles as well as the Presidents he has served with.

"President Nixon recently cited him as one who has dedicated a lifetime to benefit humanity. This is one of the many reasons why no one is more deserving of the V.F.W. Congressional Award than Congressman Morgan," the Commander-in-Chief explained.

Presentation of the award will highlight the annual V.F.W. Congressional Dinner to be held March 7th at the Sheraton-Park Hotel in the nation's capital. In addition to honoring Rep. Morgan, the dinner also pays tribute to all Members of Congress and climaxes the annual four-day Washington Conference of V.F.W. National Officers and Department Commanders.

Congressman Morgan has served continuously in the Congress since he was first elected in 1944. For the past 13 years he has served as chairman of the powerful House Foreign Affairs Committee, a post in which "he has shown a deep and abiding concern for people in need of assistance, both home and abroad," according to President Nixon.

The son of a Welsh coal miner, Congressman Morgan received his doctor of medicine degree from Wayne University in 1934 and has practiced medicine and surgery in his hometown of Frederickstown, Pa., since then. During the first year he ran for office, "Doc" Morgan delivered 112 babies while on the campaign trail.

Although he maintains a low profile in Washington, Rep. Morgan is both effective and respected on The Hill. He is considered by most as not simply the chairman of a powerful House Committee but rather as a compassionate friend in Congress.

"Rep. Morgan symbolizes the dedication to our country that is held by the more than 1,700,000 members of the Veterans of Foreign Wars," said Commander-in-Chief Vicites in making the announcement.

The V.F.W. Congressional Award is the highest honor presented by the V.F.W. It was first presented to former Sen. Carl Hayden of Arizona in 1964. Recipients since have been Rep. John W. McCormack of Massachusetts; Sen. Everett Dirksen of Illinois; Rep. Wilbur Mills of Arkansas; Sen. Richard B. Russell of Georgia; Rep. Olin E. Teague of Texas; Sen. Henry M. Jackson of Washington, and Rep. Leslie C. Arends of Illinois.

"By awarding this honor to one of our national legislators, the V.F.W. seeks to dramatize the importance of the role of a freely elected legislature to serve the great ends of this Republic, maintaining true allegiance to the United States of America and fidelity to its Constitution and laws, the fostering of true patriotism, maintaining and extending the institutions of American freedom, and preserving and defending our country from all her enemies, at home and abroad," Vicites concluded.

STRIP MINING

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, two articles appeared during the last month on coal strip mining which I want to bring to the attention of my colleagues.

First is an article by Doral Chenoweth in the New York Times detailing the slow and painful demise which strip mining is bringing to the little village of Hendrysburg in Ohio. I know Hendrysburg and some of its residents, and have watched its gradual strangulation as the land around it has been first stripped clear, then dynamited and chewed up by the huge jaws of one of the world's largest power shovels.

Undoubtedly, the village itself will before long be literally wiped off the map, and its people will join the thousands of my fellow Ohioans who, in a tragedy reminiscent of the Grapes of Wrath, have been driven from their beautiful countryside by the spreading desert of the strip miners. The cost to these good people, in human terms, is beyond calculation.

Second is a series of three articles from the Cleveland Plain Dealer by Richard Ellers. Ellers describes the activities of one Ohio strip miner who also happens to be a State senator serving on the Senate committee charged with strengthening Ohio's strip mining law. The story dramatically illustrates one reason why effective State regulation of strip mining is so rare—and why prompt and drastic Federal legislation is essential.

The Plain Dealer articles also bring out some aspects of the cost of strip mining in economic terms, especially the spreading circle of damage to farmland surrounding stripped areas. Getting down to actual dollars and cents, the State of Ohio is spending $885,000 to rebuild a mile-long stretch of road damaged by one stripper's activities.

Another shocking aspect brought out by these articles is the fact that much of the actual stripping has taken place on land owned by the National Forest Service. How the inevitable devastation of the land brought about by strip mining can be reconciled with conservation, which is supposedly the mission of the National Forest Service, is beyond my comprehension. Moreover, as the article points out, since the strip mining operations are being conducted on Federal lands, the Federal Government must bear ultimate responsibility for the havoc being wrought to the surrounding property.

The texts of the articles follow:

Say Goodby to Hendrysburg

(By Doral Chenoweth)

Columbus, Ohio.—Zip Code No. 43744 is about to disappear, victim of the most literal rip-off ever to hit this nation. And when it does, the only official notice the Government will take is to erase a post office for the little village of Hendrysburg, Ohio—43744. Two businesses—the fourth-class post office and Kaplet's Grocery—are all that remain to bind a hundred families into a community.

A hundred years ago this village was the center of a lush farming area, lots of timber, goats and cattle, and good corn-whiskey making. Fifty years ago this village was the center of a lush farming area, lots of timber, goats and cattle and good corn whiskey. In both periods, it was on National Pike, the main route to the opening west. When National Pike became busy U. S. Route 40, it was still lush in the things good earth could provide. Route 40 is still there, but it is mostly used by a few youngsters on bikes crossing from the closed township school to Kaplet's for a cold bottle of soda-pop.

The heavy traffic consists of massive coal trucks without company names on the doors. But they belong to Hanna Coal Company, out of Cleveland, or a subsidiary. The coal company also owns the public roads that once were considered township property. Now the roads have been marked "Private Property" and closed to visitors, especially writers with cameras.

This is the heart of Belmont County, the scarred site of what could become a symbol for a rebirth of Woodstock Nation. It could become a battleground for environmentalists.

I first got that message one day in early May when I was driving from Columbus, Ohio, to Pittsburgh. I picked up two young people, packs on their backs, heading for the May Day busts in our capital. I recall that both were Vietnam veterans. They talked freely of their Washington intentions, feelings for this country, and total dedication to their task. I remember the comment of one when he looked out the car window over Hendrysburg. He saw the gouged hillside.

"This is where we ought to have the demonstration. . . . I am peaceful for the Washington thing, but when I see things like that I think violence," he said.

A Cleveland man, Theodore Voneida, a biology professor from Case-Western Reserve University, has also talked about the possibility of violence, recalling that in Kentucky, strip mining opponents were shooting at bulldozers and stopping coal trucks with human roadblocks. Professor Voneida, worried about the stripping of wildlife, mankind and life-giving foliage, asked the Ohio Legislature to ban surface mining until a more permanent control measure could be devised. He said massive earth-moving shovels scooped out holes big enough in one bite to park three Greyhound buses.

Hendrysburg, in some measure, deserves what is happening. The professor said Belmont County residents were embittered and frustrated. But I walked the mile of crumbling street in Hendrysburg. I could hear the crunch of a $10-million scoop at the top of the hill. I looked up and saw the huge lever mechanism that is capable of digging the equivalent of a new Panama Canal in seven days and nights.

I talked to an old man in front of the newest building in town, the Masonic Lodge (circa 1966) and he said he didn't mind too much. "I got a little settlement," he hold me. His well went sour about a year ago. The lady in the post office said she and her husband sold their farm some years ago to coal strippers. Got $200 an acre, she said. Now her husband is postmaster. They have 55 combination boxes left. "When it gets down to twenty five, they sometimes close an office like this. Guess this one'll have to go," she reasoned.

The four-room school closed two years ago. All the farms started going in 1967 when the big shovels were moved in by parts and built on site.

Ohio lawmakers gave tender treatment to the appeals of R. W. Hatch, president of the Hanna Coal Company, when he pleaded that strip-mining measures would force Hanna out of business. He said requirements of the new bills "would close us down, not tonight, not this week, but in a very short time." He told the group that it would cost $6,000 an acre to put the land back in useful shape.

Ohio law now requires that a strip mining company keep a piece of equipment, really a symbol, on the property it intends to reclaim. But law leaves the time limit to do the reclaiming up to the company. One flies over some 150,000 acres of stripped battleground land and there are the rusting bulldozers, old trucks sunk in mud, sometimes an obsolete power shovel. The letter of the law is being met.

Fly along old Route 40 (now adjacent to the speedy new Interstate 70) and you can see tops of hills being graded by Hanna equipment.

Something of an official inconsistency exists across the road from the office of Zip 43744. A white enameled U.S. Government plaque reads: "Forest Fire Warden—Burning Permits Issued Here." The forests are gone. So is the corn ground for making good whiskey. The goats and cattle are missing. The people will be missing in a few months. Most of them will have $200 in their pockets.

[From the Cleveland Plain Dealer, Dec. 25, 1971]

SENATOR'S MINING LEAVES SCARS ON LAND AND PEOPLE

(By Richard G. Ellers)

Pine Grove, Ohio.—State Sen. Oakley C. Collins' strip-mining forays through the rolling Lawrence County countryside have left a lot of ugly scars, hard feelings and bitter memories around here.

Collins, R–18, Ironton, is both head of the Collins Mining Co. and a member of the Ohio Senate's Urban and Highway Affairs Committee, which is considering legislation to toughen Ohio's strip-mining laws.

In the last three decades, the senator's mining company has gouged coal from thousands of once-scenic acres here in Lawrence County.

Few people are happy with the results. And because of that, many question Collins' presence on a legislative committee charged with tightening control of strip miners.

Everett Rose, who lives in this little crossroads village, can talk about the Collins Mining Co. and Oakley C. Collins first hand. Thirty-eight of those thousands of Collins-stripped acres belong to Rose.

"Sen. Collins paid me $5,000 to strip my land," Rose said. "That was a good price—at least it would have been a good price if they had reclaimed my land as well as they had promised."

Instead, Rose said, shoddy reclamation work left most of the 38 acres a barren, rock-strewn wasteland that will be useless for decades.

Reports from Lawrence County farmers and other residents like Rose indicate the senator has left a trail of unfulfilled promises, much like his strip-mining has left a serpentine trail of desolation.

People with unkind things to say included:

Mrs. Larry Blankenship of nearby Pedro, who remembers Collins' empty promises to "look into" her repeated complaints that his company's dynamite blasting had shaken and damaged her new home.

Frank Wagner, who sued Collins for $150,000 after waiting nearly a year for Collins to fulfill his promise to remove seven feet of sediment that had washed onto Wagner's farm from Collins' spoil slope in Fox Hollow.

Otto and Paul Monnig, brothers who have watched Collins' spoil wash down the hollows and bury tile outlets on their croplands.

Delano Cline, Wagner's neighbor, whose barn roof collapsed from the shock of dynamite blasts. Sediment also washes onto his land.

Like most of those who spoke about their troubles with the Collins Mining Co., Cline marveled at how the senator seems to be oblivious to those problems when it comes to politicking.

"Despite my complaints and his doing nothing about them, he would still telephone us at election time, looking for our votes," Cline said. "He always says, 'Don't forget me, Delano,' and I tell him, 'Buddy, I won't forget you,' but I don't think he knows how I mean it."

Wagner started having sediment troubles soon after Collins started stripping back in Fox Hollow. The troubles peaked in August of 1969 when heavy rain sent thousands of tons of sand and sediment down through the hollow onto Wagner's farm and into Big Pine Creek.

"So much sand filled the creek that it flowed backwards until the storm quit," Wagner insisted.

When the rain quit and the ground water disappeared, Wagner found sediment packed seven feet deep over the shallow creek that leads out of the hollow.

Sand was a foot deep in Wagner's tractor shed. It lay six feet deep on the several-acre cornfield near the house. A pair of 30-inch corrugated pipes under a creek crossing were plugged tight with sand.

A year later, the Wagners were able to calculate that more than 40,000 tons of sand and sediment had covered the land. They calculated by counting the truckloads of sand that were hauled away.

Wagner said he called Collins after the storm. He said the senator came to his farm, looked over the damage and promised to clean off the sand immediately.

"But the crews never came," Wagner said. "Whenever I would call about it, Collins always had a bulldozer breakdown or some other problem that kept him from working on our place."

Weary of nearly a year of promises and chagrined by lost crops. Wagner hired a lawyer and filed his damage suit. He also asked the court for an injunction that would stop the Collins Mining Co.'s operations until the sand was removed from the Wagner farm.

"Can you imagine the coincidence," Mrs. Wagner said. "Four days before the court hearing, Sen. Collins showed up with his men to dig and haul the sand away."

The appearance of Collins' crew did not make the Wagners completely happy.

"We gave Sen. Collins permission to run his equipment through our backyard so he could go up in the hollow to build sediment traps," Mrs. Wagner said. "We asked that the equipment go around the edge of our garden—but instead, they went right through it. The heavy equipment packed the ground so hard we could hardly run a disc through it.

"Next time he wants equipment in the hollow, he can send it down his own spoil slope."

Wagner said Collins built six earthen dams back in the hollow to create a series of sediment traps. But the traps had filled up by last summer. Sand has been coming into the ditch and creek again.

Early in November, under a crackdown by the U.S. Forest Service which owns the land that Collins mines, the senator had his crews dredge the traps and build the dams higher.

Wagner said the damage has not stopped yet, and that it was not all corrected a year ago. With a hand auger, he dug a plug of dirt from a field to show that two feet of sand still cover some of his land.

And because sand from the spoilbank still plugs the end of some field drain lines, a section of land that stays permanently wet blocks him from getting in machinery to work a 22-acre section.

The same plugged-drain problem is costing the Monnig brothers dollars in crops never planted.

Otto Monnig showed a four-acre plot alongside Little Pine Creek which he and his brother have not been able to farm for several years.

"We put $1,500 worth of tile under that field and got three crops off it before the sand plugged it," he said.

Because it stands in water most of the time, the field cannot be farmed.

"If he were made to take care of all this damage, his mining business wouldn't pay," Monnig said. "But I guess that is what makes people say there should be no strip-mining."

Monnig's sediment troubles also come from Collins-mined U.S. Forest Service land. He feels the federal government is as much to blame as Collins for his troubles.

"If you give a man permission to use your land, then you are responsible for what he does," Monnig said. "I don't think anyone should have the right to put something (sediment) onto someone else."

Mr. and Mrs. Blankenship live on Ohio 93 near Pedro. "We have a new home," Mrs. Blankenship said. "The blasting separated several windows from the walls and cracked tile and the glass wall in our shower."

The Blankenships said an insurance adjuster reported the damage was due to the blasting and paid them $50 to fix a window.

"We called the Collins people but the senator and the others refused to come out to look at it," she said. "Every time we called, they said, 'We'll let you know,' but we never hear from them."

Her husband consulted a lawyer about suing Collins for the repairs.

"We gave up on the idea when the lawyer explained how much it would cost us to prepare a case," Blankenship said. "We would have to hire a blasting expert to study the land and calculate the force of the shocks. That right there would be more than $1,000."

Mrs. Ford DeLowder lives across the highway from the Blankenships. She said the blasts shook her home. When she complained, Collins promised he would cut the size of the shots, she said.

"Some shots were smaller, but others were just as big after that," she said.

[From the Cleveland Plain Dealer, Dec. 25, 1971]

STATE SPENDS $885,000 TO REBUILD ROAD BESIDE COLLINS' COAL PLANT

HANGING ROCK, OHIO.—Under planning and a contract let during the administration of former governor James A. Rhodes, Ohio is spending $885,000 to rebuild a mile-long section of Ohio 650 that runs alongside the coal preparation plant of the Collins Mining Co. here in Lawrence County.

The Collins Mining Co. is owned and operated by State Sen. Oakley C. Collins, R-18, Ironton, a member of the Ohio Senate's Urban and Highway Affairs committee.

The road costs are higher than usual because the two-lane highway has to be rebuilt with interstate highway strength to bear up under Collins' heavy coal trucks.

The new mile-long section will be higher than the old roadway to avoid a flooding problem caused mostly by the Collins' operations, a problem which cost the state an average $9,700 a year in extra maintenance, 20 times the normal cost for maintaining such roadway.

Collins' preparation plant includes a coal-washing operation in which sand and other noncoal material is flushed away to be pumped to settling ponds.

But the operations leaked sediment into Osborne Run which borders Ohio 650. When the sediment plugged the creek, heavy rains flooded the road, undermining its foundation and eroding its macadam surface.

Lawrence countians remember that after the coal plant was opened, highway maintenance crews came three, four and five times a year to clean the ditch. Sometimes they were there so often it looked like a permanent assignment, according to some residents.

Reconstruction of the road is costing more than normal because:

The road must be paved in concrete 15 inches thick to bear the heavy truck loads.

The state had to build a $35,000 bridge to connect Collins' driveway with the raised road.

A compacted dirt "bench" was built, between the roadway and the ditch, to provide a permanent work road for equipment to dredge the creek in the future.

The bridge and culverts had to be faced with glazed brick to protect the structures from corrosion by acid drainage from old coal mines.

Collins contends, and highway officials agree, that some of the sedimentation in Osborne Run comes from above his coal plant. This sediment originates in the spoil banks of old strip mine operations (many of them by Collins Mining) in the creek's watershed.

However, highway maintenance cost records show that ditch work on the mile of Ohio 650 tripled after the Collins coal preparation plant began operation in 1960.

During the six years prior to that time, ditch cleaning along the one-mile section cost an average $3,200 annually, ranging from a low of $581 in 1955 to a high of $5,133 in 1959.

But after Collins' coal washing began, cleaning costs jumped to an annual average of $9,700, ranging from a low of $530 in 1963 to a high of $21,053 in 1965.

State Highway officials said several factors account for the wide range in ditch cleaning costs, including the number and force of rainstorms, cleaning intervals and fluctuations in Collins' operations.

Although state highway reports stated that Collins' mining operations were largely responsible for the maintenance and reconstruction work, none of the costs were charged to the company.

This contrasts with the long-standing policy regarding traffic accidents. The Ohio Department of Highways bills insurance companies for repair of vehicle-caused damage to guard rails, light and sign posts and other structures.

One state highway engineer at the Chillicothe division office said the highway department's policy is not to charge a business for such increased maintenance costs if the business operations do not alter the size of a watershed.

When the raising and improvement of the mile of Ohio 650 was first proposed in 1965, the project carried an estimated total cost of $250,000—typical for a similar improvement of "ordinary" two-lane roadway.

But further study showed that spongy bottom land would have to be dug out and replaced and that the pavement would have to be stronger than ordinary to bear the heavy coal trucks.

The revised proposal made in 1968 carried a cost estimate of $446,000.

In 1970, the final proposal included the need for the extra bridge, higher right-of-way costs and the "workbench" for future dredging. By then the estimated cost for the one-mile project was up to $722,000.

Bids for the work were to have been let last spring. In October 1970, the highway department moved the contract bidding to last January 5, six days before the Rhodes administration left office.

Actual costs will total about $885,000 including $180,900 for right-of-way purchases, $56,700 in highway department engineering, and $629,000 in actual construction.

The coal preparation plant and part of Collins' haul road from a strip mine to the plant are on land which Collins leases from the federal government.

These lands are part of the Wayne National Forest administered by the U.S. Forest Service.

Files in the district ranger's office in Ironton contain many complaints by rangers about seepage of coal wash sediment into Osborne Run.

The files contain reports of pump breakdowns when wash water from the plant was let into the stream. There also are reports of sediment pollution caused by overflow or wall-breeching of the settling ponds.

The main settling pond, in an old strip mine pit on federal land above the plant, is almost filled.

Collins was asked by the U.S. Forest Service two years ago to build a new pond so the old one could be abandoned.

Instead, Collins pushed dirt up to make the walls of the pond even higher.

Early in October, the new district ranger, T. Alan Wolter, gave Collins an ultimatum: Stop using the pond immediately or face cancellation of his federal land use permits.

Collins did not reply to the ultimatum until after it was made public, nearly a month later, by The Plain Dealer.

The senator then wrote to Wolter and said he had pipe on order and was preparing to relocate the settling pond.

[From the Cleveland Plain Dealer, Dec. 26, 1971]

COLLINS RESISTS U.S. REQUESTS TO CORRECT MINING VIOLATIONS

(By Richard G. Ellers)

IRONTON, OHIO.—T. Allan Wolter, a district ranger in the Wayne National Forest near here, says better strip-mining regulations are needed to eliminate problems such as those the U.S. Forest Service has had in its 17 years of dealings with State Sen. Oakley C. Collins and his Collins Mining Co.

Collins, R–18, Ironton, holds three U.S. permits to strip mine coal in the forest and a permit to maintain in it haul roads and a coal preparation plant near Hanging Rock.

Wolter said the U.S. Forest Service has had problems with Collins over maintenance of the haul roads and settling ponds, and over sedimentation from the coal preparation plant and from mining spoilbanks getting into streams.

Wolter said one of the chief problems along the haul roads had been Collins' failure to clean up spilled coal. Wolter explained that the coal exposed to air and moisture creates an acid that is washed by rain into local streams.

The sedimentation also washes into streams and causes flooding of roadway and farmlands, Wolter said.

Two years ago Wolter's predecessor, ranger James Hunt, noted in a U.S. Forest Service report: "A review of the history of the permit (one of Collins' permits) will show it is and has been extremely difficult to get the permittee (Collins) to take any action as required.

"It has been a continual 'battle' to get conformation to permit requirements," Hunt added in his report.

Many conservationists and strip mine foes contend the federal government should not permit strip mining on national-forest lands.

But Wolter called strip mining "a legitimate use of the forest and, as long as it is done properly."

Because the problems with Collins' operations originate on Federal lands many people say the federal government is as much or more responsible than Collins, and must bear ultimate responsibility for correcting them.

Wolter largely agrees.

"I can't escape the fact that in some ways, we (the U.S. Forest Service) are responsible for these problems," he said. "But our files show how much we have tried over the years to get Collins Mining to do the corrective work."

Wolter was transferred to Ironton in September to take charge of the southern half of the forest.

He estimated that since his arrival, the problems with Collins' mining operations have taken two-thirds of his time, although the mining concerns only a small part of the 57,000 acres under his care.

Wolter said he is formulating stricter rules for strip mining in the forest on the basis of Collins' past performances.

"Mr. Collins has an application pending for a new strip mining permit." Wolter said. "I am working on some conditions I will propose for any new contracts we make."

For one thing, Wolter would like to have a full-time federal inspector assigned to watch the Collins operation on government land.

"The inspector probably wouldn't have authority over the job, but he would always be in immediate contact with the ranger who would have the authority to shut the work down on the spot for repeated violations," Wolter said.

As it is now, Wolter and his staff men must inspect permit operations along with their other forest management duties. This means inspections are made about once a week.

Wolter said most existing regulations for mining and reclamation are adequate, if they are enforced. Provisions for an immediate shutdown because of violations would put teeth in the enforcement, he added.

Wolter considered his existing authority broad enough two months ago to give Collins several ultimatums for correction of long-standing problems.

Wolter said he would start action to cancel permits if problems were not corrected by certain deadlines.

Most force was in Wolter's threat to cancel the permit under which Collins' haul road crosses federal land between the preparation plant and his active mining area. Although Collins is not mining federal land at the moment, a shutdown of the section of haul road would effectively halt his operations.

Collins dismissed the U.S. Forest Service complaints at the time as "trivial, . . . not worth talking about." Collins did little about the ultimatums until their existence was revealed publicly several weeks later in an article by The Plain Dealer.

Wolter said that following the publication, Collins' employes and equipment arrived within hours to work on spoilbanks that were washing onto the Frank Wagner farm along Big Pine Creek. Wolter had ordered Collins to stop the flow of sediment down the hollow to the Wagner farm.

Sediment and mine acid from Collins' operations also have found their way into privately owned Lawco Lake, which is several miles east of the Wagner farm.

Lawco Lake is owned by the Lawrence County Fish and Game Protective Association.

The association, and its secretary, Clarke Haney, have been after Collins for five years to stop the pollution of the 28-acre lake.

"Fishing has declined steadily," Haney said. "The U.S. Soil Conservation Service here calculated that 1,800 tons of sediment will wash into our lake every year from the Collins' spoilbank."

The lake was excavated and dammed by hand by club members in 1924. The club has about 200 acres of hills and hollows for camping around the lake. About 800 families are members of the association; there are 84 cottages on the grounds.

Haney said Collins has not replied to any of the club's complaints since 1968.

"Sen. Collins came to one of our meetings late in 1966, with his warm handshake and his big smile," Haney recalled. "He told us no harm would come to our lake from his mining, and he promised to take care of any damages."

Haney said Collins built dams to create sediment traps in the hollow. But some traps have filled in and rains have breeched the dams in the others, he said.

The author of the U.S. Soil Conservation Service report, district soil conservationist Dwight Allman, said he inspected the Collins spoil bank recently and found nothing that would change the report.

"There has been work up there, but the ground is still bare, still subject to the erosion by rain and by winter's freezing and thawing," he said.

Allman said that without a cover crop of grasses, the sandy slopes would continue to slip.

Allman added that many trees planted by Collins in reclamation work have since died. Allman said he took seven random soil samples in spoil areas. He said tests showed that soil in only four of the samples would support tree life.

Collins was unavailable for comment.

GIRLS OF DARTMOUTH

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, in a delightful column which appeared in the Waterbury, Conn., Republican on November 26, 1971, Tom Braden, the columnist, discussed his attitude toward the admission of women as students at Dartmouth College. As a Dartmouth graduate and trustee of the college, his self-examination is so interesting and significant in the light of this major problem of today's traditional one-sex college that I include it for the information of my colleagues.

As a fellow alumnus of Dartmouth and admirer of Mr. Braden's literary skill, I enjoyed his column, although I cannot say that I agree with all his conclusions.

The column follows:

DARTMOUTH GOES "EXTREMIST"

(By Tom Braden)

HANOVER, N.H.—I never thought of Narcissus as a conservative until last weekend when I recognized him in myself—and in a lot of old friends sitting around a table trying to decide whether or not to change Dartmouth College.

Narcissus, you may remember, was a mythological character who fell in love with his own image in a pool of water. But let me explain about Narcissus and Dartmouth and when you read the word, Dartmouth, you can substitute whatever place you cared about when you were 18.

Dartmouth is first a place, white cold in winter, startlingly soft in spring, like Joseph's coat in fall. There's enough room in the place for a boy to swing a cat, and mostly they do.

Second, Dartmouth is a style. There aren't many people there and most of them get to know each other pretty well, which is perhaps why in 200 years of history, Dartmouth has produced so few major politicians. When a man grows up in a town meeting, so to speak, he has a tendency to assume that the world will take him as he is without the necessity of his campaigning.

The style is outdoors—the result of place. It is personal—the result of size. It is also modest. In many ways, Dartmouth is not quite—not quite as big as Yale, not quite as rich as Princeton, not quite as self-confident as Harvard. It is possible to find Dartmouth men who are stuffed shirts but they have been away for a long time.

In the third place, of course, Dartmouth is an education, an increasingly good one, so I am told.

So here we are, 16 Dartmouth men of various classes sitting around a long polished table in the trustees' room, trying to decide whether to admit women to Dartmouth, and hold classes the year around, partly so as to make room for the women.

Now there was no very good reason for not doing this, except the reason that it would change things. But you would have thought to hear us talk that we were about to bulldoze the place, pave it, as California's Gov. Reagan once suggested for another place, and put parking stripes on it. We behaved like men asked to adopt a new mother. "My gut feeling is it's wrong," somebody remarked. "It's only my brains that make me do this thing."

We did do it. I mean we did admit women to Dartmouth. Our brains told us that the college owed a duty to society and that barring some catastrophe, which would once again make physical strength the test of survival, society was going to become less and less the sole possession of the male. Our brains told us it was pointless to continue the college as a unique institution if the only way it could be unique was as a relic. But our hearts cried. We liked mother the way she was.

There is a little of Narcissus in us all. It's what makes us hold on to things we have no use for, register to vote in the party of our fathers, think that civil service or unions or business or whatever institutions we grew up with are fixed foundations, whose usefulness must not be reexamined. We are all a little in love with our past.

Which is why it is nonsense to say that Americans these last few years have been recklessly tossing their heritage to the four winds in a societal revolution.

This is no revolution. Change under pressure of logic and fairness is the best defense against revolution, assuring that those who would be angry are left with "light and transient reasons." It is the Narcissus in all of us which is dangerous.

DHUD—THE SLUM LANDLORD

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, in an article in the January 1, 1972, edition of the National Journal, William Lilley III and Timothy B. Clark have done an excellent job in reporting a complex and disturbing problem: the failure of a program to provide housing for the poor through FHA loans. The article is penetrating and thorough, providing indepth background on the investigations in Detroit by the Subcommittee on Legal and Monetary Affairs and the Detroit News, and in Philadelphia by the Philadelphia Inquirer.

The article concisely defines the problem: programs designed to allow poor people to own their own homes have been misused by corrupt real estate speculators who are buying and selling unsound houses in decaying urban neighborhoods to people who cannot afford to refurbish or maintain them. The result is abandoned dwellings, owned by the taxpayer, leading to other social ills such as crime and drugs.

The article gives an excellent perspective on how the problem evolved, beginning in 1961, when Congress enacted a new FHA program, National Housing Act, section 221d2, which substantially liberalized the standard FHA insurance program. After the 1968 riots, section 223e was passed, establishing a special risk pool to back up mortgages in areas that traditionally would be "red lined."

The investigations by the subcommittee and the Philadelphia Inquirer have been outlined accurately and in detail, painting a grim picture of how a program designed to assist the poor has made victims of them and the taxpayer at the same time.

I commend the National Journal, and its reporters, William Lilley III, and Timothy B. Clark, for providing us with an article that plays an important role at this time. The investigations have shown that the foreclosure situation is nearing national emergency proportions. Allegations of criminal conduct are now appearing in many major cities of our country. Because the subcommittee has jurisdiction over both the DHUD and the Justice Department, priority attention is being given to this disturbing development, which, if not checked, threatens to make mockery of both congressional and executive branch initiatives as we seek to provide adequate housing for all Americans.

As the article notes, the problem is not limited to just two cities. Nor is it necessarily limited to the problem of repossession—although this alone may cost the Federal Government several billions of dollars.

It is vitally important that all of us fully acquaint ourselves with the many

facets of this problem. The following article from the National Journal is an excellent beginning toward this end:

URBAN REPORT/FEDERAL PROGRAMS SPUR ABANDONMENT OF HOUSING IN MAJOR CITIES

(By William Lilley III and Timothy B. Clark)

The Federal Housing Administration, which has underwritten development of many suburban neighborhoods in the past 37 years, now is financing the collapse of large residential areas of the center cities.

The agency's programs designed to allow poor people to own their homes have been largely misused by corrupt real estate speculators who are buying and selling unsound houses in decaying urban neighborhoods to people who cannot afford to refurbish, or even maintain, them.

The result: abandonment of single-family dwellings set in what used to be stable urban communities. Drugs and crime and other social ills are attracted to abandoned houses like maggots to a rotting carcass, and thus abandonment on a small scale leads to decimation of entire neighborhoods.

Poor people, who lose their cash investments and their housing, are the most tragic victims. Another victim is the federal government, which stands to lose a lot of money unless the abandonment cycle prevalent in major American cities today is reversed.

So serious is the problem that the HUD Department, parent of the FHA, is facing the prospect of becoming, against its will, the largest owner of housing in a number of cities—dilapidated housing which it must assume because FHA-insured mortgages are in default.

Implications for HUD: Experts believe that in two major cities—Detroit and Philadelphia—HUD is now the largest owner of single-family dwellings.

The cost to the government of repossessing the housing is staggering: the General Accounting Office estimates that foreclosures in each city will reach $200 million.

The most serious aspect of the problem is that it is not limited to the two cities, and that HUD could very well be faced with a multi-billion-dollar repossession bill.

"If it has happened here and in Philadelphia, you can bet that the other major urban areas are having similar experiences," Detroit's Democratic Mayor Roman S. Gribbs said in an interview.

The most likely candidates are Baltimore, Boston, Cleveland, Dallas, Fort Worth, Los Angeles, Miami, St. Louis and Washington. The troubles in those cities with abandoned FHA-insured housing could well rival those in Detroit and Philadelphia.

Despite the fiscal implications of the abandonment problem, the HUD Department has not yet acknowledged its severity, and the abandonment and repossession problems facing FHA in Detroit and Philadelphia were largely uncovered by investigators outside of the department.

In Philadelphia, the situation was unearthed by investigative reporters for the Philadelphia Inquirer, and the Inquirer's long series on the issue has deeply scarred the department's reputation in the city.

In Detroit, the facts were gathered by the House Government Operations Subcommittee on Legal and Monetary Affairs, chaired by Rep. John S. Monagan, D-Conn.

Debate: Heavy publicity surrounding the disclosures of abandonment rates in Detroit and Philadelphia has fueled a growing debate about the future of FHA homeownership programs for the poor.

Two of the foremost Democratic experts on housing policy—Rep. Thomas L. Ashley, D-Ohio, and Milton P. Semer—believe that these FHA programs are exacerbating abandonment and therefore hurting the cities. They say the programs should be stopped and radically recast.

Ashley is a 19-year member of the House Banking and Currency Subcommittee on Housing which writes housing legislation. Semer, former general counsel (1961–65) of the Housing and Home Finance Agency (HUD's predecessor), was a special counsel (1966–67) to President Johnson for housing and urban affairs.

But arrayed on the other side of the question are Gribbs and other urban politicians who say that abandonment must be stopped within the context of the existing programs and that homeownership insurance must be expanded to serve their poor, center city constituents.

"If you have one bad house in an otherwise stable block that is allowed to deteriorate to the point of abandonment," Gribbs said, "then it becomes a magnet for vandalism, crime, fire, blight, drug addiction and other kinds of socially pathological forces.

"The only way to stabilize neighborhoods when houses become abandoned is for the government to take action promptly.

"Rehabilitate them so they can be made livable; or if they are hopeless, then demolish them. The only way to stop blight is to put people into the homes."

THE PROBLEM

Abandonment of housing in poor neighborhoods has become commonplace in major American cities.

But in Detroit and Philadelphia, the problem has reached new dimensions. It is more extensive than in other cities and, more significantly, it has reached into homeownership neighborhoods.

In the past, abandonment has plagued government-subsidized multi-family projects—most notably the vast and grim public housing developments. But in these cases, the urban decay brought on by abandonment has involved relatively small areas of the city, since the high-rise housing projects are concentrated in small geographical areas. Large-scale abandonment of single-family houses can—as in Detroit and Philadelphia—mean death to large residential areas.

The trend in the two cities is profoundly discouraging to housing experts, including Ashley and Semer, both of whom said that the acceleration of abandonment in neighborhoods of single-family homes marked the end of a viable residential real estate market in low-income areas of center cities.

"The private enterprise cycle has run its course in urban neighborhoods," Semer said, "when poor families, already desperate for any kind of housing, begin abandoning their own homes at a rapid block-after-block rate."

The programs

Ironically, the federal programs which are causing the problems in Detroit and Philadelphia were enacted in part to deal with the problem of abandonment.

To a large degree, the justification for the programs, which make homeownership possible for the poor, was the argument of many housing experts that the best defense against abandonment is to shift the urban dweller, especially the poor urban dweller, from tenancy to ownership.

As recently as April 1971, the National Urban League, in its impressive, 126-page Survey of Housing Abandonment, defended that thesis, basing its conclusions on studies of housing in Atlanta, Chicago, Cleveland, Detroit, Hoboken, New York and St. Louis.

Programs allowing the poor to buy their homes were enacted first in the early 1960s, and were expanded after the major urban riots of 1967 and 1968. Democrats and Republicans alike decided that the good name and powerful resources of FHA should be put to work in the center cities as well as the suburbs.

Until the 1960s, FHA had insured mortgages only in neighborhoods where there was virtually no risk that the asset would depreciate. Declining center city neighborhoods were "red lined" out and made ineligible for FHA insurance.

"So stringent were the standards," said HUD Under Secretary Richard C. Van Dusen, "that FHA insurance was made available only to those who really did not need it."

First step—In 1961 Congress enacted a new FHA program, known by its section number in the National Housing Act (Section 221d2), which substantially liberalized the standard FHA insurance program—the Section 203b program which has been heavily used in the suburbs.

Section 221d2 liberalized down payments, all the way down to $250, and lengthened maturities, all the way up to 40 years, so that it would be easier and cheaper for inner-city residents to use the insurance programs.

However, the program received little use; FHA was reluctant to abandon its strict standards for economic feasibility.

More muscle—With the aim of forcing FHA to underwrite inner-city mortgages, Congress, in the wake of the 1968 riots, enacted Section 223e of the National Housing Act, establishing a special risk pool to back up mortgages in areas that traditionally would be red lined.

The enactment of 223e was "the starting gun for one of the biggest gold rushes in the real estate speculative history," said Semer, "and it really was a gold rush because the payoffs came in cold, hard cash."

Semer said that the combination of 221d2 and 223e "took all the risk out of the riskiest part of town."

The 221d2 program made it possible for the real estate speculator to sell to the poor, and the 223e backup made it possible to induce FHA and the lending industry to underwrite a risky mortgage.

Implementation—HUD has implemented the new program aggressively. Van Dusen said that "the pendulum swung away from the suburbs and toward the center cities when central-office orders went out in 1967 for FHA to take risks. The Detroit FHA office, in particular, took the orders as a mandate to take real risks. We have since learned that social concerns without proper guidelines can lead you into big mistakes."

Cycle of decay

The investigations by Monagan and the Philadelphia Inquirer have focused on public and private venality and on lax public administration which have combined to corrupt the homeownership programs in poor urban neighborhoods.

The two investigations have uncovered masses of data on the exploitation by real estate speculators of federal programs and of the poor, exploitation which has exacerbated the abandonment problem and contributed to general urban decline. The exposés have been rewarded with a steady stream of headlines in major newspapers around the country.

The cycle exposed by the inquiries begins when unscrupulous realtors, often working in white and black teams, move into a declining neighborhood that seems ripe for racial blockbusting.

Holding out the prospect of racial inundation and accompanying social problems, the realtors scare white families into selling their houses for a song, and then spend small amounts on cosmetic refurbishments of the buildings.

The next step is to get FHA approval of a mortgage guarantee. That step is not difficult, given FHA's mandate under the 221d2 and 223e programs. But the key to profit for the realtor-owner is securing an inflated appraisal of the property—and that too has proved all too easy, thanks to the laxity or venality of the FHA appraisers, who often are local realtors working for fees. A grand jury in Philadelphia currently is investigating alleged corruption in FHA appraisals in the 221d2 program.

One speculator traced by the Inquirer

through the deed books averaged a markup of 172 per cent on more than 50 properties involving 221d2 mortgages—thanks to inflated appraisals.

Once FHA backs a property, the owner is assured of finding a lender in the savings and loan industry to assume the mortgage, because there no longer is any risk involved no matter how bad the neighborhood or the house in question.

The owner also has a ready-made market, thanks to the generous down-payment and mortgage-repayment terms under the federal program and also to the severe shortage of low- and moderate-income housing in urban centers.

Thus the programs have worked so that the speculators are guaranteed their profits and the lenders their investments, but at the expense of the poor and, eventually, of the federal government.

Hustling the poor—In a key part of the speculative cycle uncovered by the two investigations, the unscrupulous realtors actually go out and hustle the poor in order to unload the properties in their inventories.

In both Detroit and Philadelphia, nearly 100 per cent of the new homeowners in the 221d2 transactions were either black or Puerto Rican, and more than 20 per cent of them were welfare mothers with large families. In Philadelphia, an appreciable percentage of the new homeowners could not read English, and the speculators often sold them life insurance policies to cover their mortgages.

The Inquirer series has said that in almost all cases, poor families originally wanted to rent rather than own. But speculators convinced them that it was cheaper to own because of the federal backup, and that the houses were sound because the FHA had approved them. In many cases, the realtor-owners made the $250 cash down payment for the new homeowner.

Stuck with a lemon—Once the transaction was completed and the speculator had his money out of the transaction, the poor family was stuck with a house that soon, if not immediately, required major expenditures for upkeep—a new furnace or a new roof, for example.

But the poor homeowner was accustomed to renting, and unskilled in home maintenance—and substantial repairs were beyond his resources or capabilities. Therefore, he invariably adopted the posture of other private property owners caught in the squeeze of declining values and rising costs: milk the property for all its worth by foregoing maintenance and taxes and finally, when severe deterioration dictates early abandonment, by foregoing mortgage payments.

Thus a major focus of the Inquirer investigation has been the extent to which bad FHA appraisals have stuck poor homeowners with unsound properties requiring major expenditures. During September, the paper ran article after article with photographs of demonstrably unsound or unsafe properties. Stamped over each photo in block letters was the caption: "FHA Approved." And many of the houses pictured already had been abandoned.

Foreclosures

Once the mortgage is in serious default, the private lender holding the note will foreclose on the property, and HUD, as the guarantor, must pay the lender and take possession.

Van Dusen, among others, pointed out that HUD often has been faced with severe foreclosure problems—but of a different kind.

The past—In the past, the department has acquired and sold off large inventories of FHA-insured, repossessed houses in communities where big aerospace and atomic-energy projects had led to overbuilding. When the projects were completed, the real estate market dried up and FHA acquired the properties through foreclosure. The biggest acquisitions were in Fort Worth, Tex.; Paducah, Ky.; Portsmouth, Ohio; Savannah, Ga.; Tampa, Fla.; and Wichita, Kans.

Semer, who as general counsel of the housing agency had overseen the acquisition and resale program, said there was no problem as to the ultimate disposability of the houses; it was only a question of timing and pricing.

"We had to feed the stuff into the local real estate markets in such a way that we didn't destroy the markets," Semer said.

No takers now—But in Detroit and Philadelphia, "there are no takers at any price," Semer said.

In the Detroit case, HUD and General Accounting Office experts estimate that HUD already has lost about $10,000 per house and would have to invest another $9,000 in each house to make it livable. Historically, HUD has averaged a $3,000 loss per house in acquisition and resale of an FHA-backed dwelling.

"But even then with another $9,000 thrown in, and this is the crucial point, there still wouldn't be any takers," Semer said.

EXPOSING THE PROBLEM

The HUD Department has had an inconsequential role in exposing the drastic abandonment rates in Detroit and Philadelphia.

Even the statistics on the number of FHA-insured abandoned houses, and on the potential costs to the federal government, have been collected by sources outside of the agency.

In response to an inquiry, the department said it keeps no such statistics and that any kind of nationwide estimate was impossible.

In Philadelphia, the Inquirer's extensive investigation has met with active resistance from HUD. The newspaper has in fact filed two court suits in an attempt to force HUD Secretary George W. Romney to release the names of appraisers who approved FHA insurance for 140 houses that had major structural deficiencies.

In Detroit, spadework performed by the Legal and Monetary Affairs Subcommittee of the House Government Operations Committee has been given little assistance by HUD.

Contrasting views: There is disagreement as to the severity of the abandonment situation.

Administration—The Nixon Administration has said there is no serious problem.

For example, Romney said at a Dec. 17 news conference that the Detroit and Philadelphia newspapers had overstated the seriousness of the problem and the costs of repossession. He blamed lax administrative policies of the previous Democratic Administration for whatever problems existed, and claimed that the Nixon Administration already had taken corrective steps before the abandonment problem attracted attention in Congress and the press.

Rebuttal—The Detroit and Philadelphia newspapers and Democratic housing experts sharply dispute Romney's argument.

Ashley, for one, said that FHA was still so "suburb oriented" that it could not see disaster coming. Monagan made the same point and said that "FHA could never really have a handle on the problem because they don't keep any statistics on it. They aren't even geared up to keep those kind of statistics."

More bombshells—It is likely that HUD will be forced to take a public posture of greater concern, for serious abandonment and repossession problems will be exposed in other major cities.

Monagan said his subcommittee intends to investigate a series of other cities, possibly starting with Chicago.

Ashley said the Housing Subcommittee will seek special funds for a study of all FHA operations, "including the non-trouble areas like Dayton, Minneapolis and St. Paul as well as the troubled East Coast cities like Newark."

At the same time, the success that the Philadelphia Inquirer has had with its investigative series on FHA is bound to prompt newspapers in other cities to start similar exposés.

Philadelphia

Although the rate of HUD repossession of abandoned housing in Philadelphia is running slightly below the rate in Detroit, the Philadelphia situation has had a more spectacular impact.

The facts in Philadelphia have been exposed by Philadelphia Inquirer reporters James B. Steele and Donald L. Barlett, with strong support from executive editor John McMullan.

Beginning in June, McMullan freed the two reporters from daily assignments and put them to work entirely on tracking FHA operations in Philadelphia. Most of their time initially was spent in laborious examination of property deed books in Philadelphia city hall.

To date, the research has produced a series of more than 50 lengthy articles, which began on Aug. 22 and is still going forward. Most have been carried, as have been seven major editorials, on the newspaper's front page.

Hugh Scott—In its latest series of exposés, starting the second week in December, the Inquirer linked Senate Minority Leader Hugh Scott, R-Pa., and one of his top aides, Edward E. Pilch, with the real estate speculation.

The point of connection is United Brokers Mortgage Co., the real estate-mortgage banking firm which has been the biggest beneficiary of inner-city FHA transactions in Philadelphia.

The president of the company, Louis Bank, is a longtime friend of Scott's, and has served as one of his key fund-raisers since Scott's 1956 reelection campaign for a House seat. At one time, while serving in Congress, Scott served as counsel to the company.

Pilch runs Scott's Philadelphia office on a full-time basis. He also works actively as a licensed realtor for Louis Bank and owns what the Inquirer called a "substantial amount" of stock in United Brokers Mortgage Co.

The Inquirer implied repeatedly that Scott's influence helped the firm secure FHA-approved mortgages ("Scott's Political Influence Called Beneficial to Mortgage Firm," read one typical headline.) To date, neither Scott nor Pilch have replied to the Inquirer's charges.

Scope—The scope of Philadelphia's abandonment problems is immense.

The Philadelphia landscape is dotted with signs proclaiming HUD ownership of abandoned houses and more are "popping up like a measles epidemic," the Inquirer said. The red, white and blue signs tell passersby: "Warning. U.S. Government Property. A theft from your government is a theft from you. Report theft of government property to the FBI."

The foreclosure rate on FHA-insured properties, the Inquirer reported, is running at one in every 13 mortgages. From January 1968 to June 1971, FHA foreclosures in Philadelphia totalled 2,848, more than the entire total for the 33 previous years of FHA existence. By the end of 1971, more than 4,000 homes will be repossessed by HUD in Philadelphia, the Inquirer estimated.

HUD is the biggest property owner in north Philadelphia and possibly the biggest in west Philadelphia, the newspaper says.

Impact—More than half of the HUD-owned housing is in areas which once were on the fringes of bad slums and were almost 100 per cent white. Now they are almost 100 per cent black.

Thus the operation of the HUD programs, theoretically designed to stabilize neighborhoods threatened with decline, in practice made things worse by providing powerful stimuli for block busting, heavy in-migration of poor blacks and Puerto Ricans and for large-scale abandonment.

The Inquirer also uncovered the extent to which the unsubsidized, homeownership programs were being manipulated by real estate speculators.

Before the paper's investigations, housing experts thought that HUD's abandonment and repossession problems were limited largely to the subsidized programs, particularly the multi-family rental programs such as public housing and rent supplements. (For a report on problems with the subsidy programs, see Vol. 3, No. 30, p. 1535.)

Refuting that theory, Steele and Barlett published statistical tables showing that activity in 221d2 constituted the bulk of FHA's underwriting in urban areas.

In Philadelphia, for example, activity in the 221d2 program represented one-sixth of all FHA transactions in 1969, and almost twice as many 221d2 mortgages (10,327) were written as the standard 203b mortgages (6,780).

On August 22, the Inquirer produced another table showing the volume of FHA activity in Philadelphia and 11 other major metropolitan areas. The data, which covered the period 1967–69, was broken down by program and showed that the special risk, unsubsidized 221d2 mortgages far exceeded other types of unsubsidized and subsidized mortgages.

Detroit

Monagan's investigative work focuses on the scale of the abandonment problem in Detroit: he found that FHA already had repossessed more than 5,200 homes and eventually would own some 20,000—at a total cost of about $200 million to the agency.

The Detroit newspapers have claimed that by the end of next year, HUD probably will be the biggest owner of residential real estate in the city. Already, some entire blocks in east Detroit are abandoned and officially the property of HUD.

FHA activities in Detroit are dominated by the special-risk homeownership programs. In 1969, for example, FHA underwrote more special-risk mortgages through the 221d2 program (16,640) than it did to the standard 203b insurance program (14,986). Monagan found that poor families using the programs had been victimized by real estate speculators and were homeless and on the move to adjacent neighborhoods, presumably bringing with them higher densities and greater social problems.

Monagan's on-the-scene investigation touched off an uproar in Detroit. Front-page articles in the Detroit News and the Detroit Free Press, and eventually in The New York Times and The Washington Post, stressed the seriousness of the problem.

Reaction—Detroit politicians fear that the Monagan investigations will force the government to cut back, if not abolish entirely, the special-risk programs, and their fears may be well-founded.

Monagan said in an interview: "HUD in Detroit cut back on public housing and instead emphasized the much cheaper FHA-mortgage insurance programs which put the poor into homeownership.

"Those kinds of programs gave free enterprise its head. But with real estate speculators, incompetent or crooked appraisers and welfare mothers with no homeownership experience the only players in the game, is it realistic to give free enterprise its head in the inner city?"

HUD, for its part, reacted to the preliminary investigations of the Monagan subcommittee by "red-lining" the declining areas and making them ineligible for FHA mortgage support.

Gribb's strong protests caused HUD to rescind the new policy within hours after it was issued. Later, the mayor wrote Romney that it was "the most potentially dangerous" administrative decision ever made by a federal agency because it "wrote off blocks, neighborhoods and even the entire core of the city."

Defense—Detroit politicians with inner-city constituencies have rallied to defend the programs. Their first defense is to blame crooked speculators.

Gribbs appeared in that cause before Monagan's subcommittee, and two House Members from Detroit, John Conyers Jr. and Lucien N. Nedzi, both Democrats, accompanied the subcommittee on its investigations.

Since the investigation, in early December, all three have worked to build political support for the inner city insurance programs.

"Don't kill the program, expand it," Gribbs told the committee.

"I hope there is no thought of deciding that FHA mortgages for low- and moderate-income families are not economically feasible because of what happened in Detroit," Conyers said. "If anything, we want to see the programs strengthened.

"The neighborhoods we toured in east Detroit were predominantly black, and it was significant that a large number of well-kept homes were interspersed with a large number of vacant, vandalized buildings owned by HUD. I am interested in what can be done to remove the threat of those empty buildings to the surrounding neighborhoods."

Nedzi said, "It appears that we need some new approaches to solving this terrible problem of the city, perhaps even to the extent of selling the homes rehabilitated by HUD for half their original cost. Losing 50 percent on the house is better than a 100-percent loss."

THOUGHT OF CHANGE

The position taken by the Detroit politicians reflects their center city constituencies, and similar stands could be expected if HUD moved to end the homeownership programs in the high-risk areas.

But Gribbs, Conyers and Nedzi also believe that the declining neighborhoods of their city and others like it cannot be saved by the HUD programs alone, and that, if the areas are to become truly stable, comprehensive attacks must at the same time be made on nonhousing problems, such as drug addiction and crime. This is a thought which finds sympathy at the highest levels of the HUD and HEW Departments.

But some housing experts, including Ashley and Semer, believe that HUD's high-risk programs are inherently defective—that homeownership probably cannot work in the slums—and that more radical solutions are in order. New directions for housing assistance to the urban poor also are under consideration at the HUD Department.

Ashley, Semer: Ashley and Semer both say that the government's FHA programs are all based on middle-class, free-enterprise principles, and that those principles are incompatible with a slum environment, and especially incompatible with the politically popular idea of insured homeownership for the poor.

The FHA programs backfire in slum environments because they are premised on the assumption that the homeowner can both improve and protect the asset. But by definition, poor people lack the resources to improve the property; similarly, slum areas have high crime rates which make it difficult, if not impossible, for the resident to protect the property.

"You cannot run a middle-class program in the ghetto," Ashley said, "and that's why we have bankrupt FHA programs in the cities. It's the fault of the Administration and the Congress, Republicans and Democrats, because we have been relying upon a more-than-30-year-old system of mortgage underwriting which was explicitly designed *not* to cope with the problems of the cities.

"The Administration and Congress have shown a tremendous inability to respond to the enormous and complex changes taking place in the center cities.

"That is why we took a program that was crafted for the suburbs and put it in the inner city. If we had stopped to think about it, we would have agreed that the program was designed to avoid just that kind of environment.

"That it has been perverted by swindlers, that its effects have been ruinous and that its treasury might go bust should have been expected," Ashley said.

Pathological turf

Gribbs expressed concern about crime and other social problems plaguing areas of his city characterized by abandonment, and his remarks were echoed by a high-ranking HUD official who did not wish to be identified:

"It's less a housing problem per se than one of socially pathological turf. There are such tremendously powerful negative forces at work locally that it is beyond the capacity of government to protect a housing investment.

"Yet for government to gain control of inner-city environments would require an investment more enormous than it is willing to make.

"For example, we are just wasting our time managing urban properties in troubled neighborhoods unless we can get a handle on drug addiction, to pick one of the most disruptive forces upon a neighborhood, but HUD has no authority or expertise in that field."

Richardson and HEW

It is possible that HUD may get more help with problems like drug addiction from the HEW Department.

HEW funds drug rehabilitation, health, vocational training and a host of other programs that are essentially oriented toward the cities, and while these programs never have been coordinated on a community-wide basis, the department's leadership is considering moving in that direction.

In the process of formulating its fiscal 1973 budget reqests, HEW considered adopting a number of new criteria for judging how to spend its resources, and one of the suggestions was for a comprehensive "urban strategy."

A Sept. 7 memorandum to HEW Secretary Elliot L. Richardson from Lawrence E. Lynn Jr., assistant secretary for planning and evaluation, noted that HEW provides more money to urban areas than any other federal department and said that HEW "could have a significant impact on urban areas if we developed a concerted, comprehensive strategy attacking urban problems. Clearly any strategy would have to be an interagency-intergovernmental attack on America's urban crisis."

Earlier in the memorandum, Lynn wrote of the changes occurring in the country and said that "for an increasing number of the people living in American cities change has meant decay, deterioration, continued unemployment, and growing alienation from the rest of society. . . . The problems of American cities are of such transcending importance as to command an urgent response on a national scale."

The urban strategy was not considered sufficiently developed to be acted on, but Richardson ordered that more work be done on it, and, in an interview, echoed the concern expressed by Lynn.

Richardson talked of the process of urban deterioration that has led to abandonment of housing and many other problems in the cities, and he said that HUD alone could not stop the decay. "I'm convinced," he said, "that to deal with the problems of the cities, you have to deal with them all—health services, education, housing, land use, industrial development. These cannot be isolated from each other if you are concerned with turning around the deterioration of the cities."

Richardson talked about grouping of HEW programs to aid neighborhoods: "If you don't provide decent education, health services, recreation and so on, people won't want to live in a neighborhood. Planning that doesn't account for these services is just not planning."

Search for strategy

But there is little prospect of HEW assistance soon on a scale that would have substantial impact on deteriorating neighborhoods. The immediate key to influencing the physical, and social, course of those neighborhoods, if indeed any influence can be brought to bear, probably lies in changing the nature of the government's housing assistance plans, according to experts in the field.

Homeownership doubts

Ashley and Semer contend that the high-risk homeownership programs are exacerbating the abandonment cycle, and they want the programs stopped and radically recast, although they offer no ready solutions. Semer, moreover, raises the fear that even if the high-risk programs are ended, recent liberalization in down-payment regulations under standard FHA insurance programs may contribute to the same cycle. The new regulations require only a 3-per cent down payment. "On a $10,000 house that comes to only $300—the same kind of easy down payment that has gotten HUD into such big trouble with real estate speculators in Detroit and Philadelphia," Semer said.

Monagan also believes that the government should think anew about the homeownership orientation of its housing policies.

"Are we throwing good money after bad?" Monagan asked. "That is the big question when you put the poor into homeownership. No question that it is a laudable goal, but is it a workable one? I don't have any conclusions yet, but we should start to consider the possibility that it might be unworkable."

The fact that HUD has become one of the biggest owners of residential real estate in Detroit and Philadelphia eventually will force the federal government to modify its urban housing programs.

Housing allowances—Already the repossession problem has provided added impetus for a shift in federal housing strategy toward subsidizing consumption probably through a major expansion of the still experimental housing allowance program, which provides cash or cash substitutes to the poor.

(For a fuller report on alternative housing strategies and housing allowances, see Vol. 3, No. 30, p. 1535.)

Van Dusen said that the Detroit and Philadelphia situations were "a clear indicator of the weakness of the existing program structure."

He said, "That's why we are taking a very hard look at housing allowances as an alternative strategy."

HUD officials are quick to note that housing allowances also might strike out.

Van Dusen said: "You have to ask yourself the big question: 'If it had been housing allowances in Detroit instead of 221d2, would the same number of houses in the same neighborhoods be vacant? In other words, would the physical situation be the same?"

"That's the big question."

LOG CABIN INDUSTRY

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, I want to share with my colleagues a recent program undertaken by the South Central New York Resource Conservation and Development Project concerning the rebirth of the log cabin as a recreational second home.

At this point, Mr. Speaker, I would like to introduce an article from the November issue of the Soil Conservation magazine, published by the U.S. Department of Agriculture, explaining the history and details of the project:

RC&D SPURS LOG CABIN INDUSTRY

(By Maurice Postley)

The author: Maurice Postley is a retired New York newspaperman who has lived in the foothills of the Catskills since 1963. He is an associate director of the Delaware County Soil and Water Conservation District and is in charge of public relations for the South Central New York Resource Conservation and Development Project.

The area: The South Central New York Resource Conservation and Development Project area includes seven counties, but an eighth, Tompkins County, has formally requested inclusion. The original seven—Broome, Chenango, Cortland, Delaware, Madison, Otsego, and Tioga—cover 3.7 million acres. Tompkins County will add 314,000 acres. The area is agricultural in nature; dairy farms predominate. Accessibility from New York City, Long Island, Westcheser County, and New Jersey suburbs has increased the popularity of the region for second homes.

A log cabin industry that did not exist a year or so ago is burgeoning in the South Central New York Resource Conservation and Development Project area, and any hardheaded realist would have to agree that developments in recent months offer promise of an industrial complex that may be ideal for the region. And why not? The timber grows locally. The entrepreneurs and workers are local residents. And most of the log cabins are being built right in the seven-county RC&D area.

Urban-oriented people seeking second homes or recreation homes in the country find the log cabin enticing, because it can meet all modern needs and yet retain rural charm.

The idea for the log cabin project originated with Richard F. Howard, a woodland conservationist employed by the Soil Conservation Service. Philip C. Comings, chairman of the RC&D Steering Committee, and his associates gave encouragement.

Among objectives of SOCENY, Howard's alliterative simplification for the South Central New York RC&D Project are the following: Find uses for underutilized natural resources, such as woodland, scenic attractions, and streams; promote activities that can develop job opportunities for local residents; and establish local industries.

Because of a law adopted in the late 1920's authorizing the state of New York to purchase abandoned farms and plant them to trees, the state owns more than 200,000 acres in the SOCENY RC&D Project area. More than 50,000 acres of this state-owned land is in pine trees of 6 inches or greater diameter. An additional million trees are planted each year on about 1,000 acres of privately owned land.

This then was the resource that existed when Howard presented his log cabin plan to the RC&D Steering Committee. "A log cabin industry," Howard stated, "could bring an additional market for evergreen plantation thinnings."

The plantations require regular thinning, and the only use for trees cut in thinning had been pulpwood, a low-value product with an uncertain market.

Both the RC&D Steering Committee and the New York State Department of Environmental Conservation agreed to participate in the log cabin project.

During the winter of 1969–70, Howard drew how-to plans, indicating to manufacturers how machinery could produce pre-cut parts.

The RC&D Steering Committee authorized reproduction of plans and made them available to the public at $2.50 per set. About 125 sets have been purchased—from as far away as the upper Amazon Valley of South America.

Inquiries came from loggers, sawmills, building supply contractors and companies, real estate agents and developers, building contractors, and others, including potential sources of financing.

In Howard's how-to-do-it plans, the logs are squared off on three sides. The rounded side is used for the exterior face. The logs are cut to length and numbered to go together like a child's Lincoln log set. A "bead" of asphalt roofing cement applied with a caulking gun closes the exterior crack between any two logs.

Numerous business activities indicate the potential for the project.

In Guilford, N.Y., for example, R. & L. Log Buildings, established in April 1970 by Ralph and Loren Wildenstein, a father-and-son team of dairy farmers with a small sawmill on their property, have had their own crews erect 26 log cabins thus far. And they have orders on hand to keep them busy during the winter.

Log Line, Inc., at Spencer is headed by Earl Richards of the RC&D Steering Committee. He studied the idea for almost a year and then resigned as project engineer with IBM to go into the log cabin industry.

Log Line has purchased a 35-acre site for a new plant and aims to build 50 log structures in 1972.

The Farmers Home Administration has approved Log Line Buildings for customary home financing. The firm is closely cooperating with New York State College of Forestry, the New York State Department of Environmental Conservation and the U.S. Forest Service and is working with Cornell University on a plan to help minority groups build inexpensive log houses.

A glance at costs is pertinent. Materials, including floors, walls, roof and roofing, doors and windows, in short, the shell, cost $5 to $8 per square foot. The cost of erection is extra. A small building can be erected at a cost of about $4,000. To this of course, must be added the cost of land, water, sewage disposal, furnishings, electrical installation, a fireplace, if desired, and so on. At present, the completed buildings range from about $8,000 to $23,000.

About 50 log buildings are now in the project area. At an average of $10,000 each, their cost comes to half a million dollars. In addition to building costs, annual family expenditures to local retail and service businesses are estimated at $50,000 to $100,000 the first year.

It may not be surprising that we are optimistic about the future of this new industry. Those in the log cabin business in our project area believe they will be able to sell buildings outside the area as time goes on and the production process is refined.

The log cabin has not turned back the clock. It has turned it ahead.

DR. MORRIS A. SCHOENWALD

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, many Americans who perform great services for their communities and their country receive litle public acclaim because they are quiet, unassuming citizens. One such noteworthy man is Dr. Morris A. Schoenwald, who has given the people of Syracuse, N.Y., a lifetime of service.

Dr. Schoenwald closed his private office last month, after more than 45 years of practice as a physician and friend to many Syracuse families. To the best of my knowledge, he was the oldest practicing surgeon in the city of Syracuse. He specialized in obstetrics and gynecology.

Dr. Schoenwald came to this country with his parents while still a boy, but he soon learned how to make his way. He worked his way through Medical School at Syracuse University, and after his internship in New York City, he returned to open a practice in Syracuse. During his career he served on the staffs of three Syracuse hospitals, and as an associate professor at his alma mater. Dr. Schoenwald also found time to contribute many hours of service at the old Syracuse Dispensary.

It would be impossible to estimate the number of babies he has delivered. So long has Dr. Schoenwald been serving Syracuse families, and so faithful have his patients been, that he has delivered many grandchildren of those who he originally delivered years ago.

Even though he had to raise his two sons alone after his wife's death, the doctor never refused a call from a patient, no matter what the time or circumstance. Such devotion and compassion has endeared him to the whole community.

Dr. Schoenwald is held in high esteem by the people of Syracuse because he is the kind of man who has, in a quiet and responsible way, helped make his city a better place in which to live. A naturalized citizen, Dr. Schoenwald has given much to his adopted community and his Nation.

Although Dr. Schoenwald will work on a part-time basis for the Onondaga County Health Department, it is only fitting that we mark his retirement from his private practice. His services as a full-time physician will be greatly missed, and we can only offer him our respect and our gratitude for his long and distinguished service.

PLAUDITS ARE DUE THE SKIPPER OF THE "STORIS"

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, plaudits are due to the courageous skipper of the Coast Guard Cutter *Storis*, who did what the traditions of America call for but which so few now seem willing to undertake. Comdr. William P. Allen did his duty as spelled out by treaty and by law when he apprehended Russian fishing trawlers inside U.S. waters, and in so doing he reestablishes the very important example of standing up for the rights of our country. For some strange reason, there have been far too many instances where our country's spokesmen simply rolled over and played dead when there was a confrontation with foreign nations. We did not gain our stature in the world following those tactics, and we have been losing it all too rapidly. It should be noted that, other than a little backknifing to get even, the Russians are going to do nothing about this occurence. That in itself tells an important story.

HEALTH CARE

(Mr. SYMINGTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SYMINGTON. Mr. Speaker, one of the most important issues facing this new Congress is that of health care. The costs faced by families caring for their sick is astronomical and continues to climb. The medical bill for each American was $358 for fiscal year 1971, up $31 from fiscal year 1970. These most recent cost figures point again to the need for Congress to act on some form of national health insurance measure. The House Ways and Means Committee, under the leadership of Representative Wilbur Mills, has completed public hearings on health insurance and may complete action on the proposed insurance legislation early this spring.

Congress is moving to help America's sick meet these intolerable medical costs. The magnitude of this aspect of health care is illustrated by a news article written by Richard Lyons. The item appeared in the New York Times, January 18, 1971, and is a summary of a recent report done by the Social Security Administration. At this point I insert the article in the Record.

U.S. Health Bill $75 Billion in 1971—Average Cost Per Person $358 for the Fiscal Year

(By Richard D. Lyons)

Washington, January 17.—Americans spent over $75-billion on their health care in the fiscal year 1971 at a rate of increase that was double that of both the cost of living and the gross national product.

Statistics released today by the Social Security Administration showed that the average health bill for each American was $358 in the fiscal year 1971, up $31 from the fiscal year 1970 and 10 times as much as was spent at the end of World War II.

The data indicated a sharp rise not only in the total amount spent nationally on health, $7.2-billion more than in the fiscal year 1970, but also—and more importantly—in that part of the G.N.P devoted to health.

During the fiscal year 1971 it was 7.4 percent, up three-tenths of 1 percent. While this rise is seemingly small, it translates into billions of dollars as well as an increased national demand for health care services.

DEMAND HAS DOUBLED

In the last 40 years, the demand for health care, as expressed as that segment of the G.N.P. devoted to health, has doubled. Statisticians regard this as a more meaningful yardstick of health costs than the actual numbers of dollars themselves.

The statistics, which include total cost of health goods and services ranging from a bottle of aspirin to a heart transplant, add documentation to rising complaints by experts and private citizens that health care costs are out of control in part because of increased demand.

The report, entitled "National Health Expenditures 1929–71," was prepared by Mrs. Dorothy P. Rice and Mrs. Barbara S. Cooper and printed in the Social Security bulletin made public today. It also noted the following:

While health outlays rose substantially in dollars, the percentage increase of 10.7 per cent was the smallest since the Medicare and Medicaid programs went into effect in 1966.

Federal, State and local Government funds spent on health rose 14 per cent in a year so that they now account for three of every eight dollars devoted to this area of the national economy.

Despite governmental attempts to contain the tarnished Medicaid program, which underwrites health care for the poor and near poor, its outlays rose 25 per cent in one year to $6.5-billion.

Federal efforts to control rising Medicare expenses were partially successful as payments to doctors rose only slightly, and those to nursing homes actually dropped.

Private health insurance companies laid out $16.6-billion in benefits, retaining an additional 10 per cent of that amount in profits and administrative expenses.

HOSPITAL BILL BIGGEST

As in the past, payments for hospital care made up the largest share of the total national bill for health goods and services, almost $30-billion. This was followed by: physicians' services, $14.2-billion; drugs, $7.5-billion; dentists' services, $4.7-billion, and nursing home care, $3.4-billion.

In addition, $2-billion was spent on medical research in the fiscal year 1971, while $3.5-billion was invested in new public and private healthcare facilities. Both of these amounts set records.

During the 1971 fiscal year, which started in July of 1970 and ended last June, the cost of living as expressed by the Consumer Price Index rose 4.5 per cent, while the increase in the Gross National Product—the value of all goods and services produced in the country—went up 5.6 per cent.

The total bill of $75-billion compares with a bill of $67.7-billion in the 1970 fiscal year and also represented 7.4 per cent of the G.N.P. in 1971.

FUNDS TO REVIVE FCC INVESTIGATION OF A.T. & T.

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, along with 17 House colleagues, I am today introducing legislation that would direct the Federal Communications Commission to complete its long postponed and recently abandoned investigation of the internal finances and structure of the American Telephone & Telegraph Co. and its subsidiaries.

This bill would authorize a special $2-million appropriation to the FCC to enable it to conduct a study of the price and rate-setting policies of A.T. & T., including its revenue requirements and the reasonableness of prices, profits, and investments.

I was shocked to learn that yet another increase in telephone rates has been approved by the New York State Public Service Commission for New York which will cost the public another $160 million—9-percent increase for the average consumer. This is the second major increase in the past 6 months, the total result of which is an astonishing 29-percent average increase in the cost of telephone services. Telephone service itself, of course, is no better than it has been in recent months. The public should be aware that the hidden finances and internal structure of the parent company, A.T. & T., accounts heavily for these service rate increases, and that the broad investigation I am proposing today is essential if these spiralling telephone charges are ever to be brought under control.

The FCC has long taken the position that it cannot pass responsibly on telephone rate increases without knowing much more about the complex internal accounting, investment, and cost structure of A.T. & T., upon which rates for telephone service are supposedly based. No investigation of this rate base has been made in over 35 years. Since 1965, the FCC has been trying to get such an investigation underway. On December 21, 1971, after numerous postponements, the Commission announced it is abandoning the project. A majority of the members claimed that the FCC lacks sufficient funds and staff to do the job.

It is essential that this investigation continue earnestly and without delay. The last rate increase put before the FCC involved a half billion dollars in increased charges to the public—the largest proposed public utility rate increase in history. The FCC simply can no longer be called upon or expected to rule on such increases in the public interest unless it has the full information it needs on A.T. & T.'s internal structure and finances.

At the time of the last major rate increase, I claimed that the company's rate policies were creating inflationary pressures. I have frequently stated that telephone charges are unjustly distributed among various classes of telephone users, with large users receiving unfair advantages over individual users, and that increases in telephone charges and A.T. & T.'s rate of return on its investment should not be permitted so long as its service continues to decline in many areas of the country, such as New York City—to cite a particularly serious example.

Today, I foresee that unless this investigation proceeds, price pressures will mount and American consumers will pay untold millions of dollars in future increased telephone charges which the FCC will have little choice but to approve without the basic information it might obtain from this study. A.T. & T. is a monopoly which sets its charges without the usual restraints on competition. Its charges are subject only to approval by the FCC—and, in some cases, State regulatory commissions—the only voice the public has in the matter. Last year, A.T. & T.'s receipts totaled $17 billion.

In addition to an investigation of the telephone "rate base," the legislation I have today introduced directs a review of the closely related matter of the "vertical integration" between A.T. & T., Western Electric, and other telephone subsidiaries. A.T. & T.'s policy of purchasing all its telephone equipment from Western Electric appears to have significant impact on the cost of telephone service, and may critically affect the development of technology and diversity in the communications industry. These issues, however, need careful analysis by the FCC.

This bill does not include an explicit directive for the FCC to investigate alleged discrimination in hiring and promotion, particularly against women and minority individuals, by the telephone company. Such discrimination has been charged in a petition filed with the FCC by the Equal Employment Opportunity Commission. I consider it an extremely serious charge which ought to be fully reviewed and acted upon by the FCC. The discrimination issue, however, has been ruled by the FCC to be separate from those relating to telephone rates, and it does not seem likely that FCC action on discrimination will be stymied by lack of funds and staff as has been the case with the "rate base" investigation. FCC review of the findings of discrimination by the EEOC, in fact, is already underway, as it should be, and I am confident that action will continue until the issue is resolved. Thus, I have refrained from including it in this legislation despite my deep concern with that situation.

A list of the early cosponsors of this legislation, the FCC announcement terminating any further investigation of A.T. & T. which my legislation would reverse, and a report from yesterday's New York Times concerning the latest telephone rate increase in New York follow:

A List of Cosponsors

James Abourezk (D., S. Dak.); Herman Badillo (D., N.Y.); Phillip Burton (D., Calif.); William Cotter (D., Conn.); Hamilton Fish, Jr. (R., N.Y.); John Heinz (R., Pa.); Henry Helstoski (D., N.J.); Edward Koch (D., N.Y.); Spark Matsunaga (D., Hawaii); and Bradford Morse (R., Mass.).

Abner Mikva (D., Ill.); David Pryor (D., Ark.); Benjamin Rosenthal (D., N.Y.); James Scheuer (D., N.Y.); John Seiberling (D., Ohio); Robert Tiernan (D., R.I.); Parren Mitchell (D., Md.); Sam Gibbons (D., Fla.); James J. Delaney (D., N.Y.); and Floyd V. Hicks (D., Wash.).

[News From Federal Communications Commission]

Action in Docket Cases—Phase II in AT&T Interstate Rate Case Dismissed by FCC

Issues involved in Phase II of the AT&T rate case (Docket 19129) have been ordered dismissed by the FCC. The Commission said that the action was necessary because of insufficient resources to permit adequate preparation for and staffing of the proceeding.

The FCC cited the steady growth in the number and complexity of regulatory problems in the common carrier area. This increased workload, the FCC said, is aggravated by budgetary and staffing limitations and turnover, over which it has no control.

"Under these circumstances, we find it necessary to revise our program priorities and to defer action on the Phase II issues until we are in a position to go forward with the proceedings in a meaningful manner. Without minimizing the importance to the consumers of communications services of the issues involved in Phase II and the recognized need to seek their resolution as soon as we are able to do so, we believe it will make for a more orderly procedure to dismiss the proceedings with respect to Phase II issues rather than simply deferring. We will reinstitute further proceedings on the issues involved as and when we are in a position to treat them with the required effectiveness."

The rate case was begun on January 21, 1971, to determine the lawfulness of increased rates for interstate long distance message telephone service filed by AT&T. The proceeding was divided into two phases. Phase I dealt with the issues of a fair rate of return for the interstate service of the Bell System companies. Phase II involved all other issues that could affect their interstate revenue requirements. These issues included prices and profit of Western Electric, the manufacturing unit of the Bell System, and amounts claimed by the Bell System for investment and operating expenses.

In July, hearings were completed on the Phase I rate of return issues, and an Initial Decision proposing a rate of 8.25 percent was issued by the Hearing Examiner on August 27, 1971. It is now under review by the Commission.

In its January 21 order instituting the proceeding, the Commission specified that implementation of the rate of return findings of Phase I would be subject to the determinations made in Docket 18128. This proceeding, which is currently in active hearing, is concerned with principles that should govern distribution of the Bell System's revenue requirements among its different interstate services. The dismissal of Phase II has no effect on the Docket 18128 hearing. The dismissal does not affect the proceedings which deal with the effects of discrimination in employment allegedly practiced by the Bell System upon its revenue requirements. (Petition of Equal Employment Opportunity Commission, Docket 19143.)

Concurrently with its dismissal of Phase II in Docket 19129, and for similar reasons, the FCC terminated the Telephone Rate Investigation, Docket 16258, which it instituted in October 1965. An interim decision issued in July 1967, determined a fair return for the Bell System as of that time (7–7.5 percent), as well as certain other significant rate-making issues. The unresolved issues in Docket 16258 were similar to those involved in Docket 19129.

Action by the Commission December 21, 1971 by Orders. Commissioners Burch (Chairman), Robert E. Lee and Reid, with Commissioner Bartley concurring and issuing a statement, and Commissioners Johnson and H. Rex Lee dissenting and issuing statements.

[From the New York Times, Jan. 18, 1972]

A Phone Rate Rise of 9 Percent on Average Granted in State: P.S.C. Also Orders Rebate of $1.50 a Month to Users With Worst Service—2d Increase Since July; Action Taken To Give Utility 8.23 Percent Return on Capital—U.S. Price Review Due

(By Francis X. Clines)

Albany, January 17.—The Public Service Commission today approved a $160-million increase in telephone rates, averaging about 9 per cent more statewide for the consumer.

Calling the increase "distressingly large," the commission sought to soften it by ordering the New York Telephone Company to pay $1.50 monthly rebates to a minority of customers with the worst phone service. The commission described the rebate order as "historic."

The increase, which is subject to review by the Federal Price Commission, follows a "temporary" $190-million rate rise last summer. That one will become permanent, like the one announced today, and the effect of the two rises, which total $350-million, will be to lift the phone rates for most New York City users 29 per cent above what they were before last July 9.

A $391-MILLION RISE SOUGHT

The sum of the two increases comes close to the $391-million in rate rises originally sought by the company last February.

It means that a customer who was paying $10.20 a month in New York City before the first increase and who now pays about $12.33, will see his phone bill rise to $13.18.

[More than half of the New Jersey Bell Telephone Company's customers will have to pay minimum increases ranging from $1.20 to $22.40 a year, according to the rate schedule filed in Newark. The company has already won approval for the additional $48.5 million in revenue that the new rates would produce.]

REBATES FOR 2 MILLION

The rebates in New York are expected to affect about two million of the company's 11.5-million customers. These are phone users mainly in the New York City metropolitan area, particularly Brooklyn, who experience "chronic poor service." A total of $15-million in annual rebates is anticipated.

Unless the Federal Price Commission rules otherwise, the increased rates can be expected to take effect in a few weeks, with the rebates to begin a month later. A price commission spokesman said the panel had a goal of acting within 10 days of a requested increase, checking the proposal for its effects on service and the company's capital standing.

The five-member Public Service Commission ruled that the increase was necessary to maintain a fair over-all return for the company of 8.23 per cent. The increase "necessarily reflects the huge sums" spent by the company to improve faulty service, the commission said, but it does not provide for increased wage costs that are expected to result when the current strike by phone repairmen ends.

"There is a grave danger that the price of telephone service will increase substantially in the years ahead," the commission asserted, noting the rising costs caused by inflation, urban deterioration and vandalism, and expanded phone networks.

"Of major concern is the possibility that telephone service will be priced out of the reach of the less affluent members of society," the commission's 108-page decision declared.

"The major culprit" in rising costs is the phone company's "rapidly expanding capital plant," the commission declared, promising "close examination" of this program to eliminate waste and unnecessary telephone usage.

One critic of the rate rises—New York City's Municipal Service Administrator, Milton Musicus—described the rebate order as "beautiful." But otherwise, he said, "rate-setting is being confused with profit-setting."

Closer scrutiny of expenditures and efficiency is required. Mr. Musicus said. He questioned the 8.23 per cent return as overly generous "especially considering the fact that the rest of us are subject to budget restraints," and said it favored the investor at the expense of the consumer.

COIN CALLS AFFECTED

In New York City the rate increase will affect coin phones as well as residential and business phones. In phone booths the 10-cent call will remain at the same price, largely because technical problems prohibit switching over to a 15-cent call. But the costlier coin calls—from eastern Queens to Lower Manhattan, for example—will increase from 40 per cent to 67 percent. The former 15-cent call will cost a quarter, and the 35-cent call a half dollar.

About 978,000 residential customers in the city are not expected to have to pay rate increases, because the basic cost of message rate service was not changed, and these customers typically do not exceed minimal use of their phones. Such customers can expect the same monthly charge of $6.08, according to the commission's estimate, providing they do not exceed 50 message units, the company's billing factor based on distance.

The majority of city customers, more than two million, will experience rate increases, because the commission permitted a rise in the cost of additional message units from the current 6.25 cents per unit to 7.1 cents. Most customers require additional units.

What this means is that the city customer whose monthly bill now it $9.20, with 50 extra message units, will pay $9.63. Before the first rise last July, the same customer's bill was $7.46, by the commission's estimate.

The heaviest users will pay the largest increases. A business phone that runs up 250 extra units a month, for example, used to cost $18.45 a month, now costs $21.71 and will cost $23.83.

In the suburbs, where a flat rate for unlimited local calling is in effect in many areas, rises of 8 to 9 per cent for some flat rates.

The commission also authorized increases in the company's charge for installations, roughly doubling the current costs, to $12.50 for a residence and $25 for a business.

In addition the phone company was ordered to file within 90 days of the end of the current strike a timetable for introducing charges for excessive use of directory assistance—the information operator, 90 per cent of whose activity is caused by only 10 per cent of phone users, according to P.S.C. estimates.

The company also was ordered to plan extension of the message-rate service, which, depending on a customer's phone habits, can prove cheaper than flat-rate service.

PURE FOOD ACT OF 1972

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, today I am introducing a bill which, if enacted, would effect one of the most significant and comprehensive reforms in the history of the Federal Food, Drug, and Cosmetic Act. The need for the Pure Food Act of 1972 is highlighted by an alarming series of incidents related to the production and distribution of food. Specifically, the tragic events of this past year stemming from the discovery of deadly botulism infection in canned foods, as well as continuous evidence that contaminated and adulterated foods are being produced in this country every day, require the Congress to take a searching look into the operations of the Food and Drug Administration and its legal authority.

FOUR FATAL FLAWS IN FDA LEGAL AUTHORITY

A careful investigation of the Food, Drug, and Cosmetic Act reveals four fatal flaws in the legal authority of the Food and Drug Administration:

First. Inability to discover who makes food. The people who make food affect every single American, and yet their industry is one of the most unregulated in our society. "Who is making food" is a guessing game which present law forces the FDA to play. If an individual or a company wants to start a food plant, he simply begins operations. No one is required to notify the FDA when production commences. The FDA learns the identity of producers only haphazardly—through reports of field agents who happen across new plants, from complaints of private citizens, from news reports or advertising, or by voluntary reports of foodmakers at their whim. Although a long registry of food plants has been compiled by the FDA, the list is perennially out of date, because plants open and close without notice. Before the FDA can begin to serve its proper function of insuring that Americans eat safe and wholesome food, it must have a simple and systematic way to discover who is processing food.

Second. Inability to control how food is made. Incredible as it may sound, the FDA has no way to require manufacturers to install basic equipment such as sterilizers, temperature or time devices or warning mechanisms to insure the production of unadulterated food. Also, the FDA cannot set appropriate educational standards for employees operating complex food machines. In 1970, the Congress passed a law which strengthened the drug control authority of the FDA, enabling it to demand manufacturer compliance with standards for adequate equipment, adequately trained personnnel, necessary analytical controls, and so forth. If the FDA is to exert effective influence for the safe manufacture of food in this country, it must have comparable authority over the food industry.

Third. Inability to discover potential public health hazards. At recent hearings before the Public Health and Environment Subcommittee of the House Interstate Commerce Committee, witnesses testified that there are approximately 200 authorized inspectors working in the field for the FDA's domestic food inspection program and that in 1971 they conducted 11,000 inspections. With more than 60,000 food plants known to the FDA, these figures reveal that the average food plant is federally inspected but once every 6 years. This record of Federal inspection is woefully inadequate. It may be noted that some States and municipalities conduct their own inspection of food plants. However, these local investigations do not cover all known food plants and are frequently not as thorough as inspections performed by Federal authorities.

Following this statement appears a selection of some seizure actions initiated by the FDA against tainted foods. The list reveals that while the public focuses its attention on spectacular incidents of food contamination, such as that involving botulism infection, diligent food inspectors routinely uncover food containing filth and contaminants.

One must not be misled by these seizure actions. It is fair to assume that they represent the discovery of only a fraction of the total of unwholesomeness foods being produced, thus compelling the conclusion that the laxity of much of the food industry in cleaning up its plants and protecting American consumers from tainted foods is a disgrace. If the American consumer is to have pure food, it is essential that the Federal Government expand the food inspection program.

Unfortunately those few inspections that are conducted are seriously limited. The law confines Federal food inspectors to checking the plant and its operations. They have no authority to examine company performance records or data on the effectiveness—or even the existence—of quality controls. Also, as I was recently told while inspecting a food plant in my district, Federal inspectors have no legal authority to take photographs at a plant or disassemble equipment. Thus, if an owner objects, they cannot conduct as thorough an investigation as they deem necessary.

In controlling the drug industry, Congress expanded the FDA's inspection authority to cover these vital points. Also, the Congress toughened the meat and poultry inspection program of the Department of Agriculture several years ago. Meat and poultry inspectors have the power to force individual compliance with national sanitation standards. These Department of Agriculture inspectors can conduct rigorous and meaningful examinations of the processes of production at the plant and can suspend the business operations of owners in violation of Federal standards. Commonsense tells us Congress should do no less in the case of other foods.

Important as frequent inspections are in guaranteeing high health standards, other cooperation from producers is necessary. For example, this past summer, after discovering the existence of botulism infection, Bon Vivant Co., tried to locate the source of the infection and stop the shipment or delivery of the poisoned cans. Bon Vivant realized, however, that it could not eliminate the danger to the public on its own and notified the FDA that this hazard existed. But precious time was lost as the company pondered when to notify Federal authorities. Such delay is intolerable. Food products are marketed very quickly and delay in recall can mean some foods will never be recovered. Similarly unacceptable is the failure of other companies to report spoilage of other potential public health hazards. By keeping such information secret, companies inhibit the FDA's learning which companies need close and regular scrutiny and what processes and products are most susceptible to contamination and adulteration. In order to protect the public, the FDA must be notified whenever companies improperly prepare any food.

Fourth. Inadequate authority to act in cases of public health emergencies. When the FDA discovers that certain food is poisonous or otherwise harmful to public health, what can it do? If the product already has been shipped, it can request the producer to recall all of the tainted food. However, recall undertaken by the manufacturer is strictly voluntary; the FDA has no authority to order and enforce recall.

Sometimes the producer lacks the financial ability or the will to carry out an effective recall; in that case, the FDA must act. A valuable remedy at this stage is seizure and ultimate destruction of the contaminated food. However, this is a slow procedure. Sample foods taken from a plant must be analyzed. Then, if contamination is discovered, the FDA must locate the batch from which the sample came and file papers in a law court to have the food seized or held for further analysis. Locating the contaminated batch often proves difficult or impossible as manufacturers can freely ship the food prior to receiving a court order barring shipment. Destruction comes only at the end of the long legal battle which often takes months to resolve. Presently, the FDA lacks the decisive power to embargo or stop the shipment of foods suspected of contamination before obtaining a court order. Embargo power is needed if the FDA is to have effective control over every contaminated product.

The FDA has a powerful remedy in publicity. However, to be effective public warnings must be understood as well as received by consumers. This the FDA cannot ensure. Further, the FDA must use public warnings cautiously because of the twofold danger of shaking public confidence in manufactured food products or, alternatively, of creating a "boy-who-cried-wolf" phenomenon which leaves the public incapable of evaluating the threat.

The FDA as Federal food safety officer needs in its arsenal added weapons against public health hazards. In the drug area, the FDA has the power to certify drugs. By proper use of certification, the FDA can insure that the public purchases only safe drugs. Similarly, in the meat and poultry fields, Federal inspection and compliance with certain standards is a prerequisite to sale of that food. Thus, the Federal regulators of drugs, meat, and poultry have significant influence with those industries and can enforce necessary quality and health standards. It is now necessary to extend such influence to the Federal regulators of the food industry.

NEED FOR REFORM—CLEAR RECOGNITION

The Commissioner of the FDA, Dr. Charles Edwards, has formally requested greater authority for his Administration. Specifically, he proposes a law requiring the registration and licensing of food manufacturing, processing and packaging plants. Even more extraordinary is the demand of the National Canners Association—NCA—representative of about 90 percent of the Nation's food canners. In October, NCA petitioned the FDA to strengthen Government controls over the food industry—an unprecedented instance of an industry seeking to limit its authority. The action of NCA and its food companies may be unique, but it is not unexpected. Public confidence in canned foods reached an all-time low following the recall of products made by Bon Vivant Co. and the Campbell Soup Co. In addition, the incidents occasioned increased congressional inquiry into this area. Thus, NCA apparently wanted to restore public faith and, at the same time, head off tougher proposals from consumers and their representatives.

The NCA would require some registration of producers with the FDA but the registration would apply only to manufacturers of heremetically sealed containers—airtight containers processed by heat. This definition is too narrow, omitting from any registration requirement manufacturers of such products as soda, bread, cereal, and any product packaged in cardboard boxes. Furthermore, while the NCA would establish certain requirements for the safe production of food, these would not be applied across the board to all registrants but only to producers of low-acid foods or products most susceptible to botulism infection. This limitation means that producers of most popular canned or bottled juices, berries, jams, jellies, fruits and wines, as well as other foods, would escape regulation. Finally, the NCA fails to grapple with FDA's inadequate legal authority. Under its proposal, the FDA would still be unable to set and enforce standards for manufacturing food, check production records, require quality control devices or initiate more frequent inspections.

In an article appearing in the December 21, 1971, New York Times, the problem of the lagging Federal food inspection program was carefully surveyed. I am including the text of that article following my statement.

PURE FOOD ACT OF 1972

My bill the Pure Food Act of 1972 is tailored to end the flaws in the FDA's legal authority and provide it with the powers essential to insuring that the American consumer will buy only wholesome food.

First. Ability to discover who makes food. The first provision of this act would require all food manufacturers, processors, and packers to register their name, place of business, and location of every plant with the FDA and inform it when operations cease. Thus, the FDA would have an up-to-date registry of food plants across the Nation. Another section of the bill would enable the FDA to charge a reasonable fee for registration and use the proceeds to defray the cost of administration. In this manner, the burden of enforcement would fall more equitably on the persons desiring to do business.

Second. Ability to control how food is made. To enable the FDA to exert decisive influence over the operations of food plants, the Pure Food Act would institute a new licensing authority. All plants registered with the FDA would have to be licensed to do business. By granting the FDA licensing power the act would enable that agency to control how food is made in this Nation. Initially, temporary licenses would be granted to all registrants. However, within 1 year, licensees would have to apply for a renewal and meet specified requirements. Before a renewal would be granted, a licensee would have to provide the FDA with a complete list of all products it makes and the processes it employs and be inspected. Further, to keep its license, the licensee would have to comply with strict food production standards, including:

First. Install necessary equipment, including sterilizers, temperature, and time control devices and warning devices, and process food in containers as required by the FDA.

Second. Keep processing records on hand and open for inspection for 5 years.

Third. Meet educational requirements set by the FDA for employees.

Fourth. Institute a scheme of insurance against losses due to improper manufacturing, if the FDA requires.

If an establishment fails to meet any of these tests, it might lose its license or be denied a renewal. The Pure Food Act also would provide that the FDA may set a reasonable charge for the license and, as in the case of registration, would permit the proceeds to be used to cover costs of administration.

Third. Ability to discover potential public health hazards. The Pure Food Act would mandate on-site inspection every 2 years when licenses come up for renewal. Such constant surveillance would keep the FDA closely aware of working conditions at the plant and on top of potential public health hazards. Inspection is one of the greatest weapons in the assaults on spoiled food. Other provisions of the bill would expand the FDA's capacity to confine potential public health hazards. Every licensee would have to inform the FDA of all instances of spoilage or contamination and set aside dangerous foods. Any failure to do so would be a violation of the license and subject the violator to loss of his license and civil penalties. Also, the bill would expand the inspection authority of the FDA at the plant to cover quality control records, processes, controls, and facilities, and permit inspectors to use reasonable means to carry out a proper inspection. The food inspectors would have wide latitude to study the equipment or photograph items they consider vital to an effective inspection. Thus, the FDA would have access to pertinent information on food production and would have the power to deny the privilege to do business to those who threaten public health.

Fourth. Adequate authority to act in instances of public health emergencies. The proposal would also establish a new procedure to enable the FDA to act swiftly in emergencies. If the FDA suspects certain foods might be adulterated or misbranded, it would be empowered to undertake an immediate investigation—within 48 hours—and make known to the public its findings if they reveal the existence of a significant potential public health hazard. During the short period of the investigation, the FDA would have power to embargo or stop the shipment or sale of the suspected food.

If such a hazard exists, the FDA is authorized to take one or more of the following steps to insure public safety:

First. Embargo any food including that not yet shipped;

Second. Order the recall of any or all food in the contaminated shipment; and

Third. Suspend the license of any person responsible for the shipment.

Combined with existing authority, these administrative powers give the FDA a full array of legal forces against potential public health hazards. They are designed to permit swift and decisive action at any point in the flow of commerce so as to choke off the danger to the public.

CONCLUSION

Last November, with more than 25 cosponsors, I introduced legislation, H.R. 11583, to require the name of the manufacturer to appear on the label of all food he produces. That bill seeks to expand consumer knowledge in the market so as to insure he purchases better quality food and to avoid products discovered to be contaminated. My continuing investigation of the food industry has convinced me that that bill needs broad supporting legislation to strike at the source of the production of unwholesome and dangerous food. The Pure Food Act of 1972 is just such legislation.

Currently, the FDA's operating budget for food programs is $18 million. Fees collected in the registration and licensing processes can help defray the costs of this package, but additional funds will probably be needed to increase the number of food inspectors, if we are to have reasonable assurance of purity in our foods.

The FDA's food officials have been hamstrung long enough by inadequate legal power. The Pure Food Act will break that tether and give them a strong arsenal of weapons against manufacturers who endanger the public by peddling unhealthful food. Nothing less than registration, licensing, emergency health hazard powers can now suffice. The fulfillment of the basic right of the American consumer to place full confidence in the food on his grocer's shelf or in his kitchen cupboard can be postponed no longer.

The material follows:

SECTION-BY-SECTION ANALYSIS OF THE PURE FOOD ACT OF 1972

TITLE

Sec. 2. Findings and Purpose.

Sec. 3. (a) Amends Section 44 of the Federal Food, Drug and Cosmetic Act as follows:

Registration and licensing of food producing plants

Sec. 404. (a) and (b) require any person engaged in the manufacture, processing or packing of any class of food distributed in interstate commerce *to register.* with the Secretary of HEW his name, place of business, location of every plant and any other information required by the Secretary, and notify him when business permanently ceases.

(c) Requires that *every registrant be licensed* in order to do business in interstate commerce and prohibits doing business unless licensed. Initially, all registrants will receive a *temporary license* for one year. Thereafter licenses must be renewed every two years.

(d) Outlines the *general conditions of the license.*

(e) Sets forth three *specific conditions for granting a license* or its renewal, including the applicant's (1) providing the Secretary with a complete list of all food handled by his establishment, (2) informing the Secretary of the processes used in the preparation of food and the controls to ensure the production of wholesome and safe food and (3) permitting an inspection according to other provisions of this act.

(f) *Requires* a licensee (1) to process any food in containers as required by the Secretary, (2) to retain processing records on all foods for five years, (3) to set aside any food which has been improperly prepared and evaluate it as to any potential public health hazard and report to the Secretary any findings at least seven days prior to distribution, (4) to report to the Secretary all instances of production which may pose a potential public health hazard where the food is already in the stream of commerce, (5) to open all records to inspection, (6) to include as standard equipment sterilizers, temperature and time control devices and any other equipment the Secretary deems necessary, and (7) to meet any employee educational requirements set by the Secretary, (8) to establish a scheme of insurance itself against losses due to improper production techniques, as required by the Secretary, (8) to follow any regulation promulgated by the Secretary.

(g) *Permits* the Secretary to *revoke a license for cause* after notice and a hearing.

(h) *Requires the Secretary to coordinate* his activities in carrying out this Act with the appropriate state agencies.

(i) *Permits the Secretary to charge fees* for registering and licensing.

(b) Effective Date:

Sec. 4 and Sec. 5. Amend Sections 703 and 704 of the Federal Food, Drug and Cosmetic Act by expanding the inspection authority of federal food inspectors to cover such things as performance records and quality controls.

Sec. 6. Amends the Federal Food, Drug and Cosmetic Act by creating a new section.

Emergency health hazard authority

Sec. 708. (a) *Requires* the Secretary upon notification or reasonable belief that there is food in interstate commerce which is misbranded or adulterated to (1) *undertake an investigation* within 48 hours to determine if a potential public health hazard exists, (2) in the Secretary's discretion, *embargo* any food suspected of contamination pending the outcome of the investigation and (3) upon determination of a significant potential public health hazard, *make public the results.*

(b) *Permits* the Secretary when a significant potential public health hazard exists (1) *to order the recall* of any or all of the shipment which creates the hazard, (2) *to embargo any food* produced by such licensee including food not yet within the stream of interstate commerce, or (3) *to suspend the license* of the person responsible.

Sec. 7. *Creates new civil penalties* of up to $10,000 for each violation of the Federal Food Drug and Cosmetic Act and stiffens existing criminal penalties.

Sec. 8 and Sec. 9. Conform other parts of the Act to this new legislation.

[From the New York Times, Dec. 20, 1971]

FEDERAL FOOD INSPECTIONS ARE LAGGING

(By Boyce Rensberger)

The food contamination scares that have shaken the public in recent months are but the tip of a much bigger problem involving inadequate Government inspection of the products that Americans eat.

Authorities say that last summer's episodes of botulism in soups, mercury in swordfish and PCB chemicals in poultry were not rare exceptions of food contamination but merely spectacular examples of widespread and long-standing problems in Federal efforts to insure the wholesomeness of food on grocery shelves.

The impact of these latest incidents, coming in a day of heightened sensitivity to consumerism and public health hazards, is putting strong pressure now on the Government to upgrade its admittedly inadequate levels of food plant inspection, and on industry to use more sophisticated methods of quality control.

One glaring fact in the picture is that the United States Food and Drug Administration has only about 200 food inspectors for some 60,000 food processing and handling facilities that need inspection. Plants are inspected only once in six years on the average.

Another measure of the problem is that F.D.A.'s inspection force, though it is small, has little difficulty turning up hundreds of instances of unfit food each year.

Unlike the infrequent dramatic findings of botulin-contaminated food, the recalls and seizures of less dangerously tainted foods are everyday occurrences. Dozens of incidents such as the following recent cases are turned up each month by F.D.A. inspectors:

Some 3,982 cases of Beech-Nut baby food manufactured in Rochester were found to contain cockroach fragments. Federal agents supervised the destruction of all the product.

About $2,400 worth of Italian macaroni was confiscated when inspectors found it contaminated with "insects, insect fragments, human hair, paint and metal fragments and other foreign materials."

In Seattle inspectors seized an unspecified quantity of frozen shrimp because it had been prepared and packed under unsanitary conditions. Laboratory tests showed it to contain live staphylococci bacteria.

Fruit cake manufactured in Newark was found to have been prepared under unsanitary conditions. The cakes themselves contained "insect and rodent filth."

More than $3 million worth of coffee beans were found by inspectors in San Francisco to be contaminated with mouse droppings because the coffee had been transported and stored in a vessel infested with mice. The coffee is being "reconditioned" for sale.

MANY VIOLATIONS MISSED

These are among the things turned up by an inspection force that even the Government admits misses many violations of health and sanitation regulations.

Dr. Virgil Wodicka, director of F.D.A.'s Bureau of Foods, concedes that although there were 355 food recalls and 267 seizures through the courts last year, his inspectors turned up only a fraction of the existing violations.

Some observers believe the current state of Congressional and public opinion parallels that of the early sixties when a crackdown on the drug industry followed publicity over the thalidomide tragedy in which unborn babies were damaged by a tranquilizer taken by their mothers. Similarly, the observers suggest, last summer's food scares could give rise to tough new laws and regulatory practices affecting the food industry.

The need for improved methods of insuring the wholesomeness of food is disputed by few. Even many of the large manufacturers agree, if only because the lapses of their smaller competitors cast suspicion over the entire industry.

In the wake of the Bon Vivant and Campbell Soup Company botulism episodes, for example, the National Canners Association petitioned them to impose tough new standards on all canners. The proposed regulations would hit the smaller canners hardest.

FOOD POISONING CASES

Another indication of the magnitude of the food hazard problem is the count of reported food poisoning cases, ranging from the rare fatal botulism to the vastly more common cases of mild nausea and vomiting caused by Clostridium perfringens, a bacterial cousin of the microbe that causes botulism, Clostridium botulinum.

Although the number of reports received by the Federal Center for Disease Control hovers around 25,000 from year to year, public health experts say that because most cases are never reported, the true magnitude of food poisoning is far greater. Estimates range from two million to 10 million cases annually.

While many of the illnesses and deaths result from poor sanitation in homes and restaurants, an undetermined proportion must be attributed to commerically processed foods. The source of contamination is known in only half the reported cases. Of these, one-fifth, or about 2,500, are the fault of canners, meat packers and other food factories.

One important reason why most of the deficiencies in commercial processing are never found, Dr. Wodicka said, is that F.D.A.'s small inspection force must cover 30,000 food processing plants and another 30,000 facilities such as grain elevators and food warehouses. This means that, on the average, a food plant is inspected once every six years.

"Some plants we inspect more frequently, once a year maybe," Dr. Wodicka said. "This means that some plants are inspected less than once in six years. Some places haven't been inspected in 15 or 20 years. We really ought to get around more often."

A wholly different system is used by the Department of Agriculture in inspecting meat products. F.D.A.'s jurisdiction extends only to products containing less than 2 per cent meat.

With the authority of a different law, U.S.D.A.'s Meat and Poultry Inspection Program employs some 8,000 inspectors and stations one or more permanently in every slaughterhouse and meat processing plant.

ABOUT 99.7 PERCENT ARE EDIBLE

Of the 8,000 inspectors 1,500 are veterinarians who inspect animals for disease. In 1970 U.S.D.A. inspectors examined over 118 million cattle, sheep, goats, swine, horses and mules. Of these over 400,000 were condemned as unfit for use in food.

By far the most common reason for condemnation before slaughter was that the animal was already dead in its pen. After slaughter many diseases were found that warranted condemnation. However, over 14 million animals found to be diseased or injured were deemed by U.S.D.A. inspectors to be wholesome after the diseased parts were cut away. This included 2,000 cattle and 885,000 swine with tuberculosis and over 127,000 cattle with cancer.

Of the animals inspected by U.S.D.A., 99.7 per cent are considered edible—a figure that the inspection agency says is so high because of the high quality of American agriculture but which critics charge is high because many inspectors overlook defects, sometimes after accepting bribes from their slaughterhouse hosts.

The recent indictments of 40 Federal meat inspectors in Boston for accepting bribes to give meat grades higher than deserved, the critics charge, is only an example of a widespread practice.

Even the Federal Government itself, through the General Accounting Office of Congress, has reinforced the view that there is laxity in U.S.D.A.'s enforcement of the meat and poultry inspection laws.

In repeated investigations the G.A.O. has turned up numerous instances of filth and insanitary practices in plants already operating with U.S.D.A. approval.

In one study 44 of the 48 Middle Western packaging plants were found to contain animal carcasses contaminated with feces. Investigators said they had found flies, cockroaches and rats and that they had observed the use of dirty equipment. Meat was found contaminated with rust, plaster, paint and dirt.

CONTAMINATED POULTRY

Last month the G.A.O. reported on a survey of 68 poultry plants that account for one-fifth of the country's poultry processing. Gross contamination was observed in 35 plants.

Such facts, viewed against the background of recent food scares, suggest that food is less safe today than it was years ago. There is, in fact, no clear evidence that this is the case.

"For all we can tell," one F.D.A. insider remarked, "Americans probably have always been eating at least as much bad food but liking it better."

Indeed, many public health authorities agree that the vast majority of cases of food-borne disease are never recognized as such. Sudden cases of nausea, diarrhea, headache and fever are passed off as "24-hour flu" when, in fact, they may have been caused by bacteria in unclean but appetizing food.

There are even reasons to believe that in some areas food is safer today. This is because more food is manufactured with the aid of automated quality-control equipment than ever before and because, under a new Federal law, many of the inadequate meat inspection programs run by state governments have either been upgraded to meet Federal standards or have been taken over by Federal inspectors.

In one area, however, there appears to be increased reason to fear for safety—adulteration of food by chemical additives introduced either deliberately such as colorings or spoilage retardants or accidentally such as pesticides and industrial chemicals.

In an age that is increasingly dependent on the widespread and sometimes careless use of chemicals such as mercury and PCB (polychlorinated biphenyls) in agriculture and industry, it is becoming increasingly difficult to keep such substances out of the food supply.

NEW AGENCY PROPOSED

Because of the present philosophy that, in general, new chemicals are presumed safe until proved hazardous, many more new chemicals are likely to appear in food in considerable quantities before they are recognized as dangerous.

Although, as yet, few concrete steps have been taken to upgrade the F.D.A.'s and the U.S.D.A.'s inspection methods or to improve in-plant quality control, the discussion is increasing on a number of new and renewed proposals.

The most sweeping is a renewed call for the creation of a new independent food inspection agency, merging the F.D.A.'s Bureau of Foods and the U.S.D.A.'s Meat and Poultry Inspection Program.

Short of consolidating the two agencies, there are several proposals for upgrading the jobs they do separately. The one most widely agreed upon is a law requiring new food processing plants to meet minimum standards and to be inspected and registered before being allowed to go into business.

Currently there is no law preventing anyone who wants to from setting up his own food factory and turning out retail products without ever having to satisfy safety or quality requirements. If the product is offered for interstate shipment, it is up to the Government to find out about it and send out an inspector.

YEARS BEFORE INSPECTION

In fact, says F.D.A.'s Dr. Wodicka, it is common for a new food plant to be in operation for several years before the first inspector shows up.

"Unlike many of today's industries that grew out of the laboratory," Dr. Wodicka said, "the food processing business grew out of Grandma's kitchen. They just scale up everything and still operate just the way Grandma did. They don't really know what they're doing or why and they don't always know when they're doing it wrong."

Dr. Wodicka, who was a vice president for Hunt-Wesson Foods before joining F.D.A., said he would like to see a law prohibiting new food plants from going into operation until they could meet two requirements: install equipment deemed necessary to insure safe food, sterilizers, for example; and prove that they have "at least one man on the premises who knows what he's doing."

Other proposed new laws would:

Require every product to carry the name and address of the original manufacturer even if the label displays the brand of another distributor.

Require small food processors to carry insurance covering the costs of a recall.

Give Federal agencies the power to order recalls and the resources to carry them out.

Require a food processor to notify the appropriate regulatory agency when it discovers a problem with its product.

The proposed legislation has emanated principally in hearings held by Representative Paul G. Rogers, the Florida Democrat who heads the House Subcommittee on Public Health.

Several changes not requiring new laws are under way in the F.D.A. One is called "self-certification." It involves sending questionnaires to industries, asking them certain important facts about their equipment and procedures. From the written answers, the F.D.A. hopes to be able to determine whether a plant's products can be considered safe or not.

Another new strategy is to retrain many inspectors so that instead of inspecting the premises for dirt and insects and other obvious signs of contamination, the inspector will examine the concern's programs and equipment for preventing such problems.

The following excerpts are from the FDA papers of July through September of 1971. These lists reveal that while the public focuses its attention on spectacular incidents of food contamination, diligent food inspectors routinely uncover food containing filth and contaminants. However, one must not be misled by these seizure actions. They represent the discovery of only a small fraction of the total of unwholesome foods being produced:

JULY–AUGUST 1971

Seizure actions charging violation of the Federal Food, Drug, and Cosmetic Act and the Federal Hazardous Substances Act are published when they are reported by the FDA District Office.

A total of 76 actions to remove from the consumer market products charged to be violative were reported in May. These included 53 seizures of foods; 28 involved charges concerning poisonous and deleterious substances, 22 involved charges concerning contamination, and 3 involved charges concerning economic and labeling violations. Other seizures included 2 of food additives, 1 of vitamins and dietary food, 15 of drugs (including 6 of veterinary and medicated feed), 1 of devices, and 4 of hazardous substances.

Product, place and date seized	Manufacturer (M), packer (P), shipper (S), dealer (D)	Charges
Food/poisonous and deleterious substances:		
Bass, white, fresh/Detroit, Mich., May 14, 1971	Sandusky Fisheries, Inc./Sandusky, Ohio (S)	Contains excessive mercury.
Bonito/New Bedford, Mass., May 27, 1971	Woodfield Fish and Oyster Co./Galesville, Md. (P)	Do.
Celery, fresh/Buffalo, N.Y., Aug. 6, 1971	Fancee Farms/Sarasota, Fla. (grower, S)	Contains residues of parathion and toxaphene, pesticide chemicals in excess of tolerance.
Cottonseed, whole/Paramount, Calif., May 18, 1971	Western Consumers Feed Co./Paramount, Calif. (D)	Contains aflatoxin, a poisonous substance, which may render it injurious to health.
Calipatria, Calif., Feb. 9, 1971	Producers Cotton Oil Co./Calipatria, Calif. (D)	Do.
Eatwell Bonito chunks/Milwaukee, Wis., May 7, 1971	Star-Kist Foods, Inc./Terminal Island, Calif. (distributor, S)	Contain excessive mercury.
Egg noodles/Toledo, Ohio, Apr. 27, 1971	Viviano Macaroni Co./Carnegie, Pa. (M,S)	Contain Salmonella micro-organisms.
Marlin, frozen, black/Honolulu, Hawaii, May 11, 1971	Imported from Japan	Contains excessive mercury.
Meat and bone meal/Horsey, Va., May 26, 1971	Keystone Rendering Co., Inc./Philadelphia, Pa. (M,S)	Contains Salmonella micro-organisms.
Pepper, black, whole/S. San Francisco, Calif., Mar. 30, 1971	Imported from Brazil	Do.
Snapper fillets, red, frozen, Geisha brand/Milwaukee, Wis., Apr. 30, 1971.	Imported from Taiwan	Contain excessive mercury.
Swordfish/Los Angeles, Calif., Apr. 7, 1971	Caught in the waters of the Pacific Ocean, outside the territorial limits of the State of California (S unknown).	Do.
Los Angeles, Calif., Mar. 29, 1971	do	Do.
Chunks, unlabeled/San Pedro, Calif., Apr. 30, 1971	do	Do.
San Pedro, Calif., Apr. 29, 1971	do	Do.
San Diego, Calif., Apr. 14, 1971	do	Do.
San Diego, Calif., May 13,1971	do	Do.
San Diego, Calif., Apr. 14, 1971	do	Do.
San Diego, Calif., Apr. 14, 1971	do	Do.
Wilmington, Calif., Apr. 29, 1971	do	Do.
Frozen, whole/San Pedro, Calif., Apr. 30, 1971	do	Do.
Whole and chunks/Santa Barbara, Calif., May 4, 1971	do	Do.
Santa Barbara, Calif., May 7, 1971	do	Do.
Tampa, Fla., Mar. 17, 1971	Pocasset Food Sales, Inc./Cranston, R.I. (S)	Do.
Cranston, R.I., Mar. 2, 1971	Imported	Do.
Boston, Mass., May 4, 1971	do	Do.
Brooklyn, N.Y., May 11, 1971	do	Do.
Newport Beach, Calif., Mar. 31, 1971	Caught in the waters of the Pacific Ocean outside the territorial limits of the State of California (S unknown).	Do.
Contamination, spoilage, insanitary handling:		
Alaska peas, California pink beans Santurce, P.R., May 26, 1971	Caribe Warehouse Corp./Santurce, P.R. (D)	Held under insanity conditions; bird and rodent contaminated.
Beanland's Best pinto beans/San Francisco, Calif., May 3, 1971	R. J. Whitman Sales Co./San Francisco, Calif., (D)	Do.
Buttermilk powder/New Orleans, La., May 11 and 13, 1971	Joseph Jurisich Transfer & Storage, Inc./New Orleans, La., (D)	Do.
Cane sugar/Erie, Pa., May 26, 1971	Nickel Plate Mills, Inc./Erie, Pa., (D)	Do.
Cheddar cheese/Pocatello, Idaho, April 22, 1971	Hi-Land Dairyman's Association/Richmond, Utah (M,S) shipped from Murray, Utah.	Rodent contaminated; made from filthy milk.
Crabmeat, canned/Somerville, Mass., March 31, 1971	Imported from Japan, Nozaki Associates, Inc./New York, N.Y. (S)	Contains crab hairs (setae).
Flour/Liberal, Kans., April 14, 1971	Ideal Stores Co./Liberal, Kans. (D)	Held under insanitary conditions; rodent contaminated.
Hattiesburg, Miss., May 5, 1971	Shelby Wholesale Co./Hattiesburg, Miss. (D)	Do.
Garlic butterfly crisps/St. Paul, Minn., April 15, 1971	Admiral Merchants Motor Freight ,Inc./St. Paul, Minn. (D)	Held under insanitary conditions.
Ginger, split/Brooklyn, N.Y., May 28, 1971	Gel Spice, Inc./Brooklyn, N.Y. (D)	Partly moldy and decomposed.
Jelly bird eggs/Erie, Pa., Mar. 24, 1971	Farley Candy Co./Skokie, Ill. (M,S)	Contain wood chips.
Peaches, canned/Nashville, Tenn., Apr. 2, 1971	Cherokee Products Co./Haddock, Ga. (P,S)	Have a phenolic or disinfectant-like taste and odor.
Peanuts, Spanish/Beaverton, Oreg. Apr. 12, 1971	Earl Fruit Co./Di Giorgio, Calif. (S)	Rodent contaminated.
Pecans/New York, N.Y., Apr. 9, 1971	Nut Tree Pecan Co./Albany, Ga. (P,S)	Packed under insanitary conditions; E. coli.
Shelled/St. Louis, Mo., May 5, 1971	Dasher Pecan Co./Valdosta, Ga. (P,S)	Prepared and packed under insanitary conditions; E. coli.
Piqua, Ohio, Apr. 13, 1971	do	Do."
Grand Rapids, Mich., May 5, 1971	do	Do."
Pickles/Bronx, N.Y., Mar. 24, 1971	Merchants Food Distributing Coop./Bronx, N.Y. (D)	Held under insanitary conditions; contained decomposed pickles.

Product, place and date seized	Manufacturer (M), packer (P), shipper (S), dealer (D)	Charges
Contamination, spoilage, insanitary handling—Con.		
Rice/Santurce, P.R., May 26, 1971	Caribe Warehouse Corp./Santurce, P.R. (D)	Held under insanitary conditions; rodent contaminated.
Mobile, Ala., Apr. 20, 1971	Alabama State Docks/Mobile, Ala. (D)	Partly decomposed and moldy; fire damaged; coniatns glass particles.
Saimin (oriental type alimentary paste product), Chow Funn (wheat)/Los Angeles, Calif., Apr. 28, 1971.	Modern Macaroni Co., LTD/Honolulu, Hawaii (M)	Prepared and packed under insanitary conditions; insect and rodent contaminated.
Walnut pieces/Suffolk, Va., May 12, 1971	Continental Nut Co./Chico, Calif. (P,S)	Prepared and packed under insanitary conditions; insect contaminated.

SEPTEMBER 1971

Seizure actions charging violation of the Federal Food, Drug, and Cosmetic Act and the Federal Hazardous Substances Act are published when they are reported by the FDA District Office.

A total of 72 actions to remove from the consumer market products charged to be violative were reported in June/July. These included 31 seizures of foods: 4 involved charges concerning poisonous and deleterious substances, 15 involved charges concerning contamination, and 12 involved charges concerning economic and labeling violations. Other seizures included 4 of food additives, 1 of vitamins and dietary food, 22 of drugs (including 14 of veterinary and medicated feed), 1 of medical devices, 2 of prophylactics, and 11 of hazardous substances.

Product, place and date seized	Manufacturer (M), packer (P), shipper (S), dealer (D)	Charges
FOOD/POISONOUS AND DELETERIOUS SUBSTANCES		
Cottonseed, whole/Santa Fe Springs, Calif. Feb. 18, 1971	Parker Valley Gin Co/Parker, Ariz. (M, S)	Contains aflatoxin, a highly toxic contaminant for which there is no tolerance.
Iams Plus dog food/Chicago, Ill., May 19, 1971	Iam's Food Co./Dayton, Ohio (M, S)	Contains Salmonella micro-organisms.
Swordfish/Gloucester, Mass., Mar. 16, 1971	Danland Seafood Corp./New York, N.Y. (P)	Contains excessive mercury.
Williams Pear Brandy/Union, N.J., May 13, 1970	H C Konig/Steinhagen, Germany (S) Sutterer & Cie/ West Germany (M).	Contaminated with methanol.
CONTAMINATION, SPOILAGE, INSANITARY HANDLING		
Cocoa beans/Philadelphia, Pa., May 14, 1971	Tacony Industrial Storage Co./Philadelphia, Pa. (D)	Moldy, insect-damaged, and decomposed cocoa beans.
Eggs, whole, frozen/Roxbury, Mass., June 9, 1971	Easy Egg Co./Whitesboro, N.Y. (P, S)	Decomposed.
Field peas w/snaps/Nashville, Tenn., June 3, 1971	Miss America Foods, Inc./Cullman, Ala. (P, S)	Off flavor, similar to kerosene.
Filberts, shelled, peanuts, shelled, choclate-covered peanuts/Cambridge, Mass., May 26, 1971.	New England Confectionery Co./Cambridge, Mass. (D)	Rodent infested.
Flour, beans/Bedford Heights, Ohio, June 17, 1971	American Seaway Foods, Inc./Bedford Heights, Ohio (D)	Held under insanitary conditions; rodent contaminated.
Peanuts/Brooklyn, N.Y., June 25, 1971	Havmor Food Products/Brooklyn, N.Y. (D)	Do.
Peas, black-eyed, flour, peanuts/Shreveport, La., June 21, 1971	Simonton Grain Co., Inc./Shreveport, La. (D)	Do.
Pecan(s), shelled/Boston, Mass., May 26, 1971	Dasher Pecan Co./Valdosta, Ga. (S)	E. coli in finished product.
Pieces, shelled/South Bend, Ind., May 17, 1971	Dasher Pecan Co./Valdosta, Ga. (P, S)	Prepared and packed under insanitary conditions, E. coli.
Pistachio nuts/Terra Bella, Calif., July 13, 1971	Kerman Pistachio of California/Terra Bella, Calif. (D)	Held under insanitary conditions.
Potato flakes/Houston, Tex., Apr. 16, 1971	Houston Central Warehouse & Cold Storage/Houston, Tex. (D)	Do.
Potatoes, prepared, frozen/Kansas City, Kans., Mar. 30, 1971	Chef Reddy Foods, Inc./Othello, Wash (M, S)	Prepared and packed under insanitary conditions.
Salmon, pink, whole, frozen/Seattle, Wash., May 24, 1971	B. & B. Fisheries/Kodiak, Alaska (P, S)	Partly decomposed.
Turbinado sugar, Kleenraw sugar/Tulsa, Okla., May 25, 1971	Akin Distributors, Inc./Tulsa, Okal. (D)	Held under insanitary conditions; rodent contaminated.
Wheat, bulk/Morristown, S. Dak., June 30, 1971	Morristown Grain Co./Morristown, S. Dak. (D)	Held under insanitary conditions; rodent contaminated; and insect contaminated.

REPORT TO THE PEOPLE OF THE EIGHTH CONGRESSIONAL DISTRICT OF WISCONSIN—XXV

(Mr. BYRNES of Wisconsin asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter and tables.)

Mr. BYRNES of Wisconsin. Mr. Speaker, I am pleased to submit my 25th annual report to the people of the Eighth Congressional District of Wisconsin on my voting and attendance record in the House of Representatives.

The furnishing of this report continues a practice I began in 1947. The purpose of these reports is to collect in one place and in concise form information which is scattered through thousands of pages of the CONGRESSIONAL RECORD. I do not believe my constituents should be deprived, through the sheer difficulty of getting the facts, of knowing how I voted on the issues and I believe it is my responsibility to furnish such information to them in the form of a voting record.

The descriptions of the bills and amendments or motions in the report were prepared by the Congressional Research Service of the Library of Congress and are used for identification purposes only. No attempt is made to describe the legislation completely or to elaborate upon the issues involved. This word of caution is advisable in view of the fact that the descriptions used are often taken from the titles of the bills, which, unfortunately, do not always reflect the nature or true purpose of the legislation. Upon request, I will be pleased to furnish more complete information concerning any particular bill as well as a summary of the issues involved and the reasons for my vote.

The 25 consecutive reports I have issued show how I voted on 3,892 questions in the House of Representatives. Based on quorum calls and record votes, they also show an attendance record of 91.4 percent. In addition to the votes shown in this report, there were 151 quorum calls in the House which are omitted to conserve space. This accounts for the nonconsecutive number of rollcalls. I was absent for 17 quorum calls and I was present for 134 quorum calls.

VOTING RECORD OF JOHN W. BYRNES OF THE EIGHTH CONGRESSIONAL DISTRICT OF WISCONSIN

Rollcall No.	Date	Measure, question, and result	Vote
2	Jan. 21	Election of the Speaker of the House of Representatives (Albert, 250, Ford, 176).	Ford.
7	Jan. 22	H. Res. 5: amending the Rules of the House (1) to make the Select Committee on Small Business a permanent select committee; (2) to permit the Speaker to bring a bill to the floor if the Committee on Rules fails to grant it a rule within 21 days of its being reported by a legislative committee; (3) to provide that committees shall adopt rules which shall be binding on their subcommittees; (4) to provide that each Member of a committee shall have the opportunity to interrogate witnesses under the 5-minute rule; (5) to provide, in lieu of the requirement in the Legislative Reorganization Act of 1970 that the minority shall be alloted one-third of a committee's investigative funds, that the minority shall be given fair consideration in the appointment of committee staff; (6) to provide that the Resident Commissioner of Puerto Rico shall have the same powers and privileges and be elected to standing committees in the same manner as other Members of the House; and (7) to provide that the Delegate from the District of Columbia shall serve on the Committee on the District of Columbia and shall have the same powers and privileges and be elected to standing committees in the same manner as other Members of the House. Colmer motion to order the previous question. (Failed, 134 to 254).	Nay.

Roll-call No.	Date	Measure, question, and result	Vote
8	Jan. 22	H. Res. 5: Sisk motion to order the previous question on amendment to delete provisions for a modified 21-day rule. (Agreed to 213 to 174).	Nay.
9	Jan. 22	H. Res. 5: Agreeing to Sisk amendment. (Agreed to, 234 to 153)	Yea.
10	Jan. 22	H. Res. 5: On passage. (Passed, 226 to 156; "present" 1)	Yea.
13	Feb. 4	H. Res. 193: providing for election of Democratic Members to Standing Committees of the House. Mills motion to order the previous question. (Agreed to, 258 to 32; "present" 42).	Present.
14	Mar. 2	H. Res. 264: authorizing the Internal Security Committee to release to a Federal court certain House documents and information and the testimony or depositions of certain House employees. Agreeing to resolution. (Agreed to 292 to 63).	Yea.
16	Mar. 3	H.R. 4690: increasing the ceiling on the national debt to $430 billion from $395 billion. On passage. (Passed, 228 to 162). [Note: see roll call 030].	Yea.
18	Mar. 10	H.R. 4246: extending through March 31, 1973, discretionary Presidential authority to impose a freeze on wages and prices and the existing ceiling on interest rates paid by lending institutions. On passage. (Passed, 382 to 19).	Yea.
19	Mar. 10	H.R. 5432: extending the interest equalization tax through March 31, 1973. On passage. (Passed, 393 to 5).	Yea.
20	Mar. 16	H.R. 4690: raising national debt limit to $430 billion and providing a 10-percent across-the-board increase in benefits to Social Security recipients; a $70.40 minimum monthly payment; a 5-percent increase in special benefits to those 72 and over not insured for regular benefits; an increase in the tax rate to 5.15 percent beginning in 1976; and an increase in the taxable wage base to $9,000 effective 1972. Agreeing to conference report. (Agreed to, 360 to 3; "present" 1).	Yea.
21	Mar. 16	H.J. Res. 465: appropriating $50,675,000 for unemployment compensation for federal workers and former servicemen. On passage. (Passed, 355 to 0).	Yea.
25	Mar. 18	H.J. Res. 468: Yates amendment deleting $134 million for the development of the supersonic transport from the fiscal 1971 Department of Transportation Appropriations Act. Reconsidering previous teller vote [see rollcall 031]. (Agreed to, 216 to 203; "present" 1).	Yea.
27	Mar. 23	S.J. Res. 7: amending the Constitution of the U.S. to extend the right to vote to citizens 18 years of age and older in federal, state and local elections. On passage. (Passed, 401 to 19; ⅔ vote required).	Yea.
28	Mar. 24	H. Res. 339: providing for consideration of H.R. 7, Rural Telephone Bank Act. Agreeing to resolution. (Agreed to, 366 to 26).	Yea.
9	Mar. 24	H.R. 7: establishing a Rural Telephone Bank of mixed ownership, with federal and private capital, and authorizing supplemental financing for rural telephone systems. On passage. (Passed, 269 to 127).	Yea.
30	Mar. 3	H.R. 4690: Patman amendment striking section giving the Treasury Department authority to issue $10 billion in Federal bonds without regard to the statutory interest ceiling of 4.25 percent. [Teller vote]. (Rejected, 181 to 212).	Nay.
31	Mar. 18	H.J. Res. 468: Yates amendment deleting $134 million for the development of the supersonic transport from the fiscal 1971 Department of Transportation Appropriations Act. [Teller vote]. (Agreed to, 217 to 204).	Yea.
32	Mar. 29	H. Res. 349: providing for consideration of S.J. Res. 55, Wage and Price Control Extension Act. Agreeing to resolution under suspension of the rules. (Agreed to, 324 to 6; ⅔ vote required).	Yea.
34	Mar. 29	S.J. Res. 55: Reuss amendment requiring the President to implement wage and price controls on a basis sufficiently broad to facilitate substantial cost-of-living stabilization, i.e., to prohibit the President from applying such controls to only one industry. [Teller vote]. (Rejected, 143 to 183).	NV.[1]
37	Mar. 31	H.R. 6531: Harrington amendment to Draft Extension Act repealing the President's authority to induct men into the armed forces effective July 1, 1971. [Teller vote]. (Rejected, 62 to 331).	Nay.
38	Mar. 31	H.R. 6531: Whalen amendment extending the draft for one year instead of two. [Teller vote]. (Rejected, 198 to 200).	Nay.
41	Apr. 1	H.R. 6531: Dennis amendment continuing two-year terms for conscientious objector alternate civilian service instead of three and deleting provisions requiring automatic induction of conscientious objectors doing unsatisfactory alternate service. [Teller vote]. (Rejected, 132 to 242).	NV.[1]
42	Apr. 1	H.R. 6531: Fraser amendment prohibiting involuntary assignment of American servicemen to Indochina after December 31, 1971, and the involuntary extension of duty of those serving in Indochina after that date. [Teller vote]. (Rejected, 122 to 260).	NV.[1]
43	Apr. 1	H.R. 6531: Gibbons amendment prohibiting use of draftees in any war unless declared by Congress or if an attack against the United States was imminent as announced by the President. [Teller vote]. (Rejected, 97 to 279).	NV.[1]
44	Apr. 1	H.R. 6531: Carney amendment extending the draft 18 months instead of 24 months. [Teller vote]. (Rejected, 170 to 200; "present" 1).	Nv.[1]
45	Apr. 1	H.R. 6531: On passage. (Passed, 293 to 99; "present" 2)	NV.[2]
48	Apr. 6	H. Res. 356: providing for consideration of H.R. 5981, authorizing Secretary of Agriculture to establish feed grain bases for certain sugar beet growers. Agreeing to resolution. (Agreed to, 182 to 177).	Nay.
50	Apr. 6	H.R. 5981: Findley motion to strike the enacting clause, thus killing the bill. [Teller vote]. (Agreed to, 193 to 115).	Yea.
52	Apr. 7	A.R. 7016: Hathaway amendment to the Office of Education Appropriations bill of $4.8 billion, fiscal 1972, adding $728.6 million for education programs. [Teller vote]. (Rejected, 187 to 191).	Nay.
53	Apr. 7	H.R. 7016: Conte amendment deleting section forbidding forced busing of school children. [Teller vote]. (Rejected, 149 to 206).	Nay.
54	Apr. 7	H.R. 7016: On passage. (Passed, 355 to 7)	Yea.
55	Apr. 19	H.R. 1535: permitting aliens who are over 50 years old and who have lived in the United States for a total of 20 years to become U.S. citizens even if they cannot demonstrate an understanding of the English language. On passage. (Passed, 192 to 84).	Nay.
58	Apr. 20	H.R. 4724: authorizing $507,650,000 in fiscal 1972 appropriations for maritime programs, including subsidies for construction of 22 merchant ships, On passage. (Passed, 360 to 11).	Yea.
66	Apr. 22	H.R. 5376: Devine motion recommitting to the Public Works Committee the Public Works Acceleration and Appalachian Regional Development Extensions (authorizing $5,490,300,000 through fiscal 1978) with instructions to report back deleting Title I provisions extending the Public Works Acceleration Act. (Failed, 128 to 262).	Yea.
67	Apr. 22	H.R. 5376: On passage. (Passed, 320 to 67)	Nay.
69	Apr. 27	H.R. 2598: Mikva motion recommitting the bill establishing by law a canine corps in the District of Columbia police department. (Failed, 76 to 303).	NV.[1]
70	Apr. 27	H.R. 6417: permitting the District of Columbia to buy back liquor licenses sold to merchants. On passage. (Failed, 178 to 200).	NV.[2]
72	Apr. 28	H.R. 5066: providing for a 10-percent increase in railroad retirement annuities. On passage. (Passed, 379 to 0).	Yea.
74	Apr. 29	H. Res. 274: Hays amendment, to committee amendment, increasing investigative funds for the House Internal Security Committee (HISC) for 1971 to $570,000 from $450,000. (Agreed to, 257 to 129).	Yea.
75	Apr. 29	H. Res. 274: Edwards motion recommitting the resolution to House Administration Committee with instructions to hold public hearings on the necessity for HISC funding. (Failed, 104 to 275).	Nay.
76	Apr. 29	H. Res. 274: Agreeing to resolution. (Agreed to, 300 to 75)	Yea.
78	May 3	H.R. 6283: extending for two years the President's authority to submit plans for reorganizing executive branch agencies. On passage. (Passed, 301 to 20).	NV.[2]
79	May 4	S. 531: authorizing the U.S. Postal Service to receive a fee of $2 for execution of an application for a passport. On passage. (Passed, 241 to 124).	Yea.
80	May 5	H. Res. 422: extending best wishes to former President Harry S. Truman on 87th Birthday. Agreeing to resolution. (Agreed to, 380 to 0).	Yea.
81	May 5	H. Res. 423: providing for consideration of H.R. 4604, raising the ceiling on Small Business Act (SBA) business loans to $3.1 billion from $2.2 billion, and continuing five SBA programs through fiscal 1972. Agreeing to resolution. (Agreed to, 381 to 0).	Yea.
82	May 5	H.R. 4604: On passage. (Passed, 383 to 0)	Yea.
84	May 6	H. Res. 412: authorizing additional foreign travel authority for four subcommittees of the Education and Labor Committee. Agreeing to resolution. (Rejected, 156 to 172).	Nay.
85	May 10	H.R. 5638: extending existing penalties for assaults on police officers to assaults on firemen, and providing criminal penalties for interfering with firemen in the performance of their duties. On passage. (Passed, 312 to 0).	Yea.
87	May 11	H.R. 8190: Giaimo amendment to Second Supplemental Appropriations Act, fiscal 1971, restoring $34,178,000 in fiscal 1971 funds for the District of Columbia's share of costs of metropolitan Washington rapid transit system. [Teller vote]. (Reected, 170 to 219).	Nay.
89	May 12	H.R. 8190: Boland amendment providing that $85.3 million authorized for termination of the supersonic transport (SST) project be used for continued construction of two prototypes. [Teller vote]. (Agreed to, 201 to 195; "present" 2).	Nay.
90	May 12	H.R. 8190: Boland amendment (above). (Agreed to, 201 to 197; "present" 6).	Nay.
91	May 17	H.R. 7271: authorizing an increase to $4 million from $3.4 million in appropriations for U.S. Commission on Civil Rights. Passage under suspension of the rules. (Passed, 262 to 67; ⅔ vote required).	Yea.
92	May 17	H.R. 5257: authorizing the Secretary of Agriculture to transfer up to $50 million during fiscal 1971 and up to $100 million during fiscal 1972 in additional money for free and reduced-price school lunch programs for needy children. Passage under suspension of the rules. (Passed, 332 to 0; ⅔ vote required)	Yea.
93	May 17	H.R. 56: establishing an environmental data system. Passage under suspension of the rules. (Passed 304 to 18; ⅔ vote required)	NV.[2]
94	May 17	H.R. 5060: providing criminal penalties for shooting wildlife from aircraft. Passed under suspension of the rules. (Passed, 307 to 8; ⅔ vote required)	Yea.
95	May 17	H.R. 2587: establishing a National Advisory Committee on the Oceans and Atmosphere. Passed under suspension of the rules. (Passed, 293 to 10; ⅔ vote required)	NV.[2]
98	May 18	H. Res. 437: Madden motion to order the previous question on the rule for H.R. 3613, the Emergency Public Service Employment Act. (Failed, 182–210)	Nay.
99	May 18	H. Res. 437: Smith amendment to rule, making text of H.R. 8141 (the Administration's manpower revenue-sharing plan) in order as a substitute bill for the committee version of H.R. 3613. (Agreed to, 210 to 177)	Yea.
100	May 18	H. Res. 437: adoption of rule for consideration of H.R. 3613. (Agreed to, 349 to 34)	Yea.
102	May 18	S.J. Res. 100: providing for third reading of the resolution providing a 13.5 percent pay increase for signalmen and extending the period of negotiations for prohibiting a further rail strike until October 1, 1971. (Agreed to, 264 to 93)	Yea.
104	May 20	H.R. 8190: appropriating $7,028,195,973 in the Second Supplemental Appropriations Act, fiscal 1971. Agreeing to conference report. (Agreed to, 264 to 28)	Yea.
105	May 20	H.R. 8190: Mahon motion providing that the House agree to Senate amendment authorizing $155.8 million for termination of the supersonic transport project. (Failed, 118 to 156)	Yea.
106	May 24	H. Res. 415: authorizing trips, by committee members and staff members of the House Post Office and Civil Service Committee, to Europe and the Far East to conduct studies within the committee's jurisdiction. (Agreed to, 201 to 88)	Yea.
108	May 25	H. Res. 411: disapproving the President's proposed executive reorganization plan to merge the Peace Corps, VISTA and other volunteer organizations. Agreeing to resolution. (Failed, 131 to 242). [Veto resolution defeated, thus merger endorsed.]	Nay.
110	May 26	H. Res. 155: creating a select committee to investigate energy resources in the United States. Agreeing to resolution. (Failed, 128 to 218.)	Nay.

Footnotes at end of table.

VOTING RECORD OF JOHN W. BYRNES OF THE EIGHTH CONGRESSIONAL DISTRICT OF WISCONSIN—Continued

Roll-call No.	Date	Measure, question, and result	Vote
113	June 2	H.R. 3613: Esch amendment substituting H.R. 8141, the Administration's Manpower Revenue-Sharing Act. [Teller vote]. (Rejected, 182 to 204.)	Yea.
114	June 2	H.R. 3613: Esch motion recommitting the bill to the House Education and Labor Committee with instructions to report back the substitute bill, H.R. 8141. (Failed, 184 to 202; "present" 1.)	Yes.
115	June 2	H.R. 3613: On passage. (Passed, 245 to 141)	Nay.
116	June 3	H. Res. 452: providing for consideration of H.R. 7960, National Science Foundation Authorization Act, fiscal 1972. Agreeing to resolution. (Agreed to, 357 to 4.)	Yea.
117	June 3	H.R. 7109: authorizing $3,433,080,000 in appropriations for the National Aeronautics and Space Administration for fiscal 1972. On passage. (Passed, 303 to 64.)	Yea.
119	June 4	H.R. 8825: providing $449,899,605 in appropriations for Legislative Branch operations, not including Senate expenses, in fiscal 1972. On passage (Passed, 259 to 26.)	Yea.
120	June 7	H.R. 8011: extending authority for government procurement of articles produced by the blind to articles produced by other handicapped persons. Passage under suspension of the rules. (Passed, 309 to 0; ⅔ vote required.)	Yea.
121	June 7	H.R. 1161: removing certain restrictions against domestic wine producers to permit American producers to display wines at international trade fairs. Passage under suspension of rules. (Passed, 298 to 13; ⅔ vote required.)	Yea.
122	June 7	H.R. 7960: authorizing $622 million in appropriations for the National Science Foundation in fiscal 1972. On passage. (Passed, 319 to 8.)	Yea.
124	June 8	H. Res. 465: providing for consideration of H.R. 8293, extending the International Coffee Agreement Act of 1968 through September 30, 1973. Agreeing to resolution. (Agreed to, 336 to 41.)	Yea.
126	June 9	H.J. Res. 617: Gross motion recommitting the resolution (authorizing a contribution to certain inhabitants of the Pacific Trust who suffered damages from World War II; providing for the payment of noncombat claims prior to July 1, 1951; and establishing a Micronesian Claims Commission) to committee with instructions to add an amendment urging a $5 million cash payment from Japan in lieu of $5 million in goods and services. (Failed, 166 to 215.)	NV.[1]
127	June 9	H.J. Res. 617: On passage. (Passed, 225 to 158.)	NV.[2]
129	June 10	H. Res. 471: providing for the consideration of H.R. 8866, extending through December 1974, the Sugar Act, and modifying quotas for foreign and domestic sugar producers. Delaney motion ordering the previous question providing for closed rule for consideration of the bill. (Agreed to, 213 to 166.)	Yea. Yea.
130	June 10	H.R. 8866: On passage. (Passed, 229 to 128.)	Yea.
131	June 14	H.R. 8794: providing for payment of the costs of medical care for D.C. police and firemen and members of the U.S. Secret Service who were totally disabled in the course of duty. On passage. (Passed, 311 to.)	Yea.
134	June 15	S. 575: authorizing $5,661,500,000 for extending the Public Works Acceleration Act of 1962, the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965. Agreeing to conference report. (Agreed to, 275 to 104.)	Nay.
137	June 16	H.R. 8687: Leggett amendment to Defense Procurement Authorization Act, fiscal 1972 (authorizing $21 billion for procurement and research of military weapons systems); limiting ABM funding to that needed for completion of sites at Grand Forks, North Dakota and Malstrom, Montana; and cutting funds by $102 million. [Teller vote.] (Rejected, 129 to 267.)	Nay.
138	June 16	H.R. 8687: Pike amendment striking $370.2 million for the B-1 long-range bomber. [Teller vote.] (Rejected, 97–307.)	Nay.
139	June 16	H.R. 8687: Stafford modification of Pike amendment (which reduced research and development [R&D] funds by $900 million, to level of appropriation in fiscal 1971) reducing R&D funds by $506,632,000. [Teller vote.] (Rejected, 135 to 258.)	Nay.
140	June 16	H.R. 8687: Aspin amendment limiting total procurement and R&D authorization to fiscal 1971 appropriated level. [Teller vote]. (Rejected, 118 to 278.)	Nay.
141	June 17	H.R. 8687: McCloskey motion adjouring on the grounds that more information needed on Indochina war. (Failed, 30 to 368).	Nay.
142	June 17	H.R. 7016: Flood motion tabling Hathaway motion instructing House conferees to accept Senate version of Office of Education Appropriations bill, fiscal 1972. (Agreed to, 228 to 182).	Yea.
143	June 17	H.R. 8687: Mink substitute for pending Nedzi-Whalen amendment (below) requiring complete cutoff of funds for military activities in Indochina after December 31, 1971. [Teller vote]. (Rejected, 81 to 327).	Nay.
144	June 17	H.R.8687: Nedzi-Whalen amendment barring funds provided in the bill for military activities in Indochina after December 31, 1971, giving the President the right to change the fund cutoff date if he could gain support of Congress. [Teller vote]. (Rejected, 158 to 255).	Nay.
145	June 17	H.R. 8687: Pepper amendment cutting off funds for military activity in Indochina after June 1, 1972, provided that all POW's had been released at least 60 days prior to that date. [Teller vote]. (Rejected, 147 to 237).	Nay.
146	June 17	H.R. 8687: On passage. (Passed, 331 to 58)	Yea
147	June 18	H. Res. 434: authorizing additional foreign travel for members of four subcommittees of the House Education and Labor Committee and attendance by two members of each party at the International Labor Organization Conference in Geneva, Switzerland. Agreeing to the resolution. (Agreed to, 183 to 119).	NV.[1]
148	June 18	H.R. 7736: extending for one year student loan and scholarship provisions of Titles VII and VIII of the Public Health Service Act. On passage. (Passed, 299 to 0).	NV.[1]
149	June 21	H.R. 5237: implementing a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden. On passage. (Passed, 340 to 8).	Yea.
150	June 21	S. 1538: providing additional funds for the American Bicentennial Commission. Passage under suspension of the rules. (Passed, (Passed, 336 to 24; 2/3 vote required).	Yea.
151	June 21	H.R. 3146: authorizing the Secretary of Agriculture to cooperate with states in the enforcement of laws and regulations within the National Forest System. Passage under suspension of the rules. (Passed, 361 to 2; 2/3 vote required).	Yea.
152	June 21	H. Res. 487: Young motion ending further debate on and barring amendments to the rule under which H.R. 1, increasing Social Security benefits and Medicare and Medicaid assistance programs, was considered. (Agreed to, 200 to 172).	Yea.
156	June 22	H.R. 1: Ullman motion to delete Title IV, the Family Assistance Plan provisions from H.R. 1. [Teller vote]. (Failed, 187 to 234).	Nay.
157	June 22	H.R. 1: On passage. (Passed, 288 to 132)	Yea.
159	June 23	H.R. 9270: Conte amendment to Agriculture Department Environment and Consumer Appropriations, fiscal 1972, setting a $20,000 limitation on subsidy payments for farm products except for sugar and wool. [Teller vote]. (Agreed to, 214 to 198).	Nay.
160	June 23	H.R. 9270: Reuss amendment prohibiting funding for any stream channelization project administered by the Secretary of Agriculture unless the project was under way before July 1, 1971. [Teller vote]. (Rejected, 129 to 278).	Nay.
161	June 23	H.R. 9270: Michel amendment barring food stamps to households which need assistance solely because a member is taking part in a labor strike. [Teller vote]. (Rejected, 172 to 225).	Yea.
163	June 24	H.R. 9272: Yates amendment to State, Justice, Commerce Appropriations of $3,684,183,000, fiscal 1972, adding $11,600,749 for dues owed the International Labor Organization. [Teller vote]. (Rejected, 147 to 227).	Nay.
164	June 24	H.R. 9272: Gonzalez amendment cutting $4,250,000 from Appropriations Committee recommendation for the Community Relations Service. [Teller vote]. (Rejected, 127 to 233).	Nay.
165	June 24	H.R. 9272: On passage. (Passed, 337 to 10)	Yea.
167	June 28	H.R. 6531: Hebert motion to Draft Extension Act to table Whalen motion instructing House conferees to accept Senate's Mansfield amendment declaring it U.S. policy to withdraw all troops from Indochina within 9 months of enactment. (Agreed to, 219 to 175).	Yea.
169	June 28	H.R. 9271: appropriating $4,487,676,190 for the Treasury-Postal Service Appropriations, fiscal 1972. On passage. (Passed, 380 to 6).	Yea.
171	June 29	H.R. 9417: appropriating $2,350,145,035 in fiscal 1972 for activities of the Interior Department and related agencies. On passage. (Passed, 400 to 5).	Yea.
172	June 30	H. Res. 489: Hebert motion tabling Abzug resolution requesting the President to furnish the text of the Defense Department's secret Vietnam study, covering the years 1945–67, to the House. (Agreed to, 273 to 112)	Yea.
173	June 30	H.R. 7016: appropriating $5,146,311,000 for the Office of Education and related special agencies in fiscal 1972. Agreeing to conference report. (Agreed to, 376 to 15)	Yea.
174	June 30	H.R. 9382: Clawson amendment to Department of Housing and Urban development, NASA, VA and Independent Offices Appropriations of $18,115,203,000 in fiscal 1972, deleting entire $3 million in the bill for HUD counseling services. [Teller vote]. (Rejected, 164 to 217)	
175	July 1	S. 31: authorizing $2.25 billion to provide public service jobs for the unemployed at the state and local level. Agreeing to conference report. (Agreed to, 343–14)	
176	July 1	H.R. 8629: extending for three years health manpower training programs. On passage. (Passed, 343 to 3)	Yea.
177	July 1	H.R. 8630: continuing for three years programs to train nurses. On passage. (Passed, 324 to 0)	Yea.
178	July 7	H. Res. 492: Morgan motion tabling resolution of inquiry authored by Paul N. McCloskey directing the Secretary of State to give Congress documents on policy decisions governing U.S. military operations in Laos. (Agreed to, 261 to 118)	Yea
179	July 7	H.R. 8805: establishing definitions of obscene material for purposes of prohibiting delivery of such material to minors and others through the mail. On passage. (Passed, 356 to 25)	Yea.
182	July 8	H.R. 8181: Wylie amendment to Export Expansion Finance Act deleting language permitting the Export-Import Bank, to finance exports to countries that supply or aid countries in armed conflict with U.S. forces. [Teller vote]. (Agreed to, 207 to 153)	Yea.
183	July 8	H.R. 8181: Vanik amendment deleting language exempting Export-Import Bank and disbursements from the U.S. budget as well as the spending and lending limits which the budget imposed. [Teller vote]. (Rejected, 112 to 249)	Nay.
184	July 8	H.R. 9093: extending and expanding the Interior Department's water desalting program for five additional years, through June 30, 1977. On passage. (Passed, 325 to 0)	Yea.
185	July 12	H.R. 8407: authorizing the District of Columbia to enter into the Interstate Agreement on Educational Personnel. (On passage. (Passed, 325 to 4).	Yea.
187	July 13	H.R. 8699: providing an administrative assistant for the Chief Justice of the U.S. On passage. (Passed, 263 to 139).	Yea.
188	July 13	H. Res. 534: Keith motion recommitting resolution citing Dr. Frank Stanton and CBS for contempt of Congress for refusing to provide certain film edited from "The Selling of the Pentagon" to the Interstate and Foreign Commerce Investigations Subcommittee. (Agreed to, 226 to 181).	Nay.
190	July 14	H.R. 9667: Appropriating $2,733,369,997 for the Department of Transportation and related agencies for fiscal 1972. On passage. (Passed, 401 to 12).	Yea.
192	July 15	H.R. 9388: Skubitz amendment to the Atomic Energy Commission Authorization of $2,321,187,000, fiscal 1972, deleting $3.5 million for demonstration atomic waste repository project near Lyons, Kansas.]Teller vote]. (Rejected, 162 to 207).	Yea.
193	July 19	H.R. 9265: authorizing a drug treatment and rehabilitation program in the Veterans Administration. On passage. (Passed, 379 to 0).	Yea.
194	July 19	H.J. Res. 748: authorizing the Administrator of Veterans Affairs to provide assistance in the establishment of new state medical schools, and the improvement of existing VA-affiliated medical schools, and to develop cooperative agreements between VA and other institutions to train health-care personnel. On passage. (Passed, 371 to 2).	Yea.
195	July 19	S.J. Res. 111: extending for two years the existing authority for construction of the Mary McLeod Bethune Memorial in Washington, D.C. On passage. (Passed, 288 to 90).	Yea.
197	July 20	H. Res. 424: providing for consideration of H.J. Res. 3, establishing a Joint Committee on the Environment. Agreeing to resolution. (Agreed to 372 to 18).	Yea.

Footnotes at end of table.

Roll-call No.	Date	Measure question, and result	Vote
199	July 21	H. Res. 457: allowing expenditures from the contingency fund to be regulated by the House Administration Committee rather than being taken to the floor for separate votes. Agreeing to resolution. (Agreed to, 233 to 167).	Nay.
200	July 21	H.R. 4354: Schwengel motion recommitting the bill increasing bus-width limits on interstate highways to the Public Works Committee. (Failed, 178 to 213).	Nay.
202	July 22	Call of the House proceedings. Pucinski motion to dispense with further proceedings under the call of the House. (Agreed to, 371 to 5).	Yea.
203	July 22	H.R. 9844: authorizing $2,138,337,000 in appropriations for military construction and related activities in fiscal 1972. On passage. (Passed, 359 to 31).	Yea.
204	July 27	H.R. 9270: appropriating Agriculture Department-Environment and Consumer funds for fiscal 1972. Agreeing to conference report. (Agreed to, 230 to 162).	Nay.
205	July 27	H.R. 9272: Rooney motion tabling Edwards motion instructing House conferees on State, Justice, Commerce Appropriations for fiscal 1972 to accept Senate amendment barring use of Subversive Activities Control Board appropriation to carry out Executive Order 11605. (Agreed to, 246 to 141).	Yea.
207	July 27	H.R. 10061: Yates amendment to Labor-HEW appropriations of $20,461,146,000 for fiscal 1972, adding $200 million including $70 million for the National Institutes of Health; $10 million for Public Health Service hospitals; $30 million for communicable disease control; $50 million for Hill-Burton grants; $15 million for alcoholism programs; $5 million for lead-poisoning programs and $20 million for maternal and child-care grants. [Teller vote]. (Rejected, 169 to 215).	Nay.
208	July 27	H.R. 10061: Giaimo amendment adding $82.4 million for the Social and Rehabilitation Service for vocational rehabilitation programs. [Teller vote]. (Agreed to, 236 to 153).	Nay.
209	July 27	H.R. 10061: Burke amendment adding $64 million for Child Welfare Services. [Teller vote]. (Rejected, 185 to 201).	Nay.
210	July 27	H.R. 10061: On passage. (Passed, 372 to 25)	Yea.
212	July 28	H.R. 9092: Gross amendment to the Federal Pay Rate Adjustment bill, eliminating nonappropriated fund employees from coverage under the bill. [Teller vote]. (Rejected, 147 to 232).	Yea.
213	July 28	H.R. 9922: authorizing $3,992,000 through fiscal 1978 to extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965. On passage. (Passed, 376 to 27).	Yea.
215	July 29	H.R. 9382: appropriating $18,339,738,000 in fiscal 1972 for Department of Housing and Urban Development, NASA, VA and Independent Offices. Agreeing to conference report. (Agreed to, 363 to 30).	Yea.
216	July 29	H.R. 9967: appropriating $8,156,105,000 for fiscal 1972 for the Department of Transportation and related agencies. Agreeing to conference report. (Agreed to, 393 to 15).	Yea.
217	July 29	H.R. 9667: McFall motion to agree to a Senate-passed amendment reported in technical disagreement by conferees paying aircraft companies $58.5 million for termination costs of the SST project. (Agreed to, 307 to 99).	Yea.
219	July 29	H.R. 10090: Mink amendment to the Public Works-AEC appropriations of $4,576,173,000, fiscal 1972, barring funds for the Project Cannikin nuclear test at Amchitka Island, Alaska. [Teller vote]. (Rejected, 108 to 275).	Nay.
220	July 29	H.R. 10090: Clark amendment deleting $100,000 for a restudy of the proposed Dickey-Lincoln School hydroelectric power project in eastern Maine. [Teller vote]. (Agreed to, 199 to 181).	Yea.
221	July 29	H.R. 10090: On passage. (Passed, 386 to 4)	Yea.
223	July 30	Procedural motion: Boggs motion to approve the the Journal. (Agreed to, 374 to 10).	Yea.
224	July 30	H. Con. Res. 384: Adjournment Resolution: Boggs resolution providing that Congress adjourn from the close of business August 6 to September 8, 1971. (Agreed to, 334 to 41).	Yea.
225	July 30	H. Res. 566: Colmer motion to order the previous question on the rule under which H.R. 8432, authorizing a federal guarantee on bank loans for failing major businesses, was considered. (Agreed to, 323 to 68).	Yea.
226	July 30	H.R. 8432: Colmer amendment limiting federal guarantee to 90 percent. [Teller vote]. (Rejected, 176 to 205).	Nay.
227	July 30	H.R. 8432: On passage. (Passed, 192 to 189)	Yea.
228	Aug. 2	H.R. 9272: appropriating $4,067,116,000 for State, Justice, Commerce Departments appropriations for fiscal 1972. Agreeing to conference report. (Agreed to, 337 to 35).	Yea.
229	Aug. 2	H. Res. 539: Collins motion discharging the Committee on Education and Labor from further consideration of resolution requiring the Secretary of Health, Education and Welfare to furnish the House with documents relating to school desegregation and busing. (Agreed to, 252 to 129).	Yea.
230	Aug. 2	H. Res. 539: Agreeing to resolution. (Agreed to, 351 to 36)	Yea.
231	Aug. 2	H.R. 3628: providing veterans preference to husbands of female veterans and making families of married female federal employees eligible for same benefits available to families of male federal employees. Passage under suspension of the rules. (Passed, 377 to 11, ⅔ vote required).	Nay.
232	Aug. 2	H. Con. Res. 370: declaring it the sense of Congress that all Public Health Service hospitals, clinics and research centers located in Lexington, Ky., and Fort Worth, Texas, remain open and within the Public Health Service through fiscal 1972. Agreeing to resolution under suspension of the rules. (Agreed to, 370 to 4; ⅔ vote required).	Nay.
233	Aug. 2	H.J. Res. 829: continuing in force at previous levels the appropriations for activities for which appropriations bills had not yet been passed. On passage. (Passed, 350 to 6).	NV.[2]
235	Aug. 3	H.R. 9910: authorizing appropriations of $3,444,350,000 in fiscal 1972 and $3,494,350,000 in fiscal 1973 for foreign aid. On passage. (Passed, 202 to 192).	Yea.
236	Aug. 4	H. Res. 578: waiving points of order against the conference report on the Draft Extension Act. Agreeing to resolution. (Agreed to, 250 to 150).	Yea.
237	Aug. 4	H.R. 6531: Whalen motion recommitting the conference report of the Draft Extension Act. (Failed, 131 to 273).	Nay.
238	Aug. 4	H.R. 6531: extending the draft for two years; expressing the sense of Congress calling for the withdrawal of U.S. troops from Indochina, but setting no specific deadline; increasing the pay of certain members of the armed forces; and extending the draft for two years. Agreeing to conference report. (Agreed to, 298 to 108).	Yea.
240	Aug. 4	H.J. Res. 833: Smith amendment to Emergency Supplemental Labor Appropriations Act, fiscal 1972, specifying that the formula for distributing funds shall be based solely on total unemployment in each state in proportion to total unemployment in the United States. [Teller vote]. (Rejected, 172 to 213).	Nay.
241	Aug. 4	H.J. Res. 833: Ford amendment prohibiting payment of funds to any officer or employee of a local government unit which was an eligible applicant for funds. [Teller vote]. (Rejected, 171 to 219).	Nay.
242	Aug. 4	H.R. Res. 833: On passage. (Passed, 321 to 76)	Nay.
246	Aug. 5	S. 581: Export Expansion Finance Act of 1971. Agreeing to conference report. (Agreed to, 219 to 140).	Yea.
247	Aug. 5	H.R. 10061: appropriating $20,804,622,000 for the Departments of Labor, Health, Education and Welfare and related agencies for fiscal 1972. Agreeing to conference report. (Agreed to, 280 to 56.)	NV.[2]
251	Sept. 9	HR 9727: establishing controls over the dumping of waste materials in the oceans and setting up a marine sanctuaries program in the Commerce Department. On passage. (Passed, 304 to 3.)	Yea.
252	Sept. 13	H. Res. 483: providing for consideration of H.R. 234, repealing Title II (Emergency Detention Act) of the Internal Security Act of 1950 and prohibiting the detention of U.S. citizens except through an act of Congress. Agreeing to resolution. (Agreed to, 345 to 1.)	Yea.
255	Sept. 14	H.R. 234: Ichord substitute for committee amendment (below) specifying that the repeal of the Emergency Detention Act shall not be construed as affecting the powers of the President under the Constitution and that no U.S. citizen shall be detained for suspicion of espionage or sabotage on account of race, color or ancestry. [Teller vote]. (Rejected, 124 to 272.)	Nay.
256	Sept. 14	H.R. 234: Committee amendment providing that "no citizen shall be imprisoned or detained by the United States except pursuant to an Act of Congress." [Teller vote]. (Agreed to, 290 to 111.)	NV.
257	Sept. 14	H.R. 234: On passage. (Passed, 356 to 49)	Yea.
261	Sept. 16	H.R. 1746: Erlenborn amendment in the nature of a substitute bill providing authority for the Equal Employment Opportunity Commission to bring suit against recalcitrant discriminatory employees in federal court. [Teller vote]. (Agreed to, 200 to 195.)	Yea.
262	Sept. 16	H.R. 1746: Reconsidering Erlenborn Amendment. (Agreed to, 202 to 197.)	Yea.
263	Sept. 16	H.R. 1746: Ashbrook motion recommitting the bill. (Failed, 130 to 270.)	Nay.
264	Sept. 16	H.R. 1746: On passage. (Passed, 285 to 106)	Yea.
265	Sept. 22	H.R. 10090: appropriating $4,706,625,000 for fiscal 1972 for public works projects, the Army Corps of Engineers and the Atomic Energy Commission, including a Senate-passed amendment prohibiting the Project Cannikin underground nuclear test in Alaska without the President's personal approval. Agreeing to conference report. (Agreed to, 377 to 9).	Yea.
267	Sept. 23	H.R. 9166: Gross amendment cutting the overall authorizations for the Peace Corps for fiscal 1972 by $27 million, to $50,200,000 from $77,200,000. [Teller vote]. (Rejected, 113 to 232).	Nay.
271	Sept. 30	H.R. 10351: Perkins amendment to the Brademas amendment (below) to OEO extension bill, reducing to 10,000 from 100,000 the minimum population requirement for permitting a community to receive federal funds for child development programs. [Teller vote]. (Agreed to, 226 to 158).	Nay.
272	Sept. 30	H.R. 10351: Erlenborn amendment to Brademas amendment calling for coordination of fees for the child development program with the fees charged in other federal government day-care programs and establishing an annual family income of $4,320 as the maximum for entitling disadvantaged children to free educational, nutritional, and health services. [Teller vote]. (Rejected 187 to 189).	Yea.
273	Sept. 30	H.R. 10351: Brademas amendment establishing a comprehensive child development program to provide educational, nutritional, and health services free of charge for disadvantaged children from families with an annual income of $6,960 or less and setting charges on a graduated scale for children from families with higher annual incomes. [Teller vote]. (Agreed to, 203 to 181).	Nay.
274	Sept. 30	H.R. 10351: Cordova substitute amendment to Steiger amendment providing Puerto Rico, Guam, the Virgin Islands and other trust territories with office of Economic Opportunity (OEO) allotments under the same formula established for the 50 states. [Teller vote]. (Agreed to, 202 to 161).	Nay.
275	Sept. 30	H.R. 10351: Devine amendment calling for deletion of Title X creating a nonprofit independent National Legal Services Corporation to take over the OEO's Legal Services program. [Teller vote]. (Rejected, 152 to 210).	Nay.
276	Sept. 30	H.R. 10351: Reconsidering Brademas amendment (see roll 273). (Agreed to, 186 to 183).	Nay.
277	Sept. 30	H.R. 10351: Erlenborn motion recommitting the bill to the Education and Labor Committee with instructions to report it back with amendment coordinating the fees levied in the child-care section of the bill with fees charged in other federal government day-care programs and establishing an annual family income of $4,320 as the maximum level entitling disadvantaged children to free educational, nutritional, and health services. (Agreed to, 191 to 180).	Yea.
278	Sept. 30	H.R. 10351: On passage. (Passed, 251 to 115)	Nay.
281	Oct. 4	H. Res. 596: Udall procedural motion that the Committee of the Whole rise, thus postponing further action on the resolution rescinding the postponement until July 1, 1972, of scheduled salary increases for federal employees and requiring instead that an estimated 5.5 percent federal pay raise go into effect January 1, 1972.]Teller vote]. (Failed, 175 to 198).	NV.[1]
282	Oct. 4	H. Res. 596: Agreeing to resolution. (Rejected, 174 to 207)	NV.[1]
283	Oct. 4	H. Con. Res. 374: calling for humane treatment of Americans held prisoner of war by North Vietnam and its allies and endorsing efforts to win their release. Agreeing to resolution. (Agreed to, 370 to 0).	NV.[2]
284	Oct. 4	H.R. 9961: providing temporary insurance for member accounts of certain federal credit unions. Passage under suspension of the rules. (Failed, 197 to 122; ⅔ vote required).	NV.[1]
285	Oct. 4	H.R. 8083: providing for new career training programs and early retirement benefits for air traffic controllers. On passage. (Passed, 24 to 0).	NV.[2]

VOTING RECORD OF JOHN W. BYRNES OF THE EIGHTH CONGRESSIONAL DISTRICT OF WISCONSIN—Continued

Roll-call No.	Date	Measure, question, and result	Vote
287	Oct. 4	H.R. 8866: extending the Sugar Act through December 31, 1974 and adjusting production quotas for foreign and domestic proproducers. Agreeing to conference report. (Agreed to, 194 to 91).	NV.[3]
289	Oct. 6	H.J. Res. 915: appropriating $270,500,000 for operations of the Department of Labor and for federal unemployment benefits in fiscal 1972. On passage. (Passed, 394 to 9).	Yea.
290	Oct. 6	H.J. Res. 916: continuing through November 15, 1971, appropriations for government departments and agencies whose fiscal 1972 appropriations had not yet been enacted into law. On passage. (Passed, 387 to 12).	Yea.
292	Oct. 12	H.J. Res. 208: Judiciary Committee amendment specifying that the proposed constitutional amendment guaranteeing equal rights for men and women applies both to citizens and non-citizens. [Teller vote]. (Failed, 104 to 254).	Yea.
293	Oct. 12	H.J. Res 208: Judiciary Committee amendment specifying that the proposed constitutional amendment not nullifying federal laws exempting women from the draft, or federal or state laws promoting and protecting the health or safety of women. [Teller vote]. (Failed, 87 to 265).	Yea.
294	Oct. 12	H.J. Res. 208: On passage. (Passed, 354 to 24)	Nay.
298	Oct. 14	H.R. 10835: Fuqua substitute amendment for Moorhead amendment, to bill establishing an independent Consumer Protection Agency and a White House Office of Consumer Affairs, restricting the agency's authority to intervene on behalf of consumers in the proceedings of other federal agencies in or court suits. [Teller vote]. (Rejected, 149 to 240).	Yea.
299	Oct. 14	H.R. 10835: Moorhead amendment redefining the agency's authority to intervene on behalf of consumers in proceedings of other federal agencies and providing the agency additional authority to act when other federal agencies refuse to investigate consumer complaints. [Teller vote]. (Rejected, 160 to 218).	Nay.
300	Oct. 14	H.R. 10835: On passage. (Passed, 345 to 44)	Yea.
302	Oct. 18	H.R. 9212: extending benefits to orphans whose fathers die of pneumoconiosis (black lung disease). Passage under suspension of the rules. (Failed, 227 to 124; ⅔ vote required).	NV.[1]
303	Oct. 18	H.J. Res. 923: expressing the federal government's intention to insure that every school child receive a free or reduced-price lunch as required by the National School Lunch Act. Passage under suspension of the rules. (Passed, 354 to 0; ⅔ vote required).	NV.[2]
304	Oct. 18	H.R. 10458: redefining the powers of the Secretary of Agriculture to cooperate with countries in the Western Hemisphere to prevent or retard communicable diseases of animals where the Secretary deems such action necessary to protect livestock, poultry and related industries in the United States. Passage under suspension of the rules. (Passed, 342 to 0; ⅔ vote required).	NV.[3]
305	Oct. 18	H.R. 8140: promoting the safety of ports, harbors, waterfront areas and navigable waters of the United States. Passage under suspension of the rules. (Passed, 335 to 1; ⅔ vote required).	NV.[2]
307	Oct. 19	H.R. 8687: Hébert motion to order the previous question (ending further debate and blocking the possibility of amending the motion to instruct conferees to accept the language of the Senate-passed Mansfield troop withdrawal amendment) on the Arends motion to instruct conferees not to accept any non-germane Senate-passed amendments to the Defense Procurement Authorization Act of 1971. (Agreed to, 215 to 193).	Yea.
308	Oct. 19	H.R. 8687: Arends motion instructing conferees not to accept any non-germane Senate-passed amendments in the House-Senate conference (if rejected, House conferees would be free to negotiate without any instructions). (Failed, 192 to 216).	Yea.
311	Oct. 20	H.R. 9844: authorizing $1,986,323,000 in appropriations for military construction projects during fiscal 1972. Agreeing to conference report. (Agreed to, 370 to 26).	Yea.
312	Oct. 20	H.R. 10367: Udall amendment to Alaskan Natives' Land Claims Act (granting Alaskan natives $925 million and 40 million acres of land to settle longstanding land claims) setting aside 125 million acres for possible inclusion, in national park systems and establishing a federal-state planning commission to review land selection by the state and natives. [Teller vote]. (Rejected, 177 to 217).	Yea.
313	Oct. 20	H.R. 10367: On passage. (Passed, 344 to 63)	Yea.
316	Oct. 21	H.R. 10670: creating a Survivor Benefit Plan to allow career military personnel opportunity to leave a portion of their retired pay to their survivors. On passage. (Passed, 372 to 0).	Yea.
318	Oct. 21	H. Res. 624: Madden motion to order the previous question on the rule under which H.R. 8787, providing for representation in Congress by non-voting delegates to the House from Guam and the Virgin Islands, was considered. (Agreed to, 280 to 62).	Yea.
321	Oct. 27	H.R. 11418: making appropriations of $2,012,446,000 for military construction in the United States and abroad, including funds for the Safeguard ABM systems. On passage. (Passed, 354 to 32).	Yea.
322	Oct. 27	H. Res. 661: adopting rule for consideration of H.R. 7248, extending programs of federal aid to higher education through fiscal 1976. Adopting rule. (Agreed to, 371 to 7).	Yea.
326	Oct. 28	H.R. 7248: Quie-Fraser amendment to Higher Education Act of 1971, substituting a national basic grant program for the extension of the existing state-administered educational opportunity grant program included in the committee-reported version. [Teller vote]. (Failed, 117 to 257).	Yea.
327	Oct. 28	H.R. 7248: Fraser amendment revising the formula for funds paid to states under educational opportunity grant program to insure that each state receive an amount proportionate to the number of eligible students it contained relative to the nationwide total of eligible students. [Teller vote]. (Rejected, 108 to 220).	Yea.
329	Nov. 1	H.R. 2266: authorizing $1.5 billion in federal aid for desegregating school districts. Passage under suspension of the rules. (Failed, 135 to 222; ⅔ vote required.)	Yea.
330	Nov. 1	H.R. 9961: extending for three years the period in which certain federally chartered credit unions could qualify for insurance. Passage under suspension of the rules. (Passed, 349 to 0; ⅔ vote required.)	Yea.
331	Nov. 1	H.R. 8389: providing LEAA funds for treatment programs for drug addicts confined to or on parole from state or local correctional facilities. Passage under suspension of the rules. (Passed, 350 to 2; ⅔ vote required.)	Yea.
332	Nov. 1	H.R. 9180: providing for temporary assignment of U.S. magistrates from one federal judicial district to another during emergency situations. Passage under suspension of the rules. (Passed, 344 to 10; ⅔ vote required.)	Yea.
333	Nov. 1	H.R. 9323: amending the definition of treatment in the Narcotic Addict Rehabilitation Act of 1966 to allow use of methadone in federal narcotics treatment programs. Passage under suspension of the rules. (Passed, 354 to 0; ⅔ vote required.)	Yea.
335	Nov. 1	H.R. 7854: increasing to $300 million total authorizations under the Small Reclamation Projects Act of 1956. Passage under suspension of the rules. (Passed, 346 to 7; ⅔ vote required.)	Yea.
336	Nov. 1	H.R. 11232: expanding the authority of the farmer-owned cooperative lending system to make loans to farmers and other rural residents. Passage under suspension of the rules. (Passed, 331 to 19; ⅔ vote required.)	Yea.
338	Nov. 1	Motion to adjourn: Andrews motion that the House adjourn. (Failed, 51 to 255).	Nay.
341	Nov. 2	Motion to adjourn: Hays motion that the House adjourn. (Failed, 8 to 285).	Nay.
342	Nov. 3	H.R. 2: Sebelius amendment deleting from the bill establishing a Uniformed Services University of Health Sciences to overcome a shortage of career-oriented military personnel in the health professiona, a provision requiring that the Uniformed Services University of Health Sciences be located within 25 miles of the District of Columbia. [Teller vote]. (Rejected, 148 to 215).	Yea.
343	Nov. 3	H. R.2: On passage. (Passed, 351 to 31)	Nay.
344	Nov. 3	H.R. 7248: Erlenborn amendment to strike out Title VIII of the Higher Education Act of 1971 authorizing general aid for institutions of higher education. [Teller vote]. (Rejected, 84 to 310).	Yea.
345	Nov. 3	H.R. 7248: Hawkins substitute for Quie amendment providing that no college or university shall reduce its operating funds from non-federal sources in anticipation of receiving federal funds.]Teller vote]. (Agreed to, 210 to 182).	Nay.
346	Nov. 3	H.R. 7248: Quie amendment terminating authorization for general institutional aid should the Supreme Court hold that it was unconstitutional for church-related institutions to receive such federal aid. [Teller vote]. (Rejected, 119 to 264).	Nay.
347	Nov. 3	H.R. 7248: White substitute for Brooks amendment deleting languagein the billestablishing an Interns for Political Leadership program. [Teller vote]. (Agreed to, 229 to 149).	Yea.
349	Nov. 4	H.R. 7248: Erlenborn amendment exempting—from the sex discrimination ban on education programs receiving federal funds—the undergraduate admissions policies of all institutions. [Teller vote]. (Agreed to, 194 to 189).	Yea.
350	Nov. 4	H.R. 7248: Matsunaga amendment extending the benefits of land grant college status to the College of the Virgin Islands and the University of Guam.]Teller vote]. (Agreed to, 219 to 158).	Nay.
351	Nov. 4	H.R. 7248: Brademas amendment restoring in modified form, language previously deleted from the bill on a point of order, creating a National Institute of Education. [Teller vote]. (Agreed to, 210 to 153).	Yea.
352	Nov. 4	H.R. 7248: Gross amendment deleting language authorizing grants for the development of ethnic heritage studies. [Teller vote]. (Agreed to, 200 to 159).	Yea.
353	Nov. 4	H.R. 7248: Pickle substitute—for language in the bill authorizing federal development and enforcement of youth camp safety standards—authorizing a study by the Department of HEW of youth camp safety. [Teller vote]. (Agreed to, 184 to 166).	Yea.
354	Nov. 4	H.R. 7248: Broomfield amendment postponing effectiveness of any federal court order requiring busing for racial, sex, religious or socio-economic balance until all appeals—or the time for all appeals—had been exhausted. [Teller vote]. (Agreed to, 235 to 125).	Yea.
355	Nov. 4	H.R. 7248: Green amendment to Ashbrook amendment barring any federal employee or agency from forcing states to expend funds for the forced busing of school students. [Teller vote]. (Agreed to, 231 to 126).	Yea.
356	Nov. 4	H.R. 7248: Esch amendment to Ashbrook amendment (below) exempting—from ban on use of federal funds for busing—districts carrying out a court-ordered desegration plan. [Teller vote]. (Rejected, 146 to 216).	Nay.
357	Nov. 4	H.R. 7248 Ashbrook amendment—as modified by Green amendment (above)—barring the use of federal funds for busing students or teachers to overcome racial imbalance or to buy buses for such purpose. [Teller vote]. (Agreed to, 233 to 124).	Yea.
358	Nov. 4	H.R. 7248; Ford substitute for Pucinski amendment (below) authorizing federal study of the needs of desegregating school districts. [Teller vote]. (Rejected, 92 to 269).	Nay.
359	Nov. 4	H.R. 7248: Pucinski amendment adding to the bill the Emergency School Aid Act of 1971 (H.R. 2266) authorizing $1.5 billion in aid for desegregating school districts. [Teller vote]. (Agreed to, 211 to 159).	Yea.
360	Nov. 4	H.R. 7248: Erlenborn amendment exempting, from the ban on sex discrimination, the undergraduate admissions policies of all institutions of higher education. [Teller vote]. Agreed to, 186 to 181).	Yea.
361	Nov. 4	H.R. 7248: On passage, (Passed, 332 to 38)	Nay.
363	Nov. 5	H.R. 8293: extending until September 30, 1973, the President's authority to carry out the provisions of the International Coffee Agreement of 1968. On passage. (Passed, 201 to 99).	Yea.
365	Nov. 8	H.J. Res. 191: Wylie motion to discharge the Judiciary Committee from further consideration of the resolution proposing an Amendment to the Constitution providing that it is constitutionally permissible for persons in public buildings to participate in voluntary prayer. (Agreed to, 242 to 156).	Yea.
366	Nov. 8	H.J. Res. 191: On passage. (Failed, 240 to 162; ⅔ vote required)	Yea.
369	Nov. 9	H.R. 10729: Dow amendment to the Kyl substitute amendment to the Dow amendment in the nature of a substitute to the Pesticide Act, which would strike out the provisions specifying that the Environmental Protection Agency administrator could not make lack of essentiality a criterion for denying registration of any pesticide. [Teller vote]. (Rejected, 152 to 221).	Nay.
370	Nov. 9	H.R. 10729: Dow amendment to the Kyl substitute amendment to the Dow amendment in the nature of a substitute allowing any adversely affected person, not only the manufacturer, to institute a court suit against the EPA over registration of a pesticide. [Teller vote]. (Rejected, 167 to 209).	Nay.

Footnotes at end of table.

Roll-call No.	Date	Measure, question, and result	Vote
371	Nov. 9	H.R. 10729: Eckhardt amendment to the Kyl substitute amendment to the Dow amendment in the nature of a substitute specifying that no manufacturer whose registration has been revoked may be reimbursed for production of pesticides if the manufacturer knew or should have known of the product's adverse effects on the environment. [Teller vote]. (Rejected, 168 to 203)	Nay.
372	Nov. 9	H.R. 10729: On passage. (Passed, 288 to 91)	Yea.
375	Nov. 10	H.R. 9212: Byrnes amendment deleting provision exempting black lung beneficiaries from law requiring social security disability benefits to be partially reduced when other disability benefits are received. [Teller vote]. (Rejected, 158 to 224).	Yea.
376	Nov. 10	H.R. 9212: Byrnes amendment deleting provision exempting black lung beneficiaries from law requiring social security disability benefits to be partially reduced when other disability benefits are received. [Teller vote]. (Rejected, 158 to 224).	Yea.
377	Nov. 10	H.R. 9212: extending disability benefits to orphans of families in which the father dies of black lung disease and in which the mother also was deceased. On passage. (Passed, 312 to 78).	Nay.
378	Nov. 10	H.J. Res. 946: Seiberling amendment prohibiting further expenditure of funds by the Department of Defense in fiscal 1972 under the provisions of H.J. Res. 946, Continuing Appropriations Act, fiscal 1972. [Teller vote]. (Rejected, 10 to 356).	Nay.
379	Nov. 10	H. Res. 696: agreeing to the non-germane language contained in the conference version of H.R. 8687, Defense Procurement Authorization Act, fiscal 1972, which had the effect of forcing the United States to violate a United Nations' embargo against Rhodesia by requiring the President to import Rhodesian chromium ore if such ore was being imported from any communist nation. [Teller vote]. Agreeing to resolution. (Agreed to, 251 to 100).	NV.[3]
380	Nov. 11	H. Res. 698: providing for consideration of H.R. 11341, the District of Columbia Revenue Act setting the annual federal payment beginning with fiscal 1972 at $170 million. Agreeing to resolution. (Agreed to, 359 to 8).	Yea.
382	Nov. 11	H.R. 11341: Gross amendment reducing the committee-recommended annual federal payment to the District of Columbia by $44 million, to $126 million. [Teller vote]. (Rejected, 79 to 263).	Nay.
383	Nov. 11	H.R. 11341: Scherle amendment reducing the federal payment to the District by $19 million to $151 million. [Teller vote]. (Rejected, 119 to 210).	Nay.
384	Nov. 11	H.R. 11341: Jacobs amendment providing coverage for area truck drivers under the D.C. Minimum Wage Act, and authorizing overtime pay for work over 40 hours a week, or providing ICC certification. [Teller vote]. (Rejected, 139 to 179).	Nay.
385	Nov. 11	H.R. 11341: On passage. (Passed, 248 to 50)	Yea.
386	Nov. 15	H.R. 11302: expanding the National Cancer Institute of the National Institutes of Health to permit an intensified and coordinated cancer research program. Passage under suspension of the rules. (Passed, 350 to 5; ⅔ vote required).	Yea.
387	Nov. 15	H.R. 11350: increasing the limit of U.S. dues for membership in the International Criminal Police Organization. Passage under suspension of the rules. (Passed, 346 to 0; ⅔ vote required).	Yea.
388	Nov. 15	S.J. Res. 132: extending the duration of existing copyright protection law until December 31, 1972. Passage under suspension of the rules. (Passed, 302 to 49; ⅔ vote required).	Yea.
389	Nov. 15	H.R. 11651: altering the provisions of existing law relating to the payment of military disability and death pensions. Passage under suspension of the rules. (Passed, 351 to 0; ⅔ vote required)	Yea.
390	Nov. 15	H.R. 11562: altering the provisions of existing law relating to the payment of military dependency and indemnity compensations. Passage under suspension of the rules. (Passed, 350 to 0; ⅔ vote required)	Yea.
391	Nov. 15	H.R. 11080: permitting taxpayers who were compensated for property acquired for Redwood National Park to obtain a waiver of capital gain for federal income tax purposes where such money was reinvested in pre-existing businesses. Passage under suspension of the rules. (Failed, 148 to 203; ⅔ vote required)	Yea.
395	Nov. 16	H.R. 11731: Bingham amendment to the Defense Appropriations Act appropriating $71,048,013,000 for fiscal 1972, deleting $801,600,000 for the purchase of F-14 aircraft during fiscal 1972. [Teller vote]. (Rejected, 76 to 311)	Nay.
398	Nov. 17	H.R. 11731: Yates amendment limiting to 60 days funding for any additional active duty personnel called up by the President in an emergency without the approval of Congress. [Teller vote]. (Rejected, 183 to 210)	Nay.
399	Nov. 17	H.R. 11731: Boland amendment setting a July 1, 1972, cutoff date for funds used in support of U.S. troops and military operations in or over South Vietnam, North Vietnam, Laos, or Cambodia, and calling for a withdrawal of all U.S. military forces by a specified date, subject to the release of all American POW's and an accounting of all Americans missing in action. [Teller vote]. (Rejected, 163 to 238).	Nay.
400	Nov. 17	H.R. 11731: Riegle amendment limiting the net defense expenditures to 95 percent of the funds budgeted for fiscal 1972—resulting in a cut of approximately $3.8 billion. [Teller vote]. (Rejected, 74 to 307).	Nay.
401	Nov. 17	H.R. 11731: Aspin amendment reducing total appropriations to fiscal 1971 level—resulting in a reduction of about $1.5 billion. [Teller vote]. (Rejected, 114 to 278).	Nay.
402	Nov. 17	H.R. 11731: On passage. (Passed, 343 to 51)	Yea.
406	Nov. 18	H. Res. 710: amending S. 2819 and S. 2820, separate foreign military and economic aid bills passed by the Senate, by substituting for each the provisions of H.R. 9910, House-passed foreign aid authorizations, and requesting conference with the Senate. Agreeing to resolution. (Agreed to, 269 to 115).	Yea.
407	Nov. 18	H. Res. 711: waiving a House rule requiring a three-day period between the filing of the conference report and a vote on acceptance, thereby allowing immediate consideration of the conference report on H.J. Res. 946, authorizing continuing appropriations for November 16 to December 8, 1971 for certain federal agencies. Agreeing to resolution. (Agreed to, 367 to 15).	Yea.
408	Nov. 18	H.J. Res. 946: agreeing to conference report. (Agreed to, 344 to 26)	Yea.
409	Nov. 19	H. Res. 699: providing for consideration of S. 18, authorizing fiscal 1972 and 1973 appropriations for Radio Free Europe and Radio Liberty. Agreeing to resolution. (Agreed to, 290 to 3).	Yea.
410	Nov. 19	S. 18: On passage. (Passed, 271 to 12)	Yea.
412	Nov. 29	H.R. 11060: Springer amendment to Federal Election Campaign Practices Act, deleting provisions of the MacDonald amendment establishing regulations for charges made by broadcasters and newspapers for political advertising and provisions requiring newspapers to give equal access to advertising space to political candidates for the same office. [Teller vote/]. (Rejected, 145 to 219).	Yea.
413	Nov. 29	H.R. 11060: Pickle amendment to the MacDonald amendment requiring broadcasting stations to charge the same rates for political advertising time as for comparable commercial advertising time. [Teller vote]. (Agreed to, 219 to 150).	Nay.
414	Nov. 29	H.R. 11060: Frey amendment to the MacDonald amendment repealing for all candidates for federal office the "equal time" provision of the Communications Act of 1934. [Teller vote]. (Rejected, 95 to 277).	Yea.
416	Nov. 30	H.R. 11060: Hansen amendment to Harvey amendment in the nature of a substitute bill defining the role which unions and corporations might take in political campaigns, vote drives and voter registration activities. [Teller vote]. (Agreed to, 233 to 147).	Nay.
417	Nov. 30	H.R. 11060: Danielson amendment to Harvey amendment in the nature of a substitute bill eliminating provision in the bill requiring that copies of reports of campaign contributions and expenditures be sent ot the clerks of the federal district courts of the districts and states in which each election was held. [Teller vote]. (Agreed to, 229 to 155).	Nay.
418	Nov. 30	H.R. 11060: On passage. (Passed, 372 to 23)	Yea.
422	Dec. 1	H.R. 11589: authorizing the sale of certain passenger vessels to foreign nations. On passage. (Passed, 253 to 139).	Nay.
424	Dec. 2	H.R. 11932: Natcher motion to the D.C. Appropriations Act, fiscal 1972, that the House consider the bill in the Committee of the Whole. (Agreed to, 379 to 0).	Yea.
426	Dec. 2	H.R. 11932: Giaimo amendment adding $72.5 million for the District of Columbia's share of construction costs of a rapid transit system. [Teller vote]. (Agreed to, 196 to 183)	Nay.
427	Dec. 2	H.R. 11932: Scherle amendment halting funding of the transit system until the transit authority complied with a provision of the National Environmental Policy Act of 1969 requiring submission of an environmental impact statement. [Teller vote]. (Rejected, 163 to 205)	Nay.
428	Dec. 2	H.R. 11932: Natcher request for a separate rollcall vote on the adopted Giaimo amendment adding $72.5 million for the District's share of construction funds for the metropolitan transit system. (Agreed to, 195 to 174)	Nay;
429	Dec. 2	H. Res. 719: providing for consideration of H.R. 11955, appropriating $786,282,654 in supplemental funds for certain federal agencies, for fiscal 1972 Agreeing to resolution. (Agreed to, 308 to 29)	Yea
430	Dec. 2	H.R. 11955: On passage. [Teller vote]. (Passed, 271 to 20)	NV.[3]
431	Dec. 6	H.R. 9526: authorizing the loan of certain submarines and destroyers currently operated by the U.S. Navy to Spain, Turkey, Greece, Korea and Italy. Passage under suspension of the rules. (Passed, 260 to 116; ⅔ vote required)	Yea
432	Dec. 6	H.R. 11624: authorizing $5 million in additional funds to conduct the international transportation exposition to be held at Dulles International Airport in 1972. Passage under suspension of the rules. (Failed, 202 to 173; ⅔ vote required)	Nay.
433	Dec. 6	H.R. 45: creating an institute for research and training in the area of juvenile justice. Passage under suspension of the rules. (Failed, 240 to 135; ⅔ vote required)	Yea.
434	Dec. 6	S.J. Res. 176: extending the authority of the Secretary of HUD to set maximum interest rates on FHA mortgage insurance programs and modifying provisions of the National Flood Insurance Act of 1968. Passage under suspension of the rules. [Teller vote]. (Passed, 357 to 4; ⅔ vote required)	Yea.
435	Dec. 6	H.R. 11809: providing that Post Office property would continue to be maintained as Government property in impact areas. Passage under suspension of the rules. (Passed, 259 to 112; 2/3 vote required).	Nay.
436	Dec. 6	H.R. 10420: establishing permit program to regulate the killing of marine animals. Passage under suspension of the rules. [Teller vote]. (Failed, 199 to 150; 2/3 vote required).	Yea.
438	Dec. 7	S. 2007: extending the Office of Economic Opportunity for two years, authorizing $6.3 billion for OEO, establishing a comprehensive child development program and creating a National Legal Services Corporation. Agreeing to conference report. (Agreed to, 211 to 187).	Nay.
440	Dec. 8	H.R. 12067: Fraser amendment to the Foreign Aid Appropriations Act of $3,003,461,000, fiscal 1972, increasing to $91 million from $41 million appropriations for contributions to international organizations providing $50 million of that amount for the U.S. contribution to the United Nations Development Fund. [Teller vote]. (Rejected, 119 to 268).	Nay.
441	Dec. 8	H.R. 12067: On passage. (Passed, 214 to 179)	Yea.
443	Dec. 8	H. Res. 728: Anderson motion to order the previous question on the rule under which H.R. 1163, providing for strategic grain reserves, was considered, thereby ending debate on a proposed amendment to limit individual farm subsidy payments to $20,000. (Agreed to, 204 to 164).	Yea.
444	Dec. 8	H.R. 1163: Price amendment providing that, where practicable, grain would be stored in producer-owned facilities rather than in government-owned facilities. [Teller vote]. (Rejected, 147 to 179).	Nay.
445	Dec. 8	H.R. 1163: Quie amendment to the Melcher amendment (raising price supports for feed grain and wheat by 25 percent) eliminating wheat from the list of commodities. [Teller vote]. (Rejected, 128 to 222).	Yea.
446	Dec. 8	H.R. 1163: Price amendment requiring that reserve commodities be sold at prices equal to 100 percent of parity, rather than at 120 percent of the average prices over the previous five-year period as provided by the committee's bill. [Teller vote]. (Rejected, 145 to 201).	Yea.
447	Dec. 8	H.R. 1163: Jacobs amendment authorizing the Secretary of Agriculture to store grain free of charge in the homes of hungry Americans. [Teller vote]. (Rejected, 17 to 271.)	Nay.
448	Dec. 8	H.R. 1163: On passage. (Passed, 182 to 170)	Nay.

VOTING RECORD OF JOHN W. BYRNES OF THE EIGHTH CONGRESSIONAL DISTRICT OF WISCONSIN—Continued

Roll-call No.	Date	Measure, question, and result	Vote
450	Dec. 9	H.R. 10947: reducing federal individual and business taxes to stimulate the economy and establishing a federal presidential election campaign fund effective in 1973. Agreeing to conference report. (Agreed to, 321 to 75.)	Yea.
451	Dec. 9	H. Res. 729: providing for consideration of conference reports the same day as reported for the remainder of the session, notwithstanding the provisions of Clause 2, rule XXVIII, which requires a three-working-day interval prior to floor consideration of conference reports. (Agreed to, 342 to 48.)	Yea.
453	Dec. 9	H.R. 11955: providing supplemental appropriations of $3,406,385,371 for various federal departments and agencies for fiscal 1972. Agreeing to conference report. (Agreed to, 301 to 73.)	Yea.
455	Dec. 10	H.R. 11309: Stephens amendment to Economic Stabilization Act Extension, limiting mandatory payment of pay raises scheduled under pre-freeze contracts and laws to those in compensation for which prices or taxes had been raised, appropriations made, funds otherwise raised or productivity increased. [Teller vote]. (Agreed to, 209 to 151.)	Yea.
456	Dec. 10	H.R. 11309: Badillo amendment requiring disclosure of all information submitted in justification of wage or price increases, except trade secrets. [Teller vote]. (Rejected, 73 to 275.)	Nay.
457	Dec. 10	H.R. 11309: Landgrebe amendment subjecting to stabilization controls contributions to tax-exempt retirement plans which were unreasonably inconsistent with wage and price guidelines. [Teller vote]. (Rejected, 170 to 184.)	Yea.
458	Dec. 10	H.R. 11309: On passage. (Passed, 326 to 33)------------------	Yea.
459	Dec. 10	H.R. 11341: setting the federal payment to the District of Columbia at $173 million for fiscal 1972 and $178 million for fiscal 1973. Agreeing to conference report. (Agreed to, 242 to 93.)	Yea.
461	Dec. 13	H.R. 11628: authorizing grants and loan guarantees for construction or modernization of private hospitals and other medical facilities in the District of Columbia. On passage. (Failed, 160 to 200.)	Nay.
465	Dec. 14	H.R. 10367: providing Alaskan natives with $962.5 million and 40 million acres of land to settle land claims. Agreeing to conference report. (Agreed to, 307 to 60)	Yea.
466	Dec. 15	H.R. 11731: appropriating $70,518,463,000 for Department of Defense spending during fiscal 1972. Agreeing to conference report. (Agreed to, 293 to 39)	Yea.
467	Dec. 15	H.R. 11932: appropriating $932,512,700, fiscal 1972, for the District of Columbia. Agreeing to conference report. (Agreed to, 260 to 79)	NV.[2]
469	Dec. 15	H.R. 6065: providing for additional temporary extended unemployment compensation for 13 weeks in states with 6.5 percent unemployment rate. Agreeing to conference report. (Agreed to, 194 to 149)	Nay.
470	Dec. 15	H. J. Res. 1005: providing funding for the period from December 9, 1971 to February 22, 1972, at an annual rate of $2,760,927,000, for foreign aid and related international programs and continuing funding for other federal departments and agencies whose regular fiscal 1972 appropriations had not yet been approved by Congress. On passage. (Passed, 235 to 86)	Yea.
472	Dec. 16	S. 2819: Morgan motion tabling Ryan motion instructing House conferees to accept the Mansfield amendment which set a policy of withdrawal of U.S. forces from Indochina within six months. (Agreed to, 130 to 101)	Yea.

[1] Absent, if present, would have voted "Nay".

[2] Absent, if present, would have voted "Yea".

AN EXPLANATION OF TERMS

Of necessity, the report contains parliamentary terms with which the reader may not be familiar. An explanation of some of these terms may, therefore, be helpful:

A. A *quorum call* consists of a calling of the roll of Members to determine whether or not a quorum—a majority of Members—is present. No business may be conducted when it is found that a quorum is not present.

B. *Recommittal:* Generally, on all important bills, a motion to recommit the bill to a committee, with or without instructions, is voted upon by the House before it votes upon passage of the bill. If such a motion is adopted, it means that the bill will be changed, delayed, or even killed. However, when a motion to recommit is accompanied by instructions, the vote generally indicates whether the Member is in favor of or opposed to the change in the legislation proposed by the instructions and does not necessarily indicate his position on the bill as a whole. A motion to recommit with instructions, if adopted, does not kill the bill.

C. *Rule:* Important bills, after approval of the committee concerned, go to the House Committee on Rules where a rule, in the form of a House resolution (H. Res.) is granted covering the time allowed for debate, consideration of amendments, and other parliamentary questions.

D. *Conference Report:* Representatives from both Houses of Congress meet in conference to work out differences existing in the legislation as passed by the two bodies. Upon conclusion of their conference, a report is submitted to each House setting forth the agreements reached. Each House then must act by way of adopting or rejecting the conference report in whole or in part.

E. *Previous question:* A motion which, if adopted, shuts off further debate on the question before the House and prevents further amendments to such proposition.

F. *Laying on the table:* A motion to lay a bill on the table, if adopted, kills the bill.

G. The type of bill can be determined by the letters which precede its number. All bills that originate in the House are designated by an "H," those that originate in the Senate by an "S." There are four main types:

(1) *H.R.* (*S.*) designates a bill which, when passed by both Houses in identical form and signed by the President, becomes law.

(2) *H.J. Res.* (*S.J. Res.*) designates a joint resolution which must pass both Houses and be signed by the President before becoming law. It is generally used for continuing the life of an existing law, or in submitting to the States a constitutional amendment, in which case it does not require the signature of the President but must be passed by a two-thirds majority of both Houses.

(3) *H. Con. Res.* (*S. Con. Res.*) designates a concurrent resolution. To become effective it must be passed by both the House and Senate but does not require the President's signature. It is used to take joint action which is purely within the jurisdiction of Congress. Many emergency laws carry the provision that they may be terminated by concurrent resolution, thus eliminating the possibility of a Presidential veto.

(4) *H. Res.* (*S. Res.*) designates a simple resolution of either body. It does not require approval by the other body nor the signature of the President. It is used to deal with matters that concern one House only, such as changing rules, creating special committees, and so forth.

Recorded teller vote occurs when requested by one-fifth of a quorum. As Members file past appointed "tellers" their names and votes are recorded.

Rollcall vote occurs when requested by one-fifth of those present. Members indicate their votes by responding "Aye" or "No" when their names are called in alphabetical order.

OUR NUCLEAR NAVY

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, on January 8, 1972, I had the honor and privilege of attending the keel laying of the nuclear submarine *Los Angeles*. This submarine marks the beginning of a new class of high-speed and extremely efficient vessels. My colleague CHET HOLIFIELD, former chairman of the Joint Committee on Atomic Energy and at present chairman of the Government Operations Committee, made the keynote speech at this important event. His remarks were profound and I believe should be read not only by us in Congress but by the American people.

Congressman HOLIFIELD pointed out that less than 10 years ago the United States was the dominant military power of the world. At that time our Nation faced the Cuban missile crisis. Because of our superior military capability, Soviet ships carrying nuclear missiles to Cuba turned around and subsequently they withdrew their nuclear missiles from Cuba—90 miles from our shore.

The disturbing facts which Congressman HOLIFIELD developed in his speech were that the United States is no longer in a position of military superiority, vis-a-vis the Soviet Union. He pointed out that the Soviet Union is now building eight to 10 ballistic missile submarines a year. We are building none. The Soviets have at least 65 tactical firing submarines. We have none.

The Soviets are continuing to build three times as many nuclear submarines a year as we and, perhaps most startling, Congressman HOLIFIELD pointed out that by 1980 the Soviet Union, at current construction rates, will have half again as many nuclear submarines as the United States. Congressman HOLIFIELD was critical of the role of the Department of Defense in the development of nuclear submarines and surface ships. He said:

> This tremendous Soviet effort did not happen overnight. We were warned we would lose our lead in nuclear submarines, first by Admiral Rickover and then by a growing chorus of others. Yet in the Defense Department these warnings fell on deaf ears. They produced studies and studies of studies—but final approval to proceed with the Los Angeles Class was delayed and delayed. It is incomprehensible but true that while the Congress was holding hearings in 1968 on the need for advanced submarines, including the Los Angeles Class, the Department of Defense was planning to *terminate all future submarine construction*.

For the future Congressman HOLIFIELD stressed the importance of developing an undersea, long-range missile system—ULMS. He also pointed out, in regard to the arms race, that in a recent speech Admiral Rickover warned us:

> There has not been an arms race; the Soviets have been running at full speed all by themselves.

Congressman Holifield stated that he supported the Strategic Arms Limitation Talks now in progress.

In regard to the vitally important issue of arms control, he said:

> I support the SALT talks and I believe that it is only through meaningful negotiations that we can hope eventually to avert international blackmail from a superior military power.

In discussing nuclear submarines, Mr. Holifield did not neglect nuclear powered surface ships. In this regard he said:

> The Defense Department has been even more myopic in their treatment of nuclear power for surface warships than they have been in their treatment of new classes of submarines.

Congressman Holifield concluded his speech by quoting from President Nixon's 1968 campaign when President Nixon said:

> The word has spread throughout the Department of Defense—and reports in a number of publications—that the United States is in great danger of becoming "second best" on the seas, particularly in submarine power.
>
> I say that second best isn't good enough. Most assuredly not when the defense of the United States is at stake. . . .
>
> My administration will . . . restore the goal of a Navy second to none.

Congressman Holifield urged the administration, the Defense Department, and all of us to not forget this promise.

I commend the speech to all Americans who are interested in a strong defense to preserve the freedom that has been part of America for almost 200 years. I include the remarks of Congressman Chet Holifield at the keel laying of the *Los Angeles* in Newport News, Va., on January 8, 1972, in the Record at this point.

I also include remarks by Admiral Zumwalt and Vice Admiral Rickover at the keel laying of the *Los Angeles* as well as telegrams from Senator Pastore, chairman of the Joint Committee on Atomic Energy; Melvin Laird, Secretary of Defense; and Admiral Moorer, Chairman of the Joint Chiefs of Staff, in the Record at this point:

Remarks by Congressman Holifield

Less than ten years ago the United States, the dominant military power in the world, faced a direct confrontation with the Soviet Union in the Cuban missile crisis. In the face of our superior military capability at that time, the Soviets had no choice but to accept our edict. Their ships carrying nuclear missiles to Cuba turned around, and they withdrew their nuclear missiles from Cuba—90 miles from our shore.

We displayed our military superiority then and the Soviets backed down. Americans changed in the past ten years—We no longer have that same military superiority.

In the past decade the Soviets have embarked on a military expansion program such as the world has never seen in peacetime. Already the predominant land power, they will soon become the world's strongest naval power.

They removed their nuclear missiles from Cuba. But they now have far more powerful, accurate and longer range nuclear missiles. They are in their submarines hidden in the ocean depths off both our coasts. Sometime next year the number of Soviet new Yankee Class ballistic missile submarines will exceed our force of aging 41 ballistic missile submarines—built in the sixties. There is no indication as to when they plan to slow down or stop their current rate of construction. They are now building 8 to 12 ballistic missile submarines a year. We are building none.

The Soviets have at least 65 tactical missile firing submarines. More than half of these are nuclear powered—and they are continuing to build more of these nuclear powered—at a rapid rate. We have none. These ships give the Soviets an excellent weapon with which to attack our surface naval forces.

The Soviet submarine force now has more nuclear powered submarines of all types than does the United States. In addition, they have about six times as many diesel submarines as we have. Further, they are continuing to build three times as many nuclear submarines a year as we. By 1980 they will, at current construction rates, have half again as many nuclear submarines as the United States.

New design Soviet surface warships armed with weapons designed to attack our naval fleets are appearing in increasing numbers in the oceans of the world.

The Soviets each year graduate more than ten times as many naval architects and marine engineers as does the United States. The result of this investment is now evident in their modern merchant marine and rapidly growing Navy. For the first time in history the Soviet naval strength is being felt throughout the world.

The pendulum of military power is rapidly swinging in favor of the Soviets. I am not talking about *parity*—I am talking about the *disparity* between the military buildup going on in the Soviet Union compared to the erosion of military power going on in the United States.

America's greatness as a world power depends largely on the credibility of our maritime strength. Our national security is based to a great extent on our strength at sea. As Admiral Thomas H. Moorer, the Chairman of the Joint Chiefs of Staff, recently testified to the Joint Committee on Atomic Energy:

"United States security requires that we possess the capability of controlling crucial sea lines of communication to our friends and allies; of projecting United States power ashore when this is needed in support of United States vital interests; and of providing a ready, meaningful, and controllable United States presence anywhere on the seas as national policy dictates."

We are, in effect, an island surrounded by the world's two largest oceans. If we lose our ability to use the seas, we shall lose our ability to defend ourselves.

President Kennedy, when the Cuban missile crisis was still fresh in his mind, said:

"If there is any lesson of the twentieth century, and especially of the last few years, it is that in spite of the advances in space and air . . . this country must still move easily and safely across the seas of the world."

So what we are doing today is an important step to help insure our future national security. The keel laying for the LOS ANGELES commemorates the beginning of construction of our most advanced class of nuclear powered attack submarines. Submarines of this class will have higher speeds than their predecessors as well as the most modern sensors and weapon systems. They are urgently needed to improve our ability to counter the rapidly expanding Soviet submarine force.

The keel laying today marks the beginning of this new class on the building ways. However, the submarine *Los Angeles* and her sister ships have already had a long and difficult history. Efforts to develop this new design started more than seven years ago. The design was studied, re-studied and re-studied within the Department of Defense until finally Congress had to take the initiative to get the *Los Angeles* class built. It did so by providing funds in the 1969 shipbuilding program for procurement of long lead items—I might add—over the objections of the Defense Department.

A review of the history of nuclear submarines brings out some startling developments. We built the world's first nuclear powered submarine and for years we led, not only in numbers of nuclear powered submarines but also in their design and quality. We were the first to send a fleet of nuclear powered ballistic missile firing submarines to sea.

The sad fact is that today we have lost this position of preeminence. We have put out only one new design submarine in the last 10 years, but the Soviets in 1968 and 1969 put to sea more new submarine types than have ever been put to sea in all of naval history during a comparable period.

This tremendous Soviet effort did not happen overnight. We were warned we would lose our lead in nuclear submarines, first by Admiral Rickover and then by a growing chorus of others. Yet in the Defense Department these warnings fell on deaf ears. They produced studies and studies of studies—but final approval to proceed with the *Los Angeles* Class was delayed and delayed. It is incomprehensible but true that while the Congress was holding hearings in 1968 on the need for advanced submarines, including the *Los Angeles* Class, the Department of Defense was planning to *terminate all future submarine construction.*

I am proud of the role played by the Congressional Joint Committee on Atomic Energy and the House and Senate Armed Services Committees in getting the *Los Angeles* Class approved. In 1968 the Joint Committee held special hearings which brought into focus the need for building more nuclear submarines with improved capabilities. Hearings by the Joint Committee and other Congressional Committees, including a special investigation by the Senate Armed Services Committee chaired by Senator Stennis, focused attention on the entire nuclear submarine situation. The testimony showed that our submarine program was being delayed while system analysts and planners sought to justify *not* building improved submarines. I shudder to think of what might have happened if Congress had not forced the issue.

At this point I want to pay a special tribute to one of South Carolina's greatest statesmen, Honorable L. Mendel Rivers, the late chairman of the House Armed Services Committee, a great friend of the United States Navy and a dedicated American.

On December 1, 1970, many of us were present on this platform when Mrs. Rivers dedicated the keel of the *South Carolina* and her husband delivered a great and stirring address in support of the nuclear Navy.

The elected representatives of the people are carrying on in this tradition. Let this message go forth: the United States Congress will not accept further delays in building more nuclear submarines of the Los Angeles Class.

But this is not nearly enough. In future years our Navy will be forced to go more and more underwater to maintain a credible deterrent. Testimony to Congress of knowledgeable senior officials emphasized that if we are to be able to counter the total Soviet naval threat, our submarines must have both improved weapons and advanced propulsion plants.

One advanced submarine we must continue work on warrants special mention—I refer to the tactical missile launching submarine. The need for this type of submarine was the subject of Joint Committee hearings last year. In the 1950's our Navy was ahead of the Soviets in the development of such submarines. But in 1958 the Department of Defense directed the Navy to terminate further development of the cruise missile and proceed only with the Polaris Fleet Ballistic Missile program. Unfortunately, the Soviets had greater foresight and proceeded with full scale development of both strategic ballistic missile *and* tactical cruise missile submarines. of several designs while the United States has *none*.

Such missiles provide submarines with an enormous increase in capability. As the Soviets realized over ten years ago, submarines armed with such missiles need never approach within range of the antisubmarine warfare capability of surface ships. Using their inherent covertness, high speed submarines armed with cruise missiles can more readily attack enemy surface warships and merchant ships.

Military experts have testified to Congress that we must pick up the threads of the past and proceed to develop a high performance submarine capable of firing tactical cruise missiles. Admiral Zumwalt, the Chief of Naval Operations, recently testified to the Joint Committee:

"I consider it a very important weapon system and one that we must have in the future to meet the growing Soviet naval threat."

Secretary of Defense Laird has also said "this program indeed is important to the capabilities of the future Navy." The Joint Committee fully agrees with this assessment. We trust the Defense Department will quickly move ahead with this project.

I might add, the Atomic Energy Commission continues, as it always has, to support our efforts in developing nuclear propulsion for the Navy.

Another submarine design in the preliminary stages is for the Undersea Long Range Missile System, or ULMS. The ULMS submarines will carry strategic ballistic missiles of a longer range than the current Polaris and Poseidon missiles. The longer range missile will give the ULMS submarine considerably more ocean area for operation within range of potential targets than our current submarines have. The additional ocean area, coupled with advanced silencing techniques, will make these submarines extremely difficult to detect. Thus, the ULMS submarines will be able to keep our sea based strategic deterent *secure* for decades to come. With any increased vulnerability of our land based strategic deterrent, the ULMS submarines will also give us the capability to move more of our strategic weapons to sea, should that prove necessary.

The United States has not moved ahead as rapidly as we could with the ULMS submarine because of the Strategic Arms Limitation Talks now in progress. I support the SALT talks and I believe that it is only through meaningful negotiations that we can hope eventually to avert international blackmail from a superior military power.

There are those who denounce a spiraling arms race. But considering the rapid rate at which the Soviets are expanding their fleet of new missile submarines, the time has come when we must move ahead with ULMS submarines. We must replace our aging submarines. While we are holding back on the ULMS submarine waiting for some favorable result from the SALT talks, the Soviets are giong "full speed" with their submarine building program—and they are building improved missiles for them to carry. They have already tested a new submarine launched missile with a range about twice as great as the 1300 mile range of their Yankee Class missile now targeted on our cities.

Notwithstanding our present arms production, I fear the adage may be true that "The race goes to the swift." In a recent speech Admiral Rickover warned us: "There has not been an arms race; the Soviets have been running at full speed all by themselves."

I strongly urge that the ULMS program go forward now. It is only from a position of strength that we can deter aggression or negotiate a limitation on arms which will not endanger our national security.

Ships of two other key elements in our nuclear Navy of the future are under construction here at Newport News—the nuclear powered aircraft carriers *Nimitz* and *Dwight D. Eisenhower* and the nuclear-powered guided-missile frigates *California* and *South Carolina*.

These ships were also born in controversy. The Defense Department has been even more myopic in their treatment of nuclear power for surface warships than they have been in their treatment of new classes of submarines.

Many of you will remember the fight Congress had with the Defense Department to provide nuclear propulsion for aircraft carriers. Even after conceding on this point in 1967, the Defense Department still refused to provide nuclear propulsion in missile ships to *escort* the carriers. Congress had to again take the initiative to provide the nuclear-powered frigates *California* and *South Carolina* instead of non-nuclear guided-missile ships requested by the Department of Defense. Finally the Department of Defense agreed to a continuing program of nuclear frigate construction. Congress appropriated funds to get started on five frigates of a new design to follow the *South Carolina*.

We in Congress thought the Defense Department had finally awakened to the value of all-nuclear carrier task forces.

But, alas, as in the past, it was not to be. The fog closed in again, and in May 1971, the Defense Department announced it would not proceed with construction of the fourth and fifth nucelar escort ships for which machinery was already being built. The Defense Department has unilaterally reversed its prior commitment to Congress. It has now shelved all plans for future nuclear frigate construction.

With the completion of the last three nuclear powered *escorts*, we will only have enough for two of the three nuclear carriers we are now building. The nuclear carrier *Eisenhower* will have *none*. Although Congress authorized and appropriated funds for the nuclear escorts, the Budgeteers denied the use of the funds and manufacturing capability has been lost.

Admirals Moorer, Zumwalt, and Rickover have all testified to Congress that the all-nuclear task force has far greater capability to penetrate and counter the projected Soviet naval threat than any other surface force we know how to build.

President Nixon in his 1968 campaign criticized the "euphoric defense planners" for their "departmental dragging of feet" concerning the nuclear submarine, frigate and carrier programs. He pledged that he would do something about it. He said:

"Americans must come to grips with two critical facts: First, the Soviet Union is making a very impressive bid to become the world's number one sea power; second, the United States has not been doing what it should to keep them from overtaking us."

I continue to quote President Nixon:

"The word has spread throughout the Department of Defense—and reports in a number of publications—that the United States is in great danger of becoming 'second best' on the seas, particularly in submarine power.

"I say that the second best isn't good enough. Most assuredly not when the defense of the United States is at stake . . .

"My administration will . . . restore the goal of a Navy second to none."

Today, more than ever, the United States needs to do everything possible to attain the goal of a Navy second to none. Without a strong Navy, America will not have a credible defense. There is no easy or cheap way to provide ourselves with sufficient arms to be able to counter the Soviet military expansion. However, the price we must pay to achieve this capability is small compared to the price we will pay if we fail to do so. The graveyards of history are mute testimony to the fate of nations that proved incapable of defending their national interests.

Can it be possible that we the people, and the leaders of our country, have lost the will to compete? Are we unwilling to make the sacrifices necessary to protect and defend the principles of liberty for a free people?

I fervently hope that our time of greatness is not passing.

I pray that we will continue to prove worthy of our role in history as defenders of liberty and freedom.

I do not believe that we are ready to take a place in the international cemetery, with all the nations of the past, who lost sight of the principles upon which their societies were based and failed to assure the defense of those principles.

TEXT REMARKS BY ADMIRAL ZUMWALT, INTRODUCING PRINCIPAL SPEAKER, KEEL LAYING OF USS "LOS ANGELES," NEWPORT NEWS, VA.

It is an honor for me to introduce today's principal speaker to this distinguished company.

Congressman Holifield has long been a vigorous supporter of our Navy's nuclear ship propulsion program, and his presence here today to memorialize the first official step in the construction of what will become the nuclear powered attack submarine USS *Los Angeles* is most fitting.

Congressman Holifield's career in the Congress has spanned nearly three decades—and it also parallels my own span of service in the Navy.

Through those decades, we have each witnessed the great events of modern history—I from my perspective in uniform and he from his vantage point of a member of the U.S. House of Representatives.

In those years, our nation has found itself compelled to maintain its military strength and power at a level far above that of the years before 1940—and at no time in those years has it been easy to decide between the need for continued military preparedness and the competing demands of our growing society.

It is to his everlasting credit that today's speaker has consistently found the wisdom and the courage to so influence and participate in those decisions that our nation today remains a free, democratic society—still able to act in defense of its own interests and to choose its own forms of government and sets of values—free to continue its historic pursuit of the goal of individual freedom set for us nearly two centuries ago.

I would like to tell you more about what sort of a man he is. He is a self-made man who had to start from scratch. By dint of hard work starting with a small tailor shop he became a prominent member of the business community in his home town. In Congress he has worked his way up to become one of its leading members. His life exemplifies the vast opportunities in the United States for those who work hard and devote themselves to their job.

Throughout the early years when things were difficult, he showed the energy and tenacity that were later to characterize his public service. Having himself known hardships he has a keen insight into the problems of poverty and has supported much legislation to help the underprivileged, to give them a hand up the ladder of life.

He is a prodigious worker.

A man of intense convictions, he is always open-minded.

He knows what his goals are at all times, and he has the ability, the experience, the determination, the strength of character combined with high resolve and patriotism, to perform his duties in the best interest, as he honestly conceives it, of this nation.

To me his greatest characteristic is his courage to lead—an essential quality for any man who is in a position where leadership is the primary requisite. He is never afraid to use his abilities and energies to reach the goals he feels will benefit our country.

His long career has been marked by ceaseless devotion to a strong defense for the United States.

He believes that weakness invites war and disaster; that strength promotes peace; that might does not make right, but it is likewise true that without the support of might there would be no right.

Sometimes he is tough. One has to be and ought to be when dealing with important matters and the defense of this great nation. But he is always fair.

His standards of integrity and honor, professional conduct and competence, are of immense importance to the well-being of our country in an age when the values on which the continuance of civilization and organized human society depend are being questioned. He is an idealist and pragmatist, a complex of courage and expediency, intolerant of pettiness and sham.

Congressman Holifield is a man not just of California or Los Angeles but of the world and of his epoch.

In these past three decades, that world has undergone tremendous change with technological and social forces influencing the development of our nation at an exponentially increasing rate—and those changes in technology have almost totally re-cast the dimensions of modern warfare for all of our armed services.

For the Navy, the provision of reliable, efficient and effective nuclear propulsion to our submarines has provided a quantum increase in capability without which we would today be second-best in our ability to perform our central mission of sea control—the extension of that capability to our surface forces is now well underway and will continue in the years ahead.

Congressman Holifield has been one of the prime movers in obtaining that capability for swift mobility of naval forces—a capability now grown even more essential as our nation faces a growing challenge at sea with fewer ships and aircraft.

It is with a deep sense of personal honor and privilege that I present to you a senior member, many-time chairman, and plank-owner of the Joint Atomic Energy Committee and Present Chairman of the Government Operations Committee, the Honorable Chet Holifield of California.

Introduction of Mrs. Chet Holifield and Mrs. Robert H. Feldman by Vice Adm. H. G. Rickover, U.S. Navy

I have known the Holifield family for more than 20 years. I have had the privilege of visiting them at their homes in Washington and Los Angeles. They have four daughters and 15 grandchildren. On one of my visits, the daughters and many of the grandchildren were present. To witness the rapport and love in the Holifield family was one of the most touching and delightful experiences I have ever had; one I shall never forget.

Vernice Cameer Holifield—everybody calls her Cam—who has played the major part in raising this fine family was born in Senath, Missouri, and moved with her family to Montebello on the outskirts of Los Angeles. She attended the Montebello public schools and the University of Southern California.

After their marriage in 1922, Mrs. Holifield assisted for several years in the management of their men's retail clothing business in Norwalk, California. Following Mr. Holifield's election to Congress in 1942, the family moved to Washington and there they have spent most of their time during his 29 years in Congress.

For ten years Mrs. Holifield has served on the Board and has been active in fund raising for the Friendship Settlement House in Washington. She is active in the Women's National Democratic Club and in the Congressional Club. She has been Chairman of the First Lady's Breakfast sponsored by Congressional wives and for many years she has been a member of the Board of the California State Society.

Besides all this, Mrs. Holifield works in her husband's office as his receptionist and office assistant. She is popular on Capitol Hill and with the Congressman's constituents for her ready smile, cheerfulness, and willingness to help. The Holifields will celebrate their 50th Wedding Anniversary in September.

Betty Feldmann, the Matron of Honor, is the second of the Holifield children. She attended Montebello High School, then went to Bucknell University graduating in 1946 with a degree in Political Science. After working a short time in her father's office, she received a scholarship to the National Institute of Public Affairs. It was there she met her husband, Robert H. Feldmann, now a Foreign Service Officer with the State Department. The Feldmanns have five sons.

It is a great personal pleasure for me to introduce to you Cam Holifield who will authenticate the keel of the *Los Angeles* and Betty Feldmann who will assist her in this important event. Chet Holifield will authenticate his quotation engraved on the keel plaque.

Telegram

Mr. L. C. Akerman,
President, Newport News Shipbuilding and Drydock Co., Newport News, Va.:

I regret that I cannot be present to join you in commemorating the laying of the keel for the nuclear submarine *Los Angeles*. Initiating construction of this new design, high-speed underseas craft is another significant milestone in the development of our nuclear submarine fleet. The Joint Committee on Atomic Energy shares with you the satisfaction in knowing that this event marks a major decision to assure that this key line of defense and deterrent will remain preeminent.

Our Committee could not be better represented than by Chet Holifield without whom there would have been no Nuclear Navy. My congratulations to both of you. God speed you on this important endeavor.

John O. Pastore,
Chairman, Joint Committee on Atomic Energy.

Telegram From Secretary of Defense To Be Passed to Congressman Holifield

You are gathered here today to witness another important step reflecting our determination to proceed with modernization of the United States Navy. We are embarked on an intensive nuclear submarine construction program, the type of program that I advocated in Congress and continue to support as Secretary of Defense. We are also moving forward with active research and development efforts to provide necessary capabilities for a strong Navy of the future even as you gather here today to commemorate the keel-laying of the USS *Los Angeles* (SSN–688).

This ship's higher speeds and advanced anti-submarine warfare capabilities will reflect the technology of her designers; her construction will reflect the skills and dedication of her builders; her spirit will be that of the people of the great city whose name she bears; and, her heart will come from the officers and men of her crew. The mission of the USS *Los Angeles* will come from the people of our fifty states. That mission is the preservation of peace through adequate strength to deter war.

My best wishes to you all.

Melvin R. Laird.

Telegram From Chairman, Joint Chiefs of Staff

Mr. L. C. Ackerman,
President, Newport News Shipbuilding and Drydock Co., Newport News, Va.:

Regretfully, I am unable to be among those who today are present for the laying of the keel of USS *Los Angeles* (SSN 688). *Los Angeles* and the underseas men-of-war that follow deserve our special attention, in that these most modern of attack submarines will add significantly to the capabilities of our great Navy and further strengthen the security and well-being of our fellow Americans. In addition to the increased speed *Los Angeles* will enjoy, American science, technology and industry have teamed together in adding further improvements in this submarine's sensors, central computer complex, acoustical countermeasures and navigation system.

I know that all of you present join me in wishing that these achievements and efforts will bear the optimum reward of deterring war and ensuring a lasting peace.

Adm. T. H. Moorer, USN,
Chairman, Joint Chiefs of Staff.

EXECUTIVE PROTECTION SERVICE DESPERATELY NEEDED IN NEW YORK CITY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I have introduced a bill, H.R. 839, which would require the Executive Protection Service to guard the foreign missions and consulates throughout the country. In New York City there are, in addition to the United Nations headquarters, over 200 consulates, most of which are in my congressional district.

The cost to New York City of having the local police protect these consulates exceeds $2 million per year, but the cost cannot be measured in dollars alone. With street crime a constantly growing menace for my constituents, it is incomprehensible to them and to me why local police officers should be taken off their patrols and assigned to guarding foreign missions. The true cost of such an unfair policy was revealed by a tragic incident that occurred during the congressional recess.

On the evening of January 6, 1972, Peter Detmold was stabbed to death in the lobby of his building, on East 48th Street. Peter's murder has been a profound shock to the community in which he lived, Turtle Bay, for Peter was no ordinary citizen. He was one of the most active and able community leaders. My office worked closely with him on many local issues, and, in fact, several weeks ago, Peter called my office to say he was organizing a letterwriting campaign within the Turtle Bay community in support of H.R. 839.

As of this date the police have made no statements indicating they have any clues in this case. Of course, I cannot say that Peter's brutal death could have been avoided if the local police were relieved of their consulate duty, but it must be woefully said that Peter's death is symptomatic of the growing violence in New York City streets, and in light of this fact, there is urgent reason for every available New York City police officer to be patrolling the streets of Manhattan's East Side.

Turtle Bay will be a lonelier place with Peter's death. New Yorkers cannot afford more losses of such a tragic, senseless sort. H.R. 839 is one small step that could be taken against such an occurrence in the future.

Mr. Speaker, I urge prompt and favorable action on this bill and am placing in the RECORD the editorial support for H.R. 839 of WOR–TV and WNBC radio.

CITY POLICE AND CONSULATES, E–113

Despite a rising crime rate and insufficient number of police, New York City has been particularly hard hit by the demands on its police force to protect foreign missions.

In the 19th Precinct on the East Side of Manhattan, where most of the consulates are located, few policemen are left to patrol the streets and crime has risen sharply. Parents have complained about assaults on children. Many business men and apartment houses have had to hire their own guards.

The New York Police Force has to guard many of the two hundred consulates in the City. This costs approximately two million dollars a year. Now, with the admission of the People's Republic of China into the United Nations, additional New York City policemen have had to be pulled off the streets, to provide protection for the delegation members. So this delegation will cost our City's taxpayers an additional half a million dollars a year.

In view of the new strains placed on the New York City Police Force with the admission of China to the U.N., Representative Edward Koch has introduced a new bill to Congress. This bill would give the Federal Executive Protection Service the permanent responsibility for guarding foreign missions in this country. The Executive Protection Service was established last year as an arm of the Secret Service, to guard missions just in the Washington metropolitan area.

We agree with Congressman Koch's position that the responsibility for guarding the missions is a Federal problem, not a City responsibility. We urge that the House Public Works Committee hold immediate hearings on his bill.

THIS IS AN EXPRESSION OF EDITORIAL OPINION BROADCAST ON SATURDAY, JANUARY 8, AND SUNDAY, JANUARY 9, 1972, BY PERRY B. BASCOM, GENERAL MANAGER

New York City police currently are asked to guard and protect 200 foreign Consulates, and this costs the New York City taxpayer two million dollars a year.

With the arrival of the Red Chinese delegation to the United Nations, another 500 thousand dollars is needed. Regularly, a New York City policeman is stationed in front of the Soviet Airlines offices in an effort to prevent bombings. The street where the Russian Embassy is located is virtually a closed street, with police cars at either end, pedestrians checked, and auto traffic prohibited.

All of these precautions are necessary, but the management of WNBC feels that the New York City taxpayer shouldn't have to pay the bill for it.

Congressman Edward Koch, in whose district the 19th Police Precinct is located, maintains that so many Consulates are located in that precinct that the average citizen isn't getting adequate police protection. The officers are guarding diplomats.

Congressman Koch has introduced a bill which would have the Executive Protection Service, a branch of the Secret Service, take up the job of guarding diplomats, their missions and their businesses.

We can only agree with Congressman Koch and call on all area lawmakers to support this measure. The responsibility of guarding foreigners and their Consulates is a federal problem, not a city responsibility, and certainly should not be paid for by city taxes.

PRISONERS OF THE PRESIDENT'S VIETNAM POLICY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, during the congressional recess the President resumed the heavy bombing in North Vietnam. Protest was muted because the Congress was in recess and could not respond as a body. But, the meaning of this sudden resumption of the bombing is clear: the Vietnamization program is in trouble; it has not worked and it will not work; it is a program designed to protect only the Thieu regime; and it is not worth the blood of any more young Americans.

In pursuit of "Vietnamization" the President ordered an invasion of Cambodia in May of 1970. Today we see the folly of that action which resulted in a needless loss of lives, a ravaging of the country, and a situation in Cambodia now just as perilous for the Lon Nol regime as it was at the time of the invasion.

Yet despite this earlier failure of aggressive action in the name of Vietnamization the President seems intent on ignoring the lessons of history. The bombing itself was an unsuccessful tactic even when there were half a million American soldiers in Vietnam. How can the President believe such bombing will protect the approximately 150,000 soldiers we have there today; the best and only way to protect the lives of those men is to bring them home.

These most recent bombing strikes represent a devastating intensification of the war and no mumbo-jumbo about "limited duration protective reaction strikes" can mask this fact. The true result of this bankrupt policy is not only the futile loss of more lives, but the capture of more of our pilots as well. And Mr. Nixon's bombing not only swells the number of U.S. prisoners but jeopardizes whatever hope we have for their speedy release.

On a television interview during the first week in January the President said the fate of American prisoners of war was the one circumstance obstructing a total withdrawal of U.S. soldiers from Vietnam. But the President's words of concern for the prisoners of war are belied by his actions.

The President's refusal to set a date for withdrawal conditioned on the return of prisoners makes it clear that his putative plan for terminating the war envisions no real end to American involvement, and clings not only to some vague desire for victory, but to the autocratic Thieu regime as well. All Americans are prisoners of this policy.

The way out of South Vietnam does not lead through Cambodia, Laos, or North Vietnam, and it becomes increasingly clear that President Nixon is not the man who will lead our forces out. In the absense of his leadership, it is imperative that the Congress act as soon as possible to set a date for the withdrawal of all our troops, conditioned only on the release of our prisoners of war.

MORE ON MUHAMMAD ALI AND THE IRS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on December 17, I placed in the CONGRESSIONAL RECORD some correspondence I have had on the matter of Muhammad Ali's running fight with the Internal Revenue Service over the time when his taxes are collected. During the recess, I received a reply to a letter I wrote to the Internal Revenue Service on December 16 asking that they respond to some of the assertions made by Muhammad Ali's lawyer, Chauncey Eskridge, in his letter to me of November 16.

I would now like to insert in the CONGRESSIONAL RECORD the response I have received from the Internal Revenue Service written by Stanley Skriloff, Acting Director of the Collection Division. Mr. Skriloff's letter provides a remarkably candid expression of the IRS' attitude toward this case.

In my letter of December 16, I asked whether the Internal Revenue Service's requirements of an individual are tempered by his taxpaying record or dictated simply by what profession he is in. Mr. Skriloff's response suggests that a man's profession is the compelling, if not single, factor affecting the Internal Revenue Service's treatment of an individual.

Mr. Skriloff said:

> While the Service has no intent to place itself in a moralistic position, the blunt, well-known fact of the matter is that that profession has fallen into a state of disrepute because of infiltration by any number of unsavory characters of all descriptions. In this environment, no matter how upright and outstanding the individual, there is always the potential that he will be ill-advised and, ultimately, pass the peak of his earning power leaving a trail of unpaid debts, including taxes, behind him.

The Internal Revenue Service has not refuted Mr. Eskridge's statement that Muhammad Ali has "paid all of his taxes regularly and on time." And yet, despite Mr. Ali's tax record, the Internal Revenue Service's disposition toward this taxpayer seems in no way to be affected; and instead, the Service treats him as though he were "an unsavory character."

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Washington, D.C., January 5, 1972.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: Thank you for the opportunity which you have given us, with your letter of December 16, 1971, to comment further on the matter of Muhammad Ali vis-a-vis the Internal Revenue Service. All too frequently we are not given such an opportunity, and thereby our position in a particular matter is often misunderstood or misinterpreted.

First of all, since the spectre continues to rear its ugly head, we would like, once again, to attempt to lay to rest the implicit charges of racism as well as the explicit charges of discrimination contained in Mr. Chauncey Eskridge's letter to you. One of the most basic principles to which we make every attempt to adhere is the even-handed application of internal revenue laws to all citizens, be they black, yellow, red, white, or any combination thereof. However, even-handed not only means that we will not discriminate against; it also means that we will not give preferential treatment to any particular individual, no matter "how squeaky the wheel."

As to whether or not Mr. Player, Mr. Sinatra and the fight promoter were required to enter into an arrangement similar to that required of Mr. Ali, we can only comment that, if Mr. Eskridge states they were not so required, he must have obtained such information from Mr. Player, Mr. Sinatra and the fight promoter, since, as we pointed out in our earlier letter to you, the Internal Revenue Service could not make such information available unless it was otherwise of public record or the individual involved chose to disclose, or authorize disclosure of, the fact.

If we might, for the time being, stay with Mr. Eskridge's letter, we would go on to the statements which he has made on page 2, and particularly in the first paragraph. Contrary to what Mr. Eskridge's understanding appears to be insofar as "an immediate jeopardy assessment and seizure" is concerned, our representatives are under specific instructions to assess any liability, whether it be jeopardy or otherwise, in an amount as closely approximating the ultimate tax as possible, without regard to the amount of available assets. In other words, while Mr. Ali's (or anyone else's) purse might be held up, it would be for only so long a period as was necessary to make a determination of the tax due as a result of the event and to assure that the interests of the Government were fully protected in the collection of such tax. After these matters had been properly resolved, any possible hold on the taxpayer's assets would be immediately removed.

We must confess that we are somewhat confused by the references to an "arrangement" with Mr. Ali in 1967. In that same paragraph of Mr. Eskridge's letter referred to above, he states: "Since 1964, it has been demanded by the Commissioner that Ali pay his estimated tax the *day after each bout* . . ."; and, again, ". . . the taxpayer had agreed to this procedure since 1964 . . ." However, included in item 5 of Mr. Ali's Complaint in Equity, a copy of which was furnished to you, is the statement: "Plaintiff had this arrangement in 1967 and he struck a well in Texas, on which he pays income taxes." According to the records in our files, the District Director for the Manhattan District reported, on June 27, 1967, that, as of that date, Mr. Ali had already paid more than the tax computed on his estimated taxable income for 1967. Thus, we are at a loss as to what the "arrangement" was unless, possibly, there is some confusion concerning the fact that the $100,000 mentioned was after payment of taxes, rather than part of the tax itself. If such is the case, we see no reason why Mr. Ali could not have proceeded along the same lines with the proceeds of his subsequent bouts.

We have commented earlier on Mr. Eskridge's charges of discrimination and what he refers to as the "Muhammad Ali Unconscientious Rule." We are sure you realize the disadvantage under which we are forced to operate in this regard when we are unable to provide a factual rebuttal because of the disclosure statutes. We would unequivocally state, however, that, given the same or a similar set of circumstances, the Service has proceeded in precisely the same manner as in the case of Mr. Ali. In addition, and as but one further example, the Service has a number of ongoing programs concerned with the protection of the revenue in instances of Irish sweepstake or other lottery winnings, large racetrack winnings, and the like. These, perforce, are non-discriminatory since the Service normally cannot determine either the race or the background of the taxpayer until an initial contact is made with him.

The question as to why such a great amount of emphasis appears to be placed on the boxing profession is a very sensitive one. While the Service has no intent to place itself in a moralistic position, the blunt, well-known fact of the matter is that that profession has fallen into a state of disrepute because of infiltration by any number of unsavory characters of all descriptions. In this environment, no matter how upright and outstanding the individual, there is always the potential that he will be ill-advised and, ultimately, pass the peak of his earning power leaving a trail of unpaid debts, including taxes, behind him. Perhaps we need look back no farther than Joe Louis to see the circumstances which concern the Service regarding income taxes.

Two final points upon which we might comment are contained in the last page of your letter and deal with the delegation given to District Directors to determine the application of Section 6851 of the Code and with Mr. Ali's desires to invest in oil exploration. In the first instance, it is a practical impossibility, as well as, we believe, an undesirable alternative for the National Office to interject itself into administrative determinations made by our field officials. Our District Directors have been assigned the responsibility for the administration of the internal revenue laws in specific geographical areas. With that responsibility, of course, must go delegated authority. To usurp that authority would almost require that we eliminate responsibility and we would ultimately find ourselves dictating all decisions from Washington which might, or might not, be consonant with the circumstances in specific cases. Our best experience over the years has shown us that the closer to the situation the decision-making process is, the more equitable it is apt to be.

On the question of Mr. Ali's investment in oil exploration, we agree that that possibility has no relevancy to the determination in the case, and, so far as we are aware, it did not, in fact, affect the actions which were taken. As we have attempted to state, the only concern which the Service has is to assure that the interests of the Government are adequately protected so far as collection of *the tax* is concerned—any disposition which Mr. Ali wishes to make of the remainder of his income, *after taxes*, is of no concern to us.

We trust that these comments will be of some assistance in explaining our stance in the matter. If we may be of any further assistance, please do not hesitate to call upon us.

Sincerely yours,
(Signed) STANLEY SKRILOFF,
Acting Director, Collection Division.

REPORT OF THE WOMEN'S ACTION PROGRAM

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the announcement last Friday of the report by the Department of HEW's Women's Action Program was met with considerable interest.

The report is the result of a study by the Women's Action Program of the concerns of women who work in the Department of HEW and the issues of broad concern to women in society for which that Department has program authority.

Secretary of HEW Elliot Richardson is to be commended for founding this program. Sex discrimination exists in the Department of HEW, as it does in all Government agencies. The Women's Action Program has become an important catalyst for the correction of these inequities.

Because of the interest in this report and because I feel it is essential that the Congress address itself not only to the problems of sex discrimination in public and private employment, but also to the institutions and practices in our society that perpetuate sex discrimination, I am placing in the CONGRESSIONAL RECORD the preface to the report written by the program's director, Xandra Kayden, and a summary of the report provided by the Women's Action Program. While I would urge our colleagues to read the report in its entirety, I believe that the preface and summary provide a helpful outline of the findings and recommendations of the program:

PREFACE

(By Xandra Kayden)

There is discrimination against women. It exists throughout America and it exists in the Department of Health, Education, and Welfare (HEW). Discrimination on the basis of sex has existed in varying forms and at various times throughout recorded history. Custom becomes discriminatory when people begin to feel it is inequitable; when ascribed roles do not seem to fit the needs of individuals or society.

We believe the traditional roles of women and men are changing. We believe that an urban technological society no longer requires different classes of people to perform different functions. We think it is against the best interest of the nation to continue to ignore the potential and real contribution of half its population. Discrimination means not having a choice. It means decisions about individuals are made not on the basis of their abilities or performance, but on the basis of their sex, race, national origin or socio-economic status. A world that does not discriminate on the basis of sex would enable women and men to seek any life-style at any time in their lives. It would mean that women and men would be free to perform what we now think of as traditionally female and male roles without fear of stigma and it would mean that women would find identities for themselves to reflect their individuality, not their sexually prescribed roles.

It is the policy of HEW that there is no job in the Department that cannot be performed by a woman. It is the responsibility of the Department to assure that equality of opportunity is extended to everyone, regardless of race, sex, age, religion, or national origin. Our concern is for all women and for eliminating all patterns of sex discrimination.

The following report of the first six months of the Women's Action Program considers the problems of women in HEW and the impact of HEW programs on women in our society. This report includes recommendations to improve opportunities for women throughout the Department, and it defines important issues related to the mission of HEW and the needs of women in the society.

The issues presented in this report are by no means definitive. We assume that as we learn more about the nature of sex discrimination, we will learn more about the institutions and practices in the society that perpetuate it; and, as we learn, we expect to be able to modify the impact of the Department on those institutions and practices.

The Women's Action Program has been an experiment in advocacy. We learned about discrimination on a day-to-day basis by working with women in HEW, and we applied our knowledge to the practices of the Department. By linking the self-interest of employees to the work they do, we believe we have developed a unique and exciting method for increasing the responsiveness of institutions to people.

Our work with employees highlights the complex impact of attitudes on work habits and decision-making, and we have begun to address the attitudes of both women and men toward working women.

We have developed recommendations for particular programs to meet the needs of women, but more importantly, we have tried to understand the process of day-to-day activities in the Department to develop mechanisms for assuring that women become more valued and more significant participants in that process.

Whatever success the Women's Action Program has had, and will continue to have, is largely due to the concern and commitment of many people—men as well as women—within the Department and outside. The publicity about the Program has reflected the feelings of many people that HEW was indeed responding to the problems of women and providing leadership among those who have the responsibility and opportunity to assure equality.

Those of us on the staff felt our responsibility very heavily. We were changed as people because of our interaction with each other and with women throughout the Department. We were struck by the sense of helplessness felt by people at all levels to bring about change in an institution as large as this one. And we were very conscious of the great need for communication between management and employees.

By working with women in groups we were able to overcome some of the lack of understanding about how the system actually works and changes. Many were afraid of the risks to themselves—the risk of being labeled a "troublemaker," of being isolated, or fired. Others were afraid of changing ideas about the roles of women and men. The frustration and hostility of many women carried them beyond fear so that they are ready and eager to participate. We were able to help individuals see themselves and their problems in relation to each other and the practices of the institutions of our society. By working with white, black, and ethnic minority women we were better able to understand our common problems and our differences—but we have a long way to go before women of different backgrounds can fully trust each other, and perhaps an even greater distance before women and men can respect and trust each other in a working environment. We have become sensitive to the dual problem of minority women—being women, and also being either black, or members of national-origin minority groups.

Throughout, the role of the Women's Action Program has been, and should continue to be, that of advocacy. The program should not have administrative responsibilities but rather should act in cooperation with other offices in the Office of the Secretary and with each of the HEW agencies and regions to press for policies and actions regarding women. The responsibility for making changes in HEW rests with those who are charged with decision-making responsibility in the Department.

It has been our experience that change requires both optimism and tremendous persistence. It will not come easily, but it will come. We believe we are setting a climate for change. We believe we are raising the expectations of women inside and outside HEW about their role in the Department and in the society. It will be the responsibility of all of us to help fulfill those expectations.

SUMMARY OF REPORT OF THE WOMEN'S ACTION PROGRAM

The Women's Action Program was founded in February, 1971 in response to the changing roles and expectations of women in America. The Program was designed to improve the status of women who work in the Department of Health, Education and Welfare (HEW), and to evaluate the impact of HEW programs on women in society in order to better respond to the needs of women. The Program is premised on the assumption that HEW cannot effectively implement new directions in policy for women unless and until it recognizes the nature of sex discrimination in its own ranks. For that reason, this Report of the Women's Action Program is divided into two major parts: the first part deals with concerns of women who work in the Department, and the second addresses nine issues of broad concern to women in society relative to which HEW has a program authority. A third part of the Report sets forth the continuing organization of HEW's Women's Program which has been approved by the Secretary.

To date, the most active and effective efforts to combat sex discrimination have come from the Department's Contract Compliance Division of the Office for Civil Rights. During the past two years over three hundred complaints of sex discrimination in employment on university and college campuses have been filed with this Office. Investigations of these complaints and the subsequent development of affirmative action plans for the employment of women are making significant inroads in the battle against discrimination. The Report calls for more legislation including prohibition of sex discrimination in college and university admissions and a request for Secretarial support for passage of the equal rights amendment, to broaden the authority for HEW's Office for Civil Rights to combat all forms of sex discrimination by the institutions to which HEW provides contract or grant support.

RECOMMENDATIONS ON THE STATUS OF WOMEN IN HEW

The Women's Action Program worked with groups of women throughout the Department to better understand their problems. The Report divides its recommendations into those affecting women in the lower (GS 1–7), middle (GS 8–12), and upper (GS 13–18) grades of federal service. This division, though somewhat arbitrary, reflects the different nature of occupations in those grades and the attitudes and practices affecting women in those occupations.

Grades 1–7

Women comprise over 80 percent of those employed in grades 1–7, largely in clerical and technical occupations. The recommendations focus on training opportunities, counseling, and job restructuring to provide career ladders to bridge occupations.

Grades 8–12

The proportion of women in grades 8–12 ranges from 71 percent in GS–8, to 25 percent in GS–12. The grades comprise the higher secretarial and administrative positions, and the entry and middle levels for professionals; few women rise above these grades. The recommendations focus on attitudes toward women in management and supervisory positions, greater participation in job training for the senior positions, and personnel practices affecting women in these grades, including job classification structures.

Grades 13–18

Women hold fewer than 15 percent of the positions in grades 13–18 in HEW. The main focus of affirmative action plans developed in response to a Presidential directive in April of 1971, was to increase the representation of women at this level. The plans provide for numerical goals and focus on the day-to-day processes of recruiting, selection, appointment and promotion to assure consideration of women for all job openings at HEW in these grades.

The other recommendations in the first part of the report are directed toward areas of needs of employees at all grade levels of both sexes: child care, child-bearing and child-rearing leave policies, part-time employment and flexible scheduling, and maternity coverage in health insurance plans. Though the recommendations may be of greater immediate benefit to women in all grades, they are intended to improve certain characteristics of employment in HEW for all employees and, thereby, to increase the productivity of the Department in serving the nation.

THE IMPACT OF HEW PROGRAMS ON WOMEN IN SOCIETY

The second part of the Report analyzes nine issues of concern to women in the areas of health, education and welfare. This part of the Report is intended as much to be a guide to HEW programs for women interested in its activities, as it is a guide to those in the Department charged with decision-making responsibility. Discussion of each issue is followed by a description of current programs in the Department that relate to the issue, recommendations for change in program practices and policy, and related topics for research.

Women and Mental Health

There are a number of conflicting pressures on women to perform roles that may or may not be suitable for them as individuals. Whatever mechanisms women develop to adjust to their lives, their lot is further complicated by expectations of others—including physicians—about them. Symptoms of distress are often characterized as "just being a woman," and treated without regard to underlying problems and concepts of self. Mental illness is one manifestation of this problem; others include over-use of psychotropic drugs by women who constitute 67 percent of all users; alcoholism among women, who are conservatively estimated to represent 25 percent of all alcoholics and appear to be largely by-passed by treatment centers and researchers; and social-psychological problems including fear of physical attack and unsympathetic social responses to victims of such attacks. Recommendations focus on areas of needed research.

Sex-Typing in the Health Professions

The health professions in the United States have strong patterns of sex-typing which work to the disadvantage of women in particular and are burdensome to society in general. The sharp demarcation of roles results in a costly inefficiency that can no longer be tolerated. HEW can play a catalytic role in changing this pattern and de-sex-typing all health professions through its contribution to the support of health education institutions and the Report makes recommendations toward that end.

Family Planning

There is a need for safer and more effective methods of contraception for both men and women, but the potential for population control will depend in large measure on the decision of individuals to use those devices. As long as motherhood is the most creative role society offers women, family sizes may not be substantially reduced. Along with greater opportunity for women in the labor force, the Department is urged to review current family planning and population research policies.

Discrimination Against Women in Higher Education

The overt discrimination against women in admissions to undergraduate and graduate institutions has been documented many times. The report also cites the special needs of women for continuing education programs and the discrimination against women in employment by institutions of higher education. These women are perceived to be particularly important as models for younger women of alternative roles that can be attained. Recommendations urge the development of legislation against sex-discrimination in education, changes in Office of Education student aid policies, and related research in the areas of adult learning and teacher-counselor attitudes toward sex roles.

Discrimination Against Women in Vocational Education and Job Training

Vocational education and job training programs perpetuate sex-typing of women in jobs that are traditionally lower in status and earnings than those men are trained for in these programs. Women are also discriminated against within programs where legislation and guidelines include preferences for which family member will be eligible for available services. HEW is urged to seek changes in legislation, to eliminate discrimination in the guidelines of its own programs, and to work with the Department of Labor in programs operated jointly by both Departments. Research recommendations call for more data on the nature and effect of sex-role typing in these programs.

Domestic Workers

Private household work is a major field of employment for women. It is characterized by low wages, poor working conditions, few fringe benefits and minimal opportunity for advancement. Domestic workers are rarely covered by the protective legislation afforded other workers and many—for a number of reasons—generally do not participate in the Social Security system, despite their eligibility. Recommendations urge HEW to work with other Departments to expand social security participation through better communication of its benefits, and suggest tax deductions for employers to induce them to pay their share of the Social Security tax. Because HEW's programs are not directed toward the problems of domestic workers, the Department is urged to analyze their problems and needs to develop program recommendations for a more direct response.

Older Women

Men die at earlier ages than women in America and women are often left alone with the complex problems of aging, complicated by realistic fears of a changing world beset with differing values, economic pressures, and violence. It is a time of great uncertainty for many and the cumulative effect of negative social attitudes about women comes to fruition in an almost acceptable disregard for the older woman. The Report focuses on the special problems of widowhood, income and social services, employment, leisure time and continuing education, legal services, and consumer protection. Recommendations include working with other Federal agencies to more fully assess the special needs of older women that can be met by HEW, the expansion of education and career opportunities, and attention to problems of communication and mobility in the provision of social services.

Women and Social Security

Women today play a multiplicity of roles during their lives: they are single workers, wives and mothers outside the labor force, part-time workers, and very often divorced, widowed, or married working women with and without children. It is likely that the pattern of work and then marriage and child-rearing will no longer be keeping women out of the labor force most of their lives. There has been a growing public concern about the impact of the Social Security system on women, and the Report urges the Social Security Administration to intensify its research efforts into the changing work and life patterns of women and their implications for Social Security. Consideration is also asked for the extension of Social Security benefit coverage to uncompensated homemaking services for dependent children or disabled adults in recognition of the contribution women, or men, who perform such functions make to a household, and the economic hardships which their death or disability can cause a family. This recognition of the years taken out of the labor force for child-rearing would eliminate the accumulation of zero years of income which seriously affects the amount of benefits to which homemakers might become entitled should they later return to the labor force. Another recommendation seeks the extension of survivor benefits to husbands and widowers of working wives.

Child Care

Good child-care facilities are seen as important for the child, the parents, and the society. Because the majority responsibility for child-rearing is usually assumed by women even when they are working, either their jobs outside the home suffer from unexpected disruptions or their children suffer from makeshift arrangements that may not meet their needs. According to the Department of Labor, more women will be working more of their lives, regardless of the state of the economy or the state of unemployment, so the answer to this dilemma will not be a return to the home for American women. Recommendations include the need for planning expansion of community child care centers, the development of concepts of individuality in young children that do not limit social characteristics to one sex or the other, and the development in cooperation with the Department of Labor of part-time and flexible-hour training programs and job assignments for women in employment training programs.

The Report concludes with a statement of the future functions and organization of the Department's women's program, which includes the Women's Action Program, an advocacy office concerned with the policies and practices of all HEW programs, and the HEW Federal Women's Program, charged with responsibility for meeting the needs of women employed in the Department of Health, Education, and Welfare.

MARTIN LUTHER KING, JR., DAY

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, Saturday, January 15, marked the birthdate of the late Rev. Dr. Martin Luther King, Jr. I believe that it would be most appropriate that this day be permanently set aside as a national holiday to pay tribute to this great leader. And I have joined in sponsoring legislation to achieve this by congressional action.

Martin Luther King, Jr., was a man of all races; a leader who fought for dignity and an equal chance for both black and white; a critic who never doubted that American society could be redeemed.

The inspirational leadership he provided to the civil rights movement in both the South and the North helped make possible the enactment of the landmark Civil Rights Acts of 1964 and 1968, and the Voting Rights Act of 1965. The Poor People's Campaign, his final great effort, eloquently demonstrated the plight of millions of Americans who, without a voice and without much hope, suffer from pervasive poverty and who lack a share in our country's abundance.

As we who survived Martin Luther King stand and face the uncertain future, we must be sustained by his enduring legacy—the striving for justice, compassion, and human dignity.

Surely there can be no question of the magnitude of Dr. King's contribution to this country. The goals and aspirations which he championed are goals for which every American must continue to struggle until the dream he had of one America at peace becomes a visible and substantive reality.

The permanent celebration of Martin Luther King, Jr.'s birthday as an official holiday would honor a great American and remind future generations of his great contribution and the need to carry on his work.

J. EDGAR HOOVER SPEAKS OUT

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, the January 1972 issue of Nation's Business carries an excellent article by one of the great Americans of our time, FBI Director J. Edgar Hoover.

So that as many of his fellow countrymen as possible may have an opportunity to read the article, I include it for insertion in the RECORD at this point.

J. EDGAR HOOVER SPEAKS OUT

Almost 48 years ago, a hard-working young Justice Department lawyer was called into the office of then Attorney General Harlan Fiske Stone and told: "I want you to take over as acting director of the Bureau of Investigation."

J. Edgar Hoover reflected for a moment. A Justice Department employee since 1917, he had been assistant director of the Bureau for three years, agonizing all the time as it became increasingly a product of the political spoils system.

"I'll take the job, Mr. Stone," he replied, "on certain conditions":

The Bureau must be divorced from politics. Appointments and promotions must be based on merit, and the Bureau must be responsible to the Attorney General only.

"I wouldn't give it to you under any other conditions," the Attorney General said. "That's all. Good day."

In the years since then, John Edward Hoover has seldom been out of the public eye as he has molded the Federal Bureau of Investigation into a model law enforcement agency and kept it that way. (The word "federal" was added to the Bureau's title in 1935. The word "acting" was dropped from Mr. Hoover's own title a few months after his appointment.)

"FBI" became an abbreviation that commanded the respect and cooperation of citizens.

"G-Man" became a nickname feared by criminals and subversives.

Mr. Hoover set a rigid standard of personal behavior for himself and for the people of the FBI. To attain a goal of excellence, he believes there is one essential: integrity of self and deed. With absolutely no compromise.

A lifelong bachelor whose work is his first love, he does find time for other interests, too. In the evenings at his two-story house in a pleasant Northwest Washington neighborhood (a housekeeper oversees the establishment), he relaxes in front of the television set and in the company of his two cairn terriers. ("Naturally, they're spoiled. They boss me around.")

He loves gardening and is proud of his roses. And now that he's put down artificial turf in his spacious back yard, "I can forget about seeding grass every year. This stuff is wonderful."

His favorite sport is horse racing. A big reason is that "you can relax completely. I love to watch the horses run." The Ex-Agent Association recently gave him a statue of a stallion—"the first I've ever owned, though I've supported many of them."

He was also a fan of the Washington Senators before the franchise was moved to Texas last fall, and frequently went to games with Richard Nixon when he was Vice President. (Mr. Nixon "knew all the players by name and everything about them—batting, fielding, everything.")

His favorite vacation spot is La Jolla, Calif., and if he were an agent in the field, that's where he'd most like to be assigned. His second choice would be Butte, Mont.

"I've been accused of using Butte as a kind of Siberia for agents that displease me," he says with a chuckle. "When that allegation was made, I checked up and found we actually had 144 requests from agents to be assigned there. You know why? It's close to Glacier National Park, and some of the best hunting and fishing in the world is around there."

Mr. Hoover, 77 this New Year's Day, has been warmly lauded for his performance as director of the FBI. An inner corridor leading to his office is lined with plaques and citations from scores of organizations and with mementoes from notables he has known.

In recent years, he also has been the target of criticism, a fact he accepts as inevitable in light of the position he holds.

In this interview with editors Jack Wooldridge and Wilbur Martin and Nation's Business, Mr. Hoover talks over many of the highlights of his career, taking note of achievements for which he has won praise as well as matters for which he's been criticized, and discussing other subjects ranging from Presidents and Attorneys General he has known to crooks he has known.

YOU HAVE SERVED UNDER EIGHT PRESIDENTS. WERE YOU CLOSER TO SOME THAN OTHERS?

President Coolidge I only knew officially. I became very, very close personal friends with Herbert Hoover, but really this was after he left office. He was chairman of the board of the Boys' Clubs of America and I was a board member. I got to know him quite well.

I didn't know until he told me years after he left office that he was responsible for my being named director of the FBI. As a young lawyer in the Justice Department, I had worked with the Senate Foreign Relations Committee on an investigation of whether we should restore recognition to Russia. I had come to the attention of Mr. Hoover, who was then Secretary of Commerce.

Attorney General Stone mentioned to him that he was looking for someone to put in charge of the Bureau and Mr. Hoover recommended me.

I always felt President Hoover was terribly wronged. Everyone blamed him alone for the Depression. He was a very shy man, you know, very human. We used to walk down the street in New York City after he had been President and no one recognized him. I thought, "How terrible, to be forgotten."

I was so pleased that in his later years he was recognized for the great man that he was.

I was very close to Franklin Delano Roosevelt, personally and officially. We often had lunch in his office in the Oval Room of the White House. During his Presidency and afterwards, at Gettysburg, I was close with Gen. Eisenhower. He was a great man and a great President.

I lived across the street from Lyndon Johnson for 19 years. We were very close friends and this friendship continued during his Presidency and to this day. I hear from him regularly.

When he was in the Senate, and we were neighbors, he had a little dog he called Little Beagle Johnson. Every few days he would come over in the evening and say, "Edgar, Little Beagle Johnson's gone again. Let's go find him."

And we would go off looking all over the neighborhood.

When he was President, two of LBJ's beagles died. One swallowed a stone and the other one was run over by a Secret Service car.

I got a little beagle from a kennel in Atlanta and gave it to him. One day, I was visiting at the White House and he said, "Let's go look at the dogs." We were walking along when all of a sudden he hollered, in his big, Texas voice right in my ear, "Edgar, where are you?"

Well, I was right beside him and I didn't know what he meant. "I'm here, Mr. President," I said.

"Oh, I don't mean you," he answered. "I mean the dog, the beagle. I call him Edgar."

I had a letter from President Johnson just a few weeks ago and he told me Edgar was doing just fine on the ranch in Texas.

Of course, I have been friends with President Nixon for a long time. I first met him on the Alger Hiss case. A lot of hatred for President Nixon stems from this case, from some of the liberals and pseudoliberals who've never gotten over this case. I think much of the hatred for me stems from this case, too.

[Mr. Nixon, then a Congressman, played an active role in the case, in which Hiss, a former State Department official accused of having passed on secrets to the communists, was convicted of perjury.]

President Nixon has changed materially. He's much more extroverted today than when I first met him. That's good. I think he's doing an excellent job as President, despite the brickbats he gets thrown at him from some of the media. He never loses his cool. He's done an excellent job on economic matters and I think his coming trips to China and Moscow will turn out well. He knows how to negotiate with people without giving up principles.

YOU HAVE ALSO SERVED UNDER 16 ATTORNEYS GENERAL AND ONCE TERMED RAMSEY CLARK THE LEAST EFFECTIVE. WHO WAS THE BEST?

Oh, that's hard to say. There are a half dozen that stand out, those I was very close to.

There was Harlan Fiske Stone [who served under President Coolidge]. He appointed me and we were very close. After he became Chief Justice of the Supreme Court he often would stop by. He'd say, "Edgar, I've come by to get an account of your stewardship." He considered me the steward of the FBI.

Then there was John G. Sargent [who also served under President Coolidge]. He was a big man, 6 feet 6 or 7, and wore a size 15 shoe. His feet always hurt and sometimes when I went home with him to lunch, he'd take his shoes off. He was like the mountains of Vermont—solid, very solid.

Herbert Brownell [under President Eisenhower] is a great lawyer, a great administrator. And Bill Rogers [William P. Rogers, now Secretary of State]. We were very close. When he was Attorney General and President Nixon was Vice President, we would frequently spend the Christmas holidays in Miami Beach together.

Frank Murphy [who served under President Roosevelt] was a very close personal friend. I don't know why. In the beginning, we were so opposite philosophically. Murphy was very shy and stiff in public. But in private he was the life of the party. After he was named to the Supreme Court, I would go up and we would walk from the Court to the Washington Hotel, where he lived.

Of course, there's John Mitchell, the present Attorney General. He is a very able man, a very down-to-earth individual, very unlike those Herblock cartoons in *The Washington Post.*

And I'm completely fascinated by his wife. Martha is a wonderful person. She speaks her mind. She has integrity and thought. I like that.

I was very close to the wives of some of the other Attorneys General. Mrs. Homer Cummings [her husband served under President Roosevelt], Mrs. Brownell, Mrs. Rogers.

WHAT, IN YOUR MIND, HAS MADE YOU SUCCESSFUL IN YOUR ADMINISTRATION OF THE FBI?

Principally, instilling in every FBI employee the absolute need for excellence in performance.

A law enforcement agency is only as good as the support it receives from the public. Over the long run, the public cannot be fooled. Only demonstrated performance produces the respect and cooperation necessary to achieve the results FBI responsibilities demand—and which the public has every right to expect.

This attention to a goal of excellence requires its sacrifices. It means long, often grueling hours of work on the part of our special agents. It means they must maintain personal conduct standards that raise no question as to our capacity to discharge FBI duties with skill and integrity, strict impartiality in conducting investigations, and self-discipline to withstand the frequent taunts and abusive manners of those who would impede the performance of our lawful obligations.

Some of my critics have charged me with being a harsh and autocratic administrator, but they fail to recognize the trust that must be generated from the proper discharge of FBI responsibilities. This fact leaves little room for error. An enforcement agency, by the very nature of its duties, is an easy and natural target for criticism.

YOU SPOKE OF CRITICS. IN RECENT YEARS, THE MOST PERSISTENT CRITICISM CONCERNING YOU, MR. HOOVER, HAS BEEN THAT YOU SHOULD RETIRE AND HAND OVER THE REINS OF THE FBI TO A YOUNGER MAN. WHAT IS YOUR REACTION TO THIS?

I don't consider my age a valid factor in assessing my ability to continue as director of the FBI—any more than it was when, at the youthful age of 29, I was appointed to this position. I was criticized then as "the Boy Scout." Now, I'm called "that senile old man."

My appointment to head the FBI was based on performance and I believe that same standard should apply to any evaluations of my fitness to continue in this post.

Years are only a guide to a person's age and have little meaning when attempting to equate them with ability, vigor and demonstrated performance.

This is what I believe many young people are talking about today when, in spite of their youth, they demand a more active role in our society commensurate with the many obligations they are required to shoulder. And they are right.

Many of our great artists and composers did their best work in their 80s. They were judged on performance, not age. Other leaders, too.

Look at Bernard Baruch; he was brilliant in his 90s—and Herbert Hoover and Douglas MacArthur in their 80s.

That is my policy. I judge a man on the quality of his performance. So long as I am blessed with good health and enthusiasm for my work, I would hope that I may be judged in this same manner.

HOW MUCH HAS THE FBI GROWN SINCE YOU ASSUMED ITS LEADERSHIP?

When Attorney General Stone appointed me on May 10, 1924, to head what was simply called the Bureau of Investigation, the Bureau had 441 special agents.

Compared with today, the Bureau's jurisdiction was quite limited. Through the years Congressional enactments, Presidential directives and orders of the Attorney General have substantially increased our jurisdiction to some 185 federal investigative matters.

We have 59 field offices located throughout the U.S. and Puerto Rico. In addition to these major offices, there are hundreds of resident agencies or suboffices. All told, the Bureau now has approximately 19,000 employees, and over 8,000 of these are special agents.

I might say here that the average agent works overtime 2½ hours every day, but gets paid only for one hour and 49 minutes, the legal limit. I think the amount of overtime is grossly excessive, but it's necessary because of the vastly expanded duties given the Bureau.

HAS THE NATURE OF YOUR OWN WORK CHANGED AS THE BUREAU HAS GROWN?

In the early days, I could get out and visit the field offices every year, personally see the agents in action, and spot those with potential, those who did more—or less—than their duty.

I can't do that now. I have to stay here.

I spend a lot of time in preparation for testimony before Congressional committees, and in testifying.

But the FBI inspection division reports to me on what you might call "the blood pressure of the service." It makes inspections of every field office—not to get somebody, but to find the soft spots, if any. We can't afford these.

Another difference is that in the early days, I could get out on cases. I wish I could do that now, but somebody has to run things here. I still sweat the hard cases out, though, here at headquarters.

The plane hijackings, for example.

WHAT WERE SOME OF THE CASES YOU WENT ON?

Some were publicized, some were not. There was one involving John Henry Seadlund, in the '30s. He was wanted for the kidnapping and murder of Charles S. Ross [a wealthy St. Paul, Minn., businessman]. Seadlund was arrested at the Santa Anita race track in California and I flew out there to get his confession.

In the FBI, we have never countenanced any rough stuff, never any "third degree." I believe psychology plays a large part in dealing with criminals. Psychology and integrity, even with criminals. This case makes that point.

I talked all day to Seadlund and I hadn't had any sleep. Or food. I asked him if he wanted something to eat.

"What do you want to know for?" Seadlund snapped at me. "You won't get it for me." I asked him pretty bluntly, "What do you want to eat?"

He said, "Steak, potatoes, and pie à la mode." I told an agent, "Just double that order."

The next day Seadlund asked to see me. He told me, "Well, you kept your word and got me my steak. Now get your steno and I'll tell you what you want to know." I got a full confession.

So psychology and integrity are tremendously important. FBI agents were warning suspects of their constitutional rights long before it was required by law.

We had to take Seadlund to St. Paul. When we left Los Angeles it was 78 degrees and when we got to St. Paul it was zero. We had to hide out from the press in the woods for two or three days, looking for the bodies of Ross and Seadlund's partner, whom he had also killed.

I asked one of the agents to get me some warm clothing. He brought me a suit of red woolen underwear. He could have at least gotten white, but it was a gag and it was appreciated.

WEREN'T YOU ALSO PERSONALLY IN ON THE ALVIN KARPIS AFFAIR?

Of course, there was Karpis. He was part of the Ma Barker gang, and kept sending me postcards from all over the country, saying he was going to kill me like Ma Barker and her son [Fred] were killed in a gun battle in Florida. I passed the word that whenever we spotted him, I wanted to make the capture personally.

Well, we tracked him to New Orleans [in April, 1936] and I flew down there.

We try to make an arrest at dawn, or some other time when there aren't many people on the street. But we had to do this one at 5 in the afternoon. Karpis had been holed up in an apartment on Jeff Davis Parkway and it was the rush hour and there were people everywhere.

Karpis and a companion suddenly walked out of the house and got into a car. I ran up on one side and grabbed him. Another agent went to the other side and grabbed the other fellow.

I said, "Bring the handcuffs," but everybody had forgotten to bring handcuffs. So an agent who had grown up on a cattle ranch said, "I can tie him up so he can't move." And he did, tying his hands behind him with a necktie.

When we got into the car, Karpis called me by name. I asked him how he knew who I was and he said, "Oh, I saw your picture in the paper in Miami." I'd had my picture taken when I caught that sailfish on the wall over there, the only one I've ever caught. Karpis said that my luck was better than his, that he'd been trying to catch one for three years.

On the way downtown, the agent driving the car got lost.

Karpis spoke up, wanting to know where we were going. I asked him why he cared and he said, "Well, if it's to the post office building, I can tell you how to get there. I was planning to rob it." So he directed us.

The agent who was driving heard from me later.

YOU HAVE ALWAYS SHOWN PARTICULAR INTEREST IN KIDNAPING CASES, HAVEN'T YOU?

Yes. Every case is important, but kidnapings strike me as being extremely vicious crimes against society. Often they involve young children or other family members. I don't think there is anything worse than the kidnaping of a child and the agony of the family. I look with a great deal of personal satisfaction on our accomplishments in these cases.

We first got the name "G-man" on a kidnaping, the Urschel case.

[Oklahoma oilman Charles F. Urschel, kidnaped in 1933 by the George "Machine Gun" Kelly gang. Caught in a house in Memphis, Tenn., Kelly cringed and cried, "Don't shoot, G-men, don't shoot, G-men!"]

The federal kidnaping statute passed in 1932 after the Lindbergh baby kidnaping, as well as a series of other special "crime bills" in the early '30s, greatly expanded our responsibilities in that field.

DO YOU HAVE ANY ADVICE ON HOW TO KEEP IN GOOD HEALTH?

I try to stay in good health by avoiding excesses. Moderation in everything you do is a good rule. I take a physical every year and the last one showed I was in better shape than when I took the first one, in 1938. I had to lose a little weight after that one.

All of our agents must be in top physical condition. They can be a little underweight, but they can't be overweight. When I put that rule in, some men groaned a little. But the wives all think it is great.

I exercise every morning on an exercycle.

I try to get enough sleep each night, but not too much.

In the evening I relax and watch television. I usually have a highball, maybe two. But never more than two. Jack Daniels black label—on the rocks, with a dash of soda. I never drink martinis. Martinis are poison. Nobody can drink four and be sober.

I never take work home with me Monday through Friday. But I take a lot of work home with me on the weekend when I have time to think.

Of course, I watch my diet. Again, you have to do everything in moderation.

I have two little cairn terriers. One is 17, blind and deaf, and the other is four. She's a little hussy, bosses the older one around. At breakfast, they get my bacon and eggs. I get the fruit juice and black coffee.

I always have the same thing for lunch: grapefruit, cottage cheese and black coffee. And usually I eat at the same place [the Mayflower Hotel].

I like to relax at lunch. One of the things that irritates me is for people to come up and ask, "You don't know me, do you?" I always say, "If you were ever in Alcatraz, I know you. We'd have a record on you."

My dinner at home is always moderate. I'd love to have a piece of chocolate cream pie. But I don't. Moderation in what you do, integrity in what you do. I believe in that absolutely.

HORSE RACING IS YOUR FAVORITE SPORT. HAVE YOU SEEN ANY OF THE GREAT WINNERS?

Yes. I saw Whirlaway, for example.

As a matter of fact, I was at Aqueduct and asked a friend with me to get a ticket on him. He came back with a ticket on the wrong horse, Tola Rose I think it was, a 20–1 shot. Whirlaway was something like 2–5. And Tola Rose won. I told him I should let him pick the horses every time.

One fellow I wouldn't let ever pick a horse is George Allen [a friend of Presidents Roosevelt, Truman and Eisenhower]. He always bets three horses in the same race—to win.

President Eisenhower used to give George $5 to bet for him every now and then. I told President Eisenhower, "I'd never let George bet for me. He's the worst at picking horses I ever saw."

George said that if I'd told that to anybody else but the President, he'd have sued for slander. We're very good friends.

WHAT ARE YOUR 10 MOST IMPORTANT ACCOMPLISHMENTS AS DIRECTOR OF THE FBI?

It's difficult to pick out any specific number of accomplishments. Certainly among the most important was cleaning up the Bureau, cleaning out the political hacks. This was the mandate given to me by Attorney General Stone when he appointed me. Also, winning the support the FBI has consistently received over the years from the law-abiding and concerned public.

Without these, it is doubtful the FBI could have realized many other accomplishments. I am particularly proud that FBI performance during my tenure has merited the public's support.

Other accomplishments which were important in the development of the FBI include the nationwide centralization of criminal fingerprint records in the FBI Identification Division in 1924; establishment in 1932 of the FBI Laboratory; and establishment in 1935 of the FBI National Academy, which provided a university-level advanced training program for select law enforcement officers throughout the nation.

Also, the capture of the Nazi saboteurs landed on our shores by submarine during World War II; the convictions of top communist leaders following the war; the successful investigations into the Rosenberg and Col. Rudolf Ivanovich Abel spy cases in the 1950s; the convictions resulting from our investigations of the murders of a number of civil rights workers during the 1960s; and the beginning of the FBI National Crime Information Center.

There are many more, of course, but these stand out in my mind.

WHAT ABOUT YOUR OWN POLITICS?

You know, when I took over with the mandate to clean out the political hacks and straighten out the Bureau and did, I was accused of being a Democrat because the Republicans were in office. Then I was accused of being a Republican when the Democrats took over.

I grew up in and live in the District of Columbia. I have never voted in my life. I don't like labels and I am not political. My feeling about politics is that both parties should nominate for all offices the very best qualified man—unfortunately, that isn't always the case—and that the people should vote for the man whom they believe is the best qualified.

YOU HAVE BEEN QUOTED AS SAYING THE FBI'S NATIONAL CRIME INFORMATION CENTER IS A REAL BREAKTHROUGH IN FIGHTING CRIME. WHY SO?

The NCIC provides what was long urgently needed, a comprehensive and swiftly efficient informational exchange system of national scope.

This computerized index of documented crime data is now tied to all states and Canada by a vast telecommunications network. The total number of NCIC active records concerning stolen property and persons wanted for crimes has climbed to over three million, with daily transactions sometimes well over 75,000.

I'll give you an example of why I think this gives our nation's law enforcement community an essential tool to meet the challenge of crime.

Recently, two state troopers in New York State stopped a car. They radioed for a check on it and within two minutes—two minutes—they knew that the car had been stolen and that its two occupants were wanted for murder in California.

SOME HAVE CHARGED THAT FEDERAL COMPUTER SYSTEMS ARE LEADING TO A HUGE NATIONAL DATA BANK THAT COULD STRIP THE INDIVIDUAL OF HIS PRIVACY. COULD YOU COMMENT?

As far as the FBI is concerned, those fears are groundless.

The National Crime Information Center is the principal FBI computer system and it contains only documented data concerning criminals and stolen property. Its information is available only to authorized law enforcement agencies and the system was designed to prevent any abuse or misuse of its data.

Any allegations that this could lead to a "big brother is looking at you" operation are completely false.

THE FBI HAS BEEN ACCUSED OF ENGAGING IN UNAUTHORIZD WIRETAPING. WHAT ARE THE FACTS?

The facts are that the FBI has not used wiretaps without the authority of the Attorney General, and then only to a limited extent in cases involving our nation's security.

Also, under the Omnibus Crime Control and Safe Streets Act of 1968, federal judges may authorize the FBI to use electronic surveillance techniques in some cases involving organized crime. The Attorney General has to approve each instance, and a written affidavit establishing probable cause for action must be presented to the judge.

Assertions that FBI wiretapping is widespread are absurd. If the FBI engaged in wiretapping to just a fraction of what its critics suggest, it would have no time for anything else.

These critics who accuse the FBI of this practice can never produce any proof.

Congressman Boggs [Rep. Hale Boggs (D.-La.), majority leader in the House] made a wild statement that his telephone had been tapped. That charge was simply not true. No telephone of any Congressman has ever been tapped since I became Bureau director in 1924. He was put in the position of having to "put up or shut up" on that charge and he shut up.

ANOTHER ACCUSATION AGAINST THE FBI IS THAT OF SNOOPING ON CAMPUSES

Completely false. I believe this is only a scare tactic to inflame the academic community against the FBI.

Yes, the FBI does conduct investigations on college campuses—or anywhere else in the nation. But only if there is a violation within its investigative jurisdiction.

If, for example, an ROTC building has been destroyed by a fire or explosion, we will investigate to see if there is evidence of sabotage or destruction of government property. Many campuses have government research or other government facilities. If government property is damaged or stolen, the FBI investigates.

We do not snoop on campuses, or in any way treat the campus different from any other area of society. The FBI has the highest respect for academic freedom.

AMERICAN BUSINESS IS MAKING GREAT USE OF COMPUTER TECHNOLOGY, PARTICULARLY IN RECORDS MANAGEMENT. WHAT STEPS HAS THE FBI TAKEN ALONG THIS LINE?

One of the first actions I took upon becoming director was the establishment of a centralized national file of arrest records on fingerprints. This led to formation of the FBI Identification Bureau in 1924, the year of my appointment.

From 800,000 fingerprint records, this has now grown to nearly 200 million, including many civilian and military fingerprints that are kept separately from those filed as a result of arrests. I have always felt strongly that fingerprints for identification purposes are a protection for the public. I remember I personally took the fingerprints of John D. Rockefeller Jr. and his family in 1924 to encourage the public to take advantage of this protection, and to show there was no stigma in having your fingerprints recorded. Nelson was a little boy then.

As far back as 1934, the FBI installed a punch card system of searching fingerprints. However, because of the rising volume of fingerprint records this proved inadequate and, by necessity, the Identification Division had to return to manual searching. Presently, development contracts are nearing completion to computerize fingerprint files and to electronically read, classify and retrieve—within seconds.

In 1954, we had in operation the first automated payroll system in the federal government.

WHAT ARE SOME OF THE MAJOR PROBLEMS THE FBI HAS RUN INTO IN COMBATING ORGANIZED CRIME, ESPECIALLY IN THE FIELD OF LEGITIMATE BUSINESS?

There is no question the two most serious problem areas are the complexity and size of the investigations themselves, and the general apathy of citizens directly or indirectly affected.

On one series of gambling raids we used over 200 FBI agents. In another series, we had to call upon over 400 agents. In one major hoodlum international bankruptcy case alone, we had investigations being conducted by 31 offices in 28 states, ranging from New York to California and from Minnesota to Alabama.

Many hoolums, unfortunately, have acquired a facade of semi-respectability in their communities. People find it hard to believe that these so-called "businessmen" can possibly be involved in illegal activities.

Even more disturbing, from a law enforcement view, is the seeming indifference of otherwise responsible citizens to the acknowledged existence of specific phases of organized crime in their communities.

What they are overlooking, of course, is that hoodlum-connected major thefts increase their insurance rates, that labor racketeering increases consumer costs, that gambling and narcotics corrupt youth, and that bribery of civic and police officials undermines good government and deprives the public of the protection to which it is entitled.

IS THERE A LAW WHICH PARTICULARLY HELPS THE FBI TO FIGHT INFILTRATION OF BUSINESS BY CRIMINALS?

Under the Organized Crime Control Act of 1970, which the President signed into law in October, 1970, Title IX bans the investment of underworld funds in legitimate business ventures. This provides for severe criminal penalties, as well as forfeitures.

SUCCESSFUL BUSINESSMEN PLACE GREAT EMPHASIS UPON PERSONNEL TRAINING. WHAT IS THE FBI DOING IN THIS AREA?

I certainly agree with the importance of personnel training, and effective personnel training has been a keystone of FBI operations since I became director. In fact, the FBI pioneered advanced law enforcement training with the establishment of the National Academy in 1935.

In addition to the Academy, the FBI has some 1,500 specially trained special agent police instructors who go out where requested and give a wide variety of training. For example, this FBI Field Police Training Program just this past year conducted more than 9,000 training schools, attended by more than 300,000 people. And this involved over 83,000 hours of classroom instruction by Bureau personnel.

The new facility for our Academy at Quantico, Va., when we move in later this year, will enable us to increase the number of officers to be trained from 200 to 2,000 annually. It will also provide specialized courses for 1,000 others. These will be management courses, and I'm quite proud that we will be able to do this. I believe it will certainly strengthen local law enforcement.

DO YOU THINK THE UNITED STATES SHOULD HAVE A NATIONAL POLICE FORCE?

I am vigorously opposed to a national police force, or any trend toward one. I want to make one point clear, and it is one that critics of the FBI seem to want to overlook.

The FBI does not decide what it will investigate. It is given responsibilities by Congress, by the President, by the Attorney General. It is charged by law to carry out certain functions. And we will do that.

I might also say that I opposed our being given some of these responsibilities. For instance, we are charged with investigating an illegal gambling case if it involves five or more persons, remains in business 30 days, or has a daily $2,000 gross. I believe this is a function of local law enforcement.

THE FBI HAS A RELATIVELY SMALL NUMBER OF NEGRO SPECIAL AGENTS. WHAT IS ITS POLICY WITH RESPECT TO EMPLOYING MEMBERS OF MINORITIES?

The FBI is unequivocally dedicated to the principles of equal employment opportunity. I insist that all appointments and other personnel actions be based on merit and fitness.

Let me say that nothing would please me more than to have a greater number of special agents from minority groups. We have a very real need for them, and they would be a most welcome asset. We will continue to make every effort to attract those qualified.

But I have not, and will not, relax the high standards which the FBI has traditionally demanded of special agents without favor or exception.

Attorney General [Robert F.] Kennedy became very angry with me over this.

I would not yield.

The standards for a special agent of the FBI are stringent. Applicants must be of outstanding appearance and outstanding character, and have the required education in law, accounting, languages or sciences, or three years of executive, professional or investigative experience.

We demand of FBI employees a standard of morality which can be approved by the majority of the American people. Some say we are too strict, but I submit to public judgment that discipline is an absolute necessity. An undisciplined law enforcement agency is a menace to society.

We do have exacting standards in the FBI and we apologize to no one for them. We have no intention of arbitrarily compromising these standards to accommodate kooks, misfits or slobs.

As I have said publicly, disregard for law and order is encouraged by hatemongers, extremists and others who say that revolution against society is justified and necessary.

A NUMBER OF TERRORIST OR REVOLUTIONARY GROUPS SEEM TO HAVE SPRUNG UP IN RECENT YEARS. WOULD YOU COMMENT?

Terrorist-extremist sentiment is on the rise in the nation today, especially in the so-called New Left. The Students for a Democratic Society was formed in 1962 and by 1967 this group had developed a revolutionary, violent posture, urging destruction of our democratic institutions. In 1969, it was torn by factionalism and its extremist wing became the Weatherman.

The Weatherman, which went underground in 1970, believes in violence. Its adherents have collected explosives and set up bomb factories. They have carried out acts of violence not only against police facilities, but against military and government buildings and even private buildings which happen to house the offices of companies these extremists don't like.

Small terror groups, operating from underground, represent a great danger. Unfortunately, the Weatherman type of extremist mentality seems to have spread to some other young people and even some adults.

You have black nationalist terror organizations such as the Black Panther Party. The Panthers are hoodlum-type revolutionaries, and their true nature must be exposed.

Currently the Panther Party is doing everything possible to show a "humanitarian face"—to show that it is interested, for example, in the welfare of children through its so-called Breakfast for Children program.

This is a public relations gimmick. Part of the reason for this feigned emphasis on humanitarianism is to encourage contributions from wealthy white liberals, who have given thousands of dollars to the Panthers.

WHAT IS THE FBI'S ROLE CONCERNING PROTESTS, SUCH AS THOSE AGAINST THE VIET NAM WAR?

In America, we have freedom of expression. Individuals have a right on their own to oppose the war or say anything else they desire about Viet Nam.

There are a number of antiwar groups and they have the right to voice their viewpoints. The FBI does not in any way attempt to stifle groups or individuals who speak out against the Viet Nam War. Charges that we do are completely false.

The FBI becomes concerned only when members of these or any other groups violate laws within its investigative jurisdiction. Or when the activities of the groups become violent or terroristic and pose a threat to the internal security of the country.

YOU MENTIONED WHAT YOU CONSIDER YOUR MOST IMPORTANT ACCOMPLISHMENTS AS FBI DIRECTOR. WHAT WOULD YOU CONSIDER THE MOST IMPORTANT CASES THE FBI HAS INVESTIGATED?

I like to think that all of our investigations are important. But in terms of their impact on FBI operations or the events of the time, a few stand out.

The successful investigation of the kidnaping of Charles Lindbergh's son in 1932 led to the passage that same year of the federal kidnaping statute, giving the FBI added jurisdiction over this despicable crime.

John Dillinger had become a full-blown American folk hero by the time our agents were forced to shoot while moving in to arrest him in Chicago during 1934. I saw an ad the other day that they were making another movie about Dillinger. I suppose this one will make him a hero again. I can't understand this. The worst movie ever made was that one about Bonnie and Clyde. They were nothing but a couple of bum criminals, the worst kind.

Just a few months prior to the Japanese bombing of Pearl Harbor in 1941, FBI agents arrested 33 members of the network of the German spy, Frederick Duquesne. This case, together with the FBI capture of the Nazi saboteurs landed secretly in this country, I am sure, stopped serious enemy attempts to sabotage our war effort. Those Nazi saboteurs were tried in Classroom No. 1 of this building [the Justice Department building].

In 1949 our investigations resulted in the conviction of 11 top leaders of the Communist Party, U.S.A. We were only a few years removed from working with the world's leading communist power, the Soviet Union, as an ally. It was hard for some to realize the conspiratorial nature of the Communist Party in those circumstances.

The trial in which the leaders were convicted galvanized public opinion to the fact the communists were attempting to subvert our democratic form of government. The Rosenberg atom bomb spy case the following year left little doubt of these motives.

The six-year-long FBI investigation of the 1950 robbery of Brink's, Inc., at Boston demonstrated the virtue of investigative persistence and hard work.

The FBI investigation of the assassination of President Kennedy at Dallas resulted in the interviewing of approximately 25,000 persons and the submission of more than 2,000 reports to the Warren Commission.

As a result of the assassination and the investigation, Congress passed legislation, approved by the President, providing for federal criminal penalties in instances involving Presidential assassination, kidnapping and assault. The FBI was charged to investigate such violations, which were previously the responsibility of the local jurisdiction in which the crime occurred.

The FBI investigation of the murder of three civil rights workers in Mississippi in 1964, as well as investigations of other similar instances of violence and brutality, helped to hasten the passage of broader civil rights legislation.

MR. HOOVER, IS THERE ONE CROOK YOU REMEMBER MOST VIVIDLY?

Gaston B. Means. I think he was the worst crook I ever knew. I fired him from the Bureau the first thing when I took over and he became mixed up in all sorts of things. He was a scoundrel.

Evalyn Walsh McLean [the wealthy Washington socialite] knew he was a crook, but she thought because he was, he could help in the Lindbergh kidnaping. She gave him $100,000 to try to get the baby back, and would have given him more. She was going to pawn her jewels, but I stopped that.

We never did find the money Means got from Mrs. McLean and which he said he had buried. We had divers searching the Potomac. When he was convicted and in the hospital at Leavenworth, I flew out there and saw him.

"Why did you lie to our own men about where the money is?" I asked him.

He put his hand over his heart and said, "Oh, Edgar. That wounds me."

He was a complete scoundrel. But he was the type some people liked—a sort of lovable scoundrel.

A HEADQUARTERS BUILDING FOR THE FBI IS BEING CONSTRUCTED ACROSS THE STREET. WHEN WILL IT BE COMPLETED?

There are some who maintain that the only reason I am staying on as director of the FBI is to be present at the dedication of this new building. I say this is absolute nonsense. In a recent speech, I facetiously noted that at the rate it is going up, none of us will be around by the time it is completed.

Hopefully, it will be ready for occupancy in 1974. We have shared space with the Department of Justice since 1934 and during that period our staff and that of the Department have multiplied many times. It's been necessary to relocate many phases of our operations in seven other sites in the capital.

This new headquarters will bring everything under one roof and vastly improve our administration and efficiency.

WOULD YOU TAKE A LOOK AHEAD AT THE FBI'S ROLE IN THE YEARS TO COME?

I would hope the FBI's role in the future will be identical with its role in the past and at the present. That is, being a servant of the people.

The FBI's success has been built on one vital base—the confidence of the people. If we knock on a citizen's door, he does not have to talk to us or give our special agents information. This is a decision he must make. We can solve cases only if citizens furnish information.

We want to maintain the confidence and support of citizens in all walks of life, in all areas of the country. If we don't, we simply cannot do the job for which we are responsible.

I want the FBI's work in the future to continue to merit the approval of the people. This means, on our part, top quality investigations. Efficient, loyal and responsible personnel. A willingness to work hard.

ONE LAST QUESTION, MR. HOOVER, YOU'VE SPENT YOUR LIFE FIGHTING CRIME. HAVE YOU, AS A PERSON, EVER BEEN VICTIMIZED?

Yes. Once by a fellow who came door-to-door. I bought a load of fertilizer from him for my roses. The stuff turned out to be black sawdust.

And then, once by the fellow they called "The Birdman of Alcatraz." He had two cells—one in which he lived, and another where he kept his birds.

My mother was alive then and she always liked to keep a few birds, so I bought a canary from him. Only it turned out to be just a sparrow, dyed yellow.

So I've been conned at least twice in my life. I guess that proves I'm human.

LEAVE OF ABSENCE

By unanimous consent, leaves of absence were granted as follows:

To Mr. Corman, for Tuesday, January 18 through Friday, January 21, on account of official business.

To Mr. Griffin (at the request of Mr. Boggs), for the week of January 18, on account of death in family.

To Mr. Baring (at the request of Mr. Hanley), for Wednesday, January 19 and balance of week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. St Germain, for 30 minutes on February 2, 1972.

(The following Members (at the request of Mr. Ware) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Halpern, for 5 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. Denholm) to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Burke of Massachusetts, for 10 minutes, today.

Mr. Holifield, for 15 minutes, today.

Mr. Rostenkowski, for 5 minutes, today.

Mr. Rooney of Pennsylvania, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Dulski and to include extraneous matter in three instances.

Mr. Tiernan to extend his remarks following those of Mr. St Germain, today.

(The following Members (at the request of Mr. Ware) and to include extraneous matter:)

Mr. McKinney.
Mr. Mathias of California.
Mr. Halpern in two instances.
Mr. Springer in three instances.
Mr. Coughlin.
Mr. Talcott.
Mr. Wyman in two instances.
Mr. Schmitz in three instances.
Mr. Steiger of Wisconsin in two instances.
Mr. Frey in three instances.
Mr. Sandman.
Mr. Keating.
Mr. Wydler.
Mr. Smith of New York.
Mr. Kuykendall in three instances.
Mr. Rhodes in five instances.

(The following Members (at the request of Mr. Denholm) and to include extraneous matter:)

Mr. Shipley in two instances.
Mr. Stokes in five instances.
Mr. Gonzalez in three instances.
Mr. Annunzio in three instances.
Mr. Vanik in three instances.
Mr. Scheuer in three instances.
Mr. Harrington in four instances.
Mr. Hamilton in six instances.
Mr. Teague of Texas in six instances.
Mr. Bolling.
Mr. Mazzoli in three instances.
Mr. Helstoski in 10 instances.
Mr. Dingell.
Mr. St Germain in two instances.
Mr. Mathis of Georgia.
Mr. Blatnik in two instances.
Mr. Rarick in three instances.
Mr. Sarbanes in three instances.
Mr. Koch in four instances.
Mr. Dulski in five instances.
Mr. Hungate in three instances.
Mr. Brasco in three instances.
Mr. Matsunaga in two instances.
Mr. Anderson of California in four instances.
Mr. Brooks.
Mr. Jones of Tennessee in six instances.
Mr. Galifianakis.
Mr. Rangel.
Mr. Rogers in five instances.
Mr. Rooney of Pennsylvania.
Mr. Ryan in three instances.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 45 minutes p.m.) the House adjourned until tomorrow, Thursday, January 20, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1456. A letter from the Secretary of State, transmitting his determination that there is no violation of international law involved in the proposed transportation of certain unserviceable material; to the Committee on Armed Services.

1457. A letter from the president. Gorgas Memorial Institute of Tropical and Preventive Medicine, Inc., transmitting the 43d Annual Report of the Gorgas Memorial Laboratory, covering fiscal year 1971, pursuant to 2 U.S.C. 278(a), together with the examination of the financial statements of the institute for fiscal years 1970 and 1971 (H. Doc. No. 92–210); to the Committee on Foreign Affairs and ordered to be printed.

1458. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication entitled "Statistics of Interstate Natural Gas Pipeline Companies, 1970"; to the Committee on Interstate and Foreign Commerce.

1459. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1460. A letter from the Chairman, U.S. Civil Service Commission, transmitting a report on positions in grades GS–16, GS–17, and GS–18 in the Civil Service Commission during 1971, pursuant to 5 U.S.C. 5114; to the Committee on Post Office and Civil Service.

Received From the Comptroller General

1461. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Federal Crop Insurance Corporation, Department of Agriculture, for fiscal year 1971 (H. Doc. No. 92–234); to the Committee on Government Operations and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BINGHAM (for himself, Mr. Hicks of Washington, Mr. Delaney, Mr. Harrington, and Mr. Gibbons):

H.R. 12477. A bill directing the Federal Communications Commission to investigate the rate base and structure of the American Telephone & Telegraph Co. and its subsidiaries; to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM:

H.R. 12478. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the registration and licensing of food manufacturers and processors, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 12479. A bill to provide for Federal collection of State individual income taxes, to provide funds to localities for Federal high-priority purposes, and to provide funds to States to encourage more efficient use of revenue sources; to the Committee on Ways and Means.

By Mr. BRINKLEY:

H.R. 12480. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CARNEY:

H.R. 12481. A bill to provide for the issuance of a commemorative postage stamp in honor of the 75th anniversary of the founding of the National PTA; to the Committee on Post Office and Civil Service.

By Mr. CEDERBERG:

H.R. 12482. A bill to assist in meeting national housing goals by authorizing the Securities and Exchange Commission to permit companies subject to the Public Utility Holding Company Act of 1935 to provide housing for persons of low and moderate income; to the Committee on Interstate and Foreign Commerce.

By Mr. DORN:

H.R. 12483. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. GROVER:

H.R. 12484. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. HANSEN of Idaho (for himself and Mr. Link):

H.R. 12485. A bill to amend section 161 of the Vocational Education Act of 1963 to utilize a portion of the funds for homemaking and consumer education programs to assist the elderly; to the Committee on Education and Labor.

By Mr. HELSTOSKI:

H.R. 12486. A bill to assure equal access for farmworkers to programs and procedures instituted for the protection of American working men and women, and for other purposes; to the Committee on Education and Labor.

H.R. 12487. A bill to provide that a citizen of the United States shall not lose his citizenship before obtaining citizenship or permanent residence in another country; to the Committee on the Judiciary.

By Mr. JONES of Alabama (for himself, Mr. Buchanan, Mr. Dickinson, Mr. Edwards of Alabama, Mr. Bevill, Mr. Nichols, Mr. Flowers, Mr. Brinkley, Mr. Flynt, Mr. Fuqua, Mr. Sikes, Mr. Mathis of Georgia, Mr. Andrews, Mr. Miller of California, Mrs. Sullivan, Mr. Hicks of Washington, Mr. Jones of North Carolina, Mrs. Hicks of Massachusetts, Mr. Rarick, Mr. Begich, and Mr. Anderson of Illinois):

H.R. 12488. A bill to change the name of the Columbia lock and dam, on the Chattahoochee River, Ala., to the George W. Andrews lock and dam; to the Committee on Public Works.

By Mr. KEATING:

H.R. 12489. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the income tax of individuals for certain amounts of tuition paid with respect to dependents enrolled in private elementary or secondary schools; to the Committee on Ways and Means.

H.R. 12490. A bill relating to withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees; to the Committee on Ways and Means.

By Mr. KOCH:

H.R. 12491. A bill to amend the Uniform Relocation Assistance and Real K Property Acquisition Policies Act of 1970 to provide for minimum Federal payments after July 1, 1972, for relocation assistance made available under federally assisted programs; to the Commitee on Public Works.

By Mr. MAHON:

H.R. 12492. A bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business, or any business having 25 or less employees, in States having laws regulating safety in such businesses, from the Federal standards created under such act; to the Committee on Education and Labor.

By Mr. MATSUNAGA:

H.R. 12493. A bill to provide that the President of the United States shall designate as Governor and Lieutenant Governor of American Samoa the individual who is nominated by the electors of American Samoa for each such position, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MELCHER:

H.R. 12494. A bill to amend section 5a of the Commodity Exchange Act, as amended; to the Committee on Agriculture.

H.R. 12495. A bill to modify ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mr. MINISH:

H.R. 12496. A bill to amend the Urban Transportation Act of 1964 to authorize certain emergency grants to assure adequate rapid transit and commuter railroad service in urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. MYERS:

H.R. 12497. A bill to amend the Social Security Act to permit the disclosure of certain information to prosecuting attorneys for use in securing child support and maintenance; to the Committee on Ways and Means.

By Mr. PATTEN:

H.R. 12498. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. PUCINSKI:

H.R. 12499. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for tuition expenses incurred in providing nonprofit elementary and secondary education; to the Committee on Ways and Means.

By Mr. SCHERLE:

H.R. 12500. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 12501. A bill to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SHOUP:

H.R. 12502. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. SYMINGTON:

H.R. 12503. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. TEAGUE of Texas (by request) (for himself, Mr. TEAGUE of California, Mr. DORN, and Mr. HAMMERSCHMIDT):

H.R. 12504. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KEE:

H.J. Res. 1020. Joint resolution authorizing the President to proclaim the first Sunday in June as "National Shut-In Day; to the Committee on the Judiciary.

By Mr. BOLLING:

H. Res. 768. Resolution making in order a motion to adjourn the House to a day and time certain; to the Committee on Rules.

By Mr. HAYS:

H. Res. 769. Resolution authorizing payment of compensation for certain committee employees; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BINGHAM:

H.R. 12505. A bill for the relief of Portia Brooks; to the Committee on the Judiciary.

By Mr. DON H. CLAUSEN:

H.R. 12506. A bill for the relief of Jerry A. Langer; to the Committee on the Judiciary.

By Mr. FREY:

H.R. 12507. A bill for the relief of Teresa Ryan; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 12508. A bill for the relief of Jack George Makari; to the Committee on the Judiciary.

By Mr. TIERNAN:

H.R. 12509 A bill for the relief of Adelaide Monteiro Caetano Monteiro; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

180. The SPEAKER presented a petition of Andrew W. Schroeffel, Las Angeles, Calif., relative to impeachment of a judge, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

INTERNATIONAL AIR TRANSPORT ASSOCIATION FOSTERS IMPROVEMENTS IN WORLDWIDE TRAVEL—FLOYD HALL ADDRESSES WASHINGTON AERO CLUB

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, January 19, 1972

Mr. RANDOLPH. Mr. President, in the years since commercial aviation began revolutionizing travel throughout the world, there have been many improvements in what is now one of our largest industries. Perhaps the most obvious changes have taken place in the equipment itself. In the early days, flying was almost in the category of a hazardous adventure for the brave and fearless.

The advantages, though, were great. The time it took to fly from place to place 40 years ago may seem long today, but it was a tremendous improvement over other forms of available transportation.

Continual technological improvement has provided the big jets of today with the capability to carry several hundred people quickly to any point on the globe.

But there have been less visible changes in airline travel that facilitate the movement of passengers. Years of work have produced a national and international structure that works for laws and regulations designed to make air travel easier.

On the worldwide level, the International Air Transport Association—IATA—while a controversial group, has done much to lower travel barriers between nations and to secure cooperation between competing airlines.

Mr. President, on January 18 I was privileged to be a guest at the annual luncheon of the Aero Club of Washington. At that time, Floyd D. Hall, chairman and chief executive officer of Eastern Airlines, reviewed the history and accomplishments of IATA in his capacity as president of that association.

The Aero Club, affiliated with the National Aeronautics Association, also elected its new officers for 1972. Chosen to lead the club this year were Donald R. Jackson, Deputy Assistant Secretary of the Air Force, president; J. C. Owen, of Pneumo Dynamics Corp., first vice president; James P. Bass, of American Airlines, second vice president; Edward W. Stimpson, of General Aviation Manufacturers Association, third vice president; J. Donald Reilly of Airport Operators Council International, secretary; Col. James M. McCarry, Jr., of Eaton Associates Inc., treasurer; and Ernest W. Robischon, retired official of the National Air and Space Museum, historian. Elected trustees were George U. Carneal, Jr., of the Federal Aviation Administration; Col. Jack Reiter, U.S. Air Force, retired; Brian S. Aviation Administra-retired; Brian S. Tennant of the Boeing Co.; and Harry J. Zink, of the Civil Aeronautics Board. Retiring Club President Edward M. Lightfoot, of Lockheed Aircraft Corp., was made an ex-officio trustee.

Mr. President, because of the importance of international air travel in our society, I ask unanimous consent that excerpts from Mr. Hall's speech be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

In its present form, the International Air Transport Association was born near the end of the Second World War, when the leading aviation nations of the world began to face for the first time the complex problems of carrying passengers by air between nations. Practically speaking, the capability for doing this hadn't existed before the war. The United States government recognized the need for certain binding international agreements governing this new kind of international commerce. As early as 1944, then, the U.S. invited representatives of 54 nations to attend an international conference on civil aviation in Chicago.

A year later, there was formed the International Air Transport Association—a trade association of 44 airlines from 24 countries. It was the successor to the International Air Traffic Association, an admittedly weak organization founded at The Hague at the very dawn of regular air transport back in 1919.

In 1945 as now, IATA was a voluntary, non-exclusive, non-political organization. It was and is open to any airline licensed to provide scheduled international air service whose country is a member of the International Civil Aviation Organization, which creates standards for the technical regulation of civil aviation.

IATA's rate-making machinery was born of necessity, out of the inability of governments working by themselves to reach agreement satisfactory to all sovereign nations. And it was we Americans who joined with the British to involve IATA in the rate-making business.

Since that time, of course, the number of IATA airlines has more than doubled, and annual international air traffic has increased 25-fold. Most of the governments of the world have come to realize that some kind of regulation of fares and rates is not just desirable, but necessary, and that IATA is the agency best equipped to handle this difficult task. In fact, 90 percent of the bilateral agreements now in force throughout the world specifically name IATA as the primary agency for establishing rates and fares, subject to governmental approval. Far from working against the interests of the people and governments of the world—as is often irresponsibly charged—IATA from its very inception has worked to insure the continued expansion of international aviation and the improvement of orderly access to and from all the countries of the world.

IATA has been called "an international cartel that is an enemy of the traveling public" by some pretty vocal critics. And large numbers of people throughout the world—almost all of whom have personally benefitted from IATA's accomplishments—are misinformed and misguided about IATA's purposes, achievements and value.

In all the history of the world, there has never been another service quite like that provided regularly by the international scheduled airlines. Our industry is unique in its international scope, in its capital requirements, in its vital nature, and in the complexity of the environment in which it performs its service.

This unique service requires a unique kind of service organization—and that is what IATA is. It acts as both a bridge and a buffer between a number of private companies and a number of governments, absorbing pressures and enabling governments to avoid direct confrontations harmful to everybody concerned, including the traveling public. It has demonstrated that it can accommodate and reconcile apparently conflicting interests of many companies and governments so that the peoples of the world have access to the air transportation they so depend upon.

In performing these assignments, IATA must adhere to the laws and regulations of the 125 countries served by the member companies of this organization. That membership consists of 40 government-owned airlines, 24 which are privately owned and have no direct connections with governments, and 43 others which come under no convenient category but are partially privately-owned and partially government-owned.

But what of the charge that IATA is an enemy of the traveling public, of the people who use its members' services? What has IATA done to justify its claim to being, perhaps more than any other trade association in the world, a friend of the people on whose trust and patronage its members depend?

Let's start with the first and most obvious example. In the last ten years, what has happened to the cost of air travel across the Atlantic Ocean? Has IATA, that faceless conspiracy, colluded to keep prices at the highest possible level? All of you in this room know that the scheduled carriers of the world have hardly been paragons of profitability in the last decade. Yet in the last ten years, the lowest available fare between New York and London has dropped as much as 50 percent. During this same ten-year period, the price of a hotel room in London went up 160 percent, the price of a hotel room in New York by 140 percent. Costs of food and entertainment in New York rose by an estimated 130 percent. In London, they doubled.

There are many other achievements. As you know, it's possible to call any single airline in almost any country in the world and order a trip from there to any ultimate destination, with any number of stops along the way. You can pay for that trip in any form of currency, and be sure that your ticket will be accepted by the airlines in all the countries along the way.

Meanwhile, IATA's technical committees provide benefits to airlines and consumers by assuring that the aircraft they use will be serviced by exacting standards and provide a safe, comfortable trip to destination. The environmental cause has also been served by IATA's activities. For example, through the exchange of information by carriers under IATA's auspices, significant improvements have been made in engine ground-training times, which means reduction of noise in airports throughout the world. Other technical information exchanges have resulted in easy introduction of new kinds of aircraft, including the wide-bodied jets.

And one last area: IATA has worked for, and will continue to work for simplified, standardized procedures which make it as easy as possible for customers and cargo to get from one spot to any other spot on this globe.

Facilitation, we call it.

Twenty years ago, every country demanded passenger manifests from each airline flight entering its national boundaries. Because some of these countries demanded as many as 26 copies for each landing, passengers had to arrive at the airport hours before takeoff. Today, this kind of form has been vastly simplified, and approximately half of the countries cooperating in IATA do not require it at all.

We're still working on all phases of the facilitation problem—not just to eliminate abuses but also to further ease international travel through more customs preclearance and the simplification of passports.

In sum, IATA has been a conscientious, devoted and effective servant to the needs of the traveling public. Our industry should be the one consumerists point to as the standard for others to emulate. And, within the IATA framework, the vigorous competition that pertains helps guarantee our own commitment to the standard.

There are few industries in the world which have been able to contribute so greatly to the service of mankind and the widening of man's horizons as our own airline industry. I hope we realize this truth nationally and I hope we will come to realize it more and more internationally. I believe that IATA, now comprised of 107 airlines from 76 countries, has played an integral role in that contribution.

In its 27th year, now, IATA is still a youth if no longer a child. During the difficult years of its growing up, it has evidently shared the frustration of many other youths—that of being generally misunderstood and only occasionally able to convince parents and neighbors of its good character and honorable directions.

Those of us who are involved, however temporarily, with the efforts of IATA—an only child, after all—assure you that we are *not* all bad and that we are determined to be better.

WHY THE FEDERAL GOVERNMENT MUST ACT TO ASSURE SAFER BLOOD

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. VEYSEY. Mr. Speaker, as part of my research on blood banking the Library of Congress did a survey on State blood banking laws and standards for me. The results are disturbing to say the least.

At a time when transfusion hepatitis is reaching epidemic proportions across the country, we were shocked to discover that 17 States have no laws on blood banking at all. In these States anyone may open a blood bank and operate it anyway he pleases. Purity and sanitation standards simply do not exist.

As dangerous as this is, there are 21 other States whose citizens have even less protection than citizens in States with no laws. In 21 States there are no laws or standards for blood banks to live up to but there is a law which prevents almost everyone injured by tainted blood from suing to recover for their injury. We found only seven States in the United States that license blood banks, and only five that bother to inspect them.

This laxity would be unthinkable if we were talking about milk or meat. I cannot believe it is acceptable for the most basic lifegiving fluid there is—especially when so many people are dying from blood transfusion infections.

The list of State laws compiled by the Library of Congress follows:

[From the Library of Congress, Congressional Research Service]

STATE LAWS ON BLOOD BANKS AND HUMAN BLOOD TRANSACTIONS

1. Alabama—No laws.
2. Alaska—No laws.
3. Arizona[1]—Rev. Stats., 36–1151, 471.
4. Arkansas—No laws.
5. California[2,3]—West's Annotated Codes. Health and Safety Code, 1600–1620.
6. Colorado—No laws.
7. Connecticut[1]—Acts, 1971; Public Act No. 397, June 2, 1971.
8. Delaware[1]—Code, 5A 2–316.
9. Florida[2]—Statutes Annotated, 483.11 (Board of Examiners in Basic Sciences), 483.11.
10. Georgia[2,3]—Code, 84–5508.
11. Hawaii—No laws.
12. Idaho[1]—1971 Laws, Ch. 24, February 15, 1971.
13. Illinois[2,3]—Smith-Hurd Annotated Statutes, 111½ 601–101 to 611–103 (Illinois Blood Bank Act).
14. Indiana—No laws.
15. Iowa—No laws.
16. Kansas[1]—1971 Laws, Ch. 215, April 7, 1971.
17. Kentucky[1]—Baldwin's Rev. Stats., 139.125.
18. Louisiana[1]—Civil Code, 1764.
19. Maine[1]—Rev. Stats., 11, 2–108.
20. Maryland[3]—Code, 43–34.
21. Massachusetts[2]—General Laws, 111–184B; 106, 2:316.

---

[1] States whose *only* blood banking law excludes warranties of fitness and merchantability.

[2] States which license blood banks.

[3] States which inspect blood banks.

22. Michigan [1]—Compiled Laws, 691.1511.
23. Minnesota—No laws.
24. Mississippi [1]—Code, 7129–71.
25. Missouri [1]—1971 Laws, Act 68, June 14, 1971.
26. Montana—Rev. Codes, 69–2203 to 2205.
27. Nebraska [1]—Rev. Stats., 71–4001.
28. Nevada [1]—Rev. Stats., 460.010.
29. New Hampshire—No laws.
30. New Jersey [2]—Statutes Annotated. 26:2A–1 to 2A–12.
31. New Mexico [1]—1971 Laws, Ch. 119, March 17, 1971.
32. New York [2,3]—McKinney's Consolidated Laws, Public Health Law, 3100–3123; 570–581; Laws 1971, Cr. 195.
33. North Carolina—No laws.
34. North Dakota [1]—Century Code, 41–02–33.
35. Ohio—Page's Revised Code, 3701.30, 31.
36. Oklahoma—Statutes Annotated, 63–2151, 2152.
37. Oregon [1]—Revised Statutes, 97.300.
38. Pennsylvania—No laws.
39. Rhode Island—No laws.
40. South Carolina [1]—Code of Laws, 32–559.
41. South Dakota—No laws.
42. Tennessee—No laws.
43. Texas—There is a 1971 law concerning liability for blood transfusions, but it is not now available to us.
44. Utah [1]—Code, 26–29–1.
45. Vermont—No laws.
46. Virginia—No laws.
47. Washington—1971 Laws, Ch. 56, March 22, 1971.
48. West Virginia [1]—Code, 16–23–1.
49. Wisconsin—No laws.
50. Wyoming—Statutes Annotated, 146.31.

CHRISTMAS CAME A LITTLE EARLY AT FORT HALL

HON. LEN B. JORDAN

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Wednesday, January 19, 1972

Mr. JORDAN of Idaho. Mr. President, the Bureau of Indian Affairs is the frequent target of critics of the bureaucratic administration—and I have been among those critics—so I feel compelled to give credit to Secretary Morton and the BIA for an outstanding job of redtape cutting which permitted a pre-Christmas payment of a land claim judgment to members of the Shoshone-Bannock Tribe in my State.

The payment of this claim is described in an article in the Pocatello, Idaho, Idaho State Journal of December 23, 1971. The Post Register in Idaho Falls also devoted an editorial to the subject on January 3, 1972.

Mr. President, I request unanimous consent that the Post Register editorial and the Idaho State Journal article be printed at this point in the Extensions of Remarks.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

EARLY CHRISTMAS AT FORT HALL—GOVERNMENT DISTRIBUTES $5.4 MILLION TO INDIANS

(By John Chambers)

FORT HALL.—Santa slipped into Fort Hall two days early and left a $2,000 check today in the stocking of each registered member of the Shoshone-Bannock Indian tribes.

This time Santa came by Lear jet and his base station was the San Francisco disbursing office of the U.S. Treasury Department instead of the North Pole.

The checks represented distribution of $5.4 million as partial compensation for land taken by the federal government a century ago.

The bill authorizing payment of the money was signed by President Richard Nixon at 11 a.m. Wednesday, preparing the way for pre-Christmas distribution of the funds.

Computerization hastened Santa on his way by speeding the check-writing procedure in San Francisco. The jet chartered by the tribal council a week ago in anticipation of the President's action already was waiting.

Aboard the aircraft were Tribal Chairman Kesley Edmo, council member Alvin Buckskin, Supt. William A. Mehojah Sr., Idaho Falls attorneys Reed and Dwight Bowen, and a Secret Service agent.

Well before the 9 a.m. start of distribution, tribal members began lining up in Timbee Hall to start picking up their checks. About 20 Bureau of Indian Affairs employes and representatives of the tribal council sat at a row of tables stretching almost the width of the floor in the hall's gymnasium with typewriters, lists of names and stacks of those blue-green U.S. Treasury checks.

The first to get his check was Andrew Punkin.

Not all of the Indians got their checks today. The direct distribution totaled 1,759 checks of $2,000 each. The remainder was held in trust in an individual Indian account for persons found by the Social Services agency to be minors not living at home, incompetents or minor children of incompetents.

Most parents were given the option of withdrawing their children's money or leaving it in an account with the BIA drawing six per cent interest.

Persons judged incompetent were to be allowed to draw a stipulated sum monthly, rather than getting a lump payment.

"We've been trying to get this for 50 years," commented a jubilant Alvin Buckskin. "This is the first time we have gotten a per capita payment."

About 75 per cent of the 7,365,000 was to go to individual payments. The remaining 25 percent was to be used for reservation development projects.

Buckskin called the distribution a Christmas present and said he hoped it would bring the people closer together in their enjoymnet of the holidays.

For the people waiting in line, there was the joking about how the money was to be spent. The most popular one was about the Indian, check in hand, and the used car dealer, lifetime contract in hand, and the car dealer warning the Indian not to kick the tires.

One recipient, Bobby Burns, commented, "The old people especially should get the money, they can't farm."

Burns has 40 acres that he has been unable to farm personally because of the lack of money for equipment. He was non-committal about whether he planned to buy any tools with his money.

"We thank the main gunner, Kesley Edmo, for getting our money for us," he said.

Calico Colin, check in hand, planned to "catch up on bills and later invest in a home."

Tribal policeman Enos Osborne planned to put his four children's money in a savings account to draw interest until they were of age. One son, however, who is enrolled at Utah State University probably would need the money immediately, he added.

Daniel J. Ball has one beef cow toward starting a herd. He plans to use his share of the money to build up a herd.

The initial payment of $5.4 million is part of $15.7 million overall five-state Indian settlement for 38 million acres of land taken by the U.S. in 1868 and 1869. The amount has been increased considerably since the 1968 judgment.

LATE RESTITUTION TO THE INDIAN

As the Shoshone-Bannock tribe at Fort Hall received the government's tardy recognition of their land claims, Clyde Ormond, Post-Register outdoor columnist, wrote at the same time.

"Anyone who has hunted in the wilder parts of Idaho, or the nation, will have come across remaining evidences of Indian hunters who once hunted these same areas. To one who loves to hunt, some of the tragedy of the Red Man comes close to the surface while he stands upon those lands. The Indian not only loved to hunt; his existence depended upon it. And one of the great blots on our history is the fact that the whites, as a people, stole the lands of the Indian and starved them into near oblivion."

One cannot read a dispassionate account of the West's history without realizing that this is essentially true. We never understood the barbarity of the Indian, only excused our own. The Indians scalped and raided and our western movies have chronicled the fearful savagery of their retaliation to the white man's invasion . . . as he had with the competing Indian tribes before the white man.

But, the compulsion of our frontier taming, demanded that, our attitude dictated that these Red Men were only half-human. If they were, we could not justify the violation of reservation treaties with the lust for gold . . . for it was gold, finally, and miners taking it where they found it, that stirred the last Indian wars. The Indians, cornered by the Army and seeing the senselessness of their position, had been promised sanctuary and independence in their reservations providing they behave themselves.

The gold miner invasion was the last straw. The retaliation understandably angered the West. But the West at that time, did not see beyond the retaliation to the causes, to the years of tension building from the abject humbling of the Red Man, the land-taking, the broken treaties and mindless policy reversals in the ever-changing prescription for the Indian. The relative suddenness of this over-running of the Indian never allowed for any reasonable adjustment. Given the temper of the time and the Indian's fierce independence, the result was inevitable, however.

Now the government seeks absolution in a $7 million payment. It should not be lost on our appraisal of this gesture to the Shoshone and Bannocks, and to the Nez Perce in North Idaho, that we have a government capable of such restitution. This is indeed a tribute to American conscience.

The $7 million payment comes at a time when the Fort Hall Indians can well use the money. But the fact that only 25 per cent is being retained for reservation development, leads to the worry that too much of this money will not make the durable imprint on Indian direction-finding that it should. And it should go without saying that while it should be a continuing goal to preserve the Indian's rich heritage in making the reservation serviceable, there always be need to assist the Indian to live and work alongside the white man, whether factory, ranch, or store. This will demand a new resourcefulness in training and educating programs. We owe this to the Indian, too . . . especially this, and especially, our understanding of the singular difficulties of his adjustment to the amazing velocity of our change.

Mr. President, the bill authorizing payment of this Indian Claims Commission award was not cleared for the White House until December 10. At that time, members and officials of the Shoshone-Bannock Tribe expressed the hope that at least a partial payment could be made by Christmas. This was an appropriate request since members of the tribe had waited many years for the claims action to be completed in the courts and for the Shoshone Bands in three States to get together on the allocation of the awarded funds.

However, most of us in this body are well aware of the delays that can be encountered in enrolling bills, the final processing in the executive branch, and in this case, the administrative procedures to make the payments after the bill was enacted. Hence, the members of the Idaho congressional delegation had our fingers crossed when we told the tribal leaders that we would endeavor to get a partial payment by Christmas.

We communicated the request for an early Christmas at Fort Hall to Secretary Morton, and asked that he have the Bureau of Indian Affairs accomplish as much as possible of the payment processing in the hope that we could get the bill enacted in time. He readily agreed to do this and subsequently advised us that the paychecks would be ready for signing at the San Francisco disbursing office when the bill was signed.

Here another problem surfaced. An airline strike complicated plans to make an air pickup and delivery of the signed checks. However, the Shoshone-Bannock Tribe was able to charter a private plane and Tribal Chairman Kesley Edmo, Tribal Attorneys Reed and Dwight Bowen, Council Member Alvin Buckskin, and Fort Hall Superintendent William A. Behojah, Sr. were aboard the plane when it took off for San Francisco in a snowstorm on the morning of December 22d, immediately after the delegation had learned that the President had signed the bill that morning at 11 o'clock Washington time.

Thanks to the advance cooperation of BIA and Interior officials, the $5.4 million in $2,000 checks were issued by the disbursing office's computers, and the checks were distributed at Fort Hall the following day, on December 23d.

On behalf of my colleagues in the Idaho congressional delegation—all of whom supported this legislative and administrative effort—I wish to thank all those in the Department of the Interior and the Bureau of Indian Affairs who cooperated in this successful move to provide a long-awaited, happy, and eventful Christmas on the Fort Hall Indian Reservation in southern Idaho.

SMILE—THE YOUNG ARE MAKING IT EASIER

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. MAZZOLI. Mr. Speaker, for 15 years now, a newspaper in my district, the Louisville Times, has carried on a most splendid Christmas tradition.

Each Christmas Eve, it devotes front page play to the oft-neglected subject of "the good things teen-agers do." The newspaper's teen columnist, Mrs. Mary Phyllis Riedley, each year renders an accounting of the good deeds performed by the community's adolescent citizens. This annual column makes wonderfully reassuring reading and makes one feel good about the future, soon to be inherited by these fine young people.

I include this year's column, entitled "Smile! The Young Are Making It Easier," in the Record:

Smile! The Young Are Making It Easier

(By Mary Phyllis Riedley)

Through the years, our teen-age panelists have come up with an infinite variety of names for our annual Christmas column about the thoughtful things teens do all year 'round. Goodniks, cheerios, yuleys—you name it, and the kids already have.

Our present panel members—who meet to discuss topics for Saturday Date columns—call our Christmas file "Smiley." It was christened in August, when we received the letter telling us about 14-year-old Cindy. It was written by Cindy's mother and we love her opening line: "If you think it's easy to be a good kid, it's because you haven't tried."

Cindy's trials began last year when she clipped our Christmas column and announced to her family that "before next Christmas, I'm going to do something really neat. I'm going to make old Mrs. Bailey smile."

Mrs. Bailey is Cindy's next-door neighbor—the over-proud owner of the most formidable frown in town. And, she had a disposition to match.

Cindy's opportunity to kick off her campaign presented itself a few days later when she spied her elderly neighbor lumbering up the street laden with packages. Cindy offered her willing arms and her offer was accepted, but . . . without a smile. Instead, Mrs. Bailey insisted on paying Cindy a quarter and informed her: "I've always paid my own way, and I'm always going to."

Cindy sent her neighbor a birthday card. She was rewarded with a thank you. Still no smile. And so it went for two months. Then, one icy day, Cindy burst into the house ecstatic.

"She smiled! She smiled!"

The family couldn't believe it.

"Well," Cindy said, "it was a sort of smile. I went up to her door to ask if she needed anything at the drug store because I was going there anyway. She said no and as I slipped on the steps. That's when she smiled."

Cindy kept trying. Months later, she'd gotten no further than that icy day's sort of smile. Then, in July, Cindy went to camp for two weeks. About four days after her departure, there was a knock at the family's door. Opening it, Cindy's mother found Mrs. Bailey standing on the porch.

"Where's the girl?" she asked. "Is she sick?"

"No," said Cindy's mother, "she's away at camp." Then, she had a sudden thought. "Come in," she said. "I want to tell you about Cindy's project."

A few days later, the family got a call from their jubilant camper.

"Guess what," she squealed. "Today I got a letter from Mrs. Bailey. All it said was 'Merry Christmas' and it had a Smiley button pinned on it."

"SUBSTITUTE BEST FRIEND" TURNS SUNSHINE ON

Our Smiley file is fat with such contributions. In addition to the 141 letters from readers and the notes we jotted down from telephoned reports, our panel members clipped 49 letters to the editor that have appeared this year in The Courier-Journal and The Louisville Times lauding teens for their helping hands.

We have so many Smileys . . . let's begin with this one:

"When our 18-year-old went away to college, our retarded son lost his best friend. He missed her so. His usual sunny disposition changed over night. For days, he sat in his sister's room looking so lost and lonely.

"A few weeks later our daughter Susan's close friend, Martha, stopped us as we were leaving church to ask how Susan liked college. During the conversation, I told her how much Roddy missed his sister. Since that day, Martha has been a regular visitor at our house. Always she comes bearing a little surprise for Roddy—a gingerbread man, a yo-yo; one day she brought him a mirror and he sat fascinated for hours talking to himself.

"When she has to run an errand, she stops by and takes Roddy with her. Together they write a weekly letter to Susan.

"This girl's thoughtfulness is the most wonderful experience I've ever had. Roddy adores her and is once again his old happy, loving self."

A GIFT IN SIGHT

The mother of a 9-year-old boy sent us this letter:

"I don't write or spell too good but you will get the idea why I'm writing for your Christmas story. This boy who's 17 has been helping my 9-year-old boy with his school lessons because he wasn't doing good at all. This has helped Timmy very much and his school work is getting real good. But the big thing I am writing for is that last month Allen noticed Timmy couldn't see good. He asked if we'd had his eyes tested and I said only at school. He asked if I cared if he took him to a doctor and I said no and he took him. The doctor said Timmy needed glasses and they were expensive and I didn't have $28 right then. But Allen not only paid for the glasses he paid the doctor out of his own money he had in the bank for going to college.

"Nobody has done anything so nice for us before and I thought it would be nice if you told others how good Allen is in your Christmas story."

TEACHERS RECORD LESSONS OF LIFE

A teacher, who retired last year and describes herself as "not a pupil's pet," was touched to tears when she received the following note from one of her former students, "a girl with a good mind, who seemed more interested in playing the clown than the student." The note, which arrived a week after her retirement, read:

"Every teacher upon retirement must wonder just how much influence she has really had upon the thousands of students she's taught during her career. I can't speak for thousands. Only for myself. Though I know you think that all your very good advice to me fell on wooden ears, this is not so. You, more than any other teacher I have had in 11 years, have shown interest in me as a person, not just as a student.

"I know you are right about my antics and loud mouth. As a retirement present to you, I am going to start practicing what you have been preaching. I'll never forget that day you called me to your desk after class—and I'd been such a mess that day—and you just looked at me and said softly, 'Why?' I knew what you meant though I acted like I didn't. Then you told me what a fine mind I have, how attractive I am and to please be kind to myself. You said, 'Be yourself. Let others know what a truly fine person you are.'

"Every time I get ready to ham it up or open my big mouth, I'm going to repeat your words to myself. One day, I hope you will be proud of me. Thank you so much for caring. I miss you."

From other teachers we have heard about:

The junior high boys who bought with their combined allowances a new pair of sneakers to replace those stolen from a classmate. The boy whose shoes were stolen has 11 brothers and sisters and buys all his own clothes with money earned after school.

The 16-year-old girl who enrolled in a sewing class so she could learn to make clothes for the needy 10-year-old she tutors.

The three senior girls who showed up last Christmas to cook dinner for their English teacher who'd fallen and broken her hip a few weeks before the holidays. The teacher, a widow, has no family here and the girls knew her friends would be busy with their own families.

From the elderly, we heard about:

The four boys who finished painting their 68-year-old neighbor's garage after he fell off a ladder trying to do it himself.

The two teen-aged sisters who gave each of their four elderly neighbors 10 hours of errand-running for Christmas last year.

The 15-year-old boy who helped a senior neighbor move her furniture when the fellows she'd hired failed to show up.

Thank you, teens. Have a happy Christmas. Somebody up there is very pleased with His birthday present.

INNOVATIONS AT FOLGER SHAKESPEARE LIBRARY

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, January 19, 1972

Mr. SPONG. Mr. President, a young Virginia native has been responsible for some interesting innovations at the Folger Shakespeare Library here in Washington. Richmond D. Crinkley, who received his bachelor's, master's, and doctoral degrees from the University of Virginia, became the library's first program director in 1969 and established the Folger Theater Group shortly thereafter. A recent article in the New York Times details the activities of Dr. Crinkley and the Folger Theater Group. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

INNOVATIVE THEATER INVADES THE FOLGER

(By Nan Robertson)

WASHINGTON, January 6.—The newest stage company in Washington is bringing youth and spirit to a period-piece house that waited for regular theater for 40 years.

The Folger Theater Group, headed by Richmond Crinkley, a 31-year-old Virginian with a Harpo Marx hairdo, has transformed the Elizabethan theater of the Folger Shakespeare Library from a museum into a lively arts center.

Its second season began with two Pinter plays, "Landscape" and "Silence," and will end with a modern staging of Shakespeare's "Romeo and Juliet." The current offering, which runs through Sunday, is "The Revenger's Tragedy," a 365-year-old melodrama done as black satire. One reviewer called it a 17th-century counterpart to Jules Feiffer's "Little Murders."

"BACCHAE" UPDATED

The group is trying all kinds of innovative techniques in the tiny, half-timbered theater on Capitol Hill. Their mod version of "Twelfth Night" last spring prompted Joseph Papp to bring an earlier Folger production, a rock-musical adaptation from Euripedes's "The Bacchae" called "Dionysius Wants You!," to New York in September.

"Twelfth Night" was directed by Mr. Crinkley and Louis W. Scheeder, a 25-year-old New Yorker with shoulder-length locks flowing down from a center part on the crown of his head.

The two sheathed the stage in 900 yards of aluminum foil, has actors sliding down firehouse poles in bell-bottoms and hot-pants, dumped balloons on the audience like a climax of a political convention, combined the twins, Viola and Sebastian, into one sex-switching character and made Feste the fool a torch-singing woman.

SILENCE IN THE ROOMS

The hullaballoo is startling at the Folger, which contains an incomparable collection of Shakespeareana within its tightly guarded, cloistered walls. The silence in the Elizabethan reading room is broken only by the tinkle of a bell when a scholar wishes to be let into the rare-book vaults. Tea is served every afternoon at 3, and the ashes of the founders, Mr. and Mrs. Henry Clay Folger, are behind a brass plaque at one end of the room.

From 1932, when the building was finished, until 1970, Mr. Crinkleys first season, only one play was produced within the theater. This was in 1948, when the Amherst Players gave seven performances of Shakespeare's "Julius Caesar." The trustees of Amherst, where Mr. Folger was a student, administer the library under the terms of his will.

Mr. Crinkley came to Washington in 1969 with O. B. Hardison Jr., the newly appointed director of the library. They became friends at the University of North Carolina, where Mr. Crinkley taught drama and Mr. Hardison was a professor of English literature.

TROUPE IS YOUNG

As the library's program director, Mr. Crinkley formed his troupe of about 25, a changing mix of college drama students, struggling nonunion actors and several more experienced "Equity guest artists" for each production. The average age is around 25. Mr. Hardison's three youngest children, 10, 12 and 13 years old, serve as ushers and checkroom attendants for the 198-seat theater.

The Equity actors each get salaries of $200 a week; the rest, expenses. The latter "are working out of love and pride and ego," Mr. Scheeder said, but their work with the group gives them "exposure and experience." Mr. Scheeder added, "We're doing very serious—quote—theater; it's highly theatrical as opposed to literary."

By now, Washington's first-string critics are reviewing the Folger's opening nights.

Mr. Crinkley's yearly budget is $40,000, and he has a theater, the services of the Folger building and publicity staff and a venerable institution behind him—assets any infant theatrical company would envy.

Until he came along, the theater was open only to groups of tourists or for a rare concert or lecture. In 1969, the Folger spent $20,000 on fire-proofing the house and about $6,000 more to make it playable.

PILLARS PRESENT OBSTACLE

The shallow stage, cramped between two pillars 17 feet apart, was and still is a headache. But the pillars support the ceiling and could not be removed. So Mr. Crinkley covered the first rows of seats with a thrusting forestage 12 feet deep. The rake of the center platform is two inches to a foot, twice as steep as the usual sloping stage, but it gives an illusion of depth.

Mr. Crinkley's first production in the Folger Library was "Natural and Unnatural Acts," vignettes on the life of Byron by Michael Menaugh, a young British playwright. The Virginian and Menaugh met at Oxford University, where Mr. Crinkley, on a Fulbright scholarship, got together with some schoolmates to produce Gogol's "Diary of a Madman." Mr. Menaugh was in the cast.

Mr. Crinkley, who got his bachelor's, master's and doctoral degrees in English literature at the University of Virginia, said dryly of his premiere effort at the Folger: "It was not the great event of our lives."

But the reviews have picked up steadily since. "The Revenger's Tragedy," rife with betrayal, rape, incest, at least a dozen dead and featuring a skull with poisoned lips, has been praised here for the directing and acting.

FARM INCOME IS NATION'S NO. 1 PROBLEM

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. O'KONSKI. Mr. Speaker, I am glad to join in tribute to the farmers and in pointing out what I consider to be the No. 1 problem of our land; that is, the situation we have in our rural areas.

Anyone who is cognizant of the fact that in the years 1950 to 1960 inclusive, 800,000 people a year left rural America for already overcrowded cities, and in the 10-year span from 1960 to 1970, 600,000 people a year left rural America for our already overcrowded cities, who is not cognizant of the fact that we do have a farm and rural problem, just does not have a conscience.

Now, what has happened in the past 20 or 30 years so that this situation would develop? I believe I can best illustrate it by an experience I had as a small boy when I was living on a farm.

Our farm happened to be where there was a very wild forest. Just as soon as I was able to comprehend stories, I heard the horror stories, being warned about not going into that forest. My mother, father, sisters, brothers, and my neighbors would tell me never to go into that wild forest.

I wondered why. They told me that for some reason or other—no one knew where they came from—in that forest were a group of wild boars, and therefore I was to stay away from that forest.

All the horror stories and scare stories were told to get children to stay in line, and they would say, "If you do not behave we will send you to the forest where these wild boars are." It was the folk story of the times, of the era and of the place.

So at one time a man who was a traveling salesman, with the stovepipe hat and an undertaker's coat, and a horse and buggy, happened to come into one of the church gatherings, and they started to tell him the story about these wild boars. He became quite intrigued by these wild boars that were in the forest, so he went out into the woods to take a look. Everybody laughed and said, "Good bye, Mr. Salesman, we will never see you again, the man with the stovepipe hat, the man with the undertaker's coat."

In several hours, he came back, and he went over to the store, and he said, "Give me an ax." They all thought he was going into the forest to kill these wild boars with an ax.

He stayed there for a couple of days, and then he came back with the ax. This time he came in and he asked for a half bushel of corn.

He went out to the forest, and everybody thought he was crazy. First he took the ax, and now he wanted the corn.

In about 4 hours he came back out of the forest. All the neighbors were gathered around, wanting to know what happened. He said, "I want to show you something." So he took them out to the forest. He had built a pen with the ax, and in that pen were 50 wild boars. The neighbors said, "How in the world did you do it?" He said, "It is very easy. Just give me the choice of a free handout, and I will capture the wildest animals in the forest." In this case it was a few kernels of corn.

That is exactly what we did to the farmers of the United States of America. With a few kernels of corn we took away their freedom and liberty, just like this man with the stovepipe hat and the undertaker's coat took away the freedom and liberty of these wild boars of the forest. How did we take away their freedom and liberty? By the promise of a few handouts, a few kernels of corn. In this particular instance it happened to be by their saying, "If you will let us run your farm and let the Government tell you what to sell and what to reap and how much we will give you parity."

What is parity? They never told the farmer what parity would be—whether it would be 47 percent, or 50 percent, or 75 percent or 90 percent or 100 percent. They fell for the handout of parity which they never got and which happened to be an illusion and not a good thing. So, with this illusion of parity in the last 20 years, what did we get? In the first 10 years we had 800,000 people a year leaving the farms. In the second 10 years we had 600,000 people a year leaving the farms. In that way, we arrived at the situation we face today.

What we have to do is set the farmers free. We captured them and took away their freedom by the illusion of parity, but we have to set the farmers free in the United States in order to let them produce what they want. God knows the biggest problem in the world today is hunger. The American farmer has the know-how to lick the world's greatest problem if we would only let them go and free them.

At the same time parity turned out to be a disadvantage to the farmer. Stripped of all of its artificialities, what is parity? It is price control. We have price control by the Federal Government on a permanent basis in only one segment of our economy, and that is the farm segment. Parity instead of being something beneficial to the farmer has turned out to be his greatest liability. Parity is price control.

I was in the sad situation about the middle of March of having the dairy farmers of my State coming to Washington practically on their hands and knees. For what? They said: Mr. Congressman, can you not, please, beg the President, beg the Congress, and beg the Secretary of Agriculture to raise the parity on milk from 80 to 85 percent?

What is that but price fixing? When they are getting 85 percent, that means 85 percent of the cost of production. They are losing 15 percent on every 100 pounds of milk they produce at 85 percent parity. They were thankful that they got a raise from 80 to 85.5 percent of parity.

But look how the farmers lost their freedom to the point where they have to come to Washington, D.C. They are the only segment of our economy that has to beg for their prices year after year. If you let the farmer go free and give him freedom along the lines that I advocated a long time ago, the freedom that we give to every other segment of our society; namely, the freedom of collective power and collective bargaining, he will be all right.

The farmer is the most unselfish member of our society. My farmers told me:

Congressman, we do not want any of these handouts from the Federal Government, we do not want these kernels of corn that took away our liberty and our freedom in return. We do not want anything from the Federal Government. What we would like for the Federal Government to do is to leave us alone. What we want is a fair price for our product in the market. We do not want Government handouts. We want a fair price for our product—cost of production plus a fair profit in the market.

How unselfish are their demands? That is all they want—a fair price for the product.

They want a fair price for their product, the cost of production plus a fair profit at the marketplace. That is all they want and they will be able to achieve it through a system of collective bargaining.

Mr. Speaker, there is just one other step we have got to take besides letting them free and giving them collective bargaining, and that is educating the consumer. Unfortunately, the consumers in America outnumber the farmers 50 to 1 and that is where the disadvantage is. I know, because I was in a household during the holidays. I was there at a time when the housewife called the grocer. She ordered one case of beer, two gallons of wine—and, how much is milk today? Twenty-four cents a quart. How much is bread today? Twenty-three cents a loaf. They do not argue about the price of a case of beer. The average consumer does not argue about the price of two gallons of wine, but when you ask 23 or 27 cents for a loaf of bread or a quart of milk, my God, it is outrageous.

We have got to educate the consumers of America to the fact that a quart of milk, a loaf of bread, are worth just as much as a bottle of beer. If we accomplish that, the farmers will have good times in the United States of America.

THE FUTURE IS COMING TRUE WITH EROS PROGRAM

HON. MILTON R. YOUNG

OF NORTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Wednesday, January 19, 1972

Mr. YOUNG. Mr. President, one of the exciting new programs in which all of us have had a part through the approval by Congress of the concept and the funding is the earth resources observation satellite activity of the U.S. Geological Survey.

Otherwise known as EROS, this program offers a tremendous potential to mankind in achieving substantially greater understanding of our resource problems and needs and offering new and increased opportunities for providing solutions to these problems and needs.

In connection with this program, at the request of Senator MUNDT, with whom I have worked closely in the Appropriations Committee in moving the Data Center project at Sioux Falls forward, I am pleased to call attention to an interesting article on the EROS program contained in the December issue of Nation's Business.

Entitled "Pick Up the Phone and Learn the Earth's Secrets," the article was written by C. V. Glines. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PICK UP THE PHONE AND LEARN THE EARTH'S SECRETS

(By C. V. Glines)

A dozen men, representing ranching, mining, fishing, manufacturing, petroleum, timber and agricultural interests, deplane at the Sioux Falls, S. Dak., airport.

They taxi to a new federal facility in a downtown office building, where they are met by government experts and escorted to separate meeting rooms. Each group pores over photographs, computer print-outs and other data.

Based on information from the photos and data, and interpretation by the experts:

A cattleman changes the grazing plan for his large herd because a water shortage can be expected next year.

A fishing fleet owner orders his ships to move to a new position off the California cost where there are large schools of tuna.

A mining company seeks exploration rights for an area in a Northern state where there is a 90 per cent chance copper will be found.

A drilling firm in Hawaii decides to prospect for water at a certain location, with a 10 to one likelihood of success.

A lumber company learns that a small forest fire, not yet detected by lookouts, has started in one of its vast preserves.

Did these things really happen?

No.

But they could, beginning next year.

U.S. Geological Survey personnel are now in the process of establishing the Sioux Falls facility. Known as the EROS (for Earth Resources Observation System) Data Center, it eventually will be staffed with about 150 specialists from the Interior Department and other federal agencies. Its purpose will be to provide the public with data about the earth's resources, gleaned from unmanned satellites.

EROS is a companion program to the National Aeronautics and Space Administration's Earth Resources Technology Satellite (ERTS) project, in which a series of satellites will be launched, starting next March.

Each satellite will look down with three TV cameras. One will record green light, to permit views of lands beneath shallow waters; another will record red light, to survey land use patterns, and a third will record near-infrared energy to survey land forms and water distribution information.

Other remote sensing units and measuring instruments will collect additional resource data.

These eyes in the sky will be placed in 500-mile-high orbits to provide coverage of any spot on earth every 18 days at exactly the same time of day. Each satellite will remain in orbit about a year.

The images and data acquired will be transmitted to receiving stations at Fairbanks, Alaska; Mojave Calif, and Greenbelt, Md, At the Goddard Space Flight Center in Greenbelt, all data will be put on TV tapes or photo negatives and sent to the EROS center at Sioux Falls.

JUST A PHONE CALL AWAY

The current EROS facility is a temporary one. Eventually, after a permanent center is built, the data will be beamed directly to it.

Mapmaking computers at the center will ingest the information, translate it into photo form and make it available to the public, along with data acquired from ground and aerial surveys. Charges will be nominal—the cost of reproduction. Requests can be made by mail or telephone.

Advisory and interpretation service will also be available upon request so laymen can learn from experts how they might use the information to satisfy their particular requirements. There will be fees for this service. However, no strings will be attached; all data will be available to anyone who asks.

EROS' permanent facility will be located 10 miles north of Sioux Falls on 300 acres given to the federal government by the people of the area (the economic activity surrounding the data center is welcomed by local businessmen, among others).

Its first component will be a $5 million building erected by the Sioux Falls Industrial Foundation, which the federal government will lease. At the end of 20 years, ownership will revert to the government. Completion is scheduled for the summer of 1973.

The EROS program's vast potential comes from the relatively recent development of sensors that can detect and identify objects from great distances. Matter in its various forms—water, vegetation, rocks, animal life, etc.—absorbs, emits, transmits, reflects or scatters photons, the basic units of electromagnetic energy. Because each type of matter has a different atomic and molecular structure, they produce distinctive "signatures" in the sensors' receiving apparatus.

Remote sensing devices—infrared, radar, electromagnetic—are a spin-off of the nation's many aerospace programs. The Viet Nam War has also produced a share of the technology involved, in the form of now-declassified electronic surveillance systems.

A major advantage of electronic sensors over conventional photography is that some of them can obtain "signatures" of earth resources and interrelated environmental features through clouds, darkness, vegetation, water or soil.

For example, oats can be differentiated from wheat; iron can be distinguished from copper; fish can be seen beneath water's surface.

With such detection capabilities, the application possibilities are phenomenal.

The world's crops can be inventoried. The effects of forest fires, floods, insect infestation, earthquakes and volcanic eruptions can be quickly assessed (and impending volcanic activity can be detected before eruptions).

Urban planners will be able to pinpoint areas of deterioration. The total effects of pollution on air, water and land, and its sources, can be studied.

In a short time, the entire world can be mapped accurately.

And even more significant, perhaps, will be man's capability to locate, assess and catalog resources hidden beneath the world's water and land masses.

ASTRONAUTS PAVED THE WAY

The nation's scientists, after many years of experience with sensors mounted in aircraft, have great confidence in the EROS program. They became truly excited about satellite potentials after studying filtered photographs of the earth taken by Gemini and Apollo astronauts. Some of the discoveries:

A fisherman illegally dredging oysters in Galveston Bay.

A trace of a fault, near Charleston, S.C., that may have caused a major earthquake in 1886.

Errors in maps of the Marshall Islands in the Pacific.

A potential copper lode near the Arizona-New Mexico border.

Confirmation of theories about river sedimentation in the Northern Hemisphere.

Says William A. Fischer, EROS program manager for the Geological Survey:

"We have already identified several hundred practical uses for this new space capability. Almost every day we learn of still others which the combined computer, electronic, photographic and spacecraft arts may soon make possible."

But Mr. Fischer is cautious.

"Users should not expect miracles from EROS," he says. "There will be a learning period during which we will have to verify the space information by aerial photography and ground surveys. The satellite should be considered an addition to our box of resource measurement tools—not a replacement for them."

Remote sensing's value to farming is recognized by Secretary of Agriculture Clifford M. Hardin, who says: "Data collected by sophisticated cameras and other instruments carried by planes and satellites will enable early detection of crop diseases such as corn blight. Insect infestations of fields and orchards can be spotted in time to prevent widespread damage."

Corn blight appears dark in infected fields on infrared film while healthy corn shows high reflectance. Using "multispectral" techniques, it may soon be possible to detect the spread of this and similar plant diseases while they are actually being borne by the winds from infected to healthy areas. This will enable farmers downwind to protect their crops well in advance.

Agricultural Research Service scientists estimate remote sensing can reduce disease and insect detection costs by a third. In addition, they say, the new technique can be of great economic value in determining range conditions, water resources, water pollution, soil types, and fertility deficiencies.

WHERE THE POPPIES GROW

One related possibility is control of drug traffic through remotely sensed surveillance of the world's opium poppy-growing areas. Crops spotted from space could be destroyed before they were ready for processing into opium.

Though Department of Housing and Urban Development officials think they will be able to use satellite-gathered information to predict urban deterioration, they feel its use is many years away. Charles F. Withington of the Geological Survey is at work on developing necessary techniques. An expert in infrared analysis, he is comparing high altitude aerial photos of urban areas taken over a period of years.

"Quite possibly we will be able to pinpoint neighborhoods headed for decay long before city fathers do," he says. "For example, when people let a neighborhood run down they leave more garbage lying around and they water and fertilize their lawns less. Over a number of years photos taken during the summer months are going to show this."

Infrared photographs show healthy growing matter as a rich red. Less healthy vegetation is readily detectable by comparison.

Infrared's ability to reveal the growth of oxygen-consuming algae in streams was vividly shown on Nation's business' cover for January, 1971. This type of water pollution is one of the prime concerns of the Environmental Protection Agency.

EPA Administrator William D. Ruckelshaus observes that "when fully developed satellite-borne sensors may play an important role in environmental surveillance systems" and adds that "it may be possible to detect and monitor oil spills, algal blooms, red tide outbreaks, developing smog conditions and other similar problems."

SATELLITIES AND SOVEREIGNTY

Since the satellites will be scanning every spot on earth, there is concern in some nations that the inventory of their resources could be to the ultimate disadvantage of their economies.

But William A. Chapin, EROS project officer in the State Department's Bureau of International and Technical Affairs, feels that "reluctance of foreign nations is diminishing" in regard to resource satellites. "Knowing that resources are there," he says, "doesn't mean that they can be exploited."

The Geological Survey's Mr. Fischer cites the atmosphere at a meeting last May at the University of Michigan's Ann Arbor campus of the International Workshop on Earth Resources Survey Systems.

Representatives from 51 nations, including the Soviet Union, were present, and Mr. Fischer says he doesn't recall the question of sovereignty being raised at any time.

The U.S. will make EROS information available to all. Foreign nations will be able to obtain resource information about their own or any other country.

And anyone with the money to build a receiving station will be able to freely record the data when it is being transmitted to the U.S. stations. Canada plans to have an antenna complex, in Saskatchewan, ready for the first satellite launch.

President Nixon enunciated national policy before the United Nations in September, 1969. "I feel it is only right that we should share both the adventures and the benefits of space," he said. He added that "this program will be dedicated to produce information not only for the United States but also for the world community."

NO BACKLASH ON ECOLOGY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. DINGELL. Mr. Speaker, there are those within the Nixon administration who feel that it is essential that we allow the polluters to continue to pollute. I disagree with this view and it is encouraging to note that the New York Times, in an editorial carried in its January 10, 1972, issue, expressed a similar view. I include the text of the New York Times editorial at this point in the RECORD:

NO BACKLASH ON ECOLOGY

On the environmental front, 1971 was, superficially at least, something of a comedown. Where the very word environment, like motherhood or Americanism, had been almost enough to assure passage of a bill the year before, a certain coolness was discernible in 1971 both in Administration circles and in Congress. Secretary of Commerce Stans articulated the change when he urged industry and Government to go slow in trying to restore the country's air, land and water: "We must weigh environmental goals against economic reality and say 'Wait a minute' "—or there might be an environmental backlash.

The tone of White House pronouncements themselves underwent a less than subtle change in the direction of this same "reality." The President's rhetoric accompanying the first report of his Council on Environmental Quality had rung with warnings of "ecological disaster," "literally now or never," and the like. But Mr. Nixon's concern this past year was the threat of "ecological perfection at the cost of bankrupting" industry. And the Government's health and environmental officials baffled the public by suddenly urging a return to phosphate detergents, hitherto condemned, on the misleading ground that alternative cleansers were probably worse.

Nevertheless, it would be unwarranted to conclude that Secretary Stans' threatened backlash has come to pass, still less that concern for the environment is turning out to be a fad, as some have been dolorously predicting. "Environmental backlash is a myth propagated by lobbyists for the polluters," in the view of Representative Reuss of Wisconsin, a leading environmentalist, who denies any decline at all in Congressional support for the movement.

The test will be in the second session, which normally completes more legislation than the first. Considering the present status of bills, it is reasonable to expect, besides a major water bill, legislation to protect marine mammals, reduce ocean dumping, create a Joint Congressional Committee on the Environment, set aside four new wilderness areas and several new national parks, curb strip-mining and possibly establish a far-reaching land-use policy. Added to the modest achievements of the first session—such as a ban on hunting animals from airplanes and the establishment of three new national parks—the list will not be unimpressive.

No year can be counted negative for environmental progress, moreover, that includes such contributions by the Administration as cancellation of the senseless Cross-Florida Barge Canal, which had already been begun, vital support for New York's Gateway National Recreation Area and the saving of Florida's Big Cypress Swamp from private "development." These are no mean achievements.

Judicial vigilance blocked the proposed Tennessee-Tombigbee Waterway, a project for needlessly paralleling the Mississippi River at a cost of nearly $400 million, and more displaced earth than was required by the Panama Canal. And, besides the Gateway, New Yorkers can be especially grateful for a new Adirondack Park Agency, charged with keeping all lands within the park's boundaries—public and private—compatible with the character of the park itself. Also notable was the saving of Jamaica Bay from the fatal encroachment of airport runways—not to mention the demise of Governor Rockefeller's cherished plan for a Hudson River Expressway which would have done violence to a historic and lovely shoreline.

If the year's record, all told, is only moderately encouraging, it is still hard to disagree on balance with C.E.Q. Chairman Russell E. Train's estimate that "the sudden emergence of the environment as a high-priority public concern constitutes one of the great forces of change of our time."

GOVERNMENT FISCAL AND MONETARY POLICY

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, January 19, 1972

Mr. BYRD of Virginia. Mr. President, the Wall Street Journal of January 4 contains an excellent editorial on government fiscal and monetary policy.

The editorial includes the interesting observation that when the U.S. Treasury enters the money market to sell securities in order to finance the mounting public debt, it will inevitably put upward pressure on interest rates.

It has been my observation that this has occurred several times in recent years, and I see no reason to doubt that history will repeat itself.

I ask unanimous consent that the editorial, entitled "Good News and Bad News," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GOOD NEWS AND BAD NEWS

In the area of economic controls there is both good and bad news this holiday season, with the bad news, unfortunately, considerably outweighing the good.

The good news, such as it is, is that C. Jackson Grayson, chairman of the Price Commission, hopes to start soon on plans for decontrol. "After all," he says, "we are not designing a permanent controls system."

Even a casual look at the existing setup would persuade anyone that the planners could not conceivably expect it to last forever, at least in its present form. It leans heavily on so-called voluntary compliance by unions and businessmen, and the urge toward voluntarism, never strong among the unions, is sure to weaken as time drags on.

And Mr. Grayson makes no secret of the fact that he expects time to drag on. He thinks that controls will last through 1972 and probably until mid-1973. "I do not mean," he says, "that we might not want to decontrol some areas before that. But it will take a year and a half for this to begin to wind down."

Even then the Price Commission chairman doesn't really look for complete decontrol. Major industries may never entirely escape. "That sector will always be subject to some voluntary control—some form of jawboning or direct controls," in Mr. Grayson's view.

One of the sorrier aspects of this outlook is that the economy, despite controls, has begun to show signs of growing strength. The continuing confusion over the mass of rules and regulations cannot help but slow the rate of recovery.

As Bill Paul reported in this newspaper recently, even the Internal Revenue Service, the agency charged with Phase 2 enforcement, isn't always sure what it's doing. The agents spend most of their time simply trying to explain the rules to the public, and to each other, instead of enforcing them.

The longer the rules persist the more specialists there will be in the field, advising businessmen and unions how to avoid the controls legally, or perhaps how to evade them without getting caught. The administration is trying hard to maintain a minimum of machinery, but with the passage of time more and more private and public resources are sure to be tangled up in the apparatus.

Mr. Grayson and other controls officials argue that their overriding responsibility is to squeeze inflationary expectations out of the economy. If Americans look for more inflation they keep trying to protect themselves against it by pushing up wages and prices. But can such expectations be eliminated merely by trying to curb prices and pay, the symptoms of inflation?

At the moment, at any rate, the Federal Reserve Board does not seem to think so. In Congressional testimony Arthur F. Burns, board chairman, stressed that wage-price control was no more than "a temporary effort aimed at speeding the return to noninflationary conditions in a free economy.

"This goal requires that we conduct fiscal and monetary policies so as to avoid setting in motion forces that would lead to excessive aggregate demand on our resources and trigger still another round of inflation. Only if all of the policy instruments available to the government are working in harmony can the present anti-inflation policy succeed."

Harmony, sad to say, is something we haven't got. The Fed has restrained monetary growth in recent months, but fiscal policy is something else again. According to early reports the administration doesn't see any hope of balancing the budget even on the artificial full-employment basis.

To finance the enormous deficits the Treasury in coming months will have to sell a lot of securities and the Federal Reserve, like it or not, will see to it that there's enough money around to buy them. Treasury competition in the financial markets will help to put upward pressure on interest rates, and there's no indication that the Fed has broken its bad habit of trying to keep the rates down by pouring out still more money.

Most worrisome, perhaps, 1972 is an election year and with Congressmen courting votes they are only too likely to make the administration's loose budget even looser. Moreover, both the administration and Congress will be pressing for the sort of economic stimulation that in the past has mainly produced more inflation.

Happy New Year, everybody.

OUR NATION'S POLICEMEN

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. WYDLER. Mr. Speaker, the policemen of our Nation are the No. 1 line of defense that stands between the criminal and a person's security, to his person, and to his home.

The county of Nassau has an outstanding police department, and in a recent newsletter of the Patrolmen's Benevolent Association two articles appear which I think point out facts important to every American. The first of course is the need for our policemen, and the second is the agony of the service they render to the people. They are set forth herein:

A MINORITY THAT IS INDISPENSABLE

(By Hon. Charles L. Gould)

This concerns a minority group with high visibility.

It is a group too often condemned and too seldom commended.

There are fewer than 800,000 of this minority in all the United States. In all of California, there are fewer than 50,000.

They tend to congregate in core cities. There are 1,872 in San Francisco.

Members of this minority group have longer work days than our average citizen. Their earnings are limited. Few belong to unions.

They get jobs others shun. Their work is frequently dangerous. As a result, their insurance rates are higher than average.

In the past 10 years more than 640 of their number have been brutally gunned down.

Many have been targets for rocks, clubs, bottles, and bags of human excrement. Many have been spat upon. Most have been insulted and called vile names.

The lives of many have been threatened. The homes of some have been bombed and burned. Children and wives of this minority group are often terrorized and criticized.

The men are expected to accept insults without responding in kind.

While earning less than some laborers, they are required to expertly and instantaneously make legal decisions that may require months of deliberation by the Supreme Court.

They are criticized and condemned for being too soft. Just as they are criticized and condemned for being too tough.

They are not without fault, but if all of our citizens were as law-abiding as they, all people could walk our streets in safety at all hours.

They give strength to laws. Without them our cities would become jungles. They are as precious to society as doctors, lawyers, teachers, and preachers.

They belong to all the races of man. They are black and white and brown and yellow. They are Catholics, Protestants, Jews, and agnostics.

They are our police officers . . . members of a proud profession.

They merit more respect than they receive.

MIDNIGHT LAMENT

(By Mrs. Jake Pavlica)

The night is still and your heart is the same, it's the darn old thing—the 12–8 game.

The pain is in your stomach and also your heart, as 11:00 comes around then it's time to part.

Five nights of this worry must be endured, and year after year the anxiety can't be cured.

You check the kids all sleeping in their beds, and you cherish their innocence and clear heads.

You check the windows and glance in the streets, the air so still and the darkness your eye meets.

Is it as dark and still where he is now too? What do the shadows hide for my guy in blue?

Oh, please dear God, make the clock soon reach eight, and quickly send home my dear loving mate!

The thought is always there that he may not be back, and the stabbing pain does your body rack.

Will you be strong? Could you continue to live? Is the Lord really kind? Will he take or give?

You go to bed and toss and turn, but the tears in your eyes sting and burn.

All of the shifts really make you quite leery, but the midnights seem to make you very weary.

The hours do pass and the years as well. Can you survive more midnights, the living hell?

The dawn is here, wake the kids and listen for your guy. You hear the car, the key in the door and you heave a sigh.

A quick little prayer of thanks and again return to your chores, till the dread midnight hour returns and you again close the doors.

HAVE AMERICANS BECOME SO INURED TO GRAND CALAMITY THAT THEY REJECT INDIVIDUAL SUFFERING?

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, January 19, 1972

Mr. RANDOLPH. Mr. President, several weeks ago a small girl appeared on the side of a major eastern highway and cried for help. She was unclothed and apparently alone in the darkness. Despite her pleas, speeding motorists ignored her. Her ravished body was found the next day in a nearby swamp.

There may be rationalizations for such apparently inhuman behavior in this particular case. It was dark; many passersby may not have spotted her alongside the road, or if they did, hesitated to stop at night on a high-speed expressway. Others who might have seen the pleading child could have suspected a trap. Parenthetically, one of my aides recently stopped on Constitution Avenue one night to aid a young lady with apparent car trouble. He was rewarded with the loss of his wallet and a sum of money.

But quite obviously, in the case of this poor girl, there were many people passing her by who just did not want to become involved.

This heartless reaction was especially highlighted in a more recent California case involving a woman trapped in a snowstorm with her dead or dying husband. I am sure many of you are familiar with the news reports of the woman seeking emergency aid, and being rejected by one or more fellow humans.

Such callous conduct leaves most of us speechless. It is the reaction of one of our gifted newspaper columnists, Don Daniels of the Wheeling News-Register, which places into well-chosen words the indictment on humanity such actions portend. Mr. Daniels asks:

> Have Americans become that impersonal? Is the first person singular now the dominant word in our language? Is it fear that in helping a fellow American we will somehow contract whatever illness that besets him?

I feel that in too many cases Americans have become so inured to calamity on a grand scale that daily and personal tragedies seem unimportant. Yet it is difficult to understand how, in a face-to-face confrontation with a suffering human, any person could turn away.

Mr. President, I ask unanimous consent that the article written by Mr. Daniels be printed in the RECORD, and that a subsequent item in his daily column be appended.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wheeling (W. Va.) News-Register, Jan. 6, 1972]

HAVE AMERICANS BECOME SO INURED TO GRAND CALAMITY THAT THEY REJECT INDIVIDUAL SUFFERING?

(By Don Daniels)

For God's sake!

Here was a woman, exhausted, whipped, beaten from struggling three hours through a monstrous blizzard crying "help me, please help me." And nobody did!

Nobody did.

"My husband is dead in the trailer," she cried and her voice was an open wound and nobody helped. Nobody answered.

One man was "going the other way." Another was too busy. His kids were playing in the snow. Too busy to be bothered with a weary woman who had marched miles through hip deep snow and who cried, "help me, my husband is dead in the trailer."

For God's sake, America! for Sweet Heaven's sake, has this nation become a collection of crass fools? Has this land that has nurtured a world with compassion fallen into one of Dante's Hells wherein there is no thought of our brother, no concern with need and sorrow?

Here was a 49-year-old woman who with her husband had fled the smog and pollution of the city to bring their trailer to the clean air of the mountains. And the snow came and the oxygen for the man whose lungs were scarred with emphysema and whose heart struggled to move his blood . . . the oxygen ran out.

He said to his wife, "I can't breathe," and that was the last he said. And the woman was snowbound, no phone, nothing to cling to. So she walked through the snow for hours, falling, stumbling, weeping, praying and when she came to a man he said, "I'm going the other way." And when she came to a man he said, "I'm too busy. The kids are playing."

For God's sake!

Listen, citizen, this land was built solid and strong because when one man needed help another was there to provide it. If a farmer's barn burnt down, other farmers built him another one. If his crop failed the others shared their wheat.

If a child was lost whole communities joined to search the storm.

What in the everlasting hell has happened, America?

Have we become so frightened that we clutch the helping hand into a fist and hide it like a weapon? Have the small outlaws, the protesters, the muggers, the hopheads so coerced this land that we must all now suspect our neighbor?

Are we all so fearful of becoming "involved" that we will look with blind eyes at suffering, that we will turn a shoulder to the raw wind of another man's pain?

For God's sake!

There in California citizens of this nation, taxpayers, probably churchgoers, perhaps well respected members of their own city, could not find it within themselves to give aid to a struggling, needful woman marching against the storm with death a chasing spectre behind her.

And the woman "just plodded along." She plodded along for miles until at last she found a telephone and could call friends. And after the sheriff's people came and last Sunday they brought out the body of her dead husband.

I find it impossible to believe this . . . yet it happened.

In the United States it happened.

I ask you how it could happen? Why did it happen?

Have Americans become that impersonal? Is the first person singular now the dominant word in our language? Is it fear that in helping a fellow American we will somehow contract whatever illness it is that besets him?

If I have a prayer this day, citizen, it will be that this incident in California was an isolated affair. It will be that it all sprang from an eerie combination of circumstances and that real Americans are not that cold, that cruel. It will be that most of us still retain not just the instinct for self-survival but the concern for the survival of our fellow citizens which is the bulwark of our land.

If we have lost that, then indeed we have lost everything. The disease of uncaring is the most fatal rot of all. I pray this nation, all of the myriad little people who compose it, have not lost compassion because that is the instinct we must live by . . .

For God's sake . . . and for our own.

Mr. RANDOLPH. Mr. President, in a subsequent column, Mr. Daniels offers his readers what might be considered a recipe for happiness. It is one that I think every American citizen should try, for the result would be a better world in which to live. Here are the ingredients:

1 cup good thoughts; 1 cup kind deeds, 1 cup consideration for others, 2 cups sacrifice,

3 cups forgiveness, 2 cups well-beaten faults.

Mix these thoroughly and add tears of joy and sorrow and sympathy for others. Flavor with little gifts of love and kindly service. Fold in four cups of faith to lighten the other ingredients and raise the texture to a great height of living. After, pour all this into your daily life, bake well with the heat of human kindness. Serve it with a smile.

I suppose if all of us tried that recipe, life would taste a lot better, wouldn't it?

NUCLEAR PLANT EMERGENCY COOLING: A SAFETY REEVALUATION

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. BINGHAM. Mr. Speaker, the proliferation of nuclear powerplants around the Nation, many of them in increasingly populated areas, has made the question of the safety of these plants one of prominent concern to many Members of the Congress. One of the most disturbing question marks in the nuclear safety picture is the possibility of a "meltdown" accident caused by a loss of coolant, and the adequacy of the systems that have been developed to guard against such an accident.

Last year I successfully proposed an amendment to the AEC authorization bill increasing funds for development of nuclear safety systems, particularly emergency core-cooling systems—ECCS. I was, therefore, interested by a reevaluation of this problem presented by Prof. Daniel F. Ford on behalf of the Union of Concerned Scientists at the recently concluded American Association for the Advancement of Science meetings in Philadelphia. Dr. Ford documents what he calls the "exceptionally limited understanding with which designers of presently operating and planned nuclear power reactors have approached the potentially most serious accident that can occur in such complex machines—as nuclear reactors" and concludes that, in view of "the frailties" of existing emergency core-cooling systems, no additional reactors should be licensed "until ECCS effectiveness is assured."

I found Dr. Ford's analysis to be particularly thorough, balanced, and specific on a subject which is all too often treated with alarmism. His detailed discussion of the possibility that current emergency core-cooling systems might not work due to blockage of coolant flow channels is particularly enlightening and sobering.

Dr. Ford's paper, entitled "A Reevaluation of Reactor Safety," follows:

A REEVALUATION OF REACTION SAFETY

(By Daniel F. Ford)

A modern nuclear power plant after a period of operation contains a huge fission product inventory, on the order of ten billion curies. We depend on the postulated effectiveness of engineered safety systems incorporated in these nuclear power plants to mitigate fission product release into the environment in the event of abnormal reactor operations. The release of any appreciable fraction of this activity into the environment could develop into an enormous catastrophe with lethal effects at ranges up to nearly 100 miles.

This paper is a report on the review by the Union of Concerned Scientists of available engineering data pertaining to a key reactor safety feature, the emergency core-cooling system ECCS).[1] We have found that there is not presently available sufficient information to provide an objective confirmation of the ability of presently designed emergency core-cooling systems to perform their vital function. This safety system has never been tested under conditions expected to occur in the accident situation in which it would be called upon to perform. Moreover, the small number of semi-realistic experiments that have been performed to date indicate that various phenomena would exist in an accident situation that would very likely cancel the postulated effectiveness of the ECCS. This paper discussed some of these phenomena and rejects the contention of reactor manufacturers and the Atomic Energy Commission AEC) that presently available experimental data provide a basis for confident reliance on these engineered safety systems.

I

Most of the nuclear power reactors operating or planned for this decade use slightly enriched uranium dioxide as fuel and ordinary water as coolant and neutron-moderator. The uranium dioxide is in the form of ceramic pellets sheathed in thin twelve-foot long Zircaloy tubes. There are thirty to forty thousand fuel rods in the core of a large modern reactor. The core is contained within a steel pressure vessel, itself situated in a large 'containment' structure.

The fission products formed during reactor operation normally remain within the uranium dioxide fuel pellets where they are formed, although a percent or so of the halogen and noble gas activity escapes from the pellets into the gap between the pellets and the zircaloy tubing and into the fuel rod plenum. If a fuel rod ruptures, the free gas volume of halogen and noble gas activity within the rod is available for release outside the fuel rod. If a fuel rod melts because of deficient cooling, all of the gaseous and volatile fission products, comprising 20 percent of the fission product inventory, would be released from the uranium dioxide pellets. The impermeability of containing structures and the efficiency of gas treatment systems determines whether or not release of fission products into the environment will occur.

In the event of core meltdown, presently designed nuclear power plants would not be able to prevent the release of a substantial fraction of core fission product inventory into the environment. First, as portions of the molten core came in contact with residual water in the reactor vessel or containment structures, steam explosions would be expected that would be capable of rupturing the containment structures. Secondly, even if such steam explosions were avoided, the molten core would melt its way through the steel pressure vessel and concrete containment structures. Breaching of the containment would mean that all of the gaseous and volatile fission products, approximately 20 percent of the core fission product inventory, would be available for transport under the prevailing meteorological conditions. The gaseous fission products would be released most probably as a cold, ground level cloud. An AEC study in 1957 set forth the methodology for estimating the lethality and range of such a cloud. Applied to a reactor of the size now operating and on the present refueling schedule, the methodology developed in the 1957 AEC study—which, it should be noted, is still up-to-date—yields the result that under not uncommon weather conditions (night-time temperature stratification and a 6.5 mph wind) the release of core gaseous fission products could be lethal for 75 miles downwind of the plant in a corridor up to two miles wide, with acute and long-term human injuries extending for as far as several hundred miles. Given the proximity of presently operating and planned nuclear power stations to populated areas, core meltdown could clearly be a catastrophic event.

Since the release of appreciable fission product activity into the environment implies the melting of fuel elements, the primary nuclear reactor safety concern is whether adequate core cooling is guaranteed in all circumstances by system design. Potential cooling problems range from small leaks in primary cooling system piping to ruptures of the reactor pressure vessel—the five-story boiler that contains the twelve foot high nuclear core. The most serious accident presently considered credible in the design of light-water cooled power reactors is a double ended rupture of the largest pipe in the primary cooling system. The accident subsequent to such pipe ruptures is designated a "loss-of-coolant accident" (or LOCA).

The LOCA begins with the rapid loss of system pressure and ejection of coolant from the reactor pressure vessel. Depending on the size and location of the rupture, and on the initial coolant conditions, the depressurization may cause violent flow conditions that the core cannot withstand. If the coolant is initially subcooled, as in a pressurized-water reactor (PWR), blowdown phenomena may start with disruptive acoustic disturbances, and the rapid fluid accelerations and high fluid velocities may generate severe structural loads that can endanger the integrity of the primary system internals. During the blowdown or depressurization portion of the LOCA transient, the temperature rise of the Zircaloy fuel cladding is determined by the redistribution of stored thermal energy in the fuel rods. Subsequently, decay heating by core fission products and the exothermic contribution of Zircaloy-steam reactions become the driving forces in core heatup. The Zircaloy-steam reaction—the burning of the fuel cladding in water—becomes significant as a heat source as temperatures rise above 2100° F. and autocatalytic at approximately 2750° F. Core heatup is quite rapid, and if no emergency cooling were provided at all, the clad temperature would increase from a normal temperature of 600° F to above 3000° F within the first minute following the pipe rupture. At this point addition of emergency cooling water would aggravate the accident because of the heat contributed by the exothermic reaction between the fuel cladding and the emergency cooling water. Thus, if a LOCA were not interrupted by effective injection of emergency cooling water, an uncontrolled meltdown would be in progress at the end of the first minute of the transient.

II

To have confidence in the emergency core-cooling system, detailed information would be required on the nature and sequence of events during the LOCA transient that the ECCS would have to deal with and the capabilities of the ECCS, as demonstrated in suitable tests.

There are, however, major gaps in general basic knowledge concerning LOCA phenomena and ECCS effectiveness. In 1967 and 1968 the AEC published several assessments of ECCS effectiveness made by Battelle Memorial Institute, Oak Ridge National Laboratory, and an ad hoc Task Force called together to review this system. The Battelle report stated flatly that "the effectiveness of the emergency core-cooling system is largely unknown" and proposed major research projects to obtain basic and much needed data. The ad hoc Task Force also recommended much research and development work. And the Oak Ridge state-of-the-art study concluded:

---

[1] See Ian A. Forbes, Daniel F. Ford, Henry W. Kendall, and James J. MacKenzie: *Nuclear Reactor Safety: An Evaluation of New Evidence* (UCS, Cambridge, Mass., July 1971; reprinted in Nuclear News, September 1971); *A Critique of the New A.E.C. Design Criteria for Reactor Safety Systems* (UCS, Cambridge, Mass., October 1971, reprinted in Nuclear News, Jan. '72)

(1) that the underlying assumption of calculations made concerning core behavior in a LOCA had not been substantiated;

(2) tests of the ECCS have never been performed in the environmental conditions of the dynamic pressure, temperature, and humidity that might prevail in a LOCA; and and

(3) so little information existed on key LOCA phenomena "that a positive conclusion of the adequacy of these systems would be speculative."

In response to such strong doubts about the postulated effectiveness of the ECCS, the AEC formulated a water-reactor safety research plan that identified "all the factors affecting the performance and reliability of ECCS" as "the most urgent problems in the safety program today." This research program plan was published in February 1970.

The research performed since the Oak Ridge, Battelle, and Task Force reports has made some important contributions to our understanding but has not yet provided engineering data that convincingly confirm the postulated effectiveness of ECCS. Indeed, perhaps the major contribution of the research to date has been to demonstrate that *suspected* problems concerning ECCS effectiveness are very *real* problems.

The latest ECCS state-of-the-art study was presented in July of this year by Aerojet Nuclear Corporation (ANC), which operates the National Reactor Testing Station in Idaho for the AEC and does major research on ECCS. This very recent survey still indicates the overall lack of knowledge about LOCA phenomena and ECCS effectiveness pointed to in the earlier assessments. ANC presented the state-of-the-art survey results in a convenient diagram. (see figure) The slide shows an "event matrix" that sets forth basic LOCA developments as they relate to different parts of the reactor primary system. The diagram contains a coloring scheme that indicates, in ANC's words, "the general level of understanding of each of the events; for example, whether or not we have a verified descriptive or predictive analysis capability." Those areas that are blackened are considered resolved. Events lightly polka-dotted are 'under control' to the extent indicated. Events about which there has been 'limited study' are colored grey. And events for which integral testing is required are in light hatching.

The overall impression given by the event matrix for a LOCA is that only a very small percentage of LOCA transient events are well understood and that relatively unstudied and uncomprehended events abound.

Can the containment structure withstand the containment pressure transient caused by blowdown and thereby serve as a leak-tight vessel to contain fission products? This question has only received limited study. Can the core withstand blowdown forces and maintain itself in a geometry amenable to cooling? Limited study, at most, has been given to issues associated with this question. In particular, can the ECCS perform the vital function for which it was designed? This question is neither resolved nor under control; at most, certain aspects of this question have received limited study.

ANC has concluded, moreover, on the basis of available data, that various mechanisms will operate during the LOCA that will cause the emergency coolant to flow around, rather than through, the areas of the core most in need of coolant or even, perhaps, bypass the core altogether. The coolant starvation produced by these mechanisms, in ANC's words, "may cancel the margin of safety previously thought to exist in emergency core-cooling systems" (IN–1387, p iii). Research on this flow maldistribution problem was recommended in the safety research program proposed by Battelle in 1967. The problem was noted by the Oak Ridge report, the ad hoc Task Force report, and by the Committee on Reactor Safety Technology of the European Nuclear Energy Agency in their 1970 report And in 1970 ANC proposed a series of tests, in a document that is highly respected among reactor safety researchers, to investigate this serious problem. This ANC research proposal was not funded by the AEC.

This overview of the state-of-the-art in emergency core-cooling has brought out the exceptionally limited understanding with which designers of presently operating and planned nuclear power reactors have approached the potentially most serious accident that can occur in such complex machines. Basic data upon which the postulated effectiveness of the ECCS is supported is fragmentary and derived from experiments whose relevance to a large modern reactor is quite indirect.

III

It is not possible to discuss all of the major uncertainties about ECCS effectiveness in this brief presentation. But to make this overall analysis of the state-of-the-art in emergency core cooling convincing to you on a technical level, I shall discuss in some detail one particular phenomena which we expect will render presently designed ECCS ineffective; namely, the blockage of coolant flow channels in the core that arises because of fuel rod swelling during core heatup.

It was noted earlier that roughly one per cent of the fission product gases escapes from the UO_2 fuel pellets into the gap between the pellets and the cladding and into the fuel rod plenum. This accumulation of fission product gases in the free volume of the fuel rods results in an internal pressurization of the rods which can range from 50 psi to about 2000 psi. A fuel rod's internal gas pressure is a function of the geometry of the rod and the burnup of its fuel—which is measured in megawatt-days per ton of fuel. As cladding temperature increases during core heatup in a LOCA, the strength of the cladding rapidly decreases until its ultimate tensile strength is below that required to withstand the hoop stresses resulting from fission gas internal pressure. Before the rod ruptures, internal pressure will cause swelling and ballooning of the cladding. The amount of swelling is a function of internal pressure and, to some extent, heating rate.

Concern over rod swelling during a LOCA is obvious. If fuel rods swell on the same, or nearly the same, horizontal plane, the cross-sectional area defining the coolant passageway could be reduced so as to prevent or seriously retard core cooling. Moreover, flow blockages near the center of an open-lattice pressurized-water reactor core would increase the resistance to axial flow and cause coolant to flow radially from areas of greater to areas of lesser blockage. Put another way, the flow resistance in blocked areas of the core would cause the coolant to flow around, rather than through, the region of the core most in need of coolant. Such hot-spot flow starvation would quickly initiate core meltdown.

It should be emphasized that retardation of core cooling is potentially as serious as outright prevention of core cooling. If the time at temperature above 2000° F is long, embrittlement of the cladding can result. Embrittlement from oxygen reactions with the cladding means that upon quenching by emergency cooling water the rod could fragment. If significant crumbling of the core occurred, the debris created could develop a configuration that could not be cooled.

Because of the real and proper concern that flow blockage might prove detrimental to ECCS effectiveness, a concerted effort has been made at the Oak Ridge National Laboratory to study the swelling and rupture behavior of zircaloy fuel rod cladding. Experimental data evolved by ORNL has greatly clarified the determinants of rod swelling and provided data on the magnitude of flow blockage that can occur in a LOCA. The reactor manufacturers have also done some work on this area, the results of which are consistent with the ORNL results.

A montage of photographs of the rupture area of tubes from one ORNL test series is shown on the next slide. Test internal pressure increases from left to right and heating rate increases from top to bottom. Rod temperature at rupture, maximum internal pressure and percent circumferential strain are indicated below each picture. One should keep in mind in looking at this data that AEC ECCS design criteria permit fuel tubing temperatures up to 2300° F during a LOCA. With the exception of three rods in the picture, all of the rods reached their maximum swelling and ruptured below 2300° F.

If we inspect each row, we see that swelling is greater at the ends of the row than in the middle. The next slide shows this general relationship between rod internal pressure and the extent of rod expansion and channel blockage. This figure plots available data from single- and multi-rod tests performed by ORNL and three of the four reactor vendors. (Data from the fourth reactor vendor, Westinghouse Electric Corporation, is considered proprietary and is not publicly available.) The shape of the curve is a reflection of the changes in the stress-strain properties of zircaloy that occur during the LOCA temperature transient.

Unfortunately, the internal pressures of fuel rods in a reactor core fall mostly in the range of pressures associated with maximum rod expansion. In a boiling-water reactor, for example, the range of internal pressures is 50 to 150 psi with most rods at less than 100 psi. Thus the experimental flow blockage data indicates the potential for development of 90 to 100 per cent coolant channel blockages in this kind of reactor during a LOCA. One can estimate for a pressurized-water reactor as well that as much as 50 per cent of the core could be greater than 95 per cent blocked during a LOCA.

Studies of the disruptive effects from metal-water reaction from molten metal indicate that if *more than a fraction of one percent* of the fuel cladding in a reactor melts that an uncontrollable situation is likely to develop. We can see that our estimates of the damaging level of flow blockage can be badly in error and still have an accident present a major hazard.

The implications of flow blockages of this magnitude have not yet been explored in any systematic way. Some preliminary calculations, on the one hand, and a few experiments of doubtful relevance, on the other hand, are the only information on the effects of flow blockage presently available. The calculations, done by Battelle Memorial Institute, are presented in the next slide. The calculation is cited by reactor manufacturers when they seek to prove that their systems can cool cores with 50 or perhaps 90 per cent blockage. However, the 95 percent or greater blockages that would be expected on the basis of available data would cause cladding temperatures to rise into the autocatalytic zone zircaloy-water reactions within 45 seconds after the beginning of the LOCA. The onset of such extensive metal-water reactions is the first step in the irreversible event of core meltdown. Even if these high blockages cause clad temperature to rise somewhat more gradually than predicted by Battelle, they would reduce cooling efficiency and tremendously increase cladding embrittlement and, therefore, the probability of core fragmentation. In short, the crude analytical models available suggest that the high blockages expected to occur in a LOCA on the basis of fuel rod swelling data could seriously degrade, if not totally negate, ECCS performance.

Experimental information pertaining to the effects of flow blockage on ECCS performance is limited to a few tests that simulated moderate flow blockage and one test that involved a full-size bundle of electrically heated internally pressurized rods. The method of simulation and degree of blockage simulated make the first set of tests essentially irrelevant to the central problems. The latter set of tests deserve more substantial comment.

The unique test of full-length electrically heated internally pressurized zircaloy clad simulated fuel rods was performed by General Electric Company under an AEC contract. The test is designated Zr-2. Zr-2 was one test in a series of 144 tests. In 143 of the 144 tests unpressurized rods were employed and thus was omitted the critical simulation of flow blockage. Test Zr-2 was deeply flawed. Twenty per cent of the electric heaters in the rod bundle failed. Zr-2 did not represent a maximum power bundle. And its instrumentation was extremely poor: for example, 57 per cent of the thermocouples failed or performed erratically during the test; only two thermocouples were placed above the bundle midplane and both misbehaved during the test; heater rod power input was uncertain because of bungled meter and fuse arrangements. The interpretation given to Zr-2 by General Electric Company and the AEC Staff—that it demonstrated the ability of the ECCS to overcome flow blockage and effectively cool the core—extends far beyond the facts of the test and far beyond the level of reliance that could reasonably be placed on such a poorly instrumented and poorly analyzed experiment.

IV

Since the consequences of an ECCS failure in a LOCA could be of catastrophic proportions, the Union of Concerned Scientists undertook a detailed technical assessment of this system's effectiveness, including an extensive review of available engineering data on ECCS and numerous discussions with people engaged in ECCS experimental research programs. The assurances given by the reactor vendors and by the AEC of ECCS effectiveness were not found in our review of the literature on ECCS and were not given to us by any of the experimenters on the ECCS. I represent to you that we found, outside of those of the reactor manufacturers, no technical reports that claimed to have assembled data sufficient to objectively demonstrate the assured effectiveness of presently designed ECCS.

I further represent that we found, other than those of the vendors, no expert engaged in reactor safety system research who felt that the effectiveness of the ECCS was confirmed by available engineering data. On the contrary: available engineering data shows ECCS effectiveness to be unproved and indicates that there may be developments during the LOCA that the ECCS cannot overcome. Much research is planned to remove these doubts about ECCS effectiveness.

Major tests of the ECCS will be conducted, on the present schedule, some time in 1975. Until this work is completed, our reliance upon presently designed ECCS is an act of faith. In view of the frailties of the ECCS emphasized in the technical literature and by those engaged in research in this area, and in view of the consequences of an uncontrolled LOCA, the Union of Concerned Scientists cannot support the licensing of additional reactors until ECCS effectiveness is assured.

TOWARD A MORE SECURE AMERICA: AN ALTERNATIVE NATIONAL DEFENSE POSTURE

HON. GEORGE McGOVERN

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Wednesday, January 19, 1972

Mr. McGOVERN. Mr. President, I ask unanimous consent that the text of my recommendations for an alternative national defense posture be printed in the Extensions of Remarks.

There being no objection, the recommendations were ordered to be printed in the RECORD, as follows:

TOWARD A MORE SECURE AMERICA—AN ALTERNATIVE NATIONAL DEFENSE POSTURE

(By U.S. Senator GEORGE McGOVERN)

INTRODUCTION

(1) Planning assumptions

The beginning premise of this alternative national defense posture is that the United States should *buy what we need* to deter or counter foreseeable threats to American and allied security.

That guideline automatically limits some of the artificial standards which have had a profound influence on military spending in past years.

Our defense posture has been built upon conservative planning assumptions—on preparing for "greater than expected threats." The alternative posture accepts that premise in part. It starts by assuming that the major communist powers, China and the Soviet Union, will remain actively hostile to U.S. interests, and that there is a real risk of confrontation if one or the other can expect military advantage as a result.

Hence the proposed budget retains more nuclear weapons than necessary for deterrence, as insurance and as a hedge against possible build-ups on the other side. General purpose forces are maintained against dangers which are both slight and exceedingly remote, given the expected military balance and political outlook. Intensive research and development efforts are proposed, to maintain the clear U.S. lead in military technology.

But conservative planning can be pushed too far. As it aims for maximum safety, it can also fuel futile, costly and perilous arms competition. And it can lead to the needless maintenance of active forces against threats which do not and likely never will exist. It can be said, for example, that there is probably no more reason to maintain forces to fight Hungary, Czechoslovakia or Poland, than there is to plan for a conventional war against West Germany. Instead of being added to the Warsaw Pact, the troops of those countries could easily be subtracted, to account for the Russian forces they divert from the threat to NATO.

Certainly we should be able to find the line between conservatism and paranoia. Conservatism in planning should be able to coexist with realism in understanding changed world conditions, and with caution in adding military forces that can needlessly heighten the dangers and raise the costs of national security. This alternative posture is designed to meet those standards.

Shifts in aggregate military spending from year to year are often portrayed as a measure of national will—as evidence of our determination to resist communism—quite apart from the size of standing forces. The alternative budget rejects such mindless measurements. The nation's security does not demand, and is not served, by contests which are based less on strategy and power than on a willingness to waste public revenues.

The size of the recommended budget for procurement of new weapons is almost always judged by comparisons with spending in prior years. But clearly that is no guide to a prudent defense posture. If the Defense Department spends $15 billion on new weapons in one year and $5 billion in the next, anyone should be able to see that it has not reduced defense outlays in the second year; it has added to them. Prior investments must be seen as a base upon which to build, not a target to be matched or surpassed. The same process exposes the nonsense in hysterical references to "unilateral disarmament" in connection with military budget reductions.

Significant shares of existing and planned military forces are justified primarily as "bargaining chips" to be traded away in negotiations. The Safeguard ABM system and U.S. troops in Europe are important current examples. But both the American taxpayer and the prospects for arms limitation suffer, as both are suffering now, when negotiations become an excuse for buying more than we need. A desire to negotiate from strength should not compel arms outlays that will be inappropriate even if negotiations fail.

Military spending programs are usually justified by reference to the country's global responsibilities, so that a "new isolationist" attitude is ascribed to those who raise questions. This alternative budget rejects the notion that military might is the only method by which the United States can fulfill international responsibilities and serve the cause of freedom. And it incorporates some of the painful lessons of recent years, about the military damage done to helpless people in freedom's name, and about the relative impotence of sophisticated weapons in forcing other countries and other people to act in ways we might prefer.

In sum, this alternative posture suggests that misleading and irrelevant planning assumptions should be discarded. Instead the nation's military establishment should be constructed, first, by a careful analysis of the potential danger to U.S. security interests and, second, by retention of that portion of existing forces, and by construction of the new forces, needed to deter and defend against threats for which it is reasonable to remain actively prepared.

The second major premise of this budget is that realistic ceilings on military spending can produce armed forces which are both leaner and tougher than those now in being.

Congressional investigators and Presidential Commissions have documented astonishing waste and inefficiency in military programs. Further, defense planners have shown a remarkable attraction for strategies and systems which relate less to current and future conditions than to the world as it existed decades ago.

It is vain to hope that simple admonitions will correct these conditions. Sharp fiscal discipline is required if more efficient use of available resources is to be achieved. Such discipline can trim both physical and intellectual fat from the Pentagon, and bring much more productive capabilities to bear on strategies and systems which are directly relevant to a changing world.

(2) *Timetable*

The recommended force and spending levels of this alternative defense budget should be achieved by fiscal 1975, with proportional reductions beginning in fiscal 1973. Total spending estimates are adjusted on manpower for inflation at an annual rate of approximately four percent in the Consumer Price Index and, on procurement, on cost growth at a rate midway between projected increases in consumer and wholesale prices. Hence the total figures must be read with due consideration of the hazards in making such projections.

This phased approach allows, first, for an appropriate response to possible changes in the threat. The recommended force level is fully adequate to deal with dangers which can be foreseen, based on the best current estimates of adversary plans. Significant changes in those estimates as they are updated could result in adjustments in these recommendations.

Second, the process of phased reductions will allow advance preparations by military planners, to assure that obligations incurred in prior years do not exceed the 1975 recommended ceiling. A big share of actual spending each year is made in pursuit of authority granted in the year before. The two measurements should be equal by fiscal 1975.

Third, the recommended timetable will permit fulfillment of the government's obligation to assist in the conversion of excess military resources into other public and private enterprise. A program to meet accumulated civilian needs, applying both savings from the military sector and general revenues, can occupy a large share of the facilities freed by this budget. Such a program can also guarantee alternative employment to all workers displaced from the defense sector, and reduce economic dependence on superfluous military spending.

STRATEGIC FORCES

Strategic forces are maintained for the purpose of protecting against—primarily by deterring—nuclear attack against the United States. Components include land and sea based ballistic missiles, long range heavy bombers, a missile warning system, air defenses against bombers, and the early stages of an antiballistic missile system.

U.S. and opposing forces

In mid-1971, U.S. forces for the conduct of nuclear war were officially numbered at some 4,600 offensive force loadings. That figure does not include more than 7,000 smaller nuclear weapons listed as "tactical" and not counted in the strategic nuclear arsenal, although at least a proportion of those weapons could also be delivered on targets in the Soviet Union or the People's Republic of China.

Offensive nuclear weapons are carried aboard three delivery systems; 1,000 Minuteman and 54 larger Titan intercontinental ballistic missiles in hardened silos in the United States; 520 heavy bombers composed of 450 B–52s (26 squadrons) and 71 FB–111s (four squadrons), and 656 Polaris and Poseidon missiles aboard 41 nuclear submarines.

The single active strategic defensive system in being is composed of some 600 manned interceptors and 1136 surface-to-air missiles, along with extensive surveillance and warning system, for protection against an attack by strategic bombers. The United States also maintains an extensive enemy missile warning system whose radars, communications and computing devices will provide notice to U.S. decision-makers within minutes of any enemy launch against the United States.

The country's offensive nuclear forces are by no means static. All three of the delivery systems are being made more formidable, through incorporation of multiple independently-targetable re-entry vehicles (MIRVs) on portions of the land and sea based missile forces, and through initial development of a follow-on bomber, the B–1, plus new penetration aids and stand-off missiles which can be used either on the B–52 force or on the B–1. The missile plan now being implemented will (1) replace the 16 Polaris missiles on 31 of 41 nuclear submarines with Poseidon missile carrying approximately ten independently-targetable warheads each and (2) replace 550 of the 1,000 ICBMs currently deployed with Minuteman III missiles each carrying three independently targetable warheads, leaving a land-based force equivalent to 2,000 missiles. When these conversions are completed U.S. nuclear force loadings will be in the range of 10,000 warheads, most of which will be smaller in megatonnage than those now in being but still well above the power of the Hiroshima and Nagasaki bombs used at the end of World War II. Moreover their vastly improved accuracy largely offsets reductions in explosive force.

In the defensive sphere the most ambitious development currently underway is the Safeguard ABM system designed to intercept incoming enemy ICBMs. However, it is better described as an adjunct to an offensive weapon, since its primary stated goal would be to preserve confidence in the Minuteman force. The United States is also upgrading air defenses through the planned Airborne Warning and Control System (AWACS), which will have the capacity to look down and spot low-flying enemy bombers.

In mid-1971 the Soviet Union had approximately 2,000 total offensive nuclear force loadings, or about 40 per cent as many as the United States. U.S. estimates credit them with about 1,500 ICBMs, 175 to 195 bombers, and 400 Polaris-type sea-based missiles. Their defenses include between 3,000 and 3,300 interceptor aircraft, 10,000 surface to air missile launchers, and 64 antiballistic missile launchers in the Galosh system around Moscow.

Soviet force levels have not been static either, although it is, of course, difficult to make reliable predictions about Soviet plans in the absence of firm knowledge about their intentions. In the past several years they have deployed about 300 very large SS–9 missiles capable of carrying single warheads of as much as 25 megatons, and they have tested multiple reentry vehicles (MRVs), multiple warheads which are not independently targetable, which could be deployed on the SS–9 to supply, for example, three five-megaton warheads on each missile. In 1970 SS–9 construction appeared to be halted. In 1971 additional silo construction was detected, but the purpose was not clear. The new silos could be for purposes other than additional SS–9 deployments, such as further hardening of existing forces. No MIRV deployments have taken place, and it is questionable whether the Soviet Union has even tested independently targetable warheads. They are at least three years behind the United States in this technology. In recent years there have also been additions to the Soviet force of SS–11s, an ICBM capable of carrying payloads comparable to those of Minuteman, but powered by liquid fuel. These deployments have also leveled off.

The most active Soviet construction has been in nuclear Y-class submarines, which are being produced at a rate of seven or eight each year. Slightly over 30 are either in being or in various stages of production, suggesting that they could equal U.S. numbers by the mid-1970s.

While moving ahead on ICBM and SLBM construction the Soviet Union has placed little emphasis on its aging fleet of intercontinental bombers. The numbers have remained in the range of 200, declining slightly due to normal attrition. At least 50 are believed to be configured as tankers. Neither of the two aircraft involved, the Bison and the Bear, is supersonic. The Bear is a turboprop aircraft; the Bison is somewhat like the B–52 although with less range and payload. They have no tactical aircraft with nuclear weapons within ranges allowing completion of strike missions against the United States.

Although they have traditionaly emphasized defensive measures, the Soviet Union has not made significant advances with respect to missile defense. Deployment of their ABM interceptors has never gone beyond a small system around Moscow. They have developed interceptor aircraft with improved capabilities, but numbers have tended to decline slightly.

The other country considered a nuclear adversary of the United States, the People's Republic of China, is reportedly developing medium range missiles which would be incapable of reaching the United States. They have been expected to have a small force available in the late 1970s or early 1980s, possibly including ICBMs to reach U.S. targets.

Comparisons such as these can be helpful in determining the relative status of U.S. opposing forces. But they can also be quite misleading because first, they do not account for qualitative differences; second, they do not indicate the extent to which each side can rely on its nuclear forces to perform missions assigned to them; and third, they do not account for differences in effectiveness depending on who strikes first.

On the first point, for example, concern has been expressed about estimates that the Soviet Union has more megatonnage, although fewer force loadings, than the United States. However, a simple comparison of megatonnage can be grossly misleading. For destruction of most targets a single small weapon delivered with high accuracy is just as effective as a weapon of much greater yield. In fact, the United States explicitly chose smaller yields and greater numbers when the Minuteman program was initiated, and is now going to even lower yields in MIRV programs in part because a number of smaller warheads can do more damage than a single large one, and because they pose a more difficult interception problem besides.

On the second point, the bare fact that the Soviet Union has 64 ABM interceptors, while the United States has none, might suggest that they enjoy a substantial advantage. In truth the resources they have expended on their ABM have been a near total waste because the system can be easily penetrated or overwhelmed and thus provides virtually no defense at all. The area it is supposed to protect is as vulnerable as it ever was to thousands of incoming warheads; indeed more vulnerable because the U.S. reaction has been to increase offensive forces and to target the Moscow area more heavily.

Deterrence—the essential mission

(1) Force requirements

The overriding mission of U.S. nuclear weapons is to deter nuclear attack by hostile powers, by demonstrating the ability to absorb a first strike and then retaliate with enough force to inflict unacceptable damage in return.

The Soviet Union today has the unquestioned capability to literally demolish the United States as a modern society, and we are helpless to prevent that result if nuclear war occurs. Therefore, the only real defense to nuclear attack is to prevent it, both by diplomatic means and by military preparations designed to convince the adversary that he can gain nothing by initiating nuclear war.

The minimum size of the arsenal needed to accomplish this objective cannot be calculated with any degree of precision, primarily because the process of deterrence depends less on physical capabilities than on mental perceptions and attitudes. The basic aim is to affect the minds of individuals who have the power to initiate nuclear war in countries which both possess nuclear weapons and have interests which are in conflict with those of the United States.

Considering the other side of deterrence, it is hard to imagine a goal for which an American president would accept the certain destruction of, say, New York or Los Angeles, which could be accomplished by very few nuclear warheads, certainly less than ten. It is at least arguable that the undoubted capability to deliver enough weapons to destroy Moscow or Peking would be sufficient to deter either the Soviet Union or China from attempting a first strike against the United States. At least it is clear that the provocation would have to be overwhelming.

On the other end of the scale, it is clear that no amount of nuclear weaponry can deter a suicidal adversary, nor prevent a totally irrational decision to launch. Under such circumstances it is plain that the Soviet Union could destroy a large proportion of the American population and most of the country's industrial capacity as well. All of the enormous destructive capacity in the U.S. nuclear arsenal would be unavailing in those circumstances, and we could do no more than retaliate with similar destruction.

While sufficiency for deterrence cannot be readily determined, there is at least one commonsense top limitation on the size of the nuclear force which is useful for this purpose, and that is the number of targets worth attacking. It makes little sense to be able to send a second warhead to a target which has already been destroyed. And since the marginal destruction—and hence the added deterrent effect—would be quite small compared to the total and therefore not decisive, it also makes little sense to be able to target nuclear weapons on small rural communities and agricultural regions once the adversary's major centers of population and industry have been accounted for.

In the case of the Soviet Union, some 34 per cent of the population and 62 per cent of the industrial capacity is concentrated in 200 cities, almost all of which would be destroyed by a like number of one-megaton equivalents. Doubling the number of deliverable warheads would add only another six per cent to the number of people lost, and another ten per cent to the amount of industrial capacity demolished.

The same 2000 megaton equivalents targeted on Chinese cities could destroy 80 to 90 per cent of her industrial capacity, but since China's population is much more widely dispersed, only about nine per cent of the population would be killed immediately. Doubling the number of warheads would increase the population loss by only one percentage point, and would not measurably raise the damage to industry.

All of this destruction would be immediate, of course. The long term damage from fallout, exposure to radiation, and other factors would be considerably greater in both countries.

It is logical to conclude, therefore, that the guaranteed capability to deliver some 200 one megaton equivalents on separate targets in both the Soviet Union and China accomplishes at or near the maximum the United States can expect from the strategy of deterrence. While there has been no proposal made to reduce U.S. forces to that figure, it contrasts with some 4,600 existing force loadings and as many as 10,000 force landings planned at the end of the Minnuteman III and Poseidon conversions. The United States plainly keeps many multiples of the maximum practical deterrent even after discounting for weapons that might fail or be lost to an initial attack.

(2) The First Strike Risk

Because of the lead times required for the deployment of new weapons and the practice of basing U.S. plans on "worst case" projections of Soviet capabilities, doubts have nevertheless been raised in recent years about the U.S. deterrent notwithstanding the vast excess of weapons in the arsenal. The primary source of concern has been the SS-9 missile which if its accuracy were improved and if the Soviet Union does proceed with MIRV warheads, could threaten the prelaunch survivability of existing Minuteman forces. The United States is already reacting to this possibility with the Safeguard ABM system, MIRVs, possible superhardening, and exploration of hard point defense concepts.

But it is worth considering the problems any adversary would face in attempting to prepare for a viable "first strike" strategy against the United States, i.e., a strategy in which the United States could be destroyed while holding the attackers to acceptable levels.

Casualties

Assuming existing U.S. forces only, they must first develop technology and deploy weapons to destroy on the ground or intercept in the air all or most of more than 1,000 separate ICBM warheads. An ability to destroy Minuteman in its silos, as the SS-9 may eventually be able to do, would be of doubtful value in this respect because they could not be sure that we would not, if such a threat were posed, temporarily adopt a "launch on warning" strategy and cause our Minuteman to be fired before they could be hit on the ground. Whether or not the United States were to announce such a strategy, they would certainly be extremely hesitant to assume that we had not adopted it and to make a first strike decision on the basis of that assumption.

Second, they must develop and deploy defenses capable of locating and intercepting a large force of low-flying intercontinental bombers armed with both gravity bombs and nuclear-tipped standoff missiles. Such defenses can be envisioned, but there is no doubt about the present ability of U.S. bombers to penetrate Soviet airspace. Historically, there has never been a defense against bombers that would destroy the high percentages of U.S. bombers necessary when a single bomb can destroy a city.

Or, alternatively, they would have to be able to destroy the bombers before they could be launched, a task which is exceedingly difficult to say the least. It could not be done with ICBMs because they would be sighted far enough in advance to allow alert bombers to become airborne. It could conceivably be done with low-trajectory submarine launched missiles, but this could be countered by a return to the practice of maintaining part of the bomber force on airborne alert at all times. Furthermore, such an attack would give longer warning to our ICBMs, which cannot be destroyed by the submarines.

Third, they must be able to locate and destroy, simultaneously, all or most of our Polaris/Poseidon submarines, or else intercept all or most of their multiple warhead missiles. No such capability is envisioned. The United States is far ahead of the Soviet Union in researching such technology, and we have not even come close. As far as we know, no Polaris submarine has ever been located on station.

Fourth, all of these capabilities must coincide. An adversary will not be less deterred if it can, for example, neutralize our bomber force if we can still destroy them with ICBMs, SLBMs or both. All of these defensive or counterforce capabilities must be operative for a single nuclear exchange, and they must be coordinated with absolute precision. And this requirement adds an additional fatal complication to the first and second requirements listed above because it is physically impossible to strike bombers with SLBMs and missiles with ICBMs at the same time. The attack on one will inevitably give the other sufficient warning for launch.

Fifth, the adversary must be able to accomplish all of these objectives with absolute confidence. He must have faith that his systems will actually perform in a nuclear war environment—even though they cannot be tested in such an environment—if he is to limit destruction to his own society. It is exceedingly difficult to imagine provocation severe enough, short of certainty that a first strike against him was underway, to inspire a willingness to rely on such systems.

These considerations suggest that there is not the slightest foreseeable danger to the ability of the United States, now in being, to achieve all the deterrence that is possible. But there is a sixth. The same defensive and counterforce capabilities must be developed for potential improvements in United States forces designed to enhance their ability to penetrate new defenses or escape new counterforce weapons. There is, for example, no evidence that technology on either side has reached the point where multiple reentry vehicles such as those already mounted on U.S. Polaris missiles can be intercepted. In fact, it is probable that neither side would even put much faith in its most advanced ABM technology to intercept even single-warhead missiles. Yet offense, through our own MIRV deployments, is nevertheless taking another great qualitative leap ahead of defense, over a relatively short period of time.

In sum, SS-9 notwithstanding, there is not the slightest cause for hysteria over the status of the U.S. deterrent.

The Triad deterrent

(1) Triad Theory

The primary deterrent mission is now assigned to the underwater Polaris/Poseidon fleet. Based upon the most careful estimates of enemy defensive capabilities, it is impossible to foresee any method by which the Soviet Union could interfere with the capacity of these forces to inflict a society-destroying blow. They can move about in millions of square miles of open ocean, and there is no technology in being which would allow more than intermittent detection, let alone simultaneous detection, localization and destruction. They carry more than enough force loadings to fulfill the deterrence mission even without the consideration of bombers and ICBMs.

U.S. military planners have nonetheless argued that we must maintain and improve, in addition to our SLBM force, both the full complement of ICBMs and a sizable strategic bomber force, each also capable of the assured destruction required for deterrence. Instead of considering land-based missiles as replacements for bombers, and sea-based missiles as replacements for ICBMs, we have developed a "Triad Deterrent" thesis providing for the retention of all three forces at full strength.

The "Triad" premise holds that our deterrent is much more secure if it can penetrate in more than one mode, i.e., ballistic missiles and aircraft carrying gravity bombs and standoff missiles, and/or if it is deployed in conditions requiring more than one method of pre-launch destruction. This requires the adversary to expend resources on more than one kind of defensive or disarming system if he hopes to degrade our ability to retaliate.

Elimination of the Minuteman and bomber forces would not, of course, simplify the enormous problems of detecting and destroying our most secure system, the nuclear submarines. The argument is that the adversary is less likely to pursue such efforts, or can devote a smaller proportion of his limited resources to them, if he must also concern himself with intercepting bombers and land based missiles.

(2) Practical Complications

The case for attempting to force the Soviet Union into increased expenditures on strategic weapons is not persuasive because American resources are limited and the process of postponing the obsolescence of older strategic systems is enormously expensive. By far the greatest proportion of all expenditures on strategic systems programmed for the years immediately ahead will be laid out in a possibly futile attempt to retain ICBMs and manned bombers as viable independent deterrent forces. Under its most recent rationale nearly all of the cost of the Safeguard ABM could be appropriately assigned to Minuteman, and Minuteman is also being equipped with MIRV warheads, at substantial cost, to increase the potency of the surviving force and to improve its chances of penetrating a potential, though nonexistent, nationwide Soviet ABM. Further hardening of Minuteman silos and a Hardpoint ABM defense are also being explored. Meanwhile the Air Force is promoting a follow-on to the B-52 with somewhat improved capabilities.

Even with all these expenditures it is not clear that the United States will gain significant improvements over existing systems. In the case of Minuteman, the mode of penetration does not differ significantly from that of Polaris/Poseidon, so it adds little besides numbers to the enemy's problem of interception. Its pre-launch vulnerability, meanwhile, can be greatly increased by improvements in the accuracy of Soviet missiles, and the Safeguard system, because of grave technical deficiencies, is unlikely to provide much protection.

While it can be said to be invulnerable once airborne, meanwhile, the manned bomber must be seen as inherently inferior to defensive missiles designed to prevent penetration of Soviet airspace to deliver gravity bombs. The B-70 was cancelled in the early 1960s because of fears that it would be unable to escape interception by surface to air missiles, notwithstanding its supersonic speed. The later model B-52s have been modified to penetrate at low altitudes to escape radar detection, and the FB-111 was designed for that mode. But if the Soviet Union develops a "look-down-shoot down" capability, perhaps along the lines of U.S. AWACS system, we can expect substantial erosion in confidence that manned bombers can penetrate Soviet airspace in large numbers. While the B-1 will have a few features which cannot be incorporated into existing bomber forces, they will not alter the most serious problems of penetration and will not, therefore, provide a significant improvement over the B-52-FB-111 combination.

An unyielding determination to keep ICBMs and bombers regardless of developments on the other side could easily result in large expenditures to little or no effect. Much smaller amounts devoted to new technology in the realm of sea based weaponry could yield much greater returns. Extended range Poseidon could make the sea based force much more secure than it already is, and if further problems develop the Undersea Long-Range Missile System (ULMS) could add quieter operation and a series of other improvements. Yet funding for these programs could suffer because of the great sums spent to keep ICBMs and bombers in the force.

(3) Real Triad Benefits

This does not suggest that the Triad supplies no advantage. As noted in the previous section, it unquestionably does assist in rendering unattainable any enemy ambitions for a first-strike capability. Moreover, because of the impossibility of striking bombers and land based missiles before launch at the same time, the most vulnerable legs of the Triad do provide mutual protection. Whether or not the Triad is necesary, for that purpose, it does for the present at least compound the insoluble problems facing any adversary that might seek to develop a first strike posture.

The principle difficulty with the Triad theory is not so much the concept as the practice. Theoretically, at least, the presence of three systems should lead to additional stability and more carefully-planned responses to developments on the other side, because the deterrent will continue to exist even though there may be doubt for a time over the ability of one or another element of the Triad to survive and penetrate. In practice, however, the managers of each system have tended to regard their system as the only one available, to ignore the others, and to believe that deterrence is bound to fail if their system is even temporarily degraded. This is clearly the basis upon which decisions have been made in recent years, such as MIRVing Minuteman and Poseidon in response to a potential Soviet ABM that did not develop, and initiating deployment of the Safeguard ABM system in response to a possible SS-9 counterforce threat to Minuteman, even though there has been no question about the capability of both bombers and SLBMs to penetrate during the time period when that threat could occur.

This alarmist approach to nuclear force planning has tended to aggravate the negative values of the Triad while downgrading the positive. Both the ABM and MIRV are ambiguous systems—while we may regard them as purely defensive attempts to preserve our deterrent, they can readily appear to the Soviets as attempts to undermine their deterrent and achieve a first strike capability—and they are thus likely to provoke a Soviet response. Because of the long leadtimes associated with these deployments, the refusal to tolerate a possible degradation of one or another system several years hence requires that we lock in very early to a specific kind of response to a threat which may or may not develop, thus allowing the other side to change plans accordingly.

It may be that the Soviet Union will decide, for some reason, to deny this country much of the added confidence afforded by the Triad, by continuing deployments against the vulnerabilities of bombers and fixed-site ICBMs. Such an effort would require vast resources and it would not gain any additional safety for the Soviet Union. In fact, it could increase the risk to both sides. But it is probably not beyond their capabilities.

Whether they do or do not take that course, however, the most prudent basis of planning for the United States would be to avoid new deployments of our own until obtaining the best possible picture of whether they will be necessary, not to prevent a gap in the reliability of a single leg of our deterrent, but to assure that deterrence itself, considering all three major systems, will not fail. The existing Triad force should be seen as a means of at least partially avoiding the long leadtime problems which have in the past impelled inappropriate and often unnecessary reactions to developments on the other side. Soviet intentions are not discernable, but our ability to respond to what they actually do can be greatly improved.

At the same time, because it is conceivable that developments could lead to an increase in the vulnerability of manned bombers and land based missiles, and possibly raise pressures to adopt a launch on warning strategy for the latter, special emphasis should be placed on movement toward potential improvements in the SLBM force so that deployment can, if necessary, be completed within a relatively brief period of time.

Beyond deterrence

The need to maintain a credible retaliatory force has not been the only pressure for qualitative and quantitative additions to U.S. nuclear force levels.

(1) Nuclear Superiority

Perhaps the most widely accepted additional motive—and the least valid—has been the quest for "nuclear superiority." It is frequently argued that the country's security is weakened if we have fewer nuclear warheads, less megatonnage, or fewer or less advanced delivery systems than the Soviet Union.

Such concerns are given credence in part because relative numbers and relative sophistication do make a difference in the conventional military sphere. In addition, military planners reflect a persistent belief that the United States international posture will be generally degraded—that we have less credibility with our allies, that our adversaries will be more likely to risk confrontations, etc.—if our total nuclear forces are less impressive than those of the Soviet Union.

Yet it is impossible to find any practical application. If both the United States and the Soviet Union have the assured capability to destroy each other, then it would be a foolish leader in either country who would take more nuclear chances simply because he commanded more overkill capacity than the other. The outcome of nuclear war will be the same regardless of relative numbers of missiles, bombs and megatons. Both sides will be destroyed, since both sides have long since passed the point where conventional "balance of forces" concepts have any meaning.

"Superiority" can have no real meaning unless we talk ourselves into believing that it does. At best it is a dubious—and dangerous—method of inspiring national pride.

(2) Defense and Counterforce

A more serious area of dispute involves the question of what preparations the United States can or should make for a possible failure of deterrance. While there is unanimity on the primary objective of preventing nuclear war, there are sharp differences of opinion over counterforce strategies and systems designed to limit damage, through either interception or pre-launch destruction of enemy weapons, should war occur. A substantial proportion of the weapons either sought or built by the military in recent years have been justified at least in part in terms of nuclear war fighting, rather than nuclear war preventing capability.

Thus in the early 1960s the justification for building an antiballistic missile system, then the NIKE-X, was to intercept at least a portion of the Soviet missiles which would strike the United States in a nuclear exchange. While it was clearly impossible to prevent disastrous damage to the United States, supporters of the system pleaded that it could at least save some lives, surely enough lives to justify the cost. The current model Safeguard ABM systems has also been justified in part by the thesis that it could limit damage in the event of an attack from China or an accidental launch.

Similarly, while the United States is admittedly defenseless against an ICBM or SLBM attack from the Soviet Union, we are nonetheless continuing to maintain and upgrade defenses against an aging, slow and shrinking fleet of Soviet strategic bombers. The air defense system is rationalized by a scenario which foresees the Soviet Union using all or most of its land and sea based missiles as counterforce weapons, to destroy our ICBMs and SLBMs. If we are without bomber defenses, it is argued, they could then use their bombers to destroy our population and industrial centers without interference.

Another scenario is used to justify the maintenance of a U.S. manned bomber, in terms illustrating that some weapons systems have both deterrence and counterface rationales. It is suggested that there might be a nuclear exchange in which a first wave is directed away from population centers and exclusively toward enemy offensive systems. Each side would presumably withhold some missiles for use against population and industry in a second round if the war cannot be stopped after the initial exchange. Since our bombers would have taken to the air to avoid attack, they would then be available to strike remaining Soviet missiles in their silos. It is contended that bombers are uniquely suited to this mission because they are manned and are thus arguably capable of visually distinguishing between empty and loaded ICBM silos.

Such planning reflects an understandable distrust of exclusive reliance on deterrence. Deterrence alone cannot restore the safety we could feel before the advent of nuclear weapons and before the end of the U.S. nuclear monopoly in the 1950's. Certainly it is not unreasonable to want some further protection.

Yet there are still sounder reasons for moving with extreme caution on weapons designed for defensive or counterforce missions.

The first derives from technological limitations. We have yet to discover methods for limiting damage in nuclear war which cannot be countered with relative ease by new Soviet developments either in the form of additional weapons or new strategy. The advantage, both tactical and economic, tends to be with the offense.

Much more serious is the fact that with few exceptions counterforce weapons, because of unavoidable ambiguity with regard to their missions, are likely to produce reactions and—because they, too, plan conservatively—overreactions in the Soviet Union. The capabilities required to limit damage in the event of war are identical to the capabilities needed to undermine the Soviet deterrent and build a first strike capability of our own. Because they, like we, cannot tolerate degradation of their own capability to deter a first strike, the Russians are bound to react. Each step inevitably moves the arms race to a new, more expensive and more deadly level.

U.S. counterforce weapons affect not only Soviet deployments but their nuclear strategies as well. For example, if we develop an assured capability to strike Soviet ICBMs on the ground, they could adopt a "launch on warning" strategy which would inevitably increase the danger of accidental nuclear war. Or, returning to the bomber scenario used to justify retention of the manned strategic bomber, the fact that we have plans to use these aircraft to strike Soviet missiles on the ground after an initial exchange has the practical effect of assuring that they will not be retained on the ground—of solidifying the guarantee that any nuclear war between the United States and the Soviet Union will be total war. After a first round has occurred, directed against missiles on both sides, it is preposterous to think that Russian leaders would sit and wait for our bombers to arrive and eliminate the forces they have remaining to deter a follow-on attack against their cities.

The probable effects of that imaginary counterforce exchange also illustrate the practical futility and the dangers involved in concerning ourselves with nuclear war fighting capability, at the possible expense of deterrence and at the obvious expense of nuclear arms stability. With a sufficient quantity of MIRVed SS-9 missiles, the Soviet Union could deliver, at U.S. Minuteman sites, as many as 1,000 nuclear weapons, with a total force of some 250,000 times that of the Hiroshima and Nagasaki blasts and enough fallout to contaminate much of the North American continent. It would be a disastrous event for the American people even if the second wave against population and industry never occurred.

In a sense, therefore, it is accurate to describe damaging limiting systems and strategies as attempts to choose between calamity and catastrophe. For the present there is really no practical alternative to reliance on deterrence, and is therefore foolish and dangerous to attempt damage limitation when those efforts tend to undermine by far the most important objective. By following natural instincts to seek the neutralization of enemy weapons, we can only increase ominous stockpiles of nuclear weapons and detract from the already too precarious competence to prevent nuclear war.

Conclusions and recommendations

The issues described above suggest that when total U.S. nuclear forces are considered, instead of looking one at a time at component nuclear systems, there is in the foreseeable future no reason for alarm over the status of the U.S. deterrent, and no reason for panic over the potential degradation of one or another component of the force—bombers, ICBMs or SLBMs—since our ability to deter will remain so long as at least one component remains secure. Moreover, we have substantial "overkill" capacity in the case of each.

So long as we do what is necessary to maintain a credible deterrent, we gain little, while inviting a great deal of additional danger, by stressing such concepts as "nuclear superiority" or by following natural instincts to deploy counterforce weapons whose missions are bound to be amgibuous. The former course has little or no practical utility and the latter simply invites additional futile rounds of the arms-race cycle.

Deterrence and arms stability must remain the preeminent objectives of U.S. nuclear strategy, with primary reliance placed on the most secure component, the Polaris/Poseidon fleet. In research and development efforts, the main priority should be placed on programs, such as extended range Poseidon, to assure that the submarine force will remain immune from atack and capable of inflicting unacceptable damage in retaliatory strike.

At the same time there remain good reasons, both military and economic, for retention of existing ICBM forces, and a portion of bomber forces, as long as they can make a valid contribution to overall nuclear strength without requiring excessive new outlays. That contribution could be greatly reduced, but the cost of maintaining these forces is low enough to warrant retaining them while their value lasts. They should be kept in the force, but under conditions which allow the American people to reap the benefits, in both economy and stability, which should flow from the Triad theory.

As long as it can complicate the defense and counterforce problem facing the adversary, we should regard the Triad as allowing less, rather than requiring more, haste in adding new weapons which may or may not ultimately prove to be necessary.

On specific elements of Strategic forces posture:

(1) Forces for Deterrence

For the present Minuteman is a potent force with respect to the Soviet Union, and it enhances the prelaunch survivability of the strategic bomber force. In addition it can be relied upon for an indefinite number of years as a China-oriented deterrent without modification. Since it is inexpensive to operate, Minuteman should be retained, although there is no need to keep the small force of Titan ICBM's.

B-52G's and H's and FB-111's have a strong capability to penetrate existing Soviet defenses, and physical age is not a serious problem with respect to the later models. Considering their payload capability, a force of six B-52 squadrons and three to four squadrons of FB-111's would constitute targeting flexibility and payload fully adequate to maintain an effective bomber deterrent.

The Polaris/Poseidon force is by far the most reliable and most important element of the nuclear deterrent force, and it has developed added striking power through the Poseidon conversions completed thus far. The full fleet of 41 submarines should be retained, and conversions authorized through fiscal 1972 should be completed.

The minimal Soviet effort on strategic bombers indicates that they place little emphasis on that form of delivery; hence extensive air defenses are not justified by the threat. More significantly, even the most advanced and effective bomber defense inmaginable would offer little in the way of protection, since with it the United States would still be vulnerable to attack by both ICBM's and SLBM's, threats against which it is admittedly impossible to defend. Hence it is prudent to reduce the Army's surface-to-air missile capability and the Air Force's interceptor force by slightly more than half, leaving essentially a surveillance capability and an interceptor force to deal with the very low risk of conventional air attack from a nonnuclear power.

Antisubmarine warfare programs conducted to date have not produced a capability to detect and destroy Soviet submarines similar to our own Polaris fleet. However major portions of ASW programs—including ASW aircraft, nuclear attack submarines, and surface ships—serve both conventional and strategic war roles. While the enormous striking force of Soviet Submarines with nuclear weapons makes a low defense capability equal to no defense at all, defense against conventional submarine weapons is somewhat more practical. Modifications in ASW forces are discussed in the section on conventional forces.

The recommended force level by 1975 will include the following:

Type of force:	*Quantity*
Minuteman missiles	1,000
Titan II missiles	0
Polaris:	
Submarines	34
Missiles	544
Poseidon:	
Submarines	7
Missiles	112
Strategic bombers	190
Manned fighter interceptor squadrons	5
Army air defense batteries	8

(2) Procurement and Modernization

The deployment of Minuteman III and MIRV warheads on Minuteman and other plans to upgrade Minuteman should be discontinued. The fixed-site ICBM concept is one decreasing viability if the adversary is determined to build ICBM's large and accurate enough to destroy our missiles in their silos, and while they will expand the number of targets which can be hit by surviving missiles, MIRV's will not make Minuteman less vulnerable prior to launch. On the other hand, if there is no determination to degrade U.S. land-based missiles, the programmed upgrading and MIRV deployment will be unnecessary. MIRV is not needed in order to penetrate existing Soviet defenses, and it could be deployed more rapidly than a national Soviet ABM system if such a system is contemplated.

Deployment of the Safeguard system should be halted, and further work on programs of this kind should be confined to research and development at least until much more promising technology is available. The capacity of the system to protect the Minuteman force is open to sharp question on technical grounds—it is both vulnerable and easily saturated—and it promises to be an economic albatross. The cost of providing this doubtful form of protection for Minuteman is at least three and possibly ten times greater than the cost of the missiles themselves. In addition, ABM construction is bound to give the Soviet Union ambiguous signals about U.S. intentions, perhaps causing acceleration of their multiple warhead programs and adding to existing dangers.

Prototype development of the B-1 bomber should be halted, and further research and development and procurement decisions should be aimed at increasing the potence of existing bombers. The B-1's performance will not significantly affect the feasibility of gravity bombing, regardless of the environment in which it operates. Work on SRAM (short range attack missile) and SCAD (subsonic cruise armed decoy) should proceed for incorporation into the B-52/FB-111 force, and further modifications of the B-52, including the proposal to fit new engines, should receive active consideration. Studies of a possible follow-on should concentrate on a bomber designed principally for a standoff role, armed with a longer-range follow-on to SRAM.

Primarily because it is unnecessary given the current state of Soviet defenses, the conversion of Polaris to Poseidon should be halted after seven conversions. There is no compelling present reason to deploy MIRV as an ABM penetrator, particularly with some conversions already completed against the fledgling Soviet ABM, and if such a requirement does develop there will be ample time to convert the remainder of the force. If there is a threat to U.S. sea-based missiles, and none can be foreseen at present, it is likely to come from a growing capability to detect and coordinate an attack on the submarine fleet. The primary research and development effort should, therefore, be concentrated on that issue. The U.S. should get ready for a production option on longer range sea-based missiles, and should continue to examine the more costly ULMS alternative.

The United States has a great interest in a strong and thorough ASW research and development effort, both for conventional and nuclear war contingencies. In addition to enhancing our own capabilities, research can help measure what is technically feasible in the ASW field, thus pointing the way to countermeasures which could preserve the security of the U.S. SLBM force in the face of Soviet ASW programs. At the same time extreme caution should be practiced in further deployments, both because of the risks to stability and because slight incremental improvements in ASW capabilities are unlikely to justify the costs involved.

GENERAL PURPOSE FORCES

General purpose forces are those maintained to protect the United States and its allies and interests against conventional or nonnuclear threats. The primary elements are ground combat and support forces, tactical air, airlift and sealift, amphibious landing forces, antisubmarine warfare, and tactical nuclear weapons.

Special considerations

(1) Qualitative Measurements

As opposed to strategic forces, the numerical forces, the numerical balances of forces does have a significant bearing on our ability to deter or to successfully conclude a conventional war. Nevertheless it is still misleading to calculate posture on the basis of numbers alone. Such factors as the mix of purposes for which forces are maintained, (i.e,. with emphasis on offense or defense), the capacity for rapid mobilization, problems associated with supply and maintenance, the dependability of communications, the adequacy of training, and the sophistication of conventional weapons systems are all as important as numbers in obtaining a complete strength. The probability of contingencies used in planning, the strategies contemplated for those contingencies, and overall foreign policy decisions identifying U.S. vital interests and commitments must also play a decisive role in setting force levels. In the event of protracted war, even the relative economic vitality of the United States and its adversaries could easily be the decisive factor.

(2) Active Forces

It is also pertinent to note that the United States does not and need not maintain conventional forces for the full duration of any major conflict. A confrontation with the Soviet Union might, for example, proceed in one of three ways. It could be ended fairly quickly, given the dangers of escalation to nuclear conflict and the negotiating machinery available, it could escalate into nuclear war, or it could become a protracted conventional land war with a tacit understanding that neither side would use nuclear weapons. In the former case the large numbers of conventional forces required to fight a prolonged conventional war would not be needed. In the case of nuclear escalation the balance of land forces would not be a relevant factor. In the latter case—protracted war—the United States could mobilize additional forces during wartime. Hence, the primary objectives of active forces in being are, first, to deter war by notifying the adversary that he will be denied a quick victory, and second, to prevent serious losses during the initial months while rapid mobilization would be underway.

(3) Contingency Planning

Nor does the United States maintain forces to meet all major contingencies at the same time. We planned through 1969 for two and one-half simultaneous wars—major wars in Europe and Asia and a smaller conflict elsewhere. The planning assumption has since been cut back to one and one-half wars, to reflect a more realistic comprehension of the political nature of potential adversaries and of their internal differences. Considering their bitter disputes over both ideology and territory, it is exceedingly improbable that the United States would be required to take on both China and the Soviet Union at the same time. On the contrary, their rivalry detracts from the aggressive war-making capacity of each, because they must both keep substantial numbers of forces on their common border. Therefore, while it is wise to have some excess of the military elements which involve extensive preparations, primarily sophisticated weaponry, it involves a very low risk for the United States to plan on the basis that we will not be involved in major conflicts in both Europe and Asia at the same time.

(4) Defense of the United States

Force planning should also be influenced by the recognition that very little is required for the defense of the continental United States against conventional attack. Because its geographic characteristics are ideally suited for defense, it is safe to say that no country in the world is within reach of the numbers and kinds of forces which would be required to pose a serious conventional threat to the United States. This high degree of security is enhanced still further by the fact that the United States enjoys good relations with the great majority of its immediate neighbors.

It follows that aside from small forces for protection against unforeseen contingencies, the great majority of all U.S. conventional forces exist either for the protection of American interests in other parts of the world, or for the fulfillment of commitments to help preserve the security of other countries. To reflect this reality, it has been suggested that the largest share of the U.S. defense budget, perhaps all but about $30 billion, would be better labeled "military assistance" because it is maintained primarily to assist other countries rather than to defend the continental United States.

(5) Allied Forces

It follows from the previous point that the capability of the United States to meet its conventional war objectives is only a part of total allied capability. When determining total capacity to deter war, or to conclude it successfully once begun, it is proper and necessary to factor in the military forces of other countries whose security is of sufficient concern to the United States to warrant regarding an attack against them as equivalent to an attack on the United States. It is obvious that this process contributes substantially to the likelihood that our conventional military objectives can be met. It also requires examination of such additional complicating factors as the status of integrated command and control machinery, our allies' perception of the threat, the degree to which they maintain forces for purposes other than those upon which the alliance is based, and their own capacity to mobilize additional forces if war breaks out.

Allied and opposing forces—land war contingencies

The United States maintains active conventional military forces for three broad geographical areas; the Western Hemisphere, Europe and Asia. No forces are programmed for Africa. However, the Middle East represents an important contingency.

(1) Western Hemisphere

One land division and one carrier task force are currently allocated to a possible Latin American contingency, and the United States maintains close military contacts with the leadership of and has supplied substantial military assistance to Latin American nations.

Although there is continuing concern about a possible Soviet submarine base in Cuba, neither China nor the Soviet Union has military bases in the Western Hemisphere; hence, the earmarking of active U.S. forces to the region must be seen as a reaction to whatever indigenous threat exists. Neither of the two socialist countries in the region, Cuba and Chile, has sufficient military establishment to conduct successful overt military actions against its neighbors, nor is such action deemed likely. The greater danger to stability comes from indigenous revolutionary forces, supported to a modest extent from the outside.

Both legal and practical considerations contend against direct American involvement in potential civil conflicts in the region. It is exceedingly unlikely that U.S. force allocations have any significant impact in terms of deterring revolution in Latin American nations, nor would they have a bearing on the outcome nearly as important as other factors which are beyond any direct U.S. influence, principally the ability of indigenous leadership to inspire popular support.

(2) Europe

The majority of U.S. active and reserve forces are allocated to the defense of Europe, fulfilling the commitment undertaken through U.S. membership in the North Atlantic Treaty Organization. The formal U.S. commitment to NATO involves about eight ground divisions, 12 land based air wings, and two carrier task forces. Current planning sets higher force levels for Europe, however, including nine active land divisions, eight Army and one Marine, with about four and one-third of those divisions stationed in Europe; four carrier task forces, two stationed in the Mediterranean at all times; sixteen tactical air wings based on land; plus up to six National Guard and reserve divisions and an equal number of reserve tactical air wings.

U.S. forces in Europe are also equipped with tactical nuclear weapons. Thus we theoretically contribute to a "flexible response" capability, designed to deal with a variety of potential hostile actions ranging from a limited probing conventional attack to a nuclear confrontation.

Active allied land forces assigned to NATO and present on the Central Front, encompassing West Germany, Denmark and the Benelux countries, include approximately 794,000 men, with the largest numbers coming from West Germany (326,000) and the United States (200,000) respectively. Excluding the United States, regular armed forces in NATO total about 2.9 million men, plus another 3.8 million if trained reserves are included.

The alliance also has approximately 2,100 deployed aircraft in combat ready status, plus large numbers of sophisticated conventional land weapons such as tanks and artillery and antitank weapons.

Estimates of comparable figures for opposing Warsaw Pact forces vary widely depending on the source. A medium-range calculation puts total active manpower on the Central Front, encompassing East Germany, Poland, and Czechoslovakia on the Pact side, at about 685,000, including 285,000 Soviet troops. Exclusive of the Soviet Union, Warsaw Pact countries maintain about 970,000 active armed forces, plus another 1.9 million trained reserves.

It is impossible to determine the proportion of total Soviet active and reserve forces that could be deemed ultimately available for use in Europe. The Soviet Union has total armed forces of about 3.3 million men, plus another 2.3 million in reserves. One reasonable method of assigning them to the European contingency would at least add the estimated 450,000 Soviet troops stationed in the European U.S.S.R., and it is possible that greater numbers could be moved to the European theater with relative speed, assuming that problems of logistics could be surmounted. At the same time, however, it is clear that the Soviet Union would be reluctant to reduce forces presently maintained on its extensive common border with China.

The Warsaw Pact has approximately 2,900 tactical aircraft deployed in Europe. While that is larger than the comparable NATO figure, it also accounts for a much larger proportion of total tactical aircraft of the countries involved. NATO forces could be augmented by aircraft stationed elsewhere to achieve an overall superiority. The Pact also has more tanks than the combined NATO force, but, as noted below, the significance of this figure, like that for tactical air forces, must be heavily weighted to account for extreme differences in capabilities, and it also tends to ignore U.S. and allied tanks stored in Europe.

The foregoing suggests that to the extent numbers are a guide, Warsaw Pact and NATO forces are in rough balance. There are, however, several of other factors which render numerical comparisons virtually meaningless.

First is the all-important matter of force readiness, in the context of the likely duration of any confrontation in Europe.

If it is realistic at all to contemplate a Pact invasion of Western Europe in today's political and military context, the most important objectives of the Pact would be to move quickly, to capitalize on surprise, and to take and hold substantial amounts of territory in the first few days of fighting. As a consequence a more relevant comparison is one which considers the numbers and kinds of forces which would be available in the first few days, up to the first month.

Based on present deployments, the Warsaw Pact has 275,000 men in East Germany which would be available on the first day of fighting. NATO has 583,000 stationed in West Germany—a clear margin of superiority.

Within 15 days the Pact could mobilize another 547,000 from troops stationed in Poland, Czechoslovakia and Hungary, while NATO could add 198,000 more from the Benelux countries and from Italy. At this stage the Pact would have a small numerical advantage.

By the thirtieth day, the Pact could conceivably add another 585,000 troops from the European U.S.S.R., Bulgaria and Rumania, bringing the committed total to 1.4 million. NATO, meanwhile, could add another 604,000 from Britain, Canada, Italy, France, Greece, and Turkey, bringing the total to almost the same size as the Pact force.

But this comparison assumes no deployments to Europe from approximately eight and two-thirds active divisions, or about 400,000 men, from the United States, nor does it assume the use of NATO member forces other than those explicitly earmarked to the alliance. The U.S. is acquiring the capacity, with a programmed fleet of C–5A transport aircraft, to move as many as 560,000 troops and supplies each month, many of which could clearly arrive well before the first 30 days of fighting had been completed. And to the extent they are ready forces, it seems quite likely that other NATO members would speedily commit additional forces if an invasion threatening their territory did, in fact, occur. On the other side, however, the thirty day scenario would have employed all available Soviet combat manpower in Europe.

Under the most realistic planning assumption, therefore, NATO clearly has more than enough forces to repel a Pact attack.

A second major factor is the relative quality of allied and Pact forces, and here the advantage is decidedly in favor of NATO. The Pact's slight numerical advantage in tanks, for example, is negated by the fact that NATO tanks are much more sophisticated, and by NATO's clear superiority in antitank weaponry. The differences in tactical aircraft are even more substantial, with NATO planes rated at least twice as effective as those of the Pact in such key measurements as effectiveness of payload, loiter time and crew training. Moreover NATO has a numerical advantage of nearly three-to-one in multipurpose fighter and attack aircraft, while the Pact's planes are concentrated on the interceptor category which is better suited for defense than offense.

A third factor bearing on the adequacy of NATO's capability to deter or defend against attack is its very definition as a defensive entity. In the conventional war context the advantage is inherently with the defense. Its installations can be more heavily fortified, and its supply and logistics problems are much less severe. Even such factors as motivation may have a great bearing—NATO members can be expected to fight forcefully in defense of their own territory, whereas it is at least problematical whether Russian, Polish or Czechoslovakian troops would be as enthusiastic about taking part in expeditionary operations hundreds of miles from home in the midst of a hostile population. Historically these factors have meant that an invading force must have a substantial numerical superiority in order to achieve any degree of success. The Pact has nowhere near such an advantage and is not likely to achieve it.

These three factors—force readiness, the quality of weaponry and the defensive nature of NATC—lead to the unmistakable conclusion that the alliance poses a formidable defense of Western Europe, one which is fully capable of deterring any calculated attack from the Warsaw Pact or of defending against such an attack should it occur.

This is not to say that NATO does not have weaknesses. It does, and they are significant. Active forces are not deployed in positions dictated by wise military planning. They could not respond as quickly as would be possible under other arrangements, and they are concentrated too heavily in a limited number of locations. The ratio of support and command to combat forces is excessively high, and serious questions have been raised about the ability of the command structure to communicate and operate efficiently in an emergency situation. The 1968 movement of Soviet troops into Czechoslovakia illustrated that there is no assurance of a response to ominous developments on the other side, and this must be traced not to military weakness but to command and control deficiencies. These are problems which exist irrespective of the numbers of men and the amounts of arms contributed by the United States, yet they have a much more serious bearing on NATO's overall capabilities.

At the same time the Pact has problems of its own. As compared to NATO a much greater proportion of its total forces come outside the immediate region, i.e., from the Soviet Union, which means that supplies must be moved great distances overland, communications are quite difficult, and command and control are correspondingly vulnerable to disruption. Preparations for attack could not be conducted in secrecy; any buildup would be easily detected. Further, and of very great importance, a large proportion of Soviet troops stationed in Europe, and probably some other Pact forces besides, probably would not be available for an assault against NATO members because of internal differences among Pact members. This situation is best exemplified by the fact that 75,000 of the Pact forces in Eastern Europe were moved there for actions directed not against NATO but against Czechoslovakia, a Pact member, in 1968. It is not clear whether those troops should be added to or subtracted from total Pact capabilities.

In sum, the NATO alliance, despite its weaknesses, is in a very strong position with respect to the single threat against which it is arrayed. Further, the number of United States forces committed to NATO and stationed on European soil is not, within limits, a major factor in NATO's capability to deter or fight a war on European soil, so long as sufficient numbers are present to convince the Warsaw Pact that the United States remains firmly committed to European security, and so long as lift capacity can provide speedy reinforcement. A smaller number of U.S. forces would notify the Soviet Union of our guaranteed involvement in the defense of Europe, and should reassure our European allies on the same issue.

Their contribution to overall military capability is but one issue bearing on the question of how many U.S. forces should be stationed in Europe. Proponents of the present level of some 300,000 men also argue that any reductions could possibly cause panic among our allies, forcing them to accelerate plans for accommodations with the Soviet Union and Eastern Europe. But the United States places itself in an extremely odd position if we are attempting to discourage the European nations whose safety is directly at stake from seeking to improve the degree of safety through methods other than military buildups.

Similar considerations apply to the rather vague warnings that any withdrawals of U.S. forces will increase the political power of the Soviet Union in Europe. If NATO remains capable of fulfilling its military purposes, it is exceedingly difficult to determine how adjustments in troop deployments would make the Soviet Union more adventurous or our allies less resolute.

Our European allies all devote a smaller share of their national wealth than the United States to national defense. With the exception of West Germany all have, in fact, failed to join the United States in meeting the commitments they have undertaken as members of the alliance. Yet they have all achieved dynamic economies since World War II, and they are unquestionably capable of carrying a greater share of the burden of their own defense.

Moreover, U.S. forces in Europe pose a balance of payments problem for the United States which would not be suffered by NATO partners supplying added forces to meet their own assigned quotas.

(3) Asia

There is a healthy measure of ambiguity in U.S. military posture planning for Asian contingencies. Noncommunist Asian societies are for the most part much less capable than our European allies of committing large resources to defense, but we have nevertheless moved to a position of demanding much more from them. In the post-Vietnam era the U.S. contribution will be generally limited to military assistance and possibly tactical air wings; official descriptions of U.S. policy call upon Asian allies to supply their own ground forces.

The disparity between our approach in

Asia and in Europe reflects in part the much greater extent to which we see our own vital interests involved in European security. Aside from Japan, Taiwan, Australia, and possibly South Korea, Asia is seen as having only a marginal bearing on vital American interests. Two other factors, the nature of possible threats to the internal security of Asian nations and the limited scope of external conventional threats, should also have a bearing.

Active U.S. baseline forces for Asia, above and beyond the Vietnam buildup, have included six Army and two Marine divisions, two of the eight in Korea and the remainder deployed on island bases and in the United States; and seven carrier based and eight land based air wings.

Where allied force levels and capabilities are concerned, South Korea, with continuing assistance from the United States, has developed an extremely potent 570,000-man force. In Southeast Asia the combined forces of the South Vietnamese, Laotian, Cambodian and Thai governments outnumber by substantial margins those of North Vietnam and indigenous revolutionary organizations, but they nevertheless appear to be lacking in important elements of a successful defense effort. Elsewhere in Asia, the Chiang Kai-shek government on Taiwan maintains more than one-half million active forces, Japan has had approximately one-quarter million in recent years, India has roughly 900,000, Indonesia approximately 350,000, and Pakistan approximately 275,000. In several cases—as in Japan, Taiwan, the Philippines, Indonesia and Australia—geography is at least as great a deterrent to attack as military force.

Opposing forces in Northeast Asia include about 370,000 North Korean troops, significantly fewer than those in South Korea. In Southeast Asia the major communist power—North Vietnam—has between one-quarter and one-half as many active armed forces as South Vietnam.

The primary source of U.S. concern in Asia has been the People's Republic of China, with armed forces numbering roughly 2.5 million. However, the degree of concern should be moderated by a number of factors. The training and orientation of China's armies have concentrated on defense, and the military in China is an integral part of the country's administrative machinery, made up as much of civil servants as of soldiers. Large proportions of the armed forces are massed along the common border with the Soviet Union and in provinces across from the island of Taiwan. Naval forces are primarily coastal ships without a capability for operations on open seas. The great majority of Chinese aircraft are older model Soviet fighter-interceptors. Because of inadequate transportation facilities, the People's Republic would face massive difficulties in mounting an expeditionary force of any size for any duration.

Thus there is little cause for worry about aggressive operations from China. The country's capacity for self-defense is formidable indeed, but Chinese leaders have not placed priority on offensive capabilities.

The international posture of China in the years since 1949 tends to confirm the impression of caution and defensive orientation. Chinese manpower has been detected in neighboring countries, mainly in Burma and North Vietnam, but in numbers too small to be significant and not in combat roles. The several cases in which Chinese forces have been involved in active combat since 1949 have been either to advance claims to disputed territory, as with India and the Soviet Union and in Tibet, or to defend against perceived threats to Chinese territory, as in Korea. In the latter case it is significant that Chinese forces quickly withdrew after the Korean armistice. There are no Chinese military bases on foreign soil.

As in the case of Europe, force level calculations give no more than a rough guide of the potential capacities of Asian nations to defend themselves. Other issues have a much greater bearing on attempts to determine the proper approach for U.S. planning toward an Asian contingency.

Most analysts seem to agree that the United States, for a variety of reasons, plans for a lower level of involvement in Asia than in Europe in the post-Vietnam era. But it is virtually impossible to tell from most descriptions what this means in practical terms, or how it should influence the numbers and deployments of U.S. forces assigned to an Asian contingency.

It is likely that civil conflict, with some degree of external support from China and/or the Soviet Union, will continue. But, as the Vietnam experience teaches, the prospects for successful defense against such internal revolutionary movements depend heavily on conditions which are almost totally independent of a United States willingness to intervene. Governments which earn the respect and support of their own people will likely be able to assure their own survival; those which do not will probably be unable to prevail without massive infusions of outside military help including the direct involvement of American personnel. But in such circumstances U.S. intervention can probably accomplish no more than to prevent or postpone defeat, while further weakening the position of the government with respect to its own people. It may be possible to set aside questions of whether the United States has either a moral or legal right to intervene, and to conclude that the United States really has no practical alternative but to steer clear of such involvements.

This does not suggest, of course, that "wars of national liberation" are likely to sweep through Asia. In each case the prospect will be influenced primarily by internal factors, and past experience suggests that both the Soviet Union and China will be quite cautious in supporting overt revolutionary efforts in countries with strong non-communist governments. They, too, must afford respect to nationalistic aspirations, and they are unlikely to promote what they see as futile endeavors.

While the United States certainly has an interest in their prevention, it also seems clear that we have little basis upon which to become directly involved in legitimate territorial desputes in Asia, regardless of the ideology of the parties. In such cases we should instead seek resolution before appropriate United Nations agencies.

In the foreseeable future, therefore, it appears that the one broad contingency which might justify American intervention would be an aggressive attempt by China or another communist power to conquer and subjugate new territories. However, this eventuality, because of the nature and numbers of forces in the region, seems to be by far the least likely to occur, requiring preparations which would take several years at the very least.

There is, of course, one case requiring special attention—that of the sharp conflict of opinion over the status of Taiwan. Both the People's Republic and Chiang Kai-shek's government assert that the island is part of China. The United States has meanwhile committed itself to assist in the defense of Taiwan against an attack from the Mainland, while the People's Republic insists upon its right to eventually "liberate" the island and thus finish the Chinese civil war which was interrupted by the insertion of United States forces in the Taiwan strait in 1950 and by the 1954 defense treaty.

For purposes of U.S. force planning the most pertinent aspect of the current situation is that Chiang's forces are abundantly equipped to defend the island against the kind of attack the Mainland could mount in the foreseeable future. This development is underscored by the virtual elimination of U.S. patrols in the Taiwan strait.

In sum, regardless of how the United States sees its own interests in Asia, the military balance is such that the maintenance of substantial conventional forces for an Asian contingency is not a current necessity.

Allied and opposing forces at sea

While their maintenance must, of course be generally related to specific land-war contingencies, U.S. naval forces operate in a theater of their own, relevant to any major conflict and to many minor ones. They have two primary purposes; first, the projection of force ashore, as in the case of marine amphibious landings, carrier-based tactical airpower, and standoff shelling of land targets; and, second, control of the seas, including principally the protection of warships used for the first purpose and of commercial and supply shipping. Some elements, such as aircraft carriers, destroyers and cruisers, have capabilities and missions related to both general purposes.

The U.S. Navy consists of some 700 ships. The bulk of general purpose naval forces, excluding Polaris/Poseidon submarines, is built around aircraft carriers, vessels which have no counterpart among communist powers. In fiscal 1972 the operative carrier fleet included 12 attack carriers (CVAs), with 61 tactical air squadrons, plus two anti-submarine warfare carriers (CVSs), and one experimental dual purpose attack/ASW carrier.

The amphibious landing capacity currently maintained is sufficient to land one and one-third division-sized Marine amphibious forces (or four brigades), although plans have been laid to increase the landing capacity to one and two-thirds divisions.

Military sealift capacity is supplied by 98 troopships, cargoships and tankers, with potential augmentation from commercial shipping. As compared to World War II a substantially larger proportion of lift capacity, for men and smaller supplies and equipment, is now supplied by air.

Surface and undersea combatant forces are assigned primarily to the protection and underway replenishment of carrier, amphibious landing and sealift ships. On the surface, we program 227 missile cruisers, frigates, destroyers and ocean escorts, plus a number of special purpose ships such as minesweepers, and numerous smaller craft. We have a total of 95 submarines, of which 55 will be nuclear powered. Four additional nuclear powered subs will become operational during the year.

The protection of nonmilitary shipping is assigned almost entirely to allied naval forces, with some help from U.S. reserve ships and amphibious assault escorts. U.S. allies in both the Atlantic and the Pacific have substantial naval capabilities, primarily in the category of escort ships in which they outnumber the United States. They also have a quantity of attack submarines.

The numerical description of current U.S. forces is somewhat misleading because they are in a state of fluctuation as older ships (generally those in service more than thirty years) are being retired and, after some time-lag, replaced. The most extensive modernization programs are geared toward the procurement of additional land based and sea based antisubmarine aircraft, "high speed" nuclear attack submarines, ASW destroyers, and a nuclear-powered guided missile frigate. Further improvements are being pursued in such areas as surveillance and communications, a surface-to-surface missile capability, ship air defense systems, and a very high speed missile attack ship using hydrofoil design.

The Soviet Union is the only potential U.S. adversary with significant naval forces. They presently include an estimated 215 major surface combat ships, 264 conventional submarines and 87 nuclear subs, plus a number of minor combatants comparable to U.S. forces of the same kind, but with a heavier orientation toward short range surface-to-surface missiles. None of the Soviet Union's Warsaw Pact allies has a significant naval capability. In combination they possess only eight major surface ships and eight conventional submarines. The People's Republic of China has a few submarines and many patrol craft, but no major surface ships.

As implied by the numbers and kinds of ships each maintains, the United States and the Soviet Union rely upon naval forces for different purposes. In any protracted conventional confrontation with the Soviet Union the United States will have to depend heavily upon shipping to supply its own land based forces and to provide supplies and economic support to its allies. In Europe, meanwhile, the Soviet Union would be able to transport the bulk of its supplies over land routes.

Therefore, the major part of the Soviet Union naval buildup in recent years has focused on offensive weaponry—such as surface-to-surface missiles and submarines—rather than on attempts to catch up with allied superiority in transport and escort ships. They have equipped over 200 medium bombers with antiship missiles, they have long-range antiship missiles on 65 submarines, and they have 161 patrol craft and 21 major surface ships designed to carry surface-to-surface missiles.

Nor has the Soviet Union made any significant attempts to match U.S. capabilities for the projection of sea based force ashore. The larger surface combatants could, of course, serve as bases for artillery attacks against land targets. But, as noted above, the Soviet Union has no aircraft carriers and no capability for amphibious landings.

(1) Projection of Force Ashore—Aircraft Carriers

The number of carrier task forces is a major determinant of the cost and composition of U.S. naval forces, accounting for as much as 40 per cent of total Navy spending in recent years. Hence the carrier has become the principal focus of debate over force structures.

It has two main deficiencies when considered as a form of basing for tactical air forces—costs and vulnerability. The cost of the carrier itself, of its escorts, and of logistic support ships must, of course, be included in calculating the cost of a carrier-based air wing, and these factors run the total investment to many multiples above the amount required for land based air wings. And while land based aircraft can be protected at moderate cost through the construction aircraft shelters, a carrier can be detected with relative ease, and it can be placed out of commission with a few well-placed strikes.

The likelihood of disabling strikes against carriers becomes a virtual certainty in any conflict involving the Soviet Union. Four or five air launched cruise missiles, or an equal number of acoustic homing torpedoes targeted on the ships screws, would be enough to force a modern carrier to retire for extensive repairs, if not to sink it. Antiwar and submarine warfare measures, including those aboard the carrier itself and on escorts, do supply some defensive capacity, but they are not nearly effective enough to protect a carrier against sustained assaults over any lengthy period of time.

These factors, plus the very high probability that sufficient land bases would be available on allied soil in the case of a confrontation in Europe, suggest that it is neither wise nor necessary to rely on aircraft carriers to perform tactical air missions in any conventional war involving the Soviet Union.

Although the importance assigned to each varies, the same three considerations—cost, vulnerability, and the availability of land bases—apply as well in the case of other contingencies. Carriers have been used in Vietnam, of course, and it is argued that they can at least supply tactical air support while land bases are being constructed, and that they reduce the need to rely on land bases in a world which is increasingly inhospitable to such U.S. installations. However, the increased ranges and payloads of modern tactical aircraft serve to make up for close bases. It is difficult to imagine U.S. involvement in defense of an ally which would deny the use of its airfields or the right to construct bases, and "bare base kits" allow tactical air forces to begin operations very quickly from the kinds of airfields which exist in virtually every country in the world. Carrier-based wings would still compare poorly with land based wings in terms of costs, and they would still be more vulnerable than land bases, at least in the case of any adversary equipped with significant air forces, with submarines, or with surface-to-surface missiles. On the latter point the sinking of the Israeli destroyer Elath in 1967 with a relatively simple and short range Soviet Styx missile launched from a patrol boat supplies an unmistakable object lesson.

As noted below, carriers do have some continuing role in the protection of shipping. As in the case of the Middle East, they can also be used to illustrate deep U.S. concern and commitment plus the capacity for speedy intervention, in a tense situation, without requiring an actual physical military presence on the territory of one or another disputing party. While it could be fulfilled in part by other vessels, this capability for "showing the flag" is thought to have significant political value. Aside from such uses, their utility in the future will be limited to cases, like Vietnam, where they can operate from sanctuaries or where antiship defenses are virtually nonexistent. Considering the growing American resolve to avoid future Vietnam-type involvements, these purposes hardly justify the enormous costs of maintaining a large attack carrier fleet.

(2) Projection of Forces—Amphibious Capability

The single purpose of amphibious assault forces is to land Marines in heavily defended areas. The mission requires several different types of ships capable of handling landing craft, helicopters, tanks, general transport, gunfire support, air support, and mine countermeasures. Present forces have the capacity to land and support two brigades (about 5,500 men per brigade) on the Atlantic side and two brigades on the Pacific side simultaneously. Ships assigned to direct involvement in landing operations, some of which are now under construction, include five general purpose assault ships, (LHAS), 22 tank landing ships (LSTs), two landing force fire support ships (LSFs) and 15 dock landing ships (LSDs). A single LHA and one or two LSTs can put a battalion landing team ashore. In addition an estimated 48 escort ships, plus 61 minesweepers, are assigned or available to amphibious landing forces.

Several factors argue against an amphibious landing force of this size. First is the one and one-half land war planning assumption, which should go a long way to eliminate the need for keeping amphibious assault forces for both the Atlantic and Pacific theaters simultaneously. Second is the low probability that U.S. land forces will again be committed to war in Asia. And third is the very strong doubt that traditional World War II type amphibious landings would be either necessary or practical in any foreseeable conflict. It is quite difficult to imagine a situation in Europe where opposing land forces would have overrun sufficient territory to require amphibious landings; if that situation did occur, any attempt at an amphibious landing would probably be suicidal considering the certainty of detection and the immensely more sophisticated defenses, especially from the air, which would be encountered.

(3) Protection of Shipping—War at Sea

The heavy economic dependence on shipping which is a reality with respect to both the United States and its allies would clearly increase during any extended war. And while air transport has provided a viable alternative for manpower and for some goods, the costs of moving most commodities by air are plainly prohibitive.

The primary danger to U.S. shipping comes from the Soviet Union; there is little doubt that U.S. ships would be fairly secure in other contingencies against countries wihch are not naval powers. The Soviet threat to shipping from the air is not great because of the lack of Soviet air bases near Atlantic and Pacific shipping lanes and because longer range Soviet aircraft would have to pass through regions where the United States has clear air superiority. The threat from missile-carrying surface ships is more serious, and it supplies a marginal reason for maintaining at least some carrier forces. Soviet cruisers carry the Shaddock surface-to-surface missile with a range of up to 400 miles (with mid-course correction). The strela SSM, carried by Soviet destroyers, has a range of about 100 nautical miles. There are presently 21 cruisers and destroyers equipped in this fashion. They could be attacked by carrier-based aircraft from locations beyond their range. However, U.S. nuclear attack submarines, as will be seen below, are a much more potent answer.

The most ominous threat to shipping comes from attack submarines, and there is virtually no comparison between today's submarines—American or Soviet—and World War II models.

Older subs could stay submerged no more than 18 to 24 hours. They were armed only with short-range torpedoes, which had to be fired at or near the surface. Because of limitations on communications and detection techniques it was exceedingly difficult, and often impossible, to locate surface targets and then to communicate their position to submarines close enough to intercept. Diesel-electric power plants produced little speed and required constant refueling.

Nuclear powerplants, together with modern internal support and navigation techniques, allow today's submarines to remain submerged for months, to avoid detection, and to achieve speeds faster than many destroyers. Meanwhile satellite reconnaissance has developed to the point where a convoy would be extremely fortunate to escape detection virtually anywhere in the world. Communications systems can transmit messages to submarines on a worldwide basis with great efficiency. Most ominous of all, long-range homing missiles allow subs to attack surface ships not only from submerged positions but from many miles away. With these advances, it is likely that the growing Soviet submarine fleet could, given the motive, come close to eliminating surface ships as a viable method of moving large quantities of goods in wartime.

The dominant feature of the U.S. response to this development has been to seek additional methods of defending surface ships against submarine attack. But absent unforeseen breakthroughs in technology, such steps can only increase the tonnage which must be devoted to defensive weaponry, and advances in technology often tend to widen the advantage of submarines over surface shipping. They are pursued, along with such concepts as safety in numbers, for want of an alternative method of shipping bulky solid goods.

It should be noted here that ASW carriers do not constitute an important response, since land based antisubmarine aircraft can reach fully 80 per cent of the earth' ocean surface and shipping can be readily rerouted to stay within that range of protection. To the extent that it can be accomplished at all, the ASW role of carriers can be handled just as well by other means.

The growing numbers of modern submarines maintained by both the United States and the Soviet Union constitute one of several major factors tending to greatly reduce the likelihood of a World War II type extended conventional war at sea. Neither country can assert that its surface ships, whether commercial, sealift or combatants, could long survive against submarine attack. This fact deters assaults against U.S. shipping which are unrelated to any land contingency, because the Soviet Union is aware that there is no way it can prevent a full measure of retaliation for any damage it inflicts. As noted earlier, it is exceedingly unlikely that a land war with the Soviet Union would last long enough to invoke a heavy dependence on shipping, or to allow for the sustained submarine pressure which would effectively close the seas to the surface fleets of both sides.

To the extent that preparations are made for a war of longer duration, it may be possible to place additional reliance on airlift capacity, to be maintained on a standby basis and used, because of high costs, only to move the most urgent necessities under emergency conditions. Additional heavy supplies could also be pre-positioned. ASW research efforts must continue, of course, and it may also be worthwhile to explore the potential of nuclear submarines as cargo vessels, at least for the fluids and granulated commodities—largely fuels and food grains—which together account for as much as 70 to 80 per cent of all shipping. The U.S. does presently have one cargo submarine in the force.

MODERNIZATION AND TECHNICAL ISSUES

It is possible to say that not a single weapon in the entire U.S. military arsenal—strategic or general purpose—is completely up to date, or has not fallen some distance toward obsolescence. The process occurs in several ways.

First, like other mechanical devices, weapons wear out with continued use and age. And the more complex they are, the more likely it is that one or another component will give way and necessitate replacement of all or a part of the system.

Second, the threat which U.S. weapons must counter is constantly changing. An air superiority fighter adequate to combat the Russian Mig-21, for example, may be seriously outclassed when matched against a Mig-23 (or Foxbat). If maintaining air superiority over the Soviet Union is considered a vital element in meeting major defense contingencies, then a new aircraft must be acquired.

A third factor may be called the technological or scientific imperative. By the time the latest technology can be put into production new research and development programs are likely as not to have come up with a more modern version with more impressive capabilities. The pressure to supply American fighting men with the very latest and best in modern weaponry creates an endless demand for incorporating each significant advance in the science of war.

A fourth pressure is strategic obsolescence. Advances in the adversary's technology or adjustments in his strategy may sharply restrict the utility of some U.S. weapons systems, requiring that new strategies and new systems be developed.

However, with respect to the latter, the services have been loath to give up their traditional systems and missions. In many cases a "we need it because we have it" philosophy has prevailed, resulting in the retention and often the costly modernization of weapons systems which are based on obsolete strategies. If they are developed at all, the new systems are stacked on top of the old. The combined result is a much bigger and more physically impressive defense establishment, but with much of it making little or no real contribution to the nation's security.

The overriding influence of these four factors is established by the simple fact that in combination they account for by far the major part of all the Pentagon's research and development and procurement budget—in fact, nearly all of that budget in peacetime, when no weapons are being used up or lost in combat. Modernization is a process which has had an annual price tag of between $20 and $30 billion in recent years.

Modern weapons systems are enormously costly. The fighter aircraft requested by the Air Force today cost five to six times as much as airplanes produced just a decade ago, and the sophisticated avionics systems for military aircraft are, on a per pound basis, about twice as precious as gold. The latest aircraft carrier requested by the Navy has a price tag of just over $1 billion—for a single ship.

The following examples highlight the problems flowing from the current approach to new procurement.

As noted elsewhere, U.S. naval forces are currently undergoing an extensive rebuilding and modernization program. A large proportion of existing ships are approaching, and some have passed, the thirty-year retirement age.

But the bulk of modernization funds are related to amphibious landing systems and to carrier task forces, including new escort and replenishment ships and new carrier-based aircraft. The utility of both of these strategies, at least on the contemplated scale, is open to sharp question in the context of current and foreseen contingencies.

There is no significant difference in capabilities between the land based P–3C ASW aircraft and the carrier based S–3A; and the cost and vulnerability of carriers establishes the S–3A as a very poor second in any competition between the two. This factor has already been recognized to some extent, since ASW carriers have been drastically reduced in recent years. Yet the S–3A is still being acquired.

The major new weapons systems for attack carriers is the combined F–14 and Phoenix missile program. Aside from special purpose planes such as the S–3A, carrier-based aircraft have been designed for several purposes; to fill diverse missions now assigned to carriers and to make the most efficient use of the limited basing space available. The F–14 is designed to replace the F–4 Phantom as the Navy's chief tactical fighter, to provide fleet air defense, air superiority, and air-to-ground capability. To enhance its air defense capabilities, current planning calls for arming the F–14 with the Phoenix air-to-air missile with the claimed ability to intercept both enemy aircraft and missiles.

While the Phoenix may be capable of intercepting a small number of clustered targets, there is no evidence that it could deal with a determined missile assault on a scale which the Soviet Union would be capable of mounting. Prelaunch destruction of air-to-surface and surface-to-surface missiles remains the only plausible method of defending against them. In any case, attempts to defend shipping against threats which we can handle, such as bombers, when there are other threats for which our technology has yet to supply or promise an answer, is not a wise allocation of resources. In short, the Phoenix is not an answer to the arguments contending that the aircraft carrier would have marginal value in any confrontation involving the Soviet Union.

The F–14, meanwhile, would cost as much as $15 million per copy—several multiples of the cost of the F–4—in large part because of the mixture of missions, and because of the attempt to design a carrier-based aircraft capable of maintaining air superiority over expected new Soviet fighters. The F–14A version now being procured, moreover, has many performance characteristics which are inferior to the Soviet Mig–21 and also to more recent versions of the F–4. Later F–14 versions will not be significantly better except for closein air-to-air combat, a mission for which the carrier will not be useful against the Soviet Union, and for which such advanced performance characteristics will not be required in possible contingencies involving other countries.

Finally, with respect to the overall condition of the surface naval fleet, it should be noted that reducing carrier forces to reflect the few remaining missions for which they retain unique capabilities—principally helping submarines in the defense of shipping against surface-based threats and "show of force" functions—would result in a corresponding reduction in the need for replacement and modernization of other naval components. The same result would hold as a consequence of reductions in amphibious assault forces.

Land-based tactical aircraft represent another major area of new procurement. Tactical aircraft are called upon to perform four major missions, each requiring unique capabilities. The first, close air support of ground troops, requires significant payload and loiter capabilities, along with the ability to survive hostile ground fire. The second, interdiction, requires capabilities similar to the first if concentrated on the battlefield, plus much more sophisticated range, payload and defensive capabilities if deep interdiction behind enemy lines is retained as a primary objective. The third, air superiority, requires good visibility, high maneuverability and speed, and highly responsive controls. Finally, airbase defense interception requires high speed, long loiter time, and both a gun and air-to-air missile capability.

As noted elsewhere, NATO allies have a very large overall tactical air advantage in Europe, notwithstanding the fact that NATO aircraft are outnumbered. Many Warsaw Pact aircraft would be next to useless in any confrontation. A similar relationship prevails in other theaters.

However, the United States does have two important tactical air "requirements"—for a new close air support aircraft, and for a new air superiority fighter.

On the former, each concerned service has its own version, in part because there has been no clear assignment of the close air support mission to the Air Force, the Marines or to the Army. The Air Force has developed the AX, a relatively low-cost aircraft with short take-off and landing capabilities, high maneuverability, a large payload, and a number of features, including heavy armor plating and relatively high speed, to assure survivability, at a cost of approximately $2 million per copy (or up to $4 million if night and all-weather avionics are added). The Marines are procuring the AV–8A Harrier, a vertical take-off and landing aircraft produced in the United Kingdom with obvious advantages for forward, austere basing, but with limited range and payload, at unit costs of $4.4 million. The Army has sought development of the Cheyenne, a highly sophisticated helicopter with extensive armaments, with an estimated price of $5.4 million.

The competition over the close air support role has already been extremely costly, but the necessary outlays will mount to astronomical levels if all three aircraft are procured and if basing and maintenance arrangements for each must be made. While the Cheyenne does have some special characteristics, it compares poorly to the AX in such vital measurements as vulnerability, probable response and loiter times, effective firepower, and costs. The Harrier, meanwhile, is contemplated almost entirely as a specialized aircraft to support Marine amphibious landings. But the likelihood of such landings occurring in the future is quite remote, and the AX or other aircraft could supply close support if the unforeseen did occur. It is also significant that in an area where numerical strength is at least as critical as other factors, the same investment that will buy 222 Cheyenne helicopters or 273 Harriers could acquire 600 AX aircraft.

There is a single candidate for the air

superiority role—the F-15. It is, however, an aircraft which exemplifies the influence of the technological imperative, principally through its complex—and heavy—avionics package, and its incorporation of a stand-off missile capability, both of which detract seriously from its maneuverability and overall air-to-air combat performance. Beyond that it is expected to cost four to five times as much as the F-4 which it is supposed to replace. A lighter, simpler aircraft, without an attempt at air-to-air missile capability beyond systems already perfected, such as the Sidewinder, could be produced for half the cost and would perform the air superiority mission with much greater effect.

Manpower and management issues

Personnel costs make up the largest single category of annual defense spending, accounting for over 50 per cent of fiscal 1972 outlays. The amount programed was $39.6 billion, for 2,505,000 active duty military personnel, 1,025 reserves and guardsmen, and 1,082 civilian Defense Department employees. With manpower costs already quite high and promising to go higher as a result of pay raises, there is an obvious incentive to use manpower as efficiently and as effectively as possible. Current practices fall far short of that standard.

(1) Efficient Use of Manpower

The increasing sophistication of both tactics and weaponry doubtless justifies some growth in the ratio of support to combat troops, in the ratio of officers to enlisted men, and in the ratio of maintenance and management personnel to the manpower assigned to active divisions. Yet all three of these ratios have reached alarming proportions.

An active Army infantry division is made up of 16,350 combat troops. To sustain and support these troops in combat currently requires an average of twice again as many backup and support forces, bringing the total per division to slightly over 49,000. But with thirteen and one-third active divisions, or 654,000 men, programmed for the end of fiscal 1972, the planned Army strength at that time is 942,000 men. Another 82,720 men are assigned to such missions as communications, intelligence and security, research and development and support to other nations, bringing the total assigned to 736,720. But that leaves 205,280 active duty Army personnel, or nearly 22 per cent of the total, largely unaccounted for.

In December of 1969 there were 407,951 commissioned officers on active duty in the U.S. armed forces, commanding a total force at that time of 3.5 million men. This provided one officer for every eight enlisted men. At the same time there was one officer or noncommissioned officer to command every two enlisted men. There was a general/flag officer to command every 2,900 men. There were about one-fifth more colonels and captains in 1969, with a total force of 3.5 million men, than there were at the peak of World War II with a force of over 12 million. Since the bulk of manpower reductions since than have been in the enlisted ranks, it is safe to assume that the ratios have become still more heavily weighted in favor of officers.

It is also significant to note that both the Army and the Navy actually program wasted time into their budgets. The Army assumes that 11 per cent of the on-the-job time of active duty personnel will be nonproductive. The Navy assumes a higher figure of 20 per cent. These factors suggest room for vast reductions in defense personnel costs simply through improved manpower policies.

The Blue Ribbon Defense Panel suggested a number of other areas for improved management, among them less frequent rotation of officers; increased consolidation of commonly-used services such as data processing, medical services, recruiting, and others; reductions in staff at command levels and in the office of the Secretary; application of new technology to logistics and procurement; and reduced paperwork requirements in virtually every area of Defense administration.

It is, of course, impossible to set a precise estimate of the savings which would accrue from adoption of these recommendations, and from steps to improve the ratio of combat-to-support and management forces and to scale down the oversized pool of officers. A $1 billion figure is probably a conservative estimate, and a cut of that size could, in fact, leave room for a significant net improvement in overall fighting capability within a given total manpower tool.

(2) Reserve and Guard Forces

While reserve and National Guard forces are generally counted in total U.S. military manpower, they are rarely considered to be available in the critical stages of any conflict in which the United States might become involved. This reflects an honest, but unfortunate, appraisal of the readiness of reserve forces. It follows that improvements in the operational capabilities of reserve units, to shorten the time needed for their mobilization and integration into active forces when and if required, could go a long way toward maintenance of current overall military capabilities, even in the context of substantially reduced active duty forces.

(3) The Draft

The military draft stands in contradiction to the fundamental premises of a free society, and it has consequently been used quite sparingly throughout the nation's history, with the exception of the period since World War II. It should be regarded as a wholly inappropriate method of recruiting peacetime military forces.

The probable incremental cost of recruiting an all-volunteer force has figured prominently in discussions about draft repeal. Yet the draft itself requires extensive outlays. Less than one in twenty draftees reenlists, hence the Army must maintain a much larger training establishment than would be necessary with a volunteer force. Because military service today requires increasing degrees of technical proficiency with sophisticated implements, the rapid turnover of draftees inevitably leads to inefficiencies in operations. Because it can be relied upon to supply a constant pool of low-cost manpower, the draft tends to encourage inefficient use of human resources.

The additional pay and benefits needed to recruit an all-volunteer force would, of course, vary with the size of the force required. Extensive surveys and studies of past experience, including an accounting for "induced volunteers," have concluded that a total force of about 2 million true volunteers is the breakeven point, requiring no additional pay and benefits. The pay raises adopted in 1972 were fully justified regardless of whether they were needed to achieve a volunteer force, but they go well beyond the amounts estimated by the Administration to be needed for a volunteer force of over two million men.

Conclusions and recommendations

When considered in terms of the threats against which it is reasonable to prepare—and against which military might can be a relevant response—the U.S. defense posture is not only fully adequate but excessive. It includes an unquestioned capability to defend the United States against conventional attack, plus more active forces than are necessary, in combination with those of allied countries, to deter attack upon or resist aggression against areas elsewhere in the world where the United States has a combined defense commitment and vital security interest.

A prudent U.S. military establishment for the 1970s must account for conditions and perceptions which differ sharply from those which have inspired defense policy for the past two decades. The economic vitality of Europe should allow fulfillment of our priority commitments in that region with substantially reduced general purpose force levels. The growing separation of inclination and interest among communist countries inevitably reduces the combinations of forces against which it is necessary to remain prepared, and in fact tends to reduce the forces each might be able to commit against the U.S. or our allies. Nuclear weapons, while they are maintained primarily to deter nuclear war, also play a role in preventing conventional conflict between major powers because of the grave risk of escalation to disastrous nuclear confrontation—a risk which is plain to both sides and which doubtless serves as a restraining influence on the actions of both. A number of diverse factors—an improved understanding of the limitations and orientation of China's military establishment, the comparative strength of Taiwan and South Korea, the economic vitality of Japan, the lessons of the Vietnam experience with respect to the limited utility of American military involvements in Asia—also suggest room for substantial reductions in Asia-oriented forces.

Along with threat-related adjustments, significant savings could be made through incorporation of a more efficient defense philosophy established to produce more combat capability than at present per dollar of investment. There is room for a broad range of operating efficiencies ranging from methods of procuring major weapons systems to manpower rotation policies. Costs could be reduced markedly by abandonment of attempts to retain tactics and systems which have become strategically obsolete. Unnecessary sophistication of weapons and duplication of missions among the four services account for many billions of dollars of needless military spending each year.

On specific general purpose forces:

(1) Theater and Naval Force Reductions

Incorporation of the one and one-half war planning assumption, along with extensive airlift and planned improvements in sealift capabilities, underscores the fact that there is no requirement that active duty and reserve forces be assigned exclusively to a specific contingency unless they are stationed at the point where that contingency is expected to occur. If the new assumption has any meaning, then forces stationed in the United States can, for example, be oriented primarily toward the Western Hemisphere and still be available for duty elsewhere.

Europe

As noted previously, the highest priority U.S. defense commitment is to Europe. In the absence of mutual reductions on both sides, U.S. land forces available for service in that theater should not be reduced below the eight divisions and 14 air wings composing the apportioned share of the United States. However, that commitment can be fulfilled in the context of a reduction in forces stationed on European soil, without reducing the overall capability of the Alliance to deter or defend against an attack from the Warsaw Pact, because of the capability for rapid redeployment in the case of attack or ominous enemy buildups, and because the Alliance can marshal clear numerical superiority for the initial stages of any conflict. This course, while suggested by a realistic appraisal of the balance of forces in Europe, is also strongly supported by economic considerations.

Therefore, two and one-third of the four and one-third active U.S. divisions presently stationed in Europe should be returned to the United States, leaving two divisions in Europe. With appropriate withdrawals of command support forces, this redeployment should return roughly 170,000 men, leaving 130,000. A force of that size would be sufficient to supply an important military contribution at the start of any conflict, and also to signal the U.S. commitment both to Europe and in the Middle East.

This shift requires that six U.S. land divisions be available for deployment to Europe, and thus not available for purposes other than another major contingency. The six divisions based in the United States should include one Marine and five Army divisions, augmented by a substantial proportion of reserve forces. Since the prospect of an amphibious landing requirement in Europe must be seen as extremely remote, and probably unfeasible should the condition arise, the Marine division need not have an amphibious capability.

Current overall NATO air superiority also allows a cut in tactical air forces effectively allocated to Europe. Instead of the present estimated 22, the U.S. should maintain 16 air wings ready for action in Europe—four carrier based (including one in the Mediterranean), one double Marine wing, and 11 Air Force wings. Two carriers would be on station at all times.

Asia

The first priority with respect to Asian contingencies should be the speedy end of U.S. involvement in the Indochina conflict. All land and air forces, including ground troops in Thailand, should be withdrawn as quickly as that can be accomplished consistently with their safety, upon the single condition that U.S. prisoners of war be released.

Considering prevailing military balances and political conditions in Asia, there is no immediate threat of aggressive military action requiring or justifying the retention of U.S. land forces in the theater. The remaining division in South Korea should also be returned to the United States, since that country has achieved unmistakable military superiority over the North.

U.S. interests and commitments with respect to Japan and Taiwan will not be threatened in the foreseeable future by limited Chinese conventional capabilities, and Australia and New Zealand are protected not only by natural barriers to attack but also by their own considerable defense capabilities. Therefore, there is no present need to maintain active or reserve land divisions in the United States with an exclusive high priority allocation toward Asia. Any foreseeable threat can be countered by the maintenance of one carrier based tactical air wing on Pacific assignment and seven land based wings, for a total of eight wings. Asia-oriented air wings based in the United States would also be available for minor contingencies elsewhere.

Western Hemisphere

There is a slight risk of military action in Latin America which might call for the involvement of U.S. forces, justifying some preparation in light of the special relationship dictated by the proximity of the region to the United States. The present allocation of one land division should be maintained but it is not necessary to assign a carrier task force because of the virtual assurance that land bases will be available, at much lower cost, in the event that air forces are required.

Strategic reserve

At least two active land based divisions should remain available as a strategic reserve, for defense of the continental United States against unforeseen contingencies. Considering the probable warning that would have to precede any conventional attack on this country, these divisions could easily be augmented by activation of reserve units, as well as by active theater forces based in the United States.

Naval forces

The land and air force structure outlined above contemplates six carrier-based tactical air wings, thus requiring retention of six modern attack carriers. The other major vehicle for projection of sea based force ashore would be the single Marine Expeditionary Force, or capacity for amphibious landing of one Marine division. Since the ASW role can be performed at less cost and with greater effectiveness by land based aircraft, the new posture should include no anti-submarine carriers.

The first major naval requirement is for escorts and for underway replenishment ships to accompany the surface fleet. Based on past relationships, six Underway Replenishment Groups (URGs) of three to four ships each would be needed to service six carriers and one Marine Expeditionary Force. Each carrier should have four combined anti-air and anti-submarine (AAW/ASW) escorts and four ASW only escorts. Each Underway Replenishment Group needs one AAW/ASW escort and two ASW escorts. The Marine Expeditionary Force should have 15 combined AAW/ASW escorts and two ASW escorts. Thus the base force for surface shipping begins at 38 ASW escorts and 45 AAW/ASW escorts, plus the carriers, replenishment ships, and amphibious landing craft.

However, additional destroyers and frigates should be programmed for fire support (bombardment of land targets from sea positions), for escort of sealift and commercial shipping (now assigned primarily to reserve ships and allied naval forces), and to make up a portion of the lost show of force capacity incurred by retiring carriers, as well as to serve as insurance backup to those specifically assigned above. A total of 130 escorts would be sufficient to meet these objectives in addition to filling escort requirements.

The retirement of ASW carriers leaves a need to make up some loss in aggregate protection of surface ships against enemy submarines, and also against surface ships with long-range missiles. This need can be best fulfilled by nuclear-powered submarines with improved weapons systems and speed and silence characteristics. The U.S. should build toward a total of 84 nuclear attack submarines.

Other naval requirements include a slightly larger sealift capacity than is presently in being, since the design of modern commercial shipping makes it less rapidly transferable to military purposes.

SUMMARY

The force structure outlined above would conform to the following totals and rough allocations:

Type of force	Europe	Asia and Western Hemisphere [1]	Strategic reserves	Total
Active Army divisions [2]	7	1	2	10
Active Marine divisions [3]	1	1		2
Reserve land division [4]	7		2	9
Navy air wings	4	2		6
Air Force tactical wings	11	7		18
Airlift (squadrons) [5]	14	4		18
Marine tactical wings	1	1		2
Naval forces: [6]				
Attack carriers [7]	4	2		6
Nuclear attack submarines	42	42		84
Escort ships	80	50		130
Amphibious assault ships		56		56
Replenishment ships, [8] cargoships, and troopships	50	30		80

[1] Contingencies in Asia and Western Hemisphere are sufficiently remote to allow allocation of land forces stationed in the United States to both. If they were to coincide, U.S. based forces oriented toward Europe could be diverted, consistent with the 1½ war planning assumption.

[2] Active Army divisions allocated to Europe include 2 based in Europe and 5 based in the United States.

[3] The Marine division oriented toward Asia and the Western Hemisphere would have an amphibious landing capability; the other would not.

[4] Reserves would be maintained primarily for augmentation of Europe-oriented forces, but would be available for any major contingency.

[5] Airlift squadrons include 4 squadrons of C–5's and 14 squadrons of C–141's and other aircraft. The C–5's should all be allocated toward Europe.

[6] The allocation of naval forces is only a rough calculation, flowing primarily from the apportionment of carriers and amphibious landing forces between Europe and Asia.

[7] All 6 carriers will have been constructed since 1960, and will thus require less time in port than the existing larger and, on the average, older force. 3 carriers will thus be on station at all times.

[8] Reflects fewer replenishment ships than at present, accounting for reductions in carrier task forces, and an increase in sealift capacity.

(2) Procurement and Modernization

General considerations

In the wake of scandalous problems with weapons procurement in recent years, it is clear that rigorous new discipline must be applied to the acquisition of new weapons systems and military equipment and supplies of all kinds. Several overriding general rules should be observed.

First, more careful scrutiny of military research and development programs is an absolute necessity, to assure that research which cannot be expected to lead to viable military systems is stopped or held at low levels before it has used up finds far in excess of any potential worth.

Second, modernization and upgrading of existing forces must be constantly re-examined to assure that the strategies for which replacement systems are designed remain viable in the light of advancing technology among potential adversaries.

Third, unnecessary sophistication of weapons systems and the incorporation of doubtful technology must be avoided. Such recent and current projects as the Main Battle Tank, the Phoenix missile, the Mark 48 Torpedo, and the SRAM air-to-ground nuclear missile are sufficient to illustrate the vast potential waste involved in moving ahead with procurement of "state of the art" technology which does not live up to paper expectations. The reports of many returning Vietnam pilots that the high sophistication of their aircraft often detracted from combat effectiveness supply a clear object lesson. The persistent difficulties of jamming and misfires which accompanied initial use of the M–16 rifle in combat conditions leave little doubt that the peril of U.S. forces can be increased, rather than lessened, by the procurement of weapons which are not yet perfected.

Fourth, military procurement agencies must understand that cost *is* an object. While combat effectiveness must obviously play a pre-eminent role in the acquisition of equipment which is directly related to combat, a large share of total military procurement involves goods and services which have only indirect relevance, or no relevance at all, to battlefield conditions. Such items should be procured at the lowest possible cost.

Fifth, every effort should be made to resist vast outlays for major new weapons systems which promise only slight improvements in military proficiency. The maintenance of a substantial research and development program assures that deployed weapons will always fall short of what is within the realm of scientific possibility. Procurement should be postponed until there is both a significant margin of improvement and a demonstrable need for incorporation of the improvement into the active force structure.

Sixth, military force planners should be aware that more effective weapons systems allow fulfillment of the same mission with fewer weapons—that within the context of any given threat new weapons can replace old, less effective models on less than a one-for-one basis.

Naval modernization

The proper general objective of Navy modernization plans is to maintain an active fleet in which all ships are under 30 years of age. That arbitrary limit should not apply in all cases, of course. Ships designed for combat may have to be replaced more frequently, to incorporate new technology and to respond to changes in the threat. At the same time some vessels, such as tankers, tugs and cargo ships, have no high performance requirement and can operate well past the 30 year limit.

The Navy force level recommended here can, with few exceptions, be met by 1975 with existing ships which will all be under 30 years of age by that date.

All six carriers will be 15 years old or less by 1975. Amphibious lift forces currently programmed will be above the requirement for a single Marine Expeditionary Force, with delivery of the general purpose assault ships scheduled to enter service by 1975. Major components will include five general purpose assault ships, 13 dock landing ships, and 20 landing ships, plus associated flagships, cargo and transport capacity, dock landing ships and assault ships.

Existing underway replenishment and fleet support ships are similarly adequate to fill six Underway Replenishment Groups. Some additional construction of submarine tenders and submarine rescue ships may be required.

Escorts now in the force will be sufficient to meet requirements until 1980. By that time those less than 30 years old, counting only ships which were in the force or funded through 1971, will include 70 combined AAW/ASW escorts and 94 ASW only escorts. Sixty-four of the AAW–ASW ships and 23 of the ASW ships will be capable of speeds in excess of 30 knots. The programmed escort fleet is, therefore, well in excess of the 130 ship recommended program, and no further construction is required. (Calculations are based on the slightly larger escort requirements which prevail when the escorts are conventionally powered). Further funding should be confined to subsystem improvements.

The major remaining need for new shipbuilding derives from the recommendation that the nuclear attack submarine force should reach a total of 84 ships. That goal should be achieved by 1980. Under the program already authorized there will be 69 nuclear attack submarines by 1975, leaving a requirement for the construction of three ships per year after that date. By 1980 the oldest nuclear submarine will be 26 years old, but all but seven will have entered the force since 1960. Meanwhile a research priority should be given to improved weapons and detection systems, for incorporation into both new submarines under construction and older submarines already in the active force, to improve capabilities against both submarines and surface ships.

The recommended expansion in sealift capacity will also require some additional construction. However, the Department of Defense has initiated a program to encourage the construction of appropriate capacity under private auspices, with arrangements for chartering to the United States when new ships enter the service, thus requiring no budget outlays until that time.

Tactical air forces

The competition among three candidates for the close air support mission—the Air Force AX, the Army Cheyenne, and the Marine Corp's Harrier—should be settled in favor of the AX. There is no reason other than service parochialism to suggest that air and ground missions cannot be coordinated effectively between the Air Force and the Army. While the Harrier and the Cheyenne each has unique characteristics, they compare poorly overall to the AX. In fact, the latter, a simply designed, relatively inexpensive aircraft, comes close to exemplifying the kind of intelligent design decisions which should prevail generally in procurement philosophy.

Development of the F–15 should be ended, and design work should be initiated on a substantially less complex Air Force superiority aircraft, with simpler avionics and, for the present, without the attempt at a long-range standoff missile capability. Along with other possibilities, it is worth considering further modification of the F–4.

Similarly, the Navy's F–14/Phoenix Missile combination should be terminated, and a new Navy aircraft should be designed primarily for air-to-surface capability, eliminating the air superiority overlap with the Air Force and recognizing the infeasibility of the form of fleet air defense contemplated in the F–14 design.

(3) Manpower

Army

Including initial sustaining and support increments, each division includes about 49,000 men, so the recommended ten division general purpose force structure would involve a reduction of 163,000 men from the 1972 active duty Army of 942,000. A twenty-five per cent reduction in active divisions would permit corresponding cutbacks in base and individual support and training manpower. While some requirements in these areas will remain constant regardless of the size of general purpose forces, the full percentage cut can be achieved by a reduction in programmed Army inefficiency from the current 11 per cent to 5.5 per cent. In addition the ratio of support to combat forces is presently excessive. The consolidation of intelligence activities, plus elimination of domestic surveillance, would allow a reduction in intelligence and security forces by at least 8,000 men. Cancellation of the ABM and cutbacks in Army air defense missile installations account for strategic force reductions. It is also proper to plan a productivity growth factor of at least one-third of that experienced in private industry in setting military manpower levels.

Calculated from these adjustments, the recommended Army manpower level for 1975 is as follows:

General purpose forces (415,000 land forces, 2,000 mobility forces)	417,000
Other mission forces (21,000 Intelligence and Security, 13,000 Communication, 8,000 Research and Development, 8,000 Support to Other Nations)	50,000
General support forces (84,000 Base and Individual Support, 75,000 Training, 25,000 Command, 6,000 Logistics)	190,000
Strategic forces	3,000
Subtotal	660,000
Less productivity gain of 1.3 per cent annually on all but General Purpose and Strategic Forces	−12,000
Total Army	648,000

NAVY

Beginning from 605,000 active duty Navy personnel in 1972, the retirement of the portion of the carrier force recommended above would release 29,000 men from carrier crews and aircraft pilots and maintenance. Corresponding reductions in escort ships would release an additional 30,000. Base and Individual support and training could be cut back proportionately.

Recommended Navy manpower levels for 1975 include:

General purpose forces (3,000 Land Forces, 132,000, Tactical Air Forces, 172,000, Naval Forces, and 3,000 Mobility Forces)	310,000
Other mission forces (10,000 Intelligence and Security, 11,000 Communications, 8,000 Research and Development, 5,000 Support to other nations)	34,000
General support forces (83,000 Base and Individual Support, 99,000 Training, 30,000 Command, 7,000 Logistics)	219,000
Strategic forces	19,000
Subtotal	582,000
Less productivity gain on all but General Purposes and Strategic forces	−9,000
Total Navy	571,000

AIR FORCE

The Air Force beginning from 753,000, should be reduced by 40,000 to reflect the reduction in SAC bomber forces, 15,000 for U.S. based strategic interceptors, and 13,000 to reflect the reduction in tactical air wings, with corresponding cuts in support forces.

Fiscal 1975 Air Force Manpower would be:

General purpose forces (68,000 Tactical Forces, 48,000 Mobility Forces)	116,000
Other mission forces (27,000 Intelligence and Security, 29,000 Communication, 18,000 Research and Development, 1,000 Support to Other Nations)	75,000
General support forces (123,000 Base and Individual Support, 56,000 Training, 50,000 Command, 10,000 Logistics)	239,000
Strategic forces	58,000
Subtotal	488,000
Less productivity gain	−12,000
Total Air Force	476,000

Marines

The Marine Corps, beginning from 207,000 men, can be reduced from three to two combat divisions, for a cut of 29,000 men. The logical elimination of the accompanying Marine air wing would release another 10,000, and Base and Individual Support and Training could be cut a total of 24,000.

The 1975 posture would be:

General purpose forces (58,000 land forces, 19,000 tactical air forces, 1,000 naval forces)	78,000
Other mission forces (2,000 intelligence and security)	2,000
General support forces (26,000 base and individual support, 28,000 training, 6,000 command, 2,000 logistics)	62,000
Subtotal	142,000
Less productivity gains	−2,000
Total Marine Corps	140,000
Total active duty manpower	1,735,000

Reserves and Guard

The reserves should be upgraded to make it realistic that they be included in total force levels deemed available within 60 days from the beginning of any major conflict. This objective requires improved training and command machinery to facilitate the rapid incorporation of reserve units into the active force structure, a step which could be accomplished without increased procurement costs because of suggested reductions in active force levels and because modern equipment will be freed by termination of the Indochina conflict.

The National Guard should be reconstituted and somewhat reduced in size to concentrate on its primary responsibility as a domestic militia, maintained to handle civil disturbances and natural emergencies. The change would involve significant adjustments in both training and equipment, giving the Guard a capability to deal with civil disturbances with strategies which vary, as they obviously should, from the capabilities required to deal with a military adversary.

The paid Reserve and Guard component of U.S. military forces should thus include the following:

National Guard (200,000 Army, 50,000 Air)	250,000
Reserves (500,000 Army, or nine division equivalents, 50,000 Air Reserve, 50,000 Naval Reserve)	600,000
Total Guard and Reserve	850,000

Civilian personnel

The reductions in military personnel should be accompanied by proportional cutbacks in civilian personnel employed by the services and defense agencies. Defense civilian manpower under the recommended posture would be:

Army	265,000
Navy	225,000
Air Force	225,000
Defense agencies	46,000
Total civilian manpower	761,000

End to the Draft

The military pay raises adopted in 1971, plus the application of the January, 1972, civilian pay raise of 5.5 per cent to the uniformed services should, with regular cost of living increases, be sufficient to attract an active duty force of 1,735,000 men composed entirely of volunteers. However, because the 5.5 per cent raise tended to broaden the gap between officer and enlisted men's pay, and because there is, given present excessive officer-to-enlisted men ratios, no need to supply additional inducements for officers, future cost of living pay increases should be applied disproportionately to enlisted pay levels.

Total alternative program (by 1975)

Military personnel:	
Army	648,000
Navy	471,000
Marine Corps	140,000
Air Force	476,000
Subtotal, active duty	1,735,000
Reserves	600,000
National Guard	250,000
Total	2,585,000
Civilian personnel	761,000
Strategic forces:	
Minuteman Missiles	1,000
Polaris:	
Submarines	34
Missiles	544
Poseidon:	
Submarines	7
Missiles	112
Strategic Bombers:	
B-52's and FB-111's	200
Manned Fighter-Interceptor Squadrons	5
Air Defense Firing Batteries	8
General purpose forces:	
Land forces:	
Army divisions	10
Marine divisions	2
Tactical air forces:	
Air Force wings	18
Navy attack wings	6
Marine Corps double wings	2
Naval forces:	
Attack carriers	6
Nuclear attack submarines	69
Escort ships	130
Amphibious assault ships	56
Troopships, cargoships, replenishment ships	80
Airlift forces:	
Aircraft squadrons:	
C-5A	4
C-141 and other	14

Total program costs

[billions of 1975 dollars]

Military personnel	$18.6
Military retired pay	5.1
Civilian payroll	10.2
Subtotal, pay	33.9
Equipment, supplies and services	20.9
Total	54.8

Administration's fiscal year 1972 program costs

[billions of 1975 dollars]

Military personnel	$28.1
Military retired pay	6.0
Civilian payroll	$13.2
Subtotal, pay	47.3
Equipment, supplies and services	40.1
Total	87.3
Less estimated Vietnam increment (fiscal year 1972 in fiscal year 1975 dollars)	−12.8
Total baseline	75.5

Proposed strategic forces program costs—1975

The following estimates are for strategic and related forces, including an allocated share of manpower costs, in billions of fiscal 1975 dollars.

Strategic forces:	
Minuteman	$0.2
Polaris/Poseidon	2.9
B-52/FB-111	0.7
SRAM/SCAD	0.1
Bomber Defense	0.8
Surveillance	0.7
Safeguard	.0
Subtotal, strategic forces	5.4
Intelligence and Communications	3.2
Research and development	2.5
Supply and maintenance	1.0
Training, medical and other personnel activities	1.4
Administration	.6
Total, strategic forces	14.1
Operating outlays	7.6
Investment outlays	6.5
Total	14.1

Proposed general purpose forces program costs

The following estimates are for the recommended fiscal 1975 General Purpose budget, in 1975 dollars.

General purpose forces	$17.9
Intelligence and communications	2.3
Airlift and sealift	1.5
Guard and Reserve	3.2
Research and development	3.0
Central supply and maintenance	4.1
Training, medical and other personnel activities	6.1
Administration	1.2
Support to other nations	.5
Military assistance	.9
Total general purpose forces	40.7
Operating outlays	26.5
Investment outlays	14.2
Total	40.7

DISTRICT OF COLUMBIA PARENTS ENHANCE EDUCATIONAL READINESS OF THEIR CHILDREN

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. FAUNTROY. Mr. Speaker, I am pleased to have the opportunity to bring to the attention of my colleagues a program in the District of Columbia school system that acknowledges and uses the various strengths of parents concerned about the education of their children.

The program, a title I pupil personnel program, went into effect last year and it is designed to increase the readiness of children entering school by increasing the knowledge and skills of the pupil personnel staff who help parents of preschool children to become more aware and more competent teachers of their own children through a multidisciplined approach.

The Journal of Learning Disabilities writes about this program in its December issue—I am pleased to share the article with my colleagues:

PARENTS ENHANCING EDUCATIONAL READINESS

A Title I program of the District of Columbia schools' Pupil Personnel Department, states in its annual report that the program's success is "the result of all our efforts—thinking together, working together, and pulling together—for something we believe in."

The objective of Claire Simpson, designer of the program and a psychiatric social worker, is to increase the readiness of children entering school by increasing the knowledge and skills of the pupil personnel staff, who in turn help parents of preschool children become more aware and more competent teachers of their children through a multidiscipline approach.

Before pupil personnel staff (tutors) become involved in the program, they are given special instruction in seminars and workshops. In a general conceptual framework, the tutors are taught the sequence of physical maturation and how early learning is influenced by this sequence. It is necessary for them to understand this since learning does not just "take place," but involves the integration of the person's physical, mental and sensory processes.

In the tutors' workshops, educational materials, games, and so forth, are developed and instructions are given on how they are to be used in their work with the children and the parents. The tutors develop a simple curriculum aimed at helping the parents and children to better understand school expectations. Instruction also involves the proper use of the language, how to train children to pay attention, how to teach them to "observe," and how to identify and match colors, sizes and shapes.

Parents are instructed in the broadening of the family's horizons. Mothers are shown how to teach their children in the home. Actually the tutor provides a model for the parent by utilizing the knowledge gained in tutor preparation classes. The tutor spends from one to three hours a week with each family in their home.

In addition to working with parents at home, central meetings are scheduled for parent participation and exchange of information and ideas. Tutors also have scheduled weekly sessions to review progress and discuss problems encountered.

As the parents' knowledge develops, the frequency of tutor visits decreases. However, the lines of communication are kept open even after it is mutually decided that parents can take over completely. Requirements for participation in this program are that the mother must be at home during all the tutor visits and that parents must request such services.

Due to the greater incidence of learning problems in children from poorer areas and because social problems directly relate to learning disabilities, this program is aimed at using and developing the strengths of the parents. PEER finds that most parents have strong desires to help their children but lack the know-how. PEER believes that the initial school experience can be successful. The program works to give the child a positive feeling about going to school. It is felt that parents will also have a good feeling about a school that has reached out to help them and recognizes the importance of parents to their children.

There has been an enthusiastic response from the parents in this program who now feel they are a part of teaching their own children. Parent attitudes are being influenced by this positive experience with the school. Shortly after the program got underway, there was already a list of parents waiting to take advantage of the program.

As a result, priorities were set up. If a child is identified as having a problem in school and there are preschool children in the home, these are the first contacted. The tutors then go into the homes to work with the mothers of these preschool children. It is felt that these are the ones that need help most urgently as their children could be seen as potential dropouts after they begin school.

A newsletter of the pupil personnel services, "Once Over Lightly," credited Mrs. Simpson as architect of the program and told of her starting the program. In the newsletter, Mrs. Simpson reported that through her work with children she became aware "that some had deficits in sensory processing that were developmental, and that they needed particular kinds of help in learning, which classical teaching did not provide them." Because of her interest, a first program was started at Edmonds School in the District of Columbia which is in a predominantly black neighborhood. In its first year, parents and pupil personnel staff from more than 15 schools were involved.

Mrs. Simpson writes in reference to the PEER program: "Both pupil personnel staff members and parents have learned how children learn . . . that there are developmental sequences and stages in learning . . . Emphasis in the program is on making the parents aware of the many opportunities they have for increasing their children's competence by talking with them, naming objects they use, things they do and feel." She says that "parents are learning to teach shapes, size relationships, colors, and directions, in the course of their normal days with their youngsters."

"The goal of the program," according to Mrs. Simpson, "is to increase the parent's awareness and competence as teachers, to involve them in their children's learning and in the excitement of learning so that they will continue to act as reinforcers and participants in their children's learning throughout their school experience."

Earlier this year when the program was just getting underway and other areas became aware of it, considerable interest was expressed by those involved with developmental problems of children. Mrs. Simpson will be pleased to share her experiences with those who wish to contact her at: Mrs. Claire E. Simpson, Coordinator, PEER, Department of Pupil Personnel Services, Public Schools of the District of Columbia, 3242–A Pennsylvania Ave. S. E., Washington, D.C. 20020.

UNWARRANTED INVASIONS OF PRIVACY BY THE DEPARTMENT OF DEFENSE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, January 19, 1972

Mr. BYRD of Virginia. Mr. President, the Harrisonburg Daily News-Record of January 10 includes an editorial taking note of the strong and commendable effort by the senior Senator from North Carolina (Mr. ERVIN) to combat unwarranted invasions of privacy by the Department of Defense.

Senator ERVIN has for years done outstanding work in opposition to unjustified Government secrecy and invasions of individual privacy. Senator ERVIN's unsurpassed knowledge of constitutional law well qualifies him to champion the causes of free information and individual rights.

I ask unanimous consent that the editorial, entitled "Senator's Ultimatum" be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATOR'S ULTIMATUM

Sen. Sam J. Ervin, recognized constitutional authority and opponent of government surveillance techniques used against the civilian population, has set the stage for a confrontation over the issue in the next session of Congress.

The North Carolinian will ask the Senate to subpoena Army generals or other officers or civilians engaged in spying activities involving civilians.

Ervin says he also will demand the Pentagon produce all documents collected in the surveillance program, including dossiers produced for Army files and computers. The senator has been trying to get this information from the Defense Department for nine months without success.

The demands will be made, Ervin indicated, soon after Congress reconvenes Jan. 18, unless the Army produces the data voluntarily.

That is not likely to happen. Because the senator is recognized by many of his colleagues as an authority on individual rights protected by the Constitution, his demands will carry considerable weight.

This is one instance in which a more conciliatory attitude on the part of the Army could prove the better part of valor. Ervin is not known for making idle threats. A confrontation such as the one his demands could create would not help the government's credibility gap, but neither does widespread civilian surveillance by Army agents.

WILL THE PROPOSED LOUISVILLE INTERNATIONAL JETPORT BE A WHITE ELEPHANT?

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. SNYDER. Mr. Speaker, in this day of increasing air travel it is obvious there is a need near metropolitan areas for air space and landing facilities. However, recent experience with several jetports around the country have resulted in being little more than enormous burdens to the taxpayers.

I would like to make a comparison in the case of the Dulles International Airport. Washington National and Dulles International are the only federally owned and operated airports in the country. They are also the only airports that are not in some way responsible to the community of which they are a part. The proposed Louisville International Airport, however, is responsible to the community. Airport planners and agencies involved—including local and Federal agencies—do have a responsibility to the citizens of that community.

It is well known to most Americans by now that the U.S. taxpayer is saddled with a $120 million "white elephant" built outside of Washington, D.C., Dulles International was thought by some of the best airport facility planners in the country that it would pay for itself in relatively a few short years; yet this "Taj Mahal" set out in the plains of Loudoun and Fairfax Counties in Virginia is still not paying its way today—all at the expense, mind you, of the taxpayer.

Thirty years ago when the Federal Government first got into the airport business, airport location was not a major concern. I submit it should be one of the first concerns. No longer are airports something off to themselves as they were two or three decades ago. In their impact on the environment, their burden upon local ground facilities, their contribution to the area's economy, their performance of vital transportation services, and a dozen other ways, airports today are an integral part of the urban complex they serve.

These factors are even more magnified in Louisville where the Louisville Jetport will not be federally owned and operated and where the communities of this area must have a voice in airport planning and policy. In the Louisville and Jefferson County Air Board booklet entitled, "Facts You Should Know About the Air Board's Proposed New Airport for the Louisville Region," there is a sentence that reads:

> Under Federal laws, citizens are given the controlling voice in the decision, and are encouraged to express their thoughts about the project.

I believe our citizens should be given every opportunity to express their views. They are the ones that would have to live with any problems that might be created.

The problems of airport planners today are myriad. They must create a facility that is close by in time to air travelers, economical to build and economical in the services to the airlines. They must offer all the desired services and accommodations for passengers. They must integrate their planning with all surface modes of transportation. They must have sufficient capacity to accommodate present traffic and future growth. Finally, and most important, they must allow for modification in their planning that allows for serious citizen objections.

Of all the factors that must concern today's airport planner, the problem of airport access and ground circulation is of special importance. Airport access apparently was not given much consideration in the construction of Dulles International.

It deeply concerns me that one of the most farcical episodes in the history of Federal projects should bear the name of Dulles after the late Secretary of State who fought so untiringly and so successfully for the cause of universal freedom. For the Dulles International has become a most unamusing and all too costly a joke on the American taxpayer. Yet, one of the prime concerns of the U.S. Congress should be the taxpayer.

I am even more deeply concerned that the same lack of foresight and proper planning will occur with the Louisville Jetport as occurred with the Dulles International Airport.

The Dulles International was completed in 1962 and opened that year. Experts had estimated that this federally financed jetport would cost only $40 million and would take about 2½ years to complete. At that time there were a few Members in the Congress who insisted that the cost would surely double before completion and that it would take more than 5 years rather than 2½ years. That was a more realistic target date and a voice or two was heard on the House floor, but unfortunately, then as now, some of us in the Congress have to reckon with the immense force of bureaucratic inertia.

When Dulles opened in 1962, the Federal Aviation Administration predicted it would be handling 2,600,000 passengers annually by 1965. Instead fewer than 1 million used Dulles in 1966—4 years after its construction. The FAA estimated in 1966 that Dulles International was only operating at 20 percent of its capacity. So its growth has been far below its expectation.

I am sure the American taxpayer would be interested to know that in 1966 Dulles' net book loss, counting interest and depreciation, was running at a rate of $7.3 million a year. The Federal Aviation Administration, however, initially assured Congress that the airport would repay its assigned capital costs over 30 years. Later, FAA officials were speaking in terms of 35 years or more. Recently, a former FAA official who played a leading role in the planning of Dulles Airport says that, under present conditions, it might take 45 years or more.

Mr. Speaker, I believe our citizens and taxpayers would also be interested in the adjusted net losses for 1967 through 1971 and the projected operating losses for 1972 through 1977, which I have obtained from the Government Accounting Office and submit for the RECORD:

ADJUSTED NET LOSS REPORTED BY THE FEDERAL AVIATION ADMINISTRATION FOR DULLES INTERNATIONAL AIRPORT

Fiscal year	Loss[1]	Statement page number
Actual:		
1967	$6,947,278	3
1968	6,959,665	6
1969	6,312,959	9
1970	5,720,145	12
1971	5,460,914	14
Projected:		
1972	5,099,300	17
1973	5,955,300	17
1974	3,617,400	17
1975	3,676,800	17
1976	3,020,900	17
1977	4,181,300	17

[1] FAA's computed loss for Dulles includes an adjustment to reduce depreciation and imputed interest expenses for constructive grant funding. The adjustment is based on the assumption that, had Dulles been under sponsorship of a State or local entity rather than the Federal Government the airport would have been entitled to Federal grant funds which would reduce investment and related expenses. GAO has not previously reviewed the propriety of this practice.

From these figures, in speaking about Dulles' 1966 net loss there are those who would answer that FAA's decision at that time to allow jets into National Airport is a factor in continued losses. This is only a minor point. It is only a fraction of the major and paramount problem—the problem of inaccessibility. The majority of the jet service for the Washington regional area is furnished at National because of its convenient site location. This results in National being used at virtually maximum allowable levels, whereas Dulles has continued to be substantially underutilized.

The following table compares the actual air carrier operations and related passenger traffic at National and Dulles for each calendar year since 1964.

[In thousands]

Calendar year[1]	Air carrier operations		Passenger traffic	
	National	Dulles	National	Dulles
1964	210.7	28.2	5,993.9	782.3
1965	220.1	32.6	6,726.4	946.6
1966	216.6	37.1	7,665.9	1,106.3
1967	238.5	51.0	9,126.6	1,476.4
1968	235.0	58.9	9,672.6	1,661.4
1969	221.8	63.4	9,905.1	2,010.9
1970	212.3	62.1	9,400.1	1,981.0

[1] Figures compiled by GAO, August 1971.

This table readily indicates the lack of growth at Dulles that was projected in the planning stage.

I bring out these facts and figures to show that at the expense of the taxpayer there has been a great tendency to overestimate the growth of the use of Dulles Airport. I realize that since 1969 there has been a slight decline in air travel and Dulles has likewise had a decline in passenger figures.

At the same time, the General Accounting Office found last month that the Federal Aviation Administration has made no real effort to increase the use of Dulles International, while planning to spend millions more to expand present facilities on the basis of purported needs in the future.

Is this the same bureaucratic Government agency—FAA—that is now participating in a dual role with the Louisville and Jefferson County Air Board Airport design miles from Louisville?

I point out that though I have been accused of being a conservative for my years in Congress, this is a matter that very much deserves a conservative viewpoint in not dashing off into large annual deficits at the expense of the American taxpayer or at the expense of our local and State taxpayer.

As the Baltimore Sun reported in late 1961:

> When a government project exceeds its original estimated cost in excess of 300 per cent, any taxpayer has the right to bawl.

The projected cost was originally $40 million, but this eventually rose to more than $120 million to the American taxpayer. I have never heard of any defense overrun running into that kind of extravagant excess.

While all of this may not have been FAA's fault, it was a pretty sorry record and one which makes me wonder whether the Congress would have so blithely embarked on the project had it realized the final cost.

Federal statisticians who forecast the traffic at Dulles International now admit that they overshot their calculations. Will the same gross miscalculation now take place at Louisville? Will this too, be another white elephant? They were not even lukewarm in their predictions at Dulles.

As reported in the Washington Post in November of this year, figures by the Government Accounting Office showed that passenger traffic at Dulles for the first quarter of 1971 had dropped 13 percent from the same period in 1970. Since the opening of Dulles, it has now operated at a total deficit of more than $70 million.

Dulles International today is still only handling about 20 percent of the region's air traffic. The remoteness of Dulles to Washington, D.C., is almost identical to the remoteness of the proposed Oldham-Shelby-Henry Counties location to Louisville.

While we are doing some calculation of facts and figures let us consider the obvious which does not appear to have occurred to the Louisville Jefferson County Air Board officials or to the FAA officials.

This is the matter of the significant difference in the population and jetport needs of the metropolitan area of Washington, D.C., and the metropolitan area of Louisville, Ky., and Louisville's proposed land acquisition as compared to the land size of Dulles.

1970 Census

Population:	
Louisville metropolitan area	826,553
Washington metropolitan area	2,861,123
Jetport acreage:	
Louisville metropolitan area	35,000
Washington metropolitan area	10,000

It is obvious that with the population differentials between Washington and Louisville and the comparable acreage difference that there is some very unrealistic planning of this jetport. The greater metropolitan area of Washington has a population of 2,861,123 and the greater metropolitan area of Louisville is only 826,553—less than a third of that of Washington. Yet, Louisville planners are seeking 35,000 acres compared to the 10,000 total acres of Dulles International or 3½ times as much land for one-third the population.

More important, let us consider the character of these two metropolitan communities. Washington as the seat of our National Government has a regular flow of State, municipal, business, and private persons coming into the Federal City to conduct business with the Government.

There is a huge influx of visitors from across the country who come to visit their Nation's Capital adding to the transitory population that bring a heavy burden on air traffic. Washington is fast becoming the hub of international transportation just as New York is today. There are thousands of groups traveling from abroad that merge on our Capital City. The foreign embassies stationed in Washington regularly have visitors coming to the city. Our own State Department helps to multiply the mass of visitors coming to Washington. All of this bringing about voluminous amounts of airline activity.

If 10,000 acres is the "airport of the future" for the Nation's Capital, should not it be enough for Louisville? This 35,000-acre tract of land for jetport use is unrealistic and will be an even greater burden on our taxpayers than that of the Dulles International.

I believe we owe a much better accountability to our citizens and without much better evidence than has been presented, I oppose our constructing a "35,000-acre white elephant" at the expense of the taxpayer.

Additionally, the jetport studies that I have seen take no cognizance of aerospace innovations of the future. Short takeoff and landing procedures—known as STOL—vertical takeoff engines—already in use by the military are innovations that must be considered when officials consider long term land needs for airport construction. Ten or 15 years from now our jets may well be landing on runways in size, now only capable of accepting small general aviation aircraft. There is substantial evidence to support such a theory.

THE ANTI-DEFAMATION LEAGUE RESPONDS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. KOCH. Mr. Speaker, ordinarily I would not comment on the statements of a Member of this House, but I believe that members of the public who have been attacked on the floor of the House by a Member should have the opportunity to respond. It is for this reason that I am placing in the Congressional Record a statement published by the Anti-Defamation League of B'nai B'rith, many members of which reside in my congressional district. The statement responds to charges made by our colleague from Louisiana (Mr. Rarick) against this organization and other Jewish groups. I personally have a high regard for the Anti-Defamation League and its membership, as well as the other Jewish organizations attacked.

The statement follows:

RARICK: EXTREMIST VOICE IN THE HALLS OF CONGRESS

For America's extreme ideological and political Right, for the diehard advocates of racial inequality and segregation, and now even for the dark demi-world of professional anti-Semitism, there is a shrill and persistent voice in the Congress of the United States.

The voice belongs to the representative from the Sixth Congressional District of Louisiana, 47-year-old John R. Rarick, an Indiana-born former Louisiana state district court judge who was first elected to Congress in 1966. It brings to the House, and to various extremist gatherings, the unreason and the inflammatory vocabulary of blatant white racism and of a stark brand of anti-Semitism unheard in Congress for many years.

Surprisingly, Rarick's demagoguery has received little attention outside of the periodicals of the Far Right and the hate fringe, those whose issues and concerns Rarick has made his own. But as a member of Congress he has provided the extremist causes a new seat of seeming respectability if not a wider and more attentive audience.

The name of John Rarick has been lent to promotional and fund-raising activities of Radical Right and racist pressure groups, and his presence on the platform has been a highlight of many a Rightist rally.

On Labor Day, 1965, before his election to Congress and while he was still serving as a state district judge in Louisiana, Rarick addressed a rally in Bogalusa, La., sponsored by the Anti-Communist Christian Association, a camouflaged Klan group. Leaders, and many members of the organization were at the time defendants in a court action brought by the U.S. Department of Justice to enjoin them from continuing violence and intimidation against black people and white civil rights workers in the area.

Since reaching Capitol Hill, the Louisiana congressman has been using the House of Representatives as a forum and a sounding board to inject into the Congressional Record long diatribes from the busy extremist presses. These insertions by now total hundreds of pages and have cost American taxpayers tens of thousands of dollars.

ANTI-SEMITISM

It is to this historical record of the Congress that John Rarick has committed a number of baldly anti-Jewish articles and speeches by the conspiracy theorists of extremism, both past and present. Examples:

On April 19, 1971, a speech delivered by Col. Arch Roberts, head of the Committee to Restore the Constitution, a lengthy harangue in which Roberts, quoting from anti-Semitic pamphleteers such as Eustace Mullins, attempted to show that "internationalist money lenders" (a number of Jewish names supplied) had formed an "Invisible Government of Monetary Power" to secure world domination.

In January, 1970, an article by well-known anti-Semite Richard Cotten (a favorite source of Rarick's), again on the alleged wiles of these "conspiratiorial" bankers, in which Cotten at several points used the Hebrew word "shekels" when referring to gold and then spoke of "users" and "satanic swindlers" who are, he said, plotting to "destroy Christianity."

On April 23, 1970, a blatantly anti-Semitic speech originally made in 1934 by the late Rep. Louis T. McFadden. Quoting articles published in the 1920's about the notorious anti-Jewish forgery, the *Protocols of the Learned Elders of Zion*, McFadden had contended that predictions contained in the spurious *Protocols* had come to pass, that "the Jews have the gold" in the United States and that New Deal monetary reforms had been specifically designed and written by the Jewish international money changers." Rarick quoted McFadden further: "Do you not see the Protocols of Zion manifested in the appointment of Henry Morgenthau as Secretary of the Treasury?"

In the fall of 1970, a series of lengthy articles by John Birch Society writer Gary Allen that were then appearing in the Society's magazine, *American Opinion*, and that attributed to "international bankers" the control not only of America's currency but of the nation's newspapers and broadcast media, with lists of predominantly Jewish names allegedly establishing the connection.

On June 4, 1971, a speech by Curtis B. Dall, chairman of Washington's extreme Rightist pressure group, Liberty Lobby, in which Dall charged that these same diabolical bankers and some "well-financed atheists" were threatening Christianity.

On February 23, 1971, an anti-Semitic source of utter fantasy—a discredited canard entitled "A Racial Program for the Twentieth Century" which was, said Rarick, "a scheme to bring about self-guilt within the white race and to promote amalgamation of the races." Rarick identified the document as having been written in 1912 by "a member of a different minority group, Communist Israel Cohen." The racial scheme would, in the words of Israel Cohen, "deliver America to our cause."

The truth: There never was such an "Israel Cohen" and there never was such a Communist document. "Cohen" had made his first identifiable appearance in a paid advertisement in the December, 1956 issue of *The Virginian*, an anti-Semitic monthly then published in Newport News. "Cohen" and his so-called "Racial Program" had achieved wider currency after being inserted in the *Congressional Record* by a Mississippi congressman in 1957 and the hoax has been quoted since then in the anti-Jewish propaganda tracts of such professional bigots as Gerald Smith, Kenneth Goff, and Myron Fagan. (It had been thoroughly exposed by the Anti-Defamation League and by the Washington *Evening Star* a full 13 years before Rarick again sought to clothe it in respectability, but like so many anti-Jewish forgeries it has lingered as a useful weapon in the arsenals of bigotry.)

On February 24, 1969, an anti-civil rights statement signed by the Citizens Congressional Committee of Los Angeles, a front group for Gerald Smith's Christian Nationalist Crusade.

On March 2, 1971, an article from Ron Gostick's virulently anti-Jewish *Canadian Intelligence Digest* written by Eric Butler, Australia's best-known anti-Semite for more than a quarter of a century. Butler, the author of a scurrilous commentary on the *Protocols* entitled *The International Jew*, was described by Rarick in the *Congressional Record* as "an eminent Australian."

On October 27, 1969, a speech by P. A. del Valle, a retired Marine Corps general who has been a prominent personality in the world of professional anti-Semitism. In the speech revived by Rarick, del Valle charged that "the pride of the Jews" caused them to reject God. He implied that Jews are the "authors" of revolution, asserted that the "sons of Jacob" are plotting the destruction of Christianity, and assailed what he called "the One World Government dreamed up in the Protocols of Zion . . ."

Does John Rarick recognize this as anti-Semitic? On more than one recent occasion, he quoted someone's definition of anti-Semitism—"a smear term used by Communists against those who effectively oppose and expose them." Rarick himself has made statements that were indicative of his own attitudes about Jews—attitudes not very different from those expressed by the Cottens and the del Valles with whom he sometimes has linked his name.

Shortly before Christmas in 1969, Rarick commented about a protest mounted by the American Civil Liberties Union and others against a sectarian Christmas display under apparent government sponsorship. Rarick said the protest "follows the pattern of the minority, who are not content to live in freedom outside of the way of life of the rest of the Nation, but who feel compelled to bring their neighbors down to their own level in all questions where they find embarrassing difficulties to exist." The congressman added that he was "noting the names of the counsel representing the leftist ACLU . . ." They were three Jewish-sounding names.

On January 2, 1971, Rarick went out of his way to attack the Anti-Defamation League and the American Jewish community after a number of civil rights groups in Virginia had criticized the use of right-wing films in a training course for the Virginia State Police. Although ADL was mentioned in a newspaper article about the protest, which Rarick placed in the *Congressional Record*, the complaint itself had been brought by spokesmen for the National Association for the Advancement of Colored People, the Richmond Urban League, the American Civil Liberties Union and the Virginia Council on Human Relations, a private group. Rarick, nevertheless, declared that "it behooves Jewish leaders to get their activists back into the mainstream of the American society."

Rarick himself is a swimmer in the brackish backwaters of that society's politics. He has, for example, maintained a close and telling relationship with the personages and policies of Liberty Lobby, perhaps the most extreme of America's larger Far Rightist organizations. The founder and guiding hand of Liberty Lobby is Willis Carto, an elusive figure who has been a leading promoter in the underworld of professional anti-Semitism for over a decade. Carto, who has expressed admiration for Adolf Hitler, has been a prime mover behind several blatantly anti-Jewish publications (*American Mercury, Western Destiny, Washington Observer Newsletter*). He has also sought to revive and to promote the neo-Hitlerian writings of the late Francis Parker Yockey, a shadowy anti-Semite and neo-fascist of the 1940s and 1950s. In 1960, Yockey committed suicide in a San Francisco prison cell, a few days after he had been arrested by the FBI and charged with passport fraud following a series of mysterious trips to various parts of Europe.

Rarick's endorsement of Carto's Liberty Lobby has appeared on the Lobby's promotional materials. Shortly before Rarick was first elected to Congress, editor Ned Touchstone of the anti-Semitic publication, *The Councilor*, with which Rarick has been associated, boasted that candidate Rarick "is on a first name basis" with Carto.

RARICK, THE JEWS AND ISRAEL

The olden anti-Semitic canards that John Rarick has sent re-echoing through the halls of Congress and in its official *Record*, find a practical application to policy matters on the question of the Middle East, where the Louisiana congressman sees most of the problems created by "Israeli aggression." The aroma of anti-Semitism was apparent when on December 10, 1970, Rarick declared that U.S. policy with respect to Israel is that of America's creditors, "the wealthy international bankers."

On that same day, Rarick inserted in the *Congressional Record* a long anti-Israel harangue delivered a week earlier by Alfred Lilienthal, for many years a leading pro-Arab propagandist. Lilienthal's speech was made at a New York dinner sponsored by the National Economic Council. The NEC affair had been held to honor the organization's founder, the late Merwin K. Hart, a leading personality in the world of anti-Semitism for three decades, until his death in 1962. The dinner's guest list had featured a galaxy of Radical Right leaders and activists such as Founder Robert Welch of The John Birch Society, Arab diplomats and pro-Arab propagandists, and a number of well-known anti-Semites, including Richard Cotten and (on the dais) P. A. del Valle. One of the chief speakers of the evening has been Rep. John Rarick.

Rarick views any U.S. commitment to Israel or any aid for that beleaguered state as dangerous. He has declared: "The apparent policy of our country with regard to Israel is a guaranteed survival, regardless of cost of participation by our Nation."

On another occasion, Rarick charged that the United States was making available to Israel "the weapons with which to continue their transgressions against" the authority of the United Nations—a bizarre argument for a congressman who at other times has parrotted the anti-U.N. line of Radical Right extremists and the lunatic hate fringe by describing the United Nations as illegal, un-American, Communist, atheist and anti-white. Rarick, it seems, becomes a champion of the U.N. only when it suits his anti-Israel prejudices.

Those prejudices surfaced as recently as September 24, 1971, following passage by the U.S. Senate of the draft extension law. In the *Congressional Record* of that date, Rarick cast aspersions on the integrity of a number of Senators who had voted for the law, charging that they had bowed to "the financial and political powers in this country"—presumably "the wealthy international bankers." Rarick charged that the Senators had approved the draft extension "to prepare U.S. men for impending hostilities in the Middle East."

Rarick has also attacked respected Jewish organizations because of their support for Israel; the targets have included B'nai B'rith, the United Jewish Appeal and Bonds for Israel. His attacks on UJA have included the placement in the *Congressional Record* of the full text of an anti-UJA blast published by Carto's Liberty Lobby.

Despite his zealous opposition to Israel and to American aid for the Israelis, Rarick has sometimes been less than candid on the subject when approached by Jewish constituents. Persons with Jewish names who wrote him in the summer of 1970 out of concern for the situation in the Middle East, and for Israel's dangerous position there, received a reply which stated in part: "You will be interested to hear that a number of senators have already signed a letter urging the President to authorize the sale of jet aircraft to Israel . . ." The letter contained no indication whatsoever of Rarick's own unyielding opposition to such aid for an Israel confronted by Arab states and the Soviet Communist imperialism that Rarick claims to abhor.

In any case, Rarick is perhaps the most vociferous opponent of Israel on Capitol Hill.

LABOR DAY, 1965

Early in September 1965, John Rarick, then a state district judge in Louisiana, addressed a parade rally held on Labor Day in Bogalusa, La., and sponsored by the Anti-Communist Christian Association, a cover name used by a Klan unit in the Bogalusa area which had been a center of racial tension and of repeated acts of Klan violence and intimidation. The KKK unit had been part of the so-called "Original Knights of the Ku Klux Klan" and their activities around Bogalusa had been so extreme that the U.S. Justice Department had filed a Federal court action under the Civil Rights Act of 1964, aimed at enjoining the Klan group from further assaults and intimidation against black people and white civil rights workers. The Klan unit, its leaders, various members, and other individuals were scheduled to appear in a New Orleans court room the day after Labor Day.

Sharing the platform with Rarick at the Klan-front rally was Richard Cotten, the anti-Semitic broadcaster who, according to the New Orleans *Times-Picayune* of September 7, 1965, stated that one of the purposes of his trip from California to Louisiana was to persuade Judge Rarick to run for Congress.

The main speaker at the rally was to have been Robert DePugh, leader of the gun-toting, extreme Rightist organization known as The Minutemen. DePugh, however, was unable to appear and the Labor Day gathering of 3,000 was told by Cotten that DePugh had a court appearance elsewhere the next day and therefore could not make the trip.

When the Klan court case opened in New Orleans the next day, witnesses included Charles Christmas, who had served as Grand Dragon of the Klan unit, and his second-in-command, Saxon Farmer, who had served as Grand Titan.

Both testified that the Klan no longer existed in the Bogalusa area and that because of its "bad reputation," it had been decided to try to "improve" the organizational "image" by dropping the Klan label and replacing it with the Anti-Communist Christian Association name tag.

Christmas testified that most of the officers of the Klan unit had kept the same positions in the Association. (A Congressional committee, which conducted a two-year investigation of the Klans, said in a 1967 report that articles of incorporation for the Association had been notarized in December, 1964, and had subsequently been filed with the Secretary of State of Louisiana. The incorporation papers, published in the report, showed that Saxon Farmer was a registered agent, a director and an incorporator of the Association.)

Christmas also told the court that the Klan had had a "wrecking crew"—a group of so-called "peace keepers"—but that the leaders had come to feel that its work was unnecessary and could be adequately handled by regular law enforcement authorities.

As soon as Christmas and Farmer had testified, the Federal Government—with the permission of the three-judge court—added the Anti-Communist Christian Association as a defendant in the case. The Government charged that the Association was a "front and dummy" for the Klan.

On the second day of the proceedings, the defendants admitted most of the Government's allegations of violence in a stipulation aimed, according to *The New York Times*, at avoiding some of the embarrassment of open testimony concerning assaults, harassment and intimidation. In admitting certain of the charges, the defendants conceded that they had assaulted pickets and demonstrators, threatened Negroes with death, brandished guns and clubs, and that they had threatened civil disorder to discourage demonstrations and speeches by pro-civil rights groups. (They did not, however, agree that each person accused in a specific instance had actually participated.)

On December 1, 1965, the court, headed by Judge John Minor Wisdom, issued a strongly worded injunction, ordering the Klansmen and other defendants to halt their "acts of terror and intimidation." The decision, written by Judge Wisdom, denounced the Klan as a "fearful conspiracy against society" and described the defendants as "ignorant bullies . . ."

It was at a 1965 Labor Day parade rally, sponsored by such types, that John Rarick had appeared, while a state district judge, the year before his election to Congress.

ON MATTERS OF RACE

When elected to Congress, Rarick had served as a member of the State Board of the

Louisiana (White) Citizens Councils, whose leader was Leander Perez, now dead, a leading political figure in Louisiana, a racist, and an anti-Semite. Perez had been excommunicated from the Roman Catholic Church in 1962 for his views on race and his opposition to desegregation of Catholic schools in Louisiana. Rarick had also served as an "advisor" to *The Councilor*, the shrilly racist and anti-Semitic paper then published by the Louisiana White Citizens Councils under the editorship of extremist Ned Touchstone.

The Councilor has for some time helped to promote Rarick. In 1967, for example, while he was serving his first term in Congress, the extremist periodical had urged Rarick to run for Governor of Louisiana and had dubbed him the "White Hope."

In May 1971, *The Councilor* sent out a mailing that included a number of speeches by Rarick, reprinted from the *Congressional Record*. The mailing was a promotional effort by Touchstone on behalf of Councilor Research, Inc., which has replaced the Citizens Councils of Louisiana as publisher of Touchstone's hate sheet.

If John Rarick arrived in Congress five years ago as Touchstone's fancied "white hope," he has remained steadfast as a leading spokesman on Capitol Hill for racial segregation—especially segregation in the schools, where Rarick sees integration required by the law of the land as "tyranny" and segregation required by local law as "freedom."

When Rarick placed the "Israel Cohen" propaganda forgery in the *Congressional Record*, his remarks were captioned: "Race Destroyers Are the True Racists." This best describes the crux of his thinking on race problems. In his view, advocates of integration or civil rights are the "racists" and the "destroyers" rather than those who advocate separation and white supremacy.

On January 22, 1971, Rarick introduced two bills to translate diehard extremist "white hope" into action. He proposed legislation that would (1) "amend" the Civil Rights Act of 1964 to permit complete racial segregation in education and (2) make Federal marshals available to maintain segregated schools by force. He has also introduced bills to repeal the Voting Rights Act of 1965 and the "open housing" law enacted in 1968:

Rarick has meanwhile accused the Nixon Administration of "continued programs to pacify the fanatical race mixers." He has termed Administration proposals to end housing bias part of a "continuing assault against the greatest culture and the greatest Nation ever bequeathed by God to man." (This culture, said Rarick, has been preserved by the "white population from its suburban homes.")

Rarick's massive injections of extremist propaganda into the *Congressional Record* have included some of the outpourings of the cultists of "scientific" racism—in particular the lengthy didactic letters periodically sent to Presidents, members of the Cabinet and other officials by Carleton Putnam, a tireless preacher of Negro racial inferiority.

Rarick himself has referred to a much-publicized marriage of a few years ago as that of a "high-ranking Cabinet officer's daughter and a member of the Negroid race . . ." A black New Orleans attorney, Lolis Elie, has testified under oath that Rarick, when a judge, had once said to him in court: "I didn't know they let coons practice law" Elie added that Rarick had brushed aside objections to the use of the word "nigger" on the grounds that its use was an exercise of "freedom of speech."

Rarick had labeled the Army's program for improving race relations "brainwashing," and at the same time has befriended an Army officer who was disciplined for refusing to shake hands with a fellow officer who was black.

Rarick termed it "a disgrace" when the flag was flown at half-staff for the late Dr. Martin Luther King, Jr., whom he described as an "errand boy" for "International Communism." He has called black Supreme Court Justice Thurgood Marshall "a scamp" and "a cheat."

When Secretary of State William P. Rogers returned from a visit to Africa in 1970, he was sharply criticized by Rarick for the "rapport" he had shown with black African leaders. In the same critical breath, Rarick quoted, with obvious admiration, the Prime Minister of the *apartheid* state of South Africa.

This reflects still another facet of Rarick's presence in Washington. The Louisiana congressman has been a virtual lobbyist on Capitol Hill for the white supremacy government of Rhodesia. Rarick went to Rhodesia in 1968 as a guest of the American-Southern African Council, a group which has had operational ties with Carto's Far Rightist Liberty Lobby. Rarick has since peppered the *Congressional Record* with articles from Rhodesian government and white supremacy publications, speeches by Prime Minister Ian Smith, and assorted "reports" lauding the Rhodesian government and denigrating efforts at self-government by black African states. One such document, filling 25 columns in the *Record*, was the work of anti-Semite Richard Cotten.

Rarick has also sent personal pleas to President Nixon and Secretary Rogers urging American recognition of Ian Smith's government. He sees political skullduggery in America's unfriendly posture:

"It has been suggested by some critics," he has said, expressing innuendo as though it were not his own, ". . . that the Rhodesians would fare better if there were more Rhodesians voting in New York. I offer no opinion on this idea."

RARICK AND THE RADICAL RIGHT

While he has made himself the Radical Right's Capitol Hill spokesman, John Rarick has also actively collaborated in the workings of some of the more extreme organizations in the movement, some of them tainted with bigotry.

The congressman's relationship with Willis Carto's Liberty Lobby has been mentioned. In addition to lending his signature to the Lobby's promotional and fund-raising materials, Rarick was also the chief speaker at the 1970 Liberty Lobby national convention in Los Angeles. Not suprisingly, Rarick's voting record was tabulated as 100% perfect in a Liberty Lobby rating chart of congressmen and senators.

In October, 1970, Rarick addressed the Washington "March for Victory," headed by Right-wing preacher Carl McIntyre.

A month earlier the Louisiana congressman had been the lead-off speaker at the annual conference of the White Citizens Councils in Atlanta. On September 21, he inserted in the *Congressional Record* the speech that had been delivered at the segregationist convention by Tom Anderson, a columnist who is also a member of the National Council of The John Birch Society.

In 1968 and 1970, when Rarick sought reelection to Congress, Anderson's name headed the "National Committee" of "American Friends of John Rarick" whose letterhead proclaimed that it was "Dedicated to the Reelection of this Great American and Courageous Congressman." The National Committee of the organization has included anti-Semites Cotton, del Valle and Curtis Dall, and a number of other individuals who have been active on America's political Far Right for many years.

On the Fourth of July weekend in 1971, Rarick addressed the "New England Rally for God, Family and Country," a massive Far Rightist carnival held annually in Boston under the tutelage of John Birch Society officials and supporters.

As mentioned earlier, Rarick was also a featured speaker at a December, 1970 dinner of the National Economic Council, an extreme Rightist organization founded by the late Merwin K. Hart. In addition, Rarick has addressed several conventions of the Far Rightist coalition known as the Congress of Freedom, sharing the platform on at least one such occasion with anti-Semites Richard Cotten and Ned Touchstone, and with former Admiral John Crommelin, a racist, an anti-Semite and in bygone years a frequent candidate for public office in Alabama. Also on the platform was Opal Tanner White, a longtime co-worker of hate-monger Gerald Smith.

Rep. Rarick has himself served as chairman of at least one Far Right organization—the Supreme Court Amendment League (SCALE), which made its debut at the Birchite New England Rally on July 4, 1968, and which boasted an advisory board that included many names well-known as active Right-wing extremists and that also included some well-known peddlers of bigotry.

As a Congressional echo of the Radical Right movement, Rarick has been the drummer for an endless variety of far-out causes. A few examples: his opposition (the extreme Rightist position is usually a negative one) to the United Nations; to civil rights law; to the distribution of UNICEF Christmas cards; to gun registration, the Peace Corps, and the television program "Sesame Street"; to disarmament negotiations, sex education, and the vote for 18-year-olds. On the subject of the Vietnam War, Rarick asked an April, 1971 meeting of the Far Right Liberty Amendment Committee in San Diego, Calif.:

"Why the hell doesn't somebody in Washington have the guts to push the button?"

Rarick has accused the Nixon Administration of appeasing the "Hanoi Fifth Column." He has called the Mylai atrocity "the massacre hoax" and "the Pinkville massacre production."

An article by Rarick that appeared in the September, 1970, issue of the anti-Semitic *American Mercury* bore the title, "Americans Do Not Support the Genocide Treaty"—and yet Rarick has invoked that same treaty in opposing school busing to achieve integration which, he argues, is "genocide."

Recent Rarick statements have brought disturbing echoes of the McCarthy era to the House Chamber. He has said that "in the State Department there is only room for those who are soft on Communism, pinks, punks, and fellow travelers," and he has hinted that the Department is heavily loaded with homosexuals. In the fall of 1970, he declared:

"The American people realize that their major menace is not the big Red army from without, but the big pink army within. With Marxism taking the world, the people are wondering why there is no mention of an obvious Communist menace within the higher echelon of our Government."

Rarick followed this statement by inserting in the *Congressional Record* an article by a leading "subversion" hunter of the Radical Right, Frank Capell, who charged that Secretary of State William P. Rogers "continues to protect the Communists."

Rarick has also placed in the *Congressional Record* attacks published by Capell against Presidential foreign affairs advisor Henry Kissinger in which Capell charged that Kissinger was, like Secretary Rogers, soft on Communists and Communism.

One such Capell attack on the White House aide was inserted by Rarick on January 27, 1969, only a few weeks after President Nixon named Kissinger to his new post, and only three days after it had appeared as the January 24th issue of Capell's *Herald of Freedom*. The same Capell creed made the *Record* again on Rarick's initiative, being reprinted on July 21, 1971. In October 1971, Rarick spread on the *Congressional Record* a more recent attack on Kissinger published by Capell on Oct. 1.

In each of the Capell articles, Kissinger was described as the son of a rabbi; the 1969 article spoke of Kissinger's father as "reportedly a prominent rabbi and a Zionist in Berlin." (At about the same time in 1969, Americans for National Security—an arm of Carto's Liberty Lobby apparatus—was promoting a so-called "fact-sheet" concerning Kissinger which described the father as "a prominent rabbi and a Zionist in Berlin.")

(Henry Kissinger's father, Louis, now in his 80s, resides in New York City. He told the Anti-Defamation League on October 26, 1971, that he had never been a rabbi, that he had always been a school teacher, and that before coming to the United States in 1938 as a refugee from Hitler's terror, he had never been part of the Zionist movement, although he added that his "heart is for Israel.")

By the time Rarick got around to using Capell's material in the *Congressional Record*, Capell's credentials as a source of accurate information about such matters had been seriously damaged. He had authored, over the years, such sensationalist pamphlets of Far Right extremism as *Treason is the Reason*, *The Strange Case of Jacob Javits*, *The Strange Death of Marilyn Monroe*, and, in 1968, *Robert F. Kennedy—Emerging American Dictator* (renamed *Robert F. Kennedy—A Political Biography* after the Senator was assassinated).

Capell had also run afoul of the law on two occasions. In 1944, while an investigator for the War Production Board, he was indicted by a Federal grand jury on charges of conspiracy to obtain bribes, pleaded guilty to three counts, and in May 1945, was sentenced to pay a fine of $2,000 on the first count and to serve a year and a day in prison on each of the three counts.

In March 1965, Capell was indicted by a Los Angeles County grand jury of conspiring to commit criminal libel by circulating an affidavit which falsely charged that a U.S. Senator from California had been involved in a morals offense 15 years earlier. Capell wrote a letter of apology to the Senator as part of a *nolo contendere* plea to a lesser charge.

He has since published his booklets and his *Herald of Freedom* from a small town in New Jersey and has attracted a certain following on the Far Right political fringes; articles bearing his name have been appearing regularly in recent months in periodicals published by the John Birch Society, with whom Capell shares a belief in the "conspiracy theory" of history and of current events.

Rarick likewise shares a belief in the "conspiracy theory" of history with other ideologies and pamphleteers of the Radical Right—the theory which leads inevitably to suspicion, to witch-hunting, to smear—and often to bigotry. Rarick himself has insisted upon "the existence of an international conspiratorial plot—an invisible government." An example of the "plot" theory translated into specifics is seen in Rarick's contention that American troops serving with the NATO forces in Europe—he opposes their continued presence—are "hostages" to U.S. agreements and are too close to the Middle East to be removed by the powerful secret forces that he believes decide U.S. policy. The implication of "Zionist" influence is clear, especially when it is remembered that on other occasions Rarick has named the conspiratorial "international bankers" as the framers of U.S. Middle East policies. It is a fact of history on the Far Right that the step from "conspiracy" theorizing to anti-Semitism is a short one.

ASSAULTS ON THE CHURCHES

Rarick's views and recent harsh criticisms of the churches and their leadership are further reflections of the Radical Right perspective on contemporary society. He sees, for example, a "revolution of change and tolerance" in the Roman Catholic Church, and contends that recent activities of the Pope "offer tremendous propaganda potential to the Communist conspiracy."

Because they have allocated some donated dollars for a mailing to members of Congress urging support for welfare reforms, America's Catholic bishops, the National Council of Churches, and the Synagogue Council of America have been labeled by Rarick as "pious pickpockets."

In May, 1971, Rarick introduced a bill to strip religious organizations of their tax-exempt status if they use any funds whatsoever for "propaganda"—i.e., if they take public positions on social matters, which sometimes become political matters, and thereby attempt "to influence legislation." Rarick specifically charged the National Council of Churches with what he called "instances of the misuse of tax-free funds." Rarick cited the printing of pamphlets advocating equal rights for blacks as an example of past activity he would like to curb by law.

A spokesman for the House Ways and Means Committee has stated that the Rarick bill is of the sort that is designed not so much to be passed into law as to "hint at legislation that could be enacted unless certain groups change their activities."

By the nature of his charges and by the nature of his assault on democratic ideals and institutions, Rep. John Rarick places himself on the farther shores of American political thinking. His significance on the general scene, however, is that his position as a high elected official in the United States Government is one in which the carrying of the virus of bigotry becomes a matter of special concern. By employing congressional privilege and prestige as a vehicle for the wider distribution of extremist propaganda, and even the canards of hate, Rarick has given new currency on Capitol Hill to many a discredited voice of unreason. In practice, as an examination of his speeches and his voluminous insertions in the *Congressional Record* reveals, Rarick has often used his high public position to attack the integrity and the rights of black Americans and to echo some of the worst effronteries of blatant anti-Semitism.

The most stunning aspect of his record of extremist demagoguery has been the general silence with which it has been met in responsible quarters. The question arises: Have the American people and their elected representatives become so preoccupied that they are unaware of the shrill voices of extremism and bigotry on the national scene? Or are they simply indifferent because they view such voices as unimportant?

INSURING THE NATION'S HEALTH

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. KUYKENDALL. Mr. Speaker, on December 27, 1971, the Memphis Commercial Appeal carried as its lead editorial an analysis of the various proposals pending before the Congress to establish a program of national health insurance. Since the question of national health insurance will be one of the most important ones which the Congress has to deal with this year, I commend the following editorial to my colleagues.

INSURING THE NATION'S HEALTH

On the subject of a national program of health insurance, most authorities agree on one thing: Changes in the system of health care are necessary and inevitable. After that, disagreements take off like President Nixon on the trail of another summit.

The major controversy, epitomized in proposals by the administration and Senator Edward Kennedy (D-Mass.), revolves around the extent to which the federal government should control health care and how much the system should be reorganized.

There is too much good in American medicine to revamp everything, and there is too little proof that wholesale changes will be an improvement to plunge into them without experimentation.

The most responsible concepts of change seem to be those presented by the administration and the American Medical Association, both of which seek to make high-quality care available to everyone at a minimum cost without usurping the prerogatives either of patients or physicians. The Kennedy proposal would cost the federal government an estimated 57 billion dollars and would make the government the manager of American medicine.

Because of the many plans for national health insurance and the intense lobbying by vested interests, none of the bills will have easy going. It's possible that no comprehensive plan will get out of the House Ways and Means Committee, with the members opting instead for a limited attack on a special problem, such as more and better care for the poor.

The committee's second-ranking majority member, Representative Al Ullman (D-Ore.), said, "We want to get started, but we don't want to go in the wrong direction."

The basic problem in health care is that demand has outstripped supply. With the establishment of Medicare and Medicaid in the middle 1960's, many more Americans were able to purchase medical care. The government and the health industry agreed that high-quality care should be the right of every citizen, and not just the luxury of those who could afford it.

Care is not available to everyone at the same levels of convenience or quantity. Physicians and facilities are not distributed evenly among the population. While urban centers attract large numbers of health personnel, many rural counties have few if any.

Certain groups, such as the poor and the non-white, have high rates of disease and disability and low rates of medical treatment. They can't afford private physicians, who tend not to practice in their communities, anyway, and the centralized medical facilities are crowded and difficult to get to.

Medical insurance has become an increasingly unsatisfactory method of buying care. Overhead and risk factors have driven premiums up without expanding coverage appreciably or taking care of catastrophic illnesses, which can put a family in debt for life. Because insurance protection deals mainly with services delivered in hospitals, less expensive care outside hospitals is not sought as much as it should be.

The cost of medical treatment, in general, rose rapidly during the last decade. Pay raises for hospital employes and technological developments were among the major causes. These are the problems that a national health program must solve. Senator Kennedy would do it by eliminating the medical insurance industry, financing federal insurance through new taxes, and giving hospitals and nursing homes predetermined budgets. Health professionals would have an option of going on salary.

The administration argues forcefully that when the government pays all the bills, it has primary interest in holding down costs. This leads it into the business of approving budgets, setting fee schedules, monitoring for acceptable quality of service and other bureaucratic responsibilities that could amount to the nationalization of the medical system.

Both the administration and AMA proposals are presented as starting points from which careful, reliable steps can be taken. The President's bill would require employers to provide private insurance for their employes, and would set up federal insurance for the poor. The cost is estimated at up to three billion dollars for 1974. Additional legislation would address other problems, including the manpower shortage and the weaknesses in the system of delivering care.

The AMA plan would provide income tax credits for private insurance on an income-based scale. Low-income families would get federal subsidies to buy insurance or to join the patients of a group practice.

Neither plan would control insurance costs, specifically. But they envision changes in the health system that do so. The development of more decentralized health clinics and increasing practice of preventive medicine, for instance, would reduce the use of highly expensive facilities. If per-capita payments by insurance companies drop or hold steady, so will premiums.

The quality of American medicine is the finest in the world. To maintain and improve that quality, health professionals must be able to treat patients and seek innovations with as much freedom as is practical from governmental red tape and regulation. Freedom should be limited only by the obligation to make health care available to everyone. But the limits should be carefully applied. The health system would suffer a crippling blow if it were turned into a likeness of the welfare system.

DR. CARLOS FINLAY OF HAVANA, AND YELLOW FEVER

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. CARTER. Mr. Speaker, mastery over one of the most deadly plagues of our human existence required many years of patient research and painful experimentation before the stegomyia mosquito was shown to be a carrier of yellow fever infection.

Dr. Carlos Finlay of Havana, Cuba, had long believed that the transmission of the disease was thus transmitted, but the actual fact was not established until the practical experiments of Walter Reed in Havana confirmed the theory involved.

In the Jefferson Medical College Alumni Bulletin of summer 1971, there is a splendid article on the subject of Dr. Finlay's contribution, entitled, "Carlos Finlay and the Carrier of Death." Dr. Finlay was a graduate of the Jefferson Medical College of Philadelphia, Pa.

The article in question refers to the contributions of Reed, Gorgas, and others who participated in the successful work of dealing with yellow fever.

The Jefferson Medical College, in making publication of the article, in one of its bulletins is commendable and tends to widen the horizons involved. I believe the article is worthy of a place in the Congressional Record; and under leave accorded I am thus placing it.

I am indebted to former Congressman Maurice H. Thatcher of Kentucky for furnishing me the indicated article. He served with General Gorgas of the Isthmian Canal Commission during the period of the Panama Canal construction.

The article follows:

Carlos Finlay and the Carrier of Death

(By Juan Angel Del Regato, M.D.)

Yellow fever, for centuries a dreaded scourge that decimated cities, disappeared from the annals of public health everywhere within months of the application of remarkably simple preventive measures advocated by a tireless physician, genial scientist and dedicated humanist, Carlos Finlay. The brilliant and dramatic verification of his experimental work with the mosquito by the U.S. Army Medical Board, and the acceptance and implementation of his culicidal public health measures, freed the world from a dreaded menace, facilitated the development of easier intercourse among nations and made possible the undertaking of civilizing tropical enterprises which affected the history of mankind.

Endemic in the Caribbean islands and coastal areas of South America and Africa, yellow jack made irregular excursions to North America and to Europe. In the United States, the southern ports of Galveston, New Orleans, Mobile, Charleston and Savannah were frequently visited, but the curse occasionally appeared also in Memphis, Saint Louis, Cincinnati, and Pittsburgh. In the short span of a few summer weeks the disease demoralized entire populations: households were carted away in wagons, wheelbarrows, trains; roads were jammed with an endless stream of those fleeing on horseback, donkeys or on foot. As the fever found more victims, corpses accumulated with an intolerable stench: there were no coffins, no hearses, no grave diggers! Panic spread even faster than the fever. Men would abandon their sick wives and children and could not be persuaded to return to bury them. Few who had the fever survived; they, and a number of others who were unaware of having suffered a mild attack, became immune and were said to be "acclimated." The statistics of death were the pulse of the epidemic. They could not describe the terror that repressed tears, nor express the sorrow, the desolation, or the solemn oppression of universal death upon the mind: the painful acquiescence that man can suffer from worse than fever and hunger. And then, at the height of despair, when hope and decency had lost their emotional primacy, with the first winter frost, no new cases occurred, deaths decreased, the scurrying absentees returned and life resumed with diminished numbers and damaged dignity.

The city of Philadelphia had been spared for over a third of a century when, in July 1853, the first victim of yellow fever was reported in South Street near the wharves. The next day five new cases occurred in Swanson and Water Streets and the panic was on. The causes of the epidemics had been discussed for centuries and the arguments were the same in the learned academies as in the streets. The contagionists, seeking a foreign cause to the epidemic, accused *The Mandarin*, the three-masted sailing vessel originating in Cienfuegos (Cuba) which had just discharged its cargo in the wharves. The environmentalists, seeking the cause in the local atmosphere, pointed at the unsanitary alleys, the foul culvert along Pegg's Run opening on the Willow Street wharf, the undrained deposits of impure water resulting from the ebbing of the Delaware, the sewer outlet vomiting a steady stream of filth and belching unwholesome gases above water at the South Street ferry dock. The victims could not expect much help from medicine. Many physicians still practiced the controversial purging-plus-bleeding treatment of the famous signer of the Declaration of Independence, Dr. Benjamin Rush. On October 7th, 1853, with the first frigid embraces of the coming winter, the city of Philadelphia recorded its last case and the end of the epidemic. A young student just arrived from Havana, where the disease had been endemic for over 200 years, must have been impressed by the virulence of the epidemic and the fever of the intellectual debate. On October 27, 1853, he registered at Jefferson Medical College to start his studies of medicine. He was of short stature, elegantly dressed, displaying unaffected courteous manners and spoke with a suggestion of faltering elocution in faultless French, Spanish or English. He signed the registration book as Charles Finlay.

Juan Carlos Finlay was born in Camagüey, Cuba, on December 3, 1833, the son of Dr. Edward Finlay, a Scottish physician, and of a Frenchwoman, Eliza de Barrès, born in Trinidad. Tutored at home by a paternal aunt, Finlay was sent to France at the age of eleven for his secondary education. His studies were marred by French political disturbances which forced him to spend a school year in Germany, and by an attack of chorea which forced his temporary return to Cuba. However, he received a sound foundation in the classics, mathematics, physics, chemistry, geography, and history. He intended to study medicine in France but again was obliged to return to Cuba to convalesce from an attack of typhoid fever. Unable to register at the University of Havana, he turned his interest to the Jefferson Medical College, a young American institution with a vigorous faculty: Joseph Pancoast, the capable Professor of Anatomy; Robley Dunglinson, the prestigious physiologist soon to become Dean; Charles Meigs, the brilliant lecturer and obstetrician whose vast culture and high ethics permeated his pupils; T. D. Mütter, the beloved Professor of Surgery who was credited with importing the "quiz" system from Edinburgh; and J. K. Mitchell, the ardent Professor of Medicine whose views on epidemics were to make an indelible mark on Finlay's young mind.

Professor John Kearsley Mitchell was a Virginian and, like Finlay, the son of a Scottish physician. He had studied medicine in Edinburgh and had made a reputation as a competent physician and dedicated teacher. One of Professor Mitchell's lectures, subsequently printed through the initiative of his pupils, was entitled *On the Cryptogamous Origin of Malarious and Epidemic Fevers*. In it he expounded his theory that these diseases were caused by living organisms, by fungi, the spores of which would gain access to the human circulation to produce the fever. Arguing against both the contagionists and the environmentalists, the eloquent lecturer revealed the inconsistencies of their theories and, in the process, opened new questions for which there were no answers. Although yellow fever is predominant in the tropics, why is it diminished by excessive drought and heat? Why do sailors who go ashore in infected areas, from Jamaica to Zanzibar, frequently contract the disease if they stay overnight, whereas those who sleep or stay aboard not only do not have it but do not contract it from their dying shipmates? If incoming boats are vehicles of the disease, why do boats arrive every year from the same infected areas without causing epidemics? If the disease is contagious, why do patients who are removed to the country or to hospitals not give their disease to their relatives or neighbors, to doctors or nurses? If the disease is not contagious, how do we explain the recorded cases of distant relatives who acquired the disease upon receiving the personal belongings and clothes of a relative who died of yellow fever? If the miasmatic gases are the cause, why do gauze veils around face and neck, and window screens, which do not stop the circulation of gases, appear to be protective measures? The Professor commented prophetically:

"After all my labor and your polite attention, gentlemen, the theory presented to you may not be finally demonstrated. But I hope that it may revive the inquiry into the facts . . . We must, for the present, suppose—he concluded sententiously—that yellow fever is portable yet it is not contagious."

The Professor had all but suggested a vector. Twenty-eight years later his Cuban pupil became the first to suggest, and experimentally prove, the transport of the causative agent, then still unknown, from the blood of a patient to that of another person by the intermediate of an insect.

Upon registration at Jefferson, Finlay had chosen as his preceptor Dr. Silas Weir Mitchell, the young son of Professor John Mitchell. Finlay spent most of his time in the office of his preceptor (who was only four years his senior) and remained with him for an additional year after his graduation. Weir Mitchell had done work in Paris in the laboratories of Claude Bernard, the father of experimental medicine. The brilliant French scientist had planted in the mind of the young American the seeds of scientific investigation and of its proper course: first observation, then logical hypothesis and, finally, construction of an experiment which may prove or disprove the logical assumption. Thus, in his association with Weir Mitchell, Finlay learned the sterility of theories that were not corroborated by experimental work. Their friendship was to last for a lifetime. Although he continued to be active in medicine, Weir Mitchell gave himself more and more to literature and became known as a fiction writer; Finlay returned to Cuba to practice medicine but continued to be fascinated by the unanswered questions posed by epidemic fevers.

Finlay was a busy practitioner of medicine, kind and devoted to his patients. However he always found time for special studies with the help of tthe binocular microscope wich he had brought from Philadelphia. In 1858 he made a prolonged study of the changing alkalinity of the air which he attempted to relate to the changing occurrence of cases of yellow fever. In 1865, he married Adelaide Shine, a finely educated young woman of pure Irish stock and, like his own mother, a native of Trinidad. They were both thirty-two years of age. For fifty years of their married life Mrs. Finlay, a devoted and kind woman, gave her husband the steadying, affectionate support which he must have needed to sustain his scientific efforts.

In 1868 there was an outbreak of cholera in Havana and Finlay took care of a number of the victims. His perspicacity led him to observe that all of the patients came from the same side of a street and, in further investigation, to implicate the source of water as the cause of the epidemic, a fact which had not been suspected. This year ended with the rise of Cuban patriots in a cry of independence which was accompanied by the liberation of slaves. The war lasted ten years and ended in a truce.

In 1879 the Spanish Governor of Cuba appointed Finlay, as representative, to collaborate with the members of an American Yellow Fever Commission which arrived in Havana to make studies of the disease. Dr. Stanford E. Chaillé, Chairman of the Commission, brought with him a young, promising medical student, Rudolph Matas, as a scribe. The pathologist of the Commission was Dr. Juan Guiteras, an American educated Cuban, and the bacteriologist and secretary was Dr. George M. Sternberg. Finlay's collaboration in the work of Sternberg and their passionate interest in yellow fever led to a lasting friendship between the two scientists. Upon return to the United States, the members of the Commission rendered a report in which they included an account of Finlay's work on the alkalinity of the air. The report concluded that yellow fever is a transmissible disease and the causative agent should be found in the air. Finlay continued to study the numerous specimens left with him by the Commission, particularly blood smears and histologic studies of blood vessels. Professor Rudolph Matas was later to write:

"The image of Carlos Finlay remained in my mind as the model of exemplary wisdom, of the laborious worker, wealthy in strength of knowledge, in rectitude of principles, in conscientiousness and intellectual integrity."

During this time, Finlay, a man of varied interests, was reading a book of botany by van Tieghem. He was attracted by the description of the evolutionary cycle of a parasite of wheat (*puccinia graminis*) whose spores of the fungus were said to be unable to germinate except on another plant (*berberis vulgaris*), whose presence was necessary for the parasite to complete its cycle and destroy wheat. Thus, Finlay was led to think of an equally indispensable intermediary between one case of yellow fever and the next. As he sat beside his bed saying his rosary one night, Finlay was disturbed by a persistent mosquito. Distracted from his devotion, his mind, starting the cycle of scientific discovery, first conceived an idea that had never as yet occurred to any man: that the mosquito could be that indispensable intermediary, the carrier, a veritable vector of death between the sick and the next victim. And, once again, as in numerous other instances of important human discoveries, the genesis was not the result of logical conclusions or the yield of an experiment but rather of a sudden thought, as a flash of light in the darkness: a sudden illumination, a manifest sign of long prior cogitation.

The mosquito was the logical hypothesis. Now there was need for serious observation and work. In the identification of Cuban mosquitos available foreign books were not much help to Finlay so he sought the aid of the Cuban naturalist, Felipe Poëy, who had contributed to their classification. With a dedication that must have seemed odd to others, Finlay studied the main varieties of the insect on the walls and ceilings as well as those in flight inside mosquito nets, and finally identified the culprit, the *Culex mosquito* (later renamed *Stegomya fasciata,* now *Aedes aegypti*; the genus *Aedes* has a subgenus *Finlaya*). He noted that the male of the species was a dull vegetarian who died shortly after impregnating his mate. Finlay concentrated his attention on the sultry female, studying in detail her anatomy and physiology. He observed that she bit humans after her fecundation and laid eggs several times, but only after gorging in blood. He watched her raise her buttocks and lower her head as she drove her trunk through the skin into the blood capillaries of her victim. After sucking blood, the animal became quiet for several days of digestion while covering herself with a thin coat of her own excretions.

One of Finlay's mosquitoes bit twelve times in thirty-one days. He verified that the insect could hibernate at temperatures just above freezing and could be destroyed by high temperatures. The relatively cooler hours of the evening and early morning were her favorite time for action. He observed that the *Culex mosquito* was not to be found in the plains, away from rivers, that her flight was short due to her small wings and that the rarefaction of air at altitudes beyond 1200 feet interfered with her flight. Because the insect preferred to lay her eggs in the borders of quiet, clean, fresh waters, she was often found near inhabited places and clean households. Finlay also noted the considerable endurance of these eggs, capable of standing dryness for months, before their eventual transformation into myriads of new mosquitoes. It was to be concluded from these observations that ships carrying their drinking water supply could transport the insect to far lands, that hibernating infected mosquitoes could travel for weeks in the holds of steamers hiding in clothing or even closed baggage to start an epidemic in the port of call.

In February 1881 the Spanish government appointed Carlos Finlay to represent Cuba and Puerto Rico at the International Sanitary Conference held in Washington, D.C. The conference busied itself primarily with resolutions on international regulations and with the exchange of public health data; it is likely that the assembly of functionaries was quite unprepared for a challenge of the concepts with which they had lived. Cautiously, Finlay presented his views:

"Without entering into technical details . . . I beg leave to remind my colleagues here present that the sanitary measures now generally recommended to prevent the propagation of yellow fever are founded upon a mode of viewing that disease which is considerably at variance with a considerable number of observed facts.

"It is my personal opinion that three conditions are necessary in order that the propagation of yellow fever shall take place: (1) the presence of a previous case of yellow fever within certain limits of time; (2) the presence of a person apt to contract the disease; (3) the presence of an agent entirely independent for its existence both of the disease and of the sick man, but which is necessary in order that the disease shall be conveyed from the yellow fever patient to a healthy individual.

"If my hypothesis should be realized, all those measures now employed to check the progress of the disease would turn out to be without effect, inasmuch as the principal efforts should have been directed . . . to destroy the agent of transmission or to divert it from the path that it follows in communicating the disease."

There is no record that anyone present discussed or alluded to Finlay's remarks; it is very likely that no one there understood what he was talking about. Nevertheless, Finlay had put his message clearly, indelibly, on the annals of history.

The time of logical hypothesis and observation was past; now the time had come for experimentation. The experimental production of a few fetal cases of yellow fever would have convinced the skeptics. Finlay, an ethical and compassionate man, could not bring himself to experiment on the unsuspecting nor endanger the lives of those who entrusted themselves to him. Burdened by his own temptation and by the suggestion from others, Finlay's ethical sense and untarnished conscience prevailed. Brought up to safeguard life, he found it impossible to impose death on others; like many before and after him, he may have sensed that to decide someone's death was to begin a moral descent that he must have dreaded. Jenner's discovery of vaccination was over seventy-five years old but it had been thought applicable only to smallpox. Now Pasteur had just suggested that the principle could be applicable to all infectious diseases. Little by little, Finlay gleaned the possibility that, with the help of captive mosquitoes, he might succeed in producing mild cases of yellow fever that would immunize, benefit rather than destroy, the consenting subject of a clinical experiment. A great number of the inhabitants of Havana were immune to the disease and consequently unfit for such an experiment; the volunteers had to be sought among the unacclimated recent immigrants. Finlay talked to the Captain General of the Spanish troops and twenty soldiers volunteered for the experiments. It was important that the subjects should not have been exposed to yellow fever and that they be qaurantined for a reasonably time before and after the experiment. The soldiers were quartered on the heights of La Cabaña fortress and brought across the bay in groups of four during the middle of the day to be questioned, examined and carefully chosen by Finlay in his office.

After hatching the carefully collected mosquito eggs, on June 18, 1881, Finlay had a mosquito bite a patient in the fifth day of what proved to be a mortal case of yellow fever and, after twelve days had elapsed, he had that same mosquito bite one of his volunteers. Nine days later the subject, Francisco Beronat, was hospitalized with a typical case of yellow fever, with jaundice and albuminuria. Finlay inoculated four more subjects, one of them without results. Meanwhile he observed most carefully fifteen other volunteers quartered at La Cabaña under the same conditions as the inoculated ones. None developed abnormalities. Having initiated his human experiments successfully and gaining moral strength from the fact that death had not resulted from them, Finlay presented, on August 14, 1881, to the Royal Academy of Medical Sciences of Havana a paper modestly entitled *The Mosquito Hypothetically Considered as the Agent of Transmission of Yellow Fever.* In proper academic fashion, this was a detailed presentation of his studies of the mosquito and of the recent experiments, emphasizing that a single bite of the infected mosquito had been insufficient to produce a fatal case of yellow fever. He admitted, self-critically, that there could be no certainty that his subjects might not have acquired the disease independently of his inoculations; he also admitted the necessity for further study and time. Finlay's discovery was too revolutionary, and its consequences too transcendent, for it to be admitted readily by anyone, anywhere. His colleagues looked at each other incredulously and the presiding officer of the Academy tabled the paper to obviate discussion and embarrassment to everyone. All that can be said charitably, in retrospect, is that the Cuban academicians were neither original nor exceptional: their attitude was to find its echo everywhere for twenty years.

Claude Bernard had talked of hypothesis, observation and experiment; he did not mention the fight against incredulity. Finlay was to find it the toughest yet. It is not so much that scientists distrust new revolutionary ideas from others; rather it is their incapacity to admit to themselves, all of a sudden, that what they thought they knew was not so. As many other scientists before and after him, Finlay had to learn to live the double life of his convictions, unaccepted by others, and the order of things acceptable to most but not to him. As so often happens, Sir Patrick Manson, working in Asia, had simultaneously discovered that the mosquito was the vector of filaria; this was revealed years later.

Encouraged by the fact that a single bite from an infected mosquito had not conferred a fatal attack, Finlay continued his experiments and found that the longer the time allowed to elapse between the bites to the sick and to the normal, the greater the seriousness of the attack of yellow fever. He also observed that the mosquitoes became infective sooner at a higher temperature. He acquired a new source of volunteers, the Jesuit fathers. Young, unacclimated priests were sent to breezy finca San José outside Havana, where there had been no case of yellow fever in a decade, and there Finlay inoculated them with infected mosquitoes. On July 15, 1883, Father Urra, S. J., was unsuccessfully inoculated; on August 17 he was again bitten by a mosquito which four days earlier had bitten two patients on their sixth day of the disease; while none of his colleagues showed any abnormality, he fell ill. Father Urra's daily record (still available today), his temperature and repeated urine analyses revealed all of the symptoms of a mild case of yellow fever; in subsequent years of residence in Cuba he never contracted the disease again.[1]

Keeping very accurate details of temperature, pulse, urine analysis and follow-up, Finlay accumulated one hundred four records of inoculations; most volunteers developed abortive cases of the disease, few showed frankly pathologic signs; only four of these inoculated volunteers developed yellow fever in the years to follow, two of them fatally.

During the last two decades of the nineteenth century, Finlay wrote forty-five papers to scientific academies or societies. In 1884 he made and reported a comparative study of spontaneous experimental yellow fever. Weir Mitchell was kept informed; he suggested using an intravenous needle for the transfer of blood from the sick to the normal in order to ascertain whether or not the mosquito modified "the poison." Commenting on a Mexican experiment, Finlay wrote, in 1886 in the American Journal of Medical Sciences:

"This unfortunate result agrees with the views that I have entertained since 1881, viz., that whereas the disease is not spontaneously transmissible by infection through the air nor by contact, it can be communicated by inoculation."

Although many were indifferent, others were not. In 1891 Lieutenant Colonel George M. Sternberg wrote:

"I think it proper to make a few remarks in reference to these so-called 'mosquito inoculations' . . . This supposition (Finlay's) that a minute quantity of virus adhering to the surface of the proboscis of the insect is sufficient to produce a mild attack of the disease in an unprotected person, does not appear very probable . . . I know of no experimental evidence which goes to show that the blood of yellow fever patients contains the virus of the disease, and that yellow fever can be transmitted by inoculations of such blood . . . no one has felt sufficiently impressed with its value to repeat the experiments of Dr. Finley . . . "

Meanwhile, the actual cause of yellow fever remained unknown and Finlay applied himself also to its discovery. This was the era of Pasteur and the solution of every health problem was expected from the discovery of its cause. Finlay identified a micrococcus which he thought to be the agent; a report was sent to the *Lancet* of London and cultures of the bacteria shipped to Weir Mitchell. His diligent and loyal friend had the cultures studied by Welch and Osler at Johns Hopkins and also consulted Sternberg who had identified another bacterium as the cause of yellow fever:

"I have the greatest confidence in your powers of observation—wrote Weir Mitchell to Finlay—I believe that you will come out all right and satisfy everybody, including Sternberg, who is a man of fair mind."

Finlay and Sternberg only added their names to a long list, not yet completed, of prestigious failures in this endeavor.

In 1892 Finlay reported to a Philadelphia journal his experiments on the treatment of yellow fever patients with serum from the immune. In 1894 he reported to the Eighth World Congress of Hygiene and Demography, held in Budapest, the preventive measures to be taken: isolation of patients, fumigation of houses and extermination of the mosquito. Through all these years of effort, Finlay had only one believer, his faithful pupil, collaborator and friend, Dr. Claudio Delgado. Although the disappointment and frustration would have been too much for anyone else, there is no record that Finlay showed signs of discouragement.

Early in 1895, patriotic Cubans launched a second war for independence from Spain which started at the eastern end of the island and the clarion sound of Eduardo Agramonte's *diana mambisa* aroused Cubans to take arms. Less than two years later, having defeated the Spanish armies along their way, the *insurrectos,* among whose ranks was Finlay's son, had reached the western-most province of Cuba. Then the *Maine* exploded in the bay of Havana. In April 1898, the United States declared war on Spain; the timing was just right for the mosquito! The first troops left Key West in the middle of June and on July 1st, the first case of an American soldier with yellow fever was reported; the number of cases was to mount rapidly. Finlay, who was in Tampa at the time, went to Washington to see his old friend Sternberg, who had become Surgeon General of the Army and also had replaced Dr. Leonard Wood as White House physician. During the first weeks of the war Sternberg's voice was law. Finlay asked that a commission be appointed to verify his work with the mosquite; Sternberg was friendly but unsympathetic. A good excuse was the fact that Surgeon General Wyman, of the U.S. Marine Service, had already done so and that his commission was already working in Cuba. In spite of his sixty-five years, Finlay insisted on serving the American army of occupation as a contract surgeon. On July 22, 1898 he received his papers and was shipped to Santiago on the hospital steamer *Olivette.* When he landed on Cuban soil the war was over, but the health of the doughboys was a mess. The Commander of the American troops in Cuba had asked for immediate evacuation of his "army of convalescents;" in the mixed metaphor of Colonel Theodore Roosevelt:

"My own cavalry brigade was so weakened and shattered as to be ripe for dying like rotten sheep."

According to a witness, officers as well as soldiers would become hysterical, break down and cry when told that they could not leave on the next ship. Roosevelt accused Washington's "elderly men" and their inability to break through routine. The peace was signed in August 1898, and the American occupation extended to the length of the island.

Major William Crawford Gorgas, southern gentleman and career U.S. Army physician, forty four years of age, arrived in Havana in December 1898, to take charge of the health of the city. The son of a Confederate General, Gorgas had been denied an appointment to West Point and chose medicine as the one other door to the U.S. Army and to the honored uniform which was once his father's. Yellow fever was no stranger to Gorgas. He had witnessed epidemics of it and had survived its visitation upon himself; he had a passion for the study of the disease and favored the theory of the miasmas. As he observed later:

"We knew no more of the sanitation of yellow fever than we had known for a century before."

Shortly after Gorgas' arrival in Havana, Finlay, who had returned to civilian life, addressed the medical officers of the U.S. Army and Navy on his plan to abolish yellow fever: the larvae of the insect could be destroyed by disinfectants in stagnant waters, the mosquitoes by fumigation in the houses of patients; the use of screens in windows and doors should impede mosquitoes from reaching the infected patient. The metal screens used in the U.S. for comfort were to be used for health in the tropics. Gorgas provided Havana with a modern and efficient health organization and, in his own estimation, the city became "cleaner than any other city had ever been up to that time." In spite of energetic, but ordinary, sanitary measures, the occurrence of cases of yellow fever and the consequent mortality continued to increase and had tripled by the end of 1899. The paradox was pointed out that the cleanest sections of the city were the worst affected Gorgas was later to admit that, although he met Finlay almost daily in the Sanitary Department, he was one of those who believed the least in his mosquito theory:

"A most lovable man in character and personality, scientifically honest and straightforward—wrote Gorgas of Finlay—I was constantly bringing to his notice instances . . . which could not be accounted for on the mosquito theory. He, with the greatest ingenuity, was ready to explain how the mosquito theory could be turned so as to meet just this condition."

---

[1] Case number seventy-one was Father Gutiérrez-Lanza who became a noted twentieth century tropical meteorologist at the Colegio de Belén of Havana; it was to him that Finlay confided his story of the rosary and the mosquito. Father Gutiérrez recounted the charming anecdote to the author, in Washington, D.C., in 1939.

Meanwhile Drs. Wasdin and Geddings, reporting for the Marine Service Commission on their work in Cuba, favored the *bacillus sanarelli* as the cause of yellow fever. Sternberg doubted the veracity of their conclusions and recommended to the Adjutant General the organization of an Army Medical Board, headquartered at Camp Columbia, to pursue . . . "scientific investigations with reference to the infectious diseases prevalent in the island of Cuba and especially of yellow fever." He designated his close friend, Major Walter Reed, an intense Virginian, as Chairman. Contract Surgeon James Carroll, an Englishman by birth, had done bacteriological work with Reed on the *bacillus icteroides* in Washington. Contract Surgeon Jesse W. Lazear, a Baltimore microbiologist with training at the Institut Pasteur, had left Hopkins and his association with Thayer to study malaria in Cuba; he was the only member of the Board with interest in, and a knowledge of, the morphology and physiology of mosquitoes. Contract Surgeon Aristides Agramonte y Simoni, born in Cuba and educated in the United States, was a graduate of the Columbia University and a former bacteriologist for the City of New York; he had studied for the Surgeon General the appalling importation and propagation of typhoid fever to American Army Camps in Cuba.

In the afternoon of June 25, 1900, the members of the Board met for the first time on the porch of the medical officers quarters at Columbia Barracks, near Los Quemados, Marianao, eight miles west of Havana. They listened reverently as Reed presented the extensive plans of the Surgeon General. It was an unhurried plan and all felt committed for at least two years, whether or not the occupation of Cuba gave way to a new republic. On the evening of this historic first meeting Dr. Lazear had a long and fruitful conversation with Henry R. Carter of the U.S. Marine Hospital Service. In Mississippi, Dr. Carter had observed that an interval of fourteen to twenty days lapsed between the first and second case of yellow fever in a previously uninfected house; he called this interval the extrinsic incubation period. On June 26 Carter sent Lazear a reprint of his paper on this subject with a handwritten note:

"The a priori argument of Dr. F's theory has much in its favor and to me is more than plausible . . ."

The issue of the *bacillus icteroides* pervaded the work of the Board:

"The laboratory work goes on but not as satisfactorily as I had hoped—Lazear wrote to his wife—Reed and Carroll have notions as to what we should do that I don't agree with. They are not inclined to attempt as much as I would like to see done. They are interested in the controversy with Sanarelli and they think of that all the time."

Agramonte's work did confirm that the *bacillus icteroides* was only a frequent contaminant found in various cadavers. Lazear pursued his interest in malaria and mosquitoes; in his laboratory he developed a colony of the various varieties found in Cuba. In Pinar del Rio as in Santa Clara, Reed and Agramonte were faced with cases and circumstances that threw great doubts on the spread of the disease by direct contact with patients. Towards the end of July the Board members decided to study the "mosquito theory:"

"The work along the lines of Dr. Finlay's theory was undertaken as a matter of course . . . and not because as a body the Board thought any too well of it—wrote Agramonte—At the time neither Drs. Reed, Carroll or myself believed in the said theory, the only one of us inclined to consider it favorably being my friend and classmate, Dr. Jesse L. Lazear."

On August 1, 1900, the members payed a visit to Dr. Finlay in his home, 110 Aguacate Street in old Havana. He received them most cordially and, to their astonishment and delight, unveiled before them a multitude of observations and facts accumulated during years of work. In a white porcelain soap dish Finlay gave them mosquito eggs; he admonished them as to the dangerous escape of an infected mosquito. Lazear was the natural heir to this work and he undertook it enthusiastically. To avoid outside criticism the Board members agreed to use themselves, as well as others, as subjects for their experimentation. On the day following their visit to Finlay, Reed returned to Washington where he was to spend over two months writing a report on typhoid fever in the Army of occupation. Assisted by Hospital Steward, John Neate, Lazear hatched the mosquito eggs and with all due precautions travelled by doherty-wagon to Hospital Las Animas to have the insects bite patients with confirmed yellow fever. In the first ten days of their work inoculation attempts were made, without results, on a total of nine non-immune subjects (including Lazear) and early discouragement and incredulity settled among the experimenters. Whether or not they had bitten on yellow fever patients, however, mosquitoes had to be kept alive by letting them suck human blood.

On August 27, 1900, after lunch, Lazear remarked that one of his mosquitoes appeared weak. Dr. Carroll, in a spirit of jest, allowed himself to be bitten by this mosquito which had filled on a patient twelve days earlier: within six days he presented jaundice and albuminuria.

"Lazear and I were almost panic-stricken—wrote Agramonte later—Lazear, poor fellow, in his desire to exculpate himself . . . repeatedly mentioned that he himself had been bitten two weeks before . . ."

Nevertheless, a sense of exultation took hold of them. Lazear observed and recorded the crucial timing of the mosquito bite of the yellow fever patient within the early days of the disease; the earlier inoculations had all been done with mosquitoes that had bitten patients in their fifth or sixth day of the disease. Obviously, he also became interested in repeated infection of the same mosquito by different patients. On the same day that Carroll came down, Lazear and Agramonte, with some hesitation, had the same mosquito bite Private William H. Dean, of the Seventh Cavalry, an impromptu volunteer. Within six days he also had yellow fever:

"I rather think I am on the track of the real germ—Lazear wrote to his wife on September 8th—but nothing must be said as yet, not even a hint. I have not mentioned it to a soul."

Lazear continued to maintain his colony of infected mosquitoes and to make careful notations in his laboratory logbook. On September 13 he attempted to produce a case of experimental yellow fever in a guinea pig; he had the animal bitten by a mosquito which had filled on four patients with the disease in the early part of the month. On that same day, September 13 Lazear submitted to the bite of a mosquito infected ten days earlier. On September 25, 1900 he died a martyr to his own devotion. No one will ever know what motivated this delicately sensitive thirty-four year old scientist. At first he told a story of accidental bite while at Las Animas Hospital for he did not want his young wife to learn that he had purposely endangered his life. Although he expected to recover, he repeated to Agramonte his plea for her protection from the truth. He had planned to take his two weeks leave in October to join his mother and his wife Mabel in Beverly, Massachusetts; he longed for his adored son Houston and his one-month old Peggy,[2] whom he was never to see. His unselfish act which made it no longer possible to ignore the evidence, precipitated attention to the problem and accelerated its solution. Besides the cases of Carroll, Dean and Lazear, there had been only one other case of yellow fever among the 1,400 non-immunes at the barracks.

Just returning to Washington from a vacation in the mountains of Pennsylvania, Reed wrote to Carroll (September 24, 1900):

"Concerning the mosquito propagation of the parasite, I am intensely interested but I cannot say that any of your cases, except perhaps Dean's prove anything."

On the next day Reed wrote a confidential letter to Major J. R. Kean, the Chief Surgeon, Department of Western Cuba, at Los Quemados:

"I have been so ashamed of myself for being here . . . while my associates have been coming down with yellow jack . . . Perhaps I owe my life to my departure from Cuba, for I had agreed to be bitten along with the others . . . The General has suggested that I do not return but somehow I feel that . . . my place is in Cuba . . . I shall take every precaution . . . I certainly shall not . . . allow a 'loaded' mosquito to bite me. Just how far Carroll's and Lazear's cases go to support that supposition I don't know, but I hope to find out . . . I have engaged passage on the *Crook* which sails next Friday 28th . . . I shall expect to take up my old quarters . . . provided you think that there is no probability of that being an infected area . . . If so, I would ask you to engage me a couple of rooms somewhere . . ."

Major Reed arrived in Havana on October 4 and the remaining members of the Board decided on the direction to follow. In Lazear's army blouse Lieutenant Truby found a small notebook which, he kept and delivered to Reed. The notebook contained revealing details of Lazear's observations and in particular of the timing of the mosquito bite of the yellow fever patient, and of the need for an interval of several days before his bite became infective to the nonimmune. In the notebook Reed found the evidence of Lazear's self-inoculation.[3] In Washington, Mrs. Reed was understandably worried about her husband getting yellow fever. He wrote reassuringly:

"There is no need for you . . . to continue to worry about me. When I want anything done in Havana, Dr. Carroll goes in for me . . . Dr. Lazear contracted the disease . . . by letting a mosquito bite him . . . deliberately let it get its fill of blood in order to test *our* theory."

Among Lazear's papers and books, Reed also found several items borrowed from Finlay. On October 7 Reed sent Finlay a courteous hand written note:

"I am sorry that neither Dr. Carroll nor myself can call at your residence this afternoon, as agreed by Dr. C. and yourself, on his visit of yesterday. I shall hope to pay my respects very soon. In the meanwhile I have taken the liberty of sending my driver for the copy of the *British Medical Journal* containing Durham and Myer's note and for any other articles or publications of yours concerning the mosquito and yellow fever . . ."

The observers from Liverpool, who had spoken with Finlay, Carter and members of the Army Board in July of 1900, wrote the following September:

"This curious and somewhat prolonged interval is suggestive of a development of the infective factor in or about some agent . . . The suggestion propounded by Dr. C. Finlay, of Havana, some twenty years ago, that the disease was spread by means of mosquitos hardly appears so fanciful in the light of recent discoveries . . ."

---

[2] Mrs. Walter D. Briggs, of Berkeley, Calif.

[3] Lazear's notebook presumably in Reed's office at the time of Reed's death, has never been recovered.

These preliminary notes of the British scientists seem to have spurred Reed to action. Habitually slow (as noted by General Truby) Reed now became a whirlwind of activity. Drawing almost exclusively from the details in Lazear's notebook, he hurriedly wrote a draft of a paper entitled *The Etiology of Yellow Fever. A Preliminary Note.* On October 23, 1900 in Indianapolis he presented the paper at the meeting of the American Public Health Association; it was his first paper on the subject of yellow fever. Sternberg arranged for the paper to be published, five days later in the Philadelphia Medical Journal. Reed gave details of the Board's work and their negative conclusions with reference to the *bacillus icteroides.* He then related the cases of Carroll, Dean and Lazear and, without excuses or euphemisms concluded, authoritatively, that the mosquito "serves as the intermediate host for the parasite of yellow fever." This important declaration was made only four weeks after the death of Lazear. Of the man who had waited nineteen years to see his work accepted by others, Major Reed said:

"We have no space to refer, at length, to various interesting and valuable contributions made by Finlay to the mosquito theory for the propagation of yellow fever . . . We here desire to express our sincere thanks to Dr. Finlay, who accorded us a most courteous interview and has gladly placed at our disposal his several publications relating to yellow fever during the past nineteen years; and also for ova of the variety of mosquito with which he had made his several inoculations."

Based on Carter's observations, Reed concluded that a long period of "external incubation" was indispensable. On this theoretical basis, and without any attempt to experimental verification, he rejected, rather unfairly, the evidence of Finlay's previous inoculations. Finlay had recorded observations to this effect and observed the fact (later confirmed by Gorgas and others) that the warm weather could shorten the required interval (Davis). A more crucial point was the fact observed by Lazear that the mosquitoes had to be contaminated in the earliest days of the disease. Unacquainted perhaps with the long and varied efforts of the Cuban scientist, Reed failed to credit Finlay with having studied and identified the species of the guilty mosquito, with his numerous inoculations and observations and his persistent efforts to call attention to it. Much capital was made that he had "failed to convince" but it was certainly not because of his lack of persistence or patience. Although he was aware of the importance of his associate's work, Reed was in no mood to dilute the attention which he wanted for his Board.

Reed had to admit that the cases of Carroll and Lazear were not conclusive for the subjects came frequently in contact with yellow fever patients and could have acquired the disease by other means; he capitalized on the confinement of Dean to the Barracks. But his critics were quick to point out that this one case was far from proof. Having proclaimed his conviction, Reed found, as Finlay had, that *his* evidence was not necessarily convincing to others: the unbeliever may prove to be as fervent as the faithful.

Surgeon of the Marine Health Service, Eugene Wasdin, disputed both conclusions:

"It is scarcely necessary to call attention to the fact that the . . . absolute failure of these observers to isolate *bacillus icteroides* from the living blood . . . simply proves the inutility of the method employed by them . . . As an offset to this failure they introduce some observations made at the suggestion of Dr. Carlos Finlay . . . My principal reason for not accepting his theory . . . being the fact that I had never known a case of yellow fever thus contracted . . . Nothing has been proved, neither that there is anything new in the blood of yellow fever patients nor that these cases were not the result of natural infection . . ."

As the acceptance of the role of the mosquito was nearing a dramatic climax, the *Washington Post,* in its issue of November 2, 1900, wrote these lines, obviously reflecting "inside" knowledge:

"Of all the silly and nonsensical rigamarole about yellow fever that has yet found its way into print . . . the silliest beyond compare is to be found in the mosquito hypothesis."

Nothing short of a controlled experiment could appease the opposition and bring acquiescence. General Leonard Wood, Military Governor of Cuba, apprised of the Commission's wishes, gave his authority for a controlled human experiment and for the necessary funds. The site for the experiment was chosen and appropriately named Camp Lazear; it was near the finca San José in Quemados, where young Jesuits had been inoculated by Finlay. Meanwhile, Agramonte, who had learned from Lazear the handling of mosquitoes, undertook the careful hatching and preparation of mosquitoes for the eventual inoculations; when Carroll returned from his convalescence leave he joined him in these preparations. Reed proceeded to plan the strategy of the crucial test that so clearly demonstrated the role of the mosquito.

Seven army tents were erected and two frame structures fourteen by twenty feet were built eighty yards apart. Building number one was purposely built with inadequate ventilation, but carefully screened for mosquitoes; it was provided with an oil stove to maintain heat and humidity and furnished with infected bedding; garments soiled with vomit, urine and feces of yellow fever patients were brought in. Building number two was well ventilated and divided by a metal screen, providing also two separate entrances.

On November 20th Privates R. P. Cooke, L. E. Folk, and W. G. Jernegan entered the infected clothes house. Meanwhile Private J. R. Kissinger, bitten by infected mosquitoes, was placed on one side of the screen of the clean house and Clerk J. J. Moran, not exposed to mosquitoes, on the other side. Kissinger and Moran had volunteered for the experiment but insisted on not accepting the bonus offered. By December 8th, Kissinger had come down with yellow fever and his case was certified as typical by a panel of experts including Finlay, Gorgas, Guiteras, and Albertini. Everyone else was healthy, and those in the dirty clothes house had managed to gain weight. On that day Agramonte inoculated three non-acclimated Spanish volunteers, A. Benigno, B. Precedo and N. Fernandez. And, like clock-work, they came down with yellow fever after five days, making their own unheralded contribution to the disappearance of vómito negro. Moran, who was rather eager to be inoculated, had the fever as a Christmas gift. Other experiments established the transmissibility of the disease by injecting the blood of the patient into a volunteer and that the mosquito was not a contributing host. The work of the Army Board established the important fact that whatever the transmissible agent was, it was filterable through bacteria-proof filters. The brilliantly conceived controlled experiment closed the cycle of Finlay's discovery.[4]

The feelings were festive in Havana and General Wood, a physician himself, wished that a banquet be organized in honor of Dr. Finlay. He asked Professor Francisco Dominguez-Roldán, Dean of the Faculty of Medicine, to make the arrangements for a sumptuous dinner at the Delmonico restaurant, to be presided over by General Wood at one end of the table and Dr. Domínguez at the other. It took place on December 22, 1900. The menu included Pargo Richelieu, Filet Perigord and a Grand Romain Punch for a toast to Finlay. Present were Reed, Carroll, Agramonte, Gorgas, Guiteras, Albertini and over sixty other American and Cuban physicians anxious to render homage to the genial and patient scientist. General Wood's words were remarkably just, transcendent and revealing:

"The confirmation of Dr. Finlay's doctrine is the greatest step forward made by the medical sciences since Jenner's discovery of the vaccination. This acomplishment alone justifies the war against Spain."

Then, the main figures present rose to eulogize Dr. Finlay:

"Dr. Finlay's theory—said Major Reed—was beautifully fortuitous: we have proven that all its essential outlines were miraculously accurate . . . Yellow fever has at last been rationalized—added Gorgas—due to Finlay's scientific clairvoyance."

Dr. Juan Guiteras, a Cuban who had become Professor of Pathology at the University of Pennsylvania, spoke of the magnitude of the tribute in which scientific organizations were represented as well as the world press. Finally, it was the turn of Dr. Dominguez to present to Finlay in the name of his friends and admirers a bronze statuette by Barbedienne entitled *The Thought.* The man who had long awaited to see his work accepted by the incredulous, without ever showing signs of offense or bitterness, rose to accept the tribute. In his low hesistant voice he gave credit to his faithful and efficient collaborator, Dr. Delgado, and to the American scientist who had revealed, as a sparkling diamond for all to admire, the rough stone he had discovered. Then, visibly moved by emotion, he added simply: "Thank you my friends."

Walter Reed spent the last night of the century in Havana, reading a borrowed copy of La Roche's *Yellow Fever,* a book printed in Philadelphia forty-five years earlier, the year of Finlay's graduation from Jefferson. An ambitious, dynamic man, with a strangely commanding personality, Dr. Reed died prematurely less than two years after the dramatic tests of Camp Lazear. Although he had done no other work in yellow fever, the important results of his brief work as Chairman of the U.S. Army Board have linked his name permanently with the disease. Others have been forgotten, but his memory is perpetuated in the outstanding U.S. Army Medical Center in Washington, D.C.

In February 1901, General Wood gave the necessary order of credits and authorized Gorgas to proceed with culicidal measures. Gorgas' carefully chosen "Stegomya" brigades went through the city of Havana, as modern crusaders, house by house, courteous but firm, inspecting roof gutters, destroying all possible water deposits where the mosquitoes could lay their eggs, providing covers for cisterns in homes and public places, and pouring petroleum on stagnant waters and ditches and fining the contraveners. On September 28, 1901, six months later, the last case of yellow fever was recorded in the city of Havana. Major Gorgas wrote in his report:

"I know of no such prompt and brilliant establishment of a theory by other scientists, nor of any such prompt and successful application of a theory by those having executive power."

That the Military Governor of Cuba, General Leonard Wood, was a physician with an understanding of the issues was a fortunate, though fortuitous, deciding factor.

Gorgas' success in Havana came as a much needed balm to the office of the Surgeon General. Sternberg had suffered the harsh political consequences of the disorganization of the Army Medical Services, overshadowing the good work that he had done in the organization of the Army Medical School. Major Reed, who had doubted the cooperation of Cuban physicians in the task of sanitation, wrote:

"Thank God that the Medical Department of the U.S. Army, which got such a 'black eye' during the war, has during the past year accomplished work that will always (sic) remain to its eternal credit."

---

[4] Subsequent extensive experiments directed by Guiteras were to claim the life of Miss Clara Louise Maas, a twenty-six year old U.S. Army nurse.

The medical historian must ponder the case of Dr. George M. Sternberg, a man of unquestionably unselfish devotion who "carried his brilliant attainments with a kind of remote severity, quietly authoritative and disdainful of contradiction" (Leech). His long interest and work in the cause of yellow fever brought him repeatedly close to the key, but his mind lacked the intellectual agility that could have made him one of the most important protagonists of the final solution. Sternberg wrote a subsequent article in which he stated that Finlay had been the first to suggest the transmission by the mosquito but that he had failed to convince the medical profession:

"Having for years given much thought to this subject—he explained—I suggested to Dr. Reed that he should give special attention to the probability of transmission by some insect."

In none of his own papers nor in those of his subaltern and appointee nor in the biography written by his own wife, is there any substantiation of this pathetic claim. Sternberg retired from the Army, served on various important committees and died in Washington, in 1915, at the age of seventy-seven.

Carroll, the immigrant Englishman who rose from a Canadian backwoodsman and enlisted soldier to Professor of Bacteriology in the Army Medical School, wrote numerous articles on yellow fever in which he not only omitted mention of Finlay's pioneer work but deliberately endeavored to discredit him: he brought upon himself Agramonte's and Gorgas' public censure before he died in 1907. Dr. Agramonte, son of Eduardo and heir to a legendary name, resigned his Commission in the U.S. Army and became Professor of Bacteriology of the University of Havana. His students considered him an exacting but unimaginative professor who made a fetish of punctuality. In 1931, he was appointed head of the Department of Tropical Medicine of the Louisiana State University; he died in New Orleans that same year. Doctors H. E. Durham and W. Myers, the Liverpool scientists, were in Parà, Brazil, pursuing their investigations, which included the study of mosquitoes, when they both contracted yellow fever: Dr. Myers died; Dr. Durham survived and had a long fruitful career until his death in 1945.

There seems to be no doubt that Agramonte, among the three remaining members of the U.S. Army Board, was the least jealous of the credit that was due to Finlay and to Lazear. At a banquet in honor of Majors W. C. Gorgas and J. R. King, held in Havana in January 1902, he expressed his public recognition of Finlay in the presence of most of the contemporary protagonists of this epic:

"Thanks to the firmly rooted conviction of a good and modest man; thanks to his unswerving purpose in proclaiming and defending what he knew was right, to his wonderful power of observation and his ability for logical deduction, we have found the ounce of prevention so necessary in this dreadful disease . . . I need hardly call the name of this venerable man . . . it is deeply graven in the heart of all lovers of mankind; he sits amongst us tonight, no doubt shocked in his modesty at my thus speaking, yet I must pronounce his name with due reverence, Dr. Carlos Finlay . . . His inspiration was laughed at, his theory was mistaken for the fanciful illusion of a tropical imagination by the very ones who today cannot do sufficiently to exalt him: but that has been the way with all great men in all times."

Reed reproached Gorgas for the credit publicly given by him to Dr. Finlay and suggested that this might make an unfavorable impression. Forthrightly Gorgas replied (February 1902):

"I do not 'honeyfuggle' the old (Finlay) a bit. I think he is an old trump, as modest as he is kindly and true. His reasoning for selecting the stegomya as the bearer of yellow fever is the best piece of logical reasoning that can be found in Medicine anywhere . . . His theory would have remained an idle dream except for your work—and he added, prophetically—your name will be remembered in Medicine long after the old doctor has been forgotten."

William Gorgas, the gentleman from Alabama, went on to fight against yellow fever, as well as against official inertia, and to win his own right to glory by making possible the American completion of the Panama Canal. He became Surgeon General of the U. S. Army with the rank of Major General. Subsequently, he worked with the Rockefeller Foundation towards the solution of the remaining problem of jungle yellow fever. Dispassionate, dedicated and affable, General Gorgas became the world's consultant on problems of sanitation; he died in London in 1920. His name is appropriately memorialized in the Gorgas Memorial Institute in Panama.

Finlay became the first Director of Health of the Republic of Cuba as it came into being, May 20, 1902. He received an honorary degree from Jefferson Medical College and the Mary Kinsley Medal of the Liverpool School of Tropical Medicine. He was nominated for the Nobel Prize by Dr. Ronald Ross in 1905, by Dr. John W. Ross, U.S.N. in 1907, and by the Acadamey of Medicine of Havana in 1912; the numerous, contemporary claims probably kept the Nordic academicians from rendering justice to him. At any rate, man has always had a penchant for worshiping the sunrise rather than the sunset. After seven years service to the young republic, Finlay retired; he died in Havana in 1915. His marble statue was erected in front of the Ministry of Health of Cuba; it is surrounded by the bronze busts of Lazear, Gorgas, Delgado and Guiteras. The Instituto Finlay of Havana was dedicated in 1927 to research in tropical medicine and preventive medicine. The order of merit of Carlos Finlay was created by the Cuban government to recognize personalities in the field of health. The Colegio Médico of Cuba declared December 3rd, Finlay's birthday, the Day of the Physician; for years the occasion was chosen by patients and friends to extend thanks and respects to the practitioners of medicine. The Academy of Medicine of Paris celebrated the centenary of his birth and the city of Paris gave his name to one of its streets in 1934. Jefferson Medical College celebrated the centenary of his graduation in 1955.

At the height of the 1793 yellow fever epidemic, the following anonymous letter was published on the first page of the Dunlap's American Daily Advertiser of Philadelphia (August 29, 1793):

"As the late rains will produce a great increase of mosquitoes in the city, distressing to the sick, and troublesome to those who are well . . . it will be agreeable to the citizens that the increase of those poisonous insects may be diminished by a simple and cheap mode. . . . Whoever will take the trouble to examine their rain-water tubs, will find millions of mosquitoes . . . not quite prepared to emerge and fly off: Take a wine glass full of the water . . . pour half a teaspoon full . . . of any common oil, which will quickly diffuse over the surface, and by excluding the air, will destroy the whole brood. . . . A gill of oil poured into a common rain water cask will be sufficient . . . large cisterns may require more, and where the water is drawn out by pump . . . the oil will remain undisturbed and last for a considerable time".

BIBLIOGRAPHY

Agramonte, A., Address delivered at a banquet tendered Doctors W. C. Gorgas and J. R. Kean, January 1902. (Hench Yellow Fever Collection, University of Virginia Library.)

———, The transmission of yellow fever: Letter to the Editor, *Journal of the American Medical Association,* vol. 40 (1903), pp. 1660–1661.

———, "The Inside History of a Great Medical Discovery," *Scientific Monthly,* vol. 1 (1915), pp. 3–31.

Burr, A. R., *Weir Mitchell: His Life and Letters.* New York: Duffield & Co., 1939.

Carter, H. R., "A Note on the Interval Between Infecting and Secondary Cases of Yellow Fever at Orwood and Taylor, Mississippi," *New Orleans Medical and Surgical Journal,* vol. 52 (1900), pp. 617–636.

Davis, N. C., "The Effect of Various Temperatures in Modifying the Extrinsic Incubation Period of the Yellow Fever Virus in *Aedes Aegypti,*" *American Journal of Hygiene,* vol. 16 (1932), pp. 163–176.

Domínguez-Roldán, F., *Carlos J. Finlay: Son centenaire (1933); sa decouverte (1881).* Paris: Librairie Louis Arnette, 1935.

Durham, H. E. and Myers, W., "Liverpool School of Tropical Medicine. Yellow Fever Expedition: Some Preliminary Notes," *British Journal of Medicine,* vol. 2 (1900), pp. 656–657.

Finlay, C., in "Proceedings of the International Sanitary Conference," *Protocol,* vol. 7 (1881), pp. 119–120.

———, "El mosquito hipoteticamente considerado como el agente de transmissión de la fiebre amarilla." *Anales de la Academia de Ciencias Médicas Fisicas y Naturales, Habana,* vol. 18 (1881), pp. 147–169.

———, "The Mosquito Hypothetically Considered as the Agent of Transmission of Yellow Fever Poison," (abstract and translation by Rudolph Matas, M.D.) *New Orleans Medical and Surgical Journal,* vol. 9 (1882), pp. 601–616.

———, "Yellow Fever: Its Transmission by means of the Culex Mosquito," *American Journal of Medical Sciences,* vol. 92 (1886), pp. 395–409.

———, "The Bacteriology of Yellow Fever," *The Lancet,* vol. 2 (1888), pp. 445_446.

———, "Inoculation for Yellow Fever by means of Contaminated Mosquitoes," *American Journal of Medical Sciences,* vol. 102 (1891), pp. 264–268.

———, "A Plausible Method of Vaccination Against Yellow Fever," *Philadelphia Medical Journal,* vol. I (1898), pp. 1123–1124.

Finlay, C. E., *Carlos Finlay and Yellow Fever.* London: Oxford University Press, 1940.

Gorgas, W. C., Report of the Sanitary Department to the Adjutant General, Department of Cuba, vol. 4 (1901).

———, Letter from Havana to Walter Reed in Washington, D.C., Feb. 6, 1901 (Hench Yellow Fever Collection, University of Virginia Library).

Lampson, R., *Death Loses a Pair of Wings.* New York: Scribner & Sons, 1939.

Lazear, J. W., Letters to his mother and wife, 1874 to 1900. (Courtesy of Mrs. Walter D. Briggs.)

Leech, M., *In the Days of McKinley.* New York: Harper and Brothers, 1959.

La Roche, R., *Yellow Fever.* Philadelphia: Blanchard & Lee, 1855.

Matas, R., "Mis recuerdos de Carlos Finlay," *Gaceta Medica Centroamericana,* vol. 1 (1943), pp. 75–77.

Mitchell, J. K., *Five Essays. 1. On the Cryptogamous Origin of Malarious and Epidemic Fever.* Philadelphia: J. B. Lippincott & Co., 1859.

Reed, W., Letter from Washington, D.C., to Major J. R. Kean in Los Quemados, Cuba, Sept. 25, 1900 (Hench Yellow Fever Collection, University of Virginia Library).

———, Letter from Washington, D.C., to Dr. James Carroll in Columbia Barracks, Sept. 25, 1900 (Hench Yellow Fever Collection, University of Virginia Library).

———, Letter from Havana to Mrs. Walter Reed in Washington, D.C., Oct. 6, 1900 (Hench Yellow Fever Collection, University of Virginia Library).

———, Letter from Washington, D.C., to Dr. W. C. Gorgas in Havana, Jan. 31, 1902 (Denver Medical Society Library). The pertinent paragraph of this letter was omitted in its publication by Gorgas in *The Sanitation of Panama.*

Reed, W., Carroll, J., Agramonte, A. and Lazear, J. W., 'The Etiology of Yellow Fever: A Preliminary Note' in "Proceedings of the 28th Annual Meeting (Oct. 22-26, 1900) American Public Health Association," *Philadelphia Medical Journal,* vol. 6 (1900), pp. 790-796.

Roosevelt, T., "Military Preparedness and Unpreparedness," *The Century Magazine,* vol. 59 (1899), pp. 149-153.

Sternberg, G. M., "Dr. Finlay's Mosquito Inoculations," *American Journal of Medical Sciences,* vol. 52 (1891), pp. 627-630.

———, "The Transmission of Yellow Fever by Mosquitoes," *Popular Science Monthly,* vol. 59 (1901), pp. 225-241.

Sternberg, M. L., *George Miller Sternberg: A Biography.* Chicago: American Medical Association, 1920.

Truby, A. B., *Memoir of Walter Reed: The Yellow Fever Episode.* New York: Paul H. Hoeber, 1943.

Wasdin, E. and Geddings, H. D., "Etiology of Yellow Fever (Report of the Commission of Medical Officers detailed by the authority of the President to investigate the cause of yellow fever [through the Surgeon General, Marine Hospital Service, to the Secretary of Agriculture]), Abstract, *New York Medical Journal,* vol. 70 (1899), pp. 299-302.

Wasdin, E., "The Etiology of Yellow Fever," *Philadelphia Medical Journal,* vol. 6 (1900), pp. 950-952.

Wood, L., Civil report of the Military Governor of Cuba during the first intervention of the United States of America, vol. 4 (1901), pp. 71-77.

A VOLUNTEER EDUCATIONAL AND SELF-HELP PROGRAM FOR THE AGING

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. CARTER. Mr. Speaker, the recent White House Conference on Aging brought to our minds anew the problems faced by our Nation's elderly.

Approximately one of every 10 individuals living in the United States is 65 years old or older. It is estimated that 20 million men and women are in this age group. Due to the migration of young people from rural areas to cities during the 1950's and 1960's the percentage of elderly people in rural areas is above the national average.

Less than 5 percent of the Nation's elderly live in resthomes or similar institutions. About 25 percent live alone or with nonrelatives. These figures reveal that 95 percent of the elderly live in existing communities, villages, and cities. They, like other citizens, rely on the services available in their respective communities.

A high percentage of the elderly in America are poor. The percentage is much higher than for younger age groups. During much of their productive life, incomes, salaries, and wages were below current levels. Therefore, the opportunity to build up a sizable estate or retirement funds did not exist. Today the lack of wealth, job opportunities, and inflated prices make it difficult for the elderly to have an adequate standard of living. Furthermore, the opportunities for this age group to participate in community activities become more and more limited as the individual advances in age. The need for a voluntary educational and self-help program for the elderly is urgent.

The formal educational attainment of individuals over 65 years of age reflects the limited availability of schooling during their youth. Fifty percent of this age group never went beyond elementary school. A voluntary educational program is needed to help him cope with today's social and economic standards and problems.

One-fourth of all the elderly in America live in households whose income is below the poverty level. As consumers, these individuals must spend most of their income for food, housing, and medical care. Many exhaust their life savings before they are laid to rest.

The Cooperative Extension Service has been conducting informal voluntary educational programs since 1914. Many of the present-day elderly, especially in rural areas, participated in extension programs in prior years. They know how the Cooperative Extension Service works and the benefits that can be derived by taking part in its programs.

An extension staff exists in every county in America. Current staff members know how to gain participation by those they are assigned to serve and they know how to gain the support and cooperation of local leaders. Therefore, it is logical that Cooperative Extension Service be assigned the responsibility of administering a national voluntary and self-help program for the elderly.

Given this responsibility and funds to conduct such a program, the Cooperative Extension Service could:

First. Initiate volunteer programs designed to encourage older people to use their talents and expertise for the benefit of their communities.

Second. Initiate programs which will encourage the elderly to voluntarily provide services such as transportation, daily contact and the promotion of better health habits among others in this age group.

Third. Promote personal fulfillment through creative activities, hobbies, and reading.

Fourth. Provide the linkage for efforts of agencies and groups working to assist the elderly and those approaching retirement.

Fifth. Provide educational information that would help the aging manage their income and savings.

Sixth. Conduct educational programs on nutrition.

Seventh. Promote food production—backyard gardens.

Eighth. Teach crafts and assist with the organization of shows and sales.

Ninth. Provide information and guidance to individuals that will soon enter this age group.

Tenth. Help secure adequate medical facilities and services for the elderly.

Eleventh. Help communities secure low-cost housing for the elderly and cooperate with agencies currently working on this problem.

Twelfth. Keep the elderly informed as to availability of legal and medical services and other useful information.

For the Cooperative Extension Service to carry on these or similar programs, additional personnel and funds would be needed. Therefore, if legislation is introduced and enacted giving the Cooperative Extension Service the responsibility of administering a special program for the elderly, the bill should provide adequate funds for this much needed program. It is estimated that to implement such a program would require an appropriation of $75 million annually. The $75 million is equal to an annual Federal expenditure of $3.50 per elderly person. The $75 million would be used to pay the salaries and support of the following classes of program workers:

Extension Service USDA personnel.

State program coordinators.

Professional county workers.

Paraprofessional county workers.

It appears to me that the Cooperative Extension Service is the logical Government agency through which help to our older citizens can best be rendered. I trust the Members of this body will give careful attention to my proposal.

VOTING RECORD

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. TALCOTT. Mr. Speaker, I am pleased to have this opportunity to again insert in the CONGRESSIONAL RECORD an accounting of my voting record on all recorded votes during the first session of the 92d Congress.

I fully realize how difficult it may sometimes be to properly interpret a Member's position when a half dozen votes pertaining to a single issue are involved. We are not always afforded an opportunity to make clear-cut votes on every issue. However, my affirmative votes reflect a judgment that a bill includes considerably more good than bad.

I would be the first to recognize that not every one of my votes will please every one of my constituents. My objective, and my constitutional responsibility, is to make the best judgment possible at the time based on the facts and circumstances that I can ascertain, in the best interests of the individual citizen, our district, and our Nation.

The format of the voting record includes a succinct bill title and an abridged description—which is not always precise or fully descriptive. Limited space prevents the inclusion of details or any explanation.

Due to official business away from Washington, it was occasionally necessary to miss a recorded vote. On these measures, I have indicated my position.

If more detailed information is desired concerning any particular bill, I will be pleased to furnish this information.

My voting record follows:

VOTING RECORD OF BURT L. TALCOTT OF THE 12TH CONGRESSIONAL DISTRICT OF CALIFORNIA

(Yea—for; Nay—against; NVA—not voting, against; NVF—not voting, for; NVPA—not voting, paired against; NVPF—not voting, paired for.)

Roll-call No.	Date	Measure, question, and result	Vote
002	Jan. 21	Election of the Speaker of the House of Representatives (Albert, 250, Ford, 176)	Ford
007	Jan. 22	H. Res. 5: amending the Rules of the House (1) to make the Select Committee on Small Business a permanent select committee; (2) to permit the Speaker to bring a bill to the floor if the Committee on Rules fails to grant it a rule within 21 days of its being reported by a legislative committee; (3) to provide that committees shall adopt rules which shall be binding on their subcommittees; (4) to provide that each Member of a committee shall have the opportunity to interrogate witnesses under the 5-minute rule; (5) to provide, in lieu of the requirement in the Legislative Reorganization Act of 1970 that the minority shall be alloted one-third of a committee's investigative funds, that the minority shall be given fair consideration in the appointment of committee staff; (6) to provide that the Resident Commissioner of Puerto Rico shall have the same powers and privileges and be elected to standing committees in the same manner as other Members of the House; and (7) to provide that the Delegate from the District of Columbia shall serve on the Committee on the District of Columbia and shall have the same powers and privileges and be elected to standing committees in the same manner as other Members of the House. Colmer motion to order the previous question. (Failed, 134 to 254).	NVA
008	Jan. 22	H. Res. 5: Sisk motion to order the previous question on amendment to delete provisions for a modified 21-day rule. (Agreed to 213 to 174)	NVA
009	Jan. 22	H. Res. 5: Agreeing to Sisk amendment. (Agreed to, 234 to 153).	NVF
010	Jan. 22	H. Res. 5: On passage. (Passed, 226 to 156; "present" 1)	NVA
013	Feb. 4	H. Res. 193: providing for election of Democratic Members to Standing Committees of the House. Mills motion to order the previous question. (Agreed to, 258 to 32; "present" 42)	Yea
014	Mar. 2	H. Res. 264: authorizing the Internal Security Committee to release to a Federal court certain House documents and information and the testimony or depositions of certain House employees. Agreeing to resolution. (Agreed to, 292 to 63)	NVF
016	Mar. 3	H.R. 4690: increasing the ceiling on the national debt to $430 billion from $395 billion. On passage. (Passed, 228 to 162). [Note: see roll call 030]	NVA
018	Mar. 10	H.R. 4246: extending through March 31, 1973, discretionary Presidential authority to impose a freeze on wages and prices and the existing ceiling on interest rates paid by lending institutions. On passage. (Passed, 382 to 19)	Yea
019	Mar. 10	H.R. 5432: extending the interest equalization tax through March 31, 1973. On passage. (Passed, 393 to 5)	Yea
020	Mar. 16	H.R. 4690: raising national debt limit to $430 billion and providing a 10-percent across-the-board increase in benefits to Social Security recipients, a $70.40 minimum monthly payment, a 5-percent increase in special benefits to those. 72 and over not insured for regular benefits, an increase in the tax rate to 5.15 percent beginning in 1976, and an increase in the taxable wage base to $9,000 effective 1972. Agreeing to conference report. (Agreed to, 360 to 3; "present" 1)	Yea
021	Mar. 16	H.J. Res. 465: appropriating $50,675,000 for unemployment compensation for federal workers and former servicement. On passage. (Passed, 355 to 0)	Yea
025	Mar. 18	H.J. Res. 468: Yates amendment deleting $134 million for the development of the supersonic transport from the fiscal 1971 Department of Transportation Appropriations Act. Reconsidering previous teller vote [see rollcall 031]. (Agreed to, 216 to 203; "present" 1)	Yea
027	Mar. 23	S.J. Res. 7: amending the Constitution of the U.S. to extend the right to vote to citizens 18 years of age and older in federal, state and local elections. On passage. (Passed, 401 to 19; 2/3 vote required)	Yea
028	Mar. 24	H. Res. 339: providing for consideration of H.R. 7, Rural Telephone Bank Act. Agreeing to resolution. (Agreed to, 366 to 26)	Yea
029	Mar. 24	H.R. 7: establishing a Rural Telephone Bank of mixed ownership, with federal and private capital, and authorizing supplemental financing for rural telephone systems. On passage. (Passed, 269 to 127)	Nay
030	Mar. 3	H.R. 4690: Patman amendment striking section giving the Treasury Department authority to issue $10 billion in Federal bonds without regard to the statutory interest ceiling of 4.25 percent. [Teller vote]. (Rejected, 181 to 212)	NVA
031	Mar. 18	H.J. Res. 468: Yates amendment deleting $134 million for the development of the supersonic transport from the fiscal 1971 Department of Transportation Appropriations Act. [Teller vote]. (Agreed to, 217 to 204)	Yea
032	Mar. 29	H. Res. 349: providing for consideration of S.J. Res. 55, Wage and Price Control Extension Act. Agreeing to resolution under suspension of the rules. (Agreed to, 324 to 6; 2/3 vote required)	Yea
034	Mar. 29	S.J. Res. 55: Reuss amendment requiring the President to implement wage and price controls on a basis sufficiently broad to facilitate substantial cost-of-living stabilization, i.e., to prohibit the President from applying such controls to only one industry. [Teller vote]. (Rejected, 143 to 183)	Nay
037	Mar. 31	H.R. 6531: Harrington amendment to Draft Extension Act repealing the President's authority to induct men into the armed forces effective July 1, 1971. [Teller vote]. (Rejected, 62 to 331)	Nay
038	Mar. 31	H.R. 6531: Whalen amendment extending the draft for one year instead of two. [Teller vote]. (Rejected, 198 to 200)	Nay
041	Apr. 1	H.R. 6531: Dennis amendment continuing two-year terms for conscientious objector alternate civilian service instead of three and deleting provisions requiring automatic induction of conscientious objectors doing unsatisfactory alternate service. [Teller vote]. (Rejected, 132 to 242)	Nay
042	Apr. 1	H.R. 6531: Fraser amendment prohibiting involuntary assignment of American servicemen to Indochina after December 31, 1971, and the involuntary extension of duty of those serving in Indochina after that date. [Teller vote]. (Rejected, 122 to 260)	Nay
043	Apr. 1	H.R. 6531: Gibbons amendment prohibiting use of draftees in any war unless declared by Congress or if an attack against the United States was imminent as announced by the President. [Teller vote]. (Rejected, 97 to 279)	Nay
044	Apr. 1	H.R. 6531: Carney amendment extending the draft 18 months instead of 24 months. [Teller vote]. (Rejected, 170 to 200; "present" 1)	Nay
045	Apr. 1	H.R. 6531: On passage. (Passed, 293 to 99; "present" 2)	Yea
048	Apr. 6	H. Res. 356: providing for consideration of H.R. 5981, authorizing Secretary of Agriculture to establish feed grain bases for certain sugar beet growers. Agreeing to resolution. (Agreed to, 182 to 177)	Nay
050	Apr. 6	H.R. 5981: Findley motion to strike the enacting clause. [Teller vote]. (Agreed to, 193 to 115)	Yea
052	Apr. 7	H.R. 7016: Hathaway amendment to the Office of Education Appropriations bill of $4.8 billion, fiscal 1972, adding $728.6 million for education programs. [Teller vote]. (Rejected, 187 to 191)	Nay
053	Apr. 7	H.R. 7016: Conte amendment deleting section forbidding forced busing of school children. [Teller vote]. (Rejected, 149 to 206).	NVA
054	Apr. 7	H.R. 7016: On passage. (Passed, 355 to 7)	NVF
055	Apr. 19	H.R. 1535: permitting aliens who are over 50 years old and who have lived in the United States for a total of 20 years to become U.S. citizens even if they cannot demonstrate an understanding of the English language. On passage. (Passed, 192 to 84)	NVF
058	Apr. 20	H.R. 4724: authorizing $507,650,000 in fiscal 1972 appropriations for maritime programs, including subsidies for construction of 22 merchant ships. On passage. (Passed, 360 to 11)	NVF
066	Apr. 22	H.R. 5376: Devine motion recommitting to the Public Works Committee the Public Works Acceleration and Appalachian Regional Development Extensions (authorizing $5,490,300,000 through fiscal 1978) with instructions to report back deleting Title I provisions extending the Public Works Acceleration Act. (Failed, 128 to 262)	Yea
067	Apr. 22	H.R. 5376: On passage. (Passed, 320 to 67)	Yea
069	Apr. 27	H.R. 2598: Mikva motion recommitting the bill establishing by law a canine corps in the District of Columbia police department. (Failed, 76 to 303)	Nay
070	Apr. 27	H.R. 6417: permitting the District of Columbia to buy back liquor licenses sold to merchants. On passage. (Failed, 178 to 200)	Nay

VOTING RECORD OF BURT L. TALCOTT OF THE 12TH CONGRESSIONAL DISTRICT OF CALIFORNIA—Continued

Roll-call No.	Date	Measure, question, and result	Vote
072	Apr. 28	H.R. 5066: providing for a 10-percent increase in railroad retirement annuities. On passage. (Passed, 379 to 0)	Yea
074	Apr. 29	H. Res. 274: Hayes amendment, to committee amendment, increasing investigative funds for the House Internal Security Committee (HISC) for 1971 to $570,000 from $450,000. (Agreed to, 257 to 129)	Yea
075	Apr. 29	H. Res. 274: Edwards motion recommitting the resolution to House Administration Committee with instructions to hold public hearings on the necessity for HISC funding. (Failed, 104 to 275).	Nay
076	Apr. 29	H. Res. 274: Agreeing to resolution. (Agreed to, 300 to 75)	Yea
078	May 3	H.R. 6283: extending for two years the President's authority to submit plans for reorganizing executive branch agencies. On passage. (Passed, 301 to 20)	Yea
079	May 4	S. 531: authorizing the U.S. Postal Service to receive a fee of $2 for execution of an application for a passport. On passage. (Passed, 241 to 124)	Nay
080	May 5	H. Res. 422: extending best wishes to former President Harry S. Truman on 87th birthday. Agreeing to resolution. (Agreed to, 380 to 0)	Yea
081	May 5	H. Res. 423: providing for consideration of H.R. 4604, raising the ceiling on Small Business Act (SBA) business loans to $3.1 billion from $2.2 billion, and continuing five SBA programs through fiscal 1972. Agreeing to resolution. (Agreed to, 381 to 0)	Yea
082	May 5	H.R. 4604: On passage. (Passed, 383 to 0)	Yea
084	May 6	H. Res. 412: authorizing additional foreign travel authority for four subcommittees of the Education and Labor Committee. Agreeing to resolution. (Rejected, 156 to 172)	Nay
085	May 10	H.R. 5638: extending existing penalties for assaults on police officers to assaults on firemen, and providing criminal penalties for interfering with firemen in the performance of their duties. On passage. (Passed, 312 to 0)	Yea
087	May 11	H.R. 8190: Giaimo amendment to Second Supplemental Appropriations Act, fiscal 1971, restoring $34,178,000 in fiscal 1971 funds for the District of Columbia's share of costs of metropolitan Washington rapid transit system. [Teller vote]. (Rejected, 170 to 219)	Nay
089	May 12	H.R. 8190: Boland amendment providing that $85.3 million authorized for termination of the supersonic transport (SST) project be used for continued construction of two prototypes. [Teller vote]. (Agreed to, 201 to 195; "present" 2)	Nay
090	May 12	H.R. 8190: Boland amendment (above). (Agreed to, 201 to 197; "present" 6)	Nay
091	May 17	H.R. 7271: authorizing an increase to $4 million from $3.4 million in appropriations for U.S. Commission on Civil Rights. Passage under suspension of the rules. (Passed, 262 to 67; 2/3 vote required)	Yea
092	May 17	H.R. 5257: authorizing the Secretary of Agriculture to transfer up to $50 million during fiscal 1971 and up to $100 million during fiscal 1972 in additional money for free and reduced-price school lunch programs for needy children. Passage under suspension of the rules. (Passed, 332 to 0; 2/3 vote required)	Yea
093	May 17	H.R. 56: establishing an environmental data system. Passage under suspension of the rules. (Passed, 304 to 18; 2/3 vote required)	Yea
094	May 17	H.R. 5060: providing criminal penalties for shooting wildlife from aircraft. Passed under suspension of the rules. (Passed, 307 to 8; 2/3 vote required)	Yea
095	May 17	H.R. 2587: establishing a National Advisory Committee on the Oceans and Atmosphere. Passed under suspension of the rules. (Passed, 293 to 10; 2/3 vote required)	Yea
098	May 18	H. Res. 437: Madden motion to order the previous question on the rule for H.R. 3613, the Emergency Public Service Employment Act. (Failed, 182-210)	Nay
099	May 18	H. Res. 437: Smith amendment to rule, making text of H.R. 8141 (the Administration's manpower revenue-sharing plan) in order as a substitute bill for the committee version of H.R. 3613. (Agreed to, 210 to 177)	Yea
100	May 18	H. Res. 437: adoption of rule for consideration of H.R. 3613. (Agreed to, 349 to 34)	Yea
102	May 18	S.J. Res. 100: providing for third reading of the resolution providing a 13.5 percent pay increase for signalmen and extending the period of negotiations for prohibiting a further rail strike until October 1, 1971. (Agreed to, 264 to 93)	Yea
104	May 20	H.R. 8190: appropriating $7,028,195,973 in the Second Supplemental Appropriations Act, fiscal 1971. Agreeing to conference report. (Agreed to, 264 to 28)	Yea
105	May 20	H.R. 8190: Mahon motion providing that the House agree to Senate amendment authorizing $155.8 million for termination of the supersonic transport project. (Failed, 118 to 156)	Yea
106	May 24	H. Res. 415: authorizing trips by committee members and staff members to Europe and the Far East to conduct studies within the committee's jurisdiction. (Agreed to, 201 to 88)	Nay
108	May 25	H. Res. 411: disapproving the President's proposed executive reorganization plan to merge the Peace Corps, VISTA and other volunteer organizations. Agreeing to resolution. (Failed, 131 to 242). [Veto resolution defeated, thus merger endorsed]	Nay
110	May 26	H. Res. 155: creating a select committee to investigate energy resources in the United States. Agreeing to resolution. (Failed, 128 to 218)	Nay
113	June 2	H.R. 3613: Esch amendment substituting H.R. 8141, the Administration's Manpower Revenue-Sharing Act. [Teller vote]. (Rejected, 182 to 204)	Yea
114	June 2	H.R. 3613: Esch motion recommiting to the House Education and Labor Committee with instructions to report back the substitute bill, H.R. 8141. (Failed, 184 to 202; "present" 1)	Yea
115	June 2	H.R. 3613: On passage. (Passed, 245 to 141)	Nay
116	June 3	H. Res. 452: providing for consideration of H.R. 7960, National Science Foundation Authorization Act, fiscal 1972. Agreeing to resolution. (Agreed to, 357 to 4)	Yea
117	June 3	H.R. 7109: authorizing $3,433,080,000 in appropriations for the National Aeronautics and Space Administration for fiscal 1972. On passage. (Passed, 303 to 64)	Yea
119	June 4	H.R. 8825: providing $449,899,605 in appropriations for Legislative Branch operations, not including Senate expenses, in fiscal 1972. On passage. (Passed, 259 to 26)	Yea
120	June 7	H.R. 8011: extending authority for government procurement of articles produced by the blind to articles produced by other handicapped persons. Passage under suspension of the rules. (Passed, 309 to 0; 2/3 vote required)	Yea
121	June 7	H.R. 1161: removing certain restrictions against domestic wine producers to permit American producers to display wines at international trade fairs. Passage under suspension of rules. (Passed, 298 to 13; 2/3 vote required)	Yea
122	June 7	H.R. 7960: authorizing $622 million in appropriations for the National Science Foundation in fiscal 1972. On passage. (Passed, 319 to 8)	Yea
124	June 8	H. Res. 465: providing for consideration of H.R. 8293, extending the International Coffee Agreement Act of 1968 through September 30, 1973. Agreeing to resolution. (Agreed to, 336 to 41)	Yea
126	June 9	H.J. Res. 617: Gross motion recommiting to committee with instructions to add an amendment urging a $5 million cash payment from Japan in lieu of $5 million in goods and services. (Failed, 166 to 215)	Yea
127	June 9	H.J. Res. 617: authorizing a contribution to certain inhabitants of the Pacific Trust Territory who suffered damages from World War II, providing for the payment of noncombat claims prior to July 1, 1951, and establishing a Micronesian Claims Commission. On passage. (Passed, 225 to 158)	NVF
129	June 10	H. Res. 471: providing for the consideration of H.R. 8866, extending through December 1974, the Sugar Act, and modifying quotas for foreign and domestic sugar producers. Delaney motion ordering the previous question providing for closed rule for consideration of the bill. (Agreed to, 213 to 166)	NVF
130	June 10	H.R. 8866: On passage. (Passed, 229 to 128)	NVF
131	June 14	H.R. 8794: providing for payment of the costs of medical care for D.C. police and firemen and members of the U.S. Secret Service who were totally disabled in the course of duty. On passage. (Passed, 311 to 1)	NVF
134	June 15	S. 575: authorizing $5,661,500,000 for extending the Public Works Acceleration Act of 1962, the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965. Agreeing to conference report. (Agreed to, 275 to 104)	NVF

Roll-call No.	Date	Measure, question, and result	Vote
137	June 16	H.R. 8687: Leggett amendment to Defense Procurement Authorization Act, fiscal 1972 (authorizing $21 billion for procurement and research of military weapons systems), limiting ABM funding to that needed for completion of sites at Grand Forks, North Dakota and Malstrom, Montana, and cutting funds by $102 million. [Teller vote]. (Rejected, 129 to 267).	Nay
138	June 16	H.R. 8687: Pike amendment striking $370.2 million for the B-1 long-range bomber. [Teller vote]. (Rejected, 97-307)	Nay
139	June 16	H.R. 8687: Stafford modification of Pike amendment (which reduced research and development [R&D] funds by $900 million, to level of appropriation in fiscal 1971) reducing R&D funds by $506,632,000. [Teller vote]. (Rejected, 135 to 258)	Nay
140	June 16	H.R. 8687: Aspin amendment limiting total procurement and R&D authorization at fiscal 1971 appropriated level. [Teller vote]. (Rejected, 118 to 278)	Nay
141	June 17	H.R. 8687: McCloskey motion adjourning due to incomplete information on Indochina war. (Failed, 30 to 368)	Nay
142	June 17	H.R. 7016: Flood motion to table Hathaway motion instructing House conferees to accept Senate version of Office of Education Appropriations bill, fiscal 1972. (Agreed to, 228 to 182)	Yea
143	June 17	H.R. 8687: Mink substitute for pending Nedzi-Whalen amendment (below) requiring complete cutoff of funds for military activities in Indochina after December 31, 1971, with no other provisions. [Teller vote]. (Rejected, 81 to 327)	Nay
144	June 17	H.R. 8687: Nedzi-Whalen amendment barring funds provided in the bill for military activities in Indochina after December 31, 1971, giving the President the right to change the fund cutoff date if he could gain support of Congress. [Teller vote]. (Rejected, 158 to 255)	Nay
145	June 17	H.R. 8687: Pepper amendment cutting off funds for military activity in Indochina after June 1, 1972, provided that all POW's had been released at least 60 days prior to that date. [Teller vote]. (Rejected, 147 to 237)	Nay
146	June 17	H.R. 8687: On passage. (Passed, 331 to 58)	Yea
147	June 18	H. Res. 434: authorizing additional foreign travel for members of four subcommittees of the House Education and Labor Committee and attendance by two members of each party at the International Labor Organization Conference in Geneva, Switzerland. Agreeing to the resolution. (Agreed to, 183 to 119)	Nay
148	June 18	H.R. 7736: extending for one year student loan and scholarship provisions of Titles VII and VIII of the Public Health Service Act. On passage. (Passed, 299 to 0)	Yea
149	June 21	H.R. 5237: implementing a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden. On passage. (Passed, 340 to 8)	Yea
150	June 21	S. 1538: providing additional funds for the American Bicentennial Commission. Passage under suspension of the rules. (Passed, 336 to 24; 2/3 vote required)	Yea
151	June 21	H.R. 3146: authorizing the Secretary of Agriculture to cooperate with states in the enforcement of laws and regulations within the National Forest System. Passage under suspension of the rules. (Passed, 361 to 2; 2/3 vote required)	Yea
152	June 21	H. Res. 487: Young motion ending further debate on and barring amendments to the rule under which H.R. 1, increasing Social Security benefits and Medicare and Medicaid assistance programs, was considered. (Agreed to, 200 to 172)	Nay
156	June 22	H.R. 1: Ullman motion to delete Title IV, the Family Assistance Plan provisions from H.R. 1. [Teller vote]. (Failed, 187 to 234)	Nay
157	June 22	H.R. 1: On passage. (Passed, 288 to 132)	Yea
159	June 23	H.R. 9270: Conte amendment to Agriculture DepartmentEnvironment and Consumer Appropriations, fiscal 1972, setting a $20,000 limitation on subsidy payments for farm products except for sugar and wool. [Teller vote]. (Agreed to, 214 to 198)	Nay
160	June 23	H.R. 9270: Reuss amendment prohibiting funding for any stream channelization project administered by the Secretary of Agriculture unless the project was under way before July 1, 1971. [Teller vote]. (Rejected, 129 to 278)	Nay
161	June 23	H.R. 9270: Michel amendment barring food stamps to households which need assistance solely because a member is taking part in a labor strike. [Teller vote]. (Rejected, 172 to 225)	Yea
163	June 24	H.R. 9272: Yates amendment to State, Justice, Commerce Appropriations of $3,684,183,000 fiscal 1972, adding $11,600,749 for dues owed the International Labor Organization. [Teller vote]. (Rejected, 147 to 227)	Nay
164	June 24	H.R. 9272: Gonzalez amendment cutting $4,250,000 from Appropriations Committee recommendation for the Community Relations Service. [Teller vote]. (Rejected, 127 to 233)	Yea
165	June 24	H.R. 9272: On passage. (Passed, 337 to 10)	Yea
167	June 28	H.R. 6531: Hebert motion to Draft Extension Act to table Whalen motion instructing House conferees to accept Senate's Mansfield amendment declaring it U.S. policy to withdraw all troops from Indochina within 9 months of enactment. (Agreed to, 219 to 175)	Yea
169	June 28	H.R. 9271: appropriating $4,487,676,190 for the Treasury-Postal Service Appropriations, fiscal 1972. On passage. (Passed, 380 to 6)	Yea
171	June 29	H.R. 9417: appropriating $2,350,145,035 in fiscal 1972 for activities of the Interior Department and related agencies. On passage. (Passed, 400 to 5)	Yea
172	June 30	H. Res. 489: Hebert motion to table Abzug resolution requesting the President to furnish the text of the Defense Department's secret Vietnam study, covering the years 1945-67, to the House. (Agreed to, 273 to 112)	Yea
173	June 30	H.R. 7016: appropriating $5,146,311,000 for the Office of Education and related special agencies in fiscal 1972. Agreeing to conference report. (Agreed to, 376 to 15)	Yea
174	June 30	H.R. 9382: Clawson amendment to Department of Housing and Urban Development, NASA, VA and Independent Offices Appropriations of $18,115,203,000 in fiscal 1972, deleting entire $3 million in the bill for HUD counseling services. [Teller vote]. (Rejected, 164 to 217)	Yea
175	July 1	S. 31: authorizing $2.25 billion to provide public service jobs for the unemployed at the state and local level. Agreeing to conference report. (Agreed to, 343-14)	Yea
176	July 1	H.R. 8629: extending for three years health manpower training programs. On passage. (Passed, 343 to 3)	Yea
177	July 1	H.R. 8630: continuing for three years programs to train nurses. On passage. (Passed, 324 to 0)	Yea
178	July 7	H. Res. 492: Morgan motion to table resolution of inquiry authored by Paul N. McCloskey directing the Secretary of State to give Congress documents on policy decisions governing U.S. military operations in Laos. (Agreed to, 261 to 118)	Yea
179	July 7	H.R. 8805: establishing definitions of obscene material for purposes of prohibiting delivery of such material to minors and others through the mail. On passage. (Passed, 356 to 25)	Yea
182	July 8	H.R. 8181: Wylie amendment to Export Expansion Finance Act deleting language permitting the Export-Import Bank, to finance exports to countries that supply or aid countries in armed conflict with U.S. forces. [Teller vote]. (Agreed to, 207 to 153)	Yea
183	July 8	H.R. 8181: Vanik amendment deleting language exempting Export-Import Bank and disbursements from the U.S. budget as well as the spending and lending limits which the budget imposed. [Teller vote]. (Rejected, 112 to 249)	Nay
184	July 8	H.R. 9093: extending and expanding the Interior Department's water desalting program for five additional years, through June 30, 1977. On passage. (Passed, 325 to 0)	Yea
185	July 12	H.R. 8407: authorizing the District of Columbia to enter into the Interstate Agreement on Educational Personnel. (On passage. (Passed, 325 to 4)	Yea
187	July 13	H.R. 8699: providing an administrative assistant for the Chief Justice of the U.S. On passage. (Passed, 263 to 139)	Nay
188	July 13	H. Res. 534: Keith motion to recommit resolution citing Dr. Frank Stanton and CBS for contempt of Congress for refusing to provide certain film edited from "The Selling of the Pentagon" to the Interstate and Foreign Commerce Investigations Subcommittee. (Agreed to, 226 to 181)	Yea
190	July 14	H.R. 9667: appropriating $2,733,369,997 for the Department of Transportation and related agencies for fiscal 1972. On passage. (Passed, 401 to 12)	Yea
192	July 15	H.R. 9388: Skubitz amendment to the Atomic Energy Commission Authorization of $2,321,187,000, fiscal 1972, deleting $3.5 million for demonstration atomic waste repository project near Lyons, Kansas. [Teller vote]. (Rejected, 162 to 207)	NVF

VOTING RECORD OF BURT L. TALCOTT OF THE 12TH CONGRESSIONAL DISTRICT OF CALIFORNIA—Continued

Roll-call No.	Date	Measure, question, and result	Vote
193	July 19	H.R. 9265: authorizing a drug treatment and rehabilitation program in the Veterans Administration. On passage. (Passed, 379 to 0)	NVF
194	July 19	H.J. Res. 748: authorizing the Administrator of Veterans Affairs to provide assistance in the establishment of new state medical schools, and the improvement of existing VA-affiliated medical schools, and to develop cooperative agreements between VA and other institutions to train health-care personnel. On passage. (Passed, 371 to 2)	NVF
195	July 19	S.J. Res. 111: extending for two years the existing authority for construction of the Mary McLeod Bethune Memorial in Washington, D.C. On passage. (Passed, 288 to 90)	NVF
197	July 20	H. Res. 424: adopting rule on H.J. Res. 3, establishing a Joint Committee on the Environment. Agreeing to resolution. (Agreed to, 372 to 18)	NVF
199	July 21	H. Res. 457: allowing expenditures from the contingency fund to be regulated by the House Administration Committee rather than being taken to the floor for separate votes. Agreeing to resolution. (Agreed to, 233 to 167)	Nay
200	July 21	H.R. 4354: Schwengel motion to recommit the bill increasing bus-width limits on interstate highways to the Public Works Committee. (Failed, 178 to 213)	Nay
202	July 22	Call of the House proceedings. Pucinski motion to dispense with further proceedings under the call of the House. (Agreed to, 371 to 5)	Yea
203	July 22	H.R. 9844: authorizing $2,138,337,000 in appropriations for military construction and related activities in fiscal 1972. On passage. (Passed, 359 to 31)	Yea
204	July 27	H.R. 9270: appropriating Agriculture Department-Environment and Consumer appropriations for fiscal 1972. Agreeing to conference report. (Agreed to, 230 to 162)	Nay
205	July 27	H.R. 9272: Rooney motion to table Edwards motion instructing House conferees on State, Justice, Commerce Appropriations for fiscal 1972 to accept Senate amendment barring use of Subversive Activities Control Board appropriation to carry out Executive Order 11605. (Agreed to, 246 to 141)	Yea
207	July 27	H.R. 10061: Yates amendment to Labor-HEW appropriations of $20,461,146,000 for fiscal 1972, adding $200 million including $70 million for the National Institutes of Health; $10 million for Public Health Service hospitals; $30 million for communicable disease control; $50 million for Hill-Burton grants; $15 million for alcoholism programs; $5 million for lead-poisoning programs and $20 million for maternal and child-care grants. [Teller vote]. (Rejected, 169 to 215)	Nay
208	July 27	H.R. 10061: Giaimo amendment adding $82.4 million for the Social and Rehabilitation Service for vocational rehabilitation programs. [Teller vote]. (Agreed to, 236 to 153)	Nay
209	July 27	H.R. 10061: Burke amendment adding $64 million for Child Welfare Services. [Teller vote]. (Rejected, 185 to 201)	Nay
210	July 27	H.R. 10061: On passage. (Passed, 372 to 25)	Yea
212	July 28	H.R. 9092: Gross amendment to the Federal Pay Rate Adjustment bill, eliminating non-appropriated fund employees from coverage under the bill. [Teller vote]. (Rejected, 147 to 232)	NVA
213	July 28	H.R. 9922: authorizing $3,992,000 through fiscal 1978 to extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965. On passage. (Passed, 376 to 27)	Yea
215	July 29	H.R. 9382: appropriating $18,339,738,000 in fiscal 1972 for Department of Housing and Urban Development, NASA, VA and Independent Offices. Agreeing to conference report. (Agreed to, 363 to 30)	Yea
216	July 29	H.R. 9667: appropriating $8,156,105,000 for fiscal 1972 for the Department of Transportation and related agencies. Agreeing to conference report. (Agreed to, 393 to 15)	Yea
217	July 29	H.R. 9667: McFall motion to agree to a Senate-passed amendment reported in technical disagreement by conferees paying aircraft companies $58.5 million for termination costs of the SST project. (Agreed to, 307 to 99)	Yea
219	July 29	H.R. 10090: Mink amendment to the Public Works-AEC appropriations of $4,576,173,000, fiscal 1972, barring funds for the Project Cannikin nuclear test at Amchitka Island, Alaska. [Teller vote]. (Rejected, 108 to 275)	Nay
220	July 29	H.R. 10090: Clark amendment deleting $100,000 for a restudy of the proposed Dickey-Lincoln School hydroelectric power project in eastern Maine. [Teller vote]. (Agreed to, 199 to 131)	Yea
221	July 29	H.R. 10090: On passage. (Passed, 386 to 4)	Yea
223	July 30	Procedural motion: Boggs motion to approve the Journal. (Agreed to, 374 to 10)	Yea
224	July 30	H.Con. Res. 384: Adjournment Resolution: Boggs resolution providing that Congress adjourn from the close of business August 6 to September 8, 1971. (Agreed to, 334 to 41)	Yea
225	July 30	H. Res. 566: Colmer motion to order the previous question on the rule under which H.R. 8432, authorizing a federal guarantee on bank loans for failing major businesses (Lockheed Aircraft Corporation), was considered. (Agreed to, 323 to 68)	Yea
226	July 30	H.R. 8432: Colmer amendment limiting federal guarantee to 90 percent. [Teller vote]. (Rejected, 176 to 205)	Nay
227	July 30	H.R. 8432: On passage. (Passed, 192 to 189)	Nay
228	Aug. 2	H.R. 9272: appropriating $4,067,116,000 for State, Justice, Commerce Departments appropriations for fiscal 1972. Agreeing to conference report. (Agreed to, 337 to 35)	Yea
229	Aug. 2	H. Res. 539: Collins motion discharging the Committee on Education and Labor from further consideration of resolution requiring the Secretary of Health, Education and Welfare to furnish the House with documents relating to school desegration and busing. (Agreed to, 252 to 129)	Yea
230	Aug. 2	H. Res. 539: Agreeing to resolution. (Agreed to, 351 to 36)	Yea
231	Aug. 2	H.R. 3628: requiring equal treatment for married women employed by the Federal government. Passage under suspension of the rules. (Passed, 377 to 11; 2/3 vote required)	Yea
232	Aug. 2	H. Con. Res. 370: declaring it the sense of Congress that all Public Health Service hospitals, clinics and research centers located in Lexington, Ky., and Fort Worth, Texas, remain open and within the Public Health Service through fiscal 1972. Agreeding to resolution under suspension of the rules. (Agreed to, 370 to 4; 2/3 vote required)	Yea
233	Aug. 2	H.J. Res. 829: continuing in force at previous levels the appropriations for activities for which appropriations bills had not yet been passed. On passage. (Passed, 350 to 6)	Yea
235	Aug. 3	H.R. 9910: authorizing appropriations of $3,444,350,000 in fiscal 1972 and $3,494,350,000 in fiscal 1973 for foreign aid. On passage. (Passed, 202 to 192)	Nay
236	Aug. 4	H. Res. 578: waiving points of order against the conference report on the draft extension bill. Agreeing to resolution. (Agreed to, 250 to 150)	Yea
237	Aug. 4	H.R. 6531: Whalen motion recommitting the conference report of the Draft Extension Act. (Failed, 131 to 273)	Nay
238	Aug. 4	H.R. 6531: extending the draft for two years; expressing the sense of Congress calling for the withdrawal of U.S. troops from Indochina, but setting no specific deadline; and increasing the pay of certain members of the armed forces; and extending the draft for two years. Agreeing to conference report. (Agreed to, 298 to 108)	Yea
240	Aug. 4	H.J. Res. 833: Smith amendment to Emergency Supplemental Labor Appropriations Act, fiscal 1972, specifying that the formula for distributing funds shall be based solely on total unemployment in each state in proportion to total unemployment in the United States. [Teller vote]. (Rejected, 172 to 213)	Nay
241	Aug. 4	H.J. Res. 833: Ford amendment prohibiting payment of funds to any officer or employee of a local government unit which was an eligible applicant for funds. [Teller vote]. (Rejected, 171 to 219)	Nay
242	Aug. 4	H.R. Res. 833: On passage. (Passed, 321 to 76)	Yea
246	Aug. 5	S. 581: Export Expansion Finance Act of 1971. Agreeing to conference report. (Agreed to, 219 to 140)	Nay
247	Aug. 5	H.R. 10061: appropriating $20,804,622,000 for the Departments of Labor, Health, Education and Welfare and related agencies for fiscal 1972. Agreeing to conference report. (Agreed to, 280 to 56)	Nay
251	Sept. 9	HR 9727: establishing controls over the dumping of waste materials in the oceans and setting up a marine sanctuaries program in the Commerce Department. On passage. (Passed, 304 to 3)	NVF

Roll-call No.	Date	Measure, question, and result	Vote
252	Sept. 13	H.Res. 483: providing for consideration of H.R. 234, repealing Title II (Emergency Detention Act) of the Internal Security Act of 1950 and prohibiting the detention of U.S. citizens except through an act of Congress. Agreeing to resolution. (Agreed to, 345 to 1)	NVF
255	Sept. 14	H.R. 234: Ichord substitute for committee amendment (below) specifying that the repeal of the Emergency Detention Act shall not be construed as affecting the powers of the President under the Constitution and that no U.S. citizen shall be detained for suspicion of espionage or sabotage on account of race, color or ancestry. [Teller vote]. (Rejected, 124 to 272)	NVA
256	Sept. 14	H.R. 234: Committee amendment providing that "no citizen shall be imprisoned or detained by the United States except pursuant to an Act of Congress." [Teller vote]. (Agreed to, 290 to 111)	NVF
257	Sept. 14	H.R. 234: On passage. (Passed, 356 to 49)	NVF
261	Sept. 16	H.R. 1746: Erlenborn Amendment in the nature of a substitute bill providing authority for the Equal Employment Opportunity Commission to bring suit against recalcitrant discriminatory employees in federal court. [Teller vote]. (Agreed to, 200 to 195)	Yea
262	Sept. 16	H.R. 1746: Reconsidering Erlenborn Amendment. (Agreed to, 202 to 197)	Yea
263	Sept. 16	H.R. 1746: Ashbrook motion to recommit the bill. (Failed, 130 to 270)	Nay
264	Sept. 16	H.R. 1746: On passage. (Passed, 285 to 106)	Yea
265	Sept. 22	H.R. 10090: appropriating $4,706,625,000 for fiscal 1972 for public works projects, the Army Corps of Engineers and the Atomic Energy Commission, including a Senate-passed amendment prohibiting the Project Cannikin underground nuclear test in Alaska without the President's personal approval. Agreeing to conference report. (Agreed to, 377 to 9)	Yea
267	Sept. 23	H.R. 9166: Gross amendment cutting the over-all authorizations for the Peace Corps for fiscal 1972 by $27 million, to $50,200,000 from $77,200,000. [Teller vote]. (Rejected, 113 to 232)	Nay
271	Sept. 30	H.R. 10351: Perkins amendment to the Brademas amendment (below) reducing to 10,000 from 100,000 the minimum population requirement for permitting a community to receive federal funds for child development programs. [Teller vote]. (Agreed to, 226 to 158)	NVA
272	Sept. 30	H.R. 10351: Erlenborn amendment to Brademas amendment calling for coordination of fees for the child development program with the fees charged in other federal government day-care programs and establishing an annual family income of $4,320 as the maximum for entitling disadvantaged children to free educational, nutritional, and health services. [Teller vote]. (Rejected, 187 to 189)	Yea
273	Sept. 30	H.R. 10351: Brademas amendment establishing a comprehensive child development program to provide educational, nutritional, and health services free of charge for disadvantaged children from families with an annual income of $6,960 or less and setting charges on a graduated scale for children from families with higher annual incomes. [Teller vote]. (Agreed to, 203 to 181)	Nay
274	Sept. 30	H.R. 10351: Cordova substitute amendment to Steiger amendment providing Puerto Rico, Guam, the Virgin Islands and other trust territories with office of Economic Opportunity (OEO) allotments under the same formula established for the 50 states. [Teller vote]. (Agreed to, 202 to 161)	Yea
275	Sept. 30	H.R. 10351: Devine amendment calling for deletion of Title X creating a nonprofit independent National Legal Services Corporation to take over the OEO's Legal Services program. [Teller vote]. (Rejected, 152 to 210)	Yea
276	Sept. 30	H.R. 10351: Reconsidering Brademas amendment (see roll 273). (Agreed to, 186 to 183)	Nay
277	Sept. 30	H.R. 10351: Erlenborn motion recommiting the bill to the Education and Labor Committee with instructions to report back with an amendment coordinating the fees levied in the child-care section of the bill with fees charged in other federal government day-care programs and establishing an annual family income of $4,320 as the maximum level entitling disadvantaged children to free educational, nutritional, and health services. (Agreed to, 191 to 180)	Yea
278	Sept. 30	H.R. 10351: extending the Office of Economic Opportunity (OEO) for two years through fiscal 1973, authorizing $5 billion for programs administered by the agency, creating a comprehensive child-care program, and establishing a National Legal Services Corporation to replace the OEO Legal Services program. On passage. (Passed, 251 to 115)	Nay
281	Oct. 4	H.Res. 596: Udall procedural motion that the Committee of the Whole rise, thus postponing further action on the resolution rescinding the postponement until July 1, 1972, of scheduled salary increases for federal employees and requiring instead that an estimated 5.5 percent federal pay raise go into effect January 1, 1972. [Teller vote]. (Failed, 175 to 198)	Nay
282	Oct. 4	H. Res. 596: Agreeing to resolution. (Rejected, 174 to 207)	Nay
283	Oct. 4	H.Con. Res. 374: calling for humane treatment of Americans held prisoner of war by North Vietnam and its allies and endorsing efforts to win their release. Agreeing to resolution. (Agreed to, 370 to 0)	Yea
284	Oct. 4	H.R. 9961: providing temporary insurance for member accounts of certain federal credit unions. Passage under suspension of the rules. (Failed, 197 to 122; 2/3 vote required)	Nay
285	Oct. 4	H.R. 8083: providing for new career training programs and early retirement benefits for air traffic controllers. On passage. (Passed, 294 to 0)	Yea
287	Oct. 4	H.R. 8866: extending the Sugar Act through December 31, 1974 and adjusting production quotas for foreign and domestic producers. Agreeing to conference report. (Agreed to, 194 to 91)	Yea
289	Oct. 6	H.J. Res. 915: appropriating $270,500,000 for operations of the Department of Labor and for federal unemployment benefits in fiscal 1972. On passage. (Passed, 394 to 9)	Yea
290	Oct. 6	H.J. Res. 916: continuing through November 15, 1971, appropriations for government departments and agencies whose fiscal 1972 appropriations had not yet been enacted into law. On passage. (Passed, 387 to 12)	Yea
292	Oct. 12	H.J. Res. 208: Judiciary Committee amendment specifying that the proposed constitutional amendment guaranteeing equal rights for men and women apply both to citizens and noncitizens. [Teller vote]. (Failed, 104 to 254)	Yea
293	Oct. 12	H.J. Res. 208: Judiciary Committee amendment specifying that the proposed constitutional amendment not nullify federal laws exempting women from the draft, or federal or state laws promoting and protecting the health or safety of women. [Teller vote]. (Failed, 87 to 265)	NVF
294	Oct. 12	H.J. Res. 208: On passage. (Passed, 354 to 24)	Yea
298	Oct. 14	H.R. 10835: Fuqua substitute amendment for Moorhead amendment, to bill establishing an independent Consumer Protection Agency and a White House Office of Consumer Affairs, restricting the agency's authority to intervene on behalf of consumers in the proceedings of other federal agencies or in court suits. [Teller vote]. (Rejected, 149 to 240)	Yea
299	Oct. 14	H.R. 10835: Moorhead amendment redefining the agency's authority to intervene on behalf of consumers in proceedings of other federal agencies and providing the agency additional authority to act when other federal agencies refuse to investigate consumer complaints. [Teller vote]. (Rejected, 160 to 218)	Nay
300	Oct. 14	H.R. 10835: On passage. (Passed, 345 to 44)	Yea
302	Oct. 18	H.R. 9212: extending benefits to orphans whose fathers die of pneumoconiosis (black lung disease). Passage under suspension of the rules. (Failed, 227 to 124; 2/3 vote required)	Nay
303	Oct. 18	H.J. Res. 923: expressing the federal government's intention to ensure that every school child receive a free or reduced-price lunch as required by the National School Lunch Act. Passage under suspension of the rules. (Passed, 354 to 0; 2/3 vote required)	Yea
304	Oct. 18	H.R. 10458: redefining the powers of the Secretary of Agriculture to cooperate with countries in the Western Hemisphere to prevent or retard communicable diseases of animals where the Secretary deems such action necessary to protect livestock, poultry and related industries in the United States. Passage under suspension of the rules. (Passed, 342 to 0; 2/3 vote required)	Yea
305	Oct. 18	H.R. 8140: promoting the safety of ports, harbors, waterfront areas and navigable waters of the United States. Passage under suspension of the rules. (Passed, 335 to 1; 2/3 vote required)	Yea

VOTING RECORD OF BURT L. TALCOTT OF THE 12TH CONGRESSIONAL DISTRICT OF CALIFORNIA—Continued

Roll-call No.	Date	Measure, question, and result	Vote
307	Oct. 19	H.R. 8687: Hebert motion to order the previous question (ending further debate and blocking the possibility of amending the motion to instruct conferees to accept the language of the Senate-passed Mansfield troop withdrawal amendment) on the Arends motion to instruct conferees not to accept any nongermane Senate-passed amendments to the Defense Procurement Authorization Act of 1971. (Agreed to, 215 to 193)	Yea
308	Oct. 19	H.R. 8687: Arends motion to instruct conferees not to accept any nongermane Senate-passed amendments in the House-Senate conference (if rejected, House conferees would be free to negotiate without any instructions). (Failed, 192 to 216)	Yea
311	Oct. 20	H.R. 9844: authorizing $1,986,323,000 in appropriations for military construction projects during fiscal 1972. Agreeing to conference report. (Agreed to, 370 to 26)	Yea
312	Oct. 20	H.R. 10367: Udall amendment to Alaskan Natives' Land Claims Act (granting Alaskan natives $925 million and 40 million acres of land to settle longstanding land claims) setting aside 125 million acres for possible inclusion in national park systems and establishing a federal-state planning commission to review land selection by the state and natives. [Teller vote]. (Rejected, 177 to 217)	Yea
313	Oct. 20	H.R. 10367: On passage. (Passed, 344 to 63)	Nay
316	Oct. 21	H.R. 10670: creating a Survivor Benefit Plan to allow career military personnel opporutnity to leave a portion of their retired pay to their survivors. On passage. (Passed, 372 to 0)	Yea
318	Oct. 21	H. Res. 624: Madden motion to order the previous question on the rule under which H.R. 8787, providing for representation in Congress by non-voting delegates to the House from Guam and the Virgin Islands, was considered. (Agreed to, 280 to 62)	Yea
321	Oct. 27	H.R. 11418: making appropriations of $2,012,446,000 for military construction in the United States and abroad, including funds for the Safeguard ABM systems. On passage. (Passed, 354 to 32)	Yea
322	Oct. 27	H. Res. 661: adopting rule for consideration of H.R. 7248, extending programs of federal aid to higher education through fiscal 1976. Adopting rule. (Agreed to, 371 to 7)	Yea
326	Oct. 28	H.R. 7248: Quie-Fraser amendment to Higher Education Act of 1971, substituting a national basic grant program instead of the extension of the existing state-administered educational opportunity grant program included in the committee-reported version. [Teller vote]. (Failed, 117 to 257)	NVA
327	Oct. 28	H.R. 7248: Fraser amendment revising the formula for funds paid to states under educational opportunity grant program to ensure that each state receive an amount proportionate to the number of eligible students it contained relative to the nationwide total of eligible students. [Teller vote]. (Rejected, 108 to 220)	NVA
329	Nov. 1	H.R. 2266: authorizing $1.5 billion in federal aid for desegregating school districts. Passage under suspension of the rules. (Failed, 135 to 222; 2/3 vote required)	NVA
330	Nov. 1	H.R. 9961: extending for three years the period in which certain federally chartered credit unions could qualify for insurance. Passage under suspension of the rules. (Passed, 349 to 0; 2/3 vote required).	NVF
331	Nov. 1	H.R. 8389: providing LEAA funds for treatment programs for drug addicts confined to or on parole from state or local correctional facilities. Passage under suspension of the rules. (Passed, 350 to 2; 2/3 vote required)	NVF
332	Nov. 1	H.R. 9180: providing for temporary assignment of U.S. magistrates from one federal judicial district to another during emergency situations. Passage under suspension of the rules. (Passed, 344 to 10; 2/3 vote required)	NVF
333	Nov. 1	H.R. 9323: amending the definition of treatment in the Narcotic Addict Rehabilitation Act of 1966 to allow use of methadone in federal narcotics treatment programs. Passage under suspension of the rules. (Passed, 354 to 0; 2/3 vote required)	NVF
335	Nov. 1	H.R. 7854: increasing to $300 million total authorizations under the Small Reclamation Projects Act of 1956. Passage under suspension of the rules. (Passed, 346 to 7; 2/3 vote required)	NVF
336	Nov. 1	H.R. 11232: expanding the authority of the farmer-owned cooperative lending system to make loans to farmers and other rural residents. Passage under suspension of the rules. (Passed, 331 to 19; 2/3 vote required)	NVP
338	Nov. 1	Motion to adjourn: Andrews motion that the House adjourn. (Failed, 51 to 255)	NVA
341	Nov. 2	Motion to adjourn: Hays motion that the House adjourn. (Failed, 8 to 285)	Nay
342	Nov. 3	H.R. 2: Sebelius amendment deleting from the bill a provision requiring that the Uniformed Services University of Health Sciences be located within 25 miles of the District of Columbia. [Teller vote]. (Rejected, 148 to 215)	Nay
343	Nov. 3	H.R. 2: establishing a Uniformed Services University of Health Sciences to overcome a shortage of career-oriented military personnel in the health professions. On passage. (Passed, 351 to 31)	Yea
344	Nov. 3	H.R. 7248: Erlenborn amendment to strike out Title VIII of the Higher Education Act of 1971 authorizing general aid for institutions of higher education. [Teller vote]. (Rejected, 84 to 310)	Nay
345	Nov. 3	H.R. 7248: Hawkins substitute for Quie amendment providing that no college or university shall reduce its operating funds from non-federal sources in anticipation of receiving federal funds. [Teller vote]. (Agreed to, 210 to 182)	Nay
346	Nov. 3	H.R. 7248: Quie amendment terminating authorization for general institutional aid should the Supreme Court hold that it was unconstitutional for church-related institutions to receive such federal aid. [Teller vote]. (Rejected, 119 to 264)	Nay
347	Nov. 3	H.R. 7248: White substitute for Brooks amendment deleting language in the bill establishing an Interns for Political Leadership program. [Teller vote]. (Agreed to, 229 to 149)	Yea
349	Nov. 4	H.R. 7248: Erlenborn amendment to exempt - from the sex discrimination ban on education programs receiving federal funds - the undergraduate admissions policies of all institutions. [Teller vote]. (Agreed to, 194 to 189)	Yea
350	Nov. 4	H.R. 7248: Matsunaga amendment extending the benefits of land grant college status to the College of the Virgin Islands and the University of Guam. [Teller vote]. (Agreed to, 219 to 158)	Nay
351	Nov. 4	H.R. 7248: Brademas amendment restoring in modified form language, previously deleted from the bill on a point of order, creating a National Institute of Education. [Teller vote]. (Agreed to, 210 to 153)	Yea
352	Nov. 4	H.R. 7248: Gross amendment deleting language authorizing grants for the development of ethnic heritage studies. [Teller vote]. (Agreed to, 200 to 159)	Yea
353	Nov. 4	H.R. 7248: Pickle substitute - for language in the bill authorizing federal development and enforcement of youth camp safety standards - to authorize a study by the Department of HEW of youth camp safety. [Teller vote]. (Agreed to, 184 to 166)	Yea
354	Nov. 4	H.R. 7248: Broomfield amendment postponing effectiveness of any federal court order requiring busing for racial, sex, religious or socio-economic balance until all appeals - or the time for all appeals - had been exhausted. [Teller vote]. (Agreed to, 235 to 125)	Yea
355	Nov. 4	H.R. 7248: Green amendment to Ashbrook amendment to bar any federal employee or agency to force states to expend funds for the forced busing of school students. [Teller vote]. (Agreed to, 231 to 126)	Yea
356	Nov. 4	H.R. 7248: Esch amendment to Ashbrook amendment (below) to exempt - from ban on use of federal funds for busing - districts carrying out a court-ordered desegregation plan. [Teller vote]. (Rejected, 146 to 216)	Nay
357	Nov. 4	H.R. 7248: Ashbrook amendment - as modified by Green amendment (above) - barring the use of federal funds for busing students or teachers to overcome racial imbalance or to buy buses for such purpose. [Teller vote]. (Agreed to, 233 to 124)	Yea
358	Nov. 4	H.R. 7248: Ford substitute for Pucinski amendment (below) to authorize federal study of the needs of desegregating school districts. [Teller vote]. (Rejected, 92 to 269)	Nay
359	Nov. 4	H.R. 7248: Pucinski amendment adding to the bill the Emergency School Aid Act of 1971 (H.R. 2266) authorizing $1.5 billion in aid for desegregating school districts. [Teller vote]. (Agreed to, 211 to 159)	Yea

Roll-call No.	Date	Measure, question, and result	Vote
360	Nov. 4	H.R. 7248: Erlenborn amendment to exempt, from the ban on sex discrimination, the undergraduate admissions policies of all institutions of higher education. [Teller vote]. (Agreed to, 186 to 181)	Yea
361	Nov. 4	H.R. 7248: On passage. (Passed, 332 to 38)	Yea
363	Nov. 5	H.R. 8293: extending until September 30, 1973, the President's authority to carry out the provisions of the International Coffee Agreement of 1968. On passage. (Passed, 201 to 99)	Yea
365	Nov. 8	H.J. Res. 191: Wylie motion to discharge the Judiciary Committee from further consideration of the resolution proposing an Amendment to the Constitution providing that it was constitutionally permissible for persons in public buildings to participate in voluntary prayer. (Agreed to, 242 to 156)	Nay
366	Nov. 8	H.J. Res. 191: On passage. (Failed, 240 to 162; 2/3 vote required)	Yea
369	Nov. 9	H.R. 10729: Dow amendment to the Kyl substitute amendment to the Dow amendment in the nature of a substitute to the Pesticide Act, which would strike out the provisions specifying that the Environmental Protection Agency administrator could not make lack of essentiality a criterion for denying registration of any pesticide. [Teller vote]. (Rejected, 152 to 221)	Nay
370	Nov. 9	H.R. 10729: Dow amendment to the Kyl substitute amendment to the Dow amendment in the nature of a substitute allowing any adversely affected person, not only the manufacturer, to institute a court suit against the EPA over registration of a pesticide. [Teller vote]. (Rejected, 167 to 209)	Nay
371	Nov. 9	H.R. 10729: Eckhardt amendment to the Kyl substitute amendment to the Dow amendment in the nature of a substitute specifying that no manufacturer whose registration has been revoked may be reimbursed for production of pesticides if the manufacturer knew or should have known of the product's adverse effects on the environment. [Teller vote]. (Rejected, 168 to 203)	Nay
372	Nov. 9	H.R. 10729: On passage. (Passed, 288 to 91)	Yea
375	Nov. 10	H.R. 9212: Byrnes amendment to reduce Social Security payments to miners already receiving black lung disability benefits. [Teller vote]. (Rejected, 158 to 224)	Yea
376	Nov. 10	H.R. 9212: Erlenborn amendment deleting from the bill a provision to give states an additional two-year period to implement the program of disability benefits to miners with black lung disease. [Teller vote]. (Rejected, 133 to 245)	Yea
377	Nov. 10	H.R. 9212: extending disability benefits to orphans of families in which the father dies of black lung disease and in which the mother also was deceased. On passage. (Passed, 312 to 78)	Nay
378	Nov. 10	H.J. Res. 946: Seiberling amendment prohibiting further expenditure of funds by the Department of Defense in fiscal 1972 under the provisions of H.J. Res. 946, Continuing Appropriations Act, fiscal 1972. [Teller vote]. (Rejected, 10 to 356)	NVA
379	Nov. 10	H. Res. 696: agreeing to the nongermane language contained in the conference version of H.R. 8687, Defense Procurement Authorization Act, fiscal 1972, which had the effect of forcing the United States to violate a United Nations' embargo against Rhodesia by requiring the President to import Rhodesian chronium ore if such ore was being imported from any communist nation. [Teller vote]. Agreeing to resolution. (Agreed to, 251 to 100)	Yea
380	Nov. 11	H. Res. 698: providing for consideration of H.R. 11341, the District of Columbia Revenue Act setting the annual federal payment beginning with fiscal 1972 at $170 million. Agreeing to resolution. (Agreed to, 359 to 8)	Yea
382	Nov. 11	H.R. 11341: Gross amendment reducing the committee-recommended annual federal payment to the District of Columbia by $44 million, to $126 million. [Teller vote]. (Rejected, 79 to 263)	Nay
383	Nov. 11	H.R. 11341: Scherle amendment reducing the federal payment to the District by $19 million to $151 million. [Teller vote]. (Rejected, 119 to 210)	Nay
384	Nov. 11	H.R. 11341: Jacobs amendment providing coverage for area truck drivers under the D.C. Minimum Wage Act, and authorizing overtime pay for work over 40 hours a week, or providing ICC certification. [Teller vote]. (Rejected, 139 to 179)	Nay
385	Nov. 11	H.R. 11341: On passage. (Passed, 248 to 50)	Yea
386	Nov. 15	H.R. 11302: expanding the National Cancer Institute of the National Institutes of Health to permit an intensified and coordinated cancer research program. Passage under suspension of the rules. (Passed, 350 to 5; 2/3 vote required)	Yea
387	Nov. 15	H.R. 11350: increasing the limit on U.S. dues for membership in the International Criminal Police Organization. Passage under suspension of the rules. (Passed, 346 to 0; 2/3 vote required)	Yea
388	Nov. 15	S.J. Res. 132: extending the duration of existing copyright protection law until December 31, 1972. Passage under suspension of the rules. (Passed, 302 to 49; 2/3 vote required)	Yea
389	Nov. 15	H.R. 11651: altering the provisons of existing law relating to the payment of military disability and death pensions. Passage under suspension of the rules. (Passed, 351 to 0; 2/3 vote required)	Yea
390	Nov. 15	H.R. 11562: altering the provisions of existing law relating to the payment of military dependency and indemnity compensations. Passage under suspension of the rules. (Passed, 350 to 0; 2/3 vote required)	Yea
391	Nov. 15	H.R. 11080: permitting taxpayers who were compensated for property acquired for Redwood National Park to obtain a waiver of capital gain for federal income tax purposes where such money was reinvested in pre-existing businesses. Passage under suspension of the rules. (Failed, 148 to 203; 2/3 vote required)	Yea
395	Nov. 16	H.R. 11731: Bingham amendment to the Defense Appropriations Act, appropriating $71,048,013,000 for fiscal 1972, deleting $801,600,000 for the purchase of F-14 aircraft during fiscal 1972. [Teller vote]. (Rejected, 76 to 311)	Nay
398	Nov. 17	H.R. 11731: Yates amendment limiting to 60 days funding for any additional active duty personnel called up by the President in an emergency without the approval of Congress. [Teller vote]. (Rejected, 183 to 210)	Nay
399	Nov. 17	H.R. 11731: Boland amendment setting a July 1, 1972, cutoff date for funds used in support of U.S. troops and military operations in or over South Vietnam, North Vietnam, Laos, or Cambodia, and calling for a withdrawal of all U.S. military forces by a specified date, subject to the release of all American POW's and an accounting of all Americans missing in action. [Teller vote]. (Rejected, 163 to 238)	Nay
400	Nov. 17	H.R. 11731: Riegle amendment limiting the net defense expenditures to 95 percent of the funds budgeted for fiscal 1972 - resulting in a cut of approximately $3.8 billion. [Teller vote]. (Rejected, 74 to 307)	Nay
401	Nov. 17	H.R. 11731: Aspin amendment reducing total appropriations to fiscal 1971 level - resulting in a reduction of about $1.5 billion. [Teller vote]. (Rejected, 114 to 278)	Nay
402	Nov. 17	H.R. 11731: On passage. (Passed, 343 to 51)	Yea
406	Nov. 18	H.Res. 710: amending S. 2819 and S. 2820, separate foreign military and economic aid bills passed by the Senate, by substituting for each the provisions of H.R. 9910,. House-passed foreign aid authorizations, and requesting conference with the Senate. Agreeing to resolution. (Agreed to, 269 to 115)	Nay
407	Nov. 18	H. Res. 711: waiving a House rule requiring a three-day period between the filing of the conference report and a vote on acceptance, thereby allowing immediate consideration of the conference report on H. J. Res. 946, authorizing continuing appropriations for November 16 to December 8, 1971 for certain federal agencies. Agreeing to resolution. (Agreed to, 367 to 15)	Yea
408	Nov. 18	H.J. Res. 946: agreeing to conference report. (Agreed to, 344 to 26)	Yea
409	Nov. 19	H. Res. 699: providing for consideration of S. 18, authorizing fiscal 1972 and 1973 appropriations for Radio Free Europe and Radio Liberty. Agreeing to resolution. (Agreed to, 290 to 3)	Yea
410	Nov. 19	S. 18: On passage. (Passed, 271 to 12)	Yea
412	Nov. 29	H.R. 11060: Springer amendment to Federal Election Campaign Practices Act, deleting provisions of the MacDonald amendment establishing regulations for charges made by broadcasters and newspapers for political advertising and provisions requiring newspapers to give equal access to advertising space to political candidates for the same office. [Teller vote]. (Rejected, 145 to 219)	Yea

VOTING RECORD OF BURT L. TALCOTT OF THE 12TH CONGRESSIONAL DISTRICT OF CALIFORNIA—Continued

Roll-call No.	Date	Measure, question, and result	Vote
413	Nov. 29	H.R. 11060: Pickle amendment to the MacDonald Amendment requiring broadcasting stations to charge the same rates for political advertising time as for comparable commercial advertising time. [Teller vote]. (Agreed to, 219 to 150)	Yea
414	Nov. 29	H.R. 11060: Frey amendment to the MacDonald amendment repealing for all candidates for federal office the "equal time" provision of the Communications Act of 1934. [Teller vote]. (Rejected, 95 to 277)	Yea
416	Nov. 30	H.R. 11060: Hansen amendment to Harvey amendment in the nature of a substitute bill defining the role which unions and corporations might take in political campaigns, vote drives and voter registration activities. [Teller vote]. (Agreed to, 233 to 147)	Nay
417	Nov. 30	H.R. 11060: Danielson amendment to Harvey amendment in the nature of a substitute bill eliminating provision in the bill requiring that copies of reports of campaign contributions and expenditures be sent to the clerks of the federal district courts of the districts and states in which each election was held. [Teller vote]. (Agreed to, 229 to 155)	Nay
418	Nov. 30	H.R. 11060: On passage. (Passed, 372 to 23)	Yea
422	Dec. 1	H.R. 11589: authorizing the sale of certain passenger vessels to foreign nations. On passage. (Passed, 253 to 139)	Yea
424	Dec. 2	H.R. 11932: Natcher motion to the D.C. Appropriations Act, fiscal 1972, that the House consider the bill in the Committee of the Whole. (Agreed to, 379 to 0)	Yea
426	Dec. 2	H.R. 11932: Giaimo amendment adding $72.5 million for the District of Columbia's share of construction costs of a rapid transit system. [Teller vote]. (Agreed to, 196 to 183)	Nay
427	Dec. 2	H.R. 11932: Scherle amendment to halt funding of the transit system until the transit authority complied with a provision of the National Environmental Policy Act of 1969 requiring submission of an environmental impact statement. [Teller vote]. (Rejected, 163 to 205)	Yea
428	Dec. 2	H.R. 11932: Natcher request for a separate roll-call vote on the adopted Giaimo amendment adding $72.5 million for the District's share of construction funds for the metropolitan transit system. (Agreed to, 195 to 174)	Nay
429	Dec. 2	H. Res. 719: providing for consideration of H.R. 11955, appropriating $786,282,654 in supplemental appropriations for certain federal agencies, for fiscal 1972. Agreeing to resolution. (Agreed to, 308 to 29)	Yea
430	Dec. 2	H.R. 11955: On passage. [Teller vote]. (Passed, 271 to 20)	Yea
431	Dec. 6	H.R. 9526: authorizing the loan of certain submarines and destroyers currently operated by the U.S. Navy to Spain, Turkey, Greece, Korea and Italy. Passage under suspension of the rules. (Passed, 260 to 116; 2/3 vote required)	Yea
432	Dec. 6	H.R. 11624: authorizing $5 million in additional funds to conduct the international transportation exposition to be held at Dulles International Airport in 1972. Passage under suspension of the rules. (Failed, 202 to 173; 2/3 vote required)	Nay
433	Dec. 6	H.R. 45: creating an institute for research and training in the area in the area of juvenile justice. Passage under suspension of the rules. (Failed, 240 to 135; 2/3 vote required)	Nay
434	Dec. 6	S.J. Res. 176: extending the authority of the Secretary of HUD to set maximum interest rates on FHA mortgage insurance programs and modifying provisions of the National Flood Insurance Act of 1968. Passage under suspension of the rules. [Teller vote]. (Passed, 357 to 4; 2/3 vote required)	Yea
435	Dec. 6	H.R. 11809: providing that Post Office property would continue to be maintained as Government property in impact areas. Passage under suspension of the rules. (Passed, 259 to 112; 2/3 vote required)	Nay
436	Dec. 6	H.R. 10420: establishing a permit program to regulate the killing of marine mammals. Passage under suspension of the rules. [Teller vote]. (Failed, 199 to 150; 2/3 vote required)	Nay
438	Dec. 7	S. 2007: extending the Office of Economic Opportunity for two years, authorizing $6.3 billion for OEO, establishing a comprehensive child development program and creating a National Legal Services Corporation. Agreeing to conference report. (Agreed to, 211 to 187)	Nay
440	Dec. 8	H.R. 12067: Fraser amendment to the Foreign Aid Appropriations Act of $3,003,461,000, fiscal 1972, increasing to $91 million from $41 million appropriations for contributions to international organizations providing $50 million of that amount for the U.S. contribution to the United Nations Development Fund. [Teller vote]. (Rejected, 119 to 268)	Nay
441	Dec. 8	H.R. 12067: On passage. (Passed, 214 to 179)	Nay
443	Dec. 8	H. Res. 728: Anderson motion to order the previous question on the rule under which H.R. 1163 (providing for strategic grain reserves), was considered, thereby ending debate on a proposed amendment to limit individual farm subsidy payments to $20,000. (Agreed to, 204 to 164)	Nay
444	Dec. 8	H.R. 1163: Price amendment providing that, where practicable, grains would be stored in producer-owned facilities rather than in government-owned facilities. [Teller vote]. (Rejected, 147 to 179)	Yea
445	Dec. 8	H.R. 1163: Quie amendment to the Melcher amendment (raising price supports for feed grains and wheat by 25 percent) eliminating wheat from the list of commodities. [Teller vote]. (Rejected, 128 to 222)	Nay
446	Dec. 8	H.R. 1163: Price amendment requiring that reserve commodities be sold at prices equal to 100 percent of parity, rather than at 120 percent of the average prices over the previous five-year period as provided by the committee's bill. [Teller vote]. (Rejected, 145 to 201)	Yea
447	Dec. 8	H.R. 1163: Jacobs amendment authorizing the Secretary of Agriculture to store grain free of charge in the homes of hungry Americans. [Teller vote]. (Rejected, 17 to 271)	Present
448	Dec. 8	H.R. 1163: On passage. (Passed, 182 to 170)	Nay
450	Dec. 9	H.R. 10947: reducing federal individual and business taxes to stimulate the economy and establishing a federal presidential election campaign fund effective in 1973. Agreeing to conference report. (Agreed to, 321 to 75)	Yea
451	Dec. 9	H. Res. 729: providing for consideration of conference reports the same day as reported for the remainder of the session, notwithstanding the provisions of clause two, rule XXVIII, which requires a three-working-day interval prior to floor consideration of conference reports. (Agreed to, 342 to 48)	Yea
453	Dec. 9	H.R. 11955: providing supplemental appropriations of $3,406,385,371 for various federal departments and agencies for fiscal 1972. Agreeing to conference report. (Agreed to, 301 to 73)	NVF
455	Dec. 10	H.R. 11309: Stephens amendment to Economic Stabilization Act Extension, limiting mandatory payment of pay raises scheduled under pre-freeze contracts and laws to those in compensation for which prices or taxes had been raised, appropriations made, funds otherwise raised or productivity increased. [Teller vote]. (Agreed to, 209 to 151)	NVF
456	Dec. 10	H.R. 11309: Badillo amendment requiring disclosure of all information submitted in justification of wate or price increases, except trade secrets. [Teller vote]. (Rejected, 73 to 275)	NVA
457	Dec. 10	H.R. 11309: Landgrebe amendment subjecting to stablization controls contributions to tax-exempt retirement plans which were unreasonably inconsistent with wage and price guidelines. [Teller vote]. (Rejected, 170 to 184)	NVF
458	Dec. 10	H.R. 11309: extending to April 30, 1973, the President's authority to stabilize the economy, and expanding the executive power provided by the Act. On passage. (Passed, 326 to 33)	NVF
459	Dec. 10	H.R. 11341: setting the federal payment to the District of Columbia at $173 million for fiscal 1972 and $178 million for fiscal 1973. Agreeing to conference report. (Agreed to, 242 to 93)	NVF
461	Dec. 13	H.R. 11628: authorizing grants and loan guarantees for construction or modernization of private hospitals and other medical facilities in the District of Columbia. On passage. (Failed, 160 to 200)	Nay
465	Dec. 14	H.R. 10367: providing Alaskan natives with $962.5 million and 40 million acres of land to settle land claims. Agreeing to conference report. (Agreed to, 307 to 60)	Yea

Roll-call No.	Date	Measure, question, and result	Vote
466	Dec. 15	H.R. 11731: appropriating $70,518,463,000 for Department of Defense spending during fiscal 1972. Agreeing to conference report. (Agreed to, 293 to 39)	Nay
467	Dec. 15	H.R. 11932: appropriating $932,512,700 fiscal 1972, for the District of Columbia. Agreeing to conference report. (Agreed to, 260 to 79)	Nay
469	Dec. 15	H.R. 6065: providing one-half unemployment compensation payments for an additional 13 weeks to persons who had exhausted their regular benefits. Agreeing to conference report. (Agreed to, 194 to 149)	Nay
470	Dec. 15	H.J. Res. 1005: providing funding for the period from December 9, 1971 to February 22, 1972, at an annual rate of $2,760,927,000 for foreign aid and related international programs and continuing funding for other federal departments and agencies whose regular fiscal 1972 appropriations had not yet been approved by Congress. On passage. (Passed, 235 to 86)	Yea
472	Dec. 16	S. 2819: Morgan motion to table Ryan motion instructing House conferees to accept the Mansfield amendment which set a policy of withdrawal of U.S. forces from Indochina within six months. (Agreed to, 130 to 101)	Yea

WOMEN'S CLUB LEADER CALLS FOR MORE BALANCE IN ENVIRONMENTAL CONCERN

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. MOORHEAD. Mr. Speaker, the New York Times on Sunday, January 2, 1972, published a letter to its editor from Mrs. Earle A. Brown, president of the General Federation of Women's Clubs, calling for a sound and well-rounded approach to the environmental problems of our day.

Mrs. Brown, who is a resident of Pittsburgh, Pa., and my constituent, warn of the danger in overemphasis on specific aspects of environmental concern.

I ask consent to have a copy placed in the CONGRESSIONAL RECORD for the benefit of all our House and Senate Members. It is evidence of the fine leadership and remarkable understanding of current issues displayed by Mrs. Brown and the General Federation of Women's Clubs.

The federation is comprised of State organizations having a membership of 700,000 women in all parts of the country. Historically, the federation has been a pioneer in encouraging and applying conservation measures. During Mrs. Brown's term of office as president, the theme of the federation is "A better environment."

[From the New York Times, Jan. 2, 1972]

EMPHASIS ON CONSERVATION

TO THE EDITOR: The General Federation of Women's Clubs has supported conservation and environmental protection measures for decades and will continue to support these activities. It appears, however that there may be danger in overemphasis on specific aspects of environmental concern that may have detrimental side effects on other equally vital environmental values as well as on critical social requirements.

Today there is danger that some people have become so committed to one specific aspect of the environmental movement that they are unable to see the total picture and, in pushing relentlessly for their "cause," work against balanced solutions to our environmental problems and to social problems related to the environment.

During the last year or so, the Forest Service has been under attack from all sides, Individuals, groups, organizations, industries, and the news media have joined to point up where the Forest Service has been doing too little of this, or too much of that. Some of the criticism has been legitimate, as the Forest Service admits, but much has been unjustified. A good part of it has been based on projects initiated five or ten years ago at a time when there was little public recognition of the need for environmental protection measures.

It is popular today to criticize Government when circumstances are not as we wish them to be. But in all fairness, if we want good decisions and logical solutions, this criticism must be balanced, factual, and justified.

The General Federation of Women's Clubs has worked cooperatively with the Forest Service for decades in encouraging and carrying out conservation and wise use of our nation's forests. Because of our association with the Service, we are aware that it has done much to recognize and correct its failings and to change emphasis of its programs so as to be more in keeping with present attitudes and desires, and it is trying to seek out and obtain greater public involvement in its decision making. We believe the Forest Service was, and is, the leader in conservation and wise use of forest lands.

The Federation supports "balanced" management of our national forests. We will continue to work cooperatively with the Forest Service in carrying out conservation and environmental practices and ask all others who have a deep interest in our environment to do the same.

LOUISE BROWN,
President.

[News from National Forest Products Association]

J. B. MCGRATH NAMED STAFF OFFICER OF NATIONAL FOREST PRODUCTS ASSOCIATION

WASHINGTON, D.C., October 22, 1971.—Joseph B. McGrath, staff vice president and legislative counsel of the National Association of Home Builders, has been named Vice President of Government Affairs for the National Forest Products Association, a new post authorized by the NFPA Board at its annual meeting last May. Both groups are headquartered in Washington, D.C.

NFPA Executive Vice President James R. Turnbull said McGrath would join the forest products industry's national association November 15. NFPA is a federation of 21 regional and wood product associations.

Turnbull said, "McGrath is one of the foremost authorities in the nation's capital on housing legislation and urban development. He is totally familiar with all legislative matters related to home construction."

Since 1967 McGrath has headed the National Association of Home Builders Government Affairs Division, with responsibility for all legislative, tax, international housing, state legislation and other facets of the home building industry's relations with the Congress and the Federal Government.

Turnbull said McGrath, as a highly regarded legislative professional on the Washington scene, will bring "a wealth of talents to the Congressional and Executive Department liaison of NFPA." He emphasized that McGrath has a thorough legislative grounding in the principal markets for softwood and hardwood lumber and plywood and other wood products represented in the National Forest Products Association federation.

"McGrath will be a tremendous asset to the forest products industry in representing its position on vital legislative issues with the Congress, Executive Departments and the Administration," Turnbull said. McGrath has worked closely with NFPA on important housing, resource and product use issues in the past, Turnbull noted, stating: "He is a highly professional legislative specialist and wholly familiar with the forest products industry's program objectives."

McGrath first joined NAHB in 1952 and held a number of posts, including director of government affairs. He then served with Urban America, Inc., as administrator of a Ford Foundation grant program. In that position he was responsible for planning and carrying out nationally a major new program of technical and financial assistance to nonprofit sponsors of housing for low-income families and to local business and industrial leaders interested in forming nonprofit housing development corporations. Prior to rejoining NAHB, McGrath was in the private practice of law.

During the Korean War he was a business counsel with the Office of Price Stabilization. He also has been a trial attorney with the Department of Justice.

McGrath is a member of the bar in Massachusetts and in the District of Columbia.

He is a graduate of Harvard College and Harvard Law School. During World War II he served as an officer in the Army paratroops with service in Europe.

McGrath, his wife and seven children live in Washington, D.C.

TESTIMONIAL OF SERVICE

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. O'KONSKI. Mr. Speaker, the real reward of serving in Congress is the grateful thanks from the people a Member serves. Since I have been a Member of Congress, I have received over 75,000 letters. These letters of thanks are worth more to me than anything else in the world. I would like to insert here an example of these letters:

UNIVERSITY OF WISCONSIN,
DEPARTMENT OF POLITICAL SCIENCE,
Madison, Wisconsin.

Hon. ALVIN E. O'KONSKI,
House of Representatives,
Washington, D.C.

DEAR ALVIN: Your letter is so alive with friendliness that I think I am in Asia. (Asia is the heart of an agricultural civilization that may be the reason why the people there pay closest attention to personal relationships. They give presents and write personal and intimate notes and letters.)

You are in an industrial civilization. You are living on concrete and are enclosed in steel and mortor; you use electric lights more than you ever use sunlight. You are subject to 1,000 contacts a day—this is true for some of your days, but you may have more than this on other days.

Here is the great thing about the honorable Member from the Tenth District. He is a three dimensional man. He sees you and me; he has time to say, "Hello." He has time to ask, "How are you? Is there something that I can do for you? Tell me if I can ever serve you." There is an Arab proverb that describes something of this Member: "The quickest generosity is the best." There is an American proverb that also describes this Member from the Tenth: "The ideal of service is the basis of all worthy enterprise." Finally, this Member can say with Shakespeare: "I have done the state some service and they know't."

I am sure the people of northern Wisconsin know it, too.

Sincerely yours,

J. T. SALTER.

SOUTH HALL.

SMOKING ENDANGERS HEALTH OF EVEN NONSMOKERS

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. YOUNG of Florida. Mr. Speaker, a report from the U.S. Surgeon General shows the need for urgent action on H.R. 4776, the Nonsmokers Relief Act I introduced last February 22d. This report shows the health of millions of nonsmoking Americans may be in jeopardy because they are forced to inhale the noxious fumes of a nearby smoker.

The Nonsmokers Relief Act would require airliners, trains, and buses to set aside areas for nonsmoking passengers, and it has drawn overwhelming support from across the Nation. While protecting the right of nonsmokers, the bill would create no hardship on those who chose to smoke despite the strong evidence of its damage to their health.

Now the U.S. Surgeon General has shown that smoke not only causes great distress to the nonsmoker but also may seriously threaten his health.

In Surgeon General Jesse L. Steinfeld's report on The Health Consequences of Smoking, released on January 9th, a study was cited showing that:

> The smoking of one cigar completely overcame the effect of an electrostatic filtration device for one hour.

The report also said:

> A significant proportion of nonsmoking individuals report discomfort and respiratory symptoms on exposure to tobacco smoke, and the effect of exposure to carbon monoxide (from tobacco smoke) may on occasion, depending upon the length of exposure, be sufficient to be harmful to the health of an exposed person. This would be particularly significant for people who are already suffering from chronic bronchopulmonary disease and coronary heart disease.

Since H.R. 4776 was introduced, many of the Nation's largest air carriers have voluntarily agreed to set aside nonsmoking areas. The American Medical Association has adopted a policy along the same line, and the Interstate Commerce Commission cited the Nonsmokers Relief Act when it issued a new regulation on November 17 requiring separate seating on all buses for smoking and nonsmoking passengers.

Congress must act to protect the rights—and health—of the millions of Americans who have wisely chosen not to smoke. Why should they be forced to undergo burning eyes, irritated noses and throats—why should they be forced to have their health threatened simply because they are caught in the confined space of a plane, train, or bus, with someone who smokes?

The danger of this kind of pollution was brought to the public's attention in an article in the Washington Star on January 10.

NONSMOKERS ALSO PERILED, STUDY SAYS

(By Judith Randal)

Nonsmokers as well as smokers may be harmed by cigarettes, according to a public health service study published today.

The study confirms remarks made last year by the surgeon general, Dr. Jesse L. Steinfeld, that tobacco smoke in closed cars and poorly ventilated rooms can contaminate the atmosphere for everyone.

The report does not say what health price nonsmokers pay for the habits of smokers, but it does say that the chief danger is exposure to low levels of the deadly gas, carbonmonoxide. Experiments with animals have shown, it explains, that various concentrations of the colorless, odorless, and tasteless gas "adversely affect" the structure and function of the heart and lungs.

Another new finding cited by the study is that tobacco smoke may increase the severity of allergic reaction in both smokers and nonsmokers.

"The Health Consequences of Smoking" is the sixth in a series of reports on the subject that have been published by the government since 1964, and the first to discuss the hazards of cigarettes to nonsmokers.

In its section on that topic, the report says that the actual exposure of nonsmokers to tobacco smoke depends not only on such factors as the proximity of the nonsmoker to the smoke, the amount of smoke produced and the adequacy of ventilation, but also on how deeply the smoker is inhaling.

The deeper the smoker inhales, the report says, the more he acts as a protective "filter" for nearby nonsmokers. To put it another way, the more risk he exposes himself to, the less he exposes others to potential harm.

Experiments cited in the text in which cigarettes were smoked in enclosed spaces resulted in carbon monoxide levels that exceeded levels considered hazardous by air pollution standards.

Pipe and cigar smokers, also may be guilty of contaminating the atmosphere, the report says. Indeed, since most seldom inhale, the pollutants they produce may do more harm than those of cigarette smokers. The report cities an experiment in which the smoke from one cigar neutralized the effect of an electrostatic home air filtration device for an hour.

The known harmful byproducts of tobacco smoke are carbon monoxide, nicotine and tar. This year's report adds to these six other substances "judged as probable contributors to the health hazards of smoking."

These are acrolein, cresol, hydrocyanic acid, nitric oxide, nitrogen dioxide and phenol. One problem, according to the report, is that if levels of these apparent poisons are reduced in processing the tobacco, levels of other poisons may increase correspondingly.

Like earlier reports, this 226-page volume discusses health consequences for the smoker, adding to previous data the results of some 1,500 studies published in 1971.

As expected, the evidence continues to point to cigarette smoking as the leading cause of lung cancer in men and an important cause of the disease in women.

In addition, says the report, cigarette smoking is "one of the major risk factors" contributing to primary coronary artery disease which sets the stage for heart attacks. Tobacco also is the major culprit in emphysema and corpulmonale, diseases of the lung, and the lungs and heart, respectively.

The surgeon general told a press conference today, "I have very strong feelings that we have too long neglected the right of the nonsmoker. We have exposed him to annoyance and in some cases hazard by subjecting him to other people's smoke where he works, where he dines and where he travels. . . .

"Although we cannot say with certainty that exposure to tobacco smoke is causing serious illness in nonsmokers—the long-term research necessary for such a finding has not yet been done—it is clear that such exposures can contribute to the discomfort of the nonsmoking individual, and can produce exacerbation of allergic symptoms in those who are suffering from allergies and other causes.

"There is ample proof that those who complain of discomfort in smoke-filled rooms are not disagreeable malcontents, but can have a legitimate cause for their complaint."

USE OF COMPUTERS IN CURBING CRIME

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. BOLLING. Mr. Speaker, Kansas City's police department, under Chief Clarence M. Kelley, is doing an outstanding job of curbing crime and saving policemen's lives through the use of computers. The following article from Parade of January 16 describes the program and the widespread interest in all parts of the country in its success.

A COP'S BEST FRIEND

(By John G. Rogers)

KANSAS CITY, MO.—A nagging fear with any law officer these days is that he might walk into an ambush—be shot down without a chance. Some U.S. policemen have been lured into murder traps, some have gone in by accident. Here in Kansas City the odds have been shaved greatly—in the policeman's favor. It's done by computer. "Our superfriend," says one officer. "I don't think I'd ever want to work without it."

Take the recent case of a Kansas City patrolman on duty alone in a squad car. He saw an old blue sedan run through a stop sign. It looked like a routine, minor traffic violation by a negligent motorist.

FRIEND CONSULTED

Ordinarly the patrolman would stop the car and write out a ticket. But in Kansas City it's become automatic to consult "superfriend." The officer, still driving along behind the sedan, radioed its license number to headquarters. In seven seconds, he had a reply from the computer—the car was reportedly stolen by a man known to be armed and dangerous. Thus forewarned, the policeman took extreme caution in arresting the "negligent motorist." He concedes that without that lightning-fast computer warning he might have made a casual and careless approach to the armed criminal.

Police Chief Clarence M. Kelley, a former FBI agent, recalls that not all of his cops were enthusiastic when Kansas City laid out $2 million for the computer system.

"But we've all changed our minds," says Sergeant Russell Fisher. "That apparatus can mean the difference between life and death for a policeman. We have a case on record where a patrolman was summoned as an emergency to a certain address. And he was gunned down. He forgot to check with the computer. It would have told him in a few seconds that that address was known to be associated with violent criminals."

Its not just policemen's enthusiasm that has sold Kansas City on the computer. At a time when crime nationally is on the increase, crime here was down 11 percent in 1970 and an additional 9 percent in 1971. Police believe this is due not only to the computer's speedy information service but also to another of its functions. Kelley's men use it to analyze the frequency and location of crime, thus enabling them to deploy forces for greater effect. The importance of having men on the scene where they'll be needed is seen in studies that show 65 percent of crimes can be solved if police respond within two minutes of occurrence. But if response is delayed five minutes or longer, the solution rate drops to 20 percent.

When Chief Kelley decided to investigate how a computer might help his cops on the beat, he assigned Lt. Col. James R. Newman and a civilian expert, Melvin Bockelman, to make inquiries.

"We checked with quite a few police departments," says Newman, "but not one of them was using computers to help the men. So we set up our own system. We bought this standard IBM computer and made a policeman out of it. Every day we feed fresh information into it—names, addresses, people wanted, property stolen, car licenses, anything that might help a cop. Five minutes after a car is reported stolen, its record is in the computer. The important crime information in there would fill 200 large filing cabinets and right now we're expanding capacity."

REQUEST BY RADIO

For the policeman in the field it goes this way: Either from his patrol car or with portable radio, he presents a name, address or license number by voice to a dispatcher at headquarters. The dispatcher types out the inquiry to the computer. In seconds the computer's reply appears on a screen before the dispatcher—the man is or is not wanted, the address is suspicious or has no record, the car is "clean" or is stolen.

"Immediately we relay by voice whatever the computer tells us," says dispatcher Gary S. Gill. "I always feel good when I can tell that cop out there anything that'll help him in a tough situation. I remember one case that really got down to detail—the computer told us the guy was dangerous, that there'd probably be a girl with him and a gun would be in her handbag. It was right, too. Think what an advantage that was for the cop to find out in just a few seconds exactly what problem faced him."

The computer also can help a policeman to avoid "mistakes." In former days, if he saw a car full of teenagers cruising around he might suspect a stolen car, stop them, question them and ultimately find out they were legitimate. Today the computer tells him immediately if the car is or is not stolen and if the situation is clean, the officer is spared the experience of tarnishing the police image by inconveniencing a number of impressionable young folks.

SHARING INFORMATION

Word of the Kansas City computer has spread. In recent months, no less than 561 law enforcement agencies have sent people here to inquire about it. These represent not only all parts of the U.S. but also many countries in Europe, Asia and Latin America.

Perhaps the computer's star performance came on the day when two armed robbers sped away from a bank with $2800 in cash. The license number of the getaway car was reported to police. In its usual seven-second performance, the computer produced a street address that went with the license number. As a result, the police were there waiting when the robbers arrived a few minutes later to divide their loot.

No wonder a Kansas City police officer confides, "I just can't imagine operating without that computer. I feel now that before we had it we were just wandering around in the dark."

PRAISE FOR AGENTS OF JUSTICE DEPARTMENT

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. FREY. Mr. Speaker, I would like to take this occasion to compliment the agents of the Justice Department's Bureau of Narcotics and Dangerous Drugs on the recently announced record seizure of heroin which occurred in Miami.

On January 5, BNDD agents of the Miami office, acting on information received from an informant, seized 238 pounds of heroin and arrested eight suspects believed to be key figures in a large smuggling ring. Three of the suspects were arrested at the Miami International Airport while carrying approximately 100 pounds of heroin in three suitcases.

A few days later, on January 10, agents seized an additional 147 pounds of heroin brought in by the same group and hidden in an apartment on West Flagler Street. BNDD Director John E. Ingersoll said that this total of 385 pounds of heroin exceeds the previous U.S. record seizure by 136 pounds and has an illicit street value of approximately $76 million.

The previous record of 249 pounds was only established in June 1971, when BNDD agents abroad, assisting the Spanish National Police, seized a 1971 Citron which had been loaded with heroin for shipment to the United States.

As significant as this large seizure is, it is more important that seven major international heroin traffickers have been eliminated. The amount of drugs seized in any one case is, at best, only an indication of the scope of an illicit trafficker's activity. It is far more important to terminate his activity permanently than to merely deprive him of the illicit drugs of a single transaction. These violators are now being held in lieu of a bond of $1 million each.

Mr. Speaker, several of my colleagues and I have just returned from an onsite study of the drug problem in South America. It is clear that some of the cities in this region are unwittingly becoming important transshipment centers in the smuggling of drugs from Europe to the United States. It is now well known that Miami and the entire State of Florida has become a favorite point of entry for these drugs. We in the Congress are determined to see that this situation is corrected and that our enforcement authorities receive the support required to do this job.

In closing, I would like again to express my appreciation for the daring work of the agents of the Bureau of Narcotics and Dangerous Drugs in effecting this all-time record seizure.

WAR ENDING TOO LATE FOR SIX FROM GARRETT COUNTY TOWN OF 650

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. BYRON. Mr. Speaker, the town of Friendsville, Md., in the Sixth District has lost six of its sons in the conflict in Vietnam. Friendsville is not a large town; its total population is 650. The loss of six of its young men in Vietnam is, therefore, all the more remarkable and tragic. I share with my colleagues an article that appeared in the national press Christmas week on Friendsville and its losses:

WAR ENDING TOO LATE FOR SIX FROM GARRETT COUNTY TOWN OF 650

FRIENDSVILLE, MD.—The war in Vietnam is ending too late for Air Force Sgt. Tommy Fike, 23, and five of his buddies from this Garrett County community of 650.

The six were casualties of the fighting there, with the first death reported March 16, 1967 and the last—Fike's—Dec. 4, 1971.

The death of the six young men gave the community the distinction of having one of every 100 residents killed in Vietnam, a figure no other Maryland town has reached.

Fike was to be home Monday for Christmas, his four years in the Air Force finished, but he died Dec. 4 while serving as a helicopter gunner—an assignment he volunteered for a year ago.

When the townspeople spoke of Fike, they also spoke of Marine Pfc. Danny Nicklow, 20, killed March 16, 1967; Marine Lance Cpl. Ross Fike, 18, killed May 16, 1967; Army Spec. 4 Wayne Hook, 20, killed June 17, 1967; Army Spec. 4 Roger Garlick, 21, killed March 17, 1969; and Airman 3 Norman E. Thomas, 21, killed Nov. 17, 1969.

All died in combat.

"Maybe Friendsville should be exempt from the draft," suggested Wayne Friend, a 1966 graduate of Garrett's Northern Junior-Senior High School along with Garlick, Ross and Tommy Fike.

Four of the young men were volunteers and two were drafted.

There still are 15 Friendsville boys in the service, five of them in Vietnam, according to townspeople.

"The majority of the people think they're doing more for the country than they're sacrificing," said Karol Rush, former Friendsville mayor, looking out the window of his gas station at the town's only street light.

Danny Nicklow's father, Walt, an 11-year Navy veteran, wanted to re-enlist when he got news of his son's death near Quang Tri.

"Walt, you're too old to go back in," his sister told him.

"You don't give a son for a worthless cause," said Mrs. Bernice Rodeheaver, Danny's mother, now divorced from Nicklow.

"You couldn't get him to kill a rabbit or bird," Ralph Garlick said of his son. "He never shot a rifle in his life until he went in the Army.

"He didn't believe in killing."

"My thoughts are that the war is just a lot of bloodshed for nothing," said Mrs. Margaret Garlick.

"The parents usually think of them as boys, not as grown men. But that's what they are," she said of her son who died when the cargo plane he served on crashed near Quan Loi Air Base.

Emerson and Virginia Francis Fike thought about their son—Tommy—and talked of his simple tastes.

"There were so many things that it seemed like he wanted us to have," said Mrs. Fike, pointing to a cuckoo clock, stereo, cameras, china and silverware—all gifts from their son.

THE WORSENING SCHOOL CRISIS—RARICK REPORTS TO HIS PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. RARICK. Mr. Speaker, I recently reported to the people of my district on the adverse effects of Federal court school decisions on local control of education and on American society. I insert the report at this point in the RECORD:

RARICK REPORTS TO HIS PEOPLE ON THE WORSENING SCHOOL CRISIS

In spite of overwhelming public opposition and the clear prohibitions of the law of the land, forced busing of school children continues to plague our land. I though we'd review today some political court decisions affecting public education, including the recent Richmond, Virginia, decision. Until the control and operation of domestic institutions, especially the schools, are restored to the local control of the people in the communities, there can be little doubt but that the American people will continue to be forced into non-action while our children are taught to yield to a socialistic dictatorship.

From the beginning of public education in the past century, until the 1954 court decision in Brown vs. Board of Education of Topeka, each local school board, elected by and responsive to the desires of people at the local level, set the policies for operating public schools in accordance with certain regulations prescribed by the generally elected State Board of Education. This was the constitutionally intended way of operating public schools. Education was so generally accepted as a power reserved to the States and the people thereof, it is not mentioned in the U.S. Constitution.

In its May 17, 1954 Brown decision, the Warren Court abandoned the "separate but equal" state facilities doctrine by violating the law of the land as stated in the Constitution and upheld by various Supreme Court decisions. Nine appointed men undertook the overturning of long established law based on the Constitution and centuries of custom with a new man made law based upon so-called sociological myth and superstition of Gunnar Myrdal, a Marxist from Sweden. Finding no basis in the Constitution and laws for integration, the court stated in its decision that it was turning to psychology and sociology, citing Myrdal as the authority for the decision and accepting his theory of the "fundamental equality of all men" as being written into the Declaration of Independence. The Declaration of Independence is in no way a part of the Constitutional contract agreed by the States. At most the Declaration of Independence was a political doctrine prepared as an indictment of the English king and oppression of English colonials by Englishmen. The historical significance of "all men are created equal" referred to the equality of birth of Englishmen be they born in the United States or in England.

None of the delegates to the Constitutional Convention in 1787 even suggested "all men are equal" as a rule of law or a part of the Constitution. In fact, Alexander Hamilton said to the assembled delegates on June 26, 1787:

"Inequality will exist as long as liberty exists. It unavoidably results from that very liberty itself."

In other words, equal men can not be free and free men will never be equal. Force alone is the leveler of man.

The equality of man is but disarming jargon exploited to enslave free men. Communism cannot survive in a country where men, their ideas and the earnings of their labors are free. That's why the Communists built the Berlin Wall. Even Myrdal subsequently renounced his stand on the equality of men.

The gist of the controversial 1954 decision in Brown vs. Board of Education of Topeka was that States—meaning the people through their school boards—could not assign pupils because of their race. Since traditionally segregated schools were illegal overnight, according to the federal judges, many local school boards drew up freedom of choice plans whereby parents could select the schools of their choice. This was the rule of law of the Brown case, yet it resulted in only token integration since the vast majority of parents preferred that their children attend schools with members of their own race. Since the parents didn't choose the way the federal judges and the political Washington bureaucrats wanted them to choose, school boards were compelled to draw up and implement federally approved plans for bringing about a racial mixture of students in each school approximately equal to the racial composition of the school district. This percentage mixture was later applied to teachers and school administrators. Although the Brown case involved a Kansas school, these plans were imposed almost exclusively on Southern school districts.

Thus a complete cycle in political hypocrisy evolved. A court decision which forbade state assignment of pupils because of race has now been interpreted to authorize federal judges to assign pupils for no other reason than race.

To carry out these racial percentage pupil assignments, local school boards were forced to resort to busing, an experiment which met with uniform opposition from concerned parents.

A large increase in crime in school has resulted from forcing white children to attend predominately black schools and vice versa. Forced busing of children away from their neighborhood school to a distant school in a strange neighborhood has caused many families to move to the suburbs or to put their children in private schools. As an example of busing followed by white flight, an Office of Civil Rights spokesman uses the Nashville, Tennessee Davidson County school district. Total segregation dropped from 21.1 percent in 1970 to none last year. At the same time, total school enrollment decreased by over 7000 while black enrollment increased by 500. Such a trend is the rule and not an exception as is shown in other cities in America.

In April of last year, the Supreme Court issued its "landmark decision" in the Charlotte-Mecklenburg County, North Carolina case, ordering the busing of children to achieve a desired racial percentage in the public schools.

By this decision, the High Court again violated the Constitution and the laws of Congress. The average American learned from his TV set and his newspaper that the Supreme Court had "legalized" busing of school children and that the court's order was the law of the land.

At that time, I pointed out that Supreme Court decisions were not the Supreme law of the land and called the federal judges—not the parents of schools children—the law violators. The U.S. Constitution clearly provides in what is called the Supremacy Clause:

"This Constitution and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made under the authority of the United States, shall be the Supreme Law of the Land; and the judges in every State shall be bound thereby . . ."

Nothing is provided about Supreme Court decisions being the law of the land. On the other hand, judges are bound by acts of Congress.

Congress has enacted laws pursuant to the Constitution which are the law of the land. One of these laws points out clearly the usurpation of power by the Supreme Court's ruling on busing.

The Civil Rights Act of 1964 reads:

"Provided that nothing herein shall empower any official or court of the United States to issue an order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or the school district to another to achieve balance or otherwise enlarge the existing power of the court to insure compliance with Constitutional standards."

Another section of the Civil Rights Act of 1964 reads:

"Desegregation means the assignment of students to public schools and within such schools without regard to their race . . . but desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance."

As further evidence of the intent of Congress, the language of the HEW Appropriations Act reads:

"No part of the funds contained in this act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance."

These laws are the law of the land. The courts have never held them unconstitutional; the courts are in direct violation of the very law which they are sworn to uphold.

On January 11th of this year, a Richmond, Virginia federal judge ruled that by September the predominately black Richmond city public school system must merge with the 90 percent white systems of two adjoining suburban counties. The judge ordered the Virginia State Board of Education to appoint an acting superintendent of the newly-merged three school systems and to submit a plan for its financial operations. The three local boards and state school officials were given 30 days in which to name a school board of from six to nine members for the consolidated district.

Within 90 days the State is required to file its final plan for desegregating the schools, including staff assignments by race and transportation plans for students. This new district is expected to result in a 67 percent white and a 33 percent black school population throughout the district. Each school is to have from 20 to 40 percent blacks. The proper racial mixture can only be achieved by wholesale busing. This latest federal court decision is patently contrary to the U.S. Constitution and to the laws of Congress. Laws of Congress forbid the use of funds for cross county busing to achieve racial balance.

The exclusive right of a State to create political subdivisions within its boundaries has been recognized since the establishment of the American Republic. The action of the federal judge in ordering a merger of school systems, if upheld, will set a precedent that is certain to have widespread implications.

If a federal court can order a State to merge school districts within its confines and to bus students across county or parish lines, it is only logical to expect free men to flee to more distant counties or to other States in order for their children to attend a school of their choice. When this occurs and there is again racial imbalance caused by whites fleeing to other States, we can expect the federal courts to order busing across State lines. However, with the greater distances involved, it may be necessary to use jet airplanes instead of buses. Sounds absurd? Wouldn't it have sounded absurd several years ago to say that federal judges would order busing across county lines?

The rationale for Judge Merhige's decision in the Richmond school case is his contention that quality education can be achieved only within a racially integrated setting and that a State may not sanction a system "which serves only to reproduce in school facilities the prevalent pattern of housing segregation." In other words, neighborhood schools are illegal unless neighborhood housing is also integrated in the proper race ratio as determined by the federal courts.

Apparently Judge Merhige doesn't want quality education for his son, who reportedly attends a private school in Richmond.

Education is now replaced in priority by racial proportions. Implementation of the Richmond decision will require large scale busing—a costly waste of taxpayers' funds without one iota of proof that education or intelligence will be improved.

The Richmond decision, if upheld, will signal the demise of local sovereignty of education—not by legislation, but by judicial usurpation. The confirmation of massive white exodus is uncontroverted evidence of free people fleeing tyranny.

What is the solution to the public education crisis in which we find a mockery made of education and children used as guinea pigs in social experiments? The answer is for the sovereign States and the people thereof to demand that the federal government get out of the public school business where it has no constitutional right to be and allow the States and local citizenry to again operate and control the schools in accordance with the wishes of the people concerned. A poll conducted by a city official of Richmond, Virginia revealed that 99% of the whites opposed mandatory busing as did 85% of the blacks. Yet one man—an unelected U.S. District Court judge—ordered cross-city transportation of 17,000 high school students, many having to spend two hours a day in transit to fulfill the arbitrary whim of a federal judge, and now intercounty busing has been ordered. This is government of, by, and for the people? This is in the U.S.A.?

Nor should we forget that the Nixon Administration's New American Revolution has not intervened to follow the law of the land nor to stop wholesale forced busing. Busing is being used to educate parents that the federal government has a first ownership claim to their children. Today the child is bused to a distant school in the morning and returned at night. If the planners have their way, tomorrow children will be bused from home and not returned but kept overnight and for longer periods of time as wards of the government.

I have introduced several bills which, if enacted, would limit the appellate jurisdiction of the federal judges and return power to the local people over their schools.

Suffer the little children—not just in Viet Nam, Africa, Middle East, but right here in the USA. Thus far national leaders refuse to retreat from their tyrannical positions.

Integration, racial balance and busing were all implemented for political gain to trade off children in one section of our country for bloc votes in another.

What was caused by politics can only be ended by politics. And now that busing threatens the white sanctuaries in Indiana, Detroit, Denver, and even San Francisco, political leadership can soon be expected to change the national race policies as a matter of political, moral, and cultural expediency.

And the probable result—to let the American people alone—merely reconfirming the law of the land.

AGRICULTURE YEARBOOK, 1971

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. MATHIAS of California. Mr. Speaker, I was pleased to join you and some 30 to 40 Congressmen and Senators from the Housing and Agriculture Committees, together with a large group of newsmen, radio and TV reporters and photographers, at a press premiere and reception in the Rayburn Building on December 7, to introduce the new 1971 Yearbook of Agriculture.

Titled "A Good Life for More People," the new yearbook places principal emphasis on rural development, in general, and rural housing, in particular. There are 416 pages in all, many well illustrated with pictures and charts. The foreword includes a special 16-page photo section in two colors.

Although population forecasts are always uncertain, the 1971 yearbook points out that, if necessary, millions of people could be comfortably added to the American scene by the turn of the century. Currently, 74 percent of our Americans live and work most of their time on 2 percent of our land. Yet the book explains that there is ample room for economic expansion in our rural areas.

The some 80 authors, each a specialist in a particular field, point out that the countryside has the space. And in many rural communities dramatic progress has already been made in providing the same amenities that exist in the city—transportation, community facilities including water and sewer systems, housing, jobs, electrification, and telephones.

In commenting on the book, the Washington Evening Star said that:

> This year's book is almost a textbook in rural sociology, concentrating on housing, education, and community services, with feature articles on people who have taken advantage of various programs overseen by the U.S. Department of Agriculture.

Considerable space in the yearbook is devoted to the Farmers Home Administration's rural housing loan programs which have created a rapidly expanding rural housing market over the past 3 to 5 years.

As we know, the Agriculture Yearbook, as a Senate and House document, has always been rich in information. Issued annually on a different and timely subject, it is in considerable demand by our constituents.

This year, the Agriculture Department took particular pains to give the book extra public exposure by arranging a special press and Congressional premiere here in the Rayburn Building. The people responsible are to be congratulated for it shows that they and the Department that they represent share a vital concern for people, and providing them with the space, the services, and the production resources necessary for a good life. I heartily commend those responsible in the Secretary's office for their imagination and resourcefulness and understand that already press clippings and photographs publicizing the yearbook have appeared in all or nearly all of our 50 States.

Mr. Speaker, I was particularly impressed with the spontaneous remarks made at the press premiere by our new Secretary of Agriculture Earl L. Butz. Dr. Butz' comments, I believe, point out his dedication and his innermost feelings and telegraph the direction that the Agriculture Department will be traveling in helping our Nation confront the worrisome problem of rural-urban population balance. As you can see Dr. Butz believes that one of the answers lies in a healthy rural economy as bolstered by a strong rural development program. With your permission, I would like to have the excerpts from the statement by Dr. Butz inserted in the RECORD.

The excerpt follows:

EXCERPTS FROM STATEMENT OF SECRETARY OF AGRICULTURE EARL L. BUTZ

DECEMBER 7, 1971.

I think that the title of the yearbook, "A Good Life for More People", is a very significant title and that it fits right in with these times in the history of our country and in the history of agriculture and in the history of USDA.

Rural development has been a major trust of the USDA for some time. As you know, in President Nixon's proposed reorganization program there is a proposed Department of Community Development. Whether that comes about or not, I want you to know that in the Department of Agriculture, we propose in the months and years ahead to bring to bear as many facets as possible of our total program on this important area of community development, especially in the rural areas of America.

And that means more than just working with rural people, it means developing entire rural structures. It means highways. It means educational systems, sanitation systems, educational availability, access to liberties, health delivery systems and new rural housing and rural electrification and telephones.

And when that's all done, it's been my observation that capital moves into that kind of a viable community. When capital moves in that means job creation. In the old days we said keep them with down on the farm. Now, we are going to keep them down in the rural areas of America and that's from coast to coast. We're going to make opportunities there for these young men and young women who want to stay so that they don't have to migrate to the ghetto situations of inner cities where we've concentrated population far beyond the proportions that we should for a healthy America.

And I am sure that this new 1971 yearbook will give added emphasis to that thrust we're going to have in the Department of Agriculture, indeed in all government. When we get through, we're going to have a healthier America for more people out where they can enjoy the environment the way nature left it, where they can really enjoy nature's bounties and have educational and economic opportunities for the young men and women.

PRICE MONITORING PROGRAM

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. ANNUNZIO. Mr. Speaker, on Tuesday, January 11, Lane Kirkland, AFL–CIO secretary-treasurer, delivered an outstanding address here in Washington regarding the price monitoring program initiated by the AFL–CIO. I would like to call the attention of my colleagues to his remarks because they provide a keen analysis of the results of wage-and-price controls in America.

Mr. Kirkland points out that wage control was instantaneous and absolute, because every employer was a willing enforcer, but price controls have been provided in name only. Since November 11, the cost of living has gone up each month. Price increase violations have been reported by the thousands, but to date, the IRS has not responded to the complaints, no overcharges have been refunded to consumers, and the violators have gone unpunished.

And only a few days after Lane Kirkland spoke about the great necessity for a price monitoring program, the Government announced that wholesale prices jumped 0.8 percent in December, the first full month after the President's phase I wage-price freeze was ended. This was the steepest increase recorded in 10 months, and bears witness to the fact that effective enforcement of price controls is nonexistent at this time.

I commend the AFL–CIO for its efforts to protect the consumers of America and to insure effective enforcement of price controls under phase II. The full text of Mr. Kirkland's remarks on the price monitoring program follows:

TEXT OF AN ADDRESS BY AFL–CIO SECRETARY-TREASURER LANE KIRKLAND

The AFL–CIO has initiated this program of price monitoring—not to harass merchants or innocent government functionnaires—but because it has become very clear that no one else, either in government or business has any real intention of making price controls, so-called, work. The system is designed rather to conceal price standards from the public and to frustrate enforcement.

We believe we have good credentials for launching this program and for calling this session.

The AFL–CIO is the largest organized group of consumers in America—13½ million people—and most of them have families.

They all want protection against price gougers and they will not settle for Madison Avenue gimmickry.

Workers don't need a degree in economics to understand inflation. They know inflation dilutes the value of their paychecks. They get their lessons at the supermarket, from their landlords—they get it every time they meet up with a cash register.

For most workers, wages are the sole source of family income. That income must be stretched to pay for food, clothing, shelter, medical care, education—all of the needs of a family.

And while the prices of all of these items have been going up, wages have been lagging behind. Despite the gains made at the collective bargaining table, wages continue to fall behind price increases.

The most recent Consumer Price Index reports bear witness to this fact. Prices have continued to increase. And, in contrast, average weekly wages have been going down.

Hold wages down, some editorialists say, and prices will stay down. Well, that's sheer nonsense, of course. Wages are only one of the many factors that go into product cost and prices are set, not on the basis of costs alone, but on what the market will bear. This inflation started with a profit boom and was perpetuated by the century-high interest rates that resulted from the Administration's initial economic game plan.

And once having created the mess, the Administration made it worse by moving to a so-called control program that wasn't planned, wasn't programmed, and wasn't sensible.

Wage-and-price control—that's what the President said he was ordering for America.

We got wage control, all right—instantaneous and absolute because every employer was a willing and happy enforcer.

But when it came to price control all America got was propaganda.

When both Phase One and Phase Two were announced, the trade union movement was virtually alone in pointing out that the Administration had not provided enforcement—not just adequate enforcement, any enforcement whatsoever.

The President, who professed a horror at creating a new bureaucracy, decided to let purveyors of goods and services police themselves, subject only to telephonic surveillance by the Internal Revenue Service.

Of course it didn't work. Anyone who knew the so-called ethics of the market place could have told the President that. Since he knows well the ethics of the one sector in America that has been his regular political supporters, there's every reason to believe he knew it wouldn't work.

Only this past week, the Internal Revenue Service admitted there was widespread noncompliance by business with the price control regulations. Right here, in Washington, D.C., 90 percent of the stores checked were found to be not complying with the regulations.

We've been pointing out this fact for months, and only now the government is admitting it. Of course, the government isn't telling the American people what they are going to do about these violators. To date, they've done nothing and there is no reason to expect much is going to be done in the future.

Let's look at the track record to date:

On November 11, the Price Commission ruled that no retailer could raise any price without first posting the base price information.

Two months have gone by. Each month the cost of living went up. Few stores, if any, posted the required base price information. And none are required to post the information until Monday.

Violations by the tens of thousands were reported—by our volunteer price monitors and by the news media.

To date, the Price Commission and the IRS have not responded to any of these complaints. No overcharges have been refunded to consumers. No penalties have been sought against violators.

It all adds up to a sham—a rotten sham. And the American people are not being fooled; they see the higher bills at the checkout counter.

The chairman of the Price Commission—Mr. Grayson—has been quoted as saying the consumer really has no way of knowing if the prices he is paying are legal or not.

Well, at the very least the consumer has the right to find out if the increases are legal from the government—from the IRS.

It isn't up to the customer to prove the price has gone up. The burden of proof is not on him; it is on the seller.

And the burden of determining the legitimacy of a price increase should be on the IRS and the IRS is just not doing that job.

We don't blame the IRS. They don't have the manpower or the expertise. They aren't getting information they need or instructions they can follow or any sensible guidelines from the Price Commission.

It is our firm belief that the American people want to help the IRS stop price gougers. Certainly we in the AFL–CIO want to help.

We are convinced we can help, and we are going to help.

We are putting monitors in the stores—as many as we possibly can. And we promise to bring every suspected violation of price controls and rent controls to the attention of the IRS.

As American citizens we have the right to expect the government to quickly and efficiently check these complaints and to crack down hard on the violators. And we demand to know the disposition of each and every complaint.

But to date, the Administration has provided price controls in name only. Complaints aren't checked. Consumers are confused. Honest businessmen are confused. Chaos reigns and prices go up and up.

Exceptions are granted; doctors are given special breaks; insurance premiums are allowed to jump; postal rates are decontrolled; regulations are issued, reissued, interpreted and reinterpreted. And still prices go up and up.

Note these facts:

The first 120 price increases of manufacturers approved by the Price Commission averaged 4.05 percent, well above the Commission' own 2.5 percent guideline figure.

The Price Commission wrote into its rent regulations so many loopholes that landlords complacently predict that rents will be permitted to increase 10 percent.

The Price Commission has dropped from its summary reports the number of firms that have applied for price increases. The reason is that nearly all of the 1500 firms required to pre-notify the Commission of planned increases have done just that. Very few increases have been rejected or reduced.

The Price Commission has become increasingly secretive about its operations. Tight clamps have been placed on the information supplied by companies to justify price increases. No one knows what goes on in the secret meetings of the Price Commission.

Of course, there is a reason for this secrecy. On December 20, the Chamber of Commerce threatened to withdraw cooperation with Phase Two if consumers were given enough information to determine for themselves whether or not price increases were justified.

The Pay Board sees nothing wrong in revealing facts about labor-management contracts, and, for that matter, neither do we. But when consumers ask if price increases are justified, the answer is: "Trust Papa Price Commission."

And who are we asked to place our trust in?

A Long Island newspaper, Newsday, revealed that four Price Commission members have extensive corporate connections. The AFL–CIO has revealed that two others—including the chairman—also have extensive corporate connections.

Out of the seven members, only one—Dr. Whitman—can be truly called a "public member."

President Nixon defined "public member" as "not beholden to any special interest group." We agree with his definition, but when it came to appointments to the Price Commission he forgot his own definition.

Sunday the Washington Post reported that the job of enforcement is going to be made tougher—if not impossible—by a new rule that will allow the store management to raise some items more than the guidelines, if other products aren't raised as high as the guidelines. In other words, he can play with prices in a manner calculated to confuse the consumer and increase his profit totals.

But because the job is tougher doesn't mean we should quit. We can—and we should—make life as tough as possible for the price gouger, the rent gouger and the Administration that seeks to protect them, instead of protecting the consumer.

Consumers should unite, should check out every store, look over every storeowner's shoulder, watch his every price tag change. Rentors should unite and oppose every rent hike that is not legitimate.

Together, we can demand—loud and clearly—that there be enforcement of price controls.

The choice then will be up to the Administration: it can admit controls are a sham, or it can prove its good faith by enforcing price controls—fairly, honestly, openly and completely.

So we are going to report violations—every single one we suspect. And we will report them by the freight car-load if necessary.

We will help tenants fight unjustified rent increases.

We will—if necessary—put picket lines in front of stores that refuse to play fair with their customers.

And we won't give up our fight in the Congress for an economic policy that will:

Put unemployed Americans back to work;

Give consumers the tax justice they deserve;

Provide consumers an adequate voice in their government;

End the stranglehold big business now has on the economic policy making functions of the federal government.

TWO QUARTS OF MILK OR ONE QUART OF BEER?

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. O'KONSKI. Mr. Speaker, in order to further explain my beliefs on what the farmer's real problems are, I would like to insert the following article taken from a recent edition of the Cornell Courier of Cornell, Wis.:

TWO QUARTS OF MILK OR ONE QUART OF BEER?
(By Gail Hamilton)

There are few things that attract attention and raise the ire of the consumer any quicker than an increase in the price of food. Take milk for example. If the price of milk goes up a penny a quart—and it hasn't for some time—you hear about it on radio, TV and in the newspapers. A few years ago a grocery chain ran a huge ad showing a picture of a crying baby to dramatize the high price of milk.

Just for fun we decided to compare the prices of things that people drink. In September, Hoard's Dairyman had an editorial which proves that milk is one of the lowest priced beverages. Checking with a local supermarket, here is the proof: (Prices are per quart).

Highest priced beer, 56c; Medium priced beer, 49c; Low priced beer, 42c; Coca-Cola, 42c; 7-UP, 38c; Pepsi, 35c; Synthetic orange drink, 25c; WHOLE MILK, (homogenized), 24c; 2 percent milk, fortified, 23c.

Maybe most folks don't care for a bargain when it comes to buying beverages, but if they do, it is obvious that milk is the best bargain of them all—not to mention the nutritional value.

Or perhaps the beer-drinkers want to help finance the state government. The tax on beer brings in about $6 million a year to the state and the federal takes approximately $50 million in taxes.

Even though milk is the best beverage bargain, the soft drink sales are closing in on milk, according to Hoard's Dairyman. The five-year period from 1964 saw a 28 percent increase in sales of the fizzy stuff.

But what is really surprising is that our economy-minded consumers spend close to four billion dollars a year for these drinks at a price that is 58 percent higher than milk!

And to think—they complain about the price of food.

NIXON'S FAILURE ON UNEMPLOYMENT

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. BLATNIK. Mr. Speaker, the most appalling news to greet Congress and the Nation when we reconvened to begin the second session of the 92d Congress was that the jobless rate had jumped back up to 6.1 percent.

Six months ago, when this Democratic Congress last put together an economic package, the Public Works Acceleration Act subsequently vetoed by the President, the unemployment rate was only 5.6 percent.

Unemployment is the Nation's biggest problem and, in the hands of the present administration, unemployment is growing steadily worse, not better.

Millions of American workers are now out on the streets day after day looking for jobs—jobs which would have been created through Accelerated Public Works projects.

But instead of finding useful work on badly needed public facility construction projects, these Americans are finding the economic and psychological loss of no job, no income, no self-respect.

Instead of being paid for their labor, these workers are paying the price exacted by an administration which has shown time and again that it does not care whether they work or not.

The simple facts are that the Public Works Acceleration Act would have created more than half a million jobs. But the President vetoed this act, and so instead of paying people to work, we are paying them to be idle, through unemployment compensation and welfare. And we are not getting our vitally needed public facilities built either.

The costs of such a policy are enormous. Since the current administration took office, the annual rate of unemployment compensation payments has risen from $2 billion to almost $6 billion annually. More than a million people have exhausted their unemployment compensation benefits in the last 6 months, and total public assistance payments—which is where these people turn when unemployment benefits run out—are now at an annual rate of almost $18 billion, almost 80 percent higher than when the administration took office in 1969.

Clearly, the dollar costs of the administration's failure to act on unemployment are very high. But these dollar costs cannot even begin to reflect the loss of human dignity and the suffering of families caused by the administration's so-called "employment" policy, which in fact really is a policy of "nonemployment."

Just as dollar costs for unemployment compensation and public assistance fail to measure the suffering caused by unemployment, so do national unemployment statistics fail to reflect the seriousness and extent of unemployment in certain areas of the country, or among certain groups.

There are large geographic areas of our Nation, whole counties, where unemployment is running above 30 percent, or more than five times the national average. And among certain groups, for example, among young people in poor urban areas, the rate of unemployment is an unbelievable 36 percent—six times the national average.

Perhaps the only thing more unbelievable than a 36 percent unemployment rate is the lack of real effort by the Nixon administration to solve this problem.

The administration's record on unemployment, in vetoing Accelerated Public Works and on a host of related matters, stands in stark contrast to that of the Democratic majority here in Congress.

Where the administration has added more than 500,000 unemployed, Accelerated Public Works would have created more than 500,000 jobs.

Where the administration has paid out unemployment compensation, Accelerated Public Works would have paid out a more modest amount in wages and salaries for performance of constructive work.

And where the administration has left empty sites and put plans for vitally needed public facilities on the shelf, Accelerated Public Works would have built badly needed hospitals, water and sewage systems, fire stations and schools.

The significance of these contrasts between the administration and the Democratic Congress will not be lost on the American people next November.

The small-scale Accelerated Public Works program—less than 2½ percent of our original $2 billion program—which we passed subsequent to the President's veto is running smoothly and well under the Economic Development Administration.

The Public Works Committee expects to have substantially complete data on its accomplishments in a few weeks, and we will report to the Congress on its accomplishments at that time.

Meanwhile, it is up to this Democratic Congress to continue working to solve our Nation's greatest single problem, unemployment—a problem which the administration has shown itself to be neither willing to face nor able to solve.

"MONDAY" LOOKS AT THE FACTS

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. HARRINGTON. Mr. Speaker, occasionally, I read what the Republican National Committee has to say through its publication "Monday." It is an interesting weekly because it follows the precept: "Never let the facts get in the way of a good story."

Last December, Joe Pilati, a reporter for the Boston Globe, did a column on "Monday." Pilati found that the Republican National Committee was quoting his newspaper when no such quote ever existed. There was another headline attributed to a column in the New York Times by James Reston. Again, Pilati could not find the headline.

Both articles cited by "Monday" were allegedly praising the President for his ability to communicate with the Nation's youth. Judging by discussions with high school and college students in my district, the President has yet to prove that he is the superstar "Monday" says he is.

Pilati did find a Globe article dealing with the President's rapport with the Nation's young, and it was printed on the date "Monday" referred to. It was a front page story called: Nixon Alienates Student Moderates.

When not praising their leader, "Monday" enjoys writing acidly about the leading members of the Democratic Party. I usually find it hard to believe all the accomplishments attributed to the President. And the reports dealing with the Democrats is best categorized as "impossible." Joe Pilati, by following the canons of journalism in checking for facts, found that another publication, "Monday" is careless when it comes to following the same ethic. At this point, I wish to insert Mr. Pilati's article into the RECORD:

IMAGE BUILDING—GOP STYLE

(By Joe Pilati)

The Republican National Committee's sprightly and acerbic publication, Monday, would have us believe young Americans have come to regard President Nixon with nothing less than adulation.

Last month's issue of the magazine (it appears as a newsletter for three weeks each month, then as a magazine once) reported gleefully: "At no time since he entered public life has Richard Nixon tried to co-opt young people or snow them with theatrical charisma.

"Instead, he has addressed them as young adults . . . He refuses to undercut the nation's honor—whether it's bowing to violence in the streets at home, or violent aggression plotted in the war sanctums of Hanoi."

The magazine is loaded with photographs showing youthful audiences going ape over the Administration, at least in Walla Walla, Wash. and at the University of Nebraska. And it quotes such sage observers as Walter Trohan of "The World's Greatest Newspaper," The Chicago Tribune, who wrote in June 1970 that it is "not only the silent majority that is finding a new folk hero in R.M.N., but a considerable number of young people."

Monday also devotes several pages to what purport to be headlines from two dozen leading daily newspapers, such as The Globe ("Nixon Gives Priority to Youth," June 8, 1970) and the New York Times ("President Shows Admirable Willingness to Adapt to Needs," April 6, 1971).

And there's the rub. We trained our gaze on The Globe library's microfilmed copies of both papers last week and discovered that the headlines and news stories to which Monday alluded never appeared.

We checked the AM and PM Globes for June 8, 1970. Nothing there. We checked June 7, June 9 of that year as well as June 8, 1971, in case Monday got the date wrong. We checked columnists (suspecting that the elusive headline may have appeared over a Joe Alsop piece). Nope.

As for the Times, despite Monday's citation, the April 6, 1971 edition contains nothing even faintly resembling a story about the President's admirable willingness to adapt to needs. It does contain a lead editorial assessing the recent invasion of Laos and concluding, "Gains clearly are few . . . There is little basis for optimism."

We called Lyn Nofziger, the Republican National Committee's deputy chairman for communications and a prime mover at Monday, to report our findings. He was flabbergasted and promised to call back after checking with John Lofton Jr., the editor of Monday who not long ago served simultaneuosly as an editor of The New Guard, the organ of the right-wing Young Americans for Freedom.

"I've checked with all our research people," Nofziger said when he called back, "and they couldn't find any headlines either. He (presumably Lofton) said the New York Times thing had come out of a Reston column, and on The Globe he thinks he screwed up the dates."

(A subsequent recheck of the Times revealed that James Reston did not write a column on April 6, 1971, nor did he write anything else for that day's editions.)

Nofziger sounded discouraged. "I like to think that as a former working reporter I can talk to people and be credible," he said. "This kind of thing really doesn't help me at all . . . It really p----- me off."

It is only fair to point out that the June 8, 1970 Morning Globe carried a story on page one headed, "Nixon Endorses Ripon Plan for Youth to Probe Policy." What Mr. Nixon did, in effect, was endorse in principle the kind of work his future son-in-law, Edward Finch Cox, was already doing with Ralph Nader: "setting up independent task forces of young people to probe areas of policy within the government."

We called Josiah Auspitz, the former president of the Ripon Society, who said that in the 17 months since Mr. Nixon endorsed the liberal Republican group's plan, "a good start has been made" on setting up a tax-exempt foundation to implement it.

But Auspitz added: "Monday, you know, is kind of like Pravda and Izvestia. It's designed to rally the troops. The trouble is, they act as if all the troops are rightwingers. As the President has said, the Republican Party is not an ideological party—but you wouldn't know it from reading Monday."

Perhaps the most interesting tidbit to emerge from our research is that the Evening Globe of June 8, 1970, far from carrying anything buttressing Monday's claims, ran a front page story by Matthew Storin, then with the paper's Washington bureau, headed "Nixon Alienates Student Moderates." It said eight young White House aides, just back from a tour of 30 campuses, told Mr. Nixon he was losing the "sons and daughters of the silent majority."

SELLING WHEAT TO THE SOVIETS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. SCHMITZ. Mr. Speaker, on November 3 the Chicago Tribune carried an intriguing news item explaining that Commerce Secretary Maurice Stans would visit Moscow later that month—at the invitation of the Soviets—to discuss trade and other commercial matters. His trip was viewed as "a continuation of the policy initiative begun last June when the Nixon administration eased some of the export restrictions on American goods being sold to the People's Republic of Red China and to the Soviet Union."

Three days later the New York Times reported that in the interim the administration had casually announced arrangements "for the commercial sale of nearly $136 million worth of corn and other livestock feed grains to the Soviet Union." Reiterating Mr. Nixon's incredible policy switch of last summer, the Times also mentioned that in addition to lifting the old barriers for trade with Communist nations the President had removed the requirement that 50 percent of all foreign trade would be carried in American ships. That decision, oddly enough, was agreed to by the heads of all the major maritime and longshoremen's unions. The Russians, continued the Times, are expected to use the grains for an expansion of pork and poultry production.

Meanwhile, quoting a much higher figure and trumpeting the President's action as a major "coup," the equally liberal Washington Post ran a story with the bold heading: "United States Sells Russia $185 Million In Grain," assuring its readers that:

> Such a sale would not only exceed the total of all exports to the Soviet Union last year—$118 million—but would also top the historic and controversial shipment of $125 million worth of wheat to the U.S.S.R. in 1964.

Controversial, indeed. While the Department of Agriculture raises the rent on all leased land to the cattlemen and in such areas as California cancels many of the grazing leases on national forest land, our Government sells grain to the Soviets at prices far below any available to the American farmer. Intelligence authorities warn that the grain deal will allow the Soviets to expand their aggressive plans in strategic areas of the world now that the United States has helped the Reds solve one of the most serious problems of the Commissars, that of feeding their own people. Needless to say, aid and trade of this magnitude with a Communist enemy which for 10 years has supplied up to 85 percent of the weapons and ammunition used by the Vietcong to kill our sons in Vietnam is anything but logical.

Proceeding under the humanitarian guise of trying to help reduce the "heavy surpluses" from this season's "bumper crop" and to "firm up" prices, the President's latest deal helps ensure the Soviet slavemasters' continued control over millions of hapless victims behind the Iron Curtain. This subsidy by the Nixon administration actually makes 80 million bushels of corn, 30 million bushels of barley, and 24 million bushels of oats available to the Kremlin at well below current U.S. market prices. And as pointed out by syndicated columnist Paul Scott on November 27:

> Part of the grain is even being sold to the Russians at a financial loss to the United States government. In other words, American taxpayers are being forced to underwrite Russia's program of increasing its meat supply.

Handling the complicated sales arrangements with the Soviet Government are two large American companies, Continental Grain of New York and Cargill, Inc. of Minneapolis. With the contractual backing of the Nixon administration these companies are buying the 900,000 tons of barley and oats from stocks of the Commodity Credit Corporation—an agency of the Department of Agriculture—and the 2 million tons of corn from the open market. They stand to profit handsomely from this transaction with the Communists.

While Secretary Stans was wrapping up his 11-day mission to Moscow, where he met privately with Premier Kosygin to smooth the way for President Nixon's visit in May, there were also 100 other American representatives there from 70 large U.S. companies to discuss an increase in business dealings with the Reds.

Will the American people continue to sleep while their own leaders sell our Communist enemies the very rope with which the Reds intend to hang us? Speaking at the Eighth All-Russian Congress of the Soviets on December 21, 1920, Lenin counseled his Bolshevik comrades:

> It is necessary to bribe capitalism with extra profit. Capitalism will get the basic profit . . . and we will get the basics (*food and equipment*) with the aid of which we will strengthen ourselves, will finally get up on our feet and then defeat it economically.

And so it has gone for half a century.

A CHRISTMAS DREAM

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. MAZZOLI. Mr. Speaker, it has been my experience that the most meaningful Christmas gifts are often those created personally by the giver.

Such a gift, is the poem written by Mr. Tom Cox of Louisville, for his daughter and her classmates at St. Leonard's School, which is located in my district.

The poem was sent to me by Mr. Cox's secretary, Mrs. Hazel A. Wilfong. It is entitled, "A Christmas Dream." I include it in the CONGRESSIONAL RECORD at this point:

A CHRISTMAS DREAM

Many years ago, in a house that wasn't bright, seven children slept . . . awaiting the magic night.
Snugly curled beneath their comforts, they dreamed a private dream
Of things to come on Christmas Eve . . . a dream come true it seems.

Patiently they had waited . . . helping in so many ways, being model children while counting the passing days.
It wasn't dolls they wanted, clothes or shiny guns,
It wasn't candy or baseball gloves, monopoly or other games of fun.
You see, on the birthday of our Saviour, another would arrive
From a far off jungle war . . . news had come to Mom that Dad was still alive.
It was this news that gladdened them . . . filling their hearts with joy,
Fulfilling their Christmas dream better than any kind of toy.

So you see, my children, Christmas means many things.
To some it's love of God and family. To others . . . it's only games.

NATIONAL FLOOD INSURANCE

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. ST GERMAIN. Mr. Speaker, the national flood insurance program, enacted by Congress in 1968, has gone a long way toward protecting citizens from hurricanes and other disasters in flood-prone areas.

I am particularly pleased to note that residents of my own State have been among the first to take full advantage of this program. In fact, Rhode Island property owners have obtained more low-cost Federal flood insurance than residents of any other State in New England, according to a recent article in the Providence Sunday Journal.

This report gives me a special satisfaction, since I was the floor manager of the original legislation and twice introduced emergency amendments to expedite the eligibility requirements. Experience has shown that it is doubtful this program would have had a chance to demonstrate its full potential without these amendments.

Prior to adoption of these amendments, insurance coverage could not take effect until actuarial studies were completed. This complex, time-consuming process often took a year or more. The longer the delay, the greater the chance the insurance would not be in effect when it was needed most.

My amendments, adopted in 1969 and again in December 1971, make coverage available immediately upon application for flood insurance. The most recent amendment extends this provision through December 31, 1973. The only requirement is that a community must have the minimum land use and control measures in effect at the time the individual property owner applies for flood insurance.

I believe this program will have a significant impact on the lives of citizens who have suffered from flood damage in the past. When disaster strikes, it takes a special kind of courage and determination to pick up the pieces and start again. This legislation will make that burden a little easier to bear.

At this point I would like to place in the RECORD the complete Providence Journal report on the impact of Federal flood insurance in New England:

[From the Providence Journal Business Weekly, Jan. 9, 1972]

RHODE ISLAND TOPS NEW ENGLAND IN FLOOD INSURANCE COVERAGE

(By Joseph L. Goodrich)

Rhode Island, which suffered heavily from flood damage in 1938, 1954 and 1955, is leading all the New England states in coverage under the National Flood Insurance Program.

Through Oct. 30, Rhode Island residential and small business property owners in the state's flood plain areas, both coastal and inland, had obtained an aggregate of $23.9 million in flood insurance coverage under the federal-insurance industry program.

That compares with about $16 million in coverage for property in all five other New England states, with Massachusetts leading in this group with $15.9 million total coverage. Connecticut, which has had its flood problems in the past, is third with a surprisingly low $98,000.

These figures were compiled by the National Flood Insurance Association, a group of 98 property insurance companies which has joined hands with the federal government to put together a workable flood insurance program.

The insurance companies have pledged $42 million to underwrite the industry's share of the federally-subsidized flood coverage.

UNITED STATES TAKES 90 PERCENT OF RISK

But the big brother is the federal government which, through the Federal Insurance Administration of the U.S. Department of Housing and Urban Development (HUD), is underwriting 90 per cent of the insurance risk and 90 per cent of the program's operating expenses. Congress authorized $250 million for financing the initial federal share of the program.

As of Oct. 30, the latest compilation date of the New York City-based flood insurers association, Rhode Island had 1,566 flood insurance policies outstanding, spread over 20 different cities and towns. The number doesn't include Smithfield which joined the program in December.

That compares with 1,146 policies issued in Massachusetts, most all of which are in the Eastern Massachusetts area, and seven policies in Connecticut, four in West Hartford and three in Hartford.

In New Hampshire, Maine and Vermont, no policies had been processed through the end of last year, according to flood insurers association records. New Hampshire came into the program Nov. 12. Maine has been in since Aug. 27 and has qualified only the Auburn area so far. No Vermont community was in the program.

ETCHED IN MEMORY

This would seem to indicate that for Rhode Islanders, more than other New Englanders, the coastal devastations caused by the tidal floods of the 1938 hurricane and the 1954 Hurricane Carol and the disastrous river floodings from rains dumped by Hurricane Diane in 1955 are still deeply etched in memory.

The foundation of the flood insurance program is the National Flood Insurance Act of 1968, but it wasn't until June, 1969, that the first two areas—Matairie, La., and Fairbanks, Alaska—qualified for coverage under the program, and growth of the program was extremely slow because of qualifying requirements.

However, growth spurted after December, 1969, when Congress approved an emergency insurance program that made local communities eligible for flood insurance at federally subsidized rates immediately upon their application for the program, with the proviso that they commit themselves to adopting minimum land use and control measures, based on federal criteria, by Dec. 31 last year.

Originally slated to expire last Dec. 31, the emergency program has been extended to Dec. 31, 1973, with one significant difference—from now on, a community must have the minimum land use and control measures in effect at the time it makes application for the insurance program.

Rhode Island jumped on the bandwagon in June, 1970, when Barrington became the state's first community to join the program.

Today flood insurance coverage under the program amounts to $1.4 billion nationally. Congress has set a $2.5 billion ceiling on the amount of coverage, but insurance industry spokesmen believe Congress would raise that ceiling if the need arises.

CENTERS OF IMPETUS

In Rhode Island, there are two centers of impetus for the flood insurance program. One of these is the State-wide Planning Program, the flood insurance coordinating agency in the state for HUD. The other is the American Universal Insurance Co., the servicing organization for the Rhode Island policy writing operation. American Universal is a participating member in the National Flood Insurers Association pool.

The State-wide Planning Program's flood insurance coordinating function is the responsibility of Bradford E. Southworth, supervising planner. It is his job to coordinate all the state and community efforts in flood insurance and to assist local communities in every way possible to qualify for the flood insurance program.

At American Universal, Carter M. Roberts is the coordinator for the state flood program. As the servicing company for the program, American Universal is the clearing house for all flood insurance policies written under the program in Rhode Island.

Policies can be written by any licensed insurance agent or broker in the state on a commission basis. Mr. Roberts' responsibility includes processing policies and supplying insurance agents with the necessary information and materials to expedite the flood insurance underwriting operation.

The 21 municipalities already in the program comprise most of the area where the major flood damage occurred during the 1938, 1954 and 1955 disasters, but there are Rhode Island communities with flood hazard potential that still remain outside of the program.

NOT IN THE PROGRAM

Mr. Southworth said the coastal or shore towns not yet in the program are Tiverton, Little Compton and New Shoreham. Neither are Cumberland and Lincoln, both of which have a potential flood hazard along the Blackstone River, and West Warwick through which the Pawtuxet River courses.

North Providence, which has experienced some flooding from the Woonsaquatucket River in the past, is in process of applying for the program.

Basically the flood insurance program has two parts which when combined can provide a maximum of $35,000 in coverage for a single-family dwelling, up to $60,000 for two to four-family dwellings and small business buildings, and up to a maximum of $10,000 coverage on contents. Together they make up the regular flood insurance program.

The first part, based on what HUD's Federal Insurance Administration calls "chargeable rates," provides basic, federally-subsidized low-cost coverage on up to $17,500 for existing single-family houses, up to $30,000 for existing two to four-family dwellings or existing small business structures, and up to $5,000 on contents.

Subsidized premium rates for this part of the coverage range from $4 to $5 per $1,000 on dwellings and from $5 to $6 per $1,000 on contents, depending on the estimated value of the dwelling. Rates on small business structures range from $5 to $7 per $1,000 on buildings and $10 per $1,000 on contents.

This first layer of insurance is available for dwellings or small business buildings which existed in the flood hazard area at the time the community became eligible for flood insurance. It also is the only coverage available under the emergency program, and it will continue to be available for eligible structures if and when the emergency program ends.

SECOND LAYER COVERAGE

The second part of the regular program provides a second layer of coverage equal to the first, but is somewhat more costly usually because the insurance premiums are based on higher "actuarial rates" computed on the basis of flood hazard probability in each flood zone and the location of a building's first floor level above or below the base flood elevation.

This actuarial rates program not only enables an owner of existing flood plain buildings to double the amount of his flood insurance, it also provides coverage for buildings newly constructed or substantially improved after a community's flood insurance eligibility date. This new construction or renovation cannot be insured under the low-cost chargeable rates program.

The minimum policy premium on flood insurance is $25 annually regardless of how small the amount of the insurance coverage may be, and policies include a mandatory deductible of $200 or 2 per cent of the amount of insurance in force.

With the emergency program in effect, communities in Rhode Island and elsewhere usually qualify for the regular insurance program in two basic steps.

LAND USE MEASURES

To qualify for the chargeable rates program—the low-cost, federally subsidized first layer of coverage—communities since Jan. 1 have had to adopt federally specified minimum land use and control measures before their application for flood insurance can be accepted by the Federal Insurance Administration.

To add the actuarial rate program or second layer of coverage, a city or town must have a rate study made of its flood hazard areas and actuarial rates computed for each flood plan zone and a detailed insurance rate map drawn delineating the flood zones.

These rate studies and the mapping work are done by a federal agency, usually the Army Engineering Corps or the U.S. Geodetic Survey in Rhode Island, but it can be the U.S. Soil Conservation Service or the National Oceanographic and Atmospheric Administration.

As of the end of last year, nine Rhode Island cities and towns had qualified for the regular program. They are Barrington, Central Falls, Cranston, Middletown, Narragansett, Newport, Pawtucket, Providence and Woonsocket. A number of other communities such as Warwick and East Providence are still waiting for a federal agency to do the rate study and map work.

RHODE ISLAND INSURANCE IN FORCE—NATIONAL INSURANCE PROGRAM, OCT. 31, 1971

	Dwelling	Small business	Contents	Total number policies	Total insurance in force
EMERGENCY PROGRAM					
Barrington	$1,259,000	$10,000	$362,000	90	$1,631,000
Bristol	416,000	160,000	131,000	45	708,000
Central Falls	15,000	60,000	7,000	3	82,000
Charlestown	1,327,000		265,000	105	1,592,000
Cranston	154,000	10,000	57,000	15	222,000
East Greenwich	4,000		10,000	3	14,000
East Providence	160,000		46,000	15	206,000
Jamestown	129,000	35,000	50,000	16	214,000
Middletown		60,000	10,000	2	70,000
Narragansett	1,745,000	324,000	431,000	179	2,500,000
Newport	85,000	359,000	109,000	51	554,000
North Kingstown	673,000	93,000	215,000	69	981,000
Pawtucket		30,000	10,000	2	40,000
Portsmouth	1,041,000	29,000	266,000	104	1,337,000
Providence		120,000	135,000	24	255,000
South Kingstown	1,137,000	187,000	297,000	119	1,622,000
Warren	420,000	128,000	148,000	56	696,000
Warwick	$2,005,000	$114,000	$607,000	187	$2,727,000
Westerly	4,572,000	1,402,000	1,310,000	433	7,284,000
Woonsocket			10,000	2	10,000
Total	15,147,000	3,123,000	4,479,000	1,520	22,749,000
REGULAR PROGRAM					
Barrington	669,000		173,000	31	842,000
Cranston	176,000		29,000	9	205,000
Middletown	21,000		1,000	3	22,000
Narragansett	5,000		1,000	[1]	6,000
Newport	40,000		13,000	3	53,000
Providence	25,000			[1]	25,000
Woonsocket	15,000			[1]	15,000
Total	951,000		217,000	46	1,168,000
Grand total	16,098,000	3,123,000	4,696,000	1,566	23,917,000

[1] Endorsed as part of emergency program insurance policy.

Source: National Flood Insurance Association.

TOO MUCH TALK GETS LITTLE OR NO ACTION IN CONGRESS

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. O'KONSKI. Mr. Speaker, if the history of this Congress proves anything, it is that those who talk the most accomplish the least.

My speeches have been only when appropriate, short, and to the point. Some of those you already read, like on Vietnam, the farm situation, the aged and the veterans, are examples.

Another typical example of an O'Konski speech was on the Apostle Island National Park bill. Note that the speech is to the point:

> Mr. Chairman, it is seldom that I appear in the well of the House. Should I make no further appearance, I want to wish you all a Merry Christmas and a Happy New Year.
>
> Mr. Chairman, I rise in support of this measure. First, I want to thank the chairman of the committee, the chairman of the subcommittee, my colleague from Wisconsin (Mr. KASTENMEIR), my colleague from Pennsylvania (Mr. SAYLOR) and all the other members of the committee for being so fair and so considerate and so compromising in arriving at a viable, working bill, after 40 years of dreams about this project.
>
> This project first evolved under similar circumstances, when we had a Republican President, a Republican Cabinet member as Secretary of the Interior, and a Democratic

House and a Democratic Senate. It was similar to the situation we have now. We have gone the full circle 40 years later.

After compromising, I believe that this committee has done the fairest and most admirable job of arriving at a workable and viable bill so that finally we can achieve the dream which was dreamed 40 years ago.

Let me give just a little bit as to the assets of this area. From the standpoint of natural beauty, this area has no equal in our land.

From the standpoint of geology and geological interests, there is no area in our Nation comparable to that which exists in the Apostle Islands area.

From the standpoint of history, it has a value similar to the value of the East. The fact of the matter is that this area was settled by French missionaries and furriers at the time when the Pilgrims were landing on Plymouth Rock.

Mr. Chairman, I just want to say this in closing: that for 40 years this area in northern Wisconsin has been in a state of limbo. Forty years ago it was suggested that this area be set aside for a national park, a national lakeshore park. So for 40 years, we have had no economic development and no private development in that area, because any time anyone wanted to come over there to develop the area privately or economically, the prospective developer always was told that the people of Chicago—and incidentally we no longer can think of land in the United States of America in terms of provincialism. No matter where the land is, it has to be thought of in terms of the national interest. The people of Chicago, the people of Detroit, the people of Milwaukee, the people of Minneapolis-St. Paul, the people of St. Louis, the people of Indianapolis who come over there are all unanimously of the opinion that this area should be set aside as a national park. And because that has been in the making for the past 40 years no private developer would ever come in there and develop the area, and hence we are at an economic standstill. And, as I say, for the past 40 years we have been in that state of limbo, of economic standstill because the idea of a national park is so entrenched among the people within a radius of 500 miles of that area that they can think of that area in no other terms. I urge its passage.

It got results, too. The bill passed by a vote of 197 to 29; almost a 9 to 1 margin.

Then I inserted in the RECORD without wasting the time of the House, the beautiful and historical description of the Apostle Islands.

NEW PROGRAMS FOR THE NEW YORK STATE UNIVERSITY

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. KOCH. Mr. Speaker, the New York State University has recently established two new programs in an effort to improve educational opportunities for those wishing to specialize in individual areas. These programs should provide an excellent chance for those wishing to obtain advanced education through nontraditional degree programs.

The State College of Optometry is the only professional school in the State for training specialists in the scientific examination of the eyes to detect diseases and prescribe lenses or exercises. The students, upon graduation, will be trained to detect the eye diseases, and then will refer the patient to an eye specialist for treatment.

The second is the Labor College Division of the State University. The central purpose of this college is to provide college degree opportunities for working adults seeking advancement in their occupations and within the labor movement. It will serve persons in the labor force with a high school degree or its equivalent or those who have demonstrated their readiness for college level studies by their on-the-job performance.

When fully operative the bachelor's degree program will include three major elements—technical training offered by unions and industry and on-the-job experiences, professional studies in areas pertinent to students' career plans and aspirations, and liberal arts studies which would lend perspective to a student's work, professional obligations and community responsibilities.

I certainly commend these new endeavors which, I am pleased to announce, are located within my congressional district in Manhattan. I would like, at this time, to insert into the RECORD two newspaper articles which more fully explain the programs:

STATE'S ONLY SCHOOL OF OPTOMETRY STARTS CLASSES HERE TOMORROW

(By Will Lissner)

Classes will begin tomorrow at the only professional school in the state for training specialists in the scientific examination of the eyes to detect diseases and prescribe lenses or exercises.

The school, the State College of Optometry, is the most recent addition to the State University system. It is beginning operations in an eight-story building on 25th Street near Lexington Avenue, opposite the 69th Regiment Armory, which it shares with the Optometric Center of New York.

The opening of the college represents a triumph of the optometrists in a long-running battle with some of the organized opthalmologists, medical doctors who specialize in the dagnosis and treatment of diseases and defects of the eye as well as eye surgery.

TRAINED TO DETECT DISEASES

The ophthalmologists maintain that adequate eye care can be given only by someone with broad medical training. The optometrists, in reply, point out that they are trained in the detection of disease and when they find it they refer the patient to eye specialists.

New York State has not had a college of optometry since some opthalmologists—not all oppose the practice of optometry—got Columbia University to close its optometry school in 1956. There are 11 such schools in the country.

The new College of Optometry will open with 23 first-year students, five graduate students and 63 postgraduate studests, asd a faculty of 22 headed by Dr. Alden N. Haffner, an optometrist with a Ph. D. in public administration, who is acting chief administrative officer.

Dr. Haffner is executive director of the Optometric Center, which was founded in 1956 as an outgrowth of Columbia's Optometric Clinic.

Through the center, the optometric profession in the state with the aid of lay supporters, maintains clinics on the west side, the South Bronx and the Bedford-Stuyvesant section of Brooklyn, bringing eye care to some of the worst poverty areas of the city.

The college has taken over from the center a research program, which includes projects for applying the latest findings of physics and biochemistry in developing new instruments for the scientific examination and study of the eye.

One of the projects, headed by Dr William M. Ludlam, has produced a slit lamp phakometer, which provides optical measures of the thickness of the cornea; a photographic opthalmo-phakometer, which measures the curvature of the lens; a corneal moire pattern analyzer, which defines tissue differences, and an ocular ultrasonic reflectoscope, which probes the eye by means of ultrasound and measures with great precision its components.

"We have to hold incoming first year classes to 25 for the next five years while we develop a curriculum that integrates the latest advances in physics, biochemistry and related sciences into standard optometric training," Dr. Haffner said.

STATE UNIVERSITY TO OPEN A LABOR COLLEGE IN CITY

(By Damon Stetson)

A new Labor College Division of the State University of New York, providing degree opportunities for working adults, is scheduled to open at 25th Street and Lexington Avenue this fall.

The division, the first component of the Manhattan, learning center of the university's new Empire State College, will serve the higher-education needs of labor unions and business, according to Dr. Ernest L. Boyer, chancellor of the State University.

Present plans call for a small staff and the admission of about 200 students this fall. The first courses to be offered, beginning Sept. 27, will be labor economics and collective bargaining. They will be offered by the New York State School of Industrial and Labor Relations at Cornell University, which is one of the State University's five statutory colleges.

GOVERNOR AMONG GUESTS

Governor Rockefeller; Dr. Boyer; Dr. James W. Hall, acting director of Empire State College; Harry Van Arsdale Jr., president of the New York City Central Labor Council, and Morris Kushewitz, secretary, were among the guests at a reception yesterday marking the formal establishment of the Labor College Division.

The university's announcement said that the Central Labor Council, because of its interest in the Labor College Division, was providing facilities for the learning center in the building of the International Brotherhood of Electrical Workers at 25th Street and Lexington Avenue. The council will also contribute toward the center's operating expenses, the university said.

Dr. Boyer said that "establishment of the learning center here was "in response to the many adults and young persons in the area seeking nontraditional degree opportunities."

"Hundreds of men and women now employed wish to continue their formal studies, but they cannot return to a college campus," he said. "Empire State College is ideally suited to meet these needs, in that it begins with the individual student's interests, background and aspirations, and adjusts to schedule restrictions and other responsibilities faced by the working adult."

Mr. Kushewitz said that earlier courses given by the New York State School of Industrial and Labor Relations had "tapped a rich vein" of interest among labor people who were also desirous of getting credits toward degrees for the courses they took.

Empire State College, the university said, will offer courses and programs leading to the Bachelor of Arts and Associate in Arts degrees.

CLEVELAND LOSES A FRIEND

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. STOKES. Mr. Speaker, Cleveland, Ohio, has suffered the loss of one of its finest citizens and best friends. On January 2, 1972, Mr. John H. White passed away at the age of 88. His death was sorely felt by all who knew him and many who did not.

John H. White was a quiet and gentle man but when he spoke people stopped to listen. He was active in the Cleveland chapter of the NAACP, the Urban League, and the Elks. Upon retirement from his position at the Hollenden Hotel, Mr. White was honored at a testimonial dinner held by his fellow members of the Hollenden Friendship Club.

We will all miss John White. In many ways, Cleveland will not seem the same without him.

Following is an article which appeared in the Cleveland Call and Post on January 8, 1972:

JOHN WHITE EULOGIZED AS A SOFT-SPOKEN, GENTLE MAN

(By Anita L. Polk)

John H. White, a soft-spoken gentle man, whose penchant for helping others attain success matched his own innate capacity for rearing two successful sons, died on New Year's Day, just three days before his eighty-ninth birthday.

Chips from the White block, Attorney Jay Blackburn White and Reginald S. White, businessmen, reflect the sartorially elegant influence that their father impressed upon them from an early age.

Described by the Rev. Donald G. Jacobs, executive director, Greater Cleveland Council of Churches, and Honorable Perry B. Jackson, Judge, Common Pleas Court, as "a great influence upon younger men to excel, and to be 'dapper' in their appearance," the late John H. White probably never imagined how influential he had become to scores of Cleveland political figures.

Mr. White is credited by many old-timers with raising initial funds to foster the political campaign for the first black Councilman, Thomas Fleming, Boyd and the late Harold Gassaway, a dynamic political figure in the late 30's and 40's.

John Henry White was born in Cincinnati, Ohio, son of Charles and Mary White on January 5, 1883. The family moved to Cleveland in 1902, transferring White to Cleveland Public Schools.

In May, 1916, White met and married lovely Vivian Blackburn and the family settled down to the business of raising their children, Jay B.; Elaine, now deceased, and Reginald.

White started working on the railroads with the Pullman Company, in various capacities. An ardent husband and father, he found himself stranded in California, and decided to seek employment in Cleveland.

He was hired at the prestigious Union Club by bon vivant Prince Huntley, primarily for his superb appearance and his great sense of poise and dignity. Several years later when the old Hollenden Hotel was built, Huntley convinced White to move with him.

For more than fifty years, John Henry White served that hotel establishment as Chief Bell Captain. He met many major political, civic, business and entertainment figures who remembered his genteel disposition and courtesy.

During these years, White cultivated the friendships of many younger men inspiring them to seek, and pursue educational excellence. Among these were the late Merle McCurdy, the first black U.S. Attorney General; the late Henry C. Jones; Attorney Clarence Gaines; James Robinson, Parkview Savings and Loan; and, many, many more.

Mr. White was a charter member of the Hollenden Friendship Club, formed of alumni employees who had worked at the famous hotel prior to its demolition. He was the honoree at a Testimonial hosted by this club shortly after his retirement.

An avid sportsman, White frequently joined his two sons on West Virginia State College campus, and for two years followed the Cleveland Browns, Cleveland Indians and East Technical High School basketball teams.

Mr. White is survived by his devoted wife of nearly sixty years, Vivian; two sons, Atty. Jay B. and Reginald White; four grandchildren, Earl, Reginald Jay; Joy Elaine and Jay Brian and one great grandchild, Gina.

White belonged to the Cleveland Branch of NAACP, the Urban League and the Elks.

He was a member of St. James AME Church, where funeral services were conducted on Wednesday, January 5, 1972, officiated by the Rev. A. A. Shaw.

SPINOFF FROM SPACE SUBCOMMITTEE REPORT

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. FREY. Mr. Speaker, one of the greatest contributions that this country's space program makes to the people of the world is, unfortunately, one that far too few people even know about. This is in spinoff benefits—benefits to each of us that have resulted from the knowledge and technology gained from the space program. In 1969 a group of individuals in the aerospace industry in Florida prepared for me a report detailing many of these spinoff benefits. I think the reader will be surprised by these benefits, and again, it is still more evidence that we receive an excellent dollar return on our space program. In the fields of medicine, transportation, communications, meterological, and many others, the spinoff benefits are invaluable.

Following is the report:

ASTRONAUTICS AND AERONAUTICS COMMITTEE, SPINOFF-FROM-SPACE SUBCOMMITTEE REPORT

OBJECTIVE

The principal objective of the Subcommittee report is to inform Congressman Louis Frey of the spinoff benefits to the American public resulting from NASA space programs. This information is presented in a format that can easily be understood by the general public.

The secondary objective is to provide as much general and related reference material and source of information material as could be found which will provide a listing that can be used by others who wish to pursue the spinoff subject further. These items can be found in Appendix III (Reference) and Appendix IV (Bibliography).

The third objective of this report is to provide recommendations to Congressman Frey as to what future actions he might take and what additional material might be gathered to assist him in meeting his objectives as a member of the House of Representatives, Science & Aeronautics Committee. These recommendations present a consensus of the Subcommittee and are summarized on the following page, entitled Recommendations.

RECOMMENDATIONS

It is the unanimous recommendation of this Subcommittee that Congressman Frey encourage NASA to:

Stress the value of space spinoffs through the NASA Office of Public Affairs. These should include not only technological benefits but economic, political and educational benefits accrued by each of the fifty states and the country as a whole.

Make the Aerospace Industry aware of its responsibility to inform the general public of the benefits resulting from NASA programs. Aerospace firms should be asked to provide more spinoff material for the news media; particularly, during launch coverage by major TV and radio networks.

Initiate a full program to enlist the complete support of the American people. Like the NASA spacemobile carries the message to our intellectual communities, a "Spacecopter" could be used to communicate the Space Program to the country at large. With the space spinoffs as a selling tool, these space age vehicles would appear at public gatherings, such as sports stadiums, fair grounds and/or shopping centers to present a show focused on the spectacles of the Space Program and how it is now and will in the future affect the peoples of the world.

SECTION 1: INTRODUCTION

The National Aeronautics and Space Administration has contributed significantly to the scientific knowledge, prestige and technological progress of this Nation in many ways. The influence of NASA's Space Programs on the National economy almost staggers the imagination. In terms of direct impact through contracts to industry, more jobs for our Nation's work forces, grants to universities and colleges and technological spinoffs affecting everyone, the space programs must be considered a major force in American life. The Subcommittee recognizes the need to inform the American people of how the space program benefits them.

This report presents examples of NASA space technology transfer best by illustrating NASA spinoffs which were selected from information provided by NASA, Kennedy Space Center, and its contractors. The Subcommittee has organized the examples in categories which should be of interest to the general public. The categories selected include:

Medical
Urban Affairs
Meteorological
Energy and Natural Resources
Communications
Public Affairs
Transportation
Materials

In each of the above categories where more extensive and/or illustrated information is available, the applicable subject title is followed by a reference number (1 through 9) which corresponds with the numbering of the bibliography.

To the colleges and universities of this country, research grants are important in that the grants provide challenging research work which motivates both students and faculty in "state-of-the-art" development. These have been summarized in Appendix 1 and the reference documents identified in the bibliography.

The NASA aerospace programs could not have been accomplished without the many major contractors and subcontractors who supported the various programs. In Appendix II the numbers are broken out by contractors per state, and the reference document contains the names of the companies, cities, and states.

One additional item should be mentioned here and that is the work being done by Denver Research Institute under NASA contract to provide a quarterly report to NASA on the technology transfer process and provide the capability of a central data bank for collection of useful data on actual or potential cases of technology transfer resulting from NASA's Technology Utilization Program.

SECTION 2: MEDICAL

General introduction

Of all the data covering aerospace spinoffs, the medical area provided the greatest amount of readily available material. Many times the same basic spinoff item has been applied to two or more medical uses, such as the spray on electrodes and miniaturized sensing devices. There are also many techniques that were derived from aerospace research that were so technical or still within the medical research programs that they have been purposely omitted from this report. The best example of this case is the research being conducted in the nuclear field for devising a miniaturized nuclear-powered engine to be implanted in the abdomen of a patient to power a heart assist device.

Of general interest, the development of the Biomedical Applications Teams organized by NASA whose primary purpose was to carefully define important biomedical problems relevant to aerospace technology. The Teams systematically screen both computerized aerospace data files and NASA laboratories for potential solutions. The effect of the Team efforts will be:

(1) To shorten the time gap between the development of new technology and its effective utilization.

(2) Aid the movement of new knowledge across the organization, disciplinary, and regional boundaries.

(3) Help develop better methods for communicating and applying Government-generated knowledge to the general economy.

Many of the medical examples that follow were provided by the Biomedical Applications Team.

Breathing sensor (3, 4, 6)

Infants, comatose children, or adult patients sometimes require surgical implantation of a tracheotomy tube in the windpipe to ease breathing. If the tube becomes clogged, breathing will stop and brain damage or death can result within two to four minutes.

Ordinarily a full-time nurse is required, who checks the tube visually and takes immediate corrective action when necessary. Integrated circuitry, designed and fabricated for aerospace use by NASA's Ames Research Center, has been modified to note differences in temperature of air passing through the tube, and actuate an audible or visible alarm within 10 seconds of any change. The signal can be given at a nurse's station, or in another room if the patient is at home. Thus the patient's care is improved and facilitated.

Cardiac catheter (3, 4)

A sensor developed at Ames Research Center is smaller than the head of a pin and can be inserted into a vein or artery to measure blood pressure without interfering with circulation. Less than 0.05 inch in diameter, the probe can be inserted through a standard hypodermic needle. The original version of this sensor was a transducer developed to provide pressure distribution measures over the surfaces of small wind tunnel model.

Cardiovascular pressure transducer (2, 3, 4)

NASA research has produced a miniature transducer capable of transmitting blood pressure variations. About two hundredths of an inch thick and using less than 500 millionths of a watt of electrical power the transducer will be used to monitor blood flow changes in cardiac patients with coronary occlusions. Encouraging results have already been obtained by inserting this tiny devise into the heart and arteries of anesthetized dogs and much smaller animals.

Computer enhancement of X-ray photographs (4)

For several years NASA's Jet Propulsion Laboratory has been using digital computers to enhance the clarity of television pictures of the Moon and Mars transmitted from spacecraft. Although the original pictures were surprisingly sharp considering the circumstance, technical limitations of the camera and electrical distortion encountered in the transmission reduced the clarity desired. By processing the photos in a digital computer, details that were obscured in the original became apparent.

In 1966, this technique was applied to medical and biological X-rays, with promising results. Doctors were able to observe clarity of details that would otherwise be lost or overlooked. Computer enhancement of X-rays, with promising results. Doctors were able to observe clarity of details that would otherwise be lost or overlooked. Computer enhancement of X-ray photos currently continues under development.

Cardiotachometer (4)

The medical division of an eastern optical corporation is developing an instrument to monitor certain functions of bedridden patients. The firm plans to incorporate this instrument into their "bedside monitor." This instrument was made possible from data taken from a NASA Tech Brief developed by the Ames Research Center.

Ear instrument

When it becomes necessary to acquire specimens of tissue from the inner ear for medical examination, the outer bony structure must first be removed. A special air-abrasive device for acquiring inner ear bone specimens was suggested by the Midwest Research Institute Biomedical Applications Team to an investigator at the University of Kansas Medical Center. He found that it was substantially better than previous techniques for removing bone from the ear and saved considerable time.

Evaluating drug safety

In evaluating the safety and efficiency of drugs for human use, the effect of a particular drug on the circulation of blood through the capillaries is of great importance. Present methods for determining capillary circulation are relatively crude and indirect because the capillary vessel may have a diameter less than half that of a human hair. A search of NASA aerospace literature was made by the Midwest Research Institute Biomedical Applications Team, the results of which were helpful to a physiologist in beginning a pilot program for the solution of this problem at the University of Minnesota.

Heart monitor (1, 6)

An investigator working under a NASA grant at the Duke University Medical Center wanted to monitor heart action more precisely by measuring electrical signals simultaneously along 15 points on a small area of the heart wall. For this, he needed a probe that would insure good contact at all 15 points and which would not result in heart wall damage upon insertion. The NASA-sponsored Research Triangle Institute Biomedical Applications Team explained the problem to an instrument engineer. He designed a 15-electrode probe within an ordinary hypodermic needle. It was fabricated, tested, found satisfactory, and is now in use.

Hospital clean rooms (4)

A particle counter was developed for the Marshall Space Flight Center to monitor air purity in clean rooms in which small precise components are assembled and tested. Several hospitals have shown interest in adapting it for monitoring air cleanliness in operating rooms and intensive care wards.

Microthermocouple (2)

Doctors in New York and Boston now use a commercially available microthermocouple probe into cyrosurgery, (Nitrogen–320° F. in liquid state) to specify areas subjected to the cryogenic temperature. The probe, used to detect the body temperature in the local area of cryogenic application was originally developed under contract to the NASA Lewis Research Center, is used in treatment of dystonia, Parkinson's disease and other diseases causing abnormal muscular motion. It is also used for repairing lesions in the eye by "welding" tissues at cryogenic temperatures.

Physiological sensor (2, 4, 9)

Electronic sensors that were used to monitor astronauts during Mercury and Gemini flights have been adapted to continuously measure the pulse and respiration rates, temperature and blood pressure of up to 64 hospital patients and provide continuous observation at a Central Control station.

Respiratory ailment helmet (4, 6)

An adaption of the Gemini astronaut space helmet helps physiologists conduct studies on the proper exercise levels for children with respiratory ailment.

The helmet can also be used for delivery of medication, thereby permitting some mobility for patients formerly confined to tents.

Respirometer (4)

In the care and rehabilitation of the severely burned child, it is desirable that chemical changes in expired gases be monitored as a means of determining the child's over-all condition. This should not involve touching the child's body or connecting air tubes to his throat, because of the pain and airway restriction involved. The Southwest Research Institute Biomedical Applications Team located a respirometer developed at NASA's Ames Research Center which appeared to meet the qualifications of the investigators at the Shrines Institute of the University of Texas. A prototype of this respirometer will be made available for evaluation.

Sight switch (3, 4)

A sight switch, developed to give astronauts an extra pair of arms, has been adapted for use by people suffering from paralysis. With it a patient can manipulate a motordriven wheelchair with only the movement of his eyes. The switch operates on the principle of infrared reflection from the eyeball. An infrared light source bounces light off the white of the eye into a photoelectric cell which carries the message to a control activator. When the eyes are moved sideward, one eye reflects the light while the pupil of the other eye absorbs it. The resulting inbalance of voltage controls the direction of the chair. Other appliances of this switch include the control of machinery and electronic devices.

Space underwear use

Study of the effects of stress on the normal heart helps to understand stroke and cardiovascular disease. Researchers at the University of Washington were evaluating the effects of physical effort and heat on blood oxygen transport. A means of carefully controlling skin blood temperature without interfering with movement was needed. NASA-developed "space underwear" with a temperature control system was obtained by the Southwest Research Institute Biomedical Application Team and was used by the investigators in successfully completing the study.

Specialized transducer (1, 4)

A transducer developed for the Manned Spacecraft Center to measure the impact of the Apollo spacecraft Command Module during water landings is being used in the fitting of artificial limbs. The transducer is smaller than a dime and weighs less than an ounce. The sensing diaphragm is stainless steel and the whole unit is waterproof. It will respond to changes in pressure, and is not affected by temperatures between freezing and 120 F.

Spray-on-electrodes (4)

A new technique for applying electrocardiographic electrodes to the bodies of test pilots was developed by the NASA Flight Research Center. A liquified, conductive mixture is sprayed over the ends of lead wires onto the patient's chest. This mixture dries quickly, is thin and flexible, and is not uncomfortable to the patient. It can be easily removed, but keeps the electrodes in contact with the skin during exercise which causes perspiration.

A plastic-metallic spray for attaching heart electrodes to test pilots is being used in equipment with which electrocardiograms of ambulance patients can be flashed ahead by radio to a hospital receiving room.

Training of the physically handicapped (4)

A sling support device was developed by Langley Research Center for the purpose of acquainting astronauts with gravity conditions on the lunar surface where the force of gravity is one-sixth that found on Earth. A NASA-sponsored Biomedical Application Team at Southwest Research Institute was aware of the need for a device with which to train and rehabilitate physically handicapped persons. The sling support device was thus was made known to investigators at the Texas Institute for Rehabilitation and Research (TIRR) who, with the assistance from Langley personnel, have adapted the lunar gravity simulator to suit TIRR's needs in training the handicapped. The TIRR device is in use at their clinic in Houston, Texas.

Electrocardiograms by telephone (1, 4, 6)

A "Telamedic" device, which relays electrocardiogram data by telephone, has been developed. It is designed for immediate electrocardiogram checks for post-coronary patients. The "Telamedic" can be used in the home, hospital or physician's office. The battery-powered system includes a transmitter and receiver, each about the size of a bedside alarm clock. No special equipment is needed for the telephone.

To use the equipment, the patient attaches the transmitter's electrodes to previously marked positions on his chest, telephones his physician and places the telephone on the transmitter. The doctor places his telephone on the desk-top Telamedic receiver and gathers data on a standard EKG writer for immediate reading or permanent recording.

Laser surgery (1, 4)

Laser technology developed originally for defense and space use is being adapted for delicate and precise use in medicine. Aerospace engineers have been working since 1962 with medical research teams to find new ways to use lasers in "knifeless surgery" and as diagnostic tools.

Lasers are being used with outstanding success in eye surgery, and are being evaluated in dermatology, organ repair, amputation and in microbiological studies. Such surgery can be painless and, in many cases, practically bloodless. As a diagnostic too, the microscopically small point of focus of a laser beam might be used to lift painlessly and instaneously a miniscule particle of skin from a patient's arm. Or, by passing the beam through a hypodermic needle, the laser can sample tissue inside the body.

Heart-assist pump (1, 6)

A circulatory assist pump for use in emergency treatment of heart attack victims is being produced as a result of aerospace research and development programs.

Hydraulically operated, this pump is quickly and easily connected by minor surgery to the femoral (thigh) arteries, and relieves the heart's workload by augmenting its natural pumping action.

In a more advanced program, engineers are involved in building and evaluating a "co-pulsation" circulatory assist pump designed to relieve a weak heart's workload. Co-pulsation is a new and untried method of circulatory assist that imitates the natural heart's blood-pumping action. The device will pump blood at flows and pressures proportional to those of the natural heart. The pump consisting of two liquid-operated diaphragms mounted in a plastic housing, will be driven by a piston automatically controlled by an electronic computer.

The pump will be connected to the aorta, the heart's great trunk artery that carries blood to the branch arteries.

Rescue stretcher

An orthopedic stretcher has been designed to remove a workman from large, deep rocket fuel tanks having access holes of only 18" diameter. The stretcher holds the subject essentially in traction while raising him through the access hole.

SECTION 3: URBAN AFFAIRS

General introduction

In the area of Urban Affairs spinoffs from space have taken the form of providing a new method of tackling old problems. This new method is known by several titles. Systems Engineering, Systems Analysis and Systems Management. Whatever title you prefer, systems is the key word.

The systems approach utilizes the application of mathematics to stimulate and determine the interaction of complex systems and predict their behavior. Concentration is on the design as a whole, as distinct from the design and production of the parts. It is an approach that insists upon looking at the problem in its entirety, taking into account all the facets, and seeking to understand how they interact with one another and how the best solution will bring these factors into proper relationship.

Former Vice President Hubert Humphrey, when he was chairman of the National Aeronautics and Space Council, stated that the techniques used to put man on the moon were exactly the techniques needed to clear up our cities. He was referring to this systematic approach to problem solving. Since his statement, the systems approach has been applied to many problems inherent to the cities of this country. Included in this section are a few of the more specific examples.

Crime detection techniques (1, 6)

Improved methods of fighting crime through the use of modern scientific developments have been outlined by an aerospace corporation at national and local meetings on crime prevention.

"Nuclear fingerprints" have been advanced as a most useful method of comparing clues found at the scene of a crime with similar samples taken from a suspect. This "heutron activation analysis" can be used, for example, in comparing tire marks, hair samples and marijuana. Matching probabilities are said to be 99,999 percent.

The use of chemistry has been cited as a method for marking and tracking. For example, it could be possible to "sniff" around a house to determine if narcotics are inside without ever entering the house. Special markings on vehicle would allow police officers to follow that car chemically.

Fresno general neighborhood renewal program (6)

Aerospace industry is assisting the Director of the Fresno Redevelopment Agency in the preparation of a management plan for the West Fresno General Neighborhood Renewal Program. This work will require: (1) defining program objectives, scheduling and budgeting the study phase of the program; (2) preparation of control procedures for directing and monitoring the progress; and (3) organization of data handling procedures to be used with the great quantities of data required in a project of this nature.

This approach to the planning process is comprehensive with stress on planning as a continuing process. By considering each of the major several elements of urban activities concurrently, and taking into account the relationships among the elements, the plans developed will reflect the total impact of proposed actions in the metropolitan area. This contractor plans to provide detailed action programs and implementation plans for community renewal and economic development plus a management and information system for use with the programs.

Justice, welfare studies (1, 6)

California selected an aerospace corporation to apply aerospace systems analysis techniques to the solution of social problems in two important areas.

In 1965, the company performed a systems analysis study of the problems of crime and delinquency in the State. Results of the six-month effort demonstrated the practicality of using areospace techniques to gain new insight into crime prevention and control procedures. Of particular significance was the stimulation of the criminal justice system on a computer. This mathematical model enabled systems engineers to determine how well the system functioned, and how changes would affect its functioning. This provided information on the operation of a criminal justice system that would require years to achieve in actual practice.

California awarded this firm a contract in 1966 which called for a systems analysis of the State's social welfare system. The study took a new approach to social welfare, differing from the relief concept of the 1930's when most of today's programs were devised. It marked the first application of advanced research techniques of the aerospace industry to problems of combating and preventing dependency, and has resulted in the initiation of a revised welfare program in California.

Law enforcement and crime (6, 9)

One company is applying aerospace industry management techniques to broad social problems such as law enforcement. The techniques could lead, in the next five to ten years, to the era of the "instant cop" through highly sophisticated, well-planned, computerized systems of information use, communication, storage, and retrieval to speed up investigative processes to improve the quality of justice.

The system of information processing currently being analyzed for Redondo Beach, California, will be designed for use by other cities of similar size and population makeup and for quick and easy integration into a computerized system. Correlated statistical information could provide the capability to predict when, where, and what kind of crime is going to occur. The ultimate product will provide quick and efficient use of warrant and fingerprint files and other pertinent records most useful when immediately available.

Low cost housing (3, 6)

One aerospace company has developed a new housing approach whereby communities of attractive and durable dwellings can be built quickly and economically of prefabricated sections manufactured on the site in mobile factories.

The central feature of the concept is a portable plant in which finished sections of floors, walls, ceilings and roofs will be built at the construction site. The mobile factory includes 22 trailers.

School community relations (1, 6)

Attacks on some of the problems posed by urban poverty and cultural gaps—particularly the barriers to education—have been mounted by one aerospace company in support of the State of California.

Under direction of the State Department of Compensatory Education (which, as the name implies, tries to compensate for cultural and economic drawbacks), a team of systems engineers and analysts assisted in an intensive study of school-community relations in urban poverty areas.

Project SEAR—a Systematic Effort to Analyze Results—employed aerospace skills to design questions for more than 250 teachers in poverty areas and later to analyze their answers. Findings showed the success or failure of schools to educate youngsters with ethnic cultural or economic handicaps can be a major contributor to either contentment or unrest in the modern city.

In another effort, systems experts are helping educators in San Jose, California, make great gains in motivating junior high school students who previously had "underachieved" because of social and economic factors.

This project, also supported and watched closely by the Department of Compensatory Education, has proved to the students the relevance of their basic classroom skills—reading and mathematics in particular—to job success as adults.

Both Project SEAR and the San Jose program have drawn heavily on a major aerospace company's experience in the analysis of enormously complex problems and the design of workable solutions.

SECTION 4: METEOROLOGICAL

General introduction

Observation of conditions all over the earth are required for accurate weather forecasting. The weather satellites provide this information. The results have a profound impact on agriculture, from the planning of land use to the transportation of crops. Timely warnings of severe storms and other weather hazards save lives and property. Barren areas of land can be made usable and productive today because of better understanding of meteorological factors with regard to plant growth. The safety of air and sea travel benefits greatly from satellite weather data.

The Chairman of the Atomic Energy Commission, Dr. Glenn Seaborg, estimates that if weather can be accurately predicted for even three days in advance, man could save $60 billion a year, plus millions of lives and an untold amount of grief. Even if all other scientific, technological, and economic benefits of space research were disregarded or eliminated, the spectacularly successful performances of our weather and communications satellites indicate positively that investment in space has paid off and will continue to pay off in the future.

Today's satellites relay TV pictures of the earth and its cloud cover, radiation, measurements for ocean currents, vertical temperatures and humidity. All of this adds to the store of information available to the meteorologist and increases the value of his forecast. These advanced developments would not be possible without the capabilities provided by weather satellites.

Analysis of hurricane mechanisms (2, 6)

An aerospace contractor performed a research program utilizing information from the National Hurricane Project which compiled all the physical factors of a hurricane and then determined the magnitude and stability of the forces that hold the hurricane together and what causes it to seek the course it takes. The information acquired is being further analyzed and methods of altering the course of a hurricane or even reducing its force are expected to be available in the near future.

Earthquake prediction system (1, 6)

A laser beam system to detect and measure minute movements of the earth's surface as a means of predicting earthquakes has been developed by a West Coast areospace contractor. By measuring the small but continuous shifts of the earth's surface, scientists say they can pinpoint major areas of stress, and thus permit advance warning of a major earthquake.

The technique, called Project GLASS (Geodetic Laser Survey System), employs twin laser beams to precisely record movement of terrain along earth faults. Accuracy of the system has been established in tests over a 10-mile span in California's San Bernardino Mountains.

The developer has proposed the system as a solution to a problem posed by the Presidential Committee for Earthquake Prediction, which stressed the need for constantly monitoring and measuring earth strain in fault areas.

Tornado and fire storm analysis (2, 3, 6)

An aerospace contractor analyzed the severe storm and the fire storm phenomon, investigated fundamental physical principles and derived a system that enables meteorologist to predict, through the use of aerospace technology, anticipated occurrences and methods for preventing, altering or controlling storms.

SECTION 5: ENERGY AND NATURAL RESOURCES

General introduction

The purpose of the NASA "Natural Resources Program" is to utilize remote sensors in space for the discovery, inventory, evaluation, development and conservation of natural and cultural resources.

A substantial amount of money is involved in the spaceborne observation system, but the benefits reaped both economically and in terms of usefulness to the people far outweigh the initial costs. The estimated value for doing such things as mapping of world vegetation, agricultural crop surveys, land use studies, worldwide ocean-sea data and forest fire detection data is beyond financial estimate.

Agriculture and forestry photography by satellite (3, 6)

A recently developed single-channel thermal mapping and infrared photography system has several applications. In agriculture and forestry, it will provide:

Early detection of crop and forest disease.
Fire detection and mapping.
Classification of vegetation.
Water transpiration measurement.
Insect detection and migration.

Electrical power systems (6)

The development of aerospace control methods presently being used to define power scheduling of the Columbia River hydroelectric system for the Bonneville Power Authority. Control techniques have been developed capable of affecting substantial water savings through proper distribution of the generation load among four plants along the Columbia River during daily operation. In the near future, an effort will be made to extend this scheduling activity to all seven federal dams along the Columbia River.

Space computer technology is able to provide practical, reliable and efficient data management systems that can mean full optimization of all the water resources, maximum efficiency from the generator units at dams, and minimum power loss in transmission lines.

Explosion forming (2)

Explosion-forming, a system of forming metals by blasting them into the required shape, is one of the important new processes to come from the space age. The area of metal working has had a large impact in technological fallout. The space age production methods have changed the whole appearance of the metalworking shops.

Flood control (6)

Stress devices developed for measuring the thrust of rocket engines are being used to monitor internal stresses in dams to provide engineers with hitherto unavailable information about changes in dam structures during earth tremors. Fifteen of the devices are being installed in the new Castaic Dam in the Tehachapi Mountains of South Central California. This is providing essential information to the floodprone regions of California where earthfill dams have failed with catastrophic results.

Fresh water from the sea (1, 6, 8)

A major aerospace contractor is building an advanced nuclear plan to produce power and make fresh water from the sea. The plant features a sodium graphite reactor and a multi-stage "flash" distillation plant, each considered to be among the most advanced and reliable of its type available.

Fuel cell (1)

The fuel cell, which had lain dormant for many years, was activated to supply electrical power for spacecraft in orbit. Twenty-eight natural gas companies now have a $20 million program underway for adaption of the fuel cell for home power units.

Fresh water photography by satellite (3, 6)

Benefits gained in surveying fresh water from space stations have been demonstrated:

Lake colors can be evaluated to their biology, chemistry, sediment, and pollutant content.

Infrared photography can be utilized to locate fresh water escaping along our coastlines.

The ability to locate areas of water trapped by faults in earth's crust.

Detection of the growth and decline of glaciers.

Infrared optics (2, 3, 6)

Geologists have discovered in Gemini photographs some promising possibilities of detecting oil and mineral deposits in remote areas of our globe through the use of television camera system designed to visibly detect hydrogen leaks during the testing of the J-2 rocket engine. This system detects infrared radiation and has been adapted for use in many applications of observing and evaluating resources.

Oceanographic photography by satellite (3, 6)

Fisheries. Frequent photographic coverage on a global scale of the ocean areas lead to identification and location of new fishing areas.

Coastal Mapping. Acquisition of data is accelerated for improving and updating charts and maps for such groups as the fishing, shipping and petroleum industries.

Oceanography (2, 3, 6)

Power. Underwater and submersible vehicles and systems currently utilize silver-zinc batteries and fuel cells developed for spacecraft and space vehicle applications. Nuclear-powered electric systems developed for space—placed on the moon by Apollo 12—are being utilized as non-tended long term power sources for underwater use.

Liquid Gases (Cryogenics). Space involved techniques for using liquid oxygen in environmental control systems were used in the PX-15 submersible. This system permitted more room in the PX-15 for other experiments which could not have been on board if cumbersome conventional environmental control systems were used.

Underwater Breathing Apparatus. A two gas breathing technique using gaseous helium originally developed for space use is now being used in underwater activities. This two gas system allows the user to stay down for longer periods of time without being connected to an above surface system.

SECTION 6: COMMUNICATIONS

General introduction

The subject of space spinoffs in communications can be summed up in two words: Satellites and Microminiaturization.

Through our communications satellites network, we are now able to transmit audio, visual and telemetry information to every corner of the earth and, to date, as far into space as the planet Mars.

Because of the payload limitations inherent to space flight, the art of microminiaturization, as applied to electronics, has flourished under the space program. To realize the spinoff, you need only look into a department store to see television sets, radios, tape recorders and other electronic gear, which are dramatically diminishing in size with each passing year.

Some of the more significant applications in this versatile field are included in this section.

Intelsat communications satellite (3, 6)

Intersat III is the third generation of commercial communications satellites built for the Communications Satellite Corporation (COMSAT), manager of the 62-nation International Telecommunications Satellite Consortium (INTERSAT).

Although underseas cables and short-wave radio provide communications between many areas of the world, each of these methods has inherent limitations in the development of a global system that will enable all countries to communicate directly and instantly. Cables give service only to those areas that are linked together within the cable network and normally do not carry television. Radio communications often are degraded by violent disturbances in the atmosphere and ionosphere.

Satellite communications, however, can cover all areas of the earth, and they are not subject to natural interference because they operate at higher (microwave) frequencies.

Communications satellites serve as "radio towers" in space. They receive communications signals beamed from earth stations, they amplify signals, and they transmit them back to other earth stations. A single satellite can be visible from about one-third the earth's surface; a series of satellites properly placed in orbit around the earth can provide complete global coverage. Countries within sight of a satellite will be able to communicate with each other.

International telecasting and broadcasting (3)

One of the most widely known communications satellite demonstrations was the international TV coverage of the Olympics from Japan in October 1964. TV programs were transmitted to the United States and Europe, marking the first time that two satellites had been employed in tandem for TV broadcasting purposes.

The broadcast of the Town Meeting of the World TV program via Early Bird 1 brought an international discussion program to many people. "The use of a satellite for the transmission of telephone calls and telegrams between North America and Europe has been extremely successful. As of September 30, 1966, its performance at that date was 99 percent reliable and the satellite increased the potential telephone capacity across the Atlantic by over 50 percent.

Miniature TV transmitters (4, 6)

Miniature FM transmitters—tiny radios—developed by NASA for broadcasting biomedical data from space capsules, can transmit test data from industrial equipment to receiving instruments up to 1,000 feet away. A picture in Metalworking News for October 2, 1963, shows the miniature FM transmitters in use at Milwaukee, Wisconsin, for testing a chain in a power transmission drive under operating conditions.

Miniature TV camera (6, 9)

The actual size of this model TV camera is 4" x 3" x 1½". It was developed to observe Saturn stage separation during Apollo flights. It weighs approximately 16 ounces and is battery powered. This camera is currently on the commercial market.

Phototransistor mosaic (6)

A tiny mosaic of light sensitive transistors, developed by NASA's Electronics Research Center will soon replace the small vidicon tube that is presently being used in commercial TV cameras. Research is being performed now to produce a 1" x 1" plate which will employ 100 times more phototransistors and scanning electronics than the present solid state circuit board. An experimental camera using this mosaic is presently operational and is being evaluated for future applications.

Medical training and diagnosis (3, 4)

Medical training, diagnosis and consultation by satellite on a real-time basis are now possible internationally and were demonstrated in the following transmissions:

The Relay I satellite transmitted an electroencephalogram from the Burden Neurological Institute in Bristol, England, to the Mayo Clinic where it was processed by a computer. After diagnosis was made, the analysis was sent via satellite immediately to the doctors in England.

May 28, 1963, a fetal electrocardiogram was transmitted from Mt. Sinai Hospital, in Milwaukee, to obstetricians in Paris; and a two-way consultation took place.

November 6, 1963, a new medical procedure, hyperbaric pressurization, was demonstrated at the Royal College of Surgeons in England and televised via satellite to the American Society of Anesthesiologists in convention at the Mayo Clinic in Rochester, Minnesota. Such a capability may allow large conferences to be held without the necessity for moving people.

A group of Swiss doctors in Geneva has observed open heart surgery performed by Dr. Michael DeBakey in a Houston, Texas, hospital. They were also able to ask questions on technique during the operation.

SECTION 7: PUBLIC AFFAIRS

General introduction

Stimulating new thinking is the major contribution of the Space Program to the field of Public Service. This has taken many forms, from actual cash grants for higher education to innovative methods of approaching some of the problems faced by our cities and the surrounding rural areas. Besides incorporating some of the management techniques described in the Urban Affairs section, the area of Public Affairs illustrates some prime examples of the direct application of scientific techniques, which were derived from the Space Program.

Commercial products from air pollutant (1)

A major air pollutant may be removed from coal-fired power plants and turned into a valuable industrial product as the result of a process being developed. Called the molten salt process, it removes sulphur dioxide from the flue gases formed by burning fossil fuels.

Sulphur dioxide from coal and oil-fired plants is a major pollutant in the U.S. In addition to being a pollutant itself, it combines with air and moisture to become sulphuric acid which causes corrosion, breathing difficulty and plant damage.

Should the molten salt process become practical on a large scale, a new source of sulphur or sulphuric acid worth hundreds of millions of dollars would become available to industry each year. Use of the process could result in a profit through the sale of sulphuric acid and it would permit use of a cheaper grade of coal containing sulphur.

Education and research (1, 6)

NASA has played an especially effective role in improving the quality of education and increasing the number of trained young people in those disciplines relevant to NASA. By FY 1967, NASA had budgeted over $2 billion for grants to higher education.

NASA, in moving ahead, is trying to increase the number of students obtaining doctors degrees in space-related fields of science and engineering. The goal stated in 1963 was to expand the program of training grants to cover a total of 4,000 students over the next few years and to graduate 1,000 new PhDs per year. A goal of 7,500 PhDs per year by 1970 was suggested by the President's Advisory Committee.

Oculometer

This scientific instrument is an ultrasensitive scanning device that monitors minute eye movements. It was developed under contract through the NASA Electronics Research Center in Boston for the specific purpose of human factors research.

This device could be experimentally used in a learning exercise where the oculometer observes hesitation on the part of the student reading foreign languages on a movie screen. Researchers have found that data on fatigue and emotions can be recorded through the observations made by the oculometer of eye movements.

Portable Planetarium

This novel educational device, now on the market, permits a student virtually at a glance to determine the relative positions of the planets on any given day between the years 1900 and 2000.

Reliability Technique (9)

An analytical technique has been devised that permits a comparison of the reliability of alternate mechanical designs. This technique has been employed by a small manufacturer of mining equipment, conveyor systems and cargo handling gear, such as winches, lifts, cranes. Under contract to a Pascagoula, Mississippi, shipbuilder, the company was able to provide valid data on systems reliability and maintainability.

Teaching Devices (3, 6)

NASA information, searched by a Regional Dissemination Center, led to a teaching tool that may spark the formation of a new business. Available teaching machines were highly complex, requiring elaborate wiring systems.

To make the same sort of units simpler to use, the NASA data bank was searched for information on "frequency synthesizers" and the resulting information enabled an engineer to design new equipment. There are no interconnecting wires in the new system, yet up to 800 students can participate. The teacher can know what each student answered, whether all the class has replied, and the portion of right answers for the class.

Waste Disposal (1)

The design and construction of refuse and reclamation plants which employ a nuisance-free process is underway. The plants, completely enclosed, are designed to prevent contamination.

In another area, aerospace engineers, under contract to the Commonwealth of Pennsylvania, are making a study to determine if techniques successfully employed in desalting water can be used to purify mine acid drainage, a major source of stream pollution.

Waste Food Conversion (1)

A system that reconditions sewer water for industrial and irrigation uses and simultaneously converts waste food into poultry mash has been developed.

Part of the city's sewage is fed to certain types of algae that devour noxious compounds. After the algae are skimmed from the water and dried for poultry mash, the water is returned to farms and the community for nonpotable uses.

Since cost is a critical factor in water reclamation, the poultry food by-product helps make the system economical.

Waste Management (1)

Employing systems engineering techniques, a waste management study was conducted for California with projections 25 years ahead. In the study, the control and management of solid, liquid and gaseous waste generated by the state's rapidly expanding population was assessed. Major elements of a total waste management study were defined and recommendations were made for a study of a specific problem site.

The study of the Fresno area, typical of many other rapidly growing urban-agricultural complexes throughout the U.S., should provide answers to similar pollution problems throughout the country.

Some nine months before scheduled completion of the study, environmental conditions in the country were measurably improved by adoption of recommendations in the preliminary report. An ordinance prohibiting burning at all open dumps was put into effect; an unsanitary landfill site was closed; septic tank pumpage formerly disposed of on land is now put into the sewage system; substitution of bi-weekly garbage collection for a once-a-week schedule reduced fly propagation by garbage almost 90 percent.

Water Purification (1)

Reclaiming waste water and converting it into pure water through the technique of "reverse osmosis" is being demonstrated in experimental pilot plant tests with sanitation authorities in Los Angeles County and the City of San Diego.

The simple and compact process uses paper-thin films or membrances—resembling the plastic material used for wrapping foods—to filter out salts and other dissolved solids and produce fresh water from waste, brackish or sea water.

Preliminary studies have shown that eventually it may be possible to produce fresh water from waste water using the reverse osmosis technique at costs which would be only a fraction of that involved when sea water is converted to fresh water.

Other experimental plants using reverse osmosis for the conversion of sea, brackish and waste water to fresh water are also in operation.

Preliminary studies indicate that water of reasonably high purity can be produced from waste water by the reverse osmosis technique at a cost of about 30 cents per thousand gallons in large plants. Lower unit costs could result from knowledge gained in the present studies, and also could be realized by lowering product water quality.

SECTION 8: TRANSPORTATION

General introduction

While satellites are already at work for us today and offer exciting promise for the future, other and more substantial benefits have been derived to transportation from space technology. More and more, the products of solid-state electronics, miniaturization and micro-miniaturization are entering the transportation world. These techniques applied to transportation in the form of control devices, sensors, lasers, wave guides and sophisticated electronic devices are permitting highly reliable communication to aircraft and ships, improve navigation and air-traffic control for present day aviation, assist in the control of high-speed trains and aid in improving highway safety. Aerospace systems management techniques have found their way into the automotive, ship and aircraft building enterprises, and are increasing the effectivity of management as well as reducing the time and cost involved in planning, scheduling, and controlling these industrial giants.

Automated quality control

Newly assembled automotive brake cylinders are being automatically tested under fluid pressure. The test fixture is an outgrowth of techniques devised for testing the Saturn IB hydraulic components prior to launch.

Communication (6)

Voice and data transmissions between ships, aircrafts and business offices throughout the world are facilitated by communication satellites. Passenger telephone service to and from shore from commercial ships and aircraft is provided by these same communications satellites.

Highway safety (3, 6)

Many treacherous sections of highways and airports are safer as the result of a discovery by NASA test pilots in high speed planes that cars and airplanes "hydroplane" when water builds up under their tires. A grooving technique has been developed by NASA allowing water to drain off a wet pavement and runways preventing skidding. The study of "hydroplaning" phenomenon has also led to improved tire tread design.

Navigation (2, 6)

A proposed air traffic control system has been devised from aerospace technology to eliminate aircraft collisions through the use of satellites in conjunction with computers. The satellites would relay special signals from each aircraft-to-ground control stations where computers would plot the aircraft's position within 50 feet in latitude and longitude and 80 feet in altitude which is 60 times more accurate than current systems. The computer would alert ground controllers of impending collision who would, in turn, advise the pilots of the potential danger.

Satellites will provide search and rescue agencies accurate locations of ships in distress, ditched aircraft, lifeboats and exploration parties who may need assistance.

Shipping safety (3,6)

Satellite photographing techniques enhance determination of location of and increase understanding of currents, waves, sea ice, icebergs and shoals; thus making it possible to minimize hazards to navigation and improve ship routing.

Solar cells (1,6)

The solar cell is of vital importance to the space effort because the major portion of all satellites and space probes obtain power to operate radio transmitters and to perform scientific experiments by the use of these cells. A prime example of the application of solar cells is the emergency radio-telephone system now in use in California for stranded motorists in remote areas. Studies are being made to put solar cells to other practical uses.

SECTION 9: MATERIALS

General introduction

One of the most important design criteria for space vehicles is that structural materials should have the lightest weight, the highest strength, be able to operate in a wide range of temperatures, and submit to fabrication processes such as forming, machining and welding. NASA programs have contributed to produce a variety of materials that satisfy these requirements. These include beryllium, titanium, stainless steels, super alloys, refractory metals, aluminum, magnesium, and high-strength steels. All are applicable to innumerable nonspace uses in almost every metalworking industry for all sectors of our economy—transportation, mining, farming, refining, chemicals, electrical, communication, construction, and roadbuilding.

Adhesives (9)

Polymer resin adhesives developed for the Apollo Program are now in more mundane service. An adhesive-bonded car that is as strong as conventionally joined autos is the dream of virtually every automobile manufacturer. Elimination of hole machining in body panels and the assembly operations associated with mechanical fasteners represent substantial savings. Further, water and salt that cause extensive corrosion cannot enter without holes and other openings. One automaker has already used adhesives to eliminate fasteners on body trim on its 1968 models and this usage can be expected to increase as space research continues to produce improved adhesives. The race car body that won the 1964 24-hour LeMans race was bonded entirely by adhesives.

Aluminum foil (6)

An ultra-thin, high-strength aluminum foil, developed for a communications satellite, is used for packaging quick-freeze-dried foods and sensitive pharmaceuticals.

Cryogenic insulation (9)

The requirement for cryogenic (super cold) propellant tanks used in launch vehicles has led to the development of a highly effective, lightweight spray-on foam insulation. The new foam-in-place material is being considered for insulation of cold-cargo shipping containers, tankers, prefabricated dwelling construction, furniture packaging, and other applications where lightweight or rigid insulation materials are required.

Fireproofing (9)

One important Apollo-generated material development has stimulated great interest among designers of fire-resistant structures. The novel material is a glass-fiber-reinforced composite that will not burn in a 100 percent oxygen atmosphere. The new laminate will be ideal for aircraft, automobiles, trucks, and many other vehicles and installations where fire constitutes a major hazard.

Flat conductor cable (9)

Flat conductor cable, with associated hardware, has been found to offer advantages to electrical system designers by saving weight, space, cost and lead time within excellent reliability and uniform electrical characteristics. A fourth symposium currently requested by industry on flat cable conductor technology is scheduled and is over-subscribed.

High-strength plastic pipe (1)

Aerospace production processes have been used to fabricate a new, high-strength pipe.

The pipe, made of plastic mortar, is reinforced with fiberglass, and is suited for carrying water or fluids for such universal uses as sewage, irrigation, flood control, and numerous agricultural applications.

The technology needed for the construction of the pipe was obtained in rocket production and represents a significant advance in fluid conveyance. It offers such advantages as lightweight, comparatively thin walls, built-in resistance to shock and the corrosive elements in fluids and soil.

For every mile of 24-inch diameter pipe installed, for example, use of the thinner reinforced plastic mortar pipe would save a contractor the handling of about 95,000 cubic feet of earth if he were laying pipe at a depth of 25 feet.

The pipe will be produced at Riverside, California. An important factor in the site selection was to provide job opportunities to the Mexican-American population in the area.

High-temperature plastics (1, 9)

A research program on high-temperature plastics has resulted in a new family of copolymers that have outstanding strength at temperatures up to 650 degrees Fahrenheit.

Reinforced with glass cloth and pressed into laminates, the materials at these temperatures are stronger than aircraft aluminum and compare favorably with stainless steel and titanium alloys.

Used as adhesives under the same conditions, the materials bond together sheets of titanium and stainless steel with hot strengths in excess of 1,000 pounds per square inch.

The new class of plastics appears to be applicable for such applications as structural members of aircraft, heat shields, electric motor windings, printed electronic circuits and similar uses.

Inorganic paints (3,9)

Inorganic paints developed under NASA auspices were adapted to commercial products by companies in Illinois and California. The paint items produced by the Illinois firm are expected to be used by builders, contractors and industry. The California company used NASA information about inorganic paints to produce an extensive line of heat-resistant coatings, which are used in truck exhaust systems, oven liners, fire walls, brake drums, engine manifolds, mufflers, furnaces, boilers, electrical motors, generators, transformers, relays and insulation. The California firm noted that the knowledge received from NASA has kept them competitive.

An Eastern manufacturer of vacuum cleaners has improved his product that is marketed presently, by using an inorganic paint on the interior surfaces of his vacuum cleaner tanks. The company procured the information from a NASA Technical Brief that an inorganic paint had been developed at the Goddard Space Flight Center which would withstand considerable abuse and deterioration.

Special silicate-base inorganic paints have been developed to provide corrosion resistance in a broad temperature environment. The fireproof characteristics of this paint are such that a torch applied to the painted side of a piece of metal leaves the paint unmarked while heating the metal. The paint still adheres to the white-hot metal.

Metals, alloys and substitutes (2,9)

Many of the new metals, alloys, fabrics, and compounds created or developed by space research are being produced commercially. Some particular examples are:

A ceramic insulation material, PSC Durock, withstands the extreme heat of combustion of exotic fuels. It is now being used in high temperature applications in the civilian atomic energy program.

Spaceproof materials are being used to make nearly indestructible refrigerators and other appliances. New materials developed in space research are becoming more and more important in the air conditioning, heating and refrigeration industry.

Fluxless aluminum soldering, an outgrowth of space research, is being marketed and used in preparation of sandwich core of structural panels and mass production of automobile radiators.

Time-saving pots and pans are now coated with a plastics material developed to protect spacecraft from the extreme heat of launch and re-entry.

Sealants developed for the seams of spacecraft are being used in caulking tiles. Car windshields and rear windows are being sealed with a product made from solid rocket fuel.

Railroad tank cars weighing one-half as much as steel cars are now being produced from the lightweight plastics developed for NASA for use in its space systems.

Ocean vessels are able to increase cargo tonnages by using "higher strength structural steels and packaging employing lightweight reinforced plastic (RP) containers."

New class of plastics (2,3,9)

Space technologists working under contract to the NASA Lewis Research Center, have developed HYSTYL resins, a new class of plastics with improved strength, and with thermal and chemical stability. These new plastics, described in NASA Technical Brief 67–10197, have aroused interest from a maker of grinding wheels, an electronics manufacture, a casket manufacturing company, a firm supplying aircraft and missile components, a chemical manufacturer, and others. A small company has been formed to produce and market these plastics.

APPENDIX I, NASA UNIVERSITY PROGRAMS, GRANTS AND RESEARCH CONTRACTS, GENERAL INTRODUCTION

NASA's university programs have made major contributions not only to the aeronautics and space program but also to the national educational goal through the development of new scientific disciplines, technologies and educational facilities. NASA programs have provided continuing educational opportunities to thousands at the undergraduate and graduate levels within the Nation's university community.

Between 1965 and 1971, 223 colleges and universities representing all 50 States and the District of Columbia will have shared in grants and research contracts for 1,640 NASA programs. In addition, 15 colleges and universities in 10 foreign countries have also provided assistance through research contracts for 18 programs.

The accompanying table provides a recap tabulation by States showing the number of colleges and universities affected by NASA grants and research contracts as well as the number of such programs within each State. It is of interest to note that New York leads all the States with the greatest number of colleges and universities (22) receiving grants and research contracts; followed by California (18), Ohio (14), Texas (14), Pennsylvania (12), Massachusetts (11) and the balance in descending order. California, however, is the leading State for the greatest number of NASA-supported college or university programs (271); followed by Texas (124), New York (122), Pennsylvania (75), Illinois (73), and Ohio (58).

As a direct result of these programs, the Nation's university community has awarded in excess of 500 graduate degrees and has provided trained people, education and service in demonstrating the effectiveness of colleges and universities in helping to meet the space goals of NASA and the Nation.

NASA UNIVERSITY PROGRAMS GRANTS AND RESEARCH CONTRACTS (1965 THROUGH 1971)

State	Number of universities affected	Number of programs
Alabama	3	35
Alaska	1	10
Arizona	3	43
Arkansas	1	1
California	18	271
Colorado	5	41
Connecticut	4	36
Delaware	1	3
District of Columbia	5	25
Florida	6	43
Georgia	3	27
Hawaii	1	14
Idaho	1	1
Illinois	6	73
Indiana	5	46
Iowa	2	18
Kansas	4	18
Kentucky	2	15
Louisiana	4	13
Maine	1	2
Maryland	4	45
Massachusetts	11	55
Michigan	6	64
Minnesota	2	30
Missippi	3	11
Missouri	5	26
Montana	2	4
Nebraska	2	2
Nevada	1	4
New Hampshire	2	16
New Jersey	6	42
New Mexico	1	18
New York	22	122
North Carolina	4	32
North Dakota	1	2
Ohio	14	58
Oklahoma	5	14
Oregon	2	11
Pennsylvania	12	75
Rhode Island	3	9
South Carolina	2	6
South Dakota	2	3
Tennessee	3	16
Texas	14	124
Utah	3	16
Vermont	1	2
Virginia	9	52
Washington	2	15
West Virginia	1	5
Wisconsin	2	23
Wyoming	1	3
Total U.S. universities and programs (50 States plus District of Columbia)	223	1,640
Foreign countries (10)	15	18
Total all universities and programs	238	1,658

Note: Total university expenditures by NASA (1959 through 1967), $2,079,356,567.

APPENDIX II, NASA PRINCIPAL PRIME CONTRACTORS AND SUBCONTRACTORS, GENERAL INTRODUCTION

NASA principal prime contractors and subcontractors shared $3.07 billions of U.S. dollars during the 1969 fiscal year. These contractual dollars provided direct employment to countless thousands of workers for the production of both space related hardware and services in all 50 states, the District of Columbia and in 41 of the free world's foreign countries who support the global space network.

The accompanying table provides a compilation of the location of all NASA principal contractors and subcontractors who participate in the United States continuing efforts toward achieving the peaceful conquest of space. Figures quoted in the table encompass the time span from 1960 through 1969 and compute only those NASA principal prime contractors and subcontractors who received individual awards (contracts, grants or purchase orders) of the following magnitude:

Research and development prime contracts of $10,000 and over.

Prime contracts, grants and purchase orders to educational institutions and other non-profit organizations of $10,000 and over.

All other prime contractors and purchase orders of $25,000 and over.

First and second-tier subcontractors and purchase orders of $10,000 and over on NASA prime contractors of $500,000 and over—14,369 profit and non-profit business organizations in 1,832 cities throughout all 50 states and the District of Columbia received major NASA contracts and sub-contracts. In addition, 165 organizations in 41 free world foreign countries were also affected as participants in NASA's world-wide coverage for the space network. It is of interest to note that California leads all states in the number of cities affected by NASA contracts and subcontracts (235), followed by Pennsylvania (184), New York (182), New Jersey (155), Massachusetts (108), Ohio (90), Illinois (88) and Connecticut (75). In the area of business organizations, California again leads all states with 4,524 organizations affected by NASA contracts and subcontracts. Here, however, the trend changes. Next in order, following California, are business organizations in the states of New York (1083), Florida (774), Massachusetts (716), Ohio (672), Texas (622), Pennsylvania (598), and Virginia (577).

From this sampling, it can be seen that NASA procurement of quality space hardware and services has resulted in the development and expansion of the nation's business organizations for the material benefit of the national work force and for achievement of the nation's space goals.

NASA PRINCIPAL PRIME CONTRACTORS AND SUBCONTRACTORS (JULY 1, 1960 THROUGH MAY 31, 1969)

State	Number of cities affected	Number of business firms
Alabama	31	469
Alaska	3	31
Arizona	13	67
Arkansas	4	6
California	235	4,524
Colorado	13	80
Connecticut	75	309
Delaware	6	18
District of Columbia	1	360
Florida	58	774
Georgia	17	101
Hawaii	6	12
Idaho	7	10
Illinois	88	371
Indiana	44	106
Iowa	11	17
Kansas	16	50
Kentucky	7	25
Louisiana	13	440
Maine	9	10
Maryland	70	571
Massachusetts	108	716
Michigan	70	249
Minnesota	17	111
Mississippi	18	122
Missouri	20	118
Montana	3	5
Nebraska	4	12
Nevada	7	30
New Hampshire	19	39
New Jersey	155	501
New Mexico	8	75
New York	182	1,083
North Carolina	28	68
North Dakota	2	2
Ohio	90	672
Oklahoma	11	81
Oregon	8	27
Pennsylvania	184	598
Rhode Island	10	29
South Carolina	12	18
South Dakota	4	4
Tennessee	19	73
Texas	61	622
Utah	9	23
Vermont	10	16
Virginia	39	577
Washington	15	43
West Virginia	11	15
Wisconsin	29	83
Wyoming	2	6
Total U.S. cities and business firms representing 50 States plus District of Columbia	1,882	14,369
Foreign countries and business firms	41	165
Grand total cities, foreign countries and business affected by NASA contracts and subcontracts	1,923	14,534

Note: NASA principal prime and subcontractors receiving individual awards of the following magnitude:

(1) Research and development contracts of $10,000 and over.

(2) Prime contracts, grants and purchase orders to educational institutions and nonprofit organizations of $10,000 and over.

(3) All other prime contracts and purchase orders of $25,000 and over.

(4) 1st and 2d tier subcontracts and purchase orders of $10,000 and over on NASA prime contracts of $500,000 and over.

APPENDIX III: REFERENCES

Anonym., "The Indirect Benefits Arising From Space Activities," *Eurospace* (Memoranda), January 1967.

Anonym., "The Payoff In Space," *Engineering Opportunities*, October 1967.

Anonym., "Space Age Production" (techniques), *Duns Review and Modern Industry*, March 1962.

Anonym., "Space Coming Down to Earth," *Economist*, March 20, 1965.

Badgley, P. C., "Current Status of NASA's Natural Resources Program," University of Michigan Symposium on Remote Sensing of Environment, Ann Arbor, April 12-14, 1966.

Burnett, J. E., "The Utilization of Technological Resources," Technical paper proposed for presentation at 1967 Automotive Engineering Congress and Exposition sponsored by the Society of Automotive Engineers, Detroit, Michigan, January 9-13, 1967.

Butz, J. S., Jr., "Under the Spaceborne Eye: No Place to Hide," *Air Force/Space Digest*, May 1967.

Caidin, M., "Why Space? And How It Serves You in Your Daily Life," New York, Julian Messner, 1965.

Cortright, E. M., "Space Science and Applications; Where We Stand Today," *Astronautics and Aeronautics*, June 1966.

Coutinho, J. D., "Why A Space Program," *Mechanical Engineering*, May 1967.

Dubridge, L. A., "The Place of Space," *American Philosophical Society Proceedings*, Vol. 106, No. 5, October 1962.

Foster, W. B., "Space Experiments Program for Practical Applications," paper presented at American Astronautical Society Meeting, San Diego, California, February 21-23, 1966.

Friedman, H., "The Next 20 Years of Space Science," *Astronautics and Aeronautics*, November 1965.

Glennan, T. K., "Education," presented in the President's Forum on the Worth of the Space Program, at the AIAA 4th Annual Meeting and Technical Display, Anaheim, California, October 27, 1967.

Hamburger, P. T., "Application and Impact of Space Research and Technology," *Ashrae J*, March 1966.

Harris, C. J., "The Aerospace Scientist as a Local National and Worldwide Community Planner," paper presented at the AIAA 4th Annual Meeting and Technical Display, Anaheim, California, October 27, 1967.

Haskins, C. P., "Science in the Service of Mankind," *Academy Political Science Proceedings*, April 1966.

Herwald, S. W., "Technology Utilization—The Industrial Opportunity," Fifth National Conference on the Peaceful Uses of Space, St. Louis, May 26-28, 1965. (NASA SP-82)

Jaffe, L., "Space Applications; Growing Worldwide Systems," *Astronautics and Aeronautics*, June 1966.

Karth, J. E., "What's Next in Space?" *Astronautics and Aeronautics*.

Katz, I., "Philosophy and Education in the Space Age," *New York Academy of Sciences Annals*, Vol. 140, Conference on Planetology and Space Mission Planning, 1965.

Keats, E. S., "Some Geopolitical Factors Surrounding Navigation Satellites," paper presented at the AIAA 4th Annual Meeting and Technical Display, Anaheim, California, October 23-27, 1967.

Kelber, C. C., "Social Significance of Space Technology," Douglas Missile and Space Systems Division, Santa Monica, California, August 1965.

La Fond, C. D., "IR Mapping System Readied for Market," *Technology Week*, February 27, 1967.

Langlo, K., "A New Look in Meteorology: The World Weather Watch," *Impact of Science on Society*, Vol. XVI No. 2, 1966.

Meitner, J. G., "Benefits of the Space Program," Stanford Research Institute, Menlo Park, California (to be published).

Meitner, J. G., "Priority Analysis of Manned Orbital Research Applications," SRI Report, Project No. M-5465, Stanford Research Institute, Menlo Park, California, September 1965.

NASA, "NASA's Space Science and Applications Program," Washington, D.C., 20546, 1967.

NASA, "Our Investment in Space to Bring Manifold Returns," Science and Technology Section, Space Systems Information Branch, Marshall Space Flight Center, Huntsville, Alabama, September 29, 1964.

NASA, "Our Investment in Space to Bring Manifold Returns,"—First Supplement, Marshall Space Flight Centers, Huntsville, Alabama, May 1965.

NASA, "Significant Achievements in Space Applications, 1965," The Office of Technology Utilization, Washington, D.C., 1966 (SP-137).

NASA, "Significant Achievements in Space Bioscience, 1958-64," STID Division, NASA, Washington, D.C., 1966 (SP-92).

NASA, "Significant Achievements in Space Communications and Navigation, 1958-64," NASA, Washington, D.C., 1966 (SP-93).

NASA, "Space: The New Frontier," General Publication, 1967.

NASA, "A Survey of Space Applications . . . for the benefit of all mankind," Washington, D.C., April 1967 (SP-142).

Ness, N. F., "Solar Wind and the Interplanetary Magnetic Field," *Astronautics and Aeronautics*, October 1967.

Newell, H. E., "Goals and Potentials of Scientific Research in Space," Conference on Space, Science and Urban Life, Oakland, California, March 28-30, 1963.

Newell, H. E., and L. Jaffe, "Impact of Space Research on Science and Technology," *Science*, Vol. 157, July 7, 1967.

Pittendrigh, C. S., "The Biologist in the Solar System," *Bulletin of the Atomic Scientists*, March 1967.

Puckett, R. H., "The Military Role in Space—A Summary of Official, Public Justifications," The Rand Corporation, Santa Monica, California.

Root, R. L., "The Return on our Investment in Space Exploration," *Looking Ahead* (National Planning Association), September 1965.

Rowan, T. C., "Systems Analysis in Society (Socio-Economic Problems are Challenging Skills of Aerospace Systems Analysts)," *Industrial Research*, August 1966.

Ruzic, N. P., "The Case for Technological Transfer," *Industrial Research*, March 1965.

Sawyer, F. G., "Ideas from Space Research; Special Report," *Hydrocarbon Processing, and Petroleum Refining*, October 1964.

Sinclair, M. P., "Materials Applications," *Industrial Research*, July 1967.

Sloop, J. L., "The Role of Research in Manned Space Flight," lecture presented to Santa Clara County Science Teachers, Ames Research Center, October 22, 1964.

Smull, T. L., "NASA Mission—Broaden the University Role," *Research/Development*, April 1963.

Sponsler, G. C., "The Military Role In Space," *Bulletin of the Atomic Scientists*, June 1964.

Thomas, S., "Full Non-Space Utilization of Space Capability," paper presented at the AIAA 4th Annual Meeting and Technical Display, Anaheim, California, October 23-27, 1967.

Trupp, P., "NASA's Knowledge Bank; A Spin-Off from Space Research," *Electronic News*, October 24, 1966.

U.S. Congress, House, "The National Space Program—Its Values and Benefits," A Staff Study for the Subcommittee on NASA Oversight, of the Committee on Science and Astronautics, 90th Congress, First Session, Washington, D.C., 1967.

University of Michigan, "Peaceful Uses of Earth-Observation Spacecraft, Vol. I: Introduction and Summary," Washington, D.C., September 1966.

Von Braun, W., "Space Technology and Progress," *Technology Week*, January 23, 1967.

Watkins, H. D., "California Effort is Key to Growth Area," *Aviation Week and Space Technology*, February 7, 1966.

Webb, J. E., "Commercial Use of Space Research and Technology," *Astronautics and Aeronautics*, November 1966.

Webb, J. E., "The Economic Impact of the Space Program," *Business Horizons*, Fall 1963.

Wecksler, A. N., "Space Technology Proves Boom to Industry," *Mill and Factory*, December 1965.

Wenk, E., Jr., "New Challenges in the Sea, New Challenges for Space Technology," *Astronautics and Aeronautics*, May 1967.

Whittington, G. A., "Space Sciences Industrial Research and Development Information in Action," *Research and Development*, April 1963.

Wilks, W. E., "Industry Studies California Problems," *Missiles and Rockets*, February 15, 1965.

APPENDIX IV: BIOGRAPHY

SECTIONS II—IX

1. *Aerospace Aechnology: Creating Social Progress*, Aerospace Industries Associations of America, Inc., Washington, D.C.

2. *Benefits from Space*, a compilation of the *Stanford Report*, General Electric Company, Washington, D.C.

3. *The Family of Mann—Prospects for Progress* General Electric Company Valley Forge/Space Division

4. *Medical Benefits from Space Research* NASA publication

5. *NASA: Its Present and Future Impact on Our Lives* Speeches by R. L. Lesher, former Assistant Administrator for Technology Utilization; Statement before the Subcommittee on Advanced Research and Technology of the Committee on Science and Astronautics, House of Representatives.

6. *New Dimensions for Space Technology, Challenge Magazine*, Winter 1968 General Electric Company Valley Forge/Space Division

7. *Reference Briefs of New Technology Transfers* NASA/KSC—Technology Utilization Officer Directorate of Administration

8. *Skyline*, 1961, 1964 North American Rock well Publication

9. *Space Program Benefits* North American Rockwell, Space Division Downey, California

10. *Useful New Technology from Aerospace Research and Development* NASA Technology Utilization Program Pamphlet

Appendix I

NASA's University Program

A Study of University Programs

Statement before the Subcommittee on Space Science and Applications by Francis B. Smith, Assistant Administrator for University Affairs (NASA).

Appendix II

NASA Principal Prime Contractors and Subcontractors through 31 May 1969, prepared by NASA Procurement Office, Staff Operations Division, Washington, D.C. 20546.

Apollo 12 Principal Prime Contractors and Subcontractors, NASA Procurement Office, Staff Operations Division, Washington, D.C. 20546.

This report was compiled by the following Contractor/NASA personnel comprising the Spinoff-from-Space Subcommittee and Working Group of the Astronautics and Aeronautics Committee:

Chairman, R. F. Gompertz, Chrysler Corporation.

Members, C. Morley, E. Webb, General Electric Company; W. Ballenback, C. Pearce, Grumman Aerospace Corp; G. Harman, B. Hello, C. McNamara, North American Rockwell; C. Gleason, TRW.

Secretary, P. Mellor, Chrysler Corporation.

Observer, L. DuGoff, NASA.

A NEW BREED OF GOVERNOR

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. KUYKENDALL. Mr. Speaker, during the past year the national news media have often commented on the "new breed" of Governor emerging in many of the Southern States. This new breed of Governor is enlightened, involved, and not afraid to admit that times have changed. To those of my colleagues who may not be familiar with the record of Tennessee's new Governor, Winfield Dunn, I commend the following editorial from the Copper City Advance:

WINFIELD DUNN, THE MAN

One morning last week we were watching the Today Show on television, when Governor Winfield Dunn of Tennessee was interviewed by Frank McGee. At long last the TV pundit found himself talking to a Southern governor who was just as poised, smooth and articulate as he.

It occurred to us at the time, and we've been thinking about it since, that our governor is a credit to the South, this state, and the nation. Before we move along into 1972, with the disenchantment with politics which will sweep over us before too long, we want to say a few kind words about Winfield Dunn, who did not have this paper's support when he ran for the job he now holds.

Having kept up with him, via the news media, since his election, we have studied him very carefully. We couldn't have cared less about the man when he assumed office. We have listened to his critics; and he has more than his share, in and out of his party. We have read the critical words of those political experts who think he isn't doing as well as he should. It gradually dawned on us that we disagree with his critics.

If we have any criticism of the governor it's this: he should try hard, in his limited time, to cover one end of this state to the other and let everybody have a chance to meet him face to face.

Television captures his sincerity and warmth, his compassion for unfortunates which, frankly, we once didn't dream he possessed. We have an idea that this compassion may not set too well with some of his critics. It suits us to a T. The Governor should let more Tennesseans, including Polk Countians, get to know him better than they do.

As it is, however, Governor Dunn has changed some minds in Tennessee as he has conducted himself with dignity and commonsense in office. In our own case, we have come to realize that one of his greatest assets is his public performance while speaking formally or informally on the air.

He isn't a ham. He doesn't play to the camera. He doesn't insult the intelligence of listeners or viewers. He doesn't play the bigot. He is forthright, down-to-earth, earnest, compelling.

He was in New York on business for the state, in the interest of attracting more industry. And he did all of us proud on the Today Show. We have had it with Southern governors who make spectacles of themselves on television, national and otherwise. He has impressed us more favorably as a man in the public eye than any of his predecessors in office.

Our favorite governor of our sister state of Georgia was Carl Sanders; and Winfield Dunn also is of the enlightened school of Southern governors, as Mr. Sanders was, with good taste, perception and fluency.

Like Mr. Sanders, Winfield Dunn is fortunate in having an attractive and artistic wife who makes the governor's mansion a home for the family, while beautifying it for all the people of the state. We are convinced that the Dunns are the best, united team ever to occupy the governor's mansion in this state.

Governor Dunn, the man? Great.

SKYLAB

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. TEAGUE of Texas. Mr. Speaker, the announcement today of Astronauts Charles Conrad, Jr., Alan L. Bean, and Gerald P. Carr as the command pilots of the three planned visits to Skylab A is a major milestone in the U.S. space program. Skylab A is the forerunner of permanent space stations which will some day provide to the people of this country and the world a manned, near-space capability to survey the earth's resources, help direct its air and sea traffic, and assure adequate communications and weather predictions for our Nation and all the nations of the world. Astronauts Conrad, Bean, and Carr are leaders of the first long duration missions in deep space. Their efforts and the efforts of their crews not only will demonstrate the capabilities expected of Skylab but will also undoubtedly contribute unforeseen information and opportunities for the utilization of space. I am including in the RECORD the biographies of these three outstanding men and their crews for the information of my colleagues and the general public.

SKYLAB PRIME AND BACKUP CREWS

PRIME CREWS

Charles Conrad, Philadelphia, Pa.
Joseph Kerwin, Oak Park, Ill.
Paul Weitz, Erie, Pa.
Alan Bean, Ft. Worth, Tex.
Owen Garriott, Enid, Okla.
Jack Lousma, Ann Arbor, Mich.
Gerald Carr, Santa Ana, Calif.
Edward Gibson, Kenmore, N.Y.
William Pogue, Sand Springs, Okla.

BACKUP CREWS

Russell Schweickert, Neptune, N.J.
Story Musgrave, Lexington, Ky.
Bruce McCandless, El Lago, Tex.
Vance Brand, Longmont, Colo.
William Lenoir, Miami, Fla.
Donn Lind, Midvale, Utah.

BIOGRAPHIES

Charles Conrad, Jr. (Captain, USN), NASA Astronaut

Birthplace and date: Born on June 2, 1930, in Philadelphia, Pennsylvania.

Physical description: Blond hair; blue eyes; height: 5 feet 6½ inches; weight: 138 pounds.

Education: Attended primary and secondary schools in Haverford, Pennsylvania, and New Lebanon, New York; received a Bachelor of Science degree in Aeronautical Engineering from Princeton University in 1953, an Honorary Master of Arts degree from Princeton in 1966, an Honorary Doctorate of Laws degree from Lincoln-Weslyan University in 1970, and an Honorary Doctorate of Science from Kings College, Wilkes-Barre, Pennsylvania, in 1971.

Marital status: Married to the former Jane DuBose of Uvalde, Texas; her parents, Mr. and Mrs. W. O. DuBose, reside in Uvalde.

Children: Peter, December 24, 1954; Thomas, May 3, 1957; Andrew, April 30, 1959; Christopher, November 26, 1960.

Recreational interests: His hobbies include golf, swimming, and water skiing.

Organizations: Fellow of the American Astronautical Society, and Associate Fellow of the American Institute of Aeronautics and Astronautics and the Society of Experimental Test Pilots.

Special honors: Awarded the NASA Distinguished Service Medal, two NASA Exceptional Service Medals, the Navy Astronaut Wings, the Navy Distinguished Service Medal, and two Distinguished Flying Crosses; recipient of Princeton's Distinguished Alumnus Award for 1965, the U.S. Jaycee's 10 Outstanding Young Men Award in 1965, the American Astronautical Society Flight Achievement Award for 1966, Pennsylvania's Award for Excellence in Science and Technology in 1967 and 1969, the Rear Admiral William S. Parsons Award for Scientific and

Technical Progress in 1970, the Godfrey L. Cabot Award in 1970, the Silver Medal of the Union League of Philadelphia in 1970, the FAI Yuri Gagarin Gold Space Medal and the De La Vaulx Medal in 1970, and the National Academy of Television Arts and Sciences Special Trustees Award in 1970.

Experience: Conrad entered the Navy following graduation from Princeton University and became a naval aviator. He attended the Navy Test Pilot School at Patuxent River, Maryland, and upon completing that course of instruction was assigned as a project test pilot in the armaments test division there. He also served at Patuxent as a flight instructor and performance engineer at the Test Pilot School.

He has logged more than 5,500 hours flight time, with more than 4,300 hours in jet aircraft.

Current assignment: Captain Conrad was selected as an astronaut by NASA in September 1962. In August 1965, he served as pilot on the 8-day Gemini 5 flight. He and command pilot Gordon Cooper were launched into earth orbit on August 21, and proceeded to establish a space endurance record of 190 hours and 56 minutes. The flight, which lasted 120 revolutions and covered a total distance of 3,312,993 statute miles, was terminated on August 29, 1965. It was also on this flight that the United States took over the lead in manhours in space.

On September 12, 1966, Conrad occupied the command pilot seat for the 3-day Gemini 11 mission. He executed orbital maneuvers to rendezvous and dock in less than one orbit with a previously launched Agena and piloted Gemini 11 through two periods of extravehicular activity performed by pilot Richard Gordon. Other highlights of the flight included the retrieval of a nuclear emulsion experiment package during the first EVA; the establishment of a new world space altitude record of 850 statute miles; the completion of the first tethered station-keeping exercise, in which artificial gravity was produced; and the completion of the first fully automatic controlled reentry. Gemini 11 was concluded on September 15, 1966, with the spacecraft landing in the Atlantic—2½ miles from the prime recovery ship USS *Guam*.

He was subsequently assigned as the backup spacecraft commander for the Apollo IX flight.

Conrad was spacecraft commander of Apollo XII, November 14–24, 1969. With him on man's second lunar landing mission were Richard F. Gordon (command module pilot) and Alan L. Bean (lunar module pilot). In accomplishing all of the mission's objectives, the Apollo XII crew executed the first precision lunar landing, bringing their lunar module, "Intrepid," to a safe touchdown in the moon's Ocean of Storms; and performed the first lunar traverse deploying the Apollo Lunar Surface Experiment Package (ALSEP), installing a nuclear power generator station which would provide the power source for long-term scientific experiments, gathering geologic samples of the lunar surface for return to earth, and completing a close-up inspection of the Surveyor III spacecraft. Throughout the 31-hour lunar surface stay by Conrad and Bean, Richard Gordon remained in lunar orbit aboard the command module, "Yankee Clipper," photographing landing sites for future missions. Apollo XII lasted 244 hours and 36 minutes and was concluded with a Pacific splashdown and subsequent recovery operations by the USS *Hornet*.

Captain Conrad has completed three space flights, logging a total of 506 hours and 48 minutes in space—of which 7 hours and 45 minutes were spent in EVA on the lunar surface.

Current duties involve training for future manned space flights and, as Chief of Skylab Operations for the Astronaut Office, responsibility for monitoring astronaut activities in support of the Skylab rogram.

Alan L. Bean (Captain, USN) NASA Astronaut

Birthplace and date: Born in Wheeler, Texas, on March 5, 1932. His parents, Mr. and Mrs. Arnold H. Bean, reside in his hometown Fort Worth, Texas.

Physical description: Brown hair hazel eyes; height: 5 feet 9½ inches; weight: 155 pounds.

Education: Graduated from Paschal High School in Fort Worth, Texas; received a Bachelor of Science degree in Aeronautical Engineering from the University of Texas in 1955.

Marital status: Married to the former Sue Ragsdale of Dallas, Texas; her parents, Mr. and Mrs. Edward B. Ragsdale, are residents of that city.

Children: Clay A., December 18, 1955; Amy Sue, January 21, 1963.

Recreational interests: He enjoys being with his two children, and his hobbies include surfing, painting, and handball. He also enjoys swimming, diving, and gymnastics.

Organizations: Fellow of the American Astronautical Society; member of the Society of Experimental Test Pilots, and the Delta Kappa Epsilon.

Special honors: Awarded the NASA Distinguished Service Medal, the Navy Astronaut Wings and Navy Distinguished Service Medal; recipient of the Texas Press Association's Man of the Year Award (1969), the Rear Admiral William S. Parsons Award for Scientific and Technical Progress (1970) the University of Texas Distinguished Graduate Award (1970) and Distinguished Alumnus Award (1970), the Godfrey L. Cabot Award (1970), and the National Academy of Television Arts and Sciences Special Trustees Award (1970).

Experience: Bean, a Navy ROTC student at Texas, was commissioned upon graduation in 1955. Upon completing his flight training, he was assigned to Attack Squadron 44 at the Naval Air Station in Jacksonville, Florida, for four years. He then attended the Navy Test Pilot School at Patuxent Rixer, Maryland. Upon graduation he was assigned as a test pilot at the Naval Air Test Center, Patuxent River, where he flew all types of naval aircraft (jet, propeller, and helicopter models) to evaluate them for Navy fleet use. Bean participated in the initial Navy evaluation of both the A5A and A4E jet attack airplanes. He attended the School of Aviation Safety at the University of Southern California and was next assigned to Attack Squadron 172 at Cecil Field, Florida, as an A–4 light jet attack pilot.

During his career, he has flown 27 types of military aircraft as well as many civilian airplanes. He has logged more than 4,410 hours flying time—including 3,674 hours in jet aircraft.

Current assignment: Captain Bean was one of the third group of astronauts named by NASA in October 1963. He served as backup command pilot for the Gemini 10 mission and as backup lunar module pilot for the Apollo IX mission and was lunar module pilot for the flight of Apollo XII, November 14–24, 1969.

With him on man's second lunar landing mission were Charles Conrad (spacecraft commander) and Richard F. Gordon (command module pilot). The Apollo XII crew accomplished all mission objectives. Captain Conrad and Captain Bean executed a precision lunar landing, bringing their lunar module, "Intrepid," to a safe touchdown in the moon's Ocean of Storms—within 300 feet of their targeted landing point. On the surface, they performed a lunar geology traverse of one mile and deployed the Apollo Lunar Surface Experiment Package (ALSEP) installing the first nuclear power generator station on the moon to provide the power source for these long-term scientific experiments which continue in operation today. Conrad and Bean then completed a close-up inspection of the Surveyor III spacecraft, returning several parts of the Surveyor to earth. Throughout the lunar surface stay by Conrad and Bean, Captain Richard Gordon remained in lunar orbit aboard the command module, "Yankee Clipper," photographing landing sites for future missions and areas of scientific import.

Captain Bean has logged a total of 244 hours and 36 minutes of space flight, 31 hours and 31 minutes on the moon—of which 7 hours and 45 minutes were spent outside the spacecraft on the lunar surface.

Gerald Paul Carr (Lieutenant colonel, USMC), NASA Astronaut

Birthplace and date: Born in Denver, Colorado, on August 22, 1932, but raised in Santa Ana, California, which he calls his home town. His mother, Mrs. Freda L. Carr, resides is Santa Ana.

Physical description: Brown hair; blue eyes; height: 5 feet 9 inches; weight: 155 pounds.

Education: Graduated from Santa Ana High School, Santa Ana, California; received a Bachelor of Science degree in Mechanical Engineering from the University of Southern California, a Bachelor of Science degree in Aeronautical Engineering from the U.S. Naval Postgraduate School in 1961, and a Master of Science degree in Aeronautical Engineering from Princeton University in 1962.

Marital status: Married to the former Jo Ann Ruth Petrie of Santa Ana, California.

Children: Jennifer Anne, July 1, 1955; Jamee Adele and Jeffrey Ernest, July 3, 1958; John Christian, April 4, 1962; Jessica Louise and Joshua Lee, March 12, 1964.

Recreational interests: He enjoys sailing and playing golf, tennis, badminton, and handball. His hobbies include woodworking and restoration of an old automobile.

Organizations: Member of the Marine Corps Association, the University of Southern California Alumni Association, and Tau Kappa Epsilon. President of the Houston Trojan Alumni Club, and Texas Chairman of the American Cancer Society's I.Q. Society.

Special Honors: Awarded the National Defense Service Medal, the Armed Forces Expeditionary Medal and the Marine Corps Expeditionary Medal, and a Letter of Commendation from the Commander of Carrier Division II.

Experience: When informed by NASA of his selection for astronaut training, he was assigned to the Test Directors Section, Marine Air Control Squadron Three, a unit responsible for carrying out testing and evaluation of Marine Tactical Data Systems.

Carr began his military career in 1949 with the Navy, and in 1950 he was appointed a midshipman (NROTC) and enrolled in the University of Southern California. Upon graduation in 1954, he received his commission and subsequently reported to the U.S. Marine Corps Officers' Basic School at Quantico, Virginia. He received his flight training at Pensacola, Florida, and Kingsville, Texas, and was then assigned to Marine All-Weather-Fighter Squadron 114 where he gained experience in the F–9 and the F–6A Skyray. After postgraduate training, he served with Marine All-Weather-Fighter-Squadron 122 from 1962 to 1965 piloting the F–8 Crusader in the United States and Far East. Other aircraft he has flown include the F–4, T–1, T–33, T–28, T–38, H–13, and ground effect machines.

He has logged more than 3,100 flying hours, 2,440 hours of which is jet time.

Current assignment: Lt. Colonel Carr is one of the 19 astronauts selected by NASA in April 1966. He served as a member of the astronaut support crews for the Apollo VIII and XII flights, and was involved in the development and testing of the lunar roving vehicle which is being used on the lunar surface by Apollo flight crews. His present duties involve crew training for Project Skylab.

Joseph P. Kerwin (Commander, MC, USN) NASA Astronaut

Birthplace and date: Born February 19, 1932, in Oak Park, Illinois. His parents, Mr. and Mrs. Edward M. Kerwin, are residents of Chicago, Illinois.

Physical description: Brown hair; blue eyes; height: 6 feet; weight: 170 pounds.

Education: Graduated from Fenwick High School, Oak Park, Illinois, in 1949; received a Bachelor of Arts degree in Philosophy from College of the Holy Cross, Worcester, Massachusetts, in 1953; a Doctor of Medicine degree from Northwestern University Medical School, Chicago, Illinois, in 1957; completed internship at the District of Columbia General Hospital in Washington, D.C.; and attended the U.S. Navy School of Aviation Medicine, Pensacola, Florida.

Marital status: Married to the former Shirley Ann Good of Danville, Pennsylvania. Her parents, Mr. and Mrs. George D. Good, reside in Danville.

Children: Sharon, September 14, 1963; Joanna, January 5, 1966; Kristina, May 4, 1968.

Recreational interests: His hobbies are reading and classical music.

Organizations: Fellow the Aerospace Medical Association; and member of the Aircraft Owners and Pilots Association, and Phi Beta Pi.

Special honors: Awarded the MSC Certificate of Commendation (1970).

Experience: Kerwin, a Commander, has been in the Navy Medical Corps since July 1958. Prior to becoming a naval aviator, he served two years as flight surgeon with Marine Air Group 14 at Cherry Point, North Carolina. He earned his pilot's wings at Beeville, Texas, in 1962.

He then became flight surgeon for Fighter Squadron 101 at Oceana Naval Air Station, Virginia Beach, Virginia, and was subsequently assigned as staff flight surgeon for Air Wing Four at the Naval Air Station, Cecil Field, Florida.

He has logged 2,000 hours flying time—1,800 hours in jet aircraft.

Current assignment: Commander Kerwin was selected as a scientist-astronaut by NASA in June 1965. He is currently involved in training for future manned space flights.

Paul Joseph Weitz (Commander, USN), NASA Astronaut

Birthplace and date: Born in Erie, Pennsylvania, on July 25, 1932. His mother, Mrs. Violet Martin, now resides in Norfolk, Virginia.

Physical description: Blond hair; blue eyes; height: 5 feet 10 inches; weight: 180 pounds.

Education: Attended McKinley Elementary School in Erie, Pennsylvania, and Harborcreek High School in Harborcreek, Pennsylvania; received a Bachelor of Science degree in Aeronautical Engineering from Pennsylvania State University in 1954 and a Master's degree in Aeronautical Engineering from the U.S. Naval Postgraduate School in Monterey, California, in 1964.

Marital status: Married to the former Suzanne M. Berry of Harborcreek, Pennsylvania; her father is Mr. John H. Berry.

Children: Mathew J., September 23, 1958; Cynthia A., September 25, 1961.

Recreational interests: Hunting and fishing are among his hobbies.

Special honors: Recipient of the Air Medal (5 awards) and the Navy Commendation Medal for combat flights in the Viet Nam area; presented the Secretary of Navy Commendation for Achievement as a result of leading a flak-damaged airplane to a safe landing; and for his performance during the period June through November 1965 as a member of CVW-7 embarked in USS *Independence* (CVA-62), he received the Navy Unit Commendation.

Experience: Weitz received his commission as an Ensign through the NROTC program at Pennsylvania State University and, upon graduation in 1954, was assigned to USS *John A. Bole* (DD-755) as CIC Officer. After having served in this capacity for one year, he completed his flight training at Corpus Christi, Texas, in September 1956.

He was an A-4 Tactics Instructor with VA-44 at the Naval Air Station in Jacksonville, Florida, from 1956 to 1960 and a project officer for various air-to-ground delivery tactics projects while on duty with VX-5 at China Lake, California, from September 1960 to June 1962. He completed the next two years at the U.S. Naval Postgraduate School and was then assigned to VAH-4 at the Naval Air Station in Whidbey, Washington, in June 1964. It was during this tour of duty, while serving as a detachment officer-in-charge, that announcement was made in April 1966 of his selection to the astronaut training program.

He has logged more than 3,700 hours flying time—3,200 hours in jet aircraft.

Current assignment: Commander Weitz is one of the 19 astronauts selected by NASA in April 1966. He served as a member of the astronaut support crew for Apollo XII, and his present duties involve training for future manned space flights.

Owen K. Garriott (Ph. D.), NASA Astronaut

Birthplace and date: Born November 22, 1930, in Enid, Oklahoma. His parents, Mr. and Mrs. Owen Garriott, reside in Enid.

Physical description: Brown hair; blue eyes; height: 5 feet 9 inches; weight: 140 pounds.

Education: Graduated from Enid High School; received a Bachelor of Science degree in Electrical Engineering from the University of Oklahoma in 1953, a Master of Science degree and a Doctorate in Electrical Engineering from Stanford University in 1957 and 1960, respectively.

Marital status: Married to the former Helen Mary Walker of Enid, Oklahoma. Her parents, Mr. and Mrs. Glenn A. Walker, reside in Enid.

Children: Randall O., March 29, 1955; Robert K., December 7, 1956; Richard A., July 4, 1961; Linda S., September 7, 1966.

Recreational interests: His hobbies include amateur radio, sailing and scuba diving.

Organizations: Member of the American Geophysical Union, the Institute of Electrical and Electronic Engineers, Tau Beta Pi, Sigma Xi, the International Scientific Radio Union (URSI), and the American Astronomical Society.

Special honors: National Science Foundation Fellowship at Cambridge University and at the Radio Research Station at Slough, England, 1960–1961.

Experience: From 1961 until 1965, he taught electronics, electromagnetic theory, and ionospheric physics in the Department of Electrical Engineering at Stanford University. He has performed research in ionospheric physics since obtaining his doctorate, and he has authored or co-authored over 25 scientific papers and one book in this area.

Garriott has logged over 1,600 hours flying time—including over 1,200 in jet aircraft and the remainder in light aircraft and helicopters. In addition to NASA ratings, he maintains FAA commercial pilot and flight instructor certification.

Current assignment: Dr. Garriott was selected as a scientist-astronaut by NASA in June 1965. He has since completed a 53-week course in flight training at Williams Air Force Base, Arizona. He is presently involved in training for future manned space flights.

William Reid Pogue (Lieutenant Colonel, USAF), NASA Astronaut

Birthplace and date: Born January 23, 1930, in Okemah, Oklahoma, and is the son of Mr. and Mrs. Alex W. Pogue, who live in Sand Springs, Oklahoma.

Physical description: Brown hair; blue eyes; height: 5 feet 9 inches; weight: 163 pounds.

Education: Attended primary and secondary schools in Oklahoma; received a Bachelor of Science degree in Education from Oklahoma Baptist University in 1951 and a Master of Science degree in Mathematics from Oklahoma State University in 1960.

Marital status: Married to the former Helen J. Dittmar of Shawnee, Oklahoma, whose parents, Mr. and Mrs. Franklin L. Dittmar, reside in Hugo, Oklahoma.

Children: William R., September 5, 1953; Layna S., June 9, 1955; Thomas R., September 12, 1957.

Recreational interests: He enjoys playing squash and handball, and his hobbies are handcrafts and stereo systems.

Organizations: Member of the Air Force Association; the Research Society of America; the Society of Experimental Test Pilots; and Sigma Xi.

Special honors: Presented the MSC Superior Achievement Award (1970); winner of the Air Medal, the Air Force Commendation Medal, and the National Defense Service Medal; and, as a member of the USAF Thunderbirds, is the recipient of an Outstanding Unit Citation.

Experience: Pogue, an Air Force Lt. Colonel, came to the Manned Spacecraft Center from an assignment at Edwards Air Force Base, California, where he had been an instructor at the Air Force Aerospace Research Pilot School since October 1965.

He enlisted in the Air Force in 1951 and received his commission in 1952. While serving with the Fifth Air Force during the Korean conflict, from 1953 to 1954, he flew 43 combat missions; and from 1955 to 1957, he was a member of the USAF Thunderbirds.

He has gained proficiency in more than 50 types and models of American and British aircraft and is qualified as a civilian flight instructor. Pogue served as a mathematics instructor at the USAF Academy in Colorado Springs, Colorado, from 1960 to 1963. In September 1965, he completed a two year tour as test pilot with the British Ministry of Aviation under the USAF/RAF Exchange Program, after graduating from the Empire Test Pilots' School in Farnsborough, England.

He has logged 4,400 hours flight time—3,400 hours in jet aircraft.

Current assignment: Lt Colonel Pogue is one of the 19 astronauts selected by NASA in April 1966. He served as a member of the astronaut support crews for the Apollo VII, XI, and XIV missions.

Edward G. Gibson (Ph D.), NASA Astronaut

Birthplace and date: Born November 8, 1936, in Buffalo, New York. His parents, Mr. and Mrs. Calder A. Gibson, reside in Kenmore, New York.

Physical description: Brown hair; brown eyes; height: 5 feet 9 inches; weight: 160 pounds.

Education: Graduated from Kenmore Senior High School, Kenmore, New York; received a Bachelor of Science degree in Engineering from the University of Rochester, New York, in June 1959; a Master of Science degree in Engineering (Jet Propulsion Option) from the California Institute of Technology in June 1960; and a Doctorate in Engineering with a minor in Physics from the California Institute of Technology in June 1964.

Marital status: Married to the former Julia Ann Volk of Township of Tonawanda, New York. Her father, Mr. John E. Volk, resides in Township of Tonawanda, New York.

Children: Jannet, November 9, 1960; John E., May 2, 1964; Julie, October 12, 1968.

Recreational interests: His hobbies include athletics, scuba diving, and solar observations.

Organizations: Member of the American

Institute of Aeronautics and Astronautics, Tau Beta Pi, and Sigma Xi. He was an R. C. Baker Fellow and a Fellow of the National Science Foundation at the California Institute of Technology.

Experience: While studying at Caltech, Gibson was a research assistant studying in the fields of jet propulsion and classical physics. His technical publications were in the field of plasma physics. He was senior research scientist with the Applied Research Laboratories of Philco Corporation at Newport Beach, California, from June 1964 until coming to NASA. While at Philco, he did research on lasers and the optical breakdown of gases.

He has logged 1,500 hours flying time—1,400 hours in jet aircraft.

Current assignment: Dr. Gibson was selected as a scientist-astronaut by NASA in June 1965. He completed a 53-week course in flight training at Williams Air Force Base, Arizona, and earned his Air Force wings. He served as a member of the astronaut support crew for the Apollo XII flight.

Jack Robert Lousma (Major, USMC), NASA Astronaut

Birthplace and date: Born February 29, 1936, in Grand Rapids, Michigan. His father, Mr. Jacob Lousma, resides in Ann Arbor, Michigan.

Physical description: Blond hair; blue eyes; height: 6 feet; weight: 185 pounds.

Education: Attended Tappan Junior High School and Ann Arbor High School in Ann Arbor, Michigan; received a Bachelor of Science degree in Aeronautical Engineering from the University of Michigan in 1959 and the degree of Aeronautical Engineer from the U.S. Naval Postgraduate School in 1965.

Martial status: Married to the former Gratia Kay Smeltzer of Ann Arbor, Michigan. Her parents, Mr. and Mrs. Chester Smeltzer, reside in Ann Arbor.

Children: Timothy J., December 23, 1963; Matthew O., July 14, 1966; Mary T., September 22, 1968.

Recreational interests: He is an avid golfing enthusiast and enjoys hunting and fishing.

Organizations: Member of the Society of the Sigma Xi, the University of Michigan "M" Club, and the Officers' Christian Union.

Special honors: Awarded the MSC Certificate of Commendation (1970).

Experience: Lousma was assigned as a reconnaissance pilot with VMCJ-2, 2nd MAW, at Cherry Point, North Carolina, before coming to Houston and the Manned Spacecraft Center.

He has been a Marine Corps officer since 1959 and received his wings in 1960 after completing his training at the U.S. Naval Air Training Command. He was then assigned to VMA-224, 2nd MAW, as an attack pilot and later served with VMA-224, 1st MAW, at Iwakuni, Japan.

He has logged 2,600 hours of flight time—2,400 hours in jet aircraft and 200 hours in helicopters.

Current assignment: Major Lousma is one of the 19 astronauts selected by NASA in April 1966. He served as a member of the astronaut support crews for the Apollo IX, X, and XIII missions.

Russell L. Schweickart (Mr.), NASA Astronaut

Birthplace and date: Born October 25, 1935, in Neptune, New Jersey. His parents, Mr. and Mrs. George Schweickart, reside in Sea Girt, New Jersey.

Physical description: Red hair; blue eyes; height. 6 feet; weight: 161 pounds.

Education: Graduated from Manasquan High School, New Jersey; received a Bachelor of Science degree in Aeronautical Engineering and a Master of Science degree in Aeronautics and Astronautics from Massachusetts Institute of Technology.

Marital status: Married to the former Clare G. Whitfield of Atlanta, Georgia. Her parents are the Randolph Whitfields of Atlanta.

Children: Vicki, September 12, 1959; Randolph and Russell, September 8, 1960; Elin, October 19, 1961; Diana, July 26, 1964.

Recreational interests: His hobbies are amateur astronomy, photography, and electronics.

Organizations: Fellow of the American Astronautical Society; and member of the Society of Experimental Test Pilots, the Explorers Club, the American Institute of Aeronautics and Astronautics, and Eigma Xi.

Special honors: Awarded the NASA Distinguished Service Medal, the FAI De La Vaulx Medal in 1970, and the National Academy of Television Arts and Sciences Special Trustees Award for 1969.

Experience: Schweickart served as a pilot in the United States Air Force and Air National Guard from 1956 to 1963.

He was a research scientist at the Experimental Astronomy Laboratory at MIT, and his work there involved research in upper atmospheric physics, star tracking. and stabilization of stellar images. His thesis for a Master's degree at MIT concerned stratospheric radiance.

He has logged 3,250 hours flight time—2,850 hours in jet aircraft.

Current assignment: Mr. Schweickart was one of the third group of astronauts named by NASA in October 1963.

He served as lunar module pilot the Apollo IX, March 3-13, 1969. This was the third manned flight in the Apollo series, the second to be launched by a Saturn V, and the first manned flight of the lunar module.

Following a Saturn V launch into a near circular 102.3 x 103.9 nautical mile orbit, Apollo IX successfully accomplished command/service module separation, transposition, and docking maneuvers with the lunar module. The crew then separated their docked spacecraft from the S-IVB third stage and commenced an intensive five days of checkout operations with the lunar module. Highlight of this evaluation was completion of a critical lunar-orbit rendezvous simulation and subsequent docking, initiated by James McDivitt and Russell Schweickart from within the lunar module at a separation distance which exceeded 100 miles from the command/service module piloted by Dave Scott.

Russell Schweickart and James McDivitt also demonstrated and confirmed the operational feasibility of crew transfer and extravehicular activity techniques and equipment. During a 46-minute EVA, Schweickart evaluated external transfer capability, made photographs, and retrieved thermal samples from the lunar module exterior. This EVA marked the first space test of the Apollo portable life support system backpack which provided breathing oxygen and suit pressurization and cooling independent of the spacecraft life support system.

Apollo IX splashed down less than four miles from the helicopter carrier USS GUADALCANAL. Completing his first flight, Schweickart has logged 241 hours in space.

Mr. Schweickart continues training for future manned space flights and is assigned additional responsibility within the Astronaut Office for coordinating the ATM (Apollo Telescope Mount) and EVA (extravehicular activities) to be used in Project Skylab.

Story Musgrave (M.D.), NASA Astronaut

Birthplace and date: Born August 19, 1935, in Boston, Massachusetts, but considers Lexington, Kentucky, to be his hometown. His mother, Mrs. Marguerite Swann Musgrave, resides in Upper Saddle River, New Jersey.

Physical description: Blond hair; blue eyes; height: 5 feet 10 inches; weight: 155 pounds.

Education: Graduated from St. Mark's High School in Southborough, Massachusetts; received a Bachelor of Science degree in Statistics from Syracuse University in 1958, a Master of Business Administration degree in Operations Analysis and Computer Programming from the University of California at Los Angeles in 1959, a Bachelor of Arts degree in Chemistry from Marietta College in 1960, a Doctorate in Medicine from Columbia University in 1964, and a Master of Science in Biophysics from the University of Kentucky in 1966; and expects to receive a Doctorate in Physiology from the University of Kentucky in 1972.

Marital status: Married to the former Patricia Marguerite Van Kirk of Patterson, New Jersey. Her mother, Mrs. Neil Van Kirk, resides in Wayne, New Jersey.

Children: Lorelei Lisa, March 27, 1961; Bradley Scott, July 3, 1962; Holly Kay, December 13, 1963; Christopher Todd, May 12, 1965; Jeffrey Paul, June 19, 1967.

Recreational interests: His hobbies are playing chess, bicycling, parachuting, photography, flying, water skiing, running, scuba diving, handball, gardening, and motorcycling.

Organizations: Member of the Aerospace Medical Association, the Aircraft Owners and Pilots Association, the Air Force Association, Alpha Kappa Psi, the American Association for the Advancement of Science, the American Institute of Aeronautics and Astronautics, the American Medical Association, the Civil Aviation Medical Association, the Flying Physicians Association, the National Aeronautics Association, the National Aerospace Education Council, the National Geographic Society, the New York Academy of Sciences, Phi Delta Theta, the Soaring Society of America, and the United States Parachute Association.

Special honors: Awarded the National Defense Service Medal and an Outstanding Unit Citation as a member of United States Marine Corps squadron VMA-212; recipient of a United States Air Force Post-doctoral Fellowship (1965-1966) and a National Heart Institute Post-doctoral Fellowship (1966-1967).

Experience: Following graduation from high school in 1953, Musgrave entered the United States Marine Corps and completed basic training at Parris Island, South Carolina. He then reported to the Naval Air Technical Training Center at the Naval Air Station in Jacksonville, Florida, where he attended classes at the U.S. Naval Airman Preparatory School and the U.S. Naval Aviation Electrician and Instrument Technician School. He served as an electrician and instrument technician and as an aircraft crew chief while completing duty assignments in Korea, Japan, and Hawaii and aboard the carrier USS *Wasp* in the far east.

He has flown 40 different types of single- and multi-engine civilian and military aircraft, logging over 4,400 hours flying time, and he holds instructor, instrument instructor, and airline transport ratings. An accomplished parachutist, he has made more than 200 free falls—including 70 experimental free fall descents involved with human aerodynamics. He holds an International Jumpmaster Class C License and was President and Jumpmaster of the Bluegrass Sport Parachuting Association in Lexington, Kentucky, from 1964 to 1967.

Dr. Musgrave served a surgical internship from 1964 to 1965 at the University of Kentucky Medical Center in Lexington. He remained there until the summer of 1967 as a U.S. Air Force post-doctoral fellow in Aerospace Physiology and Medicine and as a National Heart Institute post-doctoral fellow.

Musgrave is presently a part-time resident in general surgery at the Denver General Hospital and a part-time instructor in the Department of Physiology and Biophysics at the University of Kentucky Medical Center.

Current assignment: Dr. Musgrave was selected as a scientist-astronaut by NASA in

August 1967. He has since completed the initial academic and flight training and is currently involved in further training for future manned space flights.

Bruce McCandless II (Lieutenant Commander, USN) NASA Astronaut

Birthplace and date: Born June 8, 1937, in Boston, Massachusetts.

Physical description: Brown hair; blue eyes; height: 5 feet 10 inches; weight: 150 pounds.

Education: Graduate of Woodrow Wilson Senior High School, Long Beach, California; received a Bachelor of Science degree in Naval Sciences from the United States Naval Academy in 1958, a Master of Science degree in Electrical Engineering from Stanford University in 1965, and is working towards a Ph. D. in Electrical Engineering at Stanford University.

Marital status: Married to the former Bernice Doyle of Rahway, New Jersey. Her mother, Mrs. Charles Doyle, resides in Yuma, Arizona.

Children: Bruce III, August 15, 1961; Tracy, July 13, 1963.

Recreational interests: His hobbies are electronics, photography, sailing, and scuba diving; and he also enjoys swimming and playing volleyball.

Organizations: Member of the U.S. Naval Academy Alumni Association (Class of 1958); the National Geographic Society; the U.S. Naval Institute; the Institute of Electrical and Electronic Engineers; and the National Audubon Society.

Special honors: Awarded the Expert Rifle and Pistol Shot Medals and holder of the National Defense Service Medal and the American Expeditionary Service Medal.

Experience: McCandless was graduated second in a class of 899 from Annapolis and subsequently received flight training from the Naval Aviation Training Command at bases in Pensacola, Florida, and Kingsville, Texas. He was designated a Naval Aviator in March of 1960 and proceeded to Key West, Florida, for weapons system and carrier landing training in the F-6A Skyray. He was assigned to Fighter Squadron One Hundred Two (VF-102) from December 1960 to February 1964, flying the Skyray and the F-4B Phantom II, and saw duty aboard the USS *Forrestal* (CVA-59) and the USS *Enterprise* (CVA(N)-65), including the latter's participation in the Cuban Blockade. For three months in early 1964, he was an Instrument Flight Instructor in Attack Squadron Forty-Three (VA-43) at the Naval Air Station Apollo Soucek Field, Oceana, Virginia, and then reported to the Naval Reserve Officers' Training Corps Unit at Stanford University for graduate studies in electrical engineering.

He has gained flying proficiency in the TV33B Shootingstar, T-38A Talon, F-4B Phantom II, F-6A Skyray, F-11 Tiger, TF-9J Cougar, T-1 Seastar, and T-34B Mentor aircraft, and the Bell 47G helicopter. He has logged more than 2,500 hours of flying time—2,250 in jet aircraft.

Current assignment: Lt. Commander McCandless is one of the 19 astronauts selected by NASA in April 1966. He served as a member of the astronaut support crew for the Apollo XIV mission and is a co-investigator on the M-509 astronaut maneuvering unit experiment in the Skylab Program.

Vance DeVoe Brand (Mr.), NASA astronaut

Birthplace and date: Born in Longmont, Colorado, May 9, 1931. His parents, Dr. and Mrs. Rudolph W. Brand, reside in Longmont.

Physical description: Blond hair; gray eyes; height: 5 feet 11 inches; weight: 175 pounds.

Education: Graduated from Longmont High School, Longmont, Colorado; received a Bachelor of Science degree in Business from the University of Colorado in 1953, a Bachelor of Science degree in Aeronautical Engineering from the University of Colorado in 1960, and a Master's degree in Business Administration from the University of California at Los Angeles in 1964.

Marital status: Married to the former Joan Virginia Weninger of Chicago, Illinois. Her parents, Mr. and Mrs. Ralph D. Weninger, reside in Chicago.

Children: Susan N., April 30, 1954; Stephanie, August 6, 1955; Patrick R., March 22, 1958; Kevin S., December 1, 1963.

Recreational interests: Skin diving, skiing, handball, and jogging.

Organizations: Member of the Society of Experimental Test Pilots, the American Institute of Aeronautics and Astronautics, Sigma Nu, and Beta Gamma Sigma.

Special honors: Presented the MSC Certificate of Commendation (1970).

Experience: Brand served as a commissioned officer and naval aviator with the U.S. Marine Corps from 1953 to 1957. His Marine Corps assignments included a 15-month tour in Japan as a jet fighter pilot. Following his release from active duty, he continued flying fighter aircraft in the Marine Corps Reserve and the Air National Guard until 1964, and he still retains a commission in the Air Force Reserve.

From 1960 to 1966, Brand was employed as a civilian by the Lockheed Aircraft Corporation. He first worked as a flight test engineer on the P3A "Orion" aircraft and later transferred to the experimental test pilot ranks. In 1963, he graduated from the U.S. Naval Test Pilot School and was assigned to Palmdale, California, as an experimental test pilot on Canadian and German F-104 development programs. Immediately prior to his selection to the astronaut program, Brand was assigned to the West German F-104G Flight Test Center at Istres, France, as an experimental test pilot and leader of a Lockheed flight test advisory group.

He has logged 4,030 hours of flying time, which include 3,260 in jets and 330 hours in helicopters.

Current assignment: Mr. Brand is one of the 19 astronauts selected by NASA in April 1966. He served as a crew member for the thermal vacuum test of 2TV-1, the prototype command module; and he was a member of the astronaut support crews for the Apollo VIII and XIII missions. Brand served as backup command module pilot for Apollo XV.

William B. Lenoir (Ph. D.), NASA Astronaut

Birthplace and date: Born on March 14, 1939, in Miami, Florida. His parents, Mr. and Mrs. Samuel S. Lenoir, reside in Miami.

Physical description: Brown hair; brown eyes; height: 5 feet 10 inches; weight: 165 pounds.

Education: Attended primary and secondary schools in Coral Gables, Florida; is a graduate of the Massachusetts Institute of Technology where he received a Bachelor of Science degree in Electrical Engineering in 1961, a Master of Science degree in 1962, and a Doctorate in 1965.

Marital status: Married to the former Elizabeth May Frost, daughter of Mr. and Mrs. Thomas F. Frost who reside in Brookline, Massachusetts.

Children: William B., Jr., April 6, 1965; Samantha E., March 20, 1968.

Recreational interests: His hobbies include sailing and woodworking, and he also enjoys ice hockey.

Organizations: Member of the American Geophysical Union; the American Association for the Advancement of Science; the American Astronomical Society; the American Institute of Physics; Eta Kappa Nu; and the Society of Sigma Xi.

Special honors: Sloan Scholar at the Massachusetts Institute of Technology and winner of the Carleton E. Tucker Award for Teaching Excellence at MIT.

Experience: From 1964 to 1965, Lenoir was an instructor at MIT; and in 1965, he was named Assistant Professor of Electrical Engineering. His work at MIT included teaching electromagnetic theory and systems theory and performing research in the remote sensing of planetary atmospheres and surfaces and the theory of radiative transfer in anisotropic media.

He is participating as an investor in several satellite experiments and continues his research in this area while completing astronaut training.

He has logged 900 hours flying time in jet aircraft.

Current assignment: Dr. Lenoir was selected as a scientist-astronaut by NASA in August 1967. He completed the initial academic training and a 53-week course in flight training at Laughlin Air Force Base, Texas. He is currently involved in training for future manned space flights.

Don (not "Donald") Leslie Lind (Ph. D.), NASA Astronaut

Birthplace and date: Born in Midvale, Utah, on May 18, 1930. His parents, Mr. and Mrs. Leslie A. Lind, reside in Midvale, Utah.

Physical description: Brown hair; hazel eyes; height: 5 feet 11¾ inches; weight: 170 pounds.

Education: Attended Midvale Elementary School and is a graduate of Jordan High School, Sandy, Utah; received a Bachelor of Science degree with high honors in Physics from the University of Utah in 1953 and a Doctor of Philosophy degree in High Energy Nuclear Physics in 1964 from the University of California, Berkeley.

Marital status: Married to the former Kathleen Maughan of Logan, Utah; her parents, Mr. and Mrs. J. Howard Maughan, reside in Logan.

Children: Carol Ann, January 24, 1956; David M., November 29, 1956; Dawna, September 1, 1958; Douglas M., October 26, 1960; Kimberly, April 30, 1963; Lisa Christine, March 26, 1970.

Recreational interests: Hobbies are amateur theatricals, play writing, and sculpturing; and he is an avid swimmer and skier.

Organizations: Member of the American Geophysical Union, the American Association for Advancement of Science, the Society of Sigma Xi, and Phi Kappa Phi.

Experience: Before his selection as an astronaut, he worked at the NASA Goddard Space Flight Center as a space physicist. He had been with Goddard since 1964 and was involved in experiments to determine the nature and properties of low energy particles within the earth's magnetosphere and interplanetary space. Previous to this, he worked at the Lawrence Radiation Laboratory Berkeley, California, doing research in pion-nucleon scattering, a type of basic high energy particles interaction.

Lind holds the rank of a Commander in the U.S. Naval Reserve and has held his Reserve status since September 1957. He served four years on active duty with the Navy and began his military career in January 1954 at the U.S. Navy Officer Candidate School in Newport, Rhode Island. He received his wings in September 1955 after completing training with the Flight Training Command and was subsequently assigned to VF-143 then deployed at San Diego and later aboard the carrier USS *Hancock*.

He has logged more than 2,900 hours flying time—2,300 hours in jet aircraft.

Current assignment: Dr. Lind is one of the 19 astronauts selected by NASA in April 1966. He is currently involved in training for future manned space flights.

LETTERS AND COMMENTS FROM THE PEOPLE OF NORTHERN WISCONSIN INVITED

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. O'KONSKI. Mr. Speaker, the excerpts and reprints from the Congres-

SIONAL RECORD I have inserted in the Extensions of Remarks today are a partial summary of my accomplishments in my almost 30 years in Congress. I am proud of my record and of these accomplishments.

It is my hope that after reading through my remarks and assessing my actions in Congress, that the folks of the present Seventh and Tenth Districts feel free to write me and let me know their views. I welcome these views today as I have for the past almost 30 years and I look forward to the viewpoints of the folks to whom I am ultimately responsible. I would like especially to hear from the counties which will comprise the new Seventh District after January 3, 1973.

Please address your letters to Congressman ALVIN E. O'KONSKI, 2406 Rayburn Building, Washington, D.C. 20515, or phone area code (202) 225-3361.

ANOTHER SIDE OF THE HERBERT AFFAIR

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. SPRINGER. Mr. Speaker, I have had several letters, as have other Members of Congress, from constituents concerned over former Lt. Col. Anthony B. Herbert's well publicized attacks on the Army in connection with its handling of Vietnam atrocity reports.

Through the newspapers and on television we have heard Colonel Herbert's allegations. We have not heard the Army's side of this matter and the news media generally has taken Colonel Herbert's statements at face value.

Now, however, the distinguished military affairs analyst, Gen. S. L. A. Marshall, retired, has quoted excerpts from a letter which casts Colonel Herbert in a somewhat different light. The letter was written by a former Army captain, James C. McCann of Milwaukee, Wis., who served for 58 days under Herbert's command in Vietnam. General Marshall's article appeared in the January 13, 1972, issue of the Champaign, Ill., News-Gazette. I include it here so that my colleagues may have a better understanding of the other side of this issue:

HERBERT AFFAIR MAY NOT HAVE BEEN ARMY BLUNDER

(By Gen. S. L. A. Marshall, Retired)

When former Lt. Col. Anthony B. Herbert publicly protested that he was about to be done wrong by the U.S. Army because of his concern for humanity and the failure of his superiors to back him when he reported atrocities in Vietnam, he got a big press, was starred on the Dick Cavett TV show and was invited by one presidential hopeful to join his camp.

Herbert said that his reason for making his case a national concern is that "The American people have a right to know."

In that commendable sentiment, if in nothing else, he has become joined by one of his former rifle company commanders, ex-Capt. James C. McCann, now of Milwaukee. An OCS graduate with four years in the Army, McCann did his time in Vietnam with the 173rd Airborne Brigade and through the 58 days in which Herbert commanded a battalion. McCann was directly under him.

Believing that the American people have a right to know, McCann several weeks ago composed a carefully worded, typed letter, copies of which went to high-up servants of government in Washington, including members of the armed services committees. None of the addressees are in the military. McCann's object, as stated in the letter, was to inform that number of individuals what field service was like under Herbert during his 58 days, that they might judge where truth lies.

The essence of McCann's indictment of Herbert is to be found in three paragraphs describing incidents that engaged him personally and are best repeated verbatim:

"(1) On the day he (Herbert) assumed command of the battalion he assembled the officers for a customary introductory briefing. At this initial meeting LTC Herbert openly boasted of his supers ability to fabricate any story whatsoever for personal gain, and further praised himself for being 'court-martialed twice,' commenting that the Army was unable to prove anything because he 'could always get six or seven NCO's to swear to anything he wanted.'

"(2) At least twice to my personal knowledge, LTC Herbert while counseling enlisted men in my company for disciplinary reasons, physically mistreated them by striking them. Unfortunately he permitted this nefarious method of "counseling" to become a standard, personal practice and to become common for him to boast of his ability to 'handle' discipline problems in this manner.

"(3) During a combat operation at Phy Thu, Vietnam, in March 27, 1969, while my element was engaged with a hostile force, LTC Herbert asked me how many enemy KIA's (killed in action) we had. We told him that we had seen four. He replied ,'well, there's sixteen right there,' gesturing toward a point, five yards away, on an open beach. I told him that all I saw was 'sand and water.' He responded, 'Well, they are right there,' again pointing to the same location. Following the action LTC Herbert multiplied that number of actual enemy reported killed (by McCann) by five. Then KIA's had been verified (by the committed elements of the battalion) but he reported 50."

McCann's letter went on to say that whereas it is generally believed in the United States that all body counts in the Vietnam fighting are either faked or grossly exaggerated, that had not been true within the battalion. Prior to the coming of Herbert. The battalion had been scrupulous in this matter, and officers were instructed to confirm "beyond reasonable doubt" any reported enemy KIA. During Herbert's time the policy was flouted and repeatedly violated.

All the way through McCann sounds like a man deeply troubled by what he feels compelled to say.

Two other sentences call for direct quotation. "It is with sincere regret that I disclose these adverse matters about a high ranking officer in the U.S. Army, matters which I can truthfully say were the only unfortunate experiences I had with my superiors while performing my duty in my four years of service . . . LTC Herbert's open pride in his ability to manufacture untruth . . . left an indelible scar on my memory of what was otherwise a proud experience with men ordered to perform in battle."

Here is quite a testament to the officer corps from an apparently highly sensitive man. On the other hand, it must seem to every other ex-combat hand who has served honorably and holds his head high that McCann is entitled to some better answer than he has yet received, lest the scar hurt more than it should.

Herbert has presented himself to the American people as the outstanding hero of the Korean War, an incorruptible who was unjustly relieved in Vietnam due to the vice in his superiors. The media took that self-portrait at face value and passed it along. Television enlarged and animated it. The general public has enough faith in the figure that high authority is loath to do anything about Herbert other than afford him an honorable separation.

McCann has more nerve than that. He has gone the full mile at some risk. Either he has integrity or he is ill met with that silence that signifies contempt. For if he is telling the truth, Herbert is guilty of conduct unbecoming and worse. Any officer who habitually strikes enlisted men is no petty offender though he may be mentally ill. The American people do have a right to know the truth of this affair and to cover it up is worse than a crime; it is a blunder.

POSTAL SERVICE FORUM TURNS INTO ONE-WAY DISCUSSION

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. DULSKI. Mr. Speaker, the new U.S. Postal Service called a public forum on short notice the other day to discuss mail classification.

In view of the short notice, attendance was slim. There were more listeners from the Postal Service and the mailer organizations than there were observers and potential speakers from the public sector.

But I am disturbed to read of the casual, indeed cavalier, treatment accorded the one citizen who sought to raise appropriate questions.

There was no response to any of the questions, even to such civil questions as to whether there would be any further meetings and earlier notice.

Maybe there was not a ready answer for every question. The subject is controversial and complex. But, it seems to me that postal officials should have been more than mute statues at the head table.

The new Postal Service is pleading for public cooperation and understanding. It makes the same plea to Members of Congress. Fine, but how long must we tolerate the one-way street?

I recognize, perhaps better than anyone, that the new Postal Service has its work cut out and the job is not an easy one. I am convinced, however, that it could be easier for all concerned if there was a little more cooperation in return and a restoration of the two-way street of communication that existed under the former and much-criticized Post Office Department.

Mr. Speaker, as part of my remarks I include the text of a January 18 story about the forum in the Wall Street Journal:

[From the Wall Street Journal, Jan. 18, 1972]

LONE PRIVATE CITIZEN QUESTIONS, STORMS FROM POSTAL HEARING

WASHINGTON.—Only one member of the public showed up to speak at the Postal Service's public forum on mail classification yesterday, and she stormed out of the session when assembled postal officials refused to answer her questions.

Mrs. Doris Behre, a housewife and mother of five who heads the Virginia Citizens Consumer Council, was the only person who addressed the panel of seven top postal officials, meeting to allow private citizens a chance to offer suggestions on changes in the familiar first, second, third and fourth classes of mail. Reclassification of postal services, required under law by next January, is one of the touchiest problems facing the Postal Service.

Although about 50 persons attended the forum, almost all were postal employes or representatives of large mailer groups who attended merely to hear the citizen comments.

"HURRIEDLY CALLED MEETING"?

The soft-spoken, articulate Mrs. Behre said she wasn't surprised at the poor turnout because the meeting wasn't announced until last Thursday. "Certainly one hurriedly called meeting here in Washington provides little opportunity to determine how consumers across the country feel about proposed or pending changes," she asserted. And, she added, few private citizens have the means or time to make a trip to Washington for such a meeting.

Then, conceding she knew little about the question of mail classification, she asked a series of questions: Would consumers be given information "as to just what the department is thinking about" on mail classification? What will be the program's scope? Has an outline already been formulated that will be a pattern for mail classification?

Postal officials were silent.

"How much time will we have to prepare the material and suggestions as to the new mail classification program?" Mrs. Behre wondered. Ron Lee, Assistant Postmaster General, customer development, who chaired the meeting, didn't respond.

Mrs. Behre continued her questions: How many other meetings have been held and how many are planned? Are all the meetings for the public to be held in Washington?

Mr. Lee quietly stood behind the podium in the huge Postal Service auditorium and didn't reply. The audience, including Mrs. Behre, fidgeted.

"DISILLUSION" CITED

She told the postal officials that consumers are "already disillusioned with things that have happened" since the Postal Reorganization Act, creating the semi-independent Postal Service, was approved in August 1970. She cited the substantial postal rate increases that went into effect on a temporary basis last year and she asserted that mail service continues to deteriorate. "There does not seem to be anybody in authority who can review unsubstantiated and unnecessary costs incurred in the new Postal Service," she said.

When no postal official responded after several minutes, Mrs. Behre marched from the auditorium.

Mr. Lee said the meeting wasn't to be a "give-and-take session, a discussion, between Postal Service and private citizens." Rather, he said, the Postal Service only wanted to gather suggestions.

After the 15-minute meeting, Mr. Lee said he would respond to Mrs. Behre's questions by mail. He indicated, however, that he didn't think further public meetings would be necessary. "We've received many calls and letters from the public on this classification issue," he said. He also defended the four-day notice of the meeting, saying it was adequate.

WEEKLY REPORTS TO NINTH DISTRICT RESIDENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the texts of my three weekly reports to Ninth District residents from December 13, 20, and 27 on the United Nations:

UNITED NATIONS—I

The United Nations today probably enjoys less confidence, both on the part of its members and the American public, than at any time in its 26-year history. People doubt its ability to deal with the great questions of war and peace in the world, and they are increasingly critical of the UN's financial and organizational inadequacies.

The admittance of mainland China and the expulsion of Nationalist China brought demands that the U.S. contribution to the UN be curtailed and that the United States pull out of the UN. In recent days the UN's apparent failure to prevent a conflict between India and Pakistan also has further eroded confidence in the world organization.

A Gallup poll, taken last month after the admission of mainland China showed that the prestige of the United Nations dropped to an all-time low in the U.S. Only 35 percent of those polled said the UN was doing a good job in solving the problems it has faced. The UN had a 44 percent "good" rating in 1970, and a 49 percent "good" rating in 1967.

Although world leaders always pay their respects to the UN, even they acknowledge a crisis of confidence in the UN and acknowledge that it is increasingly bypassed or ignored by its members as they deal with the central problems of the day.

There are many reasons for the decline in confidence in the UN. It has been oversold, and misunderstood. Many forget that the UN was built on the assumption that the leading powers would remain unified and would use the UN to impose stability and peace.

The most important reason for the decline in confidence is that all of us are disappointed in the UN's performance. Our aspirations for it have far outstripped its performance. The UN has failed to stop conflict when the big powers disagree, as was made clear again last week when the Soviet Union vetoed the cease fire resolution to halt the India-Pakistan War.

The failures of the UN are easy to spot. It has failed to bring peace to Vietnam, to prevent Soviet intervention in Hungary and Czechoslovakia, or the end of colonialism and racism in Africa, or slow down the arms race. Much of the debate in the General Assembly seems unhitched from reality. Its financial status is approaching bankruptcy and its procedures are antiquated.

The strange thing, then, is that although few people are happy with the United Nations, almost all member nations want it to go on. It has assumed the recognition of a permanent world institution, and that, in itself, is no small accomplishment. Its predecessor, the League of Nations, lasted 26 years—the current age of the UN—but the last eight years of the League's existence accomplished nothing of consequence because of indifference, antiquated procedures and ineffectiveness.

When founded, the UN had 51 member nations, most of them white, old, industrialized, and well off. Today it has 131 members, most of them non-white, young, underdeveloped and poor. The polarization today is less between East and West, than North and South, rich and poor, white and non-white. Secretary General U Thant has observed that half of the world's population was born after the UN was founded.

From its inception, the United States has consistently supported the United Nations. On the 25th anniversary of the founding of the UN last year, President Nixon echoed the commitments of Presidents Truman, Eisenhower, Kennedy and Johnson when he said: ". . . the United States will go the extra mile in doing our part toward making the UN succeed."

This consistent record of support for the UN may appear puzzling in light of its failures and imperfections, but there are good reasons for it as I will discuss in next week's newsletter.

UNITED NATIONS—II

In light of the United Nation's spotty record in maintaining peace in the world in the last 26 years, more and more Americans are asking why we consistently support the organization. There are several reasons for the support.

1. Peace: The UN has helped to prevent, or contain, violence in Cyprus, the Middle East, the Congo, Kashmir (on two occasions before the most recent outbreak), and in other areas.

Disarmament: The UN's Geneva Disarmament Committee has sponsored treaties for the peaceful use of the seabed and outer space, and was the instrument for the ratification of the limited Nuclear Test Ban Treaty of 1963 and the Nuclear Non-Proliferation Treaty of 1968, which are significant steps in arms control.

Food: UN-promoted growing techniques and new seed strains helped create the "green revolution," increasing world food production by 50 percent since the end of World War II.

Health: The UN's world-wide disease eradication programs have made giant steps in the control of malaria and other diseases.

The list of achievements also includes progress in education, international law, land reform, decolonization and nation-building.

2. The UN has become an important, but not an exclusive, instrument of American foreign policy. UN action generally coincides with U.S. policy because it seeks the same kind of world we do. Of the hundreds of important votes cast in the UN General Assembly and Security Council, the U.S. has lost only a handful. The UN is not a substitute for foreign policy, but one instrument among many we use to carry out American foreign policy. Other instruments of policy include our military power, the Peace Corps, foreign assistance, the diplomatic corps, alliances with other nations, informational programs, and other international organizations.

3. The UN is a center for debate and negotiation: The UN also is a unique forum for debate, publicity and persuasion where both weak and strong nations can make their case. It is a standing diplomatic conference where peaceful settlement of disputes can be sought through quiet diplomacy. Where else in the world could the American Secretary of State see the representatives of 92 nations in two weeks as he did this fall and discuss with them a vast number of problems?

4. The UN is a place for action, too. It serves as an alternative to unilateral intervention in disputes (as in the Congo and Cyprus), allaying fears that the intervening power is trying to expand its control. Such a role reduces the risk of big power confrontation or involvement, lightens the load on the U.S. for peacekeeping, and enhances third party factfinding and observation. The UN and its specialized agencies are the center of action in areas like international law (aircraft hijacking, law of the sea), economic development (UN development fund and World Bank), social problems (international narcotic control), and disaster relief (East Pakistani cyclone, Peruvian earthquake).

5. The UN is essential to deal with the problems arising from technology. Advancing technology has created international problems, which require an international monitoring and decision-making body such as the UN. The measurement of environmental dangers, and their eradication, cannot be handled by nations acting alone. Such problems as ocean oil dumping, waste disposal, weather modification and fishing rights must be resolved internationally and the UN is the obvious adjudicator.

6. The UN is a bargain. The total U.S. contribution to the operation of the UN in 1970

was $318 million, about $1.57 cents for each U.S. resident, as compared to Sweden's contribution of $9.40-per-person.

The total annual budget of the UN is about $900 million—about one-tenth the annual budget of the city of New York—to operate all its programs. About 80% of the UN budget is spent for widely applauded health, education and developing programs.

As the host country, the U.S. derives a number of economic benefits from the UN, including more than $120 million annually from rentals, services and purchases by the UN personnel in this country.

Having looked at the imperfections and the achievements of the UN, next week I will discuss the steps that should be taken to improve the UN.

UNITED NATIONS—III

With the UN under fire and in a state of crisis, several proposals should be considered to strengthen it. Among them:

FINANCIAL REFORMS

Secretary General U Thant stated in his last report that the UN is on the brink of bankruptcy. To avert the financial collapse of the UN, reforms are imperative.

This year the U.S. contributed $335 million, or 37.2 percent, of the $901 million budget for the U.N. and all of its activities. The U.S. paid about 30 percent of the total assessed contributions for the U.N. regular budget, and 40 percent of the voluntary contributions for the special programs such as the funds for children and refugees, and peacekeeping operations. Assessments to the U.N. are based on the ability of a country to pay; with a strict application of that formula, the U.S. would pay about 40 percent of the total U.N. budget, since the U.S. economy is roughly 40 percent of the world's wealth. The U.S. share of the assessed contributions has been negotiated downward over the years, and another reduction is expected in 1973. The aim of U.S. officials is to reduce the U.S. share to about 25 percent over the next few years.

Proposals to ease the UN's financial plight need much discussion. They include: (1) voluntary contributions for the educational and humanitarian activities of the UN, (2) the admission of new members, especially developed countries like West Germany, (3) more effective means of obtaining payments which are overdue, (4) a share of the revenues from exploitation of the seabeds and commercial space communications systems, and (5) the power to grant charters and impose tax levies on large, international corporations. The most important need, however, is the overhaul of the UN's inefficient planning, programming and budgetary system.

ORGANIZATION

Studies to determine how the UN can handle more effectively present day problems focus on:

The Security Council. This 15-member, peace-keeping body now meets only to respond to crises. The Council should be strengthened by: Regular meetings to enable members to deal with international problems before they develop into a crisis, and (2) an expanded membership which reflects the real power relationships in the world. West Germany and Japan, the 3rd and 4th largest economic powers should be represented, as well as India and several other strong, but non-nuclear nations.

The General Assembly. This 132 member forum still has not achieved universality of membership. The admission of such divided countries as East and West Germany, North and South Korea, North and South Vietnam, and both Nationalist and Mainland China might open the channels of communication between these divided nations. Very small nations should be associate members with more limited rights and obligations, to avoid the anomaly of a country like the Maldive Islands with a population of 110,000 having the same voting strength as the U.S. A system of weighted voting in which the member country's population, economic strength and UN contribution should be considered (Today, nations making less than 5 percent of the contributions could control ⅔ of the Assembly votes). Finally, the General Assembly's inefficient practice of conducting its business en masse could be changed to allow working groups or committees to develop resolutions for the Assembly as a whole to consider.

PEACEKEEPING

The creation of a UN peace force, equipped to be dispatched immediately to trouble spots, financed by a peace fund, would strengthen the peacekeeping capabilities of the UN. If a peace force is not acceptable member nations could make their own forces more readily available for a wider range of peacekeeping missions. Also, new methods, like the use of small committees or prestigious individuals to mediate differences and help adversaries reach agreement before violence begins, are needed.

OTHER ROLES

The UN's efforts for delivering aid should be improved. This can be achieved with a highly professional staff, better coordination and administration of developmental efforts in a country, longer range assistance programs and a strengthened capacity to respond to natural disaster like the recent Peruvian earthquake and the cyclones in East Pakistan. New organizational capacity is needed, too, to organize to deal with international environmental problems.

THE INDOCHINA WAR

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. HELSTOSKI. Mr. Speaker, despite administration attempts to convince us that the Indochina war is "winding down," the war goes on as devastatingly as ever. Only the nature of American involvement has changed. Instead of sending American troops charging up Hamburger Hills, President Nixon has seated them in aircraft and sent them out to ravage the villages and countryside of Southeast Asia. The fact that Americans are in combat in the air rather than on the ground does not lessen our involvement in this tragic war. Nor does it lessen our moral culpability.

It may be soothing to public opinion at home to have American combat deaths reduced to fewer than a dozen per week. For the Laotian refugee driven from the Plain of Jars by the ferocity of American air attacks, for the North Vietnamese peasant whose family is killed by a stray American bomb, for the South Vietnamese farmer whose land is rendered lifeless and sterile in order to "save" it, there is no winding down of this war. For the families of American men missing or held as prisoners of war, there is no winding down of pain and uncertainty. Indeed, the President's recent indiscriminate bombing campaign against the North only served to generate more prisoners and postpone the day when the others will be released.

The administration tries to lull the American people into believing that the American presence in Southeast Asia is nearing an end. The facts, however, point to a different conclusion. A recent report prepared by Cornell's Center for International Studies confirmed the fact that more bombs would have been dropped during Mr. Nixon's first 3 years in office than were dropped during the last 3 years of the Johnson administration. This clearly shows that the President has escalated the war while trying to assure us that he is ending it.

The folly of believing that air power can win a guerrilla war was never better spotlighted than by the statistics compiled by that Cornell study. The bomb tonnage dropped by the United States in Southeast Asia at the end of 1971 was estimated to be double that which was dropped by this Nation in both World War II and the Korean war. The implications of that statistic are staggering. The small nations of Southeast Asia, South Vietnam, North Vietnam, Laos, and Cambodia, have been the targets of double the tons of American bombs which fell on the Japanese home islands, the Pacific Archipelago, the China theater, the industrial heart of Germany, the Western Front, Italy, Sicily, North Africa, and numerous other areas during the Second World War. Add to this double the number of tons of bombs dropped on Korea in the early 1950's and you have some concept of the destruction wreaked on the very limited area of Indochina. And yet the Vietcong, the North Vietnamese regulars, the Pathet Lao, and the Cambodian NLF forces continue to wage a vigorous guerrilla war with a new Tet offensive expected imminently.

It must be clear by now, even to the bomber generals and admirals in the Pentagon, that airpower will not win this war. What purpose does it serve then? In short, it keeps the lid on. It is aimed at keeping the Communist forces sufficiently off balance to prevent them from achieving any victory before the elections of November 1972.

Without American aircraft destroying every living thing that moves in the battle zones of Indochina the pitiful military clique in Saigon would soon be swept off to Switzerland to live in comfortable retirement with their secret bank accounts. We are literally wiping Indochina off the map to prop up Thieu and his cohorts and to prevent any preelection embarrassment to Mr. Nixon. To what level of impotence has the Congress sunk that we allow the administration to continue its mindless policy of utterly destroying a region and its inhabitants for such transient and shallow reasons?

The carnage which our benighted policies in Southeast Asia over the past decade has caused is almost as staggering to the imagination as the statistics concerning the bombing. This war has resulted in more than 55,000 American deaths, more than 300,000 American casualties, more than 450 American POW's, and more than 1,000 American servicemen missing in action. There have been almost 2 million South Vietnamese military and civilian casualties and deaths out of a total population of 17.5 million. Of the civilian deaths, it is estimated that 30 percent of those killed were under 13 years old. And some 800,000 Vietcong and North Vietnamese soldiers have been killed. The figures on refugees are equally appalling. It is estimated that fully one-third of South Vietnam's population, or over 6 million persons, are refugees. The estimate for Cambodia is 1.5 million and for Laos over 1 million. With a Tet offensive expected, we should be prepared to see even these incredible figures skyrocket.

The mounting toll of deaths, destruction, and suffering in Indochina cannot be camouflaged by the administration's rhetoric and false assertions. And the United States cannot escape moral responsibility for the greater part of this carnage. Had we not intervened with our massive power in a conflict that was no business of ours, the bloodshed would have come to an end years ago. The peoples of Southeast Asia would merely have seen one set of dictators substituted for another and would now be living in peace. Instead, the only peace to be found is the peace of the grave. To paraphrase Krushchev's famous remark about nuclear war, the situation in Indochina is fast approaching the point where the living will envy the dead.

However flimsy our past justifications for involvement in this region, none exist today. The administration's only remaining pretexts for fighting this war were buried last year. The containment of China myth dissolved with the announcement of the President's trip to Peking. Henceforth, we shall negotiate with, rather than encircle, the erstwhile bandit Government of China. And our recent collaboration with China during the India-Pakistan war indicates a curious convergence of American and Chinese foreign policy aims in Asia.

Another much-touted myth held that we were fighting in Indochina to preserve the peoples' right to choose their own form of government. Thieu's one-man race for the presidency makes a mockery of that claim. We must frankly face the fact that he is no better, and in some respects worse, than the dictators in Hanoi. Thieu and the Saigon military elite deserve no further American support whatsoever.

In sum, there is no rational reason for continuing American military involvement in Southeast Asia another day. There are many compelling moral and political reasons for ending it immediately. I look forward in the second session of the 92d Congress to renew and stronger efforts to end promptly our participation in this disastrous war and to free American men being held prisoners in Indochina.

A REMARKABLE WOMAN

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. McKINNEY. Mr. Speaker, Ella Fleck is a remarkable woman. Ninety-six years young, she is a member of Thomas Edison's Society of the Precious Few and can look back with pride—and the gratitude of her fellow human beings—on 77 years of community service.

In our youth oriented society of today, much is made of the concept of volunteerism. Mr. Speaker, Mrs. Fleck helped to invent the word.

Recently, Gladys Walker painted a marvelous picture in words of this amazing woman for a new magazine in my State, appropriately entitled "Connecticut." I share that article with my colleagues now:

ELLA FLECK, AT 96, HAS HAD A PHENOMENAL CAREER IN PUBLIC SERVICE—THE HISTORY OF THE STATE OF CONNECTICUT IN THIS CENTURY IS LACED WITH HER NAME

When Thomas Edison asked a few prominent friends to list 10 people they could depend on if they suddenly lost their wealth and reputations, the name of Ella Gray Fleck appeared on one of the lists and she was enrolled in Edison's famous Society of the Precious Few.

Ella was astonished but she shouldn't have been. Now, 58 years later, and with an incredible 77-year history of service to her community, she has proved not only to Walter W. Phillips of the United Press, who nominated her, but to the State of Connecticut that she is indeed among the Precious Few.

Today, at 96, and confined to bed, by a series of heart attacks, Ella occupies the mammoth bedroom of the late P. T. Barnum. A handsome woman, with soft white curls piled high on her head, Ella continues to radiate the charisma that has charmed presidents, kings, diplomats, politicians; and the legions of men, women, and children whose lives she has touched. Her home, part of Barnum's Waldemere, was literally cut off from the rest of the house and floated by barge from Seaside Park in Bridgeport, to its present location at 1 Pauline Street in Lordship.

Ella came to Bridgeport from Camden, New Jersey in 1894, as the 18-year-old bride of a brilliant young physician, Dr. Harry Willard Fleck. At the outset she realized that, though outstanding in the field of medicine, her husband was naive about money. Ella had been raised under the gentle but practical influence of her father, owner of a finance and loan company.

His favorite admonitions were "Put away for your old age," and "invest in water, heat and light. They never go out of style." Armed with this advice, each night Ella crept down to her husband's office and took a small amount of money from the bottom drawer, where he had carelessly stuffed the day's fees. When she had enough, she began to buy stock regularly, on margin.

"At the very beginning," Ella recounts, "I made a promise to the Lord that I would always read my Bible before the *Wall Street Journal*." And she does to this day. The promise must have counted for something, for by the time the doctor discovered what she had been doing, they were already on their way to what was to them a small fortune. Over the years, Ella's investments would supply them with the wherewithal to make 22 trips abroad for medical research, and for travel which would make her a famous lecturer. They would also make it possible for her to devote her life to public service.

Soon after the X-ray was discovered, Dr. Fleck with S. D. Lock, a prominent businessman and one of their boarders, purchased the city's first machine. The two of them and Ella pioneered in its technique, always with Ella as the model. Not only did she pose for uncounted exposures, but developed the film as well. Patients began to benefit immediately. But the harmful effects of radiation were unknown in those days and, as a result of overexposure, Ella would never be able to have children.

The doctor, realizing that his somewhat shy though inventive wife needed something to fill the void, encouraged her to take an even greater part in community affairs. What he didn't know was that within the next few years Ella would be listed among the founders of some of the city's most distinguished organizations, including the Red Cross, the Visiting Nurse Association, the Girl Scouts, the Bridgeport Art League, and the National League of American Pen Women, to name a few. And that before long her talent for raising money would be legendary.

The history of the State of Connecticut throughout this century is laced with her name. Paradoxically, Ella never joined the suffragettes because she didn't want to become part of the band of marching, militant women who so often represented the movement. Still she was sympathetic to their cause.

Upon the suggestion of Teddy Roosevelt, his niece, Corrine Alsop, urged Ella to help educate women for the federal franchise which would be coming soon. Dr. Fleck persuaded her to organize Fairfield County. The Fairfield County Republican Women's Association evolved from this group, and Ella was plunged into politics as an Independent Republican. Though she was tapped many times to run even for Congress, she never sought an elective office.

Her influence, however, was felt in every quarter of local government. It was she who insisted that a woman be named Secretary of State, a tradition which carries through to today.

In the politically turbulent '30s she made headlines by shaking up party machines, thwarting "sure" deals, and generally serving as super monitor for her loyal political following of men as well as women. By 1932 she was appointed the first woman delegate to the Republican National Convention.

Her colorful life is punctuated with the biennial trips she made abroad with her husband. The highlight of these was a two-year trip around the world starting in 1929. Decades before most Americans had ever heard of Vietnam, the Flecks, fitted out in jungle attire, traveled to Saigon. They floated down the Mekong River in a lumber boat, and observed at first hand the mysterious tree dweller rarely seen by outsiders. They traveled alone to Angkor Wat, through torturous terrain, picking up whatever transportation was available, sometimes in temperatures of 135 degrees. Once there, they lived for weeks with French archeologists, making daily trips into the jungles with them.

As a member of the Merritt Parkway Commission in the mid-30's, she bucked a strong "no frills" policy. "The parkway," she argued, "will be a gateway to New England. Surely beauty counts for something." At her insistence each of the 28 bridges has a different design, gasoline stations are complimentary in style, and the entire route is handsomely landscaped.

How much money she has raised for charity or personally contributed no one can guess, least of all Ella. But it would be a mistake to think that her energies were spent only on charities or projects of great magnitude. What she has given of herself is even harder to estimate. She will never divulge, and could probably never remember, the number of cases of suffering and need in which she has intervened.

After Dr. Fleck died in 1952, she buried herself deeper in her work, until the first of a series of heart attacks. Her friends thought she would retire at last, but instead she carried on business as usual from the bed to which she was ordered.

When she read about the late Senator Dirksen's fight to return prayer to the schools, she began, at age 94, a marathon telephone campaign to assist him. She was urged to let others carry on and save her strength, but she was adamant.

"The Lord has let me live this long for a reason. I know that reason is my work," she will tell them. Then she reaches for her phone, her link to the outside world, and proceeds with her work.

NATIONAL ENERGY POLICY—PART XII

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. COUGHLIN. Mr. Speaker, once again, in the interest of encouraging the establishment of a national energy policy, I would like to insert in the CONGRESSIONAL RECORD, for the benefit of both my colleagues and those charged with establishing such a policy, additional sources of information which may be of interest to them on the subject.

This is the fifth bibliographical list I have inserted in the RECORD. Previous lists can be found in the CONGRESSIONAL RECORDS, volume 117, part XVIII, page 23424; volume 117, part XIX, page 24838; volume 117, part XXIII, page 31107; volume 117, part XXV, page 32961. I make no claim that these lists are either complete or free of repetition, but I do say that the sheer volume of material available argues strongly in favor of setting a national energy policy rather than spending more money for research.

I hope this bibliography will be of some use.

The material follows:

VARIOUS RECENT PUBLICATIONS AND ARTICLES CONCERNING THEMSELVES ALL OR IN PART WITH THE ESTABLISHMENT OF A NATIONAL ENERGY POLICY

A. GENERAL

"Energy—The Ultimate Resource", Study submitted to the Task Force on Energy of the Subcommittee on Science, Research and Development, of the House Committee on Science and Astronautics, by the Environmental Policy Division, Congressional Research Service, October, 1971.

"Energy and Education", by Iraj Zandi, professor and chairman, Graduate Group Committee of Energy Management and Power, University of Pennsylvania. Paper presented before the Senate Committee on Interior and Insular Affairs, October, 1971.

"The U.S. Energy Problem", Volume 1, Summary. InterTechnology Corporation report C-645 for the National Science Foundation, November, 1971.

"Summary of Energy Policy Issues for the United States during the 1970's", Speech by Ellis L. Armstrong, Commissioner, Bureau of Reclamation, before National Energy Forum, September 23, 1971.

"U.S. Energy Needs—Future Crisis", Speech by Dr. Ralph E. Lapp, Clemson University, October 22, 1971.

"The President's Energy Message", Executive Office, June 4, 1971.

"U.S. Energy Outlook, An Initial Appraisal, 1971–1985", National Petroleum Council, Volume I, July, 1971.

"U.S. Energy—A General Review", Advisory Committee on Energy, Department of the Interior, June, 1971.

"Energy and Power". A series of papers on fuels and energy in *Scientific American*, September, 1971.

"Energy Policy Issues for the United States During the Seventies". Paper prepared by the Arthur D. Little Company for the National Energy Forum of the World Energy Conference, Washington, D.C., July, 1971.

"Report on National Energy Policy", by DeGoyler and McNaughton for the Office of Naval Petroleum and Oil Shale Reserves, January, 1971.

"Trends and Patterns in U.S. and Worldwide Energy Consumption—A Background Review", by Joel Darmstadter, Resources for the Future, February, 1971.

"The 1970 National Power Survey", Volumes I, II, and III, Federal Power Commission, 1970 and 1971.

"End Uses of Energy", Stanford Research Institute, 1971.

The House Republican Task Force on Energy and Resources is examining long-range energy problems to develop a realistic program before a crisis situation forces hasty legislative action. Target date, December, 1972.

The Task Force on Energy of the Subcommittee on Science, Research and Development of the House Science and Astronautics Committee is investigating the research and development aspects of producing and transmitting energy, report tentatively due December, 1972.

The Senate Interior Committee is undertaking a study of National Fuels and Energy Policy, due February, 1973.

"Southwest Power Study", Department of the Interior, due May, 1972.

"Mineral Policy Report", Department of the Interior, due January, 1972.

"U.S. Energy—A Summary Review", Department of the Interior, October, 1971.

"An Application of Systems Dynamic Modeling to Energy Systems Planning", Bureau of Mines, Department of the Interior, due July, 1972.

"Analysis of Total Societal Cost of Electricity", Oak Ridge National Laboratory for the National Science Foundation, due after 1972.

"Design of a Program of Policy—Oriented Energy Studies", Resources for the Future, for the National Science Foundation, October, 1971.

"Energy Research Needs", Resources for the Future, for the National Science Foundation, October, 1971.

"Energy Conversion and Power", University of Pennsylvania, Report for the National Science Foundation, no due date.

"Social Costs of Energy", Office of Science and Technology Report tentatively due early 1972.

"Fuels and Energy Study", Edison Electric Institute, Report tentatively due early 1972.

B. ENERGY AND THE ENVIRONMENT

1. General

"National Energy Needs and Environmental Quality; Biological Factors Associated with Power Plants", Cornell University Research Report for the National Science Foundation; in progress.

"Conservation and Better Utilization of Energy", University of Pennsylvania Research Report, due February, 1973.

"Studies in Environmental Quality", California Institute of Technology for the National Science Foundation, due June, 1974.

"World Problems of Energy Resources and Relation of Energy to the Environment", National Research Council Environmental Studies Board Report for the National Academy of Science, due date open.

"Social Consequences of Environmental Effects of Electric Power Generation", American Association for the Advancement of Science, and Scientist's Institute for Public Information, December, 1971.

"Comprehensive Environmental Assessment Project", Batelle Laboratories, due 1973.

"Fuels Management in an Environmental Age", by G. A. Mills, H. R. Johnson, and H. Perry. Environmental Science and Technology, January, 1971.

"People, Power and Pollution", Environmental Quality Laboratory, California Institute of Technology, Report No. 1, September 1, 1971.

"Environmental Conservation; The Oil and Gas Industries", National Petroleum Council, Volume 1, June, 1971.

"Electrical Needs and Environmental Problems; Now and in the Future", Future Shape of Technology Publications, Number 7, April 1, 1971. The Netherlands.

"Environmental Quality", Second Annual Report of the Council on Environmental Quality, August, 1971.

2. Air

"Fossil Fuel Cost-Availability Models for Air Quality", Environmental Protection Agency, a continuing Study being done by Batelle Laboratories.

3. Water

None.

4. Land

"Environmental Impact of Oil and Gas Developments on Public Lands", Bureau of Land Management, Department of the Interior, June, 1971.

"Report on Economics of Environmental Protection for Oil Shale", State of Colorado, January, 1971; State of Wyoming, February, 1971; State of Utah, February 19, 1971.

5. Technology

"Environmental Conservation in the Oil and Gas Industries", Volume II, National Petroleum Council (at the request of the Department of the Interior), due November, 1972.

"Prospects for Reducing Environmental Impacts of Electricity by Improved Technology", Oak Ridge National Laboratory Report for the National Science Foundation, due after 1972.

"Optimizing of Energy Consumption in Single Family Residence", Huttman Associates for the Department of Housing and Urban Development, due October, 1972.

"Surface Coal Mining in West Virginia", Legislature of West Virginia Report, December, 1971.

"Energy Research Needs", Resources for the Future, October, 1971.

"On Misunderstanding the Atom", Speech of Glenn T. Seaborg, Chairman, Atomic Energy Commission before the National Press Club, Washington, D.C., March 22, 1971.

6. Safety

None.

7. Miscellaneous

"Analysis of Ways of Reducing Environmental Impact by Reduction in Growth Rates", Oak Ridge National Laboratory Report for the National Science Foundation, due late 1973.

"Population Change, Resource and Environment", Resources for the Future, due 1972.

C. ENERGY AND THE ECONOMY

"Concentration of Fuel Ownership", Bureau of Economics and Bureau of Competition, Federal Trade Commission Report, in progress.

"Effect of Federal Tax Policy on Energy", National Economic Research Associates Report for the Office of Science and Technology, late 1973.

"Energy in the World Economy", Resources for the Future, November, 1971.

"Artificial Restraints on Basic Energy Sources", Special Council for American Public Power Association and National Rural Electric Cooperative Association Report, April 26, 1971.

"Energy Consumption and Gross National Product in the United States", National Economic Research Association, March, 1971.

D. FUEL AND ENERGY SUPPLY

1. General

"Projection of Energy Demand; Methodology of Forecasting", Rand Corporation Report for the National Science Foundation, due late 1973.

"An Analysis of Energy Demand", Stanford Research Institute Report, due early 1972.

"Fuel Supply", American Public Power Association Report, no due date set.

A Symposium on Energy and Resources will be held by the Mitre Corporation, April, 1972.

"Public Policy and the Regions Fuel Supply", Charles River Associates Report for the Appalachian Regional Commission, due February, 1972.

"Reports of the Nine Regional Electric Reliability Councils to the Federal Power Commission", April, 1971.

"Minerals Facts and Problems, 1970 Edition", Bureau of Mines, Department of Interior, 1971.

"22nd Annual Electrical Industry Forecast". Electrical World, September, 1971.

"An Input/Output Analysis of Energy Use Changes from 1947 to 1958 and 1958 to 1963", by W. A. Reardon. Battelle Pacific Northwest Laboratories, 1971.

"The Consumption of Electricity in the United States", by Oran L. Wilberson, ORNL–NSF–EP–5, Oak Ridge National Laboratory, June, 1971.

"Electric Power Supply and Demand Forecasts for the U.S. through 2050", Huttman Associates Report for Environmental Protection Agency, October, 1971.

"Shell Assesses the National Supply Problem". Shell Oil Company, April, 1971.

"Energy Consumption and Supply Trends Chart Book", Ebasco Services, 1970, 1971.

2. Oil

"Oil Import Quota Modifications", Oil Policy Committee, Office of Emergency Preparedness, continuing study.

"Vulnerability of Natural Gas and Petroleum Systems", Office of Oil and Gas, Department of the Interior, Report in Progress.

"Oil Imports and the National Interest", Petroleum Industry Research Foundation, Inc., March, 1971.

"Short Term Fuel Outlook", National Petroleum Council, August 11, 1971.

"The Outlook for Oil, A Panel Discussion", by Charles F. Jones. Electrical World Conference, "Energy for the Seventies", January 14, 1971, Washington, D.C.

"Mid-Eastern Oil and the Western World", Resources for the Future, May, 1971.

"Estimated International Flow of Petroleum and Tanker Utilization", Office of Oil and Gas, Department of Interior, June, 1971.

"Petroleum Product in Efficiency and Cost Savings in U.S. Petroleum Industry other of Oil and Gas", January, 1971.

"Petroleum Conservation in the U.S.—An Economic Analysis", by Stephen L. McDonald, Resources for the Future, 1971.

"Alaskan Oil: Costs and Supply", by M. A. Adelman, Paul G. Bradley, Charles A. Norman, (Praeger, 1971).

"Foreign Investment in the Petroleum and Mineral Industries", by R. F. Mikesell, Resources for the Future, 1971.

"Petroleum Resources Under the Ocean Floor (Supplemental Report)", National Petroleum Council, March, 1971.

"The Natural Gas Supply Problem", American Association, Fall, 1971.

"Capital Investments and Expenditures for United States Petroleum Industry and Future Energy Projections", by Thomas F. Hawk, Harvard Graduate School of Business Administration, April 24, 1971.

"Annual Financial Analysis of a Group of Petroleum Companies", 1970. Energy Economics Division. Chase Manhattan Bank, August, 1971.

"Report on Crude Oil and Gasoline Price Increase of November 1970–April 1971". Office of Emergency Preparedness, April, 1971.

"Oil Availability by Sulfur Levels", Bureau of Mines, Department of the Interior, August, 1971.

"Prototype Oil Shale Leasing Program", Department of Interior, June, 1971.

"Study of the Future Supply of Low Sulfur Oil for Electric Utilities". Huttman Associates for Environmental Protection Agency, October, 1971.

"The U.S. Petrochemical Industry, 1970–1985", Prepared for Office of Emergency Planning by Chemical Systems, March 1, 1971.

"Petroleum Supply and Demand in the Free World, 1969", Office of Oil and Gas, Department of the Interior, May, 1971.

"Fuel Oil in New England". Office of Oil and Gas, Department of the Interior, August, 1971.

3. Gas

"Gas Price Regulations", Resources for the Future Report for the Office of Science and Technology, 1971.

"Recovery of Liquid Hydrocarbons and High BTU Gas from Coal Lignite, Tar Sands and Oil Shale", Stanford Research Institute, due April, 1973.

"Oil Gasification for Production of Methane, Hydrocarbon and other Fuel Gases", Stanford Research Institute, due January, 1972.

"Gas Supplies for U.S. Consumers", Gas Division, New York State Department of Public Service, Albany, N.Y., August 1, 1971.

"Economic Evidence Pertaining to the Supply of and Demand for Natural Gas in the United States with Special Reference to the Peruvian Basin Producing Area", by Redford L. Schantz, Foster Associates, Washington, D.C., June 11, 1971.

"Study of the Future Supply of Natural Gas for Electric Utilities". Huttman Associates for Environmental Protection Agency, October, 1971.

4. Coal

"Residuals Management in Mining and Producing Coal", Resource for the Future, due 1972.

"Supply Curve for Coal", Paul Weis Company for the Office of Science and Technology, 1971.

"Coal Availability by Sulfur Levels", Bureau of Mines, Department of the Interior, Report in progress.

"Strippable Reserves of Bituminous Coal and Lignite in U. S.", Bureau of Mines, Department of the Interior, July 1, 1971.

U. S. Coal Resources and Production, Bureau of Mines, Department of the Interior, April, 1971.

"Present Status of Coal Conversion", by N. P. Cochran, Coal Mining and Processors, January, 1971.

5. Water

None.

6. Nuclear

"Nuclear Energy: Benefits Versus Risks", by Walter H. Jordan, Physics Today, May, 1970.

"Radiation Monitoring", by Barney Hekkala, Gulf Electronic Systems, Power Engineering, September, 1971.

"The Year 2000 Study", Atomic Energy Commission, due 1972.

"Outlook for Nuclear Power in the 1970's", by Louis H. Roddis, Electrical World Conference "Energy for the Seventies" January 14, 1971, Washington, D. C.

"Nuclear Resources", by Robert D. Nininger, Energy Resources Conference, May 11, 1971, Lexington, Kentucky.

"Nuclear Energy in the West", Western Interstate Nuclear Board, June, 1971.

"Forecast of Growth of Nuclear Power", Division of Operations and Forecasting, Atomic Energy Commission, January, 1971.

7. Transportation

"Monitoring Energy Supply/Demand and Transport", Oil Policy Committee, Office of Emergency Preparedness, a continuing Study.

"Transportation of Fossil Fuels", Bureau of Mines, Department of the Interior, June, 1971.

"Transmission of Electric Power", Federal Power Commission, February, 1971.

8. Development

"Technologic Change in Regulated Industries", by W. M. Capron (Editor), Brookings Institution, Washington, 1971.

"Energy Systems Analysis", Physical Sciences and Engineering Sciences, October, 1971.

"One Aspect of the Energy Crisis: The Unbalanced State of Energy R & D", by Jurgen Schmandt, Occasional Papers, Research Report No. 1, Lyndon B. Johnson School of Public Affairs, 1971 (?).

E. SITING

"Siting for Future Electric Power Generating Plants in Delaware River Basin", Tippots, Abbott, McCarthy and Shatton, for the Delaware River Basin Commission, 1971.

"Environmental Criteria for Power Plant Siting", Delaware River Basin Commission (not yet funded).

"Power Plant Siting", National Academy of Engineering, for the National Science Foundation, due March, 1972.

F. POSSIBLE NEW SOURCES OF ENERGY

"The Sea Plant: A Source of Power, Water, and Food Without Pollution", by J. H. Anderson; Paper presented May 12, 1971, at the 1971 International Solar Energy Society Conference at the Goddard Space Flight Center, Greenbelt, Maryland.

"Power From the Sun by Way of the Sea?", by J. Hilbert Anderson, consulting engineer, and by James H. Anderson, Jr., Lt. (jg), U.S. Navy; part 1 published in Power magazine, January, 1965. Part 2, Power magazine, February, 1965.

"Large-Scale Sea Thermal Power", by J. Hilbert Anderson and James H. Anderson, Jr., consulting engineers; Paper presented at the winter annual meeting of the American Society of Mechanical Engineers, November, 1965; ASME publication 65–WA/SOL–6.

"The Expansion Turbine", by J. Hilbert Anderson, consulting engineer; Paper presented at the winter annual meeting of the American Society of Mechanical Engineers, November, 1965; ASME publication 65–WA/GTP–13.

"Power in the Year 2001, Part 2", by Samuel Walters, Mechanical Engineering, October, 1971.

"Resources From the Sea", Science and Technology, June, 1963.

"Thermal Power From Seawater", Mechanical Engineering, April, 1966.

"A Possible Breakthrough of Exploiting Thermal Power From the Sea", by Hui-Tzeng Ting, Combustion magazine, August, 1970.

"Switch on the Sun", Christian Science Monitor, March 21, 1966.

"Deep Ocean Water as a Resource", by R. D. Gerard and O. A. Roels, Journal of the Society of Marine Technology, September-October, 1970.

"Ocean Power Generation", in Oceanology, June 15, 1966.

"Converting Organic Waste Oil; A Replenishable Energy Source", Bureau of Mines, Department of the Interior, Report of Investigations No. 7560, date 1971.

"Conversion of Urban Refuse to Oil", Bureau of Mines, Department of the Interior, Technical Progress Report No. 25, May, 1970.

"Cost-Benefit Analysis of Alternative Sources of Power", Harvard Economic Research Project for the National Science Foundation, no due date.

"Solar Heating and Thermal Storage", University of Pennsylvania Report for the National Science Foundation, due January, 1973.

"Prospects for Fusion Power", by William C. Gough and Bernard J. Eastland, Scientific American, February, 1971.

"Preliminary Assessment of a Potassium-Steam-Gas Vapor Cycle for Better Fuel Economy and Reduced Thermal Pollution". A. P. Fraas, Oak Ridge National Laboratory Report for the National Science Foundation, Report No. ORNL NSF–EP–6, August, 1971.

G. POSSIBLE NEW USES OF ENERGY

"Use of Steam Electric Power Plants to Provide Thermal Energy to Urban Areas", Oak Ridge National Laboratories, for the Department of Housing and Urban Development, Report ORNL-HUD-14, January 14, 1971.

"Input-Output Analysis of Energy Use Changes", Battelle Northwest Memorial Laboratory Report for the Office of Science and Technology, 1971.

THE STATE'S ROLE UNDER OSHA

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, I rise to alert my colleagues to a speech made about implementation of the Occupational Health and Safety Act of 1970 by Barry Brown, director of the Michigan Department of Labor, before the National Safety Congress Exposition in Chicago, Ill.

Mr. Brown, who is also the president of the International Association of Government and Labor Officials, makes a very clear and cogent argument for allowing States, as provided in the law, to develop their own safety administration plans. In fact, he contends many of the 15 or so States expected to develop plans will provide better coverage than OSHA provides.

Because of the importance of the State role and the controversy surrounding this part of OSHA, I believe Mr. Brown's statement is worth serious consideration.

Mr. Brown's speech follows:

THE STATE'S ROLE UNDER OSHA

(By Barry Brown, Director, Michigan Department of Labor, The National Safety Congress and Exposition, Chicago, Illinois, October 27, 1971)

Ladies and gentlemen, I am delighted to be here today. I can see many of my friends in the labor movement present. Addressing the Labor Section of the National Safety Congress gives me an opportunity to respond directly to the many critical statements that I have read recently that have been made by Washington-based labor leaders regarding the state's role under the new Occupational Safety and Health Act. I believe that the best way that I can set forth my position in this matter is to list the charges that have been made regarding state safety programs and to respond to them in detail one at a time. Though the list that I am going to submit to you immediately is not exhaustive or lengthy, I believe it does present the main thrust of the criticism leveled at state safety programs and the federal labor department's encouragement of state plans under OSHA.

First, the states have never done a job in safety. Their standards are inadequate; their inspectors are not qualified and there are too few of them; and state safety programs are dominated by management. Secondly, the states have been granted too much leeway under the recently promulgated guidelines and indices of effectiveness under OSHA. These loose guidelines will provide a basis under which labor's hard-won gains in the U.S. Congress will be lost under weak state programs. Third, the states are being encouraged to submit "developmental plans."

This approach would allow states to receive federal funds and they would have continued authority to enforce state standards prior to their reaching actual equivalent effectiveness under OSHA. State plans should not be approved in this way because the states would be tendering only "paper promises" for needed legislation, staffing and standards. Fourth, state plans should not be encouraged because at any time a state legislature can refuse to appropriate money. They could also earmark money or "line item" appropriations in a way that would frustrate the goals and objectives of OSHA.

Usually, these charges are leveled against the present U.S. Department of Labor administration's policies because of what is alleged to be "a common knowledge that all states have dismally failed to enforce sound safety and health laws." Before I comment on each of the factors I have presented, I would like to protest the grouping of all states together as if each one is identical to the other. It must be apparent to the men making these statements and to the audience in this room that the quality of safety laws and regulations and the level of enforcement differ remarkably from Mississippi to Michigan. It seems to me that only pure ignorance or deception could account for the presentation of New York's safety program with that of South Dakota as if they were the same. It must be plain to these critics that only a few of the 50 states will ultimately have the ability to mount an acceptable program. Even though all but three states have negotiated temporary agreements, when the deadlines come to submit permanent state plans, most of them will not get state legislative support for new tough legislation and additional appropriations. My own personal estimate is that there will be approximately 15 states which will end up with comprehensive state plans.

Because of my presidency of the state labor commissioners' organization (IAGLO) and because of my frequent participation in safety seminars or meetings like this one, I have had an opportunity to talk with labor commissioners from many states that I believe will have final state plans. It is interesting to note that every one of these state commissioners plans to incorporate the employee participation aspects of OSHA in his state plan. Some of them plan to grant some rights to organized labor that *exceed* those in OSHA. They all seem to be fully intending to meet the standards thus far suggested by the national leaders of organized labor for state safety programs.

In the face of this knowledge, it is even more remarkable to me as I continue to read the criticism of state plans from Washington union officials. Also I have heard that the *state* labor councils in the 15 states that I have mentioned and the leaders of individual unions in these states—such as the Teamsters, the Auto Workers, the Steel Workers, and AFSCME—have supported their state labor departments toward the submission of a state plan under OSHA. It certainly causes me to speculate as to how much of the criticism is sincere and how much is designed solely to embarrass the present administration on all of their labor involvements. It seems a shame, however, to play political games when the safety of the working people of this nation is at stake.

Let me go back to the charges and my responses. Charge one—the states have never done a job in safety. My reply is a simple one, "guilty." But let me add that the federal government hasn't done as good a job as many of the states. How can anyone advocate the federal government as the sole cure-all in the field of job safety when the best the feds have done for years is to tie the 15 leading states in poor performance.

Does anyone here need to be reminded about how little the Congress or the executive branch of government provided the U. S. Department of Labor in dollars and people to enforce the safety provisions of the Walsh-Healey Act? Everyone here knows that the federal government has had the responsibility for safety in longshoring for more than a dozen years. Though there has been steady, slow improvement of the safety record in this industry, it continues to be one of the highest hazard occupations in our country. I think you also are aware that the federal government has a number of its own departments with employee accident records that are worse than those found in their counterparts in private industry. What is it, then, that the federal government has to offer as the only answer to the huge problems of safety administration under OSHA?

And on the political side of this question, gentleman, I might add that this federal track record in safety has been created and perpetuated under both Democratic and Republican administrations. In summary, my role here today is not to be a critic of federal performance in safety because, as I said in my opening sentences, the states have not done well. The idea I would like to leave with you is that both federal and state governments have to improve; that no governmental unit has shown thus far that it has found all the answers to creating true work safety; and that no political party and no administration can thus far be free of criticism in safety achievement.

OSHA makes it a new ballgame, but the law is a two-part law. It provides for *both* the state and federal government's improved involvement in job safety. I think that the workers on the job little care whether the compliance official who appears on his plant floor wears a cap that says "federal government" or one that says "state government." It seems to me that this myopia of some of the national labor leaders on the exclusive jurisdiction of the federal administrators has done nothing more than impede the orderly progress of good state plans. I feel that now we ought to get on with it. If a state plan measures up, it ought to be encouraged by the labor movement. **If the state does not have the will or the ability to provide a competent job safety program, it ought to accede to federal preemption.**

There is one part of the charge made against state safety programs to which I would have to say "not guilty." That has to do with the fact that state inspectors are incompetent and uniformly management oriented. It simply "ain't so." The fact is that labor departments in large industrial states are filled with highly qualified personnel who are friends of the labor movement under both Republican and Democratic administrations. In my own state of Michigan, the dirctor of my bureau of safety and regulation was two years ago an officer in the largest steel workers union in the state. My one administrative aide was an organizer for AFSCME, and my other administrative aide was a research specialist in the state council of the AFL-CIO. The supervisor of my construction safety division in Detroit was an officer in the lathers' union, and the supervisor of my occupational safety division in Detroit was an organizer for the UAW. A good percentage of the employees engaged in all aspects of safety enforcement and education come from the ranks of organized labor in Michigan.

I feel that one of the real advantages that a state can offer in its plan to the labor movements within its boundaries is the opportunity that its members will have to participate in a program meaningful to its membership. In Michigan, for example, I promise you that our qualifications for an entrance job in safety inspection will place primary emphasis on actual job experience. We will hope to encourage qualified representatives who have been active in the safety movement with organized labor. I believe that the U.S. Department of Labor has placed unnecessary emphasis upon the academic achievement of those who gain jobs as compliance officers.

Let me move on now to the second charge which has recently been leveled at state plans by national union leaders. It has been said that the federal guidelines allow the states too much leeway and thus the hard-won gains of organized labor under OSHA will be lost. Gentlemen, the Occupational Safety and Health Act of 1970 has many facets. In such a strongly debated piece of legislation, it is hard to say that any part of it would have passed without the rest of it. It was clearly a compromise bill that many congressmen would not have voted for but for the part that encourages and strengthens state participation in safety programs. To many state labor commissioners it now looks as though the national labor leaders are welshing on an agreement. It seems that they are trying to achieve administratively what they could not achieve in the legislature. If Congress had wanted every state that participated under OSHA to duplicate the words of OSHA, it could have said so in a simple sentence in the law. Instead of doing that, it listed eight major points that must be met by a state in order for it to gain approval and thus to continue in operation. I have already indicated that I feel that every state that has a significant change of participating in an OSHA state program will incorporate the employee rights set forth in OSHA. These items were the main goals of labor in its appearances before the Congress. However, in a number of other areas individual states will have a chance to vary somewhat from the federal language and procedures. These variations will allow some experimenting by geographical areas and will allow us to have a better view of what actually is the best way to create a safe work place.

I submit to you that what is a necessary and proper standard for Florida may be an inappropriate and weak standard for Michigan. I have said to the labor movement in Michigan and I say to you that national standards often represent a floor or common denominator that is less than what we should settle for in our industrial and highly organized state. Even though OSHA calls for only an equivalency in effectiveness for a state plan, I feel that my duty as a state labor director requires that the citizens in Michigan should expect something more in many safety issues. There hasn't been enough experience yet for any intelligent person to advocate that OSHA provides the *only* or even the *best* way of achieving a safe job environment.

A reasonable question for you is what do I have to sell under a state plan that would represent a variation from OSHA that would still be acceptable to the labor movement? How can this plan at the same time receive, or at least a lack of opposition, from the employers of the state? I have already explained to you that the fact that I believe that some of our state standards will reach higher effectiveness than federal standards and thus we certainly will accept the federal standards as a floor. Secondly, our state reporting and statistical program will be identical to the federal program. In the areas of inspectors, I believe our state has a strong attraction in that our men will be local residents with local job knowledge, and many of them will have roots in the local labor movement.

Under the state plan that I am considering, labor will have a much greater participation in the rule-making and policy-making aspects of the administration of safety regulations that they do federally under OSHA. both legally and practically. We go well beyond the federal plan in this regard. To the local labor leaders and to the state labor movement, we present the opportunity for better communications and more local control.

Finally, we believe that under a state labor department we can provide penalties and sanctions that go beyond the federal schedule—such things as workmen's compensation penalties or the prohibition against the employment of minors when an employer is shown to have unsafe operations. We plan to increase inspections in relation to an employer's higher accident rate as a further sanction. These approaches can all provide a more effective means of achieving safety than OSHA has yet provided. Because of the greater emphasis on safety education and training in the state program in Michigan, we also believe that the local officers will be attracted by the greater availability of state personnel for training programs, seminars, and other communication meetings. Such programs will make their members more conscious of their responsibilities and rights under the law. A knowledgeable membership will also make it easier for labor leaders to take responsible stands in negotiated safety matters.

It must be clear to anyone that these program policies will be attractive to a local labor movement. At the same time, my state's management-oriented sector should be attracted by the aspects of their participation in rulemaking and policy-making. They, too, would be attracted by aspects of local control. Finally, they always have advocated a greater emphasis on education and training. This, coupled with their philosophical orientation to state programs and their desires for appeals in state courts, would certainly gain their support even if I adopted many aspects of the Williams-Steiger Act that they opposed in the Congress.

I would like to move on now to the third point regarding the fact that states shouldn't be allowed to engage in state developmental plans because they are filled with "paper promises." Any government plan in its inception is a "paper promise." The federal government now has given many "paper promises" about how they would implement the act under their area of responsibility. They have promised more and better rules. They have promised that there will be more dollars allocated to enforcement and education. Further, they have promised that there will be nearly two thousand compliance officers in the field soon. I, for one, think that their promises are real, that their time table is realistic and that they have proven thus far that they do what they say they will do. All the same, all we have from them so far in several of these areas are "paper promises." I think the states ought to be entitled to the same sort of treatment.

If a state were not allowed to be approved under an 18(b) provision of the act until it had legislation, standards, procedures and personnel, all up to the acceptable level under OSHA, then we would have no states under OSHA. The deadline for temporary participation by states under the act is December 29, 1972. The national labor leaders know that *no* state will be able to meet all the federal standards by that time. Thus, if states were not allowed a developmental plan, no state would be allowed to participate. If all states were to drop out of state occupational safety and health programs in 1972, the results for organized labor in this nation would be horrendous. It is irresponsible and self-defeating for the national leaders to advocate a complete state drop-out of the safety field.

At this time it is estimated that more than 1,500 state safety compiance officers are in the field. These are experienced men and women who are doing an effective job in those states that have adequate safety rules. The great majority of these people are employed by states like California, New York, New Jersey, Massachusetts, Illinois and Michigan, to name a few. The federal standards that were recently promulgated in many cases are duplicated by the regulations of these states. In almost every case the inspectors of these states are under civil service rules and regulations and they meet the current federal regulations for qualifications for such work. It is estimated that the states at this time are spending more than two hundred million dollars for state safety programs. All of this would be lost if the states were not allowed to phase in gradually to achieve federal goals. I submit to you that once the state programs are closed down and the state employees are laid off, they will never come back again. I might point out to you that many of these state employees are loyal dues-paying members of AFSCME.

I must further point out that OSHA excludes all public employees. In my state and many other states, public employees from the states, cities, counties, townships and school districts are covered by state rules. If the states are forced to drop out of safety enforcement under OSHA, all of these people will be without protection. If a state presents a plan under OSHA, they must provide a competent program for public employees to the extent that their law allows.

The fourth point regards funding because the federal critics have pointed out that state legislatures could refuse to appropriate money for state safety programs. Once again, I would have to agree and say that this is absolutely true—just exactly the same way the U.S. Congress can refuse to appropriate money for federal safety programs. Congress has in very recent years demonstrated its unwillingness to appropriate adequate funds for safety programs. Even when the labor movement was able to secure ten million dollars more from the U.S. Senate for the U.S. Department of Labor's OSHA program, the U.S. House of Representatives greatly reduced that appropriation. We are all aware of the difficulty there has been thus far in securing 50 million dollars for the administration of OSHA. Who will secure the nearly 400 million dollars that will be needed for the administration of the OSHA program without the participation of the states? My arithmetic is not that difficult. If we take the approximately 200 million dollars now expended by the states and simply enlarge it to anticipate the higher outlays necessary under OSHA and then we add the amounts of money that will always be necessary for federal administration in those states that will not have a program and the continuing federal monitoring responsibility when a state does retain safety responsibility, then my figure is not unreasonable. However, if the 15 states that I have mentioned previously are encouraged to continue their participation, then the federal obligation in these areas is reduced by 50%. We would also retain the compliance officers, the training staff and area administrators and standards that are all now present in the states. We thus eliminate the required two or three or four years for the feds to gear up to existing levels of present state performance in these areas.

Most of you know that one of the prime national spokesmen who have expressed concern over the state's role under OSHA has been President I. W. Abel of the AFL–CIO industrial union department. He recently set forth those aspects of a state plan which he feels ought to be present before organized labor could give its encouragement to a state plan. He stated that he feels that proposals should provide for worker participation in a body comparable to the national advisory committee; that the plan should provide for employee observation of monitoring exposure to toxic materials; that it should also provide protection for complainants whose names would be withheld from employers upon request. He states that state plans should provide for a prohibition against advance notice of the inspection; that it should provide for the right of employees or their representatives to accompany inspectors during their "walk around"; that it should provide for written inspection reports following the compliance officer's tour; that it should provide for placing these health and safety responsibilities in a state agency whose other functions do not conflict with the protection of workers.

I can say, as the Director of the Michigan Department of Labor, that our state plan will meet these tests. We plan to work with organized labor within our state in the development of a state plan and in the carrying out of its purposes and policies. It is my information that the same sort of statement that I have just made to you could be made by the labor commissioners in the other states that will probably have state plans. If that is the case, then what is the fuss all about? No one from Mr. Abel's office or from the Washington offices of any national union has checked with the commissioners to find out what they intend to do. I have a feeling that the whole matter revolves around embarrassing the administration and no matter what was planned that there would continue to be negative statements from Washington.

In summary, gentlemen, let me tell you what I am planning to do to further strengthen the role of the states in OSHA. First, as president of the state labor commissioner's organization, I will continue to meet with the U.S. Department of Labor. I will do all that I can to encourage the continuation of what has been a sound working relationship between the federal government and the states in implementing the act. I hope that many states will be able to submit plans for approval in the spring of 1972. Further, I hope that by July 1, 1972, federal monies will be available for 50–50 sharing of occupational safety and health administration expenses under state programs. I will encourage the states to have meetings and hearings and communications with their local labor leaders prior to the submission of their plan for 18(b) approval. Frankly, gentlemen, I don't see how the national labor leaders can oppose a plan that has been approved by a state's local labor movement.

Secondly, I plan to meet with congressional and administration leaders to counteract some of the bad publicity that has been created regarding state safety programs. Commissioner Kautzer of Wisconsin has arranged a meeting with me and others soon with Congressman Steiger and Senator Williams who are the co-authors of this legislation. I will inform Senator Williams that if he plans overview hearings we would like to testify. There will be many states that will have stronger statements to make to him than I have made here today. I might add that those state labor commissioners have very strong ties with their state labor movement.

In this same regard, Commissioner Levine of New York has arranged a meeting soon between Senator Javits, Secretary Hodgson, myself and other labor commissioners to discuss precisely that same matter. In that meeting, we will look for assurance that the U.S. Department of Labor will do all it can to provide full 50% funding for state plans in the fiscal year beginning July 1, 1972.

Finally, we will encourage every state labor director to communicate with his congressman, his senator, his state legislator, his governor and the U.S. Department of Labor to indicate their willingness and their preparedness to meet their obligations under OSHA.

In those states which do not plan to implement a state program under OSHA or those which cannot mount the legislative support or the appropriations necessary for a state plan, there will be a close monitoring and observation of the federal enforcement under OSHA. The state labor commissioners in these areas have told me it is their intention to use their own staff's observations as watchdogs. They plan to keep closely posted on whether or not the federal government is maintaining an effective program in those states where the state activity has been preempted.

Let me conclude today by saying to you that men and women who work with you—the members that you represent—care not at all whether their building is inspected by a federal inspector or a state inspector. They care very little which bureaucracy is strengthened and which one withers as a result of OSHA. The people who have paid your way to the meeting this day want a safe work place. They want an environment that is as free from hazards as possible so that they might work without fear or discomfort. My plea today for the states, then, cannot be that we have done a good job in the past or that we can do it any better in the future just because we are states. I think, instead, I have presented to you today a number of sound reasons why your people will be hurt if the states are barred from safety administration and how they will be helped if the states are encouraged to improve their safety programs. I look for your assistance in communicating my views and my concerns to your leaders in Washington.

PRESCRIPTION DRUG COVERAGE FOR THE ELDERLY

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesaay, January 19, 1972

Mr. WYMAN. Mr. Speaker, among the amendments to the medicare program that appear to be truly needed is a catastrophic coverage drug program for the elderly. Under such a program no elderly person would be bled white moneywise for necessary prescriptive drugs.

What the deductible amount should be is arguable, but certainly a catastrophic drug program with a $200 annual deduction and a co-insurance feature would prevent hundreds of cases of extreme personal hardship for elderly persons. I believe a substantial majority of the Congress will support such a provision.

In this connection, I include in the RECORD an excellent article on medicare and drugs appearing in a recent issue of the Wall Street Journal, written by Prof. Robert J. Myers, a professor of actuarial science at Temple University, who for more than 20 years served as chief actuary for the Social Security Administration:

[From the Wall Street Journal, Jan. 4, 1972]

MEDICARE AND DRUGS: WHO SHOULD PAY?

(By Robert J. Myers)

The most important health-care cost not covered by Medicare is out-of-hospital prescription drugs. Such coverage was not initially in the program, because of the large number of small claims involved (with significant administrative problems) and because many foreign programs have great difficulties with over-utilization of drug benefits.

Sen. Joseph M. Montoya (D., N.M.), has been in the forefront of those who urge inclusion of drug benefits under Medicare. He and 23 other Senators have proposed an amendment to the Social Security legislation now pending before the Senate Finance Committee.

Under this proposal, the Hospital Insurance portion of Medicare would pay the cost of prescription drugs, subject to a flat $1 cost-sharing payment for each prescription. Such payment would vary in the future according to changes in the average per capita cost for qualified drugs under the program. Surprisingly, the proposal contains no additional payroll tax financing to support this significant cost.

Several studies on the coverage of drugs under Medicare have been made in the Executive Branch. One was undertaken by the Johnson administration and issued shortly after it left office; the Nixon administration has made two, the Dunlop Study, which reviewed the previous study, and a new study by a commission headed by Arthur Flemming, former Secretary of Health, Education and Welfare.

The latter two recommended the approach in the Montoya bill, while the earlier one recommended several alternative approaches. The favored alternative was to cover so-called maintenance drugs (those essential in treating serious long-term illness) on the same basis as the Montoya bill. The next-favored approach was to cover all prescription drugs, but to have a high annual deductible.

I believe insufficient consideration has been given to approaches other than that in the Montoya bill. This is largely because of the strong belief of the Social Security Administration staff in covering all prescriptions and in setting up "straw men" approaches for other alternatives.

Just as for hospitalization and utilization of physician services, persons aged 65 and over use about three times as much prescription drugs, on the average, as do younger persons. Also, older persons have much lower incomes available to meet high costs for drugs. Further, relatively little private insurance in this field is available.

THE DISTRIBUTION SPREAD

The cost burdens for drugs generally run much lower than for hospitalization or physician services. There is, however, a considerable spread of distribution for different people.

In 1969, the estimated average per capita cost for prescription drugs for persons aged 65 or over was about $50. Almost half had drug costs of less than $20—amounts that could readily be borne from current budgets. At the other extreme, 4% had drug costs of $200 or more (averaging about $300). With this wide spread, some type of insurance coverage would be desirable.

Under Medicare, the claims approximate 6 million annually for in-patient hospital benefits and 33 million for physician services. These sizable administrative work loads can be contrasted with the estimated 250 million prescriptions in 1969 for Medicare beneficiaries. This figure would probably be 300 million if a drug benefit were introduced (because of increased utilization, whether or not necessary).

The Montoya proposal involves the backbreaking approach of covering all prescription drugs. Not only does this involve covering the small costs for many who could readily bear them from current budgets, but also the high administrative costs in handling so many claims.

Such approach violates a basic principle of insurance by covering many cases of low losses, where administrative expenses are a very high proportion of the benefits payable. Insurance should instead be confined to cases with relatively large losses not easily borne by those who suffer them.

The proponents of covering all drugs assert they can do this economically by dealing directly with pharmacists through a nationwide network of electronic data-processing equipment, with a machine in each of the 55,000 pharmacies. Not only will there be tremendous administrative problems in dealing with the large number of bills, but also pharmacists will be regimented by governmental procedures for a large proportion of their business, perhaps 25%. The economic impact on the retail, wholesaling and manufacturing drug industry once the government becomes such a major customer will be significant.

Any drug benefit program with limits on either the types of illness or drugs covered would be most difficult to administer. As to coverage of only maintenance drugs, many physicians would resist such limitation because of the necessarily arbitrary decisions in classifying diseases.

Selecting drugs for benefit reimbursement on the basis of their use in chronic illness is hazardous, since medical opinion frequently varies as to which is the drug of choice. A chaotic situation would undoubtedly develop when sick persons not eligible for benefits for certain drugs would petition Congress, seeking to qualify for coverage either their particular affliction or a particular drug.

Following the time-accepted principle of insurance that coverage should be provided only for risks with significant potential losses to the insureds, coverage of drugs under Medicare should be on a catastrophic basis. The limit of "catastrophic" should be a relatively high level initially, to alleviate the most financially burdensome cases, while assuring efficient administration. Specifically, drug benefits should be provided on the basis of a large annual deductible, such as $200, with 20% coinsurance thereafter.

The proponents of covering all drugs set up straw men in attacking the catastrophic concept. They assert that proper specifications for such coverage involve governmental recording of all prescriptions, even though most would not meet the deductible, a costly administrative procedure. But they choose to ignore that, logically, this approach should be administered by considering only the prescriptions of the few who meet the deductible.

The "expansionist" proponents then set up another straw man. They assert that older persons cannot be expected to save drug receipts and send them in at the proper time.

DEVELOPING ADMINISTRATIVE PROCEDURES

A simple, understandable administrative procedure can be developed for the catastrophic approach. Pharmacists would issue a uniform receipt. The beneficiaries would save these for a period of one year, in special envelopes provided by the program. Under no circumstances would drug bills be accepted in any other form or at any other time.

To argue that older persons cannot manage their affairs to carry out this procedure is to denigrate their capabilities or those of others taking care of their financial affairs. After all, Social Security beneficiaries handle at least one check each month and do so without difficulty.

The financing of a catastrophic drug benefit should be part of the Supplementary Medical Insurance program (Part B), so that enrollees are aware of the costs, by paying premiums. Financing the entire Medicare program through payroll taxes and government subsidies, as some propose, is undesirable for this reason as well as others—such as lessening cost controls and public awareness of costs.

If all beneficiaries under the Supplementary Medical Insurance program have drug-benefits coverage on a complete basis with a flat $1 cost-sharing payment per prescription, the benefit cost would be about $900 million a year (after allowing for the increased utilization of about 20% likely to accompany such a plan). This translates into a per capita cost of $3.75 a month. Administrative expenses would be about $120 million a year. Total program costs would be $1.02 billion a year, or monthly per capita costs of $4.25.

A catastrophic-coverage drug program with a $200 annual deductible and 20% coinsurance thereafter would have a benefit cost of only about $75 million a year, after allowing for some increase in utilization (but not as much proportionately as for the complete-coverage approach). Administrative costs would be about $10 million a year, so that total annual costs would be $85 million, or a monthly per capita cost of $.35.

A more liberal catastrophic-coverage drug program—which should not be adopted initially because it involves four times as many claimants as the proposed approach—includes a $100 anual deductible and 10% coinsurance. This would have a benefit cost of about $270 million a year after adjustment for increased utilization. Administrative expenses would be about $35 million a year, or a monthly per capita cost of $1.25.

FAIRNESS DOCTRINE AND BROADCASTING

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. SPRINGER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following: This last year, the House Committee on Interstate and Foreign Commerce has been deeply interested as to whether or not the fairness doctrine and the equal time provision so clearly stated in the Communications Act is being enforced by the Federal Communications Commission.

In the Public Broadcasting Corporation Act one section encompasses all broadcasting of a controversial nature and makes it mandatory that the Public Broadcasting Corp. treat all matters of a controversial nature "in perspective and in balance."

Edith Efron has written a book, "The News Twisters," which has been the subject of a long debate in the past few months. I attach herewith two articles from the Evening Star. One by William F. Buckley, Jr., of December 27, 1971, "Should We Really Try To Eliminate TV Bias?" and another by James J. Kilpatrick of December 28, 1971, "This Is News, and This Is Not—Tonight." This matter of the fairness doctrine is going to receive a great deal of editorial and commentary treatment in the next few months. I think it would be well for every Member of the House and the other body to read Edith Efron's book, "The News Twisters." This is a new measurement but certainly an independent one of exactly how many words are devoted to two sides of a controversial issue.

The articles follow:

"THIS IS NEWS, AND THIS IS NOT"—TONIGHT

(By James J. Kilpatrick)

Edith Efron's book, "The News Twisters," came forth from the Nash Publishing Co. on Oct. 11. Since then, the shells have been flying. Her thesis is that the three television networks were guilty of gross bias during the presidential campaign of 1968.

The thesis, of course, is valid. Any English-speaking adult, possessed of eyes, ears and access to a television set, must know the thesis is valid. To a considerable extent—though not as blatantly as before—the situation documented by Miss Efron continues to this day.

The value of Miss Efron's book lies not so much in its elaborate documentation, though this was indispensable to her work. Her greater contribution lies in a pathological dissection of the body of "news" as such. She compels us to think upon these things, and these things are immensely important to the whole process of opinion formation in our country.

What is "news"? God alone knows. At some point in his life, every editor, reporter and professor of journalism struggles to compose a satisfactory definition. None has wholly succeeded. David Brinkley came closest, perhaps, in his laconic remark that "news is what I say it is." But the trouble with epigrams is that they yield something of truth to the virtue of brevity. It is not quite so brutally simple.

Even so, Brinkley has it just about right. The essence of news lies in the process of selection. A happening, in itself, is not news; it is not news until it is reported. And who decides whether a happening should be reported? Who selects this happening in preference to some other happening? An editor's honest answer, just as Brinkley says, is "I do."

When it comes to putting together a prime-time network news program, this process of selection is what the game is all about, and the process is unbelievably complex. There are dull days and big days. A happening that might be used on Monday is thus not used on Tuesday.

Some happenings lend themselves to visual presentation; others don't. TV is partly show biz: There has to be something light. Producers, writers and anchor men are prisoners of the clock. But when the red light signals air time in the studio, someone has to have made the decisions. This is news tonight; and this is not.

Such decisions have to be personal; no computer can make them. They are the products of professional judgments—or opinions—resulted in a lopsidedly liberal bias in the network news.

Her documentation provides a thousand telling examples. One issue in the fall of 1968 was U.S. policy toward the war in Vietnam. During the seven-week period of her study, CBS carried one item only in support of that policy. This was a 287-word excerpt from a speech by Lyndon Johnson on Oct. 9. But CBS carried 20 items in this period, totaling 651 words on 13 different evenings, in which the policy was opposed.

Look at the record more closely. It was "news" in the judgment of CBS that the war was opposed by John Gilligan of Ohio, George Ball, Sen. Wayne Morse and Eldridge Cleaver.

This was not news at ABC. At ABC, which carried 413 words in support of the war, it was news—1,476 words of news—that Sen. J. William Fulbright, Paul O'Dwyer, Sen. Eugene McCarthy, Sen. Jacob Javits, Dick Gregory and Vanessa Redgrave opposed the war.

None of this, in turn, was news at NBC. Oddly, NBC reported no news whatever—not a single word in seven weeks—in defense of the war policy; but it was news at NBC, to the tune of 1,017 words, that this was opposed by, among others, Tom Hayden of the SDS, the president of Yale and a Connecticut matron.

This is not a pattern of news; it is a pattern of bias—and for this pattern the network news executives have to be held accountable. As we move into the 1972 campaign, viewers of the evening news will want to keep the pattern of 1968 in mind, and be wary.

SHOULD WE REALLY TRY TO ELIMINATE TV BIAS?

(By William F. Buckley, Jr.)

Edith Efron's book, "The News Twisters," wherein the industrious lady reports the results of endless hours of tape recording the television news during the final weeks before the presidential election of 1968, makes the point that television is simply not observing the Fairness Doctrine as that doctrine is generally understood. The treatment of the news was overwhelmingly pro-Democratic, pro-Humphrey, she proved, notwithstanding any demonstration that, in an excess of zeal, she might have made out the situation to be slightly worse than it is.

The question inevitably arises: How is the Fairness Doctrine, and the larger social doctrines of which it is a part, to be applied to situations in general? Or to situations in particular? There are only three network news programs. Does that mean that if one of them chooses to be pretty generally liberal, that should be permitted, provided there is another which is pretty generally conservative?

At the ridiculous extreme, surely, is the protest that now goes out against the relicensing of Station KTTV in Los Angeles, which is the object of a petition by an organization called the National Association for Better Broadcasting, and one or two other citizens' groups. The NABB wants the FCC to deny the station a fresh license on the grounds, primarily, that it sponsors a newscaster, George Putnam, who gives "biased accounts" of the news (you've guessed it, Putnam's bias is conservative, rather than liberal).

A professor from the University of California writes, "George Putnam is a sort of articulate hard-hat, laureate of the Archie Bunker constituency. His appeal is precisely to gut feelings and he has, one gathers, a large audience attracted by that appeal.

"All of which would be deplorable if Channel 11 were the only channel in town, and lamentably polarizing if it were one of two. But every TV set in Los Angeles has available to it excellent reception from the follow lineup: 2—CBS, 4—NBC, 5—Independent, 11—Independent (the bone of contention), 13—Independent, 28—PBS—plus a couple of others, one of them Spanish language.

"This," the professor remarks, "must be the largest viewer's choice in the country, and it is a real choice, substantially unimpeded by the tall buildings that make reception spotty in New York City . . . Dammit, anyone who wishes his sensibilities massaged by liberal newscasting has Walter Cronkite available to him every evening on Channel 2 at 7 p.m. . . We are left with an effort to invoke the ultimate sanction against what may be the only TV station in the country that can make a case for employing a Yahoo newscaster, i.e., that there is a public demand for same and that the rest of the public has ample options."

While not endorsing the mild animadversions on Putnam's style (the professor is a scholar of highly refined sensibilities), I think the professor makes a point which enthusiasts for the Fairness Doctrine, whether of the right or the left, should consider. Are we going to move against every radio station, in every situation, which is insufficiently balanced in its opinion? If we were to do so, the right wing would be the tactical winner, no doubt about it. But what about the strategic situation?

And while we are at it, are we going to insist that every station has exactly as many minority technicians, broadcasters, researchers, whatever, as reflect the demographic situation? Does that mean that if next year we bring 30,000 Urdu-speaking refugees into Los Angeles, one of them has to be hired by television station KTTV?

Finally, the sanctions that are recommended against the broadcasting industry are altogether too severe. Nobody suggests that if Sears, Roebuck is guilty of an act of discrimination, therefore Sears, Roebuck should be burned to the ground and salt sprinkled on its ashes. Why television? Isn't the potential bullying of television by the government a logical concern for the not wholly logical American Civil Liberties Union?

THE BEAR IN THE BURNOOSE

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. HALPERN. Mr. Speaker, the military situation in the Middle East today is fast approaching the critical stage. Both sides are poised for a renewal of the conflict; the Soviet Union continues to become more deeply involved in that area of the world; the Arab States refuse to negotiate and continue to shout threats of annihilating Israel; and the United States is losing its naval dominance of the Mediterranean.

I recently read a fascinating and quite informative article outlining the Soviet Union's new Arab bases. The magazine Seapower, should be commended for outlining this obvious threat to our Nation's security. The author, Mr. Lawrence Griswold, is a former Marine Corps officer and journalist whose interest has been naval history, especially as it relates to the Far and Middle East. From Morocco to the Indian Ocean, the Soviet Union has begun to penetrate strategic areas in the Mediterranean basin. For centuries the Russians have desired to break out of their confinement in the Black Sea area. Due to treaty agreements, the Soviet presence has now reached such ports as Alexandria, Egypt; Oran, Algeria and Aden, South Arabia. The security of the free world demands that America become aware of this growing Soviet threat in the Mideast. The article which I insert in the RECORD is both timely and informative:

THE BEAR IN THE BURNOOSE—A FIRSTHAND REPORT ON RUSSIA'S ARAB BASES

(By Lawrene Griswold)

"First the nose of the camel, then its neck, and at length the whole body so that there remains no room for a man in his tent. And when the camel moves the tent moves with it."—Bedawi proverb

Persistence and patience, allied with a keen and alert opportunism, characterize Russian strategy now as they have for over two centuries. Since 1945 the theater of the Mediterranean, with its Aegean arm, have exhibited those characteristics with vivid clarity. Hardly had the French and British governments relinquished their colonies in Africa when Russian warships dropped their anchors at Egyptian ports and on Mediterranean banks and shoals—international waters called "holding grounds" by the late naval strategist Admiral Alfred Thayer Mahan—and showed their intention of remaining by the periodic arrival of relief ships, merchant vessel or warship, to take over the watch from units returning to the Black or Baltic seas.

With the restoration of full independence to its Tunisian and Moroccan protectorates and the liberation of Algeria, the French fleet returned to home ports. The British Mediterranean Fleet had already left Alexandria; Malta was given its freedom and only an obsolete and practically demilitarized Gibraltar remains to fly the Union Jack. Nowadays Gibraltar is the only Mediterranean dependency still under the protection of a major European state. To a practitioner of the art of *machtpolitik*, (power politics) this leaves the entire southern littoral a political vacuum—an invitation to Moscow.

The Kremlin, however, failed to await the end of the war in Europe before pressing Turkey for an outlet on the Aegean. After denouncing the 1925 Treaty of Friendship between the two countries in March 1945, Moscow demanded naval bases at the northeast of the Bosporus Strait and along the vinces, as well as a radical revision of the Montreux Convention, a multilateral pact signed by nine nations in 1936, which would effectually remove the straits from international control in favor of Russia.

Warships based in the Black Sea would thenceforward enjoy unlimited access to the Aegean and so to the Mediterranean. This ploy got nowhere; but subsequent Russian pressures on Turkey managed to keep that country in political and social turmoil until it achieved membership in NATO. Russia and its Bulgarian ally are still uncomfortable neighbors, and Turkey is again under Soviet pressure.

After 1945, using technical information gleaned during the war years, the Russian Navy built a fleet designed to perform the duties of a naval arm not only as an instrument in extension of its country's policies but one offering protection over the world's ocean routes and sea lanes to a rapidly growing merchant marine. Since the Soviet Union does not possess naval bases scattered about the globe as the British Navy once did, it had to reach slowly and cautiously and from advance bases under its control in order to grasp new ones in more distant seas and oceans. The Mediterranean was its second goal.

FIRST EGRESS

The first secure egress from the Baltic was obtained by acquisitions opened to Russia by the Ribbentrop-Molotov Pact of August 1939. When Poland fell to Hitler's Wehrmacht, Stalin gathered in Estonian Talinn, Latvian Riga, Lithuanian Memel (now Klaipeda) and the eastern third of the Bay of Danzig. A few months later, but only after a disturbing setback, Russia also annexed the Finnish fortifications at Vyborg, across the Baltic from Leningrad and Kronstadt. After 1945, with an obedient Poland and East Germany to westward and a neutral Sweden at the north, the Kremlin could afford to look to the southern seas. Only the opportunity was then lacking.

Nevertheless Soviet maneuvering in the Middle East was under way before the echoes of the Potsdam Conference faded. Turkey was threatened outright; Greece was invaded repeatedly from sanctuaries in Albania and Yugoslavia by Communist revolutionaries, and during the Palestinian War of 1948–49 airlifts of Russian-sponsored arms, illegal during the "standstill" agreements of 1948 made a critical contribution toward the Israeli victory. The arms were flown from Yugoslavia and Czechoslovakia but many of them had been made in the United States and lend-leased to Russia. To Arabs, the American manufacturer's plate was all they knew of the origin of the arms used by the Israeli army and it was grist to Russian propaganda mills when Moscow switched sides a few years later.

Russia's great opportunity came with the Israeli-Angelo-French attack on Egypt in October–November 1956. Smarting from the humiliation of the Hungarian revolt only a few days earlier, Moscow forsook Israel for Egypt, condemning Israel, France and England and thereafter ranged itself by the side of such strategically-located Islamic states as Egypt and Syria. Unspecific offers of arms and economic aid streamed from the Kremlin to Cairo and, but to a lesser extent, to Damascus and Baghdad.

Cairo's hesitation was brief. Nasser had, in fact, little choice. Convinced that Israel and its partners aimed at the Suez Canal and the destruction of Egypt's industries, there was simply no one to turn to but Russia. London and Paris were still hostile and Washington was willing to supply only foodstuffs and medicines—no arms. Talks were begun and in the summer of 1958, Marshal Hakim Amr, Egypt's Vice President and Minister of Defense, accepted an invitation to Moscow and at a farewell dinner in October, Egypt was offered a credit of 400 million rubles wherewith to start the construction of the Aswan High Dam, Russian goods in exchange for Egyptian cotton and, apparently, an unlimited amount of military equipment. Technicians and specialists, he was told, would also be furnished.

RUSSIAN TACTICAL BASE

By late 1961, Port Said was developing into a tactical base for the Russian Navy and Alexandria into a strategic base of operations, a Mediterranean extension of Kronstadt and Sevastopol. Five air bases at unrevealed locations were reported completed by Russian technicians, one of them not far from Aswan, where work was then in progress, and another in the vicinity of Alexandria.

Meanwhile, another great opportunity beckoned, this time from Cuba. Major Raul Castro and Nunez-Jiminez, Castro's Minister of Agrarian Reform, made their pilgrimage to Moscow to return the visit to Cuba by Anastas Mikoyan. Cuba's emissaries were assured of Russian military and economic aid as well as moral support. Khrushchev went on the radio to warn Washington. He said that any American attack against Cuba would be met by "rockets from Soviet artillery." Economic aid was to include a supply of Russian petroleum to feed the expropriated American refineries in Cuba. Later, a procession of Russian tankers and merchant shipping shuttling between Cuba and Black Sea ports flowed past Gibraltar. Moreover, it was noted that the Alboran Bank's "holding ground" was seldom free of shipping.

The years 1961–2 were rich in opportunity for the Kremlin. In April 1961, the bungled Bay of Pigs invasion and the month of haggling over Castro's price for the release of the prisoners captured during the invasion was sheer gain for the Kremlin. Perhaps Khrushchev saw in the construction and furnishing of IRBM sites in central and western Cuba a chance to even the score for the American missile sites in Turkey. During those years, the stream of ocean traffic between Cuba and the Black Sea increased noticeably. Naval oilers and auxiliaries were spotted at anchor over the Karpathos shoals and even in the gulfs of Hamamet and Sirte, off Tunisia and Libya respectively.

REVOLT OF THE GENERALS

Then the revolt in Algeria against France was coming to an end. In April 1961, the "Revolt of the Generals" proved to be the death struggle of French Algeria and by March 1962 the Treaty of Evian was signed and a Communist-oriented Algeria was free. The ports of Bone (now Annaba), Philippeville (Skikda), Algiers, Oran and the large and modern naval base at Mers el Kebir would soon be made available to the Russian Southern Fleet. Mers el Kebir, the largest French overseas naval-air base, remained under nominal French control until 1964 when it was duly turned over to Algiers. Less than a full day from the Atlantic and within easy IRBM range of Gibraltar and the important Spanish fortifications behind it, Mers el Kebir is capable of accommodating the entire Russian Southern Fleet, including auxiliaries.

While the French were completing their evacuation of Mers el Kebir a few Russian-made patrol craft arrived at Algiers, and others followed after Ben Bella's far left government was overthrown by Colonel Houari Boumedienne, Ben Bella's Minister of Defense. Altogether, the Algerian Navy now possesses at least ten *Komar* class missile-carrying fast patrol craft and ten P–6 class MTBs. About half of them are based at Mers el Kebir and the balance distrubted among other Algerian ports. After the departure of the French, the field and its facilities were extended, with new shops and warehouses added. The airbase is now solidly wired off along the Oran-Tlemcen road and searchlights directed against the wire and its sentry towers illuminate them at night.

Reportedly, both airbase and naval base are heavily guarded by SAM sites built into the surrounding hills. Unlike Mersa Matruh which, when completed, will still be industrially isolated, Mers el Kebir's naval and air base have easy access to such industries as Algeria now possesses. Oran is only ten kilometers away and, with its railroads, airport and small industries, to say nothing of its harbor and port facilities, it can draw upon the products of every factory in Algeria. Besides, the naval base has its own industrial complex along with that of Monte Cristi, an adjacent town, which has long supplied its workmen and shop products to the needs of the base.

Mers el Kebir is the westernmost naval-airbase available for Russian use. There is no longer a floating drydock inside the outer seawall but set well below the curving road that runs from the old Moorish fortress at the western tip of the bay to Oran, the concrete floor of the base seems to support enough shops and warehouses to service normal needs. When I visited the base last year, a RIGA class ship was tied alongside the western end and welders were at work on its deck. Another missile carrier of the *Komar* class was moored to a float against the southern wall, just east of the broad concrete jetty holding fuel tanks, pumps and loading machinery. Four or five P–6s were tied to a concrete revetment and, at that time completed the naval population of the base.

At Annaba (Bone) in eastern Algeria, a secondary ex-French naval base is a fuel depot for naval and merchant shipping and also has the capability of effecting minor repairs. Few Russian naval vessels but many merchant ships carrying the Soviet flag have been reported during the first half of 1970.

East of Algeria, Libya's political status is still ambiguous at this writing but, as a federative member of a Moslem bloc comprising Egypt, the Sudan and Syria, Libya has little to contribute but its petroleum. Libya's population totals about 2 million and its military forces are miniscule and will remain so even whein the 100 Mirage aircraft recently sold them by France become operational. Even more recently the Libyan army received 100 T–54/55 tanks, complete with schnorkels, delivered by Russia. Libya's need for schnorkeled tanks remains a mystery.

A TEMPTATION NOT OVERLOOKED

However, the Libyan coastline along the Mediterranean is lengthy and contains the ports of Tripoli (now Tarabulus), Benghazi and Tobruk, the last port not far from Mersa Matruh and with a slightly better harbor. But of all of Libya's assets to a military alliance Wheelus Airforce Base ranks foremost. This modern and extensively equipped air base was formally abandoned by the United States only after several years of pressure by the Libyan monarchial government and, finally, the military regime which succeeded it. The former United States Wheelus base installations presented an opportunity and a temptation the Russians have not overlooked. Indeed, its existence in the sparsely-populated country may have been a compelling reason behind Libya's acceptance of a federation with Egypt, Syria and the Sudan. Now, accepting the Federation as a fait accompli, only Tunisia and Morocco remain along the southern Mediterranean littoral as free nations, while, between Somalia and the Sudan, only Abyssinia is independent of Soviet controls, and it faces the insurgence of an armed Communist minority.

Otherwise, with Port Sudan, Yemen, South Yemen with Socotra, as well as Somalia contributing their ports and facilities to the Russian Navy and its air arm, most of the Red Sea littoral and its approaches lie under the control of the Kremlin.

Abyssinia, historically, experience two early attemps at infiltration by Russia, both seriocomic, which began in the year of the Suez Canal Convention (1888) under the leadership of Russian Army officers disguised as Orthodox priests. That expedition wound up in a fracas with the French—the "Sagallo Affair"—and nearly wrecked the formative Franco-Russian Alliance. The second, in 1896, began as a private operation by a Russian adventurer named N. S. Leontiev but succeeded so well in bringing together Tsar Nicholas II and the Emperor Menelik that the latter received gifts of Russian machine-guns and small arms just in time to defeat the Italian army at Adowa. If Leontiev had not stolen the large diamond ring presented to Menelik by the Tsar and the Japanese had not diverted St. Petersburg's attention to the Orient, Russia might have had foothold in the Red Sea long ago.

What restrained post-war Moscow from forthright adventurism in the Mediterranean Sea and its Aegean and Adriatic arms was not only its unreadiness for a nuclear show-down with the United States but also that Russia, too, lacked a modern fleet. So, while Washington and London cut their navies to the bone, Russia was earnestly engaged in building one, utilizing the most modern concepts of the west in surface craft construction and from the most advanced German submarines appropriated after the Nazi surrender. While western shipyards languished for lack of work, scores of Eastern Bloc shipyards in the Baltic and Black Seas worked at full capacity to complete their orders. Work was expedited by other methods introduced from the west. Hull sections of light craft and submarines were prefabricated inland and dispatched by rail and canal to coastal shipyards for assembly. By the end of the decade the new Soviet Navy far more powerful and efficient than its prewar "defensive" fleets, was commencing to take shape. And the eastern Mediterranean, with the last British units gone from Alexandria, was more inviting than ever.

STATIC DEFENSE OF THE STATUS QUO

Russian naval construction still continues and Russian expansionist policies still persist in contrast to the west's static defense of the status quo in the Mediterranean. And in this Russia has the advantage. It is far easier to upset an unstable status quo than to uphold it. At the present time, however, Soviet tactics in the eastern Mediterranean are cautious and low-keyed although, in other areas, they range from the furtive to the frankly acquisitive.

In respect to Turkey and the Montreux Convention governing the use of the Bosporous and Dardanelles straits, Russia appears in no haste to provoke trouble. Having failed to alter the provisions of the Convention in its favor, the Russians merely evade restrictive provisions when they think it necessary. Most of the warships of the Southern Fleet are based in the Black Sea; the remainder comes from the Baltic, such as the larger vessels and submarines displacing too much tonnage for safe passage through the Bosporus.

The number and composition of the Russian Southern Fleet is much less static than those of the American 6th Fleet. Ship movements are frequent, especially during the summer. During the brief winter season, about half the fleet returns to its bases. The normal total of Russian warships and auxiliaries on duty during the summer is in the fifties. This figure excludes the 20–30 landing craft (LCVs and LCVPs) regularly tied up at Port Said not far from the barracks housing their 2,500–3,000 crewmen and marines. This is the Southern Fleet's tactical landing force and while it is engaged in exercises almost constantly at some point or other within the eastern Mediterranean, its force is fairly constant. Its movements, however, are closely watched.

Since the Black Sea, with its Sevastopol base and supplementary supply center at nearby Balaklava, as well as the facilities available at the Nikolaev shipyards about 70 miles northeast of Odessa, is the natural reservoir of the Southern Fleet, a primary consideration is the unimpeded passage of the straits. Article 11 of the Montreux Convention governing the use of the straits is regarded by Russia as restrictive. As one of the original signatories Russian violations of the Convention are generally discreet. Submarines passing through the Bosporus do not always complete their transits by daylight or on the surface, nor do warships debouching from the Black Sea always give their true destination, but on the whole, they maintain the appearance of compliance. Even the helicopter carriers of the *Moskva* Class, built at Marti Shipyard No. 2 at Nikolaev on the Bug River northeast of Odessa, are registered at the uppermost limit of the Convention although their displacement is rated somewhat higher than the 15,000 tons stipulated.

During its month of duty the Soviet Southern Fleet, in contrast to the relatively passive 6th Fleet, is quite active in its performance of maneuvers and exercises either on its own or in conjunction with units of the Syrian or Egyptian navies. Mock attacks by fast patrol craft or practice landings by small forces using LCVs and LCVPs are part of the routine. Shadowing the movements of the 6th Fleet and snooping on the annual maneuvers of NATO is another. But this is common practice on both sides and evokes little more than irritation and the dispatch of a destroyer to warn off the intruder. Officially, the two opposing fleets coldly ignore the existence of each other.

With the exception of the two helicopter carriers, the modern Soviet Navy depends on smaller warships with much bigger punch than those flourished by the obsolete 6-inch gun cruisers of the *Dzerzhinski* and *Sverdlov* classes (15,450 tons). Two or three of the latter class have been reported on station in the Mediterranean but it is likely that their principal value lies in the effect produced among impressionable populations by their size. The real heavyweights of the Southern Fleet are the DDGs of the *Kresta* (6,000 tons) and *Kynda* (4,300 tons) classes, equipped with long range (200 miles) cruise missiles of the *Shaddock* type as well as ASW and AA missilry. Small, fast ships with high maneuverability, they are the backbone of the Soviet surface fleets. Close behind them in deadliness are the fast patrol boats of the *Osa* and *Komar* classes of 200 and 75 tons respectively—gas turbine ships rated at 35–40 knots and sporting short-range (about 12 miles) cruise missiles of the Styx type. Speed, maneuverability and relatively shallow draft especially qualify the Southern Fleet for Mediterranean operations where their low visibility and powerful punch from the shelter of the hundreds of islands and inlets of the area endow them with a guerrilla-like menace to less agile and much larger warships.

If, as seems likely, Russia intends to so fill the Mediterranean with Russian naval-air bases and, eventually with merchant shipping, to such an extent that non-Russian flag commerce and communications are strangled, Moscow is now proceeding along the correct path to that objective. In the light of the present situation, Russia is in firm control of the southern and eastern littorals of the Mediterranean and most of the Red Sea. East of Suez, with the solitary exception of the Saudi Arabian coast, Russian controls not only the Red Sea but its southern gate.

Yemeni Hodeida, the ex-British base at Aden, and Somalia's Berbera are now hosts to the Russian Navy and, last year, the arid but highly strategic island of Socotra, completing the Aden-Berbera-Socotra triangle astride the Red Sea gate to the Indian Ocean, was turned over to the Russian fleet as a combined communications station and air base built by a hard-working Russian construction battalion.

RUSSIA HOLDS ALL THE ACES

West of Suez, Russia holds all the aces. It has Port Said and Alexandria at the extreme east of the Mediterranean and Mers el Kebir at the extreme west. In between are ancillary bases at Mersa Matruh, Annaba and Algiers. Later, Libya may contribute Tarabulus (Tripoli) and the highly valuable Wheelus Air Force Base. Airports operated by Russia or open to their aircraft range from Alexandria and Cairo through Algeria's Dar el Beyda to Mers el Kebir.

In addition to its continental bases, the Russian Navy has also explored and employed the convenience stations of several "holding grounds" in the international waters of the Mediterranean. These are:

1. The Karpathos Banks between Crete and Rhodes and including the island of Kasos (Greek territory) where landing parties of Russian marines have held exercises. Shoal waters may be as shallow as 4–7 fathoms.
2. The Mamamet and Hurd shoals straddle the Sicilian Strait (the "Bomb Alley" of World War II) from Ras et Tib, on Tunisia's northernmost peninsula, to Malta. Hamamet offers a good anchorage at 20–45 fathoms.
3. The Alboran Bank, just east of Gibraltar, contains an extensive elevation from the sea floor averaging about 30 fathoms. Despite the eccentric currents, the Alboran shoals proved a valuable Russian anchorage during the Cuban Missile Crisis of 1962.

Russia guards its continental bases carefully but it pays the nationals of the country to do the work. Egyptian police and soldiers guard Alexandria; Algerians are stationed at the barricade before Mers el Kebir. Counter espionage duties, supervised by Russians, are in the main performed by national police. Workmen at the bases are meticulously screened and live under the scrutiny of security police. Russian technicians generally live in enclaves of their own; in Algeria, their barbed wire enclave is known as La Ville Chinoise. While the reason is unknown, the Russians are not well liked in Egypt or Algeria.

Alexandria's Inner Harbor, lying to the east of the main harbor and partially closed off from it by a mole, is the home base of the Russian Southern Fleet. The British equipped it well and the Russians have improved on it, adapting it to their special needs. It has heavy duty cranes capable of handling better than 20 tons, three graving docks (one large; two small) modernized machine shops and fitting yards. It ranks next to the Sevastopol-Balaklava complex as a base and depot for stores. Included in its eastern perimeter is the Ras at Tin Palace, once a popular shop place but now closed to the public. It is reported to be the headquarters of the Southern Fleet. A high wooden fence with barred gates and sentry boxes just inside the gates close off the dock area to all but authorized personnel. The broad space between the fence and the city streets surrounding the dock area has been cleared of buildings and trees and signs proclaim it a "childrens' playground." Few children may be found there.

Every street intersection in view of the dock area has a parked car on one corner containing one alert driver, a young man in his shirt sleeves. Every building on the city side of the street with a roof high enough to overlook the dock area has its complement of security police, casually dressed in European clothes. Signs inconspicuously posted on utility poles warn that photography is forbidden and that the penalty will include summary confiscation of the offending camera. A total of 17 amateur photographers suffering incarceration in Egyptian jails in the spring of 1970 prove the sincerity of the warning.

GIVE IT A WIDE BERTH

With the exception of vessels flying the Russian, or Egyptian flags, no shipping is permitted within the Inner Harbor now to pass within photographic range. Egyptian fishing boats and alien merchant ships give it a wide berth. Nevertheless, it is easy to see that the yard is well stocked, being jammed from the concrete apron to the fence with carefully tarpaulined crates. Lanes for motor trucks are cut between the high walls of crates and some of them are large enough to hold motor cars or gun mounts, diesel engines or launch rails for Styx missiles. The tall radio mast towers over the dun pile of what was once a resplendent palace for Egyptian kings.

Alexandria is undoubtedly well fortified. Its airport is now turned over to the Egyptian and Russian air forces and a new airport in the delta nearby includes new double launching pads for SAM–3 missiles. Along the eastern seawall of the East Harbor and just seaward of the corniche highway where the old Naval Museum used to show its ancient cannon to tourists for two piastres, a 60-foot tower supports the rotating antenna of a horizon search radar and inside the seawall beneath the mast are two SAM–3 missile launchers, their turret-like structures plainly visible to anyone walking along the corniche and sufficiently interested to hoist himself up on the 2 meter-high wall to look at them. Like the Ras et Tin Palace, the whole seawall is now closed to the public. Work was started on the present site in December 1969 and completed in April 1970.

A NEWLY EXPANDED AIRPORT

Mersa Matruh, along the highway toward the western desert and about two-thirds of the way to the Libyan frontier, is currently absorbing most of the Russian navy's efforts to build an auxiliary base toward the west. With a newly expanded military airport to its south the picturesque little harbour and port is no longer a resort for bored Cairene businessmen anxious to find a refugee in the sun. The Russians have it.

As 1971 becomes history, the balance of power in the Mediterranean remains precarious. A defensive NATO, spearheaded by the American 6th Fleet, observes rather than opposes the steady westward progression of the Soviet Union through its naval and air arms. Technically, Russian expansion through the Middle East and North Africa has not been the product of conquest or even of aggression. In each case the country falling into Moscow's embrace has been a willing victim. It may also be true that in some cases a military coup d'etat has been a necessary preliminary, as in Syria and Algeria and Libya. But in most Islamic nations Russia was believed to be the lesser of two evils. The alternative, they believe, is extinction at the hands of Israel.

Thus, though not without consideration of American assistance, the Kremlin has managed to maneuver the United States into the position of a de facto ally of Israel and so an enemy of at least five Moslem nations with an aggregate population of 62 million and with memories that will guarantee hostile shores for many decades.

Russia, on the other hand, has won the domination of the eastern and southern Mediterranean littorals at very little expense. Moscow also has unrestricted access to the resources of the five nations, three of which are heavy producers of petroleum, and a position enabling the Kremlin to cut off Middle Eastern oil at its Mediterranean outlets almost at will. Moreover, the positions at home of the three Arab States still friendly to Washington, Saudi Arabia, Kuwait and Jordan, have become seriously compromised by that friendship. If their governments should succumb to pressures exerted by fellow religionists in their own and neighboring nations, NATO nations would have to buy their oil from Russia.

GOALS ALREADY WON

Fundamentally, Moscow's two Mediterranean goals have already been won. They now possess their Middle Eastern base and access to Middle Eastern petroleum. But, as opportunists, other and even more attractive and prestigious targets have appeared as the great empires of the west declined and, as a "superstate," Russian ambitions have soared. But then, so have its requirements, even necessities, in order to maintain its supremacy within its own bloc of satellites. There have been too many national defections; too many rebellions among satellites; too many evidences of discontent even within Russia to encourage the Kremlin's confidence in the permanence of Soviet power. Russia has experienced too many failures as well. The breakaway of Red China destroyed the illusion of a monolithic Communist state in Eurasia; isolated West Berlin stands out like a derisive thumb in the middle of East Germany. Independent Yugoslavia has gained a convert in Romania and truculent little Albania still perfers Peking to Moscow. Russia was evicted from Ghana and then repulsed by Nigeria. And, to cut a long list short, Russia came out a poor second in the race to the moon.

But in one respect besides its monumental achievement of its two original goals Russian long-term planning has been eminently successful. Its merchant marine now bids fair to rival the great shipping nations of the world. And for this reason, if no other, the Russian Navy must continue to expand in order to safeguard a potentially great commerce. And if "Trade Follows the Flag," as the British used to assert, the Soviet Union would have a new—and pragmatic—reason for the production of consumer goods.

If the Soviet Union were now secure in its domestic problems, its relations with satellites and dependencies, and enjoyed normal competitive relations with the non-Communist countries of the East and West, it could well afford to await the outcome of a peaceful rivalry. But the Soviet Union is self-exiled, a wilful pariah at war with the fundamental philosophy of the West, and it cannot wait. It believes it must seize and possess and, when its power becomes unchallengeable, it may dispose as it wishes.

Meanwhile, as opportunity offers, it snaps up any and all unguarded properties and rights wherever the once-great Powers have left them. *To the extent of their capacity,* Turkey and Greece are the NATO powers of the eastern Mediterranean; Italy and Spain, with the potential assistance of France, shield southern Europe. And the 6th Fleet represents the interests of the United States and Western Europe.

POLITICAL PHILOSOPHY OF A MAN NOT AS IMPORTANT AS HIS HUMANITY

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. MATSUNAGA. Mr. Speaker, it is a rare reporter or political writer in Washington who is not fond of attaching to one or another Member of Congress the label "conservative," or "liberal," or, as the current phrase goes, "moderate."

These labels, of course, provide a handy general guide to a Representative's or Senator's voting predispositions. But there is considerable danger, Mr. Speaker, in blindly assuming that the "liberal" approach—or the "conservative" approach—to all problems is the correct one.

This important fact, which tends to become obfuscated in the ideological fog that sometimes shrouds Washington, was highlighted recently by Dr. Madison V. Scott, senior minister at the Wilson Congressional Church in Wilton, Conn. In a "Sermon to Conservatives and Liberals," Dr. Scott observes that:

> He is the best conservative or liberal who is sometimes not sure which he is—conservative or liberal. Such a man is a human being first and a conservative or liberal second!

Mr. Speaker, as we begin this final session of the 92d Congress, I believe Dr. Scott's words have immediate relevance to us all, and I am including at this point the text of his sermon:

A Sermon to Conservatives and Liberals

(A Sermon by Dr. Madison V. Scott, Senior Minister, The Wilton Congregational Church, Wilton, Conn.)

"Come now, and let us reason together, saith the Lord. . . ."—Isaiah 1:18.

Have you ever pondered that old question, "Does the chance to steal make a thief, or does a thief make the chance?" One modern writer said, "The liberal is inclined to believe that it is the occasion that makes the thief, while the conservative usually holds that the thief is likely to create the occasion. The liberal believes that the individual and society can be improved through education and social reform, while the conservative thinks that it is 'human nature' and not environment that makes individuals and society what they are." The argument between heredity and environment is an old one. "Euthenics" is defined as "a science that deals with developing human well-being and efficient functioning through the improvement of environmental conditions," and "eugenics" is defined as "a science that deals with the improvement of hereditary qualities . . . by . . . control of . . . mating and reproduction." The debate between the two is ancient and is not likely to end soon. Using this contrast as a criterion, you may evaluate yourself as a conservative or as a liberal. I confess that I find a bit of both attitudes in myself. I think there are occasions that make thieves, and I think some thieves do make their own occasions.

I further think that neither eugenics nor euthenics, neither conservatives nor liberals, have the whole truth on their side. I see grave faults in both.

There is in conservatism the danger of an *overprotected good*. In wanting to preserve a good way of life, conservatism often overprotects against change. It worships the status quo, anathematizes nonconformists, deifies the past, and sometimes becomes hysterical about change and innovation. Conservatism not only overprotects the good against change, it also overprotects the good for the fortunate. Conservatism's good is often an aristocratic good, a good overprotected for the aristocracy of the lucky, the strong, the successful. Little is done to protect the unlucky, the elderly, the less talented against the cruelties of life in a society geared to overprotecting the good life for those lucky in business and health.

There is in liberalism the danger of an *overzealous good*. In trying to do man too much good, liberalism can do man much harm. In trying to guarantee man happiness, we can rob man of his freedom. We can turn him into an over-tranquilized, comfort-loving lotus-eater. In trying to provide man halcyon days all his life, we may pervert him into a domesticated lapdog, a sybarite with no love beyond that of the pleasures of bed and board.

The danger of either philosophy, conservative or liberal, can lead to tragic results. James Kilpatrick, writing in defense of conservatism, declared, "The Conservative expects some men to succeed, and proposes to see that they are rewarded for it; and he equally expects some men to fail, and does not comprehend why they should be absolved by the State from their failures." That sounds simple and fair—but it is too simple. It overlooks such things as failures caused by sheer bad luck or catastrophe. It overlooks the injustice of inflation that can leave a retired couple penniless in their old age, even though they were hard working and decent and carefully saved all through the years for their last days. It overlooks the days of ruthless, unscrupulous business competition, the days of the railroad overlords, one of whom, William Vanderbilt, said, "The public be damned." It overlooks the words of Theodore Roosevelt describing such days, "A riot of individualistic materialism, under which complete freedom for the individual . . . turned out in practice to mean perfect freedom for the strong to wrong the weak. . . ."

Mr. Kilpatrick also said, "The Conservative . . . agrees with that brilliant Virginian John Randolph in denouncing the myth that men are created equal. 'I do not believe it,' said Randolph more than a century ago, 'for the best of all reasons, that it is not so.'" But the same John Randolph summed up his beliefs by saying, "I am an aristocrat. I love liberty; I hate equality." Such a man and such an attitude belong somewhere back in the middle ages, for they made a thousand years of feudalism possible, a thousand years with the nobility superior by birth and the peasants cruelly inferior by accident of birth. There are particulars in which we are not equal, of course, but this democracy and all civilized life hangs on the belief that we are equal in rights before the law, equal in the right to be free from hunger and fear, equal in the right to life, liberty, and the pursuit of happiness.

Henry David Thoreau once said, "If I knew for a certainty that a man was coming to my house with the conscious design of doing me good, I should run for my life. . . ." There is a certain kind of good we all should run from. It is the kind of good that is going to do me good whether I want to have good done to me or not. William H. Whyte, Jr., in his book, *The Organization Man,* speaks of "social engineering," and says that the social engineers have this as their goal, "They'll make . . . people happy whether they want to be or not." God spare me the kind of happiness that will make me happy whether I want to be happy or not! Liberalism always faces the danger of violating man with an excessive good, an overzealous good. In its zeal for man's happiness, liberalism can violate the freedom and dignity of man by trying to adjust him into happiness. Liberalism must recognize the right to be unhappy! Aldous Huxley, in *Brave New World,* spoke of "the welfare-tyranny of Utopia." There could be such a thing. Liberalism, with its overzealous good, could produce it. The right to be unhappy protects us against the "welfare-tyranny" of an utopia liberalism might arrange. No man should be manipulated into peace of mind. The right to be unhappy preserves man's autonomy, man's freedom. The right to be unhappy means that, although the state must remove from society as many causes of unhappiness as possible, the state has no right whatsoever to *make* me happy. The state is to make it possible for me to be happy—I alone am to make me happy. There are one thousand things that can make you unhappy. There is only one thing that can make you happy—*you!*

Conservatism, through its caution, must not jeopardize man's *right to be happy.* Liberalism, through its zeal, must not forget man's *right to be unhappy.* Both are basic rights of every man.

Conservatism, with its aristocratic good, protected for the strong and the successful, customarily stresses rugged individualism. Liberalism, with its zeal for arranging the environment to promote happiness, customarily stresses community, man in relation to other men and to society. I strongly suggest that liberalism and conservatism need each other, because mature, healthy human existence is made of both things, individualism and community. If we are mature, each of us must have his solitude moments and his social moments. These are the two polar values between which our healthy existence moves. That person who can't be alone, that person who can live only in crowds or with company, is not a real person. That person who is a recluse, a hermit, who never wants relations, is not a full person. And conservatism and liberalism both have something basic to say to us.

There is such a thing as a conservative syndrome and a liberal syndrome. He has one of these syndromes who always and everywhere automatically reacts to questions and to issues just as a conservative or a liberal is supposed to react.

To have one of these syndromes means to have your emotions and opinions programmed by your liberal or conservative mind-set. Do you know who the worst liberal or the worst conservative is? It is the person who is a conservative or a liberal *before he is a human being!* The worst liberal is he who is blindly, compulsively, fanatically liberal. The worst conservative is he who automatically, mechanically reacts as a good conservative is supposed to react, without ever asking what he himself, as a free human being, thinks about the particular matter. I say he is the worst of conservatives or liberals who cannot think about truth or justice or simple humanity before he thinks of his conservatism or his liberalism.

I say that he is the best conservative or liberal who is sometimes not sure which he is—conservative or liberal. Such a man is a human being first and a conservative or a liberal second! I somewhat fear the man who always knows exactly what he is, conservative or liberal. I had rather be sure of my humanity and be confused about my conservatism or liberalism than to be sure of my conservatism or liberalism and be confused about my humanity.

I should be interested in knowing whether you are for one candidate or another, but most of all I should like to know whether you are for humanity. This country, this world, will not be saved by conservatives or liberals. It will be saved by human beings who happen to be somewhat conservative or somewhat liberal. No person has the right in today's world to be more of a conservative or a liberal than he is a human being.

LT. WALLACE "WALLY" BERARD

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. ST GERMAIN. Mr. Speaker, Lt. Wallace "Wally" Berard, Woonsocket's unofficial "ambassador of good will," has retired after 40 years with the city's police department.

From the day he joined the force in 1931, Wally has been a most unusual policeman. He was always exceptionally polite and pleasant to everybody. He would routinely go out of his way to help tourists and residents find their way. His reassuring "Follow me" and his courtesy salute as he left citizens at their destination inspired hundreds of people, from Woonsocket and across the Nation, to write letters of thanks to the mayor, police chief, and editor of the Woonsocket Call.

His superiors also recognized his unique talents for helping people. And as a result Wally never served as a sergeant. Instead he was promoted directly to lieutenant.

I have known Wally since I was a boy growing up in Woonsocket. He was a pal to every youngster, a patient listener, and a man with a lot of heart. Wally thoroughly enjoyed his work. He often told friends that he tried to do at least one good deed every day. He usually exceeded that goal.

Wally started his present assignment in 1946 when Woonsocket installed its first parking meters. Wally and his white three-wheeled motorcycle he called his "iron steed" were a familiar sight to Woonsocket residents. Wally's career spanned five police chiefs and a lot of history. He watched Woonsocket develop over the years into a thriving community, as he rode through its streets checking parking meters. Wally often said he did not like to give out parking tickets because they "made a lot of people unhappy." Today the tickets are long forgotten. But a lot of people remember how Wally helped them find their way over the last 40 years.

At this point I would like to insert in the RECORD an article about Lieutenant Berard's career which appeared on the front page of the Woonsocket Call of January 5, 1972:

"WALLY" BERARD HITCHES UP HIS IRON STEED FOR LAST TIME

(By Bill Burlingame)

A Woonsocket policeman who probably has logged more motocycle miles than any other law officer in the state answered the daily police headquarters roll call today for the last time.

Lt. Wallace H. Berard—oldest member of the department both in age and years of service—went into retirement after completing today's assignments.

A familiar figure on his threewheel "bike" for many years, "Wally," as he was known to almost everyone, was Woonsocket's unofficial "ambassador of goodwill."

Time and again, strangers coming into Woonsocket and needing directions were escorted to their destinations by the ever-smiling cop on his white steed: Five police chiefs and many mayors received hundreds of letters of appreciation—usually with the policeman involved identified only by his badge number. Many of those letters still are in Chief Matthew E. Lynch's files.

Berard thoroughly enjoyed his every-day role, even though it wasn't always a matter of pleasantries. He said today that he tried to do at least one good deed every day. And he seldom missed.

"I've made a lot of people happy," he recalled, "and I've made a lot unhappy while dishing out those tickets." But tagging cars, for parking and other infractions, was Berard's job, and the tickets he attached to door handles and windshield wipers couldn't be helped.

With his retirement this afternoon, Lieutenant Berard completed 40 years and seven months as a policeman. He will receive slightly more than 65 percent of his pay as his retirement salary.

As he reminisced, "Wally" estimated that he averaged about 40 miles a day checking parking meters throughout the city. A bit of quick arithmetic indicates that he therefore drove a succession of two- and then three-wheel motorcycles about 384,000 miles during his colorful career.

And, as one department official put it, "those were hard miles, because Woonsocket is such a small community in area."

In rain, snow, sleet—no matter what—Berard always was on the road. "I never was really grounded," he laughingly recalled. "But if my iron steed started coughing—perhaps in a major blizzard—then I knew it was time to go into the police garage."

Lieutenant Berard served under five police chiefs, starting with the late Frederick E. Coe, and at least eight captains. With his departure, Patrolman Armand Brissette, currently on sick leave, succeeds to the title as oldest department member.

Lieutenant Berard, whose father was a downtown druggist, graduated from La Salle Academy, Providence, where he captained the football team in 1926.

He received an athletic scholarship from Dean Academy—now Dean Junior College—in Franklin, where he played under the well-known Dan Sullivan until his senior year. As a senior, "Wally" suffered a serious injury to his left knee, however, and was advised to give up football.

His first job, after leaving school, was in the lines department of the Blackstone Valley Gas & Electric Co. Then he worked as a receiver and shipper for Fairmount Dye Works Inc. and later was a tree surgeon in the employ of Woonsocket's George Egan.

"Then I received that all-important letter," Berard recalled, "and I started as a police patrolman on May 12, 1931."

His first assignment was on a two-wheel motorcycle. Soon after, he said, Woonsocket police received one-way radio sets for cycles and cars—the first department in New England to become radio-equipped. That occurred under Chief Coe, whose son, Arthur, served as radioman. Arthur since has retired.

"Wally" worked for a time in cruiser cars and later served in the detective division. He started his motorcycle assignment about 26 years ago, with the advent of parking meters.

The late Capt. John C. Seaver was Berard's first "boss." "Wally" probably worked for the longest period of time under Capt. Leo F. Greene, also retired.

"Wally" never served as a sergeant. He was promoted to lieutenant, from a patrolman's rank, on Aug. 20, 1952. The popular policeman will mark his 65th birthday next Tuesday.

Lieutenant Berard was married to the former Florence L. Guerin of Bellingham, who died Oct. 24, 1963. There are four children and nine grandchildren.

The newly retired lieutenant will be honored at a testimonial a week from tomorrow night in Felici's Restaurant, Rathbun Street. Arrangements are under the direction of Asst. Chief Joseph G. Baillargeon, Chief Inspector Raymond D. Tempest and Sgt. Edward R. Phaneuf.

Nonpolice friends of the veteran officer are invited to attend, according to the cochairmen, who may be contacted for tickets

---

FRANCE—MOTHER LODE FOR AMERICAN HEROIN

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. BRASCO. Mr. Speaker, America writhes agonizedly in the ever-tightening grip of the heroin addiction problem. Our streets have become addict infested jungles. Entire neighborhoods of every American city have become uninhabitable because of the narcotics traffic and its fallout. America is becoming a Nation of fearful people largely because of this ugly traffic. It has reached such a point that we must attack it as a society or be poisoned unto death by its spread.

What is all so amazing about this situation is that we know where the heroin is coming from, who is sending it, how it is being sent, and almost all the facts surrounding the drug trade. Most of the narcotics come from Turkey in the form of raw opium, smuggled out of the Middle East with the complicity of Syria and Lebanon. These smugglers sell the raw opium, in bulk, to criminals, who operate in cartels.

Raw opium in large quantities is forthwith shipped to Marseilles in southern France, where it is then turned into what we know as morphine in secret laboratories maintained by these cartels. It is to be especially noted that such laboratories have long been known to exist in the Paris and Marseilles area. In fact, bulk opium shipments and their conversion to morphine and then heroin have been a longstanding monopoly of these French operations.

A series of relatively complicated chemical processes, often dangerous and requiring large amounts of electricity, are required to bring about the transformation from opium to morphine to heroin. Such a sophisticated enterprise as a drug conversion laboratory cannot long escape the notice of official authorities. When upwards of half a dozen of them are operating simultaneously, it is relatively simple for authorities to ascertain what is going on.

The overwhelming majority of these laboratories are located in the Marseilles area. Quantities of opium flow into this area, are converted and then flow onward as heroin, almost always into the United States. Mr. Speaker, it is my belief, and that of many other observers, on both sides of the ocean, that all this is being done with the full knowledge, and perhaps even the connivance, of highly placed French authorities.

Every Member in this Chamber is aware of the circumstances of which I speak. Every Member of this House is even more aware of the consequences for our constituents and our Nation of this nefarious traffic.

Dead teenagers. Overdoses. Shoplifting. Muggings. Housebreaking to gain something to pawn. Degradation. Prostitution for young girls. Murder. The destruction of an entire generation of our young. Let every parent in the Nation whose children have been affected by this sit up and take notice. Let every person whose life has been affected by hard drugs pay attention. It is time to rip away the mask of friendship from the face of France and expose the deceit, hatred, and duplicity which underlies it.

Our constituents are all too often impaled on the needle of addiction. Our friends and neighbors live under the shadow of heroin addiction. Investigations have borne the following fruits:

Claude Gravagna, spokesman for the French Confederation of Labor, has stated that the number of customs agents at Marseilles has dropped from 940 in 1950 to 670 in 1971. Meanwhile, the traffic passing through this major port has been constantly escalating.

He has exposed France in another area as well. While she boasts of her share in the international war upon narcotics, the U.N. Division of Narcotics Drugs reports she has not paid her promised contribution to the U.N. Fund for Drug Abuse Control as of the end of last month. Finally, under the intense heat of publicity, she announced a $100,000 contribution for 1972. John Cusak, a courageous American public servant, is, or has been, desk chief for Europe for the Bureau of Narcotics and Dangerous Drugs. In spite of efforts to shut him up, he has courageously spoken his mind about this intolerable situation. He estimates that between eight and 12 clandestine labs are operating currently in the Marseilles area alone. And as for shutting them down, only 13 such facilities have been shut down by the French since the early 1950's.

A flood of white death pours from France into the needles of American drug addicts. The interceptions we have made here are indications of what these people are doing to us.

April 5, 1971, 96 pounds of pure heroin, worth $12 million, is found in a car shipped from Le Havre by an American customs agent. In May of 1971, 201 pounds of heroin, worth an estimated $30 million at street prices, is found in San Juan hidden in a Citroen being shipped here by two French citizens. One was an employee of a French city.

On July 23, 1971, 100 kilos of heroin was seized in San Juan, hidden in a car shipped from Marseilles. One hundred thirteen kilos were seized at Valencia, Spain, and a French couple en route from Marseilles was arrested.

Here is what is murdering our youth. Here is the American supply of hard drugs for the addicts pouring home from Vietnam. And it is also plain that the situation has gotten so far out of hand that from within the French Government there are charges of corruption in narcotics control. On this past September 1, regional leaders of the French national union of customs officials charged that there is official Government protection at high levels for the Marseilles underworld figures trafficking in heroin for the United States.

Mr. Speaker, the United States must take vigorous, uncompromising action to cripple this unholy trade. If we do not act in this manner, this cancer will continue to eat at the vitals of the Nation until it destroys us as a viable national entity. Nor is this concept out of the question. We must act out of a simple sense of self protection.

France has never been anything but a nation dedicated to self-gain, preferably at the expense of the United States. The instances of such behavior on her part are as harmful and severe as they are numerous and well documented. In every international endeavor the United States has been involved in, since the end of the Second World War, France has lingered near the fringes of that enterprise, seeking her opportunity. When it has presented itself, she has seized the chance to do us some harm, be it by encouraging Quebec separatism, selling arms, betraying diplomatic positions, or voting against us on international questions.

It is painfully obvious that the main conduit and source of supply for our burgeoning heroin addict population is France. Such traffic could never survive, much less grow, without the connivance of high French Government officials. In turn, this must be known at the highest levels of all. Our repeated requests have been met with bland denials. Our own State Department, ready as ever to sublimate American interests to false foreign friends, merely makes excuses for our French enemies. Nor can we expect anything from them but more of the same. It is up to the Congress to act.

We could commence by a nationwide boycott of French goods. In any event, Mr. Speaker, we must hold France's feet to the fire in regard to the heroin traffic presently going on so blithely and undisturbed. It has become purely and simply a matter of self-preservation.

SUMMARY OF RENT INCREASE GUIDELINES

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. HELSTOSKI. Mr. Speaker, since the 90-day freeze was lifted in mid-November, the Price Commission has issued three different sets of guidelines to govern rent increases. This fact and the complex nature of the final regulations issued last December 29 have created much confusion. However, in a news release of December 30, the Commission provided a concise summary of the regulations which should help most citizens understand precisely how the guidelines affect their rents. Under unanimous consent I include that summary at this point in the RECORD as well as the sections from the regulations themselves pertaining to notification procedures and harassment of tenants:

SUMMARY OF GUIDELINES TO GOVERN RENT INCREASES

Price Commission Chairman C. Jackson Grayson today reminded landlords and tenants that the Price Commission's new regulations on rent went into effect yesterday.

Grayson pointed out that under these regulations a tenant who has a month-to-month (or less) lease and who did not pay his January rent before December 29, 1971, will pay the same rent for January as he did for December. This situation exists because a transaction had not occurred prior to that date.

The Price Commission statement covering this aspect of the rent regulations follows:

Any person who rents his residence on a month-to-month lease (or less) and who receives notice from his landlord before January 1, 1972, that his rent is to be raised January 1, 1972, but who did not pay his January rent on or before Tuesday, December 28, 1971, does not have to pay the increase. He has to pay only the same rent for January, 1972, that he paid for December, 1971. This is so because, on a month-to-month lease, a transaction does not occur until the rent is actually paid or the person continues to live in the residence on or after January 1, 1972. Therefore, if the rent was not paid on or before December 28, 1971, any increase for the January rent is covered by the provisions of the regulations that became effective December 29, 1971, because a transaction had not occurred prior to this date. These regulations preclude any increase in the rent of that residence until the base rent of that residence has been determined according to the new regulations and until proper notice of the increase has been given.

A brief summary of the new Rent Regulations is attached.

RENT

Supplemental guidance

A. Introduction.—The Price Commission's rent regulations are designed to reduce the average rate of rent increases while allowing the landlord to maintain a reasonable rate of profit. The regulations provide for the determination of base rentals. To this base rental, the landlord may add a 2½ percent annual rent increment to cover operating costs, such as labor, electricity, gas, fuel, interest, etc. Increases in state or local property taxes, Government fees and levies and increases in charges for municipal services (exclusive of gas and electricity) may also be added to the base rent plus 2½ percent increment.

BASE RENT

B. 1) Leases of one month or less.—The basic rent for a unit on a month-to-month (or less) lease is the rent permitted for that particular unit during the freeze period beginning August 15 and ending November 13, 1971. If the rents for such units have been increased above the freeze rent in accordance with previous regulations, they must now be adjusted downward. For example, if a tenant on a month-to-month lease paid $100/month rental during the base period and is now paying $110/month, his base rent is $100/month, and his current rent (as of December 29, 1971) will be rolled back to that level. The landlord is not required to reimburse the tenant for payments made at the higher rate up to December 29. With 30 days notice, the landlord may increase the base rent to the level permitted by the rent adjustments of 2½ percent plus cost pass through.

B. 2) Leases of more than one month.—The base rent for a unit with a lease of more than one month, is the average rent (figured on a percentage increase basis) charged for units in the same building or complex in transactions executed between July 16, 1971, and August 15, 1971. If there were no transactions in this period, the nearest 30-day period in which there was a transaction will be used up to within 90 days preceding August 15, 1971. The base rent of units for which leases were signed during the 90 days prior to August 15, 1971, is the rent specified in that lease.

For example, a tenant under such a lease now pays $100/month rental for his apartment and his lease expires on January 1. During the period from July 16, 1971, and August 15, 1971, there were two lease transactions in his building. The rent of one apartment was increased from $100 to $110 and the rent of a second apartment was increased from $200 to $220. The landlord calculates the average percentage increase by adding the rentals paid for each unit after the rent increase and dividing their sum by the sum of total rent paid for each unit before the increase.

$$\frac{110}{100} + \frac{220}{200} \qquad \frac{330}{300} = 1.10$$

The base rent for the tenant whose lease expires on January 1 is calculated by multiplying his present rental by 1.10. His base rent then becomes $110.

If there were no transactions during the 90-day period preceding the freeze the base rent is a 5 percent increase over the rental prevailing for the unit as of May 25, 1970, or the rent specified in his current lease, whichever is greater.

If leases have been signed since the freeze which comply with the "highest transaction" rule but not with the new definition, these leases may remain in effect.

C. Rent adjustment.—The following may be added to all base rentals if leases or terms of rental agreement permit increases:

1. An annual rent increment of 2.5 percent. This increment is automatic and may be added even if there is not an identifiable increase in operating costs.

2. Increases in state or local property taxes, increases in government fees and levies, and charges for municipal services (exclusive of gas and electricity). These charges may be added onto the base rent (dollar per dollar) in addition to the 2.5 percent increment increase. Pass through of these costs must be made, after the 2.5 percent increment, by allocation to such costs in individual units based on the relationship of a unit's rent to the sum of the rents of all units to which the cost applies.

3. An increase for capital improvements made after August 15, 1971. The amount of the increase in monthly rent for a unit may not exceed 1.5 percent of the cost of the capital improvement applicable to the rental unit. If this amount is less than $1.00 per month, the landlord may not add it to the base rent unless the substantial capital improvement directly benefits all residences in a building or complex as a whole, for example, the addition of an air conditioning system. However, a rent increase for a capital improvement may not exceed ten percent of the monthly rental without IRS approval.

Example: The base rent for unit A is $100 and the lease expires on January 1, 1971. Property taxes on the unit have increased by $2.00/month. In addition, the landlord panelled the unit at a cost of $500. What rent may he charge on January 1, 1971?

He may add the 2.5 percent increment ($2.50), the $2.00 tax increase and 1.5 percent of the $500 substantial capital improvement ($7.50) to the base rent of $100.

$100.
2.50 (increment)
2.00 (taxes)
7.50 (capital improvement)
———
112.00

Thus, he may increase the monthly rental to $112.00.

D. Notification of rent increases.—Tenants must receive written notice at least 30 days before a rent increase goes into effect. The burden of proof for proper notification is on the landlord, who may obtain proof in either of two ways: 1. Send notices by regular mail and sign a notarized affidavit that a specific number of notices were sent to specfied tenants at specified addresses on specified dates; or, 2. hand-delivered notices may be served, and receipts obtained from tenants or their agents.

The notifications must contain the citation of the regulation under which the increase is allowed, accompanied by an explanation in laymen's language. Further explanation of the regulation's application to the tenant's increase should contain: the rent before the increase; the rent after the increase; the percentage of the increase; amount of the increase; the date the increase is effective; the example of the computation of the increase; other information necessary for checking the computation of the increase such as identification of the units involved in the computation, and the dates and amounts of transactions, taxes and municipal charges and how they are prorated, and full descriptions of capital improvement charges and how they are prorated.

The tenant may question an increase and has the right to see the landlord's documentation supporting the rent increase.

E. Rental units exempt from Price Commission regulations.—The following types of rental units are exempt from these pricing regulations:

1. Industrial, farm and non-residential commercial property.

2. Rental units on which construction is completed and a Certificate of Occupany or other similar document is issued for the first time after August 15, 1971.

3. Rehabilitated dwellings for which the cost of rehabilitation exceeds one-third of the total value of the rehabilitated property (including the cost of rehabilitation) and for which a Certificate of Occupancy or similar document is issued for the newly rehabilitated dwelling for the first time after August 15, 1971.

F. Violation.—If a tenant does not understand the basis for a rent increase, he should meet with the landlord to discuss the justification for the increase. If the landlord refuses to meet with him or if, after meeting with the landlord, he believes that the increase is in violation of the regulations, the tenant should provide the Internal Revenue Service with a copy of the notification of the proposed rent increase and a detailed statement in writing as to why he believes there has been a violation.

G. Exceptions.—Requests for exception from rent regulations shall be considered by the Price Commission only in cases of extreme hardship under criteria to be specified by the Commission. A lessor seeking an exception shall, at the time the exception is requested, notify his tenants on a unit-by-unit basis as to the dollar and percentage amount of any adjustment or increase being sought.

SUBPARTS D–E [RESERVED]

SUBPART F—RENTAL INCREASE PROCEDURE

§ 301.501 General rule.

No person may increase a rent, with respect to any transaction after December 28, 1971, involving a lease or implied contract of occupancy of a residence or other real property, unless he has complied with this subpart, regardless of whether the increase is otherwise allowable under this part.

§ 301.502 Notification.

In the case of a proposed rent increase to which the present lessee of the residence or other real property would be subject—

(a) *Requirement of 30-days' notice.* The lessor must notify the lessee of the proposed rent increase at least 30 days before the date it is to become effective;

(b) *Contents of notice.* The notice shall be in writing and shall set forth—

(1) The amount of the monthly rent before and after the proposed increase;

(2) The percentage increase and dollar amount of the proposed increase;

(3) The effective date of the proposed increase;

(4) The amount of the proposed increase which is attributable to capital improvements, State and local real estate taxes, and State and local fees, levies and charges for municipal services, and any increase allowed under § 301.102(a)(1);

(5) The base rent and an explanation of the manner in which the base rent was determined, including identification of units involved and dates and amounts of transactions where applicable;

(6) The method of computation of the proposed increase; and

(7) The following statements:

(A) You have the right to examine the documentation which supports this proposed rent increase in order to satisfy yourself that the proposed rent increase is in accordance with the rent regulations prescribed by the Price Commission. This documentation is located at ________________ ___________: and may be inspected upon request between the hours of ______ through ______ on ________________________ (specify days of the week).

(B) If you do not understand the basis for this increase or believe that the increase is not allowable under the rent regulations of the Price Commission, advise us and we will arrange a suitable meeting time with you at a location convenient to your residence to discuss the proposed increase and explain its justification.

(C) It is hereby declared under the penalties of perjury that the foregoing statements and facts are true to the best of my (our) knowledge and belief; and that the increase in your rent is not in violation of the Economic Stabilization Regulations.

(c) *Manner of notification.* The notice may be mailed to the lessee at the address of the unit, or delivered to the lessee by any other method, except that where the notice is delivered by another method a receipt therefor must be obtained from the lessee or his representative.

(d) *Records.* In the case of a proposed rent increase which prospective lessees may be subject to, the lessor shall make available, upon request, the records otherwise required by § 301.601.

(e) *Reports of alleged violations.* Whenever any person has reason to believe that a violation of these regulations has taken place, he may contact the nearest office of the Internal Revenue Service. However, he must first meet with the lessor as provided by statement (B) in paragraph (b)(7) of this section and shall provide the Internal Revenue Service with a copy of the notification of the proposed rent increase and a detailed statement in writing as to why he believes there has been a violation. Notwithstanding the foregoing provision, any proposed increase of which the lessee is notified pursuant to this section shall become effective as of the date specified in the notification pending final action with respect to the alleged violation.

(f) *Retaliatory action.* No lessor shall take retaliatory action against any lessee who exercises any rights conferred upon him by this part. For purposes of this paragraph, retaliatory action shall mean any action taken by the lessor including undue or unusual inconvenience, violation of privacy, harassment, reduction in quality or quantity of services, or any form of threat or coercion.

EXCLUSION OF HANDICAPPED CHILDREN FROM THE PUBLIC SCHOOL SYSTEMS OF THE UNITED STATES

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. VANIK. Mr. Speaker, education and vocational training is the great aid to employment opportunity. It provides the individual with the most basic tools of any trade or vocation. It is unconscionable to deny instruction to a large group of children on the basis of a handicap. In excluding handicapped children from these educational opportunities, we are denying them the basic rights to an education and to a productive life within our society.

Yet millions of American children are excluded from our public schools, schools which receive Federal assistance from all taxpayers—including the parents of children excluded from these schools.

I am including in the RECORD at this point estimates compiled from the various State departments of education and the Department of Health, Education, and Welfare documenting the number of unserved or excluded children.

On December 9, 1971, I introduced legislation, H.R. 12154, which would provide increased gurantees of the rights of handicapped children and their parents to participate in federally assisted programs.

Following is the data:

ESTIMATED NUMBER OF HANDICAPPED CHILDREN IN THE UNITED STATES

	(C) Handicapped children ages 0 to 19	(D) Handicapped children served	(E) Children still unserved
Speech impaired	2,440,500	1,360,203	1,080,297
Emotionally disturbed	1,388,000	156,486	1,231,514
Mentally retarded	1,697,500	872,213	825,287
Learning disabled	697,300	166,534	530,766
Hard of hearing	348,600	43,915	304,685
Deaf	52,300	35,624	16,676
Crippled and other health impaired	348,600	182,636	165,964
Visually impaired	69,800	30,630	39,170
Multihandicapped	40,900	9,310	31,590
Total	7,083,500	2,857,551	4,225,949

PROBLEMS OF SENIOR CITIZENS

HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. SANDMAN. Mr. Speaker, today there are nearly 20 million Americans who are age 65 and over.

As a group, senior citizens are faced with serious and continuing problems including housing, medical care, employment, education, pensions and meaningful use of their retirement years.

These matters are of such vital national concern that I strongly feel a full congressional-level committee must be established to provide the kind of attention problems of aging deserve.

For severals years, I have supported efforts to help make Congress more responsive to the real needs of senior citizens.

Last year, I joined with many of my distinguished colleagues to sponsor two proposed pieces of legislation to create a Committee on Aging.

The first bill (H. Res. 124), was introduced January 22, 1971 and is designed to create a nonlegislative Select Committee on Aging in the House of Representatives.

The other measure I am sponsoring was introduced December 8, 1971. It would establish a Joint Committee on Aging, to be composed of 11 Senators and 11 Congressmen. This bill has been designated as House Joint Resolution (H.J. Res.) 1001.

Mr. Speaker, I urge that either of these proposals be taken up for full consideration as promptly as possible. Let us show the senior citizens of our Nation that all of us in Congress care enough about them to create a forum specifically designated to deal with their specific and unique problems.

Currently, there is a Special Committee on Aging in the U.S. Senate to deal with matters affecting senior citizens. But in the House of Representatives, such matters are scattered around to various committees.

In the Government Operations Committee of the House, there is a special studies subcommittee that is currently investigating many of the problems on aging. With all due respect to the distinguished Members serving on that panel and though I am certain they have done and will do a superb job, these efforts are virtually unkown to the public.

The American Association of Retired Persons—AARP—has made creation of a Committee on Aging in the House one of its major goals in 1972 and I support that effort.

In the Second Congressional District of New Jersey which I represent, the percentage of senior citizens in the population is far above the national average. Two of the four counties in my District are seashore resort counties on the Atlantic Ocean with numerous retirement communities.

These constituents of mine, like senior citizens throughout America, deserve and need to be listened to. Their insight and experience in life is one of our most valuable national assets.

To take advantage of their insight and to help meet their needs and solve their problems, I have appointed a member of my staff in New Jersey to concentrate his attention on serving senior citizens.

He works in close cooperation with the various county Councils on Aging, with all civic and social groups of senior citizens, and with the various service agencies such as the Social Security Administration, welfare and health boards and so on.

I am in daily touch with this special assistant and I am very pleased with the prompt, thorough and very personal way in which the needs and requests of senior citizens in South Jersey are getting action in my district.

Mr. Speaker, in order that full public consideration can be given these two legislative proposals, which I understand now have the support of nearly 200 Members of the House, I ask that the full texts of House Resolution 124 and House Joint Resolution 1001 be printed in the RECORD.

The material follows:

HOUSE RESOLUTION 124

Whereas there are now more than nineteen million persons in the United States age sixty-five and over—a group representing more than 9 per centum of our total population and more than 16 per centum of our adult population; and

Whereas this group of senior American citizens is expected to exceed twenty-five million by 1985—thus continuing it as the most rapidly growing segment of our entire adult population; and

Whereas this group is faced with serious and continuing problems, including employment, housing, medical care, education, pensions, and meaningful use of retirement years; and

Whereas these problems have produced and will continue to produce serious strains on the fabric of our national life making it incumbent upon us to discover what social and economic conditions will enable our senior citizens both to contribute to our national productivity and to lead satisfying, independent and productive lives; and

Whereas the problems of our senior citizens, while calling for action by various legislative committees, are themselves highly interrelated, requiring coordinated review and recommendations based on studies in depth of the total field—studies which of necessity must range beyond the jurisdictional boundaries of any existing committee; and

Whereas the problems confronting our senior citizens are of such vital national concern as to require the full-time attention of a select committee of the House of Representatives: Now, therefore, be it

Resolved, That there is hereby created a non-legislative select committee to be composed of fifteen Members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

The committee is authorized and directed to conduct a full and complete investigation and study of any and all matters pertaining to problems of older people, including, but not limited to, problems of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding retirement activity, of securing proper housing, and, when necessary, of assuring adequate care or assistance.

No proposed legislation shall be referred to the committee, and the committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

For the purpose of carrying out this resolution, the committee, or any subcommittee thereof authorized by the committee to hold hearings, is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary; except that neither the committee nor any subcommittee thereof may sit while the House is meeting unless special leave to sit shall have been obtained from the House. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and they may be served by any person designated by such chairman or member.

The committee shall report to the House as soon as practicable during the present Congress the results of its investigation and study, together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

House Joint Resolution 1001

To establish a Joint Committee on Aging

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is established a joint congressional committee which shall be known as the Joint Committee on Aging (hereafter in this joint resolution referred to as the "committee") consisting of eleven Members of the Senate to be appointed by the President of the Senate and eleven Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Of the eleven Members of the Senate appointed under this subsection, six Members shall be from the majority party, and five Members shall be from the minority party. Of the eleven Members of the House of Representatives appointed under this subsection, six Members shall be from the majority party, and five Members shall be from the minority party. In the appointment of members of the committee under this subsection, the President of the Senate and the Speaker of the House of Representatives shall give due consideration to providing representation on the committee from the various committees of the Senate and the House of Representatives having jurisdiction over matters relating to the problems of older Americans.

(b) The committee shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship shall alternate between the Senate and House of Representatives with each Congress, and the chairman shall be selected by Members from that House entitled to the chairmanship. The vice chairman shall be chosen from the House other than that of the chairman by the Members of that House. The committee may establish such subcommittees as it deems necessary and appropriate to carry out the purposes of this joint resolution.

(c) Vacancies in the membership of the committee shall not affect the authority of the remaining members to execute the functions of the committee. Vacancies shall be filled in the same manner as original appointments are made.

(d) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony.

(e) The committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded. All committee records, data, charts, and files shall be the property of the committee and shall be kept in the offices of the committee or such other places as the committee may direct.

(f) No legislative measure shall be referred to the committee, and it shall have no authority to report any such measure to the Senate or to the House of Representatives.

Sec. 2. (a) It shall be the duty of the committee—

(1) to conduct a continuing comprehensive study and review of the problems of the older Americans, including, but not limited to, income maintenance, housing, health (including medical research), welfare, employment, education, recreation, and participation in family and community life as self-respecting citizens;

(2) to study methods of using all practicable means and methods of encouraging the development of public and private programs and policies which will assist the older American in taking a full part in national life and which will encourage the utilization of the knowledge, skills, and special aptitudes and abilities of older Americans to contribute to a better quality of life for all Americans;

(3) to develop policies that would encourage the coordination of both governmental and private programs designed to deal with problems of aging; and

(4) to review any recommendations made by the President or by the White House Conference on Aging relating to programs or policies affecting older Americans.

(b) On or before the last day of December of each year, the committee shall submit to the Senate and to the House of Representatives for reference to the appropriate standing committees an annual report on the studies, reviews, and other projects undertaken by it, together with its recommendations. The committee may take such interim reports to the appropriate standing committees of the Congress prior to such annual report as it deems advisable.

(c) In carrying out its functions and duties the committee shall avoid unnecessary duplication with any investigation undertaken by any other joint committee, or by any standing committee of the Senate or of the House of Representatives.

Sec. 3. (a) For the purposes of this joint resolution, the committee is authorized, as it deems advisable (1) to make such expenditures; (2) to hold such hearings; (3) to sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate and of the House of Representatives; and (4) to employ and fix the compensation of technical, clerical, and other assistants and consultants. Persons employed under authority of this subsection shall be employed without regard to political affiliations and solely on the basis of fitness to perform the duties for which employed.

(b) The committee may (1) utilize the services, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Congress, or any subcommittee thereof, the committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the committee determines that such action is necessary and appropriate.

Sec. 4. To enable the committee to exercise its powers, functions, and duties under this joint resolution, there are authorized to be appropriated for each fiscal year such sums as may be necessary to be disbursed by the Clerk of the House of Representatives on vouchers signed by the chairman or vice chairman of the committee.

THE SPECTER OF ADDITIONAL CUTS IN PERSONNEL AT MILITARY ESTABLISHMENTS

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. SIKES. Mr. Speaker, the specter of cuts at military establishments in both military and civilian personnel is again upon us. This is a continuing part of the Nixon scaledown in the Nation's military strength. I have consistently protested these cuts as false economy and I do so again. Adding to the rolls of the unemployed, and weakening the defense establishment at a time of growing Russian military strength and surging Communist confidence worldwide is a serious mistake. The continuing problem of extraditing ourselves from Southeast Asia has brought about disenchantment in many quarters toward the military. This despite the fact that they are not to blame for the problems of Southeast Asia. Nevertheless, the result is to make military cuts generally popular.

On the other side of the world, Soviet policies have been singularly successful in recent months. The Russians dominate the Arab States with their tremendous oil reserves and the Russian presence in the Mediterranean is growing. In Southern Asia, Russia has enormously enhanced its posture in the Indian Ocean with base privileges in the Red Sea and in many African ports. Now, Russia has access to ports in India, which is drifting more and more into the Moscow orbit. The new Russian posture is a combination of military and diplomatic gains.

In the face of this revelation it makes little sense to further weaken our own military strength. Lack of an adequate defense is an open invitation for aggression. Efforts to bring about any realistic agreement on disarmament have been fruitless despite long and drawn-out months of endeavors in the SALT talks. The President's personal efforts to bring about better understanding with the heads of world nations are commendable, but these cannot take the place of trained personnel and strong defenses when the chips are down.

All of this does not add up to a picture which bodes well for the United States or for the free nations of the world in the years ahead. It is not a time for further cuts in defense.

KOREAN RICE GROWERS AIDED BY BUFFALO MISSIONARY

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. DULSKI. Mr. Speaker, Christmas 1971, on a South Korean island northwest of Inchon was occasion for special joy, thanks to a self-help project initiated by a former Buffalo, N.Y., priest, Rev. John J. Dunnigan.

Father Dunnigan has been doing missionary work in Korea for several years. The role of a missionary is never easy, particularly in under-developed regions where the people lack so many of the bare necessities of life.

Through his leadership and the cooperation of the U.S. Embassy and the Agency for International Development, Father Dunnigan has brought prospect of economic survival to a brave populace.

He arranged for the personal lease of an LCM—landing craft mechanized—which the islanders could use to transport their goods—mostly rice—to market. He also helped in forming a local cooperative which can take over his lease next June.

The story of Father Dunnigan's latest civic project has been told in an excellent article written for the Buffalo Courier-Express by Army Sp4C. James B. Flateau of North Tonawanda, suburb of Buffalo. Specialist Flateau is on duty at a U.S. Army hospital near Seoul.

Mr. Speaker, I have had the pleasure of working with Father Dunnigan on another of his personal projects which came to final realization earlier in December with the Presidential signing of Private Law 92–41.

About 3 years ago, Father Dunnigan befriended three Korean orphans whose parents had died of starvation. He took them into his own home and then found an adoptive home for them with a childless couple residing near Coudersport, Pa.

Before adoption could be completed, the oldest child became of age under adoption law and required private legislation if she was to be allowed to accompany her two younger brothers to their new home. The three had made a family pact that they would stay together no matter what.

Father Dunnigan presented a persuasive case and we were able to obtain passage by Congress of enabling legislation to allow the children to be escorted personally by Father Dunnigan to join their adoptive parents.

Mr. Speaker, as part of my remarks, I include the text of the very interesting story by Army Specialist Flateau about Father Dunnigan's latest project:

KOREAN RICE GROWERS AIDED BY FATHER DUNNIGAN; MISSIONARY PRIEST LIGHTS PATH TO BETTER LIFE

(By Army Sp.4C. James B. Flateau)

(NOTE.—Army Sp. 4 James B. Flateau, a North Tonawanda man, assigned to the operating room of the U.S. Army Hospital in Yongsan, a city near Seoul, Korea, wrote the following account in a letter to The Buffalo Courier-Express of a self-help project initiated a year ago by a former Buffalo priest, the Rev. John J. (Jack) Dunnigan who is a missionary in Korea. The project reached fruition on Christmas Eve.

(Father Dunnigan is the son of former Hamburg residents, Mr. and Mrs. James Dunnigan, who now live in Scottsdale, Ariz.

(Specialist Flateau, who has been in Korea since Dec. 8, is the son of Mr. and Mrs. Christian L. Flateau of Pioneer Drive, North Tonawanda. He is 21, and has a wife, Susan, and 1½-year-old son, James, who live in Walton, N.Y. He is a journalism graduate of Morrisville College. He first met Father Dunnigan when the priest was assigned to Ascension Church in North Tonawanda.)

The "star in the east" over South Korea on Christmas Eve guided a ray of economic hope for a better life for 13,000 impoverished island rice growers and their families—the gift of a few islanders themselves and the Rev. John J. Dunnigan, a former Buffalo diocesan priest.

The "gift" was a Dec. 24 decision by their island mayor to underwrite the cost of pier improvements that will enable the struggling islanders to transport their rice at one-third the present shipping cost.

The rice growers live on Kyo Dong, an island northwest of the port-city of Inchon on the Demilitarized Zone, whose annual crop of 100,000 hundred pound sacks surpasses the production of one of the nation's larger provinces. Today, the high cost of transporting the rice from Kyo Dong's coast, across Kang Wha island to mainland markets has prevented these farmers from doing much more than break even.

As a result noted Father Dunnigan, "their diet lacks meat, their children cannot go beyond public school (sixth grade) and saving money is impossible."

This dilemma—passed from generation to generation—could be remedied in 1972 by the Landing Craft Mechanized (LCM) leased to Father Dunnigan by the U.S. Embassy and the United States Agency of International Development.

It is being operated by trained islanders, members of the Kyo Dong islanders co-op, to transport rice, feed and pigs for marketing. The co-op has been given the greenlight to renew the LCM lease in June, 1972 when Father Dunnigan's lease expires.

NOW ARE SEVEN HANDLINGS

Growers are presently bringing their sacks to a Kyo Dong pier where they are loaded by dock workers onto a privately leased—and expensive—passenger boat that shuttles between Kyo Dong and Kang Wha islands. There, dock workers unload the rice, truck workers load up the rice and retail workers will unload the truck at the market place. From the filling of a sack of rice to its sale, seven handlings take place at a cost of $1.85.

Using the LCM, growers load a truck themselves on Kyo Dong, drive it onto the LCM, drive off at Kang Wha and go directly to the Seoul or Inchon markets and unload their own cargo. With co-op workers doing the loading, driving and unloading, the marketing cost drops to 60 cents per sack.

With an average five people to a Korean family, the 100,000 sacks turned out annually by the 13,000 islanders means a per capita savings of $95 annually with amphibious vehicle.

While this increase in profits will not make anyone rich—even in this land of a $210 per capita annual income—it will put meat on the table and children can expect at least a ninth grade education.

The lease did not solve all the islanders' problems since the available piers are too low and too narrow. The Korean tides fluctuate by as much as 35 feet between low and high points, completely submerging the piers at all but low tide. Even without the tide, the piers are too narrow to hold the LCM on a level plane.

PIERS INADEQUATE

So while the co-op has had the LCM for a month, the project seemed headed for collapse for lack of pier improvements. Even today, the co-op loses money daily because the amphibious vehicle can be used only a few hours daily.

The mayor's Christmas Eve decision means the growers can expect cheaper, faster and more organized merchandising due to proper pier facilities and an expanded shuttle service of their own.

Today's picture of grower, laborer, co-op and governmental brotherhood could present a rosy picture of what in reality was a difficult course fought with setbacks, disillusionment, and discouragement, explained Father Dunnigan.

He added: "This is a $40,000 boat (the LCM) and it took repeated trips to the U.S. embassy and the Korean Social Welfare Department" to obtain the lease and permission to operate between the two islands.

The major obstacle being that the boat's route is a mere half mile from Communist North Korean waters. Officials earlier believed the current in the estuary strong enough to carry the craft above the DMZ if the engine stalled temporarily. But both American and Korean investigators found the situation safe enough to allow this vessel to operate in waters previously "off limits" to all but military patrol boats.

ISLANDERS COOPERATE

Father Dunnigan became involved with Kyo Dong since his parish includes several islands in the area. The church, parish house and medical clinic are on Kang Wha.

"Our real witness is to the two-thirds of Koreans without church affiliation who are poor and have no hope for the future," he explained, emphasizing the "real need for, and mission of, the traditional parish and church structure."

Last summer, after much persuasion by Father Dunnigan, a few islanders begrudgingly attended schools to learn about the "co-op method" of raising pigs and growing rice. The former North Tonawanda clergyman describes the co-op as "a system of education, mutual trust and pooled resources" that allow members to deal as a type of union seeking the highest fair prices for their products.

Though skeptical at first, the trained villagers soon became the best salesmen for the co-op, which was already thinking in terms of obtaining a shuttle vessel of its own.

The embassy, however, would not consider the LCM's use in the estuary or anywhere else without first seeing a trained crew.

The co-op faced a major decision: whether or not to lay out the money to train operators, make up their lost salaries while in training and then hire them full time—while hoping the LCM lease could be obtained, hoping the piers could be financed and hoping the actual pier construction would begin soon.

The stakes so high with much to gain, the co-op sent a few members to school. Before Christmas Eve the different factions were unable to come together and decide who would pay for the materials needed for construction and where the labor would come from.

PRIEST IS MEDIATOR

The problems were increased by the Korean tradition of waiting until the other man showed his good faith before moving to compromise.

Finally Father Dunnigan was asked to mediate the deadlock, since his spiritual guidance and advice had been respected increasingly as the project progressed.

"On Christmas Eve," Father Dunnigan said, "I spoke to the different people involved. Without much coaxing, they were all willing to carry their load and agree to terms they would never have reached among themselves."

The "terms" being that the local government would provide the funds for pier improvement, the island would provide the labor and the LCM operators would underwrite their own losses until the work is completed.

A public ceremony took place the same afternoon near the Kyo Dong pier, during which the mayor, co-op representatives and the police chief honored Father Dunnigan for his "tireless efforts to rejuvenate the island economy."

But watching these islanders that day, it was evident that something else was happening. The observer could see in the many enlivened faces the hope that they are on the threshhold of a project that will break the bonds of the poor economy that has enslaved the island for generations and forced the residents to live from hand to mouth.

"Du Shinbunim"—"the priest"—later led a Christmas Eve candlelight procession through the village of Kang Wha. This is a rare site in Korea, because the act of following a foreigner or humbling one's self by letting him lead is a situation frowned upon by these fiercely independent and proud people.

But several hundred Koreans came from Kyo Dong, Kang Wha and other outlying islands, many on foot, to follow this foreigner through the village streets in front of anyone who might be there. They sang hymns of joy, praise, love and thanks—to the Christ child.

For it was truly Christmas Eve.

PARAPROFESSIONALS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. SCHEUER. Mr. Speaker, one of the most innovative methods for supplying trained manpower for the human service sectors of our economy is the New Careers program, the Federal Government's first involvement with the training of paraprofessionals.

This highly successful program uses on-the-job and release-time training, job restructuring, career ladder development, and a wide array of supporting services to provide new jobs for the disadvantaged and unemployed which have real functions and futures.

These paraprofessionals free professional workers to work at the top of their skills, perform useful and fulfilling work, and significantly improve and sensitize the delivery of human services. As the original sponsor of the New Careers program in the Congress, I am continually pleased to see many of the program's elements gaining ever wider respect and recognition.

The summer 1971 issue of City magazine, published by the National Urban Coalition, contains an article by Natalie Davis Spingarn reviewing the most recent developments in the New Careers field. Miss Spingarn, the former Assistant Director of the Center of Community Planning of the Department of Health, Education, and Welfare, has carefully and concisely reviewed the progress of the paraprofessional movement, and I commend this article to the attention of my colleagues:

THE MULTIPLE PAYOFFS OF PARAPROFESSIONALISM

The poor are there, desperate for decent jobs. The jobs are there, desperate to be done—in our hospitals, our schools, anyplace where human beings are served. The professionals—doctors, teachers, social workers—are over burdened, harassed, desperately in need of help. Why not capitalize constructively on all this despair? Why not meld the needs and so help fill them, restructure old jobs and create new ones, and in the process free the professional for more creative tasks and improve the very way human services are rendered, and the institutions rendering them? Thus New Careers, or modern paraprofessionalism, was born.

The prefix *para* means *beside;* the concept of paraprofessionalism, or working alongside professionals is, of course not new. The nursing aide (who might someday train to be a registered nurse) and the dental hygienist (who almost never aspires to be a dentist) were around long before the antipoverty wars of the '60s. What is new is the emphasis on taking a hard look at what is going on in a school clinic human service agency, then carefully analyzing and redesigning jobs for the poor that will lead up career "ladders" to supposedly guaranteed jobs and rarefied professional status. In-service training and job-based community college courses are the means; paid jobs first, diplomas later, and improvement in the delivery of services are the ends.

Pediatric aides, community mental health specialists, counselor benefit specialists (for veterans), genetic assistants, addiction aides, urban technicians, even parajudges—a whole new vocabulary has been added to human service job jargonese. Where once the teacher, the social worker, the doctor and nurse, the lawyer did their things in solitary, if limited, splendor, a whole new array of sub or para or preprofessionals stands ready to help.

Manpower, normally a statistics-prone field, yields little information pinpointing the overall number of paraprofessionals in the U.S. today. Probably this is because officialdom has not defined the term precisely. Though we know the number of long-accepted groups such as nursing aides (33,945 men, 269,334 women in 1969), we have only scattered information about such new breeds as physicians' assistants or urban technicians. The original New Careers, or Scheuer, program (Rep. James Scheuer of New York fathered government support of paraprofessionalism with his New Careers amendment to the Economic Opportunity Act of 1966), has been absorbed—some say downgraded—by a larger Public Service Careers (PSC) program, an umbrella with many bureaucratic holes now held tenuously by the Department of Labor. As of February, 1971, the department listed 21,951 persons in the whole PSC program, with 4,140 in Plan C, the New Careers segment. To complicate matters, there are several thousand more listed under another manpower program, the Concentrated Employment Program (CEP). Fewer than 20,000 men and women have been trained with Scheuer funds, which have fallen from about $35 million a year in fiscal 1967 and 1968 to about $18 million.

But when it comes to the mushrooming paraprofessionalism beyond the original demonstration program—what New Careers pioneer Frank Reissman calls "Big New Careers"—the numbers rise. Estimates range all the way from 200,000 to well over a million paraprofessionals, depending on whom you include among the established allied health professions and graduates of the burgeoning community colleges with their new Associate of Arts (A.A.) degrees. According to Alan Gartner of the New Careers Development Center at New York University, there are over half a million paraprofessionals.

Certainly the new subprofessional or preprofessional or paraprofessional concept has snowballed. It appeals to legislators, anxious for practical solutions to the terrible problems of deprivation. It appeals to bureaucrats, floundering in the often unproductive seas of "innovation." It has come to be included in many kinds of major social legislation dealing with vocational education, vocational rehabilitation, health manpower, juvenile delinquency—even in the Intergovernmental Personnel Act of 1970. Paraprofessionalism is a key component of the National Urban Coalition's $2-million health manpower program funded by OEO. The Coalition, aiming to further the practice of community medicine out in the ghetto, sees the paraprofessional as an indispensable part of the therapy team.

Nor is enthusiasm confined to the national scene. The New York State Assembly recently approved a program to establish and regulate a new kind of health profession, the physician's assistant. These medical aides, usually former Vietnam medical corpsmen or nurses, serve under doctors in routine tasks that do not require an M.D. training.

Professional associations, at first understandably wary about maintaining standards, are beginning to explore the potential of paraprofessionals. The more conservative are still highly skeptical, but others, usually anxious about a bridge to poor and minority clients, are beginning to come around. Unions too are starting to get in on the act. In New York at least, the American Federation of Teachers and the American Federation of State, County, and Municipal Employees are organizing paraprofessionals.

The new paraprofessional route is the career ladder which, say its proponents, they can climb before they are ready for the geriatrics clinic. At any rate they can get on it. If they weary of one field, they can abandon the ladder for a lattice, and change fields. Their experience still counts toward their continued climb.

Many proceed in a less formal way. The typical paraprofessional in the Institute for Educational Development's "In-Depth Study of Paraprofessionals" in the New York City schools is a 35-year-old black woman with two children who is not taking any formal courses and does not take part in the Career Ladder program offered by the Board of Education. Watch her as she goes about her job: talking quietly to a child who is upset or disturbing the class; stopping arguments and fights among students; helping them learn drills in reading or mathematics; going over a paper with a child to point out his errors; listening to boys and girls tell stories, pronounce or spell new words, read or give reports; explaining school rules; correcting homework papers. She's in her first or second year on the job, working as an educational assistant, helping a third-grade teacher. She spends most of her time in the classroom, teaching and tutoring children in the language arts (and to a lesser extent mathematics). She knows no language besides English. Though she has had no advanced training for her job, she has received more than five weeks of part-time training as a paraprofessional, and this is continuing. The things she does that are most popular with teachers and principals are the most complex: calming an emotional child, preparing visual aids, keeping records.

This is not to say that paraprofessionals, who are a part of a world of work beset with problems, escape their share. Stresses and strains abound—a fact to be expected in an endeavor so new and so challenging to established ways.

The first set of problems has to do with the very acceptance of the idea. "What am *I* doing if *she's* doing it too?" asks the teacher or nurse or social worker who has been struggling to get ahead for a quarter of a century, looking warily at the comparatively uneducated, freshly accpted minority-group paraprofessional. Her anxiety ranges all the way from fear for her next pay raise to concern for the status of her agency: "Are you saying that aides are going to treat patients? That's a doctor's job!" Or a social worker's. Or a teacher's. Or a lawyer's.

No one has suggested, of course, that paraprofessionals do expert work for which they are not qualified or trained. No one has suggested, either, that by their very presence they can solve all of an agency's community relations problems. And on the other end of the scale, no one has suggested that they are only fit to tie shoelaces or empty bedpans or fetch coffee.

The rumors will probably persist until paraprofessionals in large numbers prove their worth to professionals and demonstrate their impact on human services and the flesh-and-blood people getting them. This long process has only begun. The recently published "In-Depth Study," for example, showed strong professional support for the paraprofessional program. About half of the teachers interviewed reported a better relationship with children in their classes, and almost half said they had gained a better understanding of the surrounding community and of minority groups. Most felt that, thanks to the paraprofessionals, they themselves were accomplishing more, and that their work had changed. They could now assume new jobs and use new skills; their roles were "maximized." Principals agreed with teachers that the schools were doing a better job because of the paraprofessionals.

All this might be less important in the long run than the impact on the pupils. Interviewing teams found higher achievement in almost half the schools after the advent of the paraprofessionals. As for the students themselves, 90 percent of the elementary pupils said they enjoyed coming to school more and about 75 percent of the junior high students felt that the school was doing a better job. Well over three-fourths of all principals, teachers, paraprofessionals, and parents interviewed said that pupils were taking more pride and showing more self-confidence in their work.

Another set of issues revolves around the way a subprofessional job is set up and structured. Who, first, is recruited and chosen to be a paraprofessional? Is it the cream of the crop, or the severely disadvantaged? The original programs focused on the unemployed, the undereducated, the hard core. But program administrators, anxious to succeed, to produce "good" statistics, to be refunded, to show that their staffs can do a job, often tend toward what the manpower people call "creaming," a practice common to antipoverty programs. This means they take the top off the population, selecting people who are indeed poor but who would qualify for careers regardless of the program—people who have high school educations and may even have been to college. Indeed, the typical paraprofessional in the "In-Depth Study" had a high school diploma and a $6,500 family income, to which her wages contributed less than half.

Once the paraprofessional is aboard, what does he do? Is his job designed constructively, from his own and from his agency's point of view? Or is he just doing the professional's dirty work? An original ideal of paraprofessionalism was that an employing agency would systematically analyze its mission and the jobs that were required to fulfill it. In the process, it would restructure jobs so that both professional and paraprofessional time would be used more effectively. This did not mean simply chopping off unpleasant pieces of the professionals' work and handing it to paraprofessionals, but designing new career-oriented jobs creatively so that workers could grow and develop at all levels, and clients could be better served.

Sidney Fine and Wretha Wiley of the Upjohn Institute have developed a systems approach to new careers. Mrs. Wiley spends a good deal of her time giving a course to staffs around the country. It is fascinating to hear her take a job apart. You arrive at new ways of looking at your work, no matter what it is, as she travels up a "data functions scale" (from "comparing" on level 1 and "copying" on level 2 to "coordinating" on level 5 and "synthesizing" on level 6), a "people functions scale" (from "taking instructions" to "mentoring"), and a "things functions scale" ("handling" to "precision working" and "setting up").

Unfortunately, most agencies hiring paraprofessionals have a less careful, constructive approach to job development. Nor do they always give their staffs and the new workers proper orientation in the art of working together.

How do you sharpen the new workers' skills in dealing with the ghetto community and still not lose their spontaneity? How can currently employed staff come to accept their new colleagues as members of their team, doing a vital job, instead of as a new kind of subordinate? Is the paraprofessional a true aide, or a maid? Do you train first and employ later; do you give them in-service training; do they have released time for combined education and training? What is the substance of the career ladder, simply small pay increases with no real leaps, as some paraprofessionals say, or a route to a real career?

As several paraprofessionals in a mental health center wrote: "We entered the program enthusiastic, but when the newness of the job placement and the educational aspect of the program wore off, we were able to see the fallacies and contradictions with which we had to deal. Some of the things that caused us stress were lack of a career ladder, no salary range, and lack of understanding of what was expected of us on the job. It became apparent we had a fight on our hands if we were to succeed." "Down the Up Staircase," a study of 105 persons who left a Minneapolis program in its first year, recommends broad recruitment followed by an intensive orientation where people may select themselves in or out of the program after two weeks. It reports that dropouts were more likely to be men than women, younger than older, separated or divorced than married or single, nonwhite than white.

You cannot, of course, isolate the paraprofessional from the realities of his personal life, which, as in so many other poverty manpower programs, often overwhelm him and propel him in other directions. Most important, you cannot isolate him from the realities of the job market. No program, however well conceived, can protect him from an economic recession. When the job market tightens, his situation tightens too: he has less opportunity; there is less money available for promotions and raises, let alone ladders or lattices, and there is a spiraling greed for credentials—any credentials.

Here arises a major irony: Could paraprofessionalism, which began as a work opportunity or career ladder program, as a novel system in which the poor could apply their best talents to human problems without university credentials, be acquiring a credentialism of its own? The evidence points to such an about-face, say the critics; it points to a sort of lowered credentialism. Indeed, a newsletter published by the NYU New Careers group headlined last fall, "Get the Degree, Skip the Ladder." A career ladder, or lattice, the article explained, should not be an end in itself. "The message, we think, is that where training, education, and ladders can be articulated, fine, do it. But where that is not possible, paraprofessionals may be able to enroll in a college program and move toward a *career without a ladder*."

Thus, a bow to credentials. A bow to the new power of the bustling community colleges, with their A.A. degree, a degree of dubious value since it is not universally accepted. A bow to the established power of the B.A. or M.A. Or perhaps a bow to the reality of competition in the open market. "Where Do We Go From Here?" an intensive study of National Committee on Employment of Youth paraprofessional graduates and the different agencies employing them, bears this out. Author Karolyn R. Gould and her associates are enthusiastic about the "unquestionable achievement" of the group, its "extraordinary stability" and general performance in entry-level jobs. But, they conclude dismally, "Their very ability makes the most basic finding of the study all the more disappointing: *Within all but one of the agencies under study . . . opportunities for career mobility are either severely limited or completely nonexistent.*" Baccalaureate degrees were the key to advancement. Though a few had triumphed over the lack of linkage between paraprofessional and professional jobs, no one had spelled out the qualifications for these professional jobs. No one had set standards for merit promotions. There were no programs for internal staff development to help people move up. Paraprofessionalism had not been worked into the system.

Still, the paraprofessionals were content to stay on. After all, their job status had improved, they derived some satisfaction from their work, their earnings had risen—and where else could they go? There were rumblings of discontent about restrictions on advancement. Paraprofessionals felt foreclosed by a double opportunities standard, one for those with academic credentials, one for those without—foreclosed from jobs they felt they could do satisfactorily. Though such rumblings have been heard in other places with paraprofessionals, no significant organization has succeeded in articulating their demands, whether they be bread-and-butter issues about wages, hours, working conditions, and realistic job opportunities, or issues about training, ladders, credentials, or better service for their clients.

A National Association of New Careerists, formed with fanfare in 1968, has foundered. A small group, the National New Professional Health Workers, has gained its own section, for whatever that is worth, in the American Public Health Association. Scattered activists range from the psychiatric aides and other nonprofessionals who conducted a "Hospital Improvement Action" at Topeka State Hospital, to the social work aides at Washington's Family and Child Services agency who, finding themselves trained but jobless, demanded board action. They have interested and excited advocates, but have accomplished no broad reforms. Paraprofessionals may have to look either to the public service labor unions, at first lukewarm but now at least not blocking their interests, and sometimes furthering them, or toward some kind of new, across-the-board group. The possibility of forming such a group was discussed at a June conference on public service employment called by Rep. Scheuer.

In the end, it all depends on what you expected. If you expected paraprofessionalism to accomplish the millenium, to serve as a potent instrument of social policy, to solve core poverty problems, then you are bound to be disappointed. You can say individual men and women have improved client service, broken down credentials barriers, vastly improved their own job status, but you cannot document any in-depth, institutional urban change. After all, how could low-income people, however talented, alone accomplish fundamental reforms that would cost the nation billions of dollars and the sort of comprehensive effort it has been unwilling to make?

On the other hand, if you expected less, then Big New Careers should pass your tests with flying colors. Thousands of people have gone to work in satisfying jobs; some have moved off welfare; all have brought home paychecks and a new sense of pride. They have contributed to, even begun to make recognizable ripples in, their respective professions. In a period of general economic retrenchment, the paraprofessionals held steady.

The concept of paraprofessionalism has been established. They are on their way.

DEVALUATION OF THE DOLLAR

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. SCHMITZ. Mr. Speaker, on January 17 an Associated Press story, datelined London, gave an unmistakable warning that the recent actions of the President and the Secretary of the Treasury in attempting to deal with the international monetary crisis, and their proposed devaluation of the dollar, are far from having halted the steady, relentless decline in the value of our money. The causes of this decline are far too deep-rooted to be affected by the confused and superficial tinkering in which they are engaged.

The Associated Press story—taken from the Washington Post of January 18—follows:

U.S. DOLLAR REACHES NEW EUROPEAN LOW

LONDON, Jan. 17.—The dollar slumped to new lows in Europe today amid signs that devaluation a month ago had failed to restore confidence in U.S. currency.

The dollar hit its lowest levels since devaluation in Britain, West Germany and Switzerland during the day. It was below parity in Germany, but still above the danger level that could threaten another devaluation.

Dealers here and on the Continent said the dollar decline was evidence that the Washington agreement on Dec. 18, which included devaluation, had been only partly successful in resolving the international monetary crisis.

"There is just not enough confidence in the dollar to keep it from falling," a German source said. Last month's agreement in Washington, he predicted, "may just turn out to have been a reprieve before the next crisis."

The Washington package "was not the final answer to the dollar's problems," a Swiss banking source said.

In London, where dollar selling was particularly heavy, foreign exchange dealers predicted the dollar would remain weak until the U.S. Congress passes the necessary bill to devalue the dollar against gold. They said doubts about the bill's prospects had added to the dollar's weakness.

In Frankfurt, the dollar closed at 3.2060 marks, down from 3.2150 marks Friday and from the official parity of 3.2225 marks. Trading was active in the afternoon.

In Zurich, the dollar plunged to a post-devaluation low of 3.8520–3.8550 Swiss francs, although still above the parity of 3.84 Swiss francs.

In London, the dollar sank to 38.5 British pence in heavy early trading, down from 38.8 British pence Friday but still above parity of 38.3 pence.

Before the close, the dollar strengthened fractionally to close at 38.6 British pence.

The U.S. Congress reassembles Tuesday. It had been expected to receive by next month the bill that would ratify the Dec. 18 devaluation announcement. But delays in related trade talks could hold up submission of the bill to Congress by the Nixon Administration.

Treasury Secretary John B. Connally has said the devaluation measure will not go to Congress until there is evidence of trade concessions from America's major commercial partners—the Canadians, Europeans and Japanese.

So far, only the talks with the Canadians and the Japanese appear to be making progress. Similar discussions with the European Common Market nations are stalled.

Uncertainty about the devaluation bill is only one sign that the Dec. 18 Washington agreement has not worked as well as originally hoped.

It was supposed to restore confidence in the dollar and reverse the flow of American funds overseas. An Associated Press survey of major European capitals showed today that this has not happened.

In view of what is happening, the words of economist Dr. Walter E. Spahr in Monetary Notes of June 2, 1969—published by the Economists' National Committee on Monetary Policy—deserve our most careful attention:

When our national government confiscated our people's gold in 1933–1934, and forced them to accept irredeemable bills of credit in exchange, the purpose was to provide the governments with liberty to do as it pleased with other men, and the product of other men's labor, while depriving the people of the liberty to convert the products of their labor into gold if they so desired. This revolutionary act by our government opened wide the door to government tyranny which has shown itself in wild government spending, heavy taxation, a radically depreciated currency, a huge national debt, much socialization, and a high degree of government management of our economy.

The Treasury and Reserve officials who have embraced this state of affairs—this management of the people through the use of irredeemable currency, heavy taxation, and otherwise—have seemed not to understand that their freedom to manage had limits which they could not control even under the great freedom temporarily given them by the use of irredeemable bills of credit as money. The ultimate boss tends to be, and should be expected to be, gold—that objective instrument which has universal acceptability because men cannot be trusted and which tends to flee to those places where it is least abused and where greatest value is attached to it.

It may not be long now until an important day of reckoning is at hand. Its arrival is being invited; and an ominous consideration is whether, when it arrives, we shall have officials who can be counted upon to understand why it arrived and where the proper solution lies.

The economic policies which Dr. Spahr condemns have been justified over and over again in the name of English economist John Maynard Keynes, and certainly he must bear a heavy personal responsibility for their adoption throughout so much of the world. But very few people know that toward the end of his life Keynes himself realized the enormity of his error, the fundamental falsehood in the premises on which his thinking for most of his life had been based. As Dr. Melchior Palyi points out in "Managed Money at the Crossroads: the European Experience," University of Notre Dame Press, Notre Dame, Ind., 1958, pp. 86–87:

Great economic upheavals have often provided the climate for money cranks who claim to solve the problems of unemployment and poverty by ingenious manipulations of the currency—money printing. But never before this era did the lunatic fringe acquire intellectual leadership and academic status. The success was due, in part, to the abandonment of the gold standard and the official glorification of that measure. Its implication was, first, that political power is capable of overcoming the limitations on wealth creation (and distribution) set by the laws of the market; second, that the basic rules of the capitalistic process, such as the inviolability of contract, can and should be set aside if expediency so requires.

Toward the end of his life, a disillusioned Keynes confessed in his posthumously published *Memoirs* the bankruptcy of what he called his unsurpassable individualism. We entirely repudiated a personal liability on us to obey general rules. . . . We repudiated entirely customary morals, conventions, and traditional wisdom. . . . We recognized no moral obligation on us, no inner sanction, to conform or to obey. . . . [This immoralism] was flimsily based, as I now think, on an *a priori* view of what human nature is like, both other people's and our own, which was disastrously mistaken. . . . The rationality which we attributed to it led to a superficiality, not only of judgment but of feeling. . . . This pseudo-rational view of human nature led to an orgy of pseudo-rational policies, the basic tenet of which is, using Keynes' own words, no respect for traditional wisdom or the restraints of customs. He thought of himself as the last Utopian in reality, he had unleashed a chain-reaction of equalitarian Utopias which were tailor-made for the collectivist trend of Europe.

The practical consequences of the European abandonment of the gold standard during the period between the two world wars are impressively summarized by Prince Michael Sturdza, former Foreign Minister of Rumania, in his book "The Suicide of Europe," Western Islands, Belmont, Mass., 1968, pp. 27–28:

The source of the economic damage and social disorganization of the Continent was the appearance on its Eastern borders of a menace [Russia as a Communist nation] the equivalent of which it had never known before.

Among those damages one of the most destructive was the deterioration, sometimes to almost nothingness, of the worth of so many European currencies. If gold was fleeing from Europe, it was for fear of contagious and conquering Communism. For the countries involved the disappearance of the metal coverings meant inflation, paralysis of the economic exchanges, insolvency of governments, reduction of the salaries of state employees to an unbearable minimum, rampant speculation and profiteering, unavoidable corruption of moral standards, fateful devaluation of social and patriotic values. But for Rumania it meant also something else: the disappearance of the Conservative Party, an historical element of wisdom and morality. This fact radically influenced her political and social life.

And Dr. Albert Schweitzer, in "The Philosophy of Civilization," the Macmillan Co., New York, 1955, agrees (p. 270):

> The bankruptcy of the optimistic ethical philosophy was announced beforehand as little as was the financial bankruptcy of the ruined states of Europe. But just as the latter was gradually revealed, by the constantly diminishing value of the paper-money that was issued, as having actually come about, so is the former being gradually revealed by the constantly diminishing power among us of the true and profound ideals of civilization.

Looking further back in history, we can see exactly the same process operating at the time of the French Revolution, with amazingly close parallels to the commonly accepted attitudes toward money in our own day. In "Fiat Money Inflation in France," D. Appleton-Century Co., New York, 1933, Andrew D. White tells the story:

> P. 3: . . . Typical in the debate on the whole subject . . . were the declaration of M. Matrineau. He . . . declared that business was stagnant, and that the sole cause was a want of more of the circulating medium; that paper money ought to be made a legal tender; that the Assembly should rise above prejudices which the failures of John Law's paper money had caused, several decades before. Like every supporter of irredeemable paper money then or since, he seemed to think that the laws of Nature had changed since previous disastrous issues. . . . He insisted that John Law's notes at first restored prosperity, but that the wretchedness and ruin they caused resulted from their overissue. . . .
>
> Pp. 5–6: It would be a great mistake to suppose that the statesmen of France . . . were ignorant of the dangers in issuing irredeemable paper money. . . . They knew too well, from that ruinous experience, seventy years before, in John Law's time, the difficulties and dangers of a currency not well based and controlled. They had then learned how easy it is to issue it; how difficult it is to check its overissue; how seductively it leads to the absorption of the means of the workingmen and men of small fortunes; how heavily it falls on all those living on fixed incomes, salaries or wages; how securely it creates on the ruins of the prosperity of all men of meager means a class of debauched speculators, the most injurious class that a nation can harbor—more injurious, indeed, than professional criminals whom the law recognizes and can throttle, how it stimulates overproduction at first and leaves every industry flaccid afterward; how it breaks down thrift and develops political and social immorality. . . . Many then living had felt the result of such an experiment—the issues of paper money under John Law. . . .
>
> It was no mere attempt at theatrical display, but a natural impulse, which led a thoughtful statesman, during the debate, to hold up a piece of that old paper money and to declare that it was stained with the blood and tears of their fathers.
>
> P. 7: Oratory prevailed over science and experience. In April, 1790, came the final decree to issue four hundred millions of *livres* in paper money, based upon confiscated property of the Church for its security.
>
> P. 8: To crown its work the National Assembly, to explain the advantages of this new currency, issued an address to the French people. . . .
>
> Some of the arguments in this address are worth recalling, and, among them, the following:—"Paper money is without inherent value unless it represents some special property. Without representing some special property it is inadmissible in trade to compete with a metallic currency which has a value real and independent of the public action; therefore it is that the paper money which has only the public authority as its basis has always caused ruin where it has been established; that is the reason why the bank notes of 1720, issued by John Law, after having caused terrible evils, have left only frightful memories."
>
> Pp. 13–14: Into this debate was brought a report by Necker. . . . He did not recognize the fact that the nation was entering a great revolution, but he could and did see that, come what might, there were simple principles of finance which must be adhered to. Most earnestly, therefore, he endeavored to dissuade the Assembly from the proposed issue. . . . But the current was running too fast. The only result was that Necker was spurned as a man of the past; he sent in his resignation and left France forever. The paper-money demagogues shouted for joy at his departure; their chorus rang through the journalism of the time. No words could express their contempt for a man who was unable to see the advantages of filling the treasury with the issues of a printing press.
>
> P. 25: Thus came a collapse in manufacturing and commerce, . . . just as it came at various periods in Austria, Russia, America, and in all countries where men have tried to build up prosperity on irredeemable paper.
>
> P. 29: Even worse than this was the breaking down of the morals of the country at large. . . .
>
> P. 31: . . . The most curious thing evolved out of all this chaos was a *new system of political economy*. In speeches, newspapers and pamphlets about this time, we begin to find it declared that, after all, a depreciated currency is a blessing; that gold and silver form an unsatisfactory standard for measuring values . . . that the laws of political economy however applicable in other times, are not applicable to this particular period, and, however operative in other nations, are not so in France. . . .

Quoting Mr. White's book, Dr. Walter Spahr makes the comparison with present attitudes toward money—Monetary Notes, Feb. 2, 1970:

> The statements in the press and other news and popular opinion media of this country are strikingly similar to those in France during the last decade of the 18th century—anti-gold standard and pro-irredeemable currency. For example, an editor of one of New York City's widely-recognized and oft-quoted newspapers stated in a column in 1967: "The first man I can recollect who cut through the stultifying superstition [regarding the importance of gold] was John Law. . . . A man ahead of his time, he noted that the banknotes could be made not merely claim-checks on a limited supply of gold but could themselves become money once people got their minds clear of the metal fetish. . . .
>
> Law's bubble burst, to be sure, to the ruin of France. But then the mechanics of bank management, of course, hadn't caught up with the theory, as in modern day Britain and the United States.
>
> In our generation things are different. . . .
>
> Said this same editor in one of his later columns: ". . . There's no more reason to measure a dollar by gold than by iron, copper, beaver skins or the supply of goats. . . .
>
> The fact of the case—the incontrovertible fact of the case—is that the dollar has already been devalued.
>
> Thus did that editor-author demonstrate that he even confused currency depreciation and devaluation.
>
> Even in the academic field, which should be controlled by principles of science, a textbook on *The Elements of Economics* (1947) contained these sentences:
>
> P. 331: . . . Any one of the three commodities [raisins, silver, or pigs] might just as well have been chosen for the role we have given to gold.
>
> P. 335: The use of gold in the present-day economy is somewhat absurd.
>
> Pp. 635–636: . . . Even the adoption of the limberger cheese standard, absurd as it is, would be much better than the policy the world followed between 1929 and 1939. . . .
>
> A sound monetary bloodstream for a nation is dependent upon the understanding and use of science—the *method* by which truth is obtained and presented accurately.

Is there anything we can do now to begin moving back toward the gold standard, at this late date in history and with the decline of the dollar already so far advanced? Most emphatically there is. Writing in the Freeman of August 1971, distinguished economist Henry Hazlitt says:

> There appears to be no alternative now to our government doing frankly and *de jure* what for the last three years it has been doing without acknowledgment but *de facto:* it should openly announce that it can no longer undertake to convert dollars into gold at $35 an ounce. It owns only about $1 in gold for every $45 paper dollars outstanding. Its dollar obligations to foreign central banks alone are now more than twice its holdings of gold. If it really allowed free conversion it would be bailed out of its remaining gold holdings within a week.
>
> The government should also announce that until further notice it will neither buy nor sell gold.
>
> Simultaneously, however, the United States should repeal all prohibitions against its citizens owning, buying, selling, or making contracts in gold. This would mean the restoration of a really free gold market here. Incidentally, because of distrust of floating paper currencies, it would mean that international trade and investment would soon be increasingly conducted in terms of gold, with a weight of gold as the unit of amount. Gold, even if not 'monetized' by any government, would become an international money, if not the international money. On the foreign-exchange markets national paper currencies would be quoted in terms of gold. Even if there were no formal international agreement, this would prepare the way for the return of national currencies, country by country, to a gold standard.

When the legislation providing for devaluation of the dollar in terms of gold comes before the House, I intend to offer an amendment for the purposes outlined by Mr. Hazlitt, along the lines of my H.R. 6790 introduced last year, which reads as follows:

> H.R. 6790
>
> A bill to permit American citizens to hold gold, and to accept gold as compensation under the terms of a contract
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That sections 3 and 4 of the Gold Reserve Act of 1934 (31 U.S.C. 442 and 443) are repealed.
>
> SEC. 2. No provisions of any law in effect on the date of enactment of this Act, and no rule, regulation, or order under authority of any such law, may be construed to prohibit any person from purchasing, holding, selling, or otherwise dealing in gold.
>
> SEC. 3. Parties to a contract may agree to accept a specified quantity or dollar value of gold as compensation

TRIBUTE TO J. Z. HOWARD

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. JONES of Tennessee. Mr. Speaker, last month the associate editor of the Memphis Press-Scimitar, Mr. J. Z. Howard, retired after a long and distinguished career.

The December 16, 1971, issue of the Press-Scimitar included a story by Charles A. Brown announcing Mr. Howard's retirement and recounting some of the highlights of his career. In the same issue, there appeared a column by Edwin Howard, amusements editor and son of the retiring associate editor. This column is one of the most moving tributes I have ever read.

I insert these two items at this point in the RECORD.

The articles follow:

J. Z. HOWARD TO RETIRE; THIS IS HIS LAST WEEK

(By Charles A. Brown)

J. Z. Howard, associate editor and editor of the editorial page for The Press-Scimitar, will retire this week after a long and distinguished journalistic career which brought him many honors and the satisfaction that he has accomplished much for his beloved Tennessee.

Formally named John Zollicoffer Howard, but known to friends and associates as "Zollie," he served as managing editor of The Press-Scimitar for 24 years before stepping up to his present post in 1964. As associate editor, he has had a direct role in determination of policy for this newspaper.

Few men have as thorough a knowledge of Tennessee, including its history and government, as Howard. He was born near Gainesboro, a small town in Middle Tennessee, and was graduated from the University of Tennessee at Knoxville in 1924. He taught there, and worked 15 years for The Knoxville News-Sentinel, another Scripps-Howard newspaper, before moving to The Press-Scimitar in 1940.

Howard sees his retirement as "another episode in my life opening up." He said he plans to travel and write, but will continue to live in Memphis. He and his wife, Jessie, live at 896 Robin Hood Lane.

That unusual middle name resulted from the great admiration one of his grandfathers had for Confederate Gen. Felix K. Zollicoffer. The grandfather (both served in the Confederate army) named one of his sons for the general, and the name was then handed down to Howard.

During his career, Howard has played a role in many important news events, but he is proudest of his part in the repeal of the old antievolution law which had brought ridicule on the state during the famous "Monkey Trial" at Dayton, Tenn. in 1925.

As a young U-T journalism instructor, Howard was visiting in the office of the managing editor of the old Knoxville Sentinel when the first wire story about the arrest of a teacher, John T. Scopes Jr., came over the AP wire. Howard wrote an eight-column headline for the story, not realizing that he would be the moving force behind a drive which succeeded in revoking the law 42 years later.

Howard's review of a book by Scopes on the editorial page of The Press-Scimitar in 1967 included a call to the Legislature to repeal the law. Editorials followed, and the Legislature finally did what Howard and The Press-Scimitar recommended. "The law and its sequel resulted in Tennessee being branded in the minds of millions of people as a place of ignorance and prejudice," Howard wrote in his book review. "It put a cumbersome shackle on our state and its schools."

Members of the 85th General Assembly, including senators who had opposed the repeal bill, signed a picture of then-Gov. Buford Ellington signing the historic bill and sent it to Howard.

Some time later, Howard proudly sat in on a class at White Station High School and heard a teacher discuss Darwin's theory of evolution—legally.

Another accomplishment which Howard remembers with pride was his work with the Knoxville Bar Association while he was city editor there to devise and get through the Legislature a bill creating General Sessions courts for Knox County. He had written many stories describing the evils of the old J. P. court system. The change set the pattern for General Sessions courts throughout Tennessee.

Shortly after Howard arrived in Memphis, the World War II manpower shortage began to hit. In addition to serving as managing editor, he worked as news editor, copy editor and make-up editor, taking on additional jobs as men went to war.

A prolific writer as well as an editor, Howard has turned out many outstanding articles. One series written after Howard served on jury duty earned The Press-Scimitar an award for "Courage in Journalism" from Sigma Delta Chi, the professional journalism fraternity.

While in the jury box, Howard had noticed that jurors never asked questions of witnesses. He stood and asked the judge if this could be done. He knew it could, because prior to going on the jury, he had read up in Tennessee law the rights and duties of jurors. The surprised judge said jurors could relay questions through the judge, and the practice caught on.

Howard also stood and questioned Criminal Court's "rubber stamp" method of having jurors approve guilty pleas. Howard said jurors should know facts of cases so they could determine if punishment agreed upon between the lawyers was just. This resulted in an order that facts of such cases be given in court.

In 1957, Howard wrote a series on segregation problems in the South which brought requests for 24,000 reprints. The last article in the series earned him a George Washington Medal from the Freedom Foundation.

Howard has been active in the Tennessee Press Association for many years. He received the TPA President's Plaque for his work as chairman of a state-wide Traffic safety campaign in 1963. He also served as president of both the UPI Tennessee Association of Newspapers and the Tennessee Association of Associated Press. He was a member of the executive committee of the Shelby County T-B Association, Protestant co-chairman of the Memphis Roundtable, National Conference of Christians and Jews, and a director and president of the Memphis Public Affairs Forum. He is treasurer of the Goodfellows of Memphis, the city's oldest Christmas charity organization.

Discussing his career, Howard said:

"I am proud of having had a part in helping Memphis throw off the political apathy that had held it down for years, and helping the citizenry get in the habit of taking an active part in the handling of their affairs.

"One of the things I am proudest of is being instrumental in getting some fine personnel into The Press-Scimitar's news and editorial staffs, and working with them to help bring out their talents. That is the sort of thing that will go on long after I am gone.

"In my association with five Scripps-Howard editors as reporter and city, Sunday, managing and associate editor, I found all of them to be fair, truly interested in the welfare of their employes—and, in the conduct of their newspapers, concerned solely with serving the public to the best of their ability.

"My associations in Memphis, with the late editor Edward J. Meeman, and the present editor Charles H. Schneider, marked the high point of my newspaper career in personal satisfaction and, I think, effectiveness of effort.

"I have known personally many other top men in the Scripps-Howard family of newspapers, and have found them to be wholly conscientious and dedicated to the welfare of the people of this country.

"A big percentage of the finest people I have ever known are members of The Press-Scimitar staff and other workers at the Memphis Publishing Co. I am lucky to have had so many warm friendships among these fellow-workers."

Howard also has some advice for young reporters:

"They should keep their enthusiasm and loyalty to the profession and to the papers which provide them the opportunity to serve the public. They should never forget that the first and most important duty of a newspaper is to give the public the facts it needs to make good decisions. I would advise them to avoid like the plague any tendency toward cynicism. I think cynicism is a most dangerous trait for a newspaperman or anyone else."

A SON'S REVIEW OF DAD'S CAREER

(By Edwin Howard)

In 25 years as amusements editor of The Press-Scimitar, I have reviewed 5,000 movies, 700 plays and 300 books. I have had the temerity to appraise Shakespeare and Shaw, Ford and Fellini, Olivier and Bergman, Faulkner and Nabokov.

I have inwardly quailed at, but never shrunk from, criticizing my betters. And because so many of them have been my betters, I have appreciated more than I have found fault; I have learned more from them than I brought to them, and I cherish what I have learned.

So it is today as I approach the toughest assignment. I've ever been handed—to review the career of Zollie Howard, retiring Press-Scrimitar associate editor, from my Front Row vantage point as fellow worker, and son.

My first review was done, at the age of 9, on assignment from him. In those days, besides being star reporter, city editor, and Sunshine & Moonshine and Verse or Worse columnist for The Knoxville News-Sentinel, he also edited its Sunday book page. He brought home a new book called "Pierre Pons," read it to me, and wrote down my response.

I've been trying to please him with my own writings ever since. When I have managed it, a few words of praise or approval from him have meant more than awards or prizes, because I know HE KNOWS.

He knows because he has done it all himself, and done it better than most of us who try can hope to do.

He was born in a cabin in the Cumberland Mountains of Tennessee. He learned the three Rs from his own mother in a one-room schoolhouse in Jackson County. He got his first transfusion of ink as a 10-year-old printer's devil in the rough-floored shop of Gainesboro's weekly Jackson County Sentinel.

To earn money to attend Maryville (Tenn.) College preparatory department, he trudged the dusty roads of Western Kentucky, selling Bibles, and the streets of Middle Tennessee towns selling aluminum ware. When the U.S. entered World War I, he volunteered, was shipwrecked off the English coast and spent the rest of the war in a Liverpool hospital.

On the WWI equivalent of the GI Bill, he entered the University of Tennessee at Knoxville, contributed heavily to the Volunteer and edited a literary magazine called The Mugwump (for which he also cartooned), and was graduated with 44 As and two Bs, one in physical education. As a U-T instructor of English and journalism, he came in contact with Ed Meeman, dynamic young newspaperman from Evansville, Ind., who had just come to town to found and edit The Knoxville News for Scripps-MacRae, afterwards the Scripps-Howard Newspapers.

After one year of teaching, he took "temporary" leave and joined The News staff, as he put it, "to learn something about what I've been teaching."

That was 46 years ago. He is retiring this week. Monday will be his 74th birthday. And he still works a 10-hour day—by choice.

In the early days in Knoxville, he worked 12-hour days, but only five days a week; on the sixth day, he worked 18 hours. On the seventh day he rested—and took my brother and me hiking over Sharp's Ridge near home or in the Smokies we all loved.

In The News-Sentinel's fights against political corruption, for city manager government, and for the Great Smoky Mountains National Park, he was editor Meeman's investigative left hook; in The Press-Scimitar's fights against the Crump dictatorship and for efficient, clean, citizen government, he was Meeman's encyclopedic editorial right cross.

In the offices of both papers, he has been both artist and craftsman—artist in observing, writing, evaluating, and editorializing on the news; craftsman in editing and displaying it readably and attractively.

In reviewing movies, plays and books, I have always been guided by Goethe's three questions: What is the artist trying to do? How well has he done it? Is it worth the doing?

For 46 years, Zollie Howard has been trying to give light so that people can find their own way through the dark corridors of the life they must traverse together. He has done it with more courage, candor, artistry, craftsmanship and dedication than any newspaperman I have ever known.

As for its being worthwhile—Prometheus stole fire from Heaven for man's sake, and I believe that to discover and print the truth is of that same noble order of endeavor.

Zollie Howard has been printer's devil, reporters' god, editors' right hand, and the people's spokesman. I think they're all going to miss him around here as much as I am.

A BILL TO ASSIST CITIZENS WHO DRAW SOCIAL SECURITY BENEFITS

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. GALIFIANAKIS. Mr. Speaker, during the opening days of the second session of the 92d Congress, I feel that it is once again appropriate to direct our attention to the pressing need of our citizens who draw social security benefits. Congress should take immediate action to alleviate the desperate financial straits of the older and disabled people in North Carolina and the Nation.

Therefore, yesterday I introduced a bill to assist citizens who draw social security benefits. My proposal will increase from $1,680 to $3,000 per year the amount social security recipients can earn at outside employment.

In doing so, I would like to point out that there are those who could earn more at outside employment, but who do not do so because it would simply reduce their social security payments. In view of the rapidly rising cost of living, those who could benefit from outside employment should be able to do so in conjunction with the social security payments.

If enacted, this bill would most importantly increase total annual earnings of many social security recipients without an added burden to the American taxpayer. It will serve to retain the services of many still productive citizens in our economy, many who are possessed of valuable skills.

Mr. Speaker, I invite my colleagues to join me in support of this measure as the most sensible avenue of approach to provide effective assistance to the social security recipients who are, under the present system, our lost and forgotten Americans.

EXCESSIVE PUNISHMENT FOR DRAFT CARD DESTRUCTION

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. HUNGATE. Mr. Speaker, the St. Louis Bar Journal and the St. Louis Post-Dispatch carried the following comment on a congressional excess in establishing punishment for draft card destruction:

[From the St. Louis Bar Journal]

THE LETTER OF THE LAW

(By Charles B. Blackmar)

In 1968 an eighteen year old man tore his draft card in two and handed it to a police officer. As a result he was required to spend ninety days in a penal institution. This was so even though he requested a new card two days later and received it.

The incident demonstrates an excessive application of the legislative, executive and judicial power which is without precedent in our history. It will be ridiculed abroad and by future generations. It will not produce respect for law, though it may result in some fear of the law's power. In some the reaction will be skepticism bordering on contempt.

The fault began with Congress. For many years draft registrants have been required to carry classification cards, with nominal penalties for failure to do so. At a time when dissent about the Vietnam war was less popular than it now is, some began to express their disapproval by burning draft cards. Congress responded by shouting through a bill making the mutilation of a card punishable by a fine of up to $10,000 and a penitentiary sentence of up to five years. This was done even though possession of a draft card is not a necessary ticket of admission to an induction center. The committee report shows that the congressmen were disturbed by expression of dissent, and that this is why such an excessive sentence was authorized.

President Johnson obediently signed the bill and the Supreme Court, in an opinion by Chief Justice Warren, held that there was a proper legislative purpose in requiring the possession of a draft card, so that Congress could provide whatever sanction it saw fit for mutilation. In so holding the Court reversed a Court of Appeals decision. The issue was a close one. There was an obvious effect of restricting a particular means of expression, but the Court found that the valid legislative purpose was sufficient to sustain the act.

The Department of Justice showed incredibly poor judgment in prosecuting the case here described. Prosecution is a discretionary matter. Many offenders are not prosecuted. Those guilty of filing false income tax returns, or of filing no return at all, will often be allowed to rehabilitate themselves by making a voluntary disclosure and paying the tax. A draftee who fails to report for induction will usually be given a second chance to report. Prosecutors frequently exercise their discretion to omit prosecution of those who have committed no prior offense, even though guilt is evident. Why was this case selected for prosecution?

The trial judge's finding of guilt was within the law. He was affirmed by the court of appeals and the Supreme Court (6–3) declined review of the case.

In the federal system, however, the trial judge has the sole responsibility for sentencing. There is no judicial authority above him. It is perhaps unusual to find criticism of a sitting judge in a publication of this kind, but public comment is entirely in order about a matter which is completely within the judge's discretion.

And the sentence which the defendant was required to serve is unjustifiable! There was no need to imprison this defendant for a single day. The sentence was perhaps designed to scare other potential offenders, but it took no account of the individual, of the nature of the offense, or of the possibility of further criminal conduct by the defendant. The offense does not involve moral turpitude, and the defendant sought no personal gain. He simply chose the wrong method of protest against American involvement in a conflict which more and more people are coming to regard as a monstrous crime against humanity. There were close constitutional and statutory questions. The prompt request for another card undid the damage.

Even though Congress had authorized a substantial prison sentence, the court had no obligation to order incarceration. (We disregard the initial pronouncement of a five year sentence, which was done because of the technicalities of the law.) It is not at all unusual for a defendant subject to a sentence of this magnitude to receive probation without serving any time. In this case, in particular, leniency at the end of the proceedings was in order.

The sentences in the federal court in this district seem quite severe. This seems especially so in cases involving dissent to federal military policy. Yet there is no convincing evidence that the severity of sentences is a substantial factor in deterring others. And severity has bad effects, especially in cases in which it is not needed. A first offender should be incarcerated only for a very good reason.

This entire incident represents an impulsive act by Congress, with presidential acquiescence, compounded by a bad exercise of discretion by the prosecutor and by the court. Let us hope that similar incidents do not occur.

I think it is well for us to reflect on the wisdom and courage shown by one of our colleagues on this occasion when Henry P. Smith III, of New York, cast the lone no vote against this bill, Public Law 89–152. The vote on final passage being 393 to 1.

MONTHLY CALENDAR OF THE SMITHSONIAN INSTITUTION

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. SMITH of New York. Mr. Speaker, I am pleased to place in the RECORD the January Calendar of Events of the Smithsonian Institution, as follows:

JANUARY AT THE SMITHSONIAN

WEDNESDAY, JANUARY 5

Free Film Theatre: *Search for National Unity: 1800–1927; Civil War and Invasion: 1927–1941.* Two of a three-part series "China: Century of Revolution," written and narrated by Theodore H. White. 12:10 and 1:10 p.m., Natural History Building auditorium. (The final film in the series will be shown January 12 and 13.)

THURSDAY, JANUARY 6

Creative Screen: *Art*—A funny and hypnotic bombardment as 2,100 works of art flash by in quick succession; *Why Man Creates*—an Academy Award winner by Saul Bass depicts the creative process. Continuous half-hour showings begin at 11 a.m.; last showing at 2:30 p.m. National Collection of Fine Arts, Lecture Hall.

Free Film Theatre: *China: Century of Revolution.* Repeat. See January 5 for details.

FRIDAY, JANUARY 7

Exhibition: *Karl Schrag.* Sixty-five prints by this German-born New York artist, now 59, whose stated life work is the interpretation in art of the simple but elusive truths of nature. National Collection of Fine Arts, through February 21.

SATURDAY, JANUARY 8

Concert: Songs related to the times and subjects of the concurrent exhibition *John Steuart Curry: Themes and Variations,* and presented by the Folklore Society of Greater Washington. 3 p.m., National Collection of Fine Arts, Granite Gallery.

Creative Screen: *Art; Why Man Creates.* Repeat. See January 6 for details.

MONDAY, JANUARY 10

Audubon Film: *The American Eagle.* Jackson Abbot, Director of the Audubon Naturalist Society and the Bald Eagle Survey, will present this film and comment on the problems of survival of the eagle. 8 p.m. only, Natural History Building auditorium.

TUESDAY, JANUARY 11

Lecture: *Listening to Brain Waves.* Lecture-demonstration on brain-wave music by Dr. Reginald G. Bickford, Professor of Neurosciences, University of California at San Diego. Sponsored by the Resident Smithsonian Associates. 8:30 p.m., Natural History Building auditorium. Public is welcome.

Lecture: *Court Designs and the Mass Production of Fine Arts in the Ottoman Empire,* by Professor Walter B. Denny, University of Massachusetts. Prof. Denny's presentation will focus on the large-scale production of tiles for wall decorations in mosques and secular buildings, and the significance of these decorations in understanding the economic and artistic developments of the time. 8:30 p.m., Freer Gallery of Art.

WEDNESDAY, JANUARY 12

Free Film Theatre: *Rise of Communist Power: 1941–1967*—Final film in the "China: Century of Revolution" series, tells of the struggle betwen Chiang Kai-shek and Mao Tse-tung, and describes the two decades in China under communist rule. *Odyssey in Asia*—The adventures of two young men traveling from the Bosporus in Turkey to Fujiyama in Japan. 12:10 to 1:10 p.m., Natural History Building auditorium.

Lunchbox Forum: *Natural Flight and Imaginative Flight.* Informal discussion by Paul E. Garber, Historian Emeritus, National Air and Space Museum. 12 Noon, Room 449, Smithsonian Institution "Castle" Building.

THURSDAY, JANUARY 13

Free Film Theatre: *Rise of Communist Power: 1941–1967; Odyssey in Asia.* Repeat. See January 12 for details.

FRIDAY, JANUARY 14

Folk Concert: *Pam Ostergren.* Old-time music accompanied by Bobi Thomas. Sponsored by the Division of Performing Arts and the Folklore Society of Greater Washington. Admission: FSGW members, free; non-members, $1. 8:30 p.m., History and Technology Building Auditorium.

Classical Guitar: *Michael Lorimer,* one of the outstanding young artists in the United States, and student of Andres Segovia. 8:30 p.m. Natural History Building auditorium. For ticket information call 393–4433.

SUNDAY, JANUARY 16

Exhibition: *Greenland: Arctic Denmark.* A special exhibition prepared for the Smithsonian by the government of Denmark, presents a total view of Greenland, its culture, history, natural resources and contemporary life. Foyer, National Museum of Natural History, through March 12.

Exhibition: *Art from D.C. High Schools.* Drawings, paintings and ceramics from District senior high schools. Education Gallery, National Collection of Fine Arts. Opening 3–5 p.m. Exhibition continues through February 28.

WEDNESDAY, JANUARY 19

Free Film Theatre: *Race to Extinction.* Explores the Mayan civilization of Mexico and the Lacadan Indians who still live near ancient Mayan ruins. 12:10 and 1:10 p.m., Natural History Building auditorium.

THURSDAY, JANUARY 20

Creative Screen: *Generation*—A study in patterns, designs and colors from kaleidoscopic images; *Paint*—The romance of paint in a panorama from the Stone Age to the present. Continuous half-hour showings from 11 a.m.; last showing at 2:30 p.m. National Collection of Fine Arts.

Free Film Theatre: *Race to Extinction.* Repeat. See January 19 for details.

SATURDAY, JANUARY 22

Creative Screen: *Generation; Paint.* Repeat. See January 20 for details.

MONDAY, JANUARY 24

Music at the Smithsonian: *Malcolm Bilson* in a concert for the Fortepiano, featuring the works of Haydn, Mozart, and C.P.E. Bach and using a Philip Belt copy of the Smithsonian's 1773 instrument by Johann Andreas Stein. Sponsored by the Division of Musical Instruments and the Resident Smithsonian Associates. 8:30 p.m., Hall of Musical Instruments, History and Technology Building. Tickets, $4. For reservations call 381–5395.

WEDNESDAY, JANUARY 26

Free Film Theatre: *Horseman, Pass By.* Film on W. B. Yeats, poet-philosopher and founder of the world famed Abbey Theatre, narrated by Frank O'Connor. 12:10 and 1:10 p.m., Natural History Building auditorium.

Lunchbox Forum: *The Consumer and the Airlines.* Informal discussion by Jack Yohe, Director of Civil Aeronautics Board Office of Consumer Affairs. 12 Noon, Room 449, Smithsonian Institution "Castle" Building.

THURSDAY, JANUARY 27

Free Film Theatre: *Horseman Pass By.* Repeat. See January 26 for details.

National Capital Shell Club: *Study group* conducted by staff members of the Smithsonian's Division of Mollusks, 7:30 p.m. *Monthly meeting and slide program,* 8:15 p.m. Room 43. Natural History Building. Public is invited.

FRIDAY, JANUARY 28

The Renwick Gallery. Museum opens to the public. The Smithsonian adds another art museum to its complex when the jewel-like Renwick Gallery opens January 28. The Museum, built in 1861, is located at 17th Street and Pennsylvania Avenue N.W. and will be open from 10 a.m. to 5:30 p.m. every day of the week.

Besides permanent installations, the Renwick, named for its architect James Renwick, will have a changing series of exhibitions devoted to American design, crafts, and decorative arts. For the opening, there will be eight concurrent temporary shows; *Woodenworks,* furniture by five contemporary craftsmen; *Design Is . . .,* an exploration of the nature of design; *James Renwick in Washington,* a study of the architect's career in this city, *Selections from the Index of American Design,* rendering of articles of daily use and adornment from Colonial times to 1900; *The Glass of Frederick Carder,* creations by the founding director of the Steuben Glass Works; *Pueblo Pottery: Zuni and Acoma Designs from Smithsonian Collections,* the first of a series of exhibitions honoring the American Indian as this land's first designers; *The Four Continents,* costly 19th century European ceramics, textiles, glasswork; and *American Architecture: Photographs by the late Frank Roos,* a dramatic portrayal of architecture as design through the medium of the camera.

Continuing exhibitions

Freer Gallery of Art, 12th and Jefferson Drive, S.W.

Early Christian Manuscripts. Illuminated leaves and ancient Biblical manuscripts from the Freer Gallery's outstanding collection of early Christian works.

The Eugene and Agnes E. Meyer Memorial Exhibition. Chinese and Japanese objects including bronzes, archaic jades, stone sculptures, paintings and ceramics. On display indefinitely.

Museum of History and Technology, 14th and Constitution Ave., N.W.

A Children's World: Sears, Roebuck & Co. Collection of American Toys, 1880–1960. Over 500 cast iron and tinplate toys recently given to the Smithsonian by Sears. Through January 31.

Music Machines—American Style. From barrel organs and player pianos to the most up-to-date high fidelity equipment, with tapes of the sounds of the machines and musical films shown continuously as follows:

Dec. 31–Jan. 6—Highlights from MGM Musicals: 1930–1950.

Jan. 7–13—Musicals of the Thirties.

Jan. 14–20—Songs of Disney.

Jan. 21–27—Highlights from MGM Musicals: 1930–1950.

Jan. 28–Feb. 3—Songs of Disney.

National Collection of Fine Arts, 8th and F Streets, N.W.

John Steuart Curry: Themes and Variations. Four oils and 33 watercolors and drawings by this Midwestern regionalist. Part of the series of exhibitions on 20th century American artists. Through February 29.

Art of the 1930's. Paintings and prints from the 1930's by American artists. On view indefinitely.

William H. Johnson (1901–1970). Paintings, watercolors, drawings and prints by this little known but highly talented black American Artist. Through January 30.

The Art of John Held Jr. Drawings, prints and watercolors by the creator of the Roaring Twenties cartoon flapper.

National Portrait Gallery, 8th and G Streets, N.W.

Washington from Banneker to Douglass: 1791–1870. The history of the Nation's Capital portrayed through the use of portraits, photographs and documents, from the perspective of Washington's black community. Through January 28.

Hours

Smithsonian museums: 10 a.m.–5:30 p.m., 7 days a week.

Cafeteria: 11 a.m.–5 p.m., daily, MHT.

Snack Bar: 10 a.m.–2 p.m., daily, MHT.

National Zoo buildings: 9 a.m.–4:30 p.m., 7 days a week.

Anacostia Neighborhood Museum: 10 a.m.–6 p.m., weekdays; 1–6 p.m., weekends.

Foreign study tours

For members of the National and Resident Associates. For further details on tours, listed below, write to Miss Schumann, Smithsonian Institution, Washington D.C. 20560.

Australia and New Zealand: Late March–April.

Mexico and Guatemala: April 3–22.

No-Tour Tour: Dulles–Paris–Dulles. May 29.

Eastern Turkey: May 30 (three weeks).

Greece and Yugoslavia: June 12–July 10.

No-Tour Tour: New York–Frankfurt–New York.

King Arthur's England: July 12–Aug. 2.

The Pilgrimage Road: Sept. 11–Oct. 9.

No-Tour Tour: Dulles—London-Dulles. Sept. 11.

Russia: Oct. 9–Nov. 1.

Smithsonian puppet theatre

Eureka!—The story of a small boy, Murphy, his unusual friend Worm and their travels through time and ideas. A new fantasy performed by Allan Stevens and Company and presented by the Division of Performing Arts. Wednesday through Friday, 10:30 and 11:30 a.m.; Saturday and Sunday, 10:30 a.m., 12:30 and 2:30 p.m., in the History and Technology Building auditorium. Admission: $1 children; $1.25 adults; group rates available for 20 or more. Tickets are on sale at the box office, or call 381–5395.

Demonstrations

Museum of History and Technology

Musical Instruments, from the Smithsonian's collection. Monday, Wednesday, Friday, 3 p.m. Hall of Musical Instruments, 3rd floor.

Music Machines—American Style. Mechanical and electronic music machines. Monday, Tuesday, Thursday and Sunday, 1:30 p.m., 2nd floor.

Spinning and Weaving. Tuesday, 10:30 a.m.–12:30 p.m.; Wednesday through Friday, 10:30 a.m.–12:30 p.m. and 1:30–3:30 p.m.

Museum Tours

Highlight Tours, conducted by Smithsonian volunteers, begin at the Info Desks by the Mall entrances, on the following schedule:

Museum of History and Technology: Monday through Friday, 10:30, 11:30 a.m.; and Saturday and Sunday, 10:30, Noon, 1:30, 3 p.m.

Museum of Natural History: Saturday, 11 a.m. and 1 p.m.; and Sunday, 1:30, 3 p.m.

Arts & Industries Building (Air & Space Museum): Saturday, 10:30, 11, 11:30 a.m., 1, 2, 3 p.m.; and Sunday, 1, 2, 3 p.m.

National Collection of Fine Arts: Saturday and Sunday, 2:30 p.m. (Tour begins at 9th Street entrance.)

Domestic Study Tours

The Smithsonian Association sponsor tours dealing with natural sciences, history and notable areas of wildlife habitat in the United States. For further details, write Mrs. Kilkenny, Smithsonian Associates, Washington, D.C. 20560.

Yankee Winter Weekend: Jan. 21–23. Nostalgic weekend in the re-created 18th century atmosphere of Sturbridge Village, Mass.

New Orleans: Feb. 4–7. Exciting tour of the art, history and architecture of this Creole city.

Death Valley National Monument: April 14–20. In-depth study of this fascinating desert region.

Navajoland: May 21–28. An opportunity to see and experience the immense and magnificent area of the Navajo and Hopi, their past and present.

Windjammer Cruise: June 25–July 1. Schooner sailing off the coast of Maine with interesting shore excusions.

Dial-A-Museum—737–8811 for daily announcements on new exhibits and special events.

Dial-A-Phenomenon—737–8855 for weekly announcements on stars, planets and worldwide occurrences of short-lived natural phenomena.

Radio Smithsonian

Radio Smithsonian, a program of music and conversation growing out of the Institution's many activities, is broadcast every Sunday on WGMS-AM (570) and FM (103.5) from 9–9:30 p.m. The program scheduled for January:

2nd—*Concert: The Concentus Musicus, Vienna,* under the direction of Nikolaus Harnoncourt, in a program of Italian baroque music.

9th—*The Middle East: What's Really Happening?,* a discussion with Dr. Amos Perlmutter, fellow at the Woodrow Wilson International Center for Scholars, and Dr. Abdul Said, professor at the American University School of International Service.

16th—*Folk Concert,* featuring Grant Rogers, folksinger, fiddler and guitarist.

23rd—*The Renwick: A Showcase for American Design.* Interview with Lloyd Herman, Director of the Renwick Gallery, the newest of the Smithsonian's branches. *Perception and Society, with Dr.* Robert Livingstone, Visting Professor at Brain Research Institute of the University of Zurich.

30th—*Life Among the Chimps.* Dr. Jane van Lawick-Goodall talks about some of the striking discoveries she has made about chimpanzees over the past decade.

Classes workshops, tours

Sponsored by the Smithsonian Associates, by subscription only—call 381–5157.

Classes begin in January in the following subjects:

Young people (8 weekly sessions): Mammal Laboratory; Model Rocketry; Special Project Art; Archaeology; Architecture; Country Living—U.S.A.; Creative Expression; Evolution of Mammals; Our Mineral Kingdom; Oceanography; Rocketry and Space Flight.

Adults and Teenagers (10 weekly sessions): Classical Pottery and Its Creators; Design; Basic Photography; Sensing Art; Stitchery I, II and III; America in the 20th Century; Minerals as Resources; Stained Glass; Intermediate Photography; Oceanography; Washington, D.C.-Old and New; Design in Enamel I and II; Basic Film Making; Basic Darkroom Workshop; Cinema: More or Less.

WORKSHOPS—Natural Dyes (for adults and teenagers)—January 21 or 22.

Plastic Sculpture (ages 7–12)—January 16.

TOUR—Federal Triangle. First detailed tour ever offered in Washington of the art work of the Federal Triangle Buildings covers the neo-classical sculpture on the building exteriors, 50 New Deal murals and noteworthy Art Deco sculpture in the interiors.

The Smithsonian Monthly Calendar of Events is prepared by the Office of Public Affairs. Editor: Lilas Wiltshire. *Deadline for entries in the February Calendar: January 5.*

Use of funds for printing this publication approved by the Director of the Office of Management and Budget, June 3, 1971.

STATEMENT ON WITHHOLDING TAX BILL

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. KEATING. Mr. Speaker, as a former finance committee chairman of the Cincinnati City Council, I believe that the council took the correct action in passing a resolution calling for congressional action on the passage of legislation that would allow the Federal Government to withhold local income taxes from the wages of Federal Government employees.

Pursuant to this resolution, I have today introduced a bill in the House that will amend the law to allow this withholding.

In Cincinnati, we have approximately 14,000 Federal employees and if this legislation is enacted the city government will see a savings of around $100,000.

This is a commonsense bill that will not only help the city but will be of great benefit to the employees. When sitting on the municipal bench, I often came into cases where Federal employees were running into difficulty because their taxes had not been withheld. This bill alleviates that problem.

It is my hope that the Committee on Ways and Means will look into this problem and act on my legislation.

ISSUES FOR THE NEW YEAR

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. SCHMITZ. Mr. Speaker, election years are traditionally long on talk and image, short on action and genuine issues. Election year 1972 seems more likely than ever to follow this pattern.

This being the era of the mass media—especially television—and of highly sophisticated public relations, there is all too much voting on appearances instead of realities. The issues people talk about during a campaign are often not the real issues which concern the hard decisions which must be made if our Republic is to survive and remain free. The times are much too critical to indulge the temptation to avoid these issues in 1972.

What are these real issues and the hard decisions they involve? I would list them as follows:

First. Strengthening our national defense. Eager to reorder priorities so as to get more free Federal money for their favorite domestic projects, far too many people are still trying to pretend that this issue is not there or will go away. Many others are still genuinely unaware of, or unwilling to believe the extent of our present military weakness, which I have amply documented in past newsletters. If we are too weak to deter a Soviet attack, then all the other activities of our Government become utterly pointless. Protecting our country from enemies foreign and domestic is, after all, the primary duty of our Federal Government.

Second. Knowing our enemy and dealing with him as an enemy. Woolly-headed optimists and secret or open sympathizers can say all they want about the "mellowing" of aggressive international communism, but the fact remains that there is no hard evidence whatever indicating any change in the Communists' fixed purpose of conquering the world, nor justifying any greater trust in their pledged word, in treaties, and the like. Under these circumstances it is the height of folly to regard Communist governments as anything but our sworn enemies and to deal with them on any basis other than that. As everyone knows, our policy toward them has been shifting steadily in their favor, especially during the past year. This must stop.

Third. Restoring freedom to our economy. The gigantic, superlatively productive trillion dollar American economy today lies shackled in the grip of the tightest system of mandatory Federal controls ever imposed in the absence of declared war. Whether or not such controls may seem to work at first, all history shows that in the long run they cannot stop inflation, but can and will cut production and dislocate trade. This is at least implicitly recognized by apologists for the present controls, who keep insisting they will not last. They should be asked: When will the controls be removed? What will you do to help remove them?

Fourth. Reducing Federal spending and the Federal deficit. Present projections indicate a deficit for the current fiscal year of $27 billion and more to come next year, with huge spending increases for many Federal programs and departments—but only a very small increase for defense. National bankruptcy lies at the end of this road which we are now traveling with express train speed.

There are other vital issues as well—curbing the power of the courts, especially with regard to the forced busing of schoolchildren to achieve racial balance; saving the lives of babies from the abortionists; trying to restore sanity to our welfare programs and many of our school systems, for example. But the four I have discussed in some detail are those for which Congress and the President are directly responsible, and on which they should be held to account.

GENERAL CUSHMAN 25TH COMMANDANT

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. BROOKS. Mr. Speaker, Gen. Robert E. Cushman, Jr., a distinguished marine officer, on January 1 assumed the high office of Commandant of the Marine Corps.

As 25th Commandant of the Corps, General Cushman brings an outstanding military and civilian record of heroic and meritorious service to his country. From the beaches of Bougainville, Guam, and Iwo Jima in World War II to the jungles of Vietnam he has displayed exceptional qualities of leadership and courage. In his later military tours as a ranking staff officer and his most recent assignment as Deputy Director of the Central Intelligence Agency, General Cushman has exercised his dynamic managerial abilities. He combines the qualities of physical toughness and intellectual excellence. I am confident he will be another in the long line of illustrious Commandants who have served their Corps and their Nation so well during the 196 years of history of the Marines.

Recently I had the pleasure of visiting with General Cushman and he assured me that the Marine Corps will continue its time-tested tradition of serving as the country's true force-in-readiness.

We pledge our support to General Cushman and his marines, and we wish them well in the days ahead.

CHILE AND THE WORLD BANK: U.S. TAXPAYERS CONTINUE TO SUBSIDIZE MARXISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. RARICK. Mr. Speaker, recent news articles over the brief span of little more than a month reveal a peculiar relationship between the American Government and the Marxist government of Allende in Chile.

A news article of December 12, 1971, carried the lead "Chile's economic deterioration and its chaotic debt status appear to have ended any hope of the Marxist-led regime of President Salvador Allende of obtaining loans from the Inter-American Development Bank, the World Bank, or the Export-Import Bank."

Almost a month later to the day, January 13, 1972, the newspapers carried a story headlined "World Bank Gives McNamara New Term." The papers of January 17, 1972, contained a brief announcement "World Bank To Lend $5 Million to Chile," to aid in grape, plum, and apricot exports to the United States and Western Europe. This is aiding Marxist Chile at the expense of U.S. fruitgrowers already weakened by Chavez-led labor racketeering.

Nothing indicates that the economic situation in Chile has changed. This brings the total of money loaned to this bankrupt Marxist nation to $42.5 million in less than 45 days. The earlier article of December 12, 1971, had indicated that Chile would obtain a loan of $39.5 million from the International Monetary Fund to supplant the cash loss resulting from the drop in price of Chilean copper, which dropped following Chilean nationalization of American interests.

The close proximity of these dates is a strange coincidence. Certainly Mr. McNamara and the Directors of the IMF must be aware of the bankrupt economic situation in Chile as described in the article of December 12, 1971.

There is little wonder that there is an economic crisis in world currency, which results from the weakening of the U.S. dollar. Clearly those people charged with directing these international funds supported by U.S. dollars are either ignorant of the facts, in which case it is doubtful that they deserve their position, or they blatantly ignore evident facts in an attempt to create world crises, in which case they are actively aiding and abetting the world Communist control mechanism.

I insert the related news articles:

[From the Evening Star, Jan. 17, 1972]

WORLD BANK TO LEND $5 MILLION TO CHILE

SANTIAGO.—The World Bank is planning to lend Chile about $5 million so it can diversify and expand its fruit growing.

Table grapes, plums and apricots will be included, with much of the increased production intended for export to the United States and Western Europe.

[From the Washington Post, Jan. 13, 1972]

WORLD BANK GIVES MCNAMARA NEW TERM

(By Hobart Rowen)

Robert S. McNamara, Secretary of Defense in the Kennedy and Johnson administrations, was reappointed yesterday for a new five-year term as president of the World Bank beginning April 1, 1973.

The reappointment was by unanimous resolution of the Executive Directors representing the power structure within the 117-member-nation bank. It laid to rest the rumor that the Nixon administration might attempt to substitute the name of a prominent Republican political figure.

It also demonstrated that McNamara—a controversial personality as Bank president, as he had been as Defense Secretary, had overcome a blow to his personal prestige as a consequence of the publication last year of the Pentagon papers.

The World Bank, technically the International Bank for Reconstruction and Development, as set up along with the International Monetary Fund at Bretton Woods in 1944. The understanding has been that the Bank president would be an American, while the managing director of the IMF traditionally has been a European.

McNamara, who succeeded George Woods as president in 1968, has refocused the attention of the lending agency toward narrowing the gap between the rich and poor countries. He proposed a goal of doubling the bank's loans in the five year period 1969–73, and has concentrated on birth control, worldwide unemployment and poverty, and social problems in general.

This brought McNamara into conflict with those who preferred to see the Bank's role more narrowly defined in terms of traditional and safe banking practice. In some quarters, he was roundly criticized for his sometimes impassioned speeches on behalf of the world's poor.

Just a month ago, a French official observed privately, "The Bank is not really a bank any more; it is lending money at less than normal rates to countries that will never pay back."

The negative view of McNamara as a banker had little real support where it really counted, in the world's markets, which readily provided the money the bank sought to borrow. But the McNamara opposition got a temporary boost from the June publication of the Pentagon papers, which suggested that McNamara, while Secretary of Defense, had not always told the truth.

McNamara himself felt that the Pentagon papers had compromised his position with the Bank's Executive Directors, who, according to one insider, "found this sort of thing shocking; they're not used to this game."

The London Times published an authoritative-sounding story saying that McNamara might lose reappointment as a result of the publication of the Pentagon papers.

But McNamara won the Executive Directors to his side with what is described as an extraordinarily frank and personal account of his role and problems as Secretary of Defense, and the Pentagon papers probably created a new sympathy.

McNamara also received word reportedly from Henry A. Kissinger, that President Nixon was not opposed to his reappointment, although some Republican politicians would have liked the Bank presidency as a plum. The name of David Kennedy, former Treasury Secretary, has been prominently mentioned as a possibility.

With the Nixon approval known to be on track, the Executive Directors sounded out their governments during the summer. There was no opposition, and as might be expected, enthusiastic endorsement from the less developed countries McNamara had championed.

The Executive Directors' announcement noted that the McNamara reappointment assures continuity of the bank's management. A second five year plan (1974–78) is being prepared. Sources say it will stress even more the need to solve the problems of world-wide poverty and unemployment, as well as some way of easing the enormous pile-up of debt repayment for the poor countries.

"Now we can get these things out of the way," said a European official of the Bank, "without getting them snagged in your political campaign this year."

[From the Sunday Star, Dec. 12, 1971]

CHILE'S PROSPECTS FOR LOANS HURT BY ECONOMIC TROUBLES

(By Jeremiah O'Leary)

Chile's economic deterioration and its chaotic debt status appear to have ended any hope of the Marxist-led regime of President Salvador Allende of obtaining loans from the Inter-American Development Bank, the World Bank or the Export-Import Bank, a survey by The Star has disclosed.

Exclusion of Chile from access to such funds, diplomatic sources say, has been brought about by the Santigo regime's unwillingness or inability to meet the normal banking criteria required by the three international development agencies.

The Export-Import Bank and Chile reached a standoff several months ago on a request for a loan of about $20 million to buy Boeing aircraft for the national airline, LAN Chile. Ex-Im asked the Chileans for information about compensation of U.S. copper companies and other questions and the Chileans refused to reply. The bank takes the position that it has not denied Chile a loan, but rather that Chile refuses to meet the conditions for one.

MEAT IS SCARCE

The World Bank had two development loan applications from Chile, including one for improvement of cattle ranching operations. But land appropriations by the government and illegal seizures of land by peasants have eliminated any large-scale cattle operations in Chile. As a result, meat is available only one week each month and the nation already has experienced a food demonstration by thousands of women.

Chile this year had seven applications before the International Development Bank, but word from officials there is that the loans are stalled indefinitely. The impasse brought a stormy confrontation between Chilean officials and the bank directors a few months ago, but Chile's refusal to comply with banking requirements and terms was cited as the reason for freezing the applications.

The projects under study are: a petrochemical plant in Concepcion, $30 million; an iron ore mine, $60 million; a methane gas plant, $60 million; expansion of the port of San Vicente, $30 million; a hydroelectric plant at Colbun, over $200 million; a global line of credit to Corfo, the Chilean development organization, for small business relending, $40 million, and an irrigation system, $75 million. The proposed IDB loans would have accounted for about half of the costs of the projects cited.

FAILS TO MEASURE UP

All the loans except the irrigation project would have come from the so-called "hard loan window" where the U.S. vote is not needed for passage. Under the IDB's weighted voting system, the United States has a veto at the "soft window". But in practice, the fact that Chile did not meet the bank's requirements was the reason cited for inaction.

Like commercial banks, IDB asks information on the level of foreign reserves, budget figures, external debt, earnings, inflation, and revenues. Officials say that Chile refuses to respond and that the loans fail to win approval for banking rather than political considerations.

IDB has given Chile two university loans that were placed in the previous administration of President Eduardo Frei. What appears to be a new loan of about $15 million for social development projects, a source said, is really made up of unused balances from several previous loans.

Beyond the confrontation with the IDB directors, Chile is no longer pressing for the loans. This is attributed to the fact that the Allende government has put itself in an untenable position for seeking new money by its declaration on Nov. 9 that it was asking foreign creditors for renegotiation of debts totalling about $3.8 billion. Officials say Chile can hardly push for new loans while asking for new delayed terms on existing debts.

Sources in Washington say that Chile has ceased paying anything on its debts to the multi-national lending organizations. However, Chile on Friday borrows $39.5 million for the International Monetary Fund based on the drop in prices for its principal cash earner, copper. Both Chile and Zambia evidently are qualified for primary product loans because of the fall in copper prices.

Chile's financial condition approaches disastrous proportions by any measurement. Allende is being forced to spend about $30 million a month from his foreign currency reserves for food and necessity imports. If the estimate is correct that Chile's foreign reserves have shrunk to about $175 million, at the present rate the nation will be bankrupt by April or May.

There is no evident source of funds to shore up the exchequer, barring the possibility that the Russians might come through with massive credits. Moreover, the Chilean escudo has been so inflated that it has had value only in Chile.

The critical financial situation forced Allende's government to overhaul its foreign exchange system on Friday establishing four different rates for import purchases.

Beginning tomorrow, the escudo will remain pegged at 12.21 escudos to the U.S. dollar—its previous rate—only for vital imports such as basic foodstuffs and petroleum.

For most imports, the rate will climb to 15.80 escudos to the dollar. Imports such as spare parts, electronic components and raw materials for automotive and light industries will be raised to 19 escudos to the dollar. And imported luxury goods such as tobacco, liquor and jewelry will be bought at a rate of 25 escudos to the dollar.

The broker's rate—used on the tightly controlled tourist market—will be kept at 28 escudos to the dollar.

Allende has instituted strict currency laws, including escudos a foreign visitor can bring into the country, but he goes on printing paper money that has decreasing value even in Chile.

Most of Chile's monumental debt is owed to agencies like IDB, Ex-Im and the World Bank and to foreign finance agencies in Europe. About $300 million of the total is owed to private U.S. banks and Allende inherited an additional $736 million in debts when he seized the three U.S. copper companies without compensation.

TOM M. CORDELL NAMED MAN OF THE YEAR IN GEORGIA

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. MATHIS of Georgia. Mr. Speaker, in the January 1972 edition of the Progressive Farmer magazine a high tribute was paid to one of my beloved constituents. The Progressive Farmer named Tom M. Cordell, who is dean and coordinator of continuing education at Abraham Baldwin College in Tifton, Ga., the 1971 man of the year in service to Georgia agriculture. Dean Cordell is a man of great devotion, a man of great ability, and a man of great integrity. It is altogether fitting that he should have been honored in such a manner. I join with all other Georgians in this salute to Dean Tom Cordell and thank him for the job he has done for agriculture and wish him the best in the future. Following is a news story that appeared in Dean Cordell's hometown newspaper, the Daily Tifton Gazette, and an editorial from the same paper:

MAN OF THE YEAR IN GEORGIA: CORDELL HONORED FOR AGRICULTURAL SERVICE

(NOTE.—Tom M. Cordell, dean and coordinator of continuing education at Abraham Baldwin College here, has been named as the 1971 Man of the Year in Georgia Service to Agriculture by "The Progressive Farmer." Cordell has been associated with ABAC for the past 31 years and is married to the former Ruth Pollock. The couple has two children, Tom Jr. and John. They attend First Baptist Church. Three other Tift Countians have been so honored through the years. They are Dr. George P. Donaldson, Dr. Glenn Burton and Byron L. Southwell. The following story is from the January 1972 issue of "The Progressive Farmer," edited by Vernon Miller.)

In the past 31 years Tom Cordell has touched the lives of thousands of Georgians.

And few of them ever really realized it.

Throughout these three decades Cordell has been the heart, hands, and feet of more than 1,000 short courses, seminars, workshops, and non-credit courses held at Abraham Baldwin Agricultural College, Tifton. Some 120,000 people have attended these sessions.

Cordell came to ABAC in 1940 as a 27-year-old high school principal and vo-ag teacher. He was hired by then-president Dr. George King to be Director of Adult Education. (He now holds the title of Dean of College and Coordinator of Continuing Education.) He didn't waste any time in getting the short courses off and running.

In his first two years, 28 such courses were held with a total attendance of 1,399 people. And many of these courses were one-week sessions.

After a World War II tour of duty as a Navy lieutenant, Cordell rejoined ABAC with the added title of Academic Dean. He started right where he left off and has been expanding ABAC's influence over Georgia ever since.

"In the beginning we had one purpose in mind—help improve the economy of Georgia," says Cordell. "And this has remained our goal."

In recent years Cordell has also led in the addition of courses of interest to businessmen, law officials, and homemakers. "We're a state-supported school, so we're trying to be of as much service as we can to all the people of Georgia," says Cordell.

Other type courses are now being offered in addition to the traditional short courses. One is the noncredit course that is conducted one night per week for eight weeks. Included are such subjects as bookkeeping, welding, computer programming, sewing, and mechanics.

Workshop sessions that include a full week or more of instruction are also being offered.

Not one to ever become self-satisfied, Cordell is constantly evaluating and re-evaluating this entire continuing education program. He works hard at keeping in contact with the people he is trying to serve. And he makes full use of an advisory council that meets each year to offer suggestions—and criticisms.

"Probably the real reason that Tom has done such a great job is that he's human oriented—not necessarily job oriented," says one of his associates. "He makes an honest effort to give people what they want and need."

This same person goes on to describe Cordell as "foundation stock." "He's not flashy, but he sure does get the job done."

Cordell's ideas and philosophies reach outside Georgia through his efforts as a consultant with the American Association of Junior College Program for Developing Institutions. He is also a member and former president of the Georgia Association of Junior Colleges, an active Kiwanian, and Baptist.

RICHLY DESERVED

Georgia's "Mr. Short Course," Dean Tom M. Cordell of Abraham Baldwin College, richly deserves being named the Man of the Year in Service to Georgia Agriculture.

That award was bestowed upon Dean Cordell this week by the "Progressive Farmer" magazine, which annually makes such selections.

For the past 31 years, Dean Cordell has touched the lives of thousands of citizens, farmers and urban dwellers alike, throughout the Southeast with his famed short courses at Abraham Baldwin.

More than a thousand courses have been held during those years and over 100,000 individuals have attended the various seminars, workshops, non-credit courses and the like which Dean Cordell has guided with a knowledgeable hand.

During the time Dean Cordell has been at ABAC, the short course program has expanded greatly and has grown from purely agricultural aspects into such fields as taxes, law enforcement, homemaking and even more specialized classes to meet the educational needs of Georgians.

Dean Cordell is the fourth Tift Countian to be so honored. Previous selectees include Dr. Glenn Burton, grass geneticist; Dr. George P. Donaldson, former ABAC president and executive secretary of the Georgia Peanut Commission, and Byron L. Southwell, former head of animal husbandry at the Coastal Plain Experiment Station.

Each of these men has made contributions which have spread far beyond Georgia and far beyond America, touching the lives of people around the world.

Dean Cordell joins this circle now. We congratulate him on his achievements and thank him for all that he has done for so many through the years.

SPECIAL TAX RATES FOR THE ELDERLY

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. HARRINGTON. Mr. Speaker, almost 2 months ago the White House Conference on Aging brought long overdue national attention to the serious problems facing the elderly. It is my hope that many of the recommendations of the conference will be enacted as soon as possible. Clearly there are a multitude of tasks facing us if the elderly are to receive the decent life they have a right to receive. Perhaps paramount among the tasks we face is the pressing need for better tax rates for the elderly. Sylvia Porter commented on this in the December 22, 1971, Boston Herald Traveler in an article entitled "Special Tax Breaks for the Elderly." I urge my colleagues to read her column which follows:

SPECIAL TAX PRICE "BREAKS" FOR ELDERLY

(By Sylvia Porter)

Item: President Nixon scored a great hit when he appeared before the recent White House Conference on Aging and pledged to try to "ease the crushing burden of property taxes"—but the fact is that, at last count, 21 states already offer some kind of break on property taxes to older homeowners.

To illustrate, in New York City older, lower-income homeowners are eligible for a reduction of 50 per cent in the assessed valuation of their homes. In Colorado, a credit of up to $200 is allowed for low-income homeowners aged 65 and older. In Connecticut the 65-and-over homeowner's property taxes are not permitted to rise if he or she) meets certain low-income tests and has occupied the home in that state for at least five years.

Item: Many states also have liberal tax roles covering medical deductions and retirement income.

In North Dakota, all medical expenses are deductible from state income taxes. In New Jersey, all drug costs are deductible. In Wisconsin, teachers' retirement benefits and the retirement benefits of Milwaukee's police and firemen are non-taxable.

A trend is developing in many areas of life toward financial concessions from both non-public and public sources to help older people add a little more dignity, variety—and financial security—to their lives. Among the most important is the tax break offered by state and local governments. Where, then, might you find out what breaks are available to you?

Check your state department of aging and-or department of taxes for rules applying to you.

If you are a member of the American Assn. of Retired Persons, send for this organization's unique pamphlet "71 Tax Facts for Older Americans" (the AARP's address is 1225 Connecticutt Ave., N.W. Washington, D.C. 20036). The pamphlet contains a concise rundown on all major state tax regulations of interest to older Americans.

Consult the local Internal Revenue Service—which may be among those that have set up special tax counseling services for older citizens. By the IRS's own estimate, ONE-HALF of all older Americans may be OVERPAYING their Federal income taxes because they do not understand the rules covering them!

Other concessions also are being offered to older Americans—for instance, discounts.

In St. Petersburg, Fla., Long Beach, Calif., Kansas City, Mo., and other cities, members of the AARP can order by mail prescription drugs, sickroom supplies and certain health aids at savings which may amount to 50 per cent or even more. The association also offers its 2,750,000 members cut-rate life insurance, health insurance and automobile insurance.

In Philadelphia, a chain of 21 movie theaters now offers 50 cent discount on each movie to moviegoers over the age of 60 who join the chain's special movie club.

In New York, the Hunter College Concert Bureau recently posted a price of $1 per ticket for certain concerts for those aged 65 or over.

In a growing number of cities, reports Harvest Years magazine, Senior Citizens' councils are bargaining with pharmacies to offer cut rates on prescription drugs to older customers.

Across the country, mounting numbers of banks are offering free checking accounts for older Americans and auto insurance companies are offering over-65 drivers good-driver discounts of 5 per cent or more. In one plan, older drivers participating in a "Driver Improvement Program," sponsored by the National Safety Council, qualify for a 10 per cent discount.

And restaurant chains are offering discount meals—especially in neighborhoods in which large numbers of elderly citizens live. Typical discounts: 10 to 15 per cent. Other restaurants are offering low-cost take-out meals for shut-ins. Typical cost: $1 per meal or $2 for three meals. Meanwhile, there is a powerful movement among airlines—domestic and international—to give big fare discounts to older Americans, some proposals involving fare cuts of up to 50 per cent and more.

To pursue this, ask about special discounts that might apply to you at any senior citizens center, local welfare and social service organization, the Model Cities office, the local United Fund's Information and Referral Service. Ask your bank if you qualify for a no service charge checking account.

"AIN'T SUPPOSE TO DIE A NATURAL DEATH"

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. STOKES. Mr. Speaker, Mr. Melvin Van Peebles, the noted black dramatist, has taken his talent to Broadway and Broadway is the beneficiary. The Ambassador Theater in New York is currently resounding with the musical sounds of "Ain't Suppose to Die a Natural Death."

In recent years, Broadway has come under criticism for its repeated insistence on feeding pablum to the public. Now we are offered something truly different—a musical with a message. In its concept, execution, and musical form, "Aint Suppose to Die a Natural Death" shatters traditions and explodes myths. It is a poem, written on the underside of American life. It is a compassionate and unsentimental representation of the lives of millions of black Americans whom society has banished to a never-never land characterized by humiliation, misery, self-hatred, poverty, and ignorance. Mr. Van Peebles, with the skill of a master surgeon exposes, layer by layer, the inner soul of hustlers, pimps, lesbians, homosexuals, junkies, and winos. He shows us their shortcomings, but he also gives us their dreams.

Mr. Van Peebles tells us quite a bit, dramatically, about an America which has created and permits to exist the ugly conditions in which many millions of Americans are forced to carve out their lives.

The audience laughs, it sits in wonder and amazement, and some people even weep a little. But all who see the play are enlightened and entertained.

Mr. Speaker, "Aint Suppose to Die a Natural Death" is a monumental piece of theater which no one can afford the luxury of missing.

ALSOP ON PAKISTAN

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. SPRINGER. Mr. Speaker, I attach herewith two articles from the Washington Post by Joseph Alsop, one titled "Indian Aims on Pakistan" of December 29, 1971, and the other "The New Misinformation" of Wednesday, January 19, 1972, which I think will be of some interest to my colleagues and a full understanding of the major problems involved between Pakistan and India insofar as the United States was concerned. In the article in today's Washington Post, Mr. Alsop outlines in detail the major points of history and the background of what the United States did to keep India from completely crushing Pakistan. From my separate investigation of the facts, I find that Mr. Alsop's articles are true—in background as well as in facts.

The articles follow:

INDIAN AIMS ON PAKISTAN

(By Joseph Alsop)

On the eve of the final cease-fire, the United States government had unchallengeable information of the Indian government's determination to cause the dismemberment of the surviving western half of Pakistan. Indian forces, strongly superior in arms, were already moving up to engage the large part of the West Pakistani Army on the Kashmir front.

Dismemberment of West Pakistan would have been the automatic consequence of the destruction of the army, which was the Indian aim. While in Washington, the sainted Indira Gandhi had rather openly hinted at dismemberment in her talks with President Nixon, for she bitterly complained that Pakistan's northwest and northeast frontier areas, Pushtunistan and Beluchistan, had been "unjustly" allotted to the wicked Pakistanis.

While the Indian forces were moving up, moreover, Mrs. Gandhi's great protectors and sponsors, the masters of the Kremlin, were far from inactive. Moslem states as far away as Turkey got stern Soviet diplomatic warnings not to react in any way to the fate of their fellow Moslems in Pakistan. The government of Afghanistan was under severe Soviet pressure to move troops toward the frontier as another threat to the Pakistanis.

Besides satisfying Indian vengefulness, there was a practical object. The desired dismemberment of Pakistan was to deprive the Pakistani remnant-state of any common frontier with Tibet, and thus with Communist China.

Such was the situation President Nixon faced, when he ordered elements of the Pacific fleet to steam towards the Indian Ocean. And he further allowed it to be hinted that he might not be able to go to Moscow, after all.

Concurrently, the President made the most powerful, even risky, personal representations to the Soviet leaders. Thus the Indian plan to continue the war against West Pakistan was called off at the last moment—and by Soviet command!

These are the plain, unpalatable facts, as documented history will one day show them. The facts are worth relating at this late date, because they have been concealed by liberal sentimentality and democratic partisanship.

The background facts are also worth relating. In the early '60's to begin with, when President Kennedy signed his treaty with Pakistan, an approximate military balance existed between Pakistan and India. But that balance was then progressively upset, by the combined action of American liberal sentimentality and hard-headed Soviet planning.

Although U.S. military aid officially continued, Pakistan was left with an army and air force that grew more and more obsolete with every year that passed. The Soviets, seeing their chance, then stepped in to provide India with modern arms on the most lavish scale. Thus Pakistan was already hopelessly outgunned, when Sheikh Mujibur Rahman's separatist Awami League won the East Pakistan election a year ago.

With the superior military power, Mrs. Ghandi soon saw the chance that the East Pakistan election gave her. The simplest proof is the fact that Indian divisions began to move up to the East Pakistan frontier last winter.

This was considerably before Sheikh Mujibur Rahman gave the signal for insurrection last March. No one but a fool can doubt that he gave that signal with full assurance of the Indian aid that the East Pakistani rebels promptly received.

The West Pakistani government can be criticized for its handling of Sheikh Mujibur, beyond doubt. The U.S. government can also be criticized for failing to respond with greater promptitude and firmness to the new situation the Indians and the Soviets had created.

For the Soviet role, please remember, was decisive from start to finish. The sainted Indira would not have dared to send a soldier across the Pakistani frontier, if she had not had the crucial Soviet guarantee against Pakistan's Chinese Communist allies.

The resulting strong possibility that India will therefore become a vast new Soviet strategic base-area, is what should mainly matter to this country. It is what fully justifies the comparison of these events, attributed to Dr. Henry Kissinger, to Adolf Hitler's reoccupation of the Rhineland.

Read what the virtuous European and American left said about the Rhineland, really Hitler's first step forward on the road to war. Then the present American liberal blather about India will not surprise you.

THE NEW MISINFORMATION

(By Joseph Alsop)

The extent to which the country is being currently misinformed about vital matters, is splendidly illustrated by the fashionable handling of the most recent installment of the Anderson papers. Jack Anderson himself, who ably secured these secret documents, presented his original excerpts for what they were worth, so to say.

The same cannot be said for the sequels by others. To begin with, the new documents offer the clearest proof the U.S. government had (or believed it had) conclusive proof of the Indian government's desire to destroy West Pakistan.

Here, in fact, is CIA Director Richard Helms, speaking on December 8, 1971, on this crucial point of Indira Gandhi's intentions. "Before heeding a U.N. call for a ceasefire, she intends to straighten out the southern border of Azad Kashmir. It is (further) reported that prior to terminating present hostilities, Mrs. Gandhi intends to eliminate Pakistan's armor and air force capabilities."

Eliminating Pakistan's armor and air force capabilities would have amounted, of course, to smashing all the remaining armed forces in West Pakistan. With the armed forces smashed, in turn, West Pakistan would unquestionably disintegrated, as Dr. Henry A. Kissinger rightly pointed out at the same meeting of the Washington special action group. Dismembering West Pakistan was in truth Mrs. Gandhi's real aim—until her Soviet protectors told her she must stop on December 12, 1971, four days after the date of the new Anderson document.

With the state department's incorrigible fondness for looking on the good side, Assistant Secretary Joseph Sisco plaintively replied to Helms that the Indian foreign minister had denied any ambition for "West Pakistan's territory." Yet he did not dispute Helm's assessment of the Indian intention to smash the Pakistani armed forces, for good and all.

The truth is, Sisco could not dispute the Helms assessment, for he was well aware of the "conclusive proof" in the U.S. government's hands. Furthermore, Sisco freely admitted the correctness of Dr. Kissinger's assessment of the results, assuming the Pakistani armed forces were going to be smashed.

No one else at the meeting cast any other real doubt on the Helms report and the Kissinger assessment. In the circumstances, it is therefore a mite odd that the great newspaper publishing the new Anderson document went out of its way to pooh-pooh the whole idea of any such "conclusive proof," as first revealed by this reporter.

The New York Times front page headline on the new document further announced that "Packard opposed Kissinger on India." In reality, Under Secretary of Defense David Packard broadly and rather strongly supported the policy of the President—which Dr. Kissinger was merely expounding.

What Packard "opposed" (as inquiry would have revealed) was, instead, the State Department policy on a specific point. This was attempting to channel new arms for Pakistan through Jordan and other Islamic states. The under secretary of defense sensibly thought it was more wise to "tell the truth and shame the devil," by giving the new arms directly to West Pakistan if the need arose—although it does not appear clearly in the present document.

Here, then, was a perfectly genuine documentary fragment of the record, which led to the grossest possible misrepresentation of the true record. In passing, the fragmentary character of the document needs emphasis. The special action group, from which the Anderson documents originated, was solely concerned with day-to-day implementation of policy.

The policy itself had been pre-decided and subsequently reexamined under the President's leadership, at several meetings of the National Security Council. In addition, lesser reexaminations were made by another body, the special Review Group. Thus there was no reason even to discuss "the conclusive proof" at meetings of the special action group.

It can be argued that President Nixon was right or wrong in wishing to prevent West Pakistan's dismemberment by India, under the aegis of the Soviet Union. The fact remains that this was what President Nixon did prevent. Furthermore, he prevented it by sheer, cold courage.

He had to warn the Soviet leaders of the worst possible kind of Soviet-American showdown, short of actual war, to get the Kremlin to order Mrs. Ghandi to agree to a cease fire without delay. It took Mrs. Ghandi four days to yield, too, for she only gave to Soviet pressure on December 16, 1971. Surely these facts are a bit more interesting than the current deluge of misinformation.

COURT OPINION CBS AGAINST FCC

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. HARRINGTON. Mr. Speaker, in this year of the presidential election, the U.S. Court of Appeals for the District of Columbia took a step toward solving what could have been a vexing problem.

The case, Columbia Broadcasting System, Inc. against Federal Communications Commission, and United States, respondents Democratic National Committee and Republican National Committee overturned the FCC decision granting the Republican National Committee time to respond to the Democratic National Committee which was, in turn, responding to the President.

When the President makes a speech on national television or conducts a press conference, no one could argue that it is not newsworthy. When the President's aides speak for him, that is also newsworthy. As the incumbent, any President has great access to the media, access which is denied other politicians. The President makes policy, yet he is also a politician. And as the highest elected official of his party, he reflects a partisan stance.

The opposite party, whichever it happens to be, has a right to respond to Presidential statements. But if the President's party then decides it should respond to the rebuttal, we are opening the airwaves to a merry-go-round of rhetoric. In the court's opinion, the FCC "waffled" under pressure when it was put to the test.

The opinion by Circuit Judge J. Skelly Wright thoughtfully examines the problem while ruling for CBS. At this time, I insert the opinion into the Record. The opinion follows:

[U.S. Court of Appeals, for the District of Columbia Circuit, No. 24,655]

Columbia Broadcasting System, Inc., petitioner *v.* Federal Communications Commission and United States of America, respondents, Democratic National Committee and Republican National Committee, intervenors

[No. 24,659]

Democratic National Committee, petitioner *v.* Federal Communications Commission and United States of America, respondents, Republican National Committee, intervenor

Petitions for Review of Orders of the Federal Communications Commission.

Decided November 15, 1971.

Mr. Timothy B. Dyk for petitioners. *Messrs. J. Roger Wollenberg, Ezekiel G. Stoddard, Daniel Marcus* and *Frank W. Lloyd, III* were on the brief for petitioners in No. 24,655.

Mr. Daniel R. Ohlbaum, Deputy General Counsel, Federal Communications Commission, for respondents.

Messrs. Richard E. Wiley, General Counsel, Federal Communications Commission, *John H. Conlin*, Associate General Counsel, Federal Communications Commission, and *Stuart F. Feldstein*, Counsel, Federal Communications Commission, were on the brief for respondents.

Mr. W. Theodore Pierson, with whom *Mr. James J. Freeman* was on the brief, for intervenor Republican National Committee.

Messrs. Joseph A. Califano, Jr., David H. Lloyd and *Irvin Nathan* were on the brief for petitioner in No. 24,659 and intervenor Democratic National Committee in No. 24,655.

Before Wright, Tamm and Robinson, *Circuit Judges*.

Opinion filed by Wright, *Circuit Judge*.

Concurring opinion filed by Tamm, *Circuit Judge*.

Wright, *Circuit Judge:* The question on these appeals is whether the Federal Communications Commission abused its discretion in holding that a 25-minute program broadcast by the Democratic National Committee, setting forth views on public issues in response to views previously presented by the President and presidential spokesmen in a number of broadcast appearances, gave rise to an obligation on the part of the Columbia Broadcasting System to provide comparable reply time to partisan Republican spokesmen. For reasons that follow, we reverse the Commission's order.

I

Television has become, in recent years, a principal vehicle by which the President presents to the public his views on important issues of the day. Indeed, no single fact of our changing political life overrides the significance of the expansion of the President's ability to obtain immediate and direct access to the people through the communications media. For the words of the President, speaking as he does both in his constitutional roles of chief executive and commander-in-chief and in his extra-constitutional role as head of his party, carry an authority, a prestige and a visibility that have a counterpart in no other institution.

Moreover, there is an inherent newsworthiness in anything the President says. In addition to his huge direct audiences, in most cases over all nationwide commercial television and radio networks simultaneously, all of what he says is later reported somewhere and something of what he says is reported almost everywhere. In the case of the incumbent administration, these built-in advantages of the presidency in forging public opinion have been used to an unprecedented degree. In his first 18 months in office, President Nixon appeared on network prime time (7:00 to 11:00 P.M.) television as often as Presidents Eisenhower, Kennedy and Johnson combined in a comparable period during their administrations.[1]

The President's extensive use of the media cannot, of course, be faulted, for there can be no doubt that in the distillation of an informed public opinion such appearances play a very basic role. But if the words and views of the President become a monolithic force, if they constitute not just the most powerful voice in the land but the only voice, then the delicate mechanism through which an enlightened public opinion is distilled, far from being strengthened, is thrown dangerously off balance. Public opinion becomes not informed and enlightened, but instructed and dominated.

To minimize the risks of such imbalance and to preserve the essential integrity of "politics through communication," the television networks, under the occasional prodding of the courts and the Federal Communications Commission, have attempted to achieve a balanced presentation of opposing opinions. This balancing process has extended not only to regularly scheduled news broadcasts, specials and documentaries, but also to provision of free time to leaders of the principal opposition party to respond to prior presidential appearances.[2]

In this spirit, on June 22, 1970 CBS offered Lawrence O'Brien, Chairman of the Democratic National Committee (DNC), 25 minutes of broadcast time for presentation of views of the Democratic Party on public issues. The offer was made in light of the "cumulative impact of broadcast appearances of representatives of the party in office" and "the disparity between presidential appearances and the opportunities available to the principal opposition party" in order to achieve "fairness and balance in the treatment of public issues."[3] The format and content of the "Loyal Opposition" broadcast were left to Mr. O'Brien to fashion in conformity with the stated purpose of the offer. CBS did not dictate which of the particular issues discussed by the President were to be covered, the allocation of time to be made among such issues, or the spokesman to be used.

Mr. O'Brien accepted the CBS offer and the broadcast was aired on July 7, 1970. The format employed involved presentation of excerpts of previously broadcast presidential statements on various issues, followed by a critical commentary or rebuttal by Mr. O'Brien as to each presidential statement.[4] Topics covered included: (1) the state of the economy; (2) the nation's crime problem; (3) civil rights for blacks and other minorities; (4) federal expenditures for defense *versus* public domestic issues; (5) air and water pollution; (6) dissent and national unity; and (7) the war in Indochina.[5]

On July 8, 1970, the chairman of the Republican National Committee (RNC) requested CBS to provide free time to RNC comparable to that afforded for the July 7 broadcast.[6] Shortly thereafter, having received no reply,[7] RNC filed a petition with the Commission requesting that "the Commission * * * make its views known to CBS that their failure to afford forthwith" an opportunity to RNC to reply to the July 7 broadcast "would constitute a violation of the Fairness Doctrine and CBS's obligations as a licensee of broadcast stations."[8]

In substance, RNC argued that a national committee such as DNC was an inappropriate spokesman "to discuss specific political, economic and social issues—the 'gut issues.'"[9] RNC alleged that the result was "a political attack on the President and his party," rather than an "issue-oriented response." Finally, RNC asserted that the O'Brien broadcast had injected a "fresh issue not specifically treated by any Presidential speech: *which political party should hold power.*"[10] RNC concluded, therefore, that Mr. O'Brien's treatment of this "which party" issue gave rise to a duty on the part of CBS, under the Commission's fairness doctrine, to afford time for RNC to present the other side of the issue.[11]

On July 23, 1970, CBS submitted a letter in opposition,[12] and a week later RNC filed its reply.[13] Then, on August 18, 1970, the Commission released its memorandum opinion and order[14] disposing of five fairness doctrine complaints, including that of RNC.[15] In granting the relief requested, the Commission specifically rejected RNC's argument that national committees are inappropriate spokesmen to respond to policy issues raised by presidential appearances.[16] Rather, the Commission stated a new basis for its decision.

Although the Commission agreed that "CBS has acted in good faith" and "is to be commended for its concern,"[17] it faulted CBS for failing "to have exercised journalistic supervision to assure fulfillment of its purpose" of allowing the principal opposition party an opportunity to reply to the President on major issues discussed in prior presidential appearances.[18] The Commission held that, since Mr. Nixon's recent speeches had "largely concentrated" on the Indochina war issue, CBS should have taken steps to insure that the DNC broadcast similarly concentrated on this issue and should not have permitted Mr. O'Brien to devote as much time as he did to the other six issues previously discussed by the President.[19] In making this determination of "unresponsiveness," the Commission failed to explain why it limited its consideration solely to Mr. Nixon's five speeches on Vietnam. It did not consider, for example, other presidential speeches occurring both before and after these five, other forms of presidential appearances (such as press conferences), and televised presentations by administration spokesmen other than the President.[20]

Having found the broadcast to be "unresponsive," however, the Commission then concluded that it therefore fell within the

---

Footnotes at end of article.

ambit of the Commission's recent *Zapple* ruling,[21] which held that, where a broadcast licensee has sold time to supporters of a particular candidate during an election period, he may not decline to sell equivalent time to supporters of that candidate's opponents.[22] As a result, the Commission held that, although this was not a precise "equal opportunities" situation, since the DNC broadcast "did deal to some extent with the Cambodian issue, to which the President has made the five noted addresses,"[23] "fairness requires CBS to extend some time to RNC or a partisan Republican spokesman, to answer matters raised in the DNC broadcast."[24]

On August 20, DNC filed a petition for reconsideration of the Commission's initial opinion.[25] In its petition, DNC urged that the July 7 broadcast was not intended by any of the parties involved as a response to the President on the war issue alone, as the Commission had "erroneously" assumed.[26] DNC contended that it had, in fact, responded to presidential appearances concerned with each of the issues discussed in the broadcast.[27] Attached to the petition were excerpts from the "Loyal Opposition" broadcast and corresponding excerpts from numerous televised appearances of the President on each of the issues involved.[28] DNC argued further that presidential use of television had created a serious imbalance and that the partial redress of that imbalance would be vitiated by an RNC reply to the O'Brien broadcast. It expressed a fear that the networks would be inhibited from carrying such DNC broadcasts in the future or would censor them to avoid the effects of the Commission's ruling.[29] RNC filed an opposition to the DNC petition on August 25,[30] to which DNC responded on September 9.[31]

CBS also sought reconsideration of the August 18 order.[32] While conceding that the O'Brien broadcast was partisan, CBS argued that the broadcast had been devoted to vigorous discussion of specific issues. It pointed out that, contrary to the Commission's impression, CBS had not intended to limit the July 7 appearance to the Indochina war issue and that CBS had fully presented the views of the President and other members of his administration on all issues discussed by Mr. O'Brien on that broadcast.[33] Consequently, CBS urged, it would be grossly unfair to require that time be provided for a reply by the President's party to a prior reply to the President, since any such requirement would give the views of the President's party double exposure.[34] Finally, the CBS petition cited a precedent, completely ignored in the initial Commission order, that it asserted was controlling. In the *Hays* case,[35] CBS had denied a request by a Democratic Party spokesman for an opportunity to reply to a Republican response to President Johnson's 1968 State of the Union address. The Commission rejected a Democratic complaint that CBS had violated the fairness doctrine in refusing to provide time for a second Democratic broadcast. CBS asserted that *Hays* was essentially indistinguishable from the instant controversy.[36]

The RNC opposition to the CBS petition for reconsideration[37] stated that the "fundamental defect" of the CBS petition was its "refusal to recognize or accept the Commission's well-supported factual conclusion that the DNC broadcast of July 7, 1970, was partisan rather than issue-oriented."[38] RNC argued that the Commission's decision was not based on any imbalance created by the DNC broadcast with regard to discussion of public issues previously raised by the President, but solely on the ground that the DNC broadcast was partisan in nature. Further, RNC implicitly admitted that *Hays* was contrary to the Commission's August 18 ruling, but apparently suggested that it be overruled.[39]

Upon completion of the pleadings,[40] the Commission, on September 24, 1970, released a memorandum opinion and order denying the DNC and CBS petitions for reconsideration.[41] Since the parties apparently had "misconstrued" its earlier ruling, however, the Commission decided to expound at greater length the reasons for that decision. The Commission made clear that the ruling was in no way based on the partisan content of the July 7 broadcast. To the contrary, in informing the public on issues raised in presidential broadcasts, "the presentation can be hard-hitting and partisan."[42]

The Commission conceded also that its August 18 ruling "did not take into account the overall presentations of CBS on the issues covered in the July 7 DNC broadcast, and * * * did not follow the general fairness doctrine pattern."[43] The order was founded, rather, on a "specific corollary" of the fairness doctrine—a new "political party" doctrine derived by the Commission from its *Zapple* ruling, *supra*.[44] Concerning the question of responsiveness," the Commission held that appearances by Republican Party spokesmen on *news-type* programs were irrelevant in the political party situation.[45] As to the presidential addresses, the Commission reaffirmed its position[46] that such speeches are subject to the general fairness doctrine,[47] and that CBS therefore had wide latitude in fashioning counterbalancing programming.[48] However, although the Commission implicitly reversed its earlier assumption that CBS' offer of time to DNC was geared specifically to Mr. Nixon's televised addresses on the Indochina war issue,[49] it held that, since the President's appearances "had by far concentrated on [this issue] * * * it would certainly seem that CBS—concerned to have the public informed on the issues covered by the President—would, first and foremost," direct Mr. O'Brien to present his party's views on Indochina.[50] In essence, then, the Commission ruled that CBS, having chosen not to dictate the content of the July 7 broadcast, could not "avoid the consequences of the 'political party' doctrine" when the O'Brien broadcast ranged beyond the issues previously raised by the President.[51]

Finally, the Commission never addressed itself to the contentions advanced by CBS concerning the *Hays* ruling. The citation of *Hays* in a footnote,[52] however, indicates that the Commission intended to reaffirm *Hays*, evidently regarding it as distinguishable from the present case—although no basis for such a distinction was stated.

One last matter must be mentioned before turning to our resolution of the issues presented on this appeal. Although the Commission's brief, in line with the opinions below, strenuously argued that the "unresponsiveness" of the O'Brien broadcast gave rise to a right of reply in favor of RNC, at oral argument, to the astonishment of this court, counsel for the Commission urged that we disregard the responsiveness issue and, rather, that we uphold the Commission's order on a totally new ground—that an RNC reply is mandated simply because CBS failed to dictate to DNC the precise issues to be discussed, without regard to the actual content of the broadcast. We return to this matter below.

II

Much of our evolving body of administrative procedure rests upon the cornerstone requirement of reasoned decision making. 2 K. DAVIS, ADMINISTRATIVE LAW TREATISE § 16.12 (1958). Without such a requirement, effective judicial review would be impractical if not impossible, and administrative litigants and the public generally would be set adrift on a potential sea of unconscious preference and irrelevant prejudice. Moreover, judicial vigilance to enforce the rule of law in the administrative process is particularly crucial where, as here, the area under consideration is in a constant state of flux *Greater Boston Television Corp.* v. *F.C.C.*,— U.S.App.D.C. —, —, 444 F.2d 841, 852 (1971).

We do not challenge the Commission's well established right to modify or even overrule an established precedent or approach, for an administrative agency concerned with furtherance of the public interest is not bound to rigid adherence to its prior rulings.[53] Lodged deep within the bureaucratic heart of administrative procedure, however, is the equally essential proposition that, when an agency decides to reverse its course, it must provide an opinion or analysis indicating that the standard is being changed and not ignored, and assuring that it is faithful and not indifferent to the rule of law.[54] Moreover, as this court has emphasized, the Commission "must explain its reasons and do more than enumerate factual differences, if any, between * * * [similar] cases; it must explain the relevance of those differences to the purposes of the Federal Communications Act."[55] In our view, the Commission's treatment of the *Hays* case in the proceedings below was clearly violative of these basic tenets of administrative law.

The *Hays* ruling arose in the context of President Johnson's 1968 State of the Union address.[56] As it had done in the preceding two years, CBS invited Republican congressional leaders to respond to the President's address. CBS did not specify which of the many issues discussed by the President should be discussed on the program, require that those issues be discussed at all, or allocate time for presentation of any particular issue. The resulting one-hour broadcast covered a full panoply of issues, devoting a considerable amount of time to some issues treated only briefly by the President, while ignoring others he had examined at length[57] Indeed, the 1968 Republican broadcast covered a range of issues at least as broad as, if not broader than, the range of issues discussed in the O'Brien broadcast.

The Commission, however, sustained CBS' refusal to provide time to Democratic congressional leaders to reply to the 1968 Republican broadcast. In so doing, the Commission relied upon traditional fairness doctrine principles, stating that its role was not to substitute its own judgment for that of the broadcaster, but rather to determine whether the licensee could be said to have acted in good faith in discharging its obligation to provide a balanced presentation of opposing viewpoints. The Commission concluded that CBS had acted within the wide discretion afforded it under the fairness doctrine, and therefore held that the Republican broadcast did not give rise to any reply-to-reply rights in favor of Democratic spokesmen.

The facts of these two cases have that degree of parallelism which entitles both petitioners and this court to a full explanation from the Commission, and not from its counsel on appeal, as to why *Hays* "should be jettisoned without giving credence to the charge that similar supplicants receive dissimilar dispensations." *F.T.C.* v. *Crowther*, 139 U.S. App. D.C. 137, 141, 430 F.2d 510, 514 (1970). The question before us, then, is not whether the Commission could properly abandon or distinguish *Hays*, but rather whether it has sufficiently identified and articulated its reasons for doing so.

Although *Hays'* relevance to the instant controversy is readily apparent, the Commission failed even to mention it in its initial order of August 18. In an effort to rectify this situation and to compel the Commission to face up to *Hays*, the CBS petition for reconsideration dealt at length with the *Hays* question, asserting vigorously that *Hays* was a controlling precedent which must be squarely confronted by the Commission.[58] RNC's opposition to the CBS petition implicitly acknowledged the relevance of *Hays*, but suggested that it simply be overruled.[59] Undaunted, the Commission persisted in its

---

Footnotes at end of article.

attempt to sidestep the issue entirely. Rather than face up to the apparent conflict, the Commission's opinion of September 24 relegated its "discussion" of *Hays* to a mere citation in a footnote.[60] In so doing, the Commission sought to reaffirm its earlier ruling, in the apparent belief that *Hays* was reconcilable with the decision here under review. The Commission made no attempt, however, to articulate the basis for reconciliation.

Faced with two facially conflicting decisions, the Commission was duty bound to justify their coexistence. The Commission's utter failure to come to grips with this problem constitutes an inexcusable departure from the essential requirement of reasoned decision making. The rule of law is intended to eliminate the appearance as well as the reality of arbitrariness, and if the public's faith in its administrative agencies is to be maintained, it is imperative that these agencies act in a wholly rational, logical fashion, completely free from even the appearance of bias, prejudice and improper influence. This is particularly true where, as here, the agency is functioning in the midst of a fierce political battle, where the stakes are high and the outcome can affect in a very real sense the political future of our Nation.

The Commission's handling of this case does not mark its finest hour. Put to the test under pressure, it waffled. Unable to articulate reasons for overruling or distinguishing *Hays*, the Commission effectively ignored its own obvious precedent. Under the circumstances, its arbitrary action may not stand.[61]

III

Our reversal of the decision below, however, is not premised solely upon the Commission's mistreatment of *Hays*, for we find serious fault with other aspects of the opinion as well. In an apparent effort to avoid a direct confrontation with its earlier ruling in *Hays*, the Commission adopted a wholly unreasonable view of the factual setting of this controversy. By selecting rigid and arbitrary blinders, the Commission failed to see beyond Mr. Nixon's five speeches on Vietnam in evaluating the "responsiveness" of the O'Brien broadcast. The result, of course, was an arbitrary and therefore impermissible application of the Commission's own "responsiveness" doctrine.

Congress has delegated to the Commission the responsibility to ensure that broadcast licensees "operate in the public interest and * * * afford reasonable opportunity for the discussion of conflicting views on issues of public importance." [62] As a result, a court reviewing agency action is not at liberty simply to substitute its own judgment for that of administrative officers who have kept within the bounds of their delegated powers.[63] However, these powers are not boundless, and unless administrative action is tempered by judicial supervision, "expertise, the strength of modern government, can become a monster which rules with no practical limits on its discretion." [64]

Cognizant of the potential hazards of unbridled administrative discretion, Congress has wisely devised a scheme whereby "agencies and courts together constitute a 'partnership' in furtherance of the public interest." [65] Thus in the Administrative Procedure Act, 5 U.S.C. § 706(1970), Congress chose to codify the long-standing rule that courts must "hold unlawful and set aside agency action * * * found to be * * * arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." Our task here, then, is simply to determine whether the facts confronting the Commission rationally support its ultimate conclusion that the O'Brien broadcast was "unresponsive" to prior presidential addresses.[66]

In granting RNC a right to reply to the "Loyal Opposition" telecast, the Commission shunned all reliance on the traditional balancing principles of the fairness doctrine. Generally, the fairness doctrine requires "that discussion of public issues be presented on broadcast stations, and that each side of those issues must be given fair coverage." *Red Lion Broadcasting Co.* v. *F.C.C.*, 395 U.S. 367, 369 (1969). *See Editorializing by Broadcast Licensees*, 13 F.C.C. 1246 (1949); *Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance [Fairness Primer]*, 29 FED. REG. 10415 (1964). The licensee may exercise wide latitude "in determining what subjects should be considered, the particular format of the programs devoted to each subject, the different shades of opinion to be presented, and the spokesmen for each point of view." *Editorializing by Broadcast Licensees, supra*, 13 F.C.C. at 1251. The Commission's role in this area "is not to substitute its judgment for that of the licensee * * * but rather to determine whether the licensee can be said to have acted reasonably and in good faith." *Fairness Primer, supra*, 29 FED. REG. at 10416.

This *carte blanch* licensee discretion has, however, been circumscribed in certain areas where it has been felt that an "equal opportunities" approach might better serve the end of fairness. Thus in Section 315 of the Communications Act,[67] Congress declared that a station permitting use of its facilities by one candidate for public office during a campaign period must, with certain exceptions, also make its facilities available to all other candidates for the same office on a comparable basis.

Section 315, however, applies only "to campaign appearances by candidates, and not by family, friends, campaign managers, or other supporters." *Red Lion Broadcasting Co.* v. *F.C.C., supra*, 395 U.S. at 382. Thus to ensure that the spirit of the statutory requirement is not frustrated by discrimination in the sale of air time to the *supporters* of candidates, the Commission, in its recent *Zapple* ruling,[68] held that where a station sells time to supporters of a particular candidate during an election campaign, it cannot refuse to sell time to supporters of his opponents.[69]

Arguing that "'electioneering' is a continuing process," [70] the Commission ruled below that the instant controversy must be governed by principles similar to those first enunciated in *Zapple*. Thus the Commission held that, whenever a spokesman for the party in opposition utilizes his broadcast time to discuss issues not previously raised in prior presidential appearances, the President's party is entitled to reply, without regard to the overall balance that may exist if *all* televised presentations were considered. On this appeal we need not, and indeed do not, decide whether adoption of such a rule is within the powers of the Commission. We hold simply that in the context of the present case the rule has been applied by the Commission in a wholly irrational and therefore impermissible manner.

The July 7 "Loyal Opposition" broadcast was structured around presentation of excerpts of previously aired presidential statements on various issues, followed by critical commentary or rebuttal by Mr. O'Brien as to each presidential statement.[71] The telecast covered seven separate topics—the Indochina war, economic policy, crime, civil rights, dissent, defense spending, and the environment. With the exception of Mr. O'Brien's treatment of the Vietnam war issue, however, the Commission deemed the broadcast "unresponsive" to prior presidential appearances.[72] In reaching this conclusion, the Commission considered only those speeches of the President which were televised in the period from November 3, 1969 to June 3, 1970.[73] During this period, the President made six televised speeches, five of which dealt exclusively with Indochina.[74]

As a result, the Commission held that, since Mr Nixon's televised speeches "had by far concentrated on the Indochina war issue," the DNC broadcast should "first and foremost" have been geared to a discussion of that issue.[75] Mr. O'Brien's remarks as to the other six issues were deemed "unresponsive," thereby giving rise to a right to reply in favor of RNC. The Commission's analysis, however, grossly oversimplifies a problem of considerable complexity. That the President's speeches during a limited period of time "largely concentrated" on one issue does not negate the indisputable fact that the President, personally and through his spokesmen, had extensively expounded the administration's views in numerous televised presentations which the Commission arbitrarily ignored.

We fail to see the logic underlying the Commission's decision to limit its consideration solely to presidential speeches televised between November 3, 1969 and June 3, 1970. Indeed, the only discernible purpose served by such a decision is the creation of an *illusion* that Mr. Nixon had not previously addressed himself to the other six issues discussed in the O'Brien broadcast. Thus the Commission never even attempted to justify its choice of June 3, 1970 as the cutoff date. The O'Brien broadcast was aired on July 7, 1970, and CBS offered the time for the broadcast on June 22. This being so, we see no sense whatever in the Commission's refusal to consider a 22-minute appearance by Mr. Nixon on June 17, 1970,[76] which dealt, not with Indochina, but with the economy generally and with inflation and unemployment specifically—topics covered by Mr. O'Brien in the "Loyal Opposition" broadcast.[77]

Similarly, the Commission offered no explanation for its choice of November 3, 1969 as the starting date for its analysis. The July 7 presentation was, after all, the first "Loyal Opposition" type program to be carried by CBS during the Nixon administration other than the traditional response by Democratic congressional leaders to Mr. Nixon's 1970 State of the Union address.[78] Indeed, on several occasions prior to the July 7 broadcast CBS had rejected Democratic pleas for air time to reply to previously telecast presidential statements.[79] By selecting November 3 as a starting date, however, the Commission excluded consideration of numerous pre-November 3 presidential appearances, many of which dealt in whole or in part with issues other than the Vietnam war.[80]

Moreover, the Commission's analysis of the "responsiveness" issue was limited solely to an evaluation of presidential *speeches*. The opinions below made no attempt to explain why other types of presidential broadcasts—such as televised press conferences—should be ignored. In a footnote to its brief,[81] however, the Commission urges that such presentations should not be taken into account, apparently because the Commission believes they are not "voluntary, live, President-initiated appearances." This suggestion not only blinks reality; it is directly contrary to the Commission's treatment of press conferences in the past. The Commission has made clear, for example, that press conference type formats are to be taken into account in evaluating the proper balance under the fairness doctrine. *Cf. Eugene J. McCarthy*, 11 F.C.C.2d 511 (1968). Moreover, in *Columbia Broadcasting System, Inc.*, 40 F.C.C. 395 (1964), the Commission squarely held that press conferences are substantially within the speaker's control, stating:

"* * * [N]ot only the scheduling, but in significant part, the content and format of the press conference is not under the control of the network. Thus, the candidate determines what portion of the conference is to be devoted to announcements and when

---

Footnotes at end of article.

the conference is to be thrown open to questions."[82]

Thus we see no reason why press conferences should not also be taken into account in the "political party" situation. Here, Mr. Nixon's press conferences broadcast over CBS both before[83] and during the eight-month period chosen by the Commission dealt substantially with issues other than Vietnam, including economic policy, student dissent and unity, crime, human resources and civil rights,[84] all subjects covered in Mr. O'Brien's "unresponsive" response.

Finally, although the Commission noted in a somewhat cursory fashion that appearances by Republican Party leaders "on newstype programs [do] not satisfy the fairness requirement in the 'political party' situation,"[85] it failed even to mention the relevance of televised presentations by *presidential spokesmen* on other than "newstype" programs. If the Commission wishes to adopt a "responsiveness" test in implementing its new doctrine, it must apply this test rationally, and a blanket exclusion of all appearances by presidential spokesmen is simply not rational. The President speaks in many voices, and it makes no sense to pretend otherwise. In many instances the President's confidants—the Vice President, his cabinet officers, and other administration officials—present not only their own views as individuals, but also the views of the man they represent. Indeed, at times they speak subject to the direct authorization of the President himself. Thus the Commission's absolute exclusion of all such appearances cannot be sustained as a rational exercise of administrative discretion. And this is all the more true where, as here, many of these appearances dealt specfically wth issues discussed in the "Loyal Opposition" broadcast.[86]

While we do not here rule on the propriety of the Commission's new "responsiveness" doctrine itself, we do note that in many instances its application, by creating a right to reply under *Zapple* even though no fairness doctrine imbalance actually exists, may have extremely harsh consequences, not only for the litigants themselves, but for society generally. It can hardly be doubted that the power of the media in shaping public opinion plays a paramount role in our present political process. Yet any misapplication of the Commission's new doctrine would seriously distort this power, providing the President's party with "two bites of the apple"—with twice the opportunity to influence public opinion as its critics. Such a result strikes at the heart of representative democracy and imperils the very traditions upon which this nation is founded.

To avoid these consequences, it is imperative that the Commission exercise extreme caution in applying its new rule. A right to reply, in this context, should be granted only after an exhaustive examination of the relevant facts. The Commission, however, in constructing its new rule in an apparent effort to circumvent its earlier ruling in *Hays,* dealt with these facts in a notably shoddy fashion, arbitrarily ignoring many critical aspects of the factual setting in which this controversy arose. The Commission's determination of "non-responsiveness" cannot, therefore, be sustained.

IV

Finally, in a gallant, yet misguided, effort to "save" the Commission's ruling, counsel for the Commission at oral argument abruptly changed gears, urging, contrary to the primary contentions in his brief, that we uphold the ruling on a new and highly strained interpretation of the opinions below.[87] Apparently inspired by a belated recognition of the pervasive irrationality of the Commission's treatment of the "responsiveness" issue, counsel seeks now to abandon that approach entirely, substituting instead what may fairly be termed a "specification of issues" rationale. Thus it is urged that RNC's reply rights derived not from any lack of responsiveness of the O'Brien broadcast but, rather, solely from the alleged failure of CBS to dictate to DNC the precise issues to be discussed, without regard to the actual content of the broadcast.

We are cited to several passages from the Commission's opinions as supportive of this new interpretation. Typical of these is the Commission's statement that the July 7 broadcast "was 'party-oriented' rather than 'issue-oriented,' because of CBS' abstention in this critical area of issues to be covered."[88] Taken out of context, such declarations may indeed seem to support the logic of counsel's position. When placed in their proper perspective, however, these statements are seen to relate to the "responsiveness" approach actually adopted. Thus it is true that as a factual matter CBS' failure to "exercise journalistic supervision" led to the grant of reply time to RNC, but only because the resulting broadcast was itself deemed unresponsive. In other words, CBS could have avoided this result had it specified the *proper* issues to be discussed; its failure to do so *enabled* Mr. O'Brien to make an "unresponsive" presentation.[89] Viewed in this manner, it is clear that the Commission did not attach to those facts the legal significance which counsel seeks now to transmogrify into dogma. These statements were mere factual descriptions, not legal doctrine.

We therefore cannot accept counsel's new and thoroughly distorted interpretation of the opinions below. This being so, we are powerless to affirm the Commission's ruling on this "specification of issues" rationale, for it is well settled that a reviewing court "may not accept appellate counsel's *post hoc* rationalizations for agency action" as a basis for affirmance. *Burlington Truck Lines, Inc.* v. *United States,* 371 U.S. 156, 168 (1962). The decision must stand or fall "solely [on] the grounds invoked by the [Commission]." *S.E.C.* v. *Chenery Corp.,* 332 U.S. 194, 196 (1967). *See N.L.R.B.* v. *Metropolitan Life Ins. Co.,* 380 U.S. 438 (1965).

Moreover, even if we were to accept as valid counsel's novel construction of the opinions below, the decision still could not be affirmed on that basis, for the "specification of issues" rule would itself fail the primary test of rationality.[90] Under the asserted rule, had CBS prescribed in advance the precise issues Mr. O'Brien actually discussed, no reply rights would have arisen. Yet it is clearly irrational to suggest that the mere failure to specify issues, by itself, somehow fundamentally alters the basic nature of the broadcast when its content remains entirely unchanged.

Whether the issue is viewed as one of fairness on the substantive issues discussed or equality of opportunity as between political parties, there is no discernible relationship between the existence of instructions to a party spokesman as to the specific issues he should discuss and the fairness of the coverage achieved. A partisan broadcast is not made more "party-oriented" simply because the issues covered are selected by the spokesman rather than by the network. The question of fairness cannot so readily be divorced from the actual content of the broadcast.

Finally, it is highly questionable whether the mandate to broadcasters inherent in this "specification of issues" rationale to dictate, censor or restrict partisan political spokesmen in their televised presentations accords with the commands of the First Amendment. The public must be equipped to make hard choices between competing political philosophies. This end is best served when there is robust debate among the people most directly involved—the spokesmen themselves—not where the operator of a federally licensed facility must circumscribe that debate as a condition precedent to airing it at all. *See Red Lion Broadcasting Co.* v. *F.C.C. supra.* Moreover, since presidential addresses are governed solely by the fairness doctrine, and not by the 'specification of issues" rationale, the Commission's extension of *Zapple* is essentially a one-way street. This is particularly dangerous where, as here, application of the "specification of issues" doctrine would require reply time for the party in power even though there exists neither a fairness doctrine imbalance nor a lack of responsiveness as to the particular issues discussed in the initial broadcast. Such a result is certainly contra-fairness, and raises serious questions concerning the requirement of governmental neutrality in the area of the First Amendment. *Cf. Fowler* v. *Rhode Island,* 345 U.S. 67 (1953); *Niemotko v. Maryland,* 340 U.S. 268 (1951). For all these reasons, then, we must reject counsel's brave last-ditch effort to salvage the Commission's ruling.

The sudden promulgation of the "specification of issues" justification for the ruling below is just one more step in the Commission's seemingly endless attempt throughout these proceedings "to vindicate its own idiosyncratic conception of the public interest [and] of the requirements of free speech." *Red Lion Broadcasting Co.* v. *F.C.C., supra,* 395 U.S. at 395. Yet the need for an informed public opinion—the great driving force underlying any working democracy—is simply too great to be subjected to the vagaries of irrational and arbitrary decision making. We conclude, therefore, that the ruling below, marked as it is by a succession of factual distortions and shifting justifications, must be reversed and the crder of the Commission vacated.

So ordered.

TAMM, *Circuit Judge, concurring:* The administrative process requires that government agencies and commissions issue reasons for their action. Here the Commission has outdone itself by giving four reasons for its action—albeit different reasons at each step of the proceedings. In its initial order the Commission ruled that Columbia Broadcasting System was bound to grant time to the Republican National Committee because Chairman O'Brien referred only briefly to the war in his statement and because "The Loyal Opposition" was party-oriented rather than issue-oriented, thereby bringing this case within the Commission's *Zapple*[91] ruling. C.B.S. and D.N.C. petitioned for a hearing based upon their claim that the Commission had overlooked its own decision in *Hays.*[92] In response, the Commission denied the petition for rehearing on a new ground—the failure of C.B.S. to specify which issues O'Brien could raise during the broadcast. The Commission, based on the theory "that 'electioneering' is a continuing process" (A. 309), applied a "specific corollary" of the fairness doctrine known as the "political party" doctrine as contained in *Zapple.* (A. 308). The Commisssion stated, *inter alia:*

> However well-intentioned CBS was, the result here was simply the "political party" situation which we described at the outset. It was "party-oriented" rather than "issue-oriented," *because of CBS' abstention in this critical area of issues to be covered.* .
>
> (A. 311, emphasis supplied, footnotes omitted.)

In its brief the Commission chose to change its position yet a third time. It claimed that special circumstances had rendered the general doctrine inadequate to assure reasonable opportunity for the public to receive conflicting views. These circumstances, *viz.,* a speech by a candidate, political editorializing, or a speech by a candidate's supporters, limit the broadcaster's discretion. *The FCC was not concerned with CBS' overall fairness.* It claimed that O'Brien's presentation was not responsive and that CBS had failed to assure that it would be. Even though the FCC was cog-

---

Footnotes at end of article.

nizant that the President's numerous speeches created an imbalance on the war issue requiring presentation of the other side of the coin, CBS' fatal error, it said, was in granting time to D.N.C. for any purpose without supervision. Therefore, the only imbalance, the Commission contended, was one created by CBS in failing to give R.N.C. time to respond to D.N.C. Not satisfied with even this position as espoused in the briefs, the Commission made an eleventh-hour change in its game plan at oral argument. As Judge Wright points out, the Commission urged that we entirely disregard the responsiveness issue raised in the briefs and affirm the FCC on one ground and one ground only—failure of CBS to instruct D.N.C. on precisely which issues to raise during the broadcast.

I can neither accept nor sympathize with the manner in which the Commission has handled this litigation. They have created a debacle in seeking a sound basis for their decision. They have been unable to bring the case at bar within *Zapple* and have been similarly unable to distinguish it from *Hays*. Their opinions at the hearing level as well as the position urged in the briefs and at oral argument shows a capricious, arbitrary and inconsistent approach to this case. The Commission cannot constantly change its position *quocumque mod velit*. I feel constrained to sound a trumpet in warning against such attempts by administrative agencies to play fast and loose with their opponents and the court. This court will not be made a party to the type of sham proceeding the FCC has attempted to create by its inconsistent changes in position. Once the FCC enunciated its position on the issue of R.N.C.'s right to reply it should have possessed the courage of its convictions to uphold that position and the reasons tendered therefor, or if convinced of its error, reversed its position rather than attempting to obfuscate both the issues and the Commission's reasoning. This failure to reach any coherent approach and the constant shifting of stance by the Commission leads me, although hesitantly, to conclude that by giving one political party two bites of the proverbial apple for every one granted to the opposing political party the Commission has taken a political role of interference contrary to all of the teachings of administrative decision-making.[93]

FOOTNOTES

[1] In their first 18 months in office, President Eisenhower appeared on prime time network television on 3 occasions, President Kennedy 4 times, President Johnson made 7 such appearances, and President Nixon 14. These figures exclude appearances on regularly scheduled news broadcasts, reports on foreign trips, charity appeals, convention and campaign appearances in the case of President Johnson, and, in that of President Nixon, his Apollo appearances. Remarks by Frank Stanton, President, Columbia Broadcasting System, Park City, Utah, July 10, 1970, A. 49, 50. ("A. —" references are to the Appendix of materials from the record before the Commission.)

[2] For example, during both Democratic and Republican administrations CBS has made time available, following the President's State of the Union address, to congressional leaders of the opposition. *See* CBS Response to Republican National Committee Petition, A. 32, 38.

[3] Telegram from Frank Stanton, President of CBS, to Lawrence O'Brien, June 22, 1970, A. 20–21.

[4] The presidential statements were drawn from his Inaugural and State of the Union addresses, news conferences, and special addresses on such matters as the Cambodian invasion and the veto of the Health, Education and Welfare appropriations bill. Mr. O'Brien used Mr. Nixon's nomination acceptance speech to illustrate his views on the crime problem, and a broadcast statement by Vice President Agnew to supplement a statement by President Nixon on the question of dissent and national unity. *See* transcript of the O'Brien broadcast, A. 23–31.

[5] Following the O'Brien broadcast, there were several minutes of analysis by members of the CBS news staff of the type that customarily follows presidential appearances. In addition, a few CBS-affiliated stations, including the 5 CBS-owned television stations (but not the CBS television network), carried a paid political fund raising announcement purchased by DNC directly from the stations.

[6] Letters from Rogers C. B. Morton, Chairman of RNC, to Mr. Stanton, President of CBS, July 8, 1970, A. 17–19.

[7] A reply was sent on July 15, 1970, 2 days after RNC filed its petition with the Commission, denying reply time to RNC. CBS letter to Mr. Morton, Chairman of RNC, July 15, 1970, A. 45.

[8] A. 11.

[9] A. 5.

[10] A. 4 (emphasis in original).

[11] A. 4–10.

[12] CBS pointed out, *inter alia*, that (1) RNC had conceded in the past that the national committee chairman of the principal opposition party was an appropriate spokesman to reply to the President (CBS noted that the then chairman of RNC had requested and received time in 1963 to respond to President Kennedy's televised discussion of tax legislation), A. 40–41; (2) the substantive issues covered in the July 7 broadcast had all been fully covered in presidential appearances, A. 34; (3) no showing had been made of any lack of fairness in the overall treatment by CBS of any of these issues, A. 34; and (4) as to RNC's contention that the O'Brien broadcast introduced a "fresh issue" as to which party should govern, CBS attempted to show that the President himself had addressed the "which party" issue in his prior broadcasts, A. 34–35.

[13] The RNC reply, in substance, reiterated and amplified the arguments raised in its initial petition. A. 61–73.

[14] 25 F.C.C.2d 283 (1970).

[15] The other 4 complaints were concerned, in particular, with the extent to which fairness had been achieved by the 3 major commercial television networks in their coverage of the Indochina war issue. Part E of the August 18 opinion, ¶¶ 52–59, dealt with the RNC petition.

[16] 24 F.C.C.2d at 301.

[17] *Id.* at 300.

[18] *Id.* at 300 n.25.

[19] *Id.* at 300.

[20] These questions are considered in depth in a subsequent portion of this opinion. *See* text accompanying Notes 75–86, *infra*.

[21] FCC letter to Nicholas Zapple, Communications Counsel, Senate Committee on Commerce, 23 F.C.C.2d 707 (1970).

[22] In the *Zapple* ruling, the Commission also said that the *Cullman* aspect of the fairness doctrine would not apply to broadcasts on behalf of political candidates. In *Cullman Broadcasting Co.*, 25 Pike & Fischer R. R. 895 (1963), the Commission held that a licensee could not avoid his responsibilities under the fairness doctrine because of an inability to obtain paid sponsorship for a response to a particular view on a controversial issue of public importance even though the initial presentation was sponsored. In other words, *Zapple* held that an imbalance in the financial resources of candidates could, in the public interest, give rise to an imbalance in their use of broadcast facilities.

[23] 25 F.C.C.2d at 301.

[24] *Ibid*. The result as to the RNC petition was concurred in by 5 of the 7 Commissioners, but 3 of the 5 issued separate statements reflecting widely disparate views. Commissioner Robert E. Lee stressed an alleged failure of CBS to limit Mr. O'Brien "to the issues originally raised," but he failed to identify the new issues he thought had been treated in the July 7 broadcast. Commissioner Lee also appeared to rest his conclusion in part on the selection of DNC as spokesman, contrary to the main opinion The concurring opinion of Chairman Burch stressed the alleged "person or party" orientation of the O'Brien broadcast, again without definition of that term. Chairman Burch asserted that the broadcast "covered issues in the political spokesman arena," but did not explain what he conceived that "arena" to be. Finally, Commissioner Johnson's concurrence, which was "extremely reluctant," was premised on the "content of the DNC program." However, he, like his brethren, failed to point to the particular content that troubled him.

[25] A. 127. Simultaneously, DNC filed a motion for stay, which was subsequently withdrawn when CBS made clear that it would not afford time to RNC until CBS had exhausted its rights to review.

[26] A. 132.

[27] A. 137–138.

[28] A. 144–190.

[29] A. 130–131.

[30] A. 192–202. RNC filed a petition for further relief on August 28, 1970, in which it asked the Commission to direct CBS to provide it with reply time on or before October 10, 1970, and that CBS give RNC notice at least 16 days in advance of the date on which the broadcast was to occur. A. 203–217. CBS filed an opposition and RNC a reply. In its September 24 order, the Commission denied the RNC petition in this respect. 25 F.C.C. 2d at 746.

[31] A. 280–290.

[32] A. 218–270 (September 3, 1970).

[33] A. 221–222. CBS submitted an appendix detailing the discussion of these issues by Republican spokesmen by date, time and content. A. 243–265. CBS also pointed out that the presidential broadcasts to which Mr. O'Brien replied had constituted "a strong endorsement of Republican [Party] government and contained remarks "extolling the virtues of the Republican Administration and commenting unfavorably on the positions or actions of the previous Democratic Administration and the current Democrat-controlled Congress." A. 226–227.

[34] A. 239–240.

[35] Letter from FCC Chairman Rosel H. Hyde to Congressman Wayne L. Hays, February 9, 1968, FCC Reference No. 8830–S, C2–105.

[36] A. 234–239.

[37] A. 271–279.

[38] A. 271.

[39] A. 274.

[40] CBS filed a reply to the RNC opposition to its petition for reconsideration. A. 291–301.

[41] 25 F.C.C.2d 739 (1970). The petitions were denied by a 4 to 2 vote. Commissioner Cox, who had concurred in the August 18 opinion, had since left the Commission. Commissioner Johnson concurred in the result, while Commissioner Bartley wrote a short dissenting statement. Commissioner H. Rex Lee dissented without opinion.

[42] 25 F.C.C.2d at 745.

[43] *Id.* at 742.

[44] *Id.* at 742–743.

[45] *Id.* at 743.

[46] *See California Democratic State Central Committee*, 20 Pike & Fischer R.R. 867 (1960); *Republican National Committee*, 3 Pike & Fischer R.R.2d 767 (1964).

[47] Non-campaign speeches of the President, however, were held to be exempt from the equal opportunities requirement of the "political party" situation. 25 F.C.C.2d at 744.

[48] *Ibid.*

[49] *Ibid.*

[50] *Id.* at 745.

[51] *Ibid.*

[52] *Id.* at 746 n.16.

[53] *See, e.g., F.C.C.* v. *WOKO, Inc.*, 329 U.S. 223 (1946); *F.T.C* v *Crowther*, 139 US.App. D.C. 137, 140–141, 430 F.2d 510, 513–514

(1970); *Capitol International Airways, Inc.* v. *C.A.B.*, 129 U.S.App.D.C. 187, 392 F.2d 511 (1968); *Philadelphia Television Broadcasting Co.* v. *F.C.C.*, 123 U.S.App. D.C. 298, 359 F.2d 282 (1966); *James S Rivers, Inc (WJAZ)* v. *F.C.C.*, 122 U.S.App.D.C. 29, 351 F.2d 194 (1965); *Giant Food Inc.* v. *F.T.C.*, 116 U.S App.D.C. 227, 322 F.2d 977 (1963). *See also* 2 K. Davis, Administrative Law Treatise § 17.07 (1958).

[54] *Secretary of Agriculture* v. *United States*, 347 U.S. 645, 653 (1954); *Greater Boston Television Corp.* v. *F.C.C.*,—U.S.App.D.C.—, —, 444 F.2d 841, 852 (1971); *F.T.C.* v. *Growther, supra* Note 53, 139 U.S.App.D.C. at 141, 430 F.2d at 514; *Marine Space Enclosures, Inc.* v. *F.M.C.*, 137 U.S.App.D.C. 9, 17, 420 F.2d 577, 585 (1969); *Herbert Harvey, Inc.* v. *N.L.R.B.*, 128 U.S.App.D.C. 162, 385 F.2d 684 (1967); *Greensboro-High Point Airport Authority* v. *C.A.B.*, 97 U.S.App.D.C. 358, 231 F.2d 517 (1956). *See also* 2 K. Davis, *supra* Note 53, § 16.12.

[55] *Melody Music, Inc.* v. *F.C.C.*, 120 U.S. App.D.C. 241, 244, 345 F.2d 730, 733 (1965). *See also Burinskas* v. *N.L.R.B.*, 123 U.S. App. D.C. 143, 148, 357 F.2d 822, 827 (1966).

[56] 4 Weekly Compilation of Presidential Documents (hereinafter "WCPD") 70–80 (1968).

[57] 114 Cong. Rec. (Part 1) 882 (1968).

[58] A. 234–239.

[59] A. 274.

[60] 25 F.C.C.2d at 746 n.16.

[61] *See* authorities cited at Note 54, *supra*.

[62] Communications Act of 1934, § 315(a), 47 U.S.C. § 315(a) (1964).

[63] *See, e.g., Udall* v. *Tallman*, 380 U.S. 1 (1965); *Farmers Educational & Cooperative Union* v. *WDAY, Inc.*, 360 U.S. 525 (1959); *American Telephone & Telegraph Co.* v. *United States*, 299 U.S. 232 (1936); *McCarthy* v. *F.C.C.*, 129 U.S.App.D.C. 56, 390 F.2d 471 (1968); *Philadelphia Television Broadcasting Co.* v. *F.C.C., supra* Note 53, 123 U.S.App. D.C. at 299–300, 359 F.2d at 283–284. *See also* 1 K. Davis, Administrative Law Treatise § 5.03 (1958).

[64] *Burlington Truck Lines, Inc.* v. *United States*, 371 U.S. 156, 167 (1962), *quoting New York* v. *United States*, 342 U.S. 882, 884 (1951) (dissenting opinion) (emphasis omitted). *See Volkswagenwerk Aktiengesellschaft* v. *F.M.C.*, 390 U.S. 261, 272 (1968); *American Ship Building Co.* v. *N.L.R.B.*, 380 U.S. 300, 318 (1965).

[65] *Greater Boston Television Corp.* v. *F.C.C., supra* Note 54, —— U.S. App. D.C. at ——, 444 F.2d at 851. *See United States* v. *Morgan*, 313 U.S. 409, 422 (1941); *Niagara Mohawk Power Corp.* v *F.P.C.*, 126 U.S. App. D.C. 376, 383 n. 24, 379 F.2d 153, 160 n. 24 (1967).

[66] While the exact bounds of the concept of arbitrary and capricious administrative action are not precisely defined in the Act, it is well settled that the core of the concept is the notion of rationality. *See, e.g., Burlington Truck Lines, Inc.* v. *United States, supra* Note 64, 371 U.S. at 168; *Great Boston Television Corp.* v. *F.C.C., supra* Note 54, —— U.S. App. D.C. at ——, 444 F.2d at 850; *F.T.C.* v. *Crowther, supra* Note 53, 139 U.S. App. D.C. at 141, 430 F.2d at 514; *Paducah Newspapers, Inc.* v. *F.C.C.*, 134 U.S. *App. D.C.* 287, 288, 414 F.2d 1183, 1184 (1969); *Grace Line, Inc.* v. *F.M.B.*, 2 Cir., 263 F.2d 709, 711 (1959); *Van Curler Broadcasting Corp.* v. *United States*, 98 U.S. App. D.C. 432, 435, 236 F.2d 727, 730, *cert. denied*, 352 U.S. 935 (1956); *Willapoint Oysters, Inc.* v. *Ewing*, 9 Cir., 174 F.2d 676, 695, *cert. denied*, 338 U.S. 860 (1949).

[67] Communications Act of 1934, Tit. III, 48 Stat. 1081, as amended, 47 U.S.C. § 301 *et seq.* (1964). Section 315 reads in pertinent part:

"(a) If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: *Provided*, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is imposed upon any licensee to allow the use of its station by any such candidate. Appearance by a legally qualified candidate on any—

(1) bona fide newscast,

(2) bona fide news interview,

(3) bona fide news documentary (if the apperance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or

(4) on-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection. * * *"

[68] FCC letter to Nicholas Zapple, *supra* Note 21.

[69] Aside from these two instances, the equal opportunities approach has been applied also in both the "personal attack," *see* 32 Fed. Reg. 10303 (1967); *Red Lion Broadcasting Co.* v. *F.C.C.*, 395 U.S. 367 (1969), and "political editorial," *see* 47 C.F.R. § 73.123(c) (1971), situations.

[70] 25 F.C.C.2d at 743.

[71] *See* Note 4, *supra*.

[72] In its initial opinion, the Commission made clear that this was not a precise equal opportunities situation because, at least as to the time devoted to discussion of the Indochina war issue, the O'Brien broadcast had indeed been "responsive." 25 F.C.C.2d at 301.

[73] It is evident throughout both opinions below that the Commission considered only those speeches broadcast during this time period in reaching its determination of "unresponsiveness." *See* 25 F.C.C.2d at 299–301, 739–747. The Commission's decision to limit its consideration to this particular time period may be traced to its initial decision to dispose of the RNC complaint in conjunction with several other complaints which were in fact addressed specifically to the President's recent speeches on the Indochina war issue. Thus in the August 18 opinion the Commission stated that it had "grouped all these complaints because * * * they all involve a common problem—the discharge by broadcast licensees of their responsibilities under the fairness doctrine in dealing with the Indochina war issue." 25 F.C.C.2d at 291.

In the other complaints, the Committee for Fair Broadcasting, Fourteen United States Senators, and Business Executives' Move for Vietnam Peace all urged that network coverage of the presidential addresses on Vietnam (referring specifically to those speeches occurring between November 3, 1969 and June 3, 1970) required that they be given comparable time and format to present their opposing views. The Commission refused to order the networks to grant time to these complainants or to apply an equal opportunities requirement to presidential or other official appearances. The Commission did hold, however, that format should be considered in determining whether a licensee had achieved overall fairness. Accordingly, in light of the imbalance created by the large number of presidential addresses on Vietnam, the Commission required the networks to make additional uninterrupted time available to spokesmen selected by the networks for discussion of the Indochina war issue. Thus consideration of the RNC complaint in this context may well have led the Commission to mischaracterize that complaint as one dealing particularly with the President's recent speeches on Vietnam.

[74] The 5 speeches on Indochina were telecast on November 3, 1969, 5 WCPD 1546; December 15, 1969, 5 WCPD 1752; April 20, 1970, 6 WCPD 553; April 30, 1970, 6 WCPD 596; and June 3, 1970, 6 WCPD 721.

The 6th speech considered by the Commission was the President's January 26, 1970 appearance explaining his veto of a $20 billion appropriations bill for the Departments of Labor and Health, Education and Welfare. 6 WCPD 76. However, no weight was given to this address in the Commission's determination of "unresponsiveness." In addition, a 7th speech televised during this period, the President's January 22, 1970 State of the Union message, was not considered by the Commission in evaluating the responsiveness of the O'Brien broadcast. This was probably because Democratic congressional leaders had already been given an opportunity, on February 9, 1970, to reply to this particular address.

[75] 25 F.C.C. 2d at 745.

[76] 6 WCPD 774.

[77] *See* transcript of the July 7 broadcast, A. 23–31.

[78] *See* Note 74, *supra*.

[79] For example, CBS earlier refused Senate Majority Leader Mansfield's request for time to respond to the President's June 17, 1970 economic message. A. 140 n.1.

[80] On August 8, 1969, for example, the President delivered an extensive televised speech concerning welfare reform. 5 WCPD 1103. In addition, Mr. Nixon participated in numerous news conferences prior to November 3, 1969, dealing with a wide range of issues. *See, e.g.*, 5 WCPD 175 (January 27, 1969) (inflation and recession, crime); 5 WCPD 225 (February 6, 1969) (civil rights, defense spending, environmental); 5 WCPD 360 (March 4, 1969) (student dissent and national unity); 5 WCPD 400 (March 14, 1969) (defense spending, student dissent and national unity); 5 WCPD 878 (June 19, 1969) (inflation and recession, student dissent and national unity); 5 WCPD 1327 (September 26, 1969) (inflation and recession, civil rights, student dissent and national unity).

[81] Respondents' brief at 3 n.1.

[82] 40 F.C.C. at 397. *See also McCarthy* v. *F.C.C., supra* Note 63.

[83] *See* Note 80, *supra*.

[84] *See, e.g.*, 5 WCPD (November 5, 1969) (inflation and recession, crime); 5 WCPD 1720 (December 8, 1969) (civil rights, spending, student dissent and national unity); 6 WCPD 76 (January 26, 1970) (inflation and recession, civil rights); 6 WCPD 616 (May 8, 1970) (unemployment, student dissent and national unity).

[85] 25 F.C.C.2d at 743.

[86] For example, presidential spokesmen have frequently appeared on CBS' *Face the Nation*. *See, e.g.*, A. 248, 252 (Vice President Agnew) (February 1, 1970) (dissent, equal rights, crime); A. 249, 252 (vice President Agnew) (May 3, 1970) (dissent, crime); A. 249, 250, 255 (Herb Klein, Director of Communications) (May 24, 1970) (dissent, economy, human resources); A. 251–252 (Dr. Paul McCracken, Chairman of the President's Council of Economic Advisors) (June 21, 1970) (economy); A. 254–256 (Daniel P. Moynihan, Counselor to the President for Domestic Affairs; Robert Finch, former Secretary of Health, Education and Welfare; Walter Hickel, former Secretary of the Interior) (January 25, 1970) (environment). It might be argued that such appearances should not be considered in this context since they are generally balanced by similar appearances by Democratic spokesmen. However, the issue under the Commission's new doctrine is "responsiveness," not "balance." If an imbalance was created by the O'Brien broadcast, that should properly be treated under the fairness doctrine, not the more stringent "equal opportunities" rule.

[87] Commission counsel, Mr. Ohlbaum, is well and favorably known to this court. Our references to his efforts to save the Commission's opinions are not intended as a reflection on him.

[88] 25 F.C.C.2d at 745.

[89] Indeed, a recent Commission decision lends support to this view of the opinions below. In *Democratic National Committee*, —— F.C.C.2d —— (FCC No. 71–882, August 20, 1971), RNC sought time to reply to a Demo-

cratic broadcast telecast on April 22, 1971 by the American Broadcasting Company. The Commission rejected the RNC demand, however, finding the situation there distinguishable from the instant controversy. In so finding, the Commission noted that *Zapple,* as extended by the Commission's decision in this case, "applies only to appearances by party spokesmen in response to Presidential appearances when the licensee does not specify the issues to be treated *as those which were discussed by the President.*" Slip opinion at 7, ¶ 14. (Emphasis added.)

[90] *See* authorities cited at Note 66, *supra.*

[91] Letter to Nicholas Zapple, 23 F.C.C.2d 707 (1970).

[92] Letter from Chairman Rosel H. Hyde to Hon. Wayne Hays, Commission Ref. No. 8330–S; C2–105 (1968).

[93] *See generally,* 1 K. DAVIS, ADMINISTRATIVE LAW TREATISE, § 1.03(1958).

THE NEED FOR INCREASED LINES OF COMMUNICATION BETWEEN THE SCIENTIFIC WORLD AND THE PUBLIC

HON. GEORGE E. SHIPLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. SHIPLEY. Mr. Speaker, in a recent address given before the American Oceanic Organization, Mr. Peter Hackes, NBC news correspondent, spoke on the need for increased lines of communication between the scientific world and the public. I share this with my colleagues:

COMMUNICATE OR DIE

(By Peter Hackes)

I needn't tell anyone gathered here that there are problems facing the oceanic community. From an outlook a few years back which was even brighter, I thought, than the NASA space exploration situation . . . the prospects for underseas research today are much bleaker than the NASA outlook—and that's not good.

Why? I suppose the most obvious answer is the price tag . . . although the expectation for immediate results—(returns, if you will, for dollars invested)—appears to me to be at least as hopeful in underwater research than in outer space. Certainly the possibilities of assistance to mankind—an improvement in life for all of us—are as promising through oceanic activity than through space research, although I'm sure I'd have a fight in my hands were I to make such a statement on the 8th floor of the NASA headquarters building.

Nasa programs, of course, have been slashed to ribbons—eliminated, cut back, delayed, postponed, and otherwise deleted. But even with tremendous cuts in manpower and programs, NASA remains a pretty viable 3½ billion dollar a year organization—having shifted its future outlook to *un*manned science probes rather than splashy manned trips into space.

Obviously, NASA has fallen victim of the economic facts of life. It suffers from a severe case of OMB-itis. But it's still going—strong in some areas.

I'm one of those who likes to think that NASA's communication effort—not that it was the best—might have had something to do with the fact that it's being continued in the face of tremendous opposition from the budget-cutters. I like to think NASA—and space-oriented industry—over the years have been able to tell their story convincingly enough to keep even a cutback NASA in operation. There has been heavy emphasis, as you know—especially recently—in continuing to fund such projects as the space experts feel have the best chance to produce a pay-off to the American taxpayer. We've been inundated—as I'm sure you've noticed—with material underscoring spinoffs in the medical field . . . weather forecasting . . . anti-pollution . . . crop rotation . . . and hundreds—literally—of other by-products which have (or will) come as the result of our space effort.

It's possible (although nothing in this city has much logic to it) to assume that at least part of the on-going NASA story is that it managed to communicate to the right people in the right way.

Tom O'Toole's piece in the *Washington Post* the other morning was a move in the right direction. Surely it pinpointed the plight of what we once thought would be a "wet NASA" in operation by now. Failing that *complete concept* there was enough in the works—or so we thought—to keep NOAA expanding and to pay for dozens—if not hundreds of projects. But it sure didn't turn out that way. And the timetable for NOAA's recovery is murky, to say the least. Tom O'Toole's unhappy account which ends with the thought that Grumman is looking for a buyer for its multimillion dollar Ben Franklin submersible—trailer and all—sums up the sad state of affairs at the bottom of the ocean.

Could it be that the people who tried to sell the oceanic story just failed to get it across? Could it be that with a little more-carefully-prepared information passed along to the general public and to Congress there might have been enough *outside* pressure on Congress and the White House to keep NOAA's funding from being cut so drastically?

In a way, it could also be a function of better education of the news media. To explain what I mean in more detail, let me digress from *your* field to mine: The environment. (Maybe you hadn't heard that NBC is now touting me as the network's garbage man!)

I must confess that when I first became interested in reporting environmental matters I approached the field just as a reporter would approach any other assignment: get the facts and write the story of what's happening. As simple as that. That's the way we do it at City Hall. That's the way you cover a fire or accident. Those are basically the procedures for reporting *any* kind of story. Add a little who, what, where and why and you're home free.

But it wasn't long before most of us realized that reporting ecology wasn't the same as your every day murder where the crime is uncomplicated . . . the victim is easily defined . . . the motives are clear . . . the perpetrator is a blackguard . . . and the jury's decision can go only one way.

Many of us started off in that direction. All went well at first. It didn't take us long to find the pollution: the smog was unbelievable, you could almost walk on the Chicago River, city noise actually was beginning to make people deaf, and localities were starting to find their local dumps were not only contaminating the soil and water in many areas—but many communities were beginning to run out of dump space.

These were the simple, easy-to-report stories that occupied many of us in the early days. There was little or no doubt about what was going on . . . why . . . and how to clean it up. Cause—effect—and remedy. Then—not long after it all began—what had appeared to us to be an open and shut case started taking on something of a different shape. Phosphates, for example. We all knew—because eminent scientists had told us—that phosphates in laundry detergents were the prime culprits in killing off some of our rivers and streams. Phosphate nutrients—from waste water—had fostered algae growth—which in turn had used up oxygen in the water . . . which in turn had killed off thousands and thousands of fish around the country as well as other marine life.

To correct the situation, a fairly straightforward step was needed: get rid of the phosphates in detergents. Here again we turned to science—the people who had pointed out the problem in the first place. In a matter of months (or so it seemed) they had presented us with a substitute product whose non-scientific abbreviation was NTA. Fine. The detergent companies went wild over NTA. It became a multi-billion dollar industry all by itself.

But again it was a scientist who blew the whistle on NTA . . . which he found was giving cancer and creating birth defects among laboratory rats. He admitted that the experimentation was incomplete and its conclusions a bit iffy. Yet, as charged by the bill which created it, the Environmental Protection Agency did what it had to in such an emergency situation—got the industry to agree to a voluntary ban on NTA.

So it was back to the drawing board for the detergent industry scientists. Instead of NTA they'd add more caustics to their product . . . anything, really, to clean those dirty collar rings and make those blue shirts come out whiter than white. Another few months of happiness in the detergent industry . . . until scientists found that the substitute for NTA might produce problems as great or even greater: the caustics were producing skin rashes, especially on babies, and when the stuff was taken by mouth (as inquisitive children may do) it produced a most unhappy effect on the windpipe and anything else it touched going down.

By this time at least one laboratory which had been researching NTA substitutes for some time had produced the report that they had come up empty-handed . . . that there was no really good substitute.

So . . . back to science again. This time we witnessed the interesting spectacle of two leading government figures at a news conference telling us (and through us, the nation's housewives) that detergents really were all right to use—phosphates and all—that the important thing to do would be to have each community build a tertiary sewage treatment plant to take care of phosphates as they were washed down the line. (The fact that the construction of sewage plants takes years and years and billions and billions must have escaped the two men momentarily.) We were told, of course, that it would be best for detergent makers to put out at least two kinds of washday miracles: medium phosphate content for hard water areas; low phosphate content for soft water areas.

But even before this final nostrum was passed along to us, many communities had begun work on anti-detergent or anti-phosphate laws—many of which are now on the books . . . despite some ardent lobbying by the detergent-makers—who, of course, are now supported by the government's pronouncement (in effect) that phosphate detergents aren't really good for the environment . . . but they're not really *bad* for us . . . so just be careful what you buy.

Way off in the wilderness, it seemed, one could barely hear the murmur of still another group of scientists repeating what they've been saying for these many years: why not try soap?

The phosphate story is a good one to point up the problems we all face . . . and especially those of us whose job it is to try to pass along to our readers and listeners the very best information we can find on the environment. What we needed, of course, was some good, solid scientific advice—not from the government—not from detergent hucksters—not even from doomsday environmentalists—but from some science types with no particular axe to grind. Believe me, it was hard to come by.

Nor is the detergent fiasco the only environmental area in which we (who want to communicate such things to those who will listen and watch) are having problems.

Let me quickly run down just a few of the others.

Remember "Get the lead out"—the campaign some *scientists* began (with government encouragement even to the point of proposing a *tax* on leaded gasoline) the proposal to phase out tetraethyl lead because *that's* what was causing smog? Along came another science group whose experiments indicated that eliminating lead from gasoline was likely to create *more* smog—not less.

Remember the world cry against mercury? It put the swordfishermen out of business . . . and for a while stopped the tuna boats. That too was a science-generated government ban. Comes now, however, another scientist who tells us the amount of mercury in our environment is in fact decreasing. He goes so far as to theorize that the presence of traces of mercury may even be essential to life—although he admits "the whole field is in ignorance."

Were the scientists who opposed the Amchitka blast on an environmental basis accurate in their predictions? Can the scientists who successfully defeated the SST (at least partly on environmental grounds) be any more accurate in their predictions of ecological catastrophe than those who took the other side, saying *nothing* bad would come from fleets of SSTs?

One possible substitute for the present-day gasoline engine is a motor that runs on natural gas. (EPA Administrator Ruckelshaus has a big tank of cooking gas in the trunk of his black government car.) But how can scientists tell us to use gas instead of gasoline when they (of all people) must know how short we are of gas supplies? It's been estimated that to run only half the nation's autos would take *all* the natural gas we have.

Where are the scientists who will give us an unbiased, un-influenced opinion on whether 1985 is far too soon to expect the nation's waters to be clean enough to swim in—even if Senator Muskie says it's so?

Where are the scientists to tell us—in an unbiased fashion—whether the auto makers are correct in saying they just won't be able to clean up auto exhausts by 1976—the date by which they'll all be breaking the law if they don't?

Where are the scientists who'll give us an unbiased view of the nuclear power picture? Are we, in fact, risking environmental ruin if we allow some heated water to go back into rivers and streams . . . or is it true that the scientific approach to this problem may find that if we don't turn to some kind of nuclear power, not only will conventional fossil fuel plants do us in much more quickly, but will also tell us that for some species of marine life heated water has proved a boon to increased reproduction and enlarged size—just what the local fisherman has been looking for!

The list could go on. I don't mention these areas of apparent scientific cross purposes to put down men of science. Just the opposite. The scientist, in environmental matters as with nearly everything else in our daily lives, is absolutely essential to those of us groping our way through the maze of ecological pros and cons. There are no obvious answers to the questions I've put. In most of these areas there have to be many more than one answer.

Science is needed to guide *us* so we in turn can guide the public. Not that the farmer, the bricklayer, the man who runs the local grocery store, or the school teacher are stupid about things environmental. Nor are they wtihout a good deal of basic knowledge about what makes the whole scheme of things tick right along. There's a great deal more sophistication among the American people these days than they are often given credit for.

But there is ignorance. Great ignorance. Not only among that vast audience we call the "general public" . . . but also, if you will, amongst the group of Spiro Agnew soothsayers called reporters. We *need* scientists to give us guidance. We *need* the one-time ivory tower people to come down and tell us what they've been doing and thinking. The day of the isolated experimenter who goes off in his little corner to contemplate one tiny segment of life all by himself is at an end. These are days, it seems to me, when the science community has a moral *duty* to itself, the public at large, and to future generations, to come forward with every scrap of knowledge that might be useful. Nor is this any more needed than in the environmental area.

But how to do it? How do scientists—even those who really *want* to—communicate with those whose background is so completely different as to give the impression—one to the other—that each is from a different planet? It's not easy—to put it mildly.

I must confess I haven't run this matter through my handy-dandy computer. Nor have I run it up the flagpole of scientific research. So my thoughts will have to be those of one communicator whose limited experience has at least presented a few of the problem areas more clearly than others—and whose meager efforts to translate science into English has had at least a modicum of success.

Scientists are not newsmen—any more than newsmen are scientists. (Thank God for small favors! Can't you just picture our most detailed analytical experiments in the hands of some club-footed reporter?) The scientists' problems in communication are manifold . . . and often defy solution.

Science, after all, is really a gathering together of experimentally-proven facts to which is added an analytical thought process—in essence the pursuit of ideas. Have you ever tried to illustrate a thought process for television? This is *our* basic problem: how to take the thoughts from inside the head of a scientist and pass them along, with pictures, to a public at large whose brain power is there—but whose background may or may not provide the proper basis for understanding.

It's not easy. But it has to be done. I remember my days as a graduate journalism student. I was lucky enough to find myself in Iowa City, Iowa (attending the university). One day I was sent out to "investigate" the physics department. I found out there was some kind of scientific nut over there whose pride and joy at that moment was a piece of machinery called a Van de Graaf generator. (My editor, I'm sure, thought it was a gadget to make Van de Graaf's, whatever they were!) I sought out this science creature, had a slightly stilted conversation with him—during which I found he was really quite a down-to-earth Iowa-bred farm boy who just happened to have a scientific head on his shoulders. (He told me his name was Van Allen, which at the time was just another of the *many* scientists whose work I knew nothing about.)

I did a short piece on Jim Van Allen and his generator. And I was a much wiser reporter for it. He was, and of course, is the kind of scientist who combines a human quality with his scientific bent. Not all scientists, let's face it, have the ability—or even the willingness—to explain things to a reporter, much less to get it across to the public at large.

Until recently there wasn't much incentive. Scientists appeared to be vying with each other to see how mystically silent they could remain. For whatever reasons of jealousy, empire-building, worry about being misquoted, or fear that other scientists would look askance at someone foolish enough to subject himself to an interview—men of science were more than reticent, they were downright unavailable.

Changing times have changed those attitudes a bit, as has the need to share the government's financial pie—which can be divided only into a certain number of pieces. At the same time we reporters issued a plea for help. And in many instances these two needs are producing a flow of science news that has never before been apparent. Scientists have realized that they need public support to persuade Congress, for example, that certain projects are worth pursuing—knowing (in turn) that it's the members of the House and Senate these days who can turn on the biggest science-oriented economic spigot in history.

Current history, I feel, is also changing the typical public image of the scientist. He's now a member of the community, rakes his leaves, sends his kids to neighborhood schools, complains about taxes, and watches pro football games—scientifically. More and more often the modern scientist is taking part in the local PTA, fund drives, little league baseball. In short, he's becoming a human being.

That's where people like me come in. We're no smarter, scientifically, than the average slob whose major occupation is reading the daily comics. But we have one small knack (or should have)—the art of *representing* that other guy by asking the questions *he* would want asked, so the answers are understandable to him.

I don't care what the story is—there *are* ways of illustrating science for television. I don't care what research is being carried on—there *are* ways of telling us about it without compromising that precious experiment to scientific rivals. We reporters realize—or should—that research is fundamental to scientific progress, and that to be *good* that research often has to remain a bit vague—until the scientists begin to see the light at the end of the test tube. We don't insist on final answers. We *do* insist on progress reports. Representing the general public we want science to let us in on what's going on, *why* an experiment is being carried on, what has motivated the scientist to conduct it, and in some general terms what he sees as the possible future outcome from his work.

We're not spying. We realize the sensitivities involved. We realize that a person's scientific reputation, to say nothing of his life's work, can be wrapped up in a series of experiments. But more and more it behooves the scientist to make sure he's communicating.

We of the general public, in many instances, *have* to know what's going on or we won't have the necessary educational underpinning to recognize a crisis situation. When there's an emergency environmental problem, for example, such as the bad air over Birmingham, Alabama, the general public ought to have a basic awareness of why such an emergency exists or they can't be expected to respond by staying indoors to avoid polluted air. A well-informed public can and will back up the scientist IF they are provided with enough background information to make a point logical. They need a logical frame of reference. Surely the person who sits at home and watches that aspirin tablet dissolve inside the glass stomach of a glass dummy on television—and then goes out and buys that aspirin—will be willing to listen to a *real* scientist talking about *real* achievements—IF he presents his efforts in as logical a fashion.

The aspirin commercial points out yet another truism in the real world of 1971 communications: the average TV viewer doesn't really need—or even want—to know why the aspirin works to relieve his headache. It's enough to show him that it does. By the same token he doesn't have to know how a laser beam operates to understand some of the things it can do for him. He doesn't have to know how holography works to be shown how it can be used to help him—as a tool to improve his life.

I am well aware, that not every reporter is science-oriented. I'm fully aware that many of us just don't have the background to grasp the import of what the scientist is saying. Here, I feel, it's the duty of both sides to try a little harder. Only in this way can we avoid some of the mistakes we've all seen.

Science writer David Hendin recently decried what he called "the shrill voices that sometimes get more credence than they deserve." He wrote in *Quill Magazine* about the environmental doomsayers and how they have sometimes made things terribly difficult for science to untangle.

Hendin told about a symposium he attended in New York City—on urban biology. One of the speakers said this: "The cost of one B-52 bomber could pay to install all the necessary sewage treatment plants in New York City four times over."

The audience—mostly environmentally-active college students—responded with applause and cheers. The next speaker was the man who at that time was New York City's environmental protection chief, Dr. Merrill Eisenbud—also an environmental activist.

Eisenbud challenged the speaker, asking if he knew just how much a B-52 bomber costs. The speaker responded by saying he wasn't sure, but he remembered a figure of 12 million dollars. And what about the cost of a sewage treatment plant in New York, asked Dr. Eisenbud? The speaker estimated *that* at about 4 million dollars. Eisenbud quickly informed the speaker that New York was completing a sewage plant at that time, which was costing *220* million dollars.

It wasn't that the speaker was deliberately trying to mislead the audience. He just did not know what he was talking about—a disease which is guaranteed to strike many of us if the scientific community doesn't explain itself and keep us posted on many things.

Author Hendin points out that despite all the fuss created by the pollution cleanup campaign, it's hard even to define environmental problems. To a person living in the inner city, he says, environment is a leaky roof, rats in the kitchen, peeling lead-based paint which kills children when they eat it, bad plumbing, no job, and no coat to wear when he goes out into the snow.

These are the things, it seems to me, to which the modern-day scientist must address himself. He has an obligation, I think, to keep himself well informed on a variety of things—national and international—so he can conduct his scientific efforts—not in that ivory tower, but in the context of a real-world situation, as a member of the human race as well as of the scientific community.

I know it'll make his life a better one. I think it'll make mine, as a reporter, a lot easier.

ONLY ONE CRIME IN EIGHT RESULTS IN CONVICTION

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. HUNGATE. Mr. Speaker, with the current interest in law and order and prison reform, the following article from the St. Louis Bar Journal should be of interest:

WHY—AND WHAT IT MEANS TO SAY THAT—"ONLY ONE CRIME IN EIGHT RESULTS IN CONVICTION"*

(By Yale Kamisar, professor of law, University of Michigan)

"With 87 out of every 100 offenders in our country going free and escaping any punishment," wailed Senator Ernest Hollings during the Congressional debates on the Crime Control Act of 1968, "the criminal knows there is very little bite to the law today. No longer can it be said that crime does not pay when there is now only a 13 per cent chance that an offender will be caught and punished and the criminal knows this. There is no questioning the fact that the recent decisions of the Supreme Court have contributed greatly to this problem." Senator John McClellan similarly lamented the low "conviction rate." After describing "the kind of men" the courts are turning loose, he protested: "No wonder the criminal feels he can go out and violate the law, because he knows that he can get away with it." And in his May 1968 position paper on crime *Toward Freedom from Fear* (using figures which varied from Senator Hollings' by one percentage point), Presidential Candidate Richard Nixon warned: "Only one of eight major crimes committed now results in arrest, prosecution, conviction, and punishment—and a twelve per cent chance of punishment is not adequate to deter a man bent on a career of crime. Among the contributing factors to the small figure are the decisions of a majority of one of the United States Supreme Court."

Such talk, no doubt, manifests the speaker's determination not to "pussyfoot" about the crime issue, but is it "straight talk?"

Suppose you were trying to express in numbers the probability that a baseball player who took the field regularly would strike out *sometime* during the season. To say that he had only a twelve percent chance of striking out *any one time* he went to the plate would be a rather awkward and obscure way of saying that in the course of the season he would strike out *thirty or forty* times, would it not? Fortunately few burglars or robbers get as many "turns at bat" as baseball players, but (unless they're caught the first time) they do commit many more than *one* burglary or robbery a "season," let alone a career.

If apprehension and conviction were purely a random occurrence (as opposed, in fact, to a product of such non-random factors as the status of the particular victim, the skills of the particular criminal, and the efficiency of the particular police department), and *if* the odds of a crime resulting in conviction were one in eight (as I indicate below, they are probably a good deal lower), then anyone who committed five burglaries or more would stand a better than 50 percent chance of being punished. Even if the chance of being caught and punished for any one crime were much lower, the run-of-the-mill burglar and robber, because he spends so much time plying his trade, would be bucking very stiff odds over any substantial stretch of time. To say that 87 or 88 reported offenses out of 100 do not result in conviction is *not to say*, as Senator Hollings did, that 87 or 88 *offenders* out of 100 "escape any punishment."

A *thinking* would-be-criminal—especially one who is supposed to be shrewd enough to study and to take into account the latest Supreme Court decisions—must consider the *cumulative* statistical chance of escaping unscathed when he engages in 20 or 50 or 100 crimes, and as the University of Chicago Law School's Frank Zimring recently put it when I broached the subject, "anybody who figures that at today's odds he can afford to pursue a criminal *career* is poorer at arithmetic than the fellow who calculates that he can safely go over Niagara Falls in a barrel."

The "only one-in-eight crimes results in conviction" and "twelve per cent chance of punishment" figures are misleading in another sense, and in a *different* direction. Presumably these figures are based on crimes *reported* to the police, but various surveys indicate that there is a "dark figure" of unreported crime *several times greater* than the amount which shows up in crime statistics. Why has so much crime gone unreported? According to several studies, among the reasons are embarrassment (in the case of rape and other sex offenses), fear of reprisal, an unwillingness to take the time, lack of knowledge as to how to report, and—the reason most often given for all offenses—a feeling that the police "can't do anything about it anyway," i.e., can't recover the property or identify the offender.

Thus, Messrs. Nixon, McClellan, Hollings, and other politicians could have chosen say, a spectacular "only one burglary in 24 (or 32) results in conviction" statistic rather than the less sensational (but still frightening) "one *reported* burglary in eight results in conviction figure. Why didn't they?

Perhaps because the more spectacular statistic might have necessitated some discussion of the vast reservoir of unreported crime and this in turn might have raised some doubts about the solidity and sanctity of crime statistics. Perhaps a primary thrust of much "law and order" rhetoric is to place a large part of the blame for the sorry state of crime on the courts and although computations based on reported crime *understate the crime problem*, they greatly exaggerate the extent to which *the courts* may be contributing to the problem. After all, how much blame can be heaped on the courts for the increase in burglaries and for the "fact" that only one in 24 or 32 burglaries results in conviction if 16 of every 24 burglaries—or perhaps as many as 24 of every 32—aren't even reported to the police?

For political purposes the "only one-in-eight crimes results in conviction" statistic has more than adequate gee-whiz! appeal—so long as its arrest, prosecution, and conviction components are not singled out. The lump figure may be misunderstood as a meaning that only one out of every eight who are *caught* and *prosecuted* is convicted—when the primary reason for the "one-in-eight" figure is that most reported offenses *never result in an arrest or prosecution.* This is precisely the error Senator Russell Long made in the course of the recent crime control debates when he claimed that "seven out of every eight criminals *we catch* are turned loose anyway." (Emphasis added.)

Once that "one-in-eight" lump figure is *broken down,* however, the limited extent to which the judiciary generally, as contrasted with other agencies and multiple socio-economic factors, can possibly be contributing to the low "conviction rate" is quickly grasped. For example, the *Uniform Crime Reports* for 1967 (the basis for the Nixon-McClellan-Long crime statistics) reveal that, for reasons I shall touch upon below, *less than one reported out of four* was "cleared by arrest." That is to say, only about 22 per cent of the time were the police able to say that their investigation established the identity of the offender and that the crime reported was "cleared" or "solved" by his arrest.

A crime is "cleared," it should be pointed out, *whether or not* the arrestee is later convicted—or even indicted. Indeed, as noted in the *Uniform Crime Reports* (for such reasons as failure of the victim to cooperate or appear for the prosecution, referral of the arrestee to juvenile authorities, and insufficient evidence to support the formal charge), only 75 per cent of those arrested for crime

---

*From *Law Quadrangle Notes*, Spring 1971, a publication of the University of Michigan. Based on a paper delivered at the University of Oklahoma.

index offenses were turned over to the courts for prosecution.

In short, even if the conviction rate—as the term is used by the *Uniform Crime Reports* and as it is normally understood—the percentage of those held for prosecution who are found guilty—even if the conviction rate were *100 per cent*, only one reported crime in six would result in a conviction, because only one reported crime in six *leads to a criminal prosecution*. (The "conviction rate," once the cases get to the courts, is in the 80–90 per cent range.)

Although the over-all clearance rate has always been low, and sinking lower (from 26.1 per cent in 1960 to 23 in 1966 to 20.6 in 1969) the rates vary considerably depending upon the crime involved. They have always been highest for murder, where maximum detective-power is allocated, typically the circle of suspects is small, and the offender (as the police well know) often turns out to be the victim's spouse, parent, lover or close friend. They are fairly high for forcible rape and aggavated assault, where more often than not the offender is at least casually acquainted with the victim and leads are provided by personal contact between victim and criminal. They have always been low, and dropping lower, for burglary (from 29.5 per cent in 1960 to 22 in 1966 to 18.9 in 1969) and for crimes against property generally—where the lack of witnesses and the tremendous volume of these offenses work in the criminal's favor.

Although the percentages are slipping, the *number* of crimes being cleared is increasing substantially. The trouble is that the number of reported offenses is rising even faster. Why the low, and dropping, clearance rates?

It is important to keep in mind that a single arrest may lead to the "clearance" (on paper, at least) of many crimes. Even when he cannot be connected to other "unsolved" or "uncleared" crimes by solid evidence, a suspect may be willing to confess to these other offenses if he believes he will receive more lenient treatment for his "cooperation" in the "clearing cases." Detectives are rarely displeased at "writing off old cases" and looking better on the FBI books.

A dramatic illustration is furnished by sociologist Jerome Skolnick, who witnessed the incident in the course of his study of a California police department (*Justice Without Trial* 176–79 (1966)): A burglar who "confessed" to—and enabled the police to "clear"—some 400 burglaries was *prosecuted for only one*, and given a mere 30 day sentence at that. On another such occasion a district attorney insisted upon a heavy sentence, despite the fact that a promise of leniency had already been made in return for the defendant's "clearance" of other burglaries than the one for which he had been arrested and prosecuted. However, reports Professor Skolnick, eventually the police view prevailed, on the grounds that unless the police were "backed up" future burglary investigations would be "seriously impaired."

Although *Escobedo* and *Miranda* have not had the impact their supporters had hoped (and their critics had feared), apparently these cases have had the salutary effect of instilling (or heightening) an awareness among police interrogators that the courts will be "looking over their shoulder." This *sense of review* has led to a significant curtailment of the time the suspect used to be held before being taken before a judicial officer—and thus worked a substantial diminution of the "opportunity" the police once enjoyed to get the suspect to "confess to," and to "clear," *crimes other than* the one for which he had been arrested and was to be prosecuted. (This change probably began some years before *Escobeda* and *Miranda*, because the last stages of the old "totality of the circumstances"-"voluntariness" test for admitting confessions saw the Supreme Court assigning increasing importance to length police detention as a factor operating against "voluntariness.")

The reliability of clearance rate statistics is further shaken by a recent study of the New York City police, disclosing a *twenty-fold* variance in the number of crimes "cleared" per arrest. The most likely explanation is that different commanders *define* clearances differently. The number of cases "cleared" by arrest in any unit, points out the study, "is probably influenced by how important the unit commander feels his clearance rate is." Greenwood, *An Analysis of the Apprehension Activities of the New York City Police Department* 16–18 (1970) (New York City Rand Institute).

This is not to deny that there has been a *real* drop in the clearance rates. Professor H. Richard Uviller, for many years an outstanding assistant district attorney until he recently joined the Columbia Law Faculty, suggests some reasons: "What police manpower we do have is being spread thinner and thinner; much is now allocated to street demonstrations, for example; more is being extended to prevention and patrol and less to actually *solving crimes*. Thus, the police are forced to limit their investigative efforts to very serious crimes and, too often, can do little more than simply *record* reported burglaries and other crimes against property." (At this point one begins to wonder why the clearance rate for burglary is so *high*.) Moreover, notes Harvard criminologist Lloyd Ohlin, the number of reported burglaries is rising especially fast in the suburbs—"where police forces are even thinner than their urban counterparts and homeowners, less accustomed than are their city cousins to using locks and taking other security measures, are relatively easy, wide-open targets."

If anything, Professors Ohlin and Uviller may have significantly understated the intractability of the problems posed by crimes against property. The aforementioned New York City Rand Institute reveals that *most* of the arrests for crimes against property are made *at the scene of the crime*; "the probability that any particular case of robbery, burglary, or grand larcency will result in an arrest through a detective investigation is extremely small—six per cent for robbery and about two per cent for burglary and grand larcency"; "detectives are no more successful in solving cases to which they assign high priority than they are for cases of less significance"; and that "the solution of any particular property crime is a chance event, insensitive to the amount of investigation conducted."

The sad, stubborn finding of the Rand Study, as well as earlier studies made for the National Crime Commission, is that absent personal observations of the offense by a police officer or personal identification by a victim or witness, *the great bulk of crimes are not, never have been, and (at least for the foreseeable future) are not going to be* solved—in most of these cases no arrests are ever made.

Politicians are often tempted to fulfill an angry public's demand for simplistic solutions to stubborn, tangled problems. On the domestic front, no less than on foreign policy matters, a "mood of irritated frustration with complexity," as Dean Acheson once called it, finds expression in scapegoating. The double impact of (1) the low percentage of crimes reported and (2) the low arrest-clearance rates for those offenses which are reported, goes a long way toward laying bare the extent to which those politicians who concentrate their fire on the courts for the current "breakdown" in law and order are, in effect, perpetrating a cruel hoax on the public.

This point was dramatically made in recent testimony by the former Executive Director of the President's Commission on Law Enforcement and the Administration of Criminal Justice (Crime Commission), Professor James Vorenberg of the Harvard Law School. A few years ago, it should be pointed out, Professor Vorenberg incurred the wrath of a number of self-styled liberal law professors (including this writer) for his criticism of the *Escobedo* and *Miranda* decisions and their potential for expansion. But in recent testimony, he took members of a Congressional crime committee through the following "arithmetical calculation based on the statistics from the Crime Commission Report":

About three-fourths of the crime committed in this country is not reported to the police and only one-fourth or one-fifth of the crime that is reported leads to an arrest. "Changing the *Miranda* rule is not going to do any good for the other three-fourths (or four-fifths) because we cannot make the arrest anyhow." Then, in more than two-thirds of the arrests that are made, "the police have other information. They do not need a confession. There is a witness. Or the police themselves have seen the offense occur. So now you are down to (⅓ of ¼ (or ⅕ of ¼). Then we know from (various empirical studies) that (even after *Miranda*) they still are confessing. So when you get all through, what you have is maybe a fraction of one percent of all crime that might be affected by a change in the *Miranda* rule. (Compare that figure) with the kinds of increases of crime that are being reported. . ."

"LET MY PEOPLE GO"—A MOVING DOCUMENT

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. KOCH. Mr. Speaker, during the recess I sent every Member of the House and Senate a copy of "Let My People Go," a moving documentary account of the Soviet Jews' struggle for freedom. Copies of this new book were generously furnished by the American Jewish Conference on Soviet Jewry.

Year 1971 was a year in which the plight of Soviet Jewry stirred the consciences of millions of citizens all over the world. Soviet Jews have been denied rights guaranteed even under Soviet law and in 1971 some Jews were tried and sentenced to prison for their desire to go to Israel. At the same time, because of worldwide pressure and public disapproval of Soviet policies, the number of Jews allowed to emigrate from the Soviet Union to Israel increased substantially in 1971 over past years.

Concern for the plight of Soviet Jews is rightfully shared by people of all religious faiths. As the late Martin Luther King, Jr., once said:

> I cannot stand idly by, even though I live in the United States and even though I happen to be an American Negro, and not be concerned about what happens to my brothers and sisters who happen to be Jews in Soviet Russia. For what happens to them happens to me and you, and we must be concerned. . . . In the name of humanity, I urge that the Soviet government end all the discriminatory measures against its Jewish community.

"Let My People Go" provides previously unpublished testimony from the recent Leningrad and Riga trials, letters smuggled from inside the U.S.S.R., anti-

Semitic cartoons that have appeared in Russian publications, and eyewitness accounts.

At this time, I insert in the CONGRESSIONAL RECORD the letter addressed to the Members of the House and Senate who received this book by Richard Maass, chairman of the American Jewish Conference on Soviet Jewry:

AMERICAN JEWISH CONFERENCE
ON SOVIET JEWRY,
New York, N.Y.

DEAR FRIEND: The issue of Soviet Jewry is today on the lips and on the minds of people throughout the world.

Enclosed is a copy of a new book, "Let My People Go," by Richard Cohen, a vivid and moving chronicle of Soviet Jewry's struggle for freedom. It was published by Popular Library at the request of the American Jewish Conference on Soviet Jewry, the major coordinating agency on Soviet Jewry for the bulk of the American Jewish community.

In my opinion, this is the best and most up to date book on the subject and is a must reading for anyone who wants to be truly informed on this issue of paramount concern to all people. It will provide a wealth of information for you to use in speeches or for papers that touch on this subject.

I would appreciate any comments you might have on the book.

Incidentally, should you know of anyone who might want additional copies, they are discounted at $1.00 per copy for orders of 10 or more and at 75 cents each in orders of 50 or more. Royalties from sales of the book will go to support the work of the American Jewish Conference on Soviet Jewry.

Cordially,

RICHARD MAASS,
Chairman.

PITTSBURGH CATHOLIC GUEST EDITORIAL HITS NIXON'S PAKISTAN BIAS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. MOORHEAD. Mr. Speaker, the Pittsburgh Catholic newspaper, last week, reprinted an editorial which appeared originally in the New Zealand Tablet. The editorial severely criticized President Nixon for his one-sided handling of the recent Indo-Pakistani crisis.

The editorial accuses the President of disregarding Pakistan's massacre of hundreds of thousands of Bengalis and supporting the Pakistani Government only because of the latter's close relationship with Red China.

Mr. Nixon, the editorial said, "threw principle out the window," and seemed to see in the tragedy of war only the effect it might have for his coming trip to Peking.

Needless to say, much of what this editorial suggests was confirmed by Jack Anderson when he revealed publicly the transcripts of three National Security Council sessions.

I believe that the American people can see through this sham of expediency, this sacrificing of principles and lives, all for some artificial harmony at the time of Mr. Nixon's trip to the Chinese capital.

And I hope the American electorate will make its displeasure known in November when President Nixon comes before the Nation on the strength of his 4 years' record.

I would like to introduce the editorial into the RECORD at this time.

[From the Pittsburgh Catholic, Jan. 7, 1972]

GUEST EDITORIAL—NIXON'S SHAME

One of the more distressing aspects of the tragic war between India and Pakistan has been the way in which the United States, the world's most powerful nation, has thrown principle out the window whenever it got in the way of expediency.

This was apparent, of course, long before the war started, the most obvious example being the way in which the United States kept selling arms to Yahya Khan, whose butchery of more than a million people—another 10 million are refugees—began the slide into war.

The reason, of course, was President Nixon's eagerness to do business with Peking. This is laudable enough, but it should never have been allowed to stand in the way of humanitarian and Christian principles.

When the war broke out, this United States partiality continued in the United Nations as it sought to brand India as an aggressor and to cut the flow of U.S. economic aid to it.

By that time, of course, Nixon had his appointment in Peking, which supports Pakistan. In addition, election year was looming and the U.S. president hopes (naively in our view) that he will extract a diplomatic success there that will help him creep back into office.

It mattered not to him that Pakistan's action in Bengal, and the creation of the refugee problem, had created strains in India which threatened to wreck the economy of that nation.

There is no country in Asia whose stability is more important to the West than India with its population of more than 500 million. If it cannot remain a stable, democratic entity, then the lookout for Asia is black indeed.

But attitudes such as that of Nixon not only have international repercussions. They also have them in human terms. Here is an example:

On November 13 an American missionary priest in Bengal, Fr. William Evans, 52, was traveling by boat to an out-station to say Mass. Pakistani soldiers ordered the boat to pull into the bank, and then took Fr. Evans, who was in his soutane, to the police station at Nawabganj, 15 miles from Dacca.

They interrogated him, then took him back to the boat. As he was about to board it, they ordered him into a trench. Witnesses on the opposite bank saw him cold-bloodedly shot. Then the body was tossed in the river.

The body was recovered next morning and taken to his church. Archbishop Theotonius A. Ganguly of Dacca received it and had it photographed.

The body bore two bullet wounds, all the teeth had been knocked out, there were large bayonet wounds in the hands and feet and one arm. The priest had bled from both ears.

The photographs were sent to the U.S. Consul in Dacca and he said he would take the matter up with the Pakistani Home Secretary. But he refused to make any protest to the Pakistani military, because, he said, he had orders from Washington.

In other words, an American citizen can be foully murdered, sworn statements can be produced, including one from an archbishop, and Nixon forbids any effective protest. The obvious reason was that a protest against the murder of a man who had given himself in service to the Pakistani people, might upset Nixon's cherished projects. Why worry about one murdered man?

All other American presidents of recent history would have protested loudly and strongly against this violation of human rights and the comity of nations. But not Nixon.

The symbol of America is the eagle. Small wonder that it is moulting badly.

It could be added, too, that one of the things that impresses about Americans is the pride they take in their flag. "Old Glory," as they call it. Suffice it to say that under the clodhopper boots of Nixon, the flag is torn and tattered and the glory obscured by mud.

—New Zealand Tablet, Auckland.

RIPON COLLEGE WILL OFFER 3-YEAR DEGREE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, I am pleased to call to the attention of the House an unusual 3-year bachelor's degree program being started by Ripon College in Wisconsin. Ripon President Bernard Adams sees the program as a means of reducing the soaring costs of higher education somewhat, while offering the above average student an opportunity to get on much faster with his graduate studies or career.

The program has received considerable attention in news accounts, for example in the December 7, 1971 edition of the Milwaukee Journal. And I most wholeheartedly concur with the Fond du Lac Commonwealth reporter which editorialized on December 9, 1971: "By making such a program available, Ripon College continues its leadership in the ranks of the finest small colleges in the Nation."

The material follows:

RIPON COLLEGE WILL OFFER 3-YEAR DEGREE—SEEN AS AN ANSWER TO SOARING COSTS OF HIGHER EDUCATION

RIPON, WIS.—One of the Midwest's pioneer four-year liberal arts colleges has adopted a three-year bachelor degree program. Ripon College will offer the three-year track as an option to its freshmen next fall.

Ripon President Bernard Adams said the program is aimed at the above average student and will require that he carry a heavier academic load.

A three-year degree will mean a direct savings of about $4,000 in the cost of an education, Adams believes. Ripon's current comprehensive fee, which includes tuition, room and board, is $3,420 and is rising under inflationary pressures about $150 a year.

"Assuming an earning power of around $8,000 for a college graduate, a student would stand to gain on the order of $12,000 overall by completing his education in three years. And if he chooses to enter graduate or professional school, he can do so one year earlier," Adams observed.

The three-year candidate will have to earn a cumulative grade point average of 2.75 compared to 2.00 for four-year graduates, and will be required to accumulate 112 hours of credit, whereas 120 hours are required for the four-year degree. To do so he must carry an average load of 18 or 19 hours per semester, rather than the usual 15 or 16, and must meet the same major requirements as the four-year student.

"Acceleration without sacrifice of quality is the key to the Ripon program," Adams said. "It requires that all credits be earned by taking courses on the Ripon campus. It does not allow for acceleration through the passing of proficiency exams, nor can a student 'pad' his credits with summer study or other off-campus courses, some of which are of dubious academic quality."

Students who choose the three-year program and change their minds or fail to meet the requirements will automatically move into the traditional four-year program without any penalty, Adams said. He pointed out that students participating in both the four- and three-year programs will attend the same courses and sections. The new program may reduce the student's opportunity to take part in extra-curricular activities because of the heavier course load, he explained.

Adams expects the new program will be especially attractive to the highly motivated students who want to get ahead with their work and get into a graduate program. "It's also well suited for anyone wishing to defer college for a year of work, travel, or study outside of college," he said.

The Ripon College action, approved by the Board of Trustees in December and by the faculty earlier, is in line with a recent recommendation of the Carnegie Commission on Higher Education. One of the Commission reports, *Less Time, More Options*, asserts, "The length of time spent in undergraduate college education can be reduced roughly by one-fourth without sacrificing educational quality."

THREE-YEAR DEGREES AT RIPON

Ripon College, aiming its program at students who can function at an accelerated pace, has announced it will offer next fall's freshmen a chance to earn a degree in only three years.

Those who want to take the three year route will need a cumulative grade point average of 2.75 and 112 hours of credit. They'll have to take 18 to 19 credit hours of classes each semester—but can save up to $4,000 in expenses if they can withstand the quicker academic tempo.

"Acceleration without sacrifice of quality is the key to the Ripon program," President Bernard Adams commented.

Students who start the three year course for a degree will be allowed to change their minds. If they decide they want to slow down they'll be able to transfer into the four year program.

The three year degree plan is a good one for gifted students who are in a hurry and for those who don't care to spend added time in extracurricular activities. By making such a program available, Ripon College continues its leadership role in the ranks of the finest small colleges in the nation.

RIPON COLLEGE WILL OFFER 3-YEAR DEGREE PROGRAM

RIPON, WIS.—Ripon College will offer next fall's freshmen the option of choosing a three year degree program, it was announced Tuesday.

The new program will be directed at the above average student, according to President Bernard Adams, and will require not only a heavier academic load but a higher grade point average.

The three year candidates will have to earn a cumulative grade point average of 2.75 compared to 2.00 for the four year graduates and will be required to earn 112 hours of credit compared to 120, Adams said. But to do so, the three year candidate will have to take 18 to 19 credit hours of classes each semester, compared to the usual 15 or 16. The three year graduate must meet the same requirements within the major as the four year graduate, Adams said.

Adams described the new program as "one answer to the soaring cost of higher education." He estimated that three year candidates would save about $4,000 in obtaining their degree compared to the four year graduates.

Ripon's current comprehensive fee, which includes room, board and tuition, presently is $3,420 a year and is rising at the rate of about $150 a year. There are also costs for books, travel and other living expenses.

If one adds the average of $8,000 a year that the college graduate earns the year after graduation, the new program could be worth up to $12,000 for the student taking it, Adams suggested.

"Acceleration without sacrifice of quality is the key to the Ripon program," Adams said. "It requires that all credits must be earned by taking courses on the Ripon campus. It does not allow for acceleration through the passing of proficiency examinations nor can a student 'pad' his credits with summer school or other offcampus courses, some of which are of dubious academic quality."

Students who elect to try the three year program and then change their minds will automatically move into the traditional four year program, Adams said.

Because of the heavier academic load, the program is expected to cut down opportunities for extracurricular activities. Students interested in athletics, publications, dramatics, and other traditional outside class activities are expected to continue to choose the four year program, Adams said.

The new program was approved by the college's Board of Regents earlier this month.

THE DEVELOPMENT OF SPACE SHUTTLE

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. FREY. Mr. Speaker, I wish to express my wholehearted approval of the recent decision of the President to proceed with the development of the space shuttle.

On many counts, it was a wise and timely action. Thus far, the space effort—which surely must be regarded as one of the most successful national programs in this country's history—has demonstrated the vast potential that this newly accessible environment holds for us.

Operational systems of communications and weather spacecraft are already yielding great benefits to men everywhere and, in fact, have become as much a part of our every-day life as television or the telephone. The balanced mix of manned and unmanned missions that are being flown are producing a flood of vital new knowledge about the elemental forces at work in our solar system, and the galaxy of which it is a part. We are gaining new understandings of the dynamics of spaceship Earth, and the envelope of air and energy which encases it. Even so, it is obvious to the thoughtful observer that, in our space work, we have made no more than a good beginning.

As we look ahead to the latter part of this decade, and beyond—into the 1980's—the great and expanding capabilities that we have developed make possible a wide variety of important and productive missions. How many of these missions we will be able to conduct, however, will be influenced more by economics, than by our own technological capabilities.

During the first decade of the space program, we have used what can only be described as a primitive and high-priced means of placing our spacecraft in orbit. The launch vehicle and the spacecraft are used just once. Instrumented packages must have extraordinary—and very costly—reliability built in to perform its mission. If, for any one of hundreds of reasons, there is a malfunction in these highly sophisticated automated satellites, the mission fails.

In the program's experimental phase such a nonreusable transportation system could be justified. But we have passed that stage. If we wish to exploit space effectively, we must now move to create a system that makes economic as well as scientific sense. The decision to go ahead with the shuttle is a long first step in that direction.

The key to the shuttle's importance is its reusability and the resulting savings, plus the significant economies that can be expected in spacecraft design and construction. Partly because of the extraordinary reliability that presently has to be built in, a payload costs an average of $20,000 a pound to construct, and may be years in design and fabrication. With the shuttle-given capability to deploy spacecraft and to retrieve and repair them, the demand for reliability will be greatly reduced with an equivalent reduction in fabrication costs. We can expect that leadtimes will be reduced from years to months.

Not only will this give us more space for our dollar, but it will open whole new areas of space work.

With an operational shuttle, we can look forward to a space program in the eighties that will have the versatility and flexibility that will insure a rich payout of benefits. I am confident that the development of the shuttle will turn out to be an excellent investment of this Nation's resources.

NATIONAL HEALTH INSURANCE

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. HELSTOSKI. Mr. Speaker, one of the most important issues facing the House as we begin this second session of the 92d Congress is the question of National Health Insurance. Our colleagues on the Ways and Means Committee have concluded hearings on pending legislation to establish such a system and I look forward to early action in the House on a committee bill.

At the beginning of the last session, I filed a national health insurance bill, H.R. 2478, which embodies the concepts of the Griffiths-Kennedy measure and the recommendations of the national AFL–CIO. Nothing less than a comprehensive, federally financed national program covering all citizens is adequate to meet the health care needs of the United States in the 1970's. I urge the members of the Ways and Means Committee to endorse this approach as they proceed to executive sessions on national health insurance legislation.

A succinct and timely letter in support of the AFL–CIO's proposal was sent to me during the recess by Charles Marciante, president of the New Jersey AFL–CIO's Group Health Maintenance Plan. As Charlie Marciante points out, the private health insurance companies have failed to serve the American people adequately and have been willing handmaidens to the gross escalation of medical and hospital costs in the United States. The most recent evidence of private insurance companies' incompetence and disregard for the pocketbooks of the American workingman came with Blue Cross' unconscionable request for a nearly 50-percent increase in Federal employees' health benefit premiums. Only a truly national health insurance system will put an end to the highway robbery of these private carriers.

Mr. Speaker, I include Charlie Marciante's excellent letter at this point in the RECORD:

NEW JERSEY STATE AFL–CIO GROUP
HEALTH MAINTENANCE PLAN INC.,
Newark, N.J., December 22, 1971.

Re National Health Insurance.

Hon. HENRY HELSTOSKI,
Congressman—Ninth District,
East Rutherford, N.J.

DEAR CONGRESSMAN HELSTOSKI: We are quite disturbed to read in the December 19, 1971 edition of the New York Times newspaper that Congress feels that public support for National Health Insurance is on the wane.

Our organization, in following the lead of the National AFL–CIO, has very strong feelings for the immediate enactment of a national program.

In anticipation of such a program, we have appointed a full-time director and have incorporated the New Jersey State AFL–CIO Health Maintenance Organization (H.M.O.). The State AFL–CIO played a major role in having legislation passed through the legislature permitting the formation of HMO in New Jersey.

We are also keenly aware in detail of every legislative proposal before the Congress for a National Health Insurance program. The vast majority of these proposals, including the Administration's, are nothing more than a sellout to the not too highminded insurance companies of our nation. I don't think it necessary to document for you the inept and sloppy way the Medicare and Medicaid have been administered by the private insurance industry. Their slipshod ugliness is apparent daily in the press.

Clearly, we are not happy with the present system of health care delivery including the major dispensers—Blue Cross and Blue Shield. The Blues have played a great role in the demise of our nation's once esteemed status in health care. We now rank 14th, the lowest of all industrialized nations.

We, in the State AFL–CIO, know that we can do a much better job under our HMO program in negotiating with hospitals and groups of doctors for a health care system that truly will be to our members' and community's betterment.

At present, increased costs are merely passed on to Blue Cross from a hospital whose overall procedures are slipshod. Blue Cross accepts the increase and other hospitals who learn of the increase, up their respective costs. After a period of time, Blue Cross' financial reserve begins to dwindle and they make application to the State Department of Insurance protesting that unless their rates are upped thirty, forty, or fifty percent they will be insolvent. Naturally, no one wants to see or be part of such a catastrophe. Shortly, an increase is granted to keep the system rolling. Roll it does, right around the old circle and one year later Blue Cross is again knocking at the Department's door with the same problem.

It is abundantly clear that the present "fee for service" method of handling health insurance is not working properly and certainly not detecting illness beforehand to give us protection. This system must be scrapped. Congresswoman Griffiths' and Senator Kennedy's bill creating a national health program are by far the best methods of delivery. We strongly support that type and that type only. As previously stated, all the other proposals are nothing more than sellouts to the perpetuators of a bad system—the insurance companies.

Please be assured we are most anxious for adoption of the Griffiths-Kennedy bill. Your help, together with those congressmen and senators of your acquaintance on behalf of the Griffiths-Kennedy bill will bring the people of our state and nation closer to correcting a glaring, unnecessary evil.

Very truly yours,
CHARLES H. MARCIANTE,
President.

JUSTICE JOHN M. HARLAN WAS CHAMPION OF RESTRAINT

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. DULSKI. Mr. Speaker, the passing of Supreme Court Justice John Marshall Harlan has brought to a close one of the most distinguished careers of our time.

Because of the majority views of the Court during his 16 years' tenure, he became known as a consistent and often lonely dissenter in support of apparent conservative views.

But labels can be misleading and their meanings vary with the times. At another period, he would have been viewed as a liberal.

Labels are not the way to judge any man. His contributions to his country and his profession must be judged in the broader perspective. On this basis, Justice Harlan stands high among his peers.

He came to the Court in 1955, early in the leadership of retired Chief Justice Earl Warren.

He was named by then President Eisenhower to succeed another New Yorker, the late Justice Robert H. Jackson, of Jamestown, the smalltown attorney from western New York who also made a distinguished mark of his own in our Nation's history.

I came to know Justice Harlan in a very personal way. He and I had adjoining rooms several months ago at the Bethesda Naval Hospital in suburban Washington. I was being treated for a strained back muscle.

I had never met the jurist until that day when he came into my room and introduced himself. We had wonderful visits during my hospital stay and he was most gracious. From the outset of our meeting, it was clear to me that here was a man with true compassion for his fellow man.

Mr. Speaker, all of us can be grateful that our Nation has had the benefit of the leadership in his field of Justice Harlan. His legacy to his fellow man cannot be measured in dollars—or words.

I extend my deepest sympathy to his widow and other members of his family.

Mr. Speaker, as part of my remarks, I include an editorial and two articles from my hometown newspapers:

[From the Buffalo (N.Y.) Evening News, Jan. 3, 1972]

HARLAN, CHAMPION OF RESTRAINT

On the activist Warren Court, Justice John Marshall Harlan came increasingly to be known, during the 16 years he served there, as a consistent and often lonely conservative dissenter. But "liberalism" and "conservatism" are very relative and oft-abused terms these days, and the greater truth about the late Justice Harlan is that, among any other Supreme Court colleagues and at any other time, he would have stood out as a Holmesian liberal.

He will in fact be remembered with Felix Frankfurter and Robert Jackson as one of the real pillars of an eminent line of liberal-minded jurists who stood for the Holmes doctrine of judicial restraint—and against the philosophy of judicial activism represented by another whole line of such great liberal justices as Brandeis, Black and Warren. What divided these judges was not at all a liberal-conservative cleavage or even necessarily a difference in the degree of their liberalism. It was rather a difference of fundamental belief about the Supreme Court's proper function.

Holmes put it well, if inelegantly, with his dictum a half century ago that, if the people of this country wanted to go to hell, he couldn't see anything in the Constitution to prevent it. Brandeis challenged that view even then. Militantly liberal on a court dominated by militant conservatives, he was, in the words of a biographer, "like his conservative colleagues . . . inclined by the pressures and drives of his own nature to translate his own economic and social views into the Constitution."

The same cleavage came down through the Roosevelt Court, in a fundamental conflict between the ardent activism espoused by Black and Douglas, and the stubborn judicial restraint insisted upon by Frankfurter and Jackson. Frankfurter expressed the latter doctrine eloquently in a classic dissent against a majority decision upholding a state flag-salute law. Frankfurter simply believed that any act of a legislature should be upheld if its unconstitutionality was not clear beyond reasonable doubt. "Were my personal views relevant," he wrote, "I should wholeheartedly associate myself with the general libertarian views" (of the majority opinion) but "as a member of this court, I am not justified in writing my private notions of policy into the Constitution, no matter how deeply I cherish them or how mischievous I may deem their disregard."

The same conflict went on throughout the Warren Court, with Warren joining Black and Douglas to press for an ever more activist assertion of the Court's own libertarian philosophy, while Frankfurter and Harlan argued consistently for judicial restraint—more memorably, perhaps, as the only dissenters in the first of the great legislative reapportionment decisions. After Frankfurter retired, Harlan often carried the torch of pure "judicial restraint" single-handedly. Now, though Harlan is gone, his view of the court's rule is if anything magnified by the four Nixon replacements, all of whom generally share his "strict constructionist" view of the court's function.

For balance, we should now worry less therefore about having that view adequately articulated, and more about finding new-era spokesmen for the militantly pro-Bill-of-Rights activism of Black, Douglas and Warren. The court needs the clash of both philosophies, not the total predominance of either one.

[From the Buffalo (N.Y.) Courier-Express, Dec. 30, 1971]

JUSTICE HARLAN DIES AT 72; FOE OF COURT'S "ACTIVIST" ROLE

WASHINGTON.—Former Supreme Court Justice John Marshall Harlan, the scholarly dissenter of the Warren court, died Wednesday three months after he retired because of cancer. He was 72.

At his bedside in George Washington University Hospital were his daughter, three sisters and his close friend, Justice Potter Stewart, who mourned Harlan as "a beloved brother and noble friend."

". . . To remember him as simply a fine legal scholar is to miss the full measure of the man," Stewart said in a statement. "What truly set him apart was his character, not his scholarship. His generous and gallant spirit, his selfless courage, his freedom from all guile, his total decency—these were the qualities that gave him such singular leadership and strength."

DEATH CAUSE NOT ANNOUNCED

Harlan's death came just eight days before the swearing in of his successor, William H. Rehnquist, and Lewis F. Powell Jr., who will take the court seat vacated by the late Hugo L. Black.

The hospital did not announce a cause of death, but when Harlan retired Sept. 23, it was widely known that he was suffering from spinal cancer.

Chief Justice Warren E. Burger said Harlan's career as a lawyer and his record in public service have few equals. "His careful, thoughtful opinions . . . constitute a legacy to the court and through these his wise counsel will remain," Burger said.

A tall, slightly stooped man who exemplified his Princeton background, Harlan was appointed to the court in 1955 by President Dwight D. Eisenhower. He will be buried after a private funeral service Tuesday at Weston, Conn.

FLAGS AT HALF-STAFF

American flags on the Supreme Court White House and other government buildings were immediately lowered out of respect when word of Harlan's death came from the hospital.

Harlan, whose grandfather also served on the Supreme Court, had a long and consistent reputation as a dissenter who disagreed sharply with his colleagues over the "activist" role they assumed during the days of the Warren court in the 1960's.

But before he retired, Harlan saw the pendulum swinging once again toward legal conservatism as Justice Burger succeeded Earl Warren in 1969.

The scholarly New York jurist felt strongly that the Warren court tried to solve too many national problems it should never have tackled. He believed in a clean dividing line between federal and state authority—a principle he referred to as "federalism" rather than "state's rights."

SEPARATION OF POWERS

He also was acutely aware that the founding fathers distributed the power of the federal government to the legislative and executive branches as well as to the judicial—the "separation of powers" doctrine.

These two concepts "lie at the root of our constitutional system," he said. He judged every case on these principles regardless of the desirability of results for society or the individual.

Harlan took his seat on the court while the late Justice Felix Frankfurter, an apostle of "judicial restraint," was still influential.

Harlan and Frankfurter both felt the court made a serious mistake in a 1962 Tennessee decision opening federal courts to voter complaints about the apportionment of seats in state legislatures. Harlan found no basis in the U.S. Constitution for such complaints, which he said are "of basically local concern." He later referred to the decision as "an experiment in venturesome constitutionalism."

By the time the court got around to the "one man, one vote" ruling for both houses of state legislatures on June 15, 1964, Frankfurter had been forced by illness to retire. Harlan dissented alone.

[From the Buffalo (N.Y.) Evening News, Dec. 30, 1971]

EX-HIGH COURT JUSTICE HARLAN DIES: PRAISED BY PRESIDENT AS "GIANT"

WASHINGTON, December 30.—John Marshall Harlan, 72, a Supreme Court justice who repeatedly opposed use of the legal system as the machinery for social reform, died of cancer in a Washington hospital Wednesday.

His death prompted President Nixon to call Justice Harlan "one of the 20th Century's giants on the Supreme Court."

The jurist retired Sept. 23 after 18 years on the court. More than a month earlier, he had been hospitalized for what was first described as a backache then later acknowledged to be bone cancer.

At Justice Harlan's bedside when he died were Justice Potter Stewart; Justice Harlan's daughter, Mrs. E. H. Dillingham of New York City, and three sisters. His widow, Ethel Andrews Harlan, whom he married in 1928, also survives.

Later, Justice Stewart said: "Mr. Justice Harlan was more than just a scholarly judge. He was a human being of great worth.

"For us here at the court he was more than a learned colleague. He was a beloved brother and a noble friend."

PRAISED BY CHIEF JUSTICE

Chief Justice Warren E. Burger said Justice Harlan's career as a lawyer in public service was virtually unmatched.

"His careful, thoughtful opinions covering a wide range of important constitutional questions constitute a legacy to the court and the country and through these, his wise counsel will remain with us and to future members of the court," Justice Burger said.

It was in his prolific research and legal scholarship that Justice Harlan took greatest pride, as well as continuing a family legacy in the law and on the high court.

He was the grandson and namesake of the Supreme Court justice who, in 1896, cast the only dissenting vote against establishing the racial doctrine of "separate but equal." The high court overturned the doctrine in 1954, the year before Justice Harlan was appointed by President Eisenhower.

Justice Harlan was heir to the legal thinking of the late Justice Felix Frankfurter and the ideological opposite of Justice Hugo L. Black, whose retirement ironically preceded his own by six days. Justice Black died Sept. 17, 8 days after his retirement.

DISSENT ON PENTAGON PAPERS

In his last major opinion last May, Justice Harlan joined with five other judges in rejecting attacks on the way juries apply the death penalty.

In the Pentagon papers case, he was one of three dissenters in the decision to allow the New York Times and the Washington Post to resume their articles on the once top-secret documents.

And last June, he sided with the majority in a 5–4 decision that erased a California youth's conviction for wearing in a courthouse a jacket bearing an obscene slogan.

Justice Harlan was born in Chicago. He received a Bachelor's Degree in jurisprudence from Princeton University in 1923 and a Master's Degree at Oxford. He earned his law degree from New York Law School in 1924.

While working as a corporate lawyer in New York in 1954, he was chosen a member of the U.S. Court of Appeals. The following year he went to the Supreme Court.

He served in the U.S. Air Force in World War II, reaching the rank of colonel.

ARAB TOURISM IN ISRAEL

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. BINGHAM. Mr. Speaker, despite the many problems that remain to be solved before a permanent and lasting peace is achieved in the Middle East, there are some hopeful signs. One of these is the increasingly apparent ability of Israelis and Arabs to engage in economic and social activities peacefully and even enthusiastically. I noted in my most recent visit to Israel that a great many Arabs are employed in Israeli-occupied areas, and that there is an encouraging degree of economic integration of Arabs and Israelis. The following article from the November 1971 issue of the Anti-Defamation League Bulletin contains additional evidence of this Arab-Israeli cooperation at a person-to-person level with regard to tourism:

ISRAEL'S ARAB TOURISTS

A new type of tourist, almost as unreal as a visitor from another planet, has become a familiar figure in Israel. He is the Palestinian Arab, who comes there from Jordan, Syria, Egypt and other Moslem countries inimical to Israel. He moves about the landscape—thanks to the liberal policy of the Jewish State—as freely as any tourist.

Last August, a young woman from Amman became the 100,000th such tourist. She was greeted at a special reception, presented with flowers and gifts from the Department of Tourism and cleared without the usual security checks.

The new arrivals are in the main Arabs with family ties in Israel. Not all, however. Some are there out of simple curiosity, anxious to explore a country they have heard so much about, albeit from the most dubious sources. Coming from backward and parched lands, they seek a view of the Mediterranean, the cafes and beaches of Tel Aviv, the Riviera style of Mt. Carmel, the zoo in Jerusalem. They prefer staying at hotels rather than with family. They rent automobiles, eat in restaurants, and otherwise behave in the traditional manner of sightseers.

The influx began in 1968 when people in the administered territory on the West Bank approached the military government of Israel for permission to continue the custom of summer visits from relatives living in Jordan. The Israeli authorities, in pursuit of maximum normalization, assented readily, and extended the permission to visitors from other Arab countries. To ease their path, the regulation calling for security bonds was lifted.

In 1968, 16,000 Palestinian Arabs arrived between June and September. In 1969, the number grew to 24,000. In 1970 it was 53,000. This year, the number reached 110,000. There have been no attempts reported thus far to smuggle arms or engage in sabotage.

But while the Israeli government lightened its entry requirements, the Jordanian government made things tougher for the Palestinians. It was necessary for them to obtain special permits to cross the Jordan River (an implied recognition of the Jordan as a border which has escaped notice). Also, the Palestinian, finding it awkward to have an Israeli visa in the passport already held, usually applies for an additional one, at a cost of 6 dinars ($17).

The Israeli government, anxious to correct the false impression many of the Palestinians have been given, leans over backwards to make the new arrivals welcome. Commercial interests are also pleased; Arab tourists bring a lot of money into the country and spend it lavishly. They occupy hotels on the West Bank and, for the first time, in the Jewish part of Jerusalem. The "Mediterranean Club" at Cesarea, welcomes Arab couples who mingle diffidently with Jewish and Christian vacationists. With genuine sightseeing curiosity, they seek out the observation tower of the Shalom, Tel Aviv's skyscraper hotel-office building, the beaches of that city, the Knesset building, and the zoo in Jerusalem.

Most Arab tourists head for the beach at Nathania. During any weekend, the Arabs represent nearly half of the thousands of bathers. Picnicking under the trees that fringe the shoreline, they would pass unnoticed in this town of Yemenite Jews, if the long "nightshirts" of the Arab bathers did not stand out conspicuously among the bikinis.

The Palestinian tourist is drawn first to the coast, "to a real sea," but he is curious to see all of Israel. The bustle and modernity of Tel Aviv amazes him—he had heard from Cairo broadcasts in 1967 that it had been razed to the ground by Egyptian bombers. He learns with surprise that Israel has industry, is amazed when his factory guide turns out to be an Arab worker, and is further amazed to learn that Arab and Israeli workers receive equal treatment.

He is impressed by his freedom to enter the halls of the Knesset. I am not permitted to enter the Parliament Building in Cairo," a student from Egypt observed. He asks to see the map showing Israel's expansionist plans and looks bewildered when he is told there is none.

Almost all of the visitors discover that they are treated better in Israel than in Arab countries. This is not to say that the Palestinian tourist has become a convert to the Israeli cause. His statements reveal a hatred of the Israeli conquerors and expansionists," but his animosity is gradually diluted by envy and the realization that he has been lied to. He goes home filled with the realities of Israel, so much so that the Arab press fulminates about the Israelis "brainwashing" the visitors. But the Arab governments do nothing about stopping the tourist traffic. To do so would enrage the Palestinians.

Israeli guides accompanying the Palestinian visitors report a few isolated instances of "ugly Israelis" booing visitors. On the whole, however, the attitude of the Israelis who learn the identity of the tourists is one of incredulity at first and eventual good-natured acceptance.

I was in Nathania in mid-August when Moshe Dayan came to pay the Palestinian tourists a visit, accompanied by 65-year-old Ben Ami, the mayor and founder of the town. Dayan's eye-patch made him easily identifiable, even if he had not had with him a retinue of aides-de-camp, Journalists and cameramen. He was greeted by cheers and shouts of "Yaich" (long live) Moussa (Moshe). He sought out Arab groups, and what ensued was mutual discovery without patronizing attitudes or complaisance. The "Zionist monster" was in fine fettle under the tamarinds, quoting Arab proverbs in profusion, and visibly amazing and enrapturing his audiences.

To the Palestinians, middle class for the most part, and politically conscious, Dayan was a revelation. There were some astonishing dialogues. One learned from them that even for "better class" Palestinians, life in their own diaspora was a bitter grind. Whether they lived in Libya, on the Persian Gulf, or in Saudi Arabia, they were treated as second-class citizens. They could not own a house or land; could not own a business or open a store without a native as partner, to whom they had to pay half of the income even though he had not invested any money or given the business any time.

The visitors also revealed some amazing and flavorful misunderstandings about Israel. A medical student from Beirut, whose visit to Israel was his third, proclaimed that he had "penetrated the secret of the victories of the Jewish State over the Arabs."

"Your soldiers," he said, "come from the kibbutzim, where all things are held in common." Women, too, he claimed were common property, and therefore there was "nothing so courageous about soldiers' willingness to die in battle when they were born as illegitimate children and had no real family or parents to mourn them."

Others, however, displayed a more delicate understanding of the realities of Israel; some, indeed, sought permission to settle in Israel permanently. A young architect told me: "I have the impression that despite the frustrations which I might experience living in a country at war with my own, life here, professionally and socially, would be far richer."

Another Palestinian, from Amman, was even more explicit without uttering a word. He drew from his pocket a Jordanian bill worth twenty dinars, unfolded it, and carefully and ceremoniously showed us the engraved portrait of Hussein. And then he vigorously spat on the Hashemite sovereign's image.

THE COLUMBIA, ALA., DAM SHOULD BEAR THE NAME OF GEORGE W. ANDREWS

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. SIKES. Mr. Speaker, I am joining forces with the Alabama delegation and with other interested Members in seeking to have the Columbia, Ala., lock and dam on the Chattahoochee River, a part of the great Chattahoochee-Flint-Apalachicola waterway system renamed the "George W. Andrews Lock and Dam." Congressman Andrews, who died on Christmas Day during convalescence from a coronary operation, was one of Alabama's most distinguished sons and a very able and dedicated Congressman. He came to Congress very soon after I did and we quickly formed a warm and close friendship and we worked constantly together on matters of mutual interest to our respective States and to our Nation. He was one of the most outspoken in Congress for a strong national defense, for improvements to our Nation's waterways and ports, and for economy in Government. I recall very well the contributions he made to the great waterway system of which the Columbia Dam is a part, and it was he more than any other person who made possible the construction of the dam at Columbia. I remarked at the time of the dedication that it should bear the name of George Andrews, and I am glad again to join in the proposal that this designation be made as a further token of respect and appreciation for the efforts and achievements of Mr. Andrews.

VETERANS AIDE STRICKEN

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. YOUNG of Florida. Mr. Speaker, it was with great sadness that I learned of the death of Melvin T. Dixon, director of the Florida State Division of Veterans Affairs for the past 4 years. Mr. Dixon passed away on Friday, January 7, stricken by a heart attack. He was 54 years old.

Mr. Dixon moved with his family to Dunedin, Fla., in 1945 and became the assistant State service officer 1 year later. Since his taking over the position of director in 1948, the veterans in my State have benefited greatly from his wise counsel and unselfish service. He was honored by President Johnson by being appointed to the U.S. Veterans Advisory Commission and served in this position from 1967 to 1968.

Melvin Dixon was a great man. He was loved by the veterans he represented in Florida, and was nationally respected for his veterans service work. Surely his death is a great loss, not only to his family, but also to those he served so well.

THE SPIRIT OF CHRISTMAS SEEMS A LITTLE OFF KEY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. MAZZOLI. Mr. Speaker, during the Christmas holiday just past, the following commentary about the meaning of the season appeared in the Louisville Times, one of the principal newspapers in my district.

It originally was published in the Waggener High School Chit-Chat, the newspaper of a neighboring school. It was written by Miss Lauren LaMay and was accompanied by a fine illustration drawn by Mr. Don Wrege.

I think it serves as a valuable reminder to all of us who find ourselves, each year, caught up in the commercial aspects of the Christmas rite. And I think it is most encouraging that it is our younger generation who are speaking out about the real meaning of Christmas.

I include the following message, entitled "The Spirit of Christmas Seems a Little Off Key," to be reprinted in the CONGRESSIONAL RECORD:

THE SPIRIT OF CHRISTMAS SEEMS A LITTLE OFF KEY

(By Lauren LaMay)

What Child is this, who laid to rest
Where's the Scotch Tape?

On Mary's lap is sleeping
That'll be ten dollars please.

Whom angels greet with anthems sweet—
Careful! Those ornaments are fragile!

While shepherds watch are keeping—
Oh no! The cookies are burned.

Why lies He in such mean estate—
Will you gift-wrap this, please?

Where ox and ass are feeding—
I need some more stamps.

Good Christmas, fears for sinners here—
I suppose she'll expect a present from me.

The silent word is pleading—
I can't afford much; I'm broke.

So bring Him incense, gold, and myrrh—
Artificial trees are more practical.

Come peasant, king, to own Him—
I gave at the office.

This, this is Christ the King—
These cards must have cost a lot.

Whom shepherds guard and angels sing—
I've finally got my cards mailed.

Haste, haste to bring Him laud—
The turkey won't fit in the oven.

The Babe, the Son of Mary . . .
There's a song in the air—
Can you hear it?
There's a star in the sky—
Can you see it?

HOUSE OF REPRESENTATIVES—*Thursday, January 20, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Blessed is the nation whose God is the Lord.—Psalm 33: 12.

God of peace and power, Maker and Ruler of men, we commend our country to Thee praying that we and all our people may walk in the way of Thy wisdom and be led by the light of Thy love. May all who govern do so in honesty of spirit and with uprightness of heart. Keep them ever awake to the appeal of truth and justice and have the courage to place patriotism above party and the good of all above the good of the few.

Bless our President as he speaks to us today. May he inspire us to be courageous and compassionate as we seek to meet the needs of our Nation and our world. Keep ever before us all a vision of the truth and a deep sense of the demands of righteousness that our country may be guided by wise principles and be lifted to higher ideals and nobler achievements.

In the spirit of Him whose life is the light of men we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

RECESS

The SPEAKER. The Chair declares a recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 1 minute p.m.) the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 16 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 499 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided.

The Doorkeeper, the Honorable William M. Miller, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber the gentleman from Louisiana, Mr. Boggs; the gentleman from Massachusetts, Mr. O'Neill; the gentleman from Texas, Mr. Teague; the gentleman from Michigan, Mr. Gerald R. Ford; and the gentleman from Illinois, Mr. Arends.

The VICE PRESIDENT. Pursuant to the order of the Senate, the following Senators are appointed to escort the President of the United States into the Chamber: the Senator from Louisiana, Mr. Ellender; the Senator from Montana, Mr. Mansfield; the Senator from West Virginia, Mr. Byrd; the Senator from Arkansas, Mr. McClellan; the Senator from Pennsylvania, Mr. Scott; the Senator from Michigan, Mr. Griffin; the Senator from Maine, Mrs. Smith; and the Senator from Vermont, Mr. Aiken.

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments.

The ambassadors, ministers, and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 12 o'clock and 30 minutes p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. My colleagues of the Congress, I have the distinct privilege and the high personal honor of presenting to you the President of the United States.

[Applause, the Members rising.]

THE STATE OF THE UNION—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–201)

The PRESIDENT. Mr. Speaker, Mr. President, my colleagues in the Congress, our distinguished guests and my fellow Americans:

Twenty-five years ago I sat here as a freshman Congressman—along with Speaker Albert—and listened for the first time to the President address the State of the Union.

I shall never forget that moment. The Senate, the diplomatic corps, the Supreme Court, the Cabinet entered the Chamber, and then the President of the United States. As all of you are aware, I had some differences with President Truman; he had some with me. But I remember that on that day, the day he addressed that joint session of the newly elected Republican 80th Congress, he spoke not as a partisan but as President of all the people—calling upon the Congress to put aside partisan considerations in the national interest.

The Greek-Turkish aid program, the Marshall plan, the great foreign policy initiatives which have been responsible for avoiding a world war for over 25 years were approved by the 80th Congress, by a bipartisan majority of which I was proud to be a part.

Nineteen hundred seventy-two is now before us. It holds precious time in which to accomplish good for the Nation. We must not waste it. I know the political pressures in this session of the Congress will be great. There are more candidates for the Presidency in this Chamber today than there probably have been at any one time in the whole history of the Republic. And there is an honest difference of opinion, not only between the parties but within each party on some foreign policy issues and on some domestic policy issues.

However, there are great national problems that are so vital that they transcend partisanship. So let us have our debates. Let us have our honest differences. But let us join in keeping the national interest first. Let us join in making sure that legislation the Nation needs does not become hostage to the political interests of any party or any person.

There is ample precedent, in this election year, for me to present you with a huge list of new proposals, knowing full well that there would not be any possibility of your passing them if you worked night and day.

I shall not do that.

I have presented to the leaders of the

Congress today a message of 15,000 words discussing in some detail where the Nation stands and setting forth specific legislative items on which I ask the Congress to act. Much of this is legislation which I proposed in 1969 and in 1970, and also in the first session of this 92d Congress, and on which I feel it is essential that action be completed this year.

I am not presenting proposals which have attractive labels but no hope of passage. I am presenting only vital programs which are within the capacity of this Congress to enact, within the capacity of the budget to finance, and which I believe should be above partisanship—programs which deal with urgent priorities for the Nation, which should and must be the subject of bipartisan action by this Congress in the interests of the country in 1972.

When I took the oath of office on the steps of this building just 3 years ago today, the Nation was ending one of the most tortured decades in its history.

The 1960's were a time of great progress in many areas. But as we all know, they were also times of great agony—the agonies of war, of inflation, of rapidly rising crime, of deteriorating cities—of hopes raised and disappointed, and of anger and frustration that led finally to violence, and to the worst civil disorder in a century.

I recall these troubles not to point any fingers of blame. The Nation was so torn in those final years of the sixties that many in both parties questioned whether America could be governed at all.

The Nation has made significant progress in these first years of the seventies.

Our cities are no longer engulfed by civil disorders.

Our colleges and universities have again become places of learning instead of battlegrounds.

A beginning has been made on preserving and protecting our environment.

The rate of increase in crime has been slowed—and here in the District of Columbia, the one city where the Federal Government has direct jurisdiction, serious crime in 1971 was actually reduced by 13 percent from the year before.

Most important, because of the beginnings that have been made, we can say today that this year, 1972, can be the year in which America may make the greatest progress in 25 years toward achieving our goal of being at peace with all the nations of the world.

As our involvement in the war in Vietnam comes to an end, we must now go on to build a generation of peace.

To achieve that goal, we must first face realistically the need to maintain our defenses.

In the past 3 years, we have reduced the burden of arms. For the first time in 20 years, spending on defense has been brought below spending on human resources.

As we look to the future, we find encouraging progress in our negotiations with the Soviet Union on limitation of strategic arms. And looking further into the future, we hope there can eventually be agreement on the mutual reduction of arms. But until there is such a mutual agreement we must maintain the strength necessary to deter war.

And that is why, because of rising research and development costs, because of increases in military and civilian pay, because of the need to proceed with new weapons systems, my budget for the coming fiscal year will provide for an increase in defense spending.

Strong military defenses are not the enemy of peace. They are the guardians of peace.

There could be no more misguided set of priorities than one which would tempt others by weakening America, and thereby endanger the peace of the world.

In our foreign policies, we have entered a new era. The world has changed greatly in the 11 years since President John F. Kennedy said, in his inaugural address, "We shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and the success of liberty."

Our policy has been carefully and deliberately adjusted to meet the new realities of the new world we live in.

We make today only those commitments we are able and prepared to meet.

Our commitment to freedom remains strong and unshakable. But others must bear their share of the burden of defending freedom around the world.

And so this, then, is our policy:

We will maintain a nuclear deterrent adequate to meet any threat to the security of the United States or of our allies.

We will help other nations develop the capability of defending themselves.

We will faithfully honor all of our treaty commitments.

We will act to defend our interests whenever and wherever they are threatened any place in the world.

But where our interests or our treaty commitments are not involved our role will be limited.

We will not intervene militarily.

But we will use our influence to prevent war. If war comes we will use our influence to stop it.

And once it is over we will do our share in helping to bind up the wounds of those who have participated in it.

As you know, I will soon be visiting the Peoples Republic of China and the Soviet Union. I go there with no illusions. We have great differences with both powers. We will continue to have great differences. But peace depends on the ability of great powers to live together on the same planet despite their differences. We would not be true to our obligation to generations yet unborn if we failed to seize this moment to do everything in our power to insure that we will be able to talk about these differences rather than to fight about them in the future.

As we look back over this century let us in the highest spirit of bipartisanship recognize that we can be proud of our Nation's record in foreign affairs.

America has given more generously of itself toward maintaining freedom, preserving peace and alleviating human suffering around the globe than any nation has ever done in the history of man.

We have fought four wars in this century, but our power has never been used to break the peace, only to keep it; never been used to destroy freedom, only to defend it. We now have within our reach the goal of ensuring that the next generation can be the first generation in this century to be spared the scourges of war.

Turning to our problems at home, we are making progress toward our goal of a new prosperity without war.

Industrial production, consumer spending, retail sales and personal income all have been rising. Total employment and real income are the highest in history. New homebuilding starts this past year reached the highest level ever. Business and consumer confidence have both been rising. Interest rates are down, and the rate of inflation is down. We can look with confidence to 1972 as the year when the back of inflation will be broken.

Now, this is a good record, but it is not good enough—not when we still have an unemployment rate of 6 percent.

It is not enough to point out that this was the rate of the early, peacetime years of the 1960's, or that, if the more than 2 million men released from the Armed Forces and defense-related industries were still on their wartime jobs, unemployment would be far lower.

Our goal in this country is full employment in peacetime—and we intend to meet that goal—and we can.

The Congress has helped to meet that goal by passing our job-creating tax program last month.

The historic monetary agreements we have reached with the major European nations, Canada and Japan will help meet it, by providing new markets for American products—new jobs for American workers.

Our budget will help meet it, by being expansionary without being inflationary—a job-producing budget that will help take up the gap as the economy expands to full employment.

Our program to raise farm income will help meet it, by helping to revitalize rural America—by giving to American farmers their fair share of America's increasing productivity.

We also will help meet our goal of full employment in peacetime with a set of major initiatives to stimulate more imaginative use of America's great capacity for technological advance, and to direct it toward improving the quality of life for every American.

In reaching the moon, we demonstrated what miracles American technology is capable of achieving. Now the time has come to move more deliberately toward making full use of that technology here on earth, in harnessing the wonders of science to the service of man.

I shall soon send to the Congress a special message proposing a new program of Federal partnership in technological research and development—with Federal incentives to increase private research, and federally supported research on projects designed to improve our everyday lives in ways that will range from improving mass transit to developing new systems of emergency health care that could save thousands of lives annually.

Historically, our superior technology

and high productivity have made it possible for America's workers to be the most highly paid in the world by far, and yet for our goods still to compete in world markets.

Now we face a new situation. As other nations are moving rapidly forward in technology, the answer to the new competition is not to build a wall around America, but rather to remain competitive by improving our own technology still further, and by increasing productivity in American industry.

Our new monetary and trade agreements will make it possible for American goods to compete fairly in the world's markets—but they still must compete. The new technology program will put to use the skills of many highly trained Americans—skills that might otherwise be wasted. It will also meet the growing technological challenge from abroad, and it will thus help to create new industries as well as creating more jobs for America's workers in producing for the world's markets.

This second session of the 92d Congress already has before it more than 90 major administration proposals which still await action.

I have discussed these in the extensive written message that I have presented to the Congress today.

They include among others our programs to improve life for the aging; to combat crime and drug abuse; to improve health services and to ensure that no one will be denied needed health care because of inability to pay; to protect workers' pension rights; to promote equal opportunity for members of minorities and others who have been left behind; to expand consumer protection; to improve the environment; to revitalize rural America; to help the cities; to launch new initiatives in education; to improve transportation, and to put an end to costly labor tieups in transportation.

The west coast dock strike is a case in point. This Nation cannot and will not tolerate that kind of irresponsible labor tieup in the future.

The messages also include basic reforms which are essential if our structure of government is to be adequate to the needs in the decades ahead.

They include reform of our wasteful and outmoded welfare system—and substitution of a new system that provides work requirements and work incentives for those who can help themselves, income support for those who cannot help themselves, and fairness for the working poor.

They include a $17.6 billion program of Federal revenue sharing with the States and localities—as an investment in their renewal, and an investment also of faith in the American people.

They also include a sweeping reorganization of the executive branch of the Federal Government, so that it will be more efficient, more responsive, and able to meet the challenges of the decades ahead.

One year ago, standing in this place, I laid before the opening session of this Congress six great goals.

One of these was welfare reform. That proposal has been before the Congress now for nearly two and a half years.

My proposals on revenue sharing, government reorganization, health care, and the environment have now been before the Congress for nearly a year. Many of the other major proposals that I have referred to have been here that long or longer.

Now, 1971, we can say, was a year of consideration of these measures. Now let us join in making 1972 a year of action on them—action by the Congress, for the Nation and for the people of America.

In addition, there is one pressing need which I have not previously covered, but which must be placed on the national agenda.

We long have looked in this Nation to the local property tax as the main source of financing for public primary and secondary education.

As a result, soaring school costs and soaring property tax rates now threaten both our communities and our schools. They threaten communities because property taxes—which more than doubled in the 10 years from 1960 to 1970—have become one of the most oppressive and discriminatory of all taxes, hitting most cruelly at the elderly and the retired; and they threaten schools, as hard-pressed voters understandably reject new bond issues at the polls.

The problem has been given even greater urgency by four recent court decisions, which have held the conventional method of financing schools through local property taxes is discriminatory and unconstitutional.

Nearly 2 years ago, I named a special Presidential Commission to study the problems of school finance, and I also directed the Federal departments to look into the same problems. We are developing comprehensive proposals to meet these problems.

This issue involves two complex and interrelated sets of problems: Support of the schools, and the basic relationships of Federal, State, and local governments in any tax reforms.

Under the leadership of the Secretary of the Treasury, we are carefully reviewing all the tax aspects; and I have this week enlisted the Advisory Commission on Intergovernmental Relations in addressing the intergovernmental relations aspects.

I have asked this bipartisan Commission to review our proposals for Federal action to cope with the gathering crisis of school finance and property taxes. Later in the year, when both Commissions have completed their studies, I shall make my final recommendations for relieving the burden of property taxes and providing both fair and adequate financing for our children's education.

These recommendations will be revolutionary, but all these recommendations, however, will be rooted in one fundamental principle with which there can be no compromise: local school boards must have control over local schools.

As we look ahead over the coming decades, vast new growth and changes are not only certainties, they will be the dominant realities of this world and particularly of our life in America.

Surveying the certainty of rapid change, we can be like a fallen rider caught in the stirrups—or we can sit high in the saddle, the masters of change, directing it on a course that we choose.

The secret of mastering change in today's world is to reach back to old and proven principles, and to adapt them, with imagination and intelligence, to the new realities of a new age.

And that is what we have done in the proposals that I have laid before the Congress. They are rooted in basic principles that are as enduring as human nature, as robust as the American experience; and they are responsive to new conditions. Thus they represent a spirit of change that is truly renewal.

As we look back at these old principles, we find them as timely as they are timeless.

We believe in independence, and self-reliance, and the creative value of the competitive spirit.

We believe in full and equal opportunity for all Americans, and in the protection of individual rights and liberties.

We believe in the family as the keystone of the community, and in the community as the keystone of the Nation.

We believe in compassion for those in need.

We believe in a system of law, justice, and order as the basis of a genuinely free society.

We believe that a person should get what he works for—and that those who can should work for what they get.

We believe in the capacity of people to make their own decisions, in their own lives and their own communities—and we believe in their right to make those decisions.

In applying these principles, we have done so with a full understanding that what we seek in the seventies, what our quest is, is not merely for more, but for better—for a better quality of life for all Americans.

Thus, for example, we are giving a new measure of attention to cleaning up our air and water, making our surroundings more attractive. We are providing broader support for the arts, and helping stimulate a deeper appreciation of what they can contribute to the Nation's activities and to our individual lives.

But nothing really matters more to the quality of our lives than the way we treat one another—than our capacity to live respectfully together as a unified society, with a full and generous regard for the rights of others and also for the feelings of others.

As we recover from the turmoil and violence of recent years, as we learn once again to speak with one another instead of shouting at one another, we are regaining that capacity.

As is customary here, on this occasion, I have been talking about programs. Programs are important. But even more important than programs is what we are as a nation—what we mean as a nation, to ourselves and to the world.

In New York Harbor stands one of the most famous statues in the world—the Statue of Liberty, the gift in 1886 of the people of France to the people of the United States. This statue is more than a landmark; it is a symbol—a symbol of what America has meant to the world.

It reminds us that what America has meant is not its wealth and not its power, but its spirit and purpose—a land that enshrines liberty and opportunity, and that it has held out a hand of welcome to millions in search of a better and a fuller and above all, a freer life.

The world's hopes poured into America, along with its people—and those hopes, those dreams, that have been brought here from every corner of the world, have become a part of the hope that we now hold out to the world.

Four years from now, America will celebrate the 200th anniversary of its founding as a nation.

And there are those who say that the old Spirit of '76 is dead—that we no longer have the strength of character, the idealism, and the faith in our founding purposes, that that spirit represents.

But those who say this do now know America.

We have been undergoing self-doubts and self-criticism. But these are only the other side of our growing sensitivity to the persistence of want in the midst of plenty, and our impatience with the slowness with which age-old ills are being overcome.

If we were indifferent to the shortcomings of our society, or complacent about our institutions, or blind to the lingering inequities—then we would have lost our way.

But the fact that we have those concerns is evidence that our ideals deep down are still strong. Indeed, they remind us that what is really best about America is its compassion. They remind us that in the final analysis America is great, not because it is strong, not because it is rich, but because this is a good country.

Let us reject the narrow visions of those who would tell us that we are evil because we are not yet perfect; that we are corrupt because we are not yet pure; that all the sweat and toil and sacrifice that have gone into the building of America were for naught because the building is not yet done.

Let us see that the path we are traveling is wide, with room in it for all of us, and that its direction is toward a better nation in a more peaceful world.

Never has it mattered more that we go forward together.

Look at this Chamber. The leadership of America is here today—the Supreme Court, the Cabinet, the Senate, the House of Representatives.

Together we hold the future of the nation, and the conscience of the nation, in our hands.

Because this year is an election year, it will be a time of great pressure.

If we yield to that pressure, and fail to deal seriously with the historic challenges that we face, then we will have failed the trust of millions of Americans, and shaken the confidence they have a right to place in us, in their government.

Never has a Congress had a greater opportunity to leave a legacy of profound and constructive reform for the nation than this Congress.

If we succeed in these tasks, there will be credit enough for all—not only for doing what is right, but doing it in the right way, by rising above partisan interest to serve the national interest.

If we fail, more than any one of us, America will be the loser.

That is why my call upon the Congress today is for a high statesmanship—so that in the years to come Americans will look back and say that because it withstood the intense pressures of a political year, and achieved such great good for the American people, and for the future of this Nation—this was truly a great Congress.

[Applause, the Members rising.]

The state of the Union message, referred to by the President, and submitted to the Congress, is, in its official text, as follows:

To the Congress of the United States:

It was just 3 years ago today that I took the oath of office as President. I opened my address that day by suggesting that some moments in history stand out "as moments of beginning," when "courses are set that shape decades or centuries." I went on to say that "this can be such a moment."

Looking back 3 years later, I would suggest that it was such a moment—a time in which new courses were set on which we now are traveling. Just how profoundly these new courses will shape our decade or our century is still an unanswered question, however, as we enter the fourth year of this administration. For moments of beginning will mean very little in history unless we also have the determination to follow up on those beginnings.

Setting the course is not enough. Staying the course is an equally important challenge. Good government involves both the responsibility for making fresh starts and the responsibility for perseverance.

The responsibility for perseverance is one that is shared by the President, the public, and the Congress.

—We have come a long way, for example, on the road to ending the Vietnam war and to improving relations with our adversaries. But these initiatives will depend for their lasting meaning on our persistence in seeing them through.

—The magnificent cooperation of the American people has enabled us to make substantial progress in curbing inflation and in reinvigorating our economy. But the new prosperity we seek can be completed only if the public continues in its commitment to economic responsibility and discipline.

—Encouraging new starts have also been made over the last 3 years in treating our domestic ills. But continued progress now requires the Congress to act on its large and growing backlog of pending legislation.

America's agenda for action is already well established as we enter 1972. It will grow in the weeks ahead as we present still more initiatives. But we dare not let the emergence of new business obscure the urgency of old business. Our new agenda will be little more than an empty gesture if we abandon—or even de-emphasize—that part of the old agenda which is yet unfinished.

GETTING OURSELVES TOGETHER

One measure of the Nation's progress in these first years of the Seventies is the improvement in our national morale. While the 1960's were a time of great accomplishment, they were also a time of growing confusion. Our recovery from that condition is not complete, but we have made a strong beginning.

Then we were a shaken and uncertain people, but now we are recovering our confidence. Then we were divided and suspicious, but now we are renewing our sense of common purpose. Then we were surrounded by shouting and posturing, but we have been learning once again to lower our voices. And we have also been learning to listen.

A history of the 1960's was recently published under the title, *Coming Apart*. But today we can say with confidence that we are coming apart no longer. The "center" of American life has held, and once again we are getting ourselves together.

THE SPIRIT OF REASON AND REALISM

Under the pressures of an election year, it would be easy to look upon the legislative program merely as a political device and not as a serious agenda. We must resist this temptation. The year ahead of us holds precious time in which to accomplish good for this Nation and we must not, we dare not, waste it. Our progress depends on a continuing spirit of partnership between the President and the Congress, between the House and the Senate, between Republicans and Democrats. That spirit does not require us always to agree with one another but it does require us to approach our tasks, together, in a spirit of reason and realism.

Clear words are the great servant of reason. Intemperate words are the great enemy of reason. The cute slogan, the glib headline, the clever retort, the appeal to passion—these are not the way to truth or to good public policy.

To be dedicated to clear thinking, to place the interests of all above the interests of the few, to hold to ultimate values and to curb momentary passions, to think more about the next generation and less about the next election—these are now our special challenges.

ENDING THE WAR

The condition of a nation's spirit cannot be measured with precision, but some of the factors which influence that spirit can. I believe the most dramatic single measurement of the distance we have traveled in the last 36 months is found in the statistics concerning our involvement in the war in Vietnam.

On January 20, 1969 our authorized troop ceiling in Vietnam was 549,500. And there was no withdrawal plan to bring these men home. On seven occasions since that time, I have announced withdrawal decisions—involving a total of 480,500 troops. As a result, our troop ceiling will be only 69,000 by May 1. This means that in 3 years we will have cut our troop strength in Vietnam by 87 percent. As we proceed toward our goal of a South Vietnam fully able to defend itself, we will reduce that level still further.

In this same period, expenditures connected with the war have been cut drastically. There has been a drop of well over 50 percent in American air activity in all of Southeast Asia. Our ground combat role has been ended. Most importantly, there has been a reduction of 95 percent in combat deaths.

Our aim is to cut the death and casualty toll by 100 percent, to obtain the release of those who are prisoners of war, and to end the fighting altogether.

It is my hope that we can end this tragic conflict through negotiation. If we cannot, then we will end it through Vietnamization. But end it we shall—in a way which fulfills our commitment to the people of South Vietnam and which gives them the chance for which they have already sacrificed so much—the chance to choose their own future.

THE LESSONS OF CHANGE

The American people have learned many lessons in the wake of Vietnam—some helpful and some dangerous. One important lesson is that we can best serve our own interests in the world by setting realistic limits on what we try to accomplish unilaterally. For the peace of the world will be more secure, and its progress more rapid, as more nations come to share more fully in the responsibilities for peace and for progress.

At the same time, to conclude that the United States should now withdraw from all or most of its international responsibilities would be to make a dangerous error. There has been a tendency among some to swing from one extreme to the other in the wake of Vietnam, from wanting to do too much in the world to wanting to do too little. We must resist this temptation to over-react. We must stop the swinging pendulum before it moves to an opposite position, and forge instead an attitude toward the world which is balanced and sensible and realistic.

America has an important role to play in international affairs, a great influence to exert for good. As we have throughout this century, we must continue our profound concern for advancing peace and freedom, by the most effective means possible, even as we shift somewhat our view of what means are most effective.

This is our policy:

—We will maintain a nuclear deterrent adequate to meet any threat to the security of the United States or of our allies.

—We will help other nations develop the capability of defending themselves.

—We will faithfully honor all of our treaty commitments.

—We will act to defend our interests whenever and wherever they are threatened any place in the world.

—But where our interests or our treaty commitments are not involved our role will be limited.

—We will not intervene militarily.

—But we will use our influence to prevent war.

—If war comes we will use our influence to try to stop it.

—Once war is over we will do our share in helping to bind up the wounds of those who have participated in it.

OPENING NEW LINES OF COMMUNICATION

Even as we seek to deal more realistically with our partners, so we must also deal more realistically with those who have been our adversaries. In the last year we have made a number of notable advances toward this goal.

In our dealings with the Soviet Union, for example, we have been able, together with our allies, to reach an historic agreement concerning Berlin. We have advanced the prospects for limiting strategic armaments. We have moved toward greater cooperation in space research and toward improving our economic relationships. There have been disappointments such as South Asia and uncertainties such as the Middle East. But there has also been progress we can build on.

It is to build on the progress of the past and to lay the foundations for greater progress in the future that I will soon be visiting the capitals of both the People's Republic of China and the Soviet Union. These visits will help to fulfill the promise I made in my Inaugural address when I said "that during this administration our lines of communication will be open," so that we can help create "an open world—open to ideas, open to the exchange of goods and people, a world in which no people, great or small, will live in angry isolation." It is in this spirit that I will undertake these journeys.

We must also be realistic, however, about the scope of our differences with these governments. My visits will mean not that our differences have disappeared or will disappear in the near future. But peace depends on the ability of great powers to live together on the same planet despite their differences. The important thing is that we talk about these differences rather than fight about them.

It would be a serious mistake to say that nothing can come of our expanded communications with Peking and Moscow. But it would also be a mistake to expect too much too quickly.

It would also be wrong to focus so much attention on these new opportunities that we neglect our old friends. That is why I have met in the last few weeks with the leaders of two of our hemisphere neighbors, Canada and Brazil, with the leaders of three great European nations, and with the Prime Minister of Japan. I believe these meetings were extremely successful in cementing our understandings with these governments as we move forward together in a fast changing period.

Our consultations with our allies may not receive as much attention as our talks with potential adversaries. But this makes them no less important. The cornerstone of our foreign policy remains—and will remain—our close bonds with our friends around the world.

A STRONG DEFENSE: THE GUARDIAN OF PEACE

There are two additional elements which are critical to our efforts to strengthen the structure of peace.

The first of these is the military strength of the United States.

In the last 3 years we have been moving from a wartime to a peacetime footing, from a period of continued confrontation and arms competition to a period of negotiation and potential arms limitation, from a period when America often acted as policeman for the world to a period when other nations are assuming greater responsibility for their own defense. I was recently encouraged, for example, by the decision of our European allies to increase their share of the NATO defense budget by some $1 billion.

As a part of this process, we have ended the production of chemical and biological weaponry and have converted two of our largest facilities for such production to humanitarian research. We have been able to reduce and in some periods even to eliminate draft calls. In 1971, draft calls—which were as high as 382,000 at the peak of the Vietnam war—fell below 100,000, the lowest level since 1962. In the coming year they will be significantly lower. I am confident that by the middle of next year we can achieve our goal of reducing draft calls to zero.

As a result of all these developments, our defense spending has fallen to 7 percent of our gross national product in the current fiscal year, compared with 8.3 percent in 1964 and 9.5 percent in 1968. That figure will be down to 6.4 percent in fiscal year 1973. Without sacrificing any of our security interests, we have been able to bring defense spending below the level of human resource spending for the first time in 20 years. This condition is maintained in my new budget—which also, for the first time, allocates more money to the Department of Health, Education, and Welfare than to the Department of Defense.

But just as we avoid extreme reactions in our political attitudes toward the world, so we must avoid over-reacting as we plan for our defense. We have reversed spending priorities, but we have never compromised our national security. And we never will. For any step which weakens America's defenses will also weaken the prospects for peace.

Our plans for the next year call for an increase in defense spending. That increase is made necessary in part by rising research and development costs, in part by military pay increases—which, in turn, will help us eliminate the draft—and in part by the need to proceed with new weapon systems to maintain our security at an adequate level. Even as we seek with the greatest urgency stable controls on armaments, we cannot ignore the fact that others are going forward with major increases in their own arms programs.

In the year ahead we will be working to improve and protect, to diversify and disperse our strategic forces in ways which make them even less vulnerable to attack and more effective in deterring war. I will request a substantial budget increase to preserve the sufficiency of our strategic nuclear deterrent, including an allocation of over $900 million to improve our sea-based deterrent force. I recently directed the Department of Defense to develop a program to build additional missile launching submarines, carrying a new and far more effective missile. We will also proceed with programs to reoutfit our Polaris submarines with the Poseidon missile system, to replace older land-based missiles with Minuteman III, and to deploy the SAFEGUARD Antiballistic Missile System.

At the same time, we must move to maintain our strength at sea. The Navy's budget was increased by $2 billion in the current fiscal year, and I will ask for a similar increase next year, with particular emphasis on our shipbuilding programs.

Our military research and development program must also be stepped up. Our budget in this area was increased by $594 million in the current fiscal year and I will recommend a further increase for next year of $838 million. I will also propose a substantial program to develop and procure more effective weapons systems for our land and tactical air forces, and to improve the National Guard and Reserves, providing more modern weapons and better training.

In addition, we will expand our strong program to attract volunteer career soldiers so that we can phase out the draft. With the cooperation of the Congress, we have been able to double the basic pay of first time enlistees. Further substantial military pay increases are planned. I will also submit to the Congress an overall reform of our military retirement and survivor benefit programs, raising the level of protection for military families. In addition, we will expand efforts to improve race relations, to equalize promotional opportunities, to control drug abuse, and generally to improve the quality of life in the Armed Forces.

As we take all of these steps, let us remember that strong military defenses are not the enemy of peace; they are the guardians of peace. Our ability to build a stable and tranquil world—to achieve an arms control agreement, for example—depends on our ability to negotiate from a position of strength. We seek adequate power not as an end in itself but as a means for achieving our purpose. And our purpose is peace.

In my Inaugural address 3 years ago I called for cooperation to reduce the burden of arms—and I am encouraged by the progress we have been making toward that goal. But I also added this comment: ". . . to all those who would be tempted by weakness, let us leave no doubt that we will be as strong as we need to be for as long as we need to be." Today I repeat that reminder.

A REALISTIC PROGRAM OF FOREIGN ASSISTANCE

Another important expression of America's interest and influence in the world is our foreign assistance effort. This effort has special significance at a time when we are reducing our direct military presence abroad and encouraging other countries to assume greater responsibilities. Their growing ability to undertake these responsibilities often depends on America's foreign assistance.

We have taken significant steps to reform our foreign assistance programs in recent years, to eliminate waste and to give them greater impact. Now three further imperatives rest with the Congress:

—to fund in full the levels of assistance which I have earlier recommended for the current fiscal year, before the present interim funding arrangement expires in late February;

—to act upon the fundamental aid reform proposals submitted by this administration in 1971;

—and to modify those statutes which govern our response to expropriation of American property by foreign governments, as I recommended in my recent statement on the security of overseas investments.

These actions, taken together, will constitute not an exception to the emerging pattern for a more realistic American role in the world, but rather a fully consistent and crucially important element in that pattern.

As we work to help our partners in the world community develop their economic potential and strengthen their military forces, we should also cooperate fully with them in meeting international challenges such as the menace of narcotics, the threat of pollution, the growth of population, the proper use of the seas and seabeds, and the plight of those who have been victimized by wars and natural disasters. All of these are global problems and they must be confronted on a global basis. The efforts of the United Nations to respond creatively to these challenges have been most promising, as has the work of NATO in the environmental field. Now we must build on these beginnings.

AMERICA'S INFLUENCE FOR GOOD

The United States is not the world's policeman nor the keeper of its moral conscience. But—whether we like it or not—we still represent a force for stability in what has too often been an unstable world, a force for justice in a world which is too often unjust, a force for progress in a world which desperately needs to progress, a force for peace in world that is weary of war.

We can have a great influence for good in our world—and for that reason we bear a great responsibility. Whether we fulfill that responsibility—whether we fully use our influence for good—these are questions we will be answering as we reshape our attitudes and policies toward other countries, as we determine our defensive capabilities, and as we make fundamental decisions about foreign assistance. I will soon discuss these and other concerns in greater detail in my annual report to the Congress on foreign policy.

Our influence for good in the world depends, of course, not only on decisions which touch directly on international affairs but also on our internal strength—on our sense of pride and purpose, on the vitality of our economy, on the success of our efforts to build a better life for all our people. Let us turn then from the state of the Union abroad to the state of the Union at home.

THE ECONOMY TOWARD A NEW PROSPERITY

Just as the Vietnam war occasioned much of our spiritual crisis, so it lay at the root of our economic problems 3 years ago. The attempt to finance that war through budget deficits in a period of full employment had produced a wave of price inflation as dangerous and as persistent as any in our history. It was more persistent, frankly, than I expected it would be when I first took office. And it only yielded slowly to our dual efforts to cool the war and to cool inflation.

Our challenge was further compounded by the need to reabsorb more than 2 million persons who were released from the Armed Forces and from defense-related industries and by the substantial expansion of the labor force.

In short, the escalation of the Vietnam war in the late 1960's destroyed price stability. And the de-escalation of that war in the early 1970's impeded full employment.

Throughout these years, however, I have remained convinced that both price stability and full employment were realistic goals for this country. By last summer it became apparent that our efforts to eradicate inflation without wage and price controls would either take too long or—if they were to take effect quickly—would come at the cost of persistent high unemployment. This cost was unacceptable. On August 15th I therefore announced a series of new economic policies to speed our progress toward a new prosperity without inflation in peacetime.

These policies have received the strong support of the Congress and the American people, and as a result they have been effective. To carry forward these policies, three important steps were taken this past December—all within a brief 2-week period—which will also help to make the coming year a very good year for the American economy.

On December 10, I signed into law the Revenue Act of 1971, providing tax cuts over the next 3 years of some $15 billion, cuts which I requested to stimulate the economy and to provide hundreds of thousands of new jobs. On December 22, I signed into law the Economic Stabilization Act Amendments of 1971, which will allow us to continue our program of wage and price restraints to break the back of inflation.

Between these two events, on December 18, I was able to announce a major breakthrough on the international economic front—reached in cooperation with our primary economic partners. This breakthrough will mitigate the intolerable strains which were building up in the world's monetary and payments structure and will lead to a removal of trade barriers which have impeded American exports. It also sets the stage for broader reforms in the international monetary system so that we can avoid repeated monetary crises in the future. Both the monetary realignment—the first of its scope in history—and our progress in readjusting trade conditions will mean better markets for American goods abroad and more jobs for American workers at home.

A BRIGHTER ECONOMIC PICTURE

As a result of all these steps, the economic picture—which has brightened steadily during the last 5 months—will, I believe, continue to grow brighter. This is not my judgment alone; it is widely shared by the American people. Virtually every survey and forecast in recent weeks shows a substantial improvement in public attitudes about the economy—which are themselves so instrumental in shaping economic realities.

The inflationary psychology which gripped our Nation so tightly for so long is on the ebb. Business and consumer confidence has been rising. Businessmen are planning a 9.1 percent increase in plant and equipment expenditures in 1972, more than four times as large as the increase in 1971. Consumer spending and retail sales are on the rise. Home building is booming—housing starts last year were up more than 40 percent from 1970, setting an all-time record. Interest rates are sharply down. Both income and production are rising. Real output in our economy in the last 3 months of 1971 grew at a rate that was about double that of the previous two quarters.

Perhaps most importantly, total employment has moved above the 80 million mark—to a record high—and is growing rapidly. In the last 5 months of 1971, some 1.1 million additional jobs were created in our economy and only a very unusual increase in the size of our total labor force kept the unemployment rate from falling.

But whatever the reason, 6 percent unemployment is too high. I am determined to cut that percentage—through a variety of measures. The budget I present to the Congress next week will be an expansionary budget—reflecting the impact of new job-creating tax cuts and job-creating expenditures. We will also push to increase employment through our programs for manpower training and public service employment, through our efforts to expand foreign markets, and through other new initiatives.

Expanded employment in 1972 will be different, however, from many other periods of full prosperity. For it will come without the stimulus of war—and it will come without inflation. Our program of wage and price controls is working. The consumer price index, which rose at a yearly rate of slightly over 6 percent during 1969 and the first half of 1970, rose at a rate of only 1.7 percent from August through November of 1971.

I would emphasize once again, however, that our ultimate objective is lasting price stability without controls. When we achieve an end to the inflationary psychology which developed in the 1960's we will return to our traditional policy of relying on free market forces to determine wages and prices.

I would also emphasize that while our new budget will be in deficit, the deficit will not be irresponsible. It will be less than this year's actual deficit and would disappear entirely under full employment conditions. While Federal spending continues to grow, the rate of increase in spending has been cut very sharply—to little more than half that experienced under the previous administration. The fact that our battle against inflation has led us to adopt a new policy of wage and price restraints should not obscure the continued importance of our fiscal and monetary policies in holding down the cost of living. It is most important that the Congress join now in resisting the temptation to overspend and in accepting the discipline of a balanced full employment budget.

I will soon present a more complete discussion of all of these matters in my Budget Message and in my Economic Report.

A NEW ERA IN INTERNATIONAL ECONOMICS

Just as we have entered a new period of negotiation in world politics, so we have also moved into a new period of negotiation on the international economic front. We expect these negotiations to help us build both a new international system for the exchange of money and a new system of international trade. These accomplishments, in turn, can open a new era of fair competition and constructive interdependence in the global economy.

We have already made important strides in this direction. The realignment of exchange rates which was announced last month represents an important forward step—but now we also need basic long-range monetary reform. We have made an important beginning toward altering the conditions for international trade and investment—and we expect further substantial progress. I would emphasize that progress for some nations in these fields need not come at the expense of others. All nations will benefit from the right kind of monetary and trade reform.

Certainly the United States has a high stake in such improvements. Our international economic position has been slowly deteriorating now for some time—a condition which could have dangerous implications for both our influence abroad and our prosperity at home. It has been estimated, for example, that full employment prosperity will depend on the creation of some 20 million additional jobs in this decade. And expanding our foreign markets is a most effective way to expand domestic employment.

One of the major reasons for the weakening of our international economic position is that the ground rules for the exchange of goods and money have forced us to compete with one hand tied behind our back. One of our most important accomplishments in 1971 was our progress in changing this situation.

COMPETING MORE EFFECTIVELY

Monetary and trade reforms are only one part of this story. The ability of the United States to hold its own in world competition depends not only on the fairness of the rules, but also on the competitiveness of our economy. We have made great progress in the last few months in improving the terms of competition. Now we must also do all we can to strengthen the ability of our own economy to compete.

We stand today at a turning point in the history of our country—and in the history of our planet. On the one hand, we have the opportunity to help bring a new economic order to the world, an open order in which nations eagerly face outward to build that network of interdependence which is the best foundation for prosperity and for peace. But we will also be tempted in the months ahead to take the opposite course—to withdraw from the world economically as some would have us withdraw politically, to build an economic "Fortress America" within which our growing weakness could be concealed. Like a child who will not go out to play with other children, we would probably be saved a few minor bumps and bruises in the short run if we were to adopt this course. But in the long run the world would surely pass us by.

I reject this approach. I remain committed to that open world I discussed in my Inaugural address. That is why I have worked for a more inviting climate for America's economic activity abroad. That is why I have placed so much emphasis on increasing the productivity of our economy at home. And that is also why I believe so firmly that we must stimulate more long-range investment in our economy, find more effective ways to develop and use new technology, and do a better job of training and using skilled manpower.

An acute awareness of the international economic challenge led to the creation just one year ago of the Cabinet-level Council on International Economic Policy. This new institution has helped us to understand this challenge better and to respond to it more effectively.

As our understanding deepens, we will discover additional ways of improving our ability to compete. For example, we can enhance our competitive position by moving to implement the metric system of measurement, a proposal which the Secretary of Commerce presented in detail to the Congress last year. And we should also be doing far more to gain our fair share of the international tourism market, now estimated at $17 billion annually, one of the largest factors in world trade. A substantial part of our balance of payments deficit results from the fact that American tourists abroad spend $2.5 billion more than foreign tourists spend in the United States. We can help correct this situation by attracting more foreign tourists to our shores—especially as we enter our Bicentennial era. I am therefore requesting that the budget for the United States Travel Service be nearly doubled in the coming year.

THE UNFINISHED AGENDA

Our progress toward building a new economic order at home and abroad has been made possible by the cooperation and cohesion of the American people. I am sure that many Americans had misgivings about one aspect or another of the new economic policies I introduced last summer. But most have nevertheless been ready to accept this new effort in order to build the broad support which is essential for effective change.

The time has now come for us to apply this same sense of realism and reasonability to other reform proposals which have been languishing on our domestic agenda. As was the case with our economic policies, most Americans agree that we need a change in our welfare system, in our health strategy, in our programs to improve the environment, in the way we finance State and local government, and in the organization of government at the Federal level. Most Americans are not satisfied with the status quo in education, in transportation, in law enforcement, in drug control, in community development. In each of these areas—and in others—I have put forward specific proposals which are responsive to this deep desire for change.

And yet achieving change has often been difficult. There has been progress in some areas, but for the most part, as a nation we have not shown the same sense of self-discipline in our response to social challenges that we have developed in meeting our economic needs. We have not been as ready as we should have been to compromise our differences and to build a broad coalition for change. And so we often have found ourselves in a situation of stalemate—doing essentially nothing even though most of us agree that nothing is the very worst thing we can do.

Two years ago this week, and again one year ago, my messages on the State of the Union contained broad proposals for domestic reform. I am presenting a number of new proposals in this year's message. But I also call once again, with renewed urgency, for action on our unfinished agenda.

WELFARE REFORM

The first item of unfinished business is welfare reform.

Since I first presented my proposals in August of 1969, some 4 million additional persons have been added to our welfare rolls. The cost of our old welfare system has grown by an additional $4.2 billion. People have not been moving as fast as they should from welfare rolls to payrolls. Too much of the traffic has been the other way.

Our antiquated welfare system is responsible for this calamity. Our new program of "workfare" would begin to end it.

Today, more than ever, we need a new program which is based on the dignity of work, which provides strong incentives for work, and which includes for those who are able to work an effective work requirement. Today, more than ever, we need a new program which helps hold families together rather than driving them apart, which provides day care services so that low income mothers can trade dependence on government for the dignity of employment, which relieves intolerable fiscal pressures on State and local governments, and which replaces 54 administrative systems with a more efficient and reliable nationwide approach.

I have now given prominent attention to this subject in three consecutive messages on the state of the Union. The House of Representatives has passed welfare reform twice. Now that the new economic legislation has been passed, I urge the Senate Finance Committee to place welfare reform at the top of its agenda. It is my earnest hope that when this Congress adjourns, welfare reform will not be an item of pending business but an accomplished reality.

REVENUE SHARING: RETURNING POWER TO THE PEOPLE

At the same time that I introduced my welfare proposals 2½ years ago, I also presented a program for sharing Federal revenues with State and local governments. Last year I greatly expanded on this concept. Yet, despite undisputed evidence of compelling needs, despite overwhelming public support, despite the endorsement of both major political parties and most of the Nation's Governors and mayors, and despite the fact that most other nations with federal systems of government already have such a program, revenue sharing still remains on the list of unfinished business.

I call again today for the enactment of revenue sharing. During its first full year of operation our proposed programs would spend $17.6 billion, both for general purposes and through six special purpose programs for law enforcement, manpower, education, transportation, rural community development, and urban community development.

As with welfare reform, the need for revenue sharing becomes more acute as time passes. The financial crisis of State and local government is deepening. The pattern of breakdown in State and municipal services grows more threatening. Inequitable tax pressures are mounting. The demand for more flexible and more responsive government—at levels closer to the problems and closer to the people—is building.

Revenue sharing can help us meet these challenges. It can help reverse what has been the flow of power and resources toward Washington by sending power and resources back to the States, to the communities, and to the people. Revenue sharing can bring a new sense of accountability, a new burst of energy and a new spirit of creativity to our federal system.

I am pleased that the House Ways and Means Committee has made revenue sharing its first order of business in the new session. I urge the Congress to enact in this session, not an empty program which bears the revenue sharing label while continuing the outworn system of categorical grants, but a bold, comprehensive program of genuine revenue sharing.

I also presented last year a $100 million program of planning and management grants to help the States and localities do a better job of analyzing their problems and carrying out solutions. I hope this program will also be quickly accepted. For only as State and local governments get a new lease on life can we hope to bring government back to the people—and with it a stronger sense that each individual can be in control of his life, that every person can make a difference.

OVERHAULING THE MACHINERY OF GOVERNMENT: EXECUTIVE REORGANIZATION

As we work to make State and local government more responsive—and more responsible—let us also seek these same goals at the Federal level. I again urge the Congress to enact my proposals for reorganizing the executive branch of the Federal Government. Here again, support from the general public—as well as from those who have served in the executive branch under several Presidents—has been most encouraging. So has the success of the important organizational reforms we have already made. These have included a restructured Executive Office of the President—with a new Domestic Council, a new Office of Management and Budget, and other units; reorganized field operations in Federal agencies; stronger mechanisms for interagency coordination, such as Federal Regional Councils; a new United States Postal Service; and new offices for such purposes as protecting the environment, coordinating communications policy, helping the consumer, and stimulating voluntary service. But the centerpiece of our efforts to streamline the executive branch still awaits approval.

How the government is put together often determines how well the government can do its job. Our Founding Fathers understood this fact—and thus gave detailed attention to the most precise structural questions. Since that time, however, and especially in recent decades, new responsibilities and new constituencies have caused the structure they established to expand enormously—and in a piecemeal and haphazard fashion.

As a result, our Federal Government today is too often a sluggish and unresponsive institution, unable to deliver a dollar's worth of service for a dollar's worth of taxes.

My answer to this problem is to streamline the executive branch by reducing the overall number of executive departments and by creating four new departments in which existing responsibilities would be refocused in a coherent and comprehensive way. The rationale which I have advanced calls for organizing these new departments around the major purposes of the government—by creating a Department of Natural Resources, a Department of Human Resources, a Department of Community Development, and a Department of Economic Affairs. I have revised my original plan so that we would not eliminate the Department of Agriculture but rather restructure that Department so it can focus more effectively on the needs of farmers.

The Congress has recently reorganized its own operations, and the Chief Justice of the United States has led a major effort to reform and restructure the judicial branch. The impulse for reorganization is strong and the need for reorganization is clear. I hope the Congress will not let this opportunity for sweeping reform of the executive branch slip away.

A NEW APPROACH TO THE DELIVERY OF SOCIAL SERVICES

As a further step to put the machinery of government in proper working order, I will also propose new legislation to reform and rationalize the way in which social services are delivered to families and individuals.

Today it often seems that our service programs are unresponsive to the recipients' needs and wasteful of the taxpayers' money. A major reason is their extreme fragmentation. Rather than pulling many services together, our present system separates them into narrow and rigid categories. The father of a family is helped by one program, his daughter by another, and his elderly parents by a third. An individual goes to one place for nutritional help, to another for health services, and to still another for educational counseling. A community finds that it cannot transfer Federal funds from one program area to another area in which needs are more pressing.

Meanwhile, officials at all levels of government find themselves wasting enormous amounts of time, energy, and the taxpayers' money untangling Federal redtape—time and energy and dollars which could better be spent in meeting people's needs.

We need a new approach to the delivery of social services—one which is built around people and not around programs. We need an approach which treats a person as a whole and which treats the family as a unit. We need to break through rigid categorical walls, to open up narrow bureaucratic compartments, to consolidate and coordinate related programs in a comprehensive approach to related problems.

The Allied Services Act which will soon be submitted to the Congress offers one set of tools for carrying out that new approach in the programs of the Department of Health, Education and Welfare. It would strengthen State and local planning and administrative capacities, allow for the transfer of funds among various HEW programs, and permit the waiver of certain cumbersome Federal requirements. By streamlining and simplifying the delivery of services, it would help more people move more rapidly from public dependency toward the dignity of being self-sufficient.

Good men and good money can be wasted on bad mechanisms. By giving those mechanisms a thorough overhaul, we can help to restore the confidence of the people in the capacities of their government.

PROTECTING THE ENVIRONMENT

A central theme of both my earlier messages on the state of the Union was the state of our environment—and the importance of making "our peace with nature." The last few years have been a time in which environmental values have become firmly embedded in our attitudes—and in our institutions. At the Federal level, we have established a new Environmental Protection Agency, a new Council on Environmental Quality and a new National Oceanic and Atmospheric Administration, and we have proposed an entire new Department of Natural Resources. New air quality standards have been set, and there is evidence that the air in many cities is becoming less polluted. Under authority granted by the Refuse Act of 1899, we have instituted a new permit program which, for the first time, allows the Federal Government to inventory all significant industrial sources of water pollution and to specify required abatement actions. Under the Refuse Act, more than 160 civil actions and 320 criminal actions to stop water pollution have been filed against alleged polluters in the last 12 months. Major programs have also been launched to build new municipal waste treatment facilities, to stop pollution from Federal facilities, to expand our wilderness areas, and to leave a legacy of parks for future generations. Our outlays for inner city parks have been significantly expanded, and 62 Federal tracts have been transferred to the States and to local governments for recreational uses. In the coming year. I hope to transfer to local park use much more Federal land which is suitable for recreation but which is now underutilized. I trust the Congress will not delay this process.

The most striking fact about environmental legislation in the early 1970's is how much has been proposed and how little has been enacted. Of the major legislative proposals I made in my special message to the Congress on the environment last winter, 18 are still awaiting final action. They include measures to regulate pesticides and toxic substances, to control noise pollution, to restrict dumping in the oceans, in coastal waters, and in the Great Lakes, to create an effective policy for the use and development of land, to regulate the siting of power plants, to control strip mining, and to help achieve many other important environmental goals. The unfinished agenda also includes our National Resource Land Management Act, and other measures to improve environmental protection on federally owned lands.

The need for action in these areas is urgent. The forces which threaten our environment will not wait while we procrastinate. Nor can we afford to rest on last year's agenda in the environmental field. For as our understanding of these problems increases, so must our range of responses. Accordingly, I will soon be sending to the Congress another message on the environment that will present further administrative and legislative initiatives. Altogether our new budget will contain more than three times as much money for environmental programs in fiscal year 1973 as we spent in fiscal year 1969. To fail in meeting the environmental challenge, however, would be even more costly.

I urge the Congress to put aside narrow partisan perspectives that merely ask "whether" we should act to protect the environment and to focus instead on the more difficult question of "how" such action can most effectively be carried out.

ABUNDANT CLEAN ENERGY

In my message to the Congress on energy policy, last June, I outlined additional steps relating to the environment which also merit renewed attention. The challenge, as I defined it, is to produce a sufficient supply of energy to fuel our industrial civilization and at the same time to protect a beautiful and healthy environment. I am convinced that we can achieve both these goals, that we can respect our good earth without turning our back on progress.

In that message last June, I presented a long list of means for assuring an ample supply of clean energy—including the liquid metal fast breeder reactor—and I again emphasize their importance. Because it often takes several years to bring new technologies into use in the energy field, there is no time for delay. Accordingly, I am including in my new budget increased funding for the most promising of these and other clean energy programs. By acting this year, we can avoid having to choose in some future year between too little energy and too much pollution.

KEEPING PEOPLE HEALTHY

The National Health Strategy I outlined last February is designed to achieve one of the Nation's most important goals for the 1970's, improving the quality and availability of medical care, while fighting the trend toward runaway costs. Important elements of that strategy have already been enacted. The Comprehensive Health Manpower Training Act and the Nurse Training Act, which I signed on November 18, represent the most far-reaching effort in our history to increase the supply of doctors, nurses, dentists, and other health professionals and to attract them to areas which are experiencing manpower shortages. The National Cancer Act, which I signed on December 23, marked the climax of a year-long effort to step up our campaign against cancer. During the past year, our cancer research budget has been increased by $100 million and the full weight of my office has been given to our all-out war on this disease. We have also expanded the fight against sickle cell anemia by an additional $5 million.

I hope that action on these significant fronts during the first session of the 92d Congress will now be matched by action in other areas during the second session. The Health Maintenance Organization Act, for example, is an essential tool for helping doctors deliver care more effectively and more efficiently with a greater emphasis on prevention and early treatment. By working to keep our people healthy instead of treating us only when we are sick, Health Maintenance Organizations can do a great deal to help us reduce medical costs.

Our National Health Insurance Partnership legislation is also essential to assure that no American is denied basic medical care because of inability to pay. Too often, present health insurance leaves critical outpatient services uncovered, distorting the way in which facilities are used. It also fails to protect adequately against catastrophic costs and to provide sufficient assistance for the poor. The answer I have suggested is a comprehensive national plan—not one that nationalizes our private health insurance industry but one that corrects the weaknesses in that system while building on its considerable strengths.

A large part of the enormous increase in the Nation's expenditures on health in recent years has gone not to additional services but merely to meet price inflation. Our efforts to balance the growing demand for care with an increased supply of services will help to change this picture. So will that part of our economic program which is designed to control medical costs. I am confident that with the continued cooperation of those who provide health services, we will succeed on this most important battlefront in our war against inflation.

Our program for the next year will also include further funding increases for health research—including substantial new sums for cancer and sickle cell anemia—as well as further increases for medical schools and for meeting special problems such as drug addiction and alcoholism. We also plan to construct new veterans hospitals and expand the staffs at existing ones.

In addition, we will be giving increased attention to the fight against diseases of the heart, blood vessels, and lungs, which presently account for more than half of all the deaths in this country. It is deeply disturbing to realize that, largely because of heart disease, the mortality rate for men under the age of 55 is about twice as great in the United States as it is, for example, in some Scandinavian countries.

I will shortly assign a panel of distinguished experts to help us determine why heart disease is so prevalent and so menacing and what we can do about it. I will also recommend an expanded budget for the National Heart and Lung Institute. The young father struck down by a heart attack in the prime of life, the productive citizen crippled by a stroke, an older person tortured by breathing difficulties during his later years—these are tragedies which can be reduced in number and we must do all that is possible to reduce them.

NUTRITION

One of the critical areas in which we have worked to advance the health of the Nation is that of combating hunger and improving nutrition. With the increases in our new budget, expenditures on our food stamp program will have increased ninefold since 1969, to the $2.3 billion level. Spending on school lunches for needy children will have increased more than sevenfold, from $107 million in 1969 to $770 million in 1973. Because of new regulations which will be implemented in the year ahead, we will be able to increase further both the equity of our food stamp program and the adequacy of its benefits.

COPING WITH ACCIDENTS—AND PREVENTING THEM

Last year, more than 115,000 Americans lost their lives in accidents. Four hundred thousand more were permanently disabled and 10 million more temporarily disabled. The loss to our economy from accidents last year is estimated at over $28 billion. These are sad and staggering figures—especially since this toll could be greatly reduced by upgrading our emergency medical services. Such improvement does not even require new scientific breakthroughs; it only requires that we apply our present knowledge more effectively.

To help in this effort, I am directing the Department of Health, Education and Welfare to develop new ways of organizing emergency medical services and of providing care to accident victims. By improving communication, transportation, and the training of emergency personnel, we can save many thousands of lives which would otherwise be lost to accidents and sudden illnesses.

One of the significant joint accomplishments of the Congress and this administration has been a vigorous new program to protect against job-related accidents and illnesses. Our occupational health and safety program will be further strengthened in the year ahead—as will our ongoing efforts to promote air traffic safety, boating safety, and safety on the highways.

In the last 3 years, the motor vehicle death rate has fallen by 13 percent, but we still lose some 50,000 lives on our highways *each year*—more than we have lost in combat in the entire Vietnam war.

Fully one-half of these deaths were directly linked to alcohol. This appalling reality is a blight on our entire Nation—and only the active concern of the entire Nation can remove it. The Federal Government will continue to help all it can, through its efforts to promote highway safety and automobile safety, and through stronger programs to help the problem drinker.

YESTERDAY'S GOALS: TOMORROW'S ACCOMPLISHMENTS

Welfare reform, revenue sharing, executive reorganization, environmental protection, and the new national health strategy—these, along with economic improvement, constituted the six great goals I emphasized in my last State of the Union address—six major components of a New American Revolution. They remain six areas of great concern today. With the cooperation of the Congress, they can be six areas of great accomplishment tomorrow.

But the challenges we face cannot be reduced to six categories. Our problems—and our opportunities—are manifold, and action on many fronts is required. It is partly for this reason that my State of the Union address this year includes this written message to the Congress. For it gives me the chance to discuss more fully a number of programs which also belong on our list of highest priorities.

ACTION FOR THE AGING

Last month, I joined with thousands of delegates to the White House Conference on Aging in a personal commitment to make 1972 a year of action on behalf of 21 million older Americans. Today I call on the Congress to join me in that pledge. For unless the American dream comes true for our older generation it cannot be complete for any generation.

We can begin to make this a year of action for the aging by acting on a number of proposals which have been pending since 1969. For older Americans, the most significant of these is the bill designated H.R. 1. This legislation, which also contains our general welfare reform measures, would place a national floor under the income of all older Americans, guarantee inflation-proof social security benefits, allow social security recipients to earn more from their own work, increase benefits for widows, and provide a 5-percent across-the-board increase in social security. Altogether, H.R. 1—as it now stands—would mean some $5.5 billion in increased benefits for America's older citizens. I hope the Congress will also take this opportunity to eliminate the $5.80 monthly fee now charged under Part B of Medicare—a step which would add an additional $1.5 billion to the income of the elderly. These additions would come on top of earlier social security increases totaling some $3 billion over the last 3 years.

A number of newer proposals also deserve approval. I am requesting that the budget of the Administration on Aging be increased five-fold over last year's request, to $100 million, in part so that we can expand programs which help older citizens live dignified lives in their own homes. I am recommending substantially larger budgets for those programs which give older Americans a better chance to serve their countrymen—Retired Senior Volunteers, Foster Grandparents, and others. And we will also work to ease the burden of property taxes which so many older Americans find so inequitable and so burdensome. Other initiatives, including proposals for extending and improving the Older Americans Act, will be presented as we review the recommendations of the White House Conference on Aging. Our new Cabinet-Level Domestic Council Committee on Aging has these recommendations at the top of its agenda.

We will also be following up in 1972, on one of the most important of our 1971 initiatives—the crackdown on substandard nursing homes. Our follow-through will give special attention to providing alternative arrangements for those who are victimized by such facilities.

The legislation I have submitted to provide greater financial security at retirement, both for those now covered by private pension plans and those who are not, also merits prompt action by the Congress. Only half the country's work force is now covered by tax deductible private pensions; the other half deserve a tax deduction for their retirement savings too. Those who are now covered by pension plans deserve the assurance that their plans are administered under strict fiduciary standards with full disclosure. And they should also have the security provided by prompt vesting—the assurance that even if one leaves a given job, he can still receive the pension he earned there when he retires. The legislation I have proposed would achieve these goals, and would also raise the limit on deductible pension savings for the self-employed.

The state of our Union is strong today because of what older Americans have so long been giving to their country. The state of our Union will be stronger tomorrow if we recognize how much they still can contribute. The best thing our country can give to its older citizens is the chance to be a part of it, the chance to play a contributing role in the great American adventure.

EQUAL OPPORTUNITY FOR MINORITIES

America cannot be at its best as it approaches its 200th birthday unless all Americans have the opportunity to be at their best. A free and open American society, one that is true to the ideals of its founders, must give each of its citizens an equal chance at the starting line and an equal opportunity to go as far and as high as his talents and energies will take him.

The Nation can be proud of the progress it has made in assuring equal opportunity for members of minority groups in recent years. There are many measures of our progress.

Since 1969, we have virtually eliminated the dual school system in the South. Three years ago, 68 percent of all black children in the South were attending all black schools; today only 9 percent are attending schools which are entirely black. Nationally, the number of

100 percent minority schools has decreased by 70 percent during the past 3 years. To further expand educational opportunity, my proposed budget for predominantly black colleges will exceed $200 million next year, more than double the level of 3 years ago.

On the economic front, overall Federal aid to minority business enterprise has increased threefold in the last 3 years, and I will propose a further increase of $90 million. Federal hiring among minorities has been intensified, despite cutbacks in Federal employment, so that one-fifth of all Federal employees are now members of minority groups. Building on strong efforts such as the Philadelphia Plan, we will work harder to ensure that Federal contractors meet fair hiring standards. Compliance reviews will be stepped up, to a level more than 300 percent higher than in 1969. Our proposed budget for the Equal Employment Opportunity Commission will be up 36 percent next year, while our proposed budget for enforcing fair housing laws will grow by 20 percent. I also support legislation to strengthen the enforcement powers of the EEOC by providing the Commission with authority to seek court enforcement of its decisions and by giving it jurisdiction over the hiring practices of State and local governments.

Overall, our proposed budget for civil rights activities is up 25 percent for next year, an increase which will give up nearly three times as much money for advancing civil rights as we had 3 years ago. We also plan a 42 percent increase in the budget for the Cabinet Committee on Opportunities for the Spanish speaking. And I will propose that the Congress extend the operations of the Civil Rights Commission for another 5-year period.

SELF-DETERMINATION FOR INDIANS

One of the major initiatives in the second year of my Presidency was designed to bring a new area in which the future for American Indians is determined by Indian acts and Indian decisions. The comprehensive program I put forward sought to avoid the twin dangers of paternalism on the one hand and the termination of trust responsibility on the other. Some parts of this program have now become effective, including a generous settlement of the Alaska Native Claims and the return to the Taos Pueblo Indians of the sacred lands around Blue Lake. Construction grants have been authorized to assist the Navajo Community College, the first Indian-managed institution of higher education.

We are also making progress toward Indian self-determination on the administrative front. A newly reorganized Bureau of Indian Affairs, with almost all-Indian leadership, will from now on be concentrating its resources on a program of reservation-by-reservation development, including redirection of employment assistance to strengthen reservation economies, creating local Indian Action Teams for manpower training, and increased contracting of education and other functions to Indian communities.

I again urge the Congress to join in helping Indians help themselves in fields such as health, education, the protection of land and water rights, and economic development. We have talked about injustice to the first Americans long enough. As Indian leaders themselves have put it, the time has come for more rain and less thunder.

EQUAL RIGHTS FOR WOMEN

This administration will also continue its strong efforts to open equal opportunities for women, recognizing clearly that women are often denied such opportunities today. While every woman may not want a career outside the home, every woman should have the freedom to choose whatever career she wishes—and an equal chance to pursue it.

We have already moved vigorously against job discrimination based on sex in both the private and public sectors. For the first time, guidelines have been issued to require that Government contractors in the private sector have action plans for the hiring and promotion of women. We are committed to strong enforcement of equal employment opportunity for women under Title VII of the Civil Rights Act. To help carry out these commitments I will propose to the Congress that the jurisdiction of the Commission on Civil Rights be broadened to encompass sex-based discrimination.

Within the Government, more women have been appointed to high posts than ever before. As the result of my directives issued in April 1971 the number of women appointed to high-level Federal positions has more than doubled—and the number of women in Federal middle management positions has also increased dramatically. More women than ever before have been appointed to Presidential boards and commissions. Our vigorous program to recruit more women for Federal service will be continued and intensified in the coming year.

OPPORTUNITY FOR VETERANS

A grateful nation owes its servicemen and servicewomen every opportunity it can open to them when they return to civilian life. The Nation may be weary of war, but we dare not grow weary of doing right by those who have borne its heaviest burdens.

The Federal Government is carrying out this responsibility in many ways: through the G.I. Bill for education—which will spend 2½ times more in 1973 than in 1969; through home loan programs and disability and pension benefits—which also have been expanded; through better medical services—including strong new drug treatment programs; through its budget for veterans hospitals, which is already many times the 1969 level and will be stepped up further next year.

We have been particularly concerned in the last 3 years with the employment of veterans—who experience higher unemployment rates than those who have not served in the Armed Forces. During this past year I announced a six-point national program to increase public awareness of this problem, to provide training and counseling to veterans seeking jobs and to help them find employment opportunities. Under the direction of the Secretary of Labor and with the help of our Jobs for Veterans Committee and the National Alliance of Businessmen, this program has been moving forward. During its first five months of operation, 122,000 Vietnam-era veterans were placed in jobs by the Federal-State Employment Service and 40,000 were enrolled in job training programs. During the next six months, we expect the Federal-State Employment Service to place some 200,000 additional veterans in jobs and to enroll nearly 200,000 more in manpower training programs.

But let us never forget, in this as in so many other areas, that the opportunity for any individual to contribute fully to his society depends in the final analysis on the response—in his own community—of other individuals.

GREATER ROLE FOR AMERICAN YOUTH

Full participation and first class citizenship—these must be our goals for America's young people. It was to help achieve these goals that I signed legislation to lower the minimum voting age to 18 in June of 1970, and moved to secure a court validation of its constitutionality. And I took special pleasure a year later in witnessing the certification of the amendment which placed this franchise guarantee in the Constitution.

But a voice at election time alone is not enough. Young people should have a hearing in government on a day-by-day basis. To this end, and at my direction, agencies throughout the Federal Government have stepped up their hiring of young people and have opened new youth advisory channels. We have also convened the first White House Youth Conference—a wide-open forum whose recommendations have been receiving a thorough review by the Executive departments.

Several other reforms also mean greater freedom and opportunity for America's young people. Draft calls have been substantially reduced, as a step toward our target of reducing them to zero by mid-1973. Already the lottery system and other new procedures, and the contributions of youth advisory councils and younger members on local boards have made the draft far more fair than it was. My educational reform proposals embody the principle that no qualified student who wants to go to college should be barred by lack of money—a guarantee that would open doors of opportunity for many thousands of deserving young people. Our new career education emphasis can also be a significant springboard to good jobs and rewarding lives.

Young America's "extra dimension" in the sixties and seventies has been a drive to help the less fortunate—an activist idealism bent on making the world a better place to live. Our new ACTION volunteer agency, building on the successful experiences of constituent units such as the Peace Corps and Vista, has already broadened service opportunities for the young—and more new programs are in prospect. The Congress can do its part in forwarding this positive momentum by assuring that the ACTION programs have sufficient funds to carry out their mission.

THE AMERICAN FARMER

As we face the challenge of competing more effectively abroad and of producing more efficiently at home, our entire Nation can take the American farmer as its model. While the productivity of our non-farm industries has gone up 60 percent during the last 20 years, agricultural productivity has gone up 200 percent, or nearly 3½ times as much. One result has been better products and lower prices for American consumers. Another is that farmers have more than held their own in international markets. Figures for the last fiscal year show nearly a $900 million surplus for commercial agricultural trade.

The strength of American agriculture is at the heart of the strength of America. American farmers deserve a fair share in the fruits of our prosperity.

We still have much ground to cover before we arrive at that goal—but we have been moving steadily toward it. In 1950 the income of the average farmer was only 58 percent of that of his non-farm counterpart. Today that figure stands at 74 percent—not nearly high enough, but moving in the right direction.

Gross farm income reached a record high in 1971, and for 1972 a further increase of $2 billion is predicted. Because of restraints on production costs, net farm income is expected to rise in 1972 by 6.4 percent or some $1 billion. Average income per farm is expected to go up 8 percent—to an all-time high—in the next 12 months.

Still there are very serious farm problems—and we are taking strong action to meet them.

I promised 3 years ago to end the sharp skid in farm exports—and I have kept that promise. In just 2 years, farm exports climbed by 37 percent, and last year they set an all-time record. Our expanded marketing programs, the agreement to sell 2 million tons of feed grains to the Soviet Union, our massive aid to South Asia under Public Law 480, and our efforts to halt transportation strikes—by doing all we can under the old law and by proposing a new and better one—these efforts and others are moving us toward our $10 billion farm export goal.

I have also promised to expand domestic markets, to improve the management of surpluses, and to help in other ways to raise the prices received by farmers. I have kept that promise, too. A surprisingly large harvest drove corn prices down last year, but they have risen sharply since last November. Prices received by dairy farmers, at the highest level in history last year, will continue strong in 1972. Soybean prices will be at their highest level in two decades. Prices received by farmers for hogs, poultry and eggs are all expected to go higher. Expanded Government purchases and other assistance will also provide a greater boost to farm income.

With the close cooperation of the Congress, we have expanded the farmer's freedom and flexibility through the Agricultural Act of 1970. We have strengthened the Farm Credit System and substantially increased the availability of farm credit. Programs for controlling plant and animal disease and for soil and water conservation have also been expanded. All these efforts will continue, as will our efforts to improve the legal climate for cooperative bargaining—an important factor in protecting the vitality of the family farm and in resisting excessive government management.

DEVELOPING RURAL AMERICA

In my address to the Congress at this time 2 years ago, I spoke of the fact that one-third of our counties had lost population in the 1960's, that many of our rural areas were slowly being emptied of their people and their promise, and that we should work to reverse this picture by including rural America in a nationwide program to foster balanced growth.

It is striking to realize that even if we had a population of one billion—nearly five times the current level—our area is so great that we would still not be as densely populated as many European nations are at present. Clearly, our problems are not so much those of numbers as they are of distribution. We must work to revitalize the American countryside.

We have begun to make progress on this front in the last 3 years. Rural housing programs have been increased by more than 450 percent from 1969 to 1973. The number of families benefiting from rural water and sewer programs is now 75 percent greater than it was in 1969. We have worked to encourage sensible growth patterns through the location of Federal facilities. The first biennial Report on National Growth, which will be released in the near future, will further describe these patterns, their policy implications and the many ways we are responding to this challenge.

But we must do more. The Congress can begin by passing my $1.1 billion program of Special Revenue Sharing for Rural Community Development. In addition, I will soon present a major proposal to expand significantly the credit authorities of the Farmers Home Administration, so that this Agency—which has done so much to help individual farmers—can also help spur commercial, industrial and community development in rural America. Hopefully, the FHA will be able to undertake this work as a part of a new Department of Community Development.

In all these ways, we can help insure that rural America will be in the years ahead what it has been from our Nation's beginning—an area which looks eagerly to the future with a sense of hope and promise.

A COMMITMENT TO OUR CITIES

Our commitment to balanced growth also requires a commitment to our cities—to old cities threatened by decay, to suburbs now sprawling senselessly because of inadequate planning, and to new cities not yet born but clearly needed by our growing population. I discussed these challenges in my special message to the Congress on Population Growth and the American Future in the summer of 1969—and I have often discussed them since. My recommendations for transportation, education, health, welfare, revenue sharing, planning and management assistance, executive reorganization, the environment—especially the proposed Land Use Policy Act—and my proposals in many other areas touch directly on community development.

One of the keys to better cities is better coordination of these many components. Two of my pending proposals go straight to the heart of this challenge. The first, a new Department of Community Development, would provide a single point of focus for our strategy for growth. The second, Special Revenue Sharing for Urban Community Development, would remove the rigidities of categorical project grants which now do so much to fragment planning, delay action, and discourage local responsibility. My new budget proposes a $300 million increase over the full year level which we proposed for this program a year ago.

The Department of Housing and Urban Development has been working to foster orderly growth in our cities in a number of additional ways. A Planned Variation concept has been introduced into the Model Cities program which gives localities more control over their own future. HUD's own programs have been considerably decentralized. The New Communities Program has moved forward and seven projects have received final approval. The Department's efforts to expand mortgage capital, to more than double the level of subsidized housing, and to encourage new and more efficient building techniques through programs like Operation Breakthrough have all contributed to our record level of housing starts. Still more can be done if the Congress enacts the administration's Housing Consolidation and Simplification Act, proposed in 1970.

The Federal Government is only one of many influences on development patterns across our land. Nevertheless, its influence is considerable. We must do all we can to see that its influence is good.

IMPROVING TRANSPORTATION

Although the executive branch and the Congress have been led by different parties during the last 3 years, we have cooperated with particular effectiveness in the field of transportation. Together we have shaped the Urban Mass Transportation Assistance Act of 1970—a 12-year, $10 billion effort to expand and improve our common carriers and thus make our cities more livable. We have brought into effect a 10-year, $3 billion ship construction program as well as increased research efforts and a modified program of operating subsidies to revamp our merchant marine. We have accelerated efforts to improve air travel under the new Airport and Airway Trust Fund and have been working in fresh ways to save and improve our railway passenger service. Great progress has also been made in promoting transportation safety and we have moved effectively against cargo thefts and skyjacking.

I hope this strong record will be even stronger by the time the 92nd Congress adjourns. I hope that our Special Revenue Sharing program for transportation will by then be a reality—so that cities and States can make better long-range plans with greater freedom to achieve their own proper balance among the many modes of transportation. I hope, too, that our recommendations for revitalizing surface freight transportation will by then be accepted, including measures both to modernize railway equipment and operations and to update regulatory practices. By encouraging competition, flexibility and efficiency among freight carriers, these steps could save the American people billions of dollars in freight costs every year, helping to curb inflation, expand employment and improve our balance of trade.

One of our most damaging and perplexing economic problems is that of massive and prolonged transportation strikes. There is no reason why the public should be the helpless victim of such strikes—but this is frequently what happens. The dock strike, for example, has been extremely costly for the American people, particularly for the farmer for whom a whole year's income can hinge on how promptly he can move his goods. Last year's railroad strike also dealt a severe blow to our economy.

Both of these emergencies could have been met far more effectively if the Congress had enacted my Emergency Public Interest Protection Act, which I proposed in February of 1970. By passing this legislation in this session, the Congress can give us the permanent machinery so badly needed for resolving future disputes.

Historically, our transportation systems have provided the cutting edge for our development. Now, to keep our country from falling behind the times, we must keep well ahead of events in our transportation planning. This is why we are placing more emphasis and spending more money this year on transportation research and development. For this reason, too, I will propose a 65 percent increase—to the $1 billion level—in our budget for mass transportation. Highway building has been our first priority—and our greatest success story—in the past two decades. Now we must write a similar success story for mass transportation in the 1970's.

PEACE AT HOME: FIGHTING CRIME

Our quest for peace abroad over the last 3 years has been accompanied by an intensive quest for peace at home. And our success in stabilizing developments on the international scene has been matched by a growing sense of stability in America. Civil disorders no longer engulf our cities. Colleges and universities have again become places of learning. And while crime is still increasing, the rate of increase has slowed to a 5-year low. In the one city for which the Federal Government has a special responsibility—Washington, D.C.—the picture is even brighter, for here serious crime actually fell by 13 percent in the last year. Washington was one of 52 major cities which recorded a net reduction in crime in the first 9 months of 1971, compared to 23 major cities which made comparable progress a year earlier.

This encouraging beginning is not something that has just happened by itself—I believe it results directly from strong new crime fighting efforts by this administration, by the Congress, and by State and local governments.

Federal expenditures on crime have increased 200 percent since 1969 and we are proposing another 18 percent increase in our new budget. The Organized Crime Control Act of 1970, the District of Columbia Court Reform Act, and the Omnibus Crime Control Act of 1970 have all provided new instruments for this important battle. So has our effort to expand the Federal strike force program as a weapon against organized crime. Late last year we held the first National Conference on Corrections—and we will continue to move forward in this most critical field. I will also propose legislation to improve our juvenile delinquency prevention programs. And I again urge action on my Special Revenue Sharing proposal for law enforcement.

By continuing our stepped-up assistance to local law enforcement authorities through the Law Enforcement Assistance Administration, by continuing to press for improved courts and correctional institutions, by continuing our intensified war on drug abuse, and by continuing to give vigorous support to the principles of order and respect for law, I believe that what has been achieved in the Nation's Capital can be achieved in a growing number of other communities throughout the Nation.

COMBATING DRUG ABUSE

A problem of modern life which is of deepest concern to most Americans—and of particular anguish to many—is that of drug abuse. For increasing dependence on drugs will surely sap our Nation's strength and destroy our Nation's character.

Meeting this challenge is not a task for government alone. I have been heartened by the efforts of millions of indivdiual Americans from all walks of life who are trying to communicate across the barriers created by drug use, to reach out with compassion to those who have become drug dependent. The Federal Government will continue to lead in this effort. The last 3 years have seen an increase of nearly 600 percent in Federal expenditures for treatment and rehabilitation and an increase of more than 500 percent in program levels for research, education and training. I will propose further substantial increases for these programs in the coming year.

In order to develop a national strategy for this effort and to coordinate activities which are spread through nine Federal agencies, I asked Congress last June to create a Special Action Office for Drug Abuse Prevention. I also established an interim Office by Executive order, and that unit is beginning to have an impact. But now we must have both the legislative authority and the funds I requested if this Office is to move ahead with its critical mission.

On another front, the United States will continue to press for a strong collective effort by nations throughout the world to eliminate drugs at their source. And we will intensify the worldwide attack on drug smugglers and all who protect them. The Cabinet Committee on International Narcotics Control—which I created last September—is coordinating our diplomatic and law enforcement efforts in this area.

We will also step up our program to curb illicit drug traffic at our borders and within our country. Over the last 3 years Federal expenditures for this work have more than doubled, and I will propose a further funding increase next year. In addition, I will soon initiate a major new program to drive drug traffickers and pushers off the streets of America. This program will be built around a nationwide network of investigative and prosecutive units, utilizing special grand juries established under the Organized Crime Control Act of 1970, to assist State and local agencies in detecting, arresting, and convicting those who would profit from the misery of others.

STRENGTHENING CONSUMER PROTECTION

Our plans for 1972 include further steps to protect consumers against hazardous food and drugs and other dangerous products. These efforts will carry forward the campaign I launched in 1969 to establish a "Buyer's Bill of Rights" and to strengthen consumer protection. As a part of that campaign, we have established a new Office of Consumer Affairs, directed by my Special Assistant for Consumer Affairs, to give consumers greater access to Government, to promote consumer education, to encourage voluntary efforts by business, to work with State and local governments, and to help the Federal Government improve its consumer-related activities. We have also established a new Consumer Product Information Coordinating Center in the General Services Administration to help us share a wider range of Federal research and buying expertise with the public.

But many of our plans in this field still await congressional action, including measures to insure product safety, to fight consumer fraud, to require full disclosure in warranties and guarantees, and to protect against unsafe medical devices.

REFORMING AND RENEWING EDUCATION

It was nearly 2 years ago, in March of 1970, that I presented my major proposals for reform and renewal in education. These proposals included student assistance measures to insure that no qualified person would be barred from college by a lack of money, a National Institute of Education to bring new energy and new direction to educational research, and a National Foundation for Higher Education to encourage innovation in learning beyond high school. These initiatives are still awaiting final action by the Congress. They deserve prompt approval.

I would also underscore my continuing confidence that Special Revenue Sharing for Education can do much to strengthen the backbone of our educational system, our public elementary and secondary schools. Special Revenue Sharing recognizes the Nation's interest in their improvement without compromising the principle of local control. I also call again for the enactment of my $1.5 billion program of Emergency School Aid to help local school districts desegregate wisely and well. This program has twice been approved by the House and once by the Senate in different versions. I hope the Senate will you send the legislation promptly to the conference committee so that an agreement can be reached on this important measure at an early date.

This bill is designed to help local school districts with the problems incident to desegregation. We must have an end to the dual school system, as conscience and the Constitution both require—and we must also have good schools. In this connection, I repeat my own firm belief that educational quality—so vital to the future of all of our children—is not enhanced by unnecessary busing for the sole purpose of achieving an arbitrary racial balance.

FINANCING OUR SCHOOLS

I particularly hope that 1972 will be a year in which we resolve one of the most critical questions we face in education today: how best to finance our schools.

In recent years the growing scope and rising costs of education have so overburdened local revenues that financial crisis has become a way of life in many school districts. As a result, neither the benefits nor the burdens of education have been equitably distributed.

The brunt of the growing pressures has fallen on the property tax—one of the most inequitable and regressive of all public levies. Property taxes in the United States represent a higher proportion of public income than in almost any other nation. They have more than doubled in the last decade and have been particularly burdensome for our lower and middle income families and for older Americans.

These intolerable pressures—on the property tax and on our schools—led me to establish the President's Commission on School Finance in March of 1970. I charged this Commission with the responsibility to review comprehensively both the revenue needs and the revenue resources of public and nonpublic elementary and secondary education. The Commission will make its final report to me in March.

At the same time, the Domestic Council—and particularly the Secretaries of the Treasury and of Health, Education, and Welfare—have also been studying this difficult and tangled problem. The entire question has been given even greater urgency by recent court decisions in California, Minnesota, and Texas, which have held the conventional method of financing schools through local property taxes discriminatory and unconstitutional. Similar court actions are pending in more than half of our States. While these cases have not yet been reviewed by the Supreme Court, we cannot ignore the serious questions they have raised for our States, for our local school districts, and for the entire Nation.

The overhaul of school finance involves two complex and interrelated sets of problems: those concerning support of the schools themselves, and also the basic relationships of Federal, State, and local governments in any program of tax reform.

We have been developing a set of comprehensive proposals to deal with these questions. Under the leadership of the Secretary of the Treasury, we are carefully reviewing the tax aspects of these proposals; and I have this week enlisted the Advisory Commission on Intergovernmental Relations in addressing the intergovernmental relations aspects. Members of the Congress and of the executive branch, Governors, State legislators, local officials, and private citizens comprise this group.

Later in the year, after I have received the reports of both the President's Commission on School Finance and the Advisory Council on Intergovernmental Relations, I shall make my final recommendations for relieving the burden of property taxes and providing both fair and adequate financing for our children's education—consistent with the principle of preserving the control by local school boards over local schools.

A NEW EMPHASIS ON CAREER EDUCATION

Career education is another area of major new emphasis, an emphasis which grows out of my belief that our schools should be doing more to build self-reliance and self-sufficiency, to prepare students for a productive and fulfilling life. Too often, this has not been happening. Too many of our students, from all income groups, have been "turning off" or "turning out" on their educational experiences. And—whether they drop out of school or proceed on to college—too many young people find themselves unmotivated and ill equipped for a rewarding social role. Many other Americans, who have already entered the world of work, find that they are dissatisfied with their jobs but feel that it is too late to change directions, that they already are "locked in."

One reason for this situation is the inflexibility of our educational system, including the fact that it so rigidly separates academic and vocational curricula. Too often vocational education is foolishly stigmatized as being less desirable than academic preparation. And too often the academic curriculum offers very little preparation for viable careers. Most students are unable to combine the most valuable features of both vocational and academic education; once they have chosen one curriculum, it is difficult to move to the other.

The present approach serves the best interests of neither our students nor our society. The unhappy result is high numbers of able people who are unemployed, underemployed, or unhappily employed on the one hand—while many challenging jobs go begging on the other.

We need a new approach, and I believe the best new approach is to strengthen career education.

Career education provides people of all ages with broader exposure to and better preparation for the world of work. It not only helps the young, but also provides adults with an opportunity to adapt their skills to changing needs, changing technology, and their own changing interests. It would not prematurely force an individual into a specific area of work but would expand his ability to choose wisely from a wider range of options. Neither would it result in a slighting of academic preparation, which would remain a central part of the educational blend.

Career Education is not a single specific program. It is more usefully thought of as a goal—and one that we can pursue through many methods. What we need today is a nationwide search for such methods—a search which involves every area of education and every level of government. To help spark this venture, I will propose an intensified Federal effort to develop model programs which apply and test the best ideas in this field.

There is no more disconcerting waste than the waste of human potential. And there is no better investment than an investment in human fulfillment. Career Education can help make education and training more meaningful for the student, more rewarding for the teacher, more available to the adult, more relevant for the disadvantaged, and more productive for our country.

MANPOWER PROGRAMS: TAPPING OUR FULL POTENTIAL

Our trillion dollar economy rests in the final analysis on our 88 million member labor force. How well that force is used today, how well that force is prepared for tomorrow—these are central questions for our country.

They are particularly important questions in a time of stiff economic challenge and burgeoning economic opportunity. At such a time, we must find better ways to tap the full potential of every citizen.

This means doing all we can to open new education and employment opportunities for members of minority groups. It means a stronger effort to help the veteran find useful and satisfying work and to tap the enormous talents of the elderly. It means helping women—in whatever role they choose—to realize their full potential. It also means caring for the unemployed—sustaining them, retraining them and helping them find new employment.

This administration has grappled directly with these assignments. We began by completely revamping the Manpower Administration in the Department of Labor. We have expanded our manpower programs to record levels. We proposed—and the Congress enacted—a massive reform of unemployment insurance, adding 9 million workers to the system and expanding the size and duration of benefits. We instituted a Job Bank to match jobs with available workers. The efforts of the National Alliance of Businessmen to train and hire the hard-core unemployed were given a new nationwide focus. That organization has also joined with our Jobs for Veterans program in finding employment for returning servicemen. We have worked to open more jobs for women. Through the Philadelphia Plan and other actions, we have expanded equal opportunity in employment for members of minority groups. Summer jobs for disadvantaged youths went up by one-third last summer. And on July 12 of last year I signed the Emergency Employment Act of 1971, providing more than 130,000 jobs in the public sector.

In the manpower field, as in others, there is also an important unfinished agenda. At the top of this list is my Special Revenue Sharing program for manpower—a bill which would provide more Federal dollars for manpower training while increasing substantially the impact of each dollar by allowing States and cities to tailor training to local labor conditions. My welfare reform proposals are also pertinent in this context, since they are built around the goal of moving people from welfare rolls to payrolls. To help in this effort, H.R

1 would provide transitional opportunities in community service employment for another 200,000 persons. The Career Education program can also have an important long-range influence on the way we use our manpower. And so can a major new thrust which I am announcing today to stimulate more imaginative use of America's great strength in science and technology.

MARSHALING SCIENCE AND TECHNOLOGY

As we work to build a more productive, more competitive, more prosperous America, we will do well to remember the keys to our progress in the past. There have been many, including the competitive nature of our free enterprise system; the energy of our working men and women; and the abundant gifts of nature. One other quality which has always been a key to progress is our special bent for technology, our singular ability to harness the discoveries of science in the service of man.

At least from the time of Benjamin Franklin, American ingenuity has enjoyed a wide international reputation. We have been known as a people who could "build a better mousetrap"—and this capacity has been one important reason for both our domestic prosperity and our international strength.

In recent years, America has focused a large share of its technological energy on projects for defense and for space. These projects have had great value. Defense technology has helped us preserve our freedom and protect the peace. Space technology has enabled us to share unparalleled adventures and to lift our sights beyond earth's bounds. The daily life of the average man has also been improved by much of our defense and space research—for example, by work on radar, jet engines, nuclear reactors, communications and weather satellites, and computers. Defense and space projects have also enabled us to build and maintain our general technological capacity, which—as a result—can now be more readily applied to civilian purposes.

America must continue with strong and sensible programs of research and development for defense and for space. I have felt for some time, however, that we should also be doing more to apply our scientific and technological genius directly to domestic opportunities. Toward this end, I have already increased our civilian research and development budget by more than 40 percent since 1969 and have directed the National Science Foundation to give more attention to this area.

I have also reoriented our space program so that it will have even greater domestic benefits. As a part of this effort, I recently announced support for the development of a new earth orbital vehicle that promises to introduce a new era in space research. This vehicle, the space shuttle, is one that can be recovered and used again and again, lowering significantly both the cost and the risk of space operations. The space shuttle would also open new opportunities in fields such as weather forecasting, domestic and international communications, the monitoring of natural resources, and air traffic safety.

The space shuttle is a wise national investment. I urge the Congress to approve this plan so that we can realize these substantial economies and these substantial benefits.

Over the last several months, this administration has undertaken a major review of both the problems and the opportunities for American technology. Leading scientists and researchers from our universities and from industry have contributed to this study. One important conclusion we have reached is that much more needs to be known about the process of stimulating and applying research and development. In some cases, for example, the barriers to progress are financial. In others they are technical. In still other instances, customs, habits, laws, and regulations are the chief obstacles. We need to learn more about all these considerations—and we intend to do so. One immediate step in this effort will be the White House Conference on the Industrial World Ahead which will convene next month and will devote considerable attention to research and development questions.

But while our knowledge in this field is still modest, there are nevertheless a number of important new steps which we can take at this time. I will soon present specific recommendations for such steps in a special message to the Congress. Among these proposals will be an increase next year of $700 million in civilian research and development spending, a 15 percent increase over last year's level and a 65 percent increase over 1969. We will place new emphasis on cooperation with private research and development, including new experimental programs for cost sharing and for technology transfers from the public to the private sector. Our program will include special incentives for smaller high technology firms, which have an excellent record of cost effectiveness.

In addition, our Federal agencies which are highly oriented toward technology—such as the Atomic Energy Commission and the National Aeronautics and Space Administration—will work more closely with agencies which have a primary social mission. For example, our outstanding capabilities in space technology should be used to help the Department of Transportation develop better mass transportation systems. As has been said so often in the last 2 years, a nation that can send three people across 240,000 miles of space to the moon should also be able to send 240,000 people 3 miles across a city to work.

Finally, we will seek to set clear and intelligent targets for research and development, so that our resources can be focused on projects where an extra effort is most likely to produce a breakthrough and where the breakthrough is most likely to make a difference in our lives. Our initial efforts will include new or accelerated activities aimed at:

—creating new sources of clean and abundant energy;

—developing safe, fast, pollution-free transportation;

—reducing the loss of life and property from earthquakes, hurricanes and other natural disasters;

—developing effective emergency health care systems which could lead to the saving of as many as 30,000 lives each year;

—finding new ways to curb drug traffic and rehabilitate drug users.

And these are only the beginning.

I cannot predict exactly where each of these new thrusts will eventually lead us in the years ahead. But I can say with assurance that the program I have outlined will open new employment opportunities for American workers, increase the productivity of the American economy, and expand foreign markets for American goods. I can also predict with confidence that this program will enhance our standard of living and improve the quality of our lives.

Science and technology represent an enormous power in our life—and a unique opportunity. It is now for us to decide whether we will waste these magnificent energies—or whether we will use them to create a better world for ourselves and for our children.

A GROWING AGENDA FOR ACTION

The danger in presenting any substantial statement of concerns and requests is that any subject which is omitted from the list may for that reason be regarded as unimportant. I hope the Congress will vigorously resist any such suggestions, for there are many other important proposals before the House and the Senate which also deserve attention and enactment.

I think, for example, of our program for the District of Columbia. In addition to proposals already before the Congress, I will soon submit additional legislation outlining a special balanced program of physical and social development for the Nation's Capital as part of our Bicentennial celebration. In this and other ways, we can make that celebration both a fitting commemoration of our revolutionary origins and a bold further step to fulfill their promise.

I think, too, of our program to help small businessmen, of our proposals concerning communications, of our recommendations involving the construction of public buildings, and of our program for the arts and humanities—where the proposed new budget is 6 times the level of 3 years ago.

In all, some 90 pieces of major legislation which I have recommended to the Congress still await action. And that list is growing longer. It is now for the Congress to decide whether this agenda represents the beginning of new progress for America—or simply another false start.

THE NEED FOR REASON AND REALISM

I have covered many subjects in this message. Clearly, our challenges are many and complex. But that is the way things must be for responsible government in our diverse and complicated world.

We can choose, of course, to retreat from this world, pretending that our problems can be solved merely by trusting in a new philosophy, a single personality, or a simple formula. But such a retreat can only add to our difficulties and our disillusion.

If we are to be equal to the complexity of our times we must learn to move on many fronts and to keep many commitments. We must learn to reckon our success not by how much we start but by how much we finish. We must learn to be tenacious. We must learn to persevere.

If we are to master our moment, we must first be masters of ourselves. We must respond to the call which has been a central theme of this message—the call to reason and to realism.

To meet the challenge of complexity we must also learn to disperse and decentralize power—at home and abroad—allowing more people in more places to release their creative energies. We must remember that the greatest resource for good in this world is the power of the people themselves—not moving in lockstep to the commands of the few—but providing their own discipline and discovering their own destiny.

Above all, we must not lose our capacity to dream, to see, amid the realities of today, the possibilities for tomorrow. And then—if we believe in our dreams—we also must wake up and work for them.

RICHARD NIXON.

THE WHITE HOUSE, *January 20, 1972.*

At 1 o'clock and 3 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Chief Justice of the United States and the Associate Justices of the Supreme Court.

The ambassadors, ministers, and chargés d'affaires of foreign governments.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 1 o'clock and 8 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

RECESS

The SPEAKER. The House will stand in recess until 2:15 p.m. today.

Accordingly (at 1 o'clock and 8 minutes p.m.), the House stood in recess until 2:15 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 15 minutes p.m.

REFERENCE OF PRESIDENT'S MESSAGE

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

REQUEST TO AUTHORIZE CALL OF CONSENT CALENDAR AND MOTIONS TO SUSPEND THE RULES ON MONDAY, JANUARY 24

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the call of the Consent Calendar under clause 4, rule XIII, and the authority for the Speaker to entertain motions to suspend the rules under clause 1, rule XXVII, be made in order on Monday, January 24, 1972.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished majority leader if the intent of his unanimous-consent request is to make in order five suspensions on Monday, January 24, including H.R. 6730, the Land and Water Conservation Fund Act amendment?

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Louisiana.

Mr. BOGGS. I intend to announce the program in just a moment. There are five suspensions on the proposed program for Monday.

Mr. HALL. I repeat my question, Mr. Speaker, under the reservation: Is the intent of the gentleman's current unanimous-consent request before the House, to make those suspensions in order on Monday next?

Mr. BOGGS. The gentleman is correct.

Mr. HALL. Mr. Speaker, continuing to reserve the right to object, this next Monday is not a regular—first and third Monday—consent and/or suspension of the rules day. Also, there are some controversial bills, but I mainly wonder if the distinguished majority leader could clarify for us whether or not this is a harbinger of things to come during the rest of the session; where we suspend the rules and/or waive points of order and/or are we going to eliminate the legislative process and go right to appropriations so we can carry out a short session and provide an extensive number of recesses?

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Louisiana.

Mr. BOGGS. These bills are ready, and it is the intent of the leadership to call them up for consideration. If the bills are controversial, a two-thirds vote is required to pass them, and if there is any great amount of controversy, they will not pass.

Mr. HALL. Mr. Speaker, I thoroughly understand the rules of the House and the voting on suspensions.

I object.

The SPEAKER. Objection is heard.

LEGISLATIVE PROGRAM FOR WEEK OF JANUARY 24

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute.)

Mr. ANDERSON of Illinois. Mr. Speaker, I asked for this time to inquire of the distinguished majority leader if he is in a position to inform us of the program for next week and also if he has any announcements to make with respect to a holiday schedule for the coming session.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Louisiana.

Mr. BOGGS. In response to the distinguished gentleman from Illinois, the program for next week is as follows:

Monday is District day. There are no bills scheduled.

The suspensions which we expected to call up will not be called up. We will consider a resolution permitting a photograph of the House while in session, House Resolution 761.

Tuesday we will consider S. 2819, the foreign assistance authorization conference report.

For Wednesday and the balance of the week, the program is as follows:

The beginning of the session on Wednesday will be taken up with the official photograph of the House of Representatives.

We will then proceed to consider H.R. 6957, the Sawtooth Recreation Area, Idaho, under an open rule with 1 hour of debate.

H.R. 8085, age requirements for civil service applicants, under an open rule, with 1 hour of debate.

Conference reports may be called up at any time and any further program will be announced later.

Mr. Speaker, will the gentleman yield further?

Mr. ANDERSON of Illinois. I yield to the gentleman from Louisiana.

Mr. BOGGS. In order to keep the Members informed and in order to inform them as soon as possible about the schedule for this second session of the 92d Congress, the leadership on both sides of the aisle met earlier this week and worked out the following schedule for this session:

Lincoln's Birthday, Saturday, February 12—from the close of business on Wednesday, February 9, until noon, Wednesday, February 16.

Washington's Birthday, Monday, Address only.

Easter, Sunday, April 2—from the close of business Wednesday, March 29, until noon, Monday, April 10.

Memorial Day, Monday, May 29—from the close of business Thursday, May 25, until noon, Tuesday, May 30.

Fourth of July, Tuesday, July 4—from the close of business Friday, June 30, until noon, Monday, July 17, Democratic Convention.

It is our hope that we will conclude the business of this session by Friday, August 18, of this year, prior to the meeting of the Republican National Convention. If this is not possible, we will adjourn for Labor Day from the close of business on August 18 until noon on September 5.

In addition, I would like to say it is the intention of the leadership to call the House in session on the first and third Fridays of each month if there is legislation scheduled. These Fridays are: February 4 and February 18; March 3 and March 17; April 21; May 5 and May 19; June 2 and June 16; July 21; and August 4 and August 18.

Mr. ANDERSON of Illinois. I thank the distinguished majority leader.

ADJOURNMENT OVER TO MONDAY, JANUARY 24

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. BOGGS. Mr. Speaker, on behalf of the chairman of the Rules Committee, Mr. COLMER, and Mr. YOUNG of that committee, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file two privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works; which was referred to the Committee on Appropriations:

WASHINGTON, D.C.,
January 7, 1972.

Hon. CARL ALBERT,
Speaker of the House,
Washington, D.C.

MY DEAR MR. SPEAKER: The House Committee on Public Works approved on December 16, 1971, an amendment to the prospectus for the proposed lease of a building to house the Social Security Administration's Payment Center and the Department of the Treasury's Disbursing Office at Birmingham, Alabama.

Sincerely yours,
JOHN A. BLATNIK,
Chairman.

HANDLING OF MILITARY CARGO

(Mr. BURTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BURTON. Mr. Speaker, I should like to place in the RECORD at this time the text of what purports to be a memorandum circulated by the Pacific Maritime Association. A reading of the memorandum indicates that the Pacific Maritime Association refused to offer vessels for the handling of military cargo. It also appears to be obvious that they did this as an economic gambit in an attempt to bring the Defense Department into exerting pressure to decide by Federal action the collective bargaining differences that exist between the Pacific Maritime Association and the International Longshoremen's & Warehousemen's Union.

These conclusions are supported and verified by news reports which appeared in this morning's San Francisco Chronicle and the Washington Post. The chairman of the Pacific Maritime Association is quoted as saying that the refusal to accept new commitments for military cargo has been canceled. According to the chairman, the change in PMA policy was the result of a direct request from the Department of Defense in which the Department asserted that the PMA embargo would "seriously jeopardize the movement of defense cargo to the western Pacific."

Thus, Mr. Speaker, it is established that the Pacific Maritime Association did attempt to use the Nation's military needs without regard for our national interests, as a tool for achieving their own ends and purposes. This was done despite information I have received to the effect that the union offered to return to work on January 17 if any settlement eventually agreed upon was made retroactive to November 14, 1971. I am informed this offer was not accepted.

I have consistently opposed Federal intervention into free collective bargaining and I am deeply disturbed that we should find the Pacific Maritime Association seemingly attempting to manufacture an emotional situation with the hope it would create pressures for Federal intervention and permit them to accomplish by this means that which they seemed unable to accomplish in free and open collective bargaining.

I place the text of the purported memorandum in the RECORD at this time with the note to those who might try this gambit, that the public will not be so easily misled:

JANUARY 17, 1972.

To: Area managers.
From: B. H. Goodenough.

Following the conclusion of negotiations November 14, 1971, this a.m. PMA Executive Committee met and established the following policy in regard to handling of military cargo. Military commitments for this week were made last week. Therefore, any ship that was committed or is partially loaded shall be allowed to finish and sail. Discharge operations on military cargo now in progress shall be permitted to finish.

No new commitments for military cargo are to be made for next week. If offers have been made they shall be withdrawn at once. The following American Flag steamship companies, members of PMA, have all been notified by telephone prior to noon today of this policy: American Mail Line, APL, PFE, States, States Marine, U.S. Lines, Sea-Land, Seatrain and Matson. Vessels time chartered to the military and vessels of the nucleus fleet cannot be controlled by PMA and will be worked by contracting stevedores who have contracts with the military.

Member foreign line companies will not tender space to the military and will not respond favorably if requested to tender space. There is no effective control on nonmember foreign lines. However, if member stevedores can avoid handling nonmember foreign vessels without breaching military contracts they should do so.

Please advise all member companies in your area of the foregoing this afternoon by whatever means best suits your local situation. Advise me by teletype when all companies have been so advised. Wherever a member company in your area has a teletype the above message should also be teletyped to them.

A HOMESTEAD PATENT FOR RUSSELL G. WELLS

(Mr. RONCALIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, today I am introducing legislation which would authorize the Secretary of the Interior to convey certain lands in Wyoming. This proposal is in behalf of Mr. Russell G. Wells of Converse County, Wyo., who filed on these lands nearly 40 years ago, and spent the past decade trying to reinstate, establish, and prove up his homestead north of Douglas.

Russell G. Wells commenced his homestead in 1934 near Bill, Wyo. Because of the depression and drought he was unable to make a living off the homestead so he went into the Civilian Conservation Corps camp and later joined the U.S. Navy in the late 1930's. Mr. Wells served on active duty in the combat areas of the South Pacific during World War II and in Korean waters during that conflict. In 1957, he was retired and transferred to the Naval Reserve where he remains today.

In 1951, the Bureau of Land Management canceled Mr. Wells' homestead entries claiming that he failed to keep them notified of his whereabouts. It later turned out that Russell Wells was on a secret duty in Korean waters and was unable to even advise his own family of his whereabouts. When the entries were canceled in 1951 the lands in question were taken up for leasing under section 15 of the Taylor Act and have continued—even to this date—to be leased to a third party to the exclusion of the homesteader. Due to leasing, some of the fence improvements of the homestead were moved or torn down, and grazing livestock did some damage to the homesteader's cabin.

This leasing, naturally, caused Mr. Wells some difficulty in his proof. Yet, in spite of these difficulties, he has been successful in meeting the residence requirements and the cost of valuable improvements required by the Homesteader Law. After 1965 hearings, the BLM Director in Washington reversed the earlier cancellation decision of the Cheyenne Land Office, and admitted error in canceling his entries.

There are two issues remaining: First, whether or not the homesteader's cabin was "habitable" on July 8, 1966—the date of submitting final proof; and second, whether or not the homesteader's cabin is located exactly on the entry lands, and, if not, the significance thereof.

It is a fact that Russell Wells' cabin is not luxurious; few desert cabins are; it was put there in 1934 as a homesteader's shack and has naturally deteriorated over the years. However, in the hearing record Mr. Wells and three witnesses stated that the cabin is habitable.

As to whether or not the cabin is on the entry lands, the controlling question should be the good faith of the homesteader in placing the cabin where it is, believing it to be on the entry lands. The Government has never questioned Mr. Wells' good faith in locating the cabin where he did. It may be that the cabin is not on the entry lands by possibly as far as 1,600 feet, for the custom in 1934 in the area was to establish locations as nearly as possible using existing fences and other markers, some of which were incorrect. However, Mr. Wells placed his cabin in good faith, believing it to be on his lands.

In view of the establishment by Mr. Russell G. Wells of all the other requirements of the Homestead Law and his excellent record of service to this Nation, I feel the Secretary of the Interior should convey these lands to Mr. Wells. The land involved is plain, old Wyoming dry desert sagebrush land—no water—except the wells and dikes placed on it by the homesteader—the lands are situated 65 miles from the nearest town, and contain no known mineral value—mineral right would anyway be reserved by the Government in the patents issued as provided by law. The value of the 639.52 acres involved would total approximately $6,400.

I am hopeful the Congress will see fit to act on this matter, and that it can be dispensed with equitably and promptly.

PROPOSED LEGISLATION DEALING WITH LABOR RELATIONS

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of New Jersey. Mr. Speaker, as we enter the 37th year of the operation of the National Labor Relations Act, I think most of us can agree that on the whole that act has brought industrial peace to the private employment sector. Except for occasional prolonged disputes such as the current longshoremen's strike, tens of thousands of collective bargaining relationships are established or renewed annually in this country with a minimum of acrimony and disruption.

State and local government employees were excluded from the protections and restraints of the NLRA when it was first passed in 1935. What is the state of labor relations in the public employment sector now?

Rather than the stable and long-established collective bargaining patterns which exist in the private sector, we find increasing employee militancy, a tremendous growth in public employee unions, a spiraling wave of strikes which have seriously inconvenienced the public and, as a framework for bringing reason and order to this explosive growth situation, a crazy-quilt patterns of State laws which range from the progessive to the reactionary.

The time will come when the absence of a solid legal framework for resolving public employment labor disputes will produce such widespread instability, that we in the Congress may well be forced to impose such a legal framework.

I am not sure what kind of framework there should be, or whether it should be a Federal one. But I am sure that we must find an answer to this question: How do we alleviate the problem of strikes which may seriously affect essential public services, while at the same time guaranteeing to public employees the rights of organization and free collective bargaining?

As a beginning to the task of finding an answer, I am today announcing that March 1 the Special Subcommittee on Labor will begin public hearings on labor relations in the public sector.

We will be considering three different bills. The first is H.R. 7684, introduced by Representative CLAY, of Missouri, and others, which proposes Federal regulation of public employment labor relations through creation of a new National Public Employee Relations Commission. The second is H.R. 9324, introduced by Mr. HAWKINS of California, which proposes Federal regulation of employment relations in public schools through a new Professional Education Employee Relations Commission. The third is a bill I am introducing today which would bring public employees under the provisions of the National Labor Relations Act. I am introducing this bill to give the subcommittee and the Congress an additional alternative to help us focus more sharply on the issues involved.

We will thus be considering three options: First, coverage of public employees under our existing law, the NLRA; second, the creation of a separate Federal agency to regulate public employment labor relations; third, leaving the problem to the States, as is the case now.

We will be inviting testimony from a number of individuals and groups representing as many points of view as possible and, of course, we welcome testimony from our colleagues.

MR. O'NEILL WISHING ERNEST PETINAUD A HAPPY BIRTHDAY

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 5 minutes.

Mr. O'NEILL. Mr. Speaker, today marks the 67th birthday of Ernest Petinaud, maitre d' of the House restaurant, and good friend to all in Congress.

Ernest Petinaud has given the Members of Congress 35 years of superb service and has graced the House restaurant with a touch of elegance. He knows every Congressman by sight and hosts the dining room with dignity, constantly striving to please all who frequent the House restaurant.

I have known Ernest for nearly 20 years. He has always shown me and my staff great consideration and courtesy. I can remember many happy moments conversing with Ernest after a weary day of legislative business.

I take this opportunity on his birthday to thank Ernest for his warm greetings and equal service to all Members of Congress who dine in the restaurant and for his graciousness to the hundreds of friends and guests who visit Capitol Hill each year.

I know that all my colleagues in the House join me in wishing Ernest a very happy birthday and extend to him our sincere appreciation for graciousness, congeniality, and friendship.

INCREASES IN MEDICARE COSTS ENCOURAGE INFLATION

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, the recent January 5 Federal Register contained a notice of premium rates for the supplementary medical insurance for the aged, part B of medicare. I am at this time calling this to the attention of my colleagues, because this voluntary doctor bill insurance program for older people will be increased once again to $5.80 for the 12-month period beginning July 1, 1972. This announcement did not go unnoticed just because Congress was in recess. I am singling out this increase in medicare costs not only because of its disastrous effects on the already fixed incomes of most senior citizens, but also because of the bad example it is for the rest of the economy during phase II.

While it might have required an act of great statesmanship on the part of the administration to defer this increase affecting 20 million elderly in our Nation, it would have at least shown the administration to have the courage of its convictions and that it really was serious about controlling inflation. With medical costs such an important budget item with every family in this Nation, especially with the elderly, it is difficult to attribute too much credibility to those entrusted with carrying out the spirit of phase II when we witness in 1 month the approval of a 22-percent hike in Blue Cross-Blue Shield insurance costs for Federal employees and a 3.6-percent increase in medicare premiums for our elderly. Medical costs must be included in any price control policies; in tying the amount of the increase to costs of furnishing service before phase I and II went into effect, the administration is committing the classic error of fanning the flames of future inflation by approving cost increases based on a previous period of high inflation. Such calculations obviously contain in themselves the seeds for future inflation and perpetuate the very problem that is under attack. As I said on November 15, the inflation we have been experiencing in this country and its impact, in particular on the elderly, is best grasped from comparing the original premium under part B of medicare back in July of 1966, when it stood at $3 and that just announced for July of 1972 of $5.80—an increase of close to 100 percent in a period of just 6 years.

FEDERAL CIVILIAN EMPLOYMENT, NOVEMBER 1971

(Mr. MAHON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter and tables.)

Mr. MAHON. Mr. Speaker, I include a release highlighting the November 1971 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, NOVEMBER 1971

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of November was 2,868,350 as compared with 2,872,642 in the preceding month of October. This was a net decrease of 4,292.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of November totaled 2,828,487. This was a net decrease of 4,581 as compared with employment reported in the preceding month of October. Employment by months in fiscal 1972, which began July 1, 1971, follows:

Month	Employment	Increase	Decrease
July 1971	2,903,151	20,157	
August	2,809,160		12,991
September	2,844,539		45,621
October	2,833,068		11,471
November	2,828,487		4,581

Total employment in civilian agencies of the Executive Branch for the month of November was 1,695,678, a decrease of 2,514 as compared with the October total of 1,698,192. Total civilian employment in the military agencies in November was 1,132,809, a decrease of 2,067 as compared with 1,134,876 in October.

The civilian agencies of the Executive Branch reporting the largest decreases were Agriculture Department with 3,324, Interior Department with 1,399, General Services Administration with 1,170 and Department of HEW with 1,122. The largest increases were reported by the Postal Service with 3,105 and Veterans Administration with 1,598. These changes were largely seasonal.

In the Department of Defense the largest decrease in civilian employment was reported by the Army with 1,769.

Total Executive Branch employment inside the United States in November was 2,640,271, a decrease of 2,882 as compared with October. Total employment outside the United States in November was 188,216, a decrease of 1,699 as compared with October.

The total of 2,828,487 civilian employees of the Executive Branch reported for the month of November 1971 includes 2,530,699 full time employees in permanent positions. This represents a decrease of 1,554 in such employment from the preceding month of October. (See table 2 of accompanying report.)

The Executive Branch employment total of 2,828,487 includes some foreign nationals employed abroad, but in addition there were 97,885 foreign nationals working for U.S. agencies overseas during November who were not counted in the usual personnel reports. The number in October was 97,173.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in the month of November totaled 31,704 an increase of 192 as compared with the preceding month of October. Employment in the Judicial Branch in the month of November totaled 8,159, an increase of 97 as compared with October.

DISADVANTAGED PERSONS

The total of 2,868,350 reported by the Committee for November includes 24,316 disadvantaged persons employed under Federal Opportunity programs, an increase of 890 over the preceding month of October. (See table 4 of accompanying report.)

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the joint committee report, on personnel employed full time in permanent positions by executive branch agencies during November 1971, showing comparisons with June 1970, June 1971, and the budget estimates for June 1972:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1970	June 1971	November 1971	Estimated June 30, 1972 [1]
Agriculture	82,912	84,252	84,009	87,300
Commerce	25,427	28,435	27,929	29,600
Defense:				
Civil functions	30,297	30,063	30,401	31,300
Military functions	1,129,642	1,062,741	1,067,031	1,061,600
Health, Education, and Welfare	102,297	104,283	106,289	102,100
Housing and Urban Development	14,661	16,030	15,941	16,700
Interior	59,349	57,570	57,755	59,100
Justice	38,013	42,662	42,566	46,800
Labor	10,217	11,352	11,919	12,100
State	23,618	23,398	23,110	23,700
Agency for International Development	14,486	13,477	13,046	11,100
Transportation	63,879	68,489	68,350	71,900
Treasury	86,020	90,135	92,420	100,400
Atomic Energy Commission	7,033	6,920	6,852	7,000
Civil Service Commission	5,214	5,324	5,261	5,900
Environmental Protection Agency [2]		5,959	6,584	8,900
General Services Administration	36,400	38,076	36,805	41,600
National Aeronautics and Space Administration	31,223	29,478	28,513	28,400
Office of Economic Opportunity	2,387	2,478	2,073	2,500
Panama Canal	14,635	13,967	13,982	14,900
Selective Service System	6,665	5,569	5,774	6,500
Small Business Administration	4,015	4,004	4,010	4,200
Tennessee Valley Authority	12,657	13,612	13,767	13,300
U.S. Information Agency	9,989	9,773	9,634	9,900
U.S. Postal Service	565,618	564,782	563,101	590,500
Veterans' Administration	148,497	158,635	161,033	160,800
All other agencies	27,420	28,838	30,078	31,200
Contingencies				10,000
Total	2,552,571	2,520,302	2,528,233	[3] 2,589,300
Public Service Careers (Disadvantaged persons in Federal opportunity programs—see table 4, p. 14)		1,899	2,466	
Total	2,552,571	2,522,201	2,530,699	

[1] Source: As projected in 1972 budget document; figures rounded to nearest hundred.

[2] Established as of Dec. 2, 1970, by transfer of functions and personnel from Interior, HEW, Agriculture, Federal Radiation Council and Atomic Energy Commission.

[3] Does not reflect Presidential order of Aug. 15, 1971, for 5 percent personnel reduction estimated by the Director of Office of Management and Budget on Sept. 9, 1971, at 100,000 Government-wide, exclusive of the Postal Service.

KANSAS GOVERNOR OPPOSES ATOMIC WASTE PROJECT

(Mr. SKUBITZ asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SKUBITZ. Mr. Speaker, I was gratified to learn that Governor Robert Docking in his formal address at the convening of the Kansas State legislature last week urged that every possible step be taken to prevent the Atomic Energy Commission from establishing an atomic waste dump in the State.

Docking said that the AEC has failed to prove the safety of the project and that the proposed waste repository at Lyons should be abandoned. He asked the legislature to join him in making the AEC drop the proposal and look elsewhere than Kansas for a suitable site.

While the State legislature at its last session had before it shortly before adjournment a resolution opposing the location of the waste facility at Lyons, final action could not be taken. The Kansas Governor is now in effect requesting the legislature to formally approve legislation that would reject the waste facility. Docking told the members that his opposition was premised on the formal judgment and advice to him by Kansas scientists including the Kansas State Geological Survey and the Kansas Academy of Science.

Governor Docking explained that his recommendation was premised on protection for the people of Kansas. I have no doubt that in taking the step he now has, he is acting out of a profound knowledge of what the majority of the people in Kansas feel and believe about the atomic waste facility and its inherent deadly danger for them and their progeny.

SOL ROBINSON RETIRING AS MANAGER OF WLAD

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, Sol Robinson, general manager and vice president of Radio Station WLAD, Danbury, Conn., is a dominant figure in the communications field and a leader in public affairs. I am personally familiar with Mr. Robinson's record of accomplishment in business and in community programs. I admire his efforts and accomplishments and I consider myself fortunate to have had the benefit of his friendship and counsel for several years.

I have just read a story in the Danbury, Conn., News-Times, by Mac Overmyer, that Sol Robinson is about to retire from his radio activities. But, as Mr. Overmyer relates:

> Retirement for Robinson, who is an active member of at least nine local and national civic organizations, is probably a full day's work for most other people.

I am sorry to see Sol relinquish his radio connection if, indeed, he will do so completely, but I, too, am confident that in his retirement he will devote more of his time and just as unselfishly as in the past to public service. In any case, I wish him well.

I include here Mr. Overmyer's article which appeared in the Danbury News-Times on January 11, 1972.

SOL ROBINSON RETIRING AS MANAGER OF WLAD

(By Mac Overmyer)

DANBURY.—After 21 years in the media, Sol Robinson, general manager and vice president of radio station WLAD, is retiring.

He is retiring as well as Sol Robinson is able to retire.

He joined the station as its general manager in 1951 and will be officially stepping out of his office on the fourth floor of the Danbury Motor Inn on March 1. He won't be heard on the air any more after Jan. 20.

"There comes a time in every man's life when he has to make a decision in his later years. I think the time has come. After all I am 63," he said with a smile this morning as he leaned back from his desk.

But retirement for Robinson, who is an active member of at least nine local and national civic organizations, is probably a full day's work for most other people.

In addition to his various duties as a member of these boards, he will remain as a consultant to the radio station and intends to continue writing books.

"My publisher is yelling at me. He wants more stuff," said Robinson. He has published four books—three on communications and one on banking—and is writing a fifth book on technical terminology in the electronic media which he feels will take three years to complete.

Robinson was not born to the radio media but sort of backed into it. Following World War II he began a veterans advisory service in Danbury to counsel returning veterans on their rights and opportunities.

As part of this service, he had a weekly radio broadcast. While in this position, a veteran came to him asking advice for a government loan to start a radio station in Bridgeport.

The veteran did not get the loan but Robinson saw the opportunity, pooled his resources with the veteran and several others and soon his nasal twang could be heard over WLIZ, now WICC, in Bridgeport.

The list of organizations to which he has contributed his talents reads like a city civic service directory. They include president of the former Community Chest, chairman of the Red Cross, chairman of the Salvation Army advisory board, vice president of the Regional YMCA and member of the boards of directors of the Cancer Society, Heart Association and Danbury Chamber of Commerce, to name a few.

Presently he is on the management committee of the President's Industry Advisory Commission, an incorporator for Danbury Hospital and a justice of the peace. He also is a member of the board of directors of the National Jewish Hospital in Denver, Colo., and the B'nai B'rith Anti-Defamation League.

But if you ask him he will tell you he is retiring on March 1.

A NEW WASTELAND

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extransous matter.)

Mr. MONAGAN. Mr. Speaker, the December 1971 issue of the Low-Income Housing Bulletin, quoting the Housing Affairs Letter, used the phrase, "a new wasteland" to characterize what the House Subcommittee on Legal and Monetary Affairs, which I chair, found when it conducted field hearings in Detroit last month.

"A new wasteland" is not a slogan which elicits pride, or the feeling of accomplishment. It is not likely to become a campaign slogan during the months ahead. "A new wasteland" depicts failure, if not disaster. And unfortunately, this is what the subcommittee found in that section of Detroit.

The problem is serious. And it is not limited to Detroit. If the reports which the subcommittee receives daily are at all accurate, there are many other wastelands across the country.

Since the subcommittee has oversight responsibilities of the Justice Department as well as Department of Housing and Urban Development, much time and energy will be devoted to looking into this problem. The brief article in Low-Income Housing Bulletin may assist my colleagues in making themselves aware of the seriousness of the situation.

A NEW HUD SCANDAL?

A few weeks ago, a Subcommittee of the House Government Operations Committee went to Detroit to hold hearings on the increase there in acquisitions of homes where FHA-insured mortgages have gone into default. *Housing Affairs Letter* characterized what the Subcommittee saw as "a new wasteland—of thousands of single-family units bought at often-inflated prices, with too-high appraisals, by welfare and other low-income families, then abandoned, often vandalized, with FHA holding the shells."

With the potential number of acquisitions at or exceeding 20,000, a General Accounting Office spokesman said, "We are talking about an eventual loss of $200 million" to HUD.

As *Housing Affairs* put it, "Is there a Detroit in every city's future?" That possibility is clearly bothering people who are questioning what they call the "production-orientation" of our housing programs. The national statistics on actual foreclosures don't yet signal a crisis. As of the end of October, 1971 had seen a lower rate of those (for FHA-insured home mortgages) than any of the preceding 3 years. But, the lag between default and actual foreclosure means that these may not be the best statistics to use as a warning light. The number of "defaults and potential FHA acquisitions" hit a new high of 93,000 in 1970—up 31% from '69 and 45% above the average for the period 1966–69. HUD says it doesn't have even partial-year figures on these for 1971. Meanwhile, low-income homeownership programs are again under the gun.

OVER 5 MILLION AMERICANS UNEMPLOYED

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, while in my judgment the President in his state of the Union message glossed over the magnitude of the unemployment situation facing the United States, he did say that we must convert our industrial and technological orientation from a wartime to a peacetime basis. This problem has concerned me for a long time. On February 23, 1971, I submitted H.R. 4862, Conversion Research and Education Act of 1971, which authorizes $450 million over a 3-year period for general conversion research, for retraining of defense and space-oriented scientists and technicians, and for assistance to defense-oriented small business firms. Specifically, this bill would require the National Science Foundation to sponsor conversion research and development and administer retraining programs for technical personnel. It provides further that the Economic Development Administration of the Department of Commerce sponsor conversion programs for management personnel. Finally, the Small Business Administration is asked to assist small firms in conversion by providing technical grants, loan guarantees, and interest assistance payments.

Unemployment for the year 1971 was the highest it has been in the United States since the 1961 recession. Our average annual national jobless rate was 5.9 percent with the rate for December in excess of 6 percent. As a result over 5 million Americans found themselves in the ranks of the unemployed, a fact which was emphasized in an article entitled "1971 Jobless Rate Worst in 10 Years" which appeared in the January 8, 1972, edition of the Hartford Courant.

I have been concerned with the general state of our economy and the extremely high rate of unemployment which we have experienced for some time. Our economy is not growing at a rate rapid enough to absorb newcomers in the labor market. It is only expanding at a rate of 2.7 percent while it is estimated that a growth rate of at least 4 percent is necessary for a healthy economy. As our involvement in Southeast Asia winds down, our veterans are seeking employment and at the same time defense-oriented industry is reducing production.

The New England region figure has consistently exceeded the national level of unemployment. In December, Connecticut had an unemployment rate of 8.1 percent with 114,600 persons out of work. In June there had been 146,580 unemployed, or 10.1 percent of the labor force. Although there has been some reduction in the unemployment rate this reduction has been wholly inadequate and could easily escalate. These figures do not accurately depict the full extent of the unemployment situation since only those receiving unemployment compensation are listed. There are many unemployed persons throughout Connecticut and the Nation who have exhausted their benefits.

We have recently passed emergency legislation extending the period for unemployment compensation an additional 13 weeks in certain areas. This program, now in effect, was necessary to provide temporary assistance to our unemployed. An article which appeared in the January 8, 1972 edition of the Hartford Courant reported that in Connecticut 1,000 persons made application for these additional benefits in 1 week alone. In that week there was a total increase of 11,361 persons receiving unemployment compensation benefits for a total of 113,361. Included in the 113,361 are 14,943 extended benefit claims and 8,950 additional benefit claims. A year ago 10,631 claims were made for extended benefits and 26 claims were made for additional benefits out of a total of 112,591 claims.

In Waterbury, claims had increased 29.6 percent over the week before. In Meriden the increase was 12.4 percent and in Danbury, 17.3 percent. These programs only help to alleviate the results and do not go to the root of the problem—a change in our industrial priorities.

As our military involvement in Southeast Asia decreases, it is increasingly imperative to redirect the thrust of our technical orientation and industrial production to a peacetime basis. To provide for full employment, the means must be secured to assist industries which formerly produced wartime products in shifting their emphasis to peacetime military or civilian production. Unemployment will most certainly rise if assistance for orderly conversion is not available. While the needs of a peacetime military establishment must be adequately met we must also direct our attention and any available resources to the economic, social, and environmental problems which affect our society.

I urge my colleagues to support H.R. 4862, Conversion Research and Education Act of 1971. We can fully utilize our problem-solving resources only through the effective conversion of scientific and technical talent from disappearing defense jobs to activities devoted to the needs of the civilian economy.

The aforementioned articles follow:

[From the Hartford (Conn.) Courant, Jan. 8, 1972]

The 1971 Jobless Rate Worst in 10 Years

Washington.—The nation's unemployment rate crept up again to 6.1 per cent last month, leaving 1971 with an average of five million persons out of work and the worst jobless rate in 10 years.

Democrats said things are getting no better. The administration promised brighter times ahead.

The December figures, released Friday, showed a further slowing in what had been a rapid climb in the total number of job-holders, while the number of persons looking for work increased slightly.

Rank-and-file earnings went up slightly. The job picture worsened for Negroes and other non-whites but got better for whites. It was unchanged for adult men and women but got a bit worse for teen-agers.

December's 6.1 per cent overall unemployment rate is up from 6.0 in November and 5.8 in September. It nearly matches the nine-year peak of 6.2 per cent first reached in December 1970 and again a few months later.

For all of 1971 the rate averaged 5.9 per cent, meaning an average of five million Americans were out of work at any given time last year. This was the worst jobless rate since the recession year 1961, when it was 6.7 per cent.

Sen. William Proxmire, D-Wis., chairman of the Joint Economic Committee, said the job figures are "discouraging, if not bleak," and may be getting worse.

Sen. George S. McGovern, D-S.D., in a news release from his presidential campaign headquarters, said President Nixon's record "is now one of proven failure."

Democratic National Chairman Lawrence F. O'Brien said Nixon's economic program promises no improvement in unemployment. "This must be Richard Nixon's last year in the White House," he added.

But Labor Secretary James D. Hodgson said the figures show a need for the tax cuts proposed by Nixon in August and passed by Congress last month. "As the effects of these measures take hold during the year we can anticipate that improvements will occur," he said.

An organized labor spokesman said Nixon had promised a year ago that inflation would begin to recede in 1971. "Not one word of that prediction has come to pass," added AFL–CIO Secretary-Treasurer Lane Kirkland.

He said the administration should be ashamed of itself and increase government spending on public facilities and services to create more jobs.

The total number of job-holders, which had gone up by 428,000 in August, 320,000 in September and 177,000 in November, posted an increase of only 111,000 last month.

This brought total employment to 80.1 million, while total unemployment increased by 66,000 to 5.2 million.

The Bureau of Labor Statistics, while tallying the job figures, said the numbers were seasonally adjusted to remove the influence of normal month-to-month changes.

For roughly 50 million rank-and-file workers average hourly earnings increased by two cents to $3.50, up 6.1 per cent from a year earlier. Average weekly earnings were up $1.44 to $130.55, up 6.6 per cent over 12 months ago.

But prices went up 3.5 per cent in the year ending last November, latest figures show, so inflation ate up more than half the increase in earnings.

The jobless rate for nonwhites rose 1 per cent to 10.3 per cent last month, while the rate for whites dropped 0.3 per cent to 5.4 per cent.

[From the Hartford (Conn.) Courant, Jan. 8, 1972]

Additional 13-Week Aid

(By Barry Schiffman)

In the past week, more than 1,000 persons who exhausted unemployment benefits during 1971 applied to the state Labor Department for emergency benefits—the additional 13-weeks of unemployment compensation signed into law by President Nixon a week ago, officials said.

They will have to return to complete the filing of their renewed claims during the last week of January, although the department previously announced the renewed claims would be accepted at any time after the law was announced.

The federal law requires a 30-day waiting period before the emergency benefits can be effective. Therefore, the first benefits will be paid during the week of Feb. 7.

The state unemployment law requires that a claim be processed within a week and the claimant begin receiving benefits or be declared ineligible. Therefore, persons who want to refile exhausted claims must wait until the week of Jan. 24.

Claimants will not always receive a check the week after filing, but may receive a check covering two-weeks of benefits during the second week because of a staggered system of payment.

Anyone who has exhausted benefits and wishes to file his claim immediately may do so, but will be asked to come again on the last week in January. The paperwork for his claim will be kept by the local office.

Claimants still receiving jobless pay in February will automatically be eligible for the 13 weeks of emergency benefits.

Estimates of the number of people who have exhausted benefits in the past year total more than 14,000 for the first three-quarters of 1971. More than 7,000 persons were receiving additional benefits during the last week of December. Most of those will no longer be eligible after this week.

At the last count the Connecticut rate of unemployment was 8.3 per cent of the labor force.

AMERICA'S WORLD WHEAT PRICE WAR; CANADA, AUSTRALIA, AND THE EEC PLEAD FOR MERCY ON THE FARMERS

(Mr. MELCHER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MELCHER. Mr. Speaker, I have obtained tape transcripts of speeches of representatives of three other major wheat exporting nations before the 22d Convention of the National Association of Wheat Growers last week which are of so much importance in the current debate over farm commodity loan levels that I am placing them in the Record.

In every instance, these speakers pleaded with the United States to quit depressing world grain prices. Discarding their diplomatic language, they suggested we throw the grain trade out of the policymaking saddle and listen to our farmer producers for a while.

E. K. Turner, president of the Saskatchewan Wheat Pool, told the American wheat producers that other exporting countries are sold out of wheat and that we have the world market virtually to ourselves until after next July "so why continue to put downward pressure on it?"

"Governments ought to listen more to farmers and less to the members of the grain handling and international grain trade," he suggested.

Mr. Turner, Pierre Malve for the European Economic Community, and Mr. L. V. Price, president of the Australia Wheatgrowers' Federation, all called on us to renegotiate the World Wheat Agreement with minimum price floors that would give producers at least a chance to get a fair price that covers the cost of production and keeps them in business.

These speeches confirm what some of us have known for 2 years—that the United States is leading an international price-cutting war in farm commodities, disregarding the effect on American producers in order to increase volume and recapture a few dollars to narrow the dollar gap. They apparently have no concern about ruining grain farmers and won't even look up from their price cutting long enough to discover it is wholly unnecessary.

Among our customers for wheat, the recent dollar devaluation has been approximately 12 percent. Japan, I am told by the Library of Congress, can now buy as much wheat for about 225 yen as it was getting for 265 yen a few weeks ago.

In effect, devaluation has cut our prices for wheat in world trade about 15 cents per bushel and we not only have not adjusted the price to recapture the producers' loss, we continue to press the price-cutting war.

If anyone thinks that we are going to increase volume by driving out competing nations, they should read what Mr. Turner told our wheat producers in Denver. He said:

> Either we agree to cooperate in an international agreement in international form, or else we cut up each other in the market place on the basis of prices alone.
>
> We're simply going to be in there, and we're going to sell, and we're going to market our grains as competitively as we know how. We tried sitting back and it cost us. I know that Canada can't match the purse that the United States has. But if we are going to go down, we're going to go down fighting on this question.

Mr. Turner suggested—as some of us have been suggesting for a long time, that it is time for U.S. farm policymakers to worry about the welfare of producers, and listen to those producers instead of the grain traders.

I am sure that many of my colleagues in both the House and Senate will want to examine the full text of the three speeches I have mentioned and I am therefore placing them in the body of the RECORD to make them quickly available.

Transcription From Tape of Remarks by E. K. Turner, President, Regina, Saskatchewan Wheat Pool, Canada

I certainly am pleased to have this opportunity to spend a few minutes this afternoon discussing with you something of the Canadian farmers' viewpoint on wheat marketing and international agreement. I want to thank you for your kind hospitality. I have enjoyed it very much in the last day or so since I have been here, and I feel that this mutual exchange that we have can do nothing but good for us.

I am not here to offer advice, but rather to indicate what our attitude is on most of the questions that are real important to us. Hopefully, if we understand each other reasonably well, we can act in such a way that we will have mutual benefits arise out of our attitudes and performance in the marketplace.

I want to raise some questions, maybe make some suggestions. But, as I say, these I am making as much at myself and at our administration as I am with anybody else's.

I noted yesterday that Senator Curtis mentioned several times about priorities in the country—talked about the relative strength of farmers in relationship to other groups in the country. This is a real concern in Canada, because politically our numbers are decreasing and we see our political strength declining. I think we need to compensate for this by consolidating all the strength we have among farmers both in an economic and political way. I don't think it is good enough to just do this within our own country. I think we have to do it internationally, and I think this type of exchange is real useful in this regard.

There is a little incident that happened that illustrates some of the relative importances within our country. A wheat grower friend of mine was in the hospital a while back. He was pretty sick, wasn't feeling very good. He was getting a fair bit of attention from lovely young ladies in white, and he was enjoying it. But they were short of beds in this hospital, and all of a sudden he found a lady who was very frightened had moved into the room across the hall. It was obvious that it wasn't going to be long until she had her baby. So on one day there was a stream of nurses in and out of her room, and they completely ignored Jack altogether. So about five o'clock in the afternoon, one of the nurses came in and said, "We're very sorry, Jack, but you know we've been so busy that we've completely ignored you, and we're apologizing for it. Is there anything you need?" By this time he was a little resentful of all this, and said, "No. You know I'm a farmer. I've been used to this all my life. Everything for labor—nothing for the farmer."

So it may be appropriate for some of the situations you have been facing.

Really, I've been at your meeting long enough—and I was real fortunate to be invited to the Washington state meeting, and I was there long enough to realize that we have a common identity—the farmers in Canada, the farmers in the United States.

Now, north of the border we feel you've got it made, on theory, with PL 480, you've got your certificate program, you've got export subsidies. You know, you seem from our vantage point to be in, you know, downhill with a tailwind.

I suppose when you look across to the north, you see some of the programs that we have, our storage program, modified two-price system (not very good, but it is still a modified one), we've got some freight rate advantages that were negotiated a long time ago, and certainly we have some things built into our production and marketing system that help wheat growers.

But the truth of the matter is that neither one of us has done really enough or achieved nearly enough to make the economic situation on terms of what we would like to see. Maybe we can't do this alone any more. Maybe we have to do it jointly and bring pressures to bear jointly.

Now, we have enjoyed a very high marketing year in Canada, but our prime concern of the farmers is still his net realized income . . . the bucks he has left in his pocket after all the costs are paid. This is the prime concern of the Canadian farmer right now.

Looking at this, there are three main factors: you've got price in your market, you've got the price of the product, and you've got the costs that go into the producing and marketing of products.

Now we certainly are all striving to increase the price in the market. There's no doubt about that. We'd all like to do that. We're not too optimistic in Canada about getting our costs down. Certainly there are things we can do maybe to hold costs, but to ever bring them down from where they are is a pipe-dream. So that probably leaves us one main alternative, and that is to work on the price end of it. So we can diversify into other crops. There's been some mention this morning and at noon about the opportunities for livestock and how this would consume some of our grains and bring in added income. What we're doing, we're increasing our livestock. But even here it is obvious that this isn't going to in itself solve the total economic problem that we have in our grain areas. Our other crops, the alternative for land use, are very little. Really works out to an exchange, and they're all so inter-related that unless there is something done dramatically, we're not going to make enough alternative uses of our land to really solve the problem.

So this brings us, then, to the whole question of market price. I think one of the realities of the world marketplace for grains, particularly for hard wheats, and that is our primary interest in Canada, is that the size of the market not be limited. There are some very real and rigid constrictions on the size of the market. This might not be the case when you get into the lower quality and feeding wheat. I think then they move in and start to compete with feed grains. You may set up a bit of competition between feed grains and wheat. But generally speaking, the market simply won't absorb all of our production. You know, I think that Canada and the United States and Australia all have the ability to overproduce the *effective* market, and I think this is one of the realities that we must face.

Now, I am disturbed—and I think there are lots of people in our country saying it—that all we need to do is to get the price down and we're going to expand the market. I think we have to get rid of this low-price philosophy of exports. I can't understand exporters having this kind of a philosophy. Now, you know the arguments they put up. If you get the price down, you'll force others out of the market, and leave an enlarged market for your own products.

I ask the question: Where is this going to happen? It certainly is not going to happen in one of our three countries. It's not going to happen in the European Common Market, because for the most part, the producer doesn't even know what the world price is. He's not exposed to it. It's not going to happen in developing countries, because they're striving for self-sufficiency any way, and they simply don't have the means to go and purchase the grain that they need to feed their people. So I ask: *Where* is this going to happen simply by lowering the price?

I also ask the people that talk about this: What advantage is it to the producer? To sell 10,000 bushels for $10,000 instead of selling 8,000 bushels for $10,000. It's no advantage to the producer to get rid of 2,000 bushels more grain, but if a disaster hits you don't have 2,000 any more. But it's sure a heck of a good thing for the handling companies and exporters and everybody that's in between the farmer and the market, because they work on margin, and so on. So these are some of the questions I ask in looking at this.

Now, moving on to the whole question of international agreements:

I feel that because of our total dominance in the wheat market, that if the United States and Australia and Canada can agree on terms and conditions of an international wheat agreement that is effective and meaningful to producers, then we can have them. But I think we need to agree that there is a price below which we will not sell . . . an absolute minimum as to where we'll go on price. And if we did this, we could control the world market level for wheat. Why can't we? Canada and the United States did it for 20 years under the other agreement and consultation. But I think as producers we need to indicate clearly to our governments that we will not tolerate unduly low prices for our product.

So really, I guess we have a choice. Either we agree to cooperate in an international agreement in international form, or else we cut up each other in the market place on the basis of price alone.

We're simply going to be in there, and we're going to sell and we're going to market our grains as competitively as we know how. We tried sitting back, and it cost us. I know that Canada can't match the purse that the United States has. But if we are going to go down, we're going to go down fighting on this question. You're strong in both economic and political strength. You've got a lot of muscle in reserve. I don't know if you've lost any of your economic and political muscle in the last year or not—that's a question you should answer.

So I urge you, as producers to insist that your government take the lead in two areas:

The first one is to strengthen the world marketplace for wheat. I am suggesting it at this time because I think it is an opportune time to do it. We sold out our system. We can't sell any more grain—no significant quantities—between now and the end of July, and even beyond that. France has pretty well sold out her production. Well, less talk about what Australia's possibilities are. Russia is not a factor in the export market. She's importing this year. So, when it boils down, you have the market just about to yourselves for the balance of the year. And maybe this is a good opportunity to work the price higher. After all, what is so magic about the price we have today? It's the lowest price we've had in 20 years. Why should we continue to put downward pressure on it?

The second thing, I think you as producers might do is urge your government to take the lead in re-negotiation of an International Wheat Agreement. I say this for two reasons: First of all, you've got a Senate resolution that I understand was passed unanimously urging that this happen. Secondly, you're the dominant nation in world wheat trade and marketing. These are good reasons why I think the United States ought to take the lead in calling for a new agreement.

Now, in Canada, we'll certainly return to the table. If countries that come are prepared to go after an agreement with realistic prices from the producer's point of view. And, also if any agreement is not going to disadvantage any of its members—you, Australia, or us, or the European Common Market, or anyone. We have to come in there in a proper frame of mind to get an agreement. You've got to *want* one.

Finally, and I think this applies to all nations, I think governments ought to listen more to farmers and less to the members of the grain handling and international grain trade, because the interests of these two groups are vastly different. I hope you don't think I'm impertinent. I speak only from a deep concern for the grain producers of all countries. Surely we have the intelligence to jointly work out our mutual problems in a way that will allow us all to survive and prosper.

INTERNATIONAL COOPERATION IN WHEAT MARKETING

(By Mr. L. V. Price)

Wheat is a very important export commodity for Australia. It is grown on about one in four Australian farms and comprises about 11 per cent of our export earnings. In fact, wheat is as important to us as the exports of wheat, flour, tobacco, meat, cotton and coarse grains in total are to the United States. Some 75% of our production of wheat eventually finds its way to export markets. In the case of the United States only 50% of your wheat production is exported.

The orderly marketing of wheat has long been a feature of the Australian wheat scene. As you may know, we have a single marketing authority, the Australian Wheat Board. Although the Board draws its powers from complementary Federal and State legislation, it is in effect grower-controlled.

Orderly marketing, backed by a pooling of returns and stabilisation arrangements designed to avoid extreme year to year fluctuations in returns to growers, gave the wheat industry in Australia a new sense of confidence and security. These arrangements, however, eventuated only after a long hard fight by organised wheat growers through the Australian Wheatgrowers' Federation. The A.W.F. is the policy making body of the Australian Wheat Industry, and has been accepted by successive governments as the mouthpiece of the Industry. Its structure is based on elected delegates from component wheat organisations in each of the five wheat growing states. At this level, twenty-two delegates represent our sixty thousand wheat growers.

The success and effectiveness of orderly marketing in Australia has not unnaturally led the Australian wheat grower to support the application of much the same underlying principles in the field of international wheat marketing.

The wheat grower is always the first to appreciate how pointless it is to have a situation where sellers of wheat are trying to cut each other's throats and buyers are continuously trying to force prices down. It can lead only to chaos. The desire to avoid such chaos has consequently been an important factor in the Australian Wheatgrowers' support for international co-operation.

With this support, the Australian Government has participated actively in the succession of wheat agreements which have regulated the world wheat trade since 1949. These agreements have operated in the interests of orderly marketing and price stability and have had the backing of the major wheat exporting and importing countries.

These agreements illustrate the basis on which international co-operation has proceeded in the past and on which I hope it can proceed in the future. Very simply it has involved the conferring of rights on both the exporting and importing countries involved.

On the one hand the right of the producer to receive a reasonable return for his labour and capital; and

On the other hand the right of the buyer to have continuity of supply at reasonable and stable prices.

To me, in essence that is what international co-operation in wheat marketing is all about.

No doubt the most sophisticated of the post-war wheat agreements was the International Grains Arrangement of 1967.

The IGA represented a considerable step forward in that it endeavoured to bring into operation more effective pricing arrangements over the whole regimen of wheats traded internationally.

In the event, however, as you well know, for a whole complex of reasons the IGA ran into deep trouble.

I think it can fairly be said though that too much blame has been levelled at the IGA for the fall in U.S. exports during 1968/69. In my view it was only one of a number of factors involved. The record will show that world trade in wheat fell by 12% or some 6 million tons in that year and your problem was accentuated by a 50% cut in aid shipments as against the three previous years average.

A comparison of figures also shows that in 1968/69 wheat exports on commercial terms fell in the U.S.A. and Australia by about the same amount.

With the benefit of hindsight however, there is no doubt also that the more sophisticated pricing provisions proved to be too rigid and adherence to the agreed price relativities between different wheats traded internationally led to some distortion of traditional trade patterns.

Exporters were threatened with a "free for all" on prices. The complete collapse of the IGA was imminent and this I believe would have resulted in absolute chaos in all wheat markets and created a real threat to continuing international cooperation. Fortunately, common sense prevailed and in a spirit of co-operation and compromise exporters were able to weather the storm.

In the process, of course, it meant some fairly hard-headed and difficult decisions on the part of a number of important exporters. It meant Operation LIFT for the Canadians; intensified acreage restrictions for you people. And for us in Australia is meant the introduction, in effect, of production restraints in the form of delivery quotas which I can assure you, given our Federal/State arrangements would not so long ago have been regarded as "unthinkable." I know all of us here would have liked to have seen others following the same example.

It was against this backdrop that negotiations for a successor agreement to the IGA took place. I personally was pleased to be able to participate in those negotiations as an adviser to the Australian delegation, representing the Australian wheat growers.

There is no real point in recounting the detail of those negotiations. Suffice to say that some extremely difficult negotiating issues were on the table, reflecting in large measure the fact that those exporting countries which considered that they had been disadvantaged by the operation of the IGA were reluctant to accept new commitments. It became very clear to me that time was needed to heal some wounds. And, in any event, the impending changeover in the Canadian wheat grading system posed additional problems when it came to the specifics of agreeing on, for example, reference wheats.

While fully appreciating the problems involved, I must say that we were disappointed with the final result.

By the same token, however, we did manage to negotiate an agreement which preserves the framework for continuing international co-operation and consultations. And no one should underestimate the importance of this. We also secured a wider membership in the Agreement—this is an equally important achievement.

But we failed to negotiate any specific provisions regarding prices. This was a major disappointment. It has always been clear Australian policy to seek firm and effective floor prices in international wheat agreements—in fact this has been an important element in our support of successive IWA's. Put simply, we believe that the prospect of an agreement achieving its basic objective of stabilising prices at remunerative levels is so much greater if there are appropriate pricing provisions incorporated in the agreement.

It seems to us that without such provisions you run a much greater risk in a period of heavy supply of relapsing into the old time cut throat competition of the wheat dealer with the freedom to sell at any price but with the growers being forced to depend on the support of their Treasuries which, as we have all come to learn, can be a rather unsatisfactory business.

The effects of price cutting will of course be reflected immediately in growers' returns but to my mind this is one of the lesser evils. The real danger would be the difficulty in holding worthwhile forms of production management in the major exporting countries. This in turn must threaten the concept of the family farm unit as the basis of agriculture.

I believe also that growers cannot expect to gain higher returns from a significant increase in the volume of exports. The world market for wheat is obviously limited and attempts by any one exporter to expand considerably its share of this market will quickly be matched up by other exporters—the end result must be detrimental to all exporters involved. It seems obvious to me, therefore, that in the area of price lies the best prospects of obtaining a more remunerative return for our wheat.

Looking ahead, we must be concerned with the prospective balance between supply and demand of wheat. You know as well as I do that the outlook for 1971/72 is not favourable, with world production estimated at a record level, world trade forecast at some 4.5 m. tons below last year's level, and with more exporters than last year competing for that smaller market. Price movements in recent months have indeed reflected the mounting pressures.

Hence we firmly believe that it is in the interests of growers to seek to strengthen the new IWA by having pricing provisions written into the agreement.

Fortunately, the IWA does leave open the possibility of returning to the negotiating table on the pricing aspect during the life of the agreement.

For our part we would hope that it will prove possible to take up this opportunity and I must say we are encouraged by the resolution which was attached to the U.S. Senate ratification of the IWA.

Let me hasten to asure you that I am not suggesting a return to inflexible, rigid or unrealistic pricing provisions. In fact our delegation at the Geneva conference made it clear that on balance we thought the type of pricing provisions incorporated in the 1962 IWA provided the best prospect of making progress in this field.

You may remember that under this agreement the minimum and maximum prices established for the reference wheat were in the nature of a benchmark to which price levels of all other wheats were related. In fact, quality differentials between different wheats were determined by market forces and actual market prices had considerable freedom of movement according to quality, market conditions and changes in freight and exchange rates. I am assured nevertheless by those who are associated with this type of agreement that the pricing provisions did operate to achieve a measure of stability in the world wheat trade.

I would hope therefore that American wheat growers will lend their support to any moves designed to negotiate meaningful and realistic pricing provisions during the life of the present agreement. And let us face it, given the realities of the Geneva negotiating conference, if we Americans, Canadians and Australians are not prepared to grasp the nettle then the prospects of any real progress are indeed thin.

In conclusion, I must say I am convinced that international co-operation in wheat marketing has been in the continuing best interests of growers. I sincerely hope that, in a spirit of goodwill, this cooperation will be maintained in the future with a view to maintaining stable wheat prices and helping to bring more reasonable returns to growers. I repeat what I said earlier—no grower surely wants to see a return to the old-time cut throat competition where the grower is inevitably the one who misses out at the end of the day.

Speaking for Australian wheat growers, I assure you of our willingness to co-operate in every way possible in lending our unqualified support to continuing co-operation in world wheat marketing.

For the Development of Dynamic Agricultural Cooperation Between the United States and Europe Through Negotiation of a New Type of International Commodity

(By Mr. Pierre Malve)

INTRODUCTION

I would like to thank Mr. Gene Moos, President of the National Association of Wheat Growers, Mr. Jerry Rees, his dynamic Vice-President, and the members of the National Association of Wheat Growers for giving a representative of the European Economic Community an opportunity to address its convention in Denver.

Relations between the United States and the European Economic Community, in view of the difficulties of the American balance of payments and of the enlargement negotiations of the EEC, have been a major focus of attention during 1971.

The December monetary accords in Washington have not brought an end to discussions relative to trade between the United States and the European Community and particularly to the positions taken concerning the real and supposed effects of the common agricultural policy on U.S. agricultural exports.

The common agricultural policy is seen by many Americans as an "apple of discord" between the United States and the European Economic Community. Reflection and objectivity must be exercised on both sides of the Atlantic in order to arrive at a better comprehension of the interests at hand.

But it is necessary also to use some imagination in cooperating in the search for solutions compatible with the agricultural policies of both parties and with the fundamental conditions of agricultural markets around the world.

Utilizing my past experience with the Kennedy Round and my daily confrontation with both American and European preoccupations, I would like to make some personal reflections today which may prove useful in helping to find mutually acceptable solutions. With this end in mind, it is necessary for me:

First, to examine quickly the agricultural policies of the European Community and of the United States in order to show how, in both cases, the formulation of the best possible agricultural policy is a difficult task.

Then, to try to show that finding solutions for the preoccupations expressed in the United States as well as in Europe demands commitments on the very contents of the agricultural policies and translation into international commodity agreements.

I. The difficulties in establishing an agricultural policy compatible with the farmers' interests, the demands of trade and the situation of international markets for agricultural products are real, in Europe as in the United States

A. It should be stressed that the common agricultural policy does not merit all of the criticism it receives:

1. It is easy to show the importance of agriculture in the European Community while recalling that in 1969, Community farm workers totaled 10 million as compared to 4 million in the United States. At that time, farmers comprised 14.2% of the total Community population, but only 4.8% in the United States. Agriculture represented 6.2% of the Community gross national product in 1968, as compared to 2.9% of the United States' G.N.P.

For the majority of European farmers, agriculture is not only a means of earning a living, but it is a way of life to which they remain very attached.

Even in the United States, the human and economic interest in maintaining the family farming is recognized. The new Secretary of Agriculture, Mr. Butz, before the House Agriculture Committee, declared himself to be in favor of family farms, providing they have sufficient flexibility to adapt to the conditions of the modern economy and to secure a modest profit for the farmer and his family.

European farmers ask for no more, and that is also the objective of the governments of the Member States and of the institutions of the Community.

2. It must be understood that the Community cannot renounce the principles fundamental to the common agricultural policy.

Among its fundamental principles are the Community preference and financial solidarity, both of which are absolutely essential for the integration of the different agricultural systems—German, French, Italian, Benelux, and tomorrow, British and Scandinavian—into a single market.

In a country such as the United States where the Buy American Act gives an advantage to American products in all kinds of government procurement even if the American price is 50% higher than the price of foreign products in the case of defense contracts, it is easy to understand Community preference.

As for financial solidarity, it corresponds to inclusion in the federal budget of the United States, that is, funding by all of the American taxpayers, of agricultural subsidies, the volume of which naturally varies according to state.

3. Another important element of the common agricultural policy is the variable import levy system.

The variable levies are intended to protect the level of internal prices while preventing products purchased externally to be imported at price levels lower than those judged necessary for domestic production.

The protection of internal price levels is one of the essential objectives of all agricultural policies, and only the means differ from country to country, certain countries preferring to use import quotas.

It is often forgotten that the introduction of variable levies in the Community for the most important products such as grains, has brought about the disappearance of quantitative restrictions which, in certain Member States, used to arbitrarily limit trade flows. Furthermore, the collection of variable levies on imports has positive aspects with regard to competition, for it neutralizes any attempt to penetrate the market by using abnormally low prices.

Thus, variable import levies assure the uniformity of the import conditions in the European Community, no matter the point of entry into Community territory.

However, the situation has become complicated during the past two years since the changing of certain monetary parities and with the introduction of floating exchange rates. The Community has had to impose countervailing duties, among the Member States as well, in order to maintain the uniformity of the conditions of access to the Community and the free circulation of agricultural products among Member States.

The most recent import measures have, then, no discriminatory character regarding any one trading partner, but constitute only one example of the application of the fundamental principles of the common agricultural policy.

4. In the United States, the high prices for certain agricultural products in the Community are often criticized. The effort made in recent years to limit their increase is underestimated.

The European Community willingly recognizes that cereal prices, for example, were determined originally much more on the basis of political considerations, that is, by the necessity of arriving at an accord among the Member States, than as a function of their economic rationale.

One must not forget, however, the concessions made by agricultural producers of the Federal Republic of Germany when the common prices were first set in 1966.

Since then and until March 1971, the prices of agricultural products have remained unchanged in nominal value, which represents a decrease in real value in view of rising costs of production.

Since the monetary readjustments in France and Germany during 1969, French producers have not benefitted from all of the upward readjustments of agricultural prices made possible by the devaluation of the franc in relation to the unit of account of the common agricultural policy; and German farmers have seen the prices of their agricultural products lowered by the revaluation of the Deutsche mark.

The Governments of the Member States and the institutions of the Community are confronted at this moment with a demand of revaluization of the prices of agricultural products based on the evolution of production costs, the constant rise of which has unacceptably reduced agricultural income. This situation has accelerated the rural exodus which, in the Community, will affect some 500,000 people per year.

It is however important to note that the Community is in the process of modifying progressively the method of fixing agricultural prices, basing itself, in the future, on the best run and most efficient farms. For the least competitive farmers, and notably for farmers between the ages of 45 and 55 and who would agree to retire after age 55, direct aid grants could be ultimately envisioned. Moreover, price policy is aimed at encouraging a transfer of activity toward animal production at the expense of vegetable production.

5. The Community is already engaged in an important reform of agricultural structures.

The great architect of the common agricultural policy, Mr. Mansholt, Vice-President of the Commission of the Common Market, has for a long time stressed the limits of price policy in assuring satisfactory income for the entire agricultural population. He insisted on a reform of agricultural structures.

From 1958 to 1969, the agricultural population decreased from 15 million to 10 million farmers, but there are still 6 million farms in the Community. The average size of Community farms is only 11 hectares, of about 27 acres, and farms larger than 50 hectares or 125 acres represent only 3% of the total

It is sometimes heard in the United States that after three years of discussion, not much progress has been made in the application of this plan. This notion results from the fact that the importance of the reforms envisioned has not been recognized.

The Mansholt Plan is aimed at reducing the agricultural population of 10 million to 3 or 4 million people in about ten years, and the total acreage under cultivation by 12.4 million acres, or about 6% of the present acreage over the same period.

Mr. Mansholt is seeking also to increase the size of existing farms without however unduly increasing total production.

Among the measures envisioned for the implementation of this program, one must distinguish between the following categories: measures in favor of farmers who wish to retire from agricultural activity, selective grants for those who will be able to modernize their farms and become competitive, grants to groups of producers who apply restraints in production and marketing, and the vocational training of the sons of farmers.

The financial contribution of the Community will be 25% of the total expenses for business enterprises on the Community level. This contribution is expected to rise to 65% in the least competitive areas.

The Mansholt Plan, debated in governmental circles, in agricultural organizations, and by the public, has led to an unprecedented awareness of the magnitude and the complexity of the agricultural problem. One is now convinced that no reform is possible for agriculture without the consent of the interested parties. It is apparent also that such a reform could not succeed if it were not accompanied simultaneously by the creation of jobs industry and services, by a regional development policy, by a social policy, and by considerations relative to the environment and to soil conservation.

The first decisions implement the Mansholt Plan were made by the Council of Ministers in March 1971, but one should not underestimate autonomous actions by the Member States which precede or are inspired by the contents of the Mansholt Plan.

6. The risk of creating surpluses through the common agricultural policy is often emphasized externally as well as internally.

The preferred example was that of the accumulation of "mountains of butter" but the experience showed that this situation was only temporary; today, the dairy surplus has totally disappeared.

As for cereals, the acreage under cultivation has not increased, and the growth of production is due exclusively to the improved yields.

It is important to keep in mind that at the present time, direct control of production still presents great difficulties in the Community. The introduction of production quotas would have the effect of freezing the present situation and of opposing specialization of production in the different regions of the E.E.C.

A good example of the risks taken is given by the sugar policy. The introduction of production quotas for the cultivation of sugar beets led to the setting of quotas for each of the Member States which on the whole have permitted an increase of the total production of the Community.

Moreover, the enormous number of small farms makes it difficult to introduce in Europe a policy comparable to the American "set-aside" policy.

7. The Community feels that it has been very careful in its policy of export subsidies.

There has been too much emphasis in the U.S. on the Taiwan case which enabled some exporters, by taking advantage of loopholes in the Community rules, to export grains to the detriment of American interests. But this case was the result of an accident.

The Community has no intention of taking over traditional American markets by an aggressive use of export subsidies. It is ready to give assurances on this point.

8. The Community feels that the U.S. is too preoccupied with criticizing the CAP, while refusing to acknowledge what good markets it enjoys for its agricultural exports.

From 1960 to 1970, the U.S. had a trade surplus with the Community, averaging 2 billion dollars a year and this surplus reached $2.4 billion in 1970, for total agricultural and industrial trade with Europe.

This trade surplus toward the Community is of particular importance in view of the concern shown by the U.S. Government about the balance of payments of this country.

From July 1970 through June 1971, American agricultural exports amounted to 7.8 billion dollars, setting a new record and representing a 15% increase over the previous year. In fiscal year 1971 as compared to fiscal 1970, these exports to Japan increased by 11.5% while exports to the E.E.C. increased 27%. Total agricultural exports to Europe during the same period rose from 1.4 billion dollars to 1.8 billion dollars.

It is interesting to note that these exports toward the Community of variable-levy commodities have increased more than the non-variable commodities, rising from one fiscal year to the next from 351 to 480 million dollars. Wheat exports rose from 42 to 82 million dollars and feed grains exports went from 248 to 348 million dollars. Exports of oilseeds and poultry, that is, both raw and processed fiscal year 1970–1971.

It is necessary that the United States recognize that the E.E.C. cannot import simultaneously grains, feedstuffs, soybeans, meat, and poultry, that is, both raw and processed commodities. Likewise, regarding raw commodities, American exporters and the U.S. Government must admit that commodities serving the same purpose in the Community like feedgrains, soybeans and feedgrains, compete against each other. Therefore, the outlets for individual commodities may fluctuate from year to year while the overall value of imports of these products continues to increase, demonstrating once again the importance of the Community market for American agricultural producers.

B. If one considers the situation of American farmers and the agricultural policy of the United States, one finds much in common with the common agricultural policy of the E.E.C.

1. Just as European producers do, American farmers complain about the inadequacy of their income. Discussions concerning the level of support prices in relation to parity prices during the reference period are a striking example of this.

European farmers noticed also the protests of their American counterparts against decreases in the October 1971 selling price of wheat as compared to the October 1970 prices—and they protested even more against the drop in corn prices.

Europeans are attentively following the development of the operations of the Commodity Credit Corporation, the plans aimed at raising price support by means of so-called strategic stockpiles of wheat and feed grains, and, especially, the proposal for a 25-per-cent increase in the support price of corn.

Happily, Community farmers have not yet had the idea of asking for a 25-per-cent increase in their guaranteed prices for wheat or corn!

2. The prices of cereals may appear high to American producers, but American milk prices are higher than those in the Community.

The support price of milk increased by 48 per cent between 1964 and 1970 in the United States but only by 5 per cent in the Community during the same period. The support price of milk has just been set at $10.27 per 100 kg in the United States, higher than the Common Market guaranteed price of $9.85 per 100 kg.

As far as American sugar producers are concerned, guaranteed prices in June 1971 were 8.4 cents a pound or nearly double the world market price at that time.

I do not mean to say that milk and sugar prices are too high in the United States; I simply want to emphasize that the European Economic Community does not have a monopoly on high agricultural prices.

Perhaps we should admit, in Europe as well as in the United States, that not only do agricultural prices respond to economic conditions but also to political and social imperatives which do not always permit adoption of the most rational policy.

3. It is surprising to find that in a country whose agriculture is as modernized and rationalized as is the United States, conflicts similar to those existing in Europe are found.

The American critics of the C.A.P. often point out that the price policy followed until now by the Community offers exaggerated profits to the most modern farming units without guaranteeing a satisfactory income to the very small farms. The Community, while pointing out that the C.A.P. is only a few years old, is more and more convinced of the limitations of a policy of high prices and of the inequities which it may cause.

However, when one hears that in 1970 out of 2.9 million farms, in this country, 226,000 or 8% receive 55% of the income from sales of agricultural commodities, one wonders whether the situation is very different in the U.S.

Also, I would like to refer briefly to the impact on American agricultural incomes of the set-aside policy which enables the biggest farming units, those which can set aside land, to receive subsidies.

In the U.S. as well as in Europe, one hears discussions of the family farm versus agribusiness. One hears too in the U.S. that the efficiency of big farms over traditional farms is debatable if it results in lower-quality products. For example, it is claimed that the quality of tomatoes has declined in the U.S. because machines can pick only hard-skinned tomatoes.

Therefore, there are a growing number of American farmers who think, as the European farmers do, that in order to determine the adequate level of agricultural prices, and the location and type of production, it is not sufficient to apply only the criteria of efficiency and profit in terms of industrial businesses.

4. It is also important to note that U.S. agricultural policy is not a policy favorable to free trade for all products. Like any other agricultural policy, it has its strong points and its weak points.

Since 1955, the U.S. has enjoyed a waiver to the G.A.T.T. rules in quantitative restrictions on imports, a situation which is no longer justified.

The U.S., while urging the opening of foreign markets to its grain exports, practically excludes dairy product imports from its own market. It has been noted in the G.A.T.T. that these quantitative restrictions are so effective that, from 1968 to 1970 imports of dairy products into the United States have been equivalent to only 1.5 to 1.7 percent of U.S. dairy production. It is feared that the political strength of the American dairy industry may worsen the present situation.

The Community has offered, so far without success, to respect a certain minimum price level when exporting cheese to the American market so as not to interfere with the American milk support policy.

The members of the National Association of Wheat Growers know very well that the U.S. policy of import quotas is not limited to dairy products.

5. When criticizing the protection and the financial support offered to Community producers, there is a tendency in the U.S. to overlook the protection and the support given to its own agriculture.

The E.E.C. had a comparative study made of agricultural support in the U.S. and in Europe. If all forms of support were eliminated on both sides of the Atlantic, the results would be a 44% decrease in income for the American farmer and a 50% decrease for the Community farmer.

Actually, support per producer would be higher in the U.S. where it averages $1,300, whereas in Europe it is only $900.

Such figures can always be challenged but the magnitude is nevertheless significant.

6. Partners of the United States are sometimes concerned by the importance placed on the role of agricultural exports in the U.S. trade balance and the balance of payments.

The set-aside policy produced unexpected results during the last crop year, if measured by the increase in acreage under cultivation, the size of the wheat and corn crops and the amount of carryover. These surplus crops may put considerable pressure on international markets.

Moreover, the goals defined for agricultural exports are a matter of concern. During FY 1970–71, the U.S. has set a new export record of 7.8 billion dollars, but from different sources one sometimes hears that everything must be done to reach a 10-billion dollar level of agricultural exports.

One may ask what are the products the U.S. plans to export to obtain, even after many years, such a result, what are the solvent markets to which they can develop their exports and what policy does the U.S. intend to follow to achieve such a goal.

The U.S. is not and cannot be the only exporter of agricultural commodities. Other countries compete with the U.S. on the E.E.C. market. Competitors include both industrial countries and developing countries. The devaluation of the dollar in relation to European currencies, is going to make it more difficult for the other exporting countries to compete against U.S. exports of non-variable levy commodities.

Let us hope that the exporting countries do not develop policies of currency devaluations to regain their competitive position on the import markets.

In this respect, the U.S. and the Community should pay more and more attention to the interdependence of agricultural and commercial policies and to the community of interests resulting therefrom.

II. The United States and Europe should be able to reconcile the particulars and the requirements of their agricultural policies and their objectives for trade in agricultural products by negotiating a new type of international commodity agreement

A. There will be no possible cooperation and consequently no real solution to the agricultural difficulties between the United States and the Community without a global approach, taking into consideration the present agricultural policies of the principal producing and exporting countries and the objectives to be reached on the world market

1. It is most important to be convinced of the limits of an aggressive export policy founded on the lowest possible prices to win new markets.

The first limits of such a policy can come from agricultural producers themselves who will judge that the export price levels do not assure them satisfactory payment. In reality, within a given country, an export policy founded on very low prices quickly results in a divergence of producers' and traders' interests. The policy is certainly easier to practice in a country where representation of commercial interests in the decision-making organisms counterbalances or outweighs the representation of agricultural producers themselves.

Such a low-price policy is only partially justified by considerations of consumer protection. The expenses in the family budget are quite different in 1971 from what they were in the recent past. The share of basic agricultural products is smaller and smaller if one compares it either to the cost of processing, preparing, and advertising the products delivered to the consumer, or to other types of expenses in the budget.

Moreover, the industrialized countries with extensively developed agricultural sectors which defend the lowest possible agricultural export prices can harm developing countries whose export resources are not as diversified and who complain bitterly about constant deterioration of the terms of exchange and the decrease of their export income.

Finally, this low-price export policy is of little interest for the countries which export to the Community as the latter protects its internal price levels by variable import levies offsetting any downward fluctuation in pseudo-world market prices.

2. For the most important agricultural products, it is no longer possible to arrive at satisfactory settlements in a bilateral framework.

Relations between the United States and the Community have provided many examples of the insufficiency of bilateralism in the case where several countries agree to grant export subsidies on a specific market. Countries that develop their production of agricultural products are numerous. As a result, there are a limited number of solvent import markets, and competition for exports is accentuated.

The agreement which the United States and the European Community will certainly reach concerns the policy of wheat stockpiling. The agreement is an indication of the good will of the American and European partners. But it is evident that the scope of such an agreement is bound to be limited if, at the same time, the other wheat producing and exporting countries do not impose the same constraints but, to the contrary, seek to profit from the policy followed by the United States and Europe.

3. It is not possible either to solve the problems of international agricultural trade without taking into consideration the content of the agricultural policies themselves—that is, production policy and price policy—together with commercial policy and the instruments of commercial policy in agriculture.

Experience in G.A.T.T. over the years should have convinced us that most countries have developed very complex agricultural policies, characterized by governmental intervention to protect the farmers and that agricultural support is generalized.

Often, a country cannot agree to negotiations dealing only with a single aspect of its import policy, because this might unbalance its entire agricultural policy. On the other hand, the negotiation of a single instrument may turn into a fruitless exercise for an exporter if the instrument is only a secondary element of the import regulations.

Future agricultural negotiations, therefore, in order to be possible and effective, must deal with the content of these policies, the nature and the amount of the support given to the producers, and all the instruments which ensure this support.

4. An agricultural negotiation must also take into account the dimension and the characteristics of what is conventionally and too often called the world market.

The world market is a myth if by this one means a market in which the law of supply and demand operates freely. The world market, or rather the various agricultural markets which comprise the world market, is a place where a balance of power and price-fixing too often depend upon the existence or non-existence of surpluses and upon the amount of export subsidies available in the exporting countries.

The U.S. and the Community should recognize that free trade is a myth in agriculture, in view of the use by both of support measures and the intervention agencies like the Commodity Credit Corporation or the European Agricultural Guidance and Guarantee Fund.

Because the United States and the Community have at their disposal financing that is not available to other countries, they have an every greater responsibility in the functioning of the world market. The U.S. and the Community should, for certain commodities, make a common effort to promote the determination of an adequate price level on the world market and to contribute to price stabilization. The result would be not only the normalization of the conditions of competition by obliging exporters to respect these prices, but also a response to the expectations of numerous developing countries.

B. The United States and the European Economic Community should consequently cooperate in the drafting of and in the negotiation of international commodity agreements which reflect their community of interests and complement their agricultural policies while offering a framework within which to conciliate those interests which may be divergent

1. It seems to me necessary to return to the proposals of the European Economic Community in the Kennedy Round for the conclusion of international agreements for a large number of agricultural products such as grains—and not only wheat—dairy products, meat, oils and oil products.

Without dwelling too long on lost opportunities in the Kennedy Round, some ideas advanced at that time might inspire reflections that would be useful for future negotiations. The most interesting example is grains.

The Community proposed simultaneously 1) to proceed with the negotiation of a minimum-price level to be respected in international trade for each kind of grain, 2) to consolidate the margin of support to be given by each country to agriculture, 3) to make a commitment on a self-sufficiency ratio, and finally 4) to accept to include in such an international agreement provisions for food aid.

The negotiation of a minimum price for grains sold on the world market appeared necessary in order to assure the maintenance of an adequate level of payment to the exporters and to avoid a competitive lowering of prices. It was hoped that under the future agreement, prices would normally remain above the minimum reference price. The Community proposed to negotiate also the quality differentials to take into account, for each grain, quality differences in relation to the reference quality chosen to be the subject of the negotiations on the minimum price level.

The margin of support represented the amount of government aid given to the commodity under consideration. The consolidation of the margin of support meant, in the case of the Community, that it was ready to freeze the difference between the internal grain prices of the E.E.C. and the new world prices negotiated, this freeze being valid for a period of three years. The Community accepted thus not to raise its internal prices during this period. The consolidation of the margin of support meant also that the amount of subsidy given to exports was henceforth limited by the requirement of respecting the level of the international minimum prices negotiated in the agreement. The commitment to a policy of Community prices doubled thus into a commitment to a policy of subsidies.

The negotiation of a self-sufficiency ratio completed the preceding agreements. By self-sufficiency ratio is meant the relationship between internal production and consumption. If the ratio were to increase in the future, resulting in an increase of internal production, the Community committed itself to refrain from offering surpluses on the commercial market. This was in fact an indirect Community commitment on production policy. Such a commitment obliged the Community to increase its stockpiles, or to increase its food aid, or, eventually, to take autonomous steps to reduce its production.

2. The international agreements would permit an easier conciliation of divergent interests of the U.S. and European agriculture.

It is important to point out that these proposals of the E.E.C. had been agreed to by the agricultural organizations of the Community after much discussion.

The sacrifices which the Community farmers had accepted concerning price policy or the eventual consequences of the ratio of self-sufficiency on production policy, were, in their opinion, balanced by the possibility of obtaining a better organization of the world market, a price level which would be recognized and respected in international trade, a confrontation of the substance of the various agricultural policies, and equitably distributed commitments for support. International agreements facilitate reciprocity and a balance in the commitments.

The notion of self-sufficiency ratio appeared as a kind of safeguard against the proliferation of anarchistic production policies and showed the interdependence of the production policies.

Such agreements, if they could have been concluded, would have been additionally important because of their development.

The observance of the commitments would have promoted acceleration of the structural reforms in the various countries. Attention could have been directed progressively to the coherence of the self-sufficiency ratios and the volume of the commercial and non-commercial demand. Food aid could have been conceived not as an obligation to assume in order to achieve signature of the Kennedy Round, but as an element of a policy of the industrialized agricultural producers in support of development assistance.

3. Considerable effort was required to persuade certain groups within the American Administration and within certain large U.S. agricultural organizations that there was a sound basis for international commodity agreements.

Actually, this is also true for the Community, for it is not at all certain today that the producers, not to mention certain Member State governments, would be prepared to make commitments on price policy of the type envisioned in the Kennedy Round, which are felt as being too constraining.

It can be difficult to go back to certain ideas advanced in the Kennedy Round without first modifying them, such as the freezing of the prices for three years. It would be necessary to find formulas for adapting them which would take into consideration modifications of the general price index, the rate of inflation, allowing some flexibility in the commitments for support. It should even be possible to vary these commitments according to the commodities, the countries and even the policies adopted as long as it is possible to prove that they are equivalent from one country to another.

In the same way, it would be necessary to find a formula giving greater flexibility to the level, in international trade, of minimum prices fixed in the agreements as well as to the quality differentials determined for each category of products. Notably, it is necessary to be able to adjust these prices and these quality differentials in the course of the duration of the agreements if adjustment proves necessary, entrusting these powers to an ad hoc committee created in the framework of the agreement, closely associating all interested countries in the decision. The international agreement in this area must be an instrument of permanent cooperation.

Commitments on production policies must certainly be very progressive. Such commitments would be easier to make if they left to the countries concerned the responsibility of independently adapting their production measures with respect to the commitments made.

Likewise, it is desirable that the agreements should not be uniform, the agreement on dairy products differing in its contents and form from the agreement on grains, and the agreement on meat being of still another type. What is essential is that the commitments deal with the actual content of the policies.

International commodity agreements must allow for change and must adapt to circumstances. To wish to organize the international markets does not mean to formulate rigid rules and a narrow framework incompatible with the expansion of trade, the dynamism of trading companies, and the constant adjustment to new situations.

4. International agreements constitute the appropriate framework for cooperation between the Untied States and Europe to expand food aid to developing countries.

In the developing countries great hopes for the increase of agricultural production have been placed in the Green Revolution. Spectacular results have been obtained in India, which is not to say that even in that country food problems have been actually solved.

In reality, the most recent studies show that improvement of agricultural production has only followed the demographic advancement. One could calculate that in Brazil, for example, if the rate of increase of agricultural production per inhabitant were maintained at its usual level of 0.7%, it would take 100 years to double a food supply that is insufficient today. In Egypt, it would take 140 years.

Present rates of growth of agricultural production are even declining in Algeria, Tunisia, and Morocco.

Food aid is not however a cure-all and should certainly not constitute an easy way of exporting surpluses. But the United States and Europe have sufficiently diversified agricultural production so that they can be adapted to the production of commodities which are most necessary to the undernourished countries.

The effect of price stabilization of products exported by developing countries by means of the negotiation of a minimum price in international agreements, combined with an improvement in the present conditions of food aid, would be to accelerate the promotion of these countries to the rank of consumers of more and more diversified agricultural products which cannot be produced on their soil, thus beginning progessively a new phase in the expansion of international trade in agricultural products.

CONCLUSION

In conclusion, the U.S. and Europe, whether it be the Europe of Six today or, very soon, the Europe of Ten, with the entry of Great Britain, Ireland, Denmark, and Norway, have many reasons to seek the means of a true cooperation in agriculture. On both sides, the number of producers is very large, the economic interests at stake very important, and the political problem cannot be underestimated.

The enlargement of the EEC requires, no doubt, a new definition of the economic and commercial relations between the U.S. and Europe, which will result notably from a large scale negotiation in which the EEC has already stated it is ready to participate at the appropriate time.

The negotiations concerning agriculture will be an important and sensitive part of these negotiations and consequently, require thorough preparation.

The negotiation of international commodity agreements, adapted to the particular characteristics of the commodities of agricultural policies and of the markets for these commodities, is desirable because it substitutes dialogue for brutal confrontation and conciliation of interests for shows of strength.

By taking into account the substance of the various agricultural policies, international commodity agreements would make it possible to take advantage of the vitality of the family farm as well as of the dynamism of the big enterprises.

Agreements would also enable rich and industrialized countries, by means of a food aid program, to help in the economic development of those parts of the world which are the most disadvantaged.

European agriculture is going through a complete transformation, but it is enough to look at American policy to realize that there is no ready-made solution and that it requires time. American and European farmers should readily admit that they cannot thrive to the detriment of each other.

Farmers, in Europe as in the U.S., are an important political force. That fact emphasizes their responsibility, along with the responsibility of governments, to develop dynamic cooperation between the U.S. and Europe in the agricultural sector.

PAY BOARD REJECTS COST OF LIVING COUNCIL'S ATTEMPT TO SUBVERT THE WILL OF CONGRESS IN EXEMPTING LOW-PAID WORKERS FROM WAGE CONTROLS

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, in enacting the Economic Stabilization Act Amendments of 1971 the Congress included a section—title II, section 203(d)—which provides:

> (W) age increases to an individual whose earnings are substandard or who is amongst the working poor shall not be limited in any manner, until such time as his earnings are no longer substandard or he is no longer a member of the working poor.

The legislative history of this provision makes it quite clear that the intent of Congress was to define "substandard earnings," and "working poor," to mean a level of income of $6,960 annually.

The language exempting low-paid workers originated in the House—my bill, H.R.11406. The House Banking and Currency Committee report states with respect to this language:

> It is the intention of the Committee that this exemption from control apply to all persons whose earnings are at or below levels established by the Bureau of Labor Statistics in determining an income necessary to afford adequate food, clothing, and shelter and similar necessities. (Report No. 92-14, p. 5)

Despite this clear legislative history, the Cost of Living Council recommended that a wage rate of $1.90 per hour—less than $4,000 per year—should be used and asked for the views of the Pay Board. Yesterday, January 19, the Pay Board rejected this definition and adopted the following resolution:

> It is the sense of the Pay Board that the $1.90 figure recommended by the Cost of Living Council is inconsistent with the purposes of the Amendments to the Economic Stabilization Act and supporting analysis.

It is certainly appropriate that the Pay Board did reject this recommendation by the Cost of Living Council. The memorandum, prepared by the Cost of Living Council to support the $1.90 figure, was laced with errors of fact and conceptual misunderstanding with respect to the problem of exempting the working poor.

The memorandum begins by saying that the term "working poor" is "usually associated with the low- or minimum-income level, developed annually by the Office of Management and Budget and currently at a level of $3,968 for a family of four."

This statement is wrong in several respects. The OMB figure is called the "poverty line," or "poverty level." In fact, no governmental agency has defined the term "working poor." However, the Congress did make very explicit that the $6,960 figure is what was intended.

The memorandum also states:

> The legislative history (of the low-paid worker exemption) suggests that consideration should be given to the measures developed by the Bureau of Labor Statistics as modest but adequate income for a typical urban family of four, currently $6,960.

As I have indicated earlier, the legislative history does not "suggest that consideration be given." It explicitly keys the low-wage exemption to the levels established by the Bureau of Labor Statistics.

Furthermore, the BLS family budget figure of $6,960 is not described as "modest but adequate." This figure is described by the BLS as a "lower budget." It is in fact entitled "U.S. Average Budget Cost for an Urban Family of Four at a Lower Level."

This lower level budget is based on a four-person family, with one wage earner—the husband—the wife who is not employed, a 13-year-old boy and an 8-year-old girl. This is specifically considered to be a one-wage-earner family. The budget would be higher if the wife were employed, because of the additional expenses connected with her employment.

In addition, this $6,960 figure was promulgated by the BLS in 1970, and was therefore based on 1969 data. Updating it to account for cost-of-living increases through 1972 would mean an increase of up to 15 percent.

One of the most unfortunate aspects of the Cost of Living Council's rationale is its statement that employment by other family members is a means of augmenting the earnings of a low-wage prime wage earner. It states that "on a statistical average the number of workers in a family is 1.7." And then it uses this 1.7 figure to reduce $3.35 an hour—$6,960 for 2,080 hours—to $1.97 an hour. The $1.97 per hour is then rounded off to $1.90 per hour for no particular reason.

There are many errors in this analysis. According to the Census Bureau, there was an average of 1.7 wage earners per family in 1970, but this figure represented an average of all families, whose average family income was $11,106. However, Census data on families whose incomes were less than $7,000 in 1970 show the following:

Of families with incomes below $7,000 annually, 62 percent had only one earner. Therefore, the appropriate average number of workers for these low-income families is much less than 1.7. Furthermore, a large percentage of these secondary wage earners work part time and are paid quite low for the little time they do work. So, it is certainly not appropriate to reduce the $6,960 figure on the assumption that secondary workers are in fact working very much or are paid very much.

Thus, the analysis by the Cost of Living Council is made up of a series of very serious statistical errors which all go to reducing unreasonably the BLS $6,960 figure.

In addition, from a philosophical point of view it is unacceptable to state to the working poor that they are expected to have more than one wage earner in the family, in order to be able to attain a barely adequate standard of living. Congress certainly did not intend such a perverse concept to be the benchmark for setting the definition of substandard earnings.

Another error is the assumption that the average worker works somewhat over 40 hours a week for 52 weeks a year. As a matter of fact, the average weekly working hours in the past 4 years has been less than 38. This is another example of the way the Cost of Living Council rationale chips away at BLS $6,960 figure.

Only today the Cost of Living Council exempted from any controls 40 percent of the rental housing in the country and 75 percent of the retail establishments. Thus, broad areas of the economy are being decontrolled. It is absolutely unconscionable to put the heavy hand of wage controls upon the wages of the working poor. To do so would violate the express will of Congress. I again urge that the Cost of Living Council carry out the express intent of Congress and promulgate an exemption from wage controls for workers earning less than the BLS figure of $6,960 per year.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PETTIS (at the request of Mr. GERALD R. FORD), for the week of January 17 on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. SPENCE) and to revise and extend his remarks and include extraneous matter:)

Mr. HALPERN, for 5 minutes, today.

(The following Members (at the request of Mr. RUNNELS) and to revise and extend their remarks and include extraneous matter:)

Mr. THOMPSON of New Jersey, for 5 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. O'NEILL, for 5 minutes, today.

Mr. BURKE of Massachusetts, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MAHON and to include extraneous matter, tables and statistical data.

(The following Members (at the request of Mr. SPENCE) and to include extraneous matter:)

Mr. HOGAN in 10 instances.

Mr. SCHERLE in 10 instances.

Mr. ASHBROOK in three instances.

Mr. MCDADE.

Mr. DERWINSKI in three instances.

Mr. HALPERN in three instances.

Mr. MINSHALL.

Mr. BROOMFIELD in two instances.

Mr. SCHMITZ in three instances.

Mr. BROYHILL of Virginia in two instances.

Mrs. DWYER in five instances.

Mr. MCCLORY in three instances.

Mr. DON H. CLAUSEN.

Mr. PETTIS.

Mr. ESCH.

Mr. SMITH of New York.

(The following Members (at the request of Mr. RUNNELS) and to include extraneous matter:)

Mr. ROSTENKOWSKI.

Mr. WALDIE in six instances.

Mr. BIAGGI.

Mrs. HICKS of Massachusetts.

Mr. MAZZOLI.

Mr. HAMILTON in two instances.

Mr. PICKLE in five instances.

Mr. MAHON.

Mr. CARNEY.

Mr. BURKE of Massachusetts.

Mr. RARICK in three instances.

Mrs. GRASSO in 10 instances.

Mr. GONZALEZ in three instances.

Mr. MILLER of California in five instances.

Mr. RODINO in two instances.

Mr. RYAN in three instances.

Mr. BRASCO.

Mr. HAGAN in three instances.

Mr. STEED in two instances.

Mr. ROGERS in five instances.

Mr. MCKAY.

Mr. ROONEY of New York in two instances.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 382. An act to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

ADJOURNMENT

Mr. RUNNELS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 27 minutes p.m.), under its previous order, the House adjourned until Monday, January 24, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1462. A letter from the Secretary of Agriculture, transmitting the Fiscal Year 1971 Annual Report of the Rural Electrification Administration; to the Committee on Agriculture.

1463. A letter from the Director of Civil Defense, Department of the Army, transmitting a quarterly report for the period ended December 31, 1971, on property acquisitions of emergency supplies and equipment, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1464. A letter from the Deputy Chief of Legislative Affairs, Department of the Navy, transmitting certain petitions which were forwarded to the Secretary of the Navy for transmittal to the Congress; to the Committee on Foreign Affairs.

1465. A letter from the Assistant Secretary of Health, Education, and Welfare for Legislation, transmitting a report of the estimated cost of S. 1598, "The Health Rights Act of 1971"; to the Committee on Interstate and Foreign Commerce.

1466. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a report on positions in grades GS-16, GS-17, and GS-18 in the Immigration and Naturalization Service during 1971, pursuant to 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

1467. A letter from the Director, National Science Foundation, transmitting notice of a planned adjustment in the National Science Foundation fiscal year 1972 program for computing activities in education and research, pursuant to section 6 of Public Law 92-86; to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 1552. A bill to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes; with amendments (Rept. No. 92-764). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 3338. A bill to designate the Pine Mountain Wilderness, Prescott and Tonto National Forests, in the State of Arizona; with amendments (Rept. No. 92-765). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 3339. A bill to designate the Sycamore Canyon Wilderness, Coconino, Kaibab, and Prescott National Forest, State of Arizona; with amendments (Rept. No. 92-766). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 761. Resolution authorizing the U.S. Capitol Historical Society to take pictures of the House while in session (Rept. No. 92-767). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 773. Resolution providing for the consideration of House Resolution 761. Resolution authorizing the U.S. Capitol Historical Society to take pictures of the House while in session (Rept. No. 92-768). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 774. A resolution providing for the consideration of H.R. 6957. A bill to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the United States mining laws, and for other purposes (Rept. No. 92-769). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JONES of Alabama (for himself, Mr. HOLIFIELD, Mr. DORN, Mr. ANDERSON of Tennessee, Mr. TAYLOR, Mr. HUNT, Mr. DENHOLM, Mr. HOWARD, Mr. WHITTEN, Mr. ROBISON of New York, Mr. STRATTON, Mr. DANIELSON, Mr. GIAIMO, Mr. RODINO, Mr. BYRON, Mr. DAVIS of Georgia, Mr. DON H. CLAUSEN, Mr. DOW, Mr. GROVER, Mr. MOORHEAD, and Mrs. ABZUG):

H.R. 12510. A bill to change the name of the Columbia lock and dam, on the Chattahoochee River, Ala., to the George W. Andrews lock and dam; to the Committee on Public Works.

By Mr. ANDERSON of Tennessee:

H.R. 12511. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLINS of Texas (for himself, Mr. FISHER, Mr. BOB WILSON, Mr. ANDERSON of Tennessee, Mr. ROBERTS, Mr. MANN, Mr. DOWDY, Mr. BLACKBURN, Mr. DERWINSKI, Mr. PETTIS, Mr. CAMP, Mr. BLANTON, Mr. PURCELL, Mr. LENNON, Mr. MELCHER, Mr. BUCHANAN, Mr. ARCHER, Mr. STEIGER of Arizona, and Mr. SHRIVER):

H.R. 12512. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. DELANEY:

H.R. 12513. A bill to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, and for other purposes; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 12514. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. DICKINSON (for himself, Mr. MANN, Mr. PIRNIE, Mr. LANDGREBE, Mr. KEE, Mr. MONAGAN, Mr. ABERNETHY, Mr. HOSMER, Mr. MAZZOLI, Mr. REUSS, Mr. THOMSON of Wisconsin, Mr. HALEY, Mr. DEL CLAWSON, Mr. MURPHY of New York, Mr. COLLINS of Texas, Mr. SPRINGER, Mr. LENNON, Mr. MYERS, Mr. BOW, Mr. MORSE, Mr. KLUCZYNSKI, Mr. ROBINSON of Virginia, Mr. GARMATZ, and Mr. PICKLE):

H.R. 12515. A bill to provide that the Columbia lock and dam located at Columbia, Ala., shall hereafter be known as the George W. Andrews lock and dam; to the Committee on Public Works.

By Mr. DRINAN:

H.R. 12516. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for adoption fees and related costs incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

By Mr. FAUNTROY (for himself and Mr. ASPIN):

H.R. 12517. A bill to authorize programs in the District of Columbia to combat and control the disease known as sickle cell anemia; to the Committee on the District of Columbia.

H.R. 12518. A bill to provide for the prevention of sickle cell anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. FAUNTROY:

H.R. 12519. A bill to provide financial assistance for States, District of Columbia, and local small, community-based correctional facilities; for the creation of innovative programs of vocational training, job placement, and on-the-job counseling; to develop specialized curriculums, the training of educational personnel and the funding of research and demonstration projects; to provide financial assistance to encourage the States to adopt special probation services; to establish a Federal Corrections Institute; and for other purposes; to the Committee on the Judiciary.

By Mr. FISH:

H.R. 12520. A bill to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies; to the Committee on Armed Services.

H.R. 12521. A bill to amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Ways and Means.

By Mr. KAZEN:

H.R. 12522. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. McCLOSKEY, Mr. ROSENTHAL, Mr. HALPERN, Mr. REES, Mr. DELLUMS, and Mr. HELSTOSKI):

H.R. 12523. A bill to amend title 18, United States Code, to conditionally suspend the application of certain penal provisions of law; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.R. 12524. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. ROE:

H.R. 12525. A bill to provide for greater and more efficient Federal financial assistance to certain large cities with a high incidence of crime, and for other purposes; to the Committee on the Judiciary.

By Mr. RONCALIO:

H.R. 12526. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SCHMITZ:

H.R. 12527. A bill to limit the jurisdiction of the Supreme Court and of the district courts in certain cases; to the Committee on the Judiciary.

By Mr. SEIBERLING:

H.R. 12528. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. SIKES:

H.R. 12529. A bill to amend title 10, United States Code, to authorize the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. TALCOTT:

H.R. 12530. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business corporations; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 12531. A bill to amend the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. THOMPSON of New Jersey:

H.R. 12532. A bill to provide that employees of States and political subdivisions thereof shall be subject to the provisions of the National Labor Relations Act; to the Committee on Education and Labor.

By Mr. THONE:

H.R. 12533. A bill to amend the Agriculture Act of 1970 to authorize the Secretary of Agriculture to make, for purposes of farm production history, appropriate adjustments in the per-acre yield of farms on which production has increased substantially as the result of the introduction of irrigation on such farms; to the Committee on Agriculture.

H.R. 12534. A bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business, or any business having 25 or less employees, in States having laws regulating safety in such businesses, from the Federal standards created under such act; to the Committee on Education and Labor.

By Mr. WHITEHURST:

H.R. 12535. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct expenses incurred in traveling outside the United States to obtain information concerning a member of his immediate family who is missing in acton, or who is or may be held prisoner, in the Vietnam conflict, and for other purposes; to the Committee on Ways and Means.

By Mr. HALPERN:

H.J. Res. 1021. Joint resolution proposing an amendment to the Constitution of the United States relative to neighborhood schools; to the Committee on the Judiciary.

By Mr. MILLER of Ohio:

H.J. Res. 1022. Joint resolution proposing an amendment to the Constitution of the United States with respect to the attendance of Senators and Representatives at sessions of the Congress; to the Committee on the Judiciary.

By Mr. GUDE (for himself, Mr. Brademas, Mr. Coughlin, Mr. Eckhardt, Mr. Eilberg, Mr. Halpern, Mr. Keith, Mr. McCloskey, Mr. Morse, Mr. Mosher, Mr. Moss, Mr. Podell, Mr. Reid of New York, Mr. Reuss, Mr. Robison of New York, Mr. Ryan, Mr. Scheuer, Mr. Seiberling, Mr. Smith of New York, and Mr. Symington):

H. Con. Res. 503. Concurrent resolution expressing the support of the Congress for the U.S. delegation to the United Nations Conference on the Human Environment; to the Committee on Foreign Affairs.

By Mr. GUDE:

H. Res. 770. Resolution to amend the Rules of the House of Representatives with respect to the membership of the Committee on the District of Columbia; to the Committee on Rules.

By Mr. KLUCZYNSKI:

H. Res. 771. Resolution to provide funds for expenses incurred by the Select Committee on the House Restaurant; to the Committee on House Administration.

By Mr. SCHMITZ:

H. Res. 772. Resolution expressing the sense of the House that the authority of the President to issue Executive orders should be investigated by appropriate committee or committees of the House; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGICH:

H.R. 12536. A bill for the relief of Jerry J. McCutcheon, of Anchorage, Alaska; to the Committee on Interior and Insular Affairs.

By Mr. EDMONDSON:

H.R. 12537. A bill for the relief of Harold M. Toler; to the Committee on the Judiciary.

By Mr. ESCH:

H.R. 12538. A bill for the relief of Caterina and Guiseppe Furnari; to the Committee on the Judiciary.

By Mr. RONCALIO:

H.R. 12539. A bill to authorize the Secretary of the Interior to convey certain lands in the State of Wyoming; to the Committee on Interior and Insular Affairs.

By Mr. SCHMITZ:

H.R. 12540. A bill to authorize the placement of Cary W. Stevenson on the retired list in the grade of commander, U.S. Naval Reserve; to the Committee on Armed Services.

SENATE—*Thursday, January 20, 1972*

The Senate met at 11:30 a.m. and was called to order by the Vice President.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, who has made and preserved us a nation, we thank Thee for Thy continued favor to the United States, for the improvement of the general welfare, for diminishing conflict at home and abroad, and for the promise of peace.

Grant to the President Thy higher wisdom and strength in the exercise of his office and in the leadership of the Nation. Give us ears to hear, hearts to receive, and minds to comprehend what he says. Enable us also to hear what is not said—the siren call of conscience to selfless service—the unuttered longings of the people for a life of meaning and fulfillment, the aspirations of the soul for truth and goodness, and the undying hope for Thy kingdom on earth.

Bind us together in common endeavor for the better world that is yet to be. And may goodness and mercy follow us all our days that we may abide in Thee forever. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, January 19, 1972, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

ATTENDANCE OF SENATORS

Hon. Bill Brock, a Senator from the State of Tennessee, Hon. Edward W. Brooke, a Senator from the State of Massachusetts, Hon. Peter H. Dominick, a Senator from the State of Colorado, Hon. James O. Eastland, a Senator from the State of Mississippi, Hon. Hiram L. Fong, a Senator from the State of Hawaii, Hon. Hubert H. Humphrey, a Senator from the State of Minnesota, Hon. Edward M. Kennedy, a Senator from the State of Massachusetts, Hon. Russell B. Long, a Senator from the State of Louisiana, Hon. Jack Miller, a Senator from the State of Iowa, Hon. Walter F. Mondale, a Senator from the State of Minnesota, Hon. James B. Pearson, a Senator from the State of Kansas, and Hon. William B. Saxbe, a Senator from the State of Ohio, attended the session of the Senate today.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 382) entitled "An act to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes."

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

RESCISSION OF ORDER FOR RECOGNITION OF SENATOR PACKWOOD

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order recognizing the distinguished Senator from Oregon (Mr. PACKWOOD) at this time be vacated.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The VICE PRESIDENT. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 12:10 p.m., with a limitation of 3 minutes on each Senator being recognized.

RULES OF COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. TALMADGE. Mr. President, section 133B of the Legislative Reorganization Act of 1946, as added by section 130 (a) of the Legislative Reorganization Act of 1970, requires the rules of each committee to be published in the CONGRESSIONAL RECORD not later than March 1 of each year. Accordingly, I ask unanimous consent that rules of the Committee on Agriculture and Forestry be inserted in the RECORD at this point.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES OF COMMITTEE ON AGRICULTURE AND FORESTRY

1. Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

2. Voting by proxy authorized in writing for specific bills or subjects shall be allowed whenever a majority of the committee is actually present.[1]

3. Five members shall constitute a quorum for the purpose of transacting committee business: *Provided*, That one member shall constitute a quorum for the purpose of receiving sworn testimony.[1]

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON LIABILITIES AND OTHER FINANCIAL COMMITMENTS OF THE U.S. GOVERNMENT

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a statement of liabilities and other financial commitments of the United States Government, as of June 30, 1971 (with an accompanying report); to the Committee on Finance.

REPORT OF THE NATIONAL MEDIATION BOARD

A letter from the Chairman, National Mediation Board, Washington, D.C., transmitting, pursuant to law, a report of that Board, including the report of the National Railroad Adjustment Board, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the VICE PRESIDENT:

A concurrent resolution of the Legislature of the State of New Jersey; to the Committee on Agriculture and Forestry:

"SENATE CONCURRENT RESOLUTION No. 2034

"A concurrent resolution memorializing the Congress of the United States to enact appropriate legislation to enable more comprehensive and effective inspection and enforcement of hygienic standards in the preparation and processing of food products

"Whereas recent fatal events resulting from the distribution and consumption of botulism-tainted canned soup processed at a plant in this State have provided evidence that neither State nor Federal inspection procedures are adequate to guarantee the safety of consumers against such occurrences, inasmuch as it was disclosed that the plant involved in this incident had received no Federal inspection for 4 years and no State inspection for 5 years; and

"Whereas it is urgently necessary that appropriate steps, including fuller cooperation between State and Federal authorities and more frequent and energetic exercise of the inspection function and authority by both levels of government, be taken to prevent recurrences of similar fatal incidents; and

'Whereas the Commissioner of Health of this State has suggested that a comprehensive food inspection operation, consolidating and coordinating the operations of the several State and Federal agencies now exercising various segments of this vital governmental function, would do much to fill in gaps in the existing inspection system and to safeguard the public health; and

"Whereas Federal legislation is necessary to make possible the setting up of such a consolidated inspection system operating uniformly in all sections of the nation; now, therefore

"Be it resolved by the Senate of the State of New Jersey (the General Assembly concurring):

"1. The Congress of the United States is hereby respectfully memorialized to enact appropriate legislation to enable the setting up of a nationwide system for the more comprehensive and effective inspection and enforcement of hygienic standards for the preparation and processing of food products.

"2. Duly authenticated copies of this resolution, signed by the President of the Senate and the Speaker of the General Assembly and attested by the Secretary of the Senate and the Clerk of the General Assembly, shall be transmitted to the Vice President of the United States, the Speaker of the United States House of Representatives and the several members of Congress elected from this State."

A concurrent resolution of the Legislature of the State of New Jersey; to the Committee on Commerce:

"SENATE CONCURRENT RESOLUTION No. 2027

"A concurrent resolution memorializing the Federal Aviation Administration and Congress to adopt a retrofit rule for turbofan aircraft at the earliest possible date

"Whereas, Aircraft noise in the vicinity of airports, especially airports located in densely populated areas of the State of New Jersey, has become a serious environmental problem; and

"Whereas, Reduction of aircraft noise at its source is the only meaningful solution to the aircraft noise problem in developed areas and such noise reduction can only be accomplished by Federal regulation and action; and

"Whereas, The Congress of the United States has recognized the gravity of the situation by enacting Public Law 90–411 which not only directs the Federal Aviation Administration to set noise standards for new aircraft but also, if practicable, to extend such standards to existing aircraft; and

"Whereas, Studies made by major manufacturers for the National Aeronautics and Space Administration clearly demonstrate that it is technologically feasible to modify existing turbofan aircraft to achieve significant noise reduction; and

"Whereas, The Federal Aviation Administration has issued an Advanced Notice of Proposed Rule Making soliciting comments on a proposed retrofit rule to carry out the intent of Congress as expressed in Public Law 90–411; now, therefore

"Be it resolved by the Senate of the State of New Jersey (the General Assembly concurring):

"1. The Federal Aviation Administration be and hereby is memorialized to adopt a retrofit rule with respect to turbofan aircraft at the earliest possible date to develop and to implement ways and means of facilitating the financing of the cost of retrofitting the entire United States fleet of turbofan aircraft.

"2. The Congress of the United States be and hereby is memorialized to adopt legislation requiring the Federal Aviation Administration to promulgate a retrofit rule no later than January 1, 1972.

"3. Copies of this resolution be transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives, to each member of the Congress of the United States from the State of New Jersey and to the Administrator of the Federal Aviation Administration."

A resolution adopted by the Common Council of the city of Buffalo, N.Y., praying for the enactment of legislation relating to the issuance of a commemorative stamp on the 500th Anniversary of the birth of Nicholas Copernicus; to the Committee on Post Office and Civil Service.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SCOTT:

S. 3039. A bill for the relief of Fernando Giovannelli. Referred to the Committee on the Judiciary.

By Mr. BENTSEN:

S. 3040. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41 et seq.) to provide that under certain circumstances exclusive territorial arrangements shall not be unlawful; and

S. 3041. A bill for the relief of Shirley Ramkissoon. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 3042. A bill for the relief of Jozef Szymanski; and

S. 3043. A bill for the relief of Mrs. Shiu-

---

[1] For further restrictions with respect to proxies and quorums in the reporting of measures and recommendations, see section 133(d) of the Legislative Reorganization Act of 1946.

Ing Chien. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself and Mr. PERCY):

S. 3044. A bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs. Referred to the Committee on the Judiciary.

By Mr. BELLMON:

S. 3045. A bill to protect American markets for wheat, feed grains, and soybeans. Referred to the Committee on Agriculture and Forestry, and, when reported by that committee, by unanimous consent, to the Committee on Armed Services for not to exceed 30 days.

By Mr. MONDALE:

S. 3046. A bill to provide for accelerated research, development training, and public education in the field of heart, lung, and blood disease. Referred to the Committee on Labor and Public Welfare.

By Mr. MONDALE (for himself and Mr. HUMPHREY):

S. 3047. A bill to amend section 451 of the Tariff Act of 1930 so as to exempt certain private aircraft entering or departing from the United States and Canada at night or on Sunday or a holiday from provisions requiring payment to the United States for overtime services of customs officers and employees and to treat snowmobiles as highway vehicles for the purposes of such section. Referred to the Committee on Finance.

By Mr. CASE:

S. 3048. A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents. Referred to the Committee on Veterans' Affairs.

By Mr. JAVITS:

S. 3049. A bill to provide minimum standards in connection with certain Federal financial assistance to State and local correctional, penal, and pretrial detention institutions and facilities;

S. 3050. A bill to assist urban criminal justice systems on an emergency basis in those cities where personal security, economic stability, peace and tranquility are most impaired and threatened by the alarming rise in the commission of serious crime; and

S. 3051. A bill to provide assistance to State and local criminal justice departments and agencies in alleviating critical shortages in qualified professional and para-professional personnel particularly in the corrections components of such systems, in developing the most advanced and enlightened personnel recruitment training and employment standards and programs and for other purposes. Ordered to be held at the desk.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUMPHREY (for himself and Mr. PERCY):

S. 3044. A bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs. Referred to the Committee on the Judiciary.

TO PROTECT THE CIVIL RIGHTS OF THE HANDICAPPED

Mr. HUMPHREY. Mr. President, I introduce on behalf of myself and the senior Senator from Illinois (Mr. PERCY) a bill to amend the Civil Rights Act of 1964 to insure equal opportunities for the handicapped by prohibiting needless discrimination in programs receiving Federal financial assistance.

No longer dare we live with the hypocrisy that the promise of America should have one major exception: Millions of children, youth, and adults with mental or physical handicaps. We must now firmly establish their right to share that promise, so well described by Thomas Wolfe:

> To every man his chance; to every man, regardless of his birth, his shining golden opportunity—to every man the right to live, to work, to be himself, and to become whatever thing his manhood and his vision can combine to make him—this, seeker, is the promise of America.

The time has come when we can no longer tolerate the invisibility of the handicapped in America. I am talking about over 1 million American children who are excluded from school. I am speaking of our poverty-stricken neighborhoods, where 75 percent of all the mental retardation in this Nation is found. I am calling for public attention to three-fourths of the Nation's institutionalized mentally retarded, who live in public and private residential facilities which are more than 50 years old, functionally inadequate, and designed simply to isolate these persons from society.

I am insisting that the civil rights of 40 million Americans now be affirmed and effectively guaranteed by Congress—our several million disabled war veterans, the 22 million people with a severe physically disabling condition, the one in every 10 Americans who has a mental condition requiring psychiatric treatment, the 6 million persons who are mentally retarded, the hundreds of thousands crippled by accidents and the destructive forces of poverty, and the 100,000 babies born with defects each year.

These people have the right to live, to work to the best of their ability—to know the dignity to which every human being is entitled. But too often we keep children, whom we regard as "different" or a "disturbing influence," out of our schools and community activities altogether, rather than help them develop their abilities in special classes and programs. Millions of young persons and adults who want to learn a trade, work like other people, and establish their self-worth through a paycheck, are barred from our vocational training programs and from countless jobs they could perform well. And yet we have sufficient statistics clearly demonstrating the benefits to the national economy and the investment return of income tax revenues resulting from vocational rehabilitation and job placement for these citizens. Where is the cost-effectiveness in consigning them to public assistance or "terminal" care in an institution?

These are people who can and must be helped to help themselves. That this is their constitutional right, is clearly affirmed in a number of recent de[illegible] in various judicial jurisdictions. Every child—gifted, normal, and handicapped—has a fundamental right to educational opportunity and the right to health. And we know, for example, that more than one-third of the 6 million persons who are actually retarded today are capable of earning a living and being self-supporting, productive members of the community if adequate training and residential facilities are provided for them.

Let me cite certain examples documenting the need for this legislation—cases where people with a mental or physical handicap are excluded from participation in, are denied the benefits of, or are subjected to discrimination under programs or activities receiving Federal assistance.

The U.S. Office of Education has reported that less than 40 percent of the 7 million handicapped children get the special educational assistance they need—yet this Nation has made a fundamental commitment to the right of all children to education. Many of these children are classified as educable mentally retarded. But more than 1 million children are denied entry into public schools, even to participate in special classes. The National Association for Retarded Children reports, for example, that only 48 percent of the 94,000 educable mentally retarded school age children and youth in Ohio are provided for in the public school system, with the rest being in private schools or not in any school program.

We do not even have adequate statistical information on the great number of physically handicapped children who have the mental ability to attend school but are denied that right. The variety of explanations for this denial include problems of transportation and architectural barriers. But the injustice of exclusion remains. A recent report by a Task Force on Children Out of School, under the auspices of the Easter Seal Society for Crippled Children of Massachusetts, states flatly that "in general, crippled children in Boston are not allowed to attend school." And the report documents a serious nationwide problem, in commenting further that "no person, no agency, knows how many—crippled children—there are, where they are, or what happens to them once they are rejected by the Boston public school system."

Another group of handicapped children, the emotionally disturbed, are also being brought to public attention in the Boston area. As reported in the Boston Herald of December 23, 1971, a class action suit has been brought before a U.S. district court on behalf of 1,300 emotionally disturbed children, alleging that an 8-year-old girl had never received any education in or from the Boston public schools even though application had been made on her behalf for admission to speical classes or for residential placement in a State-approved school.

I have focused my attention on the handicapped child. But injustices confronted by the hidden population of millions of handicapped persons across America are being increasingly brought to light, with challenges being raised where a handicapped person cannot travel alone on an airline flight, or is denied mortgage life insurance protection or a fair wage for his work, or experiences the discriminatory effect of job qualification questionnaires or employment procedures.

Justice delayed is justice denied. The Federal Government must now take firm leadership to guarantee the rights of the handicapped, through making needless discrimination illegal in programs receiving Federal financial aid.

Mr. President, I ask unanimous consent that the text of my bill, which has been introduced jointly in the other body by Representative CHARLES A. VANIK of Ohio as H.R. 12154, be printed in the RECORD, together with a statement prepared by Senator PERCY.

There being no objection, the bill and statement were ordered to be printed in the RECORD, as follows:

S. 3044

A bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 601 of the Civil Rights Act of 1964 is amended by inserting "physical or mental handicap," immediately after "color," and by inserting ", unless lack of such physical or mental handicap is a bona fide qualification reasonably necessary to the normal operation of such program or activity" immediately after "Federal financial assistance".

SEC. 2. The Civil Rights Act of 1964 is amended by inserting immediately after section 605 the following new section.

"SEC. 606. For the purposes of this title, the term 'physical or mental handicap' includes mental retardation, hardness of hearing, deafness, speech impairment, visual handicap, serious emotional disturbance, being crippled, or any other health impairment which requires special education and related services."

STATEMENT BY SENATOR PERCY

Mr. President, I take great pleasure in joining Senator Humphrey in introducing this amendment to the Civil Rights Act of 1964. This landmark legislation, introduced by Congressman Vanik in the House, would prohibit discrimination against the mentally and physically handicapped in programs which receive federal aid.

In November, I introduced with Senator Cook a Concurrent Resolution calling for a declaration of rights for the mentally and physically handicapped. My action today represents a further effort to ensure that the handicapped will receive the basic rights to which every human being is entitled.

I will forego a statistical verification of the prejudices suffered by the handicapped, as this was well documented in the RECORD when the Concurrent Resolution was introduced. It had been my hope that the Concurrent Resolution would begin a national commitment to eliminate the glaring neglect of our handicapped citizens. The amendment we are introducing today would realize this commitment, guaranteeing the handicapped equal opportunity to education, job training, productive work, due process of law, a decent standard of living, and protection from exploitation, abuse and degradation.

In essence, our amendment will give the handicapped their rightful place in so[illegible]

By Mr. BELLMON:

S. 3045. A bill to protect American markets for wheat, feed grains, and soybeans. Referred to the Committee on Agriculture and Forestry, and, when reported by that committee, by unanimous consent, to the Committee on Armed Services for not to exceed 30 days.

Mr. BELLMON. Mr. President, over the years American farmers and farm product exporters have invested huge sums of money in the development of foreign markets for products which American agriculture produces more efficiently and more abundantly than any other agricultural enterprise on earth. As a result of these efforts, the huge agriculture carryovers which once burdened our Federal Treasury and dampened our national economy are no longer so great a problem. Also, as a result of these efforts, many densely populated countries which do not possess the land base to feed their own population have become heavily dependent upon the United States as a source of food for their people and feed for their livestock and poultry.

Again, in 1971, American farmers proved their ability to meet the food and feed demands of this country, as well as our overseas customers. Unfortunately, during the latter part of 1971, the export of American farm products was greatly impaired by a dock strike brought on by a disagreement between the longshoremen and the shipping companies.

While I strongly support the right of labor to strike and strongly believe in labor-management negotiations to work out differences, I have reluctantly come to the conclusion that this Nation is paying far too high a price by allowing our docks to be tied up for long periods while labor and management negotiations proceed. Also, I believe it is too much to ask American agriculture to lose the customers it has won because of a disagreement in which it has no part. At the same time we cannot expect our foreign customers to allow their people to go without food because of a labor-management disagreement in this country. If America is to continue to enlarge its role as a major supplier of food for hungry parts of the world, we must take steps now to assure reliable delivery of feed and foodstuffs which others come to depend upon.

On November 5, 1971, the Senate Agricultural Exports Subcommittee held hearings under the chairmanship of Senator LAWTON CHILES, the distinguished junior Senator from Florida. Many witnesses appeared and gave convincing testimony relating to the need for finding a means to assure dependable delivery of American agriculture products. I ask unanimous consent that the following selected portions of the proceedings be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

PORTIONS OF THE PROCEEDINGS

Kenneth E. Frick, Administrator, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture:

Farmers have long known that they must compete. And they know how to compete, as [illegible]icated by the fact that we are the world's [illegible]xporter of farm products. But farm[illegible]de a large investment of both effort and money, and this investment is eroded by a few over whom they have no control.

Agricultural exports reached a new high of $7.8 billion last year, and farm exports contributed more than $6 billion to the Nation's commercial trade balance last year. Without the favorable ratio of farm exports to imports, our balance of trade—payments—would have reached the crisis stage long ago.

But farmers are aware that their competitive position is in jeopardy, through no fault of theirs, if they cannot depend on our transportation industries to move their farm products. In world markets our crops have to compete directly with commodities from other countries and if buyers cannot depend upon getting a dependable quality and quantity of U.S. products they will buy what they need from others.

Raymond L. Davis, Vice President, National Association of Wheat Growers, Potter, Nebraska:

Strikes have caused great frustration and confusion in the farm community. Wheat producers have contributed millions of dollars and thousands of hours of their time to develop and maintain foreign markets for U.S. wheat. Likewise, producers have worked with the Department of Agriculture and the grain trade to build a reputation for the United States as a reliable source for quality wheats. Strikes cancel out much of the work and money that has gone into establishing and servicing overseas markets. These losses cannot be recovered.

John Rockwell, President, Kansas City Board of Trade, Kansas City, Missouri:

The grain trade at Kansas City faced certain difficulties and distortions of normal marketing procedures through the months of the dock strike on the West Coast. But the real impact came from the threat or the actual stoppages at the gulf October 1. The biggest loss in business to date has been in grain sorghum exports. Our trade with Japan offers the best example because Japan is the biggest single buyer of U.S. grain sorghums and this country normally is Japan's major supplier of this feed grain, a majority of which is fed to poultry in Japan.

This year, because of the threat of the October 1 strike at the gulf, Japan did not buy any grain sorghums for October, November, or December shipment prior to October 1. Normally, this country ships Japan around 200,000 to 250,000 tons of grain sorghum a month. This grain normally comes out of the Kansas City trade area, Texas, Kansas, Nebraska, Missouri, and a little out of Oklahoma.

Japan turned to other sources this fall for feed grains, thus Texas, Kansas, Missouri, and Nebraska farmers have lost this business for this year, a year in which record production called for maximum exports.

Matt Triggs, Assistant Legislative Director, and Dale Sherwin, Assistant Legislative Director, American Farm Bureau Federation:

The disruptive impact of transportation strikes and particularly dock and maritime strikes on the marketing of farm products is obvious. This disruptive effect reaches much further than the loss of current sales. Foreign buyers, who find the United States to be an undependable source of supplies because delivery is uncertain, are provided an incentive to look to suppliers in other countries to meet their needs on a permanent and dependable basis.

The impact of the loss of exports on farm prices is equally obvious. Inability to maintain export markets clogs domestic channels and reduces domestic farm prices.

There clearly is a need for more effective legislation not only to supplement the temporary remedies that have been applied in the current situation, but also to provide more adequate remedies for dealing with any similar problems that may arise in the future.

Kenneth D. Naden, Executive Vice President, National Council of Farmer Cooperatives:

The widespread dockwork stoppages throughout the U.S. shipping areas have caused commodity damage, reduced farm income, greatly restricted exports and hurt long term export markets of many farmer cooperatives in the country. This action has not only contributed to already depressed farm income but has impaired the ability of the United States to recover from the foreign trade and international monetary crisis which it is now suffering.

Mr. BELLMON. Mr. President, I am today introducing a bill to protect American export markets for wheat, feed grain, and soybeans. The bill is brief, and I ask unanimous consent that the full text be printed in the Record.

Mr. President, I send the bill to the desk and ask unanimous consent that it be referred first to the Committee on Agriculture and Forestry and then to the Armed Services Committee for a period of not to exceed 30 days so that the military aspects of the bill can be considered.

The PRESIDING OFFICER. The Senator means after it has been reported by the Committee on Agriculture and Forestry?

Mr. BELLMON. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, at any time that the shipment of wheat, feed grains, soybeans or other farm commodities from United States ports is impeded by strike or other cause and has been so impeded for 30 or more of the preceding 120 days, the Secretary of Agriculture and the Secretary of Defense shall, through the use of military personnel and other means available to them, arrange for the shipment through military installations of such quantities of wheat, feed grains, soybeans or other farm commodities from Government or private stocks as may be necessary to supply customary markets of the United States for such commodities or to preserve such markets for American agriculture.

Mr. BELLMON. Mr. President, the passage of this bill will guarantee that any customer who comes to the United States to purchase food or feed grains can be assured that these products will be delivered on schedule. The passage of this bill will not interfere with the right of longshoremen to strike, but it will assure that innocent third parties will not unfairly be hurt by an interruption of shipping services.

Clearly, neither the longshoremen nor the shipping companies benefit when American agriculture loses markets because of a dock strike. Also, neither side benefits when citizens of other countries are forced to go hungry because the food they have purchased from this country is rotting on the docks or is piled up on the ground at inland points awaiting shipment.

The passage of this legislation will in no way interfere with the right of workmen to strike. It will have the beneficial effect of assuring the maintenance of markets for American products and in this way assure the retention of cargo handling jobs for dockworkers once the strike is over.

By Mr. MONDALE:

S. 3046. A bill to provide for accelerated research, development training, and public education in the field of heart, lung, and blood disease. Referred to the Committee on Labor and Public Welfare.

NATIONAL HEART, LUNG, AND BLOOD ACT

Mr. MONDALE. Mr. President, it is my privilege today to introduce the proposed National Heart, Lung, and Blood Act of 1972. This bill should stimulate an intensive national effort to combat cardiovascular and pulmonary diseases and other heart and blood disorders. It will provide authority for a comprehensive research, educational, and preventive program in these disease areas through the National Heart and Lung Institute and other public and private agencies.

With the recent enactment of legislation to expand cancer research we have demonstrated our belief that high program visibility and the creation of a national goal, coupled with greater funds, will result in an acceleration of research and of clinical applications toward reducing deaths from a major killer disease. We now must take the opportunity to extend this commitment to saving lives by providing the legislation necessary to accelerate research and its applications in cardiovascular and pulmonary diseases and the other important programs of the National Heart and Lung Institute and of related organizations.

The major emphasis of the National Heart and Lung Institute—NHLI—include programs in arteriosclerosis and other cardiac, pulmonary, and blood disorders, as well as professional and public education and biomedical engineering. Each of these programs contributes to our struggle to reduce premature death and disability from diseases of the heart and lungs. All of them show promise of breakthroughs in understanding causation, prevention, diagnosis and treatment.

Cardiovascular disease is the No. 1 killer disease in the developed world, and in the United States alone it accounts for more than half of all deaths. As shown by the following figures, it is by no means confined to the elderly. In 1968, 1,081,391 men and women died of cardiovascular disease in the United States, nearly 300,000 of them under the age of 65. It strikes many people. especially men, in the prime years of their lives.

Together, cardiovascular and pulmonary diseases annually leave disabled over a million men and women under the age of 65, individuals whose capacity to work and care for their families is hereby restricted. And they confine to bed another two-thirds of a million men and women, half of whom are under 65.

Cardiovascular disease is regarded today as being in an epidemic stage in all of the highly developed nations. In the United States, for example, the mortality rate for this class of diseases, in 1900 was approximately 250 per 100,000 population. By 1960 this figure had risen to approximately 480 per 100,000. Part of this is due to the increase in average life span and the high rate of cardiovascular disease among older persons, but the very significant number of younger men afflicted indicates that age is not the only explanation.

It is significant that until about 1930 the heart disease mortality rates for men and women were about the same. Today, the mortality rate of women of all age groups is falling—yet that of men is increasing from the age of 40 onward, primarily from cardiovascular disease and lung cancer. This excess mortality of men has significant implications for society. It increases the number of widows and fatherless children, and society is losing large numbers of its most productive people.

Strong preventive measures are needed, calling for further and definitive studies, and requiring the cooperation of public and private agencies in bringing the results to the attention of health professionals and the public. Some of the causal factors have already been found: For example, high blood cholesterol levels, lack of exercise, and cigarette smoking have all been linked to a high fatality rate in cardiovascular disease.

An interesting paper concerning the effects of cholesterol on arteriosclerotic deposits among rhesus monkeys was recently presented at the meeting of the American Heart Association in California and reported in the New York Times on November 13, 1971. This and other studies show that individual programs of increased activity, abstention from smoking, and decreased cholesterol levels would help cut the death rate from cardiovascular disease.

Epidemiological studies must be greatly expanded and strengthened so that more can be learned about the geographical, national, cultural, dietary, occupational, racial, and environmental factors which contribute to the wide variations in death rates for various cardiovascular diseases among people in America and around the world. For example, a study in Evans County, Ga., covering more than 10 years, has revealed a wealth of data with great significance for understanding and preventing coronary heart disease. This was reported in the September 17, 1971, issue of Medical World News.

Methods of treatment of these disorders must also be improved and made available to more people through more and better equipped diagnostic and treatment facilities. In particular, the regional medical program facilities must be strengthened and enlarged. Techniques of cardiovascular surgery must be further developed and applied but they must also be adequately tested and evaluated. Rehabilitation of physically and psychologically disabled individuals must be expanded and refined to enable them to return to a more normal and useful life.

However, much further research is also required. For example, little is known about the specific development of arteriosclerosis and other forms of cardiovascular disease. A recent report prepared by the NHLI task force on arteriosclerosis presents a summary of the magnitude of the problem and recommendations for programs of action to control and prevent this disease. The report proposes:

First. A major health goal of the 1970's should be prevention and control of arteriosclerosis as well as its fatal and disabling consequences. Leadership in fulfilling this national commitment should be assumed by the Federal Government.

Second. To achieve this goal, the National Heart and Lung Institute should be directed to develop, promote and support a national, coordinated, comprehensive program for the prevention and control of arteriosclerosis.

As indicated in a summary in the Wall Street Journal on December 10, 1971, this report calls for "a new national program to combat heart disease." The article also cites the fact that nearly 36 million adult Americans are afflicted by cardiovascular diseases.

Other cardiac diseases in which research gives hope of substantial progress include cardiac arrythmias, heart failure and shock, and congenital and rheumatic heart disease. The Myocardial Infarction Branch of NHLI is especially concerned with the reduction of deaths and disability from heart attacks, which kill almost 700,000 Americans each year.

High blood pressure is another major problem and affects approximately 22 million Americans. An estimated 10 to 15 million people suffer from this disease and do not know it. Current research in this area at the NHLI revolves around forms of therapy, study of the causative agents, and better methods of diagnosis. A major effort is needed to determine the value of reduced blood pressure in preventing cardiac episodes.

This bill would launch a major effort to improve the control of heart and blood vessel diseases. Work on cardiovascular diseases, including atherosclerosis and hypertension, will necessarily encompass an attack on the problem of stroke, which accounts for about 200,000 deaths per year. In this connection, the National Heart and Lung Institute will have to work jointly with the National Institute of Neurological Diseases and Stroke, following established lines of specialization: the former involved with the problem before the stroke occurs and the latter concerned principally with the neurological problems resulting.

The bill will permit the full implementation of the report of the task force on arteriosclerosis, including a variety of special clinical trials. It will also make possible an increase in the number of lipid research clinics to conduct other clinical trials; substantial increase in epidemiological studies, including multifactor preventive trials; and efforts to gain control of hypertension either through mass screening or through regional centers.

Pulmonary diseases are also a serious cause of death and a major cause of disability in the United States and seem to be increasing in frequency. Emphysema and bronchitis are among the most common of these diseases. Studies continue on their specific causes, and on preventive and therapeutic measures related to the already demonstrated involvement of environmental factors, heredity, and infection. Lung transplantation, now under study at the National Heart and Lung Institute, may be the only solution for a number of advanced cases of pulmonary disease.

Since the assignment of lung and heart diseases to the same Institute in 1969, a start has been made in accelerating efforts to control lung disease. This bill should greatly augment those efforts to deal with an increasingly important health problem.

Various blood disorders programs are contributing to our understanding of their cause and cure. Thromboembolisms are an important area of study at present. Sickle cell anemia is also under investigation at the NHLI. This disease has received far too little attention until recently and should be the target of intensive effort as a result of legislation passed by the Senate and now pending in the House.

In the field of blood studies, there is a current crisis in the provision of an adequate supply of blood for individuals who require it for surgery and other purposes. Included in the program to deal with this crisis are studies in the improvement of transfusion methods, blood storage and preservation, and blood fractionation into its component parts for various special uses. Hepatitis, a disease which may be acquired from blood transfusions, is receiving special attention, with studies of testing methods for the presence of the virus in blood and of antigens for control of the disease. Additional research is needed on these problems, as well as on anticoagulation, hemodilution and plasma substitutes. An educational program is urgently needed to attract blood donors from the healthiest elements of the population. All of this would be authorized under the bill.

The medical devices program of NHLI seeks to tap the potential of the new field of bioengineering. It has a mandate to aid in the development of mechanical devices to assist and monitor patients with chronic heart or lung disease. There may be great promise in the development of an artificial heart and an artificial lung to take over the function of the failing organs.

This program is coordinating the activities of the academic community, medical centers, and industry to achieve reliable and efficient mechanical devices to aid pulmonary and cardiac disease patients. I believe that a wide variety of scientific, engineering and technical manpower, much of it unemployed or underemployed, can and should be put to work on these life-saving projects which require work on materials development, control systems, miniaturization and reliable power supplies.

Specialized centers of research—SCOR—are now being developed, and must be expanded, to concentrate on high-priority programs in arteriosclerosis, hypertension, thrombosis, and pulmonary diseases.

Each center will be concerned with one particular disease area to develop new knowledge in prevention, diagnosis, and treatment, and to facilitate the clinical applications of such new knowledge.

Finally, public, professional and paraprofessional information and education programs are of the utmost importance in the dissemination of the knowledge acquired through the many programs of research and development of the National Heart and Lung Institute, the American Heart Association, the National Tuberculosis and Respiratory Disease Association and other voluntary agencies. Both the general public and health personnel need to be aware of the most recent information on the prevention, diagnosis, and treatment of heart and lung diseases. We can, in this way, best use the knowledge being gained about these diseases to promote and maintain the health of the American people.

Legislative action is required to assure that there will be no delay whatsoever in improving the means to fight cardiovascular, blood and pulmonary diseases and to provide the resources necessary to exploit the numerous leads and clues of premature disease processes in these sytems. The proposed National Heart, Lung and Blood Act of 1972 will strengthen and expand the authorities of the National Heart and Lung Institute and the Department of Health, Education, and Welfare in order to launch a comprehensive attack on heart, lung and blood diseases, in cooperation with other Federal agencies and voluntary organizations.

All together, the bill authorizes $2.5 billion for a 5-year program. For fiscal year 1973, it authorizes $270 million for cardiovascular disease, $50 million for blood diseases and blood banking, $40 million for pulmonary disease, $40 million for information, public education and professional training, and $45 million for bioengineering of devices to assist, replace or monitor the heart and lungs. These 1973 authorizations, totaling $445 million, are almost double the $232 million appropriated by the Congress for the current year.

Mr. President, the potential exists to make dramatic progress in dealing with the number one cause of death—cardiovascular disease—as well as in pulmonary and blood diseases. Now is the time to make a national commitment to do so. It is with confidence that we are ready that I introduce the National Heart, Lung and Blood Act of 1972. I ask unanimous consent that the text of the bill and of the three articles I referred to be printed in the Record.

There being no objection, the bill and articles were ordered to be printed in the Record, as follows:

S. 3046

A bill to provide for accelerated research, development training and public education in the field of heart, lung, and blood disease

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. That this Act shall be known as the "National Heart, Lung, and Blood Act of 1972".

STATEMENT OF FINDINGS AND PURPOSE

Sec. 2. (a) The Congress hereby finds and declares that—

(1) cardiovascular disease accounts for more than one-half of all deaths in the United States;

(2) pulmonary disease is increasing in incidence and severity and is a leading cause of disability;

(3) blood disease affects millions of Americans and a supply of wholesome blood for transfusions is essential to a healthy society;

(4) existing knowledge of preventive measures and techniques for care in cardiovascular, lung, and blood diseases is inadequately disseminated to and used by professionals and the public, thus preventing the rapid reduction in the incidence and severity of these diseases which is, or may be, possible;

(5) a great potential for improving management of these diseases is offered through the development and refinement of technological devices to assist, replace, or monitor vital organs and a substantial unused capacity exists in our engineering and scientific pools to work on such problems;

(6) there is a need to involve all appropriate elements of the Department of Health, Education, and Welfare as well as other Federal agencies and voluntary associations in order to carry out a comprehensive public health program in the field of heart, lung, and blood diseases.

(b) It is therefore the purpose of this Act to strengthen and expand the authorities of the National Heart and Lung Institute and the Department of Health, Education, and Welfare in order to permit a comprehensive attack on heart, lung, and blood diseases.

PROGRAM COORDINATION AND MANAGEMENT

SEC. 3. The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is directed to develop and implement a comprehensive program dealing with heart, lung, and blood diseases utilizing the National Heart and Lung Institute and all other appropriate elements of the Department of Health, Education, and Welfare as well as providing for cooperative efforts with other Federal agencies and voluntary associations.

ANNUAL REPORT

SEC. 4. The Secretary shall, as soon as practicable after the end of each calendar year, prepare and submit to the President for transmittal to the Congress a report on the activities of the Department during the preceding calendar year with regard to this Act.

ADMINISTRATIVE PROVISIONS

SEC. 5. The Secretary, in carrying out his functions under this Act, is authorized—

(1) to the extent that he deems such action to be necessary to the discharge of his functions under this Act, to appoint not more than 25 of the scientific, professional, and administrative personnel of the Department without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service, and he may fix the compensation of such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to pay rates, at rates not in excess of the highest rate paid for GS–18 of the General Schedule under section 5332 of such title;

(2) to the extent that he deems necessary to recruit specially qualified scientific or other professional personnel on a temporary basis without regard to the provisions concerning competitive service he may establish the entrance grade therefore at not to exceed two grades above the grade otherwise established for such personnel under such provisions and appoint not more than 50 such persons for periods of time which he deems appropriate;

(3) employ experts and consultants in accordance with section 3109 of title 5, United States Code.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. (a) There are hereby authorized to be appropriated for research into the causes, prevention, diagnosis and treatment of cardiovascular disease (including clinical trials, demonstrations, and administrative expenses) $270,000,000 for the fiscal year ending June 30, 1973, $275,000,000 for the fiscal year ending June 30, 1974, $285,000,000 for the fiscal year ending June 30, 1975, $295,000,000 for the fiscal year ending June 30, 1976, and $320,000,000 for the fiscal year ending June 30, 1977.

(b) There are hereby authorized to be appropriated for research into the causes, prevention, diagnosis and treatment of lung diseases (including clinical trials, demonstrations, and administrative expenses) $40,000,000 for the fiscal year ending June 30, 1973, $40,000,000 for the fiscal year ending June 30, 1974, $45,000,000 for the fiscal year ending June 30, 1975, $60,000,000 for the fiscal year ending June 30, 1976, and $70,000,000 for the fiscal year ending June 30, 1977.

(c) There are hereby authorized to be appropriated for research into the causes, prevention, diagnosis and treatment of blood disease (including clinical trials, demonstrations, and administrative expenses) and for improvement of blood banking programs, $50,000,000 for the fiscal year ending June 30, 1973, $55,000,000 for the fiscal year ending June 30, 1974, $55,000,000 for the fiscal year ending June 30, 1975, $50,000,000 for the fiscal year ending June 30, 1976, and $45,000,000 for the fiscal year ending June 30, 1977.

(d) There are hereby authorized to be appropriated for information, public education, and professional training (including training grants, fellowships, continuing education, and administrative expenses) $40,000,000 for the fiscal year ending June 30, 1973, $40,000,000 for the fiscal year ending June 30, 1974, $45,000,000 for the fiscal year ending June 30, 1975, $50,000,000 for the fiscal year ending June 30, 1976, and $55,000,000 for the fiscal year ending June 30, 1977.

(e) There are hereby authorized to be appropriated for research, development, and testing (including administrative expenses) of technological devices to assist, replace, and monitor the performance of the heart and lung, $45,000,000 for the fiscal year ending June 30, 1973, $55,000,000 for the fiscal year ending June 30, 1974, $60,000,000 for the fiscal year ending June 30, 1975, $70,000,000 for the fiscal year ending June 30, 1976, and $85,000,000 for the fiscal year ending June 30, 1977.

TRANSFER AUTHORITY

SEC. 7. Notwithstanding any limitation on appropriations for any program of activity under section 6 of this Act or any Act authorizing appropriations for such program or activity, not to exceed 15 per centum of the amount appropriated or allocated for each fiscal year from any appropriation for the purpose of allowing the Secretary to carry out any such program or activity under section 6 of this Act may be transferred and used by the Secretary for the purpose of carrying out any other such program or activity under this Act.

OTHER AUTHORITY WITH RESPECT TO HEART, LUNG, AND BLOOD DISEASES

SEC. 8. This Act shall not be construed as superseding or limiting the functions or authority of the Secretary, or of any other officer, agency, or advisory council of the United States, relating to the study of the causes, prevention, diagnosis and treatment of heart, lung, and blood diseases.

Study Links Diet to Heart Attacks: Tests on Monkeys Support Theories on Cholesterol

(By Jane E. Brody)

ANAHEIM, CALIF., Nov. 12—University of Chicago researchers have produced what is perhaps the best experimental evidence to date that the typical American diet fosters the development of severe hardening of the arteries, the main cause of heart attacks.

The study also indicated that a "prudent" modification of the American diet—with a reduction in saturated fats, cholesterol and refined sugar—could avoid the development of the artery-clogging disease known as arteriosclerosis, which accounts for more than a third of the deaths of American men between the ages of 40 and 45.

The study was done with rhesus monkeys, which are very like humans in the way their body metabolism handles various foodstuffs. When middle-aged male rhesus monkeys consumed the content of the American table diet for two years, they suffered three times as much arteriosclerotic disease in the aorta, the body's main artery, as did monkeys eating the prudent diet.

In addition, in the animals on the average American diet, the arteriosclerotic deposits were four times more severe than those found in the monkeys who ate "sensibly," Dr. Robert Wissler reported at the annual meeting of the American Heart Association here.

Dr. Wissler said that his findings supported what studies in human populations "have already strongly suggested—that diet is extremely important to the development of arteriosclerosis."

Numerous previous studies in animals have similarly indicted the American diet as one of the causes of early deaths from heart disease. But most of these studies involved such distant relatives of man as the rabbit, rat, chicken and dog.

Other studies, on closer relatives, including the rhesus monkey, have been criticized because the suspected artery-damaging ingredients were fed to the animals in abnormal ways, such as in intravenous feedings.

In the Chicago study, the monkeys ate the way they usually do, except that in place of a stock monkey diet, they received such foods as milk, eggs, roast beef and pork, chicken, cheese, butter, sugar, potatoes, carrots, cereal, fruit, cake and juice.

The "prudent" diet contained many of the same ingredients, but less or none of the foods heavily laden with cholesterol and saturated fats. These include eggs, cheese, butter and fatty beef and pork. The prudent diet also contained less than the amount of refined sugar and one-third less calories than the monkey's average American diet.

Dr. Wissler said in an interview that the monkeys "loved" both diets and consumed them with such delight that both groups gained a fair amount of weight.

Dr. Wissler, who is chairman of the department of pathology at the University of Chicago, said that the "excess calories" in the average American diet probably accelerated the arterial effects of cholesterol and saturated fats.

He noted that monkeys who eat a stock monkey diet hardly ever get arteriosclerotic lesions.

Report From the Georgia Heartland—Where Being White and Affluent Has Its Risks

That blacks are generally less prone to coronary heart disease than whites has been acknowledged for several years. Nobody knows why, although both genetic and environmental factors are thought to be involved. However, the pattern is emerging more clearly as new details become available from an epidemiologic investigation begun more than a decade ago in Evans County, Ga.

This study—the only total-community, biracial study in the U.S.—was conceived and subsequently nurtured by Dr. Curtis G. Hames, a general practitioner in Claxton, the Evans County seat. Starting with a census of the population, he and outside investigators undertook a prevalence survey in the years 1960 to 1962 (MWN, Nov. 8, '63). At that time nearly all persons 40 and over were examined plus half the number of those between 15 and 39 years of age—a total of 3,102 county residents; these were then divided into ten subsamples to offset any examiner variations. Now a follow-up study (1967 to 1969) has provided not only a check on the earlier work but has explored a number of new avenues, turning up some surprises among the confirmations.

A group of papers detailing these results, some of which are still being evaluated, is scheduled for publication within the next few months in the *Archives of Internal Medicine*. They will show, among other things, that if you want to escape heart attacks, it helps to be lean, black, poor, nonsmoking, and physically active. With these qualifications, one apparently can eat animal fat, have elevated serum cholesterol levels, endure high blood pressure, and demonstrate ECG abnormalities without the high risks such factors ordinarily entail.

Checking back over statistics for the years between the original survey and the follow-up, the investigators found a total of 143 new cases of ischemic heart disease, 56 of them fatal. The incidence among white men was approximately 3½ times that among black men, confirming the prevalence survey data. This contrasts with figures for the country as a whole, which show more equality—3.8% against 3.2%. The difference is perhaps explained by the fact that few bi-racial prevalence studies and no incidence studies that include adequate numbers of blacks have been conducted outside Evans County.

One surprise finding in the incidence study was that differences noted earlier in the heart disease rates between affluent and poor whites had disappeared in the intervening years. The 1960–1962 data, applied to a social status yardstick that takes into account most modern symbols of affluence, showed a coronary heart disease rate of 99 per thousand for the more affluent portion of the white population, compared with just 40 per thousand for the less affluent. In the 1967–1969 incidence survey, though, this gap had narrowed to 84/1000 against 81/1000.

Another striking finding in the new study confirms a relationship noted in the earlier survey between coronary heart disease and physical activity—but with a twist. Not only do the highest rates of coronary heart disease occur, as might be expected, in the most sedentary segments of the population, but in the lowest-incidence group—sharecroppers and farm laborers—whites turn out to be no more coronary-prone than blacks. It appears, therefore, that physical activity rather than race may be the main protection against coronary disease. But Dr. Hames warns that there is reason to believe from some other findings that exercise may be an effective shield only above some as yet undefined threshold of exertion.

Among the black-white differences that have emerged in the study:

Hematocrit levels correlate with disease risk in white males, confirming certain of the Framingham, Mass., findings. Evans County data show that a white man with a hematocrit reading of 50 or above runs 2.3 times as much risk of coronary heart disease as one with a hematocrit of 40 or less. But no such relationship was found in blacks.

ECG abnormalities are approximately twice as common in blacks as in whites. Some 45% of black men and 54% of black women in the county show at least one ECG abnormality, compared with only 25% of white men and 22% of white women. But, oddly, the higher incidence of ECG anomalies in blacks carries no higher risk, at least not in males. The study shows that black men with "any of the specified abnormalities" had no greater CHD incidence than those with none. And no abnormality except left axis deviation carried any risk for black women. In contrast, four types of ECG findings correlate with higher rates of heart disease in white women, and any one of the specified abnormalities is enough to increase the risk in white men. The relationship of ECG abnormalities to coronary heart disease rates in white males is similar to what has been observed elsewhere in the country, but the pattern found in black men resembles more what has been found in Jamaica and South Africa.

Blood pressure was found to be higher in black men (154.0/96.5 average in ages 15 through 74) than in white men (140./87.7), and higher in black women (161.6/98.1) than white (143.6/87.3).

Cardiac enlargement and left ventricular hypertrophy both occur with greatest frequency in black females, with black males coming second in CE but white females second in LVH.

Cholesterol levels tend to be lower, on average, among blacks than whites, despite a higher consumption of animal fats by blacks. But in those blacks who do have serum cholesterol levels in the high range, the risk of CHD is less than in whites.

Beta lipoprotein are higher in white men than in black.

Triglycerides are consistently higher in whites, but gamma globulins are consistently higher in blacks in each class of immunoglobulin; this difference is significant at the 5% level in the gamma-G fraction only.

The Evans County studies have approached the relationship between smoking and coronary heart disease in several different ways. When studying the incidence of CHD among occupational groups, the investigators made one analysis showing that farmers who were smokers at the time of the survey, or had been smokers, had an age-adjusted CHD rate of 93.7 per thousand, compared with 59.6 for nonsmoking farmers, 158.2 for smoking nonfarmers, and 98.3 for nonsmoking nonfarmers. A racial comparison based on the whole of the country's adult population indicated that white nonsmokers had a CHD rate of 52.7 per thousand, black nonsmokers just 9.8, white smokers 101, and black smokers only 32.5. In other words, a black smoker seems to run a considerably smaller risk of coronary heart disease than does a white nonsmoker.

Still another study, based on questionnaires sent to a sampling of white men in the relatively affluent and therefore relatively high-risk category, turned up the following CHD incidence per thousand:

Never smoked	70
Had smoked but stopped	48
Smoke fewer than 10/day	105
Smoke 10 to 20 per day	138
Smoke more than 20 per day	160

"The interesting thing about this," notes Dr. Hames, "is that the ones who had smoked but gave it up actually had lower rates of coronary heart disease than those who had never smoked at all. We discussed this in a bull session up at the University of Vermont, and the consensus was that people who had the guts to quit probably had a little bit extra going for them."

"We saw the same thing," comments Dr. William Kannel, director of the Framingham heart project. "There wasn't a significant difference statistically, but the risk among former smokers was lower than among nonsmokers. Why? Perhaps long-time smokers who quit have passed the test; those with compromised cardiovascular systems have already fallen by the wayside. Perhaps, too, the ex-smokers are very health-conscious. But remember that health can affect smoking habits. Prospective studies might show that those who gave up smoking because a doctor told them to are still at risk and may be worse off than before."

The Evans County studies may have also resolved a question millions of smokers ask themselves every year. If I give up smoking but then put on weight, won't my risk of heart disease be just as great? The answer appears to be no. A study of white men to determine the combined effects of smoking and body weight in the seven years since the 1960–1962 survey showed that those who smoked subsequently developed coronary heart disease at the rate of 150 per thousand if they were heavy and 80 per thousand if they were lean. Heavy nonsmokers had a rate of only 64, and lean nonsmokers 51.

During the 87 months between the prevalence survey and the follow-up examination, cerebrovascular disease developed in 94 persons in Evans County, 53 of whom were still alive. The incidence of stroke among white men (4.7 per thousand per year) was almost four times that found in white women and more than twice that reported for white men in other parts of the country. The rates in black men and women were approximately equal (5.8/thousand/year), but there were too few patients of either sex to ensure statistical validity. Hypertension seemed to increase stroke risk in all groups, but not cholesterol levels.

In studying the relationship of weight to cerebrovascular disease—a somewhat controversial subject because of conflicting reports from other sources—the Evans County investigators focused on weight gain after age 30 on the theory that this might be the biologically important process in the development of this disease. They found, in effect, that both weight at age 20 and degree of subsequent weight gain exert an independent effect on the incidence of stroke in the white male population studied. Men who were comparatively lean at age 20 (less than 150 pounds) and gained less than 30 pounds in subsequent years had a stroke rate of 38 per thousand; the rate for heavy men who gained less than 30 pounds was 52. Lean men who gained more than 30 pounds had a rate of 59, heavies who gained as much, 90.

No correlation was found between weight at age 30 and subsequent weight gain, on the one hand, and ischemic heart disease.

Many of the research projects carried out with the Evans County epidemiologic data have been only peripherally related or totally unrelated to cardiovascular disease. For example, a search through the more than 20,000 blood samples collected in the county turned up one patient with Au antigens and severe hepatitis, and played a role in documenting an association between the two. And there have been ecological investigations and studies of viral-antibody prevalence. In one of the latter, blood samples are being used in an effort to link herpes virus Type II to cervical cancer.

But the primary business of the study is still cardiovascular disease, and the investigators have recently been concentrating on some heretofore insufficiently explored fields that Dr. Hames hopes will lead to a better understanding of ischemic heart disease. Interlocking studies of exercise, stress, catecholamines, and platelet aggregation are being run.

Part of the "fight-or-flight" mechanism developed in man during the process of evolution is the release of epinephrine and norepinephrine under stress—a catecholamine release accompanied by an increase in platelet stickiness, a precursor to thrombus formation. This, of course, must have been nature's way of helping prehistoric man to survive, lessening his risk of bleeding to death in combat.

Tests done in Evans County with 24-hour urine samples from a sizable segment of the population have shown that the more-affluent, coronary-prone group passes about 50% more norepinephrine than do poorer, lower-risk individuals. The theory now is that the affluent, "high-achiever" types not only lead a more stressful life but react differently to stress than do low achievers.

Recognizing that degrees of psychological stress vary widely among individuals, Dr. Hames and his collaborators have used physical stress—treadmill exercise to just below maximum cardiac output—in studying catecholamine release. Here they found that affluent whites pour out about twice as much norepinephrine as do poor blacks.

These results have led logically to studies of blood coagulation. Using the Born-O'Brien optical density method, which measures light transmitted through platelet-rich plasma, the Evans County investigators have charted the clumping of platelets in the blood of stressed individuals. Dr. Hames will be reporting on these studies later this year, but one preliminary conclusion he draws from the work is that chronic exercise appears to decrease the platelet-aggregation response to stress and is thereby protective. The sedentary person, on the other hand, responds to a surge of unaccustomed activity with acute release of catecholamines and excessive platelet aggregation.

Also under investigation is the prevalence of the five known lipid transport systems, and the degree of morbidity and mortality associated with each. The various lipoprotein fractions are being separated out from the Evans County blood samples at Center for Disease Control laboratories in Atlanta.

Other aliquots of blood are sent regularly to Oslo, Norway, and Florence, Italy, where they are subjected to genetic marker tests that may, hopefully, isolate one or more factors involved in the genetic determination of the various lipoprotein fractions. "If we can learn more about the genetics of lipidemias," says Dr. Hames, "some time in the future, when we get to the point where we can manipulate genes, it may be possible to intervene to modify, say a genetic tendency to hypercholesteremia."

The word "intervention" is heard with increasing frequency in conversations among Evans County researchers. They have now embarked on preventive intervention studies of hypertension. With more than 1,000 cases of hypertension identified in the community, Dr. Hames believes these studies can develop data and refine methods that could serve as models for work in other parts of the country. Furthermore, the introduction of this kind of preventive medicine in Evans County adds a new wrinkle to the health care available to many of his patients. Dr. Hames, for all this research, still considers that care to be his main responsibility.

[From the Wall Street Journal, Dec. 10, 1971]

PROGRAM TO COMBAT HEART DISEASE URGED BY PANEL, CITING ARTERIOSCLEROSIS EPIDEMIC

WASHINGTON.—A National Institutes of Health advisory committee, warning that death and disease from arteriosclerosis "have reached epidemic proportions in the U.S.," called for a new national program to combat heart disease.

The committee, composed of non-government experts, urged that the President appoint a commission to plan such a program and that a major expansion in spending be undertaken by NIH's National Heart and Lung Institute for research, education and prevention.

The group, chaired by Dr. Elliot V. Newman of Vanderbilt University, estimated the first-year costs of such an undertaking at $120 million and second-year outlays at $175 million. The National Heart and Lung Institute's budget for the current year is $232 million and total NIH spending for medical research is currently $1.4 billion.

Arteriosclerosis is the thickening or "hardening" of the blood-vessel walls sometimes caused by deposits of cholesterol and other fatty substances. The condition leads to a variety of circulatory problems, producing heart attacks, strokes and other types of vascular, or blood vessel disease.

The advisory group said an estimated 845,000 Americans are hospitalized each year for heart disease, 370,000 for strokes, 288,000 for hypertension, or high blood pressure, and 104,000 for other problems produced by arteriosclerosis. The group maintained that nearly 36 million American adults are afflicted by cardiovascular diseases that produce more than one million deaths each year. Cardiovascular disease is by far the leading medical cause of death in the U.S.

AT LEAST AN INITIAL STEP

The National Heart and Lung Institute, which called for the study by the advisory group, is eager to proceed with certain recommendations as at least an initial step. Dr. Theodore Cooper, institute director, estimates that running a series of four clinical trials designed to obtain essential answers to proper prevention and treatment of heart disease would cost from $112 million to $125 million over a seven-to-10-year period.

The institute has benefited from major increases in its budget in previous years and is obviously seeking another increase in the coming fiscal year to cover the costs of some of these activities. The Nixon administration's new cancer program, on its way to being enacted by Congress, has produced an increased and fierce competition for research funds among the components of the National Institutes of Health. The National Heart and Lung Institute and heart researchers outside the government have been fearful that the emphasis on cancer will detract from the needs they foresee in the fight against heart disease.

The report on arteriosclerosis, they believe, is likely to serve as a significant document in future struggles within the administration and on Capitol Hill for allocation of medical research funds.

EFFECT OF REDUCING "RISK" FACTORS

The four clinical trials Dr. Cooper hopes to undertake would attempt to determine the effect of reducing three major "risk" factors believed to play the predominant role in producing heart disease. These factors are elevated levels of cholesterol and other fatty substances in blood serum, hypertension and cigarette smoking.

The trials would include:

A small test involving about 250 people at the National Institutes of Health's Clinical Center to determine the effect of lowering fat levels by diet and drugs.

A larger trial involving about 3,600 people conducted elsewhere for the same purpose.

A trial involving 10,000 to 11,000 people to determine the impact on heart disease of lowering high blood pressure and to find out why so many people appear to be reluctant to undergo drug treatment for this condition.

Another "multi-factor" risk trial involving 10,000 to 11,000 people to determine the effect of treating all three risk factors, fat levels, high blood pressure and cigarette smoking.

By Mr. CASE:

S. 3408. A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents. Referred to the Committee on Veterans' Affairs.

Mr. CASE. Mr. President, today I am introducing legislation that will pave the way for the development of a medical school and veterans hospital in southern New Jersey. The legislation will authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations, and residency training. Appropriated funds can be used to pay a medical school for the cost of training during the time the intern or resident serves in the Veterans' Administration hospital.

Construction of a medical school and hospital is very important and I have urged the Office of Management and Budget to set aside funds for this program. However, unless the Veterans' Administration has legislative authorization to enter into formal agreements with a medical school, the program cannot get underway. At this time the Veterans' Administration does not have the authority to do this.

The bill I am introducing today has already passed the House of Representatives and requires only Senate action. It is similar to a draft proposal submitted by the administration to the 91st Congress.

I ask unanimous consent that the text of my bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3048

A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4114 of title 38, United States Code, is amended by deleting "(b)" at the beginning of subsection (b) and inserting in lieu thereof "(b)(1)" and by adding the following new paragraph:

"(2) In order to more efficiently carry out the provisions of paragraph (1) of this subsection, the Administrator may contract with one or more hospitals, medical schools, or medical installations having hospital facilities and participating with the Veterans' Administration in the training of interns or residents to provide for the central administration of stipend payments, provision of fringe benefits, and maintenance of records for such interns and residents by the designation of one such institution to serve as an agency for this purpose. The Administrator may pay to such designated central administration agency, without regard to any other law or regulation governing the expenditure of Government moneys either in advance or in arrears, an amount to cover the cost for the period such intern or resident serves in a Veterans' Administration hospital of (A) such stipends as fixed by the Administrator pursuant to paragraph (1) of this subsection, (B) hospitalization, medical care, and life insurance, and any other employee benefits as are agreed upon by the participating institutions for the period that such intern or resident serves in a Veterans' Administration hospital, (C) tax on employers pursuant to chapter 21 of the Internal Revenue Code of 1954, where applicable, and in addition, (D) an amount to cover a pro rata share of the cost of expense of such central administrative agency. Any amounts paid by the Administrator to such fund to cover the cost of hospitalization, medical care, or life insurance or other employee benefits shall be in lieu of any benefits of like nature to which such intern or resident may be entitled under the provisions of title 5 of the United States Code, and the acceptance of stipends and employee benefits from the designated central administrative agency shall constitute a waiver by the recipient of any claim he might have to any payment of stipends or employee benefits to which he may be entitled under this title or title 5 of the United States Code. Notwithstanding the foregoing, any period of service of any such intern or resident in a Veterans' Administration hospital shall be deemed creditable service for the purposes of section 8332 of title 5 of the United States Code. The agreement may further provide that the designated central administrative agency shall make all appropriate deductions from the stipend of each intern and resident for local, State, and Federal taxes, maintain all records pertinent thereto and make proper deposits thereof, and shall maintain all records pertinent to the leave accrued by each intern and resident of the period during which he serves in a participating hospital, including a Veterans' Administration hospital. Such leave may be pooled, and the intern or resident may be afforded leave by the hospital in which he is serving at the time the leave is to be used to the extent of his total accumulated leave, whether or not earned at the hospital in which he is serving at the time the leave is to be afforded."

By Mr. JAVITS:

S. 3049. A bill to provide minimum standards in connection with certain Federal financial assistance to State and local correctional, penal, and pretrial detention institutions and facilities;

S. 3050. A bill to assist urban criminal justice systems on an emergency basis in those cities whose personal security, economic stability, peace and tranquility are most impaired and threatened by the alarming rise in the commission of serious crime; and

S. 3051. A bill to provide assistance to State and local criminal justice departments and agencies in alleviating critical shortages in qualified professional and paraprofessional personnel, particularly in the corrections components of such systems, in developing the most advanced and enlightened personnel recruitment training and employment standards and programs and for other purposes. Ordered to be held at the desk.

THREE-PART CRIME PACKAGE

Mr. JAVITS. Mr. President, the violence and disorder within our Nation's prisons seems only recently to have exploded in the public consciousness. Yet it has always been there—inherent to our corrections system, forever simmering beneath the surface.

Violence within the prison walls—at Attica, San Quentin, and in scores of other prisons—is the sure consequence of a criminal justice system which hardens, retards, and dehumanizes in the name of corrections. Despite the indisputable crime and human wreckage that grow out of the American penal complex, we have been unwilling as a people to act for genuine reform.

I am today introducing the remainder of a package of four anticrime bills which I believe are designed effectively to begin to cope with critical aspects of this issue. These measures deal with the problems of prisoners' rights and criminal recidivism; the shortage or qualified custodial and rehabilitative corrections personnel; and, emergency funding for local criminal justice reform. The bills are:

The National Correctional Standards Act.

The Emergency Urban Crime Reduction Act.

The Criminal Justice Professions Development Act.

The "snake pit" conditions to which we have routinely consigned incarcerated criminal offenders in a number of major prison institutions are incompatible with the fundamental ethic of any civilized society and can no longer be tolerated.

I believe it is time to recognize that our punishment of the incarcerated has sometimes been vicious and almost always unproductive. We have been content with self-deception and half truths concerning the fate of those ever-increasing streams of men who pour into our prisons, and out, and then back again in a mindless and tragic cycle of psychic and physical violence.

Three years ago, the Congress set a priority for national crime control, a priority for making our streets safe, and our homes secure. The Nixon administration and many State and local criminal justice agencies have made some real progress toward that goal.

But there can be no real safety or security, or any lasting solution to the problem of increasing rates of crime until we deal effectively with the problem of the repeat offender. And we cannot begin to deal with recidivism as long as we fail to recognize that a basic respect for the humanity of every man must be the hallmark of any humane system of justice.

The corrections component of our criminal justice system still suffers from a plethora of ills: a lack of public support and understanding, piecemeal programing and understaffing, overcrowded, and unsanitary conditions, universal treatment of the prisoner as having few rights, a lack of facilities for job training and education, and totally inadequate funding.

The Congress must finally give immediate and careful attention to this issue in all of its aspects. This includes corrections manpower development, corrections rehabilitation services, including job training and job placement—and only last week I introduced with Senator HART "the Comprehensive Correctional Training and Employment Act"—corrections education services, construction, and renovation of correctional facilities, decentralized community corrections programs, and in my view, the critically important and traditionally neglected issue of prisoners' rights.

I have no illusions about the size of the problems attendant to effective correctional rehabilitation. And, there are hardened criminal offenders who are beyond any hope of peaceful reintegration into our society, and who will stubbornly resist our best efforts. And our people have a right to insist that they be protected from such offenders.

But there are many who can be rehabilitated and yet inhuman prison conditions inconsistent with our sense of justice and with any commonsense approach to the problem only lead to recidivism. The failure to recognize this, and to make it a fundamental operating principle within every jail, prison, correction, and detention facility in the Nation makes no sense from a moral, legal, or pragmatic view.

Morally, there is no basis for the proposition that the commission of a crime against society allows society to destroy the personal integrity of human beings by stripping away all of their legal and human rights. The idea that we should use prisons to sweep away what some might consider "human garbage" is repugnant to the very ethics upon which our Nation was founded.

Legally, the Federal courts have held that proportionality in punishment is a constitutional requisite and that inmates are protected from unreasonable action by corrections authorities by the due process and equal-protection provisions of the 14th amendment. The view that conditions in a jail alone can be so bad as to violate the eighth amendment ban against cruel and unusual punishment has gained new support in State and Federal courts in recent years.

Pragmatically, too, inmates should be treated as human beings. It violates commonsense to expect a man who has been brutalized and hardened to be kindly disposed to a society which has not only imprisoned him—and in some instances "caged" would be the more apt word—but which has tormented him as well.

Our corrections system cannot hope to do its job under the kind of conditions which are common in many prisons and detention facilities throughout the country. The variety of indignities commonly suffered by inmates ranging from sexual attacks, inadequate food, heat, and medical attention to the despair of men without hope debases and degrades our society as a whole in their eyes. Unless our corrections system can impart to inmates a sense of ethical values—which is to say, some genuine belief in the humaneness of society, and its willingness to accept them as members if they will abide by its rules—no amount of new funding will reform the system and rehabilitate those who are within it.

Mr. President, we must therefore alter the structure of the prison system itself. The overall philosophy and policy that governs that system and the attitudes of the public, of corrections administrators and custodial personnel, and of inmates themselves are central to this issue. The relationship between staff and inmates, and a reexamination and sharpening of goals and fundamental objectives are matters which are really at the core of our problem with the American prison system. The Nation's corrections administrators, and those who have been committed to criminal justice reform must take a primary leadership role in this effort.

The first bill I introduce today, the National Correctional Standards Act, would establish national minimum standards of policy for the treatment of inmates and improved institution-inmate relationships.

The standards would be developed—consistent with 13 general objectives set out in the bill—following public hearings, by an independent Commission appointed by the President, with the advice and consent of the Senate. Its members would be broadly representative of experience in fields related to corrections and criminal justice at the Federal, State, and local level.

Following presentation to the Attorney General, the standards could not be changed, except by majority vote of the Commission. It is important to emphasize that the standards would not be developed, legislated and mandated by Congress, but rather by those who have been closest to the problem.

The standards would then be applicable to LEAA which would administer all of its corrections grant programs under the act in accordance with the standards. They would also be applicable to the Federal prison system. The Commission would be required to complete its work within 1 year from the time of its appointment.

The bill provides that all State and local correctional departments must promulgate and implement within a reasonable time the minimum standards so established, or face a cutoff of Federal funds from the Law Enforcement Assistance Administration.

The standards will deal not only with "legal rights," but also with the administrative policy standards that govern significant aspects of the daily existence of the inmate. The 13 general objectives that the bill sets out for consideration by the Commission can be summarized in four categories:

First, minimum standards to promote respect for the human rights of inmates. Here we are dealing with the basic needs of the prisoner for adequate food and medical care, sanitary living conditions, recreation facilitations, hygienic needs and freedom from sexual attacks and abuse. They will also cover regulations pertaining to the sending and receiving of mail, including the opening, censoring, and confiscation of correspondence, the right to communicate with the outside world, at least with family and friends, access to legal assistance, the right to vote, and visting privileges.

Second, here standards will apply to the establishment of mechanisms to raise issues relating to the basic conditions under which inmates live, the improvement of such conditions and the resolution of grievances of all kinds. There is a critical lack of communication between prisons. Some prison systems are now experimenting with a citizen ombuds- the inmates and the policymakers in the man who fulfills this function. They will also deal with the publication and notice to inmates of rules governing their conduct and the conduct of correctional personnel, and procedures to be followed in adjudicating charges for violations, minimum and maximum penalties, and forms of punishment.

Third, here standards will relate to the utilization and employment of professional and paraprofessional minority group personnel and to the provision of bilingual minimum education services. Race is clearly an extremely dangerous problem. Nearly all of the guards and prison officials in many prisons are white. Increasing numbers of inmates are black, Puerto Rican, and Mexican-American. Racial antagonism is thereby reinforced and frequently sparks the flash point of prisoner unrest.

Fourth, here standards will relate to special rules applicable to the incarceration or detention of those who have been charged with, but not convicted of any crime, those who are juvenile delinquents and youth offenders, those who are felons and misdemeanants, and persons of different sex. In many local corrections systems, including New York City's thousands of persons detained prior to trial—all presumed to be innocent until proven guilty—live under more serious deprivation than those who have been convicted. We must begin to address this situation and provide realistically for the rights of such persons.

Mr. President, at the Federal level, President Nixon has moved to establish corrections reform as an important priority of his administration. The expenditures of the Law Enforcement Assistance Administration for this purpose have increased from 6 percent of its total spending in fiscal 1969 to more than 32 percent in fiscal year 1971. In its first year of operations, 1969 LEAA spent $2.5 million on corrections. In fiscal 1971 it allocated $59 million, and in fiscal 1971 that figure rose to $178 million. In the current fiscal year, LEAA corrections spending is expected to reach $250,000,000.

In 1971, the Amendments to the Omnibus Crime Control and Safe Streets Act, while providing substantial new program and funding authority under part E, required that States and localities give particular attention to developing and operating community-based facilities, including diagnostic services, halfway houses, probation, and work release programs. I believe that rehabilitation programs of this nature have the greatest chance of succeeding. I applaud this significant progress, but am gravely concerned about other aspects of this problem.

I have been advised that LEAA's first national jail census revealed that more than one-half of the inmates of these institutions had not been convicted of a crime, but were either awaiting trial or were being held for other authorities. These jails held more than 160,000 prisoners, almost 8,000 of whom were juveniles.

Of the 3,300 jails in cities and counties of more than 25,000 population, 85 percent had no recreational or education facilities, 50 percent had no medical facilities, and 25 percent had no visiting facilities. More than 25 percent of the cells were in buildings more than 50 years old, and 6 percent of the cells were in buildings more than 100 years old.

In my own city of New York, inferior medical care in our overcrowded jails has been identified as a key factor in several of the 25 deaths—including eight suicides—that have occurred in New York jails so far this year. Six of the eight inmates who committed suicide were heroin addicts, seven were less than 23 years old, and seven had not been convicted, but were awaiting trial. The New York City jail system operates at 161 percent capacity. Seventy percent of the inmates there are awaiting trial, 50 percent of them are heroin addicts, and there are only 171 hospital beds available for the more than 400 inmates who require psychiatric care.

Beyond the questions of minimal medical care and overcrowded facilities, lie the even more basic issues of adequate food, heat, and sanitary conditions, uniform disciplinary rules, recreation, visiting privileges, procedures for the mediation of grievances and the establishment of rights for inmates. These are the same issues which have bred a deep and resentful disrespect for the social order, and have caused the explosions and disorders at Attica, Rahway State Prison, San Quentin, and so many other prisons and detention facilities throughout the Nation.

In many such facilities there is no systematic plan for inmate recreation, indoor or out, and no education or job training program of any kind. Inmates remain locked in their cell blocks virtually all day; many of the toilet and shower facilities are unusable or unsanitary, and discipline is enforced and punishment awarded without regard to any uniformly applied criteria and system of rational procedures. Meaningful communication and understanding between inmates and correctional officials is lacking.

The New York City Department of Corrections is addressing this latter problem, and has recently submited to LEAA a proposal for a program to train and hire some 200 correction assistants, who would provide a communications link between inmates and officers, and provide assistance to both in seeking better relations, and more meaningful and frequent contact for the inmate with his family and community. The New York City Legal Aid Society is also seeking solutions to these problems. Working with a $163,000 grant from the New York State Office of Crime Control Planning, it has established a special prisoners' rights litigation unit to represent inmates in city and State prisons in disputes concerning treatment and living conditions. These are innovative and promising programs and deserve our maximum support.

The National Correctional Standards Act, if it becomes law, will assist and facilitate the transformation of our corrections system in a most substantial way. Many of the reforms which would be the subject of the Commission's attention have already been initiated in various ways in local correctional departments.

New York City, for example, has published and issues to all inmates coming into the Manhattan House of Detention a compilation of its rules and regulations, in the English and Spanish languages. But, there is a great deal more that most be done. I urge every Member of the Senate to consider this bill carefully.

Mr. President, my second bill is the Criminal Justice Professions Development Act of 1971. I believe it to be an indispensable part of any comprehensive strategy to improve our performance in correctional rehabilitation. It is a necessary complement to the National Correctional Standards Act, which I have just introduced.

We cannot continue to ask our correctional departments and agencies at the State and local level to accept the kinds of responsibility we have long given to them without providing adequate resources for recruitment, training, and employment of their professional personnel.

We cannot ask them to raise their standards of performance and to take on more ambitious goals and profoundly difficult objectives without a commitment to respond on their issue.

The bill would amend the Omnibus Crime Control and Safe Streets Act of 1968 by creating a new part J, "Criminal Justice Professions Development." It would establish and support a national network of regional crime and delinquency centers which would serve as training institutions for students and practitioners of criminal justice, centralized channels for recruitment of criminal justice personnel, consultation centers for criminal justice agencies and relevant professional schools, and research centers for basic and applied studies of criminal justice.

The professional staff of such centers would be composed of personnel drawn both from the academic community, primarily in the fields of law, clinicial psychology, psychiatry, social work, and public administration, as well as, from the practicing agencies of criminal justice.

The bill would also provide increased academic assistance for corrections systems professional personnel, including probation and parole officers. A 3-year $35,000,000 authorization is recommended to provide such assistance for study and training in academic subjects related to correctional administration and rehabilitative services.

The bill would also provide for the establishment of a Presidential Advisory Council on Criminal Justice Professions Development, an annual assessment of criminal justice manpower needs by the Attorney General, and authorize a national criminal justice professions recruitment program.

Recognizing that recruitment and compensation of new personnel is an absolute necessity, the bill would also authorize LEAA to make grants to State and local corrections departments and agencies to assist them in the recruitment, employment, and compensation of professional and paraprofessional personnel.

This would apply to administrative, custodial, rehabilitative, medical, and other personnel, consistent with criteria established by LEAA. In any event, not more than one-third of any grant could be expended for the compensation of custodial personnel.

Also, any grantee would have to provide adequate assurances that—

First, Federal funds would not be used to supplant State and local funds;

Second, personnel standards and programs reflect the most advanced and enlightened practices and objectives; and

Third, the applicant is making progress in improving the recruiting, organization training, and education of personnel engaged in correctional activities.

In 1971 LEAA will expend in bloc grants and discretionary funding a total of $18,144,000 for personnel, recruitment, and training throughout the national criminal justice system. Under part E, providing exclusively for corrections improvements, the total expenditure is only $3,350,000. While there is some additional spending for corrections under part C of the act, the largest share of funds in this area has gone to the law enforcement component of criminal justice.

My bill would authorize an additional $40,000,000 for corrections during the next 3 years.

Mr. President, my third bill, the Emergency Urban Crime Reduction Act of 1971, seeks two basic objectives which I think are essential to any new grant-in-aid legislation in the criminal justice area:

First. Specific priority uses to which the funds must, in part, be put which are reasonably calculated to produce short-term results in reducing crime rates in urban areas.

Second. The initiation of some genuine long-term reform in each of the three component parts of the local criminal justice system—police, courts, and corrections.

The measure would concentrate a proposed authorization of $300 million for each of the next 3 years in the central cities having the highest crime rates in the country. The President would designate as many as 25 cities as "emergency crime areas."

This designation would be based upon the number of crimes per 1,000 inhabitants committed in each particular city. The figures used would be taken from the uniform crime reports published each year by the FBI. During each year, the selected cities would receive a direct grant based upon two factors: first, population; and second, rank in the crime index. Particular allocations would be based on both of these factors.

On the city level the funds will be administered by a commission to be appointed by the mayor of each designated city. The commission shall consist of a representative from the police force, a representative from the judiciary, a representative from the corrections department, and selected community representatives to reflect a cross section of the city on the commission. The commission will have flexibility within the three stated areas to determine the specific projects and the specific ways in which the city's grant funds will be spent. The cities will be encouraged to develop innovative programs in the three target areas and to make every effort drastically to reduce the crime rate on an emergency basis.

The basic purpose of this legislation is to sharpen the focus of the fight against crime and to direct the necessary funds into areas where they are most needed. The overall administration of the program will be in the hands of the Justice Department and each year the designated cities will be required to file a report detailing what has been done in the three critical areas.

The only restriction on the use of the money allocated to the cities is that it must be used in three areas, for upgrading the police force, improving the court system, and revamping the correctional system.

The bill establishes priorities for specific anticrime programs, with one-third of each city's total allotment going for police, one-third for courts and one-third for corrections. In each of these three areas priority projects may include, but are not limited to programs designed to:

First, strengthen the police component of the criminal justice system by utilizing civilian, unarmed, surveillance, and patrol teams in local areas, working under the direct supervision of police authorities, new police narcotics enforcement programs in city school systems, and administrative machinery of law enforcement agencies;

Second, improving the courts component by increasing the efficiency of criminal court procedures, providing alternatives to the bail bond system and establishing, on a trial basis, pretrial services agencies; and

Third, improving the corrections component by facilitating the recruitment and training of custodial and rehabilitative correctional personnel, as well as parole and probation officers, providing separate detention facilities for juveniles, including authorization to renovate existing correctional facilities and leasing additional facilities for such purposes.

Mr. President, these three bills or any other legislation are not the whole answer. The issue of crime in our society is the outgrowth of dramatic change in our society which must be confronted, in a larger sense, by the Congress, the States, our local communities, and the people themselves.

But so long as the misguided maiming of human beings remains institutionalized in our criminal justice system, so will the cycle of crime and punishment, and more crime, accelerate and trap us all.

The roots of the chaos in our penal system are in a misconception of what that system and our society should and must do for those who are consigned to exist with it. While the requirements of both human dignity and order within our prisons must be met, the lesson of the prison tragedies must be that human dignity and mutual respect cannot become the casualties of our emotions. For those on both sides of the issue who would use terror, fear, accusations, and polarizations we must deny them their opportunity to dictate our policy.

We need, instead, to be a people who will sustain a strong effort to insure a system of justice which will respect and encourage the full humanity of each man and woman within the prison walls, as well as kin and friends outside, and raise the moral health of the community—while recognizing the frustration and difficulties of those who are charged with the responsibility of true rehabilitation.

Mr. President, I send the three bills to the desk for introduction and ask unanimous consent that they be printed in the RECORD. I further ask unanimous consent that the bills be held at the desk without being referred or printed until the close of business on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 3049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Correctional Standards Act."

DECLARATION OF POLICY

SEC. 2(a) The Congress finds and declares that the problems symptomized by riots and disorder in federal, state and local correctional institutions, spring in part, from a failure of the corrections system to cope effectively with the dehumanizing causes of discontent within our prisons. Our corrections system cannot hope to do its job under the kind of conditions which are common in many prison and detention facilities throughout the country. The variety of indignities commonly suffered by inmates ranging from sexual attacks, inadequate food and medical attention to the despair of men without hope debase and degrade our society as a whole. Unless our corrections system can impart to a larger proportion of inmates a sense of ethical values—combined with effective rehabilitative services, including job training and placement—no amount of new funding will reform the system, rehabilitate inmates, and reduce the escalating rates of recidivism and violent crime in our society.

(b) It is the purpose of the Act to require the formulation and application of a more explicit and responsive set of national standards to guide the federal role in the reform of the corrections component of federal, state and local criminal justice systems.

SEC. 3. Section 454 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"SEC. 454 (a) The President shall, within sixty days after enactment of this section, in consultation with the Attorney General, appoint, without regard to the provisions of title 5, United States Code, a national Advisory Commission on Correctional Standards.

(b) The Commission shall consist of fifteen members, who shall be appointed, by and with the advise and consent of the Senate, from among persons who are broadly representative of experience in the fields of correctional administration and rehabilitation at the federal, state and local level, probation and parole services, correctional manpower and training activities, law, the social and behavioral sciences, and public and private agencies and organizations engaged in correctional rehabilitation programs and overall correctional reform. The Chairman of the Commission shall be selected by the President from among the members, except that such Chairman shall be selected from the private sector and shall not be an officer of any federal, state or local governmental department or agency.

(1) It shall be the duty of the Commission within one year of its appointment to establish minimum standards relating to the administration of correctional and pre-trial detention institutions and facilities, consistent with the provisions of subparagraph (d) of this section, and to hold public hearings on the proposed standards prior to submitting its final recommendations to the Attorney General for his approval. Eight members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

(2) The Commission shall cease to exist sixty days after its final recommendations are submitted under this section.

(3) The Commission shall meet at the call of the Chairman, or at the call of a majority of the members thereof.

(c) The Attorney General shall approve the standards as a whole or secure the concurrence of the Commission by majority vote of its members to changes therein. Upon approval, such standards shall be published and shall be applicable to all correctional and pre-trial detention facilities receiving federal financial assistance, or in which programs receiving federal financial assistance are operated pursuant to this Act.

(1) The Administration shall not make any grant under this Act to any State planning agency, unit of general local government, or combination of such units, unless the applicant (a) provides satisfactory assurances that such grant will be employed to implement the minimum standards established under this section by the Commission within a reasonable time, and (b) demonstrates, following the establishment of such minimum standards, that such standards are being implemented to the reasonable satisfaction of the Administrator.

(2) The Attorney General shall take whatever action is necessary to assure that all federal correctional institutions meet the standards established by the Commission under this section.

(d) To the extent practicable and consistent with the findings of the Commission and of other public and private organizations and agencies the minimum standards established pursuant to subsection (b)(1) of this section shall relate to—

(1) the maintenance of the physical and mental health of persons detained within correctional departments and agencies including the quality of medical, hospital, and infirmary facilities and services, and the availability of physicians, psychiatric and psychological counselling, therapy for drug users and alcoholics, adequate food services and appropriate facilities for exercise and recreation;

(2) the personal, hygienic necessities of inmates, including availability of soap, towels, showers, laundry services, and the inspection and compliance of correctional and detention facilities with local health and sanitary codes;

(3) the availability of bilingual programs for the basic and vocational education and training of inmates, including library services;

(4) the publication and notice to inmates of rules governing the conduct of persons detained in correctional institutions and detention facilities, and of correctional, custodial and administrative personnel, and the procedures to be followed in adjudicating charges for violations of such rules, and the minimum and maximum penalties applicable to such violations;

(5) the impartial hearings and adjudication of complaints and grievances concerning discipline or other actions, policies or practices of a correctional department or agency, or any employee thereof, including the feasibility of ombudsman or similar services;

(6) the forms of discipline and punishment that may be administered as well as the procedural practices applicable to the disposition of disciplinary actions against inmates resulting in loss of good time, loss of privileges, restricted confinement within the general population, or punitive segregation for a specified period;

(7) rules and regulations pertaining to the sending and receiving of mail, including the opening, censoring, and confiscating of correspondence, and the transmitting of written material for publication;

(8) rules and regulations pertaining to visitation opportunities afforded to inmates, and the use of telephone service for communication with family, attorneys, and others;

(9) rules and regulations governing eligibility for parole and probation, the disposition of applications for such action and the publication and notice to inmates of such procedures;

(10) rules and regulations pertaining to the registration of inmates eligible to vote consistent with the provisions of state and local law;

(11) rules and regulations pertaining to the availability and frequency of religious services, including counseling;

(12) the employment and utilization of custodial, administrative and rehabilitative professional and para-professional personnel who are representative of minority groups, and

(13) special rules and regulations applicable to the incarceration and detention of those who have been charged with, but not convicted of any crime, those who are juvenile delinquents and youth offenders, those who are felons and misdemeanants, and persons of different sex.

(e)(1) Members of the Commission who are full time officers or employees of the United States shall serve without additional compensation, but shall be reimbursed for travel, subsistence and other necessary expenses incurred in the performance of the duties vested in the Commission. Members of the Commission from private life shall receive $125 per diem while engaged in the actual performance of the duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

(2) The Commission shall have the power to appoint and fix the compensation of such mission, plus reimbursement for travel, subgard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 5, and Subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(3) The Commission may procure, in accordance with the provisions of section 3109 of title 5, United States Code, the temporary or intermittent services of experts or consultants. Persons so employed shall receive compensation at a rate to be fixed by the Commission, but not in excess of $75 per diem, including travel time. While away from his home or regular place of business in the performance of services for the Commission, such person may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

(4) The Commission shall secure directly from any department or agency of the United States information necessary to enable it to carry out its duties under this section. Upon request of the chairman, such department or agency shall furnish such information expeditiously to the Commission.

(f) There are hereby authorized to be appropriated $500,000 for the purpose of carrying out this Act.

S. 3050

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Urban Crime Reduction Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that—

(1) the security, economic stability, peace and tranquility of many of the cities of the Nation are threatened by an alarming rise in the commission of serious crime, and by an incidence of personal injury and death from crime which is higher in the United States than in any other industrial nation in the world;

(2) the only genuine, long-range solution to the problem of crime is (A) a comprehensive approach to the causes of crime and the conditions which breed despair and social and economic deprivation, (B) a more effective and better equipped law enforcement capability, (C) a vastly improved correctional system which actually rehabilitate a significantly larger number of offenders than are currently being rehabilitated under present programs, (D) a more efficient court system, adequately supported by the collateral services so vital to the effective administration of justice, including the prosecution, defense, probation and parole of offenders, and (E) a more effective treatment and comprehensive, rehabilitation of individuals who are addicted to narcotic drugs, particularly heroin, together with the elimination of the illicit sources of supply of such drugs;

(3) experience has shown that the development, administration, and delivery of effective programs designed to bring about

reform of the entire criminal justice system pose extremely difficult, complex and long term problems for the offender, the state, and the local community. These difficulties require a comprehensive approach, and the wholesale cooperation of law enforcement, correctional and judicial authorities at the local, state and national level, the mass media, the professions, civic action groups, employers, employees, and other public and private agencies, individuals, and organizations;

(4) the escalating rates of violent crime, particularly within the victim communities of the economically disadvantaged in our major cities, require emergency financial assistance designed to bring about some reasonably rapid reduction in the level of crime.

(b) It is the purpose of this Act to authorize the Attorney General to make grants and provide technical assistance to cities in the United States where the need to combat crime is greatest, in order to permit those cities to strengthen police protection, to improve the administration of the local courts, and to reform and rehabilitate the local correctional system, thereby effecting a demonstrable reduction in the level of serious crime in such areas within a reasonable period of time.

AUTHORIZATION

SEC. 3. (a) There is authorized to be appropriated to carry out the purposes of this Act $300,000,000 for the fiscal year ending June 30, 1972, and for each of the two fiscal years thereafter.

(b) The Attorney General is authorized to make grants to eligible cities that have applications approved under section 5 to pay the Federal share of the costs of carrying out the projects described in such applications.

ALLOTMENTS TO ELIGIBLE CITIES

SEC. 4. (a) Funds appropriated to carry out this Act shall be allotted by the Attorney General to eligible cities on the basis of the population and crime index of each such city, as provided in subsection (b) of this section.

(b) For the purpose of this Act—

(1) the term "eligible city" means any city determined by the Attorney General to be among the first twenty-five cities in the United States on a crime index prepared by him for the purposes of this Act;

(2) the term "crime index" means a listing of designated cities in the United States, having a population of at least 250,000 persons, which shall be determined by the Attorney General after consultation with the Director of the Federal Bureau of Investigation, and shall be based upon the number of reported homicides, rapes, robberies, aggravated assaults, burglaries, arsons, larcenies over $50, kidnappings, auto thefts and other felonies accompanied by the use or threatened use of force or violence per 100,000 inhabitants of each such city.

(c) The crime index and the population of each eligible city shall be determined by the Attorney General in accordance with the provisions of this Act on the basis of the most satisfactory data available to him for each fiscal year.

(d) If the Attorney General determines that any portion of an eligible city's allotment for a fiscal year will not be required by such city for the period such allotment is available, that portion shall be available for reallotment from time to time, on such dates and during such period as the Attorney General may fix, to other eligible cities in proportion to the original allotments to such eligible cities for such year, but with such proportionate amount for any of such other eligible cities being reduced to the extent it exceeds the sum which the Attorney General estimates such eligible city needs and will be able to use for such period for carrying out such portion of its application approved under this Act, and the total of such reductions shall be similarly reallotted among the eligible cities whose proportionate amounts are not so reduced. Any amount reallotted to an eligible city under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

APPLICATION

SEC. 5. (a) An eligible city desiring to receive its allotment of federal funds under this Act shall submit an application, consistent with the provisions of this section and other requirements as the Attorney General may establish under section 6. Each such application shall—

(1) provide for the administration of the programs and projects to a Criminal Justice Coordinating Council consisting of fifteen persons appointed by the chief executive of such city from among persons who are broadly representative of and experienced in the fields of law enforcement, courts, probation and parole, correctional institutions, education, law, the social sciences, the behavioral sciences, and the general public;

(2) set forth a program for—

(A) strengthening the police component of the criminal justice system within such city, including but not limited to projects designed to—

(i) facilitate the recruitment and training of new law enforcement personnel;

(ii) improve the organizational systems and administrative machinery of law enforcement and utilizing, where feasible, civilian personnel to perform administrative and clerical and other duties heretofore performed by professional law enforcement personnel;

(iii) establish, organize and support auxiliary police organizations, consisting of unarmed citizen volunteers, whose purpose is to assist and supplement the efforts of duly constituted law enforcement agencies in patrolling, surveillance and other crime prevention activities, under the direct supervision of law enforcement authorities; and

(iv) avoid and prevent the use and distribution of narcotics and improve the enforcement of narcotics laws generally, and in cooperation with local boards of education, provide for more effective identification and elimination of sources of the supply of narcotics within elementary and secondary school systems and institutions of higher learning.

(B) reforming the courts components of the criminal justice systems within such city, including but not limited to projects designed to—

(i) improve the efficiency of criminal court procedures, including the appointment of professional court administrators;

(ii) improve the efficiency of, and where needed, increase the number of judges trying criminal cases, and of professional personnel engaged in prosecution, defense, probation, parole, and social welfare work in connection with the disposition of criminal cases;

(iii) refine and apply uniformly criteria for the pretrial detention of persons charged with criminal offenses who are held without bail or who are unable to obtain bail;

(iv) provide alternatives to the bail bond system, including but not limited to model demonstration programs involving the funding of bail by non-profit, private corporations, and community release programs, and

(v) establish, on a demonstration basis, pretrial services agencies authorized to maintain effective supervision and control over, and to provide supportive services to defendants released prior to trial, including the collection, verification and reporting of information pertaining to the conditions of release of such persons, and the operating or leasing of appropriate facilities for the custody or care of such persons, including, but not limited to, residential halfway houses, narcotic addict and alcoholic treatment centers, and counseling services;

(C) improving the corrections component of the criminal justice system within such city, including but not limited to projects designed to—

(i) establish appropriate qualifications and standards for correctional officers, including custodial and rehabilitation personnel, as well as probation and parole officers;

(ii) facilitate the recruitment and training of such professional correctional officers;

(iii) provide separate detention facilities for juveniles, including shelter facilities outside the correctional system for abandoned, neglected or run-away children; and

(iv) relieve the overcrowded and oppressive conditions in correctional facilities, jails, juvenile training schools and detention facilities by renovating and remodeling existing correctional facilities and leasing additional facilities for such purposes;

(3) provide assurances that not more than one-third of the funds made available to such city will be expended for projects described in clause (A) of the preceding paragraph, not more than one-third of such funds shall be expended for programs described in clause (B) of such paragraph, and not more than one-third of such funds shall be expended for programs described in clause (C) of such paragraph.

(4) provide assurances that the city will pay from non-Federal sources the remaining costs of such a program;

(5) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disposal and accounting of Federal funds paid to the eligible city (including such funds paid by the eligible city to any agency of a political subdivision of such eligible city) under this Act; and

(6) provide for making such reasonable reports in such form and containing such information as the Attorney General may reasonably require to carry out his functions under this Act and for keeping such records and for affording such access thereto as the Attorney General may find necessary to assure the correctness and verification of such reports.

(b) The Attorney General shall approve any application and any notification thereof which complies with the provisions of subsection (a).

BASIC CRITERIA

SEC. 6. As soon as practicable after the enactment of this Act, the Attorney General shall by regulations prescribe basic criteria for the full range of projects for which funds may be used under clauses (A), (B), and (C) of section 5(a) (2).

ADMINISTRATIVE PROVISIONS

SEC. 7. (a) In order to carry out the provisions of this Act, the Attorney General is authorized—

(1) to promulgate such rules and regulations as may be necessary;

(2) to employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(3) to appoint one or more advisory committees composed of such private citizens and officials of state and local governments as he deems desirable;

(4) to utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

(5) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

(6) to accept voluntary and uncompensated services, notwithstanding the provi-

sions of section 665(b) of title 31, United States Code; and

(7) to request such information, data, and reports from any Federal agency as the Attorney General may from time to time require and as may be produced consistent with other law.

(b) Upon request made by the Attorney General each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent to the Attorney General in the performance of his functions.

(c) Each member of a committee appointed pursuant to paragraph (3) of subsection (a) of this section shall receive $135 a day, including travel time, for each day he is engaged in the actual performance of his duties as a member of a committee. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

(d) In carrying out the provisions of this Act, the Attorney General may establish within the Department of Justice such additional offices as may be necessary, except that the Law Enforcement Administration may not be used to carry out the provisions of this Act.

DISAPPROVAL OF CITY PLANS

SEC. 8. (a) The Attorney General shall not finally disapprove any city plan submitted under this Act, or any modification thereof without first affording the City Coordinating Council submitting the plan reasonable notice and opportunity for a hearing.

(b) Whenever the Attorney General after reasonable notice and opportunity for hearing to the Council administering a plan of an eligible city approved under section 5, finds that—

(1) the plan has been so changed that it no longer complies with the provisions of such action, or

(2) in the administration of the plan there is a failure to comply substantially with any such provision, the Attorney General shall notify the Council that the city will not be eligible to participate in the program under this Act and no payments may be made to such city by the Attorney General until he is satisfied that there is no longer any such failure to comply.

JUDICIAL REVIEW

SEC. 9. (a) If any city is dissatisfied with the Attorney General's final action with respect to the approval of its plan submitted under section 5 or with his final action under section 8, such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such city is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Attorney General. The Attorney General thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Attorney General if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Attorney General to take further evidence, and the Attorney General may thereupon make new or modified findings of fact and may notify his previous action and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition the court shall have jurisdiction to affirm the action of the Attorney General or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

PAYMENTS

SEC. 10. (a) Payments under this Act shall be made from an eligible city's allotment to any such city which administers an application approved under section 5. Such payments shall not exceed 90 per centum of the cost of carrying out such application. In determining the cost of carrying out an application, there shall be excluded any cost with respect to which payments were received under any other Federal program.

(b) Payments to an eligible city under this Act may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment, and may be made directly to an eligible city or to one or more public agencies within such city designated for this purpose by the chief executive of such city, or to both.

(c) The Comptroller General of the United States or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grantee under this Act.

SAVINGS PROVISION

SEC. 11. Nothing contained in this Act shall be construed to prevent or impair the administration or the enforcement of any other provision of Federal law.

S. 3051

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited at the "Criminal Justice Professions Development Act of 1971."

THE CRIMINAL JUSTICE PROFESSIONS DEVELOPMENT ACT OF 1971—FINDINGS AND DECLARATIONS OF POLICY

SEC. 2. The Congress hereby finds and declares that (1) there is an urgent need to alleviate the critical shortage in qualified manpower for criminal justice systems at all levels of government, and most critically, in the corrections component of such systems; (2) personnel recruitment, training and employment standards and programs within such systems must reflect the most advanced and enlightened practices, and objectives; (3) immediate steps are required to devise new institutional means to accomplish this goal; (4) the need for trained criminal justice personnel is apt to increase as the population expands, and crime rates remain at unacceptable levels; and (5) regional crime and delinquency centers, providing broad based services to the entire criminal justice system, can reduce such shortages and promote the solution of critical problems that confront the various components of criminal justice.

SEC. 3. (a) Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (hereinafter referred to as "the Act") is amended by inserting immediately after Part I the following:

"PART J—CRIMINAL JUSTICE PROFESSIONS DEVELOPMENT

"SEC. 671. The Administration is authorized to make grants to State and local governmental agencies and to institutions of higher education and private nonprofit organizations for the purpose of paying not more than 85 per centum of the cost of establishing, staffing, and operating regional crime and delinquency centers in various areas of the country. As used in this section, the term 'crime and delinquency center' means a public or private nonprofit agency, institution, or organization which serves as—

"(A) a training institution for students and practitioners of criminal justice;

"(B) a centralized channel for the recruitment of criminal justice personnel in conjunction with Federal, State, and local criminal justice agencies;

"(C) a consultation center for criminal justice agencies and relevant professional schools; and

"(D) a research center for basic and applied studies of criminal justice."

No payment shall be made to any State, local governmental agency, institution of higher learning or private, nonprofit organization pursuant to this section, unless and until (1) the eligible grantee submits an appropriate proposal providing for the purposes, objectives, administration, staffing, organization, and curriculums of the proposed crime and delinquency center, consistent with criteria established by the Administration; *Provided,* That the professional staff of such centers shall be composed of persons drawn both from practicing agencies of criminal justice, and from persons who have broad experience primarily in the fields of law, psychiatry, clinical psychology, social work, and public administration, and (2) the Administration finds that the eligible grantee will have available for expenditure an amount equal to not less than the non-Federal share of the costs with respect to which payment is sought." No part of any grant made pursuant to this section may be used for the acquisition of land or for capital construction.

ACADEMIC ASSISTANCE FOR CORRECTIONS SYSTEMS PROFESSIONAL PERSONNEL

SEC. 672(a) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, or other appropriate public and private nonprofit organizations, including regional crime and delinquency centers to assist them in planning, developing, strengthening or carrying out programs designed to provide training or academic educational assistance to persons for study in academic subjects related to correctional administration and rehabilitative services.

(b) There is authorized to be appropriated to carry out the provisions of this section, $5,000,000 for the fiscal year ending June 30, 1972; $10,000,000 for the fiscal year ending June 30, 1973, and $15,000,000 for the fiscal year ending June 30, 1974.

SEC. 673. (a) The President shall, within ninety days after the enactment of this title, appoint a National Advisory Council on Criminal Justice Professions Development (hereinafter in this section referred to as the "Council") for the purpose of reviewing the operation of this part, and of other Federal programs for the training and development of criminal justice professional personnel, evaluating their effectiveness in meeting the purposes of the part and in achieving improved quality in such training programs, and personnel recruitment, training and performance standards generally. The Council shall, in addition advise the Attorney General, with respect to policy matters arising in the administration of this part and any other matters, relating to the purposes of the part, on which its advice may be requested.

(b) The Council shall be appointed by the President, without regard to the civil service and classification laws, and shall consist of fifteen persons. The members, one of whom shall be designated by the President as Chairman, shall include persons broadly representative of any experience in the fields of law enforcement, courts, probation and parole, correctional administration, education, law, the social sciences, and the behavioral sciences.

(c) The Council shall make an annual report of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to criminal justice personnel training) to the

President and the Congress not later than January 31 of each calendar year beginning after the enactment of the section. The President is requested to transmit to the Congress such comments and recommendations as he may have with respect to such report.

(d) Members of the Council who are not in the regular full-time employ of the United States shall, while serving on the business of the Council, be entitled to receive compensation at rates fixed by the President, but not exceeding the rate per day specified at the time of such service for GS–18 under section 5332 of title 5, United States Code, including travel time, and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(f) There is authorized to be appropriated to carry out the purposes of this section the sum of $150,000 for the fiscal year ending June 30, 1972, and the sum of $250,000 for each of the two succeeding fiscal years.

APPRAISING CRIMINAL JUSTICE PERSONNEL NEEDS

SEC. 674 (a) The Attorney General shall, from time to time, appraise existing and future personnel needs of the Nation in the field of criminal justice, and the adequacy of the Nation's efforts to meet those needs. In carrying out the provisions of this section, the Attorney General shall consult with, and make maximum use of statistical and other related information of, the Department of Labor, the Department of Health, Education, and Welfare, Federal and State and local criminal justice agencies, and other appropriate public and private agencies.

(b) The Attorney General shall prepare and publish annually a report on the criminal justice professions, in which he shall present in detail his views on the state of the criminal justice professions, the trends and the future complexion of programs in the field of criminal justice, and the need for highly trained and qualified personnel to staff such programs.

ATTRACTING QUALIFIED PERSONS TO THE FIELD OF CRIMINAL JUSTICE

SEC. 675 (a) The Law Enforcement Assistance Administration of the Department of Justice is authorized to make grants to, or contracts with, State or local criminal justice agencies, institutions of higher education, or other public or nonprofit agencies, organizations, or institutions, whenever the Administration, after consultation with the National Advisory Council on Criminal Justice Professions Development, considers that such contract will make an especially significant contribution to attaining the objectives of this section, for the purpose of—

(1) identifying capable persons in secondary schools and institutions of higher learning who may be interested in careers in criminal justice particularly in correctional administration and rehabilitation, and encouraging them to pursue postsecondary education in preparation for such careers;

(2) publicizing available opportunities for careers in the field of criminal justice; and

(3) encouraging qualified persons to enter the field of criminal justice.

The Administration is authorized to enter into contracts with private agencies, institutions, or organizations to carry out the purposes of this section.

(b) There is authorized to be appropriated to carry out the purposes of this section the sum of $2,500,000 for the fiscal year ending June 30, 1972, and the sum of $5,000,000 for each of the two succeeding fiscal years.

RECRUITMENT, EMPLOYMENT AND COMPENSATION OF CORRECTIONS SYSTEMS PROFESSIONAL AND PARAPROFESSIONAL PERSONNEL

SEC. 676(a) The Administration is authorized to make grants to state and local corrections departments and agencies, including probation and parole agencies, to assist them in the recruitment, employment and compensation of professional and paraprofessional administrative, custodial, rehabilitative, medical and other personnel, consistent with criteria established by the Administration.

(b) Not more than one-third of any grant made under this section may be expended for the compensation of custodial personnel.

(c) No grant shall be made to any prospective grantee, unless and until such applicant—

(1) provides satisfactory assurances that Federal funds made available pursuant to this section will be used so as not to supplant state or local funds, but to supplement and to the extent practicable, to increase the amounts of such funds that would in the absence of such Federal funds be made available for the purposes of this section;

(2) provides satisfactory assurances that the personnel standards and programs of the applicant reflect the most advanced and enlightened practices and objectives, and

(3) provides satisfactory assurances that such applicant is engaging in projects and programs to improve the recruiting, organization, training, and education of personnel employed in correctional activities, including probation, parole and rehabilitation.

(d) There is authorized to be appropriated to carry out the purpose of this section, $15,000,000 for the fiscal year ending June 30, 1972 and $20,000,000 in each of the two succeeding fiscal years.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1592

At the request of Mr. MCGEE, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 1592, a bill to establish a commission to investigate and study the practice of clearcutting of timber resources of the United States on Federal lands.

S. 2465

At the request of Mr. CHILES, the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Hawaii (Mr. INOUYE), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 2465, a bill to establish the Everglades-Big Cypress National Recreation Area in the State of Florida.

S. 2738

At the request of Mr. HUGHES, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 2738, a bill to provide for equality of treatment for military personnel in the application of dependency criteria.

S. 2943

At the request of Mr. HUMPHREY, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 2943, a bill to designate the Department of Health, Education, and Welfare South Building in Washington, D.C., as the "Mary Switzer Memorial Building."

S. 2956

At the request of Mr. JAVITS, the Senator from Ohio (Mr. TAFT) and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of S. 2956, a bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

S. 2981

Mr. AIKEN. Mr. President, at the end of the last session, I introduced, on behalf of Senator TALMADGE and myself, S. 2981, a bill to amend the Bankhead-Jones Farm Tenant Act and the Watershed Protection and Flood Prevention Act, and at that time announced that others who wanted to become cosponsors could submit their names.

I ask unanimous consent that, at the next printing, the names of Senators MCGOVERN, RIBICOFF, THURMOND, ELLENDER, GAMBRELL, BURDICK, HUMPHREY, PROXMIRE, and ANDERSON be added to the list of cosponsors.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 2994

At the request of Mr. MCCLELLAN, the Senator from Oklahoma (Mr. HARRIS), the Senator from Arizona (Mr. FANNIN), the Senator from Vermont (Mr. STAFFORD), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 2994, a bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation, to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes.

SENATE JOINT RESOLUTION 4

At the request of Mr. JAVITS, the Senator from Vermont (Mr. STAFFORD) was added as a cosponsor of Senate Joint Resolution 4, relating to School Bus Safety Week.

SENATE JOINT RESOLUTION 8

At his own request, Mr. GRIFFIN was added as a cosponsor of Senate Joint Resolution 8, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

SENATE JOINT RESOLUTION 150

At his own request, Mr. GRIFFIN was added as a cosponsor of Senate Joint Resolution 150, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

SENATE RESOLUTION 226—ORIGINAL RESOLUTION REPORTED PROVIDING ADDITIONAL FUNDS FOR THE COMMITTEE ON AGRICULTURE AND FORESTRY

(Referred to the Committee on Rules and Administration.)

Mr. TALMADGE, from the Committee on Agriculture and Forestry, reported the following resolution:

S. RES. 226

Resolved, That the Committee on Agriculture and Forestry is authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, $30,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

SENATE RESOLUTION 227—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON AGRICULTURE AND FORESTRY FOR INQUIRIES AND INVESTIGATIONS

(Referred to the Committee on Rules and Administration.)

Mr. TALMADGE, from the Committee on Agriculture and Forestry, reported the following resolution:

S. RES. 227

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Agriculture and Forestry, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $150,000, of which amount not to exceed $15,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 228—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE DISTRICT OF COLUMBIA FOR INQUIRIES AND INVESTIGATIONS

(Referred to the Committee on Rules and Administration.)

Mr. EAGLETON, from the Committee on the District of Columbia, reported the following resolution:

S. RES. 228

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on the District of Columbia, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $155,850, of which amount not to exceed $4,000 shall be available for the training of the professional staff of such committee, or any subcommittee thereof (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SOCIAL SECURITY AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 798

(Ordered to be printed and referred to the Committee on Finance.)

Mr. AIKEN. Mr. President, today I offer an amendment to the social security law which would extend coverage to some of our most unfortunate citizens.

Fortunately, the condition my amendment would correct is to be found in relatively few persons, but those who are stricken with a serious illness, have to stop working and subsequently lose disability benefits, desperately need help.

It is for these persons that I speak today.

This inequity under the law, which was of course never intended, first came to my attention when one of my constituents, a victim of multiple sclerosis, told me how the law barred her from social security benefits she urgently needs.

Under present law, an individual is eligible for social security disability insurance benefits only if he is totally disabled and has worked in employment covered under social security for 5 of the 10 years before he became totally disabled.

It sometimes happens that an individual becomes disabled enough that he is unable to continue in his regular employment, even though he does not meet the strict test of disability under the social security program.

If the disabling condition is degenerative, it may happen that total disability does not occur until after the individual can no longer meet the test of 5 years of covered employment out of the 10 years preceding total disability. In this case, the individual is not eligible for social security benefits even though he worked regularly under social security and even though he is totally disabled due to a condition which began when he was currently insured for disability benefits.

The attached amendment would solve this problem by making an individual eligible for disability insurance benefits if he is totally disabled and if his disability is due to a condition which began at a time when he was currently insured for disability insurance benefits even though he no longer is currently insured.

I hope the Finance Committee will include my proposal in the Social Security Amendments of 1972.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954—AMENDMENT

AMENDMENT NO. 799

(Ordered to be printed and referred to the Committee on Finance.)

Mr. McCLELLAN submitted an amendment intended to be proposed by him to the bill (S. 2944) to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict.

SOCIAL SECURITY AMENDMENTS OF 1971—AMENDMENTS

AMENDMENTS NOS. 800 AND 801

(Ordered to be printed and referred to the Committee on Finance.)

ASSISTANCE FOR THE AGED, BLIND, AND DISABLED

Mr. EAGLETON. Mr. President, I am today introducing, for the consideration of the Senate Finance Committee, two amendments to title III of H.R. 1.

Title III would abolish the existing Federal-State programs of public assistance to the aged, blind, and disabled, and would establish in their place a new federally financed, federally administered program of assistance with uniform benefit levels and eligibility standards.

Each person who has attained age 65, and each person who is blind or disabled as defined by the Social Security Act, would be eligible for supplemental assistance through the Social Security Administration if his or her social security benefit and other income totaled less than the income floor established by title III.

This legislation is of the greatest importance to the almost 5 million older Americans who now live in poverty. I believe title III should be enacted and the new program implemented at the earliest possible date.

However, I also believe that the Senate should improve title III in two important respects.

BENEFIT LEVELS

First, as passed by the House of Representatives, the floor of income in the adult assistance program, to be phased in over a 3-year period, would never reach official poverty levels.

For an individual, the benefit level would be $130 in the first year, $140 in the second year, and $150 in the third and succeeding years. For a couple, the benefit would be $195 in the first year, and $200 in the second and succeeding years. By the third year, benefits would approximate only 1970 poverty levels.

My first amendment would set the initial benefit levels at $150 for an individual and $200 for a couple, and would provide for annual cost-of-living adjustments in those benefit levels.

In addition, this amendment would direct the Secretary of Health, Education, and Welfare, to conduct a study to determine the amounts of income required to provide for the basic needs of the aged, and to submit to Congress his recommendations for appropriate adjustments in the benefit levels under the adult assistance program.

PROTECTION OF CURRENT RECIPIENTS

Second, as we make the transition from the many diverse State programs to one uniform Federal program, I believe it is imperative that we guarantee absolutely that no current recipient of assistance will be adversely affected. The transitional provisions and fiscal incentives now in the bill cannot provide that guarantee.

In 17 States, all recipients would receive more assistance under title III than they now do. A majority of recipients in as many as 12 other States would also benefit from the new program.

But all or some of the recipients in at least 30 States would receive less assistance under the new Federal program than they now receive unless the Federal benefit were supplemented by the State.

Under title III, as now written, such supplementation is optional. No Federal matching funds are provided for supplemental payments. A State would only be guaranteed that its supplemental benefits would cost it no more than its expenditures for the same purpose in calendar 1971.

An additional provision, designed to prevent any automatic reduction in assistance at the time of the transition to the Federal program, was added to the bill on the House floor. Section 509 provides for maintenance of assistance levels until a State takes affirmative action to reduce or stop its supplemental payments.

Given the fiscal pressures on many State governments and the lack of real fiscal relief in H.R. 1, I do not believe we should assume that, with those options, no State will act to reduce or discontinue its supplemental payments.

An additional concern has been brought to my attention by the American Council of the Blind and the Missouri Federation of the Blind. In certain States, the blind have traditionally been permitted income and resources in excess of what will be allowable under the new program. Apparently, a blind couple in Missouri with savings totaling $3,000 would have to dispose of half of their savings in order to be eligible for the Federal benefit and/or State supplementation.

Mr. President, I believe it is untenable that any aged, blind, or disabled person who now relies upon public assistance should be subjected to uncertainties and anxieties about what will happen to that assistance either at the time of the transition to the new program or at some time in the future when a State government may change its policy.

My second amendment would guarantee the continued eligibility for assistance, and maintenance of assistance levels, for all those receiving aid to the aged, blind, and disabled under an approved State plan at the time of the transition to the new Federal program. It would in effect "grandfather" all such persons into the new program. The States would be required to provide the supplemental payments necessary to maintain the level of assistance these people had been receiving. The supplemental payments would be administered by the Federal Government, and the Federal Government would bear 30 percent of their cost.

Mr. President, I am hopeful that these two amendments—to make the income floor for the aged, blind, and disabled immediately effective, and to protect current recipients in the transition to the new program—will have the support of other Senators, and will be adopted by the Senate Finance Committee.

Mr. President, I ask unanimous consent that the two amendments be printed at this point in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 800

Beginning on page 282, line 23, strike out all through page 283, line 7, and insert in lieu thereof the following:

"(i) for the 6-month period ending December 31, 1972, $900; or

"(ii) for the calendar year 1973, or any calendar year thereafter, whichever of the following is the greater: (I) $1,800, or (II) the amount determined for such year under subsection (h); and".

On page 283, strike out lines 14 through 23, and insert in lieu thereof the following:

"(i) for the 6-month period ending December 31, 1972, $1,200; or

"(ii) for the calendar year 1973, or any calendar year thereafter, whichever of the following is the greater: (I) $2,400, or (II) the amount determined under subsection (h) for such year; and".

On page 284, strike out lines 8 through 17, and insert in lieu thereof the following:

"(A) for the 6-month period ending December 31, 1972, $900; and

"(B) for the calendar year 1973, or any calendar year thereafter, whichever of the following is the greater: (i) $1,800, or (ii) the amount determined under subsection (h) for such year;".

Beginning on page 284, line 22, strike out all through page 285, line 3, and insert in lieu thereof the following:

"(A) for the 6-month period ending December 31, 1972; and

"(B) for the calendar year 1973, or any calendar year thereafter, whichever of the following is the greater: (i) $2,400, or (ii) the amount determined under subsection (h) for such year;".

On page 289, between lines 12 and 13, insert the following new subsections:

"Adjustments, to Reflect Increases in the Cost of Living, of Amounts Used to Determine Eligibility for and Amount of Benefits

"(h)(1) As soon after enactment of this Act as may be feasible, and thereafter between July 1 and September 30 of each year, the Secretary (A) shall adjust the amounts used to determine eligibility for and amount of benefits as set forth in subsection (a)(1)(A)(ii) and (2)(A)(ii) and subsection (b)(1)(B) and (2)(B) by increasing such amounts by the percentage by which the average level of the price index for the months in the most recent preceding calendar year exceeds the average level of the price index for the months in calendar year 1970, and (B) shall thereupon promulgate the amounts so adjusted as the amounts to be used to determine eligibility for and amount of benefits under this title for the fiscal year beginning July 1 next succeeding such promulgations.

"(2) As used in this subsection, the term 'price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"Study of Minimum Income Required by Aged

"(i) The Secretary of Health, Education, and Welfare shall conduct a study to establish the amounts of income required to provide for the basic needs of individuals and married couples who have attained age 65, and shall, on or before January 1, 1974, report to the Congress the results of such study, together with his findings and recommendations for adjustments in the amounts used to determine eligibility for and amount of benfits under this title."

AMENDMENT NO. 801

On page 306, between lines 13 and 14, insert the following new section:

SPECIAL STATE SUPPLEMENTARY PAYMENTS TO ASSURE THAT INDIVIDUALS WHO WERE RECIPIENTS OF AID OR ASSISTANCE TO THE AGED, BLIND, OR DISABLED FOR JUNE 1972 WILL NOT SUFFER REDUCTIONS IN BENEFITS FOR FUTURE MONTHS

SEC. 2017. (a) In order to be eligible for any payments pursuant to title IV, V, XVI, or XIX of the Social Security Act with respect to expenditures for any quarter beginning after June 30, 1972, and for the purpose of assuring that individuals who, for the month of June 1972 were recipients of aid or assistance under State plans approved under title I, X, XIV, or XVI of the Social Security Act, will not suffer a reduction in their aid or assistance by reason of the enactment of this Act, each State shall enter into an agreement with the Secretary which provides that the Secretary will, on behalf of such State, make supplementary payments in accordance with such agreement to all individuals in the State who, for the month of June 1972, were recipients of aid or assistance under a plan of such State approved under title I, X, XIV, or XVI of the Social Security Act.

(b) Amounts payable to any individual pursuant to an agreement under this section shall be in addition to the amounts (if any) payable to such individual under title XX of the Social Security Act. Supplementary payments made pursuant to an agreement under this section shall be considered to be assistance which is excludable from income under section 2012(b)(4) of the Social Security Act.

(c)(1) The supplementary payments payable under any agreement with a State under this section shall be payable—

(A) for months after June 1972, and

(B) only to individuals who—

(i) are residents of such State; and

(ii) for the month of June 1972 were recipients of aid or assistance under a State plan, of such State, approved under title I, X, XIV, or XVI, of the Social Security Act.

(2) The amount of the supplementary benefits payable for any month to any individual under an agreement under this section shall be equal to the excess of—

(A) the aggregate of (i) the amount of the aid or assistance which would be payable to such individual under the appropriate plan of such State approved under title I, X, XIV, or XVI of the Social Security Act, as in effect June 1, 1972 if such plan (as so in effect) had continued in effect for such month, and (ii) the bonus value of the food stamps which were provided (or were available) to such individual under the Food Stamp Act of 1964 for the month of June 1972, over

(B) the amount of the monthly benefits (if any) payable for such month under title XX of the Social Security Act.

(3) For purposes of paragraph (2)(A)(ii), the term "bonus value of food stamps" with respect to an individual means—

(A) the face value of the coupon allotment which wolud have been provided to such an individual for a month, reduced by

(B) the charge which such an individual would have paid for such coupon allotment. The total face value of food stamps and the cost thereof in June 1972 shall be determined in accordance with rules prescribed by the Secretary of Agriculture in effect in such month.

(d) Any State which has entered into an agreement with the Secretary under this section shall, at such times and in such installments as may be agreed upon between the Secretary and such State, pay to the Secretary an amount equal to 70 per centum of the expenditures made by the Secretary as supplementary payments, on behalf of the State, under such agreement.

STRATEGIC STORABLE AGRICULTURAL COMMODITIES ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 802 AND 803

(Ordered to be printed and referred to the Committee on Agriculture and Forestry.)

Mr. TOWER. Mr. President, I am introducing today two amendments to H.R. 1163, presently pending before the Committee on Agriculture and Forestry. The purpose of H.R. 1163 is to establish, maintain, and dispose of a separate strategic reserve of corn, grain sorghum, barley, oats, and wheat. The bill also provides for a 25-percent increase in loan levels on the 1971 and 1972 grain crops. I firmly believe that the two changes I propose would increase the value of this legislation immeasurably. One amendment directs the Secretary of Agriculture to store the grain purchased under the reserve program on the farms of the individuals from whom it is purchased, as far as practical. The other amendment would set the release price of the grain held in reserve at 100 percent of parity.

We have an opportunity here to go one step further in helping to increase farm income by $120 million over a 2-year period. Facilities for the storage of these commodities are already available on thousands of farms; however, where such facilities are not available, farmers may obtain Government loans to install on-farm storage facilities. I would like to point out that not only would this amendment provide increased income to producers, but it would also allow for wider distribution of the reserves, which would, in turn, facilitate their dispersal in case of emergency. In addition, there are many commercial grain elevators which are not set up to provide for extended storage periods, but rather operate on a short-term storage basis depending on a large turnover. In contrast, the most profitable usage of on-farm storage is when there is a constant use of the facilities to provide income to help offset the cost of the storage bins.

The prices received by the American farmer were 6 percent less in 1971 than the prices received in 1951. At the same time, the prices for nonagricultural products paid in 1971 were 45 percent more than in 1951, according to U.S. Department of Agriculture figures. For every six farms that go out of business, there is one nonfarm business that is forced to close its doors. Consequently, while experiencing the burden of a higher cost of living, the farmer still does not receive a higher price for his goods. The preceding 5-year average price—estimate—for corn in 1971 was $1.17 per bushel, or 71 cents below parity. Even though this is a 9-cent increase over 1964, the increased cost of goods is gaining more rapidly than the price received. There had been a sharp decline in the 5-year average price of wheat until the last 2 years, when it remained steady. It still remains at $1.29 below parity. Because these figures indicate a definite need to increase farm income, I feel that if there is to be a reserve of grain stored for emergency use, the farmer who produces it should be the one to profit from the storage.

I think it is important that we note here that not just a few farmers, but literally thousands can share in the income to be derived from on-farm storage. To provide the necessary storage for 900 million bushels of grain, it would take 900,000 1,000-bushel bins. There are thousands of farmers in the United States who presently have such bins or other storage which would be satisfactory. In order that the Nation's farmers should receive full benefit from the intent of this bill, I feel that passage of this amendment is imperative.

When reserves of any type are stored there comes a time when these reserves must be released; however, there is never a time when such a release will have a beneficial effect upon the price being received for these commodities by the farmers. A fair price for agricultural products is partially the intent of H.R. 1163, but unless the release price is high enough to prevent indiscriminate dumping, it could have the reverse effect.

To prevent the reserve from acting as a threat to farmers and causing a distinct drop in prices in a few years, there needs to be additional stipulations in the strategic grain reserve bill to better regulate the release time. To assure release at the best possible time, the amendment I propose, to allow for release at 100 percent of parity, is essential. The amendment will insure the farmer of a reasonable return for his product on the market before the strategic reserve, held by the Government, is released.

The estimated wheat figures for 1971 show the 120-percent release price now provided in the bill to be $1.64, while parity is $2.92. This is a difference of $1.29 which could be received by the farmers before the reserves are released on the market.

Parity for corn in 1971 was $1.88, while the preceding 5-year average was $1.40—a 48-cent difference. This marked difference in price received for commodities will result in a tremendous boost to the income of the American farmer. There needs to be an allowance for more than a 20-percent price increase before reserves are permitted to be released on the market. H.R. 1163 would provide a reserve should disaster strike this Nation; nevertheless, we must not provide this reserve at the expense of the farmer. He is the one who produces our food and needs to be protected.

I feel the adoption of these two amendments is imperative to the protection of the Nation's farmers. If the farmer is protected from a great market drop, and is in control of the storage by means of on-farm stored commodities, then he is assured of a fair price for his products. We must realize the far-reaching conditions established by this bill and take appropriate steps now to provide for the future protection and income of the farmer.

AMENDMENT OF FISHERMEN'S PROTECTIVE ACT OF 1967—AMENDMENT

AMENDMENT NO. 804

(Ordered to be printed and to lie on the table.)

Mr. TOWER submitted an amendment intended to be proposed by him to the bill (H.R. 7117) to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes.

SUBCOMMITTEE ON CHILDREN AND YOUTH ANNOUNCES HEARINGS ON SUDDEN INFANT DEATH SYNDROME

Mr. MONDALE. Mr. President, on Tuesday, January 25, 1972, at 9:30 a.m., in room 4200 of the New Senate Office Building, the Subcommittee on Children and Youth will hold a hearing on the sudden infant death syndrome.

The subcommittee wants to explore this mysterious disease—commonly called crib death or cot death—which kills at least 10,000 infants each year and is the leading cause of death for children between the ages of 1 month and 1 year of age.

An excellent article on this subject by Colman McCarthy appeared in the Washington Post recently. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEITHER PREDICTABLE NOR PREVENTABLE: THE SUDDEN INFANT DEATH MYSTERY

(By Colman McCarthy)

Perhaps no other death is more difficult for the survivors to bear or the community to understand than the death of an infant. The special kind of funeral—the white coffin the size of a toy box—the mother's grief on carrying a baby inside her for nine months only to lose the child after it is soon outside, the straining of religious faith that says the infant's death is somehow in "God's plan": little of this helps. Yet, about 10,000 to 15,000 babies die of what is called sudden infant death syndrome (SIDS) every year in the U.S. One infant in 350 is a victim. According to HEW figures, 77 infants died of SIDS in the District of Columbia in 1969; 220 died of it in Virginia and 169 in Maryland. Popularly called crib death, SIDS is a major American health problem. Excluding the first week of life when infants die from complications of prematurity, SIDS is the nation's largest cause of death in infants under one year and second only to accidents as the largest cause of death to children under age 15. A news story occasionally appears on the subject and magazine "health columns" refer to it periodically; but the ones who know it best are the parents of the victims. The subject is topical this week because the National Foundation for Sudden Infant Death in New York has announced that Dr. Abraham Bergman is its new president. Bergman is a Seattle pediatrician who for years was a leader in the fight to get flammable clothing off the market.

The mystery of crib death is that it always occurs in sleep. It is neither predictable nor preventable. Parents who give their infant its last feeding of the day—either by bottle or breast—never dream that death is about to strike. The child runs no fever, is not coughing and sounds no louder than usual in the final cry before falling off to sleep. Not many parents even know about SIDS, but, even if they did, obsessive worrying about it would be neurotic. Research groups at the University of Washington and Children's Orthopedic Hospital in Seattle, where Bergman teaches, believe that SIDS babies die from a sudden spasm of the vocal cords that close off the airway during sleep. This is often associated with a viral infection. Yet the viral infection does not cause the death, only causes the vocal cords to be more susceptible to a sudden spasm. Even more mysterious is why a viral infection in a 2- or 3-month baby is different than in a 3- or 4-year-old, or an adult. One researcher has reported that sudden unexplained infant deaths "tend to occur most frequently during cold weather in a sleeping 2- to 4-month-old infant born prematurely or of low birth weight, who at the time had an upper respiratory infection. However, one of the major problems that continues to require solution concerns the means by which these characteristics result or lead to SIDS."

Two international conferences, in 1963 and 1969, were held on crib death, but research is only beginning. Although Bergman reports that some critics say the federal government is purposely doing nothing in the field, he believes the opposite is true. To date he says the National Institutes of Child Health and Human Development has never turned down a qualified research application on SIDS. "The problem," noted Dr. Gerald LaVeck, the Institute's director, "is mostly a lack of trained scientific investigators interested in conducting research into the problem."

While the physical mysteries of crib death are explored, there is no confusion about the emotional and social pains suffered by the surviving family. "There is a large amount of ignorance in the U.S. medical profession and the lay public about SIDS," says Bergman. "In the majority of communities, parents who lose children to SIDS are treated as criminals. In many places, they can't get autopsies or else must pay themselves. Usually, families must wait many monhs to hear the results of these autopsies from a medical examiner's or coroner's office. Many examiners and coroners still call the disease 'suffocation' or a variety of other wrong names. This only reinforces the natural guilt that parents feel anyway. Many are subjected to coroner's inquests and questioned by police. This is a national scandal and must cease."

The destructive emotional effects of crib death can last long after the regular mourning period. Tremendous after-guilt may be felt by fathers or mothers who did not "go in to check" when the baby cried during its last night; physically, though, it would have made no difference, because crying does not occur during the baby's agonal period. Other parents suffer excessive guilt at not having taken the infant to the pediatrician, especially if coughing or a fever was present. If they did just visit the doctor and the baby dies, parents wonder "what the doctor missed." Curiously, Bergman reports, "physicians themselves harbor the same doubts, often for many years. A discussion of SIDS at a medical meeting invariably turns into a confessional for physicians who feel the need to stand up and re-live their traumatic experience and be convinced of the known facts."

It is not that easy for parents. Occasionally, divorce follows a crib death, the father refusing to live with the mother who "let a baby die." If a babysitter or relative was home at the time, they may be blamed, with the parents always feeling guilty about going out for the evening. "In the weeks following the death," Bergman says, "there is often marked change of moods. The parents have difficulty concentrating and frequently express hostile feelings toward their closest friends and relatives. Denial of death is common; the mother may continue to draw the baby's bath or prepare his food. Dreams about the dead child are common, as is a fear of being left alone in the house . . . Other common reactions are anger, helplessness and loss of meaning of life. Parents are fearful, particularly about the safety of their surviving children. A fear of 'going insane' often occurs in the first few days and may last for several weeks. Guilt is universal and pervasive. Whether they say so or not, most if not all the parents feel responsible for the death of their babies."

The last point is the most crucial if the surviving parents are to lead normal lives. In medical fact, they are not responsible. Doctors, medical examiners, counselors and friends have the obligation to inform the parents that they did nothing wrong and could not have prevented the death. Guilt or anxiety may never be totally removed, but at least it can be lessened so that life can go on. If families can be consoled after a member dies of cancer, a car crash or other common causes of death, why not with SIDS? Perhaps if the disease is recognized as a disease, and not as a form of suffocation or pneumonia, more can be learned about it. Preventive medicine has conquered other diseases of mystery; it can conquer this one too.

NOTICE OF HEARINGS BY SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES

Mr. McCLELLAN. Mr. President, I should like to announce that the Subcommittee on Criminal Laws and Procedures will continue its series of hearings on the recommendations of the National Commission on Reform of the Federal Criminal Laws on February 15, 16, and 17, 1972. The hearings will begin each day at 10 a.m., in room 2228, New Senate Office Building. Further information on the hearings can be obtained from the subcommittee staff in room 2204, extension 3281.

NOTICE OF HEARING ON SUPREME COURT JUSTICES SURVIVORS BENEFITS

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce a hearing for the consideration of S. 2854 and S. 1480, both of which propose to bring Justices of the Supreme Court under the provisions of the existing Judicial Survivors Annuity System (28 U.S.C. 376).

The hearing will be held on February 2, 1972, beginning at 10 a.m. in room 2228 of the New Senate Office Building.

Those who wish to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, 6306 New Senate Office Building, extension 3618.

ANNOUNCEMENT OF HEARING ON PROGRAMS FOR WHEAT AND FEED GRAINS

Mr. TALMADGE. Mr. President, I wish to announce that the Committee on Agriculture and Forestry will hold a hearing Monday, January 24, on H.R. 1163, the Strategic Storable Commodity Reserve Act, and Senate Joint Resolution 172, concerning the 1971 and 1972 programs for wheat and feed grains. The hearing will begin at 9:30 a.m., in room 324, Old Senate Office Building. In view of the urgency of this legislation, the committee is unable to give 1 week's notice as provided in section 133A of the Legislative Reorganization Act of 1946. Anyone wishing to testify should contact the committee clerk as soon as possible. Oral statements will be limited to 10 minutes, but witnesses may file written statements of any reasonable length. A synopsis of the statement, along with the statement, should be submitted to the committee by 10 a.m., Saturday, January 22.

ADDITIONAL STATEMENTS

TRIBUTE TO GOULD LINCOLN

Mr. THURMOND. Mr. President, I should like to pay tribute to the dean of American political reporters, Gould Lincoln.

His newspaper career has lasted almost 70 years, and at the age of 90, Mr. Lincoln is still writing a political column.

Gould Lincoln is a most outstanding man with an extraordinary talent for reporting the news.

He is respected among his colleagues for his ability and experience, and he has distinguished himself within the news media.

Mr. President, an article about Mr. Lincoln's career and achievements was published in the Washington Post of December 28, 1971. I ask unanimous consent that this newspaper account be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GOULD LINCOLN AT 90, STILL GOING STRONG

(By Edward T. Folliard)

The extraordinary thing about miracles, Gilbert K. Chesterton once said, is that they happen. I suppose that when he said it, his mind was on the realm of the spiritual, the supernatural. But if we switch the idea to the mundane, it seems sort of miraculous to me that we have here in Washington a newspaperman who remembers the horse cars, who talked to President Theodore Roosevelt in the White House in the early 1900's and who is still banging away at a typewriter and turning out a political column at the age of 90.

Our nonagenarian is, of course, Gould Lincoln, dean of American political reporters. He has been a newspaperman for almost 70 years, 62 of them with the Evening Star, Washington's oldest newspaper. He is 5 feet, 11, has acquiline features, a bald head, and is skinny, which recalls the old saying: lean horse for a long race. He admits to having had his share of whiskey over the years, but says he never indulged to the point of falling down. He used to smoke, too, cigars and a pipe.

Gould was hit by a heart attack in 1957, but at that time he was only 77 and recovered nicely, and was soon back on the job at full speed. His political column now appears once a week, in the Saturday issue. He probably could write it at the Kennedy-Warren, where he lives with his daughter, Marjorie (Peggy) Lincoln; but he still has a lot of the old fire horse in him, and so he goes to the Star office several times a week, and also prowls around the Capitol and the White House in quest of material.

Lincoln is probably in a class by himself as a runner. As a 17-year-old student at Sidwell Friends School here he ran the 100-yard dash in 10.2 seconds, then a school record. He next distinguished himself as a sprinter on March 1, 1954, which was 57 years later.

It was a day of melodrama on Capitol Hill, the day that four Puerto Rican fanatics (three men and a woman) stood up in the gallery of the House of Representatives and opened fire on the lawmakers in the chamber below, wounding five of them.

President Nixon remembers the excitement very well, and he talked about it on the evening of April 22, 1970, when he awarded Gould Lincoln, along with seven other journalists, the Medal of Freedom in the East Room of the White House. He recalled that he was then Vice President, and that the Senate on that particular day confirmed Earl Warren of California as Chief Justice of the United States.

Mr. Nixon went on to say:

"Gould Lincoln was in the Senate (Press) Gallery covering the event. That was a rather easy assignment. Those were the good old days when the President advised and the Senate consented.

"But word flashed over from the House of Representatives that a radical group of Puerto Rican Nationalists were shooting up the House. Mr. Gould Lincoln, who was then 73 years old, beat all the reporters in the Senate Gallery over to the House Gallery in record time and held the fort until reinforcements had arrived."

President Nixon is sometimes given to blarney and hyperbole, but he was not guilty on this occasion. A newspaperman who was around at the time reported that Gould "hustled to the House side of the long Capitol Building and was interviewing doorkeepers before some of his younger associates reached the scene."

Gould Lincoln is a rarity in Washington journalism, a native. He was born here July 23, 1880, the son of Dr. Nathan Smith Lincoln and Jeanie Gould Lincoln. He lived as a boy at 1514 H st. nw., just around the corner from the old Cosmos Club. Lafayette Park, then enclosed by a high iron fence, was his playground.

This was before cable and trolley cars had arrived, and Gould remembers the horse-drawn car that used to pass his house, turn north on Connecticut Avenue and end up at Dupont Circle. Of course, there were no automobiles, and airlines, radio and television were far in the future.

Gould, as has been noted, attended Sidwell Friends School, graduating in 1898. Four years later he received his A.B. degree at Yale College. He rowed at Yale, and as a senior helped coach the freshmen crew.

Leaving Yale, and after a four-month prospecting expedition in the Canadian woods, he set out to find a job. This was in 1902, and he found the job at the old Washington Times. The editor who hired him was Count Maxmillian Gebhard Seckendorf, a former Washington correspondent for the New York Tribune. Gould recalls that Count Seckendorf had a long saber scar on his cheek, and the story was that he had fled Germany after killing a man in a duel.

Gould signed on with the Times for $8 a week, and did all the things expected of a cub. The paper, it should be said, was owned by Frank Munsey, whom William Allen White was later to describe in a celebrated obituary as the "undertaker of journalism"—this because of the newspapers Munsey wrecked and prepared for burial.

In 1906 Gould moved over to The Washington Post, then owned by John R. McLean and housed in a Gothic-Romanesque building at 1337 E St NW, where Newspaper Row and Rum Row converged. Gould must have shown promise because he was given a starting salary of $31.50 a week, respectable for the times.

It was while he was on The Post that Gould went to the White House and encountered President Theodore Roosevelt. The year was 1907. Gould had not been assigned to interview T.R., and he never claimed to have interviewed him. Reminiscing at the National Press Club several years ago, he recalled that The Post sent him to the White House to get some information from the Rough Rider's secretary.

Gould was descending a stairway of the West Wing, then new, when he saw a man looking up at him. The man was barrel-chested, bespectacled, wearing a sweater, and carrying a tennis racket. It was the President.

"What do you want?" T.R. asked. When Lincoln explained that he was looking for his secretary, he was told how to find him.

What amazes Lincoln in retrospect is not his encounter with Teddy Roosevelt but the security conditions—or lack of them—that he found at the White House that day. No guard was at the door of the West Wing, which T.R. had ordered built. Gould had no identification card, nor was one required. He just went in. There was no receptionist. He walked into the secretary's office, and it was empty. On through the Cabinet Room and the President's office he went, and then descending the stairway ran into the barrel-chested man with the tennis racket.

Gould was married to Hester Shepard in the spring of 1909, a time when he was covering the House of Representatives for The Post. He decided that his working hours—from noon or thereabouts until 1 a.m. or 3 a.m. the next day—were crazy hours for a newlywed. He didn't like the idea of taking the owl car to get home, sometimes arriving with the milk man. And so that November he went over to The Evening Star for what turned out to be "a life job which I have never regretted." Gould's assignment on The Star was not the House, but Police Court. He never complained, and he still likes to talk about an interview he had at the court with Carrie Nation, the little woman who went around wrecking saloons with her hatchet.

A year after Gould went to The Star—that is to say, in 1910 in the Taft Administration—two reporters came to town who were to achieve the peak of eminence in the newspaper world, Arthur Krock and David Lawrence. They too were awarded the Presidential Medal of Freedom the night their old friend Gould was honored. Both are junior to him, Krock being 85 and Lawrence 83.

Gould Lincoln agrees with what Krock says about certain newspapermen in his latest book, "Consent of the Governed," which followed his 1968 best-seller, "Memoirs—Sixty Years on the Firing Line." Krock says that the top men in the Washington corps of correspondents when he arrived were Frank R. Kent of the Baltimore Sun, Richard V. Oulihan, Krock's immediate predecessor as the Times correspondent here, and John Callan O'Laughlin of the Chicago Tribune.

Krock says that Oulihan, a native of Washington, had the presence of a born leader, and adds: "He was witty, handsome, charming and a great gentleman."

Gould Lincoln says that Oulihan was all of that and that he loved him for something else. He recalled hearing Oulihan say that a newspaperman ought to be proud of the title of "reporter"—that the reporter was as necessary to a newspaper as a rifleman to an army.

And so if you want to please the old guy, don't refer to him as a moulder of public opinion, a pundit, a commentator or even columnist. Just think of Gould Lincoln, Reporter.

APPRECIATION DINNER FOR SENATOR JOHN SPARKMAN

Mr. BYRD of West Virginia. Mr. President, last evening I spoke at an appreciation dinner for U.S. Senator JOHN SPARKMAN in Huntsville, Ala.

I ask unanimous consent that my speech on that occasion be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH OF SENATOR BYRD OF WEST VIRGINIA

Mr. Chairman, Senator Sparkman, Ladies and Gentlemen:

It need hardly be said that I am delighted to be in the city of Huntsville for the purpose of being with my friend and your senior Senator from Alabama—John Sparkman.

I am also acutely aware of the difficulties inherent in finding anything to say about a native son that everyone present doesn't know already. Perhaps an intelligent way to start would be to offer my congratulations to all of you for having had the good judgment to elect to office for the first time, in 1936, the man who still so ably represents you in this year of grace 1972. I have no doubt that the good people of Alabama will continue that eminently sensible habit in the future. Senator John Stennis asked me to state that he joins in saying this.

John Sparkman was born on a farm and has always been proud of his heritage as a son of the soil. During his distinguished career in the United States Congress, he has been known by his colleagues as a man who ploughed a straight furrow. I feel sure that Alabamians are rightfully proud of that impeccable reputation. If a country boy from the hills of West Virginia can make so bold as to offer advice on agriculture to the people of a great farming state—remember—you can't plough a straight furrow with a blunt plough.

John Sparkman is one of those key Senators who have built their high reputations through long years of service, through membership and hard work on important Senate committees, through their legislative skills and tireless energy; and, above all, through the respect and co-operation given them by their colleagues in the Senate. These last—the respect and co-operation—are not accorded to every Senator. When a Senator has them, he has won them on his own merits. They are never given on demand. But John Sparkman has more. He has his colleagues' friendship and that—leaving aside for a moment legislative skills, hard work, experience and his invaluable seniority—is, when combined with character, the measure of the man as a human being. Both John and I have known Senators who could not be faulted as legislators, but who lacked that vital spark of humanness and integrity that inspires colleagues to infuse the orthodoxy of respect and co-operation with the mellow warmth of friendship.

The great contribution of John Sparkman during his service in Congress has been primarily in building the significant economic programs that strengthen Alabama and the nation. For John Sparkman knows that the backbone of national defense, the foundation of world leadership, and the source of a healthy, prosperous people is a productive economy. He has long been the

Senate's expert on housing and related financial matters. For the past five years he has been Chairman of the Senate Banking, Housing, and Urban Affairs Committee, with significant responsibility for the economic health of the nation, for housing, for deposit insurance and for federal lending programs which support and stimulate industrial growth. This Chairmanship coincides with his present responsibilities as Chairman of the Subcommittee on Financing and Investment of the Senate Small Business Committee, Vice Chairman of the Joint Committee on Defense Production and ranking majority member of the Joint Economic Committee. These are not just titles—they mean hard work, constant attendance at frequently lengthy meetings and a responsibility for keeping a watchful eye on all programs directed toward the maintenance of the country's economic well-being.

But John is not only a man of dollars and cents, of housing starts and insurance statistics. He is also ranking majority member of the Committee on Foreign Relations. In that capacity, his strong realistic voice has been heard many times over the last ten, difficult years in which we have been struggling with the highly controversial war in Vietnam. There have been times when John Sparkman has not seen eye-to-eye with others on his Committee regarding the conduct of the American struggle to combat the spread of Communism in Southeast Asia. His tough stands against some Committee opinions have sometimes separated him from the consensus of the Committee, but these differences have never lessened his colleagues' respect. They know that he is 100% against Communist aggression, and though their ideas about how to defeat it may be different from John Sparkman's, they value his wisdom and experience.

The senior Senator from Alabama is a man with multiple Senate duties and national responsibilities. He is also a man who, as Rudyard Kipling wrote: "Can walk with Kings—nor lose the common touch . . ." for John still lives a plain-spoken, farm-bred son of Alabama. And Alabama today is a living monument to his dedicated service to the people of his State.

An Alabama newspaper once said: "Stand on any street in an Alabama city, ride along any Alabama highway and one sees on every side the handiwork of John Sparkman in building a greater, healthier and more prosperous State.

"Every Alabamian stands in his debt."

John, you should feel very proud of these words. They omit nothing—except perhaps that you are a man of unswerving loyalties to your country, to your State, and to your Party. As a matter of fact, I am informed by Congressman Bob Jones, an old and tried friend of yours, that there is only one area in which you ever show the slightest sign of wavering between two loves. Despite your pride in being a distinguished alumnus of the University of Alabama, I am told that you stay curiously silent and almost free of demonstrative partisanship when your alma mater plays Auburn on the football field. And this has been true long before Pat Sullivan won the Heisman Trophy. However, it must be a pleasant quandary to be in—to have not one, but two superb teams going for you. I have only one and much as I admire the Mountaineers of West Virginia University, perhaps I'd better get to work for another school for the State so we can be upsides with the *Crimson* Tide and the Tigers.

I mentioned a moment ago how much the people of Alabama owed John Sparkman. But however great the temptation might be, he is not a man to rest and point with pride at his past accomplishments. He works for the future. For example, he is currently much involved in plans to create a capital bank for small businesses, to provide a separate division of the U.S. Tax Court for the nation's smaller taxpayers—so that they can have their claims settled rapidly—and plans to stimulate the flow of mortgage credit for financing F.H.A. and V.A. home construction. Senator Sparkman is also sponsoring constitutional amendments to permit prayer in our public schools and to revise the way in which we elect our President and Vice President. One might think that a man who has been through the mill of public service for as long as John Sparkman has, would be content to rest on his many laurels and coast along on his well-recognized list of achievements. Exactly the opposite is the case with this fine Southern gentleman we honor tonight. He is still looking for fresh fields to tread and fresh tasks to perform. And talking about Southern gentlemen—just in case you good folks think we West Virginians don't know the important things in life—I take this opportunity to salute the memory of another great Southern gentleman whose birthday this happens to be. I refer, of course, to General Robert E. Lee.

Since John Sparkman's first years in the House of Representatives as Congressman from the 8th District—which, I understand, has been unchanged for 90 years—he has worked diligently for the things that build Alabama industry and strengthen her agriculture. He knows that only through thriving, businesses, productive factories and prosperous farming can the people of Alabama maintain a rising standard of living and the income levels which give them and their families the benefits of modern life. Senator Sparkman saw Alabama's economic growth as a fundamental cycle; he saw the wisdom of resource development to attract industry to the State which in its turn helps support a profitable agriculture. His first objective—and a wise one—was the development of Alabama's natural potential. John Sparkman was an early champion of the Tennessee Valley Authority, with its low-cost power, and of R.E.A. which took this power into the rural sections of the nation. He fought valiantly for the funds to develop Alabama's waterways and fully utilize the port of Mobile, now sixth in shipping volume in the entire United States. He has been a leading architect of the industrial revolution that has revitalized the South. The growth of manufacturing in the Tennessee Valley has been over twice the national rate of growth. The growth of a diversified agriculture has kept pace with the growth of industry, and it is due in no small measure to the programs authored and supported by your senior Senator. The list is so long—T.V.A., rural electrification, rural telephones, the Cotton Labeling Act, soil conservation, support prices, crop loan insurance, farm housing, the Rural Library Act, vocational education, the National Defense Education Act—I could go on for an hour detailing all the legislation that owes its existence to the dedication and hard work of a farm-boy from Hartselle, Alabama.

In this connection, I would be remiss in failing to point out the significance of some research I did before coming down to Huntsville. The total congressional seniority of the Alabama delegation in Washington—both House and Senate—represents 95 years of service. John Sparkman's seniority alone represents almost 40% of all of the seniority Alabama has in Washington! My friends, make no mistake about the importance of this fact: above all else, it gets things done in Washington.

Now, you know that I spend a great deal of time on the Senate floor—perhaps more than any other Senator, because my job as Majority Whip demands it, and I have had an opportunity over the years to watch John Sparkman put his seniority on the line to work for Alabama and the Nation. He is a master at legislation. In fact, to my knowledge, he has never lost a bill on the floor of the Senate. John Sparkman bats 1000!

It is a measure of John Sparkman's stature as a human being that while he walks daily in the company of the mighty, he has never forgotten the tenant farm where he was born. He has always believed that growth, prosperity and contentment in living depend on the purchasing power of all consumers—among them the working men and women of Alabama. He knows that the benefits of rising productivity must be shared by the working people who produce the goods and services. He has said: "The Alabama worker is entitled to everything he needs as a first-class citizen—a good income and security in his job; to own his home, to look forward to security after retirement and to have the chance to give his children a good education. It is my job to see that he gets these things and keeps them." Those are John Sparkman's words, and there is no doubt that John Sparkman has his job.

But lest we think that this son of the soil has no wider interests and influence, let us also remember his important contributions to a wider world than that bordered by Mississippi, Georgia, Louisiana, and the Gulf. Let us not forget that he has always acted in the firm conviction that the United States can best contribute to the peace of the world by maintaining military strength—for the language of strength is the language the Communist world best understands.

Take a look at the George C. Marshall Space Flight Center and Redstone Arsenal right here in Huntsville; the Air University at Maxwell Field; the helicopter training fields at Fort Rucker, Gunter Field, Craig Field, and Fort McClellan. These installations play key roles in the nation's military security and are a significant reminder of the foresight and conscientiousness of the Sparkman defense policy. Fort Rucker was the pioneer base in developing the use of the helicopter in modern limited warfare. The training first given there in the use of the chopper for rapid troop movement and close air combat has been invaluable in saving American lives in Vietnam. Without John Sparkman, I have my serious doubts that any of these strategically vital installations would have found their home in Alabama. They might even have been located in West Virginia.

And military installations mean people; and jobs; and people mean houses. As the acknowledged leader in the housing field in the Senate, Senator Sparkman has been personally responsible for housing programs over the past 19 years that have assured modern homes, not only for thousands of Alabamians, but also for millions of other Americans. These programs have meant better financing and stable loan plans benefiting the home buyer, the home builder and the lending institution.

But lest we think that John Sparkman lives only in a world of figures and dull statistics, let us always remember his work in the field of health and education. He has not forgotten the days when he sent himself through the University of Alabama by selling his own cotton crop. He knows the inestimable value of a good education, and the necessity of good health to enable the young people of today to make use of it. He strongly supported the National Defense Education Act of 1958. Perhaps no other Act since the Land-Grant College Act of a century ago, has contributed so much to education in the United States. Senator Sparkman was also an early sponsor of the "impacted areas" law which provides for financial aid to local school systems where defense and other installations have increased the load in pupil enrollments. The teachers have also benefited from his championing of their cause for better salaries and improved status and working conditions.

For many years, until the retirement of Senator Lister Hill, John Sparkman was half of one of the greatest "one-two punches" ever enjoyed by any State in the Union. With Lister Hill, the former Chairman of the Senate Committee on Labor and Public Welfare—himself a most distinguished Senator—as his colleague and friend, the gentleman we honor tonight helped bring countless health programs to Alabama. Today, your State is a leader in making use of the Hospital Construction program. Nearly all Alabama counties have benefited in the legislation, with more than 500 hospitals, health centers, nursing homes and dormitories having been built. In this connection, I would be amiss if I did not say that in Lister Hill's successor, Senator Jim Allen, the State of Alabama has once again come up with an outstanding man whose abilities and dedication to his duties on the Senate floor and in committee promise a very bright future in the Senate of the United States. Alabama has a blue ribbon team in the U.S. Senate.

When I think of all that John Sparkman and others have done over the years to improve education and educational facilities for all Americans, I view with extreme regret the retrogressive attitudes and actions of our courts and certain Federal officials that are going a long way toward undoing these constructive beginnings. The myopia which characterizes those who place forced integration in schools ahead of improving education for all pupils of both races is something that appalls me, as I am sure it does you.

This mania for forced integration by mass busing is the most recent gem of social engineering. The federal courts have become so infatuated with busing as an educational end-in-all that it probably would surprise no one if they just did away with traditional concepts of schools altogether and ordered classrooms on wheels. They could have mathematics buses, chemistry buses, study hall buses, activity period buses and so on. It would make about as much sense as some of the half-baked social experimenting to which the nation's children are now being subjected.

John Sparkman is a veteran and he has never forgotten the needs and the problems of veterans. He has fought wholeheartedly for the rights of veterans and their families. He was a sponsor of the original G.I. Bill of Rights and the Korean Veterans' Act, and in 1965 sponsored the "Cold War G.I. Bill"—which extends the same benefits to the servicemen from the Vietnam war. He is the author of the law—the Soldiers and Sailors Civil Relief Act—which protects servicemens' insurance, automobiles, appliances and other property while they are in the service. As befits his status as a retired Colonel in the Army Reserve and a member of the American Legion, John has also been active in obtaining passage of the National Guard and Reserve Officers Retirement Act.

To those of you who may not be familiar with the everyday workings of the United States Senate, I can assure you that it is a constant source of amazement to me how a Senator who combines the endless duties of a Committee Chairman with the hours he must spend in other Committees and on the Senate floor manages to find time to eat and sleep. To most of us mere mortals, the Good Lord granted only twenty-four hours in a day. Perhaps he made special dispensation for a few extra hours every day to those lucky enough to be born in Hartselle, Alabama.

Perhaps, as Majority Whip of the United States Senate, I feel a special kinship for John. For he, too, had that sometimes thankless job during his last term in the House of Representatives. As many of you know, John Sparkman is the only man in United States history to be elected simultaneously to both Houses of Congress. I have frequently thought that if it were allowed under the Constitution, John Sparkman could well have had the energy and dedication to have held both seats and handled both with the success he has always shown in the one.

Of necessity, I have dwelt mostly on John Sparkman's outstanding accomplishments as a Senator and as a legislator. When a man's life has been dedicated to the making of laws and the representation of the people who elected him, it is always too easy to think of him only in these two mantles. But John Sparkman is much more. He is a warm, friendly human being; and his successes and the admiration of his peers have not changed him. Whatever distinctions he may have gained during his years in Washington—and they are many—he still remains a man of the people and in the true sense of the words, a Southern gentleman. It is my earnest hope that the friendship and affection I feel for him will be further cemented in the United States Senate in the years to come. The Senate, the State of Alabama, and the Nation need John Sparkman. I have never asked him whether he has ever chosen words to live by, though most of us have our favorites. But perhaps I may be allowed to suggest for him the words of William Shakespeare in his play "King John"—

"The day shall not be up as soon as I, To try the fair adventure of Tomorrow. . . ."

THE USE OF SECRET INFORMATION

Mr. FULBRIGHT. Mr. President, two recent television commentaries, one by Joseph McCaffrey, WMAL–TV, Washington, and another by David Brinkley, of NBC News, are, I believe, worthy of our thought and attention.

Mr. McCaffrey, in a commentary broadcast on January 4, offered some strong, but appropriate comments on the increased bombing by the United States in Vietnam during the Christmas season.

On the NBC nightly news of that same date, Mr. Brinkley made some discerning comments about a rather ironical situation in regard to the use of so-called secret information.

In view of the fact that these commentaries were broadcast during the adjournment, a number of Senators may have missed them. I, therefore, ask unanimous consent that they be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Commentary by Joseph McCaffrey

As if to show that we might be as pagan as they are, the United States—with great irony—picked the week of Christmas to drop more and more and more bombs on the heathen North Vietnamese. This seemed to be our way to signal the men in Peking for the upcoming visit of President Nixon, saying, "See, we are just as pagan as you are."

We choose the time of year when we talk about Peace on Earth, good will to men, as the time to really saturate North Vietnam with our bombing. And then we become indignant that the North Vietnamese have the nerve, the gall to send up fighter pilots in an effort to head us off.

Why are we doing this?

To help get our prisoners of war back from Hanoi?

To protect the remaining troops we have in South Vietnam?

To buy more time for the Saigon government?

Yet, over the years since 1969 we have bombed, and bombed and bombed . . . and now it is 1972, and the North Vietnamese still have our prisoners; North Vietnam is still determined to keep fighting.

Will the fact that we picked Christmas week, the time of peace on earth, as the time for our bombing have any more influence on Hanoi?

Or is the situation in Vietnam—perhaps—a little worse than we have been led to believe?

We really aren't sure—all we know is that, wind it up or wind it down, whatever one wants to call the present situation, the war still goes on . . . still goes on.

NBC Nightly News by David Brinkley

Daniel Ellsberg was arraigned today under his second indictment for passing out material from the Pentagon papers to the newspapers. And he could wind up in prison.

On sale now in bookstores in Washington and elsewhere is a book by Lyndon Johnson called The Vantage Point . . selling for 15 dollars. It also makes public material from the Pentagon Papers.

A Roman Senator . . in the year 575 BC . . said, "Laws like cobwebs, entangle the weak but are broken by the strong."

What Ellsberg made available to the American people was theirs already . . since they paid for the writing of the Pentagon papers—the salaries of the writers, as well as buying even the typewriters and the paper.

As for damaging the country by giving out secrets, the Federal Government's lawyers have been able to show no damage whatever.

As for their being stamped secret in the first place, one of the Pentagon's experts told Congress that 99 and ½ per cent of what is classified secret should not be.

President Nixon himself, years ago when he was a Senator, said a lot of what was stamped secret . . ostensibly to protect the national security . . was actually stamped secret to protect the bureaucrats' own security.

So . . what we have is this:

Papers in the Pentagon stamped secret, probably wrongly . . owned by the American people, who paid for them.

Ellsberg passed them out free.

Johnson took some of the same material already owned by the American people and put it into his book to be sold back to the American people for 15 dollars a copy.

Ellsberg is threatened with prison. Johnson is relaxing on his ranch, collecting royalties.

PEACE CORPS SCHOOL PARTNERSHIP PROGRAM

Mr. BOGGS. Mr. President, I shall address myself for a moment to the recent cutbacks in funding for the Peace Corps. For 7 months of the current fiscal year the Peace Corps operated on a budget based on the administration's request of $82 million. Late last year the House voted an appropriation of only $60 million which the Senate then raised to $72 million. The result is that the Peace Corps, at a point more than halfway through the fiscal year, finds that it must operate for the remainder of that year with $10 million less than it had expected. Action Director Joseph Blatchford estimates that this cut will cause the Peace Corps to recall 4,000, or roughly half, of its volunteers from their overseas posts.

I sincerely hope, Mr. President, that this reduction does not signify a permanent downgrading of the Peace Corps in terms of our foreign aid priorities. Popular support for this program has not diminished nor, do I believe, has its original appeal to the young people of this country. I offer as evidence of their continuing support the Peace Corps school partnership program which has been quietly lending voluntary financial support to Peace Corps projects since 1965.

Under this program schools, civic organizations and youth groups make contact with needy communities in developing countries which are planning to build schools and hospitals with the assistance of Peace Corps volunteers. So far, over 1,700 organizations have aided communities in 49 Latin American, Asian, and African countries.

In my own State of Delaware six schools have contributed over $4,000 to Peace Corps projects. Middletown High School in Middletown has contributed $882 for a project in Varjota, Brazil, and $118 for one in Dhulkot Tahli, India. The John Dickinson High School, in Wilmington, has given $300 to assist the community of Manoluk on the island of Truk in Micronesia. Brandywine High School, in Wilmington, has contributed $500 for a project in Kyark, India, and Concord High School, also of Wilmington, has donated $1,000 to Cardona, Uruguay.

In addition, Laurel High School, in Laurel, has given $200 for a project in Santo Nino, Philippines. Warner Junior High School, in Wilmington, has contributed $78.60 to La Nueva, Guatemala, and $70 to El Toro, Guatemala. The Wilmer Shue School, in Newark, has raised $870.44 for a project in Pitucancha, Peru, and $129.56 for one in Logonono, Botswana. Without the Peace Corps and the Peace Corps school partnership program, none of these projects would have been undertaken.

I salute the efforts of our young people who have worked hard to raise this money. Their faith in the Peace Corps speaks eloquently of the ideals to which it gives life, and is one of the strongest recommendations I can think of that this program receive the full support of Congress. During the coming session I urge Senators to restore funds for the Peace Corps to an adequate level.

SENATOR RANDOLPH SUPPORTS IMPROVED PUBLIC TRANSPORTATION FINANCING

Mr. RANDOLPH. Mr. President, yesterday, I sent the following letter to Senator Weicker:

U.S. SENATE,
Washington, D.C., January 19, 1972.

Hon. LOWELL P. WEICKER, Jr.,
U.S. Senate,
Washington, D.C.

DEAR LOWELL: Thanks for your letter of January 13 requesting that I cosponsor legislation which you introduced today relative to changing the purposes for which Highway Trust Fund revenues can be expended.

While I did not co-sponsor your bill, please know of my continued, genuine concern for the relationship between public transportation and the highway program. As you know, on December 22, 1969, I introduced S. 3293, a proposal to allow the use of highway funds to support public transportation operations under certain conditions. This proposal was considered for inclusion in the Federal-aid Highway Act of 1970 but was not made a part of the bill reported at that time.

I am strongly convinced that action must be taken to significantly improve financing for public transportation. This effort is especially needed as to highway-oriented public transportation since an estimated 75 percent of the country's transit requirements will have to be met by buses. The need for strengthening public transportation throughout the United States becomes urgent when we realize that approximately 260 cities have lost their transit systems in the past 18 years.

Be assured of my desire to work closely with you this year, both in the Committee on Public Works and elsewhere, to develop legislation that will help assure continued and improved public transportation services for the American people.

With personal regards and official esteem, I am

Truly,

JENNINGS RANDOLPH,
Chairman.

CLEARCUTTING

Mr. McGEE. Mr. President, in rapid succession lately, the public learned of the impending issue of an Executive order aimed at insuring a high level of environmental integrity in all timber harvesting operations on the public lands of the United States; then of the proposed order's early demise.

In this instance, the news reports were entirely accurate. There was a proposed Executive order, drawn up by the President's Council on Environmental Quality following a study conducted with the help of five distinguished heads of forestry schools in various parts of the country. The order did at last face up to the complexity of the clearcutting issue, and it did move toward the imposition of entirely reasonable restraints on this practice of leveling all the growth within a forest tract marked for timber harvest.

For more than 2 years, I have concerned myself with this practice, at first because of the concern expressed to me by many citizens of my own State and others, and more recently because my on-the-spot investigation of conditions in our national forests have clearly revealed the utter ugliness and destruction wrought in the recent past by clearcutting.

In an attempt to cut through the conflicting points of view held by sincere and competent authorities, I have advocated the creation of an independent interdisciplinary study commission to thoroughly investigate the entire clearcutting issue so that we can proceed with forest management policies that will afford us reasonable assurance that the long-term benefits of our invaluable forest resources will not be wantonly diminished. I have never argued that clearcutting should be forever banned from all our national forests. Indeed, different soil conditions, different climatic conditions, different species of trees, different elevations, and a host of other factors will affect the choice of any harvesting method to be used. But we do need more assurance that the methods used make sense—not just economic sense but environmental sense as well. Thus, my bill would temporarily halt clearcutting, pending completion of the study.

The Executive order prepared for the President by his Council on Environmental Quality would not have banned clearcutting either. Its purpose was to provide some measure of leadership in the development and application of environmentally sound forestry practices and assure that environmental considerations were given full weight by those charged with the responsibility of administering our forest resources.

Without exception, the criteria in the Executive order were sensible and reasonable. Let me state them:

First. Clearcutting for the particular tree species and specific area in question must have a silvicultural justification.

Second. There will be no clearcutting in areas of outstanding scenic beauty, nor in areas where clearcutting would adversely affect existing or projected intensive recreation use or critical wildlife habitat.

Third. Clearcutting will not be used on sites where slope, elevation, and soil type, considered together, indicate severe erosion may result.

Fourth. No area will be clearcut unless there is assurance that the area can be regenerated promptly.

When those conditions were met, clearcutting was to be further constrained by the following:

First. The area to be clearcut will be kept to a size that will minimize harm to the biota, including diversity of species, and will maximize total resource management benefits.

Second. To minimize aesthetic impact, clearcut areas will where possible be shaped to blend with the landscape.

Third. Adequate precautions will be taken to assure protection of water quality and biological productivity in neighboring streams and lakes.

Fourth. Adequate attention will be given to the impact of road construction which would be necessitated by the timber harvest.

The proposed Executive order also would have directed the Secretaries of Agriculture and Interior to issue revised regulations so that timber sale contracts in the future would reflect these environmental goals. Further, it would have provided a spur to the improvement of management plans and procedures, the administration of timber sales, and the development and use of more advanced and less harmful technology. Finally, it would have directed the particularly fragile areas unable to withstand such intensive uses as timber harvesting to be identified and protected, at least until the technology was available to permit their exploitation without harm to the resource base.

All that, Mr. President, seems perfectly reasonable and sensible. Yet, following a high level meeting between representatives of the timber industry and the departments involved, which I understand took place in the office of Agriculture Secretary Earl L. Butz, the decision was made to kill the Executive order. Business as usual, in other words, was what the industry wanted and apparently what it is going to get unless Congress intervenes to protect the future of forest resources.

All of this activity, which occurred in the week prior to the reconvening of Congress, indicated to me that the need is greater than ever for a thorough and independent assessment of this complex environmental issue. That reassessment can be had with the passage of S. 1592, which I introduced last year and which has the cosponsorship of 16 Senators.

CELEBRATION ON VETERANS DAY

Mr. THURMOND. Mr. President, the Veterans Affairs Organization of Lexington County, S.C., recently passed a resolution concerning the celebration of Veterans Day.

Veterans Day was set aside to mark the end of World War I on November 11, 1918. This is a date which has great meaning to all veterans and Americans alike. Because of the Monday holiday bill, the holiday was changed to the fourth Monday in October. The date, November 11, is deep in the heart of our Nation as many patriotic Americans gave their lives to achieve the event this date denotes. The resolution deserves the consideration of Congress.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A RESOLUTION

Whereas, by Act of The Congress of The United States, Veterans Day was moved from November 11th to the fourth Monday in October of each year, and

Whereas, November 11th marked the end of hostilities of World War I, and

Whereas, such date, by tradition has deep significance to War Veterans, especially World War I Veterans, and

Whereas, the changing of this date has diminished the meaning of Veterans Day, and

Whereas, a holiday for the convenience of the general public has replaced a day which was originally set aside for patriotic rededication by War Veterans

Now therefore, be it resolved: that Lexington County Voiture 1211 of the 40 & 8 deplores such change of Veterans Day, and

Therefore, we as members of Voiture 1211 respectfully request that November 11th be reestablished as Veterans Day.

CHILD DEVELOPMENT: LITTLE ROCK'S KRAMER SCHOOL

Mr. MONDALE. Mr. President, Parade magazine for January 9, contains an inspiring and encouraging report of Little Rock's Kramer school.

This day care-child development project is run by Dr. Bettye Caldwell, one of the Nation's most respected authorities in the field of preschool education and child development. The school is supported by the State Department of Education, the Little Rock school system, and the University of Arkansas, and has been awarded a $2 million grant from the Office of Child Development.

The project, now in its second year of operation, is based on the belief that it is essential to provide educational opportunities to the nearly 6 million young children in this country whose mothers are working.

This innovative experiment takes place in the same building as the elementary school these children will later attend. By encouraging the students from the school to act as aids, this project gives older children a much-needed understanding of youngsters, and an early introduction to some of the responsibilities of adulthood and parenthood.

After a year's operation the article reports that the children attending this project "registered a gain of 12 IQ points compared to 2 points for a control group on the outside. On achievement tests involving language and numbers concepts center children gained 16 scaled points more than other youngsters."

Contrary to many fears expressed about child care programs, Dr. Caldwell reports that the family ties of these children have been substantially strengthened by their participation in the program.

Mr. President, in view of the fears and misconceptions that have been raised and nurtured during the consideration of child care legislation, I think it is important for my colleagues in the Senate to have a chance to understand the values of one kind of quality day care which could have been funded under the child development legislation that was recently vetoed. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A PIONEERING DAY-CARE PROGRAM—HOW MUCH CAN A 6-MONTH INFANT LEARN IN SCHOOL?

(By Ted Irwin)

LITTLE ROCK, ARK.—A day-care center in Little Rock has come up with the revolutionary idea of using the time that small children are left in its custody to educate them, rather than wasting it in aimless activities.

This concept of early, continuous, away-from-home education for youngsters starting almost in infancy is attracting deep interest elsewhere and, if it spreads, could change the face of American education.

Unlike many other day-care centers, which are merely places where working mothers park their toddlers all day and pick them up at night, Little Rock's Kramer School, a renovated structure in a mixed black-and-white neighborhood, is a hive of purposeful activity where three-year-olds learn numbers and four-year-olds explore basic math concepts. And all the while the building also functions as a regular elementary school through the sixth grade.

FIRST YEARS CRITICAL

"Ours is a new kind of educational delivery system," says Dr. Bettye Caldwell, the petite redhead educator in charge of the Center for Early Development, which runs the innovative Kramer project. "The first few years of life are critical for normal development as a human being. In this process, day care should not be separated from education. We're striving for a setup which can be adopted or adapted in other communities through the nation."

So important do educational authorities regard the Little Rock experiment that the Office of Child Development is investing $2 million in it, and the participants include the State Department of Education, the Little Rock school system, and the University of Arkansas.

Central to the project, initiated by Bettye Caldwell two years ago, is the conviction that it is not only possible but essential to give formal education to very young children whose mothers are separated from them all day. By providing instruction in the same building where they'll later be enrolled as elementary school pupils, the program gives them a running start on their formal education.

"An early enrichment program can't touch the lives of children in a significant way unless it's linked to public education," says Bettye, who is the wife of a surgeon. "Only in the public schools can you reach a large number of day-care children, and give them educational continuity, starting with infancy. Like this, there is no danger of a child losing out later, as some children in other programs have lost their early gains."

For the day-care children, school starts early at the center—at 7 a.m., two hours before the regular elementary grade children arrive. Their parents drop them off on the way to their jobs. Care starts at the age of six months, with very small children spending their day in the "Baby House," a maple-paneled structure with playpens, cribs, a feeding table, playground equipment, and even a diaper-changing room. Teachers and aides are on hand to blow bubbles and play games.

REWARD SYSTEM

Special rooms are reserved for three- four-, and five-year-olds, where learning begins in earnest. Teaching techniques are adapted to age groups. Three-year-olds, for instance, learn numbers by being handed small dolls and taught to give back one, two, and three at a time. A successful performance brings a feeling of pride and a special snack for reward. Children six and over go to the school's regular classes, their day-care blended in imperceptibly with education.

One of the center's most intriguing rooms is the "Learning Library," where special equipment has been installed to help slow learners. A projector flashes letters, numbers and geometric patterns for the child to identify or copy. The latest in audiovisual apparatus helps speed up language proficiency and development. Activities go right on for these youngsters after the regular school pupils leave at 3:15, with the children remaining until their parents pick them up at 5 p.m.

"Most day-care centers," says Bettye Caldwell, "look at their function from the standpoint of the mother's benefit—relieving them from custodial care of their children during working hours. We look at it from the standpoint of the child's enrichment. Our day care actually strengthens the bonds between mothers and children. In many cases, we take enough of a load off a mother so that she can be more loving, more patient, and take more time to play with the child. Separation during the day can heighten the enjoyment and appreciation of each other when they are together. The quality of the relationship is improved."

Dr. Caldwell, herself the mother of 13-year-old twins and a professor at the University of Arkansas, says the day-care program emphasizes emotional stability, mental health, and mutual understanding, as well as academic subjects. The result is improved behavior and a warm attitude toward school. One three-year-old named Billy, who threw temper tantrums regularly when he first came, has now turned into a creative and constructive leader of other small fry at the Center. Eighteen-month old Janice, pale, underweight, and unsmiling, seemed destined to be retarded, like her older brother. At the Center, before long she was laughing, verbalizing, clapping her hands to music.

It's the same story for older day-care children who attend regular classes at the Kramer School. Says 11-year-old Tommy, the product of a broken home: "Every one treats me like an animal except the people here at school." Says nine-year-old Martha: "In my old school you couldn't even stand up without being yelled at."

Parents are delighted with the results they have observed in their youngsters. Says Mrs. Pauline Trotter: "If my two-year-old daughter Paula were left with a baby-sitter, she'd be kept in front of the TV all day, scared to move. At the Center she's learning to play with others." Mrs. Vivian Runyon, mother of six, is so happy with the Center that she's returned to the neighborhood just to be near it, after moving away for a while.

"I thought no one could take care of my kids like I could," she explains. "But I'm amazed at how much Rodney, who's only two, was able to learn at the Center. I'm sure that my older boys would be better students today if they had been in the program when they were very young." Adds a waitress with two youngsters at the Center: "My kids are getting a lot better start in life than I or my husband ever did."

The effect on the children also is measurable in objective tests. After one year at the Center, day-care pre-schoolers registered a gain of 12 I.Q. points as compared to 2 points for a control group on the outside. On achievement tests involving language and numbers concepts, Center children gained 16 scaled points more than other youngsters. In a test that involved associating spoken words with pictures, day-care four-year-olds outscored a control group in the same age range.

With results like these—and with an estimated 6 million pre-school children with working mothers in the U.S.—it's no wonder that education and child psychologists from all over the country, and some from countries like Brazil, Israel, Taiwan and Ghana, have been flocking to Little Rock to see the Center for Early Development in action.

ENTHUSIASTIC RESPONSE

One of these visiting experts, Prof. Joan Costello of Yale's Child Study Center, sums up the prevalent feeling this way: "This is one of the most exciting educational demonstrations going on in the country today. In this combination of day care and school, elementary grade pupils have a chance to learn about little children and parenthood. The day-care children were deeply interested in what they were doing and learning a lot. What impressed me is that it is a happy place. I see the Kramer program as potentially a model for the schools of the future."

To Bettye Caldwell, the promise of her day-care venture extends far beyond proficiency in schoolwork.

SOCIAL AWARENESS STRESSED

"Before a child leaves us we hope he will have acquired a love of learning and be able to meet all later school experiences," she says. "But we want him also to have made substantial progress toward becoming a responsible citizen. We must think big about what kind of children we want to have in the next generation, about which kind of human characteristics will stand them in good stead in this rapidly changing world. Early child care, such as is being practiced at this Center, can be a powerful instrument for influencing the quality of life."

IN DEFENSE OF THE PEACE CORPS

Mr. HUMPHREY. Mr. President, just before Congress adjourned, it passed a continuing resolution for foreign aid which contained funding for the Peace Corps at an annual rate of $72 million, $10 million short of its original request and $5 million short of the authorization approved by Congress in October. Immediately thereafter, Mr. Blatchford, director of the Peace Corps, issued a statement indicating a provisional plan to cut the volunteer force strength in half. The plan would go into effect if the final appropriation were at the level of the present continuing resolution.

I, in turn, wrote a letter to the President urging him to take whatever action necessary, including the use of emergency funds, to avoid cutbacks and to convince Members of Congress of the importance of passing an appropriation bill with full funding for the Peace Corps. I ask unanimous consent that my letter to the President be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 13, 1972.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am seriously concerned by the Peace Corps' reported plans to cut its volunteer force in half. I appeal to you to take whatever action is required, including the use of emergency funds if possible, to enable the Peace Corps to maintain its present strength until the Congress decides upon a final 1972 appropriation.

Under the Continuing Resolution for Foreign Aid, the Peace Corps' appropriation is funded at an annual rate of $72 million—$10 million short of the Administration's request for this year. It is my understanding that Senate action on the pending fiscal year 1972 appropriation bill could result in bringing the total figure closer to the budget request. I would hope that additional Presidential assistance would make it possible for the Peace Corps to hold off any reductions pending final passage of the Foreign Aid appropriations.

With the appropriation bill as an early item on the agenda when Congress reconvenes, I urge you to appeal to members of Congress on behalf of the Peace Corps. I will do everything I can to see that the Peace Corps is funded as close to its budget request as possible.

I hope you agree that there is still a vital need for Peace Corps programs. As you know, there has been a resurgence of interest in the Peace Corps throughout the country. Volunteer applications have jumped from 19,000 last year to 26,500 this year. There are 8,213 volunteers now working in the field at the invitation of 56 countries around the world. They continue to have an important technological assistance and an ambassadorial role to play in promoting development and international understanding.

Having played a leading role in its birth and having closely followed its progress and success, I strongly support continuance of the Peace Corps. I believe a strong majority of the Congress wants to continue its outstanding work. With your assistance, I am confident we will be able to permit the Peace Corps to continue its vitally important work for peace and development.

Respectfully,

HUBERT H. HUMPHREY.

Mr. HUMPHREY. Mr. President, I strongly believe we must give adequate funding to the Peace Corps in recognition of the important role it has played and will continue to play in development assistance and international understanding.

We in the Congress have been talking, and I think rather responsibly, about the need to revise our foreign assistance program. The Senate was particularly emphatic about its concern over our military assistance program. Economic development experts have for quite some time now been talking about the increasing importance of multilateral assistance and the dwindling importance of bilateral assistance.

But rarely is the suggestion made that bilateral programs be dumped entirely. They have a utility all their own, which is not just to provide us with the means of maintaining American influence abroad. In many instances it has been found that working under national auspices is more efficient and beneficial for all parties concerned. What I am suggesting is that bilateral programs have their place and will continue to have a special utility, which complements, not conflicts with, the work of international organizations.

In my opinion, and I know in the opinion of the majority of the American public, no single American aid institution merits a more secure place than the Peace Corps. I am not saying this out of pride of authorship, although I do take great pride in the fact that I introduced and floor managed the bill which established the Peace Corps. I am saying it in recognition of the achievements already made by the Peace Corps. I am saying it out of a conviction that the Peace Corps still has an important role to play.

How can we think otherwise? Let me just read to the Senate section 2 of title I—The Peace Corps.

> The Congress of the United States declares that it is the policy of the United States and the purpose of this Act to promote world peace and friendship through a Peace Corps, which shall make available to interested countries and areas men and women of the United States qualified for service abroad and willing to serve, under conditions of hardship if necessary, to help the peoples of such countries and areas in meeting their needs for trained manpower, and to help promote a better understanding of the American people on the part of the peoples served and a better understanding of other peoples on the part of the American people.

I, too, would recommend the demise of the Peace Corps if there had been a sharp discrepancy between this high purpose and what the Peace Corps has actually accomplished. But there is not. Admittedly, there have been some unfortunate incidents in the history of the Peace Corps, but I contend that this is a part of a growing process. Today, the Peace Corps is in good shape. It has over 8,000 volunteers stationed in 56 different countries. It offers a greater variety of programs now to developing countries than ever before. Finally, it does not impose itself on these countries, but is invited.

That is a far cry from some other forms of American representation, where we are present but not welcome. Here is a voluntary program that has worked. The only way it can continue to work, however, is through the support of Congress. I call upon Senators and Members of the House of Representatives to pass an appropriation bill at the full level of funding already authorized by Congress. We owe it to ourselves and to developing countries. We owe it to the finest of American traditions.

NORTH VIETNAM'S STRATEGY

Mr. McGEE. Mr. President, in the Washington Post of January 7, 1972, columnists Rowland Evans and Robert Novak warn of possible consequences arising from an incident predicted to occur in Vietnam in the near future.

They predict the North Vietnamese regulars could possibly occupy the provincial capital of Kontum in South Vietnam's central highlands and may even hold that city for several days.

In assessing the prediction, the columnist pointed out that such an incident could have a completely distorted impact on the U.S. Congress in that it could be interpreted as an indication the President's program of Vietnamization is a total failure.

However, as Evans and Novak state, the whole North Vietnamese strategy at this time is to hit the South Vietnamese at their weakest point in order to score a psychological victory with the U.S. Congress. But one must consider that in the past the vulnerable spots in South Vietnam included the Mekong Delta, the central Vietnam coastal provinces, and along the demilitarized zone. Therefore, it is a tribute to the Vietnamization program that these areas are no longer vulnerable to Vietcong or North Vietnamese domination.

In sum, a North Vietnamese occupation of Kontum, even for a short period of time, would hardly constitute ample evidence that Vietnamization has failed. On the contrary, it is apparent that Kontum represents the only area in which the North Vietnamese could attack in South Vietnam with some measure of success.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

HANOI'S OFFENSIVE IN 1972

(By Rowland Evans and Robert Novak)

Within a few weeks, invading North Vietnamese regulars probably will fight their way into the provincial capital of Kontum in South Vietnam's central highlands and may well hold it several days—an event of miniscule military importance but a potentially portentous development in the seemingly endless war.

Whether or not Communist troops briefly occupy Kontum has no relationship to the overall military situation. Indeed, the annual dry season Communist offensive in the sparsely settled central highlands just about to begin is peripheral to the vital question of who controls the populated regions of South Vietnam.

The politburo in Hanoi is just as aware of these military facts of life as the Pentagon in Washington. The reason it is willing to expend precious supplies and crack troops in the central highlands is the impact any kind of Communist victory might have on the shaky U.S. Congress. Headlines about North Vietnamese troops capturing a provincial capital might heap rich benefits on Capitol Hill.

This is what is truly behind the Communist military offensive now under way throughout Indochina. Strike at the weakest points of anti-Communist resistance, attempting to give the Congress in Washington the false impression that President Nixon's Vietnamization policy is a colossal failure. Even more than embarrassing Mr. Nixon before his Feb. 21 journey to Peking, influencing Congress is Hanoi's top goal.

Such a priority represents a shift in Hanoi's grand strategy. North Vietnam's leaders have soured on their ability to undermine the Nixon administration's support of the South Vietnamese government by working through American antiwar protestors.

The trouble, from Hanoi's standpoint, is that it cannot manage a successful military offensive in the rice-rich Mekong Delta or even in traditionally troublesome central Vietnam coastal provinces or along the demilitarized zone. Overall, the North Vietnamese military position has never been weaker, despite the now total absence of U.S. infantry.

Thus, the Communists are attacking weak spots: Laos, Cambodia and, most important, the central highlands in South Vietnam, a vast region defended by the 22nd and 23rd divisions, commanded by the reputedly two worst divisional commanders in the South Vietnamese army.

That is why the Communists are massing in exceptional numbers for an offensive in the highlands, quietly bringing in additional North Vietnamese regiments.

Even so, Communist victory in the central highlands is not assured, in the opinion of the region's senior U.S. official, John Paul Vann, who deservedly has a reputation for unsurpassed expertise in Vietnam and clear-headed realism.

Conferring with Secretary of Defense Melvin R. Laird here this week while on his annual home leave, Vann painted a picture of the Communists walking into a bloody trap. He contended that the lightly regarded 22nd and 23rd divisions, hopefully reinforced by elite airborne troops from Saigon, are good enough to hand the Communists frightfully heavily casualties as they storm fortified positions.

In return for such bloodshed, the Communists may make some militarily limited but politically exploitable gains. One or two thinly defended border rangers' camps may fall. Fire Base Five and Fire Base Six, which staved off Communist siege a year ago, may fall to heavier assault this time. And, as Vann privately acknowledges, Kontum may be entered temporarily.

The possibility of these setbacks in early 1972 were acknowledged without great distress last September, when we visited the central highlands. Such defeats in the wilderness have occurred before without influencing the country's populated areas. No responsible military man, U.S. or Vietnamese, believes the central highlands offensive could lead to the Communists' slicing through to the sea to cut the country in half.

There is, however, worry today at the highest levels of the government over the prospect that limited military engagements may be greatly magnified by the American media and thereby cause more and more congressmen to misunderstand the true course of the Vietnam war. For that reason only, Hanoi's 1972 offensive in the central highlands is awaited with apprehension in Pentagon and State Department offices.

OUR DIMINISHING DEFENSE

Mr. THURMOND. Mr. President, in the past few years I have often spoken on the floor of the Senate and in other forums about the declining military power of the United States.

Just recently the Association of the U.S. Army issued a position paper on this subject, entitled "Our Diminishing Defense."

This paper takes into account recent defense developments such as the 50,000 man-year personnel cut imposed on the Army during fiscal year 1972 on top of an Army initiated reduction.

This cut will take Army strength to around 860,000 by the end of the year, the lowest point since prior to the Korean War in 1950, although Army strength did hover near the 860,000 point in 1961, just before the Berlin crisis.

As we begin the new year the Army association paper also notes that both the Army Reserve and Army National Guard are below authorized strength. This is a trend which will likely accelerate.

Mr. President, this AUSA paper is well written and deserves the attention of the Congress and the Nation. Each candidate for President should read it carefully and weigh his defense position accordingly. I ask unanimous consent that the article be printed in the Record.

There being no objection, the position paper was ordered to be printed in the Record, as follows:

January 15, 1972.

OUR DIMINISHING DEFENSE

The Secretary of Defense has stated that our basic National Security objective is to preserve the United States as a free and independent nation, to safeguard its fundamental institutions and values, and to protect its people. Through its foreign policy and collective security arrangements, the United States seeks an environment in which its security objectives can be attained.

Our continuing ability to carry out these objectives is a matter of serious concern. In the past twelve months we have seen the most drastic and rapid decimation of our fighting forces since World War II, this in the face of growing defense capabilities by those whose national goals are the antithesis of ours.

The politics of strength are little understood in our country and in the present climate are equated with a desire to fight rather than as a major deterrent to war.

1972 is a Presidential Election year. There will be an understandable effort by politicians of both sides to minimize National Defense needs to lay greater stress on the "other priorities" which are presumed to be much more attractive to the electorate. But unless we can defend our status as a world power, these other priorities will never come to fruition. Like it or not, we live in a time when little wars and revolutions can escalate and major wars can develop on short notice. So, an adequate defense becomes more than a luxury.

1972 is a crucial period in our defense posture. We believe that cuts in personnel and budgets which have already occurred, and those reportedly being processed, go beyond all prudence and constitute a threat to the security of our Nation. The ability of our Nation to determine its own destiny can well be in the balance.

President Nixon summed it up very well when he said, "It needs to be understood with total clarity that Defense Programs are not infinitely adjustable—there is an absolute point below which our security forces must never be allowed to go. This is the level of sufficiency. Above or at that level, our defense forces protect National Security adequately. Below that level is one vast undifferentiated area of no security at all. *For it serves no purpose in conflicts between nations to have been almost strong enough.*" We believe that our National Security forces have already gone below the level of sufficiency necessary to meet our commitments. The remainder of this statement will outline the reasons why.

The basis for our current National Stategy is summarized in the Nixon Doctrine. The first of the three pillars of that doctrine states flatly that "the United States will keep its treaty commitments."

Through treaties and assurances of mutual assistance given in other forms, the United States is committed to come to the aid of some 48 nations in every segment of the globe. And in many of these areas, the dangers of escalation of minor conflicts is indeed a serious concern.

NATO stands, after twenty-two years, our most apparent success in the deterrence of war and aggression. The uneasy detente which exists in Europe may, in time, give way to truly productive agreements with the Soviet Union. But there are a variety of sound reasons why our strength and continued presence in Europe are essential to provide the stability and credibility to this important collective security arrangement.

As a recent Brookings Institution study points out, "the size and character of American force deployments in Western Europe do not fit a precisely calculable military requirement. How much is enough is not the issue. It is rather how many and what kinds of forces will satisfy a number of considerations, some political, others strategic. These considerations should not be seen as short term. They have to do rather with the kind of world order the United States seeks to encourage; with the kind of lasting relationship we wish to establish with Western Europe; with how to impart greater stability to the East-West environment while avoiding steps that might encourage latent instabilities."

Our investment in NATO continues to be a most effective insurance policy for this country and one that offers great possibility for future contributions to improved world stability. This after all, is our ultimate goal.

We should be ever mindful, however, that a segment of our society, including some leaders in the Congress, pursues a continuing and determined effort to emasculate the United States presence in Europe—which in turn would upset the tenuous detente we now enjoy there.

While we are not bound by treaty arrangements that are apt to draw us into the Mid-East conflict between Israel and the United Arab Republic, it remains a tinder box which could ignite a most serious conflagration with great danger to both the Communist and the Free World. With the great powers as directly involved, as the United States and the Soviet Union are, in efforts to maintain some sort of balance of military power between countries with such basic animosities as Israel and the Arab states, the potential for trouble is great indeed.

If the outbreak of hostilities between India and Pakistan goes no further, this may not present any danger of escalation in which we would become involved. However, the sub-continent seethes with misery and unrest and must always be an area of concern.

In the rest of Asia, our problems are more diverse. Some view our involvement in southeast Asia as transient—something which we ultimately can wind up once and for all. They seem to forget that three times in a single generation Americans have crossed the Pacific to fight in Asia and we are still fighting there. No single area of the world has engaged more of our energies in the post World War II period. The President has made it clear in his report to the Congress on United States foreign policy in the 1970's, that it will continue to be in the national interest for the United States to remain involved in Asia. In the President's words, "We are a Pacific power. We have learned that peace for us is much less likely if there is no peace in Asia."

The ANZUS treaty merely reaffirms our long-standing friendship and affinity for our loyal allies in Australia and New Zealand.

Our 1951 bilateral treaty with our long time friends and allies in the Philippines could be the source of either great embarrassment or considerable difficulty in the years ahead while that young nation seeks maturity and stability.

Our bilateral treaty with the Japanese only creates a problem if Nippon's less affluent neighbors should institute war-like action against a nation we have discouraged from developing an adequate defense establishment; or if, on the other hand, Japan enters into a treaty with Red China that would be detrimental to our national interests.

Our treaty with the Republic of Korea remains a viable one, and the growing strength of that nation has permitted us, during the past year, to make a reduction of U.S. troops stationed there. We have only to recall our earlier conflict on that peninsula to know how quickly an enemy miscalculation can change the picture as far as the need for U.S. Army strength is concerned.

The SEATO treaty is more ambiguous than most. It lets us reserve judgment on whether or not an attack against one of the treaty nations constitutes enough of a threat to our national interests for us to help out. As long as we wish to remain a Pacific Nation—and the President says we will—it is difficult to imagine our disregarding a serious attack against a SEATO Nation.

Our bilateral treaty with the Republic of China (Formosa) which was signed in 1954, certainly has taken on a new significance in recent months with our support of Red China for a seat in the United Nations—and President Nixon's scheduled visit to this sworn enemy of our treaty partner. But the treaty is still there and as long as it exists we must be prepared to live up to it.

We have a special relationship with our neighbors in Latin America and certainly there are compelling reasons for strengthening our ties. The instability in some areas of Latin America poses a threat to peace in the Western Hemisphere which we would be foolish to ignore. The past confrontations regarding possible Russian missile and submarine bases in Cuba are examples of the kinds of problems which can crop up in our own backyard.

Even so, our RIO Pact is not normally considered a source of potential danger although the continuing unrest throughout Latin America provides a seedbeed for serious mischief which conceivably could make demands on us for some future military effort.

Thus our treaty commitments are rather extensive and involve some risks, but are not more than the inevitable involvement of a world power. The Soviet Union and Red China make no secret of their national policy to exploit unrest and trouble, wherever they find it, to further the expansion of their national goals and power. Knowing this, we have no alternative to remaining strong unless we choose a course of ultimate subjugation to the will of others. Hopefully, our national leadership will continue to steer us past this shoal.

The real threat to our National Defense may not stem from our treaties or pacts of mutual assistance. It may very well be in the weakening will of our people to face up to the realities of our world today.

It seems incredible that politicians could attack National Defense or advocate seriously weakening it without suffering a serious loss of constituent support. Such politicians recognize that the activists and those who speak out and work in the political arena of their communities are more concerned about "other priorities" than they are about National Defense. They are aware of the fact that there is a serious lack of understanding and knowledge about the importance of our defense needs, and that these needs are unlikely to receive much favorable publicity. They assume that the public will continue to ignore the seriousness of the threat which confronts us and that those who support an adequate National Defense will be unable to overcome the apathy and inertia which exists.

The willingness of many, including some elected to the Congress, to accept without protest second-class status for our Nation, may well signal the beginning of our demise as a world power. Certainly with a seriously weakened military capability, the credibility of our deterrent capability and the acceptance of our will to keep our word comes into serious doubt. In that climate, much can be won by our international adversaries without firing a shot.

The budget proposals for FY 73 are only now being readied for announcement. However, the recently completed action by the Congress on the FY 72 budget already provides cause for serious concern about the rapid decimation of our military strength.

What has happened to the Active Army strength is best graphically depicted in this chart—not printed in the RECORD.

Note that for FY 72 the Administration had programmed the Army for a strength of 942,000. Halfway through the budget year, Congress proceeded to cut funds for 50,000 man years out of that program which will force the Active Army far below the programmed strength with an end strength somewhere between 850—860,000—the lowest strength for the Army since 1950 just before the Korean War.

Because this rapid cut (almost in half in 3 years) is taking place in the Active Army, and because the war in Vietnam is drawing to a close, there has been far less use of Selective Service as a source of manpower.

This in turn has been reflected in the serious personnel problems affecting the Army National Guard and the Army Reserve. At the beginning of January 1972, the Army National Guard strength was 19,000 below its authorized 400,000. The Army Reserve units were down in strength by 6,000 from their authorized 260,000.

Moreover, the situation in those two components may worsen appreciably this year because during 1965 many thousands of young men took a six-year enlistment in a reserve component as an alternative to active service. Those enlistments will run out this year and current retention figures are not good enough to keep the total strength from dropping further. So, a very real problem centers on getting the quality people the Army needs in sufficient numbers.

The Army continues to pursue a most vigorous and imaginative All-Volunteer Program, and has had some notable success. However, the pay raises recently passed by Congress have not as yet had any really significant impact on new enlistments. Moreover, All-Volunteer Programs, particularly those that are soldier-oriented such as fixing up barracks and civilianizing KP have been seriously reduced in the budget process. If service attractiveness cannot continue to be improved, the volunteer program cannot be expected to meet its objectives. Both in the Congress, as well as in the executive department budgeting process, the All-Volunteer effort does not have the dynamic and sustained support that are requisites for success. There is insufficient evidence that we can maintain a volunteer force of the size and quality required to protect our National Security.

This is further complicated by growing costs. A high proportion of the Defense Budget is required for manpower costs. This cost is increasing and it means less is available for research and less for replacement of weapon systems. In FY 68, 41% of the Defense Budget was devoted to manpower costs. In FY 72, with more than a million fewer men under arms, the percentage increased to 52%. In the mid-seventies, with the addition of All-Volunteer costs, it could approach two-thirds of the budget—even with the drastic cuts in personnel which have already taken place.

With personnel costs rising, not only in the military but in all sectors of our society, the amount available for weapons and equipment is decreasing, even as the cost of these weapons is mounting dramatically. Growing complexity and sophistication play a part in these increased costs but more than 25% of the increase has been attributed to inflation itself.

Even with the tightest management procedures possible, present funding will be inadequate to provide adequate stocks of modern equipment for our Army.

Meanwhile, it is most important to note that the overall trend of defense spending is definitely downward. Whether you measure it in terms of percentage of the Gross National Product or as a portion of total budget, defense outlays continue to go down. For example, in FY 64, considered the last peacetime year, the defense expenditure represented 8.3% of the Gross National Product and 41.8% of the Federal Budget. In 1968, the peak spending year for Vietnam, took 9.5% of the Gross National Product and 42.5% of the Federal Budget. FY 72 was programmed for defense outlays of 6.8% of the Gross National Product and 32.1% of the total National Budget. A Nation as great as this can afford something more than one-third of its Federal Budget for an adequate National Defense.

In 1953, the peak for the Korean War, the Defense Budget hit 13.3% of the Gross National Product and 62.1% of the total Federal Budget. This was due in large measure to the fact that we had permitted our Armed Forces to get so low in strength and equipment inventory that our credibility was seriously doubted—the North Koreans and their backers didn't think we had the strength or the will to retaliate, hence that costly misadventure. This is an awfully high price to pay for unpreparedness.

The late Dean Acheson, former Secretary of State, had some interesting observations on this point in testimony before Congressional Committees in 1969.

"I see no basis for the notion that we tend to overdo the military aspects."

To the contrary, the nation has repeatedly neglected to provide a military basis to match its policy or to cope with aggressive forces. We tried unilateral arms reduction in the inter-war period. We got Pearl Harbor. We reverted to habit after World War II. We got the Korean War. With respect to military power, I do not share the worries of those who discern and deplore dangers of too much. We had a temporary advantage in ratios of available military resources at the time of the Cuban missile crisis. Some would have called it a redundancy. That margin was not a surplus. It provided a basis on which President Kennedy was able to bring off an acceptable outcome—

General Marshall used to drill into me the vast importance of maintaining a means of preparedness in armaments at all times and not to raise it to terrific heights during times of trouble and then to scrap the whole thing and go down to almost zero between crises. We have always been unprepared for conflict. Our wars as a result have lasted too long. The casualties have been too high."

At the Annual Meeting of this Association in October 1971, we took the position that with the winddown of the war in Vietnam, that the U.S. Army total force strength—Active, National Guard, Reserve—should not be reduced below a minimum of 1.6 million. It is our firm view that the Active Army should not be reduced below 900,000. As indicated earlier, Active Army strength will this year drop to the 850–860,000 range and the Reserve Forces are already down to 635,000. In our view this 100,000 deficit presents unacceptable risks.

In the preamble to our Resolutions, we took cognizance of this growing problem. We were particularly struck by a passage in the Supplemental Statement to the Report of the Blue Ribbon Defense Panel which was submitted to the President on 30 September 1970:

"Within a span of less than two decades we have moved from complete security to perilous insecurity.

"Yet, the response of the public generally, much of the media and many political leaders ranges from apathy and complacency to affirmative hostility—not against the potential enemies which threaten us—but toward our own military establishment and the very concept of providing defense capabilities adequate to protect this country and its vital interest. . . . Thus, we respond as a nation—not by appropriate measures to strengthen our defense, but by significant curtailments which widen the gap.

"In short, the mood of the people and much of the Congress is almost one of precipitous retreat from the challenge. This paradox in response to possible national peril is without precedent in the history of this country."

Our task at hand is to reduce the apathy and create an awareness of the essentiality for an adequate defense posture if the freedoms and liberties we now enjoy are to be preserved.

Mr. Acheson gave Congress a very simple explanation of the position of this nation in the world where he said "the power of the United States alone blocks the Sino-Soviet ambitions in this world. They may fall out between themselves, they may have difficulties, they may fight with one another in a minor way, but on one matter they are completely and wholly agreed. The United States is the enemy.

"It is our power which stands in the way of their ambitions and they have no doubt about that at all. We are alone at this pinnacle of power."

Our announced National Policy precludes further weakening of our National Defense. The Nixon Doctrine does not espouse isolationism. It recognizes that the United States has commitments which must be honored. The extent of these commitments must be clearly understood by other nations. We must maintain a level of credible military power sufficient to make deterrence a reality.

We need a strong Army for the future and the stronger it is the less likely we are to have to use it. The cause of peace has no more ardent advocates than those who have been to war. The soldier above all other people prays for peace, for he must suffer and bear the deepest wounds and scars of war. We therefore agree with President Nixon when he says that America's strength is one of the pillars in the structure of a durable peace. He puts it this way: "Peace requires strength. So long as there are those who would threaten our vital interests and those of our Allies with military force, we must be strong. American weakness could tempt would-be aggressors to make dangerous miscalculations." He goes on to say that we cannot trust our future entirely to the self restraint of countries that have not hesitated to use their power even against their allies.

It is our firm conviction that we have already reduced our Army strength below acceptable security minimums. The cause of prudence and safety demand a reversal of the current downward trend in our ability to protect our national interests and to continue as the masters of our fate.

The principal objective of United States military power is to deter war by having sufficient and credible power to maintain peace. We cannot have this without paying for it. We cannot afford to be without it.

CHILD DEVELOPMENT VETO

Mr. MONDALE. Mr. President, following President Nixon's veto of the OEO-child development bill in December, Mrs. Ben W. Heineman, president of the Child Welfare League of America, issued an excellent statement comparing the day care provisions in that legislation with those in H.R. 1, the administration's proposed welfare reform bill.

The comparison she makes between these bills with respect to whether they authorize voluntary or mandatory services and with respect to the quality of services provided, will be of interest to anyone concerned with child care.

In order that Senators may have an opportunity to review this excellent statement, I ask unanimous consent that it be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Child Welfare League
of America, Inc.,
New York, N.Y.

(Mrs. Ben W. Heineman, president of the Child Welfare League of America, Inc., issued the following statement in the wake of President Nixon's veto of legislation that would have established a national system of child development and day care programs. A copy of Mrs. Heineman's statement is being forwarded to the White House.)

"The Child Welfare League of America, Inc., deeply deplores the action of President Nixon in vetoing legislation that would have established a national system of child development and day care services," Mrs. Heineman said. "We view the President's action as a cruel blow to children and working parents all across the nation, particularly those single parents who must work or go on welfare. We believe the legislation would have been a giant step toward alleviating the problems of children in low income families by providing for their adequate care while their parents work to earn a living. We believed this was a goal of the President as well."

"We find it incredible that in vetoing this legislation and stating that the veto was the sign of the President's concern about the family as 'the keystone of our civilization,' the President would then cite the day care programs contained in his welfare bill, H.R. 1. The provisions of the Administration's welfare bill are truly 'family-weakening;' poor mothers have no practical choice but to hand their children over to day care centers. And the kinds of services poor mothers must use—or lose their welfare benefits—will be harmful to children because the Administration is not budgeting sufficient funds for these centers. These damaging, cheap programs are the kind that parents would not place their children in if they had any choice," Mrs. Heineman said.

"The bill vetoed by the President had two very important features: participation by families was voluntary; the programs for children were of good quality. Under H.R. 1, participation by family is not voluntary; parents are forced to give up their children to whatever programs are available. The day care under H.R. 1 will be of low quality and, unlike the services that would have been provided under the bill President Nixon vetoed, H.R. 1 day care will be harmful," Mrs. Heineman said.

"We do not wish to speak to the other issues raised by the President's veto," Mrs. Heineman said, "but we believe no one should be misled about the reasons for the veto of the child development programs."

LEAKAGE OF GOVERNMENT DOCUMENTS

Mr. McGEE. Mr. President, the recent publication of the so-called Anderson papers gives rise to questions of serious ramification.

One cannot, and should not, fault columnist Jack Anderson for his publication of the memorandums and minutes surrounding high-level administration discussion of possible U.S. policy formulation in reaction to the India-Pakistan war. However, the individual or individuals responsible for leaking these documents to Anderson are guilty of a breach of confidentiality which is indispensable in government.

In the end, the leaking of these documents can only lead to a reluctance on the part of policymakers to candidly participate in honest discussions concerning U.S. foreign policy formulation.

I ask unanimous consent that columns by Joseph Kraft and Tom Braden for the Washington Post of January 11 and the column written by James Kilpatrick for the Evening Star of January 11 be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

UNDERMINING KISSINGER

(By Joseph Kraft)

High policy differences are widely supposed to have prompted the leak of secret documents on the Indo-Pakistani crisis to Jack Anderson. But most of the evidence suggests that the true cause is a vulgar bureaucratic row aimed at getting the President's chief assistant for national security affairs, Henry Kissinger.

The most striking evidence is like the evidence of the dog that didn't bark in the Sherlock Holmes story. The fact is that no enduring policy issue of high importance is involved in the leaks.

The fight over East Bengal is largely a one-shot affair. Hardly anything that happens on the subcontinent is central to international politics. The United States had already tipped toward Pakistan—and practically everybody knew it—when the leaks were sprung. At the time, as some of Dr. Kissinger's comments make plain, the administration was anticipating a return to more normal relations with New Delhi.

A second bit of evidence involves Mr. Anderson himself. He is not deeply versed in foreign affairs. No one who aimed to change a line of international policy would single out Mr. Anderson as the agent for defecting that result through the leak of secret information.

Mr. Anderson's specialty—and it is an important specialty—is putting the journalistic arm on wrong-doers.

By no mere accident the chief fruit of his disclosures was not something that affected policy. The chief consequence was to impugn the integrity of Dr. Kissinger.

As a third bit of evidence there is the state of relations among senior officials and principal agencies of the foreign affairs community in the Nixon administration. Washington veterans tell me that to find a fit counterpart they have to go back to 1950, and the deadly you-or-met rivalry between Dean Acheson who was then at the State Department, and Louis Johnson, who then ruled the roost at the Pentagon. In any case, relations nowadays are marked by paranoia, jealousy and hatred.

The chief target for most of the venom is Dr. Kissinger, and some of the fault is his. He has a sharp tongue, and he has been unnecessarily unkind in comments about some of the senior officials of the most prestigous departments.

But most of the resentment has been caused by what Dr. Kissinger does in the service of the President. The present administration has expanded the job of special assistant for national security affairs way beyond what it was under Walt Rostow and McGeorge Bundy. Dr. Kissinger has virtually eliminated from the decisionmaking business some of the most high-powered men and agencies in town.

The office of Secretary of Defense is perhaps the chief victim. Secretary of Defense Melvin Laird is going to be stepping down soon with practically nothing to his credit. Even his claim (which has at least some foundation) to be the author of the policy for getting out of Vietnam is not widely believed.

He seems hostile to the administration's policy on an arms control agreement, and he was completely cut out of plans for the President's visit to China. His general reputation for trickiness has caused the cognoscenti, rightly or wrongly, to establish him as the short-odds favorite for almost all leaks regarding national security these days. Indeed, some White House officials at first believed Mr. Laird leaked the Pentagon papers.

The uniformed military comes a close second in the odds. Many of them do not like the way the White House is winding down the war in Vietnam. Almost all are opposed to the arms control agreement which the White House is now negotiating with the Russians. Some are hostile to the Okinawa reversion agreement which the White House has negotiated with Japan. And far, far more than civilians in the government, the uniformed military are in the habit of leaking classified information to serve their own interests.

Not that the State Department or other civilian agencies can be entirely exempted from suspicion. Except as regards the Near East, Dr. Kissinger has taken over the whole realm of foreign policy—including even negotiation with foreign officials. This assumption of The State Department's traditional role is bitterly resented by many of the department's leading officials. Indeed, one of them, not long ago, voiced the suspicion that Dr. Kissinger spent an extra day on his last trip to China in order to embarrass the State Department which was handling The United Nations vote on Chinese admission.

With suspicions at that level, there is every reason to figure bureaucratic rivalry as the key element in the background of the Anderson papers. There is no case for lionizing, or even protecting the sources of the leaks.

On the contrary, for once there is a case for a presidential crackdown. Mr. Nixon's interest—and that of the country—is to find the source of the leaks and fire them fast.

NET EFFECT OF THE ANDERSON LEAKS

(By Tom Braden)

It is already fashionable to say that the secret and private papers leaked to columnist Jack Anderson told us nothing we did not already know. In fact, they remind us of important truths we have insufficiently learned.

The first of these is that President Nixon and Dr. Kissinger are embarked upon a major change in United States foreign policy. What the American people had presumed was a polite how-do-you-do to China turns out to be a firm understanding.

The Anderson papers strongly suggest that part of this understanding was to back Pakistan against India. The papers have so far not revealed two additional pieces of evidence which buttress this view.

Last October 12, U.S. Ambassador Kenneth Keating called upon Indian Premier Gandhi with the warning that if India did not cease aid to dissidents in East Pakistan, Pakistan would attack from the West. Somewhat taken aback by receiving this word from a friendly power, Madam Gandhi inquired what, in the event of such an attack would be the attitude of the United States. Keating replied that he had fulfilled his instructions and was empowered to say nothing more.

Kissinger also took a hand in attempting to frighten the Indians. He told the Indian ambassador here that if India became involved in war with both Pakistan and China, the United States could be of no assistance. The implication that Mr. Nixon's chief foreign policy aide was delivering a message from the Chinese seemed clear, and it hastened Madam Gandhi's determination to formal alliance with Moscow.

The second truth which emerges from the Anderson papers is that somebody in the United States government—and at a high level—is opposed to the new China policy and is not averse to destroying Kissinger in the process of opposing the policy. If Kissinger's influence is weakened as a result of the leak, it will be the nation's loss.

The President's assistant has been a brilliant, as well as an efficient public servant. In three years he has managed to turn the foreign policy making of the nation from obsession with ideology to judgment of power. If, in the course of this turn-around, options have not always been made clear, the fault lies not with Kissinger but with Mr. Nixon's determination that the cold war ideology still required lip service.

It may be argued whether the new China policy required quite the brusqueness which the United States displayed towards its oldest friend in the East, but the Anderson papers seem to show Kissinger as a somewhat reluctant follower of the hard line. "The President is blaming me" and "He wants to tilt towards Pakistan" are not the remarks of a man with sole responsibility for each step in an agreed course. Indeed, they seem slightly plaintive, and have set Indian representatives here in Washington to wondering what they have done to arouse Mr. Nixon's personal pique.

Finally the Anderson papers are a reminder that public exposure of private conversations among government officials can be almost as destructive of government as the reporting of actual life and death military secrets.

Minutes of high level meetings may never be as frank again, and those who attend high level meetings may wonder whether they should say what they think or say what their enemies in the room might approve.

To reduce men to such a choice makes a mockery of government. Nobody will argue against the public's right to know the logic behind its foreign policy. But the difference between reporting the making of foreign policy and reporting private conversations is the difference between the reported and the spy.

LEAK OF PAPERS TO ANDERSON A GRAVE BREACH

(By James J. Kilpatrick)

We are in the midst of another of those great ruffled flaps involving the press, the government, and the ethics of public and private conduct. This one is serious.

The story goes back to the first week in December, when the Washington Special Action Group met at the White House to discuss the suddenly flaming war launched by India against East Pakistan. The WSAG, in effect, is the super-National Security Council of this administration—a top-level coordinating body intended to serve the President with the best advice and intelligence that can be pulled together by skilled and experienced men.

The three WSAG meetings of Dec. 3, 4 and 6 were held in confidence, of course, behind locked doors, but written minutes were prepared. These minutes were stamped "secret-sensitive," which is the classification level just below "top secret," and then were distributed among an estimated 50 to 75 persons in the Pentagon, State Department, CIA, and the White House.

A person or persons unknown made copies of the memoranda and gave them to columnist Jack Anderson. He excerpted them for use in his column, and a few days later supplied the texts for use by newspapers generally. In one view—it is the view of anti-Nixon liberals—Anderson performed a great public service, and his anonymous informant was a man of noble character who risked his job in the name of truth and honesty in government.

There is another view. The importance of this disquieting affair does not lie in the memoranda themselves. The importance lies in the leak. Make no mistake: This leak must be found, and it must be stopped. This is a breach of trust, and a breach of security, of the most profound implications.

The memoranda are embarrassing, no more. For the most part, the minutes reflect the discussion of men trying to find out what is going on, and seeking to decide what best to do about it. The President, they are advised, is angry at India for its aggressive action; he wants "a tilt toward Pakistan." There is much talk of the futility of the United Nations. One detects sympathy for the plight of the emerging nation of Bangladesh; it promises to become "an international basket case." The conferees come to no particular decisions. They agree to prepare certain papers for the President. Their discussion is candid, spontaneous, unreserved.

Subsequent to these private meetings, the White House was publicly to assert its neutrality in the India-Pakistan war. Obviously the White House was not neutral. This was self-evident to every editor and critic in the country.

It is a fair surmise that every government in history has taken public positions inconsistent with its private wishes. Diplomats know this.

What matters, to repeat, is the leak itself. This is not to be compared with the action of the Washington Post last month in blowing Henry Kissinger's cover as the source of a recent backgrounder; that was no more than an ill-mannered breach of professional rules. Neither is it to be compared with Daniel Eilsberg's clandestine distribution last spring of the aging "Pentagon Papers." Eilsberg was then out of the government.

We must infer, in this instance, that someone still employed at the very highest levels of confidence—someone holding top secret clearance, with access to other memoranda of immense importance—has wantonly violated the trust reposed in him. This goes beyond disloyalty; it sails close to the windward edge of treason. What other documents one must wonder, has this person secretly copied? Where will he peddle them next? This is the alarming aspect. Anderson thinks it "funny," but then Anderson would. It is not funny at all.

AN ADMIRABLE YOUTH PROGRAM

Mr. JAVITS. Mr. President, a most admirable program on behalf of American youth has come to my attention, and I shall enter a brief outline of its aims and goals in the RECORD.

A quarter-million-dollar "Help Young America" program has been announced by David R. Foster, president of Colgate-Palmolive Co., as a major 1972 campaign by that company to help five of America's leading youth groups reach their current goals.

The Boy Scouts of America, Girl Scouts of the U.S.A., Boys' Clubs of America, Girls' Clubs of America, and the Camp Fire Girls will share in the $250,000 contribution following a national vote to be conducted by the company in early 1972. These groups have a combined membership of more than 9 million.

Mrs. Richard Nixon has accepted the honorary chairmanship of the "Help Young America" program, and Joseph H. Blatchford, Director of Action, which includes both VISTA and the Peace Corps, is national chairman.

The "Help Young America" program marks the first time that these five leading youth groups have joined into a single youth promotion effort. In announcing the program Mr. Foster stated:

> The Colgate-Palmolive Company is pleased to initiate this cooperative program between American business and American youth. Our aims are common—to help our young people help themselves to a better America. Too often the progress potential of our ambitious youth is lost sight of today, amid the concern for the problems of this generation. We, at Colgate, hope that this program will help lead these young people to achieve a better tomorrow. We want, also, to focus national interest on their needs and to suggest new avenues for others to follow in supporting the goals of young America.

These stated 1972 goals of the youth groups are:

Boy Scouts: "To help today's boypower become tomorrow's manpower."

Girl Scouts: "To help more girls in their growing-up years."

Boys' Clubs: "To help guide 1,000,000 boys."

Girls Clubs: "To open more club centers for girls."

Camp Fire Girls: "To help more girls become better citizens."

Mrs. Nixon commended Mr. Foster and the Colgate-Palmolive Co. for "this innovative and sweeping approach to the encouragement of constructive youth activities," and applauded the concept of uniting the five groups in a common effort. She said:

> Most significantly, because each participating organization is given the opportunity to grow and expand through its own creative powers at its desired pace, I am especially impressed with this very kind of freedom—one which encourages increased initiative within a young person's personally chosen group while contributing to the vitality of the entire society as well.

I feel that such an innovative program as this one conceived by the Colgate-Palmolive Co., merits our every recognition because it points up the vital role enlightened business leadership can play in our society. Hopefully, it will be an example to other major corporations to contribute to our Nation's social needs by way of similar programs.

SENATOR GAYLORD NELSON—PROMOTER OF ENVIRONMENTAL QUALITY

Mr. MONDALE. Mr. President, today I speak in recognition of a distinguished Senator from my neighboring State of Wisconsin—Senator GAYLORD NELSON.

As the founder of Earth Day and author of many other legislative proposals relating to environmental protection, Senator NELSON has truly been one of the leaders in the effort to make environmental quality a part of the national political dialog in this country.

The success of his efforts is evidenced by a number of legislative concepts the Senator originally introduced, which have subsequently been enacted into law. For example, he was the first to propose, in 1966, that the Federal Government provide 90-percent funding for local and regional sewer construction. This past year the Senate finally adopted a formula which provided up to 80-percent public money for sewer construction in the water pollution control amendments.

Also, the Senator from Wisconsin was the first to propose tough emission standards for automobiles as a means of controlling urban air pollution which were largely incorporated into the Air Quality Amendments of 1970, and restrictions on the discharge of wastes into the oceans, as well as a long-term, $800-million program of low-interest loans for otherwise healthy businesses that were adversely affected by water pollution legislation, which were made part of the Water Pollution Control Amendments of 1971.

Lastly, the Senator played a significant role in the passage of the National Environmental Policy Act of 1969. This legislation has forced the stoppage of a number of Federal projects on the basis of environmental considerations and has been instrumental in bringing environmental impact into the Federal planning process.

Recently, Environmental Quality magazine had an exclusive interview with Senator NELSON where he discussed the evolution of the environmental movement and commented on the issues which have formed the basis of the escalating national debate on environmental quality. I ask unanimous consent that the interview be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

INTERVIEW: SENATOR GAYLORD NELSON

(NOTE.—The founder of Earth Day, Senator Nelson is the leading environmentalist in the U.S. Senate. His activities are uniquely conservation-oriented, including the sponsorship of numerous bills for protection of America's natural resources. Recently, EQM's Washington Bureau Chief Mary Sanderson visited Senator Nelson for an interview in his offices at the nation's Capitol.)

Working to preserve the environment has been a life long career for you, Senator Nelson. What influence in your life caused you to become so actively involved?

Well, I grew up in northwestern Wisconsin, a relatively isolated area not far from the Minnesota border, where the heavy intrusion of civilization has yet to mutilate and destroy the rich farmland, forests and lakes. The woods, the fields and the lakes were my home and the village of Clear Lake with only 700 population was almost like living in the country. It wasn't until I left that area to go to college in California that I discovered the majority of the people in the country lived in a depressing environment, rapidly deteriorating, and continually spreading.

Today the environment is one of the major political issues. What do you think is the major breakthrough that made ecology a national concern?

There is no question in my mind that the major breakthrough was Earth Day, in the Spring of 1970. It represented the first opportunity for the public to display its concern about the status of our environment. This concern had been growing for more than a decade.

Senator Nelson, it is well known that you were the founder of Earth Day. How did you conceive of the idea?

As it turned out, literally tens of millions of people participated in Earth Day, from grade school students to elder citizens. The best part of it was that Earth Day was a nonpolitical, grassroots demonstration. All we did was supply the idea and all across the nation groups became involved in their own way.

For several years I had been wondering how to convince the political leaders of the country that the status of the environment was a critically important matter, and that the people of the country were in fact deeply interested. In the summer of 1969, while in Santa Barbara at an environmental conference, I read an article that mentioned the Vietnam "Teach-Ins," held on numerous campuses two or three years previously.

It occurred to me then that one way to demonstrate the public interest in this issue would be a nationwide environmental teach-in. After returning to Washington, I spent a month developing the concept and then announced the plan at a speech in Seattle on September 20. The media carried the story and the response was immediately favorable. Sometime after that I invited Rep. Paul (Pete) McCloskey of California to join me as a co-chairman, and Sydney Howe of the Conservation Foundation to be a member of the Executive Board.

Who else worked with you on Earth Day?

The three of us selected the balance of the Board and created Environmental Teach-In, Inc., as a non-profit, tax-exempt organization and established a national office. Then, a month or so later, after interviewing a number of college students, we selected Denis Hayes, a Harvard graduate student, to manage the national office which functioned as a clearing house and information center. Hayes and a talented group of young people who worked with him began responding to the heavy flow of requests for information that were coming in. Everyone had his own ideas and we didn't have to sell people on the idea of Earth Day. There was virtually automatic acceptance from the beginning.

What was the most significant achievement of Earth Day?

The objective of Earth Day was to make the environment part of the political dialogue of the country, and that is what happened. Earth Day was a massive nationwide demonstration that showed the political leaders of the country that there was a genuine grassroots, deeply-felt interest in the environmental issue, that crossed all political lines and all age groups.

It was my conviction that nothing significant could be accomplished until the politicians understood this. In other words, the issue had to become a part of the political dialogue of the nation before we could hope to accomplish anything. It has now become part of the political dialogue and that is, in my judgment, the most significant environmental event in the history of the movement. Until that happened, the environmentalists would continue to gather and talk only to each other for the next 50 years, as they have in the past 50.

Do you think that the political impact will be lasting?

Yes! Earth Day marked the birth of a new issue that is here to stay. It is a strange phenomenon, however, that during the whole germinating period of this environmental concern the politicians, the establishment, the press and the media were, for the most part, quite unaware of what was happening. But, you can be sure there will never be another political campaign like the one in 1968, when not one of the three candidates for President considered the environment an issue worthy of a major speech. It is nothing short of remarkable how rapidly this issue has been thrust into the politics, the conversation and the literature of the country.

The environment is an issue that is here to stay because the environment is here and its quality is measurably and visibly deteriorating at an ever accelerating pace. Now, for the first time, the issue is in the political arena, and is a necessary part of the political dialogue between political parties and among candidates for office from the courthouse to the nation's Capitol. Without this kind of political status, meaningful action on a broad scale was simply impossible.

Are you satisfied that Earth Day had sufficient impact on political leaders to successfully turn the environmental awareness into legislative reality?

I think the results speak for themselves. In the last half of the 91st Congress, far more environmental legislation was considered, and more important legislation passed, than in any comparable period in the nation's history. Just a very incomplete list includes:

The toughest Clean Air Act in history was signed into law requiring manufacturers to clean up the internal combustion engine by 1975.

The Environmental Protection Act passed requiring every Federal agency to file careful studies and reports on the possible environmental impact of their programs.

Dramatic restrictions on the use of DDT and other persistent pesticides were enacted.

In a series of dramatic events, a proposed jetport for the Florida Everglades was halted and the Corps of Engineers was forced to insure the wilderness area would have an adequate supply of water.

Excuse me, Senator Nelson, but you didn't include the defeat of the SST in your listing. Don't you think the issue made defeat of the SST possible?

I'm sorry, I didn't mean to forget the SST. That vote to stop funding for two prototype supersonic transport planes marked the first major crunch in the battle to come between those who believe that quality in American life is more important than development for the sake of development, or exploitation for the sake of exploitation.

Regardless of the merits of the issue, the great significance of the House and the Senate vote was that the environmental issue was the deciding factor. It marked the first time in any country that a major, ongoing technology was voted down on environmental grounds. In the long pull, the most significant thing about the vote is the strong indication that henceforth in this country we intend to crank the environmental test into the process of our decision making.

If Earth Day was such a successful event, why did you think it necessary to develop an Earth Week this year?

I felt Earth Week was necessary to sustain our effort. The objective was to step beyond the one-day spectacular that Earth Day represented. I wanted to have a period of time set aside each year to inventory the progress of the past year and to plan for the next; a time set aside for the nation, the media and the environmental groups to pay special attention to the issue. In particular, my objective was to set aside a period when all the grade and high schools could bring to fruition their education efforts of the year.

Although there seems to be genuine, wide-ranging concern demanding that the environment be cleaned up, many are also beginning to argue that the price of cleaning up the environment will be too expensive. Is this true?

To begin with, the environmental clean up will take a $20 to $25 billion annual investment over the current spending level. That equals about one-third of the defense budget or about what this country is annually wasting in Vietnam.

Yes, the price of cleaning up the environment will be expensive, but not cleaning it up is a price and a sacrifice in the quality of life that no society can afford to pay.

Under the absurd economy of pollution status quo, dirty air does $13 to $15 billion in property damage in the United States annually. Yet, for $7.5 billion, or half the damage cost, some 80 percent of the problem could be eliminated.

Or, if the air pollution levels in major urban areas were reduced by 50 percent, the country would save an estimated $2 billion in health bills alone.

Water pollution does an estimated $12 billion in property damage each year, not considering the immeasurable loss of a Lake Erie, or a wetland, or an estuarine area or the productivity of the ocean itself.

The list is endless . . . billions lost in wasted resources and solid waste problems, strip mining destroying whole regions, pesticides poisoning other forms of life.

You have introduced an environmental package of bills and resolutions in the Senate this year. How did you pinpoint which areas you wanted to cover?

Well, as you know, the bills cover a wide range of subjects from ocean dumping to funds for mass transportation to recycling to a comprehensive testing of food additives. Congress is going to be the major battle ground on all the environmental issues, and I was attempting to provide Congress with a broad, if not all-inclusive range of environmental issues.

I have been dealing with a number of the proposals for some time. As you know, the legislative process takes time, from the date an idea is conceived, drafted and introduced, to the time when Congress gets around to considering and passing it.

For example, I introduced the first legislation on DDT in the Senate about five years ago. I couldn't get any sponsors in the Senate or in the House to go along with the idea of banning DDT, because it was considered to be the miracle pesticide. Over the past five years, however, the dangers of this chlorinated hydrocarbon have become known, and the possibility of banning DDT grows ever nearer. This is also true of detergent legislation which I introduced 7 or 8 years ago and other environmental proposals.

In your environmental agenda, you emphasized the need for strip mining legislation. What does your bill propose?

This is one of the most urgent items on the agenda. We must enact a tough statute with firm deadlines setting environmental controls on all surface mining and requiring land reclamation. I have introduced this legislation in three Congresses. In this Congress, I also introduced a bill to prohibit strip mining for coal. This bill poses the question whether reclamation is anything more than wishful thinking, particularly in mountainous areas.

Is this country willing to trade away the future of whole regions and their people just to provide the supposed easiest and cheapest way to answer a resource demand? In the meantime, the deep gouges of all present strip mines, if put together, would total a 1,500,000 mile-long trench 100 feet wide.

In spite of all the warnings about pesticides, their use increases daily. Your pesticide control bill, considered a model, was introduced for the second time this year. How was it received?

It was better received than ever before. For this is the first time Senate hearings were held, and the number of Senate cosponsors has increased significantly, including several key Senators from agricultural states that are heavy users of pesticides. There is a growing awareness that fundamental reforms to require all pesticides and pest control devices to be thoroughly tested for their environmental and health effects are necessary before they are released on the market. The fact of the matter is that the indiscriminate use of pesticides has been an agricultural, economic and environmental failure. The chemical companies have continued to reap billions of dollars from unwary farmers who have paid for ever more expensive pest control programs which in the long run are self defeating. As pests develop greater resistance to a pesticide, larger doses are used. Finally, an entirely new pesticide must be developed and the frustrating and costly circle starts anew.

Is there an alternative to the use of pesticides?

Yes. We are now trying to establish pilot field projects for research on a variety of crops to control agricultural and forest pests by integrated biological-cultural methods. This means that these pests are controlled by nature primarily, utilizing beneficial predator insects and parasites of harmful insects. This method has worked and is working. Everett Dietrick, for example, operates an insectary in Riverside, California, and has been providing insect management service to farmers in the Coachella Valley for 11 years. Letters to my office attest that the crops are of high quality and quantity, and are showing better profit margins than those in the same areas which continue to use sprays on the same type of crops. A number of farmers and entomologists throughout the country are turning to biological controls, but the effort suffers from inadequate funding and lack of effective leadership. Our legislation proposes financing a series of pilot projects to demonstrate integrated pest control on a variety of crops.

Some of your other legislation already in this year's proposed bills would place our untapped coastal oil reserves in a National Marine Mineral Resources Trust. What is the purpose of this?

The oil spills of the coast of California and the Gulf of Mexico have been disastrous environmental events, providing that in our present state of ignorance about the ocean environment, we are taking grave risks in exploiting it now. If we keep accelerating this exploitation pace, we will be drilling 3000 to 5000 new undersea oil wells each year by 1980. Then, as the President's Panel on Oil Spills reported in 1968, we can expect a Santa Barbara-scale disaster once a year.

What should the government do regarding continental shelf lands it has already leased for oil?

We should stop drilling new ocean oil wells until we develop the technology to prevent future Santa Barbaras and until we need the oil, and my proposal would do this.

In the first place, the Federal government is entitled to adopt comprehensive environmental protection plans for all the outer continental shelf, which is owned by the U.S. public. That is one thing we can do in order to avoid making the same mess of the sea as we have of the land. And the states should do the same thing for their undersea lands.

And in cases where we know it is dangerous to extract the oil, as in the Santa Barbara Channel, we must simply buy up the leases. The price we would pay would be an extremely wise investment in the future of one of the most vital resources on earth—the sea itself, with all its productive life.

Senator, you paint both a depressing and optimistic picture about the environment as a potent political issue. Are you optimistic?

Yes, I am optimistic in that we have witnessed unprecedented accomplishments in public environmental awareness and in the areas of political and legal activities, such as in the growth of public interest environmental law firms and the growth of numerous environmental groups active in nearly every community. But these successes must be measured in the context of the vast, complex and pervasive national and global environmental events of the past few years. They must be measured as beginnings, as we pose the question, do we have to destroy tomorrow in order to live today. The answer to that question must be no.

Obviously the answer is more complex. It strikes at the most vital center of the traditional American belief about unlimited abundance, "progress" without end and a limitless frontier with an inexhaustible supply of expendable resources. It is time we started managing our resources in recognition of the fact that there is no such thing as "unlimited abundance" nor is there a "limitless frontier."

SUPPORT OF SPACE SHUTTLE PROGRAM

Mr. ALLEN. Mr. President, I was pleased with the President's decision, announced during the congressional adjournment, to proceed at once to develop the Nation's space shuttle program. I am convinced that this is a logical progression based on the solid foundations of our past technological achievements.

Many words have already been written and spoken by proponents for, and opponents of, further space exploration and development, and doubtless there certainly will be more in the future.

An editorial entitled "The Space Shuttle," published in the Washington Post of Friday, January 14, 1972, properly makes the point that this is the year of decision whether the United States goes ahead with a sensible, long-range, well-planned, and properly financed space program or whether this country will allow Russia to take over space by virtue of default by the United States.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE SPACE SHUTTLE

With the President's announcement that he will support NASA's request for funds to develop a space shuttle, you can bet on a confrontation in Congress this year not unlike last year's battle over the supersonic transport. Senator Mondale, for example, has already called the President's decision "another example of perverse priorities and colossal waste in government spending." To be sure, Senator Mondale has tried unsuccessfully in the past to eliminate planning funds for the space shuttle from the budget, but the attempt to kill the program, in the House as well as in the Senate, will be far more vigorous this year because this is the point at which a real choice can be made.

The choice involves, in large measure, the kind of space program the United States will have in the future. A decision to build the space shuttle would mean this country's proceeding to develop both manned and unmanned space equipment as recommended a couple of years ago by the President's Science Advisory Committee. A decision not to build the shuttle at all or to postpone a start on it for several years would almost certainly mean that the country would go out of the *manned* space business before the end of this decade. Thus, many of the arguments heard in the next few months will sound like reruns of the SST debate. However, the issues are quite different.

The space shuttle is a vehicle designed to deliver a cargo of men and equipment into earth orbit and then be flown back to earth for use again. It would be employed to supply floating laboratories, when and if they are developed. It could also be used to service, repair, set in place and retrieve satellites like those now in orbit for communications and other purposes. In addition, it might have military uses about which NASA does not speak, since the shuttle is a joint military-civilian project. Finally, its development would provide some of the technology required for manned exploration of other parts of the solar system.

The justification set forth for starting to build the space shuttle now combines technical and economic factors. A perfected shuttle would reduce the costs of each space launching since the same craft could be used over and over; eventually, the booster rocket would also be flown back to earth and reused, further cutting costs. At the same time, one shuttle could place several satellites in position, thus reducing the number of launchings. (The United States has sent up around 700 satellites in the last 10 years and the Air Force puts up a new one every couple of weeks.) According to the spacemen, this aspect of the shuttle alone would make its development worthwhile. It would increase costs in the next few years but cut them sharply in the 1980s and '90s. The opponents of the shuttle, on the other hand, dispute NASA's economic analysis, claiming NASA has underestimated shuttle costs and overestimated long-run savings.

The second basic justification for starting the program now rests in the role of man in space. The spacemen see this as a great future field, with men in laboratories conducting all kinds of scientific work and, eventually, going in spaceships to explore other parts of the solar system. They claim that without the space shuttle, the American manned flight capability will have to be given up about the middle of this decade because of the high costs of the Apollo missions and that once given up, this capability will be hard to retrieve at a later date. For their part, the opponents think man does not now have, and may never have, a legitimate role in space; rather, they believe that machines can be designed to do whatever jobs need doing at a cost far less than that involved in maintaining a manned space capability. The President's committee said two years ago that no one knew enough to predict accurately what man's role in space ought to be and until more is known the decision should be left open.

After these two principal arguments come others, which you will be hearing this spring. On the one hand, it will be argued that the nation's industry needs the technological spur of this space program to maintain its place in the world, that the country needs the jobs the program would create, and that the Russians will take over space if the United States stops now. On the other, it will be said that this program is only a gimmick to save the aerospace industry and that there is little or nothing of practical value to be learned from space research.

None of these arguments on either side is error-free since the major ones rest on projections into the future which are exceedingly difficult to make and others rest on basically undemonstrable assumptions about the quest for knowledge. Part of the difficulty springs from the fact that no one can know what space-based research will discover. Is the key to the hydrogen atom and thus to unlimited energy out here, as some scientists think? Will the world some day need to import minerals from space to sustain life here? Will man have to be in space to accomplish things such as these or can machines do them all? Above all, where does this kind of program fit in a national budget that cannot provide for doing all the things at home that ought to be done?

It is owing to questions like these that this year's debate over the space shuttle will be quite different in character and significance from last year's debate over the SST, although they will bear some superficial resemblances. The standards applied to a project which involves scienific research and military considerations, as does the space shuttle, must be somewhat different from those applied to a project, such as the SST, which involved only another way to move people from place to place.

LEGISLATION AFFECTING PRIVATE PENSION PLANS

Mr. JAVITS. Mr. President, on December 15, 1971, my administrative assistant, Frank Cummings, delivered an address to the 17th Annual Conference of the National Foundation of Health, Welfare, and Pension Plans, giving an overview, worthy of the consideration of every Senator, of the problems which have arisen in the private pension industry, and an analysis of S. 2, my bill for the reform of the system, and the other various legislative proposals.

I ask unanimous consent that the text of these remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD.

LEGISLATION AFFECTING PRIVATE PENSION PLANS—THE PRESENT AND THE OUTLOOK FOR THE FUTURE

INTRODUCTION—THE PRACTICAL PROBLEMS OF PENSION PARTICIPANTS

Remarks of Frank Cummings, Administrative Assistant to Senator Jacob K. Javits (R-N.Y.), prepared for delivery at the 17th Annual Conference of the National Foundation of Health, Welfare and Pension Plans, Miami, Fla., December 15, 1971.

The major premise, upon which the legislative battle now forming in the House and Senate is founded is: Too few participants who work under private pension plans actually get a pension; and too many who work long years—10, 20, 25 or more years—get nothing. They get nothing because far too few plans provide vested non-forfeitable interests, even after long years of work, unless the employee actually reaches retirement age in the employ of the same employer. And Americans no longer typically do that—instead, they are mobile, moving from job to job, and forfeiting pension after pension along the way. That is what the legislative battle is mostly about.

As most of us are already aware, there is a substantial statistical controversy, of recent origin, whirling around the question "who gets what from private pensions?"[1] We cannot resolve that controversy here.[2] But some of the numbers are well established, and I believe most of us have a decent assurance of the validity of others.

We know that there is now a reserve of upwards to 120 billion dollars held by private pension funds.[3] We know that that money is being held to pay pensions to those who become eligible from among 25 to 30 million active employees "covered" by private pension plans.[4]

Looking ahead, we estimate that, by 1980, these plans will hold about 225 billion dollars in reserve assets, and that some 42 million active employees will be working "under" these plans, and with the expectation that they will get something when they retire.[5]

But as things now stand, the overwhelming majority of those employees will be disappointed, will not get a pension, and will wonder what happened.[6] And the answer is: No one stole it from them; no one tricked them; and in most cases no one terminated the pension plan prematurely. These "participants" will be out in cold because the terms of their pension plans simply did not provide them with a pension.

They will feel tricked because they were unwilling, and in most cases unable, to read and understand the "fine print" setting forth the terms of those plans.[7] And I suggest to you that the supposition that additional disclosure requirements would somehow make participants "aware" of their impending economic disaster is simply a delusion. Pensioners and pension participants are not stockbrokers, not underwriters, not sophisticated investors. The Securities Act approach to pension regulation is no protection at all in most cases—and one need only examine the sorry experience under the 1958 Welfare and Pension Plans Disclosure Act, even as amended, to reach that conclusion. What does it mean to supply a blue collar worker with a statistical analysis, or a set of actuarial assumptions? What does it mean to supply him with a copy of a trust agreement drawn up by a skilled pension lawyer? It takes the average law student or accountant 3 years to gain competence in the field, and even those lawyers that are not pension specialists often get lost in the maze of definitions and qualifications found in the average plan and trust.

Compounding the difficulty is the fact—proven again and again in recent hearings—that the average worker does not really begin to worry about retirement income until he is 40 or 50, which is too often too late to do anything about it.[8] At that age, he is in a group which represents a distinct minority of the work force, a minority pressure group within his own union, and at that age, he is rarely in a position to "swing" the union toward better vesting provisions. If he is laid off, he is in a very difficult position with respect to attaining a new job, and particularly so with employers who have pension plans, and even more so with employees who have pension plans providing early vesting.[9]

Those are the generalizations upon which we have built the pending legislation, particularly S. 2, Senator Javits' comprehensive pension reform bill. Of course, there are other categories of the dispute, also covered in the bill: in addition to vesting, the bill deals with minimum standards for funding, federal "reinsurance", a voluntary clearing house of pension credits to provide some additional "portability" of vested credits, a comprehensive set of fiduciary standards for pension trustees and administrators, some additional disclosure, administrative and judicial procedure for enforcement of rights under pension plans and fiduciary responsibilities, and a number of other technical matters. These are interrelated and tie themselves to the question of vesting in various ways, yet each also stands on its own feet. And we hope *and expect* that, in 1972, a comprehensive legislative package will be enacted into law.

So I will turn to the specifics of the bills under consideration: In the Senate, that means, at the moment, the Javits Bill (S. 2). There are other Senate bills pending—most noticeably the Griffin bills (S. 2485, dealing with vesting, and S. 2486 dealing with fiduciary standards). In addition, as these remarks are being prepared, the Administration's proposals are about to be sent up to the Hill—and may well have been introduced at the time of our meeting. The advance reports of those bills suggest that there will be two bills: one dealing with fiduciary standards, and another dealing with vesting and related matters, the latter to proceed by way of amendment to the Internal Revenue Code, as the Griffin bill also does, which would result in referral to the Senate Finance Committee and the House Ways and Means Committee—where they are not likely to receive warm welcomes.

Thus, the *live* bill in the Senate is the Javits bill (S. 2), which is in friendly territory (the Senate Labor Subcommittee), and this is likely to be joined, very shortly, by a bill introduced by Senator Williams, the Chairman, who has expressed generally favorable reactions to much of the substance of the Javits bill.

VESTING

A. *What the Bills Do Not Propose.*

First, as to vesting. This is the controversial category of the dispute, in which the most "radical" proposals are *said* to have been made, and where the dispute tends to become most heated. So let me begin by stating what we do *not* propose in this legislation:

We do *not* propose to vest 100% from the first day.

We do *not* propose that every employee who works under a given pension plan, no matter how briefly, shall get a vested pension from that plan.[10]

We do *not* even propose that a majority of employees who work under each pension plan shall necessarily get vested pension rights.[11]

B. *The Vesting Schedule.*

What we *do* propose is that *some minimum standard* be applied, so that after a *reasonable substantial number of years* of credited service, an employee will get a vested pension right to *something*.

Under the Senate bill (S. 2), a system of deferred graded or graduated vesting would be established: After 6 years, an employee would be guaranteed a vested right to a pension measured by 10% of his credits, and that figure would increase 10% per year until full vesting at 15 years.

On the House side, the "Dent bill" (H.R. 1269), would set the vesting deadline at ten years—that is, no employee could be denied a pension based upon his ten years of credited service, after that period of time.

The fundamental difference between the two approaches is that the Dent bill is still "all-or-nothing" at a certain point: an employee can work 9 years, 11 months, 29 days, but if he loses his job on that last day for whatever reason, he may get absolutely nothing. The Javits bill, on the other hand, would never leave the employee in an all-or-nothing situation: whenever the employee leaves covered employment (after at least 6 years of work), he may just miss part of his pension, but what he missed will just be a little bit more than what he already just got. That "all-or-nothing" problem has been a recurrent source of hundreds of complaints received in Congress and we feel that, wherever the line is drawn, it can never solve that problem in the absence of graduating vesting.

One other major point of difference concerns the so-called "Rule of 50" which, if rumor is to be believed, is to be the core of the forthcoming Administration vesting bill—and in any event is supported by a substantial body of opinion. My own view is that the Rule of 59, which is certainly better than no vesting at all, is *far* from the most desirable standard, for two reasons. First, it tends to give an incentive to age discrimination in hiring which, though illegal, nevertheless is common and would likely become more common when a job applicant in his late forties presents himself to a prospective employer, because the latter will know that this new employee will obtain a vested pension much faster than a younger one. Second, the Rule of 50 tends to develop a maximum of one pension per lifetime—a pension from the employee's *last employer*—because the early working years (ages 20 to 30) tend to be a wash-out if the employee changes jobs; he cannot vest any credits at age 30 unless he began to work for his employer at age 10! Conversely, a simple service requirement of a stated number of years makes the early working years *worth something*, which in turn takes some of the burden off the last employer—the employer who hires a man in his late 40's and would like to provide this man with *some* pension credits, if only the man already earned some *other* pension credits.

That is the "core" provision of the vesting title of the Javits bill. But there are a great many other important technical provisions, of which you should be aware, because, as this legislation goes into active consideration in Committee and on the Senate Floor next year—as I believe it will—technicalities may prove almost as important as the basic substantive core.

C. OTHER TECHICAL PROVISIONS RELATING TO VESTING

First, note that the provisions of this bill (S. 2) are not an amendment to the Internal Revenue Code, and therefore not a condition of tax qualification alone.[12] These are affirmative requirements, and they are applicable to every pension plan, unless specifically exempted, whether or not funded, whether or not "qualified" under the Code. Note that the bill, as drafted, precludes extensive "preparticipation" periods of employ-

---

Footnotes at end of article.

ment: a plan may not provide for exclusion of an otherwise eligible employee for more than six months after he becomes such an employee.[13]

Note also that the bill is based upon "aggregate service", not the more common "continuous" service.[14] Satisfaction of the number of years of aggregate service be deemed qualification for vesting, without regard to "breaks in service" of any kind.

Next, note the limited exemptions in the bill.[15] The Javits bill (unlike the Dent bill) does not apply to pension plans established by Federal, State or municipal governments.[16] (There are many deficiencies in those plans, but it was our judgment that, if regulations were to apply to such plans, it should be tailored differently than legislation dealing with private plans.)

Finally, note that there is an exemption in S. 2 for some unfunded or "unqualified" plans, but the exemption is very limited, providing only an exemption for those unfunded plans which are established by an employer primarily for the purpose of providing deferred compensation for a "select group of management employees." [17] Unfunded plans of broader scope would *not* be exempt. Indeed, they would be required to be funded.[18]

D. COST

The question of costs arises, as a *legislative* matter, only as the vesting requirements are tied to specific funding requirements. Assuming, however, that vesting *would* be coupled with funding (as it evidently would *not* be under the Griffin bill [19], or under the bill now being prepared, reportedly, by the Administration task force,[20] but as it would be under the Javits [21] and Dent [22] bills), the cost of this sort of legislation would not be anything like the exaggerated predictions which we have heard from some management representatives.[23] Why not? First, understand that the great bulk of pension "forfeitures" occur with the departure of very short-term "casual" employees,[24] who would not vest under this bill or any of the other bills proposed in the Congress. Next, understand that amount of vesting required even under the Javits bill is very limited in the earlier years: The 10% vesting requirement in the sixth year is really minimal [25] and the ascending curve does not really begin "to bite" until the later years of employment. Our experience in recent hearings is that the number of employees and the cost of this sort of provision would be nowhere near as expensive as might have been feared without careful study of the terms of the bill.[26] And finally, note that any bill must necessarily have a very substantial phase-in, or other provisions to avoid *excessive* cost to the pension industry. The Javits bill itself does not require vesting of any credits earned before the effective date of the act,[27] so that it has no automatic immediate cost whatever. Other bills have ten year phase-ins,[28] and those two approaches could easily be combined. In addition, the Javits bill contains provisions for special exemptions in cases where the application of the strict vesting provisions of the title would jeopardize the plan itself or impose excessive costs.[29] And we are still working on refinements of those special provisions.

In sum, we recognize that cost is a legitimate concern—but it is a challenge, not an insurmountable obstacle. The challenge to the draftsman is to design provisions which will accomplish vesting where it is right, and possible, and not excessively costly; and to design flexibility—exemptions, in whole or in part, if necessary—where the cost would make the application of the vesting requirements counter-productive. We think we have accomplished that, but we are prepared to go further, in any case in which a proper showing of need is made.

FUNDING

A. The funding schedules

The funding schedule in the Javits bill is basically 30 years,[30] except that 40 years would be allowed in the case of initial unfunded liabilities existing on the effective date of the act.[31] That can hardly be characterized as a burdensome funding schedule—though it is certainly an improvement over the minimum funding schedule now required by the Treasury Department, compliance with which can be achieved simply by payment of current service costs plus interest only on unfunded liabilities.[32]

There is only one short-term funding requirement in the bill, and that has to do with deficiencies resulting from inaccurate actuarial projections. It was our view that it was almost impossible to guarantee the soundness of the actuarial assumptions which are so critical to the determination of unfunded liabilities. But one means we *could* develop to "keep these assumptions honest" was to provide that, in the case on any liability resulting from an experience deficiency based upon unsound actuarial assumptions, special payments would be required to liquidate that experienced deficiency in not more than five years.[33]

B. Multiemployer plans

It has been argued vociferously by the representatives of multiemployer plans that they stand on a special footing, and ought to be exempted altogether from the provisions of any forthcoming legislation.[34] We do not accept that argument, but we understand its basis, and we have provided some special treatment for *some* of those plans. As to vesting, the Javits bill treats multiemployer plans the same as single-employer plans. We recognize the truth of the argument that there is a kind of "portability" inherent in a multiemployer plan, because employees can transfer from one employer to another, provided both are under the plan, without forfeiture. But that is an argument for establishing such plans; it is not any protection whatever for the employee who transfers out of the multiemployer group before vesting: he is just as unfairly denied benefits as would be an employee transferring out of a single-employer plan.

When it comes to funding, however, we do believe that some special provision could be made for some multiemployer plans, based on an entirely different theory—that if a multi-employer plan is broad enough in scope, the chances of the plan collapsing (as distinguished from the chance of a single member-employer collapsing) are much less, and therefore, the need for faster funding is alleviated. The bill itself (S. 2) provides that if such a plan represents at least 25% of the employees in the industry, either nationally or regionally, and if no one employer employs more than 20% of the employees covered by the plan, and further, if the history and present business condition of the industry make it "improbable that there will be a substantial decrease in employment in the industry within the foreseeable future," then the plan may be qualified on the basis of funding of current service costs plus merely interest on unfunded liabilities (plus payment of reinsurance premiums, as discussed further on).[35]

C. Other funding provisions

Obviously, the key to funding is the soundness of actuarial projections. As things now stand, there is no licensing of actuaries in the United States, and the bill takes account of that fact by providing that, as to any actuarial certificates filed with a pension plan report, the person executing such certificates must hold what amounts to a license issued by the Pension Committee,[36] and the Commission could set some standards for actuarial assumptions as well.[37] In addition, it should be noted that this bill not only sets minimum standards for duning but requires funding as well. It is not left to the plan to decide whether it shall be funded or unfunded: If the plan is covered by the act at all, funding is an affirmative requirement.[38] Finally it should be noted that reinsurance, discussed below, is a necessary corollary of funding, and vice versa. While funding is required, it is always possible to have termination short of full funding, and reinsurance is designed to take care of that. Conversely, while reinsurance is required, it ought never to be deemed a substitute for the funds of the plan, and minimum funding standards are therefore a necessary corollary or sensible reinsurance.

REINSURANCE

The bill also provides, as already mentioned, for the establishment of a federal "reinsurance" fund, built on the model of the Federal Deposit Insurance Corporation, which insures bank deposits.[39] The original impetus for reinsurance of private pension plans came from the tragic collapse of the Studebaker plan after the shutdown of the Studebaker factory in South Bend, Indiana a decade ago. We are all too well aware of the personal tragedies which followed, the forfeiture by employees with over 40 years of service of 85% of their benefits, and the suicides which followed.[40] The real question, at this point, is whether some sort of reinsurance system is feasible and economical. What evidence we have suggests an affirmative answer. One study of pension plan terminations over an 11 year period showed the termination of some 4,300 plans covering approximately 225,000 employees at a time of termination—about 20,000 workers a year or only about 1/10th of one percent of total pension plan coverage.[41] That is not an unmanageable number, and we have every reason to believe that the cost of reinsuring the vested unfunded liabilities of those plans would be minimal, if mutalized among all the plans having unfunded liabilities. The main objection would be, as we understand it, that such a device forces the sound and solvent plans to pay the costs of insolvency of the unsound plans.

The answer to that, we believe, is that, with general application of this statute, there would be no unsound plans—or at least none as unsound as some of them now are. Indeed, it was interesting to me to note, during hearings before the Senate Labor Committee this fall, that the representative of one of the soundest plans and richest companies in the nation, who argued exemption of the rich plans from the reinsurance program because of his inherent solvency, was unwilling to agree that plans so exempted should, instead, pledge the general credit of the corporation as a means of reinsuring the unfunded liabilities of the fund.[42] In the absence of that kind of pledge, why should the government assume that the solvency of these corporations necessarily implies the solvency of their pension funds? Terminations, moreover, occur in many ways beyond collapse in the ordinary sense: Too many plans have terminated in the course of corporate reorganizations, mergers and the like. In any event, the bill (S. 2), as written limits the exposure under the reinsurance provisions by limiting the premium rate for reinsurance to a maximum of 1% of unfunded liabilities,[43] and limiting reinsurance of individual benefits to $500 per month.[44]

In addition, S. 2 avoids one of the problems which beset the Studebaker Corporation—unfunded liabilities resulting from repeated increases in benefits which dilute previous funding levels. S. 2 provides, first, that reinsurance does not take effect until the plan has been in operation for at least 5 years,[45] and then further provides that any amendment or addition to a reinsured pension plan shall, if such amendment involves a significant increase in unfunded liabilities of the pension plan, be regarded as a new and dis-

---

Footnotes at end of article.

tinct pension plan for reinsurance purposes, which can become effectively reinsured only after the amendment meets the 5 year test.[46] Thus, the bill precludes the likelihood that a pension administrator might decide to raise benefits drastically, thereby increasing unfunded liabilities, and then collapse the plan for the purpose of having the Federal government pay the difference.

PORTABILITY

The Javits bill contains, in Title 3, a *voluntary* federal clearinghouse of vested pension credits. I emphasize the word voluntary because it is voluntary in a very literal sense—no pension plan need participate in it except by its own voluntary choice.[47] Thus, no pension plan need worry about it at all—if you don't like it, just forget it. The theory of the clearinghouse is that *vested* credits by definition have some value, and it is not too difficult to compute the current *discounted* value of any such credit. An employee leaving one plan and transferring to another *may* wish to transfer the value of his vested credits, through the clearinghouse, into another plan, to purchase credits of an equivalent value in the second plan, under which he begins to work. He need not, but if both plans are voluntarily participating in the clearing house, and if the individual employee wishes the transfer, the bill provides a mechanism to accomplish it.

Why would an employee wish to make that kind of a transfer? Put another way, why would an employee want all his money "in one bank account"? The reason is a practical one, not a legal one. We have seen in many cases employees who leave a plan and, when they leave it, lose all their leverage with respect to increasing benefits purchaseable by the money already contributed with respect to their service. An employee working *under* a plan is in a much better position to keep an eye on it, and to bargain with his employer as to what kind of benefits, and how much, the fund should purchase for him. In the pure leverage sense, we believe that it *may be* (though it need not necessarily be) of practical advantage to an employee to keep all of his vested credits under his last pension plan—the plan in which he is currently working.

That is all the portability provisions of the bill do. It is not, in my view, the major provision of the bill. But I see no reason why it ought not to be tried, on a purely voluntary basis.

DISCLOSURE, FIDUCIARY STANDARDS, AND ENFORCEMENT

Title IV of the bill deals with the least controversial aspect of pension reform—disclosure and fiduciary standards. And this title applies not only to pension plans, but also to all employee benefit plans, as does the current version of the Welfare and Pension Plans Disclosure Act. I am not and never have been a great advocate of the disclosure device *alone*, for it has become clear beyond question that disclosure is no solution to pension problems.[48] Given the rest of the comprehensive reform package, however, disclosure will become an indispensable ingredient in effective enforcement of fiduciary standards and the rest of the bill.

As to fiduciary standards, while the various bills tend to be in general agreement, there are some important differences, and some important features which require a little discussion.

First and foremost, we ought to be aware that, even if these bills did nothing more than create as a matter of federal law what already exists under the law of trusts and the common law of contracts in every state, the federal law would be a great step forward, when it is coupled with the administrative enforcement procedures provided along with it. As a practical matter, whatever one's legal rights are is now a state matter under state trust law. Those rights are unenforceable in many cases, because of the practical difficulties inherent in enforcing them.[49] I put to you the following hypothesis—which I think is generally applicable unless you have a class action or a union willing to finance a law suit at considerable expense to itself.

Consider the average problem faced by a lawyer—and I tend to think as a lawyer, having been one for a number of years—when a potential client walks through his door and says either "they owe me a pension," or "they are misusing the money in the pension fund". The lawyer asks, "Who are *they?*" How many employees know the corporate name of the employer, the exact name and location of the trust and trustees and the location of the bank holding the money, the name of the insurance company through which the plan is funded, if it is funded that way, the identity and addresses of the unions involved, including the international and local unions, and their officers, and those of the officers who have been designated as trustees? How many employees even know the real name of the plan or the trust or its technical terms?

But assume, as you have *no right* to assume in most cases, that the employee knows the answers to all those questions, then the legal problems have just begun. Whose law applies? The bank is one state, the corporation is another state, the employees are in several other states, the union in another state, and the contract may not specify a choice of law.

But even if you could decide (probably after costly litigation) what law applies, what court would have jurisdiction to serve process in all those states, and bring in all the necessary parties? I know of none—and that includes any federal court, which many of you know, can serve process only within the state in which it sits.[50]

But assume further, as you have *no right* to assume in most cases, that you could find a court able to serve process on all the necessary parties. What would you sue for?

If you're suing not for a pension but to stop misuse of the money by the trustees, the recovery goes not to the plaintiff employee but back into the fund. It is essentially a derivative action, from which the plaintiff recovers nothing but increased security for his pension expectancy.

If, on the other hand, the employee is suing for a pension, the recovery is *the discounted value of one pension* (unless the lawyer is lucky enough to pick up a rare class action, or unless a union is financing the law suit at substantial expense to itself). Now consider the cost of litigating those very complex questions of law which I have just discussed. How much is the lawyer going to charge for this law suit? In most cases, even if the lawyer takes only a minimal fee for this elaborate lawsuit, his fee will necessarily far exceed the amount of recovery (the discounted value of one pension). And to compound the problem, keep in mind that most misdeeds by pension administrators are brought to light in lawsuits by employees who have yet to vest, so that even if you win, your client doesn't get the recovery, and he may not even get a pension either.

In short, private lawsuits, even if the state law is on your side, do not provide a meaningful remedy for the employee in most pension cases. What is needed is a national law, with a national agency to enforce it, which will get this whole matter out of the area of ordinary, garden variety, litigation, which simply does not work. Aside from federalizing fiduciary standards, the Javits bill—and most of the others bills—go quite a few steps farther along.

Ordinary trust law (unlike these bills), only applies to trustee in the classic sense, and most of us already know that key decisions in pension administration are often made by persons not holding the legal status of trustees. Pension administrators need not be trustees. Investment discretion may be vested in labor-management committees who are not trustees in the legal sense. All sorts of other persons—investment counselors, actuaries, accountants, employers, unions, and others—may effectively be making fiduciary decisions while not occuping the legal position of a fiduciary. What these bills do is to apply the term "fiduciary" (and the liabilities and the responsibilities that go with it) to all those persons who exercise any power of control, management, or disposition with respect to any monies or other property of an employee benefit fund. S. 2 applies the "prudent man" rule to such fiduciaries.[51] Beyond that, the Javits bill itemizes certain prohibited transactions—mostly in the nature of self-dealing: leasing, purchasing, selling, or dealing with one's self, or, with a "party in interest" with respect to the pension fund, or receiving any consideration in any such transaction.[52] What we have *not* done, so far, is to become involved in the "legal list" concept of investments, or otherwise to restrict the honest judgment of the trustee, once he has been prohibited from dealing with himself in his own interest. The bill proceeds on the assumption that, if competent men act only in the interests of the fund, their judgment will be sufficient to protect the interests of the fund. One provision which appears in the Dent bill but not in the Javits bill would make every fiduciary a co-insurer of the acts of every other fiduciary.[53] It was our judgment that that provision is unrealistic in the pension context. While true trustees may be responsible for each other's misdeeds, the various functions in administering a pension fund are so diverse and spread out that it struck us as unrealistic that every bank would be responsible for any breach by any insurance company or vice versa, or any pension committee of an employer or vice versa, and so on. Thus the Javits bill provides that while presumptively fiduciaries undertaking joint responsibility are responsible for each other's misconduct, through agreement they may provide for the "allocating of specific duties or responsibilities among the fiduciaries", subject to approval by the commission.[54] We think that is a more realistic approach to the realities of the situation.

The *procedural* aspects of the enforcement title are, in our judgment, critical to the viability of the rest of the bill, and contain many things which I suggest are not really as controversial as they might seem at a first glance.

As to fiduciary standards, the title provides that, whenever the commission has reasonable cause to believe that a fund (that is, either a pension fund or any other employees' benefit fund) is being administered in violation of the fiduciary requirements of the bill, the commission may petition any district court having jurisdiction of the parties for an order requiring return to the fund of the assets illegally transferred out of it, or requiring payment of benefits denied to any beneficiary in violation of the title or of its fiduciary requirements. The court is given discretion to put any such fund into receivership, in order to preserve the assets, in an action brought by the commission.[55]

The bill also permits private lawsuits, in a federal court, to recover pension benefits, or to restrain a violation of fiduciary standards; but in private actions, the court has discretion to allow attorney's fees as costs *either way*, so that a pensioner bringing a patently frivilous action could incur substantial legal costs not only for his own lawyer but for the pension plan's lawyer as well.[56]

A great many other detailed but important provisions are included in, or keyed-into, this title—and the need for them ought to be obvious.

Footnotes at end of article.

For example, the bill provides that, whenever a participant leaves an employer after earning a vested pension right, the employer must give him a certificate setting forth the benefits to which he is entitled, including the name and location of the bank or insurance company responsible for payment, the amount of benefits, and the date when payments shall begin, and the certificate (a copy of which is filed with the Government like a "W-2") is deemed prima facie evidence of the facts in it.[57] That little certificate ought to be easy to provide, and would make it *possible* to sue to recover benefits without hiring a private investigator first.

Another example: The bill provides that every plan covered by the Act must file with the Government a certificate designating the Commission as agent to receive service of process on the necessary parties to a lawsuit,[58] making a bona fide lawsuit at least *possible.*

And there are many more technical provisions, which we would hope the industry would examine most carefully, and to the extent they need refinement or modification, we would also hope that the industry would come forward with its comments and suggestions.

Finally, there is the "Commission"—and in that respect the Javits bill is unique. The Dent bill (H.R. 1269) would put enforcement in the Department of Labor. The Griffin bills (S. 2485, S. 2486) would divide enforcement between the Department of Labor and Treasury. But the Javits bill would create a new independent agency, on the SEC model, called the United States Pension and Employee Benefit Plan Commission.

I can almost anticipate the anti-bureaucratic groans: "Not another Government agency! I grant you anyone who wants to create a new Government agency has a great burden of proof to carry, but I think in this instance those of us who *oppose* unnecessary bureaucracy ought to *support* the Commission idea. Consider where enforcement now is: The Justice Department enforces the applicable provisions of the Taft-Hartley Act (Section 302); Treasury enforces the applicable provisions of the Internal Revenue Code (Section 401); the Labor Department enforces the Welfare and Pension Plans Disclosure Act; and the SEC is also in the picture, at least with respect to variable annuities and the like. So there is *already* a multiple bureaucracy spread out throughout the government, with more to come as these new substantive requirements are enacted.

The question is not *whether* there will be bureaucracies, but whether they can be consolidated in one place, as free as possible from political influence, so that at least they can become efficient and provide interested parties with "one-stop service". That is the basis for the Pension Commission, which would consolidate in itself enforcement of *all* laws bearing on this subject. We think that idea ought to have considerable appeal to the pension industry itself, and we hope very much, as this legislation moves along, that industry will realize that the Commission is infinitely preferable to diverse fragmented enforcement by agencies which, up to now, have not really done too good a job even with the limited regulation now on the books.

CONCLUSION

As supporters of this legislation, we are determined, but not pig-headed. A strong effort will be made to pass a reasonable bill—but certainly not to "steam-roller" a bill without regard to the consequences.

No doubt there will be legitimate complaint, legitimate requests for total or partial exemption, or for special treatment. I have the impression that the authors of this legislation are more than willing to accommodate reasonable requests of that type.

Up to now the debate has tended to polarize: you are either "for" or "against" the bill—the *whole* bill.

But I have the impression that, as this bill moves further along the legislative process this year and next year, and it becomes clear that a bill will pass, the debate will become, as it ought to become, much more concerned with detail than with the overall feasibility of federal pension standards.

That is the time—and the sooner the better—for experts like yourselves, to come forward and give us the benefit of your advice, so that when this bill passes, as I believe it inevitably will, it will be the best bill which we, together, can devise.

FOOTNOTES

[1] See, *e.g., "Private Pensions Scored by Study,"* The New York Times, April 1, 1971, p. 27; *"Pension Plan Study Reveals Big Majority Get No Benefits,"* The Washington Post, April 1, 1971, p. A-3; compare *"Disputed Study Hails Private Pension Plans,"* The Washington Post, May 19, 1971; *"Most Employees Can Get Pension Plan Benefits,"* The Journal of Commerce, May 19, 1971; *"Pension Consultants Rip Senators' Probe,"* The Chicago Tribune, April 12, 1971. The controversy has its origin in the 1965 Cabinet Committee Report, *"Public Policy and Private Pension Programs,"* (U.S., 1965).

[2] A general review of the 'studies" and "counter-studies" is attached as an Appendix to these remarks.

[3] See, *e.g., Private Welfare and Pension Plan Legislation, Hearings Before the General Subcommittee on Labor, Committee on Education, House of Representatives,* 91st Congress, 1st and 2nd Sess. 145 (1970) (hereafter cited as *"1970 House Hearings"*). As of 1969, reserves of *noninsured* plans were $92.70 billion (market value). *Institutional Investor Study Report of the SEC,* Volume 3, H. Doc. No. 92-64, Part 3, 92nd Congress, 1st Sess. 1004 n. 62 (1971); SEC. Stat. Bull. 19(1970).

[4] *Pension and Welfare Plans, Hearing Before the Subcommittee On Labor, Committee on Labor and Public Welfare,* U.S. Senate, 90th Congress, 2nd Sess. 225 (1968) (hereafter cited as *"1968 Senate Hearings"*).

[5] *Ibid.*

[6] *Private Welfare and Pension Plan Study, 1971, Hearings Before the Subcommittee on Labor, Committee on Labor and Public Welfare,* U.S. Senate 92nd Congress, 1st Sess. Part I, at 5, 11–13 (1971) (hereafter cited as *"1971 Senate Hearings"*).

[7] See *1971 Senate Hearings, supra* note 6, part I at 111–117.

[8] See *e.g., 1970 House Hearings, supra* note 3, at 619–21.

[9] See Bernstein, *"The Pension Potential of Displaced Employees,"* in American Enterprise Institute of Public Policy Research, *Private Pensions and the Public Interest* 189–190 (1970); U.S. Arms Control and Disarmament Agency, *The Post-Layoff Market Experiences of Former Republic Aviation Corporation Workers* 26–27 (1966).

[10] S. 2, 92nd Congress, 1st Sess. Sec. 107 (1971).

[11] Clearly, the largest percentage of turnover without vesting occurs in the first 5 years of employment—which would not be subject to vesting under any of the pending bills. See *1971 Senate Hearings, supra* note 6, part I, at 372–81.

[12] Qualification under the bill *is* a condition of tax qualification (S. 2, sec. 111), but a plan is *not* given the option to proceed on a "non-qualified" basis, unless specifically exempt from the bill. (S. 2, Sec. 107, 108).

[13] S. 2, Sec. 107(a) (3).

[14] S. 2, Sec. 107(f).

[15] S. 2, Sec. 101(b).

[16] S. 2, Sec. 101(b) (1).

[17] Not supplied.

[18] S. 2, Sec. 108(a).

[19] S. 2485, 92nd Congress, 1st Sess. (1971). Senator Griffin's companion bill, S. 2486, is limited to fiduciary standards and disclosure. S. 2485 amends the Internal Revenue Code, and was referred to the Finance Committee; S. 2486 was referred to the Committee on Labor and Public Welfare.

[20] Unpublished remarks of Peter Flanigan, Assistant to the President, delivered at the Pension Conference of Donaldson, Lufkin and Jenrette, New York, Nov. 4, 1971.

[21] S. 2, Sec. 107–108.

[22] H.R. 1269, Sec. 201–305.

[23] See comments by corporate executives in *"The Great Pension Controversy," Dun's Review,* May 1971, beginning at p. 33.

[24] *1971 Senate Hearings, supra* note 6, part 1, at 372 (Table 1, line 13).

[25] S. 2, Sec. 107.

[26] *1971 Senate Hearings, supra* note 6, Part 2, page 495.

[27] S. 2, Sec. 107(a).

[28] H.R. 1269, Secs. 203(a), 302 (Dent bill); 5.2485, Sec. 102 (Griffin bill).

[29] S. 2, Sec. 114.

[30] S. 2, Sec. 108(b) (2) (B).

[31] S. 2, Sec. 108(b) (2) (A).

[32] Speech of Isadore Goodman, Chief of Pension Trust Branch, I.R.S., Nov. 15, 1960, Prentice-Hall Pension and Profit-Sharing Service, para. 19014.7.

[33] S. 2, Sec. 108(b) (3). In addition, the bill would "license" actuaries, Sec. 4(c), and set *same* standards for actuarial assumptions. Sec. 4(d).

[34] See AFL–CIO policy resolution adapted Dec. 1967, in *1970 House Hearings, supra* note 3, at 104.

[35] S. 2, Sec. 108(f).

[36] S. 2, Sec. 4(c).

[37] S. 2, Sec. 4(f).

[38] S. 2, Sec. 108(a).

[39] "Reinsurance" is actually a misnomer, as it really is "insurance", not "reinsurance", unless the fund's primary medium of funding is insurance.

[40] *1971 Senate Hearings, supra* note 6, part I, at 208–214. See also *Private Pension Plans, Hearings Before the Subcommittee on Fiscal Policy, Joint Economic Committee,* 89th Congress, 2nd Sess. 127(1966).

[41] Beier, *Terminations of Pension Plans—11 Year's Experience,* Daily Labor Report No. 105, May 31, 1967, Part B.

[42] *1971 Senate Hearings, supra* note 6, Part II, at 860.

[43] S.2, Sec. 203(a).

[44] S.2, Sec. 202(b) (1).

[45] S.2, Sec. 2(a) (15).

[46] *Ibid.*

[47] S.2, Sec. 301(a).

[48] One of the worst pension scandals in recent years was "disclosed" under the Disclosure Act, but no one noticed! *Diversion of Union Welfare-Pension Funds of Allied Trades Council and Teamsters Local 815, Hearings Before the Permanent Subcommittee on Investigations, Committee on Government Operations,* 89th Congress, 1st Sess. 483(1965).

[49] Elliott, *Federal Fiduciary Standards for Welfare and Pension Plans,* 366 (1968) (published by the Association of Life Insurance Counsel). See also Levin, *Proposals to Eliminate Inequitable Loss of Pension Benefits,* 15 Villanova L. Rev. 527, 566 (1970).

[50] Fed. R. Civ. P., Rule 4(f).

[51] S. 2, Secs. 2(b) (6), 402(b) (1) (B).

[52] S. 2, Sec. 402(b) (2).

[53] H.R. 1269, Sec. 111 *et seg.*

[54] S. 2, Sec. 402(f).

[55] S. 2, Secs. 502–505.

[56] S. 2, Sec. 504(A).

[57] S. 2, Sec. 106(b).

[58] S. 2, Sec. 401(c).

SUPPLEMENTAL MEMORANDUM ON THE ADMINISTRATION'S PENSION REFORM PROPOSAL

On December 8, 1971, the President, as anticipated, sent to the Congress a message on retirement security (H. Doc. No. 92–182), and bills implementing that message are expected to follow. The message contains a "five-point program": (1) tax deductions for employee who wish to set up their own retirement programs or to contribute to employer-financed pensions; (2) more substantial tax deductions for self-employed persons contributing to pension plans (H.R. 10 or "Keough" plans); (3) amendment of the Internal Revenue Code to require, as a condition of tax qualification, that a plan provide for vesting under the so-called "rule of 50" (50% vesting when age and service total 50 years, plus full vesting 5 years thereafter); (4) federal fiduciary standards as provided in a measure proposed by the President in substantially the same form in 1970 (S. 3589, 91st Cong., 2d Sess., introduced at that time by Senator Javits, on request); and (5) a direction to the Departments of the Treasury and Labor to undertake a study of the problem of benefit losses under plans which have terminated.

No doubt the Administration's initiative will help substantially in building the already-substantial momentum for comprehensive pension reform. Nevertheless, We ought to be aware of the problems inherent in the Administration's legislative "package". Specifically, these are:

(1) *The "Rule of 50":* This rule, while it is a great improvement over no vesting at all, nevertheless tends to encourage age discrimination. A 50-year-old job applicant would vest almost immediately, while a 20-year-old job applicant would not vest for 15 years—a substantial incentive not to hire the 50-year-old. Further, this rule tends to put all the burden of providing a pension on the last employer, and to make it most unlikely that an employee would get several pensions from a sequence of employers, because the years 20–30 tend to be a wash-out, unless the employee works for the same employer from the age of 20 until age 35, which is most unlikely in a mobile society.

(2) *No funding:* requiring vesting without requiring funding is a little like saying to a plan: "You must make a promise; you need not keep it".

(3) *No reinsurance:* certainly the tragedy of the Studebaker shut-down, the 85% loss of vested pensions, and the suicides which followed; and the subsequent testimony of union leaders that this was not an isolated case, suggests that overlooking reinsurance is avoiding a great slice of the problem. Indeed, the only Senator on the Senate Finance Committee who has heretofore shown any great interest in pension reform has been Senator Hartke of Indiana, and his primary interest, as he represents the State involved in the Studebaker case, has been in reinsurance, which the bill leaves out.

(4) *Amending the Internal Revenue Code:* As mentioned above, this proposal proceeds, except as to fiduciary standards, by way of amendment to the tax laws, which puts the matter within the jurisdiction of the Senate Finance Committee, which is not the Committee where real interest and support has been shown for pension reform. Further, it divides and further fragments the bureaucracy dealing with pension plans, instead of consolidating it in a single Commission. Moreover, the Treasury is hardly the best choice for an enforecement agency, as it really is not equipped to deal with individual complaints against pension plans for loss of benefits; on the contrary, the Treasury's principal concern is claims by the Government against private entities for taxes.

Those are some of the problems. But, in my own view, they are not really obstacles to passing a good pension bill, because the Senate Labor Committee will no doubt proceed to deal with all these problems, whatever becomes of the Administration bills, and in the meantime the mere *presence* of those bills, even with all of their deficiencies will help keep the ball rolling, indeed, rolling with even more momentum than before.

APPENDIX: A BRIEF REVIEW OF SOME OF THE PENSION PLAN "STUDIES"

What follows is a brief review of some (certainly not all) of the studies and "counter-studies" which have been the subject of argument in recent months.

A. The Senate Labor Sub-Committee Studies

1. The preliminary vesting study

On April 5, 1971, Senators Williams and Javits introduced into the Congressional Record (later published as a "Committee Print") the preliminary results of a study conducted by the Senate Labor Subcommittee concerning the extent of vesting, or conversely, the extent of "forfeiture"[1] of pension rights under private pension plans.

Unfortunately, much of the criticism—indeed, some of the praise—concerning this preliminary study has been written without paying much attention to the *actual content* of the release.

The release itself is based upon *some* of the results of an elaborate questionnaire sent to a carefully picked cross-section of the pension plan "universe". Fifteen hundred of these questionnaires were sent out, and 1000 were returned by the date of the release. But of the 1000, only 87 were studied in the preliminary release. These 87 were picked because they were the questionnaires that were complete and internally consistent on their face, as to the data relating to forfeitures. Thus the 87 plans studied in the preliminary study are *not* statistically representative, although we insist that they are significant. The significance, in fact, rests with our assumption that the plans with the "best" vesting were those who supplied the complete data in response to the questions on vesting, and I think we have a right to assume that those who did not respond, or had no information on vesting, or supplied answers which were obviously incorrect and internally inconsistent, probably had "worse" or at least less vesting, and more forfeitures, than those included in the 87 plan release.

Nevertheless, the 87 plans did cover a substantial number of participants, and a large aggregate of assets. We divided the 87 plans into two groups—"early vesting" and "late" or "no" vesting. Together, the two groups represent reserve pension assets of 16 billion dollars, and "cover" some 9.8 million workers who participated in those plans over a 20 year period between 1950 and 1970. The first group (51 plans with "late" vesting) included only plans which required 11 or more years of vesting; the second group (36 plans with "early" vesting) included only plans with vesting in 10 years or less. The 51 plans covered 6.9 million participants since 1950, and over that period of time, precisely 253,118 employees received any kind of normal, early or deferred vested retirement benefit. Four and eight-tenths (4.8) million participants (or 70%) left those plans during that 20 year period without receiving any benefits whatever. Indeed, only 147,364 (or 3%) actually received normal retirement benefits. From that figure, the press made much of the fact that there was a "forfeiture" rate of over 90%. We think that is a significant figure, but we think other facts in the study are much more significant, and of much more concern in the legislative process. I make that statement because our critics have been insisting, again and again, that the statistics are meaningless because most of those forfeitures were by employees who were essentially "casual"—that is, they were short-timers who would not vest under *anyone's* theory of vesting. And we *agree* with that. But if you *read* the study instead of listening to the critics or the proponents of it, you will discover that, included in those forfeitures were *115,573 employees who worked 15 years or more* under one or another of these plans and *got nothing;* and 280,017 who worked ten years or more under one or another of those plans and got nothing.

Those numbers do not represent large percentages, but in absolute terms they are large numbers of people who have a right to feel very disappointed. And those numbers cannot seriously be challenged as *numbers* (as distinguished from percentages). No one "made up" those numbers—they come from the questionnaires that were filled out and signed by the administrators of the pension plans involved.

Numbers and percentages are somewhat better in the "early" vesting plans. Of those 36 plans covered by the preliminary release, 1,500,000 participants left the scope of the plans during the 20 year period from 1950 to 1970. Of those 242,510 (or 16%) received some benefits, whether normal, early, or vested. The balance, presumably forfeited, and of those, 9,931 got nothing after 15 years of service. That is only 7%, but it is significant in absolute numerical terms.

As I said before, the percentages in this data are certainly not conclusive, as the sample is far from complete. But we *suspect* that when the full data is in, the extent of forfeiture will be even worse, because the "best" plans are probably those that reported most fully. *In any event,* forfeitures of hundreds of thousands of pensions by employees with more than 15 years of service is a significant and sufficient base for legislation, in our view, and we have seen nothing in any of the criticisms of the study to suggest that this data is invalid. Indeed, the recent hearings before the Senate Labor Subcommittee give case history after case history of employees whose lives and futures were most seriously damaged, and who appear only as "mere numbers" on the Subcommittee's preliminary analysis.

2. The release of benefit level data

On Monday, November 8, 1971, Senators Williams and Javits released a second phase of their study: data dealing with budget levels under private pension plans. It was much less surprising, though equally depressing. The cross-section of pension plans covered in the second release was much broader and much more statistically significant, as it covered 764 pension plans out of the 1500 in the original survey, and these 764 plans covered 11.6 million participants and reserve assets exceeding 30.7 billion dollars. It was the judgment of the Subcommittee experts, moreover, that the 764 plans *are* statistically representative of the whole pension plan "universe". As a complete cross-section, the median benefit paid by private pension plans in 1970, regardless of date of retirement, was less than $100 a month. For smaller plans—those with less than 1,000 participants—the median monthly benefit for normal retirement was $96, and for early and disability retirement, less than $50 a month. For larger plans—those with more than 1,000 participants—the median normal retirement benefit was $121 a month; for early retirement $99 a month, and for disability retirement $79 a month.

We found these numbers significant because, when the median for normal retirement of $99 a month is added to the median social security benefit of $129 a month, the total ($228) is *less* than the $241 monthly income required to sustain a retired urban couple, as reported by the Bureau of Labor Statistics in January 1970. In short, take your private pension and your public pension under social security, and put them together, and the retired couple today is still living below the poverty line.

---

[1] We use the term "forfeiture" in a non-technical sense (failure to get a benefit). Technically, failure to vest would not be "forfeiture", because the employee cannot "forfeit" what he never really had.

That fact, in my own judgment, is particularly relevant to the theory underlying the Javits Bill. The theory of early vesting and graduated vesting, *without regard to any age limitation,* has as its objective providing pension participants with *a number* of pensions upon retirement, not just one from the employee's last employer. Private pension plans, by themselves, *are not sufficient* to provide a decent retirement income if each employee counts on receiving *only one* pension, and that one only from the last of a number of employers. On the average, he will not vest *at all* under that last plan—but even if he does vest, vesting under one plan is unlikely to be sufficient, whereas vesting of lesser benefits under *a number of plans may* and probably *will* meet his needs.

B. The A. S. Hansen Study

Much of the criticism of the Senate Labor Subcommittee study is based on a study prepared by A. S. Hansen, Inc. purporting to deal with the same subject. The study itself does not purport to be a cross-section of pension plans, but a cross-section of Hansen's pension plans—those which are managed or structured by the Hansen firm. That is not to say that the study proves nothing; it simply does not represent plans other than those managed by Hansen—and we cannot know how representative of other plans that sample is. Further, the statistical approach taken in the Hansen study is based on assumptions, not facts. First, they directed their study to the number of *current employees* covered by their plans and purported to ascertain the number of *those* current employees who could be "expected to vest". Out of 864 plans surveyed, with 881,281 current active participants, Hansen asserted that 132,466 were retired and vested, 265,817 were vested, 319,239 were "expected to vest". Thus, the percentage vested and expected to vest is 66%; the percentage expected to forfeit is 34%. With respect to the percentage expected to forfeit, Hansen asserts that it is anticipated that these employees will "find future employment with firms with pension coverage". Aside from the fact that the percentage expected to forfeit (34%) is not exactly insubstantial, and that many of these may very well be long service employees, we think the major defects in the Hansen study are these:

1. Since it is only directed at current employees, it necessarily results in exaggerating the quota for vesting, because the total number "expected to vest" is stated as a percentage of current employees, instead of being stated as a percentage of the *much larger number of participants who will come into and pass out of the plans during the years ahead, when these current employees are earning their vested interest.* Those employees who pass through will never show up in the Hansen study, but they were the primary emphasis of the Senate-Labor Subcommittee study, which took account of *all* participants who *flowed through* the plans over a period of time.

2. In determining the number of employees "expected to vest", Hansen made *estimates* on the basis of "typical" employee turnover rates which Hansen itself characterizes as "arm-chair" assumptions which can be made applicable to all plans regardless of specific experience. The Labor Subcommittee study did not "assume" turnover, forfeiture, or anything else: it simply added up the statistics supplied by the plans themselves.

C. The Griffin-Trowbridge Study

A study of some substantial significance was issued by the Pension Research Council, written by Griffin and Trowbridge, in 1969, and entitled "Status of Funding under Private Pension Plans." That study has had substantial and wide circulation tending to show that private pension plans are already well-funded and that funding regulation is therefore not necessary.

There is reason to question the validity of the data supplied by Griffin and Trowbridge, in so far as it shows what it *says* it is showing. But the chief economist of the Bureau of Labor Statistics stated in 1969, with respect to the data in the study, which had been supplied by a number of actuaries: "The actuaries who supplied the data for the study succeeded in persuading their client plans to adopt conscientious funding programs. But the actuaries who did not supply any data—particularly those who advise multi-employer plans—may not have been as successful. In other words, it is impossible to determine whether the plans included in the survey are representative of those who by the nature of the survey had to be excluded."[2]

We take the data as *some* evidence that funding is improving. It suggests that most plans would not have any difficulty in complying with a reasonable funding schedule set forth in a statute. It also shows us that these plans ought not to complain when the few "fly by night" plans are required, as a matter of law, to fly by day.

D. Banker's Trust Company: 1970 Study of Industrial Retirement Plans

In 1970 the Bankers Trust Company of New York issued a 300 page analysis of a group of retirement pension plans. The overall sample is in the vicinity of 200 plans, although parts of the analysis are based upon segments of that overall sample. The introduction to the study makes it clear that the information in the study is not information gleaned from Bankers Trust's own knowledge, but is simply taken from "material . . . received from employers, pension consultants, insurance companies, actuarial firms, and various published sources." Data in the study compare plans during the period 1960 through 1965, with plans during the period 1965 through 1970, and show some liberalization of vesting. For example, one table in the study shows that, in the earlier period, 12% of the plans provided vesting in ten years or less, with improvement to 21% during the later period. 10% provided vesting in 15 years in the earlier period, and this improved to 11% in the later period. The study also shows some lowering of the age requirements, which were coupled with service requirements, as time went by.

This data is of some value, but subject to certain qualifications: First, the sample is based only upon the information supplied to Bankers Trust by other firms. Second, the study is of plans, not people, and so it does not show who worked how long and got something or nothing under the various plans in the study. There is no doubt that the study *does* show a trend, in the right direction. Whether that trend has substantially ameliorated the problems arising from growing labor mobility in this nation cannot be proven or disproven by the results of the study.

E. *Davis and Strasser: Private Pension Plans 1960–1969—An Overview* (*Monthly Labor Review, July 1970*)

In 1970, the Labor Department published a study, done by Harry E. Davis and Arnold Strasser, of a good sample—1,433 plans—which analyzed coverage and benefit formulas. It did not analyze "who gets what from private pension plans", in the sense that it did not count people, only plans. That is to say it counted people "covered", but it did not count people who actually vested, or who actually forfeited. As to coverage, the study concluded that, although there had been a substantial expansion in coverage over the ten year period, "most of the added coverage under both multi-employer and single employer plans resulted from increased employment in firms already having plans and, to a *lesser* extent, from the establishment of new plans covering workers who had previously been without private pension coverage."

As to vesting, the general conclusion was: "under the 1969 provisions, if these workers, who represent all covered workers, remain with their plan for ten years, only 31 (out of 100 who entered covered employment at age 25) of them will have gained a non-forfeitable right to a pension benefit; if they remained for 15 years, 51 of them will have achieved such a right; and after 20 years, only 57 of them would attain a non-forfeitable right to a pension benefit." Looking at the negative side of it, what that means is that on the average, after 20 years, 43% of "covered employees" would get nothing. That result seems to me put in question the validity of the limited findings of the Banker Trust study.

F. *Fischer: Vesting and Termination Provisions in Private Pension Plans* (*American Enterprise Institute for Public Policy Research, 1970*)

In 1970, the American Enterprise Institute for Public Policy Research published a study by Carl H. Fischer, Professor of Insurance and Actuarial Mathematics at the Graduate School of Business Administration, the University of Michigan, entitled "Vesting and Termination Provisions in Private Pension Plans." This study is based upon a sample of 320 private pension plans, of which 39 were multi-employer and 281 were single employer. The study contains a percentage analysis of *plans* (not employees) which shows that in the single employer category, 28% vest in ten years or less, 45% vest between in 11 and 20 years, and 25% vest in 21 years or more. In multi-employer plans, 7% vest in ten years or less, 35% vest between 11 and 20 years, and 58% vest after 21 years or more. The statistics speak for themselves: there is some good vesting, some "fair" vesting and just as much very poor vesting or no vesting. The findings seem fairly consistent with the Labor Department's findings.

G. *American Enterprise Institute: Legislative Analysis—"Issues Affecting Private Pensions"* (*April 1971*)

In April 1971, the American Enterprise Institute for Public Policy Research published a legislative analysis, "Issues Affecting Private Pensions" prepared by the Institute with the advice of its Advisory Committee on Pension Studies.

After surveying the various studies which had been done in the field on vesting, the analysis concludes that the gist of all the findings, in general terms, is that a great deal of change has occurred toward reasonably early vesting of private pension rights. Nevertheless, the data show that substantial numbers of the pension plans still elect to defer vesting for individual employees until they have worked for the same employer for nearly half or more of their lifetime working spans.

COACHING RECORD OF STEWART McWHORTER CHAMPION, HEAD FOOTBALL COACH, MONROEVILLE ACADEMY

Mr. ALLEN. Mr. President, in these days of football superbowls and super college and professional football coaches, the accomplishments of the high school coach and his tremendous influence upon the young men who become the college and professional football stars of tomorrow are, quite understandably, often overlooked or missed entirely.

I am pleased to invite the attention of the Senate to the remarkable, almost unbelievable, coaching record of Stewart McWhorter Champion, headmaster and head football coach at Monroe Academy, Monroeville, Ala.

---

[2] American Enterprise Institute, *Private Pensions and the Public Interest* 165–66 (1970).

In 10 years of high school coaching, Mac Champion has amassed a staggering record of 99 wins, four losses, and one tie, a record that undoubtedly would make, say, Alabama's Paul "Bear" Bryant, Nebraska's Bob Devaney, or even Washington Redskins Coach George Allen drool with envy. To those who know him and to those in Alabama's sports circles who are familiar with Coach Champion's decade of football success, they are surprised, not that he has won 99 games, but that somewhere along the line his teams have lost four times.

Off and on the gridiron, Mac Champion believes in unity of purpose and dedication. Without it, he feels that his players and his students would have little to prepare them for life after graduation. In an interview last year, Coach Champion said:

> All we have talked about is football, but you know we try to run a good school out here. Our policy at all times is to be firm and fair with our students. We let them know what to expect. They all know our standards, and we expect them to live up to them. I am always ready to listen to any student, but not necessarily to agree with him. He must respect me as an adult seeking the truth.
>
> Our teachers are asked to teach a "purpose in life" as well as their subject. We expect teachers to be an example for our children.
>
> Classes should be 50 minutes of learning to live. I believe students are proud of their learning accomplishments when they know how it will help them in life. Another goal is that of learning how to learn as well as to think as students prepare to accept the responsibilities of living in the world of today.

In conclusion, Coach Champion said:

> There's really nothing new under the sun. We try to teach children in school to have confidence by learning how to do things well. Once they learn how, then they realize nothing can hold them back. It is just the same as with our team.

Mr. President, the Birmingham Post Herald of December 27, 1971, published an article containing the account of Mac Champion's outstanding coaching career. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MAC CHAMPION: SUPER ALL-STATE COACH

(By Roy Riley)

Once upon a time a team coached by Mac Champion lost a football game. At least, it seems that somewhere back in the dim, dark past that Champion was the loser, rather than the winner. Perhaps his losses have been mirages.

Perhaps he never has lost a game. The record book shows that high school football teams coached by the former Auburn quarterback (1957 national champion team) have lost four games.

That averages out to .25 losses per year.

He's been at it 10 years.

He's won 99 times. There has been one tie.

Seven times his teams have been unbeaten.

Champion, the head coach at Monroe Academy of the Alabama Private School Association, started his coaching career at his hometown school of Hayneville and went from there to Lowndes Academy, a private school a stone's throw from Hayneville High.

Then he made the switch to Monroe Academy when the private school league was formed and Monroe has won the state title both years.

"We like to win them all," Champion said of his philosophy in coaching. "If we don't, we haven't accomplished our goal. We don't like an 8–1 or a 9–1 season.

"This puts a lot of pressure on our players. We have played 28 straight now without a loss and we're shooting for more. Everybody talks about our winning streak and some people ask if anybody will ever beat Monroe. It takes a lot of courage to go on the field every game thinking you can win them all.

"Our team this year didn't have a lot of super college prospects. We just put 11 players together who believed in themselves and we went through 13 games without a loss (there was one tie)."

Champion started his coaching career at Floyd Junior High School in South Montgomery. He was the first coach in the school's history and after losing two games his first year, he finished with a 21–3 slate, winning the city title his third year with an unbeaten record.

He went from there to Hayneville High where his teams were awesome. He lost one game his first year 14–13 and in that one a man dropped a TD pass in the end zone. The other game he lost at Hayneville was 6–0 against Linden.

The only teams who beat Champion while he was coach at Lowndes Academy were Meridian, Miss. (a big school) and Robert E. Lee of Montgomery.

The Lee game was the worst loss ever inflicted on a Champion team and Lee had to do it in the second half, 36–0. It was 7–0 at the half and Lee just wore them down in the second half.

When he moved to Lowndes Academy, the school did not have a football field or even plans for one. So Champion gave them one. He donated his own land.

"It was about 10 acres worth of land," he said. "Somebody had to do it."

"When I first started out as a coach, I wanted to be the best coach in the state," Champion said. "But that's something you can never measure. But I didn't know my teams would win 99 games in 10 years.

"We want to beat the state winning streak record of 57. We got up to 49 one time before we lost. In modern times it's difficult to put together a winning streak that long and it's a credit to the players I've had over the years."

Champion has never coached at a big school. But rumors are always rampant that he is headed to one school or another. Some rumors even put him in a college position.

"I'd like to coach in college some day," he said. "And I'm sure the time will come. After coaching 10 years and having seven unbeaten teams you'd think somebody would be interested. But I've never had an offer but I've never really gone out to get one, either."

So what about next year?

"We've got half of our boys back," he said. "I think we'll still be in business."

THE EMANCIPATION OF BLACK SCHOLARS

Mr. HOLLINGS. Mr. President, I call the Senate's attention to the December issue of the respected publication, Saturday Review. In an article titled "The Emancipation of Black Scholars," writer Roger M. Williams observes that today many black scholars are choosing teaching careers at black institutions, forgoing the sometimes better pay and "more prestigious" jobs at well-known white schools. I am proud that he finds "an outstanding example of the trend" at Benedict College in South Carolina. After studying this article, it is clear why Benedict's President Payton has recently won a South Carolina Citizen of the Year citation. I ask that the following excerpt from Mr. Williams' article be printed in today's RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

While younger men and women have led the way, the movement involves established middle-aged scholars as well. Few of them, it is interesting to note, cite racial discrimination or racial slights as a reason for shifting; service to black people, including involvement with the black community, is the reason most often given.

An outstanding example of the trend is found at Benedict College in Columbia, South Carolina. In the past two years, Benedict has lured several black academics away from jobs at white institutions. Among them are political scientist Freddie Colston, from Ohio State; economist Ivory Lyons, from Northeastern; "community education" specialist Dan Young, from the University of Washington; and William Owens, who was chairman of the speech department at the State University of New York at Brockport. The luring was done by Benedict's thirty-eight-year-old president, Benjamin Payton, who has mounted a quiet campaign to bring top-notch blacks to his faculty. "For a period," says Payton, "the brightest blacks were heading for jobs at white schools. Now bright, well-trained black people are deliberately choosing black institutions. It is no stampede, nor do I want it to be one. And it is not a question of choosing an incompetent black teacher over a competent white one. But if white schools can attract black scholars, doggone it, we should be able to do so too."

Part of the attraction at Benedict is an improved salary scale; Payton has raised the top salary from $10,000 to $19,700. (Benedict and other black colleges soon should be able to raise salaries considerably higher, thanks to a recent Ford Foundation grant of $100-million over a six-year period.) A larger part is Payton's commitment to a broad, active role for black colleges in the local community. Then there is the powerful appeal, which Payton does not need to articulate, of being able to impart knowledge and skills to other black people, providing students with what Payton calls "healthy role models" that they can pattern themselves after. White missionary-educators provided role models in the early decades of the Negro colleges, but they were hardly models for black students to emulate.

Ivory Lyons, who went to Benedict in 1971 after twelve years at Northeastern, was drawn there largely by its record of community involvement. "Many of us thought we would have an impact at the black schools in that respect," says Lyons, "but they are oriented toward the idea that the college does not play an important role in the community. They are still dealing fundamentally with the classroom and lecture situation. I was getting rather fed up with that." Lyons still lectures at Benedict, of course, but he also directs the college's Community Development Institute, which works with local blacks in economic development, social welfare, and education; students and faculty members, for instance, instruct black businessmen in modern accounting, cooperative warehousing, and the like, and they also study ways to remedy such tangible and pressing problems as the displacement of black teachers and principals by school desegregation. One result of Payton's campaign has been a dramatic upgrading of the Benedict faculty: When Payton arrived in 1967, the faculty included only one black Ph.D.; now there are twenty.

THE 1971 HEW SCHOOL ENROLLMENT SURVEY

Mr. STENNIS. Mr. President, on November 9, 1971, I wrote to the Secretary of Health, Education, and Welfare requesting that the results of the survey of racial enrollment in public schools for the current year be made available as soon as possible, so that they could be used by the Congress in considering pending legislation.

On November 23, not having received a reply to my letter, I commented on the Senate floor on the need for this data, and placed in the RECORD a copy of my letter to Secretary Richardson.

Later, I received a reply from the Secretary, bearing the date of November 23, but I felt that it fell short of being responsive to the needs of Congress with respect to providing necessary and available data on school enrollment for the 1971–72 school year. I so stated in remarks in the Senate on December 11. The Secretary's letter, however, afforded me an opportunity to request specific data from Mr. J. Stanley Pottinger, which I did, under date of December 7, and that letter was placed in the RECORD on December 11. I simplified the request as much as possible, asking for only a part of the format of the previous HEW surveys in 1968 and 1970. I requested data in three categories—Negro enrollment in majority-white schools, in 80 to 100 percent Negro schools, and in 95 to 100 percent Negro schools—and I asked for it by region and for the 100 largest school districts.

On January 11, I received the data from HEW, and on the following day it was contained in a press release by Secretary Richardson. I ask unanimous consent that the tabular data on racial enrollment in public schools be printed in the RECORD at the conclusion of my remarks, so that it will be available for ready reference when the education bill is considered later this month.

The data is very useful, and I wish to thank Mr. Pottinger for taking the necessary steps to make it available. In one respect it falls somewhat short of what I requested, in that the information on schools of 100 percent Negro enrollment is provided, in lieu of that for schools of 95 to 100 percent Negro enrollment. The latter category was used to eliminate any distortions of data that might have resulted from token desegregations of 1 or 2 percent, to get out of the category of being a 100 percent minority school. However, I have been told that it would take several weeks to get the additional category I requested, and unfortunately conclude that we must do without it. Nevertheless, as I said, the data provided will be useful to our purposes.

Mr. President, I wish to comment on some of the more meaningful figures in the school survey. They illustrate vividly a premise that I have been emphasizing to the Members of this body. Over the last several years I have been speaking regularly on the Senate floor regarding the dual standards of school desegregation that exist in our country. I have pointed out the destruction of effective school systems in the South, undertaken in the name of obliteration of de jure segregation, while racial isolation in schools continued in the North on a massive and increasing scale, and was left untouched because it was said to be de facto segregation. I have said that in many places in the North and West, this racial isolation is really de jure segregation because it originated in actual official actions of school boards and local governments, although sometimes subtle and disguised, in establishing school district lines, housing programs, and the like. I have also said that if and when the time should come that the citizens of the North and West should be required to accept the enforced racial balance that is imposed on Southern schools, they would reject it out of hand, and would make their views known to Congress. I have expressed the hope and belief that this national hypocrisy will in due time give way to a single national policy; and that, because everyone will have to follow it, it will have to be moderate, practical, sensible, and aimed at the true purpose of schools, which is to educate children.

The HEW school survey figures illustrate that the dual standard still exists; that token steps are seen in the Northern and Western States, while the South is obliged to follow standards of great rigidity, regardless of the effect on elementary and secondary education.

Comparing the last two surveys, the regional figures indicate only minimal desegregation took place in the 32 Northern and Western States. In every category the change was less than 1 percent. The six border States and the District of Columbia showed even less progress. In fact, there was an actual increase in the percentage of Negro students in 80 to 100 percent Negro schools, and in 100 percent Negro schools.

In the South, on the contrary, extensive desegregation continued. On a percentage basis, comparing the 11 Southern States with the 32 Northern and Western States, there was 16 times as much change in the South in the percentage of Negro students in majority-white schools. There was 14 times as much decrease in the South in Negroes enrolled in 80 to 100 percent black schools and seven times as much decrease in all-black schools. In numbers, rather than percentage, the contrast is even more striking. In the 1-year period, about 147,000 black students were enrolled in majority-white schools as against about 17,000 in the South. In the South, Negro enrollment in 80 to 100 percent black schools decreased by 230,000, but in the North only by about 1,100.

Bear in mind that in the Southern States the proportion of the school population that is black is three times what it is in the Northern and Western States. Nevertheless, the South has a smaller percentage of Negroes enrolled in all-black schools.

For the entire continental United States, the percentage figures show desegregation continuing in each of the three categories. However, if the figures for the 11 Southern States are taken out of the total, the changes for the rest of the country drop to about a seventh of what is shown to around a half of 1 percent in each category.

Examinations of the figures for the 100 largest school districts confirm little or no change in the North and West, while the South is obliged to tear up its schools for the sake of racial balance.

This year, Boston has fewer black students in majority-white schools than last year. Charlotte-Mecklenburg County, in North Carolina, has the same proportion of black to white in their school system as Boston but 97.9 percent of the blacks are in majority-white schools. In Compton, Calif., 97.8 percent of the Negroes are in schools that are more than 80 percent black, and in Gary, Ind., it is 95.7 percent; in Detroit and Dayton it is 78 percent; in Kansas City and Los Angeles 86 percent; in Newark, Cleveland, and St. Louis 90 percent. But in Tampa, 97.8 percent of the blacks are in majority-white schools and in Clearwater, Fla., it is 94.8 percent, with no Negroes in schools that are 80 percent or more black. Winston-Salem and Toledo are quite similar in the size and composition of the pupil population, but Winston-Salem has about 96 percent of their Negro students in majority-white schools; while in Toledo about 60 percent of the Negroes are in schools that are more than 80 percent black. In Los Angeles, Cleveland, Detroit, and other Northern and Western cities, there are fewer Negroes in majority-white schools than in those that are all-black schools, let alone majority-black schools.

There is much more that could be said about the figures, but they are there for all to see.

Mr. President, the continuance of this dual standard—this national hypocrisy based upon alleged differences between de facto and de jure systems—should not continue, and I do not believe that it will. The U.S. Supreme Court, on January 17, agreed for the first time to hear arguments on a northern school segregation case. Action is long overdue by the Supreme Court. Action is long overdue by Congress. Action is long overdue by the administration. Each candidate for President should make his position clear with respect to a constitutional amendment submitting this question to the people. When these actions are taken, the school systems of our country will be on the way back to a moderate and sensible policy that is based on the neighborhood school concept, and the attentions and energies of children, parents, and teachers can turn again toward education as the purpose of schools.

There being no objection, the data was ordered to be printed in the RECORD, as follows:

TABLE 1.—FALL 1971 ESTIMATED PROJECTIONS OF PUBLIC SCHOOL NEGRO ENROLLMENT COMPARED WITH FINAL FALL 1968 AND 1970 DATA[1]

				Negro pupils attending schools which are—					
		Negro pupils		0 to 49.9 percent minority		80 to 100 percent minority		100 percent minority	
Geographic area	Total pupils	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States:									
1968	43, 353, 568	6, 282, 173	14. 5	1, 467, 291	23. 4	4, 274, 461	68. 0	2, 493, 398	39. 7
1970	44, 877, 547	6, 707, 411	14. 9	2, 223, 506	33. 1	3, 311, 372	49. 4	941, 111	14. 0
1971 estimate	44, 691, 675	6, 724, 956	15. 0	2, 393, 824	35. 6	3, 084, 785	45. 9	778, 832	11. 6
Difference 1970–71	−185, 782	17, 000	. 1	170, 318	2. 5	−226, 587	−3. 5	−162, 279	−2. 4
32 North and West:[2]									
1968	28, 579, 766	2, 703, 056	9. 5	746, 030	27. 6	1, 550, 440	57. 4	332, 408	12. 3
1970	29, 451, 976	2, 889, 858	9. 8	793, 979	27. 5	1, 665, 926	57. 6	343, 629	11. 9
1971 estimate	29, 299, 586	2, 913, 047	9. 9	810, 985	27. 8	1, 664, 771	57. 1	325, 874	11. 2
Difference 1970–71	−152, 390	23, 189	. 1	16, 916	. 3	−1, 155	−. 5	−17, 755	. 7
11 South:[3]									
1968	11, 043, 485	2, 942, 960	26. 6	540, 692	18. 4	2, 317, 850	78. 8	2, 000, 486	68. 0
1970	11, 570, 351	3, 150, 192	27. 2	1, 230, 868	39. 1	1, 241, 050	39. 4	443, 073	14. 1
1971 estimate	11, 551, 697	3, 139, 436	27. 2	1, 377, 847	43. 9	1, 010, 558	32. 2	290, 390	9. 2
Difference 1970–71	−18, 654	−10, 756	0	146, 979	4. 8	−230, 492	−7. 2	−152, 683	−4. 9
6 border and District of Columbia:[4]									
1968	3, 730, 317	636, 157	17. 1	180, 569	28. 4	406, 171	63. 8	160, 504	25. 2
1970	3, 855, 221	667, 362	17. 3	198, 659	29. 8	404, 396	60. 6	154, 409	23. 1
1971 estimate	3, 840, 392	672, 473	17. 5	205, 082	30. 5	409, 456	60. 9	162, 568	24. 2
Difference 1970–71	−14, 829	5, 111	. 2	6, 423	. 7	5, 060	. 3	8, 159	1. 1

[1] 1971 figures are estimations based on latest available data and are subject to change upon final compilation.

[2] Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.

[3] Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina Tennessee, Texas, Virginia.

[4] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.

TABLE 1-C.—FALL 1971 SURVEY DISTRICTS REPORTING BY NOV. 19, 1971, COMPARED WITH FALL 1970 DATA FOR THESE SAME DISTRICTS (FALL 1971 DATA IS UNEDITED)

NEGRO PUPILS IN 77 OF THE 100 LARGEST (1970) SCHOOL DISTRICTS

				Negro pupils attending schools which are—					
		Negro pupils		0 to 49.9 percent minority		80 to 100 percent minority		100 percent minority	
District	Total pupils	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Akron, Ohio:									
1970	56, 426	15, 413	27. 3	5, 624	36. 5	7, 594	49. 3	0	0
1971	55, 570	15, 454	27. 8	5, 208	33. 7	6, 214	40. 2	454	2. 9
Albuquerque, N. Mex.:									
1970	83, 781	2, 048	2. 4	742	36. 2	779	38. 0	0	0
1971	85, 473	2, 180	2. 6	750	34. 4	1, 022	46. 9	0	0
Anne Arundel County, Md. (Annapolis):									
1970	74, 021	9, 587	13. 0	7, 547	78. 7	335	3. 5	0	0
1971	75, 654	9, 783	12. 9	7, 716	78. 9	305	3. 1	0	0
Atlanta, Ga.:									
1970	105, 598	72, 523	68. 7	4, 777	6. 6	63, 111	67. 0	24, 332	33. 6
1971	100, 316	72, 321	72. 1	5, 768	8. 0	62, 131	85. 9	15, 625	21. 6
Austin, Tex.:									
1970	54, 974	8, 284	15. 1	1, 323	16. 0	6, 507	78. 5	1, 216	14. 7
1971	55, 565	8, 147	14. 7	2, 938	36. 1	4, 735	58. 1	697	8. 6
Boston, Mass.:									
1970	96, 696	28, 822	29. 8	5, 174	18. 0	18, 757	65. 1	3, 172	11. 0
1972	96, 583	30, 654	31. 7	4, 574	14. 9	19, 381	63. 2	398	1. 3
Brevard County, Fla. (Titusville):									
1970	61, 908	6, 618	10. 7	5, 876	88. 8	742	11. 2	0	0
1971	61, 979	6, 872	11. 1	6, 151	89. 5	721	10. 5	0	0
Broward County, Fla. (Fort Lauderdale):									
1970	117, 324	27, 230	23. 2	14, 189	52. 1	11, 201	41. 1	4, 303	15. 8
1971	122, 376	28, 554	23. 3	22, 467	78. 7	2, 291	8. 0	650	2. 3
Caddo Parish, La. (Shreveport):									
1970	53, 866	26, 401	49. 0	6, 777	25. 7	17, 959	68. 0	11, 740	44. 5
1971	53, 420	26, 489	49. 6	6, 748	25. 5	17, 653	66. 6	8, 023	30. 3
Charleston County, S.C.:									
1970	57, 410	27, 059	47. 1	8, 332	30. 8	16, 197	59. 9	3, 675	13. 6
1971	57, 128	27, 445	48. 0	7, 866	28. 7	17, 113	62. 4	6, 838	24. 9
Charlotte-Mecklenburg County, N.C.:									
1970	82, 507	25, 404	30. 8	23, 050	90. 7	1, 053	4. 1	0	0
1971	81, 042	25, 796	31. 8	25, 253	97. 9	399	1. 5	0	0
Chatham County, Ga. (Savannah):									
1970	40, 897	17, 963	43. 9	3, 499	19. 5	12, 058	67. 1	2, 804	15. 6
1971	37, 712	18, 195	48. 2	10, 809	59. 4	1, 385	7. 6	0	0
Cincinnati, Ohio:									
1970	84, 199	37, 853	45. 0	6, 399	16. 9	20, 661	54. 6	5, 924	15. 7
1971	81, 879	37, 731	46. 1	5, 159	13. 7	20, 696	54. 9	3, 986	10. 6
Clark County, Nev. (Las Vegas):									
1970	73, 822	9, 567	13. 0	5, 960	62. 3	2, 870	30. 0	515	5. 4
1971	73, 745	9, 499	12. 9	6, 420	67. 6	1, 774	18. 7	353	3. 7
Cleveland, Ohio:									
1970	153, 619	88, 558	57. 6	3, 725	4. 2	80, 505	90. 9	30, 852	34. 8
1971	148, 854	85, 291	57. 3	3, 931	4. 6	77, 841	91. 3	30, 232	35. 4
Cobb County, Ga. (Marietta):									
1970	44, 504	1, 397	3. 1	1, 397	100. 0	0	0	0	0
1971	45, 661	1, 336	2. 9	1, 336	100. 0	0	0	0	0
Columbus, Ohio:									
1970	109, 329	29, 440	26. 9	7, 614	25. 9	15, 604	53. 0	655	2. 2
1971	110, 735	31, 279	28. 2	8, 788	28. 1	16, 862	53 9	205	. 7
Compton, *Calif.*:									
1970	40, 364	33, 486	83. 0	0	0	31, 056	92. 7	5, 303	15. 8
1971	39, 356	33, 471	84. 0	0	0	32, 740	97. 8	2, 483	7. 4
Corpus Christi, Tex.:									
1970	46, 292	2, 590	5. 6	71	2. 7	2, 176	84. 0	12	. 5
1971	45, 900	2, 601	5. 7	143	5. 5	2, 080	80. 0	15	. 6
Dade County, Fla. (Miami):									
1970	240, 447	60, 957	25. 4	13, 254	21. 7	32, 352	53. 1	7, 498	12. 3
1971	244, 765	62, 974	25. 7	14, 507	23. 0	33, 485	53. 2	8, 129	12. 9
Dallas, Tex.:									
1970	164, 736	55, 648	33. 8	1, 528	2. 7	52, 380	94. 1	12, 899	23. 2
1971	157, 799	57, 338	36. 3	8, 617	15. 0	47, 843	83. 4	6, 028	10. 5

District	Total pupils	Negro pupils		Negro pupils attending schools which are—					
				0 to 49.9 percent minority		80 to 100 percent minority		100 percent minority	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Dayton, Ohio:									
1970	56,609	23,013	40.7	2,990	13.0	17,900	77.8	2,183	9.5
1971	55,041	23,489	42.7	3,670	15.6	18,343	78.1	3,431	14.6
De Kalb County, Ga. (Decatur):									.9
1970	85,859	5,379	6.3	3,793	70.5	793	14.7	48	0
1971	88,012	6,351	7.2	4,462	70.3	1,412	22.2	0	
Denver, Colo.:									
1970	97,928	14,434	14.7	6,431	44.6	6,426	44.5	0	0
1971	94,808	14,901	15.7	6,755	45.3	5,443	36.5	0	0
Des Moines, Iowa:									
1970	45,375	3,751	8.3	2,193	58.5	24	0.6	0	0
1971	44,340	3,738	8.4	2,137	57.2	298	8.0	0	0
Detroit, Mich:									
1970	284,396	181,538	63.8	10,618	5.8	143,946	79.3	24,809	13.7
1971	282,076	183,262	65.0	11,629	6.3	143,992	78.6	22,105	12.1
Duval County, Fla. (Jacksonville):									
1970	122,493	36,054	29.4	9,237	25.6	20,747	57.5	13,345	37.0
1971	117,576	36,769	31.3	13,229	36.0	14,042	38.2	8,549	23.3
East Baton Rouge Parish, La.:									
1970	64,198	24,785	38.6	5,457	22.0	17,810	71.9	7,211	29.1
1971	65,906	25,723	39.0	5,897	22.9	18,531	72.0	5,399	21.0
El Paso, Tex.:									
1970	62,545	1,887	3.0	1,090	57.8	383	20.3	60	3.2
1971	62,960	1,915	3.0	1,358	70.9	355	18.5	0	0
Escambia County, Fla. (Pensacola):									
1970	46,987	13,443	28.6	5,548	41.3	2,225	16.6	0	0
1971	44,723	12,713	28.4	5,391	42.4	1,938	15.2	1	0
Flint, Mich.:									
1970	45,659	18,475	40,5	3,512	19.0	7,051	38.2	385	2.1
1971	41,899	17,116	40.9	3,494	20.4	7,973	46.6	319	1.9
Fort Wayne, Ind.:									
1970	43,400	6,492	15.0	1,921	29.6	3,194	49.2	0	0
1971	42,963	6,720	15.6	3,440	51.2	2,429	36.1	0	0
Fort Worth, Tex.:									
1970	88,095	23,542	26.7	2,309	9.8	18,845	80.0	11,399	48.4
1971	82,418	23,311	28.3	4,993	21.4	15,623	67.0	4,767	20.4
Fresno, Calif.:									
1970	57,508	5,133	8.9	1,255	24.4	3,441	67.0	16	3
1971	55,783	5,190	9.3	1,506	29.0	3,322	64.0	13	3
Garden Grove, Calif.:									
1970	52,684	110	0.2	110	100.0	0	0	0	0
1971	51,983	170	.3	170	100.0	0	0	0	0
Gary, Ind.:									
1970	46,595	30,169	64.7	1,060	3.5	27,673	91.7	11,781	39.1
1971	45,332	30,593	67.5	1,177	3.8	29,272	95.7	5,336	17.4
Greenville County, S.C.:									
1970	57,222	12,788	22.3	12,594	98.5	72	.6	0	0
1971	57,559	12,770	22.2	12,654	99.1	0	0	0	0
Hillsborough County, Fla. (Tampa):									
1970	105,347	20,417	19.4	4,771	23.4	12,832	62.8	2,303	11.3
1971	101,298	19,769	19.5	19,335	97.8	90	.5	0	0
Houston, Tex.:									
1970	241,139	85,965	35.6	7,202	8.4	73,373	85.4	7,604	8.8
1971	225,681	85,276	37.8	7,398	8.7	73,351	86.0	7,391	8.7
Indianapolis, Ind.:									
1970	106,239	38,044	35.8	7,785	20.5	22,925	60.3	3,318	8.7
1971	102,326	38,542	37.7	9,060	23.5	23,180	60.1	4,889	12.7
Jefferson County, Ala. (Birmingham area):									
1970	59,717	16,776	28.1	3,240	19.3	13,159	78.4	8,020	47.8
1971	56,573	15,110	26.7	5,952	39.4	8,563	56.7	4,528	30.0
Jefferson County, Ky. (Louisville):									
1970	93,454	3,382	3.6	2,738	81.0	644	19.0	0	0
1971	95,660	3,590	3.8	3,082	85.8	508	14.2	0	0
Jefferson Parish, La. (Gretna):									
1970	63,572	13,201	20.8	6,425	48.7	4,791	36.3	2,577	19.5
1971	61,763	12,790	20.7	12,015	93.9	80	.6	0	0
Kanawha County, W. Va. (Charleston):									
1970	52,888	3,404	6.4	2,934	86.2	0	0	0	0
1971	52,617	3,450	6.6	3,017	87.4	0	0	0	0
Kansas City, Mo.:									
1970	70,503	35,375	50.2	3,301	9.3	29,504	83.4	5,275	14.9
1971	68,335	35,657	52.2	3,468	9.7	30,793	86.4	8,871	24.9
Long Beach, Calif.:									
1970	69,927	6,349	9.1	2,219	35.0	0	0	0	0
1971	69,205	6,972	10.1	2,405	34.5	0	0	0	0
Los Angeles, Calif.:									
1970	642,895	154,926	24.1	9,121	5.9	134,889	87.1	13,551	8.7
1971	633,951	157,589	24.9	10,712	6.8	136,459	86.6	12,046	7.6
Louisville, Ky.:									
1970	53,197	25,674	48.3	3,013	11.7	19,884	77.4	1,094	4.3
1971	50,440	24,591	48.8	3,120	12.7	20,246	82.3	3,830	15.6
Milwaukee, Wis.:									
1970	132,349	34,355	26.0	4,197	12.2	26,193	76.2	0	0
1971	131,815	36,930	28.0	5,467	14.8	29,111	78.8	2,059	5.6
Minneapolis, Minn.:									
1970	66,938	5,935	8.9	3,416	57.6	0	0	0	0
1971	65,201	6,351	9.7	4,118	64.8	428	6.7	0	0
Muscogee County, Ga. (Columbus):									
1970	42,010	13,074	31.1	1,564	12.0	11,214	85.8	8,093	61.9
1971	40,341	13,126	32.5	12,602	96.0	211	1.6	211	1.6
Nashville-Davidson County, Tenn.:									
1970	95,313	23,473	24.6	5,877	25.0	15,727	67.0	4,942	21.1
1971	88,190	23,963	27.2	19,820	82.7	0	0	0	0
Newark, N.J.:									
1970	78,456	56,651	72.2	1,620	2.9	51,685	91.2	11,217	19.8
1971	79,661	57,358	72.0	1,463	2.6	52,359	91.3	12,888	22.5
Norfolk, Va.:									
1970	55,117	24,757	44.9	8,139	32.9	13,827	55.9	6,457	26.1
1971	50,791	24,341	47.9	12,280	50.4	285	1.2	0	0
Oakland, Calif.:									
1970	67,830	38,567	56.9	2,498	6.5	28,988	75.2	991	2.6
1971	67,323	39,102	58.1	2,480	6.3	28,582	73.1	634	1.6
Oklahoma City, Okla.:									
1970	70,042	16,109	23.0	3,442	21.4	12,095	75.1	3,672	22.8
1971	69,130	16,309	23.6	3,576	21.9	11,135	68.3	5,235	32.1

TABLE 1-C.—FALL 1971 SURVEY DISTRICTS REPORTING BY NOV. 19, 1971, COMPARED WITH FALL 1970 DATA FOR THESE SAME DISTRICTS (FALL 1971 DATA IS UNEDITED)—Continued

NEGRO PUPILS IN 77 OF THE 100 LARGEST (1970) SCHOOL DISTRICTS—Continued

District	Total pupils	Negro pupils		Negro pupils attending schools which are—					
				0 to 49.9 percent minority		80 to 100 percent minority		100 percent minority	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Orange County, Fla. (Orlando):									
1970	85,270	15,398	18.1	6,265	40.7	8,005	52.0	2,553	16.6
1971	84,928	15,638	18.4	8,173	52.3	4,428	28.3	772	4.9
Orleans Parish, La. (New Orleans):									
1970	109,856	76,388	69.5	5,925	7.8	62,567	81.9	37,053	48.5
1971	108,969	77,538	71.2	5,079	6.6	62,669	80.8	36,587	47.2
Pinellas County, Fla. (Clearwater):									
1970	85,117	13,766	16.2	6,264	45.5	2,881	20.9	667	4.8
1971	86,878	14,137	16.3	13,408	94.8	0	0	0	0
Polk County, Fla. (Bartow):									
1970	54,380	11,899	21.9	8,622	72.5	1,444	12.1	0	0
1971	55,343	12,217	22.1	9,761	79.9	1,433	11.7	0	0
Portland, Oreg.:									
1970	76,206	7,008	9.2	4,352	62.1	1,494	21.3	0	0
1971	72,694	7,103	9.8	3,721	52.4	1,504	21.2	0	0
Prince George's County, Md. (District of Columbia area):									
1970	160,897	31,994	19.9	13,040	40.8	11,190	35.0	724	2.3
1971	162,828	36,450	22.4	14,093	38.7	14,510	39.8	550	1.5
Richmond, Calif.:									
1970	41,492	11,389	27.4	5,730	50.3	3,781	33.2	343	3.0
1971	41,390	11,699	28.3	5,704	48.8	3,598	30.8	345	2.9
Richmond, Va.:									
1970	47,988	30,785	64.2	3,609	11.7	17,485	56.8	2,954	9.6
1971	44,989	31,101	69.1	1,901	6.1	11,363	36.5	32	.1
Rochester, N.Y.:									
1970	45,500	15,082	33.1	6,161	40.9	6,661	44.2	0	0
1971	44,152	15,747	35.7	7,709	49.0	5,303	33.7	0	0
Rockford, Ill.:									
1970	43,116	5,300	12.3	2,965	55.9	412	7.8	0	0
1971	42,131	5,385	12.8	2,999	55.7	449	8.3	0	
Sacramento, Calif.:									
1970	52,218	8,012	15.3	5,273	65.8	302	3.8	0	0
1971	49,658	8,070	16.3	5,166	64.0	540	6.7	0	0
San Antonio, Tex.:									
1970	77,253	11,853	15.3	1,099	9.3	7,950	67.1	1,310	11.1
1971	74,955	11,600	15.5	958	8.3	8,260	71.2	1,463	12.6
Shawnee Mission, Kan. (Kansas City area):									
1970	45,289	140	.3	140	100.0	0	0	0	0
1971	41,936	157	.4	144	91.7	3	1.9	3	1.9
St. Louis, Mo.:									
1970	111,233	72,965	65.6	1,827	2.5	64,166	87.9	36,316	49.8
1971	107,986	73,149	67.7	1,545	2.1	65,668	89.8	34,717	47.5
St. Paul, Minn.:									
1970	49,732	3,163	6.4	2,043	64.6	340	10.7	0	0
1971	50,589	3,541	7.0	2,421	68.4	339	9.6	0	0
Toledo, Ohio:									
1970	61,699	16,407	26.6	3,954	24.1	9,725	59.3	579	3.5
1971	62,597	17,052	27.2	3,838	22.5	10,121	59.4	448	2.6
Virginia Beach, Va.:									
1970	45,245	4,793	10.6	4,187	87.4	606	12.6	0	0
1971	46,802	4,793	10.2	4,793	100.0	0	0	0	0
Washington, D.C.:									
1970	145,330	137,502	94.6	1,674	1.2	133,421	97.0	46,117	33.5
1971	141,806	135,068	95.2	455	.3	131,844	97.6	47,516	35.2
Wichita, Kans.:									
1970	63,811	9,362	14.7	6,025	64.4	2,950	31.5	371	4.0
1971	59,868	9,274	15.5	9,247	99.7	0	0	0	0
Winston-Salem-Forsyth County, N.C.:									
1970	49,514	13,727	27.7	5,077	37.0	7,884	57.4	6,015	43.8
1971	47,937	14,097	29.4	13,494	95.7	383	2.7	0	0

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) be recognized to speak on S. 2515 when the Senate reconvenes today, following the state of the Union address by the President; and I ask unanimous consent that the unfinished business be laid down at this time.

Mr. JAVITS. Mr. President, let us hear the statement about S. 2515.

Mr. MANSFIELD. The Senator from Pennsylvania (Mr. SCHWEIKER) is to be recognized after the state of the Union message.

Mr. JAVITS. Mr. President, I want to offer an amendment. I have not yet been recognized as the ranking minority member to make my opening statement on this matter. I would like to do that. I will arrange to have the Senator from Pennsylvania yield to me.

Mr. MANSFIELD. That will be satisfactory.

The PRESIDING OFFICER. Without objection it is so ordered. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2515) to further promote equal employment opportunities for American workers.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? There being no objection, the Senate proceeded to consider the bill.

JOINT SESSION OF THE TWO HOUSES, THE PRESIDENT'S STATE OF THE UNION MESSAGE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair, the time for the Senate to reassemble to be as soon as possible after the conclusion of the state of the Union message of the President of the United States to the joint session.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At 12:11 p.m., the Senate took a recess subject to the call of the Chair.)

(Thereupon, the Senate, in a body, preceded by the Sergeant at Arms (Robert G. Dunphy), the Secretary of the Senate (Francis R. Valeo), the President pro tempore (Mr. ELLENDER), and the Vice President, proceeded to the Hall of the House of Representatives to meet in joint session, to be addressed by the President of the United States on the state of the Union.)

(The address delivered by the President of the United States at the joint session of the two Houses of Congress appears in the proceedings of the House of Representatives in today's RECORD.)

(On the close of the joint session, the Senate, in a body, returned to the Senate Chamber.)

(At 1:20 p.m., at the expiration of the recess, the Senate was called to order by the Presiding Officer (Mr. HUGHES).

COMMUNICATION FROM THE PRESIDENT

The **PRESIDING OFFICER** laid before the Senate the following communication from the President of the United States:

THE WHITE HOUSE,
Washington, D.C., January 20, 1972.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I respectfully request that the written message I have handed to you and to the Speaker of the House be considered a part of my annual report to the Congress on the State of the Union.

Sincerely,

RICHARD NIXON.

Mr. **BYRD** of West Virginia subsequently said:

Mr. President, I ask unanimous consent that the 15,000-word message of the President referred to in his state of the Union message be referred jointly to all of the standing committees for their consideration of the subject matter therein falling within their respective jurisdictions.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The message from the President is as follows:

To the Congress of the United States:

It was just 3 years ago today that I took the oath of office as President. I opened my address that day by suggesting that some moments in history stand out "as moments of beginning," when "courses are set that shape decades or centuries." I went on to say that "this can be such a moment."

Looking back 3 years later, I would suggest that it was such a moment—a time in which new courses were set on which we now are traveling. Just how profoundly these new courses will shape our decade or our century is still an unanswered question, however, as we enter the fourth year of this administration. For moments of beginning will mean very little in history unless we also have the determination to follow up on those beginnings.

Setting the course is not enough. Staying the course is an equally important challenge. Good government involves both the responsibility for making fresh starts and the responsibility for perseverance.

The responsibility for perseverance is one that is shared by the President, the public, and the Congress.

—We have come a long way, for example, on the road to ending the Vietnam war and to improving relations with our adversaries. But these initiatives will depend for their lasting meaning on our persistence in seeing them through.

—The magnificent cooperation of the American people has enabled us to make substantial progress in curbing inflation and in reinvigorating our economy. But the new prosperity we seek can be completed only if the public continues in its commitment to economic responsibility and discipline.

—Encouraging new starts have also been made over the last 3 years in treating our domestic ills. But continued progress now requires the Congress to act on its large and growing backlog of pending legislation.

America's agenda for action is already well established as we enter 1972. It will grow in the weeks ahead as we present still more initiatives. But we dare not let the emergence of new business obscure the urgency of old business. Our new agenda will be little more than an empty gesture if we abandon—or even de-emphasize—that part of the old agenda which is yet unfinished.

GETTING OURSELVES TOGETHER

One measure of the Nation's progress in these first years of the seventies is the improvement in our national morale. While the 1960's were a time of great accomplishment, they were also a time of growing confusion. Our recovery from that condition is not complete, but we have made a strong beginning.

Then we were a shaken and uncertain people, but now we are recovering our confidence. Then we were divided and suspicious, but now we are renewing our sense of common purpose. Then we were surrounded by shouting and posturing, but we have been learning once again to lower our voices. And we have also been learning to listen.

A history of the 1960's was recently published under the title, *Coming Apart*. But today we can say with confidence that we are coming apart no longer. The "center" of American life has held, and once again we are getting ourselves together.

THE SPIRIT OF REASON AND REALISM

Under the pressures of an election year, it would be easy to look upon the legislative program merely as a political device and not as a serious agenda. We must resist this temptation. The year ahead of us holds precious time in which to accomplish good for this Nation and we must not, we dare not, waste it. Our progress depends on a continuing spirit of partnership between the President and the Congress, between the House and the Senate, between Republicans and Democrats. That spirit does not require us always to agree with one another but it does require us to approach our tasks, together, in a spirit of reason and realism.

Clear words are the great servant of reason. Intemperate words are the great enemy of reason. The cute slogan, the glib headline, the clever retort, the appeal to passion—these are not the way to truth or to good public policy.

To be dedicated to clear thinking, to place the interests of all above the interests of the few, to hold to ultimate values and to curb momentary passions, to think more about the next generation and less about the next election—these are now our special challenges.

ENDING THE WAR

The condition of a nation's spirit cannot be measured with precision, but some of the factors which influence that spirit can. I believe the most dramatic single measurement of the distance we have traveled in the last 36 months is found in the statistics concerning our involvement in the war in Vietnam.

On January 20, 1969 our authorized troop ceiling in Vietnam was 549,500. And there was no withdrawal plan to bring these men home. On seven occasions since that time, I have announced withdrawal decisions—involving a total of 480,500 troops. As a result, our troop ceiling will be only 69,000 by May 1. This means that in 3 years we will have cut our troop strength in Vietnam by 87 percent. As we proceed toward our goal of a South Vietnam fully able to defend itself, we will reduce that level still further.

In this same period, expenditures connected with the war have been cut drastically. There has been a drop of well over 50 percent in American air activity in all of Southeast Asia. Our ground combat role has been ended. Most importantly, there has been a reduction of 95 percent in combat deaths.

Our aim is to cut the death and casualty toll by 100 percent, to obtain the release of those who are prisoners of war, and to end the fighting altogether.

It is my hope that we can end this tragic conflict through negotiation. If we cannot, then we will end it through Vietnamization. But end it we shall—in a way which fulfills our commitment to the people of South Vietnam and which gives them the chance for which they have already sacrificed so much—the chance to choose their own future.

THE LESSONS OF CHANGE

The American people have learned many lessons in the wake of Vietnam—some helpful and some dangerous. One important lesson is that we can best serve our own interests in the world by setting realistic limits on what we try to accomplish unilaterally. For the peace of the world will be more secure, and its progress more rapid, as more nations come to share more fully in the responsibilities for peace and for progress.

At the same time, to conclude that the United States should now withdraw from all or most of its international responsibilities would be to make a dangerous error. There has been a tendency among some to swing from one extreme to the other in the wake of Vietnam, from wanting to do too much in the world to wanting to do too little. We must resist this temptation to over-react. We must stop the swinging pendulum before it moves to an opposite position, and forge instead an attitude toward the world which is balanced and sensible and realistic.

America has an important role to play in international affairs, a great influence to exert for good. As we have throughout this century, we must continue our profound concern for advancing peace and freedom, by the most effective means possible, even as we shift somewhat our view of what means are most effective.

This is our policy:

—We will maintain a nuclear deterrent adequate to meet any threat to the security of the United States or of our allies.

—We will help other nations develop the capability of defending themselves.

—We will faithfully honor all of our treaty commitments.

—We will act to defend our interests whenever and wherever they are threatened any place in the world.

—But where our interests or our treaty commitments are not involved our role will be limited.

  —We will not intervene militarily.

  —But we will use our influence to prevent war.

  —If war comes we will use our influence to try to stop it.

  —Once war is over we will do our share in helping to bind up the wounds of those who have participated in it.

OPENING NEW LINES OF COMMUNICATION

Even as we seek to deal more realistically with our partners, so we must also deal more realistically with those who have been our adversaries. In the last year we have made a number of notable advances toward this goal.

In our dealings with the Soviet Union, for example, we have been able, together with our allies, to reach an historic agreement concerning Berlin. We have advanced the prospects for limiting strategic armaments. We have moved toward greater cooperation in space research and toward improving our economic relationships. There have been disappointments such as South Asia and uncertainties such as the Middle East. But there has also been progress we can build on.

It is to build on the progress of the past and to lay the foundations for greater progress in the future that I will soon be visiting the capitals of both the Peoples Republic of China and the Soviet Union. These visits will help to fulfill the promise I made in my Inaugural address when I said "that during this administration our lines of communication will be open," so that we can help create "an open world—open to ideas, open to the exchange of goods and people, a world in which no people, great or small, will live in angry isolation." It is in this spirit that I will undertake these journeys.

We must also be realistic, however, about the scope of our differences with these governments. My visits will mean not that our differences have disappeared or will disappear in the near future. But peace depends on the ability of great powers to live together on the same planet despite their differences. The important thing is that we talk about these differences rather than fight about them.

It would be a serious mistake to say that nothing can come of our expanded communications with Peking and Moscow. But it would also be a mistake to expect too much too quickly.

It would also be wrong to focus so much attention on these new opportunities that we neglect our old friends. That is why I have met in the last few weeks with the leaders of two of our hemisphere neighbors, Canada and Brazil, with the leaders of three great European nations, and with the Prime Minister of Japan. I believe these meetings were extremely successful in cementing our understandings with these governments as we move forward together in a fast changing period.

Our consultations with our allies may not receive as much attention as our talks with potential adversaries. But this makes them no less important. The cornerstone of our foreign policy remains—and will remain—our close bonds with our friends around the world.

A STRONG DEFENSE: THE GUARDIAN OF PEACE

There are two additional elements which are critical to our efforts to strengthen the structure of peace.

The first of these is the military strength of the United States.

In the last 3 years we have been moving from a wartime to a peacetime footing, from a period of continued confrontation and arms competition to a period of negotiation and potential arms limitation, from a period when America often acted as policeman for the world to a period when other nations are assuming greater responsibility for their own defense. I was recently encouraged, for example, by the decision of our European allies to increase their share of the NATO defense budget by some $1 billion.

As a part of this process, we have ended the production of chemical and biological weaponry and have converted two of our largest facilities for such production to humanitarian research. We have been able to reduce and in some periods even to eliminate draft calls. In 1971, draft calls—which were as high as 382,000 at the peak of the Vietnam war—fell below 100,000, the lowest level since 1962. In the coming year they will be significantly lower. I am confident that by the middle of next year we can achieve our goal of reducing draft calls to zero.

As a result of all these developments, our defense spending has fallen to 7 percent of our gross national product in the current fiscal year, compared with 8.3 percent in 1964 and 9.5 percent in 1968. That figure will be down to 6.4 percent in fiscal year 1973. Without sacrificing any of our security interests, we have been able to bring defense spending below the level of human resource spending for the first time in 20 years. This condition is maintained in my new budget—which also, for the first time, allocates more money to the Department of Health, Education, and Welfare than to the Department of Defense.

But just as we avoid extreme reactions in our political attitudes toward the world, so we must avoid over-reacting as we plan for our defense. We have reversed spending priorities, but we have never compromised our national security and we never will. For any step which weakens America's defenses will also weaken the prospects for peace.

Our plans for the next year call for an increase in defense spending. That increase is made necessary in part by rising research and development costs, in part by military pay increases—which, in turn, will help us eliminate the draft—and in part by the need to proceed with new weapon systems to maintain our security at an adequate level. Even as we seek with the greatest urgency stable controls on armaments, we cannot ignore the fact that others are going forward with major increases in their own arms programs.

In the year ahead we will be working to improve and protect, to diversify and disperse our strategic forces in ways which make them even less vulnerable to attack and more effective in deterring war. I will request a substantial budget increase to preserve the sufficiency of our strategic nuclear deterrent, including an allocation of over $900 million to improve our sea-based deterrent force. I recently directed the Department of Defense to develop a program to build additional missile launching submarines, carrying a new and far more effective missile. We will also proceed with programs to re-outfit our Polaris submarines with the Poseidon missile system, to replace older land-based missiles with Minuteman III, and to deploy the Safeguard Antiballistic Missile System.

At the same time, we must move to maintain our strength at sea. The Navy's budget was increased by $2 billion in the current fiscal year, and I will ask for a similar increase next year, with particular emphasis on our shipbuilding programs.

Our military research and development program must also be stepped up. Our budget in this area was increased by $594 million in the current fiscal year and I will recommend a further increase for next year of $838 million. I will also propose a substantial program to develop and procure more effective weapons systems for our land and tactical air forces, and to improve the National Guard and Reserves, providing more modern weapons and better training.

In addition, we will expand our strong program to attract volunteer career soldiers so that we can phase out the draft. With the cooperation of the Congress, we have been able to double the basic pay of first time enlistees. Further substantial military pay increases are planned. I will also submit to the Congress an overall reform of our military retirement and survivor benefit programs, raising the level of protection for military families. In addition, we will expand efforts to improve race relations, to equalize promotional opportunities, to control drug abuse, and generally to improve the quality of life in the Armed Forces.

As we take all of these steps, let us remember that strong military defenses are not the enemy of peace; they are the guardians of peace. Our ability to build a stable and tranquil world—to achieve an arms control agreement, for example—depends on our ability to negotiate from a position of strength. We seek adequate power not as an end in itself but as a means for achieving our purpose. And our purpose is peace.

In my Inaugural address 3 years ago I called for cooperation to reduce the burden of arms—and I am encouraged by the progress we have been making toward that goal. But I also added this comment: ". . . to all those who would be tempted by weakness, let us leave no doubt that we will be as strong as we need to be for as long as we need to be." Today I repeat that reminder.

A REALISTIC PROGRAM OF FOREIGN ASSISTANCE

Another important expression of America's interest and influence in the world is our foreign assistance effort. This effort has special significance at a time when we are reducing our direct military presence abroad and encouraging other countries to assume greater responsibilities. Their growing ability to undertake these responsibilities often depends on America's foreign assistance.

We have taken significant steps to reform our foreign assistance programs in recent years, to eliminate waste and to give them greater impact. Now three further imperatives rest with the Congress:

—to fund in full the levels of assistance which I have earlier recommended for the current fiscal year, before the present interim funding arrangement expires in late February;

—to act upon the fundamental aid reform proposals submitted by this administration in 1971;

—and to modify those statutes which govern our response to expropriation of American property by foreign governments, as I recommended in my recent statement on the security of overseas investments.

These actions, taken together, will constitute not an exception to the emerging pattern for a more realistic American role in the world, but rather a fully consistent and crucially important element in that pattern.

As we work to help our partners in the world community develop their economic potential and strengthen their military forces, we should also cooperate fully with them in meeting international challenges such as the menace of narcotics, the threat of pollution, the growth of population, the proper use of the seas and seabeds, and the plight of those who have been victimized by wars and natural disasters. All of these are global problems and they must be confronted on a global basis. The efforts of the United Nations to respond creatively to these challenges have been most promising, as has the work of NATO in the environmental field. Now we must build on these beginnings.

AMERICA'S INFLUENCE FOR GOOD

The United States is not the world's policeman nor the keeper of its moral conscience. But—whether we like it or not—we still represent a force for stability in what has too often been an unstable world, a force for justice in a world which is too often unjust, a force for progress in a world which desperately needs to progress, a force for peace in a world that is weary of war.

We can have a great influence for good in our world—and for that reason we bear a great responsibility. Whether we fulfill that responsibility—whether we fully use our influence for good—these are questions we will be answering as we reshape our attitudes and policies toward other countries, as we determine our defensive capabilities, and as we make fundamental decisions about foreign assistance. I will soon discuss these and other concerns in greater detail in my annual report to the Congress on foreign policy.

Our influence for good in the world depends, of course, not only on decisions which touch directly on international affairs but also on our internal strength—on our sense of pride and purpose, on the vitality of our economy, on the success of our efforts to build a better life for all our people. Let us turn then from the state of the Union abroad to the state of the Union at home.

THE ECONOMY: TOWARD A NEW PROSPERITY

Just as the Vietnam war occasioned much of our spiritual crisis, so it lay at the root of our economic problems 3 years ago. The attempt to finance that war through budget deficits in a period of full employment had produced a wave of price inflation as dangerous and as persistent as any in our history. It was more persistent, frankly, than I expected it would be when I first took office. And it only yielded slowly to our dual efforts to cool the war and to cool inflation.

Our challenge was further compounded by the need to reabsorb more than 2 million persons who were released from the Armed Forces and from defense-related industries and by the substantial expansion of the labor force.

In short, the escalation of the Vietnam war in the late 1960's destroyed price stability. And the de-escalation of that war in the early 1970's impeded full employment.

Throughout these years, however, I have remained convinced that both price stability and full employment were realistic goals for this country. By last summer it became apparent that our efforts to eradicate inflation without wage and price controls would either take too long or—if they were to take effect quickly—would come at the cost of persistent high unemployment. This cost was unacceptable. On August 15th I therefore announced a series of new economic policies to speed our progress toward a new prosperity without inflation in peacetime.

These policies have received the strong support of the Congress and the American people, and as a result they have been effective. To carry forward these policies, three important steps were taken this past December—all within a brief 2-week period—which will also help to make the coming year a very good year for the American economy.

On December 10, I signed into law the Revenue Act of 1971, providing tax cuts over the next 3 years of some $15 billion, cuts which I requested to stimulate the economy and to provide hundreds of thousands of new jobs. On December 22, I signed into law the Economic Stabilization Act Amendments of 1971, which will allow us to continue our program of wage and price restraints to break the back of inflation.

Between these two events, on December 18, I was able to announce a major breakthrough on the international economic front—reached in cooperation with our primary economic partners. This breakthrough will mitigate the intolerable strains which were building up in the world's monetary and payments structure and will lead to a removal of trade barriers which have impeded American exports. It also sets the stage for broader reforms in the international monetary system so that we can avoid repeated monetary crises in the future. Both the monetary realignment—the first of its scope in history—and our progress in readjusting trade conditions will mean better markets for American goods abroad and more jobs for American workers at home.

A BRIGHTER ECONOMIC PICTURE

As a result of all these steps, the economic picture—which has brightened steadily during the last 5 months—will, I believe, continue to grow brighter. This is not my judgment alone; it is widely shared by the American people. Virtually every survey and forecast in recent weeks shows a substantial improvement in public attitudes about the economy—which are themselves so instrumental in shaping economic realities.

The inflationary psychology which gripped our Nation so tightly for so long is on the ebb. Business and consumer confidence has been rising. Businessmen are planning a 9.1 percent increase in plant and equipment expenditures in 1972, more than four times as large as the increase in 1971. Consumer spending and retail sales are on the rise. Home building is booming—housing starts last year were up more than 40 percent from 1970, setting an all-time record. Interest rates are sharply down. Both income and production are rising. Real output in our economy in the last 3 months of 1971 grew at a rate that was about double that of the previous two quarters.

Perhaps most importantly, total employment has moved above the 80 million mark—to a record high—and is growing rapidly. In the last 5 months of 1971, some 1.1 million additional jobs were created in our economy and only a very unusual increase in the size of our total labor force kept the unemployment rate from falling.

But whatever the reason, 6 percent unemployment is too high. I am determined to cut that percentage—through a variety of measures. The budget I present to the Congress next week will be an expansionary budget—reflecting the impact of new job-creating tax cuts and job-creating expenditures. We will also push to increase employment through our programs for manpower training and public service employment, through our efforts to expand foreign markets, and through other new initiatives.

Expanded employment in 1972 will be different, however, from many other periods of full prosperity. For it will come without the stimulus of war—and it will come without inflation. Our program of wage and price controls is working. The consumer price index, which rose at a yearly rate of slightly over 6 percent during 1969 and the first half of 1970, rose at a rate of only 1.7 percent from August through November of 1971.

I would emphasize once again, however, that our ultimate objective is lasting price stability without controls. When we achieve an end to the inflationary psychology which developed in the 1960's, we will return to our traditional policy of relying on free market forces to determine wages and prices.

I would also emphasize that while our new budget will be in deficit, the deficit will not be irresponsible. It will be less than this year's actual deficit and would disappear entirely under full employment conditions. While Federal spending continues to grow, the rate of increase in spending has been cut very sharply—to little more than half that experienced under the previous administration. The fact that our battle against inflation has led us to adopt a new policy of wage and price restraints should not obscure the continued importance of our fiscal and monetary policies in holding down the cost of living. It is most important that the Congress join now in resisting the temptation to overspend and in accepting the discipline of a balanced full employment budget.

I will soon present a more complete discussion of all of these matters in my Budget Message and in my Economic Report.

A NEW ERA IN INTERNATIONAL ECONOMICS

Just as we have entered a new period of negotiation in world politics, so we have also moved into a new period of negotiation on the international economic front. We expect these negotiations to help us build both a new international system for the exchange of money and a new system of international trade. These accomplishments, in turn, can open a new era of fair competition and constructive interdependence in the global economy.

We have already made important strides in this direction. The realignment of exchange rates which was announced last month represents an important forward step—but now we also need basic long-range monetary reform. We have made an important beginning toward altering the conditions for international trade and investment—and we expect further substantial progress. I would emphasize that progress for some nations in these fields need not come at the expense of others. All nations will benefit from the right kind of monetary and trade reform.

Certainly the United States has a high stake in such improvements. Our international economic position has been slowly deteriorating now for some time—a condition which could have dangerous implications for both our influence abroad and our prosperity at home. It has been estimated, for example, that full employment prosperity will depend on the creation of some 20 million additional jobs in this decade. And expanding our foreign markets is a most effective way to expand domestic employment.

One of the major reasons for the weakening of our international economic position is that the ground rules for the exchange of goods and money have forced us to compete with one hand tied behind our back. One of our most important accomplishments in 1971 was our progress in changing this situation.

COMPETING MORE EFFECTIVELY

Monetary and trade reforms are only one part of this story. The ability of the United States to hold its own in world competition depends not only on the fairness of the rules, but also on the competitiveness of our economy. We have made great progress in the last few months in improving the terms of competition. Now we must also do all we can to strengthen the ability of our own economy to compete.

We stand today at a turning point in the history of our country—and in the history of our planet. On the one hand, we have the opportunity to help bring a new economic order to the world, an open order in which nations eagerly face outward to build that network of interdependence which is the best foundation for prosperity and for peace. But we will also be tempted in the months ahead to take the opposite course—to withdraw from the world economically as some would have us withdraw politically, to build an economic "Fortress America" within which our growing weakness could be concealed. Like a child who will not go out to play with other children, we would probably be saved a few minor bumps and bruises in the short run if we were to adopt this course. But in the long run the world would surely pass us by.

I reject this approach. I remain committed to that open world I discussed in my Inaugural address. That is why I have worked for a more inviting climate for America's economic activity abroad. That is why I have placed so much emphasis on increasing the productivity of our economy at home. And that is also why I believe so firmly that we must stimulate more long-range investment in our economy, find more effective ways to develop and use new technology, and do a better job of training and using skilled manpower.

An acute awareness of the international economic challenge led to the creation just one year ago of the Cabinet-level Council on International Economic Policy. This new institution has helped us to understand this challenge better and to respond to it more effectively.

As our understanding deepens, we will discover additional ways of improving our ability to compete. For example, we can enhance our competitive position by moving to implement the metric system of measurement, a proposal which the Secretary of Commerce presented in detail to the Congress last year. And we should also be doing far more to gain our fair share of the international tourism market, now estimated at $17 billion annually, one of the largest factors in world trade. A substantial part of our balance of payments deficit results from the fact that American tourists abroad spend $2.5 billion more than foreign tourists spend in the United States. We can help correct this situation by attracting more foreign tourists to our shores—especially as we enter our Bicentennial era. I am therefore requesting that the budget for the United States Travel Service be nearly doubled in the coming year.

THE UNFINISHED AGENDA

Our progress toward building a new economic order at home and abroad has been made possible by the cooperation and cohesion of the American people. I am sure that many Americans had misgivings about one aspect or another of the new economic policies I introduced last summer. But most have nevertheless been ready to accept this new effort in order to build the broad support which is essential for effective change.

The time has now come for us to apply this same sense of realism and reasonability to other reform proposals which have been languishing on our domestic agenda. As was the case with our economic policies, most Americans agree that we need a change in our welfare system, in our health strategy, in our programs to improve the environment, in the way we finance State and local government, and in the organization of government at the Federal level. Most Americans are not satisfied with the status quo in education, in transportation, in law enforcement, in drug control, in community development. In each of these areas—and in others—I have put forward specific proposals which are responsive to this deep desire for change.

And yet achieving change has often been difficult. There has been progress in some areas, but for the most part, as a nation we have not shown the same sense of self-discipline in our response to social challenges that we have developed in meeting our economic needs. We have not been as ready as we should have been to compromise our differences and to build a broad coalition for change. And so we often have found ourselves in a situation of stalemate—doing essentially nothing even though most of us agree that nothing is the very worst thing we can do.

Two years ago this week, and again one year ago, my messages on the state of the Union contained broad proposals for domestic reform. I am presenting a number of new proposals in this year's message. But I also call once again, with renewed urgency, for action on our unfinished agenda.

WELFARE REFORM

The first item of unfinished business is welfare reform.

Since I first presented my proposals in August of 1969, some 4 million additional persons have been added to our welfare rolls. The cost of our old welfare system has grown by an additional $4.2 billion. People have not been moving as fast as they should from welfare rolls to payrolls. Too much of the traffic has been the other way.

Our antiquated welfare system is responsible for this calamity. Our new program of "workfare" would begin to end it.

Today, more than ever, we need a new program which is based on the dignity of work, which provides strong incentives for work, and which includes for those who are able to work an effective work requirement. Today, more than ever, we need a new program which helps hold families together rather than driving them apart, which provides day care services so that low income mothers can trade dependence on government for the dignity of employment, which relieves intolerable fiscal pressures on State and local governments, and which replaces 54 administrative systems with a more efficient and reliable nationwide approach.

I have now given prominent attention to this subject in three consecutive messages on the state of the Union. The House of Representatives has passed welfare reform twice. Now that the new economic legislation has been passed, I urge the Senate Finance Committee to place welfare reform at the top of its agenda. It is my earnest hope that when this Congress adjourns, welfare reform will not be an item of pending business but an accomplished reality.

REVENUE SHARING: RETURNING POWER TO THE PEOPLE

At the same time that I introduced my welfare proposals 2½ years ago, I also presented a program for sharing Federal revenues with State and local governments. Last year I greatly expanded on this concept. Yet, despite undisputed evidence of compelling needs, despite overwhelming public support, despite the endorsement of both major political parties and most of the Nation's Governors and mayors, and despite the fact that most other nations with federal systems of government already have such a program, revenue sharing still remains on the list of unfinished business.

I call again today for the enactment of revenue sharing. During its first full year of operation our proposed programs would spend $17.6 billion, both for general purposes and through six special purpose programs for law enforcement, manpower, education, transportation, rural community development, and urban community development.

As with welfare reform, the need for revenue sharing becomes more acute as time passes. The financial crisis of State and local government is deepening. The pattern of breakdown in State and municipal services grows more threatening. Inequitable tax pressures are mounting. The demand for more flexible and more responsive government—at levels closer to the problems and closer to the people—is building.

Revenue sharing can help us meet these challenges. It can help reverse what has been the flow of power and resources toward Washington by sending power and resources back to the States, to the communities, and to the people. Revenue sharing can bring a new sense of accountability, a new burst of energy and a new spirit of creativity to our federal system.

I am pleased that the House Ways and Means Committee has made revenue sharing its first order of business in the new session. I urge the Congress to enact in this session, not an empty program which bears the revenue sharing label while continuing the outworn system of categorical grants, but a bold, comprehensive program of genuine revenue sharing.

I also presented last year a $100 million program of planning and management grants to help the States and localities do a better job of analyzing their problems and carrying out solutions. I hope this program will also be quickly accepted. For only as State and local governments get a new lease on life can we hope to bring government back to the people—and with it a stronger sense that each individual can be in control of his life, that every person can make a difference.

OVERHAULING THE MACHINERY OF GOVERNMENT: EXECUTIVE REORGANIZATION

As we work to make State and local government more responsive—and more responsible—let us also seek these same goals at the Federal level. I again urge the Congress to enact my proposals for reorganizing the executive branch of the Federal Government. Here again, support from the general public—as well as from those who have served in the executive branch under several Presidents—has been most encouraging. So has the success of the important organizational reforms we have already made. These have included a restructured Executive Office of the President—with a new Domestic Council, a new Office of Management and Budget, and other units; reorganized field operations in Federal agencies; stronger mechanisms for interagency coordination, such as Federal Regional Councils; a new United States Postal Service; and new offices for such purposes as protecting the environment, coordinating communications policy, helping the consumer, and stimulating voluntary service. But the centerpiece of our efforts to streamline the executive branch still awaits approval.

How the government is put together often determines how well the government can do its job. Our Founding Fathers understood this fact—and thus gave detailed attention to the most precise structural questions. Since that time, however, and especially in recent decades, new responsibilities and new constituencies have caused the structure they established to expand enormously—and in a piecemeal and haphazard fashion.

As a result, our Federal Government today is too often a sluggish and unresponsive institution, unable to deliver a dollar's worth of service for a dollar's worth of taxes.

My answer to this problem is to streamline the executive branch by reducing the overall number of executive departments and by creating four new departments in which existing responsibilities would be refocused in a coherent and comprehensive way. The rationale which I have advanced calls for organizing these new departments around the major purposes of the government—by creating a Department of Natural Resources, a Department of Human Resources, a Department of Community Development, and a Department of Economic Affairs. I have revised my original plan so that we would not eliminate the Department of Agriculture but rather restructure that Department so it can focus more effectively on the needs of farmers.

The Congress has recently reorganized its own operations, and the Chief Justice of the United States has led a major effort to reform and restructure the judicial branch. The impulse for reorganization is strong and the need for reorganization is clear. I hope the Congress will not let this opportunity for sweeping reform of the executive branch slip away.

A NEW APPROACH TO THE DELIVERY OF SOCIAL SERVICES

As a further step to put the machinery of government in proper working order, I will also propose new legislation to reform and rationalize the way in which social services are delivered to families and individuals.

Today it often seems that our service programs are unresponsive to the recipients' needs and wasteful of the taxpayers' money. A major reason is their extreme fragmentation. Rather than pulling many services together, our present system separates them into narrow and rigid categories. The father of a family is helped by one program, his daughter by another, and his elderly parents by a third. An individual goes to one place for nutritional help, to another for health services, and to still another for educational counseling. A community finds that it cannot transfer Federal funds from one program area to another area in which needs are more pressing.

Meanwhile, officials at all levels of government find themselves wasting enormous amounts of time, energy, and the taxpayers' money untangling Federal red tape—time and energy and dollars which could better be spent in meeting people's needs.

We need a new approach to the delivery of social services—one which is built around people and not around programs. We need an approach which treats a person as a whole and which treats the family as a unit. We need to break through rigid categorical walls, to open up narrow bureaucratic compartments, to consolidate and coordinate related programs in a comprehensive approach to related problems.

The Allied Services Act which will soon be submitted to the Congress offers one set of tools for carrying out that new approach in the programs of the Department of Health, Education, and Welfare. It would strengthen State and local planning and administrative capacities, allow for the transfer of funds among various HEW programs, and permit the waiver of certain cumbersome Federal requirements. By streamlining and simplifying the delivery of services, it would help more people move more rapidly from public dependency toward the dignity of being self-sufficient.

Good men and good money can be wasted on bad mechanisms. By giving those mechanisms a thorough overhaul, we can help to restore the confidence of the people in the capacities of their government.

PROTECTING THE ENVIRONMENT

A central theme of both my earlier messages on the state of the Union was the state of our environment—and the importance of making "our peace with nature." The last few years have been a time in which environmental values have become firmly embedded in our attitudes—and in our institutions. At the Federal level, we have established a new Environmental Protection Agency, a new Council on Environmental Quality and a new National Oceanic and Atmospheric Administration, and we have proposed an entire new Department of Natural Resources. New air quality standards have been set, and there is evidence that the air in many cities is becoming less polluted. Under authority granted by the Refuse Act of 1899, we have instituted a new permit program which, for the first time, allows the Federal Government to inventory all significant industrial sources of water pollution and to specify required abatement actions. Under the Refuse Act, more than 160 civil actions and 320 criminal actions to stop water pollution have been filed against alleged polluters in the last 12 months. Major programs have also been launched to build new municipal waste treatment facilities, to stop pollution from Federal facilities, to expand our wilderness areas, and to leave a legacy of parks for future generations. Our outlays for inner city parks have been significantly expanded, and 62 Federal tracts have been transferred to the States and to local governments for recreational uses. In the coming year, I hope to transfer to local park use much more Federal land which is suitable for recreation but which is now underutilized. I trust the Congress will not delay this process.

The most striking fact about environmental legislation in the early 1970's is how much has been proposed and how little has been enacted. Of the major legislative proposals I made in my special message to the Congress on the environment last winter, 18 are still awaiting final action. They include measures to regulate pesticides and toxic substances, to control noise pollution, to restrict dumping in the oceans, in coastal waters, and in the Great Lakes, to create an effective policy for the use and development of land, to regulate the siting of power plants, to control strip mining, and to help achieve many other important environmental goals. The unfinished agenda also includes our National Resource Land Management Act, and other measures to improve environmental protection on federally owned lands.

The need for action in these areas is urgent. The forces which threaten our environment will not wait while we procrastinate. Nor can we afford to rest on last year's agenda in the environmental field. For as our understanding of these problems increases, so must our range of responses. Accordingly, I will soon be sending to the Congress another message on the environment that will present further administrative and legislative initiatives. Altogether our new budget will contain more than three times as much money for environmental programs in fiscal year 1973 as we spent in fiscal year 1969. To fail in meeting the environmental challenge, however, would be even more costly.

I urge the Congress to put aside narrow partisan perspectives that merely ask "whether" we should act to protect the environment and to focus instead on the more difficult question of "how" such action can most effectively be carried out.

ABUNDANT CLEAN ENERGY

In my message to the Congress on energy policy, last June, I outlined additional steps relating to the environment which also merit renewed attention. The challenge, as I defined it, is to produce a sufficient supply of energy to fuel our industrial civilization and at the same time to protect a beautiful and healthy environment. I am convinced that we can achieve both these goals, that we can respect our good earth without turning our back on progress.

In that message last June, I presented a long list of means for assuring an ample supply of clean energy—including the liquid metal fast breeder reactor—and I again emphasize their importance. Because it often takes several years to bring new technologies into use in the energy field, there is no time for delay. Accordingly, I am including in my new budget increased funding for the most promising of these and other clean energy programs. By acting this year, we can avoid having to choose in some future year between too little energy and too much pollution.

KEEPING PEOPLE HEALTHY

The National Health Strategy I outlined last February is designed to achieve one of the Nation's most important goals for the 1970's, improving the quality and availability of medical care, while fighting the trend toward runaway costs. Important elements of that strategy have already been enacted. The Comprehensive Health Manpower Training Act and the Nurse Training Act, which I signed on November 18, represent the most far-reaching effort in our history to increase the supply of doctors, nurses, dentists and other health professionals and to attract them to areas which are experiencing manpower shortages. The National Cancer Act, which I signed on December 23, marked the climax of a year-long effort to step up our campaign against cancer. During the past year, our cancer research budget has been increased by $100 million and the full weight of my office has been given to our all-out war on this disease. We have also expanded the fight against sickle cell anemia by an additional $5 million.

I hope that action on these significant fronts during the first session of the 92d Congress will now be matched by action in other areas during the second session. The Health Maintenance Organization Act, for example, is an essential tool for helping doctors deliver care more effectively and more efficiently with a greater emphasis on prevention and early treatment. By working to keep our people healthy instead of treating us only when we are sick, Health Maintenance Organizations can do a great deal to help us reduce medical costs.

Our National Health Insurance Partnership legislation is also essential to assure that no American is denied basic medical care because of inability to pay. Too often, present health insurance leaves critical outpatient services uncovered, distorting the way in which facilities are used. It also fails to protect adequately against catastrophic costs and to provide sufficient assistance for the poor. The answer I have suggested is a comprehensive national plan—not one that nationalizes our private health insurance industry but one that corrects the weaknesses in that system while building on its considerable strengths.

A large part of the enormous increase in the Nation's expenditures on health in recent years has gone not to additional services but merely to meet price inflation. Our efforts to balance the growing demand for care with an increased supply of services will help to change this picture. So will that part of our economic program which is designed to control medical costs. I am confident that with the continued cooperation of those who provide health services, we will succeed on this most important battlefront in our war against inflation.

Our program for the next year will also include further funding increases for health research—including substantial new sums for cancer and sickle cell anemia—as well as further increases for medical schools and for meeting special problems such as drug addiction and alcoholism. We also plan to construct new veterans hospitals and expand the staffs at existing ones.

In addition, we will be giving increased attention to the fight against diseases of the heart, blood vessels and lungs, which presently account for more than half of all the deaths in this country. It is deeply disturbing to realize that, largely because of heart disease, the mortality rate for men under the age of 55 is about twice as great in the United States as it is, for example, in some Scandinavian countries.

I will shortly assign a panel of distinguished experts to help us determine why heart disease is so prevalent and so menacing and what we can do about it. I will also recommend an expanded budget for the National Heart and Lung Institute. The young father struck down by a heart attack in the prime of life, the productive citizen crippled by a stroke, an older person tortured by breathing difficulties during his later years—these are tragedies which can be reduced in number and we must do all that is possible to reduce them.

NUTRITION

One of the critical areas in which we have worked to advance the health of the Nation is that of combating hunger and improving nutrition. With the increases in our new budget, expenditures on our food stamp program will have increased ninefold since 1969, to the $2.3 billion level. Spending on school lunches for needy children will have increased more than sevenfold, from $107 million in 1969 to $770 million in 1973. Because of new regulations which will be implemented in the year ahead, we will be able to increase further both the equity of our food stamp program and the adequacy of its benefits.

COPING WITH ACCIDENTS—AND PREVENTING THEM

Last year, more than 115,000 Americans lost their lives in accidents. Four hundred thousand more were permanently disabled and 10 million were temporarily disabled. The loss to our economy from accidents last year is estimated at over $28 billion. These are sad and staggering figures—especially since this toll could be greatly reduced by upgrading our emergency medical services. Such improvement does not even require new scientific breakthroughs; it only requires that we apply our present knowledge more effectively.

To help in this effort, I am directing the Department of Health, Education and Welfare to develop new ways of organizing emergency medical services and of providing care to accident victims. By improving communication, transportation, and the training of emergency personnel, we can save many thousands of lives which would otherwise be lost to accidents and sudden illnesses.

One of the significant joint accomplishments of the Congress and this administration has been a vigorous new program to protect against job-related accidents and illnesses. Our occupational health and safety program will be further strengthened in the year ahead—as will our ongoing efforts to promote air traffic safety, boating safety, and safety on the highways.

In the last 3 years, the motor vehicle death rate has fallen by 13 percent, but we still lose some 50,000 lives on our highways *each year*—more than we have lost in combat in the entire Vietnam war.

Fully one-half of these deaths were directly linked to alcohol. This appalling reality is a blight on our entire Nation—and only the active concern of the entire Nation can remove it. The Federal Government will continue to help all it can, through its efforts to promote highway safety and automobile safety, and through stronger programs to help the problem drinker.

YESTERDAY'S GOALS: TOMORROW'S ACCOMPLISHMENTS

Welfare reform, revenue sharing, executive reorganization, environmental protection, and the new national health strategy—these, along with economic improvement, constituted the six great goals I emphasized in my last State of the Union address—six major components of a New American Revolution. They remain six areas of great concern today. With the cooperation of the Congress, they can be six areas of great accomplishment tomorrow.

But the challenges we face cannot be reduced to six categories. Our problems—and our opportunities—are manifold, and action on many fronts is required. It is partly for this reason that my State of the Union address this year includes this written message to the Congress. For it gives me the chance to discuss more fully a number of programs which also belong on our list of highest priorities.

ACTION FOR THE AGING

Last month, I joined with thousands of delegates to the White House Conference on Aging in a personal commitment to make 1972 a year of action on behalf of 21 million older Americans. Today I call on the Congress to join me in that pledge. For unless the American dream comes true for our older generation it cannot be complete for any generation.

We can begin to make this a year of action for the aging by acting on a number of proposals which have been pending since 1969. For older Americans, the most significant of these is the bill designated H.R. 1. This legislation, which also contains our general welfare reform measures, would place a national floor under the income of all older Americans, guarantee inflation-proof social security benefits, allow social security recipients to earn more from their own work, increase benefits for widows, and provide a 5-percent across-the-board increase in social security. Altogether, H.R. 1—as it now stands—would mean some $5.5 billion in increased benefits for America's older citizens. I hope the Congress will also take this opportunity to eliminate the $5.80 monthly fee now charged under Part B of Medicare—a step which would add an additional $1.5 billion to the income of the elderly. These additions would come on top of earlier social security increases totaling some $3 billion over the last 3 years.

A number of newer proposals also deserve approval. I am requesting that the budget of the Administration on Aging be increased five-fold over last year's request, to $100 million, in part so that we can expand programs which help older citizens live dignified lives in their own homes. I am recommending substantially larger budgets for those programs which give older Americans a better chance to serve their countrymen—Retired Senior Volunteers, Foster Grandparents, and others. And we will also work to ease the burden of property taxes which so many older Americans find so inequitable and so burdensome. Other initiatives, including proposals for extending and improving the Older Americans Act, will be presented as we review the recommendations of the White House Conference on Aging. Our new Cabinet-level Domestic Council Committee on Aging has these recommendations at the top of its agenda.

We will also be following up in 1972 on one of the most important of our 1971 initiatives—the crackdown on substandard nursing homes. Our follow-through will give special attention to providing alternative arrangements for those who are victimized by such facilities.

The legislation I have submitted to provide greater financial security at retirement, both for those now covered by private pension plans and those who are not, also merits prompt action by the Congress. Only half the country's work force is now covered by tax deductible private pensions; the other half deserve a tax deduction for their retirement savings too. Those who are now covered by pension plans deserve the assurance that their plans are administered under strict fiduciary standards with full disclosure. And they should also have the security provided by prompt vesting—the assurance that even if one leaves a given job, he can still receive the pension he earned there when he retires. The legislation I have proposed would achieve these goals, and would also raise the limit on deductible pension savings for the self-employed.

The state of our Union is strong today because of what older Americans have so long been giving to their country. The state of our Union will be stronger tomorrow if we recognize how much they still can contribute. The best thing our country can give to its older citizens is the chance to be a part of it, the chance to play a continuing role in the great American adventure.

EQUAL OPPORTUNITY FOR MINORITIES

America cannot be at its best as it approaches its 200th birthday unless all Americans have the opportunity to be at their best. A free and open American society, one that is true to the ideals of its founders, must give each of its citizens an equal chance at the starting line and an equal opportunity to go as far and as high as his talents and energies will take him.

The Nation can be proud of the progress it has made in assuring equal opportunity for members of minority groups in recent years. There are many measures of our progress.

Since 1969, we have virtually eliminated the dual school system in the South. Three years ago, 68 percent of all black children in the South were attending all black schools; today only 9 percent are attending schools which are entirely black. Nationally, the number of 100 percent minority schools has decreased by 70 percent during the past 3 years. To further expand educational opportunity, my proposed budget for predominantly black colleges will exceed $200 million next year, more than double the level of 3 years ago.

On the economic front, overall Federal aid to minority business enterprise has increased threefold in the last 3 years, and I will propose a further increase of $90 million. Federal hiring among minorities has been intensified, despite cutbacks in Federal employment, so that one-fifth of all Federal employees are now members of minority groups. Building on strong efforts such as the Philadelphia Plan, we will work harder to ensure that Federal contractors meet fair hiring standards. Compliance reviews will be stepped up to a level more than 300 percent higher than in 1969. Our proposed budget for the Equal Employment Opportunity Commission will be up 36 percent next year, while our proposed budget for enforcing fair housing laws will grow by 20 percent. I also support legislation to strengthen the enforcement powers of the EEOC by providing the Commission with authority to seek court enforcement of its decisions and by giving it jurisdiction over the hiring practices of State and local governments.

Overall, our proposed budget for civil rights activities is up 25 percent for next year, an increase which will give us nearly three times as much money for advancing civil rights as we had 3 years ago. We also plan a 42 percent increase in the budget for the Cabinet Committee on Opportunities for the Spanish Speaking. And I will propose that the Congress extend the operations of the Civil Rights Commission for another 5-year period.

SELF-DETERMINATION FOR INDIANS

One of the major initiatives in the second year of my Presidency was designed to bring a new era in which the future for American Indians is determined by Indian acts and Indian decisions. The comprehensive program I put forward sought to avoid the twin dangers of paternalism on the one hand and the termination of trust responsibility on the other. Some parts of this program have now become effective, including a generous settlement of the Alaska Native Claims and the return to the Taos Pueblo Indians of the sacred lands around Blue Lake. Construction grants have been authorized to assist the Navajo Community College, the first Indian-managed institution of higher education.

We are also making progress toward Indian self-determination on the administrative front. A newly reorganized Bureau of Indian Affairs, with almost all-Indian leadership, will from now on be concentrating its resources on a program of reservation-by-reservation development, including redirection of employment assistance to strengthen reservation economies, creating local Indian Action Teams for manpower training, and increased contracting of education and other functions to Indian communities.

I again urge the Congress to join in helping Indians help themselves in fields such as health, education, the protection of land and water rights, and economic development. We have talked about injustice to the first Americans long enough. As Indian leaders themselves have put it, the time has come for more rain and less thunder.

EQUAL RIGHTS FOR WOMEN

This administration will also continue its strong efforts to open equal opportunities for women, recognizing clearly that women are often denied such opportunities today. While every woman may not want a career outside the home, every woman should have the freedom to choose whatever career she wishes—and an equal chance to pursue it.

We have already moved vigorously against job discrimination based on sex in both the private and public sectors. For the first time, guidelines have been issued to require that Government contractors in the private sector have action plans for the hiring and promotion of women. We are committed to strong enforcement of equal employment opportunity for women under Title VII of the Civil Rights Act. To help carry out these commitments I will propose to the Congress that the jurisdiction of the Commission on Civil Rights be broadened to encompass sex-based discrimination.

Within the Government, more women have been appointed to high posts than ever before. As the result of my directives issued in April 1971, the number of women appointed to high-level Federal positions has more than doubled—and the number of women in Federal middle management positions has also increased dramatically. More women than ever before have been appointed to Presidential boards and commissions. Our vigorous program to recruit more women for Federal service will be continued and intensified in the coming year.

OPPORTUNITY FOR VETERANS

A grateful nation owes its servicemen and servicewomen every opportunity it can open to them when they return to civilian life. The Nation may be weary of war, but we dare not grow weary of doing right by those who have borne its heaviest burdens.

The Federal Government is carrying out this responsibility in many ways: through the G.I. Bill for education—which will spend 2½ times more in 1973 than in 1969; through home loan programs and disability and pension benefits—which also have been expanded; through better medical services including strong new drug treatment programs; through its budget for veterans hospitals, which is already many times the 1969 level and will be stepped up further next year.

We have been particularly concerned in the last 3 years with the employment of veterans—who experience higher unemployment rates than those who have not served in the Armed Forces. During this past year I announced a six-point national program to increase public awareness of this problem, to provide training and counseling to veterans seeking jobs and to help them find employment opportunities. Under the direction of the Secretary of Labor and with the help of our Jobs for Veterans Committee and the National Alliance of Businessmen, this program has been moving forward. During its first five months of operation, 122,000 Vietnam-era veterans were placed in jobs by the Federal-State Employment Service and 40,000 were enrolled in job training programs. During the next six months, we expect the Federal-State Employment Service to place some 200,000 additional veterans in jobs and to enroll nearly 200,000 more in manpower training programs.

But let us never forget, in this as in so many other areas, that the opportunity for any individual to contribute fully to his society depends in the final analysis on the response—in his own community—of other individuals.

GREATER ROLE FOR AMERICAN YOUTH

Full participation and first class citizenship—these must be our goals for America's young people. It was to help achieve these goals that I signed legislation to lower the minimum voting age to 18 in June of 1970, and moved to secure a court validation of its constitutionality. And I took special pleasure a year later in witnessing the certification of the amendment which placed this franchise guarantee in the Constitution.

But a voice at election time alone is not enough. Young people should have a hearing in government on a day-by-day basis. To this end, and at my direction, agencies throughout the Federal Government have stepped up their hiring of young people and have opened new youth advisory channels. We have also convened the first White House Youth Conference—a wide-open forum whose recommendations have been receiving a thorough review by the Executive departments.

Several other reforms also mean greater freedom and opportunity for America's young people. Draft calls have been substantially reduced, as a step toward our target of reducing them to zero by mid-1973. The lottery system and other new procedures and the contributions of youth advisory councils and younger members on local boards have made the draft far more fair than it was. My educational reform proposals embody the principle that no qualified student who wants to go to college should be barred by lack of money—a guarantee that would open doors of opportunity for many thousands of deserving young people. Our new career education emphasis can also be a significant springboard to good jobs and rewarding lives.

Young America's "extra dimension" in the sixties and seventies has been a drive to help the less fortunate—an activist idealism bent on making the world a better place to live. Our new ACTION volunteer agency, building on the successful experiences of constituent units such as the Peace Corps and Vista, has already broadened service opportunities for the young—and more new programs are in prospect. The Congress can do its part in forwarding this positive momentum by assuring that the ACTION programs have sufficient funds to carry out their mission.

THE AMERICAN FARMER

As we face the challenge of competing more effectively abroad and of producing more efficiently at home, our entire Nation can take the American farmer as its model. While the productivity of our non-farm industries has gone up 60 percent during the last 20 years, agricultural productivity has gone up 200 percent, or nearly 3½ times as much. One result has been better products and lower prices for American consumers. Another is that farmers have more than held their own in international markets. Figures for the last fiscal year show nearly a $900 million surplus for commercial agricultural trade.

The strength of American agriculture is at the heart of the strength of America. American farmers deserve a fair share in the fruits of our prosperity.

We still have much ground to cover before we arrive at that goal—but we have been moving steadily toward it. In 1950 the income of the average farmer was only 58 percent of that of his non-farm counterpart. Today that figure stands at 74 percent—not nearly high enough, but moving in the right direction.

Gross farm income reached a record high in 1971, and for 1972 a further increase of $2 billion is predicted. Because of restraints on production costs, net farm income is expected to rise in 1972 by 6.4 percent or some $1 billion. Average income per farm is expected to go up 8 percent—to an all-time high—in the next 12 months.

Still there are very serious farm problems—and we are taking strong action to meet them.

I promised 3 years ago to end the sharp skid in farm exports—and I have kept that promise. In just 2 years, farm exports climbed by 37 percent, and last year they set an all-time record. Our expanded marketing programs, the agreement to sell 2 million tons of feed grains to the Soviet Union, our massive aid to South Asia under Public Law 480, and our efforts to halt transportation strikes—by doing all we can under the old law and by proposing a new and better one—these efforts and others are moving us toward our $10 billion farm export goal.

I have also promised to expand domestic markets, to improve the management of surpluses, and to help in other ways to raise the prices received by farmers. I have kept that promise, too. A surprisingly large harvest drove corn prices down last year, but they have risen sharply since last November. Prices received by dairy farmers, at the highest level in history last year, will continue strong in 1972. Soybean prices will be at their highest level in two decades. Prices received by farmers for hogs, poultry and eggs are all expected to go higher. Expanded Government purchases and other assistance will also provide a greater boost to farm income.

With the close cooperation of the Congress, we have expanded the farmers' freedom and flexibility through the Agricultural Act of 1970. We have strengthened the Farm Credit System and substantially increased the availability of farm credit. Programs for controlling plant and animal disease and for soil and water conservation have also been expanded. All these efforts will continue, as will our efforts to improve the legal climate for cooperative bargaining—an important factor in protecting the vitality of the family farm and in resisting excessive government management.

DEVELOPING RURAL AMERICA

In my address to the Congress at this time 2 years ago, I spoke of the fact that one-third of our counties had lost population in the 1960's, that many of our rural areas were slowly being emptied of their people and their promise, and that we should work to reverse this picture by including rural America in a nationwide program to foster balanced growth.

It is striking to realize that even if we had a population of one billion—nearly five times the current level—our area is so great that we would still not be as densely populated as many European nations are at present. Clearly, our problems are not so much those of numbers as they are of distribution. We must work to revitalize the American countryside.

We have begun to make progress on this front in the last 3 years. Rural housing programs have been increased by more than 450 percent from 1969 to 1973. The number of families benefiting from rural water and sewer programs is now 75 percent greater than it was in 1969. We have worked to encourage sensible growth patterns through the location of Federal facilities. The first biennial Report on National Growth, which will be released in the near future, will further describe these patterns, their policy implications, and the many ways we are responding to this challenge.

But we must do more. The Congress can begin by passing my $1.1 billion program of Special Revenue Sharing for Rural Community Development. In addition, I will soon present a major proposal to expand significantly the credit authorities of the Farmers Home Administration, so that this agency—which has done so much to help individual farmers—can also help spur commercial, industrial and community development in rural America. Hopefully, the FHA will be able to undertake this work as a part of a new Department of Community Development.

In all these ways, we can help ensure that rural America will be in the years ahead what it has been from our Nation's beginning—an area which looks eagerly to the future with a sense of hope and promise.

A COMMITMENT TO OUR CITIES

Our commitment to balanced growth also requires a commitment to our cities—to old cities threatened by decay, to suburbs now sprawling senselessly because of inadequate planning, and to new cities not yet born but clearly needed by our growing population. I discussed these challenges in my special message to the Congress on Population Growth and the American Future in the summer of 1969—and I have often discussed them since. My recommendations for transportation, education, health, welfare, revenue sharing, planning and management assistance, executive reorganization, the environment—especially the proposed Land Use Policy Act—and my proposals in many other areas touch directly on community development.

One of the keys to better cities is better coordination of these many components. Two of my pending proposals go straight to the heart of this challenge. The first, a new Department of Community Development, would provide a single point of focus for our strategy for growth. The second, Special Revenue Sharing for Urban Community Development, would remove the rigidities of categorical project grants which now do so much to fragment planning, delay action, and discourage local responsibility. My new budget proposes a $300 million increase over the full year level which we proposed for this program a year ago.

The Department of Housing and Urban Development has been working to foster orderly growth in our cities in a number of additional ways. A Planned Variation concept has been introduced into the Model Cities program which gives localities more control over their own future. HUD's own programs have been considerably decentralized. The New Communities Program has moved forward and seven projects have received final approval. The Department's efforts to expand mortgage capital, to more than double the level of subsidized housing, and to encourage new and more efficient building techniques through programs like Operation Breakthrough have all contributed to our record level of housing starts. Still more can be done if the Congress enacts the administration's Housing Consolidation and Simplification Act, proposed in 1970.

The Federal Government is only one of many influences on development patterns across our land. Nevertheless, its influence is considerable. We must do all we can to see that its influence is good.

IMPROVING TRANSPORTATION

Although the executive branch and the Congress have been led by different parties during the last 3 years, we have cooperated with particular effectiveness in the field of transportation. Together we have shaped the Urban Mass Transportation Assistance Act of 1970—a 12-year, $10 billion effort to expand and improve our common carriers and thus make our cities more livable. We have brought into effect a 10-year $3 billion ship construction program as well as increased research efforts and a modified program of operating subsidies to revamp our merchant marine. We have accelerated efforts to improve air travel under the new Airport and Airway Trust Fund and have been working in fresh ways to save and improve our railway passenger service. Great progress has also been made in promoting transportation safety and we have moved effectively against cargo thefts and skyjacking.

I hope this strong record will be even stronger by the time the 92nd Congress adjourns. I hope that our Special Revenue Sharing program for transportation will by then be a reality—so that cities and States can make better long-range plans with greater freedom to achieve their own proper balance among the many modes of transportation. I hope, too, that our recommendations for revitalizing surface freight transportation will by then be accepted, including measures both to modernize railway equipment and operations and to update regulatory practices. By encouraging competition, flexibility and efficiency among freight carriers, these steps could save the American people billions of dollars in freight costs every year, helping to curb inflation, expand employment and improve our balance of trade.

One of our most damaging and perplexing economic problems is that of massive and prolonged transportation strikes. There is no reason why the public should be the helpless victim of such strikes—but this is frequently what happens. The dock strike, for example, has been extremely costly for the American people, particularly for the farmer for whom a whole year's income can hinge on how promptly he can move his goods. Last year's railroad strike also dealt a severe blow to our economy.

Both of these emergencies could have been met far more effectively if the Congress had enacted my Emergency Public Interest Protection Act, which I proposed in February of 1970. By passing this legislation in this session, the Congress can give us the permanent machinery so badly needed for resolving future disputes.

Historically, our transportation systems have provided the cutting edge for our development. Now, to keep our country from falling behind the times, we must keep well ahead of events in our transportation planning. This is why we are placing more emphasis and spending more money this year on transportation research and development. For this reason, too, I will propose a 65 percent increase—to the $1 billion level—in our budget for mass transportation. Highway building has been our first priority—and our greatest success story—in the past two decades. Now we must write a similar success story for mass transportation in the 1970's.

PEACE AT HOME: FIGHTING CRIME

Our quest for peace abroad over the last 3 years has been accompanied by an intensive quest for peace at home. And our success in stabilizing developments on the international scene has been matched by a growing sense of stability in America. Civil disorders no longer engulf our cities. Colleges and universities have again become places of learning. And while crime is still increasing, the rate of increase has slowed to a 5-year low. In the one city for which the Federal Government has a special responsibility—Washington, D.C.—the picture is even brighter, for here serious crime actually fell by 13 percent in the last year. Washington was one of the 52 major cities which recorded a net reduction in crime in the first nine months of 1971, compared to 23 major cities which made comparable progress a year earlier.

This encouraging beginning is not something that has just happened by itself—I believe it results directly from strong new crime fighting efforts by this administration, by the Congress, and by State and local governments.

Federal expenditures on crime have increased 200 percent since 1969 and we are proposing another 18 percent increase in our new budget. The Organized Crime Control Act of 1970, the District of Columbia Court Reform Act, and the Omnibus Crime Control Act of 1970 have all provided new instruments for this important battle. So has our effort to expand the Federal strike force program as a weapon against organized crime. Late last year, we held the first National Conference on Corrections—and we will continue to move forward in this most critical field. I will also propose legislation to improve our juvenile delinquency prevention programs. And I again urge action on my Special Revenue Sharing proposal for law enforcement.

By continuing our stepped up assistance to local law enforcement authorities through the Law Enforcement Assistance Administration, by continuing to press for improved courts and correctional institutions, by continuing our intensified war on drug abuse, and by continuing to give vigorous support to the principles of order and respect for law, I believe that what has been achieved in the Nation's capital can be achieved in a growing number of other communities throughout the Nation.

COMBATING DRUG ABUSE

A problem of modern life which is of deepest concern to most Americans—and of particular anguish to many—is that of drug abuse. For increasing dependence on drugs will surely sap our Nation's strength and destroy our Nation's character.

Meeting this challenge is not a task for government alone. I have been heartened by the efforts of millions of individual Americans from all walks of life who are trying to communicate across the barriers created by drug use, to reach out with compassion to those who have become drug dependent. The Federal Government will continue to lead in this effort. The last 3 years have seen an increase of nearly 600 percent in Federal expenditures for treatment and rehabilitation and an increase of more than 500 percent in program levels for research, education and training. I will propose further substantial increases for these programs in the coming year.

In order to develop a national strategy for this effort and to coordinate activities which are spread through nine Federal agencies, I asked Congress last June to creater a Special Action Office for Drug Abuse Prevention. I also established an interim Office by Executive order, and that unit is beginning to have an impact. But now we must have both the legislative authority and the funds I requested if this Office is to move ahead with its critical mission.

On another front, the United States will continue to press for a strong collective effort by nations throughout the world to eliminate drugs at their source. And we will intensify the world-wide attack on drug smugglers and all who protect them. The Cabinet Committee on International Narcotics Control—which I created last September—is coordinating our diplomatic and law enforcement efforts in this area.

We will also step up our program to curb illicit drug traffic at our borders and within our country. Over the last 3 years Federal expenditures for this work have more than doubled, and I will propose a further funding increase next year. In addition, I will soon initiate a major new program to drive drug traffickers and pushers off the streets of America. This program will be built around a nationwide network of investigative and prosecutive units, utilizing special grand juries established under the Organized Crime Control Act of 1970, to assist State and local agencies in detecting, arresting, and convicting those who would profit from the misery of others.

STRENGTHENING CONSUMER PROTECTION

Our plans for 1972 include further steps to protect consumers against hazardous food and drugs and other dangerous products. These efforts will carry forward the campaign I launched in 1969 to establish a "Buyer's Bill of Rights" and to strengthen consumer protection. As a part of that campaign, we have established a new Office of Consumer Affairs, directed by my Special Assistant for Consumer Affairs, to give consumers greater access to government, to promote consumer education, to encourage voluntary efforts by business, to work with State and local governments, and to help the Federal Government improve its consumer-related activities. We have also established a new Consumer Product Information Coordinating Center in the General Services Administration to help us share a wider range of Federal research and buying expertise with the public.

But many of our plans in this field still await Congressional action, including measures to insure product safety, to fight consumer fraud, to require full disclosure in warranties and guarantees, and to protect against unsafe medical devices.

REFORMING AND RENEWING EDUCATION

It was nearly 2 years ago, in March of 1970, that I presented my major proposals for reform and renewal in education. These proposals included student assistance measures to ensure that no qualified person would be barred from college by a lack of money, a National Institute of Education to bring new energy and new direction to educational research, and a National Foundation for Higher Education to encourage innovation in learning beyond high school. These initiatives are still awaiting final action by the Congress. They deserve prompt approval.

I would also underscore my continuing confidence that Special Revenue Sharing for Education can do much to strengthen the backbone of our educational system, our public elementary and secondary schools. Special Revenue Sharing recognizes the Nation's interest in their improvement without compromising the principle of local control. I also call again for the enactment of my $1.5 billion program of Emergency School Aid to help local school districts desegregate wisely and well. This program has twice been approved by the House and once by the Senate in different versions. I hope the Senate will now send the legislation promptly to the conference committee so that an agreement can be reached on this important measure at an early date.

This bill is designed to help local school districts with the problems incident to desegregation. We must have an end to the dual school system, as conscience and the Constitution both require—and we must also have good schools. In this connection, I repeat my own firm belief that educational quality—so vital to the future of all of our children—is not enhanced by unnecessary busing for the sole purpose of achieving an arbitrary racial balance.

FINANCING OUR SCHOOLS

I particularly hope that 1972 will be a year in which we resolve one of the most critical questions we face in education today: how best to finance our schools.

In recent years the growing scope and rising costs of education have so overburdened local revenues that financial crisis has become a way of life in many school districts. As a result, neither the benefits nor the burdens of education have been equitably distributed.

The brunt of the growing pressures has fallen on the property tax—one of the most inequitable and regressive of all public levies. Property taxes in the United States represent a higher proportion of public income than in almost any other nation. They have more than doubled in the last decade and have been particularly burdensome for our lower and middle income families and for older Americans.

These intolerable pressures—on the property tax and on our schools—led me to establish the President's Commission on School Finance in March of 1970. I charged this Commission with the responsibility to review comprehensively both the revenue needs and the revenue resources of public and non-public elementary and secondary education. The Commission will make its final report to me in March.

At the same time, the Domestic Council—and particularly the Secretaries of the Treasury and of Health, Education, and Welfare—have also been studying this difficult and tangled problem. The entire question has been given even greater urgency by recent court decisions in California, Minnesota, New Jersey, and Texas, which have held the conventional method of financing schools through local property taxes discriminatory and unconstitutional. Similar court actions are pending in more than half of our States. While these cases have not yet been reviewed by the Supreme Court, we cannot ignore the serious questions they have raised for our States, for our local school districts, and for the entire Nation.

The overhaul of school finance involves two complex and interrelated sets of problems: those concerning support of the schools themselves, and also the basic relationships of Federal, State and local governments in any program of tax reform.

We have been developing a set of comprehensive proposals to deal with these questions. Under the leadership of the Secretary of the Treasury, we are carefully reviewing the tax aspects of these proposals; and I have this week enlisted the Advisory Commission on Intergovernmental Relations in addressing the intergovernmental relations aspects. Members of the Congress and of the executive branch, Governors, State legislators, local officials and private citizens comprise this group.

Later in the year, after I have received the reports of both the President's Commission on School Finance and the Advisory Commission on Intergovernmental Relations, I shall make my final recommendations for relieving the burden of property taxes and providing both fair and adequate financing for our children's education—consistent with the principle of preserving the control by local school boards over local schools.

A NEW EMPHASIS ON CAREER EDUCATION

Career Education is another area of major new emphasis, an emphasis which grows out of my belief that our schools should be doing more to build self-reliance and self-sufficiency, to prepare students for a productive and fulfilling life. Too often, this has not been happening. Too many of our students, from all income groups, have been "turning off" or "tuning out" on their educational experiences. And—whether they drop out of school or proceed on to college—too many young people find themselves unmotivated and ill equipped for a rewarding social role. Many other Americans, who have already entered the world of work, find that they are dissatisfied with their jobs but feel that it is too late to change directions, that they already are "locked in."

One reason for this situation is the inflexibility of our educational system, including the fact that it so rigidly separates academic and vocational curricula. Too often vocational education is foolishly stigmatized as being less desirable than academic preparation. And too often the academic curriculum offers very little preparation for viable careers. Most students are unable to combine the most valuable features of both vocational and academic education; once they have chosen one curriculum, it is difficult to move to the other.

The present approach serves the best interests of neither our students nor our society. The unhappy result is high numbers of able people who are unemployed, underemployed, or unhappily employed on the one hand—while many challenging jobs go begging on the other.

We need a new approach, and I believe the best new approach is to strengthen Career Education.

Career Education provides people of all ages with broader exposure to and better preparation for the world of work. It not only helps the young, but also provides adults with an opportunity to adapt their skills to changing needs, changing technology, and their own changing interests. It would not prematurely force an individual into a specific area of work but would expand his ability to choose wisely from a wider range of options. Neither would it result in a slighting of academic preparation, which would remain a central part of the educational blend.

Career Education is not a single specific program. It is more usefully thought of as a goal—and one that we can pursue through many methods. What we need today is a nationwide search for such methods—a search which involves every area of education and every level of government. To help spark this venture, I will propose an intensified Federal effort to develop model programs which apply and test the best ideas in this field.

There is no more disconcerting waste than the waste of human potential. And there is no better investment than an investment in human fulfillment. Career Education can help make education and training more meaningful for the student, more rewarding for the teacher, more available to the adult, more relevant for the disadvantaged, and more productive for our country.

MANPOWER PROGRAMS: TAPPING OUR FULL POTENTIAL

Our trillion dollar economy rests in the final analysis on our 88 million member labor force. How well that force is used today, how well that force is prepared for tomorrow—these are central questions for our country.

They are particularly important questions in a time of stiff economic challenge and burgeoning economic opportunity. At such a time, we must find better ways to tap the full potential of every citizen.

This means doing all we can to open new education and employment opportunities for members of minority groups. It means a stronger effort to help the veteran find useful and satisfying work and to tap the enormous talents of the elderly. It means helping women—in whatever role they choose—to realize their full potential. It also means caring for the unemployed—sustaining them, retraining them and helping them find new employment.

This administration has grappled directly with these assignments. We began by completely revamping the Manpower Administration in the Department of Labor. We have expanded our manpower programs to record levels. We proposed—and the Congress enacted—a massive reform of unemployment insurance, adding 9 million workers to the system and expanding the size and duration of benefits. We instituted a Job Bank to match jobs with available workers. The efforts of the National Alliance of Businessmen to train and hire the hard-core unemployed were given a new nationwide focus. That organization has also joined with our Jobs for Veterans program in finding employment for returning servicemen. We have worked to open more jobs for women. Through the Philadelphia Plan and other actions, we have expanded equal opportunity in employment for members of minority groups. Summer jobs for disadvantaged youths went up by one-third last summer. And on July 12 of last year I signed the Emergency Employment Act of 1971, providing more than 130,000 jobs in the public sector.

In the manpower field, as in others, there is also an important unfinished agenda. At the top of this list is my Special Revenue Sharing program for manpower—a bill which would provide more Federal dollars for manpower training while increasing substantially the impact of each dollar by allowing States and cities to tailor training to local labor conditions. My welfare reform proposals are also pertinent in this context, since they are built around the goal of moving people from welfare rolls to payrolls. To help in this effort, H.R. 1 would provide transitional opportunities in community service employment for another 200,000 persons. The Career Education program can also have an important long-range influence on the way we use our manpower. And so can a major new thrust which I am announcing today to stimulate more imaginative use of America's great strength in science and technology.

MARSHALLING SCIENCE AND TECHNOLOGY

As we work to build a more productive, more competitive, more prosperous America, we will do well to remember the keys to our progress in the past. There have been many, including the competitive nature of our free enterprise system; the energy of our working men and women; and the abundant gifts of nature. One other quality which has always been a key to progress is our special bent for technology, our singular ability to harness the discoveries of science in the service of man.

At least from the time of Benjamin Franklin, American ingenuity has enjoyed a wide international reputation. We have been known as a people who could "build a better mousetrap"—and this capacity has been one important reason for both our domestic prosperity and our international strength.

In recent years, America has focused a large share of its technological energy on projects for defense and for space. These projects have had great value. Defense technology has helped us preserve our freedom and protect the peace. Space technology has enabled us to share unparalleled adventures and to lift our sights beyond earth's bounds.

The daily life of the average man has also been improved by much of our defense and space research—for example, by work on radar, jet engines, nuclear reactors, communications and weather satellites, and computers. Defense and space projects have also enabled us to build and maintain our general technological capacity, which—as a result—can now be more readily applied to civilian purposes.

America must continue with strong and sensible programs of research and development for defense and for space. I have felt for some time, however, that we should also be doing more to apply our scientific and technological genius directly to domestic opportunities. Toward this end, I have already increased our civilian research and development budget by more than 40 percent since 1969 and have directed the National Science Foundation to give more attention to this area.

I have also reoriented our space program so that it will have even greater domestic benefits. As a part of this effort, I recently announced support for the development of a new earth orbital vehicle that promises to introduce a new era in space research. This vehicle, the space shuttle, is one that can be recovered and used again and again, lowering significantly both the cost and the risk of space operations. The space shuttle would also open new opportunity in fields such as weather forecasting, domestic and international communications, the monitoring of natural resources, and air traffic safety.

The space shuttle is a wise national investment. I urge the Congress to approve this plan so that we can realize these substantial economies and these substantial benefits.

Over the last several months, this administration has undertaken a major review of both the problems and the opportunities for American technology. Leading scientists and researchers from our universities and from industry have contributed to this study. One important conclusion we have reached is that much more needs to be known about the process of stimulating and applying research and development. In some cases, for example, the barriers to progress are financial. In others they are technical. In still other instances, customs, habits, laws, and regulations are the chief obstacles. We need to learn more about all these considerations—and we intend to do so. One immediate step in this effort will be the White House Conference on the Industrial World Ahead which will convene next month and will devote considerable attention to research and development questions.

But while our knowledge in this field is still modest, there are nevertheless a number of important new steps which we can take at this time. I will soon present specific recommendations for such steps in a special message to the Congress. Among these proposals will be an increase next year of $700 million in civilian research and development spending, a 15 percent increase over last year's level and a 65 percent increase over 1969. We will place new emphasis on cooperation with private research and development, including new experimental programs for cost sharing and for technology transfers from the public to the private sector. Our program will include special incentive for smaller high technology firms, which have an excellent record of cost effectiveness.

In addition, our Federal agencies which are highly oriented toward technology—such as the Atomic Energy Commission and the National Aeronautics and Space Administration—will work more closely with agencies which have a primary social mission. For example, our outstanding capabilities in space technology should be used to help the Department of Transportation develop better mass transportation systems. As has been said so often in the last 2 years, a nation that can send three people across 240,000 miles of space to the moon should also be able to send 240,000 people 3 miles across a city to work.

Finally, we will seek to set clear and intelligent targets for research and development, so that our resources can be focused on projects where an extra effort is most likely to produce a breakthrough and where the breakthrough is most likely to make a difference in our lives. Our initial efforts will include new or accelerated activities aimed at:

—creating new sources of clean and abundant energy;

—developing safe, fast, pollution-free transportation;

—reducing the loss of life and property from earthquakes, hurricanes and other natural disasters;

—developing effective emergency health care systems which could lead to the saving of as many as 30,000 lives each year;

—finding new ways to curb drug traffic and rehabilitate drug users.

And these are only the beginning.

I cannot predict exactly where each of these new thrusts will eventually lead us in the years ahead. But I can say with assurance that the program I have outlined will open new employment opportunities for American workers, increase the productivity of the American economy, and expand foreign markets for American goods. I can also predict with confidence that this program will enhance our standard of living and improve the quality of our lives.

Science and technology represent an enormous power in our life—and a unique opportunity. It is now for us to decide whether we will waste these magnificent energies—or whether we will use them to create a better world for ourselves and for our children.

A GROWING AGENDA FOR ACTION

The danger in presenting any substantial statement of concerns and requests is that any subject which is omitted from the list may for that reason be regarded as unimportant. I hope the Congress will vigorously resist any such suggestions, for there are many other important proposals before the House and the Senate which also deserve attention and enactment.

I think, for example, of our program for the District of Columbia. In addition to proposals already before the Congress, I will soon submit additional legislation outlining a special balanced program of physical and social development for the Nation's capital as part of our Bicentennial celebration. In this and other ways, we can make that celebration both a fitting commemoration of our revolutionary origins and a bold further step to fulfill their promise.

I think, too, of our program to help small businessmen, of our proposals concerning communications, of our recommendations involving the construction of public buildings, and of our program for the arts and humanities—where the proposed new budget is 6 times the level of 3 years ago.

In all, some 90 pieces of major legislation which I have recommended to the Congress still await action. And that list is growing longer. It is now for the Congress to decide whether this agenda represents the beginning of new progress for America—or simply another false start.

THE NEED FOR REASON AND REALISM

I have covered many subjects in this message. Clearly, our challenges are many and complex. But that is the way things must be for responsible government in our diverse and complicated world.

We can choose, of course, to retreat from this world, pretending that our problems can be solved merely by trusting in a new philosophy, a single personality, or a simple formula. But such a retreat can only add to our difficulties and our disillusion.

If we are to be equal to the complexity of our times we must learn to move on many fronts and to keep many commitments. We must learn to reckon our success not by how much we start but by how much we finish. We must learn to be tenacious. We must learn to persevere.

If we are to master our moment, we must first be masters of ourselves. We must respond to the call which has been a central theme of this message—the call to reason and to realism.

To meet the challenge of complexity we must also learn to disperse and decentralize power—at home and abroad—allowing more people in more places to release their creative energies. We must remember that the greatest resource for good in this world is the power of the people themselves—not moving in lockstep to the commands of the few—but providing their own discipline and discovering their own destiny.

Above all, we must not lose our capacity to dream, to see, amid the realities of today, the possibilities for tomorrow. And then—if we believe in our dreams—we also must wake up and work for them.

RICHARD NIXON.

THE WHITE HOUSE, *January 20, 1972*.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate resumed the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

The PRESIDING OFFICER. According to the previous order, the Senator from Pennsylvania is recognized.

AMENDMENT NO. 797

Mr. SCHWEIKER. Mr. President, I call up my amendment No. 797.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that further reading of the amendment may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

AMENDMENT No. 797

On page 38, line 11, immediately after "shall", insert the following: "so notify the General Counsel who may".

On page 40, line 23, immediately after "Commission" insert the following: "or, after issuance of a complaint, the General Counsel upon approval of the Commission".

On page 43, line 15, immediately after "The" insert the following: "General Counsel, upon the recommendation of the"; immediately after "Commission" insert a comma; and strike out the word "may" and insert in lieu thereof "shall".

On page 43, line 18, strike out "its" and insert in lieu thereof "the Commission's".

On page 43, line 20, strike out "its" and insert in lieu thereof "the Commission's".

On page 43, line 22, strike out "Commission" and insert in lieu thereof "General Counsel".

On page 45, line 19, strike out "Commission" and insert in lieu thereof "General Counsel".

One page 46, line 3, strike out "Commission" and insert in lieu thereof "General Counsel".

On page 46, line 4, strike out "its" and insert in lieu thereof "the Commission's".

On page 46, line 21, immediately after "the" insert the following: "the General Counsel, upon the recommendation of the"; and immediately after "Commission" insert a comma.

On page 46, line 22, strike out "it" and insert in lieu thereof "he".

On page 46, line 23, strike out "its" and insert in lieu thereof "the Commission's".

On page 47, line 23, strike out "Commission" and insert in lieu thereof "General Counsel".

On page 49, line 6, strike out "Commission" and insert in lieu thereof "General Counsel".

On page 50, line 1, immediately after "and the" insert "General Counsel, upon the recommendation of the"; and immediately after "Commission" insert a comma.

On page 50, line 1, strike out "may" and insert in lieu thereof "shall".

On page 56, lines 16 and 17, strike out "Commission" and insert in lieu thereof "General Counsel".

On page 58, line 18, immediately after "and", insert the following: ", except as provided in subsection (b),".

On page 58, line 22, immediately after "employees", insert the following: ", except that regional directors of the Commission shall be appointed by the Chiarman with the concurrence of the General Counsel.".

On page 59, immediately after line 22, insert a new subsection (e) as follows:

"(e) (1) Section 705 of the Act is amended by inserting the following new subsection (b):

"'(b) There shall be a General Counsel of the Commission appointed by the President, by and with the advice and consent of the Senate, for a term of four years. The General Counsel shall have responsibility for the issuance of complaints, the prosecution of such complaints before the Commission, and the conduct of litigation as provided in sections 706 and 707 of this title. The General Counsel shall have such other duties as the Commission may prescribe or as may be provided by law. The General Counsel shall appoint regional attorneys with the concurrence of the Chairman, and shall appoint such other employees in the Office of the General Counsel as may be necessary to assist in carrying out the General Counsel's responsibilities and functions under this title. In accordance with the provisions of section 554(d) of title 5, United States Code, no employee or agent of the Commission may engage in the performance of prosecutorial functions for the Commission in a case or any factually related case, and also participate or advise in the decision, recommended decision, or Commission review of a decision, except as a witness in public proceedings. The General Counsel of the Commission on the effective date of this Act shall continue in such position and perform the functions specified in this subsection until a successor is appointed and qualified.'

"(2) Subsections (b) through (j) of section 705 of such Act are redesignated as subsections (c) through (k), respectively."

On page 59, line 23, strike out "(e)" and insert in lieu thereof "(f)".

On page 60, line 3, strike out "(f)" and insert in lieu thereof "(g)".

On page 60, line 7, strike out "(g)" and insert in lieu thereof "(h)".

On page 61, line 10, strike out "(h)" and insert in lieu thereof "(i)".

On page 61, following line 23, add the following new subsection 9(d), as follows:

"(d) Section 5316 of such title is amended by adding at the end thereof the following new clause:

"(131) General Counsel of the Equal Employment Opportunity Commission."

Mr. SCHWEIKER. Mr. President, it is my intention to ask for the yeas and nays on the amendment upon the conclusion of the debate on the amendment.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Richard D. Siegel of the staff of the Committee on Labor and Public Welfare be permitted the privilege of the floor during the debate on S. 2515.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that the Senator from New York (Mr. JAVITS) may be recognized for the purpose of offering opening remarks on the bill, and that when he has finished his opening remarks I be permitted to continue with the presentation of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHWEIKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I am grateful to the Senator from Pennsylvania for yielding to me so that I may make my opening statement with respect to this measure, with which I have been very heavily involved, as I am the ranking minority member of the Committee on Labor and Public Welfare, which has reported the measure to the floor.

Mr. President, I fully support S. 2515 as reported out by the Committee on Labor and Public Welfare. This is a landmark measure, an effort to bring up to date the historic Civil Rights Act of 1964.

S. 2515 is a piece of unfinished national business which has been before us several times in past years. A similar bill passed the Senate during the last Congress, only to die in the House Rules Committee; and in 1966 a similar bill passed the House of Representatives, only to die in the Senate. We are now, however, finally at the point where both the House and the Senate can both act during the same Congress, for during the first session of this Congress the House passed an EEOC bill. It is now up to the Senate to act on S. 2515 to set the stage for a conference report and final enactment into law.

Mr. President, it is well known that throughout my service in the Senate I have been devoted to the issue of equal opportunity and I have stayed with that interest in many measures and through many struggles waged here and outside of this Chamber. I feel that, in a sense, this bill is the capstone of everything I have done in Congress in the civil rights field.

I come from a State which has a number of large cities, particularly New York City. I am a slum child myself, having been born and raised in the slums of New York City. I think I understand what makes the members of minorities and the poor, and those who are otherwise badly used in our society, have a failing of incentive, we hope that they will move forward into the normal ranks of aspiring and effective American society and there is nothing that is more important than employment to achieve that result. Indeed, employment is, in my judgment, the very key to the whole problem that we still face in this country, the most critical kind of emergency in respect of our relations with minorities, and especially the black minority of the United States. The critical element, whether we will or will not be successful or whether our country will be torn with strife, as it has been in the recent past, is employment.

A man who has a job and a little money in his pocket is capable of everything: better housing, emergence from the slums, participation, better educational opportunity, a cessation of the rates of dependence on public agencies, including brushes with the law; but a man who does not have that kind of substance and status is a man who is not only bereft but also adrift, and it is the root of all our troubles.

I emphasize this because it is critically important that we understand the ambit of this bill and what it is meant to do. It seeks to correct the major defects in title VII of the landmark Civil Rights Act of 1964.

Its deficiencies are lack of enforcement power in the Equal Opportunities Commission to effectuate the equal employment guarantees which we gave in title VII. Also, we seek to correct failure of our law to cover as many employees as it should in terms of business establishments and to cover employees at the State and local level, and, as the bill now reads, to centralize the administration of pattern and practice and the Federal contractor equal opportunity program into EEOC. I deal with these now briefly, and in turn.

ENFORCEMENT POWER FOR THE EEOC

In title 7 of the Civil Rights Act the Congress guaranteed to every American the right to be free from racial or religious or sex discrimination in employment. We also established the Equal Employment Opportunity Commission to administer the law but, unfortunately, as the result of compromises necessary to overcome a filibuster, we had to agree to strip the Commission of any effective power to enforce the act.

The main architect of the bill in this Chamber was Senator Everett Dirksen of Illinois, the minority leader. I believe history will both justify the compromise which had to be made and will not be unfair to Senator Dirksen. He followed what he thought were his deepest beliefs. The bill would not have passed or would not have been possible at all without him. There are many sections or parts of the bill which are absolutely critical to the achievement of social justice in the United States and adherence to the Constitution, but, even with respect to equal employment, the door was opened, albeit not as wide as I should have wished.

So what I say is not in any way derogating from the historic performance of Senator Dirksen in bringing about enactment. I think he was the most important single personality who had most to do with enactment of the Civil Rights Act of 1964, notwithstanding my feeling that a grave injustice and deficiency remained with respect to the enactment of enforcement machinery for equal employment opportunity.

Under the compromise fashioned in 1964 and embodied in present law, if the Commission is not successful in inducing voluntary compliance with the act, it is up to the person who is the subject of the unlawful discrimination to institute his own lawsuit against the employer or union guilty of violating the law, unless it can be shown that a pattern or practice of discrimination exists, in which case the Justice Department has the power to sue.

The purpose of S. 2515 is to remedy this wide gap in the Civil Rights Act of 1964 by granting to the Equal Employment Opportunity Commission the power to issue administrative cease-and-desist orders similar to those issued by other administrative agencies, such as the National Labor Relations Board.

When the 1964 act was under consideration, I and a number of other Senators were convinced that a governmental agency with some form of enforcement power was absolutely necessary to guarantee the fulfillment of the basic rights created by title 7 of the act. Yet, we had to accept the emasculation of the Commission's powers necessary to secure the votes needed for cloture.

This is not very new. We tried to get it done in 1964. We knew our experience would be that of deprivation as a result of our failure to have that remedy. As I said, we had to compromise in order to get a law. We did, and I am glad we did it. I hope now, given the opportunity to pass this bill, we repair what was so lacking then.

Sadly enough, experience under title 7 to date has borne out our concerns. Conciliation alone has not succeeded in ending discriminatory employment practices, nor does it show any reasonable promise of doing so.

The failure of the conciliation approach was strongly emphasized by many witnesses who testified before the committee, including William H. Brown III, present Chairman of the Commission. The failure of the conciliation approach is summarized very well on page 5 of the committee report as follows:

> The failure of the voluntary conciliation approach is reflected in the present EEOC workload statistics presented by its Chairman, William H. Brown, III. Since its inception, the Commission has received 81,000 charges. Of this number, the Commission has been able to achieve a totally, or even partially satisfactory conciliation in less than half. This means that in a significant number of cases the aggrieved individual was not able to achieve any satisfactory settlement of his claim through the EEOC, and was forced to either give up his or her claim or, if the necessary funds and time were available, to pursue the case through the Federal courts.
>
> While the above-noted number of charges is disturbing by its very size, it becomes even more significant when considered in light of the fact that each year the number of charges filed with the Commission continues to increase. For example, in FY 1970, 14,129 charges were filed with EEOC; in FY 1971, this number increased to 22,920 charges; and current estimates submitted by the Commission indicate that more than 32,000 charges will be filed this year. It is obvious that without effective enforcement powers, the EEOC will become little more than a receptacle for charges of violations of Title VII, and that an ever-increasing number of aggrieved individuals will be left without an adequate remedy for violations which are clearly prohibited by the law.

Another indication of the need to give the Commission effective enforcement power is the statistical evidence of the disparate employment situation faced by women and members of minority races throughout the Nation. For example, during 1970 the unemployment rate for whites was 5.4 percent, while unemployment rate for blacks was 6.3 percent. Similarly, in 1969 while the overall unemployment rate was 3.5 percent, unemployment for Spanish-speaking people was 6.0 percent.

Insofar as women are concerned, the evidence indicates that despite the Equal Pay Act and title 7 of the Civil Rights Act of 1964, women are still paid less than men for doing the same job. Thus, while the median salary for all scientists was $13,200, for women scientists it was $10,000.

I do not mean to imply that title 7 of the 1964 Civil Rights Act has had no effect. Some of the successful lawsuits brought by private litigants and the Justice Department under its pattern-or-practice authority have resulted in important and far-reaching changes in the practices of the employers or unions involved. Equally important, the threat of such lawsuits and the general change in social attitudes throughout the country have resulted in the end of many of the more blatant and overtly discriminatory hiring practices which at one time existed throughout American industry. But this does not mean that employment discrimination has ended; rather, it means that in many instances it has become more sophisticated and subtle. Indeed, inevitably, as attention turns away from entry level jobs to the question of promotions and highest management positions, where judgments by necessity are much more subjective, proving actual discrimination becomes more and more difficult.

There is substantial agreement on the need to put teeth into title 7 by granting the Commission some sort of enforcement power. The only issue really before us is what kind of enforcement power shall it be.

Predictions that enforcement power will be used as an imposition upon private business, to harass employers, and so forth, are absolutely invalid and not shown by experience. I was a party to the enactment of the Ives-Quinn bill in New York, the first antidiscrimination statute against discrimination in employment, in 1945, when I first got out of the Army. We heard the same predictions then—that there would be thousands upon thousands of cases of terrible harassment, the inability of business to operate at all, and so forth, and so forth. No such thing happened. It is now accepted, after 26 years, as an absolutely fundamental element of the law of the State of New York.

So it has been to the extent of the limited powers of the commission under the Federal law, and will be if we give the appropriate powers to the commission—to wit, the cease and desist power.

APPROPRIATENESS OF CEASE-AND-DESIST POWER

I believe that the most appropriate type of power for the Commission is the traditional cease-and-desist order remedy available to other administrative agencies with essentially quasi-judicial functions, such as the NLRB. This leads me to disagree with the administration proposal to permit the Commission to initiate proceedings in the Federal district courts, although I recognize that even that procedure would be a great step forward over existing law.

All of the traditional arguments usually advanced to justify the administrative order approach are fully applicable to the EEOC. Thus, there is clearly a need for uniformity in decisions under title 7 which a single decisionmaking agency can much better insure—at least until the Supreme Court decides a number of cases—than the different Federal courts can. There is also a great need for expertise in interpreting and applying the provisions of title 7 which only a specialized agency can insure. For example, one of the most critical areas under title 7 is testing of applicants for employment. Whether or not a given test is appropriate in a given case presents difficult psychological and sociological issues, as well as difficult problems in the analysis of job content and personnel policy. The Commission has already initiated important work in this area, but under the administration's proposal it will have to educate not only itself, but every Federal judge in the country on the proper resolution of these issues.

There is also the question of speed in case handling. While it is true that the Commission now has a large backlog of cases, its calendar is certainly no worse than that in some of our busier district courts. The committee bill includes provisions encouraging the Commission to dispose of cases within 6 months; that figure will rarely, if ever, be attained in Federal district courts.

Insofar as the question of fairness is concerned, some of those who support a court enforcement approach seem to argue that the administrative process is somehow inherently unfair and that the only way that due process can be obtained is through trials in the district courts. I cannot accept that premise. In the first place, the Administrative Procedures Act, as well as various specific provisions of S. 2515, guarantee procedural due process for all parties to Commission proceedings. Under the APA and the bill, all parties will have the right to be represented by counsel, to examine and cross-examine witnesses, to have a hearing conducted by an independent trial examiner, et cetera. Second, as a further safeguard for procedural due process, there will shortly be offered an amendment, which I understand is acceptable to the chairman of the committee, to provide for an independent general counsel. This will serve to guarantee the separation of prosecutorial and decisional functions within the Commission, which the APA requires. The adoption of this amendment should completely allay any remaining fears that employers, or anyone else for that matter, will not receive the fullest possible due process in proceedings before the Commission.

For these reasons, I support the granting of cease-and-desist power to the EEOC, as S. 2515 does, and shall oppose the amendment to permit direct court enforcement.

EXPANSION OF COVERAGE—EMPLOYEES OF STATE AND LOCAL GOVERNMENTS

Mr. President, I wish to address myself briefly now to the other desirable changes in existing law, to wit, the expansion of coverage to employers with eight or more employees, thereby materially reducing the present requirement and reaching more of small business, which, in fact, is somewhat more likely, if anything, because of the smallness of the enterprises and the lack of sophisticated personnel techniques, to be in danger of discriminating than even larger businesses upon whom the public eye is fixed.

So I am very strongly for including employers with eight or more employees, and also opening the law to employees of State and local governments and educational institutions.

I have long urged the coverage of employees of State and local governments, of whom there are over 10 million in the United States. The employment discrimination problem is especially acute in areas where there is heavy minority population. This goes for law enforcement, for education, and for the administration of justice.

Of all the classes of employment which should be subject to title 7 the most obvious, it seems to me, is employment in State and local government which, under the 14th amendment, must be free from arbitrary discrimination.

As noted in the committee report on the bill, the employment discrimination problem is particularly acute in those governmental activities which are most visible to the minority communities—notably education, law enforcement, and the administration of justice—with the result that the credibility of Government's claim to exist "for all the people—by all the people" is called into serious question. This point was made particularly strong by the Civil Rights Commission in its 1969 report on equal opportunity in State and local government employment. The Commission found that minorities are denied equal access to State and local government jobs through both institutional and overt discriminatory practices. Perpetuation of past discriminatory practices through de facto segregated job ladders, invalid selection techniques, and stereotyped supervisory opinions as to the capabilities of minorities as a class were found to be widespread, and if anything more pervasive than in private employment.

When the special nature of the State and local governmental activity involved is considered, the case for ending this kind of discrimination is even stronger. As the Commission pointed out in the introduction to its report:

> State and local governments are the nearly constant companions of every citizen of the United States. Most personal contacts with governments—so routine as to be taken for granted—are with State or local government. Policemen, firemen, and garbage collectors are included in its work force. From the time a birth is recorded at the city or county health department, to the time a burial permit is issued by the city or county, the daily activities of the citizen—education, employment, commerce, recreation—bring him into constant contact with State and local governments.

The committee bill does treat employees of State and local governments differently from other employees in one respect, however. Because of the strong feelings which this issue generated concerning the propriety of a Federal agency passing on the conduct of State and local officials, the committee adopted an amendment under which the Attorney General would litigate contested cases in the Federal district courts if conciliation by the Commission proved unsuccessful. I believe that in this area, involving as it may delicate problems of Federal-State relationships, it is desirable to have the judiciary, rather than an agency in the executive branch, even though it is independent, hear and determine contested cases.

TRANSFER OF PATTERN-OR-PRACTICE SUITS

The committee bill transfers the authority of the Justice Department to bring pattern-or-practice suits under section 707 to the EEOC. As a result of an amendment which I cosponsored and which was adopted by the committee, however, there is a 2-year hiatus during which the Justice Department will retain concurrent jurisdiction with the Commission to bring such suits. I believe that retention of concurrent jurisdiction for 2 years is an excellent way of insuring that we do not waste the extremely valuable expertise which has been gained by Justice Department lawyers prosecuting pattern-or-practice suits during the time it will take the Commission to tool up to meet its new responsibilities.

TRANSFER OF OFCC

The committee bill also transfers the functions of the Office of Federal Contract Compliance under Executive Order 11246. The Executive order deals with nondiscrimination and affirmative action requirements which must be complied with by Federal contractors. It is the Executive order program under which such controversial directives as the Philadelphia plan and Order No. 4 have been promulgated.

I have had some serious questions concerning the desirability of this particular transfer, at least at this time, and I am reserving my position on any amendment which I or others may offer to strike or delay it. Some of the reasons which have caused me to question the desirability of transferring OFCC at this time are as follows:

First, the Commission presently has a large backlog of cases. It is almost 2 years behind in processing its caseload. Giving the Commission enforcement power under title 7 will further increase its workload greatly. Under these circumstances would it be appropriate to give the Commission the added responsibility for enforcement of Executive Order 11246 right now?

Second, the nature of the Executive order program, involving as it does the cooperation of every single Federal executive agency, requires that its implementation come from the highest level of Government, that is, a Cabinet officer.

Third, concentration of all equal employment opportunity activity in one agency could make it easier for those who are opposed to the achievement of full equality of employment opportunity in America to curtail the program through a limitation on appropriations.

Fourth, the problems of coordination which existed among the various Federal programs dealing with equal employment opportunity have largely been solved through the steps which this administration has taken to insure much closer harmony among the Civil Rights Division of the Justice Department, the OFCC, and the EEOC. In particular, the EEOC and the OFCC have entered into a memorandum of understanding designed to avoid overlap, conflict, and duplication of the kind which regrettably did exist in prior years.

Fifth, proper implementation of the Executive order program requires a close working relationship between the Manpower Administration—which is in the Labor Department also—the contracting agencies, and the Federal contractors, for special manpower training and education programs are frequently an integral part of compliance programs.

Last, and by no means least, during the past few years under the present administration, OFCC has gone to great lengths to establish the concept of affirmative action as required under the Executive order program as something much more than just the duty not to engage in active discrimination in hiring. Under this concept of affirmative action OFCC has been able to promulgate plans, such as the Philadelphia plan, and numerous similar plans in other cities throughout the country, under which contractors agree to undertake good faith efforts to increase the utilization of minority group employees and women without reference to whether they are actually guilty of illegal discrimination. Many Senators will recall that in 1969 I vigorously, and ultimately successfully defended the Philadelphia plan on the Senate floor. I am happy to say that the legality of the plan was completely vindicated by the Third Circuit Court of Appeals in its decision—*Contractors Association of Eastern Pennsylvania* v. *Secretary of Labor*, 442 F. 2d 1959 (3d Cir. 1971).

Title 7 of the Civil Rights Act of 1964, on the other hand, is strictly a nondiscrimination law. Affirmative action may be ordered, but only as a remedy in a case of proven discrimination.

As I understand it, the committee report so states on pages 29–30, the committee does not intend, by approving the transfer of the functions of OFCC to EEOC, to alter in any way the scope or meaning of the Executive order program. Thus, if this transfer were to be made, the same agency—EEOC—would be administering different standards under title 7 and the Executive order. The result might be confusion in the agency and confusion in the minds of Federal contractors in dealing with the agency, or a watering down of the Executive order program so that it and the title 7 program become indistinguishable.

The reason I have hesitated thus far in offering an amendment to delay or strike the transfer provision is that despite some of OFCC's good initiatives during the past 3 years, I must confess that I am far from satisfied with the manner in which OFCC has discharged its administrative and management functions under the Executive order so far. While the affirmative action concept looks good, and plans like the Philadelphia plan also promise a great deal, OFCC was unable to supply to the committee staff concrete information showing the actual results of some of the programs they have initiated, or that it is actually applying the Executive order in a manner differently than title 7 would be applied. Thus, when the committee staff sought to ascertain whether the allegations of "motorcycle compliance" which have been made by some critics of the Philadelphia plan were valid, OFCC was unable to supply any information to show that a substantial number of the additional black employees working under Federal contract had not simply been pulled off other jobs to satisfy the requirements of the Philadelphia plan. Also, OFCC was unable to produce accurate information dealing with the number of employers supposedly "passed over" for failure to submit acceptable affirmative action plans.

Even more serious than any of OFCC's management deficiencies in my judgment, is the fact that during the 7 years the program has been administered by the OFCC, just one debarment order has been issued against a Federal contractor—with 10 employees. In the face of numerous court decisions in actions brought by the Justice Department and private parties in which employers have been found guilty of discrimination, and the knowledge we all share that employment discrimination is still a fact in this country, it is almost beyond understanding that with that one exception, not a single debarment order has ever been issued under the OFCC program.

I think it is unfortunate indeed, that for whatever reasons, and they are inexplicable to me, OFCC has been unable or unwilling to take the actions necessary to establish its credibility in effectuating an Executive order.

Thus, one of the matters I am exploring with the Labor Department at this time is the possibility of obtaining appropriate assurances that the necessary changes will be made in OFCC so that if, in fact, the transfer provision is stricken or delayed we can be sure that OFCC will more effectively administer the Executive Order 11246.

I know that organized labor is very desirous of having the transfer made of these Federal contractor equal employment opportunity matters to the Commission. I am very understanding of that, and would like to respond to it if possible. But I have felt it my duty to voice these doubts to the Senate, so that we may come to a collective decision upon it, and within the next few days I shall hope to propose to the Senate the way in which I think this ought to go, or to state to the Senate that I have been persuaded and will stand by the committee bill as submitted. As I say, I reserve that question.

To sum up, Mr. President, I feel that on the basic provisions of this bill, to wit, added enforcement power in the Commission of a traditional character, which we have given to other commissions, a reduction of the size of the establishment to which the law shall be applicable, and the bringing under the protection of the Commission of State and local employment, there is no question that I shall do my utmost to persuade the Senate that this is absolutely essential to complete the historic promise of the Civil Rights Act of 1964. Indeed, it has been too long deferred.

For the Office of Federal Contract Compliance, I shall present my own recommendations to the Senate, insofar as the Senate may be interested in receiving them, well before any action is necessary on that section of the bill.

Again, I express my appreciation to the Senator from Pennsylvania for yielding, and I hope to join him in the amendment he intends to propose.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHWEIKER. Mr. President, I rise in support of the amendment offered by the distinguished Senator from Ohio (Mr. TAFT), the distinguished Senator from New York (Mr. JAVITS), the distinguished Senator from Maryland (Mr. BEALL), and myself. I am offering this amendment today in behalf of the distinguished Senator from Ohio, as one of its cosponsors, as a result of his inability to be here because of pressing business in his home State.

This amendment would establish the Office of General Counsel, under the EEOC, who would be appointed by the President, with the advice and consent of the Senate, for a 4-year term. Under existing law the EEOC has a General Counsel's office but that office is clearly subordinate to the Chairman and other Commissioners. We feel, however, that since this bill, S. 2515, is going to turn the EEOC into a body very much like a court, this court should not either exercise control over its prosecutors or provide its own prosecutors. Instead, the prosecuting arm of the EEOC should be separate and distinct from the judicial arm. Hence, the reason for our amendment.

Our amendment, by setting up an independent General Counsel's office, would accomplish this. Thus, the Commission would not be able to sit as prosecutor, judge, and jury combined. The prosecuting attorneys would serve under an independent, presidentially appointed general counsel not tied to the rest of the agency. This would free the Commission members to concentrate on their work of hearing cases brought before them, much as judges would do in a regular court. The General Counsel and his staff attorneys would issue complaints, prosecute those complaints before the Commission, and conduct litigation both on individual cases and the "pattern and practice" type of suits. When we separate the prosecuting function from the EEOC's judicial function in this way, we are safeguarding due process of law before the EEOC for all parties concerned.

While the Administrative Procedure Act does require as a general policy that these functions shall be separate within a particular agency, our amendment underscores this in the case of the EEOC as a matter of congressional intent.

Under S. 2515, the EEOC would take on powers similar to those of the National Labor Relations Board. It is significant, Mr. President, that the National Labor Relations Board has since 1947 had an independent General Counsel's office as an entity separate from the Board itself. Congress decided, in the case of the NLRB, that that Board had sufficient power in its own right without also being in control of the prosecuting arm. This is the way I feel about the new EEOC that we are chartering in S. 2515. As we increase the powers of this agency, and with good reason for doing so, nevertheless we should clearly observe the traditional "separation of powers" doctrine that has always operated to protect all citizens from the abuse of Government power.

In order to explain in laymen's terms exactly what we are trying to do, I should say, first of all, that this bill, S. 2515, attempts to expedite the cases brought to the EEOC by citizens who feel they have been discriminated against for one reason or another in their search for employment.

The bill, S. 2515, as the distinguished Senator from New Jersey said yesterday and my colleague on this side of the aisle, the distinguished Senator from New York, said today, gives enforcement powers to the EEOC, namely the power to hear complaints and issue cease-and-desist orders. These orders are reviewable by the circuit courts of appeals, so we have in effect provided proceedings within the EEOC at the trial level, instead of holding these trials in the Federal district courts. After EEOC hears the case and issues an order, it is still subject to review by a court of appeals and then the Supreme Court. So we still have three distinct steps in resolving equal employment opportunities cases.

Because the bill is substituting the Equal Employment Opportunities Commission as a hearing body for the district court, our amendment is intended to provide the normal safeguards found in a court of law. Our amendment underscores that the EEOC prosecutor shall be separate and independent from the EEOC judge and the jury. The judge and the jury in this case will be the members of the Equal Employment Opportunities Commission.

But under our amendment, the prosecutor, a General Counsel will be appointed by the President, will be directly responsible to the President, and will be separate and independent from the judge and the jury, or the EEOC Commission. So that by the amendment we are offering today, we make it crystal clear that even though we are substituting what we believe is a fast, a fair, and a more efficient procedure—the EEOC hearing procedure—for the logjammed Federal courts, with their lengthy delays and great time consuming judicial processes, this will provide due process of law because the prosecutor and the judge are two distinct entities. So that this amendment, in a nutshell, would simply provide that the prosecutor and the judge shall not be the same person, shall not be in the same line of command, and shall not be responsible to the same people.

This amendment would give the President the right to name an independent EEOC General Counsel who would report solely to him. It would be his duty and his function to decide what cases to prosecute and what cases not to prosecute from the cases presented to him where injustice is alleged on the basis of race, color, creed, or sex. This would assure that once the prosecutor makes the decision to prosecute on the basis of discrimination, the judge and the jury in this case would be separate and distinct and will be, in effect, the new Equal Employment Opportunities Commission.

I can think of no better way to insure that the new and hopefully faster, more efficient system in S. 2515 will operate justly toward all Americans. Our amendment will protect the parties on both sides of the dispute and assure that the prosecutor and the judge come from two different appointment procedures and have two different responsibilities. In this case the prosecutor goes directly to the President himself for his appointment, and for advice and consent of the Senate.

This is a fair amendment. It is in keeping with our Nation's judicial history, judicial customs and our judicial system. It makes crystal clear the fact that we are trying to achieve, by this bill, and this amendment, a fast, efficient, and fair way to determine where alleged injustices exist in our society and to provide a way whereby, once proven to exist, they can be decided expeditiously so that the people most involved will know they can get a quick and fair hearing, for "justice delayed is justice denied."

I urge, Mr. President, the adoption of this amendment giving to the Equal Employment Opportunities Commission under our bill a new, independent General Counsel's Office.

The PRESIDING OFFICER (Mr. GAMBRELL). The question is on agreeing to the amendment of the Senator from Ohio.

Mr. WILLIAMS. Mr. President, I first want to state that, as manager of the bill, I am in agreement with the amendment which has been offered by the Senator from Ohio and fully explained by the Senator from Pennsylvania. It will make a substantial contribution to the substance of this legislation. It certainly meets many of the anxieties felt about the bill as it now exists.

This amendment calls for the establishment of a General Counsel's Office in the Equal Employment Opportunity Commission, which, though a part of the Commission and empowered to act in its name, is to be independent of its control. The purpose of the amendment is to insure that the prosecutorial and decisional functions of the Commission will be firmly separated and to eliminate any lingering notion that the Commission would be involved in a conflict of acting as prosecutor and judge.

Under the scheme of the Civil Rights Act of 1964, the Commission was established as an investigative body to facilitate a statutory scheme emphasizing voluntary compliance through the processes of conference, conciliation, and persuasion. To this end the Commission was empowered, after investigation, to determine only whether reasonable cause existed to believe that an employer, employment agency, or labor organization had violated the act. In essence, then, the Commission's primary present function—deciding whether to proceed on charges filed by aggrieved persons or individual Commissioners—has been wholly prosecutorial in nature. Likewise, the Commission's function in administering the day-to-day work of its component sections has involved the Commissioners, particularly the chairman, deeply in investigation, conciliation, case handling, and even litigation in title VII cases before the district courts.

The bill under consideration vests the Commission with extensive quasi-judicial powers similar to those possessed by many other administrative agencies, such as the Occupational Safety and Health Commission and the National Labor Relations Board. This amendment would reorganize the Commission along the lines of the NLRB which has an independent office of General Counsel created by Congress in the Taft-Hartley Act.

The Commission's present organization is devoted entirely to investigation and other prosecutorial functions. The preparation of reasonable cause decisions is closely tied to the work of investigative officials, who prepare draft decisions for the consideration of the Commission in many instances. It would be difficult for the Commission to abandon all its current practices and procedures immediately; to suddenly drop the reins of its present prosecutorial functions and withdraw to a purely decisional role as the Administrative Procedure Act requires. Indeed, the several functions of the Commission have become so commingled under present law that exceptional measures are necessary to assure that a firm dividing line is drawn between the Commission's prosecutorial and decisional functions in the future.

While the Administrative Procedures Act would mandate the separation of functions in any event, one way to accomplish this goal is to draw upon the time-tested experience of the NLRB and establish an independent General Counsel to exercise authority, on behalf of the Commission, over the issuance of complaints, conciliation efforts, and prosecution of complaints before the Commission and litigation in the courts.

Moreover, vesting an independent General Counsel with these powers will free the Commission from many of its administrative chores, thus enabling it to devote its time to quasi-judicial duties. The task of formulating policy, of course, would be left to the Commission.

The amendment assures charging parties of expert representation before the Commission because the charge will be prosecuted by attorneys in the General Counsel's Office instead of by appointed counsel.

It should be noted that this amendment contains a significant check on the powers of the General Counsel in respect to the issuance of complaints. If he decides not to process a charge of its conclusion, the charging party may nonetheless file an action in the appropriate district court seeking relief on his own behalf.

Therefore, this amendment would accomplish the goal of insuring that separation of powers basic fairness requires. It would facilitate the Commission's work in eradicating employment discrimination by enhancing public confidence in the fairness of its procedures. It will also permit the Commission to devote its time to its quasi-judicial duties. At the same time the integrity of the Commission is protected by its retention of its central policymaking role. And, finally, minority group members are assured of competent representation by employees of the General Counsel's Office, yet they are also protected against an undue concentration of power over the complaint process in the General Counsel by the ability to seek judicial relief when he refuses to act.

SUMMARY OF AMENDMENT

The amendment provides for the appointment by the President of the Commission's General Counsel for a 4-year term. It gives the General Counsel responsibility over the Commission's main prosecutorial functions: Issuance of complaints, their prosecution before the Commission, and conduct of all litigation in the Federal courts as well as other duties the Commission prescribes or the law provides. It does not give the General Counsel authority over the investigation of charges, the efforts of the Commission to achieve voluntary conciliation with respondents, except after a complaint has been issued, and supervision over Commission personnel except for the appointment of Regional Attorneys and concurrence in the Chairman's appointment of Regional Directors.

Furthermore, it contains the key language of section 5(c) of the Administrative Procedure Act which prohibits the same agency personnel engaged in the prosecution of a case or any similar case from having anything to do with the decision in such case or cases. The amendment also provides for the continuation of the General Counsel or Acting General Counsel in that position after enactment of this bill until a new appointee can take over. This will maintain some continuity in this important position.

RATIONALE OF THE AMENDMENT

The purpose of this amendment is to ensure fundamental fairness for respondents, integrity of the Commission's decisions, and confidence in the eyes of the public regarding such decisions. This is accomplished by the separation of functions that I have here described.

The appointment of the General Counsel by the President guarantees that he will not be the pawn of the Commission in carrying out his prosecutorial responsibilities. Those functions which are strictly prosecutional are, accordingly, made the responsibility of the General Counsel. It must be remembered, however, that the evil to be guarded against is the contaimination of the judicial function by the prosecutorial one. This would occur only when the same persons are actually engaged in both functions.

It is also necessary to avoid the creation of a two-headed agency with dual authority to make policy. Therefore, supervision and authority of agency personnel remains under the Chairman, with the exception of the appointment of Regional Attorneys, so that Commission policy will be effectively carried out. The exception as well as the requirement that the General Counsel concur in the appointment of the Regional Directors is to better enable the General Counsel to carry out his prosecutorial responsibilities in the field. The Commission and not the General Counsel oversees the concilation endeavors under the bill. Since fundamental policy decisions may be made at this juncture, the Commission should be responsible for the conciliation endeavors. The General Counsel may, however, after a complaint has been issued, engage in conciliation attempts—like any lawyer—in performance of his prosecutorial duties. Any agreement he may reach must be approved by the Commission before it has any effect. In this way the Commission exercises control over the policy regarding conciliation agreements. Likewise, investigations are left under the supervision of the Comsion so that the Commission will be the responsible party for the initial contact made with a respondent in the field as well as for the manner, timing, and conduct of the investigation as well as of the investigators.

Mr. President, as I indicated at the outset, I am in agreement with the amendment. The proposed change in the bill, in my judgment, is an improvement in the bill as reported to the Senate by the committee.

Two years ago when basically the same measure was before the Senate, I stood in the same position. An amendment with reference to General Counsel was offered, and again I indicated support. That amendment was agreed to. And we are in just about the same situation as this bill is before the Senate this year.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. ALLEN. Mr. President, do I understand the distinguished manager of the bill to state that he is going to recommend the acceptance of this amendment to set up a General Council for the EEOC?

Mr. WILLIAMS. The Senator is correct.

Mr. ALLEN. In the absence of the amendment, who would do the legal work for the Commission?

Mr. WILLIAMS. The General Counsel. It is not set up in a procedural way under the bill with what we call an independent General Counsel. There is General Counsel, and under the Administrative Procedure Act the functions must be separated. The pending amendment, I think, could be accurately described as formalizing the separation of functions otherwise required under the law.

Mr. ALLEN. In other words, without the pending amendment, the General Counsel for the Commission would do the legal work for the Commission; and, with the pending amendment, the General Counsel of the Commission would do the legal work for the Commission.

Mr. WILLIAMS. Without, again, the precision of stating the separation of functions that this amendment does achieve.

Mr. ALLEN. How does it separate the functions? Just how does the amendment separate the functions?

Mr. WILLIAMS. Under its provisions, the President appoints an independent General Counsel.

Mr. ALLEN. Yes, but who makes the policy? Will not the Commission continue to make the policy?

Mr. WILLIAMS. It depends on what policy the Senator is inquiring about.

Mr. ALLEN. The General Counsel is not to be a policymaking official, is he?

Mr. WILLIAMS. Could I in part reply with a question? Would the Senator from Alabama believe it to be a policy decision when the General Counsel makes a decision to prosecute a complaint?

Mr. ALLEN. That is what I am trying to find out.

Mr. WILLIAMS. If that is a policy decision, that is what the General Counsel does. He makes the decision to prosecute the complaint.

Mr. ALLEN. Then he becomes, in effect, the Commission; is that correct?

Mr. WILLIAMS. No. It is just the opposite. He becomes the prosecutor.

Mr. ALLEN. I am trying to find out in whom the policymaking power reposes.

Mr. WILLIAMS. The policy decision to bring the charges, to prosecute, is made by the General Counsel. The General Counsel makes that policy decision.

Mr. ALLEN. The General Counsel would file any such proceeding in the name of the Commission; would he not?

Mr. WILLIAMS. I think that is correct. Insofar as the nomenclature is concerned, the answer would be "yes."

Mr. ALLEN. It is difficult for me to see just what change has been wrought here except that the administration would appoint a General Counsel under the terms of the pending amendment. Who would appoint the General Counsel without the pending amendment?

Mr. WILLIAMS. The General Counsel, without the pending amendment, would be appointed by the Commission.

Mr. ALLEN. So, the only change then is as to who appoints the General Counsel.

Mr. WILLIAMS. No; the answer to that question is "no." The bill provides on page 38:

> The commission shall issue and cause to be served upon any respondent . . . a complaint . . . .

The pending amendment provides a change in the bill to read "the General Counsel may issue and cause to be served."

This is a clear distinction.

Mr. ALLEN. He would issue it in the name of the Commission.

Mr. WILLIAMS. It is his decision. He can make it or not, but it is the General Counsel's decision.

Mr. ALLEN. Are not the complaints filed with the Commission, or are they filed with the General Counsel?

Mr. WILLIAMS. The original charges go to the Commission. Their responsibility is to investigate and, again, try to conciliate.

Mr. ALLEN. After that investigation, would they then make their investigation available to the General Counsel so that he could determine whether a complaint should be filed, or would the Commission tell the General Counsel to file it?

Mr. WILLIAMS. The Commission submits to the General Counsel its work, whereupon the General Counsel would decide whether he will prosecute the charges.

Mr. ALLEN. Then, the initiation of the prosecution would continue to be in the hands of the Commission, would it not?

Mr. WILLIAMS. No.

Mr. ALLEN. I understood the Senator to say the complaint is filed with the Commission, which then makes the investigation.

Mr. WILLIAMS. The prosecution would be in the hands of the General Counsel.

Mr. ALLEN. But who makes the investigation to turn it over to him?

Mr. WILLIAMS. The Commission.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ALLEN. Who, then, directs the work of the General Counsel? Would the Commission have any control over the General Counsel?

Mr. WILLIAMS. That is the whole point. I am glad the Senator asked it exactly that way. That is why the amendment is being offered, to give this "prosecutorial" function an independence within the law.

In other words, the question and this response clearly establishes that independent General Counsel, so that the judge and the prosecutor are clearly separate and distinct. I think that would happen at any rate, as a matter of legal guidance under the Administrative Procedure Act. But I am happy this is being offered to make it crystal clear.

It is not my amendment. The amendment is offered by the Senator from Ohio and has been debated very effectively and completely by the Senator from Ohio.

I believe that this colloquy with the Senator from Alabama has fortified the support for this independent General Counsel to handle the prosecution of these charges.

Mr. ALLEN. That is what I am trying to ascertain. Is he, in fact, independent?

Mr. WILLIAMS. That is exactly what I think has been established.

Mr. ALLEN. Would he have the right to refuse to prosecute on a matter turned over to him by the Commission?

Mr. WILLIAMS. Yes. Exactly.

Mr. ALLEN. The Commission makes the investigation.

Mr. WILLIAMS. Yes.

Mr. ALLEN. Complaints are filed with it.

Mr. WILLIAMS. Yes.

Mr. ALLEN. And the General Counsel, if he saw fit—in other words, he, in effect, would be a grand jury. Is that correct? He would determine whether to go on with the proceedings.

Mr. WILLIAMS. It has been so long since I practiced law, but I would say there is an analogy here—something in the nature of the General Counsel and the U.S. attorney.

Mr. ALLEN. So the Senator would take it that he would serve in the capacity of a grand jury?

Mr. WILLIAMS. Well, would it not be more in the nature of a U.S. attorney taking a matter to the grand jury? Then, of course, the U.S. attorney does take it before the district court.

Mr. ALLEN. Would it be the duty of the Commission to turn every single complaint and investigation over to the General Counsel for determination as to whether discrimination existed, or would the Commission have the authority at some stage of the proceeding to say that there had been no discrimination and, therefore, that there is nothing to lay before the General Counsel?

Mr. WILLIAMS. The Commission does not have to take every charge and investigate it and refer it to the General Counsel. The answer to that question is no. It has its discretion.

Mr. ALLEN. The Commission, then, would still continue to have discretion, after having made its investigation, to determine whether there had been discrimination; they would then have discretion whether to turn it over to the General Counsel.

Mr. WILLIAMS. The answer is crystal clear, yes.

Mr. ALLEN. Who is the General Counsel for the Commission now?

Mr. WILLIAMS. The General Counsel now is a Commission-appointed counsel to the committee. As I understand it, at this particular point in time he is an acting General Counsel. If my memory serves me correctly, it is Mr. Pemberton. I believe that is his name.

Mr. ALLEN. If the purpose of the bill is to see that there is fairness, fair play, and due process, I wonder why the sponsors of the bill were not satisfied to leave jurisdiction over pattern and practice suits in the Department of Justice and why the sponsors saw fit to try to transfer under this bill the pattern and practice suits over to this Commission.

Mr. WILLIAMS. Let me try to state it fairly and simply.

Mr. ALLEN. Would not the Justice Department be independent of the EEOC, and would not that independence have the same desirability as the creation of the Office of General Counsel would have?

Mr. WILLIAMS. There are other reasons. The situation with respect to pattern and practice suits is similar to other changes made by this bill, and that is the thought that in this area of discrimination in employment, as complex as the whole systemic national discrimination is shown to be, it requires an expertness, and it should be centered in one place. There should be one agency of Government which has the sole responsibility to deal with discrimination in employment. Therefore, they become experts in all the complex questions. That is one of the reasons why this fragmentation is sought to be eliminated.

The pattern and practice suits have been effectively handled by the Department of Justice, by the Attorney General.

Mr. ALLEN. In effect is there not an independent counsel there now?

Mr. WILLIAMS. Yes. But here is another problem that is developing. I refer to the heavy burden that creates a degree of inequity and unfairness where people across the country can be subject to investigation and lawsuit from many quarters. We are trying to make a potential respondent—in this area respondent is like a defendant—know he has one place in Government to respond to and not to many. That is one of the basic reasons for bringing pattern and practice suits under the Equal Employment Opportunity Commission where the expert knowledge there resides and to relieve the Nation of the duplication of being in three courts at one time.

Mr. ALLEN. Could not that duplication be avoided by, in effect, making the Justice Department General Counsel for the Commission and leaving the pattern and practice jurisdiction over in the Justice Department and putting the duties of the General Counsel over there? Would it not be the feeling of the employers who have as few as eight people under the bill that there would be more impartiality in the Justice Department than a General Counsel who would be nothing more, in my judgment, than an in-house lawyer?

Mr. WILLIAMS. I think it would be the view of many people that if all the prosecution and judicial decisions went over there it would bring greater deliberateness to the job, and the job might be put off and put off, and it might not get done.

Yes, many employers would like to have it that way, but those who want to see an acceleration of the elimination of discrimination would prefer it this way.

Mr. ALLEN. What has been the record of the EEOC in its 7 years of existence? Has it not accomplished a great deal in removing discrimination?

Mr. WILLIAMS. Well, the number of charges that have been brought has just doubled every year. This year it is anticipated there will be 32,000 charges. Three years ago it was 12,000 charges. Conciliation and agreement between the parties will cover only a fraction of that number of cases.

As it is now, the EEOC has to stop. In so many cases the Commission has to say to those who are having bread taken from the tables of their families, because they cannot get the jobs they are entitled to, "We cannot do anything more. You can pick the whole thing up and take it to the district court."

These days, going to a district court is indeed taking a heavy burden on the individual in the way of time, expense, and the whole long process of reaching a fair decision—a decision, not a fair decision. When he gets it, he will get a fair decision, but to get to a decision in a district court is a long, long, and expensive journey. That is the way it is today.

That is why the committee is suggesting that we bring to the EEOC the tools that will make the promise of equal employment a more real thing. It is as simple as that.

I am particularly pleased that the Senator from Alabama has raised this question and that we have had this colloquy.

Mr. ALLEN. The general counsel would be a part of the same Commission. He would be an integral part of it and would be housed, doubtless, in the same Department and the same building, with the work directed by the Commission. It is difficult for the junior Senator from Alabama to see that there is going to be a great deal of independence on the part of the general counsel.

The point the junior Senator from Alabama wishes to make is that he does not feel this amendment removes the objection to the bill, that the EEOC will in effect will still be prosecutor, judge, and jury, even though this amendment is adopted. It does not accomplish what the proponents of the amendment and what the distinguished manager of the bill seem to feel that it will accomplish, in the humble judgment of the junior Senator from Alabama.

Mr. WILLIAMS. I respectfully, of course, disagree. I do not know whether there is any use in words of assurance from the Senator from New Jersey that the Senator need not fear. I do not know that I am being very persuasive this afternoon to the junior Senator from Alabama, much as I enjoy the opportunity for the RECORD to reflect our colloquy.

Mr. ALLEN. I would like to make one further inquiry. Would the Commissioner's complaint that can be filed under the proposed bill, which would allow him to file a complaint without giving the name of the aggrieved party—more or less an anonymous shot in the dark—continue to be filed by a Commissioner, or would it be filed, if at all, by the General Counsel? What effect would it have on the commissioner's complaint?

Mr. WILLIAMS. The Commissioner's complaint is not included.

Mr. ALLEN. That brings on a little more talk, then, the Commissioner's complaint would not be controlled or governed by the General Counsel. Is that correct?

Mr. WILLIAMS. I do not want to be brief with the Senator. There would no longer be a *Commissioner's* complaint. The officer or employee of the Commission obviously possessing knowledge of the facts of possible discrimination could make a complaint. Then it would go to the general counsel, who would make the decision for prosecution.

Mr. ALLEN. Where is that provision? Is that provision in the amendment?

Mr. WILLIAMS. Let us review this together.

Mr. ALLEN. The Senator said it would be referred to the General Counsel. The office of general counsel is just now being set up by the amendment.

Mr. WILLIAMS. Let us read together page 55 of the report. Can we read section 706(a) together?

Mr. ALLEN. Yes.

Mr. WILLIAMS. I read:

> SEC. 706(a). The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in sections 703 or 704 of this title.

There appears (a) in heavy brackets; (a) comes out and we go to (b):

> Whenever it is charged in writing under oath by a . . .

Is stricken out to read:

> Whenever a charge is filed by or on behalf of a person claiming to be aggrieved, or by an officer or employee of the commission . . .

If the Senator is following it closely, he can see that the heavy bracketed parts take out "a member" so the charge is filed by an officer or employee of the Commission. That does not include a member of the Commission.

It is that charge that goes forward, under this amendment, to the General Counsel, and there, as the amendment changes the language on page 38 of the bill, "the commission shall so notify the General Counsel who may issue, and cause to be served on any respondent," and so forth. That brings it together. It is an awkward way to explain it, but it is an accurate way.

Mr. ALLEN. The Senator would not feel that an officer of the Commission, then, could be construed to be a commissioner himself?

Mr. WILLIAMS. He is not a commissioner himself.

Mr. ALLEN. A commissioner is not an officer of the Commission, then, in the judgment of the distinguished Senator?

Mr. WILLIAMS. No. I think our committee records and the record will make that very clear.

Mr. ALLEN. After the complaint is filed with the Commission, if they see fit they turn it over to the General Counsel to determine if there is discrimination from the evidence that they present to him. He makes no investigation on his own. Is that right?

Mr. WILLIAMS. I believe here we will draw on some experience in other agencies. This is not a situation that is sui generis. There are other agencies that do this. He should have, and I am saying he would, if this becomes the method of prosecution, I would think, in making an intelligent decision whether to prosecute the charge, have to satisfy himself beyond or in addition to the material constituting it.

Mr. ALLEN. I understood the Senator to state earlier that the General Counsel would not investigate, but that the investigation would be by the Commission.

Mr. WILLIAMS. The basic investigation is by the Commission.

Mr. ALLEN. And they could turn over to him such evidence as they wanted to turn over?

Mr. WILLIAMS. And then he makes the decision whether to proceed with the prosecution.

Mr. ALLEN. Based on the evidence that they saw fit to lay before him. Is that correct?

Mr. WILLIAMS. That is basically it, but I do not believe there is anything here. I would think that he would have to do or might have to do some inquiry beyond that.

Mr. ALLEN. Yes, but I understood that that was not planned by the amendment, but that he would just pass on what was handed to him.

Mr. WILLIAMS. Well, I would think a reasonable General Counsel in this independent situation, if he had any questions, would go out and make some inquiry himself. That is the way I look at it.

Mr. ALLEN. But the Commission receives these complaints, they make the investigation, they turn the information over to the General Counsel, he may or may not—it seems uncertain—make an independent investigation, and then a complaint is filed by the General Counsel of the Commission with the Commission itself. It comes back to them; is that right? It goes the full circle back to them.

Mr. WILLIAMS. It is brought and filed, and is prosecuted before the Commission.

Mr. ALLEN. Yes. That is what makes it so difficult.

Mr. WILLIAMS. Again, of course, as we have in so many areas of other agencies and departments, it is prosecuted before another independent office, that of the hearing examiner.

Mr. ALLEN. Yes.

Mr. WILLIAMS. And this is time-honored. As long as I have been interested in administrative law, I have had respect for the trial examiner, the hearing examiner. In the Federal Trade Commission, the FCC, all of the agencies have this position, within our system in this country, of a unique, quasi-judicial, independent hearing officer.

Mr. ALLEN. Yes. I was interested in hearing the Senator, though, state that the Commission was not required to turn over to the General Counsel all of the complaints that it receives.

Mr. WILLIAMS. Yes.

Mr. ALLEN. In other words, it sifts the complaints that have been filed, and only where the Commission, one feels, felt that there has been discrimination would they turn it over to the General Counsel to go through the routine of filing a complaint back with the very agency which received the complaint originally, and then the Commission, having received the complaint, having weighed it and decided that it should be turned over to the General Counsel, then puts on another hat and sits, then, as judge of the complaint originally received by it, and then merely turned over to the General Counsel for the drafting of a complaint. That is what makes it so difficult for the junior Senator from Alabama to see where there is any independence, and where the Commission will be other than prosecutor, judge, and jury.

Mr. SCHWEIKER. Mr. President, will the Senator from New Jersey yield to me for the purpose of answering the Senator's question?

Mr. WILLIAMS. I shall certainly yield. I have tried and I have not succeeded in clarification. I am happy to yield to the Senator from Pennsylvania.

Mr. SCHWEIKER. I thank the Senator from New Jersey for yielding.

I should like to point out two things to the distinguished Senator from Alabama. First of all, the independent General Counsel has his own investigative resources.

Mr. ALLEN. That was not made clear in the colloquy.

Mr. SCHWEIKER. May I finish my point? He has his own investigative resources, so that if at any point they want to run a separate investigation, or check the investigators, they have that option. This gives the defendants more right of protection for due process than under the arrangement the Senator is talking about.

We have three steps that have to be gone through here. Each step of the way, someone may decide the defendant is not guilty. From the field office personnel who look into the case, and to the independent General Counsel's office that decides whether to issue a complaint, to the Commission itself, you have three steps where the defendant has the chance to have the charges "thrown out of court" because the facts are not there. Far from restricting the rights of the defendant, we are giving the defendant more rights, because there are three distinct points where information has to go: First to the field office, then to the independent General Counsel, and then, of course, to EEOC itself, and in the middle step of those three is a totally independent individual who reports to the President. This insures more protection than if you had a straight line authority. It is just like the three branches of our Government, with its checks and balances. I do not see the Senator's point at all. I think the defendant, or respondent as he is called in these proceedings, has three cracks to show he is not guilty if he is really not guilty. I do not think the Senator understands the issue.

Mr. ALLEN. The Senator from Alabama is not making the point that the amendment offered by the distinguished Senator from Pennsylvania does not make the bill more palatable, but it does not make it palatable enough. That is the point I am making. It does not solve the problem of making the Commission other than a prosecutor, judge, and jury.

The distinguished Senator from Pennvania points out that the General Counsel is going to have a bunch of investigators. So we have a bunch of investigators over under the Commission, and they investigate the complaint, and then they turn it over to the General Counsel, who is working hand in glove with the Commission, and his army of investigators investigates it still further, further harassing the employers and the employees, and then, if he agrees with the Commission that there is a valid complaint of discrimination, he will file a complaint, which is to be heard by the very same Commission that received the complaint originally and felt there was enough justification to turn it over to the counsel for prosecution.

The junior Senator from Alabama suggests that the Commission has already prejudged the matter when they turned it over to the General Counsel for the filing of a complaint to be heard by the Commission itself.

Mr. SCHWEIKER. I would like to ask the distinguished Senator from Alabama a question. In the normal course of proceeding, if you give a defendant three times to have an opportunity to be proven not guilty, is that not a fairer system, is it not better for the defendant's right than to give him the opportunity only once or twice? I do not see the Senator's argument. We are giving him three opportunities to show he is not guilty before he is finally judged, and the Senator is complaining about that.

Mr. ALLEN. I will answer the distinguished Senator from Pennsylvania by asking him the same question that I asked the distinguished Senator from New Jersey: Why not leave this authority in the Justice Department, if you want a really independent counsel? Why take the practice and pattern procedure away from the Justice Department and give it to this in-house General Counsel? If you really want independence, why not leave it in the Justice Department, where part of it already is?

Mr. SCHWEIKER. Well, then, of course, we would spread this work into another, larger agency, one more step away from the President. I can answer that very specifically: We would be putting in one more layer of bureaucracy to make a decision when, under our proposal, the independent General Counsel is directly responsible to the President for cases before the EEOC, and therefore, has more authority and independence than if he were even an Assistant Attorney General, going through steps to the President. By giving him a direct presidential appointment for this work, he is insulated from other problems. He does not have to worry about crime prosecutions coming up, about drug prosecutions, or about anything. These are specialized cases and we are giving him more power by giving him the President's ear.

Mr. ALLEN. Do we not already have the Justice Department set up? Why do we have to set up another layer of bureaucracy, as proposed in the Senator's amendment?

Mr. SCHWEIKER. The reason we are changing the whole picture is because we do not think the present pattern is working. The Subcommittee on Employment, Manpower, and Poverty of our full committee, on which I serve with our chairman, the distinguished Senator from New Jersey, recently studied a very important report by the 20th Century Fund, pointing out not only that in many of our central city areas the black youth unemployment rate is 17 or 20 times the white unemployment rate, but also that in many areas when blacks do graduate from high school, when they do have skilled job training, they cannot get the jobs. That is exactly what the 20th Century Fund Task Force showed.

Something is wrong with the system, and we are trying to change it. That is why we are restructuring this procedure, and giving the EEOC stronger enforcement tools.

Mr. ALLEN. Are they going to be aided by putting it in the Office of the General Counsel, rather than in the Justice Department? It is not anywhere now, is it? They do not have cease-and-desist authority, and will not have until this bill is passed, if it ever is passed.

Mr. SCHWEIKER. That is right; it is not anywhere now, and that is our point.

Mr. ALLEN. It is not because it is in the Justice Department; it is because it is not anywhere, is that not right?

Mr. SCHWEIKER. The Government's legal work for equal employment opportunity is in several places now.

Mr. ALLEN. Not on cease and desist. Where is cease and desist authority of the EEOC now?

Mr. SCHWEIKER. Let me answer the Senator's first question before the third question.

The problem I defined is trying to be attacked in three different departments now. We have the EEOC, the Justice Department, and the Office of Federal Contract Compliance in the Labor Department—three separate entities. One objective of this bill is to bring some order out of chaos and to have one responsibility. That is the reason.

That is the first question. What is the next question?

Mr. ALLEN. Is the Senator not, then, splitting it up? The Senator says he wants to put it all in one department. Now he says there is need for a special, separate, independent legal counsel. Is that not in effect splitting up the authority and the power?

Mr. SCHWEIKER. No. The Senator from Alabama again is misconstruing and misinterpreting what we are saying.

Mr. ALLEN. I would be interested in the Senator's answer, then.

Mr. SCHWEIKER. I should like to answer that.

The first thing we are doing, as I pointed out earlier, is to take the fragmented approach we have and put it primarily in one agency, EEOC.

Mr. ALLEN. And then the Senator fragments it again.

Mr. SCHWEIKER. May I answer the question?

Mr. ALLEN. I wish the Senator would.

Mr. SCHWEIKER. If the Senator will let me answer one question at a time, we will get a little further ahead.

I am saying that we are taking the fragmented power from three agencies, putting it in one agency for the sake of efficiency, for speed of handling, to improve the operation of the system. We are also saying that because we are putting new cease-and-desist power in the EEOC, we ought to be sure we protect the rights of the defendants; and to protect the rights of the defendants, we are saying that there are three steps under the cease-and-desist process that somebody has to go through before he is proved guilty.

I see nothing inconsistent, nothing contradictory, nothing in any way opposed to that objective. The distinguished Senator is merely trying to confuse the issue by saying there is, when in fact there is not.

Mr. ALLEN. Does not the Commission eventually serve as judge and jury on the validity of the complaint of discrimination?

Mr. SCHWEIKER. Under the new proposal?

Mr. ALLEN. Yes.

Mr. SCHWEIKER. The EEOC will serve in that way, yes.

Mr. ALLEN. Has it not initiated the complaint, however, by receiving the complaint and then sitting in judgment of the complaint after its investigation, sifting it, and then turning it over to the General Counsel? Has it not already prejudged the issue of discrimination or nondiscrimination?

Mr. SCHWEIKER. No. The Senator is using semantics.

We are separating two different levels of government. There is a regional EEOC office. That office will do the field work and will decide whether to go on from that level. They will make that judgment. That is separate and distinct from the top people who make the final judgment at the other end of the spectrum, the Commissioners in Washington. There are two levels of operations, one making local decisions, funneling information and investigating, and the other doing the judicial decision, here in Washington. They are doing two separate things. To say they are all doing the same thing is not an accurate interpretation of what we are proposing.

Mr. ALLEN. In other words, in the Senator's home State there is a great football team, Pennsylvania State——

Mr. SCHWEIKER. The Senator knows my weak point.

Mr. ALLEN. This procedure reminds the junior Senator from Alabama of the procedure in a football game. The Commission receives this complaint originally, it sifts it, it weighs it, it investigates it, it determines there has been discrimination, and it tosses the complaint in a lateral over to the General Counsel. The General Counsel files a complaint with the Commission itself and then tosses the football back to the Commission, which then has the power to judge whether or not discrimination exists.

Is that not a fair analogy?

Mr. SCHWEIKER. Let me begin by saying that the reasoning and logic powers of the distinguished Senator from Alabama improved immeasurably when he talked about the great football team from Penn State. At least we are on the same wavelength and are thinking the same thing. So I concur with that presumption.

Mr. ALLEN. I am talking about the postseason game, not the game with Tennessee.

Mr. SCHWEIKER. We were pretty pleased with the ball game, ourselves.

I agree with the Senator on this point, but I fail to see how that relates to the argument at hand, although I thank him for his compliment.

Mr. ALLEN. The complaint is the football. It is tossed by the Commission over to the General Counsel, and it is tossed, in turn, by the General Counsel back to the Commission, which has already prejudged the matter and which certainly is going to hold that discrimination exists, based on the complaint it had decided initially.

Mr. SCHWEIKER. It is the same football that our Constitution throws from the judicial branch to the legislative branch to the executive branch. That is the fundamental premise on which this country was founded—tossing that football around among the three branches of government.

Mr. ALLEN. It is all over in one branch. It is in the executive branch, is it not?

Mr. SCHWEIKER. But the principle of tossing a football, or balance of powers, was ingrained in our Republic. It is not un-American. It was the whole idea, the way we began, and the way we have continued to shape our laws, even our laws concerning only a specific executive agency.

To answer specifically, the point that the Senator is confusing is that the first step is an investigation. The local level operation at the field office is an investigation; nothing more than that. It is an investigation. In analogy, it is like what a grand jury might decide, and then it goes from the grand jury to the regular jury. This goes from the field office to the General Counsel. There is nothing inconsistent at all.

Mr. ALLEN. And back to the Commission.

Mr. SCHWEIKER. Then it goes upstairs, to the board of directors. Three separate steps protect the rights of the people.

Mr. ALLEN. It gets back, after having prejudged the matter, because it would not turn a complaint over to the general counsel unless it thought that discrimination existed, would it?

Mr. SCHWEIKER. The Senator is confusing two things. He is confusing the fact that he is talking about field investigators——

Mr. ALLEN. That is an arm of the Commission, is it not?

Mr. SCHWEIKER. Not in the matter of judicial judgment, no; only in the matter of investigating.

Mr. ALLEN. That is what they have printed on the door of the office.

Mr. SCHWEIKER. No. I do not agree. This is a matter of the investigation. Then, the top tribunal, the Commission itself, sits in judgment.

Mr. ALLEN. I want to say to the distinguished Senator from Pennsylvania that I am going to support his amendment. All I am saying is that it does not do what the distinguished Senator from Pennsylvania and the manager of the bill claim it will do, to remove the stigma or the onus from the Commission of serving as prosecutor, judge, and jury. That stigma still will be with the Commission after the adoption of this amendment, in my opinion.

Mr. SCHWEIKER. This happens all the time in our legal system. A committing magistrate will send a case to a grand jury for a hearing, and they in turn will send it to still another part of of the judicial system. It is still the same system.

Mr. ALLEN. It would not be the same committing magistrate.

Mr. SCHWEIKER. It is not the EEOC, either. It is the field investigator.

Mr. ALLEN. That is part of the same office.

Mr. SCHWEIKER. No.

Mr. DOMINICK. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I am not sure I have the floor.

Mr. WILLIAMS. I yielded to the Senator from Pennsylvania.

Mr. ALLEN. Having assured the distinguished Senator from Pennsylvania that I am going to support his amendment, feeling that it does not go far enough but that it is better than the bill as written, after the amendment is adopted, the junior Senator from Alabama still is going to oppose the bill.

Mr. SCHWEIKER. I thank the distinguished Senator for his support. I was in doubt for some time that this support was forthcoming.

Mr. ALLEN. The Senator from Pennsylvania has convinced the junior Senator from Alabama of the wisdom of his amendment, as far as it goes.

Mr. SCHWEIKER. Alabama has a pretty good football team, too.

Mr. ALLEN. I agree—two great teams in fact—Alabama and Auburn—I thank the Senator.

Mr. DOMINICK. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCHWEIKER. I yield.

Mr. DOMINICK. I listened to this colloquy with a good deal of interest, once we got past the football range.

It struck me that the Senator from Alabama struck the key point in this matter, and that is that the EEOC, no matter how you slice it, under the bill as it is presently worded, writes most of the rules and regulations, acts as an investigator as to whether the rules are being complied with, acts as a prosecutor in presenting rule violations to the commission. Finally the commission acts, under adjudicatory powers given it under this bill, to decide whether or not its own personnel have acted properly.

It strikes me that one agency cannot shift hats to four independent functions rapidly enough to guarantee the necessary impartiality.

I want to assure the Senator from Alabama that I intend to offer my amendment, which has been printed, which would have the effect of denying the Commission cease-and-desist powers but empowering them to go to the Federal district court to determine whether any employment discrimination has occurred. I would think that this basic philosophy would be just as viable with the creation of an independent counsel as it would be without it, because the independent counsel—as I understand it from reading Senator SCHWEIKER's amendment, would have the power—when combined with my amendment—to be able to prosecute those cases before the Federal district court. Is that correct?

Mr. SCHWEIKER. For the Federal district court?

Mr. DOMINICK. Yes. If my amendment were adopted.

Mr. SCHWEIKER. "Your" amendment? You are not talking about mine?

Mr. DOMINICK. If we adopt your amendment, the General Counsel as then created would be the agency which would then prosecute these cases before the Federal district court.

Mr. SCHWEIKER. If we adopt your amendment? You are not talking about mine?

Mr. DOMINICK. Well, if yours and mine were combined——

Mr. SCHWEIKER. I must say that I pretend to be knowledgeable on my amendment, but will the Senator explain his amendment because I am not familiar with it.

Mr. DOMINICK. My amendment is simple. The Senator is familiar with it because I offered it in committee. What it would do would be to give true EEOC power to proceed to Federal district court on legitimate, unreconcilable disputes for resolution rather than through cease-and-desist orders issued by the Commission. Under such cases, the General Counsel would then be the one to prosecute that case before the Federal district court.

Mr. SCHWEIKER. As I understand the Senator's amendment, from what he has just said, if the amendment is adopted, there would seem to be far less need to have an independent General Counsel. The Senator's amendment would substitute for our EEOC hearing procedures, trials in a district court. This, by nature of the judicial system, would eliminate practically all need for an independent legal counsel within the EEOC, since the court system would take over that level.

Mr. DOMINICK. My amendment would take over at the level where conciliations fail but so far as the actual prosecution is concerned on the question of whether an unlawful employment practice occurred, the independent General Counsel would handle that on behalf of the Commission, would he not?

Mr. SCHWEIKER. There would be far less need, because we would then have the full judiciary system at the trial level and most everywhere else where this is operating, there is much less need for an independent General Counsel. It is only utilized in areas where an agency is supplanting the trial court level with its own proceedings, such as in the NLRB.

Mr. DOMINICK. Let me ask the Senator from Pennsylvania——

Mr. SCHWEIKER. Let me ask the Senator from Colorado what instances there are the Senator cites in Government where we have an independent General Counsel in an agency and still go to the district court for trial-level proceedings.

Mr. DOMINICK. In this particular case, since we provide for a review by the circuit court of appeals within the bill, I would presume the independent legal counsel would also coordinate with the Attorney General's Office in representing the Commission before the circuit court of appeals.

Mr. SCHWEIKER. That is correct.

Mr. DOMINICK. If he is doing it, could he not easily and as properly handle it before the district court as he would before the circuit court of appeals?

Mr. SCHWEIKER. Yes, but I do not think the need would be as urgent or as pressing if we adopt my colleague's amendment.

Mr. DOMINICK. I understand that the Senator from Pennsylvania is opposed to my amendment. I understand that fully. What I am trying to say is that it would seem to me the independent legal counsel is not necessarily contrary to what I am trying to do in my amendment. They would appear on behalf of the Commission before the Federal District Court.

Mr. SCHWEIKER. I want to say to the distinguished Senator that I do not think it is antagonistic. I do not mean to imply that it is, but it would be far diminished under your proposal as it would be under mine. I do not think they are necessarily antagonistic.

Mr. DOMINICK. That is interesting. Would the Senator from Pennsylvania object at this point if we had a brief quorum call?

Mr. SCHWEIKER. No.

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Saxbe). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BELLMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, I rise to introduce a bill relating to the transportation——

Mr. BYRD of West Virginia. Mr. President—Mr. President, I demand the regular order.

The PRESIDING OFFICER. The regular order is called for.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHWEIKER. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Kentucky (Mr. Cooper) be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHWEIKER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Bible), the Senator from California (Mr. Cranston), the Senator from Louisiana (Mr. Ellender), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from Washington (Mr. Jackson), the Senator from North Carolina (Mr. Jordan), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Maine (Mr. Muskie), and the Senator from Rhode Island (Mr. Pell) are necessarily absent.

I further announce that the Senator from Alabama (Mr. Sparkman) and the Senator from Illinois (Mr. Stevenson) are necessarily absent.

I also announce that the Senator from Utah (Mr. Moss), the Senator from California (Mr. Tunney), and the Senator from Hawaii (Mr. Inouye) are absent on official business.

On this vote, the Senator from Illinois (Mr. Stevenson) is paired with the Senator from Louisiana (Mr. Ellender).

If present and voting, the Senator from Illinois would vote "yea" and the Senator from Louisiana would vote "nay."

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson), the Senator from California (Mr. Cranston), and the Senator from Rhode Island (Mr. Pell) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Kentucky (Mr. Cook), the Senator from New Hampshire (Mr. Cotton), the Senator from Oregon (Mr. Hatfield), the Senator from Illinois (Mr. Percy), the Senator from Ohio (Mr. Taft), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The Senator from New York (Mr. Buckley) is absent on official business.

The Senator from Alaska (Mr. Stevens) is absent on official committee business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Delaware (Mr. Boggs), the Senator from Tennessee (Mr. Brock), and the Senator from South Carolina (Mr. Thurmond) are detained on official business.

If present and voting, the Senator from Oregon (Mr. Hatfield), the Senator from Illinois (Mr. Percy), the Senator from Ohio (Mr. Taft), and the Senator from South Carolina (Mr. Thurmond) would each vote "yea."

The result was announced—yeas 67, nays 0, as follows:

[No. 2 Leg.]

YEAS—67

Aiken
Allen
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cooper
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Hughes
Humphrey
Javits
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McClellan
McGee
Metcalf
Miller
Mondale
Montoya
Nelson
Packwood
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Symington
Talmadge
Tower
Williams
Young

NAYS—0

NOT VOTING—33

Allott
Bayh
Bible
Boggs
Brock
Buckley
Cook
Cotton
Cranston
Ellender
Gravel
Harris
Hart
Hartke
Hatfield
Inouye
Jackson
Jordan, N.C.
Magnuson
McGovern
McIntyre
Moss
Mundt
Muskie
Pell
Percy
Sparkman
Stevens
Stevenson
Taft
Thurmond
Tunney
Weicker

So Mr. Schweiker's amendment (No. 797) was agreed to.

Mr. HUMPHREY. Mr. President, I support the Equal Employment Opportunities Act, S. 2515, as reported by the Committee on Labor and Public Welfare.

The time has now come when we must firmly establish and guarantee the protections provided for under title VII of the Civil Rights Act of 1964. No longer can we permit millions of American citizens—women, blacks, Indian Americans, the Spanish speaking, and other minority groups—to continue suffering the indignities and injustices of discrimination in employment. No longer can we be content with a conciliatory approach to the resolution of complaints of civil rights violations committed against any American who wants a job or who seeks advancement to a position for which he or she is fully qualified. Nor, in the protection of these civil rights, can we now be satisfied with any enforcement procedure wherein the delay of justice means the denial of justice.

The experience of the past 7 years has shown us that by failing to provide the Equal Employment Opportunity Commission with effective enforcement powers, we established an agency under the 1964 Civil Rights Act which has been very successful in ferreting out the existence of discrimination, and pointing out to us how widespread and entrenched this discrimination is, but which has not been able to provide effective relief to eliminate this discrimination.

Our original view that employment discrimination consists of a series of isolated incidents has been shattered by evidence which shows that employment discrimination is, in most instances, the result of deeply ingrained practices and policies which frequently do not even herald their discriminatory effects on the surface. The EEOC has stressed many times that much of what we previously accepted as sound employment policy does, in effect, promote and perpetuate discriminatory patterns which can be traced back to the Civil War and earlier.

The facts speak for themselves. This Nation's minorities and women continue to be treated like second-class citizens. Their ability to obtain jobs, their ability to advance in these jobs, to receive the same wages as are received by the dominant segment of society, and their higher rate of unemployment continues to indicate the disparate treatment which we accord this segment of our society.

Despite progress over the past decade in America in overcoming disparities in economic position resulting from discrimination, we are still left today with a median-income gap between Negro and white families of $3,957. And the gap is even wider for Spanish-speaking families, whose median income in 1969 was $5,641. The unconscionable discrimination in salary levels for women for the same jobs as are done by men—women scientists who must accept a median salary that is $3,200 less than for their male counterparts, or women factory workers whose median earnings are $2,747 below those of male workers—is compounded by the all-too-frequent denial of opportunity for women to advance to higher paying positions.

And yet, in title VII of the Civil Rights Act of 1964, we have specifically prohibited all discrimination on the basis of "race, religion, color, sex, or national origin."

Mr. President, I submit that we have failed to achieve this goal. The EEOC has documented the persistence of employment discrimination. The Chairman of that Commission has told us that during the last 6 years, the EEOC has received approximately 81,000 charges of discrimination. And the number of charges has been increasing each year. For example, during fiscal year 1970, 14,129 charges were filed with the Commission. In fiscal year 1971, this number rose to 22,920 charges, and the Commission estimates that during the current fiscal year it will receive more than 32,000 charges. Too often, employers have been unwilling to accept the Commission findings where violations are shown, and as a result, the Commission's efforts at conciliation have been ineffective in the vast majority of cases.

The final result of this has been that while we have provided the framework for the elimination of employment discrimination in enacting title VII of the Civil Rights Act, we have not provided the means by which this aim is to be achieved.

During the last Congress, the Senate adopted S. 2453, a bill very similar to the present committee bill, S. 2515, and which would have remedied the present defects in title VII. However, the House failed to act on that measure before the end of its term. This year, however, the House has already acted in this area, and the responsibility now rests with the Senate to insure the civil rights guarantees of title VII.

I would like to note briefly some of the major provisions of S. 2515, and explain why this bill would provide the most effective enforcement procedure for the implementation of title VII.

S. 2515 provides that the EEOC shall be granted administrative cease and desist enforcement powers by which it will be able to issue enforceable orders in cases where violations of the law are established. By this grant, S. 2515 would establish the EEOC with the same kind of enforcement provisions currently granted to most Government agencies and generally recognized as the basic administrative enforcement mechanism.

It is now an admitted fact that title VII litigation is as complex and as subtle as any of the other specialized areas of law presently administered by other Federal agencies. Judicial awareness of the complexity is evident in statements by the courts both in the granting of liberal attorney's fees for title VII lawyers and in allotting the amount of time required to resolve title VII claims. It has become obvious that title VII litigation requires specialized knowledge and expertise. The one agency which has the necessary experience and expertise to deal with the multitude of issues and variations of employment discrimination is the EEOC. Through its experience of the past 6 years, it has developed an experienced staff and a wealth of information which provides the expertise needed to deal with the various aspects of employment discrimination. The courts, while recognizing that the EEOC has no enforcement powers, have nonetheless acknowledged the agency's qualifications and have frequently stated that EEOC opinions are entitled to great weight in subsequent judicial interpretations, and many a case has been decided on the basis of the arguments presented by EEOC attorneys in amicus briefs filed with the courts.

Moreover, the administrative process foreseen by S. 2515 will provide for an inexpensive, efficient, and expeditious means for adjudication for both complainants and respondents. When a charge is received by the Commission, it will retain its present procedures of attempting to secure voluntary compliance. If this should fail, however, and it is the opinion of the Commission that a violation may be present which should be resolved, it will then submit the case to a hearing examiner. He will then conduct, under the provisions of the Administrative Procedures Act, an administrative hearing on the case, will receive evidence, will allow for the examination of witnesses, and will, after the entire case has been presented, make a determination on the facts.

In addition, if either party feels that the hearing has not properly adjudged the facts, then an appeal may be had to the appropriate U.S. court of appeals. I believe the due process provisions of this bill, and an appropriate separation of functions in the administrative process, can effectively assure that the rights of the respondent are fully protected.

This use of the administrative process will expedite the resolution of title VII claims, will guarantee to all parties fair and impartial adjudication of their claims, and will at the same time relieve the courts of the necessity to entertain the ever-increasing number of title VII suits. At the same time, the voluntary settlement of claims will be stimulated. Information available from other Federal agencies with cease-and-desist powers, and from State fair employment practice agencies, shows that the vast majority of cases do not require resort to the hearing process, but are settled voluntarily.

S. 2515 also provides for an expansion of title VII jurisdiction to include all employers, employment agencies and labor organizations with eight or more employees or members, as well as employees of State, county, and local governments, and all employees of educational institutions. The need to expand title VII in these areas is clearly established. As stated by the Chairman of the EEOC in testimony before the committee this year, discrimination should be attacked wherever it is found, and the small business is no less likely to be free from discrimination than the large corporation. The avowed purpose of title VII is the elimination of all vestiges of employment discrimination in the country. Accordingly, employers with fewer than 25 employees, the current jurisdictional minimum, should be subject to the same controls applied to the other segments of business.

Coverage of State and local employees is another area where the existence of employment discrimination has been noted but no adequate remedy has been available. The presence of discrimination in State and local governments has been well documented by the U.S. Commission on Civil Rights in two extensive studies done during the past 2 years. And yet the protection of title VII available to the other segments of society have been denied State and local employees.

This situation is in clear conflict with our concept of government. Democracy is government by the people and for the people—all the people. That fundamental principle must be seen in government itself if it is to be believed. I feel that local governments, which most affect the daily lives of every citizen in the particular community, should be fully committed to maintaining equal employment opportunity. Any failure to promote this goal at the level of the State and local government can do nothing but breed discontent, mistrust, and harsh cynicism toward the entire process of government.

It is in this respect that S. 2515 extends the protections of title VII to all State and local employees. However, the bill does recognize the sovereign characteristics possessed by States, and accordingly does not extend the administrative process of the EEOC to them. Rather, if a charge against a State or local governmental agency is received by the EEOC, it will investigate that charge and attempt to conciliate. If it should fail, it will then submit the complaint to the U.S. Department of Justice where further legal action may be instituted by that Department. If the Justice Department decides not to act on a complaint, the individual would still have the opportunity to pursue his claim in court.

However, we cannot expect the advancement of equal employment opportunity in State and local governments to occur without establishing a firm example of Federal leadership at the forefront of this effort. The report of the Senate Committee on Labor and Public Welfare states this case with exceptional clarity:

> The federal government, with 2.6 million employees, is the single largest employer in the nation. It also comprises the central policy-making and administrative network for the nation. Consequently, its policies, actions, and programs strongly influence the activities of all other enterprises, organizations and groups. In no area is government action more important than in the area of civil rights.

That is why I regard as of great importance the provisions in the bill giving expanded authority to the Civil Service Commission to eliminate discrimination in Federal employment, and expressly granting to Federal employees a right of private action to obtain relief from such discrimination.

We cannot be satisfied with reports of progress when minorities, representing almost one-fifth of Federal employment, are concentrated in the lower civil service grade levels, and when over three-fourths of the 665,000 women working for the Federal Government have positions below the level of GS–7.

The corrective remedies authorized in S. 2515 go beyond existing Executive order policy pronouncements to get at the real problems of discriminatory practices and effects that are institutional and regional in nature, more than they are the result of private, intentional wrongs.

Serious inadequacies are clearly present in existing Federal employee discrimination complaint procedures, in the credentials associated with civil service selection and promotion techniques and requirements, in procedures to assure bona fide plans and efforts by Federal agencies to accomplish actual results in the promotion of equal employment opportunity, and in the prohibition of employment discrimination at regional and local Federal installations as well as at national offices in Washington, D.C.

There can be no further delay in opening the higher civil service grades to women and minority groups. We must make absolutely clear the obligation of the Federal Government to make all personnel actions free from discrimination based on race, color, sex, religion, or national origin.

The Equal Employment Opportunities Enforcement Act requires the fulfillment of this obligation. But it also provides for affirmation action to place the same obligation at the door of our educational institutions, employing some 2.8 million teachers and professional staff members and another 1.5 million nonprofessional staff members. In removing the existing exemption of employees of educational institutions from the protection of title VII of the Civil Rights Act of 1964, S. 2515 stipulates that they, too, must be provided an effective Federal remedy to overcome employment discrimination.

Discrimination in America's educational institutions has been well publicized in some of the most famous civil rights cases decided by the courts and in daily articles in the Nation's newspapers. I can find no reason why these institutions should enjoy a special immunity in their employment practices. There is nothing in title VII to suggest that employment in educational institutions is any different from employment anywhere else. If anything, it is our schools which most affect the future development of this country, and should, accordingly, be the leaders in equal opportunity in all respects.

S. 2515 also improves the effectiveness of equal employment opportunity enforcement by consolidating the administration of enforcement functions in one agency. The bill transfers the functions of the Office of Federal Contract Compliance to the EEOC, and over a period of 2 years, also transfers the "pattern or practice" enforcement functions administered by the U.S. Department of Justice to the EEOC. Currently, the Secretary of Labor, through the Office of Federal Contract Compliance, monitors, coordinates, and evaluates the Government-wide contract compliance program and supervises the compliance activities of the 15 Federal contracting agencies.

I am firmly convinced that a single agency must be made responsible for the enforcement of all Federal equal employment opportunity programs. We must eliminate the confusion between policy directives from various Federal agencies, duplicate investigations conducted by several agencies on the same issue, and the maintenance of different sets of statistics and guidelines.

The ultimate transfer of the "pattern or practice" enforcement function from the Justice Department to the EEOC, after 2 years, will similarly consolidate enforcement of civil rights claims. While during the first 2 years after the enactment of the present legislation, the EEOC will have the concurrent power to bring "pattern or practice" claims under its administrative remedies, its ability to do so effectively may be affected by the need to expand its staff, reorganize its structure, and establish effective procedures to deal with the new enforcement provisions. Given a period of adjustment of 2 years, however, I feel that it will then be in a position to handle all claims that are presented to it, and there will no longer be a need for a parallel enforcement system in the Department of Justice.

I strongly urge all Members of the Senate to support the Equal Employment Opportunities Enforcement Act, S. 2515. While the passage of 6 years since the defects of title VII became apparent is an inordinately long period of time in which to correct the shortcomings of the original act, our prompt and favorable action now will firmly reestablish the primacy of equal employment opportunity as a national goal and a basic right, effectively guaranteed, of every American citizen.

RECESS SCHEDULE FOR THE SECOND SESSION OF THE 92D CONGRESS

Mr. MANSFIELD. Mr. President, will the Senator yield briefly?

Mr. SCHWEIKER. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a recess schedule for the second session of the 92d Congress.

There being no objection, the schedule was ordered to be printed in the RECORD, as follows:

Lincoln's Birthday (Saturday, February 12)—From conclusion of business Wednesday, February 9, until Noon, Monday, February 14.

Easter (Sunday, April 2)—From conclusion of business Thursday, March 30, until Noon, Tuesday, April 4.

Memorial Day (Monday, May 29)—From conclusion of business Friday, May 26, until Noon Tuesday, May 30.

Democratic Convention and July 4—From conclusion of business Friday, June 30, until Noon, Monday, July 17.

Republican Convention—From conclusion of business Friday, August 18, until Noon, Monday, August 28.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

AMENDMENTS NO. 611

Mr. DOMINICK. Mr. President, I call up my amendments No. 611 and ask that they be made the pending business.

The PRESIDING OFFICER. The clerk will read the amendments.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Colorado (Mr. DOMINICK) proposes amendments identified as No. 611.

Amendments No. 611 are as follows:

On page 33, after line 24, insert the following:

"SEC. 4. (a) Paragraph (6) of subsection (g) of section 705 of the Civil Rights Act of 1964 (78 Stat. 258; 42 U.S.C. 2000e–4) is amended to read as follows:

"'(6) to refer matters to the Attorney General with recommendations for intervention in a civil action brought by an aggrieved party under section 706, or for the institution of a civil action by the Attorney General under section 707, and to recommend institution of appellate proceedings in accordance with subsection (j) of this section, as redesignated by section 4(d) of the Equal Employment Opportunities Enforcement Act of 1971, when in the opinion of the Commission such proceedings would be in the public interest, and to advise, consult, and assist the Attorney General in such matters.'

"(b) Subsection (h) of section 705 of such Act is amended to read as follows:

"'(h) Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court, except that the Attorney General shall conduct all litigations to which the Commission is a party in the Supreme Court or in the courts of appeals of the United States pursuant to this title. All other litigation affecting the Commission, or to which it is a party, shall be conducted by the Commissioner.'"

On page 34, beginning with line 1, strike out through the end of the parenthetical in line 3 and insert in lieu thereof:

"(c) Subsections (a) through (e) of section 706 of such Act."

On page 38, beginning with line 7, strike all through line 7, page 50, and insert in lieu thereof the following:

"(f) If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c) or (d), the Commission has been unable to obtain voluntary compliance with this Act, the Commission may bring a civil action against the respondent named in the charge. If the Commission fails to obtain voluntary compliance and fails or refuses to institute a civil action against the respondent named in the charge within one hundred and eighty days from date of the filing of the charge, a civil action may be brought after such failure or refusal within ninety days against the respondent named in the charge (1) by the person named in the charge as claiming to be aggrieved or (2) if such charge was filed by an officer or employee of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsection (c) of this section or further efforts of the Commission to obtain voluntary compliance."

On page 50, beginning with line 8, strike all through line 19, and insert in lieu thereof the following:

"(d)(1) Subsections (f), (h), (i), (j), and (k) of section 706 of such Act, and all references thereto, are redesignated as subsections (h), (j), (k), (l), and (m), respectively.

"(2) Subsection (g) of such section 706 is redesignated as subsection (i), and a new subsection (g) is inserted as follows:

"'(g) Whenever a charge is filed with the Commission and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to carry out the purposes of this Act, the Commission may bring an action for appropriate temporary or preliminary relief pending final disposition of such charge. It shall be the duty of a court having jurisdiction over proceedings under this section to assign cases for hearing at the earliest practicable date and to cause such cases to be in every way expedited.'

"(e) Subsection (i) of section 706 of such Act, as redesignated by paragraph (2) of section 4(d) of this Act, is amended to read as follows:

"'(i) If the court finds that the respondent has engaged in or is engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include, but is not limited to, reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), or any other equitable relief as the court deems appropriate. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable.'"

On page 56, beginning with line 7, strike all through line 19.

On page 56, line 20, strike out "SEC. 8" and insert in lieu thereof "SEC. 7".

On page 60, beginning with line 3, strike all through line 9, page 61.

On page 61, line 10, strike out "(h)" and insert in lieu thereof "(f)".

On page 61, line 13, strike out "SEC. 9" and insert in lieu thereof "SEC. 8".

On page 62, line 18, strike out "SEC. 11" and insert in lieu thereof "SEC. 10".

On page 65, line 21, strike out "(q)".

On page 65, strike out lines 23 and 24.

On page 65, line 25, strike out "(e)" and insert in lieu thereof "(d)".

On page 66, line 6, strike out "SEC. 12" and insert in lieu thereof "SEC. 11".

On page 66, line 14, strike out "SEC. 13" and insert in lieu thereof "SEC. 12".

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me for a unanimous consent request?

Mr. DOMINICK. Yes, if the Senator will wait just a moment.

Mr. BYRD of West Virginia. Yes.

Mr. DOMINICK. Mr. President, this amendment is proposed on behalf of myself, Mr. BAKER, Mr. BROCK, Mr. BUCKLEY, Mr. ERVIN, Mr. FANNIN, Mr. HOLLINGS, and Mr. TOWER.

I ask unanimous consent that the names of Messrs. DOLE, HANSEN, BENTSEN, and GOLDWATER be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, it should be stated for the RECORD that the time consumed on the rollcall was 20 minutes. It was thought best that, on this first rollcall, we not proceed in accordance with yesterday's unanimous-consent request limiting rollcall votes to 15 minutes, but that 20 minutes be allowed in this instance so that all Senators would have ample notice that on each rollcall from today forward during the remainder of this session, there will be only 15 minutes on each rollcall, the warning bell to be rung at midpoint, or at the 7½ minute mark.

ORDER FOR ADJOURNMENT UNTIL 11 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

Mr. BYRD of West Virginia. Mr. President, for the information of Senators, may I ask the distinguished Senator from Colorado, the author of the pending amendment, as to whether or not he anticipates a rollcall vote on his amendment today?

Mr. DOMINICK. Mr. President, in answer to the inquiry of my friend from West Virginia, I do not anticipate even a long debate today. I thought I would just put the amendment in and give a brief introductory statement on it, and then take it up at some length tomorrow. It is my hope that we could vote on it on Monday, as opposed to tomorrow, if that would be satisfactory with the leadership.

Mr. BYRD of West Virginia. If I may respond on behalf of the majority leader, it is the hope of the leadership that we can proceed as expeditiously as possible, and I know I am speaking for the distinguished manager of the bill in expressing the hope that we will not delay action on the pending bill one way or the other overly long.

This bill will likely be followed by the Higher Education Act, with the Foreign Aid bill coming along. We have the Welfare Reform bill, and we have other very important legislation, and we do not want to delay too long. However, the Senator's wishes will be considered, and certainly we are to understand, as I gather from what he has just said, that there will not be final action on his amendment today.

Mr. DOMINICK. That is correct.

Mr. BYRD of West Virginia. Then may I ask if there is any Senator who has an amendment which he would be willing to call up this afternoon following the statement by the distinguished Senator from Colorado, in the event that unanimous consent could be obtained to temporarily set that amendment aside? I see no indication of such, so I assume there will be no further rollcalls today. I thank the able Senator from Colorado.

Mr. DOMINICK. I thank the distinguished Senator from West Virginia.

Mr. President, as far as my colleagues are concerned, I should say that I am going to give just a brief explanation today, perhaps engage in a little colloquy with the Senator from New Jersey if he cares to, and then go into the matter at more length with a number of Senators who want to speak on this particular issue tomorrow. I say the matter needs some extended discussion, because I think we are dealing with perhaps the most important single issue in the complete bill. The issue really is whether we should put into one executive agency the powers to make rules, the powers to investigate whether or not those rules are being abided by, the powers to charge violations of those rules, and then the powers to decide whether or not the violations are in fact in existence, and if they are, to issue appropriate judicial orders.

We used to have a word for this in the old English common law. They used to call it a Star Chamber proceeding, where one person or one group would have the power to issue the rules, decide whether there has been a violation, and then impose the punishment. That is exactly what the cease-and-desist procedure would do.

It seems to me it is far more beneficial, from an overall governmental policy standpoint, to separate these functions just as we have them in the three branches of government under the federal system. Second, it also seems to me that, looking at it from the point of view of those who feel that they have been discriminated against, they are going to get a much more objective hearing before the courts than they would before this particular body, the EEOC, and that they will get a much more expeditious hearing. As I believe, has probably been pointed out already by the distinguished manager of the bill, the EEOC now, without cease-and-desist authority and without the additional coverage provided by this bill, is 32,000 cases behind, with over a 20-month backlog, in determining and resolving unlawful employment practices. I do not care who it may be, or how long they may have been claiming discrimination, if they have to wait 20 months before they even find out whether or not the Commission feels that the charge is valid, all one can say is that justice delayed is justice denied.

The average backlog of the Federal district courts at the present time is about 12 months. So my amendment would immediately speed the process of justice up by 8 months by transferring these matters to the Federal district courts, rather than keeping them within the Commission, even if there were no additional employees put within the jurisdiction of the Commission.

We have, however, greatly enlarged the Commission's jurisdiction. We are adding approximately 10.1 million State and local employees, 6.5 million private employees of small employers, and 4.3 million educational employees. Thus, we are talking about an expanded coverage of approximately 21 million potential aggrieved.

Interestingly enough, there has been a trend in recent EEOC investigations concerning alleged discriminatory cases involving sex discrimination. Are women being given unfair treatment or, conversely, are they being given preferential treatment? In either situation, the person who feels aggrieved has charged sex discrimination and is bringing these cases before the EEOC at the present time. Additionally, there will be the need, under cease-and-desist powers if they are left in the bill, for the training of hearing examiners who will have to set up special courts or special hearing rooms within the Commission. These hearing examiners will need to be trained in the subtleties of what is or is not discrimination. It will take almost 2 years to get the necessary number of trained people on board in order to accomplish these demands. Each one of these factors, as I see it, simply adds to the problems of discrimination in employment and frustrates the resolution thereof.

One thing that I think all of us in this body, regardless of who we are, would like to get rid of is discrimination, particularly when it involves something as essential as someone's livelihood. My feeling, which is concurred in by a great number of knowledgeable Senators, is that we can overcome employment discrimination much better by utilizing our existing Federal district courts, which are free from political patronage, which are free from the subtleties of political winds that occur when an administration changes course or a new administration comes in, and consequently can handle these matters on the same objective, fair basis that the Federal district courts have been handling cases before them of all kinds for a long period of time.

There is a kind of simplistic argument that has been given, a kind of sloganeering against this amendment, wherein it is alleged that my amendment is anticivil rights, and that it is anti the intents and purposes of the original EEOC bill, neither of which could be further from the truth.

What I am trying to do is to find a mechanism whereby the EEOC can initiate prompt enforcement in an impartial tribunal that guarantees the protection of all constitutional rights to all parties and to do it as soon as possible after conciliation has not worked and where the charge seems legitimate.

I reiterate that my amendment is not contradictory to the independent general counsel amendment which has just been adopted unanimously by the Senate.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a question?

Mr. DOMINICK. I yield.

Mr. BYRD of West Virginia. Would the distinguished Senator be willing to enter into an agreement at this time with respect to a limitation of time on his amendment, the time to begin running on Monday—say, one hour and a half on the amendment, to be equally divided, with the one hour and a half to begin running at 11:30 a.m., and with a vote to occur on the amendment at 1 p.m.?

Mr. DOMINICK. The Senator from Colorado would have no objection to that. In fact, I think it is a good suggestion. It gives us a time certain, and it also gives us some time on Monday as well as tomorrow in order to get into this amendment.

ORDER FOR ADJOURNMENT FROM FRIDAY, JANUARY 21, UNTIL 11 A.M., MONDAY, JANUARY 24, 1972

Mr. BYRD of West Virginia. Mr. President, I have discussed this proposal with the distinguished manager of the bill, the Senator from New Jersey (Mr. WILLIAMS). I therefore propound the following request:

I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 11 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, following the recognition of the two leaders, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to extend beyond 11:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the close of morning business on Monday next, at 11:30 a.m., the amendment by the Senator from Colorado (Mr. DOMINICK) which is now pending, be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on that amendment then begin running; that there be a limitation of 1 hour and a half on the amendment; that the time be equally divided between the distinguished mover of the amendment, the Senator from Colorado (Mr. DOMINICK), and the distinguished manager of the bill, the Senator from New Jersey (Mr. WILLIAMS); that time on any amendment in the second degree be limited to 30 minutes, to be equally divided between the mover of the amendment in the second degree and the distinguished manager of the bill; that at the conclusion of the time on the amendment or any amendments thereto, a vote occur on the Dominick amendment.

Mr. DOMINICK. Mr. President, reserving the right to object, for the sake of clarification, let us suppose we have the hour and a half. It is all right if no amendments are offered. But suppose an amendment is offered to this amendment. What happens to the time when we vote, then, on the principal amendment?

Mr. BYRD of West Virginia. The vote on the principal amendment would not be reached until the amendment in the second degree had been disposed of.

Mr. DOMINICK. Then, I have no objection; and I ask for the yeas and nays on the principal amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Without objection, the unanimous-consent request of the Senator from West Virginia is agreed to.

Mr. BYRD of West Virginia. Mr. President, according to the way I phrased the request, a tabling motion with respect to the amendment of the Senator from Colorado would not be in order.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. DOMINICK. I thank the Senator from West Virginia.

Mr. BYRD of West Virginia subsequently said: Mr. President, in order that any and all eventualities may be provided for, I ask unanimous consent that time on any motion, appeal, or point of order with respect to the amendment of the distinguished Senator, or any amendments in the second degree, with the exception of nondebatable motions, be limited to 20 minutes, to be equally divided between the mover of such and the distinguished manager of the bill.

The PRESIDING OFFICER (Mr. FANNIN). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I express the hope again, on behalf of the leadership, that on tomorrow other Senators may be prevailed upon to call up other amendments, so that progress can be made. In that event, of course, we would attempt to obtain unanimous consent to set the pending amendment aside temporarily.

Mr. WILLIAMS. This unanimous-consent agreement would not preclude a motion to table in the second degree?

Mr. BYRD of West Virginia. It would not preclude a motion to table an amendment in the second degree.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMINICK. Mr. President, to continue the brief statement I was making before our unanimous-consent requests were proposed and agreed to, some people have been saying that my amendment is antiemployee or anti-civil rights. If you go along with that kind of reasoning, what you really have to say is that the Federal District Courts are antiemployee or anti-civil rights; and obviously this is just plain absurd. Consider, for a moment, where the minorities in this country would be without the monumental court decisions which have recognized and protected their rights in education, in public accommodations, in housing, in voting, and in equal employment.

I must say, in my own defense, having voted for every civil rights piece of legislation since I have held public office, that it is highly unlikely that I would be offering something which would constitute any kind of discriminatory action against the minorities in this country. So I think we can dispose of that allegation briefly, with that quick statement.

Also the implication has been made—that the aggrieved employee will not receive justice in the United States District Court; and this, of course, is equally absurd. Let me say a few things by way of background on this.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. WILLIAMS. I am the manager of the bill, and I am opposed to the amendment, but those are two arguments that this Senator would never use.

Mr. DOMINICK. I fully understand that, and I was not implying that the manager of the bill had. Some much less responsible people have been circulating such implications. I just wanted that cleared up completely.

Mr. WILLIAMS. I wanted early clarification of that.

Mr. DOMINICK. During the process of our committee hearings on this matter, I brought up, in the case of State and local employees, the problems inherent in a situation where one executive agency of Government is put into a position to issue injunctive orders against State and local employees and governments. It would be a really ironic situation, it strikes me, that if we established an agency designed to help minorities, we should suddenly find the same agency entitled to step into every local and State governmental system in the country and say: "Cease and desist. You cannot do what you have been doing in the past, and we are going to investigate your personnel hiring policies from here on out."

That, to me, would be wrong. I pointed out that there might be some kind of collusion here between the EEOC and the Justice Department so, with the consent of the remainder of the committee, we changed the language to say that EEOC cease-and-desist orders will not apply to State and local employees, but that enforcement of alleged grievances will occur through complaints filed in the Federal court system by the Attorney General's office. Then we examined the Federal employee situation and I pointed out again that we were creating an agency czar in the EEOC which could determine personnel policies in all the other Federal agencies of the Government. I doubted the wisdom of creating such an ominipotent agency. After some discussion on this, and with the decided aid and assistance of one of my good friends, Clarence Mitchell of the NAACP, we were able to work out an agreement whereby a Federal employee who feels he is discriminated against can go through his agency, and if he is still dissatisfied, he is empowered to bring suit in Federal court or through the existing Civil Service Board of Appeals and Reviews to Federal court. So on two of the major groups of employees covered by this legislation; namely, State and local employees on the one hand, and Federal employees on the other, the committee itself agreed to grievance remedy procedures through the Federal district courts; yet with the private employee they say, "No, you cannot have that. We will have an agency that can do it all by itself." That is discrimination in and of itself, right within the bill; and it strikes me that one of the first things we have to do is at least to put employees holding their jobs, be they government or private employees, on the same plane so that they have the same rights, so that they have the same opportunities, and so that they have the same equality within their jobs, to make sure that they are not being discriminated against and have the enforcement, investigatory procedure carried out the same way.

I do not see the difficulty in that concept. So I would say once again that any thought that this amendment is antiemployee or anti-civil rights is plain ridiculous.

I know that there are many people, including the manager of the bill, who disagree with my approach, and who perhaps think that it will clog the courts. I must say, that although those arguments can be made, with 93 courts already established, and with the independent general counsel that has just been created for the EEOC itself, we would now have the legal machinery to move rapidly on the enforcement of what ever legitimate complaints may come before the EEOC which cannot be solved by conciliation.

So, once again I would urge that, on the merits, this particular amendment be adopted.

Mr. President, just a few minutes ago, I was talking about the caseload that the Commission has. I think it might be worthwhile to get all these facts initially in the record at this point.

Chairman Brown of the EEOC testified that as of June 30, 1971, the Commission had a backlog of 32,000 cases. It anticipated that a load of 32,000 new cases would come in fiscal year 1972, and 45,000 in fiscal year 1973.

As of February 1971, almost a year ago, EEOC complaints required from 18 to 24 months for disposition.

To this already substantial backlog, we must add the impact of the more complex and time-consuming cease-and-desist procedures as they are maintained in the bill.

Mr. President, we must also consider expanded coverage. Included for the first time in the expanded coverage, as I pointed out, are approximately 6.5 million employees of small employers—those employing between eight and 25 employees; 4.3 million educational employees—teachers, professional and nonprofessional staff members; and 10.1 million State and local governmental employees whose disputes are to be conciliated prior to going to the Attorney General for court action, as I pointed out just a little while ago.

Thus, the EEOC will be responsible for an additional 21 million potential aggrieved personnel.

Now it seems to me that if we look at this in any kind of logic, and with real care, we can see immediately that the added load will require not only a great increase in administrative staff in the EEOC but is also going to mean a much longer backlog before any case can be decided.

As I said earlier, it seems wrong to me to say to an aggrieved employee, "Certainly we will hear your case. We will do the investigating. We will bring the charges. We will do everything else, but you will not get a decision for over 2 years." That is not justice. This is not equal employment opportunity. But if we have the investigator saying that this is a legitimate complaint, and that it will be brought to the district court and will get priority treatment there, we can get the matter decided in half the time it would take in any other way.

It strikes me that this is right on principle. It is right in terms of administrative procedures. It conforms to what we did with State and local employees and with Federal employees.

I believe firmly that the particular amendment we are involved with now is something which is of great need, if we are going to solve the discrimination which, unfortunately, occurs in this country too often.

Mr. TOWER. Mr. President, I am pleased to offer my support to the Dominick amendment to S. 2515. I happen to be a cosponsor of that amendment. I have joined with my distinguished colleague from Colorado, believing that his approach is far superior to providing still another quasi-judicial, quasi-legislative body with power far beyond any which it was ever intended to handle. I can remember distinctly when the EEOC was established under the 1964 Civil Rights Act that its sponsors roundly denied that this cumbersome body would, or should, ever have the authority to issue cease and desist orders on its own. The Congress was assured that such would never be the case, that we would not again create a political body to deal with such legal questions. Our only other attempt at such a body, the National Labor Relations Board, has been nearly a total failure in dealing with labor matters. Pure logic alone dictates that we do not try to solve a problem with a solution that has proven to be so untrustworthy. Even the thought of this should be rejected by this body.

The EEOC was established to act as a mediator between the employer and employee in job discrimination cases. It was hoped that if a problem arose, by talking calmly with each side a ready solution could be reached. Since the day of its inception, the EEOC has proven that it was not qualified to deal with this problem. Instead of acting as an impartial mediator, the Commission has in many instances been an antagonist. Instead of efficiently handling and processing its cases, it has allowed a backlog of over 31,000 cases to build up in the 6 years of its existence. By granting the Commission the power to issue cease-and-desist orders as well as increasing its jurisdiction, the process would be further complicated and even greater backlogs, reliably estimated to be perhaps up to 3½ years, would result.

In addition to the Commission's being unqualified to handle any new duties, there exists the fact that to grant it cease-and-desist power would be a contravention of our Anglo-Saxon judicial process and return to a "Star Chamber" proceeding. In the process as proposed in S. 2515, the Commission would be not only the investigator of the charge, but it would also determine whether there were probable cause to believe the charge were true and ultimately to decide if in fact the charge were true and whether to issue the order. The Commission would be judge, jury, and prosecutor, all at the same time. This has not worked in the past; it will not work in this instance.

There are many advantages to allowing the courts to decide whether or not a charge has been substantiated and then let it issue and enforce the cease-and-desist order. First of all, it is a fact that the courts have done a good job in dealing with civil rights questions, including title VII questions. This use of the courts would assure an impartial tribunal, thus guaranteeing each side the due process of law. The courts would likewise provide a more speedy solution to charges of title VII violations. The median time for the disposition of nonjury trials in the 10 States having the most EEOC complaints is less than a year. Compare that, if you will, to the more than 2-year backlog that now exists within the EEOC and the expected 3½-year backlog if cease-and-desist powers are granted. Orderly procedures in business demand that the law be fairly determinable so that businesses may comply with and plan for them. Commissions such as the EEOC have proven to be not only untrustworthy, as I have previously stated, but likewise unpredictable. There are no rules of stare decisis or other precedent that can guide our Nation's businesses as to what to do. What may be a fair hiring practice today may not be tomorrow, but may be again the day after tomorrow. In such a case, an employer cannot know what procedures to institute and be sure that he is in compliance. With the court approach, a body of case law will build up so that it will be determinable what the law actually is. To do anything else would be to invite chaos in this field.

Those who have a grievance under title VII should have access to the courts of this Nation. To now try to enact a solution that has been a failure in other areas is neither fair to those who have a legitimate grievance and are desirous of a quick solution or to those who have been unjustly accused and seek a quick vindication. I urge the Senate to adopt our amendment which will provide a very reasonable and workable solution. I commend the distinguished Senator from Colorado on his leadership in this matter.

Mr. DOMINICK. Mr. President, I thank the Senator from Texas and I much appreciate his support. The points he has emphasized are exactly the ones that the Senate ought to consider. We are not talking about partisanship or politics here. We are not talking about anything except a question of whether or not we can get alleged discrimination cases tried fairly for both the plaintiff and the defendant as expeditiously as possible.

It strikes me that doing this in the way suggested in my amendment will be a far more preferable way than the way provided in the bill at present.

As I said during the process of the debate—and I do not know whether the Senator from Texas had an opportunity to hear it—we have already provided in the existing bill for State and local employees and Federal employees to seek redress of their grievances to Federal District Courts. We are not doing so for private employees or private employers. It seems to me that is discrimination in and of itself.

I would certainly urge, both on logic and an expeditious handling of these troublesome and emotional cases, that we adopt the amendment as soon as possible.

Mr. WILLIAMS. Mr. President, it is my understanding that, while the distinguished Senator from Colorado has offered his amendment and has fully and completely explained it, there will be debate on tomorrow. I will reserve most of my statement until then.

I want to make one or two comments, however, at this time. First, the Senator from Colorado described some of the changes made in the committee in the original bill. These were changes that, in my judgment, greatly improved the legislation. The principal architect of these changes dealing with the civil service area, and certainly with the method of enforcement when charges are brought against State and local governments, was the Senator from Colorado.

I would like to state that I am personally grateful for the work he has done in committee. And I applaud him for that.

On this issue, with respect to the pending amendment, I know this is a matter of deep conviction with the Senator from Colorado because basically it is the amendment that was offered when the bill was before the Senate the year before last. We debated the measure and voted on it at that time. As I recall, it was a relatively close question then. I do not know what the result will be this year. Perhaps with some of the changes that have been made, it will not be as close. At any rate, I reiterate one thing that I do not want any misunderstanding on. My debate against the pending amendment will deal with basically the practical question of whether court enforcement as an exclusive method is the most efficient way of reaching the objectives of the legislation. I think not.

Certainly if there are those who say that court enforcement is anti-civil rights, I am not one of them. If there are any who say that court enforcement would be less just to those who complain of discrimination, I am certainly not one of those either.

It is my feeling for the reasons that I will discuss tomorrow, that in order to realize the objective of the legislation, of establishing enforcement procedure by law to further the constitutional rights and statutory rights against discrimination, the proper way to do it is through the administrative procedure of cease and desist with all of its abundance of due process protections and, finally, of course, the court review where parties disagree with the findings that led to the cease and desist order.

I look forward to a fuller debate tomorrow and before we vote finally on the pending amendment on Monday.

Mr. President, I yield the floor.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, after the two leaders have been recognized, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes, and that at the close of morning business the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume it will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, when the Senate convenes tomorrow, it will meet at 11 a.m. Following the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of morning business, the Chair will lay before the Senate the unfinished business, and the pending question will be the amendment by the distinguished Senator from Colorado (Mr. DOMINICK). There will be no vote on that amendment tomorrow, an order having already been entered to vote on the amendment on Monday next.

However, it is expected that there will be debate on that amendment tomorrow. It is also anticipated that the debate on the Dominick amendment will not consume the entire day tomorrow.

That being the case, it is expected that Senator ERVIN, Senator ALLEN, Senator RANDOLPH, or other Senators will call up amendments, with unanimous consent having been given to temporarily lay aside the pending Dominick amendment. Senators should be alert to the possibility, therefore, of votes tomorrow on amendments other than the Dominick amendment, and I would hope that the cloakrooms would bring to the attention of Senators that there is a good possibility of rollcall votes tomorrow on amendments other than the Dominick amendment, the vote on which will not occur, as I have stated, until Monday.

ADJOURNMENT UNTIL 11 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 4:44 p.m.) the Senate adjourned until tomorrow, Friday, January 21, 1972, at 11 a.m.

EXTENSIONS OF REMARKS

"DELTA QUEEN"—NAUTICAL TRANQUILIZER

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. McCLORY. Mr. Speaker, on September 28, 1971, several of our colleagues and I joined the distinguished gentleman from Ohio (Mr. McCULLOCH) in introducing H.R. 10926, a bill to exempt from certain deep-draft safety statutes a passenger vessel operating solely on inland rivers. A similar bill, S. 2470, was introduced in the Senate by Senators TAFT, SCOTT, and SAXBE on August 6, 1971. Both bills provide for permanent exemption from the 1966 Safety at Sea law as it applies to the steamboat, *Delta Queen*.

The *Delta Queen* is the last overnight steamboat operating on the Ohio, Mississippi, and Tennessee Rivers and has been listed by the Department of Interior in the National Register of Historic Places. It is truly a living monument to a bygone era.

Mr. Speaker, in spite of the fact that the *Delta Queen* will never encounter the hazards of the open sea it has, quite unfortunately, fallen within the category of vessels that require regulation under the Safety at Sea law. The steamboat's owners have diligently complied with every single requirement set by the U.S. Coast Guard, and they have met and exceeded safety recommendations by independent experts and by the National Aeronautics and Space Administration.

Nevertheless, because the way the law was written it has been necessary for supporters of the *Delta Queen* to seek temporary exemptions from the Safety at Sea law in order to keep this landmark afloat. The last exemption is set to expire on November 1, 1973. At that time it is quite possible that this vessel will be banned from the scenic rivers which have been its home—unless another temporary exemption can be obtained.

On the other hand, we have an opportunity in this session of the 92d Congress to settle this matter once and for all by passing legislation which will provide a permanent exemption for the *Delta Queen*.

Mr. Speaker, there has not been a single passenger life lost in a riverboat fire in over 60 years. The last time it happened, a drunk under ship-arrest set the brig on fire and burned himself to death. In the process, the vessel also burned, but all 1,200 passengers got to safety when the boat—the excursion steamer J.S.—pulled into the bank near Winona, Minn., in 1910.

Mr. Speaker, a very excellent article about the *Delta Queen*, written by Edward J. Wojtas, appeared in the January 16, 1972, edition of the Chicago Tribune. I am inserting this article in the CONGRESSIONAL RECORD at this point, and I invite my colleagues to indulge in a little nostalgia as they read the article—and then to join the growing number of people who are engaged in an all-out effort to "Save the *Delta Queen*."

The article follows:

RIVERBOAT CRUISES

(By Edward J. Wojtas)

The country's only overnight river steamer, the Delta Queen begins another year of cruising on Feb. 3 when the huge white vessel leaves New Orleans for a six-day cruise to Memphis. Before the 1972 season is over, the venerable riverboat will have completed 49 separate trips up and down the Ohio, Mississippi, Cumberland, and Tennessee Rivers. But newly added to this year's schedule are the Arkansas River, with a cruise to Little Rock, and Illinois, with trips to Peoria and Starved Rock.

As things stand now, the Delta Queen still has at least two more years of life in her solid steel hull. That's the result of some last minute legislation signed by President Nixon on Dec. 31, 1970, which gave the old river queen three more years of life. The proud queen had been doomed by a Safety at Sea law that was enacted by Congress in 1966 in reaction to fires on two cruise vessels at sea. Two separate two-year extensions already had been granted prior to this latest law. Although the Delta Queen never leaves the sight of a river bank, she was included in the legislation because she was an American flag flying vessel, built from "nonfireproof" materials, and had overnight accommodations for more than 49 persons.

After the President signed the legislation, the Delta Queen was upgraded to the tune of half a million dollars. Among other things, fire retardant paints—approved by NASA—were used throughout the ship. An automatic fire detection and warning system was installed. The entire ship, too, is equipped with an automatic sprinkler system. In a very true sense, the Delta Queen now is a Victorian relic in a space age hide.

New legislation was introduced in late 1971 to exempt permanently the riverboat from the 1966 law. Both senators from Ohio and Senate Minority Leader Hugh Scott of Pennsylvania sponsored the new bill. If the law is enacted, the steamer will be saved for posterity to take her place with the Silverton train, Williamsburg, Greenfield Village, and Mystic Seaport as authentic links to America's colorful past.

The Delta Queen is 285 feet long, 58 feet wide, weighs nearly 2,000 gross tons, draws seven feet of water, carries a normal passenger complement of 186, a crew of 76, and travels 35,000 miles a year under the command of Capt Ernest Wagner, a virtual giant of a man—6 feet 4 inches tall and 250 pounds—gruff of voice but with patient and graceful manner and a mariner's skill gathered in 42 years on the river.

The Queen was built in Glasgow, Scotland, in 1926, shipped to Stockton, Cal., where her wooden superstructure was added, then put into service between Sacramento and San Francisco. After a colorful career there, she was purchased by Greene Lines in 1946, towed to Pittsburgh, refurbished, and put into service on America's inland waterways in 1948.

So what is it that attracts people to ride the riverboat?

Probably one of the most peaceful and relaxing experiences available in today's helter-skelter world. Even a "land cruise" on a cross country passenger train pales by comparison. Leisure and pleasure are the forte of an inland waterway cruise. There is no seasick-inducing swaying, no rolling up and over. The shoreline inches past smoothly with a continuous change of scenery from farm plots, to shipyards, to power plants, to paralleling railroad tracks, to huge splotches of greenery.

At each town and lock—word travels well ahead of the boat—the Queen is met by crowds that come to wave and shout and then demand a tune or two from the rear deck calliope which easily can be heard at least five miles away. And at each town the calliopist obliges.

The calliope is now a tradition on the Queen altho most of her predecessors never did have such an extravagance. As a matter of fact, each passenger even gets a chance to play the howling screecher and then is awarded a "Vox Calliopus" certificate attesting to the momentous achievement.

One bit of modernity that stuns the first-time boarder is the captain's shiny Volkswagen "moored" on the lowest deck. It's used at shore stops for land errands. The VW is last to board over the Queen's huge "stage" or gangplank, putt-putt-putting aboard just before the shore lines are set loose. The car is even officially "nautical," with decals of red and green running lights on her port and starboard windows.

But there are many things to do aboard the Queen besides listening to the calliope. There are many moments of just peaceful contentment when passengers can get absorbed in that book they've been saving to read, write letters, stroll around the deck—11 laps equal one mile—or just lie on the sun deck and bask in the warm solar rays.

Birdwatchers can identify a variety of geese, ducks, gulls, herons, or even a few egrets or a pelican or two in the lower reaches of the Mississippi.

River commerce continually passes by in the form of freight. The great barge tows pushed by huge towboats carry thousands of tons of coal, ore, grain, petroleum and chemicals up and down the rivers.

They can watch the steamboat's own operations, deck hands manning lines, officers shouting orders, the engine room with its throbbing pumps and pistons and rods and wheels, inspect the intricacies of passing thru locks and past the many dams, and enjoy the marine ballet that accompanies each docking procedure the Queen must go thru to tie up at shore stops. And at these shore stops passengers can get off and inspect the quaint old river cities.

A few river fans actually come aboard armed with Corps of Engineer charts that show each individual bluff, island, chute, bayou, sand bar, dike, village, factory, bridge, or power line, plus virtually every other topographic feature. They revel in pointing out each as the Queen continues to waddle down the river like a big placid duck.

Chief hazard on the river is fog. But, when it does get too pea soupy, Capt. Wagner simply moves over to shore and ties up until it lifts.

In between all the relaxing there are meals to savor. All food is included in the passage. On the first day aboard each passenger is assigned a table and his own personal waiter. Meals are announced by one of the waiters making a circle of all decks, ringing musical chimes to announce that the next setting is ready.

And what meals! Lamb chops, corned beef and cabbage, beef stew, prime ribs, ham and grits, shrimp creole, cat fish, French toast, ice cream of many flavors, and a virtual unending supply of fresh fruit. It all culminates in a gala champagne party and captain's dinner on the last night out.

And if the regular meals are not enough to sate one's palate, late night snacks are piled high in the Orleans Room after 10 p.m., and sandwich and coffee will be rustled up by any steward at any time of the day on request. On the Queen, the passenger is king!

Two bars serve a variety of specialty drinks blended to perfection along with most prosaic libations. One specialty is a "Blue Monday," which virtually is guaranteed to produce an even bluer Tuesday if too many are downed. And the Queen's bartenders insist they concoct the best mint juleps in the entire South.

Dinner usually is accompanied by an organist, but the real show starts later in the evening. Each night the Orleans Room is converted into a mini-nightclub, and entertainment rocks from the walls. There's a professional band aboard, headed by veteran jazzman Vic Tooker, who only played 18 separate musical instruments when he took over as head entertainer on the Queen. He quickly added a 19th. Quite naturally, it was the calliope.

For those who like such things, there are organized games. Participation is strictly voluntary, and if one just wants to sit and relax, no one will badger him to do otherwise.

There's only the unforgettable sky, persimmon colored sunsets, the placid, meandering river, and 24-hours-a-day pleasure.

In today's fast-paced, progressive world, the Delta Queen serves as a slow-moving nautical tranquilizer.

Specifically of interest to Chicagoans this year, because of their proximity, are a nine-day trip from Cincinnati to Starved Rock, beginning July 5; a Peoria weekend junket, starting July 14; and a Peoria-St. Louis journey, leaving July 16. Several other trips are available from nearby St. Louis and Cincinnati. For complete details on the coming year's excursions and a schedule of rates, write Greene Line Steamers, Dept. C. T., Public Landing, Cincinnati, Ohio 45202.

THE SPACE SHUTTLE PROGRAM

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, January 20, 1972

Mr. THURMOND. Mr. President, it is a pleasure to commend the editor of the Augusta, Ga., Chronicle, for the fine editorial which was published January 7, 1972, in support of the recently approved space shuttle program. This excellent editorial correctly recognizes that our future role in space hangs on this vital program.

In my judgment, the space shuttle is a practical approach which will allow continued space research within reasonable costs. Since the booster and the orbiter will be reusable in the shuttle program, the operation will be more economical.

The editorial quoted the President as saying that the space shuttle program—

> Will go a long way toward delivering the rich benefits of practical space utilization and the valuable spin-offs from space efforts into the daily life of Americans and all people.

The list of potential benefits for all mankind is so long, and is increasing at such a rate, according to experts, that no compilation has ever been possible.

Mr. President, I congratulate the Augusta Chronicle for its succinct and logical assessment of this important program. It is particularly noteworthy that although the defense aspects of this program have not been highlighted, the Chronicle very properly pointed out that the defense benefits rank high in the space shuttle program. This critical capability alone should be sufficient to justify the costs which is far below many other programs.

Mr. President, I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HISTORIC MOMENT

A turning point in the history of the earth and, for that matter, the solar system seems to have been reached with President Richard M. Nixon's decision Wednesday to authorize development of a $5.5 billion space shuttle project.

Designed to create shuttles which can carry freight and men back and forth between the earth and the space vehicles which orbit the earth, the research and development is expected to take six years and be ready for its first flight in 1978. Four points of significance appear:

"It will go," said the President, "a long way toward delivering the rich benefits of practical space utilization and the valuable spin-offs from space efforts into the daily life of Americans and all people." The most extensive and up-to-date survey of such benefits, present and potential, appears in Frederick I. Ordway's new book, "Dividends From Outer Space," whose main points were reviewed Sunday in The Chronicle's Book Notes column. What Ordway had to concede as potential, however, can be made a reality as the shuttle system establishes routine contact with scientific laboratories in space.

The system should lower the per-unit cost of space activities. Whereas now a space vehicle is a one-trip mechanism, these projected shuttles could be used up to 100 times, thereby, as the President said, "taking the astronomical costs out of astronautics."

Not the least of immediate considerations will be the estimated 25,000 jobs which would be created in the shuttle development activity. This, it is true, is only about one-fourth the approximately 200,000 jobs which were lost in space industry cutbacks of recent years. It will, however, help correct the abysmal error of giving in to latter-day Know-Nothingism which insisted that spending money for doles was more important than spending it for job-producing science and technology—thereby increasing unemployment—the very thing the dissidents professed to be concerned about.

Not mentioned by the President—but emphatically by NASA—was the tremendous boost which the program can give to the United States' defense capacity. The President is a canny politician, and he knows at present there are men who have the ear of unthinking elements in the public, filling them with the idea that all defense capacity is an evil. Whether naive or unscrupulous, these vociferous pacifists are trying mightily to sell the idea that if a nation is able to resist aggression, it must of necessity use that ability to enter needlessly into wars. They would, therefore, reduce our defenses to an approximation of those of The Netherlands, whose "neutrality" proved to be an ironic joke as Nazi hordes sweept across the low countries some three decades ago.

The defense aspect of the shuttle program, though unmentioned by the White House, must rank high in the benefits of the proposed space shuttle—along with its civilian economic benefits. There will be oposition, as there has been too many advances in science and technology. In most such forward steps, however, reason has prevailed, else we would even now be still in the age of the ox cart and of recurrent plague epidemics.

PHARAOHS NEVER LEARN

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. BRASCO. Mr. Speaker, over the centuries only one people has known the heavy hand of oppression with a constant, depressing frequency. The Jewish people have written and rewritten the book of suffering in a hundred lands, living always in the knowledge that another persecutor would always come—that another exile was always in store for them—that torment, torture, and death awaited some of their children, no matter what they did.

And virtually all the prophecies came true over the centuries. The list of Jewish martyrs and massacres is almost as endless as the history of various countries themselves.

Yet these people have managed to not just survive, but in turn to even prevail over their various enemies. Torquemada is gone and the Inquisition with him. The Jewish people live. The Pharaohs of ancient Egypt are gone and the Jewish people live. The Nazis and Hitler are gone, vanished into the oblivion from which they originally emerged. And the Jewish people live. Nasser is dead and eventually will be forgotten, and the people he sought to exterminate are alive and thriving. Surely, there is some inner spark within the collective breast of this people which will allow them to surmount any future challenge we can foresee.

Among past persecutors of these people have been a variety of Russian rulers. The Romanoffs were notable among the slaughterers of the Jewish people. When the serfs grew restless and threatened to rise against these rulers, it was a standard practice for the elite to send agents provocateurs among the people. It was their task to rouse already existing prejudices to fever pitch, which in turn would find expression in programs against the surrounding Jewish population. Decade after decade, such massacres occurred, with deaths running from several hundred to several hundred thousand.

Today, millions of Americans have seen and enjoyed the popular play and film, "Fiddler on the Roof," which portrays Jewish village life in Eastern Europe. Although many people see the warmth and closeness of this life, intertwined in the presentation is the bitter reality of that existence. The few scenes depicting the horror of pogrom and discrimination are only a pale allusion to the ugy agony these people endured.

Today, the czars have been replaced by the Communist regime of Soviet Russia. Some of the cruder aspects of mass annihilation have disappeared. Otherwise, matters are still very much the same. While allowing a few Soviet Jews to emigrate, the regime bears down with callous cruelty and hard hand upon those remaining.

Rabbis cannot be trained. Prayer books are not printed. Yiddish is literally a proscribed language. Production of religious articles is minimal. Religious education is hamstrung as part of a deliberate government policy. It is hard indeed to live as a Jew in Russia today, just as it was in the past. Tevye's grandchildren drink the cup of bitterness to the very dregs as their forefathers did. All in all, it is a shabby episode in a long, dreary volume of endurance.

Remarkably, the spirit of the Jewish people does not flag, much less wink out under this pressure. Rather, it glows and lives anew in spite of everything the Soviet regime attempts. Free men and women the world over thrill again and again to the sight of this tiny minority and its spirited resistance to the Soviet regime's attempts to wipe it out. Sit-ins, protests, and struggles are being constantly waged across the face of Soviet Russia by the Jews who constantly reiterate their ageles theme of liberty.

Such themes are spoken again and again as they are carted off to asylums and labor camps. No hand of oppression has been able to still their voices. No hand ever will. And virtually every observer can almost sense that after these dictators diminish to a few lines in the history books, the Jewish people will continue to live and thrive.

Recently, a concerned, active group of American Jews contributed their share to the struggle here in the west that seeks to tell the world and the Jews of Russia that they are not alone. What they did was to call one of their religious compatriots in Russia. The message was simple, "You are not alone."

Over the endless miles separating the parties this message flashed, and it was to me a moving reaffirmation of man's irrepressible spirit. No human being can be permanently silenced. Even when he is in a labor camp, an asylum or in his grave; if his message is the truth, it will repeat itself again and again, drowning out the most urgent efforts to stifle it. I witnessed a living illustration of the truth of this when I, too, spoke to this man.

An account of this event was contained in a press release put out by this group, "The Concerned Canarsie Citizens for Soviet Jewry."

Mr. Speaker, I offer the text of that release at this point.

PHONE CALL TO RUSSIA IS A GREAT SUCCESS

"We will succeed in our struggle," said Gavriel.

"You keep up your struggle there," said Congressman Frank J. Brasco, "and we will continue our struggle here."

Gavriel was extremely pleased that a Congressman had spoken to him.

The Thomas Jefferson Democratic Club was the site of a new breakthrough in the Canarsie community in the struggle to save Soviet Jewry. The Concerned Canarsie Citizens for Soviet Jewry placed a phone call to Moscow last Sunday, January 16th, to Gavriel Shapiro of Moscow, one of the leaders of the Soviet Jewish resistance movement in Moscow. Despite dismissal from his job as a chemical engineer, the 26-year-old freedom fighter has participated in sit-ins and hunger strikes at the Kremlin for Jewish emigration rights.

Rabbi David Haber began the conversation with Gavriel, who speaks fluent Russian, Hebrew, and English, by sending regards from friends who met Shapiro while in Moscow. When the Russian heard the names of old friends, he "opened up" and much of his suspicions were dampened. After asking a number of questions, the Rabbi turned the call over to Congressman Brasco, who wished Shapiro good luck in his hard-fought struggle. Brasco assured Gavriel that the majority of the members of Congress stand behind him and behind all his brothers in their struggle for liberty. His conversation with the Congressman gave Gavriel tremendous spiritual uplift. Svetlana, whose last name we cannot publish, is a Russian Jewish girl who recently emigrated and moved to Canarsie. She spoke with Gavriel for a while in Russian.

Those present, members of CCCSJ, and Dave Frank, President of the Canarsie Jewish Community Council, and Irving Schwartz and Leon Guttman, also active members of the Community Council and past presidents of Remsen Heights Jewish Center, joined in the singing of "Am Yisroel Chai," which means "The Jewish People Live," over the phone. At the end of the song, Gavriel said, "Thank you. That song was a beautiful gift."

And what else did Gavriel say? Among other things, he assured us that all protests and demonstrations for Soviet Jewry are definitely good. Moreover, he wants us to demand not only emigration, but quality emigration. Emigration from Moscow ceased on December 1st, because most Moscovite Jews applying are engineers, doctors, teachers, students, etc. He asks us to please keep up the struggle here, and eventually, we will win this fight. As the Congressman assured him, we shall continue.

The next call will be made from Remsen Heights Jewish Center, on Sunday, January 23rd, at 12:00 noon. All interested people in the community are invited. Special to Local Organizations ! !—A tape of this phone call is available and will lend itself beautifully to a program of Soviet Jewry. If interested, please call Alan Roth at 251-5389. We hope that these two phone calls will be the kickoff to a campaign of phone calls in the community, whereby every synagogue, organization, and even individuals could make phone calls to Russia periodically.

The CCCSJ, sponsor of this call, wishes to thank, especially, Shirley Weiner, Meade Esposito, and Irving Polk, officers of the Democratic Club, for the use of their facilities and Congressman Brasco, who took time out of his schedule to be with us.

Mr. Speaker, dictators never learn from the lessons of history. Santayana said that those who do not learn from such errors are doomed to repeat them. Time after time such pharaohs have been destroyed because of their unwillingness or stubbornness in the fact of the overwhelming force of an idea whose time has indeed come. Such a time has surely come for Soviet Jewry.

It is vital that we here in this Nation maintain our concern and activism on behalf of these people. Our protests and the attendant publicity embarrass the Soviet regime, which desperately yearns for international respectability and all that this carries with it. By protesting their intransigent, barbaric stand, we hold their feet to the fire of protest, allowing some of these people to escape their fate. Let us never cease our protests until every last person who seeks emigration is allowed to leave.

THE 1971 REPORT OF SENATOR WILLIAM B. SAXBE, OF OHIO

HON. WILLIAM B. SAXBE

OF OHIO

IN THE SENATE OF THE UNITED STATES

Thursday, January 20, 1972

Mr. SAXBE. Mr. President, a year ago I offered on the floor of the Senate a report to my constituents containing highlights of my first 2 years here. The response was highly favorable and, for my fellow Ohioans, hopefully informative.

I have decided to review the year just ended in a similar manner, with two thoughts foremost. First, to the men and women who sent me here, I ask that you regard what follows as an "accounting" of my activities during 1971. Second, I want you to share with me some of the thinking that went into my decisions on the major issues of the first session of the 92d Congress.

I was honored at the very start of the year to have been appointed a Republican regional "whip," a post regarded as a part of the leadership in the Senate.

According to Minority Leader HUGH SCOTT, who named me to the post:

> The Regional Whip will assist the leadership in all areas of floor activity. This will include one day of full-time floor duty each week, active participation in debate, and all general floor work.

I am one of five such appointments nationally and represent, besides Ohio, the States of Pennsylvania, Michigan, Illinois, New York, and New Jersey.

I firmly believe that appointments such as these have a definite "spinoff" benefit for the citizens of my State. They move the Senator closer to the leadership, for example, nearer the heart of the major decisions; they heighten his "visibility" within the corridors of power and they provide an avenue in which the Senator can better learn to ply his trade.

Taking an overview of the legislative year, I was the primary author of 18 bills, amendments or resolutions ranging from matters dealing with Federal election reform to social security increases for the elderly to halting military aid to West Pakistan. In addition, I was a cosponsor of 35 other bills or amendments. I shall detail each of these throughout this report.

And there is always the mail. For a State as large as Ohio, the mail—receiving, sorting, reading, assigning, and answering it and making sure my constituents are well served—is one of the major functions of my office.

During 1971, I received 96,900 pieces of "legislative" mail. Legislative mail, as the word implies, deals with a legislative matter that interests the writer in any of a variety of ways. The letter might range from a statement of position on a bill coming to the Senate floor to a request for information about a particular proposal.

These 96,900 pieces of mail do not take into account our casework letters, where the writer generally has some kind of problem with the Federal Government and needs help, personal mail or that relating to the press. These letters totaled roughly another 54,000.

Another way of saying this is that my office during 1971 received 150,000 pieces of mail, most of which required an answer. For legislative mail, this averages out to 367 letters each day, every day.

What this means, as I am sure you recognize, is that a successful Senate office is much more than the day-to-day business you so often read about in the papers—activities on the Senate floor, committee meetings, speeches back home, inspection trips, and all the rest.

But the best yardstick for learning what is on the minds of my constituents is the mail. So keep it coming.

FOREIGN POLICY

The early part of the first session of the 92d Congress revolved around issues of foreign policy. My new assignment to the Senate Armed Services Committee enabled me to play a greater role in these matters than I had during my first 2 years in the Senate. The full Armed Services Committee held extensive hearings on the selective service and the defense procurement bills. In addition membership on this committee enabled me to keep briefed on Vietnam, South Asia, and the Middle East. I was assigned to the Subcommittees on General Legislation, Strategic Arms Limitation Talks — SALT — Stockpile, Status of Forces, and the Subcommittee on Drug Abuse in the Military.

The key foreign and military issues raised in Senate debate this year were: First, Vietnam withdrawal deadlines; second, selective service extension; third, troop reduction; fourth, foreign aid; fifth, defense spending; and sixth, the India-Pakistan conflict.

PRESIDENTIAL DIPLOMACY

During the year of 1971, President Nixon took the diplomatic offensive in an effort to move from an era of confrontation to an era of negotiation. In his inaugural address January 20, 1969, the President said:

> Let all nations know that during this Administration our lines of communication will be open. We seek an open world—open to ideas, open to the exchange of goods and peoples—a world in which no people, great or small, will live in angry isolation.

The President in an effort to seek a detente made two startling announcements this year. On July 15, he announced that he would visit the People's Republic of China and on October 12, he announced he would travel to the Soviet Union. The China trip which was an outgrowth of ping-pong diplomacy has created a great deal of public comment, both pro and con. I am pleased to know, however, that most of it reflects the realization that 800 million Chinese, no matter what their form of government, cannot be ignored. As Life magazine said:

> If there is credit to be found (and we think there is) in ending the U.S. isolation of mainland China, it belongs in good part to Richard Nixon.

The Presidential trip to Moscow is also paved with good intentions. The Soviet Union—as well as China—can help in arranging an American withdrawal from Vietnam, prevent another conflict in the Middle East, encourage a European security conference with mutual balanced force reduction between NATO and the Warsaw Pact, and finalize some arms limitations in the Strategic Arms Limitation Talks—SALT.

President Nixon has meticulously prepared for these talks with top level meetings with Prime Minister Trudeau of Canada on December 6, President Medici of Brazil on December 7, President Pompidou of France on December 13 and 14, Prime Minister Heath of Great Britain on December 20 and 21, Prime Minister Brandt of West Germany on December 28 and 29, and Prime Minister Sato on January 6 and 7, 1972. The President will obviously be well prepared for meetings with Chairman Mao Tse-tung and Premier Chou En-lai of China on February 21 through 28 and those with Chairman Brezhnev and Premier Kosygin of the Soviet Union in May.

I harbor no illusions or overconfidence from these summits. I have not forgotten the collapse of President Eisenhower's journey in 1960 with the U-2 crisis and President Johnson's trip in 1968, because of the Soviet invasion of Czechoslovakia. However, I am hopeful for success in this period of diplomatic transition.

VIETNAM

The most recurrent Senate battle over our withdrawal from South Vietnam revolved around amendments suspending funds after a certain date, and policy declarations for withdrawal at a specific date, namely the McGovern-Hatfield amendment and the Mansfield amendment. These amendments were offered during the debates on the selective service bill, military procurement bill, and the foreign aid bill.

The attempts at fund cutoffs failed and were superseded by the Mansfield amendment which passed the Senate in all three of the aforementioned bills. The first Mansfield amendment called for a "U.S. policy" of withdrawal of all American troops within "9 months" of enactment, subject to the release of all U.S. POW's held by North Vietnam and its allies. A House-Senate conference committee removed the deadline and declared that it be "the sense of Congress" that our troops be withdrawn "at the earliest practicable date." The amendment passed the Senate again in the defense procurement bill calling for a "U.S. policy" of withdrawal within "6 months" of enactment contingent upon release of our prisoners of war, but a conference committee again deleted the deadline, leaving only a "declaration of U.S. policy" to withdraw at a date to be announced by the President. The last attempt to legislate a date for withdrawal failed in the foreign aid bill.

I opposed both the McGovern-Hatfield fund cutoff and the Mansfield policy of a specific date for withdrawal. There are those who sincerely feel that if we pick a date out of the air and say, "on this day the last American will step out of South Vietnam," it will somehow speed up and make more certain the safety of the withdrawal of our remaining forces and the release of our prisoners of war. I do not agree with their argument. No such promise has been made. The North Vietnamese and Vietcong simply say:

> Disengage all your units, leave the country, and then we will begin to talk about the prisoners.

The enemy makes two conditions for a possible prisoner release: First, we must withdraw lock, stock, and barrel; and second, we must cease our support of the Government of South Vietnam even after our withdrawal. Even if we were willing to meet both these conditions, might they then not up the ante and require us to cease support of other allies if we wish to see our prisoners back?

I returned from Southeast Asia in April and was pleasantly surprised to find that the winding down had accelerated, that the units were being detached from combat, and that there were assignments with troops going into relatively safe areas. When I arrived in Washington to assume my Senate responsibilities there were 542,500 troops in South Vietnam. By February 1, 1972, there will be 139,000 troops there and by May 1, 1972, there will be 69,000 troops there. I would be the first to criticize the administration and the Department of Defense if the withdrawal could not continue at the present or increased rate, but I think that this administration must be given the credit for its accomplishments. To those who say, "this is Nixon's war," I say, "this is Nixon's withdrawal."

Finally, I am opposed to any "withdrawal by widening" of this war. I was dismayed by our Cambodian invasion last year and our support of the Laos invasion earlier this year. I am a sponsor along with other Senators of a measure to prevent the invasion of North Vietnam, if the situation ever turned to this point—not only the invasion by our troops, but also an invasion by South Vietnam with our support. Furthermore, I am opposed to the massive bombing of North Vietnam, which is a reversion to the position of the previous administration.

SELECTIVE SERVICE EXTENSION

The Congress, with my support, extended the draft for 2 years after a bitter debate which lasted 4½ months. The opponents of this measure engaged in a filibuster which allowed the draft to expire for 2 months. In addition to extending the draft, the bill provided for a $2.4-billion annual increase in military pay, which some believe will hasten the day of an all-volunteer army. The measure also authorized the President to abolish undergraduate-student deferments. The final bill contained many procedural reforms and limited the number of men who could be drafted to 130,000 in fiscal 1972 and 140,000 in fiscal 1973. Yet, last year only 96,000 men were drafted, compared to a peak of 364,000 in 1966.

I voted to extend the draft, because I believe that we have to maintain a civilian army and a civilian-controlled military. I do not think that in a democracy we should have a mercenary army. We have an obligation that each American should feel necessary to perform and it should be performed with pride. If this is not so popular as it once was, perhaps we should have it in a way of a national service, such as VISTA and the Peace Corps, because we will never need the tremendous number of men available at age 18 every year.

I understand the growing feeling of antimilitarism in our country, but I do not understand what these people stand for in regard to their country's future, because many of these assumptions made in doing away with the dangers of militarism are not true and cannot be proved by history.

It will be recalled that in 1946 and during World War II we said that never again would we allow ourselves to become so weak in the world that evil men and evil people could build a regime that threatened the freedom of the individual. We talked a great deal about liberty, democracy, and freedom, but these words are not as popular today, because time has caused us to forget.

I am the first to recognize that the Army could benefit by severe cutbacks which would make it leaner, harder, and a more effective military force. But our manpower requirements are still related to our worldwide commitments and not just the Vietnam war.

It seems to me we are like a law man giving up the idea of policing the world, but we must still be able to protect what we stand for and believe in. I am old-fashioned enough to believe there are bad people in the world who do not agree with the concept of liberty, equality, and justice and who would take it away from us without the protection of our Armed Forces.

TROOP REDUCTIONS IN EUROPE

We must, then, reduce our commitments before we reduce the manpower needed to meet these commitments. One place to start is in Europe.

I supported the Mansfield amendment which would have prohibited us from maintaining more than 150,000 military personnel in Europe. This amendment would cut in half our troop commitment to the North Atlantic Treaty Organization—NATO. The NATO Alliance to which we are a party was formed well over 20 years ago. By cutting our force levels in half, we would put U.S. troop levels in a contemporary perspective.

Since the NATO Alliance was formed conditions have changed, military technology has changed, and international financing has changed. Britain and France are now nuclear powers. They have their own nuclear deterrent. One hundred and fifty thousand American troops would still insure our nuclear umbrella not only to them, but also to West Germany. Our military technology allows us to fly troops from the United States quickly to Europe, thereby permitting a reduction of our force level there.

Finally, the shabby treatment received by some of our troops, particularly in West Germany, is scandalous. The western European nations have prospered and can contribute much more to their own defense.

A cutback in U.S. forces is not related to mutual balanced force reductions—MBFR. These can still be made if NATO and the Warsaw Pact agree. It must be remembered that the Russian troops stationed in Eastern Europe are there for political control of those countries as well as a threat to the NATO Alliance.

If the West Europeans want us to keep the additional 150,000-troop level, then they should help pick up our balance-of-payment deficit resulting from their being there. I sponsored a substitute amendment to the Mansfield amendment allowing our troop level to remain intact if our NATO allies picked up at least one-half of the balance-of-payments deficit resulting from the presence of U.S. military personnel not already compensated for. This amendment failed as did the Mansfield amendment.

FOREIGN AID

On October 29, 1971, I voted to kill the $2.9 billion foreign aid program. The bill was defeated by a vote of 41 to 27. The Senate then divided foreign aid into an economic assistance bill and a military assistance bill, both of which passed by large margins, with my support. Since the House of Representatives has not yet passed the conference report, Congress passed a continuing resolution extending aid at a reduced level of $2.7 billion until February 22, 1972.

The foreign aid bill was brought up for discussion the day after the expulsion of Taiwan from the United Nations. I immediately moved that the bill be recommitted to the Foreign Relations Committee so that the Members of the Senate could have a period of time to reflect upon the action of the U.N.

Anyone who watched the sad affair at the U.N. on television saw a lynching party with the shouting and the dancing, the slapping of backs and the heaping of abuse on this country. There are those of us who feel that, however ill-advised our actions have been in the world, we nevertheless have been altruistic and well-intentioned. Therefore, I was greatly disappointed to find that the people to whom we have given most have turned against us, not only by their votes in the U.N., but also by their actions.

I would like to think that the selection of Kurt Waldheim of Austria as the new Secretary General will bring in a new era of cooperation in the U.N., but I doubt it. The organization needs almost $70 million to settle its current deficit and $119 million to settle outstanding bonds. Despite these deficits the Assembly voted to increase its regular budget by 10.5 percent. I hope that the members do not expect us to pick up the tab.

Until we call the attention of the world to the fact that we do not have unlimited funds, that we have serious domestic problems where this money can be used, we are going to continue to have Christmas tree foreign aid bills—gifts for everyone. There are schools in Ohio that are closing, because they do not have funds, yet at the same time we are spending money to open a school someplace else. We have villages by the hundreds in Ohio that have no sewer and water facilities; yet, we take this money and build sewer and water facilities someplace else. We must reorder our priorities and a cutback in foreign aid is a good place to start. When we do give foreign aid, it should be to a multilateral consortium where other countries match our own contributions.

DEFENSE SPENDING

My membership on the Senate Armed Services Committee has enabled me to closely evaluate our weapons systems development. Secretary of Defense Laird said on January 3, 1972, that—

> The United States is second to no one with respect to overall military power.

I intend to do my part in keeping us No. 1. However, I intend to scrutinize closely their cost and performance to eliminate cost overruns and waste.

For example, I tried to limit the expense of domestic production of the Harrier—an operational vertical-short takeoff and landing, V/STOL, combat aircraft. Each branch of the armed services is developing three close support aircraft which perform overlapping functions: The Harrier, the AX, and the Cheyenne. Beyond this some Members of the Senate urged domestic production of the Harrier which we now purchase from Britain. As ridiculous as it may seem, only 12 planes of the total purchase of 114 planes could be completely produced in the United States. The total price of such domestic productivity could run as high as $275 million. My amendment to delete this item from the military procurement bill lost in a 40-to-40 tie vote. The item was then eliminated in the House-Senate conference.

I have opposed the development of the antiballistic missile—ABM—system in past years, but this year I was persuaded by Senator JOHN SHERMAN COOPER of Kentucky, who led the opposition in the past, that continued development at Malstrom, Mont. and Grand Forks, N. Dak. would aid our negotiators at the strategic arms limitation talks—SALT. Many of us who have had little confidence in the effectiveness of the ABM have gone along reluctantly with that view. I offered and then withdrew an amendment that when a treaty between the Soviet Union and the United States is reached on an ABM limitation, all authority for continued development in areas of the agreed limit be terminated at the date of the agreement. I withdrew it in fear that such an amendment might jeopardize negotiations, but I continue to oppose expansion of the system.

THE WAR BETWEEN INDIA AND PAKISTAN

In October of 1970 I criticized a decision of the administration to ship military equipment to Pakistan in violation of our existing embargo. I predicted dire consequences and they soon followed.

In December 1970 Pakistan held its first national elections since its creation in 1947. Sheikh Mujibur Rahman's Awami League won an absolute majority in the national assembly that was called to write a new constitution for the country. The assembly was prevented from meeting by Gen. Yahya Khan and on the night of March 25 he imposed marital law. His army of West Pakistani Punjabi troops conducted a reign of terror in East Pakistan. The military repression included the systematic slaughter of Bengali civilians. Most westerners estimate the death toll ranges from 300,000 to 1 million deaths, 10 million refugees in India, and another 20 million displaced persons.

Senator CHURCH and I introduced an amendment in a bipartisan effort to cut off both military and economic aid to Pakistan, because genocide by any other name is still genocide and must be condemned. However, the administration was less than candid on our arms shipments. The Saxbe-Church amendment was accepted as part of the foreign aid bill, but events were proceeding too rapidly. War was near.

I traveled to India and Pakistan where I talked to both Prime Minister Gandhi and President Yahya Khan. I tried to impress upon them the dangers of the war they were plunging into, but to no avail. I was there when the war broke out. India won the war and it would appear that a new nation called Bangladesh has been born, but the specter of communal riots hangs over the subcontinent.

ECONOMY

The year 1971 found the Nation's attention riveted to economic matters. Foreign policy issues appeared to wane somewhat and the Nation found itself faced with severe international monetary problems and an unprecedented economic crisis both inflationary and recessionary in scope. On August 15, 1971, the President startled the Nation by announcing a series in fiscal policy measures designed to stimulate our domestic economy and restore once again the world's confidence in the dollar. Some of these measures required congressional approval; some did not.

Those direct measures imposed by the Executive were a $4.7 billion cut in Federal expenditures; a freeze on all prices and wages throughout the United States for a period of 90 days; the appointment of a Cost of Living Council to establish the mechanism to achieve continued wage and price stability; a temporary suspension of convertibility of the dollar into gold or other reserves; the temporary imposition of a tax of 10 percent on goods imported into the United States.

Those measures advocated by the President and requiring congressional approval included the Job Development Act of 1971; repeal of the 7-percent excise tax on automobiles; acceleration of the personal income tax exemption scheduled for January 1, 1973, to January 1, 1972.

After several months of hearings and debate the Congress late in the session cleared for President Nixon's signature the Economic Stabilization Act. This legislation extended the authority previously given the President to impose economic controls and expanded the Executive power provided by the act.

Principal provisions of the legislation as passed granted the President authority to control interest rates and dividends. It eliminated a provision of the act as formerly passed which prohibited application of controls to a single industry or any one particular segment of the economy. The act also exempted from controls earnings below the minimum wage and those earnings below officially established poverty levels. Another important section provided for retroactive pay raises provided for under labor agreements, but deferred by the wage-price freeze. In addition, the act mandated the pay raise for Federal employees commencing in January 1972, rather than in July as planned by the administration. The legislation also required Senate confirmation of the Chairman of both the Pay Board and the Price Commission. Passage of the Economic Stabilization Act in addition to the Revenue Act of 1971 culminated this year of innovative economic legislation.

In late October, President Nixon again addressed the Nation and announced the establishment of the Pay Board and Price Commission. These agencies were to implement the provisions of phase II of the President's new economic policies. I am hopeful that these policy decisions, plus the conferences that the administration has conducted with the other major trading nations in the world concerning international monetary reform, will once again restore to America and the world sound economic growth.

I was further encouraged that the administration deemed it advisable to take these economic steps, inasmuch as I had introduced and cosponsored with 13 other Republican Senators a bill to establish a national committee on wages and prices. The Economic Stabilization Act provision for the Cost of Living Council, Pay Board, and a Price Commission incorporates the concept set out in that bill, which was introduced prior to the President's original imposition of wage and price controls.

The Revenue Act of 1971 was a necessary part of our domestic economic resurgence and a companion piece of legislation to the Economic Stabilization Act. On December 9, Congress cleared for President Nixon's signature a bill which reduced corporate and individual taxes in order to stimulate the domestic economy. President Nixon subsequently signed the Revenue Act of 1971 into law in late December.

An important provision of this legislation provides for a 7-percent investment tax credit on expenditures for plant and equipment ordered after April 1, 1971, or delivered after August 15, 1971. The passage of this legislation responded to the President's request for enactment of a Job Development Act for 1971.

Title II of the tax legislation increased the amount that a taxpayer may claim as a personal exemption for dependents from $650 to $675 for the taxable year 1971 and increases it to $750 in taxable year 1972. The act increases the minimum standard deduction that may be claimed by a taxpayer from $1,050 in 1971 to $1,300 in 1972 and also allows for a deduction of up to $4,800 a year for day care of children or a disabled dependent if the taxpayer's adjusted gross income is less than $18,000.

Title IV of the legislation provides for repeal of the 7 percent excise tax on new automobiles purchased on or after August 15, 1971.

Two other important features of the measure are special tax treatment for domestic international sales corporations, which will stimulate the private sector of the economy to exert a concerted effort on increasing America's exports to other nations, and a tax credit for certain expenses incurred in work incentive programs.

Further highly publicized features of the law provide for tax incentives for contributions to candidates for public office, and a provision which will allow for financing of presidential election campaigns by a checkoff on the taxpayer's return effective after 1972 in the event Congress elects to appropriate the funds.

Another important piece of economic legislation predated the President's New Economic Policy. It was adopted in June of 1971 and made retroactive to January of 1971. This measure which codified IRS regulations concerning depreciation, provides for accelerated depreciation rates for business. This, of course, has the net effect of stimulating the capital goods sector of our economy.

I must note at this point that, which I believe changes in our tax structure are a necessary and important ingredient for the ultimate solution of our economic problems, I voted against the Revenue Act of 1971 as passed. This was because of my longstanding belief that this particular act will ultimately perform a great disservice to the American people. For example, the tax cuts for individuals will result in deficits for the Federal budget for at least this year and the next 2 years, and will perhaps result in an inestimable tax loss over the next decade. Recently the Office of Management and Budget projected Federal income of $188.4 billion, with expenditures at the rate of $211.4 billion and a resultant deficit for fiscal 1971 in the amount of $23 billion.

Informed sources estimate that the Federal budget for fiscal 1972 will reach $199 billion. Expenditures of $227.2 billion will result in a deficit of $28.2 billion. In fiscal 1973, these same informed sources estimate Federal income at $217 billion with expenditures at $249.5 and a net resultant deficit of $32.5 billion. The ultimate result of four consecutive budget deficits will be continued inflation. It is interesting to note that most responsible economists blame our present inflation problems on the deficits that occurred during the mid- and late-1960's, due to the increased military activity in Vietnam.

This Nation cannot continue to have large deficits in its Federal budgets without losing the faith and trust of our world trading partners. That loss of faith must ultimately result in disruptions in the international monetary system as we presently know it, plus rampant inflation on the domestic economic front.

What I have previously stated on the floor of the U.S. Senate and in my annual report for 1969–70 holds equally true today. When we as a nation spend in excess of what we take in we must borrow to make up the difference. Our borrowing capacity is based in part on our credit. It is paper and stands for nothing more than an IOU, a check from our own Government, and as it becomes cheaper in value the people are paying more money for the same thing.

One final action which rounded out the Government's fiscal moves must be noted. That was President Nixon's decision to devalue the dollar by 8.57 percent and to remove the 10-percent surcharge on imports originally imposed at the initiation of the wage-price freeze. This decision also encompassed extending the 7-percent investment tax credit to foreign-produced equipment.

In return the other member nations in the Group of Ten agreed to an upward revaluation in their currencies against the dollar. Authorities place the total devaluation of these two complementary actions at 12 percent. Of course, the dollar devaluation will require approval of Congress during the second session. Most observers agree that Congress will give it approval early in the second session of the 92d Congress.

LAW, ORDER, AND JUSTICE

A recent survey published in Life magazine indicates that 78 percent of Americans feel unsafe in their own homes. Of big city residents, approximately 80 percent are afraid in the streets at night. More than four out of 10 of those who responded said that they or a member of their family had been victimized by criminals last year. Approximately 30 percent keep a gun for self defense and 41 percent feel that their police protection is inadequate. Because of the facts behind these statistics, I introduced the Model Criminal Justice Reform Act, S. 400, early in 1971.

The bill, which was more than a year in the planning and drafting stage, is aimed at spurring comprehensive reforms in police professionalism, the courts, and our correctional institutions.

In its present form, the bill provides for better management of increased Federal funding for criminal justice reform, improved law enforcement recruiting, training, and personnel procedures, as well as better pay for police, prosecutors, judges, court officials, and correction employees

At the heart of the program set forth by the legislation is a Federal subsidy for law enforcement, prosecution, and courts in States which agree to provide matching funds roughly equal to their normal budget. These governmental bodies would also meet Federal guidelines, and to qualify for Federal funding local police departments must agree to statewide coordination and cooperation in such areas as training, equipment, and pay.

The police departments have traditionally approached crimefighting in a very independent manner. Now, more Federal money tends to increase the fragmentation of our present law enforcement system. My legislation attempts to correct this situation by coordinating all elements of criminal justice reform on the voluntary State-administered basis.

Several Senators have expressed interest in this legislation, and I am hopeful that we can make some progress if early committee action on this bill can be accomplished. I intend to reintroduce the bill during the second session of the 92d Congress, giving special attention to emphasis on the correctional facilities portion of the bill. In this regard, the prison riots that have occurred in New York and several other States indicate that something must be done to quickly reform our criminal correction procedure. I sincerely hope that my legislation provides a starting point for the Congress. And that the legislation will help repair the breakdown in justice and order, restoring confidence in our criminal justice system and give it prompt rational reform.

HEALTH CARE AND GOVERNMENT OPERATIONS

The first half of the 92d Congress brought forth two major advances in the health care field: The Comprehensive Health Manpower Training Act and the National Cancer Act. I voted for and actively supported both these measures, and I was especially pleased to see Congress authorize such generous sums for these purposes.

I was in strong support of several notable features of the health manpower bill; namely, the strong incentives for medical schools to increase enrollment and to encourage early graduation; the support to hospitals for the training of interns and residents especially in the field of general practice; and the generous scholarship and loan provisions to young doctors who agree to practice in rural and urban poor areas. These particular features should have a strong beneficial effect on our health manpower shortage problems.

The National Cancer Act provides a billion and a half in Federal funds to launch a national attack on the dread disease of cancer. Besides greatly expanding the research programs within the National Cancer Institute, 15 new cancer research centers are now being set up across the country.

National health insurance is a major issue before Congress and one in which I have been an active participant for some time. Extensive hearings were held last year in both the Senate and the House, but final action on the bill was postponed until the second session. In February, I testified before the Senate Health Subcommittee, expressing the necessity for reforming the health care delivery system as well as the need for some type of national insurance program to help people pay costly medical bills without ending in bankruptcy.

More recently, I introduced legislation of my own, entitled the Medical Resources Development Act. This bill is designed to improve and expand the Nation's health resources. It authorizes planning agencies throughout the country to identify areas where there are shortages of services and personnel, and then authorizes funds to set up new services or to improve existing ones in order to eliminate these problem areas. In addition to fostering new health centers, the bill would provide funds for the training of allied health personnel who could perform supportive services now being performed by the highly trained physician. My bill, now being considered by the Senate Health Subcommittee, is an essential forerunner to any national health insurance program because it would prepare the health care system for the increased demand sure to come.

As a member of the Senate Government Operations Committee and the Subcommittee on Executive Reorganization, I was active in supporting the establishment of the new Action Agency, a consolidation of all volunteer programs of the U.S. Government into one single agency. "Action" is composed of the

Peace Corps, VISTA, and numerous other volunteer service programs. It is an agency which has given new visibility and strength to the existing programs, and at the same time, has promoted the volunteer spirit among all Americans.

Similarly, as a member of the Government Operations on Executive Reorganization, I cosponsored and strongly supported the establishment of a new Drug Abuse Office. Drug abuse has increased by such alarming proportions in this country that special combative action has become necessary. The President, therefore, created a Drug Abuse Office in the White House, and the Government Operations Committee passed legislation authorizing this office. The Special Action Office on Drug Abuse coordinates existing drug prevention, treatment, and rehabilitation programs throughout 13 different Government departments and agencies, and brings them under the authority and direction of one office and one director. Programs involving the military, at home and abroad, as well as those touching the civilian drug-affected population are coordinated, strengthened, and expanded under the guidance of this new office.

SUPREME COURT

With the deaths of Supreme Court Justice Hugo L. Black and Justice John Marshall Harlan, two vacancies were created on the U.S. Supreme Court. To fill these seats on our Nation's highest court, President Nixon, by using the constitutional power and responsibility of the President, nominated Judge Lewis L. Powell and William R. Rehnquist.

Believing that both nominees were solid advocates of the law, morally sound and ethically righteous, I was in favor of their respective confirmations. The Senate Judiciary Committee found Judge Powell to be "thoroughly qualified" and he was then confirmed by a vote of 86 to 1 in the full Senate. In accordance, I believed him to be a moderating influence, seeking always to avoid hasty and extreme solutions while simultaneously striving to obey the law of the land.

The confirmation of Mr. Rehnquist seemed to be somewhat more difficult to resolve for a few of my colleagues. In essence, the thought that the nominee's ideology or political philosophy disqualified him for a position on the Supreme Court. I do not believe this to be a proper criteria for either rejection or confirmation. A Supreme Court nominee and I may disagree on some matters of judicial philosophy and perhaps if the power of nomination were mine I would have put forth someone whose views coincided more closely with my own. But that is not the issue here. Supreme Court nominees should be considered on the basis of intellectual and legal ability, veracity, integrity, and ethical and personal conduct. They should not be considered on the basis that they will stand in my stead and adjudicate as I, or any of my colleagues would.

It seems as if many of Mr. Rehnquist's opponents were seeking a political court and not a judicial one. Even those who hold the strongest of liberal views, however, have admitted that to reject a nominee solely on his political views would tend to politicize the Court. In the final analysis the Senate Judiciary Committee found the charges of Mr. Rehnquist's insensitivity on questions of civil rights were "totally unfounded."

In conjunction with my above-stated reasons, I believe the necessary criteria for a Supreme Court Justice is that he must carefully weigh the strengths of competing arguments and public policy considerations. Both Judge Powell and Mr. Rehnquist have the unique ability to see both sides of difficult legal questions which require working out the delicate balances established by the Constitution between the rights of individuals and the duty of the Government to enforce laws. I am also convinced that the new justices are within our great tradition of legal philosophy and are solely interested in equal justice under the law for all Americans.

SOCIAL SECURITY—AGING

The year 1971 has great potential for being one of the most forward-moving and progressive years for our Nation's older Americans. Not since 1961 has there been a White House Conference on the Aging, and a great deal has occurred in these past 10 years regarding provisions and care for the elderly.

Many far-reaching and innovative ideas emanated from the conference. However, it will take time and further study to see any of these recommendations activated. Therefore, while the past year was one of many blueprints for the future, there was also legislation introduced and passed which will lay the groundwork for the many present needs of the elderly.

In May of 1971, I introduced a bill to amend the Social Security Act, which would increase from $70.40 to $100 the minimum monthly insurance payments for retired and disabled persons 65 and over who are on social security. The bill would also guarantee a minimum social security check of $160 a month to an individual, and $220 to a couple whose total income now falls below the poverty level. Thirdly, my bill would lift the earnings limitation for retirees from $1,680 to $2,600 a year. This means a retiree may earn up to $2,600 a year in outside income without having his social security check lowered.

Although this bill is still pending in the Senate Finance Committee, hopefully to be incorporated into the social security and welfare reform bill during this session of Congress, I was delighted to see President Nixon sign into law last March legislation increasing the social security benefits by 10 percent. There are still some necessary improvements in the social security system, however, particularly in increased benefits to the elderly. My bill is attempting to do this.

As a member of the Senate Special Committee on Aging it was clearly brought to my attention, through many hearings, that with today's inflationary spiral, the ones hardest hit are our older Americans. We must have a minimum income for the elderly, and certainly someone willing and able to work should not be penalized because of his age, and more so because of the present restrictive limit on outside earnings. As it stands now a person can collect social security even though he draws huge sums in unearned income. But once he becomes a wage earner, he puts his payments in jeopardy. To me, this is not fair. A change in the earnings limitation would affect an estimated 18 million retired and disabled Americans covered by social security.

Thus, with the start of the second session of the 92d Congress, I feel quite certain that with the passage of the social security and welfare reform bill the beginning of a new era for our older Americans will become a fact, not a fantasy.

POLLUTION CONTROL

The Senate passed a 4-year, $16.8 billion bill aimed at making the Nation's waterways virtually pollution free by 1985. The legislation dramatically increases the Federal investment in construction of sewage treatment plants and requires local governments to charge user fees for the treatment of industrial polluters. It also requires Federal permits for discharging any wastes into navigable waters, and industrial polluters would be required to install the most up-to-date abatement equipment.

I supported the legislation, but was extremely disappointed when my amendment to fund the research work of Water Conservancy Districts was not adopted. The bill has been reported by the House Public Works Committee and should be ready for floor action by early February.

Also, I introduced Senate Joint Resolution 28 which is directly related to Ohio. The legislation designates Cedar Swamp in Champaign County as a national monument. When enacted, the resolution will stop highway construction and drainage near the swamp which could cause irreparable damage or death to the animals and plants in the bog.

We have destroyed too much of the scenic beauty and natural ecology of our country. It is time to begin and continue programs to insure that we will always have peaceful woodlands and wildlife sanctuaries, as well as a quality environment.

SST

Near the close of the 91st Congress, funds for the SST were struck from the Department of Transportation appropriations bill by a Proxmire amendment that was agreed to by the Senate. Immediately after this action, the conference committee recommended $210 million for SST development, and the recommended amount passed the House on December 15. However, when the bill again reached the Senate floor, it was promptly filibustered.

A compromise agreement was worked out to allow Congress to adjourn. The compromise permitted a continuing resolution to be passed by voice vote in both houses that continued funding for the SST until March 30, 1971. The compromise, to stifle the filibuster, included assurances that there would be a vote in the Senate on future funding of the SST during fiscal year 1971.

Early in March, the House passed another continuing resolution for the Department of Transportation which carried an amendment from the House Committee on Appropriations funding the development of the SST in the amount not exceeding $290 million. The House struck the amendment by a vote of 217 to 203.

The Senate Appropriations Committee restored the SST amendment and the legislation, House Joint Resolution 468, reached the Senate floor on March 24. The Senate rejected the SST amendment by three votes.

I voted to fund the completion and testing of the prototype phase of the SST. The two prototype aircraft would have had no significant adverse impact on the environment, and we had already contributed 12 years of research, design, development, and two-thirds of the cost of building these prototypes. With that enormous investment of time and money, I was convinced that we should test the technological, economical, and environmental feasibility of the aircraft.

A great deal of the prototype development was done by Ohioans, and many of the potential 150,000 new jobs created by full development of the SST would have gone to Ohioans. Only three States ranked above Ohio in number of subcontractors bidding successfully for construction of the prototypes and future SST components. Ohioans were directly responsible for the engines, landing gear, and many other important parts of the aircraft. For this reason, I was confident that the SST would prove itself by contributing jobs, returning the Government's investment as well as tax revenue, and bolstering our balance-of-trade deficit, while at the same time providing fast, comfortable transportation to compete with the European and Russian supersonic transports.

While well-intentioned, many of the opponents of the SST were not willing to realistically support completion of the prototypes to test environmental theories.

I felt we should finish the prototype aircraft and test them thoroughly emphasizing the environmental factors. If the SST did indeed cause significant damage to our atmosphere, or if its speed and capacity proved unnecessary, I would have been among the first to call a halt to its construction and use.

AGRICULTURE

Farmers made 1971 a dramatic year of recovery from the short feed grain crop of 1970 caused by drought and corn blight. Another short crop this year would have led to reductions in beef, hogs, dairy cattle, and poultry, spelling higher prices for consumers. Instead, farmers courageously produced the highest per acre yields and the largest corn crop in history. This gave consumers the benefit of reasonable prices for red meat, poultry, and eggs, but put a severe burden on farmers as the bumper crop lowered prices.

To help farmers, changes were made by the administration last fall in feed grain programs for the coming year. These changes were made under the compromise Agriculture Act of 1970, which I supported last year because of its basic flexibility.

The new rules under the act provide more freedom for farmers: Allowing shifting of crop patterns for better utilization of resources, elimination of controls for overplanting, marketing quotas, cross-compliance, and early announcement of 1972 programs.

Beyond adjustment in the Agriculture Act of 1970, the administration's new economic policy stabilized costs of equipment and materials to the farmer, but exempted raw agricultural products from price control. I supported the President with sincere hope that it improves farmers' earning opportunities as market demands for their products expand and with increased prices while costs hold steady.

Farm market expansion includes increased export of farm products which reached an all-time high of $7.8 billion in fiscal 1971. Ohio's share of this total export was $232 million.

The removal of the 10-percent surtax on imports reduced the chance of retaliation and should further develop foreign farm markets. Additionally, the President removed the requirement that 50 percent of the shipments of U.S. grain to Russia, China, and certain other countries be carried in U.S.-flag vessels. This should give farm exports an additional lift.

Domestically, the administration implemented and expanded many other programs which I support. In December, the President signed the Farm Credit Act which provides readily available and more flexible credit for individual farmers and agricultural groups. Basically, the bill consolidates the hodgepodge of farm lending regulations under the full control of the farm credit system. Also, a rural telephone bank was established by other legislation to provide supplementary funds for building or expanding rural telephone systems. The $127 million in Farmers Home Administration emergency loans during fiscal 1971 was the highest in the program's history. And, maximum food purchase programs were ordered to lessen the effect of price-depressing market surpluses.

Also, the national school lunch program doubled during the last year, while the money spent on the program more than tripled. For fiscal year 1972 a total of $615.2 million will be available to provide cash assistance to participating schools to purchase food for the program.

Flexibility is the watchword for farmers in the future. Concentrated efforts must be spent on marketing and bargaining, as well as in the development of freer, more market-oriented production. Agriculture can be the catalyst that molds solutions for the critical problems of hunger, foreign trade, rural development and, creating a quality environment.

I am optimistic that we are just beginning to fashion a favorable climate in which farmers can contribute to these solutions and at the same time realize an adequate return for their efforts and disproportionate capital investment. I am dedicated to assisting farmers whenever and however possible and will continue to urge the administration to do the same.

OHIO MATTERS

The "complete" senatorial office, in my view, is the one willing to fight hard on a wide variety of matters affecting the home State. By that, I simply mean the office must assign a high priority to "affairs of State," often to the exclusion of other things. Toward that end, the year was a very active one. Some of the major accomplishments that my office, often working with the rest of the Ohio delegation, helped bring about:

The Federal Department of Transportation announced in midsummer after deliberating for a year that it was going to build a $10 million auto compliance test center near Bellefontaine in southwestern Ohio. The decision came only after some intensive lobbying by the delegation, and its awarding to Ohio was a victory of major proportions.

At roughly the same time I began receiving reports that a sophisticated foreign technology operation at Wright-Patterson Air Force Base in Dayton, with some 1,750 highly-paid technicians, was going to be transferred to Florida. Again, the delegation closed ranks and impressed on the White House and the Pentagon that the move would be unwise. The result: I was able to announce that the FTD would remain in Dayton for the present.

The new national rail service—Amtrak—came out with its original schedules last spring and, unaccountably, omitted any rail passenger stops in such huge northern Ohio centers as Cleveland, Toledo, and Akron. While this story had an unhappy ending, we were able through intensive pressure in early summer to get the new rail corporation to amend its schedules and offer Cleveland and Toledo daily passenger service. This decision was to be rescinded as 1972 began when some of the other participating States failed to come up with the necessary pledges to keep the service operating. Amtrak thus cut its service to northern Ohio.

Here is another example of what I mean about going to bat for the State: The National Environmental Protection Agency disclosed several weeks ago that it was thinking of moving from Cincinnati to Washington the Offices of Solid Waste Management. The move would have meant, among other things, a loss of jobs in Cincinnati in excess of 100. We immediately got busy on that one and, after several letters and telephone calls, prevailed on the agency to leave 117 jobs in Cincinnati and move only 20 to Washington.

Another major cause which occupied many hours of my time centered on efforts by the city of Cleveland to acquire the mammouth Cleveland Tank Plant for an addition of services at Cleveland Hopkins Airport. As the year ended, the General Services Administration informed me that, after intensive negotiations, it was prepared to offer the plant to the city for lease or sale. GSA said specifically that it is willing to negotiate the sale or lease to Cleveland of 162 acres and 32 buildings. Again, this was no small victory.

There was much more, but the above were all good examples of how a Senate office can go above and beyond to help the State. Moreover, during the year my office was able to announce literally millions of dollars in grants, contracts, and related agreements to Ohio agencies, governments, and educational institutions.

We made breakthroughs in other areas as well. One of the matters that made me especially proud was the nomination by President Nixon of Ohio Supreme Court Justice Robert Duncan to a vacancy on the U.S. Court of Military Appeals. This nomination of Mr. Duncan, a friend whom I have long known and admired—and whom I strongly supported for the post—was a major one. The military appeals court is the Supreme Court for the military and consists of only three judges.

In late summer I made an intensive survey of my constituents on a wide range of matters, extending from the war in Vietnam to the economy to crime, pollution, and all the rest.

I sent questionnaires to some 200,000 Ohioans who make up my general mailing list. What I regarded as perhaps the key question dealt with the issue most bothering people today. Thirty-eight percent of the respondents picked inflation. Second was the war in Vietnam or some aspect connected with it—drawing 26 percent of the replies. Third place went to crime, with 18 percent, followed by unemployment and drugs, each 5 percent, and pollution, 4 percent.

As I mentioned earlier, the year was also punctuated frequently by trips back to Ohio. The primary purpose for going back has generally been speeches and appearances, or matters requiring my personal attention.

CONCLUSION

As the year ended, I found myself taking part more frequently in floor debate in the world's greatest deliberative body.

As you know, many feel this is the essence of the Senate—a body conceived by our Founding Fathers as a great, civilized forum for exchange of ideas, arguments, concepts, and philosophies. A review of the 11-month session disclosed that I took the floor 93 separate times to address my colleagues on topics ranging from Pakistan to NATO, from farm prices to health care.

It was a busy year in many respects, as you have gathered from reading what came before this. And already we are into the second session of the 92d Congress. In fact, by the time this report reaches your homes we will be debating hot and heavy such measures as campaign financing, higher education funds, and various other issues carried over from 1971.

Here, briefly, to climax this report, are some of the major items of business that will occupy the Congress in 1972:

Economy: The Nation's economic health will come before us as part of a raft of bills being pushed by the administration as President Nixon and his men work to halt inflation, increase production, and slowly switch from a wartime to a peacetime economy.

Welfare: Welfare reform and its guaranteed annual income proposal for the poor and work program for welfare recipients, already has passed the House and is due to come before the Senate by March 1.

National health: Some kind of national health insurance legislation will come before us, with proposals already ranging from cradle-to-grave federally financed health insurance to a program limited to catastrophic illness coverage.

Foreign affairs: A wide range of business, from the Vietnam war to NATO to our Strategic Arms Limitation Talks—SALT—will be before the Senate throughout the year.

And if that is not enough, there are also more than a dozen appropriations bills that we must pass to keep the Government operating.

In addition to all of this, remember that it is a national election year. To say that the imponderables of politics will be lingering in the wings is putting it mildly.

I shall look forward to your comments on this report. In closing, permit me to offer all of my fellow Ohioans a happy and meaningful New Year.

COMPREHENSIVE BUDGET SCOREKEEPING: CONGRESSIONAL ACTIONS AND INACTIONS IN THE FIRST SESSION OF THE 92D CONGRESS, AFFECTING THE FISCAL YEAR 1972 BUDGET

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. MAHON. Mr. Speaker, in reporting to the House on adjournment day, December 17, on the appropriations business of the first session, I pointed out that while most of the spending side of the budget on which Congress annually acts is handled in the appropriation bills, congressional actions—and inactions—on budget proposals in various legislative bills significantly affect the budget and fiscal picture. They weigh importantly in any comprehensive comparison of congressional results with the President's budget and fiscal recommendations—as to obligational authority, as to expenditures, and of course as to revenues.

A few days after adjournment, the staff of the Joint Committee on Reduction of Federal Expenditures issued its comprehensive budget "scorekeeping" report. Copies were made available to each Member of Congress, to the press, and others. I should like to supply a capsulization of the scorekeeping report and some selective listings of the major variations from the 1972 budget recommendations.

Briefly, it shows:

First. That Congress, in all its actions and inactions on the 1972 budget, made a substantial net reduction in respect to new budget obligational authority. It made many changes and failed to take certain recommended actions, but the overall effect was a substantial net reduction from the Executive recommendations for new spending authority.

Second. That congressional actions and inactions in their impact on Executive estimates of 1972 expenditures—budget outlays—were about a standoff—slightly below the estimates, according to the scorekeeping report, but essentially a standoff.

Third. In respect to 1972 revenue proposals by the Executive, congressional actions and inactions, according to the scorekeeping report, did not reduce projected budget revenues quite as much as proposed—by about one-half billion dollars.

SUMMARY OF CHANGES—OUTGO SIDE OF BUDGET

In summary, the Congress in its action on the appropriation bills reduced the President's request for new budget obligational authority by about $2.2 billion with a resulting decrease of about $744 million in expenditures—budget outlays—from that proposed in the budget estimates.

Congress in its actions on certain nonappropriation bills also affected materially the amount of new budget obligational authority and expenditures. The staff analysis estimates that the nonappropriation bills on which Congress completed action in the first session will result in a grant of new budget obligational authority of about $1 billion in excess of the budget proposals with an estimated increase in expenditures of about $3.8 billion. This latter increase includes the social security benefit increase estimated to cost $1.4 billion which was approved without the proposed increase in tax rate and base; $1.2 billion due to approval of the Federal employee pay raise effective January 1, 1972, instead of July 1, 1972; and an increase of about $485 million in the cost of the all-volunteer army as compared with the budget request. These increases in new budget authority in nonappropriation bills were more than offset by budget authority reductions in the appropriation bills in respect to fiscal 1972, but in terms of expenditures—budget outlays—this was not the case.

However, by its inaction—to date—on certain legislative proposals in the 1972 budget, Congress did not approve about $5.3 billion in proposed new budget obligational authority involving about $3.1 billion in outlays. Major programs in this category include revenue sharing, medicare liberalization, and emergency school desegregation assistance. Of course, to the extent Congress approves these pending legislative proposals in the second session of the 92d Congress, the presently approved level of new budget obligation authority and expenditures would be affected.

The following table summarizes the comparisons:

COMPARISON OF CONGRESSIONAL ACTIONS AND INACTIONS AFFECTING FISCAL YEAR 1972 BUDGETARY RECOMMENDATIONS—OUTGO SIDE (AS OF THE END OF THE 1ST SESSION OF THE 92D CONGRESS, DEC. 17, 1971)

[In thousands of dollars]

	Budget authority			Budget outlays (expenditures)		
	House	Senate	Enacted	House	Senate	Enacted
1. The appropriation bills	−3, 974, 753	+521, 054	−2, 221, 507	−1, 872, 500	+700, 300	−744, 000
2. Legislative bills:						
(a) With backdoor spending authorizations	+50, 000	+50, 000	+50, 000			
(b) With mandatory spending authorizations	+1, 750, 588	+2, 292, 575	+702, 075	+6, 677, 988	+5, 249, 275	+3, 585, 575
(c) Affecting certain proposals in the 1972 budget	+15, 735	−187, 065	+271, 735	+921, 000	+248, 200	+207, 000
Subtotal, legislative bills	+1, 816, 323	+2, 155, 510	+1, 023, 810	+7, 598, 988	+5, 497, 475	+3, 792, 575
3. Inaction on legislative proposals in the 1972 budget	−4, 668, 174	−4, 809, 374	−5, 268, 174	−3, 121, 540	−3, 162, 740	−3, 121, 540
Total, congressional action and inaction affecting fiscal year 1972 budgetary recommendations	−6, 826, 604	−2, 132, 810	−6, 465, 871	+2, 604, 948	+3, 035, 035	−72, 965

Note: For details on a bill-by-bill basis, see table No. 1, Budget Scorekeeping Report of the Staff of the Joint Committee on Reduction of Federal Expenditures, Dec. 17, 1971.

THE APPROPRIATION BILLS

In the appropriation bills with respect to fiscal 1972 amounts, there was a net reduction from the requests for new budget obligational authority of $2,221,507,000.

The House totals were $3,974,753,000, net, below the requests considered.

The Senate totals were $521,054,000, net, above the requests considered.

These changes in the new spending authority requests translate—according to joint committee staff estimates—into changes from executive expenditure estimates—budget outlays—as follows: House, −$1,872,500,000; Senate, +$700,300,000; enacted −$744,000,000.

The $2,221,507,000 net congressional reduction in new budget authority requests for fiscal 1972 in the appropriation bills breaks down by bills this way:

[In thousands]

	Net change from budget
1. Education	−$6,875
2. Legislative	−6, 040
3. Treasury, Postal Service, General Government	−280, 229
4. Agriculture, Environmental and Consumer Protection	+1, 172, 086
5. State, Justice, Commerce, Judiciary	−149, 686
6. Interior	+29, 386
7. HUD, space, science, veterans	−882, 721
8. Transportation	+44, 983
9. Labor-HEW	+581, 025
10. Public Works, AEC	+59, 043
11. Military construction	−92,708
12. Defense	−3, 025, 366
13. District of Columbia (Federal funds)	−16, 600
14. Foreign assistance	−1, 581, 708
15. Summer feeding programs for children (H.J. Res. 744)	+17, 000
16. Supplemental, 1972	+151, 461
Total, 16 measures	−2, 221, 507

There follows a selective listing of some of the major increases and decreases involved in the net overall reduction in budget authority of $2,221,507,000 in the appropriation bills:

SELECTED MAJOR INCREASES ABOVE THE FISCAL YEAR 1972 BUDGET REQUESTS (IN THE APPROPRIATION BILLS)

[In thousands]

HUD, water and sewer grants	+$500, 000
REA loans	+216, 000
Food stamps	+198, 816
School milk program	+104, 000
Urban renewal programs (half-year funding provided for program requested as supplemental for proposed revenue sharing legislation which was not enacted)	+650, 000
Model cities program	+150, 000
Veterans medical care programs	+190, 000
Mental health	+112, 750
Medical facilities construction	+167, 827
National Institutes of Health	+142, 130
School assistance in federally affected areas	+172, 580
Elementary and secondary education	+138, 000
Vocational and adult education	+100, 115

SELECTED MAJOR REDUCTIONS BELOW THE FISCAL YEAR 1972 BUDGET REQUESTS (IN THE APPROPRIATION BILLS)

[In thousands]

Higher education (proposed authorizing legislation for student loan fund not enacted, and funding eliminated)	—$400, 000
Community development, open space land programs	−100, 000
Manpower training services:	
Public sector on-the-job training	−90, 400
Special targeting	−120, 800
Defense budget:	
Procurement funds failing authorization	−662, 600
Research, development, test, and evaluation funds failing authorization	−257, 000
Reductions in NOA requirements offset by application of excess prior year and stock fund balances	−945, 600
Reduction associated with 56,000 man-year force reduction mandated in Selective Service Act	−286, 800
Termination of main battle tank program	−66, 600
Reduction in intelligence programs	−222, 300
Reduction in civilian personnel cost	−49, 435
Reduction in SAFEGUARD anti-ballistic missile system	−177, 400
Foreign assistance (at the interim annual rate provided through February 22 in the continuing resolution, Public Law 92-201)	−1, 581, 708

NONAPPROPRIATION BILLS

Completed congressional actions in the recent session in certain nonappropriation bills out of the legislative committees having a direct or mandatory effect on the 1972 budget estimates are estimated by the staff of the Joint Committee on Reduction of Federal Expenditures to result in an increase of $1,023,810,000 in new budget obligational authority and an increase of $3,792,575,000 in expenditures—budget outlays.

The major legislative actions involved in this calculation are:

	Budget authority	Budget outlays
Social security benefit increase without requested rate increase and rise in tax base	−$833, 000, 000	+$1, 385, 000, 000
Federal employee pay raise	+1, 200, 000, 000	+1, 200, 000, 000
Cost of all-volunteer army above amount requested in budget	+484, 800, 000	+484, 800, 000
2 actions raising Railroad Retirement benefits above request, without full requested rate increase	−24, 000, 000	+238, 000, 000
Elimination of proposed 110 percent limitation on public assistance administrative grants	+232, 000, 000	+232, 000, 000
2 school lunch actions (funded through CCC)		+215, 000, 000
13-week extension of unemployment benefits (eligibility begins; probable future appropriations)		+196, 500, 000

INACTIONS ON 1972 BUDGET ITEMS

The Congress failed to complete action during the last session on a number of legislative proposals in the President's 1972 budget, several of which would have resulted in reductions. The Joint Committee on Reduction of Federal Expenditures has estimated that the net effect of these inactions as of the close of the first session is to reduce the budget totals by $5,268,174,000 in new budget obligational authority and $3,121,540,000 in expenditures—budget outlays.

The major inaction items are:

	Budget authority	Budget outlays
Revenue sharing (general and special, including HUD community development)	−$3, 506, 000, 000	−$2, 569, 000, 000
Medicare liberalization		−977, 500, 000
Emergency school desegregation assistance	−1, 000, 000, 000	−300, 000, 000
International financial institutions	−845, 000, 000	−57, 000, 000
Medicaid reform	+444, 000, 000	+444, 000, 000
Farmers Home Administration—Reduction in direct loans		+275, 000, 000

Much of this legislation will still be pending in the second session of the 92d Congress; some may be enacted in the second session; and much may possibly be included in some form or another in the new 1973 budget to be submitted later this month.

CHANGES IN FISCAL YEAR 1972 BUDGET REVENUE PROPOSALS

Mr. Speaker, in the aggregate, according to final "scorekeeping" report estimates of the joint committee staff, there was not much change reflected in congressional actions from the total of the revised budget revenue proposals for fiscal 1972.

As amended and enacted by the Congress, the President's tax reduction package amounted to net revenue reductions of about $1.4 billion less than the President requested, largely due to inclusion of depreciation rollback. However, the Congress failed to complete action on about $800 million in proposed social security revenue increases. These are the major congressional scorekeeping items contributing to the relatively slight net increase of $497 million over the 1972 budget revenue requests.

CLEVELAND'S DR. PAUL BRIGGS PRESENTS "MOST SIGNIFICANT TESTIMONY" ON EDUCATION

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. MINSHALL. Mr. Speaker, the distinguished chairman of the House Committee on Education and Labor, Mr. PERKINS of Kentucky, has heard a lot of testimony during his near quarter-of-a-century service in the U.S. House of Representatives. It is impressive, therefore, though not surprising to us who know Dr. Paul W. Briggs, superintendent of Cleveland Public Schools, to learn that Chairman PERKINS has called Dr. Briggs' recent testimony before the Education Committee, "the most significant I have heard in 23 years."

My good friend Dr. Briggs' testimony requires no elaboration on my part; I commend his remarks to the attention of all Members of Congress, and, at the same time, wish to pay personal tribute to the remarkable job this brilliant educator is doing in Cleveland.

The testimony follows:

TESTIMONY OF PAUL W. BRIGGS, SUPERINTENDENT OF SCHOOLS, CLEVELAND, OHIO, TO HOUSE EDUCATION AND LABOR COMMITTEE, JANUARY 13, 1972

Mr. Chairman, Members of the Committee: It is with great pleasure that I appear before you today. I always appreciate the opportunity to meet with you and to share with you views on elementary and secondary education needs. Once again I am honored to address this distinguished and industrious committee—one which perseveres in seeking solutions to the problems confronting our schools.

I am particularly pleased to visit your chairman's home state of Kentucky. In Mr. Perkins, Kentucky has a son of whom she may be very proud. Mr. Perkins, who has served on this committee for almost a quarter of a century (23 years), and as its chairman for the last five years, has been instrumental in drafting and supporting many significant bills relating to education. He supported, in 1956, the Library Services Act, and in 1957 he was among a group of 28 congressmen who presented a program to their contemporaries which included, and in fact demanded, federal aid to schools and the use of agricultural surpluses for school lunches. Later in 1959 Mr. Perkins supported the School Construction Assistance Act. In the 88th Congress he was credited with being the architect of the Vocational Education Act of 1963. He sponsored and conducted hearings on the Elementary and Secondary Education Act of 1965 and he is credited for having guided it through Congress. He was responsible for the Child Nutrition Act in 1966 which enabled Cleveland's School Breakfast Program.

In the 23 years that Mr. Perkins has served in the House of Representatives, he has shown exceptional insight and devotion to problems and needs of this country's young people. For this, I thank you.

With the help of Mr. Perkins and this committee we have made tremendous strides in education—but there is little question that further and new challenges lie ahead.

At the beginning of this century, the primary concern of urban education was the Americanization of the multitude of immigrant children. Today, we find yet another changing population in our cities—the children of the poor. Since World War II, there has been a massive exodus of the more affluent from the city to the suburbs. At the same time, the city has received an in-migration of the poor from various minority groups.

The move out of the city—among white and non-white citizens—has involved the economically more able. Consequently, increasing proportions of the people remaining in the city are victims of poverty. This situation presents an extraordinary challenge to all public agencies, especially the schools.

The emphasis and direction of education in the decade of the seventies must seek solutions to the basic problems of the people—the sociologically and economically based problems of the poor.

The school program that is geared to urban American in the seventies is certainly one which focuses attention on its instructional program, but it also is one that goes beyond instruction.

An essential factor of improved instruction is a massive effort to mitigate the impact of social, economic and racial isolation.

Cleveland is not unique in this regard. Cleveland's population is largely a poor population. As people are deserting the city for suburbia (and as industry is leaving as well), the inner city is becoming a pocket of poverty. Our city schools reflect this impoverished status.

At the same time there is a concentration of poor children, there is also a great decrease in the amount of tax revenue available to the Cleveland Public Schools. This decrease is due to a lowering of taxable values in Cleveland.

In 1965, 11 percent of Cleveland school children were recipients of public assistance. By 1971 the percent had more than doubled (24.9%) and now we find that nearly 47,000 school-age children in Cleveland are members of families receiving public assistance. One out of four children receive public assistance. Perhaps even more dramatic are the figures for the last 12 months when the number of children on welfare increased by 30 percent.

We have in Cleveland 25 elementary schools where more than half of the children come from families receiving welfare—and in one of these schools 97 percent of the pupils are on public assistance—in another, 89 percent. Moreover, some of our secondary schools have more than 50 percent of their pupils on welfare.

As the percentage of our inner-city school children on welfare has increased substantially in recent years, the enrollments in these schools has declined. As the more economically privileged leave, the poor remain. Those who are left behind in the city need special educational services.

Additional federal funds are needed for the disadvantaged to assure that they acquire the same opportunity for a quality education as the more fortunate in our society. *As intriguing and appealing as the promise of general aid to education may appear, let us not forget that we must first be concerned with those who most need help.*

The role of the Federal Government in aid to education should continue to be precise and aimed at the solution of specific problems. This has been true in the past when the landmark federal bills to aid education have dealt with crisis needs. Federal aid, therefore, has included grants for agricultural education during a time when the problems of agriculture were acute; manpower training programs during a time when training and retraining much of the work force was desirable; establishment of the National Science Foundation and science education grants in the late 1950's when the Federal Government wanted to hasten our space program; and most recently, compensatory education grants to meet the educational needs of the poor.

Education Commissioner Sidney Marland's Career Education proposal is yet another sound example of an educational program which deals specifically with those who most need help. His proposal broadens the vocational education thrust of a few years ago in an effort to extend the total career education of the pupils in preparation for productive life activities.

The Federal Government, through its landmark laws and assistance programs, has played a significant role in meeting the needs of the poor children. I refer, of course, to the National Defense Education Act, the Manpower Development and Training Act, the Vocational Education Act, the Economic Opportunity Act, the Child Nutrition and School Lunch Acts, the Education Professions Development Act, and of course, perhaps the most significant legislation relating to education to date, the Elementary and Secondary Education Act of 1965.

Not only is ESEA part of a larger family of legislative enactments, but the law itself with its various titles provides the basis for a coordinated attack on educational problems. In Cleveland, for example, Titles I, II, and III have enabled us simultaneously to deal with the interrelated problems of educational deficiencies among disadvantaged children, the lack of library resources and the isolation of children from various sections of the city.

Perhaps I am one of the few superintendents of a major urban school system who can speak to you firsthand about the development of programs made possible by ESEA. Being Superintendent of the Cleveland Public Schools before the ESEA became law and remaining in that position, I can speak to you with the experience of having watched the impact of the legislation from the outset.

With funds provided under Title I, we have significantly improved reading abilities among the disadvantaged. With Title II resources we have provided books and other library materials throughout the city. Title III enabled us to open the nation's first Supplementary Education Center in which we brought together children from throughout the city to experience together the excitement of discovering the wonders of space, science and the arts.

Funds from both Title III and Title VI have helped us significantly with many of our programs for another special group of children—the handicapped. Included among these are programs for the retarded, the crippled, the blind, the deaf, the neurologically handicapped and those with impaired speech.

The following remarks will deal specifically with Title I of the Elementary and Secondary Education Act.

Title I of the ESEA has been a major factor in Cleveland's effort to focus a variety of federal funds on the educational needs of pupils enrolled in low income area schools. Cleveland has coordinated the use of its Title I funds with other federal and state monies to provide supplemental services for students in low-income areas. For the record, by supplemental, I am referring to those services which are over and beyond those given to all pupils enrolled in the system.

At the same time we are receiving new federal revenue, the people of Cleveland have repeatedly voted for additional taxes. As a result, since 1964 we have had a 100 percent increase in the tax rate.

The additional federal revenue has enabled us to mount a variety of programs. Our efforts have been concentrated on improving and reinforcing basic learning skills for the children most in need of such assistance.

During the current school year we have in operation twelve Title I projects serving 11,000 pupils. The projects are described in the folders attached to my statement.

These programs emphasize improving basic skills of those children who most need help. They help prepare younger children for school experiences. Other programs are designed to prevent difficulties in basic subject areas. Emphasis is also placed upon individualizing and customizing instruction for those students with deficiencies.

After more than six years of experience with programs initiated through Title I funds, we have some exciting success stories to relay.

EARLY CHILDHOOD

In meeting the needs of pre-kindergarten children from disadvantaged families, the Child Development project has helped to significantly raise the school achievement and social competency of children.

The percentage of children in Title I schools exhibiting above average or average readiness for the first grade has increased from 61 percent in 1968 to 84 percent this year. This increase has paralleled expansion of our programs for the very young children as more and more funds have become available. Normal readiness for children throughout the country is 69 percent.

An intensive effort has been made to involve parents of all projects. These efforts have brought increasingly successful results. Last year more than 90 percent of the parents enrolled in a pre-primary project for special education children were involved in such continuous project activities as parent-teacher conferences, regularly scheduled group meetings, or project planning activities. Nearly two-thirds of the children participating in the Child Development project had their parents visit their classrooms periodically.

And, perhaps most encouraging of all, follow-up studies show that children with Child Development experiences have higher attendance patterns three years later than do children without Child Development experiences.

ELEMENTARY PROGRAMS

In a special reading improvement program for second and third grade children, the participating pupils, those whom our resources allowed us to serve, have made gains both in vocabulary and in reading comprehension. These gains exceed gains made by non-project pupils in the schools where we have the program by almost one and one-half times.

A mathematical skill improvement program produced equally dramatic results. Those pupils who participated in the project more than doubled the achievement of students who did not have the advantage of the program.

Moreover, in two schools where we concentrated services, the reading and math scores of the lowest achieving children increased greatly from the previous year.

The English-as-a-Second-Language project is designed to equip children who lack satisfactory command of English with English language skills necessary for a successful classroom experience. Approximately nine out of every ten participants (89%) in the project were reported as having shown academic improvement in their regular classes. Previous to their participation in the project, many of these children sat passively in their classrooms because of the language barrier.

We have further seen encouraging results from our Follow Through project, a program which follows the child from the Child Development program through the third grade. The longer a child participates in this project, the higher is his attendance.

A survey of parents of children participating in various reading programs shows heartening responses. These parents value the individual attention given their children by the projects and they reported improved motivation for reading and a better attitude toward school in their children.

SECONDARY SCHOOL PROGRAMS

A Transition Project has been designed for those young people who need special assistance in making the move from the sixth grade to junior high school. These are pupils who lack certain basic skills and who need greater social maturity and academic preparation for the seventh grade.

The attendance rate for students participating in the project surpassed the rate established by all seventh grade students in the project schools. Now, keep in mind that pupils selected for Project Transition were those with substantial deficiencies in reading and mathmematics, wtih adjustment difficulties, and with truancy case histories—clearly the children least likely to establish high attendance rates.

Furthermore, follow-up studies on the eighth-grade performance of these children reveal that they maintain better attendance records and school marks than do children of comparable scholastic aptitude.

An exciting program has been developed to prevent potential dropouts from leaving school. This program has had exciting results as well. Of the pupils enrolled in the program, the dropout rate (15.5%) was lower than the rate established by all other tenth grade pupils in the project schools. (17.6%) This lower rate is all the more noteworthy if you remember that pupils selected for this program were those who had a high potential for dropping out. Previous experience indicates that approximately 50 percent of these pupils could have been expected to drop out had they not participated in the project.

In Cleveland it is our policy to have only two exit doors from our high schools—one marked "college" and the other marked "job." We have been increasingly successful in ushering our graduates through one door or the other.

Over a five-year period, Cleveland has had a 100 percent increase in the placement of inner-city high school graduates in colleges. Perhaps even more significant, one of our high schools which is almost entirely black, has 52 percent of last year's graduating class in college—this is a better placement percentage than many suburban high schools have.

This year $11,000,000 in scholarship money is available to graduates of Cleveland Public Schools as compared to only $2,000,000 in 1964.

We also have been successful in keeping our "job" exit door open. On the average, Cleveland's Job Development Program has placed in jobs 95 percent of those inner-city graduates who desire a job. In spite of the difficult economic times this past summer, 100 percent of the graduates of one inner-city high school were placed in jobs. This is not a small high school having middle-class students—it is a high school of 2,000 pupils having the highest incidence of poverty in the entire city.

FURTHER EFFECTS

Summers in Cleveland are no longer times of idleness for our school children. They are times of activity and learning. Enrollment in elementary and secondary summer programs in Cleveland has increased from 8,000 a few years ago to almost 87,000 this past summer. Not too many years ago our inner-city schools were closed during the summer, and now we have our schools on almost a 12-month program. We have used a large portion of our compensatory education money, both federal and state, to see that every inner-city school is open and available for summer activity.

Special assistance funds have enabled the Cleveland Public Schools to employ some 764 full-time teacher assistants and 325 part-time aides to work with school children. Almost all these aides live in the immediate neighborhood of the poverty impacted schools and their wages have directed compensatory funds to poverty area residents.

In Cleveland schools 3,500 volunteers help youngsters. Volunteers are trained by a full-time member of our staff whose salary is paid by federal funds.

Once again, it should be emphasized that in Cleveland we have used our Title I monies, in every case, to supplement local and state resources. The success of Title I funded projects in Cleveland has encouraged the State of Ohio to offer additional supplementary funds to expand and sustain programs for the children of the poor.

These funds have increased from their initiation in January, 1968 to a point where the allocation from state funds will almost equal our Title I allocation for the current fiscal year. Consequently, with additional funds, the Cleveland Public Schools can provide a greater depth of service to a greater number of needy children.

Nonetheless, as I said at the outset, there is still a tremendous task before us. We must provide a greater depth of service to the youngsters presently included in our federally-supported programs and we must expand programs to reach the poor children who are not presently included.

There is little question that our urban crisis is a serious one and that it needs the full attention of us all. To deal with this crisis, the following items should be top priority on a Federal program for urban education:

1. Full implementation of the $6.1 billion authorization of The Elementary and Secondary Education Act.

2. Multiple year funding to facilitate planning projects of more than one year's duration.

3. The establishment of high schools with only two exit doors—one marked "Job," and the other, "College."

4. Massive pre-kindergarten programs associated with each neighborhood school including early childhood education, nutrition education and health education. These programs should involve parents and community leaders.

5. Availability of federal funds for the expansion of work study and cooperative education programs.

6. Special job counseling and placement programs available to young people in advance of graduation.

7. Special matching funds to purchase books, reading materials and other educational supplies for disadvantaged children. These materials should be made available to the homes so that parents may become a part of the children's reading program.

8. Establishment of realistic adult job training and retraining programs at selected neighborhood schools and establishment of child care centers that will encourage mothers to continue education training or employment.

In Cleveland we have developed a comfortable relationship with officials in our State Education Department and with officials of the U.S. Office of Education. This good working relationship has enabled the Cleveland Public Schools to successfully implement programs which attack the problems of poor children. A large factor in the successful maintenance of these programs is that Cleveland, like most major school systems, is fiscally independent. Therefore, it is key that the delivery system for federal monies continue to be as direct as possible.

With the continued leadership of the House Education and Labor Committee and the cooperation of federal and state agencies, quality education will be made available to all children.

DEVALUATION OF THE DOLLAR

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. SCHMITZ. Mr. Speaker, one of the first orders of business when Congress reconvenes January 18 will be legislation authorizing the President to do what he has already—without prior authorization—committed this country to doing: devaluing the dollar in terms of gold, and in terms of the other currencies of the world.

To grasp the real meaning of this, first of all we need to understand one simple truth very clearly: a piece of paper, no matter what words are printed on it, no matter if it is called $1 dollar or $100, has no intrinsic value. People may accept it as valuable, or they may be forced to accept it in payment by legal tender laws. But if they have little confidence in its real value, they will demand more and more of it in payment for less and less, bringing about the all too familiar process we call inflation. Throughout history, the most dependable intrinsic economic value has been found in precious metal—gold and silver.

There are, essentially, three kinds of paper money: First, promises to pay in gold or silver, convertible into precious metal at the option of the holder of the money; second, paper certificates issued by a government which may not be converted into precious metal by its own citizens, but may be converted by foreign holders; third, power certificates issued by a government which may not be converted into precious metal under any circumstances.

During the past 40 years, the American paper dollar has changed from the first of these kinds of money through the second to the third. Until 1934 gold dollars circulated side by side with paper dollars, so there could be no differences in their value. Then all gold coins were called in and American citizens forbidden to own them except for small "coin collections"—an intolerable restriction on individual liberty and standing invitation to inflation which would be eliminated by passage of my bill, H.R. 6790, introduced last March. Finally, just a few years ago, silver dollars disappeared from circulation and were not replaced, and the Treasury stopped issuing the "silver certificate" $1 bills which could be converted into silver on demand. That meant that American citizens could no longer obtain any precious metal in exchange for their paper dollars.

But foreign dollar holders could still do so, and this year they began a "run" on the dollar of such proportions that on August 15, 1971 President Nixon halted all payments of gold for dollars to anyone, anywhere. At that point, the dollar became a pure paper currency, without any "backing" whatever in material of intrinsic economic value.

In view of this we can see how essentially meaningless is the gesture of declaring the dollar now to be worth $38 per ounce of gold instead of $35, the former "official price." If no one in the world can obtain gold from our Government in exchange for a dollar, then any "official price" for the dollar has to be a fraud. An "official price" for the dollar in terms of gold could be justified only so long as our Treasury Department stood ready to buy gold for that price.

What the present devaluation really means is simply a recognition of the economic fact that other nations' currencies—notably those of our former enemies Germany and Japan—have become stronger relative to our own, so that dollars will now buy less in terms of marks and yen, and other foreign currencies. The recently agreed upon devalution of approximately 8 percent means that imported goods and foreign travel will cost Americans that much more. In and of itself, it will not affect prices of American-made goods at home.

But in the longer perspective of history, we have good reason to predict that this will be only the first in a series of steps steadily reducing the value of the paper dollar—the inevitable fate of any currency not backed by precious metal. There was a time when the Italian lira, for example, meant a pound of silver. It is now worth approximately one-sixtieth of a depreciated American penny.

WARREN HARDING HIGH SCHOOL FOOTBALL TEAM, OF WARREN, OHIO, WINS OHIO STATE CHAMPIONSHIP IN 1971

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. CARNEY. Mr. Speaker, I am pleased to inform you of an outstanding achievement by a group of high school athletes in my congressional district. The group I am referring to is the Warren Harding football team from Warren, Ohio. The Warren Harding Panthers finished the season with the first unbeaten and untied record in their school's history and succeeded in capturing the Ohio State Class AAA Football Championship for 1971.

The accomplishment certainly did not come easily. Rather, it was the result of a tremendous team effort and a lot of hard work by each player as well as head coach, Tom Batta, and his assistants, Jack Rogers, Sam Bates, and Cullen Bowen. Nearly 1,000 fans and friends of the team attended a banquet held in their honor at the close of the season.

In addition to the outstanding team performance, certain team members merit special mention for being named to the all-Ohio Class AAA squad. They are: Doug Stubbs, offensive first team; Len Sernulka, offensive third team; and Mike Capellas, honorable mention. Individual team honors went to: Doug Stubbs, top defensive back and most valuable player; Chuck Cullins, best defensive lineman; Len Sernulka, top offensive back; and Jack Richards, top offensive lineman.

The Warren Harding Touchdown Club also presented several awards to team members. Ed Kvesich, president of the club, awarded the "Unsung Hero" Award to quarterback Tom Muir. TD Club game awards went to Joe Kirksey, James Douglas, Matt Lee, Dan Ross, Ron Cullins, Jim Tsilimos, Tony Elzy, Bob Stan, Eli Hilas, Randy Fabrizio, Wilbur Boggs, Mike Capellas, Gene Haplea, and Bill Hunter.

Mr. Speaker, I would like to take this opportunity to express my personal congratulations to the players and coaches of Warren Harding High School football team for their outstanding record during the past season. I also wish these fine young men continued success in their chosen careers.

TRIBUTE TO WALTER TROHAN

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. COLLIER. Mr. Speaker, I am happy to join my able colleague in paying tribute to Walter Trohan, who recently retired after having served as a Chicago Tribune correspondent for 43 years. Most of that period was spent in the Nation's Capital, where he was an able member of the newspaper's Washington Bureau and rose to the position to chief correspondent.

Having arrived on the national scene during Franklin D. Roosevelt's first term,

Walter Trohan was intimately acquainted not only with F.D.R., but with all Chief Executives who followed him. He reported the news of the executive branch and Congress during the days of depression and prosperity, war and peace. His readers numbered in the millions, as his dispatches appeared not only in the Tribune but in the papers that were affiliated with the Chicago Tribune Press Service. He also conducted a weekly news program for WGN, the Tribune's radio station.

He was a newspaperman from his youth. The story—which I admit is apocryphal—goes that young Trohan applied to Robert R. McCormick, for many years the dominant force behind the Tribune, for a job as a reporter. He told the Colonel that he could decline Greek and Latin nouns, whereupon he was told:

> I don't care whether or not you can decline Greek and Latin nouns—can you decline a drink? I'm glad you know Latin—you can cover Cicero.

I suspect that the real reason Colonel McCormick hired Trohan was that he was born on the Fourth of July; this would square with the Tribune's vigorous Americanism. Trohan learned early that a reporter's life is not all glamor—he was the first newsman on the scene of the St. Valentine's Day massacre of February 14, 1929, when Chicago gangsters killed seven of their rivals.

Walter Trohan, a versatile man who combined scholarship with down-to-earth practicality was not content to accept government publicity handouts. Instead he went after the news and as a result his columns were factfilled and highly readable.

Mr. Speaker, my best wishes go to Walter Trohan and his lovely wife, Carol. May their years of retirement be pleasant and may they live as long as they enjoy life.

EDWARD SCHNELL—LOUISVILLE'S PARK AND RECREATION EMPLOYEE OF THE YEAR

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. MAZZOLI. Mr. Speaker, in this age of crowded cities and urban blight, we are coming to recognize the irreplaceable value of our parks and open space. Also, as automation frees our working force for the increased pursuit of recreational activity, we come to recognize the growing value of our playgrounds and picnic areas. Our children, of course, have long valued their parks and playgrounds.

Accordingly, I think it only fitting that we pay our grateful tribute to those who devote their lives to the upkeep and improvement of our parks and recreational areas. Just such a person is Mr. Edward Schnell, who last month was named the "employee of the year" of the Louisville and Jefferson County, Ky., Metropolitan Park and Recreation Board.

I have for some time been personally acquainted with Eddie Schnell because he is the caretaker of George Rogers Clark Park which is located just a block and a half from my home in Louisville and is the park in which my children play.

The fact that Eddie Schnell is also handicapped—he has been a cerebral palsy victim since birth—only serves to heighten his professional accomplishments as a park caretaker. It also stands as a shining example of the contribution the handicapped can make—if we just let them.

Mr. Speaker, I ask that the following article about Edward Schnell which appeared in the Louisville Courier-Journal be reprinted in the Congressional Record. It is entitled, "Taking Care."

The article follows:

TAKING CARE: A PARK IS A NEATER PLACE BECAUSE A CARETAKER DOESN'T LIKE TO SIT STILL

(By Ben Johnson)

Edward Schnell is like lots of other folks—he likes order. And because he does, lots of other folks in southeast Louisville have one of the nicest parks in the city.

"Everything's in order here," he said during an interview yesterday. And indeed George Rogers Clark Park, which is along Poplar Level Road a few miles north of the Watterson Expressway, was immaculate.

There was no sign of the discarded beer cans and soda bottles evident at some parks. Firewood was neatly stacked beside the lodge, and the wading pool was spotless.

"I guess that's the reason I got the award," Schnell told a visitor who remarked about the condition of the * * * located in southeastern Louisville parks. Earlier this month, Schnell, 37, was named the Metropolitan Park and Recreation Board's employe of the year by Carl Bradley, executive director of the board.

The award, initiated only last year, is given to the park employe who "provides inspiration for his fellow employees." Schnell was picked from 325 permanent park employes.

"Eddie's one of the hardest workers we have," his supervisor, Thomas Mosee, said "If the department had 50 more men to work like he does, these parks would be in better shape than they are now."

Bradley also had compliments for Schnell. "George Rogers Clark Park is as nearly immaculate as any park we have."

But Schnell's accomplishment is heightened by his circumstances. He has been a cerebral palsy victim since birth. The disease left him with a speech impediment and poor muscle coordination. But his handicap hasn't impeded his progress. "I like to think that my handicap isn't a handicap," he said.

"Several years ago, Eddie made it known that he wished to make it on his own," Bradley said this week. "Instead of letting his handicap be an excuse for doing nothing, he decided to succeed in spite of it."

George Hauck, a local hardware store owner helped Schnell get the caretaker position almost three years ago while Hauck was a member of the Park and Recreation Board.

"I always felt he would make someone a good employe," Hauck said. "But he had never been given a chance. Business today makes it very difficult for handicapped people."

After Schnell was given the opportunity to prove himself, he amazed his fellow workers. "He hustles so," one said yesterday.

Area residents think as highly of Schnell as his superiors and fellow workers do. Several neighborhood youngsters stop by frequently to talk. Yesterday a 9-year-old took him a Christmas present.

"I don't know why everyone is doing all of this," Schnell said as he strained to pronounce each word. "I don't deserve it. I'm just a worker."

"Yeah, Eddie, but you're such a good worker," a neighborhood woman chimed in. She and several other women were at the lodge attending a Christmas party.

Schnell's duties as a caretaker include the general management and maintenance of the park. When all of his regular duties are finished, he works on other projects. "I just don't like to sit still. There must be half a million things around here that I do," he said. Right now he's painting the wall of the wading pool.

The 32-acre park contains tennis courts, basketball courts, a softball diamond, tot lot and picnic facilities. It is bounded by McKinley, Thruston, Popular Level Road and Filson Avenue.

Schnell, explaining why he likes working at the park, said, "It keeps me in touch with a lot of people.

"I like the park and the people here." He and his mother moved to 1530 Goss Ave. so Schnell wouldn't be far from the park.

Schnell suggested that other handicapped persons "get out and work when they're old enough. It's the best thing for you. . . . But it's not as easy as I say it is. Sometimes you are lucky and get a job. Sometimes you're not so lucky."

UNJUST TREATMENT OF NORTHERN IRELAND CITIZENS DEPLORED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. BIAGGI. Mr. Speaker, for the last few months I have been inserting a series of reports in the Congressional Record concerning the atrocities being committed in Northern Ireland. In my November 18, 1971, statement I included a report of the arrest, interrogation and treatment of Joseph Hughes under the Special Powers Act, which permits the imprisonment of civilians without charging them with a specific crime. This gentleman was treated with great abuse by the British Army. He suffered great physical harm as well as having to listen to verbal indignities.

This report so moved the members of the Ancient Order of Hibernians, Division No. 1, Delaware County, Pa., that their president, Mr. Joseph Kelly, has written a letter to the Prime Minister of Northern Ireland deploring such actions.

I commend Mr. Kelly and the other members of his organization for speaking out against the repression in Northern Ireland.

It is my hope that other citizens will continue to speak out and denounce the harsh and cruel treatment of the citizens of Northern Ireland.

The letter follows:

ANCIENT ORDER OF HIBERNIANS,
Division Number 1,
Havertown, Pa., December 7, 1971.

Mr. Brian Faulkner,
Prime Minister of Northern Ireland, Stormont Castle, Belfast, Northern Ireland.

Your Lord: Your letter and press release of September 24, 1971, we are afraid shows your lack of understanding about the position of Northern Ireland. We kindly implore you and your ministers of Government to read the Sunday London Times of November 14 and 21 which has given a very objective report on the situation of Northern Ireland. On November 18, 1971, in our country, the land of freedom, citizens of Irish Heritage were moved with tears, when the Honorable Mario Biaggi, U.S. Representative of New York, in the Halls of Congress, uttered his fifteenth report on the Situation of Northern Ireland. The closing lines of this report were as follows: "The bigoted people of Northern Ireland have said the following in the lorry, Your Virgin Mary was the biggest whore in Bethlehem, Also in the lorry, Sure they all the Pope's bastards." We are enclosing a copy of this speech which was in the United States Congressional Record in our letter, we humbly implore you to read it your ministers of Government and to your people as this Christmas season approaches. In the history of Christianity, such verbage was never uttered and such verbage would not be fit to be called to swine in a pig pen.

Remember my dear Lord, as you kneel before the Christmas Crib on Christmas morn, you will see this same woman in bended knee giving adorational to the One who brought peace to the world. Maybe you and your bigoted people can learn a lesson from this Christmas Crib to all Christian people throughout the world.

As the Christmas Season approaches we extend to you our sincerest prayers and best wishes and may there soon be a United Ireland.

Sincerely yours,

Joseph Kelly,
President.

SPACE SPINOFFS MANY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Paul Recer in the San Antonio Express of Tuesday, October 12, 1971, discusses a number of significant spinoffs from our national space program. The applications cited in Mr. Recer's article describe many of the techniques, devices, and skills which are derived from our national space program and are bringing their benefits to the general public every day. In addition to those items cited by Mr. Recer in his excellent article, the publication of the committee, "For the Benefit of All Mankind," covers the subject of direct space benefits in more detail. I commend this article and the committee document to your reading.

Touch Numerous Areas—Space Spinoffs Many

(By Paul Recer)

Space Center, Houston.—Tires screamed against pavement. A car goes out of control, spins and splatters into a bridge support.

The car is smashed so badly rescuers are unable to open doors or windows and pull out the injured.

A patrolman, arriving at the remote scene, unpacks a large silver gun-like device. He pulls a ring and an intense flame leaps from its muzzle. He cuts away a door of the smashed car and within minutes the injured are freed and en route to a hospital.

The patrolman was using what is actually a rocket motor adapted to cut through metal. The rocket, which gives a maximum of heat with a minimum of thrust, was developed by the United Technology Center and is based on research the concern did in the U.S. space program.

The company estimates that about 2,400 persons die each year from uncontrolled bleeding, shock or fire while waiting to be extracted from smashed autos. Company officials think the rocket torch may change that.

The torch is but one of literally hundreds of new products which have grown out of the nation's space program.

Problems which space engineers challenged and conquered to get man to the moon are rapidly being converted to use on earth. Such technology from space is beginning to touch many areas of life for Americans and even more innovations are on the horizon.

For instance:

Teachers in a Sacramento, Calif. high school no longer have to keep tedious enrollment records. A 10-digit space-developed computer keyboard has been installed in each room and the teachers merely punch up the code number of any pupil who is absent. The signal is filed in a central computer and at the end of the day a printed readout gives the attendance record for every pupil in the school.

At the same high school, teachers wear or carry an alarm unit about the size of a fountain pen. Should a disturbance develop, a teacher has only to push a toggle switch on the pen to send an ultrasonic signal to the main office. Equipment there identifies the sources and location of the signal and help is quickly on the way.

A shock absorber system developed by North American Rockwell for use under the astronaut coaches of the Apollo command ship have been converted and used experimentally in highway guard rails. Engineers claim the system cushions shock so effectively that a 60 mile per hour impact on the guard rail has the effect of only a five mile per hour impact against a solid surface.

Ball bearings the size of pin points were developed for use in satellites. The same bearings have been adapted for use in dental drills, creating an ultrafast drill which developers claim is more effective, reduces pain significantly and eliminates the sense of vibration and grinding.

The rugged demands for a spacesuit to protect astronauts on the surface of the moon led to new fabrics and new weaving techniques. A featherlight, shiny plastic insulation material used in space has been developed into an emergency blanket for mountain climbers, outdoorsmen and aviators. The blanket folds up to a hand-size package.

The largest number of spinoffs from space program has gone into medicine.

An electronic switch developed for use by astronauts is being used experimentally to help paralyzed persons operate their own wheel chair.

The device is worked like glasses. By moving his eyes, the paralytic can send a signal to his motorized wheel chair and actually guide it where he wants to go. The device also can be used with other equipment to turn off lights, change television channels and turn the pages of books.

A sensor smaller than a pinhead was developed by space engineers for wind tunnel model testing. The device was converted for use by doctors to measure blood flow rates. It can be easily inserted into an artery because of its size. A California hospital is currently using it to measure the effectiveness of heart valve transplants.

The breathing of comatose children or elderly patients has always been a difficult problem. Doctors often insert a tube into the patient's windpipe to assist his breathing. The tube, however, can become clogged and the flow of air cut off. Usually a nurse must sit at the bedside to guard against this.

A new sensor, designed at the Ames Research Center for aerospace use, is now being used at some hospitals to monitor the breathing of comatose patients. The device measures temperature of the air passing through the tube. A temperature difference can trigger a signal within 10 seconds, alerting a nurse at a central control or in another room.

Other medical space spinoffs include:

An eight-legged lunar walker. Developed for use on the moon, it is now being used experimentally by paralyzed children. It can climb stairs, step over curbs and go other places blocked to wheel chairs.

Computer-enhanced X-rays. First used to improve the quality of television from space, the system can create great contrast in X-rays, allowing doctors to better study the heart, vessels and brain.

Laminar air flow systems and superbacteria filters. Developed for use in manned spacecraft, these are now being used in surgical suites and in burn wards to cut down on the amount of free floating bacteria.

Cardiac preservation chamber. Developed by Grumman Aircraft Corp. from lessons learned in producing the Apollo lunar module, the chamber keeps a donor heart alive for a transplant. It may make it possible for donor and recipient to be widely separated. The chamber is also being used at the Baylor College of Medicine in Houston to study the rejection of donor hearts by transplant patients.

The space agency estimates that there have been at least 2,500 technological innovations passed directly from the space program into general use. Many of these new techniques and devices are patented by the government, which makes them available to any firm.

So vast have been the advances in the space business that a system has been developed which allows companies with special problems to draw on the technology developed by the space agency. About $5 million has been spent to help this new data to flow directly into the nation's economic mainstream. For a fee, the space agency will search its computerized knowledge banks for solutions to particular problems.

PAN AMERICAN HIGHWAY CONGRESS

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. DON H. CLAUSEN. Mr. Speaker, I recently had the privilege to serve as the congressional adviser to the Pan American Highway Congress in Quito, Ecuador. Our colleague, the gentleman from Texas (Mr. Wright) also was selected to attend the Congress.

Congressman Wright and I share a longstanding interest in the development of the Pan American Highway and an understanding of the benefits it will provide all the Americas. We were pleased to be offered the opportunity to address the plenary session of the Congress.

Quite frankly, Mr. Speaker, I feel our colleagues would be interested in the statements Mr. Wright and I made in Quito outlining our views on the necessity for Inter-American cooperation and on the means to achieve our mutual goals. Therefore, I am inserting our remarks at this point in the Record:

Address of Congressman Don H. Clausen

On December 9, 1967, you accorded me the high privilege of addressing your plenary session in Montevideo, Uruguay.

At that time, I referred to the Pan American Highway program as "the most important single undertaking of our time"—"a coordinated and integrated road and highway system for the Americas".

"As we work toward this desired multination and intercontinental integrated system of highways, one cannot help but visualize the ultimate formation of a Common Market of all the Americas."

Today, it is with pleasure that we are able to report positive progress in the development of the Darien Gap Highway as the key segment remaining to be completed in the Pan American Highway.

Culminating 6 years of Darien Surveys, a formal report was prepared by the Darien Subcommittee entitled "Final Conclusions and Recommendations Regarding the Location, Design and Construction of the Pan

American Highway Through the Darien Gap of Colombia and Panama." This report was formally presented to the Permanent Executive Committee President, Eduardo Dibos D., during the meeting of the Permanent Executive Committee of the Pan American Highway Congresses in Lima, Peru, in February 1969.

March 19, 1969, in the Council Chamber of the Pan American Union in Washington, D.C., and attended by members of the Permanent Executive Committee, Darien Subcommittee, Officials of National and International Highway organizations, the Final Report of the Darien Subcommittee was presented to the Secretary General of the OAS, Dr. Galo Plaza, by Don Rumulo O'Farrill, our beloved Honorary Life Chairman of the Permanent Executive Committee—the "champion of the Pan American Highway System".

On June 10, 1969, in the House of Representatives of the United States Bill H.R. 12014 was introduced by myself along with colleagues Congressman John C. Kluczynski of Illinois and Jim Wright of Texas. The Bill would authorize the United States to cooperate with the Governments of Panama and Colombia in the construction of the Darien Gap Highway in these two countries to thus connect the Inter-American Highway with the Pan American Highway and authorize $100 million to pay two-thirds of the cost of construction of the highway.

Passage of the Federal-Aid Highway Act of 1970, on December 31, 1970, was signed by President Nixon; thus the construction of the Darien Gap Highway was assured. This was a memorable occasion for all those who had worked for many years to make the closing of the missing link of the Pan American Highway System a reality.

In a historic ceremony May 6, 1971, at the Pan American Union in Washington, D.C., the Governments of Colombia, Panama and the United States executed the final agreements for the construction of the Darien Gap Highway.

In signing the agreements for the U.S., Secretary of Transportation John A. Volpe said, "The international project now agreed to will benefit all the Americas. It will bring both social and economic gains to all the countries of the Hemisphere".

Before the end of the fiscal year June 1, 1971, President Nixon requested supplemental appropriation by the U.S. Congress in the amount of $5 million for the Darien Gap Highway. These funds were immediately obligated and an announcement made to call for bids August 31, 1971, on the section of the Darien Gap Highway in Panama between Canitas and the Bayano River including the Bayano River Bridge.

In the 1972 budget, President Nixon and the Congress appropriated $15 million to continue to fulfill contract and construction commitments.

The continuing and intense interest of the U.S. Congress was next demonstrated when Mr. Wright, myself, and our House Roads Subcommittee, visited Colombia, Panama and the Darien Region to observe "on-the-spot" the construction problems to be encountered, the effect on the environment, the concerns of the native population of the area and, most importantly, to gain a greater understanding of the unique terrain, swamp and meteorological problems associated with this "impossible" construction project.

A helicopter flight over the proposed routing, an overnight stay in a Choco Indian village and meetings with native leaders—deep in the Darien Jungle—made a profound impression on all of us, as we sought to develop a fuller appreciation for the problems ahead.

All planning is aimed at "holing through" the Darien Gap within 5 years. If weather and construction conditions permit, it is our hope to accelerate the construction timetable. We are determined to complete the project and "close the Gap" at the earliest practicable date.

This presents a tremendous challenge to everyone connected with the program—from the political, administrative and financial people of our governments to the scientific, engineering and builder personnel that must accomplish the work.

The Darien Gap—long famous and challenging as the "Impossible Road Construction Project of our Hemisphere"—will continue to intrigue the imagination until it is finally completed and the Pan American Highway—from Alaska to Argentina—linking the Americas—truly becomes Inter-Continental, thereby setting the stage for the unlimited economic, social, educational and cultural benefits that will become available to the people of North, Central and South America.

Where do we go from here?

In many ways, highways are comparable to the blood circulation system of our own body. The Pan American Highway is the main artery of the highway system for the Americas. Feeder roads form the vein network which carries blood into the main artery. When there is active circulation of blood through the veins and arteries, the surrounding body tissues are kept healthy. Likewise, when feeder and lateral roads stimulate the production, trade and travel that flows into the main highways of our lands, our economies prosper and the lives and living conditions of our peoples benefit.

This analogy has proven useful to me. It has helped me to understand and relate the role of highways, coordinated with other land, sea and air transportation, and how these, in turn, serve the ultimate goal of national and intercontinental development.

I have often talked about the need for integrated national transport systems as a vital ingredient of national progress. By that I refer to the rational, planned, coordinated and integrated system of different transport modes that function together efficiently and economically in serving the transport needs of our societies.

But just as the human brain directs and coordinates our bodily functions, so likewise national development planning through the Pan American Highway Congress and OAS must serve to integrate our transport systems into the total development process of the Americas.

We in the U.S. have long ago learned the lesson that a well-developed transport system operating alongside an inadequately developed agricultural or industrial structure has very limited benefits.

In this sense, highways and transport systems are instruments by which national development and individual mobility are served. They are not ends in themselves. For example, a farm-to-market road program which is not integrally linked to a well-conceived agricultural development plan, providing research, extension, farm credit, and marketing services, is unlikely to bring progress to the rural community or a better life for its inhabitants.

From this analogy, I arrive at the conclusion that the basic goal of all of us who are interested in highways is national development. Our job does not end when we plan and finish construction of a highway. We must not be satisfied when the main arteries and veins of a transport system are in place. We must all actively involve ourselves in ensuring that a vigorous flow of blood is pumped through these arteries and veins. That means we must concern ourselves increasingly with national development strategies, with sectoral plans for agricultural and industrial development, with plans for balanced regional economic growth and urban decentralization. Only by involving the technical and management capabilities of the transport sector in the broad tasks of national development planning will we realize our common goal—highway systems which serve as the vital lifestreams of growth and individual betterment.

MY VIEWS ON A NEW LATIN AMERICAN POLICY

In discussing U.S. policy toward Latin America, I have often said, "We do not wish to be looked upon as your fathers; we prefer to be your brothers." Behind this phrase, there is a long history of continuing debate as to what the proper relationship should be between the U.S. and our neighbors to the South. That debate spans long periods of our history from the Monroe Doctrine, through the Good Neighbor Policy, and the Alliance for Progress, up to the present. Each phase of our evolving policy toward Latin America responded both to an assessment of U.S. interests and of the realities of our relationships in the Hemisphere.

The change in our desired role from being "fathers" to "brothers" goes to the very core of President Nixon's concept of the "mature partnership" we wish to have with our Latin American friends. As I have observed our working relationship during the sessions of the Pan American Highway Congresses, I have come to the firm conclusion that we are all proud of our national heritage, yet we are also willing to share ideas that will be helpful to all.

Why have we moved to this new policy and new diplomatic style?

We have realized that our Latin American neighbors have made great strides in recent years in the complicated tasks of nation building and economic and social change. These nations are increasingly flexing their "muscles of maturity" as they develop their self-confidence, as they thrust ahead in their efforts to modernize, and to bring the benefits of growth to more of their people.

We, too, have assessed our national interests and the realities of contemporary Latin America.

We have come to the conclusion that the special relationship we seek with our Latin American friends must be such as to assist the processes of change in an atmosphere of mutual respect, confidence and cooperation.

That special relationship must recognize the need of our neighbors to reconcile their interests in close ties with us with their determination to mold their own destinies.

It must be based on an understanding that our neighbors must determine their own national structures, their own solutions to their national problems, and setting their own priorities. Above all, it implies that our friends in Latin America must also live with the results of their own decisions and actions.

This is the essence of the mature partnership we seek—

On our side, a strong commitment to assist and cooperate, as requested, in dealing with the problems of change and growth in the Americas.

On the side of the Latin Americans, a growing sense of constructive nationalism and maturity in making a better life for their own people.

As this partnership develops and mellows with time, we not only help each other, but strengthen the quality of our political, social and economic institutions that bind us together in the Inter-American system.

In presenting my personal assessment of our relations of the past, I am of the firm opinion that we must all accept a proportionate share of the blame for the problems that have not been resolved in an orderly manner.

Why has this occurred?

In my view, we have all wavered from one extreme to another—all the way from "benign neglect" on the one hand to the "bear hug" on the other.

When we needed each other desperately, we would join together to meet a common threat to our respective interests.

After the threat had passed, we would fail to communicate adequately, to "keep in touch", thereby neglecting to recognize or deal with promptly the increasing problems associated with the challenges of change in this jet-space-technological age.

The result has been smothering paternalism wrapped in a blanket of immaturity, misunderstanding, unfulfilled promises and mounting uncertainty.

The time has come for all Americans, North, Central and South, to stand up and be counted on a man to man basis—treat each other with mutual respect in a true spirit of brotherly love, as intended, originally, by our Creator.

We are all constructive, creative, dedicated and determined individuals and nations.

We must all realize, however, that by maximizing our organizational inter-dependence, we can enhance the cherished goal of independence.

We, the delegates of this Eleventh Pan American Congress, can and must show the way.

Just as the late President John F. Kennedy and the U.S. Congress said in the early 1960's, "We will put a man on the moon during this decade," I know it is the desire of President Richard Nixon and the U.S. Congress to cooperate in uniting the Americas during this decade of the 70's.

The closing of the Darien Gap, when completed, will serve as *The Symbol* of Hemispheric cooperation and solidarity and as a living monument to you, the delegates of these Eleven Pan American Highway Congresses.

STATEMENT OF CONGRESSMAN JIM WRIGHT

It is a very happy mission that we of the United States Congress perform here this week. We have the extremely pleasant privilege of informing you that the United States Congress in the past year has approved and authorized the expenditure of $100 million over the next few years to assist in completing the Inter-American Highway through the entirety of the Darien Gap so that it will link up Colombia with the northern terminus of the Pan American Highway.

Our President, Richard Nixon, has given this project his highest priority. He has ordered our administrators to expedite ist completion by every possible means. Our Congress, in its appropriation process, has cooperated fully.

For several generations, it has been the ardent dream of statesmen and engineers throughout the New World to complete one continuous hemispheric highway, linking all of the Americas in one ribbon of concrete. Men of good will in all of our countries have labored toward this goal confident that it will bring to the people of our Republics the mutual blessings of fresh hope and better understanding, raw materials for our mills, markets for our produce, jobs for our citizens, closer cultural ties, and an enriched standard of living for millions of people. Today, with the closing of the final gap approved, I am certain that this dream will come true.

When the Darien Gap has been spanned, we will have here in the Americas the longest continuous stretch of highway on earth. For almost 19,000 miles, one carpet of pavement will connect the entire Western Hemisphere from the icy tundra of Alaska to Tierra del Fuego at the southern tip of Argentina.

A century and a half ago, that incomparable patriot and patron saint of free men everywhere, Simon Bolivar, dreamed and struggled for a New World united in hope, united in spirit, and united in the aspirations of its people.

No nation can expect to exist as an island of affluence surrounded by an ocean of poverty, and no nation should desire such a condition. Nor could the flower of freedom flourish in a desert of despotism. Our futures as free men in this hemisphere are inextricably interwoven and what benefits the least of us in our American family will benefit the whole of us.

To me, the real significance of a completed Intercontinental Highway is that it will permit, within these 19 countries, the interchange of persons of ordinary means, the people who ride in busses, automobiles and trucks, those who may never in their lifetime board a jet plane or an ocean liner. It is a great popular bridge which we are about to construct.

It is curiously significant that the final obstacle of the Pan-American Highway should be in the Darien region. This junction of the great land masses of North and South America was the territory which in the youthful dreams of Simon Bolivar should be the logical geographical focus of hemispheric unity. It was at the Pan American Congress of 1826, where Bolivar made his historic appeal for the spiritual fraternity of the young American nations. His legacy is our inter-American system and the dramatic task before us now, the closing of the Darien Gap.

I am proud that the people of my country have had the vision and determination to participate over the years in the construction of the Pan American Highway. The appropriation of one hundred million dollars which the Congress and President of the United States have authorized for this project is not an act of paternalistic generosity. I am pleased that altruism has played a role in this undertaking, for it is a noble sentiment.

But our contribution is more than that. It is the pursuit of our national interests. Not in the narrow and selfish sense, but in the conviction that our interests are served by whatever promotes the solidarity and wholesome relationships among the nations of this hemisphere. I ask that you accept our participation in this spirit: the recognition by the people of the United States that our fortunes are linked together by more than geographical propinquity and shallow sentiment attachments.

The name Darien Gap will soon become happily inappropriate and obsolete. I hope that some day soon it will be known as Friendship Link—Eslabón de la Amistad—or something equally appropriate.

In my country—and, I am sure, in yours as well—we have learned that a highway is more than just a valuable conduit of transportation and communication.

A great need made more apparent by the progress of the Inter-American Highway is the growing necessity for a lateral road system in each of the countries of the Americas.

While the Inter-American Highway has begun to bring a measure of prosperity and progress to those cities and localities which lie along its route, its full economic and social potential will be realized only when its benefits are shared with the thousands of now remote communities which lie beyond its reach.

Even a system of modest roads connecting to the Inter-American Highway will bring markets within reach of the many heretofore isolated towns and villages where for centuries millions of Latin Americans have historically lived out their lives without the benefit of any substantial contact with the outside world. If Latin America is to realize its great potential, a system of lateral roads is a necessity.

Ultimately, therefore, a uniform and concerted program should be undertaken to produce continued revenue sources for the all important work of highway maintenance and lateral road construction.

As an engineering feat of historical significance, a completed Pan American Highway open to all travelers of the hemisphere could rank with the imaginative communications network by which Alexander the Great connected Asia Minor in his day, or the elaborate system of trails by which the Roman Empire first linked up Europe. A philosopher once wrote: "Make no little plans. They have no magic to stir men's blood."

We have made a good beginning. Let us continue together therefore in harmony and in mutual dedication to the greatest work of all—the work of creating an atmosphere of expanded opportunity for the humblest citizen of our hemisphere and an environment of true freedom and genuine friendship becoming to the children of God, and hospitable to the family of man.

The present generation will benefit from this enterprise, but the principal beneficiaries of the growing spirit of friendship to which this work gives living proof will be the generations yet unborn. Solomon said, "Where there is no vision, the people perish."

So, then, working together in our mortal imperfections we strive to build a better world for our own era, daring to labor and hope for the promised day when nations will beat their swords into plowshares and their spears into pruning hooks. We may find comfort in the words of the great Dutch astronomer, Tycho Brahe, when he said:

". . . that this work of ours
May lead to victories for the age to come.
The victors may not remember us.
And if so, what matter?
For them shall be the joy, the victories and the praise.
Ours will be the glory of the fathers in the sons."

JEWISH ADVOCATE

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, Boston is indeed most fortunate to have the Jewish Advocate, an ethnic newspaper that is celebrating its 70th anniversary. This journal has for 70 years championed the rights of mankind and has labored unceasingly to secure redress of grievous wrongs suffered by humanity.

So that I may share with my colleagues an abbreviated history of the Jewish Advocate, together with some of the contributions it has made to the community, I am inserting an article by Joseph G. Weisberg, its copublisher and executive editor, which made a profound impression upon me:

THREE SCORE AND TEN

(By Joseph G. Weisberg)

Seventy years of publishing as an ethnic newspaper in this country is an undeniable rarity. For such a journal to be under the aegis of the same family for the past fifty-five years and still going strong at a time when nationally prominent and once firmly entrenched, widely-circulated periodicals have been disappearing like seltzer bubbles, is veritably a miracle.

Why has The Jewish Advocate endured? Perhaps more for reasons of spirit than of body. The differences that make a newspaper stand out from its fellows are frequently subtle, but when analyzed are usually found in the motives that govern the publishers. Such is the fact with the Advocate. It has attained a recognition not only among those thousands for whom it is published, but widely in the non-Jewish world as well. It is often quoted in the Congressional Record; it is a constant source of information on Jewish matters to people of all faiths, historians and organizations of all sorts and has come to be recognized as "The Voice of New England Jewry."

When the Advocate was born there was no New England Jewry. In 1902, if one reads the article in the Jewish Encyclopedia written by Godfrey Morse, it will be seen that Boston Jewry was a comparatively small community. It was neither prosperous nor ambitious. Immigration and natural growth had produced numbers. The creation of a communal ambition, the welding together of the one hundred and fifty Jewries of New England into something of a personality, this is the outstanding achievement of The Jewish Advocate. As Jacob de Haas, a former secretary to Theodor Herzl who immigrated to this country and was editor of the Advocate until 1917, could state by 1927: "There is no better homogeneity among Jews than in New England."

In the Silver Jubilee edition of The Jewish Advocate, by then in the hands of the present ownership, former editor de Haas reminisced:

"Sometime in 1910 a man named King came to the Advocate offices to urge the editor to support the Massachusetts Savings Bank Insurance Law which had been engineered by Louis D. Brandeis. I was invited to meet the 'People's Attorney' with the results described in the Advocate of November 12, 1926. Let me add that the first announcement of Justice Brandeis' interest in Zionism appeared in the Advocate of December 9, 1910. The Advocate contributed effectively to the creation of Justice Brandeis' leadership in Jewry."

In the hectic years between 1910 and 1914 the bitter alien immigration question demanded decision. This crucial issue guided Advocate politics. There was no American Jewish Congress in those days and the Advocate served as forum and creator of those committees without which nothing can be done.

It is of interest to recall that Bostonian Judaism has a strange religious history. On the Reform side it started with Rabbi Solomon Schindler who, to attract attention, as he confessed, had first preached the annihilation of every Jewish idea until he had nothing left to destroy. He had a fine mind and was hailed as one of New England's hundred intellectuals. Years after he retired from the pulpit he began to see things in a new light and the Advocate opened its columns to his reconstructive idea "If Moses came to Boston." Old-timers showed their tolerance by eagerly reading Rabbi Schindler's keen satire. Schindler was succeded (at Temple Israel) by Rabbi Charles Fleischer, who shocked those attending his first Kol Nidre service by apologizing for making an appeal for the Jewish Federated Charities. The Advocate declared war on Fleischerism. But he fell because in order to go abroad a week earlier he wanted to change the date of the Shavuot celebration. There were other reasons, too, but in the main Fleischer was not in contact with the community and did not understand that it was not as indifferent to things Jewish as he was.

But there was as much trouble on the Orthodox side. There were some "baalbattim" who lived mentally in the 80's and the Advocate had regretfully to fight them on their habit of introducing "imported rabbis." One was presented to the Governor and made to believe, or assumed, he was designated Chief Rabbi of the community. The involved personal politics which produced these peculiar results were ignored and the Advocate stuck grimly to its opposition to the system of importing rabbis from Europe, of paying them poorly and of forcing them to foment trouble in order to hold their own in a community where the older generation already had its hands full with official and unofficial rabbis.

One of the most unusual types of Boston Jews in the beginning of the century was Edward A. Filene. He had an interest in organization quite apart from any specific purpose. He believed in getting together for its own sake and he once offered to finance a Kosher Club if it would pull the Jews together, although he had no interest—not the vaguest—in Judaism. But that plan was unnecessary when the Boston City Club, unquestionably the best non-sectarian club at the time in the United States, accidentally brought the three Jewish elements—Germans, Posen and Russo-Polish—together.

The three circles began to intermingle and Malden and Chelsea Jews joined the group and it became possible to do things in a new spirit. With a better Boston front the rest of the state began to depend on the capital city. The spread of Zionism and the Y.M.H.A. helped a great deal. The task of the Advocate became easier. Not only week by week did it address a larger audience, but one that established mutual confidence. Few can perhaps recall when Meritz and Baltermantz were grindstones to each other and the West End was anathema to the North End and both to the South End, particularly to the small group of Galician Jews settled on Harrison Avenue. And this was repeated everywhere.

But as the Advocate invaded Worcester, Providence and Hartford with local editions, as its subscription solicitors went from town to town in New England, there was built up not only a unique readership list, but a new kind of relationship among the Jews in New England.

One incident impressively evidenced the possibilities latent in so large a family of readers. A circus parade offended Boston Jewry by carrying a dollar bill in the procession as the Jewish flag. That circus moved rapidly from town to town, but not so swift but that the owners of the circus found themselves everywhere met with a protest demanding an apology and a cessation of the insulting trick. This victory was achieved by Advocate editorializing reaching prominent readers in many places.

Throughout 1915, 16 and 17, The Jewish Advocate not only kept abreast of every local event, supporting every forward move, but its columns constituted a good index to Jewish affairs everywhere throughout the world. There was no Jewish Telegraphic Agency supplying news regularly at the time and the realization must come forth of the tremendous effort put into the gathering of the endless variety of news in those days.

It is perhaps not amiss to here point out that while the Advocate for years has been non-political and non-partisan, involved only with issues that effect civil liberties, social progress and democratic rights, it was different in its earliest days. Unashamed and unafraid, it wanted Jewish political recognition. It fought for the election of David A. Ellis on the Boston School Committee and later Isaac Harris' battle and Moses J. Lourie's struggle for the same office. A City Council was replacing the old Board of Aldermen and the Jews desired a candidate. From Isaac Rosnosky on there were plenty Jews in and around the Hub who keenly relished city and state politics.

Again, Jacob de Haas recalls: "In 1900 Boston witnessed its classic mayoralty campaign: Ex-Postmaster Hubbard thought he ought to run; "Honey" Fitz again wanted the office and the Good Government crowd nominated James J. Storrow. I was all for Storrow, but his aides debauched the electorate. There must still be in South Boston pianos that are heirlooms of that campaign. It was a red hot broiling race. The Jews were supporting Storrow, Nathan Pinanski and Samuel Dana were conspicuous in one group of Storrowites, the Dreyfus family in another group. Samuel H. Borofsky was championing the singer of "Sweet Adeline". I had prepared an editorial supporting Storrow. Then Nathan Pinanski at luncheon told me one day how the 'Goo Goos', not Storrow, but the crowd behind him, were down on the Jews. I investigated. True enough. I tore up the Storrow editorial and penned one entitled 'Political Angels'. It was published the Friday before election. Fitzgerald won by a narrow margin and The Jewish Advocate was credited for providing the majority."

The Advocate later contributed to the rise of Charles Strecker, who became Assistant Treasurer of the United States; to the Governorship of Eugene Foss and the first campaigns of Senator Walsh. Throughout, though, the Advocate was never partisan. It supported men who were for the principles for which the paper stood.

Zionist preoccupations took de Haas away from Boston in 1916 and it was then that Louis D. Brandeis suggested Alexander Brin, a plucky young reporter for the Boston Traveler, who had made his mark in the famous Atlanta, Georgia, Leo Frank case, as a replacement. The Brin-Weisberg family took over in 1917. Alexander Brin was editor; his brother, Joseph G. Brin, associate editor, and their brother-in-law, Abraham Weisberg, business manager.

The new regime set out to give the community a real direction, no easy task, for the Jews were not a united body. The Jew from Russia had little in common with the Jew from Germany. Too, there were the well-known ritualistic differences—the Orthodox with their traditional approach, the Reform with their modernity at the other extreme and in the middle the Conservatives. Between these groups there was a schism greater than between the sects of the Christian Church.

It required courage to stand impartial in 1917, so sharp was the demarcation. But the Advocate undertook the job to smooth out quarrels, pointing out that its columns gave the various groups their only chance to keep track of one another and to cooperate in the broader Jewish problems.

Once this objective was clear, success became pronounced. By 1923 the Advocate had its own printing plant and had begun publication of two outside editions, The Connecticut Hebrew Record and the Springfield Review, now still publishing, but as separately owned entities.

While a member of the State Board of Education, appointed and re-appointed by nine successive Governors for a record in longivity on that important Board, Alexander Brin proposed the Todd Lecture Fund to be devoted to sending a prominent Catholic, Jew and Protestant to each of the state's normal colleges to expound understanding and harmony between the faiths. This was adopted.

Charles W. Eliot, the eminent President of Harvard, wrote to Dr. Brin advising him, in advance of others, that Harvard had decided against a scheme which would have drastically limited the number of Jews to be admitted to that college. In his letter Dr. Eliot remarked: "The anti-semitic movement has not been so strong in New England as in other parts of the country, perhaps because of the influence of The Jewish Advocate."

Lord Reading, the Chief Justice of England, wrote in similar vein to Alexander Brin: "The Jewish Advocate has done so much towards breaking down race prejudice and in interesting humanitarianism generally that it is a question of world wide importance. . . . I feel the mutual regard shown in your paper for mankind's rights has led and will continue to lead to better understanding between Jew and non-Jew."

In the files of the Advocate are letters from world renowned personalities, including Presidents of the United States, commending the paper for its contributions along a multitude of fronts.

The Advocate was among the very first, after a personal trip to Germany by its publisher in 1933, to warn against the rising Hitler menace. A letter from John W. McCormack in 1942, at that time Chairman of the Congressional Committee to investigate Nazi and other subversive activities, stated: "As I have publicly stated on many occasions, the information you willingly gave and the exhibits which you called to the attention of the Committee proved invaluable."

The Advocate in a local achievement exposed the move to establish a Swastika League in Massachusetts and by providing collected proof to then Secretary of State Frederick W. Cook, blocked the granting of a charter to the League. Secretary Cook wrote: "At your advice and upon information which you furnished me, I officially declined to issue a charter which was apparently intended to cover in this country the same discrimination to which you object."

In 1926 the Advocate, in cooperation with the late Rabbi Harry Levi of Temple Israel, launched the Jewish Society of Arts and Music. Under this aegis, painters, musicians and dramatists emerged from obscurity into the light of opportunity. Through programs arranged by the Society many deserving artists were enabled to continue their studies and their careers and make valuable contacts. A legion of big name stage and screen personalities—Paul Muni, George Jessel, Rosa Raisa—to mention but a few, owe the success of their first Boston engagements to the Advocate.

During the year when the murals of John Singer Sargent were portraying Jewish life as degrading and in an uncomplimentary manner, the Advocate launched a counter movement. In a campaign through this newspaper, its readers purchased Jacob Binder's great masterpiece, "The Talmudist", and presented it as a gift to the Museum of Fine Arts. There it now hangs as the first example in a public museum of Jewish art which depicts the Jews as "The People of the Book."

The Advocate has always cooperated in every cause designed to better community relations and to strengthen inter-faith activities. Many a movement, Jewish and Christian, was either launched or furthered to success as the result of an idea born or promoted in the offices of this newspaper. The publication saw the Jewish community develop from uncohesive groups into a well-knit entity and its publisher played a prominent role in the reorganization of the Federated Charities into the Associated Jewish Philanthropies, predecessor to the Combined Jewish Philanthropies, serving the AJP as secretary of its first campaign. So it was with Beth Israel Hospital, Brandeis University and recently Sinai Hospital, projects that came to the Advocate for help. As a member of the State Board of Collegiate Authority, the publisher of the Advocate played a key role in transferring the Middlesex Medical School charter, when it was threatened with revocation, to Brandeis University. It was also through the efforts of the paper, in cooperation with the late Superior Court Justice Charles Rome, that the Friends of Boston University, an all-Jewish group, was organized to make great contributions, including the Stone Science Building, to that institution.

Individuals, as well as organizations, have found in the Advocate not only support, but most important personal help. A recent example was the strange case of Rabbi David I. Shackney, a noted Hebrew educator of New Haven, Connecticut, who was wrongly convicted in 1963 by a Federal court for the alleged crime of holding a Mexican family in involuntarily servitude on a chicken farm which he operated. Through funds raised in response to columns in the Advocate, an appeal to the upper court was made possible, the conviction reversed and the rabbi exonerated.

The readership of the Advocate extends not only far and wide, but to circles as diverse as a subscription from the White House to one from the Permanent Mission of the United Arab Republic at the United Nations.

The Jewish Advocate has received many awards for journalistic execellence, fifteen in the last four years alone. These citations cover such honors as "Best Editorial Page" from the New England Press Association, consisting of some 300 newspapers in the six-state region; "Best Column Award" from the same Association; "Best Local Advertising" preparation; editorials and feature writing recognition by the American Home Newspaper Association, composed of hundreds of weeklies throughout the country of general and non-sectarian circulation. The State of Israel cited the Advocate for "Best Supplement" in competition with other Jewish weeklies throughout the United States and Canada during Israel's 20th anniversary year.

The past of The Jewish Advocate has been acclaimed for its coverage, style and richness of service. Now that it has reached seventy, its publishers dedicate themselves anew, with undiminished idealism and vigor, to the future in a continuing zealous spirit of commitment to Judaism and Americanism.

Bis a hundert und zwanzig.

A NEW BREED OF POLITICIAN

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to call the attention of the Members of Congress to a newspaper article which appeared in the Boston Sunday Advertiser on December 26, 1971. It is worth reading for the insight it contains into the efforts of one man to involve himself in community life at an early age. I, of course, am proud to represent the city of Quincy, Mass., here in the Nation's Capital.

The article follows:

A NEW BREED OF POLITICIAN

(By Jon Klarfeld)

At 27, Harold R. Davis has a good education, a fine job, plenty of good prospects and not too many worries. But he wasn't content to let things go at that. Davis wanted to get involved—and he wanted to get involved in public service.

So Hal Davis took a deep breath and filed as a candidate for the school committee in Quincy, his hometown. Several months later, after a lot of hard leg-work, Davis was a winner, topping the ticket in the school committee race with 16,396 votes.

Between the time he made his decision to run and the final balloting, Davis estimates he met at least 25 percent of Quincy's 90,000 residents, while his campaign workers contacted virtually every voter. In the process, Davis walked the beaches, rang doorbells, shook hands for hours and had to have his shoes resoled three times.

While he is from a comfortable background—his father is Dr. Albert Davis, a well known Quincy physician—Hal knew he would have to work for the things he wanted. He was educated in the Quincy schools and at Thayer Academy in Braintree. He was a magna cum laude graduate of Bowdoin College in 1966 and received his law degree from Georgetown Law in 1969.

After passing the examinations for the U.S. Foreign Service, Hal changed his mind and landed a job with the prestigious Boston law firm of Ropes & Gray, specializing in municipal finance and school law, a specialty he believes helped him in his successful run for the school committee.

"I could talk about pending school laws," he says, "and this impressed people that I was concerned with school problems on a daily basis."

Hal set out to conduct what he calls a Kennedy-style campaign, encompassing person to person contact, advertising and press coverage.

At first, Hal admits, he was a bit nervous about approaching strangers, but that changed quickly. Soon he wasn't wasting a moment, introducing himself to voters while waiting at a stop light, talking, handing out campaign literature.

"We took a fairly scientific approach, realizing there were a lot of candidates," says Davis, who was one of 23 candidates for school committee in the primary election that reduced the field to six for the final election.

"We started before anyone else, attended dinners, functions, knocked on doors, walked the beaches. I was worried, because I was 17th on the ballot and that meant my name was hard to find. A person had to be looking for me to spot my name."

Enough voters spotted Davis' name to place him third in the primary. On the final ballot, which is set in alphabetical order, his name was first, which added to his confidence that he'd finish in the top three. The confidence also was based on a long, hard campaign and the fact that no incumbents were seeking re-election.

Davis devoted a big chunk of his vacation to campaigning. To make his name as well known as possible, he shook hands outside movie theaters, spoke out on issues that received good local press coverage, attended voter registration sessions, free flu clinics and ethnic dances.

"Most people were very friendly," he recalls, but there were disconcerting moments.

One frustrating incident occurred when Davis was outside Quincy City Hall, urging an elderly woman to go in and register to vote. The woman told Davis she would have registered, except she was afraid she might have to cast the deciding vote in a close election and the possibility made her nervous.

Hal, a bachelor, spent virtually all his time between the primary and final elections on a constant round of campaigning. He stressed issues he felt he could influence during his four-year term. Among them were community-school involvement, reinstatement of driver education courses, increased emphasis on intramural sports, greater utilization of school buildings by non-profit groups and increased voter registration for eligible students.

Although he was addressing himself to issues, Hal thought personal politics was a more important factor in influencing votes on the local level.

"Personality is very important," he says. "There are a few issues like busing that can destroy a candidate, but, aside from that, personal contact is more important."

Davis feels the form of a campaign often is as important as its substance, claiming: "By working so hard, we showed people I'd have the energy to do the job.

"I'd sometimes attend several dances in one night—Syrian, Irish, country and western. The trouble was, I'd just start to enjoy one of them and it would be time to leave for the next one. It was a problem."

One problem Davis didn't have was the support of his family and employers. He said his parents with whom he lives, were 'fairly enthusiastic about his decision to run.

"They knew I was interested in government, politics and history, he disclosed, adding that his superiors at Ropes & Gray were pleased with his decision, as they encourage their lawyers to participate in public service.

Hal will take his seat on the Quincy School Committee in January, intending to serve the full four-year term. But he does not rule out an attempt for higher office, perhaps on the state level. "There's nothing to prevent me from holding two jobs at one time," he contends.

While Davis hopes to effect changes for the better in Quincy, he is not naive.

"I won't be disillusioned," he says. "I'm pretty aware of the things I'll be facing. I'm idealistic, but I'm a pragmatist."

Idealistic pragmatists might be just what Massachusetts politics needs.

NEWSPAPER LAUDS COUGHLIN FOR REPRESENTATION OF PEOPLE IN HIS DISTRICT

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. McDADE. Mr. Speaker, in an age when the adversary role of news media and public official has become customary, I am pleased to call to the attention of the House an uncommon editorial tribute to my good friend and colleague, the Honorable Lawrence Coughlin, who represents Pennsylvania's 13th Congressional District.

The editorial, "Our Visible Congressman," was printed on December 30, 1971, by the Main Line Times, a major weekly newspaper published in Ardmore, Pa. It is an outstanding accolade that I know Congressman Coughlin cherishes and an indication of the value the news media places on a public official who makes himself available to his constituents and press representatives. Mr. Speaker, I append here the editorial I have referred to:

Our Visible Congressman

Lawrence Coughlin, who represents Plymouth, Whitemarsh and most of the remainder of Montgomery County, is a politician who does his legislative homework and one who keeps in constant touch with his constituents. And this is a rare breed, since the majority of those in political life remain purposedly invisible most of the time, only to emerge shortly before election with a handful of campaign literature.

Congressman Coughlin is in constant touch with this newspaper and other members of the news media. While some may say that the only reason for his printed verbosity is to get more votes for himself, we prefer to think that he is sincerely interested in doing a good job and he believes part of this is to let the people who elected him know what he is doing as their representative. It must also be remembered that anyone who seeks the limelight, for whatever reason, must then be prepared to stand up to the glare it generates.

Many legislators do not maintain contact with the voters for the obvious reason that if the folks back home became aware of their sorry record they would quickly be returned to their former professions.

While the majority of people can't tell you who their state or federal representatives are, we do not believe this is the case with those who reside in Congressman Coughlin's district, and it is unfortunate more of his fellow politicians don't follow his lead in utilizing all the means at hand of informing their constituents of their activities.

We believe if more representatives were like the area Congressman, instead of remaining nine tenths submerged like an iceberg at all times, it would go a long way to removing the stigma which has hounded those in political life down through the years.

Congressman Coughlin maintains a local office at 607 Swede Street in Norristown in addition to his Washington office and is highly receptive to the needs and wants of the voters who reside in his district.

CALIFORNIA IS SHAMEFULLY LOW IN SUPPORT OF PUBLIC SCHOOLS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. ANDERSON of California. Mr. Speaker, for many years the educational system in California was a model for the Nation to follow.

Today California has fallen below the national average in the amount it spends to educate a schoolchild.

A few short years ago, California was sixth in the Nation in per pupil expenditures. Today it is 31st. In the 1964–65 school year, the State government provided nearly $40 of every $100 spent on educating a child, but today the State contributes only $34.80 of every $100 spent.

What does this mean for the child who needs a quality education to compete in today's society? What does this mean to the local taxpayer who owns property?

For the child, it means crowded schoolrooms. It means a lack of individual attention. It means a cutback of instruction programs and poorer quality of materials.

To the property taxpayer, a reduction of State aid means higher local property taxes. When the State reduces its aid, the funds must be provided by increased property taxes. In the 1964–65 school year, the property tax provided less than $57 of every $100 spent on education. Today the property tax provides approximately $60 out of $100 to educate California children.

Mr. Speaker, the costs of educating a child must be shifted back to the State government and the Federal Government must also increase its contribution.

California, the State with the most students in public schools, cannot afford to cut back on the support for these schools. Rather than being 31st in school aid, behind such States as Louisiana, Vermont, Kansas, Ohio, and Indiana, California should be back among the leaders.

The future of our State, indeed, the Nation, depends on the youth of today. We must provide the best education for our children and, at the same time, reduce the burden on the local property taxpayer.

At this point, Mr. Speaker, I place in the Record two articles which appeared recently in the Sacramento Bee newspaper:

[From the Sacramento (Calif.) Bee, Jan. 10, 1972]

State Drops to 31st Nationally in Total Aid to Public School Pupils

(By Leo Rennert)

Washington.—The National Education Association today ranked California 31st in total expenditures for each student in elementary and secondary schools—a new modern low.

Last year, the state was 24th. Five years ago, it was among the leaders in the No. 6 position.

California's further decline—along with a new drop in the percentage of state financial support for its public schools—was disclosed by the NEA in its annual report on education trends.

The report estimates California will spend $835 per pupil during the current school year—$633 less than New York which leads the nation with an outlay level of $1,468.

Twelve other states also top the $1,000 mark.

BETTER STATES

States which have jumped ahead of California since last year, include New Hampshire, $847; Louisiana, $867; Virginia, $875; Indiana, $837; Kansas, $854; Nevada, $910, and Ohio, $871.

Ohio was the state California Gov. Ronald Reagan selected as the fiscal model for his administration when he came into office five years ago.

At that time, Ohio ranked 33rd— 27 rungs below California.

Today, Ohio is 26th—five places ahead of California.

For the second consecutive year, California has dropped below the national average in per-pupil expenditures.

This year's national norm is $929—$94 more than California's.

Last year, the national average was $868—$60 more than California's.

NEW YORK MOVES AHEAD

The New York-California gap also has widened—from $573 to $633.

While California this year boosted its average expenditure per pupil by $27, the national level rose by $61 and New York's went up by $87.

Here is California's national ranking for the last six years:

1966–67—sixth.
1967–68—ninth.
1968–69—13th.
1969–70—22nd.
1970–71—24th.
1971–72—31st.

While California still falls $165 short of reaching the $1,000-per-student mark, the following states have topped that level:

Connecticut, Rhode Island, Vermont, Delaware, Maryland, New Jersey, New York, Pennsylvania, Illinois, Michigan, Wisconsin, Alaska and Hawaii.

The NEA estimates state government in California will pick up 34.8 per cent of the tab of public education this year—a drop from last year's 35.2 per cent figure.

The California pattern goes counter to a nationwide trend of greater state assumption of educational costs. Nationally, the state support percentage has risen from 40 to 40.9 per cent.

Although New York has 1.2 million fewer students than California, Albany is expected to provide $2.5 billion to local school districts—$1 billion more than California schools can expect from Sacramento.

In New York, the state accounts for a slightly higher share of school financing than do local taxes—47.4 to 47.2 per cent.

In California, the state contributes only about $3 for every $5 raised at the local level—with a state-local split of 34.8 and 59.1 per cent. (The remaining percentage to reach 100 is made up of federal funds.)

California now ranks 31st in terms of state support percentage for financing of elementary and secondary schools. Last year, it was 28th.

There is one category, however, where California remains near the top—teacher salaries.

TEACHER PAY

The NEA figures the California average for elementary and high school instructors has risen to $11,439—an increase of $417 over last year's level and still third in the nation.

Alaska leads with $14,124, followed by Michigan with $11,620.

The national average this year is $9,690—$1,749 below the California level.

One out of every five California teachers now earns more than $13,500.

Large class sizes help explain why California can rank high in teachers salaries but low in per-pupil expenditures.

STATE'S SKID ON SCHOOLS AID LIST SHOCKS RILES, LEGISLATORS

(By Don Speich)

State education and legislative leaders expressed shock and anger today over a National Education Association report which ranks California 31st in total expenditures for each student in elementary and secondary schools.

"It's an outrage!" snapped Assemblyman Leroy Greene of Sacramento, chairman of the Assembly Educational Committee.

"Very dismaying" commented Wilson Riles, state superintendent of public instruction.

Also disturbed by the ranking—a drop from No. 6 five years ago—was state Sen. Albert Rodda of Sacramento, chairman of the Senate Education Committee.

REASONS FOR SKID

Asked why the ranking was so low, Rodda, a Democrat, said:

"The state has not continued what was a historic level of support. In addition, local districts have refused to approve override taxes. These two factors together are causing a relative decline in expenditures (per pupil)."

When he was first elected in 1958, Rodda said, state funds accounted for about 45 per cent of school districts' total budgets. Now, he added, state support is "probably below 35 per cent."

Greene, also a Democrat, put the blame on Gov. Ronald Reagan, saying:

"What's happened to education in California is an outrage. At the time Reagan came into office, California was sixth; now we find we are 31st, dropping well below the midpoint among the states.

"There is every indication we will drop further next year . . . The governor has already indicated he will not give the schools any more than $65 million (in additional state aid) for the next fiscal year. This is far less than the amount required to make up for inflation.

"In other words," he added, "schools will have fewer real dollars than they have even now."

CUTS LOOM

On the local school district level, Riles said such drops in expenditures mean substantial cutbacks in instructional programs, meaning, he explained, increases in class size and a general dilution of the entire educational program.

And this means, he said, "the children suffer."

"We need to be moving in the other direction—giving more individualized help to students," Riles said.

Riles sees the problem a result of the complex and inequitable way education is financed in the state, a view shared by the California Supreme Court.

In its historic Serrano decision, the court declared that the state's current method of school finance is unconstitutional.

"We will not begin to turn the corner," Riles said, until a "broader tax base than just the property tax" is used for financing education.

Related to this, Greene said, "The governor's unwillingness to supply a fair amount of money to schools forces increased pressure on local property owner to make up the difference.

"It will require hundreds of millions more dollars to revive our dying educational system—and the governor indicates no interest in its survival."

ANNIVERSARY OF 1863 POLISH INSURRECTION

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. ROONEY of New York. Mr. Speaker, on Saturday of this week, the people of Poland and people throughout the world who pride themselves on their Polish birth or heritage will pause to observe a very meaningful anniversary. January 22 is a forceful reminder that on that day in 1863 their forbears rose up in righteous wrath against the puppet rulers forced upon them by Czar Alexander II.

This date commemorates the valiant efforts of Polish patriots, mainly youth, to sunder the shackles of servitude which became daily more painful and more repugnant. This date demonstrates a tragic similarity to the enslavement of Poles today by the same sort of ruthless aliens.

The Czar was no more a tyrant than are the puppets of the Kremlin who today continue to deny the people of Poland the rights of freedom and independence.

Riots, revolution, and insurrections are so commonplace today that we accept them without manifesting much interest or concern. People of all ages, all races, all creeds, and virtually all nationalities protest and demonstrate in opposition to conditions which they must endure or to laws or officials which they must obey. Because of these daily manifestations of unrest, we are apt to become sated with all of it. For that reason, we must remind ourselves of the real significance of the insurrection which we are proud to join our Polish-American friends in celebrating today.

To the freedom-loving people of Poland, the insurrection of 1863 is as meaningful as is our War of Independence to us. The Polish patriots displayed the same courage and gallantry as was displayed by our heroic forebears in breaking the fetters of colonial bondage and creating a new and independent nation. The results of these two conflicts were vastly different. Our patriots after bitter years of privations and sufferings were victorious. The Polish patriots, no less courageous and valiant, lost to the overwhelming military might of the Czar.

Mr. Speaker, this date, January 22, should remind all of us of the benefits of freedom and independence which we have enjoyed year after year since the American Revolution. It should be a reminder, too, that the people who love freedom as much as we are still denied its benefits. We have rejoiced in the successful efforts of today's Polish patriots to secure important social and economic benefits from their country's Soviet-imposed leadership, even though these benefits represent only fragments of freedom.

It is our prayer and hope that these patriots in Poland will not lessen their efforts or give up in despair. They are deserving of our commendations and our help. Their continued efforts are not only vital to the people who must live under Soviet domination, but they are vital to all of us, regardless of the extent to which we enjoy freedom.

Only when the people of Poland are truly their own masters and enjoy unlimited self-determination can we relax and enjoy our own blessings. The Polish people and the people of other nations still forced to endure the so-called "protection" of Soviet-spawned leaders must be wholly free before we can be assured of the preservation and continuation of our own cherished liberty.

With these thoughts in mind, I hope we will all rededicate ourselves to the task of aiding and abetting all those engaged in sincere efforts to gain freedom for themselves and their fellowmen.

YOU COULD LOSE EVEN IF YOU WIN

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, a friend and constituent of mine recently called my attention to an article which appeared in the Washington Evening Star approximately a month ago. He was appalled at the losses sustained by taxpayers in U.S. Tax Courts whether or not they eventually won their cases in the U.S. Courts of Appeals, and felt that the inequity of our present tax court system needs reevaluation in the Congress.

As I am in accord with his views and believe many of our colleagues would likewise agree, I insert the text of the article, "You Could Lose Even If You Win," by E. Edward Stephens, at this point in the RECORD:

YOU COULD LOSE EVEN IF YOU WIN

(By E. Edward Stephens)

DEAR COUNSEL: If I lose a case in the U.S. Tax Court or the U.S. District Court, can I appeal it?

Yes. You can go to the U.S. Court of Appeals unless your case has been decided in the Small Tax Case Division of the Tax Court—in which event the Tax Court decision is final.

There are 11 courts of appeal—one for the District of Columbia, and one for each of 10 judicial circuits.

Your opponent will be a Justice Department lawyer—smart, well trained, and backed by one of the most experienced litigation teams in the world.

Chances are he'll be treated with deference by the appellate court judges, most of whom would not have been appointed if they had not been recommended to the President by the Attorney General, who heads the Justice Department.

So you'll have an uphill fight. In the fiscal years 1968 through 1970, taxpayers won only 18.5 percent of appellate court decisions. They lost 69.8 percent, and split 11.7 percent with the government.

Here's a tough problem you'll have if you're appealing from a Tax Court decision: Despite your appeal, IRS can assess and collect the deficiencies determined by the court—unless you put up bond or government securities sufficient to insure payment.

The game is played this way: IRS determines inflated deficiencies to maximize its bargaining power in settlement negotiations. The sum demanded (with interest and penalties) often is so large that the taxpayer can't pay it. So he goes to the Tax Court—the only court where he doesn't have to "pay first and litigate later."

If the taxpayer loses in the Tax Court, his grace period ends. He has to pay up or put up, even though he goes to the Court of Appeals—even though his liability hasn't been finally decided.

If he's short on assets, chances are no bonding company will do business with him. Then—

Hard boiled revenue officers—formerly called "collection officers"—can swoop down, seize his bank account and other personal property, padlock his real estate, sell him out at forced sale prices, and apply the proceeds against the deficiencies.

Later, the Court of Appeals may decide that the taxpayer didn't owe a penny in the first place. But his is a pyrrhic victory. He'll get back only the cash IRS has collected, with interest.

The government doesn't have to replace the property that IRS sold at rock bottom prices. If the taxpayer was forced out of business, the government doesn't have to set him up again. If his home was sold, the government doesn't have to get him another one.

This has hapepned to many taxpayers, even though the Tax Court was created in 1924 (as the Board of Tax Appeals) to protect them. The system works for the taxpayer who wins in the Tax Court; but it leaves the loser at the mercy of IRS collectors despite the fact that he may be the final "winner."

Congress could correct the situation by providing that a taxpayer who goes to the Tax Court need not pay until his tax liability has been finalized on appeal.

A TRIBUTE TO GEORGE T. MINASIAN

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. RODINO. Mr. Speaker, the passing of George Talmage Minasian, former councilman and mayor of Glen Ridge, has brought a great loss to his New Jersey community. He is remembered, especially, for his insight, his warm, cooperative nature, his knowledge in the fields of engineering and public works and his pioneering efforts in the fight against air pollution for which he had received national recognition. Born in 1896, Mayor Minasian came to Glen Ridge at the age of 10 and graduated from its high school in 1915 as president of his class. In 1919, he received his degree in mechanical engineering from Cornell University and spent the majority of his active engineering career with the firm of Consolidated Edison. He served as president of the New York Electrical Society, helping to increase the awareness and knowledge of the public in the area of electrical problems. While on the council in Glen Ridge, Mayor Minasian was on the Law and Ordinance Committee in 1938 and 1939, served as chairman of the Water and Light Committee in 1940 and 1941 and headed the Public Works Committee in 1942 and 1943. According to former Mayor Karl Honaman, who followed Mr. Minasian as mayor, the cooperative spirit of George Minasian has been exemplified and carried on continuously within the Glen Ridge community. "It is our consolation that his work will live after him."

LEGAL RIGHTS OF UNBORN CHILDREN

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. HOGAN. Mr. Speaker, the legal rights of unborn children have been a major consideration of mine in my fight against abortion.

Jonathan C. Wilson, writing in the Iowa Law Review, has published a study of the unborn child's rights under constitutional, tort, property, equity, and criminal law, and I insert the article into the RECORD at this point:

[From the Iowa Law Review]

THE UNBORN CHILD AND THE CONSTITUTIONAL CONCEPTION OF LIFE

(By Jonathan C. Wilson)

The demand for induced abortions[1] in the United States is a pervasive phenomenon[2] and appears to be on the increase.[3] In the past this demand has been satisfied primarily by criminal abortions rather than by legal, or therapeutic, abortions.[4] In great part because of the increasing demand for induced abortions, considerable controversy has been prompted throughout the United States concerning existing state laws relating to legal abortions.[5] This controversy has focused on the efficacy of liberalizing existing state laws in order to allow pregnant women greater individual discretion, within the law, to decide the abortion question for themselves.[6] The controversy over liberalizing state laws has led to the passage of reform statutes in several states,[7] with a resulting increase in the number of induced abortions performed under the guise of legality.[8]

The question of liberalizing abortion statutes is fraught with moral, religious, philosophical, and constitutional considerations. The interplay of these considerations has led to considerable confusion in arriving at a meaningful resolution of the abortion question. It will be the purpose of this Note to present and analyze the constitutional considerations involved in the controversy over liberalizing abortion statutes, in an effort to clarify what the constitution provides with respect to the competing interests of the unborn child,[9] the mother, and the state. Such a constitutional analysis should help to remove some of the confusion which presently exists as to what our social compact is with regard to the abortion issue. Such clarification should facilitate a more focused debate based on moral, religious, and philosophical considerations, as to whether our social compact with regard to legalized abortions should be altered or retained. The constitutional analysis will be directed to the general constitutional issues raised by the controversy over liberalizing abortion statutes, the variety and application of present state statutes on the subject, and the validity of those various statutes and their application in light of the constitutional analysis.

I. THE RIGHT TO LIFE

Granting an abortion will almost inevitably result in the termination of the life of the unborn child.[10] On the other hand, failure to grant an abortion in some situations will result in the termination of the life of the mother.[11] In those situations where the life of the mother is thus endangered, the interest in continued life of both the unborn child and the mother are most dramatically brought into conflict. This conflict between the respective interests in continued life suggests a need for appropriate constitutional analysis to determine the nature of these competing interests, and which of the two is to be preferred. Such a determination has a direct bearing on clarifying our social compact concerning the abortion question, and necessarily involves a determination of the nature of the right to life and its application to the unborn child and the mother.

The right not to have one's life taken without due process of law is guaranteed by the fifth and fourteenth amendments to the United States Constitution. The fourteenth amendment specifically prohibits all the states from depriving any person of life without due process of law.[12] To qualify for this due process protection guaranteed by the fourteenth amendment, the unborn child must first qualify as a person within the purview of that constitutional provision.[13] In the context of the unborn child, the term "person" in the fourteenth amendment assumes an ambiguity which would not otherwise be expected from the use of such a term. In light of the fact that significant constitutional protections follow the status of "person," it becomes important in analyzing the interests of an unborn child in continued life to determine when the status of "person" in the constitutional sense first attaches to a human being.

Through a process of considerable development, other areas of the law have tended to resolve the question of when the status of a "person" attaches to a human being in favor of the moment of conception. Although such a resolution is in no way binding upon the resolution of the question when considered in the context of extending constitutional protections, it would be profitable to examine the developments in these other areas of the law, as well as the considerations apparently contributing to those developments, in order to arrive at a reasoned resolution of the question for constitutional purposes.

A. Development in tort law

1. Recovery for Prenatal Injuries

Historically, most American decisions followed the lead of English cases in the area of tort law and denied recovery to an unborn child harmed while still in the womb.[14] The theory underlying such denial was the unborn child was a part of the mother at the time the tort was committed, had no independent existence, and, therefore could not recover because the mother was the only person who was injured by the tort.[15] This theory for denying recovery was predicated in part upon the scant medical knowledge of fetal characteristics that was available at that time, and a fear that fictitious claims might be facilitated by a contrary holding.[16]

The 1946 case of *Bonbrest* v. *Kotz*[17] sounded the death knell for this historical view and precipitated the present practice of recognizing the unborn child as a human being for purposes of recovery for tortious injury.[18] The modern line of cases begun by *Bonbrest* specifically espouses the view that current medical knowledge has relegated the old view

---

Footnotes at end of article.

that an unborn child is part of his mother to the status of an anachronism.[19] Although the early cases, including *Bonbrest,* allowed recovery only if the unborn child was viable when injured,[20] even this requirement has been diminished in importance, and the modern view is to reject the viability requirement and allow recovery when the injury is received at any time during gestation.[21] The viability distinction has been discarded in favor of conception as the point after which a cause of action in tort will lie because that distinction relied on medical knowledge which could no longer lend it support.[22] Cases discarding the viability distinction therefore recognized the current consensus in the medical profession that an unborn child exists as an entity distinct from his mother from the time of conception.[23] In permitting recovery for prenatal injuries, for example, the courts in *Sinkler v. Kneale* [24] stated that "it is not disputed today that the mother and the child are two separate and distinct entities." [25] The court went on to recognize that the unborn child is not part of the mother, but rather "from conception on develop[s] its own distinct, separate personality." [26] In the case of *Kelly v. Gregory,*[27] the court reiterated the developing judicial harmony with current medical knowledge when it concluded:

> [L]egal separability should begin where there is biological separability. We know something more of the actual process of conception and foetal development now than when some of the common law cases were decided; and what we know makes it possible to demonstrate clearly that separability begins at conceptions.[28]

The developments in the law of torts, therefore, give explicit recognition to the unborn child as a person with rights of recovery for prenatal injuries from the moment of conception. In thus recognizing the unborn child as a person, this branch of tort law has recognized that the law must keep pace of current medical knowledge in order that justice does not become arbitrarily based upon fiction.

2. Recovery for Wrongful Death

The law of torts has also developed to allow an action for wrongful death of a child resulting from prenatal injuries.[29] Although past recovery was limited to cases in which the child was born alive,[30] a new line of cases has developed which allows the parents, or survivors, to maintain a wrongful death action even though the child was stillborn.[31] These wrongful death cases, in order to determine whether an unborn child is a person within the meaning of wrongful death statutes, typically still cling to the viability distinction.[32]

The retention of this distinction is somewhat anomalous in light of the trend among cases dealing with recovery for prenatal injuries to disregard gestational stages as a basis for allowing tort recovery. The case of *Torigan v. Watertown News Co.*[33] may prove to be the forerunner for discarding the viability distinction for wrongful death recovery. In *Torigan,* an action for wrongful death was brought by an administrator of a nonviable unborn child who, as a result of an automobile accident, was born prematurely and died shortly thereafter.[34] The court held that the intestate was a person within the meaning of the unlawful death statute.[35] As precedent for its decision, the court cited those prenatal injury cases which discard viability as a requirement for recovery, and noted that advances in medical science required that nonviability should not bar recovery even under a wrongful death statute.[36] By applying modern medical knowledge to the wrongful death area, therefore, the *Torigan* court moved toward a much needed consistency with regard to rejecting the viability distinction in the law of torts. Such a development provides a basis for concluding that those states which still adhere to the viability distinction may reconsider their position in the future in order to establish consistency within the law of torts and thus an appropriate accommodation of current medical knowledge.

Tort law, therefore, is developing toward consistent recognition of the legal personality of the unborn child at every stage of gestation from the moment of conception. The trend established by the more recent and medically enlightened cases reinforce Professor Prosser's assertion that "the unborn child in the path of an automobile is as much a person in the street as the mother." [37] If, as the trend seems to indicate, tort law is developing to the point of recognizing the unborn child as a person from the time of conception in order to allow him a right of action to recover for injuries, surely the Constitution could do no less in order to protect his life.

B. Developments in property law

The common law of property has long recognized the property rights of an unborn child without regard to stages of gestation.[38] The English courts early held that an unborn child was included in the ordinary meaning of children in a will.[39] In the case of *Wallis v. Hodson,*[40] it was held that a posthumous child could have an accounting or her father's intestate estate years after her birth.[41] The court stated that "[n]othing is more clear, than that this law considered a child in the mother's womb absolutely born, to all intents and purposes, for the child's benefit." [42] An unborn child was also considered to be a life in being for purposes of the Rule Against Perpetuities even where the child received no benefit by being so considered.[43]

The American cases, based on this English precedent, have reached much the same results and have chosen uniformly to treat the unborn child as a human being without regard to stages of gestation.[44] It has been held, therefore, that a child *en ventre sa mere* [45] may take under a will description bequeathing property to those "living at [testator's] decease." [46] An unborn child also has been allowed to take remainders, whether vested or contingent, as though living when the estate was created.[47] An unborn child has even been allowed to take under a will as a tenant in common with its own mother.[48] Moreover, the court in *Industrial Trust Co. v. Wilson* [49] rejected any suggestion that an unborn child lacks personality separate from that of the mother when it held that an unborn child was entitled to share in the income of a trust from the date of her father's death rather than upon the date of her subsequent birth.[50] Finally, in speaking of a child *en ventre sa mere,* the Supreme Court of North Carolina concluded that "a person must have an opportunity of being heard before a court can deprive him of his rights, and . . . an unborn child, not having been made a party, can recover from those claiming his title." [51]

It seems clear, therefore, that the law of property has recognized for centuries that the unborn child is a person from the moment of conception.[52] It would appear that the Constitution, which also evidences a considerable interest in protecting property rights,[53] should be interpreted to reflect at least as great a concern for protecting the interest of the unborn child to continued life. Such an interpretation would also appear to bring a certain consistency to the Constitution itself, since to deprive the unborn child of life implicitly sacrifices his rights and interests in property.[54]

C. Developments in equity law

Principles of equity have also extended recognition and legal protection to the unborn child as a person. In the case of *Kyne v. Kyne,*[55] a suit was brought by the guardian ad litem of an unborn child seeking to compel the father to provide support. The court in *Kyne* applied section 196a of the California Civil Code, which provided that "the father, as well as the mother, of an illegitimate child must give him support and education suitable to his circumstances." In applying that section, the court held that the child had a right to such support.[56]

Even more significant, perhaps, are the decisions handed down in the past decade dealing with the unborn child's right to life when his parents refuse to accept necessary medical assistance. In one such case a social worker sought and received a court order to award a welfare department custody of a child when it was born for the purpose of giving the child a needed blood transfusion.[57] The husband and wife both objected to the transfusion on the basis of religious convictions. The court, however, made it clear that the state, as *parens patriae,* had a duty to protect the child, the parents' objections to the contrary notwithstanding.[58] The court concluded that the child's right to life was entitled to legal protection even if he lacked viability.[59] In the similar case of *Raleigh Fitkin-Paul Morgan Memorial Hospital v. Anderson,*[60] the constitutional right to freedom of religion was also asserted. The court was asked to decide whether a Jehovah's Witness could be compelled to submit to a blood transfusion against her religious convictions to protect the life of her unborn child. The court found, without any apparent reliance on the fact that the unborn child had quickened, that the interest in life of the unborn child outweighed even the constitutionally fundamental right to freedom of religion.[61] This case would suggest that the Constitution does have a substantial interest in protecting the life of the as yet unborn, without any reference to their status as a person.

D. Developments in criminal law

The criminal law has historically afforded the unborn child a substantial amount of protection. Primarily, the common law's protection of the unborn child by criminal sanctions took the form of punishing abortion as a misdemeanor.[62] According to the common law, this crime could only be committed after the child had quickened.[63] The reason for employing the quickening distinction as the point at which the unborn child acquired protection seems to have been the limited development of medical knowledge that was available at the time the law was being established.[64] The quickening distinction represented a vestige of the old Roman law which was retained to some extent by the common law.[65] The point of quickening appears to have provided a short-hand method for the common law to establish the point in time when the unborn child first came to life.[66] Since quickening was the point at which the mother first perceived movement,[67] it was used to represent the unborn child's first manifestations of having a life separate and distinct from that of the mother.[68] Prior to the point of quickening, the unborn child was not considered as being independently alive.

It appears, therefore, that the common law employed the medical knowledge available to it in an effort to establish not simply an arbitrary point at which to attach legal protections, but rather to establish the precise point, to the best of their available knowledge, at which life begins. This analysis appears to be additonally supported by the common law and later statutory law provisions that the execution of a woman sentenced to death had to be postponed if she were found to be pregnant *and quickened.*[69] Pregnancy alone, without quickening, was insufficient to warrant a reprieve. Such a provision seems to reflect the common law belief that only at the point of quickening was there a second life present.[70] The pres-

---

Footnotes at end of article.

ence of life seems to have injected another person into the considerations of the common law, and that innocent person was entitled to legal protections.

Use of quickening as a basis for determining when the unborn child achieves life no longer has any medical basis due to the development of medical knowledge that an unborn child is a separate and independent life from the moment of conception.[71] The existence of independent life appears to have been the historical touchstone for eliciting legal protections as a person. Just as the common law employed the medical knowledge available at that time to determine when the unborn child became alive and, thus, merited legal protections as a person, so it would behoove us to employ our available medical knowledge in order to determine when life actually begins, and thus when status as a "person" should attach with its accompanying constitutional protections.

It should be noted that the medical knowledge to which reference is here being made is not merely a recent development in medicine which might be soon superseded by new discoveries.[72] This medical knowledge is of rather long standing and can still claim a consensus among members of the medical profession today.[73]

Because of apparent dissatisfaction with the common law formula for determining the start of life and attaching personal protection,[74] the several states began in 1821 to enact abortion laws to attach legal protections to the unborn child from the moment of conception.[75] At present, most statutory enactments make abortion criminal at any stage of pregnancy while a number of these states still retain the quickening distinction only for purposes of determining the severity of the punishment.[76]

At least by analogy these various areas of the law provide support for the view that the unborn child is a person recognized by law. With the unborn child having tort rights,[77] property rights,[78] recognition in criminal law,[79] and a right to life so paramount as to outweigh even such an important right as freedom of religion,[80] it would be difficult to perceive of the unborn child as anything other than a person within the purview of the fourteenth amendment. Attaching that status at the moment of conception would also appear to be supported by these other areas of the law, as well as the current development of medical knowledge.

E. Intent of the constitutional framers

Additional support for attaching status as a person under the fourteenth amendment can be found in the argument that such a result would be consistent with the intention of the framers of the Constitution. Although the intention of the framers would not be dispositive of the question when considering it for resolution nearly two hundred years later, it would be significant to note at least that attaching status as a person at conception would probably not have been repugnant to their original intentions.

The framers of the Constitution derived many of their legal concepts from the common law of England. Much of the body of existing law in the United States today derives from the earlier English common law.[81] Because that common law was not codified in a written constitution, it had to be derived from the case law and precedent of the common law courts.[82] The framers of the Constitution, many of whom were lawyers,[83] must have been very familiar with the common law precedent, and therefore must have been aware of the protections which had been afforded the unborn child as a person by the common law of property, without regard to any stages of gestation.[84] The considerable interest reflected in the Constitution with respect to the protection of property provides additional support for the premise that the framers were well aware of the common law precedents deriving from cases dealing with property. It would appear fair to presume, therefore, that the framers of the Constitution would have had an appreciation of the fact that the word "person" might well include an unborn child from the moment of conception. At the very least, such a conclusion would not seem to be reugnant to their probable intentions.

II THE NATURE OF THE RIGHT TO LIFE

A. The unborn child's right

Considering the unborn child as a person within the purview of the fourteenth amendment qualifies the unborn child for the due process protections which that amendment provides against taking the life of the unborn child through abortion. Because such protection does not constitute an absolute right to life against all induced abortion,[85] it becomes imperative to determine the nature of that right in order to ascertain the nature of the conflicting interest which will be constitutionally required in order to infringe upon that right.

It would appear from the *Raleigh* case that the right to life of all persons protected by the fourteenth amendment is a constitutionally fundamental right on a par with fundamental rights enumerated in the first amendment to the United States Constitution. The court in the *Raleigh* case protected the life of an unborn child against the clearly fundamental right to freedom of religion.[86] It would appear from this preference for the right to life that the law implicitly recognizes the fundamental nature of that right.

Although the Constitution includes no express reference to the right to life, that right is well established as a basic tenet of our social compact by the Declaration of Independence, which states, "that all men are endowed by their Creator with certain inalienable rights: that among these rights [is] life . . .[87] In addition, all of the constitutionally fundamental rights which we hold essential to individual protection today would be meaningless without the implicit existence of an equally fundamental right to life.[88] It would prostitute logic to conclude otherwise. Thus, it must be said that a fundamental right to life is recognized by the constitution, and guaranteed to all persons, including the unborn child, by the fourteenth amendment.

B. The mother's right

Like the unborn child and all other persons under the Constitution, the mother of an unborn child also has a constitutional right to life of a fundamental character. Her right is determined in the same manner and is of the same fundamental nature as the right to life of the unborn child. Such a conclusion is apparent from the generalized discussion of the origins of the fundamental right to life of the unborn child.

III. THE CONFLICT OF RIGHTS

In the situation where a pregnancy endangers the life of the mother and an abortion is thus sought, the fundamental rights to life of both the mother and the unborn child are placed in direct conflict. Under the fourteenth amendment both of these conflicting rights are protected only by the requirements of due process.[89] Either right may, therefore, be infringed where due process requirements are satisfied.[90] Being directed to the state, the due process provision of the fourteenth amendment would appear to require that the state balance the competing fundamental rights of the mother and the child. Failure on the part of the state to act will necessarily result in the death of the mother, and thus infringe upon her right to life. Acting to allow an abortion pursuant to the application, on the other hand, will necessarily result in the death of the unborn child, and thus infringe upon his right to life. Inaction with respect to the application for an abortion, as well as action to permit an abortion, will both involve state action which deprives a person of a fundamental constitutional right.

A. The mother's due process protection

In making the necessary balance between these conflicting rights, there would appear to be a number of compelling policy considerations on the basis of which due process would dictate that the state give preference to the right to life of the mother by acting to grant the abortion application.

First, there appears to be a legitimate interest in preferring the life of the mother because she will have substantial familial and other social relationships which her untimely death would severely disrupt. The unborn child, on the other hand, has established no social identity which would cause societal disruption if terminated prior to birth.

Second, the mother's life should be preferred because to prefer the life of the unborn child would jeopardize the life of the mother on merely the chance that the unborn child would be born and survive. In addition, the birth of a child which is often very dependent upon the mother for care[91] would appear to be a self-defeating result, particularly in light of the resentment of the child that would likely be felt by the widowed father.

Third, by the very nature of the relationship between the mother and her unborn child, preference for the mother's life is suggested. In that relationship, the mother's life appears primary, with the unborn child depending upon and drawing its continued life from the mother. Because this dependence is not reciprocated, the secondary nature of the child's life is suggested.

Fourth, if a preference were given to the unborn child at the peril of the mother's life, the mother could effectively void any such preference with a lesser penalty to herself. Either by self-induced abortion or by obtaining a criminal abortion, the mother could subvert any intention to prefer the unborn child's life. Any penalty which would be administered for such defiance would in all cases be a lesser penalty than death,[92] the necessary penalty to be suffered if the mother were to acquiesce in the preference for the unborn child's life. Preference of the unborn child's life is thus made completely impractical in terms of enforcement. Fifth, analogy to the principles of the self-defense justification for homicide provides another policy consideration in favor of preferring the life of the mother.[93] Since the existence of the unborn child is, in a very real sense, similar to an aggressor, threatening deadly force, and from whom the mother cannot retreat,[94] it would appear that taking the life of the child in the interest of self-preservation of the mother is presently sanctioned by society. Finally, in part because of the preceding reasons for preferring the mother's life, a preference of the unborn child's life will tend to drive women, in pure desperation, outside the law to obtain criminal abortions.[95] The mortality rate for women subjected to such abortions is substantially higher than for abortions legally performed.[96] On the basis of this rationale, it would appear that there is a strong inducement not to prefer the unborn child's life in an effort to avoid driving women to risking their lives, in which case the life of both the mother and the unborn child might be sacrificed.

It would appear, therefore, that the due process clause of the fourteenth amendment would guarantee that the mother be granted an abortion upon appropriate application in situations where the pregnancy itself endangers her life. As such a guaranteed right, where the pregnant woman is financially unable to assume the expense of such a legal abortion, that expense must be borne by the

---

Footnotes at end of article.

state in order for it to adequately protect her right to life as defined by substantive due process considerations.[97]

B. The unborn child's due process protection

While due process dictates that an abortion may be granted where the pregnancy endangers the mother's life, thus infringing on the unborn child's right to life, due process also operates to provide certain protections for the life of the unborn child. Such protections would appear most clearly raised where abortions are sought to be allowed without any restriction. By providing for such an unrestricted right to an abortion, the state would in effect be promoting an interest in allowing any woman the complete discretion of bearing or not bearing the fruits of her sexual activity. The state could only accomplish this objective by placing a higher value on the interest in granting unrestricted abortions than on the right of the unborn child to life. Substantive due process would appear to provide protection for the unborn child from just such unfetered discretion.[98]

The court in *Babbitz v. McCann*,[99] recently held that just such an interest was in fact a constitutionally protected right that superseded the unborn child's right to life.[100] Reasoning from *Griswold v. Connecticut*[101] and from an extension of *Griswold* made by *People v. Belous*,[102] the *Babbitz* court held that a woman has a fundamental right to an abortion for any reason up to the point of quickening.[103] According to the *Babbitz* court, this fundamental right is to be afforded a pregnant woman whether the unborn child is considered as mere protoplasm or as a human being.[104] The *Babbitz* court thus permitted the interest in obtaining completely discretionary abortions to preponderate over the right to life of the unborn child. It would appear that the *Babbitz* court's rationale and holding are overbroad and underanalyzed. The infirmities in the court's reasoning are demonstrable in three major areas.

First, by relying on *Griswold* as the foundation upon which the right to abortion is constructed, the court seemingly has overextended the *Griswold* decision. In its most limited scope, *Griswold* held that a right to use contraceptives exists in the martial relationship.[105] That decision, however, has been expanded most notably by three concurring Justices in *Griswold*,[106] as well as in subsequent cases,[107] to suggest a fundamental right to marital privacy generally. In *People v. Belous*[108] the court, citing *Griswold* expanded the concept of the right to privacy even further by determining that women have a fundamental right to choose whether to bear children.[109] Such a holding would seem to be an overextension of the *Griswold* rationale and of the other cases dealing with a right to privacy in matters related to marriage, family, and sex.[110] The court in *Babbitz*, however, resolved that *Belous* had not gone too far and followed its analysis of the constitutional rights involved.

Such an analysis, it is submitted, is unacceptable, particularly in light of its reliance upon the *Griswold* decision. Since a constitutionally protected life begins at conception, according to the earlier discussion, a crucial difference is made apparent between a right to marital privacy that allows prevention of life through contraception and one that allows termination of life through abortion. *Belous*, and therefore *Babbitz*, seemingly confused prevention with destruction. At least one writer advocating such an extension of *Griswold* into the abortion area conceded that a considerable expansion beyond the limits of the *Griswold* case is needed to fit that case's analysis into the abortion mold.[111] The importance of such an expansion is commonly minimized, however, by the dubious allegation that conceptually an early abortion is but a degree removed from contraception, the only difference being that abortion occurs after the egg and sperm have already united.[112] One may readily recognize, however, that this purportedly minimal difference is the difference between life and no life, between being and not being.

Another major area where the *Babbitz* decision appears faulty in its reasoning, lies in the case's reliance on quickening as the point at which the fundamental right to an abortion ends and the fundamental right to life of the unborn child begins.[113] The *Babbitz* court thus resorted to an arbitrary line which is devoid of basis in modern medical knowledge[114] and is inconsistent with an established legal trend of recognizing rights in the unborn child at all times during its development. To thus postpone attaching constitutional protections until some point after conception in order to allow for more discretionary abortions logically suggests certain very anomalous and undesirable results. It would appear that by withholding status as a "person," and thus due process constitutional protections as well, until some point after conception, no constitutional provision would be available to protect the unborn child from being subjected to all sorts of tampering and experimentation.[115] Such experimentation would clearly have to avoid any jeopardy to the mother, as well as require her consent. However, it is possible that the medical profession could persuade many pregnant women seeking a completely discretionary abortion to allow such experimentation "in the interest of advancing medical knowledge." It would appear that indigents and less educated persons might be especially susceptible to such persuasions. The unborn child would have no protection against such activities as long as its life was duly terminated prior to the point in time when constitutional protections were to attach.

The final area in which the *Babbitz* decision lacked sufficient analysis can be seen in the court's failure to give sufficient credence to the value of the right to life held by the unborn child. The court balanced the unborn child's right to life against the mother's interest in obtaining an abortion for reasons other than preservation of her life. In resolving this balance in favor of the interest in an abortion, the court rendered the right to life subordinate to another's happiness, convenience, and desire for freedom from otherwise unavoidable burdens. Moreover, the person who is given the discretionary capacity to decide the fate of the unborn child is not a neutral agent, as due process standards would seem to prefer, but rather is the one who desires to avoid the burdens of pregnancy. It would seem to be an anomaly to prefer an extended right to privacy over the right to life itself, particularly when other cases have favored the right to life over the more explicitly enumerated fundamental right to freedom of religion.[116] In the context of individual rights, it would appear that nothing could be more basic than life itself. Historically, it has been recognized that the right to human life is subordinate to no lesser claim than a superior right to life,[117] and in so far as the *Babbitz* court chose to ignore this fact by allowing complete discretion in the woman to be aborted up to a given cutoff point, the decision would appear to be constitutionally incorrect.

It has been demonstrated, therefore, that the unborn child will be required by due process guarantees to the mother, to sacrifice his life in deference to the superior right to life of the mother. Due process, however, would in turn operate to protect the unborn child from being indiscriminately exterminated at the unfettered discretion of his mother. As the next section will point out, the state may have some sufficient interests between these two extremes which may be constitutionally advanced to additionally abridge the unborn child's right to life.

C. Due process—other state interests

Many of the new reform statutes have included justifications such as rape, incest, and eugenic considerations for infringing upon the unborn child's right to life. When an abortion is sought on any of these grounds, it would appear that such considerations place the unborn child's right to life in conflict with certain interests of the state. In light of the fundamental nature of the unborn child's right to life, however, if the state's interests are to prevail, due process would require that those interests satisfy the standard of an overwhelming state interest.[118] Whether or not the state has an overwhelming interest in providing rape, incest, and eugenic justifications for abortion can only be a matter of surmise at the present time, since the question has not yet been decided by the judiciary. Some discussion of these various state interests would appear appropriate, however, in an effort to determine the merit of using them to justify abridging a constitutionally fundamental right.

1. Rape

With respect to aborting pregnancies resulting from forcible rape, the state may espouse several substantial interests. First, unlike the situation involving merely an involuntary pregnancy following voluntary sexual intercourse, forcible rape involves both involuntary pregnancy as well as involuntary sexual intercourse. It can be argued that the pregnancy itself is a continuation of the crime committed against the mother in as much as she continues to be victimized by another's will being forced upon her. The state would appear to have a strong interest in removing all such indicia of victimization as expediently as possible.

The second substantial state interest relates to the fact that the continued pregnancy may very well precipitate substantial psychic injury to the mother. Certainly the trauma of the initial assault could have a tremendous impact on the victim and her perceptions of herself and future sexual behavior. The continued pregnancy may serve as a constant reminder of the original traumatic experience and could cause permanent psychological injury.[119] The state, therefore, might well find in such considerations a substantial interest in providing for abortions where a pregnancy has resulted from forcible rape.

2. Incest

With respect to aborting pregnancies resulting from incestuous relationships, the state may feel a substantial compulsion to make abortions available to the pregnant woman. An incestuous pregnancy typically involves a relatively young woman,[120] and such an experience could conceivably inflict substantial and permanent psychological injury affecting the woman's self-concept, subsequent interpersonal relationships, and future sexual behavior.[121] Providing for an abortion might well serve to minimize this potential injury.

The state might also conclude that a pregnancy resulting from an incestuous relationship might have a substantial adverse effect on the unity of the family involved. It would appear that the family unity could be damaged through jealousies and distrust springing from an awareness of an incestuous relationship. A continued pregnancy resulting from such a relationship might serve as a reminder of that incident and as a continuing point of friction within the family. Additionally, a subsequent birth of the child which was parented by the incestuous relationship might serve to disrupt the family unity because of confusion over what should be the appropriate relationships between

---

Footnotes at end of article.

family members. Coupled with this is the real possibility of traumatic identity crises in the mind of the child of the incestuous relationship. Viewing the unity of the family as a basic component in the fabric of our society, the state might therefore desire to provide abortions for incestuous pregnancies in an effort to minimize the otherwise substantial impact of the incident on family unity.

Finally, because incestuous relationships greatly increase the chance that recessive genes can combine to produce offspring with undesirable recessive traits,[122] it would appear reasonable for the state to seek to avoid such births in order to minimize the chance for a defective birth. The interest in avoiding incestuous relationships and births is supported by the precedent of societal mores and formal law for centuries. Providing for abortions in such circumstances would therefore appear to be consistent with that precedent.

3. Eugenics

With respect to pregnancies in which there is a substantial probability that if the child is born it will be seriously handicapped either mentally or physically, the state may have a substantial interest in facilitating abortions. Such a substantial probability of a defective child being born might be founded on facts relating to drugs consumed by the mother [123] or diseases which she suffered during the pregnancy.[124] The state might feel a compelling interest in sparing its citizens the burden and heartache of raising a seriously deformed child. Coupled with this, although certainly of less importance in infringing upon a fundamental right, is the possible state interest in avoiding the considerable expense that might be incurred for special care and educational facilities for such children.

It should be noted that even if the courts happen to be favorably disposed to these interests of the state and their overwhelming nature with respect to the unborn child's fundamental right to life, these interests are those of the state and may not be asserted independent of the state. A state may or may not choose to adopt these justifications and provide for abortions consistent with them, as it wishes. An individual will not be heard to complain in the case where the state chooses not to provide for such abortions, because he will have no standing to assert the state's interest against that of the unborn child.[125]

IV. STATE STATUTES: CONSTITUTIONAL CONSIDERATIONS

The 50 states have a variety of abortion statutes prescribing the conditions under which an abortion may be obtained. The majority of the states still have abortion statutes which legalize an induced abortion only to save the life of the mother.[126] Sixteen States, however, have reformed their similar abortion statutes to provide for less tringent justifications.[127] A number of the reformed statutes follow the Model Penal Code [128] and allow abortions to be performed for medical,[129] psychiatric,[130] eugenic,[131] and humanitarian reasons.[132] Others have gone further and require only that a physician perform the abortion and that it be performed within some prescribed period of gestation.[133] These various statutes can be grouped into three general types, from which a comparison can be made to see how each comports with what the due process analysis above would require.

The first type of statute, which is generally termed restrictive, is composed of those statutes which allow abortion only to save the life of the mother. The present Iowa statute is restrictive in this sense.[134] These statutes give cognizance to the countervailing interests in the life of the mother and the unborn child when those two rights are brought into direct conflict. This type of abortion statute, therefore, seems to meet the due process requirements of the Constitution.

The second type of statute, referred to here as the reform type, follows the Model Penal Code proposal. This type is distinguished from the restrictive type in that it extends the grounds for an abortion beyond the interest in saving the mother's life to circumstances involving rape, incest, and eugenic justifications. To the extent that the reform statutes provide for abortions to save the life of the mother, they satisfy what due process would require. To the extent that these reform statutes provide for abortions in situations involving rape, incest, and eugenic justifications, they satisfy what due process would appear to permit. In the event, however, that the judiciary would fail to find the requisite overwhelming state interest in avoiding rape, incest, or deformed births, these reform statutes would fail to pass muster under the fourteenth amendment due process clause.

The third type of abortion statute is the unrestrictive type. This type differs from the reform type and the restrictive type in that no substantial justifications are required to obtain an abortion other than a time limitation. These statutes do not seem to meet the requirements of due process because they afford a woman complete discretion to terminate the unborn child's right to life for whatever reasons she might choose. Such a liberal provision would appear to be exceedingly overbroad, and the unborn child appears to be protected from such potentially arbitrary infringement upon his fundamental right to life by the due process clause of the fourteenth amendment.

From the standpoint of the due process clause, therefore, all of the various statutes would appear to satisfy the due process requirement that the mother's life be preferred to that of the unborn child when the two are in conflict. The reform statutes would appear to be within the scope of permissible legislation to the extent that the various state interests in allowing abortions are found to be overwhelming. The unrestrictive statutes, however, would appear to go beyond the outer constitutional limits, as defined by the due process clause, to the extent that they allow completely discretionary abortions with only a time limitation.

V. CONCLUSION

The increasing demand for legally induced abortions can be expected to continue to prompt considerable controversy over the efficacy of liberalizing state abortion laws. Such liberalization, where accomplished, will have a substantial impact on the rights of both the mother and the unborn child. Where those respective rights come into conflict, it has been suggested that the Constitution makes adequate provision for weighing the rights involved and arriving at a resolution of any such conflict. It has also been suggested that the nature of the constitutional rights involved dictates that state abortion statutes embody certain minimum due process requirements, as well as certain due process limitations, in their efforts to liberalize their abortion statutes. Where a state statute either fails to meet the minimum requirements, or exceeds the permissible limitations, that statute will be subject to challenge as a violation of the due process clause of the fourteenth amendment.

FOOTNOTES

[1] Abortion is defined medically as the expulsion of nonviable fetus. A nonviable fetus is one not yet developed sufficiently to exist independent of the mother. Abortions are either spontaneous or induced. Spontaneous abortions are those produced by natural causes. Induced abortions are all abortions other than spontaneous abortions, and are either criminal or therapeutic depending on whether the abortion falls within the exceptions stated or implied in the provisions of criminal laws condemning abortion. *See*, Trout, *Therapeutic Abortion Laws Need Therapy*, 37 Temp. L.Q. 172, 173–74 (1964).

[2] One estimate has indicated that one out of every five pregnancies ends in induced abortion. *See* Comment, *The Legal Status of Therapeutic Abortion*, 27 U. Pitt. L. Rev. 669, 677 (1966). The Statistics Committee commissioned by the 1955 Planned Parenthood Conference on Abortion has given what is possibly the most inconclusive approximation on the incidence of induced abortion. The Committee indicated that the frequency of induced abortion in the United States could be as low as 200,000 and as high as 1,200,000 a year. *See* D. Callahan, Abortion: Law, Choice, and Morality 133 (1970).

[3] *See* H. Pilpel & K. Norwick, When Should Abortion Be Legal? 3 (Public Affairs Pamphlet No. 429, 1969).

[4] *Id.* at 2.

[5] *See* Kutner, *Due Process of Abortion*, 53 Minn. L. Rev. 1, 17 (1968).

[6] *See* Lucas, *Federal Constitutional Limitations on the Enforcement and Administration of State Abortion Statutes*, 46 N.C.L. Rev. 730, 737 (1968).

[7] *See* Note, *The Law and the Unborn Child: The Legal and Logical Inconsistencies*, 46 Notre Dame Law. 349, 349 n.3 (1971).

[8] For example, in the year following the enactment of its new abortion law, California experienced approximately 4800 legal abortions. D. Callahan, *supra* note 2, at 140. Under its old law, only 600 legal abortions were performed per year. *Id.* Likewise, Colorado reported 407 legal abortions in the year following enactment of its new law compared with 51 the previous year. *Id.* at 141.

[9] It must be noted that any discussion dealing with the topic of abortion necessarily involves semantic problems with regard to the status of the unborn child. In order to avoid these problems, this Note shall use the phrase "unborn child" to describe all stages of gestation from conception to birth and no reference will be made to such terms as quickening or viability except for use in their technical sense. Admittedly, terms such as "embryo" or "fetus" are more precise than unborn child; however, semantically they are awkward in that they refer to specific stages of gestation, as suggested by the technical meanings of the more precise fetal terms. Quickening refers to the first motion of the fetus in the womb felt by the mother, occurring usually about the middle of the term of pregnancy. *See* State v. Patterson, 105 Kan. 9, 10, 181 P. 609, 610 (1919). Viability is applied to a newly-born infant, and especially to one prematurely born which is not only born alive, but in such a state of organic development as to make possible the continuance of its life. Black's Law Dictionary 1737 (4th ed. 1968). An embryo is the product of conception up to the third month of pregnancy. New Gould Medical Dictionary 334 (Blakiston's ed. 1951). A fetus is the unborn offspring in the latter stages of development from the end of the third month until birth. New Gould Medical Dictionary 376 (Blakiston's ed. 1951).

[10] Since the passage of the new unrestricted abortion law in New York, New York City has experienced at least 27 live births from abortion attempts. Tiede, *Failure Complicates the Problem*, Jacksonville Journal, February 5, 1971, at 18, col. 5. Of these 27 live births, one has permanently survived his abrupt debut into the world and has since been placed out for adoption. Because of the embarrassment and nuisance involved, one doctor has stated his belief that some live births resulting from abortions are just left to expire and that nothing is done to save most of them. *Id.* at col. 6. This experience with the unrestrictive law is a cogent example of the incongruity possible when the unborn child's right to life is totally disregarded as an accountable factor in the decision of whether or not to abort.

[11] Interview with Dr. Rudolph P. Galask, Dep't of Obstetrics and Gynecology, University Hospitals, in Iowa City, Iowa, March 4, 1971.

[12] U.S. Const. amend. XIV, § 1.

[13] Levy v. Louisiana, 391 U.S. 68, 70 (1968).

We start from the premise that illegitimate children are not "nonpersons." They are humans, live and have their being. They are clearly "persons" within the meaning of the Equal Protection Clause of the Fourteenth Amendment. *Id.*

[14] W. Prosser, Handbook of the Law of Torts 354 (3d ed. 1964) [hereinafter cited as Prosser].

[15] *See* Dietrich v. Northampton, 138 Mass. 14, 17 (1884).

[16] *See Note, The Unborn Child: Consistency in the Law?*, 2 Suffolk U.L. Rev. 228, 229, 236 (1968).

[17] 65 F. Supp. 138 (D.D.C. 1946).

[18] *See Louisell, Abortion, the Practice of Medicine and the Due Process of Law,* 16 U.C.L.A.L. Rev. 233, 241 (1969).

[19] *See, e.g.,* Bennett v. Hymers, 101 N.H. 483, 485, 147 A.2d 108, 109 (1958); Smith v. Brennan, 31 N.J. 353, 363–64, 157 A.2d 497, 502 (1960); Sinkler v. Kneale, 401 Pa. 267, 272–73, 164 A.2d 93, 96 (1960).

[20] *See e.g.,* Worgan v. Greggo & Ferrara, Inc., 50 Del. 258, 260, 128 A.2d 557, 558 (1956); Keyes v. Construction Serv., Inc., 340 Mass. 633, 637, 165 N.E.2d 912, 915 (1960); Seattle-First Nat'l Bank v. Rankin, 59 Wash. 2d 288, 291, 367 P.2d 835, 838 (1962).

[21] *See, e.g.,* Hornbuckle v. Plantation Pipe Line Co., 212 Ga. 504, 504–05, 93 S.E.2d 727, 728 (1956); Kelly v. Gregory, 282 App. Div. 542, 545, 125 N.Y.S.2d 696, 698 (1953); Von Elbe v. Studebaker-Packard Corp., 15 Pa. D. & C.2d 635, 642 (C.P. Allegheny County 1957).

[22] *See, e.g.,* Daley v. Meier, 33 Ill. App. 2d 218, 223–24, 178 N.E.2d 691, 694 (1961); Torigan v. Watertown News Co., 352 Mass. 446, 448, 225 N.E.2d 926, 927 (1967); Puhl v. Milwaukee Auto. Ins. Co., 8 Wis. 2d 343, 355–58, 99 N.W.2d 163, 170–71 (1959).

[23] *See* authorities cited note 19 *supra.*

[24] 401 Pa. 267, 164 A.2d 93 (1960).

[25] *Id.* at 273, 164 A.2d at 96.

[26] *Id.*

[27] 282 App. Div. 542, 125 N.Y.S.2d 696 (1953).

[28] *Id.* at 543, 125 N.Y.S.2d at 697.

[29] *See* Note, *supra* note 7, at 358.

[30] *See, e.g.,* Steggall v. Morris, 363 Mo. 1224, 1233, 258 S.W.2d 577, 581 (1953); Hall v. Murphy, 236 S.C. 257, 263, 113 S.E.2d 790, 793 (1960); Shousha v. Matthews Drivurself Serv., Inc., 210 Tenn. 384, 396, 358 S.W.2d 471, 476 (1962).

[31] *See, e.g.,* Gorke v. LeClerc, 23 Conn. Supp. 256, 262, 181 A.2d 448, 451 (1962); Verkennes v. Corniea, 229 Minn. 365, 366, 370–71, 38 N.W.2d 838–39, 841 (1949); Stidam v. Ashmore, 109 Ohio App. 431, 435, 167 N.E.2d 106, 108 (1959).

[32] *See, e.g.,* Gorke v. LeClerc, 23 Conn. Supp. 256, 262, 181 A.2d 448, 451 (1962); Verkennes v. Corniea, 229 Minn. 365, 371, 38 N.W.2d 838, 841 (1949); Stidam v. Ashmore, 109 Ohio App. 431, 433–34, 167 N.E.2d 106, 107–08 (1959). *But see* Porter v. Lassiter, 91 Ga. App. 712, 715, 87 S.E.2d 100, 102 (1955).

[33] 352 Mass. 446, 225 N.E.2d 926 (1967).

[34] *Id.* at 447, 225 N.E.2d at 926.

[35] *Id.* at 449, 225 N.E.2d at 927.

[36] *Id.*

[37] Prosser 355.

[38] *In Re* Holthausen's Will, 175 Misc. 1022, 1024, 26 N.Y.S.2d 140, 143 (Sur. Ct. 1941): "It has been the uniform and unvarying decision of all common law courts in respect of estate matters for at least the past two hundred years that a child *en ventre sa mere* is 'born' and 'alive' for all purposes for his benefit." *Id.*

[39] *See* Doe v. Clark, 126 Eng. Rep. 617, 618 (C.P. 1795).

[40] 26 Eng. Rep. 472 (Ch. 1740).

[41] *Id.* at 473.

[42] *Id.* at 474.

[43] *See* Thellusson v. Woodford, 31 Eng. Rep. 117, 124 (Ch. 1798).

[44] *See, e.g.,* Barnett v. Pinkston, 238 Ala. 327, 191 So. 371 (1939); Cowles v. Cowles, 56 Conn. 240, 13 A. 414 (1887); McClain v. Howald, 120 Mich. 274, 79 N.W. 182 (1899). *See also* Louisell, *supra* note 18, at 235.

[45] Black's Law Dictionary 619 (4th ed. 1968). The definition there given makes no reference to stages of gestation to suggest their relevance to the concept.

[46] *See, e.g.,* Shone v. Bellmore, 75 Fla. 515, 521–22, 78 So. 605, 607 (1918); Medlock v. Brown, 163 Ga. 520, 523, 136 S.E. 551, 553 (1929); Hall v. Hancock, 32 Mass. (15 Pick.) 255, 257–58 (1834).

[47] *See, e.g.,* Barnett v. Pinkston, 238 Ala. 327, 331, 191 So. 371, 374, (1939); Crisfield v. Storr, 36 Md. 129, 145–46 (1872); Aubuchon v. Bender, 44 Mo. 560, 568 (1869).

[48] *See* Biggs v. McCarty, 86 Ind. 352 (1852).

[49] 61 R.I. 169, 200 A. 467 (1938).

[50] *Id.* at 176, 200 A. at 476.

[51] Deal v. Sexton, 144 N.C. 158, 160, 56 S.E. 691, 692 (1907).

[52] *See* authority cited note 38 *supra.*

[53] U.S. Const. amend. XIV, § 1: "[N]or shall any State deprive any person of life, liberty, or property, without due process of law. . . ."

[54] *See* authorities cited notes 44–51 *supra*

[55] Cal. App. 2d 122, 100 P.2d 806 (1940).

[56] *Id.* at 127, 100 P.2d at 809.

[57] See Hoener v. Bertinato, 67 N.J. Super. 517, 522, 171 A.2d 140, 143 (1961).

[58] Hoener v. Bertinato, 67 N.J. Supp. 517, 521, 525, 171 A.2d 140, 142, 145 (Juv. Ct. 1961).

[59] *Id.* at 521, 524, 171 A.2d at 142, 144.

[60] 42 N.J. 421, 201 A.2d 537, *cert. denied,* 377 U.S. 985 (1964).

[61] *Id.* at 423, 201 A.2d at 538.

[62] *See* Louisell, *supra* note 18, at 239.

[63] *See, e.g.,* Smith v. Gaffard, 31 Ala. 45, 51 (1857); Abrams v. Foshee, 3 Iowa 273, 279 (1856); Smith v. State, 33 Me. 48, 55 (1851).

[64] *See* Note, *supra* note 16, at 229.

[65] See 1 T. Beck & J. Beck, Medical Jurisprudence 204–05 (10th ed. 1850).

[66] Evans v. People, 49 N.Y. 86, 90 (1872).

[67] Black's Law Dictionary 1415 (4th ed. 1968).

[68] *See* Evans v. People, 49 N.Y. 86, 90 (1872).

[69] *See* Louisell, *supra* note 18, at 240.

[70] *Id.*

[71] *See* note 114, *infra.*

[72] "[Q]uickening, therefore, instead of marking the period at which the future individual becomes endued with *humanity* or vitality, or elevated to distinct personal identity, is but the sign of a certain advance in the development and aggrandizement of the growing body to a certain pitch, and of its now possessing a greater degree of force; and hence it has been contended that there is no ground for the great distinction in criminal punishment, whether or not the child has quickened." 1. J. Chitty, Medical Jurisprudent 402 (1834).

[73] *See* Archibold, *The Law as a Schizophrenic,* 23 Res Ipsa Loq. 12, 13 (1970); Noonan, *The Constitutionality of the Regulation of Abortion,* 21 Hast. L.J. 51, 64–65 (1969).

[74] See Note, *supra* note 7, at 363–64.

[75] *See* Quay, *Justifiable Abortion—Medical and Legal Foundations,* 49 Geo. L.J. 395, 435 (1961).

[76] *See* Note, *supra* note 16, at 231.

[77] *See* authorities and discussion in notes 15–36 *supra* and accompanying text.

[78] *See* authorities and discussion in notes 38–51 *supra* and accompanying text.

[79] *See* authorities and discussion in notes 62–76 *supra* and accompanying text.

[80] *See* authority cited note 61 *supra* and accompanying text.

[81] "[T]he meaning of the constitution [can] not be adequately understood by anyone who did not take into account the situation of the colonies before the separation from England and the rules of common law, as well as the general conceptions of law and justice inherited by English colonists from their English forefathers." A. Dicey, The Law of the Constitution 16 (1885).

[82] *See id.* at 6–14.

[83] *See* T. Cooley, Constitutional History of the United States 10 (1889).

[84] *See* authority and discussion in notes 38–43 *supra* and accompanying text.

[85] See Note, *In Defense of the Right to Live: The Constitutionality of Therapeutic Abortion,* 1 Ga. L. Rev. 693, 698–99 (1967).

[86] Raleigh Fitkin-Paul Morgan Mem. Hosp. v. Anderson, 42 N.J. 421, 423, 201, A.2d 537, 538, *cert. denied,* 377 U.S. 985 (1964).

[87] Jefferson, *The Declaration of Independence of the American States* (1776).

[88] *See* Note, *supra* note 85, at 698.

[89] U.S. Const. amend XIV, § 1.

[90] When a fundamental right such as the right to life is involved, it may be infringed by the state only upon a showing of a compelling state interest. *See, e.g.,* Griswold v. Connecticut, 381 U.S. 479, 502 (1965) (White, J., concurring); Bates v. City of Little Rock, 361 U.S. 516, 524 (1960); King v. Saddleback Junior College Dist., 318 F. Supp. 89, 91 (C.D. Cal. 1970). *See also* Emerson. *Nine Justices in Search of a Doctrine,* 64 Mich. L. Rev. 219, 224–25.

[91] *See* text accompanying note 25 *supra.*

[92] For example, even under the feticide statutes which make killing a separate offense, the offense is usually only manslaughter. *See, e.g.,* Ark. Stat. Ann. § 41–2223 (1964); Mich. Stat. Ann. § 750.322 (1968); N.D. Cent. Code Ann. § 12–25–03 (1960).

[93] Historically, our society has recognized that a person has a right to use force to protect himself in certain circumstances. *See* J. Stephen, Digest of the Criminal Law 139 (1878).

[94] Generally, the use of force by a person is justifiable if necessary to protect himself against death or serious bodily harm unless the actor knows he can retreat in complete safety. Model Penal Code § 3.04(2) (b) (Tent. Draft No. 5, 1956).

[95] *See* D. Callahan, *supra* note 2, at 129.

[96] *See* Niswander, *Medical Abortion Practices in the United States,* W. Res. L. Rev. 403, 403–04, 422 (1965).

[97] *See* Harper v. Virginia State Bd. of Elections, 383 U.S. 663, 668 (1966); Douglas v. California, 372 U.S. 353, 357–58 (1963).

[98] *See* Yick Wo v. Hopkins, 118 U.S. 356, 370 (1886). "[T]he very idea that one man may be compelled to hold his life . . . at the mere will of another, seems to be intolerable in any country where freedom prevails . . ." *Id.*

[99] 310 F. Supp. 293 (E.D. Wis. 1970).

[100] *Id.* at 302. *Contra,* Rosen v. Louisiana State Board of Medical Examiners, 318 F. Supp. 1217, 1230–31 (E.D. La. 1970).

[101] 381 U.S. 479 (1965).

[102] 71 Cal. 2d 954, 458 P. 2d 194, 80 Cal. Rptr. 354 (1969).

[103] Babbitz v. McCann, 310 F. Supp. 293, 302 (E.D. Wis. 1970).

[104] *Id.* at 301.

[105] 381 U.S. 479, 485 (1965). *See also* Dixon, *The Griswold Penumbra: Constitutional Charter For An Expanded Law of Privacy?*, 64 Mich. L. Rev. 197, 198 (1965); Kauper, *Penumbras, Peripheries, Emanations, Things Fundamental and Things Forgotten: The Griswold Case,* 64 Mich. L. Rev. 235 (1965).

[106] 381 U.S. 479, 486 (1965).

[107] *See, e.g.,* Cotner v. Henry, 394 F. 2d 873, 875 (7th Cir. 1968); Lewis v. Stark, 312 F. Supp. 197, 206 (N.D. Cal. 1970); People v. Belous, 71 Cal. 2d 954, 963, 458 P. 2d 194, 199, 80 Cal. Rptr. 354, 359 (1969).

[108] 71 Cal. 2d 954, 458 P. 2d 194, 80 Cal. Rptr. 354 (1969).

[109] *Id.* at 963, 458 P.2d at 199, 80 Cal. Rptr. at 359.

[110] *See, e.g.*, Loving v. Virginia, 388 U.S. 1, 12 (1967); Criswold v. Connecticut, 381 U.S. 479, 485, 486 (1965); Skinner v. Oklahoma, 316 U.S. 535, 536, 541 (1942).

[111] *See* Note, *Abortion Reform: History, Status, and Prognosis*, 21 Case W. Res. L. Rev. 521, 545 (1970).

[112] *Id.*

[113] Babbitz v. McCann, 310 F. Supp. 293, 302 (E.D. Wis. 1970).

[114] Modern science regards the unborn child as a human being from the moment that the male spermatazoa fertilizes the female ovum to form the zygote. *See* Comment, *Therapeutic Abortion—The Psychiatric Indication—A Double-Edged Sword?*, 72 Dick. L. Rev. 270, 282 (1968). The conceptus is qualitatively distinct from the elements, spermatazoa and ovum, which meet to form it. The newly conceived being possesses what is not possessed by these individual components: the genetic code, the transmitter of all those potentials which make men human. *See* Louisell, *supra* note 18, at 247 n.71.

[115] One important reservation should be noted at this point. Although the constitution would not appear to be available to protect the unborn child from such abuses, this fact alone would not preclude the various state legislatures from prohibiting such activities by statute. In light of the repugnancy of such practices, such a legislative response would seem very likely.

[116] *See* Raleigh Fitkin-Paul Morgan Memorial Hosp. v. Anderson, 42 N.J. 421, 423, 201 A.2d 537, 538 *cert. denied*, 377 U.S. 985 (1964); Hoener v. Bertinato. 67 N.J. Super. 517, 521, 171 A.2d 140, 144 (1961).

[117] *See* Louisell, *supra* note 18, at 247–48.

[118] *See* authority cited note 90 *supra*.

[119] *See* L. Lader, Abortion 36 (1966); Lucas, *supra* note 6, at 741.

[120] *See* Leavy § Kummer, *Abortion and the Population Crisis; Therapeutic Abortion and the Law; Some New Approaches*, 27 Ohio St. L.J. 647, 665 (1966).

[121] *Id.*

[122] *See* Incest, 7 Int'l Encyc. Soc. Sci. 115, 117 (1968).

[123] The controversy over the thalidomide babies seems to be a case in point. *See* Kutner, *supra* note 5, at 8.

[124] *Id.*

[125] Ordinarily, one may not claim standing to vindicate the constitutional rights of some third party. *See, e.g.*, Barrows v. Jackson, 346 U.S. 249, 255 (1953); Tileston v. Ullman, 318 U.S. 44, 46 (1943); Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 347 (1935) (concurring opinion).

[126] *See* Brown, *Recent Statutes and the Crime of Abortion*, 16 Loy. L. Rev. 275, 275–76 (1970); Iowa Code § 701.1 (1971).

[127] *See* Note, *supra* note 7, at 349 n.3.

[128] Model Penal Code § 230.3 (Proposed Official Draft, 1962).

[129] The medical justification for a legal abortion is the saving or protection of the life of a pregnant woman. *See Trout, supra* note 1, at 186. In the past, many diseases qualified as such a justification. *See Quay, supra,* note 75, at 185–200. However, many of these physical ailments are no longer justifiable as legal abortion jusifications because of medical progress. *See Trout*, supra note 1, at 180. Since at present pregnancy is seldom a serious threat to the life of the mother, any of the medical justifications for a legal abortion are liberally interpreted to include indications that fall far short of a necessity to prevent imminent danger to the life of the mother. *Id.* at 179. Therefore, event though medical justifications have decreased in number, precision is lacking because of the liberal interpretation placed on these justifications.

[130] Psychiatric justification for a legal abortion is the most ambiguous of all the justifications forwarded in the reform statutes. Psychiatrists cannot agree, even among themselves, as to what constitutes a valid psychiatric justification. *See* Niswander, *supra* note 96 at 414. Several factors such as deception of the psychiatrist by the patient and deception of the patient by subconscious conviction render diagnoses uncertain. *See* Brown, *supra* note 126, at 282. It is interesting to note that in one study completed in Sweden, those women who had threatened suicide when refused an abortion unanimously failed to carry out the threat. *Id.*

[131] The eugenic justification switches the emphasis from the mother to the unborn child. It is assumed that life with deformities is worse than no life at all. At best, such an assumption is on precarious footing. Even taking such an assumption as true, the prediction of deformity cannot as yet be certain. *See* Brown, *supra* note 126, at 283. Hospitals must rely on a calculation cf probabilities and must make the subjective selection of certainty with which they wish to deal.

[132] The humanitarian justifications for a legal abortion are incest and rape. These justifications probably provide the most precise standard of those accepted by the reform states because the limitations of incest and rape are generally defined statutorily.

[133] N.Y. Penal Law ch. 127 (1970).

[134] Iowa Code § 701.1 (1971).

WORLD GOVERNMENT BY THE UNITED NATIONS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. RARICK. Mr. Speaker, evidence continues to mount demonstrating the uncontrovertible fact that the United Nations is but a ploy to establish one-world government.

Of unusual importance is the article entitled "World Government Via the United Nations," published by the Herald of Freedom for January 21, 1972.

The article is especially significant in the light of President Nixon's remarks today in his state of the Union message concerning disarmament.

I ask that this illuminating article be inserted in the Record at this point, followed by the "Observations" of the Sixth Conference on the United Nations of the Next Decade, held June 20–26, 1971, at Sinaia, Rumania and a list of participants in prior conferences. This conference was sponsored by the Stanley Foundation, which enjoys tax-exempt status from our Government.

The article follows:

[From the Herald of Freedom, Jan. 21, 1972]

WORLD GOVERNMENT VIA THE UNITED NATIONS

While Captive Nations Day is on its way out, United Nations Day has the blessings of the powers that be. By proclamation of President Richard M. Nixon, October 24, 1971 was designated United Nations Day, with the proclamation entered in the Federal Register on July 13, 1971. In his official statement, the President stated: "Reviewing the work of the United Nations since 1945, we can see a substantial record of accomplishment in the world body's major areas of endeavor—'to save succeeding generations from the scourge of war . . . and to promote social progress and better standards of life in larger freedom'. . . ." Congressman John R. Rarick commented aptly: "Nowhere in our President's proclamation does he advise the American people that the U.N. is the most illegal, undemocratic, atheistic trap that has ever been set for free men and which continues to be financed by U.S. tax dollars. . . . How could the U.N. speak or represent the people of the world when first there is not an elected representative in the U.N., and second, over two-thirds of the votes of the U.N. General Assembly do not even represent 10 percent of the peoples of the world."

In his official U.N. statement, Mr. Nixon stated: "I also call upon the appropriate officials to encourage citizens' groups and agencies of communication—press, radio, television, and motion pictures—to engage in appropriate observance of United Nations Day this year in cooperation with the United Nations Association of the United States of America and other interested organizations."

President Nixon is promoting world government through the U.N. and cooperation with the United Nations Association of the U.S.A., which is working for the destruction of our independent nation, in spite of the fact that public law 92–77 of the 92nd Congress, which passed as House Resolution 9272 and was signed into law August 10, 1971, contains under title 1, section 104:

"None of the funds appropriated in this title shall be used (1) to pay the United States contribution to any international organization which engages in the direct or indirect promotion of the principle or doctrine of one world government or one world citizenship; (2) for the promotion, direct or indirect, of the principle of doctrine of one world government or one world citizenship.

"This title may be cited as the 'Department of State Appropriation Act, 1971.' "

The United Nations Association of the U.S.A. has been working toward the objective of World Government for many years and, in September 1971, sponsored a panel meeting headed by Nicholas deB. Katzenbach, whose leftist record is well known. Also heading the panel was Harlan Cleveland, former U.S. representative in the North Atlantic Treaty Organization, a serious security risk who has been an active case in one of our intelligence agencies for years with the continuing investigation falling in the category of "Espionage." A third leader of the panel was Philip M. Klutznick, former U.S. representative in the United Nations Economic and Social Council. Among the recommendations of this organization were: early entry of the People's Republic of China (which has already been accomplished); the admission to the U.N. of North Korea and North Vietnam; a standing U.N. force for peacekeeping (which is in effect a world police).

Among the other members who participated on the panel were: Lincoln P. Bloomfield, of M.I.T., an advocate of total disarmament; Andrew W. Cordier, a serious security risk who was closely associated with Alger Hiss; Ernest A. Gross, a former U.S. representative to the U.N. and another security risk; Donald S. Harrington, Unitarian minister of Community Church of N.Y. who has a long affiliation with Communist fronts according to published reports; Philip C. Jessup, former judge of the International Court of Justice, whose Communist front record has clearly been established by congressional committees; Joseph E. Johnson, president emeritus of Carnegie Endowment for International Peace, another leftist; Charles W. Yost, former U.S. Ambassador to the U.N. and protege of Alger Hiss.

Another organization which is gun ho for World Government is the United World Federalists. On Nov. 3, 1971 ——— inserted into the Congressional Record, an article entitled "The Prespects for World Government" written by former U.S. Senator Joseph S. Clark, president of this organization.

* * * * *

"There would be general and complete disarmament of the nation-states under a system of strict international control. Authority would be given to the world government and its agencies to monitor the disarmament process and to assure that none of the nation-states rearmed themselves thereafter."

Mr. Clark pointed out that useful studies, looking towards achievement of world government by small steps, have been prepared under the auspices of the United Nations Association. His organization, the United World Federalists, is associated with other world government advocates operating in many countries. Commenting on possible opposition to world government, World-Federalist president Clark stated:

"Old-fashioned patriotism is surely an obstacle to world government. Dr. Johnson's view that 'patriotism is the last refuge of a scoundrel' has fewer adherents than those who proclaim with Stephen Decatur, 'Our country . . . may she always be in the right; but our country, right or wrong.'

"When the flag flies and the band plays and the drums beat and the troops march and the Veterans of Foreign-Wars and the American Legion parade, the 'silent majority,' at least in the United States, still tends to respond. This would be particularly true with blue-collar workers, hardhats, white collar engineers, and scientists in the military-industrial field if world government became a practical threat to their jobs. It is true today with many of them in this country and abroad when it comes to winding up the arms race and the war in Vietnam, or bringing a peace to the Middle East that might inhibit the manufacture and sale of arms. And of course one could count on the opposition of the military forces of all of the nation-states."

In anticipation of the setting up of a U.N. police force, the Communists have been most cooperative. The U.P.I. reported that early in October 1971 Communist Poland offered to the U.N. a standby force from its army for possible use in "peacekeeping" operations. Poland is the second Soviet bloc nation to offer its troops to the U.N. for peacekeeping, the other offer having been made two years ago by Czechoslovakia. The United World Federalists, the American Association for the U.N. and similar propagandists have long been urging the strengthening of the United Nations by granting it control of a world police force. While a member of Congress, Richard Nixon backed such a plan.

The admission of Red China into the U.N., a project of Presidential Adviser Henry Kissinger, was brought about through the behind-the-scenes maneuvering of the U.S. State Department and the U.S. representatives to the U.N., all with the approval of President Nixon, in spite of the fact that the U.N. Charter itself would prohibit the admission of Red China to the U.N. This is the same Red Chinese dictatorship which the U.N. condemned as an aggressor in 1951, a condemnation which still stands inasmuch as there has been no peace in Korea—only an uneasy cease fire with Americans still becoming casualties whenever the Reds desire propaganda fodder.

It was known to the Nixon Administration that the Senate Internal Security Subcommittee report, "The Human Cost of Communism in China," estimated that up to 63 million persons had been killed as a result of Communist activities in Red China. Congressman John Schmitz observed: "If the United Nations is so devoid of justice, reason, morality, and sound purpose as to bring the Red Chinese in, thus helping to seal forever the fate of over 750 million people then it is time the Congress return from myths to common sense and end our participation in the United Nations."

General Charles Willoughby, former Chief of Intelligence for General Douglas MacArthur, pointed out in a reecnt article that the U.N. Charter decleares for self-determination, non-aggression, and peace and security, yet the U.N. has permitted the Communist dictators to take over more than 13 countries and 7 times the population of the U.S. (one-third of the world's people). General Willoughby further observed that the United Nations failed to restore freedom to Latvia, Lithuania, Estonia, Poland, East Germany, Bulgaria, Rumania, Czechoslovakia, Yugoslavia, and China; failed to help freedom fighters in their blood bath in Hungary; failed to prevent the rape of Tibet; failed to prevent Communist take-over in North Korea, North Vietnam and Laos; failed to prevent Communist take-over in Cuba; failed to prevent India's take-over of Goa; failed to allow self-determination and freedom to Katanga; failed to prevent warfare between Israel and the Arab States.

World government advocates are trying to establish, through the U.N., a world government which would eliminate the sovereignty of the U.S. In order to bring this about they are pushing several programs which will further their objectives. One of these is the U.N. Genocide Convention on the prevention and punishment of the crime of genocide. The State Department's Bureau of Public Affairs Document P-611 dated April 26, 1971 stated that President Nixon, in a message to the Senate on February 19, 1970 urged the Senate to consider anew this convention. The one-worlders have been trying to get the Genocide Convention through the U.S. Senate ever since President Truman urged it in 1949.

Part of the genocide trap would be to make individuals who commit "mental genocide" (which could be interpreted as making uncomplimentary remarks about Communists and others) subject to prosecution in a United Nations court. Since there is no such court at the present time, a program has been proposed to set up an International Criminal Court for the specific purpose of trying individuals.

The Foundation for the Establishment of an International Criminal Court was incorporated as a California general non-profit corporation on April 24, 1970, with trustees shown at the time as Robert K. Woetzel (Pres.), Sheila Woetzel (V.P.), John W. Ervin (Secy.), Patricia Ervin, Marvin H. Lewis (Treasurer). According to their articles of incorporation their stated purpose is: "To educate and assist in the establishment of an international criminal law and formation of an international criminal court for the definition of certain international crimes and the punishment and procedures relating thereto.

"Co-sponsor with the International Criminal Law Commission of the World Peace Through Law Center in a conference on international criminal law to be held in 1971, the purpose of which will be to establish in writing a Convention on Crimes Against Humanity, to determine categories of crimes, defenses and excuses, and methods of implementation, taking into account the Charter and Judgment of the International Military Tribunal at Nuremberg, the Genocide Convention, the Geneva Convention of 1949, the Draft Code of Offenses Against Peace and Security of Mankind. Other specific activities of the Foundation are to acquaint the public, governments, and non-governmental organizations with the principles of international criminal law, in particular the Draft Convention and Statute resulting from the proposed conference of experts, through published materials, books, pamphlets and radio and television tapes of pertinent discussions, holding of educational seminars and meetings which will educate persons with respect to the importance of international criminal law, the clarification and applicability of international courts and other instruments of international criminal law like the Geneva Convention of 1949 and the Draft Code of Offenses Against the Peace and Security of Mankind."

The Convention on International Criminal Law was held by the World Peace Through Law Center at Belgrade, Yugoslovia in July of 1971. One of the prominent individuals present was former Chief Justice Earl Warren, who was a founder of the movement in 1959 and who spoke as chairman of the United Nations Association of the U.S.A. He told the Belgrade convention that there should be standing forces (U.N.) to carry out peacekeeping functions.

Another address given before the Fifth Peace Through World Law Convention was made by Robert K. Woetzel (mentioned previously) on July 24, 1971, in which he stated:

"It is wisest to pursue a path which will convince various parties concerned that it is in their interest to abide by minimal restraints on exercises of power both in war and peace; a way must be found to demonstrate convincingly that the common good of mankind is served through international criminal law . . . In connection with the dangers of nuclear conflict, one might also speculate on the possibility of making individuals such as scientists who aid and abet the production of nuclear weapons in violation of the non-proliferation treaty, criminally liable for their actions. . . The list of offenses described above is of course not exhaustive; it might be wise to begin with few crimes and then to allow States to add to the jurisdiction of an international authority as they have opportunity to observe it in action. For example, so-called ecological crimes or criminal pollution of the environment that affects several States might be a proper subject for prosecution and could be added if it is not included in the original jurisdiction. Furthermore, certain offenses such as violation of right of racial, ethnic, religious, political, economic, and culturally divergent groups involving humiliations, denial of justice, deprivations of ordinary human rights, and infringements on their cultural heritage could fall under international criminal jurisdiction, if States so decided. The aim is to begin small and to enlarge scope as time progresses. With growing consensus concerning a definition of aggression it is hoped that eventually crimes against peace may also become the proper subject of criminal prosecution internationally."

After meeting in Communist Yugoslavia, there were further developments. Late in September a group of lawyers, jurists, and scholars met at Racine, Wisconsin for the first International Criminal Law Conference to work out plans for the establishment of an International Criminal Court which could try individuals from any nation. The Conference proposed that the new Court be a tripartite body made up of a tribunal, an investigating magistrate, and a commission. The magistrate would investigate all cases; the commission would return indictments; and, the tribunal would hear those cases recommended to it. Under the plan the International Criminal Court would hold national officials responsible for untoward acts carried out while in office. Under its charter, however, it might try any citizen of the world for any crime down to "pollution."

Gerhard O. W. Mueller, a noted authority on criminal law and New York University law professor, proposed that the former Reichstag building in Berlin and the surrounding land be given to the U.N. to house the proposed International Criminal Court. The group plans to hold a conference in Europe in March 1972 with broader international representation, and in the meantime their recommendations are to be transmitted among the international diplomatic community.

Robert K. Woetzel, who is a Boston College professor of international law and politics, has told the New York Times that the new world criminal court could be established as early as 1974. Woetzel, president of the tax-exempt Foundation for the Establishment of an International Criminal Court, was formerly on the staff of the notorious Center for the Study of Democratic Institutions and has quite a record. On October 29, 1965, an article appeared in Saturday Review, written by Woetzel, supporting abolition of our laws against homosexuality, a subject in which he has a personal interest. On November 24, 1955, at 1:15 a.m., Robert Woetzel was arrested at Lafayette Park, Washington, D.C., on a morals charge. (D.C. police identification number 150–070.) At the time of his arrest several letters from prominent persons were found on his person. One of them, from the late Adlai Stevenson, began "Dear Robert" and thanked Woetzel for his recent visit; another "friendly" letter was from an important former U.S. Ambassador.

The Foundation for the Establishment of an International Criminal Court, while originally the creation of Dr. Woetzel, has the support of many important people. Among the international consultants and international law review committee are: Rt. Rev. Giovanni Abbo (member of The Vatican Secretariat); Prof. Roberto Ago (professor of Law, Rome Univ., member United Nations International Law Commission); Prof. Maxwell Cohen (Professor of Law, McGill Univ., Canada); Prof. Jean Graven (Pres. International Assoc. of Penal Law, Switzerland); Prof. Hans-Heinrich Jescheck (Director Max Planck-Institute, Freiburg, Germany); Prof. Paul Reuter (Professor of Law Univ. of Paris, member U.N. International Law Commission); Prof. B.V.A. Roeling (Secretary Gen. International Peace Research Assoc., Netherlands); Hon. A.N.R. Robinson (Port of Spain, Trinidad and Tobago); Prof. Ulrich Scheuner (Prof. of Law, Bonn Univ., Germany); Prof. Georg Schwarzenberger (Prof. of Law, University College, London); Prof. Telford Taylor (Prof. of Law Columbia University); Prof. Jacques Freymond (vice president International Committee of the Red Cross); Hon. Manfred Lachs (Judge, International Court of Justice); Dr. Egon Schwelb (Off. of Legal Affairs, U.N.); Dr. Borko D. Stosic (World Peace Through Law Center, Geneva).

Under the guise of strengthening the U.N. or promoting peace, a number of organizations are promoting world government; some openly, like the United World Federalists and the American Movement for World Government, Inc. of New Canaan, Conn.; others, like the Atlantic Union, hope to bring it about by first setting up regions. The U.N. has become nothing more than a Communist front organization and the forerunner of a world government with a world peacekeeping (police) force, taxation, monetary system and controls. Congressman John Schmitz introduced a bill HR 2632 to rescind and revoke membership in the U.N. and the specialized agencies thereof. On October 27, 1971 Congressman John Rarick filed Discharge Petition No. 10, and the signatures of 218 congressmen are necessary to discharge the bill for a house vote. Passage of H.R. 2632 would remove the United States from the U.N. and the U.N. from the United States. . . . thus freeing our people from the ever-tightening yolk of international controls and the erosion and final elimination of national sovereignty and constitutional government.

OBSERVATIONS

The following comments, prepared by the Conference Chairman, touch upon several points pertinent to the United Nations of the Next Decade. They concern matters discussed at Sinaia and prior conferences, but go beyond the conference statements.

UNIVERSALITY

The Sinaia Conference developed a further argument for universality of membership in the United Nations, a recommendation of each of our five prior conferences. The effective handling of global enviornmental problems requires the cooperation of all nations as do the problems of international peace and security. For instance, the People's Republic of China should participate in discussions on atmospheric pollution, and both East and West Germany should be involved in any regional effort to abate pollution in the Baltic Sea.

AUTHORITY

While the participants generally agreed upon the essential need of international cooperation in dealing with global environmental problems, sharp differences were evident regarding the authority that should be delegated to the United Nations. Some participants would set up an organizational structure within the United Nations and endow it with supranational authority in these areas. They believe that nothing less than such authority would be adequate to deal with serious environmental problems approaching the threshold of irreversibility. Other participants would use the United Nations primarily as a clearing house and coordinating body, implementing action through a series of regional or global treaties. The Conference Chairman believes the conference tended to underestimate the degree of authority needed to cope with the threats to the global environment.

UNITED NATIONS PERFORMANCE

The need for improving the performance of the United Nations through organization and procedural changes was expressed by many participants. Criticism of the Economic and Social Council was particularly noticeable during the discussion of appropriate organizational structure for environmental management in the United Nations. Such comments gave weight to recommendations of prior conferences regarding the urgency of early improvement and strengthening of the processes by which the United Nations organizations operate. Several participants commented upon the general thrust of conferences held in May, 1970, and May, 1971, dealing [1] with procedural and organizational improvements at the United Nations. Undoubtedly, concern over the control, coordination and the effectiveness of United Nations organization, particularly ECOSOC, influenced the opinions of many participants on organizational matters.

THE OCEANS

A high degree of consensus was apparent regarding the need for environmental controls in our oceans. Unquestionably, this would seem to be an area where it will be easier for the nations to agree upon a United Nations role. In addition, there was agreement that there is enough scientific information now available for international action.

At our Fourth Conference (1969), the participants agreed: "The seabed is the common heritage of all mankind; the United Nations should be its trustee. The United Nations should take the lead in establishing international law for the seabed, guiding its exploration and developing and protecting the marine environment against damage."

At Sinaia, there appeared to be a general sentiment that the fragile biological system of the marine environment was deserving of special concentration at the 1972 Stockholm Conference. It was also felt that regional action in such areas as the Mediterranean and Baltic Seas was mandatory, and some hopeful progress in these areas was duly noted. The very important question of a seabed or ocean authority was not discussed in any substantive fashion at this conference because these subjects had been dealt with in previous conferences.

DEVELOPMENT

The Statement of the Sixth Conference emphasizes that environment and development are interrelated and suggests principles for reconciliation of divergent views on this question. Nevertheless, the range of disagreement on this issue during the conference was very evident. Participants from less developed countries were critical of the industrialized nations, blaming them for global pollution. They contended that the developed countries, having done tremendous damage to the global environment and having exploited resources of the less developed countries, must provide the leadership in the environmental effort and bear its major costs. Reconciliation of the opposing points of view regarding environment held by the developed and developing nations is crucial to the implementation of an adequate program within the United Nations to cope with global pollution.

Whether speaking on environmental degradation, population, or resource management, participants from the developing countries put great emphasis on the ability of science and technology to provide long-term answers. Such unlimited faith in science and technology tends to obscure the need for greater attention to the political, economic, and management aspects of these problems.

POPULATION AND RESOURCES

Few participants at Sinaia were ready to confront population and resources as global problems related to environment. Rather, they were viewed as individual problems of certain nations. The Conference Chairman predicts that within a few years both population and resources will come to be recognized as serious factors affecting the environment of the world.

URGENCY

Our discussions clearly revealed that the attitudes of nations toward environment vary with their current exposure to pollution. The more developed and more polluted nations have a greater sense of urgency. Those developing nations experiencing little industrial pollution quite obviously are less concerned and have less understanding of the complexities of environmental problems.

BASIC ROLE

The majority of the participants strongly supported the view that United Nations activities in the field of environment must not be permitted to interfere with its other basic roles (international peace and security, disarmament, economic and social development, human rights and decolonization). However, there was also a strong sentiment among a few participants that the problems of the global environment were as pressing and vital as any of the historic roles of the United Nations. Finally, a significant minority of the participants were of the very definite opinion that progress in functional areas such as the environment and ocean management would, in the long run, provide needed impetus for improving the effectiveness of the United Nations in carrying out its primary functions.

PARTICIPANTS OF PRIOR CONFERENCES

H.E. Chief S. O. ADEBO, Nigeria, Executive Director of United Nations Institute for Training and Research.

H.E. Mr. Richard M. AKWEI, Permanent Representative of Ghana to the United Nations.

Mr. Ward P. ALLEN, Deputy Assistant Secretary, Bureau of International Organization Affairs, United States Department of State.

The Hon. Warren ALLMAND, Member of Parliament, Canada.

* * * * *

The Hon. Benigno AQUINO, Opposition Leader of the Philippine Senate.

---

[1] Report of Conference on Organization and Procedures of the United Nations, May, 1970.

Report of Second Conference on Organization and Procedures of the United Nations, May, 1971.

Available from The Stanley Foundation, Stanley Bldg., Muscatine, Iowa 52761.

The Hon. Zulfikar Ali BHUTTO, former Foreign Minister of Pakistan.

Mr. Andrew BOYD, Great Britain, Foreign Affairs Editor of *The Economist.*

H.E. Mr. William B. BUFFUM, Ambassador of the United States to Lebanon.

General E. L. M. BURNS, former Advisor to the Government of Canada on Disarmament.

M. Robert BURON, France, former President of Development Center of the Organization for Economic Cooperation and Development.

Mr. Grenville CLARK, United States (deceased), Co-author of *World Peace Through World Law.*

H.E. M. Sori COULIBALY, Minister for Foreign Affairs and Co-operation, Mali.

H.E. Mr. Karoly CSATORDAY, Director, Department of International Organization at the Ministry of Foreign Affairs, Budapest.

H.E. M. Gabriel M. d'ARBOUSSIER, Senegal, Ambassador to the Federal Republic of Germany.

The Hon. Gordon FAIRWEATHER, Member of Parliament, Canada.

The Hon. Per FEDERSPIEL, Member of Danish Parliament, Liberal Party; former Minister for Special Affairs of Denmark.

* * * * *

The Hon. Per HAEKKERUP, Political Spokesman of Social Democratic Party in Danish Parliament; former Foreign Minister of Denmark.

H.E. Mr. Edvard HAMBRO, President of the Twenty-Fifth Session of the United Nations General Assembly; Permanent Representative of Norway to the United Nations.

Dr. Ahmad HOUMAN, Iran, former Assistant to the Prime Minister and Vice Minister of the Imperial Court.

Sir Muhammad Zafrulla KAHN, Pakistan, President of International Court of Justice; President of Seventeenth Session of United Nations General Assembly.

Mr. I. T. KITTANI, Iraq, Deputy to Assistant Secretary-General for Inter-Agency Affairs.

Mr. Hermod LANNUNG, Member of Danish Delegation to the United Nations.

H.E. Mr. Murray MACLEHOSE, Ambassador of the United Kingdom to Denmark.

H.E. Lij Endalkachew MAKONNEN, Minister of Communications, Telecommunications and Posts, Ethiopia.

Senior Licenciado Don Gustavo MARTINEZ CABANAS, former Commissioner of Technical Assistance for the United Nations to Mexico.

H.E. Mr. Leo MATES, Director, Institute for International Politics and Economics, Belgrade; former Ambassador of Yugoslavia to United States and United Nations.

H.E. Mr. Akira MATSUI, Chairman, Atomic Energy Commission of Japan; former Ambassador of Japan to France.

The Hon. Jose Antonio MAYOBRE, Venezuela, former Executive Secretary of United Nations Economic Commission for Latin America.

Dr. Grigori I. MOROZOV, Chief of International Organizations Division, Institute of World Economics and International Relations, Academy of Sciences, U.S.S.R.

* * * * *

H.E. Mr. B. K. NEHRU, India, Governor of Assam; former Ambassador to the United States.

* * * * *

H.E. Mr. Sivert A. NIELSEN, president of Bergens Privatvank; former ambassador of Norway to the United States.

H.E. Mr. Glen A. OLDS, former Ambassador of the United States to the United Nations.

The Hon. Mr. C. Torsten W. ORN, former First Secretary of Political Affairs of the Swedish Mission to the United Nations.

H.E. Dr. Adnan PACHACHI, former Ambassador of Iraq to the United Nations.

H.E. Mr. Anand PANYARACHUN, Acting Permanent Representative of Thailand to the United Nations and Ambassador to Canada.

H.E. Mr. S. Edward PEAL, Ambassador of Liberia to the United States.

H.E. Senor Jose PINERA, former Permanent Representative of Chile to the United Nations.

H.E. Mr. David H. POPPER, Ambassador of the United States to Cyprus.

Dr. Boris P. PROKOFIEV, Deputy Chief of the International Organizations Department, Ministry of Foreign Affairs, U.S.S.R.

Dr. Luis QUINTANILLA, Mexico, former President of the Council, Organization of American States.

H.E. Dr. Majid RAHNEMA, Minister of Science and Higher Education; former Ambassador of Iran to Switzerland.

The Hon. Jose ROLZ-BENNETT, Guatemala, former Under Secretary-General for Special Political Affairs, United Nations.

General Carlos P. ROMULO, Secretary of Foreign Affairs of the Philippines; President of the Fourth Session of the United Nations General Assembly.

H.E. Mr. Zenon ROSSIDES, Permanent Representative of Cyprus to the United Nations.

Mr. Clyde SANGER, Correspondent at United Nations for *Manchester Guardian* and *The Economist.*

H.E. Mr. Samar SEN, Permanent Representative of India to the United Nations.

Dr. Vladimir G. SHKUNAEV, Head of United Nations Political Studies Section, Institute of World Economics and International Relations, Academy of Sciences, U.S.S.R.

Mr. Konstantin SMIRNOV, Embassy of the U.S.S.R., Belgrade.

The Hon. Zdenko STAMBUK, Chief Editor of *Review of International Affairs* and Member of the Federal Parliament of Yugoslavia.

The Hon. M. van der STOEL, Member of Parliament, Netherlands.

The Hon. A. Z. N. SWAI, Tanzania, Minister of State for the Union.

H.E. M. Piero VINCI, Permanent Representative of Italy to the United Nations.

Dr. Urban WHITAKER, Dean of Undergraduate Studies, San Francisco State College.

Dr. Alexander YANKOV, former Counsellor of Permament Mission of Bulgaria to the United Nations.

Dr. Hideki YUKAWA, Japan, Director of Research Institute for Fundamental Physics, Kyoto University: Nobel Prize in Physics, 1949.

H.E. M. Maxime-Leopold ZOLLNER, Permanent Representative of the Republic of Dahomey to the United Nations.

Rapporteurs:

Mr. Andrew BOYD, Great Britain, Foreign Affairs Editor of *The Economist.*

Mr. Robert H. ESTABROOK, former United Nations Correspondent, *The Washington Post.*

Mr. Lee W. HUEBNER, White House Staff Assistant.

The Hon. David M. STANLEY, Attorney at Law; former Iowa State Senator.

Mr. Richard H. STANLEY, Vice President, The Stanley Foundation.

HON. COURTNEY WARREN CAMPBELL

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. ROGERS. Mr. Speaker, it is always a sad occasion to mark the passing of a friend. It is indeed a sadder occasion to mark the passing of a man who devoted a large portion of his life to the service of his State and Nation. Courtney Warren Campbell was such a man, and the State of Florida lost an outstanding citizen upon his passing December 22, 1971. Courtney Campbell served his country well for many years, as a Member of the House of Representatives, as a soldier in World War I, and in many positions in the State of Florida for which he will long be remembered by grateful Floridians for the accomplishments he leaves with us. The very fact that Courtney Campbell will be remembered for his service to his fellow man is a lasting testament to the type of person he was and the life he led. The renaming of Davis Causeway in Florida to Courtney Campbell Causeway over his protests is but another indication of the character of this man and the esteem in which he was held by his contemporaries. The people of Florida, indeed the Nation, have lost a great man, and my deepest sympathy goes out to Courtney Campbell's wife, Henrietta.

NORTONVILLE MUST BE SAVED

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. WALDIE. Mr. Speaker, there is great anxiety in my district regarding a proposed strip-mining operation which may be approved by the Interior Department.

I sincerely hope that the Land Appeals Board, which is considering the mining claim in the Nortonville-Somersville area, heeds the wishes of this area's residents.

Recently Richard L. Davis, managing editor of the Contra Costa Times, wrote an excellent column on this issue. Mr. Speaker, this article captures the spirit of the conflict over this area's future.

The article follows:

NORTONVILLE MUST BE SAVED: "BLESS THE BEASTS AND CHILDREN"

Frankly, I've been neither an environmental nor ecological nut, believing each time the PG&E strings a new power line the country is going to hell in a handbasket.

But Nortonville . . . now that's another thing.

Here's an area in the shadow of Mount Diablo, an area that is just now recovering from the scars of rape which have taken almost a century to heal, and yet another mining operation is proposed.

Nortonville at one time led the Central Contra Costa County area in population, with its Welsh miners, three railroads. It is rich not only historically but also botanically with its masses of wild flowers covering a wide region in spring.

Nearly a decade ago, Contra Costa County, just before it was annexed to the East Bay Regional Park District in 1964 for park purposes, envisioned a 2600-acre park in this area that would serve our future population.

Just after the East Bay Regional Park District took over jurisdiction it discovered part of this—360 acres—were in public domain and could be purchased for $2.50 an acre, or $900. In fact, this may be the only public domain property available in the entire county.

However, it seems a prior mining claim was filed by La Sal, Utah, exploration geologist Steven Kosanke, and now Nortonville could quite possibly become the headquarters for establishment of a 25 million-ton strip sand mine. The silica sand there is a prerequisite to glass making.

At present, a legal argument over this property is before the Interior Department's Appeals Board where a reversal is being sought to put the 360 acres back into park district jurisdiction.

The point, as we see it, is that Contra Costa County has precious little property left—perhaps none at this $2.50-an-acre price—that could so suitably be set aside not only in the interest of ecology and the environment but for the young "wild beasts and children," not to mention the flowers, of the future.

In this instance, we believe the public good should be considered ahead of private enterprise which certainly can find in this vast land of ours other areas containing silica sand.

We believe if the trial examiner in Sacramento would take further testimony he would find ample reason to reconsider this case in light of future recreation and park requirements of Northern California, Contra Costa County and its residents.

The 100-year-old mining law under which the claim was filed might also be studied carefully to determine if things couldn't possibly have changed—environment, ecology, etc.—since this law was enacted. We would be surprised if it does not prove to be totally antiquated by developments of a modern society.

The county supervisors, Rep. Jerome R. Waldie, the Sierra Club, East Bay Regional Parks District, the Coal Mines Coalition, and the organization SANE (Save America's Natural Environment), along with numerous individuals in Northern California, have expressed opposition to the mining operation for precisely the reasons we have expressed here.

Of course no court or appeals board likes to reverse itself, but we believe that if the record is re-opened to environmental considerations—a point on which we understand the record is currently silent—perhaps a reversal would be in order. We would hope so.

Neither the county nor the park district, neither of which could afford to develop the land over the past few years, has been idle, however.

There is approximately $250,000 in state park bond funds available for development of what is called "Coal Mines Regional Park"—Nortonville—today, along with $500,000 from EBRPD which is seeking matching federal funds. This would add up to $1,250,000 (ideally) for development of one of the last remaining (if not the last) public domain areas—at $2.50 an acre.

If Nortonville eludes Contra Costa County as a park and recreation site, the most desirable hookup with the 772-acre linkup with Contra Loma Park simply could not take place.

And anyone surveying Contra Costa County and projecting its growth over the next 50 years can certainly understand there is a most serious need in Northern California and Central Contra Costa County for all the park and recreation area we can beg, borrow or maybe even horse-trade!

THE SHAH OF IRAN SPEAKS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. HAMILTON. Mr. Speaker, the Shah of Iran's unique perspective on the political situation in the Persian Gulf and the Indian Ocean and his views on his country's role in these regions are enunciated in a good and concise article which appeared in the Christian Science Monitor this week. As Iran emerges as an Asian and Middle East power, we will continue to hear its voice in the international arena. This article is a good introduction to the Shah's thinking, and I recommend it to my colleagues:

Iran Sounds Warning—Do Not Rock Boat in West Pakistan

(By John K. Cooley)

Tehran, Iran.—Disruption of West Pakistan's unity would pose grave international problems, Shah Muhammad Reza Pahlavi of Iran has warned.

The Indo-Pakistani war has left a "dangerous situation" in the Indian subcontinent and adjoining Indian Ocean and Persian Gulf areas, the shah told a small group of American and Swiss newsmen in a private audience here.

"If West Pakistan remains strong and united the danger is less," the shah added. "But if ever what happened on the other side" (the recent India-backed secession of East Pakistan and creation of Bangladesh) "disrupts the unity of West Pakistan, that would pose very grave problems for us and for all the international community."

The shah called the Indian Ocean a "zone of troubles" and said Iran would make "efforts and counterefforts in its defense," since it adjoins Iran and "our own Persian Gulf."

He said Iran might install new bases on its own southern territory, but new measures would "depend on the situation in the Sea of Oman and the Arabian Sea."

SEPARATIST MOVEMENTS?

(Diplomatic sources here said Iran was seriously concerned about the possibility that Pakistan President Zulfikar Ali Bhutto might face serious separatist movements in Pakistan's western provinces of Baluchistan and Northwest Frontier, simultaneously with a leftist takeover in the Sultanate of Oman, on Iran's other flank in the Persian Gulf.

(Iran seriously considered a request from Pakistan for Iranian-piloted, U.S.-made, Phantom F-4 fighter bombers during the war with India last month, but had rejected the idea partly because there were insufficient logistical-support facilities for the Phantoms in Pakistan, the sources added.)

The shah was asked whether the Arabs' frustration over their military stalemate with Israel might turn them toward a confrontation with Iran in the Persian Gulf. Iran occupied three disputed islands, Abu Musa, and Big and Little Tunb there late last year, provoking a crisis with Iraq.

"This would be easier for the Arabs," replied the shah, "because the war danger for them would be less. . . . I don't think Iraq wants its troops on the border with Israel because they might have to fight." Iran, he continued, "would keep a cool head" in the face of the "inhuman" expulsion of over 60,000 Iranians by Iraq, but "they must understand there are limits beyond which they cannot go."

"LET US WAIT AND SEE"

The shah said, "Let's wait and see what happens after formation of the new Egyptian Government. Up to now they have been well behaved toward us."

Egyptian President Sadat reportedly asked Vice-Premier Azziz Sidky to form a new cabinet to replace that of outgoing Prime Minister Mahmoud Fawzi.

"Everything," continued the shah, "is in the context of power politics. If all the weight of the United States appears to be behind Israel, the Arabs may seek a vacuum elsewhere. They may think they can take revenge elsewhere. That would be very serious. The consequences would be equally serious if not more so because the region affected contains nearly 70 percent of the world's oil reserves."

The shah then warned, "Even if Iran is not yet a formidable military power, I don't think anyone will want to brush against us now, and especially not in five years from now."

(Iran is building a strong air-strike force around its Phantom jets, and plans to triple the size of its Navy from now to 1977.)

Iran would furnish development aid to those Persian Gulf states which would accept it, "without design or selfish interest, for humanity's sake," the shah declared. Iran's days of receiving aid from others had ended, and it would soon be a donor country, he said.

Iranian defense on the gulf, he went on, was aimed at ensuring free navigation and stability. Iran's occupation of the islands, he said, was necessary to prevent "irresponsible people" from disrupting both.

He recalled the Palestinian guerrilla speedboat Bazooka rocket attack on an Israel-bound oil tanker in the Red Sea last May. "Our oil terminal on Kharg Island," he said, "is getting a berth for 500,000-ton tankers. Think what would happen if someone, say in a motor boat, sunk such a ship" in shallow gulf waters, blocking navigation and destroying the gulf's marine life through oil pollution."

The shah said Iran had made a "firm, clear, and final" proposal at the oil-price talks last week in Geneva between oil companies and member governments of the Organization of Petroleum Exporting Countries (OPEC), due to meet again Jan. 19 to discuss the offer.

Tehran's proposal is to meet the loss of revenue caused by devaluation of the dollar by price increase of 8.57 percent.

He said Iran was studying whether to assume more control over transport and marketing of oil produced here after present concession agreements expire, beginning in 1979. He said Iran was now strong and mature enough "not to make decisions in important commercial matters out of pure nationalism," as did weaker and younger nations "who fear exploitation by others."

GOOD RELATIONS SEEN

The shah said U.S.-Iranian relations were "never better, and we need to develop what exists better than ever." A recent U.S.-Iran investment conference in New York was "important" for Iran's future.

"People in the United States," he said, now understand development problems better. And the Vietnam war has showed that "the United States cannot be the international gendarme."

Asked whether an editorial in the Tehran newspaper Etelaat Jan. 15 criticizing the United States for renewing an old agreement to base U.S. warships in Bahrain reflected Iranian Government policy, the shah replied, "We think all big powers should stay out of the gulf, including Britain, the Soviets, and the United States."

He called Soviet policy "very elastic and intelligent. Perhaps with a new U.S. policy, we'll see new approaches by others. The role of the two superpowers is going to be diluted." Mainland China was "behaving like a mature and respectable nation since its admission to the United Nations," the shah added.

He denied that Iran had requested the Soviets to moderate Iran's dispute with Iraq but said, "We kept all our friends informed about it."

The shah confirmed that new military trials were under way for guerrilla opponents of his regime.

"What you call gangsterism in America or West Germany," he said ironically, "you call opposition activity in Iran."

He said two categories of opponents faced military trial: Communists, because communism is outlawed in Iran; and terrorists who carry out armed robberies such as the holdup of a Tehran bank Jan. 9 in which the bank manager was killed. Police said this and other attacks were led by guerrillas trained in Iraq and infiltrated from there. About 250 among the 40,000 people expelled across the Iraq border into Iran had been found to be such terrorists, the police said.

The shah bitterly criticized what he termed the "unholy alliance between extreme left and extreme right" among Iranian student opponents of his regime in the United States and Europe.

"I can accept," he said, "that someone in Iran complains if he is not permitted to vote in an election here. What I cannot accept is that he sits in a room in San Francisco and attacks us here." The shah acknowledged that Iranian students in the United States and Europe are among the regime's enemies.

DEMOCRATIC LIBERALS BEHAVE IRRESPONSIBLY IN CHILD DEVELOPMENT PROGRAM

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. McCLORY. Mr. Speaker, one of the most perceptive and constructive articles on the subject of the President's veto of the comprehensive and extravagant child development bill appeared in the last issue of the Ripon Society Forum.

This thoughtful editorial by the editors of the Forum puts in clear language the views of many who voted against the measure originally—and who later acted to sustain the President's veto.

Mr. Speaker, I am pleased to insert this editorial at this point in the RECORD:

DEMOCRATIC LIBERALS BEHAVE IRRESPONSIBLY IN CHILD DEVELOPMENT PROGRAM

THE DAYCARE VETO

In recent weeks, the Democratic majorities in Congress have made their response to the welfare and poverty proposals of President Nixon's "New American Revolution." They have passed a vast day care or "child development" program—at an initial cost of some $2.1 billion, rising quickly to possibly $20 billion—which would be available, like many Democratic "poverty" programs, to both the rich and the poor. And they have enacted a work requirement for all welfare recipients. Of course, many Democrats—particularly those running for President—have made other proposals: George McGovern and Eugene McCarthy, for two prominent examples, have proposed guaranteed annual incomes of at least $5,500 for a family of four (annual cost of $70 billion) while Edward Kennedy and Fred Harris have adduced other plans of comparable expense. But if we judge the Democratic Congress by its enacted bills rather than by its Presidential billboards, the multibillion dollar daycare venture and the work rule constitute its Christmas offering to the American poor and its principal response to the President's Family Assistance Plan.

Daycare centers and work requirements are both in fashion this season, though admittedly in different quarters. But no cogent evidence has been presented that in this time of scarce federal money and wide unemployment either federal program responds to a genuinely critical need or partakes of a coherent scheme for meeting our present problems. The work requirement is simply a public display cynically designed to conceal the failure to enact welfare reform. The daycare proposal was propelled through the Congress chiefly as a response to women's liberation and its desire to free women from some of the day long burdens of child care. For poor women, however, freedom from household chores may be liberating only to the extent they find it liberating to do chores for someone else—perhaps for one of the wealthier advocates of daycare. In any case, with its support from the affluent it is not surprising that under the bill, daycare would be available for everyone. Only Administration insistence that charges be imposed, in accordance with ability to pay, on families making more than $4,320 annually, limited the scope of the program and held its eventual federal expense to an estimated $11 billion a year.

It is fair to conclude that the Democrats, for all their talk of national priorities, lack any systematic nation of relative needs, costs and available resources—any willingness to submit to a discipline of scarcity and choose among the feasible responses in terms of cost effectiveness. One measure of this failure is what HEW Secretary Elliot Richardson, in an excellent statement on December 17, estimated as a current $6 billion and prospective $9 billion gap between his department's Congressional authorizations and its actual appropriations. This gap might be fairly termed the big mouth of American liberalism, and it was wide open during the day care debate. Speaker Carl Albert called the measure "our paramount moral vote of the session" and the bill itself ran on for 22 pages of the Congressional Record, detailing the kind of fiscally unrealistic promises which Secretary Richardson accurately describes as "creating expectations beyond all possibility of fulfillment" and then "dashing the hopes of those with the greatest needs."

Even if one believes it desirable to subsidize daycare centers for all American children or to provide a guaranteed income of $5,500 annually such a dubious judgment is only the very first step in program development. A responsible politics will then proceed to the more difficult stages of statecraft: the orchestration of needs, options and resources in a comprehensive strategy of government.

Unlike the Democrats, President Nixon has developed such a strategy. He has decided on a program of family assistance, including aid to the working poor, costing an additional $4 billion altogether during the first year, as part of a complete overhaul of the welfare effort—combined with a limited program of daycare for welfare recipients, and a nominal work requirement, dependent on the availability of jobs. This program, in an internally consistent way, responds to the most crucial need of the impoverished—money—and grants this aid to both the minority of poor who are unemployed and the majority who have jobs, thus removing incentives for men to leave either their families or their work. A nationally administered program without residency requirements, it does not hamper the mobility of the poor who need it most in seeking employment.

The current Democratic offerings lack these advantages. The billions projected for daycare would not meet the problems of the poor. Not only would it not provide them money, it would reduce the funds available for years to come for a serious effort to fight poverty, such as the plan proposed by the President. Not only would daycare fail to alleviate the problem of familial breakdown among the poor, it is quite possible that the new federal program, by making families less dependent on a male provider, would contribute to the familial disintegration already promoted for years under federal welfare laws. The Democratic daycare program in fact is a special interest bill. It would provide assistance chiefly to *employed* women with children—and because middle class and educated women can most easily find jobs, the program might well be most widely exploited by the relatively well off despite the nominal charges it would require them to pay (as amended under Administration pressure). It is hardly a poverty bill.

President Nixon's veto, therefore, was eminently justified—even beyond the administrative problems in the program as passed, even beyond the labyrinthine jurisdictional tangle, involving cities, states, counties and towns, that it would have created. Because of the strong pressures for the bill, moreover, his veto was impressively courageous. But if you suppose he did not receive his deserved acclaim from such insistent advocates of the public interest and reordered national priorities as the New York *Times* and Washington *Post*, you are correct. The President was found by the *Times* to have revealed a yuletide animus against suffering little children. By the *Post* he was found guilty of gross illogic and inconsistency. The *Post* asserted that his veto of general daycare centers conflicted with his support of daycare centers as part of the Family Assistance program. If daycare centers are desirable for the poor, said the *Post*, they are desirable for everyone.

Such arguments are unworthy of their proponents. Most services in the society, and priorities among them, are established by the marketplace, and daycare centers are already being created more rapidly than qualified personnel can be found to staff them. But vast expansion of federal subsidies for daycare for everyone raises issues decidedly different from those mentioned in the *Times* and the *Post*. Such a program would imply a governmental judgment that as a matter of highest priority huge appropriations should be employed to encourage women in all circumstances to enter the already crowded competition for jobs and consign their children to "child development" centers. We would submit that such a program is a matter of the very lowest priority at this time of high unemployment, and vastly increasing demand for more urgent governmental programs, relating to poverty, jobs, housing, schools and hospitals. If the child development bill is what the Democrats mean by new priorities, by all means let us first fulfill some of the reactionary old ones.

Nixon has not claimed that federal day care in itself was desirable for anyone. He would prefer a situation where mothers could take care of preschool children in the home or otherwise provide for them privately. He advocated daycare provisions for the poor because poor women are most likely to have an urgent need to work and are least able to afford other provisions. For many a poor child the alternative to a daycare center is a day on the street with a key around his neck. The President's daycare effort, moreover, cost $750 million as part of an initial $4 billion Family Assistance plan that attempts to create a structure of incentives and supports within which poor families can most beneficially stay together and take care of their children themselves. Daycare is considered a limited expedient, complementary to his overall anti-poverty approach, not as a generally desirable program open to everyone and worthy of vast appropriations in its own right, competitive with anti-poverty efforts.

RHETORICAL FLOURISHES

Now we will be the first to admit that on this occasion, as on so lamentably many others, the President used rhetorical flourishes of a sort that make it more difficult for him to gain the support of knowledgeable citizens who are inclined to oppose him but who are receptive to intelligent argument. These are the kind of political observers who might actually read his statement and evaluate it for their own audiences, of whatever size, from family to national network—and expand the President's and his party's declining base. It was not necessary for him to speak of enlisting what he quaintly called "the vast moral authority of the national government" to "the side of communal approaches to child rearing." Nor did he have to imply some governmental conspiracy to rob the cradles of our people and subject our infant population to some scheme of insidious processing during "those decisive early years when . . . religious and moral principles" are instilled. He would have been on sounder ground if he had pointed to the far more likely prospect that with the current shortage of qualified personnel the centers would scarcely be able to offer competent sitting services, let alone mental manipulation, for the vast numbers of eligible children.

Still, to read the veto message after reading the press and Democratic reactions to it—and after reading the Democratic speehces in favor of the bill—was a startling experience. For the statement was not nearly as bad as it was said to be and not nearly as irresponsible as the bill itself or the speeches made in its defense by distinguished liberals. Though the sight of an ecstatic *Human Events* may be more than the Washington *Post* can bear, we should gratefully acknowledge that on this occasion conservative pressure contributed to a decision by the President to stand courageously firm and do what is right.

BUSING EQUITY?

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. BROOMFIELD. Mr. Speaker, last week, the busing controversy was fanned once again by a sweeping and unprecedented busing plan ordered by a Federal district court.

While the locale was Richmond this time, the story was regrettably the same as in San Francisco, Boston, Detroit, and other major metropolitan areas across the country. Now, it is the people of Virginia who have been ordered to bus their children across city and county lines to conform with a judicially devised formula of racial equality.

Mr. Speaker, the trend is sadly apparent; the integrity of our neighborhood school system is being destroyed. Evidently, the Federal courts are bent upon replacing it with a monolithic county or statewide educational complex. It will effectively preempt the right of every locality, of every citizen to sacrifice a little more in order to build a better school system and to give their children a better education.

Ironically, all this and more is all being done in the name of what the courts call equity. Mr. Speaker, I must ask for whom is this equitable? Is this equity for the more than 80 percent of the American people who oppose busing; is this equity for the majority of black Americans who are opposed to a mass transportation system for their children, who seek rather local control of their urban schools to insure that their children receive a better education?

Mr. Speaker, clearly it is not. On the other hand there are some very obvious, some very disturbing consequences of the Richmond busing decision.

First of all, it is apparent that some suburban children will have to be bused to urban schools and some children in the cities will have to remain while their friends are bused to the suburbs. The courts have devised a mass lottery system. Those born on one day of the year receive a quality education while others must suffer second-rate schooling.

This is education by the luck of the draw; it is a form of gambling with the lives of our children and it has no place in our school systems.

Furthermore, the money which will be used to finance this mass busing program could very well be spent on improving the quality of education in all areas, suburban as well as urban systems.

Second, by virtue of the Richmond decision, children will be bused across local and county lines without any regard for the people and the tax structures which built and saved for the quality schools they have. In the long run, it sets an even more dangerous precedent. This is another step away from local control of local affairs.

Mr. Speaker, this may be only the first step. We have seen that city and county boundaries mean little to some courts. Based on this rationale, can we not expect that in the future we will be busing children across State lines such as from Maryland and Virginia to the District of Columbia.

Unfortunately, this seems to be the drift of recent judicial decisions. They are but one step removed from a national educational system which prescribes the boundaries and limits of our children's welfare to the exclusion of any local control.

Third, Mr. Speaker, I am surprised at the timing of the Richmond decision. It has come only 2 months after this House debated long and hard over the busing issue. Several antibusing amendments were passed.

At that time, the Congress joined with the American people in expressing its overwhelming opposition to forced busing in order to achieve racial equality. President Nixon has expressed similar sentiments.

Nonetheless, the judiciary continues to follow another path. The end result can only be to further enrage the American people. It may serve to fan emotions at a time when reason and prudence are our most urgent needs. Indeed, this may signal a new round of antibusing legislation.

Mr. Speaker, it was for these reasons that I was proud to introduce and see passed last November a bill to delay court-ordered busing until the Supreme Court rules on the issue. To my mind, this is the fairest and most sensible approach to take.

Finally, the Richmond decision represents just another instance in which the courts have wandered from their judicial path and dabbled in legislation and administration. This can prove to be exceedingly unwise in the long run. The courts are neither designed nor equipped to handle such duties. Eventually, the people will demand an end to those juridical activists who insist on wearing the hats of all three branches of government.

Mr. Speaker, it is important in evaluating the Richmond decision to force busing across local boundaries to recall the warning that Chief Justice Warren Burger issued last September when he said some Federal judges were "misreading" the Supreme Court's busing decisions by ordering more than the law requires.

EQUITABLE FINANCING FOR SCHOOLS SOUGHT

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. ESCH. Mr. Speaker, I am pleased to place in the RECORD the article which appeared in the January 19 issue of the Washington Post. The problem of equitable financing for school districts throughout each State is a difficult one. Gov. William G. Milliken of Michigan is trying to find a viable alternative to the traditional school tax on real estate. His efforts are praiseworthy and deserve the attention of educators and legislators across the country.

The article follows:

THE MICHIGAN EXAMPLE: IF WE THROW OUT THE SCHOOL TAX, THEN WHAT?

(By J. W. Anderson)

Michigan's Governor is currently leading a vigorous crusade to abolish the school tax on real estate. At meetings throughout the state, he is collecting signatures to put a constitutional amendment on the November ballot. He would replace the property tax with an increase in the personal income tax, and with a value-added tax on manufacturers.

Michigan is a pointed example of the inequity of the local property tax, compounded by a strong pattern of racial segregation by residence. The governor, William G. Milliken, a Republican, has committed himself to a remedy that the White House has been considering, as President Nixon cautiously inches toward a policy of school equalization.

But for the time being, regardless of presidential intentions, the crucial questions in American public education are going to be met at the state level. Two separate lines of court decisions are pushing the state governments into the responsibilities that, for a century, they have left to the local districts. One series of decisions attacks local segregation, the other attacks local financing. Both come out at the same place: the state capitols.

Two suburbs of Detroit offer a classic illustration of the defects of the present system in Michigan and most other states. Dearborn and Inkster are next-door neighbors, both with populations mostly in the middle to lower-middle income range. But Dearborn has an enormous tax base, $44,738 per school child, because it includes a massive complex of, Ford Motor Company plants. Inkster, destitute of factories and badly gerrymandered, has $8151 per school child, slightly less than half the state average. Although its tax rate has been voted up to the legal maximum, it has been skating along on the edge of bankruptcy for years. Dearborn, segregated by an array of extralegal but highly effective community pressures, is almost entirely white. Inkster is mainly black.

The city of Detroit, whose school enrollment is also preponderantly black, has brought a desegregation suit in the federal courts. Last fall the judge declared that the racial concentrations in the city and its suburbs were a result of intentional state action in the past. He ordered the State Department of Education to draw up, by Feb. 4, a desegregation plan for the whole metropolitan area.

Meanwhile the governor has brought suit against three wealthy school districts, including Dearborn, in an attempt to overthrow the tradition of local school taxes. That case will go to the Michigan Supreme Court this spring. Governor Milliken is asking it to hold the local school taxes unconstitutional, as courts in three other states have done over the past half-year.

But that suit will be unnecessary if he manages to get his constitutional amendment passed this fall. Since it would replace the local school taxes with statewide taxes, the first question is the formula for distributing it among the state's 620 local school districts. Basically, Milliken proposes to permit each district a quota of teachers in direct proportion to its enrollment of children. Each district could set its own teachers' salary scales, an important point in the politics of the amendment. But those districts setting high salaries would be required to take the money out of other parts of their program.

The next question is whether communities that want better schools are to be held to the same level as those that do not. Milliken's proposal provides a local optional tax for "enrichment." But its arithmetic is very different from that of the present local taxes.

Each community would be permitted to vote a school enrichment tax up to six mills (that is, $6 on every $1000 of assessed value; the present school tax averages 26 mills in Michigan). The local schools would get $30 per pupil for each mill, regardless of local tax base or the number of children. Each mill would bring Inkster as much per child as it brought to Dearborn (instead, as under the present law, of bringing in one fifth as much).

Milliken is running into opposition from people who fear a loss of local control over school policy. He replies that the local boards will continue to control not only teachers' salaries but curriculum, choice of textbooks, and construction plans. Everything will be left to them, he says, but the constant political infighting over tax rate referenda.

The Milliken plan appears to meet all of the standards currently being set by the courts. But there are other questions left unanswered. Several years ago Detroit brought an earlier suit demanding not only as much money to educate each child as in the suburbs but more, on grounds that deprived children cost more to educate. That suit was not pressed, for technical and tactical reasons. But Detroit can revive it whenever it chooses. Perhaps this suit suggests the point at which the separate issues of taxation and segregation begin to converge. It is much easier to make a case for extra aid when the black children are tightly concentrated in a few schools, or a few school districts.

A vast reorganization of American public education is now under way. It is visible in Virginia, where a court has ordered the merger of Richmond's schools with those of its suburbs. It is visible in Maryland, where the state has taken over all school construction, and in Texas, where the legislature is now under a court order to reform the school tax system. The new questions are being put in a form that requires the answer to come from the state government. Michigan offers a hint of what comes next.

THE QUIET DEATH OF A LITTLE PARK

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. ROSTENKOWSKI. Mr. Speaker, it is a basic law of ecology that one must replace, at least in part, whatever one takes from the natural environment.

We have seen, on a large scale, the results of man's refusal to heed this law. Our water supply, our natural fuel supply, and our land itself have all been sorely abused. It has really only been in the last decade that man has awakened from his stupor and begun to make right this grave self-generated injustice. Finally we are beginning to cleanse our streams, purify our air, and protect our land.

But, on a smaller scale, Mr. Speaker, it seems we have not learned our lesson. In an excellent article on the editorial page of the Washington Post, January 18, 1972, Mr. Richard Barber eulogized the passing of a small inner-city park. This park, that provided a quiet workday refuge for many of Washington's citizens, is gone—a victim of "progress" and the Metro bulldozer. Nothing will take its place. No provisions were made to avoid the destruction of this park. More important, none were made to replace it.

As lawmakers we must not allow, on any level, the further scarring of our land. On the contrary, we must responsibly legislate for more protection of our park and recreation areas. It is imperative, particularly in our cities, that we not only attempt to preserve but also to propagate our waning natural environment.

At this time, Mr. Speaker, I would like to insert M. Barber's article in the Record. I urge all of my distinguished colleagues to read it. Carefully:

The Quiet Death of a Little Park

(By Richard J. Barber)

The little nameless triangular-shaped park at the southeast corner of 21st and Pennsylvania Avenue NW is almost dead now. As I write there are only a couple of lonely trees yet to be cut down and a few tree stumps to be torn from the soil. Then the Metro contractors can begin excavating for the Eye Street tunnel.

In the life of a city concerned about so many greater things this, I suppose, is not a very big event. Probably for most of those hurrying by this busy corner in cars, cabs, and buses the passing of this park will not be noticed at all. Even for the environmentalists it will not mean much, for there are larger problems to occupy their attention. And yet it would be a shame for us not to memorialize the passing of this tiny park which was such a rare, delightful oasis of green warmth in this concretized commercial area.

It was such an innocent thing too—verdant despite the pollution that always engulfed it. By my inaccurate footsteps it measured about 150 feet in its western edge, with its two other sides approximating 300 feet in length. Small, indeed, but it had a strange refreshing quality once you went up the few steps and entered its domain. Like magic it carried one away, if only for a few moments, from the harshness of this impersonal world into a more tranquil atmosphere.

There was a path that curved gently from east to west and a shorter one that looped north to south. Both were lined with comfortable benches and small shrubs. Overhead there were tall trees. There were beds of flowers, too, freshened last fall by the Park Service with glorious yellow chrysanthemums. If I had only known then (did the Park Service?) I would have realized that those mums were, figuratively, the wreath on the grave, for they were the last growing thing this small park is likely ever to give birth to.

As with most parks it will be the people who will miss it the most. And I am willing to venture that no park, square foot for square foot, ever added so much to the quality of life of such a variegated mass of humans. There were the students and teachers at George Washington University, the staff members at the National Academy of Sciences (whose cold, eight-storied facade now stares down upon the park's limp remains), and the white-coated technicians and nurses from Group Health. In the warmer months there were also a few derelicts, generally minding their own business and sometimes lying on the grass sleeping off a bottle of wine. Parks serve everyone and this one did so with a special grace, welcoming all comers.

Those to whom the park meant the most, though, were the elderly poor of the area. The poor, you say—in this desert of office and institutional buildings? Yes, the poor, for in the old brownstones and the remaining privately owned apartment houses to the south of Pennsylvania Avenue live many retired persons subsisting on very small incomes. One could watch them each decent day as they made their way slowly and almost always alone, to the park benches and whiled away the hours.

In recent days I've noticed the older people of the neighborhood as they've stood on the sidewalks, with a look of piercing sadness on their faces as they watched the park die. First came the men painting the white lines across the streets, lining up the Metro tunnel dead-center on this tiny island of green. Next the carpenters arrived. They erected a six-foot high wooden fence around the park, sealing it off from the people it had served so long. Then the trees were dismembered with the aid of the screeching power saws. Finally the bushes and the rest of the greenery were ravaged, with the bigger roots pulled out by the yellow machines.

All that has to be done now is to bring in the diesel shovels and gouge out the earth to make way for Metro. Then the little nameless park will have vanished, another milestone in man's progress. It need not have been this way, of course. The park could have been tunneled under and preserved, but unlike Farragut and Lafayette Squares its constituency was neither big enough nor powerful enough to rescue it from oblivion. Besides tunneling would have cost more money and for a country whose President can commit only $5 billion to a space shuttle, obviously there are no such funds available. Spokesmen for Metro say the park may someday be restored—as a cold lifeless island without the trees or the shrubs that took so many years to grow, and so, innocent little park, we bid you farewell. Thanks for all your kindnesses.

MEMORANDUM ON U.S. POLICY IN SOUTH ASIA

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. HELSTOSKI. Mr. Speaker, perhaps the greatest political and moral defeat in recent years for the United States in the realm of international affairs was the India-Pakistan war which freed Bangladesh and toppled the dictator, Yahya Khan, from power. The United States, after tacitly backing the genocidal policies of the Pakistani regime in what was once East Pakistan, now finds itself without appreciable influence in the subcontinent and condemned by millions of Indians and Bengalis for its moral callousness. Even our erstwhile client, Pakistan, has taken a sharp turn to the left, adopting nationalization policies which must be the envy of every aspiring Maoist in the developing world. Good Friend Yahya is now under house arrest, though for the wrong reasons.

While the India-Pakistan-Bangladesh tragedy was approaching its inevitable conclusion, the Neros in the White House basement continued to fiddle. The now-famous Anderson Papers shed light on a series of top level meetings which scarcely sounded like a gathering of high officials from the intelligence-defense establishment seeking to formulate a responsible American approach to an international tragedy. And, one's fears for the future of the English language were not allayed by quotes indicating that Mr. Nixon wanted to tilt in favor of Pakistan.

The cynicism and levity exposed by the Anderson Papers added a new dimension to what has been universally regarded as a bankrupt foreign policy for the United States. How any thinking, responsible official could jokingly refer to the current state of Bangladesh as "an international basket case" is beyond comprehension. The cynical mentality exposed by the Anderson Papers goes a long way toward explaining this administration's callous attitude toward the suffering peoples in other regions such as Southeast Asia. Dr. Kissinger to the contrary, Bangladesh is indeed our basket case. How can the United States, in good conscience, avoid responsibility for righting some of the wrongs for which our Government is at least indirectly culpable?

Without the American arms which had been fed to the Pakistani dictatorship over the years and without American diplomatic support, Yahya could not have conducted his 9-month rampage in Bangladesh. Now Dr. Kissinger and his colleagues seem to feel that the United States can wash its hands of the situation and walk away smiling. Under this administration this is what they obviously intend to do.

Instead, these masters of realpolitik should take note of the new political situation in the subcontinent. Bangladesh is here to stay. "Basket case" or not it is the eighth largest country in the world, a nation of heroes who have withstood unspeakable barbarities in the past year. If any element of compassion or respect for our historic support of the self-determination of peoples remains in foggy bottom or the White House basement, our Government will extend diplomatic recognition to Bangladesh and commit our Nation to a program of humanitarian and economic development assistance. Nixon, Kissinger and company should abandon their foreign policy maneuverings and recognize that Sheik Mujibur's government is the last, best hope for democracy and stability in Bangladesh. If Mujibur and his government do not receive sufficient aid from the international community to repair the ravages of war, feed the hungry, and build a new, economically sound country, the future for Bangladesh is bleak.

Mr. Speaker, although it may be soothing to the national conscience to try to forget the gross immorality and callousness of American policy in the subcontinent, any hope for a rational policy in the future must be based on an understanding of the mistakes of the past. In this vein, I include at this point in the RECORD an excellent analysis of American policy toward India, Pakistan, and Bangladesh which was recently sent to me by Dr. Telfer Mook of the United Church Board for World Ministries. Dr. Kissinger and friends should stop trying to emulate Metternich and pay more heed to the recommendations of men like Dr. Mook.

The material follows:

UNITED CHURCH BOARD
FOR WORLD MINISTRIES,
December 28, 1971.

Hon. HENRY HELSTOSKI,
House of Representatives,
Washington, D.C.

DEAR MR. HELSTOSKI: Enclosed is a copy of a memorandum which I have written to Dr. Robert V. Moss, President of the United Church of Christ.

It is a rough draft only, but it expresses certain deeply-held convictions which many of us have concerning the role of the United States Government in the recent crisis. I send it to you so that you will know what many of us are thinking.

Very truly yours,
TELFER MOOK,
Regional Secretary for Southern Asia.

THE UNITED CHURCH BOARD
FOR WORLD MINISTERS,
December 17, 1971.

To: Dr. Robert Moss, President
United Church of Christ
From: Dr. Telfer Mook, Regional Secretary for Southern Asia
Subject: India-Pakistan conflict—and the role of the United States Government

I want to write you, following the surrender of the Pakistani forces in Dacca, to wonder about the significance of what has happened. Conscious of the ministry of this Board to the needs of the Indian and Pakistani people throughout the past 160 years, we have been in round-the-clock cooperation since last March with national and world-wide ecumenical organizations, maintaining continuous contact with United Nations and United States Government officials, as the struggle deepened, broke into open war, and has now subsided.

This is a rough draft only, hastily written. It is incomplete in many respects, particularly as to possible recommendations for future action on the part of the U.S. Government and on our part. But, even so, I want now to share with you certain convictions which are clear.

1) The key to the return of peace is to create the basis for stable, peaceful conditions in the area of East Pakistan so that the 10 million refugees now in India can return and rebuild their lives. It was the plea of the Government of India from March 25th on, that the Government of Pakistan make political concessions that would be acceptable to the East. Eight months passed between March 25th and the outbreak of hostilities; eight months during which political accommodation could have been reached. If this had been achieved, the present conflict could have been avoided.

2) During the eight months period, the U.S. Government could have had a major role in achieving that peace, but it has failed because it never once has officially recognized the key questions set forth above. It has rightly criticized India for resorting to military action to redress its grievances. But, despite a declaration of "absolute neutrality," it has virtually shoved India into the sphere of influence of the Soviet Union by following a policy clearly biased in favor of the Government of Pakistan.

(a) It maintained silence while Pakistan troops brutally suppressed the victors of a free election in East Pakistan.

(b) It gave material support (which had little military but great moral significance) to this unconscionable repression by continuing to ship small amounts of military supplies long after the violence began last March.

(c) It failed to press for a genuine political solution. It did not include as an essential part of any settlement that the Government of Pakistan reach an accommodation with the imprisoned Sheik Mujibur Rahman and the other elected representatives who command the confidence of the overwhelming majority of the Pakistan Bengalis.

(d) It actually charged India with "major responsibility" for the resulting conflict, totally ignoring the "aggression" upon India by 10 million refugees, forced into India by the ruthless crackdown of the Pakistan troops. According to a recent World Bank report, India's economic development has been seriously stunted by the $90 million per month cost to keep these refugees alive. (Less than half has been underwritten by other nations, including the U.S.). That cost, which would have reached $830 million by the end of the fiscal year in March 1972, exceeds all of India's 1971–72 foreign aid for development. Thus the situation seriously threatened the political and economic stability of the nation. Yet, despite this burden the Indian Government showed remarkable restraint. It is understandable that the pressures became so great that she finally resorted to force. The U.S. Government has rightly condemned India for use of force; but then to ignore the causes for this action (and indeed to have aggravated the conditions that led to it) and then further charge her with "major responsibility" for the resulting conflict, can only result in disaster to American prestige and respect throughout the democratic world.

The U.S. Government followed this non-neutral, pro-Pakistan policy for the stated reason of trying to strengthen quiet efforts to promote a political settlement in the East. The Administration has pointed to the following achievements:

(a) It had persuaded the Pakistan Government to permit the United Nations to enter East Pakistan for purposes of refugee relief.

Our comment: A fruitless effort without first achieving a political settlement. Without such a settlement, the U.N. has been unable to be effective.

(b) It had persuaded the Pakistan Government to invite all refugees now in India to return home.

Our comment: A meaningless invitation until stable, peaceful political conditions are restored in the East.

(c) It had persuaded the Pakistan Government to grant autonomy to the people of the East and a return to parliamentary government.

Our comment: Again, a meaningless achievement. Only last week Yahya Khan rejected a proposal that "the elected representatives in East Pakistan arrange for the peaceful formation of a government" in which many of those representing the East would be men who actually failed to be elected last December. One of those selected was to be one of the two elected (out of 169) who were not members of the Awami League.

(3) In its participation in recent United Nations Security Council meetings, the United States Government has ignored the key questions. If the U.S. resolutions had included a clear provision for political settlement, probably India and Russia would have agreed.

(4) By failing to take the leadership that it might have taken (see 3) the U.S. Government has now alienated the world's second largest nation, which happens also to be the staunchcst of all developing countries in its adherence to our own deepest political values. Further, it has destroyed every possible U.S. influence among the people of Bangladesh which will be politically unstable, at least for the present, and vulnerable to foreign pressures.

(5) By following its present policy, the U.S. Government may well have forced India to give a quid pro quo to the Soviet Union for its support, namely opening up Indian Ocean ports to the Russian navy. According to reports, the U.S. Government is now "irked" by the firm Soviet backing of India. The press reports U.S. Government dismay that the U.S.S.R., supporting India, has forsaken possible improvements in relations with the United States, and even further that the President was considering the cancellation of his visit to Moscow unless the U.S.S.R. ceased to back India. All this could have been avoided if we had not aligned ourselves, almost willfully, on "the wrong side of about as big and simple a moral issue as the world has seen lately." (Dean John P. Lewis, Woodrow Wilson School of Public and International Affairs, Princeton, New Jersey)

The establishment of an independent Bangladesh, which might not have been inevitable even two months ago, has now taken place. The international community could not stop the struggle of the people of East Bengal to free themselves from a harshly oppressive government. The regrettable intervention of Bengali-India military forces served perhaps to accelerate the freedom struggle but not to cause it. In fact, the failure of the U.S. Government to take a strong position for the protection of the inalienable rights and liberties of a people gasping for life may have contributed to the tragedy far more than the actual hostilities of the past two weeks.

What can the United States now do? The United States Government:

(1) must bring every possible pressure upon the West Pakistan Government to release from prison Sheik Mujibur Rahman, leader of the Awami League. The Awami League, whose election victory last December brought on the bloody repression, is a bourgeois, moderate force whose main interest is Bengali nationalism. If Pakistan releases the Sheik, he can assume his role as President of the new nation of Bangladesh, and by the force of his personality, create a kind of order in what is now a political vacuum. "But without Mujib," an Indian official conceded last week, "we are in real trouble."

(2) must prepare huge relief and rehabilitation efforts now that the fighting has stopped. Ten million refugees in India will need to be resettled, wrecked communications repaired, food supplied, land restored, villages rebuilt, health problems dealt with. These efforts may take several hundred million dollars and may last a decade or more. They must be carried forward only through the United Nations or other international multilateral channels. We must wholeheartedly support the appeal of the U.N. Secretary General to safeguard the lives of innocent civilians caught in this vast political and ideological clash. We must be ready to aid the Bengali people, whatever flag they fly. Such is the political and human wreckage of this conflict, as I see it. I wish that somehow the U.S. Government could be made to see what a disaster their policy has been: a depletion at a sickening rate of a once abundant, durable fund of Indo-American good-will.

Very sincerely,

TELFER MOOK,
Regional Secretary for Southern Asia.

UKRAINIAN INDEPENDENCE DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. ANNUNZIO. Mr. Speaker, Saturday, January 22, 1972, will mark the 54th anniversary of Ukrainian Independence Day—a day on which we pause to pay tribute to the courageous Ukrainians who have struggled over the years to maintain their national sovereignty in the face of repression and tyranny.

January 22 is a day of sadness, not only for the Ukrainians but for freedom-loving peoples everywhere, for we know that despite their heroic efforts, the Ukrainians have been thwarted in their struggle to achieve a free nation. Ever since 1709, when Czar Peter the Great of Russia conquered the Ukraine and ruthlessly crushed the intellegentsia, the history of the Ukraine has been a story of relentless struggle to throw off Russian domination.

Despite overwhelming odds, the Ukrainian people have never abandoned their hope for freedom or their longing for national independence. Taras Shevchenko, the poet laureate of the Ukraine, by our own noble American tradition, was inspired to fight against the imperialist and colonial occupation of his native land. And we in America have recognized Shevchenko's patriotism and dedication to liberty by erecting in 1963 in our Nation's Capitol at 23rd and P Streets NW., a statue of this great man.

In 1776, Americans claimed for themselves the right to determine what their destiny would be, and consequently, we feel a deep and abiding kinship for the Ukrainians, and indeed, all peoples who seek to achieve the goals that we claimed as our right. Although the Ukrainians have not yet achieved their goals, nonetheless our expression of support for their just and rightful aims will help in some measure to make freedom an attainable and enduring reality for them.

On January 22, 1918 the fondest hopes of the Ukrainians were realized when the Parliament proclaimed the independent Ukrainian National Republic. The reality of freedom was shortlived, however, because by 1920 the Bolsheviks took over where they had left off and resumed persecutions, relocations of whole villages, exiles of significant personages, brutal starvations and wholesale executions. Through it all, the Ukrainians remained steadfast in their resolve to regain their freedom and national sovereignty.

Today, although the Ukrainians are still under the yoke of foreign domination, I am confident that one day their love of liberty will triumph, and the Ukraine will once again take her rightful place in the community of free nations.

I wish to reaffirm my personal commitment to the cause of Ukrainian self-determination and to join the Americans of Ukrainian descent in my own City of Chicago, in Illinois, and across our Nation in observing the 54th anniversary of Ukrainian independence and in applauding the efforts of the Ukrainian people to regain their freedom and independence.

AN IRISH LEGEND DIES IN ENFIELD

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mrs. GRASSO. Mr. Speaker, the Irish are a proud and creative people. Indeed, this country has been blessed with the enormous contributions of Irish-Americans who have excelled in all phases of American life. Their traditions and folklore have become a dynamic ingredient in America's heritage.

All of use were saddened over the congressional recess by the death of a great Irishman who, for more than seven decades, stimulated and entertained an admiring public with writings about his native land. Padraic Colum was 90 years old when he died on January 11 in Enfield, Conn. For many years, both Padraic Colum and his late wife Mary were important figures in the American literary world. This poet, playwright, essayist, folklorist, and novelist will be long remembered and sorely missed on both sides of the Atlantic as a sensitive, talented man who possessed what his friend James Joyce called "that strange thing called genius."

Neighbors of the Suffield area and the literary community rejoiced at his dedicated concern and interest in the Write-Reader Conference held annually at the Suffield Academy. During the months following his stroke while attending the 1970 conference, that coterie of dedicated leaders who with him formed the nucleus of the conference group were comfort and strength to his gallant spirit.

For the interest of my colleagues, an article which appeared in the Hartford Times following Padraic Colum's death follows:

AN IRISH LEGEND DIES IN ENFIELD

ENFIELD.—The long and celebrated life of a man whose literary skills spanned two continents and more than seven decades is over. Irish-born Padraic Colum is dead at 90.

The poet, playwright, essayist, folklorist and novelist died yesterday at the Parkway Pavilion nursing home here where he has been a patient since he suffered a strike in 1970. Colum suffered the stroke while attending the Writer-Reader Conference at Suffield Academy and was paralyzed on his right side as a result. Nevertheless, he continued efforts during his last years to dictate his memoirs. When he died, they were only half completed.

During his life, Colum was to write more than 60 published volumes, scores of plays and hundreds of essays and articles.

Mr. Colum had the fortune and misfortune to have been born at the right time. Irish literature was in its zenith when he was a young man writing poetry and plays in Dublin. These were the years of the Irish Renaissance—of William Butler Yeats and James Joyce, Lady Gregory, George Moore, the poet A. E. (George W. Russell), Sean O'Casey, John Millington Synge and James Stephens.

Mr. Colum was an acquaintance and admirer of all, a confidant of some, a perceptive critic and revealing biographer of many.

In his own right, he was a gentle, lyrical poet, a whimsical teller of tales for children, an able historian and essayist, a founder of the Abbey Theater and, potentially, a fine dramatist. But the Irish Renaissance was filled with so many towering figures that Padraic Colum was sometimes overshadowed when many thought he should not have been.

His times were flamboyant times, and he was mild, modest and inconspicuous. His humorous writing about Irish folklore, his musical verse about starlings and doves and maidens spinning was a far cry from the molten torrents of Joyce's "Ulysses."

Mr. Colum was a devoted friend of Joyce, and many called him Joyce's Boswell. Joyce said of him in "Ulysses" that "he has that strange thing called genius."

Colum's first play, "The Land," was produced at the Abbey when he was 20. He was planning a series of plays about Ireland—a kind of comedie humaine—when there was a falling-out over Abbey policy with Yeats, who had come into control in the theater. In the ensuing argument, Mr. Colum, although a founder, cut his connection with the Abbey.

He continued to write plays, but they were not often box-office successes. "You can make a fortune writing plays, but not a living," he said.

Although he was childless, he wrote book after book for children. These writings, which were one of his principal sources of income, included a children's "Homer" and a children's "Golden Fleece," "The Frenzied Prince," "The Children of Odin," and stories of Irish youth and Irish myths.

With James Stephens, Thomas MacDonough, David Houston and his own future wife, Mary Maguire, Colum founded the Irish Review. He was a close friend and employe of Padraic Pearse, first president of Ireland after the 1916 uprising and a member of the Irish volunteers until he left Ireland in 1914.

His reasons for coming to the U.S. were reportedly twofold: First, because it was an adventurous thing to do in 1914 and second, because there were jobs to be had in the U.S. Colum went initially to Pittsburgh, Pa., where an aunt lived. Shortly before coming to the U.S., he married Mary Maguire who died in 1957.

The late Mrs. Colum was a recognized literary critic both here and abroad and for many years edited The Forum, an American literary magazine. She also taught with her husband at Columbia University where, as a team, they lectured on comparative literature.

"The best thing in life is getting married," Colum was reported saying Dec. 7 when he celebrated his 90th birthday here. With him on that occasion was the Irish Ambassador and several members of the American-Irish Foundation which gave him a check for $2,500 and a scroll hailing him as a poet, dramatist, storyteller, collector of folklore and critic . . . a master writer held in esteem wherever literature is cherished."

Colum's literary honors include 1938–39 president of the Poetry Society of America; 1940 medal of the Poetry Society of America; 1951 honorary doctorate from the National University of Ireland; 1952 Fellowship Award from the American Academy of Poets; 1953 Lady Gregory Award, from the Academy of Irish Letters; 1958 honorary doctorate from Columbia University; 1961 Regina Medal, Catholic Library Association; 1963 membership in American Academy of Arts and Letters, and 1961 Boston Arts Festival Poets Citation.

He leaves a sister and a brother, both in Dublin. The funeral will be Saturday at St. Patrick's Cathedral, New York City at a time to be announced.

Burial will be in St. Fintan's Cemetery, Dublin, Ireland.

THE 26TH AMENDMENT

HON. K. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. McKAY. Mr. Speaker, I recently encouraged the editors of the school papers of the high schools within my district to become involved with the issues of the day. Today I would like to call to the attention of my colleagues an editorial written by a young Korean girl for the San Juan High School Rattler of Blanding, Utah. Miss Jini Lyman, a junior, is the adopted daughter of Mr. and Mrs. Barton F. Lyman and is described as an outstanding student.

I join with her in encouraging today's young people to develop a sense of responsibility and awareness of what is going on.

The article follows:

THE 26TH AMENDMENT

(By Jini Lyman)

In the spring of 1971, the Federal Congress adopted an amendment concerning the voting age of U.S. citizens. This, the 26th Amendment, grants the right to vote to those who are eighteen years and older on the grounds that they meet all other requirements set up by each state. It states as follows:

Section 1. The right of citizens of the United States, who are eighteen years of age and older, to vote shall not be denied or abridged by the United States or any state on account of age.

Section 2. The congress shall have the power to enforce this article by appropriate legislation.

This, whether you are aware of it or not, is another step of the ever expanding rights of the citizens. Beginning with the founding fathers of our nation who believed that only the electives should vote, there has occurred many gradual, yet dynamic changes.

First, they widened the suffrage to those male citizens who owned a certain amount of land. Then it was open to all of the male citizens. In 1870, the 15th Amendment was passed, granting the right to vote to any person regardless of race, color or previous condition of servitude (work). This, of course, granted the Negroes to vote, instead of merely being considered eligible for tax and population. The 19th Amendment was then passed in 1920, which brought about the female suffrage, stating, "The right of citizens of the United States to vote shall not be denied or abridged by the United States or any state on account of sex." Some feel that this act was the first mistake the U.S. made regarding the Women's Lib of today, but I dare say that it is only a matter of opinion. However, Utah was one of the early states which extended the right to vote to women even before the Nineteenth Amendment was passed.

At this point, all states except a few, had set their age requirements on twenty-one years and older. Georgia and Kentucky required that their voters be at least 18; Alaska, 19; and Hawaii, 20.

Since the 26th Amendment has been adopted and ratified by all states, any person of eighteen and older may vote as long as he meets other requirements. These other requirements are, in general, that the voter be a citizen of the United States; that he has lived in the state and the county wherein his vote is to be cast; and that he is to be registered beforehand.

Many of us high school students will soon be eligible to make the decisions which will be very important to our whole nation and even to the world. In order for us to have this right, I am sure there has been many worries and hesitations. But apparently, the majority of our leaders had enough confidence in us to "hand it over" to us. When our turn comes around to vote, let's show them that we do have the sense of responsibility and the awareness of "what's going on". After all, it is a responsibility and opportunity which no other of our own generation has ever been given.

CHARLES REED BISHOP, "HAWAII'S GREATEST PHILANTHROPIST," HONORED IN SESQUICENTENNIAL YEAR

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. MATSUNAGA. Mr. Speaker, next Tuesday, January 25, will mark the 150th anniversary of the birth of Charles Reed Bishop, who is customarily described as one of the greatest benefactors in the history of Hawaii.

One could certainly not have predicted that that would be the fate of the child born in 1822 in a tollhouse in the middle of a bridge over the Hudson River. Charles Bishop was born in these circumstances, in Glens Falls, N.Y., an area now represented in Congress by our distinguished colleague, Congressman CARLETON J. KING.

When Bishop reached Honolulu in October 1846, he began a career in commerce that was so successful, it enabled him to be benefactor to a wide variety of groups and individuals in need of help. Not along after his arrival he married Princess Bernice Pauahi Paki, a native Hawaiian from the royal family. When, at her death, she established a free school for needy Hawaiian youths, her widower contributed thousands of dollars in money and property to the project. Kamehameha Schools, governed to this day by trustees of the Bernice P. Bishop Estate, provide the most effective means remaining for preserving the unique heritage of Hawaii, while providing for its students an education of the highest quality.

Various other schools, churches, and community organizations came to know the generosity of Charles Reed Bishop over the years, until he left the Islands in 1894. The impact of his good works is still in evidence in Hawaii.

That is why, Mr. Speaker, plans have been underway for many months for the observance of the Charles Reed Bishop Sesquicentennial. Books and brochures will be published, essay and poster contests have been held, and a banquet is planned for January 25 at the Royal Hawaiian Hotel in Honolulu.

I commend to my colleagues and other

readers of the RECORD the following articles on Charles Reed Bishop, which describe more fully his life and accomplishments:

CHARLES REED BISHOP—1822–1915

A tollhouse in the middle of the bridge over the Hudson River at Glen Falls, New York, was the place where Charles Reed Bishop was born, January 25, 1822. Glens Falls along with Honolulu and San Francisco were the great cities of the areas where he spent all his life. His birthday is being celebrated throughout these places on January 25, 1972, his one hundred fiftieth or sesquicentennial birthday.

After a thorough elementary education through the eighth grade in which English in all phases, received greatest stress, young Bishop worked at farming on his grandfather Jesse Bishop's farm. He left this to enter employment in two stores, the first one in Warrensburgh and the other in Sandy Hill. Between the farm and stores he gained another education. Today, we would call this on-the-job training. Glens Falls was the center of factories, farms, marble quarries, lime kilns, brick and lumber yards—to mention only some of the industries. He became, through farming, store clerking and bookkeeping, very knowledgeable in principles of commerce and industry.

But he was attracted away from this area of his youth by newspaper accounts of settlers in Oregon. He and a friend, William L. Lee packed up and sailed away from Newburyport, Mass., thinking they were headed for the green lush country of Oregon. But when their storm and wave battered ship, the brig HENRY, anchored in Honolulu harbor, in October 1846, after eight months of rough going, the two men decided to remain in Honolulu.

Bishop was 24 years old. He was in immediate demand to apply his accounting skill in untangling the affairs of a local firm. The United States Consul employed him as clerk. He became a citizen of the Hawaiian Kingdom and was appointed Collector General of Customs. On June 4, 1850, he married beautiful 18 year old princess Bernice Pauahi Paki. He was on his way to becoming one of the greatest benefactors the Hawaiian Kingdom has ever known.

Fith another local man, William A. Aldrich, he opened a store and closed it out in 1858 in favor of a bank, Bishop & Company. This bank grew under his leadership and has today become one of the outstanding banks of the United States—the First Hawaiian Bank.

He took a deep and abiding interest in schools. On the list of benefactors to schools we note the names of Mills Institute and Kawaiahao Seminary later merged as Mid-Pacific Institute, Kohala Girls School, Hilo Boys Boarding School, East Maui Seminary, Sacred Heart's Convent and St. Andrews Priory. He was closely involved with both Punahou School and the Kamehameha Schools. At the former he was trustee, vice-president and finance committee chairman for thirty years. He contributed both money and real property along with sage advice to the founding and growth of the Kamehameha Schools. He was president of the trustees of the B. P. Bishop Estate, foundation of the Schools from 1884 to 1898. On the public school side he was made a member and then president of the Board of Education under King Lunalilo, continued as such by King Kalakaua and Queen Liliuogalani and the heads of the succeeding governments, Provisional Government and Republic of Hawaii—twenty one years of public school service.

In the field of religion he gave support to the old Fort Street Church and its successor Central Union Church, Kaumakapili and Kawaiahao Churches. The North Pacific Missionary Institute, headed by his close friend the Rev. Charles M. Hyde, was solidly assisted as was the Hawaiian Board of Missions. He paid for and erected the Bishop Memorial Chapel on the Kamehameha Schools Campus in his wife's honor.

Hospitals ever had an appeal for him. He was from its founding date a chief officer and director of the Queen's Hospital. He gave modest assistance to the Children's Hospital, Kapiolani Hospital and Leahi Hospital and funded and constructed the Bishop Home for Girls and Young Women in Kalaupapa, Molokai, the site of the leper settlement.

Other broad community interests of Mr. Bishop included the YMCA, the public library—he was a founder of the Hawaiian Historical Society—the Sailor's Home Society, American Relief Society and many more.

In government he was Collector General of Customs, member of the legislative Privy Council, member of the House of Lords, Board of Immigration, Chamber of Commerce, and under King Lunalilo he acted as a member of the Cabinet. He was Foreign Minister.

He received the honorary Orders of Kamehameha I and Kalakaua. The Emperor of Japan made him a member of the Order of the Rising Sun, First Class. There were many others from around the world.

Such were Mr. Bishop's community activities. He supported them with gifts of substantial size and in some instances worked as a board member or as president or treasurer. He was conscientious in his devotion to all these causes.

Mrs. Bishop died in 1884 and it was as if a great light had gone from his life. He had begun visiting California many years prior to her passing and had made modest investments in lands and stocks and bonds. He stepped up the pace of investments and finally moved to California in 1894 never to return. His operations in the San Francisco bay area were centered in a specially created new position of vice-president of the Bank of California.

He had given away his Hawaii fortune to relatives and community and charitable agencies. In San Francisco he made another fortune and similarly gave that away to the same objects. He died in Berkeley June 7, 1915, age 93.

In his loyalty to his adopted native land of Hawaii he asked that his ashes be placed alongside those of his wife in the Royal Mausoleum in Nuuanu Valley of Honolulu.

Perhaps the best comment that can be made of Charles Reed Bishop may be found on his grave marker in the Royal Mausoleum: Builder of the State-Friend of Youth-Benefactor of Hawaii His Ashes Rest in the Tomb of the Kamehamehas.

The agencies and organizations among the cultural, charitable, religious, educational and commercial interests of Hawaii with which Charles Reed Bishop had some association almost made up a roll call of all such groups. Here is the list!

Alexander & Baldwin, Inc.; Amfac, Inc.; Bank of California; B. P. Bishop Estate; Bernice Pauahi Bishop Museum; Bishop Home for Girls and Young Women; Bishop Trust Co., Ltd.; C. Brewer & Co., Ltd.; Castle & Cooke; Central Union Church; and Chamber of Commerce.

City and County of Honolulu; City of Glens Falls, New York; Board of Education; Dillingham Corporation; First Hawaiian Bank; Hawaii Conference United Church of Christ; Hawaii State; Hawaii State Schools; Hilo Boys Boarding School; The Kamehameha Schools Alumni Association; and The Kamehameha Schools.

Kapiolani Maternity and Gynecological Hospital; Kauikeolani Children's Hospital; Kaumakapili Church; Kawaiahao Church; Kindergarten and Children's Aid Society; Kohala Girls School; Leahi Hospital; Mauna Olu College; Mid-Pacific Institute; and North Pacific Missionary Institute—closed.

Punahou School; Queen's Medical Center; Sacred Hearts Convent; Sailor's Home of Honolulu; St. Andrew's Priory; Salvation Army; Social Science Association; Theo. H. Davies & Co., Ltd.; Waialua Seminary—closed; and Young Men's Christian Association.

[From the Honolulu Sunday Star-Bulletin and Advertiser, Nov. 21, 1971]

CHARLES R. BISHOP: CLEVERNESS AND COMPASSION

(Editor's note.—Next Jan. 25 is the 150th anniversary of the birth of Charles Reed Bishop, one of the greatest community leaders in Hawaii's history. With a statewide observance already under way, The Advertiser asked Col. Harold W. Kent, author of the book "Charles Reed Bishop, Man of Hawaii," to write the following account of Bishop's life and contributions.)

(By Harold W. Kent)

If Charles Reed Bishop, Hawaii's greatest philanthropist, had anything going for him besides his integrity and his judgment it was the natural image of his having always been an old man.

Most pictures, whether of his youth, middle or old age show him bearded and uniformly unsmiling. Although seemingly old he had a spirited drive, a quick grasp and a strong liking for people.

This benefactor of Hawaii was born in a toll house in the middle of a bridge over the Hudson River at Glens Falls, N.Y. Jan 25, 1822. He is the object of a sesquicentennial commemoration of that date throughout Hawaii.

William Little Lee, codifier of Hawaii's laws and first chief justice of the Supreme Court, joined Bishop in a proposed venture to the newly publicized lush Oregon country. This was in 1846 just before the Gold Rush.

When the pair touched land at Honolulu, a necessary port of call for their sailing vessel, the journey to Oregon was broken. Bishop gave 48 years to the Kingdom of Hawaii before moving to California in 1894—the time when the government changed from monarchy to republic.

There were other Bishop images besides that of old man-ism. He loved entertaining and with his wife, Princess Bernice Pauahi, enjoyed the schottishes and waltzes as well as the charades as they hosted visiting guests, foreign and local, in their Haleakala home on King Street.

He delighted in horseback riding and picnics. Moonlight boat rides on the quiet waters of the Honolulu reef attracted his fancy.

Bishop had true and simple affections. He loved his native wife, was extremely considerate of her health and respected her counsel, especially regarding the politics of her royal relatives and the problems of her Hawaiians generally.

When she came to an early tragic death in 1884, he was overcome. He never remarried in his remaining 31 years. In writing to a relative he expressed his simple grief ". . . we did not any of us expect to have to part with her so soon . . . nobody could know her as well and not love her."

Robert Louis Stevenson, no favorite of Bishop, held one sentiment in common with the philanthropist, a strong affection for Princess Kaiulani, his favorite niece.

His affection also ran to horses. He was so solicitous about two family horses, Old Charley and Old Grant that he refused to destroy either in their old age, pensioning them off to pasture and no work where they died of natural causes.

He was not a women's "libber." Said he to J. O. Carter, "God bless the women. Do not think of appointing a woman on either board as a trustee. It is not necessary nor would it be wise to do so. This is not disrespectful to the sex or any individual."

He liked married employes on his Molokai ranch but "hardly knew what the wife could be employed at."

Stormless self composure marked his reaction to worry. Because of his growing wealth, adventurers were on his trail. In one such instance he remarked that "some mechanics, some merchants and some others have regarded me as a full fledged goose to be plucked and the plucking pleases them more than it does me."

The Health Department was allowing the pali trail from topside Molokai down to the leper settlement to become dangerous to a traveller on foot or horseback.

He commiserated with ranch manager and settlement superintendent, Rudolph W. Meyer, "you have taken many risks on that pali between your house and the Settlement and I congratulate you on your escapes so far . . . if an accident must happen to somebody . . . I hope it will be to someone in authority."

His public pleas for trail safety were couched in conciliatory terms when the delays and unfilled promises were too much.

Punctuality was a Bishop hallmark. He never missed a board meeting of any of his business and community concerns if he were on the Island.

In his last years when a nurse frequently had to wheel him to his Berkeley Unitarian Church his urging was in the spirit of the modern lyric "get me to the church on time." The service would not start until the rear doors parted for his regular on-time Sunday morning entrance.

A conservative in politics he was not a party man. He supported the royal rulers with misgivings but advised them in finances. He wanted constructive regimes for Kalakaua and Liliuokalani and yet he was not a Royalist. Even when annexation neared he would still settle for a limited monarchy with Kaiulani as the head of state.

Harried by the parents of Bernice in opposition to marriage plans he quickly resolved the matter by marrying her in the Chiefs' Children's School home of Amos and Juliette Cooke.

William Tufts Brigham, organizer of the Bishop Museum, had continual personality conflicts with people; trustees, Kamehameha boys, tourists, church representatives and scientists. Bishop, recognizing his value to this pioneering work, held him to the position throughout long years of hostile criticism.

He was loyal to his relatives. This was apparent in his affection for his beautiful Hawaiian wife; he named the Chapel at the Kamehameha Schools, "beds" at the Queen's Hospital, school buildings at Punahou and the Bishop Museum after her.

Relatives came in for substantial gifts and bequests. Many family fortunes were created out of this loyalty.

Not only thoughtful of friends, relatives, natives and royalty, he was a supporter of causes, many of which called for money or energy or both. Leprosy was one such special object. He combined compassion for native girls with respect for the damaging effects of the disease and built a Bishop Home for Girls and Young Women at Kalaupapa and invited the nursing order of St. Francis to staff it.

Immigrant labor was in pressing demand at the plantations but to Bishop it was as much a cause as a need. He strongly protested use of the word "coolie" as a trade term. His bank supervised distribution of the immigrants and saw to it that contract conditions were fairly administered. The Hawaiian Immigration Society and his bank both were important tools for Bishop in the matter. He was a member of the Society's executive committee.

Sailors were also an element of kingdom commerce. He concerned himself with their welfare, problems with their skippers, social life ashore in Honolulu and repatriation if called for. He was a leading figure in the Sailor's Home Society; treasurer and president.

Night schools could be useful. Immigrants, sailors and natives were ripe candidates for self improvement. Bishop subsidized a YMCA night school program, the first such effort in the Kingdom.

Despite his obvious concern for education Bishop could not be called an educator—yet he was appointed president of the public Board of Education successively by Lunalilo, Kalakaua, Liliuokalani and Dole.

He initiated what turned out to be a model board of education; small, appointed, unpaid; set up a predominately vocational program supplemented by mastery of academic subjects; channeled all tax money for education into the public schools and introduced sound legislation on policy for the lasting improvement of the schools. He was as modern as today in education.

Private education saw him as president of the trustees of the Kamehameha Schools-Bishop Estate, trustee and finance committee chairman of Punahou School and as an official of others.

To the Kamehameha Schools, in monies or properties, his contribution was worth well over five times the value of Mrs. Bishop's estate at probate. He gave the Preparatory Department its facilities and operating money, a school at first largely intended for orphaned native boys. He supported boarding schools elsewhere; Kawaiahao Seminary, East Maui Seminary, Kohala Girls School, Hilo Boys School and others.

At Punahou he contributed not only his services, but buildings, scholarships and operating funds. He was characterized as Punahou's "greatest benefactor."

Hospitals were a special area of Bishop philanthropy. At the Queen's Hospital he was trustee for 35 years and in this capacity held the office of treasurer and late vice president. Kapiolani, Children's and Leahi Hospitals were also beneficiaries.

No religionist, he was president of Central Union trustees, a contributor to Kawaiahoa and Kaumakapili Churches, Chinese, Japanese and Portuguese missions, the Board of the Hawaiian Evangelical Association and Dr. Charles H. Hyde's North Pacific Missionary Institute.

Later in the Bay Area he gave to the San Francisco and Berkeley Unitarian Churches and the Unitarian Starr King Library.

Nor was Bishop a lawyer. Primarily an accountant, his orderly mind was that also of a lawyer. He was a judge of men and projects. His upholding of Brigham in his museum work and R. C. L. Perkins in his scientific excursions were examples of his insight.

In gauging the potential success of plantations and business proposals generally, he was astute and sound. There was an uncanny rightness to his observations.

But most of all he was respected for his integrity. An old line do-all banker usually takes on an aura of probity—so it was with Bishop. This story of his march to honor in community service has covered none of the bases of his business dealings, corporation "saving" loans, participation in plantations, utility companies, factor groups, ship ventures, real estate, currency problems and countless others.

The story does add up however to the reason for the Sesquicentennial celebration of his birth Jan. 25, 1972.

In the effort to acquaint the people of Hawaii, young and old, with this great but comparatively unknown figure in Island history, a program of epidemic proportions is bursting forth; essays, posters, exhibits, publications, sermons, speeches, resolutions, articles.

The Senate and House by joint resolution have created a Commission in Bishop's honor. The Governor of New York and Mayor of Glens Falls and Mayor Frank F. Fasi of Honolulu have issued proclamations or will do so. There is a special bookmark and there is a banquet; and at the Museum there is a new medal for distinguished service.

But at his death he really was an old man. He died age 93 in Berkeley June 7, 1915 of full mind and a fairly worn body. His ashes were brought to Honolulu to be placed alongside those of his wife in the Kamehameha Crypt in the Royal Mausoleum.

An inscription on his close-by marker stone reads:

Builder of the State
Friend of Youth
Benefactor of Hawaii

SESQUICENTENNIAL PLANS UNDER WAY

Many plans are under way for observance of the Charles R. Bishop sesquicentennial.

The Hawaii Legislature has adopted a joint Senate-House Resolution providing for a commission of nine members from government to assist in the commemoration.

The governors of New York and Hawaii, mayors of Glens Falls, N.Y., and Honolulu have issued proclamations. Hawaii senators and representatives in Washington, D.C. are sending letters of honorary mention.

37 Bishop-associated agencies have each submitted a board resolution honoring Bishop.

Several books and brochures are planned, including a post-sequicentennial publication of speeches, essays and other materials.

Service clubs will be provided with speakers or a 70-slide film strip with cassette narration on Bishop's life.

An essay contest will be held for students in three categories, upper elementary, intermediate and high school. Deadline in school offices is Dec. 10.

A poster contest will be held in the same categories. Deadline is Jan. 10.

The Kamehameha Alumni Association's annual oratorical contest will be on the theme.

Exhibits of letters, memorabilia and publications are planned by schools, Bishop Museum, Queens Medical Center, First Hawaiian Bank, Royal Hawaiian Hotel and others.

A new Bishop Museum medal for distinguished service to the Museum is being prepared.

The Kamehameha Schools Preparatory Department will hold exercises in honor of Bishop, its founder: January 25—10:00 a.m. at Royal Mausoleum. 1:30 p.m. at Kawaiahao Church. January 30—8:30 a.m. and 10:30 a.m. at Central Union Church.

A banquet will be held at the Royal Hawaiian Hotel Monarch Room. First Hawaiian Bank is host.

NEWS RELEASE FROM THE OFFICE OF THE GOVERNOR

Governor John A. Burns has designated a 15-member commission to oversee the sesquicentennial observances of Charles Reed Bishop's birthday.

The 150th anniversary of Bishop's birth falls on January 25, 1972. In recognition of the widespread contributions Bishop made to Hawaii's development during his years in the Islands between 1846 and 1894, the State Legislature last year adopted a concurrent resolution calling for appropriate honors to be paid to Bishop in 1972.

A proclamation designating this year as "Charles Reed Bishop Year in Hawaii" is to be signed by Governor Burns at 2:45 p.m. Friday.

The 15-member commission includes: Senator Kenneth F. Brown, representing the State Senate; Representative Daniel K. Kihano, representing the House; Deputy Superintendent of Education Teichiro Hirata of the Department of Education; Deputy Comptroller Mike Tokunaga of the Department of Accounting and General Services; State Archivist Agnes Conrad; Daniel Akaka, director of the Office of Economic Opportunity.

Also, George Kanahele of the Hawaii Corporation, George Kauhane of the Department of Taxation, Kaupena Wong, supervisor of the State's Hawaiian text materials program; Fred Cachola, director of the early education program at Kamehameha Schools; Walter Dods, First Hawaiian Bank executive; Harold W. Kent, former president of Kamehameha Schools; Richard Lyman, Bishop Estate trustee; Abigail Kawananakoa, president of Friends of Iolani Palace; Monsignor Charles A. Kekumano, pastor of Our Lady of Peace Cathedral.

SUMMITRY, ALLEGIANCE, AND FRIENDSHIP

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. WALDIE. Mr. Speaker, this Nation is beginning a trek of historic proportions in 1972, climaxing with the visits to Peking and Moscow by President Nixon. Future history books will note that this was the year the United States opened the diplomatic door to Red China and sought to bring sovereign nations together in peace.

In anticipation of his visits, and to calm the nerves of our allies, Mr. Nixon has met in summit with world leaders to brief them about his trip and assure them he will not take actions that would interfere with their foreign policies. So, Heath, Trudeau, Brandt, and Sato have been assured of our intentions as we venture behind the Bamboo Curtain for the first time since the Second World War. Yet, in the midst of all this diplomacy, someone at the White House or State Department has made a grievous error. We have forgotten one nation that has a great deal of interest in this journey. This also happens to be the one nation that has firmly backed us in Vietnam, supplying more troops than any other "ally."

The last time we fought a war we kept the Chinese out of South Korea, devoting time and energy, men and supplies to the fight against the Communist aggression from the north. We spent millions of dollars in that campaign and helped mold a nation free to make its own decisions. We continue to assign troops to that nation as a sign of our steady resolve to protect her and her form of government.

In return, the government of Park Chung-Hee has given this Nation 260,000 of its men to fight in Indochina. Three thousand-three hundred of those men returned in coffins, 7,800 of them went home with the scars of the war. While in Vietnam, the South Korean Army won the distinction of being among the best fighting forces in Vietnam. The famous Black Panther Division won countless medals from our Government and the Republic of South Vietnam for its efforts in the war zone.

While committing all these men to our war in Vietnam, South Korea had to maintain readiness at home, continuing the difficult negotiations with the North Korean Government.

President Nixon talked with and assured Prime Minister Heath of Britain. He soothed the worries of Canadian Prime Minister Trudeau concerning our economic policy and intentions in Peking. He virtually rehabilitated the prestige of Prime Minister Sato of Japan whose ruling party faced a stormy Diet and populace when the President's trip was announced. Yet, President Nixon has not talked to President Park of South Korea. As far as we know, the U.S. Government has said nothing to the South Koreans concerning our intentions in Peking when South Korea itself stands to lose the most if those negotiations are unsuccessful. What nation is more threatened than South Korean by the Chinese? On what nation's ground did we fight the People's Republic of China to preserve democracy?

On January 11, 1972, President Park told newsmen in Seoul that he was worried about the President's trip to Peking and what it would mean for the people of South Korea. He told the press that he would take a "wait and see" attitude about the whole affair—since he had not been contacted by this government.

If President Park is worried about these negotiations with Peking and Moscow, he is justified. No other ally has given so much for the cause of America in recent years. No nation in the world has withdrawn from the Vietnam conflict, that U.S. war, with such honor.

Obviously, someone is making a mistake. From the indications received from the Nixon administration so far, the South Koreans are not going to be consulted about this matter.

Obviously, the South Korean "mistakes" were many. They did not become belligerent in the matter of textile imports into this country. They did not undertake a giant campaign to manufacture electronic component parts to flood our markets and drive the American electronic business bankrupt. They made another mistake in not joining an economic community and, thereby, threaten the Nixon administration with a new position at the trading table. They did not permit evaders of the Vietnam war, sanctuary in their country and criticize the administration's economic policy. But, their biggest mistake was accepting the Vietnam war and the American position and sacrificing men and resources to fight there with honor.

Yes, the South Koreans are guilty of many mistakes in dealing with this nation. It is now obvious that, to merit a summit meeting with President Nixon, you must be critical of this nation and its policies and seek to undercut its own industry. The South Koreans failed in these areas, and, as punishment, they will not be consulted about the President's meeting with leaders of a government that rules a giant nation on their very doorstep.

Such is the price of allegiance these days. In the future, maybe the government of President Park will learn to realize that you do not attract the attention of this administration unless you rock their boat and threaten their policies.

For my part, I want this administration and my colleagues in the Congress to know that I appreciate the sacrifices made by the South Koreans in "our war." I shall not forget what they have done as repayment for the war we conducted on their soil. I salute the government and people of South Korea for their steady resolve over the years, and their efforts to maintain a lasting friendship with the United States. I would expect, at least, the same treatment from our President.

U.S. POLICY TOWARD THE PERSIAN GULF AND THE INDIAN OCEAN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. HAMILTON. Mr. Speaker, I would like to insert into the RECORD four recent Department of State statements on U.S. policy toward the Persian Gulf and the Indian Ocean. The first statement contains notes on U.S. policy used by Deputy Assistant Secretary of State Rodger P. Davies during his December 1971 trip to the Persian Gulf. The other three statements are answers to specific inquiries I have made. They are in order: An August 4, 1971, statement on general policy; a December 17, 1971, answer to an inquiry regarding the Iranian seizure of three small islands in the Persian Gulf; and a November 18, 1971, reply to an inquiry concerning comments the Australian Prime Minister made on U.S. policy toward the Indian Ocean during a press conference here in Washington. The four statements follow:

U.S. POLICY TOWARD PERSIAN GULF STATES—DECEMBER 1971

The United States Government welcomes the independence of the states of the lower Gulf. We are pleased that the transition from British protection to full independence has been made in a manner permitting future cooperation between the former protecting power and the newly independent states. The United States Government has no intention of seeking to replace the British in the role of protector of the Gulf. We recognize that the states of the Gulf are willing and quite able to provide for their own defense and security. We feel, however, that cooperation among all the states of the Gulf is essential to the future stability and welfare of the area. U.S. policy is based on friendship for all the peoples of the Gulf and will seek to encourage cooperation among them wherever possible. As the U.S. enters direct and formal relations with the new states for the Gulf, we will seek to continue the longstanding cooperation in economic and other fields which has consistently characterized our relationships.

DEPARTMENT OF STATE,
Washington, D.C., August 4, 1971.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on the Near East, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: . . . U.S. policy toward the Persian Gulf recognizes that the littoral states, particularly Iran and Saudi

Arabia, intend to assume primary responsibility for the security of the Gulf once operational British military forces are withdrawn and the British protective treaty relationships with the Gulf States terminate. It is our policy to encourage this determination, to urge the cooperation of Saudi Arabia, Kuwait and Iran in assisting the orderly development of the Gulf states and to support them as appropriate in this role.

Since 1968 when the British announced their intention to "withdraw" from the Gulf, there have been active efforts to remove certain of the elements of instability which might appear in the wake of this historic change. A major undertaking has been the effort by the nine gulf rulers, and encouraged by the U.K., to create a Federation of Arab Amirates. At the moment it appears that a Federation of all nine states will not materialize in the immediate future but there are reasonably good prospects that at least six of the seven states of the Trucial Coast will form a single federation. The two largest shaykhdoms, Bahrain and Qatar, are likely to seek independent status as separate states for the immediate future but long-term prospects of an all inclusive federation still exist. The U.S. has encouraged at every appropriate opportunity the formation of the largest possible federation of the Gulf states as a means of fostering order and progress in the area once the British withdraw.

Besides the dangers to area stability should federation fail, the other principal potential element of instability is the conflicting territorial claims still unresolved in the area. Currently uppermost is the dispute between Iran and two of the Gulf shaykhdoms over the ownership of three small islands in the Gulf. The question of Saudi Arabia's boundary with Abu Dhabi is also unsettled. The British Government has been actively involved in efforts to resolve these disputes prior to surrendering its responsibility for the shaykhdom's foreign affairs. The U.S. Government is not directly involved in these issues and has taken no position with the amirates' or any party's claim. We have, however, counseled the importance of prompt and amicable resolution of the disputes.

The creation of workable political entities such as the proposed federation of Trucial States and the resolution of the territorial disputes noted above would in our opinion provide a basis for guarded optimism about the stability of the lower Gulf area for the foreseeable future. The emerging states will undoubtedly face problems in adapting to the political currents of the modern world. There are indigenous elements in the Gulf sympathetic to the more radical Arab Nationalist sentiments espoused by regimes such as those of Iraq and the Peoples' Democratic Republic of Yemen. As the Gulf states reach independence, we can anticipte an effort by the Soviet Union and other communist states to establish a commercial and diplomatic presence there.

The U.S. does not intend to attempt to replace the British role in the Persian Gulf. We do, however, recognize the importance of U.S. interests in the area including significant economic interests in the states of the lower Gulf. We anticipate as these states emerge from British protection we will inevitably be drawn into close contact with them. Our present intention is to establish diplomatic relations with those entities that would likely qualify for admission into the UN, accrediting our Ambassador to Kuwait as non resident ambassador to the lower Gulf States and establishing two small diplomatic posts under his supervision in the lower Gulf as well as a small post in the neighboring Sultanate of Oman.

We anticipate no change in the present U.S. military presence in the Gulf, which consists of the Middle East Force Command, home ported in Bahrain. We have consulted with friendly neighboring states as well as the Government of Bahrain about the desirability of maintaining Middle East Force after the British withdrawal. These consultations elicited no demand that this modest naval force be withdrawn. We feel that it fulfills a meaningful role in indicating U.S. interest in the states of the Gulf and the Indian Ocean region.

We are pleased to have had the opportunity to cooperate with the Subcommittee on these matters. If we can be of any further assistance, on this or any other matter, please do not hesitate to let me know.

Sincerely,

David M. Abshire,
Assistant Secretary for Congressional Relations.

Department of State,
Washington, D.C., December 17, 1971.
Hon. Lee H. Hamilton,
Chairman, Subcommittee on the Near East, Committee on Foreign Affairs, House of Representatives, Washington, D.C.

Dear Mr. Chairman: The Secretary has asked me to reply to your letter of December 2 requesting comments on the Iranian landings on the islands of Abu Musa and the two Tunbs in the Persian Gulf on November 30.

The sovereignty of the islands in question has been contested for over a century. The United States Government, which has never taken a position on the merits of the dispute between Iran and the United Kingdom, believes that the Iranian landings on the islands must be viewed in the total context of a series of interrelated events in the Persian Gulf in the recent past. These include the termination of the United Kingdom's special treaty relationships with the nine lower Gulf shaykhdoms, the relinquishment of Iran's claim to Bahrain and the subsequent independence of that state and of Qatar, the federation of six of the remaining seven lower Gulf states as the United Arab Emirates, and the formal recognition of all of these entities by Iran.

For well over a hundred years the United Kingdom has borne the responsibility for the security of the strategically important Persian Gulf region. In anticipation of British withdrawal Iran over a year ago began to press publicly its long-standing claim to the three small Gulf islands in question. The Iranian insistence on placing garrisons on these islands derived from Iran's concern that otherwise the islands might be used at some point by hostile elements to threaten the flow of Iranian oil to the industrial nations. Iran entered negotiations with the British on the islands question. The United States Government was not at any time involved in these negotiations nor did it take a position on the merits of the dispute. We did, however, frequently and consistently urge on all parties concerned the need for a prompt and amicable solution.

A settlement was in fact reached over Abu Musa with the Ruler of Sharjah, allowing for the establishment of an Iranian garrison on a specified portion of the island, with the rest remaining under Sharjah's civil administration. Future oil revenue would be shared equally, and in the absence of such revenues Iran will provide financial assistance to Sharjah on an agreed annual basis.

Unfortunately, it has not been possible to reach a similar agreement between Iran and the Ruler of Ras al-Khaymah, who claims sovereignty over the Tunbs. Ras al-Khaymah refused to acquiesce in Iran's plan to land a small force on the Tunbs. We deeply regret that, owing to a misunderstanding, the Arab police resisted the landing on Greater Tunb and three Iranians and one Ras al-Khaymah lost their lives. We understand that most of the population of Greater Tunb has at its own request moved to Ras al-Khaymah and that the Iranian Government has declared its intention of compensating these individuals.

On balance we believe that the recent developments in the Persian Gulf, taken in their entirety, are in the interests of all the littoral states and represent an affirmative contribution to the peace and security of the region. We are encouraged by the public declarations of Iran and the United Arab Emirates to the effect that they intend to work together for the stability of the area. In the opinion of the United States Government, close cooperation between Iran and the Arabs in the Persian Gulf is the best guarantee of progress and stability, which is in both our interest and theirs. We have made our position clear on both sides of the Gulf and believe that recent events provide encouraging signs that this cooperation will be forthcoming.

I hope you will find the foregoing to be helpful.

Sincerely,

David M. Abshire,
Assistant Secretary for Congressional Relations.

Department of State,
Washington, D.C., November 18, 1971.
Hon. Lee H. Hamilton,
Chairman, Subcommittee on the Near East, Committee on Foreign Affairs, House of Representatives, Washington, D.C.

Dear Mr. Chairman: Thank you for your letter of November 5, 1971, concerning Australian Prime Minister McMahon's November 3 address to the National Press Club. In his address, the Prime Minister said, "I think I can take it for granted, although I have not been given any concrete assurances about it, that you yourself (the U.S.) will have a counterbalancing force there (in the Indian Ocean) from time to time." In making this observation, the Prime Minister was expressing his own interpretation of American actions or intentions in the Indian Ocean. He had not, as he said, "been given any concrete assurance about it."

The United States does not wish to engage in a naval competition with the Soviet Union in the Indian Ocean. We will continue, however, to maintain normal naval access there through occasional ship visits, transits, and minor exercises.

The United States is not establishing a new Indian Ocean Force. The only U.S. naval forces which currently operate in the Indian Ocean are the three Mid East Force ships stationed at Bahrain and ships from the Pacific Fleet which occasionally conduct minor exercises in or pass through the area. There are no plans to increase the number of ships assigned to the Mid East Force.

I hope this clears up the misunderstanding which may have been created by Prime Minister McMahon's press conference. If you have any further questions, the Department of State will be happy to assist you.

Sincerely,

David M. Abshire,
Assistant Secretary for Congressional Relations.

OUR SPANISH-SURNAMED BROTHERS—WHO ARE THEY?

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 20, 1972

Mr. FAUNTROY. Mr. Speaker, among those ethnic groups that we often forget, ignore, or discriminate against are those with Spanish-speaking background. Perhaps that is because we have not sought to understand their backgrounds, their traditions, their contribution to the building of this Nation—indeed, the building of the Western Hemisphere. Together magazine, a publication of the United Methodist Church, in its February 1972 issue, writes in a most reflective and informative manner about our Spanish Americans. I think all of us should pause for a moment and reflect on the words of the author, Justo L. Gonzalez, which will help us better understand a most important segment of our Nation. The article follows:

WHO ARE THESE SPANISH-SPEAKING AMERICANS?

(By Justo L. Gonzalez)

It is not the Spanish-American but the Anglo-American who is the newcomer to this country. Nineteen years before Sir Walter Raleigh founded his ephemeral colony in Virginia (1584), the Spanish founded a city which still eixsts in St. Augustine, Fla. And ten years before the Pilgrims landed on Plymouth Rock (1620), the Spanish founded Santa Fe, now the capital of New Mexico.

Actually, the first Spanish-Americans who became part of this country did not do so by migration but were rather engulfed by the United States in its process of expansion.

In 1810, the United States annexed western Florida in order to have an outlet into the Gulf of Mexico—which was then truly the Gulf of Mexico. By 1853, the U.S. had acquired, by various means, what now is Florida, Texas, New Mexico, Arizona, California, Nevada, Utah, and sizable parts of Colorado, Kansas, Oklahoma, and Wyoming. This included more than half of what used to be Mexico, and it more than doubled the territory of the United States.

I do not say all this to complain, but simply to point out that Spanish-American roots in this country are old and deep. Since Spanish-Americans have been here for so long and yet have kept their identity, it is doubtful that they will follow the same process of assimilation by which the Swedes, the Irish, and the Italians have joined the mainstream of American society.

FOUR GROUPS PREDOMINATE

Basically today's Spanish-Americans comprise four groups: Hispanos, Mexican-Americans, Puerto Ricans, and Cubans. To these could be added a sprinkling from other Latin American republics, formed mostly by immigrants with particular skills. But these are scattered throughout the nation and either return to their country of origin within a few years or are assimilated.

Hispanos are descendants of those who lived in Mexico north of the Rio Grande when the land became part of the U.S. They did not come to this country—this country came to them. Pushed aside by hordes of Anglos, they resented—and still do—this invasion of a land they considered theirs. They are quick to point out that they are not Mexican-Americans. But Anglo society has not dealt with them any better than it has with their newly arrived cousins and, therefore, for this discussion, I shall consider them as Mexican-Americans.

The early decades of this century were troubled years in Mexican history. A great, often bloody, revolution wrecked the country's economy. The United States at that time was enjoying prosperity so there was a mass migration from Mexico to the U.S. Almost a tenth of Mexico's population crossed the border during this time. Then conditions changed. U.S. economy faltered, Mexico became more politically stable, and the U.S. Immigration Service began applying strict controls.

Still several thousand Mexicans cross the border annually to settle permanently in the U.S. Like other Spanish-Americans, they must take the most lowly jobs and endure discrimination. But they feel the opportunities for work and advancement here, meager and restricted though they are, are still greater than those in their own homeland.

Puerto Rico became a possession of the United States in 1898 when this nation, then at the high point of its youthful exuberance, defeated old and tired Spain. In 1917, through an act of Congress, all Puerto Ricans became U.S. citizens. So Puerto Ricans who come to the mainland technically are not immigrants—but culturally they are. Many come from small, semirural towns and move to large cities such as New York and Chicago. Wherever they live, they always consider Puerto Rico their home, and they yearn for the open skies, warm climate, and friendly atmosphere of their island.

Long before Castro there were Cubans in Florida and in large cities like New York. Since 1959, however, there has been a mass migration of Cubans to the U.S. They came by stages, first mostly the *Batistianos* and the very wealthy. Later came intellectuals, professionals, and technical workers. Eventually the exodus included people from all walks of life. A number of these people have left the Greater Miami area—a process the federal government has encouraged—and now are scattered throughout the nation, particularly in the southeast, northeast, and California. For the most part, they have given up hopes of returning to Cuba.

By far the largest number of Cubans still live in southern Florida. Many enjoy the life of the "little Cuba" they have created there. Others stay only so they will be near their homeland when "something happens." Jobs are scarce for these people so those who have begun to find their way help relatives and friends who have arrived more recently. This means that housing occupied by Cubans tends to be overcrowded. And eventually a ghetto develops which is inhabited almost exclusively by Cubans and by a few older English-speaking people.

HISTORICAL HERITAGE

One of the worst misconceptions Anglos seem to have about Spanish-Americans is that since they all speak Spanish, they must be all alike. We are not a cohesive group at all. Much of this is due to our geographic distribution, of course. But there are important historical differences of which you should also be aware.

Mexico was a land of high civilization where a succession of cultures had culminated in the Aztec Empire. Its population was relatively dense even before the Spanish conquest. Cuba and Puerto Rico, on the other hand, were rather sparsely populated, mostly with Arawaks, an Indian race whose cultural development had taken the almost exclusive form of stone carvings and whose political organization was rather loose. As a result, the Spanish forcibly subdued, enslaved, and killed the island Indians. In less than a decade the Spaniards—who had not come seeking work—were forced to begin importing slaves from Africa. What few Indians survived physically lost their identities in the mixture of races that ensued, and their cultural inheritance remained little more than a few words which found their way into the Spanish language.

Mexico was not conquered by force but by guile. Hernan Cortes was defeated by the Indians and was forced to use Indian allies in order to enter Tenochtitlan and capture Montezuma. He did not destroy the Aztec Empire and build the viceroyalty of New Spain in its place, but rather he used the captive emperor as a hostage to capture the old political structure, which he only changed gradually and never very completely. So Mexico is much more Indian in its culture than either Cuba or Puerto Rico.

The legends of the origins of the Arawak people in the Caribbean have been forgotten; but the Mexican legends of the exodus of the Toltecs from the north in search of a promised land, which would be marked by a lake, and in the lake a rock, and on the rock a cactus, and on the cactus an eagle eating a snake, survives still on the Mexican flag and in the soul of the nation.

The native art of Cuba and Puerto Rico—its paintings, its music, its wood carvings—bears the stamp of Andalusia and Africa, whence most of our forefathers came. The native art of Mexico is still the art of a civilization which the Spanish conquest was able to subdue for a time, but never to destroy. The hot food and tortillas which most North Americans identify with Latin America are Indian in origin, and are still typical of Mexico. But the native food of Cuba and Puerto Rico is a slight variation of typical Spanish food with some African influence.

Few Africans were taken to Mexico to serve as slaves. But in Cuba and Puerto Rico the presence of Africa still can be felt. A sizable number of Cubans and Puerto Ricans can boast an African ancestor. And while we got our guitars from Andalusia, our rhythm came from Africa.

On Mexico's high plateaus and deserts where temperatures rise sharply during the day and drop drastically at night, one lives indoors, with his family. On the islands, where the temperature in the evenings is almost always ideal, one lives outdoors. So Puerto Ricans and Cubans are by tradition more open, more gregarious, more noisy than Mexicans—or North Americans, for that matter.

LANGUAGE REFLECTS CULTURE

It is the language and the shared culture of these groups which draw them together as Spanish-Americans—and which most sharply distinguish them from Anglos.

I do not know whether the language has formed the mind or vice versa, but it is true that the Spanish-speaking person, like his language, is open rather than subtle—sometimes to the point of seeming blunt to others.

Spanish-Americans are not ashamed to show emotion—and we are not sure that it is always best to follow our reason over our emotions. It is said that one reason bullfighting is possible is that a bull closes his eyes when he charges, and that cow-fighting would probably be more dangerous since a cow keeps her eyes open. I have never attempted to corroborate the fact, but still most Spanish-Americans would rather charge into a problem like a bull than like a cow. Reason is good, yes; but man is more than a thinking machine.

Because of this, when it comes to religion, a Spanish-American cannot very well understand the religiosity of the man who sits like a stone in a worship service and shouts like a heathen in a baseball game. He finds it hard to believe the sincerity of a man who tells him over a cup of coffee, in such quiet tones that he seems to be ashamed of it, that he believes in Jesus. He figures that if religion makes any difference at all, it must make all the difference in the world. And he would rather seem fanatical or be called a show-off than be led to doubt his own sincerity.

In the Spanish language almost any word order is acceptable in a sentence. Not so in English. This may well have something to do with what to us seems an obsession with order on the part of Anglo-Saxons, and with what to them must seem our love of disorder.

Everything in Spanish has a gender. We see certain things, certain characteristics, certain privileges as typically feminine and some as typically masculine. But such distinctions are not ones of subservience. Man is not above woman. Rather, man and woman are two different creatures, and one just cannot be the other. This is the significance of that *machismo* which has been so much discussed by sociologists and psychologists—not that man is superior, but that he is different and must remain so.

If a man won't help his wife with the dishes, it is not that he considers himself above such a job but *apart* from it. If he were to do it, it would be an insult to both himself and his wife. And a woman must not compete with men, not because she would be invading the superior privileges of masculinity but because she would be denying and insulting her own femininity. Quite obviously this traditional pattern cannot subsist in the new environment of modern society, and its breakdown is causing severe disturbances in the fabric of the family.

Our view of sex has religious implications, too. Protestants have often accused Spanish Catholicism of being unduly concerned with Mary, even of worshiping her. What Protestant critics have not understood is that their own message has often cancelled the positive feminine traits which Spanish Catholicism has placed in the Virgin. The God of traditional German-Anglo-Saxon Protestantism has often been little more than a mellowed version of Thor. Even Luther's *Deus pro me* was the overwhelming discovery that somehow Thor, with all his might and his thunder, had forgiven him. God was always the loving enemy, as psychology has since showed that a father often is to his son.

Such a God is obviously incomplete. Certain Protestant traditions have attempted to solve this problem by placing the loving Jesus vis-a-vis the judging Father. This has resulted in an effeminate Jesus. Such a notion is abhorrent to the Spanish mind. Give me the suffering, bleeding Jesus on the cross. Or give me the all-powerful Jesus *pantokrator*. Or the Jesus who drinks with his disciples. But no delicate Jesus whose eyes are turned to heaven like Juliet would look at Romeo!

The Virgin cannot simply be abolished. There must be a place in the Spanish God for the feminine. I suspect one reason for the phenomenal growth of Pentecostalism among Spanish-Americans is that the Holy Spirit plays a motherly role in Pentecostal piety. It is the Holy Spirit who gathers the believer to its bosom and rocks him to ecstatic oblivion of all his wants and his cares. Although it is God the Father that provides all things in creation, it is the Holy Spirit that somehow turns this into spiritual nourishment for the faithful.

Incidentally, there is a long tradition from Elkesai in the second century to Berdyaev in the twentieth, which ascribes femininity to the Holy Spirit. And in the Spanish tradition the dove is not only a symbol of the Holy Ghost but also of unspoiled feminine innocence.

The Spanish language and culture is deeply aware of the great ifs of life. There is nothing of which we can be certain. A Spanish-speaking person, even one who can hardly be called devout, will say, "I'll be there tomorrow if God wills it," or "through the possible intervening action of God." That is why a Spanish-American may seem indolent to the activist, optimistic, Anglo-American. He is willing to work, yes. But he is not willing to put too much store on his own effort, lest he be disappointed. Today is important, but no matter how great our present effort, *mañana* is still an open question.

Mañana, with its unpredictability, has a liberating power which is difficult for the self-assured Anglo to understand. *Mañana* is not only the excuse of the lazy, it is also the hope and the comfort of the downtrodden. Even if *mañana* brings no change in my present condition, at least today's hurts will no longer be so painful. *Mañana* has kept the pressures of today from robbing me of the joy of living!

Our subjunctive view of life also shapes our religion. While the most common sin of Anglo-Saxon Christianity has been activism, the most common sin of Spanish Christianity has been quietism. The only thing that allowed Spain to produce such active Christians as Ignatius of Loyola and Theresa of Avila was an overwhelming sense of authority which for these believers cancelled the ifs of life. Other great Spanish Christians—Antonio Montesinos, Pedro Claver—were moved by the challenge of immediacy. They moved to correct injustices, not with far-reaching plans full of ifs but with a concentration on their own particular concern which often made them blind to other implications of their actions.

The same is true about Latin revolutionary attitudes. A Latin revolutionary will not take it upon himself to conceive a plan for long-range action which will eventually bring forth a more just order. He rather places his faith in the blueprint of another—and it is significant that Latin America has produced many revolutionaries, but not a single significant Utopia—or he simply decides, out of the challenge of immediacy, that a certain condition must be changed—not changed into something, mind you, but simply changed.

In English you say "to be" whether you wish to refer to the very being of God or to the state of being drunk. We have two verbs for "to be" in Spanish, to distinguish the permanent from the transitory. Cultures which do not make such a distinction seem to us the epitome of confusion. They place permanent value on the transitory so that a man's being depends on what he has. And they seem to take the permanent as if it were transitory, so that there is little difference between a church and a club. By so doing, they seem to be deprived of both the free enjoyment of the transitory and the firm assurance of the permanent.

Now look at it from our point of view. There are not really two orders of "being," but two realities as distinct from each other as apples and oranges. They are not engaged in constant warfare against each other for the value conferred to one does not diminish the value of the other.

So we see no tension between "secular" and "religious." The genius of Spanish Roman Catholicism, for example, has been that is is *fiesta* Christianity. It is not gloomy or somber. It spills out of the dark churches into the colorful *procesion,* the day of the *santo patron* of a town, and a thousand other events. Traditional Roman Catholicism in the Spanish world is secular, not in the sense that it is not religious but in the sense that the distinction between the secular and the religiouus tends to be effaced.

This has been one of the main hindrances in the growth of traditional Protestantism in the Spanish world. It is too somber. It is too religious. It cannot rejoice in the world and enjoy it. The solution is not to become secularized. The solution within our context is for it to become religiously secular, and secularly religious.

AND WHAT OF TOMORROW?

Spanish-Americans are a people of *mañana.* (That means "tomorrow" as is well known. But it also means "morning" and, in everyday usage, "dawn.") We are a people of *mañana* because we have confidence that our *mañana,* our new dawn, has come.

The ideal of many a Spanish-American some years back was to be accepted by Anglo-Americans as one of their number. This is no longer his ideal. From the black man's struggles, and from his own traditional sense of self-esteem, the Spanish-American now wants to be accepted as different, and appreciated precisely because he is different. And he does not wish to be accepted out of the kindness of Anglo society but out of the need which that society has for him. This does not mean that kindness will not be appreciated; but as long as kindness is necessary to accept a fellowman, there is still a hidden feeling of superiority.

Manana is today. Our new dawn has come. And we claim our place under the sun. This is what Cesar Chavez and his followers are saying through their boycotts; this is what Reyes Lopez Tijerina is saying through his legal action to recover lands in New Mexico and Colorado; this is what Herman Badillo is saying when he campaigns for mayor in the Bronx of New York City; and this may even be what quarterback Joe Kapp says every time he calls a football play!

ABOUT THE AUTHOR

The professor, in addition to being a teacher, is a writer and linguist who was born in Havana, Cuba, 34 years ago. Justo Luis Gonzalez is associate professor of World Christianity, Candler School of Theology, Emory University, Atlanta, Ga. He was written, edited, or translated nearly a dozen books in Spanish or English.

His talents as a linguist were severely tested, however, several years ago in Athens, Greece, when he stopped to ask street directions of a well-dressed stranger.

"Do you speak English?" Professor Gonzalez asked, only to receive a blank stare in reply.

"Parlez-vous francais?" the professor asked in Spanish-accented French.

Again the blank stare.

"Sprechen Sie Deutsch?" the professor asked in German.

No reaction.

"I then took a piece of paper and carefully wrote out in Greek the name of the place I was trying to find," says Professor Gonzalez.

The stranger took the paper, looked at it upside down, and then said in broken English:

"Sorry—me Spanish."

THE SCHOOLSTOPPERS TEXTBOOK

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. ASHBROOK. Mr. Speaker, a group of radicals has issued a pamphlet "for people who want to fight back against their school." It is entitled "Schoolstoppers Textbook" and consists of 61 suggested ways to disrupt and destroy high school life. Some of the suggestions are incitement to crime—stealing, burning, and destroying school property. Some contain detailed instructions, complete with diagrams.

So that parents and educators may be forewarned, I wish to insert this evil pamphlet in the RECORD:

[First Edition, First Printing, January 1972—Schoolstoppers, Ann Arbor, Mich.]

SCHOOLSTOPPERS TEXTBOOK—FOR PEOPLE WHO WANT TO FIGHT BACK AGAINST THEIR SCHOOL

INTRODUCTION TO THE THIRD ATTEMPT

This is the third attempt that has been made to publish Schoolstoppers' Textbook in a pamphlet form. The first two times, the groups that were going to publish it later changed their minds and refused. So now, it is being distributed and printed by a few people, independently of any existing group.

Because the content of this pamphlet is rather controversial, several people have suggested including a long introduction explaining exactly why the ideas in here are justifiable, and necessary. However, this pamphlet is not written for people who are not yet sure whether school is good or bad. It is written for students who realize the way that compulsory education destroys the curiosity so many children feel, who realize how the tracking system keeps the poor people and minorities in our society on the bottom while keeping the rich and powerful on top, who realize the danger of teaching complete obedience to authority, and who are fed up with the sexism and racism in schools. It is written for students who have "gone through channels" trying to correct these problems and who are tired of helplessly waiting while the schools destroy more and more minds each day.

Before trying any of the ideas in here, you should think about the effect that they will have in view of the situation in your particular area. Not all of them will be effective at all times in all areas. If you think of other ideas, please send them to us so we can print them in future editions of this pamphlet.

WHAT YOU CAN DO

1. Get a syringe (minus needle) or similar device. Mix both tubes of epoxy glue with a little rubbing alcohol. You now have about half an hour to fill locks, books, phones, door jambs, etc. before the glue hardens. If you can't get the epoxy glue and syringe, a tube of airplane cement can also be used, although it's not as permanent.

2. Call the school and leave your phone off the hook. The way some (but not all) phone systems work, this will tie up their phone for as long as your's is off the hook.

3. Protest U.S. herbicide in Vietnam by defoliating the plants around the school. When the ecology freaks complain, as they undoubtedly will, ask them where they were when the U.S. was doing the same to Indochina.

4. Get some of the punch cards that your school uses for programming or taking attendance. Punch new holes in them, either with a keypunch machine or a screwdriver. Then switch the cards with others wherever they're stored. If you can figure out the code the cards are punched by, this has even more possibilities. You can often be just as effective without actually repunching the cards by just redistributing them a few days after you collect them (particularly when they're used for attendance).

5. Start an information service to let new students hear opinions and warnings about the teachers and administrators before enrollment day.

6. In gym classes, or in hallways between classes, have massive searches for "lost" contact lenses, telling people not to walk through the hall or "you might step on it."

7. If you still have a dress code, protest it by having everyone do something disruptive that does not violate the dress code. For example, dye your hair green with food coloring.

8. Free all animals in the biology classroom. Put them outside—if you leave them indoors, many of them (such as snakes and lizards) will get killed by hysterical teachers.

9. Appoint a student committee to write a consumers' report about the "education" they've been consuming. Distribute it to parents on open house night.

10. Periodically, have hoardes of students go to the office to have some rumor confirmed or denied.

11. Perform citizen's arrests of administrators for destroying the minds of youth, then telephone the police to come and take the criminals into custody. (This could be a good guerrilla theater action.)

12. Rip off dishes and silverware from the cafeteria, towels from the gym, stencils and paper from the duplicating room, layout equipment from the art and drafting departments, tools from the wood shop, and light bulbs from the sockets. Give them to some movement group that needs them.

13. During lunch, turn on and light all gas jets in the science labs.

14. Demand to see your school records on file. (Everybody else can see them.)

15. You can make a very effective fuse by inserting a non-filter cigarette in a book of matches so that it touches the heads of some matches and will ignite them when it burns down that far. Then loosely crumple a sheet of paper around the matches and cigarette so that they are hidden. Toss it in a wastebasket or any other area with a lot of papers, preferably in the office. It takes five to ten minutes to ignite, and by then, you can be on the other side of the building. Practice this at home before trying it.

16. Have giant coughing and sneezing epidemics in class or study hall.

17. Rub lipstick, glue, vaseline or ——— onto the doorknobs to the administrative offices in the school.

18. Swallow some snake antidote, then walk into the principal's office. The antidote (most types are harmless—make sure you get that kind) won't physically harm you but it will make you vomit. Do so all over his carpet, desk, clothing, etc., then apologize profusely.

19. Pick up some dog-training liquid at any pet store—it smells like concentrated ———And if you can't figure out what to do with that then you shouldn't be reading this.

20. Remove the contents of the teachers' mailboxes. Print any confidential or interesting notices you find.

21. Leave little notes and hints about "Tuesday's the day."

22. Impersonate parental voices and make irate telephone calls to the office.

23. Let a few skunks loose in the school. The dean needs the company.

24. Have everybody take out hundreds or thousands of library books over a period of a few weeks, then return them all at the same time.

25. If your school has suspended ceilings (that is, a ceiling composed of rectangles or squares resting on a frame, so that the rectangles can be pushed up), you can put dead fish, or anything else above them. Or put it into empty lockers and glue them shut.

26. Put signs on your locker saying "this locker will self-destruct if opened for inspection."

27. Give your school library a subscription to a good underground paper from your area, and insist that they make it available to students.

28. Do some revolutionary wall painting. All you need is a can of spray paint (red is a good color) plus a little imagination and courage. Then write your favorite slogans on walls, sidewalks, blackboards, desks, and windows. If you like, you can use a stencil, but that limits the size of what you can do. Wear gloves when doing this, as it's easy to get tell-tale paint on your spraying finger.

29. Print up false notices frequently, using the same format as the school uses, and distribute them to the teachers' mail boxes. Eventually, they'll never know what to believe.

30. Are certain administrators or teachers misbehaving? Print up a rat sheet with their names and phone numbers, and distribute it. Now students can call them up at any time to reprimand them—3:00 a.m., for example.

31. Break into your school at night and burn it down. To get inside, you can either hide in the building during the day and wait until the janitor leaves (check in advance to see what time that is), or come later at night and either force your way through a door, find an open window, or break a window. If you use the latter method, do it a few hours or days in advance so that if it attracts attention, you won't get caught. Be careful not to leave fingerprints—wear gloves all the time if possible. Once inside, make sure the walls will light well by placing loose paper or wood around them, or squirting lighter fluid, kerosene or gasoline onto them. If a lot of burnable boxes are stocked in one area, spread them around. Start the fire from the inside of the building so it will take longer before it can be seen from the windows. Make sure the fire has a way to travel from one burnable area to another.

32. Get hold of a film to be shown at a school assembly, and splice in parts of another movie of your own choosing before the assembly. A little imagination on your part can make a very interesting day.

33. Clog up the drains of sinks with clay, then turn on the water right after everyone leaves school, so the place will fill with water and warp/rot the floors.

34. Teachers often leave gradebooks, conduct sheets, and attendance records unguarded. Help yourself!

35. Put up posters all around the school. To make them stick permanently, use Pet evaporated milk for glue.

36. Start wailing in the halls.

37. Call the phone company and tell them you want the school's phone disconnected immediately.

38. If you can't find any skunks, let chickens loose in the school. Or pigeons.

39. Carry, and pretend to sell, oregano rolled in papers and aspirin with the name filed off.

40. Walk into the school library and ask if they have any good books about how to make and use bombs.

41. You can short-circuit the school's wiring by taking a regular plug with a short cord attached, connect the two wires with a switch between them. Plug it in, turn the switch to on, and you've blown the fuse. Turn it off pull it out, and try another one. You don't have to use the switch but if you don't, sometimes the current will arc and weld the plug to the socket.

42. Ride a bicycle down a busy hall.

43. When some important person is speaking in the auditorium, get into the light box and turn the colored lights off and on.

44. Save your book reports, and essays, and give them to other students to use the next year or re-use them yourself with different teachers.

45. Flush different things down the toilets (preferably in faculty johns). Balloons filled with air, baseballs, M–80's, et. all work well.

46. Start a campaign to have the letter Z appear everywhere as a mark of angry students. Write it in gradebooks, paint it on walls, scratch it into desks, and write it on the back of the principal's jacket.

47. Set up a fake school and hire away all the lousy teachers.

48. Leave phony letters of resignation from other administrators on the principal's desk.

49. Steal the programmed teaching kits and thrown them in the river. Make teachers teach real.

50. Read the school list of expenditures, and reprint some of the dumber ones on a leaflet.

51. Take beer or any favorite drink to lunch in a thermos and pass it around.

52. During some important test (SATs, ACTs, etc) on each section, have some students who is particularly good at that subject stand up and read off the correct answers for as long as possible. When they're finished or silenced, have someone else stand up and do the same. The test results will be worthless and it will have to be given over, at great expense to the school.

53. Take down the American flag in front of the school and put up one of your own.

The best way to do this is to lower the flag that's already up, replace it with your flag and cut the rope about a foot below where the flag is attached. Then tie a slip knot around the other end of the rope, making it fairly tight. Now pull on the end of the rope that is hanging down to raise your flag. At this point, there's no way your flag can be lowered without someone climbing up the flag pole.

54. Put alarm clocks in various lockers, with the controls set on "loudest". Set the alarms so that they'll go off about every ten minutes, then close and lock the lockers.

55. Have a group of people march around the school with a flag singing the Star Spangled Banner. Can you imagine the school trying to punish students for singing the Star Spangled Banner?

56. In a class where there is a rule against gum chewing or some equally stupid rule, have everyone blow a bubble at exactly the same time one day.

57. Many schools have automatic sprinkler systems, which go off automatically when sensors in the ceiling feel too much heat. Find the sensors, and hold a match up to them.

58. Persuade the graduating class to use their senior gift money for something useful, intelligent, or subversive.

59. Reprint *Schoolstoppers' Textbook* in your underground paper, or on a leaflet, or buy bulk copies and pass them around.

60. Demand that all equipment being stored rather than being used be made available to students.

61. If the school won't have a teacher evaluation, sponsor one yourself, passing out questionnaires to all the students so they can evaluate each of their teachers, then collect them and publicize the results to students, faculty, school board, and community.

INTERSERVICE RIVALRY COSTS BILLIONS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. ASPIN. Mr. Speaker, the United States needs a new close air-support aircraft in order to protect our troops engaged in combat. Rather than build one aircraft capable of fulfilling the mission of close air-support, three of the military services have recommended their own aircraft. The Marine Corps is currently purchasing Britain's vertical take-off fighter, the Harrier. The Army is in the final stages of developing its new Cheyenne helicopter, and the Air Force is in the middle of a developmental program for the new A–X close support fighter.

It is my belief, Mr. Speaker, that the United States should build one close air-support aircraft. The only possible reason for building more than one close air-support aircraft would be if it were needed to fulfill more than one mission. The fact of the matter is that there is only one mission. As a result of what I find to be inexcusable, interservice rivalry, three of our military services are each promoting their own aircaft. The only result can be duplication and waste. If the United States completes the development and procurement of all three aircrafts, we will spend a total of $4.4 billion. Any one of the three systems could be developed and procured for considerably less.

In this year's authorization legislation, the Armed Services Committee removed $13.2 million of advanced procurement engine funds for the Army's Cheyenne helicopter. The committee in its majority report said that it would consider the reprograming of the $13.2 million after the completion of a study by the then Under Secretary of Defense David Packard. Mr. Packard's study found that all three of the airplanes had a mission to fulfill. I cannot agree. As a result, I have called upon Secretary of Defense Melvin Laird to choose one of the three proposed programs for development and procurement. It is foolish and wasteful for this Nation to spend $4.4 billion on three overlapping systems.

This year's defense budget will probably rise as much as $5 billion in terms of new total obligational authority. The building of these three systems can only drive upward an already unbelievably huge defense budget. Thus, I have called upon Secretary of Defense Laird to choose one of the systems. With both our defense and nondefense needs so great, we can no longer afford to encourage interservice rivalry by needlessly spending billions of dollars.

The letter follows:

JANUARY 14, 1972.

Hon. MELVIN LAIRD,
Secretary of Defense,
The Pentagon,
Washington, D.C.

DEAR MR. LAIRD: I recently read a General Accounting Office report entitled "Close Air Support: Principal Issues and Aircraft Choices". I was surprised to learn that, in effect, three of the military services are developing aircraft to fulfill the same mission. If all three programs are fully funded, the total bill will be $4.4 billion.

The reason I am writing to you today is to urge you to select one of the three airplanes for further development and production before over $4 billion is wasted as a result of childish inter-service rivalry.

The single mission of close air support should be fulfilled by one service and one aircraft. Simply put, only one plane is needed. I believe that the Defense Department must make a decision soon, before the military builds duplicate and overlapping systems.

The parallel funding of the Air Force's A–X, the Marine's Harrier and the Army's Cheyenne helicopter is principally the result of inter-service rivalry, rather than the need for three systems to fulfill the same mission. Unless this rivalry is put to a stop, the United States will have three planes costing a total of $4.4 billion all doing exactly the same job.

The defense budget of the United States is continuing to rise. Press reports indicate that the Department of Defense plans to request an additional $200–$300 million for the fiscal 1972 budget. Clearly, the fiscal 1973 budget request will be in excess of $80 billion. I fear that, unless curbed, this crazy inter-service rivalry will drive upward an already unbelievably huge defense budget. Thus, I request that you review all three programs and select one of them to fulfill the close air mission.

Thank you for your cooperation.

Sincerely,

LES ASPIN,
Member of Congress.

RED CHINA AT THE UNITED NATIONS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. ASHBROOK. Mr. Speaker, I wish to comment on a serious matter that concerns the administration, the United Nations, and the Chinese Communist mission to the United Nations. Until about a year ago, the Chinese Communists spent considerable time making it abundantly clear that they would not accept membership in the United Nations until its rules were changed to suit their revolutionary fancy. This was understandable because in 1951 the membership of the world body had found the Peking regime guilty of aggression in Korea and then, 10 years later, in 1961, the United Nations upheld the International Council of Jurists in their findings that Red China had committed genocide in Tibet. We know that in 1971 these crimes, as well as a host of others, were, with our Government's assistance, swept under the United Nations' carpeting; and there was great joy and dancing in the General Assembly as the men from Peking were welcomed and a charter member of the world body—the Republic of China—was sent packing.

That was several months ago, and at that time we read, and have continued to read, of the moderate manner in which the Peking delegation assumed its new role. Yes. A new member had been admitted, and an old member had been tossed out, but nothing had really changed.

Unfortunately, we now know that such is not the case. Surprising to some, the moderate men from Peking are not all that moderate. And the rules of the Charter, Mr. Speaker, which were broken to bring their admittance, they are now busily violating in their own avowed fashion. What is equally disturbing to me is the fact that the information I am about to relate has been largely ignored by the media, the State Department, and the U.S. mission at the United Nations.

Article 100 of the U.N. Charter states the following:

> In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the organization.

The article further states:

> Each member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Mr. Speaker, the vital importance of this article to both the character and the operations of the United Nations is obvious. While we all know the U.N. is made up of power blocs and that amongst the Secretariat employees from Communist nations, first allegiance is always to the homeland, it has been tacitly recognized by all, that if member nations were to attempt to bring pressure and influence to bear on their nationals in the Secretariat, the world body could not function; it would soon disintegrate.

Bearing that in mind, I would like to draw your attention to the following chain of developments. In early December, the Chinese Communist mission gave a cocktail party for the 160 Chinese working in the U.N. Secretariat. All of the 160, of course, had been recruited by the Secretariat and about 85 percent of them hold passports from the Republic of China. Hosts for the party were Chia Kuan-hua—She-kwan-wha—and Huang Hua—whong-wha—Red China's two top men at the U.N. The party was a great success. Those assembled were assured they had nothing to fear about their job security. Offers of assistance to visit the mainland were made, as well as help in locating relatives. The guests went home full of un-Marxian Christmas spirit.

About 2 weeks ago, on January 8, key members of the Chinese translation section of the Secretariat received a telephone call from their deputy chief, informing them that they had been reinvited to visit the Roosevelt Hotel where the Communist mission is lodged. There were 17 ranking members of the section who were summoned, and they were headed by their chief, Che Chu-yin. Let me point out that Mr. Che has been with the Secretariat for 25 years and, as chief of section, holds a position not far removed from assistant secretary.

This meeting was completely different from the December affair. The 17 were received by several members of the Communist Chinese mission, who for 4 hours lectured and threatened them. From some of those present, who refuse to allow their names to be used publicly for fear of reprisals, we know that the assembled were told to forget the idea of being international civil servants. They were warned that before the revolution those holding secure jobs were considered to have "iron rice bowls." Actually, they were considered to have gold bowls. But, in the new era, there was no such thing as an iron rice bowl, and the only way anyone could be sure of his security was by wholeheartedly serving Mao and the people. They were reminded that the new Secretary General, Kurt Waldheim, could not have gotten his job without Peking's concurring vote.

Of possibly even broader significance, Mr. Che was attacked for the failure to submit to the Chinese Communist mission a list of translators and interpreters who will be assigned to work at the U.N. Trade Law Conference, to be held in Chile next summer. Che had no obligation to submit the list which, of course, is an internal U.N. matter. Nevertheless, Che was told that his neglect to do so was inexcusable.

On the subject of translation, the 17 were lectured that they needed to improve their work, which was unsatisfactory as far as the Red Chinese were concerned. In this regard, all U.N. translations are supposed to be written in a straightforward objective manner, the purpose being to try to avoid partisan interpretation. Not so in this case. The 17 were informed it was not important to keep in mind the simplified Chinese characters but how to "grasp the direction of thought" to find the correct political stand and then hold to it.

As for reading material, the guests were ordered to start doing some diligent studying of Chinese Communist publications, such as the People's Daily and the Peking Review. They were also instructed to organize into cells and conduct criticisms of each other in periodic meetings. This, of course, is the way it was done on the mainland. It is called the process of struggle, criticism, and transformation, and what it adds up to is terror. The 4-hour meeting ended on such a note when the principal host said:

> We won't talk about the problem of your passports now.

The next day, the 9th, Mr. Che called a meeting of the entire 70-member Chinese translation section. All attended, where the complete minutes of the Roosevelt Hotel Sunday meeting were read and Mr. Che invited criticism of his leadership. Mrs. Suzanne Forgues, a French national, who is director of translation services of the U.N. Secretariat, knew of the meeting and its purpose—which in itself was, of course, a violation of article 100.

There the matter lay until the 12th when U.N. correspondents, having gotten wind of the affair raised the question at the daily press briefing. The U.N. press officer, a Mr. William Powell, admitted that the meeting had taken place by invitation. He explained, however, that the get-together related to new Chinese terminology, documents waiting for translations, and how the translation service might be improved. He said that the meeting had been "a bit unusual" and that so far as he knew, no oral or written report on the subject had been submitted to the Secretary General.

A bit unusual indeed, Mr. Speaker. I have it on the most reliable authority that Chinese Secretariat employees have been thoroughly frightened and many of them are cowed and despondent. Mr. Che is no longer reporting for work. He had decided to resign, but was prevailed upon by his superior to take some leave instead before making a final decision. As I view it, the problem these people see threatening their security is not just this latest act alone. It is a series of acts, and one in particular that took place just prior to the Roosevelt Hotel meeting. It occurred when direct Red Chinese pressure against two accredited U.N. news correspondents from Taiwan brought summary eviction from the U.N. by U Thant in one of his last official decrees. This was done via the U.N. legal department which had ruled before the admittance of Peking that under no circumstances could the pair be fired. Once Red China came in, the two correspondents were thrown out and the new Secretary General has upheld the ruling. Naturally, Chinese Secretariat employees now see no support either within or without the U.N. for their increasingly precarious position. What they can see clearly enough is that those among them who do not shape up and knuckle under the Peking's direction are going to be forced out, too.

And when I say no support from without, I am referring to our own position in these matters. As the country that pays 41 percent of the U.N.'s bills, it seems to me we could make at least 1 percent of a protest. But all we hear is a serene stillness from Ambassador Bush at the U.N. mission, from Secretary Rogers at the State Department, and even Jack Anderson has not been able to supply us with Mr. Kissinger's secret thoughts on the matter. It is really no joking matter, and the silence from the Government and the press is indicative of an attitude that seeks to ignore those things that prove its judgment in error.

These men who are here from Peking know their business. They have come here with an avowed purpose. They have said they would change the U.N.'s rules to fit their special needs and they are doing it. Worse, they are getting away with it. The excuse for the administration's lack of response may be that the incident is not a large enough one over which to raise an outcry because it might jeopardize the President's forthcoming journey to Peking. That is the whole point, Mr. Speaker. The men in Peking know how much the President wants to make his trip, and they know how far they can go in their designs and still be sure he will come. What has happened at the U.N. is simply a manifestation of this fact and our failure to act on it.

RARICK REPORTS ON DECLINING STRENGTH OF THE U.S. NAVY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. RARICK. Mr. Speaker, I recently reported to the people of my district on the dwindling strength of the U.S. Navy when compared with that of the Soviet Union.

I submit the following report:

DECLINING STRENGTH OF THE U.S. NAVY—
RARICK REPORTS TO HIS PEOPLE

Recently, I attended a briefing by the Chief of Naval Operations, Admiral Zumwalt, on the declining balance of naval strength of the United States when compared with Soviet Russia.

Because of the precarious times in which we live today and the imperative need to beef up our defenses at once to protect our lives and property, I felt that you would like to hear a résumé of the briefing and my suggestions as to what should be done to improve our military posture.

The military and maritime situation of the United States is changing. It is vital that we Americans understand the nature and the extent of the change and its implications for the future welfare of our country.

Soviet naval and maritime power is on the increase. This represents a new dimension in world affairs. Few Americans have sensed that it has already changed the secure viewpoint from which we have observed world affairs since 1945.

NUCLEAR PARITY

One factor is nuclear parity. Superior nuclear arms and naval strength were the military factors which tipped the balance in our favor in the '50's and '60's. Today, we no longer possess superiority in nuclear arms. Soviet nuclear arms are on a par with ours, and we are involved in a nuclear stand-off where neither nation dares to use its nuclear capability for fear of devastating reprisal.

The main effect of this stand-off is that the United States must look once again to conventional forces to provide the means of protecting our national interests. Without strong conventional forces, we have only two options where our interests are threatened: engage in nuclear war, or back down.

In light of nuclear parity: The capabilities and readiness of our conventional forces are now of greater importance because for the foreseeable future it will be conventional rather than nuclear forces which will be the deciding factors where U.S. and Soviet interests conflict.

Another factor I have mentioned previously—Soviet naval and maritime expansion.

Since we no longer possess nuclear superiority, Soviet naval expansion threatens to negate our sole remaining capability to support our alliances and to protect our commerce.

This Soviet naval growth can be traced directly to the Cuban missile crisis of 1962, when the weakness of the Soviet navy forced them to back down in the face of a U.S. show of strength.

Since then, the Kremlin has allocated vast resources to naval programs. To illustrate, between 1966 and 1971, when the U.S. produced 88 combatant and amphibious ships, Soviet shipyards produced over 200. The Soviet fleet approaches the U.S. fleet in total numbers of combatant ships.

Two of the products of their development and shipbuilding directly threaten the ability of the United States to use the seas. These are the expanding Soviet anti-ship missile and submarine forces. They exist and are increasing in such quantity as to make the adequacy of our counter-forces questionable. Anti-ship missile launching platforms have increased four-fold since 1960. The Soviet submarine force numbers over 300 attack and cruise missile submarines as compared to the 57 which the Germans had at the beginning of World War II. Not counting ballistic missile types, the Soviets passed us in total nuclear submarines in 1963.

Do you see what such naval strength means to our continued use of the seas? This is what causes our naval planners the greatest anxiety—not that we would lose a battle if it occurred between the two fleets, but that we could be denied the use of the seas for commerce and sealift. We would not even have to come to open conflict. As soon as they are reasonably sure of the outcome, the Russians are free to try a Cuba in reverse, possibly in the Mediterranean.

I might also add that the Soviets have already passed us in total number of merchant ships and are overtaking us in terms of total tonnage. More than half of the Soviet merchant fleet is less than 10 years old—over half of ours is more than 20 years old. And the Soviet merchant fleet is centrally controlled and coordinated by the state. Therefore, it is completely responsive to foreign policy and available to bolster the Navy.

Nowhere has the influence of the Soviet Naval buildup been more markedly demonstrated than in the Mediterranean and Indian Oceans. In the Mediterranean the Soviet naval ships, now categorized as the Soviet Mediterranean Fleet, surpassed the Sixth Fleet in total annual ship days within the area by mid-1969. The increasing presence of Soviet ships has contributed to a demonstrable change in the political alignments of the region.

And in the Indian Ocean a similar situation is developing. The Soviet naval presence there became continuous in 1969. Now it exceeds ours by a factor of two.

In the face of the Soviet naval expansion, our own navy is encountering a reduction in strength and resources. This is another factor which inhibits restoration of a satisfactory balance of naval power.

Since FY 1968, Navy budgets declined 11% in terms of buying power of FY 1972 dollar, as defense matters have been accorded less precedence in national planning.

The effects of recent budget cuts on naval forces is demonstrated in force data comparisons between 1965 (prior to the Vietnam buildup) and 1971. Since 1965, the Navy has been forced to reduce 25% of its ships, 20% of its combat aircraft, and 7% of its total personnel. Reflecting the inertia attached to consolidation of the shore establishment, civilian personnel of the Navy have increased by 4% in the period.

The Navy, of course, is adjusting as best it can to the shortages of manpower, ships and equipment. But, all of the Navy initiatives taken together do not offset the effects of recent force reductions in the face of the onrushing Soviet naval expansion.

In light of the kinds of forces we need, what is the adequacy of our Navy today?

The supplemental statement to the President submitted by seven members of the Blue Ribbon Defense Panel stated:

"The Soviet naval buildup . . . is a major element in the shifting balance of military power. Although not itself a direct threat to the United States (except the submarines), the new and growing Soviet naval strength affects adversely the diplomatic and economic position of the United States throughout much of the world. It also threatens an historic American policy, namely, freedom of the seas."

The Joint Committee on Atomic Energy made up of 9 Senators and 9 Congressmen has issued an ominous warning:

"The United States, unless it moves quickly to counter a rapidly expanding Soviet naval threat, faces a future in which it will have to surrender to the Soviets on all issues or risk nuclear annihilation. Any delay may mean no future."

In addition to these warnings, foreign writings have noted the shifting balance of naval power and have expressed concern over the future of their alliances.

In my opening remarks, I said that Americans must understand the nature and extent of changes in our military and maritime situation and also their implications with regard to our welfare.

No one can foresee the future with absolute certainty, but there are certain assumptions which can be drawn from the facts as they are known today.

For instance, it is generally considered that, so long as an approximate parity in nuclear delivery and defense systems exists between the U.S.S.R. and the U.S., nuclear war is not likely between them. The awful results to the people of both nations would make initiation of nuclear attack an irrational act.

The Kremlin may therefore be expected to seek to achieve its objectives short of nuclear war. And, for the first time in modern history, the door is ajar for Russia to break free of the entanglements of encircling land alliances and to spread power and influence toward historical objectives in the Middle East, Asia, and even in Europe.

What can we expect the Kremlin to do in such circumstances?

They will avoid nuclear war.

They will continue their build-up of nuclear weapons.

They will continue their naval expansion in blockade and missile forces.

They will attempt to capitalize on political unrest, in Eurasia and Africa.

They will increase "showing the flag" and continue "gun boat diplomacy" in Eurasia and Africa.

They will foster Communism worldwide through aid and subversion.

When they are ready, they will confront us with superior force in a place like Israel or Korea and we will be forced to back down.

If I have shocked you by saying that this great nation of ours is approaching a point where it could be faced down at sea, such was my objective. I feel it my duty to give you the facts so that you may understand the situation.

In the final analysis, the Navy is the deciding military factor which enables the United States to be an international power.

This is not to belittle the vital contributions made by the other services to the combatant strength of the country. On the contrary, the contributions of the Army, Marines, and Air Force are willingly conceded.

But, it is the unique functions of the Navy which permits the United States to be an international power.

Having heard the deplorable status to which we have allowed our naval strength to deteriorate and the repeated insinuations by the Chief of Naval Operations that the Soviet Union is our adversary, it is only proper that one should ask: "Well, what do we do about this sorry state of affairs?"

First, the Congress should appropriate the necessary funds to bolster our Navy as well as the Army, Air Force, and Marine Corps—regular and reserve forces—to provide adequately for the common defense. Secondly, the Congress should reassert its power to declare war so that our fighting men will know who the enemy is they are fighting and so that the country can unite in their support. While the Chief of Naval Operations tells us that the Soviet Union is our adversary and is escalating its armed might, the President seeks favored nation trading treatment for the Soviet Union and more spending in social programs. And, finally, our military should never be committed where they are not to be allowed to conclude wars with victory as quickly as possible using conventional weapons.

For if we lose our will to defend our liberties, we lose our country, our civilization, our all.

CANCER INSTITUTE DIRECTOR VISITS CENTER AT BUFFALO

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. DULSKI. Mr. Speaker, the National Cancer Act of 1971 was signed into law last month, setting the stage for a massive national effort to find a cure for cancer.

Over the years, medical science has made great progress in cancer research and treatment.

I am particularly proud of the great achievements which have been made in my home city of Buffalo, N.Y., at the oldest and one of the largest cancer centers in the Nation, Roswell Park Memorial Institute.

During the hearings last fall on the cancer legislation by the House Subcommittee on Public Health and Environment, one of the witnesses was Roswell Park's director, Dr. Gerald P. Murphy. Later, the subcommittee concluded its hearings with an on-site session at Roswell Park which was combined with an inspection of the facilities.

Last week, the director of the National Cancer Institute, Dr. Carl Baker, visited Roswell Park for 2 days where he met with the excellent staff and saw the State-backed institution in full operation.

Dr. Baker described the Roswell Park facility as "one of the great cancer research centers in the world."

Mr. Speaker, as part of my remarks, I include the texts of news stories on Dr. Baker's visit:

[From the Buffalo Evening News, Jan. 14, 1972]

Conquest of Cancer Is Foreseen by Head of U.S. Research Drive

(By Mildred Spencer)

Victory over cancer through a concerted national effort is a realistic goal, the director of the National Cancer Institute said here today, even if scientists do not yet have all the basic knowledge needed to achieve it.

Dr. Carl Baker, who is visiting Roswell Park Memorial Institute today and tomorrow, agreed that scientists must learn more about control mechanisms in cells—"what turns on and what turns off the cancer cell"—before the cancer effort will be where the space effort was when the first national space program got under way.

But he believes that knowledge in the cell field is increasing so rapidly that discovery of "this last link in the puzzle" is close at hand.

FUNDING DECISION TO COME

The federal government has approved an acceleration of the attack on cancer over the next three years with a maximum budget of $1.6 billion. The actual allocations must be approved individually each year.

"The government has said," Dr. Baker pointed out, "that we can have up to $1.6 billion. That is no assurance that we will get that much. We shall have to justify the need for the funds as we have had to do in the past.

"Nor will the increase in federal funds cut down on the need for funds from state, local and private sources. The federal government will still want assurance that these other agencies are contributing—that they care enough for programs in their areas to give them their support."

The new national cancer plan has seven main objectives, the Washington-based scientist pointed out. They are:

To identify cancer-causing agents and protect people against them.

To modify individuals, for example by vaccination, so that they are less likely to develop cancer.

To prevent the conversion of normal cells to those capable of forming cancer.

To prevent cells capable of forming cancer from doing so.

To accurately estimate the risk of cancer in individuals and groups as an aid to preventing or curing it.

To cure as many patients as possible and control the disease in those who cannot be cured.

ON PLANNING TEAMS

Dr. James F. Holland, chief of medicine at Roswell Park, is chairman of the planning group concerned with the sixth objective, that of curing patients. A number of other Roswell Park Scientists also are serving on the planning teams.

The director of Roswell Park, Dr. Gerald P. Murphy, is working with Dr. Baker and the heads of other cancer institutions, to set up a managerial plan for the program. Dr. Murphy has been recommended as a member of a three-man panel to direct the over-all administration.

Dr. Baker had high praise for Roswell Park Memorial Institute, which he called "one of the great cancer research centers in the world."

[From the Buffalo Courier-Express, Jan. 15, 1972]

Roswell Visitor Sees Tide Turning in War on Cancer

(By Deborah Williams)

Dr. Carl Baker, director of the National Cancer Institute, Friday predicted that the conquest of cancer is a realistic goal even though scientists have much more to learn about the actual control of cells.

The national cancer director was here visiting Roswell Park Memorial Institute Friday and today to view new facilities at the institute and speak with scientists.

LAST LINK

"Cell control is the last link in the cancer puzzle and although we are not quite there a concentrated national effort can achieve that goal," he said.

President Nixon recently signed a $1.6 billion bill to finance a three-year cancer program which will stress research but also will provide for the early detection of oral, cervical and breast cancer and authorize creation of additional cancer institutes.

HEARINGS ON FUNDS

However, Dr. Baker stressed that no money has yet been allocated under the program and congressional hearings still must be held to determine how much money actually will be appropriated.

He said that a group of Roswell Park scientists including Dr. Gerald P. Murphy, director of the institute have been meeting with other top cancer scientists throughout the country to draw up a list of objectives to be followed in attacking the cancer problem.

They are:

REDUCE EFFECTS

—Identifying the cancer causing agents such as chemicals, radiation and viruses.

—Determining what can be done to the host individual to reduce the effects of the cancer causing agents.

—Determining the transformation process a cell undergoes from normal to cancerous. Dr. Baker said scientists are particularly interested in this aspect of the problem.

POPULATION GROUPS

—A systematic study into various population groups to determine why certain groups seem to be more susceptible to certain types of cancers. This objective would also involve improving detection and diagnosis.

—Evaluation of cancer therapy, Dr. Baker said that Roswell Park has been a forerunner in developing evaluation techniques among its patients.

—To cure as many patients as possible and control the disease in those who cannot be cured.

HOLLAND CHAIRMAN

—Rehabilitation of cancer patients including cosmetic, psychological and physical.

Dr. James F. Holland, chief of medicine at Roswell Park, is chairman of the planning group concerned with the objective of curing patients.

Dr. Murphy emphasized that it is not the intention of the federal government to supply federal funds in place of existing local support for cancer research programs.

EXPAND FACILITIES

"We hope to qualify for federal funds under this program and use them to expand our facilities and research programs," he said.

Dr. Baker praised the tremendous support the State of New York has given to Roswell Park over its long history and termed it "one of the great cancer research centers in the world."

He stressed that the cancer bill will not be primarily concerned with the delivery of medical care to cancer patients because that is part of a much broader problem which the federal government is presently wrestling with.

"However we hope to work with various public health agencies especially in the area of prevention," he said.

I WONDER WHO IS KISSINGER NOW?

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. SCHMITZ. Mr. Speaker, with all the news reports these past few months of the multifaceted abilities of Presidential Adviser Henry A. Kissinger and his vaunted expertise in dealing with the Peking Communists, many concerned Americans have been asking themselves how in the world such a relatively unknown personality could have moved so fast in so short a time to become at least the second most powerful official in Washington.

Born in Germany in 1923, and emigrating to America in 1938, Kissinger was appointed Director of Nuclear Weapons and Foreign Policy Studies for an organization known as the Council on Foreign Relations—CFR—in 1955. At the urging of a fellow Harvard professor, William Yandell Elliot, Kissinger became a member of the Council on Foreign Relations and a contributing editor of its influential monthly publication, Foreign Affairs.

Professor Elliot was one of a sizable number of CFR members whose names had cropped up in 1953 during hearings conducted by the Senate Internal Security Subcommittee into the activities of the Institute of Pacific Relations. After thorough investigation the IPR was found to be "an instrument of Communist policy, propaganda, and military intelligence." To quote further from that Senate report:

> Members of the small core of officials and staff members who controlled IPR were either Communist or pro-Communist.

In 1957, with the publication of his book "Nuclear Weapons and Foreign Policy," Kissinger came to the attention of the then Vice President Richard Nixon and other top Government leaders. He was moved up a notch by fellow CFR member Nelson Rockefeller—whose protege he has been since 1954—to become Rockefeller's chief foreign policy adviser. Then, oddly enough, Kissinger was chosen to compose position papers for the Democrat presidential candidate, Senator John F. Kennedy, who in the months to come followed Kissinger's advice on the Berlin crisis, urging the President to "enter negotiations with the Russians."

While serving the Kennedy administration as a consultant, Kissinger participated in a "Pugwash Conference," hosted by Soviet Apologist Cyrus Eaton, whose son later teamed up with Kissinger's boss Nelson Rockefeller to form a corporation which would "spur trade" with Communist nations and make American patents available for their use.

In March 1964, Kissinger reportedly attended a high-level meeting of international bankers, industrialists and diplomats at Williamsburg, Va. Known as the Bilderberg Group—named for their first meeting in 1954 in the Bilderberg Hotel at Oosterbeek, Holland, this powerful coterie of wealthy figures has been meeting secretly to discuss formation of a one world government. As a member of this group, Kissinger in 1965 advocated formation of a regional world government in his book "The Troubled Partnership" at the time he was also advising President Johnson to strive toward "a surrender of nationhood" and supervising secret talks with the Hanoi Communists as an adviser on Vietnam for the State Department. Indeed, it was through Kissinger's urging that Johnson called off all strategic bombing of North Vietnam, thus allowing the Reds another privileged sanctuary in Indochina.

In November 1968, shortly after the election of Richard Nixon, Kissinger was appointed by the President-elect as his top national security advisor. He was to work in the same capacity for Mr. Nixon as CFR member McGeorge Bundy had worked for President Kennedy and as CFR member Walt W. Rostow had worked for President Johnson. In January 1969, Kissinger made his foreign policy views crystal clear in an issue of the CFR publication Foreign Affairs, where he advocated that South Vietnam form a coalition government with Communist Vietcong participation. In the months that followed he arranged for the Rand Corp. to draw up a study for the purpose of outlining plans to restore political, economic, and cultural relations with Communist Cuba. He then played a major role in inducing the National Council of Churches to call for dropping the U.S. quarantine of Cuba and reestablishing diplomatic relations with Fidel Castro. Kissinger even went so far as to order a feasibility study to be drawn up to see how the anti-Communist government of Brazil might be overthrown.

Each year for many years a number of top U.S. Government officials have been invited to attend an annual celebration of extreme importance at the Soviet Embassy in Washington, D.C. A picture in the Washington Post of November 6, 1971 shows two grinning men with raised champagne glasses. The caption reads:

> Presidential advisor Henry Kissinger toasts the health of Soviet Ambassador Anatoliy Dobrynin. . . .

He was attending a celebration at the Soviet Embassy for the 54th anniversary of the Bolshevik Revolution. Kissinger had just the day before been named by the President to head the new National Security Council Intelligence Committee—the most important and powerful post in our Government, second only to that of President. Kissinger's cordiality was of singular interest since according to the FBI Ambassador Dobrynin is the most dangerous KGB agent now operating in the United States—the head of all Soviet espionage activities in our Nation.

PEACE AT ANY PRICE

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. ROONEY of New York. Mr. Speaker, on the day before yesterday, January 18, 1972, there was inserted at page 199 of the CONGRESSIONAL RECORD of that date an extension of remarks by one of our colleagues which included a pastoral issued by His Excellency, the Most Reverend Carroll T. Dozier, the Roman Catholic bishop of Memphis, Tenn. The member who inserted this pastoral described it as "extraordinarily fine," but failed to indicate that it did not state the true Catholic position and that Bishop Dozier's position on the Vietnam war was clearly contradicted in an interview of His Eminence John Cardinal Krol, president of the U.S. Bishops' Conference on the NBC television network last January 9.

In this connection, I include with these remarks an extraordinarily fine newspaper article by the Reverend Daniel Lyons, S.J., entitled "Peace at Any Price Preached by Bishop," published in the Sunday, January 16, 1972, issue of the National Catholic Register:

PEACE AT ANY PRICE PREACHED BY BISHOP

(By Father Daniel Lyons, S.J.)

In contradiction to his fellow bishops, the Most Rev. Carroll Dozier of Memphis, Tennessee, has called for immediate, unconditional, unilateral withdrawal of U.S. troops from Vietnam. His statement appeared in Commonwealth magazine December 24, apparently written almost immediately after the U.S. bishops made their official statement that the war be ended as soon as it reasonably can. His 5,700 word statement was read in all the parish churches in Memphis.

Bishop Dozier, who was installed as the first bishop of Memphis last January, disagreed substantially with the position of his fellow bishops. He called for an end to the war immediately, regardless of what might happen to our POW's, regardless of whether South Vietnam and other countries might be conquered as a direct consequence.

The Memphis bishop declared that "war is no longer tolerable for a Christian." He made the declaration despite the statement of Pope Paul at the United Nations that "as long as man remains as he is, defensive arms, unfortunately, will be necessary."

In calling for peace at any price, Bishop Dozier placed peace above justice, though Pope Paul the same week condemned "the appearance of peace" imposed "by the use of force." In his now famous, January 1st statement: "If you want peace, work for justice," the holy Father challenged the notion that peace resulting from conquest or tyranny is true peace. Peace worthy of the name must be stable, explained Pope Paul, and it must be "a just and human peace."

There is no peace where it exists with force, explained the Pope. Strongly condemning "irrational despotism" and "coercive repression," the sovereign Pontiff cried out: "How false was the peace imposed only by superiority of power and force."

"Peace is not treachery," he insisted. "Peace is not a lie made into a system. Much less is it pitiless totalitarian tyranny." It is difficult, but essential, he said "to form a genuine idea of peace." Explained Pope Paul: "A peace that is not the result of true respect for man is not true peace. And what do we call this sincere feeling for man? We call it justice." He lamented: "Why do we waste time in giving peace any other foundation than justice?"

Yet Bishop Dozier calls for surrender no matter what the price. He said nothing about protecting the 15 million people in South Vietnam from a Communist takeover. Quite the contrary. He unjustly condemned all South Vietnamese soldiers as mercenaries, and even complained that Vietnamization is using South Vietnamese soldiers to keep that country free.

Peace at any price? Not even the South Vietnamese, according to the bishop, should defend their freedom against unjust aggression. The bishop went so far as to encourage all Catholics to write their elected leaders, encouraging them to end the war in Vietnam immediately, regardless of the consequences.

The bishop does not call for the peace with justice of Pope Paul. He calls for the peace of Communist prisons, the peace of the firing squad, peace without any regard for justice. To call that peace is a farce.

Bishop Dozier has asked his priests "to make our pulpits beacons of truth pointing to peace. Sermons must be given," he declared. But must the sermons be based on the truth as he interprets it? Or may they contradict his views and follow the official position of the U.S. bishops?

May the priests contradict their bishop's interpretation and use instead the truth as spoken by the bishops in Vietnam, whom I have often consulted? May they use the truth as told them by chaplains and laymen who have spent years and risked their lives in Vietnam, the vast majority of whom believe South Vietnam should be defended?

May the priests in the diocese of Memphis base their views on that classic statement of the Second Vatican Council, which the U.S. bishops quoted with approval a few years ago, that soldiers who fight against aggression are "instruments of security and freedom on behalf of their people."

The reason Bishop Dozier was not able to get his fellow bishops to agree with him at their recent national conference in Washington is that his is not the true Catholic position. According to his views on pacificism, not even the police are permitted to defend innocent children.

His position was clearly contradicted, in a special interview of Cardinal Krol, president of the U.S. Bishops' Conference, on the NBC television network January 9th. In the interview the Cardinal explained why the bishops refused to adopt such a position as that taken shortly after their meeting by Bishop Dozier.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

STATE DEPARTMENT DECEPTION ON CAMBODIA REFUGEES

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. ASPIN. Mr. Speaker, on December 15, I called upon Secretary of State William Rogers to immediately provide refugee relief for an estimated 2 million Cambodians who have been driven from their homes since the war in Indochina spread into that country.

I have received a response that I find quite frankly, unbelievable. The Department of State asserts that few, if any, refugees have been created by the bombing of Cambodia. This is simply not true. A still unreleased GAO study reveals that at least 2 million Cambodians have been driven from their homes, and the war has resulted in 30,000 casualties. Since March, 1970, the United States has run tens of thousands of bombing sorties over Cambodia. There is no doubt that thousands of Cambodians have been driven from their homes as the result of American bombing. Yet, the administration is unwilling to accept any of the responsibility for a refugee problem that it has enlarged and, in part, created.

Not only does the State Department claim that we are not responsible for the creation of the refugees, but they also claim that the Cambodians have not asked for help. The Cambodians have asked for help, but on an informal basis. Their pleas have been rejected and, at one point, the Cambodian government was advised to seek refugee aid from the Soviet Union or Japan. It may be true that the Cambodians have not made a formal application for aid. It surely would be foolish for them to make a formal application after the informal pleas have been totally rejected.

On the basis of what I find to be a totally unsatisfactory response to my request for aid for Cambodian refugees, I have renewed my appeal to Secretary of State Rogers to provide relief for 2 million innocent Cambodians. I believe that it is high time that this administration faced up to the fact that it bears much of the responsibility for Cambodia's refugee problem.

The letters follow:

JANUARY 10, 1972.

Hon. WILLIAM P. ROGERS,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. ROGERS: Thank you for the response to my letter of December 15 regarding refugee relief funds for Cambodia, which was written by Mr. Harrison M. Symmes, the acting Assistant Secretary for Congressional Relations.

Frankly, I am surprised by both the content and the tone of the letter. As a result I am writing today to renew my request for the re-programming of funds or the necessary provision for new funds for the relief for an estimated two million Cambodian refugees.

I disagree with the Department's assertion that "few, if any, refugees" have been created by our bombing of Cambodia. At least 20,000–30,000 have been killed or wounded in the fighting in Cambodia. Many of them undoubtedly have been victims of our bombing. Thousands of others have fled from their villages as a result of both American bombing and invading North Vietnamese/Viet Cong. I believe that it is unconscionable for the American government to disclaim all responsibility for millions of refugees while our bombers continue flying hundreds of sorties over populated parts of Cambodia. I am even more surprised by the fact that in his letter, Mr. Symmes implies that since the majority of the bombing sorties have been flown by the South Vietnamese and Cambodian air forces, we have no responsibility for the results. Is that to say that the Nixon doctrine means we arm our allies, allow them to do any damage necessary, and then refuse aid to the innocent victims of those actions? If correct, I find this to be most disturbing attitude on the part of the Department.

In his letter, Mr. Symmes also indicates that the Cambodian government has not made a formal request for refugee aid. Of course they have not formally requested aid after our embassy in Phnom Penh rejected their informal pleas suggesting that they seek medical supplies from the Russian or Japanese governments. I hope that the Department does not seriously expect the Cambodian government to apply for funds after their informal attempts have been rejected.

As the forthcoming GAO report indicates, the Cambodian society has been thrown into chaos by the war which spread into that country in March 1970. There are about two million refugees or displaced persons. Many of them need aid and need it now. With American bombers daily pounding the countryside of Cambodia, it is high time that this Administration faced up to the fact that it bears much of the responsibility for Cambodia's refugee problem.

As a result of our policy of employing air power where ever necessary to interdict in rural areas many people have been forced to leave their villages. Therefore, I am again today calling upon you to provide the funds necessary to help Cambodian refugees. The least we can do is aid the innocent Cambodians that our bombs have driven from their homes.

Sincerely,

LES ASPIN,
Member of Congress.

DEPARTMENT OF STATE,
Washington, D.C., January 4, 1972.

Hon. LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR MR. ASPIN: The Secretary has asked me to reply to your letter of December 15, particularly since it provides the Department an opportunity to clarify the Administration's position with regard to refugees in Cambodia.

The Department of State has not received a copy of the report by the General Accounting Office to which you refer. However, I believe that the refugee figure you cite is one which probably represents an estimate of the total number of persons, including dependents of Cambodian military personnel, who have been displaced, however temporarily, during the course of Cambodia's resistance to North Vietnamese/Viet Cong aggression. Many of these people have undoubtedly returned to their homes, as the fighting shifts from one area to another. Others are living with friends and relatives.

According to the information available to the Department, the largest group of persons who are indefinitely displaced from their homes are those who have fled from those regions of Cambodia which are occupied by the North Vietnamese Army. To our knowledge, few, if any, refugees have been created by United States bombing in Cambodia. In this regard, I would note that the vast majority of tactical air sorties in Cambodia are flown by planes of the Cambodian and South Vietnamese Air Forces.

The policy of the United States Government in Cambodia is a clear application of the Nixon Doctrine in that we are supplementing with material and financial aid the efforts of the Khmer people and Government to defend their country from foreign aggression. Our assistance includes both PL–480 food and substantial economic aid. However, our Government does not set the priorities for programs of the Government of Cambodia nor do we provide assistance which has not been requested by the Cambodians. To date we have received no request from the Cambodian Government for direct assistance to refugees.

Thus, in summary, I do not believe that U.S. bombing has created large numbers of refugees in Cambodia. The refugees who do exist are being cared for by their own Government which has available to it economic assistance and foodstuffs from the United States which can be and, to some extent, are being used to ease their plight.

I hope that the foregoing will serve to clarify for you the policy of our Government toward the Government and people of Cambodia.

Sincerely,

HARRISON M. SYMMES,
Acting Assistant Secretary
for Congressional Relations.

HELLO CONSUMERISM, GOODBY AMERICA

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, a friend and constituent of mine, Mr. Bob Peck of Arlington, Va., recently called my attention to an excellent speech delivered by Thomas R. Shepard, Jr., publisher of Look magazine on April 8 of last year.

Mr. Peck feels, and I agree, that it is time to take a new and closer look at the so-called consumerism which is demanding so much of the public's attention to alleged faults in our system. He feels that Mr. Shepard has done an excellent job of pointing out the fallacy of some of the "consumerists" arguments.

As I believe all who read this RECORD, consumers all, will find Mr. Shepard's remarks of interest, I include excerpts from his speech, "Hello Consumerism, Goodby America," at this point in the RECORD:

HELLO CONSUMERISM, GOODBY AMERICA

Good afternoon, ladies and gentlemen. Or perhaps I should say good afternoon, polluters, poisoners, connivers, charlatans, rogues, tricksters, warmongers, racists and unconscionable crooks.

Those aren't pretty names, but I assure you they are the names by which you, as American businessmen, are referred to by a large number of your fellow citizens.

To me, consumerism, as presently constituted, represents a major threat not only to the companies we work for but to the entire socio-economic system on which this nation was founded and through which it has flourished.

And I'll go one step further. To me, consumerism is the most insidious peril ever to confront the American consumer himself.

My target is that small but vocal group of far-out activists who keep badgering the United States Congress and various federal agencies for additional controls over industry on the premise that, without these controls, our nation is doomed to ecological and economic destruction. In a previous talk, I called them "The Disaster Lobby," and that's precisely what they are.

And what do we do to counter all of this? We form a bunch of committees to cooperate with the consumerists in the hope that this gesture of good faith will get them off our backs.

Well, ladies and gentlemen, it *won't* get them off our backs—not if we spend all of our time and money doing it. Because the truth is that the nation's hard-core consumerists are not the least bit interested in having us cooperate with them. They don't *want* us to clean our own houses. What they want are the *houses*—cellar to attic. What they want is for the government of the United States to take over our companies and operate them along consumerist guidelines.

These champions of galloping socialism have the support of many thousands of influential Americans in and out of government—Americans who, for some reason, feel guilty about living in the richest, most powerful nation on earth and who have apparently decided that the best way to get rid of that guilt feeling is to turn us into the poorest, *least* powerful nation on earth.

The evidence I see clearly indicates that our nation's front-line consumerists do not intend to stop with a handful of new laws and regulations affecting American business. As I said before, their final objective appears to be nothing less than the unconditional transfer of private industry into public hands.

A recent bulletin from the United States Chamber of Commerce points up what I am talking about. Reporting on new trends in consumerism, the bulletin stated—and I quote—"Public interest groups will demand Federal control over aspects of corporate activity now unregulated by government, such as composition of boards of directors. The ultimate goal: a complete democratization of American business." I call it nationalization.

Mr. Nader is also a devout advocate of the nationalization of industry. In a speech in Providence, Rhode Island—and I quote now from an Associated Press dispatch—"Ralph Nader proposed that corporations that abuse the public interest should be transferred to public trusteeship." In an interview for The New York Times Mr. Nader called for Federal chartering of all corporations. By any name, it would mark the end of free enterprise, and make no mistake about that.

The consumerists don't want self-regulation. One of Ralph Nader's associates, Mrs. Aileen Cowan said nothing short of government intervention would be acceptable.

All right, we know the nature of the threat. There is nothing to be gained in cooperating with the Ralph Naders of America. They are against free enterprise. They are the enemy.

Let's start by acquainting our fellow Americans with the fact that much of what they have been hearing from the consumerist lobby is hogwash, drivel and poppycock.

Let's show the public, for example, that there is no truth whatsoever to the charge that we are running low on oxygen as a result of fuel-burning by industry. The National Science Foundation recently collected air samples at seventy-eight sites around the world and discovered that the amount of oxygen in the air—twenty point nine five per cent—is precisely the same today as it was in Nineteen Ten.

And while we're exposing the truth about pollution, let's remind America that the bulk of the cleanup was *not* the result of pressures by any Disaster Lobby but stemmed instead from private industry's development of cleaner fuels, such as oil and natural gas, as replacements for coal.

Let us also identify as blatant falsehoods those accusations about the mercury in tuna fish. Fish caught forty-four years ago in a remote lake in the Adirondacks—scores of miles from the nearest factory—contained twice as much mercury as any fish processed this year.

Let us also tell the truth about those animals that are becoming extinct. Our factories aren't to blame for them, either. If our early ancestors had been as silly as we are about trying to save animals from extinction, we might today be up to our eyeballs in dodo birds.

Let us advise our fellow Americans to stop believing that consumerist malarkey about pesticides. DDT—by killing insects responsible for such diseases as malaria and encephalitis has saved the lives of hundreds of millions of human beings. And, except for accidental misuse, it hasn't harmed a single person.

And let's speak up with regard to the rest of the hokum circulated by consumerists who are out to stampede us into a new socio-economic system.

And let's tell our fellow Americans not to get overly alarmed about unemployment. We've had less, but we've also had more—much more. Like *twenty-five* per cent in the *recovery* days of Franklin Roosevelt's second term!

And let's tell the people of America something about ourselves and about free enterprise in general. About the convenience foods and labor saving appliances that have cut the average housewife's kitchen chores from five hours a day in Nineteen Hundred to an hour and a half today and, as a result, have done more to liberate women than all of the braburners in Washington Square. About the fact that, while consumer spending has skyrocketed from four hundred and thirty billion dollars a year in 1965 to over six hundred billion in 1970—a gain of forty-four per cent—corporate after-tax profits have actually declined by about three per cent.

And of course, let us set the record straight about the consumerists themselves. Let's tell the public about the curious lack of ethics of consumer lobbyists who pervert the truth in an attempt to get the laws they want.

But above all, ladies and gentlemen, let's acquaint the people of America with the very solid fact that, if free enterprise disappears as a result of consumerist pressures, their freedom will disappear with it.

Their freedom to buy milk by the quart, even though some government economist has decided that quarts are impractical and that milk should be sold only by the gallon.

Their freedom to buy a red convertible in the face of a government determination that black sedans are more economical. Their freedom to eat the least nutritious breakfast cereal if they happen to like the taste. Their freedom to do business with the retailer that serve them best because only in a system of free enterprise can the consumer select the people he wants to patronize.

Their freedom, in short, to live their lives the way they want to—whether or not it's the most economical way. In the opinion of some paternalistic government bureau.

Let's quit talking only to each other. If we wait much longer before speaking up for free enterprise, we may have to ask Ralph Nader for permission.

SPACE: GETTING PRACTICAL

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. TEAGUE of Texas. Mr. Speaker, the Huntsville Times of Tuesday, December 14, 1971, carried a brief but significant editorial on the organization of our national space program. This excellent editorial points out that NASA now has a separate organization for space applications and the application of space techniques to our down-to-earth problems. A publication of the Committee on Science and Astronautics also speaks to that same important issue—the opportunities to derive direct practical benefits from our national space program. That publication is entitled "For the Benefit of All Mankind." This new organization within NASA can only help to increase the great return for our investment that is accruing from our national space program developments.

The editorial follows:

SPACE: GETTING PRACTICAL

We were delighted to see the National Aeronautics and Space Administration announce the other day the creation of a special, high-level office to manage the agency's "most important new thrust"—the application of space technology to down-to-earth problems.

The vast knowledge and know-how harvested from America's space program have already been put to manifold valuable uses on earth, of course. But the taxpayers, for the most part, seem not to have perceived the full extent of all this space spin-off.

NASA's new emphasis on this aspect should result not only in an increased yield of practical applications of space technology, but hopefully also in a heightened public awareness and appreciation of this bumper crop.

For some, our answering the challenge of the unknown has been justification enough for the spending of billions of dollars on space exploration. For others, the presence of Soviet competition in space has necessitated it for nationalistic reasons. But it seems to us that widespread public support of a vigorous, viable American space effort can now be marshaled only if Mr. and Mrs. John Q. Taxpayer are convinced our investment in space is paying off sufficiently in tangible, ultilitarian ways that benefit their lives.

Space flight, to many, has lost much of its fascination, now that the primeval dream has become reality. Much of its novelty has worn off, and those who foot the space bill have grown somewhat hard-nosed about getting their money's worth. Man must continue, of course, to reach out in exploratory, speculative ventures without demanding immediate practical returns, for such "impractical" strivings invariably have led eventually to solid benefits. But the hard reality remains: Space exploration and utilization, if it is to advance at a healthy pace, must now become more of a paying proposition.

NASA's establishment of an "earth applications" department is a promising step in that direction. If anything, it is years overdue.

TOWNSHIP'S NAMESAKE A RATHER RADICAL AND CONTROVERSIAL FIGURE

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. McCLORY. Mr. Speaker, recently a new publication appeared in my congressional district appropriately titled "The Fremont Patriot." This weekly newspaper published by the Frontier Publishing Co. is in addition to the Vernon Town Crier and the Wauconda Leader, which are published by the same concern. The publisher, Joyce L. Klug and the executive editor, Tom Smith, have forwarded me a copy of the first issue.

This readable publication contained a most illuminating article regarding the career of John Charles Fremont, after whom Fremont Township and the Fremont paper have taken their names.

Inasmuch as this historical article is the result of careful research by George Bell, the Fremont Township supervisor, and the editorial staff of the Fremont Patriot, I am taking occasion to reproduce the article here. Entitled "Township's Namesake a Rather Radical and Controversial Figure," the article describes the first Republican candidate for President of the United States, John Charles Fremont. The Fremont Patriot article is as follows:

TOWNSHIP'S NAMESAKE A RATHER RADICAL AND CONTROVERSIAL FIGURE

Fremont Township's namesake was, in his day, never quite in tune with other early settlers, something of a radical and a political nonconformist.

John Charles Fremont, note historians, was a well-known dramatic and controversial figure in American history. He was a famous American explorer and this country's first Republican presidential candidate in 1856.

Pioneer reporter and writer of his experiences on his expeditions through the Southwest, Rocky Mountains and California, Fremont was known as "The Path Finder" through his explorations.

"A History of Lake County, Illinois," published by Roy S. Bates in 1912, outlines the life and exploits of this early pioneer.

Fremont was born in Savannah, Ga. in 1813 after his parents eloped, but never married.

He qualified for college, and although he showed promise, he was expelled for "incorrigible negligence." Fremont had sufficient training, to qualify as instructor of mathematics on a sloop of war.

He clandestinely dated and later married daughter of Senator Thomas Hart Benton, after whom Benton Township was named and was named to conduct an official reconnaisance of the Continental Divide.

Engaging the famous Kit Carson as a guide, he charted what was reported to be the most favored route toward Oregon. Known as "The Path Finder," Fremont's other expeditions took him through the Southwest, Rocky Mountains and California.

Although his name was on everyone's lips in the mid-1800's there seems to be no record that John Charles Fremont was ever around the Fremont area.

In 1850, he gave permission to use his name for Fremont Township when early settlers were unable to decide which one of the various family factions should give its name to the township. They settled, instead, on the famous figure of Fremont.

A daring, respected and famous American Army officer, Fremont was court martialed for disobeying orders and charged with mutiny, but was later cleared of the latter charge.

Discovering gold on a California land grant he bought in 1847, Fremont was elected one of California's first two senators.

In 1856, John Charles Fremont was nominated presidential candidate in the first Republican party convention held in Rockford. He lost the presidential election to James Buchanan, the Democrat. However, Fremont carried Lake County by a vote of 2,347 to 558—and the township by a vote of 149 to 9.

With the outbreak of the Civil War, Fremont was made commander of the Department of the West, where he again came into conflict with higher authority. When he arbitrarily declared martial law and issued an order freeing the slaves in Missouri, President Abraham Lincoln, embarrassed by this premature act and nettled by Fremont's other political and military mistakes, relieved him of his command.

Because he was still popular with the radical element of the Republican Party. Fremont was assigned command in 1862 of the Mountain Division. He later asked to be relieved when this command was consolidated under a junior officer whom he strongly disliked.

He had backing for the Republican nomination for the presidency in 1864, but in the interest of party welfare, withdrew his name, historians say.

In the late 1860s and 1870s, Fremont was active in railroad building projects, notably the Memphis and El Paso, which went into bankruptcy and left him virtually penniless. He was governor of the Territory of Arizona from 1878–1883 and spent the remaining years of his life in New York City, Washington D. C. and Los Angeles.

In 1890, Congress voted him the rank of major general and placed him on pension at $6,000 a year. He died three months later.

Several historians have written about the life style of John Charles Fremont and he himself published at least three works dealing with his expeditions and memoirs.

Four other places bear Fremont's name: Cities of Fremont in Michigan, Nebraska and Ohio as well as Fremont Peak mountain in Wyoming in the Wind River Range.

The history book says about the township that was named after the intrepid officer, explorer and politician:

"Probably no other town in the county showed more public spirit and patriotism in the trying times of the Civil War than did the town of Fremont.

"In 1860 there were cast in the Town of Fremont 195 votes and during the war at least 120 different men enlisted from that town.

"When the war closed, 34 of those sent from the town were dead, many of these having been killed or mortally wounded in battle and others dying in southern prisons.

"Few townships in the state furnished so large a percentage of volunteers, and so many soldiers killed in battle."

Information from the history book was provided by George Bell, Fremont supervisor, who obtained it from the State Historical Library in Springfield.

FOR THE BIRDS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. WALDIE. Mr. Speaker, one of the greatest tragedies that results from oil spills along our Nation's coasts is the great loss of mammal and bird life. These oil spills bring death and destruction to the entire spectrum of living organisms.

In the past, the mortality rate of birds affected by these oil spills has been over 95 percent.

Recently, I was pleased to read an article in the Washington Evening Star, written by Sandra Blakeslee, which reported a new process for cleaning oil-covered birds. Dr. James L. Naviaux, a veterinarian of Pleasant Hill, Calif., and a personal friend and constituent of mine, has developed a new solvent which removes oil from the feathers of the bird while increasing their survival rate to more than 75 percent.

Mr. Speaker, I feel this a most important and worthwhile development. I would like to include this excellent article in the RECORD so that my colleagues can benefit as I have:

[From the Washington Star, Jan. 3, 1972]

LIFE FOR OIL-SLICKED BIRDS

(By Sandra Blakeslee)

SAN FRANCISCO.—A California veterinarian working with a grant from an oil company has developed the first highly successful technique for saving wild birds from the lethal after-effects of oil spills.

Up to now it has been common for less than 5 percent of the birds caught in major oil spills to survive the arduous ordeal of cleanup procedures. It is now possible to save more than 75 percent of oil-soaked birds, according to Dr. James L. Naviaux, a veterinarian with offices in Pleasant Hill, Calif.

Naviaux become involved with the problem in February, when thousands of birds in San Francisco Bay were soaked by oil after two Standard Oil tankers collided in the mouth of the bay. Naviaux, as founder and director of the National Wildlife Health Foundation, knew more than most about how to handle distraught birds, and he hoped to direct and advise many of the local rescue operations in the days and months that followed the oil spill.

ONLY 5 PERCENT SAVED

The outcome was not satisfactory, Naviaux said in a telephone interview. After months of expensive, demanding care, fewer than 5 percent of the more than 4,000 birds rescued managed to survive.

Since February, however, Naviaux has been working with a $10,000 grant from the Standard Oil Co.

"We had to figure out just what gives the birds' feathers water repellency," Naviaux said. "Earlier, we were concerned about leaving the natural oils and waxes on the feathers because we thought the oils played a crucial role in water repellancy. We didn't like to use detergents because we thought they stripped off the necessary oils, leaving birds vulnerable to water and to cold.

Now, through experiments, Naviaux has found that a single bird's feather can be totally defatted—stripped of all oils and waxes—and still remain water repellent.

DETERGENTS LEAVE RESIDUES

Detergent cleaning fails, Naviaux said, because detergents leave microscopic residues on the feathers which then attract water. Mineral oil as a cleanser left the birds' natural oils intact but failed to clean the feathers thoroughly. The birds had to preen off residues by themselves.

With the help of Dr. Alan Pittman, a U.S. Agriculture Department scientist at the Western Regional Laboratories in Albany, Calif., Naviaux began to try various cleaning agents on experimental mallard ducks.

The best solvent, the two have found, is a substance called Isoparaffin 150, a purified hydrocarbon used in the paint industry and as a charcoal lighter fluid. Perhaps ironically, all major American oil companies make Isoparaffin 150, since it is a normal byproduct of oil refineries. The substance is cheap for oil companies to produce, abundant, and it can save birds' lives.

WEEKLY REPORT TO NINTH DISTRICT RESIDENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. HAMILTON. Mr. Speaker, I include the text of my January 3 weekly report to Ninth District residents, which reviews the concerns of the first session of the 92d Congress.

WASHINGTON REPORT

Foreign and economic policy dominated the concerns of the Congress in 1971.

Foreign policy—The 92nd Congress, following the example of the 91st, challenged the President in a series of legislative tests on national security policy. Vietnam debate centered on the Mansfield amendment, a proposal to set the date for all troops to withdraw, subject only to the release of American prisoners of war. The amendment passed three times in the Senate, was diluted twice in House-Senate conference committees, and was rejected once. There was, however, a gradual trend towards support of the Mansfield amendment, as evidenced by the votes.

The Senate stunned itself by rejecting foreign aid. But it was clear at the end of the First Session that foreign aid was not dead, and the program was continued, although at a far lower level than the President wanted. Intense struggles to limit the President's authority to shift funds without Congressional approval are still unresolved.

An unsuccessful effort also was made in the Senate to reduce the number of American troops in Europe from 300,000 to 150,000. After extended debate, and even after the draft law had expired, the draft was extended for two years with a $2.4 billion pay increase for servicemen. The Congress reduced by $3 billion the President's military budget request of $73.5 billion.

The Senate probably will approve next year a measure to restrict the President's authority to enter into hostilities without Congressional consent. The reaction of the House is uncertain. The disagreement between the President and the Congress on foreign policy was less partisan than institutional, with the Congress seeking—sometimes hesitantly—a large role. In the end, the President prevailed in most of the disputes.

Economic policy—The President also received the support of the Congress for his new economic policy. The Congress extended the President's authority to regulate the economy by authorizing him to control wages, prices and rents, and passed a major bill cutting personal and business taxes by nearly $16 billion over three years. The bill repealed the 7 percent auto excise tax, provided business with a 7 percent investment tax credit and accelerated depreciations, and raised the personal income tax exemption from $650 in 1970 to $675 in 1971 and $750 in 1972. Both measures were requested by the President.

For the 27th consecutive year, the Congress reduced the President's total budget requests. This year, the reduction, mostly in military and foreign assistance programs, was $2.3 billion.

Other domestic issues—The Congress did not pass much, if any, of the President's program which he identified in his 1971 State of the Union address as the new American Revolution. It consisted of bills for full employment, welfare reform, environmental control, health care, revenue sharing and reorganization of the federal government. The full employment proposals were changed by the President when he substituted his New Economic Policy. Several of the other bills are pending for action in 1972, and all of them, except the reorganization proposals, have a chance of emerging in some form next year.

The major legislative achievements of the First Session include the extension of the draft, public service employment during times of high unemployment, and a 10 percent Social Security increase, a constitutional amendment lowering the voting age to 18 in all elections, tax reductions, a massive cancer research program, extension of the President's wage and price control authority, and extended unemployment benefits for States with consistently high unemployment rates.

In other action the Congress disapproved of the SST, the constitutional amendment to allow government-sponsored prayer in the public schools, and, in early 1972, will approve a bill to impose limits on the amount of money spent on political campaigns and to require disclosure of campaign contributions and expenditures.

The agenda for next year also includes: "no-fault" automobile insurance, minimum wage increase, strengthened Equal Employment Opportunities Commission, assistance to colleges and college students, and to help school systems desegregate, water pollution control, a consumer protection agency, a constitutional amendment to bar discrimination based on sex, and some form of national health insurance.

A reform voting procedure in the House, the recorded teller vote, increased attendance by about 150 percent, and required each House member to cast many more recorded votes.

WHAT'S GOOD ABOUT NEW YORK?

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. HALPERN. Mr. Speaker, I wish to call to the attention of my colleagues the first of a welcome series of articles on what is good about New York entitled "Hey, Currier! Hey, Ives! See What We Got!"

Columnist Donald Singleton of the New York Daily News has managed to put into proper perspective the constant carping of New York City's myriad prophets of doom. The favorite indoor sport of reporters, columnists, and editorialists alike often seems to be picturing New York as a crime-ridden, smog-infested, overcrowded town—hardly the place for America's saner citizens.

Mr. Singleton, on the other hand, has focused on the quiet and beautiful scenes—such as the Central Park Wollman Memorial Ice Skating Rink—which reflect the spirit of humanity and grace characteristic of this amazing metropolis. Any true New Yorker knows that a modicum of suffering and inconvenience must be tolerated as the natural price of greatness. No one would be foolish enough to bill this city as a utopia, but it is about time someone called attention to the many humanizing aspects of the New York scene.

Mr. Speaker, I would like to congratulate Donald Singleton on his excellent series, and submit the attached article to the RECORD as articulate testimony to the inner serenity which often goes unnoticed by the fleeting bands of tourists, but which lies at the very heart of New York City:

[From the Daily News, Jan. 20, 1972]

HEY, CURRIER! HEY, IVES! SEE WHAT WE GOT!

(NOTE.—New York is not just crime, strikes, crowded subways and dirty streets. It is also a lot of good things—unnoticed and unsung things, like pleasant places, beautiful vistas, and people doing heart-warming deeds. These things need to be talked about too, and they will be in a new NEWS series called What's Good About New York.)

(By Donald Singleton)

It's a scene from some Christmas card, an artist's vision in pen and ink; a mirror meadow of ice, streaked with gracefully gliding skaters, nestled among the dark boulders and winter-gray trees of Central Park, the skyscrapers of midtown Manhattan looming majestically above, so close against the sky they almost seem painted on a huge canvas.

But the Wollman Memorial Ice Skating Rink is really there, as if the Christmas card scene had somehow come to life, with lilting organ music and the steely sound of skate runners on ice; with the laughter and shrieks of children darting one by one, and the silence of couples gliding two by two; with puffs of frozen breath vanishing in the cold wind, and the steam rising from hot cups of good cocoa and bad coffee in the shelter of the refreshment stand.

The skating rink is the magical kind of a place that brings out the best in New York City and the best in its people, who go there in droves, 10,000 to 12,000 of them every week. There is no need for competition, hostility, urgency; time passes slowly and easily; sounds are pleasantly muffled by earmuffs and scarves and coat collars.

The differences that separate people outside seem to draw them together at the rink—after all, what advantage can a Caroline Kennedy have over a kid from East Harlem or Chinatown when the admission is only a quarter? Are Johnny Carson's fingers any less numbed by the cold than the Bronx teenager's as they both fumble with their skate laces?

All the real world's economic realities are mocked gently at the rink. You put in a dime to lock your locker, and when you return to unlock the door your dime comes back to you. And the youngster who doesn't have a quarter to get in isn't entirely left out in the cold, either. There are free sessions at off hours, and the rest of the time the guards have been known to look the other way so the fence can be stopped.

KIDS AND THE TOPCOAT SET

Bundled-up kids who arrive on the BMT and the IRT, showing off their Christmas skates, men in suits and topcoats and women in maxi furs, who walk from Fifth Ave. and Central Park West apartments. There is the man who hasn't skated for 15 years, lurching and falling; the showoff who goes to the center of the ice to do loops and spins backwards; the kids, weaving in and out; the expert, going like the wind with his hands behind his back.

The rink is a special little oasis in the middle of the city, a place of peace and tranquility and togetherness.

"THESE ARE NOT EASY TIMES"—PRIME MINISTER CAETANO OF PORTUGAL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. RARICK. Mr. Speaker, in a superb address delivered September 27, 1971, by Prof. Marcello Caetano on receiving compliments of the leaders of the National People's Action Movement on the occasion of the third anniversary of his investment as Prime Minister, the Portuguese Prime Minister enunciated his analysis of the road Portugal should take in the trying days ahead. Hence the title of his discourse, "These Are Not Easy Times."

While pointing out that his government has been successful in "maintaining the defense of the overseas provinces against the subversion instigated on a growing scale by that incredible organization which goes by the name of the United Nations," Prime Minister Caetano informed his fellow citizens that the Portuguese Government has been concerned not to let Portugal drift further away from "the development standards of traditionally rich Europe, and to prepare the future in such a way that the younger generations might find a place in it and be able to act within it."

Expressing optimism in the face of adversities, the Prime Minister talked about love of country, unity, patriotism, placing the common good above individual interests, private initiative, individual responsibility, careful management of public moneys, the responsibiliity of the Government to keep citizens informed, and disallowing any form of defeatism or betrayal. These characteristics of good government and citizenship are the same as those which made the United States the leader of the free world.

To preserve one's country should be the first order of business of any responsible national leader.

So that our colleagues may have an opportunity to benefit from this outstanding speech by a true leader of a great nation, I insert the text of Prime Minister Caetano's address at this point in my remarks.

THESE ARE NOT EASY TIMES . . .

(By Marcello Caetano)

Members of the Central Committee of the National People's Action Movement, Mr. Chairman and members of the Executive Committee, Ladies and Gentlemen: I am most sincerely grateful to you for being here and above all for the work done in the last few days, and the resulting proposals for future action. I am expressing my gratitude not only in my capacity as Chairman of the Central Committee of the National People's Action Movement, not only as head of the Government but, together with these positions, as a Portuguese citizen.

It is absolutely necessary for all Portuguese worthy of the name to stand united about the leaders they have chosen and to help them to further and complete successfully the harsh, thorny tasks which lie before us. Of course my Government has worked hard, and has not shunned any effort or watchfulness. We have sought boldly to face national problems. We have been successful in maintaining the defence of the overseas provinces against the subversion instigated on a growing scale by that incredible Organization which goes by the name of the United Nations, and armed and subsidized by powerful interests. We neither weaken in the struggle in the overseas provinces nor allow any let-up in our vigilance over those who seek to bring terrorist tactics to the Homeland.

But, while defending the overseas provinces, on the diplomatic and on the counter-subversion fronts, with all the inconveniences, liabilities and difficulties that such a process of defence entails, we have also been concerned not to let our country drift further way from the development standards of traditionally rich Europe, and to prepare the future in such a way that the younger generations might find a place in it and be able to act within it.

During the early years of subversion in Africa it was thought impossible to reconcile the defence effort with the economic and cultural development effort, carried out on the scale called for to make up for our backwardness.

We have been trying to achieve such a conciliation, persuaded that a victory in Africa could only be a precarious one if it were to be attained at the cost of stagnation in Europe. This is why we launched out boldly on the policy of enhancing the Portuguese people through reforms in education, health, aid and social welfare, at the same time that we have endeavoured to strengthen the work of the State in economic promotion and to give private initiative greater incentive.

I believe that this effort has been understood and applauded by the Nation. But, in recalling this fact here, to guarantee our intention of going on with this policy, I must of necessity stress the serious difficulties it entails. Many think that they have an unbounded right to everything, but that they should not be called on to contribute. There is building up a dangerous mentality of claims and facilities that is absolutely incompatible with our country's resources and real features.

I should not be true to my duty to tell the Portuguese the truth if I did not point out once more that we are undergoing very critical times, when the acuteness of national problems is worsened by unsettling conditions in world economic affairs and politics.

It should not be thought that we are surrounded by abundant human and material resources. It is only a very careful management of public moneys that enables us to make our current effort with the armed forces and at the same time allows us to deal with matters of urgent significance for the conservation and progress of our life as a nation. The expression "very careful management" must be stressed so that citizens may not constantly be calling for further expenditure and so that civil servants may become aware of their duty not to waste such resources as are at our disposal. What about human resources? They are made scarcer by emigration and mobilization, and without them money is useless, for it is only of value when there are people to make use of it, to transform it into useful goods, to enhance it to the good of the community. Men and women are the major wealth of a homeland; no progress is possible without able, sufficient human resources.

This is why I said, ladies and gentlemen, that the unity of all Portuguese around their Government is quite indispensable, as is the existence of a grouping of citizens like the National People's Action Movement, to maintain a constant dialogue with the authorities, to inform and to be informed, to make the Government aware of what people are thinking and then to inform the latter, enlightening them on the basis of the reality of events and the facts of government.

It is inevitable that there should be an egotistic trait in individuals, in places, in undertakings, in professions and occupations. All think of themselves first; all think their primary duty is to watch over and further their own interests; all consider their conveniences and advantages to be just. This ocean of claims and requests washes up against the Government. But, since the vision of the authorities must take in the whole horizon of the entire country, from Caminha to Timor, they are forced to weigh needs and resources, the better to decide the satisfaction of such needs according to a scale which will recognize priority for the most worthwhile purposes, not only at the present moment but also on a view of future prospects.

Now the Movement must be imbued with the same spirit that should orientate the work of the government, and it must transmit it to all other citizens. I will repeat once again that these are not easy times. What is being done can only be performed thanks to a close collaboration in the midst of the Government and with patriotic understanding on the part of the Portuguese people.

I should like to be able to address you and the country with optimistic words. I am still an optimist, because I believe that we shall overcome the obstacles that stand in our path, however many they may be, threatening our existence as an independent Nation that will neither give up its rights nor will readily abandon hope of attaining its ambitions. But I cannot hide the existence of such obstacles. I cannot conceal from the Nation that we have to overcome great difficulties, which will continue for a long time and may even increase in number and gravity as time goes on.

They can be overcome, but to do this we shall have to work hard. We must produce more and more wealth; we must keep the feeling of love for our country alive and shining. Above all we must envisage the future in a spirit of unity, firm decision, the persistent desire to conquer, not permitting around us any form of defeatism, still less any kind of betrayal.

I am sure that the Portuguese people will understand this language and that, as hitherto, it will continue to be the pledge of our continued existence as a Nation. I would like the National People's Action Movement to be the yeast destined at all times to leaven this admirable patriotism which has always, at times of crisis, provided the greatest reserves of Portuguese energy.

When, three years ago, I took over as Prime Minister, I said that I did not lack courage to face the gigantic tasks that I foresaw. These tasks are gigantic indeed, but the courage to face them has not abandoned me, nor has the confidence that I have felt since the outset in the worthy, admirable, incomparable Portuguese people. With them I am sure that we are on the right road and I believe that, with them, we shall always prove able to find a path worthy of Portugal!

LACKAWANNA EDITOR MAKES MARK IN HOME TOWN

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. DULSKI. Mr. Speaker, the suburban editor plays an important role in the activities of his community.

Operating in the shadow of the main city with its metropolitan newspapers calls for a personalized type of journalism that differs as much, in many ways, from the small town editor as it does from the big city editor.

In the Buffalo, N.Y., area we are fortunate in having several fine suburban weekly newspapers in addition to our dailies. One group is published and edited by William A. Delmont of Lackawanna, a friendly, always-on-the-go civic dynamo.

Recently, the very popular columnist of the "big city" Buffalo Courier-Express, Mrs. Anne McIlhenney Matthews, wrote an excellent article on Mr. Delmont, the text of which follows:

NEWSMAN IS TOPS IN STEEL CITY

(By Anne McIlhenney Matthews)

From the Square and Compass Club, a Masonic meeting place at 36 Ridge Rd., to the J and J Restaurant in the 1200 block of Ridge near Abbott, is a long walk for anyone. When that person is William Angelo Delmont, it's twice as long. The reason is simple: Every step takes longer because "Billy" Delmont knows nearly everyone in Lackawanna, and as he meets other pedestrians, he stops to greet them. They joke with him, tell him of their troubles, ask for help. They're talking to the right man, too. For Billy Delmont has a sense of humor, much empathy, and the kind of political savvy and know-how that gets things done.

Lackawanna is a political town and it is fitting that "Mr. Lackawanna" is Billy Delmont, for Billy is a political man. A five foot nine inch, eversmiling, Italian-American newspaper publisher, Billy was elected at age 25, a city councilman in Lackawanna's old 3rd Ward in 1955.

Today, at 41, Billy publishes four weekly newspapers in Lackawanna, South Buffalo, West Seneca and Blasdell. He serves the city as a commissioner of civil service, and just completed serving the unexpired term of the director of urban development in former Mayor Mark Balen's administration. He was an unusual appointment, for Balen is a Democrat, and Billy is a Republican committeeman.

Former English teacher Bill Carney, now secretary of the Erie County Water Authority, likes to kid Billy about being the only newspaper publisher in these parts who flunked English. But Billy, who graduated from George Washington School, where he now serves as a member of the PTA, and Lackawanna High School, where he led steelworkers' sons to victory after victory as the toughest, sharpest "little" quarterback in that school's gridiron history, did attend Canisius College and Ithaca College before embarking on a journalistic career. His forte isn't scholarship, however. Where Billy excels is in his concept of service.

He believes that newspapers are not only journals of fact and opinion, but institutions designed to serve the communities they address. And he gives substance to this belief by being available to all who wish to approach him, virtually 24 hours a day.

His familiarity with the names, families and lives of almost every citizen of Lackawanna grew out of his personal contact with the people when he operated a delivery service for a clothes-cleaning enterprise. Discharged from the Navy in 1951 after being severely injured in an auto accident, Billy established the delivery service. Almost every home in town became familiar with "Billy the Cleaner." Later Billy was appointed chairman of the Lackawanna Municipal Housing Authority, from which he retired in 1968 after 11 years of service.

An uncomplicated, friendly man, Billy Delmont, is people oriented. People, not creeds, ideologies or causes, are his bag. He is a credit to the newspaper business, to his father and mother, the former Catherine Pitillo, to his wife, the former Maryann Salem, and to his six children, Kathy, Kim, Noreen, Lynne, Mary and Phillip.

The Lackawanna Front Page currently is undertaking to establish a scholarship fund for Lackawanna boys and girls to study journalism. As I said, Bill Delmont is interested in service. I wish him well in this venture. It only underscores my claim that Billy Delmont deserves the soubriquet, Mr. Lackawanna.

The first annual awards dinner for the scholarship fund is set tentatively for March 19 and the probable location will be the Hotel Lackawanna. Plans are in the making, but the speaker is assured and he is sensational. He is Malcolmn Kilduff, great newsman who was assistant press secretary to Lyndon B. Johnson and a deputy press secretary to President John F. Kennedy. It was he who carried Kennedy into the Parkman Hospital in Dallas, and it was he who quietly said to Johnson, "Let's get to the airport, Mister President," intoning the title for the first time.

SENATE—*Friday, January 21, 1972*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty and ever-living God "our help in ages past, our hope for years to come," guide our leaders that the Nation may be rebuilt on the principles of the Founding Fathers and on the everlasting truth of Thy Word. In turbulent and contentious times keep our purposes pure, our honor untarnished, our vision high and clear. Through honest expression of differing appraisals, may there be forged a final wisdom higher than our own, overruling our faulty judgments and our human errors. Set our feet in high places and keep us there.

> "Under the shadow of Thy throne
> Still may we dwell secure.
> Sufficient is Thine arm alone,
> And our defense is sure."

Amen.

MESSAGE FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, January 20, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ATTENDANCE OF SENATORS

Hon. BIRCH BAYH, a Senator from the State of Indiana, and Hon. MARLOW W. COOK, a Senator from the State of Kentucky, attended the session of the Senate today.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE PUBLIC BROADCASTING FAIRNESS DOCTRINE

Mr. SCOTT. Mr. President, I notice that the three networks and the public broadcasting system, in honorable pursuit of the fairness doctrine, have allowed the opposition twice as much time to reply as the President used in his state of the Union message.

I can only observe that, indeed, they will need it.

Mr. President, I yield back the remainder of my time.

Mr. MANSFIELD. Mr. President, I would like to take this means to thank the networks for the consideration and the fairness they have shown toward the party of the opposition in the Congress of the United States.

May I say that I am especially delighted with the fact that four of the outstanding Senators on this side of the aisle—Senators CHURCH, PROXMIRE, EAGLETON, and BENTSEN—will be representative of this body and this party.

They have our full confidence. We know that they will handle themselves extremely well.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 30 minutes.

The Senator from Montana (Mr. METCALF) is now recognized.

(The remarks of Mr. METCALF when he introduced S. 3052 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ANNIVERSARY OF THE DEATH OF SENATOR RICHARD B. RUSSELL, OF GEORGIA

Mr. GAMBRELL. Mr. President, a year ago today, on January 21, 1971, my distinguished predecessor in this body, Senator Richard B. Russell, of Georgia, passed away. A man of high character and principle, he was one of the great leaders in all the history of this country. He served for 38 years in the U.S. Senate. At the time of his death, he was its senior Member, being President pro tempore.

He was beloved among his fellow citizens in Georgia, as well as by his colleagues in the Senate. He was a close personal friend, and a respected mentor to me.

I think it is appropriate that this body honor him and his memory today by taking note of this, the first anniversary of his departure from the halls.

Mr. TALMADGE. Mr. President, Richard Brevard Russell, the late distinguished Senator from Georgia, has been gone from our midst for a year.

When he died a year ago on January 21, on the day that the first session of the 92d Congress convened, it was the first time Dick Russell missed the opening of a new Congress in the 38 years that he served in this body.

The Senate and the Nation grieved his passing. We lost a great statesman and one of the most magnificent Senators in American history. We sorely miss his presence, the dignity that he brought to the Senate, and the wisdom of his leadership. I join the Senate today in honoring the memory of this great man.

As many Senators know, I am chairman of the Richard B. Russell Foundation, Inc., which was created to raise funds for a library at the University of Georgia where the important historical papers of the late Senator Russell, spanning a total of 50 years of public service, will be preserved for posterity.

A year has passed since we began our campaign, and I am proud to report that although we have not as yet attained our final goal, we have made considerable progress, and I am confident that the library will be a fitting tribute to Senator Russell and the distinctive service that he rendered his beloved State of Georgia and the Nation.

The PRESIDENT pro tempore. Is there further morning business?

Mr. MANSFIELD. Mr. President, I wish to join my distinguished colleagues, the Senators from Georgia, both of whom represent their State with distinction, integrity, and courage, and to state on this anniversary of the passing of a great U.S. Senator that I feel honored to join with them in remembrance of Richard B. Russell. I feel honored to remember in this way, a man who made so many contributions to his State, to this body, and to the Nation as a whole.

He was one of the truly great Senators not only of our time, but also of all time. He was a man to whom all Members looked for advice and counsel. He was unselfish in his devotion and dedication to the Senate. His memory will be the friendships which he left in this Chamber and in this Nation.

His contributions will be long remembered. To those of us who had the honor of knowing him—at least partially—during the many years of his service in the U.S. Senate, his loss is continued to be felt just as deeply today as it was a year ago, when he passed from us.

Mr. STENNIS. Mr. President, on the first anniversary of the passing of our late, lamented, great friend, the former Senator from Georgia, Mr. Russell, I know that all of us have missed his direct impact on the floor of the Senate, in committee rooms, and in counsel chambers of this body. We have missed not only his companionship but also we have missed his fine counsel, his advice, his vigorous mind, his experienced concept of sound government, and his lofty, patriotic approach to every problem that came to him officially or personally.

I do not believe anyone has missed him any more than I have because of the role in which my assignment in the Senate places me. I think one of the finest tests of a man's usefulness is for him to be missed. So I salute again the great career of our late friend, and I speak sentiments of appreciation not only as a Senator but also as an American for the truly great contribution he made during the almost 40 years he served in this body.

I point with pride to his continued influence that is here. He laid the groundwork for the continuation of principles of government he espoused, principles that I know will continue to serve us all for decades and decades to come. Untold numbers of people yet unborn will benefit by our late friend's great, constructive service, his unselfishness, and his willingness to meet the hard questions along with all the other questions. I believe that everything considered he was the most able man not only in the Senate but in the Federal Government in his time.

I salute his memory. I am indebted to him for his record. I commend, as a citizen and as a Senator to the youth of this Nation, and as I did in my few remarks a year ago, the words he spoke and his counsel as a pattern for the highest type citizenship.

Mr. BYRD of West Virginia. Mr. President, I join my distinguished majority leader and the distinguished Senator from Mississippi (Mr. STENNIS) in commending the two distinguished Senators from the State of Georgia for taking the floor today to further eulogize the late Senator Richard B. Russell, whose death occurred 1 year ago today.

Senator Russell was magnanimous and honorable in all of his dealings with all men. He was able in every sense of the term. He was a truly great U.S. Senator. His service in the Senate, his actions and his words here, exemplified the very essence of the Senate as an institution, and, in my opinion, he was the most able of Senators. I admired him more than I admired any man in Washington.

I think he knew more about the vast ramifications of the Federal Government than did any other man. He was a man who was patient, considerate, and fair, and those who from time to time had to oppose him on issues respected him for that fairness. All Senators respected him for his calm, even, and sound judgment. He revered the Senate above any other institution of American government.

Senator Russell was a Senator whose place, I believe, will never be filled in this body.

Mr. President, Senator Russell was an inspiration to me and, I am sure, to all Senators who served with him. I shall never forget his life and service in this body. It will never cease to have an influence on me during my service here, and I shall never cease to revere and praise his name.

I saw the sun sink in the golden west:
  No angry cloud obscured its latest ray.
Around the couch on which it sank to rest
  Shone all the spendor of a summer day.
And long, though lost to view, that radiant light,
  Reflected from the sky, delayed the night.
Thus, when a good man's life comes to a close,
  No doubts arise to cloud his soul with gloom,
But faith triumphant on each feature glows,
  And benedictions fill the sacred room.
And long do men his virtues wide proclaim,
  While generations rise to bless his name.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

A REVOLUTIONARY AND POTENTIALLY TRAGIC DECISION

Mr. ALLEN. Mr. President, the revolutionary and potentially tragic decision rendered by U.S. District Court Judge Robert R. Merhige in the Virginia school districts consolidation case has received considerable national attention. From the standpoint of passing judgment on ultimate consequences of the decision, few persons are as well qualified to do so as are the editors of local newspapers who speak with the authority of intimate knowledge of the people affected by the decision. On January 11, 1972, the Richmond Times-Dispatch expressed its editorial judgment.

The editorial points out that the judge's order would require the busing of 78,000 pupils, 36,000 of whom would be transported to schools far from their neighborhoods. Under the circumstances, one cannot but agree with the editorial that—

> Rather than to submit to such a disruptive order many parents would abandon public schools.

Mr. President, there is ample evidence from all over the United States and particularly in the District of Columbia to demonstrate the validity of this conclusion. Under the circumstances, we also agree with the editorial that—

> If the decision is allowed to stand, the quality of public education in the Richmond area—and eventually throughout the nation—is almost certain to plummet.

But this is not the end of adverse consequences. The radical theories upon which this decision rests must eventually extend to all publicly afforded services provided by the State such as, public welfare, hospitals, clinics, utilities, housing. If, in the exercise of equity powers of courts, Federal judges can disregard the geographic boundaries of separate political subdivisions of government in implementing their concepts of a socialistic hog's heaven, then the traditional concepts of equity will have been perverted beyond recognition and this too is a great tragedy. The editorial points out:

> The decision could serve as a malignant precedent for the final destruction of nearly all powers local governments now exercise.

Mr. President, I believe we have reached the end of an era. I believe the judicial pendulum has swung in one direction to the ultimate of its arc. Inevitably, the pendulum must reverse its course. However, if the decision is upheld, I agree with the Times-Dispatch editorial that it may well result in a public outcry so strong as to promote passage of a constitutional amendment to put an end to destructive Federal court attacks upon public schools once and for all.

In this connection, the distinguished syndicated columnist, Smith Hempstone, pointed out in his column in the January 19, 1972, issue of the Washington Evening Star that suits similar to the Richmond case are pending in a half dozen cities and that one can anticipate many more in the near future. In fact, the city of Baltimore announced just yesterday that it too had filed suit to consolidate its city schools with those of adjoining counties. Both the Richmond Times-Dispatch editorial and Mr. Hempstone question the patronizing implication upon which these suits are based, to the effect that a black child cannot obtain a decent education except in a school where the majority enrollment is white.

Mr. President, if the Richmond decision stands, then this implication will have been given judicial sanction as a revealed truth. However, as Mr. Hempstone suggests, many black parents and educators understandably would contest such a racist doctrine.

Mr. President, if Federal courts do not return to a reasonable and rational approach to an admittedly complicated problem—then Congress must act—and it can act to put an end to this extremist, racist, judicial approach. Otherwise, a constitutional amendment, in my judgment, is inevitable. National polls continue to indicate that an overwhelming majority of the people oppose the concept of involuntary busing of schoolchildren. Neither Congress nor Federal courts can continue to disregard the will of the people without jeopardy.

Mr. President, I ask unanimous consent that the Times-Dispatch editorial and Mr. Hempstone's column be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Richmond (Va.) Times-Dispatch, Jan. 11, 1972]

THE DECISION

What many in this community have feared for months has now been confirmed: U.S. District Judge Robert R. Merhige Jr. is more interested in manipulating human attitudes than in promoting excellent public education.

This he showed by warmly endorsing, in his school consolidation opinion yesterday, the pernicious gibberish of those social engineers who argue, in effect, that a school system's primary function is to promote racial togetherness, not to give children the best possible academic education. Views to the contrary the judge dismissed with patent contempt.

Under Judge Merhige's appalling decision, the schools of the city of Richmond and of the counties of Henrico and Chesterfield will be consolidated next fall unless a higher court acts to avert the tragedy. And tragedy is the right word, for if the decision is allowed to stand, the quality of public education in the Richmond area—and eventually throughout the nation—is almost certain to plummet. Further, the decision could serve as a malignant precedent for the final destruction of nearly all powers local governments now exercise. Make no mistake: The effects of the Merhige school consolidation opinion could not be restricted to public education.

Judge Merhige's decision is a nauseating mixture of vacuous sociological theories and legal contradictions. It is insulting to black children in particular, callously indifferent to the interests of all children, and in conflict, on at least one important point, with the views of the U.S. Supreme Court.

Over and over in his opinion, Judge Merhige refers approvingly to the notion, advanced by some of the sociologists who testified during the trial, that schools have a duty to promote the "attitudinal development" of children, to improve "self-perception" and to teach black and white children to develop positive impressions of one another. Academic education is relegated to a position of secondary importance. Indeed, he accepts the theory that neither white, nor blacks can get a good education unless they go to school together—a theory that will dismay people who live in communities populated by only one race.

But if black children are to benefit from integrated schools, the judge in effect concluded, they must be kept in the minority. According to this offensive theory, which is supposed—somehow—to boost the Negro child's ego, black children do not perform at their maximum ability in a predominantly black school. Thus, Judge Merhige approved a mixing plan that would make every school in the metropolitan area predominantly white. This would require the busing of 78,000 pupils, 36,000 of whom would be transported to schools far from their neighborhoods. Rather than submit to such a disruptive order, many parents would abandon public schools.

Here Judge Merhige collided with the Supreme Court. In its latest busing opinion, issued in April the court declared that some "one-race, or virtually one-race," schools are permissible. Moreover, the court declared that when a community had developed a legally acceptable school integration plan, federal courts would not be required to see that the same racial ratios are maintained year after year. By implication, the Merhige decision calls for a predominantly white system, in which the black enrollment at no school would exceed approximately 40 per cent, forever.

Legally, Judge Merhige seeks to justify consolidation by stressing that public education in Virginia is primarily a state responsibility and that the boundaries of political subdivisions are, therefore, meaningless. Should this theory prevail, localities are certain, in the future, to lose other powers. Counties and cities are creatures of the state, and the state develops guidelines and establishes general policies for numerous local functions—including in addition to education, such activities as law enforcement, public welfare, public health, taxation, utility operations and public safety. If federal courts can ignore local boundaries in considering educational matters, what is to prevent them from ignoring local boundaries in considering other matters? Nothing. In time, the Merhige decision could lead to the destruction of local governments, locally controlled, and to the division of states into purely administrative regions.

Truly, Judge Merhige's decision could be an epochal document, capable of ushering the nation into a dreary era. Still, it could be beneficial in at least one respect. Should the decision stand, metropolitan school systems throughout the nation would be subject to consolidation, and the public outcry against such a possibility could be strong enough to promote passage of a constitutional amendment that would put an end to destructive federal court attacks upon public schools, once and for all.

[From the Washington (D.C.) Evening Star, Jan. 19, 1972]

YANKEES WILL HAVE TO GRASP MERHIGE'S NETTLE

(By Smith Hempstone)

Had R. R. Merhige rather than U. S. Grant been in command of the Union forces at Appomattox, there would have been none of that generous nonsense of allowing the defeated Confederates to retain their horses for spring plowing.

Judge Merhige is an unconditional surrender man and the terms he has imposed on the city of Richmond, Va., whose schools were 70 percent black, and surrounding Henrico and Chesterfield Counties, whose schools were 91 percent white, are draconian: Consolidate the three school systems within 90 days and—by busing 78,000 of its 106,000 students for as long as an hour—achieve a racial mix in most schools of aproximately 60 percent white and 40 percent black.

The federal District Court judge's 325-page decision in *Carolyn Bradeley v. School Board of the City of Richmond* may be good law. That will be determined by the U.S. Fourth Circuit Court of Appeals and, almost certainly, by the Supreme Court.

Bradley's patronizing implication that a black child cannot obtain a decent education except in a school where the majority is white may even be correct, although many black parents and educators understandably would contest that.

Merhige's ruling may be sound social engineering, leading to the development of positive impressions of each other between children of the two races. All of those things *may* be true and, if *Bradley* is unheld, it is earnestly to be hoped that they are true.

But amidst all these fuzzy uncertainties, one truth stands out in stark illumination: If *Bradley* is sustained, Virginians will not be the only Americans forced to grasp Merhige's nettle.

There were, at last count, four U.S. cities—Washington, D.C., Atlanta, Ga., Newark, N.J., and Gary, Ind.—with black majorities, and seven others were more than 40 percent black. Suits similar to *Bradley* are pending in half a dozen cities and others unquestionably will be filed.

Most of these suits, quite naturally, will be in parts of the country where the most segregation persists. And that—according to figures released last week by the Department of Health, Education and Welfare—means not the South, but the rest of the country.

According to HEW, only 9.2 percent of the South's 290,390 Negro students are attending all-black schools; 11.2 percent of the North and West's 325,874 black students attend such schools. In the District of Columbia and six border states, the percentage is 24.2.

Almost 44 percent of Southern black pupils attend predominantly white schools; the figure is 28 percent for the North and the West and 30 percent for border states.

In the past, non-Southern segregation has been tolerated by the courts because it was *de facto* (arising from housing patterns) rather than a relic of the *de jure* system authorized by state laws. But *Bradley* blurs that distinction and decries both types of separation.

De facto segregation became characteristic of many Northern cities when Southern blacks flooded into them in the years after World War II. This was matched by a related movement of whites out of the cities which in recent years has become a flood: Between 1960 and 1970, Detroit lost 29 percent of its white population.

In part, the latter movement unquestionably was related to school integration. But there were many other factors such as changing life-styles (the penchant for informality, the proliferation of the automobile) and the desire for personal security.

Now the manifold problems of the inner city are to be in part exported to the suburbs as urban school districts are consolidated (if *Bradley* stands) with contiguous county districts to achieve a "lighter" racial mix in public schools.

It might reasonably be expected that this will stem white flight, but this is not necessarily so, particularly since most of the whites who are going already have gone. While there is a limit to how far a man can live from his job, the application of the Merhige decision to many cities could simply depress suburban land values and boom those in the exurbs farther from the urban core and its consolidated school district.

Most parents, white or black, would prefer their children to have a good education at a neighborhood school. If a good education can be had only by time-consuming busing, they will accept that. But no good parent of any color, if he has an option, is going to see his child bused out of his neighborhood to a school which is inferior.

There is, of course, an alternative for those who do not want to move to the suburbs and are reasonably affluent. They can do as Judge Merhige does: His son, Mark, attends Collegiate School, a private school in Henrico County.

REPORT BY SENATOR JACKSON ON THE IMPLEMENTATION OF SAFEGUARDS IN CONNECTION WITH THE LIMITED NUCLEAR TEST BAN TREATY

Mr. STENNIS. Mr. President, on behalf of the Senator from Washington (Mr. Jackson), who is necessarily absent today, I wish to place in the Record his report on the implementation of the safeguards to be maintained in connection with the Limited Nuclear Test Ban Treaty. As chairman of the Nuclear Safeguards Subcommittee of Armed Services and the chairman of the Military Applications Subcommittee of the Joint Committee on Atomic Energy, Senator Jackson has monitored the safeguards program since 1963 and has made periodic reports to the Senate to keep us fully informed on the degree of support and implementation of the four safeguards.

I believe all Members of the Senate will wish to read and study Senator Jackson's report. I ask unanimous consent that the report may be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Report on Nuclear Test-Ban Treaty Safeguards

(By Senator Henry M. Jackson, chairman, Nuclear Safeguards Subcommittee, Senate Committee on Armed Services; chairman, Military Applications Subcommittee, Joint Committee on Atomic Energy, January 20, 1972)

INTRODUCTION

Since the adoption of the Limited Test Ban Treaty in 1963, staff members of the Joint Committee on Atomic Energy and the Preparedness Investigating Subcommittee have continually monitored the safeguard program to insure that the safeguards are implemented in accordance with the Presidential commitment. Since 1963 I have made periodic reports to the Senate assessing the safeguard program. This report to the Senate concerning the implementation of the safeguards covers a two-year period, 1970 and 1971. During that time a number of international agreements looking towards arms control have been continued, and discussions of possible new agreements have been taken up. In particular, the Limited Test Ban Treaty remains in effect, though neither France nor the People's Republic of China have seen fit to participate. The Non-Proliferation Treaty has come into force—again with a considerable number of important non-participants. Agreement has been reached on keeping the sea bed free of nuclear weapons, on the limitations of biological weapons, and, most prominently, the SALT talks looking toward bilateral limitations on strategic delivery systems have been pursued with great vigor.

The objectives of these and similar agreements and efforts are of great importance to us and to all mankind. Any progress towards these objectives, painfully slow though it be, is encouraging and welcome. The hopes which fuel these efforts and move them forward deserve everyone's support.

Nevertheless, in this as in all fields of human endeavor, it is essential not to make the mistake of regarding mere hopes—however profound—as equivalent to accomplished fact. We still live in a dangerous world and we still must depend on our nuclear deterrent, and will continue to have to do so until it may ultimately be possible to lay it aside. Other countries continue work to improve their nuclear capability, and, as long as that goes on, we must keep our nuclear technology and capabilities fully up to the best possible level. We must, that is, continue to ensure that the safeguards stipulated by the Senate in 1963 as an essential corollary to the Limited Test Ban Treaty are kept clearly in sight and maintained in a satisfactory and reassuring manner. Indeed, if, as some would urge, more restrictive treaties or agreements on the matter of nuclear weapons testing are to be considered, then the present safeguards—possibly with some modification in detail but, in any case, provisions with the same spirit and intent—*will acquire an even greater importance, and deserve an increased emphasis and care in their implementation.* In fact, as will be discussed later, this implementation may well require funding and manpower support in excess of that applied presently.

As you will recall, the four safeguards the Senate established were: first, that the country maintain an active underground testing program; second, that we maintain strong nuclear weapons laboratories; third, that we maintain a readiness to resume atmospheric testing in the event of need; and, fourth, that we maintain and improve our capability to monitor the treaty and maintain our knowledge of foreign nuclear activity.

These four provisions bear on rather different aspects of our nuclear program and on the problem of maintaining our position under the limitations of a treaty. The second safeguard—that aimed at preserving our capability in weapon design and technology—is most fundamental, and would preserve its importance in connection with any type of treaty, even a very extensive one. The first provision—that calling for an active underground testing program—is intimately bound to the second, since it is only by observing the *results* of full-scale experiments that those engaged in research and design can confirm the correctness of their work and obtain the basis for confidence that they are on the right track—a necessary precondition for continuing progress. We are going to have to think very seriously and carefully about the close and strong interaction of these two safeguards before—for example—we should subscribe to a treaty banning all nuclear testing. The fourth safeguard—that of being able to monitor foreign activities, so that we shall know at all times that any treaty arrangement in effect is being adhered to—will obviously assume a larger importance in the event of any extensive arms control treaty.

By comparison with these safeguards, the third one—that of maintaining readiness to resume testing in the atmosphere—is contingent, since the need to exercise that option might never arise. Nevertheless, it is in this area that some of our most severe limitations of knowledge exist. This arises in part because of the incompleteness of the information obtained on the subject of weapons effects at high attitudes during the 1962 test series. Since that time a large, costly and continuing program has been carried out by DOD and AEC to answer some of these questions by less satisfactory means. Some of this work is supported by, and complements, the readiness program.

I should like to remind you that in my 1969 report on these matters, I called attention to the fact that the Administration was proposing to reduce its efforts in support of the third safeguard. This was the first significant reduction in the safeguards program; and, as such, it warranted a very thorough enquiry and review on our part. After careful consideration it appeared that the country's position would not be unduly exposed by the changes considered; so that the cutback was made, and since that time this particular program has been continued at about the level to which it was then reduced. Further reductions would, however, be very serious as will be discussed later on.

This important safeguard is essential to help deter a Soviet resumption of atmospheric testing. Our own ability to quickly resume such testing can discourage the Soviet Union from hoping to gain a major advantage by violating the test ban and carrying out a quick series of atmospheric tests and then calling for a renewal of the test ban agreement.

In 1969 I reported that the efforts in support of the other three safeguards appeared to be well and satisfactorily maintained. However, since then there has been a distinct reduction in the support of *all* these three safeguards. This relaxation in their implementation is a matter of very serious concern.

As examples, the funds devoted to nuclear R&D and weapon engineering were about 250 million in FY–1970. In order to maintain the *same* actual level of effort this amount would have to have increased by about 15 million a year since then, which would have required about 280 million in FY 1972. By contrast, the amount available for FY–72 is close to 240 million. This shows an appreciable reduction in the support of Safeguard 2—our research and development effort. The support provided for on-continent testing—the activity called for in the first safeguard—has dropped from about 190 million in FY–70 to about 160 million in FY–72. This, if one allows for the effects of inflation, represents at least a 25 percent reduction in actual effort.

There is a similar picture in connection with at least some parts of the country's Atomic Energy Detection System—the AEDS—which is the heart of the effort devoted to the fourth safeguard—the monitoring program. The activities of some elements of the AEDS are classified. But suffice it to say that the Air Force has cut the funds for certain research programs under its jurisdiction more sharply than the gross Air Force budget was cut. These programs included some which were concerned with methods and techniques of monitoring for foreign nuclear tests and were quite central to the implementation of the fourth safeguard.

As mentioned earlier, some of these relations and reductions look very much like moves in the wrong direction; particularly at a time when some consideration is being given to possibly more stringent limitations on testing. The Senate will have to enquire most carefully into these developments, particularly those things which may constitute an undesirable and dangerous softening of the safeguards which we are required to oversee.

With these general comments, I should like now to review briefly the particular situation with respect to the implementation of each of the safeguards over the period since my 1969 report.

SAFEGUARD 1—UNDERGROUND TEST PROGRAM

This safeguard requires a systematic, comprehensive program of underground nuclear testing aimed at providing the maximum improvement of our military weapons systems and the furthering of our knowledge of the design, behavior, and effects of nuclear weapons. Under the guidance of our nuclear laboratories (Los Alamos Scientific Laboratory at Los Alamos, New Mexico; Lawrence Livermore Laboratory at Livermore, California; and Sandia Laboratories at Albuquerque, New Mexico, and Livermore, California) this program has proved to be a highly productive one. The results of the underground testing program have exceeded by far what was expected when the safeguards were first formulated. Now, however, I must report that for the first time the program seems to be suffering budgetary reductions which could jeopardize this safeguard.

Specifically, the increased concentration on containment problems as a result of the Baneberry venting has resulted in an *increase* in cost per experiment of 10 to 15 percent. The AEC–NTS funding was *reduced* from $110 million for FY-1971 to $97 million for FY-1972. The result of these changes is that the weapon development laboratories for the first time since the test moratorium in 1958–1961 cannot test at the rate that they feel proper to keep up with their design efforts, and the Department of Defense is unable to conduct the effects tests to obtain information relative to strategic systems at the rate that they feel proper.

Any technical endeavor consists of several interacting and vital functions—the generation of concepts, the checking of these concepts both by calculation and by experiment, the revision of the concepts and models to agree with the observed facts, and finally the fabrication of the actual hardware or system made possible by the new concepts. No technical endeavor can succeed if one of these functions is missing or severely curtailed. We must recognize that the underground test program called for by the first safeguard provides *one of these vital functions*, namely, experiment by underground testing. Any significant reduction of our effort from that of the past will severely affect our whole nuclear weapons program.

In the years since the Limited Test Ban Treaty was signed, our nuclear laboratories have conducted weapons design and test programs which have resulted in products which have greatly increased the effectiveness of our country's forces. Most of these new warheads contain important qualitative improvements that have been developed since the cessation of atmospheric testing. These new devices have made possible large dollar savings in our overall weapons *systems* development programs, since time and time again warhead improvements have greatly reduced the need for new or increased numbers of weapons delivery systems.

During FY-1971, the Emery underground test series at the Nevada Test Site, and at the two supplemental test sites, continued the advancement of our weapons knowledge. The series included one Plowshare experiment (peaceful uses) and one DOD effects test logistically supported and technically supported by the AEC. The number of tests was about half that of the previous Bowline series, due to the effects of a strike at the test site and to a cessation of testing while the AEC reevaluated containment and environmental criteria. This deferred many tests into the current (FY-1972) Grommet test program, but the Grommet series has a reduced funding level compared with previous years.

Thus Safeguard 1 is now at a very important point in its history. It is essential that an adequate level of testing be maintained.

In summary, our underground test programs in the past have been highly successful, and have provided our weapons systems with improved capabilities. Our ability to continue to provide these improved capabilities must not be jeopardized by arbitrary reductions in the underground test program.

SAFEGUARD 2—MAINTENANCE OF STRENGTH OF THE LABORATORIES AND PROGRAMS

The Second Safeguard requires the maintenance of modern laboratory facilities and programs in theoretical and exploratory nuclear technology which will attract, retain and insure the continued application of our scientific resources to those programs.

Though the strength and morale of the weapons laboratories have been reasonably good up until FY–1971, these laboratories, for the first time in the history of the United States nuclear program, experienced a cut in support which occurred again in FY–1972. Since that time there has been an overall reduction of about seven percent in scientists, engineers, and support people in the laboratories. In 1970 the Laboratory Directors in closed hearings made it very clear that such a cut could seriously impair the capabilities of this unique resources if this were construed as setting the stage for the future. At that time it was anticipated that the reduction in funds and personnel was a transient phenomenon and was not to be taken as an indication of the future. However, when reductions again were required by the fiscal 1972 budget the continued viability of these laboratories as national resources became a matter for investigation. The three weapons laboratories have a grave responsibility to the citizens of the United States and even to the rest of the free world whose security is dependent upon the strength and credibility of the U.S. strategic and tactical nuclear deterrent. They must be adequately funded.

The science and technology necessary for completely new designs and concepts must continue to be developed. Contrary to predictions made some years ago we have not reached a plateau for weapon technology. Some extremely important advances have evolved which have so far enabled us to maintain the credibility of our strategic deterrence with a fixed number of delivery systems in the face of an ever increasing Soviet threat.

Detailed sophisticated examination of data obtained on the high altitude tests of 1962 coupled with innovative technology has materially assisted in the defense of our Minuteman. New options have appeared for tactical nuclear weapon systems which may assume a major role in preserving the peace in the future.

The only alternative available to the United States short of increasing the number of our strategic forces in the light of the superior single missile throwweight of the Soviets is to employ advanced technology in our warheads to compensate for the Soviet payload advantage.

Advanced technology rests on a scientific base generated both within and without the nuclear weapon laboratories, but the applications in this sophisticated field must be made by scientists in the laboratories who are fully cognizant of all the implications of new technologies and discoveries. Any further cuts in the funding of the nuclear weapon laboratories must be viewed with grave concern by the Senate as such a move could seriously affect the quality of the scientific staffs of these laboratories, contrary to the spirit and assurance given by Safeguard 2.

Concurrent with the effects of overall budget cuts has been the increased emphasis being made by the Commission with regard to safety and fire protection at the laboratories. I commend the Commission for their concern in these matters and their regard for the input of their operations to the environment. I am, however, concerned that the very substantial efforts being made by the laboratories to insure the complete safety to property, personnel and to the environment are not being supported with the additional funds that these activities deserve. The consequence of this action is that the weapons programs have been curtailed with a loss in technological advance and even the number of nuclear tests that have been executed.

Present plans are to roll up the Amchitka Test Site beginning this month—January 1972. It will cost approximately 15 million dollars of FY 1973 funds to accomplish that roll up. At the end of that period the United States will no longer have a proving ground to test bombs of appreciably above one megaton yield. It will take from three to four years to prepare such a facility again. The lack of such a proving ground clearly forces our weapon designers to concentrate on advances in techniques in small weapons. Such a limitation also increases the number of tests required by the laboratories.

As mentioned earlier, the weapons laboratory viability and competence are very closely coupled with the ability to conduct meaningful tests. To severely limit the extent to which testing can be conducted could have an adverse effect on maintaining the strength and excellence of the weapons laboratories.

For the past 20 years history has clearly shown that the innovation and scientific competition which has been made possible by having the three laboratories has benefited our nation's nuclear weapons program. This competition in itself assists in maintaining the technical excellence, morale, and national prominence which is unique to these laboratories compared to other government laboratories. I believe maintaining this concept is vital to our nation's security.

In summary, for the first time in the history of our nuclear program questions have been raised with regard to the continuing existence and technical excellence of our nuclear weapons laboratories as a result of two successive budget cuts requiring dismissal of personnel, reduction in field operations, construction deferrals of new facilities and upgrading of existing ones, and reduction in the procurement of new equipment. This trend cannot be allowed to continue. I believe that assurance must be given that the responsibilities assigned in Safeguard 2 will be fulfilled. I trust in view of the observations and the seriousness of the consequences, the Commission will view its weapons laboratories in a special light and make certain that no further degradation of their technical excellence and capabilities comes about as a result of overall AEC budgetary limitations.

SAFEGUARD 3—READINESS-TO-TEST PROGRAM

The third safeguard requires the maintenance of facilities and resources necessary to institute *promptly* nuclear tests in the prohibited environments (atmosphere, underwater and space) should they be deemed essential to our national security. The program in support of Safeguard 3 achieved a status of adequate readiness in 1965. The funding (AEC $26.3 million, DOD $24.4 million*) in FY 1966 was considered adequate to maintain that capability. In the period FY 1966 to FY 1971 the funding decreased by approximately a factor of four. In 1968 the emphasis was changed to put a larger portion of the effort on readiness for high altitude effects tests. However, the funding level at that time was not adequate to properly prepare for the proposed high altitude tests; for example, it was not adequate to bring into being a genuine capability to do high altitude intercept experiments.

---

*The DOD figure represents only the RDT&E funding and does not include construction funds for readiness facilities and such O&M expenditures as maintenance and operation of air drop, diagnostic and sampler aircraft and of Johnston Atoll.

The AEC and the DOD have very recently agreed on a draft new National Nuclear Readiness-to-Test Plan. That plan was designed to match the FY 1972 funding and states that we presently have the capability to do less and do it less promptly than before. It is clear that there are many areas of information needed from tests; among these are:

1. Realistic data on the electromagnetic fields created by nuclear detonations in low and high altitudes.
2. Cratering, ground shock and debris effects on hardened systems and insulation.
3. Airburst and underwater shock effects related to problems of anti-submarine warfare and modern ship structures.
4. Full proof tests of the survivability of the hardened reentry vehicles when they are subjected to a realistic nuclear environment while in their operational modes.
5. Blackout and all associated phenomena.

However, in FY 1972 the DOD readiness effort was cut from $6.7 million to $3 million. The result of this and other decisions is to further extend the response time to test in the atmosphere to such a length that it no longer can be called a prompt response. In effect there would be no *viable program* in support of Safeguard 3. A perhaps more serious effect is that the theoretical studies that have been applied to the readiness effort to plan tests will be so reduced that the quality of effects tests in the atmosphere in the future will be lessened.

In order to maintain a prompt response capability for air drop tests, the AEC in 1963 was furnished three NC–135 aircraft by USAF, which were modified at a cost of approximately $30 million to provide airborne diagnostic and command capability. For approximately five years these aircraft, with their highly complex telemetry, tracking, positioning and scientific data acquisition equipment, were exercised in overseas (deployment) and CONUS (non-deployment) operations, together with B–52 drop, RB–57 sampler, EC–121 array control, and other aircraft required for conduct of air drop tests. Each of these operations contributed to development of the air drop capability by identifying problems in critical operational, technical, or safety areas, and to maintenance of that capability through exercise of the complex military and civilian skills involved in performance of the air drop mission. Moreover, in addition to exercising the readiness capability of this part of the system, invaluable data have been obtained applicable to AEC/DOD interests.

The decision to deploy the safeguard ABM system and studies of advanced ABM systems have resulted in a major shift in emphasis in both the AEC and DOD readiness activities.

The most critical areas in which data must be acquired, should testing be resumed, involve high altitude phenomenology and effects, particularly those related to ABM warheads. Therefore, while maintenance and development of the Air Drop Capability has continued at a lower level of effort, the greatest part of recent AEC use of the diagnostic aircraft has been directed toward technical preparation for a high altitude series. This preparation requires use of the aircraft as flying test beds for long lead-time high altitude event instrumentation, but also, and most importantly, requires extensive use of the aircraft in the conduct of experimental programs involving observation of simulated or natural phenomena closely related to high altitude nuclear explosion phenomenology. These experimental programs contribute in an essential way to development of plans, predictions, and measurement objectives for future high altitude tests, and directly affect both the response time for such tests and the quality of the response.

In my evaluation the present effort in support of Safeguard 3 is marginal at best, and I am worried about implications for the future.

SAFEGUARD 4—MONITORING THE LIMITED TEST BAN TREATY AND KEEPING INFORMED ON FOREIGN NUCLEAR ACTIVITY

Safeguard 4 requires that we develop and improve our capabilities of verifying that those nations which signed the treaty continue to abide by its terms. This means we must carry out research and development on methods of detecting and identifying nuclear tests in the forbidden regions, namely in the atmosphere, in outer space, and underwater. In addition, Safeguard 4 requires that we maintain our knowledge of foreign nuclear activities, and this requires that we also develop methods of monitoring underground nuclear tests, which the treaty allows.

The U.S. research and development effort to improve our capabilities of observing foreign nuclear tests is referred to as the Vela program, which is divided into three subprograms: Vela Uniform for monitoring underground explosions, Vela Satellite for satellite-based methods of observing tests in outer space and in the atmosphere, and Vela Surface Based for ground-based methods of monitoring explosions in space. Effective work continues in all these programs and not only supports Safeguard 4 but also provides support for continuing discussion of arms limitation and discussion of a possible comprehensive test ban treaty.

Vela uniform program

The AEDS seismic network is now capable of detecting, identifying, and locating underground explosion events in the Soviet Union and China which have a yield above a certain threshold region.

Obviously the capability of such a system is dependent not only on the fact that it can detect very small earth tremors but to what extent it can decide that the event is natural or man made. It is in this area of research and development that highly worthwhile advances are still feasible and this work should be continued and enlarged. Even at this time, a relatively inexpensive improvement of the seismic detection system could markedly reduce the number of events which are not unambiguously identified. Such improvements and continuing research on seismic detection methods and systems are particularly desirable and necessary in view of discussion of a possible comprehensive test ban, especially in view of the possibility that deliberate evasive techniques could be applied in clandestine testing.

Vela satellite program

Six successful launches of the highly instrumented Vela Test Detection Satellites have now been completed, the first in 1963, and the most recent in 1970. Each launch has boosted two satellites into distant orbits on opposite sides of the earth. From these locations almost all of outer space and the atmosphere even down to the earth's surface is viewed by at least one satellite, which is ready to observe the radiations from a possible nuclear explosion, and thus to monitor nuclear tests almost anywhere except underground or underwater. As space technology has developed it has been possible to continually improve the instrumentation carried on the newly launched satellites.

The satellite capabilities for monitoring nuclear tests have been demonstrated by observations of tests conducted by nations which did not sign the Limited Test Ban Treaty. Furthermore, the economic feasibility of this satellite program is supported by the fact that the useful lifetime of these satellites has in every case been at least five years. The older satellites have been retired from active service only because of the better capabilites of the newer satellites.

This satellite program has also supported Safeguards 2 and 3 in very significant ways, as well as Safeguard 4. Safeguard 2, the maintenance of healthy and vigorous nuclear research laboratories, has been supported by the basic and applied research which has been necessary in order to design and develop the satellite payloads and then subsequently to interpret the observations returned to earth from the orbiting satellites. The payload instruments have been designed to be ready to observe radiations from nuclear explosions and also to study the solar and cosmic and geomagnetospheric radiations which must be distinguished from the radiations from nuclear explosions. Safeguard 3, the maintenance of readiness to resume atmospheric testing, has been supported by the fact that the instrumented satellites provide a continuous immediate readiness to observe the performance, not only of foreign tests, but also of our own tests, in case it became necessary for us to resume testing at high altitude or in the atmosphere.

SUMMARY

In summary our responsiblity to the Congress and to citizens of the United States to guarantee the implementation of the four Safeguards has not lessened since their adoption. However, I am greatly concerned that through a series of budget cuts, each taken by itself to appear not dangerous in this context, we have approached a level of support of the Safeguards which could have serious consequences for the future of the United States.

The trend of budget reductions which have jeopardized the support of the four Safeguards must be reversed.

QUORUM CALL

Mr. **BYRD** of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDENT** pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. **BYRD** of West Virginia. Mr. President, how much time remains for morning business?

The **PRESIDENT** pro tempore. One minute.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that the time for morning business be extended 3 minutes.

The **PRESIDENT** pro tempore. Is there objection? Without objection, is is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED FACILITIES PROJECTS FOR THE AIR NATIONAL GUARD AND AIR FORCE RESERVE

A letter from the Deputy Assistant Secretary of Defense submitting, pursuant to law, a list of certain facilities projects proposed to be undertaken for the Air National Guard and Air Force Reserve (with accompanying papers); to the Committee on Armed Services.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States submitting, pursuant to law, a report entitled "Audit of Federal Crop Insurance Corporation, Fiscal Year 1971" (with accompanying report); to the Committee on Government Operations.

POSITIONS IN GRADE GS-17

A letter from the Commissioner of Immigration and Naturalization submitting, pursuant to law, information concerning the 11 positions the Commissioner of Immigration and Naturalization may place in grade GS-17 (with accompanying papers); to the Committee on Post Office and Civil Service.

REPORT ON FEDERAL VOTING ASSISTANCE PROGRAM

A letter from the Secretary of Defense, transmitting, pursuant to law, a report on the Federal voting assistance program (with an accompanying report); to the Committee on Rules and Administration.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the Legislature of the State of Nebraska; to the Committee on Post Office and Civil Service:

"LEGISLATIVE RESOLUTION 3

"Whereas, The Spanish-American War was the dawn of this Nation's leadership among the nations of the world, and it marked the last great conflict between the people of a free, self-governing republic and that of an absolute monarchy; and

"Whereas, it was this country's first war for humanity, and the only one hundred per cent volunteer army the world has ever known. Twenty thousand volunteers were called, and two million answered those calls. Four hundred and eighty-three thousand served, and one million five hundred and seventeen thousand were not needed. The men came from all parts of our country, the North, the South, the East and the West. These soldiers wiped out sectionalism, and healed the wounds of civil strife, marking the rebirth of a Nation; and

"Whereas, the Spanish War Veteran received no bonus, no war risk insurance, no adjusted compensation, no vocational training and no hospitalization until 1922, twenty years after the Spanish War was over; and

"Whereas, the veterans of all our wars have been brave and worthy sons of America. Millions went to war before the Spanish-American soldier and millions have gone since, yet, he stands unique, distinctive, one who deserves the admiration of all mankind; and

"Whereas, the issuance of a commemorative postage stamp would be a fitting acknowledgment that this country has not forgotten these men.

"Now, therefore, be it resolved by the members of the eighty-second Legislature of Nebraska, second session:

"1. That the President of the United States and the United States Post Office authorities are urged to issue a stamp or stamps commemorating the unique history written by the deeds of the Spanish-American War Soldier, and honoring the United Spanish War Veterans.

"2. That copies of this resolution be transmitted by the Clerk of the Legislature to the President of the United States, to each member of Congress from Nebraska, to the Speaker of the House of Representatives and to the President of the Senate."

A resolution adopted by the Council of the City and County of Honolulu, Hawaii, urging that Bellows Air Field be declared surplus to its military requirements; to the Committee on Armed Services.

A resolution adopted by the Commissioners of Asotin County, Wash., praying for the enactment of legislation relating to tax-sharing; to the Committee on Finance.

A resolution adopted by the Commissioners of Walla Walla County, Wash., praying for the enactment of legislation relating to tax-sharing; to the Committee on Finance.

A resolution adopted by the Town Council of Asotin, Wash., praying for the enactment of legislation relating to tax-sharing; to the Committee on Finance.

A resolution adopted by the Board of Pierce County Commissioners, Tacoma, Wash., praying for the enactment of legislation relating to tax-sharing; to the Committee on Finance.

A resolution adopted by the Renton City Council, Wash., praying for the enactment of legislation relating to tax-sharing; to the Committee on Finance.

A letter from the Secretary of the Navy, transmitting petitions of certain citizens, expressing opposition to further U.S. military involvement in Vietnam, Laos, Cambodia, or other countries of Southeast Asia (with accompanying petitions); to the Committee on Foreign Relations.

A resolution adopted by the San Diego County Federation of Republican Women's Clubs, San Diego, Calif., calling upon Congress to cancel membership of the United States in the United Nations Organization; to the Committee on Foreign Relations.

A resolution adopted by the University Unitarian Church, Seattle, Wash., praying for an end to the war in Southeast Asia; to the Committee on Foreign Relations.

A resolution adopted by the National Conference on State Parks, praying for repeal of the Federal Water Projects Recreation Act of 1965; to the Committee on Interior and Insular Affairs.

A petition of sundry students of Kent State University, Ohio, praying for the enactment of Senate Concurrent Resolution 26; to the Committee on Interior and Insular Affairs.

A resolution adopted by the Alaska Reea Native Board of Health, Edgecumbe, Alaska, recommending that the Federal trust relationship and responsibilities be continued to all Alaska Native groups; to the Committee on Interior and Insular Affairs.

A resolution adopted by the American Ornithologists' Union, expressing concern in the matter of population growth; to the Committee on Labor and Public Welfare.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 3052. A bill to authorize the Secretary of the Interior to designate the Beartooth Highway, Montana and Wyoming, as the James E. Murray Memorial Parkway, and for other purposes. Referred to the Committee on Public Works.

By Mr. STAFFORD:

S. 3053. A bill to provide for the establishment of a national cemetery in the State of Vermont. Referred to the Committee on Veterans' Affairs.

By Mr. NELSON (for himself and Mr. JAVITS):

S. 3054. A bill to amend the Manpower Development and Training Act of 1962. Referred to the Committee on Labor and Public Welfare.

By Mr. FANNIN:

S. 3055. A bill for the relief of Maurice Marchbanks. Referred to the Committee on the Judiciary.

By Mr. DOMINICK (for himself, Mr. BENNETT, Mr. COOK, Mr. CURTIS, Mr. DOLE, Mr. JORDAN of Idaho, Mr. SCOTT, and Mr. TOWER):

S. 3056. A bill to amend Public Law 92-178, the "Revenue Act of 1971." Referred to the Committee on Finance.

By Mr. PACKWOOD (for himself and Mr. JAVITS) (by request):

S.J. Res. 187. A joint resolution to provide a procedure for settlement of the dispute on the Pacific Coast and Hawaii among certain shippers and associated employers and certain employees. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 3052. A bill to authorize the Secretary of the Interior to designate the Beartooth Highway, Montana and Wyoming, as the James E. Murray Memorial Parkway, and for other purposes. Referred to the Committee on Public Works.

JAMES E. MURRAY MEMORIAL PARKWAY

Mr. METCALF. Mr. President, one of the most spectacular and popular of this country's national parks is Yellowstone, with major entrances in the States of Wyoming and Montana. In my estimation the most beautiful and rugged of all the entrances is at Cooke City, which is served by the Red Lodge-Cooke City Highway, often referred to as the Beartooth Highway. The road is in the midst of beautiful scenery and is famed for its series of switchbacks winding to the top of this mountain pass, leading to the Cooke City entrance. Over the years there has been a problem of financing necessary improvements on this highway because of the question over jurisdiction. My senior colleague, Senator MANSFIELD, and I believe that the time has come to develop a reasonable plan of funding and this can best be done by placing the entire highway under the national parkway system. This designation would be similar to that provided the George Washington Memorial Parkway in nearby Virginia.

An additional reason for establishing the Red Lodge-Cooke City Highway as a national parkway is that it would be an opportunity to establish an appropriate memorial to one of the great Senators from Montana—the late Senator James E. Murray. Senator Murray was an active and vigorous representative of the Big Sky Country and the Nation as a whole. It is my pleasure to have served with Senator Murray as a member of the Montana congressional delegation when I was in the House of Representatives. As his colleagues will recall, he was a man of great humanitarian concern, a decent and dignified person who fought in behalf of the disadvantaged, sick, and the oppressed and was influential in changing many of the Nation's attitudes. Senator Murray was known for his work in the areas of health, welfare, minimum wage, and full employment. He also was concerned about conservation and the development of Montana's resources. This was especially evident when he was chairman of the Senate Committee on Interior and Insular Affairs. Senator Murray was most influential in bringing about interest in the preservation and conservation of our Nation's resources. It is most appropriate that the Nation pay tribute to this great man for his work in the field of conservation. Senator MANSFIELD and I believe that the naming of this majestic highway in his memory would be most fitting.

Mr. President, in behalf of my colleague, Mr. MANSFIELD, and myself, I send to the desk legislation which would authorize the designation of the Beartooth Highway in Montana and Wyoming as the James E. Murray Memorial Parkway, and ask that it be appropriately referred.

The PRESIDENT pro tempore. Without objection, the bill will be received and appropriately referred.

Mr. MANSFIELD. Mr. President, will my distinguished colleague yield to me?

Mr. METCALF. I am happy to yield to my colleague from Montana.

Mr. MANSFIELD. Mr. President, I am delighted and pleased to join with my distinguished and able colleague from Montana, Senator LEE METCALF, in introducing legislation to establish the James E. Murray Memorial Parkway in the area north of Yellowstone National Park in Montana.

The naming of the highway, often referred to as the Red Lodge-Cooke City Highway, in honor of the late Senator James Murray is most appropriate in view of his distinguished record in resource conservation and development. This highway designation would not only establish a monument to a great man but would provide the necessary protection and development of one of the Nation's most scenic access highways. This designation would simplify highway funding in addition to protecting the area from commercial developments and preserve its natural state.

Jim Murray is one of the great Senators to come out of the West and it is a great honor to have been associated with him in representing the State of Montana for a period of 18 years, the last eight of which we represented the State of Montana here in the Senate. At all times we worked with cordiality as good friends and representatives of a great State.

Senator Murray, as we all know, was a great champion of the labor movement. He took the lead in pioneering new legislation in the area of Federal aid to education. This was done in cooperation with the then Representative from Montana's western district, LEE METCALF, who was elected to succeed Senator Murray here in the Senate. Most important, Senator Murray at the time of his retirement was chairman of the Senate Interior and Insular Affairs Committee where he led the good fight in behalf of the conservation and management of our natural resources.

Mr. President, when public figures of note pass on to their reward, there is often a public effort to establish an appropriate memorial. In the case of the late Senator James E. Murray, I believe that he is worthy of a memorial not of stone, but a memorial signifying his interests and achievements in the field of conservation. This the Congress can do by establishing the James E. Murray Memorial Parkway.

By Mr. NELSON (for himself and Mr. JAVITS):

S. 3054. A bill to amend the Manpower Development and Training Act of 1962. Referred to the Committee on Labor and Public Welfare.

Mr. NELSON. Mr. President, on behalf of Senator JAVITS and myself, I am today introducing a bill to amend the Manpower Development and Training Act of 1962 for the purpose of removing a provision which, while technical in nature, is a serious impediment to good program planning in the MDTA program at the present time.

The provision proposed to be deleted prohibits the further disbursement of funds under MDTA after December 30, 1972—6 months after the act's expiration date of June 30, 1972. That means that, although contracts may be entered into until June 30 of this year, it is not possible for those contracts to make commitments to provide funding even for 1 year. It has in the past been a normal practice for MDTA contracts to make commitments for 1 year. However, since January of this year, the Labor Department has only been able to enter into contracts involving commitments which could not give rise to the disbursement of funds beyond the end of this year.

The provision which my bill proposes to delete is an unusual one; but whatever the reason may have been for including it in the original MDTA it now serves no useful purpose and is contrary to the practice in similar programs. In fact, in the case of those work and training programs which are funded under title I of the Economic Opportunity Act, appropriations legislation has for years provided that disbursements may be paid out over a period of up to 2 years from the date of the contract.

The chairman of the Labor and Public Welfare Committee (Mr. WILLIAMS) has called an executive session of the full committee for Wednesday, January 26, for the purpose of considering the bill Senator JAVITS and I are introducing today, and other matters.

At that time, I will move to report this bill to the Senate. In view of the emergency situation for the MDTA program, I am hopeful that the Senate can act on the bill within a short period of time.

Let me make clear that the ranking minority member of the Labor and Public Welfare Committee (Mr. JAVITS) and I are as committed as ever to finishing our work on comprehensive manpower legislation in this session of Congress. I believe that the overwhelming majority of Members of the Senate are committed to reorganizing and consolidating our various manpower programs, including the Manpower Development and Training Act. That should in no way detract from the notable accomplishments of the Manpower Development and Training Act over the past 10 years.

Mr. President, I ask unanimous consent to have printed in the RECORD a table showing the accomplishments of the MDTA from 1963 to 1970.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

ACCOMPLISHMENTS OF MDTA

TABLE F-4.—ENROLLMENTS, COMPLETIONS, AND POSTTRAINING EMPLOYMENT FOR INSTITUTIONAL AND ON-THE-JOB TRAINING PROGRAMS UNDER THE MDTA, FISCAL YEARS 1963–70

[In thousands]

Item	Total	Fiscal year—							
		1970	1969	1968	1967	1966	1965	1965	1963 [1]
Total:									
Enrollments	1,451.4	221.0	220.0	241.0	265.0	235.8	156.9	77.6	34.1
Completions	987.2	147.0	160.0	164.2	192.6	155.7	96.3	51.3	20.1
Posttraining employment	773.4	115.3	124.0	127.5	153.7	124.0	73.4	39.4	16.1
Institutional training:									
Enrollments	978.4	130.0	135.0	140.0	150.0	177.5	145.3	68.6	32.0
Completions	654.7	85.0	95.0	91.0	109.0	117.7	88.8	46.0	19.2
Posttraining employment	484.3	62.0	71.0	64.5	80.0	89.8	66.9	31.8	15.3
On-the-job training:									
Enrollments	473.0	91.0	85.0	101.0	115.0	58.3	11.6	9.0	2.1
Completions	335.5	62.0	65.0	73.2	83.6	38.0	7.5	5.3	.9
Posttraining employment	289.1	53.3	53.0	63.0	73.7	34.2	6.5	4.6	.8

[1] Program became operational August 1962.

Note: Completions do not include dropouts. Posttraining employment includes persons employed at the time of the last followup. (There are 2 followups, with the 2d occurring 6 months after completion of training.)

By Mr. DOMINICK (for himself, Mr. BENNETT, Mr. CURTIS, Mr. COOK, Mr. DOLE, Mr. JORDAN of Idaho, Mr. SCOTT, and Mr. TOWER):

S. 3056. A bill to amend Public Law 92–178, the "Revenue Act of 1971." Referred to the Committee on Finance.

Mr. DOMINICK. Mr. President, on behalf of myself and Senators BENNETT, CURTIS, COOK, DOLE, JORDAN of Idaho, SCOTT, and TOWER—and on behalf of any other Senators who may like to cosponsor this bill—I introduce, for appropriate reference, a bill to repeal title VIII of the Revenue Act of 1971.

Senators are aware, title VIII establishes a so-called tax checkoff plan for financing presidential election campaigns. On returns filed after January 1, 1973, an individual taxpayer can specify that $1 of his tax liability be set aside in a special account in the presidential campaign fund for the candidates of whatever political party he designates. Or, he can specify that the $1 be set aside in a nonpartisan general account in the fund. Moneys will accumulate in the fund for 4 years preceding each presidential election, and then will be distributed by formula to party nominees for postprimary campaign expenses.

Title VIII passed the Senate by a narrow margin, 52 to 47. I opposed it then, and I feel strongly that it should be repealed now. I oppose, for reasons going to its merits, the concept of financing presidential elections with tax revenues, and will state those reasons in a moment. But first, aside from the merits, I think that to state the background of this tax checkoff plan is to state the strongest argument for its immediate repeal.

A similar tax checkoff plan for financing presidential campaigns was adopted by Congress in 1966 after only cursory hearings and little debate. It was repealed the following year. It has not been considered in congressional hearings since then.

When Senator PASTORE held hearings in March of last year on S. 382, the Election Reform Act, he rejected the inclusion of a public financing system for presidential elections, saying it was "10 years ahead of its time." Yet, less than 8 months later, and still without hearings, he proposed such a system as an amendment to the Revenue Act of 1971. Why? The answer is clear. The Democratic Party was going into a presidential election year with a $9-million debt carried over from the 1968 campaign. In short, the tax checkoff was a scheme to shift to the American taxpayers a $9-million debt incurred by the Democratic Party in 1968. That this was the primary motivation is not open to serious question.

I do not think anyone can deny that Lawrence O'Brien, current chairman of the Democratic National Committee, initiated the amendment as a solution to the considerable financial problems facing the Democratic Party this year. His strategy, with the concurrence of the democratic leadership, was to attach it to the tax bill, which, because of its crucial importance to the economy, would be difficult to veto.

The tax checkoff plan did pass the Senate—by a close vote divided along party lines. As passed by the Senate, it would have been effective in time to raise an estimated $20.4 million for each of the two major parties, and $6.3 million for George Wallace as an Independent candidate for the Presidency in 1972. But, after it became apparent that the President would not succumb to blackmail when he indicated that he would indeed veto the tax bill if title VIII remained unchanged, and head counts showed approval of the conference report to be doubtful in the House, the conferees agreed to postpone its effective date until January 1, 1973. It was enacted with that and other minor changes.

So, to summarize, the tax checkoff plan was proposed by the chairman of the Democratic National Committee and passed by the Democratic-controlled Senate as an emergency financial measure for the debt ridden Democratic Party's 1972 presidential campaign effort. The primary motivation for the plan was removed when its effective date was postponed until after the 1972 election. There were no congressional hearings on the plan, and have been none since a similar plan was repealed by Congress in 1967.

Such an unquestionably radical change should not be made without further study. To preserve whatever public faith remains in the integrity and credibility of the legislative process, title VIII should be immediately repealed and reconsidered on its merits in full congressional hearings and debate in both Houses.

I believe the arguments on the merits against any system of financing presidential elections with tax revenues, and this plan in particular, far outweigh the arguments in favor.

A good starting point for a discussion of the tax checkoff system of financing presidential elections is to ask the questions. Who will pay for it, and how much? The answer to the first is, of course, all American taxpayers. Since the $1 checkoff comes out of a taxpayer's tax liability, the effect is to divert money from other Federal programs which are funded with tax revenues. By permitting a portion of the taxes owed the Government every year to be set aside for use in presidential campaigns, the act would result in a proportionate reduction in Government services available to all American citizens, including the poor. The only possible way to avoid this, short of raising taxes, would be through increased deficit spending by the Government. I am not sure this is a reasonable alternative—particularly at a time when the national debt is about $413 billion, with a projected deficit of $40 billion in fiscal 1973, and Congress is considering massive and expensive new programs to deal with a variety of complex problems and needs which become more critical as our population expands.

The answer to the second question, based on rough estimates furnished by the Treasury Department, is that it will reduce tax revenues by more than $60 million in 1976. Assuming two major parties and one minor party are eligible then and the minor party receives roughly the same percentage of the vote in 1972 that Wallace received in 1968, each major party would be entitled under the act to about $26 million, and the minor party about $8 million. The $60 million total figure would increase if additional parties are eligible in 1976, as seems likely due to incentives the act provides for new parties. This diversion of tax revenues to political campaigns is in addition to an even greater new Federal subsidy under title VII of the Revenue Act of 1971, which permits tax credits or deductions for political contributions to all candidates. The projected revenue losses for tax years 1972 through 1976, based again on rough estimates by the Treasury Department, total $327 million. That approach will encourage active involvement in politics, and will result in substantially increased private contributions to campaigns at all levels. Why do we need to go any further? No satisfactory answer to that question can be found in the debate on title VIII.

Proponents of the tax checkoff plan have argued that it would reduce overall campaign spending and would free presidential candidates from postelection obligations to "fat cat" contributors. These thin arguments are easily penetrated. Since funds are available under the act only for postprimary spending, the act will cause no reduction whatever in campaign spending through the primaries. It will, in fact, have the opposite effect. If there is a publicly funded "pot of gold" awaiting successful primary candidates, will they not be encouraged to increase spending in the primaries? Of course they will. And there is no reason to believe they will be any less dependent on strings-attached contributions from fat cats. Moreover, it is unlikely that even the limit on postprimary spending for party nominees who opt for public financing will be effective. There is no way to control the number of "unauthorized" committees which can spend up to $1,000 for a candidate. Admittedly, reductions in campaign spending and in the disproportionate influence of wealthy contributors are laudable goals. But this legislation clearly does not move in that direction. Senator SCOTT saw this for what it really is, and called a spade a spade when, during the floor debate, he commented:

> This has even brought back all the Presidential candidates because the click, click, click and the dong, dong, dong of the cash register has been heard in every Senatorial district in America. I do not wonder that they are here. They are here to vote for a program without having to demean themselves. No longer will they have to lower themselves to their constituents and say, "Please support me." All they have to say is "Slip this thing through, get us money from the taxpayers, and we will not have any trouble at all. We will use the money that normally comes in to pay our abject deficit and then we will take the rest and finance our campaign at the expense of the taxpayers."

The tax checkoff plan will result in undesirable party centralization. The national committees work to a large extent through the State and local party organizations to raise postprimary campaign funds. This requires the parties to accommodate a broad range of viewpoints and to be attentive to diverse local interests. Once the national committees are relieved of the necessity of raising such funds, they will become largely independent of the State and local organizations. As a result, the parties and the candidates will ultimately be less responsive to local issues and concerns. Any movement in that direction should be strongly resisted. The late Senator Robert Kennedy analyzed this issue very well when he argued for repeal of the Presidential Election Campaign Fund Act of 1966:

> But first the Long Act must be repealed. It places funds where they are relatively less needed and, more important, it does so by giving massive amounts of funds in a dangerous and unrestricted way to the national leadership of the two major political parties.
>
> The Long Act has the potential of changing our whole political system. Our national political parties have always been coalitions of State parties, which in turn are coalitions of local parties. Our ideal and our working rule have been that political decisions and policies will be made from the bottom up, not from the top down.
>
> Unrestricted public financing of national political campaigns is a revolutionary overturn of principles which have served our Republic for 175 years. The national parties would be divorced to a large extent from local control, and given immense power to reward or punish local candidates. By this power to decide where to concentrate, and where to refrain from, presidential campaign efforts, the national chairman would wield enormous leverage over the prospects and policies and, indeed, over the very process of selection of local candidates all over the country. The national leadership of the two parties could thereby dominate State and local elections all over the country.
>
> Control of local parties by the national committees, moreover, would lead, perhaps irrevocably, to national parties rigidly organized along lines of class and ideology. If the history of the past century has any lesson for us, it is that governments based on such political divisions cannot preserve either freedom or stability for their people.
>
> Now the Senator from Louisiana has proposed to amend the law so that each party will have to choose whether it will have its Presidential campaign expenditures paid out of public funds or by private contributions. He did so presumably, to meet the objection of the Senator from Tennessee

That would be Senator Gore—

> . . . and others that the law as enacted last year would allow the commingling of public and private funds, and could have the unfortunate result of just adding public funds to an already acquired private treasury. Senator Long's new proposal, however, in many ways creates more difficulties. The assumption is that the parties will choose public funding. But forcing them to reject all private contributions will only insulate them even further from control by their membership around the country than did last year's law. The result will be an even greater departure from the goal of broadening the base of our political parties than was implicit in last year's law.

I think we should also be asking ourselves whether we want the Federal Government to have complete control over presidential elections, and eventually congressional elections. I have never subscribed to the philosophy, which seems to be increasingly popular these days, that problems are most easily solved with Federal money. It has been my experience that the money does indeed get spent, but the problems do not get solved. Even worse, Federal controls follow Federal dollars. And, Federal control, like rigor mortis, is difficult to reverse. Presidential election campaigns are one area of the body politic to which this creeping cancer has not yet spread, but it is in grave danger if title VIII of the Revenue Act is not repealed.

It is no answer to suggest that candidates are not obliged to opt for public financing. There will be enormous pressures to do so. Public financing for the general election will free substantial funds for concentration on the primaries and other preconvention efforts. A candidate who rejected public financing would be open to accusations that he was going to the "fat cats," and would be controlled by them after the election. Further, it would be difficult to raise private funds for the general election after "wasting" the opportunity to use public funds.

The act will subject the candidates and their parties to the close scrutiny and supervision of a Federal official—the Comptroller General. He will have the power to determine what candidates are eligible to share in the campaign fund, how much they are entitled to receive, and how they can spend it. Instead of raising money and running campaigns, the party organizations will spend the bulk of their time reporting to the Comptroller General. Do we want political candidates to be primarily responsible to their constituencies or to Federal bureaucrats?

The opportunities for abuse—particularly in favor of an incumbent President—are obvious. No Government official can be invulnerable to outside pressures. It is not difficult to imagine a Comptroller General deciding that a splinter party candidate espousing extreme and unpopular views, or whose candidacy would be detrimental to the incumbent party, is not eligible for payments from the campaign fund. Maybe the present system has imperfections, but would it not make sense to take time to analyze some of the problems inherent in the system replacing it? Congress certainly did not do that last session.

I think the tax checkoff plan will encourage sectional and "spoiler" candidacies, and the formation of splinter parties. I am not opposed to new parties for constituencies who feel their views and interests are not being adequately represented. But I believe the two-party system is one of the major strengths of our form of government, which has been the most stable in the history of the free world. One reason for this stability is that heretofore, in order to raise necessary campaign funds, and to capture enough electoral votes to win, it has been necessary for each party to accommodate a wide variety of interests. To the extent that funds are available without this broad accommodation, stability is lessened. Since under the act the two major parties need only get 25 percent of the vote to qualify for a maximum share of the campaign fund, there is no real incentive to attempt to accommodate the widest possible range of interests. The inevitable result is a narrowing of the bases of the two major parties.

Conversely, there is no incentive for sectional, ethnic, and other special constituencies to work with the major parties to insure that their interests are represented. A sectional candidate such as George Wallace would be guaranteed public financing for a campaign in 1976, merely by polling 5 percent of the vote in 1972. He received 13 percent in 1968. The checkoff system almost compels him to run, rather than work with the major parties. Likewise, a new party has nothing to lose by fielding a candidate, since general election expenses will be reimbursed out of public funds if he gets 5 percent of the vote. That party's candidate will then be guaranteed advance funds out of the campaign fund in the following election. This encourages "spoiler" candidacies aimed, not at winning the election, but at denying an electoral majority to either major party and throwing the election into the House, thus presenting the opportunity for high stakes bargaining on the strength of their "swing" votes. If we leave title VIII on the books, we can look forward to a wide array of new parties, all bristling with militant little axes to grind: a Labor Party, a States' Rights Party, a Black Party, a Chicano Party, a Women's Liberation Party, a Youth Party—you name it. I do not think the possible consequences require further elaboration. Suffice it to say that the two-party system will be weakened, and along with it the stability of our form of government.

The tax checkoff system of financing presidential elections is of questionable constitutionality. New York Times columnist, Tom Wicker, described it as "thick with constitutional question marks." The most obvious question is how it affects the first amendment rights of those who desire to contribute more than $1 to the candidate of their choice. Should not a citizen have the right to contribute up to the maximum permitted by statute, if he is so inclined? Also, does not the checkoff system ignore the rights of approximately 10 million young and elderly who cannot contribute because they incur no tax liability? The reason that comes up is that once a presidential candidate determines he is going to go for public financing, he is prohibited from taking any private contributions. So, the people who would like to contribute are not allowed to do so.

Another serious constitutional question is whether the tax checkoff system is an improper exercise of Congress' power to spend tax funds. Article I, section 8, gives Congress power to spend for several enumerated purposes, including the general welfare. The question is whether an appropriation for the purpose of financing presidential election campaigns is for the general welfare. The case law is inconclusive. A 1909 Colorado law appropriating campaign money directly to political parties was held unconstitutional by the Colorado Supreme Court. A similar Massachusetts law was held unconstitutional by the State supreme court because it was not spending for a public purpose. The U.S. Supreme Court has never dealt with this question. But assuming title VIII were effective in time for this year's election, so that its immediate effect would be to transfer, as its proponents intended, $9 million in Democratic Party debts to the American taxpayers, I think I know what the Court's answer would be.

A good argument can also be made that the tax checkoff, by permitting tax payers to earmark tax funds for use in political campaigns, is an unconstitutional delegation of Congress exclusive power to spend. Again, the case law is not clear, but aside from the strict constitutional aspect, it is clear that it sets a dangerous precedent. If taxpayers are here allowed to earmark a portion of their tax liability for use in political campaigns, why should not they be able to earmark for other uses in the future? Where will it end? Senator Gore voiced this concern when arguing for repeal of the 1966 tax checkoff act:

> This unique procedure is one which has never been followed before. True, Congress has in the past levied taxes, and then provided that the revenue from that tax or a portion of it would be earmarked for a special purpose. Today, for example, revenue from certain highway-user taxes is earmarked for highway construction. But it is Congress that earmarks the revenue or a portion thereof. So far as I can ascertain the law passed last year, which I now seek to repeal, is the first time the Congress has ever undertaken to authorize the individual taxpayer to decide on a year-to-year basis the purpose for which a portion of the money he pays in taxes shall be used. If it is a sound practice for the taxpayer to say for what it shall be used, it would be equally sound for him to say for what it shall not be used; and to the extent that a taxpayer directs that tax funds shall be used for a particular purpose, he automatically thereby says it shall not be used for other purposes. . . .
>
> If we start down the road of allowing each individual taxpayer to decide for what purpose his tax funds may or may not be spent, we may well find that Congress has abdicated its constitutional responsibility of making appropriation of public funds. If a taxpayer has that right, if it is constitutional and if this precedent should be followed, perhaps there are taxpayers who would like an opportunity to decide whether their tax money shall be spent or not be spent for the war in Vietnam, or a war on poverty, or education, or public works projects, or agriculture programs, or urban redevelopment, or support for agricultural commodities, such as milk. Where do we stop with this process? Is this a wise precedent? We have made a mistake, Mr. President. Let us erase that mistake, and the quicker the better.

Well, Congress did erase its mistake in 1967, but incredibly, repeated it last year. I hope this mistake, too, will be erased.

Finally, Mr. President, if the tax checkoff is thick with constitutional questions, it is even thicker with administrative problems, many of which seem to me to be insoluble. What happens when a taxpayer designates a $1 contribution to a candidate who later turns out to be ineligible for public financing? This is bound to happen on lot of returns. That money has to go back into the Treasury. In the meantime, the taxpayer withholds a private contribution to his candidate, thinking he has already contributed. Also, why are not minor parties represented on the Presidential Election Campaign Fund Advisory Board, which assists the Comptroller General in enforcing the act? The composition of the Board, under the act, is four members from each party and three members from the general public. The act encourages new and minor parties to utilize the checkoff system of financing, yet gives them no voice in seeing that it is administered properly.

Then, there is the additional time and expense of auditing an estimated 75 to 80 million returns every year to determine the total number of checkoffs. Under existing IRS procedure, only about 10 percent of the returns are audited. But, under the tax checkoff, each return would have to be audited, including those indicating no tax liability. I am advised that total figures would not be available from IRS until June of each year.

This presents another problem. The first convention is in early July, after which the nominee must make an immediate decision whether to opt for public financing or depend on private contributions. He would not know until June how much money will be available to him from the campaign fund. If he decides such funds are inadequate, he will not have sufficient time to raise private contributions. Fund raising takes considerable time, and I do not think a presidential candidate can wait until June to start raising funds for the general election campaign.

In order to protect themselves all candidates will go full steam ahead with private fundraising from the outset. If a candidate opts for public financing, the act limits the total amount he can spend in the general election. If his share of the campaign fund is less, he can retain private contributions necessary to bring his total finances up to that limit. The act requires that all other private contributions be returned. On the other hand, if he spends more than the maximum entitlement during the general election, he is required to repay it to the Treasury after the election. The same is true of expenses incurred for purposes not authorized under the act. This sounds fine on paper, but I think the repayment provisions of the act will be unenforceable in practice. The stakes are high in a presidential election. The practical effect of this act will be merely to heap public tax funds on top of campaign funds gathered from private sources. Rather than reducing campaign expenditures and the influence of private contributors, it will increase both.

Moreover, what good will it do to require a President to repay funds he used to get elected? Is this not closing the barn door after the horse is out? Worse than the futility of this is the fact that postelection complaints regarding illegal contributions and expenditures can only serve to jeopardize the stability of the Government. The whole thing seems to me to be an expensive and almost dishonest hoax on the American public.

Mr. President, I would summarize by suggesting that title VIII of the Revenue Act of 1971—the so-called presidential tax checkoff plan—should be repealed for several basic reasons. First, it was initiated for a purpose which can no longer be achieved—to bail the Democratic Party out of its financial problems going into the 1972 elections by transferring $9 million in debts to the American taxpayers. Second, because its proponents were motivated by the foregoing purely political reasons, it was enacted without adequate consideration of the arguments on its merits. Third, it is indefensible on its merits. It would not do what its proponents say it will, and will have consequences damaging to our political system and the stability of our Government. While title VIII is the result of a strictly partisan effort, its adverse effects will be felt by all of us. I hope, therefore, that with an objective bipartisan effort, it will be repealed.

I ask unanimous consent to insert in the Record at this time several articles from the Washington Post, New York Times, and the Pueblo, Colorado Chieftan, which are related to this issue.

The two articles by Don Oberdorfer of the Washington Post are excellent, and I think furnish an accurate picture of the background of the tax checkoff legislation to which I referred in my floor statement last Friday.

The Associated Press article in the January 21 issue of the Washington Post shows the almost amusing resourcefulness of the Democratic Party in looking for ways to get out from under its $9.3 million debt from the 1968 campaign. After Congress rejected its attempt to shift this debt to the American taxpayers prior to the 1972 elections, the Democrats are now running full-page fund raising ads in 10 major cities, and are trying to get permission from A.T. & T. to include campaign solicitations in telephone bills. Since $1.5 million of the 1968 debt is owed to A.T. & T., the company has obvious incentive to go along with it.

There being no objection, the articles were ordered to be printed in the Record as follows:

[From the Washington Post, Jan. 21, 1972]

Democrats To Launch Fundraising in 10 Cities

A full-page ad declaring "the Democratic party is just about broke" and appealing for funds to "help assure you of a choice of candidates in 1972" will greet newspaper readers in about 10 cities in early February.

The ads are the first step in a double-barreled fund-raising campaign being mapped by Democratic party leaders to start paying off their $9.3 million 1968 debt and begin building a fund to finance the 1972 race.

The second step: Fund-raising appeals for "the party of your choice" to be sent with telephone and other bills, provided those businesses go along.

The new campaign, unveiled by treasurer Robert S. Strauss of the Democratic National Committee, is the party's answer to congressional rejection of the plan to give each major party $20.8 million through a $1-per-taxpayer checkoff on income tax returns.

The newspaper ads, planned for New York, Los Angeles, St. Louis, Washington, Louisville and some smaller cities, will cost about $45,000. Strauss hopes they'll at least recover the cost and provide a list of contributors who can be reached again in the fall.

As for the plan to put bipartisan fund-raising appeals into the envelopes in which Americans receive phone or creditcard bills, Strauss said he discussed it with representatives of American Telephone & Telegraph Co. and a major oil company.

"They haven't said no yet," he said.

Strauss said that since he became party

treasurer in March, 1970, the national committee has paid all its regular bills. But it still has to contend with the 1968 debt and the stockpiling of funds for the 1970 campaign.

One of the major items in the debt is nearly $1.5 million owed AT&T and its subsidiaries for phone service.

[From the Washington Post, Dec. 14, 1971]

Checkmating the Checkoff—Nixon's Dilemma Becomes Democrats' Defeat

(By Don Oberdorfer)

On Nov. 23, the day after the Senate passed the Democratic-sponsored amendment to finance presidential election campaigns with public funds, Democratic National Chairman Lawrence F. O'Brien telephoned Rep. Wilbur Mills, the key figure in deciding the fate of the measure in the House of Representatives. "Well, Wilbur, here we are," said O'Brien. "How do you feel about the prospects?"

Mills replied that he was totally committed to the approval of the $1 per tax return checkoff plan to furnish up to $20.4 million for major party presidential nominees, and predicted that a Senate-House conference committee would approve the plan as an amendment to President Nixon's tax cut bill. Once attached to the agreed Senate-House version of the tax bill, it could only be dislodged by a majority vote of the House membership under difficult conditions.

A commitment and prediction by Wilbur Mills counts for a great deal in such matters. As chairman of the House Ways and Means Committee, he would lead the House delegation to the Senate-House conference committee. On tax questions, he is the most powerful figure in the Congress.

Just about the time of the O'Brien-Mills conversation, President Nixon was having breakfast in the family quarters of the White House with his Senate GOP leaders, Hugh Scott and Robert Griffin, to discuss strategy and tactics for the continuing fight against the checkoff plan.

Scott strongly urged the President to announce a firm decision to veto the tax cut bill if the Democrats insisted on the checkoff amendment. If this were done, the senator was convinced, public opinion and business pressures would force the Democrats to back down.

Mr. Nixon was in an agonizing dilemma. He was adamantly opposed to the checkoff but he kept asking his advisers, "What about my tax bill?" He authorized Scott to say that he was "seriously considering" a veto, but made no firm decision. Presidential Press Secretary Ronald Ziegler, reflecting the official caution, told reporters, "I'm not going to predict what the President would do with a piece of legislation still in the legislative process."

In a strategy meeting in the nearly-deserted Capitol the following day (Nov. 24, the day before Thanksgiving), Rep. William Springer of Illinois succinctly captured the intensity of GOP fears about the checkoff. "The Democrats feel they could beat Nixon with this $20 million from the Treasury and they might be right," Springer told assembled White House aides and House Republican leaders. "This issue will decide the 1972 election. After all, (Hubert) Humphrey almost turned it around with only $2 million in television commercials during the last 10 days of the 1968 campaign."

CONCERN OVER HIGH COST

Even so, some of the GOP leaders were deeply concerned about the high cost of a veto. John Byrnes, the senior Republican in the Ways and Means Committee and a member of the Senate-House tax bill conference, suggested that the President sign the bill when it reached his desk but refuse to implement the checkoff provision on constitutional or other legal grounds. White House and Justice Department officials were investigating this idea but it, too, held substantial risks. A court test might go against the President. In any case, he would seem to be defying a law for his own political gain.

After the meeting at the Capitol, Presidential assistants John Ehrlichman and Clark MacGregor returned to the White House to brief Mr. Nixon before his departure for San Clemente, Calif., for the Thanksgiving weekend. Included in the discussion was a recommendation from William Timmons, the deputy to MacGregor for congressional relations. Timmons recommended that the President summon Wilbur Mills and John Byrnes to the White House at 11 a.m. the following Monday (Nov. 29) along with their counterparts from the Senate, Russell Long and Wallace Bennett. There would be no publicity and no presidential aides present except for Treasury Secretary John Connally. The purpose of the meeting would be to announce to the Democrats in convincing fashion that the tax bill would definitely be vetoed if the campaign checkoff provision should survive.

ANOTHER HUDDLE SET

Over the week end in California, Mr. Nixon decided against such a personal confrontation with Mills and Long, on the grounds that it might be resented. But as Air Force One roared back toward Washington Sunday night, the President summoned Ehrlichman, MacGregor and Timmons—and Attorney General John Mitchell—to a Monday morning meeting at the White House. It would be among the most crucial conferences in four days of intense maneuvering which followed.

Monday

Riding to work in their staff limousines early that morning of Nov. 29, White House aides were dismayed to read two political columns side-by-side on the opposite editorial page of the Washington Post. Rowland Evans and Robert Novak were saying the President might shrink from a veto of the tax bill because of the economic consequences, but seek to nullify the checkoff by administrative action. And Joseph Alsop declared Mr. Nixon was being told that the checkoff could actually help him in 1972—by financing George Wallace and siphoning votes from the Democrats. Evans and Novak and Alsop are established oracles often used by high officials to transmit signals to political Washington. The doubts raised in those Monday morning columns would make it difficult to convince the Democrats that Mr. Nixon's veto threat was real.

At 8:30 a.m. Mr. Nixon met with Mitchell, Ehrichman, MacGregor and Timmons.

Mr. Nixon seemed to have made up his mind to make the big veto gamble but he kept going over and over the consequences, circling the question and coming back again.

At one point he remarked that there really was a serious problem with campaign finance in this country, and observed that other democratic countries had state-owned television networks which supplied free time to bring national candidates before the public.

Perhaps one way to solve the problem without resort to the checkoff, he mused, was to require the American networks to supply time for candidates. (A similar recommendation had been made by a Twentieth Century Fund study several years ago. The study commission, headed by former FCC Chairman Newton Minow, called its proposal "voters' time.")

After 2 hours and 20 minutes of discussion, the President decided he would go all the way. He would definitely veto the tax bill if the checkoff plan should be a part of it in its present form. For maximum effect on Congress, he directed MacGregor to announce the decision right away. Working with chief Presidential writer Ray Price, MacGregor drew up a statement, cleared it with Mr. Nixon and made the announcement in the White House press room.

On Capitol Hill Wilbur Mills was preparing for the first meeting of the Senate-House conference committee that day, and he was becoming concerned about the situation in the House as a whole. Rep. Joe Waggonner of Plain Dealing, La., a conservative Democrat who often works with Republicans on major issues, had begun lobbying Dixie Democrats to oppose the checkoff plan.

Faced with the possibility that Republicans and Southern Democrats might unite to defeat the checkoff plan on the House floor—even if it were approved by the conference committee—Mills telephoned Waggonner and asked him to desist. Waggonner refused. He told Mills the checkoff was a bad idea, and predicted that the House would repudiate Mills if he tried to push it.

Tuesday

On direct instructions of the President, White House operatives had been alerting business and financial leaders to the danger that the tax bill would be delayed or even killed as a result of the confrontation over the checkoff. The business world was asked to mount a campaign to convince Congress to back down on the presidential financing plan and thus avert a veto.

Former Republican National Chairman and Postmaster General Arthur E. Summerfield, now an automobile dealer in Flint, Mich., was a key man in contacts with the automobile industry. A program was underway to have major auto dealers inform recent automobile buyers that the Democrats' political funds plan might kill the $200 per car tax rebate contained in the tax bill.

Tuesday morning, Summerfield was in Washington putting his case to Wilbur Mills and to Rep. Martha Griffiths of Detroit, a Democratic member of the Senate-House conference committee. It is also rumored that the heads of the major automobile companies telephoned Mills direct (he denies this); Mrs. Griffiths was visited by officials of General Motors and Ford.

After his Capitol conferences, Summerfield came to the White House to see MacGregor, and the conversation turned to the idea of mandating the television industry to provide free time for the national candidates.

With MacGregors help, Summerfield drew up a memo headed "A Possible Compromise" (MacGregor changed this to "A Possible Alternative") suggesting that the major presidential candidates be given $8.4 million each in free broadcast time and George Wallace a smaller amount in keeping with his 1968 vote. Summerfield took it immediately to Mills. The Democratic chairman took it out of his pocket just before the meeting of the conference committee that day and astounded his senior GOP colleague, John Brynes, by announcing it was a White House approved plan.

Late Tuesday afternoon MacGregor went to the Capitol to meet House GOP leader Ford, Byrnes and other Republicans on the conference committee. The lawmakers were anxious to find a counter-offer to avert the collision between the President and the Democrats, feeling that Mr. Nixon would be hurt in the process, but they objected that the television industry should not be expected to supply free time. They felt the TV lobby, one of the most powerful in the Nation, would surely stymie such a proposal.

Byrnes suggested that if television time for presidential candidates was a good idea, it should be paid for with public funds. Byrnes had worked with Mills for many years, and he sensed that his Democratic colleague was beginning to back away from the checkoff and search for an alternative.

MacGregor took the Byrnes idea to the oval office. The President indicated he would approve the plan as a last resort alternative to the checkoff.

Larry O'Brien was preparing to leave his office at the Watergate about 8 p.m. when the telephone rang. It was Mills, and he said the checkoff might be in trouble on the House floor. The congressman then reported that the Republicans were offering an alternative—an authorization of $8.4 million per major party to finance broadcast time in 1972. O'Brien scoffed. At that point he was convinced the $20.4 million checkoff would be approved.

Wednesday

First thing in the morning, Mills met in his office with Andrew Biemiller, the AFL–CIO lobbyist and O'Brien. Nothing was said about the Republican proposal for federal purchase of time. Mills seemed optimistic about the chances of the checkoff plan.

At Mills' request, Biemiller called his 15 top labor lobbyists to a meeting to begin a full head count for House support for the checkoff. Mills earlier had asked House Democratic Whip Thomas O'Neill to begin a separate whip check of members' positions. After the count was well along, Mills passed along the word to call it off; he asserted that Joe Waggonner had lined up 80 Democratic votes against the checkoff, far more than enough to kill it. Then another reversal: Mills asked the whips to begin counting once more.

House Republicans had completed a head count of their own members on the checkoff, and found only two likely defectors. Allowing for absentees and these two losses, the Republicans calculated they could count on 162 votes against the plan in a House floor test. Joe Waggonner, who had been conferring several times per day with GOP leaders, reported he had lined up 35 to 45 Democratic votes (Far fewer than Mills had claimed). The Republican-Southern Democratic coalition would need about 205 votes * * * the total attendance were particularly heavy. Clearly, from the Republican count, the contest would be very, very close.

The Democratic whips found the same thing. By Wednesday night they had counted about 110 sure votes for the checkoff and nearly 30 Democratic defectors.

It was clear that an all-out lobbying effort by Speaker Albert, Chairman Mills, labor and party officials would be needed to win—and even then it would be touch and go.

Mills was still publicly predicting victory for the checkoff in the conference committee, and the White House had reason to believe that he was still not convinced Mr. Nixon would cast a veto of the tax bill. In the White House view, it became urgent to convince him that the President was not bluffing.

Evans and Novak, who had reported Monday that the President might not veto the bill, were fed an inside version of the Monday morning meeting. Press Secretary Ziegler declared for the third day in a row that the President would certainly veto the tax bill should the checkoff survive.

The best way to convince Mills, presidential aides decided, was to send him messages through trusted associates. The White House contacted several Mills intimates of long standing. The message: Mr. Nixon is absolutely serious. He is ready to cast a veto, and blame the Democrats for playing politics with the economy.

Thursday

Sen. John Pastore, the man who led the checkoff forces in the Senate, rose early at his home in suburban Kensington and read The Washington Post as an aide drove him to the Capitol. On page one Senate correspondent Spencer Rich reported the latest White House declaration that the President would cast his veto, and set forth the likely scenario: the Democrats will insist that Mr. Nixon vetoed the tax bill out of a greater concern for his 1972 campaign than for the economy; the White House will respond that the Democrats were the ones playing politics with the economy. Inside the paper, Evans and Novak reported the Monday meeting at the White House, and the conclusion that a veto was coming.

Pastore was very much disturbed. He had led the battle and believed in it but now, he recalled later, "it was a moment of conscience-searching." If Mr. Nixon did get to the tax bill, the Democrats could not override his action. The checkoff would die anyway, and the country would be left with a political controversy instead of a tax bill.

Whoever was right and whoever was wrong about campaign financing, the country would blame both sets of politicians. The citizenry, the business leaders, the auto buyers, the people unemployed and waiting for the economy to revive, would condemn both sides.

The Rhode Island senator went to Senate Democratic Leader Mike Mansfield and expressed his misgivings. With Mansfield sitting by, he telephoned Wilbur Mills. The House leader was in his office preparing for the showdown meeting of the Senate-House conference committee.

"How does it look?" asked Pastore. Mills replied that certain changes would have to be made in the plan, evidently referring to a court test and appropriations requirements he had been prepared to add.

TOUCH AND GO OUTLOOK

"What are the chances in the House?" the senator asked. Mills said House floor approval of the plan was doubtful. It would be touch and go. He was not certain he could hold it.

"Do you think the President is serious about a veto?" asked Pastore. Mills was now convinced he was.

Pastore expressed his misgivings about what would happen, and quickly established that Mills had strong misgivings, too. Pastore and Mills discussed action to preserve the principle of the checkoff but to delay its application until after the 1972 election.

It appeared likely that the Republicans would agree to this and thus avert a veto and the resulting head-on collision. Pastore told Mills that if postponing the checkoff until 1973 was necessary to preserve the concept, the House leader would not have his criticism but his support. Mills seemed very relieved.

Mansfield and Pastore quickly convened a meeting of Senate Democratic elders, and Pastore reported that Mills did not have the votes to sustain the plan in the House. The senators agreed, with hardly a murmur, to approve the postponement until 1973.

Mills said later, in explanation of his change in plans, that "I didn't have the votes" to pass the checkoff as originally conceived. This is a matter of judgment which nobody can prove or disprove. Neither the labor head count nor the Democratic whip check in the House was ever completed. Asked why he didn't fight it out even if he lacked the votes to win, Mills replied, "I don't do that." Part of his power stems from his reputation for rarely losing a major test on the floor of the House.

Larry O'Brien, who had not been consulted up to this point, learned through an aide that the conference committee was about to abandon the checkoff so far as the 1972 campaign was concerned. Alarmed and dismayed, he and his aides began a series of 11th-hour calls. Hubert Humphrey and Edmund Muskie were asked to contact Mills to stiffen his resolve. Labor was asked to have George Meany call Mills. But it was too late. The Senate-House committee was in session. With Senate Democratic approval—and to the astonishment of the Republicans—Mills amended the checkoff plan to take effect beginning 1973.

Clark MacGregor was having lunch in his office when Under Secretary of the Treasury Charles Walker called to report the surprise action of the conference committee. Walker had to know within five minutes whether the President would accept the modified checkoff, effective 1973.

Mr. Nixon was dictating to his secretary, Rose Mary Woods, in the Oval Office, when MacGregor walked in with the news. The President expressed surprise and asked what happened to the television financing plan; MacGregor replied the Democrats had turned it down.

MacGregor said the $1 tax return checkoff was still in the bill but—as in the 1966 battle—it was doubtful that it would ever take effect.

DECIDES TO SIGN

"They've killed the monster," he said. The President quickly interjected, "And they ought to have the decency to bury it." Nonetheless, Mr. Nixon said he would sign the bill with the postponed checkoff, though he would object to the provision in his signing statement and seek to block its future implementation. (Mr. Nixon signed the tax bill last Friday, Dec. 10, with a blast at the checkoff provision).

Declining the company of friends and aides, O'Brien went home alone that night and sat for a long time alone in his apartment. He thought of the appalling prospect of his debt-ridden party facing President Nixon's heavily-financed campaign in 1972, and of the system under which vast sums of money are an essential element in the election of a President.

O'Brien was dumbfounded by the sudden turnaround and dismayed that a public financing plan had come so far over so many months, only to be jettisoned in the end.

Pastore, on the other hand, was not depressed but proud that Congress had again approved the principle of the checkoff. Despite the vast public importance and supposed public interest in the issue, he had received only seven letters about it during the 17 days of the battle. One of them, an anonymous note approving the plan, contained a $1 bill to start the presidential election fund.

Pastore didn't know what to do with the dollar, since there was no return address. Finally he decided he would send it to John Connally to be held in the treasury for the presidential campaign financing plan if it ever should become effective. It was a small thing, and he hoped Connally wouldn't think he was being facetious—$1 to start a $20.4 million per party campaign fund to elect a President who superintends a $100-billion federal budget and a $1-trillion American economy.

[From the New York Times, Nov. 21, 1971]

THE CHECKOFF SCHEME

(By Tom Wicker)

Clever, those Democrats in the Senate. Tying their campaign subsidy plan to President Nixon's tax reduction bill makes it about as veto-proof as anything can be. Unfortunately, the subsidy plan itself is not much better than it was five years ago, when another Democratic Senate rejected it.

It is true enough that the Democrats, although they are the majority party, are out of pocket—in debt from 1968, facing a series of expensive primary campaigns before they can even get at Mr. Nixon, and wary in the knowledge that even now the Republicans are putting together their usual fat campaign bankroll.

It may also be true—although not proven—that the costs of American political campaigns are so high, and will get so much higher, that some form of Federal subsidy has to be devised to relieve parties and candidates of overreliance on big contributors. The Democrats' $1 checkoff plan nevertheless is a dubious solution either to the party's immediate poverty or to the long-range problem. The plan appears to be no better considered and as full of loopholes and questions in its resurrected state as it was when Russell Long of Louisiana first dashed it off, more or less on the back of an envelope in 1966.

Aside from weightier considerations, the plan might not even solve the Democrats' most immediate problem, which is the forthcoming series of primaries. It may be argued that a $20.4-million Federal subsidy for the general election campaign would free Democratic money for the primaries; but it is not necessarily true that those who would give to a convention nominee will support primary candidates instead, and the psychological effect of the subsidy might be to dry up rather than to stimulate specific kinds of contributions.

The checkoff plan is thick with constitutional question marks. What does it do to the First Amendment rights of a citizen who wants to express his or her Presidential views in more substantial ways than diverting $1 of income tax? Depending on exactly how the money in the over-all campaign fund is divided among the parties, there might also be a question whether some citizens were being made to contribute involuntarily to a party or candidate they did not support. And if private money spent for a Presidential nominee without his consent is to be charged against his Federal subsidy, the result will be either sharp and probably unenforceable limits on those who want to engage in independent political activity, or—more likely—chaos.

The checkoff would work great change in the party system. Obviously, with its greater benefits to the major parties, it would tend to perpetuate them as major parties; minor parties would be put at severe and unwarranted disadvantage. Where is it written and on what tablets of stone that Democrats and Republicans are ordained from on high and endowed with special privilege?

The parties themselves might be altered irretrievably. If every Presidential nominee is to be handed, the day after his nomination, a fat Federal check to finance his campaign, the party's national committee and various state affiliates will be downgraded and deprived of their major function. Party control will be centralized in the candidate who will have the cash; the net effect of that on party policies on state and local political activity, on citizen political participation is not entirely foreseeable but appears ominous.

Besides, although there is a real and present danger of a pernicious influence on politics from some big givers, it is nevertheless true that some other big givers have a beneficial effect on politics. Won't total Federal financing of a Presidential candidate tend to make him less not more, responsive to the public will and to the play of interests and political forces in society? Do we really want to make Presidents and the men who compete for the office even more powerful and independent than they are now?

It is true that the plan—insofar as it is settled—gives candidates the option of rejecting the subsidy and financing their campaigns in the old way. That choice may be more theoretical than real; a candidate who had rejected a $20-million Federal handout might appear noble, but would surely have a hard time explaining why he needed private contributions to say for his nobility.

In a thoughtful article in the fall 1971, issue of The Public Interest, Vic Fingerhut makes another applicable point. Private contributions to political parties, particularly those made by individuals, he argues, are one of the most effective means of citizen competition with the vast power of large interests to make their cases, either by advertising or by politically influence. If the citizen can no longer help pay for Presidential campaigns directly, by that much he loses some of his ability to influence public policy.

As Mr Fingerhut put it, "No similar restrictions will be placed, for example, on major oil companies, which will remain free to saturate television with commercials persuading the public of the necessity for a pipeline development project."

POLITICAL POKER WITH A $1 BILL—CHECKOFF BATTLE FOUGHT FOR HIGHEST STAKES

(By Don Oberdorfer)

It was after 8 p.m. on Nov. 15 and the end of a long and busy day in the U.S. Senate. Eleven votes had been taken that day on amendments to President Nixon's highest priority legislation—the tax cut bill—and the chamber was deserted except for a handful of senators, some clerks and two or three newsmen preparing to go home.

Democratic whip (or assistant floor leader), Robert Byrd of West Virginia, standing near the front of the chamber and holding a sheaf of papers in his hand, called for unanimous consent to limit Senate debate in the days ahead on five additional tax amendments. The last of the five was dscribed only as "an amendment which may be identified as the tax deduction for political contributions amendment, to be offered by Mr. (Alan) Cranston (of California) for himself and others, or by others."

Sen. Robert Griffin, Byrd's counterpart on the other side of the aisle, was charged with protecting the interests of Republicans after the rest had gone home or off to dinner. Griffin had heard nothing of such a "political contributions amendment," but some instinct told him to be cautious. Before agreeing to the debate limitation of six hours on the Cranston plan, he made certain that any change in it which might be proposed would be entitled to an additional hour of consideration—thus giving Republicans time to stall should the need arise.

This brief transaction seemed utterly routine but it was not. In fact, the "Cranston" amendment turned out to be the $1 tax checkoff plan to allot up to $20.4 million in public funds to each major party's presidential candidate, a drive conceived in lengthy private conferences over many months by the Democratic leaders of Congress.

The Byrd-Griffin agreement on limiting debate was the curtain raiser on 17 days of intense maneuvering involving the most powerful politicians in both parties, pitting President Nixon and his supporters against the Democrats who would supplant him in the White House, pitting titans of labor against titans of industry.

This "poker" game was played for the very highest stakes: The 1972 presidential election, the fate of the nation's economy, the future of the financial underpinnings of the American political system. Before the battle ended—in defeat for the Democrats—President Nixon had mobilized members of his Cabinet as lobbyists for his cause, agents of Attorney General John N. Mitchell and Democratic Party Chairman Lawrence F. O'Brien had moved into competing offices in the Capitol, and the Republicans offered, in vain, to finance $19 million worth of political broadcast time with general funds of the U.S. Treasury in 1972.

Bits and pieces of this drama have come to light piece meal, and some others are still disputed or obscure. But most of the story can now be obtained from the infighters and outriders in the opposing camps. Seen in the round—from both sides of the battle lines—the history of maneuver and countermove in the tax checkoff battle is an extraordinary case study in big time politics, circa 1971.

It is also a damning chapter in the continuing inability of the American political system to deal effectively with its Achilles' heel—the insistent need for ever-larger sums of money to finance campaigns for high office.

Back in 1966, Sen. Russell Long (D-La.) conceived and put through Congress a plan to finance presidential campaigns by a tax checkoff plan. Each taxpayer would be able to say on his annual return whether he wished $1 of his tax to go for this purpose. In election years, the Long plan would have provided $30 million or more to the Presidential war chests of the major parties, thus freeing the candidates from the rigors of fund raising.

The Long plan was signed into law by President Johnson, but before it could take effect its implementation was blocked by another act of Congress. The anti-checkoff drive led by Sen. Robert Kennedy (D-N.Y.), who feared that public financing would give too much power to the incumbent President.

In the spring of 1971, Sen. Long had a visit from Andrew Biemiller, chief Capitol lobbyist of the AFL–CIO, who suggested that the checkoff proposal be resurrected. With the Democratic Party still $9 million in debt from 1968 and facing a well-heeled Republican President in 1972, the urgency of some new financing mechanism was clear.

Long's first step was to confer with Sen. Edward M. Kennedy, the last of the famous brothers, and to obtain his approval on a revised version of the checkoff.

Next, Long took his proposal to Senate and House Democratic leaders, who agreed to add it to a comprehensive package of campaign reforms pending on Capitol Hill. One of those who was party to this agreement, in a June 29 meeting in Speaker Carl Albert's office, was Chairman Wilbur Mills of the tax-writing House Ways and Means Committee.

In a July 19 meeting, senior Democrats agreed to separate the controversial checkoff plan from the other reform proposals (many of which had bipartisan support). Wilbur Mills suggested that checkoff be passed later as an amendment to the Nixon welfare reform bill "or a similarly significant measure" which the President would find it hard to veto.

Meanwhile, Democratic National Chairman O'Brien convened a dinner meeting July 14 with his party's leading presidential contenders and Congressional leaders. Late in the meeting, O'Brien suggested the checkoff as the solution to the growing problem of presidential campaign finance and specifically, the extreme financial disadvantage facing the Democrats in 1972.

His checkoff suggestion was immediately endorsed by Senate Democratic Leader Mike Mansfield and Speaker Albert, and all the Democratic Presidential contenders present agreed Mills, who was present for part of the meeting, had left by this point.

After President Nixon proposed a tax cut to spur the economy as part of his Aug. 15 New Economic Program, Democrats selected the Nixon tax bill as the vehicle for the checkoff amendment to be added in the Senate. Only a handful of leaders, including Mansfield, Albert, Mills, and Long were privy to this strategy.

But after Russell Long spoke enthusiastically about it at a luncheon meeting of Senate Democrats on Nov. 10, the word was out. Three days later, news of the checkoff strategy broke into print on page one of both The Washington Post and The New York Times.

Throughout this gestation period of nearly six months the Senate Republican leaders and the political chiefs in the White House were unaware of the coming birth of the checkoff plan. Even the disclosures in the newspapers of November 13 somehow failed to awaken the GOP.

Late on Monday, Nov. 15, Griffin agreed to the debate limitation on the unseen and unexplained political amendment—without realizing it was the Democratic checkoff plan.

Late the next day, Tuesday, an aide of Senate GOP leader Hugh Scott of Pennsylvania telephoned chief presidential lobbyist Clark MacGregor at the White House to spread the news that the Democrats were trying to resurrect the checkoff, and that this was serious.

Just before the amendment was ready to be unveiled, Russell Long decided he would not sponsor the checkoff; he explained it seemed improper to spring such a surprise as chairman of the Senate Finance Committee. At a meeting Nov. 16 in Mansfield's office, the strategists chose John Pastore of Rhode Island as chief sponsor and floor leader of the amendment.

Pastore is an earthly five-foot-four Italian-American, a scrappy debater and a strong leader. With the help of Herman Talmadge of Georgia to work with the Southern wing of the party, Pastore plunged into the drive to pass the campaign financing amendment.

On Nov. 18 the Democrats won a first test vote, 49 to 46, with no Republican help. Only two Democrats—Sam Ervin and John McClellan—voted against the proposal. Harry Byrd, the Virginia independent, also joined the GOP ranks.

Senate GOP Leader Hugh Scott from the beginning was determined that the Republican Party should fight back with every weapon at its command. Scott is a former national chairman of his party, and a canny politician. The first and most obvious weapon was the threat of a presidential veto of the tax bill, and he asked the White House for authority to make strong suggestions of a possible veto ahead.

At 1600 Pennsylvania Avenue, MacGregor briefed Mr. Nixon for the first time on the problem posed by the checkoff. The President did not seem familiar with the situation or with the substance of the proposal, but he was quick to grasp its significance.

MacGregor suggested a statement to be given to Hugh Schott for his deputy, Bob Griffin, for their use on Capitol Hill. Mr. Nixon asked if Attorney General Mitchell, his political manager had been informed; he had not, but MacGregor agreed to do so.

As composed by MacGregor and cleared by Mitchell, the paper for the senators said: "Sen. Scott and Sen. Griffin have conferred with the President. The President expressed grave concern with the Pastore amendment (the checkoff plan); he feels that it is an irresponsible piece of legislation and if it remains in the bill, the President will necessarily have to consider the prospects of a veto."

On Capitol Hill, Scott took the veto talk to the Senate Press Gallery and the Senate Radio-TV Gallery. Since a chief executive cannot veto a particular item on a bill without rejecting the entire measure, there were grave doubts in the press galleries that the veto threat was anything more than psychological warfare.

It did not seem likely that Mr. Nixon would reject the tax cut bill which he had urgently requested to spur the economy. His re-election chances in 1972 appeared to hang at least as much on the condition of the economy as on his campaign financial advantage over the debt-ridden Democrats.

During the day on Thursday, Scott began stalling for time to concoct a counter-strategy against the Democrats and to bring public opinion to bear against the checkoff. The Senate GOP leader recommended that the White House alert corporate leaders to the peril to the tax cut bill, which included large benefits for business and industry.

The automobile industry, particularly, had a great deal at stake because the tax bill contained the repeal of the 7 per cent auto excise tax. Nearly 3,000,000 new cars had been sold since the new tax plan was announced Aug. 15 and the purchasers expected to receive a tax rebate—averaging $200 per car—when the tax bill passed.

Scott suggested that these citizens should be alerted that the Democratic "treasury grab" (as he called it) and the resulting veto would endanger the auto tax rebates. Scott had visions of Democrats in Congress besieged by protests from angry car buyers.

Scott's device for stalling the final checkoff vote was seemingly endless stories of major and minor amendments to the plan, each of which was entitled to one hour's debate under the agreement reached the first night by Byrd and Griffin. Aides to several Republican senators moved into a corner of Scott's Capitol office down the hall from the Senate chamber. There William Nichols, a Justice Department lawyer dispatched by Mitchell, helped them to draw up amendment after amendment to consume time.

One floor below, another outsider was a coordinator of the forces in the proposed checkoff camp. William B. Welsh, a senior aide to Democratic National Chairman O'Brien, was in and out of the Capitol offices of the Senate Democratic Policy Committee, coordinating the activities of party operatives, labor lobbyists and senatorial aides.

He was also the link to O'Brien's headquarters in the Watergate Office Building.

On Friday morning (Nov. 19) President Nixon was in Key Biscayne, Fla., preparing to address a hostile AFL–CIO convention at Miami Beach. Most of the senior men on the White House staff, however, remained in Washington and they met as usual in the early morning to discuss the problems of the moment.

That morning, one of the major topics was the Democratic drive for public financing of presidential campaigns, and someone suggested a White House briefing for the press to get the GOP view into the Sunday papers.

Later in the day Mr. Nixon's chief of staff, H. R. Haldeman, telephoned lobbyist Clark MacGregor with the assignment. Newsmen were summoned to a late afternoon press conference with MacGregor in the office of Herbert G. Klein, Mr. Nixon's director of communications.

Reading from hastily-composed notes, MacGregor gave the GOP reasons for opposing the tax checkoff. He also repeated the language which Scott and Griffin had been using for several days—the checkoff plan is "irresponsible" and if it remained in the tax bill, the President "would necessarily have to consider the prospects of a veto."

Reporters were told that the Friday afternoon MacGregor press conference could not be used until Sunday morning (to keep the story out of the relatively thin but newsy Saturday papers and angle for better news play in the thick and relatively newsless Sunday papers). Newsmen abided by this rule without argument. Despite the fact that the MacGregor statement was an exact replay of the Capitol Hill language, many newspapers made the "veto threat" a big story on Sunday morning.

Shortly after the first test vote on Thursday, Democratic Senators John Stennis and James Eastland of Mississippi let Democratic leaders know they would have to vote against final passage of the checkoff plan (though they could and often did help sustain their party's position in preliminary votes).

With the loss of Stennis and Eastland added to that of Ervin and McClellan, John Pastore had exactly 50 Democrats remaining. There were 49 votes on the other side of the issue. (The remaining vote in the 100-member Senate was that of Republican Karl Mundt, who has had a stroke and does not participate.) Thus the head count was 50 to 49; one more Democratic defection or a single Democratic absentee would kill the checkoff.

Pastore was most concerned about the possible defection of Allen Ellender of Louisiana, an unpredictable individualist, and Everett Jordan of North Carolina, whose colleague Ervin was strongly against the plan. He nervously kept a close watch on both men.

Pastore's other worry was that some of his stalwarts might be absent while the GOP produced all of theirs. The Democratic presidential contenders—Henry Jackson, Hubert Humphrey, George McGovern and Edmund Muskie—all had extensive out-of-town speaking schedules, and all were persuaded to cancel important engagements Friday and Saturday to be available to vote.

Birch Bayh, a presidential contender until recently, insisted on going to Indiana to the funeral of Mike Sperling, one of his important political sponsors. Larry O'Brien thought Bayh's vote might be so important that he authorized use of hard-pressed Democratic Party funds to charter an airplane to speed the senator. (According to Bayh's office, the charter plane was not used.)

The President suddenly cut short his weekend in Florida on Friday afternoon and flew back to Washington under mysterious circumstances, ostensibly to attend a performance of Cambodian dancers at the John F. Kennedy Center. Political reporters, bemused by this sudden presidential affection for the arts, suspected there was another reason. At 12:15 p.m. Saturday, as he was boarding a helicopter to Camp David, Md., Mr. Nixon received a detailed written report on the checkoff crisis written by William Timmons, deputy chief of the White House lobbying team.

The Timmons report stated that Stennis and Eastland would vote with the administration on final passage of the checkoff, but that the Democrats would still win it, 50 to 49. Only one vote was needed, and some possible targets were listed: Virginia Democrat William Spong, who had missed Thursday's key vote and who voted against the checkoff plan in 1967; Everett Jordan of North Carolina; several Democratic freshmen with no previous record on the checkoff issue.

Timmons suggested a presidential statement to make clear that he was absolutely serious about a veto of the tax bill, and a draft of such a statement was appended for the President's inspection. He also recommended that White House aide Charles Colson immediately arrange for outside interest groups to be altered to the veto threat.

Mr. Nixon read the Timmons report at Camp David and telephoned MacGregor at the White House. The President would not issue a statement at the moment, but he authorized an "all-out effort" by MacGregor to secure the single Democratic defector needed to win.

With Mr. Nixon's approval, MacGregor began calling members of the Cabinet to use their influence with Democrats with whom they have close relationships. It was the first time since MacGregor joined the White house this January that he had mobilized Cabinet members for a lobby effort unrelated to their departments.

Transportation Secretary John Volpe telephoned William Spong, who has shown particular interest in transportation (so much so that Virginia Republicans complain Spong gets politically-attractive announcements first). Secretary of Housing and Urban Development George Romney called John Sparkman of Alabama, chairman of the committee that works with Romney on the Hill.

Treasury Secretary John Connally, while still nominally a Democrat, was assigned to woo his fellow Texan, Lloyd Bentsen, away from the Democratic fold. Attorney General Mitchell called Judiciary Committee Chairman James Eastland, who was already on the team for the final vote.

Defense Secretary Melvin Laird—who was reached on a parade field in California where he was reviewing troops—was assigned to shore up the resolve of Armed Service Committee Chairman John Stennis. The answers were quick in coming; no net gain for the Republican Party.

Early in the proceedings, GOP Sen. Charles McC. Mathias of Maryland had offered Pastore a deal authorized by high-level Republican sources: Postponement of the implementation of the checkoff until after the 1972 election, plus a "free choice" amendment permitting a taxpayer to specify the political party which was to receive his dollar. If these changes were accepted, Mathias said, a substantial number of Senate Republicans would vote to approve the checkoff.

At this stage, Pastore had no thought of postponing the checkoff until 1973, and he flatly rejected the proposal.

Jittery about the one-vote margin for their cause, Pastore decided a little later to seek Mathias' defection to the Democratic ranks by accepting a small part of his package.

The acceptable portion was Mathias' free choice idea. When Mathias returned to this subject in debate, Pastore grabbed the ball and offered to work out an accommodation. Meetings were held and Mathias—convinced that the Democrats would win anyway—agreed to vote for the check-off if his free choice amendment were adopted.

Word of the Mathias arrangement caused alarm at the White House and among GOP Senate leaders, who were still seeking Democratic defections. At White House urging, Mathias withheld his free choice amendment while the effort to woo the Democrats continued. As the final vote approached on Monday (Nov. 22) the White House reluctantly informed Mathias that it still lacked enough strength to win.

After this assurance, the Maryland senator offered his amendment and, after its approval, voted for the checkoff plan on final passage. To the Democrats' surprise, New Jersey's Clifford Case, a Republican, shifted sides along with Mathias.

The final Senate vote on the political finance provisions—including the check-off and tax credits and deductions for small contributions—was 52 in favor and 47 against.

Immediately after the vote, Clark MacGregor telephoned the President to give him the bad news. Mr. Nixon was unhappy but philosophical about it; he has become accustomed to difficulties with Congress.

The two men agreed that the focus of attention now would be the Senate-House conference committee, headed by Wilbur Mills, which would either accept or reject the checkoff amendment as a part of the tax reduction bill. MacGregor said he would go to work on it right away.

[From the Pueblo Chieftain, Nov. 30, 1971]

CAMPAIGN AID BILL BLUNDER

(By Injun Woody)

If the American people stand for this latest raid on the U.S. treasury, the bill to siphon off millions for the benefit of politicians to finance their job-hunting, then we are finished for sure.

This is the most flagrant violation of constitutional law ever nightmared by that spend-thrift congress now in power.

O, sure; they maintain it is the taxpayer's choice, where his tax dollars go—to the demos or repubs. But suppose, the taxpayer doesn't want to support the deadbeats at all. How long do you think it will take them to rearrange the tax form and simply take "one dollar" from the amount paid in. It wouldn't take any longer than it did to pass the "campaign spending" bill.

If anyone can point out to me why I should finance those barons in Foggy Bottom to hunt for work, I'll stand on my head. If you are looking for a job do you expect the American people to finance your trips round and about whilst you make application?

This is about the dirtest move we have seen in politics in a long time, and in all truthfulness it is the democrats, who never have been able to manage money anyhow, who want to collect the moola from the little feller for perpetration of further boondoggles . . .

Regardless of whether this rider will scrap the president's economic bill, if he doesn't veto it, we will be in far worse shape than if he lets it ride and reduces our taxes a little.

This would be a mere hole in the dike of disaster . . .

By Mr. PACKWOOD (for himself and Mr. JAVITS) (by request):

S.J. Res. 187. A joint resolution to provide a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain shippers and associated employers and certain employees. Referred to the Committee on Labor and Public Welfare.

THE WEST COAST LABOR DISPUTE

Mr. PACKWOOD. Mr. President, I am today introducing for myself and for Senator JAVITS, by request, a joint resolution designed to meet the west coast longshore crisis head-on.

As a former labor lawyer, there is nothing more deplorable, in my mind, than governmental intervention in free collective bargaining. I remain firmly convinced that all parties to a labor dispute should have full freedom to determine the provisions of their contracts, and should retain the right to call a strike or lockout. Only in extreme cases should intervention be permitted by either the Executive or by Congress. Similarly, only in extreme cases should the basic right to strike or lockout be superceded.

But Mr. President, when the failure of free collective bargaining results in the national emergency we are now experiencing, consideration must be given to remedial procedures to meet the emergency and protect the public health and welfare.

In the current longshore dispute, efforts to resolve differences between the International Longshoremen's and Warehousemen's Union and the Pacific Maritime Association have been underway since October 1970. As is clearly apparent, these efforts have proved unsuccessful. The union members have suffered as a result and shipping companies have suffered. But most importantly, innocent third parties have suffered untold damage as a result of a dispute in which they play no part. Many of the innocent parties are in Oregon. Many more are in the west coast States and Hawaii. Millions more are in other Western States and the Midwest.

It should be emphasized that efforts to resolve this dispute have been underway since October 1970. That is 15 months. Many of the 15 months passed without the parties even speaking to one another. Many passed with scant or no progress. Even the 80-day cooling-off period which was finally invoked in October 1971, failed of its mark. During most of the 80 days, there were not even any negotiations. The President, having used his one available option, the Taft-Hartley 80-day cooling-off period, now has no alternative legal course of action at his disposal to protect from this new crippling tieup, which began again on January 17. He is forced once again to come to Congress—the most inappropriate arbitrator I know—to request ad hoc emergency legislation.

Had this body acted on legislation to provide the President with new options in dealing with emergency disputes in the transportation industry, Congress would not today be faced with this dilemma. But the fact is that we have not passed permanent legislation, the President's hands are tied, and the buck stops in Congress.

I have tried to envision all the alternative courses we in Congress might take to meet the current crisis. With great reluctance, I must conclude that the only meaningful and lasting action we can take, under the current circumstances, is to authorize the Secretary of Labor to empanel a three-man Arbitration Board to arbitrate the west coast dispute to finality. Under the terms of the resolution I am introducing, strikes and lockouts are prohibited until the Arbitration Board issues its decision, which will be final and binding.

Mr. President, most of us in the West had hoped that the parties to this dispute would have long ago recognized their responsibility to the public, as well as to their own interest. We had hoped that free collective bargaining would lead the parties to a mutually satisfactory and equitable contract without the need for any sort of governmental interference. We had hoped that this dispute would have been settled during the 80-day cooling off period which expired on December 25. Most importantly, we had hoped that today's action would not be necessary.

But I regret to say that the request I am making of my colleagues today is necessary. It is vitally necessary, if we are to avoid a recurrence of the devastating choas which consumed the west coast for 100 long days last year.

Mr. President, because of my background in labor law, I probably abhor the thought of strike prohibitions and compulsory arbitration more than most any of my colleagues. But Mr. President, I see no other alternatives. The stark reality of a transportation emergency is here, and I hope and trust that this body will see its responsibility to the public and meet the emergency with the firm action I have proposed.

I ask unanimous consent that the joint resolution be printed at this point in the RECORD, along with the text of the President's message to Congress and a section-by-section analysis of the resolution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 187

Joint resolution to provide a procedure for settlement of the dispute on the Pacific Coast and Hawaii among certain shippers and associated employers and certain employees

Whereas there is a dispute between employers (or associations by which such employers are represented in collective bargaining conferences) who are (1) steamship companies operating ships or employed as agents for ships engaged in service from or to Pacific Coast or Hawaiian ports of the United States, (2) contracting stevedores, (3) contracting marine carpenters, (4) lighterage operators, or (5) other employers engaged in related or associated pier activities for ships engaged in service from or to Pacific Coast or Hawaiian ports of the United States, hereafter called "employers") and certain of the employees of such employers represented by the International Longshoremen's and Warehousemen's Union (hereafter called Longshoremen's Union); and

Whereas the order enjoining a strike in this dispute granted by the United States District Court, Northern District of California in *United States* v. *International Longshoremen's and Warehousemen's Union et al.*, Docket No. C-17-1935-WTS, October 6, 1971, expired on December 25, 1971, pursuant to the Labor-Management Relations Act of 1947 as amended (29 U.S.C. 176-178); and

Whereas all procedures for resolving such dispute provided for in the Labor-Management Relations Act, 1947, have been exhausted and have not resulted in settlement of the dispute; and

Whereas a settlement has not been reached despite intensive mediation efforts; and

Whereas there is a dispute, involving members of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (hereafter called the Teamsters Union) employed by some of the above employers and by other employers engaged in activities related to the maritime, stevedoring and pier work described above, concerning the assignment and performance of such work; and

Whereas a dispute in Hawaii, involving certain employers engaged in activities related to maritime, stevedoring and pier work described above and certain of their employees represented by the Longshoremen's Union and the Teamsters Union, threatens to disrupt essential transportation services for that State and to endanger the health and safety of its citizens; and

Whereas these disputes are closely related to and a portion of the dispute on the Pacific Coast; and

Whereas it is vital to the national interest, including the national health and safety, that essential transportation services be maintained; and

Whereas the Congress finds that emergency measures are essential to continuity of essential transportation services affected by this dispute;

Therefore, be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That an Arbitration Board shall be established herein to hear and settle all issues in this dispute, and to issue a determination which shall be deemed a final and binding resolution, understanding and agreement among the parties and shall also be deemed to supersede to the extent inconsistent therewith all other agreements or understandings in which these parties are involved; provided that the Secretary of Labor may terminate the procedures of this Resolution before issuance of a determination by the Arbitration Board if he finds that all the labor organizations and employers involved in the dispute have reached complete agreement on all the issues. The determination of the Arbitration Board shall be effective for the period stated therein, which may not be less than 18 nor more than 24 months. During such period, there shall be no resort to strike or lockout and the parties thereto shall be bound by the terms of the determination notwithstanding any agreements they may conclude among themselves.

From the date of enactment until the Arbitration Board makes its determination, there shall be no resort to strike or lockout, and no change, except by agreement of the parties, in the terms and conditions of employment as prescribed in the court order in *United States* v. *International Longshoremen's and Warehousemen's Union et al.*, Docket No. C-17-1935-WTS, October 6, 1971, the agreement between the Longshoremen's Union and certain employers in Hawaii, which expired June 30, 1971, under which they have been operating from that time, and the collective bargaining agreements, interpretations, rulings and practices governing assignment and performance of work involved in this dispute by members of the Longshoremen's Union and the Teamsters Union.

For the purposes of this resolution, the term "parties" shall mean the parties who were under the jurisdiction of the court in United States versus International Longshoremen's and Warehousemen's Union, et al., Docket No. C-17-1935-WTS, October 6, 1971, in the Pacific coast portion of this dispute who have not settled prior to the enactment of this resolution, and the parties in section 6 of this resolution. In addition, any employer or employees involved in this dispute who are represented by Teamster Union locals listed in section 6, not otherwise made a party, may elect to place itself voluntarily under the jurisdiction of the Arbitration Board created by section 2 of this resolution as a party by giving notice of such election by certified mail within seven days of the enactment of this resolution to the Board in care of the Secretary of Labor, Washington, D.C. 20210, and to the Teamsters Union Local involved at its local address and to the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America at 25 Louisiana Avenue, N.W., Washington, D.C., 20001.

SEC. 2. (a) There is established an Arbitration Board (hereafter called the "Board") consisting of three members, to be appointed by the Secretary of Labor within five days of enactment of this resolution. The members shall then elect a chairman.

(b) The Board shall make all necessary rules for conducting its hearings and giving the parties to the controversy a full and fair hearing, which shall include an opportunity to present their case in person, by counsel or by other representative as they may select.

(c) For the purpose of hearings conducted by the Board, it shall have authority conferred by the provisions of sections 9 and 10 (relating to the attendance and examination of witnesses and the production of books, papers and documents) of the Federal Trade Commission Act of September 26, 1914, as amended (15 U.S.C. 49, 50).

(d) The Board shall begin its hearings no more than fifteen days after enactment. The Board shall make its determination no later than forty days after enactment.

(e) In its determination the Board shall resolve all the issues in the dispute.

(f) The Board's determination shall be retroactive to the date of enactment of this resolution. The Board may make such further provisions for retroactivity to a date prior to the enactment of this resolution, if any, as it finds appropriate and consistent with the terms of this resolution.

(g) The Board shall make its determination consistent with the policy of the Economic Stabilization Act of 1971, and such determination shall be final and binding in every respect, subject only to review as provided in section 2(h).

(h) Any party, as defined in section 1, aggrieved by a determination of the Board may, within fifteen days after its issuance, obtain review of the determination in the United States Court of Appeals for the District of Columbia. The decision of the court of appeals may be reviewed in the Supreme Court by writ of certiorari or upon certification as provided for in section 1254 (1) and (3), title 28, United States Code. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the determination of the Board. A determination of the Board shall be conclusive unless found to be arbitrary or capricious.

(i) Members of the Board shall receive compensation at a rate of per diem equivalent to the rate for a GS-18 when engaged in the work of the Board as prescribed by this section, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703), for persons in the Government service employed intermittently and receiving compensation on a per diem when actually employed basis.

For the purposes of carrying out its functions under this Act, the Board is authorized to employ experts and consultants or organizations thereof as authorized by section 3109 of Title 5, United States Code, and allow them while away from their home or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by 5 U.S.C. 5703, for persons in the Government service employed intermittently, while so employed. The Board is also authorized to employ such support services as are necessary for its operation.

SEC. 3. (a) The Secretary of Labor shall appoint a Special Referee within three days of enactment of this Resolution who shall have the responsibility provided herein and shall receive the same compensation as a member of the Board.

(b) Notwithstanding any other law, the Special Referee shall have exclusive jurisdiction over any disagreement occurring after the enactment of this Resolution but before the arbitration determination has gone into effect which involves collective bargaining agreements, interpretations, rulings, and practices governing assignment and performance of work between the Longshoremen's Union and the Teamsters Union, and which may lead to violation of this Resolution. The Special Referee may also during this period consider other disagreements which may lead to violation of this Resolution if he finds it would effectuate the purposes of the Resolution to do so rather than to defer to other procedures, and if he does so he shall assume exclusive jurisdiction over such disagreements. The Special Referee shall have the same authority provided in section 2(c) relating to attendance and examination of witnesses and the production of books, papers and documents. The Special Referee is authorized to issue orders to obtain compliance by the parties with the requirements of this Resolution. The Attorney General shall have power to petition the District Court of the United States wherein the violation or threatened violation occurs or having jurisdiction of the parties for enforcement of such orders and for appropriate relief or restraining orders.

The findings of the Special Referee, unless found to be arbitrary or capricious, shall be conclusive. The jurisdiction of the United States District Court, and its judgment and decree as to matters within its jurisdiction under this section shall be final and not subject to review.

SEC. 4. (a) The Attorney General of the United States shall be authorized to maintain any civil action necessary to obtain compliance with any provision of this Resolution.

(b) Any strike, lockout or other concerted activity in violation of this Resolution shall be subject to a penalty not to exceed $100,000. Each calendar day in which such a violation occurs shall be considered a separate violation.

SEC. 5. There is authorized to be appropriated such sums as may be necessary for the implementation of this Resolution.

SEC. 6. (a) The following employers and labor organizations are parties to the dispute in addition to those parties described in section 1.

Castel & Cooke Terminals, Ltd., 965 North Nimitz Highway, Honolulu, Hawaii 96817.

Hilo Transportation & Terminal Co., Post Office Box 455, Hilo, Hawaii 96720.

Theo. H. Davies & Company, 800 Fort, Honolulu, Hawaii 96813.

Honolulu Terminals Co., Ltd., Pier 19, Honolulu, Hawaii 96817.

Kawaihae Terminals, Post Office Box 818, Hamuela, Hawaii 96743.

Kauai Sugar Storage Corporation, Post Office Box 1743, Lihue, Hawaii 96766.

Matson Terminals, Inc., 521 Ala Moana Boulevard, Honolulu, Hawaii 96803

McCabe, Hamilton & Renny, Co., Ltd., 224 Mokauea, Honolulu, Hawaii; Lihue, Hawaii, Kahului, Hawaii 96819

Oahu Transport Company (Hwy. & Terminal Warehousing Co., Ltd.), Post Office Box 3288, Honolulu, Hawaii 96801.

Seatrain Lines, California, San Island Access Road, Honolulu, Hawaii 96819

Pacific Container Service, Honolulu, Hawaii

International Longshoremen's and Warehousemen's Union, Locals 142 and 160, 451 Atkinson Drive, Honolulu, Hawaii

Kahului Trucking and Storage, Kahului, Hawaii

(b) The International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America.

The following Teamster Union Locals, of:

STATE OF WASHINGTON

City of Seattle, Local Unions 174, 741, 44 and 117.

City of Takoma, Local Unions 313 and 461.

City of Aberdeen, Local Union 599.

STATE OF OREGON

City of Portland, Locals 162 and 81, Coos Bay 689, Hoquin Local 58.

Vancouver, Washington—Local 501.

Astoria Local 569.

STATE OF CALIFORNIA

Long Beach, Local 692.
San Diego, Local 542.
Oakland, Local 70.
San Francisco, Local 85.
Stockton, Local 439.
Sacramento, Local 150.
Oakland, Locals 85 and 853.

STATE OF ALASKA

Anchorage, Alaska, Local 959.

STATE OF HAWAII

Honolulu, Local 996.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

The Nation is faced today with yet another transportation strike which is intolerable in its effect upon millions of Americans, and I am determined that we shall end it at once.

The dock dispute on the West Coast has been festering for over a year, but because a few have been insensitive to the harm they are inflicting upon the many who are not a party to it, no reasonable settlement has been reached. Now this work stoppage, renewed after an injunction under the Taft-Hartley Act has expired, again threatens the Nation's health and safety. Those of us in public office must act swiftly and responsibly to avert its damaging consequences.

Because all other Government remedies have been exhausted, I am proposing to the Congress today special legislation to set up immediately a three-member arbitration board. This board, to be appointed by the Secretary of Labor, would hear and settle all issues in this dispute. No strike or lockout would be permitted from the day this legislation is enacted until the day that the arbitration board makes its determinations. The board's determinations would be made within 40 days and would be binding upon the parties for a definite period of time—at least 18 months.

Let there be no mistake about the urgency of this legislation. This is a vital matter to the people of this country, and the Nation can afford no delay. I earnestly implore the Congress to have this resolution on my desk by the end of next week.

This is an unusually pressing request for the opening days of a new session of the Congress, but let there also be no mistake about the dimensions of destruction which this strike is wreaking upon its victims:

—Before I invoked the Taft-Hartley injunction in an earlier attempt to settle this dispute, thousands of farmers reaped a harvest of despair as their export crops were blocked by closed port and could not reach waiting customers overseas. Hundreds of millions of dollars were lost. Because the strike has now resumed, these farmers are again victimized.

—There is an increasing danger that some of these trade losses will become permanent, as foreign purchasers come to believe that our farmers and businessmen cannot provide dependable deliveries. Japan, a billion-dollar market for agricultural imports, has already asked other suppliers to step up production so that it can lessen its dependence on American exports.

—Layoffs, reduced operations, and even business failures also hang over the heads of many other Americans who engage directly or indirectly in exports. Some areas are especially vulnerable, such as the State of Hawaii, which has been hit by shortages of vital supplies, mounting food costs and unemployment rates unmatched for half a generation. Also hard-pressed are California, Oregon and Washington.

I cannot emphasize too strongly that all of these people—and, indeed, our national economy—have been made hostage to the interests of those few who persist in prolonging this dispute. These men and women who are hurt so unfairly cannot accept the fact that a dispute in which they play no part can destroy them—nor can you and I. There is no justification for waiting any longer.

It is with extreme reluctance that I propose this legislation, for as I have stressed to the Congress before, I firmly believe that governmental intervention in the collective bargaining process should be as limited as possible. Compulsory arbitration is not generally a satisfactory method of resolving labor disputes. Under the present, deplorable circumstances, however, there is no remaining alternative.

As this resolution is considered, there is one very tough question before us to which reasonable Americans deserve an answer: Why have we once again reached the flash point?

Let there be no mistake about the facts. For two long years, the Congress has had before it comprehensive proposals which I submitted and have repeatedly urged that it pass for the resolution of emergency transportation disputes. This legislation still languishes unenacted.

These proposals, which should best be called the "Crippling Strikes Prevention Act" in the future, would have avoided the present crisis, and if enacted will avert what will otherwise be the inevitability of similar crises in the future. They would encourage the parties to bargain more responsibly, and in the event that no settlement is reached, would establish a workable mechanism for resolving the dispute without Congressional action.

Our present legislative tools are plainly inadequate. Four times since I called for these comprehensive measures, it has been necessary for the Congress to enact special legislation to deal with disputes in the troubled transportation industry.

The present dock dispute is perhaps the best illustration of how futile Government actions can be under present law. Bargaining between the parties began in November 1970. After six months of negotiations, the parties gave up their attempt to reach early agreement and suspended their talks until the contract deadline approached. On July 1, 1971, the longshoremen went out on strike, creating a shipping paralysis on the West Coast which reverberated throughout our economy.

The resources of the Federal Government, including exhaustive mediation efforts by the Director of the Federal Mediation and Conciliation Service, proved to be of no avail in resolving the dispute. With grave concern, I watched the crisis broaden and deepen, and I personally met with the parties in an attempt to find some way to end this bitter impasse.

By October 1971, it became evident that collective bargaining had failed in this dispute and that action had to be taken to protect the national health and safety. Thus on October 4, I invoked the national emergency provisions of the Taft-Hartley Act which resulted in an 80-day cooling-off period.

Unfortunately, the lengthy negotiations during this period and thereafter did not result in the hoped-for settlement.

The history of this dispute and the bargaining posture of the parties provide no hope that a further extension of time would be useful, or that it would bring the parties any closer to a resolution of this matter. They compel me to submit this special legislation to the Congress and to appeal once more for legislative action that will enable us to deal with future emergency transportation disputes without the necessity of this sort of *ad hoc* legislation that can never undo the damage already done.

I proposed new, comprehensive legislation in February 1970, and there was no Congressional action that year. I resubmitted the measure in February 1971, and hearings were held, but there was no appreciable action. On December 15, 1971, I reminded the Congress that a renewed work stoppage was possible on the west coast and that statutory remedies were desperately needed. The Congress recessed without any response.

As soon as the Congress enacts the special legislation before it today, I urge in the most emphatic terms that it turn its attentions immediately to the Crippling Strikes Prevention Act.

RICHARD NIXON.

THE WHITE HOUSE, *January 21, 1972.*

SECTION-BY-SECTION ANALYSIS

Section 1. ***Statement of Purpose and Findings.***—This section sets forth the purpose of the legislation. It states in the "whereas" clauses that there are disputes between shippers and associated employers and the Longshoremen's Union on the Pacific Coast; between the Longshoremen's Union and the Teamsters Union on the Pacific Coast and Hawaii and between employers engaged in maritime and related activities and the Longshoremen's Union in Hawaii.

It states that legal procedures for resolving the Pacific Coast dispute have been exhausted; that the disputes are closely related and that national health and safety demand that transportation services be maintained. The section states further in the "therefore" clause, that an arbitration board shall be established to settle the dispute by making a determination. The determination shall be effective for a period not less than 18 nor more than 24 months as the board deems appropriate. During the effective period there shall be no strikes or lockouts, and the parties shall be bound by the determination notwithstanding any agreement they enter into among themselves. The Secretary of Labor may terminate the procedures before the determination has been made if he finds that the employers and labor organizations have reached agreement.

The section states further that there shall be no strike, lockout or change in conditions of employment by the parties from the conditions prescribed in the court order in *United States* v. *International Longshoremen's and Warehousemen's Union et al.*, Docket No. C–17–1935–WTS, the agreement between the Longshoremen's Union and maritime employers in Hawaii which expired June 30, 1971, and the collective bargaining agreements, interpretations, rulings and practices governing assignment of work involved in this dispute before the determination of the Arbitration Board.

The section defines the parties as those who were parties in the above-mentioned court case who have not settled prior to enactment; the parties listed in section 6 of the Resolution and employers of members of Teamster Union locals, not otherwise parties, who elect to place themselves under the jurisdiction of the Board.

Section 2. *Arbitration Board—Powers and Function:*

(a) Establishes the Arbitration Board consisting of three members appointed by the Secretary of Labor within 5 days of enactment.

(b) States that the Board shall establish rules of procedure and conduct fair hearings.

(c) States that the Board shall have the authority of section 9 and 10 of the Federal Trade Commission Act with respect to attendance of witnesses and production of documents.

(d) States that the Board shall begin its hearings no more than 15 days after enactment and make its determination no less than 40 days after enactment.

(e) States that the Board shall resolve all the issues in dispute.

(f) States that the determination is retroactive to the date of enactment or, in the Board's discretion, to an earlier date.

(g) States that the Board shall make its determination consistent with the policy of the Economic Stabilization Act of 1971; that the determination shall be binding in all respects and subject to review only as provided in (h).

(h) Allows for judicial review of the determination in the U.S. Court of Appeals for the District of Columbia. It states that commencement of a proceeding shall not operate as a stay of the determination unless ordered by the court—and that the determination is conclusive unless found to be arbitrary or capricious.

(i) Provides for compensation of Board members and also that the Board may have consultants and support service.

Section 3. *Special Referee:*

(a) States that the Secretary of Labor shall appoint a special referee whose responsibilities are described in (b) and whose pay is that of a Board member.

(b) Grants the special referee exclusive jurisdiction over disagreements occurring after enactment but before the determination has gone into effect which might lead to violation of the Resolution. The special referee is empowered to issue orders of compliance and has the same authority as in 2(c) with respect to witnesses, books and documents. His findings are conclusive unless arbitrary or capricious. The Attorney General is empowered to petition in U.S. District Court for appropriate relief.

Section 4. *Enforcement:*

(a) Authorize the Attorney General to maintain appropriate civil action to enforce the Resolution.

(b) Provides a penalty for a strike, lockout or other concerted action up to $100,000 with each day of violation being a separate violation.

Section 5. *Authorization of Appropriation.* Authorizes appropriations to implement the Resolution.

Section 6. *Parties:*

Lists parties to the dispute, in addition to those described in section 1.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that a statement prepared by the Senator from New York (Mr. Javits) relating to the joint resolution I have introduced be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Javits

At the request of the Administration I have today joined with Senator Packwood in introducing the Administration's proposed legislation to deal with the West Coast longshore strike.

I have joined in sponsoring this bill on a "request" basis because I am not at this time convinced that the terms of this bill are the most appropriate way to resolve this dispute. As this bill is considered by the Committee on Labor and Public Welfare—and I shall ask that hearings begin immediately—I am certain that we will exhaustively investigate alternative approaches to settling this dispute, including partial operation, seizure, final-offer selection, and other approaches which might be authorized instead of, or in addition to, the arbitration remedy proposed by the Administration bill, as a way of fairly resolving the dispute.

I deplore the fact that Congress once again must take ad hoc action to deal with a labor dispute which threatens the regional or national health and safety. Again and again during recent years we have been faced with crises of this kind because we have failed to enact permanent legislation to protect the national or regional health and safety when it is threatened by labor disputes. We in Congress have met our responsibility to deal on an ad hoc basis with these emergencies in past years, and I have no doubt that we will meet our responsibility to act in this crisis. The floor of Congress, however, is just not the appropriate place to resolve these disputes. The public interest demands that we now give the highest priority to the enactment of permanent legislation to protect the people of this country against paralyzing work stoppages or lockouts, such as the one we are now facing on the West Coast.

With regard to the current West Coast dispute, I do not believe there can be any question about the necessity for enactment of specific legislation to deal with it. The courts have already held that a coastwide stoppage of this type constitutes a threat to the national health and safety under the Taft-Hartley Act. Hence, I believe that Congress should act expeditiously to enact legislation to end the current work stoppage.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1307

At the request of Mr. Randolph, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of S. 1307, a bill to provide increased employment opportunities for middle-aged and older workers, and for other purposes.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION 33

At the request of Mr. Brock, the Senator from Florida (Mr. Chiles), the Senator from Kansas (Mr. Dole), the Senator from Colorado (Mr. Dominick), the Senator from Oklahoma (Mr. Harris), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. Pastore), the Senator from West Virginia (Mr. Randolph), the Senator from Pennsylvania (Mr. Scott), the Senator from Connecticut (Mr. Ribicoff), the Senator from Vermont (Mr. Stafford), the Senator from Georgia (Mr. Talmadge), and the Senator from North Dakota (Mr. Young) were added as cosponsors of Senate Concurrent Resolution 33 regarding the persecution of Jews and other minorities in Russia.

SENATE CONCURRENT RESOLUTION 53

At the request of Mr. Williams, the Senator from Oklahoma (Mr. Harris), the Senator from Hawaii (Mr. Inouye), the Senator from Maryland (Mr. Mathias), the Senator from Wyoming (Mr. McGee), the Senator from Minnesota (Mr. Mondale), the Senator from Utah (Mr. Moss), and the Senator from Illinois (Mr. Stevenson) were added as cosponsors of Senate Concurrent Resolution 53, relating to International Environmental Standards.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 805 THROUGH 809

(Ordered to be printed and to lie on the table.)

Mr. ERVIN (for himself and Mr. Allen) submitted five amendments intended to be proposed by them jointly to the bill (S. 2515) to further promote equal employment opportunities for American workers.

AMENDMENT NO. 810

(Ordered to be printed and to lie on the table.)

SMALL BUSINESS RELIEF AMENDMENT

Mr. GAMBRELL. Mr. President, I am offering today an amendment to the pending bill, which amends the Equal Employment Opportunity Act of 1964.

May I say in offering this amendment, that I share a strong commitment to the principle of equal employment opportunities, regardless of race, sex, or national origin. Fundamental to the goals of "life, liberty, and the pursuit of happiness" are the right to vote and the opportunity for gainful employment. Neither of these should be restricted arbitrarily, or for fanciful reasons, or by outmoded customs.

A widely expressed goal, shared by the President and both major parties, is that of welfare reform. I consider this Nation's commitment to equal employment opportunities to be a plank in the welfare reform platform. If we are truly committed to the reform of our welfare system, we can hardly tolerate the denial of access to economic rewards on grounds of race, color, religion, sex, or national origin.

The privilege which we enjoy to make distinctions and selections for meritorious reasons, does not extend to distinctions and selections made for the reasons cited. If the luxury of discrimination for these reasons is to be tolerated, then our welfare system must necessarily make special allowances for the harvest of unemployment, underproductivity, irresponsible behavior, and poverty which naturally will result. We cannot permit the relegation of many of our citizens to substandard economic opportunities and at the same time deplore their lack of initiative and productive work habits.

Thus, Mr. President, I am prepared to support adequate enforcement provisions for the implementation of equal employment opportunities. If we truly believe in equal employment opportunities, and that the National Government should accord these opportunities to all citizens, there can be no hesitation from assuring that these rights have meaningful enforcement.

The House of Representatives has adopted a measure which I can support. An amendment to the pending bill has been offered by the Senator from Colorado (Mr. Dominick) substituting the House-passed enforcement procedures for those recommended by the Senate Labor and Public Welfare Committee. I expect to support the adoption of the Dominick amendment, and to vote for the Senate bill as so amended.

At the same time, I do not feel that I can at this time, in good conscience, support the method of enforcement contained in the Senate committee version of this legislation. My reasons for making an important distinction between the House enforcement version, and the Senate enforcement version are twofold.

First, I have confidence in the Federal judicial system to implement a consistent and manageable job discrimination act. There may be areas of public administration in which some peculiar expertise is required in the enforcement area, justifying the formation of a special Federal agency with cease and desist powers. I do not believe that this has been proven to be so in the case of equal employment opportunities. Such expertise as may be necessary, can be developed and fully exposed in Commission activity under the House bill.

However, if employers, for reasons sufficient to themselves wish to have court determinations of the issue of discrimination in a given case, or of legal questions arising in a given case, I believe the Federal court system to be completely adequate for this purpose.

The surge toward cease and desist powers smacks of an effort to play politics with job discrimination, and to leave the entire field in a constant uproar, resulting in continued racial tension and consequent disruption of trade and commerce.

In my judgment, an advisable course would be to adopt the court enforcement provisions at the present time, and to evaluate progress in the elimination of job discrimination through experience under that form of enforcement. Should that experience disclose a need for cease and desist authority, then let it come at the proper time.

In addition, I have reservations about the cease and desist approach because of the experience which we have had in my section of the country, the South, with administrative manipulations of civil rights enforcement. The South has become a laboratory for social experiment, where laws are enacted, and enforcement practices applied, which are not and would not be enacted and applied for other sections of the country. In short, there is widespread evidence of discriminatory civil rights enforcement by Federal agencies against the South, and I would be more hopeful of evenhanded treatment from the Federal judiciary than to an unbridled Federal agency.

My specific purpose today is to propose an amendment which I think appropriate, regardless of the enforcement procedures adopted in this legislation. Its purpose is to assure that enforcement of this legislation, which must necessarily be selective and exploratory, does not have the effect of destroying small businesses which have been wrought out of the sweat, blood, and tears of individual American citizens whose only purpose in conducting business is to secure a decent living for themselves. As a private practicing attorney in my home State, as a member of the Select Committee on Small Business, and as a U.S. Senator, I am constantly confronted with the devastating effects which well-meaning Government regulations have on small business. Although our Government has a legislative commitment to free enterprise, the encouragement of individual opportunities, and categorically to small businesses of all kinds, we condone on every side regulatory practices and procedures which pit the overwhelming financial strength and manpower of the Federal Government against the individual businessman. There is no question but what this imbalance of relative strength denies small businessmen a fair opportunity for self defense against Government regulation. Big and rich business enterprises can afford to battle Government equally, and in some cases at an advantage, securing for themselves much more favorable treatment through "fair trials" and "consent judgments."

The amendment which I have offered, in a very small way, assures the owners of small businesses who may be selected for investigation, prosecution, and enforcement under this act, that they will not have to bear the full economic brunt of defending themselves. We owe this to the small business community in simple justice, not only to balance the equities of individual cases but because almost all of those moved against in the early stages will be "guinea pigs" for testing the laws and procedures under it.

In specific terms, my amendment provides for the payment by the U.S. Government of reasonable expenses and attorney's fees of very small businesses proceeded against under the act, and for payment of one-half of such costs in the case of somewhat larger business enterprises, who still cannot be considered to have the resources to engage in fair legal proceedings against the U.S. Government. Limits of $5,000 and $2,500, respectively, are placed upon the amounts which may be paid. The reasonableness of charges submitted is to be based upon the comparable costs and expenditures of the Federal Government in investigating and prosecuting the respective complaints.

It is not the purpose, nor the effect, of this amendment to exempt small businesses from the application of substantive provisions of the act. Its enactment will be simply a step in the direction of placing the small businessman on an equal footing with the big businessman, and with the Government, in enforcement procedures adopted under this act.

I might take this opportunity to say that I think similar provisions should be made with respect to a variety of other Federal enforcement programs. I expect to ask the Select Committee on Small Business to investigate and report on the unfair impact of Federal regulatory practices on small businesses, and the tendency of these practices to impede the growth of small business in this country.

I ask unanimous consent, Mr. President, that the amendment be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 810

On page 34, line 21, after the period ".", insert the following:

"Notice of the terms of eligibility for the respondent to receive expenses and attorney's fees pursuant to Subsection (h) shall be served on him along with the notice of the charge."

On page 37, line 17, after the parenthesis ")", insert the following:

"and notice of the terms of eligibility for the respondent to receive expenses and attorney's fees pursuant to Subsection (h)"

On page 39, after line 19, insert the following:

"(h) Any respondent that is an employer of less than 25 employees, shall, upon application to the Commission, be indemnified by the United States for the cost of his defense against the charge in an amount not to exceed $5,000, including all reasonable expenses and attorney's fees incurred after the serving of notice on him of the charge, unless a final determination is made that the respondent willfully committed the unlawful employment practice charged to him. Any respondent that is an employer of 25 to 100 employees whose average income from such employment is less than $7,500, shall upon application to the Commission, be indemnified by the United States for one-half of the cost of his defense against the charge not to exceed $2,500, including all reasonable expenses and attorney's fees incurred after the serving of notice on him of the charge, unless a final determination is made that the respondent willfully committed the unlawful employment practice charged to him. The costs evidenced by respondent's vouchers of his expenses and attorney's fees shall be deemed reasonable so long as they are comparable to the total amount of the expenses and attorney's fees incurred by the Commission in investigating and prosecuting the charge. Disallowance of any part of such request shall be made a part of the Commission's order in such proceedings. Any United States Court before which a proceeding under this Title shall be brought may upon request by the employer make the determination provided for in this Subsection. The Treasurer of the United States shall indemnify the respondent as provided for herein upon certification by the Commission. No enforcement procedure under this Title may be initiated against an employer until the amount of such indemnity has been paid in full."

Subsections (h) through (w) as referred to in Section 4 are redesignated as Subsections (i) through (x), respectively.

NOTICE OF CHANGE OF DATE OF INDIAN HEARINGS

Mr. WILLIAMS. Mr. President, I ask unanimous consent to have printed in the RECORD an announcement by the Senator from Washington (Mr. JACKSON).

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered.

STATEMENT BY SENATOR JACKSON

On December 14 I announced to the members of the Senate and the Public that the Committee on Interior and Insular Affairs will conduct 3 days of open public hearings in this session of the Congress on S. 2724, the Comprehensive Indian Education Act of 1972.

It has been necessary to make a change in our Committee schedule, and the hearings originally set for February 8 and 9 will now be held on February 9 and 10, at which time we will receive testimony from Indian and other nongovernment witnesses. Testimony from Government agencies and national education organizations will still be received on March 1 as originally planned.

The hearings on all 3 days will begin at 10 a.m. in room 3110 New Senate Office Building.

ANNOUNCEMENT OF HEARING TO REVIEW ENERGY AND MINERAL RESOURCES ADMINISTRATION OF THE PROPOSED DEPARTMENT OF NATURAL RESOURCES

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished Senator from Washington (Mr. JACKSON), I ask unanimous consent that a statement prepared by him be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR JACKSON

On January 28, 1972 at 10 A.M. in Room 3110, New Senate Office Building, the Senate Interior and Insular Affairs Committee will hold a hearing to review with representatives of the Department of Interior and the Atomic Energy Commission the structure, organization, and function of the Energy and Mineral Resources Administration proposed in S. 1431, the bill recommended by the Administration to establish a Department of Natural Resources. This hearing will be chaired by Senator Frank Moss, Chairman of the Subcommittee on Minerals, Materials and Fuels, and is being conducted pursuant to Senate Resolution 45, which authorizes the Interior and Insular Affairs Committee and Ex-Officio representatives of other Senate Committees to undertake a comprehensive study of national fuels and energy policy. S. 1431 is now pending before the Senate Government Operations Committee. The Committee's hearing on the energy functions of the proposal is for informational purposes only.

The Committee invites the submission of statements for publication in the hearing record by any interested persons or organizations. For purposes of the Committee's review the statements should be confined to the proposed Energy and Mineral Resources Administration and should not deal with the overall organization of the proposed Department of Natural Resources except as it relates to policy development and program administration for Federal energy programs. The Committee, of course, welcomes and will review any statements or suggestions concerning alternative approaches to organizing governmental functions around the concept of energy. The hearing record will remain open until February 17, 1972 for additional statements.

ANNOUNCEMENT OF HEARING ON EVALUATION OF THE ADMINISTRATION ON AGING AND THE WHITE HOUSE CONFERENCE ON AGING

Mr. CHURCH. Mr. President, to continue and perhaps conclude hearings on "Evaluation of the Administration on Aging and the White House Conference on Aging," the Senate Special Committee on Aging and the Subcommittee on Aging of the Senate Committee on Labor and Public Welfare, Mr. EAGLETON, chairman, will conduct a hearing on February 3 at 10 a.m. Room to be announced later.

Only Dr. Flemming and other Administration representatives will be heard at that time. We will be primarily interested in:

First, a report on plans to implement key recommendations from the Conference.

Second, administration reaction to the suggestion that "mini-White House Conferences on Aging" be conducted at 2- or 3-year intervals during the next 9 or so years.

Third, administration views on whether the Older Americans Act should be extended or replaced by an entirely new arrangement—perhaps along the lines suggested by the Advisory Council to the Senate Committee on Aging or by Secretary Richardson's task force.

Fourth, the use to which the additional funding for the Administration on Aging will be put.

Fifth, timing and tentative provisions of possible new Administration proposals on retirement income, housing, long-term care, health care, and provision of social services for the elderly.

ADDITIONAL STATEMENTS

NAME OF NEW HOUSING PROJECT IN PORTLAND, MAINE, A DISAPPOINTMENT

Mrs. SMITH. Mr. President, recently many Maine citizens, including myself, were keenly disappointed that a new housing project in Portland, Maine, was not named after one of the great leaders of the Portland area, the late Alexander Wallace.

An excellent editorial published in the Portland Evening Express of December 22, 1971, clearly expressed our regret. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHY NOT ALEXANDER WALLACE?

As troubles and problems go these days, the naming of the new high-rise apartment house for the elderly on Danforth Street is close to the bottom on any priority list.

Yet it can't be overlooked when the preference of nearly a thousand citizens is ignored and a bland name such as Harbor Terrace is chosen over that of a human being who was held in high esteem by thousands of residents of this City.

Petitions signed by more than 900 people and a considerable number of letters from prominent community leaders asking that the building be named after the late Alexander Wallace were rejected by the Portland Housing Authority. Instead they chose just another name, and a name at that, in the category of Pine Bluff Boulevard, Rose Lawn Lane, Harmony House, Happy Hollow Motel and such.

Mr. Wallace was a highly respected individual with an unusually wide circle of friends and admirers, many of them still living today. His business establishment occupied the site of the new apartment building for more than half a century. We think it would have been very appropriate to honor a human being whose life made his town a better place. It is regrettable the Authority did not listen to so many of their fellow citizens and attach more importance to helping honor and preserve the memory of one who was a humble and good man.

EXECUTIVE ORDERS: POTENTIAL FOR VIOLATION OF SEPARATION OF POWERS

Mr. ERVIN. Mr. President, the Subcommittee on Separation of Powers, of which I am chairman, held hearings in October 1971 on President Nixon's Executive Order 11605, which increased the functions and powers of the Subversive Activities Control Board.

Mr. Richard Zimmerman, a reporter in the Plain Dealer Washington bureau, wrote an article entitled "Executive Orders—The Now Powers of the President, and How Congress Would Like To Kill Them Off," which was published in the Plain Dealer Sunday magazine of November 7, 1971. Mr. Zimmerman's article discusses the history of Executive orders and describes how they have been used by Presidents since the time of George Washington, and points out the complexity of the problems involved in the exercise of this power, especially when it is used, not for its rightful purpose of "housekeeping" within the executive branch, but for the purpose of actively "making laws" desired by the Executive but which the Congress has chosen not to enact.

It was to this circumvention of the legislative powers of Congress that the subcommittee addressed itself in the hearings on Executive Order 11605. My bill S. 2466, which would make it unlawful for the Subversive Activities Control Board to carry out the additional functions which the order conferred on the Board, and my resolution, Senate Resolution 163, which expresses the sense of the Senate that Executive Order 11605 is an usurpation of the powers of Congress, have been reported by the Subcommittee on Separation of Powers and are now pending in the Committee on the Judiciary.

Mr. President, I ask unanimous consent that Mr. Zimmerman's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Plain Dealer Sunday magazine, Nov. 7, 1971]

EXECUTIVE ORDERS: THE NOW POWERS OF THE PRESIDENT, AND HOW CONGRESS WOULD LIKE TO KILL THEM OFF

(By Richard G. Zimmerman)

WASHINGTON.—Under normal circumstances, a president's attempt to unload enough responsibility on five $36,000-a-year bureaucrats to keep them awake past their morning coffee would be applauded on Capitol Hill. But President Richard M. Nixon's recent move giving the almost moribund Subversive Activities Control Board (SACB) something to do has caused outraged howls on both the congressional right and left.

It is not only because the anachronistic SACB generally is snickered at on Capitol Hill—which it certainly is. Of far deeper significance is the method by which the President expanded the powers of SACB.

It was not through the implementation of a specific act of Congress that Nixon granted SACB the additional power to update a government list of so-called subversive organizations—a duty once assumed and then neglected by various attorneys general. Nor is the President exercising a clear constitutional grant of authority in making the five-member, 10 employe board accomplish a bit of work in return for its $400,000 budget. Rather, the President expanded the responsibilities of the congressionally created SACB simply by signing a document whose continued use forever fires a far from simple and omnipresent power struggle between the President and Congress. The document is called an executive order.

Among those most outraged by this particular executive order and other orders in the past is Sen. Sam J. Ervin Jr., a crusty, testy conservative Democrat from Morganton, N.C. Ervin is chairman of the Senate subcommittee on separation of powers and interprets the Constitution so unequivocally as to suggest he receives daily vibrations from the ghost of Thomas Jefferson.

Even though a conservative by most measures, Ervin insists the Constitution both upholds the right of free association (a right many believe is grossly violated by any governmental use of a subversive organizations list) and, more important, grants to Congress the exclusive power to legislate. And Ervin has done something about what he considered to be the President's infringement on the legislative prerogative.

Employing one of the basic weapons Congress has at its disposal to contravene executive orders, Ervin is backing legislation that would forbid any federal employe from engaging in the new activities assigned SACB by executive order. Further, Ervin is sponsoring a "Sense of the Senate" resolution suggesting that by granting SACB powers not enumerated in the act creating it, Nixon is attempting "to usurp the legislative powers conferred on the Congress by the Constitution."

The confrontation between the White House and Congress over the order expanding the powers of SACB is not of the tremendous consequence of some past confrontations, especially those concerning executive orders involving wartime powers and civil rights. But this most recent conflict between presidential and congressional power involves all the elements that have confounded both judges and political scientists in their attempt to cleanly divide the powers of the branches of government since the 18th century.

The early history of the executive order, which played such a major role in the initial growth of executive power, is wrapped in historical confusion and conflicting judicial interpretation. The form, use and importance of this institution evolved in such a helter-skelter fashion that to this day no one can find a precise definition of an executive order—not even in the executive orders. Even pedantic historians often make no distinction between orders, presidential proclamations (usually ceremonial documents dealing with individuals) and executive agreements (documents dealing with foreign powers that fall just short of treaties).

Adding to the confusion is the fact that until 1907 executive orders were not even systematically numbered and were not required to be published on a regular basis until 1935. Dusty files in the National Archives suggest that Executive Order Number One was issued by President Lincoln on Oct. 20, 1862, and created a provisional court in Louisiana. The same files indicate Executive Order Number Two, offering a $1,000 reward for the capture of pirates, was not issued until 1865.

Obviously, a huge number of what may properly be defined as executive orders were issued prior to 1862 and between 1862 and 1865, for George Washington quickly discovered that the chief executive had to have some means by which to control even the small bureaucracy of the late 18th century.

In Washington's time, as to this day, the vast majority of executive orders covered mechanical administrative matters, such as erecting lighthouses and wtihdrawing public lands for Indian use. Even the ubiquitous Theodore Roosevelt had to slow down long enough to personally sign such housekeeping orders as one permitting Miss Alice Masters to be appointed a clerk at the Census Bureau sans civil service examination.

Since World War II the devolution of presidential duties to subordinates has cut the number of minor housekeeping orders. Nevertheless, even President Nixon still must take the time to personally approve orders "providing for the identification of unneeded federal real property" or "placing certain positions in levels IV and V of the federal salary schedule."

But from Washington to Nixon it has not been the housekeeping orders—no matter though they be of questionable legal status—that have inspired the wrath of those seeking to limit presidential power. Rather, it has been those sweeping orders summarily establishing national policy, such as Washington's Neutrality Order of 1793, which created the specter of an American dictator.

The Neutrality Order, which really began all the controversy, declared the United States to be neutral in the war between Great Britain and France and ordered American nationals to act accordingly.

Thomas Jefferson was horror stricken by the order of neutrality, arguing that the power not to declare war, as well as the positive power to declare war, rested entirely with Congress. On the other hand, Alexander Hamilton argued that the constitutional article declaring "the executive power shall be vested in a President of the United States" was a royal-like grant of power in itself, rather than just a simple statement of administrative duties.

Washington was able to smooth over the controversy by assuring a ruffled incoming Congress that his order was not designed to remain in effect beyond the first day of the new congressional session. But a historic precedent had been set, oddly enough by a man who feared the growth of executive power.

It took only 10 years for the U.S. Supreme Court, under John Marshall, to lay down what has become the classic, if sometimes difficult to interpret, limit on the presidential executive order.

Acting on the basis of a law instructing naval commanders to seize any U.S. vessel found to be sailing to a French port, President John Adams, through his Navy secretary, ordered the seizure of U.S. vessels found to be sailing to and from French ports. Marshall suggested that the President probably had the power to issue the "to-and-from" order under his constitutional powers as commander-in-chief, but only if Congress had taken no action whatsoever on the matter. Since Congress had clearly stated that only ships found entering French ports could be seized, Marshall held the President must follow the congressional directive.

But, as will be shown, Marshall's principle of the supremacy of congressional action over executive order is not always easy to apply in such cases as the SACB affair.

Thus controlled by the Marshall principle, the executive order did not again become a major issue until presidential power reached a new apex under the stewardship of Lincoln.

Faced with a dissolving union, Lincoln employed the executive order to accomplish such extraordinary measures as the suspension of the writ of habeas corpus and the freeing of all slaves. In defending the suspension of the right of habeas corpus, Lincoln stated:

"Are all the laws but one to go unexecuted and the government itself go to pieces lest one be violated?"

From Lincoln's time forward, especially in times of economic crisis, wars and rumors of war, the power of the executive to legislate, barring constitutional prohibitions or clear congressional action, grew under a procession of strong presidents. Franklin D. Roosevelt, for example, confronted with a grave depression, issued 674 executive orders during his first 15 months in office, declaring: "In the event Congress should fail to act, and act adequately, I shall accept responsibility, and I will act."

It was not until the 1952 steel seizure case that the Supreme Court again was given the opportunity to review and comment on the Marshall principle. The court held 6–3 that President Truman did not have the right to nationalize and keep open the nation's struck steel mills by executive order.

The majority, following Marshall's lead, noted that Congress had established machinery for the settlement of such disputes. The minority took the position that the President had extraordinary power to act in time of war, at least until Congress had the opportunity to act.

But as in the Marshall case, the steel seizure case applied only to a specific set of circumstances and the legal implication could not always be applied to later disputes, especially those involving civil rights.

From the time of Franklin Roosevelt on, executive orders have been used in the cause of civil rights, primarily because Congress for decades refused to take affirmative action. Against this background President Kennedy issued an executive order in 1962 banning racial discrimination in all federally aided housing.

The Kennedy order raised the ticklish question as to whether the outright refusal of Congress on six prior occasions to include similar language in housing bills constituted inhibiting congressional action under the Marshall principle. Or must Congress take some positive action to head off an executive order?

Since Congress passed affirmative fair housing legislation in 1968, the question in regard to the Kennedy order is moot. But for old Sam Ervin, the basic constitutional issues is far from moot.

Besides being embroiled in the SACB affair, Ervin, to the dismay of his SACB-baiting liberal friends, also is deeply entangled in the fight to do away with presidentially imposed minority hiring quotas in the building trades industry.

This controversy centers on the 1964 civil rights act barring discrimination by contractors holding federal contracts. On the authority of this act, President Johnson issued an executive order requiring government contractors to take "affirmative action" to end wide-spread discrimination in the building trades. On the basis of this executive order, the Department of Labor drafted the so-called "Philadelphia Plan" establishing a precise quota system for minority hiring.

An outraged Ervin, citing the steel seizure case and insisting Congress explicitly refuse to establish a quota system even as it enacted legislation in the area of building trades discrimination, ordered hearings on the Philadelphia Plan. To no one's surprise, Ervin's subcommittee found:

". . .The (1964 civil rights) act requires, in very positive terms, that an employer be 'color blind' when he hires new employes. The Philadelphia Plan, by instituting quotas . . . positively requires an employer to have color in mind . . ."

A federal appeals court held the Philadelphia Plan to be a proper exercise of executive power and as of this writing the case is on appeal before the Supreme Court.

The SACB case presents a more complex set of negative circumstances.

Nixon first asked Congress to expand the powers of SACB by law, which it refused to do. So Nixon issued an executive order expanding SACB's scope of activities.

In a countermove to Nixon's countermove, Ervin amended an omnibus appropriations bill embracing SACB specifically to state that no part of the appropriation could be used to implement the executive order—another classic method Congress uses to sidetrack executive orders.

In a counter-counter-counter-move, the administration saw to it that Ervin's amendment got lost in conference committee and the appropriations act subsequently shoveled funds SACB's way without strings attached. According to an interpretation by the attorney general's chief counsel, this action was tantamount to congressional approval of the SACB executive order.

Citing the specific refusal of Congress to expand SACB's activities and the haste with which the omnibus appropriations act was passed just before summer recess, Ervin and his odd liberal bedfellows snort that Congress meant nothing of the sort.

The specific issues involving SACB and the Philadelphia Plan likely will be resolved one way or another in the coming months. But the broader issue of executive order versus congressional power likely will be debated for as long as the republic endures.

MAINTENANCE OF U.S. MILITARY POWER

Mr. GOLDWATER. Mr. President, all of us are aware of the problems involved with maintaining U.S. military power in the face of the current massive buildup of Soviet arms. This question was taken under extensive consideration in October of 1971 by the Association of the U.S. Army. This very authoritative group stated its firm conviction that the United States has already reduced its Army strength below acceptable security minimums. Pointing out that the principal objective of U.S. military power is to deter war by having sufficient and creditable power to maintain peace, AUSA claims that the cause of prudence and safety demand a reversal of the "downward trend" in our ability to protect the national interests.

Because of the importance of the subject to Congress and the country, I ask unanimous consent to have published in the Record an AUSA position paper entitled "Our Diminishing Defense" and a set of resolutions adopted by AUSA at its October annual meeting.

There being no objection, the items were ordered to be printed in the Record, as follows:

Our Diminishing Defense

The Secretary of Deefnse has stated that our basic National Security objective is to preserve the United Staets as a free and independent nation, to safeguard its fundamental institutions and values, and to protect its people. Through its foreign policy and collective security arrangements, the United States seeks an environment in which its security objectives can be attained.

Our continuing ability to carry out these objectives is a matter of serious concern. In the past twelve months we have seen the most drastic and rapid decimation of our fighting forces since World War II, this in the face of growing defense capabilities by those whose national goals are the antithesis of ours.

The politics of strength are little understood in our country and in the present climate are equated with a desire to fight rather than as a major deterrent to war.

1972 is a Presidential Election year. There will be an understandable effort by politicians of both sides to minimize National Defense needs to lay greater stress on the "other priorities" which are presumed to be much more attractive to the electorate. But unless we can defend our status as a world power, these other priorities will never come to fruition. Like it or not, we live in a time when little wars and revolutions can escalate and major wars can develop on short notice. So, an adequate defense becomes more than a luxury.

1972 is a crucial period in our defense posture. We believe that cuts in personnel and budgets which have already occurred, and those reportedly being processed, go beyond all prudence and constitute a threat to the security of our Nation. The ability of our Nation to determine its own destiny can well be in the balance.

President Nixon summed it up very well when he said, "It needs to be understood with total clarity that Defense Programs are not infinitely adjustable—there is an absolute point below which our security forces must never be allowed to go. This is the level of sufficiency. Above or at that level, our defense forces protect National Security adequately. Below that level is one vast undifferentiated area of no security at all. *For it serves no purpose in conflicts between nations to have been almost strong enough.*" We believe that our National Security forces have already gone below the level of sufficiency necessary to meet our commitments. The remainder of this statement will outline the reasons why.

The basis for our current National Strategy is summarized in the Nixon Doctrine. The first of the three pillars of that doctrine states flatly that "the United States will keep its treaty commitments."

Through treaties and assurances of mutual assistance given in other forms, the United States is committed to come to the aid of some 48 nations in every segment of the globe. And in many of these areas, the dangers of escalation of minor conflicts is indeed a serieous concern.

NATO stands, after twenty-two years, our most apparent success in the deterrence of war and aggression. The uneasy detente which exists in Europe may, in time, give way to truly productive agreements with the Soviet Union. But there are a variety of sound reasons why our strength and continued presence in Europe are essential to provide the stability and credibility to this important collective security arrangement.

As a recent Brookings Institution study points out, "the size and character of American force deployments in Western Europe do not fit a precisely calculable military requirement. How much is enough is not the issue. It is rather how many and what kinds of forces will satisfy a number of considerations, some political, others strategic. These considerations should not be seen as short term. They have to do rather with the kind of world order the United States seeks to encourage; with the kind of lasting relationship we wish to establish with Western Europe; with how to impart greater stability to the East-West environment while avoiding steps that might encourage latent instabilities."

Our investment in NATO continues to be a most effective insurance policy for this country and one that offers great possibility for future contributions to improved world stability. This after all, is our ultimate goal.

We should be ever mindful, however, that a segment of our society, including some leaders in the Congress, pursues a continuing and determined effort to emasculate the United States presence in Europe—which in turn would upset the tenuous detente we now enjoy there.

While we are not bound by treaty arrangements that are apt to draw us into the Mid-East conflict between Israel and the United Arab Republic, it remains a tinder box which could ignite a most serious conflagration with great danger to both the Communist and the Free World. With the great powers as directly involved, as the United States and the Soviet Union are, in efforts to maintain some sort of balance of military power between countries with such basic animosities as Israel and the Arab states, the potential for trouble is great indeed.

If the outbreak of hostilities between India and Pakistan goes no further, this may not present any danger of escalation in which we would become involved. However, the subcontinent seethes with misery and unrest and must always be an area of concern.

In the rest of Asia, our problems are more diverse. Some view our involvement in southeast Asia as transient—something which we ultimately can wind up once and for all. They seem to forget that three times in a single generation Americans have crossed the Pacific to fight in Asia and we are still fighting there. No single area of the world has engaged more of our energies in the post World War II period. The President has made it clear in his report to the Congress on United States foreign policy in the 1970's, that it will continue to be in the national interest for the United States to remain involved in Asia. In the President's words, "We are a Pacific power. We have learned that peace for us is much less likely if there is no peace in Asia."

The ANZUS treaty merely reaffirms our long standing friendship and affinity for our loyal allies in Australia and New Zealand.

Our 1951 bilateral treaty with our long time friends and allies in the Philippines could be the source of either great embarrassment or considerable difficulty in the years ahead while that young nation seeks maturity and stability.

Our bilateral treaty with the Japanese only creates a problem if Nippon's less affluent neighbors should institute war-like action against a nation we have discouraged from developing an adequate defense establishment; or if, on the other hand, Japan enters into a treaty with Red China that would be detrimental to our national interests.

Our treaty with the Republic of Korea remains a viable one, and the growing strength of that nation has permitted us, during the past year, to make a reduction of U.S. troops stationed there. We have only to recall our earlier conflict on that peninsula to know how quickly an enemy miscalculation can change the picture as far as the need for U.S. Army strength is concerned.

The SEATO treaty is more ambiguous than most. It lets us reserve judgment on whether or not an attack against one of the treaty nations constitutes enough of a threat to our national interests for us to help out. As long as we wish to remain a Pacific Nation—and the President says we will—it is difficult to imagine our disregarding a serious attack against a SEATO Nation.

Our bilateral treaty with the Republic of China (Formosa) which was signed in 1954, certainly has taken on a new significance in recent months with our support of Red China for a seat in the United Nations—and President Nixon's scheduled visit to this sworn enemy of our treaty partner. But the treaty is still there and as long as it exists we must be prepared to live up to it.

We have a special relationship with our

neighbors in Latin America and certainly there are compelling reasons for strengthening our ties. The instability in some areas of Latin America poses a threat to peace in the Western Hemisphere which we would be foolish to ignore. The past confrontations regarding possible Russian missile and submarine bases in Cuba are examples of the kinds of problems which can crop up in our own backyard.

Even so, our RIO Pact is not normally considered a source of potential danger although the continuing unrest throughout Latin America provides a seedbed for serious mischief which conceivably could make demands on us for some future military effort.

Thus our treaty commitments are rather extensive and involve some risks, but are not more than the inevitable involvement of a world power. The Soviet Union and Red China make no secret of their national policy to exploit unrest and trouble, wherever they find it, to further the expansion of their national goals and power. Knowing this, we have no alternative to remaining strong unless we choose a course of ultimate subjugation to the will of others. Hopefully, our national leadership will continue to steer us past this shoal.

The real threat to our National Defense may not stem from our treaties or pacts of mutual assistance. It may very well be in the weakening will of our people to face up to the realities of our world today.

It seems incredible that politicians could attack National Defense or advocate seriously weakening it without suffering a serious loss of constituent support. Such politicians recognize that the activists and those who speak out and work in the political arena of their communities are more concerned about "other priorities" than they are about National Defense. They are aware of the fact that there is a serious lack of understanding and knowledge about the importance of our defense needs, and that these needs are unlikely to receive much favorable publicity. They assume that the public will continue to ignore the seriousness of the threat which confronts us and that those who support an adequate National Defense will be unable to overcome the apathy and inertia which exists.

The willingness of many, including some elected to the Congress, to accept without protest second-class status for our Nation, may well signal the beginning of our demise as a world power. Certainly with a seriously weakened military capability, the credibility of our deterrent capablity and the acceptance of our will to keep our word come into serious dobut. In that climate, much can be won by or international adversaries without firing a shot.

The budget proposals for FY73 are only now being readied for announcement. However, the recently completed action by the Congress on the FY72 budget already provides cause for serious concern about the rapid decimation of our military strength.

What has happened to the Active Army strength is best graphically depicted in this chart—not printed in the RECORD.

Note that for FY 72 the Administration had programmed the Army for a strength of 942,000. Halfway through the budget year, Congress proceeded to cut funds for 50,000 man years out of that program which will force the Active Army far below the programmed strength with an end strength somewhere between 850—860,000—the lowest strength for the Army since 1950 just before the Korean War.

Because this rapid cut (almost in half in 3 years) is taking place in the Active Army, and because the war in Vietnam is drawing to a close, there has been far less use of Selective Service as a source of manpower.

This in turn has been reflected in the serious personnel problems affecting the Army National Guard and the Army Reserve. At the beginning of January 1972, the Army National Guard strength was 19,000 below its authorized 400,000. The Army Reserve units were down in strength by 6,000 from their authorized 260,000.

Moreover, the situation in those two components may worsen appreciably this year because during 1965 many thousands of young men took a six-year enlistment in a reserve component as an alternative to active service. Those enlistments will run out this year and current retention figures are not good enough to keep the total strength from dropping further. So, a very real problem centers on getting the quality people the Army needs in sufficient numbers.

The Army continues to pursue a most vigorous and imaginative All-Volunteer Program, and has had some notable success. However, the pay raises recently passed by Congress have not as yet had any really significant impact on new enlistments. Moreover, All-Volunteer Programs, particularly those that are soldier-oriented such as fixing up barracks and civilianizing KP have been seriously reduced in the budget process. If service attractiveness cannot continue to be improved, the volunteer program cannot be expected to meet its objectives. Both in the Congress, as well as in the executive department budgeting process, the All-Volunteer effort does not have the dynamic and sustained support that are requisites for success. There is insufficient evidence that we can maintain a volunteer force of the size and quality required to protect our National Security.

This is further complicated by growing costs. A high proportion of the Defense Budget is required for manpower costs. This cost is increasing and it means less is available for research and less for replacement of weapon systems. In FY68, 41% of the Defense Budget was devoted to manpower costs. In FY72, with more than a million fewer men under arms, the percentage increased to 52%. In the mid-seventies, with the addition of All-Volunteer costs, it could approach two-thirds of the budget—even with the drastic cuts in personnel which have already taken place.

With personnel costs rising, not only in the military but in all sectors of our society, the amount available for weapons and equipment is decreasing, even as the cost of these weapons is mounting dramatically. Growing complexity and sophistication play a part in these increased costs but more than 25% of the increase has been attributed to inflation itself.

Even with the tightest management procedures possible, present funding will be inadequate to provide adequate stocks of modern equipment for our Army.

Meanwhile, it is most important to note that the overall trend of defense spending is definitely downward. Whether you measure it in terms of percentage of the Gross National Product or as a portion of total budget, defense outlays continue to go down. For example, in FY64, considered the last peacetime year, the defense expenditure represented 8.3% of the Gross National Product and 41.8% of the Federal Budget. In 1968, the peak spending year for Vietnam, took 9.5% of the Gross National Product and 42.5% of the Federal Budget. FY72 was programmed for defense outlays of 6.8% of the Gross National Product and 32.1% of the total National Budget. A Nation as great as this can afford something more than one-third of its Federal Budget for an adequate National Defense.

In 1953, the peak for the Korean War, the Defense Budget hit 13.3% of the Gross National Product and 62.1% of the total Federal Budget. This was due in large measure to the fact that we had permitted our Armed Forces to get so low in strength and equipment inventory that our credibility was seriously doubted—the North Koreans and their backers didn't think we had the strength or the will to retaliate, hence that costly misadventure. This is an awfully high price to pay for unpreparedness.

The late Dean Acheson, former Secretary of State, had some interesting observations on this point in testimony before Congressional Committees in 1969.

"I see no basis for the notion that we tend to overdo the military aspects.

"To the contrary, the nation has repeatedly neglected to provide a military basis to match its policy or to cope with aggressive forces. We tried unilateral arms reduction in the inter-war period. We got Pearl Harbor. We reverted to habit after World War II. We got the Korean War. With respect to military power, I do not share the worries of those who discern and deplore dangers of too much. We had a temporary advantage in ratios of available military resources at the time of the Cuban missile crisis. Some would have called it a redundancy. That margin was not a surplus. It provided a basis on which President Kennedy was able to bring off an acceptable outcome—

"General Marshall used to drill into me the vast importance of maintaining a means of preparedness in armaments at all times and not to raise it to terrific heights during times of trouble and then to scrap the whole thing and go down to almost zero between crises. We have always been unprepared for conflict. Our wars as a result have lasted too long. The casualties have been too high."

At the Annual Meeting of this Association in October 1971, we took the position that with the winddown of the war in Vietnam, that the U.S. Army total force strength—Active, National Guard, Reserve—should not be reduced below a minimum of 1.6 million. It is our firm view that the Active Army should not be reduced below 900,000. As indicated earlier, Active Army strength will this year drop to the 850–860,000 range and the Reserve Forces are already down to 635,000. In our view this 100,000 deficit presents unacceptable risks.

In the preamble to our Resolutions, we took cognizance of this growing problem. We were particularly struck by a passage in the Supplemental Statement to the Report of the Blue Ribbon Defense Panel which was submitted to the President on 30 September 1970:

"Within a span of less than two decades we have moved from complete security to perilous insecurity.

"Yet, the response of the public generally, much of the media and many political leaders ranges from apathy and complacency to affirmative hostility—not against the potential enemies which threaten us—but toward our own military establishment and the very concept of providing defense capabilities adequate to protect this country and its vital interest. . . . Thus, we respond as a nation—not by appropriate measures to strengthen our defense, but by significant curtailments which widen the gap.

"In short, the mood of the people and much of the Congress is almost one of precipitous retreat from the challenge. This paradox in response to possible national peril is without precedent in the history of this country."

Our task at hand is to reduce the apathy and create an awareness of the essentiality for an adequate defense posture if the freedoms and liberties we now enjoy are to be preserved.

Mr. Acheson gave Congress a very simple explanation of the position of this nation in the world where he said "the power of the United States alone blocks the Sino-Soviet ambitions in this world. They may fall out between themselves, they may have difficulties, they may fight with one another in a minor way, but on one matter they are completely and wholly agreed. The United States is the enemy.

"It is our power which stands in the way of their ambitions and they have no doubt about that at all. We are alone at this pinnacle of power."

Our announced National Policy precludes further weakening of our National Defense.

The Nixon Doctrine does not espouse isolationism. It recognizes that the United States has commitments which must be honored. The extent of these commitments must be clearly understood by other nations. We must maintain a level of credible military power sufficient to make deterrence a policy.

We need a strong Army for the future and the stronger it is the less likely we are to have to use it. The cause of peace has no more ardent advocates than those who have been to war. The soldier above all other people prays for peace, for he must suffer and bear the deepest wounds and scars of war. We therefore agree with President Nixon when he says that America's strength is one of the pillars in the structure of a durable peace. He puts it this way: "Peace requires strength. So long as there are those who would threaten our vital interests and those of our Allies with military force, we must be strong. American weakness could tempt would-be aggressors to make dangerous miscalculations." He goes on to say that we cannot trust our future entirely to the self restraint of countries that have not hesitated to use their power even against their allies.

It is our firm conviction that we have already reduced our Army strength below acceptable security minimums. The cause of prudence and safety demand a reversal of the current downward trend in our ability to protect our national interests and to continue as the masters of our fate.

The principal objective of United States military power is to deter war by having sufficient and credible to maintain peace. We cannot have this without paying for it. We cannot afford to be without it.

AUSA RESOLUTIONS ADOPTED AT 1971 ANNUAL MEETING, OCTOBER 13, 1971

I certify that the Preamble and Resolutions Numbers 1 through 10 were adopted at the Annual Business Meeting of the Association of the United States Army held this date.

Resolutions from previous years, specified in Resolution Number 10, follow that Resolution.

FRANCIS S. CONATY, Jr.,
Colonel, USA, Retired, Secretary.

PREAMBLE

There is a clear and compelling need to alert the American people to the disturbing trend in this country's strategic posture. The following passage from the Supplemental Statement to the Report of the Blue Ribbon Defense Panel, which was submitted to the President and the Secretary of Defense on 30 September 1970, describes concisely and well the general extent of the trend and the underlying reasons for it:

"The situation which our country faces is without precedent. For a few years following World War II, our national security was complete and unchallenged. In the early 50's the Soviet Union became a nuclear power and, with gradual but increasing momentum, it undertook to challenge American superiority. But we enjoyed marked advantages in our industrial base, our technology, and in the sheer number and quality of strategic weapons. In the 60's, our complacency in this respect became so great, and our preoccupation with the Vietnam war so distracting, that we neglected our strategic posture.

"As a result, we enter the 70's confronted by (1) a superior Soviet offensive missile capability, (2) a marked Soviet advantage in defensive missile capability, (3) a menacing Soviet fleet, and (4) with respect to all of these, a Soviet commitment and momentum which are quite unmatched in this country. We are also confronted, as Red China orbits its first satellite, with the certainty of a new and growing ICBM capability from that irrationally hostile nation.

"Within a span of less than two decades we have moved from complete security to perilous insecurity.

"Yet, the response of the public generally, much of the media and many political leaders ranges from apathy and complacency to affirmative hostility—not against the potential enemies which threaten us—but toward our own military establishment and the very concept of providing defense capabilities adequate to protect this country and its vital interests. . . . Thus, we respond as a nation—not by appropriate measures to strengthen our defenses, but by significant curtailments which widen the gap.

"In short, the mood of the people and much of the Congress is almost one of precipitous retreat from the challenge. This paradox in response to possible national peril is without precedent in the history of this country."

The task at hand is to reduce the apathy and create an awareness of the essentiality for an adequate defense posture if the freedoms and liberties we now enjoy are to be preserved.

Our announced national policy precludes further weakening of our national defense. The Nixon Doctrine does not espouse isolationism. It recognizes that the United States has commitments which must be honored. The extent of these commitments must be cleary understood by other nations. We must maintain a level of projectable military power sufficient to make deterrence a reality.

We need a strong Army for the future and the stronger it is the less likely we are to have to use it. It is a basic ingredient for successful collective security. The move toward nuclear superiority by the Soviet Union has vastly increased the importance of nonnuclear capability by all of our armed forces, but especially the Army. It has noticeably increased the danger to the United States in any exchange of nuclear weapons. We must reduce our reliance on the possible use of these weapons. This means providing an adequate alternative with conventional kinds of military power—of which the Army is the major element. Thus, the U.S. Army remains the ultimate guarantor for the security of our country.

Acutely cognizant of this awesome responsibility, the Army is meeting today's challenges with a dedication that is in the highest tradition of the soldier. Its determination to achieve the highest standards of professionalism, despite formidable obstacles, deserves the strong support of every American.

The only lasting source of national will lies in the spirit of our people. The understanding and confidence in the nation's goals and its armed forces must be restored. The divisive influences which undermine our will must be overcome if we are to rekindle the national unity and sense of purpose which have guided this nation to its position of great leadership. To these ends, this Association pledges its unswerving effort.

NO. 1. THE ARMY ROLE IN CURRENT NATIONAL POLICY

Our current national strategy is designed to prevent wars by furthering the President's goal of building a viable structure of peace based on adequate strength, true partnership and meaningful negotiations. An analysis of each of these factors emphasizes the inevitable expansion of the Army's role in insuring ultimate success of this new strategy.

In the partnership role, the Army is the major contributor to the global security arrangements which constitute the reality of a deterrent posture. Moreover, the Army's role has been vital heretofore, and will continue to be in the future, in assisting our defense partners in improving their contribution to both national and collective defense through the management of military assistance programs.

A strong United States Army, bulwark of a free world military capability, is the essential foundation of deterrence, particularly in an environment of nuclear parity.

Because only land armies can take and hold territory, a modern, effective Army, in close association with the total force of the free world, provides an essential base from which any successful negotiations can be conducted. Such a force is also a prerequisite to the vitality and credibility of the American presence in international alliances, as well as providing a necessary precondition for progress in the Strategic Arms Limitations Talks and negotiations on Mutual and Balanced Force Reductions.

We therefore resolve to support fully a strategy of realistic deterrence with its stress on the prominent role of the Army in the attainment of U.S. national security and foreign policy objectives.

NO. 2. MINIMUM SIZE OF THE ARMY

The Army is undergoing a reduction in size as a result of the withdrawal from Vietnam, budgetary limitations and changes in national security strategy.

The Army can anticipate continued operation under conditions of an international parity of nuclear force which intensifies the need for a flexible response to conventional threats. The free world sees no reduction in the source, nature, size or intensity of the threats—visible and potential—to a just and lasting peace.

The Army must be prepared to meet force requirements created by existing treaty commitments and by the unforeseen contingencies that will arise in a divided and troubled world, while assuring the continued security of the United States. Strong Active Army, National Guard and Army Reserve forces are indispensable ingredients of our conventional defense posture and the strategy of realistic deterrence.

We therefore resolve that the Association of the United States Army declares its firm and resolute opposition to any action which would reduce or lower the level of Army total force strength below a minimum of 1.6 million or the level of Army active force strength below a minimum of 900,000.

NO. 3. TOWARD A MODERN VOLUNTEER ARMY

In 1970, the Association of the United States Army resolved to fully support all measures designed to improve the attractiveness of military careers, encourage the maximum number of true volunteers to serve in our armed forces, and to urge continuance of the Selective Service System until such time that qualified personnel in sufficient numbers, properly distributed within services and including the National Guard and the Reserve, can be provided without such a system.

The Modern Volunteer Army program seeks to enhance professionalism, improve service life and attractiveness, and increase public understanding and support. The objective of improved and attractive service life reflects an internal and external view of the same goal: to reestablish the appeal of an Army career.

Professionalism must be maintained through attracting individuals of sound qualifications and good potential for development.

The quality of Army life is related to both the Army's image and its purpose of protecting America. Society cannot disparage the value or need of armed forces to protect our national interest and, at the same time, expect its members to volunteer for Army service. The public must regard defending the country as a worthwhile profession. Those who serve must know that in serving they gain the public's respect and support.

In turn, the image of the Army is projected by the appearance of its members, their performance of duty and their way of life. For example, no one will find an organization attractive which cannot adequately care for its members and their families.

Substantial improvements in the number and quality of troop and family housing are essential.

We therefore resolve that the Association of the United States Army shall devote its efforts to the improvement of public understanding, appreciation and esteem for the individuals in its uniformed services so that the public will support actively the concept of a Modern Volunteer Army.

We further resolve that the Association use its resources to support Army emphasis on the highest standards of professional conduct and discipline in order to continue to attract young people who are interested in a career of opportunity and service with similarly motivated and dedicated individuals.

NO. 4. ONE ARMY: ACTIVE, RESERVE AND NATIONAL GUARD

The threat to the security of the United States and the free world posed by the increasing military power and potential of the Soviet Union, the People's Republic of China, their allies and satellites has never been more real than it is today.

In the face of this continuing threat, the leadership of our nation has repeatedly affirmed the United States' resolve to honor, within the national strategy for realistic deterrence, its commitments and obligations to contribute to international order.

The Secretary of Defense has pointed out in a statement to Congress that, if a major expansion of our military forces is required in the future, the principal reliance will be on the National Guard and Reserves, rather than on draftees, to augment the active forces. The statement also recognizes that National Guard and Reserve forces must be upgraded in personnel, equipment, training and availability for immediate transition from private life to active service.

The Secretary further urged that reductions in the manpower and force structures be accompanied by the development of a sound technological base and initiatives to insure the availability of the best possible modern weaponry.

We, therefore resolve, That One Army, deriving its strength and flexibility from the size, quality, readiness and dedication of its component parts—the Active Army, Army Reserve and National Guard—is essential to the effective deterrence of any military threat against the United States.

NO. 5. MODERNIZATION OF ARMY EQUIPMENT

The Army is emerging from a period of prolonged conflict during which relatively few weapon systems have been added to its equipment inventory.

The policy to avoid postwar surplus has caused a drawdown of materiel reserves which are in urgent need of replenishment.

To maintain superiority, the Army requires not only an adaptation to new techniques in the development of reliable equipment but the improvement or replacement of equipment which is becoming obsolescent.

We therefore resolve that the Association of the United States Army urge the recognition of the imperative need to re-equip the Army with new and modern weapon systems to enable it to carry out its basic function of securing this nation.

NO. 6. RESEARCH AND DEVELOPMENT

While the Soviet Union's military research and development effort continues to grow, the United States has failed to keep pace.

Our world leadership, due in significant part to our technological superiority since World War II, is being seriously jeopardized as a result of insufficient funds for adequate research and development. One potential danger resulting from this situation is the nation being placed in a position vulnerable to international blackmail.

One area of significant contribution has been the accomplishments of existing in-house laboratories, complementing the country's civilian research and development effort. These have added greatly to the overall effectiveness of this program and should be continued.

We therefore resolve to urge that sufficient resources be provided to the defense research and development effort to insure world technological leadership.

NO. 7. RACE RELATIONS AND EQUAL OPPORTUNITY

The U.S. Army, which is composed of personnel from every part of the nation and from many ethnic, religious, and social groups, is a cross-section of American society.

Realizing the impact that prejudice, injustice and lack of equal opportunity have upon morale and efficiency, the Army has striven to insure racial equality and equal opportunity. Only through an active and dedicated individual effort by all Army personnel will discrimination and social injustice be eliminated in the Army.

We therefore resolve to support all programs of the armed forces to eliminate discrimination and injustice and to foster, in every facet of military life, equal opportunity and understanding for Army personnel—male and female—and their families, both on and off post.

NO. 8. DRUGS AND ALCOHOLISM

The Association of the United States Army recognizes the seriousness of excessive drugs and alcohol by some members of the armed forces. This problem is national in scope and is not in itself the result of military service.

The Association also recognizes that there are insufficient specialized facilities in the military services to cope with this problem and that anything short of an intensive program is likely to be ineffective.

The Association supports educational and medical measures already taken by the Army. Further, we applaud the contributions of other agencies, such as the Veterans Administration, in providing long-term treatment for those who use drugs and alcohol to excess.

We therefore resolve to support and encourage efforts which will continue to allocate funds, material and personnel resources for the purposes of identifying excessive users of drugs and alcohol who require special help, organizing programs for this help, and staffing and equipping facilities designed specifically to provide such help.

We further resolve to support the position that long-term treatment and rehabilitation of those who use drugs and alcohol to excess be conducted by agencies outside of the military services.

NO. 9. DEPENDENT DENTAL CARE

The Association of the United States Army has long recognized a need for a more positive dependent dental care program. Emphasis now being placed on the Modern Volunteer Army makes it even more important that a broader and uniformly administered program be established that would be commensurate with the medical care now being provided.

We therefore resolve to support necessary action to provide adequate dental care for all dependents of active duty personnel and eligible retired personnel, and that appropriate facilities be made available for this purpose.

NO. 10. CONTINUING RESOLUTIONS

Twelve resolutions adopted at preceding annual meetings are still valid and remain in force.

We therefore resolve that the following continuing resolutions receive the full support of every member of the Association of the U.S. Army:

Redeployment of U.S. Forces from Vietnam
Prisoners of War
Strategic Airlift and Sealift
Support of the ROTC
Survivor Annuity and Benefits (Widows' Equity)
Commissaries and Post Exchanges
Equity in Service Pay
United States Military Academy
Civil Defense
Army Civilian Employees
National and Post Cemeteries
Retirement Pay Credit for Enlisted Men

REDEPLOYMENT OF U.S. FORCES FROM VIETNAM

We therefore resolve to support the President's programs designed to base the redeployment of U.S. forces from the Republic of Vietnam upon progress in Vietnamization, developments in the peace negotiations and the intensity of enemy activity. (Resolution No. 2, 1970)

PRISONERS OF WAR

One of the most shocking and cruel results of the war in Southeast Asia is the plight of the prisoners of war held by the North Vietnamese and Viet Cong. Even the most basic consideration usually accorded prisoners of war by the nations of the civilized world has been denied.

Families and other loved ones of these prisoners have been left to live in the uncertain agony of ignorance as to the prisoners' whereabouts, state of health or even existence.

We therefore resolve that the Association of the United States Army encourage the federal government and reputable organizations to use whatever resources necessary to call the attention of the world and the American public to the plight of U.S. prisoners of war and those of other nations held by the North Vietnamese and Viet Cong. We further urge that this publicity be a continuing effort so that the expression of outrage on the part of all people be sufficient to persuade the enemy to adopt more humane practices and hasten the return of prisoners of war to their homes.

Further, the Association expresses its sympathy in behalf of all of its members to the gallant wives, families and loved ones of these prisoners. (Resolution No. 3, 1970)

STRATEGIC AIRLIFT AND SEALIFT

We therefore resolve that action be taken to provide continued support for programs designed to expand and modernize the merchant marine and to support the improvement in, and obtainment of, sufficient amounts of strategic airlift, multipurpose ships and other sealift, together with their supporting facilities, required to meet the operational needs of our ground forces. (Resolution No. 7, 1970)

SUPPORT OF THE ROTC

We therefore resolve to continue support of the ROTC program and to urge that institutions of higher learning be encouraged to cooperate with military services to upgrade their ROTC programs and encourage student participation in them by giving academic credit for course work completed.

We further resolve to urge that institutions continue to provide the military services with an acceptable climate of institutional support for the ROTC program on campus, and to accept the responsibility for education of our military leaders comparable to their responsibility of educating leaders of other segments of our society. (Resolution No. 8, 1970)

SURVIVOR ANNUITY AND BENEFITS (WIDOWS' EQUITY)

We therefore resolve to support the establishment of a survivor annuity program which would eliminate the inequitable aspects that now exist. (Resolution No. 11, 1970)

COMMISSARIES AND POST EXCHANGES

We therefore resolve that the Association of the United States Army support expansion of the facilities of commissaries and post exchanges, and, further, that these services provide adequate personnel to properly maintain efficient operation. (Resolution No. 13, 1970)

EQUITY IN SERVICE PAY

We therefore resolve that existing inequities in pay policies be eliminated. These include, but are not limited to, the following:

(1) The relationship of retired pay to active duty pay.

(2) Equal risk flight pay for warrant officers.

(3) The Dual Compensation Act as it discriminates against retired regular officers in federal employment.

We further resolve to continue to support strongly a modernization of the military pay system that will provide remuneration comparable to that of civilians of equal skill, education and responsibility. (Resolution No. 3, 1969)

U.S. MILITARY ACADEMY

We therefore resolve to continue and emphasize a program to encourage outstanding youth to seek appointments to the United States Military Academy and to search for new ideas leading to its further development and effectiveness. (Resolution No. 8, 1968)

CIVIL DEFENSE

Now, therefore, be it resolved, that the Association of the U.S. Army supports civil defense authorities in their efforts to provide the American people with adequate shelter against the effects of nuclear attack. (Resolution No. 6, 1967)

ARMY CIVILIAN EMPLOYEES

Now, therefore, be it resolved, that this Association extends special commendation and gratitude to the civilian employees of the Army and recommends that dynamic career programs be maintained to recruit, retain and encourage the continued service of dedicated public servants in consonance with the command responsibilities and missions of the U.S. Army. (Resolution No. 11, 1967)

NATIONAL AND POST CEMETERIES

Now, therefore, be it resolved, that it is the considered opinion of the Association of the U.S. Army that the best interests of the nation and the members of our armed forces and their dependents will be served by the expansion of national and post cemetery facilities immediately, to insure that the members of our armed forces who have served honorably will be provided a resting place in a military cemetery as a tribute to their service. (Resolution No. 14, 1967)

RETIREMENT PAY CREDIT FOR ENLISTED MEN

Now, therefore, be it resolved, that this Association encourage and indorse measures which will permit enlisted personnel to receive credit for inactive reserve duty prior to 1 June 1958 for retirement pay purposes. (Resolution No. 15, 1964)

THE STATE OF THE UNION MESSAGE AND OLDER AMERICANS

Mr. CHURCH. Mr. President, the President's state of the Union message—as read to a joint session of Congress—made two or three references to the elderly.

In the longer written statement given to the press, President Nixon made a more detailed description of his program on aging.

I would like to comment briefly on his proposals at this time, with the understanding that I and other Members of the Senate Committee on Aging intend to offer additional remarks, and new proposals, early next month.

Mr. Nixon's first order of business is action on H.R. 1, which includes several provisions of direct importance to the elderly. This "welfare reform bill," when first submitted by the administration, did not call for an across-the-board increase in social security. Thanks to action by the House, the bill would now provide a 5-percent increase in social security benefits. This is a worthwhile and vitally needed increase, but I believe that it is inadequate. I am hopeful that the Senate Finance Committee, and then the Senate, will pass at least a 12-percent increase and take action on other proposals to improve the benefit level for lower-income Americans. I am disappointed that the President did not call for an increase beyond the 5-percent level.

In addition, H.R. 1 calls for a Federal monthly income floor of $195 per couple and $130 for an individual. Here again the House has improved upon the administration's original request, which proposed $65 a month for an individual. I am glad that the administration is not opposing these higher levels; I only wish that the administration had exerted greater leadership in getting us to this more adequate level.

President Nixon's statement then calls for action which, frankly, is puzzling. He says:

> I am requesting that the budget of the Administration on Aging be increased fivefold over last year's request, to $100 million, in part so that we can expand programs which help older citizens live dignified lives in their own homes.

As one who had long sought higher appropriations for the AOA, I welcome any such evidence of Presidential interest.

But surely the President must know that the Senate and the House acted late in December to take the very action he now calls for. The Administration on Aging already has a funding level of $100 million, and the AOA is now busily at work attempting to determine how to make the best use of that funding level, which is more than $55 million more than previously.

The President devotes one paragraph to nursing homes. He promises only that he will continue the "crackdown on substandard nursing homes" began in 1971 and that "our followthrough will give special attention to providing alternative arrangements for those who are victimized by such facilities."

It seems to me that the problem of long-term care in this Nation will not be resolved by more inspections and shutdowns of marginal institutions. What we need is a genuine national policy on long-term care, more appropriate use of alternative facilities, and greater emphasis upon rehabilitation for those now in nursing homes. On December 2, Senator Frank Moss—chairman of the Subcommittee on Long-Term Care for the Senate Special Committee on Aging—introduced a legislative package which would take this Nation a long way toward the goals I just described. I commend the Senator's proposals to the President and his staff.

Mr. Nixon also mentioned earlier suggestions he has made about pension reform and the property tax, but does not provide essential details.

In short, Mr. President, the President's state of the Union message gives no real assurance that he really has paid careful attention to the recommendations made by the thousands of delegates who attended the White House Conference on Aging late in 1971.

We can only hope that future messages will fill in gaps and answer questions.

And we on the Committee on Aging will make certain that such questions are asked.

J. EDGAR HOOVER INTERVIEWED

Mr. EASTLAND. Mr. President, the nationally circulated magazine Nation's Business, in its January 1972, edition contains an excellent and worthwhile article entitled "J. Edgar Hoover Speaks Out." The article, subtitled "An exclusive interview with the senior statesman of law enforcement," traces Mr. Hoover's career as Director of the Federal Bureau of Investigation.

Emphasizing his record of service to law enforcement, the story gives an insight into Mr. Hoover's deep dedication to America and its well-being as a nation. At the same time, the article, in question-and-answer style, gives Mr. Hoover the opportunity to discuss many of the vital issues facing our citizens today.

It has always been my belief that Mr. Hoover ranks with the greatest of Americans. He is a man of great personal integrity, and his dedication to principle is well known. The creed by which J. Edgar Hoover lives could well be a guide for every American who seeks to better serve his country and his fellowman.

I believe the article will make excellent reading for every citizen; therefore, I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

An Exclusive Interview With the Senior Statesman of Law Enforcement, J. Edgar Hoover

J. Edgar Hoover speaks out about:
Presidents he has known.
Attorneys General he has known.
Crooks he has known.
Organized crime in business.
The FBI—past, present and future.
Demands that he retire.

Almost 48 years ago, a hardworking young Justice Department lawyer was called into the office of then Attorney General Harlan Fiske Stone and told: "I want you to take over as acting director of the Bureau of Investigation."

J. Edgar Hoover reflected for a moment. A Justice Department employee since 1917, he had been assistant director of the Bureau for three years, agonizing all the time as it became increasingly a product of the political spoils system.

"I'll take the job, Mr. Stone," he replied, "on certain conditions":

The Bureau must be divorced from politics. Appointments and promotions must be based on merit, and the Bureau must be responsible to the Attorney General only.

"I wouldn't give it to you under any other conditions," the Attorney General said. "That's all. Good day."

In the years since then, John Edgar Hoover has seldom been out of the public eye as he has molded the Federal Bureau of Investigation into a model law enforcement agency and kept it that way. (The word "federal" was added to the Bureau's title in 1935. The word "acting" was dropped from Mr. Hoover's own title a few months after his appointment.)

"FBI" became an abbreviation that commanded the respect and cooperation of citizens.

"G-Man" became a nickname feared by criminals and subversives.

Mr. Hoover set a rigid standard of personal behavior for himself and for the people of the FBI. To attain a goal of excellence, he believes there is one essential: integrity of self and deed. With absolutely no compromise.

A lifelong bachelor whose work is his first love, he does find time for other interests, too. In the evenings at his two-story house in a pleasant Northwest Washington neighborhood (a housekeeper oversees the establishment), he relaxes in front of the television set and in the company of his two cairn terriers. ("Naturally, they're spoiled. They boss me around.")

He loves gardening and is proud of his roses. And now that he's put down artificial turf in his spacious back yard, "I can forget about seeding grass every year. This stuff is wonderful."

His favorite sport is horse racing. A big reason is that "you can relax completely. I love to watch the horses run." The Ex-Agent Association recently gave him a statue of a stallion—"the first I've ever owned, though I've supported many of them."

He was also a fan of the Washington Senators before the franchise was moved to Texas last fall, and frequently went to games with Richard Nixon when he was Vice President. (Mr. Nixon "knew all the players by name and everything about them—batting, fielding, everything.")

His favorite vacation spot is La Jolla, Calif., and if he were an agent in the field, that's where he'd most like to be assigned. His second choice would be Butte, Mont.

"I've been accused of using Butte as a kind of Siberia for agents that displease me," he says with a chuckle. "When that allegation was made, I checked up and found we actually had 144 requests from agents to be assigned there. You know why? It's close to Glacier National Park, and some of the best hunting and fishing in the world is around there."

Mr. Hoover, 77 this New Year's Day, has been warmly lauded for his performance as director of the FBI. An inner corridor leading to his office is lined with plaques and citations from sources of organizations and with mementoes from notables he has known.

In recent years, he also has been the target of criticism, a fact he accepts as inevitable in light of the position he holds.

In this interview with editors Jack Wooldridge and Wilbur Martin of Nation's Business, Mr. Hoover talks over many of the highlights of his career, taking note of achievements for which he has won praise as well as matters for which he's been criticized, and discussing other subjects ranging from Presidents and Attorneys General he has known to crooks he has known.

You have served under eight Presidents. Were you closer to some than others?

President Coolidge I only knew officially. I became very, very close personal friends with Herbert Hoover, but really this was after he left office. He was chairman of the board of the Boys' Clubs of America and I was a board member. I got to know him quite well.

I didn't know until he told me years after he left office that he was responsible for my being named director of the FBI. As a young lawyer in the Justice Department, I had worked with the Senate Foreign Relations Committee on an investigation of whether we should restore recognition to Russia. I had come to the attention of Mr. Hoover, who was then Secretary of Commerce.

Attorney General Stone mentioned to him that he was looking for someone to put in charge of the Bureau and Mr. Hoover recommended me.

I always felt President Hoover was terribly wronged. Everyone blamed him alone for the Depression. He was a very shy man, you know, very human. We used to walk down the street in New York City after he had been President and no one recognized him. I thought, "How terrible, to be forgotten."

I was so pleased that in his later years he was recognized for the great man that he was.

I was very close to Franklin Delano Roosevelt, personally and officially. We often had lunch in his office in the Oval Room of the White House. During his Presidency and afterwards, at Gettysburg, I was close with Gen. Eisenhower. He was a great man and a great President.

I lived across the street from Lyndon Johnson for 19 years. We were very close friends and this friendship continued during his Presidency and to this day, I hear from him regularly.

When he was in the Senate, and we were neighbors, he had a little dog he called Little Beagle Johnson. Every few days he would come over in the evening and say, "Edgar, Little Beagle Johnson's gone again. Let's go find him."

And we would go off looking all over the neighborhood.

When he was President, two of LBJ's beagles died. One swallowed a stone and the other one was run over by a Secret Service car.

I got a little beagle from a kennel in Atlanta and gave it to him. One day, I was visiting at the White House and he said, "Let's go look at the dogs." We were walking along when all of a sudden he hollered, in his big Texas voice right in my ear, "Edgar, where are you?"

Well, I was right beside him and I didn't know what he meant. "I'm here, Mr. President," I said.

"Oh, I don't mean you," he answered. "I mean the dog, the beagle, I call him Edgar."

I had a letter from President Johnson just a few weeks ago and he told me Edgar was doing just fine on the ranch in Texas.

Of course, I have been friends with President Nixon for a long time. I first met him on the Alger Hiss case. A lot of hatred for President Nixon stems from this case, from some of the liberals and pseudoliberals who've never gotten over this case. I think much of the hatred for me stems from this case, too.

[Mr. Nixon, then a Congressman, played an active role in the case, in which Hiss, a former State Department official accused of having passed on secrets to the communists, was convicted of perjury.]

President Nixon has changed materially. He's much more extroverted today than when I first met him. That's good. I think he's doing an excellent job as President, despite the brickbats he gets thrown at him from some of the media. He never loses his cool. He's done an excellent job on economic matters and I think his coming trips to China and Moscow will turn out well. He knows how to negotiate with people without giving up principles.

You have also served under 16 Attorneys General and once termed Ramsey Clark the least effectives. Who was the best?

Oh, that's hard to say. There are a half dozen that stand out, those I was very close to.

There was Harlan Fiske Stone [who served under President Coolidge]. He appointed me and we were very close. After he became Chief Justice of the Supreme Court he often would stop by. He'd say, "Edgar, I've come by to get an account of your stewardship." He considered me the steward of the FBI.

Then there was John G. Sargent [who also served under President Coolidge]. He was a big man, 6 feet 6 or 7, and wore a size 15 shoe. His feet always hurt and sometimes when I went home with him to lunch, he'd take his shoes off. He was like the mountains of Vermont—solid, very solid.

Herbert Brownell [under President Eisenhower] is a great lawyer, a great administrator. And Bill Rogers [William P. Rogers, now Secretary of State]. We were very close. When he was Attorney General and President Nixon was Vice President, we would frequently spend the Christmas holidays in Miami Beach together.

Frank Murphy [who served under President Roosevelt] was a very close personal friend. I don't know why. In the beginning, we were so opposite philosophically. Murphy was very shy and stiff in public. But in private he was the life of the party. After he was named to the Supreme Court, I would go up and we would walk from the Court to the Washington Hotel, where he lived.

Of course, there's John Mitchell, the present Attorney General. He is a very able man, a very down-to-earth individual, very unlike those Herblock cartoons in *The Washington Post*.

And I'm completely fascinated by his wife. Martha is a wonderful person. She speaks her mind. She has integrity in thought. I like that.

I was very close to the wives of some of the other Attorneys General. Mrs. Homer Cummings [her husband served under President Roosevelt], Mrs. Brownell, Mrs. Rogers.

What, in your mind, has made you successful in your administration of the FBI?

Principally, instilling in every FBI employee the absolute need for excellence in performance.

A law enforcement agency is only as good as the support it receives from the public. Over the long run, the public cannot be fooled. Only demonstrated performance produces the respect and cooperation necessary to achieve the results FBI responsibilities demand—and which the public has every right to expect.

This attention to a goal of excellence requires its sacrifices. It means long, often grueling hours of work on the part of our special agents. It means they must maintain personal conduct standards that raise no question as to our capacity to discharge FBI duties with skill and integrity, strict impartiality in conducting investigations, and self-discipline to withstand the frequent taunts and abusive manners of those who would impede the performance of our lawful obligations.

Some of my critics have charged me with being a harsh and autocratic administrator, but they fail to recognize the trust that must be generated from the proper discharge of FBI responsibilities. This fact leaves little room for error. An enforcement agency, by the very nature of its duties, is an easy and natural target for criticism.

You spoke of critics. In recent years, the most persistent criticism concerning you, Mr. Hoover, has been that you should retire and hand over the reins of the FBI to a younger man. What is your reaction to this?

I don't consider my age a valid factor in assessing my ability to continue as director of the FBI—any more than it was when, at the youthful age of 29, I was appointed to this position. I was criticized then as "the Boy Scout." Now, I'm called "that senile old man."

My appointment to head the FBI was based on performance and I believe that same standard should apply to any evaluations of my fitness to continue in this post.

Years are only a guide to a person's age and have little meaning when attempting to equate them with ability, vigor and demonstrated performance.

This is what I believe many young people are talking about today when, in spite of their youth, they demand a more active role in our society commensurate with the many obligations they are required to shoulder. And they are right.

Many of our great artists and composers did their best work in their 80s. They were judged on performance, not age. Other leaders, too.

Look at Bernard Baruch; he was brilliant in his 90s—and Herbert Hoover and Douglas MacArthur in their 80s.

That is my policy. I judge a man on the quality of his performance. So long as I am blessed with good health and enthusiasm for my work, I would hope that I may be judged in this same manner.

How much has the FBI grown since you assumed its leadership?

When Attorney General Stone appointed me on May 10, 1924, to head what was simply called the Bureau of Investigation, the Bureau had 441 special agents.

Compared with today, the Bureau's jurisdiction was quite limited. Through the years Congressional enactments, Presidential directives and orders of the Attorney General have substantially increased our jurisdiction to some 185 federal investigative matters.

We have 59 field offices located throughout the U.S. and Puerto Rico. In addition to these major offices, there are hundreds of resident agencies or suboffices. All told, the Bureau now has approximately 19,000 employees, and over 8,000 of these are special agents.

I might say here that the average agent works overtime 2½ hours every day, but gets paid for only one hour and 49 minutes, the legal limit. I think the amount of overtime is grossly excessive, but it's necessary because of the vastly expanded duties given the Bureau.

Has the nature of your own work changed as the Bureau has grown?

In the early days, I could get out and visit the field offices every year, personally see the agents in action, and spot those with potential, those who did more—or less—than their duty.

I can't do that now. I have to stay here.

I spend a lot of time in preparation for testimony before Congressional committees, and in testifying.

But the FBI inspection division reports to me on what you might call "the blood pressure of the service." It makes inspections of every field office—not to get somebody, but to find the soft spots, if any. We can't afford these.

Another difference is that in the early days, I could get out on cases. I wish I could do that now, but somebody has to run things here. I still sweat the hard cases out, though here at hearquarters.

The plane hijackings, for example.

What were some of the cases you went on?

Some were publicized, some were not. There was one involving John Henry Seadlund, in the '30s. He was wanted for the kidnaping and murder of Charles S. Ross [a wealthy St. Paul, Minn., businessman]. Seadlund was arrested at the Santa Anita race track in California and I flew out there to get his confession.

In the FBI, we have never countenanced any rough stuff, never any "third degree." I believe psychology plays a large part in dealing with criminals. Psychology and integrity, even with criminals. This case makes that point.

I talked all day to Seadlund and I hadn't had any sleep. Or food. I asked him if he wanted something to eat.

"What do you want to know for?" Seadlund snapped at me. "You won't get it for me." I asked him pretty bluntly, "What do you want to eat?"

He said, "Steak, potatoes, and pie à la mode." I told an agent, "Just double that order.

The next day Seadlund asked to see me. He told me, "Well, you kept your word and got me my steak. Now get your steno and I'll tell you what you want to know." I got a full confession.

So psychology and integrity are tremendously important. FBI agents were warning suspects of their constitutional rights long before it was required by law.

We had to take Seadlund to St. Paul. When we left Los Angeles it was 78 degrees and when we got to St. Paul it was zero. We had to hide out from the press in the woods for two or three days, looking for the bodies of Ross and Seadlund's partner, whom he had also killed.

I asked one of the agents to get me some warm clothing. He brought me a suit of red woolen underwear. He could have at least gotten white, but it was a gag and it was appreciated.

Weren't you also personally in on the Alvin Karpis affair?

Of course, there was Karpis. He was part of the Ma Barker gang, and kept sending me postcards from all over the country, saying he was going to kill me like Ma Barker and her son [Fred] were killed in a gun battle in Florida. I passed the word that whenever we spotted him, I wanted to make the capture personally.

Well, we tracked him to New Orleans [in April, 1936] and I flew down there.

We try to make an arrest at dawn, or some other time when there aren't many people on the street. But we had to do this one at 5 in the afternoon. Karpis had been holed up in an apartment on Jeff Davis Parkway and it was the rush hour and there were people everywhere.

Karpis and a companion suddenly walked out of the house and got into a car. I ran up on one side and grabbed him. Another agent went to the other side and grabbed the other fellow.

I said, "Bring the handcuffs," but everybody had forgotten to bring handcuffs. So an agent who had grown up on a cattle ranch said, "I can tie him up so he can't move." And he did, tying his hands behind him with a necktie.

When we got into the car, Karpis called me by name. I asked him how he knew who I was and he said, "Oh, I saw your picture in the paper in Miami." I'd had my picture taken when I caught that sailfish on the wall over there, the only one I've ever caught. Karpis said that my luck was better than his, that he'd been trying to catch one for three years.

On the way downtown, the agent driving the car got lost.

Karpis spoke up, wanting to know where we were going. I asked him why he cared and he said, "Well, if it's to the post office building, I can tell you how to get there. I was planning to rob it." So he directed us.

The agent who was driving heard from me later.

You have always shown particular interest in kidnaping cases, haven't you?

Yes. Every case is important, but kidnapings strike me as being extremely vicious crimes against society. Often they involve young children or other family members. I don't think there is anything worse than the kidnaping of a child and the agony of the family. I look with a great deal of personal satisfaction on our accomplishments in these cases.

We first got the name "G-man" on a kidnaping, the Urschel case. [Oklahoma oilman Charles F. Urschel, kidnaped in 1933 by the George "Machine Gun" Kelly gang. Caught in a house in Memphis, Tenn. Kelly cringed and cried, "Don't shoot, G-men, don't shoot, G-men!"]

The federal kidnaping statute, passed in 1932 after the Lindbergh baby kidnaping, as well as a series of other special "crime bills" in the early '30s, greatly expanded our responsibilities in that field.

Do you have any advice on how to keep in good health?

I try to stay in good health by avoiding excesses. Moderation in everything you do is a good rule. I take a physical every year and the last one showed I was in better shape than when I took the first one in 1938. I had to lose a little weight after that one.

All of our agents must be in top physical condition. They can be a little underweight, but they can't be overweight. When I put that rule in, some men groaned a little. But the wives all think it is great.

I exercise every morning on an exercycle.

I try to get enough sleep each night, but not too much.

In the evening I relax and watch television. I usually have a highball, maybe two. But never more than two. Jack Daniels black label—on the rocks, with a dash of soda. I never drink martinis. Martinis are poison. Nobody can drink four and be sober.

I never take work home with me Monday through Friday. But I take a lot of work home with me on the weekend when I have time to think.

Of course, I watch my diet. Again, you have to do everything in moderation.

I have two little cairn terriers. One is 17, blind and deaf, and the other is four. She's a little hussy, bosses the older one around. At breakfast, they get my bacon and eggs. I get the fruit juice and black coffee.

I always have the same thing for lunch: grapefruit, cottage cheese and black coffee. And usually I eat at the same place [the Mayflower Hotel].

I like to relax at lunch. One of the things that irritates me is for people to come up and ask, "You don't know me, do you?" I always say, "If you were ever in Alcatraz, I know you. We'd have a record on you."

My dinner at home is always moderate. I'd love to have a piece of chocolate cream pie. But I don't. Moderation in what you do, integrity in what you do. I believe in that absolutely.

Horse racing is your favorite sport. Have you seen any of the great winners?

Yes. I saw Whirlaway, for example.

As a matter of fact, I was at Aqueduct and asked a friend with me to get a ticket on him. He came back with a ticket on the wrong horse, Tola Rose I think it was, a 20–1 shot. Whirlaway was something like 2–5. And Tola Rose won. I told him I should let him pick the horses every time.

One fellow I wouldn't let ever pick a horse is George Allen [a friend of President Roosevelt, Truman and Eisenhower]. He always bets three horses in the same race—to win.

President Eisenhower used to give George $5 to bet for him every now and then. I told President Eisenhower, "I'd never let George bet for me. He's the worst at picking horses I ever saw."

George said that if I'd told that to anybody else but the President, he'd have sued for slander. We're very good friends.

What are your 10 most important accomplishments as director of the FBI?

It's difficult to pick out any specific number of accomplishments. Certainly among the most important was cleaning up the Bureau, cleaning out the political hacks. This was the mandate given to me by Attorney General Stone when he appointed me. Also, winning the support the FBI has consistently received over the years from the law-abiding and concerned public.

Without these, it is doubtful the FBI could have realized many other accomplishments. I am particularly proud that FBI performance during my tenure has merited the public's support.

Other accomplishments which were important in the development of the FBI include the nationwide centralization of criminal fingerprint records in the FBI Identification Division in 1924; establishment in 1932 of the FBI Laboratory; and establishment in 1935 of the FBI National Academy, which provided a university-level advanced training program for select law enforcement officers throughout the nation.

Also, the capture of the Nazi saboteurs landed on our shores by submarine during World War II; the convictions of top communists leaders following the war; the successful investigations into the Rosenberg and Col. Rudolf Ivanovich Abel spy cases in the 1950s; the convictions resulting from our investigations of the murders of a number of civil rights workers during the 1960s; and the beginning of the FBI National Crime Information Center.

There are many more, of course, but these stand out in my mind.

What about your own politics?

You know, when I took over with the mandate to clean out the political hacks and straighten out the Bureau and did, I was accused of being a Democrat because the Republicans were in office. Then I was accused of being a Republican when the Democrats took over.

I grew up in and live in the District of Columbia. I have never voted in my life: I don't like labels and I am not political. My feeling about politics is that both parties should nominate for all offices the very best qualified man—unfortunately, that isn't always the case—and that the people should vote for the man who they believe is the best qualified.

You have been quoted as saying the FBI's National Crime Information Center is a real breakthrough in fighting crime. Why so?

The NCIC provides what was long urgently needed, a comprehensive and swiftly efficient informational exchange system of national scope.

This computerized index of documented crime data is now tied to all states and Canada by a vast telecommunications network. The total number of NCIC active records concerning stolen property and persons wanted for crimes has climbed to over three million, with daily transactions sometimes well over 75,000.

I'll give you an example of why I think this gives our nation's law enforcement community an essential tool to meet the challenge of crime.

Recently, two state troopers in New York stopped a car. They radioed for a check on it and within two minutes—two minutes—they knew that the car had been stolen and that its two occupants were wanted for murder in California.

Some have charged that federal computer systems are leading to a huge national data bank that could strip the individual of his privacy. Could you comment?

As far as the FBI is concerned, those fears are groundless.

The National Crime Information Center is the principal FBI computer system and it contains only documented data concerning criminals and stolen property. Its information is available only to authorized law enforcement agencies and the system was designed to prevent any abuse or misure of its data.

Any allegations that this could lead to a "big brother is looking at you" operation are completely false.

The FBI has been accused of engaging in unauthorized wiretapping. What are the facts?

The facts are that the FBI has not used wiretaps without the authority of the Attorney General, and then only to a limited extent in cases involving our nation's security.

Also, under the Omnibus Crime Control and Safe Streets Act of 1968, federal judges may authorize the FBI to use electronic surveillance techniques in some cases involving organized crime. The Attorney General has to approve each instance, and a written affidavit establishing probable cause for action must be presented to the judge.

Assertions that FBI wiretapping is widespread are absurd. If the FBI engaged in wiretapping to just a fraction of what its critics suggest, it would have no time for anything else.

These critics who accuse the FBI of this practice can never produce any proof.

Congressman Boggs (Rep. Hale Boggs (D.-La.), majority leader in the House) made a wild statement that his telephone had been tapped. That charge was simply not true. No telephone of any Congressman has ever been tapped since I became Bureau director in 1924. He was put in the position of having to "put up or shut up" on that charge and he shut up.

Another accusation against the FBI is that of snooping on campuses.

Completely false. I believe this is only a scare tactic to inflame the academic community against the FBI.

Yes, the FBI does conduct investigations on college campuses—or anywhere else in the nation. But only if there is a violation within its investigative jurisdiction.

If, for example, an ROTC building has been destroyed by a fire or explosion, we will investigate to see if there is evidence of sabotage or destruction of government property. Many campuses have government research or other government facilities. If government property is damaged or stolen, the FBI investigates.

We do not snoop on campuses, or in any way treat the campus different from any other area of society. The FBI has the highest respect for academic freedom.

American business is making great use of computer technology, particularly in records management. What steps has the FBI taken along this line?

One of the first actions I took upon becoming director was the establishment of a centralized national file of arrest records on fingerprints. This led to formation of the FBI Identification Bureau in 1924, the year of my appointment.

From 800,000 fingerprint records, this has now grown to nearly 200 million, including many civilian and military fingerprints that are kept separately from those filed as a result of arrests. I have always felt strongly that fingerprints for identification purposes are a protection for the public. I remember I personally took the fingerprints of John D. Rockefeller Jr. and his family in 1924 to encourage the public to take advantage of this protection, and to show there was no stigma in having your fingerprints recorded. Nelson was a little boy then.

As far back as 1934, the FBI installed a punch card system of searching fingerprints. However, because of the rising volume of fingerprint records this proved inadequate and, by necessity, the Identification Division had to return to manual searching. Presently, development contracts are nearing completion to computerize fingerprint files and to electronically read, classify and retrieve—within seconds.

In 1954, we had in operation the first automated payroll system in the federal government.

What are some of the major problems the FBI has run into in combating organized crime, especially in the field of legitimate business?

There is no question the two most serious problem areas are the complexity and size of the investigations themselves, and the general apathy of citizens directly or indirectly affected.

On one series of gambling raids we used over 200 FBI agents. In another series, we had to call upon over 400 agents. In one major hoodlum international bankruptcy case alone, we had investigations being conducted by 31 offices in 28 states, ranging from New York to California and from Minnesota to Alabama.

Many hoodlums, unfortunately, have acquired a facade of semi-respectability in their communities. People find it hard to believe that these so-called "businessmen" can possibly be involved in illegal activities.

Even more disturbing, from a law enforcement view, is the seeming indifference of otherwise responsible citizens to the acknowledged existence of specific phases of organized crime in their communities.

What they are overlooking, of course, is that hoodlum-connected major thefts increase their insurance rates, that labor racketeering increases consumer costs, that gambling and narcotics corrupt youth, and that bribery of civic and police officials undermines good government and deprives the public of the protection to which it is entitled.

Is there a law which particularly helps the FBI to fight infiltration of business by criminals?

Under the Organized Crime Control Act of 1970, which the President signed into law in October, 1970, Title IX bans the investment of underworld funds in legitimate business ventures. This provides for severe criminal penalties, as well as forfeitures.

Successful businessmen place great emphasis upon personnel training. What is the FBI doing in this area?

I certainly agree with the importance of personnel training, and effective personnel training has been a keystone of FBI operations since I became director. In fact, the FBI pioneered advanced law enforcement training with the establishment of the National Academy in 1935.

In addition to the Academy, the FBI has some 1,500 specially trained special agent police instructors who go out where requested and give a wide variety of training. For example, this FBI Field Police Training Program just this past year conducted more than 9,000 training schools, attended by more than 300,000 people. And this involved over 83,000 hours of classroom instruction by Bureau personnel.

The new facility for our Academy at Quantico, Va., when we move in later this year, will enable us to increase the number of officers to be trained from 200 to 2,000 annually. It will also provide specialized courses for 1,000 others. These will be management courses, and I'm quite proud that we will be able to do this. I believe it will certainly strengthen local law enforcement.

Do you think the United States should have a national police force?

I am vigorously opposed to a national police force, or any trend toward one. I want to make one point clear, and it is one that critics of the FBI seem to want to overlook.

The FBI does not decide what it will investigate. It is given responsibilities by Congress, by the President, by the Attorney General. It is charged by law to carry out certain functions. And we will do that.

I might also say that I opposed our being given some of these responsibilities. For instance, we are charged with investigating an illegal gambling case if it involves five or more persons, remains in business 30 days, or has a daily $2,000 gross. I believe this is a function of local law enforcement.

The FBI has a relatively small number of Negro special agents. What is its policy with respect to employing members of minorities?

The FBI is unequivocally dedicated to the principles of equal employment opportunity. I insist that all appointments and other personnel actions be based on merit and fitness.

Let me say that nothing would please me more than to have a greater number of special agents from minority groups. We have a very real need for them, and they would be a most welcome asset. We will continue to make every effort to attract those qualified.

But I have not, and will not, relax the high standards which the FBI has traditionally demanded of special agents without favor or exception.

Attorney General [Robert F.] Kennedy became very angry with me over this.

I would not yield.

The standards for a special agent of the FBI are stringent. Applicants must be of outstanding appearance and outstanding character, and have the required education in law, accounting, languages or sciences, or three years of executive, professional or investigative experience.

We demand of FBI employees a standard of morality which can be approved by the majority of the American people. Some say we are too strict, but I submit to public judgment that discipline is an absolute necessity. An undisciplined law enforcement agency is a menace to society.

We do have exacting standards in the FBI and we apologize to no one for them. We have no intention of arbitrarily compromising these standards to accommodate kooks, misfits or slobs.

As I have said publicly, disregard for law and order is encouraged by hatemongers, extremists and others who say that revolution against society is justified and necessary.

A number of terrorist or revolutionary groups seem to have sprung up in recent years. Would you comment?

Terrorist-extremist sentiment is on the rise in the nation today, especially in the so-called New Left. The Students for a Democratic Society was formed in 1962 and by 1967 this group had developed a revolutionary, violent posture, urging destruction of our democratic institutions. In 1969, it was torn by factionalism and its extremist wing became the Weatherman.

The Weatherman, which went underground in 1970, believes in violence. Its adherents have collected explosives and set up bomb factories. They have carried out acts of violence not only against police facilities, but against military and government buildings and even private buildings which happen to house the offices of companies these extremists don't like.

Small terror groups, operating from underground, represent a great danger. Unfortunately, the Weatherman type of extremist mentality seems to have spread to some other young people and even some adults.

You have black nationalist terror organizations such as the Black Panther Party. The Panthers are hoodlum-type revolutionaries, and their true nature must be exposed.

Currently the Panther Party is doing everything possible to show a "humanitarian face"—to show that it is interested, for example, in the welfare of children through its so-called Breakfast for Children program.

This is a public relations gimmick. Part of the reason for this feigned emphasis on humanitarianism is to encourage contributions from wealthy white liberals, who have given thousands of dollars to the Panthers.

What is the FBI's role concerning protests, such as those against the Viet Nam War?

In America, we have freedom of expression. Individuals have a right on their own to oppose the war or say anything else they desire about Viet Nam.

There are a number of antiwar groups and they have the right to voice their viewpoints. The FBI does not in any way attempt to stifle groups or individuals who speak out against the Viet Nam War. Charges that we do are completely false.

The FBI becomes concerned only when members of these or any other groups violate laws within its investigative jurisdiction. Or when the activities of the groups become violent or terroristic and pose a threat to the internal security of the country.

You mentioned what you consider your most important accomplishments as FBI director. What would you consider the most important cases the FBI has investigated?

I like to think that all of our investigations are important. But in terms of their impact on FBI operations or the events of the time, a few stand out.

The successful investigation of the kidnaping of Charles Lindbergh's son in 1932 led to the passage that same year of the federal kidnaping statute, giving the FBI added jurisdiction over this despicable crime.

John Dillinger had become a full-blown American folk hero by the time our agents were forced to shoot while moving in to arrest him in Chicago during 1934. I saw an ad the other day that they were making another movie about Dillinger. I suppose this one will make him a hero again. I can't understand this. The worst movie ever made was that one about Bonnie and Clyde. They were nothing but a couple of bum criminals, the worst kind.

Just a few months prior to the Japanese bombing of Pearl Harbor in 1941, FBI agents arrested 33 members of the network of the German spy, Frederick Duquesne. This case, together with the FBI capture of the Nazi saboteurs landed secretly in this country, I am sure, stopped serious enemy attempts to sabotage our war effort. Those Nazi saboteurs were tried in Classroom No. 1 of this building [the Justice Department building].

In 1949 our investigations resulted in the conviction of 11 top leaders of the Communist Party, U. S. A. We were only a few years removed from working with the world's leading communist power, the Soviet Union, as an ally. It was hard for some to realize the conspiratorial nature of the Communist Party in those circumstances.

The trial in which the leaders were convicted galvanized public opinion to the fact the communists were attempting to subvert our democratic form of government. The Rosenberg atom bomb spy case the following year left little doubt of these motives.

The six-year-long FBI investigation of the 1950 robbery of Brink's, Inc., at Boston demonstrated the virtue of investigative persistence and hard work.

The FBI investigation of the assassination of President Kennedy at Dallas resulted in the interviewing of approximately 25,000 persons and the submission of more than 2,000 reports to the Warren Commission.

As a result of the assassination and the investigation, Congress passed legislation, approved by the President, providing for federal criminal penalties in instances involving Presidential assassination, kidnapping and assault. The FBI was charged to investigate such violations, which were previously the responsibility of the local jurisdiction in which the crime occurred.

The FBI investigation of the murder of three civil rights workers in Mississippi in 1964, as well as investigations of other similar instances of violence and brutality, helped to hasten the passage of broader civil rights legislation.

Mr. Hoover, is there one crook you remember most vividly?

Gaston B. Means. I think he was the worst crook I ever knew. I fired him from the Bureau the first thing when I took over and he became mixed up in all sorts of things. He was a scoundrel.

Evalyn Walsh McLean [the wealthy Washington socialite] knew he was a crook, but she thought because he was, he could help in the Lindbergh kidnapping. She gave him $100,000 to try to get the baby back, and would have given him more. She was going to pawn her jewels, but I stopped that.

We never did find the money Means got from Mrs. McLean and which he said he had buried. We had divers searching the Potomac. When he was convicted and in the hospital at Leavenworth, I flew out there and saw him.

"Why did you lie to our men about where the money is?" I asked him.

He put his hand over his heart and said, "Oh, Edgar. That wounds me."

He was a complete scoundrel. But he was the type some people liked—a sort of lovable scoundrel.

A headquarters building for the FBI is being constructed across the street. When will it be completed?

There are some who maintain that the only reason I am staying on as director of the FBI is to be present at the dedication of this new building. I say this is absolute nonsense. In a recent speech, I facetiously noted that at the rate it is going up, none of us will be around by the time it is completed.

Hopefully, it will be ready for occupancy in 1974. We have shared space with the Department of Justice since 1934 and during that period our staff and that of the Department have multiplied many times. It's been necessary to relocate many phases of our operations in seven other sites in the capital.

This new headquarters will bring everything under one roof and vastly improve our administration and efficiency.

Would you take a look ahead at the FBI's role in the years to come?

I would hope the FBI's role in the future will be identical with its role in the past and at the present. That is, being a servant of the people.

The FBI's success has been built on one vital base—the confidence of the people. If we knock on a citizen's door, he does not have to talk to us or give our special agents information. This is a decision he must make. We can solve cases only if citizens furnish information.

We want to maintain the confidence and support of citizens in all walks of life, in all areas of the country. If we don't, we simply cannot do the job for which we are responsible.

I want the FBI's work in the future to continue to merit the approval of the people. This means, on our part, top quality investigations. Efficient, loyal and responsible personnel. A willingness to work hard.

One last question, Mr. Hoover. You've spent your life fighting crime. Have you, as a person, ever been victimized?

Yes. Once by a fellow who came door-to-door. I bought a load of fertilizer from him for my roses. The stuff turned out to be black sawdust.

And then, once by the fellow they called "The Birdman of Alcatraz." He had two cells—one in which he lived, and another where he kept his birds.

My mother was alive then and she always liked to keep a few birds, so I bought a canary from him. Only it turned out to be just a sparrow, dyed yellow.

So I've been conned at least twice in my life. I guess that proves I'm human.

MEYER SOKOLOW—MARYLAND VETERAN OF THE YEAR

Mr. BEALL. Mr. President, it is indeed satisfying to see someone who has worked long and hard for his country and for the interests of all veterans receive the credit he so richly deserves. Such a man is Meyer Sokolow, who has been selected as "Maryland Veteran of the Year" by the Joint Veterans Committee of Maryland.

Mr. Sokolow, past departmental commander of the Jewish War Veterans of the U.S.A. and chairman of the Joint Veterans Committee of Maryland, has done much to strengthen the voice of Maryland veterans. Through his leadership, both local and national veterans' organizations have actively promoted the patriotic ideals that have held our Nation in fine stead.

Mr. Sokolow has long been concerned about the welfare of innocent victims of war, particularly the people of South Vietnam. While serving as national chairman of Aid to the People of South Vietnam for the Jewish War Veterans, he supervised the collection of hundreds of tons of clothing and medical supplies that were sent directly to the U.S. Army and Marine Corps civic action officers for distribution in hamlets and villages in South Vietnam. Through these efforts, the hardships of war for many unfortunate people were lessened. Clearly, Meyer Sokolow is a man who is deeply concerned both for principles and the people.

I ask unanimous consent that the editorial published in the Baltimore News-American of January 20, 1972, commending Meyer Sokolow be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

VETERANS' HONOR

A coveted award, "Maryland Veteran of the Year," has gone to Meyer Sokolow, past departmental commander of the Jewish War Veterans of the U.S.A.

The honor is the most significant because it is bestowed by the Joint Veterans' Committee of Maryland. This organization represents the members of the American Legion, Catholic War Veterans, Disabled American Veterans, Jewish War Veterans, Marine Corps League, Veterans of Foreign Wars, and Veterans of World War I.

Mr. Sokolow, a veteran of the Korean conflict, has served as national chairman of Aid to the People of South Vietnam for the JWV, supervising the collection of tons of clothing, soap and medical supplies sent to aid the war victims in South Vietnam.

We congratulate Mr. Sokolow upon his selection. The service that veterans' organizations do for others, such as the Vietnamese war victims, is too often overlooked by those who think the Legion, the VFW, the JWV and others are merely social groups.

AWARD TO W. O. DUVALL, ATLANTA, GA.

Mr. TALMADGE. Mr. President, each year Dixie Business, edited and published in Decatur, Ga., by Hubert E. Lee, selects an outstanding citizen for "A Great American" award. Selected for 1971 was W. O. DuVall, chairman of the board of the Atlanta Federal Savings & Loan Association.

I ask unanimous consent there be printed in the RECORD the article from Dixie Business designating Mr. DuVall as the "A Great American" for 1971 and also the remarks I made in 1967 in the Senate when Mr. DuVall received an honorary doctor of laws degree from the Atlanta Law School.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From Dixie Business]

W. O. DUVALL: "A GREAT AMERICAN" FOR 1971

(By Hubert F. Lee)

W. O. DuVall, Chairman of the $500-Million Atlanta Federal Savings and Loan Association has been named the "A Great American" for 1971 by the editors of Dixie Business.

He is the 17th to be honored.

Mr. DuVall was named to the South's "Hall of Fame for the Living" on the basis of his life record. See page 15.

The Atlanta Kiwanis Club in 1969 dubbed him "Kiwanian of the year."

His alma mater, the University of Florida, in 1968 conferred on Mr. DuVall honorary law degree—LLD—as reported in Dixie Business and inserted in the Congressional Record by Rep. Fletcher Thompson.

Mr. DuVall was nominated by Hubert F. Lee, editor of Dixie Business; Joseph R. Mills, a Deacon of the Glen Haven Presbyterian Church and owner with his son Bob Mills, of the Mills Body Shop, seconded the nomination.

The day-to-day management of Atlanta Federal was turned over to able Bill Wainwright by Mr. DuVall on July 23, 1971.

Mr. Wainright is president and has been Mr. DuVall's good right hand.

Rev. James P. Wesberry best tells the Saga of W. O. DuVall.

[From the CONGRESSIONAL RECORD, Oct. 18, 1967]

HONORARY DOCTOR OF LAWS DEGREE CONFERRED UPON W. O. DUVALL, CHAIRMAN, ATLANTA FEDERAL SAVINGS & LOAN ASSOCIATION

Mr. TALMADGE. Mr. President, an honorary doctor of laws degree was conferred by the Atlanta Law School upon one of the city of Atlanta's most outstanding businessmen, W. O. DuVall, chairman of the board of the Atlanta Federal Savings & Loan Association.

This was indeed a high honor for Mr. DuVall and a well-deserved recognition of the outstanding contribution he has made to his city and State.

On this occasion, the Reverend James P. Wesberry, pastor of the Morningside Baptist Church in Atlanta, delivered an eloquent tribute to Mr. DuVall:

Rev. James P. Wesberry, pastor of the Morningside Baptist Church, Atlanta, one of the great preachers and leaders of our time, outlined the achievements of the honorees.

Here is what Rev. Wesberry wrote and said about W. O. DuVall, a real in the flesh Horatio Alger success hero:

"You were born in Pearson in South Georgia on July 23, 1901.

"At the age of 14, upon the occasion of the eternal homecoming of your father, you came to Atlanta to live with your physician brother, Beecher DuVall.

"Upon graduation of Young Harris College you were principal of an elementary school at Hampton, Florida for two years and at Lawtey, Florida for two years while you continued your education at the U. of Florida.

While teaching and administering the school at Hampton you met, fell in love with, and married the former Harriett Turner of Leaksville, Miss.

"At the time you received your A.B. degree from the U. of F. in 1924, several unique events happened in your life; you served as an instructor at the University during the summer; . . . your first daughter was born; and you served as a member of the State Legislature of Florida.

"You came back to Atlanta in 1925 and taught at Joe Brown High School and attended the Atlanta Law School at night.

"Often, after working hard all day and going to Law School at night, you did your studying with a law book on one knee and a baby on the other.

"Upon graduation from the Atlanta Law School you were admitted to the bar and became a member of one of the most respected law firms in Atlanta.

"One of your partners in the law, Mr. McElreath, a founder of the Atlanta Building and Loan Association, encouraged you to become its secretary and attorney. You handled all titles and loan closings.

"The assets of your Building and Loan Association at that time amounted to $121,000.

"Today its assets are $325 million.

"You have served as Executive Vice President, as President, and now as chairman of the board.

"You have also served as a director of other influential financial organizations.

"You are a highly respected, eminent citizen of this city, a giant business man, a man of honor and integrity, a man of noblest Christian character.

"You have never failed to serve your community.

"You served for 9 years as chairman of the initial joint City and County Bond Commission, charged with planning and financing Atlanta's $100 million expressway system.

"You continued as member of the new commission that administered an $87 million bond issue for public improvements.

"You served as a trustee of the Fulton-DeKalb Hospital Authority for 5 years and as its chairman for 3 years.

"You are past president of the downtown Atlanta Kiwanis Club.

"You, too, are a Master Mason and a Shriner.

"You are a member of many other outstanding clubs and organizations and have received many honors.

"Above all, you are one of Atlanta's noblest, finest Christian citizens and you serve as a Deacon in the Second Ponce de Leon Baptist Church, as a trustee of the Atlanta Baptist College and of Young Harris College.

"Because of your golden Christian character, your many attainments and great influence for good, and your superlative qualities as a lawyer, your Alma Mater, the Atlanta Law School, is happy and privileged to honor you.

"You honor the School more than the School can honor you.

"And I take great pleasure in presenting you, Wallace Odell DuVall, my dear, good friend, for the honorary degree of doctor of laws."

[From the Birmingham Post-Herald, Nov. 11, 1955]

FIRST MAGAZINE AWARD GOES TO DR. KETTERING

Dr. Charles F. Kettering, Southern Research Institute trustee and General Motors research consultant, last night was awarded the initial distinguished award of the "Dixie Business Magazine."

The presentation of the illuminated scroll, in the name of Hubert F. Lee, editor, was by Thomas W. Martin, SRI board chairman, at the SRI annual dinner last night.

The award cites Dr. Kettering as "A Great American." This is the first of the awards by the magazine and they will hereafter be made annually.

[From the Atlanta Journal, Nov. 13, 1959]

SENATOR HILL WINS MAGAZINE HONOR

BIRMINGHAM.—Senator Lister Hill (D-Ala.) has been named winner of the 1959 Great American Award from Dixie Business Magazine.

Hubert F. Lee, publisher of the magazine, announced the choice here Thursday, saying it was based on Hill's extensive efforts in behalf of legislation in the field of medicine.

The award was established in 1955.

WE MUST INCREASE DEFENSE SPENDING

Mr. BENNETT. Mr. President, in his state of the Union message, President Nixon called for an increase in defense spending. Coming at a time when the Vietnam war is winding down and Americans are weary of the burdens of war, the President's request is at once courageous and controversial.

However, available evidence indicates the wisdom of his request, and history teaches us the truth of his statement that "we must maintain the strength necessary to deter war." As President Nixon also correctly noted:

> Strong military defenses are not the enemy of peace. They are the guardian of peace.

The Nixon administration, as everyone knows, has concentrated its efforts in the military area toward ending American involvement in Vietnam—an involvement, I might add, that was incurred during previous administrations. The United States not only has been spending money for the conduct of the war, but has been using up its basic inventories. While we have not had funds to update our strategic defense, spending for this purpose in the Soviet Union has soared.

Although estimates vary as to how much the U.S.S.R. is spending on phases of its Military Establishment, Dr. John S. Foster, Director of Defense Research and Engineering at the Pentagon, has said the Soviet Union is spending 30 percent more than we are on military research and development alone.

Some groups in this country dispute Dr. Foster's figures and his conclusion that the Soviet Union is headed for technological superiority unless these trends change. For example, the Federation of American Scientists—comprising 2,000 Americans scientists and engineers—said in a rebuttal to Dr. Foster last year:

> Even if the Soviet Union were gaining one year of technology in every three or four, it does not provide evidence that they will—as charged—"assume technological superiority" but only that they may eventually achieve rough technological parity.

To me, this is a cavalier attitude that can be afforded only by those who will not be held responsible for the consequences of allowing the Soviet Union to achieve parity with this Nation's defense—a defense that is the chief bulwark against aggression in the free world.

Mr. President, if we in the Senate are to err, let us err on the side of prudence.

An interesting commentary on the need for increased defense spending appeared last month in the Washington report of the American Security Council. Although I cannot vouch for all of its conclusions, I believe it should be brought to the Senate's attention. The article was written by Foreign Editor Frank Johnson. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A LESSON FROM HISTORY

(By Frank J. Johnson)

For nearly 25 years Marcus Porcius Cato ended all of his speeches in the Roman Senate with the solemn intonation: "Besides, I think that Carthage must be destroyed." By 151 B.C. he had won his point; Rome declared war on Carthage and a fleet set sail for Africa. But the Carthaginians, now peace-loving and unprepared for major war, sought desperately to avoid it. The Roman Senate promised their hastily dispatched envoys that Carthage would be spared if 300 children from the most prominent families would be given up as hostages. With great uneasiness and lamentation, this was done. Next, the Carthaginian ambassadors were summoned to hear the Roman demand that Carthage surrender her remaining ships and implements of war. This, too, was done. Finally, the Romans demanded the evacuation of the city so that it could be burned to the ground.

When the Carthaginians heard this final demand they realized they had been tricked, in one of history's greatest acts of perfidy. Wild with grief and anger, they tore limb from limb the leaders who had urged appeasement and frantically sought to rebuild their defenses. In two months, while the Romans massed their forces, they produced 8,000 shields, 18,000 swords, 30,000 spears, 60,000 catapult missiles and a new fleet of 120 ships. But it was too little and too late. Following a bitter siege of three years, the Roman armies broke through the walls and nearly the whole population of Carthage perished by the sword. The city was then razed to the ground and the soil plowed and sown with salt. The destruction was as complete as might be the most devastating nuclear attack of today's world.

MODERN PARALLELS

Historical analogies are never exact, of course, but the lessons they teach about the attitudes of men and governments are instructive. The America of today would do especially well to pay some attention to the sad story of Carthage. Because if we do not soon come to our senses we will be well on the way toward a rerun, with ourselves this time cast in the unfamiliar role of the victims.

Cato called for the destruction of Carthage because he saw that it was regaining its prosperity after its earlier defeat under the great Hannibal, who had invaded Italy and had very nearly conquered Rome itself. Cato believed that the world of his day could not accommodate two strong, antagonistic powers, and that Carthage would again become a military threat to Rome if left unchecked. Therefore, he persuaded his countrymen to launch a *preventive* war.

In reality, the people of Carthage had no further imperial ambitions. They wished only to be left in peace to develop trade and commerce and pursue their "domestic priorities." They must have been well aware of Cato's exhortations and of the developing Roman attitude, but they did little to prepare for war, hoping thereby not to provoke the Romans. When the prospect of war nevertheless became immediate, they sought to avert it by the most abject appeasement, including submission to total disarmament. When this policy was unsuccessful they chose to fight rather than surrender, but by then their resources were hopelessly inadequate to the task. The result was that they, as well as their city, perished forever.

For more than 25 years since the U.S. and the U.S.S.R. became the two predominant world powers, we have heard the Soviet equivalents of Cato proclaim the undying "conflict of social systems" in which they have sworn that their system will emerge as the victor. Desiring no conflict of any kind ourselves, and wishing only a live and let live arrangement with our adversaries, we have allowed ourselves to be comforted by Soviet assurances that war is not necessary to the triumph of their system. And we have been generally content to leave in slavery those who have fallen victim to their system in order not to appear "provocative."

At the same time, we have listened to our own philosophers assuring us that nuclear weapons have rendered war "unthinkable" because it is, supposedly, "unwinnable." Thus bemused, we have watched, with apparent lack of official or popular concern as the overwhelming military superiority which we once enjoyed over our enemies has ever more rapidly melted away. That superiority, with official blessing, has given way to what is now called "sufficiency."

Whether or not the Soviet Union is now operating upon some Hitlerian timetable leading up to an actual attack upon the United States, in order to remove us once and for all as a military rival, is debatable. Quite possibly no decision has yet been made that this is necessary—not yet.

What does seem certain beyond reasonable doubt is that a period of almost unimaginable danger—not a "generation of peace"—lies ahead of this country. This stems from a combination of two factors. One is the political rot and erosion that is sweeping almost completely through what was once known as the "free world." The other is the rapidly accelerating momentum of the Soviet strategic military buildup.

FUNDAMENTALS OF WORLD CONFLICT

In the conflict of social systems, which the Soviets regard as the principal characteristic of the world situation, these two factors go hand in hand and complement each other. The U.S. and U.S.S.R., as nation-states, carry on a constant struggle for prestige and influence. This is the class struggle on the international scale. The respective military power of the two nations is fundamental to this struggle. Moscow's objectives vis-a-vis each nation are, first, to bring about non-alignment (meaning a break with the U.S. alliance system), second, to bring about an "anti-imperialist orientation" (meaning a general dependence on the world socialist system), and third, to bring about the consolidation of power by the Communist party within each nation, using U.S.S.R. military power as support where necessary and feasible.

Since World War II the military strength of the United States has always constituted the primary impediment to the Communist revolutionary thrust, as well as the only serious threat to the U.S.S.R. military-technical base. During the long period when the U.S. possessed unquestioned strategic military superiority, the U.S.S.R. was forced to keep its own power thrust relatively muted, relying for its revolutionary gains largely upon the self-imposed defensive attitude of the United States and the peculiar mental processes of most Western statesmen and intellectuals, who imply refuse to understand what the game is all about. The refusal, for example, to support the Bay of Pigs landing once it was underway, and the conclusion drawn afterwards that it was foolish to have launched the operation to begin with, illustrate such thinking to perfection.

TIME IS RUNNING OUT

The "correlation of forces," however, has now changed. The military-technical base of the U.S.S.R. is no longer inferior to that of the U.S. Soviet military momentum is now such that unless the U.S. rapidly increases its own level of spending the U.S.S.R. will have across the board military superiority by 1975. Most of our professional military leaders, such as Admiral Hyman Rickover, concede that they have superiority now in many categories of military power. Their ICBM force of over 1,600 launchers vs. 1054 for the U.S. is only the most dramatic example of such superiority. The most significant may well be their level of spending on military-related research and development (R&D). Beginning about 1968 the "crossover" occurred, when Soviet R&D spending exceeded our own. According to the best estimates, it now exceeds ours by some 40–50% per year—or $3 billion annually. Given the added Soviet advantage of secrecy, which generally prevents us from learning about new Soviet weapons until they reach the prototype and testing stages, this will make the U.S. increasingly vulnerable to the kind of technological surprise that could make a Soviet first strike against us militarily feasible.

Even before we lost military superiority to the U.S.S.R., the U.S. largely lost its credibility as a military bulwark against Communist revolutionary warfare by the manner in which it chose to fight in Vietnam. By now, whether the Saigon Government does or does not survive politically has become almost academic. The indecisive conflict so traumatized American society that the U.S. President has as much as promised that we will never do anything like that again. And President Nixon's potential challengers to his job are all pledged to do less, not more, to defend our friends and allies.

Cuba's Fidel Castro, on his recent triumphal visit to Chile, felt confident enough to proclaim that left-wing revolutionaries now need to resort to force only as a last resort.

"The United States has reached a low point in its international prestige," he declared. "At the time of the Cuban revolution, the world balance between socialism and imperialism was about even," said Castro, demonstrating with his hands. "Now it's like this," he went on, raising one hand higher. "It has changed in favor of revolutionary movements."

THE NEW "OSTPOLITIK"

The growing political rot is best illustrated in Europe by West German Chancellor Willy Brandt's so-called "Ostpolitik." It is interesting that ten years ago, on June 17, 1961, this man spoke in West Berlin as follows:

"To ask us to approve the dismemberment of Germany means the expectation that we should destroy our own honor. It is the suggestion that we should betray our own compatriots; that we should betray our aim of German unity and freedom. He who gives his hand to such a betrayal does not belong to us. . . . to sign the two so-called peace treaties would mean signifying German agreement with the illegal dismemberment of the policy of "negotiation rather than given up our demand for self determination."

Yet here is this same Herr Brandt now betraying every one of his own words. The Berlin agreement, along with the Warsaw and Moscow Pacts signed by West Germany in 1970 will, if ratified by the West German Parliament, formally recognize the dismemberment and division of Germany, leave standing the Berlin Wall, and deny forever the principle of self-determination for the people of East Germany. The U.S. Government has given the treaties its blessing—all part of the policy of "negotiation rather than confrontation," which the Soviets plainly regard as the highway toward the dissolution of NATO.

The truly incredible thing is that, even at this late date, the bulk of Americans persist in living in a fool's paradise. While we bask in the reassuring radiance of upcoming Presidential visits to Peking and Moscow, while we comfort ourselves with the happy idea that an Arms Control agreement will soon make it possible for us to reduce even further our already greatly slashed military expenditure, while we look with satisfaction at a world in which there at least seem to be no major East-West crises, while we relax in the spirit of "detente" being pushed by the world-traveling Soviet leadership, and while we ignorantly conclude from all this that the Communists, this time, have really changed (the "death of ideology" one newspaper columnist proclaimed!), time is running out on us with chilling speed.

The Vice President, at least, seems to understand. In an interview with Alan Drury, printed in *Look Magazine*, October 19, 1971, he said this:

"We're talking now about our grandchildren, or at least about the next generation. Then is when the blow will come from the Soviets. By that time we will be so weak that we will not be able to respond unless we are willing to launch massive retaliation that could blow up the world. They have been extremely clever in never forcing a crisis. Their method is to work around us and weaken us on every side without forcing a confrontation. Again I say it scares me because these fellows in the Senate and in the House who oppose our foreign policy are doing things to this country which cannot possibly be reversed unless we soon start to do them. They will soon be irreversible."

One might take issue with Mr. Agnew only on the part about the "next generation." If present trends continue the crunch will come much sooner than that.

THE MOMENT OF TRUTH

Soviet strategic planners may also be assumed to be students of history. They cannot presume that United States lassitude and stupidity will continue as a constant, right up until the end. If they have studied the Carthage case, they know that the Carthaginians did elect to fight, even though the odds against them had become almost hopeless and the decision amounted to virtual suicide. The Soviets have always taken into account that the same may occur with us . . . that is, when at last the ruins of our policy of negotiation and appeasement stand so starkly visible that they cannot be hidden, and when at last we realize that we have been hopelessly tricked and that our own leaders and intellectuals have duped and deceived us, then we, too, may go literally mad. In a last suicidal fury—the Soviets may reason—the United States people will tear their own appeasers limb from limb, install a right wing reactionary government in power, and launch a war against the Soviet Union with whatever forces still remain.

Krushchev talked of this possibility and so do Soviet military planners. They talk of it because of their own complete confidence that they will win the world struggle. They know that the U.S. must some day face the moment of truth.

Consequently, by every objective standard that we can now measure the Soviets are building a military establishment which is aimed not merely at deterring war, as ours is, but of winning such a war, should it occur. The period of maximum danger to themselves, when the U.S. might have used its near monopoly of strategic military power to launch a preventive war against the U.S.S.R., is long past. What they must now worry about is that the sweeping tide of their political successes, coming as the inevitable fruit of their enhanced military position, will sooner or later threaten them with a desperation U.S. military response. To counteract this possibility, mere military parity with the U.S. is not enough. They have to achieve such overwhelming strategic military superiority that they can either overawe us into a final internal collapse and surrender or, should they detect signs that we intend to fight rather than submit, then they want to be able to fight and win a war with the United States. This could conceivably involve a preemptive nuclear first-strike by the Soviet Union.

The world is already fairly far along in this ghastly scenario of events. Yet most Americans understand these realities very poorly. Never having experienced war on our own homeland, and being unaccustomed to defeat, we Americans cannot really grasp the possibility that, for us, history could end disastrously.

Yet most Americans do understand military power, and a recent Wall Street Journal Poll indicated that more than 80% of those contacted still want America to be number one in military strength. What they don't understand, because they generally aren't being told, is that we are losing our military position to such a degree that a direct threat to our military security is developing. There are indications that this may become more evident to the nation at large when the Secretary of Defense goes before Congress with his latest military posture statement—probably next February. His report is expected to be extremely grim.

Even so, unless the President himself puts away delusion and politics and places the prestige of his own office behind a massive effort to alert the country behind the need for a reversal of priorities, then it seems difficult to imagine how America is going to escape, in one form or another, the fate of Carthage.

RETIREMENT OF PAUL HOFFMAN

Mr. McGEE. Mr. President, an epoch has come to an end at the United Nations with the retirement of Paul Hoffman from the U.N. development program's governing council.

Paul Hoffman has made many significant contributions to the international community on behalf of this country and the United Nations. It is, therefore, with a sense of regret that we must see him step down from the post of administrator of the development program—a position he had held since 1966.

Hoffman was administrator of the Marshall plan after World War II and very instrumental in the success of that program, which, through massive U.S. aid efforts, brought stability to an economically shattered Europe.

Perhaps the United Nations development program has been that organization's greatest achievement. This program provides developing countries with technical assistance and investment-generating surveys, training, and pilot projects. It is supported by voluntary contributions from governments.

The success of the U.N. development program is a tribute to the skill and abilities of Paul Hoffman. Through his foresight has come the awareness that the world's rich must necessarily share in easing the burdens of the world's poor.

Although the international community suffers from the retirement of Paul Hoffman, it is nevertheless enriched by his efforts. It is my hope that the U.N. development program can continue with the same sense of dedication it demonstrated under Hoffman's leadership and guidance.

I ask that Senators join me today in paying tribute to a man who is truly international in character and vision.

AEROSPACE TECHNOLOGY

Mr. GOLDWATER. Mr. President, the subject of aerospace technology is one which has caused me great concern ever since this Chamber shortsightedly deprived the United States of an opportunity of producing a prototype supersonic transport. Even before this unhappy event which, in effect, forced this Nation to turn its back on technological progress, things were not good in the aerospace industry. But, since the demise of the SST, they have gone from bad to worse and unemployment in the aerospace industry in this country has become a severe and difficult problem.

Recently, Robert Anderson, president and chief operator of North American Rockwell, addressed himself to this problem in an address before the Aerospace Meeting, Society of Automotive Engineers, in Los Angeles, Calif. He made one very cogent point when he asserted:

> It is not incidental that aerospace unemployment, the U.S. decline in research—both military and civilian—our drooping balance of trade and the potential loss of U.S. technical superiority are occurring simultaneously.

Mr. Anderson aptly described aerospace technology as a key to the future. Truer words were never spoken. It is not too much to say that our future as a commercial nation and our future as a leading nation may well be tied to this factor. Because of the vast importance of this subject to Members of Congress, I ask unanimous consent that Mr. Anderson's speech be printed in the Record.

There being no objection, the address

was ordered to be printed in the Record, as follows:

Aerospace Technology: Key to the Future

(Remarks by Robert Anderson)

Ladies and gentlemen: I'm delighted to be among my friends of the Society of Automotive Engineers.

The Society has been a part of my working life for a long time, and that is one of the reasons why I have some definite ideas about science, engineering and technology. I have an irrepressible feeling that our profession, and the aerospace industry in particular, are engaged in a battle for survival.

If you agree with me, then I'm confident you will also agree that we are in the eleventh hour, and it is important that we stop talking to ourselves and speak candidly to the American people.

It is of paramount importance that they recognize that the battle of survival I have just mentioned is their battle as well. The anti-technologists, the anti-defense spenders, the anti-space program buffs are constantly vocal while we engineers, scientists and researchers seem incapable of espousing one of the foremost and fundamental factors in American life . . . the need for the continued fostering and support of the engineering profession and the resulting scientific research and technology that has made this country No. 1 in the world.

Since last year more than a quarter of a mililon persons have left the aerospace industry, and at least one out of every five was either an engineer or a scientist. That fact, of course, is painfully obvious to everyone in this room who can number among those bleak statistics long-time associates, loyal employees, and yes, even some top-quality bosses.

That many of these individuals have left our industry can only be described as a national tragedy. The loss of this energy source now, this dissipation of a major part of our country's technological base, could very well lead to the permanent erosion of the United States' position as a world power.

Dr. Eberhardt Rechtin, a top Department of Defense official, underscores this erosion with sobering statistics that should give concern to every loyal American.

"Since 1968 the Soviets have increased research and development expenditures approximately 10 to 15 percent each year. The present USSR research and development effort amounts to about $10 billion a year, compared to about $7 billion for the United States.

"This $3 billion difference in effort means the Soviets could generate 50 to 100 percent more prototypes of major weapon systems than the United States in the upcoming years."

The sheer magnitude of the Russian's research effort could very well result in some Sputnik-like surprises in national security systems during this time period, he warns.

There is no question, either that the Russians are continuing substantial investment in space research, while that of the U.S. is dropping each year.

Our manned space program calls for just two more flights to the moon next year and then three earth orbital Skylab missions in 1973 and 1974. Even with the space shuttle getting a full green light, there is not much likelihood of another American manned space flight until the end of the decade. Do you really suppose the Russians will go to the sidelines as long as the game clock is still running just because we do? I don't.

For more than a half century the U.S. has been the richest nation in the world. Our wealth not only has maintained what up to now has been the most powerful defense force in the world, but also has provided our citizenry the highest standard of living in history. We have been, and are producing, with less work, more real goods and services for every man, woman and child in this country than any nation in the world.

How have we done it? Is it because Americans are more energetic than other peoples? Are we smarter? Is it because of our country's greater natural resources? Certainly, the latter is important. But the basic reason is an economic system that rewards successful innovation; a system that seeks out new ways of doing things; that searches out and markets new products; that develops new methodology.

The wellspring this system draws upon is technology.

Our growth as a nation is a history of technical innovation. Engineers and scientists have been the key element in creating the most productive and the most successful nation in the world.

Dr. J. Herbert Holloman, consultant to President Nixon, says this disparity in technical effort may have begun to be reflected in our trade with Europe and Japan.

The imports from Europe of such high-technology products as chemicals, machinery, electrical equipment, transportation equipment and instruments is increasing at a 20 percent rate, while the rate of growth in their export from the United States averaged only nine percent. While United States imports from Japan were growing at 32 percent a year, U.S. exports to Japan were increasing at only 7 percent a year.

If this trend continues, economist Michael Boretsky estimates that by 1973, in high technology products alone, there will be a trade deficit with Europe of almost $2 billion, and with Japan, a deficit of almost $5 billion.

If these numbers are not impressive, take another look at wire service photos of the Concorde flying over South America after a non-stop supersonic transatlantic flight. Or read about travel in the supersonic Russian Tupolev in an *Aviation Week* advertisement. The development of the Soviet's long-range, supersonic, swing-wing bomber is still another example.

Since the demise of the SST there is not even an advanced design of an American equivalent on the drawing boards.

Or, count the number of foreign-made automobiles that will be sold in America this year. And then count the four hundred thousand non-existent American jobs those cars represent.

There is no question that we are fast losing our momentum that in the past has let us compete successfully in the world market on the basis of our superior technology, despite our higher wage scale. It is most unfortunate that just as many of our industries are being threatened by the rapidly rising productivity of competitor nations, we appear to be anxious to slow the kind of technical effort that pushed us to the forefront.

However, just as in defense, the payoff for civilian research and development is way downstream. And, the rest of the world is catching up rapidly. One recent study showed that in eight European countries whose combined Gross National Product was one-third that of the U.S. there were three times as many engineers, scientists and technicians engaged in civilian-oriented R&D.

Comparisons between the U.S. and Japan are even more striking. The Japanese, with one-half the U.S. population and one-fifth of our Gross National Product, employed 70 percent as many professional research and development personnel in their civilian effort as did the U.S.

It is not incidental that aerospace unemployment, the U.S. decline in research—both military and civilian—our dropping balance of trade, and the potential loss of U.S. technical superiority are occurring simultaneously.

They are the inevitable result of a shift in national priorities that calls for more emphasis on programs to improve the conditions of the poor, the aged, and the disadvantaged as well as a growing concern to improve and preserve our national resources.

While this shift had been in motion since 1965 when U.S. spending for human resources began to increase dramatically, it became an overwhelming factor in the 1971 fiscal budget. While national defense outlays in 1971 declined by $7.7 billion from the 1969 level and space spending also dropped, the budget for human resources programs increased by $18.4 billion to a total of $81.9 billion! The result was inevitable unemployment for 80,000 engineers!

There is nothing wrong with re-ordering priorities. It's healthy, and it is part of our national strength that we can change as times and needs change. The danger is in over-reaction, in trying to move too fast and too precipitously.

The problems we are trying to solve are very complex. Not only are they socially and economically complex, they are technically complex. A good example is the recent advice of the U.S. Surgeon General to housewives to go back to using phosphate detergents in preference to "ecologically safe" washing materials. As the *Los Angeles Times* pointed out, "the detergent dilemma is a sobering reminder of the complexities of protecting the environment. Sometimes alternatives are worse than what they replace. Propaganda and slogans are no substitute for hard scientific work to sort out the real hazards and the practical solutions.

It is ironic that during the very period that this shift in government spending was taking place, there also has developed a climate of irrational hostility toward science and technology that seems to be growing throughout the country, particularly among our young people.

NASA's Dr. Wernher von Braun describes the situation this way, "It is irrational because those most vocal in their hostility toward science and technology are the very ones professing the greatest concern about poverty, poor housing, hunger and quality of the environment. All of these problems of society depend in varying degree upon our technological capabilities, and certainly upon increased productivity, for their solutions."

I am sure engineers and scientists are just as concerned about the air they and their children breathe, the water they drink, the aged and the poor, as anyone in this country. We share the national concern for the proper utilization of the earth's resources. While others have been talking about it, our profession has been working for years to improve the quality of life within our cities.

I think it's important to note that industry was working for a cleaner America long before Earth Day even came into the headlines. But we give full credit to our young people for having brought to the effort an emotional excitement and an intellectual commitment that had completely escaped us.

We professionals are confronted with more than just the problems, however. There are many who point a finger at us and say that we *are* the problem. In effect, the say: "Abolish science and engineering, physics, aerodynamics, everything that contributes to the advance of technology—and the degradation of our environment will slow to manageable proportions."

Hasn't our profession been characterized by self-effacing individuals who much preferred the drafting board to the public platform? Haven't we leaned toward technical dissertations of our own journals rather than letters to the editor of our local newspaper?

Wouldn't we rather discuss the isothermal properties of new metal in a quiet technical meeting such as this, than debate the merits of the SST in an open forum?

I am not suggesting that we completely

change our life styles, or that we all take up public speaking or journalism. But, I am suggesting that we assume a much more vocal role in society.

Emilio Daddario, formerly Chairman of the House of Representatives Subcommittee on Science, Research and Development, outlined an excellent approach in a recent issue of MIT's *Technology Review*.

The former congressman calls for a "gradual, consistent education of the public to perform the kind of town-meeting assessments of technology which must be done for almost any community development in this day and age."

"The point is that technology assessment in all public problems involving technical matters, requires a number of forums: The professional community, the congressional committee, Congress as a whole, the executive agency, the courts, the special interest, and the public at large."

Pan American's president Najeeb Halaby made a similar point in a paper delivered before the recent Test Pilot Symposium. ". . . . we must concentrate on conveying to the general public our concern and the value to society of what we are striving to do.

"Producing the happy supporting public flocking to the spaceport to fly in the new space shuttle will be just as difficult as producing the machine, but if we fail to accomplish both, we are very likely to end up with neither."

An informed, even sympathetic public unfortunately is not going to solve all of our problems, however. No matter what scientific programs the Congress might vote this session, it would take years for most of the out-of-work engineers to find jobs again in the aerospace industry.

This state of affairs is not, I am sure, what the Congress expected or intended when it voted to cut back on space and defense spending. It did not foresee these cuts coinciding with—and certainly reinforcing—a general recession. Many were fooled by the familiar "If we can go to the moon, why can't we clean up our cities, or our rivers. or end poverty?"

I think many of them really expected to turn off the valve that controls our space effort, and with equal ease turn on the valve that directs this newly unemployed talent into entirely new areas. It was a naive expectation. The result is not only a personal tragedy for the many individuals involved, it is also a waste of a vital national resource.

Aerospace talent—on a scale large enough to have real impact—can only be redirected to new priority problems when the government has *defined* and *funded* specific projects directed to these problems. The government has initiated some programs in this area but they are still small and piecemeal. And, more important, we do not yet see a real commitment on the part of government to push and encourage promising projects.

Let me give you a specific example of what I mean. Some years ago, actually as a fallout from its work with nuclear reactor coolants, our Atomics International Division found that molten salts provide a very effective means of removing sulfur fumes from stack gases.

It appeared to have good potential as a major step in combating air pollution. Several government agencies and many utility companies expressed considerable interest in the process, and, after several months of negotiation a pilot program finally was ready to go.

We were willing to contribute a share of the development expense. The utilities pledged their share and so did the government. Unfortunately, the recent budget squeeze forced the government to withdraw its support. This, of course, throws a heavy burden on the utilities and our Atomic International Division as they continue with the development effort.

There are two important points to be noted here. First, the aerospace industry cannot take substantial steps in applying its technology in solving our environmental problems unless it has *customers* for the techniques and hardware which it can offer. Second, if significant steps in controlling the environment are to have high governmental priority, there must be equally high priorities insofar as allocations of government funds are concerned.

In the meantime we are wasting our technical talent. Aerodynamicists are selling ice cream and insurance; spacecraft technicians are repairing television sets; and some physicists are lucky to be employed as teaching assistants.

While we search for practical ways of saving our environment and solving our social problems we must take immediate steps to maintain our dwindling technical force so that we will be able to complete these tasks when they finally are defined.

In my view there is only one sure way to do this, and that is to adequately fund those space and defense programs which already have been assessed as vital to the national need. Failure to do this will not only eliminate the fountainhead of technology—but ultimately, the loss of this capability will threaten the survival of this country. Certainly, the space shuttle is a prime example of the type of program that will bring tangible benefit to our country while supplying important opportunities to our technical work force.

Aside from the direct benefits of our space effort—such as weather and communication satellites—it has been difficult to transfer space technology to every day use. Nevertheless, it is being done and at an increasing rate.

Despite our problems, I see some promise for the aerospace industry in recent actions of the Federal government. Most significant has been establishment of a key White House study group under William Magruder to develop a new national technology policy. It is hoped that this study will produce a broad, sweeping assessment of this vital national resource and result in a strong, effective plan for the future.

It is my hope that this plan not only will utilize our technical resources in their traditional roles, and develop support for our major continuing programs, but also will spearhead a national assault on our environmental problems.

It is imperative that each of us as individuals, as technical societies or as industrial entities make our thoughts known to Mr. Magruder. And, we must mount a concerted effort to make the need for such a viable national policy clearly understood by our families, our friends, our neighbors, our legislators. Because they are the American citizens who must decide not only our future—but the future of this nation as well.

A TRIBUTE TO JOHN EDELMAN AND AIME FORAND

Mr. CHURCH. Mr. President, the National Council of Senior Citizens, within the period of 3 weeks, has lost two of its former presidents, John W. Edelman and former Representative Aime J. Forand.

The council's loss is the Nation's loss, too.

Mr. Edelman had a long fruitful lifetime as a journalist, a representative of labor, and as an ardent and effective spokesman for good causes. He was often on Capitol Hill to speak out for the well-being of people; he was always welcome. His term as president of the National Council of Senior Citizens was marked, not only by constant attention to the problems of older Americans, but to a better life for all Americans.

The same was true of Mr. Forand, who certainly was a major pioneer in the legislative evolutionary process that finally led to medicare. From 1957 on, Congressman Forand argued for his bills to provide health insurance for the elderly. His ultimate victory was a victory for all Americans, those now old and those who will be.

Mr. President, the Washington Post published excellent articles on the achievements of both men. Their public record is the best tribute to them; I ask unanimous consent that the articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

John W. Edelman, Headed Council of Senior Citizens

(By J. Y. Smith)

John W. Edelman, a president emeritus of the National Council of Senior Citizens and a former labor leader, died at his home in Arlington yetserday of cancer. he was 78.

Mr. Edelman, who resided at 813 S. Veitch St., was president of the National Council, which claims 3 million members, from 1963 to 1969, when failing health forced his retirement.

The Council was formed in 1961 to promote health insurance for the elderly. Their program eventually took the form of Medicare. When President Johnson flew to Independence, Mo., to sign the Medicare bill into law in the presence of President Harry S. Truman in 1965, he took Mr. Edelman with him.

Mr. Edelman was born in Belleville, N.J. His parents took him to England at an early age, and it was there that he began his career in the labor movement. He was a union organizer among British textile workers. At 14, he was a branch secretary of the Independent Labor Party.

In 1916, he returned to the United States. He served in the U.S. Army in World War I. Afterwards, he worked as a newspaperman in Springfield, Mass., Camden, N.J., and Reading, Pa.

In 1924, he managed the Pennsylvania campaign of the late Sen. Robert M. LaFollette of Wisconsin, who made an unsuccessful third-party bid for the presidency with the backing of the American Federation of Labor.

Mr. Edelman joined the American Federation of Full Fashioned Hosiery Workers in 1926. For the next 11 years, he served as the union's education and research director and as editor of its publication, The Hosiery Worker.

In 1937, he was named eastern Pennsylvania regional director of the Congress of Industrial Organizations. He helped organize strikes among hosiery workers in Reading, Pa., Elizabethtown, Tenn., and Danville, Va.

In 1945, he was appointed Washington representative of the Textile Workers Union of America (AFL–CIO). He held that post until his retirement in 1963.

Mr. Edelman also had an extensive career in government. He served as a consultant to the Federal Housing Administration and to the Resettlement Administration in the Roosevelt Administration. In World War II, he worked with the Office of War Emergency and in the labor office of the Office of Price Administration.

For several years he was a member of a committee advising the Department of Agriculture on the problems of rural development.

In the Kennedy and Johnson administrations, he served on the Task Force on the Aging Poor, a body that advised the Office of Economic Opportunity. He resigned in 1968 in protest against what he regarded as the lack of concern on the part of the OEO with the problems of the elderly.

In a statement, Nelson H. Cruikshank, now the president of the National Council of Senior Citizens, said:

"John Edelman fought the good fight to win a better life for his fellow man. His life is a shining example for today's generation and generations to come."

Mr. Edelman is survived by his wife, Kate, of the home; a son, John Arnold Edelman, of Alexandria; two daughters, Ann Steuphansky, of Chevy Chase, and Alison Carter, of Westport, Conn., and by 11 grandchildren.

EX-REPRESENTATIVE AIME J. FORAND DIES AT 76

(By Jean R. Hailey)

Former Rep. Aime J. Forand (D-R.I.), who fought long and hard for what eventually became Medicare, died Tuesday night after suffering an apparent heart attack in his home at Boca Raton, Fla. He was 76.

Mr. Forand, who had served 22 years in Congress before he decided not to run again in 1960 because of ill health, was considered the father of Medicare although a health insurance bill for the elderly did not become law until 1965.

But his fight to get through his own bill, which he introduced in 1957 and which failed to pass, was considered the important springboard for the later bill.

Mr. Forand's bill would have increased the Social Security tax one-fourth of 1 per cent on both employee and employer to pay the costs of surgery and up to 120 days of combined hospital and nursing-home care a year. It was strongly attacked by the medical profession as a "compulsory" first step toward "socialized" medicine.

Later, in 1965, when the present Medicare bill was passed, Mr. Forand was among those invited to Independence, Mo., by former President Lyndon B. Johnson, when he signed the bill into law in the presence of former President Harry S. Truman.

Gov. Frank Licht of Rhode Island issued the following statement yesterday:

"The death of former Congressman Aime J. Forand saddens all of Rhode Island. He was indeed the father of Medicare and fought in his public career particularly for the welfare of our senior citizens. Mr. Forand was an outstanding public servant."

After he left Congress, Mr. Forand continued to battle for medical care and other benefits for the elderly.

More than any other person, he was considered responsible for the White House Conference on Aging, held in January, 1961. Ironically, he was not invited to the conference.

Conference officials at the time called it an "oversight" and said an invitation would be issued. Mr. Forand, however, balked, saying it was too late.

Mr. Forand served at one time as national chairman of the National Council of Senior Citizens for Health Care through Social Security, which he helped organize.

He had headed the Senior Citizens for Kennedy Committee in the 1960 presidential campaign and had served on a 25-man advisory committee on housing for senior citizens. Many buildings in housing projects for the elderly in Rhode Island have been named for him.

Born in Cumberland, R.I., Mr. Forand was considered a self-made success. Of a large family, he had to drop out of school in the seventh grade to help support the family because of his father's illness.

"From that time on, it was home study for me," he once explained. "I took a bookkeeping course sold by Sears Roebuck. I went to night school and took shorthand until I could write 100 words a minute. I then was working in a cotton mill."

There were other jobs, as a dump-truck driver, radio repairman, chauffeur, grocery clerk, newspaperman and secretary to congressmen. Always there was study at night.

Mr. Forand was a member of the Rhode Island House of Representatives from 1923 to 1927. Later he was chief of the Rhode Island State Division of Soldiers' Relief and commandant of the Rhode Island Soldiers' Home. He was a veteran of World War I.

He later said it was his first-hand experience in these positions, which involved medical needs of the aged, that prompted his introduction of his bill.

"The needy will never again be just statistics to anybody who has to deal with their personal problems," he said at the time.

AFL-CIO FLSA RESOLUTION

Mr. WILLIAMS. Mr. President, the Labor Subcommittee is currently considering amendments to the Fair Labor Standards Act, including S. 1861 which I introduced to increase the minimum wage and greatly expand the coverage of the act. It is a sad truth that today's minimum wage of $1.60 per hour yields to a full-time working man or woman many of whom are the heads of families, approximately $3,200 per year, almost $800 below the poverty level for a family of four. In many instances that family head would do better financially by leaving work and joining the welfare rolls. For many, the situation is even worse because they are not covered by even the limited provisions of the Fair Labor Standards Act.

In recognition of the plight of the low-wage worker, the AFL-CIO at its recent convention reaffirmed its long-standing and outspoken support for immediate improvement in the provisions of the FLSA. Further, they resolved to fight for a minimum wage of at least $2.50 an hour, in the future, and universal coverage, among other things. In order to share this commitment with Senators, I ask unanimous consent that the 1971 AFL-CIO resolution on the Fair Labor Standards Act be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

THE 1971 AFL-CIO RESOLUTION FAIR LABOR STANDARDS ACT

Whereas, Congress is on its way toward enacting new minimum wage or Fair Labor Standards Act legislation. A bill to increase the minimum wage to $2.00 an hour is before the House of Representatives and one to raise it to $2.25 is before the Senate. The legislation in both chambers also provides some additional new coverage and closes some other existing exemption loopholes in the Fair Labor Standards Act, and

Whereas, After these amendments to the FLSA are approved by Congress, additional new legislation still will be necessary in the future. Further increases in the minimum wage will be required, since $2.00 and even $2.25 an hour still leave full time, minimum wage workers near the current poverty level and far below the U.S. Bureau of Labor Statistics' "lower living standard budget." Expected future increases in the cost of living will worsen this situation, and

Whereas, Millions of workers will still suffer from either complete or partial exclusion from the minimum wage and/or maximum hours provisions. The workweek will still be at the 1938 level and prevent a sharp increase in employment. Puerto Rican workers will still be discriminated against. Farm workers will still get second class treatment. And young people will still suffer from subminimums; therefore, be it

Resolved: That the AFL-CIO will continue to give top priority support to the maximum immediate improvement feasible through action on the Fair Labor Standards Act amendments now before Congress, and be it further

Resolved: That in future action on FLSA legislation, the AFL-CIO will seek:

1. A minimum of at least $2.50 an hour.
2. Full minimum wages and maximum hours coverage for all workers engaged in interstate commerce, the production of goods for commerce or affecting commerce.
3. Equal protection concerning the minimum wage, maximum hours and child labor provisions for farm workers as all other workers.
4. The same minimum wage protection for workers in Puerto Rico as on the mainland U.S.
5. The elimination of all subminimums for youths.

THE SUBVERSIVE ACTIVITIES CONTROL BOARD

Mr. ERVIN. Mr. President, on December 6, 1971, I placed in the RECORD several articles and editorials relating to the Subversive Activities Control Board. Among them was an article by Mr. Carl T. Rowan entitled, "Do-Nothing SACB Should Keep on Doing Just That," which had been published in the Washington Evening Star of July 25, 1971. Included in Mr. Rowan's article was a reference to Mr. Otto F. Otepka, a member of the Subversive Activities Control Board.

Last week, I received from Mr. Otepka a letter requesting that I place in the RECORD a letter which he addressed to the editor of the Washington Evening Star. The letter was published in the Star of August 4, 1971, in rebuttal of Mr. Rowan's article.

Mr. President, in fairness to Mr. Otepka, I am happy to comply with his request and, therefore, ask unanimous consent to have printed in the RECORD Mr. Otepka's letter to me of January 7, 1972, and his "Letter to the Editor," and to have reprinted in the RECORD Mr Rowan's article which is the subject of this correspondence.

There being no objection, the letters and the article were ordered to be printed in the RECORD, as follows:

SUBVERSIVE ACTIVITIES CONTROL BOARD,
Washington, D.C., January 7, 1972.

Hon. SAM J. ERVIN, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ERVIN: On December 6, 1971 you had five articles and editorials inserted into the Congressional Record all of which are in opposition to the Subversive Activities Control Board.

One is a column by Carl Rowan which appeared in the Washington Star of July 25, 1971. I have no comment with respect to the criticism of the SACB but Mr. Rowan's column contains statements about me which are untrue. Since the Record is read by Senators who I understand desire to vote one way or another on my pending nomination for another term on the SACB when that nomination is sent to the floor by the Majority Leader, I wish to bring to your attention my letter to the Star which was published on August 4, 1971 without any editorial change or condensation (copy enclosed.)

As you know the Judiciary Committee favorably reported out my nomination last June by a 13-3 vote and you cast one of the favorable votes. May I ask if it is possible also to include my answer to Mr. Rowan's column in the Record?

Many thanks for your past consideration of my case.

Sincerely yours,

Otto F. Otepka,
Member.

[From the Washington (D.C.) Evening Star, Aug. 4, 1971]

Otepka Replies to Rowan

Sir: In the interest of fairness and accuracy, I respectfully request that you publish the following in order to correct statements made about me by Carl T. Rowan in his column of July 25.

Mr. Rowan said: "Otepka was fired by the State Department for leaking secret documents to senators known to share his right-wing sentiments."

The fact is that I have never been fired, dismissed or discharged by the State Department for any reason whatsoever. I entered on duty in the Subversive Activities Control Board on June 30, 1969, by transfer from the State Department without any break in service. My position at the time of my transfer from the department was management analyst. I originally entered the government service in 1936.

I did not leak, slip, or otherwise slyly or secretly convey any documents to any senator and I was not charged by the department with any such offense.

Along with other State Department personnel I was formally requested to appear before the Senate Internal Security Subcommittee and asked to testify under oath concerning security procedures. After I was duly informed that the testimony of my superiors was in material conflict with mine and in derogation of my performance, I provided the subcommittee with two, and only two, so-called classified documents to support my testimony.

I was never a volunteer witness before any congressional committee but testified at all times on written request and with the knowledge and permission of my superiors.

In common with certain other journalists when writing about me, Mr. Rowan consistently omits from his columns the fact that my testimony provided that my superiors lied under oath. Because of their false testimony one superior was required to resign and another was reassigned to other duties. One subordinate was also required to resign because of his false statements. It was not I who was dismissed but those who did not tell the truth.

Mr. Rowan also wrote: "The Senate has yet to confirm Otepka, who is a sort of Daniel Ellsberg in reverse."

There isn't the slightest resemblance of my actions to those of Mr. Ellsberg. I did not furnish any classified document to any newspaper nor did I make any classified information public. As a government official, I appeared in a closed session of the Senate Internal Security Subcommittee, and authorized functionary of the United States government, and provided relevant documents on its request while testifying under oath.

I am proud that I fulfilled my sworn obligation to United States government authorities by availing myself of the opportunity given me to testify before Congress. I am equally proud, as is my family, that I resisted the State Department's attempts to dismiss me because of my testimony. In the process I was compelled to endure five years of isolation in a tiny room during which all sorts of unbelievable tactics were used to thwart my determined appeals to obtain justice through the administrative procedures of that government agency. I refused all inducements to resign.

My personal life has been influenced by my family in a philosophy which is now rejected by many modern philosophers. It is in the tradition of the ancient Greeks who said: "He who so loves truth will not care to return evil for evil; he will think it better to suffer injustice than to do it; he will go forth by sea and land to seek after men who are incorruptible, whose acquaintance is beyond price."

Otto F. Otepka,
Member, Subversive Activities Control Board.

[From the Washington (D.C.) Star, July 25, 1971]

Do-Nothing SACB Should Keep on Doing Just That

(By Carl T. Rowan)

It seems such a shame to have the United States Congress tied up for days in argument about a do-nothing relic of the postwar witch-hunts called "The Subversive Activities Control Board."

Unfortunately, such action by Congress is necessary if we are to prevent the use of the SACB to impose another spell of McCarthyism and ease the country a little further into police statism.

As things stand, the SACB is no big threat to the people's liberties. The courts long ago clipped the board's wings to the extent that it is just a $450,000-a-year boondoggling sop to those conservatives who still see Communists under every bed.

The board now rarely meets, and, according to testimony by its chairman, interviewed only three people last year. So it is hardly the great protector of the nation's security.

But the SACB has been of convenience to presidents. When Lyndon B. Johnson wanted to favor one of his secretaries, he named her groom to a seat on this board.

When Richard Nixon wanted to curry favor with the right-wingers, he named one of their favorites, Otto F. Otepka, to a $36,000-a-year seat on the board. The Senate has yet to confirm Otepka, who is a sort of Daniel Ellsberg in reverse. Whereas Ellsberg leaked the "Pentagon papers" out of liberal, anti-war convictions, Otepka was fired by the State Department for leaking secret documents to senators known to share his right-wing sentiments.

With liberals (and conservative Democrats like Sen. Allen J. Ellender of Louisiana) complaining about spending half a million dollars a year for such a moribund outfit, President Nixon decided to give the SACB at least the appearance of doing something.

On July 2 he issued a little-noticed executive order that would empower the SACB to "determine whether any organization is totalitarian, fascist, Communist, subversive, or whether it has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any state or which seeks to overthrow the government of the United States or any state or subdivision thereof by unlawful means."

Thanks to that ever-surprising civil libertarian, Sam J. Ervin Jr., D.-N.C., the Senate has voted that SACB may use nary a dollar of its $450,000 appropriation to carry out the broad duties that Mr. Nixon wants to give it.

Ervin and others in Congress know that SACB's proposed new role would carry us back into that ugly era of punishment by smear and guilt by association.

When scores of groups are screaming for peace, who are these five members of SACB to decide that one organization is true-blue American and another subversive?

Who are they to decide which civil rights group is "too militant" and is to be labeled "totalitarian, fascist, Communist, or subversive"?

What worthwhile purpose does it serve in a free society for the attorney general or SACB to draw up a list telling me that the Ku Klux Klan or the Black Panthers are "subversive"? If anyone in either group violates the law, let him be indicted, tried fairly, and if convicted, punished according to the law. This business of punishment by government blacklisting has no place in this society.

With a shift of four votes the Senate would have cut off funds and abolished SACB completely.

But if the board must continue, let it doze in do-nothing splendor the way it has for years. In which case I promise not to ridicule the SACB ever again, having learned the painful way that it is wise to let sleeping ogres lie.

CARING ABOUT THE ELDERLY AT CHRISTMAS

Mr. CHURCH. Mr. President, Margaret Mead—speaking about programs to serve the elderly—has wisely said:

> The government can never do it completely . . . we have to organize life in ways that people care for each other.

This philosophy has been expressed in some federally assisted programs. The Older Americans Act, for example, places great emphasis upon local initiative: Title III community development programs are designed to make the most of the concern that neighbors have for neighbors. Other Federal efforts, such as the senior AIDES program, succeed largely because the Federal apparatus does not get in the way: it assists people dealing with grassroots problems in grassroots fashion.

But sometimes the most effective actions are taken without any governmental assistance at all. Such was the case in Idaho this Christmas when the Idaho Statesman and the Boise Soroptomist Club made a joint appeal for Christmas gifts to the needy elderly. Betty Penson, Statesman woman's editor, described the result as the greatest expression of caring she has seen in 37 years of newspapering in Idaho. Gifts for some 76 needy elderly had been requested, but more than 700 gifts were actually delivered to the Statesman.

An article in the December 26 Statesman provides additional details. I ask unanimous consent that it be printed in the Record, and I commend all concerned with this fine effort.

There being no objection, the article was ordered to be printed in the Record, as follows:

Statesman's Annual Project Gets 1,000 Percent Response: A Great Big Thank You To All Who Played Santa to the Old Folks and Made This the Christmas That Will Last All Year

(By Betty Penson)

"The government can never do it completely . . . we have to organize life in ways that people care for each other."—Margaret Mead

"Our lack of consideration for the elderly is one of the most conspicuous of our failures. Consider that the budget for the AoA is less than the cost of a single bomber . . . Perhaps it is due to our fast-paced lives that so many of our people are unaware of the way so many elderly people live."—Sen. Frank Church of Idaho.

It was the greatest Christmas ever. Christmas 1971. When hundreds of Idahoans brought literally truckloads of gifts to The Idaho Statesman for the needy elderly.

The response was . . . incredibly . . . something like 1,000 per cent. Can you believe it?

Two weeks ago today, Dec. 12, we asked you readers the same thing we've asked each Christmas season for more than 50 years . . . to furnish gifts for some 76 needy elderly.

And how did you answer? You brought over 700 gifts.

In my own 37 years of newspapering in Idaho, it was the greatest expression of caring I have ever seen.

More than the needed gifts were all promised by 10 o'clock Monday morning . . . but you just kept on bringing them in.

Day after day, the beautifully wrapped packages flooded in to The Statesman until they filled almost a whole storage room in the basement . . . kept under lock and key, like a beautiful treasure (which in truth they were).

Some of the wrappings were works of art. The letters were beautiful. Many of the gifts were hand-made. Personal expressions of caring.

The list is staggering . . . the man who made 50 pounds of peanut brittle . . . the 50 gifts from the Hawthorne Kindergarten . . . the great box of gifts from Burley? (Burley? Yes . . . 'way down there in the middle of the bottom of the state) . . . gifts from other towns, especially Mountain Home and Emmett and Ontario . . . and two came special delivery from a newspaper gal in Los Angeles.

There were goodies from a cooking class at Fairmont Junior High . . . oranges from a high school drill team . . . Christmas corsages from the Capital Lions Club . . . fruits from a fifth grade class with hand-painted cards . . . 20 quarts of home-canned apricots . . . checks of $5 and $10.

The Soroptimist Club which had volunteered to be distributing angels nearly went into a group faint. "This is the most exciting thing that has ever happened to the Soroptimists," said one of the little ladies . . . in fact, they all seem to be about five-feet-two and look fragile as Christmas tree angels . . . but you should have seen them distribute.

One of them . . . Muriel Heller . . . loaned a truck and Donder and Blitzen how they flew around town, to the nursing homes and to the little places where lonely oldsters live close to the poverty line.

The list of needy oldsters had grown considerably since the Dec. 1 announcement . . . but even so, the gifts of generous Idahoans were spread onto many bare tables.

The Soroptimists shared the cookies, the candies, the fruits with the Christian Children's Home, the Christian Community Center in Garden City, the Good Samaritan Home.

But what to do with all those duplicate gifts earmarked for special people on the list? The Soroptimists came up with a fabulous answer. They're to have a committee meeting tomorrow, to make the plans. "We're going to set up a calendar," said chairman Mrs. W. B. Cox," with the birthdays of all these people . . ."

"Plus Valentine's Day and Easter," added co-chairman Mrs. Homer Hamblin.

"And make this the Christmas that lasts all year long," beamed Mrs. Cox.

And now that other important matter: To all the people who answered our request, "Can you spare an hour to visit with an oldster?" . . . more than 100 filled out the coupon, many wrote letters . . . Mrs. Cox wants you to know this:

"Because of the overwhelming response, we realize there is tremendous interest. We hope to get an organization, an auxiliary started. First we must form a council, with representatives from the nursing homes.

"But in order to get this well organized and set up an efficient operation, we need a little time. It may be the middle of February before we can start calling on those individuals. Ask them to be patient."

FULL FUNDING FOR MASS TRANSIT: A NATIONAL NECESSITY

Mr. WILLIAMS. Mr. President, the revitalization and expansion of our mass transportation systems are crucial to the mobility of our urban and suburban citizens and to the quality of life afforded by our Nation's cities. In response to the pressing need for Federal support to States and localities in improving mass transit, the Congress authorized $900 million for fiscal year 1972 under the Urban Mass Transportation Assistance Act of 1970.

The 1970 law makes it possible to provide $3 billion over a 5-year period to help finance mass transportation. However, if the program is to meet the need, as well as live up to the expectations it has created, it must be adequately funded.

Accordingly, I was deeply disturbed to learn that the administration was reducing the transit program to $600 million, one-third below its authorized level for 1972. Because of my concern for the vital job mass transit can perform, I joined 36 of my fellow Senators in a November 2, 1971, letter to the President which emphasized the need for committing the full amount authorized. In this letter, we pointed out that obligation of the $900 million is an absolute necessity if we are to make up for years of neglect and meet the backlog of applications from local communities for Federal mass transit assistance.

I regret to say that the reply was extremely disappointing. In a letter dated November 8, 1971, the administration reveals a less than accurate understanding of current transit requirements and of congressional intent under the Mass Transportation Assistance Act of 1970.

In response to the administration's stated position, the senior Senator from New Jersey (Mr. Case), and I wrote to the President on January 4, 1972, to clarify the issues. We pointed out that to provide the $900 million authorized by Congress this year for mass transit will not neccessitate lower funding in the future as contended by the administration. The administration's position fails to take into account that during the current session the Congress, as required by the 1970 Mass Transportation Act, will be authorizing 2 additional years of contract authority for the program.

Furthermore, as set forth in the January letter to the President, it is clear that various State and local governments have taken significant action since passage of the 1970 act in order to qualify for mass transit assistance.

Mr. President, it is clear that the requirement for Federal financing is growing even faster than anticipated and that State and local efforts will be frustrated if the mass transit program continues to be funded at the $600 million level.

The administration's cursory reply of January 17, 1972, unfortunately, shows no increase in sensitivity to the Nation's urban and suburban transportation problems. In view of the overwhelming evidence supporting full funding for mass transit. I hope that the administration will take immediate action to reconsider its position and meet our transit commitments.

In this connection, Mr. President, I ask unanimous consent that the correspondence between the administration and Members of this body, along with an excellent article by Albert R. Karr on the status of mass transit, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

November 2, 1971.

The President,
The White House,
Washington, D.C.

Dear Mr. President: We urge the speedy allocation of the $900 million provided by Congress for the urban mass transit program in fiscal 1972.

There is ample justification for committing the full amount of this appropriation.

After years of neglect, the cost of revitalizing and expanding our urban and surburban transportation systems will be substantial.

One striking measure of the cost is the backlog of applications for Federal assistance placed with the Urban Mass Transit Administration. It presently totals $2.6 billion.

That the states and cities will not be able to undertake the job on their own is beyond question. They understandably must look to the Federal Government as their principal source of financing.

Under the 1970 law, which expanded the mass transit program, it will be possible to provide $3 billion over a five-year period to help finance mass transit improvement. However, if the program is to meet the need, as well as live up to the expectations it has created, it must be adequately funded.

The Administration request for a $600 million program level is a step in the right direction. Under this approach, $510 million would be allocated to capital grants, the heart of any effort to replace, improve and expand local bus, rail and subway systems.

Yet we believe that at least the full $900 million appropriated by Congress is needed. Under the Congressional figure, the allocation to capital grants will be $810 million.

The Urban Mass Transit Administration advise that it can commit the appropriated amount between now and the end of the present fiscal year next June 30. In addition, it believes a substantial portion of the $810 million can be put to use quickly on existing construction projects and thereby create jobs in this period of his unemployment.

Mass transit stands at a critical juncture. Without adequate support from the Federal Government it surely will fail in the vital job which only it can perform.

The Federal Government has made a commitment to help the thousands upon thousands of people living in our metropolitan areas deal with their serious transportation problems. We must meet that commitment.

It is essential that the $900 million be made available promptly.

Gordon Allott, Birch Bayh, J. Glenn Beall, Jr., Lloyd Bentsen, Edward W. Brooke, James L. Buckley, Clifford P. Case, Frank Church, Alan Cranston, Thomas F. Eagleton, David H. Gambrell, Robert P. Griffin.

Fred R. Harris, Philip A. Hart, Vance Hartke, Mark O. Hatfield, Harold E. Hughes, Hubert H. Humphrey, Jacob K. Javits, Edward M. Kennedy, Warren G. Magnuson, Charles McC. Mathias, Jr., George S. McGovern, Walter F. Mondale.

Edmund S. Muskie, Gaylord Nelson, Robert W. Packwood, Claiborne Pell, Charles H. Percy, Jennings Randolph, Abraham Ribicoff, Richard S.

Schweiker, Hugh Scott, Adlai E. Stevenson III, Stuart Symington, Lowell P. Weicker, Jr., Harrison A. Williams, Jr.

The White House,
Washington, November 8, 1971.
Hon. Harrison A. Williams, Jr.,
U.S. Senate,
Washington, D.C.

Dear Senator Williams: This is to acknowledge and thank you for your letter to the President of November 2 in which you join with a number of your colleagues in urging the expenditure of $900 million on the Urban Mass Transit Program during fiscal 1972.

As you are aware, the Mass Transit Assistance Act of 1970 authorized $3.1 billion for the five-year period 1971–1975. The Act did not specify how the total amount should be allocated. It has been the view of the Department of Transportation officials that phased increases throughout the period will be most consistent with the capabilities of systems managers to absorb additional funds and to gradually expand the program. To provide $900 million this year would necessitate a lower funding level in the future; it would be desirable to avoid this "roller coaster" effect. The $1 billion committed to the program in 1971 and 1972 is more than has been expended during the entire history of the program. As to the backlog cited in your letter, I believe it is important to recognize that $1.5 billion of that amount is accounted for in Chicago and New York City alone. In the case of New York, the bond issue to provide "matching" local shares in order to receive Federal funds was defeated November 2.

The Administration feels that the above considerations support the establishment of FY '72 funding at the $600 million level and will facilitate the orderly continuation of progress of the urban mass transit program.

With warm regards,

Sincerely,

William E. Timmons,
Assistant to the President.

U.S. Senate,
Washington, D.C., January 4, 1972.
The President,
The White House,
Washington, D.C.

Dear Mr. President: On November 2, 1971, 37 Senators, including ourselves, sent you a letter urging you to allow the Urban Mass Transit Administration of the Department of Transportation to obligate $900 million—$810 million for transit capital grants—during fiscal year 1972. This is the total amount which the Congress appropriated for urban mass transit for that year.

On November 8, 1971, Mr. William E. Timmons, Assistant to the President, answered our letter and stated that the Administration intended to obligate only $600 million during the current fiscal year. Mr. Timmons in his letter stated that "to provide $900 million this year would necessitate a lower funding level in the future . . ." In making this statement, he failed to realize that during the current session the Congress will, as required by the Urban Mass Transit Assistance Act of 1970, be authorizing two additional years of contract authority for the mass transit program. Therefore, the $3.1 billion which is authorized for contractual obligations during the first five years of the Act is not an absolute figure for the entire life of the program. It could more accurately be called obsolete since the need for improved mass transportation throughout our nation has substantially increased during the past two years.

The need for the continuous updating of mass transit dollar authorizations and the Congress' commitment to an expanding program was clearly brought out during the debate in the House of Representatives on the 1970 Act, when it was emphasized that the amount of money available for contractual obligation would be updated every two years and that additional funds would be made available as our nation's transit needs warranted.

In our opinion, for Mr. Timmons to suggest as he did in his November 8 letter that a $600 million funding level is appropriate and consistent with the goals of the 1970 Act and that it "will facilitate the orderly continuation of progress of the Urban Mass Transit Program" is erroneous. To label increases in appropriations which the Congress has made to respond to demonstrated and defensible needs as adding to a "roller coaster effect" suggests a total lack of familiarity with the true situation confronting our nation's mass transit systems.

Mr. Timmons stated that the $2.6 billion of pending projects is overstated because $1.5 billion of this amount is from the New York and Chicago metropolitan areas. However, as of November 15, 1971, the total dollar amount of pending projects filed with the Urban Mass Transit Administration had risen to over $4 billion with all of these additional requests coming from areas outside of New York and Chicago.

Our attention was also called to the failure of the voters of the state of New York to approve a bond issue which have provided the matching local share required under the Act's provisions. The defeat of this referendum does not diminish the state of New York's ability to provide funds for pending projects. In fact, $450 million authorized by the state of New York in a 1967 urban mass transportation bond issue still remains unused due to that state's failure to receive Federal funds. In addition, $250 million of appropriated funds from the city of New York is currently available to provide the local matching share if pending applications are approved. Thus, both the state of New York and the city of New York have ample resources to match their requests for Federal funds.

Other states and local governments have also taken action since the passage of the 1970 Act to raise the local matching share for pending transit projects. Among these actions are:

The creation of the Chicago Urban Transit District with authority to issue revenue bonds in the amount of $400 million;

The passage by the Illinois State Legislature of legislation to provide $200 million of finance the local share for capital grant applications submitted by that state;

The approval by the state of Massachusetts of authority to provide $125 million for the local matching share to finance Federal capital grants for urban mass transit;

Passage by the legislature of the state of California of a provision earmarking a portion of the state sales tax for transit purposes. This provision will provide approximately $75 million per year for urban mass transportation;

The passage by the voters in the city of Atlanta of a regional sales tax to finance urban mass transportation. This proposal is expected to support a request for approximately $1 billion in Federal funds during the next 10 years.

These are just a few of the activities taken by state and local governments in order to qualify for capital grants under the opinion, be frustrated if the program continues to be funded at the existing $600 million level.

Mass transit is now more than just an idea whose time has come. Transit is the last and best hope of all of our nation's citizens who foresee the need for more than just highways to serve an increasing mobile urban and suburban population. We, therefore, hope that you will reconsider your decision and allow the Urban Mass Transit Administration to obligate the full $900 million which the Congress authorized for our nation's mass transit programs for fiscal year 1972.

Sincerely,

Clifford P. Case.
Harrison A. Williams, Jr.

The White House,
Washington, January 11, 1972.
Hon. Harrison A. Williams, Jr.,
U.S. Senate,
Washington, D.C.

Dear Senator Williams: In Bill Timmons' absence, I would like to thank you for your January 4 letter to the President, which was co-signed by Senator Case, commenting further on the urban mass transit programs. You may be assured that your continuing interest and additional remarks will be called to the attention of the President at the earliest opportunity, and will be shared with those who have the direct responsibility for advising him on this subject.

With cordial regards,

Sincerely,

Richard K. Cook,
Deputy Assistant to the President.

[From the Wall Street Journal, Dec. 24, 1971]

Riding the Brake: Transit Boosters Complain That Administration Is Holding Back Funds Already Okayed by Congress

(By Albert R. Karr)

Washington.—The Nixon administration is riding the brakes on its mass-transit spending at a time when such outlays were expected to accelerate rapidly.

To the dismay of transit-system boosters, some key officials have concluded there's little political mileage in pumping huge amounts of transit funds into big cities that generally vote Democratic, like Chicago and New York.

The transit industry still takes heart, however, from signs of some friendly views in the Nixon ranks. Transportation Secretary John A. Volpe and Carlos Villareal, head of the Urban Mass Transportation Administration, a Transportation Department unit, are said to favor substantially higher mass-transit spending. They've been trying to convince their colleagues that more transit grants could well bring votes—by creating jobs, for instance.

"If I were a politician," says Mr. Volpe, a former Massachusetts governor, "it certainly would behoove me to get all the money I could pumped into transit systems by November of 1972."

Mr. Villareal calculates that cities could use about $1 billion more right now. Secretary Volpe's department hasn't even been successful in getting the White House to release $300 million in impounded mass-transit funds for the current fiscal year, which began July 1. It reportedly has been seeking $1.2 billion in the coming fiscal year's budget, double the current year's $600 million, and it is said to be getting indications it will wind up with perhaps $800 million in the new budget.

So far, says the American Transit Association, the government's follow-through on its 1969 program has been a "vast disappointment," measured against "the hopes and plans that were generated" by the new law.

Picking up a plan developed but never launched by the Johnson administration, the Nixon men in 1969 announced a $10 billion, 12-year transit capital-aid program, starting with $3.1 billion for transit systems' use in the first five years. In October 1970, Congress enacted it into law by a resounding vote.

Now, while transit men are grateful that the current federal funding level is triple the low level of previous years, they aren't exactly happy. They contend that because transit systems have deteriorated for so long, a much bigger commitment is needed. And they say the government effort is falling far short of the hopes raised by even the Nixon program.

Transit officials had hoped the administration would push for authority to obligate the full $3.1 billion early, with key resistance expected to come from appropriations committee in Congress. But the President's Office of Management and Budget (OMB) became the real obstacle.

Though the administration asked for approval of $850 million for the fiscal year ended last June 30, its transit doubts evidently began to develop soon afterward; the OMB budgeted only $100 million of the $600 million approved by Congress for that year, and just two-thirds of the $900 million allocated by Congress for the current fiscal year. So only a third of the $3.1 billion has been budgeted in the first two years of the five-year span. "We have never been able to count on even the meager funding that the Congress has proposed," says Gov. Frank Licht of Rhode Island, a Democrat.

SOME HAVE ALL THEY NEED

Some administration officials have recently been saying that $600 million a year is the most transit men can expect, and that a $900 million level this fiscal year would only require a cutback later.

Though transit men concede that a number of cities have gotten all the federal funds they're ready to use and that others, like Atlanta and Los Angeles, have been promised bigger funding, they say that some major projects are being held up by a lack of federal financing. In Chicago, $500 million in federal funds will be needed to pay for two-thirds of the cost of putting the existing elevated railroad "Loop" underground and building for two new subway loops, says Milton Pikarsky, public works commissioner. He says about $150 million of the total, in federal funds, could be used immediately. If the city had had the money at the start of the year, it would be in construction now, and if it got the money now, it could be building by next summer. Mr. Pikarsky says.

Some key administration officials have been saying in their own councils and in talks with transit leaders that they are little political value for Republicans in pouring money into transit systems of traditionally Democratic big cities. 'The cities aren't going to vote for Richard Nixon in 1972 no matter what we do," says one Transportation Department official.

Most administration planners argue the cities aren't ready to use any more transit money than currently budgeted anyway; they say, for instance, that the cities don't have the local financing they need to qualify for federal matching funds. Besides, adds an administration policy man, "there aren't many proposals coming in early that have any merit at all," in terms of planning. The few that are ready for big sums, like New York projects, would gobble up all that could be provided, short-changing other cities and towns, officials say.

But the American Transit Association (ATA), whose members run most U.S. systems, sees evidence of readiness in the fact that transit operators have about $4.04 billion in applications before the Urban Mass Transportation Administration (UMTA), a Transport * * * systems are eligible under the new law, the ATA says. "If you don't want to spend the kind of money Congress has approved you can come up with all kinds of reasons why nobody's ready for it," a transit-authority head gripes.

MORE STRINGENT RULES

The Nixon administration has been more stringent about making transit systems qualify for grants, critics say. Federal funding has been trimmed to 50% of a project's cost from 75% if the system doesn't show a regional plan, even for straight replacement of old equipment.

Sen. Gordon Allott (R., Colo.) has introduced a bill to loosen up the regional-planning rules. Though his boss is a Republican, an Allott aide says the Nixon administration "has gotten finicky" over these requirements. Michael Cafferty, chairman of the Chicago Transit Authority, says that although he has gotten tentative approval of planning for buying 1,000 new buses, the government could quickly retract that approval.

Thus far, administration men have generally been cool to pleas by transit-system heads for federal subsidies to cover deficits; the industry projects an overall $360 million loss this year, and managers insist the systems cannot survive without operating subsidies. But there is recent evidence that the Transportation Department might be willing to approve a start on the operating-subsidy front.

A kind of chicken-and-egg debate has emerged. Federal officials say local financing is necessary before they can provide federal money. James M. Beggs, Under Secretary of Transportation, says: "I haven't seen any city hemmed up by not having federal money available." But many city and transit executives insist a firm guarantee of long-range federal money is necessary before they can persuade voters to approve a bond issue or new tax for transit.

TAX MEASURES IN ATLANTA

Nevertheless, some cities are moving ahead anyway, hoping they can prod the federal government to match their efforts. A sales-tax measure to support transit was passed by Atlanta voters on Nov. 9, and state aid has been voted recently for Boston and Chicago. The Boston-area Massachusetts Bay Transportation Authority will soon be handing UMTA applications totaling near $250 million in federal money to match $124 million in state-backed funds, says Joseph Kelly, general manager. Among other things, the financing would be used to buy 200 new streetcars.

The stack of solid funding applications on Mr. Villareal's desk at UMTA will soon grow some more, transit men say. They hope the political pressure from this increased demand will overcome doubts among administration officials about the advisability of sharply higher funding.

Chicago's Mr. Pikarsky suggests that Boston, Philadelphia, New York, Seattle, Atlanta, San Francisco, Los Angeles, Chicago, Baltimore and other cities will all be clamoring for large federal sums before long, much of it for costly rail systems.

To date, Nixon administration efforts have been concentrated mostly on less-expensive saving or improving of bus systems, many of them in smaller towns. For one thing, it'll be a long time before new rail systems can be built.

The manager of one big-city transit system says UMTA has rejected his requests for funding some rail improvements and told him to boost his request for some new bus money instead. "They want to see something visual on the streets, and soon," he says.

DEATH OF MARGARET SIMPSON, WYOMING NEWSPAPER. CORRESPONDENT

Mr. McGEE. Mr. President, much of Wyoming was saddened recently by the death of Margaret Simpson, a truly exceptional individual whose loss is felt very deeply.

People of Wyoming knew Margaret Simpson through her bylines as a newswriter for her hometown newspaper, the Greybull Standard, and the State's largest newspaper, the Casper Star-Tribune. She was also one of the most reliable stringers to work for both the Associated Press and United Press International in our State. And yet, Margaret Simpson was completely paralyzed for the nearly 25 years of her professional career as a journalist.

Today, I pay tribute to a woman who contributed so much to my State in spite of such great odds. Shortly after her death, an editorial appeared in the Greybull Standard which epitomizes those special qualities she exhibited.

I ask unanimous consent that the Greybull Standard editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MARGARET SIMPSON

Margaret Simpson who died Tuesday has been a writer for this newspaper for a long, long time but more significant than that has been her equally as long fight against extreme hardship and adversity. There are few businesses as tough to do week after week as newspapering. There are healthy, active people who are worn down by the mental punishment. Yet Margaret Simpson, almost completely paralyzed, continued being a correspondent for several newspapers for almost 25 years.

She was amazing in her perseverance against the greatest of odds.

She typed her news with one finger. The phone had to be propped up so she could answer it while she was lying down. She had to call for almost all of her news, she couldn't go out and get it or see things happening for herself. She had to rely on other people and especially her husband, Bill, whose help and devotion have been extraordinary, to do the reporter's legwork. Yet for all those 25 years, she has met one deadline after another. Week after week, year after year, her news arrived at the same time.

It truly has been a memorable performance by a person almost entirely handicapped.

Margaret Simpson wanted to be involved in her community. She took sides—sometimes when a reporter shouldn't, and there were times, I know, when she wished she had been more objective. But she wanted things done right. She fought against things done wrong. She liked to know what was going on in the town. She believed in Greybull, Wyoming many times when others didn't. And she was immensely proud of the town.

She personified the small town's pride in its offspring. She kept track of the countless number of kids who had grown up here and were successful now in other places. She and I were always going to compile a list of all of Greybull's "alumni" and the marks they had made on the world. She already had hundreds of names. I don't know how she remembered them all.

"There is not another town this size" she said many times "that has produced any more successful kids than we have."

Out of this idea came her "Very Personally" column which she started in the Greybull Standard and which became her best writing. It was a chance for her to say many of the things she felt. She filled it with the trivia and the important. She remembered everyone who had ever lived here—and they remembered her with letters and cards and many, many personal visits. Her grandchildren were a joy, but so were other people's grandchildren who said funny phrases or did funny things. She was aware of much that went on. Yet she unconsciously fought against the inevitable changes. She revealed her prejudices towards hair that was long and mores that were different. But what is a column if it isn't just as the person is. And what is the columnist who tries to be someone else in print?

Margaret Simpson's column was Margaret Simpson. Her hopes and her beliefs, how she felt about the world in general and Greybull, Wyoming in particular.

She built an amazingly large audience. It was unfair that we at the Standard heard more of the compliments to her than she did. Yet she must have known how far-reaching her words were through all those people who kept writing and calling and visiting about it.

This column, and all her writing, were her windows to the outside, and through them, she watched the rest of us go through our lives.

Now she has typed out her last one, her last stories. Her news and her column in today's Standard will be the final ones we shall put into print. There is never an easy way to say "Goodbye."

Bruce Kennedy.

SENATOR LEN B. JORDAN: IDAHO MAN OF THE YEAR

Mr. CHURCH. Mr. President, each year the Intermountain Observer of Boise—one of Idaho's best weekly newspapers and a journal of nationwide circulation—chooses a man of the year for Idaho. In the issue published January 1, the Observer selected as its man of 1971 our colleague and friend, Senator Len B. Jordan.

This is a fitting tribute to a public career which has spanned a quarter of a century, during which Senator Jordan has served not only our State, but the Nation as well.

The tribute from the Observer is noteworthy in one other regard. The Observer has traditionally differed ideologically and politically with Senator Jordan. It is a mark of the widespread respect accorded Senator Jordan in our State that Sam Day, the editor of the Observer, writes that the Senator will be remembered "as one who exemplified in his private and public life an extraordinary capacity for courage, integrity and leadership."

Mr. Day writes further of Senator Jordan:

> He lived by the words of Thomas Wolfe: "To every man his chance, to every man his shining golden opportunity—to every man the right to live, to work, to be himself, and to become whatever thing his manhood and his vision can combine to make him—this is the promise of America."

Mr. President, I commend Mr. Day's article to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Man of the Year: Twilight of a Career To Be Long Remembered as Legislator, Governor and U.S. Senator, Len Jordan Leaves a Monument to Personal Growth

(By Sam Day)

A young Boise insurance dealer got a telephone call in the spring of 1950 from an old college friend and room-mate who shared his fascination for politics. The friend wanted him to hurry down to the Owyhee Hotel to meet a man who needed help to become the next Governor of Idaho.

"I'd never met the man before," William S. Campbell recalled many years later. "But I can tell you I took an immediate liking to him. He looked me right in the eye and he gave me a good, firm, honest handshake. I felt that here was a real man, the kind of man you can look up to, the kind of man you can follow."

Campbell, then only 30 and later to become the youngest state Republican chairman in American history, has picked and managed a lot of winners in two decades of political leadership in Idaho. But none was a bigger winner than the square-shouldered north Idaho rancher whom he sized up at a glance in that Boise hotel room 21 years ago.

The candidate, Len B. Jordan, went on with help from Campbell and a few other go-getters to win the governorship on his first try and to fashion a career in public service which in decades to come may establish him as one of the half-dozen best remembered figures in Idaho's political history. As Governor from 1951 to 1955 and as an Eisenhower appointee in the late 1950s he left a lasting imprint on Idaho and the West. As a U.S. Senator since 1962 he achieved a stature which has at times approached the reverential.

Jordan's retirement announcement, delivered like a bolt out of the blue August 24th, made him Idaho's man of the year for 1971. It was the biggest news story of the year—significant not only because it foretold the end of a remarkable career and thus the end of an era, but also because it unloosed a political avalanche the like of which Idaho has seldom seen.

Considered an almost sure bet for renomination and re-election, Jordan's sudden withdrawal from the field created a vacuum which sucked in some of the biggest figures in both political parties, altering careers and setting new political tides in motion.

Among the Republican heavyweights whose fortunes were affected are James A. McClure, half-way through his third term as First District congressman; Robert E. Smylie, the three-term Governor who had succeeded Jordan in 1955, and George Hansen, a former congressman from the Second District. McClure and Smylie declared for Jordan's Senate seat and Hansen also made his intentions clear. Other announced candidates were F. W. (Bill) Bergeson of Pocatello and Dr. Stephen Wegner of Kendrick; other possibilities include former Gov. Don Samuelson and perhaps Campbell himself. McClure's departure in turn created a contest in the First District.

On the Democratic side, Jordan's retirement was equally earth-shaking. In place of a sacrificial lamb, the Democrats now were beating the bushes for a winner. Among the potential candidates were W. Anthony Park, who won the attorney generalship in 1970; Dr. William E. (Bud) Davis, president of Idaho State University; State Rep. Vernon D. Ravenscroft, who tried for the governorship in 1970, old-timers like Ralph Harding, who served in Congress from 1961 to 1965, and newcomers like Rose-Marie Bowman and Byron Johnson of Boise.

The sudden appearance of a U.S. Senate seat up for grabs. The introduction of a new wide-open primary law in which all it takes is the $250 filing fee and 1,000 valid signatures to get on the ballot. The decline of party organizations, the rise of volunteerism as a political force, the budding of new political ambitions. These were the ingredients of a volatile mix which Jordan's announcement brought to a quick and unexpected boil in 1971 and which will determine the political dish in Idaho in 1972.

At 72, Jordan is the first U.S. Senator in Idaho history to relinquish office voluntarily. When he steps down in January, 1973, he will have completed a quarter of a century in public life and only one defeat—for the legislature, in 1948—in five attempts for public office. Although bitter controversy has often swirled around him—he was once hanged in effigy on Normal Hill in Lewiston—Jordan will retire not with the scars of ancient wounds but with the glow of current acclaim. Dissatisfaction with his philosophy has been growing in some quarters, rather than abating, in recent years, but the olympian quality of his retirement announcement served to mute the criticism and emphasize his high standing with old antagonists.

"It is the mark of his honesty that this newspaper and others can disagree with more than half of his voting record and yet completely respect his motives and his intentions," wrote Bill Hall, editorial page editor of *The Lewiston Morning Tribune*, a newspaper which had been unsparing in its criticism of Jordan's gubernatorial policies. "Perhaps part of the reason it is true with Jordan is that men of character and fairness also bring out the best in their critics."

Of those who differed philosophically and temperamentally with Jordan, none came to hold him in higher respect than a fellow Idahoan, Democratic Sen. Frank Church, who wrote him in a personal vein last November:

"Our relationship as colleagues has been so satisfactory—indeed the better word might be ideal—that I hardly need say how much I will miss you. However, I should say how grateful I am to you for your friendship and good counsel through the years. When we differed, you never made it personal, and you were always willing, within the limits of your convictions, to search for common ground on which we both could stand."

Grace Edgington Jordan, the daughter of a country doctor, tells the story of a trying night in the 1930s at Kirkwood Bar Ranch, where she and her husband and their three children spent eight years in the solitude of Hells Canyon, deepest gorge in North America. Len had a severe toothache that night, and there seemed no way to ease the pain. He found the dental forceps that her father had sometimes used, fitted them in place and began the job of extracting his own tooth.

When the tooth was about half out the forceps slipped off. The pain was excruciating now. Len set Grace's bedroom mirror on the kitchen table, pulled the kerosene lamp a little closer, reapplied the forceps and went to work again while Grace built up the fire. Finally, the tooth came out. Len sat for a while, sipped a cup of coffee and then went to bed.

Len Jordan's life has always had that kind of story-book quality. Born May 15th, 1899, in Mount Pleasant, Utah, and reared at Enterprise, Ore., near the towering Wallowa Mountains, which form the west face of Hells Canyon, his father was a county judge and his mother a school teacher. He did well in classes, graduating from high school at the age of 16. The family had no money to send him to college, so he worked on a ranch, then enlisted in the Army and was commissioned a second lieutenant in a machine gun company. He never got overseas.

After World War I he won a football scholarship at the University of Oregon, played halfback and graduated Phi Beta Kappa in business administration. He took graduate courses in economics but ran out of money and went to work on a ranch which ran 20,000 sheep and 1,500 cattle on the Oregon side of the Middle Snake River. He became foreman and was on his way to acquiring a spread of his own when the 1929 stock market crash wiped out the business and his own small savings.

The father of three young children, Jordan was working for $100 a month and board and room in 1932 when a Portland bank offered him the managership of the Kirkwood Bar Ranch, on which it had foreclosed a $50,000 mortgage. The ranch, a remote place which could be reached only by boat from Lewiston, had 1,000 acres and grazing rights to 17,000 more on the slopes of Hells Canyon. All the bank really wanted was its money back.

"Go in there and operate it, get our money back with interest, and the place is yours," Jordan was told. Len and Grace leaped at the chance. "It was a pretty good place to batten down and ride out the depression," she said later.

For eight back-breaking years Jordan ran sheep over the hills, rebuilt the stone ranch house with his own hands and restored Kirkwood Bar to a thriving business enterprise, while Grace taught the children around the kitchen table. By 1941, after an adventure in family style rugged individualism which Grace was to record later in *Home Below Hells Canyon*, the first of a series of books, the Jordans had sold the ranch, repaid the bank, accumulated a modest reserve and were ready to move on. They settled in Grangeville, the nearest big town to the east, where the oldest of the children could attend high school.

The young rancher quickly made a mark for himself in Grangeville, a marketing center for the rich wheatlands of Camas Prairie and the timber stands of the Nez Perce National Forest. He invested his money in seed and croplands, managed a string of grain elevators, established a farm implement business, bought a real estate agency and an auto dealership. He could have become a wealthy man, but his interests lay elsewhere.

"I quit trying to earn a million dollars when I realized I could only eat three meals a day and wear just so many suits," he told an interviewer later. "I didn't want to change my living habits."

As a businessman and rancher, Jordan tangled often with politicians over the routing and maintenance of roads, which were then the patronage of a corrupt and politics-ridden state highway department. It was the issue which drew him into politics. Running as a highway reformer, he won election to the State House of Representatives in 1946 as a Republican from predominantly Democratic Idaho County.

As a legislator in the 1947 session, Jordan headed a committee which drafted legislation that formed the basis of reforms which were to take the State Highway Department out of politics under a non-partisan three-member board of highway commissioners and a professional state highway engineer. Despite a productive year as a freshman legislator, he was defeated for re-election in 1948. But by this time Jordan had the political bug and was ready to try for something higher.

The governorship was a long shot for anyone in 1950, let alone a neophyte. Four other Republicans, all better known than he, were preparing campaigns for the nomination to succeed Dr. C. A. Robins, the incumbent Republican governor. One of them was former GOP state chairman Reilly Atkinson, owner of a Boise food brokerage firm, who had the solid backing of the Ada County Republican machine. Another was J. D. (Cy) Price, the secretary of state, who enjoyed a statewide reputation.

All Jordan had was a lot of nerve and energy and the help of some hard-charging backers, including Grace, who wrote his press releases, and the two University of Idaho room-mates, Bill Campbell and David Doane.

Campbell and Doane put their fertile imaginations to work on gimmicks which later were to become standard fare in Idaho political campaigns: bumper strips, silk screen billboards, store front campaign headquarters, painted station wagons. They plastered pictures of the good looking rancher all over the state and called it "the only new face in the race." One of the advertisements which caught on quickly consisted of a photograph showing Jordan, looking very much at ease, shoeing a horse. The caption said, "If the shoe fits, put it on."

That kind of raz-ma-taz, plus 20,000 miles of handshaking, was enough to put Jordan over the top. He won the Republican nomination with 20,668 votes. That was only 34 per cent of the total, but it was 3,500 ahead of Atkinson and 5,800 ahead of Price. In the general election the following November Jordan topped Calvin E. Wright, a well-known Lewiston Democrat, by a vote of 107,642 to 97,150.

One of the businesses which Jordan acquired soon after he moved to Grangeville was an insurance agency. He bought it from a man whose son had gone off to war, served as a pilot and been declared missing in action. Jordan built up the business to more than double its former size. But then the young pilot, Orin Webb, who was to have inherited the agency, returned home very much alive. Jordan sold the business back to the Webb family for exactly the price he had paid for it.

Jordan carried the same instinct for decency and fair play into his public life. Time and again it was to shield him from personal criticism arising from the effect of official policies and actions which were not always so benign in their application. His political instincts were those of a conservative schooled in the precepts and values of the businessman and rancher.

In the name of conservatism and business efficiency he completed the highway reforms which he had initiated as a legislator and undertook other structural changes in government. In the belief that government is best which governs least, and at least cost, he applied a sharp knife to governmental services.

In his zeal to sweep away what he regarded as the outmoded and costly vestiges of an overgrown state bureaucracy, Jordan plunged into a battle royal over higher education. The immediate targets were the state's two normal schools—North Idaho College of Education at Lewiston and South Idaho College of Education at Albion, near Burley. He proposed to the 1951 Legislature that both be closed in the name of economy. The Republican-dominated legislature, after a bitter row, obliged.

Subsequent developments vindicated Jordan's judgment in the case of the Albion institution, which had outlived its day and was never to be successfully revived. But the Lewiston school had had a long history and was thriving, with an enrollment well over 1,000, at the time the ax fell. Its closure was regarded in north central Idaho as an act of treachery, evoking bitter resentment which did not begin to abate until the school was reopened four years later, after Jordan had left office.

Such economies yielded huge surpluses in the state's general fund, enabling the legislature to approve substantial tax cuts, with Jordan's blessing, in 1953. The damage of four years of *lassez-faire* was not always apparent at the time. But the state paid a heavy toll in the form of low paid teachers, staff shortages in its social service programs and neglect of its mental institutions. (For more than 400 mental patients at State Hospital North the professional staff consisted of a single physician).

The row over the Lewiston normal school exacerbated the state's traditional north-south split, which was made even wider and angrier by a fight over development of Hell's Canyon on the Middle Snake, in which Jordan was a leading protagonist. The dispute was over whether Hell's Canyon was to be impounded by means of a single high federal dam or three smaller dams proposed by Idaho Power Co.

North Idaho favored the high federal dam, which had been originally proposed by the Truman Administration, on grounds that it would make fuller use of the river's hydroelectric power potential and hasten the introduction of low cost public power to Idaho. Jordan, along with most south Idaho Republicans, favored the Idaho Power plan on grounds that it would be of greater benefit to upstream users in southern Idaho. (There was no talk in those days of safeguarding the river from dam development.)

Jordan's close personal identification with Hells Canyon and his knowledgeability in water matters added lustre and prestige to the power company's side of the argument. Idaho Power Co. won the fight (the dams were begun in 1956 and completed in 1968) and in the process Jordan acquired a reputation for ideological commitment to private power development which has tended to obscure his real interests in land and water use.

A provision of the state constitution, since repealed, limited Jordan to a single four-year term as Governor. He left office in 1955 to accept appointment as chairman of the U.S. section of the International Joint Commission, an organization which negotiates water agreements between the U.S. and Canada. He served on the commission, often with frustration, until 1958, then took a brief hitch on a foreign aid advisory board before returning to private life to join two old friends, Raleigh and Marguerite Campbell, in the operation of the Circle C Ranch, a huge cattle spread above New Meadows in central Idaho.

Close political associates say Jordan, his credentials as a private power man and fiscal conservative clearly established by his four years in the governor's office might have become Dwight Eisenhower's secretary of the interior had it not been for a political commitment which the Idahoan did not see fit to break. At the Republican national convention in 1952, when Ike won the GOP presidential nomination, Jordan headed an Idaho delegation which went down with all flags flying, voting ballot after ballot after ballot for Robert A. Taft.

Jordan's return to political center stage in August, 1962, prompted by the death in office of Republican Sen. Henry C. Dworshak, evoked the misgivings of some. *The Lewiston Morning Tribune* and Perry Swisher, the liberal Republican newspaper publisher, among others, expressed fears that his return would reopen old wounds. But to others, including Bill Campbell, who quickly grasped the reins, it presented an opportunity to show that neither the old warrior nor his followers had lost their magic.

The Dworshak death, coming barely three months before the 1962 general election, touched off a scramble not unlike the stampede which was later to be unleashed by Jordan's own retirement announcement. In addition to Jordan, three other Republican contenders quickly emerged: Hamer Budge, a longtime Second District congressman who had been unseated in 1960; Dr. Raymond L. White of Boise, who had served in the State Senate, and George Hansen, the former mayor of Alameda, who had done well for a newcomer in the U.S. senatorial primary a few weeks earlier. (The death gave Idaho two senate elections that year.)

The outcome was decided at a meeting of the Republican State Central Committee, sitting as a nominating convention, at Pocatello. The Jordan forces overwhelmed the combined opposition and won on the first ballot. Governor Smylie, who would have preferred a less ambitious nominee in hopes that he himself could have succeeded to the office on the expiration of his third term in 1966, but who took no visible part in the convention proceedings, thereupon appointed Jordan to fill the vacancy.

The Jordan forces campaigned with the slogan that their man would "stand tall in Washington," making capital of the fact that his opponent was a woman. Gracie Pfost, the Democrats' veteran First District congresswoman, ran a hard race but lacked strength in the Second District and fell 5,000 votes short in a total count of 257,000. Frank

Church, meanwhile, who benefited from Republican concentration on the Jordan campaign, was handily winning a second term in the Senate over Jack Hawley of Boise.

As expected, Jordan lined up with the conservative wing of the Republican minority in the Senate. Respectful of the Senate's tradition of freshman anonymity, he was quiet and unspectacular during his first four years (the remainder of the term to which he had been elected). His initial years were marked by jousting with Church over the question of extension of a Bonneville Power Administration transmission line to southern Idaho, which was a new version of the old private vs. public power fight, and by opposition to many of the domestic and foreign policy proposals of Democrats John F. Kennedy and Lyndon B. Johnson. He voted against the nuclear test ban treaty in 1963, but, to the surprise of many, he supported the Civil Rights Act of 1964.

As time wore on, and particularly after his election to a full six-year term in 1966, Jordan began to exhibit a growing independence. This was heightened by the outcome of the 1968 presidential election, which brought a Republican administration to power, coupled with the outcome of the 1966 gubernatorial election in Idaho, which had brought a new kind of Republican administration to Boise. The occasional party pressures from the two administrations soon made it spectacularly evident that Jordan as a senator was his own man.

The Nixon administration was still young when Jordan delivered a rebuff to the new vice president, Spiro Agnew, who had violated custom by going on to the Senate floor to lobby for a minor administration bill. Jordan made his complaint in the privacy of the Senate Republican Policy Committee, but word of it leaked out and the subsequent Senate edict against such tactics became known informally as "Jordan's rule of the Senate." The matter ended there, but Jordan's coolness toward Agnew lingered on, deepening in later years as the vice president sharpened his politics of discord. Jordan's impatience with Gov. Don Samuleson, with whom he found it difficult to work on federal-state relations, became manifest through the years. In 1970, alone among top drawer Idaho Republicans, he boycotted a fund raising dinner at which Agnew spoke in Samuelson's behalf, contending that this was an unwarranted intrusion into Idaho gubernatorial politics. (Samuelson at the time was opposed for renomination by Dick Smith of Rexburg, a moderate more of Jordan's stripe.)

It was in November, 1969, over the confirmation of Clement C. Haynsworth to the U.S. Supreme Court, that Jordan made the most notable of his infrequent breaks with the Republican orthodoxy. In a decision which helped greately to erode conservative support for the South Carolina judge and contributed to his eventual defeat, Jordan announced that he would vote against the nominee.

Jordan made a point of saying he had no quarrel with Haynsworth's record of opposition to racial integration or with other aspects of his strict constructionist judicial philosophy. He felt a balance of judicial philosophies on the court was desirable. He based his opposition, rather, on ethical considerations. A study of the 700-page hearing record had convinced him that Haynsworth had lied to the Senate Judiciary Committee about conflicts of interest involving his ownership of a vending machine company.

Further, said Jordan, he was offended by attempts of the Nixon Administration to put pressure on him, through Republican colleagues in Idaho, to change his vote on the Haynsworth nomination.

"During my more than seven years of service in the United States Senate few issues have generated more pressure on my office than has the confirmation of Judge Haynsworth," Jordan said in a speech on the Senate floor. "Some of my friends have been persuaded to call me even though they have not been provided copies of the hearing record from which they might make an independent judgment as I have."

To Senate associates he was reported to have said privately: "This crowd knows how to kill a senator. They play rough."

The Haynsworth vote brought rumbles from many of the party faithful in Idaho. "You told all of us to support Richard Nixon from Miami Beach through the fall of 1968," wrote one of them, Pembroke T. Rathbone, a state committeeman in Owyhee County. "He placed the name of a man in nomination for Supreme Court justice. He needed support from his meager team in the Senate and you handed the ball to the other team. Thanks a lot."

The vice president of the Idaho Young Republicans, C. Lee Barron of Corral, publicly rebuked the senator and accused him of selling out to the liberals. Other Republican regulars voiced their dismay in private. But Jordan came out of it with overwhelming backing in the press. "It is obvious that Senator Jordan is a man of 'unimpeachable integrity' and that Judge Haynsworth is not," said the weekly *North Side News* of Jerome, one of the most conservative papers in the state.

A year later, Jordan broke ranks on another issue of high importance to the Nixon administration, support for the supersonic transport program, although by this time the administration had learned not to try to twist his arm.

"I have concluded that the $290 million requested for the SST program for fiscal year 1971 could be better spent elsewhere," he told the Senate. "I believe that given our tight budgetary situation and the many pressing needs calling for federal funding that we should not commit almost a third of a billion dollars to a program which may or may not turn out to be a success."

Jordan's opposition helped provide the thin margin which killed the program.

On rare occasions, as in the Haynsworth case and the SST vote, events thrust Jordan into the national limelight, illuminating his qualities of independent judgement. But Jordan shunned heroic involvement in the great national issues. His interest—and his strength—lay in more mundane matters closer to home.

As an economist, rancher, businessman and public office holder from an arid western state, two-thirds of which is owned by the federal government, he had long been preoccupied by questions of the use of the public lands and waters on which Idaho depended for survival. It was in this area that he had acquired his greatest expertise, and it was in this area that he applied his interest and his time, and on occasion his considerable power.

Since the days of his youth, Jordan's heart and mind had been intertwined with the Snake River, especially the rugged stretch which flows through Hells Canyon. It was inevitable that his Senate service would propel him into the still unresolved conflict over the future of what he had always regarded as Idaho's economic lifeline.

Jordan had a special feeling about the Snake. He liked to call it a working river.

"The Snake River is the life blood of Idaho," he would say in a passage which recurs frequently in his writings. "The natural flow has been changed by many structures for storage and diversion. It is truly a regulated river with man-made regulated flows. It is Idaho's greatest resource—irreplaceable but constantly renewable.

"If every residence and every commercial building in the great Snake River Valley were reduced to ashes and rubble by some great disaster, the homes and business properties would be rebuilt—they would rise from the ashes and the rubble. Like the Phoenix of ancient mythology, the cities and the towns and the villages would rise again.

"But let a disaster of a different kind dry up the water of the Snake River, if that were possible, and the cities and towns and villages would wither away like the ghost towns of yesteryear when the mining boom had passed."

To a younger generation, more attuned to the disasters of war, overpopulation, urban decay and man's impingement on the qualities of life which rivers like the Snake afford, such fears as Jordan expressed had an unreal ring. But to those, like Jordan, who had struggled for sustenance from the lands of the great Snake Basin it was no idle fantasy.

The network of irrigation canals and ditches which had made the desert bloom bore witness to Jordan's testimony that southern Idaho did indeed depend upon the river system for its lifeblood. The Snake might never dry up and the towns wither away, but deep in the subconscious of the irrigationist lay the fear that the water might be curtailed and the headgate shut, threatening his economic base.

The fear that downstream users might establish a superior claim to the waters of the Snake had been at the heart of southern Idaho's unalterable opposition to the high Hells Canyon dam—intended primarily to satisfy the hydroelectric power needs of Washington and Oregon. The fears were rekindled in 1964, soon after Jordan's accession to the Senate, by new talk of a scheme to tap the waters of the upper Snake to meet the needs of the teeming Southwest.

The Los Angeles water scare sent a shudder through Idaho, giving rise in 1965 to establishment of the Idaho Water Resource Board, the purpose of which was to tie down the uses of Idaho water in Idaho in such a way as to hold off the claims of outsiders. The major thrust of Jordan's work in the Senate has been to help provide time and elbow room for Idaho to devise a statewide water use plan which could withstand outside assault. He and the water board have thought of water use primarily in terms of application of the water to the land through irrigation and reclamation projects.

With the help of Sen. Henry Jackson of Washington, chairman of the Senate Interior Committee, and other members of the Northwest delegation, Jordan scored a breakthrough in 1968 with passage of a 10-year moratorium on Colorado River Basin diversion studies. Thus, the Southwest was held at bay for a decade to give Idaho and the Pacific Northwest time, through water planning, to put a dike around the Columbia River Basin.

Next, Jordan turned his attention to plugging the hole through which most of the river water leaves Idaho—at Hells Canyon in the Middle Snake. He and others had failed through the years to secure concurrence on the part of Washington and Oregon to a "basin of origin" agreement in which the rights of upstream water users in Idaho would be protected. Jordan hoped above all else for eventual construction of a final Middle Snake dam which, through the storage and pump-back of water, would assure a maximum of irrigation and land reclamation in southern Idaho. A proposal for a high dam at the Mountain Sheep site in Hells Canyon had long been pending from a consortium of Northwest private power companies (including Idaho Power Co.) and public utility districts. But the proposal had no guarantee of Idaho water rights, and so Jordan came to oppose it as vigorously as he had fought the federal Hells Canyon dam plan a decade and a half earlier.

The absence of upstream guarantees and the immaturity of Idaho's own water development plans led logically to the idea of a moratorium on Middle Snake development to forestall the licensing of any outside projects on the Middle Snake and to give Idaho time to come up with a project of its own. From 1968, Jordan devoted his efforts to securing a 10-year moratorium for the Middle Snake.

In this he found a ready ally in his Democratic colleague from Idaho. Frank Church had a far different dream for the Middle Snake, having come to the conclusion that it ought to be left free-flowing, like other streams for which he had helped secure a protected "wild river" status elsewhere in Idaho and the nation. The moratorium served his purposes, too, and he and Jordan fought hard for it, twice pushing it through the Senate but failing thus far to gain consideration in the House.

The effort for a Middle Snake moratorium came to be the cornerstone of a grand alliance between the two senators, otherwise separated by differences of age, political philosophy and temperament. Again and again the alliance found expression in cooperative action on Idaho projects where the two could share common ground. In the Middle Snake, as in the Sawtooth-White Clouds of central Idaho, where commercial development and environmental interests also clashed, the accommodations that were necessary to forging a joint position frequently led the two senators into hot water with their traditional supporters. But they stuck together.

The Jordan-Church alliance had its origins in a bond which grew up between the two men in the mid-1960s. One was a conservative Republican, the other a liberal Democrat 25 years his junior. They went their separate ways socially and on the Senate floor where national and international questions were concerned. But ideological differences melted in the warmth of a relationship which came to assume some of the qualities of father and son. In what is a rarity in Idaho congressional relationships, the two men became genuinely fond of one another. Their two staffs worked together with uncustomary closeness.

Neither Jordan nor Church cared as much for some of their colleagues of the same political party on Capitol Hill. When Ralph Harding, a Democratic congressman, challenged Jordan for re-election in 1966, Church gave him only token support. Jordan reciprocated the following year by discouraging Republican participation in an abortive attempt to recall the Idaho Democrat. In Church's own re-election campaign in 1968 Jordan managed to busy himself with other tasks rather than stump for his fellow Republican, Congressman George Hansen.

The feeling between the two was characterized by Church's son Chase during a family get-together in the kitchen of the Churches' Boise home on Christmas Eve of 1970, after a harrowing 21-hour plane ride that he and the two senators had just taken from Washington. Chase summed it up in one sentence, Church recalled in a recent letter to Jordan.

"On a tough trip like that," he said, "Senator Jordan sure is a good man to travel with."

Some day a giant dam may rise from the vast deepness of the Middle Snake, taming the last of the wild waters near the home below Hells Canyon where Len Jordan first made his mark. It would be a lasting reminder of a man who traveled far in his time but in a sense never left the Kirkwood Bar Ranch.

But events are likely to deal more kindly with the river, sparing it that fate and in the process leaving Jordan a monument more enduring than concrete and steel. He will be remembered not as he might wish to have been, as the man who fought and tamed Hells Canyon, but as one who—however dim the light which sometimes guided him—exemplified in his private and public life an extraordinary capacity for courage, integrity and leadership.

He lived by the words of Thomas Wolfe: "To every man his chance, to every man his shining golden opportunity—to every man the right to live, to work, to be himself, and to become whatever thing his manhood and his vision can combine to make him—this is the promise of America."

And he will retire to the fitting farewell of editor Robb Brady, who wrote recently in the *Idaho Falls Post-Register*:

"Senator Jordan was a big and broad man—broad enough to sense and absorb the changing times and yet traditional enough to preserve what he felt was precious to the American heritage. Like few do, he learned and grew in the respect and acceptance of his colleagues as well as his fellow Idahoans."

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. The time for the transaction of routine morning business has expired.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The PRESIDENT pro tempore. The Chair lays before the Senate S. 2515. It is the Chair's understanding that the amendment by the distinguished Senator from Colorado (Mr. DOMINICK) is now in order.

The clerk will read the bill by title.

The legislative clerk read the bill by title, as follows: A bill (S. 2515) to further promote equal employment opportunities for American workers.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, is my amendment No. 611 the pending business?

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the distinguished Senator from Colorado.

Mr. DOMINICK. Mr. President, yesterday I gave a brief statement of my reasons for having introduced this amendment. Today, with the manager of the bill present, I should like to go into the matter at a little more length. I do not intend to indulge in any terribly extended discussions, but we have also, in addition to myself, some other Senators who want to speak in support of the amendment, and I suspect that this will take a large portion of the day. I am, however, willing, at any point that a noncontroversial amendment or other amendment may be ready for consideration, to let this amendment be set aside so that others may be taken up, and then we can go back to this one.

Since enactment as part of the Civil Rights Act of 1964, title VII has stood as a national commitment to the elimination of all forms of employment discrimination. However, in many cases the commitment has remained only a declaration which, because of the lack of enforcement machinery, has not been translated into concrete realities for those in the Nation's work force who have been denied employment rights, because of their race, color, religion, sex or national origin. The Equal Employment Opportunity Commission is charged with enforcing the law against infringements upon such employment rights, but it is essentially limited in its enforcement powers to mediation and voluntary compliance. We would all prefer to see these issues divided in that way but the temper of the times militates against it.

The issue, therefore, is no longer whether we need enforcement powers for title VII, but rather what form and scope of enforcement is needed to best protect the rights of all parties involved. To accomplish this end the Senate is given two types of enforcement machinery to choose from—vesting EEOC with cease and desist powers or giving EEOC the authority to sue directly in Federal courts.

As most of you know, I am a confirmed proponent of Federal district court enforcement. I firmly believe that the courts offer the fairest, most expeditious redress of employee discrimination grievances. For that reason I am offering this amendment which strikes all language vesting the Equal Employment Opportunity Commission with cease-and-desist powers and substitutes therefor language giving the EEOC power to resolve employment discrimination disputes in Federal courts.

Mr. President, at this point, with the acquiescence, as I understand it, of the manager of the bill, I send to the desk an amendment to my amendment which will clarify the problems of my amendment created by the adoption of the independent counsel procedure yesterday. These amendments are simply technical. I do have to have unanimous consent to have them adopted. I would ask the manager of the bill if he has any objection to them.

Mr. WILLIAMS. I have no objection to the modifications.

The PRESIDENT pro tempore. The modifications will be stated.

The legislative clerk read as follows:

On page 1, starting on line 2, strike all through line 6, page 2.

On page 2, line 7, strike "(b)" and insert in lieu thereof "Sec. 4(a)".

On page 2 lines 7 and 9 strike "(h)" and insert in lieu thereof "(i)".

On page 2, line 19, strike "(c)" and insert in lieu thereof "(b)".

On page 5, line 15, strike "3" and insert in lieu thereof "7".

On page 6, after line 6, insert the following:

"In Sec. 8(e)(1) starting on page 59, strike 'before the Commission, and the conduct of litigation' and insert in lieu thereof 'and the conduct of litigation in Federal District Courts.'"

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Colorado? The Chair hears none, and the amendment will be so modified.

Mr. DOMINICK. I thank the Chair.

Before discussing the merits of my amendment, the dictates of objectivity require me to dispose of several simplistic arguments which through sheer volume and weight of rhetoric have achieved credibility. The most nonsensical and distressing of such arguments is that the Dominick amendment is antiemployee or anticivil rights.

The manager of the bill said yesterday, and I know this to be true, that he does not consider this amendment to be of that nature at all, and I appreciate that statement, even though he still objects to the amendment.

Because the amendment vests enforcement powers in the district courts, the primary tenet of such reasoning must be that Federal district courts are antiemployee or anticivil rights. To even think such thoughts is potently absurd. Consider for a moment where minorities would be without the monumental court decisions recognizing and protecting their rights in education, in public accommodations, in housing, in voting and in equal employment. No less an authority than the EEOC itself, in referring to their experience as amicus participators in 167 fiscal year 1970 title VII private suits, endorse the courts' understanding of the equal employment problem. The EEOC states in its fifth annual report which covers the fiscal year 1970:

> The Commission feels that the course of litigation over the past year has been encouraging and that the law has developed in a liberal fashion appropriate to a humanitarian and remedial statute. The implementation of title VII gives hope for the future of all Americans.

Even more offensive than the absurdity of such an argument is its accompanying implications that an aggrieved employee will not receive justice in U.S. district courts. By impugning the reputation of an old and trusted friend of minority rights, the civil libertarians are doing Brutus proud. The old lament, "How soon they forget" was never more appropriate.

If the civil libertarians are to prevail with their argument, they must prove that not only will the Dominick amendment not effectively protect the employment rights of minorities, but that cease-and-desist enforcement will. This, in and of itself, is a shaky premise. Essentially, the argument must be that by vesting an acknowledged advocate of employees' rights such as the EEOC with enforcement powers, you thereby guarantee the best protection of such rights. This is overly simplistic for several reasons.

Prof. Alfred Blumrosen, of Rutgers Law School, finds such reasoning faulty. Mr. Blumrosen, an authority on minority employment, wrote a book on the subject in 1971, "Black Employment and the Law." As quoted in a September 15, 1971, Wall Street Journal article by Elliot Carlson, Mr. Blumrosen, in referring to cease-and-desist proponents, states:

> An awful lot of liberals haven't stopped to think that what they're fighting for isn't appropriate to the problem. 'They're basing their views on the NLRB experience, and think that because the board helped unions get established the EEOC can do the same for civil rights groups. That's not necessarily so."

The article continues to say:

> Mr. Blumrosen argues that minorities have been far more successful achieving their rights through courts than administrative procedures. He also asserts that States have invariably failed in their own efforts to eradicate job bias through administrative cease-and-desist powers. (Of 34 States with fair employment practice commissions, 32 have such powers.) Others support his argument.
>
> "I doubt whether cease-and-desist orders could get at the vestiges of bias better than the courts," declares Bernard Anderson, assistant professor of industry at the University of Pennsylvania. "It would take years to build up the guidelines on which to base such orders, but if you had a good case you could be in court next week."

The article further states:

> Pennsylvania's Mr. Anderson contends that most discriminatory treatment is institutional: subtle practices that leave minorities at a disadvantage because of cultural and educational differences. He doubts whether such forms of bias could be rooted out by cease-and-desist powers.
>
> "At the labor board, individual cases are decided on individual merits," he observes. "Thus cease-and-desist orders fail to create broad legal principles, and 'that's not good enough for race questions.' Mr. Anderson questions, for instance, whether any such order could ever have had the impact of the Griggs vs. Duke Power Co. decision, in which the Supreme Court recently held that employment tests, even if fairly applied, are invalid, if they have a discriminatory effect and can't be justified on the basis of business necessity.' "

Additionally, this logic fails to consider the legendary vicissitudes of presidentially appointed boards. Such boards tend to react to political winds rather than stare decisis and, consequently, what is a proemployee board today could well be a proemployer board tomorrow. Probably the best example of this is the National Labor Relations Board. The NLRB, which possesses cease-and-desist enforcement powers similar to S. 2515, has been criticized for lack of long-term consistency, fluctuating from promanagement decisions during the Eisenhower administration to prolabor positions during the Johnson and Kennedy administrations. Determination of employment civil rights deserves and requires nonpartisan judgment. This judgment is best afforded by Federal court judges who, shielded from political influence by life tenure, are more likely to withstand political pressures and render their decision in a climate tempered by judicial reflection and supported by historical judicial independence.

Allegations have been made that in placing enforcement of employment disputes in Federal courts, the amendment will clog court dockets and greatly extend the settlement time of such disputes. Consideration of this contention is most important as a speedy resolution of the dispute is vital to both employees and employers. Interestingly enough, facts indicate that the potential administrative snarl created by S. 2525 language threatens effective resolution of employees grievances much more so than court enforcement backlogs.

Consider these facts. I referred to them yesterday, and they are worthwhile repeating today. Chairman Brown of the EEOC testified that as of June 30, 1971, the Commission had a backlog of 32,000 cases. The EEOC anticipated a caseload of 32,000 new cases in fiscal year 1972 and 45,000 in fiscal year 1973. As of February 1971—the most recent data we have been able to get—EEOC complaints required from 18 to 24 months for disposition.

I might interpolate here that I understand that it is longer than that at the present time.

To this already substantial backlog one must add the impact of the more complex and time consuming cease-and-desist procedure and the expanded coverage provided by S. 2515. Included for the first time in the expanded coverage are approximately 6.5 million employees of small employers—that is, those employing between eight and 25 employees, 4.3 million educational employees—teachers and professional and nonprofessional staff members—and 10.1 million State and local governmental employees whose disputes are to be conciliated by the EEOC according to a committee adopted amendment. Thus, the EEOC will be responsible for an additional 21 million potential aggrieved persons.

I should say that, additionally, all Federal employees are included in a remedy system. They go through their agency and then into the court system or through the Civil Service Board of Appeals and Reviews and then through the court system, if necessary under the existing bill. There is a need to coordinate what is done in those agencies and the court system with the actions taken by the EEOC.

If court enforcement is adopted the district courts will be faced with the same expanded caseload, but they are substantially better adapted to cope with the increase. Under S. 2515 language, EEOC field attorneys could investigate and attempt to conciliate disputes, but only the Commission in Washington would be available to issue cease-and-desist orders. This procedure would require the hiring and training of 100 new trial examiners and supportive staff. Contrast this with the existing Federal district court system of 93 courts and 398 judges with established reputations for fairness, discretion and impartiality.

Further, it is my impression that companies and labor organizations and their legal counsels are much more impressed by precedents established in our Federal court system than by precedents established of administrative agencies. Accordingly, as court precedents are established under my amendment, I believe the result will be a substantial increase in the number of respondents complying with court decisions or entering into meaningful conciliation agreements with the Commission, rather than appealing cases lost in Federal district court. In addition, I envision a much larger number of cases being settled by agreement without litigation where the alternative is a Federal court trial by respondents who would take their chances in drawn-out administrative proceedings, even where the precedents were clear.

Whereas the EEOC backlog is from 18 to 24 months, the median time interval from issue to trial in U.S. district court in 1970 according to the annual report of the Director of the Administrative Office of the U.S. courts was 10 months.

A more accurate prognosis of the impact of district court enforcement can be made by comparing the backlogs of the 29 district courts having jurisdiction over the 10 highest States in terms of fiscal year 1970 recommended EEOC investigation. According to Congressman JOHN ERLENBORN's study of those 29 district courts, 21 courts had a median time of 12 months or less for nonjury trials and eight courts had a median trial completion time of 6 months or less. These courts appear capable of handling the increased caseload activity without undue delay.

In addition to the other expanded responsibilities that S. 2515 thrusts on an already swamped Commission, it also transfers all contract compliance activities of the Secretary of Labor under Executive Order 11246—as amended by Executive Order 11375—to the EEOC and over a 2-year period, the section 707 "pattern and practice" suits from the Justice Department.

The total impact of the increased procedural responsibilities, expanded coverage, and transfers could well create an administrative nightmare which will effectively frustrate the rights of all parties. The district court approach offers existing, respected, proven, national network of tribunals capable of coping with the increased caseloads.

Before proceeding to the merits of the amendment, one last point of confusion should be resolved both in my mind and for the purposes of making a viable record. I generally understood, and Ken Meiklejohn, from the AFL-CIO, among others, confirmed the fact that organized labor was in favor of S. 2515 generally, and cease-and-desist enforcement powers specifically. It was, therefore, disquieting to read in the November 13, 1971, National Journal that the letter of James C. Lee, president of the 350,000-member State Building and Construction Trades Council of California, urging defeat of the House version of S. 2515, the Hawkins-Reid bill, was totally ignored by the AFL-CIO. Not only were President Lee's objections ignored, but according to the article, John F. Hennings, president of the California Labor Federation, AFL-CIO, wrote to the California House delegation endorsing the Hawkins-Reid bill. I find this incident disquieting, because I doubt that it represents an isolated occurrence.

I doubt that it represents an isolated occurence, because I can only interpret EEOC vested cease-and-desist enforcement powers as being contrary to the interests of the rank-and-file members of organized labor unions. It is logical to assume that the present Commission will continue to pursue its active employees' rights philosophy after being armed with cease-and-desist powers. The consequence will most probably be increased minority hiring requirements at the expense, in many instances, of union hiring and seniority rights. I am somewhat confused as to why the leaders of organized labor have chosen to apparently jeopardize the very important hiring and seniority rights of their members, especially when it is contrary to the express dictates of the members in at least one instance. Any explanation as to this apparently inconsistency would be most helpful for both my information and the legislative record we are trying to establish.

Having disposed of some of the rather misleading rhetoric surrounding the amendment, I will now proceed to the substance of the language. My amendment does not affect present bill language which improves the respondent's rights of due process by requiring a 10-day notification of the filing of a Commission charge or the 2-year limitation of back pay liability. It does not affect bill language whereby approximately 10.1 million State and local government employees can seek redress of their grievances through Federal district courts. The amendment does not change a committee adopted amendment authored by Senator CRANSTON and me creating machinery suggested by Clarence Mitchell, director, Washington Bureau, NAACP. The machinery provides a remedy procedure for the approximately 2.6 million civil service and postal workers whereby an aggrieved employee has the option, after exhausting his agency remedies, of either instituting a civil suit in Federal district court or continuing through the Civil Service Board of Appeals and Reviews to district court, if necessary. Curiously enough, the majority members of the committee seem pleased with ultimate court enforcement procedures for 2.6 million Federal employees and 10.1 State and local government employees, but continue to urge cease-and-desist procedures for private employees.

Why this is not discriminatory in and of itself, I find hard to realize.

The amendment does not affect the expanded coverage provisions in the bill concerning small employers, State and local government employees, or educational institution employees. Additionally, it leaves undistured S. 2515 language transfering Justice Department "pattern and practice" suits and Labor Department's Office of Federal Contract Compliance to the EEOC. Finally, the amendment does not limit aggrieved employees to only title VII remedies or bar class action suits.

My understanding is that amendments on all these points will be brought up at a later date for decision by the Senate, but this amendment does not affect any of them.

What the amendment does do is to provide for trial in the U.S. district courts whenever the EEOC has investigated a charge, found reasonable cause to believe that an unlawful employment practice has occurred, and is unable to obtain voluntary compliance. The Commission would have complete authority to decide which cases to bring to Federal district court and those cases would be litigated by Commission attorneys. Once a Federal district court had issued a decision and order in a case, appeals litigation in a U.S. Court of Appeals or the U.S. Supreme Court would be conducted by the Attorney General's Office. An aggrieved person would retain the right to commence his own action in Federal court if the EEOC dismissed his charge.

This amendment protects the rights of both respondents and aggrieved by providing a fair, effective, and expeditious resolution of the dispute.

I might point out here, Mr. President, that my amendment simply takes the enforcement procedure down one level in the court system and out of the hands of the executive agency. The enforcement procedure, as the bill proposes, puts adjudicatory power in the hands of the executive agency with appeal to the court of appeals. What we are doing is avoiding star chamber procedure in the executive agency system, which has not worked in the past and which we do not believe will work in this situation.

Whereas the court approach preserves the traditional separation of powers which we as a nation so highly cherish, the cease and desist procedure seriously threatens the respondent's due process rights in a star chamber procedure which joins the prosecutory function with the adjudicatory function. Under a cease and desist proceeding the EEOC would investigate the charge, issue the compaint, prosecute the complaint, adjudicate the merits of the case, and seek enforcement of its decisions in the U.S. circuit courts of appeals. Elemental concepts of fairness and due process require an impartiality in the adjudicatory function which could not be attained under S. 2515, but could be under my amendment if agreed to.

This amendment provides a combination of the expertise of the EEOC in investigating, processing, and conciliating unfair employment cases with the expertise and independence of the Federal courts. An expertise, which as I mentioned earlier had exhibited unusual understanding of the rights of minorities in areas of public accommodations, voting rights, education, housing and equal employment. The equal employment area is one which produces strong emotions among all parties—those discriminated against, those accused of discriminating, and even those charged with enforcing the law. I believe that these strong emotions should be tempered by restraint when the adjudication of personal rights is at issue. The Federal courts are best able to provide the tempering restraint which will allow for a rational resolution of the issues of any given case.

Mr. President, to interpolate for a minute, as I reported yesterday, my recollection of the evidence is that approximately 30 percent of the cases which are being filed now—at least in excess of 20 percent are related to sex discrimination. And when we get an angry woman who feels she has been discriminated against in her job or in getting her job, we have really got emotions running high. And we have the same situation involved when a man is being discriminated against or thinks that he is being discriminated against because he is not a female. These are matters that go on and on and on. They get much more difficult to handle through voluntary compliance or an executive agency level than if we had some totally impartial method of solving the disputes.

In my opinion, we do not get adequate impartiality with cease-and-desist orders or with the EEOC having the untrammeled discretion to impose unreasonable employment relation requirements. Everybody is mad.

If we have an impartial court proceeding, we would have much faster action, much more impartiality, and some ability to temper the heat of the issues involved.

As I pointed out, effective protection of the rights of both the employer and the employee demands a speedy resolution of the dispute. Facts in addition to the previously discussed backlog problems indicate that the court enforcement procedure is more expeditious as it involves a one-step enforcement procedure whereas the cease-and-desist order requires two steps. A district court order is immediately self-enforcing as it is backed by court contempt proceedings. A Commission cease-and-desist order must be brought to the court of appeals before it achieves similar sanction power. Additionally, there is a definite practical advantage in having the judge who enters the original order be the person who will hear any subsequent enforcement proceedings. A judge who is enforcing his own orders rather than those of some commission will be determined that such orders are properly enforced.

This amendment offers a welcome opportunity in an era of increasing concentration of executive power to strike a small, but perhaps significant blow for the judicial branch of our Government. As a respecter of our Founding Fathers and their intent to create a tripartite form of government with each branch exercising separate but equivalent powers, I am disturbed and have been for a long time, by the steadily encroaching power of the administrative branch. Each day heralds the birth or expansion of some executive agency. Such expansion is not only bureaucratically unwieldy, but also threatening to the very existence of our concept of checks and balances. If the executive branch is allowed to continue this usurpation neither the legislative nor the judicial branch will be able to exert enough power to check the runaway executive branch. Nowhere is executive usurpation more evident than in S. 2515. If the Commission is given cease-and-desist powers, clearly a judicial function, then the legislative branch has no one to blame but itself for the further diminution of the judiciary branch and the strengthening of the executive branch. Many would argue that this is simply one more small concession to the executive branch, but I submit that it establishes precedent, either pro or con, for the eventual destruction of one of the cornerstones of our form of government. As such, it should not be dismissed as simply one more small concession.

Mr. President, how many times have I heard on this floor from one Senator or another, from one side of the aisle or the other, that an executive agency is creating rules and regulations which have the force of law and which Congress did not intend. To compound the situation Congress itself now is attempting to give an agency not only the power to make regulations which may well affect everyone's business and personal rights, but we now propose to also give them judicial powers as well.

Why not discard the philosophy of local control and simply give in to the concept that the country is too big and too complicated and that we should let a bunch of bureaucrats run it? I for one am not willing to make such a concession.

Mr. President, rather than jeopardize the aggrieved employee's rights with a potential administrative nightmare and the respondent's due process rights with a star chamber proceeding, let us turn to the Federal courts of the United States where an established judiciary assures us of competent, impartial decisions. We have never been hesitant to rely on our Federal judicial system before, least of all in civil rights cases, and the import of equal employment opportunity makes it inappropriate to desert such a proven and respected system at this time.

I hope and sincerely plead that my colleagues see the light and give us at least one chance to continue our tripartite system and avoid increasing the power of these executive agencies. Let us try to do something which will protect the rights of all parties concerned in any of these very emotional employment disputes by adopting the Federal court procedure.

Mr. President, I yield the floor.

Mr. FANNIN. Mr. President, I commend the distinguished Senator from Colorado and I express my support for amendment No. 611 offered by the Senator from Colorado (Mr. DOMINICK). I do so in the belief that adoption of this amendment is urgently required to assure the most effective realization of the objective of S. 2515 and of title VII of the Civil Rights Act of 1964—the elimination of discriminatory practices in the employment of American workers.

S. 2515 would vest the adjudicatory power and authority to issue cease-and-desist orders in the EEOC itself and the analysis of this proposal has been very adequately pointed out by the distinguished senior Senator from Colorado. I express my support and concur in his analysis that what is involved is that this would enable the EEOC to sue in Federal court for redress of employees' grievances if the amendment is adopted.

We should not be confused into accepting the knee-jerk reaction that because the cease-and-desist approach is the more extreme remedy it is, therefore, a more effective, pro-civil-rights approach than the court enforcement method.

Nothing could be further from the truth. An objective comparison of the two approaches reveals that the court enforcement method would more effectively repair injuries caused by employment discrimination and protect the civil rights of all Americans.

First and foremost, it is inevitable that the rights and interests of aggrieved employees and of respondent employers will be prejudiced if the EEOC is granted the power not only to investigate charges and issue complaints, but also to adjudicate those complaints and issue enforcement orders. If the Commission were to adopt the impassive attitude proper for its role as judicial arbiter, the employees would lose the benefits of the Commission's present function as advocate for their cause and as zealots in the effort to redress employee grievances. If, on the other hand, the Commission continued its attitude of proponent for the employee, the respondent employers would clearly not receive the due process to which they are entitled in the adjudicatory proceeding.

Mr. President, I do not believe that the amendment adopted yesterday by the Senate solves this problem. I voted in favor of that amendment and I think it is a step forward.

There is no excuse for us to sanction new injustices in our efforts to right existing injustices—certainly not when a reasonable and more effective remedy is available to us.

The Equal Employment Opportunity Commission is a politically appointed body, and if it were given the cease-and-desist power, its exercise of that power would inevitably fluctuate with the political winds.

If, as we propose, the EEOC is authorized to prosecute complaints in Federal district courts, then the investigative and prosecutory function will be properly separated from the adjudicatory power—each body performing that function for which it is perfectly suited. The EEOC can remain a zealous proponent of the employee and the district court judge can perform the service for which he has distinguished himself in every area. The judge, having a lifetime appointment, is insulated from the whims of politics in approaching delicate issues such as we here encounter. The district courts are experienced in handling civil rights matters, having in recent years dealt effectively with a broad spectrum of civil rights cases, including those involving employment discrimination.

And adjudication by the Federal courts will provide the consistency and continuity which is a vital element of our judicial process.

Court enforcement, therefore, offers a more fair and equitable representation of the interests of both employee and employer. In addition, court enforcement offers a more expeditious settlement, and a speedy resolution is vitally important both to an aggrieved employee and to a respondent employer.

Presently the EEOC has an enormous backlog of cases under investigation, and the disposition of a complaint requires from 18 to 24 months. S. 2515 adds 6.5 million nongovernmental employees and 10.1 million employees of State and local governments to the EEOC's jurisdiction, so obviously the backlog of investigations and the time required for processing them can be expected to increase in the future. If the Commission is given cease-and-desist authority, the time required for completion of the adjudicatory process will obviously be considerable—and it must be remembered that the cease-and-desist order must be brought to a Federal court of appeals before it achieves a sanction power similar to that of the order a district court judge would enter at the end of a court enforcement process.

In 1970, the median time interval from issue to trial in nonjury cases in U.S. district courts was 10 months. Clearly, this avenue offers the aggrieved employee and the respondent employer a faster answer to his problem. Furthermore, it is relevant to consider that this prospect of swift resolution in court should encourage settlement by conciliation of a larger percentage of cases, thereby helping the Commission handle its tremendous investigative and conciliation responsibilities more quickly.

If the resolution of employee discrimination cases is fairer and faster under the court enforcement procedure, what possible reason is there to depart from this traditional means of administering justice in the United States? Proponents of the cease-and-desist authority lean heavily upon the arguments which have been advanced in granting this authority to executive agencies in other areas: First, that a special expertise in a technical field is required of the adjudicating officer; and second, that putting such cases in the Federal courts would clog the Federal judiciary system. Neither argument stands up in this case.

Civil rights is not a highly technical area. It is a matter of human understanding and common sense, qualities possessed as fully by Federal judges as by potential nominees to the EEOC.

The district court judges have shown in recent years their capacity to resolve civil rights disputes in areas such as housing, public accommodations, and school integration. Furthermore, because of the respect with which the Federal judiciary is viewed, their decisions have greater immediate impact and moral sanction than would the decision of an executive administrative agency.

I see no way that the court enforcement procedure would clog the Federal courts. There are 398 Federal district judges to hear those cases which the EEOC does not resolve by conciliation. In fiscal year 1970, only 732 of 20,122 charges received by the EEOC failed a solution by voluntary compliance. As stated above, I believe the court enforcement procedure would increase the number of voluntary settlements. Therefore, those cases which had to go to court would be easily distributed among the district judges. Certainly then it would not be so manageable if all had to be handled by the Commission itself under the cease-and-desist procedure.

Without the Dominick amendment, S. 2515 opens the door to another unnecessary expansion of an already cumbersome Federal bureaucracy. This will add another unnecessary cost to our Government and saddle our taxpayers with the bill.

We must remember that when we have unnecessary costs to our Government, there are increased taxes and increased costs of productivity. In our country today we are facing a very serious problem, the problem of being competitive with other countries of the world. We have an imbalance of trade that exceeds any imbalance we have ever had before, increasing considerably our imbalance of payments and threatening our dollar and the very economy of this Nation. We cannot afford to place additional burdens on our economy. We must work in the other direction to try to bring about better relations between management, labor, and government. We have a very serious problem facing us. We are going to have to have jobs for the people of this country. However, a program that is going to further burden us with additional costs and that places a further burden on the companies and employees involved is something that is absolutely unnecessary if we are to continue our progress forward in facing the competitive situation in the world today.

I submit that all who are truly interested in attaining the purposes of the Civil Rights Act of 1964 and the Equal Employment Opportunity Enforcement Act of 1971 will support the Dominick amendment.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. FANNIN. I yield to the distinguished Senator from Colorado.

Mr. DOMINICK. I want to express my thanks to the very distinguished Senator from Arizona for his aid, support, and cosponsorship of this amendment. I think his statement was excellent. His extensive record in the public service, first, as Governor and then as a Senator makes such comments most authoritative and informed.

It looks to me as though my amendment is being attacked by emotion rather than by logic. The Federal court system, logically speaking, would be a far better one. As the Senator so aptly said, this procedure can take care of this situation much more readily and much more efficiently than if it were enforced by an executive agency of this kind.

I look forward to coordinating efforts with the Senator so as to help bring us to a winning vote on this amendment on Monday. ◄

Mr. FANNIN. I thank the Senator. The Senator from Colorado is to be commended for taking the initiative and bringing forth what is involved. It is very vital that we have cooperation between management, labor, and government. We could give many illustrations of where we have had prolonged trouble just because we did not have a court to settle the issues. We have cases before us today which would have been settled many months ago if we had had the same system which the distinguished Senator is recommending.

We face serious problems in this Nation. We know one of the most serious, if not the most, is unemployment. We want to try to coordinate our efforts to bring about additional employment, but we must be competitive with the other countries of the world. In the last few years we have seen companies move across the water, for various reasons, some in this field.

I abhor the thought that this could be a factor in the future, and I am sorry it has been a factor in the past, but I think we must recognize that when there are serious problems between management and labor, and they are not brought to a conclusion because there is a strike or the companies are in a position where they cannot make their decisions for months at a time, then there is a serious question of whether they can expand their operations to employ more people and go forward in this country of ours, rather than look to operations overseas.

So I think we have more involved here than meets the eye on a very cursory examination. The very future of our country is involved, as far as competitiveness is concerned. I do not mean to infer that this alone is going to threaten our economy, but I think we must realize that building up that problem does affect the economy and our ability to meet the world market.

Mr. DOMINICK. I know how completely the Senator has researched the question of the economic competitiveness of our country. I have real respect for his judgment on that question. It seems to me the question of employment discrimination could be settled rather rapidly if we could get a coordinated labor-management effort on it. This logically should occur as an amendment such as mine seeks to improve the situation for both groups.

Mr. FANNIN. I certainly think the Senator is right. The people of America have confidence in their courts. The employees have confidence in their courts. I think they would feel far better if they knew a court was passing judgment on some conflict that might be involved in their negotiations, even more than, as we have had in the past, through efforts of the National Labor Relations Board and other agencies. They have done great work, but if somewhere along the line they cannot come to an agreement, a decision has to be made. Otherwise we are going to have to face disadvantages such as occurred in the shipbuilding industry and many others. The result has been that the companies involved in these confrontations have become less and less competitive.

In order to reach a settlement, the courts would decide the righteousness of the claims of the parties. This is what the Senator wants to bring about—a process that will bring about a settlement.

Mr. DOMINICK. Once again I want to thank the Senator for his help.

Mr. FANNIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. FANNIN. I yield the floor.

Mr. ERVIN. Mr. President, will the Senator yield for some questions?

Mr. FANNIN. I am very pleased to yield.

Mr. ERVIN. I have been interested in the amendment which was offered by the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) for the Senator from Ohio (Mr. TAFT) and the Senator from New York (Mr. JAVITS) on yesterday, and I would like to see what the opinion of the distinguished Senator from Arizona is with respect to it.

The Senator from North Carolina has studied it, and he thinks that it is so much window dressing, which is comparable to the saying that hypocrisy is the homage which evil pays to righteousness.

This amendment provides that the President is to appoint a General Counsel, but it also provides that the General Counsel shall appoint regional attorneys with the concurrence of the Chairman of the Commission. Just how much independence would be given by a provision that the General Counsel cannot appoint regional attorneys to assist him in carrying out his duty without the approval and concurrence of the Chairman of the Commission which is charged with the duty of enforcing the law?

Mr. FANNIN. I would say to the distinguished Senator from North Carolina that his analysis is certainly correct in my mind. It does pose a problem because after all, the stated intent of the amendment was to accomplish just exactly what was stated as far as appointment of counsel is concerned, but not the follow-through. I concur in the feeling that if we are going to have equity involved, then we must not have the appointment of the people that are going to be carrying through with the adjudication of cases, with the presenting of the evidence and whatever else may be involved, under the very control of the Commission that is going to hear it. So I certainly concur in the feelings of the distinguished Senator from North Carolina. I am sorry that stipulation is in that amendment.

Mr. ERVIN. Does the Senator from Arizona agree with the Senator from North Carolina that that amendment leaves unmodified the duty and the power of the Commission to investigate charges and even to go to the General Counsel and urge him to make charges?

Mr. FANNIN. The Senator always presents his case effectively and very righteously, and that is true. This is carrying a program that was intended to try to settle differences into an area that creates differences. I feel that is very unfair. I certainly do not think one can be judge and jury and decide the case and then decide the penalties and be fair and equitable as a commision. I think it is unfair to the Commission to impose these obligations on it.

Mr. ERVIN. Is not this fundamentally comparable to what would have been the situation when the 18th amendment to the Constitution was adopted to outlaw liquor—if the amendment had given the prosecuting attorneys the power to prosecute charges and then to determines the charges that were valid?

Mr. FANNIN. I think, when one is making an analogy, he could carry through on that basis. I agree that that would be an analogy that would be sustained. I, of course, feel very keenly about this because not only do I feel the Commission is charged with a responsibility, but that it has a burden to carry that is beyond a commission's actual potential.

They should not have to carry through from A to Z. There should be others involved in making the decision in this regard.

Mr. ERVIN. Now, the amendment gives a little more lipservice to the idea that everyone is entitled to a fair trial by saying that:

> No employee or agent of the Commission may engage in the performance of prosecutorial functions for the Commission in a case or any factually related case, and also participate or advise in the decision recommended decision, or Commission review of a decision, except as a witness in public proceedings.

It says he cannot give any advice unless he takes the witness stand and testifies on oath how his fellow Board members ought to decide it. Is that not the case?

Mr. FANNIN. It is rather inconsistent with what is intended under the statutes that we rely upon so faithfully in this country of ours for equity under the law.

Mr. ERVIN. Does the Senator from Arizona agree with the Senator from North Carolina that under this bill, the Commission is charged with the responsibility of enforcing a law which is designed to compel the majority to employ people from the minority rather than from the majority?

Mr. FANNIN. Yes; of course, the whole intent of the legislation was to be fair and equitable with the minority; I do not think it was ever intended that it should be unfair to the majority. But in the very operation of the Commission, where they have this dual or, one might say, double responsibility, it is very difficult for them to carry through with what I think was originally intended by Congress.

Mr. ERVIN. In other words, the duty is placed upon the Commission to enforce a specific law, and then the Commission, in effect, are made judges to decide whether the law that they are charged with enforcing is violated; is that not true?

Mr. FANNIN. That is true, and I think it is very unfair to impose that obligation upon them.

Mr. ERVIN. Now, while this amendment designates the General Counsel as the one who can make the charges before the Commission, it still leaves the Commission and its agents with the responsibility for investigating charges, and gives them the power to make charges subject to the approval of the General Counsel, and so they are charged, in effect, with either assembling or supervising the evidence to sustain the charges that they called to the attention of the General Counsel.

Mr. FANNIN. That is true. It is regrettable that it is that way.

Mr. ERVIN. Then the members of the Commission, or those who are psychologically allied with them in the enforcement of this statute, sit as judges to pass on the validity of the charges which are based upon the investigations made by the agency itself.

Mr. FANNIN. Well, the problem, as I see it, that is being created, is that we have a General Counsel appointed by the President, but that the General Counsel is not in control of his responsibilities. His responsibilities would be carrying through as a General Counsel, and the people under him would be under his jurisdiction and not under the Commission's jurisdiction. This is what I think the distinguished Senator from North Carolina has brought out as a great inequity.

Mr. ERVIN. If we are going to have a system where justice is administered, we are going to have to have a complete divorce between those who are to exercise the judicial function and those who are going to set in motion the cases that are eventually to require judicial decision, are we not?

Mr. FANNIN. Yes. I think that is the intent of our laws and the intent of our Constitution.

Mr. ERVIN. And does not the Senator from Arizona agree with the Senator from North Carolina that no matter how good the men may be who are appointed to an agency to enforce a law of this kind, with responsibility placed on the agency of investigating allegations of violations of the law and of assembling evidence on the subject, and then confer on that same agency, even with the intervention of a General Counsel between the two functions, the power to judge the cause, we inevitably have a system where the members of the agency who judge the cause are psychologically disabled, in most cases, to be fair and impartial?

Mr. FANNIN. I think because of that fear we do have the separation of powers in this great Government of ours, and I feel that that is not being carried through in this legislation.

Mr. ERVIN. In 1949, the Supreme Court of the United States had before it the case of Wong Yang Sung against McGrath, which is reported in volume 339, beginning at page 33, of the official reports of the Supreme Court, where the Justice dealt with this subject. The Court spoke of the fact that this had been a problem which, prior to the enactment of the EEOC bill, had given our Government much concern, and President Roosevelt had appointed a distinguished Committee to study this business of uniting in one Federal agency the duty of enforcing the law and determining whether that law has been violated.

Justice Jackson, who wrote the opinion invalidating the procedures of the administrative board of the immigration authorities which united all these functions in the same agency, said this, on page 38:

> President Roosevelt's Committee on Administrative Management in 1937 recommended complete separation of adjudicating functions and personnel from those having to do with investigation or prosecution.

Now, the Senator will note that the decision in this case recommended not only divorcing the functions of those who judge the matter from those of the prosecuting attorney, but also from that of the investigator; and this amendment leaves the investigating powers and duties of the Commission untouched, does it not?

Mr. FANNIN. That is my understanding.

Mr. ERVIN. Is it conceivable to the Senator from Arizona that we can expect an unbiased judgment where the agency which assembles the testimony on which a prosecution is based is to judge the validity of the accusation based on its investigation?

Mr. FANNIN. I agree with the Senator. I think it is very unfortunate that we impose on this Commission these obligations, because they would have, I think, an opportunity to render a greater service if they could carry through with what I think was intended by Congress originally, and that was not to adjudicate the cases.

Mr. ERVIN. Justice Jackson wrote an opinion in the case to which I have referred which I believe every person who advocates legislation like this ought to memorize before attempting to persuade Congress to enact it.

He points out that it is not sufficient merely to say that a man who investigated or who prosecuted should not sit as a judge, but that the diverse functions should be entirely separate and put in separate agencies. He cites much learned discussion from reports of committees that have investigated this subject—that where a man one day acts as an investigator or a prosecutor and the next day acts as a judge for the purpose of judging the validity of charges, he gets in a personal psychological situation in which he cannot discharge the judicial function fairly.

Mr. WILLIAMS. Mr. President, will the Senator from North Carolina yield at that point?

Mr. ERVIN. I yield.

Mr. WILLIAMS. I think the Senator is perhaps suggesting that I memorize that case, but I would have to know what the case was, what the facts were, and what agency Justice Jackson as talking about.

Mr. ERVIN. Well, he was talking about the procedures of the immigration authorities and the immigration authorities did exactly what the EEOC officials do. They conducted investigations, and then they judged the charges based on their investigations. The Court struck that down as not in sufficient compliance with the Administrative Procedure Act.

I read from page 43:

> Merely to provide that in particular cases different inspectors shall investigate and hear is an insufficient guarantee of insulation and independence of the presiding official. The present organization of the field staff not only gives work of both kinds commonly to the same inspector but tends toward an identity of viewpoint as between inspectors who are chiefly doing only one or the other kind of work. . . .
>
> . . . We recommend that the presiding inspectors be relieved of their present duties of presenting the case against aliens and be confirmed [*sic*]—

The word should be "confined"—

> . . . entirely to the duties customary for a judge. This, of course, would require the assignment of another officer to perform the task of a prosecuting attorney. The appropriate officer for this purpose would seem to be the investigating inspector who, having prepared the case against the alien, is already thoroughly familiar with it. . . .
>
> A genuinely impartial hearing, conducted with critical detachment, is psychologically improbable if not impossible, when the presiding officer has at once the responsibility of appraising the strength of the case and of seeking to make it as strong as possible. Nor is complete divorce between investigation and hearing possible so long as the presiding inspector has the duty himself of assembling and presenting the results of the investigation. . . .

Justice Jackson pointed out that the Attorney General had a committee study this question. It said:

> These types of commingling functions of investigation or advocacy—

I invite attention to the fact that he put the question of investigation in exactly the same category as advocacy.

> These types of commingling of functions of investigation or advocacy with the function of deciding are thus plainly undesirable. And so forth.

I suggest that this business of vesting quasi-judicial powers in agencies or the officers of agencies who are charged with responsibility for enforcing a particular law is plainly undesirable; and one of these days the Supreme Court of the United States is going to rise to the occasion and say that it is a denial of due process of law, in that it prevents a fair trial of the issues.

No man who is charged with the duty of seeing that a law is enforced, as are the members of such an agency, can be unbiased in his decision when he sits as a judge. I do not care how good a man he is; he gets a psychological handicap which prevents him from being unbiased.

I had occasion, when I had the honor to serve on the Supreme Court of North Carolina, to try to define what is a fair trial. I came to the conclusion that the essence of a fair trial can be defined in this way: In order to have a fair trial, a litigant is entitled to have his cause heard by an unbiased jury, before an impartial judge, in an atmosphere of judicial calm. You cannot have an unbiased factfinder when the agency of which the factfinder is a member is charged with the solemn responsibility of collecting the information on which the prosecution is based and of analyzing that testimony, even if he has to present it to a general counsel for prosecution. Such a system just will not work fairly or justly.

Agencies such as this should not exist. No matter how much the law sanctioning them may try to pay lip service to impartiality—as did the Schweiker amendment—there is a wedding of absolutely discordant and irreconcilable principles which result in a denial of justice.

(At this point, Mr. METCALF assumed the chair as acting President pro tempore.)

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. FANNIN. I yield.

Mr. WILLIAMS. The Senator is of the opinion, then, that any agency of Government that has enforcement procedures within the agency is operating at variance with the best principles in which the Senator believes.

Mr. ERVIN. Yes; and they ought not be permitted, if justice is to be done. No one should have the right to adjudicate the rights of other people finally except a court of law which is vested with the judicial power of the United States. It is unfortunate that the Supreme Court does not hold that whenever Federal judicial power is exercised, it has to be exercised by a third article judge. Such a judge holds office for life. He is divorced from the enforcement of law. He is charged with the duty of considering the facts as they are assembled and presented by the parties.

I think it is a mockery; indeed, I think it is a prostitution of the judicial process, to unite in one agency the function of investigating claims of violation of law and the function of judging those claims. This is true even if the agency assigns different officers or agents to the discordant functions. When men work together day by day, and one day a man is an investigator and the next day he is a judge, his relationship to his fellow officers is such that he is going to give undue credence to what his fellow officers have done in collecting data and bringing about the prosecution.

The distinguished Senator from Arizona has pointed out that the appointees to this commission are political appointees. They are not selected because of their judicial capacity. They are put on the board because of political reasons. It is inconsistent with reality to expect to make impartial judges out of people who are, as I said yesterday, essentially crusaders for a cause. No man who is tried by a crusader is going to get a fair trial. Men who think that we can settle all racial employment problems by simply arrogating to Government the power to rob men who invest their talents and resources in business naturally gravitate to positions with the EEOC.

Mr. FANNIN. I say to the Senator from North Carolina that I am not condemning members of the Commission. I do not think he is, either. It is the basis upon which they are given the responsibility of carrying through as the judge, the jury, and the complainant. This, I feel, is very unfair.

I think that giving dictatorial powers—which is not the case here—to any agency of our Government is certainly improper. Our system of government is based on law and on the fact that we will have the opportunity for a hearing before a court if a dispute is involved.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. FANNIN. I yield.

Mr. WILLIAMS. This is strong language—"dictatorial power." I will say that the Senator said it does not apply in this case, and it certainly does not; because in the area of equal employment and the operations of the Commission right now, there is not enforcement power in the Commission. This bill would bring that. The road is clear right to the Supreme Court of the United States, within this bill, and there cannot be any dictatorial exercise of power while the Supreme Court sits there.

Mr. ERVIN. If the Senator will pardon me, the road to the Supreme Court runs up against a mountain which cannot be crossed. I say that because this bill——

Mr. WILLIAMS. That is wrong. I dislike to hear that in this Chamber.

Mr. ERVIN. I say it. I have no hesitation in saying it, because it is the truth. In this bill is a provision that the findings of the Commission are binding on the Supreme Court and every other court if they are supported by any substantial evidence. As I said yesterday, 5 percent of the evidence is substantial.

Mr. WILLIAMS. The findings of the Commission would be based on a preponderance of the evidence. I would accept it.

Mr. ERVIN. Especially if the court, rather than the Commission, would be given the power to review the decision of the Commission on the question of whether there is a preponderance of the evidence.

Mr. WILLIAMS. On the Court of Appeals.

Mr. ERVIN. Yes.

Mr. WILLIAMS. On the way to the

Supreme Court. Would the Senator offer such an amendment?

Mr. ERVIN. Yes, I will offer an amendment to that effect.

Mr. WILLIAMS. I would be happy to accept an amendment that the Commission make its findings on a preponderance of the evidence.

Mr. ERVIN. Fine. Fine.

Mr. WILLIAMS. I should not interrupt here, but I appreciate the great Justice Jackson's opinion in this case. It seems to me that the procedures outlined in this legislation before us meet the tests laid down there by Justice Jackson because here no individual, as an individual, is in both positions of investigator, prosecutor, and judgment determiner.

Mr. ERVIN. But his agency is. The agency is. One day a man investigates. The next day he judges.

Mr. WILLIAMS. That is what I am saying does not happen under this legislation.

Mr. ERVIN. Oh. Oh.

Mr. WILLIAMS. The same man?

Mr. ERVIN. The same man, yes.

Mr. WILLIAMS. Literally the same man? Is that what the Senator is saying?

Mr. ERVIN. An officer or employee of the agency ought not to be a judge in the case. The agency originates the case. It investigates it. It causes it to be brought. But the fellows that will judge the case are the people the investigator works with every day and they will be reluctant to say, "Our brother is wrong, when he investigated the case and reached a conclusion. That should be presecuted and so recommended to the general counsel. Thate was the reason Congress did not give the Commission any enforcement powers, when it created the Commission but gave enforcement power to the courts. It should remain there, in my judgment. I am not criticizing the members of the Commission. The law puts an officer or employee of the agency in an impossible position——

Mr. FANNIN. That is right.

Mr. ERVIN. Where it compels the agency to investigate a case in a restricted field of law and then compels it to decide the case. Officers or employees of the agency are not psychologically free to act as judges under such circumstances. The same agency ought not to exercise these inconsistent functions.

Mr. WILLIAMS. That was the effort of the Senator from Ohio (Mr. TAFT) in his amendment, to divorce the functions where there would be any doubt of an individual's working in the areas of prosecution and judgment. That is why this general counsel amendment was offered. I believed that was one of the reasons why the Senator from North Carolina voted for it.

Mr. ERVIN. I voted for the amendment because it made the bill about one-half of 1 percent less obnoxious than it is.

Mr. WILLIAMS. One-half of 1 percent?

Mr. ERVIN. Yes. The essential vice of the whole setup still remains.

Mr. WILLIAMS. Was that a scintilla? Is a scintilla better?

Mr. ERVIN. I said the essential vice——

Mr. WILLIAMS. No. I refer to the one-half of 1 percent. That is about a scintilla of improvement?

Mr. ERVIN. It might be deemed a substantial part of the evidence by a Commission which has final fact-finding power.

Mr. WILLIAMS. I thought, when the Senator from North Carolina voted "yea" on yesterday, that he made the wisest judgment possible in accepting the amendment and voting "yea" on it.

Mr. ERVIN. Well, it is like starting on a trip to heaven and making a first stop at the first saloon. [Laughter.]

Mr. FANNIN. I thank the distinguished Senator.

Mr. President, I yield the floor.

Mr. WILLIAMS. Before the Senator yields the floor, I wonder whether I could ask one or two questions. The Senator was concerned about the employer faced with uncertainty and the economic burden that entails.

Mr. FANNIN. I would say to the Senator from New Jersey there are cases, he knows about, where they have been in turmoil and have not been able to get the cases settled. There was one in Virginia not too long ago, a shipbuilding company which had problems so far as contracts were concerned. The Senator remembers that very well, does he not?

Mr. WILLIAMS. Was that not the Bethlehem Steel case?

Mr. FANNIN. No. The Newport News case.

Mr. WILLIAMS. Yes, that was the problem where the company was faced with three agencies—the EEOC, the Department of Justice, and the OFCC.

Mr. FANNIN. That is right.

Mr. WILLIAMS. That was a concern and was a concern to the committee presenting the bill. That is why we have tried——

Mr. FANNIN. They could have gone to a court and presented their case and it could have been settled in a short time equitably for all the parties involved. That is why I feel that the amendment of the Senator from Colorado is vital to this legislation.

Mr. WILLIAMS. All right. I appreciate that. That would give the EEOC the authority to go to court to have its findings prosecuted and judged. Would the Senator agree, then, to make life more certain for an employer, that the functions of the Justice Department under patterns and practices, and the Department of Labor under the OFCC could and should logically be brought to the EEOC so that companies like Bethlehem or Newport News, or whoever they may be——

Mr. FANNIN. This has been a matter of contention as to how it could be handled. I realize that there are a multiplicity of problems here, but I would not want to, at this time, without careful investigation, say that I think all those powers should be in the EEOC because I do not think we could make that flat statement.

Mr. WILLIAMS. But they should reside in one place.

Mr. FANNIN. We realize that there is such a proliferation of authority in most all of active government today—yes, as a general principle, I favor trying to get the authority in one governmental agency where decisions can be made if it is necessary for court action where the people involved can gain a settlement, but I do not want to say that this should be under the EEOC at this time without careful investigation of that particular subject.

Mr. WILLIAMS. But the same subject matter logically and for the sake of efficiency and certainty should reside in one place, should it not?

Mr. FANNIN. It is a confusing situation today, I agree with the Senator from New Jersey; but I am not in a position to say whether that should be in one place or in another at this time.

Mr. STENNIS. Mr. President, I am very strongly opposed to the provisions of S. 2515, the Equal Employment Opportunities Enforcement Act.

The main issue to be dealt with in the bill is to decide what means of enforcement machinery shall be established to carry out the findings of the Equal Employment Opportunity Commission. As now drafted, the bill would vest the Commission with the power to issue cease-and-desist orders. In my judgment this is unsound. It violates the concept of separation of powers because the Commission, and the Commission alone, would have the powers of investigation, of the determination of the action to be taken in a case, and the implementation of that decision. The Commission would be the prosecutor and the judge. This is dangerously unsound. It infringes on the freedoms of the American people as individuals and as groups.

This use of cease-and-desist orders is unnecessary and illogical as well as a dangerous precedent. The Federal court system is available for disposition of enforcement rulings which the Commission might seek. This is the constitutional solution to the problem, as well as the logical solution. The Equal Employment Opportunity Commission is not staffed or trained to carry out this additional mission and already labors under a large backlog of cases, even under its present more limited authority. A large, additional administrative organization would have to be recruited and trained to create this new and unnecessary bureaucracy—an illogical action and a dangerous innovation in our governmental system of judicial review of disputes between citizens.

There are other faults in this bill, as well. It would vest in a Federal administrative agency—the Commission— jurisdiction over certain aspects of State and local governments. The bill provides that, in this particular case, cease-and-desist orders would not be used and enforcement would be by Federal courts. Even so, the entrance of concentrated Federal power into the operations of local governments is wrong, and can have ultimate effects that are very disturbing to contemplate.

Similarly, the removal of exemptions for educational institutions has implications that are extremely undesirable.

The continual harassment of the people of our country by detailed Federal controls is onerous to an extreme degree. Federal regulation of the daily activities of our peoples lives is growing each year, and it is rapidly becoming intolerable. At the best, the thousands of requirements of all the Federal regulations are time consuming, and can become expensive to an employer or an individual citizen. At the worst, they can leave the citizen lost in a bureaucratic maze of conflicting information, or even inflicted with an inequity for which the regulations provide no recourse.

This bill establishes a regulatory morass which will be enough to founder an average citizen trying to make a living under the free enterprise system. For example, it applies to anyone who hires eight or more persons, and as I said, that includes a State or local government, or a university. A charge of unlawful employment practice can be lodged by anyone, including an employee of the EEOC. The charge would no longer have to be under oath, as previously required. The EEOC then must serve the employer with notice that a charge has been filed against him. The EEOC then proceeds to investigate the employer. They can keep him on the hook for 4 months before they tell him how he came out. If they do not like what he did, they can issue a cease-and-desist order and award back pay to an employee for up to 2 years. If the employer does not like what the EEOC did to him, it is too bad. All he can do is seek refuge in the U.S. court of appeals and try to obtain justice. I say again, if there is a decision to be made as to whether one citizen has damaged another, it belongs in the court in the first place, and not in the EEOC.

The recordkeeping that will be required by this bill staggers the imagination. The EEOC is authorized to impose recordkeeping and reporting requirements on employers, employment agencies, labor organizations, schools, State or local governments, and others. A new provision in the bill is anything but sympathetic to the plight of those who must keep these records. It says that persons or organizations experiencing hardship because of the recordkeeping requirements may petition the courts for relief, after having exhausted all administrative avenues for such relief. Again, the punishment is by administrative action and the only refuge from it is to get under the protection of a court. The whole system established by this bill is simply inconsistent with our form of government and with democratic practices.

Mr. President, the bill that is before us was reported in the other body by the House Education and Labor Committee, but it was rejected outright last September on the floor, in favor of judicial enforcement. I would hope that a similar action can be taken on this floor.

When a measure similar to this bill was considered on the Senate floor on October 1, 1970, I concluded my remarks with a sentence that I wish to repeat. If our concept of true liberty and freedom ever really fails, history will record that the passage of this bill will be one of the major milestones on the road to that destruction.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

THE WEST COAST LABOR DISPUTE—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

The Nation is faced today with yet another transportation strike which is intolerable in its effect upon millions of Americans, and I am determined that we shall end it at once.

The dock dispute on the West Coast has been festering for over a year, but because a few have been insensitive to the harm they are inflicting upon the many who are not a party to it, no reasonable settlement has been reached. Now this work stoppage, renewed after an injunction under the Taft-Hartley Act has expired, again threatens the Nation's health and safety. Those of us in public office must act swiftly and responsibly to avert its damaging consequences.

Because all other Government remedies have been exhausted, I am proposing to the Congress today special legislation to set up immediately a three-member arbitration board. This board, to be appointed by the Secretary of Labor, would hear and settle all issues in this dispute. No strike or lockout would be permitted from the day this legislation is enacted until the day that the arbitration board makes its determinations. The board's determinations would be made within 40 days and would be binding upon the parties for a definite period of time—at least 18 months.

Let there be no mistake about the urgency of this legislation. This is a vital matter to the people of this country, and the Nation can afford no delay. I earnestly implore the Congress to have this resolution on my desk by the end of next week.

This is an unusually pressing request for the opening days of a new session of Congress, but let there also be no mistake about the dimensions of destruction which this strike is wreaking upon its victims:

—Before I invoked the Taft-Hartley injunction in an earlier attempt to settle this dispute, thousands of farmers reaped a harvest of despair as their export crops were blocked by closed ports and could not reach waiting customers overseas. Hundreds of millions of dollars were lost. Because the strike has now resumed, these farmers are again victimized.

—There is an increasing danger that some of these trade losses will become permanent, as foreign purchasers come to believe that our farmers and businessmen cannot provide dependable deliveries. Japan, a billion-dollar market for agricultural imports, has already asked other suppliers to step up production so that it can lessen its dependence on American exports.

—Layoffs, reduced operations, and even business failures also hang over the heads of many other Americans who engage directly or indirectly in exports. Some areas are especially vulnerable, such as the State of Hawaii, which has been hit by shortages of vital supplies, mounting food costs and unemployment rates unmatched for half a generation. Also hardpressed are California, Oregon and Washington.

I cannot emphasize too strongly that all of these people—and, indeed, our national economy—have been made hostage to the interests of those few who persist in prolonging this dispute. These men and women who are hurt so unfairly cannot accept the fact that a dispute in which they play no part can destroy them—nor can you and I. There is no justification for waiting any longer.

It is with extreme reluctance that I propose this legislation, for as I have stressed to the Congress before, I firmly believe that governmental intervention in the collective bargaining process should be as limited as possible. Compulsory arbitration is not generally a satisfactory method of resolving labor disputes. Under the present, deplorable circumstances, however, there is no remaining alternative.

As this resolution is considered, there is one very tough question before us to which reasonable Americans deserve an answer: Why have we once again reached the flash point?

Let there be no mistake about the facts. For two long years, the Congress has had before it comprehensive proposals which I submitted and have repeatedly urged that it pass for the resolution of emergency transportation disputes. This legislation still languishes unenacted.

These proposals, which should best be called the "Crippling Strikes Prevention Act" in the future, would have avoided the present crisis, and if enacted will avert what will otherwise be the inevitability of similar crises in the future. They would encourage the parties to bargain more responsibly, and in the event that no settlement is reached, would establish a workable mechanism for resolving the dispute without Congressional action.

Our present legislative tools are plainly inadequate. Four times since I called for these comprehensive measures, it has been necessary for the Congress to enact special legislation to deal with disputes in the troubled transportation industry.

The present dock dispute is perhaps the best illustration of how futile Government actions can be under present law. Bargaining between the parties began in November 1970. After six months of negotiations, the parties gave up their attempt to reach early agreement and suspended their talks until the contract deadline approached. On July 1, 1971 the longshoremen went out on strike, creating a shipping paralysis on the West Coast which reverberated throughout our economy.

The resources of the Federal Government, including exhaustive mediation efforts by the Director of the Federal Mediation and Conciliation Service, proved to be of no avail in resolving the dispute. With grave concern, I watched the crisis broaden and deepen, and I personally met with the parties in an attempt to find some way to end this bitter impasse.

By October 1971, it became evident that collective bargaining had failed in this dispute and that action had to be taken to protect the national health and safety. Thus on October 4, I invoked the national emergency provisions of the Taft-Hartley Act which resulted in an 80-day cooling-off period.

Unfortunately, the lengthy negotiations during this period and thereafter did not result in the hoped-for settlement.

The history of this dispute and the bargaining posture of the parties provide no hope that a further extension of time would be useful, or that it would bring the parties any closer to a resolution of this matter. They compel me to submit this special legislation to the Congress and to appeal once more for legislative action that will enable us to deal with future emergency transportation disputes without the necessity of this sort of *ad hoc* legislation that can never undo the damage already done.

I proposed new, comprehensive legislation in February 1970, and there was no Congressional action that year. I resubmitted the measure in February 1971, and hearings were held, but there was no appreciable action. On December 15, 1971, I reminded the Congress that a renewed work stoppage was possible on the west coast and that statutory remedies were desperately needed. The Congress recessed without any response.

As soon as the Congress enacts the special legislation before it today, I urge in the most emphatic terms that it turn its attention immediately to the Crippling Strikes Prevention Act.

RICHARD NIXON.

THE WHITE HOUSE, *January 21, 1972.*

QUORUM CALL

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

Mr. RANDOLPH. Mr. President, I send an amendment to the desk and ask that it be stated.

The ACTING PRESIDENT pro tempore. The Chair is advised that there is an amendment pending. Is the amendment of the Senator from West Virginia an amendment to that amendment or is the Senator asking that the pending amendment be set aside?

Mr. DOMINICK. Mr. President, I ask unanimous consent that the pending amendment, the Dominick amendment, be set aside temporarily so that the Senator from West Virginia (Mr. RANDOLPH) may present his amendment, and that the Dominick amendment be taken up immediately after completion of the amendment of the Senator from West Virginia.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment of the Senator from West Virginia will be stated.

The legislative clerk read as follows:

> On page 33, after line 13, insert the following:
>
> "(6) After subsection (i) insert the following new subsection (j):
>
> '(j) The term "religion" includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate to an employee's or prospective employee's, religious observance or practice without undue hardship on the conduct of the employer's business.' "

Mr. RANDOLPH. Mr. President, it is my hope that we can have a rollcall vote on this amendment, not that there is opposition to the amendment itself, but it is felt that a rollcall would serve a constructive purpose.

I am grateful to my able colleague from Colorado for permitting me to use just a few minutes in presenting the reasons why I have proposed this amendment to the pending legislation.

Mr. President, I ask unanimous consent to include as cosponsors of the amendment the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. BEALL), and the Senator from California (Mr. CRANSTON).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, freedom from religious discrimination has been considered by most Americans from the days of the Founding Fathers as one of the fundamental rights of the people of the United States. Yet our courts have on occasion determined that this freedom is nebulous, at least in some ways. So in presenting this proposal to S. 2515, it is my desire and I hope the desire of my colleagues, to assure that freedom from religious discrimination in the employment of workers is for all time guaranteed by law.

I am sure that my colleagues are well aware that there are several religious bodies—we could call them religious sects; denominational in nature—not large in membership, but with certain strong convictions, that believe there should be a steadfast observance of the Sabbath and require that the observance of the day of worship, the day of the Sabbath, be other than on Sunday. On this day of worship work is prohibited whether the day would fall on Friday, or Saturday, or Sunday. There are approximately 750,000 men and women who are Orthodox Jews in the U.S. work force who fall in this category of persons I am discussing. There are an additional 425,000 men and women in the work force who are Seventh-day Adventists.

Mr. President, I am a member of a denomination which is a relatively small one, the Seventh-Day Baptists. Perhaps there are only 5,000 individuals within that denomination in the work force. I do think it is important for me to say that within the groups that I have mentioned, we think in terms of our observance of the Sabbath beginning at sundown Friday evening and ending at sundown Saturday evening, following the Biblical words, "From eve unto eve shall you celebrate your Sabbath." I make this statement only by way of explanation of the groups I have just mentioned.

I think it is important for us to realize that the persons for whom I hope I speak—and I hope I speak for all persons in this matter—are workers scattered throughout the United States of America. There is no section of the country which would not be affected, we hope constructively, by the adoption of this amendment.

I say to the distinguished chairman of the Labor and Public Welfare Committee, who manages this bill, that there has been a partial refusal at times on the part of employers to hire or to continue in employment employees whose religious practices rigidly require them to abstain from work in the nature of hire on particular days. So there has been, because of understandable pressures, such as commitments of a family nature and otherwise, a dwindling of the membership of some of the religious organizations because of the situation to which I have just directed attention.

I hold my membership in our church here in this area. We have the Washington Seventh Day Baptist Church. We have several of those churches in my State of West Virginia. At an earlier period I held my membership in the Salem, W. Va., Seventh Day Baptist Church.

I invite the attention of my able colleague to the fact that in the State of New Jersey there are many, many Seventh Day Baptist Churches. In places like Shiloh, Marlboro, and Plainfield—actually being the headquarters of the denomination to which I belong, located close to New York City, but actually located in the State of New Jersey.

My own pastor in this area, Rev. Delmer Van Horn, has expressed his concern and distress that there are certain faiths that are having a very difficult time, especially with the younger people, and understandably so, with reference to a possible inability of employers on some occasions to adjust work schedules to fit the requirements of the faith of some of their workers.

The term "religion" as used in the Civil Rights Act of 1964 encompasses, as I understand it, the same concepts as are included in the first amendment—not merely belief, but also conduct; the freedom to believe, and also the freedom to act.

I think in the Civil Rights Act we thus intended to protect the same rights in private employment as the Constitution protects in Federal, State, or local governments. Unfortunately, the courts have, in a sense, come down on both sides of this issue. The Supreme Court of the United States, in a case involving the observance of the Sabbath and job discrimination, divided evenly on this question.

This amendment is intended, in good

purpose, to resolve by legislation—and in a way I think was originally intended by the Civil Rights Act—that which the courts apparently have not resolved. I think it is needed not only because court decisions have clouded the matter with some uncertainty; I think this is an appropriate time for the Senate, and hopefully the Congress of the United States, to go back, as it were, to what the Founding Fathers intended. The complexity of our industrial life, the transition of our whole are of employment, of course are matters that were not always understood by those who led our Nation in earlier days.

Mr. President, the competent chairman of the Labor and Public Welfare Committee, who is the chief sponsor of S. 2515, and who is floor managing the very bill before us, I believe understands and appreciates, and I hope agrees with, the arguments that I am presenting. I have had some opportunity to counsel with him in reference to the amendment. I hope he can agree that there can be at least an agreement on the amendment, even though we have a roll call upon it, hopefully in the next few minutes. I think it is a well-intentioned amendment, a good amendment, a necessary amendment, a worthwhile amendment, because it carries through the spirit of religious freedom under the Constitution of the United States.

Mr. President, I, therefore, urge most earnestly the adoption of the amendment.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield to my colleague from Colorado.

Mr. DOMINICK. I have listened very carefully to the Senator's presentation, and was impressed by it. Could the Senator tell me, whether this amendment would also affect, for example, the Amish, or some other religious sect which has a different method of conducting their lives than do most Americans?

Mr. RANDOLPH. Yes; I envisage that it would.

Mr. DOMINICK. Would it apply to the following situation? A young man I just talked to from Virginia, works 15 days on and then is off 15 days. Would the amendment require an employer to change that kind of employment ratio around, so that he would have to work a customary 5- or 6-day week?

Mr. RANDOLPH. I do not believe that an undue hardship would come to such an employer. The Senator has explained a specific case. I do not believe that there are really problems that would flow from the adoption of this amendment in connection with the employer meeting situations that he could not properly handle with employees.

Mr. DOMINICK. I thank the Senator. I think this amendment will be helpful. All of these various situations keep arising because of our pluralistic method of conducting our business in this country. It is hard to foresee far enough ahead so that each specific type of case can be anticipated.

Am I correct in understanding that the amendment allows flexibility both to the EEOC and to its investigators to determine whether or not any particular group of religious adherents are having their customary observance of their religious activities unduly interfered with? In other words, flexibility is provided so that someone could make a discretionary judgment on it?

Mr. RANDOLPH. The Senator from Colorado correctly follows me in the thinking that I have placed in the language of the amendment, that there would be such flexibility, there would be this approach of understanding, even perhaps of discretion, to a very real degree.

I agree with the Senator's feeling, and I am sure that that is what is meant and would flow from the adoption of the practice under the amendment.

Mr. DOMINICK. I thank the Senator from West Virginia.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. WILLIAMS. I did not follow the last colloquy entirely, and perhaps this is the same question, but where the employment is such that the job has to be done on a day that a person under his faith would make his religious observations, it might be an undue hardship to close down the operation to accommodate that person. There are jobs that are Saturday and Sunday jobs, and that is all, serving resorts and other areas. Certainly the amendment would permit the employer not to hire a person who could not work on one of the 2 days of the employment; this would be an undue hardship, and the employer's situation is protected under the amendment offered by the Senator from West Virginia, is it not?

Mr. RANDOLPH. That is correct; yes. I am in agreement with the Senator's statement.

Mr. WILLIAMS. It seems to me that this codifies a very worthy general practice, but there are situations——

Mr. RANDOLPH. There are the gray areas, and I recognize them. But I think the thrust of what we would do here is important at this time.

Mr. WILLIAMS. Yes.

Mr. RANDOLPH. The purpose to be achieved.

Mr. WILLIAMS. The Senator and I are employers. As a matter of practice, we recognize the days of religious observations of some of our staffs, even though they are regular working days, generally, of the Senate, its committees, and its officers.

Mr. RANDOLPH. That is correct. I know of many instances of that kind. I think that usually the persons on both sides of this situation, the employer and the employee, are of an understanding frame of mind and heart. I do not think they try to present problems. I do not think they try to have abrasiveness come into these decisions. I think they are just building upon conviction, and, hopefully, understanding and a desire to achieve an adjustment; and if in perhaps a very, very small percentage of cases this is not able to be accomplished, that should not deter the Senate in its action in approving this amendment.

Mr. WILLIAMS. As I read the first amendment of the Constitution, there is no problem here presented by the amendment in connection with the first clause:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

In dealing with the free exercise thereof, really, this promotes the constitutional demand in that regard.

I certainly agree with the objective of the amendment.

Mr. RANDOLPH. I appreciate what the able chairman is saying. I refer to the presence in the Chamber of our colleague from Ohio (Mr. Saxbe). There are, in the Seventh Day Baptist Church, of which I am a member, many individual members of our faith who belong to our churches within the State of Ohio. We have, usually, small churches in small communities in the State the Senator so ably represents.

I add also the Senator from Colorado. I think it is not inappropriate for me to say that one of our strong churches is in Denver. Another of our strong churches is in Boulder, in the State of Colorado. So, although we are a small denomination, it goes across the country in major cities and smaller communities, where people of a belief feel that insofar as possible, the law flowing from the original Constitution of the United States should protect their religious freedom, and hopefully their opportunity to earn a livelihood within the American system, which has become, of course, as has been indicated, more pluralistic and more industrialized through the years.

I ask unanimous consent that the cases and regulations which are applicable to this issue be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Dewey v. Reynolds Metals Company

(No. 19746, United States Court of Appeals, Sixth Circuit—June 4, 1970, order July 30, 1970—Rehearing denied Aug. 11, 1970)

Action by employee under Civil Rights Act alleging that he had been unlawfully discharged on account of his religious beliefs. The United States District Court for the Western District of Michigan, 300 F.Supp. 709, Noel P. Fox, J., entered judgment for employee, and employer appealed. The Court of Appeals, Weick, Circuit Judge, held that even if regulations adopted by Equal Employment Opportunity Commission subsequent to employee's discharge applied retroactively, action of employer in permitting employee, by a replacement system, to observe Sunday as his Sabbath constituted a reasonable accommodation to religious needs of employee and gave employer the right to discharge employee for refusal to make replacement arrangements for performance of scheduled over-time work on Sundays. It was further held that suit on an alleged unlawful employment practice may not be brought in court after grievance has been finally adjudicated by arbitration.

Reversed and remanded with directions.

Combs, Circuit Judge, dissented and filed opinion.

McCree, Circuit Judge, who had been appointed to take the place of Judge Combs, dissented from denial of rehearing and filed opinion.

1. Civil rights—2

Statute providing that it shall be an unlawful employment practice for an employer to fail or refuse to hire or to discharge any individual, or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin is aimed only at discriminatory practices. Civil Rights Act of 1964, § 701, 42 U.S.C.A. § 2000e.

2. Civil Rights—13

In proving an unlawful employment practice, it was incumbent on employee to establish by a preponderance of evidence that, in discharging him for refusal to perform scheduled overtime work on Sundays, employer had discriminated against him on account of his religion. Civil Rights Act of 1964, § 701, 42 U.S.C. A. § 2000e.

3. Civil Rights—13; Labor Relations—350

With respect to collective bargaining agreement providing, inter alia, that employer had right to set straight time and overtime schedules and that employees were obligated to work such schedules unless they had a substantial and justifiable reason for not doing so, evidence established that there was nothing discriminatory in provisions of agreement or in manner in which employer executed it and that it provided a fair and equitable method of distributing heavy workload among employees without discriminating against any of them. Civil Rights Act of 1964, § 701, 42 U.S.C.A. § 2000e.

4. Civil Rights—3

In determining whether employer, by discharging employee for refusal to work scheduled overtime work on Sundays, had committed an unfair employment practice by discriminating against employee's religious beliefs, it was appropriate to apply regulation on Equal Employment Opportunity Commission then in effect that, absent an intent on part of employer to discriminate on religious grounds, a job applicant or employee who accepts a job knowing or having reason to believe that normal work week and foreseeable overtime requirements will conflict with his religious obligations is not entitled to demand any alterations in such requirements to accommodate his religious needs. Civil Rights Act of 1964, § 701, 42 U.S.C.A. § 2000e.

5. Civil Rights—3

Obligations contained in collective bargaining contracts, which are lawful under regulations of Equal Employment Opportunity Commission in effect, ought not to be impaired by application of a subsequently passed inconsistent regulation. Civil Rights Act of 1964, § 701, 42 U.S.C.A. § 2000e.

6. Civil Rights—3

Having a lawful right to discharge employee for refusal to perform scheduled overtime work on Sundays under regulations of Equal Employment Opportunity Commission then in effect, employer was not required to reemploy employee at a later date and pay him back salary merely because Commission decided to change rule by adopting new, inconsistent regulations. Civil Rights Act of 1964, § 701, 42 U.S.C.A. § 2000e.

7. Civil Rights—3

Under regulations of Equal Employment Opportunity Commission then in effect, discharge of employee for refusal to perform scheduled overtime work on Sundays plus refusal to arrange for a replacement, which was an alternate procedure under collective bargaining agreement obligating all employees to work overtime schedules set by employer, did not constitute an unlawful employment practice as tending to discriminate against employee on account of his religious beliefs. Civil Rights Act of 1964, § 701, 42 U.S.C.A. § 2000e.

8. Civil Rights—3

Even if regulations adopted by Equal Employment Opportunity Commission subsequent to employee's discharge applied retroactively, action of employer in permitting employee, by a replacement system, to observe Sunday as his Sabbath constituted a reasonable accommodation to religious needs of employee and gave employer the right to discharge employee for refusal to make replacement arrangements for performance of scheduled overtime work on Sundays. Civil Rights Act of 1964, § 701, 42 U.S.C.A. § 2000e.

9. Injunction—128

Evidence failed to sustain finding that employer had intentionally engaged in an unlawful employment practice by discharging an employee on account of his religious beliefs so as to require issuance of an injunction. Civil Rights Act of 1964, § 706(g), 42 U.S.C.A. § 2000e—5(g).

10. Civil Rights—3

Where employment grievances are based on an alleged civil rights violation, and parties consent to arbitration by a mutually agreeable arbitrator, arbitrator has a right to finally determine them, and award of arbitrator is as binding on employee as it is on employer. Civil Rights Act of 1964, § 701, 42 U.S.C.A. § 2000e.

11. Civil Rights—13

Suit on an alleged unlawful employment practice may not be brought in court after grievance has been finally adjudicated by arbitration. Civil Rights Act, § 701.42 U.S.C.A. § 2000e—2(a).

On rehearing

12. Civil Rights—2

Although Civil Rights Act inhibits discrimination against an individual because of his race, color, religion, sex or national origin, it does not coerce or compel one person to accede to or accommodate religious beliefs of another. Civil Rights Act of 1964, § 703(a), 42 U.S.C.A. § 2000e—2(a).

13. Constitutional Law—84

To construe Civil Rights Act as authorizing adoption of regulations which would coerce or compel an employer to accede to or accommodate religious beliefs of all his employees would raise grave constitutional questions of violation of Establishment Clause of First Amendment, Civil Rights Act of 1964, § 703 (a), 42 U.S.C.A. § 2000e-2(a); U.S.C.A. Const. Amend. 1.

14. Constitutional Law—84

Government, in its relations with religious believers and nonbelievers must be neutral, and is without power to support, assist, or handicap any religion. U.S.C.A. Const. Amend. 1.

15. Civil Rights—2

Under Civil Rights Act, religious discrimination cannot be equated with failure to accommodate. Civil Rights Act of 1964, § 703 (a), 42 U.S.C.A. § 2000e-2(a).

16. Civil Rights—2

Fact that employee was sincere in his belief that it was a sin for him to obtain a replacement for overtime work on Sunday gave him no greater rights over those of other employees when it came to enforcement of collective bargaining agreement requiring employees seeking relief from overtime assignment to make arrangements for a replacement. Civil Rights Act of 1964, § 703(a), 42 U.S.C.A. § 2000e-2(a).

William A. Coughlin, Jr., Detroit, Mich., for defendant-appellant; Cross, Wrock, Miller & Vieson, Detroit, Mich., on the brief; Fred R. Edney, Asst. Gen. Counsel, Reynolds Metal Co., Richmond, Va., of counsel.

Donald F. Oosterhouse, Grand Rapids, Mich., for plaintiff-appellee; Vander Veen, Freihofer & Cook, Peter R., Tolley, Grand Rapids, Mich., on the brief.

George H. Darden, Washington, D.C., for Equal Employment Opportunity Commission, amicus curiae; Russell Specter, Acting Gen. Counsel, Equal Employment Opportunity Comm., Washington, D.C., on the brief.

Lawrence Halpern, Detroit, Mich., on brief for National Jewish Commission on Law and Public Affairs, amicus curiae; Howard I. Rhine, of counsel.

Before Weick and Combs, Circuit Judges, and O'Sullivan, Senior Circuit Judge.

Weick, Circuit Judge.

The action in the District Court was brought under the provisions of Title VII of the Civil Rights Act of 1964. 42 U.S.C. § 2000e.

Plaintiff's (Dewey's) claim was that he was wrongfully discharged by his employer, the defendant, Reynolds Metals Company (Reynolds), because of his religious beliefs, and he prayed for reinstatement with back pay.

Prior to bringing the action, Dewey filed grievances with Reynolds on the identical claim set forth in his complaint, under the provisions of a collective bargaining agreement entered into by Reynolds with Local 277, United Automobile Aerospace and Agricultural Workers of America, AFL–CIO (UAW), which was the bargaining representative of Reynolds' employees. Dewey was a member of UAW. The grievances were processed and resulted in their submission to a mutually agreeable arbitrator, who made an award denying them on June 29, 1967.

Contemporaneously with the submission of the grievances, Dewey made application to the Michigan Civil Rights Commission for issuance of a complaint against Reynolds, alleging discrimination on account of his religious beliefs.

The following is a Summary of Findings and Order of Dismissal, entered by the Commission on December 13, 1966:

"The findings indicate that the claimant, despite due notice of overtime requirements by the company and the applicable Collective Bargaining Agreement provisions, continued to refuse to perform scheduled overtime work on Sundays and took the position that his right to continued employment while following his religious belief without interference was an absolute right.

"The Commission has previously ruled that where the normal work week and foreseeable overtimes requirements are prescribed in a Collective Bargaining Agreement, that absent or (sic) intent on the part of respondent to discriminate on religious grounds, an employee is not entitled to demand any alteration in such requirement to accommodate his religious beliefs.

"The investigation did not reveal any intent on the part of the respondent to discriminate on religious grounds and it is, therefore, recommended that this application for the issuance of a complaint be denied for lack of probable cause.

ORDER OF DISMISSAL

"The Commission has found insufficient grounds on which to issue a Complaint and, therefore, the above Application is herewith denied. This Order of Dismissal shall automatically become effective within 15 days from the date of mailing unless the Claimant shall demand a hearing prior thereto." (App. 93a–94a)

Dewey requested the United States Office of Federal Contract Compliance to review his charges of religious discrimination, and that office found no basis for a charge of discrimination.

On January 4, 1967, Dewey filed a charge with Equal Employment Opportunity Commission (EEOC), claiming religious discrimination. The Commission, on January 5, 1967, contrary to the recommendation of its Regional Director that the Commission find no probable cause, determined that there was reasonable cause to believe that Reynolds had engaged in unlawful employment practices and authorized the bringing of the present action in the District Court. Reynolds moved for dismissal of the complaint filed in the District Court on the grounds that the arbitrator's award was a final adjudication of the grievances and that they could not be relitigated. The District Judge, in a memorandum opinion, denied the motion to dismiss. 291 F.Supp. 786 (W.D.Mich.1968).

Reynolds then answered, denying it discriminated against Dewey on account of his religion and pleaded provisions of the collective bargaining agreement which required employees to perform all straight time and overtime work required of them by the company. Reynolds further alleged that Dewey refused to perform overtime work on Sundays or to arrange for another qualified employee to replace him, basing his refusal on his religious convictions. Reynolds, after giving warnings and a three-days' layoff, finally discharged Dewey under its plant rules for his continued refusal to comply with the provisions of the collective bargaining agreement.

The parties stipulated the facts and the case was tried by the Court without a jury. In a memorandum opinion, the District Judge ruled in favor of Dewey. He ordered Reynolds to reinstate Dewey with back pay and enjoined Reynolds from requiring Dewey to work on Sundays. 300 F.Supp. 709 (W.D. Mich.1969). The District Court refused to stay execution on the reinstatement pending appeal, and required Reynolds to post a $15,000-bond to stay execution on the judgment of $7,286.92 for back pay. 304 F.Supp. 1116 (W.D.Mich.1969). Reynolds appealed. We reverse.

The applicable statute is 42 U.S.C. § 2000e–2(a), which provides as follows:

"(a) It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; * * *."

[1] The legislative history of the statute is clear that it was aimed only at discriminating practices. Congressional Record, Vol. 110, pages 13079–13080, June 9, 1964.

[2] In order to prove a violation of the Act it was incumbent on Dewey to establish by a preponderance of the evidence that his employer discriminated against him on account of his religion. In 1964 U.S. Code Cong. & Adm. News, page 2515, it is stated:

"A substantial number of committee members, however, preferred that the ultimate determination of discrimination rest with the Federal judiciary. * * * In addition, we believe that the employer or labor union will have a fairer forum to establish innocence since a trial de novo is required in district court proceedings together with the necessity of the Commission proving discrimination by a preponderance of the evidence."

On page 2516 it is stated:

"Similarly, management prerogatives, and union freedoms are to be left undisturbed to the greatest extent possible. Internal affairs of employers and labor organizations must not be interfered with except to the limited extent that correction is required in discrimination practices."

Reference to the collective bargaining agreement indicates rather clearly that the provisions with respect to straight time and overtime work apply to all employees equally and do not discriminate against Dewey or any other employee.

Reynolds operated a "job type" plant, producing, on order, aluminum extrusions and billets. It was necessary therefore for production to be scheduled to meet delivery dates provided for in contracts with customers.

Prior to the 1960 collective bargaining agreement, overtime was performed by employees on a voluntary basis. As a result thereof, with an increase in orders it became impossible to schedule production on Saturdays and Sundays. In order to remedy this difficulty, Reynolds negotiated with UAW the 1960 and 1965 collective bargaining agreements which provided that the company had the right to set straight time and and overtime schedules and the employees were obligated to work such schedules unless they had a substantial and justifiable reason for not doing so. The 1965 agreement provided:

"All employees shall be obligated to perform all straight time and overtime work required of them by the Company except when an employee has a substantial and justifiable reason for not working; provided, however, that no employee shall be required to work more than twelve (12) continuous hours without his consent."

The agreement provided time and one-half for work on Saturdays and double time for work on Sundays.

The agreement further provided that overtime work shall be divided as equally as possible. If more employees are needed they are assigned in the inverse order of their seniority. Reynolds also issued an interpretation that any employee assigned to overtime could be relieved from the assignment simply by arranging for another qualified employee to replace him. This system was used extensively.

Dewey had been employed by Reynolds in various capacities since 1951, and at the time of his discharge, on September 12, 1966, was a die repairman. Since 1961 Dewey has been a member of Faith Reformed Church. He never volunteered for overtime work on Sunday after joining the church, although he did volunteer for other days.

Dewey was scheduled to work on Sunday, November 21, 1965. He refused to work because of his religious beliefs. He was given a warning and informed as to the necessity of a seven-day operation and was advised that a repetition would lead to disciplinary action under Plant Rule 11, which prohibits "absence from work without reasonable cause," and provides a three-offense progression of punishment with discharge for the third offense.

Between January and August, 1966, Dewey was scheduled to work on five Sundays. He obtained replacements as provided in the contract. On August 28, 1966, he was scheduled again to work on Sunday, and he not only refused to work but also refused to obtain a replacement on the ground of his religious beliefs. The arbitrator found:

"(Dewey, it will be recalled, accelerated his disciplinary timetable by telling Zagman [a fellow employee] not to serve as a replacement any more.)"

On September 4. 1966, Dewey refused to work or to obtain a replacement. He was given a written warning and a disciplinary layoff of three days. Again he refused to work or to obtain a replacement on September 11, 1966, and was discharged for violation of Plant Rule 11.

[3] We find nothing discriminatory in the provisions of the collective bargaining agreement or in the manner in which Reynolds executed it. In our opinion, it provided a fair and equitable method of distributing the heavy workload among the employees without discrimination against any of them.

The District Judge found that the compulsory overtime provision of the collective bargaining agreement "is not discriminatory on its face." We agree. However, he said this is only the first step. He found it was discriminatory in its impact. We disagree. He relied on Sherbert v. Verner, 374 U.S. 398, 83 S.Ct. 1790, 10 L.Ed.2d 965 (1963); but this case involved state, and not private action.

In reaching his decision that the collective bargaining agreement discriminated against Dewey, the District Judge applied retroactively Regulation 1605.1, adopted by EEOC effective July 10, 1967, which was nearly ten months after Dewey had been discharged and after the arbitrator and the Michigan Civil Rights Commission had rejected Dewey's charges.

[4] In our opinion, it would have been more appropriate for the District Court to have applied the EEOC Regulation 1605.1 which was in force at the time of Dewey's discharge, and which became effective June 15, 1966.

The 1966 regulation contained the following provisions which restricted any obligation upon the part of the employer to accommodate to the reasonable religious needs of his employees:

Section 1605.1(a):

"(3) However, the Commission believes that an employer is free under Title VII to establish a normal work week (including paid holidays) generally applicable to all employees, notwithstanding that this schedule may not operate with uniformity in its effect upon the religious observances of his employees. For example, an employer who is closed for business on Sunday does not discriminate merely because he requires that all his employees be available for work on Saturday."

Section 1605.1(b):

"(3) The employer may prescribe the normal work week and foreseeable overtime requirements, and, absent an intent on the part of the employer to discriminate on religious grounds, a job applicant or employee who accepted the job knowing or having reason to believe that such requirements would conflict with his religious obligations is not entitled to demand any alterations in such requirements to accommodate his religious needs."

The 1967 regulation, retroactively applied by the District Court, omitted the above quoted language and other material parts of the 1966 regulation, and instead of providing definite guidelines for the assistance of employers who might be affected, left the matter largely on an *ad hoc* basis for the decision of the Commission on the particular facts of each case.

[5] It is clear that Reynolds complied with the 1966 regulation. The obligations contained in the collective bargaining contract, which were lawful under the regulations of EEOC then in effect, ought not to be impaired by the application of a subsequently passed inconsistent regulation.

[6] The District Judge took into account his *ex post facto* application of the 1967 EEOC regulation by starting Dewey's back pay from August 1, 1967, instead of from the date of his discharge, holding that this date was a reasonable time after the 1967 regulation became effective for the company to work out accommodation to it. The trouble with this treatment is that Dewey was no longer in the employ of Reynolds. Having a lawful right at the time to discharge Dewey under the 1966 regulations, Reynolds ought not to be required to reemploy him at a later date and pay his back salary merely because EEOC decided to change the rule by adopting new, inconsistent regulations. The rights of Dewey and Reynolds were governed by the law in effect at the time of the discharge. EEOC could not affect these rights by subsequently adopting a new regulation.

The Act further provides:

"No order of the court shall require * * * the hiring, reinstatement or promotion of an individual employee, or the payment to him of any back pay, if such individual * * * was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex or national origin or in violation of section 2000e3(a) of this title." 42 U.S.C. § 2000e5(g).

[7] The reason for Dewey's discharge was not discrimination on account of his religion; it was because he violated the provisions of the collective bargaining agreement

entered into by his union with his employer, which provisions were applicable equally to all employees. The violation consisted not only of his refusing to work on Sundays, but also his refusing to arrange for a replacement, which was an alternate procedure. He did arrange for five replacements, but later refused even to do this, claiming that it was a sin. He apparently did not regard it as sinful for him to collect wages from an employer who was compelled to schedule overtime production in order to meet its contractual commitments and eventually meet its payroll.

To accede to Dewey's demands would require Reynolds to discriminate against its other employees by requiring them to work on Sundays in the place of Dewey, thereby relieving Dewey of his contractual obligation. This would constitute unequal administration of the collective bargaining agreement among the employees, and could create chaotic personnel problems and lead to grievances and additional arbitrations. The practice of permitting the employee, rather than the employer, to secure the replacement served to insulate the employer against any charge of unequal naming of replacements.

[8] But even if the 1967 regulations are applied, we think that Reynolds complied with Section 1605.1(b) thereof by making a reasonable accommodation to the religious needs of its employees when it permitted Dewey, by the replacement system, to observe Sunday as his Sabbath.[1] He stubbornly refused to exercise this privilege. The finding of the District Court that Reynolds did not make reasonable accommodations to the religious needs of Dewey is not supported by substantial evidence and is clearly erroneous. Rule 52(a) Fed.R.Civ.P.

The District Court referred to the inalienable right of freedom of religion, which he said is protected by the First and Fourteenth Amendments to the Constitution and the Civil Rights Act. The employer did not question Dewey's right to freedom of religion; Reynolds did question Dewey's right to practice his religious beliefs on it and to interfere with the operation of its plant.

An additional defense is provided in the first sentence of 42 U.S.C. § 2000ee–5(g), which provides:

"If the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice)."

This section of the statute requires a finding that the employer has intentionally engaged in an unlawful employment practice before the court may award relief. Richards v. Griffith Rubber Mills, 300 F. Supp. 338, 341 (D.Ore.1969).

[9] It can hardly be said that Reynolds intentionally violated the Act when no discrimination was found by either the Michigan Civil Rights Commission, the Office of Federal Contract Compliance, the arbitrator chosen by agreement of the parties, or the Regional Director of the EEOC in Cleveland. In addition, in order to support his finding of an unlawful employment practice, the District Judge had to apply regulations adopted subsequent to the employee's discharge and ignore those in force at the time the alleged violation took place. The finding of the District Court that there was an intentional violation of the Act is not supported by substantial evidence and is clearly erroneous. Rule 52(a) Fed.R.Civ.P.

Effect of the arbitration

It is clear that if the arbitrator of the grievances had granted an award to Dewey, instead of to Reynolds, the award would have been final, binding and conclusive on Reynolds. Reynolds would not have been permitted to relitigate the award in the courts. This is the teaching of the United Steelworkers trilogy, which clearly defined the respective functions of the courts and the arbitrator. United Steelworkers of America v. American Mfg. Co., 363 U.S. 564 to 602, 80 S.Ct. 1348, to 1347, 4 L.Ed.2d 1403 to 1408 363 U.S. 574 to 592, 80 S.Ct. 1347 to 1358, 4 L.Ed.2d 1409 to 1423, 363 U.S. 593 to 602, 80 S.Ct. 1358 to 1363, 4 L.Ed.2d 1424 to 1431 (1960); Washington v. Aerojet-General Corp., 282 F.Supp. 517 (C.D.Cal., 1968).

In *Steelworkers*, the Court said:

"When the judiciary undertakes to determine the merits of a grievance under the guise of interpreting the grievance procedure of collective bargaining agreements, it usurps a function which under that regime is entrusted to the arbitration tribunal." (*Id.* at 569, 80 S.Ct. at 1347)

[10] The arbitrator had jurisdiction to determine the grievances. The arbitration involved an interpretation of the collective bargaining agreement with respect to Dewey's claims that he had been laid off and discharged because of his religious beliefs. In arbitration proceedings, frequently questions of law and fact are resolved by the arbitrator. Where the grievances are based on an alleged civil rights violation, and the parties consent to arbitration by a mutually agreeable arbitrator, in our judgment the arbitrator has a right to finally determine them. Any other construction would bring about the result present in the instant case, namely, that the employer, but not the employee, is bound by the arbitration.

This result could sound the death knell to arbitration of labor disputes, which has been so usefully employed in their settlement. Employers would not be inclined to agree to arbitration clauses in collective bargaining agreements if they provide only a one-way street, *i. e.,* that the awards are binding on them but not on their employees.

The tremendous increase in civil rights litigation leads one to the belief that the Act will be used more frequently in labor disputes. Such use ought not to destroy the efficacy of arbitration.

In the supplemental brief of EEOC as amicus curiae, the case of Smith v. Evening News Ass'n, 371 U.S. 195, 197–198, 83 S.Ct. 267, 9 L.Ed.2d 246 (1962), is cited for the proposition that "the complainant is not required to elect between his contractual rights or his statutory rights but may seek to vindicate his claim in contractual and statutory proceedings." (EEOC Supp. Brief, p. 3) The writer of the brief neglected to state that the collective bargaining agreement in *Evening News* contained no grievance arbitration procedure which had to be exhausted before recourse could be had to the courts. 371 U.S. 196, fn 1, 83 S.Ct. 267.

[11] The question in our case is not whether arbitration and resort to the courts could be maintained at the same time; rather our case involves the question whether suit may be brought in court *after* the grievance has been finally adjudicated by arbitration.

We see no good analogy between jurisdiction of the National Labor Relations Board and that of EEOC. The Labor Board has adjudicatory powers over unfair labor practices, subject only to judicial review. Orders of the Board may be vacated on review only when they are not supported by substantial evidence upon consideration of the record as a whole. EEOC, on the other hand, has no such power. The District Court considers EEOC cases de novo. The legislative history, from which we have previously quoted, indicates the reason for the difference.

Nor do we find any national policy for ousting arbitrators of jurisdiction to finally determine grievances initated by employees, based on alleged violation of their civil rights.

The judgment of the District Court is reversed and the cause is remanded with instructions to dismiss the complaint.

Combs, Circuit Judge (dissenting).

I respectfully dissent. In my opinon the District Court correctly concluded that the company had not complied with Titile VII of the Civil Rights Act in that it failed to make reasonable accommodation to Dewey's religious beliefs.

The Equal Employment Opportunity Commission was formed to further the purposes of the Act, 42 U.S.C. § 2000e–4, and was granted power to promulgate regulations consistent with the provisions of the Act. 42 U.S.C. § 2000e–12(a). The Commission's interpretation of the Act is persuasive although not binding on this Court. It was said in Udall v. Tallman, 380 U.S. 1, 16, 85 S.Ct. 792, 801, 13 L.Ed.2d 616 (1965): "[T]his Court shows great deference to the interpretation given the statute by the officers or agency charged with its administration," citing Unemployment Compensation Commission v. Aragon, 329 U.S. 143, 153, 67 S.Ct. 245 91 L.Ed. 136 (1946); Gray v. Powell, 314 U.S. 402, 62 S.Ct. 326, 86 L.Ed. 301 (1941); and Universal Battery Co. v. United States, 281 U.S. 580, 50 S.Ct. 422, 74 L.Ed. 1051 (1930).

Pursuant to its statutory authority, the Commission issued Regulation Section 1605.1, effective July 10, 1967, which provides, inter alia:

"(b) The Commission believes that the duty not to discriminate on religious grounds, required by section 703(a)(1) of the Civil Rights Act of 1964, includes an obligation on the part of the employer to make reasonable accommodations to the religious needs of employees and prospective employees where such accommodations can be made without undue hardship on the conduct of the employer's business.* * *

(c) Because of the particularly sensitive nature of discharging or refusing to hire an employee or applicant on account of his religious beliefs, the employer has the burden of proving that an undue hardship renders the required accommodations to the religious needs of the employee unreasonable.

As the majority opinion correctly points out, the 1967 Regulations were not in effect at the time of Dewey's discharge. However, the 1966 Regulations, which were in effect at that time, also provided that "the duty not to discriminate on religious grounds includes an obligation on the part of the employer to accommodate the reasonable religious needs of employees and, in some cases, prospective employees where such accommodations can be made without serious inconvenience to the conduct of the business." It is thus apparent that the cornerstone of both the 1966 and 1967 Regulations is the obligation of the employer to accommodate the religious needs of employees where such accommodations can be made without undue hardship on the conduct of the employer's business.

This is a reasonable interpretation of the Act. So, the test is whether the company has made reasonable effort to accommodate Dewey's religious beliefs. The only accommodation to which the company points, in addition to requesting volunteers, is the privilege extended to Dewey to obtain replacement for his Sunday overtime assignments. The majority views the existence of this privilege as a reasonable accommodation to Dewey's religious needs, and notes that "he stubbornly refused to exercise this privilege." This "stubborn" refusal on Dewey's part was grounded in his belief that working on Sunday is inherently wrong and that it would be a sin for him to induce another to work in his place. The replacement system was therefore no solution to Dewey's problem. There is a significant failure by the company to show that it could not have obtained a replacement for Dewey without hardship or inconvenience. There is also no showing that Dewey's failure to work himself or to obtain a replacement would have seriously disrupted work schedules or internal discipline. I find no support in the record for the assertion in the majority opinion that to grant Dewey's request would cause "chaotic personnel problems and lead to grievances and additional arbitrations." I think the company has completely failed to show that Dewey's refusal to work on Sunday would create undue hardship on the conduct of its business.

---

[1] It should be observed that it is regulation 1605.1(b) and not the statute (§ 2000e–2(a)) that requires an employer to make reasonable accommodations to the religious needs of its employees. As we have pointed out, the gravamen of an offense under the statute is *only* discrimination. The authority of EEOC to adopt a regulation interfering with the internal affairs of an employer, absent discrimination, may well be doubted.

Nor am I impressed with the argument that to grant Dewey's request would necessarily affect the company's contractual right to require overtime work. No evidence was adduced on this point. The company may not stand flatfootedly on its contractual right to require overtime work. Provisions of the contract must give way to constitutional mandates and valid statutory enactments. The First Amendment right to freedom of religion has always been recognized as one of the Bill of Rights' strongest mandates. Even though this right has not been extended into the field of labor relations, section 703 (a)(1) of the Civil Rights Act is a Congressional directive that reasonable accommodation should be made by management to the religious beliefs of employees when this can be done without undue hardship on the employer. The District Judge did not apply the First and Fourteenth Amendments to the bargaining agreement here involved, but placed his reliance on Title VII of the Act and specifically stated that he did not find it necessary to reach the question whether plaintiff's constitutional rights had been violated.

Lastly, I am unable to agree that Dewey made an election of remedies by first pursuing the grievance procedure under the bargaining agreement and that he is thereby precluded from maintaining this action. Dewey's rights under the collective bargaining agreement and those created by Title VII of the Act are separate and distinct. The election of remedies doctrine therefore does not apply. See Bowe v. Colgate Palmolive Company, 416 F.2d 711 (7th Cir. 1969); Bankers Trust Co. v. Pacific Employers Ins. Co., 282 F.2d 106, 110 (9th Cir. 1960). The Seventh Circuit held in *Bowe* that a plaintiff suing under 42 U.S.C. § 2000e could "utilize dual or parallel prosecution both in court and through arbitration so long as election of remedy was made after adjudication so as to preclude duplicate relief which would result in an unjust enrichment or windfall to the plaintiffs."

I would affirm the judgment.

A majority of the judges of this Court having voted against a rehearing en banc, it is ordered that the petition for rehearing be referred to the panel for final disposition. Judges Edwards and McCree voted in favor of a rehearing en banc.

Entered by order of the Court.

Before Weick and McCree[*], Circuit Judges and O'Sullivan, Senior Circuit Judge.

Weick, Circuit Judge.

It is contended that we have adopted a narrow construction of the Civil Rights Act and the regulations adopted by EEOC thereunder. We submit that we have not. The legislative history of the Act expresses a clear Congressional intent to inhibit only discrimination against an individual because of his race, color, religion, sex or national origin. The plain language of the statute, Section 2000e-2(a) of Title 42, is susceptible of no other meaning.

[12] Nowhere in the legislative history of the Act do we find any Congressal intent to coerce or compel one person to accede to or accommodate the religious beliefs of another. The requirement of accommodation to religious beliefs is contained only in the EEOC Regulations, which in our judgment are not consistent with the Act.

The collective bargaining agreement, by which *all* employees were obligated to perform straight time and overtime required of them by the company, was equally and uniformly applied to all of the employees, and it discriminated against no one.

[13, 14] To construe the Act as authorizing the adoption of Regulations which would coerce or compel an employer to accede to accommodate the religious beliefs of all of his employees would raise grave constitutional questions of violation of the Establishment Clause of the First Amendment. It is settled that the Government, in its relations with religious believers and nonbelievers, must be neutral. The Government is without power to support, assist, favor or handicap any religion. See Abington School Dist. v. Schempp, 374 U.S. 203, 83 S.Ct. 1560, 10 L.Ed. 2d 844 (1963); Engel v. Vitale, 370 U.S. 421, 82 S.Ct. 1261, 8 L.Ed.2d 601 (1962); Torcaso v. Watkins, 367 U.S. 488, 81 S.Ct. 1680, 6 L.Ed.2d 982 (1961); Everson v. Board of Educ., 330 U.S. 1, 67 S.Ct. 504, 91 L.Ed. 711 (1947); Prince v. Massachusetts, 321 U.S. 158, 64 S.Ct. 438, 88 L.Ed. 645 (1944).

In Braunfeld v. Brown, 366 U.S. 599, 81 S.Ct. 1144, 6 L.Ed.2d 563 (1951), the Court upheld a state Sunday Closing Law against the contention that it operated to prohibit the free exercise of appellant's religion which observed Saturday as the Sabbath.

No one disputes Dewey's right to his religious beliefs. The question is whether he has the right to impose his religious beliefs on his employer and interfere with the operation of its plant. As Mr. Justice Douglas pointed out in his concurring opinion in Sherbert v. Verner, 374 U.S. 398, 83 S.Ct. 1790, 10 L.Ed.2d 965 (1963), the religious beliefs of individuals may take on many forms. He mentioned specifically only a few, including Moslems, who attend a mosque on Friday and pray five times daily; Sikh, who carry a symbolic or regular sword; Quakers, who affirm instead of swearing; and Seventh Day Adventists, who observe Saturday as Sabbath and eat only certain meats.

The arbitrator in his award stated that an employee might even join a religious organization which observed Wednesday as Sabbath.

It is argued that under EEOC Regulations the employer is required to make only reasonable accommodations to the religious needs of his employees. The employee may claim that all of his religious needs are reasonable, irrespective of discrimination, and file charges with EEOC against his employer for failure to accommodate them. An employer with thousands of employees could certainly be harassed by the filing of many of such claims. This would also present serious problems for labor organiaztions to cope with.

Congress did not intend that employers or labor organizations should be harassed with respect to claims not involving discrimination. In the legislative history of the Act it is stated:

"Internal affairs of employers and labor organizations must not be interfered with except to the limited extent that correction is required in discrimination practices." 1964 U.S. Code Cong. & Adm. News, at p 2516.

[15] The fundmental error of Dewey and the Amici Curiae is that they equate religious discrimination with failure to accommodate. We submit these two concepts are entirely different. The employer ought not to be forced to accommodate each of the varying religious beliefs and practices of his employees.

Dewey entered the employ of Reynolds before he acquired his religious beliefs. The 1960 collective bargaining agreement was also entered into prior to that time. After he acquired his religious beliefs, his employer did endeavor to make accommodation to the religious beliefs of its employees by interpreting the agreement so as to permit any employee assigned to overtime to be relieved from the assignment simply by arranging for another qualified employee to replace him. We hold that this was a reasonable accommodation.

Dewey, with no difficulty, did arrange for replacements on five different occasions, and then he decided not only that it was a sin for him to obtain a replacement, but the arbitrator found specifically that Dewey told his replacement, Zagman, "not to serve as a replacement any more."

[16] While it was stipulated that Dewey was sincere in his beliefs, he offered no proof that the tenets of his church forbade his designating a replacement to serve in his place on Sundays. The fact that he was sincere in his beliefs gave him no greater rights.

Moreover, the retroactive application of the 1967 Regulations to the 1966 discharge is justified by EEOC in its amicus brief, with the assertion that its Regulations are only "interpretations" and that "the timing of the Commission interpretations is irrelevant" since the 1966 Regulation is now a "defunct Commission guideline." Although defunct in 1967, it was certainly in full force and effect in 1966 and authorized the employer to prescribe "the normal work week and foreseeable overtime requirements and absent an intent to discriminate on religious grounds, a job applicant or employee who accepted the job knowing or having reasonable grounds to believe that such requirements would conflict with his religious obligations is not entitled to demand any alterations in such requirements to accommodate his religious needs."

Dewey did not acquire his religious beliefs until after his employer had entered into the 1960 collective bargaining agreement which required all employees to work overtime. Dewey thus had actual knowledge that the requirements of the collective bargaining agreement would conflict with his subsequently acquired religious needs. Under the regulations in force at the time, which EEOC claims are now defunct, the employer was under no obligation to accommodate. There was no claim that the employer intended to discriminate on religious grounds. These regulations had the force and effect of law. Their subsequent repeal, after the discharge ought not to affect the rights of obligations of either party.

The simple answer, however, to all of Dewey's claims is that the collective bargaining agreement was equal in its application to all employees and was uniformly applied, discriminating against no one.

---

[*] Judge McCree was designated by the Chief Judge as the third member of the panel, to take the place of Judge Combs who resigned as a member of the Court on June 5, 1970, prior to the filing of the petition for rehearing. The designation was made in order that Judge McCree may file a dissent expressing his views.

Effect of the Arbitrator's Award

The case of Culpepper v. Reynolds Metals Co., 421 F.2d 888 (5th Cir. 1970), is relied on in support of the proposition that an employee may utilize both arbitration and an action under Title VII of the Civil Rights Act. In Culpepper, however, only a grievance was filed, which was never processed through arbitration. *Culpepper* involved racial discrimination, which a majority of the panel thought was so serious as to impose—"* * * the duty on the courts to make sure that the Act works. * * *"

Circuit Judge Coleman, who filed a concurring opinion, disagreed rather vigorously that any such duty was imposed on the Courts. He stated:

"Under our Constitutionally ordained form of Government, whether an Act works or fails is the concern of the Executive or Legislature, or both—not the courts."

We do not regard it as our function to enlarge on the plain language of a statute so as to impose on citizens obligations never intended by Congress, in order to make it work.

Great reliance is placed upon Hutchings v. United Industries, Inc., 428 F.2d 303 (5th Cir. 1970), which was decided after our decision in the present case was announced. In our opinion Hutchings does not comport with Boys Markets, Inc. v. Retail Clerks Union, Local 770, 398 U.S. 235, 90 S.Ct. 1583, 26 L.Ed. 2d 199 (1970).

In *Boys Markets*, Mr. Justice Brennan emphasized the importance of arbitration in the settlement of labor disputes. He said:

"However, we have frequently noted, in such cases as *Lincoln Mills*, [353 U.S. 448, 77 S.Ct. 912, 1 L.Ed.2d 972] the *Steelworkers* [363 U.S. 564, 80 S.Ct. 1343, 4 L.Ed.2d 1403] *Trilogy*, and *Lucas Flour*, [369 U.S. 95, 82 S.Ct. 571, 7 L.Ed.2d 593] the importance which Congress has attached generally to the voluntary settlement of labor disputes without resort to self-help and more particularly to arbitration as a means to this end. Indeed, it has been stated that *Lincoln Mills*, in its exposition of § 301(a), 'went a long way towards making arbitration the central institution in the administration of collective bargaining contracts.'

"The *Sinclair* [370 U.S. 195, 82 S. Ct. 1328, 8 L. Ed. 2d 440] decision, however, seriously undermined the effectiveness of the arbitration technique as a method peacefully to resolve industrial disputes without resort to strikes, lockouts, and similar devices. Clearly employers will be wary of assuming obligations to arbitrate specifically enforceable against them when no similarly efficacious remedy is available to enforce the concomitant undertaking of the union to refrain from striking." [footnote omitted].

Similarly, employers would be wary of arbitration clauses in collective bargaining agreements if, as in the present case, the arbitration is binding on them only and not on their employees.

Our case is even stronger than *Boys Markets* because the grievance here was submitted to arbitration and the arbitrator made an award which was final, binding and conclusive on the parties. It is as binding as a judgment. 5 Am. Jur. 2d, Arbitration and Award, § 147. It remains in full force and effect.

The amicus brief of NAACP Legal Defense Fund candidly recognizes that "[i]t may be true that the result of such an accommodation will be that the employer but not the employee will be bound by the decision of the arbitrator." (Brief, p. 14).

We know of no good reason why an award of an arbitrator should not be binding on both parties, the same as a judgment of a court.

It is difficult for us to believe that any employer would ever agree to arbitration of a grievance if he knew that the employee would not be bound by the result.

The importance of arbitration in the resolution of all labor disputes is the theme of the United Steel Workers Trilogy, 363 U.S. 564–602, 80 S. Ct. 1343, 4 L. Ed. 2d 1403 (1960). The purpose of arbitration is thwarted if the awards are held by the courts to be binding on employers only and not on employees.

The petition for rehearing is denied.

McCREE, Circuit Judge (dissenting). I would grant the petition for rehearing and affirm the judgment of the District Court for the reasons stated in the dissenting opinion of Judge Combs. Furthermore, I observe that in addition to the Seventh Circuit, Bowe v. Colgate-Palmolive Co., 416 F. 2d 711 (1969), the Fifth Circuit has held that appellee's invocation of the grievance-arbitration procedure did not bar him from proceeding in the District Court under Title VII of the Civil Rights Act. Hutchings v. United States Industries, Inc., No. 28750 (5th Cir. June 19, 1970).

ROBERT KENNETH DEWEY V. REYNOLDS METALS COMPANY. NO. 835,

OCTOBER TERM, 1970

On writ of certiorari to the United States Court of Appeals for the Sixth Circuit.

Former decision, 400 U.S. 1008, 91 S.Ct. 566. 401 U.S. 932, 91 S.Ct. 919; 91 S.Ct. 1365.

Facts and opinion, D.C., 300 F.Supp. 709; 6 Cir. 429 F.2d 324.

Donald F. Oosterhouse, Grand Rapids, Mich., for petitioner.

Lawrence G. Wallace, Washington, D. C., for the United States, as amicus curiae, by special leave of Court.

William A. Coughlin, Jr., Detroit, Mich., for respondent.

June 1, 1971. PER CURIAM. The judgment is affirmed by an equally divided Court.

Mr. Justice HARLAN took no part in the consideration or decision of this case.

[U.S. District Court for the Middle District of Florida]

CHARLES B. RILEY v. THE BENDIX CORP.

This action came on for trial before the Court, Honorable Richard M. Duncan, United States District Judge, presiding, and the issues having been duly tried and a decision having been duly rendered,

It is Ordered and Adjudged that the plaintiff take nothing, that the action be dismissed on the merits, and that the defendant, The Bendix Corporation, recover of the plaintiff, Charles B. Riley, its costs of action.

ORLANDO, FLA., *July 12, 1971.*

MEMORANDUM OPINION, FINDINGS OF FACT AND CONCLUSIONS OF LAW

Plaintiff instituted this action in this court on June 3, 1969, pursuant to Title 42 Section 2000e–5 United States Code, the Civil Rights Act of 1964, alleging that the defendant had violated his civil rights by terminating his employment for the reason that he refused to work from sun-down on Friday until sun-down on Saturday of each week. He seeks damages, restoration to his former employment, an injunction enjoining the defendant from further interfering with his religious beliefs, and attorney's fees.

Plaintiff is a member of the Seventh Day Adventist Church and he states that one of the doctrines of his church is that its members shall not engage in any gainful employment between sun-down Friday and sun-down Saturday of each week.

Plaintiff was employed by the defendant in January, 1967, as a mechanical foreman at a salary of $725.00 per month. After serving a short period of time in the mechanical department, at his request he was placed in charge of a program for the training of mechanics. His hours were from 7:30 o'clock a.m. until 4:00 o'clock p.m. five days a week.

On July 14, 1967, the plaintiff was informed that he had been transferred to the second shift. The hours of labor on that shift were from 3:30 p.m. to 12:00 o'clock midnight, five days a week, which would require the plaintiff, in the performance of his duties, to work several hours after sun-down on Friday.

Plaintiff says that at the time of the transfer he told his general foreman, Mr. O'Neill, that he was a Seventh Day Adventist, and that his religious beliefs prevented him from working after sun-down on each Friday. On the contrary, the supervisor says that the plaintiff did not object to the shift or tell him of his religious convictions at the time, but that just before going to work on the second shift plaintiff did come to his office and tell him that he could not work after sun-down on Fridays. Plaintiff also says that O'Neill told him under the company policy he would have to work the hours required on that shift.

At the time the Bendix Corporation was operating under a contract with the National Aeronautics and Space Administration in connection with the building and launching of missiles from Cape Kennedy. The particular branch of the section to which the plaintiff was assigned was engaged primarily in the maintenance of heavy machinery and other equipment incident to the launching of missiles. There were four groups in the mechanical section to which the plaintiff was assigned, and at the time of his employment the section consisted of about 220 men. He was transferred from the mechanical group preparing training programs for the swing-arm program to the maintenance group and subsequently to the second shift. Plaintiff began work on the second shift on Monday, July 17, 1967.

After his assignment to the second shift, plaintiff did not work after sun-down on any Friday. He would report for work at 3:30 and before sun-down he would notify his supervisor and leave the job. This meant that he had worked approximately three or four hours, and would be absent for the remainder of the second shift. He did not provide for any replacement during the period of his absence. He and his supervisor discussed the subject on several occasions, and on each occasion he was told that it would be necessary for him to continue his work.

It was the policy of the company to shift the foremen of a group every 90 days, which, of course, necessitated those who were assigned to the second shift to work from 3:30 to midnight, five days a week. The reassignment of plaintiff made in July, 1967, was necessitated by the vacation season. When one foreman was on vacation it was necessary for another foreman to substitute for him and to take his place.

On August 18, 1967, the plaintiff was discharged for insubordination for his refusal to work the required hours on the second shift. The controversy was submitted to the Equal Employment Opportunity Commission, and when the Commission and the Company were unable to agree upon a reinstatement of the plaintiff, this action was filed. The following written communications were passed between the plaintiff and various officers of the defendant prior to the filing of this suit:

On July 27, 1967, following plaintiff's transfer to the second shift, he signed an AVO (Avoid Verbal Orders) form, addressed to A. S. O'Neill in which he stated:

"Being a member of the Seventh Day Adventist Church for the past 13 years I observe the seventh day sabbath from Friday at sundown to Saturday at sundown. I would like to have this time off to attend to my religious beliefs.

"(I will work this time in an emergency.)
From: Charles B. Riley".

On August 1, A/S. O'Neill signed an AVO addressed to Charles B. Riley, in which he stated:

"Time off for the Seventh Day Church observance.

"Any employee is allowed time off to attend church however time off for a religious observance cannot be allowed if work schedules dictate a necessity to work.

"The above does not pertain to your request to be absent from work every Friday evening at sundown to Saturday evening at sundown. Your request for permission to do the above was turned down by me, and you absented yourself from the job irregardless.

"From: A. S. O'Neill".

On August 3, 1967, the plaintiff signed another AVO directed to A. S. O'Neill, in which he stated:

"I believe in keeping the Sabbath day holy, for this reason I would like to be excused from sundown Fri. to sundown Sat. Time off will be only 4 hours by regular scheduled shift."

"Signed: Charles B. Riley".

On August 4, A. S. O'Neill signed an AVO addressed to the plaintiff in which it was stated:

"Your request to be absent from the job from 9 August 1967 through 11 August 1967 has been granted, but only as a non-paid absence."

"Signed: A. S. O'Neill".

On the same day, August 4, A. S. O'Neill signed another AVO directed to Charles B. Riley, in which he stated:

"Your required hours of work are from 1530 to 2400 hours."

On August 7, A. S. O'Neill addressed a communication to Riley, in which he stated:

"Shift requirements.

"You are required to be present daily for your entire scheduled shift, first or second shift, whichever it may be. You are also required to respond to the requests for overtime, first or second shift, whichever it may be. The Company has no allowance for Church Holidays as such, except for an occasional special service.

"In the event the above is unacceptable to you, you should seek employment elsewhere. Your recent practice of working half of your scheduled shift on Fridays and clocking out without permission cannot be tolerated and if you continue to persist with this practice, you will be terminated."

On August 21, A. S. O'Neill signed an AVO addressed to Charles B. Riley in which it was stated:

"Termination.

"You have been terminated from the Bendix Launch Support Division effective 2030 Hrs. 18 August 1967, for insubordination. You have been insubordinate on at least four occasions by absenting yourself from the job and going home prior to the end of your shift after you had been informed by me, verbally and in writing that your request to leave early had been denied."

Following the plaintiff's dismissal, the controversy was submitted to the Equal Employment Opportunity Commission. After consideration by that Commission, the Company addressed the following communication to Riley:

"Mr. Charles B. Riley,
"10209 West Hillsborough Avenue,
"Tampa, Florida 33615

"January 3, 1968.

"Serial: IR–1 68–1.

"Dear Mr. Riley: We have again reviewed the circumstances and conditions of your previous employment with the Launch Support Division at the request of the Office of Federal Contract Compliance with whom your complaint charging the division with religious discrimination was filed.

"In keeping with sound management procedure, the division must accept its responsibility to point out the following:

"(1) You were clearly in violation of established division policy through insubordination by leaving your job prior to the end of the shift on several occasions particularly after being told in writing not to do so.

"(2) You acted without apparent regard for the continuation and safety of the operations of the Launch Support Division to maintain its contractual obligations with NASA since you left without notice or making preparation for someone to assume your responsibilities as foreman.

"Under these circumstances the division felt compelled to take action to safeguard the integrity of its other employees. We believe your charges of religious discrimination to be without foundation.

"Nevertheless, to make every possible effort to utilize your talents, we make the following offer subject to the condition (applicable to all employees in the division) that you agree to work as assigned and abide by divisional policy.

"We hereby offer you reemployment as a foreman at the rate of $725. per month. We trust this arrangement will be suitable to you and that your reemployment will be mutually beneficial to you and the division.

"May we hear from you regarding your decision. It is necessary that we receive your answer by 12 January 1968, as we are holding the position open for you.

"Very truly yours,
"/s/ George W. Knox,
"George W. Knox,
"Supervisor, Employment and Employee Relations.

"GWK/kk
"Ph: 305 267–4310."

On January 8, 1968, the plaintiff replied to the defendant's communication of January 3 in five paragraphs in which he sought to justify his leaving the job prior to sundown Friday. He then set out in detail the expenses which he had incurred in attempting to obtain other employment, in the amount of $4,520.00. He further stated:

"I accepted an 'Industrial Engineering' position as an estimator working on Government contracts. The position is with the Honeywell Co., Tampa, Fla.

"I received a good salary and they hired me with the understanding I would have the 'Sabbath' from sundown Friday evening to sundown, Saturday evening off. I would like to point out that I'm now working 10–12 hours a day with a crash program coming up. I will come in on Sundays too. My talents will be used more here than at the 'Cape.'

"I will drop the charge against the Bendix Launch Support Division under the following conditions:

"Pay all losses of salary and expenses (Total—$4,520.00), permit me to be *re-instated* and let the records show that I resigned not 'Fired.'

"This letter indicates my wish to have a fair and final settlement of claim against the Bendix Launch Support Division.

"Respectfully,
"/s/ Charles B. Riley,
Charles B. Riley."

The defendant replied on January 25, 1968 as follows:

January 25, 1968.

"Mr. Charles B. Riley,
"10209 W. Hillsborough Ave.,
"Tampa, Fla.
"Serial: IR–1 68–14.

"Dear Mr. Riley: We have your reply dated 8 January, 1968 to our offer of reemployment. While you were unable to accept our offer, we are nonetheless pleased to learn that you are employed in a position satisfactory to you.

"Obviously we cannot assume responsibility for any of the various claims listed in your letter since these were incurred by you in pursuit of your personal objectives.

"Reinstatement is possible only upon agreement at the time of rehire whenever an employee has been terminated (voluntarily or involuntarily). Our records have been adjusted, however, to indicate that you are eligible for rehire as you requested.

"Our offer of reemployment was tendered in a positive effort to rehire you as the most appropriate avenue open to both you and the division for satisfying previous differences. As you are unable to accept our offer we must consider the matter closed.

"Very truly yours,
"/s/ George W. Knox,
"George W. Knox,
"Supervisor, Employment and Employee Relations.

"GWK/kk."

Following the foregoing series of correspondence, this suit was filed. The parties have stipulated that by this action "the Plaintiff seeks reinstatement to his former job with the defendant before his discharge, back pay for loss of interim earnings between the date of discharge and the present date, attorneys fees and court costs for the institution and prosecution of this lawsuit."

The defendant contends that it did not intentionally discharge the plaintiff because of his religious beliefs contrary to Section 706(a) of the Civil Rights Act of 1964, but rather for the reason that plaintiff was insubordinate in refusing to accept his shift assignment under the circumstances of this case, together with his failure to perform his duties as a foreman in the position to which he was assigned.

The parties have stipulated, and the court is in agreement, that the initial question which must be resolved is "did the defendant discharge the plaintiff in violation of Section 706 of the Civil Rights Act of 1964?"

The defendant contends that it was not its intention to violate the statute, nor did it discharge the plaintiff because of his religious belief, but solely because of his failure to follow rules of the company in failing to work the hours assigned to him.

Section 2000e–2 Title 42 U.S.C. provides:

"(a) It shall be an unlawful employment practice for an employer—

"(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin * * * ."

Under Section 713(a) of the Civil Rights Act of 1964, the Equal Employment Opportunity Commission is clothed with authority from time to time to issue, amend or rescind procedural regulations to carry out the provisions of the Act. Such regulations must be in conformity with the standards and limitations of the Administrative Procedure Act, Title 5 § 500 *et seq.* U.S.C. In accordance with such provision the Commission issued and published two sets of "Religious Discrimination Guidelines" one effective on June 15, 1966, and the other effective July 10, 1967, which are set out in their entirety in appendices A and B, which are made a part hereof. These guidelines were in effect at the time of the plaintiff's transfer to the second shift, and at the time of his discharge.

The plaintiff relies heavily upon the regulations promulgated by the Equal Employment Opportunity Commission, and he cites numerous cases to the effect that the regulations issued by an agency charged with the administration of a statute should be given great weight by the courts in their interpretation of that statute. *Udall* v. *Tallman, et al.*, 380 U.S. 1 (1965). We do not disagree with that generally recognized principle of law. Such regulations to be valid must however, be in conformity with the Act which authorizes their issuance and with the standards and limitations set forth in the Administrative Procedure Act, Title 5 § 500 *et seq.* 42 U.S.C. § 2000e–12.

Paragraph (c) of the Commission's July 10, 1967, guidelines states:

"Because of the particularly sensitive nature of discharging or refusing to hire an employee or applicant on account of his religious beliefs, *the employer has the burden of proving* that undue hardship renders the required accommodation to the religious needs of the employee unreasonable." [Emphasis supplied]

We do not believe that the Commission is vested with the authority of determining the procedural question of burden of proof. All hearings and investigations are to be conducted in accordance with the Administrative Procedure Act, and certainly the Commission has no right to say to this court that it shall shift the burden of proof from the plaintiff to the defendant. Aside from that fact we feel it would be unreasonable and impractical to require the complex American business structure to prove why it cannot gear itself to the "varied religious practices of the American people". See Appendix B paragraph (d).

In both the June 15, 1966 and the July 10, 1967, guidelines, the Commission expresses its view that it is the duty of employers not to discriminate on religious grounds and that employers should accommodate the reasonable religious needs of employees where such accommodation can be made without serious inconvenience to the conduct of the business. We note that the Commission in the issuance of the July 10, 1967 guidelines, did not expressly repeal paragraph (a) (3) of its June 15, 1966 guidelines which states that under Title VII of the 1964 Civil Rights Act an employer is free "to establish a normal work week * * * generally applicable to all employees," notwithstanding that such a schedule "may not operate with uniformity in its effect upon the religious observances of his employees."

In his brief the plaintiff cites the case of *Jackson* v. *Veri Fresh Poultry, Inc.*, 304 F. Supp. 1276 (E.D. La. 1969). The plaintiff in that action was employed by the defendant as a chicken picker at a wage of $1.25 per hour. She began work on August 9, 1966, and in November, 1966 she informed her foreman that she would be unable to work between approximately 5:00 p.m. Friday and 5:00 p.m. Saturday because in her religion that was considered the Sabbath. She was subsequently told by another of her supervisors that if she could not work after 5:00 p.m. or on Saturdays, the company could not use her services. The plaintiff's employment was terminated on November 16, 1966. The court determined that the plaintiff's discharge was in violation of 42 U.S.C. § 2000e.

In arriving at its conclusion the court was "impressed by the opinion * * * in the case of *Dewey* v. *Reynolds Metals Co.*, 300 F. Supp. 709" which the court described as a "case strikingly similar" to the case then under consideration. The *Dewey* case was subsequently reversed in *Dewey* v. *Reynolds Metals Co.*, 429 F. 2d 324 (6th Cir. 1970, *cert. granted*, 400 U.S. 1008 (March 1, 1971). [Not yet decided]

We agree that the facts in *Dewey* and *Jackson* are substantially similar, but we have difficulty in following the reasoning of the court in arriving at the conclusion that the plaintiff in *Jackson* was discharged because of her religious beliefs. In our view her religion was simply an incident, and if it prevented her from performing the duties required of her by her employer, he had a right to separate her from the job. The rules of Bendix requiring work on Saturday applied uniformly to all employees no matter what their religious affiliation happened to be.

The plaintiff also cites *Sherbert* v. *Verner*, 374 U.S. 398, 10 L.ed. 2d 965, 83 S.Ct. 1790 (1963). In that case the plaintiff was a Seventh Day Adventist whose religious convictions prevented her from working on Saturday. She was denied unemployment compensation under the South Carolina Compensation Act for failing, without good cause, to accept available suitable work when it was offered to her. The Supreme Court held that it was a violation of her constitutional rights to refuse her workmen's compensation for failing to work on her Sabbath. We think the *Sherbert* case is clearly distinguishable from the case now before us and from the *Jackson* case.

The defendant denies that plaintiff was discharged because of his religious beliefs or that it had any intention to violate the statute in discharging the plaintiff. We believe that the defendant had a right to make rules and working conditions to be imposed upon its employees for the conduct of its business, if such rules are not in conflict with the law, and any one accepting employment is bound to accept such rules and working conditions.

Defendant's testimony clearly reveals that its rules and working conditions applied uniformly with respect to all of its employees and at no time did it ever discriminate against any person because of race, creed or color. The record contains no evidence to the contrary.

The guarantee of religious freedom in the United States has resulted in many forms of religion, religious philosophies and sects, and it is the absolute right of every person that these beliefs shall not be infringed upon. An employer may not refuse to employ or discharge any person because of his religious beliefs, but surely the great and diversified types of American business cannot be expected to accede to the wishes of every doctrine or religious belief. If one accepts a position knowing that it may in some way impinge upon his religious beliefs, he must conform to the working conditions of his employer or seek other employment.

When plaintiff accepted employment with the defendant, he signed a compensation agreement which provided for compensation for "overtime or night shift work."

He was a salaried employee and his pay was not based upon an hourly rate. If he was an essential employee it is not difficult to understand how leaving his job in the middle of the shift would have its effect upon the work he was performing.

As we have heretofore stated, the second shift was from 3:30 in the afternoon to midnight. After plaintiff's assignment to the second shift he reported for work at 3:30 but quit about 7:30 Eastern daylight saving time. Certainly to call another foreman to report for duty at 7:30 for the purpose of working until 1:00 in the evening, would not only be impractical but likely impossible under existing labor agreements.

Although the plaintiff contents that *Dewey* v. *Reynolds Metals Co.*, 49 F.d 34 (6th Cir. 1970), is to be distinguished both factually and legally from the case now before us, we must respectfully disagree. Dewey, because of his religious beliefs, refused to perform overtime labor when, under the rules of his company, he was required to do so. He was discharged because of his refusal to work on Sunday. At the time of his discharge there was a contract in force between the labor organization to which Dewey belonged and Reynolds. This agreement provided:

"All employees shall be obligated to perform all straight time and overtime work required of them by the Company except when an employee has a substantial and justifiable reason for not working * * *."

Following his discharge Dewey filed grievances which were subsequently submitted to arbitration. The arbitrator ruled adversely to Dewey holding it was his duty to perform the work required. After obtaining a like ruling from the Michigan Civil Rights Commission Dewey filed a charge with the Equal Employment Opportunity Commission alleging religious discrimination. The Commission then authorized the bringing of suit under Title VII of the Civil Rights Act of 1964. The Court of Appeals for the Sixth Circuit found nothing discriminatory in the provision of the collective bargaining contract or in the manner in which Reynolds executed it. The court stated at page 330:

"The reason for Dewey's discharge was not discrimination on account of his religion; it was because he violated the provisions of the collective bargaining agreement entered into by his union with his employer, which provisions were applicable equally to all employees. The violation consisted not only of his refusing to work on Sundays but also his refusing to arrange for a replacement, which was an alternate procedure."

We are unable to draw a distinction between the *Dewey* case and the present case, so far as the legal principles involved are concerned, because the Union contract required a member to work overtime or on Sunday, if necessary. Certainly if it is a violation of an employee's constitutional rights for the employer to require him to work overtime or to work on Sunday, it would equally be a violation of his constitutional rights for the union to attempt to enforce such a contract agreement.

The most recent expression on the subject is found in *Dawson* v. *Mizell*, 325 F. Supp. 511 (E.D. Va. 1971). Dawson was a mail carrier and a Seventh Day Adventist. He was discharged by the postmaster for failure to work on Saturday. Dawson did not have enough seniority to obtain a position which did not require Saturday work, and his assignment to another shift would have been a violation of the bargaining contract between the Post Office Department and the Union. Because of his lack of seniority, Dawson found himself assigned to a shift which required that he work on Saturday. Judge Merhize held that:

"The Court finds no infringement of plaintiff's rights concerning his religious beliefs. Religious discrimination should not be equated with failure to accommodate."

The testimony reveals that it was the policy of the defendant to rotate its foremen on the second shift every 90 days, and in the regular course of carrying out this practice plaintiff was assigned to that shift on July 17, 1967. This was the vacation season and when a foreman was on vacation, it became necessary for some other foreman to take his place.

It is our finding that the defendant did not in any respect discriminate against the plaintiff because of his religious beliefs. The assignment to the second shift came in the usual and normal conduct of the defendant's business and was in no respect discriminatory against any foreman because of his religion. All of the foremen were treated equally.

It is therefore our conclusion that the plaintiff was discharged solely because of his refusal to work the hours assigned to him and not as a result of any religious discrimination against him on the part of the defendant.

Done and ordered in chambers in Kansas City, Missouri, this 7th day of July, 1971.

RICHARD M. DUNCAN,
U.S. Sr. District Judge.

Copies mailed to:

William Kreuter, Esq., 1210 Citizens Bank Building, Orlando, Fla 32801.

Norman F. Burke, Esq., van den Berg, Gay Burke & Dyer, 16 South Magnolia, Orlando, Florida 32801.

G. Maxine Bethel, 1800 G. Street NW., Washington, D.C. 20506.

APPENDIX A

(Equal Employment Opportunity Commission, Religious Discrimination Guidelines (Effective June 15, 1966))

"Section 1605.1 Observance of Sabbath and religious holidays.—(a) (1) Several complaints filed with the Commission have raised the question whether it is discrimination on account of religion to discharge or to refuse to hire a person whose religious observances require that he take time off during the employer's regular work week. These complaints arise in a variety of contexts, but typically involve employees who regularly observe Saturdays as the Sabbath or who observe certain special holidays during the year.

"(2) The Commission believes that the duty not to discriminate on religious grounds includes an obligation on the part of the employer to accommodate the reasonable religious needs of employees and, in some cases, prospective employees where such accommodation can be made without serious inconvenience to the conduct of the business.

"(3) However, the Commission believes that an employer is free under Title VII to establish a normal work week (including paid holidays) generally applicable to all employees, notwithstanding that this schedule may not operate with uniformity in its effect upon the religious observances of his employees. For example, an employer who is closed for business on Sunday does not discriminate merely because he requires that all his employees be available for work on Saturday.

"Likewise, an employer who closes his busines on Christmas or Good Friday is not thereby obligated to give time off with pay to Jewish employees for Rosh Hashanah or Yom Kippur:

"(b) While the question of what accommodation by the employer may reasonably be required must be decided on the peculiar facts of each case, the following guidelines may prove helpful.

"(1) An employer may permit absences from work on religious holidays, with or without pay, but must treat all religions with substantial uniformity in this respect. However, the closing of a business on one religious holiday creates no obligation to permit time off from work on another.

"(2) An employer, to the extent he can do so without serious inconvenience to the conduct of his business, should make a reasonable accommodation to the needs of his employees and applicants for employment in connection with special religious holiday observances.

"(3) The employer may prescribe the normal work week and foreseeable overtime requirements, and, absent an intent on the part of the employer to discriminate on religious grounds, a job applicant or employee who accepted the job knowing or having reason to believe that such requirements would conflict with his religious obligations is not entitled to demand any alterations in such requirements to accommodate his religious needs.

"(4) Where an employee has previously been employed on a schedule which does not conflict with his religious obligations, and it becomes necessary to alter his work schedule, the employer should attempt to achieve an accommodation so as to avoid a conflict. However, an employer is not compelled to make such an accommodation at the expense of serious inconvenience to the conduct of his business or disproportionate allocation of unfavorable work assignments to other employees."

APPENDIX B

(Equal Employment Opportunity Commission, Religious Discrimination Guidelines (Effective July 10, 1967))

"Section 1605.1 Observance of Sabbath and other religious holidays.—(a) Several complaints filed with the Commission have raised the question whether it is discrimination on account of religion to discharge or refuse to hire employees who regularly observe Friday evening and Saturday, or some other day of the week, as the Sabbath or who observe certain special religious holidays during the year and, as a consequence, do not work on such days.

"(b) The Commission believes that the duty not to discriminate on religious grounds, required by section 703(a)(1) of the Civil Rights Act of 1964, includes an obligation on the part of the employer to make reasonable accommodations to the religious needs of employees and prospective employees where such accommodations can be made without undue hardship on the conduct of the employer's business. Such undue hardship, for example, may exist where the employee's needed work cannot be performed by another employee of substantially similar qualifications during the period of absence of the Sabbath observer.

"(c) Because of the particularly sensitive nature of discharging or refusing to hire an employee or applicant on account of his religious beliefs, the employer has the burden of proving that an undue hardship renders the required accommodations to the religious needs of the employee unreasonable.

"(d) The Commission will review each case on an individual basis in an effort to seek an equitable application of these guidelines to the variety of situations which arise due to the varied religious practices of the American people."

[Equal Employment Opportunity Commission Release, July 12, 1967]

EEOC ADOPTS NEW GUIDELINES ON RELIGIOUS DISCRIMINATION

The Equal Employment Opportunity Commission today announced new Guidelines concerning the observance of the Sabbath and other religious holidays as they relate to discrimination in employment.

The Guidelines, effective immediately, state:

The duty not to discriminate on religious grounds, required under Title VII, includes an obligation on the part of the employer to make reasonable accommodations to the religious needs of employees when such obligation does not place undue hardship on the employer's business.

To illustrate, the Guidelines say that an undue hardship may exist when the employee's needed work cannot be performed by another employee during the absence of the Sabbath observer.

The Commission recognizes the sensitive nature of discharging or refusing to hire an employee or applicant on account of his religious beliefs. Under the new Guidelines, the employer has the burden of proving that an undue hardship prevents him from making reasonable accommodations to the religious needs of the employee.

In an effort to equitably apply the Guidelines the Commission will review each case on an individual basis since a variety of situations arise out of different religious practices.

The Guidelines apply to cases before the Commission as well as to those filed in the future. They substitute for those issued June 14, 1966.

The Commission undertook a review of the 1966 guidelines after several charges were filed raising the question whether it is religious discrimination to discharge or refuse to hire employees who regularly observe a day other than Sunday as the Sabbath and certain religious holidays and do not work on such days.

The new Guidelines were proposed and publicly announced on May 10, 1967.

Text of new Guidelines attached.

TITLE 29—LABOR—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (29 CFR PART 1605)

GUIDELINES ON DISCRIMINATION BECAUSE OF RELIGION—OBSERVANCE OF THE SABBATH AND OTHER RELIGIOUS HOLIDAYS

By virtue of its authority under Section 713 of the Civil Rights Act of 1964, 42 U.S.C. 2000e-12(b), the Equal Employment Opportunity Commission hereby amends Section 1605.1, Guidelines on Discrimination Because of Religion. This amendment becomes effective immediately and shall be applicable with respect to cases presently before or hereafter filed with the Commission. Section 1605.1 as amended shall read as follows:

§ 1605.1 Observation of the Sabbath and other religious holidays.

(a) Several complaints filed with the Commission have raised the question whether it is discrimination on account of religion to discharge or refuse to hire employees who regularly observe Friday evening and Saturday, or some other day of the week, as the Sabbath or who observe certain special religious holidays during the year and, as a consequence, do not work on such days.

(b) The Commission believes that the duty not to discriminate on religious grounds, required by Section 703(a)(1) of the Civil Rights Act of 1964, includes an obligation on the part of the employer to make reasonable accommodations to the religious needs of employees and prospective employees where such accommodations can be made without undue hardship on the conduct of the employer's business. Such undue hardship, for example, may exist where the employee's needed work cannot be performed by another employee of substantially similar qualifications during the period of absence of the Sabbath observer.

(c) Because of the particularly sensitive nature of discharging or refusing to hire an employee or applicant on account of his religious beliefs, the employer has the burden of proving that an undue hardship renders the required accommodations to the religious needs of the employee unreasonable.

(d) The Commission will review each case on an individual basis in an effort to seek an equitable application of these guidelines to the variety of situations which arise due to the varied religious practices of the American people.

Signed at Washington, D.C., this tenth day of July 1967.

LUTHER HOLCOMB,
Acting Chairman.

RULES AND REGULATIONS

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Part
1600 Employee responsibilities and conduct.
1601 Procedural regulations.
1602 Records and reports.
1604 Guidelines on discrimination because of sex.
1605 Guidelines on discrimination because of religion.
1606 Guidelines on discrimination because of national origin.
1607 Guidelines on employee selection procedures.
1610 Availability records.

PART 1600—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Subpart A—General

Sec.
1600.735-101 Purpose and policy.
1600.735-102 Definitions.
1600.735-103 Interpretations and counseling.
1600.735-104 Disciplinary and other remedial action.
1600.735-105 Appeal.

Subpart B—Limitations on conduct and responsibilities of employees

1600.735-201 Proscribed actions.
1600.735-202 Gifts, entertainment, and favors.
1600.735-203 Outside employment and other activity.
1600.735-204 Financial interests.
1600.735-205 Other standards of conduct.

Subpart C—Conduct and responsibilities of special government employees

1600.735-301 Limitations.

Subpart D—Statement of employment and financial interests

1600.735-401 Employees required to submit statements.
1600.735-402 Time and place for submission of employee statement.
1600.735-403 Reviews of statement of employment and financial interests.
1600.735-404 Supplementary statements.
1600.735-405 Interests of employees' relatives.
1600.735-406 Information not known by employees.
1600.735-407 Information not required.
1600.735-408 Confidentiality of employees' statements.
1600.735-409 Effect of employees' statements on other requirements.

AUTHORITY: The provision of this Part 1600 issued under E.O. 11222, 30 F.R. 6469, 3 CFR 1965 Supp.; 5 CFR 735.101 et seq.

SOURCE: The provisions of this Part 1600 appear at 33 F.R. 4329, Mar. 8, 1968, unless otherwise noted.

Subpart A—General

§ 1600.735 101 Purpose and policy.

(a) *Purpose.* The purpose of this part is to implement Executive Order 11222, May 8, 1965 (30 CFR 6469) and Part 735 of the Civil Service Commission Regulations adopted pursuant thereto (5 CFR Part 735) by defining standards of conduct and related procedures for employees and special Government employees of the EEOC.

(b) *Policy.* The maintenance of high standards of ethical conduct by Government employees and special Government employees is essential to assure the proper performance of the Government's business and the maintenance of confidence and respect of the citizens in their Government. No public officer can lawfully engage in business activities which are incompatible with the duties of his office.

§ 1600.735-102 Definitions.

(a) "Agency" means the Equal Employment Opportunity Commission.

(b) "Employee" means an officer or employee of the Equal Employment Opportunity Commission, but does not include a special Government employee.

(c) "Executive order" means Executive Order 11222 of May 8, 1965.

(d) "Person" means an individual, corporation, company association, firm, partnership, society, joint stock company, or any other organization or institution.

(e) "Special Government employee" means a temporary employee, with or without compensation, appointed to perform for not to exceed 130 days during any period of 365 consecutive days duties on either a full-time or intermittent basis. Such employees are generally consultants or experts.

§ 1600.735-103 Interpretations and counseling.

The General Counsel shall provide any needed counsel and assistance to all EEOC employees concerning the policy and procedures contained in this part. Field Office Directors shall serve as deputy counselors in their jurisdictions, referring any controversial problems of interpretation to the General Counsel.

§ 1600.735-104 Disciplinary and other remedial action.

An employee or special Government employee of the agency who violates any of the regulations in this part may be disciplined. The disciplinary action may be in addition to any penalty prescribed by law for the violation. In addition to or in lieu of disciplinary action, remedial action to end conflicts or appearance of conflicts of interest may include but is not limited to:

(a) Changes in assigned-duties;

(b) Divestment by the employee or special Government employee of his conflicting interest; or

(c) Disqualification for a particular assignment.

§ 1600.735-105 Appeal.

Any employee or group of employees who disagree with the provisions of this part have the right to request a review of their complaint through the Employees' Grievance Procedure, Administrative Order II-12.

Subpart B—Limitations on conduct and responsibilities of employees

§ 1600.735-201 Proscribed actions.

An employee shall avoid any action, whether or not specifically prohibited by this part which might result in, or create the appearance of:

(a) Using public office for private gain;

(b) Giving preferential treatment to any person;

(c) Impeding Government efficiency or economy;

(d) Losing complete independence or impartiality;

(e) Making a Government decision outside official channels; or

(f) Affecting adversely the confidence of the public in the integrity of the Government.

§ 1600.735-202 Gifts, entertainment, and favors.

(a) *General limitations.* Employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with this agency;

(2) Conducts operations or activities that are regulated by this agency;

(3) Has interests that may be substantially affected by the performance or nonperformance of his official duty.

(b) *Exceptions.* Section 1600.735-202(a) does not preclude:

(1) Acceptance of a gift, gratuity, favor, entertainment, loan, payment of expenses, fee, compensation, or other things of monetary value incident to obvious family or personal relationships (such as those between the employee and the parents, children, or spouse of the employee) when the circumstances make it clear that it is the family relationship rather than the business of the persons concerned which are the motivating factors;

(2) Acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance;

(3) Acceptance of loans from banks or other financial institutions or customary terms to finance proper and usual activities of employees such as home mortgage loans;

(4) Acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value, and

(5) Receipt of bona fide reimbursement, unless prohibited by law, for expenses for travel and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, an employee may not be reimbursed, and payment may not be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, or for travel on official business proscribed by Decision B-128527 of the Comptroller General dated March 7, 1967.

(c) *Gifts to superiors.* An employee shall not solicit contributions from another employee for a gift to an employee in a superior official position. An employee in a superior official position shall not accept a gift presented as a contribution from employees receiving less salary than himself. An employee shall not make a donation as a gift to an employee in a superior official position (5 U.S.C. 7351). However, this does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion; i.e., marriage, illness, or retirement.

(d) *Gifts from foreign governments.* An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in Public Law 89-673, 5 U.S.C. 7342.

§ 1600.735-203 Outside employment and other activity.

(a) *General limitations.* An employee shall not engage in outside employment or other activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. Incompatible activities include but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest; or

(2) Outside employment which tends to impair the mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner.

(3) Receipt by an employee of any salary or anything of monetary value from a private source as compensation for his services to the Government (18 U.S.C. 209).

(b) Employees are encouraged to engage in teaching, lecturing and writing that is not prohibited by law, the Executive order, this part, or the agency regulations. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Commission or Board of Examiners for the Foreign Service, that depends on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the agency head gives written authorization for use of nonpublic information on the basis that the use is in the public interest. In addition, an employee who is a Presidential appointee covered by section 401(a) of the order shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of his agency, or which draws substantially on official data or ideas which have not become part of the body of public information.

(c) [Reserved]

(d) *Exceptions.* Section 1600.735-203 does not preclude:

(1) Participation in the activities of national or state political parties not proscribed by law.

(2) Participation in the affairs of, or acceptance of an award for, a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civil organization.

(3) Outside employment permitted under this part, including payments or reimbursements under § 1600.735-202(b)(5).

(e) *Procedure.* An employee who engages in outside employment shall obtain his supervisor's approval in advance and shall inform the Personnel Division by memorandum.

[33 F.R. 4329, Mar. 8, 1968, as amended at 33 F.R. 9610, July 2, 1968]

§ 1600.735-204 Financial interests.

An Employee shall not:

(a) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities; or

(b) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his Government employment.

This does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law, the Executive order, or these regulations.

§ 1600.735–205 Other standards of conduct.

(a) *Use of Government property.* An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

(b) *Misuse of information.* For the purpose of furthering a private interest, an employee shall not, except as provided in § 1600.735–203(b), directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

(c) *Indebtedness.* An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. A "just financial obligation" means one acknowledged by the employee, or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the agency determines does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between an employee and an alleged creditor, the agency is not required to determine the validity or amount of his disputed debt.

(d) *Gambling, betting, and lotteries.* An employee shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket.

(e) *General conduct prejudicial to the Government.* An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

(f) *Miscellaneous statutory provisions.* Each employee shall acquaint himself with each statute that relates to his ethical and other conduct as an employee of the Government. Attention is specifically directed to the following statutory provisions:

(1) House Concurrent Resolution 175, 85th Congress, 2d session, 72 Stat. B12, the "Code of Ethics for Government Service".

(2) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(3) The prohibition against lobbying with appropriate funds (18 U.S.C. 1913).

(4) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(5) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(6) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(7) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(8) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(9) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(10) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1719).

(11) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(12) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(13) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(14) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641), (2) failing to account for public money (18 U.S.C. 643), and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(15) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(16) The prohibitions against political activities—in subchapter III of chapter 73 of Title 5, United States Code, and 18 U.S.C. 602, 603, 607, and 608.

(17) The prohibition against an employee acting as an agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

Subpart C—Conduct and responsibilities of special Government employees

§ 1600.735–301 Limitations.

Special Government employees shall be subject to the same standards of conduct proscribed in Subpart B above for other employees, except § 1600.735–203(a)(3), plus the following:

(a) *Use of Government employment.* A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

(b) *Use of inside information.* A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this section "inside information" means information obtained under Government authority which has not become part of the body of public information. Such employees may teach, lecture, or write in a manner not inconsistent with § 1600.735–203(b) above.

(c) *Coercion.* A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or to another person, particularly one with whom he has family, business, or financial ties.

(d) *Gifts, entertainment, and favor.* A special Government employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with his agency anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties.

(e) *Miscellaneous statutory provisions.* Special Government employees are responsible for a knowledge of statutory obligations as outlined in § 1600.735–205(f).

Subpart D—Statement of employment and financial interests

§ 1600.735–401 Employees required to submit statements.

(a) The following categories of employees are determined by the EEOC, subject to the right of appeal under § 1600.735–105, to be within the scope of 5 CFR 735–403, 735–404 and therefore they shall submit Statements of Employment and Financial Interests:

(1) Employees paid at a level of the Executive Schedule in Subchapter II of Chapter 53 of Title 5, United States Code, except the members of the Commission who report under section 401 of Executive Order 11222.

(2) Employees in Grade GS–16 or above of the General Schedule in 5 U.S.C. 5332.

(3) Employees in the Office of Liaison engaged in grant or reimbursement activities classified at GS–13 or above of the General Schedule.

(4) Employees in the Office of Administration engaged in contracting or procurement activities who are classified at GS–13 or above of the General Schedule unless otherwise indicated, i.e., Director of Administration, Chief of Administrative Services, Contract Specialists, and Contract Specialist GS–12.

(b) Each special Government employee shall submit a Statement of Employment and Financial Interests showing all other employment and such financial interests as the agency determines are relevant in the light of the duties he is to perform, except when this requirement is waived under 5 CFR 735.412(c).

§ 1600.735–402. Time and place for submission of employee statement.

Statement of Employment and Financial Interests shall be submitted by employees covered by § 1600.735–401 within 60 days after issuance of this part for employees on the rolls at that time and for new employees within 30 days of their entrance on duty. Special Government employees will complete duplicate copies of the forms in appendix A at the time of entrance on duty. All other employees required to file Statements of Employment and Financial Interests will complete duplicate copies of the form in appendix B. The completed original of these forms will be sent to the Director of Personnel in a sealed envelope marked on the outside "Confidential Statement Enclosed." The duplicate copy will be retained by the employee. The Personnel Division shall retain files of the Statements of Employment and Financial Interests.

§ 1600.735—403 Review of statement of employment and financial interests.

The Director of Personnel shall review these statements for the purpose of disclosing any conflict of interest or apparent conflict of interest. If such conflict between the interests of an employee or special Government employee and the performance of his services for the Government are found, they shall be brought to the attention of the employee or special Government employee and he shall be granted the opportunity to explain the conflict and attempt to resolve it. If the indicated conflict cannot be resolved, the Director of Personnel should submit a written report with the recommendation for appropriate remedial action to the Chairman through the General Counsel.

§ 1600.735—404 Supplementary statements.

Changes in, or additions to, the information contained in an employee's Statement of Employment and Financial Interests shall be reported in a supplementary statement as of June 30 each year. If no changes or additions occur, a negative report is required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts of interest provisions of 18 U.S.C. 208 or this part.

§ 1600.735—405 Interests of employees' relatives.

The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's immediate household" means those blood relations who are residents of the employee's household.

§ 1600.735—406 Information not known by employees.

If any information required to be included interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

§ 1600.735—407 Information not required.

This subpart does not require an employee to submit on a statement of employment and financial interests or supplementary statement any information relating to the employee's connection with, or interest in a professional society or a charitable, religious, social, fraternal, recreational public service, civil, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

§ 1600.735-408 Confidentiality of employees' statements.

The agency shall hold each Statement of Employment and Financial Interests, and each supplementary statement, in confidence. The Director of Personnel or other employee authorized to review or retain a statement are responsible for maintaining them in confidence and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of this part. The agency may not disclose information from a statement except as the Civil Service Commission or the Chairman, EEOC, may determine for good cause shown.

§ 1600.735–409 Effect of employees' statements on other requirements.

The Statements of Employment and Financial Interests and supplementary statements are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

PART 1601—PROCEDURAL REGULATIONS

Sec.
1601.1 Purpose.

Subpart A—Definitions

1601.2 Terms defined in Title VII of the Civil Rights Act of 1964.
1601.3 Title VII: Commission.
1601.4 Region; subregion.

Subpart B—Procedure for the Prevention of Unlawful Employment Practices

1601.5 Submission of information.
1601.6 Charges by aggrieved persons.
1601.7 Where to file.
1601.8 Forms; jurat.
1601.9 Withdrawal of charge by an aggrieved person.
1601.10 Charges by members of the Commission.
1601.11 Contents; amendment.
1601.12 Referrals to State and local authorities.
1601.13 Service of charge.

Investigation of a Charge

1601.14 By whom made.
1601.15 Documentary evidence to be produced by a respondent.

Sec.
1601.16 Witnesses.
1601.17 Payment of witness fees and mileage.
1601.18 Right to inspect or copy data.

Procedure Following Filing of Charge

1601.19 Dismissal of charge.
1601.19a Field Directors' findings of fact.
1601.19b Exceptions to Field Directors' findings of fact.
1601.19c Predecision procedure.
1601.19d Determination as to reasonable cause.
1601.20 Confidentiality.

Procedure To Rectify Unlawful Employment Practices

1601.22 Conciliation; settlements.
1601.23 Refusal of respondent to cooperate.
1601.24 Confidentiality of endeavors.

Procedure After Failure of Conciliation

1601.25 Notice to respondent and aggrieved person.
1601.25a Processing of cases; when notice issues under § 1601.25.
1601.25b Issuance of notice in cases involving Commissioner Charges.
1601.26 Referral to the Attorney General.

Subpart C—Notices to employees, applicants for employment and union members

1601.27 Notices to be posted.

Subpart D—Interpretations and opinions by the Commission

1601.28 Request for interpretation or opinion; who may file.
1601.29 Contents of request; where to file.
1601.30 Issuance of interpretation or opinion.

Subpart E—Construction of rules

1601.31 Rules to be liberally construed.

Subpart F—Issuance, amendment, or repeal of rules

1601.32 Petitions.
1601.33 Action on Petition.

AUTHORITY: The provisions of this Part 1601 are issued under sec. 813, 78 Stat. 265; 42 U.S.C. 2000e–12.

SOURCE: The provisions of this Part 1601 appear at 30 F.R. 8401, July 1, 1965, unless otherwise noted.

§ 1601.1 Purpose.

The regulations set forth in this Part 1601 contain the procedures established by the Equal Employment Opportunity Commission for carrying out its responsibilities in the administration and enforcement of Title VII of the Civil Rights Act of 1964. Based upon its experience in the administration of the Act and upon its evaluation of suggestions and petitions for amendments submitted by interested persons in accordance with § 1601.32, the Commission may from time to time amend and revise these procedures.

Subpart A—Definitions

§ 1601.2 Terms defined in Title VII of the Civil Rights Act of 1964.

The terms "persons," "employer," "employment agency," "labor organization," "employee," "commerce," "industry affecting commerce," and "State" as used herein shall have the meanings set forth in section 701 of Title VII of the Civil Rights Act of 1964.

§ 1601.3 Title VII: Commission.

The term "Title VII" as used herein shall mean Title VII of the Civil Rights Act of 1964. The term "Commission" shall mean the Equal Employment Opportunity Commission or any of its designated representatives.

§ 1601.4 Region; subregion.

The term "region" as used herein shall mean that part of the United States or any territory thereof fixed by the Commission as a particular region. The term "subregion" shall mean that area within a region fixed by the Commission as a particular subregion.

Subpart B—Procedure for the Prevention of Unlawful Employment Practices

§ 1601.5 Submission of information.

The Commission will receive information concerning alleged violations of this title from any person. Where the information discloses that a person is entitled to file a charge with the Commission, the appropriate office will render him assistance in the filing of a charge. In the alternative, a member of the Commission may file a charge based upon the information, in accordance with § 1601.10.

§ 1601.6 Charges by aggrieved persons.

A charge that any person has engaged in or is engaging in an unlawful employment practice within the meaning of Title VII may be made by any person claiming to be aggrieved.

§ 1601.7 Where to file.

Such charge may be filed at the offices of the Commission in Washington, D.C., or at any of its field offices or with any designated representative of the Commission.

[34 F.R. 5602, Mar. 25, 1969]

§ 1601.8 Forms; jurat.

Such charge shall be in writing and signed and shall be sworn to before a notary public, designated representative of the Commission, or other person duly authorized by law to administer oaths and take acknowledgements. Charge forms are available to all persons from all offices of the Commission. Appropriate assistance in filing out forms will be rendered to aggrieved persons by personnel of the Commission.

§ 1601.9 Withdrawal of charge by an aggrieved person.

A charge filed by an aggrieved person may be withdrawn only with the consent of the Commission.

§ 1601.10 Charges by members of the Commission.

Any member of the Commission who has reasonable cause to believe that an unlawful employment practice within the meaning of title VII has occurred or is occurring may file a charge in writing with the Commission. If section 706(c) of title VII should be applicable, the Commission, before taking any action with respect to the charge, shall notify the appropriate State or local authority and offer to refer the charge to it. The Commission will allow the State or local authority a 10-day period to request an opportunity to act under its law except when EEOC notifies the appropriate authority in writing of a different time period.

[35 F.R. 18661, Dec. 9, 1970]

§ 1601.11 Contents; amendment.

(a) Each charge should contain the following:

(1) The full name and address of the person making the charge.

(2) The full name and address of the person against whom the charge is made (hereinafter referred to as the respondent).

(3) A clear and concise statement of the facts, including pertinent dates, constituting the alleged unlawful employment practice.

(4) If known, the approximate number of employees of the respondent employer or the approximate number of members of the respondent labor organization, as the case may be.

(5) A statement disclosing whether proceedings involving the alleged unlawful employment practice have been commenced before a State or local authority charged with the enforcement of fair employment practice laws, and, if so, the date of such commencement and the name of the authority.

(b) Notwithstanding the provisions of paragraph (a) of this section, a charge is deemed filed when the Commission receives from the person aggrieved a written statement sufficiently precise to identify the parties and to describe generally the action or practices complained of. A charge may be amended to cure technical defects or omissions, including failure to swear to the charge, or to clarify and amplify allegations made therein, and such amendments relate back to the original filing date. However, an amendment alleging additional acts, constituting unlawful employment practices not directly related to or growing out of the subject matter of the original charge will be permitted only where at the date of the amendment the allegation could have been timely filed as a separate charge.

[31 F.R. 10269, July 29, 1966]

§ 1601.12 Referrals to State and local authorities.

(a) In order to give full weight to the policy of section 706(b) of the Act which affords State and local fair employment practice agencies that fall within the provisions of that section an opportunity to resolve disputes involving alleged discrimination concurrently regulated by Title VII of the Civil Rights Act of 1964 and State or local law, the Equal Employment Opportunity Commission adopts the following procedures with respect to allegations of discrimination filed with the Commission where there is no evidence that such allegations were earlier presented to the State or local agency. It is the intent of the Commission to thereby encourage the maximum degree of effectiveness in the State and local agencies. The Commission shall endeavor to maintain close communication with the State and local agencies with respect to all matters forwarded to such agencies and shall provide such assistance to the State or local agency as is permitted by law and is practicable. It is the experience of the Commission that because of the complexities of the present procedures, persons who seek the aid of the Commission are often confused and even risk loss of the protection of the Act. Accordingly, it is the intent of the Commission to simplify filing procedures for parties in deferral States and localities, and thereby avoid the accidental forfeiture of important Federal rights.

(b) The following procedures shall be followed with respect to cases arising in the localities to which the Commission defers:

(1) Any document, whether or not verified, filed at any field office of the Equal Employment Opportunity Commission or at Washington, D.C., which may constitute a charge cognizable under title VII, shall be deferred to the appropriate State or local agency pursuant to the procedures set forth below.

(i) All such documents shall be date and time stamped on receipt.

(ii) A copy of the original document shall be transmitted by the registered mail, return receipt requested, to the appropriate State or local agency.

(iii) The aggrieved party shall be notified, in writing, that the document which he sent to the Commission has been forwarded to the State or local agency pursuant to the provisions of section 706(b), and that unless the Commission is notified to the contrary, on the termination of State or local proceedings, or after 60 days have passed, whichever comes first, the Commission will consider the charge to be filed with the Commission and commence processing the case. Where the State or local agency terminates its proceedings within 60 days of the date of receipt of the document without notification to the Commission of such action, the date on which the aggrieved party is notified of the termination of the State or local action shall be deemed to be the date that the document was filed as a charge with the Commission.

(iv) The 60-day period shall be deemed to have commenced on the receipt of the document by the State or local agency as evidenced by the date indicated on the return receipt. On notification of termination of State proceedings or the expiration of 60 days, whichever comes first, the Commission will consider the charge to be filed with the Commission and commence processing the case.

(v) In cases where the document is filed with the Commission more than 150 days following the alleged act of discrimination but less than 210 days therefrom, the case shall be deferred pursuant to procedures set forth above: *Provided, however*, That unless the Commission is earlier notified of the termination of the State or local proceeding, the Commission will consider the charge to be filed with the Commission on the 209th day following the alleged discrimination and will commence processing the case. Where the State or local action shall be deemed to be the date that the document was filed as a charge with the Commission.

[33 F.R. 16408, Nov. 8, 1968]

§ 1601.13 Service of charge

Upon the filing of a charge or the amendment of a charge, the Commission shall furnish the respondent with a copy thereof by certified mail or in person.

[31 F.R. 10269, July 29, 1966]

Investigation of a Charge

§ 1601.14 By whom made.

The investigation of a charge shall be made by the Commission. During the course of such investigation, the Commission may utilize the services of State and local agencies which are charged with the administration of fair employment practice laws or appropriate Federal agencies. As a part of each investigation, the charging party and the respondent shall each be offered an opportunity to submit a statement of its position or evidence with respect to the allegations.

[35 F.R. 3163, Feb. 19, 1970; 35 F.R. 10110, June 19, 1970]

§ 1601.15 Documentary evidence to be produced by a respondent.

To effectuate the purposes of Title VII, the Commission may demand in writing that the respondent produce or permit access to, for the purpose of examination and copying, evidence described in the demand. Such demand shall (a) disclose the relationship to the Commission of the person before whom such production shall be made or to whom access shall be permitted, and (b) fix the time and place for such production or access within the State wherein the evidence is kept. If there be noncompliance with any such demand, the Commission may utilize the procedures of section 710 of Title VII to compel compliance.

§ 1601.16 Witnesses.

To effectuate the purposes of Title VII, the Commission may demand in writing that a person appear at a stated time and place within the State in which such person resides, transacts business, or is served with the demand, for the purpose of testifying under oath before the Commission or its representative. If there be noncompliance with any such demand, the Commission may utilize the procedures of section 710(b) of Title VII to compel such person to testify. A transcript of testimony may be made a part of the record of each investigation.

§ 1607.17 Payment of witness fees and mileage.

Witnesses who testify as provided above shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

§ 1601.18 Right to inspect or copy data.

A person who submits data or evidence to the Commission may retain or, on payment of lawfully prescribed costs, procure a copy or transcript thereof, except that a witness may for good cause be limited to inspection of the official transcript of his testimony.

Procedure Following Filing of Charge[1]

NOTE: Amendments made 35 F.R. 3163, February 19, 1970 re charges shall be applicable with respect to charges presently pending in which the investigation had not been completed by February 19, 1970; 35 F.R. 10110, June 19, 1970.

§ 1601.19 Dismissal of charge.

Where the allegations of a charge on its face, or as amplified by the statements of the charging party to the Commission, disclose that the charge is not timely filed or otherwise fails to state a valid claim for relief under Title VII, the Commission, through the Director of the Field Office where the charge is lodged, may dismiss the charge without further action. Charging party and respondent where the charge has been served, shall be notified in writing of the disposition of the charge together with the reasons therefor. Objections to such dismissal will be considered by the Commission, when filed in writing at its headquarters in Washington, D.C., within twenty (20) days of receipt of the Field Director's notice of dismissal.

[35 F.R. 3163, Feb. 19, 1970]

§ 1601.19a Field Director's findings of fact.

Upon completion of an investigation, the Field Director will cause to be prepared and served upon the parties his findings of fact in the case, which shall contain findings of fact and a summary of the evidence upon which such findings are based.

[35 F.R. 3163, Feb. 19, 1970, as amended at 35 F.R. 10110, June 19, 1970]

§ 1601.19b Exceptions to Field Director's findings of fact.

(a) Within fifteen (15) days, or within such further period as the Field Director may allow, from the date of service of the Field Director's findings of fact, the parties may file such exceptions to the Field Director's findings of fact, objections, briefs and evidnce in support thereof as they desire. When requested by a person not represented by counsel, assistance in the preparation of exceptions to the Field Director's findings of fact will be provided by personnel of the Field Office as deemed practicable by the Field Director.

(b) Each exception shall:

(1) Set forth the specific procedure, finding, policy, or interpretation of law or fact to which objection is taken;

(2) Identify any and all parts of the Field Director's findings of fact to which exception is taken by reference to the precise page and paragraph of the determination;

(3) State the grounds for the exception, including the citation to any authority relied upon, and a description of any factual circumstance or interpretation of facts upon which reliance is placed.

(c) Any exception to findings which is not specifically urged may be deemed waived. Any exception which fails to comply with the requirements set forth in paragraph (b) of this section may be disregarded.

(d) Within five (5) days from the date of this filing of exceptions, or within such further period as the Field Director allows, cross exceptions may be filed in the manner set forth in paragraph (b) of this section.

(e) All such exceptions and cross exceptions shall be accompanied by proof of service on all parties. The Field Director may perfect service as deemed practicable.

[35 F.R. 3163, Feb. 19, 1970]

§ 1601.19c Predecision procedure.

Following the issuance of the Field Director's findings of fact and the receipt of exceptions if any, the Field Director may invite the parties to engage in settlement discussions. Should settlement be reached, the terms thereof will be reduced to writing and shall be signed by the parties and, if approved by the Field Director, forwarded to the Commission for approval and such further action as may be appropriate. In the event no settlement is attempted or reached, the Field Director shall, upon consideration of exceptions, objections, briefs and evidence submitted under § 1601.19b, either cause the charges to be reinvestigated, issue his redetermination of fact based thereon, or forward the full investigation file to the Commission for determination as to reasonable cause.

---

[1] 35 F.R. 3163, Feb. 19, 1970.

[35 F.R. 3163, Feb. 19, 1970]

§ 1601.19d Determination as to reasonable cause.

(a) Following receipts of the full investigative file, the Commission shall consider and decide the issues presented and serve a copy of its decision upon the parties. If the Commission determines that the charge fails to state a valid claim for relief under title VII, or that there is not reasonable cause to believe that a charge is true, the Commission shall dismiss the charge. Where, however, the Commission determines that there is reasonable cause to believe that an unlawful employment practice has occurred or is occurring, it shall endeavor to eliminate such practice by informal methods of conference, conciliation, and persuasion.

(b) The Commission shall promptly notify the charging party, the respondent and, in the case of a charge filed under § 1601.10, the person aggrieved, if known, of its determination under paragraph (a) of this section. The Commission's determination is final when issued; therefore, requests for reconsideration will not be granted. The Commission may, however, on its own motion, reconsider its determination at any time and, when it does so, the Commission shall promptly notify the charging party, the respondent and, in the case of a charge filed under § 1601.10, the person aggrieved, if known, of its intention to reconsider its determination, and of its subsequent decision on reconsideration.

(c) Where a member of the Commisison has filed a charge under § 1601.10, he shall not participate in the determination in that case.

(d) Notwithstanding any other provision in this part, where the allegations of a charge on its face, or as amplified by the statements of the charging party to the Commission, disclose that the charge is not timely filed or otherwise fails to state a valid claim for relief under title VII, the Commission may dismiss the case without further action, but it shall notify the charging party, and the respondent if the charge has been served, in writing of its disposition of the case and the reasons therefor. The Commission's dismissal of a charge becomes final when issued; therefore, requests for reconsideration will not be granted. The Commission may, however, on its own motion, reconsider such dismissal at any time and, if it does so, the Commission shall promptly notify the charging party, and the respondent if the charge has been served, of its decision.

[35 F.R. 3163, Feb. 19, 1970]

§ 1601.20 Confidentiality.

Neither a charge, nor information obtained pursuant to section 709(a) of Title VII, nor information obtained from records required to be kept or reports required to be filed pursuant to sections 709 (c) and (d) of said Title, shall be made matters of public information by the Commission prior to the institution under the title of a court proceeding involving such charge or information. This provision does not apply to such earlier disclosures to the charging party, the respondent, witnesses, and representatives of interested Federal, State, and local agencies as may be appropriate or necessary to the carrying out of the Commission's functions under the title, nor to the publication of data derived from such information in a form which does not reveal the identity of the charging party, respondent, or person supplying the information.

Procedure to Rectify Unlawful Employment Practices

§ 1601.22 Conciliation; settlements.

In conciliating a case in which a determination of reasonable cause has been made, the Commission shall attempt to achieve a just resolution and to obtain assurances that the respondent will eliminate the unlawful employment practice and take appropriate affirmative action. Disposition of a case pursuant to this section shall be in writing, and notice thereof shall be sent to the parties. Proof of compliance with Title VII will be obtained by the Commission before the case is closed.

[31 F.R. 10270, July 29, 1966]

§ 1601.23 Refusal of respondent to cooperate.

Should a respondent fail or refuse to confer with the Commission or its representative, or fail or refuse to make a good faith effort to resolve any dispute, the Commission may terminate its efforts to conciliate the dispute. In such event, the respondent shall be notified promptly, in writing, that such efforts have been unsuccessful and will not be resumed except upon the respondent's written request within the time specified in such notice.

§ 1601.24 Confidentiality of endeavors.

Nothing that is said or done during and as a part of the endeavors of the Commission to eliminate unlawful employment practices by informal methods of conference, conciliation, and persuasion may be made a matter of public information by the Commission without the written consent of the parties, or used as evidence in a subsequent proceeding.

Procedure After Failure of Conciliation

§ 1601.25 Notice to respondent and aggrieved person.

In any instance in which the Commission is unable to obtain voluntary compliance as provided by Title VII it shall so notify the respondent and the aggrieved person or persons. Notification to an aggrieved person shall include:

(a) A copy of the charge.

(b) A copy of the Commission's determination of reasonable cause.

(c) Advice concerning his right to proceed in court under section 706(e) or Title VII.

§ 1601.25a Processing of cases; when notice issues under § 1601.25.

(a) The time for processing all cases is extended to sixty (60) days except insofar as proceedings may be earlier terminated pursuant to § 1601.19d.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Commission shall not issue a notice pursuant to § 1601.25 prior to a determination under § 1601.19d, or where reasonable cause has been found, prior to efforts at conciliation with respondent, except as provided in paragraph (c) of this section.

(c) At any time after the expiration of sixty (60) days from the date of the filing of a charge, or upon dismissal of the charge at any stage of the proceedings, or upon the expiration of the time for filing objections to dismissal by the Field Director pursuant to § 1601.19, the charging party or the respondent may demand in writing that a notice issue pursuant to § 1601.25, and the Commission shall promptly issue such notice, with copies to all parties.

(d) Issuance of notice pursuant to paragraph (c) of this section shall suspend further Commission proceedings unless the Field Director determines that it is in the public interest to continue such proceedings, or unless, within twenty (20) days after receipt of such notice, a party requests the Field Director, in writing, to continue to process the case.

[35 F.R. 3164, Feb. 19, 1970; 35 F.R. 1011, June 19, 1970]

§ 1601.25b Issuance of notice in cases involving Commissioner Charges

(a) Section 706(e) of the Civil Rights Act of 1964, provides that in cases involving Commissioner Charges when the Commission has been unable to secure voluntary compliance with the Act, the Commission shall notify any person whom the charges alleged was aggrieved by the alleged unlawful employment practices of his right to sue in a Federal District Court. To come within the purview of this section an individual may either be specifically designated by name or be among the class of persons aggrieved by the practices complained of in the charge. Accordingly, in cases involving Commissioner Charges, the Commission will follow the procedures outlined in paragraphs (b), (c), (d), and (e) of this section.

(b) The Commission shall not issue any Notice-of-Right-to-Sue prior to a determination on the merits, except as provided in paragraph (d) of this section. Furthermore, where the Commission has found reasonable cause, the Commission shall not issue such notice prior to failure of the Commission's conciliation efforts, except as provided in paragraph (d) of this section.

(c) Where the Commission has found reasonable cause but has been unable to obtain voluntary compliance with title VII, the Commission shall so notify the respondent and all identifiable members of the class aggrieved by the practices complained of in the charge. Notification to aggrieved members of the class shall include the following:

(1) A copy of the charge;

(2) A copy of the Commission decision;

(3) Advice concerning his right to proceed in court under section 706(e) of title VII.

(d) At any time after 60 days have expired since the charge was filed, any member of the class aggrieved by the practices alleged in the charge, or any respondent named in the charge, may demand in writing that a Notice-of-Right-to-Sue issue, and the Commission shall promptly issue such Notice-of-Right-to-Sue, pursuant to paragraph (c) of this section.

(e) Issuance of a notice pursuant to paragraph (d) of this section does not terminate the Commission's jurisdiction of the proceeding and the case shall continue to be processed.

[35 F.R. 10006, June 18, 1970]

§ 1601.26 Referral to the Attorney General.

If the Commission is unable to obtain voluntary compliance, it may inform the Attorney General of appropriate facts in the case with recommendations for intervention by him in a civil action previously instituted by an aggrieved party under section 706 of Title VII, and the Commission may make public the fact that it has so recommended to the Attorney General. The Commission may further recommend to the Attorney General that he institute a civil action under section 707 of said title involving a pattern or practice of resistance to the full enjoyment of any of the rights secured by said title.

Subpart C—Notices to Employees, Applicants for Employment and Union Members

§ 1601.27 Notices to be posted.

(a) Every employer, employment agency, labor organization, and joint labor-management committee controlling an apprenticeship or other training program, as the case may be, shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment, members, and trainees are customarily posted the following notice:

Equal Employment Opportunity is the Law.

Discrimination is prohibited by the Civil Rights Act of 1964 and by Executive Order Number 11246.

Title VII of the Civil Rights Act of 1964—*Administered by* the Equal Employment Opportunity Commission prohibits discrimination because of race, color, religion, sex or national origin by employers with 75 or more employees, by labor organizations with a hiring hall or 75 or more members, by employment agencies, and by Joint Labor-Management Committees for Apprenticeship or Training. After July 1, 1967, employers and labor organizations with 50 or more employees or members will be covered; after July 1, 1968, those with 25 or more will be covered.

Any person who believes he or she has been discriminated against should contact the Equal Employment Opportunity Commission, 1800 G Street NW., Washington, D.C. 20506.

Executive Order Number 11246—*Administered by* the Office of Federal Contract Compliance prohibits discrimination because of race, color, creed or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

By all Federal Government contractors and subcontractors, and by contractors performing work under a federally assisted construction contract, regardless of the number of employees in either case.

Any person who believes he or she has been discriminated against should contact the Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210.

(b) Copies of such notice may be obtained on request from the Commission.

(c) Section 711(b) of Title VII makes failure to comply with this section punishable by a fine of not more than $100 for each separate offense.

[31 F.R. 9004, June 30, 1966]

Subpart D—Interpretations and opinions by the Commission

§ 1601.28 Request for interpretation or opinion; who may file.

Any interested person desiring a written interpretation or opinion from the Commission may make a request therefor.

§ 1601.29 Contents of request; where to file.

A request for an "opinion letter" shall be in writing, signed by the person making the request, addressed to the Chairman, Equal Employment Opportunity Commission, Washington, D.C., and shall contain:

(a) The names and addresses of the person making the request and of other interested persons.

(b) A statement of all known relevant facts.

(c) A statement of reasons why the interpretation or opinion should be issued.

§ 1601.30—Issuance of interpretation or opinion.

Only (a) a letter entitled "opinion letter" and signed by the General Counsel on behalf of the Commission or (b) matter published and so designated in the FEDERAL REGISTER may be considered a "written interpretation or opinion of the Commission" within the meaning of section 713 of Title VII.

Subpart E—Construction of rules

§ 1601.31 Rules to be liberally construed.

The rules and regulations in this part shall be liberally construed to effectuate the purpose and provisions of Title VII.

Subpart F—Issuance, amendment, or repeal of rules

§ 1601.32 Petitions.

Any interested person may petition the Commission, in writing, for the issuance, amendment, or repeal of a rule or regulation. An original and 12 legibly duplicated (not carbon) copies of such petition shall be filed with the Commission in Washington, D.C., and shall state the rule or regulation proposed to be issued, amended, or repealed, together with a statement of grounds in support of such petition.

§ 1601.33 Action on petition.

Upon the filing of such petition, the Commission shall consider the same and may thereupon either grant or deny the petition in whole or in part, conduct an appropriate proceeding thereon, or make other disposition of the petition. Should the petition be denied in whole or in part, prompt notice shall be given of the denial, accompanied by a simple statement of the grounds unless the denial be self-explanatory.

PART 1602—RECORDS AND REPORTS

Sec.
1602.1 General.

Subpart A—Procedure

1602.2 Initiating a proceeding.
1602.3 Notice of a proceeding.
1602.4 Procedure governing public hearings.
1602.5 Decision.
1602.6 Effective date of record keeping and reporting rules.

Subpart B—Employer Information Report

1602.7 Requirement for filing of report.
1602.8 Penalty for making of willfully false statements on report.
1602.9 Commission's remedy for employer's failure to file report.
1602.10 Employer's exemption from reporting requirements.
1602.11 Additional reporting requirements.

Subpart C—Recordkeeping by Employers

1602.12 Records to be made or kept.
1602.13 Records as to racial or ethnic identity of employees.
1602.14 Preservation of records made or kept.

Subpart D—Apprenticeship Information Report

1602.15 Requirement for filing and preserving copy of report.
1602.16 Penalty for making of willfully false statements on report.
1602.17 Commission's remedy for failure to file report.
1602.18 Exemption from reporting requirements.
1602.19 Additional reporting requirements.

Subpart E—Apprenticeship Recordkeeping

1602.20 Records to be made or kept.
1602.21 Preservation of records made or kept.

Subpart F—Local Union Equal Employment Opportunity Report

1602.22 Requirements for filing and preserving copy of report.
1602.23 Penalty for making of willfully false statements on reports.
1602.24 Commission's remedy for failure to file report.
1602.25 Exemption from reporting requirements.
1602.26 Additional reporting requirements.

Subpart G—Recordkeeping by Labor Organizations

1602.27 Records to be made or kept.
1602.28 Preservation of records made or kept.

Subpart H—Records and Inquiries as to Race, Color, National Origin, or Sex

1602.29 Applicability of State or local law.

AUTHORITY: The provisions of this Part 1602 issued under sections 709, 713, 78 Stat. 263, 265; 42 U.S.C. 2000e-8, 2000e-12.

§ 1602.1 General.

(a) Section 709 of Title VII requires the Commission to establish regulations pursuant to which employers labor organizations, joint labor-management committees, and employment agencies subject to said Title shall make and preserve certain records and shall furnish specified information to aid in the administration and enforcement of the Title.

(b) This Part 1602 sets forth the procedure to be used by the Commission in establishing, amending and revoking such regulations, and by future amendments will set forth regulations so established.

[30 F.R. 8409, July 1, 1965]

Subpart A—Procedure

SOURCE: The provisions of this Subpart A appear at 30 F.R. 8409, July 1, 1965; 31 F.R. 2832, Feb. 17, 1966, unless otherwise noted.

§ 1602.2 Initiating a proceeding.

The Commission, on its own motion, or upon the petition of an interested person submitted as provided in § 1601.32 of this chapter, may initiate a proceeding to make, amend, or revoke regulations requiring persons subject to Title VII to make or keep records or to provide information in accordance with section 709.

§ 1602.3 Notice of a proceeding.

(a) Notice of the institution of a proceeding shall be published in the FEDERAL REGISTER. Such notice shall (1) refer to section 709 as authority for the proposed regulations and direct attention to this Part 1602 governing the procedure; (2) contain the terms or substance of the proposed regulations; and (3) invite interested persons (i) to participate in a public hearing to be held with respect to the proposed regulations, specifying the time and place that such hearing shall commence and information that must be submitted earlier by persons desiring to participate, and (ii) to submit pertinent written data, views, and argument by means other than participation in a hearing, specifying the time and place for such submission.

(b) The Commission may also give additional notice of the initiation of a proceeding as it may deem necessary or appropriate.

§ 1602.4 Procedure governing public hearings.

A hearing under § 1602.3 shall be conducted by a member of the Commission or its designated representative who shall have authority to administer oaths and affirmations. Such hearing shall be stenographically reported, and transcripts shall be made available to interested persons upon such terms as the Commission may provide. Matter which the Commission may wish to be made a part of the record shall be presented at the hearing by an attorney designated by the Commission who may call and examine witnesses, and cross-examine witnesses called by other persons. Subject to such limitations as the presiding officer may impose to limit the record to pertinent matter, every interested person shall be afforded the opportunity to offer evidence through witnesses, to cross-examine witnesses called by others, and to present argument. The presiding officer shall regulate the course of the hearing and shall dispose of procedural requests, objections and comparable matter. The presiding officer shall also have power to call and examine witnesses, to govern the control of the record, to exclude persons from the hearing room for good cause, and, upon the conclusion of the testimony, to keep the hearing open for a stated reasonable time in order to receive written proposals and supporting reasons.

§ 1602.5 Decision.

After the close of the hearing and the receipt of materials under § 1602.3(a)(3)(ii), the Commission shall carefully consider all matters presented to it and any other matter available, and shall thereafter make a final decision adopting, rejecting, or modifying the proposed regulation. The decision shall be expressed in a document signed by the Chairman of the Commission on behalf of the Commission and shall be published in the Federal Register as an amendment to this Part 1602.

§ 1602.6 Effective date of record keeping and reporting rules.

the Commission relieves a restriction, it shall provide an effective date for the change of not less than 30 days after the date of its publication in the Federal Register unless a shorter time is provided for good cause found and expressed in the document.

Subpart—Employer information report

SOURCE: The provisions of this Subpart B appear at 31 F.R. 2833, Feb. 17, 1966, unless otherwise noted.

§ 1602.7 Requirement for filing of report.

On or before March 31, 1967, and annually thereafter, every employer subject to Title VII of the Civil Rights Act of 1964 which meets the 100-employee test set forth in section 701(b) thereof shall file with the Commission or its delegate executed copies of Standard Form 100, as revised (otherwise known as "Employer Information Report EEO-1") in conformity with the directions set forth in the form and accompanying instructions. Notwithstanding the provisions of § 1602.14, every such employer shall retain at all times at each reporting unit, or at company or divisional headquarters, a copy of the most recent report filed for each such unit and shall make the same available if requested by an officer, agent, or employee of the Commission under the authority of section 710(a) of Title VII. Appropriate copies of Standard Form 100 in blank will be supplied to every employer known to the Commission to be subject to the reporting requirements, but it is the responsibility of all such employers to obtain necessary supplies of same prior to the filing date from the Joint Reporting Committee, Federal Depot, 1201 East 10th Street, Jeffersonville, Ind. 47130.

[31 F.R. 16780, Dec. 31, 1966]

§ 1602.8 Penalty for making of willfully false statements on report.

The making of willfully false statements on Report EEO-1 is a violation of the United States Code, Title 18, section 1001, and is punishable by fine or imprisonment as set forth therein.

§ 1602.9 Commission's remedy for employer's failure to file report.

Any employer failing or refusing to file Report EEO-1 when required to do so may be compelled to file by order of a U.S. District Court, upon application of the Commission.

§ 1602.10 Employer's exemption from reporting requirements.

If an employer is engaged in activities for which the reporting unit criteria described in section 4(c) of the Instructions are not readily adaptable, special reporting procedures may be required. In such case, the employer should so advise by submitting to the Commission or its delegate a specific proposal for an alternative reporting system prior to the date on which the report is due. If it is claimed the preparation or filing of the report would create undue hardship, the employer may apply to the Commission for an exemption from the requirements set forth in this part.

§ 1602.11 Additional reporting requirements.

The Commission reserves the right to require reports, other than that designated as the Employer Information Report EEO-1, about the employment practices of individual employers or groups of employers whenever, in its judgment, special or supplemental reports are necessary to accomplish the purposes of Title VII. Any system for the requirement of such reports will be established in accordance with the procedures referred to in section 709(c) of Title VII and as otherwise prescribed by law.

Subpart C—Recordkeeping by employers

SOURCE: The provisions of this Subpart C appear at 31 F.R. 2833, Feb. 17, 1966, unless otherwise noted.

§ 1602.12 Records to be made or kept.

The Commission has not adopted any requirement, generally applicable to employers, that records be made or kept. It reserves the right to impose record-keeping requirements upon individual employers or groups of employers subject to its jurisdiction whenever, in its judgment, such records (a) are necessary for the effective operation of the EEO-1 reporting system or of any special or supplemental reporting system as described above; or (b) are further required to accomplish the purposes of Title VII. Such record-keeping requirements will be adopted in accordance with the procedures referred to in section 709 (c), and as otherwise prescribed by law.

§ 1602.13 Records as to racial or ethnic identity of employees.

Employers may acquire the information necessary for completion of Items 5 and 6 of Report EEO-1 either by visual surveys of the work force, or at their option, by the maintenance of post-employment records as to the identity of employees where the same is permitted by State law. In the latter case, however, the Commission recommends the maintenance of a permanent record as to the racial or ethnic identity of an individual for purpose of completing the report form only where the employer keeps such records separately from the employee's basic personnel form or other records available to those responsible for personnel decisions, e.g., as part of an automatic data processing system in the payroll department.

§ 1602.14 Preservation of records made or kept.

(a) Unless the employer is subject to a State or local fair employment practice law or regulation governing the preservation of records and containing requirements inconsistent with those stated in this part, any personnel or employment record made or kept by an employer (including but not necessarily limited to application forms submitted by applicants and other records having to do with hiring, promotion, demotion, transfer, layoff or termination, rates of pay or other terms of compensation, and selection for training or apprenticeship) shall be preserved by the employer for a period of 6 months from the date of the making of the record or the personnel action involved, whichever occurs later. In the case of involuntary termination of an employee, the personnel records of the individual terminated shall be kept for a period of 6 months from the date of termination. Where a charge of discrimination has been filed, or an action brought by the Attorney General, against an employer under Title VII, the respondent employer shall preserve all personnel records relevant to the charge or action until final disposition of the charge or the action. The term "personnel records relevant to the charge," for example, would include personnel or employment records relating to the charging party and to all other employees holding positions similar to that held or sought by the charging party; and application forms or test papers completed by an unsuccessful applicant and by all other candidates for the same position as that for which the charging party applied and was rejected. The date of "final disposition of the charge or the action" means the date of expiration of the statutory period within which a charging party may bring an action in a U.S. District Court or, where an action is brought against an employer either by a charging party or by the Attorney General, the date on which such litigation is terminated.

(b) The requirements of this section shall not apply to application forms and other pre-employment records of applicants for positions known to applicants to be of a temporary or seasonal nature.

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Subpart D—Apprenticeship information report

SOURCE: The provisions of this Subpart D appear at 32 F.R. 10650, July 20, 1967, unless otherwise noted.

§ 1602.15 Requirement for filing and preserving copy of report.

On or before September 30, 1967, and annually thereafter, certain joint labor-management committees subject to Title VII of the Civil Rights Act of 1964 which control apprenticeship programs shall file with the Commission, or its delegate, executed copies of Apprenticeship Information Report EEO-2 in conformity with the directions set forth in the form and accompanying instructions. The committees covered by this regulation are those which (a) have five or more apprentices enrolled in the program at any time during August and September of the reporting year and (b) represent at least one employer sponsor and at least one labor organization sponsor which are themselves subject to Title VII. Every such committee shall retain at all times among the records maintained in the ordinary course of its affairs a copy of the most recent report filed, and shall make the same available if requested by an officer, agent or employee of the Commission under the authority of section 710(a) of Title VII. It is the responsibility of all such committees to obtain from the Commission or its delegate necessary supplies of the form.

§ 1602.16 Penalty for making of willfully false statements on report.

The making of willfully false statements on Report EEO-2 is a violation of the U.S. Code, Title 18, section 1001, and is punishable by fine or imprisonment as set forth therein.

§ 1602.17 Commission's remedy for failure to file report.

Any person failing or refusing to file Report EEO-2 when required to do so may be compelled to file by order of a U.S. District Court, upon application of the Commission, under authority of section 710(b) of Title VII.

§ 1602.18 Exemption from reporting requirements.

If it is claimed the preparation or filing of Report EEO-2 would create undue hardship, the committee may apply to the Commission for an exemption from the requirements set forth in this part.

§ 1602.19 Additional reporting requirements.

The Commission reserves the right to require reports, other than that designated as Report EEO-2, about apprenticeship procedures of joint labor-management committees, employers, and labor organizations whenever, in its judgment, special or supplemental reports are necessary to accomplish the purpose of Title VII. Any system for the requirement of such reports will be established in accordance with the procedures referred to in section 709(c) of Title VII and as otherwise prescribed by law.

Subpart E—Apprenticeship Recordkeeping

SOURCE: The provisions of this Subpart E appear at 32 F.R. 10650, July 20, 1967, unless otherwise noted.

§ 1602.20 Records to be made or kept.

(a) Every person required to file Report EEO-2 shall make or keep such records as are necessary for its completion under the conditions and circumstances set forth in the instructions accompanying the report, which are specifically incorporated herein by reference and have the same force and effect as other sections of this part.

(b) Every employer, labor organization, and joint labor-management committee subject to Title VII which controls an apprenticeship program (regardless of any joint or individual obligation to file a report) shall, beginning August 1, 1967, maintain a list in chronological order containing the names and addresses of all persons who have applied to participate in the apprenticeship program, including the dates on which such applications were received. (See section 709(c), Title VII, Civil Rights Act of 1964). Such list shall contain a notation of the sex of the applicant and of the applicant's identification as "Negro," "Spanish Surnamed American," "Oriental," "American Indian," or "Other." The methods of making such identification are set forth in the instructions accompanying Report EEO–2, section 7. The words "applied," "applicant" and "application" as used in this section refer to situations involving actual applications only. An applicant is considered to be a person who files a formal application, or in some informal way indicates a specific intention to be considered for admission to the apprenticeship program. A person who casually appears to make an informal inquiry about the program, or about apprenticeship in general, is not considered to be an applicant. The term "apprenticeship program" as used herein refers to programs described in section 8 of the instructions accompanying Report EEO–2.

(c) In lieu of maintaining the chronological list referred to in § 1602.20(b), persons required to compile the list may maintain on file written applications for participation in the apprenticeship program, provided that the application form contains a notation of the date the form was received, the address of the applicant, and a notation of the sex, and the race, color, or national origin of the applicant as described above.

[32 F.R. 10650, July 20, 1967 as amended by 33 F.R. 282, Jan. 9, 1968]

§ 1602.21 Preservation of records made or kept.

(a) Notwithstanding the provisions of section 1602.14, every person subject to § 1602.20 (b) or (c) shall preserve the list of applicants or application forms, as the case may be, for a period of 2 years from the date the application was received, except that in those instances where an annual report is required by the Commission calling for statistics as to the sex, and the race, color, or national origin of apprentices, the person required to file the report shall preserve the list and forms for a period of 2 years or the period of a successful applicant's apprenticeship, whichever is longer. Persons required to file Report EEO–2, or other reports calling for information about the operation of an apprenticeship program similar to that required on Report EEO–2, shall preserve any other record made solely for the purpose of completing such reports for a period of 1 year from the due date thereof.

(b) Other records: Except to the extent inconsistent with the law or regulation of any State or local fair employment practices agency, or of any other Federal or State agency involved in the enforcement of an antidiscrimination program in apprenticeship, other records relating to apprenticeship made or kept by a person required to file Report EEO–2, including but not necessarily limited to test papers completed by applicants for apprenticeship and records of interviews with applicants, shall be kept for a period of 2 years from the date of the making of the record. Where a charge of discrimination has been filed, or an action brought by the Attorney General under Title VII, the respondent shall preserve all records relevant to the charge or action until final disposition of the charge or the action. The term "records relevant to the charge," for example, would include applications, forms or test papers completed by an unsuccessful applicant and by all other candidates for the same position as that for which the charging party applied and was rejected. The date of "final disposition of the charge or the action" means the date of expiration of the statutory period within which a charging party may bring an action in a U.S. District Court or, where an action is brought either by a charging party or by the Attorney General, the date on which such litigation is terminated.

Subpart F—Local union equal employment opportunity report

SOURCE: The provisions of this Subpart F appear at 32 F.R. 10651, July 20, 1967, unless otherwise noted.

§ 1602.22 Requirements for filing and preserving copy of report.

On or before November 30, 1967, and annually thereafter, every labor organization subject to Title VII of the Civil Rights Act of 1964 shall file with the Commission or its delegate an executed copy of Local Union Equal Employment Opportunity Report EEO–3 in conformity with the directions set forth in the form and accompanying instructions, provided that the labor organization has 100 or more members at any time during the 12 months preceding the due date of the report, and is a "local union" (as that term is commonly understood) or an independent or unaffiliated union. Labor organizations required to report are those which perform, in a specific jurisdiction, the functions ordinarily performed by a local union, whether or not they are so designated. Every local union, or a labor organization acting in its behalf, shall retain at all times among the records maintained in the ordinary course of its affairs a copy of the most recent report filed, and shall make the same available if requested by an officer, agent, or employee of the Commission under the authority of section 710(a) of Title VII. It is the responsibility of all persons required to file to obtain from the Commission or its delegate necessary supplies of the form.

§ 1602.23 Penalty for making of willfully false statements on reports.

The making of willfully false statements on Report EEO–3 is a violation of the United States Code, Title 18, section 1001, and is punishable by fine or imprisonment as set forth herein.

§ 1602.24 Commission's remedy for failure to file report.

Any person failing or refusing to file Report EEO–3 when required to do so may be compelled to file by order of a U.S. District Court, upon application of the Commission, under authority of section 710(b) of Title VII.

§ 1602.25 Exemption from reporting requirements.

If it is claimed that the preparation or filing of Report EEO–3 would create undue hardship, the labor organization may apply to the Commission for an exemption from the requirements set forth in this part.

§ 1602.26 Additional reporting requirements.

The Commission reserves the right to require reports, other than that designated as Report EEO–3, about the membership or referral practices or other procedures of labor organizations, whenever, in its judgment, special or supplemental reports are necessary to accomplish the purposes of Title VII. Any system for requirement of such reports will be established in accordance with the procedures referred to in section 709(c), and as otherwise prescribed by law.

Subpart G—Recordkeeping by labor organizations

SOURCE: The provisions of this Subpart G appear at 32 F.R. 10651, July 20, 1967, unless otherwise noted.

§ 1602.27 Records to be made or kept.

Those portions of Report EEO–3 calling for information about union policies and practices and for the compilation of statistics on the race, color, national origin, and sex of members, persons referred, and apprentices, are deemed to be "records" within the meaning of section 709(c), Title VII, Civil Rights Act of 1964. Every local, independent, or unaffiliated union with 100 or more members (or any agent acting in its behalf, if the agent has responsibility for referral of persons for employment) shall make these records or such other records as are necessary for the completion of Report EEO–3 under the circumstances and conditions set forth in the instructions accompanying it, which are specifically incorporated herein by reference and have the same force and effect as other sections of this part.

§ 1602.28 Preservation of records made or kept.

(a) All records made by a labor organization or its agent solely for the purpose of completing Report EEO–3 shall be preserved for a period of 1 year from the due date of the report for which they were compiled. Unless subject to a State or local fair employment practices law or regulation governing the preservation of records inconsistent with those requirements stated in this part, any labor organization identified as a "referral union" in the instructions accompanying Report EEO–3, or agent thereof, shall preserve other membership or referral records (including applications for same) made or kept by it for a period of 6 months from the date of the making of the record. Where a charge of discrimination has been filed, or an action brought by the Attorney General, against a labor organization under Title VII, the respondent labor organization shall preserve all records relevant to the charge or acting until final disposition of the charge or the action. The date of "final disposition of the charge or the action" means the date of expiration of the statutory period within which a charging party may bring an action in a U.S. District Court, or, where an action is brought against a labor organization either by a charging party or by the Attorney General, the date on which such litigation is terminated.

(b) Nothing herein shall relieve any labor organization covered by Title VII of the obligations set forth in Subpart E, §§ 1602.20 and 1602.21, relating to the establishment and maintenance of a list of applicants wishing to participate in an apprenticeship program controlled by it.

Subpart H—Records and inquiries as to race, color, national origin, or sex

§ 1602.29 Applicability of State or local law.

The requirements imposed by the Equal Employment Opportunity Commission in these regulations, Subparts D through G, supersede any provisions of State or local law which may conflict with them. Any State or local laws prohibiting inquiries and recordkeeping with respect to race, color, national origin, or sex do not apply to inquiries required to be made under these regulations and under the instructions accompanying Reports EEO–2 and EEO–3.

[32 F.R. 10652, July 20, 1967]

PART 1604—GUIDELINES ON DISCRIMINATION BECAUSE OF SEX

Sec.
1604.1 Sex as a bona fide occupational qualification.

Sec.
1604.2 Separate lines of progression and seniority systems.
1604.3 Discrimination against married women.
1604.4 Job opportunities advertising.
1604.5 Employment agencies.
1604.6 Pre-employment inquiries as to sex.
1604.7 Relationship of Title VII to the Equal Pay Act.
1604.31 Pension and retirement plans.

AUTHORITY: The provisions of this Part 1604 are issued pursuant to Sec. 713(b), 78 Stat. 265; 42 U.S.C. 2000e-12.

SOURCE: The provisons of this Part 1604 appear at 30 F.R. 14927, Dec. 2, 1965, unless otherwise noted.

§ 1604.1 Sex as a bona fide occupational qualification.

(a) The Commission believes that the bona fide occupational qualification exception as to sex should be interpreted narrowly. Labels—"Men's jobs" and "Women's jobs"—tend to deny employment opportunities unnecessarily to one sex or the other.

(1) The Commission will find that the following situations do not warrant the application of the bona fide occupational qualification exception:

(i) The refusal to hire a woman because of her sex, based on assumptions of the comparative employment characteristics of women in general. For example, the assumption that the turnover rate among women is higher than among men.

(ii) The refusal to hire an individual based on stereotyped characterizations of the sexes. Such stereotypes include, for example, that men are less capable of assembling intricate equipment; that women are less capable of aggressive salesmanship. The principle of non-discrimination requires that individuals be considered on the basis of individual capacities and not on the basis of any characteristics generally attributed to the group.

(iii) The refusal to hire an individual because of the preferences of co-workers, the employer, clients or customers except as covered specifically in subparagraph (2) of this paragraph.

(iv) The fact that the employer may have to provide separate facilities for a person of the opposite sex will not justify discrimination under the bona fide occupational qualification exception unless the expense would be clearly unreasonable.

(2) Where it is necessary for the purpose of authenticity or genuineness, the Commission will consider sex to be a bona fide occupational qualification, e.g.. an actor or actress.

(b) (1) Many States have enacted laws or promulgated administrative regulations with respect to the employment of females. Among these laws are those which prohibit or limit the employment of females, e.g., the employment of females in certain occupations, in jobs requiring the lifting or carrying of weights exceeding certain prescribed limits, during certain hours of the night, or for more than a specified number of hours per day or per week.

(2) The Commission believes that such State laws and regulations, although originally promulgated for the purpose of protecting females, have ceased to be relevant to our technology or to the expanding role of the female worker in our economy. The Commission has found that such laws and regulations do not take into account the capacities, preferences, and abilities of individual females and tend to discriminate rather than protect. Accordingly, the Commission has concluded that such laws and regulations conflict with Title VII of the Civil Rights Act of 1964 and will not be considered a defense to an otherwise established unlawful employment practice or as a basis for the application of the bona fide occupational qualification exception.

[30 F.R. 14927, Dec. 2, 1965, as amended at 34 F.R. 13368, Aug. 19, 1969]

§ 1604.2 Separate lines of progression and seniority systems.

(a) It is an unlawful employment practice to classify a job as "male" or "female" or to maintain separate lines of progression or separate seniority lists based on sex where this would adversely affect any employee unless sex is a bona fide occupational qualification for that job. Accordingly, employment practices are unlawful which arbitrarily classify jobs so that:

(1) A female is prohibited from applying for a job labeled "male," or for a job in a "male" line of progression; and vice versa.

(2) A male scheduled for layoff is prohibited from displacing a less senior female on a "female" seniority list; and vice versa.

(b) A seniority system or line of progression which distinguishes between "light" and "heavy" jobs constitutes an unlawful employment practice if it operates as a disguised form of classification by sex, or creates unreasonable obstacles to the advancement by members of either sex into jobs which members of that sex would reasonably be expected to perform.

§ 1604.3 Discrimination against married women.

(a) The Commission has determined that an employer's rule which forbids or restricts the employment of married women and which is not applicable to married men is a discrimnation based on sex prohibited by Title VII of the Civil Rights Act. It does not seem to us relevant that the rule is not directed against all females, but only against married females, for so long as sex is a factor in the application of the rule, such application involves a discrimination based on sex.

(b) It may be that under certain circumstances, such a rule could be justified within the meaning of Section 703(e)(1) of Title VII. We express no opinion on this question at this time except to point out that sex as a bona fide occupational qualification must be justified in terms of the peculiar requirements of the particular job and not on the basis of a general principle such as the desirability of spreading work.

§ 1604.4 Job opportunities advertising.

It is a violation of Title VII for a help-wanted advertisement to indicate a preference, limitation, specification, or discrimination based on sex unless sex is a bona fide occupational qualification for the particular job involved. The placement of an advertisement in columns classified by publishers on the basis of sex, such as columns headed "Male" or "Female," will be considered an expression of a preference, limitation, specification, or discrimination based on sex. [33 F.R. 11539, Aug. 14, 1968]

§ 1604.5 Employment agencies.

(a) Section 703(b) of the Civil Rights Act specifically states that it shall be unlawful for an employment agency to discriminate against any individual because of sex. The Commission has determined that private employment agencies which deal exclusively with one sex are engaged in an unlawful employment practice, except to the extent that such agencies limit their services to furnishing employees for particular jobs for which sex is a bona fide occupational qualification.

(b) An employment agency that receives a job order containing an unlawful sex specification will share responsibility with the employer placing the job order if the agency fills the order knowing that the sex specification is not based upon a bona fide occupational qualification. However, an employment agency will not be deemed to be in violation of the law, regardless of the determination as to the employer, if the agency does not have reason to believe that the employer's claim of bona fide occupations qualification is without substance and the agency makes and maintains a written record available to the Commission of each such job order. Such record shall include the name of the employer, the description of the job and the basis for the employer's claim of bona fide occupational qualification.

(c) It is the responsibility of employment agencies to keep informed of opinions and decisions of the Commission on sex discrimination.

§ 1604.6 Pre-employment inquiries as to sex.

A pre-employment inquiry may ask "Male ------, Female ------"; or "Mr., Mrs., Miss," provided that the inquiry is made in good faith for a non-discriminatory purpose. Any pre-employment inquiry in connection with prospective employment which expresses directly or indirectly any limitation, specification or discrimination as to sex shall be unlawful unless based upon a bona fide occupational qualification.

§ 1604.7 Relationship of Title VII to the Equal Pay Act.

(a) Title VII requires that its provisions be harmonized with the Equal Pay Act (section 6(d) of the Fair Labor Standards Act of 1938, 29 U.S.C. 206(d)) in order to avoid conflicting interpretations or requirements with respect to situations to which both statutes are applicable. Accordingly, the Commission interprets section 703(h) to mean that the standards of "equal pay for equal work" set forth in the Equal Pay Act for determining what is unlawful discrimination in compensation are applicable to Title VII. However, it is the judgment of the Commission that the employee coverage of the prohibition against discrimination in compensation because of sex is co-extensive with that of the other prohibitions in section 703, and is not limited by section 703(h) to those employees covered by the Fair Labor Standards Act.

(b) Accordingly, the Commission will make applicable to equal pay complaints filed under Title VII the relevant interpretations of the Administrator, Wage and Hour Division, Department of Labor. These interpretations are found in 29 Code of Federal Regulations, Part 800.119–800.163. Relevant opinions of the Administrator interpreting "the equal pay for equal work standard" will also be adopted by the Commission.

(c) The Commission will consult with the Administrator before issuing an opinion on any matter covered by both Title VII and the Equal Pay Act.

§ 1604.31 Pension and retirement plans.

(a) A difference in optional or compulsory retirement ages based on sex violates Title VII.

(b) Other differences based on sex, such as differences in benefits for survivors, will be decided by the Commission by the issuance of Commission decisions in cases raising such issues.

[33 F.R. 3344, Feb. 24, 1968]

PART 1605—GUIDELINES ON DISCRIMINATION BECAUSE OF RELIGION

§ 1605.1 Observation of the Sabbath and other religious holidays.

(a) Several complaints filed with the Commission have raised the question whether it is discrimination on account of religion to discharge or refuse to hire employees who regularly observe Friday evening and Saturday, or some other day of the week, as the Sabbath or who observe certain special religious holidays during the year and, as a consequence, do not work on such days.

(b) The Commission believes that the duty not to discriminate on religious grounds, required by section 703(a)(1) of the Civil Rights Act of 1964, includes an obligation on the part of the employer to make reasonable accommodations to the religious needs of employees and prospective employees where such accommodations can be made without undue hardship on the conduct of the employer's business. Such undue hardship, for example, may exist where the employee's needed work cannot be performed by another employee of substantially similar qualifications during the period of absence of the Sabbath observer.

(c) Because of the particularly sensitive nature of discharging or refusing to hire an employee or applicant on account of his religious beliefs, the employer has the burden of proving that an undue hardship renders the required accommodations to the religious needs of the employee unreasonable.

(d) The Commission will review each case on an individual basis in an effort to seek an equitable application of these guidelines to the variety of situations which arise due to the varied religious practices of the American people.

(Sec. 713(b), 78 Stat. 265; 42 U.S.C. 2000–12) [32 F.R. 10298, July 13, 1967]

PART 1606—GUIDELINES ON DISCRIMINATION BECAUSE OF NATIONAL ORIGIN

§ 1606.1 Guidelines on discrimination because of national origin.

(a) The Commission is aware of the widespread practices of discrimination on the basis of national origin, and intends to apply the full force of law to eliminate such discrimination. The bona fide occupational qualification exception as it pertains to national origin cases shall be strictly construed.

(b) Title VII is intended to eliminate covert as well as the overt practices of discrimination, and the Commission will, therefore, examine with particular concern cases where persons within the jurisdiction of the Commission have been denied equal employment opportunity for reasons which are grounded in national origin considerations. Examples of cases of this character which have come to the attention of the Commission include: The use of tests in the English language where the individual tested came from circumstances where English was not that person's first language or mother tongue, and where English language skill is not a requirement of the work to be performed; denial of equal opportunity to persons married to or associated with persons of a specific national origin; denial of equal opportunity because of membership in lawful organizations identified with or seeking to promote the interests of national groups; denial of equal opportunity because of attendance at schools or churches commonly utilized by persons of a given national origin; denial of equal opportunity because their name or that of their spouse reflects a certain national origin, and denial of equal opportunity to persons who as a class of persons tend to fall outside national norms for height and weight where such height and weight specifications are not necessary for the performance of the work involved.

(c) Title VII of the Civil Rights Act of 1964 protects all individuals, both citizen and noncitizens, domiciled or residing in the United States, against discrimination on the basis of race, color, religion, sex, or national origin.

(d) Because of discrimination on the basis of citizenship has the effect of discriminating on the basis of national origin, a lawfully immigrated alien who is domiciled or residing in this country may not be discriminated against on the basis of his citizenship, except that it is not an unlawful employment practice for an employer, pursuant to section 703(g), to refuse to employ any person who does not fulfill the requirements imposed in the interests of national security pursuant to any statute of the United States or any Executive order of the President respecting the particular position or the particular premises in question.

(e) In addition, some States have enacted laws prohibiting the employment of noncitizens. For the reasons stated above such laws are in conflict with and are, therefore, superseded by Title VII of the Civil Rights Act of 1964.

(Sec. 713, 78 Stat. 265; 42 U.S.C. 2000e–12) [35 F.R. 421, Jan. 13, 1970]

PART 1607—GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

Sec.
1607.1 Statement of purpose.
1607.2 "Test" defined.
1607.3 Discrimination defined.
1607.4 Evidence of validity.
1607.5 Minimum standards for validation.
1607.6 Presentation of validity evidence.
1607.7 Use of other validity studies.
1607.8 Assumption of validity.
1607.9 Continued use of tests.
1607.10 Employment agencies and employment services.
1607.11 Disparate treatment.
1607.12 Retesting.
1607.13 Other selection techniques.
1607.14. Affirmative action.

AUTHORITY: The provisions of this Part 1607 issued under sec. 713, 78 Stat. 265; 42 U.S.C. 2000e–12.

SOURCE: The provisions of this Part 1607 appear at 35 F.R. 12333, Aug. 1, 1970, unless otherwise noted.

§ 1607.1 Statement of purpose.

(a) The guidelines in this part are based on the belief that properly validated and standardized employee selection procedures can significantly contribute to the implementation of nondiscriminatory personnel policies, as required by title VII. It is also recognized that professionally developed tests, when used in conjunction with other tools of personnel assessment and complemented by sound programs of job design, may significantly aid in the development and maintenance of an efficient work force and, indeed, aid in the utilization and conservation of human resources generally.

(b) An examination of charges of discrimination filed with the Commission and an evaluation of the results of the Commission's compliance activities has revealed a decided increase in total test usage and a marked increase in doubtful testing practices which, based on our experience, tend to have discriminatory effects. In many cases, persons have come to rely almost exclusively on tests as the basis for making the decision to hire, transfer, promote, grant membership, train, refer or retain, with the result that candidates are selected or rejected on the basis of a single test score. Where tests are so used, minority candidates frequently experience disproportionately high rates of rejection by failing to attain score levels that have been established as minimum standards for qualification.

It has also become clear that in many instances persons are using tests as the basis for employment decisions without evidence that they are valid predictors of employee job performance. Where evidence in support of presumed relationships between test performance and job behavior is lacking, the possibility of discrimination in the application of test results must be recognized. A test lacking demonstrated validity (i.e., having no known significant relationship to job behavior) and yielding lower scores for classes protected by title VII may result in the rejection of many who have necessary qualifications for successful work performance.

(c) The guidelines in this part are designed to serve as a workable set of standards for employers, unions and employment agencies in determining whether their selection procedures conform with the obligations contained in title VII of the Civil Rights Act of 1964. Section 703 of title VII places an affirmative obligation upon employers, labor unions, and employment agencies, as defined in section 701 of the Act, not to discriminate because of race, color, religion, sex, or national origin. Subsection (h) of section 703 allows such persons "* * * to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended or used to discriminate because of race, color, religion, sex or national origin."

§ 1607.2 "Test" defined.

For the purpose of the guidelines in this part, the term "test" is defined as any paper-and-pencil or performance measure used as a basis for any employment decision. The guidelines in this part apply, for example, to ability tests which are designed to measure eligibility for hire, transfer, promotion, membership, training, referral or retention. This definition includes, but is not restricted to, measures of general intelligence, mental ability and learning ability; specific intellectual abilities; mechanical, clerical and other aptitudes; dexterity and coordination; knowledge and proficiency; occupational and other interests; and attitudes, personality or temperament. The term "test" includes all formal, scored, quantified or standardized techniques of assessing job suitability including, in addition to the above, specific qualifying or disqualifying personal history or background requirements, specific educational or work history requirements, scored interviews, biographical information blanks, interviewers' rating scales, scored application forms, etc.

§ 1607.3 Discrimination defined.

The use of any test which adversely affects hiring, promotion, transfer or any other employment or membership opportunity of classes protected by title VII constitutes discrimination unless: (a) the test has been validated and evidences a high degree of utility as hereinafter described, and (b) the person giving or acting upon the results of the particular test can demonstrate that alternative suitable hiring, transfer or promotion procedures are unavailable for his use.

§ 1607.4 Evidence of validity.

(a) Each person using tests to select from among candidates for a position or for membership shall have available for inspection evidence that the tests are being used in a manner which does not violate § 1607.3. Such evidence shall be examined for indications of possible discrimination, such as instances of higher rejection rates for minority candidates than nonminority candidates. Furthermore, where technically feasible, a test should be validated for each minority group with which it is used; that is, any differential rejection rates that may exist, based on a test, must be relevant to performance on the jobs in question.

(b) The term "technically feasible" as used in these guidelines means having or obtaining a sufficient number of minority individuals to achieve findings of statistical and practical significance, the opportunity to obtain unbiased job performance criteria, etc. It is the responsibility of the person claiming absence of technical feasibility to positively demonstrate evidence of this absence.

(c) Evidence of a test's validity should consist of empirical data demonstrating that the test is predictive of or significantly correlated with important elements of work behavior which comprise or are relevant to the job or jobs for which candidates are being evaluated.

(1) If job progression structures and seniority provisions are so established that new employees will probably, within a reasonable period of time and in a great majority of cases, progress to a higher level, it may be considered that candidates are being evaluated for jobs at that higher level. However, where job progression is not so nearly auto-

matic, or the time span is such that higher level jobs or employees' potential may be expected to change in significant ways, it shall be considered that candidates are being evaluated for a job at or near the entry level. This point is made to underscore the principle that attainment of a performance at a higher level job is a relevant criterion in validating employment tests only when there is a high probability that persons employed will in fact attain that higher level job within a reasonable period of time.

(2) Where a test is to be used in different units of a multiunit organization and no significant differences exist between units, jobs, and applicant populations, evidence obtained in one unit may suffice for the others. Similarly where the validation process requires the collection of data throughout a multiunit organization, evidence of validity specific to each unit may not be required. There may also be instances where evidence of validity is appropriately obtained from more than one company in the same industry. Both in this instance and in the use of data collected throughout a multiunit organization, evidence of validity specific to each unit may not be required: *Provided*, That no significant differences exist between units, jobs, and applicant populations.

§ 1607.5 Minimum standards for validation.

(a) For the purpose of satisfying the requirements of this part, empirical evidence in support of a test's validity must be based on studies employing generally accepted procedures for determining criterion-related validity, such as those described in "Standards for Educational and Psychological Tests and Manuals" published by American Psychological Association, 1200 17th Street NW., Washington, D.C. 20036. Evidence of content or construct validity, as defined in that publication, may also be appropriate where criterion-related validity is not feasible. However, evidence for content or construct validity should be accompanied by sufficient information from job analyses to demonstrate the relevance of the content (in the case of job knowledge or proficiency tests) or the construct (in the case of trait measures). Evidence of content validity alone may be acceptable for well-developed tests that consist of suitable samples of the essential knowledge, skills or behaviors composing the job in question. The types of knowledge, skills or behaviors contemplated here do not include those which can be acquired in a brief orientation to the job.

(b) Although any appropriate validation strategy may be used to develop such empirical evidence, the following minimum standards, as applicable, must be met in the research approach and in the presentation of results which constitute evidence of validity.

(1) Where a validity study is conducted in which tests are administered to applicants, with criterion data collected later, the sample of subjects must be representative of the normal or typical candidate group for the job or jobs in question. This further assumes that the applicant sample is representative of the minority population available for the job or jobs in question in the local labor market. Where a validity study is conducted in which tests are administered to present employees, the sample must be representative of the minority groups currently included in the applicant population. If it is not technically feasible to include minority employees in validation studies conducted on the present work force, the conduct of a validation study without minority candidates does not relieve any person of his subsequent obligation for validation when inclusion of minority candidates becomes technically feasible.

(2) Tests must be administered and scored under controlled and standardized conditions, with proper safeguards to protect the security of test scores and to insure that scores do not enter into any judgments of employee adequacy that are to be used as criterion measures. Copies of tests and test manuals, including instructions for administration, scoring, and interpretation of test results, that are privately developed and/or are not available through normal commercial channels must be included as a part of the validation evidence.

(3) The work behaviors or other criteria of employee adequacy which the test is intended to predict or identify must be fully described; and, additionally, in the case of rating techniques, the appraisal form(s) and instructions to the rater(s) must be included as a part of the validation evidence. Such criteria may include measures other than actual work proficiency, such as training time, supervisory ratings, regularity of attendance and tenure. Whatever criteria are used they must represent major or critical work behaviors as revealed by careful job analyses.

(4) In view of the possibility of bias inherent in subjective evaluations, supervisory rating techniques should be carefully developed, and the ratings should be closely examined for evidence of bias. In addition, minorities might obtain unfairly low performance criterion scores for reasons other than supervisors' prejudice, as, when, as new employees, they have had less opportunity to learn job skills. The general point is that all criteria need to be examined to insure freedom from factors which would unfairly depress the scores of minority groups.

(5) Differential validity. Data must be generated and results separately reported for minority and nonminority groups wherever technically feasible. Where a minority group is sufficiently large to constitute an identifiable factor in the local labor market, but validation data have not been developed and presented separately for that group, evidence of satisfactory validity based on other groups will be regarded as only provisional compliance with these guidelines pending separate validation of the test for the minority group in question. (See § 1607.9). A test which is differentially valid may be used in groups for which it is valid but not for those in which it is not valid. In this regard, where a test is valid for two groups but one group characteristically obtains higher test scores than the other without a corresponding difference in job performance, cutoff scores must be set so as to predict the same probability of job success in both groups.

(c) In assessing the utility of a test the following considerations will be applicable:

(1) The relationship between the test and at least one relevant criterion must be statistically significant. This ordinarily means that the relationship should be sufficiently high as to have a probability of no more than 1 to 20 to have occurred by chance. However, the use of a single test as the sole selection device will be scrutinized closely when that test is valid against only one component of job performance.

(2) In addition to statistical significance, the relationship between the test and criterion should have practical significance. The magnitude of the relationship needed for practical significance or usefulness is affected by several factors, including:

(i) The larger the proportion of applicants who are hired for or placed on the job, the higher the relationship needs to be in order to be practically useful. Conversely, a relatively low relationship may prove useful when portionately few job vacancies are available;

(ii) The larger the proportion of applicants who become satisfactory employees when not selected on the basis of the test, the higher the relationship needs to be between the test and a criterion of job success for the test to be practically useful. Conversely, a relatively low relationship may prove useful when proportionately few applicants turn out to be satisfactory;

(iii) The smaller the economic and human risks involved in hiring an unqualified applicant relative to the risks entailed in rejecting a qualified applicant, the greater the relationship needs to be in order to be practically useful. Conversely, a relatively low relationship may prove useful when the former risks are relatively high.

§ 1607.6 Presentation of validity evidence.

The presentation of the results of a validation study must include graphical and statistical representations of the relationships between the test and the criteria, permitting judgments of the test's utility in making predictions of future work behavior. (See § 1607.5(c) concerning assessing utility of a test.) Average scores for all tests and criteria must be reported for all relevant subgroups, including minority and nonminority groups where differential validation is required. Whenever statistical adjustments are made in validity results for less than perfect reliability or for restriction of score range in the test or the criterion, or both, the supporting evidence from the validation study must be presented in detail. Furthermore, for each test that is to be established or continued as an operational employee selection instrument, as a result of the validation study, the minimum acceptable cutoff (passing) score on the test must be reported. It is expected that each operational cutoff score will be reasonable and consistent with normal expectations of proficiency within the work force or group on which the study was conducted.

§ 1607.7 Use of other validity studies.

In cases where the validity of a test cannot be determined pursuant to § 1607.4 and § 1607.5 (e.g., the number of subjects is less than that required for a technically adequate validation study, or an appropriate criterion measure cannot be developed), evidence from validity studies conducted in other organizations, such as that reported in test manuals and professional literature, may be considered acceptable when; (a) The studies pertain to jobs which are comparable (i.e.., have basically the same task elements), and (b) there are no major differences in contextual variables or sample composition which are likely to significantly affect validity. Any person citing evidence from other validity studies as evidence of test validity for his own jobs must substantiate in detail job comparability and must demonstrate the absence of contextual or sample differences cited in paragraphs (a) and (b) of this section.

§ 1607.8 Assumption of validity.

(a) Under no circumstances will the general reputation of a test, its author or its publisher, or casual reports of test utility be accepted in lieu of evidence of validity. Specifically ruled out are: assumptions of validity based on test names or descriptive labels; all forms of promotional literature; data bearing on the frequency of a test's usage; testimonial statements of sellers, users, or consultants; and other nonempirical or anecdotal accounts of testing practices or testing outcomes.

(b) Although professional supervision of testing activities may help greatly to insure technically sound and nondiscriminatory test usage, such involvement alone shall not be regarded as constituting satisfactory evidence of test validity.

§ 1607.9 Continued use of tests.

Under certain conditions, a person may be permitted to continue the use of a test which is not at the moment fully supported by the required evidence of validity. If, for example, determination of criterion-related validity in a specific setting is practicable and required but not yet obtained, the use of the test may continue: *Provided:* (a) The person can cite substantial evidence of validity as described in § 1607.7 (a) and (b); and (b) he has in progress validation procedures which are designed to produce, within a reasonable time, the additional data required. It is expected also that the person may have to alter or suspend test cutoff scores so that score ranges broad enough to permit the identification of criterion-related validity will be obtained.

§ 1607.10 Employment agencies and employment services.

(a) An employment service, including private employment agencies, State employment agencies, and the U.S. Training and Employment Service, as defined in section 701(c), shall not make applicant or employee appraisals or referrals based on the results obtained from any psychological test or other selection standard not validated in accordance with these guidelines.

(b) An employment agency or service which is requested by an employer or union to devise a testing program is required to follow the standards for test validation as set forth in these guidelines. An employment service is not relieved of its obligation herein because the test user did not request such validation or has requested the use of some lesser standard than is provided in these guidelines.

(c) Where an employment agency or service is requested only to administer a testing program which has been elsewhere devised, the employment agency or service shall request evidence of validation, as described in the guidelines in this part, before it administers the testing program and/or makes referral pursuant to the test results. The employment agency must furnish on request such evidence of validation. An employment agency or service will be expected to refuse to administer a test where the employer or union does not supply satisfactory evidence of validation. Reliance by the test user on the reputation of the test, its author, or the name of the test shall not be deemed sufficient evidence of validity (see § 1.607.8(a)). An employment agency or service may administer a testing program where the evidence of validity comports with the standards provided in § 1607.7.

§ 1607.11 Disparate treatment.

The principle of disparate or unequal treatment must be distinguished from the concepts of test validation. A test or other employee selection standard—even though validated against job performance in accordance with the guidelines in this part—cannot be imposed upon any individual or class protected by title VII where other employees, applicants or members have not been subjected to that standard. Disparate treatment, for example, occurs where members of a minority or sex group have been denied the same employment, promotion, transfer or membership opportunities as have been have been made available to other employees or applicants. Those employees or applicants who have been denied equal treatment, because of prior discriminatory practices or policies, must at least be afforded the same opportunities as had existed for other employees or applicants during the period of discrimination. Thus, no new test or other employee selection standard can be imposed uopn a class of individuals protected by title VII who, but for prior discrimination, would have been granted the opportunity to qualify under less stringent selection standards previously in force.

§ 1607.12 Retesting.

Employers, unions, and employment agencies should provide an opportunity for retesting and reconsideration to earlier "failure" candidates who have availed themselves of more training or experience. In particular, if any applicant or employee during the course of an intervew or other employment procedure claims more education or experience, that individual should be retested.

§1607.13 Other selection techniques

Selection techniques other than tests, as defined in § 1607.2, may be improperly used so as to have the effect of discriminating against minority groups. Such techniques include, but are not restricted to, unscored or casual interviews and unscored application forms. Where there are data suggesting employment discrimination, the person may be called upon to present evidence concerning the validity of his unscored procedures as well as of any tests which may be used, the evidence of validity being of the same types referred to in §§ 1607.4 and 1607.5. Data suggesting the possibility of discrimination exist, for example, when there are differential rates of applicant rejection from various minority and nonminority or sex groups for the same job or group of jobs or when there are disproportionate representations of minority and nonminority or sex groups among present employees in different types of jobs. If the person is unable or unwilling to perform such validation studies, he has the option of adjusting employment procedures so as to eliminate the conditions suggestive of employment discrimination.

§ 1607.14 Affirmative action.

Nothing in these guidelines shall be interpreted as diminishing a person's obligation under both title VII and Executive Order 11246 as amended by Executive Order 11375 to undertake affirmative action to ensure that applicants or employees are treated without regard to race, color, religion, sex, or national origin. Specifically, the use of tests which have been validated pursuant to these guidelines does not relieve employers, unions or employment agencies of their obligations to take positive action in affording employment and training to members of classes protected by title VII.

PART 1610—AVAILABILITY OF RECORDS

Subpart A—Production or disclosure under 5 U.S.C. 552(a)

Sec.
1610.1 Definitions.
1610.2 Statutory requirements.
1610.4 Purpose and scope.
1610.5 Public reference facilities and current index.
1610.7 Deletion of identifying details.
1610.9 Regional offices.
1610.11 Requests for identifiable records and copies.
1610.13 Records of other Agencies.
1610.17 Schedule of fees and method of payment for services rendered.
1610.20 Exemptions.
1610.23 Administrative decision and review.

Subpart B—Production in response to subpenas or demands of courts or other authorities

1610.30 Purpose and scope.
1610.32 Production prohibited unless approved by the General Counsel.
1610.34 Procedure in the event of a demand for production or disclosure.
1610.36 Procedure in the event of an adverse ruling.

AUTHORITY: The provisions of this Part 1610 issued under sec. 713(b), 78 Stat. 265; 42 U.S.C. 2000e-12, 5 U.S.C. 552.

SOURCE: The provisions of this Part 1610 appear at 32 F.R. 16261, Nov. 29, 1967, unless otherwise noted.

Subpart A—Production or disclosure under 5 U.S.C. 552(a)

§ 1610.1 Definitions.

As used in this part:

(a) "Act" refers to Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. sec. 2000e et seq.

(b) "Commission" refers to the Equal Employment Opportunity Commission.

§ 1610.2 Statutory requirements.

5 U.S.C. 552(a)(3) requires each Agency, upon request for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute, and procedure to be followed, to make such records promptly available to any person. 5 U.S.C. 552(b) exempts specified classes of records from all of the public access requirements of 5 U.S.C. 552 and permits them to be withheld.

§ 1610.4 Purpose and scope.

(a) This subpart contains the regulations of the Equal Employment Opportunity Commission implementing 5 U.S.C. 552. The regulations of this subpart provide information concerning the procedures by which records may be obtained from all organizational units within the Commission. Official records of the Commission made available pursuant to the requirements of 5 U.S.C. 552 shall be furnished to members of the public only as prescribed by this subpart. Officers and employees of the Commission may continue to furnish to the public, informally and without compliance with the procedures prescribed herein, information and records which prior to the enactment of 5 U.S.C. 552 were furnished customarily in the regular performance of their duties. To the extent permitted by other laws, the Commission also will make available records which it is authorized to withhold under 5 U.S.C. 552 whenever it determines that such disclosure is in the public interest.

(b) The Attorney General's memorandum on the Public Information Section of the Administrative Procedure Act, which was published in June 1967 and is available from the Superintendent of Documents, should be consulted in considering questions arising under 5 U.S.C. 552.

§ 1610.5 Public reference facilities and current index.

The Commission will maintain in a public reading area located in the Commission's library at 1800 G. Street NW., Washington, D.C. 20506, the materials which are required by 5 U.S.C. 552(a)(2) and 552(a)(4) to be made available for public inspection and copying. The Commission will maintain and make available for public inspection and copying in this public reading area a current index providing identifying information for the public as to any matter which is issued, adopted, or promulgated after July 4, 1967, and which is required to be indexed by 5 U.S.C. 552(a)(2). The Commission in its discretion may, however, include precedential materials issued, adopted, or promulgated prior to July 4, 1967. The Commission will also maintain on file in this public reading area all material published by the Commission in the FEDERAL REGISTER and currently in effect.

§ 1610.7 Deletion of identifying details.

When making available any records pursuant to § 1610.5, the Commission will delete identifying details to the extent required to prevent a clearly unwarranted invasion of personal privacy. To each record from which identifying details shall have been deleted when the record is made available for public inspection and copying, the Commission will attach a written justification for such deletions. A single such justification shall suffice for deletions made in a group of similar or related records. Subject to necessary or appropriate variations in individual instances, the justification will be in substantially the following form:

"This record is (These records are) made available for public inspection and copying pursuant to 5 U.S.C. sec: 552(a)(2). As authorized therein, to prevent a clearly unwarranted invasion of personal privacy, identifying details have been deleted."

§ 1610.9 Regional offices.

Each office listed below will maintain in a public reading room or area various public materials dealing with the Act and the Commission:

Federal Office Building, Room 7515, 500 Gold Street SW., Albuquerque, N. Mex. 87101. Telephone No.: Area Code 505, 247-0311 Ext. 2061.

1776 Peachtree Street NW., Room 417, Atlanta, Ga. 30309. Telephone No.: Area Code 404, 526-5941.

300 East Eighth Street, Room G 115, Austin, Tex. 78701. Telephone No.: Area Code 512, 476-6411 Ext. 6845.

U.S. Courthouse and Federal Building, Room 1832, 219 South Dearborn Street, Chicago, Ill. 60604. Telephone No.: 312, 353-7550.

Engineers' Building, Room 402, 1365 Ontario Street, Cleveland, Ohio 44113. Telephone No.: 216, 522-4784.

911 Walnut Street, Room 305, Kansas City, Mo. 64106. Telephone No.: Area Code 816, 374-5773.

Federal Office Building, Room 7730, 300 North Los Angeles Street, Los Angeles, Calif. 90012. Telephone No.: Area Code 213, 688-3400.

Masonic Temple Building, 333 St. Charles Avenue, New Orleans, La. 70130. Telephone No.: Area Code 504, 527-2721.

346 Broadway, Suite 701, New York, N.Y. 10013. Telephone No.: 212, 264-3642.

Appraisers' Building, Room 126, 630 Sansome Street, San Francisco, Calif. 94111. Telephone No.: Area Code 415, 556-0260.

1016 16th Street NW., Room 104, Washington, D.C. 20036. Telephone No.: Area Code 202, 382-1914.

§ 1610.11 Requests for identifiable records and copies.

(a) A request for inspection or copying of a record of the Commission which is neither published in the FEDERAL REGISTER nor customarily made available and which is not available in the public reading area as described in § 1610.5, may be made in person or by mail to the Office of the General Counsel, 1800 G Street NW., Washington, D.C. 20506. Requests may be presented from 9 a.m. to 5:30 p.m., Mondays through Fridays, with the exception of holidays. Telephone inquiries or requests may be made by calling Washington, D.C. telephone number: Area Code 202, 343-7693. Collect calls will not be accepted.

(b) Charges for processing requests will be made in accordance with the schedule set forth in § 1610.17. Such charges are payable in advance.

(c) Each request shall contain a description of the record requested which is sufficiently specific with respect to names, dates, subject matter, and location, to permit the record to be identified and located. A separate request must be submitted for each record requested.

(d) Except where circumstances require special processing, requests will be processed in the order in which they are received. Efforts will be made to make such records available as promptly as is reasonable under the particular circumstances.

(e) No obligation is undertaken by the Commission to compile or create information or records not already in existence at the time of the request.

(f) Where a requested record cannot be located from the information submitted or is known to have been destroyed or otherwise disposed of, the person making the request will be appropriately notified.

(g) When a requested record has been identified and is available, the person who made the request will be notified as to where and when the record will be available for inspection. Upon payment of the necessary fees, a copy of an available record may be furnished to the requester in person or by mail.

§ 1610.13 Records of other Agencies.

Request for records that originated in another Agency and are in the custody of the Commission, will be referred to that Agency for processing, and the person submitting the request shall be so notified. The decision made by that Agency with respect to such records will be honored by the Commission.

§ 1610.17 Schedule of fees and method of payment for services rendered.

(a) The following specific fees shall be applicable with respect to services rendered to members of the public under this subpart:

(1) Searching for records, per hour or fraction thereof	$3.60
(2) Other facilitative services and index assistance—minimum charge, per hour or fraction thereof	3.60
(3) Copies made by Xerox or otherwise (per page)	.25
(4) Certification of each record as a true copy	.75
(5) Certification of each record as a true copy, under the seal of the Agency	1.00
(6) For each signed statement of negative result of search for record	1.00

(b) When no specific fee has been established for a service, e.g., legal or research assistance, or the request for a service does not fall under one of the above categories due to the amount, size, or type thereof, the Director of Administration is authorized to establish an appropriate fee pursuant to the criteria established in Bureau of the Budget Circular No. A-25, entitled "User Charges."

(c) When a request for identifiable records is made by mail, it should be accompanied by remittance of the total fee chargeable, as well as a self-addressed stamped envelope if special mail services are desired.

(d) Fees must be paid in full prior to issuance of requested copies of records. If uncertainty as to the existence of a record, or as to the number of sheets to be copied or certified precludes remitting the exact fee chargeable with the request, the Agency will inform the interested party of the exact amount required.

(e) Payment shall be in the form of a check, bank draft, money order, or, if personally delivered, may be made in cash. Remittances shall be made payable to the order of the Equal Employment Opportunity Commission. The Agency will assume no responsibility for cash which is lost in the mail.

(f) A receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

(g) No charge will be made for services performed at the request of other governmental agencies or officers thereof acting in their official capacities.

§ 1610.20 Exemptions.

(a) 5 U.S.C. 552 exempts from all of its publication and disclosure requirements nine categories of records which are described in subsection (b). These categories include such matters as national defense and foreign policy information, investigatory files, internal procedures and communications, materials exempted from disclosure by other statutes, information given in confidence, and matters involving personal privacy. The scope of the exemptions is discussed in the Attorney General's memorandum referred to in § 1610.4(b).

(b) Section 706(a) of the Act provides that the Commission shall not make public charges which have been filed. It also provides that (subsequent to the filing of a charge, an investigation, and a finding that there is reasonable cause to believe that the charge is true) nothing said or done during and as a part of the Commission's endeavors to eliminate any alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion may be made public by the Commission without the written consent of the parties; nor may it be used as evidence in a subsequent proceeding. Any officer or employee of the Commission, who shall make public in any manner whatever any information in violation of section 706(a) shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned not more than 1 year.

(c) Section 709 of the Act authorizes the Commission to conduct investigations of charges filed under section 706, engage in cooperative efforts with State and local agencies charged with the administration of State fair employment practices laws, and issue regulations concerning reports and recordkeeping. Subsection (e) of section 709 provides that it shall be unlawful for any officer or employee of the Commission to make public in any manner whatever any information obtained by the Commission pursuant to its authority under section 709 prior to the institution of any proceeding under the Act involving such information. Any officer or employee of the Commission who shall make public in any manner whatever any information in violation of section 709(e) shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned not more than 1 year. The Commission will, however, make available for inspection and copying some tabulations of aggregate industry, area, and other statistics derived from the Commission's reporting programs authorized by section 709 (c) of the Act, where such tabulations have been previously compiled by the Commission and are available in documentary form, to the extent that such tabulations do not consist of aggregate data from less than three respondents, and do not reveal the identity of an individual or the dominant respondent in a particular industry or area in any manner.

§ 1610.23 Administrative decision and review.

(a) The General Counsel shall grant or deny each request made. The denial of each request shall be in writing and shall contain a simple statement of the reasons for the denial. The decision of the General Counsel shall be final, subject only to review as provided in paragraph (b) of this section.

(b) Review of the decision of the General Counsel may be requested by the person submitting the request within 30 days after the date of the notice advising him of the decision. The 30-day limitation may be waived for good cause. The filing of a request for review by the Commission may be accomplished by mailing to the Chairman, Equal Employment Opportunity Commission, 1800 G Street N.W., Washington, D.C. 20506, by certified mail, a copy of the written denial issued under paragraph (a) of this section and a statement of the circumstances, reasons or arguments advanced for insistence upon disclosure of the originally requested record. The decision of the Commission upon review shall be in writing and shall contain a simple statement of the reasons for the decision. The decision after review will be promptly communicated to the person requesting review, and will constitute the final action of the Commission.

(c) No personal appearance, oral argument or hearing will ordinarily be permitted in connection with an initial request made to the General Counsel or on review of a denial by him. Upon request and a showing of special circumstances, however, this limitation may be waived and an informal conference or appearance arranged with or before the General Counsel or the Commission, as the case may be, or any employee designated by him or it for this purpose.

[32 F.R. 16261, Nov. 29, 1967, as amended at 32 F.R. 16491, Dec. 1, 1967.]

Subpart B—Production in response to subpenas or demands of courts or other authorities

§ 1610.30 Purpose and scope.

This subpart contains the regulations of the Commission concerning procedures to be followed when a subpena, order, or other demand (hereinafter in this subpart referred to as a "demand") of a court or other authority is issued for the production or disclosure of (a) any material contained in the files of the Commission; (b) any information relating to material contained in the files of the Commission; or (c) any information or material acquired by any person while such person was an employee of the Commission as a part of the performance of his official duties or because of his official status.

§ 1610.32 Production prohibited unless approved by the General Counsel.

No employee or former employee of the Commission shall, in response to a demand of a court or other authority, produce any material contained in the files of the Commission or disclose any information or produce any material acquired as part of the performance of his official duties or because of his official status without the prior approval of the General Counsel.

§ 1610.34 Procedure in the event of a demand for production or disclosure.

(a) Whenever a demand is made upon an employee or former employee of the Commission for the production of material or the disclosure of information described in § 1610.30, he shall immediately notify the General Counsel. If possible, the General Counsel shall be notified before the employee or former employee concerned replies to or appears before the court or other authority.

(b) If response to the demand is required before instructions from the General Counsel are received, an attorney designated for that purpose by the Commission shall appear with the employee or former employee under whom the demand has been made, and shall furnish the court or other authority with a copy of the regulations contained in this part and inform the court or other authority that the demand has been or is being, as the case may be, referred for prompt consideration by the General Counsel. The court or other authority shall be requested respectfully to stay the demand pending receipt of the requested instructions from the General Counsel.

§ 1610.36 Procedure in the event of an adverse ruling.

If the court or other authority declines to stay the effect of the demand in response to a request made in accordance with § 1610.34 (b) pending receipt of instructions from the General Counsel, or if the court or other authority rules that the demand must be complied with irrespective of the instructions from the General Counsel not to produce the material or disclose the information sought, the employee or former employee upon whom the demand has been made shall respectfully decline to comply with the demand (United States ex rel. Touhy v. Ragen, 340 U.S. 462 (1951)).

[From the Federal Register, Oct. 27, 1971]

TITLE 29—LABOR: CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1601—PROCEDURAL REGULATIONS

Subpart B—Procedure for the prevention of unlawful employment practices

Confidentiality

By virtue of the authority vested in it by section 713(a) of title VII of the Civil Rights Act of 1964, 42 U.S.C. section 2000e–12(a), 78 Stat. 265, the Equal Employment Opportunity Commission hereby amends Title 29, Chapter XIV, Subpart B, § 1601.20 of the Code of Federal Regulations.

Because the amendments herein adopted are procedural in nature, the provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. section 1003, for public notice and delay in effective date are inapplicable. This amendment shall become effective upon publication in the FEDERAL REGISTER.

Section 1601.20 is revised to read as follows:

§ 1601.20 Confidentiality.

Neither a charge, nor information obtained pursuant to section 709(a) of title VII, nor information obtained from records required to be kept or reports required to be filed pursuant to sections 709 (c) and (d) of said title, shall be made matters of public information by the Commission prior to the institution of any proceedings under this title involving such charge or information. This provision does not apply to such earlier disclosures to the charging party, the respondent, witnesses, and representatives of interested Federal, State, and local agencies as may be appropriate or necessary to the carrying out of the Commission's functions under the title, nor to the publication of data derived from such information in a form which does not reveal the identity of the charging party, respondent, or person supplying the information.

(Sec. 713(a), 78 Stat. 265, 42 U.S.C. 2000e–12(a))

This amendment is effective upon publication in the FEDERAL REGISTER (10–27–71).

Signed at Washington, D.C., this 18th day of October 1971.

[SEAL] WILLIAM H. BROWN III,
Chairman.

[FR Doc. 71–15527 Filed 10–26–71; 8:46 a.m.]

PART 1610—AVAILABILITY OF RECORDS

Subpart A—Production or disclosure under 5 U.S.C. 552(a)

Fees, Charges, and Methods of Payment

By virtue of the authority vested in it by section 713(a) of title VII of the Civil Rights Act of 1964, 42 U.S.C. section 2000e–12(a), 78 Stat. 265, the Equal Employment Opportunity Commission hereby amends Title 29, Chapter XIV, Part 1610, Subpart A, by adding § 1610.16, and by amending § 1610.17, of the Code of Federal Regulations.

Because the amendments herein adopted are procedural in nature, the provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. section 1003, for public notice and delay in effective date are inapplicable. These amendments shall be effective upon publication in the FEDERAL REGISTER.

§ 1610.16 User charges, waiver.

It is the policy of the Equal Employment Opportunity Commission to cooperate with charging parties, their counsel, and private agencies working to eliminate employment discrimination. To the extent practicable that policy will be applied under this part so as to permit requests for inspection or copies of records and information to be met without cost to the charging party, attorney, or group making the request. Fees will be charged, however, in the case of requests which are determined by the General Counsel to involve a burden on staff or facilities significantly in excess of that normally accepted by the agency in handling routine requests for information. While the fees charged for services and copying will in no event exceed those as specified in § 1610.17, the Commission reserves the right to limit the number of copies that will be provided of any document or to require that special arrangements for copying be made in the case of records or requests presenting unusual problems of reproduction or handling.

(Sec. 713(a), 78 Stat. 265, 42 U.S.C. 2000e–12(a).)

§ 1610.17 Schedule of fees and method of payment for services rendered.

(a) Except as provided for in § 1610.16 the following specific fees shall be applicable with respect to services rendered to members of the public under this subpart:

(1) Searching for records, per hour or fraction thereof	$3.60
(2) Other facilities services and index assistance minimum charge	3.60
(3) Copies made by Xerox or otherwise (per page)	0.05
(4) Certification of each record as a true copy	.75
(5) Certification of each record as a true copy, under the seal of the agency	1.00
(6) For each signed statement of negative result of search for record	1.00

(b) When no specific fee has been established for a service, e.g., legal or research assistance, or the request for a service does not fall under one of the above categories due to the amount, size, or type thereof, the Director of Administration is authorized to establish an appropriate fee pursuant to the criteria established in Bureau of the Budget Circular No. A–25, entitled "User Charges."

(c) When a request for identifiable records is made by mail, it should be accompanied by remittance of the total fee chargeable, as well as a self-addressed stamped envelope, if special mail services are desired.

(d) Fees must be paid in full prior to issuance of requested copies of records. If uncertainty as to the existence of a record, or as to the number of sheets to be copied or certified precludes remitting the exact fee chargeable with the request, the agency will inform the interested party of the exact amount required.

(e) Payment shall be in the form of a check, bank draft, money order. Remittances shall be made payable to the order of the Equal Employment Opportunity Commission.

(f) A receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

(g) No charge will be made for services performed at the request of other governmental agencies or officers thereof, acting in their official capacities.

(Sec. 713(a), 78 Stat. 265, 42 U.S.C. 2000e–12(a)).

This amendment is effective upon publication in the FEDERAL REGISTER (10–27–71).

Signed at Washington, D.C., this 18th day of October 1971.

WILLIAM H. BROWN, III,
Chairman.

FR Doc. 71–15526 Filed 10–26–71; 8:46 am.

[From the Federal Register, Feb. 5, 1971]

TITLE 29—LABOR: CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1601—PROCEDURAL REGULATIONS

Procedure after failure of conciliation

By virtue of the authority vested in it by section 713(a) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. section 2000e–12(a), 78 Stat. 265, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission), hereby amends paragraph (c) of § 1601.25a issued February 19, 1970 (35 F.R. 3163), and paragraph (d) of § 1601.25b issued June 18, 1970 (35 F.R. 10005), of the Code of Federal Regulations.

Section 1601.25a(c) states in its pertinent part that, "* * * the charging party or the respondent may demand in writing that a notice issue pursuant to 1601.25."

Section 1601.25b(d) states in its pertinent part that, "* * * any member of the class aggrieved by the practices alleged in the charge or any respondent named in the charge, may demand in writing that a Notice-of-Right-to-Sue issue."

It has been the experience of the Commission that the privileges granted to respondents by these provisions have adversely affected the implementation of the Congressional Policy embodied in title VII, that disputes be settled voluntarily and upon failure of voluntary settlement that such disputes should be resolved in the Federal Courts. In most instances in which respondents have requested notice of right to sue, respondents have refused to enter into voluntary settlement negotiations, maintaining that such disputes shall be resolved in court. However, except where the charging parties request a notice, or the Commission's investigatory procedures have culminated in a decision, it is the Commission's experience that they are frequently unable to locate and secure adequate legal representation within the 30-day period provided by statute for the purpose of filing a timely complaint. Thus such requests for issuance of notice have been effectively used by some respondents to prevent both administrative and judicial resolution of the issues in dispute. Since, therefore, the privilege granted by §§ 1601.25a(c) and 1601.25b(d) has been exercised by respondents in a manner which subverts the remedial scheme provided by title VII, the Commission finds it necessary to withdraw the privilege so granted.

Because the amendments herein adopted are procedural in nature, the provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, for public notice and delay in effective date are inapplicable. This amendment shall become effective upon publication in the FEDERAL REGISTER, and shall be applicable with respect to all requests for notices of right to sue made after such date.

Accordingly the Commission hereby amends § 1601.25a(c) by deleting the phrase, "or the respondent" and amends § 1601.25b (d) by deleting the phrase, "or any respondent named in the charge." As amended, the sections read as follows:

§ 1601.25a Processing of cases; when notice issues under § 1601.25.

* * * * *

(c) At any time after the expiration of sixty (60) days from the date of the filing of a charge, or upon dismissal of the charge at any stage of the proceedings, or upon the expiration of the time for filing objections to dismissal by the Field Director pursuant to § 1601.19, the charging party may demand in writing that a notice issue pursuant to § 1601.25, and the Commission shall promptly issue such notice, with copies to all parties.

* * * * *

§ 1601.25b Issuance of notice in cases involving Commissioner Charges.

* * * * *

(d) At any time after 60 days have expired since the charge was filed, any member of the class aggrieved by the practices alleged in the charge may demand in writing that a notice-of-right-to-sue issue, and the Commission shall promptly issue such notice of right to sue, pursuant to paragraph (c) of this section.

* * * * *

(Sec. 718(a), 78 Stat. 265, 42 U.S.C. 20003–12(a))

This amendment is effective upon publication in the FEDERAL REGISTER (2–5–71).

Signed at Washington, D.C., this 29th day of January 1971.

WILLIAM H. BROWN III,
Chairman.

FR Doc. 71–1518 Filed 2–4–71; 8:52 a.m.

[From the Federal Register, May 19, 1971]

TITLE 29—LABORS CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1601—PROCEDURAL REGULATIONS

Subpart C—Notices to Employees, Applicants for Employment and Union Members

Notices To Be Posted

By virtue of the authority vested in it by section 713(a) of title VII of the Civil Rights Act of 1964, 42 U.S.C. section 2000e–12(a), 78 Stat. 265, the Equal Employment Opportunity Commission hereby amends Title 29, Chapter XIV, Subpart C, § 1601.27 of the Code of Federal Regulations.

Because the amendments herein adopted are procedural in nature, the provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. section 1003, for public notice and delay in effective date are inapplicable. This amendment shall become effective immediately and shall be applicable with respect to charges presently pending before or hereafter filed with the Equal Employment Opportunity Commission.

Section 1601.27(a) is revised to read as follows:

§ 1601.27 Notices to be posted.

(a) Every employer, employment agency, labor organization, and joint labor-management committee controlling an apprenticeship or other training program, as the case may be, shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment, members, and trainees are customarily posted the following notice:

Equal Employment Opportunity is the Law

Discrimination is prohibited

By the Civil Rights Act of 1964 and by Executive Order Number 11246

Title VII of the Civil Rights Act of 1964—Administered by the Equal Employment Opportunity Commission prohibits discrimination because of race, color, religion, sex, or national origin by employers with 25 or more employees, by labor organizations with a hiring hall of 25 or more members, by employment agencies, and by joint labor-management committees for apprenticeship or training.

Any person who believes he or she has been discriminated against should contact

The Equal Employment Opportunity Commission, 1800 G Street NW., Washington, D.C. 20506.

Or any of its field offices

Executive Order Number 11246[1]—Administered by the Office of Federal Contract Compliance prohibits discrmination because of race, color, religion, sex, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of empolyment. By all Federal Government contractors and subcontractors, and by contractors and subcontractors performing work under a federally assisted construction contract, regardless of the number of employees in either case—

Any person who believes he or she has been discriminated against should contact

The Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210.

* * * * *

(Sec. 713, 78 Stat. 265, 42 U.S.C. sec. 2000e–12)

Effective date: Date of publication (5–19–71).

Signed at Washington, D.C., this 13th day of May 1971.

WILLIAM H. BROWN III,
Chairman.

FR Doc. 71–6950 Filed 5–18–71; 8:49 a.m.

[From the Federal Register, May 29, 1970]

DEPARTMENT OF LABOR, OFFICE OF FEDERAL CONTRACT COMPLIANCE

PROCESSING OF COMPLAINTS OF EMPLOYMENT DISCRIMINATION AS BETWEEN TWO AGENCIES

Memorandum of understanding

Part I. In order to reduce duplication of compliance activities and to facilitate information exchange, the Equal Employment Opportunity Commission (EEOC) and the Office of Federal Contract Compliance (OFCC) agree to the following:

Prior to investigation of charges filed against Government contractors subject to Executive Order 11246 (30 F.R. 12319), as amended by Executive Order 11375 (32 F.R. 14303). EEOC will contact OFCC to (a) determine whether the contractor has been subjected to a compliance review within the past ninety (90) days, and (b) obtain and review copies of any documents relevant to EEOC's investigation which have been secured by the contracting agency in previous compliance reviews.

Prior to conducting compliance reviews or investigations of complaints against Government contractors. OFCC will contact EEOC to (a) determine whether EEOC has processed similar or identical charges against the contractor, (b) determine whether EEOC has information from prior investigations, if any which may have a bearing on the contractor's compliance with Executive Order 11246, as amended, and (c) obtain and review any pertinent documents.

It is anticipated that these contracts will be made routinely between EEOC regional offices and regional offices of OFCC. In order to facilitate this information exchange:

OFCC will provide EEOC with:

(a) Copies of reports from Compliance Agencies outlining contractor compliance reviews proposed for the next quarter.

(b) Current lists of Compliance Agencies with an associated list of contractor establishments located in each region of each Compliance Agency.

(c) A listing of compliance reviews actually completed each quarter indicating the results of such reviews.

EEOC will provide OFCC with:

(a) A monthly printout listing of all current charges under investigation, by region.

(b) A quarterly listing of all cases in which settlement or conciliation has been completed and the results, by region.

(c) A copy of each conciliation agreement prepared in EEOC field offices as a result of conciliation efforts.

Part II. The following procedure shall be applicable to all cases involving Government contractors subject to the provisions of Executive Order 11246, as amended.

(a) OFCC shall promptly transmit complaints filed with it under Executive Order 11246, as amended, to EEOC, which shall treat such complaints as charges filed under Title VII of the Civil Rights Act of 1964. EEOC will investigate such complaints, if practicable within sixty (60) days or, in the case of charges relating to practices occurring in a state or subdivision thereof in which EEOC is required to refer to an appropriate state or local agency under section 706(b) of Title VII, if practicable, within one hundred and twenty (120) days from the date on which such charge is received by it. In investigating such charges, EEOC will act both on behalf of OFCC under Executive Order 11246, as amended, and on its own behalf under Title VII. EEOC shall promptly transmit its decision and findings of fact in all such cases to OFCC, which shall then take action in accordance with paragraph (b) of this part.

(b) Whenever EEOC determines that reasonable cause exists to believe that a Government contractor subject to Executive Order 11246, as amended, has violated Title VII, it shall transmit its decision and findings of fact to OFCC. The Director of OFCC then shall cause to be served upon such contractor a notice that reasonable cause exists to believe that such contractor is in violation of Executive Order 11246, as amended, and that should conciliation efforts of EEOC fail, said contractor shall have thirty (30) days to show cause why enforcement proceedings should not be commenced against it under Executive Order 11246, as amended. In order to develop effective working procedures to implement this paragraph, the following procedure shall apply during the first ninety (90) days of the operation of this Memorandum:

(1) EEOC shall determine which cases in which reasonable cause has been found against Government contractors will be referred to OFCC for issuance of thirty (30) day show cause notices under this paragraph.

---

[1] As amended by Executive Order 11375.

(2) EEOC and OFCC will agree on the total number of cases to be referred.

(3) At the end of ninety (90) days, EEOC and OFCC will review the operation of this Memorandum, and adopt such adjustments to procedures as are appropriate in the light of experience.

(c) A finding by EEOC as to reasonable cause shall not be conclusive as to whether the contractor has violated Executive Order 11246, as amended, nor is anything contained herein intended to limit the authority of OFCC in conducting such further investigations or from instituting such further efforts to obtain compliance with the provisions of Executive Order 11246, as amended, including the commencement of show cause proceedings earlier than the period specified in paragraph (b) above, as it deems appropriate: *Provided*, That in further attempting to resolve questions of noncompliance, OFCC shall give appropriate consideration to the fact that voluntary conciliation efforts of EEOC have failed with respect to such contractor.

(d) EEOC and OFCC shall conduct periodic reviews of the implementation of this agreement, and shall, on an ongoing basis, continue their efforts to develop consistent systems, procedures, and standards in furtherance of the purposes of this agreement.

Signed at Washington, D.C., this 20th day of May 1970.

WILLIAM H. BROWN III,
Chairman, Equal Employment Opportunity Commission.
GEORGE P. SHULTZ,
Secretary of Labor.
JOHN L. WILKS,
Director, Office of Federal Contract Compliance.

[F.R. Doc. 70-6665; Filed, May 28, 1970; 8:45 a.m.]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PROCESSING OF COMPLAINTS OF EMPLOYMENT DISCRIMINATION AS BETWEEN TWO AGENCIES

Memorandum of understanding

Cross reference: For a document regarding memorandum of understanding relative to processing complaints of employment discrimination as between two agencies, see F.R. Doc. 70-6665, Department of Labor, Office of Federal Contract Compliance, *infra*.

[From the Federal Register, Dec. 9, 1970]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

INTERPRETATIONS AND OPINIONS OF THE COMMISSION

The Equal Employment Opportunity Commission (hereinafter referred to as the Commission), in order to dispel an apparent misunderstanding, on the part of a number of respondents, with respect to the materials constituting a "written interpretation or opinion of the Commission" within the meaning of section 713(b) of the Civil Rights Act of 1964, 42 U.S.C. section 2000e-12(b), invites specific attention to the provisions of § 1601.30 of the Commission's Procedural Regulations, 29 CFR 1601.30. The provision referred to has, since July 1, 1965, specifically restricted the meaning of the phrase "written interpretation or opinion of the Commission" to correspondence entitled "opinion letter" and signed by the General Counsel on behalf of the Commission (29 CFR 1601.30(a)). Matter issued pursuant to 29 CFR 1601.30(a) is issued to a specific addressee(s) and has no effect upon situations other than that of the specific addressee(s).

Accordingly, matter appearing in the Quarterly and Annual Digests of Legal Interpretations, formerly issued by the Office of the General Counsel and discontinued subsequent to July 1, 1966, neither met nor were intended to meet the standards required of a "written interpretation or opinion of the Commission" within the meaning of the Commission's procedural regulations, 29 CFR 1601.28-1601.30, or section 713(b), 42 U.S.C. section 2000e-12(b). Similarly, matter appearing in the commercial reporting services erroneously entitled, "opinion letter" or "General Counsel Opinion" do not meet the standard required of a "written interpretation or opinion of the Commission" within the meaning of the Commission's procedural regulations, 29 CFR 1601.28-1601.30, or section 713(b), 42 U.S.C. section 2000e-12(b).

This notice shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 1st day of December 1970.

WILLIAM H. BROWN III,
Chairman.

[F.R. Doc. 70-16503; Filed, Dec. 8, 1970; 8:46 a.m.]

PART 1605—GUIDELINES ON DISCRIMINATION BECAUSE OF RELIGION

§ 1605.1 Observation of the Sabbath and other religious holidays.

(a) Several complaints filed with the Commission have raised the question whether it is discrimination on account of religion to discharge or refuse to hire employees who regularly observe Friday evening and Saturday, or some other day of the week, as the Sabbath or who observe certain special religious holidays during the year and, as a consequence, do not work on such days.

(b) The Commission believes that the duty not to discriminate on religious grounds, required by section 703(a)(1) of the Civil Rights Act of 1964, includes an obligation on the part of the employer to make reasonable accommodations to the religious needs of employees and prospective employees where such accommodations can be made without undue hardship on the conduct of the employer's business. Such undue hardship, for example, may exist where the employee's needed work cannot be performed by another employee of substantially similar qualifications during the period of absence of the Sabbath observer.

(c) Because of the particularly sensitive nature of discharging or refusing to hire an employee or applicant on account of his religious beliefs, the employer has the burden of proving that an undue hardship renders the required accommodations to the religious needs of the employee unreasonable.

(d) The Commission will review each case on an individual basis in an effort to seek an equitable application of these guidelines to the variety of situations which arise due to the varied religious practices of the American people.

(Sec. 713(b), 78 Stat. 265; 42 U.S.C. 2000-12) [32 F.R. 10298, July 13, 1967]

The ACTING PRESIDENT pro tempore. What is the pleasure of the Senate?

Mr. RANDOLPH. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, religious liberty is a precious liberty.

With this thought, Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from West Virginia. On this question, the yeas and the nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. BIBLE), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Mississippi (Mr. STENNIS), the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I also announce that the Senator from California (Mr. TUNNEY), the Senator from Georgia (Mr. TALMADGE), the Senator from Utah (Mr. MOSS), the Senator from Hawaii (Mr. INOUYE) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from Rhode Island (Mr. PASTORE), the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PELL), and the Senator from Illinois (Mr. STEVENSON) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Delaware (Mr. BOGGS), the Senator from Kentucky (Mr. COOPER), the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY), the Senator from Delaware (Mr. ROTH), the Senator from Alaska (Mr. STEVENS), the Senator from Ohio (Mr. TAFT), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from New York (Mr.

Buckley) and the Senator from South Carolina (Mr. Thurmond) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. Hatfield), the Senator from Maryland (Mr. Mathias), the Senator from Iowa (Mr. Miller), the Senator from Illinois (Mr. Percy), the Senator from South Carolina (Mr. Thurmond), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 55, nays 0, as follows:

[No. 3 Leg.]

YEAS—55

Aiken
Allen
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Brock
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cook
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gurney
Hansen
Hart
Hollings
Hruska
Hughes
Jordan, Idaho
Kennedy
Long
Mansfield
McGee
Metcalf
Montoya
Nelson
Packwood
Pearson
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Symington
Williams
Young

NAYS—0

NOT VOTING—45

Allott
Bentsen
Bible
Boggs
Buckley
Chiles
Church
Cooper
Cotton
Cranston
Curtis
Gravel
Griffin
Harris
Hartke
Hatfield
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Magnuson
Mathias
McClellan
McGovern
McIntyre
Miller
Mondale
Moss
Mundt
Muskie
Pastore
Pell
Percy
Roth
Sparkman
Stennis
Stevens
Stevenson
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker

So Mr. Randolph's amendment was agreed to.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WILLIAMS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will now resume the consideration of the Dominick amendment, amendment No. 611.

QUORUM CALL

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SAXBE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SAXBE. Mr. President, I believe the pending business is the Dominick amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. SAXBE. Mr. President, I support the pending amendment, and I do so from a background of having worked closely with civil rights enforcement at the State level. I am in accord with the concept that the Equal Employment Opportunity Commission should have enforcement power. However, I am not satisfied that the enforcement power should be given in this manner. Therefore, I am in support of the Dominick amendment so that the matter might go through the courts.

I voted yesterday for the Taft amendment which I think goes a long way toward assuring due process in its basic form. However, I still think it would be better protected in the courts, even with the Taft amendment.

I have noticed throughout the discussion that there has been a comparison of the EEOC with the National Labor Relations Board. I do not think this is a just comparison. It has been said that it was necessary that the cease and desist powers be given to the NLRB to get the unions started and to protect the unions in their infancy. I do not think this is a similar situation. The persistence and the staying power of the labor movement has been much greater, and it had significantly greater financial backing.

If the issue is one of speed, the EEOC should go to the courts in the first place rather than having a cease and desist order and then going through the courts, as most of them will do.

Finally, the final results will be much more comprehensive and much more satisfactory if we have this as a court action, which will establish precedent and will keep the overzealous advocates and enforcers of the EEOC from going overboard.

This is what I want to talk about specifically because of my personal experience. In Ohio, the civil rights commission was established, as it was in many States, and the Governors of Ohio over the years have appointed to this commission people who were vitally interested in civil rights. These people tend to have an ax to grind. They are people who are very zealous. They then in turn hire investigators and enforcing people who visit the offices, plants, and business institutions. They are people who are also very much wrapped up in the civil rights movement. This is all right. This is fine. However, too often we would find—and I speak as a former attorney general who handled the legal aspects of this matter—that in their zealousness to try to protect the civil rights of some people, they were also eager to violate the civil rights of others.

I remember one specific instance in which they went into a factory and said, "We want a list of your black employees and your white employees."

The man said, "It is illegal for me to keep such a list. It is illegal for me to make a record as to whether a man is black or white. It is illegal for me even to provide you with the list if I had such a list. It is also illegal for me to stand down at the door and head count them as they come in."

The man said, "If you don't, we will cite you for a violation."

They came to me as attorney general and asked me to bring an action citing them for this violation. I said, "You can't force a man to do something that the Federal statutes and our own State statutes say he is not permitted to do. That would be a discrimination. It would even be a discrimination to ask them to identify themselves."

In another particular case, in their zealousness, they worked directly against an employee of a small company that finished photographs. They had perhaps a dozen or 15 girls working on these photographs. These girls belonged to a union. I believe it was called the Photo Tinters, or something of that nature. That union was affiliated with a larger group. They had some office personnel, and they had one Negro man who was a janitor. They said that he was discriminated against because he did not belong to the Photo Finishers Union. He was not causing any trouble, but the civil rights investigators cited these people in for a hearing and forced the union to admit this man as a member of the Photo Finishers Union.

The company, in an effort to solve the problems, did away with the services of the janitor and hired a janitorial service to take over the building.

I know these are instances that indicated a genuine concern. The genuine concern is there, but I do not believe that a board which has a tendency to be biased by political appointment, by interest in sitting on such a board, should be the ones that would issue cease and desist orders, or be the ones that would act as prosecutors in the hearing of cases.

In my experience in working closely with this matter at the State level I know it is not an undue hardship to cite these people into court, and I think they should be cited into court if they are not following the legalities of the statute. I think it was a mistake that we did not have enforcement powers in the law prior to this time, and I certainly want to see it enforced, but I think it will work to the general satisfaction of all concerned, not only the employee and the employer, but also the board itself if the Commission is permitted to go directly into court to file, as lawyers have filed for centuries, their complaint, giving this person the right to be in court, to be heard, to be faced with the accuser, and to be given the opportunity to have a court record made which is appealable, and not a trial de novo, which coud occur in the other instance.

I cannot help but feel that in a campaign year there will be Members who will vote here because they think they are doing labor a great favor or minority groups a great favor by saying, "You can go out and issue your own orders." I do not believe they are doing them a favor. I think they are doing them a disservice. If this is going to work and be effective, it has to be clothed with all the legality with which we can clothe it; and that is the Federal court, which has a record of speed and a record of following up on such cases which is good.

I have before me a comparison of cases with the NLRB and other agencies, which are particularly limited to a certain set of licensing circumstances. It does not apply to every type business where 25 are employed, but a very limited group. Perhaps in that kind of closed community such as licenses, where they go in and discuss problems among themselves, it could operate; but I do not believe it can operate where they can do this every time that any of the investigators find what they believe to be a violation.

Mr. President, this is my statement on the amendment and I hope I have brought some personal experience in regard to this matter.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. SAXBE. I yield.

Mr. DOMINICK. I was extremely interested in listening to the Senator's personal experiences with these problems in Ohio. They are not dissimilar to problems we experience in Colorado.

As an example, I had a gentleman call me up and say he was being discriminated against because he was not being given a better job on a construction project requiring substantial work on scaffolds. He was a Spanish-speaking man. I looked into the matter to find out if there was discrimination involved. In the meantime the man carried the matter all the way up to the president of the company. I found out the reason he was rejected was not because he was Spanish-speaking, but because the job required that he climb to the top of high scaffolds; he had a shriveled arm and a shriveled leg and they did not think he could get up there with all the equipment necessary to perform the job.

When I explained to him that there was no discrimination but rather, only his disability, he was perfectly satisfied. But it took the president of the company and a variety of other officials to satisfy him that he was not being discriminated against.

This is the point I made earlier. These matters become quite subjective and emotional. The more we can utilize an impartial judicial framework the less chance we will have of emotional influence and the better off we will be.

I think the statement of the Senator from Ohio along these lines are extremely helpful. I wish to express my appreciation to the Senator for his support.

Mr. SAXBE. I thank the Senator. I yield the floor.

Mr. BROCK. Mr. President, I rise to associate myself with the remarks of the Senator from Ohio and the Senator from Colorado in connection with this amendment.

I noted both examples that were cited by the Senator from Ohio and the Senator from Colorado, but I think more than any particular example I have concern over the way Congress is delegating authority to nonelected officials in this country today. There are too many instances in this free society in which we have authorized regulatory agencies of the Federal Government to be judge and jury, policeman and prosecutor at one and the same time. This is a terribly dangerous potential for those of us who believe in the Constitution and in due process of law as the ultimate safeguard and protection for every citizen, as the most fundamental civil right of all.

These people are elected by no one. In too many instances they are responsive to no one. The Dominick amendment, in my opinion, is directed at this particular problem and it is an effort to address it to this particular instance of the Equal Employment Opportunity Commission. I support the amendment and I support it because I think we have no alternative if we are to preserve due process of law in this country.

Mr. President, I am delighted to support amendment No. 611 offered by the distinguished Senator from Colorado (Mr. DOMINICK) to provide an efficient and fair method for enforcing the rights of those subjected to unfair employment practices.

Under the Civil Rights Act of 1964 the Equal Employment Opportunity Commission was given authority to investigate complaints of discrimination in employment and to try to resolve grievances through conciliation procedures. The Commission had no mandate to enforce fair employment practices and I believe that deficiency should be remedied.

In restructuring the functions of the Commission, I feel that we should have two goals in mind—the establishment of a procedure which is both fair and efficient.

The public is entitled to have its business handled by Government in an efficient manner. One of the criticisms most often aimed at administrative agencies is that they are notorious in their inefficiency in handling the caseload before them. For example, it has been estimated that the median time in days elapsed in processing NLRB unfair labor practice cases, from filing to decision, amounted to 323 days in 1970. The present EEOC complaint disposition requires from 18 to 24 months. I do not feel that it is fair for the Government agencies to keep either respondents or complainants waiting years before matters in which they are vitally interested are disposed. In restructuring Government agencies such as the EEOC it is incumbent upon Congress to show some imagination to fashion procedures that will provide for a speedy resolution of pending business.

Equally important is that the procedures be equitable. Fundamental to our system of justice is fairness. In our desire to achieve equal employment opportunity we must be fair to both the respondent and complainant. We cannot forsake the principle that anyone charged with violating the law is presumed innocent until proven guilty. He is entitled to be tried by an impartial tribunal. This calls for a disinterested party sitting as the judge of the case. The policeman and the prosecutor cannot sit as judge. If fairness is to be achieved, we must divide the function of prosecution from the function of adjudication.

My objection to S. 2515 as written is not with its objective but with its proposed means for achieving the stated end. Under S. 2515 the EEOC would be able to issue a complaint, to conduct hearings, to issue cease-and-desist orders, and to include in an order such things as demands for reinstatement for back pay, or for the company to report regularly to EEOC on how it is complying with the order. This approach is not fair in that it gives the EEOC czar-like powers of policeman, prosecutor, judge and jury. It violates the fundamental demand of separation of these powers.

Nor would efficiency be served under the provisions of S. 2515. If the EEOC is unable to handle the case load under the present arrangement, there seems little likelihood it could expeditiously dispose of additional responsibilities. It would take an enormous number of new employees and attorneys to handle this case load and it could easily take as long as 3 years before a case is disposed.

In the alternative, the Dominick proposal to empower the EEOC to sue in district courts when conciliatory efforts fail would achieve the objective of strengthening enforcement of equal employment opportunity under a fair and efficient procedure. Fairness is promoted under the district court approach by separating the functions of the policeman, the prosecutor, and the judge. A fair trial and due process are guaranteed to the accused.

Cases could be handled much more efficiently under a court enforced system. Whereas it now requires from 18 to 24 months to dispose of an EEOC case, the median time interval from issue to trial for nonjury trials in U.S. district courts in 1970 was 10 months according to the annual report of the Director of the Administrative Office of the U.S. Courts.

In sum, I believe Senator DOMINICK's amendment to strike all EEOC cease-and-desist language and substitute therefore language allowing the EEOC to file civil actions in Federal district court if they are unable to conciliate the dispute will enhance the workability of S. 2515. This method will combine the EEOC's expertise in investigating, conciliating, and prosecuting unlawful employment cases with due process guarantees available only in impartial courts, a much more fair approach which I urge my colleagues in the Senate to support.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. BROCK. I yield.

Mr. DOMINICK. Just prior to the Senator's appearance in the Chamber today, the Senator from North Carolina (Mr. ERVIN), in a colloquy with the manager of the bill, pointed out that President Roosevelt created a commission to look into the executive agencies to determine what should be done about them. Justice Jackson in referring to the findings of this commission emphasized that the first thing that should be done is to separate the prosecutory, the investigatory, and adjudicatory functions. My recollection is that Mr. Landis said the same thing when he was made the head of a similar commission.

What I am trying to do is one portion, and only one portion of what these eminent commissions have already recommended and to which the Senator from Tennessee referred. I appreciate the support of the Senator from Tennessee. I hope we can generate enough support to establish a precedent in this bill against the easy but irresponsible delegation of important judicial powers and authority to nonelected administrative officials when such powers and authority clearly belongs in our Federal courts.

I thank the Senator for his remarks.

ORDER OF BUSINESS

Mr. DOMINICK. Mr. President, I ask unanimous consent that my amendment may be set aside temporarily and then made the pending order of business following the remarks of the Senator from Oregon (Mr. PACKWOOD).

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. PACKWOOD when he introduced Senate Joint Resolution 187 are printed in the routine morning business section of the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER FOR RECOGNITION OF SENATOR SCHWEIKER ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL MONDAY, JANUARY 24, 1972, AT 10:45 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:45 a.m. Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE SIGNING OF BILLS AND JOINT RESOLUTIONS DURING ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Vice President and President pro tempore of the Senate have permission to sign bills and joint resolutions during the adjournment over until 10:45 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515), a bill to further promote equal employment opportunities for American workers.

The PRESIDING OFFICER. The Chair announces that the Senate will resume the consideration of amendment No. 611.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

(The remarks of Mr. DOMINICK when he introduced S. 3056 are printed in the routine morning business section of the CONGRESSIONAL RECORD under "Statements on Introduced Bills and Joint Resolutions.")

LAOS AND THE ROLE OF CONGRESS

Mr. SYMINGTON. Mr. President, it was indeed disturbing to note some of the comments contained in an article in the New York Times this morning with respect to the current situation in Laos and the possible future effect of the $350 million "ceiling" which Congress placed on U.S. expenditures in that country for this current fiscal year.

Of particular concern was an incredible quote from a high-ranking official who the Times said asked not to be identified. This official said:

> Maybe one of the reasons the enemy is attacking so heavily here now is because of this amendment. It just shows the tragedy of trying to put a ceiling on any way.

Anyone familiar with the situation in Laos would have little difficulty in identifying this so-called high-ranking official who insists on hiding behind the much-too-frequently-used "backgrounder wall;" and the fact that he—in view of his knowledge about the details involved in adopting this amendment—would make such a statement is hard to understand.

In the first place, this informant is well aware that this $350 million ceiling excludes the costs of United States bombing in Laos, by far the greatest part of the continuing American air war in that country.

Second, it should be pointed out that this amendment was accepted in the Senate by a vote of 67 to 11. We were told at that time that this amount was what the administration expected to spend in the next fiscal year in Laos; again, exclusive of the bombing. The ceiling figure, also accepted by the House and now a matter of law, is therefore that of the administration, not the Congress.

In addition, at the time this amendment was considered it was made clear that if the administration found that additional funds were needed, a supplementary request could be made to the Congress.

The language of the legislative provision itself—

> No funds may be obligated or expended for any of the purposes described in subsection (a) of this section in, to, for, or on behalf of Laos in any fiscal year beginning after June 30, 1972, unless such funds have been specifically authorized by law enacted after the date of enactment of this Act.

It clearly shows that there is nothing to prevent this administration from making an additional request for funds to carry out United States operations in Laos.

This Times story quotes Ambassador Godley by name as saying that:

> The amendment may cause difficulties for this mission in maintaining its assistance to the Royal Laotian Government.

What difficulties? The difficulty of coming to the Congress and saying, "The amount of money we told you was needed is not enough"? The difficulty of telling the Congress and the American taxpayer what these funds are to be used for?

I ask unanimous consent that the article in question—"Laos Losses Spur Calls for More Aid"—be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LAOS LOSSES SPUR CALL FOR MORE AID—AMERICANS ARE CONCERNED ABOUT ENEMY'S DRIVE—SOME SECRECY LIFTED

(By Craig R. Whitney)

VIENTIANE, LAOS, Jan. 20.—Concern about the unusually powerful and early Communist offensive in Laos has grown so intense that the United States Government has lifted much of the secrecy it maintained over its efforts here and is saying that, far from doing too much, the Americans are doing too little and the Administration may ask for more money.

The American establishment in Vientiane—including the Ambassador, G. McMurtrie Godley, about 300 men of the Central Intelligence Agency, and the more than 100 Army and Air Force attaches—does not normally speak for attribution. In recent private background interviews, however, and during a trip that the intelligence agency sponsored to the long-secret guerrilla base and airfield at Long Tieng, officials made their concern clear.

A senior American official said that the embassy would probably run out of military and economic aid money for Laos well before the end of the fiscal year this June unless Congress raised the $350-million ceiling on it. The reason, he said, was the serious toll of the American-backed guerrilla and regular Laotian forces since the intense Communist attack began last month and the need for bullets, bombs and artillery shells. The Administration may have to ask for more, the official added.

The Laotian Premier, Prince Souvanna Phouma, is aware of the restrictions on American aid. A European diplomat who saw him recently said today that the Prince was growing discouraged and reported: "He says, 'What can we do? Maybe we'll have to give up.' "

The $350-million limit was imposed by Congress as an amendment to the Administration's military procurement bill last fall. It covers the costs of all forms of military assistance and weapons and about $50-million in economic aid that the Administration said it planned to spend in Laos in the current fiscal year. But it does not cover the costs of American bombing here, the largest part of the continuing American air war in Indochina.

"Maybe one of the reasons the enemy is attacking so heavily here now is because of this amendment," a high-ranking official said in an interview in which he asked not to be identified. "It just shows the tragedy of trying to put a ceiling on any war."

Ambassador Godley said today: "The amendment may cause difficulties for this mission in maintaining its assistance to the Royal Laotian Government."

Since the North Vietnamese began attacking in unusually large force across the Plaines des Jarres in northern Laos and drove the C.I.A. group and its Laotian defenders out of the Long Tieng base, which is 80 miles north of Vientiane, much though not all of the reticence of the official establishment about its activities has fallen off.

EMBASSY ARRANGED TOUR

This was dramatically apparent yesterday when, for the first time, the embassy, at the Ambassador's direction, arranged for reporters to charter airplanes and helicopters from the Government contractor, Air America, to fly to Long Tieng to see the scope and nature of the American-supported Laotian effort in defense of the base.

An American official accompanied the reporters and allowed them to go anywhere they wanted, but did not permit his name to be published. He said that one reason for finally granting access to the base—after all the C.I.A.'s sensitive radio and other communications equipment had been taken out before the high point of the Communist attack Jan. 12—was that, in his view, much nonsense had been written about Long Tieng "and we thought you should see it for yourselves."

What was there was nothing extraordinary—an airfield, probably used by Laotian T–28 propeller-driven bombers, since it was too short for American jets; a handful of American civilians with radios helping the Laotians on air strikes they could not handle with their own air force, and a large, almost completely abandoned, village where dependents of the guierrilla army of Meo tribesmen had lived before the North Vietnamese swept down from the Plaine des Jarres and began shelling the Long Tieng Valley on New Year's Eve.

The enemy attackers were still on a craggy limestone ridge at the southeast end of the base yesterday. Airplanes do not land on the airstrip now for fear of ground fire but drop supplies by parachute.

It was apparent at the command post overlooking the ruggedly beautiful valley that if the base was ever exclusively run for Maj. Gen. Vang Pao's Meo irregulars, it is no longer. The General whom the Americans in civilian clothes fondly called "V.P." was there, cheerful and natty in a dark brown safari suit with stars on each collar, but he was surrounded by other regular Laotian generals and by the Laotian Defense Minister, Sisouk na Champassak.

In fact, the Meos did bear a heavy burden of the fighting in northern Laos for many years during the so-called secret war of the nineteen-sixties. Long Tieng is a mountain country south of the Plaine des Jarres, which is their ancestral homeland, and may explain why they have been fighting so hard for so long.

But now, according to Americans here, they are weakened, and are believed to number only about 2,000 of the 6,000 or so troops that are fighting on the high ridges overlooking Long Tieng.

There were 400,000 Meos there before the war but only 200,000 are believed there now, through combat losses and the traumas of annual forced migrations, as they lost ground militarily in the dry season and then took it back again when the rains came in summer.

THE COALITION THAT DIED

The clandestine army was set up largely for political reasons. Laos is in theory a neutral kingdom and has been since 1962 when, under international supervision, the indigenous Pathet Lao Communist, the rightist military faction and the neutralists formed a coalition under Prince Souvanna Phouma that collapsed in fighting that year.

Pathet Lao officials left the Government then and their positions have not been filled since. Fighting between the Government forces, quietly supported by the Americans, and the Pathet Lao, supported and now vastly outnumbered by the North Vietnamese Army, has been going on since 1963.

American intelligence here, backed by independent diplomatic sources, says that there are 80,000 to 90,000 North Vietnamese troops in the country but only an estimated 30,000 in the Pathet Lao forces, which do not do the bulk of the fighting.

On March 6, 1970, President Nixon put on record the previously known but officially unacknowledged facts that American Air Force and Navy planes had, with Prince Souvanna Phouma's consent, been bombing North Vietnamese supply trails in southern Laos for years and that they had been flying air support for the Royal Laotian forces in the north as well.

Now, with the latest North Vietnamese attack—6,000 to 9,000 superbly trained and equipped combat troops are estimated to be in the van of the Long Tieng fighting—American officials have apparently concluded that they have nothing to lose by putting more information out in the open.

"It's a North Vietnamese invasion, the most serious attack they've ever made here," one official said at Long Tieng the other day. "They are more determined to knock these people out than they have ever been before."

So the Americans have now allowed reporters to see how they support General Vang Pao and the regular and irregular Laotian forces. Yesterday at Long Tieng, the roar of American Air Force F–105 and F–4 fighters often resounded through the valley as they flew combat-support missions, and the American civilians were planning more big strikes by B–52's. All the planes are from bases to the south, in Thailand.

That support does not come under the Congressional $350–million limit, but the bombs dropped by the 40-plane Laotian Aid Force do come under it.

So did the $1-million for ammunition that blew up at Long Tieng when it was struck by North Vietnamese shells and so did hundreds of thousands of dollars represented by about 20 guns of 105 and 155 millimeters that were captured by the enemy when the Plaine des Jarres was overrun last month.

So too does the money that pays the 3,000 to 4,000 Thai soldiers—the exact number is not known—who have been manning artillery positions here and are described by the American authorities as volunteers paid by the United States through the Laotian Government.

Of these men, 1,000 or 2,000 are still in Laos, in positions around Long Tieng, and others have suffered heavy casualties in fighting farther south on the Boloven Plateau.

There is a growing feeling of futility among the Americans here. "It's obvious we can't just depend on a C.I.A. irregular force," an official said. "We've got to build up some kind of security force, but how?"

A Western ambassador commented: "I haven't the faintest idea what political objective the North Vietnamese have in mind." He and the Laotians themselves expect heavy fighting to continue around Long Tieng during the dry season, which does not end until May.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to the able assistant majority leader.

Mr. BYRD of West Virginia. I congratulate the distinguished Senator from Missouri on his statement. I do not know whether it has occurred to the unnamed bureaucrat or not, but I think it might be correctly stated that the reason Congress feels impelled to place ceilings on such amounts derives from the very fact that we do have such bureaucrats who are not responsible to the people directly and who place no rein or check upon their own visionary schemes and activities.

I congratulate the Senator from Missouri on his continuing concern about the situation in Laos, Cambodia, and in all of Indochina. I share with him this concern because I am afraid that unless Congress does put its foot down, does place ceilings on these amounts, does exercise a strict surveillance and a check rein, we will find ourselves being sucked into new and continuing Vietnams.

I have visited in many countries of the world and I think I can say without question that in every country so many of our own people seem always to put the interests and viewpoints of the host countries ahead of the interests and welfare of the United States and its people.

In closing I say that such a statement by such a bureaucrat is simply anserine in other words, stupid.

I thank the Senator and I congratulate him on the fact that he takes the floor often to speak his mind and to take a strong stand on behalf of prudence in spending and caution against new involvements in Laos and Cambodia.

Mr. SYMINGTON. I am deeply grateful to the assistant majority leader for his kind but undeserved remarks. I know that my protest will have added weight because of his position in the Senate.

In this connection, incidentally, not only was this bill passed with such a heavy majority, and it was supported by the chairman of the Committee on Armed Services, but also it carefully left open the opportunity for the administration to come back for more money if and when they found it was needed. For this spokesman out there to take upon himself to criticize Congress as he has done according to this article in the press today is an unfortunate way of trying to conduct his business.

FEED GRAIN PRODUCERS HURT BY LOW PRICES

Mr. SYMINGTON. Mr. President, in 1970, the corn blight reduced a projected 4.7 billion bushel corn crop to an actual production of 4.1 billion bushels.

In order to assure adequate production of feed grains for consumers and for export during 1971, the Department of Agriculture asked farmers to plant additional acres.

The result of this increased acreage program was an additional 8.9 million acres planted in grain and more than 5.5 billion bushels of corn produced.

Although the Department of Agriculture request for increased acreage was in the national interest, it is the American farmer and not the Government who is paying for the increased production.

Farmers pay in two ways. First, they invested more time and money in planting, cultivating, and harvesting the 1971 corn crop. Second, it is expected that they will receive an estimated $500 million less income on the larger 1971 crop than they received in 1970.

Because of this development many farm leaders and publications are requesting that the Congress enact legislation to increase the corn loan rate; and also to establish a strategic grain reserve.

Wallaces Farmer, in an editorial in its January 8, 1972, issue, refutes some objections offered by administration spokesmen to the passage of this legislation, and lists as a reason this recommendation for its enactment:

> A modest stock of grains in government hands could remove the need for planned overproduction whenever there is a risk of shortage—as with the threat of blight.

I ask unanimous consent that this editorial from Wallaces Farmer be inserted at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

URGE HIGHER CORN LOAN AND RESERVE PLAN

> Congress is considering an increase in loan rate for feed grains and formation of a strategic reserve. This makes good practical sense.
>
> Price of corn at loan rate is just too low in relation to farm costs and farm income.
>
> Ideally, we would find a way of increasing payments to those farmers who divert acreage and thereby contribute most to bringing production in line with demand. But those who form and administer farm programs haven't seen fit to take this approach.
>
> The secretary of agriculture has raised 3 main objections to increasing the loan rate.
>
> One is that he would be required to raise loan rates of other crops which do not need an increase. Congressional action could get around this.
>
> Another is that a higher loan rate might discourage participation in the 1972 feed grain program. This can be solved by boosting the incentive for participation.
>
> His 3rd objection is that a higher price may decrease the amount of feed grains we can export to foreign nations. The $1 price tag on 1971 corn is not expected to increase exports over those from the $1.30 corn from the 1970 crop. It appears that nonprice factors like world supply may be more important than price.
>
> There's also an objection to raising the corn loan rate that seldom gets discussed in an election year. This is the fact that a higher loan rate increases the federal treasury outlays. True. But a stronger case can be made for farm subsidy than for some of our military expenditures, for one example. And putting more money in farmers' hands is a way of stimulating the general economy.
>
> It could be argued that there may be still higher priorities unfunded than improving farm income. But the fact remains that priorities are established by political muscle.
>
> At the moment, farmers have a good deal of political muscle. Their vote was a key in the last presidential election. And may well be in the next one.
>
> Formation of a strategic reserve looks equally sound. A modest stock of grains in government hands could remove the need for planned overproduction whenever there is a risk of shortage—as with the threat of blight.
>
> The secretary of agriculture has pointed out that farmers now hold the nation's strategic reserve of grain.
>
> But where were such reserves when the 1971 acreage goals were planned? It would take more incentive for on-farm storage to make this approach effective.
>
> This looks like the time to push for an increase in corn loan rate and strategic reserve.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515), a bill to further promote equal employment opportunities for American workers.

Mr. WILLIAMS. Mr. President, returning to the amendment which is pending and which has been offered by the Senator from Colorado (Mr. DOMINICK), let me say, in final remarks on my part this afternoon, that the issue that goes to the very heart of this bill is whether unfair employment practices should be dealt with by way of administrative cease-and-desist proceedings, subject to appellate court review, or whether the Commission must resolve questions of discrimination through court litigation, as proposed in this pending amendment by the Senator from Colorado. When this bill was last before the Senate this same issue was discussed at great length during the debates on S. 2453, and action by the Senate by a rollcall vote decided in favor of the cease-and-desist approach.

Since the inception of title VII, there has been an almost universal recognition of the need to provide some public mechanism for adjudication of charges relating to unfair employment practices. All of the Government witnesses testified at our hearings on the need for enforcement power for the Commission; and the Committee on Labor and Public Welfare was unanimous in its view that some method of enforcement was required for title VII. The only disagreement has been whether this enforcement power should be through administrative proceedings or litigation in the courts.

An amendment to provide court enforcement for title VII, instead of administrative cease-and-desist proceedings, was given full and careful consideration throughout the hearings and in discussions in the full committee. The amendment was rejected, however, and the bill with administrative cease-and-desist enforcement powers was unanimously reported.

I should stress at the outset, that the type of enforcement favored by the committee is the very same type of authority which has been given to virtually all other Federal regulatory agencies such as the Federal Trade Commission, the Interstate Commerce Commission, the Securities Exchange Commission, the National Labor Relations Board, and others; all of these administrative agencies are empowered to issue cease-and-desist orders after holding administrative hearings.

In addition, the type of enforcement authority provided for in S. 2515 is the same as that adopted by 34 of the 38 States which have equal employment opportunity laws. Thus, we are in harmony with the States and we are in harmony with the other administrative agencies.

The committee found sound reason to follow the same approach in this bill. The same considerations which have led to the adoption of administrative enforcement in other areas were found to be fully applicable here.

One of the considerations is the need for the development and application of expertise in the recognition and solution of employment discrimination problems—particularly as these problems are presented in their more complex institutional forms.

In the past several years, the development of the law of employment discrimination has made it increasingly clear that the most significant subject of dispute is often not whether there has been discrimination but what the appropriate remedy is to correct discrimination. Further, the question of remedy is often not posed as to just one person or small group or persons who have been discriminated against, but involves discriminatory practices inherent in the employer's basic methods of recruitment, hiring, placement, or promotion.

Accordingly, one discrimination has been found, the district courts have increasingly been grappling with complex questions of remedy, involving, for example, the plantwide restructuring of pay scales, progression lines, and seniority systems.

Thus, the nature of the issues arising under title VII indicates that reliance upon the expertise developed by trial examiners and commissioners in the course of their ongoing administrative experience with such issues is just as important for this subject matter as is true of the equally complex subjects handled by the Federal Trade Commission, the Securities and Exchange Commission, and others I have mentioned.

Another consideration of utmost importance is that exclusive reliance on court litigation means throwing a new, additional burden on our already overworked Federal district courts.

The complexity of the issues in employment discrimination cases can give rise to enormous expenditures of judicial resources. The present—and ever increasingly overcrowded—caseloads of the Federal courts is a well-known fact, and, as repeatedly emphasized by the Judicial Conference of the United States, measures are desperately needed to expedite trials and relieve the dockets of these courts.

Statistics appearing in the 1970 Annual Report of the Director of the Administrative Office of the U.S. Courts indicate that there were 16,032 trials completed in the U.S. district courts in 1970, up 11 percent over 1969 and about 60 percent more than in 1962. There was a total of 127,240 civil and criminal cases on the dockets in 1970, and, in jurisdictions where the caseloads are the heaviest, it is not uncommon for several years to elapse before a matter is reached for trial.

The judicial conference report mentions specifically that civil rights cases have accounted for a good part of the overall growth in case filing. Between 1961 and 1970 there was an increase of more that 1,200 percent in civil rights cases filed and in the year 1970 itself, there were 3,985 civil rights cases filed compared to 2,453 in 1969, an increase of 63 percent.

The potential for court backlog created

by requiring these cases to be handled at the initial level in the district courts is clear from these statistics. Moreover, Chief Justice Burger called attention to the problem of overburdening the courts with new cases in his address to the American Bar Association in July of 1970 when he stated:

> From time to time Congress adds more judges, but the total judicial organization never quite keeps up with the caseload. Two recent statutes alone added thousands of cases relating to commitment of narcotic addicts and the mentally ill. These additions came when civil rights cases, the voting cases and prisoner petitions were expanding by the thousands.

In appraising the question of enforcement by district court trials rather than through agency hearings followed by appellate court review, the committee was thus particularly concerned with the acute problem of overcrowding of our trial court system. It recognized that to thrust this additional caseload on the district courts would not only clog the already overburdened trial dockets of the courts, but might well delay the administration of justice on a national scale unprecedented in our history. It is truly said that "justice delayed is justice denied." Such is not our objective.

In this bill we have given consideration to the problems encountered by our courts and have not imposed upon them this additional burden.

I should also point out that the enforcement mechanism contained in S. 2515 will insure more quickly a unified approach to the problems of discrimination, since decisions would be rendered by one agency rather than several hundred district court judges. In this way, I believe a greater degree of predictability regarding legal interpretations and remedial approaches will be available to those who are covered by the law.

The argument has been made that court enforcement would be faster and more efficient than administrative enforcement, and the experience of the National Labor Relations Board was cited during our hearings as proof of this argument. The committee examined this contention and concluded that it was not borne out by available figures. The statistics in our record showed that the median time for resolution of a complaint by the National Labor Relations Board, from filing to decision, is a few days more than 1 year, whereas the median time for resolution of contested cases in U.S. district courts, from filing to decision, is 17 months—a considerable difference.

In closing, I would emphasize that our committee concluded that the cease-and-desist mechanism is the best possible method for securing the equal employment opportunities provided in this bill. Court enforcement is not without its merits, nor would it be unworkable if it became the device in the bill—but cease and desist is the better way, and our millions of disadvantaged citizens deserve no less than the best we can provide.

THE WEST COAST DOCK STRIKE

Mr. HRUSKA. Mr. President, President Nixon is to be applauded for his insistence that the west coast dock strike be settled immediately. He has been very tolerant of the congressional leadership which has ignored his two previous urgent pleas of 2 years standing for comprehensive emergency strike legislation.

It is to be hoped that the public will strongly support his present effort to achieve prompt settlement of this crippling work stoppage.

This tieup has disrupted our national economy too long. It is my hope that the Congress will indeed have the legislative solution to the dispute on the President's desk next week.

Our economic problems are serious enough without facing additional deterioration in our export situation, deterioration which was very costly among many others to wheat and livestock farmers in the Midwest as well as shippers of produce and other perishables.

It is estimated that during July and August of last year alone, some $125 million worth of farm products which normally would have moved through west coast ports did not move at all. As much as 60 percent of that business has been lost and will be very difficult if not impossible to regain.

Our largest foreign customer, Japan, relied heavily upon west coast ports. Now Japan is developing new sources of supply because of the unreliability of our exports.

Wheat and flour exports declined at least $100 million in the past 6 months compared to the same period a year ago.

I thoroughly agree with the President that such a damaging disruption can no longer be tolerated. I will enthusiastically support his legislation to settle this dispute promptly.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, before moving to adjourn, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from Colorado (Mr. DOMINICK), as modified.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the Senate will convene on Monday next at 10:45 a.m. Immediately after the recognition of the two leaders under the standing order, the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period to end at 11:30 a.m.

At the conclusion of morning business, the Chair will lay before the Senate the unfinished business. The pending question at that time will be the amendment by the distinguished Senator from Colorado (Mr. DOMINICK), on which there is a time limitation agreement of 1½ hours, to be equally divided. The time limitation on any amendments in the second degree will be 30 minutes.

At the conclusion of the time on the amendment, and amendments, if any, in the second degree, a vote will occur on the Dominick amendment. The yeas and nays have been ordered, consequently a rollcall vote will occur at circa 1 p.m. on Monday next, the exact time depending, of course, on whether any pending amendment in the second degree is before the Senate at the hour of 1 p.m.

Following the vote on the Dominick amendment, other rollcall votes are expected. Senators are alerted, therefore, that there will be a rollcall vote—or rollcall votes—on Monday next.

The Senate will continue its consideration of the unfinished business until it is disposed of. When the Equal Employment Opportunities measure is disposed of, one way or the other, the Senate will then proceed to take up the Higher Education Act—a message from the House of Representatives—on which there is a time limitation agreement of 6 hours, with 2 hours on any amendment in the first degree and 1 hour on any amendment in the second degree. Rollcall votes are expected on that measure, and when the Senate has disposed of that measure, other thorny issues will confront this body, among which are the Voter Registration Act, the Equal Rights for Women constitutional amendment, the Wheat Reserve Act, the foreign aid appropriation bill—but not necessarily in that order.

Senators, therefore, are alerted to the fact that the Senate has much important business ahead. Business will be expedited. Rollcall votes can come at any time, and the leadership on both sides of the aisle hopes that Senators will arrange their schedules accordingly, so as to assure good attendance at all times, in order that the business of the Senate and the business of the people can be expedited as much as possible.

ADJOURNMENT UNTIL 10:45 A.M. MONDAY, JANUARY 24, 1972

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10:45 a.m. on Monday next.

The motion was agreed to; and (at 3:40 p.m.) the Senate adjourned until Monday, January 24, 1972, at 10:45 a.m.

NOMINATIONS

Executive nominations received by the Senate January 21, 1972:

NATO COUNCIL REPRESENTATIVE

David M. Kennedy, of Illinois, to be the U.S. Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

DEPARTMENT OF STATE

Willis C. Armstrong, of New Jersey, to be an Assistant Secretary of State.

DIPLOMATIC AND FOREIGN SERVICE

Kenneth Franzheim II, of Texas, now Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand and to Western Samoa, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Fiji.

John I. Getz, of Illinois, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malta.

Albert W. Sherer, Jr., of Illinois, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czechoslovak Socialist Republic.

U.S. DISTRICT COURTS

Wilbur D. Owens, Jr., of Georgia, to be a U.S. district judge for the middle district of Georgia vice William A. Bootle, retiring.

DEPARTMENT OF JUSTICE

Ermen J. Pallanck, of Connecticut, to be U.S. marshal for the district of Connecticut for the term of 4 years vice Gaetano A. Russo, Jr., resigned.

Ralph E. Erickson, of California, to be an Assistant Attorney General vice William H. Rehnquist, resigned, to which office he was appointed during the last recess of the Senate.

Dale Kent Frizzell, of Kansas, to be an Assistant Attorney General vice Shiro Kashiwa, resigned, to which office he was appointed during the last recess of the Senate.

Henry E. Petersen, of Maryland, to be an Assistant Attorney General vice Will Wilson, resigned, to which office he was appointed during the last recess of the Senate.

NATIONAL RAILROAD PASSENGER CORPORATION

Rose M. Fanucchi, of California, to be a member of the board of directors of the National Railroad Passenger Corporation for the remainder of the term expiring April 28, 1973, vice Catherine May Bedell.

U.S. COAST GUARD

The following-named officers of the Coast Guard for promotion to the grade of lieutenant commander:

Andrew F. Durkee, Jr.
Norman J. Cross
Milford G. Gillam, Jr.
Edward K. Roe
Richard S. Jarombek
William R. Wilkins
George E. Watts
Stephen P. Plusch
Kenneth W. Thompson
Peter K. Valade
David N. Arnold
Robert Bates
James R. Sherrard
Robert L. Sundin
Fred H. Halvorsen
Raymond E. Cunningham, Jr.
Robert T. Dailey
Richard J. Beaver
Harry E. Budd, Jr.
Berne C. Miller
Harold G. Reed
Alan D. Rosebrook
Jerry J. Surbey
Robert E. Hammond II
James M. Loy
Gordon G. Piche
Edward V. McGuire
John A. Gloria
Arnold H. Litteken, Jr.
Joseph M. Maka
Paul A. Martin
Thomas A. Welch
Anthony J. Lutkus
Thomas J. McCarthy
Richard L. Anderson
Robert L. Hanna, Jr.
Gary Russell
William E. Remley
Martin C. Miller
Walter C. Reissig
Larry A. Murdock
Timothy V. Johnson
David Zawadzki
Robert J. Heid
Richard B. Ralph
Thomas Rutter
George A. Bachtell
Paul T. Potter
Frank R. Long
Richard C. Waterman
Burton F. Folce, Jr.
Jerry C. Bacon
Martin L. Lindahl
Charles W. Murray
Richard V. Butchka
Donald G. Campbell
William R. Ladd
Walter F. Bodner, Jr.
Gary C. Nelson
Ronald J. Davies
Larry R. Hyde
Leo J. Black, Jr.
Thomas Nunes
Stephen H. Davis
Andrew F. Hobson
John A. McCullough
Delbert L. Hemphill
Wayne I. Smith
Sperry C. Storm
Walter B. Ferm
David R. Van Dreumel
Richard G. Evans
John R. Carlile, Jr.
Thomas L. Osborne
Gerald J. Pounds
Richard G. Johns
Robert L. Zeller
Gary A. Rogers
James E. Cornell
Lawrence R. Rodgers
James D. Crisp, Jr.
William H. Rollins, Jr.
Charles C. Williams
Larry P. Scarborough
Robert H. Miller
Anthony G. Kasparian
Jimmie H. Hobaugh
Bernard W. Ching
Ted B. Bryant
William J. Loefstedt
Thomas J. McKerr
William R. Arnet, Jr.
James H. Donahue
Milton J. Foust
Neil A. Wagstaff
Richard W. Werner
Reed C. Mattingly
Eldon L. Beavers
Paul G. Patrinos
Raymond C. Herrington
Dennis W. Kurtz
David H. Amos III
Lindon A. Onstad
Roger T. Rufe, Jr.
Marcel J. Bujarski

The following named member of the Permanent Commissioned Teaching Staff of the Coast Guard Academy for promotion to the grade of captain:

Roderick M. White.

The following-named Reserve officers to be permanent commissioned officers in the Coast Guard in the grade indicated:

Lieutenant commander

Jules A. Peebles.

Lieutenant

Gordon O. Tooley.

U.S. ARMY

The following-named officers for appointment in the Regular Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3284 and 3307:

To be major general

Maj. Gen. Kenneth Howard Bayer, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Ralph Longwell Foster, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Morgan Garrott Roseborough, [redacted] Army of the United States (brigadier general, U.S. Army).

Lt. Gen. Robert Edmondston Coffin, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. William Henry Blakefield, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Robert Bruce Smith, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Donald Harry Cowles, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. George Mayo, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. George Samuel Beatty, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Lt. Gen. Robert Clinton Taber, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. John Howard Elder, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. William Warren Cobb, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Edwin I. Donley, [redacted], Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Erwin Montgomery Graham, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. John Daniel McLaughlin, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. George Sammett, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. William Alden Burke, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Warren Kennedy Bennett, [redacted] Army of the United States (brigadier general, U.S. Army).

Lt. Gen. Harris Whitton Hollis, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. George Washington Putnam, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Robert Paul Young, [redacted], Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Francis Paul Koisch, [redacted], Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Thomas Matthew Rienzi, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. William Russell Kraft, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Charles Wolcott Ryder, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. William Edgar Shedd III, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Joseph Edward Pieklik, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. William Bennison Fulton, 567–05–6670, Army of the United States (brigadier general, U.S. Army).

U.S. NAVY

Rear Adm. David H. Bagley, U.S. Navy, for appointment as Chief of Naval Personnel in the Department of the Navy for a term of 4 years.

Rear Adm. David H. Bagley, U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. Douglas C. Plate, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. Robert S. Salzer, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. Stansfield Turner, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Vice Adm. Robert L. Townsend, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

U.S. MARINE CORPS

Lt. Gen. Donn J. Robertson, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general in accordance with the provisions of title 10, U.S. Code, section 5233.

IN THE AIR FORCE

The following-named officers for promotion in the United States Air Force, under the appropriate provisions of chapter 839, title 10, United States Code, as amended.

MEDICAL CORPS

Lieutenant colonel to colonel

Adamson, Godfrey D., Jr., [redacted].
Aljman, Robert M., [redacted].
Andrews, Philip W., [redacted].
Axline, John W., [redacted].
Breslau, Roger C., [redacted].
Burkhart, Fred L., [redacted].
Calvert, John H., Jr., [redacted].
Costin, Ronald E., [redacted].
Coursey, John W., [redacted].
Cowan, William R., [redacted].
Daniel, Thomas G., [redacted].
Dannemiller, Francis J., [redacted].
Davis, Jefferson C., [redacted].
Davison, Richard A., [redacted].
Dennis, LeBaron W., [redacted].
Edmunds, Frank E., Jr., [redacted].
Fidone, George S., [redacted].
Fite, Fulton W., [redacted].
Gambrell, Richard D., Jr., [redacted].
Guillebeau, James G., [redacted].
Gustavson, Warner H., [redacted].
Hayes, Frank W., [redacted].
Hernandez, Cruz M., [redacted].
Jones, David R., [redacted].
King, William H., [redacted].
Landew, Melvin, [redacted].
Larsen, Gordon L., [redacted].
Lucas, Richard N., [redacted].
Mahon, Charles B., [redacted].
Moralespereira, Antonio, [redacted].
Neal, William R., [redacted].
Oi, Richard H., [redacted].
Oliver, James H., Jr., [redacted].
O'Toole, Robert V., Jr., [redacted].
Peterson, Carlton J., [redacted].
Petrauskas, Raymond R., [redacted].
Plugge, Frederick W., IV, [redacted].
Po, Robert, [redacted].
Poel, Robert W., [redacted].
Preator, Richard F., [redacted].
Rodgin, David W., [redacted].
Schwamm, Harry A., [redacted].
Seidel, Donald R., [redacted].
Singleton, William P., [redacted].
Whitaker, Harry A., Jr., [redacted].
Youngman, Delyle R., Jr., [redacted].

MEDICAL CORPS

Major to lieutenant colonel

Abbott, Kenneth H., II, [redacted].
Adams, John P., [redacted].
Aldredge, Horatio R., III, [redacted].
Andruczk, Robert C., [redacted].
Barry, William E., [redacted].
Behringer, Blair R., [redacted].
Bickel, Rudolf G., [redacted].
Bishop, John E., [redacted].
Blatner, Howard A., [redacted].
Bristow, John W., [redacted].
Burns, John B., [redacted].
Carroll, Herma G., Jr., [redacted].
Chappell, Seaborn M., [redacted].
Cook, James H., [redacted].
Cook, Marshall S., [redacted].
Cruzjimenez, Pedro R., [redacted].
Dacus, Dale S., [redacted].
Dear, Steven R., [redacted].
Dehart, Rufus M., Jr., [redacted].
Demos, George T., [redacted].
Demski, Robert S., [redacted].
Eilert, Robert E., [redacted].
Eisenhart, George V., [redacted].
Erickson, Larry R., [redacted].
Erickson, Larry L., [redacted].
Falbaum, Hartley L., [redacted].
Ferguson, William T., [redacted].
Fisher, William J., [redacted].
Fisher, William J., [redacted].
Giffin, Edward L., [redacted].
Gigax, John H., [redacted].
Hargis, Robert J., [redacted].
Harlan, John R., [redacted].
Hartman, James F., [redacted].
Haydon, John R., Jr., [redacted].
Huey, James R., Jr., [redacted].
Hutton, Robert D., [redacted].
Johnson, Joseph M., [redacted].
Johnson, Wayne A., [redacted].
Kaminski, Paul F., [redacted].
Kasdan, Morton L., [redacted].
Keenan, James D., [redacted].
Kelly, Paul A., [redacted].
Koop, Lamonte P., [redacted].
Logan, Neal J., [redacted].
Longo, Michael R., Jr., [redacted].
Maioriello, Richard P., [redacted].
McFarlane, Claude L., [redacted].
Mendoza, Edward, [redacted].
Michaels, David L., [redacted].
Murphy, Jerry L., [redacted].
Neimanis, Andris, [redacted].
Noga, Gerald W., [redacted].
Olsen, Armin B., [redacted].
Patton, John P., Jr., [redacted].
Paull, Robert M., [redacted].
Pohl, Donald R., [redacted].
Price, Terrill E., Jr., [redacted].
Reay, Donald T., [redacted].
Reber, Howard A., [redacted].
Ring, Robert J., Jr., [redacted].
Robinson, James R., [redacted].
Russell, David S., [redacted].
Sarnacki, Clifford I., [redacted].
Schwark, Thomas E., [redacted].
Shaywitz, Bennett A., [redacted].
Shirley, James H., [redacted].
Slovin, Alvin J., [redacted].
Stevens, Joseph B., [redacted].
Suckow, Lowell C., [redacted].
Sutton, George S., [redacted].
Thompson, Cleveland, III, [redacted].
Thompson, Richard M., [redacted].
Tobias, Thurman E., [redacted].
Todd, David S., [redacted].
Touhey, John E., [redacted].
Urso, Philip J., [redacted].
Vanvonderen, Vernon R., [redacted].
Versteeg, Harold J., Jr., [redacted].
Verwest, Hadley M., Jr., [redacted].
Wallis, William E., [redacted].
Watson, Alfred B., Jr., [redacted].
Weinman, Tay J., [redacted].
Wyatt, Ronald O., [redacted].
Zimmerman, Raymond E. P., [redacted].

IN THE ARMY

The following-named officers for promotion in the Army of the United States under the provisions of Public Law 92-129.

To be lieutenant colonel

Acosta-Natal, Fausto, [redacted].
Adams, William M., Jr., [redacted].
Alabanza, Florentino V., [redacted].
Alexander, Byron B., [redacted].
Allen, Alfred M., [redacted].
Allison, Howard H., [redacted].
Andrada, Manuel T., [redacted].
Babaian, William L., [redacted].
Baddour, George A., [redacted].
Bancroft, William H., [redacted].
Barclay, William A., [redacted].
Barnett, Stanley A., [redacted].
Barreca, Nicholas E., [redacted].
Beaver, Harry C., [redacted].
Bell, Michael J., [redacted].
Bell, Randall W., [redacted].
Bohama, Rajendra K., [redacted].
Blumer, Robert B., [redacted].
Bluehardt, Ralph, [redacted].
Bogart, John N., [redacted].
Bowen, Thomas E., [redacted].
Brown, Gerald S., [redacted].
Brown, Samuel A. II, [redacted].
Buck, Edward G., Jr., [redacted].
Burns, Winton H., [redacted].
Callan, Thomas W., [redacted].
Cameron, Richard D., [redacted].
Cardell, Jose E., [redacted].
Carolan, Patrick J., [redacted].
Carter, Gordon C., [redacted].
Cassisi, Nicholas J., [redacted].
Cavanagh, Richard C., [redacted].
Chase, Norman B., [redacted].
Chezar, Joel A., [redacted].
Clarke, John S., [redacted].
Coil, James A., Jr., [redacted].
Collinge, James A., [redacted].
Collins, James L., Jr., [redacted].
Conrad, Francis E., [redacted].
Cottingham, Andrew, [redacted].
Cudia, Joseph, [redacted].
Currier, Charles B., [redacted].
Cutting, John W., [redacted].
DeMeester, Tom R., [redacted].
Dean, Arthur J., Jr., [redacted].
Dunker, Richard B., [redacted].
Egan, Thomas J., [redacted].
Eversmann, William, [redacted].
Fauver, Howard E., Jr., [redacted].
Feemster, John A., [redacted].
Foy, Gerald W., [redacted].
Frederick, Fred D., [redacted].
Freihofer, Erick J., [redacted].
Frileck, Stanley P., [redacted].
Gardner, William R., [redacted].
Gelber, Rene L., [redacted].
Gernon, William H., [redacted].
Giberson, Eric S., [redacted].
Gilbert, Robert F., [redacted].
Green, Ralph R., [redacted].
Griffin, Louie H., Jr., [redacted].
Griffith, Jesse S., [redacted].
Gryczko, Gerald A., [redacted].
Gullott, Richard F., [redacted].
Gum, Ronald A., [redacted].
Gunsberg, Melvin J., [redacted].
Gushwa, Richard L., [redacted].
Haidri, Nazar H., [redacted].
Hairabet, Jean K., [redacted].
Hammond, James B., [redacted].
Handley, George J., [redacted].
Hansen, Robert E., [redacted].
Harris, Hugh G., [redacted].
Hefter, Thomas G., [redacted].
Helman, Raul H., [redacted].
Hovey, Leslie M., [redacted].
Howard, Freeman I., [redacted].
Hull, Jan K., [redacted].
Humbert, Paul V., Jr., [redacted].
Hunter, John D., Jr., [redacted].
Johnson, Jorge H., [redacted].
Johnson, Lawrence F., [redacted].
Jordan, George W., [redacted].
Kao, Vincent C., [redacted].
Kato, Ronald H., [redacted].
Kearney, John J., [redacted].
Kim, Han J., [redacted].
Knepshield, James H., [redacted].
Lacsina, Emmanuel Q., [redacted].
Lawless, Oliver J., [redacted].
Lee, Robert E., Jr., [redacted].
Lehman, Richard H., [redacted].
Linares, Rafael, [redacted].
Linden, David A., [redacted].
Lindstrom, Eric E., [redacted].
Liptak, Richard A., [redacted].
Llewellyn, Craig H., [redacted].
Lowry, Roswell T., [redacted].
Magoun, Thatcher Jr., [redacted].
McConnell, Michael, [redacted].
McDonald, Edward G., [redacted].
McDonald, Herbert, [redacted].
McKee, Alan F., [redacted].
McManis, James C., [redacted].
McMarlin, Stacy L., [redacted].
McPhail, Schubert, [redacted].
Merchant, Michael J., [redacted].
Miller, Richard N., [redacted].
Miranda-Maranon, Jorge, [redacted].
Miura, Calvin M., [redacted].
Miyazawa, Kunio, [redacted].
Mock, Joseph P., [redacted].
Mohr, Jay P., [redacted].
Moore, Holland V., [redacted].
Mullane John F., [redacted].
Nelsen, James H., [redacted].
Nelson, Kenneth E., [redacted].
Ocroinin, Proinnsias, [redacted].
Odell, Stewart I., [redacted].
Odom, Richard B., [redacted].
Ossorio-Olivencia, Jose R., [redacted].
Owens, Bennett G., Jr., [redacted].
Peck, Morgan S., [redacted].
Petty, William C., [redacted].
Powell, George K., [redacted].
Price, Herman L., [redacted].
Proctor, Richard O., [redacted].

Qazi, Haroon M., [redacted].
Reeder, Alton A., [redacted].
Ritchie, Wallace P., [redacted].
Rosenberg, Donald M., [redacted].
Sadadah, David M., [redacted].
Saenz, Enrique A., [redacted].
Santaella-Latimer, Luis R., [redacted].
Sawhill, David L., [redacted].
Scavarda, Angelo, [redacted].
Schneider, Robert L., [redacted].
Schuchmann, George, [redacted].
Schulz, Charles E., [redacted].
Schweers, Carl A., Jr., [redacted].
Scully, Thomas J., [redacted].
Shaw, Jon A., [redacted].
Shetler, Paul L., [redacted].
Siskind, Robert, [redacted].
Slaughter, John C., [redacted].
Smith, Joseph A., [redacted].
Solberg, Leif I., [redacted].
Sopher, Irvin M., [redacted].
Spicer, Melvin J., [redacted].
Stabler, Carey V., [redacted].
Stark, Fred R., [redacted].
Strum, Donald H., [redacted].
Sullivan, John C., [redacted].
Taber, David O., [redacted].
Tanghe, Jan H., [redacted].
Teves, Leonides Y., [redacted].
Theodore, Henri C., [redacted].
Thomas, Stephen R., [redacted].
Thomason, Phillip R., [redacted].
Vagnini, Frederic J., [redacted].
Velez, Jorge, [redacted].
Vest, Charles R., [redacted].
Victor, Thomas A., [redacted].
Wagner, Kenneth J., [redacted].
Walker, Olyn M., [redacted].
Waltemath, Donald E., [redacted].
Watring, Watson G., [redacted].
Willhoite, David R., [redacted].
Williams, Charles E., [redacted].
Wolfe, Robert R., [redacted].
Yelland, Graham, [redacted].
Yuja, Raouf F., [redacted].
Zajtchuk, Russ, [redacted].
Zimmerly, James G., [redacted].
Zuck, Thomas F., [redacted].

EXTENSIONS OF REMARKS

QUALITY MANAGEMENT IN THE NATIONAL FORESTS

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, January 21, 1972

Mr. METCALF. Mr. President, as we advance toward establishing quality management in our national forests, the timber industry increasingly exerts pressure on the men who work in the woods, and those in the business communities which serve them, to resist that quality management to their own detriment.

If policies which allow overcutting in the woods are not reversed and soon, today's jobs will end in tomorrow's unemployment lines. Our forests are being overcut and the result can be only barren hills.

The most immediate victim of such overcutting will be the man who today earns his living in the woods, for them there will be no further work at all.

However, it is not only in the woods that industries try to blackmail their employees into resisting environmental advances designed to protect the worker as much as to protect the overall environment. The fumes from a polluting factory affect the factory workers before the fumes affect others. Yet industries create the appearance that unless workers join with management in resisting attempts to protect the environment, their jobs will be eliminated.

Mr. Leonard Woodcock, president of the United Auto Workers, discussed this industrial blackmail in a recent issue of the Sierra Club Bulletin. Portions of his remarks were published in the Evening Star. I ask unanimous consent that Mr. Woodcock's remarks be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POLLUTION BLACKMAIL

(By Leonard Woodcock)

A new environmental "game plan" is emerging in American industry.

Employers under notice to comply with governmental anti-pollution standards are seeking to enlist workers, their unions, and their communities in campaigns of resistance to the enforcement of these standards through overt or implied threats that such enforcement would result in loss of jobs and income through shutdowns and layoffs.

Our passage from a pollution-prone to a relatively pollution-free society, even under the best of circumstances is bound to be long and difficult.

But we can be sure that the best of circumstances will not prevail, if through inaction we tolerate an industrial strategy of playing on the economic fears of workers and communities to create widespread political opposition to cleaning up the environment. Giving workers the right to sue would not put an end to that strategy and, at the same time, would create a new and powerful financial incentive to induce polluting employers to step up to their environmental responsibilities.

Lacking such an incentive, employers will be strongly tempted to adhere to past and current practices. In that case, we may not make the passage at all, or not make it in time to avoid irreparable damage to the natural life-support systems that we have until very recently taken for granted.

CONFLICTING VIEWS

What we have today, is not an environmenal policy, but environmental politics—and it is not even a new politics, merely the old politics of corporate irresponsibility, illustrated in classic perfection by Union Carbide's January 1971 announcement that it would have to lay off about 625 workers in order to comply with air-quality standards set by the Environmental Protection Agency. This, it should be noted, reportedly occurs after 15 years of negotiations with state and federal authorities!

It is not difficult to imagine the surprise and shock felt by the corporation's workers, particularly in a part of the country where some workers still refer to factory smoke as "gold dust." Outrage is mixed with great caution not to say fear, among Union Carbide workers.

A. F. Grospiron, president of the Oil Chemical and Atomic Workers, which represents some of the Union Carbide workers, stated: "We resent the fact that Union Carbide is using our members as pawns in its resistance to clean up the air around Marietta."

On the other hand, Elwood Moffett, president of District 50 of the Allied and Technical Workers, which also represents some Union Carbide workers, said: "It is going to take time to correct these problems, and the government ought to give the company more time."

When workers are torn by conflicting views of their economic situation, as in this case, opportunistic management can have a field day.

Management's readiness to exploit the insecurity of workers is dramatically evident in the Union Carbide case. But the situation is not unique. With or without drama, it exists or is implicit wherever there are workers whose major property is in their jobs, working for employers reluctant to face up to the costs of ending environmental pollution.

When General Motors came under pressure from a federal court action for discharging industrial wastes into the Hudson River from its Tarrytown plant, it shifted its offending operation from Tarrytown to Baltimore.

GENTLE HINT

A local newspaper commented: "This put several hundred local employees out of jobs—a gentle hint to the rest that they, too, might join the unemployed, if Hudson River valley residents push too hard for a quick cleanup of the river. In fact, GM was more blunt with the U.S. Attorney's office. At the March 20 appearance of opposing lawyers before Judge Motley in the case, Assistant U.S. Attorney Michael Hess told the judge: "We have been told by General Motors people that 'If we could not dump anything into the Hudson River, we would have to close down and thousands of people would lose their jobs.' "

American workers, perhaps more than the rest of the nation, have good reason to be foes of pollution. They have confronted it, resisted it, and to a dangerous degree have had to endure it over decades on the job. These in-plant hazards have increased with the proliferation of new toxic substances in recent years.

Moreover, workers and their families are most apt to be exposed to the pollution released by industry into the surrounding community, for they are less likely than executives and professional workers to live in residential suburbs.

The problem is not that they are advocates of pollution, but that their economic circumstances require them to think first of jobs, paychecks and bread on the table.

The Congress has no more serious challenge than that of taking specific actions which will assure American workers and their families of a valid alternative to paychecks earned through working and living in a polluted environment. That alternative, put simply, is the alternative of jobs, paychecks, bread on the table—and a clean environment.

Legislation to give workers the right to sue their employers for damages suffered in plant shutdowns or layoffs resulting from pollution of the environment would be a practical, substantial step toward the creation of such an alternative.

Such legislation should give all workers affected both directly, through loss of jobs, and indirectly, through downgrading, the right to sue in federal and state courts.

Where the employer is a corporation, there should be the right to sue the corporation, with the officers and directors joined as defendants.

This is essential, for in a situation where a corporation operates only one plant, if the shutdown were followed immediately by the dissolution of the corporation, the judgment would be meaningless.

The possibility of being held personally liable, would tend to make officers and directors of all corporations more vigilant and diligent in avoiding and promptly correcting pollution abuses.

Damages recoverable should include not only lost wages but the fringe benefits that the workers stand to lose as well as retraining and relocating costs.

It is a widely accepted principle—although one all too often ignored in practice—that the burdens and sacrifices required by an action taken in the service of the interests of the whole society should be shared equitably by *all* who benefit from that action and not allowed to fall disproportionately upon *some* who are innocent victims of it.

Certainly purification of the environment is in the interests of all citizens. All of them will ultimately pay in increased taxes and often, unfortunately, in higher prices for steps taken publicly and privately to avoid, eliminate or reduce pollution.

Increased taxes and higher prices will also be paid by the workers who stand to lose their jobs, temporarily or permanently, as a result of plant shutdowns resulting from environmental problems. They and their families should not be asked, in addition, to pay with loss of income and valuable fringe benefit protections.

If the legislation is to be effective, workers must be assured of prompt relief from any damages inflicted upon them by the actions of polluting employers. One of the main purposes of the legislation is to free workers from fear so that unscrupulous employers will no longer be able to hold them as hostages in order to continue polluting the environment.

That purpose obviously would be nullified if workers envisioned that they might have to wait years, with their families meanwhile subject to severe hardship, while employers take full advantage of all the opportunities for delay that our legal processes afford.

It is therefore imperative to assure workers that the protections will be available promptly. The Secretary of Labor should be empowered to join in the suit and to make payments, recoverable from the employer, to the workers in lieu of their lost wages.

Payment before judgment is issued, of course, raises the possibility that in some cases the Secretary of Labor might make payments to workers whose suits ultimately will be lost. The risk would be small because enactment of the proposed legislation would create a powerful deterrent to pollution-related plant shutdowns.

It would be far less costly to employers to eliminate or abate pollution than to pay damages and, as a result, few lawsuits would actually be initiated.

GOVERNMENT FAILURE

In any case, whatever small risk of unrecoverable payments might remain dwindles into insignificance by comparison with the potential dangers to all of us from continued and, in some cases, possibly irreversible pollution of the environment by corporations that hide behind the insecurity of their workers.

Ultimately, of course employers should bear the full cost of compensating their workers for economic harm done to the latter as a result of failure to avoid or correct pollution abuses. It is clear, however, that the government cannot be absolved of blame for its failure to come to grips earlier with the pollution problem.

The government's negligence in this matter does not excuse those employers who took advantage of it. But some of them, undoubtedly, will require time to correct what government permitted them to do in the past. Since responsibility in this matter is shared by government and industry it seems fair to ask them to share, during a transition period, the cost of repairing any damage their action or inaction caused to be inflicted upon the families of innocent workers.

While legislation along these lines is focused on protection of workers, it should be emphasized again that that would be but one of its socially desirable results.

By assuring workers such protection, it would remove what is perhaps the most serious political obstacle to vigorous and effective legislative and administrative action to minimize industrial pollution of the environment. It would end political blackmail of the kind attempted by Union Carbide because employers who threaten to lay off workers in order to evade their environmental responsibilities would thereby be establishing the right of their workers to obtain damage judgments. Employers resorting to such threats would, in effect, be providing additional evidence to support any suit their workers might bring.

At the same time the suggested legislation would provide a powerful financial incentive to industry to abate pollution. As a result, the proposed protective provisions for workers and the lawsuits required to bring them into play would rarely have to be invoked.

This country is racing against a number of clocks that keep ticking whether we are listening or not. The clock of unfilled democratic promises will tick us into a slow decline and exhaustion of democratic conviction and solidarity. The environmental clock will tick us into a slow but steady deterioration of the natural environment and the resource base that make life and democracy possible. These clocks will tick on unless we manage to assert the preeminence of a social and environmental ethic over the cold calculus of private corporate power and irresponsibility.

WAGE AND PRICE CONTROLS, SYMPTOMS OF FISCAL IRRESPONSIBILITY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. RARICK. Mr. Speaker, informed Americans across the Nation generally recognize that the principal problem confronting the country today is the state of the economy—the continued inflationary spiral and rising cost of living with no relief in sight.

Too often the primary cause of this inflationary spiral is overlooked or ignored as the administration seeks vainly for a scapegoat, never acknowledging that Government overspending is itself the primary cause of our economic problems.

Mr. Nixon, when campaigning for the office he now holds, told the American people that the primary problem causing inflation was undisciplined Government overspending which could not be corrected by wage-price controls. Candidate Nixon's other positions on the economy included:

> ### WAGE AND PRICE CONTROLS
>
> The imposition of price and wage controls during peacetime is an abdication of fiscal responsibility. Such controls treat symptoms and not causes. Experience has indicated that they do not work, can never be administered equitably and are not compatible with a free economy.
>
> ### GUIDEPOSTS
>
> Excessive price and wage increases are the symptoms of economic mismanagement. Guideposts merely focus on these symptoms, rather than on causes of the problem. They tend to divert policymakers' attention from coming to grips with the fundamental causes of inflation—namely, budget deficits at a time of full employment and increases of the money supply that outrun the Nation's physical capacity to produce goods and services.
>
> ### INFLATION
>
> The accelerated rise in prices in recent years has resulted primarily from an excessively expanding money supply which in turn has been fed by the monetization of federal government deficits. The way to stop the inflation is to reverse the irresponsible fiscal policies which produce it.
>
> ### THE FEDERAL BUDGET
>
> Perhaps, the current Administration's greatest failure has been its disinclination or inability to take on the hardest job in government—the setting of priorities. As a result, the aggregate size of the Federal Budget has risen to unacceptable levels. The problem is, as always, to separate the necessary from the merely desirable, to do the former and stockpile the latter, and ruthlessly eliminate the inefficient and unnecessary.
>
> In this disciplined context, the entire budget needs exhaustive review from which major expenditure savings and revised emphases will surely follow. Some programs like post-Apollo space, highways, public works, the SST—must accept less than maximum funding: non-essentials like beautification must await easier times, every major program, defense, included, must be scoured for economies. and the relentless search for new approaches such as private enterprise attacks on ghetto problems, must be pursued. It is clear that *every* federal activity is—and must be—a candidate for expenditure control, and that every existing federal function must be reassessed or else we will bankrupt America. (From Nixon on the Issues, published by Nixon-Agnew Campaign Committee, October 17, 1968.)

The local news of January 20 carried a story headlined "Three Economists Testify: U.S. Policies Seen Increasing Prices." This testimony is interesting and quite relevant to the proposed devaluation of the dollar and questions the effect of wage and price controls.

More important, this testimony indicates to the American people that President Nixon's practices do not live up to his commitments—he has done exactly what he promised the American people that he would not do.

The candidate Nixon said that "the imposition of price and wage controls during peacetime is an abdication of fiscal responsibility."

President Nixon, in a radio and television address on Economic Policy and Productivity on June 17, 1970, said:

> A third choice was the route of wage and price controls. That would lead to rationing, black marketing, total Federal bureaucratic domination, and it would never get at the real causes of inflation.
>
> * * * * *
>
> I will not take this nation down the road of wage and price controls, however, politically expedient they may seem.
>
> Controls and rationing may seem like an easy way out, but they are really an easy way in to more trouble—to the explosion that follows when you try to clamp a lid on a rising head of steam without turning down the fire under the pot.
>
> Wage and price controls only postpone a day of reckoning, and in so doing they rob every American of an important part of his freedom.
>
> Nor am I starting to use controls in disguise. By that I mean the kind of policy whereby government makes executive pronouncements to enforce "guidelines" in an

attempt to dictate specific prices and wages without authority of law.

* * * * *

This is not the time for the Congress to play politics with inflation by passing legislation granting me standby powers to impose controls on wages and prices. The Congress knows I will not impose controls because they would do far more harm than good.

The only reasonable conclusion is that the President of the United States has admitted to his own irresponsibility in this most important arena of public trust and confidence.

So that our colleagues might have the benefit of testimony delivered before the Senate Antitrust and Monopoly Subcommittee, I include this material, along with a related newsclipping, in the Record:

[From the Washington Post, Jan. 20, 1972]

Three Economists Testify: U.S. Policies Seen Increasing Prices

(By Robert J. Samuelson)

Three economists yesterday told a Senate subcommittee that the government's own policies promote higher prices in everything from construction costs to medical expenses.

"The government ought to put its own house in order," Murray L. Weidenbaum, former assistant secretary of the Treasury and now professor of economics at St. Louis University, told the Senate Subcommittee on Antitrust and Monopoly.

Testifying with Weidenbaum were Charles L. Schultze, director of the former Bureau of the Budget under President Johnson, and Allan H. Meltzer, professor of economics at the Carnegie-Mellon University in Pittsburgh.

The economists singled out three areas for quick remedial action:

Medical Costs: Schultze said that the government's insurance payments under Medicare and Medicaid simply reimburse doctors and hospitals for all their costs (including fees). By not exercising more control over expenses, he said, the government encourages doctors to overuse hospitals and other medical facilities. "You get the business of 'let's have 16 different tests (and use) 16 different machines.'"

Construction Costs: The three economists attacked the Davis-Bacon Act, which requires that the government pay "prevailing wage rates" on its major construction projects. In practice, Weidenbaum said, the "prevailing wage rate" is determined to be the rate paid to union workers, which is considerably higher than the average of union and nonunion wages. Construction costs are inflated, Meltzer said and Davis-Bacon frustrates the government's efforts to provide inexpensive housing.

Shipping Protection: The economists urged repeal of the Jones Act, which requires that all commerce between U.S. ports travel in ships built, owned and manned by Americans. In the Northwest, Weidenbaum said, this restriction actually helped Canadian lumber dealers in competition with Americans. "The Canadian lumber industry, not being limited in choice of vessels, could often deliver the product to the important Southern California market more cheaply than our our own industry," he said. "What ostensibly was an effort to help one industry (shipping) merely turned out to hurt another (lumber), with the benefits all going to companies in other nations."

Confronted with the economists' criticism of these and other longstanding government policies—such as agricultural price supports, oil quotas, import quotas, and regulation of transportation industries—held out little hope of any major changes.

"You can't correct the programs that no longer serve any useful purpose in one fell swoop," he said. "Who is asked to surrender first: Is it the merchant marine? Is it the beneficiaries of agricultural price supports? Is it the oil industry? Is it labor?"

Sen. —— had some harsh words for the economists about price supports and import quotas.

Corn and beef prices are at depressed levels, —— remarked. "If you made that speech (against farm subsidies) in Des Moines or Omaha, they would throw sticks and stones at you."

Import quotas, he argued, were often needed to protect employment against inroads from less expensive imports.

Weidenbaum contended that the quotas not only result in higher consumer prices, but also could prompt foreign retaliation against American exports—threatening jobs in U.S. export industries.

Price and Wage Controls

(By Allan H. Meltzer)

Any system of price and wage controls reduces freedom of contract and freedom of choice. Decisions to restrict these or other personal freedoms are justified in a totalitarian society by reference to some alleged, often vague and illusory, social benefit. In a democratic society, we require or expect some demonstration that the benefits to society exceed the costs of government policies, so that individuals who suffer losses can be compensated without eliminating the entire social gain.

Let me accept this principle and ask how it applies to the present system of wage and price controls. The costs are clear and positive; we have reduced freedom and efficiency. In exchange, we have received little more than unsubstantiated hopes, unverified conjectures and rhetoric about a new era and a "new ballgame." Can we expect benefits in the future that will more than match past and future costs? I know no reason to expect any such benefit or, indeed, any net benefit at all. We have treated freedom and efficiency as worthless by sacrificing both in exchange for nothing more tangible than promises based on the hopes and beliefs of those who have been urging us to adopt controls for the past several years.

THE ALLEGED BENEFITS

What are the alleged benefits? I find three main arguments for controls as a solution to our present set of problems. One argues that controls reduce current inflation by reducing anticipated inflation. A second sees price and wage controls as a type of incomes policy. Although many of the people who make this argument recognize that incomes policies have not worked here or abroad, they claim to be hopeful that current efforts will meet with success because we start from a position in which output is below potential. A third argument views wage and price controls as a means of reducing the monopoly power of large corporations and large unions. I believe this argument is of particular interest to the members of the committee since it proposes price and wage controls as a substitute for more vigorous enforcement of existing anti-trust laws or as an alternative to new laws. I will discuss each of the arguments briefly.

The first argument is reversed. The public becomes convinced that the rate of inflation is slowing when they find themselves able to buy the same baskets of goods and services with a smaller increase in expenditure. Price indexes are useful devices for monitoring broad changes in the economy. To expect the public to regard changes in such indexes as more reliable measures of the rate of inflation than the facts they encounter in the market place is a poor principle on which to build a policy.

Perhaps the government can convince people that prices are falling by controlling some components of an index. Our knowledge of short-term changes in anticipations and in price levels is not so firm that we can dismiss the argument completely. Pushing beyond that weak general statement, however, we can say much more about the role of anticipations in the current inflation and in the attempt to control inflation.

Broad-based measures of prices rose at an annual rate of 4% in the second quarter of 1971 and about 2.8% in the third quarter. Almost every forecast I have seen for 1972 puts the anticipated rate of inflation between 3 and 3½%. If these forecasts are credible, the rate of inflation is expected to rise next year. Apparently, the forecasters have either not heard or have not accepted the argument that price controls reduce inflation by reducing anticipations of inflation.

A possible remedy might be a law controlling the anticipated rate of inflation that forecasters are permitted to announce.

It is now generally agreed that controls or incomes policies cannot reduce inflation when total demand exceeds our capacity to produce. At most, controls supress inflation under these conditions and only temporarily. Proponents of controls dismiss this argument as irrelevant now. They point to the number unemployed and to the low operating rate in manufacturing and conjecture that output can increase without raising prices or wages.

The broad record of experience offers very little support for their conjecture. During the twenties, unemployment rates were low, and resources were, for the most part, employed. Output increased by approximately 50%, and prices changed little. During the recovery from the worst depression of modern times, 1933–37, prices rose ten to twelve per cent while large parts of the labor force remained idle. Prices rose very little both when unemployment rates were relatively high, from 1961 to 1964, and when unemployment rates were generally low, from 1952 to 1956.

Government monetary and fiscal policies are considerably more important than the current unemployment rate or the current rate of capacity utilization for determining the rate of inflation. Moreover, it is a mistake to believe that inflation can be controlled by controlling a few prices and wages. Inflation means that a broad based price index rises. Preventing a few prices and wages from rising distorts the numbers we use to measure the rate of inflation and misleads some people. I know of no reason to believe that changes of this kind have any significant effect on the actual rate of inflation, the rate of price change experienced by consumers and business in the market place.

This brings me to the monopoly issue. Probably the most widely accepted myth about inflation is that inflation is produced by the independent actions of some special group. In recent inflations, business and labor monopolies have been cast as villains. At earlier times, "speculators" were often blamed for inflation.

There is no basis for the belief that monopolists are responsible for the current inflation or for earlier inflations. Nor, is there evidence that large firms raise prices more than small. The rate of price increase in the heavy industries—steel, coal, aluminum, autos, glass, or chemicals—in the year before the price freeze was lower than the rate of increase in many other sectors of the economy. Of the 25 consumer prices that rose most in the year ending June 1971, ten are food prices, mainly fresh foods, and seven are prices controlled and regulated by governments at various levels. The latter include airfares, taxi fares, freight rates, postage stamps and auto insurance rates. Hardly any of these goods or services are produced or sold by the type of monopoly usually pictured as a price leader.

THE ROLE OF ANTITRUST

There is an obvious reason why monopoly power and inflation are commonly associated in the public mind. The reason is that those who make this change fail to distinguish between high prices and rising prices. Monopoly firms raise prices above the competitive level by restricting output. Unions that are able to restrict entry into a craft or occupation raise wages for the particular craft or occupation. Government restrictions that reduce entry and competition raise product prices or the wages of employees in the occupations to which entry is limited.

An increase in monopoly power produces a one-time increase in the prices of those goods and services that are newly monopolized. If the government's monetary and fiscal policies are non-inflationary, a properly constructed price index will not show any increase in the rate of inflation. In short, anti-trust policy is not a substitute for controls, and controls are not a substitute for anti-trust policy.

I do not want to leave you with the idea that you should be unconcerned about prices. There is much that you can do, and that I hope you will do, to lower the prices the consumer pays for the goods or services he receives. High on my list of proposed activities would be an investigation of the costs to consumers of restrictions enforced by governments at all levels. Quotas on oil imports, restrictions on the importation of meat, vegetables and other commodities, restrictions on the number of banks and their branches, laws regulating the wages received on contract construction, restrictions on the number of licensed taxicabs by most municipalities, restrictions on price cutting by airlines, tariffs on imports, laws restricting entry into crafts and professions, these are but a few of the restrictions maintained and enforced by government that prevent competition and raise the prices paid by consumers. Removing these restrictions would lower the prices paid by consumers for the services they receive. Removing the restrictions would have no noticeable effect on the rate of inflation.

TESTIMONY OF CHARLES L. SCHULTZE, THE BROOKINGS INSTITUTION*

Mr. Chairman, members of the Committee, in the announcement of these hearings the subject of today's session was entitled "Are there steps that make sense economically which would erase the need for wage and price controls?"

My short answer to this question is, "No." I am convinced that some sort of intervention by the federal government into the setting of wages and prices will for a long time to come be a necessary condition for simultaneously achieving full employment and reasonable price stability in our economy.

On the other hand, if the question were rephrased to ask whether there are economic measures which, while not *erasing* the need for controls, would reduce their rigor and severity and give them a better chance of success then my answer would be, "Yes." I think there are economically sound measures which would moderate, even if they could not eliminate, the magnitude of the inflationary problem under high employment conditions.

In order to be more specific let me list and briefly discuss the major sets of economic conditions and industrial practices which either generate or perpetuate inflationary conditions.

Inflation can be generated and perpetuated by an excess demand for goods and services relative to the economic capacity of the nation to furnish them. When market demands are so high that the unemployment rate is pushed to very low levels; when the supply, particularly of experienced full-time workers in large sectors of the emonomy, becomes very tight so that employers are forced to bid up wages rapidly; when output presses hard on industrial capacity, inflation is bound to occur. Wages are bid up more rapidly than productivity gains, raw material prices soar, and on top of this profit margins begin to widen especially in competitive industries. But, paradoxically, inflation of this variety is not our major problem. If inflation only occurred when, for one reason or another, the sum of consumer, business, and government expenditures was excessive, the standard tools of monetary and fiscal policy could handle the situation by reducing the overall level of demand. Mistakes might be made, but there would be no reason for wage or price controls or for structural reforms introduced on grounds of inflation control alone.

The really intractable problem is our modern economy is that inflation occurs simultaneously with the existence of underutilized resources. In the current situation, an inflation which did indeed start with the overheated economy of the late 1960's, has persisted for more than two years after the overheating disappeared, and persisted through a period of substantial unemployment. In the mid-nineteen fifties we had an inflation which began in the absence of economic overeating and continued for about two years.

In short, if inflation occurred only when the unemployment rate had been pushed very low, and promptly disappeared once unemployment had risen to the 3½ to 4 percent range, the problem we are discussing today would be insignificant. It is the fact that inflation persists, indeed sometimes begins, when unemployment is at or above 4 percent that poses real dilemmas for public policy.

There are, I think, five elements in the nation's economic structure and habits which lead to the problem of inflation along with high unemployment:

First, there is the fact that in a number of industries characterized by a high degree of economic concentration, prices are rigid downward—they often do not fall when economic circumstances in a competitive environment would dictate that they should fall. This leads to two inflationary consequences:

(1) Even under conditions of healthy and not excessive prosperity and growth, not all industries will experience the same rate of market expansion. Some markets will be expanding sharply, some moderately, and some falling. Costs and prices, we know, are likely to rise in industries whose markets are sharply advancing. If prices on the average are to remain stable, these price increases must be balanced by price cuts in industries whose markets are growing subnormally or are declining. This is what would happen in a competitive environment. But if prices in large concentrated industries are "sticky," if they resist falling in periods of weak markets, then the price averages cannot fail to rise. In short, since some prices are always rising in a healthy economy, others must fall to preserve overall price stability. Paradoxically, therefore, unless some prices fall the overall price index will rise, even when the economy as a whole is not overheated.

(2) Productivity expands at widely differing rates among different industries. Bureau of Labor Statistics studies of productivity gains among individual industries confirm this fact. But the rise in wage rates among the different industries is much more uniform than the rise in productivity. As a consequence, if wages generally are to rise at a non-inflationary rate—in line with national productivity gains—then the unit labor costs of industries with greater than average productivity gains will fall. Their above average productivity gains will be larger than the advance in wages. As a consequence their prices should be reduced. If, however, prices are sticky downward in concentrated industries with higher than average productivity gains, then profit margins will widen. In turn, it is most likely that the increase in profit margins will not be allowed to go on unchallenged. Management won't let the margins rise too far above normal for fear of inviting unwanted new competition into the industry. Unions will seek to take the abnormal gains away and very often will succeed. Their success will be emulated by unions in other industries which do *not* have above average productivity gains. This will raise costs and prices in those other industries.

In summary, the failure of prices in concentrated industries to respond to downward economic pressures tends to generate an inflationary bias in the economy; in part because some price cuts are always needed to balance the inevitable price increases, and in part because the failure to cut prices in response to large productivity gains invites excessive wage gains which tend to be emulated in other sectors of the economy.

The nature of wage bargaining is a *second* major factor producing inflationary bias. The so-called "wage-wage" spiral tends to perpetuate inflation once started. Union contracts typically cover periods of more than a year—three-year contracts have become a common practice. A long-term contract signed during a period of economic overheating, say in 1968 or 1969, will usually contain a large wage increase, simply reflecting the inflationary conditions and tight labor market of the period. Subsequently, even when inflationary pressures subside and even if unemployment is rising, other unions signing new contracts will feel a necessity to win wage increases for their numbers equal to the wage won earlier by the first union. Settlements in such large industries as autos, steel, aluminum, aerospace, and can manufacturing influence each other. One large construction settlement, for a particular craft or in a particular locality, acts as a magnet for other crafts and other localities. Such mechanisms as the Davis-Bacon act and the union contracts for public employees in many cities help spread these construction wage increases widely.

If inflation, once started, is ever to be brought under control the sheer arithmetic of the situation requires that contracts signed after an inflationary boom is over contain lower wage advances than contracts signed earlier. But the "wage-wage" spiral and "follow-the-leader" union settlements substantially delay this period of adjustment and help perpetuate inflation long after labor markets have loosened up and excess capacity appears.

A third contributor to the current problem of inflation lies in the changing nature of the labor market. Fifteen years ago, when the overall unemployment rate was 4 percent, about 30 percent of the unemployed were teenagers and young adults. In 1969, when the overall unemployment rate also averaged about 4 percent, half of the unemployed were teenagers and young adults. Conversely, a smaller proportion of the unemployed are now skilled experienced adults than was true fifteen years ago. To reach an average unemployment rate of 4 percent today would mean a much lower rate of unemployment among the core of the experienced labor force than was the case in earlier years. And it is the tightness of the labor market among such experienced adult workers which probably has the most significant impact on key wage bargains. In short, 4 percent unemployment probably means tighter labor markets and larger wage increases than it did ten or fifteen years ago.

This is not to say that we should abandon our attempts to reduce unemployment to 4 percent or less. But we do need to face the fact that at this overall unemployment level labor markets may be tighter and wage increases larger than they once were and that specific manpower training and public employment programs may be needed to reduce the size of the inflationary problem.

A *fourth* set of factors which operates to produce inflationary bias in our economy relates to the price-fixing policies of the federal government itself. Transportation rate regulation which discourages rate reductions, expensive farm price supports import quotas (both legal and "voluntary"), subsidies to an inefficient merchant marine Davis-Bacon wage provisions in government contracts, all operate in a generally inflationary direction, by reducing competition and putting relatively high floors under prices. Professor Weidenbaum has covered this set of problems in his testimony. I need not repeat but do wish to underscore the importance of the points he makes.

---

*This testimony represents Mr. Schultze's personal views and not those of the Brookings Institution.

The *fifth* element of inflationary bias lies, I believe in the ease with which highly concentrated industries pass on wage and other cost increases. Many observers have noted that these industries tend to follow "target-rate-of-return" pricing. During periods of economic overheating, they may raise prices by somewhat *less* than would be characteristic of competitive industries. But once monetary and fiscal policies succeed in throttling down the overheating there is a tendency for inflationary price rises to be perpetuated by target-rate-of-return pricing. Despite weakening markets, firms with substantial market power continue to pass along cost increases fully. Their resistance to wage demands based on market conditions which no longer exist is weakened because of their propensity to raise prices to cover the higher costs. Moreover, as sales level off while additional capacity continues to be installed, these industries sometimes attempt to recover their target return at a lower rate of capacity utilization. This occurred quite extensively during the 1956–57 inflation. It is another factor which tends to perpetuate an inflation well past the period of economic overheating and produce the paradox of general price increases during periods of less than full employment.

All of these five features of our economic system interact with and reinforce each other. "Follow-the-leader" wage settlements help spread to other industries the inflationary wage gains which arise when high productivity growth industries refuse to cut prices. The target-rate-of-return pricing helps perpetuate price increases long past the end of an economic boom and feeds back into wage increases through its effect on the cost of living. The total impact of these structural characteristics is greater than the sum of the individual parts.

What can anti-trust policy do about these problems? I do not pretend to be an expert in anti-trust policies and can only offer some highly tentative suggestions which follow from an analysis of the nature of inflation.

Let me first get out of the way what I believe is a spurious issue. In general, I do not believe that concentrated industries generate inflation by arbitrary increases in their profit margins during periods of high unemployment and weak markets. Aside from the possible case of the steel industry in the middle nineteen-fifties, this kind of behavior does not appear to have been a major inflationary factor. But the first and fifth factors mentioned above do appear to represent practices by which concentrated industries impart an inflationary bias to the economy:

By often failing to reduce prices in the face of either weak markets or above average productivity gains;

By target-rate-of-return pricing that results in a full pass through of cost increases even in the face of weak product markets, and in some cases preserves profit margins by raising prices to cover the costs of unutilized capacity.

Industries characterized by large numbers and low concentration ratios are less likely to exhibit this kind of behavior. Their prices and the wage increases they are willing to grant respond more closely to the forces of the market. As a consequence fiscal and monetary policies, by regulating the strength of market demand, can more promptly choke off incipient inflationary pressures. Inflation may indeed still occur if monetary and fiscal policies "goof" and permit excessive demand pressures to build up. But the correction of these errors would be swifter and the tendency for inflation to persist while unemployment rises would be less.

An anti-trust policy which concentrated explicitly on helping to reduce the inflationary bias in the economy would require important changes in traditional approaches. Anti-competitive behavior would have to be judged in terms of its departure from competitive pricing policy, particularly in terms of how prices in an industry behave in the face of softening markets or extra large productivity gains. Downward price rigidity would become a prima facie reason for viewing the industry structure with suspicion. The desirability of divestitude and the breaking up of large scale units would be judged in terms of its likely effect on prices flexibility, not in terms of the particular practices by which bigness had been attained or price rigidity maintained. I am not enough of an expert in anti-trust matters to determine the extent to which this approach would require changes in the anti-trust laws or could be carried out by a different execution of existing laws.

Let me close as I began. I believe that the current inflationary bias in the economy stems from a number of structural characteristics in our society. Not all of those structural characteristics can realistically be corrected by anti-trust policy. If we are to have both full employment and reasonable price stability, some form of incomes policies will have to be around for the foreseeable future. But anti-trust policy can attack some of the structural distortions in the economy; it can lessen, although not eradicate, the inflation which accompanies full employment; it can increase the likelihood that incomes policies will work. It can therefore help rescue economic policy from the cruel dilemma that it has been facing in recent years. A nation and its leaders should not be put in the terrible position of choosing between price stability and full employment. Both justice and economic efficiency require that we have both. Anti-trust policy can help us have them.

Controls or Competition?

(Testimony of Murray L. Weidenbaum, Mallinckrodt distinguished university professor, Washington University, St. Louis, Mo.)

About a year ago it was fashionable to debate the relative effectiveness of monetary and fiscal policy. I should like to recall the stock but serious answer that I frequently gave. First of all, I would rephrase the question to read, "Which is weaker, monetary or fiscal policy?" My answer was "both".

By that I meant and still maintain that following the classical prescription of tightening monetary and fiscal policy to bring down inflation was not working as well as we should have expected. Such economic policies were succeeding in bringing something down, but all too frequently that something was employment rather than inflation.

Moreover, a reversal of the policies brought comparable problems. All too frequently, monetary and/or fiscal ease was resulting in more inflation, rather than in bringing down the unemployment rate. This is quite a policy box for a country to be in. Moreover, to talk in terms of accepting inflation in order to obtain high employment is misleading. A continuing high rate of inflation inhibits the return to full employment because it inevitably restrains our willingness to maintain expansionary policies. That is a key point that is often overlooked: in a modern economy, one of the prices that our society tends to pay for inflation is a higher level of unemployment than would otherwise be the case.

What should be done? Basically, we need to deal with those concentrations of private economic power which have become insulated from the influences of aggregate monetary and fiscal policy. In the short run, I believe that we are on the right track. That is, we need to use some form of "incomes policy" to get those sectors of the economy where substantial concentrations of private market power exist to abstain from using such power to its fullest. Clearly, the Nixon Administration's compulsory wage and price restraint effort deals with that central issue.

To the extent that the combined effects of Phase I and Phase II do succeed by and large in eliminating the inflationary psychology in the economy, the bulk of the problem will have been dealt with, at least in the short run. Certainly, we all look forward to an early elimination of compulsion over individual wage and price decisions.

I almost said that we all look forward to an early return to the free market. However, let us not delude ourselves. Although in the overall ours is essentially a market system, many parts of the American economy prior to August 15, 1971 did not correspond to the competitive market model that we like to talk about so much. In so many cases, labor groups, business groups, and professional groups are in position to control or at least strongly influence the segment of the economic pie that they receive, because of their power over wage, price, and productivity decisions. As you can see, I am taking pains not to point the finger just at labor, or just at business, or just at the services. In fact, I would not limit the analysis to the private sector.

So much of the departure from a freely functioning competitive economy—in which monetary and fiscal measures would work far more effectively than they have been—results from government itself. Far too often, government statutes and regulations have given rise to the problem that faces us. Far too often, legislation designed to help one part of the society has harmed others and frequently without achieving the benefits intended.

I would like to cite a case in point. When I lived in the Pacific Northwest about a decade ago. I was struck by the self-defeating nature of some of this legislation. Specifically the problem at the time was the Federal legislation requiring U.S. firms to use American vessels in coastwise trade. That seemed like a simple and straightforward way of helping the American merchant marine.

But how was it working in practice? Because of the shipping restriction, Pacific Northwest lumber producers were having great difficulty in competing against the Canadian industry in our own domestic markets. Apparently, the Canadian lumber industry, not being limited in choice of vessels, could often deliver the product to the important Southern California market more cheaply than our own industry. Hence, what ostensibly was an effort to help one industry (shipping) merely turned out to hurt another (lumber), with the benefits all going to companies in other nations.

I believe that this is an appropriate time to examine afresh all of the Federal legislation, rules, and regulations which interfere with competition, unduly raise prices or otherwise give our economy an inflationary bias. The accumulation over the years has been so substantial—production and import quotas, excess stock piles of minerals and metals, mineral and agricultural price supports, hidden subsidies, barriers to employment; "prevailing" wage determinations, restrictions on shipping, etc., etc.

I would anticipate that this committee has a full job on its hands if it decides to dig into this area in detail. For one thing, I would not underestimate the obstacles. That the cost to the nation of each of these special provisions may exceed the benefits to the Nation may not be the politically relevant criterion: the benefits to some particular group are likely to far outweigh the costs to them and thus a powerful "clientele" may have been developed.

Perhaps we need to get across the crucial point that when we add up the costs of all of these various special arrangements they outweigh the benefits even to the groups involved—that is with so many segments of the population attempting to insulate themselves from competition, the total effort is self-defeating. The "dead weight" of these interferences with economic progress and productivity reduces the slices of the "economic pie" available to all of the participants.

I would like to leave the committee with one final thought. Personally, I expect that the present wage and price control apparatus will be dismantled during the coming year or so. However, unless the underlying structural problems that I have been discussing are dealt with, I would anticipate later in the decade one or more bursts of inflationary pressures and subsequently additional experiments in "incomes" policy.

PROJECT POLE REVISITED

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Friday, January 21, 1972

Mr. SCHWEIKER. Mr. President, in November of last year I brought to the attention of this body a unique public relations program—"Project Pole." "Project Pole" was created by a good friend of mine from Pennsylvania, Ed Piszek, to emphasize to America and to the world the positive contributions made by people of Polish descent.

As the sponsor of S. 23, the Ethnic Heritage Studies Centers Act of 1971, I have followed the progress of Ed Piszek's project very closely. I am pleased to report that his efforts to reduce prejudices and praise the accomplishments of Poles has been most successful.

Recently, articles about "Project Pole" appeared in Life magazine and the Washington Evening Star. In order that all Senators can keep abreast of the latest developments relating to "Project Pole," I ask unanimous consent that these two articles be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ONE-MAN CRUSADE AGAINST THE POLISH JOKE

Edward J. Piszek, 54, is a self-made, Polish-American millionaire who lives by his version of the Golden Rule. "The guy with the gold," he says, "makes the rules." Thanks to a "fishcake factory" (as he modestly calls Mrs. Paul's Kitchens, the prosperous frozen food business he owns right down to the last fishcake), Mr. Piszek has the gold. He would like to use it to make a rule with a more familiar ring: "Do unto Polish-Americans as you would do unto others." To this end, Piszek is dedicating half a million dollars to upgrade their ethnic image. He calls his campaign "Project Pole," and for a start, he wants to stamp out those Polish jokes that have been going around the country for the last five years. (Current example: Did you hear about the Polish kamikaze pilot? He flew 13 successful missions.)

Privately, Piszek thinks the jokes were probably the best thing ever to happen to Polish-Americans. "They got us off our rear ends," he says. "We became motivated by adversity."

Since Piszek was all of 52 years old before he learned that the astronomer Copernicus was Polish, he feels he typifies the poor grasp of Polish history that the Polish peasant had who emigrated here around the turn of the century. All the immigrant brought with him, Piszek says, were his hopes and aspirations and the polka, a vigorous but monotonous musical form that he believes contributed to the Poles' low esteem in this country. "If I thought the polka was the only thing that Poland had contributed in 1,000 years," he asserts, "I too, would cry 'Shame!' But let's not forget Chopin. How many people know that he was a Polak?" (It should be pointed out that, according to Piszek, "Polak" is not an insult in Polish: it just means "Pole.")

During his travels to Poland, Piszek learned that even Poles tell Polish jokes. In one joke a commissar is interrogating a peasant who is applying for Communist party membership. "Are you willing to give the party your horse, your house and your land?" the commissar asks. The peasant replies: "Gladly!" But when the commissar asks for the pig he is carrying under his arm, the peasant balks. Asked why he refuses to give up the animal when he has already made so many greater "sacrifices," the peasant explains, "A pig I've got." It all goes to prove, Piszek concludes, that Poles love to laugh. "We just don't want to be the butt of *every* joke."

The working director of Project Pole is a genial, bespectacled priest, Father Walter J. ("All good Poles have Joseph as a middle name") Ziemba. Two years ago Father Ziemba, an accomplished fund-raiser, wrote Piszek a letter in Polish extolling the virtues of the small Polish college and seminary in Orchard Lake, Mich. that he directs. A few days later he received a letter from the millionaire's secretary explaining apologetically that Mr. Piszek doesn't speak Polish. Now a mainstay of Project Pole, Father Ziemba defines his role: "I'm the one who can spell the Polish names."

Project Pole was launched last fall with a series of newspaper ads in Detroit, where some 500,000 Polish-Americans live. Under the headline "One of the greatest storytellers in the English language was a Pole," one ad features a picture of Joseph Conrad, né Korzeniowski, with this addendum: "He changed his name, his language and the course of English literature." Available through the ads are a $6 book on Polish art, a 46-page pamphlet entitled "The Imagination of Poland," and a wall chart that shows "at a glance the great men and women of Poland."

An ancillary aim of Project Pole is to restore the Polish patriot Tadeusz Kosciuszko to his rightful place in American history. Kosciuszko, who served as a general during the American Revolution, contributed more than his countryman Count Pulaski, but Piszek says he is far less well known because his name is almost impossible for non-Poles to pronounce. Even George Washington had trouble with the name, and solved it by calling his Polish comrade "Kosky." Piszek recommends that Polish-Americans with difficult names either shorten them or spell them phonetically.

At the root of the poor Polish image, Piszek believes, is an excessive national modesty, a historical reluctance to blow one's own horn. With the techniques of mass communications, he is trying to change all that. "It's what Project Pole is all about."

No chauvinist when it comes to charity, Piszek has not only donated 11 mobile TB detection units to Poland, but also helps support a college in Ireland ("I like the Irish, they're very Polish"), Father Ziemba's Orchard Lake Seminary ("the Polish Notre Dame") and the state of Israel, which commended him for purchasing bonds.

POLE SHINES ETHNIC IMAGE

(By David Braaten)

What happens at a Polish-American businessman's press conference intended to boost the old ethnic image?

The caterer serves Jewish pastrami, sauerkraut and Swiss cheese. A reporter asks the businessman to tell his favorite Polish joke. Photographers spend most of their time on the hotel balcony taking scenic fog shots of the Potomac. The beautiful illustrated book on Poland given as a souvenir turns out to be a translation from the Italian of a book published in Milan.

It was, in short, a logical extension of the loser's image that has dogged the Poles—and which led to the Watergate Hotel press conference in the first place.

As Edward J. Piszek, the man who called the press conference explained things, Poles suffer from an attribute that works against them: Modesty.

"The Pole is modest to a fault," he said, "and this modesty is looked upon by others as foolishness or weakness."

Thus it transpired that Watergate's caterer, an Italian named Bruno, was permitted to serve Reuben sandwiches and egg salad and slices of Swiss cheese at a press party designed to extol the virtues of a country that produces perhaps the greatest salami and spicy sausage in the world.

Any less modest customer presumably would have insisted that the management go out and find some ethnically appropriate hors d'oeuvres.

The national fault—excessive modesty—also would account, in Piszek's view, for the paucity of books in English about Poland or by Polish authors. Anyone who wants to know about Poland is expected to learn Polish.

When he decided to finance the publication of a book about his parents' native land, he was reduced to having a book—written by an expatriate Pole who married an Italian—translated into English. It had to be translated into English instead of Polish because most of the 10 million Polish-Americans wouldn't have been able to read it otherwise.

"There's a certain number of Polish-Americans who are ashamed of being Poles," said Piszek. To correct this unhealthy condition, Piszek already has shelled out more than $250,000 for newspaper advertising and publication of 60,000 copies of the translated Italian book.

The Polish tendency to stomp their image into that of the illustriously downtrodden was reflected in Piszek's own life, he disclosed under questioning.

The company he confounded in 1946, and which has made him a millionaire able to afford $500,000 for ethnic hornblowing is named "Mrs. Paul's Kitchen." It produces frozen foods.

When asked, "Who in the heck Mrs. Paul" is or was, Piszek hedged a bit, describing Mrs. Paul as an imaginary character, "an image beyond human possibility, with no weaknesses that a real individual would have."

Then, it developed, his original partner had been a man named John Paul, and that's how the named evolved.

Why didn't they call the company "Mrs. Piszek's Kitchens?"

"That's just what my mother said," replied Piszek, with one of the many touches of rue he displayed at the session. "She said, 'You let him steal the name.' "

One of the main purposes of Piszek's promotional campaign is to educate Polish-Americans about the glories of their heritage—of which most are as ignorant as he was a few years ago. His account of his awakening is poignant.

It occurred when he was flying back to the old country seven years ago—his first visit to the land of his ancestors. As the plane circled over Warsaw, he looked down and marveled at the modern city that had risen from the ashes of World War II.

"I wondered where they got the engineers, the experts who designed the buildings, laid out the streets, planned the utilities," Piszek said. "I knew it couldn't have been Poles. Not the Poles I knew. I thought maybe they brought in some Swedes or somebody to do it."

Confronted with the reality that his forebears were not the dolts he had grown up believing they were, Piszek did a little research into his ethnic origins and, among other things, discovered to his surprise that Copernicus was a Pole.

And, as a press agent would say, many, many more.

It is similar enlightenment and pride that he hopes to bring to his fellow Polish-Americans through his "Project: Pole" publicity campaign. If public relations can help Poles to overcome their traditional loser's image with other Americans, so much the better, as far as he is concerned.

Asked about the Polish jokes that have been going around. Piszek insisted they had nothing to do with his decision to start a pro-Polish campaign.

"We're not mad at anyone," he said. "It's a positive program."

Something of his problem, though, was illustrated by what happened to the newspaper advertisement taped on the wall of the Watergate elevator to direct newsmen to the press conference.

"Press conference on Sixth Floor" it said across the top. The ad read, "Before there was a United States there was a Poland."

Somebody had scribbled next to that statement: "Yes, but Poland was discovered by Roto-Rooter."

Let us all wish Piszek good luck. He's going to need it.

PRESIDENTIAL CENSURE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mrs. ABZUG. Mr. Speaker, House Congressional Resolution 500, which I and 14 other Members introduced on January 18, would censure the conduct of the President in ignoring section 601 of the Military Procurement Act of 1971 and in resuming the bombing of North Vietnam.

An interesting precedent for such action took place in 1848, when the House agreed to an amendment describing the Mexican War as one "unnecessarily and unconstitutionally begun by the President of the United States." Of additional interest is the fact that the roll of Members voting in favor of that amendment were a former President, John Quincy Adams, and a future Chief Executive, Abraham Lincoln.

The precedent is well taken. President Nixon's callous and unlawful disregard of the will of Congress and the American people is inexcusable, and his failure to end all American military operations—in the air as well as on the ground—in Indochina is indeed unnecessary and unconstitutional.

The text of the relevant portion of the House proceedings of January 3, 1848, follows:

THANKS TO GENERAL TAYLOR—THE WAR

Mr. Houston, of Delaware—previous notice having been given—introduced the following joint resolution of thanks to Major General Taylor:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress are due, and they are hereby tendered, to Major General Zachary Taylor, and through him to the officers and soldiers of the regular army and of the volunteers under his command, for their indomitable valor, skill, and good conduct, conspicuously displayed on the 22d and 23d days of February last, in the battle of Buena Vista, in defeating a numerous Mexican army, consisting of four times their number, and composed of chosen troops, under their favorite commander, General Santa Anna, and thereby obtaining a victory over the enemy, which, for its signal and brilliant character, is unsurpassed in the military annals of the world.

Resolved, That the President of the United States be requested to cause to be struck a gold medal, with devices emblematical of this splendid achievement, and presented to Major General Taylor, as a testimony of the high sense entertained by Congress of his judicious and distinguished conduct on that memorable occasion.

Resolved, That the President of the United States be requested to cause the foregoing resolutions to be communicated to Major General Taylor in such manner as he may deem best calculated to effect the objects thereof.

Mr. Evans, of Maryland, desired to offer an amendment, which he sent up to the Clerk's table, and moved the previous question on the adoption of the amendment and resolutions.

The Speaker stated that the resolutions were not now open to amendment.

Mr. Cummins inquired if they could now be considered as a matter of course if objections were made.

The Speaker replied, that the resolutions having been received, they would now be read a first time by their title. After the first reading, if objections were made, they would lie over for a second reading until tomorrow.

The resolutions having been read a first, and, no objection being made, a second time—

Mr. Jamieson moved their commitment to the Committee on Military Affairs.

Mr. Evans now proposed to offer his amendment, and renewed the demand for the previous question thereon.

The Speaker replied, that their commitment being called for, that question was first in order.

The question then being on committing to the Committee on Military Affairs—

Mr. Gayle demanded the yeas and nays.

Mr. Jamieson withdrew the motion to commit.

Mr. Schenck renewed it.

Mr. Houston, of Delaware, said, he apprehended there would be no objection to the adoption of the resolution. No gentleman in this House would vote against a resolution of thanks to General Taylor and the officers of his command.

The Speaker reminded the gentleman from Delaware that debate was not in order.

Mr. Evans again intimated his desire to offer the following amendment:

Resolved, That the capitulation of Monterey meets with the entire sanction and approbation of this Congress; and that the terms of that capitulation were as creditable to the humanity and skill of the gallant Taylor as the achievement of the victory of Monterey was glorious to our arms.

Some conversation ensued between the Speaker, Mr. Schenck, Mr. Evans, and others.

Mr. Houston, of Delaware, to obviate all difficulties, moved the previous question on the original resolution.

The previous question was not seconded.

The Speaker again announced the question to be on the motion to refer to the Committee on Military Affairs.

Mr. Henley moved to amend, by adding an instruction to the committee to add the words "engaged as they were in defending the rights and honor of the nation." On this he asked for the yeas and nays.

Mr. Ashmun moved to amend the amendment by adding the words "in a war unnecessarily and unconstitutionally begun by the President of the United States."

Mr. McLane said, before he recorded his vote, he desired——

The Speaker interposed, and informed the gentleman from Maryland that debate was not in order; if it became the subject of debate, it would go over until tomorrow.

Mr. McLane said he had an amendment to offer.

The Speaker said no amendment was in order at present.

After some further conversation, the yeas and nays were ordered on Mr. Ashmun's amendment to the amendment; and, being taken, they resulted as follows:

YEAS—Messrs. John Q. Adams, Ashmun, Barringer, Barrow, Belcher, Botts, Brady, Buckner, Canby, Clingman, Cocke, Collamer, Conger, Cranston, Crowell, Crozier, Dickey, Dixon, Donnell, Duer, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Alexander Evans, Nathan Evans, Fisher, Fulton, Gayle, Gentry, Giddings, Goggin, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Haskell, Henry, John W. Houston, Hubbard, Hudson, Irvin, Kellogg, Thomas Butler King, Daniel P. King, Lincoln, McIlvaine, Marsh, Marvin, Mullin, Nes, Newall, Preston, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Root, Rumsey, St. John, Schenck, Sheperd, Sherill, Slingerland, Caleb B. Smith, Truman Smith, Stephens, Andrew Stewart, Strohm, Sylvester, Thibodeaux, Taylor, Tompkins, Richard W. Thompson, John B. Thompson, Toombs, Tuck, Van Dyke, Vinton, Warren, and Wilson—85.

NAYS—Messrs. Beale, Bedinger, Birdsall, Black, Bowdon, Brodhead, William G. Brown, Charles Brown, Cathcart, Chase, Beverly L. Clark, Howell Cobb, Williamson, R. W. Cobb, Cummins, Daniel Dickinson, Faran, Featherston, Ficklin, Fries, French, Green, Willard P. Hall, Moses Hampton, Harmanson, Harris, Henley, Hill, George S. Houston, Inge, Charles J. Ingersoll, Jamieson, Jenkins, Andrew Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Lahm, La Sére, Sidney Lawrence, Leffler, Lord, Lumpkin, McClelland, McClenand, McDowell, McLane, Mann, Meade, Miller, Morris, Morse, Murphy, Peaslee, Peck, Phelps, Pillsbury, Rheft, Richardson, Richey, Robinson, Rockhill, Sawyer, Sims, Smart, Robert Smith, Stanton, Starkweather, Charles E. Stuart, Strong, Thomas, James Thompson, Jacob Thompson, William Thompson, Thurston, Turner, Venable, Wick, and Williams—81.

Mr. Houston, of Delaware, inquired if it would be in order to move to lay the amendment as amended on the table.

The Speaker replied in the negative.

ACADEMIC FREEDOM SEEMS NOT THE REAL ISSUE AT STANFORD UNIVERSITY

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, January 21, 1972

Mr. RANDOLPH. Mr. President, it is possible that President Nixon might have spoken too sweepingly in his state of the Union address when he said:

> Our colleges and universities have again become places of learning instead of battlegrounds.

On the campus of one of our most prestigious centers of learning, Stanford University, there is at least a skirmish over conflicting ideologies. The issue is whether or not a tenured professor can be dismissed from the board of trustees for repeatedly inciting to violence the malleable minds of students.

The claim of academic freedom has been raised against the university's right to protect itself against irresponsible and potentially dangerous activities. Over the past few months, Stanford University has been the scene of a fire bombing, window smashing, a takeover of the university computer center, and posted threats of retaliation if the associate professor of English, H. Bruce Franklin, is finally fired.

The New York Times of January 11 edition published a keen analysis of the matter and editorially concluded that Franklin, or any other teacher, has no right to "shout fire in a crowded theater." I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Protecting Stanford's Freedom

The recommendation by a seven-man faculty advisory board at Stanford University that a tenured professor be dismissed for repeatedly inciting students to "the use of illegal coercion and violence" is a matter of utmost gravity for the nation's academic community. If the Board of Trustees follows suit, this would be the first such step by a major university in the context of recent campus unrest.

Although the professor's defenders have predictably charged that the 5-to-2 faculty recommendation is a violation of academic freedom, massive evidence shows that it is quite the opposite: a painful but necessary attempt to protect such freedom against coercion and disruption from within the academy.

H. Bruce Franklin, an associate professor of English, has long and publicly encouraged students to commit illegal acts. He urged actions that threatened injury to persons, damage to property and interference with the lawful activities of other members of the community. He has in effect cried "fire" in a crowded theater. His conduct has been cowardly as well as irresponsible, manipulating students, endangering their own safety and damaging their future careers. It makes pawns of vulnerable young men and women, while the professor as instigator seeks immunity behind the shield of tenure.

At no time has Professor Franklin's Maoist ideology been an issue. What is at stake is the university's right physically to protect itself. The senior faculty panel's painstaking deliberations, after six weeks of hearings of more than 100 witnesses, led to the unimpeachable conclusion that incitement to illegal conduct is "an abuse of power" rendered particularly serious when it ignores a teacher's responsibility toward his students. In a flagrant instance last February, a student occupation of the university's Computation Center followed Dr. Franklin's appeal for just such a take-over.

The panel's two dissenting members disagreed with the majority only with regard to the severity of the penalty. Their counsel of leniency might be supported had the offense been an aberration of momentary passion. But Professor Franklin's consistent contempt for the foundations of a free, rational and non-violent community was unmistakably reaffirmed when he responded to the faculty verdict with a call for "revolutionary counter-violence," while his wife "symbolically" stood by his side with a rifle.

A better symbol of the universities' determination to uphold freedom through self-government under law will be Stanford's notice that neither tenure nor inflammatory rhetoric constitutes a license for coercive and illegal action.

ROCHESTER VFW POST MARKS 25TH ANNIVERSARY

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. DULSKI. Mr. Speaker, it was 25 years ago that a group of World War II veterans met to form the James H. Lundgren Post No. 8948, Veterans of Foreign Wars, in Rochester, N.Y.

The charter membership consisted of 60 overseas veterans, all employees of the Rochester Post Office. The post was named for James H. Lundgren who was killed in action on Iwo Jima in 1945. His father, an employee of the Rochester Post Office, was one of the charter members.

The post has grown to a membership of more than 300, including veterans of World War I, World War II, the Korean conflict and the war in Vietnam.

The anniversary affair was arranged by Albert J. Rago, chairman, and Marvin A. Bruley, cochairman. Interestingly, Mr. Rago, as a sergeant, served in World War II with our colleague, the distinguished chairman of the Committee on Veterans Affairs, the Honorable Olin Teague of Texas.

Toastmaster at the affair was State Senator Thomas Laverne, past county commander, with invocation by Chaplain Herbert J. Migliore. The welcome was by the post commander, Vincent H. Ippolito.

Honored guests included: Leonard L. Schieffelin, past post, county and department commander; Richard F. Tickner, past post and county commander; Harold B. O'Connor, eighth district commander; Postmaster William E. Finn of Rochester; and New York Department Commander John M. York.

Our colleagues, the Honorable Barber B. Conable and the Honorable Frank Horton, representing parts of Rochester, were unable to be present because of official business.

Following are highlights of the post's 25-year history:

Highlights of 25 Years

The James H. Lundgren Post 8948, Veterans of Foreign Wars of the United States, was formally instituted on January 26, 1947. The Post was named in memory of James H. Lundgren, who was killed in action on Iwo Jima, March 3, 1945. The charter membership consisted of sixty overseas veterans, all employees of the Rochester Post Office, one of whom was James' father, Henry Lundgren. The present membership, over 300, includes veterans of World War I, World War II, the Korean Conflict and the war in Vietnam.

Many resolutions originating in the Lundgren Post during the past two and one-half decades have been adopted by the VFW County, District, State and National organizations. Some have become state and federal laws; such as the McCormick Bill, restoring the rights of certain veterans in the Post Office Department and the Whitten Amendment, preserving the rights of veterans under the Civil Service Law.

Since January, 1957, a most important activity of the Lundgren Post has been its V.A. Hospital Committee. Television sets and a bowling foulline setup have been provided for the patients' enjoyment. The active volunteer service of the committee membership during the past fifteen years, has made it possible for patients to attend many events, such as the Ice Follies, circuses, rodeos, musical productions, the Rochester-Americans professional hockey games, and Rochester Red Wing baseball games. This program has contributed much in the treatment and rehabilitation of our disabled veterans from our local hospitals in Bath, Batavia and Canandaigua.

Helping to strengthen patriotism and Americanism in our community, the Lundgren Post colors have been displayed in twenty-five Memorial Day parades, and have represented our post in numerous patriotic celebrations, tributes to our honored dead, and many other civic programs.

Improved youth activities and elimination of juvenile delinquency are part of the Post's programs. Toward this end we have sponsored Junior Softball teams, Junior Bowling teams, Lite-A-Bike campaigns, Loyalty Day, and have helped and involved ourselves with the Girl Scout and Boy Scout movements.

In 1952 the Post adopted a set of By-Laws which were approved by the State and National organizations. This, in itself is unique, for there are very few posts which have such a set to guide them. To assist the families of our deceased comrades we have for the past seventeen years established and maintained a death benefit.

The post social functions, dinners and picnics which have been well attended over the past twenty-five years, have developed a true spirit of comradeship among the members.

Lundgren Post is noted not only for its quantity, but also for its quality. Beginning with some sixty members in 1947, the post is numbered among the larger posts in Monroe County. Leadership has been a trademark of Post 8948 . . . it has produced 24 Post Commanders, 3 County Commanders, 1 District Commander, 1 Department Commander and several County and District officers.

Lundgren Post's highlights and achievements are numerous and impressive, but they only indicate higher levels of accomplishments for the future.

. . . on to the next twenty-five years, God willing.

Charter members were: Laurence J. Burns,* John C. Crowley, John J. Curtin, Walter J. Czarniak, Frederick Dykstra,* William E. Finn, and Donald C. Hilliker.

Raymond J. Hoefen, Lincoln L. Kalwas, Joseph W. Kircher, Joseph Lauricella, Walter Lysy, Raymond J. Moore, and Joseph R. Ortolani.

Philip L. Palermo, Raymond J. Richens, Chester C. Rowley, William C. Sanger, Leonard L. Schieffelin, Earl E. Schirmer, and Gerard J. Schultheis.

Frank Stiegel, Harold A. Suits, William A. Tatyga,* Richard F. Tickner, Joseph R. Wahl, Frank A. Weiland, and J. Frank Wixted.

I was honored to be the main speaker on this happy occasion and I include my text with my remarks:

---

*Deceased.

ADDRESS BY THE HONORABLE THADDEUS J. DULSKI AT 20TH ANNIVERARY OF ROCHESTER, N.Y., VFW POST

It is a very special pleasure for me to be here this evening to help you celebrate the 25th Anniversary of the founding of the James Lundgren Post No. 8948 of the Veterans of Foreign Wars here in Rochester.

The VFW has never been afraid to stand up and be counted on the issues which confront our great country. You have had superior leadership within your organization, and I know first-hand that your leaders and your members do their homework well on the issues.

The VFW has always been in the forefront seeking sensible benefits for our nation's veterans and, more silently, it has played a major leadership role in helping the returning Vietnam era veteran to re-establish himself in society as he comes back to civilian life.

Our country needs more organizations such as yours, which are champions of American democracy, and which are willing to stand up to the draft and card burners, flag desecrators, the whiners, and the complainers.

DEBT TO OUR VETERANS

We need a strong America, and I stand with you every step of the way as you marshal the support of our nation's veterans. I do not know of any harder working group of dedicated Americans in our country today than the members of your great organization.

Our country owes all who served in the armed forces a great debt that can never be repaid. Our nation's veterans represent the strength in America, and because of you, our nation is strong and free today.

I am indeed glad to be associated with such fine organizations who do more than pay lip service to the American way of life.

Next week the second session of the 92nd Congress will convene, and there are a number of important veteran issues which will be considered.

Before I review these, however, I want to point out that during the 91st Congress, we passed more legislation benefiting veterans and their dependents than had been passed by any previous Congress since the end of World War II.

LEGISLATION PASSED

The legislation which we passed resulted in direct payments of benefits to veterans and their dependents, approximating $1 billion a year. This included increases in compensation and pension rates averaging about eight percent; increased and expanded GI home programs; a 35 percent increase in education and training allowances, and other benefit improvements.

During the first session of this Congress, the House Veterans' Affairs Committee held numerous hearings and took action on a number of bills to improve and expand veterans' benefits.

Two of the most important laws which originated in our Committee were H.R. 11652—now Public Law 92-197—and H.R. 11651 which became Public Law 92-198.

Public Law 197 increases Dependents and Indemnity Compensation rates for approximately 176,000 widows, 46,000 children, and about 68,000 dependent parents. It also prevents parents receiving DIC from losing aggregate income because of social security increases in 1971.

Public Law 198 provides an average cost of living increase of approximately 6½ percent in non-service-connected pension rates, payable to approximately 1.6 million veterans and widows. It also prevents pensioners from losing any of their VA pension received on their own behalf due to the 1971 increase in social security benefits.

BILLS FROM COMMITTEE

Other bills that have originated in our Committee include:

Public Law 92-66—which preserves the direct loan program for GIs who live mostly in rural areas. This is one of the best investments ever made by America in a government-backed housing program. It has made a profit of over $200 million during the life of the program and yet the Administration sought to shut off the funding of this profit-making program while, at the same time, it was supporting other types of subsidized housing mostly for non-veterans.

Public Law 92-95—which provides mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing with the veteran paying the standard premium, and the government paying the remainder of the premium because of the veteran's serious service-connected disability.

DRUG TREATMENT

Other legislation, which was passed by the House in the last session and now pending in the Senate, includes:

A measure providing for VA facility treatment for veterans or military personnel addicted to narcotics—regardless of the character of their discharge.

A bill to provide financial assistance for medical schools.

A measure providing an extension from six to nine months for veterans' nursing home care.

And an omnibus bill which would broaden medical care for veterans, dependents, and survivors, and improve the recruitment and retention of career personnel in the Department of Medicine and Surgery of the VA.

Also, as the first session closed, our Committee had completed hearings on the veterans' educational assistance program.

The Administration has recommended an 8.6 percent increase in educational assistance allowances. However, I expect the Congress will pass a bill raising the rates by about 10 to 12 percent, inasmuch as the Administration's proposal is based on the increased cost of living as of October 1971. By the time the bill is finally enacted, it can be reasonably anticipated that higher rates will be necessary to offset the higher cost of living. Our Committee will probably act on this legislation soon after Congress reconvenes.

ISSUES TO CONSIDER

Other issues which we may consider in this new session are:

National cemeteries and burial benefits for veterans generally, which would include—(1) the transfer of jurisdiction over national cemeteries to the VA; (2) the authorization of a study of the entire problem by the VA—with a report of recommendations to be made to the Congress; (3) the recast of the national cemetery system on a regional basis; and (4) the authorization of a burial plot allowance of $150 in cases where the deceased veteran is not buried in a national cemetery.

We also plan action on a bill to liberalize the rates of compensation commensurate with the increase in the cost of living which will have occurred by the time legislation can be approved. By November 1971, the cost of living had risen by 5.4 percent since the last compensation increase was approved.

Our veterans' housing program needs improvement because of the state of our economy, and we plan to explore several proposals designed to better assist young families of veterans with low income to obtain adequate housing.

LIFE INSURANCE CONVERSION

We also plan to consider a liberalization of the conversion privilege under the Servicemen's Group Life Insurance program which will greatly aid the young low-income veteran who may be newly married.

Of prime concern to the House Veterans' Affairs Committee is the VA medical program. We have a gigantic medical system in 166 hospitals which is the greatest single medical system in the world under one leadership.

The Office of Management and Budget has, for years, tried to "manage" and dominate the VA hospital system. However, the Congress has vigorously fought to preserve the present system. This has led to a hard confrontation between Congress and the Executive Branch.

The idea of seriously curtailing or phasing out the VA hospital system is a clear objective of the Office of Management and Budget. However, the tactics have changed from trying to close down entire hospitals to nibbling away at them, year by year.

VA HOSPITAL BUDGET PROBLEM

It has been necessary for the Congress to take strong action to keep the hospital system from being bled to death by the Office of Management and Budget. Two years ago, Congress added a total of $155 million to the medical care budget of the VA, because our Committee investigation proved beyond doubt that the program was seriously underfunded and understaffed.

When the President submitted his budget for fiscal 1972, it was based on lowering the average daily patient census from about 84,500 to 79,000. If Congress had allowed this action to stand, it would have had the effect of closing about ten 500-bed hospitals over a period of a year. In the Appropriations Act, for the first time in history, Congress stated that the VA medical system should operate at an average daily patient census of not less than 85,500 and at an operating bed level of not less than 97,500.

Through administrative finagling, the Office of Management and Budget has been able to make some inroads into these minimum operating levels—so that it appears the overall average daily patient census at the end of the fiscal year in June will be about 83,000 at best.

FUNDS ARE WITHHELD

During the current fiscal year, Congress added almost $200 million to the President's original budget request for VA medical care, and yet, the Office of Management and Budget has told the VA they cannot spend about $72 million which Congress appropriated.

These funds are badly needed to better staff and equip our VA hospitals to take care of the rising workloads. It is just inconceivable to me that these funds are being withheld when they are so vitally needed to treat our nation's sick and disabled veterans.

Very shortly the President will present to the Congress his 1973 budget. While it will probably contain more dollars for VA medical care and other programs, it is highly doubtful that this increase will be in keeping with higher medical costs and the rising workload brought on by the 1.3 million World War I veterans who have an average age of about 76, and who need a great deal of care.

Add to this about 15 million World War II veterans, who have an average age of about 52, along with the growing number of Vietnam veterans—many of whom have extremely serious injuries—and it is readily apparent that there is a great need to expand and update our VA medical program.

Congress is dedicated to this course of action. With your help, and the help of other VFW posts throughout the nation and that of other veterans' groups, I hope that we can put a stop to this sly plan which has been developed by ivory-tower bureaucrats.

I said, at the beginning, that the VFW has never been afraid to stand up and be counted. The time has come again for you to do this—and I know we can count on you for swift and positive action.

CORRESPONDENCE BETWEEN MIKE FROME AND AMERICAN FORESTRY ASSOCIATION

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, January 21, 1972

Mr. METCALF. Mr. President, I invite the attention of Senators to some correspondence between Mike Frome and the American Forestry Association which was recently published in the Living Wilderness magazine.

It is certainly the prerogative of the American Forestry Association to publish what they wish, but it is a sad day when they can no longer look at all sides of forestry. When they openly advocate censorship of their columnists, whose propaganda line are we reading?

I ask unanimous consent that the correspondence be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

THE STRANGE CASE OF MICHAEL FROME, LOVER OF TREES AND BÊTE NOIRE OF THE LUMBER INDUSTRY

EDITOR'S NOTE.—One of the best writers on conservation issues today is Michael Frome, author of such books as Whose Woods These Are: The Story of the National Forests and the recently published The Forest Service. Mike serves as Conservation Editor of Field and Stream Magazine and until recently wrote a monthly column for American Forests, the magazine of The American Forestry Association.

In his American Forests column Mike used to probe into anything and everything related to our nation's forests and range lands. His approach was direct, his style incisive. He gave quarter to no one he thought deserving of criticism. Oftentimes he was critical of the U.S. Forest Service and/or the timber industry.

We always thought it was to the credit of The American Forestry Association that it published Mike's column, which began in 1966 and was preceded by occasional articles going back to 1959. Here was convincing proof that the association could look objectively at itself and its many close friends in government and industry and fight for change where change was needed. With at least seven industry representatives and several former officials of the U.S. Forest Service among its officers and directors, the association needs to show this kind of independence.

To us, it is indeed sad that this relationship has ended. It is especially sad for what it seems to tell us about the internal problems of The American Forestry Association, once thought to be a strong voice for conservation and now, perhaps, something less than that.

We take no delight or satisfaction in reviewing the firing of Mike Frome. But after wrestling with our consciences on what is, or is not, our responsibility in the matter, we have decided to share with you some of the correspondence that has come into our hands concerning it. We hope you find it instructive.

The episode began with the memorandum reproduced above, directed to James B. Craig, respected editor of *American Forests*. We then pick up the exchange of correspondence with Frome's note to Craig on first learning of the memo.

THE AMERICAN FORESTRY ASSOCIATION,
Washington, D.C., March 4, 1971.

MEMO

To: James B. Craig
From: William E. Towell, Executive Vice President
Subject: Mike Frome's Column in American Forests

The formality of this memorandum is to clarify for the record the decisions made regarding Mike Frome's column in American Forests Magazine. It will be your responsibility to see that these decisions are carried out.

It is hardly necessary to review the background and reasons for this action, except to say that Mike's column frequently has been in conflict with official Association positions; it often has been personal and inflammatory, particularly with respect to the Forest Service; and, in the opinion of many, sometimes contains outright inaccuracies or harmful innuendoes. For the protection of the Association itself, it is necessary to require certain editorial restrictions on Mike in the future. It is my understanding that Mr. Frome has agreed to these restrictions as a requisite to his continued service as a columnist with American Forests:

1. Frome's column is to be censored by you as Editor to insure that it is not in conflict with established AFA policy or position.

2. Frome, in the future, is not to write critically about the U.S. Forest Service, the forest industry, the profession or about controversial forestry issues.

3. A disclaimer is to appear permanently on Frome's column that he is a paid columnist and does not speak for the Association.

I am very pleased, as was the Board, that Mike has agreed to this censorship and wants to continue writing for us. He is a very effective and popular writer who has been and can continue to be a great asset to our magazine.

W.E.T.

ALEXANDRIA, VA.,
March 22, 1971.

DEAR JIM: Attached is my next column for the magazine.

Please advise Mr. Towell that I have received a copy of his memorandum of March 4 written to you on the subject of "Mike Frome's column," although it did not come either from him or from you.

Will you please advise him further—and he may feel free to pass this word to the Directors of the Association, if he so wishes—that at no time, and in no manner, have I agreed to having my column censored and/or edited as a requisite to its continued use in *American Forests*.

You know this to be the fact and I will appreciate your acknowledgement.

Sincerely,

MIKE FROME.

AMERICAN FORESTS,
Washington, D.C., March 24, 1971.

Mr. MICHAEL FROME,
Alexandria, Va.

DEAR MIKE: I regret more than I can say that someone inside AFA has seen fit to open up this can of worms by sending you Mr. Towell's memo to me of March 4 concerning your column. I had hoped—and I still hope—that we can work this thing out.

As you know, prior to our Directors' meeting you and I discussed your column at the Cosmos Club and we both agreed that it would be a good idea to lay off forestry for awhile and let readers and others have their say on the basis of the dialogue the magazine has opened up as regards even-aged management and other concerns. There certainly was *not* any mention of censorship which is why I was shocked when Mr. Towell first showed me his memo with that ugly word used not once but two times. At that time it was my understanding he would delete those two words before sending the memo to Directors. At the time I told him what I had already told you, that it was time for you to lay off forestry for awhile at least.

Mike, I was not invited to sit in on a closed session of the Directors on this matter so I can not say with certainty exactly what happened. I understand some were very critical of your column. On the basis of the reaction of others following receipt of the memo, some thought it was too harsh.

Accordingly, I did not show you this memo because I was not completely sure just how exacting it was or how permanent. I hoped our previous discussion would cover the situation sufficiently and that we could ride with the punches. The current column on black walnut, which we discussed at that time, strikes me as fine except for one reference to the Chief of the Forest Service which I must delete.

In reply to your letter, you are quite right that you never agreed to any form of censorship and in fact the whole idea of starting the column was to present an outside opinion in an effort to ward off blandness in the magazine. That was the whole idea. And while I did not care for the disclaimer idea myself, I thought it was a reasonable request since obviously you are not speaking for the association as such as an officer of the organization. That is self evident it seems to me.

Perhaps I was in error not to show you this memo immediately. The reason I did not was that I thought: 1) It was an inside matter to be interpreted by me in terms of the actual rigidity of the thing; 2) I thought Mr. Towell and I were in agreement on how we would proceed, namely, that you would lay off forestry for awhile at least until we saw how things developed. And it was my impression Mr. Towell's personal reaction was much softer than the memo itself.

It is also quite true that as regards some of the things on which you have written the AFA has no official policy—such as the recent Timber Supply Bill, the SST and other hot issues of the day. Where we *have* had a position I have always appreciated your restraint even though you sometimes took the opposite point of view in other publications, which is your right.

Where does this new development now leave us? I am still proceeding on the premise that the words "censorship" were deleted from the memo of March 4. I do not believe that the whole Board in a showdown would go along with that ugly word. I *do* feel that as regards forestry you have stirred up the Indians enough for now and that we should lay off, which you said was right. While you have helped stimulate readership and have contributed to our really remarkable growth in the last couple years, the time comes to ease up. As you know, Mr. Towell is hard at work on a series of "Areas of Agreement" conferences between preservationists and industry which may or may not be successful. But since this is an association as well as a magazine, I feel we should help him all we can and some statesmanship is now required.

Also, there were indications at the Directors' meeting that they intend to take a much more aggressive stance on issues of the day than was previously the case. If this develops, it will be my job to help implement those positions and I think you would agree that if our contributors can't go along with those positions at least they should not be encouraged to oppose them in our own magazine. That is how I interpret Point No. 1 in the memo. Point No. 2 I interpret as meaning "lay off forestry" for awhile, which we had already discussed. And I was told in no uncertain terms that the disclaimer on your column must be put there to stay. Some also urged that you also stay away from personalities—which, of course, makes hot copy and is widely read—but which is not always helpful in terms of achieving the goals of an organization.

This is not a pleasant experience, I agree, and it is now obvious that at least some members of our Board are unhappy with both of us. But Mike I have put over 20 years into this magazine and I want to make a success of it. With some help from you all we'll have it over the 100,000 mark in another year or so and I've got some ideas for expanding both our scope and coverage that I think will be sure fire. I know this memorandum has upset you and I had hoped to shield you from the sharpness of the tone of the thing which I feel is catering to the ideas of a few Directors and not necessarily the majority of them. I have had to learn to ride with the punches here from people in a wide cross section of opinion.

So, as I see it, we have two choices: 1) We can say this memo is inflicting censorship on *American Forests* and quit; 2) For a number of reasons I have tried to outline, it is not as grim as it sounds and actually reflects a real desire by the Directors to start taking positions on issues and move into the main conservation swim. I choose to interpret the memo along the second line at least for the time being. I hope you will do the same for I would hate most awfully to lose your good services and so would a large number of our readers.

As ever,

James B. Craig, *Editor*.

Journalism Department,
The University of Wyoming,
Laramie, Wyoming, April 2, 1971.

Mr. William E. Towell,
Executive Vice President,
The American Forestry Association,
Washington, D.C.

Dear Mr. Towell: I have been slow in reading mail delivered to my home lately and slower realizing the full import of your March 4 memorandum to James B. Craig, editor of American Forests, regarding Mike Frome's column.

To say I am shocked and deeply concerned is an understatement.

Will you please furnish me the details as to how the decision resulting in the memorandum was arrived at and if the matter was put to the board of directors and if so, what the vote was.

I am very much aware that I am a new member of the Board of Directors of the American Forestry Association and have attended only one board meeting. Perhaps what I need is a copy of the AFA constitution and bylaws or other documents setting forth the rights and duties of the directors, especially regarding the magazine, *American Forests*.

Any pertinent information you can give me in this regard will be appreciated.

Very truly yours,

Ernest H. Linford,
Professor and Head; Editorial and conservation writer 35 years.

cc: Officers, Board of Directors and Honorary Vice Presidents, American Forestry Association

Editor's Note: On April 8 Towell replied to Linford saying that the Board of Directors had instructed him to "control" Mike Frome, that his memo of March 4 had been issued at the explicit request of President Charles A. Connaughton, that he regarded Frome as a fine writer but one with objectives in direct conflict with those of the association, that the "unfortunate" choice of the word "censorship" was his own, and, finally, that in his opinion the distinction between editing and censorship was not really important. Referring to Craig, he described him as "my editor."

Alexandria, Va.,
April 8, 1971.

Mr. James B. Craig,
Editor, American Forests.

Dear Jim: I have your letter of March 24, which constitutes the first direct revelation to me of the decision to deprive me of freedom of expression in *American Forests* through censorship of my column.

For the record, and the protection of my good name and professional integrity, I would like to review our communications on the subject.

On Monday, March 1, you asked me to meet you at the Cosmos Club. At that time you transmitted a message from Mr. Towell requesting that I ease up on my criticism of the Forest Service and timber industry. I agreed to do so, particularly since I had other subjects in mind for the next two or three issues of the magazine.

Several days later you invited me to dinner. I was puzzled as to the reason. The date was March 10, clearly after Mr. Towell's memo to you of March 4 on the subject of "Mike Frome's Column in *American Forests*." Although the contents of the memorandum certainly could have serious effect upon my reputation as both journalist and conservationist, you made no mention of it; nor did I learn about it subsequently through direct communication from either you or Mr. Towell. Nor did I learn that you had already started to impose censorship until I received a copy of the April issue with serious deletions from my column.

In mid-March a copy of the memorandum came to me through other channels. I was utterly astonished at terminology and assertions that my column "has often been personal and inflammatory . . ." and that it ". . . sometimes contains outright inaccuracies or harmful innuendoes." Neither you nor Mr. Towell has ever discussed such charges with me at any time or ever indicated anything but appreciation for the contents of my column. Therefore, I feel deeply pained at having these charges broadcast without any substantiation to Officers and Directors of the American Forestry Association.

On March 22 I wrote you on this matter, requesting that you advise Mr. Towell that at no time, and in no manner, have I agreed to having my column censored and/or edited as a requisite to its continued use in *American Forests*.

Thus we now reach your letter of March 24, in which you admit that I never agreed to any form of censorship and that you withheld an important memorandum dealing directly with my work for the magazine.

To sum up, the purpose of the column is clearly to present a public viewpoint. I cannot agree not to write critically about the U.S. Forest Service, the forest industry, the profession or about controversial forestry issues. I cannot, do not and will not accept censorship as a requisite to continued publication in *American Forests*.

Only on this basis can I continue to provide my column. The choice is yours and I will look forward to hearing from you.

Sincerely,

Mike Frome.

April 8, 1971.

Professor Ernest H. Linford,
Laramie, Wyo.

Dear Ernie: I was not invited to attend the two-hour Executive Session of the Board which, as I understand it, chiefly discussed *American Forests* and Mr. Frome. When Mr. Towell showed me his proposed memo I was shocked and suggested all mention of the word "censorship" be deleted since it was dynamite. I thought that had been done.

Now, I have had certain problems along this line before, and after talking to Mr. Towell and hearing of the comments of some other Directors I considered it highly possible this memo may have been over emphatic. I did not show the memo to Mike as we had discussed the whole situation previously, thought it had been worked out, and I decided it was my duty to interpret the memo to him as I understood it . . . which was probably a mistake, for someone sent him a copy of same.

As a result, I wrote a letter to Mike outlining the situation as I saw it. At the Church hearing yesterday on the Hill, he said he was replying in a letter. It was, and is, my hope that we can work this out but I am not at all optimistic, as you might imagine.

As I mentioned, there are problems that arise from time to time but in the final analysis they have always been worked out satisfactorily. I am trying to weigh this thing carefully and do not want to go off half cocked. Naturally, I am concerned for I have worked hard here for almost 20 years in an effort to build up this magazine as a forum of wideranging opinion that, I think, has gained some respect. But, naturally, I am now thinking of resigning if that is what the Directors think I should do.

When I took Mike on some years ago, it seemed to me the magazine was getting too bland at a time when new readers were bringing new ideas to conservation. Mike, I thought, would represent this point of view as a paid columnist whose views were his own and not necessarily those of AFA. From a readership standpoint, the column has been rewarding.

At the same time, I realize the magazine is the spokesman of the association and should reflect its policy. I am well aware that some Directors have been unhappy with some of Mike's comments but so far as I know he has never violated AFA policy since most of his statements have been on questions on which the AFA has no policy—the Timber Supply Bill being a case in point. And should a magazine merely reflect the views of Directors?

My feeling has been, and the Directors know this, that *American Forests* is big enough and has a wide enough spread of readership to present all points of view in conservation. After the last few Board meetings, I am not so sure about this as of now, of course.

I *am* trying to keep my cool about this and I hope Mike does too, at least until all the results are in. But as your own letter indicates, it *is* a delicate situation. And I may be deluding myself when I indicate it is merely a matter of over-emphasis. Feelings *are* running high in conservation right now, as you know.

I think it boils down to this. While the memo is pretty pointed, I just cannot bring myself to believe that the Directors would willingly go along with any form of censorship.

Sincerely,

James B. Craig,
Editor, American Forests.

April 13, 1971.

Memo

To: James B. Craig
From: William E. Towell, Executive Vice President
Subject: My Memorandum of March 4

My memorandum to you dated March 4 gave rise to some misinterpretation and is herewith retracted. Please substitute the attached revision.

W.E.T.

cc: Officers and Directors

April 13, 1971.

The formality of this memorandum is to clarify for the record the decisions made regarding Mike Frome's column in *American Forests* magazine. It will be your responsibility to see that the following is carried out.

1. Frome's column is to be edited by you to insure that it is not in conflict with the established AFA policy or position.

2. For the time being, Frome is not to write about the Forest Service, the forest industry, the profession or about controversial forestry issues.

3. A disclaimer is to appear permanently on Frome's column that he is a paid columnist and does not speak for the Association.

It is hardly necessary to review the background and reasons for the above action, except to say that Mike's column has been highly critical, particularly with respect to the Forest Service, and in the opinion of many sometimes contains outright inaccuracies.

I am very pleased, as was the Board, that Mike has agreed to this editing and wants to continue writing for us. He is a very effective and popular writer who has been and can continue to be a great asset to our magazine.

W.E.T.

cc: Officers and Directors

LARAMIE, WYO.,
April 14, 1971.

Mr. WILLIAM E. TOWELL,
Executive Vice President,
The American Forestry Assn.

DEAR MR. TOWELL: Thanks for your letter of April 8.

I am glad to know that you intended to use the term "edited" instead of "censored" in your March 4 memorandum to Editor James B. Craig, a copy of which you sent the directors. There is a very important distinction. An editor edits, an outside person or agency censors. It is a relief also to have you clear up the matter of Jim Craig going to Mike Frome and asking him to "cool it" for a while regarding forestry issues, with Frome assenting. This having occurred, however, it is utterly incomprehensible to me why it was necessary for you to write the memo, the second point of which said: "Frome, in the future, is not to write critically about the U.S. Forest Service, the forestry industry, the profession or about controversial forestry issues."

Do you honestly believe anyone could write conservation under such a stricture? Mr. Towell, I cannot find the words to express my amazement and distress that a spokesman for the AFA would impose such an outrageous and crippling rule on a columnist for *American Forests.* In 30-odd years of writing and editing I have encountered some weird obstacles, but this breaks all records for sheer audacity.

Now I am fully aware of my freshman status and I suppose some fellow AFA directors would prefer that I get more experience on the board before speaking up. I am not a newcomer to the field of conservation and forestry, however, and I probably have written more column inches on the subject than anybody else on the board. Most of my editorials have been favorable to the U.S. Forest Service, whose rangers and I&E people have taught me a great deal.

Your April 8 letter to me says, "It was at the request of President Connaugton that I summarized the agreement between Mike and Jim in my March 4 memo." This question is an ugly one but it is unavoidable in view of that statement. Did Mr. Connaughton also suggest that you order Mike Frome not to write critically about the Forest Service? I most earnestly hope not because it reflects adversely on Mr. Connaughton and implies a serious conflict of interest.

It is one thing for the editor of *American Forests* to ask Mike Frome to lay off the Forest Service for a while. This may have been a courtesy due the new president of AFA, but to imply that *American Forests* is to be the Charlie McCarthy of the service and the forest industry is absolutely untenable to me as a director of AFA and as a conservationist.

I have no idea what Frome intends to do. I finally reached him by telephone over the weekend and he says he only informally agreed to "cool it" for now, but he did not consent to the censorship thing. I do know what I would do under the circumstances and I must add that I as a director have no intention to submit to the restrictions you put in your memo. I would not agree to "not write critically" about any agency or person or industry that needed criticism in my judgment. If that be treason, make the most of it.

In the last two sentences of the second paragraph of your April 8 letter you say Mike Frome repeated his criticisms of the Forest Service and Chief Cliff in testimony before the Senate Public Lands Subcommittee last week. This seems to me to be beside the point since Frome was speaking as a representative of *Field and Stream,* not *American Forests.* I do hope you are not implying that Mike's writing and speaking outside his column to *American Forests* should also be in keeping with the objectives of the American Forestry Association.

What are American Forestry Association objectives anyway? I have studied the copy of the bylaws you sent, and Article 2 seems to say that the objects are to promote more efficient conservation of forests and other natural resources. I see nothing there that says AFA has to look the other way if the Forest Service bows down to the timber industry.

Considering Jim Craig's eminence as an editor and conservationist and his remarkable record in building up *American Forests* to its respected status, I am disturbed by your statement in the next paragraph of your April 8 letter that you acted to control Mike Frome "by making it clear to *my* editor what he must do."

This makes me all the more curious as to why the directors discussed this matter for two hours in executive session without calling in the man who was most concerned, the editor. I wondered why Craig was not present when Frome was discussed at Atlanta, but this was my first meeting. As an editor I have never been left out of a board or executive meeting that discussed my work.

Now as to Jim Craig and his great service and value to the organization. He said in a letter to me April 8 (copy sent to WET) that he was thinking of resigning. I most urgently hope he can be dissuaded from doing so. If a man of Mr. Craig's stature, ability and prestige were to be sacrificed in this deplorable and needless mess, the American Forestry Association would be badly hurt.

This letter is already overly long, but I must say I have no special brief for Mike Frome. I have met him briefly only once several years ago in Salt Lake City. I have read his columns with interest and I heartily agree with most of them. Mike Frome needs my support like Kellogg needs cornflakes. But *American Forests* needs both Jim Craig and Mike Frome and if they left under conditions of censorship that required subservience to the timber industry, a permanent blight would be left on this great organization.

Needless to say I would have neglected budgetary matters in my department here and would have been present at the Washington meeting if there had been any hint that this matter was on the agenda. I thought it was settled at Atlanta.

Very respectfully,
ERNEST H. LINFORD.

ALEXANDRIA, VA.,
April 17, 1971.

Mr. WILLIAM E. TOWELL,
American Forestry Assn.

DEAR BILL: Your memorandum of March 4 to Jim Craig, the editor of *American Forests,* evidently was written with the intention that it not be seen by me, although my column in the magazine was the stated subject at hand. When a copy came to me, through unusual channels, I was utterly astonished and distressed.

For one thing, you saw fit to disseminate serious written criticisms of my personal integrity and professional competency among leaders of forestry education, the forest products industry, state and federal public agencies, and citizen conservationists who comprise the Officers and Directors of the American Forestry Association. Never in my experience as a writer has this type of situation occurred.

Even more consequential, however, you chose to misrepresent and misquote my position to these men and women.

For the benefit of all concerned I endeavored to set the record straight at once. In a note to Mr. Craig, dated March 22, I asked him to advise you—with the further thought that you should feel free to pass the word to the Directors of the Association—that at no time, and in no manner, had I agreed to having my column censored and/or edited as a requisite to its continued use in *American Forests.*

Nevertheless, although I endeavored to make this point as clearly as possible, I find in your memorandum to Mr. Craig of April 12, which he has made available to me, this statement:

"I am very pleased, as was the Board, that Mike has agreed to this editing and wants to continue writing for us."

I certainly made no such commitment. Since I have been receiving inquiries from individual members of the Board on this point, I must respectfully request that you make this information available to all of them.

There is no objection on my part to a disclaimer, as you have proposed, appearing permanently on my column that I do not speak for the Association. Once that is done, however, I must insist upon my freedom of expression.

Of the three conditions set forth in your memorandum to Mr. Craig, the first directs that my column be "edited" to insure that it is not in conflict with established AFA policy or position. But what is the established policy on issues which I have undertaken to discuss? I refer specifically to the following:

(a) massive clearcutting in the national forests;

(b) intensive use of hard pesticides in forest management;

(c) the widespread burning of logging slash and debris, wasting wood and contributing to air pollution;

(d) the National Timber Supply Bill, which the House of Representatives defeated last year in response to public protest;

(e) the imbalance in the Forest Service budget, favoring timber above all other uses;

(f) the harvest of low quality timber on steep slopes of the Rocky Mountains, with negative stumpage returns to the federal treasury.

Exactly what policies have I violated by treating these important resource questions in the pages of *American Forests?* When and where were these policies determined?

The second condition stipulates that "for the time being," I am not to write about the Forest Service, the forest industry, the profession or about controversial forestry issues. But why should they be sacred in a publication designed for citizen interest? How long is "the time being"? Who is to give me the signal when it becomes once again safe to exercise my freedom of expression?

It is perfectly true that Mr. Craig asked me to ease off in my criticism. I agreed to do so as a matter of sound journalism; or, as Mr. Craig expressed it in his letter of March 24, in order to "let readers and others have their say on the basis of the dialogue the magazine has opened." We reached our understanding in a healthy editor-writer relationship. But I cannot and will not accommodate my writing to official edicts.

In your penultimate paragraph, you mention that "in the opinion of many," my column has contained outright inaccuracies. In the light of damage that such an assertion causes to my professional reputation, I must request that you specify the alleged inaccuracies found in my writing. Why have I not heard of this before, either from you or from the editor of the magazine? Who are my accusers, whom you tabulate as "many"? Why do they deal in the shadows instead of in the light?

I appreciate your words that I am a very effective and popular writer who has been and can continue to be a great asset to *American Forests.* My secret is simple. As I wrote to Mr. Craig, I deal by choice in public issues in public view. This is the only basis on which I can remain with you.

I will repeat that any time the Directors and/or management of the organization do not want me to express my views, as I see them, in *American Forests,* then you should tell me so openly and forthrightly. I trust that you will communicate my position accurately to the Officers and Directors.

Sincerely yours,

MIKE FROME.

WASHINGTON, D.C.,
April 26, 1971.

DEAR MIKE: I have not replied to your letter of April 17 because every attempt to do so has seemed stilted or argumentative. Why don't we get together for lunch sometime this week or next and talk about it? Jim Craig is invited, of course.

Sincerely,

WILLIAM E. TOWELL,
Executive Vice President.

MAY 4, 1971.

DEAR BILL: Thanks for your invitation to have lunch and talk things over.

We certainly should do that soon and I am glad you want to include Jim Craig.

However, when Jim asked to talk to me at lunch or dinner early in March, at your personal request, it turned out to be a disaster, leading to misrepresentation of my position and aspersions cast upon my character and competence. Therefore, I'm sure you will understand why I feel we ought to resolve certain questions on the record.

I have no objection to the disclaimer over my column. Will I then have freedom of expression in the contents?

Will I be free to write critically as I see fit about the U.S. Forest Service, the forest industry, the profession and about controversial forestry issues?

Would you please acknowledge that at no time, and in no manner, have I agreed to having my column censored and/or edited as a requisite to its continued use in *American Forests*? You may call your previous reports to the contrary a misunderstanding, if you wish.

Once these key questions are answered on the record, we can easily get together to discuss the rest. I will look forward to hearing from you.

Sincerely,

MIKE FROME.

DENVER, COLO.,
April 20, 1971.

ERNEST H. LINFORD,
University of Wyoming.

DEAR ERNIE: I am in receipt of copies of the correspondence between you and Bill Towell regarding Mike Frome's column in *American Forest* magazine.

I appreciate your concern in regard to this whole matter and I certainly agree with you that this controversy should not affect Jim Craig's position. Jim is an outstanding editor and I sincerely hope that he continues with the American Forestry Association for a long time.

As to the situation with Mike Frome, I feel somewhat in the position of an objective observer because I am neither in the federal government nor associated with private forest industry. From my viewpoint, I will have to admit that some of Mike Frome's columns seem to be in poor taste to be printed in the *American Forests* magazine, in spite of the fact that I have agreed with many of the things that Mike has written. It appeared to me that some positive action was required, whether it involved terminating Mike's services, editing his copy or some other approach.

Having spent my entire career working with a citizen's commission, which can be rather specifically compared with the Board of Directors of the American Forestry Association, I must admit that I have strong opinions that the Board must conduct all of its business through the Executive Vice President. Nothing would destroy the American Forestry Association any faster than having the Board of Directors develop decisions with various Association employees. For this reason, I think it was perfectly in order that the Executive meeting regarding this matter was restricted to the Board of Directors and Bill Towell. After all, we meet for just a few hours twice a year and the rest of the time we leave the entire operation in Bill's hands. He must know that we support him and that he is responsible for all of the activities of the Association without exception.

I think we are making great progress in the American Forestry Association under Bill's leadership and I hope that no major problem develops out of the matter of Mike Frome. Most especially, I certainly want Jim Craig to know that he has my support because he is an extremely competent member of Bill's team.

It's a shame that we live so close together and yet see each other so infrequently. I will make a special effort to get in touch with you and come to Laramie one of these days so that we might have a chance to exchange some ideas over lunch. I hope that if you find yourself with any time in Denver that you will do the same. With my very best personal regards.

Sincerely,

HARRY R. WOODWARD, *Director.*

EDITOR'S NOTE.—Mr. Woodward, head of the Colorado State Division of Game, Fish and Parks, is a director of The American Forestry Association.

[Los Angeles Times Syndicate in association with Newsday, for release April 21, 1971, by Stewart Udall and Jeff Stansbury]

CENSORSHIP

As a leading and staunchly independent conservation author, Mike Frome has brightened the pages of American Forests magazine with a no-punches-pulled monthly column.

Recently, in typically outspoken pieces, Frome has told the magazine's 83,000 readers about clearcutting, erosion and waste in the national forests. We have learned that, on March 4, William Towell, executive vice president of the American Forestry Association (which publishes the magazine) sent editor James Craig a memo. Its contents were apparently designed to appease American Forests' principal advertisers—the forest products industry.

"Mike's column," wrote Towell, "is to be censored. . . . Frome, in the future, is not to write critically about the U.S. Forest Service, the forest industry, the profession or about controversial forestry issues."

Without telling Frome, Craig reluctantly began softening his star columnist's copy. Frome protested vigorously. According to latest reports, Craig, who has edited American Forests for nearly two decades, may resign rather than remain a party to censorship. We hope Frome's admirers will rally behind him and force the AFA, supposedly a citizens group, to keep his column.

[This excerpt from the Udall-Stansbury column is reprinted with permission of Newsday and the Los Angeles Times Syndicate.]

NEW YORK, N.Y.,
April 22, 1971.

Mr. WILLIAM E. TOWELL,
Executive Vice President,
American Forestry Assn.

DEAR BILL: I was shocked to read in Stew Udall's and Jeff Stansbury's column about your censoring Mike Frome's column in *American Forests.*

As you well know, AFA has always had problems from its critics calling it the captive of the timber industry and/or the public relations arm of the Forest Service. Your action in censoring the most consistently lively and readable part of *American Forests* would seem to confirm that criticism.

If you don't think there is a widening debate over forestry as it's practiced by the Forest Service and the industry, then I suggest you take off your blinders and earmuffs and eavesdrop on what is really a pretty lively discussion out there in the great world beyond the forestry meetings.

Also, I would suggest you read Mike Frome's book, *Whose Woods These Are.* I think that reflection upon the sentiments in that book and the sentiments you want to censor in Mike's latest columns will tell you something about the way the wind is blowing.

Bill, before you let Jim Craig resign over your authoritarian, heavy-handed censorship order, I suggest you rethink your decision and rescind your order. If you can't find it in your heart to change your mind, I would suggest that you give AFA members a choice of whose resignation to accept. Censorship of public issues is a pretty serious affair, Bill.

Sincerely,

GARY A. SOUCIE,
Conservation Director, Friends of the Earth.

APRIL 26, 1971.

Mr. GARY A. SOUCIE,
Conservation Director,
Friends of the Earth,
New York, N.Y.

DEAR GARY: Thank you for your opinion. I am well aware that censorship is a serious affair, public issues or otherwise. But, there are aspects of this situation which did not appear in the newspapers, and I am sure your reactions would be different if you had the whole story. However, I choose not to make a public issue or prolong this one by disclosing internal affairs of The American Forestry Association.

Sincerely,

WILLIAM E. TOWELL,
Executive Vice President.

NEW YORK, N.Y.,
April 29, 1971.

Mr. WILLIAM E. TOWELL,
The American Forestry Assn.

DEAR BILL: Thanks for your reply to my letter about the Frome affair.

As you say, my reaction might be different if I had the whole story. But I don't, according to your letter, have the whole story, and you indicate the whole story isn't forthcoming, so my reaction remains unchanged.

All in all, a pretty sad affair.

Sincerely,

GARY A. SOUCIE,
Conservation Director.

PRESCOTT, ARIZ.
April 29, 1971.

Editor JAMES B. CRAIG,
American Forests Magazine.

DEAR MR. CRAIG: I was a National Park officer—ranger, Chief Ranger, and Park Superintendent—for 35 years, and for a good many of those years I have read every issue of *American Forests* from cover to cover. I consider it the best by far, of any conservation magazine on the market today.

Imagine my consternation, then, when I read Stewart Udall's column of April 23 in the *Arizona Republic* entitled "Lumbermen Raid National Forests." In it he said that on March 4, William Towell, executive vice-president of the American Forestry Association, sent you a letter directing the censorship of Mike Frome's column, divesting it of criticism of the U.S. Forest Service, the forest industry and of controversial forestry issues.

Now I don't always agree with Mike Frome, who has tongue-lashed the National Park Service just as enthusiastically as he ever has the Forest Service. Just the same, his column is one of the reasons I think the Magazine is so great—as Stew Udall puts it, he's staunchly independent, and he pulls no punches. If his column is emasculated by censorship of what is controversial and critical, and if this kind of thinking is going to color the editorial policies of *American Forests* Magazine I'll want no more to do with it, and I think I'm speaking for a majority of it's readers.

I hope you can assure me that censoring Mike is not going to happen, and that you and the editorial policies you have been following will continue along the lines that have made *American Forests* a great and progressive publication in recent years.

Sincerely yours,
HOWARD B. STRICKLIN.

MAY 5, 1971.

Mr. HOWARD B. STRICKLIN,
Prescott, Ariz.

DEAR MR. STRICKLIN: In reply to your letter of April 29, I think I can assure you the matter referred to by Mr. Udall in his column has been resolved. Sometimes misunderstandings occur in the best of regulated families. Tempers sometimes flare, harsh words are said that people do not fully mean. It is probably all a form of vigor and vitality but it does sometimes cause problems with readers. But the letter to which you refer has now been retracted and I believe that all matters regarding columns and other contributions will be left to editorial judgment by the editor.

Thank you for your interest.

Sincerely,
JAMES B. CRAIG, *Editor*.

JULY 19, 1971.

Mr. CHARLES CONNAUGHTON,
President, American Forestry Assn.

DEAR CHARLIE: I have been advised by Jim Craig of my dismissal as columnist in *American Forests*. This action, I presume, was taken at your direction or with your approval.

When I asked Mr. Craig to fire me officially with a letter, he declined on grounds that he had been instructed to put nothing to me in writing. This in itself is shocking, considering the American Forestry Association declares itself to be a public organization, not a secret society. When I asked him to state the reason for my dismissal, he declined again, declaring only that it was "beyond the purview of the magazine."

I have never had a word of criticism given to me by any president or director of the AFA, or by Bill Towell, your executive vice president. When I wrote to Mr. Towell recently for clarification of statements that I had written contrary to AFA policies, he declined to reply.

There is no doubt that my readers in *American Forests* will want to know my column has been terminated. They will write to me and I feel they deserve an explanation. I trust you will agree that I deserve an explanation, too. Certainly when you were Regional Forester for the Forest Service, from which you have recently resigned, and felt that an employee must be dismissed you saw to it that a reason was given.

Therefore, will you please advise why I was dismissed as columnist in *American Forests*? I look forward to receiving your letter.

Sincerely,
MIKE FROME.

THE AMERICAN FORESTRY ASSOCIATION,
Washington, D.C., July 27, 1971.

DEAR MR. FROME: I have your letter of July 19 asking for an explanation concerning discontinuation of your column in *American Forests*.

Content of *American Forests* is varied from time to time, including its columnists. It was decided that the time had come in the best interests of all to terminate the arrangement with you which has been on a month by month basis.

As you have been advised, your column will be dropped. This action has the full approval of the Executive Committee.

Sincerely,
CHARLES A. CONNAUGHTON,
President.

EDITOR'S NOTE.—Readers should know that Mr. Connaughton retired this year as Regional Forester for the U.S. Forest Service in the Pacific Northwest.

LOS ANGELES, CALIF.,
July 27, 1971.

AMERICAN FORESTRY ASSOCIATION,
Washington, D.C.

GENTLEMEN: The Advance Dues Notice in the Association comes at the time that, I understand, Mike Frome's column will have censorship of a sort.

My primary purpose in subscribing to *Forests* was to be able to get Mike Frome's straight from the shoulder stuff. Without it, there is nothing in the magazine I can't live without or find elsewhere.

Please advise me if I'm wrong, but a fairly responsible scuttlebut has it that the real Mike Frome may be somewhat muzzled, and what a pity!

Sincerely,
BEULA EDMISTON.

ANCHORAGE, ALASKA,
August 3, 1971.

Mr. WILLIAM E. TOWELL,
Executive Vice President American Forestry Assocation.

DEAR MR. TOWELL: I have heard that Mike Frome's column will no longer be appearing in *American Forests*. I hope that this is not true, and would appreciate a note from you as to the accuracy of this rumor.

I consider Mr. Frome one of the finest environmental writers in the nation—courageous, accurate and widely respected for his integrity. I know that many readers of *American Forests* share my enthusiasm for Mike's work and would be most disappointed to see it disappear from the pages of your magazine. In talking to many members of AFA, I have gathered that Mike's column was one of the magazine's most popular features because Mike tells it "like it is"; not necessarily like we'd like to think it is. This independent viewpoint and this willingness to face the naked truth of issues before us has been one of the strong appeals of *American Forests*.

I look forward to hearing from you; hopefully with assurances that we can continue to look forward to seeing Mike's work in your publication.

Sincerely yours,
WALTER J. HICKEL.

AUGUST 11, 1971.

Miss BEULA EDMISTON,
Los Angeles, Calif.

DEAR MISS EDMISTON: Thank you for your comments about Mike Frome's column in *American Forests*. No, Mike Frome will not be censored (we don't believe in censorship either), but his column has been discontinued.

Please keep in mind, Miss Edmiston, that *American Forests* is not a news publication. It is a membership service of the Association governed by a policy making Board of Directors. Mike, or anyone else working for the Association, must conform to basic policy and philosophy as laid down by the Directors. Mike chose not to do so and his column was terminated.

Sorry to lose you as a member, but no individual can be independent of the organization for which he works.

Sincerely,
WILLIAM E. TOWELL,
Executive Vice President.

[Los Angeles Times Syndicate in association with Newsday, for release Aug. 7–8 by Stewart Udall and Jeff Stansbury]

HOW TO KILL A CONSERVATION OGANIZATION

With no great pleasure we write this obituary for the American Forestry Association (AFA). It is not dead in a literal sense, but its leadership has sold out its birthright and therefore its future claims to our attention.

This spring we informed our readers about an inexcusable case of censorship at American Forests magazine, which the AFA publishes. Mike Frome, an outspoken environmentalist who had scored telling blows against Forest Service mismanagement in his monthly column for the magazine, drew the wrath of AFA officialdom. On March 4, editor James Craig was ordered to censor Frome's column so that it would no longer speak critically of the U.S. Forest Service, pulp and timber companies, or the forestry profession.

Frome politely refused to be censored. After our column on this imbroglio appeared, AFA executives waited for the furor to die down, then told Craig that Frome was no longer welcome on the pages of American Forests.

Frome's column was offered to another honest conservationist who promptly turned the offer down.

This whole episode belies the citizens-group status of the AFA and erases any lingering pretense that American Forests is an environmental journal.

Editors' Note.—And thus ends the story, as it has come to us, of Mike Frome, the fire-breathing columnist who upset the Forest Service and lumber industry, and his association with American Forests. Perhaps there is more to it: if there is, we're prepared to print that, too.

Two questions, at least, seem to be left dangling:

1. Was Frome, in fact, guilty of "outright inaccuracies"? If so, why did his accusers refuse to specify what they were?

2. Does the AFA have policies which are not included in the statement of purpose appearing in American Forests? If so, what are they and where can they be found?

We would welcome responses from the AFA or any of the persons involved which would contradict the inferences that otherwise might be drawn from this affair. For what is at issue, in our judgment, is not the absolute right of columnists to write what they please but rather the continued effectiveness of the conservation movement.

AFA POLICY STATEMENT

What are the policies of The American Forestry Association which Frome violated when he criticized the Forest Service and the timber industry? Following is a policy statement appearing in each issue of American Forests:

The American Forestry Association is a national conservation organization—independent and non-political—for the advancement of intelligent management and use of our forests, soil, water, wildlife, and all other natural resources necessary for an environment of high quality and the well-being of all citizens. Established in 1875, the Association seeks, by means of its magazine American Forests and in other ways, to promote an enlightened public appreciation of natural resources and the part they play in the social, recreational and economic life of the nation.

WHAT IS THE STATE OF THE UNION?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. RARICK. Mr. Speaker, several of the President's remarks in his state of the Union message of January 20 need to be commented upon lest they be taken as facts.

The President stated:

> All of my recommendations, however, will be rooted in one fundamental principle with which there can be no compromise: Local school boards must have control over local schools.

Certainly no American can disagree with this very constitutional statement. However, the President has now been in office for 3 years. Why must he wait until reelection year to reiterate the law of the land? Especially is this so when the clear record of his administration in the public and private educational field has been one of more Federal control and Federal intervention, denying a voice to the local elected officials, than any other President who preceded him.

Mr. Nixon is the President. If he truly means what he has said about restoring local control over local schools, then why does he not do it? Why has he not simply told his appointed HEW officials, his Department of Justice appointed officials, and yes, even his strict constitutionalist Federal court appointees, including the Chief Justice, to stop their Federal usurpation of the people's educational system and comply with the law of the land, which is the Constitution and the laws enacted pursuant thereto by Congress which prohibit such Federal control and intermeddling?

Four years ago when President Nixon performed for the voters in order to induce their votes and support, he led them to believe he was opposed to forced busing to achieve racial balance and yet his record, made not on what he has said but what his agents have carried out, is the greatest busing of school children in the history of the world and the greatest exodus of white people and industrious blacks from the American cities to the suburbs.

If the President wants to carry out his state of the Union recommendations on local schools, he does not need hide-behind committees and a advisory commissions. He needs only to comply with the law of the land under his sworn oath of office and he would have the support of the majority of Congress and the overwhelming majority of the Amercian people who still believe in the Constitution and have not been hoodwinked by the Federal court superiority doctrine. Federal judges may be able to rule in accordance with what fits their personal whims but the vast majority of the American people understand that all of the Federal officers who are personally executing judge-made de facto law are of the executive department, answerable directly to the President of the United States and sworn to support the Constitution rather than the dictates of a group of appointed politicians who happen to occupy the bench of a Federal court at any particular time.

The President further stated:

> Our cities are no longer engulfed by civil disorders.

This is a pleasant sounding reassurance to most Americans who have not been touched by the violence of organized crime hooliganism, and revoluntionary extremism. I sincerely doubt that the President's soft sell assurance offered much consolation to the people of my hometown, Baton Rouge, La., where a Black Muslin invasion from outside our State just last week resulted in a death toll of four, and more than 30 injuries. Evidence indicates that this Black Muslim army had been on a travel itinerary from State to State spewing their racial agitation and in search of a violent confrontation. And as one of the newspaper writers in my district editorialized—

> Maybe we should examine a national police force that can suppress the Ku Klux Klan but seems to do little about the Black Muslims, Black Panthers, and other radical black groups. It is time law-abiding blacks and whites alike rise up in unison against inflammatory trouble makers. Violent death knows no color.

It does not seem that the people of my district who have personally experienced violent civil disorders share the President's confidence that the President's national law enforcement people did all that they could to prevent civil disorder in Baton Rouge, La.

The President also commented:

> I shall soon be visiting the People's Republic of China and the Soviet Union. I shall go there with no illusions.

If the President, before his visit to two aggressive Communist nations already forecasts no progress, then why is he so insistent in making the trip? Many Americans wonder if he has weighed the cost of such recklessness—the loss of faith of other free-world allies, the loss of respect from the great majority of the American people in the leadership of their country and the devastation of our servicemen in Vietnam who daily face death from Communist firepower, and the utter feeling of contempt by those mothers and widows whose loved ones have died in vain in the cause that they were supposedly halting Communist aggression to keep the free world safe for democracy. Isn't that beautiful!

If nothing is to be gained, then why must he make the trip and feed more propaganda about mellowing of communism into the TV and news media for an already confused and demoralized people. I, like many Americans who have explored all alternatives, shudder at the prospect of American public reaction should a U.S. President fail to return from such an unnecessary and uncalled-for trip. And it is not beyond speculation to assume that our "friends" of the Soviet Union have agent provocateurs in Red China just as the Red Chinese have paid agents in the Soviet Union who would like nothing better than to see ill befall an American President in the other's country.

A leader who understands the problems that plague our country as well as the world, would do better to apply his talents and energies in solving the many critical domestic issues facing his own people. Such a leader is sorely needed at home where, if he would lead, he could accomplish something constructive toward making the dreams of the American people a reality.

As to our food and fiber producing sector, the President said:

> Our program to raise farm income and help meet it (full employment) by helping to revitalize rural America—would be giving to America's farmers their fair share of America's increasing productivity.

Certainly every knowledgeable American understands that U.S. agriculture is one of the few food and fiber producers in the world that consistently supplies domestic needs and has surpluses for export would agree with such a statement? Our agricultural producers are long overdue their fair share of profit by way of farm income for an excellent job. But they have not been receiving it, and the President and his administration have now been in office for 3 years; nor does the President indicate how he would accomplish his promise. The President's farm assurances do not jibe with the testimony of Mr. Palmby, Assistant Secretary of Agriculture, on the sale of feed grain from Commodity Credit Corporation—CCC—stocks at preferential prices below the U.S. market and below which the U.S. farmer can produce or even obtain.

It may be well for the President to talk of "encouraging progress in our negotiations with the Soviet Union on limitation of strategic arms." But many informed Americans may question how we are assisting the American farmer by underwriting Soviet-United States progress at the cost of subsidizing Soviet beef production, which in the future can be anticipated to underprice U.S. beef on the world market.

In his state of the Union address, the President stated:

> I shall soon send to the Congress a special message proposing a new program of Federal partnership in technological research and development—with Federal incentives to increase private research, and Federally supported research on projects.

Such a policy suggests that the President has lost confidence in the private sector through the traditional free enterprise system of allowing the people to decide for themselves what progress, styles, and programs they are desirous of buying and supporting. With Federal funds or incentives must come Federal control. With Federal control there can be no private research or private projects which respond to the needs and wants of the people in order to be profitable and successful. With the need for profit being replaced by taxpayers' dollars, the consumer public loses the freedom of choice and traditional right to a preference.

In the ultimate, President Nixon's state of the Union address leaves much for conjectures. He fails to mention the real issues such as the national debt, oppressive Federal taxation, how the Federal Government can create jobs, and erosion of U.S. sovereignty by enhancing international one-world movements.

Apparently the approach of the tacticians of the new American revolution program is to ignore the country's condition by not calling attention to the real issues. The Members of Congress as well as the American people will have to resort to facts and information elsewhere in order to learn the true state of the Union.

A POPULATION IMPLOSION?

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. HOGAN. Mr. Speaker, a favorite argument of abortion proponents has been that abortion is a valuable tool in controlling an allegedly dangerous population growth in our country. Now, however, statistics are showing that instead of the predicted "baby boom," we are experiencing a "baby bust," which provides refutation of these pro-abortion arguments.

The Boston Herald Traveler recently published an editorial regarding the downward trend in the American birth rate, and I insert it into the RECORD:

[From the Boston Herald Traveler, Jan. 8, 1972]

A POPULATION IMPLOSION?

The experts are surprised and puzzled. They thought there would be more people than there are. The first six months of 1971 recorded fewer births in America than in the corresponding months of 1970, and the Census Bureau demographers had expected that there would be more. It looks as though births for the whole of last year were fewer than those of the entire preceding year, although tallies are not complete.

Last year was considered a key year in the people count, because of the continuing four per cent annual increase of women in the prime child-bearing years of 20 to 29. Instead of rising, though, births for the first half of the year fell 17,000 below those of last year and the whole year bids fair to show a decline in both the birth rate and the size of families.

Put another way, the birth dearth, as the declining number of new citizens has been dubbed, has produced a drop of 15 per cent in children under the age of five over the past decade, while even in the Depression decade of the 1930s the decline was only eight per cent.

How come? Well no one quite knows, and the experts in the field are trying to find out what has happened. There is no indication that grown-ups like children less than they ever did, but there is speculation that new means of birth control are enabling many more people to manage the size of their families.

New life styles, including a reluctance of women to tie themselves down to baby sitters, concern for the rapid world population growth, and the recent economic squeeze are among other suggested reasons for the birth decline. And some scientists are even hazarding a mention of some innate alarm-clock mechanism working in human beings as it does in lower animals to slow the rate of births when population reaches certain levels of concentration.

If the declining birth rate continues, all manner of social and economic changes will be seen, and industrialists involved in the young people's market already are making sweeping changes in their merchandising plans, their product lines and their expectations of future populations.

It is far too early for demographers to make any significant reduction in their population projections, but they are watching the figures carefully, trying to understand what they mean, both in cause and effect.

And everyone else is watching with them.

GOP INFLUENCE ON POW FAMILY ORGANIZATION

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. ASPIN. Mr. Speaker, it has come to my attention that the Republican National Committee has become a dominating influence in the affairs of the National League of American Families of Prisoners Missing in Southeast Asia. The Republican National Finance Committee has given political advice and financial support to these organizations, according to documents that I am releasing to the public today.

The documents indicate that the Republican National Committee secretly gave lists of its major contributors to the league to aid in their fundraising campaign. Board members of the league were told:

> No one will know that we are using lists owned by the National Republican Committee . . . The mailing will be done in such a way that the Republican donor will not know that their names have been supplied by the Republican National Committee.

Republican officials have also given political advice to the league's members. Executive director of the Republican Finance Committee, Robert Odell, warned the league that, in fundraising:

> Great care should be taken to insure that the message in the mail is very, very clear.

The Republican National Committee also gave detailed instructions to the league on procedures for soliciting funds, including the advice:

> Each and every contributor should receive a receipt and/or thank you letter for their contribution.

As a result of this shocking development, I have written to Republican National Chairman ROBERT DOLE to find out how and why the Republican National Committee has become involved in the affairs of a supposedly nonpartisan organization.

These charges, if true, Mr. Speaker, are nothing less than scandalous. It is inconceivable that this organization, the National League of Families of American Prisoners Missing in Southeast Asia, can be truly nonpartisan while receiving help from the GOP.

The National League still claims to be nonpartisan, but it publicly opposed the Mansfield-Boland amendment to end the war, which was defeated by this House last November. The administration also vehemently opposed the amendment.

In light of the political and financial aid that the league received from the Republican Party, it is now clear why their positions were identical.

I am sure, Mr. Speaker, that many Members of this House voted against the Mansfield-Boland amendment in the belief that this organization represented what was best for POW's. Now we find that all the league represents is what is best politically for the administration.

While the administration criticizes its opponents for attempting to politicize the POW issue, clearly, the Republican National Committee is the guilty party.

It has also been rumored that the Republican National Committee may have contributed directly to some POW/MIA organizations. I have asked Chairman DOLE to confirm or deny these allegations.

The documents that I am releasing today also reveal that a public relations firm headed by Paul Wagner, BARRY GOLDWATER'S press secretary during the Arizona Senator's unsuccessful presidential campaign, collected as costs of fundraising 61 percent of all direct mail funds raised. A total of $80,000 of approximately $130,000 collected was paid to Wagner's firm for fundraising expenses.

Mr. Bernard Talley, of Baltimore, has courageously protested the league's activities, but to no avail. Mr. Talley quite correctly has characterized Wagner's fees as "outrageously exorbitant." Mr. Wagner, however, claims that 60 percent of the funds collected is an acceptable figure for fundraising expenses.

Mr. Speaker, I believe that the Republican National Committee is guilty of the cheapest form of political manipulation. What happens when the best interests of the POW's and the political interests of the administration clash? It is my fear that the political interests of the administration have already won out.

As a result of my learning of this situation, I have called upon Chairman DOLE to stop this unconscionable manipulating of POW families by completely withdrawing his so-called advisers from the League of POW Affairs.

I hope that the Republican National Committee will take to heart President Nixon's call for nonpartisanship during this election year and stop manipulating POW families. The documents I have received and my letter to Chairman DOLE follow:

WASHINGTON, D.C.,
April 14, 1971.

DEAR BOARD MEMBER: The attached outline was submitted to us by Bob O'Dell and Wayne Bradley who volunteered to help us in direct-mail soliciting. Bob O'Dell is Republican National Committee (Finance) Executive Director, and Wayne Bradley is Executive Director of the American Medical Association in Washington, D.C.

Both, when we first met with them, believed that we paid very high prices for our last campaign, though the results were fairly good. We were given an outline of costs, which is as follows:

	Per thousand
Postage	$16
Mailing services	8
Letter printing	4
Printing card (computer)	10
Enclosure	5
Lists	---
Envelopes (750,000 already printed and unused per thousand)	---
Total	43

Mr. Bradley will have the solicitation letter written, and we believe paper for the letters and the enclosures will be donated.

Most importantly, no one will know that we are using the lists owned by the Republican National Committee. The Committee itself has got to protect its donors. So the mailing will be done in such a way that the Republican donors will not know that their names have been supplied by the Republican National Committee.

Mr. Havens, Mr. Wagner, and Dr. Ladley feel that we must make another appeal for donations *soon*. Thus, we ask you to consider this carefully, discuss it with the other Board members, and send or phone your votes in to Jane Denton (703) 340-6349 as soon as possible.

JOAN.

APRIL 14, 1971.

Memorandum for: The League of Families.
From: Robert P. Odell, Jr.
Subject: League solicitations.

I. COMPUTER SERVICES

Maurice DuFour, President of IBMI, has agreed to maintain and print the necessary documents for the past contributors to the League. Someone on the staff of the League should call Mr. DuFour at 965-5015 to make the necessary arrangements for transferring the tape from the facility that Gorman was using.

II. MAINTENANCE OF PAST CONTRIBUTOR FILE

(a) Certain statistical counts should be made of the current file including the total number of names, breakdown of individual contribution amounts, etc.

(b) The League should determine whether or not each and every individual who contributed something through the direct mail program has actually been thanked and provided with an action pack. Those who have contributed $100 or more should be extracted from the file and a special letter of appreciation sent to them.

(c) Approximately 6 months after the initial solicitation, it would be appropriate and worthwhile to re-solicit these individuals for a contribution. The letter should indicate that the League recognizes their past support and is returning to its friends with the hope that they may be able to help out again. This solicitation should also indicate, in rather specific terms, what the money will be used for.

III. NEW SOLICITATIONS

(a) It is my suggestion that the League develop a solicitation program for new contributors. The program should include the selection and use of lists which might be made available to the group on a free basis.

(b) Copy should be developed by a professional on a no fee basis.

(c) A knowledgeable and experienced individual on a volunteer basis should purchase supplies and coordinate the physical arrangements for the mailing.

(d) A group of informed volunteers should act as a steering committee to set overall policy and direction for the mail solicitation.

It should be always understood that the solicitation mailing also spreads the word about the POW-MIA situation. Therefore, great care should be taken to insure that the message in the mail is very very clear.

IV. FULFILLMENT

(a) Each and every contributor should receive a receipt and/or thank you letter for their contribution. Those who contribute a substantial sum should receive a personal letter from the head of the League.

(b) If it is the purpose of the League to send its message to as many people as possible and to enlist support for its cause across the country, it should either on a regular or continuing basis, mail to its contributor list information on its activities. Individuals who have already contributed have indicated their support, but should be kept up to date on the problems and the work of the League on a continuing basis.

APRIL 21, 1971.

Mrs. CAROLE HANSON,
El Toro, Calif.

DEAR CAROLE: The letter of April 14, 1971 concerning fund raising, I believe to have been ill advised in several respects. I recall the previous fund raising campaign, that was handled by an organization highly recommended, but left much to be desired. I would hope that the entire Board, in a formal meeting, not by telephone or letter survey, have the opportunity of inquiring into and fully considering this recent proposition.

However, of far more serious import, was the suggestion of using a private list, more or less surreptitiously, and particularly I have grave misgivings of the discretion involved in the letter, spelling out some of the details. Although, the goal of the National League is to go out of business successfully and soon, but certainly it is not contemplated by political harikari.

Very truly yours,

BERNARD L. TALLEY.

BALTIMORE, MD.,
November 18, 1971.

DEAR BOARD MEMBER: The expected major statement by President Nixon was stepped up by three days in an impromptu news conference. As Evelyn Grubb, our new National Coordinator, wrote in her first news letter:

"In fact, this could be the speech we have all been waiting and praying for . . .".

Many of us in our anxieties and frustrations at times seem engulfed in an almost self-induced hypnosis, making us susceptible to grasping at straws of vague hints, rumors or implied suggestions. You, as members of the new board, seem to have been persuaded along a similar line in that the first scheduled board meeting was postponed for two weeks, because of this anticipated major statement.

This letter is being written only after many fervent prayers and deep soul-searching. There are certain remarks and observations concerning past decisions and activities, or lack of same, by the National League, I, in good conscience, feel must now be said. Hopefully, you and the other directors may avoid mistakes of the past and become a viable force working for our 1600 men prisoners in South East Asia.

Each passing day intensifies the challenge with which you are charged, not so much with the administration of the League as a corporate body, but with the very life or death of the human bodies of hundreds of our men, which the League was formed to benefit. The League was founded by the unflagging dedication of physical and financial resources in long, and sometimes lonely hours, by our respected and esteemed Sybil Stockdale. The National League must not be permitted to be subverted to use of a political party or immobilized by even sincere and well-intentioned complacency to fall into partisan political control.

The so-called news letter of October 13, 1971, stated "Our Second Annual Meeting went very well . . .". It did not spell out some of the frustrations, disillusionments and dissatisfaction of more than an insignificant segment of the League members; there was clearly an undercurrent of distrust, disbelief and even despair permeating the gathering. It was, however, illuminating that the October 13 letter devoted a full page, printed in bold face type, outlining the meaning of "Humanitarian and Political"; that there should be a need for such explanation at this late date, long after the meeting, identifies this as fuzzy thinking on a phoney issue.

This hypocritical pose of being righteously humanitarian and wholly non-political, while at the same time seeking and accepting instructions, directions and partisan advisors from the Republican National Committee is not only nauseous, but by the resulting pacification of the families of the National League, can be sentencing our POW's to additional suffering in Communist Prison Camps. How much longer must our men be sacrificed on the altar of Vietnamization? The real humanitarism goal must be to get our men home!

Attached is a copy of a two page memorandum dated April 14, 1971 to the League of Families from the Republican National Finance Committee, with instructions about fund raising and a covering letter of same date to the Board Members from the National Coordinator, spelling out the role of the Republican National Finance Committee in directing and assisting the League fund raising campaign—how non-political can you get?

Also attached is a copy of the letter dated April 21, 1971 which I wrote to Mrs. Carole Hanson, expressing my concern about the lack of discretion implicit in these letters.

Included also is a memo handed to the directors at our Board Meeting of May 7, 1971, requesting an executive meeting to consider the fund raising plan and to urge the board to meet more frequently so as to assist our officers and office staff, and not to abandon them to dependence upon non-family members advisors.

At the executive session I suggested that we immediately drop the fund raising advisor recommended by the Republican National Finance Committee. We were told, however, that an attempt was being made to enlist the support of the Democratic National Committee in an attempt to reflect a non-partisan position. Alas, the same familiar pattern seems continuing. The newly elected board scheduled meeting is delayed two weeks to hear Mr. Nixon's "Major Statement". In the past, no meeting has empowered some non-family advisors, whomever they may have been, to fill the vacuum and virtually control the League. In one obvious and flagrant instance these advisors vetoed the unanimous vote of the board of directors which specified that the Geneva trip be paid for by those participating on a cash-in-advance basis before signing the contract, and not to be financed or underwritten by the League. The Geneva junket, despite hard sell bulletins, news letters and phone calls, never did reach the quota of 175 persons required by travel charter, even though to pad the passenger list a free trip to Europe was arranged for the only salaried worker in the office who had been on the job six or seven weeks.

I believe the membership wants the newly elected board members to actively and actually direct the affairs of the League. Apparently there has been no meeting of the board since the annual meeting and election of officers, and I am fearful that our new officers are again forced to seek advice and guidance from outside advisors which, of course, is what many of us hoped would be remedied by the new board.

This suits the purpose of those members with Pollyanna-ish philosophy that our men will all come home if we just do and say nothing.

A minority report, or maybe one man's opinion of the 2nd Annual Meeting is that while admittedly, the almost complete dominance and control of the business meeting might be a source of satisfaction to the past officers and advisors, to many of the body of the membership there was a feeling of hopelessness in the face of the ruthless power politics. This squelched any real consideration of any opposing viewpoint—this just seemed to confirm the thoughts of a not inconsiderable number of those present that the entire procedure was "rigged". The tone seems to have been set in an informal meeting Sunday night in the South American Room, filled by an estimated two hundred people, when after suggestions and discussions from anyone who wished to present their ideas, Lt. Frischman arose several times, as did others, to add to or explain some previously expressed thought. When one of the membership told him * * * to be quiet, he was taking time and talking too much * * *. This insult to a former P.O.W. in North Vietnam sent a chill down my spine, and no doubt of many others which I still feel as I write this letter—indeed this was an insult to each and every one of our POWS, known and unknown.

At the Maryland meeting of October 17, 1971, a resolution was unanimously adopted to ask the National League Board, on behalf of the entire membership, to offer an apology to Lt. Robert Frishman for this unwarranted rudeness.

That the League administration was firmly in control and with the muscle of votes, was evidenced by what appeared to be a professionally planned and executed format. The agenda was set up with a tight time limit so that any extended period for questions or debate was cut short, sometimes by the hotel management to rearrange chairs and put up tables for the next scheduled meeting.

The conduct of the meeting was with seemingly military precision and positioning, and maybe with some simulated coincidence.

Again and again the same persons from a small coterie of members would rise, gain the floor for a motion a second or discussion. Any attempt to question or ask an explanation of such items as the extraordinary fund raising costs, of the thousands of dollars spent on travel or what was covered by the large amounts listed on financial statements as educational materials was quickly and decisevly cut off by—"I move to accept the report as read" or closing off debate by call for vote on motion. Yes, control of a meeting was never more obvious.

But those items are still in the minds and conversation of many of the members in the lobby, the coffee shops, or private conversation in some of the meeting rooms.

As members of the new board I believe it might be of interest to you to delve into the financial position of the League to be able to answer future questions—to review some background.

At the July 9th meeting of the Board, I asked Dr. Ladley to break down the financial statement into income from fund raising and income from other sources, which he had merged in previous two statements, making it impossible to determine fund raising costs. At that same meeting I asked Mr. Wagner who initiated the fund raising campaigns if 60% seems like an acceptable figure for fund raising cost. He stated, yes, that he thought so. It was later at the same meeting and continued the next day that I was maneuvered into a position where I was pressured to resign at the insistence of the representative of the Western States, due to the Open Letter to President Nixon printed in the Washington Post, May 27, 1971.

An article in the February issue of Changing Times magazine says that legitimate fund raising costs should run 3% to 5%, and never more than 20%, and in the Handbook of successful fund raising by Paul C. Carter, published in 1970 (Library of Congress Catalog Card Number 74-109092) written for professional fund raisers, gives actual case studies of projects in both $100,000, also $1,000,000 plus brackets, and these costs run 7% to 7-½%, including the manager's fee. Mr. Carter writes, "Never should costs run above 20%, otherwise your client will consider it exorbitant." According to my calculations, the fund raising costs have been about 61 cents out of every dollar contributed (check the past financial statements!).

In my opinion this is an outrageously exorbitant cost and while it has been pointed out Mr. Wagner is doing this without any fee, and some people no doubt believe we are getting a bargain, this is the type of bargain I always try to avoid, and I don't feel that the National League can any longer afford the benefit of his services.

To put into focus some of the questions which raised a creditibility gap concerning the Board election and the comic opera script of the 2nd Annual Meeting:

1. A nominating committee of five members was named and instructed to submit a list of 45 candidates for the 15 places on the Board, just as in previous years.

2. At the July 9 meeting, the committee submitted a list of 45 names. Whereupon one of the board members, in what was no doubt a magnanimous gesture, suggested everyone whose name had been sent to the committee be included on the ballot. This negated the generally accepted practice of most organizations to screen out some proposed persons and put on the ballot only those who, in the judgment of the nominating committee, are best qualified. Putting everyone on the ballot might be a fine generous attitude to advocate for a local improvement association or a national service club, but for the serious and vital interests of more than 1600 POW's, and MIA's vested in a board member of the national league, this procedure would seem to demand more thought and greater responsibility. There is also a collateral effect of by diluting opposition, it adds to the advantage each encumbent is supposed to enjoy.

3. The two questions asked each candidate *Humanitarian or Political,* which as noted before, needed a full page explanation in the October 13 newsletter were of the loaded brazenly biased "Have you stopped beating your wife" type. They raised a fuzzy thinking and phoney issue. The specific questions were not submitted to the board—at least not before I resigned immediately following the July 9–10 meeting.

4. Three of the five members of the nominating committee (60%) again put themselves on the ballot. In conversation at the annual meeting, someone said "It sounds incredible, but those girls are so gullible, yet so dedicated, sincere and truly hard working, that they are blissfully unaware that this is highly unusual."

Roberts Rules of Order states a member of a nominating committee may be nominated, otherwise some valuable member might be prevented from serving.

Sturgis Standard Code of Parliamentary Procedure states: "A member of a nominating committee who becomes a candidate should resign immediately."

Elaine Mendenson Parliamentary Procedure simplified states: "Common sense dictates that a nominating committee cannot take advantage of its power and nominate an unreasonable number of its own members."

Of course, not being prevented by the League's bylaws, this is perfectly legal. Just as legal as President Thieu's election. He even had the South Vietnam Supreme Court okay his control of the ballot.

Aside from the frantic and confused last minute instructions about proxies from "The Office Staff" requiring notarization, which was seemingly inexcusable where there had been six months to plan and prepare for the election. However, making it all the more ludicrous was that the ballots were mailed out without any apparent minimal safeguards. Last year the ballots had a provision for signature on the bottom of each ballot, so that the Red Cross which counted, could check off the list and count with confidence those ballots as authentic.

Many state absentee ballots have a tear off portion of the envelope for identification. The National League had no provision for any authentication and multiple ballots were sent on a family basis, with single return envelope, further to preclude any check for accuracy.

The whole election and meeting was so "non political" that Mayor Daley might well chuckle at the operation.

It is sincerely hoped we will never need another League election. But with Secretary Laird's projection, through at least December 1972, and other official reports, it is certainly recommended that some provisions be instituted for verification and safe guarding in case we have the voted May 1972 meeting.

This is an overlong and not a pleasant letter, but many of our 1600 men still surviving have been overlong in Southeast Asia Prison camps. Some going into the 8th year, and we can be sure they don't think these prison camps are pleasant—each dawning day must be an agony for them.

I urge you to poll the membership and learn if they want the league to continue the present hypocritical pose or want the board members to break the shackles of political influence and work for the real and honest humanitarian goal of getting our men out. To the members of the League, I suggest that in addition to writing to or contacting your congressmen and senators. You let your representatives, the Board Members of the League know what you want them to do on behalf of our POW's and MIA's in Southeast Asia.

Prayerfully,

BERNARD L. TALLEY,
Father, POW.

BALTIMORE MD.,
January 18 1972.

DEAR BOARD MEMBER: Any lingering vestige of doubt that the National League was nonpolitical, was effectively dispelled by the November 16th letter to Congressman Mahon from Evelyn Grubb, speaking for the League with the Board of Directors direct or tacit approval lobbying against pending legislation.

Now that the League has openly taken a positive political stand, it is appropriate that the membership be polled to determine in what direction they want to set their course.

Attached is a copy of the letter I wrote to Evelyn Grubb after receiving the standard form reply the same as was printed in the last newsletter.

The three questions in the telegram which elicited the form letter were (1) Does this not violate tax exempt regulation prohibiting attempts to influence legislation? (2) Does this not jeopardize National League tax exempt status? (3) Did this letter have prior approval of Board of Directors? These specific questions were wholly ignored and remain unanswered.

On the same page of the Congressional Record on which appears Evelyn Grubb's letter is Congressman Clarence Long's statement "I believe that opposition to this amendment comes from those who want us to believe that "Poppa Knows Best." Indeed the League has been influenced by politicians, sometimes using well intentioned, sincere but naive family members seemingly mesmerized into an Alice in Wonderland Through the Looking Glass article of faith that nothing is political if it steadfastly follows the Republican National Committee line.

I for one feel that the time has come for individual family members to revise our thinking to, hopefully we have only one POW/MIA at a time. He is a close and dear member of our personal family. It is the responsibility of each one of us who has the greatest interests, to work to get him home.

In my letter to you November 18th 1971, (before I knew of Evelyn Grubb's letter), it was pointed out that the Board not meeting more frequently created a vacuum, which was filled by non family advisors, who for most part were unknown to the general membership and even to Board members. In the same letter were copies of instructions and advice on fund raising from the Republican National Committee. While I am confident others would agree, I do not want and I resent any designee of any political party being in position in the League that might manipulate League policy which could even in the slightest degree tend to extend my sons time in a North Vietnamese P.O.W. camp or by so doing even imperil his life.

In this election year Republican workers seem more geared to returning the President to office then returning our 1900 men to their homes.

It was further pointed out in November 18th letter, that the fund raising costs were exorbitant, in excess of three times reasonable maximum guide lines or 61%. A difference of reasonable normal costs to actual costs to League, which could amount to tens of thousands of dollars.

Using the football language of Mr. Nixon—when a coach has a miserable win and loss record, fire him.

The members, I believe are not only entitled to know but by the reason of fact that the very life or death of many of our POW/MIA is our constant concern and torment, have a "compelling right to know". What is the fund raiser and advisor Paul Wagner's fund raising expertise; what political function has he been involved with the Republican Party and under what circumstances and whose sponsorship was he introduced to the National League.

Sincerely,

BERNARD L. TALLEY,
Father of a POW.

THE CAPABLE CHAIRMAN OF THE FPC

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. WYMAN. Mr. Speaker, Federal Power Commission Chairman John Nassikas is doing an outstanding job in directing the destinies and powers of the vitally important regulatory agency in a period of energy crisis. The extent of this crisis will adversely affect millions of Americans in their lives, their livelihood, and their environment for generations to come. An increasing demand for energy from natural gas to electricity presses heavily upon technology as a crash search for additional energy sources continues. In the meantime, the rate-paying public is being protected by the FPC and Chairman Nassikas, but with due regard to consumer interests and industry requirements.

Pressure for increasing rates, problems of rate base structure and determinations of price structure from wellhead to kitchen are in capable and responsible hands under Chairman Nassikas, for which all Americans should be thankful.

In this connection, I am including in the RECORD an interesting article by Edith Roosevelt appearing in a recent edition of the Manchester, N.H., Union Leader, describing in some detail Chairman Nassikas' outstanding background and record:

[From the Manchester (N.H.) Union Leader, Jan. 8, 1972]

NEW HAMPSHIRE'S NASSIKAS CHANGING POLICY AS FPC'S BOSS

(By Edith Kermit Roosevelt)

WASHINGTON.—New Hampshire's former deputy Attorney General is quietly bringing about policy changes in the Federal Power Commission which might win applause from even some of the most ardent supporters of Consumer Advocate Ralph Nader.

Yet John N. Nassikas, chairman of the Federal Power Commission, who admitted in a press briefing that he had "sort of shaken things up" in the Agency, is a lifelong conservative Republican. A tone bordering on reverence creeps into his voice when he refers to "American free enterprise—the best system in the world and the indispensable base of our political and personal liberties."

At the same time, the record shows that Nassikas has fought for policies that would give the FPC more regulatory clout as well as compel the big gas and power companies to give a greater consideration to environmental and conservation factors.

Nassikas' philosophy should come as no surprise to New Hampshire residents who recall his reputation as a vigorous advocate of consumer interests. As Deputy Attorney General, Nassikas successfully fought against abandonment of railroad lines for passenger service and against rate increases by the New England Telephone Co. as well as by other public utilities.

At the same time, Nassikas admits that as a practicing attorney in Manchester he successfully represented big corporate clients as well. He sees no inconsistency in this.

"When you fight for a private client you must fight for his interests and I submit that being part of an adversary legal system, I can fight for the public interest as chairman of the FPC."

As an example, one of Nassikas' first acts when he was appointed Commissioner in 1969, was to establish a new office of Environmental Quality to advise the Commission on environmental issues and standards. Next, he set up a task force on the environment in order to get the independent advice of environmental experts concerning issues of electric power and the environment.

Four months ago, the FPC's Environmental Task Force completed its work and its report will be printed shortly in conjunction with the National Power Survey which Nassikas also instituted. This is the first National Power Survey completed since 1964.

Under Nassikas' leadership, the Commission issued a National Policy Statement in April 1970 and power companies were required to file their plans for added capacity in transmission and their review of environmental requirements a decade in advance of construction. All companies have responded.

Another move instigated by Nassikas is a national investigation of the reliability of electric power and gas service. Understandably, there was some opposition to the move in the business community. The proposal squeaked through the commission by a 3 to 2 vote, with Nassikas casting the deciding vote.

Other reviews have followed at a whirlwind pace. The FPC staff has completed a national review of all nuclear plants scheduled for operation in the next six months and submitted its analysis to the Atomic Energy Commission. This means that from now on nuclear power needs will be determined as part of the AEC's environmental review and thus conform to strict standards.

"This review delayed the operation of several critically needed plants in the interest of environmental considerations," according to Nassikas, but he added that New England need not be much concerned over the effects of thermal pollution over the next 30 years. He said:

"Fortunately, New England is blessed with cold seas and abundant water so that it can absorb thermal discharges of needed nuclear plants to meet expanding power loads required over the next 30 years."

One of Nassikas' concerns is the rate at which we are consuming our national resources. For this reason, for the first time, in the Commission's 40-year-old history he ordered a national gas survey to evaluate the nation's natural gas reserves to meet its energy requirements.

Another review instituted by the Commission consists of a series of rate proceedings to review national rates and delivery requirements for natural gas. For the first time, the Commission has set rates for natural gas pumped at the wellhead.

When Nassikas became chairman, the Commission had during the past 15 years set rates for natural gas in only one area, the Permian border of Texas, despite the fact that it had overall responsibility of setting rates throughout the United States.

All these reviews—as well as some of the changes which came about as a result of their findings—have not sat too well with some segments of industry. Private industry was opposed to some of the national reviews as well as the American Public Power Association and the American Public Gas Association.

Don't these environmental considerations cost consumers as well as companies more? Arguments used by opponents of "the disaster lobby," a derisive term used to describe conservationists and environmentalists, is that the corporations simply pass on increased cost of doing business due to environmental control onto the consumers. According to Nassikas:

"Although environmental safeguards will cost consumers more in the short run, in the long run I believe that government and industry have the ability ot come up with the technology and processes that will eventually reduce costs to consumers."

In public forums, Nassikas vigorously defends the Commission's more responsive approach to the consumer. In a talk before the National Energy Forum at the Mayflower Hotel on Sept. 24, 1971, he declared:

"The public interest has not been well served by government and industry energy policy over the decade of the 1960's as we would have wished. Anti-trust and consumer protection policies must be included in our energy policies and the attainment of our national goals."

When Nassikas returns to New Hampshire as he says he looks froward to doing someday, he says he wants to be proud that he chalked up a record as "an independent thinker." He believes that he has tried to impact "my strong belief in social accountability by energy industries even if policies seemingly opposed to their short-term cor porate welfare are required."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

BLOOD FROM PAID DONORS: DEATH BY THE PINT

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. VEYSEY. Mr. Speaker, recently I have heard contentions that no scientific studies demonstrate that blood from paid donors is substantially more likely to be infected with serum hepatitis than voluntarily donated blood.

Dr. J. Garrott Allen of the Stanford Medical Center has compiled a convincing list of eight separate studies which clearly document the increased risk from paid blood. The people who sell their blood often have no other source of income. Their incentive to lie about past exposure to hepatitis is strong, and few of those who lie can be detected. The best available test for serum hepatitis is only 25-percent effective.

A bill I recently introduced (H.R. 11828) would immediately end the need to rely so heavily on paid donors, and eventually phase them out completely. Several thousand deaths and untold suffering can be prevented every year by a program such as this. I invite my colleagues to join with me in this important bill.

The material follows:

RISK RATES OF SERUM HEPATITIS FROM COMMERCIAL BLOOD

Number of Units of Blood from Volunteer and Commercial Blood Donors:

New York Blood Center, N.Y. City (Prince et al, Transfusion 1971, 11:25) Hepatitis risk 20 times greater from commercial blood, 94,000.

Massachusetts State Blood Program, Boston (Kliman, New Engl. J.O. Med. 1971, 284: 109) Hepatitis risk 12 times greater from prison donors, 52,429.

Non-profit blood bank, Northern California (unpublished, 1971) Hepatitis risk 11 times greater from commercial blood, 27,284.

University of Chicago (Allen et al. Ann. Surg. 1959, 150:455) Hepatitis risk 11 times greater from commercial blood, 42,507.

State Dept. of Public Health, New Jersey (Cohen & Dougherty, JAMA 1968, 203:139) Hepatitis risk 70 times greater from addict and com. blood, 3,335.

University of Washington, Seattle (Boeve et al. Ann. Surg. 1969, 170:833) Hepatitis risk 11 times greater from commercial fibrinogin, 1,224.

National Institutes of Health Clinical Center, Bethesda, Md. (Walsh, et al, JAMA 1970, 211:261) Hepatitis risk 11 times greater from commercial blood, 1,945.

Columbia University, New York (Gocke, XXIVth Gibson Lecture, 1971) Hepatitis risk 13 times greater from commercial blood, 32,990.

Units of blood administered, 255,714.

J. GARROTT ALLEN, M.D.

DECEMBER 2, 1971.

THE HIGH COST OF KILLING

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mrs. ABZUG. Mr. Speaker, a recent issue of the United Auto Workers' Washington Report carried an item entitled "Do You Know What War Costs You?" Prepared by "SANE," it does a fine job of pointing out the gross distortion in our national priorities and demonstrates the error of the President's recent assertion that "spending on defense has been brought below spending on human resources."

The text of the article follows:

DO YOU KNOW WHAT WAR COSTS YOU?

THE TRILLION-DOLLAR INVESTMENT

You work hard for your money. But most of your federal tax dollar goes to pay for wars—past, present and future. Sixty-one percent in the next fiscal year.

In fact, the U.S. has spent over $1 trillion—one thousand billion dollars—on the military since 1946.

The Nixon Administration is asking Congress for $176.9 billion for Fiscal Year 1972. Of this amount, 44% is earmarked for current military expenditures, 6% for veterans benefits, and 11% for interest on the national debt (most of it war-incurred). This comes to 61% of the proposed federal budget.

Here's what is left over:

Human resources (education, manpower, health, income security): 17%.

Physical resources (agriculture, rural development, natural resources, commerce, transportation, community development, and housing): 11%

All other (international affairs and finance, space, general government, revenue-sharing, non-military pay increases, contingencies): 11%

These figures have been compiled by the Library of Congress Legislative Reference Service. The budget does not include the trust funds such as Social Security, over which Congress has no direct control.

According to the Tax Foundation, Inc., the average family spent $1,570 in federal taxes on military-related programs during 1970—against $111 for education and $36 for community development and housing.

Is this how you want YOUR taxes spent?

ARE YOU MORE SECURE?

At the end of World War II, no enemy could attack the U.S. Today, in case of nuclear war, the U.S. could be wiped out in less than an hour. In his 1971 "Posture Statement," Defense Secretary Melvin Laird revealed that the U.S. would soon have 4,600 long-range nuclear weapons, the Soviet Union, 2,000. Just 400 of these weapons could destroy a third of the Soviet population.

Are you more secure knowing we can "overkill" the Russians more times than they can "overkill" us? Are you more secure knowing the U.S. has at least 48 military commitments to other countries and over 3,000 bases around the world? Are you more secure knowing the needs of the American people and of others abroad are being neglected while you pay for more "efficient" weapons—with cost overruns of more than three times the original estimates?

To see what your tax dollar could buy:

WHAT COULD YOUR TAX DOLLARS BUY?

Seventeen Army machine guns ($9,025) or one Elementary school teacher's annual salary.

One Main Battle Tank ($600,000) or full-time psychotherapy for 171 drug addicts for one year (as practiced at Odyssey House, Phoenix), New York City costs.

One B–1 bomber ($25 million) or fifteen 50-bed public hospitals of the type in Gonzales, Louisiana.

105 helicopters, the number totally destroyed in 1971 campaign in Laos ($52.5 million) or 17½ health centers treating 40,000 people each per year, for a total of 700,000 people, based on a model in Cleveland, Ohio.

One destroyer ($90 million) or 5.6 typical high schools in the Midwest.

One aircraft carrier ($1 billion) or 67,000 low-cost housing units with two bedrooms each.

Cost overrun of the C–5A transport, as of 1970 ($2 billion) or 6.25 billion passenger-miles of mass transit in a typical American city.

WHAT CAN YOU DO ABOUT IT?

1. Congress holds the purse strings. Let your Congressman know how you think the federal government should spend your tax dollars.

2. Keep telling him (or her). No single letter, phone call or visit will persuade a Congressman. Get your friends to help you maintain a continuing dialogue with your elected representatives.

3. Accept no evasions. Each of us has a Ph. D. in What It's Like to Live in America, so don't let your Congressman give you the "If-you-knew-what-I-know-from-the-secret-briefings" routine. If he comes up with budget figures which show a smaller slice of the pie for "defense", ask to be shown the ingredients. Since 1969, the Nixon Administration has been lumping Social Security and other trust funds, veterans benefits, and even the cost of the Selective Service System under the category of "human resources."

Since the trust funds are set up by separate taxes, they should be treated as separate cookie jars, not as part of the federal pie.

Veterans benefits are part of the costs of past wars. Finally, if the cost of operating the draft can be placed under "human resources," perhaps the cost of missiles should be listed under "transportation."

4. Use the information in this leaflet in letters to the editor, radio call-in shows, and other community forums.

TRIBUTE TO ROBERT E. LEE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. RARICK. Mr. Speaker, I am honored at being invited to address the District of Columbia Division, United Daughters of the Confederacy, tomorrow morning, January 22, 1972, in Statuary Hall to commemorate the 165th anniversary of the birth of Gen. Robert E. Lee, a great American, a great leader, a great man.

I insert the speech which I expect to deliver tomorrow into the RECORD at this point:

TRIBUTE TO ROBERT E. LEE

(By the Honorable JOHN R. RARICK)

Madame President, Members of the District of Columbia Division of the United

Daughters of the Confederacy, guests and friends.

I appreciate the kind invitation to speak here today to commemorate the birthday of General Robert E. Lee and pay tribute to his memory. I speak today as more than a southerner, as an American honoring the memory of one of our foremost American patriots.

Last Friday I wrote Secretary of Defense, Melvin Laird, protesting his order to all American forces to commemorate the birthday of Martin Luther King, Jr.

I concluded my letter:

"As a member of Congress and spokesman for my people, I feel it is my duty to express my contempt and the disapproval by my people of this desecration of your office and misuse of your authority as Secretary of Defense of our Nation.

"If you would seek to justify your action as a Pacifier of minority groups, then I would remind you that there is another minority group in this country who would like a similar opportunity to commemorate one of their heroes of the past. I refer to the birthday of another southerner, Robert E. Lee, a former officer in the Union Army and a general in the Confederate Army, as well as a distinguished educator—January 19."

To date I have not had the courtesy of an acknowledgment of my letter.

The name Robert E. Lee is remembered because of his inherent faith in the rights of the individual, the most fundamental of which is the individual's right to choose his own form of government.

Robert E. Lee came by this belief in the rights of the individual naturally. His father, General Light Horse Harry Lee, was a distinguished soldier of the American Revolution and was the trusted confidante of General Washington. He was privileged to direct his correspondence directly to the attention of the father of our country.

Perhaps the most significant ancestoral relationship, however, was to his cousin, Richard Henry Lee. It was Richard Henry Lee who, on June 7, 1776, offered the following resolution to the 2nd Continental Congress:

"Resolved, that these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved.

"That it is expedient forthwith to take the most effectual measures for forming foreign alliances.

"That a plan of Confederation be prepared and transmitted to the respective Colonies for their consideration and approbation."

Richard Henry Lee offered the Resolution of American Independence; his cousin, Robert E. Lee would, some 84 years later, lead the Southern people in the ultimate test of the doctrine of individual liberties, of the notion best stated in Jefferson's declaration, that American citizens have the right to choose their own form of government.

The famous passage from Jefferson's declaration is worth noting at this point because it was to serve as the basis for John Caldwell Calhoun's nullification theory; furthermore, it is quite clear that this passage justifies the actions of the South in expressing their right to choose their own form of government:

"That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. *That* whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."

Robert E. Lee believed in this basic right; he dedicated his life to its preservation, even going so far as to lead the people of his native State and section in a great war, testing this basic tenet of the American way of life.

The primary lesson of the Civil War is that the basic principle of American life up to 1860—that men had the right to choose their own form of goverment—was no longer viable. Had it been so, the South would have been allowed to go in peace.

The greatness of Lee shines forth even in defeat. Unlike other Southerners who fled to Europe and elsewhere where they continued to agitate against the Union, Lee accepted the fact of defeat and calmly went forward, assuming the presidency of Washington College, where he continued to exemplify the greatness of the South and its way of life. The heritage of the South is a great traditon of loyalty to home, family, and community. No where is it better shown than in the life of General Robert E. Lee.

The relevance of Robert E. Lee to the modern world is seen in his concept of duty and loyalty to home, family, friends, and community. This is perhaps most evident in his letter of resignation to Union General Winfield Scott to accept the command of the forces of his native State:

"Save in defense of my native State, I never desire again to draw my sword."

This sentiment is again expressed by his wife, Mary Custis Lee:

"My husband has wept tears of blood over this terrible war, but as a man of honor and a Virginian, he must follow the destiny of his State."

Lee put his family, friends, and community before anything else. This is no longer the case in America outside the South; and this country has lost something noble because of it.

Critics of modern society scream about the identity crisis. Psychologists and psychiatrists claim that this is a rootless generation that lacks something upon which to base a meaningful life.

Unfortunately, this is true. This is true because, unlike Lee, too many modern Americans have lost their concept of loyalty to home, family, and community. Too often, the modern American claims to be a citizen of the world when in actuality he is not capable of functioning as a member of his own family unit. Some Americans have even gone so far as to disavow the family unit. This Congress has actually passed a bill that would, in effect, replace the family unit with the State.

Psychologists have long recognized that an individual establishes an identity in relation to the groups to which he belongs. Thus, a man means one thing to his family, another to his friends, and yet another to his community, yet it is all important that he build one on the other. Thus, a man who lacks a meaningful relationship to his home and family will experience tremendous difficulty in establishing an identity within a larger group such as the community or the nation or the world.

Simply speaking, what this means is that an individual who places his loyalty to his nation or to a world organization over and above his loyalty to home and family will be faced with tremendous disappointments. He will, in effect, be a rootless man to whom life can have no meaning.

This, then, is the lesson that the life of Robert E. Lee offers to modern men: It is absolutely imperative that a man maintain a high sense of loyalty to himself, his home, his family, his friends, and his community or state. To sacrifice these basic ties to home and family for membership in a national organization or international groups is patently foolish and is, on the face of it, largely responsible for the problems that we face today.

I would like to point out a very important passage from the works of Confucius that illustrates my point. This is taken from his reply to the question, "What constitutes good government?"

"Therefore it is necessary for a man of the governing class to set about regulating his personal conduct and character. In considering how to regulate his personal conduct and character, it is necessary for him to do his duties toward those nearly related to him. In considering how to do his duties toward those nearly related to him, it is necessary for him to understand the nature and organization of human society. In considering the nature and organization of human society, it is necessary for him to understand the Law of God."

The principles outlined in this quotation from Confucius were known and understood by Robert E. Lee. These principles made Lee a leader and are the basis of his fame. He dedicated his life to his family, his friends, his community—to his native state. These are the requisite characteristics of an American. The traditions which he exemplifies are the great traditions of the South. They are needed now as never before in our history as more and more Americans are sacrificing personal identity and pride in home and family for the sake of membership in some theoretical one world organization.

I would like to close with a basic simile. Lee is one of the great Americans because, like the rock thrown in the pool of water, he recognized that he could not deny his loyalty to his first circle of friends—his family and his natives ties. Just as the rock thrown in the pool cannot exist in the seventh circle formed without benefit of membership in the first, so also a man cannot exist meaningfully as a member of a large group, or nation, without first existing as a member of a family, one who accepts his basic ties and duties, one who is, above all else, honest with himself, loyal to his family, faithful to his friends, and dutiful to his community and native State.

Our country is in dire need of another dedicated leader of the stature of General Robert E. Lee.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mrs. ABZUG. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

The United States of America is sadistically practicing spiritual, mental, and physical genocide on over 21 million North Vietnamese.

We must stop the bombing immediately and set a date for the end of the brutal and immoral war in Indochina. Only then can we expect to see American prisoners of war returned to their families.

HOUSE OF REPRESENTATIVES—*Monday, January 24, 1972*

The House met at 12 o'clock noon.

Bishop Andrei, Ukrainian Orthodox Church of America, Jamaica, Long Island, N.Y., offered the following prayer:

Almighty and Heavenly Father, as we assemble here today to face the problems and responsibilities of our Nation, we lift up our hearts to You in gratitude for the manifold blessings which You have bestowed upon our Nation and all its people.

Bless, O Lord, our courageous President and his coworkers. Bless the Members of both Houses of Congress and grant them of Thy divine illumination that they may lead our Nation through the bewildering and challenging days ahead. Above all, direct our Government leaders to discern the road to an honorable peace. Enlighten and strengthen the minds and hearts of all—adults and youth—who in their concern to correct the imperfections of our society, are victimized into actions to determine the order, the beauty, and the richness of our blessed land. Save us from discord and violence. Endow us with the spirit of cooperation and dedication to the principles of our Nation.

Grant, O Lord, that the United States of America may ever continue as the example and fortress of hope for enslaved people and nations everywhere, and especially to the 45 million Ukrainians who 54 years ago proclaimed their independence, and are today enslaved with other millions of people, by godless totalitarianism. This we ask in the name of the Father, Son, and Holy Spirit. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

BISHOP ANDREI KUSCHAK

(Mr. LENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LENT. Mr. Speaker, it was my distinct honor and pleasure to have as my guest today Bishop Andrei Kuschak, whose eloquent opening prayer we just heard.

Bishop Andrei's distinguished theological career began in 1926 upon his graduation from theological school in Lviv, Poland. A native of the Ukraine, Bishop Andrei came to the United States and in 1932 was ordained by the Ecumenical Patriarch of the Orthodox Church.

In 1967 Bishop Andrei was consecrated by Archbishop Yacovos and Bishops Silas and Polosides of the Greek Orthodox Church of the Western Hemisphere at the Greek Cathedral of New York City.

Mr. Speaker, it was a true privilege to have such a distinguished theologian with us today and I know my colleagues in the House appreciated, as I did his visit with us.

PRESIDENT'S STATE OF THE UNION MESSAGE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I am not being partisan, and I want to make it perfectly clear to begin with that I am not, because the last three Presidents have treated us all the same since I have been here, but I wish to note that we have invited the President of the United States to make a state of the Union message to us. Every member of the press has a copy of his message, and they read it, including the short and the long version, before the President ever delivers the message to us, and then we get the version that is delivered to us here orally, and that goes whether it is a short or a long version or whether we heard the version all together as it was delivered. We have to respond to it immediately.

This is not a very fair or sound way to do business. I hope that the President in the future and this Congress will lay down some kind of ground rules to see that we get the same kind of message as he gives the press and the same sort of advance notice.

Today we have been inundated with a couple of thousand pages of budget that just got to my office about an hour ago. I guess most Members were treated about the same as I was, but I know my own local press was calling me about daylight wanting to know about all of the goodies in their own district, and I have had some of the press here calling me about it. But I have not had the budget presented to me till now, although the press has had the budget for about 24 to 48 hours.

I hope in the future we can lay down some kind of ground rules and at least get treated as well as the press. I hope in the future when we invite the President down here we get a copy of his remarks, too.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

(Mr. PETTIS asked and was given permission to address the House for 1 minute.)

Mr. PETTIS. Mr. Speaker, I was unable to be present for the vote on the Federal Election Campaign Act of 1971 due to the fact that I was on a congressional mission to Zambia with the purpose of improving our trade relations with developing African nations.

I was gratified to see that my colleagues passed this major election reform measure by such an overwhelming vote. Had I been present I would have voted "aye."

The American people were demanding that an end be put to the abuses of campaign financing. It is well that the rules of disclosure have been strengthened and that limits have been placed on the amounts that candidates can personally contribute and on the amounts that can be expended for media purposes. While this measure will not solve all of the problems regarding campaign finance, it is a significant step forward.

MAN'S INHUMANITY TO MAN—HOW LONG?

(Mr. SCHERLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. SCHERLE. Mr. Speaker, since January 26, 1970, I have inserted the same statement in the CONGRESSIONAL RECORD every day. The purpose of the statement, entitled "Man's Inhumanity to Man—How Long?" is to furnish a constant reminder of the plight of American prisoners of war, who are ruthlessly being mistreated by Communist North Vietnam. Concern for these Americans has been my highest priority, and I will continue to publish this statement in the RECORD until they are all released.

The gentlewoman from New York (Mrs. ABZUG) has also begun to place an article in the RECORD entitled "Man's Inhumanity to Man—How Long?" She clearly indicates in that statement where her concern lies. I ask unanimous consent that my article and hers be printed in the RECORD in succession, one immediately following the other.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

(The articles referred to follow:)

MAN'S INHUMANITY TO MAN—HOW LONG?

(By Hon. WILLIAM J. SCHERLE, of Iowa in the House of Representatives, Thursday, January 20, 1972)

Mr. SCHERLE. Mr. Speaker, a child asks "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

MAN'S INHUMANITY TO MAN—HOW LONG?

(By Hon. BELLA S. ABZUG, of New York in the House of Representatives, Thursday, January 20, 1972))

Mrs. ABZUG. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

The United States of America is sadistically practicing spiritual, mental, and physical genocide on over 21 million North Vietnamese.

We must stop the bombing immediately and set a date for the end of the brutal and immoral war in Indochina. Only then can we expect to see American prisoners of war returned to their families.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
January 21, 1972.

The Honorable the SPEAKER,
House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 12:45 p.m. on Friday, January 21, 1972, and said to contain a message from the President concerning the dock dispute with proposed legislation attached.

With kind regards, I am,

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.
By W. RAYMOND COLLEY,

THE DOCK DISPUTE ON THE WEST COAST—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-235)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers; referred to the Committee on Education and Labor and ordered to be printed:

To the Congress of the United States:

The Nation is faced today with yet another transportation strike which is intolerable in its effect upon millions of Americans, and I am determined that we shall end it at once.

The dock dispute on the West Coast has been festering for over a year, but because a few have been insensitive to the harm they are inflicting upon the many who are not a party to it, no reasonable settlement has been reached. Now this work stoppage, renewed after an injunction under the Taft-Hartley Act has expired, again threatens the Nation's health and safety. Those of us in public office must act swiftly and responsibly to avert its damaging consequences.

Because all other Government remedies have been exhausted, I am proposing to the Congress today special legislation to set up immediately a three-member arbitration board. This board, to be appointed by the Secretary of Labor, would hear and settle all issues in this dispute. No strike or lockout would be permitted from the day this legislation is enacted until the day that the arbitration board makes its determinations. The board's determinations would be made within 40 days and would be binding upon the parties for a definite period of time—at least 18 months.

Let there be no mistake about the urgency of this legislation. This is a vital matter to the people of this country, and the Nation can afford no delay. I earnestly implore the Congress to have this resolution on my desk by the end of next week.

This is an unusually pressing request for the opening days of a new session of the Congress, but let there also be no mistake about the dimensions of destruction which this strike is wreaking upon its victims:

—Before I invoked the Taft-Hartley injunction in an earlier attempt to settle this dispute, thousands of farmers reaped a harvest of despair as their export crops were blocked by closed ports and could not reach waiting customers overseas. Hundreds of millions of dollars were lost. Because the strike has now resumed, these farmers are again victimized.

—There is an increasing danger that some of these trade losses will become permanent, as foreign purchasers come to believe that our farmers and businessmen cannot provide dependable deliveries. Japan, a billion-dollar market for agricultural imports, has already asked other suppliers to step up production so that it can lessen its dependence on American exports.

—Layoffs, reduced operations, and even business failures also hang over the heads of many other Americans who engage directly or indirectly in exports. Some areas are especially vulnerable, such as the State of Hawaii, which has been hit by shortages of vital supplies, mounting food costs and unemployment rates unmatched for half a generation. Also hardpressed are California, Oregon and Washington.

I cannot emphasize too strongly that all of these people—and, indeed, our national economy—have been made hostage to the interests of those few who persist in prolonging this dispute. These men and women who are hurt so unfairly cannot accept the fact that a dispute in which they play no part can destroy them—nor can you and I. There is no justification for waiting any longer.

It is with extreme reluctance that I propose this legislation, for as I have stressed to the Congress before, I firmly believe that governmental intervention in the collective bargaining process should be as limited as possible. Compulsory arbitration is not generally a satisfactory method of resolving labor disputes. Under the present, deplorable circumstances, however, there is no remaining alternative.

As this resolution is considered, there is one very tough question before us to which reasonable Americans deserve an answer: Why have we once again reached the flash point?

Let there be no mistake about the facts. For two long years, the Congress has had before it comprehensive proposals which I submitted and have repeatedly urged that it pass for the resolution of emergency transportation disputes. This legislation still languishes unenacted

These proposals, which should best be called the "Crippling Strikes Prevention Act" in the future, would have avoided the present crisis, and if enacted will avert what will otherwise be the inevitability of similar crises in the future. They would encourage the parties to bargain more responsibly, and in the event that no settlement is reached, would establish a workable mechanism for resolving the disputes without Congressional action.

Our present legislative tools are plainly inadequate. Four times since I called for these comprehensive measures, it has been necessary for the Congress to enact special legislation to deal with disputes in the troubled transportation industry.

The present dock dispute is perhaps the best illustration of how futile Government actions can be under present law. Bargaining between the parties began in November 1970. After six months of negotiations, the parties gave up their attempt to reach early agreement and suspended their talks until the contract deadline approached. On July 1, 1971, the longshoremen went out on strike, creating a shipping paralysis on the West Coast which reverberated throughout our economy.

The resources of the Federal Government, including exhaustive mediation efforts by the Director of the Federal Mediation and Conciliation Service, proved to be of no avail in resolving the dispute. With grave concern, I watched the crisis broaden and deepen, and I personally met with the parties in an attempt to find some way to end this bitter impasse.

By October 1971, it became evident that collective bargaining had failed in this dispute and that action had to be taken to protect the national health and safety. Thus on October 4, I invoked the national emergency provisions of the Taft-Hartley Act which resulted in an 80-day cooling-off period.

Unfortunately, the lengthy negotiations during this period and thereafter did not result in the hoped-for settlement.

The history of this dispute and the bargaining posture of the parties provide no hope that a further extension of time would be useful, or that it would bring the parties any closer to a resolution of this matter. They compel me to submit this special legislation to the Congress and to appeal once more for legislative action that will enable us to deal with future emergency transportation disputes without the necessity of this sort of *ad hoc* legislation that can never undo the damage already done.

I proposed new, comprehensive legislation in February 1970, and there was no Congressional action that year. I resubmitted the measure in February 1971, and hearings were held, but there was no appreciable action. On December 15, 1971, I reminded the Congress that a renewed work stoppage was possible on the west coast and that statutory remedies were desperately needed. The Congress recessed without any response.

As soon as the Congress enacts the special legislation before it today, I urge in the most emphatic terms that it turn its attentions immediately to the Crippling Strikes Prevention Act.

RICHARD NIXON.

THE WHITE HOUSE, *January 21, 1972.*

THE BUDGET MESSAGE OF THE PRESIDENT, 1972—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-215)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed with illustrations:

Budget Message of the President

To the Congress of the United States:

The Budget of the United States for the fiscal year 1973 has as a central purpose a new prosperity for all Americans without the stimulus of war and without the drain of inflation.

To provide for the needs of our people by creating new peacetime jobs and revitalizing the economy, we are spending $38.8 billion more in the current (1972) fiscal year than our receipts.

I make that estimate fully aware that it is a large deficit, but one that is necessary in a year of reduced receipts, as we increase jobs and bring the economy back toward capacity.

I am able to project a 1973 budget, with rising revenues, that cuts this year's actual deficit by $13½ billion and brings us strongly forward toward our goal of a balanced budget in a time of full employment.

If we were to spend less, we would be "too little and too late" to stimulate greater business activity and create more jobs; if we were to spend more, we would be spending "too much, too soon" and thereby invite a renewal of inflation. Instead, we must spend "enough and on time" to keep the economy on a steadily upward peacetime course while providing jobs for all who want them and meeting the urgent needs of the American people.

The budget for fiscal 1972 reflects this Government's confidence in the American economy's ability and capacity to respond to sensible stimulation. The budget for 1973, held to full-employment balance, diminishes stimulation as the new prosperity takes hold and, by so doing, acts as a barrier against the renewal of inflationary pressure.

I strongly urge the Congress to respect the full-employment spending guideline this year, just as business and labor are expected to respect wage and price guidelines set forth to protect the earning and buying power of the American worker and consumer. In the long run, only the intelligent application of responsible fiscal and monetary policies, coupled with the breaking of inflationary expectations, will bring about peacetime prosperity without rising prices in a free market economy.

Deficit spending at this time, like temporary wage and price controls, is strong but necessary medicine. We take that medicine because we need it, not because we like it; as our economy successfully combats unemployment, we will stop taking the medicine well before we become addicted to it.

Preparing the Federal budget forces us to face up to the choices and challenges before us—to decide what national interests take priority.

The budget is a superb deflator of rhetoric because it calls to account the open-ended promises heard so often in an election year. Proposals, no matter how attractive, must be paid for, and when spending is proposed that takes us beyond full employment balance, that payment must either be in the form of new taxes or rising prices. As the budget submitted herewith proves, I intend to resist the kind of spending that drives up taxes or drives up prices.

One priority that most Americans will agree upon is the return of power to people, after decades of the flow of power to Washington. One good way of turning rhetoric into reality is to put that principle into practice in the tax area.

Power in its most specific sense is spending power. My own choice between Government spending and individual spending has been clear and consistent: I believe some of that power should be taken from the Federal Government and returned to the individual.

Accordingly, over the past 3 years, the rate of increase in Government spending has been cut nearly in half compared to the 3 comparable years before this administration took office.

From 1965 to 1968, Federal spending increased by 51%—an annual average of 17%; over the 3-year period 1969–72, spending rose by 28%—an average of 9% per year. The increase from 1972 to the spending level proposed in this budget is only 4.1%. This slash in the momentum of Federal spending is all the more dramatic when you consider that 71% of Federal spending is "uncontrollable"—that is, locked into the budget by previous congressional decisions.

By putting the brakes on the increase in Government spending, we have been able to leave more spending power in the hands of the individual taxpayer. In 1973, individuals will pay $22 billion less in Federal income taxes than they would if the tax rates and structure were the same as those in existence when I took office. To a family of four that earns $7,500 a year, that means a reduction of Federal income taxes of $272 this calendar year. I believe that the members of that family can use that money more productively for their own needs than Government can use it for them.

FEDERAL INCOME TAX REDUCTIONS FOR MARRIED COUPLE WITH 2 CHILDREN, 1969–72

[Calendar year]

	Taxes paid		Reduction between 1969 and 1972	
Wage income	1969	1972	Amount	Percentage
$5,000	$290	$98	$192	66
$7,500	756	484	272	36
$10,000	1,225	905	320	26
$15,000	2,268	1,820	448	20

The basic shift in the Government's fiscal philosophy has gone relatively unnoticed. The upward curve of Federal spending is beginning to flatten out, while the Federal income tax "bite" out of the individual paycheck is becoming measurably less. This change in direction is as remarkable as it has been unremarked. We are not only talking about returning power—economic power, real power—to people and localities, we are doing something about it.

Throughout this budget, a clear trend can be seen that is designed to return power to people—in real terms, in dollars-and-cents terms. It is a trend which is expressed by Federal income tax cuts, by more State and local participation in program administration, and by more Federal funds going to State and local governments without restrictions.

This is the right course for the American people; it reflects their will; I remind the Congress of its power and responsibility to make revenue sharing and other returns of power to people a reality in this current session.

Another priority—one upon which so much of our progress at home depends—is to create a peaceful world order. We could never fulfill our hopes for a full generation of peace from a position of weakness; we can only negotiate and maintain peace if our military power continues to be second to none.

A demagogue may find it easy enough to advocate that we simply allocate necessary defense dollars to social programs, but a responsible Congress and a responsible President cannot afford such easy answers.

Our success in reducing our involvement in Vietnam by 480,000 men before May 1, 1972, and comparable materiel reductions will help enable us—for the first time—to spend more in the Department of Health, Education, and Welfare than we spend in the Department of Defense.

But it would be foolhardy not to modernize our defense at this crucial moment. Accordingly, and still within our full-employment guideline, I propose a $6.3 billion increase in budget authority for military programs, including vitally needed additions to our strategic forces and our naval strength.

In the 1972 defense appropriation bill, which the Congress did not pass until December of 1971, the Congress cut my appropriation request by $3 billion. My 1971 defense request was cut by the Congress by $2.1 billion. These were costly cuts, especially in the field of research and development.

We must be prudent in our defense spending, making certain we get the best defense for each taxpayer dollar spent. Productivity here too must be increased, but we cannot afford to be "penny-wise and pound-foolish." *Nothing could be more wasteful than to have to pay the price of weakness.* It costs far less to maintain our strength than it would cost to fall behind and have to catch up, even if that could be done. I urge the Congress not to make the costly mistakes it has made in previous years in its defense cuts; the budget as submitted represents America's actual military needs, and offers the best means to secure peace for the coming generation.

Another priority of this budget is to direct the resources of the Federal Government toward those needs the American people most want met and to the people who are most in need.

Welfare Reform, with training and work incentives, with a new fairness toward the working poor and a minimum income for every dependent family, is a good idea whose time has come. It has been proposed and studied; it has been refined and improved upon; it is ripe for action now. Further delay in enactment would not only be unwise in fiscal terms, but cruel in human terms. The proposed program is infinitely better than the wasteful, demeaning system that now calls itself welfare. This budget proposes appropriation of $450 million to start the replacement of welfare with "workfare."

Revenue Sharing has been debated at length. Each day and each State's experience only confirms the inescapable fact that it is wanted and needed—now. The States and cities urgently require this aid; individual Americans need it for everything from improved law enforcement to tax relief. This budget allocates $2.5 billion in 1972 and $5.3 billion in 1973 to make General Revenue Sharing a reality now.

Schools need emergency assistance now to make necessary adjustments to provide equal educational opportunity. This budget allocates $500 million in 1972 and $1 billion in 1973 for this purpose.

Government reorganization is needed now, to deliver more services for each tax dollar collected. The pain this change will bring to special interests and bureaucracies is less important than the pain existing bureaucratic arrangements now cause the people. A reorganized government will be a better, more efficient government.

Health care must be improved and made available to all Americans, without driving up medical costs. This budget provides for legislative actions and necessary funding to make better health care available on the most widespread basis, to emphasize preventive medicine, and to pursue an all-out campaign to eliminate cancer and sickle cell anemia.

Drug abuse prevention must be intensified to curb narcotics trafficking and to expand Federal drug rehabilitation efforts coordinated by the White House Special Action Office. The budget allocates $594 million to these and other drug abuse prevention campaigns.

A new commitment to the aging is long overdue to add dignity and usefulness to their lives. This budget provides for total spending of $50 billion on behalf of the aging, $16 billion more than in 1969. Most importantly, $5½ billion will be added to the incomes of older Americans when proposed social security and Welfare Reform legislation is fully in effect. In addition, service initiatives will be launched that will focus on better nutrition and other services designed to help the elderly live independently in their own homes.

Scientific research and technology, so essential to our national security, also must focus more directly on solving our domestic problems, increasing our productivity, and improving our competitive position in international trade. The budget allocates $17.8 billion for this, an increase of $1.4 billion over 1972.

Veterans of the Nation will receive the special consideration they deserve, with particular emphasis on those reentering civilian life after service in Vietnam. This budget provides more than $12 billion in budget authority for veterans benefits, with an increase of over $1 billion for modernization, replacement, and record staffing of VA hospitals, higher compensation for disabled veterans, and enhanced job training opportunities, higher GI bill allowances, and other improved services.

Details on each of these proposals are given later in this Budget Message.

ECONOMIC SETTING AND FISCAL POLICY

Economic setting.—In January 1969, the Nation's chief economic problem was mounting inflation.

Anti-inflationary policies that we adopted began gradually to lower the rate of price increases. However, progress was slower than we had hoped and was accompanied by an unacceptable increase in unemployment. This increase was in part a result of the transition of 2½ million people from wartime to peacetime activities.

During 1970 and 1971, responsible economic policies provided stimulus to expand the economy. The budgets for these years had actual deficits of $2.8 billion and $23 billion, but full-employment surpluses of $3.1 billion and $4.9 billion.

As a result of these policies, progress was made in moderating inflation and in expanding real output in the first half of calendar year 1971. However, inflation and unemployment continued to be unacceptably high. Meanwhile, a deterioration in the trade and balance of payments position of the United States, caused in part by the inflationary pressures of the latter half of the 1960's and aggravated by weaknesses in international monetary and trading arrangements, required decisive corrective action.

Action was called for and action was taken.

On August 15, 1971, I announced a new economic policy that:

—imposed a 90-day freeze on wage and price increases;

—proposed a job development tax credit to increase employment by stimulating investment;

—recommended repeal of the automobile excise tax and an early increase in the personal tax exemption, which together would provide an extra $8 billion of stimulus to the economy over a 3-year period;

—reduced planned Federal spending in 1972 by $5 billion; and

—suspend the convertibility of the dollar into gold and other reserve assets and imposed a temporary 10% import surcharge, thereby laying the foundation for improved trade performance and for basic changes in the international economic system.

The public responded to the new economic policy with the widespread support essential to its success.

This policy has begun to move the economy toward full employment without inflation and without war, a condition we have not experienced in this generation. The consumer price index rose only 1.7% at an annual rate from August to November—the lowest rate of increase for a comparable period in 4½ years. From August to December, industrial wholesale prices rose only 0.5% at an annual rate, after increasing at a 4.6% annual rate during the first 8 months of the year.

Now we have moved beyond the wage and price freeze into a transitional period of flexible wage and price controls and on the way to a return to reasonable stability under free markets.

The proposed tax reductions were part of the Revenue Act of 1971, which became law on December 10. Because of the general expectation that the Congress would approve them, the economic effect of these reductions began to be felt immediately after August 15. Automobile sales soared to a record rate in October, interest rates declined, and business investment plans—after some hesitation—are being revised upward. Taken together, these results will create many of the new jobs needed for full employment.

Negotiations with our international trading partners produced a major agreement in mid-December. Exchange rates were realigned through a devaluation of the dollar and revaluation of the currencies of some of our major trading partners. The 10% surcharge on imports was removed as promised. That agreement will improve the competitive position of U.S. industry and agriculture and permit us to move forward in negotiations on fundamental reform of the international monetary system and on elimination of barriers to expanded international trade.

Each element of the new economic policy has a vital role in sustaining the momentum of our economy. The 1973 budget carries out a fiscal policy that is responsive to the needs of the Nation and responsible in holding down inflation.

Budget policy.—The full-employment budget concept is central to the budget policy of this Administration. Except in emergency conditions, *expenditures should not exceed the level at which the budget would be balanced under conditions of full employment.* The 1973 budget conforms to this guideline. By doing so, it provides necessary stimulus for expansion, but is not inflationary.

We have planned the 1973 expenditures to adhere to the full-employment budget concept, even though this has required making many difficult decisions. It now appears that the 1972 full-employment budget will be $8.1 billion in deficit. While our economy can absorb such a deficit for a time, the experience of the late 1960's provides ample warning of the danger of continued, and rising, full-employment deficits. The lesson of 1966–68, when such deficits led to an intolerable inflation, is too clear and too close to permit any relaxation of control of Government spending.

Keeping the 1973 budget in full-employment balance will not be easy. The tax changes that have been made during my Administration have reduced 1973 full-employment revenue by a net total of $20 billion. This reduction has been good for the economy, and has given each of us more freedom to decide how he will spend his money and live his life. However, the lower receipts and the need to balance the 1973 full-employment budget require that the Congress carefully consider the Nation's priorities, as I have done in preparing this budget. The task is made harder by the fact that the growth of programs—especially, uncontrollable programs, which now account for 71% of total outlays—could easily lead to another full-employment deficit in 1973 if the Congress adds to my recommendations for domestic spending as it did last year.

The simple fact is that not all programs can or should grow. I urge the Congress to face squarely the difficult questions involved in setting priorities within the overall constraint of a full-employment balance, and not to take the dangerous course of trying to match domestic spending increases with cuts in vitally needed defense funds.

SUMMARY OF THE 1973 BUDGET

For 1973, the Federal budget at full-employment is approximately in balance.

THE BUDGET TOTALS

[Fiscal years. In billions]

Description	1970 actual	1971 actual	1972 estimate	1973 estimate
Budget receipts		$188.4	$197.8	$220.8
Budget outlays		211.4	236.6	246.3
Deficit (−)		−23.0	−38.8	−25.5
Full-employment receipts		214.1	225.0	245.0
Full-employment outlays[1]		209.2	233.1	244.3
Full-employment surplus or deficit (−)		4.9	−8.1	.7

Description	1970 actual	1971 actual	1972 estimate	1973 estimate
Budget authority		$236.4	$249.8	$270.9
Outstanding debt, end of year:				
Gross Federal debt	$382.6	409.5	455.8	493.2
Debt held by the public	284.9	304.3	343.8	371.3
Outstanding Federal and federally assisted credit, end of year:				
Direct loans[2]	51.1	53.2	50.7	51.4
Guaranteed and insured loans[3]	105.4	118.7	136.8	158.6
Direct loans by Government-sponsored agencies	37.5	38.8	54.6	65.8

[1] These estimates reflect the fact that under conditions of full employment outlays for unemployment insurance benefits and the Emergency Employment Act program would be lower. Spending under other programs are also affected by employment conditions. For example, outlays for food tamps, social security benefits, public assistance, and veterans' pensions would also be lower under conditions of full employment, and interest would be higher. If adjustments were feasible for all such items, full employment outlays probably would be lower.

[2] Including loans in expenditure account.

[3] Excluding loans held by Government or Government-sponsored agencies.

Budget receipts in 1973 are estimated to be $220.8 billion, which is $23 billion higher than in 1972. If the economy were operating at full employment throughout the year, the revenues produced would be $245 billion.

Estimated receipts for 1973 reflect a reduction of $6.9 billion as a result of the tax cuts proposed in the new economic policy and incorporated in the Revenue Act of 1971. About $5 billion of this reduction is in individuals' taxes. The resulting increase in consumers' purchasing power will be a major source of strength in the economy.

Budget outlays in the coming year are expected to be $246.3 billion, an increase of $9.6 billion over the current year. This outlay increase will also help provide jobs and business investment in the year ahead, while remaining within the limit set by full-employment budget guidelines. If the economy were operating at full employment throughout the year, outlays for unemployment insurance benefits and the Emergency Employment Act—and outlay totals—would be lower than the amounts included in the 1973 budget.

This budget requests $271 billion of *budget authority*—the right to make commitments to spend—in 1973. About $185 billion of this amount will require new action on the part of the Congress.

STRATEGY FOR PEACE

The highest priority of my Administration is to bring about an era of peace and prosperity. We are pursuing this goal through partnership with our allies, military strength adequate to deter aggression, negotiations with those with whom we differ, and foreign assistance that encourages self-sufficiency.

We seek peace to reduce the human suffering that is an inevitable part of war. With peace we can release energies and resources that can be used to improve the quality of life everywhere. We have accomplished much of this high purpose during the past 3 years—particularly as a result of the Vietnamization program.

- South Vietnamese forces have assumed the responsibility for ground combat operations. Vietnamization is moving forward in other areas as well. As a result:
  - —U.S. casualties due to hostilities have been averaging less than 10 per week, as compared with 300 per week in 1968;
  - —the authorized troop level in South Vietnam will have been reduced from 549,500 in January 1969 to 69,000 as of May 1, 1972; and
  - —draft calls have been reduced from a Vietnam war high of 382,000 to 94,000 in calendar year 1971, as we move toward the goal of zero draft calls.
- Negotiations with the Soviet Union on strategic arms limitations are progressing.
- Agreement has been reached with NATO members on a 5-year plan to strengthen their defenses, with a substantial increase in their financial contribution.
- Security assistance programs are being planned with a view toward better coordinating them with our overall security effort. In some cases, this may permit additional reductions in U.S. manpower needs overseas.

Our efforts toward peace have not been—and will not be—at the expense of our military strength. Indeed, measures to maintain that strength are a vital part of our peace efforts. Accordingly, this budget proposes a substantial increase in defense programs to provide for the following improvements:

—additional resources for our strategic forces to increase emphasis on our sea-based strategic deterrent force and to continue modernization of present offensive and defensive forces;

—a major increase in shipbuilding, reflecting the high priority I place upon modernizing our naval forces;

—a sizable increase in research and development to assure continuation of our technological superiority;

—newer equipment, higher manning levels, and further training to improve the ability of the National Guard and Reserves to supplement the Active Forces;

—continued development and procurement of more effective weapons systems for the land and tactical air forces; and

—a major effort to achieve an all-volunteer force. Toward this end, a career in the Armed Forces was made more attractive by doubling the basic pay of first time enlistees in November 1971. Other increases in military pay are budgeted for January 1972 and 1973.

Strong foreign assistance programs are also an essential part of our strategy for peace, serving to:

—implement the Nixon Doctrine by helping foreign nations assume a greater share of the responsibility for their defense;

—strengthen the economies of developing nations; and

—provide humanitarian assistance and relief.

We must be steadfast in our foreign assistance. We are moving from an era of confrontation to an era of negotiation and increased reliance on our allies to defend themselves. In this setting, I have carefully weighed our basic assistance requirements against our domestic priorities, and now submit a program based on a thorough assessment of what is essential. We must not undercut the efforts of developing nations to stand on their own. Nor can we shortchange the nations now shouldering the burden of their own defense after they—and we—have given so much.

MEETING HUMAN NEEDS

My Administration has begun widespread reform and has sought to take new directions in Federal human resources programs. From 1969 to 1972, outlays for these purposes grew by 63%, while total budget outlays grew by only 28%. This increase is designed to buy such real improvements as:

—greater benefits for the aged and other beneficiaries under social security;

—additional training opportunities for the disadvantaged;

—reform of the food stamp program to establish national standards and to give more help to the most needy;

—better health care for millions of

low-income persons and for the aged;

—expanded and improved veterans programs;

—increased educational opportunities for students from lower income families; and

—extension of unemployment insurance coverage to more Americans.

As a result, human resources spending will be 45% of the 1973 budget, while defense programs will be 32%. Our policy of ending our involvement in the Vietnam war has helped make this possible by freeing resources to keep us strong externally as well as internally. This exactly reverses the priorities of the prior administration. In 1968, the defense share was 45% and the human resources share was 32%.

While this is a substantial record of progress, our work is far from complete.

This budget recommends new initiatives and emphasizes many reforms proposed last year—*on which the Congress has yet to complete action.* These proposals are a necessary part of my efforts to return more of the power to the people, to strengthen the capacity of State and local governments to govern, and—especially by assuring the civil rights of all our citizens—to contribute to personal freedom and human dignity.

To help overcome the fragmentation in human services, which so often loses sight of the whole person and the family, I am proposing Allied Services legislation that would assist State and local governments to respond to human needs more efficiently, more flexibly, and more comprehensively. The legislation would authorize the transfer of Federal funds between Department of Health, Education, and Welfare programs not included in revenue sharing, the waiver of cumbersome Federal program requirements, and limited funding for planning and administrative costs.

Welfare Reform.—Almost four decades of experience with the present welfare system is more than enough to teach us that the system has failed.

- It takes away the incentive to work.
- It lacks adequate job opportunities and child care services that would encourage and assist recipients to become self-supporting.
- Its benefits are inadequate to the needs of its recipients.
- It encourages families to break up so that they might qualify for assistance.
- Its 54 different systems with diverse standards defy efficient administration and create severe inequities.

I urge that the Congress approve promptly the Administration's Workfare legislative proposal. My proposal would remove the greatest evils of the present system by:

—emphasizing work incentives, work requirements, job training and public employment opportunities, child care, and reform of social service programs to encourage families to become and remain self-supporting;

—providing benefits for the first time to families with fathers who work but who do not earn enough to provide a decent standard of living for the family;

—setting a national minimum income standard for all families with children in America;

—establishing uniform national eligibility standards;

—reducing the fiscal pressure on States caused by rapidly rising welfare expenditures; and

—raising income limits to allow retired persons to earn more without loss of benefits.

Nutrition for the needy.—This Administration has taken decisive steps to feed the hungry and eliminate malnutrition in America. Most importantly, major reforms of the Food Stamp program that I proposed are now in operation. New regulations will:

—establish uniform eligibility standards that equal or exceed the present State standards in all States;

—concentrate benefits on those most in need;

—guarantee family stamp allotments for the needy large enough to purchase a nutritionally adequate diet, with increases tied to the cost of living; and

—provide a work requirement for those able to work.

As a result of these and earlier Administration actions, we have provided more benefits to more people in need than ever before. Food stamp outlays have increased ninefold from 1969 to 1973—reaching an estimated $2.3 billion in benefits for 13 million poor in 1973.

In addition, there will be nearly a threefold increase between 1969 and 1973 in the number of needy schoolchildren receiving subsidized lunches.

A new dignity for the aging.—Last November, I convened the White House Conference on Aging to develop proposals for improving the lives of our senior citizens. The recommendations of the Conference clearly indicate that programs to aid the aged should serve two essential purposes.

- They should provide the aged with sufficient income and necessary services to permit them to remain independent.
- They should assist aged citizens to live active and useful lives.

This budget is responsive to these recommendations. In 1973, the Federal Government will spend nearly $50 billion to assist the Nation's 21 million aged persons. This is $16 billion more than the amount spent to assist the aging in 1969.

Several major proposals in this budget are responsive to the special needs of the aged:

—social security and workfare legislation that will add $5.5 billion to the income of the elderly when it is fully in effect and provide an income floor for older Americans;

—elimination of the monthly premium for supplementary medical insurance in Medicare that will save the elderly $1.5 billion in the first full year;

—$100 million, a fivefold increase over the amount budgeted last year, for the Administration on Aging to provide additional homemaker services, home health aides, transportation, and nutrition services to help older Americans remain in their homes;

—a tripling of the retired senior volunteer program, a doubling of the foster grandparents programs, and a doubling of jobs programs for older persons with low incomes from the levels budgeted last year to enable more of the aged to engage in useful community projects; and

—tax incentives that will broaden the coverage of private pension plans.

The Congress has not yet acted on the major reform in the social security system that I proposed last year—providing automatic adjustments for increases in the cost of living. The older Americans who depend on their social security checks have waited long enough. I urge the Congress to act promptly on this reform and, in addition to:

—raise benefits by 5%, effective July 1, 1972, making the cumulative increase more than one-third in less than 3 years;

—allow recipients to earn more money from wages without losing their benefits; and

—increase widows' benefits up to the level their deceased husbands would have received.

Improving health care.—Almost a year ago, I submitted a health message to the Congress establishing a National Health Strategy for the 1970's. This strategy was directed toward three objectives: prevention of health problems, assured access to medical care, and greater efficiency within the health care system.

To achieve these objectives, I urge the Congress to act promptly on the pending National Health Insurance Standards Act, the proposed Family Health Insurance Plan, and legislation to support the development of health maintenance organizations.

In addition, in 1973, I propose further actions that are essential to my national health strategy, including:

—a substantial increase in funds for the attacks on cancer and sickle cell anemia;

—continued financial support to our health manpower training institutions and to their students;

—expanded efforts to develop health maintenance organizations as a model of improved health care delivery;

—significant increases for protecting consumers from hazardous food and products;

—expanded community programs to deal with special health problems, such as drug addiction and alcoholism;

—improvement of the Medicare program by eliminating the monthly premium for physician services; and

—substantial increases in medical personnel at veterans' hospitals and in funds for constructing new and better hospital facilities for veterans.

Drug abuse prevention.—Last summer, I emphasized the need for a coordinated attack on drug abuse and drug dependency in this country and created the Special Action Office for Drug Abuse Prevention and the Cabinet Committee on International Narcotics Control to monitor and coordinate a concerted Federal effort. Legislation to give the Special Action Office a statutory base was proposed by the administration more than 7 months ago and should be approved promptly.

In 1973, I am proposing an increase in program levels of $120 million for treatment, rehabilitation, and law enforcement programs, including control of illicit supplies. Funds for research, education, prevention, treatment, and rehabilitation will increase from $310 million in 1972 to $365 million in 1973 while obligations for law enforcement activities will grow from $164 million in 1972 to $229 million in 1973. Under the direction of a Special Consultant to the President, we are mounting a coordinated attack on dope sellers in 24 cities throughout the country.

Guaranteeing civil rights.—All of our citizens should expect a first priority of government to be protection of their civil rights. My Administration is committed to a course of action to insure that people can share fully in the benefits of our society regardless of race, sex, religion, or national origin. Significant accomplishments have been made. Much remains to be done:

- We will continue the increase in minority hirings in the Federal service, especially in professional and supervisory positions, despite cutbacks in Federal employment. More than 13,000 minority employees were hired between November 1969 and May 1971, and minority increases in upper and middle grade levels occurred at much faster rates than for nonminorities. Minorities now constitute approximately one-fifth of all Federal employees.
- We will continue to press efforts to assure that women will hold more jobs with greater responsibilities than ever before. Between October 31, 1970 and October 31, 1971, women holding Federal positions at levels GS-13 and above increased by 7%.
- We will continue the upgrading of efforts to open opportunities for Spanish-speaking Americans. The budget of the Cabinet Committee on the Spanish-Speaking will be increased by 42%.
- We will step up our efforts to promote self-determination for Indians on reservations and to assist them in their economic development. For example, legislation to establish and Indian Trust Counsel Authority has been proposed to guarantee that the rights of the Indian people in natural resources are—at last—effectively defended. Outlays for programs benefiting Indians on reservations will reach $1.2 billion in 1973.
- We will double our resources and our efforts to assure that Federal contractors meet the commitments of their affirmative minority hiring plans. Compliance reviews will increase to 52,000 compared to 12,300 in 1969.
- We will continue to accelerate Federal financial aid and technical assistance to increase minority business opportunities in America. Outlays for these programs have grown from $213 million in 1969 to $716 million in 1973.
- We will continue our efforts to help with the problems of school desegregation and upgrade our assistance to black colleges and other developing institutions of higher education. The Emergency School Act will provide $1.5 billion over a two-year period to assist in school desegregation.
- We will add to our efforts to eradiicate unlawful discrimination in the sale, rental, or financing of housing. Expenditures for these programs will increase 20% in 1973 to $11 million.
- We will increase the outlays of the Equal Employment Opportunity Commission from $22 million to $30 million to enhance their capability to end discrimination in the private sector.

To carry out these plans, I have recommended total expenditures of $2.6 billion for Federal civil rights activities in 1973. This compares with $911 million in 1969. Outlays will increase by 25% between 1972 and 1973.

Veterans benefits.—In moving toward a generation of peace, we will provide improved benefits for the men and women who have helped obtain that peace through military service and great sacrifice. For the returning veteran, this budget demonstrates our concern by providing greater opportunities for entry into jobs, education, and training. For those who have been disabled in service, this budget provides medical care of high quality that is better tailored to their needs—together with greater benefits for rehabilitation and compensation. For the widows and children of those who did not return, this budget provides additional dependents' compensation, education, and training. Budget authority for these and other benefits and services will be increased by $1 billion in 1973—to $12.4 billion.

Marked benefit improvements will include:

—an increase of 10,000 in average employment in VA medical facilities, raising the staff to patient ratio for VA hospital care to a record 1.5 to 1;

—a 66% increase in budget authority for construction of new and better hospital facilities, including seven new replacement hospitals;

—improvements in the structure and levels of veterans compensation benefits, to insure more adequate benefits for the most seriously disabled; and

—an increase in the monthly individual benefit payment for the GI bill from $175 to $190, linked with other program improvements I have proposed.

Education and manpower training.—The need for reform in Federal education and manpower training programs has not diminshed since last year, but the reforms I recommended then are *still awaiting action by the Congress.*

We must reform these programs so that people can achieve their potential intelectual and occupational skills. For this reason, I again emphasize the need for action on proposals to:

—substitute special revenue sharing programs for categorical grant programs in both of these areas;

—assist school districts in desegregation efforts;

—establish a National Institute of Education to support research and experimentation and a National Foundation on Higher Education to promote reforms in our colleges and universities;

—provide additional training opportunities and strong incentives under Welfare Reform for welfare recipients to undertake suitable employment or job training;

—assure the returning veteran greater opportunities for jobs, education, and training; and

—reform student aid programs for higher education to increase their effectiveness and direct more aid to students from lower income families.

Let me use that last proposal as an example. I believe that no qualified student should be denied a college education because he cannot afford to pay for it. Most Americans and most Congressmen agree. I have proposed the legislation that will make this a reality. I am ready to sign that legislation. But there it sits, in Congress, while thousands of young people miss their chance.

FIGHTING CRIME

When I took office, the safety and health of our citizens were menaced by rising crime. Violent crimes and illegal traffic in narcotics and dangerous drugs were threatening to get out of control. A crisis existed, and prompt action was called for. I directed that a national strategy to combat crime be developed and promptly put into effect.

Any successful strategy to combat crime must recognize that State and local governments are responsible for most law enforcement in the United States. Such a strategy must also provide for the prevention of crime and for the rehabilitation of criminals.

I took action early to strengthen the hand of State and local government law enforcement agencies.

- Outlays for law enforcement assistance were increased substantially. They will total $595 million in 1973, nearly 18 times the $33½ million of 1969.
- Law enforcement special revenue sharing was proposed to give State and local governments increased flexibility to use Federal funds in ways that are best suited to solving local crime problems. *The Congress should act on this proposal.*

Federal law enforcement activities are also an essential part of our efforts to combat crime—especially organized crime and traffic in narcotics and dangerous drugs. In 1973, we will:

—step up our attack against the criminal systems that import and distribute narcotics and dangerous drugs; and

—continue to enforce vigorously the

Organized Crime Control Act of 1970.

Outlays for law enforcement activities will be $2.3 billion in 1973, an increase of $1.7 billion over 1969.

My Administration has given priority to combating crime in our Nation's Capital, where the Federal Government has a special responsibility. These efforts have been successful. Serious crime in the District of Columbia in 1971 was approximately 14% below the level of the previous calendar year.

IMPROVING THE ENVIRONMENT

Protecting and improving our environment is a never-ending job. The basic responsibility rests with States and local governments, industry, and the public. However, the Federal Government must provide leadership.

In 1970, the Environmental Protection Agency was established to improve our pollution control efforts, and the Council on Environmental Quality was established to advise on problems and policies related to environmental quality.

Now, new initiatives are being undertaken.

- To clean our air, we have:
  - —set national standards for the six major air pollutants and guidelines for State implementation plans to meet these standards;
  - —set pollution abatement standards for new facilities in five industrial categories;
  - —recommended a sulfur emissions tax to encourage reductions in this major source of pollution; and
  - —supported research and development to provide a low-pollution alternative to the conventional internal combustion engine and to provide means to reduce pollution from burning coal and oil.
- To clean our water, we have:
  - —required permits under the Refuse Act to control discharges of industrial pollutants into our waterways;
  - —proposed legislation to control dumping into oceans, coastal waters, and the Great Lakes; and
  - —initiated a 3-year, $6 billion program to assist State and local governments in building sewage treatment facilities.
- To reduce noise pollution, we have proposed legislation to regulate and to set labeling requirements for major sources of noise.
- To improve and protect health, we have proposed new legislation on pesticides to regulate their use and to strengthen and coordinate Federal and State control efforts.
- To use our lands more wisely, we have proposed legislation on powerplant siting, mined area protection, and land use regulation.

Many of the proposals that I have submitted to the Congress have not yet been enacted. Our Nation cannot make the major efforts that are needed to protect and improve the environment unless Congress will respond to the urgent need for this legislation. *I urge rapid approval by the Congress of these pending environmental proposals.* With the passage of this legislation—and the additional proposals that I will submit to Congress in a special environmental message in February—we will be able to move forward vigorously in all areas of environmental quality.

The outlays requested for major environmental programs in 1973 are $2.5 billion, *more than three times the 1969 level.* These funds will support expanded efforts in all major environmental programs. For example, Federal programs have assisted in increasing the population served by secondary sewage treatment from 91 million in 1969 to 115 million in 1973, and in removing 27% more pollution from municipal sewage effluent than was removed in 1968.

Parks and open spaces.—As our expanding economy provides higher standards of living and increased opportunity for leisure, our citizens will want additional parks and other recreational facilities, especially in and near cities. We also want to assure the preservation of nationally important natural and historic areas. This budget provides for meeting these future needs.

I am proposing that the Land and Water Conservation Fund annual authorization be fully funded to provide:

- —$197 million in grants for State and local governments to assist them to acquire and develop lands for recreation and parks; and
- —$98 million for the acquisition of nationally significant natural or historic areas by Federal agencies.

In the period 1970–73, this program will have provided over $1.1 billion, compared to $535 million provided for this purpose in 1966–69.

The budget also proposes to continue, under the Legacy of Parks program, the transfer of surplus Federal property to State and local governments for recreation facilities, parks, and historic sites. In 1973, over 20,000 acres, with a market value of $120 million, will be transferred under this program. For the period 1969–73, a total of 47,000 acres of land with a market value of $245 million will have been provided to State and local governments.

Community development and housing.—During the past 3 years, solid progress has been made toward providing decent, safe, and sanitary housing for every American. In calendar year 1971, the volume of new housing construction—more than 2 million new starts—was the highest in the history of this country. The construction of Government-assisted housing for low- and moderate-income families has also been increased to record high levels over the past 3 years.

This Administration has taken steps to decentralize Federal programs that assist community development and housing activities to make them more responsive to local needs and preferences.

Our efforts to aid community development and to provide better housing are still not as productive as they can be. I have proposed major reforms that would make them more so:

- —a program of urban community development revenue sharing that would replace five categorical grant programs and provide State and local governments $2.3 billion in 1973;
- —a Department of Community Development that would consolidate in one organization the many programs and activities that are essential to community development;
- —legislation that would simplify and consolidate housing programs; and
- —a new planning and management assistance program that would help States and localities improve their executive management capabilities.

These reforms, pending before the Congress, should be enacted promptly.

Agriculture and rural development.—This Administration has made major improvements in programs to help farmers share equitably in the Nation's progress. In addition, I have proposed a new program for rural community development through revenue sharing. I urge the Congress to enact this program in time to be effective on July 1, 1973.

I will shortly recommend further legislation to:

- —improve the availability of credit for both farmers and rural residents; and
- —give greater emphasis to our efforts to encourage community and industrial development in rural areas.

My budget proposals for 1973 will also further our goal of making all rural residents first-class citizens living in first-class communities. Specifically, we will:

- —expand the availability of rural housing;
- —strengthen farm incomes through orderly handling of the bumper 1971 grain crop; and
- —help finance critically needed waste disposal and water supply systems for nearly 500,000 rural families.

SCIENCE AND TECHNOLOGY IN THE SERVICE OF MAN

In this year's budget, and subsequently, I shall propose how we can accelerate the effort I began 3 years ago to turn science and technology to the service of man.

Research and development have been critical elements of our national life since World War II. They have been the key to our national security and health and instrumental in the solution of many important civilian problems. Research and development also have made significant contributions to our economy in terms of jobs, productivity, and foreign trade.

This Administration has continuously searched for more effective ways to turn science and technology to the service of man. Since 1969, funds for civilian R & D have increased 65%. We have started new programs and strengthened others to help focus R. & D. on priority human needs.

We have been reordering our research and development investments in defense and space. We have reassessed the space program and placed it on a firm future footing with increased attention to practical and economical applications of space and reductions in the cost of manned space flight.

At the same time we have strengthened our defense research and development capability to insure that the country will not face the possibility of technological surprise or lack the deterrent power necessary to protect our national security. To provide this assurance, budget authority for Department of Defense research, development, test, and evaluation is being increased $838 million to an all-time high of $8.5 billion in 1973.

To emphasize this Administration's strong belief that science and technology can make significant contributions to the quality of American life and to economic growth, I propose additional steps in 1973 to:

—secure the contributions that science and technology can make to our national life;

—initiate a series of experiments to find better ways to encourage private investment in R. & D. including investment by small entrepreneurial R. & D. firms, which have made significant contributions to the generation and exploitation of innovative ideas;

—draw more directly on the capabilities of those agencies which have created the technologies that harnessed the atom and conquered space. AEC and NASA will increasingly use their talents on such problems as clean, economical energy, and clean, safe, and fast transportation systems. For example, this year we shall have the agency which sent men to the moon and back begin to assist the Department of Transportation in finding better ways to send people downtown and back; and

—review carefully our policies in areas of economic regulation, which may unnecessarily restrict wider utilization or development of new technical advances.

I am also initiating new programs and strengthening research and development aimed at three important objectives:

—protecting man and nature from each other;

—using the resources of nature to serve mankind's needs; and

—pioneering new and improved human services.

The overall result of our efforts to strengthen science and technology in the national interest is reflected in the 1973 increase of $1.4 billion in obligations to a total of $17.8 billion I firmly believe this large increase is vital to the security, welfare, and economic well-being of our country.

IMPROVING GOVERNMENT

Improved efficiency and responsiveness at all levels of government is a major objective of this Administration. One of my first acts as President was to direct that an intensive review be made of our Federal system of government. We found that the executive branch was badly organized to accomplish domestic objectives. We found that State and local governments were often unable to meet the needs of their citizens because of a fiscal crisis that was steadily worsening. And we also found that Federal programs to assist State and local governments had become a maze of separate programs, understood only by members of a new profession—grantsmanship specialists.

The Administration has developed a comprehensive strategy for dealing with these problems. This strategy includes:

- *Revenue sharing*—an important element of the strategy—to provide fiscal relief and to strengthen State and local governments;
- *Reorganization of the executive branch* to create four new departments structured around the basic domestic activities of government;
- *Federal Assistance Review (FAR)* to strengthen delivery of Federal assistance to State and local governments;
- *Regional councils* to help in our program of returning power to the people;
- *Technical assistance* to help State and local governments improve their organizational structures and management processes; and
- *Budget reform* to enable the executive branch and the Congress better to serve the people.

Revenue sharing.—A year ago I proposed to the Congress a General Revenue Sharing program and six special revenue sharing programs to relieve the fiscal crisis of State and local governments and to eliminate some of the problems of the present categorical grant system. No action has yet been taken on these proposals. I *again* urge that Congress enact these proposals.

If enacted to become effective January 1, 1972, as I am proposing, the General Revenue Sharing program would:

—provide $2.5 billion of budget authority in fiscal year 1972 and $5.3 billion in fiscal year 1973 to help relieve the fiscal plight of State and local governments;

—enable those units of government closest to the people to determine how the funds would be spent to meet local needs and priorities; and

—reduce pressures to raise State and local taxes.

The special revenue sharing programs would provide assistance to State and local governments for six broad purposes, with discretion in the use of these funds to be left primarily to State and local governments. The following table shows the categories proposed and the first full year budget authority that would be provided for each one:

Revenue sharing proposal for first full year

Description	*Billions*
General revenue sharing	$5.3
Special revenue sharing:	
Urban community development	2.3
Rural community development	1.1
Education	3.2
Manpower training	2.0
Law enforcement	0.9
Transportation	2.8
Total	17.6

In total, these revenue sharing proposals would provide $17½ billion to State and local government in their first full year of operation. The magnitude of the fiscal crisis and the inefficiency and unresponsiveness of the present grant system make favorable action during this session of Congress an urgent need. We can ill-afford further delay.

Reorganization of the executive branch.—In my 1971 State of the Union message, I proposed reform of the executive branch by regrouping functions now scattered among seven cabinet departments and several independent agencies into four new departments organized around the major domestic purposes of government: Community development, natural resources, human resources, and economic affairs.

In my message on departmental reorganization, which I transmitted to the Congress on March 25, 1971, I described in detail the need for a comprehensive restructuring of the domestic executive departments to equip them to serve our Nation in the last third of this century. I cited the fragmentation of Federal responsibility for education matters, for manpower programs, for the development and conservation of water resources, for the management of public lands, and for assisting communities in meeting their needs for water and sewer services.

Typically, three or four separate departments or agencies are now engaged in administering overlapping or conflicting programs concerned with a single government objective. This dispersion and duplication of related functions has increased the costs of administration, generated interagency conflict and rivalry, weakened the departmental secretary as a leader in program development and execution, and imposed inexcusable inconvenience on the public being served. The excessive number of departments and agencies independently pursuing related goals has also frustrated able officials at all levels, impeded the decentralization of Federal operations, and made the coordination of administration in the field inordinately difficult.

By pulling together under each secretary the bulk of the programs which contribute to the achievement of a stated departmental mission, we can assure the prompt decisionmaking, the improvement of procedures, and the integration of Federal activities which we need for effective government.

Legislation and detailed plans for the reorganization have been transmitted to the Congress. I urge the early enactment of these basic proposals. They are vital elements of my strategy to narrow the gap between what the Federal Government promises and what it delivers.

Federal Assistance Review (FAR).—In 1969, I initiated the Federal Assistance Review program to streamline the Federal grant system. Primary emphasis was placed on improving the operation of Federal programs to strengthen the capacity of State and local governments. Achievements include:

—standardization of regional boundaries;

—simplification of Federal review procedures for grant applications;

—substantial delegation of authority to Federal field offices;

—a system for informing Governors and State legislatures of approval action on all Federal grants;

—a Project Notification and Review System, utilizing State and regional clearinghouses to facilitate State and local review of Federal grant applications at the formative stage;

—a pilot integrated grant administration program, enabling State and local governments to apply for several Federal assistance grants through a single application; further consolidation and joint funding authority is being sought under proposed legislation; and

—more participation by State and local officials in determining how Federal funds are used to respond to local needs.

Federal regional councils.—As part of the FAR effort, Federal Regional Councils, consisting of the regional directors of the major human resources agencies, were established in each of the 10 regions. The Councils have now demonstrated considerable potential for increasing Federal responsiveness and coordination at the State and local level.

I shall shortly constitute the Councils formally as bodies within which regional directors of the major grant agencies develop common strategies and mechanisms for program delivery, review program plans jointly with Governors and mayors, and resolve regional interagency issues expeditiously.

Technical assistance.—Since 1969, the Federal Government has offered broad-based organization and management assistance to State and local governments who have requested it. The assistance has taken the form of a review of the organizational structures and the major management processes of each requesting government. Improvements are then suggested. Subsequently, technical and other assistance is available to help the governments implement improvements they think are important. Even though resources are limited, I intend to encourage this form of technical assistance.

Reforming the budget process.—The American people deserve, and our Government requires, a more orderly and more rational budget process.

The preparation of this budget, like those of other recent years, has been handicapped by the delays in enactment of appropriations for the fiscal year which began last July 1. *There is still one 1972 appropriations bill which has not been enacted* even as I write this, 12 months after I submitted the 1972 budget. Moreover, the uncertainties and hesitation caused by these delays in congressional action have hindered the orderly management of the Government.

There has been excessive attention to details and virtually no attention paid to overall totals or the effect of individual irresponsible acts of spending on the budget totals. Any procedural reform that encouraged the Congress to be aware of the overall effect of their individual actions would have substantial benefits for us all.

There have been delays of many months in the enactment of regular appropriation bills, and there have also been periods in which temporary appropriations have been permitted to expire, leaving some agencies with no authority to continue operations.

Changes in the way the Congress conducts its business are its business. But, in the matter of the budget process, the results of the present methods have seriously affected how well I can administer and manage the executive branch.

THE LONGER VIEW

In 1976, our Nation will celebrate its 200th birthday. Three basic questions must be answered as we look toward a proper celebration of our bicentennial.

- How can we best achieve our great national goals?
- What role should the Federal Government have in this effort?
- How can we best rededicate ourselves to the idea of personal freedom?

In considering these questions, we cannot ignore the hard fact that the increase in uncommitted resources between now and 1976 will be small in comparison with the magnitude of the tasks, forcing us to make difficult decisions about priorities.

My basic preferences in allocating our national resources are clear.

First, I believe that to avoid permanent inflation and waste we should assure that we count the costs before we make spending decisions. We can do that by adhering to the principle that spending must not exceed the level at which the budget would be balanced if the economy were at full employment.

Second, I believe that an increasing share of our national resources must be returned to private citizens and State and local governments to enable them—rather than the Federal Government—to meet individual and community needs.

Responsible budgeting.—The first principle—the full employment budget principle—imposes a necessary discipline on Federal spending.

Last year, the budget margin projected for 1976—the potential Federal budget surplus, *assuming full employment and only the programs and tax structure in existence or proposed then (1971)*—was $30 billion. Actions taken in the last 12 months and those proposed in this budget will reduce that margin to only $5 billion. This margin is less than $25 for each man, woman, and child in the expected 1976 population, and is less than 1.6% of projected 1976 budget receipts. And yet, it must be sufficient to cover the 1976 costs of all new proposals not included in this budget.

The moral is clear. A strong fiscal discipline will be necessary in the years ahead if we are to preserve the buying power of the dollar. New spending programs must be evaluated against the most stringent of standards: *do they have enough merit to warrant increases in taxes or elimination of existing programs?*

This Administration has measured its proposals against this standard. I have made the hard choices necessary to assure that they can be financed within a full-employment budget policy.

I urge the Congress to engage in a similar self-discipline in making the hard choices that will be required during the next few years. This Administration will vigorously oppose irresponsible and short-sighted spending proposals that would commit large sums of Federal money to schemes that are politically attractive but would endanger an inflation-free prosperity.

CONCLUSION

There will be those who contend that in this budget their favorite programs are not financed, or are not financed as much as they want them to be.

They will be absolutely right.

Government expenses increase each year because special interest groups, representing only those who stand to benefit from their program, persuade decision-makers that more resources are needed for those programs without regard to the effect on the total budget. The cost is multiplied by geometric progression when this tactic is repeated for literally hundreds of programs. Seldom do any of these groups recommend additional taxes to finance their proposed spending.

Then inflationary factors, frequently induced by the large total volume of spending resulting from individual decisions made without consideration of the larger picture, force the cost of these programs upward. At the same time the special constituency benefiting from the program is enlarged and strengthened, its demands are correspondingly increased, and the cycle continues to feed upon itself.

Taken together, what is good for all the special interests is bad for the public interest. Our strength is in our ability to act as one nation, not as a conglomerate of warring and greedy factions.

For this reason my 1973 budget, large as it is, will not be large enough to satisfy many. However, I hope the American people will make their desire for less pervasive government known in unmistakable terms to their elected representatives. It is essential to preserve the private enterprise system, with its competitive spirit and its work ethic, which has done so much to inspire the independent and help the dependent and which has made this Nation the economic example to the rest of the world.

That system has enabled us to secure, for our people, a far higher standard of living than any experienced, or even envisioned, by the rest of the civilized world.

I do not wish it said of my Administration that we furthered or encouraged the process of discarding that heritage. So, I have emphasized fiscal responsibility and downward pressure on Federal expenditures, rather than simply accept all requests of all special groups and hope that the inevitable need for new taxes could be delayed as long as possible.

I am not averse to a day of reckoning, but when it comes, I want it to be said that this Administration foresaw the danger, held spending to amounts that could be paid from full-employment revenues, and took all steps possible to reduce the need for raising taxes so that the Federal Government plays a smaller, not a larger, role in the life of each of us. In this way, every citizen will have a larger share of the fruits of his labor to spend the way he or she freely chooses.

RICHARD NIXON.

JANUARY 24, 1972.

THE BUDGET MESSAGE FOR 1973

The SPEAKER. Under previous order of the House, the gentleman from Texas (Mr. MAHON) is recognized for 30 minutes.

Mr. MAHON. Mr. Speaker, I wish to commend the President of the United States for getting his budget message to the Congress in such a timely fashion. It is a notable performance.

As you know, last year many of the legislative actions were not taken until late in the calendar year. The annual authorization for the defense bill, for example, did not come through early. And it was very late in the year before we had an opportunity to present the appropriation bill to the Congress and pass it. We have still not completed action on the foreign assistance appropriation bill. So I think that the President and Mr. SHULTZ and their staff people did a Herculean job to get this budget before us this early in the new session.

WHOPPING DEFICITS

Mr. Speaker, the budget message does a masterful job of putting a rosy image on what in my judgment is a near-disastrous fiscal situation. We have been trying to buy ourselves out of inflation and huge deficits, but these efforts have failed. Inflation is receding a bit, but whopping deficits have increased markedly from year to year, and a whopping deficit is again projected for fiscal year 1973. As the fiscal year 1973 proceeds, it may very likely be much greater.

No one should believe that with whopping deficits in the $20 to $30 to $40 billion range that we can really win the fight against inflation adequately or stabilize the economy. This Government will have to borrow about $44 billion in the current fiscal year 1972—from the highway fund, the social security fund, and other trust funds, and from the private sector—mostly from the private sector.

When the Government goes to the money market and borrows in the magnitude of $38 billion to $40 billion from the private sector, this inevitably will have a marked effect upon the economy of our country. Among other things, such borrowing will put pressure on interest rates. Such a course, is of course, highly inflationary and will tend to create further economic dislocations.

DEFICITS ARE A NATIONAL PROBLEM

Let me say that I shall not speak in a partisan manner. No one administration is responsible for our plight. The administration and the Congress must share the responsibility for the dangerous fiscal situation which confronts the country. The point really I make today, Mr. Speaker, is that we are at the crossroads as a nation. As I see it, our way of life is threatened.

A further point I make—and we have made it here on many occasions—is that democracy will collapse without restraint, and this Government in both the executive and the legislative branches has not been using sufficient fiscal restraint.

ORIGINAL BUDGETS ARE CHARACTERISTICALLY OPTIMISTIC

I think we all would agree that all Presidents, in presenting a budget and budget message, look at the world through rose-colored glasses and seek to be as optimistic as possible. It is easy to document that statement.

VARIATION FROM ORIGINAL 1972 BUDGET

The budget for 1972, submitted a year ago, projected happily a unified budget deficit of only $11 billion, a Federal funds deficit of about $23 billion, and a razor-thin full employment budget in surplus by one-tenth of a billion dollars. Those were the original projections.

But what do we see now? Now, it is reestimated that the unified budget deficit for the current fiscal year 1972 is up to $38.8 billion, and the year is not yet closed. The Federal funds deficit for fiscal year 1972 is now reestimated at $44.7 billion. The full employment budget for fiscal year 1972—which it was said in the message a year ago should not be exceeded except under the most urgent conditions—is now estimated to be in deficit by about $8 billion.

This tends to make a black Monday out of January 24, 1972.

May I add, Mr. Speaker, the swing from a projected unified budget deficit of $11.6 billion to a current estimate of $38.8 billion—and with 6 months of the fiscal year yet to go before the books close—constitutes one of the most severe cases of budget erosion in recent history.

What went wrong?

The $27.2 billion swing in the unified budget deficit for fiscal year 1972 results from an increase of about $7.4 billion in outlays and a decrease of about $19.8 billion in anticipated receipts.

The massive decrease in revenues is largely attributable to lackluster growth of the GNP compared to original projections. Current estimates put the effect of that at about $12.9 billion. Tax rate changes, including a tax and base increase for social security, account for the other $6.7 billion revenue loss.

The $7.4 billion increase in outlays over those originally projected is accounted for almost entirely by a $6 billion increase in the so-called uncontrollable programs of the budget.

EFFECT OF CONGRESSIONAL ACTION AND INACTION LAST SESSION ON 1972 OUTLAYS

Congress played no part in adding net additional outlays to the budget estimates for 1972, according to the best estimates available. For a detailed description of Congress' role I refer you to a comprehensive statement I made on the subject contained in the CONGRESSIONAL RECORD for January 20, page 605. For now, I would just summarize by saying that the net effect of appropriations actions was to reduce outlays for 1972 by about $744 million. Actions in nonappropriation bills added about $3.8 billion in outlays, but that was largely offset by inaction or deferral of action on legislative proposals in the budget which amounted to a reduction of $3.1 billion in outlays. All in all, the result in terms of outlays relating to congressional action and inactions last session on the 1972 budget, according to the best estimates available, was a reduction of about $73 million. It was about a standoff.

TENUOUS NATURE OF ORIGINAL BUDGET PROJECTIONS

The budget—all budgets—as submitted by the President comprises a package of plans and projections. It is grounded on assumptions subject to contingencies and uncertainties. How will Congress react to his proposals? How will the economy perform? What turn will international events take in the next 18 months?

The President assesses the situation and presents the legislative and budgetary proposals he deems are in the best interests of the Nation. Obviously the situation can and often does change to some extent. Congress may concur with his assessment of the situation, but disagree as to remedies. So it is for a host of reasons that original budget projections are often wide of their mark; they are, for understandable reasons, to be taken with huge grains of salt.

It is also a fact of life that budgets, all budgets—from those based on a 50-cent-per-week allowance to those based on a trillion-dollar-per-year economy, are characteristically—almost uniformly—optimistic.

I include for the RECORD at this point an informative tabulation of variations between original budget projections and final budget results going back over a number of years:

VARIATIONS FROM ORIGINAL BUDGET PROJECTIONS

[In billions of dollars]

Fiscal year	Budget receipts			Budget expenditures			Surplus or deficit		
	Original	Actual	Swing	Original	Actual	Swing	Original	Actual	Swing
Administrative budget:									
1955	62.5	60.2	−2.3	65.4	64.4	−1.0	−2.9	−4.2	−1.3
1956	59.7	67.8	+8.1	62.1	66.2	+4.1	−2.4	+1.6	+4.0
1957	65.0	70.6	+5.6	64.6	69.0	+4.4	+.4	+1.6	+1.2
1958	73.1	68.6	−4.5	71.2	71.4	+.2	+1.8	−2.8	−4.6
1959	74.0	67.9	−6.1	73.6	80.3	+6.7	+.5	−12.4	−12.9
1960	76.4	77.8	+1.4	76.3	76.5	+.2	+.1	+1.2	+1.1
1961	83.3	77.7	−5.6	79.1	81.5	+2.4	+4.2	−3.9	−8.1
1962	82.3	81.4	−0.9	80.9	87.8	+6.9	+1.5	−6.4	−7.9
1963	93.0	86.4	−6.6	92.5	92.6	+0.1	+0.5	−6.3	−6.8
1964	86.9	89.5	+2.6	98.8	97.7	−1.1	−11.9	−8.2	+3.7
1965	93.0	93.1	+0.1	97.9	96.5	−1.4	−4.9	−3.4	+1.5

Fiscal year	Budget receipts			Budget expenditures			Surplus or deficit		
	Original	Actual	Swing	Original	Actual	Swing	Original	Actual	Swing
Administrative budget—Continued									
1966	94.4	104.7	+10.3	99.7	107.0	+7.3	−5.3	−2.3	+3.0
1967	111.0	115.8	+4.8	112.8	125.7	+12.9	−1.8	−9.9	−8.3
1968	126.9	[1] 114.7	−12.2	135.0	[1] 143.1	+8.1	−8.1	−28.4	−20.1
Unified budget:									
1969	178.1	187.8	+9.7	186.1	184.6	−1.5	−8.0	+3.2	+11.2
1970	198.7	193.7	−5.0	195.3	196.6	+1.3	+3.4	−2.8	−6.3
1971	202.1	188.4	−13.7	200.8	211.4	+10.6	+1.3	−23.0	−24.3
1972 estimate	217.6	[2] 197.8	−19.8	229.2	[2] 236.6	+7.4	−11.6	−38.8	−27.2
1973 estimate	220.8			246.3			−25.5		

[1] Represents Federal Funds portion of unified budget concept totals.

[2] Estimate in 1973 budget.

DIFFERING BUDGET CONCEPTS

At this point, for the benefit of those who do not work closely with the Federal budget—and many do not—I should present a definition of terms. The difference between the unified budget and the Federal funds budget is explained as follows: With the unified budget we take into consideration all income; we take into consideration billions of dollars from trust funds—highway and social security, and otherwise; we take into consideration all revenues, revenue from corporation taxes, and individual income taxes. We take into account the expenditures from all those accounts. That is the basis of the unified budget.

The unified budget tends to create something of an illusion of comfort, because for several years we have been collecting for social security purposes and for the highway fund and other trust funds about $5 to $10 billion more than we have been spending from the trust funds. So these surpluses are borrowed to pay the regular expenses of the Government. The law requires that surpluses be provided from the trust funds, but bear in mind that these funds must be returned to the accounts to which they are dedicated, and we must pay interest on those sums. But, under the unified budget, the budget message does not take this into account and does not reflect this borrowing as a part of the budget deficit.

The real budget, as most of us would see it, rests on this basis: How much money do we collect to operate the Government, generally speaking, outside of social security and other trust funds, and how much do we spend for general governmental purposes?

And what is the situation on this Federal fund basis for this year? The situation is that the budget which has been presented today projects that for the current fiscal year 1972, we will spend $44.7 billion more than we have in hand or in sight. For fiscal 1973, the Federal funds deficit is projected at $36.2 billion. Of course, we will borrow about $6 billion this year and next year we will borrow about $10.7 billion, it is estimated, from the trust funds.

Then, there is the so-called full employment budget. The unified budget has gotten to be so dismal, and the Federal funds budget so dismal, that the basic budget guideline has been shifted to a full employment budget; and now, even the full employment budget is in a pretty dismal condition, and the question arises: What will be the next method or concept with which to "sugar coat" the frightfully serious and dangerous fiscal situation which confronts the country?

The full employment budget provides for a very soothing and comforting approach to the problem of red-ink spending. What one does is to play like one has full employment and that the Government is collecting the revenue which would flow from full employment. Then one spends the funds, which of course one does not have, so one has to borrow them for the operation of the Government. This strange strategem tends to lull the Government and the citizen—but I hope not the Congress—into complacency, tending to create more inflation and further jeopardize the dollar at home and abroad.

Alice could afford to live in Wonderland. Not too much was at stake. But I ask, can we continue to afford to live in Wonderland?

The full employment budget was relied on in last year's budget as the basic budget yardstick for total spending. That was the basis of the budget; the unified budget and the Federal funds budget were more or less sort of downplayed. The full employment budget was relied upon last year as the basic policy guideline for setting the upper limit on spending. And what did it do for us? It helped bring about a projected deficit for this fiscal year, 1972, of $44.7 billion in Federal funds, and $8 billion under the "make believe" full employment basis. Even the full employment budget is now in deficit. All concepts show deficits.

DEFICITS OVER THE YEARS

Now, deficits were not invented by this administration. Other administrations have had them more often than not. But no other administration has sought to "sugar coat" them with the full employment budget approach.

Further, let me repeat that the responsibility for budget deficits must usually be borne by both the administration and the Congress.

In the past 43 years, since 1930, counting the 1973 budget, no matter what concept is used, we have had 32 deficits; on the Federal funds basis, formerly called the administrative budget we have had 37 deficits in the last 43 years including the one today for fiscal 1973.

Mr. Speaker, budget deficits have not only persisted but they are getting bigger. The total of Federal funds budget deficits for the 4 fiscal years of 1970–73, on the basis of today's budget, comes to about $123.9 billion. In other words, that is for the 4 years, beginning with fiscal year 1970 and including 1971, 1972, and 1973 on the basis of today's budget. Now listen to this: That figure is larger than the total of all comparable deficits since World War II.

Mr. Speaker, I include an illuminating table summarizing the budget surplus and deficit situation since fiscal 1967. It shows something of the quickening pace of going deeper in debt:

THE BUDGET SURPLUS AND DEFICIT SITUATION, FISCAL YEARS 1968–73

[In millions of dollars, may not add due to rounding]

	Federal funds	Trust funds	Total of the 2	Less intragovernmental transactions that wash out	Net totals
THE YEARS 1968 AND 1969					
Fiscal 1968:					
Budget receipts	114,726	44,716	159,442	−5,771	153,671
Budget outlays	143,105	41,499	184,604	−5,771	178,833
Surplus (+) or deficit (−)	−28,379	+3,217	−25,162		−25,161
Fiscal 1969:					
Budget receipts	143,321	52,009	195,330	−7,547	187,784
Budget outlays	148,811	43,284	192,095	−7,547	184,548
Surplus (+) or deficit (−)	−5,490	+8,725	+3,235		+3,236
THE YEARS 1970–73					
Fiscal 1970:					
Budget receipts	143,158	59,362	202,520	−8,778	193,743
Budget outlays	156,301	49,065	205,366	−8,778	196,588
Surplus (+) or deficit (−)	−13,143	+10,297	−2,846		−2,845
Fiscal 1971:					
Budget receipts	133,785	66,193	199,978	−11,586	188,392
Budget outlays	163,651	59,361	223,012	−11,586	211,425
Surplus (+) or deficit (−)	−29,866	+6,832	−23,034		−23,033

THE BUDGET SURPLUS AND DEFICIT SITUATION, FISCAL YEARS 1968–73—Continued

[In millions of dollars, may not add due to rounding]

	Federal funds	Trust funds	Total of the 2	Less intragovernmental transactions that wash out	Net totals
Fiscal 1972 (Rev. est. Jan. 1972):					
Budget receipts (est.)	137,788	73,163	210,951	−13,124	197,827
Budget outlays (est.)	182,519	67,215	249,734	−13,124	236,610
Surplus (+) or deficit (−), est	−44,731	+5,948	−38,783		−38,783
Fiscal 1973 (Orig. budget, Jan. 1972):					
Budget receipts (est.)	150,617	83,214	233,831	−13,046	220,785
Budget outlays (est.)	186,784	72,519	259,303	−13,046	246,257
Surplus (+) or deficit (−) est	−36,167	+10,695	−25,472		−25,472
Surplus (+) or deficit (−), the 4 years 1970–73, on above basis	−123,907	+33,772	−90,135		−90,133

Note: Prepared Jan. 24, 1972, in the House Committee on Appropriations.

The total Federal funds deficit for the first 4 years of the 1970's totaled just a shade under the comparable combined deficit total for the first 4 years of every decade since the beginning of the Republic. However, we have many months to go before the books are closed on the mushrooming deficits estimated for fiscal years 1972 and 1973.

NEED FOR GREATER RESTRAINT

At this point I think I should appropriately say as chairman of the Committee on Appropriations that I feel that the committee and the Congress must expeditiously and thoroughly examine the budget and work together with the administration in an effort to hold the line on spending as well as possible and seek ways and means of safely making reductions in appropriations and in spending. This is of the utmost importance to the Nation, and I pledge our very best efforts in that direction.

We, of course, will not agree among ourselves or with the administration in every instance as to the priorities, but this should not prevent our doing a workmanlike job of trying to save the country from fiscal collapse.

THE NEED FOR ADDITIONAL TAX REVENUES

Mr. Speaker, no candidate for President is probably going to go before the voters and advocate new taxes. I doubt that that will happen. But, as certainly as I stand on the floor of this House today, when the election is over and when an administration takes over in January of 1973 we will be standing at the fiscal crossroads. Whoever is elected President, whether he be Democrat or Republican or independent, will be faced with a critical situation which can no longer be sidestepped. I say that in the light of the fact that the best estimate this current year is for a Federal funds deficit of $44.7 billion. It may go up to $50 billion; we cannot tell. The deficit for the following year might go even higher. And the following year even higher. That is the way it is moving. No Congress and no President will permit a budget to just keep on going deeper in the red because we are certainly reaching the upper limits. So the hour of decision will arrive in 1973, in my opinion, and actions will have to be taken to raise additional revenues.

What I am trying to say is that we have to cut spending rather dramatically or else we have to raise additional revenues. That to me seems absolutely inevitable. The Congress must bear in mind and the people must understand this, because surely it is inevitable. I want therefore to warn of the situation which is confronting us.

PREMISES AND RECOMMENDATIONS FOR MORE SPENDING

Can we drastically cut spending? Well, we have provided $1.5 billion for an accelerated program in the cancer authorization bill.

The President said that the space shuttle must go forward, and there is no doubt that it would provide a lot of jobs. There is no doubt about that.

Then there is revenue sharing, a costly proposal. Another expensive proposal is welfare reform. The general tendency as we read the past and the present is that we are going to go upward and not downward in spending. What we need to try to do is at least hold the line and not go upward too rapidly. But the trend through the years has been up, up, up.

This budget today projects an increase of $9.7 billion in spending in fiscal year 1973 over the reestimated total for fiscal year 1972.

And in today's budget, the request for additional new obligational budget authority for fiscal 1973 total about $20 billion more than the currently estimated total for fiscal 1972. Increased authority to obligate signifies higher expenditures in the years ahead.

The budget, the authorizations, the appropriations, and thus spending trends are upward, upward, upward. With a shortfall in revenues, the crisis is upon us now. Perhaps we can postpone the facing of it in toto until next year, but that is where we are. It is a very disturbing situation. That is the reason that I take this opportunity to make these remarks to you today.

COST OF LEGISLATIVE PROPOSALS IN THE 1973 BUDGET

A main fact of life is that the American people seem to want the public goods and services that government produces. A good indicator of this fact are the legislative initiatives that every President presents when he submits his budget and the initiatives that the Congress itself generates annually quite independent from the President's proposals.

This year, as a result of a requirement in the Legislative Reorganization Act of 1970, the budget includes 5-year projections of the cost of the major new legislative initiatives and expansions of programs that are included in the budget for fiscal year 1973. These proposals will be before various legislative committees of the House. Of course, these estimates for the years ahead can only be rough approximations. Five-year projections, by their very nature, are subject to many contingencies, loaded with uncertainties.

Nevertheless, even a rough projection gives us pause to think. In 5 years the annual expenditure outlay effect of legislative proposals in today's 1973 budget is estimated to be roughly $33 billion. Table 16 of today's budget has the details.

Mr. Speaker, I ask, Is it in the cards for outlays to diminish?

THE PROPOSAL FOR AN OVERALL SPENDING CEILING

Now, the President this morning has announced that he is going to ask Congress for an expenditure ceiling. We have had an expenditure ceiling for several years. I have advocated an expenditure ceiling for several years, although I realize that the best way to control and reduce spending is in the authorization and appropriation bills. I sponsored such a ceiling in fiscal years 1970 and 1971. We also had a ceiling in fiscal year 1969.

The President is apparently going to ask for an expenditure ceiling for fiscal 1973. I applaud the objective of a ceiling such as we had in previous years although it was not as effective as we hoped it would be in controlling expenditures.

We have no such ceiling for fiscal 1972. With the President withholding the expenditure of certain funds which Congress had appropriated, there was considerable controversy about the matter and the climate was not sympathetic to an expenditure ceiling in the last session.

Now, the President is asking us to fix an overall expenditure ceiling for the forthcoming fiscal year 1973. I do not know what we are going to do about it. I have not had an opportunity to confer with the leadership on either side of the aisle or with my colleagues on the committee or otherwise. However, this is a matter with which we must wrestle.

I personally would like to have an expenditure ceiling again imposed. I realize the difficulties involved. We can fix an expenditure ceiling on the Executive by not appropriating the money, but we cannot, somehow, very easily fix an expenditure ceiling on Congress because whatever we enact today we can repeal or amend tomorrow. However, that is one of the problems with which we wrestle.

NEED FOR EXPEDITIOUS HANDLING OF AUTHORIZATION BILLS

Mr. Speaker, for several years we have had a separate appropriation bill for education in order to secure its early enactment, but much of the education budget for fiscal 1973 is going to have to be authorized before we can bring in the appropriation bill. If we do not get the authorizations in a timely fashion, we may have to abandon this helpful forward step.

Mr. Speaker, it seems to me that the House and the Senate ought to work as rapidly as reasonably possible with our authorization bills, especially so that we can come along as rapidly as we can with the appropriation bills. The country is looking at us and the country has a right to expect performance and to expect that appropriation bills not be delayed until November or December for the fiscal year which begins many months earlier. I just wanted to make note of this matter because late authorizations have been a problem for some years, and this year there is a special need to move with greater expedition.

THE PROSPECT AND NEED FOR ADDITIONAL TAX REVENUES

I would like to turn to page 37 of the budget message and revert back for a moment to this question of additional revenues which I think all of us realize we have got to have if we are to get away from these intolerable deficits. We have been spending more and more and more, but the real problem in addition to that is that we have been cutting taxes. We cannot, in my opinion, have spiraling spending and at the same time cut revenues and expect to get anything but unacceptable deficits. I know that the economists and others talk about cutting taxes to stimulate the economy, and there is something to that. But, it rarely works out as theorized.

The President I think clearly recognizes the present gap between spending trends and revenues on page 37 of his message, and I shall read it at this point. The first sentence is not relevant—I am referring to the penultimate paragraph of the President's message of today:

> I do not wish it said of my Administration that we furthered or encouraged the process of discarding that heritage—

And, here is what I want to read—

> So, I have emphasized fiscal responsibility and downward pressure on Federal expenditures, rather than simply accept all requests of all special groups and hope that the inevitable need for new taxes could be delayed as long as possible.

What the President is saying is that new taxes are inevitable, and he wants to delay them as long as possible. What I am saying is that I do not see how it can be delayed beyond 1973.

It is easier to create deficits than it is to try to hold the line. It is easier to be for more appropriations and against more taxes than it is to hold the line.

In the last session we cut revenues in the tax bill over a 3-year period by about $15 billion, and in prior tax bills, including the 1969 bill, we cut taxes further.

DEFICIT SPENDING

So, Mr. Speaker, deficit spending is inevitable at the moment. I am not saying that a balanced budget is immediately attainable. I am saying that with prolonged deficit spending the chickens eventually come home to roost.

On page 8 of today's budget message it is said:

> Deficit spending at this time, like temporary wage and price controls, is strong but necessary medicine.

Well, holding the line and restraining spending and taxing ourselves for what we demand and doing some sacrificing is strong medicine. I would generally characterize whopping deficit spending as soothing syrup. It is not hard to appropriate and spend money you do not have as long as you can borrow it.

We have taken this soothing syrup entirely too long, and we need to take the strong medicine of self-discipline, as I see it.

Mr. Speaker, how much time do I have remaining?

The SPEAKER. The gentleman has 3 minutes remaining.

Mr. MAHON. Mr. Speaker, that about concluded what I wanted to say. We all realize that our problems are very complex and difficult.

CONGRESSIONAL ACTIONS ON THE FISCAL YEAR 1972 BUDGET

Mr. GIBBONS. Mr. Speaker, will the gentleman yield so that I may ask one question about this year's budget?

(On request of Mr. GROSS, and by unanimous consent, Mr. MAHON was allowed to proceed for 5 additional minutes.)

Mr. MAHON. Mr. Speaker, I thank the gentleman from Iowa for the additional time.

Mr. GIBBONS. Mr. Speaker, if the gentleman will yield, would it be fair to say that in this projected Federal funds deficit of $44.7 billion for the current fiscal year 1972 that the Congress actually authorized and appropriated something less than the President requested in his fiscal 1972 budget?

Mr. MAHON. The Congress, for fiscal year 1972, has thus far appropriated, in the appropriation bills, about $2.2 billion less than was requested by the President, so we cannot lay at our door this matter of over appropriations during this period. This $2.2 billion is, of course, new budget authority.

I would add that the $44.7 billion deficit figure which you cite relates to outlays during fiscal year 1972. According to our best estimate, the net effect of congressional action during the last session, including actions on appropriations bills, actions on nonappropriation bills, and inaction on nonappropriation legislative proposals, amounted to a reduction of about $73 million. In effect, it was about a standoff.

The biggest single factor in the deepened deficit picture this year, fiscal 1972, as compared to the original 1972 budget, is the shortfall in revenues. Expenditures—outlay—are up several billion over the original budget projection, but the major single factor is the revenue shortfall.

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Speaker, I would like to ask the chairman, the gentleman from Texas (Mr. MAHON), if he would include in his remarks in the RECORD a table indicating where we did reduce spending last year.

I think you will find that in some cases that the reductions which were made in appropriations were not accompanied by reductions in spending because the actual outlays are not scheduled within this fiscal year. We increased the budget for some programs which call for immediate spending within the fiscal year, and reduced appropriations in certain areas where the spending will take place far beyond the end of this fiscal year. The reduction in appropriations sounds good, but it does not translate into commensurate spending reductions in this year. We did not have a big impact insofar as reducing expenditures is concerned.

Mr. MAHON. I thank the gentleman. I will include at the end of my remarks a full statement on the matter. It will show that in respect to spending projections for the fiscal year 1972, congressional actions and inactions amounted to about a standoff—slightly below the President's budget estimates, but essentially a standoff.

I should say that one of the reasons why we wound up at about a standoff is that we did not embrace, in the last session, the budget request for revenue sharing. If we had passed the revenue sharing bill, as recommended by the administration and as urged upon us again in this budget message, we would have been above the overall budget recommendations for spending.

I would like to state that I am happy to see so many Members on the floor demonstrating deep interest in the problem which is before us.

Mr. SIKES. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Speaker, first let me congratulate my able and distinguished friend, the chairman of the Committee on Appropriations for the very sound analysis of the problems confronting us with reference to the budget.

It is important that the Congress understand the enormity of the task that is now before us. It is important that the Congress study the budget and study the message given to us by the distinguished gentleman from Texas and resolve to try to face up to the difficult responsibility of putting our fiscal house in order.

I must add this word of concern. The Congress passes many authorization bills. They touch on a lot of subjects and they frequently provide new programs which necessitate funding before they can be implemented. The responsibility of a close watch on appropriations actions must also be tempered by an equally close watch on authorization actions. When the Congress authorizes a new program it frequently is said this is only an authorization, there is not any money involved. Sometimes this means bills authorizing legislation are passed without the detailed scrutiny which they should have. But once an authorization is completed almost inevitably a request will be forthcoming in a short time to the Congress and to the Committee on Appropriations for funds. Then the statement is made, "Well, it is authorized and we have to provide the money for the program." One action contributes to the other. It all adds up to a mounting deficit that we must get under control.

Mr. MAHON. Let me say this. The gentleman from Michigan (Mr. CEDERBERG) made reference to the nature of our cuts. I think we need to be completely objective about these matters.

One reason why we were under the President's request in the appropriation bills last year was the cuts that were made in foreign aid and the cuts that were made in defense were larger than certain offsetting increases in domestic programs.

With respect to defense reductions, it was felt they were not sufficiently deep to jeopardize our military strength. They were designed to some considerable extent to improve efficiency. I for one continue to fully support a strong defense program.

We went over the budget on some spending programs funded through nonappropriation bills. We increased, for instance, social security benefits more than had been requested. But these increases in nonappropriation bills were offset by inaction or deferral of certain nonappropriation legislative proposals. Revenue sharing and welfare reform are prime examples.

The expenditures that are inherent in the Department of Health, Education, and Welfare appropriations will be greater this coming year than those for defense, even though the defense budget is increased in the budget message of today.

In these social fields where there is so much demand and so much pressure there has been great difficulty in holding the line.

CONSIDERING THE WHOLE BUDGET PICTURE

It is most important that we consider the whole appropriation and spending picture and all related programs.

The President in his budget message makes a very good point, which has been made many times by the President and by Members of the Congress. The point is that the Congress as well as the Executive needs to give consideration to the whole budget picture. Just to look through a small hole at one little segment and respond to demands for particularly popular programs will not do.

This year we need to do the best that we have ever done in the history of this Congress in considering the whole budget.

On Thursday and Friday of this week the Committee on Appropriations will begin consideration of the budget with an overall hearing. We will have as key witnesses the Secretary of the Treasury or his Under Secretary; Dr. George Shultz, the Director of the Office of Management and Budget; and Dr. Stein, the Chairman of the Council of Economic Advisers to the President.

What I mean to say is that the Committee on Appropriations and the Congress itself need to be constantly alert to the overall picture. We must remember just because a particular program is good it does not therefore follow that we should embrace it. That is only one of the factors to be considered. An overriding question must be, do we have the money in hand or in sight to finance it?

NEED FOR ADDITIONAL TAX REVENUES

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from New Hampshire.

Mr. WYMAN. I thank the gentleman for yielding. I share the concern of the distinguished chairman of the Appropriations Committee about the Nation's deteriorating fiscal situation. Continuing huge deficits must be stopped. If the executive branch will not do this it is up to the Congress to do so.

This principle applies without regard to political party. It must. It is of the essence of irresponsibility in government to deliberately overspend our revenues, yet this is what is being done today and proposed for fiscal 1973.

In 1968 one of the big arguments for a change in administration was that enormous deficits had been incurred through overspending by prior Democrat administrations. With the advent of a change in administration I, for one at least, construed this as a mandate for fiscal responsibility.

It is fiscally irresponsible to continue massive deficits with the national debt in excess of $400 billion and the fires of inflation licking at the foundations of the Union. The danger to the purchasing power of the dollars of every American citizen, be he working man or woman or retired, is patent. Continuing deficits is abdication of responsibility to protect our people.

Our distinguished chairman says this can wait until January of 1973. He hints broadly that whomever is inaugurated next January will have to bite the bullet in the fiscal sense at that time.

Perhaps we must wait until 1973 but if so it will be because of political reality rather than any lack of genuine urgency at this moment.

The political reality, of course, is that no one wants to propose increasing taxes in an election year. Yet, the hard truth is that if we are to increase our spending we must increase our revenue to match it or everything can bust wide open from Wall Street to the FDIC. Foreign creditors are watching. Financial experts in many lands, including our own, are simply aghast at the prospect of more than $100 billion worth of added debt in just the last 4 years.

A value-added tax at the national level, to be returned to the States and local communities in partial reduction of the onerous burdens of local property taxes, is one alternative. Another is to increase certain aspects of corporate and personal income taxes. Still another is to add to excises or conduct a national lottery, such as I have proposed in H.R. 2386. Whatever the ultimate form, it is of the essence of the responsible fiscal responsibility to which our Chairman has addressed himself today, that the Appropriations Committee and the Congress see to it that the revenues of this country at least equal its spending.

The problem that we have experienced in recent years has been due in part to the fact that because appropriations bills have been delayed past the beginning of the fiscal year—July 1—much of the Government has been operated under continuing resolutions. This delay in passing appropriations has been attributable in large measure to the failure of the authorizing committees to complete their hearings and pass necessary authorizing legislation prior to the beginning of the fiscal year.

I have introduced a resolution—House Resolution 557, 91st Congress—to provide for a change in the House rules to enable appropriations bills to be brought to the floor of the House and acted on after June 1 without being subject to a point of order that they lack a prior adopted authorization bill.

MORE EXPEDITIOUS HANDLING OF AUTHORIZATIONS

I would like to ask the chairman this question: As the chairman knows, some time ago I introduced a resolution—House Resolution 557, 91st Congress—which would change the rules of the House to enable appropriation bills, after June 1 of each year, to come to the floor of the House without being subject to a point of order for lack of prior authorization. Is there anything being done about that?

Mr. MAHON. I am sure, as has been true in the past, that the leadership will confer with all committee chairmen and try to work out some approach to that matter. If we could bring in appropriation bills, the regular annual appropriation bills even without authorization after June 1 or June 15, we would be off and running, and this Congress could adjourn and Members could spend more time in their home districts.

Mr. WYMAN. Does not the gentleman think that 5 months is sufficient time for authorization bills to be heard?

Mr. MAHON. It would seem so.

THE "FULL FUNDING" CRY

Mr. CASEY of Texas. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Texas.

Mr. CASEY of Texas. I appreciate the analysis which the distinguished chairman has made of this budget.

The SPEAKER. The time of the gentleman from Texas has expired.

(On request of Mr. CEDERBERG, and by unanimous consent, Mr. MAHON was allowed to proceed for 5 additional minutes.)

Mr. MAHON. I yield further to the gentleman from Texas.

Mr. CASEY of Texas. I appreciate also his alerting us to the shadow that is being cast over our fiscal responsibility, not only now, but in the dangers that lie ahead of us.

One of the things that I have noted, and I know the chairman has noted and called to the attention of the House, is that heretofore authorization bills have been guidelines as to a maximum amount that might be considered for programs, but recently there has been an urgency for full funding on programs that are hot at the moment and which catch the public's imagination. I think we as Members of Congress and the public itself should be alerted to these so-called full funding drives that we have seen on everything that comes along and which is really going to wreck us if we yield.

Mr. MAHON. I appreciate the gentleman's making that statement, because I remember when we had the supplemental appropriation bill before us late last session. The Senate had increased the amount by about $700 mililon over the budget.

In conference we were successful in sharply reducing this sum but we were still far above the original House figure and the budget figure. We were upbraided and lambasted on the floor of the House by those who pointed a finger at us and said in effect: Upon what meat do these our Caesars feed, that they have grown so great? Why didn't the committee appropriate the full authorized amount?

Mr. CASEY of Texas. Full funding.

Mr. MAHON. Yes. Full funding.

Mr. CASEY of Texas. What the people back home do not realize is that if we full-funded everything that has been authorized, we would not be able to own this Capitol. Someone else would own it.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Mississippi.

TIMELINESS OF APPROPRIATIONS BILLS

Mr. WHITTEN. Mr. Speaker, in the first place, I congratulate the chairman on his fine presentation of a very serious matter.

I would like to call attention to one fact and that is we do have to have authorizations for appropriation bills, but there are two ways to authorize. One is to have a legislative committee bring out a bill authorizing appropriations and have it passed by the House, by the Senate, and then signed by the President. The other way is for the House to approve a waiver of its rule and permit the consideration of an appropriation that is not authorized. Some 3 or 4 years ago the Committee on Appropriations, at the conclusion of a hectic session, I believe unanimously—without any dissent that I heard—agreed that we could proceed with and finish our hearings, and then advise the leadership that we had accomplished our job. It would be up to the leadership as to what would happen from then on.

One of the reasons for the predicament we are in is that from the beginning of time legislative bodies offer final decisions on matters and then get to them in the rush of the end of a session. That is an old story.

A possible remedy is that when business is in a logjam in a legislative committee, the committee on appropriations could go ahead and hold hearings on the basis of last year's expenditures. We could finish hearings, advise the leadership, and wait for their guidance on where to go from there. I would like some serious thought to be given to this approach this year.

Mr. MAHON. The gentleman has made a helpful suggestion.

RELATION OF APPROPRIATIONS TO EXPENDITURES

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the distinguished gentleman from North Carolina, who has announced that he intends to retire, and I must say his leaving will be a great loss to the United States.

Mr. JONAS. The gentleman from Texas is very kind. I appreciate his kindness.

I asked the gentleman to yield because of the remarks of the gentleman from Florida who attempted to relate the deficit to the difference between appropriations in 1 year and the budget for that year.

I think it is a fact that there is no relationship. The deficit occurs because the Government spends more in a given year than it takes in during that year, and not because of any difference between the budget requests and the actual appropriations in any one given year. Is that not true?

Mr. MAHON. If I understood the gentleman, the gentleman is correct.

Mr. JONAS. What I mean is that we will spend money this year that was appropriated several years ago, and some of the money we appropriated last year will not be spent for years in the future.

Mr. MAHON. If we appropriate for a billion dollar aircraft carrier this year, relatively little would be spent the first year and all the money would not be spent for perhaps 5 or 6 years.

Mr. JONAS. So the only way we can account for a deficit is to relate the receipts for a fiscal year to the expenditures in that fiscal year.

Mr. MAHON. True.

CONGRESS MAKES THE REVENUE AND SPENDING LAWS

Mr. JONAS. Is it not also true, without undertaking to lay any blame or assess any responsibility on any one branch of the Government and let the other escape, that neither the President of the United States nor any executive branch of the Government can spend a single dime that this Congress does not appropriate?

Mr. MAHON. The President cannot spend money not provided for through congressional action.

Mr. JONAS. Through action of the Congress. He does not have any magic wand by which he is permitted to derive any money that we do not make available to him. So I agree with the gentleman there is plenty of blame to spread around, but we in the Congress cannot escape our responsibility for the spending by this Government, because we make the money available. The only way to stop these deficits is to stop making so much money available. And that is Congress' responsibility and we should assume it.

The SPEAKER. The time of the gentleman from Texas has expired.

(On request of Mr. CEDERBERG, and by unanimous consent, Mr. MAHON was allowed to proceed for 5 additional minutes.)

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Speaker, I would like to say I think we are fortunate in the House to have a gentleman of the stature of the gentleman from Texas as head of the Appropriations Committee. He does a tremendous job with a very difficult situation. When we recognize that about 70 percent of our budget is relatively uncontrollable under present law; when we recognize our expenditures are rising sharply and much of them necessarily so, and our revenues at the same time are failing to live up to expectations, that this puts many of us who serve on the Appropriations Committee in a very difficult situation. But I do want to say this: I think the gentleman from Texas tries his very best as most of us on the Appropriations Committee do—to bring into line these facets and call to the attention of the Congress and the American people the fiscal situation we are facing.

As the gentleman from Texas pointed out also, it is the responsibility of the Congress of the United States to authorize and provide the money for the President of the United States regardless of his political party. We give him the authority to spend and sometimes require him to spend. We demand in many instances that he spend whether the revenues are there or not. And most of us have supported a reduction in the revenues.

So the gentleman from Texas, I think, does a very commendable job under very difficult circumstances. He presents us every year, as the budget comes to us, with pertinent information, and he alerts us to the problems facing us. I do not think enough of us in the Congress have paid sufficient attention to the gentleman's advice and his words of caution.

Mr. MAHON. I thank the gentleman for those very generous remarks. The gentleman himself is a tower of strength in the committee and in the House.

The gentleman mentioned that we demand at times that the money be spent by the administration in power. That is what we do. I wish we would get away from this practice of from time to time, for instance, saying in an education bill or in a foreign aid bill or some other kind of bill, that the President shall—shall—expend the funds under the rules and regulations provided. We can appropriate the money, but for us to go further and invade the prerogatives of the executive, I think is not good. This does not mean the executive should not carry out the will of the Congress in the various programs we approve, but we are getting into the practice of trying to go beyond the scope of our legislative authority, in my judgment.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Ohio.

REVENUE SHARING WITH STATES AND LOCALITIES

Mr. VANIK. Mr. Speaker, in view of the gentleman's concern about the budget, is it realistic to think the Federal Government can afford new tax programs designed to transmit funds to local governments and school systems as substitute for local taxes?

Mr. MAHON. If we had the money, for example, we might want to provide for the distribution of certain excess funds to the States under appropriate patterns and guidelines. But we have already pointed out that the Federal funds deficit this year, according to estimates, will be $44.7 billion, and perhaps it will be much larger. Clearly we do not have the money to share with the States at this time. Nor are they in prospect next year, according to today's budget.

It just does not seem realistic to undertake to share money which we do not have. It just means more borrowing, more inflation, and more uncertainty here and abroad. The free world money system is based on the dollar and people and governments overseas are concerned, as those of us here are concerned. Our economic strength and thus our national security are involved.

I believe we are treading on very dangerous ground. If we ever have the money on hand or in sight, I believe that would be the time to consider whether or not we want to make these block-type grants to the States. As the gentleman knows, we already make many grants to the States, but, generally speaking, the grants being sought by the States and communities are additional grants to those already being made for specific purposes.

Mr. VANIK. I thank the gentleman.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Illinois.

Mr. COLLIER. Is it not true, however, under the present system there are a host of Federal programs, many misdirected, many ill-conceived, many that involve tremendous expenditures in administrative costs, which could well be replaced by a revenue-sharing proposal, wherein the States and local communities would have a flexibility which in many cases they do not presently have? So, on a long haul basis, the concept of revenue sharing could more than be paid for by a proper reduction of financing of existing Federal programs that are directed or misdirected, as the case may be, to some communities and some States without the flexibility they need to determine their own priorities.

Mr. MAHON. The gentleman has made a very provocative statement. If we could thus have a more effective way of making grants for education, for health, for improving the environment, and otherwise, and get better efficiency out of these programs, this would be in the public interest, in my judgment.

The SPEAKER. The time of the gentleman from Texas has again expired.

(On request of Mr. Collier, and by unanimous consent, Mr. Mahon was allowed to proceed for 1 additional minute.)

Mr. COLLIER. Mr. Speaker, I should like to point out that virtually every time there is an effort made to cut back, or even to maintain the budgetary request at the requested fund level, many of my colleagues, because of lobbying by a host of pressure groups around the country, come in to say, "This is not enough."

So long as the Congress repeatedly yields to the demands of pressure groups for expanding programs beyond the budgetary requests, which happened several times last year, obviously we are not going to find a solution. But I do not believe the answer is to discard the concept of revenue sharing merely because we have not had the political resistance to oppose or prevent the expanding of Federal programs beyond these budgetary requests—or to cut some of them down, for that matter.

Mr. MAHON. I thank the gentleman.

GUARANTEEING INTEREST SUBSIDIES

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Would the gentleman also comment on the fact that not included in the budget—it does not show up at all—is about $5 billion in additional debt which will be accumulated as a result of guaranteeing interest subsidies. Until a few years ago we had none of this, but appropriated funds have been replaced in many programs with guarantees of interest subsidies, which amount to $5 billion more.

Mr. MAHON. I do not know precisely what the figure is, but it would be sizable indeed. Programs such as interest subsidies and the rent supplement program and others obligate the taxpayer to expenditures over a period of many years. There is typically, a very small expenditure in the first year.

The SPEAKER. The time of the gentleman from Texas has again expired.

(On request of Mr. Sikes, and by unanimous consent, Mr. Mahon was allowed to proceed for 3 additional minutes.)

Mr. SIKES. Mr. Speaker, will the distinguished gentleman from Texas yield?

Mr. MAHON. I yield to the gentleman from Florida.

Mr. SIKES. Only for a point of clarification. My dear and distinguished friend from North Carolina (Mr. Jonas) made reference a little bit ago to earlier comments by the gentleman from Florida. My comments had to do with the fact that authorizations also contribute to deficits.

Mr. MAHON. The gentleman was referring to another gentleman from Florida.

Mr. SIKES. I am sure that is the case, but there is a difference. I should like to have that point clarified.

Mr. JONAS. Mr. Speaker, will the gentleman yield, in order that I may make it clear?

Mr. MAHON. Yes.

Mr. JONAS. I should like to have the Record show that my reference was to the distinguished gentleman from Florida (Mr. Gibbons).

Mr. MAHON. Yes.

OVERALL CONSIDERATION OF THE BUDGET

Now, Mr. Speaker, the President has asked, and the country has asked, and many of us have asked that we give consideration to the overall budget and the overall problems confronting the country.

That we have been doing today, and this exercise over the last 50 minutes has been most heartening and most encouraging. Over the years, following the submission of the budget message, we have had discussions on the floor in regard to the budget. This is the first time I can recall offhand since I have been in the Congress—and this is my 38th year—that I have seen this much interest expressed in the overall budget picture. This means to me that there is a growing awareness of the possibility of a dismal fiscal collapse of our system and an awareness of the fact that as a Congress and as a country we have to do something before we go over the brink into what could be fiscal and economic chaos.

Mr. Speaker, I should like to say that I shall try to supplement what I have said with additional information which can well be documented in the budget and in the public records.

I think we need to have frequent debates and reports on our fiscal affairs, and I would hope that we will be able to do so as the session progresses.

Thank you.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I will be glad to yield to the gentleman if I have time.

The SPEAKER. The gentleman has 1 additional minute.

Mr. COLMER. I would just like to take advantage of this 1 minute, as I have been wanting to get the floor for some time, first to commend the gentleman for his statement and second, to commend all of the gentlemen who have spoken here this morning, for the lack of partisanship in their discussion of this vital question, and, third, if I have a suggestion with regard to maybe something that has not been emphasized sufficiently, it would be the overall effect of this fiscal irresponsibility, this deficit spending, upon the greatest problem that the country faces, in my judgment, and that is inflation.

I want to congratulate the gentleman for provoking this debate here this afternoon. I hope that it will bear fruit as we go along, because I want to emphasize again what the gentleman from North Carolina (Mr. Jonas) said, namely, that the President cannot spend a dime that we do not provide.

The SPEAKER. The time of the gentleman from Texas has again expired.

(By unanimous consent, at the request of Mr. Byrnes of Wisconsin, Mr. Mahon was allowed to proceed for 2 additional minutes.)

Mr. BYRNES of Wisconsin. Will the gentleman yield to me?

Mr. MAHON. I am glad to yield to the distinguished gentleman from Wisconsin.

PROPOSED EXPENDITURE CEILING FOR FISCAL YEAR 1973

Mr. BYRNES of Wisconsin. Of course, what we are talking about with respect to a $44 billion deficit or a $38.8 billion deficit is really the expenditure side. As has been pointed out by the gentleman from North Carolina (Mr. Jonas), the Appropriations Committee fundamentally deals with obligational authority, but does not focus on the expenditures for any particular period of time.

The President, however, in his budget message to us today has asked—and I believe this is the first time an Executive has done so—for a spending limitation. That deals with expenditures.

The question I have to ask the gentleman is whether he believes his committee will, in addition to the details of his study with respect to obligational authority, be able to examine, in more depth than it has been able to in the past, the expenditure levels for, let us say, fiscal 1972 and fiscal 1973, and then be able to tie that in with an expenditure ceiling for the given fiscal year.

Mr. MAHON. We could handle that in connection with a supplemental appropriation bill. There are some supplemental requests on the way to the Congress now. In that supplemental bill we can ask for a rule and we would provide an expenditure ceiling, after conducting hearings and carefully weighing the fiscal requirements. Thereby the committee, which handled the appropriation of the money thus would fix a rate at which it could be spent. This, I think, is a desirable procedure. I support it.

Mr. BYRNES of Wisconsin. I think the gentleman has wisely warned this Congress and the public of the impending fiscal crisis. I would certainly agree with the gentleman that any tool that might have some effect, even though it is not perfect, in putting some restraint on spending and the impending fiscal crisis we should seize upon at the earliest opportunity.

CONGRESSIONAL ACTIONS ON THE FISCAL YEAR 1972 BUDGET

Mr. MAHON. Mr. Speaker, under leave to extend, and in further response to an earlier question of the gentleman from Michigan, I refer to a detailed statement which I inserted in the RECORD of January 20, 1972, page 605, relating to the matter of congressional actions in the last session on the 1972 budget. The matter I believe is of sufficient importance that I include at this point the statement of January 20, 1972:

COMPREHENSIVE BUDGET SCOREKEEPING: CONGRESSIONAL ACTIONS AND INACTIONS IN THE FIRST SESSION OF THE 92D CONGRESS, AFFECTING THE FISCAL YEAR 1972 BUDGET

(By Hon. George H. Mahon, of Texas, in the House of Representatives, Thursday, January 20, 1972)

Mr. MAHON. Mr. Speaker, in reporting to the House on adjournment day, December 17, on the appropriations business of the first session, I pointed out that while most of the spending side of the budget on which Congress annually acts is handled in the appropriation bills, congressional actions—and inactions—on budget proposals in various legislative bills significantly affect the budget and fiscal picture. They weigh importantly in any comprehensive comparison of congressional results with the President's budget and fiscal recommendations—as to obligational authority, as to expenditures, and of course as to revenues.

A few days after adjournment, the staff of the Joint Committee on Reduction of Federal Expenditures issued its comprehensive budget "scorekeeping" report. Copies were made available to each Member of Congress, to the press, and others. I should like to supply a capsulization of the scorekeeping report and some selective listings of the major variations from the 1972 budget recommendations.

Briefly, it shows:

First. That Congress, in all its actions and inactions on the 1972 budget, made a substantial net reduction in respect to new budget obligational authority. It made many changes and failed to take certain recommended actions, but the overall effect was a substantial net reduction from the Executive recommendations for new spending authority.

Second. That congressional actions and inactions in their impact on Executive estimates at 1972 expenditures—budget outlays—were about a standoff—slightly below the estimates, according to the scorekeeping report, but essentially a standoff.

Third. In respect to 1972 revenue proposals by the Executive, congressional actions and inactions, according to the scorekeeping report, did not reduce projected budget revenues quite as much as proposed—by about one-half billion dollars.

SUMMARY OF CHANGES—OUTGO SIDE OF BUDGET

In summary, the Congress in its action on the appropriation bills reduced the President's request for new budget obligational authority by about $2.2 billion with a resulting decrease of about $744 million in expenditures—budget outlays—from that proposed in the budget estimates.

Congress in its actions on certain nonappropriation bills also affected materially the amount of new budget obligational authority and expenditures. The staff analysis estimates that the nonappropriation bills on which Congress completed action in the first session will result in a grant of new budget obligational authority of about $1 billion in excess of the budget proposals with an estimated increase in expenditures of about $3.8 billion. This latter increase includes the social security benefit increase estimated to cost $1.4 billion which was approved without the proposed increase in tax rate and base; $1.2 billion due to approval of the Federal employee pay raise effective January 1, 1972, instead of July 1, 1972; and an increase of about $485 million in the cost of the all-volunteer army as compared with the budget request. These increases in new budget authority in nonappropriation bills were more than offset by budget authority reductions in the appropriation bills in respect to fiscal 1972, but in terms of expenditures—budget outlays—this was not the case.

However, by its inaction—to date—on certain legislative proposals in the 1972 budget, Congress did not approve about $5.3 billion in proposed new budget obligational authority involving about $3.1 billion in outlays. Major programs in this category include revenue sharing, medicare liberalization, and emergency school desegregation assistance. Of course, to the extent Congress approves these pending legislative proposals in the second session of the 92d Congress, the presently approved level of new budget obligation authority and expenditures would be affected.

The following table summarizes the comparisons:

COMPARISON OF CONGRESSIONAL ACTIONS AND INACTIONS AFFECTING FISCAL YEAR 1972 BUDGETARY RECOMMENDATIONS—OUTGO SIDE (AS OF THE END OF THE 1ST SESSION OF THE 92D CONGRESS, DEC. 17, 1971)

[In thousands of dollars]

	Budget authority			Budget outlays (expenditures)		
	House	Senate	Enacted	House	Senate	Enacted
1. The appropriation bills	−3,974,753	+521,054	−2,221,507	−1,872,500	+700,300	−744,000
2. Legislative bills:						
(a) With backdoor spending authorizations	+50,000	+50,000	+50,000			
(b) With mandatory spending authorizations	+1,750,588	+2,292,575	+702,075	+6,677,988	+5,249,275	+3,585,575
(c) Affecting certain proposals in the 1972 budget	+15,735	−187,065	+271,735	+921,000	+248,200	+207,000
Subtotal, legislative bills	+1,816,323	+2,155,510	+1,023,810	+7,598,988	+5,497,475	+3,792,575
3. Inaction on legislative proposals in the 1972 budget	−4,668,174	−4,809,374	−5,268,174	−3,121,540	−3,162,740	−3,121,540
Total, congressional action and inaction affecting fiscal year 1972 budgetary recommendations	−6,826,604	−2,132,810	−6,465,871	+2,604,948	+3,035,035	−72,965

Note: For details on a bill-by-bill basis, see table No. 1, Budget Scorekeeping Report of the Staff of the Joint Committee on Reduction of Federal Expenditures, Dec. 17, 1971.

THE APPROPRIATION BILLS

In the appropriation bills with respect to fiscal 1972 amounts, there was a net reduction from the requests for new budget obligational authority of $2,221,507,000.

The House totals were $3,974,753,000, net, below the requests considered.

The Senate totals were $521,054,000, net, above the requests considered.

These changes in the new spending authority requests translate—according to joint committee staff estimates—into changes from executive expenditure estimates—budget outlays—as follows: House, −$1,872,500,000; Senate, +$700,300,000; enacted −$744,000,000.

The $2,221,507,000 net congressional reduction in new budget authority requests for fiscal 1972 in the appropriation bills breaks down by bills this way:

[In thousands]

	Net change from budget
1. Education	−$6,875
2. Legislative	−$6,040
3. Treasury, Postal Service, General Government	−280,229
4. Agriculture, Environmental and Consumer Protection	+1,172,086
5. State, Justice, Commerce, Judiciary	−149,686
6. Interior	+29,386
7. HUD, space, science, veterans	+882,721
8. Transportation	+44,983
9. Labor-HEW	+581,025

	Net change from budget
10. Public Works, AEC	+$59.043
11. Military construction	−92, 708
12. Defense	−3, 025, 366
13. District of Columbia (Federal funds)	−16, 600
14. Foreign assistance	−1, 581, 708
15. Summer feeding programs for children (H.J. Res. 744)	+17, 000
16. Supplemental, 1972	+151, 461
Total, 16 measures	−2, 221, 507

There follows a selective listing of some of the major increases and decreases involved in the net overall reduction in budget authority of $2,221,507,000 in the appropriation bills:

Selected major increases above the fiscal year 1972 budget requests (in the appropriation bills)

[In thousands]

HUD, water and sewer grants	+$500, 000
REA loans	+216, 000
Food stamps	+198, 816
School milk program	+104, 000
Urban renewal programs (half-year funding provided for program requested as supplemental for proposed revenue sharing legislation which was not enacted)	+650, 000
Model cities program	+150, 000
Veterans medical care programs	+190, 000
Mental health	+112, 750
Medical facilities construction	+167, 827
National Institutes of Health	+142, 130
School assistance in federally affected areas	+172, 580
Elementary and secondary education	+138, 000
Vocational and adult education	+100, 115

Selected major reductions below the fiscal year 1972 budget requests (in the appropriation bills)

[In thousands]

Higher education (proposed authorizing legislation for student loan fund not enacted, and funding eliminated)	−$400, 000
Community development, open space land programs	−100, 000
Manpower training services:	
Public sector on-the-job training	−90, 400
Special targeting	−120, 800
Defense budget:	
Procurement funds failing authorization	−662, 600
Research, development, test, and evaluation funds failing authorization	−257, 000
Reductions in NOA requirements offset by application of excess prior year and stock fund balances	−945, 600
Reduction associated with 56,000 man-year force reduction mandated in Selective Service Act	−286, 800
Termination of main battle tank program	−66, 600
Reduction in intelligence programs	−222, 300
Reduction in civilian personnel cost	−49, 435
Reduction in SAFEGUARD anti-ballistic missile system	−177, 400
Foreign assistance (at the interim annual rate provided through February 22 in the continuing resolution, Public Law 92-201)	−1, 581, 708

NONAPPROPRIATION BILLS

Completed congressional actions in the recent session in certain nonappropriation bills out of the legislative committees having a direct or mandatory effect on the 1972 budget estimates are estimated by the staff of the Joint Committee on Reduction of Federal Expenditures to result in an increase of $1,023,810,000 in new budget obligational authority and an increase of $3,792,575,000 in expenditures—budget outlays.

The major legislative actions involved in this calculation are:

	Budget authority	Budget outlays
Social security benefit increase without requested rate increase and rise in tax base	−$833, 000, 000	+$1, 385, 000, 000
Federal employee pay raise	+1, 200, 000, 000	+1, 200, 000, 000
Cost of all-volunteer army above amount requested in budget	+484, 800, 000	+484, 000, 000
2 actions raising Railroad Retirement benefits above request, without full requested rate increase	−24, 000, 000	+238, 000, 000
Elimination of proposed 110 percent limitation on public assistance administrative grants	+232, 000, 000	+232, 000, 000
2 school lunch actions (funded through CCC)		+215, 000, 000
13-week extension of unemployment benefits (eligibility begins; probable future appropriations)		+196, 500, 000

INACTION ON 1972 BUDGET ITEMS

The Congress failed to complete action during the last session on a number of legislative proposals in the President's 1972 budget, several of which would have resulted in reductions. The Joint Committee on Reduction of Federal Expenditures has estimated that the net effect of these inactions as of the close of the first session is to reduce the budget totals by $5,268,174,000 in new budget obligational authority and $3,121,540,000 in expenditures—budget outlays.

The major inaction items are:

	Budget authority	Budget outlays
Revenue sharing (general and special, including HUD community development)	−$3, 506, 000, 000	−$2, 569, 000, 000
Medicare liberalization		−977, 500, 000
Emergency school desegregation assistance	−1, 000, 000, 000	−300, 000, 000
International financial institutions	−845, 000, 000	−57, 000, 000
Medicaid reform	+444, 000, 000	+444, 000, 000
Farmers Home Administration—Reduction in direct loans		+275, 000, 000

Much of this legislation will still be pending in the second session of the 92nd Congress; some may be enacted in the second session; and much may possibly be included in some form or another in the new 1973 budget to be submitted later this month.

CHANGES IN FISCAL YEAR 1972 BUDGET REVENUE PROPOSALS

Mr. Speaker, in the aggregate, according to final "scorekeeping" report estimates of the joint committee staff, there was not much change reflected in congressional actions from the total of the revised budget revenue proposals for fiscal 1972.

As amended and enacted by the Congress, the President's tax reduction package amounted to net revenue reductions of about $1.4 billion less than the President requested, largely due to inclusion of depreciation rollback. However, the Congress failed to complete action on about $800 million in proposed social security revenue increases. These are the major congressional scorekeeping items conributing to the relatively slight net increase of $497 million over the 1972 budget revenue requests.

Mr. ALBERT. Mr. Speaker, I received a copy of the budget only an hour ago and as a result I have only been able to review it in a very limited manner. However, it is clear from even a cursory perusal of the budget that President Nixon, despite the fact that we have a sick economy with 6.1 percent unemployment, plans no expansion, but rather a contraction, in the public sector of the economy. He recommends significant decreases in the areas of health, housing, education, antipollution, and economic development. I find this most unfortunate because I feel that these areas should be accorded a higher, rather than a lower, national priority. These are the very same areas in which the Congress last year chose to increase the President's budget recommendations. I am confident that we will do likewise this year.

The attached table illustrates what the President proposes to do or rather not to do in these areas:

[In millions]

	Appropriated 1972	Budget recommendation 1973	Decrease
HUD—Community development:			
1. Grants for basic water and sewer facilities	$500		$500
2. Urban renewal	1, 250	$1	250
HEW—Education:			
1. Elementary and secondary	2, 026	1, 787	239
2. Federal assistance in impacted areas	613	431	182
3. Vocational education	569	542	27
4. Higher education	1, 609	1, 193	416
HEW—Health:			
1. Health services planning and development (Hill-Burton construction)	500	389	111
2. Health manpower	674	533	141
Commerce Department:			
1. Economic development assistance for depressed areas	217	188	29

Mr. MILLER of Ohio. Mr. Speaker, I would like to take this opportunity to comment for a moment on a situation which I consider alarming. Today the President of the United States has submitted the Federal budget for fiscal year 1973 to the Congress for consideration, and for the past hour the distinguished chairman of the House Appropriations Committee (Mr. MAHON) has discussed the budget—its scope and importance—for the benefit of his colleagues in the House of Representatives.

It is not necessary to elaborate on the importance of the Federal budget. Every Member of Congress knows full well the importance of this matter and should, accordingly, devote a major portion of the day the document is submitted to Congress to hearing the initial debate involving the matter. After all, the budget represents billions of dollars earned by the taxpayers who sent all of us to Washington in the first place.

However, the attendance of the membership of the Congress during Mr. MAHON's discussion of the budget was an insult to those people. Approximately 65

House Members—little more than 13 percent of the entire House membership—bothered to listen to the chairman's discussion of how the financial pie for defense, human resources, pollution control, governmental operations, transportation, commerce, education, health services and manpower training might ultimately be divided.

Hardly a day passes but what Members of Congress are not reminded of their primary responsibility—to represent the best interests of an already over-taxed public. It would behoove us to remember that on all matters coming before the House, but even more so when considering the budget. Yet, few faces were seen in the Chamber on this day.

Later this week, Members will gather for an official House photograph. Hardly an important matter, by any standard. Yet I am willing to predict, Mr. Speaker, on that day most seats will be filled.

It might be more appropriate that the official House photo be snapped during the budget discussion today.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the Record with respect to the President's budget.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING THE U.S. CAPITOL HISTORICAL SOCIETY TO TAKE PICTURES OF THE HOUSE WHILE IN SESSION

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 773 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 773

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 761) authorizing the United States Capitol Historical Society to take pictures of the House while in session. After general debate, which shall be confined to the resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. COLMER. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. Smith), pending which I yield myself such time as I may consume.

Mr. COLMER. Mr. Speaker, this resolution really explains itself by the reading thereof.

It simply authorizes that a picture may be taken of the House while in session, which I understand will be day after tomorrow. That is all there is to it, except I might say that it is also for the benefit of the U.S. Capitol Historical Society.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I will be happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I would ask the gentleman from Mississippi what is the purpose of this outpouring of—what do you call it?—good looks or pulchritude, or whatever it is? What is the purpose of all of this, of this picture?

Mr. COLMER. Let me say to the gentleman from Iowa in all seriousness that the gentleman understands the situation as well as I do. As a matter of fact, he is possibly a more intelligent man than I am, and he understands that in such a society as ours they like to have such pictures.

And, again in all seriousness, I do not see anything wrong with having an official picture of the Members of this Chamber while the Chamber is in session.

If the gentleman will permit me to proceed further, I also believe the gentleman from Iowa as well as I will be pleased to know that this is not going to cost the Government anything; it pays for itself.

Mr. GROSS. That is just wonderful. I can understand it when the gentleman from Mississippi, for instance, and the gentleman from Missouri (Mr. Hall) are involved in a picture—I can understand the reason for it, but I would like to exempt myself from adding anything to a picture of this kind.

So, as I said, I just wondered what the purpose of it was. The gentleman has explained this, and I am particularly impressed with the fact that it will not cost any money—at least, at this time.

So I thank the gentleman for yielding.

Mr. COLMER. Mr. Speaker, if I may just add further, of course the gentleman from Iowa, the gracious gentleman that he is, I am sure that he would like to have an authentic picture of the gentleman from Missouri (Mr. Hall), his good friend, and the gentleman from Mississippi—and I hope he will agree is his good friend—but with equal graciousness, we would like to have a picture with the gentleman from Iowa in it. I believe this is a worthwhile idea. The expense will be cared for by those who purchase the books.

Mr. PICKLE. Mr. Speaker, I am proud to sponsor this resolution that calls for the taking of an official picture of Congress for the inclusion in the eighth edition of "We, the People." This book is published by the U.S. Capitol Historical Society and is distributed throughout the world in six world languages, French, Italian, German, Spanish, Portuguese and English. Only one other official picture of Congress has been taken and that was in 1965.

This picture will be made available for legitimate nonprofit news and educational purposes at a price that will cover the costs involved. There will also be a copy of the photograph available for each Member.

I think this official picture is a good idea and I hope it receives the support of the House.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution has been explained by the distinguished chairman, the gentleman from Mississippi (Mr. Colmer). "We, the People" is, of course, a very popular publication. I think our constituents and visitors like it. I believe it is important that we do have a picture of the House in that publication.

I would say further, Mr. Speaker, that I do not believe the resolution for this purpose is really necessary because there is nothing that I know of in the rules that prohibits the taking of a picture. My recollection is that in going back to the days of the late and distinguished Sam Rayburn, that he was pretty much opposed to the taking of pictures, and that policy has followed through. So in order that there will not be any mistake that this picture is authorized and is approved, we have presented this resolution. House Resolution 761. The rule, House Resolution 773, actually provides for 1 hour of debate after the adoption of the rule, House Resolution 773, in which the gentleman from Mississippi (Mr. Colmer) and I have a half hour on each side.

We do not have any need to consume that much time, so that I would hope that as soon as we adopt the rule, House Resolution 773, that we can then immediately approve House Resolution 761.

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Iowa (Mr. Schwengel).

Mr. SCHWENGEL. Mr. Speaker, I thank the gentleman for yielding. I guess that I initiated the idea of this picture by going to the leadership and asking for the opportunity to take such a picture.

The last time we had an official picture taken was in 1965, and since then there have been a lot of changes in the House. Since that time five new editions of "We, the People" have been published, and over 2.6 million copies have been sold. We would hope that in the eighth edition now underway, we can have this new official picture placed in that book so that it can be distributed all over the United States as it is distributed through our outlets and fill requests that come by mail.

In addition, Mr. Speaker, this whole operation will cost the taxpayers nothing and there is no prospect that it will cost anything. I think our past record proves that.

In addition, as in the past the board of the Historical Society has made one four-color copy suitable for framing available to each Member of the House. This will be done again.

I might say that the Senate, which is not often ahead of us, already had their picture taken for the society. I can assure the Members of the House that we will carefully and fairly use this opportunity to have and distribute the books, and there are virtually hundreds of them since the first picture was taken, will have the same access to the availability of this picture. In addition it will be made available to any Member of the House requiring it at a reasonable cost.

Mr. Speaker, speaking for myself and the members of the board of the U.S. Capitol Historical Society, I want to express deep appreciation for the cooperation extended whenever the society had a need to carry out their program and desires to effectively tell the story of this fabulous building.

Mr. SMITH of California. Mr. Speaker, I urge the adoption of the pending resolution (H. Res. 773.)

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. COLMER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 761) authorizing the U.S. Capitol Historical Society to take pictures of the House while in session.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 761), with Mr. Roush in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Mississippi (Mr. Colmer) will be recognized for 30 minutes, and the gentleman from California (Mr. Smith) will be recognized for 30 minutes.

Mr. COLMER. Mr. Chairman, I have nothing further to say on this resolution, as I believe it was well covered during the debate on the rule.

Mr. Chairman, I have no requests for time and yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Smith).

Mr. SMITH of California. Mr. Chairman, I have no further comments to make other than what I presented during the consideration of the rule.

Mr. Chairman, I have no requests for time and urge the passage of House Resolution 761, when we go back in the House.

The CHAIRMAN. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That at a time designated by the Speaker, the United States Capitol Historical Society shall be permitted to take official pictures of the House while in actual session for inclusion in the new edition of "We The People". The pictures shall also be available for legitimate nonprofit news and educational purposes.

The CHAIRMAN. Are there any amendments to be proposed? If not, under the rule, the committee rises.

Accordingly, the committee rose; and the Speaker having resumed the Chair (Mr. Roush) Chairman of the Committee of the Whole House on the State of the Union, reported that that committee having had under consideration the resolution (H. Res. 761) authorizing the United States Capitol Historical Society to take pictures of the House while in session, pursuant to House Resolution 773, he reported the resolution back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE DEFICIENCY IN THE TAFT-HARTLEY ACT AND THE RAILWAY LABOR ACT FOR SETTLEMENT OF LABOR DISPUTES SHOULD BE CORRECTED

(Mr. ARENDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARENDS. Mr. Speaker, the deficiency in the Taft-Hartley Act and the Railway Labor Act for settlement of labor disputes endangering our national welfare, health, or safety has long been recognized. Four times—in 1963, in 1967, and twice in 1970—the Congress was obliged at the 11th hour to enact special legislation dealing with a specific railroad strike that threatened to bring our national economy to a standstill.

Time and time again we have urged action by the Congress to correct this deficiency. A number of us have introduced bills for this purpose—in this Congress, in the last Congress, and in previous Congresses. But neither the Committee on Interstate and Foreign Commerce nor the Committee on Education and Labor before which such legislation is pending has taken any action.

On February 27, 1970, President Nixon sent a special message to the 91st Congress recommending remedial legislation to "repair the deficiency in existing legislation and to better protect the public."

On February 3, in the last session of this Congress, the President again sent a special message on this matter, emphasizing the urgency.

Still no action by the Congress. Once again we are faced with a critical situation, and once again the Congress is faced with the necessity of enacting special legislation to deal with a special situation which Congress itself allowed to develop. For the Congress to be called upon to legislate on a specific labor dispute can never be a satisfactory procedure, and particularly when the emergency pressures are more conducive to emotion than reasoned judgment. Compulsory arbitration is not a satisfactory method of resolving labor disputes, but there is now no alternative but to take the action immediately in accordance with the President's recommendation.

Mr. Speaker, I call upon the majority leadership of this House—I call upon the Committee on Interstate and Foreign Commerce and the Committee on Education and Labor—to act and act now. I call for action not solely on the proposed legislation to deal with the present dock strike. I call for action on the proposed permanent legislation that we will not again be confronted with this critical situation.

I decry the "public be damned" attitude that the Congress has taken these past several years with respect to national emergency work stoppages endangering our country's national welfare and safety.

REAL ESTATE AND SECURITIES ACT OF 1972

(Mr. GOLDWATER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. GOLDWATER. Mr. Speaker, today I am introducing the Real Estate and Securities Act of 1972. This legislation has four major purposes:

First. To provide consumer protection in interstate real estate activities and to promulgate the highest of professional standards in the interstate real estate industry;

Second. To promulgate the sale and liquidity of real estate security interests, thereby affording people a greater opportunity of real estate ownership;

Third. To create a commission for the administration of the act, which commission would take over the functions currently administered by the Department of Housing and Urban Development under the Interstate Land Sales Act, and the Securities and Exchange Commission under certain laws; and

Fourth. To regulate interstate real estate and real estate securities activities through licensing.

The Federal Government has, of late, greatly expanded its efforts to protect the American consumer. However, this protection has been extended to purchasers of land in interstate commerce only through the Interstate Land Sales Act. While a step in the right direction, this measure leaves many loopholes through which the unwary purchaser of out-of-State land may be defrauded.

My bill provides a service to the American land buyer, to the real estate profession, and to the Federal Government by bringing together consumer protection, licensing, and administration under one coherent agency. Government reorganization in the interests of efficiency and economy has been a central theme of this administration, and I feel that establishment of a Real Estate Commission to protect the interstate land buyer will further this end by bringing together under one roof functions that are currently scattered through at least three separate agencies and departments.

Title 14 of the Housing and Urban Development Act of 1968—The Interstate Land Sales Full Disclosure Act—is repealed, and certain jurisdictions of the Securities Acts of 1933, 1934, and 1940 are affected. The result is creation of an agency which will be comprised of experts in real estate dedicated to protection of the land-buying public.

I have nothing but the highest respect for the real estate industry as a whole, especially the National Association of

Real Estate Boards. I am sure that they will welcome this legislation as a means of codifying their professional ethics and advancing their standing in the eyes of the general public.

Mr. Speaker, I include the text of the Real Estate and Securities Act of 1972 be printed in full in the RECORD following this statement.

H.R. 12548

A bill to provide consumer protection in interstate real estate activities and to promulgate the highest of professional standards in the interstate real estate industry, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Real Estate and Securities Act of 1972".

SEC. 2. When used in this Act, unless the context otherwise requires—

(1) "Commission" means the Real Estate Commission created by this Act;

(2) "member" means a member of the Commission;

(3) "Commissioner" means the Real Estate Commissioner;

(4) "broker" means a person licensed as a federal real estate broker under this Act;

(5) "dealer" means a person licensed as a federal securities dealer under this Act;

(6) "issuer dealer" means a person who is licensed as an issuer dealer under this Act;

(7) "developer" means a person licensed as a federal real estate developer under this Act;

(8) "investment manager" means a person who is licensed as a federal investment manager under this Act;

(9) "appraiser" means a person who is licensed as a federal real estate appraiser under this Act;

(10) "closing agent" means a person who is licensed as a federal closing agent under this Act;

(11) "insurer" means a person who is licensed as an insurer under this Act;

(12) "subdivision" means any real estate which is divided or proposed to be divided into five or more parcels or interests, whether contiguous or not, for the purpose of sale or lease or offer for sale, to the public;

(13) "real estate investment company" means an association of two or more persons formed for the primary purpose of investment in real property wherein each investor does not have direct operation and control over the real property;

(14) "real estate security" means that interest held by an investor in a real estate investment company;

(15) "issuer" means every person who issues or proposes to issue real estate securities;

(16) "sale" or "sell" refers to any contract of sale or disposition of real estate or real estate securities, for value;

(17) "offer to sell" or "offer for sale" means an attempt or offer to dispose of, or a solicitation for the purchase or sale or lease or use of, an interest in real estate or real estate securities;

(18) "real estate" or "real property" means land, all estates in title to land, and everything affixed thereon;

(19) "interstate activity" means any trade or commerce in real estate or real estate securities or any transportation or communication relating thereto among the several States or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia;

(20) "registration statement" means the statement provided for in this Act and includes any amendment thereto and any report, document, memorandum, or exhibit filed as a part of such statement or incorporated therein by reference;

(21) "write" or "written" refers to printing, lithographing, or any other means of graphic communication;

(22) "prospectus" means any prospectus, notice, circular, advertisement, letter, or communication, written or by radio or television, which offers for sale or confirms the sale of a real estate security;

(23) "underwriter" means any dealer who has purchased real estate securities from an issuer with the intent and for the purpose of further distribution;

(24) "person" means an individual, a corporation, a partnership, an association, a trust or any unincorporated organization; and

(25) "public offering" means any offer to sell real estate or real estate securities.

SEC. 3. (a) Except as hereinafter expressly provided, the provisions of this Act shall not apply to the following:

(1) The sale or lease, or offer to sell or lease, of any real estate by the United States or any Territory thereof, or by the District of Columbia, or by any political subdivision of a State or Territory, or by any public instrumentality of one or more States or Territories, or by any person controlled or supervised by and acting as an instrumentality of the Government of the United States pursuant to authority granted by law.

(2) The performance of any of the activities described in this Act by any person or agent not including any element of interstate activity.

(3) The sale or lease, or offer to sell or lease, of a single-family dwelling by a person who has utilized that dwelling as his bona fide place of residence.

(4) Any sale or lease, or offer to sell or lease, of real estate securities in a real estate investment company wherein the aggregate amount of property or money to be raised is $500,000 or less, and each purchaser of each real estate security is a member of a class of investors whose investment experience and education are such that they do not, in the opinion of the Commissioner, require the protection of this Act.

Sec. 4. (a) There is hereby established a Real Estate Commission to be composed of five members to be appointed by the President, by and with the advice and consent of the Senate, which shall administer this Act. Not more than three of the members shall belong to the same political party. The President by and with the advice and consent of the Senate shall appoint one of the five members as Real Estate Commissioner. In order to be eligible for appointment each member, including the Commissioner, shall—

(1) have education or training in law and the real estate business;

(2) be a citizen of the United States; and

(3) be at least 35 years of age.

The Commissioner shall not engage in any other vocation or employment than that of serving as Commissioner, nor shall the Commissioner participate in any activity regulated herein. The term of office of the Commissioner shall be ten years and until his successor is appointed and has qualified. At such time as a Commissioner has served at least ten years in office, and is replaced by a new Commissioner, the retiring Commissioner shall serve as Counsel to the new Commissioner for ten years thereafter.

(b) Each member (other than the Commissioner) shall serve for five years and until his successor is appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of the term. The terms of the members first taking office after the enactment of this Act shall expire, as designated by the President at the time of nomination, one at the end of two years, one at the end of three years, one at the end of four years, and one at the end of five years, from the date of enactment of this Act. Counsel to the Commissioner, and members other than the Commissioner, shall be permitted to engage in vocations, employment, or activities other than their employment herein, including but not limited to real estate activities.

(c) The Commission shall meet at least once per month at times and place established by the Commissioner. Any member who is personally involved in any matter, directly or indirectly, with which the Commission becomes involved, must immediately advise the Commissioner that a conflict of interest exists, and the member shall refrain from participating in any activities by the Commission therein.

(d) The Commission is authorized to appoint and fix the compensation of such officers, attorneys, accountants, appraisers, examiners, and other experts as may be necessary for carrying out its functions under this Act; without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States, and the Commission may, subject to the civil service laws, appoint such other officers and employees as are necessary in the execution of its functions and fix their salaries.

(e) Each member shall receive as his compensation for services rendered the sum of $150 for each day or portion of a day in which he is employed in Commission business, plus any and all expenses incurred by the member in the performance of this employment including but not limited to travel expenses between the member's place of residence and the Commission's meeting place.

(f) Counsel to the Commissioner shall receive compensation for his services rendered in an amount equal to one-half the sum of the Commissioner's compensation, plus all expenses incurred by Counsel to the Commissioner in the performance of his duties. The Commissioner shall initially appoint to the position of Counsel to the Commissioner an individual who meets the requirements of clauses (1), (2), and (3) of subsection (a) of this section, and who shall serve in such position for the first ten years of operation of this Act.

SEC. 5. (a) Unless a registration statement is in effect as to an interest in real estate, or a real estate security, it shall be unlawful for any person, directly or indirectly—

(1) to make use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell of offer to sell such interest or security through the use or medium of any prospectus or otherwise; or

(2) to carry or cause to be carried through the mails or in interstate commerce, by any means or instruments of transportation, any such interest in real property or real estate security for the purpose of sale or for delivery after sale.

(b) It shall be unlawful for any person, directly or indirectly, to make use of any means or instruments of transportation or communication in interstate commerce or of the mails to carry or transmit any prospectus relating to any interest in real property, or real estate security, with respect to which a registration statement has been filed under this Act, unless such prospectus meets the requirements of section 10(a).

(c) It shall be unlawful for any person, directly or indirectly, to make use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell or offer to buy through the use or medium of any prospectus or otherwise any interest in real property or a real estate security, unless a registration statement has been filed as to such real estate or real estate security, or while the registration statement is the subject of a refusal order or stop order or (prior to the effective date of the registration statement) any public proceeding or examination under section 8.

SEC. 6. (a) Any interest in real property or real estate security may be registered with the Commission under the terms and conditions herein provided, by filing a registration statement in triplicate, at least one of which shall be signed by each owner or issuer, its principal executve officer, its principal financial officer, its comptroller or principal accounting officer, the majority of its board of directors or pesons peforming similar functions (or, if no such boards or officers exist, by the majority of persons having the power of management), and, in case the issuer or owner is a foreign or Territorial person, by its duly authorized representative in the United States; except that when such registration statement relates to an interest in real property or a real estate security issued or owned by a foreign government, or political subdivision thereof, it need be signed only by the duly authorized representative thereof. Signatures of all persons when written on such registration statements shall be presumed to have been so written by authority of the person whose signature is so affixed and the burden of proof, in the event such authority shall be denied, shall be upon the party denying the same. The affixing of any signature without the authority of the purported signer shall constitute a violation of this Act. A registration statement shall be deemed effective only as to the interest in real property or real estate security specified therein as proposed to be offered.

(b) At the time of filing a registration statement the applicant shall pay to the Commission a fee of $100 plus the sum of one fiftieth of one per centum of the proposed offering price of the interest in real property including encumbrances thereon, or, in the event of real estate securities, $100 plus the sum of one fiftieth of one per centum of the maximum aggregate proposed offering price including encumbrances on the property which is held or to be held by the real estate investment company.

(c) The filing with the Commission of a registration statement, or of an amendment to a registration statement, shall be deemed to have taken upon the receipt thereof, but the filing of a registration statement shall not be deemed to have taken place unless it is accompanied by a United States postal money order or a certified bank check or a bank cashier's check, or cash for the amount of the fee required under subsection (b).

(d) The information contained in or filed with any registration statement shall be made available to the public under such regulations as the Commission may precribe, and copies thereof, photostatic or otherwise, shall be furnished to every applicant at such reasonable charge as the Commission may prescribe.

SEC. 7. The registration statement, when relating to an interest in real property or a real estate security, shall contain the information and be accompanied by the documents specified in the Commissioner's regulation, unless the Commissioner determines that such information or document need not be included in respect of any class of owners of an interest in real property or any class of issuers of a real estate security upon a funding by the Commissioner that the requirement of such information or document is inapplicable to such class and that disclosure fully adequate for the protection of investors is otherwise required to be included within the registration statement. If any accountant, engineer, appraiser, or any person whose profession gives authority to a statement made by him is named as having prepared or certified any part of the registration statement, or is named as having prepared or certified a report or valuation for use in connection with the registration statement, the written consent of such person shall be filed with the registration statement. If any such person is named as having prepared or certified a report or valuation (other than a public official document or statement) which is used in connection with the registration statement, but is not named as having prepared or certified such report or valuation for use in connection with the registration statement, the written consent of such person shall be filed with the registration statement unless the Commissioner dispenses with such filing as impracticable or as involving undue hardship on the person filing the registration statement. Any such registration statement shall contain such other information, and may be accompanied by such other documents, as the Commissioner may by rules and regulations require as being necessary or appropriate in the public interest or for the protection of investors.

SEC. 8. (a) Except as hereinafter provided, the effective date of a registration statement shall be the twentieth day after the filing thereof or such earlier date as the Commissioner may determine, having due regard to the adequacy of the information respecting the issuer or owner theretofore available to the public, to the facility with which the nature of the interests in real property or real estate securities to be registered, their relationship to the capital structure of the owner or issuer, and the rights of holders thereof can be understood, and to the public interest and the protection of investors. If any amendment to any such statement is filed prior to the effective date of such statement, the registration statement shall be deemed to have been filed when such amendment was filed; except that an amendment filed with the consent of the Commission prior to the effective date of the registration statement, or filed pursuant to an order of the Commission, shall be treated as a part of the registration statement.

(b) If it appears to the Commissioner that a registration statement is on its face incomplete or inaccurate in any material respect, the Commissioner may, after notice by personal service or the sending of confirmed telegraphic notice not later than ten days after the filing of the registration statement, and opportunity for hearing (at a time fixed by the Commissioner) within ten days after such notice by personal service or the sending of such telegraphic notice, issue an order prior to the effective date of registration refusing to permit such statement to become effective until it has been amended in accordance with such order. When such statement has been amended in accordance with such order the Commissioner shall so declare and the registration shall become effective at the time provided in subsection (a) or upon the date of such declaration, whichever date is later.

(c) An amendment filed after the effective date of the registration statement, if such amendment, upon its face, appears to the Commissioner not to be incomplete or inaccurate in any material respect, shall become effective on such date as the Commissioner may determine, having due regard to the public interest and the protection of investors.

(d) If it appears to the Commissioner at any time that the registration statement includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statements therein not misleading, the Commissioner may, after notice by personal service or the sending of confirmed telegraphic notice, and after opportunity for hearing (at a time fixed by the Commission) within fifteen days after such notice by personal service of the sending of such telegraphic notice, issue a stop order suspending the effectiveness of the registration statement. When such statement has been amended in accordance with such stop order the Commissioner shall so declare and thereupon the stop order shall cease to be effective.

(e) The Commissioner is hereby empowered to make an examination in any case in order to determine whether a stop order should issue under subsection (d). In making such examination the Commissioner or any officer or officers designated by him shall have access to and may demand the production of any books and papers of, and may administer oaths and affirmations to and examine, the owner, issuer, underwriter, or any other person, in respect of any matter relevant to the examination, and may, in its discretion, require the production of a balance sheet exhibiting the assets and liabilities of the issuer, or its income statement, or both, to be certified to by a public or certified accountant approved by the Commission. If the owner or issuer or underwriter shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuance of a stop order.

(f) Any notice required under this section shall be sent to or served on the owner or issuer or, in case of a foreign government or political subdivision thereof, to or on the duly authorized representative or, in the case of a foreign or Territorial person, to or on its duly authorized representative in the United States named in the registration statement, properly directed in each case by telegraphic notice to the address given in such statement.

SEC. 9. (a) Any person aggrieved by an order of the Commission or the Commissioner may obtain a review of such order in the Court of Appeals of the United States within any circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia, by filing in such court, within sixty days after the entry of such order, a written petition praying that the order of the Commission be modified or be set aside in whole or in part. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission, and thereupon the Commissioner shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. No objection to the order of the Commission or Commissioner shall be considered by the court unless such objection shall have been urged before the Commissioner. The finding of the Commission as to the facts, if supported by evidence, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence, is material and that were reasonable grounds for failure to adduce such evidence in the hearing before the Commission, the court may order such additional evidence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings as to the facts by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by evidence, shall be conclusive, and its recommendation, if any, for the modification or setting aside of the original order. The jurisdiction of the court shall be exclusive and its judgment and decree, affirming, modifying, or setting aside, in whole or in part, any order of the Commissioner, shall be final, subject to review by the Supreme Court of the United States upon certiotari or certification as provided in sections 346 and 347 of title 28, United States Code.

(b) The commencement of proceedings under subsection (a) shall not, unless specifically ordered by the court, operate as a stay of the Commissioner's order.

SEC. 10. (a) Except to the extent otherwise permitted or required pursuant to this subsection or subsections (c), (d), or (e)—

(1) a prospectus relating to an interest in real property or a real estate security shall contain information contained in the registration statement;

(2) notwithstanding the provisions of paragraph (1), when a prospectus is used more than nine months after the effective date of the registration statement, the information contained therein shall be as of a date not more than sixteen months prior to such use, so far as such information is known to the user of such prospectus or can be furnished by such user without unreasonable effort or expense; and

(3) there may be omitted from any prospectus any of the information required under this subsection which the Commissioner may by rules or regulations designate as not being necessary or appropriate in the public interest or for the protection of investors.

(b) In addition to the prospectus permitted or required in subsection (a), the Commissioner shall by rules or regulations deemed necessary or appropriate in the public interest or for the protection of investors permit the use of a prospectus (without its being in violation of section 5(b)) which omits in part or summarizes information in the prospectus specified in subsection (a). A prospectus permitted under this subsection shall, except to the extent the Commissioner by rules or regulations deemed necessary or appropriate in the public interest or for the protection of investors otherwise provides, be filed as part of the registration statement but shall not be deemed a part of such registration statement for the purposes of section 11. The Commissioner may at any time issue an order preventing or suspending the use of a prospectus permitted under this subsection, if he has reason to believe that such prospectus has not been filed (if required to be filed as part of the registration statement) or includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statements therein, in the light of the circumstances under which such prospectus is or is to be used, not misleading. Upon issuance of an order under this subsection, the Commission shall give notice of the issuance of such order and opportunity for hearing by personal service or the sending of confirmed telegraphic notice. The Commissioner shall vacate or modify the order at any time for good cause or if such prospectus has been filed or amended in accordance with such order.

(c) Any prospectus shall contain such other information as the Commissioner may by rules of regulations require as being necessary or appropriate in the public interest or for the protection of investors.

(d) In the exercise of his powers under subsections (a), (b), and (c), the Commissioner shall have authority to classify prospectuses according to the nature and circumstances of their use or the nature of the security, issue, issuer, or otherwise, and, by rules and regulations and subject to such terms and conditions as he shall specify therein, to prescribe as to each class the form and contents which he may find appropriate and consistent with the public intrest and the protection of investors.

(e) The statements or information required to be included in a prospectus by or under authority of subsections (a), (b), (c), and (d), when written, shall be placed in a conspicuous part of the prospectus and, except as otherwise permitted by rules or regulations, in type as large as that used generally in the body of the prospectus.

(f) In any case where a prospectus consists of a radio or television broadcast, copies thereof shall be filed with the Commission under such rules and regulations as it shall prescribe. The Commissioner may by rules and regulations require the filing with the Commission of forms and prospectuses used in connection with the offer or sale of securities registered under this Act.

SEC. 11. (a) In case any part of the registration statement, when such part became effective, contained an untrue statement of a material fact or omitted to state a material fact required to be stated therein or necessary to make the statements therein not misleading, any person acquiring such an interest in real property or real estate security (unless it is proved that at the time of such aquisition he knew of such untruth or omission) may, either at law or in equity, in any court of competent jurisdiction, sue—

(1) every person who signed the registration statement;

(2) every person who was a director (or person performing similar functions) of, or partner in or with, the owner or issuer at the time of the filing of the part of the registration statement with respect to which his liability is asserted;

(3) every person who, with his consent, is named in the registration statement as being or about to become a director, person performing similar functions, or partner;

(4) every accountant, engineer, investment manager, broker, dealer, issuer dealer, developer, closing agent, insurer, issuer, underwriter, or appraiser, or any person whose profession gives authority to a statement made by him, who has with his consent been named as having prepared or certified any part of the registration statement, or as having prepared or certified any report or valuation which is used in connection with the registration statement, with respect to the statement in such registration statement, report, or valuation which purports to have been prepared or certified by him; and

(5) every underwriter, owner, issuer, or broker-dealer with respect to such interest in real property or real estate security. The right of recovery under this subsection shall be conditioned on proof that such person acquired the interest in real property or the real estate security relying upon such untrue statement in the registration statement or relying upon the registration statement and not knowing of such omission, but such reliance may be established without proof of the reading of the registration statement by such person.

(b) Notwithstanding the provisions of subsection (a) no person, other than the owner or issuer, shall be liable as provided therein if he sustains the burden of proof—

(1) that before the effective date of the part of the registration statement with respect to which his liability is asserted (A) he had resigned from or had taken such steps as are permitted by law to resign from, or ceased or refused to act in, every office, capacity, or relationship in which he was described in the registration statement as acting or agreeing to act, and (B) he had advised the Commissioner and the owner issuer in writing that he had taken such action and that he would not be responsible for such part of the registration statement; or

(2) that if such part of the registration statement became effective without his knowledge, upon becoming aware of such fact he forthwith acted and advised the Commisisoner in accordance with paragraph (1), and, in addition, gave reasonable public notice that such part of the registration statement had become effective without his knowledge; or

(3) that (A) as regards any part of the registration statement not purporting to be made on the authority of an expert, and not purporting to be a copy of or extract from a report or valuation of an expert, and not purporting to be made on the authority of a public official document or statement, he had, after reasonable investigation, reasonable ground to believe and did believe, at the time such part of the registration statement became effective, that the statements therein were true and that there was no omission to state a material fact required to be stated therein or necessary to make the statements therein not misleading; and (B) as regards any part of the registration statement purporting to be made upon his authority as an expert or purporting to be a copy of or extract from a report or valuation of himself as an expert, (i) he had, after reasonable investigation, reasonable ground to believe and did believe, at the time such part of the registration statement became effective, that the statements therein were true and that there was no omission to state a material fact required to be stated therein or necessary to make the statements therein not misleading, or (ii) such part of the registration statement did not fairly represent his statement as an expert or was not a fair copy of or extract from his report or valuation as an expert; and (C) as regards any part of the registration statement purporting to be made on the authority of an expert (other than himself) or purporting to be a copy of or extract from a report or valuation of an expert (other than himself), he had no reasonable ground to believe and did not believe, at the time such part of the registration statement became effective, that the statements therein were untrue or that there was an omission to state a material fact required to be stated therein or necessary to make the statements therein misleading, or that such part of the registration statement did not fairly represent the statement of the expert or was not a fair copy of or extract from the report or valuation of the expert; and (D) as regards any part of the registration statement purporting to be a statement made by an official person or purporting to be a copy of or extract from a public official document, he had no reasonable ground to believe and did not believe, at the time such part of the registration statement became effective, that the statements therein were untrue, or that there was an omission to state a material fact required to be stated therein or necessary to make the statements therein not misleading, or that such part of the registration statement did not fairly represent the statement made by the official person or was not a fair copy of or extract from the public official document.

(c) In determining, for the purpose of paragraph (3) of subsection (b), what constitutes reasonable investigation and reasonable ground for belief, the standard of reasonableness shall be that required of a prudent man in the management of his own property.

(d) If any person becomes an underwriter with respect to real estate securities after the part of the registration statement with respect to which his liability is asserted has become effective, then for the purposes of paragraph (3) of subsection (b) such part of the registration statement shall be considered as having become effective with respect to such person as of the time when he became an underwriter.

(e) The suit authorized under subsection (a) may be to recover such damages as shall represent the difference between the amount paid for the interest in real property or real estate security (not exceeding the price at which the interest in real property or real estate security was offered to the public) and (1) the value thereof as of the time such suit was brought, or (2) the price at which such interest in real property or real estate security shall have been disposed of in the market before suit, or (3) the price at which such interest in real property or real estate security shall have been disposed of after suit but before judgment if such damages shall be less than the damages representing the difference between the amount paid for the interest in real property or real estate security (not exceeding the price at which the interest in real property or real estate security was offered to the public) and the value thereof as of the time such suit was brought: Provided, That if the defendant proves that any portion or all of such damages represents other than the depreciation in value of such interest in real property or real estate security resulting from such part of the registration statement, with respect to which his liability is asserted, not being true or omitting to state a material fact required to be stated therein or necessary to make the statements therein not misleading, such portion or all of such damages shall not be recoverable. In no event shall any underwriter (unless such underwriter shall have knowingly received from the issuer for acting as an underwriter some benefit, directly or indirectly, in which all other underwriters similarly situated did not share in proportion to their respective interests in the underwriting) be liable in any suit or as a consequence of suits authorized under subsection (a) for damages in excess of the total price at which the interest in real property or real estate security underwritten by him and distributed to the public were offered to the public. In any suit under this or any other section of this Act the court may, in its discretion, require an undertaking for the payment of the costs of such suit, including reasonable attorney's fees, and if judgment shall be rendered against a party litigant, upon the motion of the other party litigant, such costs may be assessed in favor of such party litigant (whether or not such undertaking has been required) if the court believes the suit or the defense to have been without merit, in an amount sufficient to reimburse him for the reasonable expenses incurred by him, in connection with such suit, such costs to be taxed in the manner usually provided for taxing of costs in the court in which the suit was heard.

(f) All or any one or more of the persons specified in subsection (a) shall be jointly and severally liable, and every person who becomes liable to make any payment under this section may recover contribution as in cases of contract from any person who, if sued separately, would have been liable to make the same payment, unless the person who has become liable was, and not guilty of fraudulent misrepresentation.

(g) In no case shall the amount recoverable under this section exceed the price at which the security was offered to the public.

SEC. 12. Any person who—

(1) offers or sells an interest in real property or a real estate security in violation of section 5, or

(2) offers or sells an interest in real property or a real estate security (whether or not exempted by the provisions of section 3, other than paragraph (2) of subsection (a) thereof), by use of any means or instruments of transportation or communication in interstate commerce or of the mills, by means of a prospectus or oral communication which includes an untrue statement of a material fact or omits to state a material fact necessary in order to make the statements therein, in the light of the circumstances under which they were made, not misleading (the purchaser not knowing of such untruth or omission), and does not sustain the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of such untruth or omission, shall be liable to the person purchasing such security from him, who may sue either at law or in equity in any court of competent jurisdiction to recover the consideration paid for such interest in real property or real estate security with interest thereon, less the amount of any gain received thereon, upon the tender of such interest in real property or real estate security.

SEC. 13. No action shall be maintained to enforce any liability created under section 11 or section 12 (2) unless brought within one year after the discovery of the untrue statement or the omission, or after such discovery should have been made by the exercise of reasonable diligence, or to enforce a liability created under section 12 (1), unless brought within one year after the violation upon which it is based. In no event shall any such action be brought to enforce a liability created under section 11 or section 12 (1) more than three years after the interest in real property or real estate security was bona fide offered to the public, or under section 12 (2) more than three years after the sale.

SEC. 14. Any condition, stipulation, or provision binding any person acquiring any interest in real property or real estate security to waive compliance with any provision of this Act or of the rules and regulations of the Commission shall be void.

SEC. 15. Every person who, by or through ownership, agency, or otherwise, or who, pursuant to or in connection with an agreement or understanding with one or more person by or through ownership, agency, or otherwise, controls any person liable under section 11 or 12, shall also be liable jointly and severally with and to the same extent as such controlled person to any person to whom such controlled person is liable, unless the controlling person had no knowledge of or reasonable grounds to believe in the existence of the facts by reason of which the liability of the controlled person is alleged to exist.

SEC. 16. (a) It shall be unlawful for any person in the offer or sale of any interests in real property or real estate securities by the use of any means or instruments of transportation or communicaton in interstate commerce or by the use of the mails, directly or indirectly—

(1) to employ any device, scheme, or artifice to defraud, or

(2) to obtain money or property by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make statements made, in the light of the circumstances under which they were made, not misleading, or

(3) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

(b) It shall be unlawful for any person, by the use of any means or instruments of transportation or communication in interstate commerce or by the use of the mails, to publish, give publicity to, or circulate any notice, circular, advertisement, newspaper, article, letter, investment service, or communication which, though not purporting to offer an interest in real property or a real estate security for sale, describes such security for a consideration received or to be received, directly or indirectly, from an issuer, underwriter, or dealer, without fully disclosing the receipt, whether past or prospective, of such consideration and the amount thereof.

(c) The exemptions provided in section 3 shall not apply to the provisions of this section.

SEC. 17. (a) It shall be unlawful for any person to use any means or instruments of transportation or communication in interstate commerce, or to use the mails, directly or indirectly—

(1) to sell or offer to sell, buy or offer to buy, solicit prospective sellers or purchasers of, solicit or obtain listings of, or negotiate the purchase, sale, or exchange of interests in real property on the behalf of another or others, for a compensation or in expectation of a compensation;

(2) to lease or rent or offer to lease or rent, or place for rent or solicit listings of places to rent, or solicit for prospective tenants, or negotiate the sale, purchase, or exchange of leases on real propetry, or collect rents from real property or improvements thereon, on the behalf of another or others, for a compensation or in expectation of a compensation;

(3) to solicit borrowers or lenders for or negotiate loans or collect payments or perform services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by real property securities, for a compensation or in expectation of a compensation; or

(4) to sell or offer to sell, buy or offer to buy, or exchange or offer to exchange a real property sales contract, promissory note, or mortgage, secured by real property, for another or others, for a compensation or in expectation of a compensation;

unless such person was a duly licensed Federal real estate broker under this Act prior to and during the conduct of the activities described in paragraphs (1), (2), (3), and (4) of subsection (a) and unless all other provisions of this Act have been complied with.

(b) It shall be unlawful for any person to use any means or instruments of transportation or communication in interstate commerce, or to the mails, directly or indirectly—

(1) to sell or offer to sell, buy or offer to buy, solicit prospective sellers or purchasers of, or negotiate the purchase sale or exchange of real estate securities on the behalf of another or others, for a compensation or in expectation of a compensation; or

(2) to engage in the business of buying and selling real estate securities for his own account;

unless such person was a duly licensed Federal dealer under this Act prior to and during the conduct of the activities described in paragraphs (1) and (2) of subsection (b) and all other provisions of this Act have been complied with.

(c) It shall be unlawful for any person to use any means or instruments of transportation or communication in interstate commerce, or to use the mails, directly or indirectly to engage in the business of buying and selling real estate for his own account unless such person was a duly licensed federal developer under this Act prior to and during the conduct of the activities described in this subsection and unless all other provisions of this Act have been complied with.

(d) It shall be unlawful for any person to use any means or instruments of transportation or communication in interstate commerce, or to use the mails, directly or indirectly, to issue and sell or offer for sale any real estate security unless such person was a duly licensed federal issuer dealer under this Act prior to such sale or offer of sale.

(e) It shall be unlawful for any person to use any means or instruments of transportation or communication in interstate commerce, or to use the mails, directly or indirectly.

(1) to invest or exchange money or property in an interest in real property or real estate securities on behalf of another or others for compensation or in expectation of compensation

(2) to give advise on investment in an interest in real property or real estate securities to another or others for a compensation or in expectation of a compensation;

(3) to manage, control or otherwise direct real property or real estate securities belonging, directly or indirectly, to another or others; or

(4) to act as a manager, general partner, trustee or otherwise manage or direct operations of a real estate investment company, unless such person was a duly licensed federal investment manager under this Act prior to and during the activities described in subsections (1), (2) and (3) of subsection (e) and unless all other provisions of this Act have been complied with.

(f) It shall be unlawful for any person to use any means or instruments of transportation or communication in interstate commerce, or to use the mails, directly or indirectly to engage in the business of conducting appraisals of value of interests in real property or of real estate securities for another or others, for compensation or in expectation of compensation, unless such person is duly licensed as a federal real estate appraiser under this Act and unless all other provisions of this Act are complied with.

(g) It shall be unlawful for any person to use any means or instruments of transportation or communication in interstate commerce, or to use the mails, directly or indirectly to perform any of the activities of the transfer of title or interests in title to real property or real estate securities, unless such person is duly licensed as a federal closing agent under this Act and unless all other provisions of this Act are complied with.

(h) It shall be unlawful for any person to use any means or instruments of transportation or communication in interstate commerce, or to use the mails, directly or indirectly to insure or guarantee the condition of title to an interest in real property or real estate securities, unless such person is duly licensed as an insurer under this Act and unless all other provisions of this Act are complied with.

SEC. 18. (a) The Commission shall grant licenses under this Act to persons found qualified by the Commission to act (in the case of any such person) as—

(1) a federal real estate broker,
(2) a federal securities dealer,
(3) an issuer dealer,
(4) a federal real estate developer,
(5) a federal investment manager,
(6) a federal real estate appraiser,
(7) a federal closing agent, or
(8) an insurer.

(b) The Commission shall determine in its qualification evaluation under subsection (a) (before granting a license under such subsection to any person) that—

(1) the person is of good character and business repute;

(2) the person has a formal education or its equivalent in the field of endeavor permitted under the license to be granted;

(3) the person is at least 21 years of age and is a citizen of the United States;

(4) the person (as demonstrated to the Commission, by written examination if the Commission so requests) has the proficiency to perform the activities permitted under the license to such a degree that his operations under the license will be of service to the people and a credit to the industry;

(5) the person has submitted an application to the Commission on a form prescribed by it and has paid an unrefundable application fee of $50; and

(6) the person has sworn an oath of allegiance to the United States of America.

(c) The Commission shall suspend or revoke any license granted by it—

(1) if it is discovered within two years of the date of issuance of such license that any information submitted by the applicant for such license was false or misleading, or that a material fact which could have caused denial of such application for license was omitted, or

(2) if the licensee is adjudged to have committed a fraud in any civil action, or

(3) if the licensee is found guilty of any crime involving moral turpitude and a fine of $500 or more, or

(4) if the licensee fails to exercise proper supervision of any agents employed by him, or

(5) if the licensee permits his license to be used by other persons, or

(6) if the licensee is no longer a citizen of the United States, or if the licensee or any of his agents takes part or becomes involved in any political activity calculated to cause, or resulting in, any public disorder, or any activity directed to the overthrow of the government of the United States.

SEC. 19. In the event the licensee or applicant is a corporation—

(1) each and every officer (other than members of the licensee's family who do not perform any activities for which a license is required under this Act) shall be required to hold a license under this Act, and

(2) each and every officer shall be jointly and severally liable for violations of this Act, both civil and criminal.

SEC. 20. Nothing in this Act shall effect the jurisdiction of the securities commission (or any agency or office performing like functions) of any State or Territory of the United States, or the District of Columbia, over any security or any person.

SEC. 21. (a) The Commission (or Commissioner) shall have authority from time to time to make, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this Act. Among other things, the Commission shall have authority for the purposes of this Act, to prescribe the form or forms in which required information shall be set forth. The rules and regulations of the Commission shall be effective upon publication in the manner in which the Commission shall prescribe. No provision of this Act imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule or regulation of the Commission, notwithstanding that such rule or regulation may, after such act or omission, be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

(b) For the purpose of all investigations which, in the opinion of the Commission, are necessary and proper for the enforcement of this Act, any member of the Commission or any officer or officer designated by it is empowered to administer oaths and affirmations, supena witnesses, take evidence, and require the production of any books, papers, or other documents which the Commission deems relevant or material to the inquiry. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States or any Territory at any designated place of hearing.

SEC. 22. (a) Whenever it shall appear to the Commission, either upon complaint or otherwise, that the provisions of this Act, or of any rule or regulation prescribed under authority thereof, have been or are about to be violated, it may, in its discretion, either require or permit such person to file with it a statement in writing, under oath, or otherwise, as to all the facts and circumstances concerning the subject matter which it believes to be in the public interest to investigate, and may investigate such facts.

(b) Whenever it shall appear to the Commission that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this Act, or of any rule or regulation prescribed under authority thereof, it may in its discretion bring an action in any district court of the United States, the United States court of any Territory, or the United States District Court for the District of Columbia to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. The Commission may transmit such evidence as may be available concerning such acts or practices to the Attorney General who may, in his discretion, institute the necessary criminal proceedings under this Act. Any such criminal proceeding may be brought either in the district wherein the transmittal of the prospectus or security complained of begins, or in the district wherein such prospectus or security is received.

(c) Upon application of the Commission the district courts of the United States, the United States courts of any Territory, and the United States District Court for the District of Columbia shall also have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this Act or any order of the Commission made in pursuance thereof.

SEC. 23. All hearings shall be public and may be held before the Commission or an officer or officers of the Commission designated by it, and appropriate records thereof shall be kept.

SEC. 24. The rights and remedies provided by this Act shall be in addition to any and all other rights and remedies that may exist at law or in equity.

SEC. 25. (a) The district courts of the United States, the United States courts of any Territory, and the United States District Court for the District of Columbia shall have jurisdiction of offenses and violations under this Act and under the rules and regulations promulgated by the Commission in respect thereto, and, concurrent with State and Territorial courts, of all suits in equity and actions at law brought to enforce any liability or duty created by this Act. Any such suit or action may be brought in the district wherein the defendant is found or is an inhabitant or transactions business, or in the district where the alleged violation took place, if the defendant participated therein, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found. Judgments and decrees so rendered shall be subject to review as provided in sections 225 and 347 of title 28, United States Code. No case arising under this Act and brought in any State court of competent jurisdiction shall be removed to any court of the United States. No costs shall be assessed for or against the Commission in any proceeding under this Act brought by or against it in the Supreme Court or such other courts.

(b) In case of contumacy or refusal to obey a subpena issued to any person, any of such United States courts within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides, upon application by the Commission, may issue to such person an order requiring such person to appear before the Commission, or one of its examiners designated by it, there to produce documentary evidence if so ordered, or there to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(c) No person shall be excused from attending and testifying or from producing books, papers, contracts, agreements, and other documents before the Commission, or in obedience to the subpena of the Commission or any member thereof or any officer designated by it, or in any cause or proceeding institution by the Commission, on the ground that the testimony or evidence, documentary or otherwise, required of him, may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privelege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 26. Neither the fact that the registration statement for an interest in real property or a real estate security has been filed or is in effect nor the fact that a stop order is not in effect with respect thereto shall be deemed a finding by the Commission that the registration statement is true and accurate on its face or that it does not contain an untrue statement of fact or omit to state a material fact, or be held to mean that the Commission has in any way passed upon the merits of, or given approval to, such interest in real property or a real estate security. It shall be unlawful to make, or cause to be made, to any prospective purchaser, any representation contrary to the foregoing provisions of this section.

SEC. 27. Any person who willfully violates any of the provisions of this Act, or the rules and regulations promulgated by the Commission or Commissioner under authority thereof, or any person who willfully makes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statements herein not misleading, shall upon conviction be fined not more than $5,000 or imprisoned not more than five years, or both.

SEC. 28. Nothing in this Act shall relieve any person from submitting to the respective supervisory units of the Government of the United States information, reports, or other documents that are now or may hereafter be required by any provision of law.

SEC. 29. Qualification under this Act shall constitute an exemption from the Securities Act of 1933, and be concurrent with the jurisdiction of the Securities Exchange Act of 1934 and the Investment Advisors Act of 1940.

SEC. 30. Title XIV of the Housing and Urban Development Act of 1968 (the Interstate Land Sales Full Disclosure Act) is repealed.

SEC. 31. If any provision of this Act, or the applicatioin of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 32. Any person in possession of a license from any State, territory, or possession, or in possession of a principal's license from the National Association of Securities Dealers, may apply in writing within one year of the effective date of this Act, and receive a waiver of any written examination for a license under this Act if such license does not grant him the right to engage in activities not encompassed by his existing license. This section shall expire one year from the effective date of this Act.

IT IS TIME TO ADOPT PROGRAM FOR CONVERSION TO METRIC SYSTEM

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. McCLORY. Mr. Speaker, on December 14, 1971, I introduced H.R. 12307, a bill to establish a program for the United States to convert to the metric system.

Under Public Law 90472, approved August 9, 1968, the Secretary of Commerce was authorized to undertake a 3-year study to determine advantages and disadvantages of increased use of the metric system in the United States.

The final report was issued in July, 1971 and contained several recommendations for conversion to the metric system; however, no specific legislative proposal was set forth. Prior to the publication of the National Bureau of Standards Report there were many who felt that this study would provide the requisite impetus for beginning the process of conversion.

But, Mr. Speaker, that impetus must come from the Congress, 70 years ago, a bill was brought before the Congress to make the metric system mandatory. It was narrowly defeated. The same proposal was made 4 years later, in 1906, and again was narrowly defeated. In 1938, another effort was made in both Houses of Congress—only to fail again. Meanwhile, the rest of the civilized world was going metric.

Mr. Speaker, the time has come for the United States to join the rest of the world. If we fail to seize the moment now we may well find ourselves in the year 2000 still using conversion tables and still losing valuable world trade to nations offering goods in metric measurements. I would refer my colleagues to a 1965 committee print by the House Committee on Science and Astronautics which points out that new nations are going metric, as in Africa, and they need products which they can use and repair. We are going to miss out on this valuable foreign trade if we cannot give these customers what they want.

Mr. Speaker, I intend to press vigorously for legislation which will set up orderly procedures for transition to the metric system, and I ask unanimous consent to insert the text of the metric conversion bill in the form in which I propose to reintroduce it.

H.R. 12555

A bill to establish a program for the United States to covert to the metric system

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is established, under the general auspices of the Secretary of Commerce, the United States Metric Conversion Coordinating Commission (hereinafter referred to as the "Commission"). The Commission shall have nine members, to be appointed by the President, who shall represent (a) business, (b) labor, (c) education, (d) science, and (e) technology. Each member shall be compensated at the rate of $100 a day each day during which he is engaged in the business of the Commission and shall receive travel expenses while away from his home or regular place of business in the service of the Commission, as a person intermittently employed in the Government service, under section 5703(b) of title 5, United States Code. Members of Congress or other Federal employees shall not be entitled to such compensation but shall be reimbursed for expenses incurred while in the service of the Commission. Each member shall have a five-year term and may be reappointed by the President.

SEC. 2. The Commission is charged with the responsibility of implementing, with the voluntary participation of every interested sector and group in the United States, the recommendations of the United States metric study, undertaken pursuant to the Act approved August 9, 1968, including—

(1) that the United States change to the international metric system deliberately and carefully;

(2) that this be done through a coordinated national program;

(3) that detailed plans and timetables be worked out, within the guiding framework established and from time to time revised by the Commission, by the various sectors and interests of the society themselves;

(4) that priority be given to an educational program to be carried out in the Nation's elementary and secondary schools and institutions of higher learning, as well as with the public at large, designed to enable all Americans to think and work in metric terms;

(5) that the appropriate representatives of American enterprise participate in international standards activities;

(6) that in order to encourage efficiency and minimize the overall costs to society, the general rule should be that any changeover costs shall lie where they fall; and

(7) that the target date for full conversion shall be January 1, 1983.

SEC. 3. Each agency, entity, and authority of the Federal Government is authorized and directed to convert to the International metric system as soon as possible, and to cooperate fully with the Commission in all respects.

SEC. 4. On and after January 1, 1983, the sole official system of weights and measures in the United States shall be the International metric system.

SEC. 5. The Commission shall transmit to the President and to each House of Congress an interim report not later than one year after the date of enactment of this Act. Interim reports shall be likewise submitted each year thereafter until January 1, 1983.

SEC. 6. There are hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated such amounts as are required to carry out the provisions of this Act.

THE PROPOSED FEDERAL BUDGET FOR FISCAL YEAR 1973

The SPEAKER pro tempore (Mr. ROUSH). Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 10 minutes.

Mr. VANIK. Mr. Speaker, in reviewing the Federal budget for fiscal year 1973 submitted to the Congress today, all of our comments must bear in mind the enormity of the Federal deficit for fiscal year 1972 and 1973.

While official records remain to be tabulated, it appears quite evident that the imbalance in Federal revenues and expenditures puts the American dollar on a shaky ground at home—and in an even more precarious condition abroad.

The welfare of the American people is directly dependent on the credibility of the currency of the land, and the currency of the land reflects the good health or ill health of the issuer.

It is easy enough to complain about the size of the Federal deficit and every Member of Congress has his selected list of targets for spending reduction or spending expansion. It is for the Congress of the United States to look at the entire range of Federal programs and decide which must continue and what expenditures must be curtailed or eliminated.

No one, in his right mind, expects that the Congress of the United States will agree to a defense expenditure of $83 billion. A $15 billion cutback could be brought about without, in any way, imperiling the basic security of the Nation. Defense cutbacks could provide for the elimination of such frills as the $1 billion B-1 manned bomber, and the leadtime procurement items on the $1 billion aircraft carrier, and continued large purchases of overly complex and fantastically expensive jet aircraft such as the F-14 and F-15. In addition, development of the ABM is proceeding full speed ahead at an expenditure level of about a billion dollars, without waiting for the results of the President's trips to Peking and Moscow. Further savings could be achieved by the reduction of our military spending abroad for the stationing of troops in Europe and Asia.

It is shocking that with the winding down of the war in Southeast Asia, that the Department of Defense projects almost no reduction in manpower. According to the budget, Department of Defense manpower at the end of this fiscal year will be 2,391,796 personnel. At the end of the fiscal year 1973, it will be down only about 34,000 to 2,358,037. This is offset by an increase in the size of the

Reserves of about 10,000 men. The budget further provides for increases in military foreign aid—with considerable aid to repressive military dictatorships.

The sum of $68 billion is a respectable defense expenditure which, if properly spent, could provide a more effective defense machinery than the present unnecessary deployment of American troops in Asia and in Europe and the extravagant acquisition of unnecessary weapons systems.

Four and a half billion dollars could be saved in the elimination of Federal programs for excessive irrigation, soil-bank and crop subsidies programs for sugar, wheat, cotton, wool, tobacco, peanuts, milk, and feed grains.

Other, expanded and unnecessary subsidies are continued in the budget. For example, ship construction subsidies are up and are designed to benefit certain oil companies—companies which already pay almost no Federal income tax. A quarter of a billion dollars could be cut from this program.

Several major Corps of Engineers public work projects should be cut for an immediate saving of millions of dollars and a long-range savings of billions of dollars. For example, the new budget contains additional funds for the Tennessee-Tombigbee Canal project—a project described as an effort to turn the Mississippi River into a two-lane river.

In addition to these expenditure savings, the deficit could be nearly eliminated by effective tax reform and tax adjustments.

If the present system of oil quotas for imported oil were converted to a tariff system, revenues could be increased about $1.5 billion a year. Imposition of a tax on capital gains at death would increase public revenues by $3.5 billion per year.

Tax recovery for excessive oil depletion over actual costs could save a billion dollars, while a shift of the financing of mass transit programs from the taxpayer to the highway trust fund could save another billion dollars.

A tax on the excess of depreciation on real assets over the actual costs of assets would provide a recovery for the Treasury in the sum of $1⅓ billion.

The application of interest equalization tax on the foreign investment of corporations and their subsidies, except for point-4 countries could yield almost another billion dollars.

Additional tax reform bills have been introduced which would close an unjustifiable $11 billion in tax loopholes, increase tax equity, and help eliminate the deficit.

Deficit reduction of this dimension would provide an adequate defense, a sustained support for solving social problems, the protection of our environment and substantial educational support. A deficit reduction of this dimension would reestablish the dollar at home as well as abroad and insure the stability of the domestic economy.

The important thing in establishing priorities, is to direct expenditures to human needs and to those forces which stimulate the economy rather than those which are nonproductive.

THE PRESIDENT'S 1973 BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Bow) is recognized for 30 minutes.

Mr. BOW. Mr. Speaker, today the President sent to the Congress his proposed budget for fiscal year 1973. In his message transmitting the budget, the President explains the reasons for his proposals and the basic principles which guide his budget policy; he asks that the Congress support the proposals set forth in the budget. I believe that the underlying principles reflected in the President's budget recommendations are sound, and I urge the House to adopt them; the particular program recommendations should also have the support of the Congress.

The objective of the 1973 budget is, in the President's words, "a new prosperity for all Americans without the stimulus of war and without the drain of inflation." The administration is pursuing this objective through a number of different policies—all facets of the new economic policy introduced on August 15 of last year; its fiscal policy is an integral part of the overall program.

The full-employment budget concept is central to the budget policy proposed by the President. It holds that, except in emergency conditions, expenditures should not exceed the level at which the budget would be balanced under conditions of full employment. The proposed 1973 budget conforms to this guideline, with the result that it will provide necessary stimulus for expansion, but will not be inflationary. At a time when the economy still has some slack but when we are not yet very far from a most serious bout with inflation, this is the right approach to determine what total Federal spending should be.

The full-employment budget guideline calls for a tight rein on spending in 1973. Proposed outlays of $246.3 billion represents only a 4.1 percent increase over the 1972 level. This is less than half the average annual rate of increase—8.6 percent—over the previous 3 years of this administration, which in turn compares favorably with an annual average 14.7 percent increase for the 3 years 1965 to 1968 under the previous administration. The reason for this significant reduction in the rate of increase in Government spending lies in the President's conviction that we must keep expenditures within full-employment revenues and also that we should consistently try to lower those revenues through tax reductions which leave with the individual citizen more freedom to choose how his money will be spent and his life be lived. Thus, tax changes made during this administration have reduced 1973 full-employment revenues by almost $20 billion. That money is available to individuals to be used as they wish; had the rate of increase in spending sustained by the previous administration been continued, the Government would have had to take that $20 billion in taxes, and more besides, to finance its programs.

This substantial reduction in tax rates, made possible by exerting strong downward pressure on the rate of increase in Government spending, is indicative of one of the President's highest priority objectives, one which should command the attention of the Congress as well: Decentralizing power—economic and political—away from Washington and the Federal bureaucracy and relocating it in State and local governments, which are closer to the people, or, better yet, in the people themselves. This policy is reflected in the overall budget total, constrained by the substantial tax reductions I have just discussed, and also in the specific programmatic proposal for revenue sharing.

The 1973 budget allocates $5.3 billion for the President's general revenue-sharing program. Authorization of six special revenue-sharing programs is also requested, two of which—urban community development and education—are proposed to be effective in 1973. The general revenue-sharing program is consistent with the proposal that was made originally in the 1972 budget 12 months ago. The issue, as the President notes in his message, has been before the Congress for long enough, and it is now up to the Congress to take prompt action on it. The need for action becomes more pressing with every passing day as the fiscal crisis of our State and local governments mounts. These are the governments which are closest to the people and most responsive to the varied needs of their constituents. By passing the President's revenue-sharing proposal, we will be putting those governments on a sounder footing, enabling them to take advantage of the flexibility of the federal system. The generous funding which the President has allocated to this revenue-sharing proposal is indicative of the high priority which he attaches to returning power to the people.

Another proposal stressed in the President's message is also designed to make government more responsive to the needs of all citizens. The President asks for prompt action on his program to reorganize the executive branch of the Federal Government, which was submitted to the Congress last March. By streamlining the bureaucracy and clearly identifying lines of responsibility for the development and administration of Government programs, the reorganization would enable the Government to deliver more services to the people for each dollar collected from taxpayers, and it would strengthen the control of both the President and the Congress, and ultimately the people, over what is now a remote and entangled Federal bureaucracy.

These then are the three principal means which the President proposes in his budget and legislative program for returning the power concentrated in Washington to the people. First, the overall budget policy of holding down the growth in Government spending, thus obviating the need to raise taxes and restraining inflation, which is but another form of tax. Second, revenue sharing, which will locate more political and economic power in governments closer to the individual citizen. And, third, reorganization of the Federal executive branch, which will make the Government more responsive to the peoples' will.

Another high priority in the President's program, which is stressed in his budget message, is the need to "create peaceful world order." The President stresses the importance of providing adequate funding for our national defense programs so that we will be able to negotiate with other countries from a position of strength and protect our vital interests wherever they may be threatened.

While our program of Vietnamization has reduced the expenditures required for the Department of Defense below what they would otherwise be, in other areas it is imperative that we strengthen and modernize our defense posture. For this reason, the President has proposed a $6.3 billion increase in budget authority for military programs over the 1972 figure, and his message could not be more forceful in stressing the importance of affirmative congressional action on his entire request.

The cuts which the Congress has made in the administration's defense appropriations bills over the last 2 years simply must not be repeated. We can afford to maintain our strength; what we cannot afford is to have to catch up with other countries if we should fall behind. This administration is conscious of the need to meet pressing domestic needs; that is why it proposes spending 45 percent of the budget on human resource programs and only 32 percent on defense programs—an allocation of resources which exactly reverses those of the prior administration in 1968. But it also knows that there can be no progress for America at home without progress for the world abroad, and that progress for the world abroad depends on the establishment of a peaceful world order. That peaceful world order in turn depends on the maintenance of American military strength which is second to none.

The final objective of the 1973 budget which is stressed in the President's message is "to direct the resources of the Federal Government toward those needs the American people most want met and toward the people who are most in need."

With limited resources, hard choices had to be made with respect to the funding levels of domestic programs. Substantial increases were allowed only to the few of utmost importance. Nonetheless, a number of high priority areas where generous funding is necessary or new legislation is proposed to reform the Government's role should be singled out. The 1973 budget gives emphasis to the following subjects:

First. Welfare reform. Welfare reform has been before the Congress for over 2 years. It has been debated throughout the entire country, had stood the test of public scrutiny, and gained widespread national support. The budget proposes an appropriation of $450 million to start the replacement of the present inadequate welfare system with the new "workfare." The new system is expensive to initiate, but the cost in human terms of continuing with the existing system is far greater.

This body, of course, is not to blame for the delay in enactment of the welfare reform proposal, inasmuch as we have twice sent legislation on this subject to the Senate only to see it languish. I would hope, as the President expresses in his message, that we will soon make this program a reality; the budget proposes adequate funding for transition to the new system, and further delay cannot be justified.

Second. Schools. Schools which have been affected by the need to desegregate require emergency assistance to assure that the quality of education they provide is maintained. The 1973 budget proposes to spend $1 billion to this end. Nothing could speak more clearly of the administration's concern for assuring equal education opportunity for all children. Again, the House has acted on the authorization for this program which is now before the Senate. The budget anticipates its final enactment and provides the necessary funding.

Third. Aging. The aging are owed a greater opportunity for dignity and economic independence. In the past, this administration has been generous in proposing increases for progams which benefit the elderly, and the 1973 budget is consistent with this history. It would provide total spending of $50 billion for the benefit of the elderly in 1973, $6 billion more than in the current year and $16 billion more than in 1969. Particularly important in this area is the proposed fivefold increase in the amount budgeted for the Administration on Aging, which will bring that office's program up to $100 million.

Fourth. Drug abuse prevention. The budget proposes continued expansion of programs for treatment, rehabilitation and law enforcement in the area of drug abuse. This is certainly one of our major national problems, and the extent to which the administration has committed scarce resources to deal with it indicate its concern.

Funding for all aspects of the drug abuse prevention program will rise substantially over the current year to a level five times that of 1970. This is necessary if we are to deal with this problem effectively and quickly, and to reverse the trend toward increasing drug abuse which so many communities have experienced.

Fifth. Law enforcement. The administration has not hesitated to increase expenditures for fighting crime to the extent to which they can be effective. It has taken action to strengthen the hand of all law enforcement agencies—and particularly those at the State and local levels—insofar as this is possible. The 1973 budget continues this history of generous funding for this high priority activity. It proposes $595 million for assisting State and local law enforcement agencies, more than 17 times the 1969 level, and total outlays for law enforcement activities of $2.3 billion, $1.7 billion more than in 1969. These are large increases, but we cannot do less in the vital job of providing for the safety of our citizens.

These are particular programs which are given emphasis in the budget. Many others are also of great importance and funding increases of program reforms for them have been proposed. To review them all would not be possible; not to review them in detail does not mean they are not of high priority or that we in the Congress should not consider them and act on them promptly and positively. To name some of the areas involved should be sufficient suggestion of their importance: health care, scientific research and technology, the environment, programs for veterans, nutritional programs, civil rights programs, and others. It adds up to a sizable agenda for legislative action.

But the President is bound not only to set forth his proposals for individual programs; he must also describe his revenue projections and proposals, and he must square his individual program proposals with a single recommendation for total spending which is sensibly related to his revenue estimates. In short, the budget recommends funding levels for individual programs, not only in light of their absolute needs considered in a vacuum but in light of the needs of all other programs and in light of the ability of the Nation to support government programs, whether through revenues or borrowing. These factors are far too rarely considered in the Congress and the result is not a surprise.

We will hear much in the coming months about how the spending level proposed in the budget for this program or that is insufficient. Proposals for extravagant schemes to serve this or that admirable objective will be much in vogue. Often a program will be presented with a small first year cost which is scheduled to burgeon into a major budget commitment at a later time. I would warn against such rhetoric and discussion.

The fact is that the budget for fiscal 1973 proposes total spending of over $246 billion. That is more than $25 billion in deficit. This is to follow on actual deficits for the previous 2 years of $23 billion and $38.8 billion. The full-employment deficit for 1972 is estimated at over $8 billion. In these circumstances can it seriously be said that we are not spending enough?

For the past 21 years in Congress, I have vigorously opposed deficit spending but I must concur with the President's conclusion that the economic crisis which he inherited makes it necessary to use very stringent methods indeed to restore us to a sound economy in peacetime. Thus far, he has done better than any other administration in transition from war to peace.

The President does not like deficits. He refers to deficit spending as "necessary medicine," and continues, "We take that medicine because we need it, not because we like it." While it is reasonable to have an actual deficit when the economy is operating at less than full employment, however, it is not reasonable—indeed it is foolhardy—to propose to spend more than the amount of revenue that would be produced if the economy were operating at full employment. In 1972 we have had to spend more than full-employment revenues because of a variety of legislative and executive actions, not anticipated in the budget submitted a year ago, and because of the need to reduce taxes in mid-year in order to stimulate the economy. The 1973 budget would be balanced at full employment.

In this situation, new spending programs or increases in proposed spending levels, it seems to me, must meet a new test—one which takes account of the overall budget position in which the country finds itself. Is the need for the additional expenditure so great as to warrant an increase in taxes or the elimination or reduction of some existing program? And will the proponent of the additional expenditure see to it that the majority he would assemble in its favor can similarly be mustered to find the money in other programs? For the short of the matter is that there is no other source of money beyond full-employment revenues than additional taxes or inflation will assess from the people.

The President's 1973 budget faces up to the overall constraint I have described. In this it is distinguished from so many of the criticisms that will be made of individual parts of it without thought of the whole. I would urge the Congress to give the President's proposals the most serious consideration and to support the programs and principles expressed in his budget.

VIETNAM—REDUCTIONS IN TROOP STRENGTH AND FREE WORLD SHIPPING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CHAMBERLAIN) is recognized for 5 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, the President's announcement on January 13, of further major cuts in U.S. troop strength in Vietnam provides additional evidence of his determination to keep his promise to the American people to bring home American troops and end the war. Three years ago, when President Nixon took office, there were 543,400 U.S. servicemen in Vietnam. After the latest reductions take effect on May 1 of this year, the total troop ceiling will be down to 69,000. This solid achievement, speaks more eloquently of the desire for peace than all the millions of words that have been uttered about Vietnam.

In another area of the Vietnam conflict there has also been substantial progress over the past 3 years. In 1968, there were a total of 149 free world flag ship arrivals in North Vietnam. These included ships under the registry of nine different non-Communist countries. By contrast, during 1971 the total number of such arrivals amounted to 63 with the number of countries involved having been cut from nine to two.

Furthermore, only 19 different vessels were involved in these 63 arrivals. This, too, represents a reduction from the 24 vessels which frequented North Vietnamese ports a total of 58 times during 1970.

I would also point out that this traffic is under charter to Communist interests with most of the traffic taking place between North Vietnam and its Communist neighbors.

The two flags that remain in this traffic are the British and the Somali. I am advised, however, all of the vessels in the 1971 trade are owned by shipping interests located in Hong Kong which are unofficially but effectively under Communist Chinese control.

In the case of the Somali Republic, the State Department has advised me that U.S. foreign aid was ordered stopped following the refusal of that country's present Government to honor an agreement reached with its predecessor to remove all Somali flag vessels from this trade.

With regard to the British flag traffic, the United Kingdom has maintained that under present law, it can do nothing about these Hong Kong based ships. The fact remains, however, that this inability results in nothing less than the renting of the British flag to Communist interests to help carry on the war in Vietnam. In my view, this cannot be justified, and I again urge that efforts be continued to reduce the level of this traffic so long as American fighting men must put their lives on the line in Vietnam.

The following information provides a 4-year history of this trade:

NON-COMMUNIST SHIP ARRIVALS IN NORTH VIETNAM

Month	United Kingdom	Cyprus	Malta	Italy	Lebanon	Singapore	Somalia	Japan	Kuwait	Total
1968:										
January	9	1								10
February	7	1								8
March	10			1		1				12
April	10	1			1	1				13
May	13	3						1		18
June	12	2	1		1	1				17
July	6						2			8
August	9	3								12
September	11	1				1			1	14
October	7	1					2			10
November	9	1				1	2			13
December	10					1	3			14
Total	114	14	1	1	2	6	9	1	1	149

Month	United Kingdom	Somalia	Cyprus	Singapore	Japan	Malta	Total
1969:							
January	8	2	1				11
February	6		1	2	1		10
March	6	1					7
April	7			1	1		9
May	9	1	1			1	12
June	6	2	2	1			11
July	6	1					7
August	4		2				6
September	4		1	1			6
October	4		1		1		6
November	7						7
December	7						7
Total	74	7	9	5	3	1	99
1970:							
January	2	1				1	4
February	5	1					6
March	3	1					4
April	7	2					9
May	6	3					9
June	3	2					5
July	4	3	1				8
August	2			1			3
September	4						4
October	1						1
November	2	1					3
December	1	1					2
Total	40	15	1	1		1	58

Month	United Kingdom	Somalia	Total
1971:			
January	3	1	4
February	5	1	6
March	3	2	5
April	5	1	6
May	4	------------	4
June	3	1	4
July	2	2	4
August	4	3	7
September	1	1	2
October	6	2	8
November	6	1	7
December	4	2	6
Total	46	17	63

Source: U.S. Department of Defense.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS—VOICE FOR SCHOOL BOARD OFFICIALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. WILLIAM D. FORD), is recognized for 5 minutes.

Mr. WILLIAM D. FORD. Mr. Speaker, today my distinguished colleague, the gentleman from New York (Mr. PEYSER) and I are introducing legislation to give locally elected school board officials a voice on the Advisory Commission on Intergovernmental Relations. The Commission will be advising the President on the intergovernmental relationship aspect of the financial problems which presently beset our Nation's elementary and secondary school system.

The President, in his state of the Union message last week, referred to two complex and inter-related sets of problems with which school systems are now confronted. He spoke of their financial problems and he mentioned the possible affects that any type of tax reform might have on the basic relationships of Federal, State, and local governments.

In addressing the intergovernmental relations aspects of these problems, the President announced that he had enlisted the aid of the Advisory Commission on Intergovernmental Relations, and, quite accurately, he pointed out that the Commission is composed of Members of Congress, representatives of the executive branch, Governors, State legislators, local officials, and private citizens.

However, there is one group whose voice in this body is conspicuously absent—the voice of locally elected school board officials. They have no representation whatsoever.

As presently constituted, the Advisory Commission consists of 26 members—three of which are appointed from the Senate and three from the House of Representatives. The remaining 20 are appointed by the President as follows: Three must be officers of the executive branch and three must be private citizens; four are appointed from a panel of at least eight Governors submitted by the Governors Conference; three are appointed from a panel of at least six members of State legislative bodies submitted by the Council of State Governments; four are appointed from a panel of at least 8 mayors submitted jointly by the American Municipal Association and the United States Conference of Mayors; and three are appointed from a panel of at least six elected county officers submitted by the National Association of County Officials.

The legislation we are introducing today would simply expand the number of members of the Advisory Commission from 26 to 28 and provide that two members shall be appointed by the President from a panel of at least four elected school board officials submitted by the National School Boards Association.

We think that this is a reasonable and equitable proposal. The President himself expressed his commitment to the principle that local school boards must have control over local schools. We agree wholeheartedly.

However, we would like to extend this principle by giving locally elected school officials a voice in formulating the national policies which will ultimately affect their local school districts. The legislation which we are introducing today would accomplish this—by giving locally elected school officials a voice in the Advisory Commission on Intergovernmental Relations.

We urge our colleagues to give this legislation the favorable and prompt consideration which it deserves. By adopting this bill we will be extending the same privileges to elected school officials that are now enjoyed by elected officials from virtually every other level of government and we will be making the Advisory Commission on Intergovernmental Relations a more effective advisory body as well.

CURE AND PREVENTION OF DRUG ADDICTS NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 10 minutes.

Mr. PEPPER. Mr. Speaker, Governor Warren E. Hearnes of Missouri addressed a letter to me as chairman of the Select Committee on Crime 2 weeks ago which read, in part:

> The situation your Committee has uncovered concerning the primitive state and development of specific pharmacologic approaches to the prevention and treatment of heroin dependence is dismaying and I commend the Committee for the constructive recommendations it has made to remedy this gravo deficiency.
>
> The ubiquity of narcotic dependence has not spared the great cities of Missouri, and I am pleased to endorse the implementation of the programs proposed in your Committee's recommendation. A bill to promote research and development of drugs or chemical compounds for use in the cure, prevention or treatment of heroin addiction as appended to the Committee report should be enacted by Congress. The sum of $50 million recommended is indeed a minuscule amount to combat this national emergency.

I cite Governor Hearnes' letter as typical of the tremendous response received from Members of Congress, Governors, mayors, attorneys general, and members of the scientific communities to the Crime Committee's call for emergency funds to find new drugs to fight the scourge and national shame of heroin addiction.

It has been but 55 days since the committee introduced H.R. 11927, a bill to promote research and development of drugs for use in the cure, prevention or treatment of heroin addiction.

Today, I have the honor to submit the names of 74 additional Members of the House who join the 11 members of the Crime Committee in this bipartisan effort that might well mark the turning point in the fight against crime and heroin addiction in the United States.

That we are beset by a national emergency in which new drugs can be the key to the solution is clearly evident in the letters that have reached me from responsible community leaders.

Mr. Keith Sanborn, Sedgwick County Attorney in Wichita, Kans., wrote:

> A few years ago the thought of heroin sales or heroin addiction in Wichita, Kansas, was not even a faint cloud on the horizon. We view the heroin problem now the same as you have reported, as a public health epidemic.

Alabama Attorney General William J. Baxley equates the search for an effective antiheroin drug with the intensive research that led to the development of the atomic bomb through the Manhattan Project of World War II. The Attorney General wrote:

> A sure-fire therapy for addicts would be invaluable to us in our struggle with this problem. We can never hope to stop the flow of illegal heroin until we learn to cure the addict's craving for this drug.

And, like Kansas, heroin addiction has not been a problem in the State of Iowa until the last several years. Richard C. Turner, attorney general for the State of Iowa, wrote:

> Indeed, it is still inconceivable to most Iowans that heroin addiction *could* be a serious problem here. But the alarming fact is that heroin addiction has made a formidable inroad in Iowa.

Letters expressing concern and alarm over the inroads being made in rural America for what once was thought to be a purely urban problem continue to reach me daily.

That this concern is reflected in the national Congress can be noted by the number of my colleagues from the less densely populated sections of the country who recognize the infectious nature of this killer drug.

The 85 Members of the House, listed below, who have joined in this bipartisan call for intensified research to develop new drugs to counteract the effects of heroin addiction, would we come additional cosponsors to work toward the enactment of H.R. 11927 early in this second session.

Cosponsors of legislation to promote research and development of drugs or chemical compounds for use in the cure, prevention, or treatment of heroin addiction, include:

Mr. ABBITT, Mrs. ABZUG, Mr. ALEXANDER, Mr. ANDERSON of Tennessee, Mr. ASPIN, Mr. BEVILL, Mr. BIAGGI, Mr. BRASCO, Mr. BROWN of Michigan, Mr. BROYHILL of North Carolina, Mr. BROYHILL of Virginia, Mr. BUCHANAN, Mr. BURKE of Massachusetts, Mr. BYRNE of Pennsylvania, Mr. BYRON, Mrs. CHISHOLM, Mr. DON H. CLAUSEN, Mr. DEL CLAWSON, Mr. CLAY, Mr. Cleveland, Mr. Collins of Texas, Mr. Conyers, Mr. Córdova, Mr. Cotter, and Mr. Daniels of New Jersey.

Also, Mr. Diggs, Mr. Dow, Mr. Dowdy, Mr. Dulski, Mr. du Pont, Mrs. Dwyer, Mr. Eshleman, Mr. Forsythe, Mr. Fraser, Mr. Garmatz, Mrs. Grasso, Mr. Gray, Mr. Haley, Mr. Hall, Mr. Halpern, Mr. Hanley, Mr. Hanna, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mrs. Hicks of Massachusetts, Mr. Hillis, Mr. Horton, Mr. Howard, Mr. Keating, Mr. Kee, Mr. McDade, Mr. McKinney, and Mr. Mann.

Also, Mr. Meeds, Mr. Mitchell, Mr. Moorhead, Mr. Morse, Mr. Murphy of Illinois, Mr. Pepper, Mr. Rangel, Mr. Rees, Mr. Robinson of Virginia, Mr. Rooney of New York, Mr. Roy, Mr. Ruppe, Mr. Sandman, Mr. Sarbanes, Mr. Scherle, Mr. Scheuer, Mr. Sikes, Mr. Smith of Iowa, Mr. Steiger of Arizona, Mrs. Sullivan, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Vanik, Mr. Veysey, Mr. Waldie, Mr. Wiggins, Mr. Williams, Mr. Charles Wilson, and Mr. Winn.

Tomorrow the names of my good friend and colleague in the Rules Committee, the Honorable Thomas "Tip" O'Neill, and a freshman Florida colleague, the Honorable C. W. "Bill" Young, will be added to those that are sponsoring this vitally needed legislation.

ORIENTAL AMERICANS, AN OVERLOOKED MINORITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Danielson) is recognized for 10 minutes.

Mr. DANIELSON. Mr. Speaker, there is at least one minority group in the United States that is not receiving the attention being afforded other more vocal minority groups. I feel that the voice of the Oriental American community is not being heard clearly enough.

Two years ago legislation was enacted to establish a Cabinet Committee on Opportunities for Spanish-speaking People. Minority groups in our country have not always achieved full participation in the benefits of U.S. citizenship, they often have been denied full civil, economic, and social equality This has been true for many cultural minorities.

I have introduced a bill in the House of Representatives to create a Cabinet Committee on Oriental-American Affairs. This measure is patterned after the already-functioning Spanish-speaking Cabinet Committee, and is designed to provide Oriental Americans with greater opportunity to participate in the civic, economic, and social activities of America. We are, all of us, citizens of this great country and we should all participate equally in its benefits as well as in its burdens.

Several groups within the Asian American community have had an opportunity to comment on this proposal and to make suggestions for its improvement. Their communications demonstrate the need for this type of advisory committee.

The belief exists in many parts of our country that Oriental Americans have achieved full participation in our society and economy and that their well-being is assured. A closer look, however, reveals that language difficulties, underemployment, and omission from programs aiding other minority groups are prevalent.

Due partly to historic patterns and partly to the recent increases in the numbers of Asians coming to America, the Oriental American communities are plagued by problems which are now approaching crisis proportions. The elderly, the very young, the workers—these are the persons most adversely affected. It seems that only concerted Federal action, with its nationwide approach, can begin to investigate, identify and remedy the inequities and problems afflicting the Asian American population throughout our country.

The proposed Cabinet Committee would work with Federal agencies and organizations receiving Federal funds to assure that national programs do not overlook the needs of Oriental Americans and that they provide the assistance needed by Oriental Americans. It would also receive complaints, conduct hearings and investigations, and advise the Cabinet and top-level Government officials as to how best to solve the problems of Oriental American communities.

An Advisory Council would be created, composed of representatives from various segments of the Oriental-speaking and Oriental-surnamed community—Japanese, Chinese, Korean, Filipino, Indonesian, Polynesian, and other identifiable groups. The Council would be authorized to investigate the needs, problems and obstacles facing Oriental Americans, specifically in the areas of employment, housing, education, and health care.

Annual reports would be submitted to the President and to Congress on the committee's activities during the preceding year, including in the report any recommendations the committee deems appropriate to accomplish the purposes of the act.

This proposal has been referred to the House Committee on Government Operations where it is currently pending.

An example of the kind of programs to be made available to Oriental American communities is the Federal bilingual education program. Earlier this year, Congress appropriated $35 million for this important program which provides bilingual educational opportunities for elementary and secondary age schoolchildren whose primary language is not English. One such program, serving both Spanish-speaking and Chinese-speaking children, is now in operation in our community.

COMPLAINT AGAINST SECRET SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. James V. Stanton) is recognized for 15 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, on November 2, 1971—see Congressional Record, volume 117, part 30, page 38706—I rose to inform the House about the harassment of one of my constituents, Mr. Borivoje M. Karapandzich, by the U.S. Secret Service. I insert in the Record, at that time, a letter I had written to President Nixon, requesting him to direct an apology to Mr. Karapandzich. I added that, unless a suitable reply were forthcoming, I would, albeit with reluctance, see to it that a lawsuit were brought in the U.S. district court.

I regret to say that the reply I did receive was not adequate, in that I was given no assurance that the Secret Service would change its modus operandi with respect to the people of the 20th Congressional District of Ohio. Accordingly, I consulted with several attorneys in Cleveland, and the local chapter of the American Civil Liberties Union evinced interest in the case. The legal and executive committees of the chapter voted unanimously to take up the cause of Mr. Karapandzich, without charge to him. But it developed that Mr. Karapandzich decided he did not want to pursue the matter further.

Personally, I regard it as unfortunate that there will be no judicial determination of this case, since important constitutional principles are involved. Therefore, I intend to stay alert to any possible future abuses by agents of the Secret Service in my congressional district, and I have asked my constituents to keep me informed, should any of them ever undergo the same ordeal experienced by Mr. Karapandzich.

At this point, Mr. Speaker, I would like to insert in the Record the letter from the Secret Service to me, a news article from the Cleveland Plain Dealer, and a copy of an article appearing in my current newsletter to my constituents:

U.S. Secret Service,
Washington, D.C., November 10, 1971.

Hon. James V. Stanton,
House of Representatives,
Washington, D.C.

Dear Mr. Stanton: Mr. William E. Timmons, Assistant to the President, has referred your November 2, 1971, letter to President Richard M. Nixon concerning your constituent, Mr. Borivoje M. Karapandzich, to us for appropriate and prompt handling.

As you recall, Congress passed Public Law 91–651 on January 5, 1971, authorizing the Secret Service to "protect the person of a visiting head of a foreign state or foreign government . . ."

It was in line with this new responsibility—specifically the visit of President Josip Broz Tito of Yugoslavia—that Special Agents of the Secret Service visited Mr. Karapandzich on October 12, 1971, for the purpose of conducting an interview. The interview was held after information was received by the Secret Service concerning Mr. Karapandzich.

I believe the following background information may be helpful. Subsequent to the assassination of President John F. Kennedy, the report of the Warren Commission recommended that the Secret Service develop a sophisticated liaison with all government investigative and security agencies. This recommended measure included the admonishment to develop criteria to gather intelligence to support our protective mission. This intelligence is concerned with those persons or groups that may have a potential to harm those we protect.

Therefore, on the basis of information received from other sources concerning Mr. Karapandzich, we determined that the

Secret Service should interview him in order to ascertain his intentions during the visit of President Tito to this country. The interview also included taking a photograph of him the following day in our Cleveland field office. The interview and the photograph were accomplished in an amicable manner and Mr. Karapandzich volunteered his participation on both occasions.

At this time, I believe it is also important to note that the Secret Service is not concerned with any person's political views. Rather, we are interested only in determining the true nature of those actions and utterances that appear to be a potential threat to the physical well-being of a person being protected by the Secret Service.

With reference to Mr. Karapandzich, we found him to be a gentleman who was interested in cooperating with his government. Furthermore, he declared he was opposed to any violence concerning President Tito. After the interview, we were satisfied that he was not a threat to our protective mission—security for President Tito—and no other inquiries were made concerning Mr. Karapandzich.

I want to make it clear that our intention on matters of this type is solely for the purpose of establishing a safe environment for those we are charged with protecting and only for the purpose of identifying any areas of potential danger.

Mr. Congressman, we well understand the interest that you have in your constituent and regret any anxiety or apprehension he may have as the result of our interview. This was not our intention.

If we can be of any further assistance, please let us know.

Sincerely,

JAMES J. ROWLEY.

[From the Cleveland Plain Dealer, Jan. 18, 1972]

TITO FOE DROPS SUIT OVER MUGSHOT

WASHINGTON.—A court attempt to force the Secret Service to expunge from its records a photograph of a Cleveland man has been dropped at the man's request, U.S. Rep. James V. Stanton, D–28, Cleveland, said yesterday.

The case grew out of the questioning by the Secret Service last October of Borivoje M. Karapandzich, 7104 Lawn Avenue N.W., about his attitude toward President Tito of Yugoslavia. Tito was then preparing to visit the United States.

At the agents' request, Karapandzich, who is an outspoken critic of Tito, went downtown the next day to have his picture taken by the Secret Service.

Hearing of the case, Stanton demanded that the Secret Service apologize to the Clevelander because he was unduly harassed. Stanton threatened court action if apologies were not made.

James J. Rowley, Secret Service chief, wrote to Stanton saying Karapandzich was amicable and cooperative and there was no reason to suspect him of anything. Rowley expressed regrets for causing the Clevelander anxiety and apprehension.

Dissatisfied with the reply, Stanton got the Greater Cleveland chapter of the American Civil Liberties Union to pursue the case in court, but Karapandzich asked that it be dropped because he did not want "further publicity." He works for the city of Cleveland.

[From Ohio 20th Congressional District Newsletter]

STANTON ACTS ON COMPLAINT OF ABUSE BY SECRET SERVICE AGENTS

Recently, Borivoje Karapandzich, 7104 Lawn Ave., wrote me to complain of abuse by the U.S. Secret Service. Mr. Karapandzich is an outspoken foe of President Tito of Yugoslavia. When Tito came here in October, agents concerned about Tito's safety went to Mr. Karapandzich's home, asking objectionable questions, demanding his photograph and causing him to believe his City Hall job was in jeopardy.

I thought this complaint, if true, was so serious that it deserved my personal attention. I went to Cleveland to see Mr. Karapandzich. Then I confronted the agents. I concluded that Mr. Karapandzich is a law-abiding citizen, and that Tito had nothing to fear from him except criticism.

I wrote to President Nixon objecting to this treatment of my constituent. Finally, the Secret Service wrote an apology which I felt was inadequate. I informed Mr. Karapandzich that attorneys concerned with civil liberties were interested, but he thanked me for taking his case to the White House and asked that I go no further.

Unless he changes his mind, I will of course stop. However, an important principle is involved here, the right of a citizen to utter criticism without having to answer for it to a federal policeman. I insist that this right be recognized by Mr. Nixon. Should anyone else in my District undergo a similar experience, I would like to hear about it.

"A BLUEPRINT FOR SURVIVAL," A DECLARATION FROM THE ECOLOGIST, JANUARY 1972

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I call attention to a significant statement entitled, "A Blueprint for Survival," published earlier this month in a British journal, the Ecologist.

This statement was prepared by a number of persons in Great Britain who have been engaged in the study of environmental problems.

The major points of the statement have won support from a number of outstanding British scientists, ecologists, and others concerned with environmental problems.

As chairman of the subcommittee which produced the Environmental Education Act of 1970 and as one of the sponsors of this law, I wish to call to the attention of my colleagues this significant document. Without myself wishing to endorse every statement in it, I am glad sympathetically to note the concern being expressed in the United Kingdom about environmental problems. I am confident that we in the United States can learn from the views of others even as, hopefully, others will have something of value to gain from our own efforts to understand and cope with environmental problems.

Mr. Speaker, I include at this point in the Record, from the Ecologist of January 1972, the statement, "A Blueprint for Survival":

A BLUEPRINT FOR SURVIVAL
STATEMENT OF SUPPORT

The undersigned, without endorsing every detail, fully support the basic principles embodied in the *Blueprint for Survival* which follows, both in respect of the analysis of the problems we face today, and the solutions proposed.

Prof. Don Arthur, MSc PhD DSc FIBiol, *Professor of Zoology, King's College, London.*

Prof. D. Bryce-Smith, DSc, *Professor of Organic Chemistry, Univ. of Reading.*

Sir Frank Fraser Darling.

Prof. G. W. Dimbleby, BSc MA DPhil, *Professor of Human Environment, Institute of Archaeology, London.*

Prof. George Dunnet, BSc, PhD, *Professor of Zoology, Univ. of Aberdeen.*

Dr. P. N. Edmunds, BSc MD MRCPath, *Dept. of Bacteriology, Fife District Laboratory.*

Prof. R. W. Edwards, DSc FIBiol, *Professor of Applied Biology, Univ. of Wales Institute of Science and Technology.*

Dr. S. R. Eyre, BSc, PhD, *Dept. of Geography, Univ. of Leeds.*

Prof. Douglas Falconer, BSc PhD FIBiol, *Professor of Genetics, Univ. of Edinburgh*

Prof. John Friend, BSc PhD FIBiol, *Professor of Botany, Univ. of Hull.*

Prof. F. W. Grimes, CBE, DLitt FFA FMA, *Institute of Archaeology, Univ. of London.*

Prof. John Hawthorn, BSc PhD FRSE FRIC FIFST, *Professor of Food Science, Univ. of Strathclyde.*

Prof. G. Melvyn Howe, MSc, PhD, *Professor of Geography, Univ. of Strathclyde.*

Sir Julian Huxley, FRS.

Dr. David Lack, DSc FRS, *Reader in Ornithology, Edward Grey Institute of Field Ornithology, Univ. of Oxford.*

Dr. J. P. Lester, *British Medical Association.*

Dr. John A. Loraine, DSc MB PhD, *MRC Clinical Endocrinology Unit, Edinburgh.*

Diana G. M. Loraine.

Dr. Aubrey Manning, BSC DPhil, *Reader in Zoology, Univ. of Edinburgh.*

Prof. Vincent Marks, Prof. of Biology, Univ. of Surrey.

Prof. Ivor Mills, PhD MDL FRCP, Professor of Medicine, Dept. of Investigative Medicine, Univ. of Cambridge.

Dr. E. Mishan, PhD, Reader in Economics, London School of Economics, and Professor of Economics, American University, Washington.

Prof. P. J. Newbould, BA PhD FIBiol, Professor of Biology, The New Univ. of Ulster.

Prof. Forbes W. Robertson, PhD DSC FI-Biol, Professor of Genetics, Univ. of Aberdeen.

Prof. W. A. Robson, BSCEcon LLM PhD DLitt Dde L'Univertité, Professor Emeritus in Public Administration, London School of Economics.

Dr. J. Rose, MSC PhD FIL FRIC, Director, Editor, International Journal of Environmental Sciences.

Sir Edward Salisbury, FRS.

Dr. R. Scorer, MA PhD FRSH FIMA, Imperial College London and member of the Clean Air Council.

Peter Scott, CBE LlD, Hon. Director the Wild Fowl Trust.

Dr. Malcolm Slesser, BSC PhD, Dept. of Pure and Applied Chemistry, Univ. of Strathclyde.

Prof. C. H. Waddington, CBE FRS, Professor of Animal Genetics, Univ. of Edinburgh.

Dr. Watson, BSC PhD DSC, Univ. of Strathclyde.

Prof. V. C. Wynne-Edwards, FRS, Regius Professor of Natural History, Univ. of Aberdeen, and Chairman, Natural Environment Research Council.

Survival International (Primitive Peoples' Fund).

PREFACE

This document has been drawn up by a small team of people, all of whom, in different capacities, are professionally involved in the study of global environmental problems.

Four considerations have prompted us to do this:

1. An examination of the relevant information available has impressed upon us the extreme gravity of the global situation today. For, if current trends are allowed to persist, the breakdown of society and the irreversible disruption of the life-support systems on this planet, possibly by the end of the century, certainly within the lifetimes of our children, are inevitable.

2. Governments, and ours is no exception,

are either refusing to face the relevant facts, or are briefing their scientists in such a way that their seriousness is played down. Whatever the reasons, no corrective measures of any consequence are being undertaken.

3. This situation has already prompted the formation of the Club of Rome, a group of scientists and industrialists from many countries, which is currently trying to persuade governments, industrial leaders and trade unions throughout the world to face these facts and to take appropriate action while there is yet time. It must now give rise to a national movement to act at a national level, and if need be to assume political status and contest the next general election. It is hoped that such an example will be emulated in other countries, thereby giving rise to an international movement, complementing the invaluable work being done by the Club of Rome.

4. Such a movement cannot hope to succeed unless it has previously formulated a new philosophy of life, whose goals can be achieved without destroying the environment, and a precise and comprehensive programme for bringing about the sort of society in which it can be implemented.

This we have tried to do, and our *Blueprint for Survival* heralds the formation of the Movement for Survival and, it is hoped, the dawn of a new age in which Man will learn to live with the rest of Nature rather than against it.

The Ecologist; Edward Goldsmith, Robert Allen, Michael Allaby, John Davoll, Sam Lawrence.

INTRODUCTION: THE NEED FOR CHANGE

110. The principal defect of the industrial way of life with its ethos of expansion is that it is not sustainable. Its termination within the lifetime of someone born today is inevitable—unless it continues to be sustained for a while longer by an entrenched minority at the cost of imposing great suffering on the rest of mankind. We can be certain, however, that sooner or later it will end (only the precise time and circumstances are in doubt), and that it will do so in one of two ways: either against our will, in a succession of famines, epidemics, social crises and wars; or because we want it to—because we wish to create a society which will not impose hardship and cruelty upon our children—in a succession of thoughtful, humane and measured changes. We believe that a growing number of people are aware of this choice, and are more interested in our proposals for creating a sustainable society than in yet another recitation of the reasons why this should be done. We will therefore consider these reasons only briefly, reserving a fuller analysis for the four appendices which follow the Blueprint *proper.*

111. Radical change is both necessary and inevitable because the present increases in human numbers and *per capita* consumption, by disrupting ecosystems and depleting resources, are undermining the very foundations of survival. At present the world population of 3,600 million is increasing by 2 per cent per year (72 million), but this overall figure conceals crucially important differences between countries. The industrialised countries with one-third of the world population have annual growth rates of between 0.5 and 1.0 per cent; the undeveloped countries on the other hand, with two-thirds of the world population, have annual growth rates of between 2 and 3 per cent, and from 40 to 45 per cent of their populations is under 15. It is commonly overlooked that in countries with an unbalanced age structure of this kind the population will continue to increase for many years even after fertility has fallen to the replacement level. As the Population Council has pointed out: "If replacement is achieved in the developed world by 2000 and in the developing world by 2040, then the world's population will stabilise at nearly 15.5 billion (15,500 million) about a century hence, or well over four times the present size".

112. The *per capita* use of energy and raw materials also shows a sharp division between the developed and the undeveloped parts of the world. Both are increasing their use of these commodities, but consumption in the developed countries is so much higher that, even with their smaller share of the population, their consumption may well represent over 80 per cent of the world total. For the same reason, similar percentage increases are far more significant in the developed countries; to take one example, between 1957 and 1967 *per capita* steel consumption rose by 12 per cent in the US and by 41 per cent in India, but the actual increases (in kg per year) were from 568 to 634 and from 9.2 to 13 respectively. Nor is there any sign that an eventual end to economic growth is envisaged, and indeed industrial economies appear to break down if growth ceases or even slows, however high the absolute level of consumption. Even the US still aims at an annual growth of GNP of 4 per cent or more. Within this overall figure much higher growth rates occur for the use of particular resources, such as oil.

113. The combination of human numbers and *per capita* consumption has a considerable impact on the environment, in terms of both the resources we take from it and the pollutants we impose on it. A distinguished group of scientists, who came together for a "Study of Critical Environmental Problems" (SCEP) under the auspices of the Massachusetts Institute of Technology, state in their report the clear need for a means of measuring this impact, and have coined the term "ecological demand", which they define as "a summation of all man's demands on the environment, such as the extraction of resources and the return of wastes". Gross Domestic Product (GDP), which is population multiplied by material standard of living appears to provide the most convenient measure of ecological demand, and according to the UN *Statistical Yearbook* this is increasing annually by 5 to 6 per cent, or doubling every 13.5 years. If this trend should continue, then in the time taken for world population to double (which is estimated to be by just after the year 2000), total ecological demand will have increased by a factor of six. SCEP estimate that "such demand-producing activities as agriculture, mining and industry have global annual rates of increase of 3.5 per cent and 7 per cent respectively. An integrated rate of increase is estimated to be between 5 and 6 per cent per year, in comparison with an annual rate of population increase of only 2 per cent."

114. It should go without saying that the world cannot accommodate this continued increase in ecological demand. *Indefinite* growth of whatever type cannot be sustained by *finite* resources. This is the nub of the environmental predicament. It is still less possible to main indefinite *exponential* growth—and unfortunately the growth of ecological demand is proceeding exponentially (i.e., it is increasing geometrically, by compound interest).

115. The implications of exponential growth are not generally appreciated and are well worth considering. As Professor Forrester explains it,[1] ". . . pure exponential growth possesses the characteristic of behaving according to a 'double time'. Each fixed time interval shows a doubling of the relevant system variable. Exponential growth is treacherous and misleading. A system variable can continue through many doubling intervals without seeming to reach significant size. But then in one or two more doubling periods, still following the same law of exponential growth, it suddenly seems to become overwhelming".

116. Thus, supposing world petroleum reserves stood at 2,100 billion barrels, and supposing our rate of consumption was increasing by 6.9 per cent per year, then as can be seen from Figure 1, demand will exceed supply by the end of the century. What is significant, however, is not the speed at which such vast reserves can be depleted, but that as late as 1975 there will appear to be reserves fully ample enough to last for considerably longer. Such a situation can easily lull one into a false sense of security and the belief that a given growth rate can be sustained, if not indefinitely, at least for a good deal longer than is actually the case. (It is perhaps worth bearing in mind that the actual rate of petroleum consumption is increasing by 6.9 per cent per year, and according to the optimistic estimate of W. P. Ryman, Deputy Exploration Manager of the Standard Oil Company of New Jersey, world petroleum reserves (including deposits yet to be discovered) are about 2,100 billion barrels.)

The same basic logic applies to the availability of any resource including land and it is largely because of this particular dynamic of exponential growth that the environmental predicament has come upon us so suddenly, and why its solution requires urgent and radical measures, many of which run counter to values which, in our industrial society we have been taught to regard as fundamental.

117. If we allow the present growth rate to persist, total ecological demand will increase by a factor of 32 over the next 66 years—and there can be no serious person today willing to concede the possibility, or indeed the desirability, of our accommodating the pressures arising from such growth For this can be done only at the cost of disrupting ecosystems and exhausting resources, which must lead to the failure of food supplies and the collapse of society. It is worth briefly considering each in turn.

Disruption of ecosystems

120. We depend for our survival on the predictability of ecological processes. If they were at all arbitrary, we would not know when to reap or sow, and we would be at the mercy of environmental whim. We could learn nothing about the rest of nature, advance no hypotheses, suggest no "laws". Fortunately, ecological processes *are* predictable, and although theirs is a relatively young discipline, ecologists have been able to formulate a number of important "laws", one of which in particular relates to environmental predictability: namely, that all ecosystems tend towards stability, and further that the more diverse and complex the ecosystem the more stable it is; that is, the more species there are, and the more they interrelate, the more stable is their environment. By stability is meant the ability to return to the original position after any change, instead of being forced into a totally different pattern—and hence predictability.

121. Unfortunately, we behave as if we knew nothing of the environment and had no conception of its predictability, treating it instead with scant and brutal regard as if it were an idiosyncratic and extremely stupid slave. We seem never to have reflected on the fact that a tropical rain forest supports innumerable insect species and yet is never devastated by them; that its rampant luxuriance is not contingent on our overflying it once a month and bombarding it with insecticides, herbicides, fungicides, and what-have-you. And yet we tremble over our wheatfields and cabbage patches with a desperate battery of synthetic chemicals, in an absurd attempt to impede the operation of the immutable "law" we have just mentioned—that all ecosystems tend towards stability, therefore diversity and complexity, therefore a growing number of different plant and animal species until a climax or optimal

---

Footnotes at end of article.

condition is achieved. If we were clever, we would recognise that successful long-term agriculture demands the achievement of an artificial climax, an imitation of the pre-existing ecosystem, so that the level of unwanted species could be controlled by those that did no harm to the crop-plants.

122. Instead we have put our money on pesticides, which although they have been effective, have been so only to a limited and now diminishing extent: according to SCEP, the 34 per cent increase in world food production from 1951 to 1966 required increased investments in nitrogenous fertilisers of 146 per cent and in pesticides of 300 per cent. At the same time they have created a number of serious problems, notably resistance—some 250 pest species are resistant to one group of pesticides or another, while many others require increased applications to keep their populations within manageable proportions—and the promotion of formerly innocuous species to pest proportions, because the predators that formerly kept them down have been destroyed. The spread of DDT and other organochlorines in the environment has resulted in alarming population declines among woodcock, grebes, various birds of prey and seabirds, and in a number of fish species, principally the sea trout. SCEP comments: "the oceans are an ultimate accumulation site of DDT and its residues. As much as 25 per cent of the DDT compounds produced to date may have been transferred to the sea. The amount in the marine biota is estimated to be in the order of less than 0.1 per cent of total production and has already produced a demonstrable impact upon the marine environment. . . . The decline in productivity of marine food fish and the accumulation of levels of DDT in their tissues which are unacceptable to man can only be accelerated by DDT's continued release to the environment. . . ."

123. There are half a million man-made chemicals in use today, yet we cannot predict the behaviour or properties of the greater part of them (either singly or in combination) once they are released into the environment. We know, however, that the combined effects of pollution and habitat destruction menace the survival of no less than 280 mammal, 350 bird, and 20,000 plant species. To those who regret these losses but greet them with the comment that the survival of *Homo sapiens* is surely more important than that of an eagle or a primrose, we repeat that *Homo sapiens* himself depends on the continued resilience of those ecological networks of which eagles and primroses are integral parts. We do not need to utterly destroy the ecosphere to bring catastrophe upon ourselves: all we have to do is to carry on as we are, clearing forests, "reclaiming" wetlands, and imposing sufficient quantities of pesticides, radioactive materials, plastics, sewage, and industrial wastes upon our air, water and land systems to make them inhospitable to the species on which their continued stability and integrity depend. Industrial man in the world today is like a bull in a china shop, with the single difference that a bull with half the information about the properties of china as we have about those of ecosystems would probably try and adapt its behaviour to its environmental rather than the reverse. By contrast, *Homo sapiens industrialis* is determined that the china shop should adapt to him, and has therefore set himself the goal of reducing it to rubble in the shortest possible time.

Failure of food supplies

130. Increases in food production in the undeveloped world have barely kept abreast of population growth. Such increases as there have been are due not to higher productivity but to the opening up of new land for cultivation. Unfortunately this will not be possible for much longer: all the good land in the world is now being farmed, and according to the FAO,[2] at present rates of expansion none of the marginal land that is left will be unfarmed by 1985—indeed some of the land now under cultivation has been so exhausted that it will have to be returned to permanent pasture.

131. For this reason, FAO's programme to feed the world depends on a programme of intensification, at the heart of which are the new high-yield varieties of wheat and rice. These are highly responsive to inorganic fertilisers and quick-maturing, so that up to ten times present yields can be obtained from them. Unfortunately, they are highly vulnerable to disease, and therefore require increased protection by pesticides, and of course they demand massive inputs of fertilisers (up to 27 times present ones). Not only will these disrupt local ecosystems, thereby jeopardising long-term productivity, but they force hard-pressed undeveloped nations to rely on the agro-chemical industries of the developed world.

132. Whatever their virtues and faults, the new genetic hybrids are not intended to solve the world food problem, but only to give us time to devise more permanent and realistic solutions. It is our view, however, that these hybrids are not the best means of doing this, since their use is likely to bring about a reduction in overall diversity, when the clear need is to develop an agriculture diverse enough to have long-term potential. We must beware of those "experts" who appear to advocate the transformation of the ecosphere into nothing more than a food-factory for man. The concept of a world consisting solely of man and a few favoured food plants is so ludicrously impracticable as to be seriously contemplated only by those who find solace in their own wilful ignorance of the real world of biological diversity.

133. We in Britain must bear in mind that we depend on imports for half our food, and that we are unlikely to improve on this situation. The 150,000 acres which are lost from agriculture each year are about 70 per cent more productive than the average for all enclosed land,[3] while we are already beginning to experience diminishing returns from the use of inorganic fertilisers. In the period 1964–9, applications of phosphates have gone up by 2 per cent, potash by 7 per cent, and nitrogen by 40 per cent,[4] yet yields per acre of wheat, barley, lucerne and temporary grass have levelled off and are beginning to decline, while that of permanent grass has risen only slightly and may be levelling off.[5] As *per capita* food availability declines throughout the rest of the world, and it appears inevitable it will, we will find it progressively more difficult and expensive to meet our food requirements from abroad. The prospect of severe food shortages within the next thirty years is not so much a fantasy as that of the continued abundance promised us by so many of our politicians.

Exhaustion of resources

140. As we have seen, continued exponential growth of consumption of materials and energy is impossible. Present reserves of all but a few metals will be exhausted within 50 years, if consumption rates continue to grow as they are. Obviously there will be new discoveries and advances in mining technology, but these are likely to provide us with only a limited stay of execution. Synthetics and substitutes are likely to be of little help, since they must be made from materials which themselves are in short supply; while the hoped-for availability of unlimited energy would not be the answer, since the problem is the ratio of useful metal to waste matter (which would have to be disposed of without disrupting ecosystems), not the need for cheap power. Indeed, the availability of unlimited power holds more of a threat than a promise, since energy use is inevitably polluting, and in addition we would ultimately have to face the problem of disposing of an intractable amount of waste heat.

Collapse of society

150. The developed nations consume such disproportionate amounts of protein, raw materials and fuels that unless they considerably reduce their consumption there is no hope of the undeveloped nations markedly improving their standards of living. This vast differential is a cause of much and growing discontent, made worse by our attempts at cultural uniformity on behalf of an expanding market economy. In the end, we are altering people's aspirations without providing the means for them to be satisfied. In the rush to industralise we break up communities, so that the controls which formerly regulated behaviour are destroyed before alternatives can be provided. Urban drift is one result of this process, with a consequent rise in anti-social practices, crime, delinquency, and so on, which are so costly for society in terms both of money and of well-being.

151. At the same time, we are sowing the seeds of massive unemployment by increasing the ratio of capital to labour so that the provision of each job becomes ever more expensive. In a world of fast diminishing resources, we shall quickly come to the point when very great numbers of people will be thrown out of work, when the material compensations of urban life are either no longer available or prohibitively expensive, and consequently when whole sections of society will find good cause to express their considerable discontent in ways likely to be anything but pleasant for their fellows.

152. It is worth bearing in mind that the barriers between us and epidemics are not so strong as is commonly supposed. Not only is it increasingly difficult to control the vectors of disease, but it is more than probable that urban populations are being insidiously weakened by overall pollution levels, even when they are not high enough to be incriminated in any one illness. At the same time international mobility speeds the spread of disease. With this background, and at a time of widespread public demoralisation, the collapse of vital social services such as power and sanitation, could easily provoke a series of epidemics—and we cannot say with confidence that we would be able to cope with them.

153. At times of great distress and social chaos, it is more than probable that governments will fall into the hands of reckless and unscrupulous elements, who will not hesitate to threaten neighbouring governments with attack, if they feel that they can wrest from them a larger share of the world's vanishing resources. Since a growing number of countries (an estimated 36 by 1980) will have nuclear power stations, and therefore sources of plutonium for nuclear warheads, the likelihood of a whole series of local (if not global) nuclear engagements is greatly increased.

Conclusion

160. A fuller discussion of ecosystems and their disruption, of social systems and their disruption, of population and food supply, and of resources and their depletion, can be found in Appendices A, B, C and D, respectively. There will be those who regard these accounts of the consequences of trying to accommodate present growth rates as fanciful. But the imaginative leap from the available scientific information to such predictions is negligible, compared with that required for those alternative predictions, laughably considered "optimistic", of a world of 10,000 to 15,000 million people, all with the same material standard of living as the US, on a concrete replica of this planet, the only moving parts being their machines and possibly themselves. Faced with inevitable change, we have to make decisions, and we

---

Footnotes at end of article.

must make these decisions, soberly in the light of the best information, and not as if we were caricatures of the archetypal mad scientist.

161. By now it should be clear that the main problems of the environment do not arise from temporary and accidental malfunctions of existing economic and social systems. On the contrary, they are the warning signs of a profound incompatibility between deeply rooted beliefs in continuous growth and the dawning recognition of the earth as a space ship, limited in its resources and vulnerable to thoughtless mishandling. The nature of our response to these symptoms is crucial. If we refuse to recognise the cause of our trouble the result can only be increasing disillusion and growing strain upon the fragile institutions that maintain external peace and internal social cohesion. If, on the other hand, we can respond to this unprecedented challenge with informed and constructive action the rewards will be as great as the penalties for failure.

162. We are sufficiently aware of "political reality" to appreciate that many of the proposals we will make in the next chapter will be considered impracticable. However, we believe that if a strategy for survival is to have any chance of success, the solutions must be formulated in the light of the problems and not from a timorous and superficial understanding of what may or may not be immediately feasible. If we plan remedial action with our eyes on political rather than ecological reality, then very reasonably, very practicably, and very surely, we will muddle our way to extinction.

163. A measure of political reality is that government has yet to acknowledge the impending crisis. This is to some extent because it has given itself no machinery for looking at energy, resources, food, environmental disruption and social disruption as a whole, as part of a general, global pattern, preferring instead to deal with its many aspects as if they were self-contained analytical units. Lord Rothschild's Central Policy Review Staff in the Cabinet Office, which is the only body in government which might remedy the situation, appears not to think it worthwhile: at the moment at least, they are undertaking "no specific studies on the environment that would require an environmentalist or ecologist". There is a strong element of positive feedback here, in that there can be no appreciation of our predicament unless we view it in totality, and yet government can see no cause to do so unless it can be shown that such a predicament exists.

164. Possibly because government sees the world in fragments and not as a totality, it is difficult to detect in its actions or words any coherent general policy, although both major political parties appear to be mesmerised by two dominating notions: that economic expansion is essential for survival and is the best possible index of progress and well-being; and that unless solutions can be devised that do not threaten this notion, then the problems should not be regarded as existing. Unfortunately, government has an increasingly powerful incentive for continued expansion in the tendency for economic growth to create the need for more economic growth. This it does in six ways:

Firstly, the introduction of technological devices, i.e. the growth of the technosphere, can only occur to the detriment of the ecosphere, which means that it leads to the destruction of natural controls which must then be replaced by further technological ones. It is in this way that pesticides and artificial fertilisers create the need for yet more pesticides and artificial fertilisers.

Secondly, for various reasons, industrial growth, particularly in its earlier phases, promotes population growth. Even in its later phases, this can still occur at a high rate (0.5 per cent in the UK). Jobs must constantly be created for the additional people—not just any job, but those that are judged acceptable in terms of current values. This basically means that the capital outlay per person employed must be maintained, otherwise the level of "productivity" per man will fall, which is a determinant of both the "viability" of economic enterprise and of the "standard of living".

Thirdly, no government can hope to survive widespread and protracted unemployment, and without changing the basis of our industrial society, the only way government can prevent it is by stimulating economic growth.

Fourthly, business enterprises, whether state-owned or privately owned, tend to become self-perpetuating, which means that they require surpluses for further investment. This favours continued growth.

Fifthly, the success of a government and its ability to obtain support is to a large extent assessed in terms of its ability to increase the "standard of living" as measured by *per capita* gross national product (GNP).

Finally, confidence in the economy, which is basically a function of its ability to grow, must be maintained to ensure a healthy state of the stock market. Were confidence to fall, stock values would crash, drastically reducing the availability of capital for investment and hence further growth, which would lead to further unemployment. This would result in a further fall in stock-market values and hence give rise to a positive-feedback chain-reaction, which under the existing order might well lead to social collapse.

For all these reasons, we can expect our government (whether Conservative or Labour) to encourage further increases in GNP regardless of the consequences, which in any case tame "experts" can be found to play down. It will curb growth only when public opinion demands such a move, in which case it will be politically expedient, and when a method is found for doing so without creating unemployment or excessive pressure on capital. We believe this is possible only within the framework of a fully integrated plan.

165. The emphasis must be on integration. If we develop relatively clean technologies but do not end economic growth then sooner or later we will find ourselves with as great a pollution problem as before but without the means of tackling it. If we stabilise our economies and husband our non-renewable resources without stabilising our populations we will find we are no longer able to feed ourselves. As Forrester [1] and Meadows [6] convincingly make clear, daunting through an integrated programme may be, a piecemeal approach will cause more problems than it solves.

166. Our task is to create a society which is sustainable and which will give the fullest possible satisfaction to its members. Such a society by definition would depend not on expansion but on stability. This does not mean to say that it would be stagnant—indeed it could well afford more variety than does the state of uniformity at present being imposed by the pursuit of technological efficiency. We believe that the stable society, the achievement of which we shall discuss in the next chapter, as well as removing the sword of Damocles which hangs over the heads of future generations, is much more likely than the present one to bring the peace and fulfillment which hitherto have been regarded, sadly, as utopian.

TOWARD THE STABLE SOCIETY: STRATEGY FOR CHANGE

Introduction

210. The principal conditions of a stable society—one that to all intents and purposes can be sustained indefinitely while giving optimum satisfaction to its members—are: (1) minimum disruption of ecological processes; (2) maximum conservation of materials and energy—or an economy of stock rather than flow; (3) a population in which recruitment equals loss; and (4) a social system in which the individual can enjoy, rather than feel restricted by, the first three conditions.

211. The achievement of these four conditions will require controlled and well-orchestrated change on numerous fronts and this change will probably occur through seven operations: (1) a control operation whereby environmental disruption is reduced as much as possible by technical means; (2) a freeze operation, in which present trends are halted; (3) a systemic substitution, by which the most dangerous components of these trends are replaced by technological substitutes, whose effect is less deleterious in the short-term, but over the long-term will be increasingly ineffective; (4) systemic substitution, by which these technological substitutes are replaced by "natural" or self-regulating ones, i.e. those which either replicate or employ without undue disturbance the normal processes of the ecosphere, and are therefore likely to be sustainable over very long periods of time; (5) the invention, promotion and application of alternative technologies which are energy and materials conservative, and which because they are designed for relatively "closed" economic communities are likely to disrupt ecological processes only minimally (e.g. intermediate technology); (6) decentralisation of polity and economy at all levels, and the formation of communities small enough to be reasonably self-regulating and self supporting; and (7) education for such communities.

212. As we shall see when we examine how our four conditions might be achieved, some changes will involve only a few of these operations, in others a number of the operations will be carried out almost simultaneously, and in others one will start well before another has ended. The usefulness of the operation-concept is simply to clarify the orchestration of change.

213. In putting forward these proposals we are aware that hasty or disordered change is highly disruptive and ultimately self-defeating; but we are also mindful of how the time-scale imposed on any proposal for a remedial course of action has been much-abbreviated by the dynamic of exponential growth (of population, resource depletion and pollution) and by the scarcely perceived scale and intensity of our disruption of the ecological processes on which we and all other life-forms depend. Within these limitations, therefore, we have taken care to devise and synchronise our programme so as to minimise both unemployment and capital outlay. We believe it possible to change from an expansionist society to a stable society without loss of jobs or an increase in real expenditure. Inevitably, however, there will be considerable changes, both of geography and function, in job availability and the requirements for capital inputs—and these may set up immense counter-productive social pressures. Yet given the careful and sensitive conception and implementation of a totally integrated programme these should be minimised, and an open style of government should inspire the trust and co-operation of the general public so essential for the success of this enterprise.

214. One further point should be made before we consider in more detail the various changes required. As each of the many socio-economic components or variables of industrial society are changed or replaced, so various pressure points will be set up. It is easy to imagine, for example, a situation in which 25 per cent of the socio-economic variables are designed for a stable society and therefore by definition are ill-suited to one of expansion. This situation may create more problems than it solves. When we reach the point at which 50 per cent of the variables

---

Footnotes at end of article.

are adapted to stability and the other 50 per cent to expansion, the difficulties and tensions are likely to be enormous, but thereafter each change and replacement will assist further change and replacement, and the moulding of a sustainable, satisfying society should be that much easier. It is difficult for the human mind to imagine the temporal sequence of complex change, and no doubt impossible for it to visualize the precise interactions of the various components. While bearing in mind the folly of expecting computers to do our thinking for us, we believe they have an important role to play in demonstrating the consequences throughout social and ecological systems of a great number of changes over a given period of time.

Minimising the disruption of ecological processes

220. Ecological processes can be disrupted by introducing into them either substances that are foreign to them or the correct ones in the wrong quantities. It follows therefore that the most common method of pollution "control", namely dispersal, is not control at all, but a more or less useful way of playing for time. Refuse disposal by dumping solves the immediate problem of the householder, but as dumping sites are used up it creates progressively less soluble problems for society at large; smokeless fuels are invaluable signs of progress for citizens of London or Sheffield, but the air pollution from their manufacture brings misery and ill-health to the people near the plants where they are produced; in many cases the dispersal of pollutants through tall chimneys merely alters the proportion of pollution, so that instead of a few receiving much, many receive some; and lastly, in estuarine and coastal waters—crucial areas for fisheries—nutrients from sewage and agricultural runoff in modest quantities probably increase productivity, but in excess are as harmful as organochlorines and heavy metals.

221. Thus dispersal can be only a temporary expedient. Pollution control proper must consist of the recycling of materials, or the introduction of practices which are so akin to natural processes as not to be harmful. The long-term object of these pollution control procedures is to minimise our dependence on technology as a regulator of the ecological cycles on which we depend, and to return as much as possible to the natural mechanisms of the ecosphere, since in all but the short-term they are much more efficient and reliable. In the light of these remarks then, let us consider some contemporary pollution problems and how they might be solved.

222. *Pesticides.* There is no way of controlling the disruption caused by pesticides save by using less, and progress towards this end will probably require three operations: freeze, asystemic substitution, and systemic substitution. The freeze operation consists of the ending of any further commitment to pesticides, particularly the persistent organochlorines. For the developed countries this is a relatively simple procedure, and already the use of Dieldrin, DDT, and so on, is beginning to decline. For the undeveloped countries, however, it would be impossible without an undertaking from the developed ones to subsidise the supply of much more expensive substitutes. In the malaria control programme, for example, the replacement of DDT by malathion or propoxur would raise the cost of spraying operations from US $60 million a year to $184 million and $510 million respectively.[1]

223. Once such an undertaking is given, the undeveloped countries could proceed to the second operation. (There is no conceivable reason why the developed ones should not formally do so now.) This consists of the progressive substitution of non-persistent pesticides (organophosphates, carbamates, etc.) for the organochlorines. The third operation, the substitution of natural controls for pesticides in general could follow soon after. Two important points should be borne in mind: (*a*) it is most unlikely that the third stage could ever be complete—we will probably have to rely on the precision use of pesticides for some considerable time as part of a programme of integrated control; and (*b*) the second and third operations would proceed in harness until all countries had fully integrated pest control programmes. The drawback with integrated control (the combination of biological control, mechanical control, crop-species diversity and the precise use of species-specific pesticides) is that as yet we do not know enough about it, so that a full-scale research programme is urgently required. The agro-chemical industries should be encouraged to invest in integrated control programmes though plainly, since the profits cannot be so great as from chemical control, research will need public finance—as will the training of integrated control advisory teams to assist farmers, particularly in the undeveloped countries. Such an investment, however, will appear modest once integrated control is fully operational, in comparison with the vast sums of money currently being spent annually on pesticides. A typical operational procedure for the transfer from chemical to integrated control might be as follows: organochlorines phased out, substitute pesticides phased in; in some cultivations these substitutes would be phased out almost immediately, to be replaced by integrated control; in others the time-table would be somewhat longer, depending on our understanding of the relevant agro-ecological processes and the availability of trained personnel.

224. *Fertilisers.* While on many occasions the use of inorganic fertilisers is valuable, their overuse leads to two intractable problems: the pollution of freshwater systems by run-off, and diminishing returns due to the slow but inevitable impoverishment of the soil (see appendix on food supply). Again the solution will come through three operations: freeze, asystemic substitution, and systemic substitution. The first operation requires there to be no further inorganic fertilisers, and hence the removal of subsidies for them. Again this is relatively easy for the developed countries (although there may be some drop in yield per acre), but next to impossible for the undeveloped countries, which are now being introduced to the new genetic hybrids of rice and wheat. Since the remarkable responsiveness of these hybrids is contingent on massive fertilisers inputs (up to 27 times present ones), the undeveloped world is faced with an unenviable choice: either to keep alive its expanding population over the next ten years at the price of considerable damage to soil structure and long-term fertility; or to improve soil structure so that a good proportion of the population can be fed indefinitely, but in the knowledge that the population will probably be reduced to that proportion by such natural processes as famine and epidemic. In the long-term, of course, the solution lies in population control; but in the intervening period there seems to be no alternative to concentrating on agricultural methods that are sustainable even at the expense of immediate productivity. The consequences of not doing so are likely to be much worse than any failure to take full advantage of the new hybrids. In the meantime, an emergency food-supply must be created by the developed prime-producers (USA, USSR, Canada, Australia, New Zealand) so that as much as possible of any short-fall can be met during this difficult period.

225. The second operation involves the gradual substitution of organic manures for inorganic fertilisers—though occasionally the latter will be used to supplement the former—and the return to such practices as ration and leys; this would merge into the third operation: the adoption of highly diversified farming practices in place of monocultures. It is necessary to emphasise that this is not simply a return to traditional good husbandry: it is much more a change from flow fertility (whereby nutrients are imported from outside the agro-ecosystem, a proportion being utilised by food-plants, but with a large proportion leaving the agro-ecosystem in the form of run-off, etc.) to cyclic fertility (in which nutrients in the soil are used and then returned to it in as closed a cycle as possible). The great advantage of nutrients in organic form is that the soil appears much better adapted to them. The nitrogen in humus, for example, is only 0.5 per cent inorganic, the rest being in the form of rotting vegetation, decomposing insects and other animals, and animal manure. A high proportion of organic matter is essential for the soil to be easily workable over long periods (thus extending the period in which cultivations are timely), for it to retain water well without becoming saturated, for the retention of nutrients so that they remain available to plants until they are taken up by them (thus reducing wastage), and for the provision of the optimum environment for the microorganisms so vital for long-term fertility. The rotation of leguminous plants and of grass grazed by animals are the most effective ways of adding organic matter to the soil, while at the same time allowing livestock to select their own food in the open has the double advantage that they are bred with a healthy fat-structure and their wastes enrich the soil instead of polluting waterways or overloading sewage systems. By diversifying farming in these and other ways we are taking advantake of the immense growth of knowledge about agricultural ecology, which plainly will increase with additional research.

226. *Domestic sewage.* The volume of sewage is directly proportional to population numbers and can only be stabilised or reduced by stabilising or reducing the population. However, sewage can and should be disposed of much more efficiently. It is absurd that such valuable nutrients should be allowed to pollute fresh and coastal waters, or that society should be put to the expense of disposing of them in areas where they cannot be effectively utilised. Unfortunately, in developed countries, their disposal as agricultural fertiliser is not generally feasible, largely for two reasons: (*a*) they are contaminated by industrial wastes; (*b*) transportation costs are too high. Both difficulties can be overcome—in the first case by ensuring that there is no (or negligible) admixture of industrial to domestic effluents, which depends on better industrial pollution control (see below); and in the second case by decentralising so that there is an improved mix of rural and urban activities. This will be explored in the section on social systems. In undeveloped countries, the problem of domestic sewage could be overcome by the provision of aid to pay for sewage plants that yield purified water and usable sludge.

227. *Industrial wastes.* Reduction of industrial effluent should proceed by two operations: a control operation, and an alternative (materials and energy conservative) technology operation. We have already suggested that the key to pollution control is not dispersal but recycling, and since recycling is a most important element in resource management it will be discussed in the section on stock economics. The alternative technology operation will be considered in the section on social systems.

Conversion to an economy of stock

230. The transfer from flow to stock economics can be considered under two headings: resource management and social accounting.

Footnotes at end of article.

231. *Resource management.* It is essential that the throughput of raw materials be minimised both to conserve non-renewable resources and to cut down pollution. Since industry must have an economic incentive to be conservative of materials and energy and to recycle as much as possible, we propose a number of fiscal measures to these ends: (*a*) A raw materials tax. This would be proportionate to the availability of the raw material in question, and would be designed to enable our reserves to last over an arbitrary period of time, the longer the better, on the principle that during this time our dependence on this raw material would be reduced. This tax would penalise resource-intensive industries and favour employment-intensive ones. Like (*b*) below it would also penalise short-lived products.

(*b*) An amortisation tax. This would be proportionate to the estimated life of the product, e.g. it would be 100 per cent for products designed to last no more than a year, and would then be progressively reduced to zero per cent for those designed to last 100+ years. Obviously this would penalise shortlived products, especially disposable ones, thereby reducing resource utilisation and pollution, particularly the solid-waste problem. Plastics, for example, which are so remarkable for their durability, would be used only in products where this quality is valued, and not for single trip purposes. This tax would also encourage craftmanship and employment-intensive industry.

232. The raw materials tax would obviously encourage recycling, and we can see how it might work if we consider such a vital resource as water. The growing conflict between farmers, conservationists and the water boards is evidence enough that demand for water is conflicting with other, no less important, values. At the moment, the water boards have no alternative but to fulfill their statutory obligation to meet demand, and accordingly valley after valley comes under the threat of drowning. Clearly, unless we consider dry land an obstacle to progress, demand must be stabilised, and since demand is a function of population numbers × *per capita* consumption, both must be stabilised, if not reduced (and we have seen that for other reasons they must be reduced). To this end therefore, while a given minimum can be supplied to each person free-of-charge, any amount above that minimum should be made increasingly expensive. As far as industry is concerned, the net effect would be to encourage the installation of closed-circuit systems for water; total demand would be reduced, and there would be less pressure on lowland river systems.

233. Despite the stimulus of a raw materials tax, however, it is likely that there would be a number of serious pollutants which it would be uneconomic to recycle, and still others for which recycling would be technically impossible. One thinks in particular of the radioactive wastes from nuclear power stations. Furthermore, recycling cannot do everything: there will always be a non-recoverable minimum, which as now will have to be disposed of as safely as possible. This limitation can be made clear if we postulate a 3 per cent growth rate, and the introduction of pollution controls which reduce pollution by 80 per cent throughout—it would then take only 52 years to bring us back where we started from, with the original amount of pollution but with a much greater problem of reducing it any further; if we had a 6 per cent growth rate, we would reach this position in a mere 26 years. It is also worth mentioning that recycling consumes energy and is therefore polluting, so that it is necessary to develop recycling procedures which are energy conservative.

234. The problem of uneconomic recycling can be resolved by the granting of incentives by government. Indeed, in the short-term, the entire recycling industry should be encouraged to expand, even though we know that in the long-term industrial expansion is self-defeating. This brings us to the intractable problem of the disposal of the undisposable, which can only be resolved by the termination of industrial growth and the reduction of energy demand. Again fiscal measures will be supremely important, and we propose one in particular: (*c*) A power tax. This would penalise power-intensive processes and hence those causing considerable pollution. Since machinery requires more power than people, it would at the same time favour the employment intensification of industry, i.e. create jobs. It would also penalise the manufacture of short-lived products. In addition to this tax, there should be financial incentives for the development and installation of total energy systems, a matter to which we shall return in the section on social systems.

235. Finally, industrial pollution can also be reduced by materials substitution. The substitution of synthetic compounds for naturally occurring compounds has created serious environmental damage since in some cases the synthetics can be broken down only with difficulty and in others not at all. The usage rate of these synthetics has increased immensely at the expense of the natural products, as can be seen from the following examples: [2]

(*a*) In the US, *per capita* consumption of synthetic detergents increased by 300 per cent between 1962 and 1968. They have largely replaced soap products, *per capita* consumption of which fell by 71 per cent between 1944 and 1964.

(*b*) Synthetic fibres are rapidly replacing cotton, wool, silk and other natural fibres. In the US, *per capita* consumption of cotton fell by 33 per cent between 1950 and 1968.

(*c*) The production of plastics and synthetic resins in the US, has risen by 300 per cent between 1958 and 1968. They have largely replaced wood and paper products.

All of these processes consume the non-renewable fossil fuels, and their manufacture requires considerable inputs of energy. On the face of it, therefore, a counter-substitution of naturally occurring products would much reduce environmental disruption. However, it is possible that such a change-over, while it would certainly reduce disruption at one end, might dangerously increase it at the other. For example, many more acres would have to be put under cotton, thus increasing demand for pesticides, more land would have to be cleared and put under forest monocultures, and so on. This problem can only be solved by reducing total consumption.

236. *Genetic resources.* Before leaving the subject of resources, it is appropriate that we consider the world's diminishing stock of genetic resources. Genetic diversity is essential for the security of our food supply, since it is the *sine qua non* of plant breeding and introduction. The greater the number of varieties, the greater the opportunities for developing new hybrids with resistance to different types of pests and diseases, and to extremes of climate. It is important that new hybrids be continually developed since resistance to a particular disease is never a permanent quality. The number of plant varieties to be found in nature is infinitely greater than the number we could create artificially. Most of them are to be found in the undeveloped countries either as traditional domesticated plants or as wild plants in habitats relatively unaltered by man. There is a real danger that the former will be replaced by contemporary high-yield varieties, while the latter will disappear when their habitats are destroyed. An FAO conference in 1967 concluded that the plant gene pool has diminished dangerously, for all over the world centres of diversity, our gene banks as it were, are disappearing, and with them our chance of maintaining productivity in food.[3]

237. Such centres—areas of wilderness—are often destroyed because their importance is not understood. Because they seem less productive than fields of waving corn, or because they are not accessible or attractive to tourists, they are considered in need of "improvement" or development, or simply as suitable dumping grounds for the detritus of civilisation. This is particularly true of wetlands—estuaries and marshes—where pollution, dredging, draining and filling are looked on almost with equanimity, certainly with scant regard for what is being lost. Yet the complex of living and decomposing grasses, and of phytoplankton, characteristic of wetlands, supports vast numbers of fish and birds and makes it one of the world's most productive ecosystems. Estuaries are the spawning grounds of very many fish and shellfish and form the base of the food-chain of some 60 per cent of our entire marine harvest. Should they go we can expect a substantial drop in productivity.

238. It is vital to the future well-being of man that wilderness areas and wetlands be conserved at all costs. This cannot be a matter simply of taking seed and storing it, since to be valuable genetic stock must continue to be subject to normal environmental pressures, and besides we have scarcely any idea of what plants we shall find useful in the future. For these reasons we must not only conserve large areas of natural habitat, we must also draw upon the knowledge and experience of the hunter-gatherers and hunter-farmers who gain their livelihood from them.

239. We therefore have recommended to the UN Human Environmental Conference that [4].

(1) Certain wilderness areas of tropical rain forest, tropical scrub forest, and arctic tundra be declared inviolate, these being the least understood and most fragile biomes;

(2) the hunter-gatherers and hunter-farmers within these areas be given title to their lands (i.e. those lands in which traditionally they have gained their living) and be allowed to live there without pressure of any kind;

(3) severe restrictions be placed on entry to these areas by anyone who does not live there permanently (while allowing the indigenes free movement);

(4) sovereignty over the areas remain with the countries in which they lie; who should also be responsible for the policing of their boundaries;

(5) funds for administration of these areas and payments in lieu of exploitation (to the host country) be collected from UN members in proportion to the GNP;

(6) an international body be appointed as an outcome of the Stockholm Human Environment Conference to supervise an ecological programme of research, the results of which should be freely available to participating countries.

240. *Social accounting.* By the introduction of monetary incentives and disincentives it is possible to put a premium on durability and a penalty on disposability, thereby reducing the throughput of materials and energy so that resources are conserved and pollution reduced. But another important way of reducing pollution and enhancing amenity is by the provision of a more equitable social accounting system, reinforced by anti-disamenity legislation. Social accounting procedures must be used not just to weigh up the merits of alternative development proposals, but also to determine whether or not society actually wants such development. Naturally, present procedures require improvement: for example, in calculating "revealed preference" (the values of individuals and communities as "revealed" to

---

Footnotes at end of article.

economists by the amount people are willing and/or can afford to pay for or against a given development), imagination, sensitivity and commonsense are required in order to avoid the imposition on poor neighbourhoods or sparsely inhabited countryside of nuclear power stations, reservoirs, motorways, airports, and the like; and in calculating the "social time preference rate" (an indication of society's regard for the fuutre) for a given project, a very low discount should be given, since it is easier to do than undo, and we must assume that unless we botch things completely many more generations will follow us who will not thank us for exhausting resources or blighting the landscape.

241. The social costs of any given development should be paid by those who propose or perpetrate it—"the polluter must pay" is a principle that must guide our costing procedures. Furthermore, accounting decisions should be made in the light of stock economics; in other words, we must judge the health of our economy not by flow or throughput, since this inevitably leads to waste, resource depletion and environmental disruption, but by the distribution, quality and variety of the stock. At the moment, as Kenneth Boulding has pointed out,[5] "the success of the economy is measured by the amount of throughput derived in part from reservoirs of raw materials, processed by 'factors of production,' and passed on in part as output to the sink of pollution reservoirs. The Gross National Product (GNP) roughly measures this throughput."

Yet, both the reservoirs of raw materials and the reservoirs for pollution are limited and finite, so that ultimately the throughput from the one to the other must be detrimental to our well-being, and must therefore not only be minimised but be regarded as a cost rather than a benefit. For this reason Boulding has suggested that GNP be considered a measure of gross national cost, and that we devote ourselves to its minimisation, maximising instead the quality of our stock. "When we have developed the economy of the spaceship earth", he writes, "in which man will persist in equilibrium with his environment, the notion of the GNP will simply disintegrate. We will be less concerned with income-flow concepts and more with capital stock concepts. Then technological changes that result in the maintenance of the total stock with *less* throughput (less production and consumption) will be a clear gain". We must come to assess our standard of living not by calculating the value of all the airconditioners we have made and sold, but by the freshness of the air; not by the value of the antibiotics, hormones, feedstuff and broiler-houses, and the cost of disposing of their wastes, all of which put so heavy a price on poultry production today, but by the flavour and nutritional quality of the chickens themselves; and so on. In other words, accepted value must reflect real value, just as accepted cost must reflect real cost.

242. It is evident, however, that in a society such as ours, which to a large extent ignores the long-term consequences of its actions, there is a substantial differential between accepted cost and real cost. An industrial ton, for example, whose citizens and factories pollute the air and water systems around it and who feed themselves from a number of increasingly intensive monocultures, not only has no way of measuring the satisfactions or otherwise afforded by its lifestyle, nor of equitably distributing the costs imposed by one polluter on another, but no way either of assessing ecological costs, some of which will have to be paid by generation 1, others by generations 2, 3, 4, etc., and still others by people elsewhere, with whom in every other respect there might be no contact. Thus its agricultural practices might provide cheap and plentiful food for one generation and stimulate its agrochemical industries, but may so impoverish the soil and disrupt the agroecosystem, that the next generation will have to import more food, or failing this, to resort to still riskier expedients, thereby seriously compromising the food supply of the following generation; or the wastes of one generation might affect the health of the next, or its marine food supply, or so increase the mutation rate that future generations receive an unlooked for genetic burden. The extent to which we are simplifying ecosystems and destroying natural controls so that we are forced to provide technological substitutes is a real cost against society and should be accounted as one. At the moment, however, we merely add up the value of mining operations, factories and so on, and that of cleaning up the mess whenever we attempt to do so, and conclude that we have never been better off.

243. Since the full costs of any action anywhere in the world must be borne by someone, somewhere, sometime, it is important that our accounting system makes provision for this. We accept, however, that ecological processes are so complex, and can spread so far in space and time, that this will be exceptionally difficult. Nonetheless, given the truism that a satisfactory accounting system is one which supports and helps perpetuate the social system from which it derives, we must attempt to devise one which is fitted to a society based on a sober assessment of ecological reality and not on the anthropocentric pipe-dream that we can do what we will to all species, not excepting, it seems, future generations of our own. It is worth recalling Prof. Commoner's dictum that since economics is the science of the distribution of resources, all of which are derived from the ecosphere, it is foolish to perpetuate an economic system which destroys it. Ideally (and as befits the etymology of the two words), ecology and economics should not be in conflict: ecology should provide the approach, the framework for an understanding of the interrelationships of social and environmental systems; and economics should provide the means of quantifying those interrelationships in the light of such an understanding, so that decisions on alternative courses of action can be made without undue difficulty.

244. One of our long-term goals, therefore, must be to unite economics and ecology. The specific measures we have proposed are, we believe, necessary steps in this direction, albeit crude ones. A raw materials tax, an amortisation tax, a power tax, revised methods of calculating revealed preference, social time preference rate, and so on, with legislative provision for their enforcement, a set of air, water and land quality standards enforceable at law and linked with a grant-incentive programme—these and other measures will have to be introduced at an early stage. Naturally, the full force of such measures could not be allowed to operate immediately: they would have to be carefully graded so as to be effective without causing unacceptable degrees of social disturbance. Plainly the social consequences will be great, and these will be considered in the section on social systems. The key to success is likely to be careful synchronisation, and this too will be considered in a separate section.

Stabilising the population

250. We have seen already that however slight the growth rate, a population cannot grow indefinitely. It follows, therefore, that at some point it must stabilise of its own volition, or else be cut down by some "natural" mechanism—famine, epidemic, war, or whatever. Since no sane society would choose the latter course, it must choose to stabilise. To do this it must have some idea of its optimum size, since again it is unlikely that any sane society would choose to stabilise above (or indeed below) it.

251. The two main variables affected by population numbers, as opposed to *per capita* consumption, are the extent to which the emotional needs and social aspirations of the community can be met (i.e. the complex of satisfactions which has come to be known as the quality of life), and the community's ability to feed itself. In our opinion there is good social and epidemiological evidence that Britain and many other countries in both the developed and undeveloped worlds are overcrowded. However, since this is impossible to prove, and since there is immense variation in individual emotional requirements, it would be unwise in the present state of our knowledge to rely on quality of life judgements when calculating the optimum population. Fortunately, we know much more about feeding overselves, and assessment of the optimum becomes a realisable task if we base it on the simple ecological concept of the carrying capacity of the land.

252. Carrying capacity is usually defined as the amount of solar energy potentially available to man via food-plants in a given area. This definition must be accompanied by a caveat to the effect that if carrying capacity is considered in terms of energetics alone, a number of essential ecological and nutritional variables are in danger of exclusion. For example, it would be easy to assume that land used for a combination of purposes (mixed farming, woodland, etc.) would be better employed and could support a larger population if it were exclusively given over to the intensive production of food-plants high in calories (e.g. wheat). We know, however, that protein and the other nutrients are no less vital to us than calories, while there is evidence that we are more likely to get the proper nutritional components from meat if it comes to us from free-living animals. This requirement alone demands a certain diversity, both of species and habitat, and we have seen too (in the appendix on ecosystems) that diversity is essential if fertility and stability are to be maintained over the long-term.

253. As we have seen Britain supports a population well in excess of the carrying capacity of the land owing to its ability to import large amounts of food, especially the cheap protein required to feed our poultry and pigs. As world population grows, and with it global agricultural demand, so will it be increasingly difficult for us to find countries with exportable surpluses, surpluses which in any case will become progressively more expensive. Unless we are willing (and able) to perpetuate an even greater inequality of distribution than exists today, Britain must be self-supporting. We have stated already our belief that on the evidence available it is unlikely that there will be any significant increase in yield per acre, so that there is no other course open to us but to reduce our numbers before we stabilise. Since we appear capable of supporting no more than half our present population, the figure we should aim for over the next 150 to 200 years can be no greater than 30 million, and in order to protect it from resource fluctuation probably less.

254. Not every country is in such a difficult position as Britain. A few will be able to stabilise at or relatively near present levels. But taking world population as a whole, and using *per capita per diem* protein intake as the key variable in assessing carrying capacity, we believe the optimum population for the world is unlikely to be above 3,500 million and is probably a good deal less. This figure rests on three assumptions: (*a*) that the average *per capita per diem* requirements of protein is 65 grams[6]; (b) that present agricultural production *per capita* can be sustained indefinitely; and (*c*) that there is absolutely equitable distribution, no country enjoying a greater *per capita per diem* protein intake than any other—which compared with today's conditions is absurdly utopian. Utopian though they may be, unless these assumptions are realised, we are faced

---

Footnotes at end of article.

either with the task of reducing world population still further until it is well below the optimum, or with condoning inequalities grosser and more unjust than those which we in the developed countries foster at present.

255. While they cannot grow indefinitely, populations can remain above the optimum—indeed above the sustainable maximum—for some time. The fact that the global population, including that of Britain, is above both levels, means only that our numbers are preventing the optimisation of other values. It means that while most people receive the bare minimum of calories necessary for survival, a large proportion are deprived of the nutrients (especially protein) essential for intellectual development. They are alive, but unable to realise their full potential—which is the grossest possible waste of human resources. An optimum population, therefore, may be defined as one that can be sustained indefinitely and at a level at which the other values of its members are optimised—and the fact that we are above this level does not justify despair, but does justify a great sense of urgency in working towards our long-term goal of the optimum. For it is obvious that given the dynamic of population growth, even if all nations today determined to stabilise their populations, numbers would continue to rise for some considerable time. Indeed the Population Council has calculated (Annual Report of 1970) that ". . . if the replacement-sized family is realised for the world as a whole by the end of this century—itself an unlikely event—the world's population will then be 60 per cent larger or about 5.8 billion, and due to the resulting age structure it will not stop growing until near the end of the next century, at which time it will be about 8.2 billion (8,200 million) or about 225 per cent the present size. If replacement is achieved in the developed world by 2000 and in the developing world by 2040, then the world's population will stabilise at nearly 15.5 billion (15,500 million) about a century hence, or well over four times the present size,". Clearly we must go all out for the "unlikely event" of achieving the replacement-sized family (an average of about two children per couple) throughout the world by the end of this century, if our children are not to suffer the catastrophes we seek to avoid.

256. Our task is to end population growth by lowering the rate of recruitment so that it equals the rate of loss. A few countries will then be able to stabilise, to maintain that ratio; most others, however, will have to slowly *reduce* their populations to a level at which it is sensible to stabilise. Stated baldly, the task seems impossible; but if we start now, and the exercise is spread over a sufficiently long period of time, then we believe that it is within our capabilities. The difficulties are enormous, but they are surmountable.

257. First, governments must acknowledge the problem and declare their commitment to ending population growth; this commitment should also include an end to immigration. Secondly, they must set up national population services with a fourfold brief:

(1) to publicise as widely and vigorously as possible the relationship between population, food supply, quality of life, resource depletion, etc., and the great need for couples to have no more than two children. The finest talents in advertising should be recruited for this, and the broad aim should be to inculcate a socially more responsible attitude to childrearing. For example, the notion (derived largely from the popular women's magazines) that childless couples should be objects of pity rather than esteem should be sharply challenged; and of course there are many similar notions to be disputed.

(2) to provide at local and national levels free contraception advice and information on other services such as abortion and sterilisation;

(3) to provide a comprehensive domiciliary service, and to provide contraceptives free of charge, free sterilisation, and abortion on demand;

(4) to commission, finance, and coordinate research not only on demographic techniques and contraceptive technology, but also on the subtle cultural controls necessary for the harmonious maintenance of stability. We know so little about the dynamics of human populations that we cannot say whether the first three measures would be sufficient. It is self-evident that if couples still wanted families larger than the replacement-size no amount of free contraception would make any difference. However, because we know so little about population control, it would be difficult for us to devise any of the socio-economic restraints which on the face of it are likely to be more effective, but which many people fear might be unduly repressive. For this reason, we would be wise to rely on the first three measures for the next 20 years or so. We then may find they are enough—but if they aren't, we must hope that intensive research during this period will be rewarded with a set of socio-economic restraints that are both *effective* and *humane*. These will then constitute the third stage, and should also provide the tools for the fourth stage—that of persuading the public to have average family sizes of slightly *less* than replacement size, so that total population can be greatly reduced. If we achieve a decline rate of 0.5 per cent per year, the same as Britain's rate of growth today, there should be no imbalance of population structure, as the dependency ratio would be exactly the same as that of contemporary Britain. Only the make-up of dependency would be different: instead of there being more children than old people, it would be the other way round. The time-scale for such an operation is long of course, and this will be suggested in the section on orchestration.

Creating a new social system

260. Possibly the most radical change we propose in the creation of a new social system is decentralisation. We do so not because we are sunk in nostalgia for a mythical little England of fetes, olde worlde pubs, and perpetual conversations over garden fences, but for four much more fundamental reasons:

261. (*a*) While there is good evidence that human societies can happily remain stable for long periods, there is no doubt that the long transitional stage that we and our children must go through will impose a heavy burden on our moral courage and will require great restraint. Legislation and the operations of police forces and the courts will be necessary to reinforce this restraint, but we believe that such external controls can never be so subtle nor so effective as internal controls. It would therefore be sensible to promote the social conditions in which public opinion and full public participation in decision-makng become as far as possible the means whereby communities are ordered. The larger a community the less likely this can be: in a heterogeneous, centralized society such as ours, the restraints of the stable society if they were to be effective would appear as so much outside coercion; but in communities small enough for the general will to be worked out and expressed by individuals confident of themselves and their fellows as individuals, "us and them" situations are less likely to occur—people having learned the limits of a stable society would be free to order their own lives within them as they wished, and would therefore accept the restraints of the stable society as necessary and desirable and not as some arbitrary restriction imposed by a remote and unsympathetic government.

262. (*b*) As agriculture depends more and more on integrated control and becomes more diversified, there will no longer be any scope for prairie-type crop-growing or factory-type livestock-rearing. Small farms run by teams with specialised knowledge of ecology, entomology, botany, etc., will then be the rule, and indeed individual small-holdings could become extremely productive suppliers of eggs, fruit and vegetables to neighborhoods. Thus a much more diversified urban-rural mix will be not only possible, but because of the need to reduce the transportation costs of returning domestic sewage to the land, desirable. In industry, as with agriculture, it will be important to maintain a vigorous feedback between supply and demand in order to avoid waste, overproduction, or production of goods which the community does not really want, thereby eliminating the needless expense of time, energy and money in attempts to persuade it that it does.

If an industry is an integral part of a community, it is much more likely to encourage product innovation because people clearly want qualitative improvements in a given field, rather than because expansion is necessary for that industry's survival or because there is otherwise insufficient work for its research and development section. Today, men, women and children are merely consumer markets, and industries as they centralise become national rather than local and supranational rather than national, so that while entire communities may come to depend on them for the jobs they supply, they are in no sense integral parts of those communities. To a considerable extent the "jobs or beauty" dichotomy has been made possible because of this deficiency. Yet plainly people want jobs *and* beauty, they should not in a just and humane society be forced to choose between the two, and in a decentralised society of small communities where industries are small enough to be responsive to each community's needs, there will be no reason for them to do so.

263. (*c*) The small community is not only the organisational structure in which internal or systemic controls are most likely to operate effectively, but its dynamic is an essential source of stimulation and pleasure for the individual. Indeed it is probable that only in the small community can a man or woman be an individual. In today's large agglomerations he is merely an isolate—and it is significant that the decreasing autonomy of communities and local regions and the increasing centralisation of decision-making and authority in the cumbersome bureaucracies of the state, have been accompanied by the rise of self-conscious individualism, an individualism which feels threatened unless it is harped upon. Perhaps the two are mutually dependent. It is no less significant that this self-conscious individualism tends to be expressed in ways which cut off one individual from another—for example the accumulation of material goods like the motor-car, the television set, and so on, all of which tend to insulate one from another, rather than bring them together. In the small, self-regulating communities observed by anthropologists, there is by contrast no assertion of individualism, and certain individual aspirations may have to be repressed or modified for the benefit of the community—yet no man controls another and each has very great freedom of action, much greater than we have today. At the same time they enjoy the rewards of the small community, of knowing and being known, of an intensity of relationships with a few, rather than urban man's variety of innumerable, superficial relationships.

Such rewards should provide ample compensation for the decreasing emphasis on consumption, which will be the inevitable result of the premium on durability which we have suggested should be established so that resources may be conserved and pollution minimised. This premium, while not diminishing our real standard of living, will greatly reduce the turnover of material goods. They will thus be more expensive, although once paid for they should not need replacing except after long periods. Their rapid accumulation will no longer be a realisable, or indeed socially acceptable goal, and alternative satisfactions will have to be sought. We believe a major potential source of these satisfactions to be the rich and variegated interchanges and responsibilities of community life, and that these are possible only when such communities are on a human scale.

264. (*d*) The fourth reason for decentralisation is that to deploy a population in small towns and villages is to reduce to the minimum its impact on the environment. This is because the actual urban superstructure required per inhabitant goes up radically as the size of the town increases beyond a certain point. For example, the *per capita* cost of high rise flats is much greater than that of ordinary houses; and the cost of roads and other transportation routes increases with the number of commuters carried. Similarly, the *per capita* expenditure on other facilities such as those for distributing food and removing wastes is much higher in cities than in small towns and villages. Thus, if everybody lived in villages the need for sewage treatment plants would be somewhat reduced, while in an entirely urban society they are essential, and the cost of treatment is high. Broadly speaking, it is only by decentralisation that we can increase self-sufficiency—and self-sufficiency is vital if we are to minimise the burden of social systems on the ecosystems that support them.

265. Although we believe that the small community should be the basic unit of society and that each community should be as self-sufficient and self-regulating as possible, we would like to stress that we are not proposing that they be inward-looking, self-obsessed or in any way closed to the rest of the world. Basic precepts of ecology, such as the interrelatedness of all things and the far-reaching effects of ecological processes and their disruption, should influence community decision-making, and therefore there must be an efficient and sensitive communications network between all communities. There must be procedures whereby community actions that affect regions can be discussed at regional level and regional actions with extra-regional effects can be discussed at global level. We have no hard and fast views on the size of the proposed communities, but for the moment we suggest neighborhoods of 500, represented in communities of 5,000, in regions of 500,000, represented nationally, which in turn as today should be represented globally. We emphasize that our goal should be to create *community feeling* and *global awareness*, rather than that dangerous and sterile compromise which is nationalism.

266. In many of the developed countries where community feeling has been greatly eroded and has given way to heterogeneous congeries of strangers, the task of re-creating communities will be immensely difficult. In many of the undeveloped countries, however, although it will not be easy, because the process of community collapse and flight to the city has begun only recently there is a real chance that it can be halted by such means as the abandonment of large-scale industrial projects for the development of intermediate technologies at village level; and the provision of agro-ecological training teams so that communities can be taught to manage the land together, rather than encourage farmers to turn to expensive and dangerous procedures like the heavy use of pesticides and fertilisers, which tend to reduce the number of people needed on the land.

267. At home, industry will play a leading role in the programme to decentralise our economy and society. The discussion of taxes, antidisamenity legislation, and enforceable targets for air, land and water quality in the section on stock economics might lead some to believe that we are willing to bring about the collapse of industry, widespread unemployment, and the loss of our export markets. It is therefore worth emphasising that we wish strongly to avoid all three, and we do not see that they are necessary or inevitable consequences of our proposals. It is obvious that for as long as we depend on imports for a significant proportion of our food, so we must export. And since we are likely to require food-imports for the next 150 years, we are left with the question of whether it is possible to develop community industries, dedicated to the principles of maximum use/recycling of materials and durability of goods, and at the same time to earn an adequate revenue from exports.

268. We believe that the answer is yes, if the change-over is conducted in two stages. The first stage is to alter the direction of growth so that it becomes more compatible with the aims of a stable society. We have already mentioned that the recycling industry must be encouraged to expand, and it is obvious that willy-nilly it will do so as over the years taxes and quality targets become more stringent. To give a clearer idea of how the direction can be altered we will consider briefly the question of transport.

269. There are more than 12 million cars in Britain today, and according to the Automobile Association this figure will rise to 21 million by 1981. About half the households in Britain own a car today, and presumably the car population is expected to rise in response to a rise in this proportion, though presumably too, more households will own more than one car. At all events we have sufficient experience of traffic congestion in our towns and cities and the rape of countryside and community by ring-roads and motorways to realise that the motor-car is by no means the best way of democratising mobility. Indeed, if every household had a car, we would be faced with the choice of leaving towns and country worth driving to and thereby imposing immobility on the motorist, or of providing him with the vast expanses of concrete which are becoming increasingly necessary to avoid congestion at the expense of the areas they sterilise and blight.

270. No-one can contemplate with equanimity the doubling of roads within this decade necessary to maintain the *status quo*, and we must therefore seek sensible transportation alternatives. It is clear that broadly-speaking the only alternative is public transport—a mix of rapid mass-transit by road and rail. Rail especially should never have been allowed to run down to the extent that it has. The power requirements for transporting freight by road are five to six times greater than by rail and the pollution is correspondingly higher. The energy outlay for the cement and steel required to build a motorway is three to four times greater than that required to build a railway, and the land area necessary for the former is estimated to be four times more than for the latter. Public transport whether by road or rail is much more efficient in terms of *per capita* use of materials and energy than any private alternative. It can also be as flexible, provided it is encouraged at the expense of private transport.

271. This is the key to the provision of a sound transportation system. First the vicious spiral of congestion slowing buses, losing passengers, raising fares, losing more passengers, using more cars, creating more congestion, etc., must be broken. A commitment to build no more roads and to use the capital released to subsidise public transport would be an excellent way of doing this. The men who would normally live by roadbuilding could be diverted to clearing derelict land and restoring railways and canals as part of a general programme of renewal. From there, the progressive imposition of restrictions on private transport and the stimulation of public transport so that it could provide a fast, efficient and flexible alternative would be a matter of course. Within the motor industry, the decline in production of conventional private vehicles would be compensated for by the increased production of alternative mass-transit systems. There would also be a switch of capital and manpower to the redevelopment of railway systems. In the long term, however, decentralisation will bring a diminished demand for mobility itself. As Stephen Boyden has pointed out,[7] people use their cars for four main reasons: to go to work, to go to the countryside, to visit friends and relations, and to show off. In the stable society, however, each community will provide its own jobs, there will be countryside around it, most friends and relations will be within it, and there will be much more reliable and satisfying ways of showing off.

272. This brings us to the second stage of the change-over, in which industry turns to the invention, production, and installation of technologies that are materials and energy conservative, that are flexible, non-polluting and durable, employment-intensive and favouring craftsmanship. Progress as we conceive of it today consists in increasing an already arbitrarily high ratio of capital to job availability; but if instead this ratio were to be reduced, then our manpower requirement would go up, while at the same time the pollution which is the inevitable by-product of capital growth would be cut down. The switch in emphasis from quantity to quality will not only stimulate demand for manpower, it will also stabilise it and give much greater satisfaction to the men themselves. Instead of men being used as insensate units to produce increasing quantities of components, they should be trained and given the opportunity to improve the quality of their work. The keynotes of the manufacturing sector should come to be durability and craftsmanship—and such a premium on quality should assure us an export revenue large enough for us to continue buying food from abroad, while providing our manpower with more enjoyable occupations. In the case of industries like the aircraft industry, which would naturally have a greatly reduced role in the stable society, their engineering expertise could be turned to the development of such things as total energy systems—designed to provide the requirements of a decentralised society with the minimum of environmental disruption.

273. Industry can completely fulfill its new role only in close harmony with particular communities, so that the unreal distinction between men as employees and men as neighbors can be abandoned, and jobs then given on the basis that work must be provided by the community for the sake of that community's stability and not because one group wishes to profit from another group's labour or capital as the case may be. As industry decentralises so will the rest of society. The creation of communities will come from the combination of industrial change and a conscious drive to re-structure society.

274. The principal components of this drive are likely to be the redistribution of government and the gradual inculcation of a sense of community and the other values of a stable society. Over a stated period of time, local government should be strengthened and as many functions as possible of central government should be transferred to it. The redistribution of government should proceed on the principle that issues which affect only neighbourhoods should be decided by the neighbourhood alone, those which affect only

---

Footnotes at end of article.

communities by the community alone, those which affect only regions by the region alone, and so on. As regions, communities and neighbourhoods come increasingly to run their own affairs, so the development of a sense of community will proceed more easily, though we do not pretend that it will be without its problems.

275. Those regions which still have or mix will be able to effect a relatively smooth transfer, but highly urbanised areas like London, the Lancashire conurbation, and South Wales will find it much more difficult to re-create communities. Nevertheless, even in London the structural remains of past communities (like the villages of Putney, Highgate, Hackney, Islington, etc.) will provide the physical nuclei of future communities—the means of orienting themselves so that they can cut themselves away from those deserts of commerce and packaged pleasure (of which the most prominent example is the Oxford Street, Regent Street, Piccadilly complex) on which so much of London's life is currently focused.

276. It is self-evident that no amount of legislative, administrative or industrial change will create stable communities if the individuals who are meant to comprise them are not fitted for them. As soon as the best means of inculcating the values of the stable society have been agreed upon, they should be incorporated into our educational systems. Indeed, it may not be until the generation of 40–50 year olds have been educated in these values (so that as far as possible everybody up to the age of 50 understands them) that stable communities will achieve sufficient acceptance for them to be permanently useful.

Orchestration

280. A cardinal assumption of this strategy is that it will not succeed without the most careful synchronisation and integration. We cannot say of a particular section of these proposals that it alone is acceptable, and therefore we will go ahead with it immediately but consider the rest later on! This section, therefore, is devoted to a schematic, annotated outline of how change might be orchestrated. It is necessarily unsophisticated and oversimplified, but we hope it will give some idea of how change in one quarter will aid change in the others.

281. Variables included in schematic outline:

(a) establishment of national population service

(b) introduction of raw materials, amortisation and power taxes; anti-disamenity legislation; air, land and water quality targets; recycling grants; revised social accounting systems

(c) developed countries end commitment to persistent pesticides and subsidise similar move by undeveloped countries

(d) end of subsidies on inorganic fertilisers

(e) grants for use of organics and introduction of diversity

(f) emergency food programme for undeveloped countries

(g) progressive substitution of non-persistent for persistent pesticides

(h) integrated control research progamme

(i) integrated control training programme

(j) substitution of integrated control for chemical control

(k) progressive introduced of diversified farming practices

(l) end of road building

(m) clearance of derelict land and beginning of renewal programme

(n) restrictions on private transport and subsidies for public transport

(o) development of rapid mass transit

(p) research into materials substitution

(q) development of alternative technologies

(r) decentralisation of industry: part one (redirection)

(s) decentralisation of industry: part two (development of community types)

(t) redistribution of government

(u) education research

(v) teacher training

(w) education

(x) experimental community

(y) domestic sewage to land

(z) target date for basic establishment of network of self-sufficient, self-regulating communities.

282. Notes: (diagram not reproduced.)

(1) should be operating fully by 1980; review in 1995—if replacement-size families improbable by 2000, bring in socio-economic restraints; UK population should begin to slowly decline from 2015–2020 onwards; world population from 2100; little significant feedback expected in UK until about 2030.

(2) progressive; ironing out run to eliminate inconsistencies up to 1980; thereafter revise and tighten every five years; increasingly significant feedback from 1980 onwards, stimulating materials-energy conservation, employment-intensive industry, decentralisation, and progress in direction of (p), (q), (r) and (s).

(3) limited substitution of integrated control can begin quite soon, but large-scale substitution will depend on (h) integrated control research programme; naturally (h), (i) and (j) will run in parallel and are therefore represented as one; (g) will also continue for some time.

(4) diversified farming practices (k) and integrated control (j) will link up and form an agriculture best-suited for small, reasonably self-sufficient communities, so stimulating their development: significant feedback, therefore, will occur from this point.

(5) likely to be necessary at least until 2100.

(6) labour released from road building can go to (m) clearance of derelict land, which should be completed by 1985; thereafter there may be other renewal programmes such as canal restoration, while agriculture will increasingly require more manpower.

(7) development of alternative technologies (q) and redirecting of industry (r) will proceed in harness; progressively significant feedback between (b) and (t).

(8) target date for maximum redistribution of government 2030 to coincide with 45 years operation of (w); see note (9).

(9) five years only allowed for preliminary organisation and research, since it can proceed in harness with teacher training (v) and also with the education programme itself (w).

(10) an experimental community of 500 could be set up to clarify problems; feedback to (u).

(11) as soon as communities are small enough, domestic sewage can be returned to the land; there should be the firm beginnings of a good urban-rural mix by then.

(12) by this time there should be sufficient diversity of agriculture, decentralisation of industry and redistribution of government, together with a large proportion of people whose education is designed for life in the stable society, for the establishment of self-sufficient, self-regulating communities to be well-advanced. At this point taxation, grants, incentives, etc, could be taken over by the communities themselves. A further generation is allowed until target date, however.

THE GOAL

311. There is every reason to suppose that the stable society would provide us with satisfactions that would more than compensate for those which, with the passing of the industrial state, it will become increasingly necessary to forgo.

312. We have seen that man in our present society has been deprived of a satisfactory social environment. A society made up of decentralised, self-sufficient communities, in which people work near their homes, have the responsibility of governing themselves, of running their schools, hospitals, and welfare services, in fact of constituting real communities, should, we feel, be a much happier place.

313. Its members, in these conditions, would be likely to develop an identity of their own, which many of us have lost in the mass society we live in. They would tend, once more, to find an aim in life, develop a set of values, and take pride in their achievements as well as in those of their community.

314. It is the absence of just these things that is rendering our mass society ever less tolerable to us and in particular to our youth, and to which can be attributed the present rise in drug-addiction, alcoholism and delinquency, all of which are symptomatic of a social disease in which a society fails to furnish its members with their basic psychological requirements.

315. More than a hundred years ago, John Stuart Mill realised that industrial society, by its very nature, could not last for long and that the stable society that must replace it would be a far better place. He wrote[1]:

"I cannot . . . regard the stationary state of capital and wealth with the unaffected aversion so generally manifested towards it by political economists of the old school. I am inclined to believe that it would be, on the whole, a very considerable improvement on our present condition. I confess I am not charmed with the ideal of life held out by those who think that the normal state of human beings is that of struggling to get on; that the trampling, crushing, elbowing, and treading on each other's heels which forms the existing type of social life, are the most desirable lot of human kind. . . . The northern and middle states of America are a specimen of this stage of civilisation in very favourable circumstances; and all that these advantages seem to have yet done for them . . . is that the life of the whole of one sex is devoted to dollar hunting, and of the other to breeding dollar-hunters.

"I know not why it should be a matter of congratulation that persons who are already richer than anyone needs to be, should have doubled their means of consumings things which give little or no pleasure except as representative of wealth . . . It is only in the backward countries of the world that increased production is still an important object; in those most advanced, what is economically needed is a better distribution, of which one indispensable means is a stricter restraint on population . . . The density of population necessary to enable mankind to obtain, in the greatest degree, all the advantages both of cooperation and of social intercourse, has, in all the most populous countries, been attained . . . It is not good for a man to be kept perforce at all times in the presence of his species . . . Nor is there much satisfaction in contemplating a world with nothing left to the spontaneous activity of nature . . . If the earth must lose that great portion of its pleasantness which it owes to things that the unlimited increase of wealth and population would extirpate from it, for the mere purpose of enabling it to support a larger population, I sincerely hope, for the sake of posterity, that they will be content to be stationary, long before necessity compels them to it.

"It is scarcely necessary to remark that a stationary condition of capital and population implies no stationary state of human improvement. There would be as much scope as ever for all kinds of mental culture, and moral and social progress; as much room for improving the Art of Living and much more likelihood of it being improved, when minds cease to be engrossed by the art of getting on."

Footnotes at end of article.

The importance of a varied environment

321. In our industrial society, the only things that tend to get done are those that are particularly conducive to economic growth, those in fact that, in terms of our present accounting system, are judged most efficient!

322. This appears to be almost the sole consideration determining the nature of the crops we sow, the style of our houses, and the shape of our cities. The result, among other things, is the dreariest possible uniformity.

323. In a stable society, on the other hand, there would be nothing to prevent many other considerations from determining what we cultivate or build. Diversity would thus tend to replace uniformity, a trend that would be accentuated by the diverging cultural patterns of our decentralised communities.

324. As Rene Dubos has pointed out: [2] In his recent book, *The Myth of the Machine,* Lewis Mumford states that 'If man had originally inhabited a world as blankly uniform as a "highrise" housing development, as featureless as a parking lot, as destitute of life as an automated factory, it is doubtful that he would have had a sufficiently varied experience to retain images, mould language, or acquire ideas.' To this statement, Mr. Mumford would probably be willing to add that, irrespective of genetic constitution, most young people raised in a featureless environment and limited to a narrow range of life experiences will be crippled intellectually and emotionally.

"We must shun uniformity of surroundings as much as absolute conformity of behaviour, and make instead a deliberate effort to create as many diversified environments as possible. This may result in some loss of efficiency, but the more important goal is to provide the many kinds of soil that will permit the germination of the seeds now dormant in man's nature. In so far as possible, the duplication of uniformity must yield to the organisation of diversity. Richness and variety of the physical and social environment constitute crucial aspects of functionalism, whether in the planning of cities, the design of dwellings, or the management of life.

Real costs

331. We might regard with apprehension a situation in which we shall have to make do without many of the devices such as motorcars, and various domestic appliances which, to an ever greater extent are shaping our everyday lives.

332. These devices may indeed provide us with much leisure and satisfaction, but few have considered at what cost. For instance, how many of us take into account the dull and tedious work that has to be done to manufacture them, or for that matter to earn the money required for their acquisition? It has been calculated [3] that the energy used by the machines that provide the average American housewife with her high standard of living is the equivalent of that provided by five hundred slaves.

333. In this respect, it is difficult to avoid drawing a comparison between ourselves and the Spartans, who in order to avoid toil involved in tilling the fields and building and maintaining their homes employed a veritable army of helots. The Spartan's life, as everybody knows, was a misery. From early childhood, boys were made to live in barracks, were fed the most frugal and austere diet and spent most of their adult life in military training so as to be able to keep ready to seize an opportunity to rise up against its masters. It never occurred to them that they would have been far better off without their slaves, fulfilling themselves the far less exacting task of tilling their own fields and building and maintaining their own homes.

334. In fact "economic cost", as we have seen, simply does not correspond to "real cost". Within a stable society this gap must be bridged as much as possible.

335. This means that we should be encouraged to buy things whose production involves the minimum environmental disruption and which will not give rise to all sorts of unexpected costs that would outweigh the benefits that their possession might provide.

Real value

341. It is also true, as we have seen, that "economic value" as at present calculated does not correspond to real value any more than "economic cost" corresponds to real cost.

342. Our standard of living is calculated in terms of the market prices of the goods that it includes. These do not distinguish between, on the one hand, the gadgets that we do not really need and such essentials as unpolluted water, air and food on which our health must depend. In fact it tends to place greater value on the former, as we usually take the latter for granted.

343. It is in terms of these market prices that the GNP is calculated, and as we have seen, this provides the most misleading indication of our well-being.

Edward Mishant [4] points out that ". . . An increase in the numbers killed on the roads, an increase in the numbers dying from cancer, coronaries or nervous diseases, provides extra business for physicians and undertakers, and can contribute to raising GNP. A forest destroyed to produce the hundreds of tons of paper necessary for the American Sunday editions is a component of GNP. The spreading of concrete over acres of once beautiful countryside adds to the value of GNP . . . and so one could go on."

344. In the same way, many of the machines whose possession is said to increase our standard of living are simply necessary to replace natural benefits of which we have been deprived by demographic and economic growth. We have pointed out how true this is of the ubiquitous motor-car. Also, many labour-saving devices are now necessary because with the disintegration of the extended family there is no one about to do the household chores. The fact that both husband and wife must, in many cases, go out to work to earn the money to buy the machines required to do these chores can serve only to render such devices that much more necessary.

345. In a stable society, everything would be done to reduce the discrepancy between economic value and real value and if we could repair some of the damage we have done to our physical and social environment, and live a more natural life, there would be less need for the consumer products that we spend so much money on. Instead we could spend it on things that truly enrich and embellish our lives.

346. In manufacturing processes, the accent would be on quality rather than quantity, which means that skill and craftsmanship, which we have for so long systematically discouraged, would once more play a part in our lives. For example, the art of cooking could come back into its own, no longer regarded as a form of drudgery, but correctly valued as an art worthy of occupying our time, energy and imagination. Food would become more varied and interesting and its consumption would become more of a ritual and less a utilitarian function.

The arts would flourish: literature, music, painting, sculpture and architecture would play an ever greater part in our lives, while achievements in these fields would earn both money and prestige.

347. A society devoted to achievements of this sort would be an infinitely more agreeable place than is our present one, geared as it is to the mass production of shoddy utilitarian consumer goods in ever greater quantities. Surprising as it may seem to one reared on today's economic doctrines, it would also be the one most likely to satisfy our basic biological requirements for food, air and water, and even more surprisingly, provide us with the jobs that in our unstable industrial society are constantly being menaced.

348. Indeed, as we have seen, the principal limitation to the availability of jobs today is the inordinately high capital outlay required to finance each worker. This limitation is withdrawn as soon as we accept that, within the framework of an overall reorganisation of our society, it would be possible for capital outlay to be reduced without reduring our real standard of living.

349. One of the Bishop of Kingston's ten commandments [5] is: "You shall not take the name of the Lord thy God in vain by calling on his name but ignoring his natural law." In other words, there must be a fusion between our religion and the rest of our culture, since there is no valid distinction between the laws of God and Nature, and Man must live by them no less than any other creature. Such a belief must be central to the philosophy of the stable society, and must permeate all our thinking. Indeed it is the only one which is properly scientific, and science must address itself much more vigorously to the problems of co-operating with the rest of Nature, rather than seeking to control it.

350. This does not mean that science must in any way be discouraged. On the contrary, within a stable society, there would be considerable scope for the energies and talents of scientist and technologist.

Basic scientific research, plus a good deal of multidisciplinary synthesis, would be required to understand the complex mechanisms of our ecosphere with which we must learn to co-operate.

351. There would be a great demand for scientists and technologists capable of devising the technological infrastructure of a decentralised society. Indeed, with the application of a new set of criteria for judging the economic viability of technological devices, there must open a whole new field of research and development.

352. The recycling industry which must expand very considerably would offer innumerable opportunities, while in agriculture there would be an even greater demand for ecologists, botanists, entomologists, mycologists etc., who would be called upon to devise ever subtler methods for ensuring the fertility of the soil and for controlling "pest" populations.

353. Thus in many ways, the stable society, with its diversity of physical and social environments, would provide considerable scope for human skill and ingenuity.

354. Indeed, if we are capable of ensuring a relatively smooth transition to it, we can be optimistic about providing our children with a way of life psychologically, intellectually and aesthetically more satisfying than the present one. And we can be confident that it will be sustainable as ours cannot be, so that the legacy of despair we are about to leave them may at the last minute be changed to one of hope.

THE MOVEMENT FOR SURVIVAL (MS)

1. Aim: We need a Movement for Survival, whose aim would be to influence governments, and in particular that of Britain, into taking those measures most likely to lead to the stabilisation and hence the survival of our society.

2. Structure: We envisage it as a coalition of organisations concerned with environmental issues, each of which would remain autonomous but which saw the best way of achieving its aims was within the general framework of the *Blueprint for Survival:*

The Conservation Society.
Friends of the Earth.
The Henry Doubleday Research Association.
The Soil Association.
Survival International.

Two representatives of each member or-

Footnotes at end of article.

ganisation would join the Action Committee of the MS, which would elect a chairman and secretary to run the day-to-day business of the Movement.

3. Individual membership: Members of constituent organisations would automatically become members of the MS. Individuals who belonged to none of these bodies could join the MS only through one of these organisations.

Regular news of MS activities would be published in *The Ecologist,* a subscription to which would be available to MS members at the reduced price of £3 p.a. (25 per cent reduction). Representatives of the constituent organisations could become members of *The Ecologist's* editorial board.

4. Further information: Organisations wishing to join the MS and all others seeking further information should write to the Acting Secretary, The Movement for Survival, c/o *The Ecologist,* Kew Green, Richmond, Surrey.

APPENDIX A: ECOSYSTEMS AND THEIR DISRUPTION

It is necessary to survey the essential features of the environment in order to understand how it is being affected by man's activities.

We can define the environment as a system which includes all living things and the air, water and soil which is their habitat. This system is often referred to as the ecosphere. To describe it as a system is to accentuate its unity; a system being something made up of interrelated parts in dynamic interaction with each other, and capable for certain purposes, of co-operating in a common behavioural programme.

Such a programme must be regarded as goal-directed, and its goal the maintenance of stability. This appears to be the basic goal of all the self-regulating behavioural processes that make up the ecosphere.

Stability is best defined as a system's ability to maintain its basic features—in other words to survive in the face of environmental change. This means that, in a stable system, change will be minimised and will occur only as is necessary to ensure adaptation to a changing environment. In other words as stability increases so the frequency of random changes will be correspondingly reduced.

It is easy to see how the ecosphere during the last few thousand million years of evolution has slowly become more stable.

Whereas the deserts, which once covered our planet, reflected the environmental pressures to which they were subjected, the forests that developed to replace them have a capacity to maintain a relatively stable situation in the face of internal and external change. For instance, they ensure an optimum balance between the oxygen and carbon dioxide contents of the air by emitting one and absorbing the other. They provide good conditions for the run-off to rivers to be regulated. They periodically shed their leaves which build up humus, and hence ensure the continued fertility of the soil. They provide a relatively constant ambient temperature to the wild animals that live within their shade, who, as they evolve also develop stabilising mechanisms ensuring the stability of what is sometimes called their "internal environment"; the constant body temperature of warm blooded mammals being an obvious example.

Perhaps the most important feature of the ecosphere is its degree of organisation. It is made up of countless ecosystems, themselves organised into smaller ones, which are further organised into still smaller ones. Each of these is made up of populations of different species in close interaction with each other, some of which are usually organised into communities and families—further organised into cells, molecules and atoms etc.

The opposite of organization is randomness or, what is often referred to as entropy. In fact it can be said that the ecosphere differs from the surface of the moon and probably from that of all the other planets in our solar system, in that randomness, or entropy, have been progressively reduced and organisation, or negative entropy, have been correspondingly increased. According to the second law or thermodynamics, there is a tendency in all systems towards increasing randomness, or entropy. This must be so, since to move in this direction is to take the line of least resistance and also because whenever energy is converted (and this must occur during all behavioural processes), waste, or random parts must be generated—from oxidation and friction if from nothing else.

The ecosphere has succeeded in counteracting this tendency by virtue of several unique features and because it is an open system from the point of view of energy, being continually bombarded with solar radiation.

This radiation is used by green plants during photosynthesis to organise nutrients in the soil into complex plant tissue, which are then eaten by herbivores, and hence reorganised into still more complex animal tissue.

In such processes waste or random parts must be generated. However, so long as the corresponding reduction in organisation is less than the increase in organisation achieved during the process, then entropy will have been reduced. Such increases will be limited by all sorts of factors including the availability of energy and materials, the environment's capacity to absorb waste and the organisational capacity of the system. Waste must therefore be kept down to a minimum. This can only be done by recycling it so as to ensure that the waste generated by one process serves as the materials for the next. This is essential for another reason.

Whereas the ecosphere is an open system as regards energy, it is a closed one as regards materials, which is another reason why all materials must be recycled, and why the waste products of one process must serve as materials for the next.

Also some of the more highly organised materials required for sophisticated processes have taken hundreds of millions of years to develop in the case of fossil fuels, for instance, and thousands of millions of years in the case of herbivorous animals required as food by carnivores. It is thus clear that to avoid increasing entropy, they cannot be used up faster than they are produced. Hence the essential cyclic nature of all ecological processes and the absolute necessity for recycling everything.

It is possible to trace just how all the resources, such as carbon, nitrogen, phosphorus, water, etc., made use of in behavioural processes, are recycled. The food cycle is particularly illustrative. Take the case of a marine ecosystem: fish excrete organic waste which is converted by bacteria to inorganic products. These provide nutrients, permitting the growth of algae which are eaten by fish, and the cycle is complete. In this way the wastes are eliminated, the water kept pure, and, at the same time, the materials for the next stage of the process are made available.

One of the most important features of life processes is that they are automatic or self-regulating. Self regulation can only be ensured in one way: data must be detected by the system, transducted into the appropriate informational medium, and organised so as to constitute a model or "template" of its relationship with its environment. Whenever this relationship is codified in such a way that it deviates from the optimum, the model is correspondingly affected, and it can be used to guide the appropriate course of action, and monitor each new move, until a new position of equilibrium has been reached. This basic cybernetic model explains how all systems, regardless of their level of complexity, adapt to their respective environments. The fact that all the parts of the ecosphere are linked to each other in this way ensures that a general readjustment of the most subtle nature can occur to restore its basic structure after any disturbance.

To suppose that we can ensure the functioning of the ecosphere ourselves with the sole aid of technological devices thereby dispensing with the elaborate set of self-regulating mechanisms that has taken thousands of millions of years to evolve, is an absurd piece of anthropocentric presumption that belongs to the realm of pure fantasy.

It may be possible to replace certain natural controls locally and for a short while without any serious cataclysm occurring, but if we push things too far, if for instance the insecticides we use to replace the self-regulating controls that normally ensure the stability of insect populations were to destroy nitrogen-fixing bacteria or pollinating insects, all the money and all the technology in the world would not suffice to replace them and thereby to prevent life processes from grinding to a halt. Yet this substitution is implicit in the aim of industrial society.

As this aim is progressively realised, and as we become more and more dependent on technological devices, i.e. external controls, so must there be a corresponding increase in the instability of our social system and hence in our vulnerability to change. Imagine, what it will be like when water supplies have been exhausted and we are dependent upon desalination plants for our drinking water, when traditional methods of agriculture have totally given way to ever more ingenious forms of factory farming, and when the natural mechanisms providing us with the air we breathe have been so completely disrupted that vast installations are needed to pump oxygen into the atmosphere and filter out the noxious gases emitted by our industrial installations.

Clearly under such conditions, the slightest technical hitch or industrial dispute, or shortage of some key resource, might be sufficient to deprive us of such basic necessities of life as water, food and air—and bring life to a halt.

If man wishes to survive, to ensure the proper functioning of the self-regulating mechanisms of the ecosphere must be his most basic endeavour. For this to be possible however the latter's essential structure must be respected. Deviations may be possible but only within acceptable limits.

One way of exceeding these limits is to supply the system with more waste than can be used to provide the materials for other processes. In such conditions the system is said to be "overloaded"; the self-regulating mechanisms can no longer function and the waste simply accumulates. In other words entropy, or randomness, has increased and the surface of the earth resembles that much more that of the moon.

Thus, to return to our marine ecosystem, if the cycle is overloaded with too much sewage, detergents or artificial fertilisers which are nutrients to aquatic plant life, the amount of oxygen required to ensure the decomposition of these substances by the appropriate bacteria may be so high that other organisms will be deprived of an adequate supply.

If this goes on long enough the oxygen level will be reduced to zero. Without oxygen, the bacteria will die and a crucial phase in the cycle will have been interrupted, thereby bringing it rapidly to a halt. As a result, what was once an elaborate ecosystem, supporting countless forms of life in close interaction with each other now becomes a random arrangement of waste matter.

Needles to say the cycle will also come to a halt if, on the contrary, there were a shortage of nutrients. In such conditions the algae could not survive, and the fish population deprived of its sustenance, would rapidly die off.

This illustrates an essential principle of organisation; there must be an optimum value to every variable in terms of which the system is described. When each variable has its correct value, then the system described can be regarded as having its correct structure. This means that there is no value that can be increased or reduced indefinitely without bringing about the system's eventual breakdown.

To cherish the illusion that the population and affluence of human social systems are exceptions to this law, is, as we shall see, to court the gravest possible calamities.

In order to maintain the system's structure, the actions of the self-regulating subsystems not only seek to establish a stable relationship with another sub-system, but with their environment as a whole. In other words, they do not aim at satisfying a specific requirement, but at achieving a compromise between a whole set of often competing requirements; that which best satisfies the requirements of the environment as a whole.

Technological devices, of course, do precisely the opposite. They are geared to the achievement of specific short-term targets, regardless of environmental consequences. Since many requirements must be satisfied to maintain stability, such devices by their very nature must cause environmental problems, and, as a result, they must inevitably tend towards achieving equilibrium positions which display lower rather than higher stability. This means that the probability that disequilibria will occur and their degrees of seriousness are both likely to increase as must the rate at which new devices will be required as well as the effectiveness required of them.

In other words, the role played by technology must increase by positive feedback and our society must become even more addicted to it.

In these circumstances, unless technological innovation can proceed indefinitely at an exponential rate, then it is only a question of time before a disequilibrium occurs for which there is no technological solution, which must spell the complete breakdown of the system.

Industrial society, when it reaches a certain stage of development, begins to affect its environment in yet another manner; it devises, and becomes correspondingly dependent upon, synthetic products of different sorts to replace ever-scarcer natural products. Thus plastics are developed to replace wood products; detergents to replace soaps made from natural fats, synthetic fibres to replace natural fibres; chemical fertilisers to replace organic manure. At the same time, nuclear energy slowly replaces that previously derived from fossil fuels.

It is probable that our ecosphere does not produce a single molecule for which there is not an enzyme capable of breaking it down, in order to perpetuate the essential cycle of life, growth, death and decay. This is not so with synthetic products. They cannot normally be broken down in this way—save in some cases by human manipulation, which is only practicable on a small scale and in specific conditions. It is thus no longer a question of overloading a system. Even the slightest amount of these products, when introduced into our ecosphere, constitutes pollution, while since by their very nature they must continue accumulating, to produce them methodically is to ensure the systematic replacement of the ecosphere with extraneous waste matter.

What is worse, many of these substances find their way into life processes with which they can seriously interfere. Thus strontium 90 gets into the bones of growing children and can give rise to bone cancer; Iodine 131 accumulates in the thyroid gland and can give rise to cancer of the thyroid; DDT accumulates in the fatty matter and in the liver and may cause cancer and other liver diseases; plastics and many other pollutants also accumulate in the liver and kidneys, etc.

It is not surprising that as industralisation proceeds, so there is a very rapid increase in the so-called degenerative diseases. Carcinogenic agents also tend to be mutagens, and their proliferation must mean a gradual reduction in the adaptiveness of our speech, a process that clearly cannot go on indefinitely.[3]

There is another way in which we are degrading the ecosphere. One of its most important features is its complexity. The greater the number of different plant and animal species that make up an ecosystem, the more likely it is to be stable. This is so because, as Elton points out, in such a system every ecological niche is filled. That is to say, every possible differentiated function for which there is a demand within the system is in fact fulfilled by a species that is specialised in fulfilling it. In this way it is extremely difficult for an ecological invasion to occur, i.e. for a species foreign to the system entering and establishing itself, or, worse still, proliferating and destroying the system's basic structure.

It also means that no species forming part of the system is likely to be able to expand beyond its optimum size. The availability and size of an ecological niche undoubtedly constitutes an effective population control. Thus the diet of a specialised member of a highly differentiated ecosystem will itself be of a specialised nature, which means that if the population of a particular species were to increase, or, alternatively, to decrease, the food supply of the other species would not be affected. The opposite would be the case with species that normally form part of a simple ecosystem.

Thus goats are adapted to live in mountain areas, where ecological complexity is low, and in order to survive they have to be able to eat almost anything. The result is when they are brought down to the plains, they make short shrift of its vegetation, and their proliferation compromises the food supply of many other species.

As industrial man destroys the last wildernesses, as herds of domesticated animals replace inter-related animal species, and vast expanses of crop monoculture supplant complex plant ecosystems, so complexity and hence stability are correspondingly reduced.

Industrial man is also reducing complexity in other ways. For instance, economic pressures force farmers to reduce the number of different stains of crops under cultivation. Only those that present short-term economic advantages tend to survive. This process has been accentuated with the so-called "green revolution". Special high yield strains of rice and wheat that respond particularly well to artificial fertilisers have been developed and introduced on a large scale in many parts of the third world. In these areas many other strains have been abandoned. In this way we are reducing complexity, in some cases irreversibly, and if anything should happen to the surviving strains, essential crops like wheat and rice could well be jeopardised.

We are reducing complexity in still another way. The greater the number of trophic levels (in other words the greater the length of food chains), the more stable is an ecosystem likely to be. Thus the simplest marine ecosystem would consist of phytoplankton, capable of harnessing the sun's energy and micro-organisms capable of decomposing them. By introducing zooplankton into the system, another link has been introduced into the food chain. These, by preying on the phytoplankton, keep down their numbers and weed out the weak and unadaptive. In this way, they exert both quantitative and qualitative controls, and exert an important stabilising influence. If fish are then introduced to feed on the zooplankton, the system becomes correspondingly more stable.

Needless to say, man's activities are everywhere leading to a reduction in the length of food chains. The larger terrestrial predators have been virtually eliminated in industrial countries, and this process is now taking place in the seas. Man, by refusing to tolerate competitors for his food supply, is ultimately jeopardising the stability of this food supply, and hence, its very availability.

Also, as SCEP points out, environmental stress appears to affect predators more radically than herbivores. In aquatic systems the top-level predators, which eat other predators, are the most sensitive of all. This appears to be the case with such disruptive situations as oxygen deficiency, thermal stress, and the introduction of toxic materials such as pesticides and fertilisers.

The effect must be to reduce the number of trophic levels in any ecosystem thereby increasing its instability. SCEP cites several examples:

"Overenrichment by sewage waste and fertiliser runoff of freshwaters, or pollution with industrial wastes, leads to the rapid loss of trout, salmon, pike, and bass. Spraying crops for insect pests have inadvertently killed off many predaceous mites, resulting in outbreaks of herbivorous mites that obviously suffered less. Forest spraying has similarly 'released' populations of scale insects after heavy damage to their wasp enemies."

In addition, SCEP points out that "such fat-soluble pesticides as DDT are concentrated as they pass from one feeding level to the next. In the course of digestion a predator retains rather than eliminates the DDT content of its prey. The more it eats, the more DDT it accumulates. The process results in especially high concentrations of toxins in predaceous terrestrial vertebrates."

Predators also suffer from the destruction of their food supply. Severe damage to the lower levels in the food chain usually leads to the extinction of the predator before that of the species on which it preys.

There is yet another way in which we are reducing complexity. Populations at any given moment will be made up of individuals of every possible age group. We tend to replace such balanced populations with plantations of trees and other crops which are all of the same age and are particularly vulnerable to diseases affecting them at particular stages in their life cycle. This principle must apply equally well to intensive stock rearing units and especially factory farms. Once more the result is to reduce stability.

Technological devices must also reduce complexity. They constitute external controls exerted by precarious human manipulation. They invariably replace natural controls of a far more complex nature.

Thus, to replace the natural controls which ensure the stability of an insect population by a single chemical pesticide involves a drastic reduction in complexity. The same must be true when we replace the natural mechanisms ensuring soil fertility with nitrogen phosphorous and potassium which are the main ingredients of artificial fertilisers.

In fact, most human activities are reducing the stability of the ecosphere, which is simply another way of saying that they are determining its systematic degradation.

For several thousand million years, the ecosphere has been developing into an extremely complex organisation of different forms of life in close interaction with each other. In doing this it has been counteracting the basic tendency of all systems towards randomness or entropy. The elaborate mechanisms that have enabled the ecosphere to develop in this manner have been disrupted by man's activities. In his gross presumption, he has sought to replace them with devices causing dereliction and confusion, which rather than seek to satisfy the countless competing requirements of the ecosphere, have been geared to the satisfaction of petty, short-term anthropocentric ends. As a result, the organisational process has been reversed; waste, or random parts, are accumulating faster than organisation is building up. Rather than counteract the inexorable trend towards entropy, industrial man's activities are accelerating it.

If these activities continue to increase exponentially at 6.5 per cent per annum, or

---

Footnotes at end of article.

double every 13½ years, it cannot take many decades before our planet becomes incapable of supporting complex forms of life.

Pollution

Studies of the effects of pollutants on ecosystems have often yielded contradictory results. Rather than attempt to weigh these up, we have chosen to summarise some of the findings of what is almost certainly the most authoritative study, that undertaken in 1969 by an impressive group of scientists from many different disciplines under the auspices of MIT and referred to as "The Study of Critical Environmental Problems" or SCEP. This study is to be used as background material for the UN Conference on the Human Environment 1972.

SCEP accentuates the necessity for adopting a holistic approach. "The significant aspect of human action is man's total impact on ecological systems, not the particular contributions that arise from specific pollutants. Interaction among pollutants is more often present than absent. Furthermore, the total effect of a large number of minor pollutants may be as great as that of one major pollutant. Thus the total pollution burden may be impossible to estimate except by direct observation of its overall effect on ecosystems."

The scale of human activity can be estimated by comparing specific man-induced processes with the natural rates of geological and ecological processes. It can be shown that in at least 12 cases man-induced rates are as large or larger than the natural rates (see Table 5).

It is pointed out that with a five per cent natural growth increment in the mining industries, this will apply to many more materials.

". . . these comparisons show that at least some of our nations are large enough to alter the distribution of materials in the biosphere. Whether these changes are problems depends upon the toxicity of the material, its distribution in space and time, and its persistence in ecological terms."

Most of the disruptive processes already described are well advanced, however, and as they occur slowly the most visible effect is a gradual deterioration of ecosystems, "characterised by instability and species loss."

Many lakes and urban centres have severely deteriorated ecosystems. Less severe deteriorations occur more commonly, often as temporary afflictions in ecosystems that otherwise manage to survice intact: . . . This general problem is labelled "attrition" because it lacks discrete steps of change. Stability is lost more and more frequently, noxious organisms become more common, and the aesthetic aspects of waters and countryside become less pleasing. This process has already occurred many times in local areas. If it were to happen gradually on a global scale, it might be much less noticeable, since there would be no surrounding ecosystems against which to measure such slow changes. Each succeeding generation would accept the status quo as "natural."

ENERGY PRODUCTS

Present and future levels of energy consumption are particularly relevant to estimating our capacity to disrupt ecosystems. The best available calculation appears to be that made by the Battelle Memorial Institute 1969. In 1968 energy consumption in the US was slightly over 60,000 trillion BTU. It appears to be rising at 3.2 percent per annum and is expected to be 170,000 trillion BTUs by the year 2000.

Over the last 50 years there has been a decreasing amount of energy used for each unit of GNP. The increased technical efficiency of energy used has tended to more than offset the more intense use of energy. The trend, however, appears to be changing. The present policy is to encourage energy use while the technical efficiency of new electric power plants and other energy conversion devices is no longer increasing and many even decrease over the next decades. If this is so, then it is possible that this and other projections have underrated future energy requirements. On the other hand conservation pressures might lead to a reduced usage and this has not been taken into account.

World wide energy consumption projection made by Joel Darmstadter of Resources for the Future has appeared in a work *Energy and the World Economy* (see Table 1).

What are likely to be the emissions from power production and other forms of energy production?

It is estimated that in 1967 some 13.4 billion metric tons of CO_2 were released from fossil fuel combustion and that emissions in 1980 (using Darmstadter's projection) would be 26 billion metric tons for the world as a whole.

SCEP points out that the trend towards depleting the remaining stands of original forests, such as those in tropical Brazil, Indonesia and the Congo, will further reduce the capacity of the ecosphere to absorb Co_2 and may release even more Co_2 to the atmosphere. The Co_2 content of the atmosphere is increasing at a rate of 0.2 per cent per year since 1958. One can project, on the basis of these trends, an 18 per cent increase by the year 2000, i.e. from 320 ppmm to 379 ppmm. SCEP considers that this might increase temperature of the earth by 0.5°C. A doubling of Co_2 might increase mean annual surface temperature by 2°C (see Table 3).

Heat

Thermal waste energy is increasing at a rate of 5.7 per cent per annum, which means that it is likely to increase by a factor of 6 before the end of the century. The total for 1970 was 5.5 10^6 MW which is likely to increase to 9.6 by 1980 and 31.8 10^6 MW by 2000. The effects on global climate are not known.

Emissions of pollutants such as sulphur oxides, nitrogen oxides, hydrocarbons, carbon monoxide and particulate matter, cannot be predicted with any assurances. The theoretical knowledge necessary to make these predictions does not yet exist nor are the relevant facts available.

As far as emissions of radionuclides are concerned the major source will be at the site of fuel reprocessing plants. One estimate is that 99.9 per cent of all such emissions entering the environment are from such sources. Concern is expressed for emissions of "potentially hazardous" radionuclides such as iodine 131, xenon 153, strontium 90, and caesium 137. Possible releases of tritium (hydrogen 3) and krypton 85 are also of concern.

Total emissions would not lead to anything like maximum permissible concentrations (MPC) if dispersal was assured. However, one must take into account the tendency of radionuclides to concentrate in certain organisms and to get into food chains. Concentration factors of 1000 for caesium in the flesh of bass have been found, of 8,700 in the bones of the blue gills, of 350,000 for radioactivity content in caddis fly larvae, 40,000 for duck egg yolks and 75,000 for adult swallows. Table 7 shows estimated concentration factors for some radionuclides in aquatic organisms.

Phytoplankton also tend to concentrate activation products such as zinc 65, or cobalt 67, iron 55 and manganese 54 to an even greater extent than fission products.

When breeder reactors are introduced plutonium emissions will also become a concern.

The management of concentrated and highly radioactive wastes is a serious problem deserving far more study. Table 2 provides an estimate of accumulated wastes for 1970, 1980 and 2000.

Domestic and agricultural wastes

Dredged wastes from urban areas contain sediment, sewage solids, agricultural and industrial wastes. These also tend to be deposited in rivers or coastal waters. The total amount deposited in this way is estimated at between 150 and 220 million metric tons per year, and appears to be increasing at 4 per cent per annum.

World production and consumption of chemical fertilizers (except during periods 1914–18 and 1940–45) have doubled or tripled in each decade. Total world use in 1963–64 exceeded 33 million metric tons, only 10 per cent of which were used in developing countries. Their share, however, is increasing rapidly.

Present annual world production of pesticides is probably about 1 million metric tons. It is likely to go on increasing in view of the increasing world food shortage and because of diminishing returns on their use. Thus to double world food production which as we have seen is likely to be necessary, it will be necessary to increase consumption by no less than six times (see Table 12).

In the industrialized countries there is likely to be a move away from DDT to less persistent but more toxic pesticides such as phorate, dimiton, parathion, etc. These require more frequent sprayings to make up for their reduced persistence. It is unlikely that the developing countries will be able to afford them, so consumption of DDT is likely to continue growing.

SCEP points out the way in which agriculture becomes increasingly dependent on the use of these poisons: "Realisation that the use of pesticides increases the need to continue their use is not new, nor is the awareness that the constant use of pesticides creates new pests. For many of our crops on which pesticide use is heavy, the number of pests requiring control increases through time. In a very real sense, new herbivorous insects find shelter among our crops where their predator enemies cannot survive. Fifty years ago most insect pests were exotic species, accidently imported to a country lacking their natural enemies. More recently many of the pests, including especially the mites, leaf-rolling insects, and a variety of aphids and scale insects, have been indigenous. Thus pesticides not only create the demand for future use (addiction), they also create the demand to use more pesticide more often (habituation). Our agricultural system is already heavily locked into this process, and it is now spreading to the developing countries. It is also spreading into forest management. Pesticides are becoming increasingly 'necessary' in more and more places. Before the entire biosphere is 'hooked' on pesticides, an alternative means of coping with pests should be developed."

Of all pesticides, DDT is the most commonly used, and is now present in the fatty tissue of animals in every part of the world. Its effects are well documented. SCEP summarizes some of the implications:

"The oceans are an ultimate accumulation site of DDT and its residues. As much as 25 per cent of the DDT compounds produced to date may have been transferred to the sea. The amount in the marine biota is estimated to be in the order of less than 0.1 per cent of total production and has already produced a demonstrable impact upon the marine environment.

"Population of fish-eating birds have experienced reproductive failures and population declines, and with continued accumulation of DDT and its residues in the marine ecosystem additional species will be threatened. The decline in productivity of marine food fish and the accumulation of levels of DDT in their tissues can only be accelerated by DDT's continued release to the environment.

"Certain risks in the utilisation of DDT are especially difficult to quantify, but they require most serious consideration. The rate at which it degrades to harmless products in the marine system is unknown. For some of its degradation products, half-lives are certainly of the order of years, perhaps even of decades. If most of the remaining DDT residues are presently in reservoirs which will in time transfer their contents to the sea, we may expect, quite independent of future manufacturing practices, an increase level of these substances in marine organisms. And if, in fact, these compounds degrade with half-lives of decades, there may be no opportunity to redress the consequences. The more the problems are studied, the more unexpected effects are identified. In view of the findings of the past decade, our prediction of the hazards may be vastly underestimated."

Heavy metals

Pollution by heavy metals also gives cause for concern. "Some heavy metals are highly toxic to plants and animals including man. They are highly persistent and retain their toxicity for very long periods of time. Some have been used extensively as pesticides and have been dispersed into the environment as pesticides, as uncontrolled industrial wastes and emissions and other means." Much enters natural water systems through sewage discharges and only a portion is removed by normal sewage treatment.

Those heavy metals that are most toxic, persistent and abundant in the environment have been selected by SCEP for special review. These include mercury (Hg), lead (Pb), arsenic (As), cadmium (Cd), chromium (Cr), and nickel (Ni). Most heavy metals are vapour or many mercury compounds can produce mercury intoxication when inhaled by man. Acute mercury poisoning, which can be fatal or cause permanent damage to the nervous system, has resulted from inhalation of 1,200 to 8,500 micrograms per cubic meter of mercury. The more common chronic poisoning (mercurialism) which also affects the nervous system is an insidious form in which the patient may exhibit no well-defined symptoms for months or sometimes years after exposure."

Mercury is also dangerous when ingested in food. In Japan 111 cases of mercury poisoning occurred (with 44 deaths) a result of eating fish taken from Minamata Bay. Another outbreak biologically accumulated in the bodies of organisms, remain for long periods of time, and function as cumulative poisons. Table 4 indicates world production of these metals between the years 1963 and 1968 and illustrates the rate at which it is increasing.

It may be worth looking more closely at the problem of mercury pollution which is particularly topical.

SCEP quotes Stockinger: "Elemental mercury and most compounds of mercury are protoplasmic poisons and therefore may be lethal to all forms of living matter. In general, the organic mercury compounds are more toxic than mercury vapour or the inorganic compounds. Even small amounts of mercury occurred at Big Niigata City with 26 cases (and five deaths).

Mercury's toxicity is permanent. In addition when fish, shellfish, birds or mammals containing mercury are eaten by other animals the mercury may be absorbed and accumulated.

Industrial wastes and agricultural pesticides have caused severe mercury contamination in waters in Japan, Sweden and the U.S. Its use is increasing throughout the world and it "threatens to become critical in the world environment." Moreover, as SCEP points out mercury is but one of approximately 2 dozen metals that are highly toxic to plants and animals.

Oil pollution

We tend to regard oil pollution of the seas as caused principally by accidental spills like that of the Torrey Canyon. Such accidents cause the most evident damage, "but they make up less than 10 per cent of the estimated 2.1 million metric tons of oil that man introduces directly into the world's waters. At least 90 per cent originates in the normal operations of tankers, other ships, refineries, petro-chemical plants, and submarine oil-wells; from disposal of spent lubricants and other industrial and auto-motive oils; and by fall-out of airborne hydrocarbons emitted by vehicles and industry (see Table 6).

The actual amount that goes directly into the seas must be taken as proportionate to production. It is normally estimated at 0.1 per cent of production but if possible fall-out of airborne hydrocarbons on the sea surface is added it may be as much as 0.5 per cent.

This is because estimated emissions of hydrocarbons of petroleum origin to the air is 90 million tons, 40 times that emitted to the seas. Nobody knows how much may finally settle in the seas. SCEP points out that if "10 per cent does, then the total hydrocarbon contamination of the oceans could be almost five times the direct influx from ships and land sources."

The increase in the size of tankers must make things worse. The danger of large-scale accidents will increase with the scale of the tankers. 800,000 ton tankers are projected. "A single spill from one of these would add 20 per cent to the amount of oil entering oceans in a single year" (SCEP). Cleaning up oil spills does more harm than good "even with a non-toxic dispersant, the dispersed oil is much more toxic to marine life than is an oil slick on the surface". (SCEP).

The effect of spills in shallow water is particularly damaging. Thus "an accidental release of 240 to 280 tons of No. 2 fuel oil from a wrecked barge off West Falmouth, Massachusetts in 1969 caused an immediate massive kill of organisms of all kinds—lobsters, fish, marine worms and mollusks.".

The difficulty of estimating biological effects in coastal waters is that "many other pollutants are also present in this zone and it is hard to separate their different effects. Indeed, the effects may not be separable, but instead additive or mutually reinforcing".

One possible effect of oil dispersed over wide ocean areas could arise from the fact that "chlorinated hydrocarbons such as DDT and Dieldrin are highly soluble in oil film. Measurements . . . in Biscayne Bay, Florida showed that the concentration of a single chlorinated hydrocarbon (dieldrin) in the top 1 millimetre of water containing the slick was more than 10,000 times higher than in the underlying water . . . We know that the small larval stages of fishes and both the plant and animal plankton in the food chain tend to spend part of the night hours quite near the surface, and it is highly probable that they will extract, and concentrate still further, the chlorinated hydrocarbons present in the surface layer. This could have seriously detrimental effects on these organisms and their predators."

Implicit throughout this study is the knowledge that these ecologically disruptive trends cannot be allowed to persist indefinitely. SCEP concludes "In general, the expected losses from present impacts do not exceed our capacity to carry the burden; this leads us to the conclusion that an intractable crisis does not now seem to exist. Our growth rate, however, is frightening. The impact of two, four, or eight times the present ecological demand will certainly incur greater losses in the environment. If the process of change were gradual, the present ecological advantage that is reflected in our 5 to 6 per cent annual growth would taper off in the face of decreased environmental services, and growth would be correspondingly slowed. Instead, the risk is very great that we shall overshoot in our environmental demands (as some ecologists claim we have already done), leading to cumulative collapse of our civilisation. It seems obvious that before the end of the century we must accomplish basic changes in our relations with ourselves and with nature. If this is to be done, we must begin now. A change system with a time lag of ten years can be disastrously ineffectual in a growth system that doubles in less than fifteen years."

TABLE 1.—DARMSTADTER'S PROJECTION OF WORLD ENERGY CONSUMPTION IN 1980

		Solid		Liquid		Gas		Hydro[3]		Nuclear[3]		Overall	
	A[1]	10^{12} kWh(t)[2]	Percentage of World Consumption	10^{12} kWh(t)[2]	Percentage of World Consumption	10^{12} kWh(t)[2]	Percentage of World Consumption	10^{12} kWh(t)[2]	Percentage of World Consumption	10^{12} kWh(t)[2]	Percentage of World Consumption	10^{12} kWh(t)[2]	Percentage of World Consumption
Developed countries:													
United States	3.5	5.0	17.3	9.4	25.3	8.3	41.9	0.34	18.1	0.98	52.0	24.0	26.8
Canada	5.5	0.3	0.9	1.2	3.2	1.0	4.8	0.22	11.6	0.05	2.8	2.8	3.0
Western Europe	4.0	2.7	9.4	9.2	24.9	2.1	10.3	0.46	24.1	0.63	33.5	15.1	16.8
Communist Eastern Europe	4.6	3.6	12.5	1.5	3.9	0.7	3.5	0.02	1.2	0.04	2.1	5.9	6.6
U.S.S.R.	6.5	5.7	19.7	5.2	14.0	5.9	29.8	0.29	15.3	0.04	2.1	17.1	19.1
Japan	7.9	0.5	1.9	3.5	9.5	0.1	0.4	0.11	5.7	0.11	5.6	4.3	4.9
Oceania	4.8	0.4	1.3	0.4	1.2	0.1	0.7	0.04	2.1	0.01	0.3	1.0	1.1
Total	4.7	18.2	63.0	30.4	82.0	18.2	91.4	1.48	78.1	1.86	98.4	70.2	78.3
Developing countries:													
Communist Asia	7.6	7.3	35.4	0.7	2.0	----------	(4)	0.04	2.2	0.01	0.4	8.1	9.1
Other Asia (exc. Japan)	8.5	2.3	3.1	2.4	6.5	0.4	2.2	0.14	7.3	0.02	1.0	5.2	5.8
Africa	6.5	0.9	0.6	0.7	1.9	0.2	0.9	0.06	3.0	----------	----------	1.8	2.0
Other America	7.4	0.2	7.9	2.8	7.6	1.1	5.5	0.18	9.4	0.00	0.2	4.3	4.8
Total	7.7	10.7	37.0	6.6	18.0	1.7	8.6	0.42	21.9	0.03	1.6	19.4	21.7
World total	5.2	28.9	10.0	37.0	100.0	19.9	100.0	1.90	100.0	1.89	100.0	89.6	100.0

Source: Estimated by Joel Darmstadter in Energy and the World Economy (to be published by the Johns Hopkins Press for Resources for the Future Inc.).

[1] Col. A contains the projected average annual percentage of growth in energy consumption for 1965–80.

[2] Converted from metric tons coal equivalent by using 27.3×10^{6} Btu/m.t.c.e. and 0.293×10^{-3} kWh(t)/Btu.

[3] Darmstadter follows the U.N. system of evaluating hyrdo and nuclear electricity. This means that he used for both nuclear and hydropower the system used by the Group only for hydropower. Darmstadter's actual figures were in metric tons of coal equivalent and were converted to kWh (both thermal and electrical in this case) at the U.N. rate of 1,000 kWh per 0.125 m.t.c.e. (for the factor see U.N. World Energy Supplies or the Appendix of any recent U.N. Statistical Yearbook).

[4] Unknown, but believed to be small.

TABLE 2.—RADIOACTIVE WASTES AS A FUNCTION OF EXPANDING U.S. NUCLEAR POWER

	Calendar years		
	1970	1980	2000
Installed nuclear capacity (megawatts-electric)	11,000	95,000	734,000
Volume high-level liquid waste: [1] [2]			
Annual production (gallons per year)	23,000	510,000	3,400,000
Accumulated volume (gallons): [3]	45,000	2,400,000	39,000,000
Accumulated fission products, (megacuries): [2]			
Sr^{90}	15	750	10,800
Kr^{85}	1.2	90	1,160
H^3	0.04	3	36
Total for all fission products	1,200	44,000	860,000
Accumulated fission products (tons)	16	388	5,350

[1] Based on 100 gals. of high-level acid waste per 10,000 thermal megawatt days (MWd) irradiation.

[2] Assumes 3-year lag between dates of power generation and waste production.

[3] Assumes wastes all accumulated as liquids.

Source: Snow, 1967 (reproduced from SCEP).

TABLE 3.—CO_2 PRODUCED BY FOSSIL FUEL COMBUSTION, 1950–67

[Billions of metric tons]

Year	Coal	Lignite	Refined oil fuels	Natural gas	Total
1950	3.7	0.9	1.4	0.4	6.4
1951	3.8	.9	1.7	.5	6.9
1952	3.8	.9	1.8	.5	7.0
1953	3.8	.9	1.9	.5	7.1
1954	3.8	.9	2.0	.6	7.3
1955	4.1	1.0	2.2	.6	7.9
1956	4.4	1.1	2.4	.7	8.6
1957	4.5	1.3	2.5	.7	9.0
1958	4.6	1.4	2.6	.8	9.4
1959	4.8	1.4	2.8	.9	9.9
1960	5.0	1.4	3.1	1.0	10.5
1961	4.5	1.5	3.3	1.0	10.3
1962	4.6	1.5	3.5	1.1	10.7
1963	4.8	1.6	3.8	1.2	11.4
1964	5.0	1.7	4.2	1.3	12.2
1965	5.0	1.7	4.5	1.5	12.7
1966	5.1	1.7	4.8	1.6	13.2
1967	4.8	1.7	5.2	1.7	13.4
1980 (estimated)	11.1		10.8	4.0	26.0

Note: Reproduced from SCEP.

TABLE 4.—WORLD PRODUCTION [1] AND U.S. CONSUMPTION [2] OF TOXIC HEAVY METALS

[In thousands of metric tons]

Year	Hg		Cd		Pb		Cr_2O_3		Ni	
	World	U.S.	World	U.S.	World	U.S.	World	U.S.	World	U.S.
1960		1.77		4.53		930		1,110		98.2
1961		1.92		4.65		932		1,090		108
1962		2.26		5.56		1,010		1,030		108
1963	8.28	2.70	11.8	5.19	2,520	1,060	3,920	1,080	340	114
1964	8.81	2.81	12.7	4.31	2,520	1,090	4,150	1,320	372	134
1965	9.24	2.54	11.9	4.75	2,700	1,130	4,810	1,440	425	156
1966	9.51	2.46	13.0	6.60	2,860	1,200	4,390	1,330	414	171
1967	8.36	2.40	12.9	5.28	2,880	1,150	4,300	1,230	441	158
1968	8.81	2.60	14.1	6.05	3,000	1,200	4,730	1,200	480	[3] 144

[1] 1963 data are from the Minerals Yearbook, 1967; 1964–1968 data far from the Minerals Yearbook, 1968.

[2] Chemical Economics Handbook, 1969.

[3] Minerals Yearbook, 1968.

TABLE 5.—MAN-INDUCED RATES OF MOBILIZATION OF MATERIALS WHICH EXCEED GEOLOGICAL RATES, AS ESTIMATED IN ANNUAL RIVER DISCHARGE TO THE OCEANS

[In thousands of metric tons per year]

Element	Geological rates [1] (in rivers)	Man-induced rates [2] (mining)
Iron	25,000	319,000
Nitrogen	8,500	[3] 9,800
Manganese	440	1,600
Copper	375	4,460
Zinc	370	3,930
Nickel	300	358
Lead	180	2,330
Phosphorus	180	[3] 6,500
Molybdenum	13	57
Silver	5	7
Mercury	3	7
Tin	1.5	166
Antimony	1.3	40

[1] Bowen 1966.

[2] United Nations Statistical Yearbook, 1967. Data for mining except where noted.

[3] Consumption.

TABLE 6.—ESTIMATES OF DIRECT LOSSES INTO THE WORLD'S WATERS, 1969

[Metric tons per year; reproduced from SCEP]

	Loss	Percentage of total loss
Tankers (normal operations):		
Controlled	30,000	1.4
Uncontrolled	500,000	24.0
Other ships (bilges, etc.)	500,000	24.0
Offshore production (normal operations)	100,000	4.8
Accidental spills:		
Ships	100,000	4.8
Nonships	100,000	4.8
Refineries	300,000	14.4
In rivers carrying industrial automobile wastes	450,000	21.6
Total	2,080,000	100.0

TABLE 7.—ESTIMATED CONCENTRATION FACTORS IN AQUATIC ORGANISMS

Radionuclide	Site	Phytoplankton	Filamentous algae	Insect larvae	Fish
Na^{24}	Columbia River	500	500	100	100
Cu^{64}	do	2,000	500	500	50
Rare earths	do	1,000	500	200	100
Fe^{39}	do	200,000	100,000	100,000	10,000
P^{23}	do	200,000	100,000	100,000	100,000
P^{32}	White Oak Lake	150,000	850,000	100,000	30–70,000
Sr^{90}-Y^{90}	do	75,000	500,000	100,000	20–30,000

Source: Eisenbud, 1963 (reproduced from SCEP).

APPENDIX B: SOCIAL SYSTEMS AND THEIR DISRUPTION

The activities of industrial man are having a very serious effect on society. They can be shown to be leading to its disintegration, and it can also be shown that such pathological manifestations as crime, delinquency, drug addiction, alcoholism, mental diseases, suicide, all of which are increasing exponentially in our major cities, are the symptoms of this disintegration.

Unfortunately, before we can understand why and how this is happening, we must know a little more about human society. Sociology, which should provide us with this information, is failing to do so, mainly because it is studying human society "in vacuo", i.e. without reference to behaviour at other levels of organisation. This is the result of regarding man and the societies he develops as unique, and in some way exempt from the laws governing all the other parts of the ecosphere. If we establish this false dichotomy between man and other animals it is partly because we fail to understand the nature of the evolutionary process. Thus, owing to our tendency towards subjective classification, we recognise that certain events among which a connection can be made within our immediate experience can be regarded as constituting one process, while, on the other hand, we refuse to admit that this can be the case with events whose connecting bond lies outside our experience. Thus we are willing to admit that the development of a foetus into an adult is a single process, and that it is difficult to examine, separately and in isolation, any of its particular stages apart from the process as a whole. On the other hand, we are less ready to regard evolution in this way.

We still imply that radical frontiers exist between life at different levels of complexity, in spite of the fact that they are part of the same evolutionary process. Yet, it can be demonstrated that no such frontiers obtain. When Kohler synthesised urea, the barrier between the "organic" and the "inorganic" was suddenly shattered, as was that between the "animate" and "inanimate" when the virus was found to manifest certain features associated with life on being confronted with a source of protein, and at other periods to display the normal behaviour pattern of a crystal. Again, it has been demonstrated repeatedly that no barrier exists separating man from other animals. He is more "intelligent" and that is about all that can be said.

If human societies are not unique, their functions cannot be understood apart from that of other natural systems, such as ecosystems and biological organisms, i.e. in the light of a general theory of behaviour.

To understand this, one must first realise that the vast and chaotic human societies in which we are living are by no means normal. If man has been on this planet for a million and a half years, which is possible, it is only in the last 150 years that he has become an industrialist, and that industry has permitted the development of such societies. This represents no more than two days in the life of a man of 50.

For more than one million four hundred and ninety thousand years he earned his living as a hunter-gatherer. During all this time, there is no reason to suppose that the societies he developed were in any way less adapted to their respective environments than are those of non-human animals.

From our knowledge of surviving hunter-gatherer societies, such as the Bushmen of the Kalahari, one can presume that they probably consumed less than a third of the available food resources. They did not clear forests for agricultural land, nor did they hack down trees for building houses, nor were they so short-sighted as to exterminate the wild animals on which they depended for their livelihood.

At the same time they avoided increasing their population over and above that which might lead them to have to alter their life-style in any way.

Even if one considers an area overpopulated, as does Professor Ehrlich,[1] "when human numbers are pressing against human values", and not just when they actually starve, then such societies were never overpopulated.

What is more, the survival of such societies was compatible with that of climax ecosystems, to which they contributed by fulfilling within them their various ecological functions. Take the case of the Plains Indians of North America who lived off the vast herds of bison. They did not, on the whole, attack the main herd, which would have been a dangerous undertaking, but rather killed off the stragglers; the old and the weak, thereby exerting quantitative and qualitative controls on these animals.

It is significant that exactly the same is true of the lions living off the buffalo herds in East Africa.

If human societies for 99.75 per cent of their tenancy of this planet, behaved as an integral part of our ecosphere (before the invention of agriculture 10,000 years ago and industry 150 years ago) it is unreasonable to suppose that such behaviour is not subject to its laws.

Nor is there any reason why sociology should be anything but a branch of the natural sciences, that which deals with a particular type of natural system: the human society.

Let us briefly look at human society in this light.

First of all, like all other natural systems, a human society displays organisation. This is probably its most important feature. If one gathers on an island a random collection of people from different societies speaking different languages it would be naive to suggest that these constituted a society. Nevertheless there would be a tendency for organisation, or negative entropy, to build up (or entropy and randomness to be reduced). First of all men would pair off with women and have children. Families would be formed and groups of these families would tend to be associated and grow into small communities. As this occurred so their members would develop more and more things in common. They would learn to speak the same language and dress, eat and build their houses in a similar way. Slowly a common set of values and aspirations would emerge, and these would bind them together in a common purpose and transform them into a true society.

This organisational process is not a linear one. Thus, in its development from the simple to the complex, matter passes through certain critical stages, where the possibilities of a particular type or organisation are exhausted and further advance can only be achieved by the development of a new type.

Thus, an atom can be developed only up to a certain point. This point will vary with different types of atoms, some of which, such as the tungsten atom, are relatively large.

Beyond this critical point, however, development can occur only by the association of several atoms together to form a molecule. As soon as the latter stage is reached, the constituent atoms undergo a considerable change, in that a radical division of labour occurs, in accordance with the law of economy.

To explain their behaviour now requires the introduction of several new principles.

There is no reason to suppose that this notion of levels of organisation does not apply equally well to human social systems. Thus the family, which clearly represents the first level of human organisation, is a universal feature of all human societies, and there is no example of its suppression without the most serious social consequences. The family is held together by bonds which are extendable in the sense that the stimuli required for triggering off the corresponding behavioural responses are not specific as in the case of simpler forms of life.

For example, not only a mother, but a mother-like figure, can trigger off filial responses, or vice-versa.[2] It is this feature of the family bonds which permits the development of larger social units. The latter can, of course, be of many kinds. They can be bilateral extended families, or unilateral, or the members of the different families constituting these units need not be related at all, as mere contiguity is sufficient to allow the development of such bonds.[3] Another essential characteristic of the family bonds is that they cannot be extended indefinitely. This is a feature of all bonds, whether they be holding together the nucleus of an atom or the solar system. A point must, therefore, be reached where the bonds cannot be extended any further, and development only becomes possible by the association of a number of such units. At this point it can be said to have reached a new level of organisation.

Once we pass the level of the village, clan or lineage, we reach a level of social organisation that has not often been achieved by the human species. To harness the family bonds in such a way as to build up a larger unit requires the development of very elaborate forms of organisation. This involves "criss-cross" bonds that permit the establishment of a veritable cobweb of associations of one sort or another, all of which transcend each other in such a way that each individual is linked to each other member of the society in at least one, and preferably more ways.

Thus a tribesman is at once a member of a family, of a maternal and of a paternal kinship group. As neither of these may coincide with the social unit that is the village in which he lives, he is a member of yet another group: the village. He is also likely to be a member of an age grade, of a secret society of some sort, possibly also of a military club and of some other group with a common economic activity. Such a man has a very definite status which Linton[4] defines as "The sum total of all the statuses which he occupies and hence his position with relation to the total society.

The same principle is apparent in the more stable segment of our modern societies. As Linton writes: ". . . the status of Mr. Jones as a member of his community derives from a combination of all the statuses which he holds as a citizen, as an attorney, as a Mason, as a Methodist, as Mrs. Jones' husband, and so on." As a result of such criss-cross associations, a man is in contact with a very large number of cross-sections of the society. There is what Ortega y Gasset[5] calls "cocial elasticity".

All the parts of the society are in contact with each other. Any change in the society will, therefore, effect each individual and the actions of each individual must effect the society as a whole through the agency of all the associations of which he is a member.

Without social elasticity there would be no bonds, no organisation: in fact no real society. Yet social elasticity can only be maintained in special conditions. Thus it is likely that if the society grows too big, the bonds holding it together become of an ever more precarious nature and eventually incapable of holding it together.

The social system is, in fact, overloaded, with more people than it is capable of organising into a society. Its essential structure breaks down, and it ceases to be capable of self-regulation.

As already mentioned, it is a basic feature of all bonds that there is a limit to their extendability. Those holding together a community which are already extensions of the family ones, cannot be extended to hold

---

Footnotes at end of article.

together more than a certain number of people. Aristotle considered that a city could be made up of no more citizens than could not know each other by sight. The Greek city states which displayed some of the features of self-regulating units, were, in fact, very small. Only three had more than 20,000 citizens (Athens, Corinth and Syracuse). It is significant that a recent study of America has revealed that the crime rate appears to be proportionate to the size of the city. Violent crime appears to be about six times greater *per capita* in cities of 1 million people than in cities of 10,000.

Social elasticity is also seriously affected by mobility. It is impossible to create sound societies when people are being constantly moved from place to place. In such conditions, the towns are not made up of people who have grown up together and among whom bonds have had time to develop, but simply of people who have been thrown together for various random reasons. Bonds cannot be manufactured at will. Nor can that socialisation process that will enable people to fulfil their specific functions within their social system be compressed into a few years of adult life. It is a slow, educative process, the most important part of which must occur in the early years of life—when the generalities of a cultural pattern, i.e. its basic goals and values, are inculcated via the family and the small community.

To understand this principle, it is necessary to see how cultural information is used to determine the adaptive and self-regulatory behaviour of a social system, in fact, how the basic cybernetic model applies to a society.

If a society is capable of self-regulation behaviour, it is that its responses are based on a model of its relationship with its environment, in the light of which they are being continually monitored. Such a model is a society's world-view, or "Weltanschauung", which is compounded of its religion, mythology, traditional law, etc.

As soon as one understands a society's culture, one understands the reason for its behaviour and all its actions that previously appeared random or irrational, now appear quite logical. The following example illustrates this point.

It is well known that some Australian aborigines failed to establish a cause and effect relationship between copulation and conception. Instead, they generally believed that the spirits of children yet unborn, which were apparently referred to as "ngargugalla", inhabited some strange world from which they only emerged when dreamt of by their mothers. Daisy Bates[6] tells us that among the Koolarrabulloo it was the father who had to have such a dream:

"They believed that below the surface of the ground and at the bottom of the sea, was a country called Jimbin, home of the spirit babies of the unborn, and the young of all the totems. In Jimbin there was never a shadow of trouble or strife or toil or death: only the happy laughter of the little people at play. Sometimes these spirit babies were to be seen by the jalngangooroo, the witch-doctors, in the dancing spray and sunlight of the beaches, under the guardianship of old Koolibal, the mother-turtle, or tumbling and somersaulting in the blue waters with Pajjalburra, the porpoise . . .

". . . So firm was the belief in the 'ngargalulla' that no man who had not seen it in his sleeping hours would claim the paternity of a child born to him. In one case, that came under my observation, a man who had been absent for nearly five years in Perth proudly acknowledged a child born in his absence, because he had seen the 'ngargalulla', and, in another, though husband and wife had been separated not a day, the man refused absolutely to admit paternity. He had not dreamed the 'ngargalulla'. Should a boy arrive when a girl came in the dream, or should the ngragalulla not have appeared to its rightful father, the mother must find the man who has dreamed it correctly, and he is ever after deemed to be the father of that child."

It is evident that, if we were not aware of this aspect of the world-view or model of the Koolarrabulloo, we would find their attitude towards the acceptance of paternity totally illogical. However, once we were acquainted with their model, their attitude would appear quite reasonable, and could even be predicted with a fair measure of probability. There is no reason why all seemingly irrational behaviour can be explained on the basis of a cultural model of this sort.

We regard as "rational", behaviour which is based on *our* cultural model of the world and which somewhat presumptiously we regard as the only valid one. However, if we realised that the object of cultural information is to mediate the behaviour that will lead a society to adapt to its particular environment, it then becomes apparent that whether or not this information constituted "scientific" knowledge is irrelevant, and hence our particular scientifically based culture is in no way superior to those developed by the most primitive societies.

Equally important is the fact that a culture also provides a society with a goal-structure and a means of achieving it. The goal of all self-regulating societies appears to be the acquisition of social prestige. It is important to realise that this goal is only possible in a closely knit society, in which there is fundamental agreement as to what are the determinants of prestige. These will vary in each society. In general one can say that these will coincide with the qualities that must be cultivated if the society is to survive. Thus in a society of hunter-gatherers, success in a hunt is likely to be a determinant of prestige; among societies involved in war-like pursuits courage is likely to be particularly prestigious. The prestige achieved will determine one's position in the social hierarchy. This hierarchy is of immense importance in avoiding strife and in ensuring a socially acceptable division of labour among the members of the society. If there is no hierarchy there will be constant bickering and fighting. There will also be no mechanism for ensuring the perpetuation of those qualities required if the society is to survive. Hierarchy is another word for organisation. There are only two ways of dispensing with it: one is to accept chaos and with it asystemic controls such as dictators, the other is to reduce the size of the society. In an extremely small social grouping such as the Kalahari Bushmen and the Pygmies of the Ituri Forest, the requirements for hierarchy is reduced to a minimum, and very stable egalitarian societies are possible. However, as the size of the groupings increases so must the requirement for hierarchy.

Each society has a whole set of beliefs regarding the supernatural forces that can be exploited to enable individuals, associations and society as a whole to achieve their ends.

Many ceremonies and rituals are performed to this end, all of which have the additional effect of tightening social bonds, and hence of further increasing social organisation. At the same time, every society has a set of taboos, basically to prevent supernatural forces from being mobilised to hinder the achievement of the society's goalstructure.[7]

There is every reason that the goal that self-regulating societies set themselves is one whose achievement permits the satisfaction of the environment's many competing requirements and is not purely arbitrary as in the case of our society.

This may be illustrated by the way in which the size of the simple society is determined. Thus, if the Eskimos live in small family units during the summer months, it is because there is no need for a larger unit, indeed the arctic areas they inhabit would not support one. If the Pygmies of the Congo live in small bands it is because this is the ideal number of people for survival in tropical rain forests, possibly providing the minimum number of hunters required to trap an elephant. If the society is truly self-regulating, however, it should be capable of reducing or increasing complexity to permit adaptation to changing environmental conditions—so long as these occur within certain limits. Thus when faced with the Macedonian menace, it would have been adaptive for the Greek city states to join together to form a league, i.e. to achieve a higher level of organisation. This they never really succeeded in doing, though there were many attempts.

On the other hand, in the absence of environmental challenges requiring action on the part of a larger, more complex social unit, it would be adaptive for complexity to be reduced, for the society to break up, temporarily at least, into its constituent parts. Usually, however, institutional barriers prevent this from occurring. Central governments are jealous of the territories that they control and usually refuse to face reality, once environmental conditions render superfluous and artificial the states that they control.

The important thing is that a self-regulating society must be goal-directed. It moves in a particular direction, and both the goal towards which it is moving, and that behaviour pattern that permits its achievement, are culturally determined.

For the society to keep moving in this direction, it means that all its members must be imbued with the cultural information that will enable them to fulfil their specific functions as specialised members of their social system. It also means that every cultural trait which we often tend to regard as being of little practical significance, and which our missionaries, educators, administrators, etc., are only too pleased to interfere with, has a specific function in the overall social behaviour pattern.

If one were acquainted with the culture of any stable society and were capable of working out the role played by each of the customs and institutions within this culture, i.e. by determining in what way they contributed towards the adaptive behaviour of the society to its particular environment, one could easily imagine what would be the consequences of their suppression by outside interference. Let us take the case of the marital customs of the Comorians, who inhabit a group of islands between Mozambique and Madagascar. The people of the Comores have a complex social organisation, probably based on indigenous customs upon which were superimposed those of their Islamic conquerors. From the former they inherited a matrilineal and matrolocal tradition; from the latter a patrilineal and patrilocal one. Islamic marital law has also been adopted. As a result, there is polygamy and a high frequency of divorce. Indeed, so high is the latter that it is perfectly normal for a woman to have been married five to ten times. From the experience gained in our society, we would tend to associate such a consequent number of "broken homes", with a very high rate of juvenile delinquency, schizophrenia and suicide, i.e. the symptoms of social disorder. However, things do not work out that way.

In Mayotte, one of the islands making up the Comores Archipelago, there have been only two deaths by violence in the last fifty years, and neither were premeditated murders. Crime in general is minimal, as are mental diseases, delinquency, suicide and the other symptoms of social disorder.

The society is thus culturally adapted to marital instability, which ours is not. The reasons are two-fold. First, by virtue of the institution of matrilinearity and matrilocality, a child is partly the responsibility of the mother's clan. Many of the functions of fatherhood are in fact fulfilled by the mother's elder brother, and inheritance, for instance, is primarily through him rather than through the father. Secondly, by custom, the step-father automatically assumes many of the responsibilities of fatherhood, *vis-a-vis* the children that his new wife has had with previous husbands. The step-father, or "baba combo", is, in particular, responsible for the payment of the very large expenses involved in the circumcision ceremony of his step-sons. Also, the father's role is reduced by the fact that the children are brought up in the mother's home. As the father probably has several other wives, he will in any case only be physically present in one particular house on one or two days a week. For all those reasons, divorce does not have the same unsettling effect in the Comores that it does in our society. Now, supposing a missionary or administrator suddenly decided that matrilinearity and matrilocality were vestiges of barbarity not to be found in modern civilised societies, and that they must, therefore, be abolished; unless he abolished at the same time many of the other customs making up this complex culture, the results would be disastrous. Schizophrenia, delinquency, and the other symptoms of social disorder would result, as they do in our society with the break-up of the nuclear family.

What is particularly striking about the self-regulating society is the absence of these forms of deviation. Crime is, in fact, an extremely rare occurrence in spite of the fact that there are no policemen, lawcourts, tribunals, etc. Indeed in such a society, there is no need for external controls of this sort. Systemic controls, i.e. those controls applied by the society as a whole through the medium of public opinion, are sufficient to prevent any deviation from the accepted norm.[4]

As Linton writes: "The Eskimos say that if a man is a thief no one will do anything about it, but the people will laugh when his name is mentioned. This does not sound like a severe penalty but it suffices to make theft almost unknown. Ridicule will bring almost any individual to terms, while the most stubborn rebel will bow before ostracism or the threat of expulsion from his group."

Besides in a stable society, all the citizens will have the good of the society at heart. They will feel part of it and will all equally oppose the behaviour on the part of any of its members that is contrary to the established customs and that might compromise the interests of the society as a whole. Solon was once asked which was the best policed city.[8] "The city" he replied "where all the citizens, whether they have suffered injury or not, equally pursue and punish injustice." The same spirit that Solon expressed is apparent in Pericles' celebrated speech over the bodies of the first victims of the Peloponnesian war: ". . . We are prevented from doing wrong by respect for authority and for the laws, having an especial regard for those which are ordained for the protection of the injured, as well as for those unwritten laws which bring upon the transgressor of them the reprobation of the general sentiment."

We regard government, parliaments, and vast bureaucracies as essential to all societies. However, it is probable that most of the societies ever developed by man dispensed with such external controls. As Lowie writes:[9]

". . . it should be noted that the legislative function in most primitive communities seems strangely curtailed when compared with that exercised in the more complex civilisations. All the exigencies of normal social intercourse are covered by customary law, and the business of such governmental machinery as exists is rather to exact obedience to traditional usage than to create new precedents."

Indeed, in such societies, nothing can be found to correspond to our notion of government. There are no kings, presidents, or even chiefs, no courts of law, prisons or police force. The closest approximation to a political institution is the council of elders that occasionally gathers to discuss important issues. It is for this reason that the Australian aboriginal tribe has often been referred to as a "gerontocracy", or as a government by the old men—a title that can aptly be applied to most simple, ordered societies.

The absence of formal institutions, rather than give rise to the permissiveness that we would expect, is in fact associated with discipline and the strictest possible adherence to the tribal code of ethics. Behavior which, in a disordered society, could only be exacted at the cost of brutal coercion, is with them ensured by the force of public opinion, the sanction of the elders, and the fear of the ancestral spirits.

In more advanced societies, we find the same principle obtaining in a less extreme form. Thus, in ordered societies where public opinion plays an important role, the need for strong government, and in particular, dictators, is correspondingly reduced.

Conversely, in these disordered societies where public opinion plays but a small part, we find that the absence of the most authoritarian government, linked to an all-pervasive and coercive bureaucracy inevitably leads to lawlessness and mob rule.

By causing the disintegration of a society, by overloading the social system with too many people, or by increasing mobility so as to prevent their proper socialisation, one is reducing the power of public opinion, and thereby the society's capacity for self-regulation. We are introducing asystemic controls in ever greater quantities: more politicians, more bureaucrats, more laws, more tribunals, so one is rendering the systemic controls ever more redundant, and further reducing a society's capacity for self-regulation.

A society used to being run in this manner ceases to be capable of running itself. In many South American republics, the deposition of one dictator will lead merely to the installation of another. Real democracy is not possible since the essential social structure for rendering it possible does not obtain. A mass democracy is, in fact, a contradiction in terms, and as our society becomes ever more massive and ever less organised, i.e. as entropy and randomness increase, so must there be a proportionate increase in the precarious asystemic controls required to maintain a semblance of social order, and a similar reduction in its stability and hence in its capacity to survive.

We can thereby formulate the essential principle that the higher the entropy or randomness of a social system, the greater must be the need for asystemic controls of which the most extreme kind is a dictator.

Such controls are as unsatisfactory in social systems as they are in eco-systems, and for the same reasons. A dictator gears his society to the achievement of what is usually an arbitrary goal regardless of environmental requirements. This can therefore only increase the society's instability.

As we have seen, it creates a need for further dictatorship by destroying natural systemic controls which it renders redundant.

It is also highly vulnerable. One can exterminate a large proportion of the population of a self-regulating society without affecting its organisation or its capacity to govern itself, whereas in a dictatorship, it suffices to kill the dictator for the society to be plunged into chaos and civil war, a point that is particularly well illustrated by the experience of the later Roman Empire.

Dictatorship, in other words, involves a drastic simplification of a society's control mechanisms, and must determine a corresponding reduction in its stability.

Our industrial society is further affecting human society by absorbing non-industrial cultures. Whereas there were previously innumerable cultures geared to totally different ends, so, as they fall within the orbit of industrial "civilisation", they come more and more to resemble each other.

It is significant that in New Guinea, that last great reservoir of primitive cultural wisdom, there are still 700 different cultural patterns, each with its own distinct language. In such circumstances mistakes committed by one such social group are likely to have the minimal effect on the others and the probability that at least one cultural pattern provides the solution to a new environmental problem is maximised.

The absorption of these diverse highly differentiated societies into a common mass-society geared to the achievement of short-term material ends is a loss to humanity that cannot be over-emphasised.

It must seriously reduce the complexity and hence the stability of human social organisations on this planet. It must also lead to the irreparable loss of a vast store of cultural information which is as important to man's survival as is the store of genetic plant variety so seriously compromised by modern agricultural techniques.

Social disruption and its effects

There is increasing evidence that deprivation of a satisfactory family environment will affect children profoundly and colour every aspect of their later life.[10] Such children are often referred to as emotionally disturbed. However bright they may be, they will tend to find it very difficult to fit into their social environment, the reason being that the early and most important stages of socialisation were badly impaired. The earlier family deprivation occurred, the more will this be the case, for as D. O. Hebb [11] shows, the effect of early experience on adult behaviour is universally correlated with age.

Sadly, it is rarely possible for socially deprived and emotionally disturbed children to be satisfactorily socialized. No amount of school education can do much for them.

They are characterised by their inability to accept any social constraints. They are unable to concentrate on their work and are only interested in things which are of apparent immediate advantage to them. Regardless of their intelligence level, they are thus extremely difficult to educate. They are particularly concerned with the present, and the short-term, and are predisposed to all pathological forms of behaviour such as delinquency, drug addiction, alcoholism and schizophrenia.

What is worse, when they grow up, they are unlikely to be capable of fulfilling their normal family functions; their children, consequently also deprived of a normal family environment, will in turn tend to be emotionally unstable.

John Bowlby went so far as to compare a delinquent with a typhoid carrier.[12] He is as much a carrier of disease as the latter—of a disease of the personality which will affect his family and his community for generations, until his descendants are eliminated by natural selection.

Socially deprived, emotionally disturbed youths are a feature of disintegrating societies. In the black ghettoes of New York and other large American cities, they are the rule rather than the exception. There is increasing reason to suppose that the law standard of achievement and the high rate of crime, and various forms of retreatism that characterise such societies are mainly attributable to family deprivation.

If a child is seriously affected by being deprived of a satisfactory family environment, an adult is also adversely affected by being deprived of a satisfactory communal environment.

As we have seen, in a stable society, a cultural pattern provides an individual with a complete goal structure and an environ-

---

Footnotes at end of article.

ment within which these goals can be satisfied.

In a stable society the principal goal appears to be the acquisition of prestige, to be looked up to by one's family and community.

In our industrial society, prestige is achieved in a variety of ways, including the right education, entering a socially acceptable profession and perhaps most important of all, making money.

Those who have not been subjected to the normal socialisation process and in particular members of different minority ethnic groups, may for various reasons, find these avenues of success barred to them. In such conditions they have no alternative but to develop a substitute set of goals. Cloward and Ohlin [13] interpret the development of a criminal sub-culture in the slums of a big city in these terms. It provides people with a new set of goals which they can achieve. Once crime becomes big business, and requires the same sort of qualities that permit success in the mainstream culture, then a further substitute outlet is required.

It is in these terms that Cloward and Ohlin interpret the "violent gang" subculture which also has its own ethic and goal structure, so different from the mainstream culture. However, those who have not succeeded in shedding the latter's values find themselves incapable of participating in it. They are forced to indulge in one or other form of retreatism—to isolate themselves psychologically from an environment which not only fails to provide them with an essential set of goals but also denies them.

Merton [14] describes a retreatist in the following way: ". . . Defeatism, quietism and resignation are manifested in escape mechanisms which ultimately lead him to 'escape' from the requirements of the society. It is thus an expedient which arises from the continued failure to near the goal by legitimate measures and from an inability to use the illegitimate route because of internalised prohibitions, this process occurring while the supreme value of the success-goal has not yet been renounced. The conflict is resolved by abandoning both precipitating elements, the goals and the means. The escape is complete, the conflict is eliminated and the individual is associalised."

In a disintegrating society one would tend to find sub-cultures developing along all these different lines in varying degrees, i.e. there will be an increase in delinquency, violence and all the various forms of retreatism, such as drugs, drink, strange religious cults, etc, and mental disease. Such a society will be characterised by a general feeling of aimlessness, a frantic, almost pathetic search for originality, over-preoccupation with anything capable of providing short-term entertainment, and beneath it all a feeling of hopelessness of the futility of all effort.

Crime

In the United States, according to Mr. John Mitchell, Attorney-General, crime in cities of more than 250,000 inhabitants is two and a half times that of the suburbs, which in turn is twice that of rural areas, Crime, needless to say, is on the increase. In the United States it has doubled in the last 10 years. In 1969 there were 2,471 crimes per 100,000 inhabitants. There were 655.000 violent crimes and 4,334,000 crimes against property, 14,590 murders, 36,470 rapes and 306,420 aggravated assaults. This is an increase of 12 per cent over the previous year. In the United Kingdom, crime is increasing at a similar rate. In 1970, according to a *Newsight* investigation, there were 1½ million indictable crimes, 300,000 in London alone, an increase of about 10 per cent over 1969.

Crimes of violence and burglary and battery in particular are increasing at the fastest rate, at more than 15 per cent per annum. There are at present 66 crimes of violence per 100,000 people in the United Kingdom as opposed to 324 per 100,000 in the United States. At the present doubling rate of five years it will take approximately 12 years to achieve the US rate of 324 per 100,000 which is so bad that life in cities has become intolerable and economic activity seriously menaced.

Professor Michael Banton of the Department of Sociology, Bristol University, told the British Association for the Advancement of Science that "increased disorder is part of the price we pay for the adaptation of our social arrangements to an economic system which brings us such great material benefits".

The relationships between crime rate and urbanisation has been established in a recent study in the US (see Table 8) which shows that it is considerably higher *per capita* in cities of more than 250,000 than in small towns with a population of less than 10,000.

Crime is part of the price of affluence, or more precisely, of the social disintegration that affluence gives rise to.

Perhaps the most damning indictment of our industrial society is the behaviour of people when the elaborate mechanisms of the law are for some technical reason put temporarily out of action.

In Montreal, during a 24-hour police strike, shops were pillaged, women raped and houses burgled.

In London, during a power strike theft increased to such as extent in shops and department stores that many had to close until the light came on again.

Nothing better illustrates what can happen when the self-regulating mechanisms which normally ensure the orderly behaviour of the members of a stable society break down and are replaced by a precarious set of external controls.

Illegitimacy

As the family unit breaks down, it is not surprising to find that illegitimacy, another symptom of social disintegration, increases. Nor is it surprising to find that it is closely linked with other symptoms of social disintegration. According to W. R. Lyster, an Australian statistician, "Crime and illegitimacy rates are simultaneous in their incidence. The illegitimacy rate in England and Wales per 100 of all births has increased since 1955 from 4.7 to 7.8; crime has increased from about 45 per 10,000 to 120 per 10,000; thus, both have more than doubled."

Illegitimacy is costing our government £52 million per year. In industrial slums and other societies that have reached the more advanced stages of disintegration it is not unusual to find that up to 70 per cent of children are illegitimate.

W. A. W. Freeman, President of the Children's Officers Association, has recently reported a startling increase in the number of women who are simply abandoning their children, something which would not occur in a stable society.

Alcoholism

For each specific cultural pattern there must exist an optimum degree of alcohol consumption. It is likely that increases over and above this level will be in direct proportion to the development of disorder within the society itself. The number of offences of drunkenness proved in England and Wales for the year 1967 is greater than the number of offences proved in previous years. The increase as expected occurred in the large cities, the City of London having 476.43 offenses for each 10,000 of its population. The Home Office with characteristic ignorance of basic sociological matters writes: "No reason for the increase can be adduced. There was no significant change in the liquor licensing laws."

According to the National Council on Alcoholism, alcoholism is costing the country about £250 million a year, mainly by absenteeism from work. About seven workers out of of every thousand have drinking problems, and there are about 400,000 alcoholics in the country, a figure which is increasing annually.

Mental health

Social disintegration is a major cause of mental disease. When an individual deprived of his essential social and physical environment is incapable of building a substitute one, or fails to isolate himself from the one he can no longer tolerate, by means of drugs or alcohol, his behaviour pattern, no longer adaptive to an environment for which it was not designed, tends to break down. One remaining position of defence is to build up his own personal world of fantasy which contains just those environmental constituents of which he has been deprived, and which he most requires.

There is considerable evidence to show that members of a society undergoing acculturation, whose culture is breaking down under the influence of an alien one are particularly prone to mental disease.

As national boundaries break down, small communities are swallowed up by vast urban conglomerations, mobility is increased and people move about the place in search of better pay, so cultural patterns break down.

In the United Kingdom, mental disease is increasing at a phenomenal rate. According to Ministry of Health statistics 169,160 people were admitted to hospitals in England and Wales in 1967 suffering from mental illness, two and a half times as many as in 1951.

There were 600,000 mentally disordered people in England and Wales in 1967, 186,901 of them occupying hospital beds or 46.6 per cent of all hospital beds. Thirty-two million working days every year are lost because of mental illness, representing a cost to the nation of £100 million, and local authorities spent £20,250,000 in mental health, more than six times what was spent in 1957.

Suicide

Durkheim regarded suicide as the ultimate manifestation of anomie. He found that the suicide rate was particularly low in poor rural communities where social structures were intact, and high in disintegrating affluent societies, especially among the working classes and even more so among immigrants, in this case Italians to the cities of Lorraine.

He goes so far as to say that "suicide varies in inverse proportion to the degree of integration of the social groups to which the individual belongs".

In Britain the suicide rate has fallen over the last six years by about 200 a year. Nevertheless, according to the Samaritans, a lay organisation that helps depressed and potentially suicidal people, the number of potential suicides has more than doubled in the last two years.

In 1967 their seven London area branches dealt with 5,999 new cases. In 1969 the same branches dealt with a further 11,641 cases. The Reverend Basil Higginson, an official of this organisation, estimates that cases would go on rising at this rate.

Conclusion

There is every reason to believe that the social ills at present afflicting our society—increasing crime, delinquency, vandalism, alcoholism as well as drug addiction—are closely related and are the symptoms of the breakdown of our cultural pattern which in turn is an aspect of the disintegration of our society. These tendencies can only be accentuated by further demographic and economic growth. It is chimeric to suppose than any of these tendencies can be checked by the application of external controls or by treating them in isolation, i.e. apart from the social disease of which they are but the symptoms.

It is the cause itself, unchecked economic and demographic growth, that must be treated. Until such time as the most radical measures are undertaken for this purpose,

---

Footnotes at end of article.

these tendencies will be further accentuated—until their cost becomes so high that further growth ceases to be viable.

TABLE 8.—INCREASE IN CRIME RATES WITH INCREASE IN SIZE: URBAN CRIME RATES PER 100,000 POPULATION, 1957

	Size of cities		
	Over 250, 000	50,000 to 100, 000	Under 10, 000
Criminal homicide:			
Murder, nonnegligent manslaughter	5. 5	4. 2	2. 7
Manslaughter by negligence	4. 4	3. 7	1. 3
Rape	23. 7	9. 3	7. 0
Robbery	108. 0	36. 9	16. 4
Aggravated assault	130. 8	78. 5	34. 0
(At this point the scale changes)			
Burglary, breaking or entering	574. 9	474. 6	313. 3
Larceny-theft	1, 256. 0	1, 442. 4	992. 1
Auto theft	337. 0	226. 9	112. 9

Note: Reproduced by courtesy of the Pemberton Publishing Co. from "Population Versus Liberty," by Jack Parsons.

APPENDIX C: POPULATION AND FOOD SUPPLY

It is a common assumption that throughout the entire history of mankind, human populations have expanded whenever conditions permitted. Thus it is argued that during the 100,000 generations in which our forebears lived by food-collecting, the difficulties of keeping body and soul together were so great that populations were limited largely by crude food availability. Then with the adoption of agriculture, some 200 to 300 generations ago, the new-found sources of food permitted populations to expand until generally-speaking they were held down only by disease. Finally, modern public health methods, principally greatly improved sanitation and vector control procedures, permitted the phenomenal increases which collectively are known today as the population explosion.

Yet there is now good evidence that many of the human societies living before the agricultural revolution (and a few after) were stable societies in the strict sense of the phrase: i.e. they were regulated not by starvation, disease or war, but by cultural controls which only now we are beginning to understand. Why these controls disappeared we do not know. For the time being, however, we may speculate that they were lost in the cultural changes such societies must have undergone in response to the immense ecological changes brought about by each advance and retreat of glaciation during the Pleistocene Ice Age.

Since in a nutshell the problem of populations and food supply is how to live within one's ecological means without being forced to do so by naked hunger, it is worth bearing in mind that man (like many other animals) is potentially capable of so doing. In the meantime, we are faced with the task of reducing birth rate to compensate for the fall in death rate, because daunting though it undoubtedly is, the alternative of satisfactorily feeding an expanding population is still more so. Nonetheless, so far attempts to reduce birth rates have been largely ineffective on a global scale and even if they were to be successful it is unlikely that they could produce significant reductions in population growth rates within the time scale required to avoid major food shortages.

It is argued that the raising of living standards will, of itself, limit population growth by offering economic incentives that are reduced if the ratio of wage-earners to dependents within the family group is weighted too heavily in favour of dependants. Evidence of this is contradictory, although it is true that families have become smaller in Europe as levels of material prosperity have risen. However, it is not possible that this situation can be repeated throughout the world as a whole. The planet lacks the resources to permit the industrialisation that would be required and even if these were to be found the levels of industrial activity would be greater than could be absorbed by the ecosphere. Even then, although the rate of increase would be reduced, populations would continue to grow.

The population of Britain is growing at 0.5 per cent per year, which gives it a doubling time of 138 years. While this is much lower than the world average (1.9 per cent each year) each individual within an industrial society consumes far more resources and contributes far more to environmental pollution than an individual in an agrarian society. Prof. Wayne Davis[1] considers that an American has 25 times the impact on the environment as an Indian so that, worked out in terms of "Indian equivalents", the population of the United States is equivalent to that of 5,000 million Indians. Thus the problem of population is more acute in developed than in developing countries.

We must consider whether it is possible for the planet to provide food in sufficient quantities to sustain the populations that are forecast.

Food production may be increased either by extending the area under cultivation or by intensifying production on existing farmlands, or by both. Current FAO programmes concentrate on intensifying production on existing farms.

The extension of agriculture into marginal lands is expensive in terms of investment and produces only limited returns. It is more rational to direct such capital as is available into the improvement of existing farming.

Indeed, the amount of marginal land available for agriculture is severely limited and it has been estimated that if the required increases in food production were to be met from this source alone, the reserves of land would be exhausted within a decade or less.[2] Of a total land area of 32.5 billion acres estimates indicate that only 3 billion are cultivated at the present time.[3] Most of the world's land surface is occupied by the icecaps and permafrost, deserts, forests and urban and industrial areas. Sometimes it is suggested that the remaining tropical forests, in Amazonia in particular, might be cleared to provide agricultural land. It is unlikely that such schemes could be successful, even if the resources were available to carry them out. Experience with clearing primeval forest in Central America has shown that the removal of the climax vegetation triggers an erosion process leading to desert. The process is all but irreversible for organic matter once exposed is quickly mineralised. The unstable lateritic soils of Amazonia are 70 feet thick but they would be likely to erode very quickly if they were unprotected against the equatorial climate, while this itself would certainly be affected by the removal of such a large area of forest. When Khrushchev cleared the forests in Kazakhstan for agriculture he left a dust bowl of some 30 million acres, an area equivalent to the entire agricultural land area of the British Isles.

The US President's Science Advisory Committee estimated in 1967 that the total arable and potential arable land in the world amounted to 8 billion acres. While some expansion is possible it is unlikely that the resources of capital and materials can be made available to produce more than minor increases in food production from these sources. There is little marginal land remaining for development in the Soviet Union, China, Asia or Europe and extension of farmlands in the more arid regions of the Middle East and North Africa would require new sources of fresh water for irrigation that are not available at present and will not be within the immediate future. It is possible that the United States might increase its area under cultivation from 300 to 350 million acres.[3]

In fact, it is likely that existing agricultural land will be reduced as demands for urban and industrial development with all that that implies in terms of roads, airports, railways, etc., are met. Between 1882 and 1952 the total land area of the world occupied by permanent buildings has increased from 0.87 billion to 1.6 billion hectares.[2] This will be much higher if, by the year 2000, 81 per cent of the population of the developed countries and 43 per cent of the population of developing countries will be living in urban areas (Table 9).

TABLE 9.—CHANGES IN LAND UTILIZATION 1882-1952

[In billion hectares,

	1882	Percentage	1952	Percentage	Change	
					1888-1952	Percentage
Forest	5. 2	45. 4	3. 3	29. 6	−1. 9	−36. 8
Desert and wasteland	1. 1	9. 4	2. 6	23. 3	+1. 5	+140. 6
Built-on land	0. 87	7. 7	1. 6	14. 6	+. 73	+85. 8
Pastures	1. 5	13. 4	2. 2	19. 5	+. 7	+41. 9
Tilled land	. 86	7. 5	1. 1	9. 2	+. 24	+24. 5
Total	9. 53	83. 5	10. 8	96. 2	+1. 27	+12. 9
Area not especially utilized	1. 81	16. 5	. 27	3. 8	+1. 54	+79. 9
Total	11. 34	100. 0	11. 07	100. 0	−. 27	−2. 4

Source: R. R. Doane. 1957. World Balance Sheet (Harper, New York). Reproduced from G. Borgstrom, Too Many.

Footnotes at end of article.

TABLE 10.—QUALITY CLASSIFICATION OF TILLED LAND

	1882 percentage	1952 percentage
Good	85.0	41.2
Half of original humus lost	9.9	38.5
Marginal soils	5.1	20.3

Source: R. R. Doane, loc. cit. (reproduced from G. Borgstrom, Too Many).

Beyond a certain point, which varies with climate and soil type, the intensification of farming causes soil deterioration and eventually erosion. This is already a problem in many of the developed countries, where very intensive farming systems have been imposed. The extension of monocultural arable farming, the heavy use of artificial fertilisers, the use of heavy machinery and, in other areas, overstocking with farm animals, all contribute to deterioration in soil structures, leading to a loss in the efficiency of drainage systems and in the effectiveness with which soluble fertilisers can be used. In this situation irrigation can lead to problems of waterlogging and/or salinity, while the overconsumption of groundwater for irrigation purposes can lead to a lowering of water tables that may compromise the future of farming. In large parts of Texas, for example, the present long drought is exacerbated by low water tables and it is possible that farming in Texas may have to be abandoned altogether.

The deterioration of soil structure has been observed in Britain, where stable soils and a temperate climate provide near-ideal farming conditions. In more severe climates and on poorer soils erosion is likely to appear more quickly and once it begins it could become an accelerating process. As the poorer lands fail the pressure on the better lands will increase, so tending to encourage still further intensification which will damage soils more rapidly than might be anticipated (see Table 10).

Erosion of farmlands in some areas is associated with the spread of deserts. In 1882 the world had a total 1.1 billion hectares of desert and wasteland. In 1952 the area had increased to 2.6 billion hectares [3] (see Table 9).

Given that demand for land must increase with population growth, and that populations are increasing exponentially, and assuming that the *per capita* requirement of land is 0.4 hectares for agricultural purposes and 0.08 hectares for non-agricultural purposes (a low estimate), Meadows [4] has shown that by the year 2000 the land available is likely to have decreased by 250 million hectares, while the demand will have increased by about 2.4 billion hectares, and that somewhere between 1980 and 1990 the demand for land will exceed the supply. Furthermore, if yields per acre were to double, the effect would be to add no more than 30 years to the world's food supply. Similarly a quadrupling of yield, which no serious person would consider possible, would add only 60 years. The net demand for food, then, will double every 30 years and it can be satisfied only by doubling yield every 30 years.

Britain has one of the most intensive farming systems in the world. In the 25 years since the end of World War II very large sums of money have been invested in technological developments aimed at increasing output and reducing the requirement for labour. Nevertheless, when the effect of inflation on farm prices is taken into account, the productivity of British agriculture has increased by only 35 per cent and there is good reason to suppose that in most major products yields have now levelled off and in some they are declining. Short of major technological breakthroughs in plant genetics and, possibly, the introduction of entirely new concepts in farming, none of which is in sight at present, it is extremely unlikely that agricultural production in Britain can achieve further significant increases. It is not possible for agriculture in developing countries to receive the heavy investments that British agriculture has received and so it is unlikely that increases in production can be achieved to match those in Britain. Even if they were, they would be insufficient, even to sustain the present inadequate dietary levels. Although the so-called "Green Revolution" has produced important improvements locally, overall the world food situation shows no sign of improving, and there seems little chance of the FAO's targets for 1985 being met.

In past years local emergencies have been alleviated by the provision of food, principally grains, from world stocks, which have been held mainly in North America. These stocks have been allowed to run down and so even this "cushion" is lost.

TABLE 11. *World average rates of increase for the period 1951-1966 for selected aspects of human activity related to food production*

[In percent][1]

Food	34
Tractors	63
Phosphates	75
Nitrates	146
Pesticides	300

Source: Digested from United Nations, *Statistical Yearbook*, 1967 (reproduced from SCEP).

[1] Rates in constant dollars.

TABLE 12. *Pesticides needed to increase food production on acreage now under cultivation in Asia (except mainland China and Japan), Africa, and Latin America by the percentages indicated*

Percentage of increase in agricultural production:	*Tonnage needed (metric tons)*
—	120,000
10	150,000
20	195,000
30	240,000
40	285,000
50	342,000
60	402,000
70	475,000
80	558,000
90	640,000
100	720,000

Source: President's Science Advisory Committee (PSAC), 1967 (reproduced from SCEP).

There are definite biological reasons for the limits on food production. Plants depend on a complex mixture of inputs, many of which are beyond man's control. Even of the principle requirements—sunlight, water and nutrients—it is only nutrient that man has succeeded in manufacturing and supplying to his crops. Fertiliser use is subject to diminishing returns beyond certain levels of application and these may be much lower in the field than controlled experiment under near-laboratory condititons would suggest: Thus an 11 per cent increase in the agricultural production in the United States between 1949 and 1968 was achieved with a 648 per cent increase in the use of nitrogen fertiliser while Britain's 35 per cent increase required an 800 per cent increase in nitrogen fertiliser consumption. The consumption of pesticides to control the effects of the ecological imbalances created by the farming system has increased also. Between 1950 and 1967 US pesticide consumption increased by 267 percent and achieved a 5 per cent increase in total crop yields.[6]

The use of agrochemicals on a large scale makes a serious contribution to the pollution of the global environment. They are biologically potent, which is why they are used, and when introduced at random into the environment they interfere with living processes. Many pesticides affect the central nervous system of man, they may interfere with hormone secretions and some are known to be carcinogenic or teratogenic. Under certain circumstances some fertilisers can be harmful to health and by forming random associations with amines present in the environment, nitrites can become nitrosamines, which are carcinogenic. There is no way of knowing the extent to which the environmental carcinogen and mutagen loads have been increased because it is impossible to monitor all the possible interactions between pollutant and pollutant and between pollutants and substances present naturally. Pesticides that are persistent accumulate along food chains, so depressing predator populations and, in the long run, tending to encourage increases, rather than decreases, in pest populations. Organochlorine insecticides are particularly harmful to fish. Excess fertilisers enter water systems where they contribute to eutrophication problems. There must be an upper limit to the tolerance of the ecosphere to pollution from agriculture.

The effectiveness of pesticides is further reduced because insects, weeds and microorganisms acquire resistance to them. Such resistance is based on hereditary characteristics in certain individuals within populations. It is transmitted genetically and so repeated application leads to the build-up of a resistant pest population by a process similar in all ways to natural selection. Throughout the world there are now some 250 species of insect pest that are immune to most insectisides.[7]

In common with most organic chemicals, pesticides are derived from petroleum and their continued production is related to the availability of petroleum or of an alternative source of raw materials, although any alternative is likely to be more expensive. All agrochemicals consume power and water in their production and the availability of cheap sources of power and plentiful supplies of water is likely to limit any increase in production.

The intensification of agriculture in many areas of the third world would require much improved systems of transport to convey fertilisers, pesticides, machinery and seeds in and food out. It is doubtful whether the capital is available to develop such transport systems or the fuel to power them.

It is unrealistic to suppose that there will be increases in agricultural production adequate to meet forecast demands for food, and the notion that technological inputs can be made available that would guarantee a doubling of production by 1980 and a further doubling by 2100 is no more than fantasy. Such a thesis can be advanced only by "experts" who fail to take into account basic ecological, physical and biological principles, or who are not in possession of all the relevant information.

The intensification of agriculture cannot prevent famines within the next 15 to 20 years, probably affecting parts of Asia, Africa, the Near East and Latin America. Indeed, by causing further disruption to terrestrial and marine ecosystems it must reduce the capacity of the planet to support life.

Attempts to increase the world's protein availability from fisheries show no sign of solving the problem. The seas are experiencing serious pollution which may be undermining the phytoplankton that form the base of the marine biotic pyramid, and they may be overfished. In 1969, for the first time in a quarter of a century, total fisheries production did not increase, owing to poor catches, and this in spite of heavy capital investment by the developed countries. Fish-

---

Footnotes at end of article.

ery vessels are operating in deeper and more remote waters and owing to the high levels of investment in ships and processing plant the developed countries, which are also the major fishing nations, are irrevocably committed to increasing yields by a large factor within a very short space of time. In their efforts to do so there is little reason to suppose that they will not so deplete fish stocks that within a decade or so the contribution of fisheries to world food supplies will reduce rather than increase. If there is a temporary increase, little of this will benefit the developing countries which by and large cannot afford to participate in such a heavily capitalised operation. At present less than 20 per cent of the world's total catch of sea and fresh water fish is consumed within the third world.

APPENDIX D: NON-RENEWABLE RESOURCES

Introduction

For the purposes of this discussion, nonrenewable resources are divided into two types: metals and fuels.

Metals

The 16 major metals we are concerned with are:

Silver (Ag)
Aluminum (bauxite) (Al)
Gold (Au)
Cobalt (Co)
Chromium (Cr)
Copper (Cu)
Iron (Fe)
Mercury (Hg)
Manganese (Mn)
Molybdenum (Mo)
Nickel (Ni)
Lead (Pb)
Platinum (Pt)
Tin (Sn)
Tungsten (W)
Zinc (Zn)

As can be seen from the chart on p. 7, at present rates of consumption all known reserves of these metals will be exhausted within 100 years, with the exception of six (aluminum, cobalt, chromium, iron, magnesium and nickel). However, if these rates of consumption continue to increase exponentially at the rate they have done since 1960, then all known reserves will be exhausted within 50 years with the exception of only two (chromium and iron)—and they will last for only another 40 years!

Of course this is by no means the whole picture: there will be new discoveries and improvements in mining technology, and we can turn to recycling, synthetics, and substitutes. It should be obvious, however, that recycling, although a necessary and valuable expedient in a stable economy, cannot supply a rising demand (it is not a source of metals, merely a means of conserving them); while synthetics and substitutes cannot be imagined into production, but must be made from the raw materials available to us, those most suitable being themselves in short supply. Petroleum, for example, from which many valuable synthetic polymers are derived, will run out within the lifetime of those born today and will probably be increasingly scarce—and correspondingly expensive—from about the year 2000. Improvements in mining technology will be necessary in any case if we are to make use of the lower grades of ore that will be the only ones available to us as reserves are depleted. However, exponential increases in consumption will inevitably lead to a situation in which grades decline much faster than technology is improved and costs will therefore soar. Similarly, as William W. Behrens[1] has shown, the dynamic of exponential growth will considerably reduce the lifetime of new discoveries. For example, even reserves of iron (which has a relatively ong lifetime) are doubled, they will stave off exhaustion for only another 20 years. Thus, given present rates of usage and the projected growth of those rates, most raw materials will be prohibitively expensive within about 100 years. Political difficulties will arise well before then—as indeed they are beginning to do in the case of oil.

As Preston Cloud[2] has pointed out, the extra iron, lead, zinc and so on, necessary to raise the level of consumption of the 3,400 million non-Americans to that of their fellows in the United States is from 100 to 200 times present annual production—and although this would be exceptionally difficult to achieve, it is paltry compared with the problem of providing an equivalent standard of consumption for the doubling of world population projected for 40 years' time. And yet we in the industrial countries expect our consumption of metals to go on rising and at the same time lure the non-industrial countries with promises that they too can have "wealth" like ours!

Only those acrobats of the imagination who argue that, come what may, technology will find a way, believe that problems such as these can be solved in any way save a diminution of consumption. In particular, they are confident that the abundance of cheap energy they assure themselves will be available in the near future will enable us to extract the metals present in ordinary rock and in seawater. Yet energy is already very cheap (comprising only 4.6 per cent of the world's total industrial production by value),[3] while the real limit on such enterprises is likely to be not energy but the fragility of ecosystems. For example, the ratio of unusable waste to useful metal in granite is at least 2,000:1, so that the mining of economic quantities of metals from rock or seawater will very quickly burden us with impossible quantities of waste.

Energy

The bulk of our energy requirements today is met by fossil fuels, which like metals are in short supply. At present rates of consumption, known reserves of natural gas will be exhausted within 35 years, and of petroleum within 70 years. If these rates continue to grow exponentially, as they have done since 1960, then natural gas will be exhausted within 14 years, and petroleum within 20. Coal is likely to last much longer (about 300 years), but the fossil fuels in general are required for so many purposes other than fuel—pesticides, fertilisers, plastics, and so on—that it would be foolish to come to depend on it for energy.[4]

Recognition of this has led to the present emphasis on nuclear fission as a source of energy. However, the only naturally occurring, spontaneously fissionable source of energy is uranium 235, and this is likely to be in extremely short supply by the end of the century.[5] Accordingly, the future of nuclear power rests with the development of complete breeding systems. Breeder reactors use excess neutrons from the fission of uranium 235 to convert nonfissionable uranium 238 and thorium 232 into fissionable plutonium 239 and uranium 233 respectively. Their successful development will mean that man's energy needs will probably be met for the next 1,000 years or so, during which time it is hoped that deuterium-deuterium fusion can be developed—which will provide us with virtually unlimited energy.

Because the successful development of breeder reactors in time to take over from fossil fuels is possible, it may be that fuel availability will not be a limiting factor on growth. This means nothing, however, since shortages of other resources and pollution by radioactive by-products and waste heat will quickly prevent the continued expansion of energy consumption. Since radioactive pollutants have been dealt with in the appendix on ecosystems, we will here consider only waste heat.

Every use of energy always produces waste heat. Power stations "solve" the problem of heat production either by using large amounts of cooling water, or to a lesser extent, air. The disadvantage of the former method is that if the heated water is returned to source it damages the aquatic ecosystem, and if it is evaporated into the atmosphere the source is considerably depleted. The disadvantage of the latter method is that because air temperatures are higher than those of water, the thermodynamic efficiency of the power station is much reduced.

Efficiency is a great problem. In the US, electricity provides 10 per cent of the power actually used by the consumer, but accounts for 26 per cent of gross energy consumption. Earl Cook[6] has calculated that at present rates, by the year 2000 electricity will provide 25 per cent of "consumer-power" and account for between 43 and 53 per cent of gross energy consumption. At that point, half the energy produced will be in the form of useful work and half in the form of waste heat from power stations.

Even if we ignored the waste heat from power stations, that produced by the actual consumption of electricity will quickly call a halt to growth. For example, in the U.S. in 1970, heat from that source amounted to an average of 0.017 watts per square foot, and Claude Summers[7] has calculated that if consumption continues to double at the present rate, within only 99 years, after 10 more doublings, the average will be 17 watts per square foot—compared with the average of 18 or 19 watts the U.S. receives from the sun! Clearly, well before this point energy consumption will be limited by the heat tolerance of the ecosphere.

REFERENCES

Introduction: The need for change

[1] Jay Forrester, 1970. *World Dynamics.* Wright Allen Press, Cambridge, Mass.

[2] FAO. 1969. *Provisional Indicative World Plan for Agriculture.* Rome.

[3] Stated by the Ministry of Agriculture to the Select Committee on Science and Technology. 1971. *Population of the United Kingdom.* HMSO, London.

[4] Agricultural Advisory Council. 1971. *Modern Farming and the Soil.* HMSO, London.

[5] Ministry of Agriculture (Statistics Division). 1970. *Output and utilisation of farm produce in the United Kingdom, 1968–69* HMSO, London.

[6] Dennis, Meadows *et al.* 1972. *The Limits of Growth.* Club of Rome/MIT Press.

[7] The American Metal Market Co. 1970. *Metal Statistics;* P. T. Flawn. 1966. *Mineral Resources;* Dennis Meadows *et al.* 1972. *The Limits to Growth;* United Nations. 1968. *The World Market for Iron Ore;* United Nations. 1970. *Statistical Yearbook, 1969:* U.S. Bureau of Mines. 1968. *Minerals Yearbook;* U.S. Bureau of Mines. 1971. *Commodity Data Summary; Yearbook of American Bureau of Metal Statistics.* 1970.

Towards the stable society

[1] WHO. 1971. *WHO Chronicle*—special issue on DDT. Geneva.

[2] Barry Commoner. 1971. The Causes of Pollution. In *Environment.* March/April.

[3] Sir Otto Frankel *et al.* 1970. The green revolution. genetic backlash. In *The Ecologist,* October .

[4] Robert Allen and Edward Goldsmith. 1971. The Need for Wilderness. In the *Ecologist,* June.

[5] Kenneth Boulding 1971. Environment and Economics. In William W. Murdoch (Ed.), *Environment.* Sinauer Associates, Stamford, Conn.

[6] National Academy of Science, Natural Resources Council, 1953. *Recommended dietary allowances.* Washington.

[7] Stephen Boyden, 1971. Environmental Change: Perspectives and Responsibilities. In *Journal of the Soil Association,* October.

Footnotes at end of article.

The goal

[1] John Stuart Mill, *Principles of Political Economy*. Vol. II. London, John W. Parker, 1857.

[2] Rene Dubos, "Can Man Adapt to Megalopolis". *The Ecologist*, October, 1970.

[3] See comments. "Energy Slaves". *The Ecologist*, January, 1970.

[4] Edward Mishan, *The Economics of Hope*. *The Ecologist*, January 1971.

[5] Bishop of Kingston, 1971. *Doom or Deliverance*? Rutherford lecture.

Appendix A: Ecosystems and their Disruption

[1] C. H. Waddington, *The Strategy of the Genes*, George Allen and Unwin, London. 1957.

[2] See Bryn Bridges, "Environmental Genetic Hazards", *The Ecologist*, June, 1971.

[3] *SCEP, Man's Impact on the Global Environment*, M.I.T. Press, 1971.

Appendix B: Social Systems and their Disruptions

[1] Paul R. Ehrlich, "Hobson's Choice", *The Optimum Population for Britain*, edited by R. Taylor, Academic Press, 1970

[2] N. Tinbergen, *The Study of Instinct*, The Clarendon Press, Oxford 1951.

[3] G. P. Murdock, *Social Structure*, The Free Press, New York. 1965.

[4] Ralph Linton, *The Study of Man*, Peter Owen, London. 1965.

[5] Jose Ortega y Gasset, *España Invertebrada*.

[6] Daisy Bates, *The Passing of the Aborigines*, John Murray, London. 1966.

[7] See Abram Kardiner, *The Psychological Frontiers of Society*, Columbia Univ. Press, New York. 1945.

[8] Thucydides, ii, 37. Quoted by W. Warde Fowler, *The City State of the Greeks and Romans*, Macmillan, 1952.

[9] Robert Lowie, *Primitive Society*, Routledge, 1952.

[10] Marshall B. Clinard, 1964. *Anomie and Deviant Behaviour*. The Free Press, New York. This book contains a very useful bibliography accompanied by abstracts of the books dealing with the whole subject treated in this article.

[11] D. O. Hebb, 1961. *The Organisation of Behaviour*. New York: John Wiley.

[12] John Bowly, 1965. *Child Care and the Growth of Love*. Harmondsworth: Penguin Books.

[13] Richard E. Cloward and Lloyd E. Ohlin, 1966. *Delinquency and Opportunity*. New York: Collier/Macmillan.

[14] Robert K. Merton, 1967. *Social Theory and Social Structure*. New York: The Free Press.

Appendix C: Population and food supply

[1] Wayne Davis, "Four billion Americans," *The Ecologist*, July 1970.

[2] G. Borgstrom, *Too Many*, Collier-Macmillan, 1970.

[3] Lester Brown and Gail Fintserbusch "Man, Food and Environment," *Environment*, Wm. W. Murdoch, editor.

[4] Dennis Meadows, *The Limits of Growth*, Potomac Associates, 1972.

[5] Michael Allaby, "The World Food Problems," *Can Britain Survive?* edited by E. Goldsmith, Tom Stacey Ltd., 1971.

[6] Barry Commoner, "The Environmental Cost of Economic Growth," Paper presented at Resources for the Future Forum, Washington, 1971.

[7] *Environment* staff report, "Diminishing Returns on Pesticides", *Can Britain Survive?*

Appendix D: Non-renewable resources

[1] William W. Behrens, The Dynamics of Natural Resources Utilization. In *Procs. of the 1971 Computer Simulation Conference*, Boston, Mass.

[2] Preston Cloud, Mineral Resources in Fact and Fantasy. In William W. Murdoch (Ed.), *Environment*, Sinauer Associates, 1971.

[4] *World Petroleum Report*. Mona Palmer Co., New York, 1968.

[5] M. King Hubbert, The Energy Resources of the Earth. In *Scientific American*, Sept. 1971.

[6] Earl Cook, The Flow of Energy in an Industrial Society. In *Scientific American*, Sept. 1971.

[7] Claude M. Summers, The Conversion of Energy. In *Scientific American*, Sept. 1971.

AN OPPORTUNITY TO LOWER THE NATIONAL DEBT BY $69 BILLION

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, on Monday, January 31, the Ways and Means Committee will again consider legislation to increase the national debt ceiling. At the present time, the total national debt stands at more than $426 billion and it is expected to rise sharply with the new budget deficits reported by the administration.

Despite the continuing deficits, there would be no need to increase the debt ceiling if the Congress were willing to make the Federal Reserve System operate in the same manner as other Government agencies. In fact, we could reduce the national debt by about $69 billion if we required normal budgetary and accounting procedures to apply at the Federal Reserve. This could be accomplished by canceling and retiring the $69 billion worth of bonds being held in the New York Federal Reserve Bank as part of the Federal Open Market Committee's portfolio.

These are bonds that have been purchased by the Federal Reserve—with the credit of the U.S. Government. Despite the fact that these bonds have been paid for with Government credit, the Federal Reserve continues to hold these securities and to receive interest payments from the U.S. Treasury. These interest payments are running at about $4 billion annually and the Federal Reserve carries on its farflung operations out of this huge fund.

By using this unaudited and uncontrolled fund, the Federal Reserve avoids coming to the Congress for appropriations and is free to carry on whatever operations it pleases. No other major agency of the Federal Government is allowed to operate in such a freewheeling manner.

I have asked for the privilege of testifying before the Ways and Means Committee on this issue on Monday, January 31. I plan to urge the committee to take the steps necessary to require the retirement of these bonds and to end the interest payments to the Federal Reserve System. It is my expectation that this issue will also come under thorough review during the Joint Economic Committee hearings on the President's economic message to Congress. The hearings begin February 7. Further, it is my intention to seek an open rule when the legislation to raise the national debt ceiling reaches the floor so that the Members of the House may be able to cast a separate vote on this issue.

We can render a great public service by seeing that these bonds are retired and subtracted from the debt. We can lower the national debt and, at the same time, correct a basic injustice.

I urge my colleagues to insist that this issue be allowed to come before the House of Representatives and be voted on. I hope that they will take every opportunity to make themselves heard on this issue in the coming days.

Mr. Speaker, in considering the cancellation of the $69 billion worth of bonds, Members of Congress should ask three questions:

Why should the American taxpayers be compelled to pay interest on bonds that have already been paid for in full?

Why should the American taxpayers be required to pay for these bonds again?

Why should these bonds continue to be charged against the national debt when they have already been paid in full?

TRUTH IN LENDING—1971

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the Board of Governors of the Federal Reserve System has submitted to the Congress its annual report on truth in lending for the year 1971 as required by the Consumer Credit Protection Act of 1968. This excellent report is appended to these remarks, and the Members are earnestly urged to examine it in detail.

Based on experience of the Federal Reserve Board and the other Federal agencies responsible for administering the act, the report concludes that compliance with the requirements of truth in lending has reached a relatively high level. In surveys conducted by the Federal Trade Commission, it was found that 86 percent of all creditors under the Commission's jurisdiction were in either complete or total compliance. Based on the experience of all agencies having responsibility under truth in lending, the infractions which do occur result from either misunderstanding or clerical error rather than any attempt to evade the requirements of the act.

Mr. Speaker, the Federal Reserve Board is to be commended for its excellent work in implementing this novel, and sometimes complicated, act. As the practice of credit term disclosure terms become more prevalent among lenders, the greater the benefit will be to consumers in making their decisions about credit and credit purchases.

A matter related to creditor compliance is the Board's continuing efforts in education. Although the number of requests for materials has diminished since the effective date of truth in lending 2½ years ago, efforts in this area continue, especially in the important area of consumer education. In addition to consumer education, the Board is coordinating with the various State and Federal enforcement agencies to maintain uniform application of the act.

Although the report indicates the impact of truth in lending has been good, the Board recognizes that complete implementation of truth in lending has not yet been achieved. In certain respects the intent of Congress in this legislation was properly accomplished through amendment and interpretation of regulation Z, the truth in lending regulation. But there are other problems which may require congressional action to deal with areas uncovered through experience in administering the act as well as new problems which have arisen since the act became law. For this reason, the Board in its report has identified those areas which should be examined closely and has made specific recommendations for congressional action. The legislative recommendations are set forth in detail in the report, and are designed to clarify and strengthen the basic law so that it can assure meaningful disclosure of credit terms to all consumers. The Honorable **LEONOR K. SULLIVAN**, chairman of the Subcommittee on Consumer Affairs of the Committee on Banking and Currency, is aware of these proposals, and the Members can be assured that she is giving close attention to the issues raised by the report.

The report referred to follows:

TRUTH IN LENDING FOR THE YEAR 1971

This third Annual Report on Truth in Lending is submitted to Congress by the Board pursuant to section 114 of the Truth in Lending Act. Its purpose is to report on the Board's administration of its functions under the Truth in Lending Act, to assess the extent of compliance with the requirements of Truth in Lending, and to make recommendations for legislative changes.

The Board believes that compliance with the requirements of Truth in Lending by creditors has reached a relatively high level. Although the Board has not conducted any surveys relating to Truth in Lending during 1971, reports of the various enforcement agencies indicate that positive results have been achieved. The educational activities of most enforcement agencies continued, although the demand for educational material has declined since the early stages of Truth in Lending.

Complete implementation of Truth in Lending has not yet been achieved. In order to maintain Regulation Z, which implements the Truth in Lending Act, as a workable and useful tool, the Board found it necessary to amend and interpret the Regulation in several respects as new problems arose and more experience with its operation was gained. Currently, there are several problems within the Act and the Regulation which have not yet been resolved, and are presented here for the attention or information of Congress.

These and other areas are discussed in greater detail in the remainder of this report.

ADMINISTRATIVE FUNCTIONS

Amendments and Interpretations of Regulation Z

During 1971, the Board issued nine amendments and two interpretations of Regulation Z. The most far-reaching amendment added a new section to the Regulation, section 226.13,[1] which was necessitated by the credit card amendments to the Truth in Lending Act in Public Law 91–508. The new section, which became effective on January 25, 1971, set forth implementing regulations to restrict the issuance of unsolicited credit cards and to limit to a maximum of $50 the cardholder's liability for unauthorized use of his card resulting from loss, theft or other occurrence.

As a consequence of adding that new section to Regulation Z, it was also necessary to amend sections 226.1 and 226.12. Section 226.1, which states the Regulation's authority, scope, and purpose, was amended to embody the credit card concepts.[2] Section 226.12 deals with exemption from the disclosure and rescission requirements of the Regulation for States that have laws which impose requirements substantially similar to those imposed by the Federal law, and that also have adequate provision for enforcement. That section was amended to specify the procedures for those States seeking exemption from the credit card requirements in section 226.13.[3] The amendment provides that exemption from the credit card requirements is separate and distinct from any exemption from the disclosure and rescission requirements. Exemption from the credit card requirements is not automatic for the four States that have already received disclosure and rescission exemptions.[4] However, those four States are not required to obtain exemption from the credit card provisions in order to maintain their present exemption. The specific requirements for obtaining an exemption from the Federal credit card requirements are spelled out in a new Supplement IV to Regulation Z.[5] Thus far, no States have applied for exemption from the Federal credit card provisions.

An amendment was issued adding section 226.6(1) which provides that any variance in credit terms in disclosures or advertisements that occurs as a result of the extra day in a leap year may be disregarded.[6]

An amendment was issued to section 226.7 (e) to provide that creditors must give advance notice of a change in terms of an open end credit account only to those persons whose accounts are active at the time of the change.[7] Inactive account holders must be notified of the change when their accounts become active. Furthermore, a reduction in the minimum periodic payment, periodic rate or rates, or in any minimum, fixed, check service, transaction, activity or similar charge applicable to the account is not a change in terms requiring prior disclosure. The amendment reduced the period of advance notice from 30 to 15 days to allow creditors to provide the notice with any billing statement issued at least 15 days prior to the beginning of the billing cycle in which the change takes place.

Three amendments were issued relating to the customer's right to rescind certain credit contracts as provided in section 226.9. One amendment adds Columbus Day to the list of holidays excluded for the purpose of calculating the time in which a customer may exercise his right to rescind.[8] The second amendment permits creditors to use certain specified substitute wording in the notice of right of rescission to make the notice more meaningful to the customer when the transaction is secured by a parcel of land or a vacant lot which the customer expects to use as his principal residence.[9] The third amendment exempts agricultural transactions from the requirement prohibiting performance by creditors (*e.g.*, the disbursement of loan proceeds) during the rescission period.[10]

An amendment added section 226.10(e) to the advertising requirements of the Regulation which provides a specific means for advertising homes under the FHA Section 235 financing program.[11] Special procedures were found to be necessary to provide meaningful advertisements for this program, because it calls for a variation in monthly payments and annual percentage rates applicable to different customers, depending upon their individual income and family composition.

Proposed amendments to section 226.7, which have been issued for public comment, would require disclosure of an annual percentage rate on periodic billing statements in open end credit plans when no finance charge is imposed.[12] The background for this proposal is described more fully on page 11 relating to litigation.

Two formal Board interpretations of Regulation Z were issued during the year. One interpretation, section 226.705, relates to a change in the method of determining the balance on which a customer's finance charge is computed. No advance notice to the customer is required where a creditor changes his method of determining the balance on which finance charges are computed from one in which payments and credits made during the billing cycle are not deducted in determining the balance, to one in which payments and credits are deducted.[13] Such a change in methods generally results in a reduction of the finance charges to those customers who do not pay their accounts in full. The second interpretation, section 226.407, provides that an annual fee charged by a credit card issuer for membership in his credit plan and for the issuance of a credit card is not a finance charge under the Regulation.[14] Such charges are not finance charges, since they are imposed for membership in the credit plan and for issuance of the credit card. They are not related to any specific extensions of credit, and are imposed whether or not the cardholder uses his card.

State exemptions

During 1971, only one application—from the State of Kansas—was received for exemption from the disclosure and rescission provisions of the Truth in Lending Act. A preliminary review of the application revealed that additional information was required from the State before the application could be formally acecpted by the Board and published for public comment. The State officials have been notified of the need for additional information.

Members of the Board's Truth in Lending staff have visited the officials responsible for enforcing Truth in Lending at their offices in the exempt States of Connecticut, Massachusetts and Maine. During the year, officials from Oklahoma met with the Board's staff. The basic purpose of the visits was to develop closer liaison with the officials of the exempt States and to discuss problems of mutual concern regarding Truth in Lending.

The Board believes that the exempt States are conscientiously implementing their own Truth in Lending laws in a manner consistent with the purposes of the Federal Truth in Lending Act. The Board intends to maintain close liaison with the Truth in Lending enforcement personnel in the exempt States.

Education

Educational efforts directed toward both consumers and creditors by the Board continued during 1971, but at a significantly reduced pace. There is still some demand for the Board's creditor materials—the pamphlet, *What You Ought to Know About Truth in Lending*, and the filmstrip directed to creditors—but the demand has diminished during the year. The consumer-oriented educational materials—the leaflet, *What Truth in Lending Means to You, and* the filmstrip directed to consumers—are in greater demand than the creditor-oriented educational materials, but the demand has waned since the initial issuance of these materials in 1970.

Currently, the Board is in the process of preparing for free distribution a Spanish-language version of the consumer leaflet, *What Truth in Lending Means to You*. This is an attempt to help Spanish speaking citizens benefit from Truth in Lending. Spanish was chosen since it constitutes, by far, the language of the largest segment of non-English speaking people in the nation.

While each Federal Reserve Bank has been active in Truth in Lending education, the Federal Reserve Bank of Boston has done a particularly noteworthy job in providing a consumer educational program. For example,

---

Footnotes at end of article.

during the past year, a representative of the Bank has participated in 40 interview-type radio shows, 4 television public service programs, and has made 13 appearances before senior high school classes, 10 lectures to college students, 11 appearances before county extension service groups, 6 appearances before State legal rights associations, and 31 appearances before other miscellaneous groups. Undoubtedly, these 115 appearances have made very worthwhile contributions to consumer education in the New England area.

A new publication containing all amendments and interpretations of Regulation Z issued since September 12, 1969, has recently been published by the Board. The publication supplements the pamphlet, *What You Ought to Know About Truth in Lending*, and brings together for convenient referencec all amendments and interpretations of Regulation Z issued since the latest printing of the pamphlet.

In an effort to maintain uniform application of Truth in Lending's requirements among the various enforcement agencies (including the exempt States), the Board has continued to provide them with copies of Truth in Lending correspondence treating new or unusual situations. Thus far, 551 such letters have been provided to these agencies. These letters, as well as others on Truth in Lending matters, have also been published by a commercial legal service.

The Board's staff continues to receive numerous requests for written or oral opinions on Truth in Lending matters. Approximately 1200 letters have been received this year, of which approximately 1000 required a written response. Staff participated in seven Truth in Lending seminars during the year.

The other Federal enforcement agencies have continued with their educational programs, but the demand has diminished markedly. However, during the year, the Federal Trade Commission prepared a number of new materials relating to consumer education. Included are radio spot announcements about Truth in Lending which have been aired over 700 stations. The Commission is now evaluating the effectiveness of its educational program and planning its future educational activities.

Oklahoma has reported an energetic program in educating its citizens in Truth in Lending in conjunction with its educational activities related to the Uniform Consumer Credit Code. All exempt States report an ongoing educational program, including participation in seminars sponsored by creditor or consmer groups and responding to inquiries relating to Truth in Lending.

Advisory committee

During 1971, there were no formal meetings of the Advisory Committee. However, members of the Committee were asked to provide individual comments on certain matters relating to Truth in Lending, *e.g.*, the proposed Fair Credit Billing Act. Unless there are amendments to the Truth in Lending Act mandating substantial changes in Regulation Z, the Board does not foresee the need for frequent meetings of the Committee. With the concurrence of the members of the Advisory Committee, the Board approved a change in the Rules of Organization and Procedure of the Committee allowing for continuing terms of the Committee members. A list of the members serving on the Committee is included in this Report as Appendix A.

Litigation

The Board is aware of the existence of 71 civil actions which have been brought under section 130 of the Act for damages for alleged violation of the Act, and it is likely that additional suits have been instituted. In 49 of these cases, class action status is sought on behalf of the named plaintiffs and all others similarly situated under Rule 23 of the Federal Rules of Civil Procedure. At least four Courts have refused to allow Truth in Lending suits to proceed as class actions.[15] However, several other Courts have viewed class actions as applicable in such suits.[16] The issue of the appropriateness of class actions for Truth in Lending violations is presently under specific consideration by the United States District Court for the Southern District of New York.[17]

Two actions were brought against the Board by home improvement contractors alleging that the Board exceeded its authority in sections 226.2(z) and 226.9(a) of Regulation Z by providing that the right of rescission applied to consmer credit contracts secured by mechanics or materialmen's liens on the customer's home, even though no mortgage or deed of trust was executed by the customer.[18] Plaintiffs asked for declaratory judgments of invalidity and injunctions against enforcement of the Regulation in this regard. On January 6, 1971, summary judgment, without opinion was granted in favor of the Board in one of the actions,[19] but on September 21, 1971, the Court in the second action held that section 226.9(a) was null and void "in so far as it relates to liens which may come into existence by operation of law after midnight of the third business day following the date of consummation of the credit transactions." [20] An appeal has been filed in one case by the home improvement contractors. In the other case, the Department of Justice has authorized the filing of a notice of appeal.

The Department of Justice, on the Board's behalf, filed briefs *amicus curiae* in two cases.[21] A brief in *Garland v. Mobil Oil Corp.* was filed on behalf of the Federal Trade Commission as well as the Board pursuant to judicial request for a statement of Board and Commission views on whether the Act and Regulation applied to Mobil's credit card plan during a period when no finance charges were assessed, although authorized by the underlying credit documents. The Government's brief concluded that the plan was not subject to the Truth in Lending disclosure requirements during this period. The Court has not yet ruled on the question. In *Mourning v. Family Publications Service, Inc.*, the issue was the validity of the "more-than-four-instalment" rule in section 226.2(k) of Regulation Z. Under the rule, transactions are considered "consumer credit" subject to the Act when, by agreement, they involve more than four instalments, although the creditor has not specifically identified any finance charges. The Court held that the rule exceeded the Board's authority and that the rule created a conclusive presumption in violation of constitutional principles. A petition for *certiorari* has been filed with the Supreme Court for review of the decision, and the Board expects the appeal to be supported by briefs *amicus curiae*.

During 1971, several additional important decisions were rendered on Truth in Lending matters by the Courts. In *Ratner v. Chemical Bank New York Trust Company*,[22] the Court held the bank in violation of the Act for failure to disclose the nominal annual percentage rate on plaintiff's open end credit billing statement which showed an outstanding balance but no finance charge yet incurred. Following that decision, the Board, on August 6, 1971, issued for public comment proposed amendments to Regulation Z requiring this disclosure. Final amendments have not yet been adopted by the Board. The Court also ruled that under section 130(a) of the Act a finance charge need not be imposed at the time of the omitted disclosure as a condition to establishing liability. In addition, it held that section 130(c) absolving a creditor from liability who shows that his "violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error" applies to clerical errors as opposed to errors of law.[23]

In *Douglas v. Beneficial Finance Co. of Anchorage*,[24] the Court upheld the Board's definition of "security interest" in section 226.2(z) of Regulation Z to include confessions of judgment which allow the creditor to record a lien on the property of the obligor without any opportunity for the customer to enter a defense against such action prior to entry of the judgment. That definition was also supported in *Garza v. Chicago Health Clubs, Inc.*[25]

The Court in *Sapenter v. Dreyco, Inc.*[26] held that a mortgage on an obligor's home was not subject to the Act when executed in connection with an extension of credit for business purposes.

It was held in *Jordan v. Montgomery Ward & Co., Inc.*[27] that section 130 of the Act did not create a private right of action for violation of the Chapter 3 advertising provisions.

In *Bostwick v. Cohen*,[28] the Court considered the issue of whether a customer's election to rescind a transaction under section 125 of the Act precluded recovery under the civil liability provisions of section 130. It concluded that the civil liability provisions were remedial rather than punitive, and that by electing to rescind the contract, the customer had removed himself from the class of persons which section 130 was designed to protect.

COMPLIANCE

The enforcement of the Truth in Lending Act is spread among nine Federal agencies. For the most part, Federal agencies with general supervisory authority over a particular group of creditors were also given Truth in Lending enforcement responsibility over those creditors. Enforcement for all remaining creditors, except in those States which have an exemption from the Act, is the responsibility of the Federal Trade Commission. Consequently, the Commission has the bulk of the enforcement task.

As in the past, information received from the Federal agencies having prior supervisory authority over their creditors indicates no significant problems in the enforcement of Regulation Z. Generally, these agencies point out that the level of compliance is high, and that the errors that are found result from misunderstanding or clerical error, rather than any attempt to evade the requirements of the Act. For the most part, compliance is determined by these agencies during the regular periodic examinations of the creditors under their jurisdiction.

The Federal Trade Commission has conducted two surveys in an attempt to determine the extent of compliance by creditors under its jurisdiction. The results of these two surveys were reported by the Commission in a release titled *Federal Trade Commission Report on Surveys of Creditor Compliance with The Truth in Lending Act* dated April, 1971. A summary of the results shows that of the five classes of creditors sampled, New and Used Automobile Dealers, as a class, ranked highest in overall compliance. (New Automobile Dealers were virtually flawless in their compliance. Used Automobile Dealers, however, were found to be in a state of compliance. (New Automobile Dealers were virtually flawless in their compliance. Used Automobile Dealers, however, were found to be in a state of compliance worse than any of the other classes sampled.) The classes of TV & Appliance Dealers and Furniture Stores together ranked second in overall compliance of each class. Jewelry Stores were the least complying class of creditor. Home Improvement Companies were so inconsistent in their responses that no reliable conclusions could be drawn, although the overall average of their compliance was comparable to the middle two classes.

The Report revealed that 86 percent of all creditors in the five classes surveyed were using contracts which were in either total

---

Footnotes at end of article.

or substantial compliance. Sixty-nine percent of all creditors in the five classes achieved the total compliance designation which means that they were disclosing all information required by the Act and Regulation and doing so in the proper format. Seventeen percent of all creditors surveyed achieved the substantial compliance designation, which refers to the disclosure of the annual percentage rate and finance charge, using those exact terms, but omitting other requirements. Fourteen percent of all creditors in the five classes were using instalment contracts which did not disclose the annual percentage rate and finance charge.

The Commission drew several conclusions from the survey results—among them:

"With all five classes of creditors combined, those with sales volumes of $1 million to $10 million were in the best overall compliance.

"Creditors extending credit in less than 50% of their sales were in a better state of compliance than those who extend credit in 50% or more of their sales."

Reports of substantial compliance have also been received from the four exempt States. Of the States reporting statistical evidence of the degree of compliance, Maine reported 62 percent of creditors under its jurisdiction examined in 1971 were in compliance, 14 percent were in substantial compliance, 19 percent were in partial compliance and 5 percent were in non-compliance. Connecticut reported 81 percent of the creditors examined were found to be satisfying their requirements.

Based upon the reports of all enforcement agencies, it is the Board's belief that substantial compliance with Truth in Lending is being achieved.

ISSUES AND RECOMMENDATIONS

There are a number of problem areas within the Truth in Lending Act and Regulation Z which the Board believes should be brought to the attention of Congress. Some of these represent issues which the Board is currently studying to determine possible solutions within the regulatory authority now provided. These are discussed under the heading "Issues". Others take the form of formal recommendations for legislation and are discussed under the heading "Recommendations".

Several of the enforcement agencies have brought to the Board's attention certain areas related to the Regulation which they believe should be changed. These suggestions are being studied further and, where necessary, appropriate changes will be made.

Issues

Discounts for Prompt Payment

The problems involved with Truth in Lending coverage of discounts for prompt payment continue to exist. Also, questions have arisen with respect to plans involving discounts for cash which have been gaining in popularity recently. These plans often involve "cash cards" which when presented entitle the cardholder to a discount for paying cash. The question arises whether this discount becomes a finance charge to those who do not pay in cash, but, instead, charge their purchases. Staff is currently studying these problems, but no formal action beyond that reported in the previous annual report has been taken.

Disclosure in Foreign Langauges

In order to provide uniformity in disclosure of credit terms, Regulation Z prescribes certain English terminology to be used. However, the benefit which such disclosures may bring to those consumers who do not read or understand English is highly questionable. Although disclosures must be given prior to the consummation of a credit transaction and, theoretically, a consumer can obtain an explanation or a translation of the disclosures before committing himself, such translations or explanations are probably rarely obtained in actual practice. The objective of providing meaningful disclosures to all consumers, including non-English speaking, is certainly a desirable one. A number of possible solutions to this problem have been proposed, but none appear feasible. It may be that the only solution is increased education of consumers, and the Board believes that the Spanish translation of the consumer leaflet, *What Truth in Lending Means to You*, is a step in that direction. However, the Board is still concerned about the problem and will continue to explore potential solutions.

Advertising of Specific Credit Terms

The inclusion of specific credit terms in credit advertising appears to continue at a level lower than desirable to enable consumers to effectively shop for the best credit terms available. However, there are informal indications that the use of more specific advertising is increasing. While creditor complaints against the advertising restrictions have diminished, the Board anticipates reviewing this area to determine whether changes can be made to encourage greater inclusion of specific credit terms.

Recommendations

Class Action Exposure and Civil Liability

Creditors have been expressing increased concern over their possible exposure to class action suits and the potential ruinous liability which may be attached to such suits. While the question of class action liability in the *Ratner* case, as discussed on page 11, has not yet been decided, the reported $13 million potential liability has led many creditors to believe that similar suits filed against them could seriously threaten the solvency or future existence of their organizations. Furthermore, the Act's civil liability section does not necessarily preclude liability when a creditor has acted in good faith in conformity with Regulation Z. The Board recommends that the Act be amended to provide for a "good faith" provision, such as contained in the Securities and Exchange Act of 1934, which would apply to both the Board's Regulation Z and formal interpretations of it.[29] It also may be desirable to set a maximum liability, or otherwise restrict the scope of potential class action liability, should it be finally determined that class actions are allowable in Truth in Lending suits.

Section 130 of the Act provides that a creditor is liable for a minimum of $100 for failure to make proper disclosure "in connection with any consumer credit transaction." There is some uncertainty as to the meaning of "transaction" when applying section 130 to a possible error on a periodic statement used in connection with an open end account. It might be contended that each separate purchase for which a credit card is used constitutes a "transaction" for purposes of section 130, or that each periodic statement is a transaction. More likely the opening and use of the account is a single transaction. The Board believes that Congress should clarify the very important meaning of "transaction" in section 130.

RIGHT OF RECESSION

Section 125 of the Act, implemented by section 226.9 of Regulation Z, provides that in some consumer credit transactions in which a security interest in the customer's residence is involved, the customer has three business days in which to rescind the transaction. The creditor must notify the customer of his right of rescission and provide a form which may be used in exercising that right. The law does not specify any limitation on the period in which the right continues in force where the creditor has failed to notify the customer of his right. Also, even though the required notice is given, there is a question as to whether the rescission period may continue where the other required disclosures of credit terms are given but are incorrect. As a result, the titles to many residential real estate properties may become clouded by the uncertainty regarding these rights of rescission. The Board recommends that Congress amend the Act to provide a limitation on the time the right of rescission may run.

As previously discussed, the Court in *N. C. Freed Company, Inc., v. Board of Governors*,[30] held section 226.9(a) of Regulation Z invalid "in so far as it relates to liens which may come into existence by operation of law after midnight of the third business day following the date of consummation of the credit transaction." That section, which implements section 125 of the Act, grants the customer a three-day right of rescission in transactions involving a security interest in his principal residence. In effect, the Court ruled that the section was inapplicable to transactions in which no mortgage or deed of trust is signed by the customer, but where the transaction is nevertheless secured by lien rights in the customer's home. The Department of Justice has authorized the filing of a notice of appeal in the case.

In a related case, *Gardner and North Roofing and Siding Corp. v. Board of Governors*,[31] which attacked the Board's Regulation on identical grounds, the Court ruled in the Board's favor and granted the Government's motion for summary judgment. The case has been appealed.

The right of rescission was designed to allow homeowners a "cooling-off" period before entering into credit transactions involving security interests in their homes, principally as a result of home improvement contracts, and to reduce the likelihood of abuses of homeowners by unscrupulous contractors. The Board believes that successful accomplishment of these goals necessitates the coverage of all transactions in which a customer's home may be lost through foreclosure, whether by mortgage, deed of trust, or other lien rights. It therefore recommends that Congress specifically amend the Act to remove any uncertainty about the coverage of these transactions under section 125.

More-than-Four-Instalment Rule

In *Mourning v. Family Publications Service, Inc.*,[32] the Court declared the Board's more-than-four-instalment rule in section 226.2(k) of Regulation Z invalid. Acting under the statutory directive to issue regulations to effectuate the purposes of the Act and to prevent circumvention or evasion thereof,[33] the Board in Regulation Z defined "consumer credit," to which Truth in Lending applies, to include credit which, pursuant to an agreement, "is or may be payable in more than four instalments."[34] By this provision, vendors who may have considered concealing finance charges in the price of goods to evade the Act's requirements, as well as the so-called "no-charge-for-credit" sellers already operating in low income markets, were placed on notice that the Board considered them subject to the Act's requirements. By so doing, the Board insured that they would make certain important disclosures required by Truth in Lending, even when no finance charge or annual percentage rate was disclosed. For example, the Act requires disclosure of the total amount of the consumer's obligation.

The Board's rule was based on the economic fact that instalment contracts of more than four instalments typically include some component to compensate the creditor for the cost involved in allowing deferred payment, even though that cost may not be separately identified as a finance charge. The Board believes the rule is both within the scope of its authority, and necessary to prevent evasion of the Act. However, the appellate Court held that the Board exceeded its

---

Footnotes at end of article.

authority, and that the rule is void on the grounds that it creates a conclusive presumption in violation of requirements of the Fifth Amendment.

Should the Court's decision stand, many creditors would not only escape the requirement of Truth in Lending disclosures prior to consummation of their contracts, but would also be free of the Act's prohibitions against "bait" credit advertising.[35] They would also be able to advertise "no down payment" or the amount of the payments without further information, which is prohibited for creditors subject to the Act.[36]

In addition, home improvement contractors might avoid giving customers the right of rescission, even where they obtained a second mortgage on the customer's home simply by "burying" the finance charges in the price of the contract.

In short, the Board is convinced that invalidation of the "more-than-four-instalment" rule would seriously impair the effectiveness of the legislation. The Board believes that Congress should amend the Act to remove any possible doubt that it does include transactions payable in more than four instalments.

Agricultural Credit

Ever since passage of the Truth in Lending Act, there has been considerable controversy with respect to whether credit for agricultural purposes should be included within the scope of the Act. Many creditors have argued that the very nature of many agricultural credit transactions (which frequently involve advances and payments for which both time and amount are unknown) makes them unsuited for meaningful disclosure. Furthermore, it has frequently been argued that since agriculture is a business, it should be exempt from coverage of the Act, just as other business credit is exempt.

Knowing the general view of creditors that credit for agricultural purposes should be exempt, the Board's staff contacted a number of agricultural associations in an effort to determine the views of the persons who actually use agricultural credit. The responses revealed that there is no uniformity of view with regard to Truth in Lending coverage of agricultural credit. While the majority of those associations that responded indicated that agriculture should be exempt, two of the three largest associations representing general agricultural interests supported continued coverage. In addition, an informal poll of a number of agricultural economists indicated a 3 to 1 response in favor of continuing coverage. An informal poll of directors of farmer cooperatives, which has been reported to the Board, showed that 55 percent of the respondents indicated that Truth in Lending disclosures assisted them in determining credit costs, while 42 percent indicated that the disclosures were of no assistance. Furthermore, 45 percent indicated that Truth in Lending made little change in their credit buying habits.

All of this suggests that a strong case cannot be made for either complete coverage or complete exemption of agricultural credit under Truth in Lending. However, it tends to reinforce the reasons for the Board repeating its previous recommendation that credit primarily for agricultural purposes in excess of an appropriate amount should be exempt from the provisions of the Act, irrespective of any security interest in real property. This recommendation, if adopted by Congress, would have the effect of removing from coverage large extensions of credit, where borrowers are more sophisticated and less in need of the disclosures, while still providing the benefits of disclosure to the smaller borrowers, who presumably are more likely to benefit from such disclosures. Such an amendment would benefit creditors in reducing the number of disclosures to be made.

Administrative Enforcement

The Farm Credit Administration is not specified in section 108 of the Act as one of the Federal authorities responsible for administrative enforcement, and therefore the Federal Land Banks, Federal Land Bank Associations, and Production Credit Associations are subject to administrative enforcement of the Federal Trade Commission. The Board suggests that Congress amend section 108 of the Act so as to delegate to the Farm Credit Administration the administrative enforcement responsibility with respect to those creditors which are chartered under Acts which that agency administers. The Farm Credit Administration and the Federal Trade Commission concur in this suggestion.

FOOTNOTES

[1] 36 Fed. Reg. 1040, 1/22/71.

[2] Id.

[3] Id.

[4] Connecticut, Maine, Massachusetts and Oklahoma.

[5] 36 Fed. Reg. 1040, 1/22/71.

[6] 36 Fed. Reg. 22809, 12/1/71.

[7] 36 Fed. Reg. 4113, 3/4/71.

[8] 36 Fed. Reg. 19671, 10/9/71.

[9] 36 Fed. Reg. 4113, 3/4/71.

[10] Id.

[11] Id.

[12] 36 Fed. Reg. 15130, 8/13/71.

[13] 36 Fed. Reg. 16646, 8/25/71.

[14] 36 Fed. Reg. 16050, 8/19/71.

[15] *Buford* v. *American Finance Company,* U.S.D.C., N.D. Ga., Oct. 1, 1971, 4 CCH *Consumer Credit Guide* ¶ 99,302; *Mourning* v. *Family Publications Service, Inc.,* U.S.D.C., S.D. Fla., Nov. 27, 1970, 4 CCH *Consumer Credit Guide* ¶ 99,632; *Allerton* 1. *Century Credit Corporation,* Civil No. 70–1614, U.S. D.C., S.D. Fla., April 12, 1971; *Rogers* v. *Coburn Finance Corp.,* Civil No. 14843, U.S.D.C., N.D. Ga., Sept. 22, 1971.

[16] *Smith* v. *International Magazines Services,* Civil No. 71–16–F, U.S.D.C., N.D. W. Va., Nov. 2, 1971; *Martin* v. *Family Publications Service,* Civil No. 5829, U.S.D.C., D. Vt., June 30, 1970; *Rademacher* v. *Town & Country Charge,* Civil No. 70–C–194, U.S.D.C., N.D. Ill., Oct. 9, 1970; *Douglas* v. *Beneficial Finance Co.* of Anchorage, U.S.D.C., D. Ak., Sept. 2, 1971, 4 CCH *Consumer Credit Guide* ¶ 99,295; *Richardson* v. *Time Premium Company,* Civil No. 70–1814–JLK, U.S.D.C., S.D. Fla., February 4, 1971; *Givens* v. *W. T. Grant Company,* Civil No. 14296, U.S.D.C., D. Conn., Sept. 22, 1971; *Katz* v. *Carte Blanche Corporation,* Civil No. 69–1326, U.S.D.C., W.D. Pa., Nov. 17, 1971; *Berkman* v. *Westinghouse Electric Corporation,* Civil No. 69–C–2056, U.S.D.C., N.D. Ill., June 25, 1970.

[17] *Ratner v. Chemical Bank New York Trust Company,* 4 CCH *Consumer Credit Guide* ¶99,456.

[18] *Gardner and North Roofing and Siding Corp. v. Board of Governors,* D. D.C., 4 CCH *Consumer Credit Guide* ¶99,621; *N. C. Freed Company, Inc. v. Board of Governors* U.S.D.C., W.D.N.Y., 4 CCH *Consumer Credit Guide* ¶99,356.

[19] *Gardner and North Roofing and Siding Corp. v. Board of Governors, supra* note 18.

[20] *N. C. Freed Company, Inc. v. Board of Governors, supra* note 18.

[21] *Garland v. Mobil Oil Corporation,* U.S.D.C, N.D. Ill., 4 CCH *Consumer Credit Guide* ¶99,558; *Mourning v. Family Publications Service, Inc.,* 5th Cir., 4 CCH *Consumer Credit Guide* ¶99,337.

[22] U.S.D.C., S.D.N.Y., June 16, 1971, 4 CCH *Consumer Credit Guide* ¶99,456.

[23] See also *Buford v. American Finance Company, supra* note 15; *Douglas v. Beneficial Finance Co. of Anchorage,* U.S.D.C., D. Ak., Sept. 2, 1791, 4 CCH *Consumer Credit Guide* ¶99,295.

[24] *Supra* note 23.

[25] U.S.D.C., N.D. Ill., July 29, 1971, 4 CCH *Consumer Credit Guide* ¶99,384. (See Board interpretation 12 C.F.R. 226.202).

[26] U.S.D.C., E.D. La., April 27, 1971, 4 CCH *Consumer Credit Guide* ¶99,375, 326 F. Supp. 871.

[27] 8th Cir., May 3, 1971, 4 CCH *Consumer Credit Guide* ¶99,502, *cert. denied* Oct. 12, 1971, 4 CCH *Consumer Credit Guide* ¶99,322. But see *Garza v. Chicago Health Clubs, Inc., supra* note 25 where the Court assumed, without deciding, that it had jurisdiction to enjoin fradulent credit advertising, including violations of the Truth in Lending Act and Regulation Z.

[28] U.S.D.C., N.D. Ohio, Nov. 24, 1970, 4 CCH *Consumer Credit Guide* ¶99,583. However, see *Douglas v. Beneficial Finance Co. of Anchorage, supra* note 23 where plaintiff was allowed to rescind her loan as well as collect damages.

[29] "No provision of this subchapter imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule or regulation of the Commission, notwithstanding that such rule or regulation may, after such act or omission, be amended or rescinded or be determined by judicial or other authority to be invalid for any reason." 15 U.S.C. § 77s(a).

[30] *Supra* note 18.

[31] *Supra* note 18.

[32] *Supra* note 21.

[33] 15 U.S.C. § 1604.

[34] 12 C.F.R. § 226.2(k).

[35] 15 U.S.C. § 1662.

[36] 15 U.S.C. § 1664.

APPENDIX A—ADVISORY COMMITTEE ON TRUTH IN LENDING

Chairman: Dr. Richard H. Holton, Dean, School of Business Administration, University of California, Berkeley, California.

Mr. Harry D. Allen, Assistant Credit Sales Manager, Rich's Department Store, Atlanta, Georgia.

Mr. James M. Barry, Managing Director, Texas Credit Union League, Dallas, Texas.

Mr. Edwin B. Brooks, Jr., President, Security Federal Savings and Loan Association, Richmond, Virginia.

Mr. O. C. Carmichael, Jr., Chairman of the Board, Associates Corporation of North America, South Bend, Indiana.

Miss Barbara A. Curran, Senior Research Attorney, American Bar Foundation, Chicago, Illinois.

Dr. Louis F. Del Duca, Professor of Law and Director of Admissions, The Dickinson School of Law, Carlisle, Pennsylvania.

Mr. John E. Eidam, Attorney and Consultant to Cooperatives, Omaha, Nebraska.

Mr. William F. James, President, James Cadillac Company, Woodbridge, Connecticut.

Mr. Robert J. Klein, Economics Editor, Consumers Union, Mount Vernon, New York.

Mr. Robert R. Masterton, President, Maine Savings Bank, Portland, Maine.

Mr. William F. Melville, Jr., Senior Vice President, Maryland National Bank, Baltimore, Maryland.

Mrs. Faith Prior, Extension Family Economist, University of Vermont, Burlington. Vermont.

Mr. Robert W. Pullen, Chairman, Department of Economics, Colby College, Waterville, Maine.

Mrs. Doris E. Saunders, Staff Associate, Office of the Chancellor, University of Illinois, Chicago, Illinois.

Mr. Miles C. Stanley, President, West Virginia Labor Federation, AFL–CIO, Charleston, West Virginia.

Mrs. Lynnette Taylor, Executive Director, Delta Sigma Theta Sorority, Washington, D.C.

Mr. Peter R. Thompson, President, Mid-Continent Properties, Inc., Piqua, Ohio.

Mr. Harry R. Valas, Vice President, Valas Corporation, Denver, Colorado.

Miss Barbara A. Zimmelman, Consultant, Urban and Economic Development, Houston, Texas.

REESTABLISH NOVEMBER 11 AS VETERANS DAY

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, it has truly been said that while Congress can pass a law, only the people can make a holiday. We saw evidence of this last November 11 when millions of Americans observed Veterans Day even though the official date had been changed to the fourth Monday in October. November 11 has tremendous significance for Americans and for free people throughout the world as it was on the 11th day of the 11th month in 1918 that the armistice was signed ending the First World War. Every major veterans organization has come forward in support of reestablishing November 11 as our official Veterans Day, and to demonstrate my support for this objective, I have introduced H.R. 11888 to restore this important national observance to its traditional date.

Mr. Speaker, indicative of the widespread and deeply held support for restoring Veterans Day to November 11 is a resolution unanimously adopted by Barracks 2991 of the Veterans of World War I of the U.S.A., Mount Pleasant, Tex. This is an eloquent and persuasive statement that goes to the heart of the issue, and I believe it merits the attention of all Members. I hope my colleagues will join me in working to change the Monday holiday law. The day upon which we pay tribute to our men—more than 28 million veterans—should be one that over the last half century has been memorable and significant, and to some of us even sad and fraught with nostalgia. November 11 is a day marked with this Nation's history. It is neither dignified nor appropriate that Veterans Day should be relegated to the weary 24-hour wind-down of a 3-day weekend carnival. The resolution follows:

RESOLUTIONS

Whereas, the eleventh day of November, 1918 was the first day in history upon which the United States of America as a participant and ally achieved a clear-cut, unqualified and overwhelming triumph over a most formidably armed imperialism obviously designing world conquest and exploitation; and,

Whereas, by an unbroken record of observance over more than half-century, a way of American life has been indelibly established by our patriots who mark that day by ceremonial assembly and in reminiscent pause on the eleventh hour of that day; and,

Whereas, our victorious but weary allies placed great trust in Thomas Woodrow Wilson as the world's highest personage and as President of our Country, by concurring almost without question in his personally penned phrasing of that imperishable paper commonly referred to as the Fourteen Points, a document so awesomely significant but so fraught with a proper and stern concern for peoples of other nations, both small and great; and,

Whereas, the eleventh of November, as a date is, therefore, the common property of the Free World and is not a subject for our independent, capricious or causeless cancellation in disregard of history and of the sentiments of our erstwhile allies and comrades-at-arms, but as a date, bears the special characteristic of a hard-won crown that is impossible to be transferred to another date; and,

Whereas, in 1926 the Congress of the United States of America designated the eleventh of November as Armistice Day, and in 1954 as Veterans Day, neither of which designations could conflict with any nation's calendar; but,

Whereas, in 1970 the Congress of the United States of America without a test beforehand of public acceptance and, moreover, under virtual cloak of concealment, enacted the surprise change of Veterans Day from November eleventh to the last Monday in each October; and,

Whereas, in comparison with the said presently legalized date which is barren of historical significance and is in overwhelming disfavor with the patriotically oriented citizenship of our Country, the November Eleventh date is dramatically rich in history and in significance to many millions throughout the world who still recount their personal experiences of the day that was decreed by our then greatest men for History's greatest hour, instead of by long-after legislation in Washington, D.C.; now, therefore,

Be it resolved by Barracks 2991, a unit of sixty-five members of Veterans of World War I, Inc. of U.S.A. in regular meeting assembled in Mount Pleasant, Texas, that in complete unanimity do we deplore the latter action of our Congress as hereinbefore shown, and do entreat and admonish our legislators to restore by law the eleventh day of November as the legal national holiday in the United States of America to be designated and henceforth observed as Veterans Day; and

Be it further resolved that we, the enrolled members of the said Barracks 2991, shall each as individuals urgently and aggressively endeavor by all means available to enlist the approval, support and action of all American patriots, whether war veterans or not, as we urge the Congress of the United States to purge itself of this great error by restoring the traditionally honored date of November Eleventh to its proper designation for observance as Veterans Day.

PRELIMINARY FIGURES REGARDING GROSS NATIONAL PRODUCT FIRM INDICATORS OF STRONG ECONOMIC GROWTH

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, preliminary figures regarding gross national product in the fourth quarter and during the full years of 1971 affirm earlier indicators that we are on the course to strong economic growth. This past Friday the Department of Commerce released figures showing that GNP increased at a real annual rate of 6 percent during the fourth quarter of 1971. Additionally, prices as measured by the overall GNP implicit price deflator increased only 1½ percent in the fourth quarter, down from the 2½-percent annual rise in the third quarter. Both of these statistics are heartening indications that the President's new economic program is working.

A large part of the growth in GNP gains during full year 1971 is attributable to two of our most vital industries, automobiles and residential construction. During 1971 gross auto product increased $10 billion, or 33 percent, after falling $6 billion dollars in 1970. New car sales achieved a record 10.3 million units in 1971, almost 2 million units more than in 1970.

As for housing, starts set records both this past December and through all of 1971. The Department of Commerce estimated that housing starts totaled 2,048,000 units last year. During December, starts took place at a seasonally adjusted rate of approximately 2½ million, up 9 percent from November's pace of 2.3 million, which was the previous monthly high. Assistant Secretary of Commerce for Economic Affairs, Harold C. Passer said:

> Housing starts closed out a boom year on a strong upbeat.

Mr. Passer said further that we may have "another outstanding year for housing in 1972" because of declining mortgage rates and the ready availability of mortgage funds. I think, Mr. Speaker, that there are also numerous indicators that 1972 will be an outstanding year not only for housing, but for all sectors of the economy.

THE WAR CONTINUES

(Mr. MADDEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, 4 years ago next October, the Republican National Committee and their presidential and vice-presidential candidates were assuring the American voters that they had a plan to win the Indochina war or terminate it in a short time.

Last week Time magazine contained this sorrowful news article on the same war now going on in the jungles of Southeast Asia:

THERE IS STILL A WAR ON

With the next-to-final phase of the U.S. withdrawal from Viet Nam in sight at last, the war suddenly appeared to be not dwindling down but rapidly building up again. Last week, even as President Nixon was announcing the pullout of 70,000 more G.I.'s by May 1, the North Vietnamese were carrying out an ominous new offensive in each of Indochina's major battlegrounds.

In Laos, Communist troops scored a stunning victory by forcing the evacuation of Long Cheng, the celebrated CIA base near the Plain of Jars. They also scattered the battered remnants of the U.S.-backed army of Meo tribesmen that was, until recently, the only force that could keep the Communists in check in Laos.

In Cambodia, government troops continued to give ground to the North Vietnamese troops, who now control most of the northeastern countryside. At Krek, 2,500 Cambodian troops simply fled when the 10,000 South Vietnamese troops that had been operating with them in the former Communist "sanctuaries" were abruptly called home by Saigon. The Cambodians reportedly left so much equipment behind that U.S. aircraft were called upon to bomb it before it could be captured by the North Vietnamese.

In South Viet Nam, Saigon forces took up defensive positions, primarily astride infiltration routes and around major cities and military bases, to await a sizable flare-up in Communist activity that is expected to peak at the time of the *Tet* holidays, which fall in mid-February. Meanwhile the North Vietnamese moved mobile missile launchers right up to South Viet Nam's northern frontiers, and the air war continued. The U.S. last week conducted its seventh "protective reaction" strike of the year against SAM sites in North Viet Nam.

Despite the poor results of the recent bombing, U.S. military officials insisted that the enemy was capable only of "cheap victories" in unimportant territory. Perhaps so, but the renewal of the ground war should dispel the notion, widespread in the U.S., that the fighting is over, at least for the American G.I. Technically, U.S. troops are indeed in a "defensive" posture, as the Administration calls it, because their main job is to protect American facilities. But for a good number of the 139,000 G.I.s still in Viet Nam, that job means endless patrols out in the boondocks under conditions that look very much like war.

In all probability, the last U.S. Army combat unit in Viet Nam will be the 7,000-man 3rd Brigade of the First Cavalry Division (Airmobile), which is responsible for the security of a vast area of Vietnamese countryside surrounding the huge American installations at Bien Hoa, Long Binh and the Tan Son Nhut airbase outside Saigon. Recently, TIME Correspondent Rudolph Rauch joined one 3rd Brigade company as it pushed off from a fire base 35 miles east of Saigon to begin a patrol in search of North Vietnamese infiltrators. His report:

Nobody in Charlie Company wanted to be where he was, and when we walked off Fire Base Hall and into the jungle, it was easy to sympathize. We marched as a company for an hour, then divided into three platoons. After two miles, the jungle gave way to incredibly thick undergrowth—not high enough to block out the sun and too dense to move through, either quickly or silently. Napalm strikes had killed all the tall trees whose shade once kept down the growth on the jungle floor.

Charlie Company was fresh from a weekend in the seaside resort of Vung Tau—a prized opportunity for revelry and relaxation that comes only once every 45 days. The company has no barracks, no dress uniforms (they are stored in boxes at Bien Hoa) and no personal possessions (letters are the only personal items allowed in the field). The Vung Tau weekend, which the men enjoy in fatigues, is the only break in an endless cycle of ten- to 15-day patrols and three-day rests on a fire base with no hot showers and few other amenities.

NO HAMMOCKS

We are supposed to patrol until 5 o'clock, when the rules say that the night defensive position should be set up. If a unit moves after 5, there is a danger that a contact might run on after darkness, making air support more difficult. But at 5 it is pouring rain, and we are still in scrub, which is not good for a night position because there are no trees big enough to stop enemy mortars. It is close to 6 when we find a few trees, and everybody starts putting up his hooch. I pull out my hammock. "No hammocks," says Sergeant Henry A. Johnson, a Virginian who has a master's degree in communications. "The C.O. doesn't allow them. Too vulnerable to mortars. The C.O. believes in being cautious."

"LINE ONE"

When we move out at dawn next morning, everyone is a bit more nimble, perhaps because the Vung Tau hangovers are gone. We walk all morning, stopping for a ten-minute break each hour. At the noon break, the radio sputters with orders from the battalion commander to a unit that has made contact with the enemy five miles away. There was an ambush; one American was killed when he walked into an NVA bunker complex. Another is wounded and a helicopter is down. The battalion commander, flying overhead in his helicopter, says he is going in to pick up the downed pilot. His chopper is loaded with electronic gear and it is too heavy for any task that requires acrobatics. "Jesus, Colonel, be careful," whispers the radio operator, Pfc. Erik Lewis, 21. The rescue is successful.

Lewis tells me that a "Line One" (meaning a G.I. combat death in army jargon) "happens just rare enough so that nobody at home knows about it. But if you're out here, your peace outlook goes straight to zero." And, he adds, "I'm going to kill as many of those mothers as I can."

Charlie Company's commander, Captain Thomas D. Smith, was a young lawyer about to open an office in Omaha when he was drafted in 1966. Since then Smith, who is about to turn 30, has seen a number of "Line Ones." In the first two weeks of the new year, the 3rd Brigade suffered two killed and 34 wounded in skirmishes with its chief opponent, the 33rd NVA regiment, which prowls the jungles east of Saigon. The only way to say alive in the jungle, Smith believes, is to keep moving. "You stop pushing and they'll walk all over you," he says.

At 10 a.m. on the third day, we are crouched over a small stream refilling canteens when the radio crackles: we are going to be dropped by copter into the area where the G.I.'s had been ambushed yesterday. We move to the nearest landing zone—and wait. Finally, at 1 p.m. the helicopters show up to ferry us in a flotilla of six-man groups to the assault landing zone. I ride in the third chopper (the fourth or fifth is thought to be the most desirable) with Sergeant Henry R. Campbell of Newington, Conn., who won a Bronze Star in a firefight last October. Campbell is modest about his star ("Hell, all I did was put out all the firepower I could"), but he is also wryly amused by the Stateside impression of the nature of the war. "My mother can't believe I'm in danger," he says as he sits in the door of the chopper with a machine gun across his knees. "She says the President says it's all defensive now, so how could it be dangerous?"

We land in elephant grass in a clearing. The only thing to be heard besides the rotor blades is the feeble stutter of the door gunner's machine gun. The londing zone is "cold"—meaning that there are no enemy about—but the troops find fresh tracks almost immediately. We follow the trail until shortly after 5, when another night position is set up. The forward artillery observer calls in artillery strikes on an area that he thinks the enemy might have moved into. He orders the strikes for 10 p.m.—like booking a telephone call—and waits up for them. Everyone else sleeps.

TOO MUCH RAIN

At dawn we set off again. When we finally reach the ambush site, we find only some rice left behind by the NVA, a pair of bloody trousers, a B-40 North Vietnamese rocket case and a document nobody can read.

It is four days since we walked off Fire Base Hall. There has been no contact but several scares, a lot of heat, a surfeit of leeches, too much rain for the dry season, and a wearying round of days that begin at 7 and end at twelve hours later, when the light falls. Charlie Company is one-third of the way through its patrol. Ten more days exactly like the four before, and Charlie will be taken back to a fire base, to stand in reserve in case another unit needs assistance. Three days on the base, and ten more in the field. When I get a helicopter to leave, I am handed letters to mail from more than half of the company. "If we're not here," asks Sergeant James Wiggins, "how come they're getting these?"

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

The first successful system of processing aluminum was devised by Charles M. Hall of the United States in 1889.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. GREEN of Oregon (at the request of Mr. VANIK), for January 24 through January 28, on account of illness.

Mr. ESHLEMAN (at the request of Mr. GERALD R. FORD), for today and the balance of the week, on account of illness.

Mr. CORMAN, for the week of January 24, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MAHON, for 30 minutes, today, and to revise and extend his remarks, following the budget message of the President.

Mr. VANIK, for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. WHITEHURST) and to revise and extend their remarks and include extraneous matter:)

Mr. BOW, for 30 minutes, today.

Mr. CHAMBERLAIN, for 5 minutes, today.

(The following Members (at the request of Mr. MCKAY) to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. WILLIAM D. FORD, for 5 minutes, today.

Mr. PEPPER, for 10 minutes, today.

Mr. DANIELSON, for 10 minutes, today.

Mr. JAMES V. STANTON, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MAHON, to revise and extend his remarks and include extraneous matter and tables.

Mr. ALBERT (at the request of Mr. MAHON) and to include extraneous matter.

Mr. COLMER and to include extraneous matter.

Mr. PICKLE (at the request of Mr. COLMER) following Mr. COLMER's remarks on House Resolution 773.

Mr. MADDEN and to include a newspaper article.

(The following Members (at the request of Mr. WHITEHURST (and to include extraneous matter:)

Mr. CONTE.
Mr. COUGHLIN in four instances.
Mr. BLACKBURN.
Mr. GUDE in five instances.
Mr. PEYSER in 10 instances.
Mr. STEIGER of Wisconsin.
Mr. SCHMITZ in three instances.
Mr. SCHERLE in 12 instances.
Mr. TEAGUE of California.
Mr. WYMAN in two instances.
Mr. GERALD R. FORD.
Mr. DEL CLAWSON.
Mr. SEBELIUS.
Mr. ERLENBORN in two instances.
Mr. ZWACH.
Mr. HUNT.
Mr. SCHWENGEL in two instances.

(The following Members (at the request of Mr. MCKAY) and to include extraneous matter:)

Mr. VANIK in three instances.
Mr. REES.
Mr. ANNUNZIO.
Mr. RODINO in two instances.
Mr. NATCHER.
Mr. GONZALEZ in two instances.
Mr. RARICK in five instances.
Mr. HAGAN.
Mr. BEGICH in three instances.
Mr. DAVIS of Georgia in five instances.
Mr. CARNEY in two instances.
Mr. FASCELL.
Mr. ROGERS in five instances.
Mr. MILLER of California in five instances.
Mr. DOW.
Mr. BURKE of Massachusetts.
Mr. PODELL.
Mr. HUNGATE.
Mr. BROOKS.
Mr. SCHEUER in two instances.
Mr. ICHORD.
Mr. JACOBS in two instances.
Mr. DANIEL of Virginia.
Mr. HANNA in six instances.
Mr. ROY.

ADJOURNMENT

Mr. McKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Tuesday, January 25, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1468. A letter from the Assistant Secretary of Agriculture, transmitting the fourth annual report on operations under the Food Stamp Act of 1964, pursuant to Public Law 90–552; to the Committee on Agriculture.

1469. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Air National Guard and the Air Force Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

1470. A letter from the Assistant Secretary of Commerce for Administration, transmitting a report of foreign excess property disposed of by the Department of Commerce during calendar year 1971, pursuant to section 404(d) of Public Law 152 (81st Congress); to the Committee on Government Operations.

1471. A letter from the Deputy Administrator of Veterans' Affairs, transmitting a report of foreign excess property disposed of by the Veterans' Administration during calendar year 1971, pursuant to 40 U.S.C. 514(d); to the Committee on Government Operations.

1472. A letter from the Secretary of the Interior, transmitting the seventh annual report of the Office of Water Resources Research, pursuant to the Water Resources Research Act of 1964, as amended; to the Committee on Interior and Insular Affairs.

1473. A letter from the Secretary of Transportation, transmitting the second annual report of the Federal Aviation Administration's operations under the Airport and Airway Development Act of 1970, covering fiscal year 1971, pursuant to section 24 of the act; to the Committee on Interstate and Foreign Commerce.

1474. A letter from the Chairman, Federal Trade Commission, transmitting a report concerning the effectiveness of cigarette labeling, current practices and methods of cigarette advertising and promotion, and recommendations for legislation deemed appropriate, pursuant to section 8(b) of the Public Health Cigarette Smoking Act; to the Committee on Interstate and Foreign Commerce.

1475. A letter from the secretary-treasurer, Congressional Medal of Honor Society of the United States of America, transmitting the annual financial report of the society for calendar year 1971, pursuant to Public Law 88–504; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

1476. A letter from the Comptroller General of the United States, transmitting a report of the examination of the financial statements of the Veterans' Canteen Service, Veterans' Administration, for fiscal year 1971, pursuant to 38 U.S.C. 4207; to the Committee on Government Operations.

1477. A letter from the Comptroller General of the United States, transmitting a report of the examination of the financial statements of the Disabled American Veterans' national headquarters and the service foundation for the year ended December 31, 1970, and the life membership fund for the year ended June 30, 1971, pursuant to 36 U.S.C. 901; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee on Banking and Currency. S. 748. An act to authorize payment and appropriation of the second and third installments of the U.S. contributions to the Fund for Special Operations of the Inter-American Development Bank; with amendments (Rept. No. 92–770). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. S. 749. An act to authorize U.S. contributions to the Special Funds of the Asian Development Bank; with amendments (Rept. No. 92–771). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. S. 2010. An act to provide for increased participation by the United States in the International Development Association; with amendments (Rept. No. 92–772). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT (for himself and Mr. DANIEL of Virginia):

H.R. 12541. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mrs. ABZUG:

H.R. 12542. A bill to amend title XIX of the Social Security Act to prohibit the imposition of any deduction, cost sharing, coinsurance, enrollment fee, premium, or similar charge with respect to individuals receiving services under a State plan for medical assistance; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 12543. A bill to reorganize the government of the District of Columbia by the establishment of a Board of Governors to replace the Commissioner of the District of Columbia and the District of Columbia Council, and for other purposes; to the Committee on the District of Columbia.

H.R. 12544. A bill to authorize voluntary withholding of Maryland, Virginia, and District income taxes in the case of certain legislative officers and employees; to the Committee on Ways and Means.

By Mr. CARTER:

H.R. 12545. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. CURLIN:

H.R. 12546. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time shall begin on Memorial Day and end on Labor Day of each year; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAM D. FORD (for himself and Mr. PEYSER):

H.R. 12547. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials; to the Committee on Government Operations.

By Mr. GOLDWATER:

H.R. 12548. A bill to provide consumer protection in interstate real estate activities and to promulgate the highest of professional standards in the interstate real estate industry, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HALPERN (for himself, Mr. HATHAWAY, and Mr. SYMINGTON):

H.R. 12549. A bill to provide financial assistance for State and local small, community-based correctional facilities; for the creation of innovative programs of vocational training, job placement, and on-the-job counseling; to develop specialized curriculums, the training of educational personnel and the funding of research and demonstration projects; to provide financial assistance to encourage the States to adopt special probation services; to establish a Federal Corrections Institute; and for other purposes; to the Committee on the Judiciary.

By Mr. VANDER JAGT:

H.R. 12550. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property; to the Commitee on Public Works.

By Mr. JONES of Alabama (for himself, Mrs. MINK, Mr. BENNETT, Mr. EVINS of Tennessee, Mr. ROSENTHAL, Mr.

Colmer, Mr. Preyer of North Carolina, Mr. Waggonner, Mr. Fascell, Mr. Steed, Mr. Halpern, and Mr. Leggett):

H.R. 12551. A bill to change the name of the Columbia lock and dam, on the Chattahoochee River, Ala., to the George W. Andrews lock and dam; to the Committee on Public Works.

By Mr. KEE:

H.R. 12552. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. MACDONALD of Massachusetts:

H.R. 12553. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. MAZZOLI:

H.R. 12554. A bill to provide for the control of sickle cell anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLORY:

H.R. 12555. A bill to establish a program for the United States to convert to the metric system; to the Committee on Science and Astronautics.

By Mr. McFALL:

H.R. 12556. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MORGAN:

H.R. 12557. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 12558. A bill to amend the act of August 10, 1961, to authorize further editions to Fort Necessity National Battlefield, Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PEPPER (for himself, Mr. Abbitt, Mrs. Abzug, Mr. Alexander, Mr. Anderson of Tennessee, Mr. Aspin, Mr. Bevill, Mr. Biaggi, Mr. Brasco, Mr. Brown of Michigan, Mr. Broyhill of North Carolina, Mr. Buchanan, Mr. Burke of Massachusetts, Mr. Byrne of Pennsylvania, Mr. Byron, Mrs. Chisholm, Mr. Don H. Clausen, Mr. Del Clawson, Mr. Clay, Mr. Cleveland, Mr. Collins of Texas, Mr. Conyers, Mr. Córdova, Mr. Cotter, and Mr. Daniels of New Jersey):

H.R. 12559. A bill to promote research and development of drugs or chemical compounds for use in the cure, prevention, or treatment of heroin addiction; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. Diggs, Mr. Dow, Mr. Dowdy, Mr. Dulski, Mr. du Pont, Mrs. Dwyer, Mr. Eshleman, Mr. Forsythe, Mr. Fraser, Mr. Garmatz, Mrs. Grasso, Mr. Gray, Mr. Haley, Mr. Hall, Mr. Halpern, Mr. Hanley, Mr. Hanna, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mrs. Hicks of Massachusetts, Mr. Hillis, Mr. Horton, and Mr. Howard):

H.R. 12560. A bill to promote research and development of drugs or chemical compounds for use in the cure, prevention, or treatment of heroin addiction; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. Keating, Mr. Kee, Mr. McDade, Mr. McKinney, Mr. Mann, Mr. Meeds, Mr. Mitchell, Mr. Moorhead, Mr. Morse, Mr. Murphy of Illinois, Mr. Rangel, Mr. Rees, Mr. Robinson of Virginia, Mr. Rooney of Pennsylvania, Mr. Roy, Mr. Ruppe, Mr. Sandman, Mr. Sarbanes, Mr. Scherle, Mr. Scheuer, Mr. Sikes, Mr. Smith of Iowa, Mr. Steiger of Arizona, and Mrs. Sullivan):

H.R. 12561. A bill to promote research and development of drugs or chemical compounds for use in the cure, prevention, or treatment of heroin addiction; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Vanik, Mr. Veysey, Mr. Waldie, Mr. Wiggins, Mr. Williams, Mr. Charles H. Wilson, Mr. Broyhill of Virginia, and Mr. Winn):

H.R. 12562. A bill to promote research and development of drugs or chemical compounds for use in the cure, prevention, or treatment of heroin addiction; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS (for himself, Mr. Satterfield, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, and Mr. Hastings):

H.R. 12563. A bill to amend the Public Health Service Act to authorize the establishment of medical emergency transportation and service programs; to the Committee on Interstate and Foreign Commerce.

By Mr. RONCALIO:

H.R. 12564. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 12565. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under cetrain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN (for himself, Mr. Brasco, Mr. Carey of New York, Mr. Dow, Mr. Hechler of West Virginia, Mr. Mazzoli, Mr. Morse, Mr. Pike, Mr. Price of Illinois, and Mr. Reid):

H.R. 12566. A bill to amend the Lead-Based Paint Poisoning Prevent Act; to the Committee on Banking and Currency.

By Mr. SIKES:

H.R. 12567. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. SLACK:

H.R. 12568. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 12569. A bill to amend the Cargo Preference Act of 1954 for certain purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SPENCE:

H.R. 12570. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS:

H.R. 12571. A bill to amend the Public Health Service Act so as to strengthen the National Heart and Lung Institute, the National Institute of Neurological Diseases and Stroke, and the National Institutes of Health, in order more effectively to carry out the national effort against heart, lung, and neurological diseases and stroke; to the Committee on Interstate and Foreign Commerce.

By Mr. STEED:

H.R. 12572. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. TALCOTT:

H.R. 12573. A bill to establish a universal food service and nutrition education program for children; to the Committee on Education and Labor.

H.R. 12574. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR:

H.R. 12575. A bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business, or any business having 25 or less employees, in States having laws regulating safety in such businesses, from the Federal standards created under such act; to the Committee on Education and Labor.

H.R. 12576. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

H.R. 12577. A bill to amend section 5(f) of the Land and Water Conservation Fund Act of 1965; to the Committee on Interior and Insular Affairs.

By Mr. VANIK:

H.R. 12578. A bill to amend the National School Lunch Act to increase the authorization for programs for children in service institutions; to the Committee on Education and Labor.

By Mr. WAGGONNER:

H.R. 12579. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. YATRON:

H.R. 12580. A bill to amend the Federal Trade Commission Act to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 12581. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. ZWACH:

H.R. 12582. A bill to amend section 1682 of title 38 of the United States Code to require that more emphasis be given to supervised work experience in the farm cooperative training program; to increase the educational assistance allowance rates for such program; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 12583. A bill to amend the Internal Revenue Code of 1954 to relieve employers of 50 or less employees from the requirement of paying or depositing certain employment taxes more often than once each quarter; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.J. Res. 1023. Joint resolution to provide a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain steamship companies and associated employers and certain employees; to the Committee on Education and Labor.

By Mr. GROSS:

H. Con. Res. 504. Concurrent resolution expressing the sense of Congress respecting Federal expenditures; to the Committee on Government Operations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

299. By the SPEAKER: Memorial of the Legislature of the State of New Jersey, relative to aircraft noise abatement; to the Committee on Interstate and Foreign Commerce.

300. Also, memorial of the Legislature of the State of New Jersey, relative to inspection and enforcement of hygienic standards in the preparation and processing of food products; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FISHER:

H.R. 12584. A bill for the relief of Charles R. Wood, major, U.S. Air Force (retired); to the Committee on the Judiciary.

By Mr. HÉBERT:

H.R. 12585. A bill for the relief of Lt. Col. Paul S. Parrino, M.D., U.S. Army (retired); to the Committee on the Judiciary.

By Mr. RONCALIO:

H.R. 12586. A bill for the relief of David J. Crumb; to the Committee on the Judiciary.

By Mr. WALDIE:

H.R. 12587. A bill for the relief of Joseph A. White & Associates; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

181. The SPEAKER presented a petition of the City Council, Lake Forest Park, Wash., relative to Federal-State revenue sharing, which was referred to the Committee on Ways and Means.

SENATE—*Monday, January 24, 1972*

The Senate met at 10:45 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord, our God, Ruler of men and nations, we bow in this quiet moment at the beginning of a new week to dedicate our hearts and minds to Thee. Deliver us from all that is petty and small and open our hearts to all that is good and true, that Thy kingdom may be advanced through us. Impart to us a wisdom and grace beyond all that is human.

Bless this Nation, O Lord, and make it a blessing. Bless our leaders that they may lead in ways of righteousness and truth. Subdue the forces which obstruct the way of peace. Release the power of redemptive love and universal good will which leads to the day of peace and the coming of Thy kingdom—for Thine is the kingdom and the power and the glory forever and ever. Amen.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, January 21, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ATTENDANCE OF SENATORS

Hon. GORDON ALLOTT, a Senator from the State of Colorado, Hon. ALAN BIBLE, a Senator from the State of Nevada, Hon. NORRIS COTTON, a Senator from the State of New Hampshire, Hon. ALAN CRANSTON, a Senator from the State of California, Hon. MIKE GRAVEL, a Senator from the State of Alaska, Hon. FRED R. HARRIS, a Senator from the State of Oklahoma, Hon. DANIEL K. INOUYE, a Senator from the State of Hawaii, Hon. HENRY M. JACKSON, a Senator from the State of Washington, Hon. GEORGE MCGOVERN, a Senator from the State of South Dakota, Hon. CLAIBORNE PELL, a Senator from the State of Rhode Island, Hon. TED STEVENS, a Senator from the State of Alaska, Hon. JOHN V. TUNNEY, a Senator from the State of California, and Hon. LOWELL P. WEICKER, Jr., a Senator from the State of Connecticut, attended the session of the Senate today.

WAIVER OF THE CALL OF THE CALENDAR UNDER RULES VII AND VIII

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the call of the calendar under rules VII and VIII be waived.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, I yield back my time.

The PRESIDENT pro tempore. Under the previous order, the Senator from Pennsylvania (Mr. SCHWEIKER) is recognized for not to exceed 15 minutes.

IN PRAISE OF SENATOR HUGH SCOTT

Mr. SCHWEIKER. Mr. President, for many years I have had a close friend and associate in the Republican Party of Pennsylvania, my distinguished senior colleague, Senator HUGH SCOTT. He has served the great Commonwealth of Pennnsylvania with distinction, which was recognized by our constituents, who last year sent him back to the Senate for a third term. This is one of the longest Senate tenures in Pennsylvania history.

However, I rise today not as his colleague from Pennsylvania, but as a Member of the Senate to pay tribute to Senator SCOTT for his outstanding achievements as Senate Republican leader. I rise to join my Republican colleagues to express our appreciation for the wise and considerate role he has assumed in this difficult leadership position.

All of us know how delicate the responsibilities of a Senate leader are. Such a man must balance the interests of the Senate in moving forward with responsible programs, the interests of his party in fulfilling its philosophies and commitments, and the interests of all Senators in serving the needs and wishes of their respective constituencies. This challenging balancing act is almost impossible to achieve, and more often than not, provides nearly incompatible demands on the leader. To fulfill this challenge with responsibility and dignity requires a leader of rare skill and perserverance. We on the minority side and the entire Senate are indeed fortunate to have such a man in Senator SCOTT.

Since he first came to Congress in 1943, the Republican leader has been fiercely dedicated to the service of his party, his State, and his Nation. He has earned his reputation, in Pennsylvania and Washington, for serving all three entities with distinction.

Thus, he was uniquely qualified to assume the mantle of leadership left by the death of our late, great Republican leader, Everett M. Dirksen. His skill, patience, and understanding of the great traditions of the Senate and of the wishes and desires of his colleagues were further recognized when, a year ago, we reelected him as our Republican leader. I am confident he will serve many years with distinction in this leadership position.

As Republican leader, Senator SCOTT has promoted the policies and philosophies of the Republican Party by encouraging widespread and open debate on the difficult issues of our day. Our party is truly a national party, representing the many divergent views of specific proposals that exist in the Nation as a whole. Diversity of opinion and openness of debate are healthy and constructive, and add depth and strength to our party. In the debates on the Senate floor, in the party caucuses, and in our private discussions, Senator SCOTT has encouraged, and demanded, the fullest of debate. At the same time, he has worked endlessly, and tirelessly, to insure that no personal rancor or animosities within the minority appear which could detract from the goal of moving our party and our Nation forward through full and open debate.

In addition to these difficult tasks, the Republican leader has also served with skill and distinction in representing the Republican administration in Congress. President Nixon has sent over many constructive bills, proposals, and programs, and Senator SCOTT has been an able advocate, within both Republican and Democratic ranks, for the President's legislative ideas.

I have had the privilege of working closely with Senator SCOTT on many issues relating to the health and well-being of the Commonwealth of Pennsylvania. I have also shared the privilege with all Senate colleagues in working constructively with Senator Scott on the many pressing national and international questions that face us in these complex times. At all times, he has never ceased to display those qualities which make him one of the most widely respected Members of this body—immense personal charm, prolific wit, unimpeachable integrity, and dedication to the progress of all citizens. He ably serves his State and his Nation in the search for peace abroad, prosperity and domestic tranquillity, at home.

All these impressive qualifications serve him well in carrying out the challenge and duties of Republican leader. I am sure the President of the United States, and the distinguished majority leader, with whom he shares such important responsibilities in the leadership of our Nation, would enthusiastically share my feeling that Hugh Scott's experience, his love for the Senate, his respect for each individual's views, and his commitment to the well-being of all individuals, makes him uniquely qualified to represent the President, and his Senate colleagues, as Republican leader today.

I am proud to serve alongside a great Republican leader, and privileged to stand today, as we turn toward the key issues of this second session of the 92d Congress, to join my colleagues in this tribute to Hugh Scott.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. SCHWEIKER. I yield.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished junior Senator from Pennsylvania for taking the floor today to say, as he has so well stated, that the very distinguished senior Senator from Pennsylvania, the distinguished Republican leader, is very ably equipped to represent the President of the United States, the administration, and the Republican Party in the Senate, as the leader of his party.

Senator Scott has the respect of all Members of the majority in the Senate. At all times he can be depended upon for his courtesy, his fairness, and his complete cooperation as we attempt to work together in behalf of the people and in the discharge of the business of the Senate.

I, personally, have had an excellent relationship with the able Republican leader. At all times he has been courteous, genial, and amiable; and I am happy always to say that he is my friend and that I am his.

I think the Republican Party in the Senate is fortunate to have a man like Hugh Scott as its leader. The Senate is fortunate to have him as one of our own and as the minority leader.

Mr. SCHWEIKER. I thank the distinguished Senator from West Virginia for his very fine tribute. I know of the work he has done in a leadership position in this body, and his words carry great weight and importance because of the role he has played in performing functions and in enabling us to help expedite the work of this body.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SCHWEIKER. I yield to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I have just come to the Chamber, and I understand that the Senator from Pennsylvania made some comments about our minority leader at the very beginning of the session.

Senator Hugh Scott is not only our leader here but also is a friend of mine of very long standing, and I delight to join in doing him honor, especially at the hands of his colleague from Pennsylvania.

To me, Senator Scott has a rare quality of seeing the total of humanity, even in the legislative context, and this adds a warmth and a unique understanding of human aspirations which I think has brought him to his present high eminence.

Also, Senator Scott has shown a unique skill for a minority leader, and I have seen a number of leaders here, both minority and majority, in being himself as a legislator and as a man, and yet serving his constituents and his President with devotion, with fidelity, with honesty, and with courage, and with a skill which has enabled him to fulfill both characters—the Senator from his State and the man of principle and thought in his actions, as well as the leader of his party in the Senate. He has been a source of great admiration to me.

As his friend, I have derived enormous pleasure and satisfaction from this growth and development, which has been so much a part of our life here and so useful and fruitful to the people of his State and to the people of the Nation.

So I am very honored and pleased to join his colleague from Pennsylvania in the recognition of what we know to be the basic facts about Senator Scott's service in the Senate.

Mr. SCHWEIKER. I thank the distinguished senior Senator from New York.

I yield to the distinguished Senator from Florida.

Mr. GURNEY. Mr. President, I, too, join the distinguished Senator from Pennsylvania in this tribute to our very able distinguished Republican leader, the senior Senator from Pennsylvania (Mr. Scott).

It always has been a pleasure to work with Senator Scott. He has been extremely understanding about the problems of all Senators—including myself, one of the newer Senators.

The last few years have been extremely troubled times, involving some of the most momentous issues we have had before the Nation, the long debates we have had about the war in Vietnam, the financial difficulties of the United States, as well as many other volatile issues, such as the environment and social problems.

I think that perhaps the best example of the very able leadership which the Republican leader has given to the Republican side as well as to the Senate itself is indicated in some of the statistics of last year.

We hear a lot about the fact that unity is going out the window, that people do not pay much attention to it any more, but that certainly has not been the truth here in the Senate. For example, in the period from September to December 1969, 3 years ago, Republican unity in the Senate was 80 percent. Under the leadership of the distinguished senior Senator from Pennsylvania (Mr. Scott), just last year, in the same period of time, Republican unity was 94 percent. It is hard to see how we could have had more unanimous agreement here in our party than we did last year, with some of the most troublesome issues that we have ever had before in our Nation to consider.

Thus, I join wholeheartedly in tribute to our Republican leader this morning and certainly hope he enjoys the leadership role on our side for many long years ahead.

He certainly deserves it.

Mr. SCHWEIKER. I thank the distinguished Senator from Florida.

Mr. GRIFFIN. Mr. President, I regret that committee responsibilities prevented me from being present on the floor earlier today when the distinguished junior Senator from Pennsylvania (Mr. Schweiker) delivered some remarks concerning our great minority leader (Mr. Scott).

I wish to associate myself with the statement he made.

I believe it was Tacitus who wrote that—

> Reason and calm judgment (are) the qualities specially belonging to a leader.

As we know, our minority leader possesses these qualities to an abundant degree. Moreover, he has carried out his leadership role with consuming tact, unfailing good humor, and with deep consideration for all of his colleagues on both sides of the aisle.

As his assistant, I have had a rare and enjoyable opportunity to work very closely with him on a day-by-day basis. I know how ably and effectively he has discharged his responsibilities. It is most appropriate that we salute him on this anniversary day.

Mr. BOGGS. Mr. President, it is a great privilege for me today to join my colleagues in praise of the distinguished senior Senator from Pennsylvania. It was just 1 year ago last Friday that he was reelected leader of the Republican Party in this Chamber.

That day also marked the anniversary of the reelection of the distinguished Senator from Michigan (Mr. Griffin) as the minority whip.

These two men, in cooperation with the distinguished Senators from Colorado (Mr. Allott), New Hampshire (Mr. Cotton), and Maine (Mrs. Smith), have provided our party with exemplary leadership since they took the helm.

I believe that at this time we are a united team, committed to work together on the programs under consideration.

The Scott-Griffin team has performed exemplary service during the year. They have articulated consistently not only the wishes, the desires, and the programs of this side of the aisle, but I believe they have represented extremely well the needs of their respective constituencies and of the American people.

My association with Senator Scott goes all the way back to 1947 when I first entered the House of Representatives. Senator Scott that year returned to the other body. He first was elected to the House in 1940, but his tenure was broken by his service in World War II.

It was only natural that when we lost the services of our late, beloved leader, Senator Everett McKinley Dirksen, in 1969 that Senator Scott should move into the leadership position.

We on this side of the aisle have looked to our leadership day after day and they have never failed us. They have been solicitious of the needs of every Senator and statesmanlike in their conduct of Senate business.

We are, indeed, fortunate to have Senator Scott as our leader. I congratulate him on his achievements and wish him every success in the session we are beginning.

Mr. MATHIAS. Mr. President January 21 marks the first anniversary of the reelection of Senator Hugh Scott as the Republican leader of the Senate. This is an occasion worthy of note, for the performance of the senior Senator from Pennsylvania during the past year has been outstanding.

It is not easy to be an elected leader of this body. The Senate is, quite rightly, a congregation of 100 strong-willed individuals with differing philosophies, priorities, interests, constituencies, and styles. However strong our individual desires to cooperate and expedite may be, it is no simple task to lead this flock—to organize proceedings, to establish priorities, negotiate accords and seek accommodations, and to overcome the thousand quirks which may impede the resolution of any given problem. Above all, it is very hard to do all this and foster the good will and mutual respect essential to good leadership. Hugh Scott has mastered this task.

Without the slightest deprecation of the challenges facing the distinguished majority leader, I might suggest that it is in some ways even more difficult to serve as the elected leader of the minority party when that party is, as the Republican Party is now, committed not to obstructionism but to solid, constructive legislative action. In this role and in this Congress, Hugh Scott bears the added burdens of the endless communications—with Senators of both parties, and with the White House and executive agencies—which are so essential to the advancement of the President's legislative aims. His patient, tireless work on many aspects of the landmark campaign spending legislation is but one example of his skill in molding many separate ideas, from many separate sources, into a coherent and constructive whole.

One source of Senator Scott's success is his keen ear. He is acutely attentive and sensitive to the ideas of individual Senators and to that elusive but vital quality called the "mood of the Senate." He has shown that he understands, for instance, the general longing for somewhat more order and modernity in Senate proceedings. He comprehends, and has communicated on our behalf, the desire of many Senators, and of this body as a whole, to exercise our constitutional responsibilities of advice and consent more vigorously than in the past. The talent required to grasp and channel such sentiments involves far more than just an ability to count. It involves the ability to read all of the signs and signals in this body, both the obvious and the obscure, before we start to count the votes. Hugh Scott has this rare ability, and both the Republican Party and the Senate have profited from his work.

The first session of this Congress was long and grueling. The session we begin this week may be much shorter, but is likely to be even more highly charged with politics and partisanship. It can never be said that Hugh Scott shrinks from partisan politics—but it must also be said that he knows when politics must be set aside and when statesmanship is imperative.

Mr. President, I congratulate the senior Senator from Pennsylvania on this anniversary, and look forward to the coming year of work under his guidance and leadership.

Mr. CASE. Mr. President, I am happy to join in a tribute to our leader, Hugh Scott, on the third anniversary of his election to that post.

Our friendship goes back many years. Always a delightful companion, the distinguished Senator from Pennsylvania has rare ability and quickness of mind. Out of his wide experience he brings to his task an understanding and consideration of the problems peculiar to our various States. He is an able spokesman on our behalf as well as on behalf of the administration.

And finally there is his never failing good humor and quick wit which make working with him a pleasure. We are indeed fortunate to have him.

Mr. FANNIN. Mr. President, at first glance it would appear that the States of Arizona and Pennsylvania have little in common. The States are quite far apart; there are sharp contrasts in the climate and terrain and the economic bases of the two States.

Yet, we have some good working arrangements.

Pennsylvania produces some great football players, Arizona State University recruits them, and the Sun Devils produce powerhouse teams on the gridiron.

Mr. President, as we all know, there are some great similarities between football and politics. Both require teamwork to succeed.

Now that I have tied Pennsylvania and Arizona and football and politics together, this Arizonan would like to pay tribute to our Republican "team leader" from the Quaker State.

As we plunge into the work of this second session of the 92d Congress, I applaud the Senator from Pennsylvania, Mr. Scott, for his outstanding leadership during the past year. He has worked most diligently to bring us all together. We are working as a team to accomplish those goals which are in the best interest of all Americans.

Senator Scott has done a fine job as Republican leader.

Mr. BROCK. Mr. President, the history of political parties in America is one of logical continuity. This is especially true of the Republican Party.

The philosophical principles upon which republicanism is founded are firm, yet allow sufficient flexibility so that diversity of opinion and constituency provides the broad spectrum so vital to a viable party.

It is for this reason that I believe just credit should be given to the leadership of this party. Under its guidance the Republican Party has offered worthy opposition to the majority in this Congress. One indication of its success is that even with its majority the Democrats were unable to overturn any of President Nixon's vetoes in 1971. In much wider terms the Republican Party has demonstrated that it can continue to be a vital and effective force in the American political forum. In support of its President, Republican Party unity has been successful in enacting a substantial majority of the administration's proposals in the first 30 months of its term.

This is a record worthy of recognition. For a democracy to be truly effective, the minority at any given point of time must have the capacity for meaningful contribution and competition.

What this party has lacked in numbers has been made up for by enthusiasm, organization, and leadership.

It is much to the credit of the Senator from Pennsylvania [Mr. Scott], the Senator from Michigan [Mr. Griffin], and our other leaders that unity in defense of our principles has led this party to its numerous achievements for this Nation. I congratulate them.

Mr. SCOTT. Mr. President, I was about to leave the Chamber when I heard my friend and distinguished colleague make some very generous remarks about me so that I felt obliged to stay, because he was saying that I do stay and that I am here.

Believe me, Mr. President, these things are intensely embarrassing to me. I begin to shrink and feel about half my size—perhaps that would be a good thing if it were to occur; but I am most grateful to my colleague from Pennsylvania (Mr. Schweiker), the Senator from West Virginia (Mr. Byrd), the Senator from New York (Mr. Javits), the Senator from Florida (Mr. Gurney), the Senator from Michigan (Mr. Griffin), the Senator from Delaware (Mr. Boggs), the Senator from Maryland (Mr. Mathias), the Senator from New Jersey (Mr. Case), the Senator from Arizona (Mr. Fannin), and the Senator from Tennessee (Mr. Brock). I am very greatly honored.

It is good to enjoy, I suppose, the fragrance of the laurel rather than to lie unseen, while one's former colleagues praise him under the willow. I prefer the laurel.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. At this time, under the previous order, the Senate will now proceed to the consideration of the transaction of routine morning business, not to extend beyond 11:30 a.m. today, with each Senator being limited to 3 minutes.

The Senator from Pennsylvania (Mr. Scott) is recognized.

SENATOR JAVITS NOMINATES FIRST WOMAN TO U.S. NAVAL ACADEMY

Mr. JAVITS. Mr. President, I have today submitted to the Secretary of the Navy my nomination of Miss Barbara

Jo Brimmer of New York for the class of midshipmen entering the U.S. Naval Academy at Annapolis in June 1972.

I believe this is the first nomination of a woman to a service academy—in this instance the Naval Academy, because that was the one for which Miss Brimmer applied. I have called this press conference to introduce her and to explain my reasons for making this nomination.

THE NOMINEE

Miss Brimmer is 17 years old and a resident of Staatsberg, N.Y. She is a 1971 graduate of Franklin Delano Roosevelt High School in Hyde Park, N.Y., where she won a New York State regents scholarship and was elected to the National Honor Society. This year she is attending Russell Sage College in Troy, N.Y.

She graduated with an A average, and her scores on the "College Boards" were all above the 90th percentile. Barbara comes from a family steeped in the traditions of military service, and of the Navy. Her father is a retired Navy commander who graduated from the Naval Academy in the class of 1920. Her mother was a WAVE officer in World War II. And her uncle is a graduate of West Point.

She hopes to be able to qualify for the Academy's newly established premedical course, and become a Navy doctor; but in any event, her objective is to follow in her family's proud tradition as a Naval Academy graduate and naval officer.

REASONS FOR MAKING THIS NOMINATION

First, I wish to emphasize that the step I am taking today is not designed to compel the Navy to use women officers in any naval career to which women are now not already assigned.

It may well be that the Navy ought to expand the scope of permissible activity for women officers—I suspect that that is the case. But that is not what this nomination seeks to accomplish.

At this point, I seek only to have the Academy conform to the Navy itself. Some 3.6 percent of naval officers are women. Should not a similar percentage of Annapolis entering class and graduates be women? Should there not be at least one?

There are now women naval officers serving in a broad range of naval careers. I have examined the recruiting literature which the Navy uses, no doubt at considerable expense to itself, to recruit women naval officers. The colorful brochures published by the Navy tell the potential woman recruit that "side by side with them—men—in every kind of naval activity ashore, we do our part to see that these goals—the Navy's goals—are achieved. Our assignments cover the widest possible range of interests."

What are these assignments? The Navy's brochure tells the prospective woman recruit that she may work in meteorology, electronic data processing, purchasing, expediting material and equipment from private industry for Navy use, as an instructor in one of the Navy's specialized schools, as an information and education officer, in the field of office administration, as a member of the Medical Service Corps, as a public affairs officer, as a personnel officer, and in innumerable other professional capacities now open to both men and women officers, and for which the Navy is now actively recruiting women to seek careers as naval officers.

That is what the Navy wants women officers for. Now if one examines the departments and majors in the academy catalog, it is easy to see how very appropriate academy training would be for a woman who could be outstanding in a career—for which the Navy is already seeking women officer recruits.

For example, the Navy seeks women officers to work in meteorology; and the Academy offers a whole department of environmental sciences.

The Navy seeks women officers to work in electronic data processing, and the Academy offers a whole department of computer sciences.

The Navy seeks women to serve in such office-oriented fields as office administration, personnel, and public affairs, and the Academy offers a major in general management.

The Academy offers a major in naval architecture—hardly a career for which men alone can qualify—certainly the many highly qualified women architects already practicing their profession in this country could testify to that.

None of these specialities is limited to "general line" combat officers, and thus women should be permitted to prepare for these careers as they are taught at the Naval Academy.

Indeed, the Navy's own recruiting brochure includes a full-page picture of one Lt. Roberta Hazard, who is the project manager for the computer assisted research project at the Naval Academy. How can we accept that she is good enough to manage projects at the Academy, but not to go there as a midshipman? How can she be good enough to instruct at the Academy, but not good enough to learn there?

In short, the Academy's tradition is to train officers for the Navy who are highly skilled and motivated to rise to top leadership positions in the service—in any of the many careers which naval officers pursue. Many of those careers are already open to women for which the Navy already recruits women officers. But the Academy—the best training available, for the best officers—is still closed to women officers. That is unfair to women. And it is not in the best interests of the Navy—the only Service which has no women in "flag grade"—admiral, general—positions.

It was just over a year ago that I announced my appointment of the first female page to serve in the U.S. Senate.

The precedent I confronted there was just as old and established as the all-male precedent at the Academy.

Then, as now, it was argued by some that the work involved was not appropriate for females. Then, as now, I was confronted by the argument that the ambiguous law on the subject—in that instance, the Senate's own rules—precluded such an appointment. Then, as now, I argued that no such legal prohibition existed.

Then, as now, I had the power to "nominate," but the actual appointive power lay elsewhere—in the Sergeant at Arms, and the Rules Committee. After making the nomination, I was denied the appointment by the appointive power, but the Senate as a whole sustained such a nomination. Since then, we have seen a half-dozen girls from all corners of the Nation serving as Senate pages—and serving every bit as successfully as the boys.

I hope very much that, in this instance, my nomination will be accepted by the appointive power—in this instance, the Secretary of the Navy, acting for the President. But if the Secretary of the Navy persists in the position—discussed below—that the law as he interprets it precludes this appointment, then, once again, I will be compelled to put the matter before the Congress. And I have confidence that, in due course, that vote would be affirmative once again.

There is no longer any logical or legal basis for this kind of discrimination. Some 196 years ago our Nation was founded on the proposition that "All men are created equal." The 18th century of the Declaration of Independence may not have deemed it "self evident" that the declaration applied to women as well, but who among us would argue nearly 200 years later that half the Nation is made up of second-class citizens, or that women have less to contribute to the strength and the pride of our Nation? This country has crossed that bridge long ago, though we may have left some stragglers behind on the far bank. No doubt the Academy can and will maintain its proud traditions even after it ends its anachronistic ones. Indeed, the Navy may take great pride, in due course, that its first woman admiral will be a graduate of the Naval Academy.

BACKGROUND—PRELIMINARY DISCUSSIONS WITH THE NAVY: THE LAW, REGULATIONS, AND POLICY CONSIDERATIONS

My authority to nominate the Naval Academy is provided in the United States Code, title 10, section 6954, which provides that at any one time there may be at the Academy a certain number of midshipmen from various sources, including:

> Ten from each State, five of whom are nominated by each Senator from that State.

That provision says nothing about men or women, and, as I have a vacancy now, it is my capability to nominate a female to the Academy.

Accordingly, on September 22, 1971, after receiving an unsolicited application from Miss Brimmer, I began to explore with the Navy the possibility of making this appointment, and wrote to Secretary Chafee, stating my interest and asking what problems or impediments there might be.

The Navy responded on September 30, 1971, taking the position that the Academy was limited to men only. In support of that position, the Navy took note of the provisions of the law (10 U.S.C. 6954 and 6956) providing for the appointment of certain persons, such as sons of those killed in action in military service. Based upon those provisions, which the Navy construed as evidencing congressional intent to exclude women, the Navy pointed to its own regulations, 32 CFR 710.12(a), which exclude women and are said to be based upon the authority given to the Secretary of the

Navy under a Federal statute, 10 U.S.C. 5031, 6958.

I reviewed the authority cited by the Secretary. The reference to the appointment of "sons" of those killed in action left me with exactly the opposite conclusion: since the code specifically cites male appointees—that is, those who are "sons" of those killed in action—but *no such exclusion as to sex* in other authorities for appointment—as in the authority for nominations by a Senator—I concluded that Congress did not intend the all-male limitation to apply, or else Congress would have said so, as it did in the case of "sons" of those killed in action.

As to the cited statutory authority for the Secretary's exclusionary regulations, I examined section 5031, and found that it simply provides that the Secretary of the Navy shall be in charge of the Navy—and says nothing about excluding women. I examined section 6958, also cited by the Navy, and found that Congress specifically listed, in the statute, the qualifications for admission to the Naval Academy: age 17, passage of examinations prescribed by the Navy, and a resident of the State of the appointing Senator. Not a word about "men only." Indeed, the Attorney General issued an opinion as long ago as 1910 in which he held that a nominee whose qualifications have been regularly certified by a Senator, and who has passed the necessary mental and physical examinations and received and accepted appointment, "cannot, in the absence of fraud, be deprived of that office." 28 Op. Atty. Gen. 180 (1910).

The Navy also cited the provisions in the Code (10 USC 6015) excluding women from service on combat ships. Again, I was unpersuaded. This exclusion has never prevented recruitment of WAVE officers; therefor, why should it be deemed to exclude women from the Naval Academy, which trains naval officers?

And certainly, the use of such terms as "he" or "midshipmen" in the statute is not such an exclusion, as the male gender in terms like that has always been construed to be neutral, neuter, and to cover both men and women. Indeed, the very first section of the United States Code (1 U.S.C. 1) states specifically that in construing any act of Congress:

> Words importing the masculine gender include the feminine as well.

Unless the context requires otherwise, which it does not, as far as I can tell.

Finally, the Secretary of the Navy informed me that, in addition to the legal questions raised, "The Navy's position is in consonance with the Judeo-Christian concepts with respect to the status of women," and went on to state "historically, the basic attitude in our American culture has been one of protection of women from the dangers of combat and the rigors of life at sea."

It still seems clear to me that the moral argument made in this instance by the Navy, if it were really valid, would have prevented the Navy from recruiting officers at all. And this, of course, is not the case. The Navy has recruited, and continues to recruit, women to be noncombat Naval officers, and I see no reason why the Academy, whose curriculum includes many "majors" in those very same fields, ought to take a different position.

Accordingly, I wrote back to the Secretary on October 7, 1971, to explore the matter in even greater detail, asking whether the curriculum was adaptable to fields in which women officers now serve. The Secretary replied on November 9, that the Navy has a current need for about 150 women "line officers" each year, which the Navy manages to recruit through other means—principally OCS. Other specialized women officers are recruited in other ways. The Secretary informed me that, in his judgment, admission of women at the Academy would result in an equivalent reduction in male enrollment and that that would not be in the best interests of the Navy.

I also specifically asked the Secretary about the premedical program, and he replied that the Academy is instituting a premedical program, limited to the top 2 percent of each class, and that the Navy requires its doctors to function in the entire spectrum of the naval environment, which would not be open to women under the statute which precludes women from serving on combat ships. Under the statute on which the Navy relies, however, hospital ships are specifically excluded from the restriction upon the service of women officers—10 U.S.C. 6015—in combat zones. The Secretary did not indicate whether service in naval hospitals—where the highest specialties are practiced, and where the size of the staff makes command training more significant—would be open to women.

Again I went back to the Navy, raising more questions. If the function of the Navy is to increase retention of naval officers after their initial enlistment, was not that objective just as applicable to women? In reply, I was informed that the retention rate for men officers in the Navy is now 24 percent, while for women officers it is 35 percent, while as to Academy graduates—male—the retention rate is 50 percent. In short, the retention rate—and consequent cost to the Navy to train replacements—is very poor for both men and women, but retention is twice as high when it comes to Academy graduates.

So the argument based on retention amounts to this: The Navy has to replace three-fourths of its Academy graduates. The Navy also has to replace two-thirds of its women officers after one hitch—a better reenlistment record than for men, but still not as good as the Academy. Following this logic to its obvious conclusion, it strikes me that, first, the Academy could be expected to double the reenlistment rate for women—two-thirds—and second, women, being more likely to reenlist, ought to be assigned more important tasks and be used more widely in the service, as their reenlistment rate will produce more experienced officers.

As to the curriculum and facilities of the Academy, I again asked the Navy what would be involved in admitting women—at least in proportion to their current rate of enlistment in the Navy—3.6 percent of the class. As far as I could tell, what was involved was the construction of a women's locker room in the Academy gymnasium. In reply, the Secretary informed me on January 11, 1972, that the cost of admitting women to the Academy would be the additional cost of training those men whose otherwise available positions at the Academy would be filled by women; that is, the cost of expanding the Academy's male enrollment by the number of women admitted. Beyond that, I have yet to learn what the real cost of admitting a few women to the Academy would be, and must continue to assume that the cost would be minimal—particularly when measured against the cost—the current cost—of training replacements for those who do not reenlist after their initial hitch.

STANDARDS FOR ADMISSION

There are already intelligence and physical requirements for admission to the Academy.

As to the intelligence standards, women need seek no special treatment, and I have no doubt that my nominee can pass those standards with ease—as could many other candidates who no doubt will follow. As to the physical standards, obviously some new criteria will need to be developed—but not developed "from scratch." The Navy's own brochure for recruiting women officers now lists as qualifications that a candidate must be:

> A citizen of the United States;
>
> At least 18 and under 27 years upon application;
>
> Able to meet the Navy's *physical* and mental standards;
>
> Have no dependents under 18; and
>
> (You may be single or married.)

Obviously, the Navy already has physical standards for WAVE officers. I can see no reason why they ought to be any different for women admitted to the Academy.

To sum it up, I find nothing in the law to persuade me that women must, as a matter of law, be excluded from the Academy, or that they should, as a matter of policy, be so excluded. And I hope that it is not the Navy's intention to continue to exclude them by maintaining the artificial barrier that now exists. By the nomination I am making today, I propose to begin the process of removing that barrier—which I deem to be in the Nation's best interest.

SENATOR COOPER, OF KENTUCKY, TO RETIRE FROM THE SENATE

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the RECORD a statement of the distinguished senior Senator from Kentucky (Mr. COOPER), that he will not be a candidate for reelection. I am sure that every Member of the Senate deeply regrets that this man of high integrity, unquestioned devotion, and great ability and experience has denied to us, for reasons which we respect, the opportunity to continue to serve with him.

The PRESIDENT pro tempore. Without objection, it is so ordered.

STATEMENT OF SENATOR JOHN SHERMAN COOPER

I appreciate the invitation of the Kentucky Press Association to be a guest at your biennial meeting.

I am taking this occasion to state that I will not be a candidate for reelection to the United States Senate this year. I expect to maintain my interest in Kentucky and national politics, and to support fully the candidacy of President Richard Nixon for reelection and the Republican nominees for the United States Senate and House of Representatives from Kentucky.

I will continue my interest in State and national affairs.

I thank my party for nominating me on seven occasions as its candidate for the United States Senate and the people of Kentucky—both Republican and Democratic—for electing me five times to the Senate.

I am particularly grateful for the generous support of the people of my county—Pulaski—in my races for the United States Senate, and in prior years for electing me to the office of State Representative, County Judge, and Circuit Judge.

It has been an honor, an opportunity and a responsibility to serve in the United States Senate. I believe you know I have worked hard for Kentucky, and that I have endeavored to place national issues above party.

I have faith in our country, its governmental system, and its people, and that our problems will be solved.

I believe, as you do, that criticism directed to finding the truth is necessary, but that our country offers, and guarantees, greater individual freedom and opportunity than any in the world.

Our system of government is a delicate one, depending in great measure on the respect of its three branches for each other, and the trust of the people in their government and in each other.

I have always liked the words of Lincoln: "Thanks to all! for the great republic—for the principle it lives by and keeps alive—for man's vast future—thanks to all."

I thank you and the people of Kentucky from my heart.

Mr. MANSFIELD. Mr. President, I wish to join the distinguished Republican leader in the remarks he has just made about the distinguished senior Senator from Kentucky (Mr. Cooper). He is a great Senator. He is a man of great integrity, patriotism, and dedication. I know of no one whom I admire more, or for whom I have greater affection in this body than Senator Cooper.

I regret that he will retire from the Senate.

Mr. JAVITS. Mr. President, I want to say a word about my personal regret at John Cooper's leaving the Senate. I have sat next to him for almost all of my Senate career and have been very close to him in terms of policy and work as a Senator, as well as personal friendship.

I realize that life is beautiful, mine as well as every one else's, and there comes a time when man's duty to himself declares it to be better to leave this responsibility in the Senate.

I join with the minority leader in saying that the Senator from Kentucky is as fine in character and as noble a Senator as any one whoever sat in the U.S. Senate.

THE DISTENDED WAR AND PEACE NEGOTIATIONS

Mr. MANSFIELD. Mr. President, while the "winding down" of the war has been in progress, there has also been a falling off in the negotiating effort to achieve a ceasefire and complete withdrawal of U.S. forces. In 3 years of "winding down" the war, over 300,000 U.S. troops have been withdrawn, 10,000 additional American lives have been lost in Indochina, and over 45,000 additional Americans have been wounded or maimed. All the while, there has been talk of negotiations in Paris. There have not been serious negotiations.

Has it ever been made clear, for example, that the policy of this Nation seeks the complete withdrawal of U.S. forces from Vietnam subject only to the condition of a release of the U.S. prisoners of war and the recoverable missing in action? Indeed, that is the policy urged by a preponderant majority in the Senate. It is the policy apparently favored by the House. But it has yet to be set forth clearly as the policy of this Government.

There has been a voluminous exchange of words in Paris during the past 3 years. There has been a great deal of mutual pointing of the finger of blame. But negotiations there have not been. In the meantime, our combatants and theirs have continued to die in Vietnam. So, too, have countless noninvolved men, women, and children. All the while, the tentacles of the war's devastation have reached out of Vietnam ever deeper into Laos and Cambodia.

What once was one war, winding down, has now become three wars sealed into one. That was the inevitable consequence of the invasion of Cambodia in 1970 and the military adventure into Laos in 1971.

Since there is now a war distended to include all of Indochina, it is no longer enough to talk of a peace settlement for Vietnam. It is no longer enough to talk of peace only with North Vietnam. In that sense, what has transpired in Paris for many months has been a futile exercise.

If negotiations are to have any chance of succeeding, an enlargement of the negotiating table is necessary. Places will have to be provided for Laos and Cambodia. But how can the latter speak in the negotiations? Who will talk for the former?

The Senate may recall that at the conclusion of the second Geneva settlement, hopes were reposed in the ability of a three-sided government in Vientiane to insure the unity and neutrality of Laos. The Prime Minister, Prince Souvanna Phouma, held the confidence of various Laotian political factions. For a decade, the Prince tried to shape a single government of national unity.

His efforts have been astute and dedicated, but they have also been in doubt from the very beginning. In the past few years, they have broken down completely and the second Geneva Accord has come to be ignored on all sides. For a long time, there has not been any real communication between the Pathet Lao and the government in Vientiane. While the former has had the support of North Vietnam, we have poured hundreds of millions of dollars of military and other aid into Vientiane. We have supported the Vientiane Government not only with money, but with American planes and paid agents of various nationalities.

I regret to say it, but it seems to me that our help has been so overwhelming that we may well have compromised Prince Souvanna Phouma's neutral status beyond any expectation of recovery. It is to be hoped that such is not the case, but I fear that it is. The only prospect for restoring a neutral Laos may now rest in the royal capital at Luang Prabang. The King of Laos, Sri Savang Vatthana, alone, may command sufficient trust and respect among the Laotian political factions which, when combined with the quasi-religious loyalty of his people may permit him to speak for the entire country with a measure of authority.

The King has stood outside and above the political struggles. As is traditional, questions of State have been left to the Prime Minister and the other ministers in Vientiane. The tradition may be too strong to be stretched to meet the needs of the present desperate situation. However, unless the King is prepared to assume a more direct role of leadership, it would be my judgment that a peace will not be achieved whereby Laos can survive as an independent nation. The active intercession of this one unifying element is urgent to reestablish rapport among the factions and for effective Laotian participation in an international settlement of the Indochinese conflict.

The future of Cambodia also appears in grave doubt. Now driven by war, Cambodia may well see its independence undermined not only in negotiations but perhaps even by the resumption of historic encroachments on its territory. The blunt truth is that the present government in Pnompenh is hapless, helpless, and hopeless. Only the resources of the United States stand directly and indirectly between the continued survival or sudden demise of that government. Our policies of the past 2 years have placed us in the unenviable position of chief defender of Pnompenh's military politicians. In scarcely 2 years, this self-assumed role has already cost the people of the United States hundreds of millions of dollars in arms and other aid and many additional casualties—dead and wounded—among our military forces in Indochina.

The sooner we remove ourselves from this situation the better for all concerned. However desirable such a withdrawal, I do not see, frankly, much prospect of extricating ourselves until peace is restored throughout Indochina. I am confident that the Senate is prepared to take a new look at the matter at any time, but there is no indication that these sentiments are shared in the executive branch. As in Laos, the best hopes for the restoration of the peace and the preservation of an independent Cambodia may lie in international negotiations.

At the time it occurred, the coup which overthrew Prince Norodom Sihanouk seemed to me a most regrettable development both from the point of view of the interest of this Nation and that of the Cambodian people. For more than a decade and a half the prince had dedicated himself with a single-minded zeal to the preservation of his country's territorial integrity and independence. For a decade and a half he kept the war away from the Khmer people. He established an oasis of peace and reasonable progress in a wartorn Indochina.

In retrospect, the overthrow of Sihanouk has proven more than regrettable; it has been a tragedy for the Khmer people and it has served this Nation's interests not at all. Moreover, our prompt support of a successor government of dubious constitutional lineage with money, arms, and American lives has served to compound the original tragedy. It has brought us little more than another expensive dependent government, additional casualties, an enlarged war, and increased hostility.

If I may summarize those observations, then, Mr. President, let me state the following:

First. In the search for peace, it should be recognized that we are now engaged in three wars which have merged into one Indochina war. In the circumstances, the Paris negotiations have lost much of their relevance. There is a need to expand these talks to accommodate the situation which has developed in the wake of the invasions of Laos and Cambodia.

A change of venue from Paris may also be in order at this time. The French Government's diplomatic contribution to date has been exemplary, but it may be more useful now to shift negotiations to another location, perhaps closer to the scene of the conflict, perhaps to Rangoon, Burma.

Second. The King should be encouraged in every possible way to take a direct hand in restoring the internal political unity of Laos. In that fashion it may be possible, via the path of negotiations, to bring a return to neutrality and a restoration of peace to that wartorn pitiful land.

Third. If there is a source of authentic leadership which might serve to restore the unity of Cambodia and preserve for that nation a degree of independence, national integrity, and peaceful neutrality, it is Prince Norodom Sihanouk. In my judgment there is little hope for a settlement of the Cambodian wing of the war along those lines without his active participation.

The PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE TRAGEDY OF THE ASIAN SUBCONTINENT

Mr. DOMINICK. Mr. President, the tragedy of the Asian subcontinent has occupied considerable space in news broadcasts and newspapers and magazines during the period since we last met here. President Nixon has been the subject of much criticism for his actions relative to the India-Pakistan dispute by those of my colleagues in this body who are vying among themselves to occupy the White House next year and by many of their mentors in the media. A recent editorial in the Wall Street Journal helps to place this torrent of criticism in perspective. It states:

> (There is a) . . . persistent belief that the problems of the world can be solved by the correct action on the part of the U.S. Government. If the problem happens to be one where the United States has intervened, then the solution is for the United States to withdraw. If the poblem happens to be one where the United States has abstained, the the solution is for the United States to intervene.

The Journal correctly points out that those who have been most vocal in their criticism of the President on this matter are the same people who condemn the United States for playing world policeman.

Mr. President, I think this editorial from the Wall Street Journal of December 9, 1971, is worthy of the attention of all Senators, especially those who seem to have difficulty deciding whether it is intervention or nonintervention which they favor as the policy of this Government in world affairs. I ask unanimous consent that it be printed in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Foreign Policy

As an example of how American liberals think on foreign policy, consider a range of reactions to the India-Pakistan tragedy:

Senator Harris arises to deplore President Nixon and "the tragic setback for our nation and world peace which his administration's neglect of the India-Pakistani crisis has brought about." He offers a letter also signed by Senators Mondale, Packwood, Bayh, etc., etc., giving historical perspective: "The root cause of the conflict between India and Pakistan is the continued suppression of popular will in East Pakistan." Their solution to what Mr. Nixon has "brought about": Take it all to the U.N.

The editors of the Washington Post tell us that India is indeed trying to use the refugee crisis for the "dismemberment of Pakistan," but after all India is the larger and more important of the two, and the President should put aside "largely sentimental considerations" in favor of "cold calculations of power politics."

Columnist Joseph Kraft writes that the administration mishandled the "Indo-Pak crisis" because it failed to pressure Pakistan into negotiating with Bangla Desh leader Sheikh Mujibur Rahman "even after Prime Minister Indira Gandhi of India visited Washington and named that as a price for peace."

Senator Church cautions us that "if India has intervened in the civil war of her neighbor, let's remember that we did the same in Vietnam with far less provocation." Senators Kennedy and Muskie charge that the administration was too slow in cutting off military aid to Pakistan, and too quick to brand India as the aggressor and to cut off its economic aid, and therefore its policy is not neutral but pro-Pakistan.

These are the same people, remember (as if they will let you forget), who condemn the U.S. for playing "world policeman," who elevate non-intervention to the highest principle in the case of Vietnam, who think we should lay aside power politics in favor of moral judgment in relations with Greece or Rhodesia, who are at the same time the most enthusiastic about closer relations with the People's Republic of China.

How from this stew does one distill a coherent theme? The only connecting tissue we can discern is that whatever argument is available is used to support the cause, or at least forgive the sins, of the left-most party in any international dispute.

Actually, there is another: a persistent belief that the problems of the world can be solved by the correct action on the part of the U.S. government. If the problem happens to be one where the U.S. has intervened, then the solution is for the U.S. to withdraw. If the problem happens to be one where the U.S. has abstained, then the solution is for the U.S. to intervene.

A more realistic and sensible view of the world, it seems to us, would stress the painful frequency with which tragedies will be tragedies. Never was this more true than in the case of India and Pakistan. The root causes are religious differences dating back, as our Mr. Keatley noted the other day, to 1526. In the present difficulties, as in the past ones, there is plenty of blame for both sides. When Pakistan was unable to resolve its internal regional and racial problems, it resorted to bloody repression of its dissidents. For its own narrow purposes, India fished in these troubled waters, finally provoking the war it wanted.

Yes, Pakistan was beastly in its internal policies. But it was India that resorted to force to settle an international quarrel, indeed for something very close to territorial aggrandizement. Yes, the U.S. has an interest in retaining what ties it can with India. But it also has a definite interest in maintaining what stigma it can for aggression. Yes, the U.S. has an interest in restraining Pakistan. But it also has a need to maintain some tie in order to do so. Above all, it has no power to change human nature or national history in ways that would make the Pakistanis less harsh or the Indians less hypocritical.

Now, we find it difficult to conceive that all would have been happy if only American aid to Pakistan had been cut off three months earlier or aid to India continued three months more. All the same, there is always room for debate over whether American policy was 100% correct; the second guessers are entitled to their day.

Somehow, though, we would be happier about the usefulness of that debate if the second-guessers were neither so blissfully unaware of their own contradictions nor so blissfully oblivious to the true complexity and tragedy of the situation.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

(The remarks of Mr. Proxmire when he introduced S. 3057 and S. 3058 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report On Operations Under Food Stamp Act of 1964

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a report on operations under the Food Stamp Act of 1964, for the calendar year 1971 (with an accompanying report); to the Committee on Agriculture and Forestry.

Report of Rural Electrification Administration

A letter from the Secretary of Agriculture, transmitting, pursuant to law, a report of the Rural Electrification Administration, for the fiscal year 1971 (with an accompanying report); to the Committee on Agriculture and Forestry.

Proposed Transfer of Submarine

A letter from the Assistant Secretary of the Navy, reporting, pursuant to law, that the Department of the Navy proposes to transfer the submarine USS *Requin* (SS481) to the city of Tampa, Fla.; to the Committee on Armed Services.

Report on Operations Under the Airport and Airway Development Act

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on operations under the Airport and Airway Development Act, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Commerce.

Report on Smoking

A letter from the Chairman, Federal Trade Commission, transmitting, pursuant to law, a report relating to the Public Health Cigarette Smoking Act, dated December 31, 1971 (with an accompanying report); to the Committee on Commerce.

Report on Foreign Excess Property Disposed of

A letter from the Assistant Secretary for Administration, Department of Commerce, reporting, pursuant to law, on foreign excess property disposed of, during the calendar year 1971 by the Department of Commerce; to the Committee on Government Operations.

Report on Disposal of Foreign Excess Property

A letter from the Deputy Administrator of Veterans' Affairs, transmitting, pursuant to law, a report on the disposal of foreign excess property by that Department, for the calendar year 1971 (with an accompanying report); to the Committee on Government Operations.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Examination of Financial Statements of the Veterans Canteen Service Fiscal Year 1971," Veterans' Administration, dated January 21, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Examination of Financial Statements of Disabled American Veterans National Headquarters and Service Foundation for Year Ended December 31, 1970, and Life Membership Fund for Year Ended June 30, 1971," dated January 21, 1972 (with an accompanying report); to the Committee on Government Operations.

Report of Office of Water Resources Research

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report on the activities and achievements of the Office of Water Resources Research, for the year 1971 (with an accompanying report); to the Committee on Interior and Insular Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated.

By the PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of New Jersey; to the Committee on Agriculture and Forestry:

"Senate Concurrent Resolution No. 2034, State of New Jersey

"A Concurrent Resolution memorializing the Congress of the United States to enact appropriate legislation to enable more comprehensive and effective inspection and enforcement of hygienic standards in the preparation and processing of food products

"Whereas, Recent fatal event resulting from the distribution and consumption of botulism-tainted canned soup processed at a plant in this State have provided evidence that neither State nor Federal inspection procedures are adequate to guarantee the safety of consumers against each occurrences, inasmuch as it was disclosed that the plant involved in this incident had received no Federal inspection for 4 years and no State inspection for 5 years; and

"Whereas, It is urgently necessary that appropriate steps, including fuller cooperation between State and Federal authorities and more frequent and energetic exercise of the inspection function and authority by both levels of government, be taken to prevent recurrences of similar fatal incidents; and

"Whereas, The Commissioner of Health of this State has suggested that a comprehensive food inspection operation, consolidating and coordinating the operations of the several State and Federal agencies now exercising various segments of this vital governmental function, would do much to fill in gaps in the existing inspection system and to safeguard the public health; and

"Whereas, Federal legislation is necessary to make possible the setting up of such a consolidated inspection system operating uniformly in all sections of the nation; now, therefore

"Be it resolved *by the Senate and the State of New Jersey (the General Assembly concurring)*:

"1. The Congress of the United States is hereby respectfully memorialized to enact appropriate legislation to enable the setting up of a nationwide system for the more comprehensive and effective inspection and enforcement of hygienic standards for the preparation and processing of food products.

"2. Duly authenticated copies of this resolution, signed by the President of the Senate and the Speaker of the General Assembly and attested by the Secretary of the Senate and the Clerk of the General Assembly, shall be transmitted to the Vice President of the United States, the Speaker of the United States House of Representatives and the several members of Congress elected from this State."

A joint resolution of the Legislature of the State of California; to the Committee on Armed Services:

"Assembly Joint Resolution No. 30—Relative to Economic Conversion

"Whereas, The United States is currently facing an acute problem of economic conversion which has resulted from changing emphasis in the fields of space and defense technology; and

"Whereas, Federal legislative action is required to facilitate the process of conversion and to ameliorate resultant economic hardship borne by sectors of the national economy: now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact the following legislation:

"(1) Legislation to require, as a condition of receipt of a federal contract, that any firm realizing more than 50 percent of its gross income from contracts with the Department of Defense, the National Aeronautics and Space Agency, or the Atomic Energy Commission, establish a conversion plan which demonstrates the firm's ability to utilize its space and defense resources in the solution of domestic problems. Such plans should be reviewed by a national economic conversion agency which will report to Congress and the President on the feasibility of such plans.

"(2) Legislation to require a system of "portable pensions" for employees of firms receiving defense-aerospace contracts. Such a system should include provisions for pension credits and cash conversion for all employees after a minimum of six months' employment. Such legislation should not supplant existing OASDI benefits, but should compensate for the present insecurity associated with defense-aerospace employment. At the present time, most defense-aerospace firms provide pension plans which vest after 10 years of service. These plans tend both to restrict employee mobility and to be ineffective for many people since it is often the case that periodic layoffs preclude vesting.

"(3) Legislation to establish a "Defense Employees Bill of Rights Program." The program would provide on-the-job reorientation for defense employees who are laid off as a result of Department of Defense or NASA action, such as contract cancellations or a decision not to award a contract. In addition, the program should have provisions for mortgage moratoriums of a specified period on existing FHA loans to such employees. Additionally, employers in nondefense industries should receive a subsidy for a specified length of time for hiring laid-off defense employees. The amount of the subsidy would be a function of the employer's cost of reorientation and the employee's previous length of service. The financing for this program should come in part from existing federal unemployment insurance benefit programs.

"(4) Legislation to provide that accrued leave be considered as a previous earned wage payment. Present federal law precludes an individual from qualifying for unemployment compensation benefits until any leave which has accrued at the time of job separation has run out. This unfairly discriminates against those military personnel and civilian employees of the federal government who save up their leave time; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution of the Legislature of the Territory of Guam; to the Committee on Armed Services:

"Resolution No. 403—11th Guam Legislature

"Relative to requesting the President of the United States and the Secretary of the Navy, to require the United States Navy to hold public hearings on Guam on the proposed Sella Bay project

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, Sella Bay is an unspoiled and unexploited part of the territory of Guam, bordering on the Pacific Ocean, that is not only one of the most beautiful and scenic parts of this island with great recreational potential, but is also a unique example in the American commonwealth of the Pacific of a reef environment that should be studied and preserved for future generations, this area having been proposed by the government of Guam as a territorial seashore park, and tentatively proposed by the Park Service of the Department of Interior as a national seashore park; and

"Whereas, the Commander Naval Forces Marianas has indicated that the Navy is presently intending to proceed with the acquisition of Sella Bay and the surrounding areas for the use of an ammunition pier, thereby seizing over four thousand (4,000) acres of the limited land area in the territory of Guam; and

"Whereas, it is the understanding of this Legislature that the Navy has caused a study to be made of the environmental impact of the proposed project on the territory of Guam, and has released on September 13, 1971 its draft of the environmental impact study to various agencies at the Washington level and to certain officials in the government of Guam; and

"Whereas, the Eleventh Guam Legislature on behalf of the people of Guam has adopted numerous resolutions directed to the Navy and the Department of Defense requesting them to reconsider the proposed taking of the land at Sella Bay as well as to review the environmental impact of the loss of this vital natural resource and to consider other possible alternative sites on Federal property, but neither the Federal government nor the Navy has responded to these resolutions, thereby indicating a complete lack of concern for the feelings, desires and pleas of the people of Guam and their right of enjoyment of this natural and beautiful reef environment at Sella Bay; and

"Whereas, the opinion of the local community and the local representatives of Guam has neither been sought nor obtained in connection with the environmental impact study as required by Executive Order 11514, Section 2(b) of which states that heads of Federal agencies shall "develop procedures to ensure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, a provision for public hearing, and shall provide the public with relevant information, including information on alternative courses of action"; and

"Whereas, it would appear to this Legislature that in view of the extreme interest of the people of Guam in the development of an ammunition pier at Sella Bay that public hearings should be held on Guam to provide the people of Guam with the information relative to the construction of such a pier, including information on alternative courses of action as required by Section 2(b) of Executive Order 11514; now therefore be it

"Resolved, that the Eleventh Guam Legislature does hereby respectfully request the President of the United States and the Secretary of the Navy, to require the United States Navy to hold public hearings on Guam on the proposed Sella Bay project in accordance with the provisions of Section 2(b) of Executive Order 11514; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States, to the Secretary of the Navy, to the Commander Naval Forces Marianas, to the Secretary of Defense, to the President of the Senate, to the Speaker of the House of Representatives, to the Secretary of the Interior, to the Attorney General of the United States, to the Chairman of the Senate Committee on Interior and Insular Affairs, to the Chairman of the House Committee on Interior and Insular Affairs, to the Chairman of the Senate Subcommittee on Territorial and Insular Affairs, to the Chairman of the House Subcommittee on Territorial and Insular Affairs, to Guam's United States Attorney, to the Chief of Operations, Environmental Protection Agency, to Guam's Washington Representative, and to the Governor of Guam.

"Duly and regularly adopted on the 3rd day of November, 1971."

Resolutions adopted by the General Assembly of the Council of Jewish Federations and Welfare Funds, praying for the enactment of legislation relative to welfare reform and social security; to the Committee on Finance.

Resolutions adopted by the General Assembly of the Council of Jewish Federations and Welfare Funds, expressing concern over the imprisonment of Soviet Jews; to the Committee on Foreign Relations.

Resolutions adopted by the General Assembly of the Council of Jewish Federations and Welfare Funds, relating to crisis in the cities, and so forth; to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on Agriculture and Forestry, without amendment:

H.R. 8817. An act to further cooperative forestry programs administered by the Secretary of Agriculture and for other purposes (Rept. No. 92-592).

By Mr. CANNON, from the Committee on Commerce, with amendments:

S. 2423. A bill to amend the Federal Aviation Act of 1958 to provide for the suspension and rejection of rates and practices of air carriers and foreign air carriers in foreign air transportation, and for other purposes (Rept. No. 92-593).

BILLS REFERRED

The following bills, which were previously ordered to be held at the desk, were referred to the Committee on the Judiciary:

By Mr. JAVITS (for himself, Mr. Hart, Mr. Hughes, Mr. Cranston, Mr. Humphrey, Mr. Kennedy, Mr. Metcalf, Mr. Moss, Mr. Pell, Mr. Percy, and Mr. Stevens):

S. 3049. A bill to provide minimum standards in connection with certain Federal financial assistance to State and local correctional, penal, and pretrial detention institutions and facilities.

By Mr. JAVITS (for himself, Mr. Cranston, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Kennedy, Mr. Metcalf, Mr. Moss, and Mr. Percy):

S. 3050. A bill to assist urban criminal justice systems on an emergency basis in those cities where personal security, economic stability, peace and tranquility are most impaired and threatened by the alarming rise in the commission of serious crime.

By Mr. JAVITS (for himself, Mr. Cranston, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Kennedy, Mr. Metcalf, Mr. Moss, Mr. Pell, Mr. Percy, Mr. Steven, and Mr. Stevenson):

S. 3051. A bill to provide assistance to State and local criminal justice departments and agencies in alleviating critical shortages in qualified professional and paraprofessional personnel, particularly in the corrections components of such systems, in developing the most advanced and enlightened personnel recruitment training and employment standards and programs and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. PROXMIRE (for himself, Mr. Harris, Mr. Kennedy, Mr. Metcalf, Mr. Pell, Mr. Tunney, and Mr. McGovern):

S. 3057. A bill to amend the Internal Revenue Code of 1954 to impose an excise tax on fuels containing sulfur and on certain emissions of sulfur oxides. Referred to the Committee on Finance.

By Mr. PROXMIRE (for himself, Mr. Harris, Mr. Kennedy, Mr. Moss, Mr. Metcalf, Mr. McGovern, and Mr. Pell):

S. 3058. A bill to provide for the reduction in interstate commerce of the quantity of materials which must ultimately be disposed of, and for other purposes. Referred to the Committee on Commerce.

By Mr. THURMOND (for himself and Mr. Hartke):

S. 3059. A bill to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance and special training allowance paid to eligible veterans and persons; to provide for advance educational assistance payments to certain veterans; to make improvements in the educational assistance programs; and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. HARRIS (for himself, Mr. Gravel, Mr. Hart, Mr. Hughes, Mr. Kennedy, Mr. McGovern, and Mr. Muskie):

S. 3060. A bill to authorize the Federal Communications Commission to investigate the American Telephone & Telegraph Co. and its subsidiaries. Referred to the Committee on Commerce.

By Mr. GRAVEL:

S. 3061. A bill for the relief of Pietro Pianetti, Crocifica Pianetti, and Carmelita Pianetti. Referred to the Committee on the Judiciary.

By Mr. EASTLAND:

S. 3062. A bill to amend title II of the Social Security Act to provide for a 5 percent increase in the benefits payable thereunder. Referred to the Committee on Finance.

By Mr. MUSKIE (for himself and Mr. Scott):

S. 3063. A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax exempt organizations to engage in communications with legislative bodies, and committees and members thereof. Referred to the Committee on Finance.

By Mr. MATHIAS:

S. 3064. A bill to extend and amend section 8(d) of the Federal Water Pollution Control Act, as amended. Referred to the Committee on Public Works.

By Mr. McGEE:

S. 3065. A bill to designate the Ashenfelder Wilderness, Medicine Bow National Forest, in the State of Wyoming. Referred to the Committee on Interior and Insular Affairs.

By Mr. JORDAN of North Carolina:

S. 3066. A bill to amend the Federal Home Loan Bank Act to require the Federal Home Loan Bank Board to obtain certain approvals before changing the location of a Federal home loan bank. Referred to the Committee on Banking, Housing and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PROXMIRE (for himself, Mr. Harris, Mr. Kennedy, Mr. Metcalf, Mr. Pell, Mr. Tunney, and Mr. McGovern):

S. 3057. A bill to amend the Internal Revenue Code of 1954 to impose an excise tax on fuels containing sulfur and on certain emissions of sulfur oxides. Referred to the Committee on Finance.

By Mr. PROXMIRE (for himself, Mr. Harris, Mr. Kennedy, Mr. Moss, Mr. Metcalf, Mr. McGovern, and Mr. Pell):

S. 3058. A bill to provide for the reduction in interstate commerce of the quantity of materials which must ultimately be disposed of, and for other purposes. Referred to the Committee on Commerce.

PROGRAM FOR A CLEANER ENVIRONMENT

Mr. PROXMIRE. Mr. President, I am introducing today two far-reaching proposals to combat environmental degradation. One deals with solid waste, and the other with air pollution.

Last November, I introduced the Regional Water Quality Act (S. 2696), the first part of a legislative program which seeks to combat pollution through the use of economic incentives. The bills I am introducing today are the second and third parts of that program.

Mr. President, I am firmly convinced that the fastest and most effective means of pollution abatement is to make the polluter pay for his own pollution. This is essentially the approach I proposed in the Regional Water Quality Act last November, and which I am proposing today in the fields of solid waste and air pollution. The use of economic incentives avoids the major drawbacks of the regulatory and standard-setting approach, and at the same time provides a badly needed source of revenue.

PENNY A POUND

The first bill, the Solid Waste Management Act of 1972, would impose a charge of 1 cent per pound on all containers and materials requiring disposal within 10 years of origin. The fee would be assessed at the point of final configuration prior to sale, so that the party required to pay the charge will be in a position to take steps to lessen it.

Revenue from the charge would go into a revolving Federal fund, and would be made available to municipalities and communities on a per capita basis. A direct credit against the fee would be allowed to the extent the product consists of recycled material.

There are a number of advantages in this approach:

SUPPLY NEEDED FUNDS

First, a penny-a-pound would generate funds desperately needed by cities to cope with rising amounts of solid waste. The $20 per ton the fee would generate approximates what it costs the average municipality to collect and dispose of its solid waste, although such costs do vary considerably from one community to another.

Leonard S. Wegman, a New York City consulting engineer who originated the penny-a-pound idea, estimates that the fee would generate about $3 billion a year on a nationwide basis. This money would ensure that municipalities and communities would have the capability to dispose of their solid wastes in the most environmentally acceptable manner. Today, by contrast, more than 80 percent of urban solid waste winds up in open dumps, where it is simply left to rot. These open dumps are eyesores, they constitute considerable health hazards, and they invariably have to be located at a considerable distance from residential areas. This distance, of course, makes for considerable transportation costs.

Incineration, sanitary landfilling, salvage, or composting—all of these are far preferable to open dumping—and all are far more costly. It will take revenue on the order of $3 billion a year to enable cities to use these methods on a large scale.

WHY BASE CHARGE ON WEIGHT

Second, a tax based on weight will encourage manufacturers to develop lighter containers and materials. This in turn would cut collection and disposal costs, since the most significant factor in the cost of solid waste collection is the weight of the material to be disposed of.

It should be emphasized here that getting rid of solid waste is actually a two-step process: collection and disposal. Collection accounts for the lion's share of the costs, and weight is the factor that largely determines what those costs will be.

When disposal alone is considered, factors other than weight do take on added importance. For example, combustibility is the single most important factor affecting the cost of incineration.

Compactability is the single most important factor where sanitary landfill is used, although here biodegradability is also a factor.

Several years ago, the Midwest Research Institute did a comprehensive study on solid waste disposal for the Department of Health, Education, and Welfare. The study was entitled "The Role of Packaging in Solid Waste Management 1966 to 1976." That study included a detailed disposability resistance calculation, in which each of six different types of solid waste materials were assigned a value depending upon which of five different means of disposal were utilized.

The six materials were paper and paperboard, metals, glass, wood, plastics, and textiles. The five means of disposal were incineration, sanitary landfill, dumping, composting, and salvage. Metals, for example, had a very low resistance to disposability index when sanitary land filling was considered, but a very high resistance disposability when incineration or composting was considered. Paper and paperboard, on the other hand, fared better for incineration than for sanitary land filling.

Mr. President, I ask unanimous consent to have printed in the Record a summary table. The index numbers range from 100 to 500, where 100 is the lowest resistance to disposal, and 500 represents the maximum.

There being no objection, the table was ordered to be printed in the Record, as follows:

TABLE 88.—DISPOSABILITY RESISTANCE VALUES OF MAJOR MATERIAL GROUPINGS BY DISPOSAL PROCESS, 1966

Material	Incineration	Sanitary land filling	Dumping	Composting	Salvage
Paper and paper board	150	160	100	230	210
Metals	460	170	100	460	240
Glass	490	160	100	360	240
Wood	210	270	100	180	450
Plastics	300	270	100	480	330
Textiles	190	120	100	180	250

Mr. PROXMIRE. Mr. President, I have included this material to demonstrate how difficult any accurate assessment of disposability would be. When disposability alone is considered—as opposed to collection—a number of factors have an impact on costs, and weight would be just one of these factors.

However, weight has the greatest impact on collection costs, and in most municipalities collection costs account for more than 80 percent of the total cost of solid waste disposal. Thus, a charge which induces the use of lighter containers and materials—as penny a pound will—should substantially cut municipal collection and disposal costs.

Finally, for the incentive to operate, the basis for assessing the fee must be extremely simple. Weight is an element that is readily known—or easily determined—by the manufacturer. He can readily determine what the charge will be, and how best to reduce it. By the same token, the government can readily determine what charge should be assessed, and there is little opportunity for administrative delay that often plagues the collection of taxes where the assessment basis is far more complex.

PENNY A POUND IS EQUITABLE

Third, this is the most equitable way to combat pollution. Those who generate pollution should not receive a free ride with the taxpayer forced to pay for cleanup later.

With this bill each article would be responsible for making good on the burden it imposes upon society. Presumably, of course, the manufacturer would pass as much of the disposal fee on to the consumer as he could. This is appropriate, since the cost of pollution control or abatement ought to be included in the price of a product to the same degree that any other costs are; that is, pollution control costs should be regarded in the same vein as labor costs, cost of resources, transportation costs, or local taxes.

This is consistent with the policy established in President Nixon's state of the Union message of a year ago—namely, that:

> The price of goods should be made to include the cost of producing and disposing of them without damage to the environment.

INCENTIVE FOR RECYCLING

Fourth, this bill would provide a strong incentive for recycling, since it would exempt from the penny-a-pound charge products consisting of recycled material.

Recycling can cut down on solid waste generation dramatically, since it relies on disposal facilities to a far lesser degree.

This provision would also create a strong incentive to use returnable bottles and cans. Again, to the extent manufacturers designate their containers to be returnable, the solid waste disposal process can be avoided, and the resultant cost savings would be substantial.

REVENUE AHEAD OF EXPENDITURES

Fifth, there would be a time lag between disposal fee revenues and disposal service outlays. Such a time lag would operate in favor of municipalities.

Money would be generated and collected at the time of production. At the earliest, it would not be needed for several weeks—with food packaging, for example. And with items such as furniture or automobiles, disposal requirements may lag as much as 7 to 10 years behind the collection of revenue. This time lag will enable municipalities to set up contingency funds, and to plan pollution-free methods of disposal.

BROADER THAN PACKAGING TAX

Mr. President, it should be noted that my proposal goes considerably beyond a tax on packaging, which has been proposed in this chamber before. The packaging tax is fine, as far as it goes, but it would only cope with part of the problem.

It is true that packaging has risen dramatically from 35.4 million tons in 1958 to 51.7 million tons in 1966, and it is estimated that by 1976 73.5 million tons of packaging will be used.

But this is relatively minor compared to the total of 350 million tons which our solid waste disposal facilities have to cope with every year. Packaging accounts for only 13 to 15 percent of residential, commercial, and industrial waste that we generate. The tax on packaging, therefore, would exempt more than 80 percent of the waste which our solid waste facilities dispose of each day.

This can be illustrated by a simple example. If I buy a package of paper plates for a picnic, I throw the cellophane wrapper in the garbage right away. But an hour later, the paper plates themselves are ready for disposal too—and the plates comprise over 90 percent of the original item. But a packaging tax would only reach the packaging material, even though the disposal facilities have to cope with both.

The packaging tax would not cover newspapers, periodicals, and clothing. Nor would it cover furniture, or appliances, or automobiles. These come into our disposal facilities every day, but a packaging tax would leave us without the revenue to handle these items. It is clear, Mr. President, that far more encompassing legislation is needed, and this is what I am proposing today.

TAX ON SULFUR

Mr. President, the other bill which I am introducing today would levy a charge of 20 cents per pound on the sulfur content of fuel, and on emissions of sulfur oxide where the fuel itself is not covered. The tax levied by this bill would be phased in at the rate of 5 cents a year; the fee would be 5 cents a pound in 1972, 10 cents a pound in 1973, 15 cents a pound in 1974, and 20 cents a pound after 1974.

The tax on sulfur was given a strong impetus in President Nixon's state of the Union message a year ago, and many of us in Congress had high hopes that such legislation from the administration would be forthcoming. However, a year has now passed, and the administration has yet to submit any legislation embodying a sulfur tax.

Accordingly, I am introducing this bill today to give the Senate a chance to consider what I believe to be a very worthwhile proposal. My colleague from Wisconsin, Congressman Les Aspin, has already introduced identical legislation in the House of Representatives (H.R. 10890).

Some of the questions that may be raised in connection with this proposal are: Why tax sulfur? What is the damage from sulfur pollution? Why peg the tax at 20 cents a pound? Does technology exist to abate sulfur pollution?

WHY TAX SULFUR?

Sulfur oxides constitute far and away the worst air pollutant from stationary sources, both in terms of quantity and in projected progress in abatement. Only pollution from transportation sources exceed sulfur in quantity and damage.

The President's Council on Environmental Quality confirmed this in its second annual report. According to the report, process sources in the United States emitted 6,695,000 tons of sulfur oxides. U.S. combustion sources contributed another 22,130,000 tons. The total from both process and combustion sources—28,825,000 tons—represents half of the total 56 million tons of all pollutants deposited in our atmosphere from all stationary sources.

The Environmental Protection Agency estimates the annual damage exacted by air pollution on health, vegetation, materials, and property at $16 billion a year. It's clear that sulfur oxides account for a very substantial portion of this. Some estimates on the damage accounted for by sulfur oxide pollution run as high as $8 billion a year.

IMPACT ON HEALTH

How do sulfur oxides affect health? By itself, sulfur dioxide is not particularly harmful. At worst, sulfur dioxide would constitute only a mild respiratory irritant. If pure sulfur dioxide were all we were likely to encounter in our atmosphere, the impact on health would probably be minimal.

However, sulfur dioxide rarely occurs in the atmosphere in its pure form. Normally, sulfur dioxide mixes with other pollutants, and a chemical reaction occurs which changes the pollutant into sulfur trioxide or sulfuric acid. These have a far more potent impact on human health.

A recent fact sheet put out by the National Tuberculosis and Respiratory Disease Association cited the following instances of adverse impact upon health from sulfur pollutants:

> A rise in the daily death rate occurred in London when SO_2 rose to 0.25 ppm in the presence of smoke.
>
> In Rotterdam, a positive association was found between total mortality and exposure of 0.19 ppm of SO_2. There is some indication that this will happen at 24 hours of 0.11 to 0.19 ppm.
>
> Emergency clinic visits to New York City increased when SO_2 was less than 0.25 ppm in the presence of smoke. Illness rates followed a similar pattern in Chicago.
>
> Several days exposure of SO_2 at the low level of 0.10 ppm produced an increase of illness symptoms in the Ruhr (breathlessness, throat and eye irritations, depression and apathy).
>
> A British study shows that exposure to the very low average level of 0.04 ppm in the presence of smoke for one year produced measured health effects.

Thus, damage from sulfur oxide pollution can be very serious indeed, and there is little question that the Federal Government is justified in taking bold action to bring about a prompt and substantial abatement.

ABATEMENT TECHNOLOGY EXISTS

There are three possible categories of abatement strategies presently available, and which industry would be induced to consider if the sulfur tax were enacted.

The first of these is low sulfur fuel. This is desirable in the short run, but it would not afford an efficient solution in the long term. There are shortages in low sulfur fuel at present, and as a result the cost of using low sulfur fuel is considerably higher than the cost of other methods described below. In addition, even with low sulfur fuel there is still a considerable amount of sulfur pollution.

The second potential method is fuel desulfurization, in which the user undertakes to remove the sulfur from the fuel prior to the combustion process. Here again, though, a high level of sulfur removal is virtually impossible. Again, too, this is considerably more expensive than stack gas removal.

Stack gas removal has the most promising potential for controlling sulfur pollution. There are three principal means of removing sulfur gases from the smoke stack during the combustion process. They are:

First. Dry scrubbing—a process by which a large amount of alkaline substance, usually limestone, is added to the furnace. This reacts with the sulfur oxides, producing a solid precipitate. This process can remove about 40 percent of the sulfur, but when a water scrub process is added to the stack gases, the efficiency is raised to about 95 percent. This two-step process also removes 99 percent of the particulates, and 20 to 30 percent of the nitrogen oxides.

Second. Wet scrubbing—a process in which the two steps described above are combined. A slurry of limestone and water is added to the stack scrubber, where the limestone reacts with the sulfur oxides. It is estimated that this process would remove about 70 to 85 percent of the sulfur oxides.

Third. Attached chemical plant—here, flue gases are passed into an adjacent plant, where the use of chemical reactions much less crude than the limestone reactions above convert the sulfur oxides into sulfur and/or sulfuric acid. Effectiveness has been estimated at 95 percent, with the added advantage of obtaining salable byproducts.

ABATEMENT COSTS

Here are some estimated costs of abatement for the varying processes, expressed as a fraction of electricity costs. The figures are taken from "New Energy Technology: Some Facts and Assessments" by H. C. Hottel and J. B. Howard:

Removal of sulfur from low sulfur oil: 0.8 to 1.3 mills per kilowatt hour.

Stack gas cleaning with present pure supply: 0.6 to 1.2 mills per kilowatt hour.

Coal gasification: approximately 1 mill per kilowatt hour.

Coal liquifaction sufficient to remove sulfur and fly ash: 0.3 to 1.3 mills per kilowatt hour.

Electricity rates currently average about 20 mills per kilowatt hour. Thus, based on these figures, the increase in costs resulting from the sulfur removal process would run less than 5 percent. The Environmental Protection Agency estimates that, on a long term basis, a 2 percent increase is more likely.

TAX WOULD REACH 20 CENTS A POUND BY 1975

Mr. President, the sulfur tax would be phased in at the gradual rate of 5 cents a year, and would not reach the maximum level of 20 cents a pound until 1975. This would give industry the opportunity to develop new technologies, install new equipment, take advantage of new processes, or seek alternative sources of fuel. Also, phasing in the tax gradually should stimulate abatement research—research which might not be undertaken if a stiff tax were imposed at the outset.

The ultimate level of 20 cents a pound represents more than it would cost industry to abate sulfur pollution. The most expensive means of lessening sulfur pollution—fuel oil desulfurization—costs anywhere from 11 to 19 cents per pound, depending upon the degree of desulfurization. These figures are developed in the book by Hottel and Howard referred to above, and are also discussed in an article in the December 1971 issue of Technology Review by Arthur Squires.

At the other end of the spectrum, Hottel and Howard state that coal gasification can be undertaken in first generation plants for about 1 mill per kilowatt hour. Where coal is the fuel, this amounts to 4.2 cents per pound of sulfur removed.

At either end of the spectrum, it is clear that a substantial amount of abatement would be induced by pegging the tax at 20 cents a pound, and this is the level we propose for 1975 and thereafter.

Thus, it is clear that the technology exists, and that the costs are well within reason, to cut down very substantially the sulfur we are presently emitting into our atmosphere. What has been lacking up until now has been an incentive for manufacturers and users to take advantage of this technology. The bill I am introducing today would provide that incentive.

One final point, Mr. President. Some may say that both bills offered today are inflationary, in that they would increase the cost of the final product to the consumer.

This Senator would agree. However, few would suggest that we should not step up our efforts to abate pollution. Pollution control, however, does not satisfy an economic need; rather, it satisfies a social need. It is precisely because pollution control does not satisfy an economic need that an inflationary impact occurs. We could avoid this impact by preventing pollution to continue, and I think most of us agree that this is not an acceptable solution.

We must bring pollution under control, and do it quickly. In my opinion these bills offer the best chance of achieving this.

Mr. President, I ask unanimous consent that the two bills be printed in the RECORD at this point.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 3057

A bill to amend the Internal Revenue Code of 1954 to impose an excise tax on fuels containing sulphur and on certain emissions of sulphur oxides

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) chapter 32 of the Internal Revenue Code of 1954 (relating to manufacturers excise taxes) is amended by inserting after subchapter A the following new subchapter:

"SUBCHAPTER B—SULPHUR CONTAINED IN FUEL

"Sec. 4111. Imposition of tax.

"Sec. 4112. Refund of tax.

"Sec. 4113. Regulations.

"SEC. 4111. IMPOSITION OF TAX

"(a) GENERAL RULE.—There is hereby imposed on the sale by the manufacturer, producer, or importer of any fuel containing sulphur, a tax at a rate per pound of sulphur contained in such fuel determined under the following table:

"If sold—	*The rate per pounds is—*
During 1972	5 cents.
During 1973	10 cents.
During 1974	15 cents.
After 1974	20 cents.

"(b) BY WHOM PAYABLE.—The tax imposed by this section shall be paid by the manufacturer, producer, or importer.

"(c) EXEMPTION OF SALES TO MANUFACTURERS, ETC.—Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under this section upon fuels sold to a manufacturer, producer, or importer for resale by him.

"SEC. 4112. REFUND OF TAX

"Any person who satisfies the Secretary or his delegate that—

"(1) the tax imposed by section 4111 has been paid with respect to the sulphur contained in any fuel and has not been refunded under this section, and

"(2) any part of such sulphur has been removed from such fuel,

shall receive a refund of the portion of the tax imposed by section 4111 which is attributable to the sulphur removed.

"SEC. 4113. REGULATIONS

"The Secretary or his delegate shall prescribe regulations to carry out this subchapter. Such regulations may include provision for a manner of evidencing the payment of tax with respect to the sulphur contained in fuel and for determining the amount of sulphur removed therefrom."

(2) The table of subchapters for such chapter 32 is amended by inserting after the item relating to subchapter A the following:

"SUBCHAPTER B. SULPHUR CONTAINED IN FUEL."

(b) The amendments made by this section shall not apply to fuels sold by the manufacturer, producer, or importer before January 1, 1972.

SEC. 2. (a) (1) Chapter 36 of the Internal Revenue Code of 1954 (relating to certain excise taxes) is amended by adding at the end thereof the following:

"SUBCHAPTER F—TAX ON CERTAIN EMISSIONS OF SULPHUR OXIDES

"Sec. 4496. Imposition of tax.

"Sec. 4497. Definitions.

"Sec. 4498. Measurement of emissions.

"SEC. 4496. IMPOSITION OF TAX

"(a) GENERAL RULE.—In the case of any taxable emission from a stationary source, there is hereby imposed a tax at a rate per pound of taxable emission determined under the following table:

"For amounts emitted—	The rate per pound is—
In 1972	2.5 cents.
In 1973	5.0 cents.
In 1974	7.5 cents.
After 1974	10.0 cents.

"(b) BY WHOM PAYABLE.—The tax imposed by this section shall be paid by the person who owns the stationary source.

"SEC. 4497. DEFINITIONS

"For purposes of this subchapter:

"(1) TAXABLE EMISSION.—The term 'taxable emission' means the emission of sulphur oxides from a stationary source into the atmosphere, but in computing the amount of such emission there shall be excluded any emission which (under regulations of the Secretary or his delegate) is attributable to the combustion of fuel with respect to which tax was paid under section 4111 (and not refunded under section 4112).

"(2) STATIONARY SOURCE.—The term 'stationary source' means a stationary source (as defined in section 111(a) (3) of the Clean Air Act).

S. 3058

A bill to provide for the reduction in interstate commerce of the quantity of materials which must ultimately be disposed of, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Solid Waste Management Act of 1972."

FINDINGS AND PURPOSE

SEC. 2. (a) Congress finds and declares that—

(1) the disposal of solid waste places a serious burden upon interstate commerce;

(2) while existing programs are making some progress in relieving this burden much more must be done.

(b) Therefore it is the purpose of this Act to reduce the amount of such waste by providing economic incentives to use less burdensome materials.

DEFINITIONS

SEC. 3. For the purposes of this Act the term—

(1) "construction" includes preliminary planning to determine the economic and engineering feasibility of solid waste disposal and resource recovery facilities, the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary to the construction of such facilities; and the erection, building, acquisition, alteration, remodeling, improvement, or extension of such facilities; and the inspection and supervision of the construction of such facilities; and

(2) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

NATIONAL WASTE CHARGES

SEC. 4. (a) In furtherance of the purpose of this Act, the Administrator of the Environmental Protection Agency (hereinafter referred to as the "Administrator") and the Secretary of the Treasury, acting jointly, shall prescribe such regulations as are necessary to establish and put into effect not later than January 1, 1973 a schedule of national waste charges amounting to one cent a pound on all products, other than consumables, when sold by the manufacturer, producer, or importer for use in any State, if such materials are of the type that would ordinarily be disposed of within ten years of the first sale. The charge shall be levied upon, and paid by, the party responsible for manufacturing, assembling, or producing the product into its final configuration prior to sale.

(b) In determining the weight on which the charge levied by subsection (a) is to be imposed, that portion of the product which consists of recycled residual wastes shall not be included.

(c) The penalty provisions of the Internal Revenue Code of 1954 which relate to manufacturer exise taxes imposed under chapter 32 of such Code shall apply, to the extent applicable to charges established by regulations pursuant to this Act.

USE OF FUNDS

SEC. 5. (a) In accordance with such terms and conditions as he may prescribe, the Administrator shall distribute amounts received in each fiscal year in the form of grants to any State, municipality, or interstate or intermunicipal agency for the construction of solid waste disposal and resource recovery facilities, including completion and improvement of existing facilities. Such grants shall be consistent with the provisions of the Solid Waste Disposal Act.

(b) Of the funds made available each fiscal year for making grants under this section—

(1) 75 percentum shall be apportioned among the States in the proportion which the population of each State bears to the total population of the States; and

(2) 25 percentum shall be allocated on a priority basis determined by the Administrator in accordance with the purpose of this Act and in such manner as to reflect consideration of the greatest need.

OTHER CONDITIONS AND REQUIREMENTS

SEC. 6. The Administrator may establish by regulation such other conditions and requirements for grants pursuant to this Act as he determines necessary to carry out the purpose of this Act.

By Mr. THURMOND (for himself and Mr. HARTKE):

S. 3059. A bill to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance and special training allowance paid to eligible veterans and persons; to provide for advance educational assistance payments to certain veterans; to make improvements in the educational assistance programs; and for other purposes. Referred to the Committee on Veterans' Affairs.

Mr. THURMOND. Mr. President, today, I am introducing a bill to provide much needed cost-of-living increases under our GI educational benefits system. The cost of education has risen beyond present benefits, and this allowance must be raised to provide educational assistance to the returning veteran on any kind of equitable basis.

Educational benefit increases have not kept pace with the tremendous cost of food, housing, medical care, and university tuitions. These costs make many veterans forfeit their education or choose a program which leaves them in debt, imposing an even further hardship on themselves and their dependents.

We can do nothing greater for the veteran than help provide him with a good education, as a good education is one of the prime guarantees of getting a good job. Thus, the veteran will not only be providing for his family, but will be a happy, satisfied citizen. As an asset to the economic well-being of our country, this veteran will bring direct returns to the United States from his educational investment.

Mr. President, I request that the section-by-section analysis and cost estimate of this bill be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks. This analysis is particularly enlightening and will provide a complete understanding of this legislation, and Mr. President, I request that this bill be appropriately referred and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS AND COST ESTIMATE OF DRAFT BILL

TITLE I—VOCATIONAL REHABILITATION-EDUCATIONAL ASSISTANCE RATE ADJUSTMENTS

This title provides rate increases in all areas of educational benefits under chapters 31, 34 and 35 of title 38. With the exception of on-job and apprentice benefits, the rate changes, for the most part, approximate 8.6 percent. This percentage represents the increase in the cost of living which has occurred since the last general rate increase became effective on February 1, 1970. The rate increases provided for on-job and apprentice trainees approximate 48 percent. Experience has shown that these are the areas where the greatest need occurs and the larger increases will provide incentives to stimulate job opportunities for veterans.

Section 101

Subsection (a) of this section amends section 1504(b) to provide increases in the monthly subsistence allowance rates for veteran-trainees who are pursuing vocational rehabilitation training courses. The rate for a single veteran without dependents who is pursuing full-time institutional training would be increased from $135 per month to $146 per month. Comparable increases are provided for those trainees pursuing part-time training and for those pursuing institutional on-farm, apprentice, or other on-job training full time.

Subsection (b) amends section 1507 to increase the amount of the loan which may be made to trainees from $100 to $200.

Section 102

Subsection (a) of this section amends section 1677(b) to increase the monthly entitlement charge for flight training courses from $175 to $190 per month.

Subsection (b) amends the table contained in paragraph (1) of section 1682(a) to increase the monthly educational assistance rates for veterans pursuing full-time, three-quarter-time and half-time institutional educational courses. The rates for cooperative training would also be increased. The single veteran without dependents who is pursuing a full-time institutional course would, for example, be increased from the current $175 monthly rate to $190 per month.

Subsection (c) amends section 1682(b) to increase the rates for educational pursuits by servicemen on active duty and for those pursuing less than half-time courses to $190 per month.

Subsection (d) amends section 1682(d)(2) to increase the rates for pursuit of agricultural cooperative programs. The single veteran without dependents pursuing a full-time course would, for example, be increased from $141 per month to $153 per month.

Subsection (e) amends section 1683(b) to increase the monthly training assistance rates for veterans pursuing apprentice and on-job training programs.

Subsection (f) amends section 1696(b) to increase the educational assistance allowance maximum for persons pursuing PREP courses from $175 to $190 per month.

Section 103

Subsection (a) of this section amends section 1732(a)(1) to increase the rate of educational assistance allowance payable to children, widows and wives pursuing educational programs under chapter 35. The rate increases apply to full-time, three-quarter-time and half-time training. The full-time rate, for example, would be increased from $175 to $190 per month.

Subsection (b) amends section 1732(a)(2) to increase the monthly educational assistance rate payable in the case of eligible persons pursuing programs of education on a less than half-time basis.

Subsection (c) amends section 1732(b) to increase the monthly educational assistance rate payable in the case of eligible persons pursuing cooperative education courses which consist of institutional courses and alternate phases of training in a business or industrial establishment.

Subsection (d) amends section 1742(a) to increase the special restorative training assistance allowance to those children who are in need of special restorative training.

It is estimated that cost of title I of the proposal would approximate $175 million for the first full year.

No change is made in title I of the bill to increase the benefit rate for correspondence course training. Section 303 of title III of the draft bill adds a new section 1678 to replace section 1682(c) of title 38 which currently authorizes such training. The current provisions are repealed by section 304. In enacting the new section, the benefit rate for such training is raised from $175 to $190 per month, a figure which is identical with the higher rate provided for flight training.

TITLE II—ADVANCE VOCATIONAL REHABILITATION SUBSISTENCE AND EDUCATIONAL ASSISTANCE ALLOWANCE PAYMENT

Section 201

This section would amend section 1504(a) to authorize the Administrator to make an initial advance payment of the subsistence allowance granted under chapter 31 to veterans enrolled in a vocational rehabilitation training program on a half-time or more basis, plus the allowance for one full month, upon receipt of proof that the eligible veteran has been enrolled in an approved educational institution. Such payment would be made not earlier than the first of the month in which pursuit of the program is to commence. Thereafter, payments would continue to be made in advance at the beginning of each month in which the veteran pursues his program of training. Administrative control over the propriety of such payment is provided for by authorizing the Administrator to withhold final payment to such veteran until proof of satisfactory pursuit of the program is furnished.

Section 202

This section would amend subsections (d) and (e) of section 1681 to authorize the Administrator to make an initial advance payment of the educational assistance allowance granted under chapter 34 to veterans enrolled in an educational institution on a half-time or more basis on the same premise as provided under section 201 of this title for vocational rehabilitation trainees. Certification requirements for the pursuit of flight training and correspondence courses pursued under chapter 34 would be retained.

Section 203

This section would amend subsection (d) of section 1731 to extend the advance pay principle to eligible wives, widows, and children who are pursuing educational programs on a half-time or more basis under chapter 35.

Section 204

This section would add a new section 1688 to chapter 34 setting forth new language which would give the Administrator authority to employ, as intermittent employees, veteran-students enrolled in full-time programs of education or training under chapters 31 and 34. This would diversify current Veterans Administration's authority to hire these veteran-students and utilize their services at such times and places as the Administrator deems advisable. This new section would also authorize the Administrator to pay the going rate for the job classification for the work which would be performed.

No cost would be incurred if title II were to be enacted, but additional outlays would be required in the first fiscal year of approximately $89 million because of advances made in that year which would normally not be paid until the following fiscal year. This amount would, however, be recouped from subsequent payments made to these veterans or eligible persons.

The proposal incorporated in section 202 of this title is virtually identical with a proposal transmitted to the Congress on January 26, 1971. This advance pay principle has been expanded to include veterans training under chapter 31 and wives, widows and children training under chapter 35.

TITLE III—EDUCATIONAL ASSISTANCE PROGRAM ADJUSTMENTS

Section 301

This section amends section 1671 of title 38, United States Code, to require a serviceman's application for GI Bill education benefits be approved by a service education officer before it may be considered by the Administrator.

By requiring such approval, an opportunity would be available to discuss with the serviceman the various courses of training which he might pursue. This would acquaint him with the educational opportunities not only from commercial correspondence programs but from all sources. The service education officer could determine whether the program of education selected by the serviceman is suitable for his aptitudes and could be satisfactorily completed within the limits of his present environment.

It is estimated that this section would not result in any additional cost.

Section 302

This section would amend clause (3) of subsection (b) of section 1675 to add new language to the so-called two-year rule authorizing enrollment of veterans in courses where the school has made a complete move to a new location outside the general locality of its former site, where it is determined that the school has substantially retained the same faculty, curricula and students, without a change in ownership.

Under current law the Administrator may not approve the enrollment of veterans in any course offered by an educational institution where such course has been in operation for less than two years. Clause (3) of subsection (b) of section 1675 presently states that where a course has been offered for more than two years, veterans may be enrolled in such a course even though the school has moved to another location within the same general locality. By regulation (VAR 14251 (D)), the term "same general locality" has been defined to mean a move to a new location within normal commuting distance of the original location. This regulation also states that in such a case the faculty, student body and curricula must remain essentially the same.

Established schools may find it necessary to relocate as additional facilities are required to meet demands caused by increases in the number of students such as the need for library space and the need for additional classrooms. The application of VAR 14251 (D) with reference to a move within the "same general locality" may have different application where the school is in a city rather than a rural area.

Under the proposed change, the determination would be made based upon the individual facts as found in each case. Primary importance would be placed on such factors as (1) retention of faculty, (2) no change in ownership, (3) substantially the same student body, and (4) the same curriculum.

It is estimated that enactment of this section would not result in any additional cost.

Section 303

This section would add a new section 1678 to chapter 34 of title 38, United States Code, to bring into one section the applicable law pertaining to correspondence courses.

Subsection (a) (1) of the new section provides for computation of the educational assistance allowance based upon 90 percent of the established charge which the institution requires nonveterans to pay for pursuit of the same course or courses.

Current law (section 1682(c) (1)) provides for computation based on the full cost of the program. This is the only program which will return to the veteran the full cost of his tuition. It also is training which permits the trainee to train at any pace he chooses, thereby allowing him to pursue vocation or avocation as he wills. In all other training programs authorized under chapter 34, the veteran has a stake in his own training by meeting himself a part of the cost of his own education. By requiring the eligible veteran to pay a minimal 10 percent of the cost of the course, he will have such a stake and will give greater thought to his choice of a training objective and the means of achieving his goal.

This change would have the effect of placing the correspondence training program on a par with flight training in that the veteran, under both programs, would be required to pay a minimal amount towards his own education. This subsection also increases the benefit payable under the correspondence training program by providing that a veteran's entitlement would be charged with one month for each $190 paid to him as an educational assistance allowance instead of the current $175 figure. This is the same benefit which is provided a veteran under title I of the bill who is pursuing a flight training program.

The remainder of this new subsection merely represents a duplication of language which is contained in current law.

Subsection (b) of the new section would require institutions offering correspondence courses to have a pro-rata refund policy premised upon the number of lessons serviced and would allow a maximum registration or similar fee of $50.

Courses offered by educational institutions are approved for the training of veterans who will receive educational assistance under two standards. Those courses which have been accredited require less supervision and control by state authorities than those which are nonaccredited. This proposal would make one uniform standard for all correspondence schools, a change we believe will be equitable and will provide protection for veterans in those areas where it has been alleged that abuses have occurred.

It is estimated that enactment of this provision would result in direct benefit savings as follows:

Year	Direct Benefit Savings (In Millions)
1st	$7
2nd	8
3rd	8
4th	6
5th	6
Total 5 Year Savings	35

Section 304

This section is technical in nature and merely reflects the shift of certain provisions concerning correspondence courses currently contained in section 1682 of title 38 to the new section 1678 proposed to be set up by section 303.

Section 305

This section would amend section 1684 of title 38 to provide for the measurement of trade or technical courses, given at an institution offering courses leading to a standard college degree, on a semester hour basis for the purpose of payment of the educational assistance allowance.

Current law (section 1684(a) (2)) provides for the measurement of the trade or technical courses on a clock-hour basis with a minimum of 25 hours weekly to qualify for full-time attendance.

Junior colleges and community colleges are offering both professional courses as part of a degree program and technical courses which generally may lead to certification for a trade or a technical license. The college courses are measured on a credit hour or semester hour basis. (Under a conversion formula equivalent semester hours are determined where a course is offered on a quarterly, trimester, or other time basis.) The technical courses are measured on a clock hour basis. They are both given in the same school, and meet the same high educational standards established by the accrediting association for the area. There has been vocal dissatisfaction raised in these schools by veterans where they attend courses at the same school but are paid under different criteria. The standards established for these courses at these college-level institutions generally insures quality training is being offered equivalent to the college level courses which are measured on a credit-hour basis. The change in language recommended would permit the school to have the technical courses which meet their high standards for college-level work measured on a semester-hour basis.

It is estimated that there would be no significant additional cost should this section be enacted.

Section 306

This section would amend the PREP program authorized by subchapter VI of chapter 34 of title 38.

Subsection (a) of this section amends the subchapter heading to change the name of the program from Predischarge Education Program to Preparatory Education Program.

Although eligibility for PREP assistance begins early in military service (after completion of 181 days of active service), many servicemen consider the program to be one designed for an individual who is about to leave military service. The present name of the program—Predischarge Education Program—accounts for a good deal of this confusion. Therefore, to help alleviate this misunderstanding the name would be changed to Preparatory Education Program.

Subsection (b) changes the purpose section (section 1695(a)) of the program to incorporate the change in the name of the program from Predischarge to Preparatory Education Program.

Section 307

This section amends subsection (a) of section 1701 of title 38 to make two changes. The first revision amends paragraph (6) to include correspondence schools within the definition of "educational institution." This change is made necessary by the addition, in section 311 of the draft proposal, of a new section 1727 to chapter 35 permitting wives and widows to pursue correspondence courses. The rationale and cost estimate for this new section are set forth in the discussion of section 311 of this analysis.

The second change adds a new paragraph (9) adding the term "training establishment" to the definitions currently applicable to chapter 35.

Under current law, wives, widows and children are entitled to other educational benefits, but they are not eligible to pursue apprentice or other on-job training programs. The change made in this section (as well as those changes made in chapter 35 by sections 309, 312(a), 314, 315, and 316 of this bill) extend such training opportunities to them.

A college education may not be suitable for everyone. Offering these individuals the opportunity to pursue on-job and apprenticeship training programs would afford those desiring post high school training another way of entering an occupation. Such programs would also offer forms of training in which these individuals would be able to receive high financial reward upon completion.

It is estimated that enactment of this program, which is limited by the proposed new section 1738(a) to pursuit of training in a State, would result in the following costs:

	Number of individuals	Direct benefits cost (millions)
Fiscal year:		
1st[1]	2,500	$1.4
2d	4,500	4.8
3d	6,000	5.4
4th	6,100	5.0
5th	6,100	4.7
5 year total		21.3

[1] In making this estimate, we have assumed an effective date of the 3d quarter of fiscal year 1972.

Section 308

This section would amend section 1720 of title 38 to eliminate mandatory counseling for certain children training under the provisions of chapter 35.

Current law (section 1720) provides that the Administrator shall arrange for counseling for all children entering training under chapter 35 to assist the parent or guardian and the child in selecting an educational or vocational objective.

Under the chapter 35 program, the Government acts as a substitute parent standing in the place of the deceased or disabled parent in providing financial assistance to enable the child to pursue his education. The responsibility imposed by law calls for the furnishing of this counseling assistance in helping the child in making a reasonable choice of an objective.

There are, however, many cases where a child is already enrolled at or is attending a college and it can be assumed that in those cases a reasonable choice has been made and a suitable objective chosen. Mandatory counseling is an obvious duplication in such cases. While the mandatory requirement would be removed, any further counseling or guidance the child might need would still be available through the school or the Veterans Administration, if requested.

It is estimated that enactment of this section would result in savings in the program of approximately $1 million per year over the next five years.

Section 309

This section amends section 1723 of title 38 to eliminate the bar on pursuit of apprentice and other on-job training programs by chapter 35 beneficiaries. The rationale for this change is elaborated on in the analysis of section 307. This section also exempts widows and wives from the bar on pursuit of correspondence course training. The rationale for this change is elaborated on in the analysis of section 311.

Section 310

This section would amend clause (3) of subsection (b) of section 1725 of title 38 to add new language to the so-called two-year rule authorizing enrollment of chapter 35 individuals in courses where a school has made a complete move to a new location outside the general locality of its former site.

This provision is identical with the one contained in section 302 of the proposal and the discussion and rationale set forth in the discussion of that section apply equally to this section.

It is estimated that enactment of this section would not result in any additional cost.

Section 311

This section would add a new section 1726 to subchapter III of chapter 35 to provide authority for eligible wives and widows to pursue secondary level training without charge to their basic entitlement. Similar authority has already been given educationally disadvantaged veterans by section 1691 of chapter 34. The authority granted here would be a logical extension of similar benefits to educationally disadvantaged wives and widows. These individuals, due to the death or disability of their veteran-husbands, are required to assume the responsibility for support of themselves and their families. By permitting them to pursue secondary level training they would be given an opportunity to obtain the necessary training required for entrance into higher education without losing their follow-on eligibility for college training.

In extending this authority, pursuit would be limited to training within a State. This has the effect of eliminating secondary training for Philippine wives and widows. It should be pointed out that the majority of those individuals who would be made eligible are already over the age of 50 and the purpose of the program would be of little benefit to them. Further, most of them have already taken advantage of the vocational training benefits previously provided to them under chapter 35 and thus they have been trained for a vocation designed to help them support themselves and their families.

It is estimated that enactment of this proposal would result in the following costs:

	Number of individuals	Direct benefits cost
Fiscal year:		
1st	700	$784,000
2d	2,000	2,240,000
3d	2,300	2,576,000
4th	2,200	2,464,000
5th	1,700	1,904,000
Total 5 year cost		9,968,000

This section would also add a new section 1727 to subchapter III of chapter 35 to provide authority for eligible wives and widows to pursue correspondence courses. This would provide these wives and widows with still another means of obtaining an education which would aid them in helping to support themselves and their families in the manner in which the veteran, but for his death or disability, would have provided for them. The extension of correspondence school training to wives and widows would be subject to these same safeguards proposed for veterans under section 303 of the draft bill. In essence, this means that the entitlement of a widow or wife would be charged one month for each $190 paid to her in the form of an educational assistance allowance; the educational assistance allowance would be computed based upon 90 percent of the established charge which the institution requires other individuals pursuing the same program to pay; and would require institutions offering correspondence courses to have a pro rata refund policy premised upon the number of lessons serviced and would allow a maximum registration or similar fee of $50.

It is estimated that enactment of this new authority would result in costs ranging from under $500,000 in the first year to approximately $1 million in the fifth year. There is no experience in the chapter 35 program to use as an indicator of any precise figures.

Section 312

Subsection (a) of this section amends clause (2) of subsection (b) of section 1731 of title 38 to exempt programs of apprentice or other on-job training pursued by wives, widows and children under the authority of the new section 1738 added to chapter 35 by section 315 of this bill from the absence counting provisions for courses not leading to college degrees. This would equate such measurement with that presently applicable to apprentice and on-job training programs pursued by veterans under chapter 34. (The estimated cost of the apprentice, on-job programs is set forth in section 307 of the analysis.)

Subsection (b) has two purposes. First, it repeals the present language of subsection (e) of section 1731 which is no longer applicable in view of the advance payment proposal set forth in section 203 of this draft bill. Second, it would establish a requirement, comparable to that now applicable to correspondence courses pursued by veterans under chapter 34, that correspondence course benefits may not be paid to those wives and widows made eligible to pursue such training by the new section 1727 added by section 311 of the draft bill until the Administrator has received a certification from the eligible person and the institution as to the number of lessons completed by the eligible person and serviced by the institution. The same requirement is imposed in conjunction with the correspondence program pursued by veterans under chapter 34.

Section 313

This section amends clause (2) of subsection (a) of section 1732 to permit lump sum educational assistance allowance payments to be made to eligible widows, wives and children who are pursuing educational programs on less than a half-time basis. Payment would be made for an entire term, semester or quarter in the month following the month in which certification is received from the educational institution that the person is enrolled in and is pursuing his program of education. This would equate the less than half-time payment system for chapter 35 with that already established for chapter 34. This would improve the administrative procedures for handling these payments.

It is estimated that enactment of this section would not result in any additional costs.

Section 314

This section amends subsection (a) of section 1733 to incorporate three revisions. The first inserts a new clause (3) which provides for the measurement of high school courses under chapter 35 so as to accommodate the authority granted by section 311 permitting eligible wives and widows to pursue secondary training. The second inserts a new clause (5) providing for the measurement of certain on-job and apprenticeship training programs which would be permitted under the authority of the new section 1738 added to chapter 35 by section 315 of this proposal. The third change is identical with the one contained in section 305 of the proposal and relates to measurement of technical courses pursued at schools offering degree programs.

Section 315

This section would amend subchapter IV of chapter 35 to insert a new section 1738 which contains the basic authority for the payment of a subsistence allowance to those wives, widows and children who would become eligible to pursue apprentice and other on-job training programs. The rationale for this program is set forth in the analysis of section 307.

Section 316

This section would amend section 1777 of chapter 36 of title 38 to incorporate references to wives, widows and children who would be permitted to pursue programs of apprentice and other on-job training. The rationale for this program is set forth in the analysis of section 307.

Section 317

This section is technical in nature and merely reflects in the table of sections at the beginning of chapter 34 of title 38 the necessary heading changes required to be made because of the proposals made in sections 204, 303 and 306.

Section 318

This section is technical in nature and merely reflects in the table of sections at the beginning of chapter 35 of title 38 of the new sections added to such chapter by sections 311 and 315 of this proposal.

TITLE IV—EFFECTIVE DATES

Section 401

This section provides that the rate adjustments and advance pay provisions contained in titles I and II shall become effective on the first day of the second calendar month following the month in which enacted.

Section 402

This section provides that the provisions of section 303 relating to correspondence course training shall become effective upon the first enrollment of an eligible veteran which occurs on or after the first day of the second calendar month following the month in which enacted.

Section 403

This section provides that the revisions in the law concerning the counting of vocational training in certain institutions (sections 305 and 314) on a semester-hour basis shall become effective when a person affected by such a change either first enrolls or at the time of his subsequent re-enrollment occurring after the effective date of the enactment of this Act.

S. 3059

A bill to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance and special training allowance paid to eligible veterans and persons; to provide for advance educational assistance payments to certain veterans; to make improvements in the educational assistance programs; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Education and Training Amendments of 1971".

TITLE I—VOCATIONAL REHABILITATION-EDUCATIONAL ASSISTANCE RATE ADJUSTMENTS

SEC. 101. Chapter 31 of title 38, United States Code, is amended as follows:

(a) by amending section 1504(b) to read as follows:

"(b) The subsistence allowance of a veteran-trainee is to be determined in accordance with the following table, and shall be the monthly amount shown in column II, III, or IV (whichever is applicable as determined by the veteran's dependency status) opposite the appropriate type of training as specified in column I:

"Column I	Column II	Column III	Column IV
Type of training	No dependents	One dependent	Two or more dependents
Institutional:			
Full-time	$146	$196	$227
Three-quarter-time	106	144	169
Half-time	73	99	110
Institutional on-farm, apprentice, or other on-job training: Full-time	128	166	196

Where any full-time trainee has more than two dependents and is not eligible to receive additional compensation as provided by section 315 or section 335 (whichever is applicable) of this title, the subsistence allowance prescribed in column IV of the foregoing table shall be increased by an additional $7 per month for each dependent in excess of two.";

and

(b) by deleting in section 1507 "$100" and inserting in lieu thereof "$200".

SEC. 102. Chapter 34 of title 38, United States Code, is amended as follows:

(a) by deleting in the last sentence of section 1677(b) "$175" and inserting in lieu thereof "$190";

(b) The table contained in paragraph (1) of section 1682(a) is amended to read as follows:

"Column I Type of program	Column II No dependents	Column III One dependent	Column IV Two dependents	Column V More than two dependents
Institutional:				The amount in column IV, plus the following for each dependent in excess of two:
Full-time	$190	$220	$250	$15
Three-quarter-time	139	162	185	11
Half-time	88	103	118	8
Cooperative	153	180	207	11.";

(c) by deleting in section 1682(b) "$175" and inserting in lieu thereof "$190";

(d) the table contained in section 1682(d) (2) is amended to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Basis	No dependents	One dependent	Two dependents	More than two dependents
				The amount in Column IV, plus the following for each dependent in excess of two:
Full-time	$153	$180	$207	$11
Three-quarter-time	109	129	149	8
Half-time	73	86	100	5.";

(e) the table contained in section 1683(b) is amended to read as follows:

"Periods of training	No dependents	One dependent	Two or more dependents
First 6 months	$160	$178	$197
Second 6 months	120	136	156
Third 6 months	80	98	117
Fourth and any succeeding 6 month periods	40	58	77.;"

and

(f) by deleting in section 1696(b) "$175" and inserting in lieu thereof "$190".

SEC. 103. Chapter 35 of title 38, United States Code, is amended as follows:

(a) by amending section 1732(a)(1) to read as follows:

"(a)(1) The educational assistance allowance on behalf of an eligible person who is pursuing a program of education consisting of institutional courses shall be computed at the rate of (A) $190 per month if pursued on a full-time basis, (B) $139 per month if pursued on a three-quarter-time basis, and (C) $88 per month if pursued on a half-time basis.";

(b) by deleting in section 1732(a)(2) "$175" and inserting in lieu thereof "$190";

(c) by deleting in section 1732(b) "$141" and inserting in lieu thereof "$153"; and

(d) by amending section 1742(a) to read as follows:

"(a) While the eligible person is enrolled in and pursuing a full-time course of special restorative training, the parent or guardian shall be entitled to receive on his behalf a special training allowance computed at the basic rate of $190 per month. If the charges for tuition and fees applicable to any such course are more than $60 per calendar month the basic monthly allowance may be increased by the amount that such charges exceed $60 a month, upon election by the parent or guardian of the eligible person to have such person's period of entitlement reduced by one day for each $6.80 that the special training allowance paid exceeds the basic monthly allowance."

TITLE II—ADVANCE VOCATIONAL REHABILITATION SUBSISTENCE AND EDUCATIONAL ASSISTANCE ALLOWANCE PAYMENTS

SEC. 201. Subsection (a) of section 1504 of title 38, United States Code, is amended by adding at the end thereof the following: "The Administrator shall pay the initial subsistence allowance of a course of vocational rehabilitation training to an eligible veteran in an amount not to exceed the subsistence allowance for the month or fraction thereof in which pursuit of the course will commence, plus the subsistence allowance for one full month, upon receipt of proof that the veteran has been enrolled in an approved educational institution on a half-time or more basis. Such payment shall not be made earlier than the first day of the month in which pursuit of the course is to commence. Subsequent payments of subsistence allowance shall be made each month in advance, subject to such reports and proof of satisfactory pursuit of such program as the Administrator may require. The Administrator may withhold the final payment of a subsistence allowance payable to such veteran until such proof is received and the amount appropriately adjusted. If the eligible veteran fails to pursue the course after receiving the initial payment of the subsistence allowance, the amount of such payment may be recovered from any benefit otherwise due the veteran under any law administered by the Veterans' Administration or such overpayment shall constitute a liability of such eligible veteran and may be recovered in the same manner as any other debt due to the United States."

SEC. 202. Subsections (d) and (e) of section 1681 of title 38, United States Code, are amended to read as follows:

"(d) The Administrator shall, except as provided in subsection (e) of this section, pay the initial educational assistance allowance of an enrollment period to an eligible veteran in an amount not to exceed the educational assistance allowance for the month or fraction thereof in which pursuit of the program will commence, plus the educational assistance allowance for one full month, upon receipt of proof that the eligible veteran has been enrolled in an approved educational institution on a half-time or more basis. Such payment shall not be made earlier than the first day of the month in which pursuit of the program is to commence. Subsequent payments of educational assistance allowance shall be made each month in advance, subject to such reports and proof of satisfactory pursuit of such program as the Administrator may require. The Administrator may withhold the final payment of an enrollment period until such proof is received and the amount appropriately adjusted. If the eligible veteran fails to pursue the course after receiving the initial payment of the educational assistance allowance, the amount of such advance payment may be recovered from any benefit otherwise due the veteran under any law administered by the Veterans' Administration or such overpayment shall constitute a liability of such eligible veteran and may be recovered in the same manner as any other debt due the United States.

"(e) No educational assistance allowance shall be paid to an eligible veteran enrolled in a program of education consisting exclusively of flight training or exclusively by correspondence for any period until the Administrator shall have received—

"(1) from the eligible veteran a certification as to his actual attendance during such period or, where the program is pursued by correspondence, a certificate as to the number of lessons actually completed by the veteran and serviced by the institution, and

"(2) from the educational institution, a certification, or an endorsement on the veteran's certificate, that such veteran was enrolled in and pursuing a course of education during such period and, in the case of an institution furnishing education to a veteran exclusively by correspondence, a certificate, or an endorsement on the veteran's certificate, as to the number of lessons completed by the veteran and serviced by the institution."

SEC. 203. Subsection (d) of section 1731 of title 38, United States Code, is amended to read as follows:

"(d) The Administrator shall pay the initial educational assistance allowance of an enrollment period on behalf of an eligible person in an amount not to exceed the educational assistance allowance for one full month, upon receipt of proof that the eligible person has been enrolled in an approved educational institution on a half-time or more basis. Such payment shall not be made earlier than the first day of the month in which pursuit of the program is to commence. Subsequent payments of educational assistance allowance shall be made each month in advance, subject to such reports and proof of satisfactory pursuit of such program as the Administrator may require. The Administrator may withhold the final payment of an enrollment period until such proof is received and the amount appropriately adjusted. If the eligible person fails to pursue the course after receiving the initial payment of the educational assistance allowance, the amount of such advance payment may be recovered from any benefit otherwise due the eligible person under any law administered by the Veterans' Administration or such over-payment shall constitute a liability of such eligible person and may be recovered in the same manner as any other debt due the United States."

SEC. 204. Subchapter IV of chapter 34 of title 38, United States Code, is amended by inserting immediately after section 2687 the following new section:

"§ 1688. Veteran-student employment

"(a) Notwithstanding any other provision of law, the Administrator is authorized to utilize on an intermittent basis the services of veteran-students who are pursuing full-time programs of education or training under chapters 31 and 34 of this title. Such veteran-students may be utilized to perform such services for the Veterans Administration at such times and places as the Administrator deems advisable.

"(b) Veteran-students utilized under the authority of subsection (a) of this section shall be paid an hourly rate equivalent to the minimum rate for a grade in the General Schedule contained in section 5332 of title 5, determined by the Administrator to be appropriate for the services rendered. Such grade determination may, at the Administrator's discretion, be based upon, but shall not be subject to, position classification standards issued by the Civil Service Commission pursuant to section 5105 of title 5.

"(c) While performing the services authorized by subsection (a) of this section, such veteran-students shall not be deemed to be employees of the United States for the purposes of laws administered by the Civil Service Commission. They shall, however, be considered to be employees of the United States for the purposes of the benefits of chapter 81 of title 5."

TITLE III—EDUCATIONAL ASSISTANCE PROGRAM ADJUSTMENTS

SEC. 301. Section 1671 of title 38, United States Code, is amended to read as follows:

"Any eligible veteran, or individual on active duty, who desires to initiate a program of education under this chapter shall submit an application to the Administrator which shall be in such form, and contain such information, as the Administrator shall prescribe. The application of an individual on active duty must be approved by a service education officer prior to its submission. The Administrator shall approve such application unless he finds that such veteran or individual is not eligible for or entitled to the educational assistance applied for, or that his program of education fails to meet any of the requirements of this chapter, or that he is already qualified. The Administrator shall notify the eligible veteran or individual of the approval or disapproval of his application."

SEC. 302. Clause (3) of subsection (b) of section 1675 of title 38, United States Code, is amended by inserting after the words "general locality" the following: "or where the school has made a complete move with substantially the same faculty, curricula, and students without a change in ownership".

SEC. 303. Subchapter III of chapter 34 of title 38, United States Code, is amended by inserting immediately after section 1677 the following new section:

"§ 1678. Correspondence courses

"(a)(1) Each eligible veteran who is pursuing a program of education exclusively by correspondence shall be paid an educational assistance allowance computed at the rate of 90 per centum of the established charge which the institution requires nonveterans to pay for the course or courses pursued by the eligible veteran. The term 'established charge' as used herein means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost to the veteran, whichever is the lesser. Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the veterans and serviced by the institution.

"(2) The period of entitlement of any veteran who is pursuing any program of education exclusively by correspondence shall be charged with one month for each $190 which is paid to the veteran as an educational assistance allowance for such course.

"(b) In any case where an eligible veteran terminates his correspondence training before completing the required number of lessons, the institution shall make a pro-rata refund of monies paid by such veterans and, in addition, such institution shall not charge the veteran with any registration or similar fee in excess of $50.00."

SEC. 304. Section 1682 of title 38, United States Code, is amended by—

(a) repealing subsection (c) thereof in its entirety; and

(b) redesignating subsection (d), as amended by section 102(d) of title I of this Act, as subsection (c).

SEC. 305. Section 1684 of title 38, United States Code, is amended by adding at the end of subsection (a) the following new sentence: "Notwithstanding the provisions of clause (2) of this subsection, in the case of an institution offering undergraduate courses leading to a standard college degree which are measured on a quarter or semester-hour basis and technical courses which are measured on a clock-hour basis, any of such courses as determined by the educational institution shall be measured on a semester-hour basis for the purpose of computing the educational assistance allowance payable under this chapter."

SEC. 306. (a) The heading for Subchapter VI of chapter 34 of title 38, United States Code, is amended by striking out "Predischarge" and inserting in lieu thereof "Preparatory".

(b) Subsection (a) of section 1695 of title 38, United States Code, is amended to read as follows:

"(a) The purpose of this subchapter is to encourage and assist veterans in preparing for their future education, training, or vocation by providing them with an opportunity to enroll in and pursue a program of education or training prior to their discharge or release from active duty with the Armed Forces. The program provided for under this subchapter shall be known as the Preparatory Education Program (PREP)."

SEC. 307. Subsection (a) of section 1701 of title 38, United States Code, is amended as follows:

(1) by amending paragraph (6) to read as follows:

"(6) The term 'educational institution' means any public or private secondary school, vocational school, correspondence school, business school, junior college, teachers' college, college, normal school, professional school, university or scientific or technical institution, or any other institution if it furnishes education at the secondary school level or above."; and

(2) by adding at the end thereof the following new paragraph:

"(9) For the purposes of this chapter and chapter 36 of this title, the term 'training establishment' means any establishment providing apprentice or other training on the job, including those under the supervision of a college or university or any State department of education, or any State apprenticeship agency, or any State board of vocational education, or any joint apprenticeship committee, or the Bureau of Apprenticeship and Training established pursuant to chapter 4C of title 29, or any agency of the Federal Government authorized to supervise such training."

SEC. 308. Section 1720 of title 38, United States Code, is amended by inserting after the first sentence in subsection (a) thereof a new sentence as follows: "Such counseling shall not be required where the eligible person has been accepted for, or is pursuing, courses which lead to a standard college degree, at an approved institution."

SEC. 309. The first sentence of subsection (c) of section 1723 of title 38, United States Code, is amended to read as follows:

"The Administrator shall not approve the enrollment of an eligible person in any course of institutional on-farm training, any course to be pursued by correspondence (except as provided in section 1727 of this chapter), open circuit television (except as herein provided), or a radio, or any course to be pursued at an educational institution not located in a State or in the Republic of the Philippines."

SEC. 310. Clause (3) of subsection (b) of section 1725 of title 38, United States Code, is amended by inserting after the words "general locality" the following: "or where the school has made a complete move with substantially the same faculty, curricula, and students, without a change in ownership."

SEC. 311. Subchapter III of chapter 35, of title 38, United States Code, is amended by inserting immediately after section 1725 the following new sections:

"§ 1726. Special training for the educationally disadvantaged

"(a) In the case of any eligible widow or wife who—

"(1) has not received a secondary school diploma (or equivalancy certificate), and

"(2) in order to pursue a program of education for which she would otherwise be eligible, needs additional secondary school training, either refresher courses or deficiency courses, to qualify for admission to an appropriate educational institution, the Administrator may, without regard to the provisions of section 1723(d), approve the enrollment of such widows or wives in an appropriate course or courses to be pursued in a State.

"(b) The Administrator shall pay eligible widows or wives pursuing a course or courses pursuant to subsection (a) of this section an educational assistance allowance as provided in sections 1731 and 1732 of this chapter; except that no enrollment in adult evening secondary school courses shall be approved in excess of half-time training as defined in section 1733 of this title.

"(c) The educational assistance allowance authorized by this section shall be paid without charge to any period of entitlement the widow or wife may have pursuant to sections 1710 and 1711 of this chapter."

"§ 1727. Correspondence courses

"(a)(1) Each eligible wife or widow (as defined in section 1701(a) (1) (B), (C) or (D) of this chapter) who is pursuing a program of education exclusively by correspondence shall be paid an educational assistance allowance computed at the rate of 90 per centum of the established charge which the institution requires other individuals enrolled in the same program to pay. The term 'established charge' as used herein means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost to such eligible person, whichever is the lesser. Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the eligible person and serviced by the institution.

"(2) The period of entitlement of any eligible person who is pursuing any program of education exclusively by correspondence shall be charged with one month for each $190 which is paid to the eligible person as an educational assistance allowance for such course.

"(b) In any case where an eligible person terminates his correspondence training before completing the required number of lessons, the institution shall make a pro rata refund of monies paid by such eligible person and, in addition, such institution shall not charge the eligible person with any registration or similar fee in excess of $50,000."

SEC. 312. Section 1731 of title 38, United States Code, is amended by—

(a) inserting in clause (2) of subsection (b) immediately after the words "standard college degree" the following: "excluding programs of apprenticeship and programs of other on-job training authorized by section 1738 of this title)"; and (b) amending subsection (e) to read as follows:

"(e) No educational assistance allowance shall be paid to an eligible person enrolled in a program of education consisting exclusively of correspondence courses for any period until the Administrator shall have received (1) from the eligible person a certificate as to the number of lessons actually completed by the eligible person and serviced by the institution, and (2) from the educational institution, a certification, or an endorsement on the eligible person's certificate, as to the number of lessons completed by the eligible person and serviced by the institution."

SEC. 313. Clause (2) of subsection (a) of section 1732 of title 38, United States Code, is amended by adding at the end thereof the following: "Notwithstanding provisions of section 1731 of this title, payment of the educational assistance allowance provided by this clause may be made to an eligible person in an amount computed for the entire quarter, semester, or term during the month immediately following the month in which certification is received from the educational institution that the person has enrolled in and is pursuing a program at such institution."

SEC. 314. Subsection (a) of section 1733 of title 38, United States Code, is amended to read as follows:

"(a) For the purposes of this chapter—

"(1) an institutional trade or technical course offered on a clock-hour basis below the college level involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of thirty hours per week of attendance is required with no more than two and one-half hours of rest periods per week allowed;

"(2) an institutional course offered on a clock-hour basis below the college level in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of twenty-five hours per week net of instruction (which may include customary intervals not to exceed ten minutes between hours of instruction) is required;

"(3) an academic high school course requiring sixteen units for a full course shall be considered a full-time course when a minimum of four units per year is required. For the purpose of this clause, a unit is defined to be not less than one hundred and twenty sixty-minute hours or their equivalent of study in any subject in one academic year;

"(4) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis shall be considered a full-time course when a minimum of fourteen semester hours or the equivalent thereof, for which credit is granted toward a standard college degree (including those for which no credit is granted but which are required to be taken to correct an educational deficiency), is required, except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such college or university with such minimum number of such semester hours shall be considered a full-time course, but in the event such minimum number of semester hours is less than twelve semester hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course; and

"(5) a program of apprenticeship or a program of other on-job training shall be considered a full-time program when the eligible person is required to work the number of hours constituting the standard workweek of the training establishment, but a workweek of less than thirty hours shall not be considered to constitute full-time training unless a lesser number of hours has been established as the standard workweek for the particular establishment through bona fide collective bargaining. Notwithstanding the provisions of clause (2) of this subsection, in the case of an institution offering undergraduate courses leading to a standard college degree which are measured on a quarter or semester-hour basis, any such courses as determined by the educational institution shall be measured on a semester-hour basis for the purpose of computing the educational assistance allowance payable under this chapter."

SEC. 315. Subchapter IV of chapter 35 of title 38, United States Code, is amended by inserting immediately after section 1737 the following new section:

"§ 1738. Apprenticeship or other on-job training

"(a) An eligible person (as defined in section 1701(a) of this chapter) may receive the benefits of this chapter while pursuing, in a State, a full-time—

"(1) program of apprenticeship approved by a State approving agency as meeting the standards of apprenticeship published by the Secretary of Labor pursuant to section 50a of title 29, or

"(2) program of other training on the job approved under the provisions of section 1777 of this title, subject to the conditions and limitations of this chapter with respect to educational assistance.

"(b)(1) The monthly training assistance allowance of such eligible person pursuing a program described under subsection (a) shall be (A) $160 during the first six-month period, (B) $120 during the second six-month period, (C) $80 during the third six-month period, and (D) $40 during the fourth and any succeeding six-month period.

(2) In any month in which an eligible person pursuing a program of apprenticeship or a program of other on-job training fails to complete one hundred and twenty hours of training in such month, the monthly training assistance allowance set forth in subsection (b)(1) of this section shall be reduced proportionately in the proportion that the number of hours worked bears to one hundred and twenty hours rounded off to the nearest eight hours.

"(c) For purposes of this chapter and chapter 36 of this title, the terms 'program of apprenticeship' and 'program of other on-job training' shall have the same meaning as 'program of education'; and the term 'training assistance allowance' shall have the same meaning as 'educational assistance allowance'."

SEC. 316. Section 1777 of title 38, United States Code, is amended—

(a) by amending clauses (1) and (2) of subsection (b) to read as follows:

"(1) the wages to be paid the eligible veteran or eligible person (A) upon entrance into training, are not less than the wages paid other nonveterans in the same training position and are at least 50 per centum of the wages paid for the job for which he is to be trained, and (B) such wages will be increased in regular periodic increments until, not later than the last full month of the training period, they will be at least 85 per centum of the wages paid for the job for which such eligible veteran or eligible person is being trained; and

"(2) there is reasonable certainty that the job for which the eligible veteran or eligible person is to be trained will be available to him at the end of the training period."; and

(b) by inserting "or eligible person" immediately after "eligible veteran" each place it appears in subsection (c).

Sec. 317. The table of sections at the beginning of chapter 34 of title 38, United States Code, is amended by:

(a) inserting immediately after

"1677. Flight training."

the following:

"1678. Correspondence courses.";

(b) inserting immediately after

"1687. Discontinuance of allowances."

the following:

"1688. Veteran-student employment.";

and

(c) striking out

"SUBCHAPTER VI—PREDISCHARGE EDUCATION PROGRAM"

and inserting in lieu thereof:

"SUBCHAPTER VI—PREPARATORY EDUCATION PROGRAM"

Sec. 318. The table of sections at the beginning of chapter 35 of title 38, United States Code, is amended by:

(a) inserting immediately after

"1725. Period of operation for approval."

the following:

"1726. Special training for the educationally disadvantaged.

"1727. Correspondence courses."

and

(b) inserting immediately after

"1737. Specialized vocational training courses."

the following:

"1738. Apprenticeship or other on-job training.".

TITLE IV—EFFECTIVE DATES

Sec. 401. Titles I and II of this Act shall become effective on the first day of the second calendar month following the month in which enacted.

Sec. 402. Section 303 of this Act shall become effective upon the first enrollment of an eligible veteran which occurs on or after the first day of the second calendar month following the month in which enacted.

Sec. 403. Section 305 and the last sentence of section 314 of this Act shall become effective upon the first enrollment or subsequent re-enrollment of an eligible veteran or person which occurs after the effective date of the enactment of this Act.

By Mr. HARRIS (for himself, Mr. Gravel, Mr. Hart, Mr. Hughes, Mr. Kennedy, Mr. McGovern, and Mr. Muskie):

S. 3060. A bill to authorize the Federal Communications Commission to investigate the American Telephone & Telegraph Co. and its subsidiaries. Referred to the Committee on Commerce.

Mr. HARRIS. Mr. President, I am today addressing the questions involved in the average person's telephone bill—whether it will go up, whether it will go down, whether or not it will buy decent service.

These are public questions—questions which we, in the Congress, have some responsibility to address—because the telephone company is a Government-regulated monopoly. The American Telephone & Telegraph Co. and its local subsidiaries all over the country are not competing firms in a free market.

If you think you are paying too much for telephone service—and many people today think they are—or you are tired of not being able to get a dial tone or get home repair service—and many people today are tired of shoddy telephone service—there is not very much you can do about it. You cannot take your business elsewhere; A.T. & T. is the only telephone company in town.

To find protection from telephone company overcharges and shoddy service, the average person must look to the State and Federal agencies that are supposed to regulate A.T. & T. and its local companies. In the States that means the local public service or public utility commission. Nationally, it means the Federal Communications Commission.

In the 38 years since the Congress set out the FCC's power and duty to regulate A.T. & T. in the interests of the public, the Commission has never conducted a full and open investigation of the fairness of A.T. & T.'s long-distance rates. During that same period of time, through prosperity and depression, A.T. & T. never missed paying a dividend to its stockholders.

On December 23, 1971, the FCC announced it had decided over the opposition of Commissioners Johnson and Lee, to call off the only such investigation it had ever planned. Right now the only information the Commission has to go on in setting A.T. & T.'s rates is what is submitted by the telephone company itself. And the company obviously has an incentive to overestimate costs and underestimate profits.

Because the law provides that A.T. & T. may earn a fair profit on the money it invests in plants and equipment, the company has an incentive to classify everything it can get away with as plant facilities or equipment. For example, as Commissioner Johnson pointed out in his dissent to the FCC's December 23 decision, A.T. & T. counts the cost of turning on a telephone when a new tenant moves into an apartment as part of its equipment expenses. Thus, the telephone company earns a profit, first, on the cost of manufacturing the telephone and, then, again every time it turns on the phone for a customer.

The story is the same on figuring out what is a fair profit for A.T. & T. The Antitrust Subcommittee in the House of Representatives has estimated that between 1955 and 1961, A.T. & T. overcharged consumers by almost $1 billion, simply because the company had overestimated what rates it would have to charge to make a fair profit as set by the FCC and the Commission had never bothered to check up on it.

The simple fact is that when the FCC decided to drop its investigation of how A.T. & T. sets long distance rates, it was telling the average person in this country that he is going to pay more for telephone service. When you read in the papers about the Federal Communications Commission and the American Telephone & Telegraph Co., when you read about rates of return and rate bases, when the smallest figures discussed are in the millions of dollars and the biggest are in the billions—you may think it does not make any difference to you or your family.

But, in fact, every decision that the FCC makes about A.T. & T. can cost you and me money. Because the telephone company is so big, a 1-percent change in its rate of profit will cost the average consumer $13 a year in higher telephone bills. Likewise, if A.T. & T. is allowed to include one-fifth too many expenses as part of its investment in plants and equipment, then the average American will have to pay an extra $17 a year in telephone bills.

Thus, it is clear that the kind of effort the FCC puts into regulating the telephone company has direct impact in dollars and cents on the pocketbooks of the average person in this country. You would expect that keeping an eye on A.T. & T. would be one of the FCC's highest priorities. In fact, when the Congress set up the Federal Communications Commission in 1934, it said specifically that:

> The Commission shall give to the hearing and decision of such questions (telephone rate increases) preference over all other questions pending before it and decide the same as speedily as possible.

And yet now we see the FCC majority abandoning its hearing on A.T. & T.'s rates. Explaining the Commission's actions, Chairman Dean Burch has told me that:

> As a parent, I have made it my practice never to choose among my children, and this same posture carries over to my official responsibilities.

In addition, Chairman Burch has suggested that the FCC does not have the resources in money or manpower to adequately investigate A.T. & T.

These explanations would be acceptable if they did not ignore the simple facts of the situation. Chairman Burch cannot vote legally to drop the investigation "as a low priority," when the Federal Communications Act of 1934 commands the FCC to make telephone rate cases the highest priority. By dropping its hearing, these four FCC Commissioners are breaking the law. Likewise it is hypocritical for Chairman Burch to argue that the FCC does not have the resources to continue its investigation when it has never come to the Congress to ask for those resources.

In any case that is all past. What we need to do now is get the FCC back into the business of protecting the consumer. First, that means that the Commission must start obeying the law, just like everyone else, by making rate regulation of A.T. & T. the No. 1 priority the Congress said it must be.

I am, therefore, introducing a bill to give the FCC the resources they say they need to keep an eye on the telephone company. It will provide $1 million immediately and an extra million, if necessary, for the FCC to hire the economists, lawyers, and accountants it needs to reopen and continue its investigation of A.T. & T.'s rates. That sounds like a lot of the taxpayer's money to spend just to keep an eye on the telephone company. But when you realize that if that $1 million investment may lead to even a one-tenth of 1 percent cut in A.T. & T.'s rate of profit, the public will be saved 60 times as much in lower telephone bills. That is quite a bargain.

Saving the ordinary consumer a few dollars, while protecting his right to good telephone service, is the job the FCC is supposed to do. I hope this legislation will help make sure that is the job it does.

By Mr. EASTLAND:

S. 3062. A bill to amend title II of the Social Security Act to provide for a 5-percent increase in the benetfis payable thereunder. Referred to the Committee on Finance.

Mr. EASTLAND. Mr. President, I am today introducing legislation which would provide for an immediate increase in social security benefits. The bill which I am sending to the desk calls for an additional 5 percent in payments to each individual, effective as of December 1971.

The bill is identical to legislation contained in the Social Security Amendments of 1971, H.R. 1, with the exception that the new bill provides that the increase shall take effect beginning with the month of December 1971, rather than for the month of May 1972 as provided by H.R. 1.

Mr. President, it is imperative that we provide without delay the increased benefits contained in the new legislation. There are 26.9 million Americans—persons who rely upon social security for the basic necessities of life—who are now depending upon us. Their purchasing power has been steadily eroded by the cruelest and most unfair tax of all—inflation. These Americans, many now in the declining years of life, have worked and earned the right to a decent standard of living in their retirement. Yet they are being robbed daily by the decrease in the value of their social security dollar.

It has been nearly a year since the House of Representatives passed H.R. 1. In that legislation, we offered hope for those on social security that we would provide the long-overdue increase in benefits. We promised in this bill to provide for a 5-percent increase, a cost-of-living boost. It was believed at that time that this legislation would become law and the benefits contained in it would already be going to the millions of Americans. However, we do not today know when this legislation will be enacted, and those who are dependent on social security are looking to us for the answer.

This bill is now pending in the Senate, where the Committee on Finance has conducted a series of extensive and informative hearings. We find, however, that H.R. 1 became a target of controversy almost from its very introduction. This point of debate centers on the much-discussed proposals for reform of the welfare system—not on the badly-needed increase in social security benefits.

It is a shame that additional benefits for the Nation's retirees under social security are now unjustly and unduly delayed because of an unrelated controversy involving welfare reform. While Congress debates the merits of a highly-complex overhaul of our welfare system, millions of American's senior citizens face an uncertain future in a world of ever-increasing prices and ever-declining value of their dollar. A full exploration of welfare reform is necessary, I agree, because this is one of the most costly and complex of all Government programs. It is unfair and uncalled for that social security increases should be held prisoner within such a bill.

There is little—if any—point of debate on the matter of social security increases. Every member of this body—indeed all Americans—agree that such an increase is needed and, in fact, long overdue. It is only reasonable that we sever the non-controversial and urgently-needed social security legislation from the highly-controversial and long-delayed legislation on welfare reform.

In the introduction of this bill, I would call on the Senate and its Committee on Finance to act promptly to increase social security benefits. Moreover, I urge the Committee on Finance to go a step further and fully explore the matter of automatic cost-of-living increases for persons on social security. I think such an "escalator" arrangement is necessary to preserve the equity and fairness, as well as basic justice, in the retirement system that now affects millions of Americans.

Take the opportunity to look around us. Employees of the Federal Government have just received a 5.5 percent increase in wages. In addition, Congress has provided by law that retired Federal workers should receive an increase automatically when the consumer price index goes up.

Yet the majority of Americans who are now retired must come to Congress when prices go up and the dollar value goes down. An increase for social security beneficiaries now requires the time-consuming process of study and the lengthy route of legislation before it can become reality. The end result is that those for whom social security payments mean their very livelihood face delay and uncertainty as they await their increases.

Mr. President, it is imperative that Congress act without delay on increasing social security benefits. The legislation which I propose today would take care of this urgent necessity, meeting the immediate needs of social security retirees.

I would urge, however, that we go a step further to see that the Congress and the millions of Americans who receive social security do not again face this dilemma. We must provide legislation which would trigger an automatic increase in benefits whenever the rising cost of living demands it.

By Mr. MUSKIE (for himself and Mr. SCOTT):

S. 3063. A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax exempt organizations to engage in communications with legislative bodies, and committees and members thereof. Referred to the Committee on Finance.

Mr. MUSKIE. Mr. President, on March 30, 1971, I introduced a bill, S. 1408, to amend the Internal Revenue Code to permit publicly supported charitable organizations to communicate with legislative bodies without jeopardizing their tax exemptions. That bill has received broad, bipartisan support. It has been cosponsored by 24 Senators: BAYH, BROOKE, BURDICK, CHILES, CRANSTON, EAGLETON, GRAVEL, HART, HARTKE, JACKSON, JAVITS, MATHIAS, MCGOVERN, METCALF, MONDALE, MOSS, NELSON, PELL, RANDOLPH, RIBICOFF, SCHWEIKER, SCOTT, STEVENSON, and TUNNEY.

An identical bill, introduced in the House by Congressman JAMES SYMINGTON, has also received broad, bipartisan support.

This legislation would redress a serious inequity in present tax law. The Internal Revenue Code permits businessmen to deduct the costs of lobbying on matters of direct interest to them. Furthermore, a number of classes of noncharitable, tax-exempt organizations—such as trade associations, business leagues, chambers of commerce, and social welfare organizations—are allowed to engage in direct efforts to influence legislation without adverse consequences to their tax-exempt status. Yet similar legislative activity by a charity can cause loss of its tax exemption.

No less than businesses and the organizations which represent them, charities can be important sources of information on legislative issues. They should be permitted to communicate that information to those who carry on the legislative process. S. 1408 was drafted to permit that result within carefully defined boundaries. Its liberalization of the present restriction on influencing legislation extends only to public charities—churches, schools, hospitals, and certain other groups with broad public support. It does not modify the present restrictions imposed on private foundations by the Tax Reform Act of 1969.

Furthermore, the bill's provisions apply only to direct communications by public charities with legislative bodies. They do not apply to grassroots appeals to the general public. And they do not apply to efforts to influence elections.

Over the past several months, broad-scale public support has developed for this legislation. In the course of the discussions of the proposal, however, concern has been expressed that the original bill (S. 1408) might be interpreted to permit a public charity to devote its predominate activities to legislative efforts. To eliminate the grounds for that concern, Senator SCOTT and I are today introducing a new amended bill which specifies, in the only change from S. 1408, that the bill applies only to a public charity if substantially more than one-half of its expenditures are normally in pursuance of its exempt functions other than lobbying. Comparable provisions of the Tax Reform Act of 1969 interpret "substantially more than one-half" as 65 percent, and "normally" as requiring, generally, reference to a 4-year period of an organization's experience.

This legislation would remove from the tax law an unustifiable discrimination against publicly supported charitable organizations. It would also open up the legislative process to diverse groups whose perspective and expertise should be available to legislators at all levels of government. I urge prompt and favorable consideration of this bill by the Senate.

I ask unanimous consent that the text of our bill be printed in the RECORD, along with an explanatory statement and a copy of a law review article on the general subect of Federal tax limitations on political activities of public interest and educational organizations.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 3063

A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax exempt organizations to engage in communications with legislative bodies, and committees and members thereof

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 501 of the Internal Revenue Code of 1954 is amended by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following new subsection:

"(f) APPEARANCES, ETC., WITH RESPECT TO LEGISLATION.—

"(1) IN GENERAL.—In the case of an organization described in section 509(a) (1), (2), or (3), none of the following activities shall be deemed 'carrying on propaganda, or otherwise attempting, to influence legislation':

"(A) appearances before, submission of statements to, or sending communications to, the committees, or individual Members, of Congress or of any legislative body of a State, a possession of the United States, or a political subdivision of any of the foregoing with respect to legislation or proposed legislation of direct interest to the organization; or

"(B) communication of information between the organization and its members or contributors with respect to legislation or proposed legislation of direct interest to the organization.

"(2) MATTERS OF DIRECT INTEREST.—For purposes of paragraph (1), matters of direct interest to the organization are those directly affecting any purpose for which it is organized and operated.

"(3) LIMITATION.—Paragraph (1) shall not apply—

"(A) To any attempt to influence the general public, or segments thereof, with respect to legislation, elections, or referendums, or

"(B) Unless substantially more than one-half of the expenditures of the organization referred to in paragraph (1) are normally devoted to activities other than those described in subparagraphs (A) and (B) of paragraph (1). For purposes of this subparagraph, the term 'expenditures' includes only amounts paid or incurred which are substantially related (aside from the need of such organization for funds or the use it makes of the profits derived) to the exercise or performance of the charitable educational, or other purpose or function constituting the basis for the organizations' exemption under this section (or, in the case of an organization described in section 511(a) (2) (B), to the exercise or performance of any purpose or function described in paragraph (3) of subsection (c).)" Nothing in this subsection shall be construed to limit or reduce the level of activities otherwise permitted an organization under paragraph (3) of subsection (c) or any other applicable provision of this title.

SEC. 2. Section 170(c) of such Code is amended by adding the following new sentence at the end thereof: "As used in subparagraph (D) of paragraph (2), the phrase 'carrying on propaganda, or otherwise attempting, to influence legislation shall be subject to the exception set forth in section 501(f)."

SEC. 3. Section 2055(a) of such Code is amended by adding the following new sentence at the end thereof: "As used in paragraphs (2) and (3), the phrase 'carrying on propaganda, or otherwise attempting, to influence legislation' shall be subject to the exception set forth in section 501(f)."

SEC. 4. Section 2106(a) (2) (A) of such Code is amended by adding the following new sentence at the end thereof: "As used in clauses (ii) and (iii), the phrase 'carrying on propaganda, or otherwise attempting, to influence legislation' shall be subject to the exception set forth in section 501(f).".

SEC. 5. Section 2522 of such Code is amended by redesignating subsections (c) and (d) as subsections (d) and (e) and inserting after subsection (b) the following new subsection:

"(c) CARRYING ON PROPAGANDA, OR OTHERWISE ATTEMPTING TO INFLUENCE LEGISLATION.—As used in paragraph (2) of subsection (a) and in paragraphs (2) and (3) of subsection (b), the phrase 'carrying on propaganda, or otherwise attempting, to influence legislation' shall be subject to the exception set forth in section 501(f)."

SEC. 6. These amendments shall be applicable to taxable years beginning after the date of enactment thereof and to estates of decedents dying after the date of enactment thereof.

FEDERAL TAX LIMITATIONS ON POLITICAL ACTIVITIES OF PUBLIC INTEREST AND EDUCATIONAL ORGANIZATIONS

(By Theodore L. Garrett*)

A new generation of students and lawyers is involving itself more and more deeply in the pressing public issues confronting society in the seventies. This activity, and recent action by the Internal Revenue Service, have cast a shadow over the tax status of those institutions—universities and public interest law firms—of which these individuals are members. Through a careful analysis of the relevant law, the author concludes that the IRS intervention is misconceived, that the questioned activity is both salutary and permissible, and that even broader political activity by charitable organizations may be warranted.

Private philanthropy plays a crucial role in sustaining religious, cultural and educational institutions in America. The federal government has encouraged and subsidized private philanthrophy, granting preferred tax status [1] to educational, scientific, religious, and charitable organizations. Such organizations are exempt from federal taxation, and the private donor, within certain limits, can deduct contributions to them from his personal income.[2] Government support traditionally has been justified on the ground that such philanthropy benefits society,[3] and support has been denied only where an organization's purpose is inimical to the interests of society or clearly profit oriented.[4]

Despite this generally favorable policy, the Internal Revenue Code limits the preferred tax status of those charitable organizations which engage in political activities, regardless of whether their end result is beneficial or inimical to society.[5] This restriction may not affect the taxes imposed on the charitable organizations themselves, since they may qualify as tax-exempt civic or welfare organizations even if they engage in political activity.[6] However, the denial of deductions to private donors [7] affects the flow of contributions to such institutions, and thus is a significant limitation upon any institution which, although benevolently motivated, employs some form of political activity or use of governmental processes to achieve its ends.

Footnotes at end of article.

This article analyzes the political activity restriction in light of recent developments on college campuses, and in the area of public interest advocacy through informational campaigns and litigation. The article views with disfavor an apparent tendency of the IRS to disapprove of organizations advocating new or controversial ideas, or programs which threaten vested corporate interests. The article also challenges the definition of political activity as applied by the IRS, finding it in particular contexts an unjustified impediment to the aims of the organizations which the provisions otherwise foster, and inhibitive of the first amendment right to free speech and petition. The need for regulations or legislation narrowing the existing definition and providing guidelines to universities and public interest groups is stressed. The lobbying restriction on public interest organizations is found unjustified, and its repeal is urged.

THE LIMITATION ON POLITICAL ACTIVITY

Background

The income tax of 1894 exempted those corporations or associations organized exclusively for religious, educational, or charitable purposes,[8] and this exemption was included in the income tax of 1913.[9] In 1917, a correlative income tax provision was enacted, allowing taxpayers to deduct contributions to exempt corporations.[10] Similar deductions were added to the estate tax in 1926 [11] and to the gift tax in 1932.[12]

Activity to Influence Legislation. Prior to 1934, none of these statutes contained any restriction on lobbying to influence legislation. Early Treasury rulings, however, imputed to Congress an intent to restrict such activity on the theory that it was inconsistent with an exclusively educational or charitable purpose.[13] This theory was predicated less on a belief that lobbying was inherently noneducational or noncharitable than on an aversion to political involvement by such institutions. The 1919 regulations stated that associations "formed to disseminate controversial or partisan propaganda" were not "educational" within the meaning of the statute.[14]

In 1930, the Second Circuit recognized this principle in *Slee v. Commissioner,*[15] a case involving a private contribution to the American Birth Control League. The Board of Tax Appeals had denied the taxpayer a deduction on the ground that the League's controversial activities placed it outside statutory exemption.[16] Relying upon a policy against Government underwriting of political activities rather than the controversial nature of the activities, Judge Learned Hand stated: "Controversies of that sort must be conducted without public subvention; the Treasury stands aside from them." [17]

By way of dictum, Judge Hand also stated that such activity would be proper so long as it was only "ancillary to the end in chief." [18] Although the *Slee* decision generally has been read by subsequent courts to establish a broad policy against public subvention,[19] a number of courts and commentators have relied upon the "ancillary" activity dictum to justify a permissive standard.[20]

Congress first incorporated this restriction into the Internal Revenue Code in 1934 by adding, to the definition of a charitable organization qualifying under the exemption and deduction provisions, the requirement that "no substantial part of the activities of [the organization be] carrying on propaganda, or otherwise attempting, to influence legislation." [21] The statutory history of this amendment is unclear as to the underlying rationale and scope of the prohibition.[22] The generally accepted view considers it an attempt to liberalize the case law by reaching only self-seeking political activity designed to secure some benefit to the donor,[23] and infers that the all-inclusive formula was due to the draftsmen's inability to frame a more appropriate test.[24] Although the amendment might also be interpreted as a specific prohibition enacted to replace the ad hoc treatment of the problem by the courts with a specific legislative mandate,[25] it seems clear that the limitation to "substantial" activity[26] was a rejection of the Treasury's strict position that lobbying and other activity aimed at affecting legislation were per se inconsistent with the furtherance of educational or charitable purposes.[27]

Campaign Activity. In contrast to lobbying activity, participation by educational and charitable institutions in political campaigns was not statutorily prohibited until more recently. A reference to "participation politics" was eliminated in conference from the 1934 Act without discussion.[28] The few cases dealing with the issue did not regard campaign activity as per see disqualifying, but rather tended to balance such activity against the nonpolitical activity of the organization in order to determine whether it was significant enough to establish a substantial nonexempt purpose.[29]

The campaign restriction first received congressional approval in a floor amendment to the Revenue Act of 1954,[30] which broadly required that an exempt organization "not participate in, or intervene in [including the publishing or distributing of statements], any political campaign on behalf of any candidate for public office."[31] Unlike the prohibition against influencing legislation, the political campaign provision was restricted to the section 501(c) (3) exemption and did not affect any of the companion provisions allowing income, estate and gift tax deductions of contributions to educational or charitable organizations. Furthermore, no quantitative limitation was established; literally applied, a single campaign intervention might cause an organization to lose its tax-exempt status for the year in which the intervention occurred.

In 1958, a Treasury regulation extended this restriction to the section 170(c) (2) charitable deduction provision,[32] thus permitting a contribution to be deducted only if the donee organization is tax-exempt under section 501(c) (3). Although it might be suggested that the regulation merely corrected a congressional oversight[33] by removing the inconsistency between sections 501(c) (3) and 170(c) (2), it also was argued that the regulation was not a valid interpretation of section 170(c) (2), and that the Treasury's failure to place similar restrictions on charitable deductions under the gift, estate and personal holding company tax provisions undercut any policy justification for the regulation.[34] This lack of parallelism was remedied by the Tax Reform Act of 1969,[35] which extended the section 501(c) (3) political campaign disqualification to companion sections 170(c) (2) (income tax deduction), 2055(a) and 2106(a) (2) (A) (estate tax deduction), and 2522(a) (gift tax deduction), and incorporates this provision into sections 642(c) (1) (estate and trust deduction) and 3121(b) (8) (social security exemption) by reference to section 170(c).

Analysis of the Exemption and Deduction Provisions

The present educational and charitable exemption and deduction provisions limit political activity by conferring preferred status only upon corporations and any community chest, fund, or foundation "organized and operated exclusively for religious, charitable, scientific . . . or educational purposes . . . no part of the net earnings of which inures to the benefit of any private shareholder or individual [and] no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office"[36]

The Act requires both that the institution be *organized* for an exempt purpose and that it be *operated* for such a purpose. In determining whether these organizational and operational tests are met, the extent of political activity by an institution is a factor.

Organizational Test. To qualify for preferred status, a corporation must be organized exclusively for one of the enumerated purposes. Early decisions interpreting this requirement held that the absence of specific charitable objectives in an organization's charter was not conclusive proof of a lack of exclusive organizational purpose,[37] and that the existence of a broad power to carry on business would not disqualify an organization from receiving the exemption so long as no business activities in fact were taken.[38] The rationale behind these cases was that while the charter and bylaws of an organization serve to indicate its purposes, that indication still might by supported or rebutted by extrinsic evidence.[39] Where the charter reflected characteristics inherently inconsistent with the allowable objectives, however, the courts denied preferred status,[40] at least until the charter was amended.[41]

The present regulations establish a somewhat stricter organizational test. An organization qualifies for the preferred status defined in sections 501(c) (3) and 170(c) (2)[42] only if its corporate charter or articles of organization (1) limit the purposes of the organization to exempt purposes[43] and (2) do not expressly empower the organization to engage in substantial activities which do not further the exempt purposes.[44] The fact that the actual operations and intent of the members are confined to one or more exempt purposes is not sufficient to meet the organizational test if the purposes specified in the organization's charter are broader than those specified in sections 170(c) (2) and 501 (c) (3).[45] Furthermore, Treasury regulations deny an exemption if the articles of incorporation to engage in prohibited activities, including participation in any political campaign for public office and substantial efforts to influence legislation.[46]

Operational Test. The "operational test" requires that an organiation actually engage primarily in activities which accomplish the statutorily exempt purposes. Although the Code requires that an organization be operated "exclusively" for these purposes, judicial decisions have placed a gloss on this requirement by interpreting the term "exclusively" to mean "primarily" or "principally."[47] Preferred tax status therefore will result even if some funds are used for nonexempt purposes, so long as the "predominant purpose" of the organization remains educational, religious, or charitable.[48]

The Regulations provide that an organization will not satisfy this test if more than an insubstantial part of its activities are in furtherance of a nonexempt purpose.[49] For example, an organization will be denied preferred status if it is an "action" organization, an organization which devotes a substantial part of its activities to "attempting to influence legislation, by propaganda or otherwise."[50]

Since a public interest study group might advocate ends attainable only through the passage of legislation and advocate them in such a way as to awaken voter concern, the sweep of the restriction against "attempting to influence legislation" may prove overbroad. In 1955, *Seasongood v. Commissioner*[51] appeared to limit this exclusion by interpreting the phrase to require direct communication with members of Congress.[52] The Treasury apparently has not accepted this decision, however, and the Regulations broadly disqualify an organization if its main or primary objectives may be attained only by legislation or by the defeat of proposed legislation,[53] or if it advocates or campaigns for the attainment of such objectives, as distinguished from engaging in nonpartisan analysis, study, or research followed by public disclosure of the results.[54]

The Regulations do not attempt to give content to the requirement of "substantial" legislative activity, and the Internal Revenue Service and judiciary have been left with no alternative but to make ad hoc determinations.[55] It has been argued that "substantiality" does not provide a basis for selection in accordance with the best interests of society, and that social and ethical factors should be taken into consideration.[56] On the other hand, the Internal Revenue Service and a number of judicial decisions have been criticized for reading the Code provisions so as to give the Service maximum discretion to deny exempt status and for focusing on whether an organization's *purposes,* rather than a substantial amount of its activities, are political.[57]

Other judicial decisions examining the extent and nature of nonqualifying *activities,* rather than the organization's purposes, have effected a liberalization of the restriction.[58] For example, the court in *Seasongood* v. *Commissioner*[59] held deductible a contribution to a nonpartisan good-government league whose support of specific legislation and candidates, though nonexempt activity, accounted for less than five percent of the league's time.[60] Similarly, cases have given weight to the "sporadic" nature of the legislative activity,[61] the expense of the program to the organization relative to its total expenditures,[62] and the benefit of the organization's overall activities to the community.[63] This activity-oriented approach has been commended as providing a basis for more even-handed administration.[64]

An organization is also an "action" organization, and denied preferred status, if it participates or intervenes, directly or indirectly, in any political campaign on behalf of, or in opposition to, any candidate for national, state, or local public office.[65] Under the regulations, campaign participation includes, but is not limited to, the publication or distribution of written or printed statements or the making of oral statements on behalf of, or in opposition to, a candidate.[66] The Treasury has applied this limitation to prohibit a charity from favoring a local school board candidate[67] and from comparative rating of candidates.[68] Such activities are prohibited regardless of their "substantiality"; however, there is no apparent tax policy justification for discriminating between elective and legislative activities, and in some instances the "substantiality" concept has been utilized as a mitigating factor.[69]

DISQUALIFYING ACTIVITY BY UNIVERSITIES

The ambiguity of the political activity restriction has led the American Council on Education publicly to acknowledge the possibility that a university might "inadvertently" involve itself in a political campaign, thereby threatening its exemption.[70] The two extremes to the problem are easily ascertained and resolved. Where a university corporation, acting in its institutional capacity, lobbies directly or issues statements on behalf of, or in opposition to, particular political candidates, a substantial case for disqualification is made.[71] Conversely, where members of the university community, either students, faculty, staff, or administrators, on their own time and at their own expense engage in political action, such action should not be attributed to the university merely on account of the actor's affiliation.[72]

The boundary between permissible and disqualifying activity is less clear where a nexus arguably exists between the activity by members of the university community and corporate policy. In a brief set of guidelines, acknowledged by Internal Revenue Service Commissioner Randolph W. Thrower as "fair and responsible"[73] in determining the scope of permissible activity, the American Council on Education attempts to resolve the issue

---

Footnotes at end of article.

of corporate involvement in several situations.[74] Where a university rearranges its academic calendar, without shortening the term of instruction, for the purpose of permitting students and faculty to participate as individuals in political campaigns, such policy should not be deemed disqualifying interference in a political campaign.[75] Where the corporate involvement consists of the nonpartisan provision of university facilities to political clubs, however, the Council recognizes that tax ramifications may turn upon the nature and extent of the activity facilitated. If the facilities are used merely for discussions and meetings, the Guidelines would recognize no threat to an exemption. The Guidelines suggest, however, that to the extent that such organizations extend their activities beyond the campus and participate in campaigns on behalf of candidates for public office or permit nonmembers of the university to avail themselves of these university facilities, the university should make and collect appropriate charges for the use of such facilities; similarly, even where reimbursement has been collected by the university, extraordinary or prolonged use of such facilties, particularly by nonmembers of the university community, might be grounds for disqualification.[76]

These Guidelines are not unreasonable and would require a substantial nexus between the university corporation and the political activity, as in the last examples given. However, an analysis of tax policy and first amendment considerations reveals several serious issues concerning the scope which the statutory restriction should be given.

Tax Policy Considerations. The policy considerations underlying the exemption to "educational" institutions clearly envisage the furtherance of a free, democratic society through informed, active citizens. While the scope of the term "educational" will be further discussed in a later section,[77] there can be no doubt that colleges and universities fall comfortably within it. One of the major functions of these institutions is to engender in students an understanding of society so that they may be better equipped to play an active role in it; [78] actual participation in the give and take of a free society is an important adjunct to this educational experience. Thus, even if it is granted that participation in political activities as a part of the formal curriculum may be validly regulated to avoid government underwriting of political activities, this policy might be extended unwisely to compel a university, by threat of loss of preferred tax status, to discriminate in providing facilities between those student groups active in pursuing extracurricular legislative or elective solutions to political problems and those student groups which are content to discuss political issues abstractly. To the extent that it limits the breadth and content of the educational experience, such discrimination thereby defeats the policy behind exempting educational institutions.

First Amendment Considerations. Whether or not speech limitations on a university corporation enjoying a tax exemption are appropriate, there can be no question that members of the university community, as individuals, enjoy the full range of first amendment protections. Should the Internal Revenue Service, by direct action or indirect threats, put in question a university's exemption, the first amendment rights of students and faculty may be impinged upon in two distinct ways. First, if nonpartisan university toleration is to be viewed as "participation" by the university and the activities of students or faculty "attributed" to it, the university will necessarily feel compelled to outlaw such activity on its campus. In so limiting the types of political activity which it will tolerate, the university in its caution may well proscribe that which even the IRS or, ultimately, the courts would not sanction. Second, even if the university itself does not intervene with limiting rules, students and faculty, aware that their activity may have negative tax consequences upon the institution, may impose limitations upon their own freedoms of speech and association. This indirect "chilling effect" of the ambiguity of the standard applied and the possibility of IRS reappraisal, therefore raises serious first amendment questions concerning the validity of both the standard and the IRS application.

While there is scarce judicial authority directly raising first amendment limitations against denials of 501(c)(3) and 170(c)(2) exemptions, cases arising in other contexts suggest the probable direction of the result. In *American Communications Association v. Douds,*[79] Justice Frankfurter argued that ". . . ". . . Congress may withhold all sorts of facilities for a better life but if it affords them it cannot make them available in an arbitrary way or exact surrender of freedoms unrelated to the purpose of the facilities." [80] Applying this sensitive reasoning to the activity of a Good Government League, the Sixth Circuit in *Seasongood v. Commissioner* [81] strictly construed the term "propaganda" to reach only coloring or distortion of facts with an ulterior motive. The court held that such conduct did not disqualify the League from receiving deductible contributions, suggesting that any other construction might violate the constitutional right of free speech.[82]

The Supreme Court has reached similar conclusions in related areas. In *United States v. Harriss,*[83] the Supreme Court upheld the registration provisions of the Federal Regulation of Lobbying Act,[84] which regulated persons soliciting money to influence, directly or indirectly, the passage or defeat of legislation, only to the extent that they applied to direct communications with members of Congress.[85] In *Speiser v. Randall,*[86] the Cour invalidated a California procedure which denied a veteran's property tax exemption to persons who refused to subscribe to oaths that they did not advocate the overthrow of federal or state government by force.[87]

The Court generally has upheld statutes where the abridgement of free speech is limited in scope and there is a rational connection between the prohibition or burden imposed by the statute and a justifiable public interest served by its objective.[88] In *Commardano v. United States,*[89] the Court stated that the nondiscriminatory denial of deduction from gross income of sums expended to promote or defeat legislation is not designed to prevent the expression of dangerous ideas, on the theory that Congress could reasonably determine that everyone should stand on equal footing with regard to the purchase of publicity that can influence the fate of legislation.[90] A reading of *Cammarano* together with *Harriss* suggests that the political activity restriction is on its face valid as a reasonable qualification to the exercise of an educational institution's tax exemption. However, both the *Cammarano* and *Harriss* decisions were careful to indicate that any deterrence of first amendment activities in these cases was purely incidental to valid regulatory policies and not intended to inhibit free speech.[91] The results reached are thus consistent with the overbreadth doctrine [92] which requries that regulation of first amendment activities must be drafted with precision so as to avoid deterring protected expression not falling within the ambit of the government's legitimate concern.[93]

Thus, in light of the indicated threat to the right of students and faculty to free speech and the Supreme Court's unwillingness to allow statutory abridgement of these rights, a broad reading of the political activity restriction and a broad application of the restriction to university corporations which would tend to effectively inhibit all political activity on campuses would be unjustified and possibly unconstitutional.

Footnotes at end of article.

DISQUALIFYING ACTIVITY BY PUBLIC INTEREST GROUPS

Although certain questions pertaining to the application of the political activity restriction to universities unresolved, recent activity by the Internal Revenue Service suggests that the real battleground over tax policy regarding the restriction may take place in the context of the public interest study group or law firm. Until recently, Internal Revenue Service district offices routinely granted applications for advance rulings that declared such new organizations to be "charitable" if they purported to be so. On October 9, 1970, however, the Service announced a "moratorium" on new tax exemptions to those public interest organizations which litigate and suggested that major commitments to such organizations should not be undertaken during a 60-day IRS study, all amid speculation that corporate pressure was being applied upon the Government to weaken the fight against corporate pollution, unfair trade practices, and unsafe products. The Service indicated that the study would determine whether such organizations truly serve the public interest, and would question the fundamental idea of an indirect Government subsidy for public interest litigation.

The IRS decision was promptly criticized by members of the Senate Employment, Manpower and Poverty Subcommittees in a letter to Commissioner Randolph W. Thrower. Noting the deductibility of corporate legal expenses incurred in *defending* pollution, the letter stressed the need for public interest advocacy, the chilling effect the IRS action would have upon such activities, and the fact that the "clear effect . . . would be to shut off contributions to many organizations simply out of fear that they *might not* qualify—and even worse, to force organizations with legitimate causes of action to forego filing lawsuits for fear of losing their tax-exempt status." [94]

The specific action against groups which engage in litigation clearly appears misconceived. Public interest firms, like traditional legal aid groups, provide a service which their respective clients, the poor and the "average American," cannot afford.[95] Such traditional legal aid societies and the American Civil Liberties Union for years have engaged in politically sensitive litigation without threat of losing tax exemptions. The Regulations themselves recognize as "charitable" activities the defense of "human and civil rights secured by law," [96] and the "human right" to clean air or an uncluttered environment may prove as judicially cognizable as the rights to free speech and equal protection. Thus, it would appear that litigation in the interest of public health and safety is clearly prima facie charitable.

Nor is the IRS on strong ground in pointing to the lack of standards as to what constitutes "public interest" litigation. Courts have effective means to deal with plaintiffs whose motives are improper, or who do not adequately represent the public or other class interests, by dismissing a suit or imposing costs. Furthermore, the determination of the scope of the public interest in newly acknowledged human rights is within the province of the courts, not the IRS, and a liberal construction is warranted on tax neutrality grounds regarding suits to redress corporate wrongs. Since the corporation may deduct legal costs are a business expense, exempting the public interest law firm, and allowing deductions on funds contributed to it, represents one of the few ways to alleviate the fundamental inequality between private individuals and powerful corporations.

On November 12, 1970, the Internal Revenue Service announced Guidelines [97] which it would apply in the future in determining the tax status of organizations engaged in litigation, thus ending the earlier-announced "moratorium" on the granting of tax exemptions to such organizations. Although Commissioner Thrower indicated that the Guidelines would be administered flexibly, it is difficult to project the scope of their future application.

Different considerations arise in dealing with public interest groups which engage neither in litigation nor in lobbying, but seeks instead to inform the public on various matters which may seriously affect them. Such organizations, by analyzing and reporting upon the safety of certain products or the efficiency of federal agencies, serve a watchdog function impossible for the average citizen. If past experience is a valid guide, the more controversial the areas probed by these organizations in their studies, the more likely their tax status as "educational" institutions will be questioned. There is a further possibility that an organization's firm position on an issue may be used to categorize it as an "action" organization, and hence disqualified.

"Education" and "Propaganda"—Analysis of Controversial Issues. The requirement that, as a condition to receiving preferred tax status, no substantial part of an organization's activities be "carrying on propaganda," has been used by the Internal Revenue Service as a basis for urging that associations formed to disseminate controversial or partisan information are not "educational." [98] Taxpayers have contested this position, leading to a series of cases broadening the scope of the statutory provision. *Slee v. Commissioner* [99] involved the American Birth Control League, which gave free medical service to married women, collected and distributed information about birth control, and sought to enlist the support and cooperation of legislators in repealing and amending statutes preventing birth control. The Board of Tax Appeals denied the deduction of contributions to the League on the ground that it was not exclusively educational since it was formed, among other reasons, to disseminate propaganda concerning a controversial matter.[100] The Second Circuit affirmed on the narrow ground that Congress did not intend to subsidize political activities; the fact that the subject matter was "controversial" was not considered significant, but the court felt that the League had engaged in "political agitation" which placed it outside the statute.[101]

In *Weyl v. Commissioner,*[102] the Board of Tax Appeals disallowed the deduction of contributions to the League of Industrial Democracy, an organization promoting a new social movement based on production for use rather than profit, on the ground that it dealt with a controversial subject with partisan overtones. The Second Circuit reversed on the grounds that a controversial social doctrine on resemblance to a political party was not fatal, and that the League had "no legislative program hovering over its activities." [103] In *Leubuscher v. Commissioner* [104] the Second Circuit upheld the deductibility of a bequest to teach, expound, and propagate the ideas of Henry George, although it affirmed the disallowance of the deduction of a second bequest to another organization to seek the abolition of tax on industry.[105] Similarly, in *Seasongood v. Commissioner* [106] the Second Circuit reversed the Tax Court's denial of a deduction for contributing to the Hamilton County Good Government League,[107] stating that "propaganda" requires distortion of facts with an ulterior motive, and that "otherwise attempting to influence legislation" necessitates direct contact with Congress.[108] The court also repudiated the Treasury's distinction between direct action and public education, holding that since the League spent less than five percent of its time on direct action, it qualified as an educational organization.[109]

Although the foregoing cases are persuasive authority for the proposition that an exemption or deduction should not be denied merely because an organization advocates controversial doctrines with political overtones,[110] other decisions adopt a narrower point of view. In *Estate of Blaine v. Commissioner,*[111] the Tax Court denied deductions for contributions to the Foundation for World Government based on its determination that the organization's studies of problems relating to world government were not purely educational, since "the ultimate aim of such work was the attainment of a political objective." [112] Other cases have similarly denied an organization preferred status where there was no direct lobbying and the disqualifying activity consisted merely of attempting to mold public opinion in favor of a certain revision of the law.[113] Organizations such as antisaloon leagues seeking the enactment of prohibition laws and the selection of prohibition officials,[114] clubs formed to urge specific reforms of municipal problems,[115] and organizations formed to secure equal rights for women [116] have all been held to have as their object the dissemination of controversial or partisan propaganda, and therefore to be nonexempt.

The Internal Revenue Service apparently had adhered to a policy of focusing on an organization's political purposes rather than specific, "quantifiable" activities.[117] The current Regulations broadly define "education" as the instruction or training of an individual for the purpose of improving or developing his capabilities or the instruction of the public on subjects useful to the individual and beneficial to the community.[118] The unfortunate distinction between education and propaganda is retained, however, in other provisions. An organization, for example, is not educational if its "principal function is the mere presentation of unsupported opinion. [119] Although there clearly is merit in discouraging the dissemination of untruth, the Regulations provision covering "unsupported opinion may inhibit organizations seeking to enlighten the public on matters in current disrepute.

Action Organizations. Although the terms "educational" and "charitable" are broadly defined by the Regulations, and although an organization involved in controversial matters is not per se disqualified from preferred tax status, the Regulations utilize the concept of an "action" organization to separate exempt from nonexempt organizations among those operating in controversial areas. An organization will fall within the "action" category if it (1) urges the public to contact members of a legislative body for the purpose of proposing, supporting or opposing legislation; (2) advocates the adoption or rejection of legislation;[120] (3) makes written or oral statements on behalf of, or in opposition to, a candidate for public office [121] or (4) advocates, or campaigns for, the attainment of a main or primary social objective which may be attained only by legislation.[122]

These provisions are ambiguous and often difficult to reconcile. For example, the Regulations provide that an organization is educational even though it advocates a particular position, so long as it presents a full and fair exposition of the pertinent facts.[123] This policy is undercut, however, by the provision that advocacy of a primary objective which may be attained only by legislation or defeat of proposed legislation is disqualifying action. The Regulations' lack of clarity makes them susceptible to overbroad application which discriminates against organizations advocating controversial doctrines,[124] and this danger of discriminatory treatment is further compounded by the sporadic nature of IRS scrutiny and the likelihood that an organization will be singled out for review because of attention drawn to its "controversial" or "political" program by the news media.[125] Therefore, it seems clear that the "education" versus "propaganda" and "action group" distinctions, like the dubious consideration of political purposes in lieu of substantial activities,[126] tend to foster uncertainty and to inhibit the sponsorship of activities and programs which might arguably be deemed "political."

AN APPRAISAL OF THE RESTRICTIONS

Ambiguities already demonstrated in the application of the political activity restriction particularly as regards legislation suggest the need for a broad reexamination of the merits of the restriction itself. Defense of the restriction to date has been predicated on three factors: (1) the possible erosion of the tax base through expanding exemptions and deductions; (2) the inherent undesirability of lobbying; and (3) the policy against subvention and in favor of tax neutrality. Each of these considerations is separately subject to challenge.

Tax Base Rationale. Advocates of the restriction argue that the tax base should be protected against erosion by expanding exemptions and deductions, since the Treasury must replace from other sources revenue lost from granting preferred tax status to section 501(c)(3) and 170(c)(2) corporations. This argument is unpersuasive, however, since it is not clear that the revenue consequences of denying preferred status to politically active organizations are significant. Many charitable corporations presently exempt under section 501(c)(3) also may be exempt under other provisions of section 501 and thus will continue to engage in political activity without risking loss of their exemption.[127] Even if such a corporation does not qualify for an alternative exemption, it is unlikely to have any "income" within the meaning of section 61 of the Code.[128] Furthermore, any revenue significance derived from denying deductions of individual contributions to corporations not qualifying under section 170(c)(2) is marginal due to the sporadic nature of IRS scrutiny [129] and the likelihood that if a corporation were to lose its preferred status, a contributor would either find an exempt organization with similiar goals or would donate to exempt charities without regard to specific goals.[130]

Undesirability of Lobbying. A second argument is based on the premise that lobbying is inherently undesirable. The standard objections are: (1) that lobbying furthers self-interest rather than the public welfare; (2) that it supplies distorted information to the legislator who is seeking facts; and (3) that it frequently operates coercively, by threats of reprisal and offers of campaign contributions, thereby making opposition to its views difficult.[131] These arguments are unpersuasive, however, when applied to charitable, educational, and scientific organizations. Presumably, charities otherwise satisfying the requirements of sections 501(c)(3) and 170(c)(2) are pursuing selfless goals which society fosters. If these exempt purposes can best be served by encouraging legislation, then restricting such activity only narrows the field of ideas presented to legislators, but also denies these organizations an important avenue for fulfilling their exempt purposes. The organization and its contributors should not be penalized by a blanket denial of preferred tax status; only political activities which do not promote such exempt purposes should be prohibited. Although greater selectivity is required to screen out these contributors who receive a charitable deduction for selfishly motivated contributions, this does not require a denial of exemption or deductions merely because an organization is politically active. For example, a percentage limitation on deductible contributions from a donor to any organization would serve to screen donors couching

---

Footnotes at end of article.

a private economic motive (for example, a pecuniary interest in an organization's current activity on particular legislation) without disqualifying benevolently motivated donors.[132]

Subvention Policy. A third rationale for the restriction is the policy against subvention, the underwriting by the government of political activities. This policy was first articulated by Judge Learned Hand in *Slee v. Commissioner*,[133] and has been relied upon in subsequent case law, Treasury rulings, and legal commentary.[134] The basic notion, not without merit, is that legislation affects all citizens and all citizens should be treated equally. The expense of competing for legislative favor should not be passed unequally to the federal government. Under this theory, the Treasury stands neutral, and each taxpayer who would influence legislation bears the whole cost himself.

The neutrality argument, however, is fatally undercut in two respects. First, tax neutrality has not been uniformly respected. Inadequacies of record keeping, sporadic IRS scrutiny, and favoring of some political purposes over others have left a gap between theory and performance.[135] Furthermore, section 162(e) of the Code was amended in 1962 to allow a business deduction for expenses incurred either in connection with appearances before, or communications to, committees or individual members of Congress or any state or local legislative body, or in connection with any communication to an organization regarding legislation of interest to the taxpayer and an organization of which he is a member.[136] This deduction clearly provides for substantial subvention for business, and is in direct contrast with the broad proscription for charities requiring that no substantial part of their activities be "carrying on propaganda or otherwise attempting to influence legislation." [137] In *Cammarano*, the IRS had argued against allowing the deduction, taking the position that to do so would upset the tax equilibrium which existed due to the then existing uniform prohibition against subvention.[138] The Supreme Court accepted this argument and upheld the IRS, noting that this policy applied to religious, charitable, scientific, literary, and educational organizations,[139] and at the same time rejected the contention that denial of the deduction violated the first amendment.[140] By reversing the Supreme Court, the 1962 amendment to section 162(e) indicates a changed congressional position on subvention, makes defense of the policy difficult since it is no longer uniformly applied, and raises serious first amendment issues regarding whether the restrictions applied to section 501(c)(3) and 170(c)(2) organizations operate discriminatorily to suppress constitutional freedoms.[141]

The neutrality argument is also undercut by the fact that the logic of neutrality does not require a complete absence of subvention, but only that the opportunity to influence the fate of legislation or other political processes be equally available to every taxpayer. This raises important issues regarding the proper operation of a democratic society. It is vital, in a democracy, that there be adequate opportunity for the presentation of a variety of viewpoints, so that the diversity of the society's interests are known and accounted for by government. It seems clear, however, that the present system, rather than embodying a "neutrality," is actually discriminatory, potentially violative of equal protection.[142] Such a violation may be found when the corporate side of a public interest controversy deducts lobbying expenses while a comparable deduction is denied the citizen-donor to a politically active public interest group. Under a progressive tax structure the cost of political representation is higher for the poor to the extent that individuals support political goals by making deductible contributions to tax-exempt organizations.[143] To the extent that only "substantial" political activity is proscribed for section 501(c)(3) and 170(c)(2) organizations,[144] there is discrimination between large and small charitable organizations; a large charity may engage in political activity which is "insubstantial" in comparison with its other activities, which would be clearly disqualifying if conducted by a small charity.[145] Furthermore, since businesses may deduct all legislative expenses except "grass roots" lobbying,[146] there is a discrimination in favor of business interests and against individual and consumer interests. Thus, it would appear that no reasonable grounds exist for denying public interest groups access to legislators equivalent to that afforded to corporations.

CONCLUSION

A relaxation of the tendency of the IRS toward overbroad interpretation of the restraints on political activity, and toward disapproval of organizations which advocate new or "controversial" ideas is warranted to give full effect to the statutory purpose of fostering charitable, educational, and scientific activity and to avoid impingement on first amendment freedoms.

Further, a change in the law is warranted in order to allow for nonpartisan legislative activity by consumer and social welfare groups. This result is warranted since the use of political means serves both to effectuate charitable purposes, and to further democratic goals by encouraging the active representation of groups not formally represented by organized interests, and by providing legislators and public officials with a wider and more balanced spectrum of facts, arguments, and solutions to complex issues.[147] To the extent that these groups represent public interests in conflict with those of private, commercial interests, repeal of the lobbying restriction would serve to offset the corporate section 162(e) subvention. It would also eliminate the indicated enforcement and policy problems stemming from the restriction—e.g. the dubious education versus propaganda distinction— [148] and focus instead on the issue of whether the lobbying is consistent with the exempt charitable purposes.

FOOTNOTES

[*] A.B., 1965, Yale University; LL.B., 1968, Columbia Law School. Member of the New York Bar.

[1] The term "preferred tax status" is used throughout this article to refer to both the exemption accorded to the organization itself and the deductions granted to those who make donations to such exempt organizations.

[2] INT. REV. CODE of 1954, §§ 170(c)(2), 501(c)(3), *as amended*, Tax Reform Act of 1969, Pub. L. No. 91–172, § 201(a)(1)(B), 83 Stat. 549. Section 501(c)(3) provides preferred status, with restrictions, to "corporations . . . organized and operated exclusively for religious, charitable, scientific . . . or educational purposes . . . ." The deduction and exemption provisions further encourage gifts to educational, religious, and charitable organizations by providing a maximum allowable deduction of 50 percent to taxpayers' adjusted gross income for contributions to these organizations, in contrast to a 20 percent limitation for other charitable contributions. *See id.* § 170(b)(1)(A), (B), *as amended*, Tax Reform Act of 1969, Pub. L. No. 91–172, § 201(a)(1), 83 Stat. 549. *See also id.* §§ 2055(a), 2106(a)(2)(A) (charitable bequests deductions), § 3121(b)(8)(B) (social security exemption), § 2522(a)(2) (gift tax deduction).

[3] It is well settled that "a charitable use, where neither law nor public policy forbids, may be applied to almost anything that tends to promote the well-doing and well-being of social man." 2 W. PERRY TRUSTS § 687 (6th ed. 1911). *See also* Clark, *The Limitation on Political Activities, A Discordant Note in the Law of Charities*, 46 VA. L. REV. 439 (1960).

[4] For example, the Internal Revenue Code denies preferred status to "feeder" organizations, INT. REV. CODE of 1954, § 502, *as amended*, Tax Reform Act of 1969, Pub. L. No. 91–172, § 121(b)(7), 83 Stat. 542. Thus, an organization primarily carrying on a trade or business for profit is not exempt merely because its profits are payable to organizations exempt under section 501. *See* Treas. Reg. 1.502–1(a)(c), T.D. 6662, 1963–2 CUM. BULL. 214. *See also* INT. REV. CODE of 1954, § § 503, 504, 511–14.

[5] INT. REV. CODE of 1954, § § 170(c)(2), 501(c)(3), *as amended*, Tax Reform Act of 1969, Pub. L. No. 91–172, § 201(a)(1)(B), 83 Stat. 549.

[6] Under the Code, charitable organizations which qualify as tax exempt civic or welfare organizations may engage in political activities. INT. REV. CODE of 1954, § 501(c)(4).

[7] When an organization fails to qualify under section 501(c)(3) the donor loses the section 170(c)(2) deduction from income tax, and is additionally faced with the prospect of gift or estate tax on his contribution. INT. REV. CODE of 1954, §§ 2055(a), 2522(a); *see* Estate of Anita M. Blaine, 22 T.C. 1195 (1954); The Huntington Nat'l Bank, 13 T.C. 760 (1949).

[8] Act of Aug. 27, 1984, 349, § 32, 28 Stat. This income tax statute was held unconstitutional as applied to interest derived from estate bonds. Pollock v. Farmers Loan & Trust Co., 157 U.S. 429, *aff'd on rehearing*, 158 U.S. 601 (1895). *See generally* Clark, *supra* note 3, at 444–52.

[9] Act of Oct. 3, 1913, ch. 16, § II(G)(a), 38 Stat. 172 (codified at INT. REV. CODE of 1954, § 501).

[10] War Revenue Act, ch. 63, § 1201(2), 40 Stat. 330 (1917) (codified at INT. REV. CODE of 1954, § 170(c)(2)).

[11] Revenue Act of 1924, ch. 234, tit. III, § 303(a)(3), 43 Stat. 306 (codified at INT. REV. CODE of 1954, § 2500(a)(2)).

[12] Revenue Act of 1932, ch. 209, § 505, 47 Stat. 247 (codified at INT. REV. CODE of 1954, § 2522(a)(2)). This provision was originally a temporary one, in effect from 1924 to 1926 before becoming permanent. 43 Stat. 313 (1924).

[13] O.D. 704, 3 CUM. BULL. 240 (1920); S.1362, 2 CUM. BULL. 152, 154 (1920); *see* Herbert E. Fales, 9 B.T.A. 828 (1927); Sophia G. Goxe, 5 B.T.A. 261 (1926).

[14] Treas, Reg. 45, art. 517, T.D. 2831, 21 TREAS. DEC. INT. REV. 285 (1920).

[15] 42 F.2d 184 (2d Cir. 1930).

[16] J. Noah H. Slee, 15 B.T.A. 710, 715 (1929). The statute then in effect permitted deductions for gifts made to any "corporation . . . organized and operated exclusively for religious, charitable, scientific, literary or education purposes . . . or . . . for the prevention of cruelty to animals. . . ." Revenue Act of 1921, ch. 136, tit. II, pt. 2, § 214(a)(11)(B), 42 Stat. 241.

[17] 42 F.2d at 185. *But see* Girard Trust Co. v. Commissioner, 122 F.2d 108 (3d Cir. 7941); Cochran v. Commissioner, 78 F.2d 176 (4th Cir. 1935).

[18] 42 F.2d at 185.

[19] *See, e.g.*, Sharpe's Estate v. Commissioner, 148 F.2d 179 (3d Cir. 1945); Marshall v. Commissioner, 147 F.2d 75 (2d Cir.), *cert denied*, 325 U.S. 872 (1945); Clark, *supra* note 3, at 446–47.

[20] *See* Note, *The Revenue Code and a Charity's Politics*, 73 YALE L.J. 661, 666–67 (1964) and cases cited therein.

[21] Revenue Act of 1934, ch. 277, § 23(o)(2), 48 Stat. 690 (income tax); *id.* § 101(b), 48 Stat. 700 (exempt corporations); *id.* § 406, 48 Stat. 755 (estate tax); *id.* § 517, 48 Stat. 760 (gift tax).

[22] For debate on this provision, see 78 CONG. REC. 5861, 5959, 7831 (1934). *See also* 110 CONG. REC. 5078–79 (1964).

[23] *See* Seasongood v. Commissioner, 227 F.2d 907, 910 (6th Cir. 1955). Senator Reed expressed the view that "[t]here is no reason in the world why a contribution made to the National Economy League should be de-

ductible as if it were a charitable contribution if it is a selfish one made to advance the interests of the giver of the money. This is what the committee was trying to reach. . . ." 78 Cong. Rec. 5861 (1934) (remarks of Senator Reed).

[24] Senator Reed noted that "we found great difficulty in phrasing this amendment. I do not reproach the draftsmen. I think we gave them an impossible task; but this amendment goes further than the committee intended to go." 78 Cong. Rec. 5861 (1934) (remarks of Senator Reed).

[25] *See* Lehrfeld, *How Much "Politicking" Can a Charitable Organization Engage In,* 29 J. Taxation 236 (1968).

[26] The 1934 Act did not focus on whether the political activity was ancillary to some primary nonpolitical objective, nor did it reflect the concern of other decisions with examining both the *qualititative* and *quantitative* nature of the activity before rendering a decision on the purpose of the institution. The 1934 legislation prohibited "substantial" participation, thus indicating that an educational or charitable organization could engage in an "insubstantial" amount of such legislative activity without loss of preferred status. *See* Dulles v. Johnson, 273 F.2d 362 (2d Cir. 1959); Seasongood v. Commissioner, 227 F.2d 907 (6th Cir. 1955); Liberty Nat'l Bank v. United States, 122 F. Supp. 759 (W.D. Ky. 1954); Davis v. Commissioner, 22 T.C. 1091 (1952).

[27] *See* Cochran v. Commissioner, 78 F.2d 176 (4th Cir. 1935); Charles W. Dahlinger, 20 B.T.A. 176, 177 (1930), *aff'd,* 51 F.2d 662 (3d Cir.), *cert. denied,* 284 U.S. 673 (1931). Assistant Commisisoner of Internal Revenue, Norman Sugarman expressed the following view: "The 1934 amendment to the law . . . indicated an awareness by the Congress of the tenor of the court decisions . . . and by indirection, a reluctance to hold the line on the basis of the narrow interpretation by the service of the § 101(6) educational exemption. Congress saw fit only to circumscribe the exception with a restriction against substantial activities to influence legislation." *Hearings Before the Special House Comm. to Investigate Tax-Exempt Foundations and Comparable Organizations,* 83d Conf., 2d Sess. 433 (1954), *reprinted in* 32 Taxes 533, 595 (1954).

[28] H.R. No. 1385, 73d Cong., 2d Sess. 3–4 (1934) (Conference Report).

[29] *See* John N. Watson, Jr., 27 B.T.A. 463 (1932); Joseph M. Price, 12 B.T.A. 1186 (1928).

[30] *See* 100 Cong. Rec. 9604, 11461 (1954).

[31] Int. Rev. Code, § 501(c)(3).

[32] Treas. Reg. 1.170–1(f)(2)(ii), T.D. 6285, 1958–1 Cum. Bull. 141.

[33] *See* 1956 Wis. L. Rev. 165, 171.

[34] *See* Lehrfeld, *supra,* note 25, at 237.

[35] Pub. L. No. 91–172, § 201, 83 Stat. 487. Treasury Regulations do not yet reflect the changes made by the Tax Reform Act of 1969.

[36] Int. Rev. Code of 1954, §§ 170(c)(2)(B)–(D), 501(c)(3), *as amended,* Tax Reform Act of 1969, Pub. L. No. 91–172, § 201(a)(1)(B`, 83 Stat. 549.

[37] *See* Roche's Beach, Inc. v. Commissioner, 96 F.2d 776 (2d Cir. 1938).

[38] John Danz Charitable Trust, 32 T.C. 469 (1959), *aff'd,* 284 F.2d 726 (9th Cir. 1960).

[39] *See* Campbell v. Big Spring Cowboy Reunion, 210 F.2d 143 (5th Cir. 1954); Faulkner v. Commissioner, 112 F.2d 987 (1st Cir. 1940); Dulles v. Johnson, 155 F. Supp. 275 (S.D.N.Y. 1957), *rev' on other grounds,* 273 F.2d 362 (2d Cir. 1959), *cert. denied,* 364 U.S. 834 (1960); Lorain Ave. Clinic, 31 T.C. 141 (1958); Journal of Accountancy, Inc., 16 B.T.A. 1260 (1929).

[40] Marshall v. Commissioner, 147 F.2d 75 (2d Cir.), *cert. denied,* 375 U.S. 872 (1945); Sun-Herald Corp. v. Duggan, 73 F.2d 298 (2d Cir.) *cert. denied,* 294 U.S. 719 (1934); Sebastian-Lathe Co. v. Johnson, 110 F. Supp. 245 (S.D.N.Y. 1952); James J. Forestall, 29 B.T.A. 428 (1933).

[41] Roche's Beach, Inc. v. Commissioner, 96 F.2d 776 (2d Cir. 1938); Sun-Herald Corp. v Duggan, 73 F.2d 298 (2d Cir. 1934), *cert. denied,* 294 U.C. 719 (1934); Sebastian-Lathe Co. v. Johnson, 110 F. Supp. 245 (S.D.N.Y. 1952).

[42] The section 170(c)(2) deduction is governed by the section 501(c)(3) regulations. Treas. Reg. § 1.170–1(f)(2), T.D. 6285, 1958–1 Cum. Bull. 133.

[43] Treas. Reg. § 1.501(c)(3)–1(b)(1)(i)(a), T.D. 6391, 1959–2 Cum. Bull. 141; *see* Universal Oil Prods. v. Campbell, 181 F.2d 451 (7th Cir.), *cert. denied,* 340 U.S. 850 (1950); Sun-Herald Corp. v. Duggan, 73 F.2d 298 (2d Cir.), *cert. denied,* 294 U.S. 719 (1934).

[44] Treas. Reg. § 1.501(c)(3)–1(b)(1)(b), (iii), T.D. 6391, 1959–2 Cum. Bull. 141. The presence of an insubstantial activity or purpose will not affect the exempt status. Estate of Phillip R. Thayer, 24 T.C. 384 (1955); A.A. Allen Revivals, Inc., 22 CCH Tax Ct. Mem. 1435 (1963).

[45] Treas. Reg. § 1.501(c)(3)–1(b)(1)(iv), T.D. 6391 1959–2 Cum. Bull. 142.

[46] Treas. Reg. § 1.501(c)(3)–1(b)(3), T.D. 6391, 1959–2 Cum. Bull. 142.

[47] Francis E. McGillick Foundation v. Commissioner, 278 F.2d 643, 646–47 (3d Cir. 1960); William L. Powell Foundation v. Commissioner, 222 F.2d 68, 73–74 (7th Cir. 1955); *see* 6 J. Mertens, Law of Federal Income Taxation § 34.07, at 28–35 (rev. ed. 1968) and cases cited therein.

[48] Francis E. McGillick Foundation v. Commissioner, 278 F.2d 643 (3d Cir. 1960); Slee v. Commissioner, 42 F.2d 184 (2d Cir. 1930).

[49] Treas. Reg. § 1.501(c)(3)–1(c)(1), T.D. 6391, 1959–2 Cum. Bull. 143. This regulation seems to codify prior case law. *See* Seasongood v. Commissioner, 227 F.2d 907, 910 (6th Cir. 1955); Liberty Nat'l Bank & Trust Co. v. United States, 122 F. Supp. 759, 763 (W.D. Ky. 1954); The Huntington Nat'l Bank, 13 T.C. 760, 763 (1949).

[50] Tres. Reg. § 1.501(c)(3)–1(c)(3), T.D. 6391, 1959–2 Cum. Bull. 143.

[51] 227 F.2d 907 (6th Cir. 1955).

[52] *Id.* at 911–12.

[53] Tres. Reg. § 1.501(c)(3)–1(c)(3)(ii), (iv)(a), T.D. 6391, 1959–2 Cum. Bull. 143: Rev. Rul. 62–72, 1962–1 Cum. Bull. 85; *see* League of Women Voters v. United States, 180 F. Supp. 379 (Ct. Cl.), *cert. denied,* 364 U.S. 822 (1960).

[54] Tres. Reg. § 1.501(c)(3)–1(c)(iv)(b), T.D. 6391, 1959–2 Cum. Bull. 143; *see* Rev. Rul. 66–258, 1966–2 Cum. Bull. 213; Rev. Rul. 66–256, 1966–2 Cum. Bull. 210; I.T. 2654, XI–2 Cum. Bull. 39 (1932).

[55] *See* Clark, *supra* note 3, at 449–52 and cases cited therein; Note *Income Tax Disadvantages of Political Activities,* 57 Colum. L. Rev. 273 (1957); Note, *Charitable Trusts for Political Purposes,* 37 Va. L. Rev. 988 (1951).

[56] *See* Clark *supra* note 3, at 452.

[57] *See* Estate of Anita M. Blaine, 22 T.C. 1195 (1954); Rev. Rul. 62–71, 1962–1 Cum. Bull. 85; Rev. Rul. 60–193, 1960–1 Cum. Bull. 195; Note, *supra* note 20, at 662.

[58] *See* Kuper v. Commissioner, 332 F.2d 562 (3d Cir.). *cert. denied,* 379 U.S. 920 (1964); The Huntington Nat'l Bank, 13 T.C. 760 (1949).

[59] 227 F.2d 907 (6th Cir. 1955).

[60] *Id.* at 912.

[61] Liberty Nat'l Bank & Trust Co. v. United States, 122 F. Supp. 759, 766 (W.D. Ky. 1954). "If upon sporadic occasions the zeal of its members has invaded the prohibited area of attempting to influence legislation, this becomes of little consequence viewed against the background of the whole of their efforts in behalf of better government." *Id.*

[62] Murray Seasongood, 22 T.C. 671, 680 (1954).

[63] *See, e.g.,* Dulles v. Johnson, 273 F.2d 362, 367 (2d Cir. 1959), *cert. denied,* 364 U.S. 834 (1960); Hammerstein v. Kelly, 235 F. Supp. 60, 63 (E.D. Mo. 1964), *aff'd,* 349 F.2d 928 (8th Cir. 1965).

[64] *See* Note, *supra* note 20, at 668.

[65] Treas. Reg. § 1.501(c)(3)–1(c)(iii), T.D. 6391, 1959–2 Cum. Bull. 143.

[66] *Id.*

[67] Rev. Rul. 67–71, 1967–1 Cum. Bull. 125.

[68] Rev. Rul. 67–368, 1967–2 Cum. Bull. 194.

[69] *See* Note, *Income Tax Disadvantages of Political Activities,* 57 Colum. L. Rev. 273, 280–81 (1957).

[70] CCH 1970 Stand. Fed. Tax Rep. ¶6743, at 71,585.

[71] *Id.* A question is raised as to which persons act for the corporation and in its name. Clearly a statement of policy voted upon and announced by the corporation as a committee of overseers falls within the proscription. The Guidelines state that "[t]hose who in their official capacity frequently speak for the university should undertake to make it clear when expressing individual views that they are not stating a university position." *Id.* at 71,586.

[72] *See id.* As to faculty and staff, the Guidelines raise the possibility that releasing them with pay from their normal duties to participate in an election might constitute "indirect participation by the institution itself . . ." *Id.*

[73] *Id.* at 71,585.

[74] *Id.* at 71,585–86.

[75] *Id.* If the institution shortened its terms of instruction, questions might be raised as to whether a full term of instruction were being provided. *Id.* at 71,586. The New York City Small Claims Court has awarded a refund of tuition to a New York University student, Raymond Paynter, for time lost due to cancellation of classes during student demonstrations, on the theory of breach of contract, upon a finding that the university had not fulfilled its responsibility for order and discipline on the campus. *See* N.Y. Times, Oct. 15, 1970, at 1, col. 1.

[76] 7 CCH 1970 Stand. Fed. Tax Rep. ¶6743, at 71,586.

[77] *See* notes 98–119 *infra* and accompanying text.

[78] *See* Goldman, *The University and the Liberty of Its Students—A Fiduciary Theory,* 54 Ky. L.J. 643, 645–47 (1966).

[79] 339 U.S. 382 (1950) (Frankfurter, J., concurring in part, dissenting in part).

[80] *Id.* at 417.

[81] 227 F.2d 907 (6th Cir. 1955).

[82] *Id.* at 911. Other cases, however, have construed the exemption narrowly. *See, e.g.,* American Hardware & Equip. Co. v. Commissioner, 202 F.2d 126 (4th Cir. 1953); Robert's Dairy v. Commissioner, 195 F.2d 948 (8th Cir.), *cert. denied,* 344 U.S. 865 (1952).

[83] 347 U.S. 612 (1953).

[84] 2 U.S.C. §§ 264, 266–67 (1964).

[85] 347 U.S. at 626.

[86] 357 U.S. 513 (1958).

[87] *Id.* at 518–20, 525.

"[T]he denial of tax exemption [in this case] for engaging in certain speech necessarily will have the effect of coercing the claimants to refrain from the proscribed speech. The denial is 'frankly aimed at the suppression of dangerous ideas.'

* * * * *

". . . When we deal with the complex of strands in the web of freedoms which make up free speech, the operation and effect of the method by which speech is sought to be restrained must be subjected to close analysis and critical judgment in the light of the particular circumstances to which it is applied.

* * * * *

"[I]t does not follow that because only a tax liability is here involved, the ordinary tax assessment procedures are adequate when applied to penalize speech." *Id.*

[88] *See* United Public Workers v. Mitchell, 330 U.S. 75 (1947) (upholding the Hatch Act's restriction of political activity by federal employees). *See generally* Hatch Act, 5 U.S.C. § 1181 (1964).

[89] 358 U.S. 498 (1959).

[90] *Id.* at 513.

[91] Cammarano v. United States, 358 U.S. 498, 513 (1959); Hariss v. United States, 347 U.S. 612, 625–26 (1953).

[92] *See* Note, *The First Amendment Overbreadth Doctrine,* 83 Harv. L. Rev. 844 (1970).

[93] "To deny an exemption to claimants who engage in certain forms of speech is in effect to penalize them for such speech." Speiser v. Randall, 357 U.S. 513, 518 (1958).

[94] Letter from Members of the Senate Subcommittee on Employment, Manpower, and Poverty to Randolph W. Thrower, Oct. 14, 1970 (copy on file at Geo. L.J.)

[95] *See id.*

[96] Treas. Reg. § 1.501(c)(3)-1(d)(2)(iii) (1959), T.D. 6391, 1959–2 Cum. Bull. 144.

[97] The Guidelines read as follows:

"1. The engagement of the organization in litigation can reasonably be said to be in representation of a broad public interest rather than a private interest. The litigation is designed to present a position on behalf of the public at large on matters of public interest. Typical of such litigation may be class actions in the public interest, suits for injunction against action by government or private interests broadly affecting the public, similar representation before administrative boards and agencies, test suits where the private interest is small, and the like. The activity would not normally extend to direct representation of litigants in actions between private persons where their financial interests at stake would warrant representation from private legal sources. In such cases, however, the organization may serve in the nature of a friend of the court.

"2. The organization does not accept fees for its services except in accordance with procedures approved by IRS.

"3. The organization does not attempt to achieve its objectives through a program of disruption of the judicial system, illegal activity, or violation of applicable canons of ethics.

"4. The organization files with its annual information return a description of cases litigated and the rationale for the determination that they would benefit the public generally.

"5. The policies and programs of the organization are the responsibility of a board or committee representative of the public interest, which is not controlled by employees or persons who litigate on behalf of the organization nor by any organization that is not itself an organization described in Section 501(c)(3) of the Internal Revenue Code.

"6. The organization is not operated, through sharing of office space or otherwise, in a manner so as to create identification or confusion with a particular private law firm.

"7. There is no arrangement to provide, directly or indirectly, a deduction for the cost of litigation which is for the private benefit of the donor.

"8. The organization must otherwise comply with the provisions of Section 501(c)(3), that is, it may not participate in, or intervene in, any political campaign on behalf of any candidate for public office, no part of its net earnings may inure to the benefit of any private shareholder or individual, and no substantial part of its activities may consist of 'carrying on propaganda, or otherwise attempting, to influence legislation.'" 7 CCH 1970 Stand. Fed. Tax Rep. ¶ 6943G, at 71,941.

[98] This was based upon a Treasury Regulation which stated that associations formed to disseminate controversial or partisan propaganda are not educational within the meaning of the statute. *See* note 14 *supra* and accompanying text.

[99] 42 F. 2d 184 (2d Cir. 1930).

[100] J. Noah H. Slee, 15 B.T.A. 710 (1929), *aff'd,* 42 F. 2d 184 (2d Cir. 1930).

[101] 42 F. 2d at 185.

[102] 18 B.T.A. 1092 (1930), *rev'd,* 48 F. 2d 811 (2d Cir. 1931).

[103] 48 F. 2d at 812. *See also* Cochran v. Commissioner, 78 F. 2d 176 (4th Cir. 1935).

[104] 54 F. 2d 998 (2d Cir. 1932).

[105] *Id.* at 1001.

[106] 227 F.2d 907 (6th Cir. 1955).

[107] Murray Seasongood, 22 T.C. 671 (1954), *rev'd,* 227 F.2d 907 (6th Cir. 1955).

[108] 227 F.2d at 911–12.

[109] *Id.* at 912.

[119] Rev. Rul. 68–15, 1968–1. Cum. Bull. 244 (to correct conditions causing community tension); Rev. Rul. 67–342, 1967–2 Cum. Bull. 187 (to educate the public on the need for international cooperation); Rev. Rul. 65–60, 1965–1 Cum. Bull. 231 (to develop and disseminate a body of new knowledge relating to the social sciences).

[111] 22 T.C. 1195 (1954).

[112] *Id.* at 1213.

[113] American Hardware & Equip. Co. v. Commissioner, 202 F.2d 126 (4th Cir. 1953); Roberts Dairy Co. v. Commissioner, 195 F.2d 948 (8th Cir. 1952).

[114] Herbert E. Fales, 9 B.T.A. 828 (1927).

[115] Joseph M. Price, 12 B.T.A. 1186 (1928).

[116] Kuper v. Commissioner, 332 F.2d 562 (3d Cir.), *cert. denied,* 379 U.S. 920 (1964); Vanderbilt v. Commissioner, 93 F.2d 360 (1st Cir. 1937).

[117] *See notes 55–57* supra and accompanying text.

[118] Treas. Reg. § 1.501(c)(3)–1(d)(3)(i), T.D. 6391, 1959–2 Cum. Bull. 144.

[119] *Id.*

[120] *Id.* § 1.501(c)(3)–1(c)(3)(ii).

[121] *Id.* § 1.501(c)(3)–1(c)(3)(iii).

[122] *Id.* § 1.501(c)(3)–1(c)(3)(iv).

[123] *Id.* § 1.501(c)(3)–1(d)(3)(i). *See generally* Vanderbilt v. Commissioner, 93 F.2d 360 (1st Cir. 1937); Slee v. Commissioner, 42 F.2d 184 (2d Cir. 1930).

[124] The statute and regulations have been criticized for allowing the Internal Revenue Service uncontrolled discretion. *See* Note, *supra* note 20, at 665–66.

[125] *See id. at 665* n.18.

[126] *See* notes 58–68 *supra* and accompanying text.

[127] Section 501(c) lists 17 classes of tax-exempt organizations, including social welfare leagues, labor organizations, and business leagues. Int. Rev. Code of 1954, § 501(c), *as amended,* Tax Reform Act of 1969, Pub. L. No. 91–172, §§ 101(j)(5), 121(b)(5)(A), 121(b)(6)(A), 83 Stat. 527.

[128] Contributions from individuals may be excluded as gifts. *Id.* § 102.

[129] *See* Note, *supra* note 20, at 665 n. 18.

[130] *Id.* at 669–70.

[131] *See* Federal Regulation of Lobbying Act, 2 U.S.C. §§ 261–70 (1964); Clark, *supra* note 3, at 456; Weaver, *Taxes and Lobbying—The Issue Resolved,* 31 Geo. Wash. L. Rev. 938, 949–50 (1963); Note, *The Sierra Club, Political Activity, and Tax Exempt Charitable Status,* 55 Geo. L.J. 1128, 1137–38 (1967).

[132] Note, *supra* note 20 at 1139–41.

[133] 42 F.2d 184 (2d Cir. 1930); *see* notes 15–20 *supra* and accompanying text.

[134] *See* Cammarano v. United States, 358 U.S. 498 (1959); S.1362, 2 Cum. Bull. 152, 154 (1920).

[135] *See* Weaver, *supra* note 131, at 938.

[136] Revenue Act of 1962, § 3, 76 Stat. 973, *amending* Int. Rev. Code of 1954, § 162 (e).

[137] Int. Rev. Code of 1954, §§ 170(c)(2)(D), 501(c)(3).

[138] Brief for Respondents at 12, Cammarano v. United States, 358 U.S. 498 (1959).

[139] 358 U.S. at 512.

[140] *Id.* at 513.

[141] *See* Speiser v. Randall, 357 U.S. 513, 518 (1958).

[142] A discriminatory classification is upheld only when a substantial governmental interest is furthered by it. McGowan v. Maryland, 366 U.S. 420, 445–49 (1961); Hartford v. Harrison, 301 U.S. 459, 461–62 (1937). The equal protection limitation has been substantially applied to the federal government through the fifth amendment. Bolling v. Sharpe, 347 U.S. 497 (1954). The standard of proof required of any government in demonstrating a sufficient interest to justify a discriminatory classification is more stringent where the right impinged upon is deemed "fundamental." *See* Harper v. Virginia Bd. of Elections, 383 U.S. 663, 667 (1966).

Federal tax policy arguably recognizes two groups of taxpayers in considering the lobbying privilege. Where legislation on pollution is pending, corporations may lobby against it and deduct the expense of lobbying for tax purposes. Cammarano v. United States, 358 U.S. 498 (1959). At the same time, a public interest study group lobbying for the legislation might be deemed outside the "charitable" definition; if so, the citizen-contributor to the organization would be denied a deduction. The effect of these contradictory policies, taken together, is to provide strong corporate access to the legislative process while making unlikely the possibility of comparable access for the viewpoints of consumers. Lobbying to influence legislation represents an exercise of the constitutional right "to petition the Government for a redress of grievances." Liberty Lobby v. Pierson, 129 U.S. App. D.C. 74, 390 F.2d 489, 491 (1968). Thus a substantial governmental interest is required to uphold a discriminatory classification. That no such interest exists already has been indicated. *See* notes 127–142 *supra* and accompanying text. Thus, the discriminatory treatment may be unable to withstand constitutional scrutiny by the courts.

[143] *See* Note, *supra* note 20, at 670–71. The allowance of the deduction would have no effect on taxpayers who do not itemize their deductions. *See* Girard Trust Co. v. Commissioner, 122 F.2d 114 (2d Cir. 1941) (Clark, J., dissenting); Peters, *Political Campaign Financing: Tax Incentives for Small Contributors,* 18 La. L. Rev. 414, 428 (1958).

[144] *See* notes 49–50 *supra* and accompanying text.

[145] *See* Clark, *supra* note 3, at 459.

[146] *See* note 136 *supra* and accompanying text.

[147] The foregoing arguments do not fully apply to political activity to influence the outcome of an election campaign for public office, where "neutrality" is still the general rule. It has been suggested that, in addition, the congressional policy which in section 162(e)(2)(B) forbids "grass roots" lobbying by business, should be extended to charities as a type of *in pari materia. See* Note, *supra* note 20, at 673 n. 56. This suggestion might have some merit if the provisions of sections 501(c)(3) and 170(c)(2) were broadened to allow all appearances before and communications to committees or individual members of Congress or state or local legislative bodies, and communication with other organizations with similar interests.

[148] *See* Cooper, *The Tax Treatment of Business Grass Roots Lobbying: Defining and Attaining the Public Policy Objectives,* 68 Colum. L. Rev. 801 (1968); notes 98–126 *supra* and accompanying text.

LEGISLATIVE COMMUNICATIONS BY PUBLIC CHARITIES—AN EXPLANATION OF THE LEGISLATION

PRESENT LAW

The Internal Revenue Code provision which grants tax exemption to charitable, educational, religious, and similar organizations—section 501(c)(3)—specifies that, to be entitled to exemption, "no substantial part of the activities of (the organization may be) carrying on propaganda or otherwise attempting to influence legislation . . . ." Though considerable litigation has occurred under this provision, it is not clear how much "substantial" is; and it is not clear whether this quantitative limitation applies to the expenditures of an organization, some other measure of its operations, the importance of a legislative matter with which it concerns itself, its success in dealing with that legislative matter, or some other factor. Nonetheless, the Internal Revenue Service takes the position that the quoted language imposes a strict and narrow limit on the ability of charitable organizations to testify before Congressional committees, communicate with legislators, or otherwise participate in the legislative process.

Private foundations are one of the classes of organizations qualifying for exemption under 501(c)(3), and the Tax Reform Act of 1969 imposed a special set of restrictions upon their legislative activities. However, in the extensive hearing which both the House Ways and Means Committee and the Senate Finance Committee held on tax reform in 1969, no concern developed about the legislative activities of section 501(c)(3) organizations which are not private foundations—that is to say, publicly supported charitable, educational, and religious organizations. Hence, the 1969 Act took no action on the rules governing the legislative activities of public charities, and such charities remain subject to the section 501(c)(3) prohibition against substantial involvement with legislation.

REASONS FOR CHANGE

In 1962 Congress extended, to businesses and the organizations which represent them, the ability to conduct legislative efforts with tax-deductible funds. The Finance Committee explained the grounds for the action in these words:

"It is also desirable that taxpayers who have information bearing on the impact of present laws, or proposed legislation, on their trade or business not be discouraged in making the information available to the members of the Congress or legislators in other levels of Government. The presentation of such information to the legislators is necessary to a proper evaluation on their part of the impact of present or proposed legislation.*

This reasoning applies with equal force to public charities. No less than businesses and their trade associations, conservation organizations, medical research groups, and similar groups which are publicly supported can be important sources of information on legislative issues. The information which they have ought to be available to legislative bodies on the same basis as that possessed by business. As Congress properly recognized in 1962, the legislative process works best when it is open to the free and full expression of views by all individuals and groups concerned. The present Internal Revenue Code limitation upon public charities removes a broad, diverse, and important class of organizations from participation in the legislative process

An additional ground exists for amending this limitation. Ambiguous and indefinite in a variety of respects, the present "substantial" rule of section 501(c)(3) confers very broad discretion upon the Internal Revenue Service and thereby lends itself to a selective enforcement. Under the rule, particular Revenue agents, District Directors, and other officials have wide-ranging power to challenge and suppress the views of organizations with which they disagree. The rule has repeatedly been criticized upon precisely this ground. As recently as December 12, 1971, the Guild of St. Ives, a prestigious organization of Episcopal clergymen, lawyers, and others, issued a report demonstrating selective enforcement of the prohibition against several churches and church groups.

WHAT THE PROPOSED LEGISLATION WOULD DO

The proposed legislation would deal directly and effectively with these problems. Patterned upon the 1962 provision enabling businesses to deduct the costs of their legislative activities, the bill would allow publicly supported charitable organizations to communicate directly with Congress, State legislatures, and members of such bodies to express their views on legislation which is of direct interest to them without jeopardizing their tax exemption.

This liberalization is attended by strict safeguards:

It extends only to public charities—conservation groups, medical research organizations, schools, churches, and certain other organizations with broad public financial support. The bill does not revise in any way the special restrictions which the Tax Reform Act of 1969 imposed on private foundations.

The bill applies only to direct communications by public charities with legislative bodies. The bill does not apply to nothing to change the present restriction upon grassroots appeals to the general public.

The bill does not apply to efforts to influence elections. The existing prohibition against such efforts by section 501(c)(3) organizations would remain unchanged.

Under a provision included in this bill, the bill would apply only to public charities which normally have "substantially more than half" (which under the 1969 Tax Reform Act is defined as 65 percent) of their activities devoted to the conduct of exempt functions other than by legislative action. Hence, the bill would not apply to a public charity engaged solely—or primarily—in lobbying.

Mr. SCOTT. Mr. President, I am pleased to join the junior Senator from Maine (Mr. MUSKIE) in the introduction of this bill to permit certain tax-exempt organizations to engage in communications with legislative bodies of Government.

This legislation will clarify the legal status of certain publicly supported charitable, educational, and religious organizations insofar as their legislative activities are concerned. In the past Congress has granted certain concessions to other groups and it is only fair that similar treatment be given to this group.

It is important to note that this legislation was drafted carefully to avoid any confusion as to the kinds of activities and types of groups allowed. It applies only to public charities and only to their direct communications to legislative bodies and members. It does efforts to influence elections or to groups engaged primarily in lobbying.

Mr. President, I note with great interest the wide support given this legislation. From my own Commonwealth of Pennsylvania support has come from the Audubon Society, the Easter Seal Society for Crippled Children and Adults, the National Association for Mental Health, and many other conservation and social service oriented groups. I urge speedy and favorable consideration of this worthwhile legislation.

By Mr. McGEE:

S. 3065. A bill to designate the Ashenfelder Wilderness, Medicine Bow National Forest, in the State of Wyoming. Referred to the Committee on Interior and Insular Affairs.

Mr. McGEE. Mr. President, today I am introducing legislation to designate as part of the Nation's Wilderness System approximately 25,000 acres of superb forest lands surrounding Laramie Peak in the Medicine Bow National Forest of Wyoming.

The wilderness area, to be known as the Ashenfelder Wilderness, comprises, despite its relatively small size, the most significant stand of virgin ponderosa pine remaining on the public domain in the State of Wyoming. That alone would be reason enough to preserve and protect this region of unique natural beauty, particularly since the climatic conditions in the area are marginal at best for trees of this type. The annual precipitation, for instance, is 15 inches a year. Yet, some of the larger trees in this ponderosa forest are from 150 to 250 years old and range up to 30 inches in diameter.

At higher elevations in the proposed wilderness, timber types change to lodgepole pine and eventually Engelmann spruce-firm type trees, with an interspersing of various eastern and western species. All of it is in its natural state.

The relatively long dry spells in the region cause many of the streams to cease flowing and springs to dry up periodically. There are, nonetheless, free-flowing and unsilted waters, including some perennial streams offering excellent habitat to cold-water fish.

The Laramie Peak District, of which the proposed wilderness is but a part, has been in the National Forest System since 1935. There is no privately owned land within the proposed wilderness area, which is depicted on the map I have submitted with this legislation, and which is also on file at the office of the Chief, U.S. Forest Service, Department of Agriculture.

Preservation of the Ashenfelder area in its wilderness state has long been sought by concerned citizens in the surrounding area, particularly Albany and Converse Counties in Wyoming, both of which encompass lands to be included in this wilderness area. Further, there is no other wilderness area in this part of Wyoming. Nor is there a comparable location which would provide a significant parcel of land maintained in its natural state yet readily accessible not only to the major population centers of Wyoming but to people from all over our country who would desire a true wilderness experience. The boundaries of the proposed wilderness, as set forth in the bill I have introduced today, would include 10,272-foot Laramie Peak, which is easily the dominating physical feature in this portion of the Laramie mountains.

At present there are located on the summit of Laramie Peak several small electronic communication facilities, including those placed there by the U.S. Forest Service and the Bureau of Reclamation. In order to avoid any inconvenience or undue hardships, my bill provides that all special use permits for the maintenance of these electronic installations on Laramie Peak shall be terminated within 5 years after the enactment of this legislation. The permittees would have an additional 6 months after such termination to remove this equipment. Hopefully, this will insure adequate time for the relocation of these facilities to another suitable location outside the wilderness area. The special use permits which are involved were issued only on an annual basis and provide that they can be terminated at any time by the Secretary of Agriculture.

---

* S. Rept. No. 1881, 87th Congress, 2nd Session.

Close by, but not within the boundaries of the proposed wilderness, is located the Harris Park Boy Scout Camp, which annually services 600 to 700 scouts for the Wyo-Braska Area Council. A church camp also is located close by the proposed wilderness. Both camps make use of the area in order to give youth involved in the programs experience in a wilderness setting.

Mr. President, I have worked closely with local citizens and interested groups in the vicinity of the Laramie Peak area in order to come up with a reasonable proposal and establish boundaries which would be generally acceptable. I believe that this bill would create a relatively small but highly valuable wilderness area deserving perpetual protection.

Mr. HANSEN. Mr. President, I congratulate my colleague, Senator McGEE, for taking the initiative and introducing this legislation to establish the Laramie Peak Wilderness area in southwestern Wyoming.

While I have not chosen to cosponsor the Laramie Peak bill, I recognize that its introduction by my colleague will provide the opportunity for all individuals to comment on the proposal.

There has been much interest in the management of this area. Now that legislation has been introduced in both the House of Representatives and the Senate, the base has been established for the various interested factions and individuals to take part in the decisionmaking process so as to determine how the area should be managed.

Legislation to protect this area by wilderness status has now been introduced in both Houses of Congress. I feel the Forest Service should recognize the importance of refraining from any action which would further jeopardize the area from being classed as wilderness.

Mr. President, I have today sent a letter to Chief Cliff requesting that no new development or construction be allowed on that part of the Medicine Bow National Forest outlined by Senator McGEE's legislation until a determination is made as to how this area will be managed.

Mr. President, I ask unanimous consent that my letter to Ed Cliff be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C. January 24, 1972.

Mr. EDWARD P. CLIFF,
Chief, Forest Service,
Washington, D.C.

DEAR ED: Legislation was introduced today by my colleague Senator McGee to include an area in the Medicine Bow National Forest within the wilderness system. This area is generally referred to as the Laramie Peak or Ashenfelder Wilderness.

Congressman Roncalio has had legislation before the House now for some time which would classify the area as wilderness.

In view of the fact that both Houses of Congress are now considering protection for this area, I hope that you will not allow any new development or construction in the Laramie Peak area which would have an effect on the area's possible qualification and designation as wilderness.

Thank you for your assistance.

With best regards,

Sincerely,

CLIFFORD P. HANSEN,
U.S. Senator.

By Mr. MATHIAS:

S. 3064. A bill to extend and amend section 8(d) of the Federal Water Pollution Control Act, as amended. Referred to the Committee on Public Works.

Mr. MATHIAS. Mr. President, I introduce, for appropriate reference, a bill to extend and amend section 8(d) of the Federal Water Pollution Control Act, as amended.

This bill would extend the present program of Federal grants for sewer and waste treatment projects through the rest of this fiscal year at the $2 billion funding level already approved by the Congress. The bill includes the key provision, passed by the Senate last fall as part of S. 2770, which would authorize the Administrator of EPA to allocate up to $200 million of this year's appropriation in special aid to regional projects utilizing advanced treatment methods in areas with especially severe water pollution problems.

In essence this is legislation for the relief of the Potomac River and all other waterways which will benefit from the immediate funding of long-planned pollution control projects. It is legislation for the relief of all of the States and communities, including the District of Columbia and Maryland, which have projects ready to go or actually under construction but now threatened with delays because of the current suspension of Federal aid.

There is nationwide agreement that the task of cleaning up our waterways is an urgent one. Last session the Congress appropriated $2 billion, the largest sum in our history, for Federal grants-in-aid for this purpose. Yet EPA's authority to make those grants expired October 31, 1971, and the new authorization is tied up in the omnibus water pollution control legislation still under consideration in the other body. In short, the bulk of the appropriated funds cannot now be spent by EPA.

It is ironic that important projects already under way are facing delays even as we attempt to enact a massive new attack on water pollution. If the executive branch had impounded these appropriated funds, many of us in this body would rightly rush to protest. Yet the current dilemma amounts to impoundment by non-act of Congress. We should be equally quick to remedy the situation.

The suspension of aid is beginning to have serious repercussions throughout the Nation. Because of the lack of authority to obligate funds, EPA has already had to defer or deny several grant applications for projects in Maryland. A number of States, including Maryland and New York, have been forced to stretch out their State aid programs because anticipated Federal reimbursements for past projects have not been forthcoming.

One vital project which will be seriously affected if this delay persists is the $359-million upgrading and expansion of Blue Plains, the District of Columbia's regional treatment plant. This project, which includes advanced waste treatment, is generally recognized as the key to cleaning up the Potomac estuary. The work is already underway on a very tight schedule calling for completion by the end of 1974.

Any delays in Federal aid will have an immediate impact on Blue Plains because the entire project is based on a "pay-as-you-go" funding agreement under which all of the partners in the project—including the District, Maryland, Virginia, the relevant counties, and the Federal Government—are pledged to provide their shares of each phase of construction when the monies are needed for obligation. This agreement was negotiated in late 1970, and has been respected by EPA so far, because the District simply has no way to prefinance the project or borrow necessary funds in anticipation of later repayment.

As reported by William Nye Curry in the Washington Post on January 21, the Blue Plains project is now at a critical point. If the work is to continue on schedule, several major contracts must be negotiated during the next few months. Even with all required local matching funds in hand, the District will be unable to advertise for bids without additional Federal assistance.

It is therefore crucial for this project to receive at once not only its normal, formula allocation of Federal aid, but also the additional assistance which the scope and importance of the project justify. The formula allocation, based on population, is severely inadequate for a project of such regional breadth and sophistication.

Administrator Ruckelshaus recognized the special needs of the Washington area last year, when he provided supplemental aid of $50 million to keep the first stages of the Blue Plains project on schedule. The Senate recognized the need when, in approving S. 2770 last fall, we included the Mathias-Eagleton-Beall amendment to earmark up to $200 million in extra aid for Blue Plains and similar projects in other major metropolitan areas.

This amendment was not controversial. To the contrary, it reflected a nonpartisan agreement between the Committee on Public Works and the Administration. As stated in Senate Report 92–414:

> The Committee strongly believes that the Blue Plains project should not be delayed. . . . The Administrator has assured the Committee that if suitable discretionary authority is provided, the full Federal share of the Blue Plains project will be made available to keep this project on schedule.

Mr. President, we have now come to the crunch. The full 55-percent Federal share of Blue Plains amounts to about $197.6 million. Over $66.5 million has already been made available, including the $50 million in special funds granted last spring. The District government has advised me that if the project is to stay on schedule, as much as $61.8 million in additional Federal aid must be made available for obligation by the end of this fiscal year, plus about $69.1 million in fiscal 1973.

I would emphasize that these grants, although large, represent simply the full 55-percent Federal share authorized under the present program. The funds are not in any way intended to replace local funds. On the contrary, the participating jurisdictions are fully prepared to contribute their entire 45-percent shares.

What is needed now is authority for EPA to meet its commitment to Blue Plains, and its countless commitments to other pending projects throughout the Nation. The bill I introduce today would provide that authority. It does not propose any expenditures beyond those already appropriated by Congress. It is simply interim authority to permit the present grant program and current projects to continue while we are resolving all of the intricate issues raised by other portions of the omnibus bills.

Mr. President, I hope this proposal will receive prompt and favorable consideration by the distinguished Committee on Public Works.

I ask unanimous consent to have printed in the Record Mr. Curry's article from the Washington Post of January 21, and a Post editorial from this morning.

There being no objection, the article and editorial were ordered to be printed in the Record, as follows:

Fund Lag Imperils Blue Plains Work

(By William Nye Curry)

Congressional funding delays are threatening to halt construction on enlarging and refining Washington's overloaded and inefficient Blue Plains sewage treatment plant, the prime source of Potomac River pollution, a District official asserts.

Pollution officials have said that the hope of cleaning up the Potomac rests squarely on the improving Blue Plains plant, and Paul V. Freese, director of the D.C. water resources management administration, said yesterday that if Congress does not authorize funds within a month construction will bog down.

The spending authorization for Blue Plains is tied up in the $2 million nationwide antiwater pollution bill, which already has been passed by the Senate and is now in the House Public Works Committee.

But a staff member of that committee said final congressional approval of the bill probably will not be forthcoming until May.

In addition to the size and complexity of the bill, it is closely associated with presidential aspirant Sen. Edmund S. Muskie (D-Maine), and is the subject of a major dispute with the Nixon administration.

Money for Blue Plains had come from the discretionary funds of the federal Environmental Protection Agency, but federal legislation authorizing that expired last October. Revival of such legislation could solve the impending Blue Plains problem. Sen. Charles McC. Mathias Jr. (R-Md), informed of the situation by a reporter yesterday, said he would introduce such legislation Monday.

Freese said the May timetable "'will give us problems." He described the situation as "critical" and noted that awarding of contracts usually takes about 90 days after Congress has authorized spending. Hence, the April 1 commencement date for one construction contract already has been delayed.

Freese said that any lengthy delay now would multiply the time taken to complete the construction, which is designed to equip the plant with highly advanced waste removal facilities by the end of 1974.

The director estimated that, with the expiration of funding authorization in October, the city received only about half the $83,888,000 authorized for contracts to be let during the fiscal year ending June 30.

Of particular importance to the project are contracts that Freese said would:

Have construction work start June 1 on facilities to process sludge—the gooey mass of wastes removed from incoming sewage.

Have construction work begin July 1 on secondary treatment facilities to help handle the projected 309-million-gallons-a-day load Blue Plains will treat.

Federal matching funds—about 55 per cent of the total Blue Plains cost of $340 million—could be forthcoming if authorization for the Environmental Protection Agency's $200 million discretionary fund was approved by the Congress without waiting to pass the larger bill.

The Senate bill written by Muskie calls for no discharges of wastes into the nation's waterways by 1985. The Nixon administration doubts the practicality of such a goal.

Blue Plains, by 1975, is scheduled to remove almost all floating solids, almost all fecal and other biological pollutants and most of the phosphorus and nitrogen from the domestic wastes it treats. Such wastes now in the river have led to its being declared a health hazard by public officials.

Pollution Politics

It took about 15 years, but everyone concerned is now agreed that the hope of cleaning up the Potomac rests squarely on improving the Blue Plains sewage treatment plant. The necessary construction is at last under way. But it will bog down for many critical months unless Congress authorizes the necessary federal funds for new construction contracts. (The money, in a complicated reversal of the usual procedure, has already been appropriated.) The trouble is that the Blue Plains authorization is caught up in the dispute between Sen. Edmund S. Muskie (D.-Maine) and the Nixon administration over the national clean water bill. Sen. Muskie wants all pollution stopped by 1985. The administration doesn't think this practical. A lot more raw sewage will flow down the Potomac before the issue is decided in another four or five months.

But Sen. Charles C. Mathias Jr. (R.-Md.) has come to the rescue. He has promised to introduce a bill today which will sort out the federal funding of ongoing water treatment projects from the other questions in dispute. The Mathias bill would extend the authority of the federal Environmental Protection Agency to make federal grants that have already been appropriated. This authority would include a $200 million discretionary fund that would make it possible for Blue Plains and similar projects around the country to keep going on schedule. Blue Plains schedule is to get the worst pollution out of the Potomac by 1975. If Sen. Mathias gets the support his measure deserves, this goal can be met.

By Mr. JORDAN of North Carolina:

S. 3066. A bill to amend the Federal Home Loan Bank Act to require the Federal Home Loan Bank Board to obtain certain approvals before changing the location of a Federal home loan bank. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. JORDAN of North Carolina. Mr. President, I offer for appropriate consideration an amendment to the Federal Home Loan Bank Act which would require advance approval of a majority of its members for the transfer of any Federal home loan bank from the city in which it was located on December 17, 1971.

I consider this provision essential to orderly and effective operation of the Federal home loan bank system and to protection of the interests of commercial banking and savings and loan institutions in areas where the federal facilities are currently based.

In my considered opinion, banks are best qualified to evaluate the need for, and effect of, the transfer of a Federal home loan bank and that a move undertaken without the advice, counsel, and consent would be prejudicial to their legitimate interests.

Since a transfer of the Home Loan Bank in Greensboro, N.C., to Atlanta, Ga., has been proposed without such member consent, I urge prompt referral and committee consideration of this amendment to insure that the transfer is not undertaken unless subsequently authorized under the provisions of the legislation I now propose.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 604 AND S. 605

At the request of Mr. Montoya, the Senator from Kansas (Mr. Pearson) was added as a cosponsor of S. 604, a bill to increase annuities payable under the provisions of title 5, United States Code, relating to civil service retirement; and S. 605, a bill to amend the Internal Revenue Code of 1954 to provide that the first 5,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income.

S. 1315

At the request of Mr. Harris, the Senator from New Jersey (Mr. Case) was added as a cosponsor of S. 1315, the Ocean Mammal Protection Act of 1971.

S. 2163

At the request of Mr. Griffin, the Senator from Kentucky (Mr. Cooper) was added as a cosponsor of S. 2163, the Vietnam Veterans' Act of 1971.

S. 2551

At the request of Mr. Roth, the Senator from New York (Mr. Javits) was added as a cosponsor of S. 2551, a bill to provide for a national program for an improved national securities transfer system, including a commercial securities depository corporation.

S. 2579

At the request of Mr. Harris, the Senator from New Jersey (Mr. Case) was added as a cosponsor of S. 2579, the Ocean Mammal Protection Act of 1971.

S. 2743

At the request of Mr. Byrd of West Virginia for Mr. Jackson, the Senator from Idaho (Mr. Jordan) was added as a cosponsor of S. 2743, a bill to establish a working capital fund for the Bureau of Land Management of the Department of the Interior.

S. 2994

At the request of Mr. McClellan, the Senator from Illinois (Mr. Percy), the Senator from Rhode Island (Mr. Pell), the Senator from Connecticut (Mr. Ribicoff), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Mondale), and the Senator from Alaska (Mr. Gravel) were added as cosponsors of S. 2994, a bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes.

S. 2995

At the request of Mr. Kennedy, the Senator from Oklahoma (Mr. Harris) was added as a cosponsor of S. 2995, the Victims of Crime Act of 1972.

S. 3036

At the request of Mr. Tower, the Senator from Arizona (Mr. Fannin) was added as a cosponsor of S. 3036, a bill to repeal the Davis-Bacon Act and the Contract Work Hours Standards Act, and related provisions of law.

S. 3056

At the request of Mr. Dominick, the Senator from Arizona (Mr. Fannin) was added as a cosponsor of S. 3056, a bill to amend Public Law 92-178, the Revenue Act of 1971.

SENATE JOINT RESOLUTION 32

At the request of Mr. Baker, the Senator from Delaware (Mr. Boggs) was added as a cosponsor of Senate Joint Resolution 32, proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings.

SENATE RESOLUTION 229—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON APPROPRIATIONS

(Referred to the Committee on Appropriations.)

Mr. ELLENDER submitted the following resolution:

S. Res. 229

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, $50,000, in addition to the amount and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946, and Senate Resolution 11, agreed to March 1, 1971.

SENATE RESOLUTION 230—SUBMISSION OF A RESOLUTION RELATING TO UNDERGROUND NUCLEAR WEAPONS TESTING

(Referred to the Committee on Foreign Relations.)

Mr. KENNEDY. Mr. President, I am introducing a resolution today calling on the President to announce an immediate moratorium on underground nuclear weapons testing, a moratorium that will continue as long as the Soviet Union abstains from testing.

The resolution also urges the President to open prompt negotiations for the conclusion of a comprehensive nuclear weapons test ban without tying ourselves to the same rigid number of onsite inspections which has stymied a treaty for 9 years.

An underground nuclear weapons test ban treaty remains unfinished business for America. The Senate has ratified two different treaties pledging the Nation to conclude a comprehensive test ban treaty. In the Partial Test Ban Treaty in 1963 and again in the Nonproliferation Treaty in 1968, we stated our pledge to negotiate for an end to all tests.

Yet, our negotiating position on this subject has not changed in any way since the original pledge was made 9 years ago. And during this time, there have been far-reaching changes in the technology of test detection.

This resolution, if passed by the Senate, and acted upon by the President, would demonstrate our determination to make good on our treaty obligations.

And the timing of this resolution is particularly opportune since it provides the President, just prior to his trips to Peking and Moscow, with clear Senate support for steps leading to a reduction of tension and to a deescalation of the arms race.

Bringing the arms race under control must be the foremost priority in the Presidential list of concerns as he undertakes these important summit trips.

For the past 3 years have been a frustrating period of hope and dismay, hope at the possibility that the SALT talks might provide a significant agreement on arms limitation, and dismay at the unceasing rise in the level of destructive capacity of both the United States and Soviet strategic stockpiles.

In the past 3 years, the United States has spent $25 billion on strategic forces. We have deployed an antiballistic missile system. We have begun to fortify 550 Minuteman missiles and 31 Polaris submarines with multiple warheads. At the same time, the administration has proposed development of an undersea long-range missile system and the B-1 strategic bomber.

The Soviet Union also has maintained its own pace of nuclear arms development and its expenditures have undoubtedly been even greater than our own.

The mutually self-defeating additions to nuclear weaponry have brought us perilously close to an accident or a confrontation that would be disastrous for the future of mankind.

And it is clear that the latest round of nuclear one-upsmanship could not have occurred had the Partial Test Ban Treaty of 1963 included underground testing.

Without underground nuclear weapons testing, the antiballistic missile system now under construction would not have been possible, nor would the hydra-headed nuclear missiles that now are being deployed on our submarines and our Minuteman ICBM's.

Yet the tests go on.

In the past 3 years alone, the United States has announced 69 underground nuclear tests including the largest we have ever conducted, the 5 megaton blast at Amchitka, only last November. The Soviet Union, according to the best estimates, has conducted at least 36.

Future tests raise the specter of the unknown, of unforeseen developments that could threaten the security of all nations.

The time has come to reject our past negotiating stance, to recognize present realities, and to urgently seek a comprehensive nuclear weapons test ban treaty. For I believe this step is an urgent requirement if we are to move the nations of the world away from the brink of a nuclear Armageddon.

First, a test ban treaty would provide a brake to the absurd pursuit of still more advanced nuclear weapons, a pursuit that is never-ending as weapons engineers seek the ultimate "bang for a buck" nuclear warhead.

Are we any more secure today than a decade ago, because we have ABM's and MIRV's? I seriously doubt it. The Soviet Union has been engaged in comparable exercises to sharpen the cutting edge of its nuclear sword, determined to match our tools of destruction with its own. And the world is now menaced by more weapons of catastrophic potential than ever before.

More testing can only undermine our nuclear deterrent which today is totally adequate against any threat. For more testing can only uncover new nuclear developments which might upset the basic parity between the super powers. And it makes little difference which side discovers the technological innovation. Because once known, inevitably it will spread to the other side. Even our own success therefore could threaten our security by offering the other side models to copy.

A test ban treaty would put an end to that possibility. For no nation would set out to deploy a major strategic weapons system without the confidence achieved through testing. Thus, a comprehensive test ban treaty would place a formidable roadblock across the spiralling course of the arms race.

Second, a comprehensive test ban between the great powers would significantly strengthen the nonproliferation treaty.

Since 1968, 71 nations have ratified the treaty but another 78 nations have refused. Many consider the treaty to be inherently unfair since the superpowers never ceased to refine their arsenals through underground testing while demanding a pledge of nuclear abstinence from the smaller nations of the world.

We have lived in a nuclear world for 25 years with only a handful of nations capable of triggering a nuclear holocaust. But what would it be like if Japan, Israel, and Egypt, or India and Pakistan acquired that capacity? And that would be the most likely "next step" of nuclear weapons development, the design of a "cheap" nuclear warhead, available to most of the nonnuclear nations.

If we are to reinforce the nonproliferation treaty, the United States and the Soviet Union must demonstrate to other nations that we too are ready to abstain from further nuclear weapons development. To do so would be in keeping with the commitment in the nonproliferation treaty:

> To seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end.

Third, an end to underground nuclear testing would eliminate a continuing menace to the fragile environment of our planet. Despite all of the precautions and all of the safeguards devised by the Atomic Energy Commission, one of every four underground tests has vented. A year ago, the worst venting occurred, with radioactive particles spreading over several States. It is time to end this threat to our environment.

Fourth, the conclusion of a comprehensive test ban treaty would establish a new political climate in which additional efforts for nuclear disarmament would be possible.

It would be a stimulus to the conclusion of comprehensive arms limitations agreements, providing a greater assurance that any SALT pact would not be threatened by new warhead technology. The agreements under discussion at SALT propose to limit, for the most part, only the numbers of offensive and defensive missiles, without touching on the characteristics of the missiles themselves. Any new developments in Soviet nuclear warheads would not be prevented. Thus, the comprehensive test ban would complement any SALT agreement, providing assurance that the parity of the superpowers would not be upset by new developments in warhead engineering.

These are the reasons why a comprehensive nuclear weapons test ban treaty would be in the interests of the nation and in the interest of world peace.

And today, it is feasible to conclude such a treaty without demanding the same rigid number of onsite inspections that has been our bargaining position for the past 9 years. In 1963, the United States demanded seven onsite inspections as its final offer. The Soviet Union offered three. As if the additional four inspections gave some unique extra assurance against cheating, we have continued to maintain the same position through the years.

Yet our technology has not remained stagnant. Seismological experts now have testified that present methods of detection are adequate to locate and identify all but the smallest underground tremors.

A report on hearings held last year before the Subcommittee on Arms Control, International Law and Organization of the Foreign Relations Committee concluded that—

> Enormous advances have been made in seismology so that it is now possible, through seismic means alone, to identify underground explosions to a degree unknown five years ago (and) even presently deployed systems are vastly superior to those deployed a few years ago.

And last October, a study by the Swedish Peace Research Institute—SIPRI—concluded:

> Taking into account technical realities we can say that underground testing above 10–20 kilotons can be made extremely risky for the tester, by the use of seismic monitoring alone.

In testimony before the Senate Foreign Relations Subcommittee, Dr. Franklin A. Long, former Assistant Director for Science and Technology of the Arms Control and Disarmament Agency, stated that the capability for seismological detection was getting very close to the capability of identification. In that situation, when we can distinguish between earthquake or nuclear explosion whenever we detect an underground disturbance, onsite inspection becomes superfluous.

If the disturbance is too small to detect, then there would be no reason to ask for an inspection. And if we were able to detect it, then we also could identify it as a nuclear test without onsite inspection.

And the new verification potential available through improved seismological technology is not all. During the past decade, the use of satellites for intelligence gathering has become a fine art, providing constant closeup portraits of the earth below. Thus, last year, the Defense Department announced its conclusions concerning Soviet arms building, because satellite photos had disclosed a change of a few feet in the diameter of Soviet missile silos. In fact, there are reports that objects as small as garbage can lids can be picked up by the satellite sensors.

The results of these developments in our technology perhaps was summarized best in a recent statement by a committee of the Federation of American scientists.

The committee included Adrian Fisher, former Deputy Director of the Arms Control and Disarmament Agency; Herbert York, former Director of Defense Research and Engineering under Presidents Eisenhower and Kennedy; Morton Halperin, former Deputy Assistant Secretary for Arms Control and Policy Planning under President Johnson and senior staff member of the National Security Council under President Nixon; Herbert Scoville, Jr., former Deputy Director for Science and Technology of the Arms Control and Disarmament Agency; George Rathjens, former Deputy Director of ARPA; Franklin Long, former Assistant Director for Science and Technology of the Arms Control and Disarmament Agency; George Kistiakowsky, science adviser to President Eisenhower; and Marvin L. Goldberger, former chairman of the Strategic Weapons Panel of the President's Science Advisory Committee.

Advocating a treaty without requiring onsite inspection, their statement read:

> Given recent improvements in seismology and other means of detection, we believe that the United States would detect Soviet violation of a test ban treaty long before the Soviets could carry out enough tests to score a breakthrough that would threaten the stability of the nuclear balance. . . . Without any on-site inspections, clandestine cheating is far less plausible now than it would have been in 1963 with on-site inspections when President Kennedy urged such a treaty.

These statements reflect a widely held view in the scientific community that no nation could undertake tests of more than a few kilotons with any confidence that they would go undetected.

The benefits at that low level of testing are highly unlikely to justify any nation trying to cheat. The benefits to be derived simply would not justify the risk of being exposed to have violated the treaty.

Clearly, sufficient evidence now is available to warrant a bold new initiative at Geneva. It would be an initiative that other nations have been urging upon the superpowers for some time.

Canada joined Sweden last year to urge that we abandon our demand for onsite inspection. Also, Mexico and the other nonalined nations consistently have criticized the failure of the United States and the U.S.S.R. to press forward on negotiations for a comprehensive test ban treaty.

I believe that it is time now for the United States to respond, and more than that, to demonstrate the leadership that will propel us toward a successful conclusion to the test ban negotiations.

Therefore, the resolution which I introduce today, calls for the President to open prompt negotiations for a treaty to end all underground nuclear weapons testing and to announce an immediate moratorium of U.S. testing to remain in effect as long as the Soviet Union abstains from testing.

The risks entailed by such actions would be minimal, perhaps less even than they were a decade ago. Because, in order to make any important military advance, a series of tests rather than a single test, is normally required. And today, each test would run a high likelihood of disclosure through our improved seismological capacity, our satellites, and the traditional methods of intelligence gathering.

And if the risks are slight, the rewards are substantial. If acted upon, the moratorium would add an urgency to the negotiations, and it would signal leadership of the Soviet Union that the new negotiations represented a determined effort by the United States to work for a successful conclusion to the treaty negotiations. And these favorable expectations would themselves provide a positive climate at the bargaining table.

Hopefully, this new pause in underground testing would afford the same stimulus as the moratorium at atmospheric testing announced by President Kennedy 9 years ago, a stimulus that pioneered the way to the Partial Test Ban Treaty less than 2 months later.

In June, at American University, President Kennedy declared:

> To make clear our good faith and solemn convictions on the matter, I now declare that the United States does not propose to conduct nuclear tests in the atmosphere so long as other states do not do so. We will not be the first to resume. Such a declaration is no substitute for a formal binding treaty, but I hope it will help us achieve one. Nor would such a treaty be a substitute for disarmament, but I hope it will help us achieve it.

And the promise of that declaration was realized in August by the formal signing of the Partial Test Ban Treaty.

That treaty acknowledged that the ultimate objective was to "achieve the discontinuance of all test explosions of nuclear weapons for all time."

It is time for the United States to fulfill that pledge, to light the candle of peace once more, to lead the way to a permanent halt to all nuclear weapons testing.

Mr. President, I ask unanimous consent that, following the printing of the resolution, the full statement by the committee of the Federation of American Scientists, an article entitled "Comprehensive Test Ban Treaty: Grounds for Objection Diminish," published in the January 21, 1972, issue of Science, and an article entitled "Extending the Nuclear-Test Ban," published in the January 1972, issue of Scientific American be printed in the RECORD.

There being no objection, the resolution and articles were ordered to be printed in the RECORD, as follows:

S. RES. 230

Whereas the United States is committed in the Partial Test Ban Treaty and the Nonproliferation of Nuclear Weapons Treaty to negotiate a comprehensive test ban treaty;

Whereas the conclusion of a comprehensive test ban treaty will reinforce the Nonproliferation of Nuclear Weapons Treaty, and will fulfill our pledge in the Partial Test Ban Treaty;

Whereas continued underground nuclear weapons testing means continued threats to the environment;

Whereas continued testing may produce further developments in nuclear weaponry that would threaten the security of all nations;

Whereas there has been much progress in the detection and identification of underground nuclear tests by seismological and nonseismological means; and

Whereas the success of the Partial Test Ban Treaty negotiations followed the announcement by the late President Kennedy that he would halt atmospheric tests for so long as the Soviet Union did likewise: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President of the United States (1) should open prompt negotiations between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics for a treaty to end all underground nuclear weapons tests, and (2) should announce an immediate moratorium on all United States testing to remain in effect so long as the Soviet Union also abstains from testing.

FAS CALLS FOR TOTAL TEST BAN WITHOUT ONSITE INSPECTION

We believe that the United States should now seek to negotiate a treaty banning all underground nuclear tests without requiring any on-site inspection. The risks are minimal and the gains could be very substantial.

Given recent improvements in seismology and other means of detection, we believe that the United States would detect Soviet violation of a test ban treaty long before the Soviets could carry out enough tests to score a breakthrough that would threaten the stability of the nuclear balance. Indeed, we are aware of no persuasive argument explaining how even unrestricted Soviet testing below the level easily detected by seismic means could threaten the balance. Moreover, the Soviet leaders could not be given any confidence by Soviet scientists that even a single violation would go undetected.

Without any on-site inspections, clandestine cheating is far less plausible now than it would have been in 1963 with on-site inspections when President Kennedy urged such a treaty. Indeed, we believe on-site inspection would be of only marginal significance, amongst other present methods, in monitoring Soviet test activity. We urge greater declassification of non-seismological methods (and seismological ones also) to permit the public a better appraisal of our ability to monitor a ban.

Much of the opposition to the Test Ban Treaty in the United States does not arise from fear of Soviet cheating. It springs from the desire to continue American nuclear testing in order to develop new weapons, to retest existing weapons and to keep our laboratories vigorous.

We have no need to develop new weapons to maintain the reliability of the American deterrent. A SALT agreement banning ABM's, or restricting them to low levels, would eliminate the need for much planned additional testing to develop improved MIRV and ABM warheads. But even without a SALT agreement, existing warheads would be sufficient. The vigor of the weapons laboratory is not an end in itself. And we can design around any uncertainty which may be created in the future by our inability to test old or modified designs.

There are a variety of means, all consistent with American interests, of dealing with peaceful explosions; our goal should be to find the means which have the greatest international support.

The positive advantages of a Test Ban Treaty are obvious and need not be labored. The treaty could slow down the strategic arms race indirectly. It would greatly reinforce the nonproliferation treaty and decrease the probability that additional nations would seek to develop nuclear weapons. It would eliminate the ecological dangers of further testing. It would inhibit the development of cheaper weapons whose technology might spread to other nations. Finally it would contribute to an environment in which further steps leading to nuclear disarmament would be possible.

AD HOC COMMITTEE ON TEST BAN

Morton H. Halperin Chairman.
Herbert F. York.
Marvin L. Goldberger.
Herbert Scoville Jr.
Franklin A. Long.
Adrian Fisher.
George B. Kistiakowsky.
George W. Rathjens.

SOME POLICY CONSIDERATIONS OF A COMPREHENSIVE TEST BAN

A Treaty banning the testing of nuclear weapons would contribute to world security and to the security of the United States by: (1) reinforcing the distinction between nuclear and non-nuclear weapons and hence reducing the likelihood that nuclear weapons would ever be used; (2) slowing down the strategic nuclear arms race and thereby contributing to the stability of the balance; and (3) contributing to prevention of the spread of nuclear weapons through the adherence of non-nuclear powers. The arguments advanced against the treaty are: (1) continued American testing is necessary to develop weapons that we need such as advanced MIRVs and ABMs and to "proof test" existing weapons; and (2) without (and even with) on-site inspection the Soviet Union could cheat and make a breakthrough that would unset the stability of the nuclear balance. An examination of these considerations follows.

The test ban treaty would greatly enhance the existing arms control measures designed to strengthen the belief that nuclear weapons are different and should not be used even when nuclear powers fight. Much has already been accomplished in this direction from the time in the late 1950's when President Eisenhower was asserting without serious contradiction that nuclear weapons were now "conventional" and would be used in a future conflict. The total test ban treaty would make a reversal of this process extremely unlikely. There is great symbolism in agreeing not to test a weapon. Military men are reluctant to rely on, or to recommend, the use of weapons which have not been tested. Overtime the military bureaucracies of these nuclear powers that adhered to the treaty would plan less and less for nuclear warfare except in defense against a nuclear attack.

A prohibition on nuclear testing would slow the strategic arms race. It is worth noting that a complete test ban five years ago would have slowed down if not prevented the installation of both MIRVs and ABM, two developments now clearly seen to be destabilizing. A test ban now would make the development of highly accurate MIRVs on either side more difficult if not impossible.

The effects of a test ban on the proliferation of nuclear weapons could be most important. Some countries which have refused to sign the NPT would find it difficult, if not impossible, to refrain from adhering to the test ban treaty. India, in particular, has long pressed for the test ban and would thus find it difficult not to join.

Of equal importance, the test ban treaty would increase the probability that adherents to the NPT would not, at some future date, renounce that treaty. The NPT is disliked in many countries because it imposes an unequal obligation. The nuclear powers give up nothing that they are doing, and simply promise not to do what they had no intention of doing—sharing nuclear weapons with non-nuclear powers. The non-nuclear powers are asked, on the other hand, to give up for all time their right to make nuclear weapons or to possess them. The test ban treaty seems a more equal bargain. The nuclear powers give up what they are now doing—testing weapons—and the non-nuclear powers give up the right to decide to test in the future.

It is generally conceded that, despite the large number of tests done by both sides, more can always be learned about weapons effects, weapons design and development. But, with one possible exception, none of this seems likely to have major military consequences. For example, yield to weight ratios have improved 1,000 times since Hiroshima but could hardly go up by more than about two times more. Of far greater importance today are the changing characteristics of the weapon systems themselves—accuracy, warhead carrying capacity and so on.

The one possible exception of major importance concerns the possibility of a thermonuclear weapon which did not require a fission trigger. [See, for example, "Nuclear Weapons Technology" by J. Carson Mark in *Impact of New Technologies on the Arms Race*, MIT Press 1971.] Such a discovery would lead to very cheap powerful weapons. But this would unquestionably *undermine* the security of the United States as the secret spread. It would encourage proliferation more than any other single discovery. In general, a continuation of testing will encourage proliferation in any case as other nations decline to practice a rule that we only preach.

VALIDATION TESTS

In recent testimony, the Assistant to the Secretary of Defense for Atomic Energy, Dr. Carl Walske has put forward what may become a major new argument against halting tests—the need to validate the continued reliability of stockpiled nuclear weapons. Pressed by the Muskie Subcommittee, Dr. Walske noted that since the mid-fifties there have been "five principal cases in which a nuclear test was an integral part of a corrective program for a nuclear weapon in our stockpile." These arose because important modifications of the design of the nuclear assembly system were being made for mechanical, metallurgical or safety standard reasons.

It is significant that Dr. Walske was forced to return to the Dulles-era analysis of the test ban that the test ban is desirable only if linked to other agreements in order to keep his requirement for continued testing consistent with the Administration position that a "suitably verified test ban" was desired. He said:

"I strongly endorse, as does the Defense Department, a comprehensive test ban treaty with adequate safeguards. . . . You may wonder how that is compatible with worrying about the reliability of stockpile. . . . My view is, my personal view, that a comprehensive test ban treaty should be judged as a first step in arms control, or another step since we have already had some and beyond that point you should go into real disarmament before too long. I don't mean one month, but I mean before too long. If you have a comprehensive test ban treaty and you do not eventually follow it up with real disarmament, then you would be faced with nuclear powers with large arsenals of nuclear arms and decreased reliability, which could be destabilizing."

Further investigation is required to put on the public record the extent to which these tests were required by aging on the one hand, or by planned changes on the other (new safety standards, etc.). But Dr. Walske's argument that a failure to be able to validate the continued workability of the warheads was "destabilizing" is questionable at best.

IS UNRELIABILITY DESTABILIZING?

A destabilizing effect is one which increases the ability of an aggressor to attack. Uncertainty on each side about the workability of its own, and its opponent's weapons, does not have that character. In the first place, the aggressor must have high confidence that his planned attack will work in virtually all particulars. The defender need only ensure a much lower weapons reliability to retaliate effectively. And the aggressor cannot be sure that the defender's weapons are not working—when even the defender does not know. A more plausible argument suggests that a roughly comparable degree of uncertainty about weapon reliability would *discourage* aggressive use of nuclear weapons.

Nor was Dr. Walske correct in suggesting that the destabilization could be removed by eliminating "large" stockpiles. Short of general and complete disarmament, questions of reliability of weapons would, all political things being equal, tend to *increase* with diminutions in weapons stockpiles. Interestingly, in contrast, to the comment quoted above, Dr. Walske's later noted that:

"If nuclear testing were stopped, uncertainties regarding the reliability of existing stockpiles of nuclear weapons could become quite large over a period of years, an effect which might be *stabilizing or destabilizing* depending on the circumstances."

In any case, the problems of deterioration of stockpiles could be resolved in direct ways by using a previously tested method or warhead, or even by replacing the warhead completely thereby restoring whatever effectiveness it had at the time of its entry into the stockpile. The Department of Defense statement adds:

"Of course, the reliability of the stockpile will be affected by the willingness of the government to spend possibly large sums of money to work around recognized deficiencies without nuclear tests. With such funding available the loss in reliability could often be avoided or delayed, although in the absence of nuclear testing corrective measures might involve longer periods of system degradation and might involve settling for a warhead performance well off the optimum."

The question of weapon reliability must also be put in some perspective; most of the concern about weapons firing has to do with their reaction to nuclear-weapons-effects of enemy warheads rather than with anything analogous to simple mechanical or chemical failure. Thus the Defense Department recently testified:

"Since the environments in which weapons may be required to perform are complex, hard to define, and often hostile, it is almost always impossible to guarantee their reliability by actual nuclear tests of the final stockpile design in all the various required combinations of physical environments."

Thus, for example, the partial test ban treaty is already restricting the ability of weapons designers to find out, in realistic tests, how our weapons will be affected by atmospheric nuclear bursts. But this is true for both sides.

The small possibility of a systematic defect in all the weapons in a strategic system, after all U.S. testing to date, could be covered by the withdrawal clause in arms control treaties of this kind.

It should also be pointed out that the long-term apprehensions about validating weapons in stockpiles will arise in a political context that is different from this one. As the cold war wanes dramatically over periods as short as five or ten years, fears appropriate to older periods often go unmentioned later. Still more predictably, the technology of detecting Soviet tests by seismological and non-seismological methods can be expected to continue to increase dramatically as it has steadily for years. No comparable improvement in methods for hiding nuclear tests has occurred. While these political and military trends need not be relied upon, it would be foolish to consider the policy issues of the comprehensive test ban treaty in the absence of speculative judgment upon these central issues.

We have mentioned as military motivation for testing: improvements in "Yield to Weight Ratio"; reduction in radiation (Low Fission); Validation Tests; and Missile Design problems—as in ABM penetration. Other reasons for continued testing given by the Defense Department in recent testimony were: the return to the economy of now necessary special materials as plutonium, or alloy and tritium (Reduced Special Materials); smaller diameter weapons (Special Geometry); still greater weapons safety (Safety); needed improvements in (Lifetime); and improvements in a category called "Special Output"—this presumably refers to output of x-rays or other special weapons effects for special purposes. None of these latter reasons seem persuasive objections to a comprehensive test ban treaty and some seem minor indeed.

CLANDESTINE TESTING

As a related article (see below) shows, clandestine testing would be limited to detonations of a few to several kilotons—with great effort warheads of a few tens of kilotons might be involved. It is a startling and important fact that no one seems to suggest a way in which even *unlimited* clandestine testing by the Soviets at this level could shift the strategic balance in any significant way. In effect, if the United States agreed to halt all tests while permitting the Soviet Union to test below the threshold of, for example, 20 kilotons—no important strategic effect is foreseen. Thus if the test ban is desirable, it is desirable without regard to the problem of cheating, or the problems of inspecting for cheating.

Moreover, the problems of cheating are substantial. They include great uncertainty about the effects of any particular explosion. They include also even the human problems of preventing scientists from revealing that the Nation has cheated. Most important, there are the problems of conventional espionage, satellite reconnaissance and so on (see page 6). It seems likely that any series of tests, perhaps even a single test, would have to be carried out with the willingness of the Soviet leadership to be exposed if necessary and to accept that exposure with all the political and arms race consequences inherent in it.

UNDERGROUND TEST DETECTION

Although inspection of underground nuclear tests is generally assumed to depend entirely on seismology, in fact the U.S. now relies on a variety of intelligence means (see page 6) to detect Soviet underground nuclear tests. Together these methods give the U.S. high confidence that it would detect Soviet cheating long before the Soviets could conduct a sufficient number of tests to affect the security of the United States in any way. This is the relevant test—not whether any single explosion might conceivably go undetected.

Seismologists measure earth tremors by measuring body wave (mb) magnitudes. A body-wave magnitude of 5 (mb5) corresponds to the tremor that would result from an explosion of about 2 kilotons in solid rock. Because the scale is logarithmic, a body-wave magnitude of 5 (mb5) corresponds to an explosion of about 20 kilotons in hard rock. As the Berkner Panel observed in March, 1959, larger explosions might, in principle, give the same body-wave signature if conducted in softer material (salt, alluvium) or if detonated in a large hole—thus "decoupling" the force of the explosion from the earth. Indeed, if the explosion is set off in soft, dry alluvium, the explosion might be approximately "8" times larger and give the same body-wave magnitude.

However, explosions of this kind larger than several kilotons would leave large observable (by satellite) collapse structures. Similarly decoupling for explosions larger than several kilotons requires large amounts of excavation and risks detection by other means of intelligence. (Firing during earthquakes has also been mentioned but it obviously requires involved complicated maintenance of readiness around the clock over long periods if any useful measurements are to be taken—and infrequent tests.)

Part of the renewed interest in the test ban has arisen from recent advances in seismology. These have, in effect, demonstrated that criteria for discriminating between earthquakes and explosions previously established above a magnitude mb4.5 could be applied to magnitudes of mb4.0. Thus explosions of approximately 2 kilotons (i.e., two thousand tons of TNT equivalent or one-tenth the size of the Hiroshima bomb) in hard rock could be detected and identified about 90% of the time from stations outside the Soviet Union.

FOSTER ON ONSITE INSPECTION

The Defense Department has not, however, given up its insistence on on-site inspection. In recent testimony, Dr. John S. Foster testified that "we have established the need for on-site inspection":

(a) for events "sufficiently large to detect but sufficiently small that positive identification cannot be made"

(b) "to establish the nuclear or non-nuclear nature of low-yield explosions"

(c) "to restore international confidence in any cases where earthquakes are misidentified"

(d) "to deter violations by increasing the chance of getting caught"

At the present time, the Defense Department has estimated that a seismic monitoring system could be built to identify all but two or three events per year over magnitude four and a half (five to fifty kilotons in hard or soft rock respectively). At magnitude 4, there would be about 25 identified events per year. But many, if not all, of these events could be quickly disposed of on the basis of satellite reconnaissance—for example, many would occur in the midst of an untracted wilderness. Public reports on the extraordinary resolution of satellite photography have suggested that garbage can tops can be seen from satellite altitudes.[1] DOD announced comparable variations in Soviet missile silo diameters.

According to one witness before the Joint Atomic Energy Committee many of these events would be hard to resolve seismologically because obscured by the accidental occurrence of large earthquakes elsewhere in the world at the same time. Here a judgment on the feasibility of useful clandestine testing on the basis of "waiting for earthquakes" might eliminate our concern.

More information is required to believe that there is a serious problem of confusing Soviet nuclear explosions for conventional ones. How often does the Soviet Union set off thousands of tons of TNT equivalent in conventional explosions? And are there not ways in which the Soviet Union could communicate its intention reliably without on-site inspection—perhaps to watching satellites. During the Cuban crisis we accepted a visual look at boxes of missiles leaving Cuba as a solution to a similar on-site inspection problem.

INTERNATIONAL CONFIDENCE

The case for restoring "international confidence" after misidentification really means giving the Soviet Union a chance to prove its innocence after the United States has mistakenly decided that the treaty has been violated. But no treaty need embody this right. The Soviet Union could always act to avoid U.S. abrogation by offering to permit an observer to visit the scene if and when other explanations did not suffice.

Finally, a few on-site inspections will not much increase the deterrent effect on violations. The on-site inspection method can only confirm deeply felt suspicions of the inspecting party. A successful clandestine test will avoid giving out signals that would trigger inspection. And if identifiable signals of violation may be emitted, on-site inspection or not, the violator must assume that abrogation may well follow.

It is significant also that these four reasons could be used to support on-site inspection notwithstanding any possible seismological advance. There will, after all, always be the possibility—with or without on-site inspection—of clandestine tests under the threshold, and of ambiguous events and misinterpretations.

If on-site inspections are of marginal significance for the U.S., and of deeply felt importance to the Soviets, there is a prima facie case for considering closely whether the treaty can go forward without them. Presumably this is why a representative of the Arms Control and Disarmament Agency, Mr. Philip Farley contended himself, in recent testimony, with saying that on-site inspection "could" play an important role in deterring violators and "could" provide parties with added confidence that the treaty was being complied with. In answer to questions he noted that he did not exclude the possibility of an agreement without on-site inspection.

It should also be mentioned that on-site inspection could be the source of misunderstanding. The U.S.-Soviet disagreement over *numbers* of permitted inspections has always masked a more complicated unresolved negotiation over the modalities of inspection. Disputes over timing, rights of movement, and so on could turn an unnecessary inspection into a world incident producing heightened and unwarranted suspicion.

NON-SEISMOLOGICAL METHODS OF VERIFICATION

Eight years ago, the President of Itek Corporation, Franklin Lindsay wrote:

Soon it may even be possible to detect clandestine underground nuclear explosions with satellite cameras that can observe subtle changes in the surface of the ground above the point of detonation.

Among the subtle and not so subtle observed events might be: drilling, general site activity, subsidence craters, dusts cloud raised by the explosion, or crater subsidence, radiation sensors or radar observation of the ground.[2] These methods do not require on-site inspection.

HISTORY OF TEST-BAN NEGOTIATIONS

On March 1, 1954, a U.S. thermonuclear explosion at Bikini Atoll contaminated a local Japanese fishing vessel with radioactive fallout and produced radioactive rain over wide areas of the Pacific ocean. From 1955 to mid-1957 the Soviet Union pressed for an agreement on nuclear tests as a separate measure while the U.S. linked such an agreement to progress in arms limitation or disarmament. When the Soviet Union began to talk in concrete terms of "control," the United States conceded the possibility of "temporary suspension" of testing as "part of an agreement for a first step in disarmament" and proposed a Committee of Experts be convened to consider the matter.

By the beginning of 1958, the United States had completed about 110 announced tests and the Soviets had held about 30.[3] The Soviets then set off about 10 more and announced, on March 31, 1958 that they would halt but would feel free to resume testing if others did not follow suit. President Eisenhower did not accept Premier Khrushchev's moratorium offer but persuaded a reluctant Khrushchev to agree to a Geneva Conference of Experts that began in July. After the Conference, President Eisenhower agreed to halt testing for one year with a view to negotiating an agreement along the lines the experts had sketched; the year would begin when the negotiations began.

Starting a month after the Soviet moratorium proposal, the United States had performed 50 more announced tests in six months halting with the onset of negotiations on October 31, 1958. Noting that the offer of a moratorium had not been accepted, the Soviet Union claimed the right to perform as many tests as the West had since the moratorium had been announced; it proceeded to conduct 16 atmospheric tests between September 30 and November 3—two of these overlapped the onset of negotiations on October 31 by a few days. President Eisenhower announced that the U.S. was relieved of any obligation to suspend tests but would continue "for the time being." Thus began a three year stoppage of tests.

NEGOTIATIONS BEGIN

In the negotiations, in January the West dropped its link between a ban on testing and progress toward disarmament. But it introduced new evidence from recent underground tests that suggested seismic detection would be less effective than had been supposed and proposed reconsidering the conclusions agreed to at the conference of experts. A great deal of discussion followed concerning the modalities of on-site inspection: the makeup of inspection teams, the rights of movement, logistic support, staffing of control posts, and control headquarters, rights of veto, and so on.

After a special U.S. panel on Seismic Improvements (the Berkner Panel) confirmed, on March 16, 1959 that underground tests would be harder to monitor than anticipated, President Eisenhower wrote Premier Khrushchev urging a separate atmospheric ban. The Soviet Union rejected this proposal and there then ensued, among other strands of negotiation, haggling over the number of onsite inspections to be permitted. The West had asked 20 inspections and the Soviets had offered three.

Technically the unofficial and informal moratorium had come to an end on December 29, 1959 when President Eisenhower stated that "America considered itself free to resume nuclear weapons testing" subject to advance notice of such intention. (See, for example, Senate Foreign Relations Committee analysis of The Test Ban, September 3, 1963.) But neither side tested until, on August 30, 1961, the Soviet began a two month series of about 30 atmospheric tests. With regret, President Kennedy followed suit.

In December, after the Cuban Crisis, Premier Khrushchev wrote President Kennedy and, alluding to the risks of war just passed, offered to settle the test ban problem on these terms: 2–4 on-site inspections (he noted that Ambassador Arthur Dean had used this number in discussions with First Deputy Foreign Minister V. V. Kuznetsov), and automatic seismological stations as suggested by "British" scientists. President Kennedy responded that Ambassador Dean had suggested "eight to ten" inspections, that three automatic stations would not be sufficient, and that he had been informed that the automatic station notion was a "Soviet" idea, endorsed by independent scientists of other countries.

THE PARTIAL TEST BAN TREATY

Finally, on June 10, 1963, President Kennedy announced in an American University speech:

"To make clear our good faith and solemn convictions on the matter, I now declare that the United States does not propose to conduct nuclear tests in the atmosphere so long as other states do not do so. We will not be the first to resume."

The Partial Test Ban Treaty negotiations followed swiftly and the draft treaty was initialed on July 25, 1963.

Hearings before the Foreign Relations Committee revealed only one official witness opposing the treaty: Dr. John S. Foster, then Director of the Lawrence Radiation Laboratory, now Director of Defense Research and Engineering (DDR&E) in the Department of Defense. Of scientific consultants to the Government, only Edward Teller opposed the treaty.

The Joint Chiefs of Staff argued that the risks of the treaty could be reduced through certain safeguards: (a) continuation of a comprehensive, aggressive, underground nuclear test program; (b) maintenance of the vitality of our nuclear laboratory facilities and weapons programs (c) the maintenance of a state of readiness to resume atmospheric nuclear testing in the event of violation or abrogation of the treaty and (d) the improvement of detection methods for Soviet and Chinese tests. President Kennedy reassured the Senate on these points in his letter of transmittal of the treaty to the Senate, and in a special letter to Senator Everett Dirksen. Supporting the treaty, the Joint Chiefs had their most serious reservations about the possibility of unwarranted "euphoria" in the West. They considered possible Soviet progress due to clandestine testing to be only a "relatively minor factor" in the overall balance and they argued that the "broader advantages" of the treaty in terms of world tension and proliferation justified the risks.

The Partial Test Ban Treaty entered into force on October 10, 1963. Since that time, both powers have overlooked violations of the other in which explosions have vented to the point where radioactivity leaked over boundaries. Each side has engaged in vigorous underground testing.

---

[1] Public reports on the resolution of satellite photography have been compiled in a chapter authored by Jeremy J. Stone in "ABM," (edited by Abram Chayes and Jerome B. Wiesner, Harper & Row, 1969).

[2] This list of possibilities, and indications that these kinds of methods are being exploited in the U.S. Vela Satellite program, appears in a Swedish Peace Research Institute (SIPRI) report, "The Test Ban", October 1971.

[3] These announced tests understate the number of tests of both sides but they are probably indicative of relative numbers.

[From Science, Jan. 21, 1972]

COMPREHENSIVE TEST BAN TREATY: GROUNDS FOR OBJECTION DIMINISH

Attainment of a treaty banning all nuclear weapons tests has been a stated policy objective of the United States and Russia since 1958. Partial success was achieved in 1963 with the prohibition of all but underground tests.

The failure to ban underground explosions was an indication of the force of the argument that, as long as national defense depended upon the availability of a varied and reliable stockpile of nuclear weapons, it would be foolhardy to stop testing. A further obstacle was the need to lessen widespread fears concerning the dangers inherent in cheating by other countries.

To minimize these fears, the United States said it would insist on measures that would deter a potential violator and provide assurance that a treaty was being adhered to. Such measures have included on-site inspection of the area of origin of certain unidentified seismic signals, and seismic observatories in the Soviet Union. Yet these have always been anathema to the Russians, who claim that a country could obtain adequate assurance through its own information systems. It is not clear how much of the Soviet objection has been based on its unwillingness to accept even minimal intrusions upon its sovereignty and how much has been a useful pretext for not agreeing to a nuclear test ban, which is probably opposed by influential groups within Russia. Nor is it clear how much of the United States' insistence upon inspections is inspired by domestic opponents of restrictions on testing.

In the 14 January issue of Science, Robert Neild and J. P. Ruina suggest that an overall examination of the matter shows that certain impediments to a ban on underground testing that had existed in 1963 are now much less severe. Their conclusion is based on what appeared to them to be a greatly diminished relevance of nuclear testing and an increased ease in obtaining assurance that an agreement is being observed. The Neild-Ruina thesis may gain widespread acceptance as a consequence of two happenings of the last 18 months.

The first was a meeting of seismologists that was convened for the purpose of discussing the use of seismological data to discriminate between earthquakes and underground explosions. The meeting was sponsored by the Advanced Research Projects Agency (ARPA) of the Department of Defense. It was held at Woods Hole, Massachusetts, in the summer of 1970. The second important event was the Cannikin nuclear weapons test, which was conducted last November on Amchitka Island.

The 5-megaton Cannikin explosion was related to the development of the warhead for the Spartan interceptor missile, an element of the Safeguard Ballistic Missile Defense system. The furor over this experiment originated mainly in the worry that the explosion would trigger a very large earthquake and tidal wave. It was also feared that a substantial amount of radioactivity might be released or that the local wildlife would be seriously affected.

The principal reasons for the test, as put forth in a letter to Senator John Pastore (D-R.I.) by the then Deputy Defense Secretary David Packard, were to minimize the possibility of stockpiling a defective design, to measure the explosive yield, and to measure the emitted flux and spectrum of x-rays. Packard also took note of the extensive environmental studies and experiments that had convinced him that Cannikin could be undertaken "without important environmental impact."

There was, in fact, not much disagreement among experts concerning the magnitude of the environmental risk associated with Cannikin; the disagreement was whether the benefits to be derived from the experiment warranted incurring the risk, even though it might be small.

Packard's letter did not make an overwhelming case for the need and, in fact, raised more questions than it answered. Just how important was it to resolve uncertainties that would exist without the full-yield test? What was the plan if the design were defective? Did the fact that the Spartan warhead was designed to have low fission output in order to reduce radar blackout imply that the Safeguard radars would be blacked out by incoming, high fission warheads detonated at great altitudes?

In a letter to Senator Edmund Muskie (D-Maine), three members of the Federation of American Scientists Strategic Weapons Committee (Herbert Scoville, Marvin Goldberger, and Morton Halperin) noted that, in any event, the Spartan missile would play only a minor role in the defense of the Minuteman missiles, which was supposedly the major function of the Safeguard antiballistic missile.

In sum, the Administration seemed convincing in its contention that the environmental fears about Cannikin were overblown, but it was not very persuasive in justifying the experiment itself. As a consequence, doubts concerning the need not only for Cannikin, but for nuclear weapons tests in general were expressed in quarters heretofore silent. Interestingly, the lasting impact of the episode may have been to undermine substantially the rationale for the entire nuclear weapons test program.

The Woods Hole conference raised a different issue. On 11 April last year, the Washington *Post* carried an article based on the proceedings of that meeting. It suggested that very substantial progress had been made in seismological research related to the test ban verification problem. This was important because of its potential impact upon the requirement for on-site inspections. Whether or not the need for inspections is genuine, anything that makes the verification problem more tractable will ease the demand for them. This in turn will tend to push the United States toward a more negotiable position, even though neither American nor Russian nuclear weapons enthusiasts would welcome such a turn of events.

At Woods Hole the conferees focused upon the technique of differentiating between earthquake-generated seismic signals and explosion signals on the basis of the ratio of energy in the seismic waves that travel along the earth's surface to that in the waves that travel through the earth. It had been determined that, in comparison to the great majority of earthquakes, explosions produce substantially smaller surface waves. It had also been demonstrated that surface waves from small earthquakes could be detected at great distances from the event. The implication of these findings was that it would be possible to construct a network of seismological observatories outside Russia which would be able to identify at least 90 percent of Russian earthquakes having a body-wave magnitude in excess of that associated with a typical low-kiloton underground explosion.

The immediate Defense Department response to the 11 April article was a statement implying that there had been a gross exaggeration concerning the amount of progress in seismological research and the impact such progress might have upon the U.S. test ban position. The Pentagon said that the Woods Hole report was not actually a report, but a collection of technical papers presented at the conference and circulated for review by the participants. Furthermore, the views expressed in these papers did not reflect those of ARPA, the sponsoring agency.

The Defense Department stand was that all low-kiloton tests could not be detected; that not all events that might be detected could be identified; that there were several ways of concealing tests so that they would not produce suspicious seismic evidence; and that on-site inspections were still necessary to allay doubts about those earthquakes that could not be identified and to differentiate between chemical and nuclear explosions.

Neither in this statement nor in others that would be made in the following months did Defense officials make any allowance for what intelligence-gathering systems might contribute to the identification of earthquakes or the differentiation between nuclear and chemical explosions. The reason for not mentioning intelligence was presumably that it was too highly classified. But if President Johnson could say in 1967 that reconnaissance satellites were useful for counting Russian missiles, it seemed to some that it should have been possible at least to admit in 1971 that such satellites would provide information with regard to the simpler task of indicating the chemical or nuclear nature of an explosion.

Moreover, since there could never be absolute assurance that clandestine tests were not being conducted, the Defense Department's response did not address the more pertinent questions. Had there been sufficient progress in developing detection and identification techniques for the United States to be confident, without inspections, that its security was not being jeopardized by those violations that might be unnoticed? Even if there were provisions for inspections, how much useful information would they provide in addition to that acquired by unilateral means?

As a result of the Washington *Post* article, senators and foreign embassies requested that they be sent the Woods Hole documents. After a delay, some of the requesting parties received the report only to find that the summary had been removed. In expressing regret at this omission, Senator Clifford Case (R-N.J.) said that "it [the summary] was the only portion of the report comprehensible to the layman."

SUMMARY TROUBLES

Apparently unhappy with the original summary, ARPA then produced a substantially revised version which was much less sanguine than the original. According to the 13 June Washington *Post*, a Pentagon spokesman had explained that the first summary had not been cleared for publication, that it had expressed the views of only one person, and that the second version reflected the "consensus of the 'entire' meeting" rather than the "views of one man." Some Woods Hole attendees wrote to Senator Case that the first they had heard of the revised summary was from the press. Others said that the original summary better represented their views than did the new version.

On 22 and 23 July, the Arms Control Subcommittee of the Senate Foreign Relations Committee held hearings chaired by Senator Muskie on the prospects for a Comprehensive Nuclear Test Ban Treaty. These hearings had been requested in May by Senator Case, who had inferred from reports of the Woods Hole discussion that the United States might adopt a more negotiable test ban position.

Several nongovernment experts on arms control presented testimony to the effect that they believed on-site inspections were not necessary, because there would be only an insignificant number of events of meaningful size that could not be identified on the basis of seismic data and intelligence information. Government witnesses were more pessimistic, although they were more forthcoming than the Pentagon had been in response to the 11 April Washington *Post* article. The Defense Department's position was that, under the most optimistic assumptions, it would be possible to collect enough data from seismic stations outside Russia to identify all but 25 events with a body-wave magnitude in excess of 4.0. At the same time, the government witnesses cautioned that this ability to identify earthquakes would not eliminate problems arising from the use of such evasion techniques as concealing explosion signals in the waves generated by a large earthquake, or by testing in big holes or dry alluvium.

The Administration also took the position that 25 unidentified earthquakes, the minimum number that might be expected under the best of circumtances, was too large to be tolerated—that on-site inspections would still be required to resolve ambiguities about these events. James Brune, a seismologist at the University of California at San Diego, said that he did not know where the number 25 came from and that there were some seismologists who believed that this number would be closer to zero. (It is the understanding of one Senate aide that the 25 is based on the fact that, at present, 10 percent of the events above magnitude 4.5, the current "identification threshold," are unidentified. The inference drawn from this fact is that, if the "identification threshold" were lowered to 4.0, 10 percent of the 250 seismic events in the Soviet Union above this magnitude would be unidentified.)

In October, the Subcommittee on Research, Development and Radiation of the Joint Committee on Atomic Energy conducted its own hearings on seismic discrimination between earthquakes and explosions. The joint committee has traditionally been more hard-nosed toward bans on nuclear tests than has the Senate Foreign Relations Committee. There seemed to be some feeling among members of the joint committee that there had been too much loose talk in the Senate concerning the ease with which a complete test ban might be monitored. It would not have been surprising, therefore, if these hearings had produced a much more conservative appraisal of progress in attacking the verification problem. As it turned out, the testimony and ensuing discussion substantially undercut many of the maxims upon which the U.S. test ban position had long rested.

In the first place, Defense scientists were much more positive than they had been to date concerning the ability to identify seismic events with body-wave magnitude above 4.0. The thrust of their testimony in this regard was virtually indistinguishable from the conclusions contained in the original and repudiated summary of the Woods Hole report.

The most significant revelation, however, had to do with the utility of on-site inspections. After years of its being implied that on-site inspections would play a crucial role, the report now was that a determined violator could conduct a test in such a way as to prevent effects that might be uncovered by inspectors. In addition, certain of the proposed methods of carrying out violations (for example, testing in large cavities, in alluvium, or in the aftermath of an earthquake) would produce no seismic indication that an explosion had occurred; thus there would be no seismological evidence on which to base a demand for an inspection. (It has always been assumed that inspection requests would be grounded on ambiguous seismic data.) This pessimistic prognosis concerning the overall utility of inspections prompted Senator Pastore to ask where we were in light of the fact "that even with on-site inspection you cannot assuredly detect and identify." The Defense Department position was that on-site inspections would have a deterrent value because a violator would be aware that he might make a mistake which would allow the inspectors to obtain conclusive evidence of cheating. He would then have to choose between the undesirable alternatives of not allowing an inspection or running the risk of having incriminating evidence found. In response to this contention, it might be noted that a violator would, in any case, act with the knowledge that he might make a mistake which would be detected by other countries' detection systems operating solely outside his boundaries. The essential, but unasked question, is how much added deterrence would be derived from the threat of on-site inspections.

The third important piece of information developed at the joint committee hearings concerned the prevalence in Russia of dry alluvium. Because explosions detonated in this material produce seismic signals that are approximately 10 times smaller than the signals associated with explosions of equivalent size in more common materials, dry alluvium has been considered useful for concealing illicit nuclear explosions. The rub has been that dry alluvium is only rarely found in sufficient depth to conceal the effects of explosions of significant size. It must be deep enough not only to contain radioactive materials, but also to prevent the formation of collapse craters of the type that usually occur at the test ground in Nevada.

ARPA has funded studies to examine the extent to which sufficiently deep and dry alluvium might be found in Russia. As recently as the July Senate hearings, it had been implied that tests of up to 45 kilotons could be concealed by testing in this material. But in October, the testimony was that it would probably not be useful for tests above 1 or 2 kilotons, which happens to be the yield below which explosions in any kind of earth materials might have a good chance of escaping detection. The implication was that dry alluvium of sufficient depth for greater-yield tests probably does not exist in Russia.

The testimony also addressed other possibilities for concealing tests. One method was to test in large, approximately spherical holes. It was suggested that it would be technically feasible to conceal an explosion of as much as 50 kilotons by this method. According to the decoupling theory, 50 kilotons detonated in a cavity 475 feet in diameter and about 4000 feet below the earth's surface would produce approximately the same size seismic signals as a 0.5-kiloton explosion detonated in the conventional manner in hard rock. It was also implied that signals from 50- to 100-kiloton explosions could be concealed in seismic waves generated by a large earthquake. Another hypothesized evasion technique involves setting off in rapid succession a series of explosions; thus the composite seismic signal would have the character of earthquake signals.

There is little basis for determining the amount of credence that should be given such evasion possibilities. All assertions about what might be done to conceal explosions are based on little or no experimental data at explosion yields that might be significant.

The Pentagon's backing and filling as to whether anything new has happened with regard to the ability to detect violations was indicative of a mood within the Pentagon. Advances in seismological research are not welcomed by officials who believe continued testing is more important than the treaty. Defense Department scientists, who manage test detection research, are thus subjected to conflicting pressures. Senator Pastore took note of the problem and suggested that the management of test detection research be transferred from the Pentagon to the Office of Science and Technology in the White House.

In noting the flurry of talk about the test ban, Stephen Rosenfeld suggested recently in the Washington *Post* that the interest was not shared by those in government who were in a position to make test ban policy. And indeed it may be that the matter has come full circle—that doubts have been raised about the need for tests and that the verification problem had been eased—but there has been no essential change. However, it is more likely that things are not the same. The Woods Hole conference and the Cannikin episode have probably triggered a permanent movement to new ground.

The most significant changes of 1971 appeared to be the rather widespread willingness to cast a skeptical eye upon such sacred cows as the relevance of any nuclear tests, the ease of concealing violations, the dangers inherent in undetected clandestine activity, and the need for on-site inspections. Such changes will probably assure a more rational dialog, if not a treaty banning all nuclear weapons tests.

[From the Scientific American, January 1972]

EXTENDING THE NUCLEAR-TEST BAN

(By Henry R. Myers)

Treaties to ban the testing of nuclear weapons have been a subject of widespread interest since the middle 1950's. The history of the matter is marked by turgid international negotiations, conferences of scientific experts, acrimonious domestic debates, changes in position by one side or the other, a three-year informal moratorium on testing suddenly terminated by a series of Russian tests in the atmosphere, "breakthroughs" in the technology of detecting clandestine tests, supposed "breakthroughs" in the technology of conducting clandestine tests, proposals that were sincere and proposals that were not so sincere, a limited treaty banning all but underground tests, accusations of minor violations of that treaty and—most recently—renewed talk of extending the limited treaty to cover underground tests, stimulated primarily by reports of significant new advances in seismic techniques for distinguishing underground explosions from earthquakes.

Advocates of a test ban have over the years pointed out that such a treaty would be a major step toward terminating the strategic-arms race, that it would bring an end to radioactive pollution by nuclear explosions, that it would make the proliferation of nuclear weapons less likely and that it would increase barriers against the use of nuclear weapons in warfare. Those opposed to a test ban have tended to argue that a treaty would address the symptoms rather than the disease, and that whatever advantages there might be were outweighed by certain military and political disadvantages.

Throughout this meandering history there has been little consensus on answers to a series of related questions: How important are the advantages of treaties that limit the testing of nuclear weapons? Is it really a good idea to accept such limitations even if there could be confidence that other countries had done the same? How much assurance could there be that others would live up to the agreements? What developments might stem from clandestine bomb-testing by others?

Questions related to the problem of detecting violations have dominated the test-ban dialogue out of all proportion to their significance. The reasons for this anomaly are interesting in themselves. One is that the verification question is the one aspect of an otherwise complex issue that appears amenable to quantitative analysis. (Actually it is much less so than appearances suggest.) A second reason is that there seems to be a widely held obsession with the *possibility* of violations rather than with their probability or their significance. A third is that opponents of limitations on nuclear testing have exploited this obsession by encouraging fears that have little basis in fact.

Following the established tradition, much of the present discussion will be concerned with the problem of detecting violations. This is done, however, not to emphasize that aspect of the matter but to place it in proper perspective, so that the political and military implications of continued nuclear testing or a complete cessation of it may receive the greater attention they deserve.

Some people have feared that the U.S. Government, in its eagerness to make arms-control agreements, has not been concerned enough about its ability to detect violations. Such fears have never been well founded. An often-stated precondition for the U.S. to enter into a treaty limiting underground nuclear testing has been that there be adequate assurance that the national security would not be placed in jeopardy by developments growing out of clandestine testing by other countries. Indeed, the failure to arrive at a ban on underground tests has in part reflected the inability to negotiate a treaty that provided the U.S. with the assurance of compliance with the terms of the treaty that many officials and citizens believe is necessary.

Such assurance can be derived from several sources: (1) seismological records, intelligence observations or on-site inspections indicating that particular events were earthquakes and not explosions; (2) awareness that any significant clandestine program would involve a large enough number of tests so that eventually a mistake would be made that would reveal the prohibited activity; (3) knowledge of the relative insensitivity of the balance of strategic power to further developments in nuclear-weapons technology; (4) the belief that a potential violator would probably find an excuse for withdrawing from a treaty rather than run the risks inherent in violating it.

On the last point Herbert Scoville, Jr., a former deputy director of the Central Intelligence Agency and assistant director of the Arms Control and Disarmament Agency, has suggested that consideration be given to the experience of the 1958–1961 moratorium on all nuclear testing. At that time the ability to acquire information concerning violations was much inferior to what it is today. In addition, nuclear-weapons technology was less advanced, and there was more incentive to cheat. Yet even then the U.S. was willing to rely for assurance on its own verification systems. The moratorium ended not because of mutual suspicions about cheating (although these did exist) but because of the initiation by the U.S.S.R. of a massive atmospheric-testing program.

In discussing the various interacting factors that influence assurance I shall begin with the area in which the significant new developments have emerged, namely seismology.

Both earthquakes and explosions cause elastic vibrations in the ground that propagate as seismic waves through the earth (body waves) and along its surface (surface waves). Seismometers are used to detect such waves, and the data obtained from a number of instruments, separated by hundreds or thousands of miles, can be used to determine where the event took place, to define its seismic magnitude and to learn something about the nature of the source mechanism.

Seismic magnitude is an approximate indication of the energy released by an earthquake or an explosion. It is a logarithmic quantity based on the average of measurements of the amplitude of certain portions of seismic waves. For some purposes magnitude is based on measurements of the body wave; in other circumstances it is based on the surface wave.

The largest earthquakes have a body-wave magnitude slightly in excess of 7 and a surface-wave magnitude slightly in excess of 8.5. On the average there are one or two such earthquakes a year. Underground explosions in the megaton range can have a body-wave magnitude of 6.5 to 7. Explosions in the low-kiloton range typically have a body-wave magnitude of 4. The seismic magnitude associated with underground explosions depends not only on the explosive yield but also on the material in which the detonation is set off [*see top illustration on page 20*].

Determining the location of seismic events eliminates the large majority of earthquakes from the "probably suspicious" category. For example, unless there are other grounds for suspicion it is possible to immediately eliminate events under the ocean floor or in countries where there is no reason to believe a nuclear test might have been conducted .

If an event cannot be discarded on the basis of its location, analysts can exploit the fact that in terms of the spectral distribution and the partition of energy among wave modes the seismic signals generated by explosions are quite different from those generated by earthquakes. At distances within 1,000 kilometers of an event, explosions in excess of a few kilotons can easily be differentiated from earthquakes. The effects of the paths along which the waves travel, however, are such that as the waves propogate they increasingly assume a form that is determined more by the characteristics of the path than by the characteristics of the source. Moreover, the seismic wave is attenuated with distance, and diagnostic features contained in it (and for small events the entire signal) can be obscured at the point of detection by seismic noise generated by winds, nearby road traffic or distant ocean waves.

An enduring tenet of the test-ban dialogue has been that negotiability and viability of a prohibition on underground testing were related to the amount of verification information that could be extracted from the seismological data. More specifically, such a ban was dependent on the ability to understand and reduce the effects of travel paths and seismic noise. As a result the U.S. undertook in 1959 to sponsor a research program intended to lead to improved capabilities for detecting seismic events, for determining their location and for establishing whether the events were earthquakes or explosions. The ultimate objective was to develop monitoring procedures that could provide sufficient assurance in a treaty situation while calling for a minimum of provisions that would be difficult to negotiate, namely on-site inspections or internationally supervised seismological observations inside the U.S.S.R.

Since 1959 more than $300 million has been spent on the U.S. seismological research effort. A lesser effort was mounted by the United Kingdom. As a result there has been a considerable advance in the understanding of earthquake mechanisms and of the structure of the earth. Other significant developments have come in instrumentation, in data-handling and analysis procedures, in the ability to separate signals from noise and in the ability to determine the location of events and to isolate information that might help in determining whether the event was an earthquake or an explosion. On the other hand, the rate at which this progress has been translated into a more negotiable position at the nuclear test-ban discussions at Geneva has not been as great as might have been hoped. Nevertheless, there have been two notable advances that have led to a substantial improvement in the ability to collect and abstract useful information from the seismological data.

The first major breakthrough, announced in 1962, amounted to reduction in the annual number of earthquakes in the U.S.S.R. that might be confused with explosions. Part of the basis for this reduction was a thorough study of earthquake and explosion data that resolved the existing uncertainties about the rate at which earthquakes occur and the relation between earthquake magnitude and explosive yield. In addition, it was determined that the depth of seismic events could be better inferred from the data than had been believed. It became possible to conclude that many more events were too deep to be explosions and therefore were earthquakes. These results were the basis for dropping from the U.S. negotiating position the requirement that there be manned, internationally supervised seismological observatories in the territory of the U.S.S.R.

The second such major advance has emerged in the past few years from a series of studies initiated by Jack F. Evernden, a seismologist formerly employed by the Department of Defense and now working at the Arms Control and Disarmament Agency. The most significant result of this work, which has been carried on by groups at several universities, was to verify the hypothesis that for a given total release of seismic energy, explosions were much less efficient at generating long-period surface waves than small, shallow earthquakes were [*see illustration on pages 18 and 19*]. Although there were indications before 1962 that this was a worthwhile line of investigation, the early analyses were based on limited data and were not pursued to the point where results would have had a strong impact on the U.S. position in the test-ban negotiations. Moreover, it had been suggested that as the total seismic energy released became smaller, the differences between explosions and earthquakes would tend to diminish to the point where they would not be observable.

It has now been demonstrated that the difference persists for the smallest events of any interest, and that the average ratio of surface-wave magnitude to body-wave magnitude for explosions is less than the average ratio for earthquakes at least as far down as a body-wave magnitude of 4, and probably lower [*see bottom illustration on page 20*]. For the comparatively small number of events that cannot be eliminated on the basis of location, depth or surface-wave criteria there are other diagnostic methods that can be applied to the data. These criteria include the relative complexity of the seismic wave (earthquakes generally produce more complex signals than explosions do) and the ratio of compressional-wave energy to shear-wave energy (earthquakes usually produce longer shear waves than explosions do).

Other research has demonstrated that through the use of seismometer arrays, which have the effect of enhancing seismic signals with respect to the background noise, it is possible to detect both surface waves and body waves at distances of thousands of miles from events with a body-wave magnitude of 4.

As a result of these studies it is now known that it is possible to build a network of seismological observatories, located many thousands of miles from seismic sources of interest, that will acquire data that can be used to identify "virtually all" earthquakes in the U.S.S.R. having a body-wave magnitude in excess of 4. It also means that in the absence of active evasion procedures there would be a substantial probability of detecting and identifying explosions in the U.S.S.R. with yields greater than one or two kilotons. At such yields a nuclear-test program would have little significance. The significance of these conclusions of course depends on the meaning of "virtually all." Some seismologists suggest it means that each year there will be as many as 25 earthquakes in the U.S.S.R. with a body-wave magnitude above 4 that could not be differentiated from explosions on the basis of the seismic data. Others believe that the number will be 10 or less. These estimates are to be compared with the average expected number of unidentified events, ranging from 75 to 150 events above a body-wave magnitude of 4, that would have been anticipated before the surface-wave techniques were developed.

The spread in present and past estimates is partly a reflection of natural fluctuations in the rate of occurrence of earthquakes. Mostly, however, it results from different interpretations of the data and different estimates of the likely outcome of ongoing studies. The data themselves are sometimes subject to diverse interpretations because the great variability in the source mechanisms and the transmission properties of the earth creates a corresponding variability in the observations; therefore questions are sometimes raised concerning the validity of conclusions based on a particular set of measurements. Also contributing to the diversity in estimates is the fact that there are very different views concerning the elaborateness of the seismological network that might exist at some future time. This uncertainty is important because the degree of differentiation that is possible depends directly on the number, distribution and quality of the seismometer stations providing the raw data.

The residual number of events that cannot be identified on the basis of the seismic data would be further reduced by the analysis of data supplied by intelligence systems. In particular it has been hypothesized that satellite photography should be capable of providing information that might alleviate doubts about specific occurrences. For example, a seismic event might be detected and its location determined on the basis of seismological data but without there being enough information to provide confidence that the event was an earthquake. Photography from space might indicate that in the area where the event took place there was no sign of activity of the kind associated with a nuclear test. On the other hand, if the photography were to reveal activity such as mining, it would not serve to decrease suspicion. It is therefore probable that satellite photography would serve much more to reduce suspicions about earthquakes than to provide evidence that a prohibited explosion had occurred.

Nevertheless, a country deciding to undertake clandestine tests would be constrained to do so in a way that would not be susceptible to observation. The possibility that violations might be observed from space would thus have the effect of imposing substantial restrictions on a potential violator. This would tend to deter attempts to carry out secret tests.

On-site inspections have been another omnipresent element in the test-ban dialogue. In the beginning there was a generally held belief that seismological data would be much less useful and inspections more useful than either are now known to be. By supplementing information provided by seismic instruments and intelligence systems, inspections were considered a mechanism that would make a substantial contribution to the verification process. As a result of the recent developments in seismology, inspections would apply only to the very small number of events that are large enough to be detected but that produce signals of insufficient signal-to-noise ratio to allow the application of seismic identification techniques. As usually envisioned, inspections would be conducted after the presentation of ambiguous seismic data and under the auspices of an international body. They would involve visits to the area of origin of seismic events that would not be identified after analysis of the seismic and intelligence data. The inspection area would extend over some several hundred square kilometers, an area reflecting the expected error in determining the point at which the seismic event had occurred.

The procedure for deciding that a seismic event could not be identified, and therefore should be subject to an inspection, is not easily articulated. As a practical matter it would be exceedingly difficult to specify in a treaty, in a manner that would be acceptable to all parties, the data that would need to be provided in substantiation of a claim that an inspection was necessary.

The ability of on-site inspections to uncover evidence of clandestine testing, should there be such testing, would depend on a chain of probabilities: the probability that an explosion would be selected as a candidate for inspection, the probability that the inspection area would encompass the point of detonation and the probability that the inspectors would actually uncover positive evidence should the inspection area include the shot point. The foregoing factors would in turn depend on the quality of the evidence on which the inspection decision was based, the number of inspections that might be conducted in a given time period, the accuracy of locating the source point of seismic events, the size of the area covered by an inspection, the duration of the inspection, the number and training of the inspectors and the elaborateness of the inspection procedures.

Since a country that had violated the treaty would be unlikely to allow access to inspectors who might uncover the calendestine activity, inspections would probably be undertaken only in areas where earthquakes had actually occurred. Because the seismic data would be adequate for identifying large earthquakes, inspections would be directed toward smaller events that typically would produce no ground effects that might be found by inspectors. Moreover, Defense Department experts now say their research has indicated that careful planning and execution of a clandestine test would preclude the existence of surface manifestations that might be found by inspectors. Therefore on-site inspections could not be expected to turn up any evidence of either explosions or earthquakes. Finally, if an evader should be successful in employing active evasion techniques, there would be no seismic evidence on which a request for an inspection might be based.

If this is the case, do inspections serve any purpose even in theory? Yes, according to some. The lack of evidence of an explosion would supposedly provide a limited amount of assurance (skeptics say false assurance) that there had been no explosion. In addition, the prospect of an on-site inspection and the possibility that one might miscalculate or make a mistake would be at least a slight deterrent to a potential violator.

Whatever the theoretical utility of inspections, it is questionable that a treaty that provided for meaningful inspections was ever a realistic possibility. The Russians have always had a negative attitude toward inspections on the grounds that they are not needed and would be used as a pretext for espionage. During periods when the Russians did seem willing to consider the possibility of some small number of inspections (allegedly for the purpose of diminishing some American domestic opposition to a treaty), it was not clear that the nature of these inspections was even close to the elaborate procedures envisioned by the U.S.

With the recent advances in seismological research, doubts concerning the usefulness of inspections have been intensified. To continue to maintain that a ban on underground tests is important but that inspections are still necessary implies the acceptance of the following dubious propositions: (1) that significant tests might escape the various monitoring systems operated by the U.S., (2) that inspections would play a substantial role in deterring violations or in alleviating suspicions that might arise and (3) that the Russians would agree to inspection procedures of the kind that would be required if they were to serve their purpose.

To put the matter in perspective it should be noted that new ground would not be broken if the demand for inspections were dropped because they were deemed unnecessary. The U.S. is already a party to a series of arms-control agreements that contain either no provision for inspections or provision only for inspections of a kind that would yield virtually no assurance in addition to the assurance acquired by other means. These agreements include the ban on nuclear explosions in the atmosphere or outer space, the ban on placing nuclear weapons in orbit around the earth, on the moon or on other celestial bodies, the ban on placing weapons of mass destruction on the ocean bottom and the ban on nuclear weapons in the Antarctic. In each case unilateral means are considered adequate to provide the necessary confidence that the impact of possible undetected violations would be so minuscule as to make them not worth worrying about.

In effect the data provided by seismological and intelligence systems and, to a much lesser extent, by on-site inspections would serve to reduce the background "noise" against which the "signal," or positive evidence, of clandestine test activity would be detected. This "noise" is a factor that a potential violator would take into account in making a decision about conducting a clandestine test. Would he assume that his activity would be lost in the "noise," that it would be discounted as a spurious earthquake in the residuum of unidentified seismic events? Or would he believe that he should play a more active role in attempting to conceal his tests?

Since a complete test ban became a serious possibility several such active schemes for clandestine evasions have been proposed. These include the muffling of the explosion so that the resulting seismic signals would be unlikely to be detected, modification of the character of the seismic waves so that even though they might be detected they would not be characteristic of waves associated with explosions, and testing in the aftermath of a large earthquake so that the explosion signals would be concealed by the ground motion caused by the earthquake.

The muffling of seismic signals might be achieved by conducting the test in an underground material where a comparatively small fraction of the energy of the explosion would appear in a propagating seismic wave. For example, a 20-kiloton explosion in a dry desert alluvial deposit might produce a seismic signal as small as the one produced by a one-kiloton explosion in hard rock. If a country were to seek to test in such an alluvial deposit, it would first be confronted by the fact that a deposit deep enough and dry enough is very uncommon. There is, in fact, reason to believe these deposits do not exist in the U.S.S.R. in depths that would allow tests of more than one or two kilotons. Since dry alluvial deposits, or other dry materials that might be useful for the same purpose, are usually found in areas that are relatively free of clouds and lacking in human activity, any attempt to conduct clandestine tests in these circumstances would be particularly vulnerable to observation from space. Further restrictions arise from the fact that the alluvium must be deep enough not only to contain the immediate effects of the explosion but also to make it possible to set off the explosion at a depth that would not leave a collapse crater. This is an indirect effect in which the cavity produced by the nuclear explosion fills with material from above. The result is a propagating void that ultimately appears at the surface as a characteristic subsidence crater. Such craters are common at the U.S. testing ground in Nevada—illustration not printed in the Record. If such a crater were to be observed from space, it would be telltale evidence of a nuclear explosion.

A more elaborate muffling technique calls for detonating the nuclear device in a spherical cavity. It is predicted that with a cavity of the right size the seismic signal would be about 100 times weaker than it would be with the cavity. The diameter of the required cavity increases with the cube root of the explosive yield. A 10-kiloton explosion would call for a cavity 300 feet in diameter 3,000 feet below the surface. It is questionable whether the cost of excavating such a cavity would be commensurate with the gains that might be made from a clandestine nuclear test conducted in it.

For a time it seemed that such muffling, or decoupling, schemes had fallen out of the domain of plausible evasion possibilities. In recent Congressional testimony, however, decoupling was resurrected by Defense Department experts, who implied that decoupled detonations with yields of 50 to 100 kilotons were feasible and could be carried out at costs that were within reasonable bounds. The assertion raised the question of why, if the possibility of decoupling was considered to be significant enough to bring up, there had been only one small experiment to check out the predictions. This test had involved a 300-ton shot in a cavity created by a 5,000-ton nuclear explosion in a salt deposit in Mississippi. Because the observed decoupling was less by a factor of two than had been forecast, and because there are serious questions concerning the validity of extrapolating the results of this experiment from a yield of 300 tons to one of 50,000 or 100,000 tons, it would seem important to have conducted experiments with much larger explosions. The willingness to extrapolate results here (where the extrapolated conclusion is consistent with the desires of many Defense Department experts to avoid a complete ban on nuclear-weapons tests) conflicts with the Defense Department's usual position on nuclear-weapons development. For example, the five-megaton Cannikin test conducted on Amchitka in November was supposed to be necessary because it was not possible to base conclusions on data obtained from a one-megaton explosion.

At various times it has been suggested that a series of nuclear detonations, appropriately located and timed, would produce a composite seismic signal that was more typical of earthquakes than explosions. Although this procedure might generate waves that in some respects were similar to waves made by earthquakes, it would be difficult for a treaty violator to be confident that the similarity was sufficient to avoid creating suspicion.

A violator might also try to conceal illicit test activity by setting off an explosion almost immediately after an earthquake. If this were done properly, the seismic signals associated with the explosion would be masked by those generated by the earthquake. One disadvantage of testing in this fashion would be the need to maintain the nuclear device and the apparatus associated with the experiment in a constant state of readiness for a period that would range from months to years, depending on the size of the test detonation. It would also be necessary to determine rather quickly that the earthquake was suitable for purposes of masking. That would require an interconnected network of seismometers from which data would be fed to a computer. The computer would immediately calculate the location and size of the earthquake, and it would give a "go" signal when the earthquake met the preset conditions. As with other imagined evasion techniques, the practicality of this method would depend on how badly a country wanted to test, on the size of the test and on how the country evaluated its chances of being caught.

The usefulness of on-site inspections in deterring such efforts would be contingent on procedures that had been established for submitting requests to conduct an inspection. If it were necessary to base the request on specific kinds of seismic data indicating that an unidentified event had occurred, there would be much less deterrent value than if it were possible to base the request on unrevealed intelligence information with only scant reference to publicly available seismic data.

Scoville notes that an easy, although seldom discussed, way for a country to cheat a weapons-test ban would be for it to mount a program of setting off nuclear devices for peaceful purposes, such as the U.S. Plowshare program. One part of Plowshare is the development of nuclear explosive devices for use in nonmilitary projects. Since these devices are in many ways identical with weapons, it would be virtually impossible to determine the kind of development activity being undertaken without being given access to the experimental apparatus. Such access is not likely to be granted by either the Russians or ourselves. Therefore if there is going to be a complete ban on nuclear-weapons tests, it will be necessary either to live with the possibility of some weapons development under the shelter of Plowshare-like programs or to forgo the yet to be established economic benefits of this type of activity.

A further consideration affecting a country's assurance that it could detect clandestine tests (or evade detection) is the possibility that there might be a mistake or an accident in such a test. An unexpected collapse crater or the venting of radioactive debris could lead to the discovery of prohibited activities. There is a significant chance of unintentional venting and a significant probability that such venting, if it occurs, will be detected. In the past radioactive debris has been unintentionally emitted from underground explosions conducted by both the U.S. and the U.S.S.R. The possibility of such accidents would tend to deter violations.

A useful device for summarizing the concepts that enter into evaluations of the likelihood of detecting clandestine test activity or of escaping detection is represented by the graph on the opposite page. The abscissa represents the product of the annual number of tests and their average yield; for instance, a value of 10 could mean 10 tests with an average yield of one kiloton or two tests with an average yield of five kilotons. The ordinate is a measure of the confidence that a test or series of tests with the specified yield-number product would be detected.

The "deterrence" curve represents the situation as it might be viewed by a country undertaking a clandestine test program. The "assurance" curve represents the situation as it might be perceived by countries concerned about their ability to detect violations by others. The deterrence curve invariably lies to the left of the assurance curve because the country concerned about violations by others will, in comparison with the evaluations of the potential violator who presumably places a high premium on not being caught, tend to underestimate the chances of a violation's being detected.

For example, the great variability in seismic data may cause a violator to "play it safe." He would assume, as actually happens, that his explosions would produce at some observation points seismic signals substantially greater than the signals suggested by the averages implied by the curves in the top illustration on the opposite page. The violator would have to conservatively evaluate his chances of being observed from space or having an accident that resulted in the venting of radioactive debris. On the other hand, countries seeking assurance might well assume that explosions would produce seismic signals of an average size implied by the average curve, that the violator would make sure that there was no substantial deviation from the average, that there would be no basis for counting on anomalously large signals to reveal a clandestine test, and that the test would be conducted in a manner so as not to produce a collapse crater or other evidence that might be collected by intelligence systems.

Such curves or their conceptual equivalent are an aid in evaluating the risks associated with a nuclear-test ban even though they are necessarily imprecise because of the large number of intangibles and uncertainties they encompass. The inability of anyone to develop more quantitative estimates has caused consternation among presidents, members of Congress and interested citizens. Adding to the uncertainty is the fact that the detection of clandestine tests must be considered an integral part of the broader question of how significant undetected violations would actually be.

It is fortunate that the recent advances in verification technology have simplified the issue. Many informed observers now conclude that the U.S. need no longer be concerned about developments that might result from *clandestine* * * * developments would not affect the strategic position of the U.S. with respect to its adversaries. It is thus possible to focus on the role of *any* nuclear tests at the present juncture of the arms-development cycle.

In discussing nuclear testing it is necessary to consider global questions, including what the intentions of adversaries are, how nuclear testing would influence the probability of a nuclear war's starting and what effect nuclear testing would have on the outcome of the war if it should start. It is clear that such complex questions cannot be answered conclusively, but certain facts, opinions and speculations can be stated, and inferences can be drawn from them.

The public record contains very few details of the U.S. nuclear-weapons program. Information about what goes on in the U.S.S.R. is even scantier. Nevertheless, it is possible to get an idea of both the objectives and the costs of U.S. activities from official testimony before committees of Congress and from committee reports based on that testimony. From these sources it appears that during each of the past six years the U.S. has spent approximately $450 million on the development and testing of nuclear weapons. The objectives are to develop weapons that have greater explosive yield for a fixed weight, to develop weapons in which certain nuclear effects are either increased or decreased with respect to other effects, to verify that the performance of existing weapons does not decline with the passage of time and to gain confidence in safety against accidental nuclear detonations. Some nuclear explosions are used as sources of radiation and blast in experiments to determine their effects on weapons systems and their components.

Nuclear detonations for these purposes can be justified to some extent on the grounds that in the long run they will make it possible to save money. For example, it may be that a missile warhead with a certain explosive power and a specified weight could be developed only through nuclear testing. If tests were not allowed, the same destructive power would have to be put into, say, three missiles instead of two, thus preventing a saving in the cost of producing a given amount of damage.

Similarly, there could be uncertainties about the performance of stockpiled weapons or the effect of nuclear explosions on military hardware that could be resolved only by subjecting the hardware to the effects of a nuclear explosion. If such uncertainties could not be eliminated by nuclear tests, it would be necessary to eliminate them through the more costly route of conservative design. In "National Security and the Nuclear-Test Ban," an article that appeared in the October 1964 issue of *Scientific American*, Jerome B.

Wiesner and Herbert F. York addressed the uncertainty question at some length. They pointed out that whatever uncertainties might be resolved by nuclear testing would be very small compared with those that abound in military planning. The fact that some of these uncertainties might be removed by nuclear tests would, in their view, "contribute virtually nothing more to management of the real military and political problems, even though it would produce neater graphs."

Some have argued that nuclear testing must continue because of the possibility of surprise findings: either findings that lead to important new developments or, what is more likely, findings that expose a problem where none had been expected. Others argue that tests are necessary to help ensure that the Russians do not acquire knowledge not in the possession of American experts. It is of course not possible to demonstrate that surprise results will not be obtained. Nor is it possible to prove that the Russians do not know things of which American experts are unaware. As for the likelihood of there being a surprise of the kind that suggests a new line of weapons, one may take note of York's belief that the rapid technological advances of recent decades are neither typical of the past nor predictive of the future.

It is sometimes suggested that the U.S. could not forgo testing as long as China or France was continuing its tests. This contention has little validity. For the indefinite future whatever dangers might arise from the fact of Chinese or French nuclear-weapons developments are most unlikely to be ameliorated by the products of U.S. tests. Such dangers must be countered by other means.

More generally, the need for continued testing should be considered in the light of the fact that in this 27th year of the nuclear age some thousands of nuclear weapons of proved design are fully deployed. No foreseeable weapons developments based on further nuclear tests, conducted either openly in the absence of a complete test ban or clandestinely in the presence of one, would affect the ability of either the U.S. or the U.S.S.R. to deliver a substantial portion of its strategic stockpile to an opponent's cities. McGeorge Bundy has remarked on the implications of even a small fraction of these weapons being detonated over urban targets: "In the real world of real political leaders—whether here or in the Soviet Union—a decision that would bring even one hydrogen bomb on one city of one's own country would be recognized in advance as a catastrophic blunder; 10 bombs on 10 cities would be a disaster beyond history, and 100 bombs on 100 cities unthinkable."

In brief, the advanced status of nuclear-weapons development, the existence of very large weapons stockpiles and the deterrent value of the ability to destroy even one city suggest that neither the continuation of nuclear-weapons tests nor the cessation of such tests will affect the strategic position of one superpower with respect to the other. If this is the case, it should mean that continued testing need not necessarily be a source of international tension and a motive force in the arms race.

Yet in spite of the decline of the substantive importance of nuclear tests, testing has developed a life of its own and, as was evident in the Cannikin episode, does exacerbate international discord. If only because there are such strong feelings concerning the need for either an indefinite continuation of testing or its elimination, the matter retains a large symbolic importance. Accordingly there is much to be said for a treaty that removes nuclear testing as an issue that obscures the real problem: how to avoid nuclear war.

The ban on atmospheric testing grew out of the fears generated by the Cuban missile crisis of 1962 and the increasing radiation levels caused by fallout. The superficial reason the treaty did not encompass underground tests was the inability of the signatories to reach agreement on verification procedures. Underlying the omission of such tests was the opposition of persons in and out of the U.S. Government who believed it was essential that this country continue its test activities. At the same time the importance of a prohibition on underground tests was recognized in the preamble of the Limited Test-Ban Treaty of 1963 and later in the Nonproliferation Treaty of 1970, both of which incorporated a commitment to continue negotiations toward a ban on all nuclear-weapons tests.

Not only has little been done to fulfill this commitment but also it is debatable that the atmospheric ban has had much effect on the development of nuclear weapons. In order to secure the endorsement of the U.S. Joint Chiefs of Staff for the Limited Test-Ban Treaty the Kennedy Administration agreed to implement a program of safeguards that included "the conduct of comprehensive, aggressive and continued nuclear-test programs designed to add to our knowledge and improve our weapons in all areas of significance to our military posture for the future." This was to counter the Joint Chiefs' concern that the treaty might presage a "euphoria in the West which will eventually reduce our vigilance and willingness of our country and of our allies to expend continued effort on our collective security." The results of these safeguards has been what many believe is a nuclear-weapons development effort that is indistinguishable in scope—if it is not even larger—from the one that had been under way before the treaty.

Since 1963 there has been little serious discussion of extending the Limited Test-Ban Treaty to include underground tests. The ostensible obstacle remains: the U.S.S.R. continues to maintain that on-site inspections are not needed; the U.S. asserts the contrary. The verification issue is still a pretext for not achieving agreement. As the foregoing discussion suggests, however, the plausibility of the pretext has dwindled to the vanishing point.

The failure to prohibit underground tests plays into the hands of those in the non-nuclear nations who press for the acquisition of nuclear forces; it tends to reinforce the contention that the statements of the superpowers are not matched by actions, and it undermines the credibility of the U.S. Government, which has maintained for more than a decade that unresolved verification problems are the obstacle to a ban on underground tests.

The attainment of a treaty banning underground tests would demonstrate to the non-nuclear countries that the major nuclear powers would accept substantial restrictions on their own nuclear activities, a demonstration that would strengthen arguments against the acquisition of nuclear weapons by other countries. As a result of its symbolic value, a cessation of underground testing, particularly in the absence of a major agreement at the Strategic Arms Limitation Talks, would more than any other likely step signify an almost irrevocable commitment to seek security through arms control agreements rather than through the never ending cycle of weapons and counterweapons that has characterized the period since World War II.

SENATE RESOLUTION 231—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

(Referred to the Committee on Rules and Administration.)

Mr. ALLOTT (for Mr. JACKSON) reported the following resolution:

S. RES. 231

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Interior and Insular Affairs, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $400,000, of which amount (1) not to exceed $25,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. To assist the committee in a study of national fuels and energy policy pursuant to S. Res. 45, agreed to May 3, 1971, the chairman and ranking minority member of each of the Committees on Commerce and Public Works, or members of such committees designated by such chairmen and ranking minority members to serve in their places, and the ranking majority and minority Senate members of the Joint Committee on Atomic Energy, or Senate members of that committee designated by such ranking majority and minority Senate members to serve in their places, shall participate and shall serve as ex officio members of the committee for the purpose of conducting the fuels and energy policy study.

SEC. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 811 THROUGH 819

(Ordered to be printed and to lie on the table.)

Mr. ERVIN (for himself and Mr. ALLEN) submitted nine amendments intended to be offered by them jointly to the bill (S. 2515) to further promote equal employment opportunities for American workers.

AMENDMENT NO. 822

(Ordered to be printed and to lie on the table.)

Mr. SAXBE submitted an amendment intended to be proposed by him to the bill (S. 2515), supra.

SOCIAL SECURITY AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 820

(Ordered to be printed and referred to the Committee on Finance.)

WELFARE FISCAL RELIEF

Mr. RIBICOFF. Mr. President, today, on behalf of myself and Senator NELSON, I am introducing an amendment to H.R.

1, to provide a measure of emergency welfare fiscal relief to the States.

In recent years no one has been happy about the welfare system. Its inefficiency and inadequacy assure recipients of low payments and States of high costs. Only a uniform, federally administered program will relieve the States of crushing welfare cost burdens and budget uncertainties.

But until welfare reform legislation takes effect on July 1, 1973, something must be done to assist the States which are coming under increasing financial strains. In fiscal 1971, welfare budgets in at least 20 States ran into the red as costs of increasing caseloads mounted. As the State costs mounted—from $1.8 billion in 1965 to $4.7 billion in 1970—almost half of the States have been forced to reduce their welfare payments to individuals. The result is that welfare recipients are having to learn to live with the worst deficiencies of the existing system at even lower benefit levels than ever.

Immediate interim measures are needed to provide welfare relief to the States during the period before the July 1, 1973, effective date of the family assistance plan.

My proposal, which was introduced in the House by the chairman of the Ways and Means Committee, Wilbur Mills, and the Congressman from Illinois, George Collins, would provide fiscal relief to the States by limiting State expenditures for fiscal years 1972 and 1973 to the level of expenditures incurred in fiscal year 1971. The Federal Government would assume all additional costs.

If adopted, this proposal would afford $900 million of immediate tax relief to State and local taxpayers nationally for fiscal year 1972 and $1.1 billion for fiscal 1973. I estimate that this year alone my proposal will result in over $50 million in savings on welfare costs in the State of Connecticut.

The administration, Senator Long, Wilbur Mills, and many other Senators have expressed their support for the principle of emergency relief. I am hopeful that the Senate will accept my proposal as an integral part of an overall welfare reform program.

EDUCATION AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 821

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. TOWER submitted an amendment intended to be proposed by him to the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Educational Act of 1963, and related acts, and for other purposes.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 559

At the request of Mr. Ribicoff, the Senator from Oregon (Mr. Hatfield) was added as a consponsor of Amendment No. 559 intended to be proposed to the bill (H.R. 1) the social security amendments of 1971.

NOTICE OF HEARING ON NEW TECHNOLOGIES FOR THE GENERATION OF CLEAN ELECTRICITY FROM COAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an announcement by the distinguished Senator from Washington (Mr. Jackson).

The PRESIDING OFFICER (Mr. Beall). Without objection, it is so ordered.

Statement by Senator Jackson

On February 8, 1972, the Senate Interior and Insular Affairs Committee will hold a hearing on new technologies for generating clean electricity from coal.

In many cases traditional methods for the generation of electricity are not compatible with Federal and State environmental standards. There are, however, several future technological options which offer promise for the development of environmentally acceptable methods for the generation of electricity from coal. One of these options appears to be new or advanced power cycles which combine coal gasification with advanced gas and steam turbine technologies in an integrated system. Successful demonstration of this technology offers the potential for more efficient utilization of coal for power generation, a better atmospheric environment, and a reduction of thermal pollution of our waterways.

This hearing is being held in order to review the Federal research and development program on advanced or combined power cycles for the generation of electricity. The hearing will be convened at 10:00 a.m. in Room 4200 of the New Senate Office Building. Invited witnesses include representatives of the Office of Science and Technology, the Environmental Protection Agency, and the Department of the Interior.

Because of his long recognized leadership in the formulation of national energy and environmental policies and as co-author of Senate Resolution 45, I have asked Senator Randolph (D.-W. Va.), Chairman of the Senate Committee on Public Works and an Ex-Officio member of the National Fuels and Energy Policy Study to chair this hearing. The hearing is being conducted pursuant to Senate Resolution 45, which authorized the Interior and Insular Affairs Committee and Ex-Officio representatives of other Senate Committees to undertake a comprehensive study of national fuels and energy policy.

The Committee invites the submission of statements for publication in the hearing record by any interested persons or organizations. The hearing record will remain open until February 28, 1972 for additional statements.

ADDITIONAL STATEMENTS

THE 1973 BUDGET

Mr. SCOTT. Mr. President, notwithstanding all the political breastbeating over President Nixon's 1973 budget, the American people have every right to hail it as a genuine confirmation of his administration's reordering of national priorities. In 1968 under the Johnson-Humhprey administration we spent 45 percent of our Federal money on defense and only 32 percent on domestic needs. This year's budget is just the reverse—45 percent on domestic needs, and 32 percent on defense.

Moreover, for the first time, the budget for the Department of Health, Education, and Welfare will exceed that for the Department of Defense. Although the President is asking for an increase in the size of the Defense budget next year, the fact of the matter is that the percent of the total Federal budget spent on defense will be at the lowest level since fiscal year 1950. Those who argue that the President has not reordered the Nation's priorities have their heads in the sand.

Like most other issues that Congress will consider this year, the budget is the subject of intense partisan rhetoric and gobbledegook. It is a good budget and after the smoke has cleared will be recognized as such by the American people. Those who try to politicize the budget in committee hearings, on the Senate floor, and on the political stump may find they are doing themselves a great disservice in the end.

THE POLITICS OF INTERNATIONAL TRADE

Mr. RIBICOFF. Mr. President last week, on behalf of the Committee on Finance, I traveled to London, Paris, and Brussels to discuss outstanding trade issues with government and business leaders in these capitals.

During my trip, I was asked to speak informally to the American Club in Paris. I commented on the political realities of trade and investment problems with an eye to America's future role in the world economy.

I ask unanimous consent that the text of my remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

The Politics of International Trade

(By Senator Abraham Ribicoff)

Today Congressional concern over trade matters is framed by the very real political problems posed by a nation-wide 6% unemployment rate. In my own home State it is 9%, and in the manufacturing town of Bristol, Connecticut, it is an incredible 24%. What these figures mean is that 5 million American workers can't find work. I would note that there is hardly a country in Europe with half the national U.S. rate of unemployment. People out of work represent a political fact of life.

What does a Senator say to a 52-year-old draftsman in Connecticut with three children who has been laid off after 21 years with the same company, losing his pension rights and health benefits? Does he recite the economic theory of comparative advantage and advise him to uproot himself and his family and take a job in Phoenix, Arizona?

What does he say to a small manufacturer in an old family business who learns that a Hong Kong firm is planning to sell an imitation of his product in the United States at less than half his price? Can you explain to him how he can keep paying his work force while he struggles to develop a competitive new product line? These are dilemmas facing men in politics every day.

President Pompidou, I am sure, can understand this. And that is why I, in turn, could appreciate his candid comments the end of last month on French adherence to the Common Market's agricultural policies. As

President Pompidou put it—"French farmers can count on my interest in them and on my obstinacy." It puzzles me why a stance similar to President Pompidou's when taken by an American Senator, or by an American President, should come as so great a surprise to Europeans.

I think that there are humane, people-oriented solutions to these problems, solutions which can lead both to an expanding world economy and prosperity in the United States. All the industrialized nations have been lucky so far in avoiding economic disaster. The recent realignment of exchange rates achieved in great measure by an unprecedented American economic offensive, has by no means brought an end to the international crisis. The decision to devalue the dollar has only bought us some time—several months or perhaps a year or two, but no more. This crisis has now passed but we must get on with solutions to our common problems if we are to avoid future reruns.

Ecopolitics is rapidly replacing geopolitics as the prime mover in the affairs of nations. The realization is growing that an international monetary conference in Washington can be just as important for the future tranquility of this globe as the SALT talks in Vienna.

The United States is now in a new kind of international ball game. Our political leaders have been very slow in grasping the significance of the shift from geopolitical to ecopolitical issues. This is not surprising. Most men in political life today gained their familiarity with international affairs at a time when the political, strategic and military issues of the late 1930's and 1940's dominated. The giants who strode across the stage of history during that turbulent period were certainly not preoccupied with shifting trade balances, but with shifting armored divisions across the face of Europe.

For many years now European and Japanese leaders have acted on the assumption that economics makes powerful politics. With such a high percentage of their nations' GNP's devoted to foreign trade, they could ignore this only at their peril. But the United States Government seems to have grasped this reality only very recently. The creation of a Council on International Economic Policy in the White House a year ago was one welcome indication of a changing attitude. And the shockwaves of August 15th make it appear as though we have seized upon this realization with gusto.

But policy by adrenalin can be used just so often. Now that our trading partners realize that we are serious about protecting our economic interests, we need responsible follow-up. It is time that the leadership in America and the American people got down to finding the answers to some very hard questions.

One of our greatest problems is the inability of our present institutions to generate enough technological progress to keep the American economy competitive and at the same time meet pressing social objectives at home. While our large corporations plan their investments and allocate their priorities 5, 10, and even 20 years ahead, our Federal Government operates on annual budgets and programs.

Except in the area of national defense, we have no systematic way to encourage our industries to develop along lines which keep them up to date. Nor do we direct them into areas of high social priority on a long-term basis.

Once our government can persuade industry that it is seriously committed to new sets of priorities, businessmen will have the necessary incentive to embrace conversion rather than resisting it. Profits earned from supplying low-cost housing units look just as good on a balance sheet as profits earned from producing sophisticated anti-missile systems.

Clearly, new forms of government-industry cooperation are required if the United States is to commit more resources to maintaining our technological superiority. And technology, today, is the key to remaining competitive internationally.

This means establishing a high level of on-going research and development programs. Although these kinds of programs inevitably offer uncertain results and are costly, we have little choice. The production of high technology content products must be, to use the modern description—"our bag". In 1970 the United States' trade surplus represented by high technology products, excluding automobiles, was over $10 billion. This should be viewed against the 6 billion dollar trade deficit in other manufactured goods—and America's first overall trade deficit since 1893—some $1.8 billion in 1971.

Right now we find ourselves in a situation where cutbacks in military and space programs have coincided with a general industry recession, which has lowered budgets for private reseach and development. Instead of increasing our government's contribution to the total R & D effort, it has actually declined in recent years, dropping from 60 percent of the total in 1968 to 53 percent in 1971.

The most appropriate institution to deal with the need for new forms of government-industry cooperation would be a permanent board which would select areas of national priorities, make long-range plans, and then actually design the government-industry programs to be funded. As a practical matter, our existing agencies, including the Council of Economic Advisers, are simply too busy on day to day problems to be able to do this long-range job properly.

In the Congress serious thought should be given to modifying our anti-trust laws if in fact they are a deterrent to progress—so that resources could be polled for specific ends. It is obvious that if you want to rebuild our own devastated inner cities or build a dam in Africa you need a number of companies working closely together. The application of 70 year old anti-trust laws to modern-day operations by international consortiums clearly puts American companies at great disadvantages. We need workable rules that protect our own citizens from monopolistic trade practices while enabling our corporations to combine to take advantages of changing world markets. In fact, all of our laws and regulations that inhibit the application of new technology should be scrutinized with an eye to helping rather than hindering.

It will take a number of years before new permanent institutions can translate their decisions into generating trade surpluses, and jobs. In the meantime, effective solutions must be found to ease the interim dislocation.

Where the dislocation of people is involved, you cannot write them off as some economists do, as "frictions". According to the theory these frictions are supposed to be absorbed in the long-run. But, in the long-run, as Keynes used to say, we are all dead. When someone loses his job because of frictional or any other kind of employment he is immediately in desperate circumstances and can't wait for the long-run to take care of him.

Adjustment assistance as it was conceived ten years ago was obsolescent the day it was enacted. Its requirement of strict proof of a direct relationship between injury due to tariff reductions and imminent financial ruin is about as useful today as buying insurance against being trampled by a herd of buffaloes in mid-Manhattan. The emphasis must now be put on spotting in advance those industries and companies in the entire economy which are running into trouble, and concentrating on helping workers and advising management *before* the company is a financial basket case. Unless we do this, the government will always be in a position of doing too little, too late—and the pressures for quotas and other forms of work protection will become irresistible.

Another issue which must be dealt with more directly is the shifting of manufacturing operations abroad by American-based multinational corporations. The so-called "runaway mill" problem has already created great resentment in the ranks of organized labor

Before the Congress can act responsibly in regulating these conglomerate concentrations of power, it is absolutely essential to know more about the nature of this new phenomenon. Given the growing interdependence of nations and the shrinking of the globe, we must begin seriously studying the operations of all these corporate giants both American and foreign. Already multinationals create one-sixth of the world's gross product—and by the turn of the century it is predicted this will be one-half.

All companies with international interests must become more aware of the implications of their activities for the governments of the countries with which they are involved. And conversely, all governments, our own included, must know more about their operations, and seek to shape their activities towards the achievement of desirable social and economic goals.

H. L. Mencken once said—for every human problem there is a solution which is neat, simple—wrong. There are no easy solutions to the problems posed by the flow of international trade and investment. The only rational road ahead is for the U.S. to sit down with its major trading partners and work out workable international norms for trade and investment so that all may benefit. What is needed is a world system where there are only winners and no losers. This involves creation of a process of ongoing high-level negotiations rather than hastily arranged conferences that paper over differences and then disband.

Last year, during my discussion here in Europe, I discovered to my dismay that nowhere were such trade negotiations taking place. A high level working group within the Organization for Economic Cooperation and Development here in Paris has started to work. Now that this group is functioning, a potentially significant new forum exists for removing irritants and points of conflict in international trade and investment.

By now it should be obvious that the older, more traditional method of negotiation can't do the job any more because the problems themselves are new. Tariffs, which were significantly reduced in the Kennedy Round negotiations from 1963 to 1967, are no longer the major impediments to a free flow of international trade. Nontariff barriers, in a bewildering variety, are today the major impediments to world trade.

There is an urgent need for instance, to begin dealing with the brand new problems posed by different national safety and environmental standards before they are set in concrete and before the seeds of future conflicts are sown.

But if we are to begin serious trade negotiations, a solid consensus must first be built in the United States supporting the expansion of world trade and investment. Economics is not only a dismal science, it is largely an esoteric one.

It must be presented to the American people that there are benefits for all nations from expanding world markets through a freer flowing technology, the availability of services, the upgrading of quality and fair competition.

In order to put the level of discussion of this subject above that of who is imitating whom, and who is flooding whose market with cheap imports, the United States must devise better mechanisms to stimulate our economy and manage our ecopolitical relations with the rest of the world. This involves enlisting the cooperation of labor, industry and the Congress. This is the only way we can ensure greater prosperity in the last quarter of the Twentieth Century, and the only way to remove the high drama from these issues.

THE NEED TO END DOCK STRIKES

Mr. CURTIS. Mr. President, the need for congressional action to put an end to the dock strikes is very important. These strikes are damaging our entire economy, but more especially agriculture. The loss suffered by Nebraska farmers in the past 12 months by reason of transportation strikes runs into the hundreds of millions of dollars.

The Committee on Labor and Public Welfare should promptly advance the President's proposal for dealing with transportation strikes (S. 506) or come up with a better and more effective proposal. Delay is not in the public interest.

Mr. President, I ask unanimous consent to have printed in the Record a letter dated January 20 from Secretary of Agriculture Earl L. Butz to the Honorable Herman E. Talmadge, chairman of the Senate Committee on Agriculture and Forestry.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of Agriculture,
Washington, D.C., January 20, 1972.
Hon. Herman E. Talmadge,
Chairman, Committee on Agriculture and Forestry, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: I would like to commend you and your colleagues on the Senate Committee on Agriculture and Forestry for your concern over the plight of the Nation's farmers who are suffering a loss of exports and a loss of income as a result of the prolonged dock strikes.

I understand that you earlier conducted a one-day hearing on the effect on agriculture of labor-management disputes in the shipping industry. I am told that more than 60 witnesses appeared and generally recommended emergency action, such as is embodied in the Emergency Interest Protection Act (S. 560) pending in the Senate.

I commend you for your leadership in voting yesterday morning to send the transcript of that hearing to the Senate Labor and Public Welfare Committee and to the Senate Commerce Committee as a means of showing your concern for the Nation's farmers and the immediate need to provide legislation to deal more effectively with dock strikes.

This action on your part will be deeply appreciated by farmers who, as innocent bystanders, are suffering such heavy losses in markets and income as a result of the prolonged strike.

Sincerely,

Earl L. Butz,
Secretary.

SENATOR RANDOLPH OPPOSES BUDGET RECOMMENDATION TO ABOLISH APPALACHIAN PROGRAM

Mr. RANDOLPH. Mr. President, when the President submitted his budget proposals to Congress a year ago, they reflected the announced intention of the administration to abolish the Appalachian regional development program as a separate entity. The administration wished at that time to make Appalachian activities an indistinguishable part of the rural revenue sharing program that was then proposed.

The new budget we received today reflects a similar desire by the administration to abandon what is essentially a revenue sharing effort and one that has been extremely successful.

In view of events that took place within the last year, I am surprised that the President again recommends that the Appalachian program be abandoned. The suggestion a year ago met with almost unanimous rejection from Members of Congress. Congress specifically endorsed the Appalachian concept by passing legislation extending its life for another 4 years. President Nixon voiced approval of the Appalachian approach when he signed this extension into law.

While Congress has given neither approval nor disapproval to revenue sharing, it has declared emphatically that it believes the Appalachian program is a worthwhile undertaking that should be allowed to continue toward the goals established for it in 1965.

The Appalachian regional development program has frequently been called a model to be used for similar efforts elsewhere in the country. The Committee on Public Works is utilizing the Appalachian experience in preparing legislation for a comprehensive national economic development program. This legislation will be introduced in the Senate soon.

I call these matters to the attention of the Senate, for I believe we must move with caution in considering any recommendation to dismember a program such as that now underway in Appalachia which embodies many of the goals of revenue sharing. To abolish the Appalachian program would severely compromise the investments already made and break faith with the people of the region who look to it as the all important program for a better life.

SENATE ATTENDANCE REQUIREMENTS

Mr. SCOTT. Mr. President, at the request of several members of the press, I ask unanimous consent that the column written by Bob Roth relating to Senate attendance requirements, suggested by the senior Senator from Maine (Mrs. Smith), and published in the Philadelphia Bulletin of December 28, 1971, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Lady From Maine: Senator Smith Strikes Blow Against Absenteeism

(By Robert Roth)

Washington.—Sen. Margaret Chase Smith of Maine has several distinctions besides that of being the only woman in the Senate of the United States.

A Republican, born and bred, she is fiercely independent, amenable to party discipline only when she is persuaded that it has been properly invoked.

She has conscience, courage and gumption that make her stand and fight when others yield and bargain. She is unimpressed by blandishments from high places, including the Pentagon and the White House. A Supreme Court nomination or a military appropriation gains nothing in her eyes because it has important backing.

DENOUNCED M'CARTHY

Her denunciation of the late Sen. Joseph R. McCarthy, uttered as what she called "an act of conscience," came at a time when most others—including those in the White House—were seeking ways to appease and placate the man whose name became a synonym for baseless accusation and unprincipled intimidation.

Her energy at 74 is unflagging. When the Senate roll is called she is there. Her vote is her proudest, most jealously guarded possession, and woe to the special pleader who takes it for granted, or tries to predict how it will be cast. On top of it all, she is highly skilled in political maneuver. She knows how to get what she wants for the people of her state. It is hard to imagine them electing anyone in her stead.

It was, then, a matter of no small consequence last week when Senator Smith sponsored a constitutional amendment providing for the expulsion of any member of the House or Senate who was absent in a single year from more than 40 percent of the roll calls.

REVOLUTIONARY PROPOSAL

Only a Washingtonian can appreciate what an epoch-making, revolutionary, iconoclastic proposal this is. It is true that there are rules requiring the presence of members at meetings of Congress and provisions for compelling the attendance of those who absent themselves without permission. These strictures are, however, laughed at when they are not ignored. Most members consider themselves the best judges of when their attendance is necessary. Many attend only when it suits their convenience. Some do not bother to attend at all.

Dozens of members commute here from their homes which, in this air age are almost all in commuting distance, arriving here on Tuesdays and going home on Thursdays. Rare is the senator who does not miss roll calls because he is out on the lecture circuit, and there are some who are out often enough to double their $42,500 salaries, and then some.

PRESIDENTIAL CANDIDATES

Senators who are also candidates for presidential nomination divide their timing—and not always equally—between the constituents they have and the delegates they hope to gain. A congressman who is ill, or who needs a change of scene, absents himself—at full salary, of course. More than one member has served his term in a jail cell.

Philadelphia had a congressman, Herman Toll, not long ago who served an entire term without setting foot in the House. South Dakota has a senator now, Karl E. Mundt, who suffered a totally disabling stroke more than two years ago but who still holds his seat, his committee chairmanships and all the prerequisites of his office.

Of all the ills that Congress is heir to, of all the factors that prevent it from getting its work done, absenteeism is the most obvious, the most pervasive and the most debilitating.

IMPOSSIBLE TO CORRECT?

So deeply is absenteeism ingrained in the very marrow of Congress that many believe it will be impossible to get it out and are more amused than impressed by efforts to deal with it. Certainly the odds are heavily, perhaps astronomically, against the enactment and ratification of Senator Smith's amendment.

It is a good deal more, however, than an exercise in futility. Even in being defeated, it is bound to stir things up. It will not be the first time that the Lady from Maine has jolted the complacent.

MILWAUKEE JOURNAL ASKS FOR CRITICAL EXAMINATION OF VALUE TAX

Mr. PROXMIRE. Mr. President, in his state of the Union message, President Nixon spoke of the heavy burden of State and local property taxes. He gave no immediate alternative to that system but advised us of a series of studies due in the next few months on this issue. As everyone knows, these studies are primarily concerned with the question of a value-added tax as a substitute or as an addition to our present tax system.

The value-added tax—VAT—must be studied carefully. It is a regressive tax. It is a hidden tax. It, therefore, invites big increases once it is in effect. It is an inflationary tax because it means a pyramiding of price increases. I have asked the Joint Economic Committee, of which I am chairman, to prepare studies and hearings leading to a searching and critical examination of this issue this year.

In an editorial published on January 17, 1971, the Milwaukee Journal supports this move and adds a few more points to the argument. It points out that the ultimate payer of the tax is the consumer and hence is a "national sales tax that eats at low incomes in much greater proportions than it does high incomes."

The editorial also points out that—

> If instituted, it probably would not replace any tax but be just another layer on the present tax structure.

If the history of taxation is any measure, that is bound to be true.

The Journal editorial makes one further and penetrating point. Before it becomes a reality in the United States the editorial states:

> The present progressive income tax structure should be tightened up. Billions now go uncollected because of loopholes and shelters in the tax laws. When these holes are plugged, and if the Government can prove it still needs revenue, then lets talk of VAT.

It would be irresponsible of the Government to propose a national regressive sales tax at a time when billions escape taxation because of the loopholes in the present system.

Furthermore, I would make the point that we could also cut back on unneeded spending—on excessive defense spending, on the space shuttle, on wasteful public works, on the excessive highway expenditures, and on the billions in subsidies which go out the back door of the Federal budget.

Let us look at and act on all of these matters before giving the imposition of VAT serious consideration.

I ask unanimous consent that the excellent editorial from the Milwaukee Journal be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Value-Added Tax

Sen. Proxmire plans to turn the Joint Economic Committee loose on an in depth examination of the value added tax (VAT). This is needed. The public knows very little about this super sales tax, popular in Europe. And one day soon the public is liable to wake up and find that VAT is here.

Current interest in VAT stems from the uncomfortable suspicion that the tax cuts just instituted are going to be transitory. The reason: Government expenditures consistently are outstripping revenues. Yet the Nixon administration wants to initiate revenue sharing. It has proposed welfare reform with an income floor. The president last month promised to try to alleviate "the crushing burden of property taxes." All this will cost more money and where is it coming from? Administration spokesmen have sent up trial balloons about VAT.

The beauty of VAT is that it is simple to administer and is, in a sense, hidden and thus rather painless. It is a tax on each new increment of value added to a product from the raw material to the store shelf. Everyone along the line pays a little.

There are some bad features underneath this outward sheen. One is that the ultimate payer of the tax is the consumer, for VAT is included in the sales price. But most of all, the tax is highly regressive. It is a national sales tax that eats at low incomes in much greater proportions than it does high incomes. What is more, if instituted, it probably would not replace any tax but be just another layer on the present tax structure.

Ultimately, VAT may become a reality in the US. Before it does, the present progressive income tax structure should be tightened up. Billions now go uncollected because of loopholes and shelters in the tax laws. When these holes are plugged, and if the government can prove it still needs revenue, then let's talk of VAT.

A DISTINGUISHED OREGONIAN

Mr. PACKWOOD. Mr. President, one of Oregon's outstanding citizens, Henry, Cabell, is dead. The death of Mr. Cabell was a personal loss to me. I valued his advice, and I enjoyed his friendship. I will miss him, and Oregon will miss him. He was truly a distinguished Oregonian.

I ask unanimous consent that an editorial published in the Portland Oregonian of January 12, 1972, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Henry Failing Cabell

Henry Failing Cabell, who died Monday in his 77th year, had an extraordinary record of public service in Oregon. He served long periods as a member and as president of the State Board of Higher Education and as chairman of the State Highway Commission, exemplifying the Oregon tradition of unpaid ministry of government functions of the highest importance.

He also had held a host of other voluntary offices in national, state and local educational, cultural and business organizations. But those who knew Henry Cabell best say that his most important contributions, to the community and region in which he spent his life were private ones. He was always the one to call upon when one needed substantial help for a good cause. He was exceptionally well informed on a wide range of public issues and well able to judge the merit of his causes.

Mr. Cabell was the grandson of Henry Failing, banker and mayor in Portland's pioneer era. He spent a good part of his professional life as a lawyer managing the extensive Failing estate. In doing so, he set an example for others who have made fortunes as well as a good life in the Oregon Country. He generously shared his—both the fortune and the good life—to the great benefit of his fellowmen.

ANOTHER CHANCE TO RATIFY THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, last week another session of Congress began. The previous 22 sessions had the opportunity to act on the International Convention on the Prevention and Punishment of the Crime of Genocide, but for reasons of their own did not. So once more the Senate has a chance to act on this important treaty.

The Senate should ratify the treaty to show the world that we abhor this crime, to show that the American people do not want this to happen anywhere in the world. Many nations look to the United States for moral leadership, to set an example of a country providing its citizens with freedom, justice, and peace. These nations are perplexed at our perennial failure to ratify the Genocide Convention. Our enemies, on the other hand, are happy, for they can continue to say that the United States does not act upon what it professes to believe.

Ratification of the Genocide Convention will not endanger the American people. Because this treaty, like all treaties, is subject to the language of the Constitution and cannot in any way modify or abridge it, we do not have to fear any loss of our rights. Failure to ratify the convention is detrimental to the best interests of the United States, not only because of what such failure means to the international community, but also because it denies the American people of the benefits of a world where genocide is less likely than before.

Mr. President, I hope the American people and all the people of the world will soon have the benefits which the Genocide Convention has to offer. I urge the Senate to ratify it as soon as possible.

THE ANDERSON PAPERS

Mr. HARRIS. Mr. President, the publication of the Anderson papers concerning our disastrous policy toward India and Pakistan raises fundamental questions about the type of foreign policy machinery which President Nixon has established under the authority of Dr. Kissinger. In the Washington Post of January 20, 1972, a distinguished American diplomat and former U.S. Ambassador to the United Nations, Charles Yost, discusses these questions with great depth and intelligence.

According to Ambassador Yost, never in 35 distinguished years of Government service did he ever attend meetings of the type revealed in the Anderson papers. What disturbs Ambassador Yost and should disturb us is the manner in which Dr. Kissinger seems to have completely dominated the meeting described in the papers and in the process to have missed the opportunity to learn something about an area with which he has little experience and on which disastrous policy recommendations were being made.

The lesson from this must be that apart from the extremely poor judgment displayed by our top officials, the highly touted machinery at the White House which this administration has established to deal with foreign policy crises is also at fault. Thus, as Ambassador Yost notes:

> While the Anderson papers did not reveal anything about U.S. policy which was not already known, they did show how the present machinery and style of conducting foreign relations can lead to very serious errors.

At the time of the war between India and Pakistan in December, I urged the appropriate committees in the Senate to open hearings on our South Asian policy. One purpose I contended would be to determine whether our foreign policy machinery had contributed to the disastrous foreign policy mistakes we made in South Asia.

I believe that Ambassador Yost's article makes it clear that such hearings would be useful. If it is true that, as his article suggests:

> Setting up a second State Department inside the White House . . . is bound is cause immense confusion and may have contributed to the mishandling of this critical issue.

Then it is the duty of the administration and the Congress to investigate the present foreign policy machinery in the administration and to demand improvements. For one thing is certain, we simply cannot afford another mistake of this magnitude of this administration's policy in South Asia.

Mr. President, I ask unanimous consent that Ambassador Yost's provocative article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A LOOK AT HOW FOREIGN RELATIONS ARE CONDUCTED NOW

(By Charles W. Yost)

It is with considerable astonishment and uneasiness that I have been reading the "Anderson Papers" and the accumulating mass of editorial comment upon them. Never in my 35 years of government experience, during which I took part in a very large number of White House and State Department gatherings of the sort reported in those papers, did I ever encounter meetings quite like these appear to have been.

There are several things that strike me about them. First is the extent to which they were dominated by one person—not the President, the Secretary of State or the Secretary of Defense, but the national security advisor, Dr. Henry Kissinger.

He did about three-quarters of the talking, and his tone was frequently that of a professor addressing a rather backward class. That the class was skeptical about the line he was taking is apparent from numerous comments by senior representatives of the State and Defense Departments, but any hint of active dissent was peremptorily suppressed by invoking the wishes of the President.

Of course, the Anderson Papers report only a small fragment of the whole story. One can only hope that there were earlier meetings of the National Security Council at which the responsible cabinet officers and officials, more knowledgeable about India and Pakistan than Dr. Kissinger, had an opportunity to present their dissenting views directly to the President, and at which he presumably overruled them.

There is, however, no reference in the Anderson Papers to any NSC discussion and, having in mind White House modus operandi in recent years, one cannot frankly be confident the President was ever exposed in depth to the arguments for a policy different from the foolish one he pursued.

While presidential decisions obviously must be accepted and carried out, no practice in government is more pernicious, or indeed more harmful to the President himself, than to inform the bureaucracy that his mind is irrevocably made up and that they better conform—or else.

This leads to my second impression on reading the Anderson Papers. There seemed to be an element almost of hysteria running through these meetings. There is a frantic floundering about to find means to make work a policy which has obviously failed and which its proponents, being intelligent men, are probably beginning to suspect, though of course not to admit, should never have been adopted in the first place.

Dr. Kissinger is quoted in the papers as saying on December 8 that "one could make a case that we have done everything two weeks too late in the current situation." The fact is that "everything" was done at least six months too late.

The time to have acted, both directly on the government of Pakistan and indirectly by bringing the issue to the United Nations Security Council, was in the spring, when the magnitude of Pakistani President Yahya Khan's atrocities in East Pakistan, and the political repercussions they were bound to have if uninterrupted, could already have been clearly foreseen.

One columnist has claimed that during all those earlier months the White House left the India-Pakistan crisis in the hands of the State Department, and did not itself become involved until just before war broke out.

This rather childish ploy to shift the blame seems highly implausible, first, because that is not the way the White House operates under this administration, and second, because Dr. Kissinger himself conferred with the leaders of both India and Pakistan on his way to Peking in July. He could hardly have been unaware of what was going on at that time.

One must admit, however, that setting up a second State Department inside the White House, as the Nixon administration has done, is bound to cause immense confusion and may have contributed to the mishandling of this critical issue.

Dr. Kissinger is reported as inquiring in the same meeting on December 8: "Can we allow a United States ally to go down completely while we participate in a blockade?" The real question is whether Pakistan was or should have been any more of a United States ally than India.

In a formal sense it was, since Pakistan is still technically a member of the moribund SEATO. In the past, however, the United States has always been as close to India as to Pakistan, sometimes closer. It was the foolish tilting of the balance toward Pakistan by the White House in 1971, perhaps because of its obsession with the Peking visit, that turned India into a formal ally of the Soviet Union in August. And that, since it was a consequence of its own miscalculation, was what produced the near-hysteria in the White House, and the futile lashing out at India and at the United Nations which followed.

So, while the Anderson Papers did not reveal anything about United States policy which was not already known, they did show how the present machinery and style of conducting foreign relations can lead to very serious errors. Of course, if United States administrations would get over the illusion that only a handful of people at the top know what the United States' interests abroad really are, and that foreign policy is best conducted behind double-locked doors, neither Pentagon nor Anderson Papers would be needed, and some future disasters might be avoided.

ADDRESS BY DAVID ROCKEFELLER

Mr. BAKER. Mr. President, I recently had brought to my attention a speech delivered by David Rockefeller to a dinner meeting of the Advertising Council in New York City on December 13, 1971. In his address, Mr. Rockefeller shared with his audience some of his views on how the business community could and should respond to the more substantive and constructive criticisms that are today being leveled against private enterprise with increasing frequency. I found Mr. Rockefeller's thinking challenging and encouraging. I ask unanimous consent that his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE ROLE OF BUSINESS IN AN ERA OF GROWING ACCOUNTABILITY

(By David Rockefeller)

I am grateful beyond measure for the honor which the Advertising Council has conferred on me this evening.

To be singled out for recognition for public service to the country and to one's fellow citizens is a distinction I shall cherish for a long time.

To be honored by an organization whose enterprising leadership in public service is as well known and widely respected as that of the Advertising Council, makes the award doubly gratifying.

Beyond these considerations, I must confess to deriving great personal pleasure from the fact that recent recipients have included such close and respected friends as Jack Connor, who headed the Dinner Committee that arranged tonight's very pleasant affair, and Jim Roche, who was feted here a year ago.

Frankly, I admire the Advertising Council's extraordinary courage in presenting an award, at this particular time, to anyone associated with business and banking. If I judge the temper of the times correctly, the Council might have won greater acclaim—in some quarters—by fashioning its silver in the form of a brickbat instead of a bowl.

Even in the Christmas toy departments, business seems to have suffered at least a minor setback in semantics. Where once the game of "Monopoly" dominated the counters, we now find a proliferation of new ones with such topical names as "Smog: The Game of Environmental Awareness," and "Extinction: The Game of Ecology."

That's hardly a progression to inspire confidence—from "Monopoly" to "Extinction" in one generation!

Of course, criticism of business is not a new phenomenon. It has always existed and probably always will. Businessmen can truthfully say with Sir Winston Churchill that we have "benefitted enormously from criticism and at no point have we suffered from any perceptible lack thereof!"

But it is scarcely an exaggeration to say that right now American business is facing its most severe public disfavor since the 1930's. We are assailed for demeaning the worker, deceiving the consumer, destroying the environment, and disillusioning the younger generation.

Recent trends in business criticism differ from the Populist-Progressive-New Deal attacks of the past in certain significant respects that could have a profound bearing on the future role of business in our society. All of us who support the Advertising Council are concerned with this role and with the public accountability of private business. So I would like to direct my remarks this evening to some of the deeper implications of the current climate of criticism and what business can do about it.

In keeping with the passions and polemics of our time, it is tempting for businessmen to react by striking back at their critics, matching them invective for invective. Tempting, I say, but hardly very fruitful if the rebuttal stops there. A far more productive course, in my view, would be to keep our own activities constantly under scrutiny to anticipate criticisms that may have validity—and some of them have—then determine what we can do to meet them. To cry "Foul!" almost as a reflex action is to risk impairing our credibility for those occasions when we need it most.

It seems to me that recent attacks on business differ from those of the past in at least three major ways—in focus, in ultimate aim, and in scope. If the business community is going to meet these challenges effectively, it must understand the differences and face up to them realistically.

When I say that present day criticism differs in *focus*, I refer to the fact that earlier attacks concentrated primarily on size. Corporations were efficient enough, it was said, but they were too big and should be broken up. Bigness became synonymous with badness.

Today's criticism focuses not so much on size as on performance. One frequent charge is that through their performance, corporations are making our communities dirtier, more polluted and less congenial. Another, that in performing their day-to-day activities, corporations are too heavily oriented toward profits at the expense of service to the community. Still another, that corporate performance is often to be flawed because minorities don't participate equally, because waste goes unchecked, and because output is sometimes unfit for human use.

Business must respond to these criticisms, in my judgement, through consistently better performance effectively communicated.

I have purposely put better performance first and effective communications second. I suspect that the professional communicators among you are tired of being lectured on the theme that business has the greatest story in the world to tell if it could only communicate more effectively. You're tired of hearing this and I don't blame you. More often than not, I fear the problem is not so much with communications but with performance. The essence of developing a favorable reputation lies not in trying to tell a good story when the performance does not justify it, but in upgrading the performance so there will be a good story to tell.

John Hersey put this succinctly in his book, "Letter to the Alumni" in which he tells about his experiences as master of one of the residential colleges at Yale.

"The vast majority of young people," he wrote, "believe that greed is at the root of the misery in the world, and that most businesses systematize greed. No professor could possibly lecture that conviction out of students' minds," he continued, "because there are too many demonstrations of the truth of it on the part of American businesses—and labor unions. If American business could persuade young pepole (public relations would not persuade; only performance could persuade) that careers in business would enable them to relate and to help, then they would flock into business. Until that day," Hersey concluded, "they will flock into every available avenue of social service, politics, reform and revolution."

Business would do well, I think, to reexamine its performance in light of this sobering assessment. For example, what about the opportunities in business "to relate and to help" on community problems?

I realize, of course, that many corporations are working energetically to prevent urban deterioration, to train and place the hardcore unemployed, and to minimize pollution. But have we made these an integral part of our business activities, or are they regarded as simply a costly "extra" that can be readily dropped at the first sign of economic stringency?

On this score, surveys reveal a wide difference in perspective between the business leadership and the community at large. The businessman sees urban affairs involvement as one in which he has a choice. He is inclined to feel that it is a generous gesture on his part, an effort in which he may or may not involve himself and his company, depending on alternative ways of spending his time, money and energy.

The community, on the other hand, sees the businessman's involvement in urban affairs as an absolute obligation he assumes when he opens the doors of his enterprise, and it is increasingly insistent on holding him accountable for his social as well as his economic performance.

In view of this, I think business should step up its efforts to devise incentive systems which will lead more private firms to serve public needs while at the same time making a profit. Encouraging steps in this direction have been taken in experiments with what has come to be known as "performance contracting." The most significant example is in the field of education where private companies have taken over public classrooms in some thirty cities, have tried out novel teaching methods, and have been rigidly judged on the results. In Gary, Indiana, test sources for the most comprehensive project to date, confirm preliminary reports from other schools, showing that the technique can produce notable educational gains.

If private businesses could work out a sound basis on which they could get into the field of public-problem solving, I'm convinced that they would not only contribute creatively to solutions, but would also respond in the most dramatic way possible to the critics' charge that business is failing "to relate and to help" in community service.

A second difference between business criticism, past and present, lies in its ultimate aim. Earlier critics, for the most part, aimed at reforming business within the capitalist framework. Many of today's critics—not all, to be sure, but many—appear to feel that the system is beyond reform, and that the only solution is to destroy the capitalist framework and start all over again.

One radical critique describes capitalism as "highly destructive, wasteful, exploitative and irrational." It stridently proclaims that "we can only solve our social problems and create the Good Society by doing away with capitalism and the institutions that support it."

Considering the seriousness and growing prevalence in some quarters of this attitude, it seems to me that businessmen have no choice but to respond by becoming reformers themselves, making a conscious effort to adapt the operation of the market system to our changing social, political and technological environment. The question really comes down to this: Will business leaders seize the initiative to make necessary changes and to take on new responsibilities voluntarily, or will they wait until these are thrust upon them by law?

Here we can profit from hindsight. During the 1930's when the social contract, binding business to society, was being extensively rewritten, the business community resisted innovation and wound up with some unpalatable reforms and a blemished reputation. Now with the social contract again up for revision, new social and environmental problems are generating increasing pressure for further modification and regulation of business. By acting promptly, business can assure itself a voice in deciding the form and content of the new social contract. By taking the initiative, it can contribute technical competence, rational analysis and imaginative innovations to the process of adjusting our system—but it must recognize that some adjustments are inevitable. Even now, the outlines are becoming discernible.

In certain areas, there may have to be new laws to force consideration of the quality-of-life dimension so that the more socially responsive firms will not suffer a competitive disadvantage at the hands of others who refuse to aid voluntarily. Businesses are likely to find themselves prodded persistently by governmental edict into concerted action on pollution.

The allocation of scarce capital to meet social needs, even at the expense of greater economic efficiency, is another area that will come in for attention. Unless business and finance take the initiative in this area, government may decree that a businessman must be concerned not only to find the quantity of money he requires but also to obtain specific authorization to use the funds in the manner he proposes. Investment projects not sufficiently high on the "social agenda" may have to pay a premium or wait in line for approval. There are already prominent members of Congress who would favor precisely this kind of directed investment.

In a related field, it can be anticipated that a more knowledgeable public will demand a higher level of marketing ethics than has always been evident in the past. Among the advertisers of the future there may well be large consumer groups, specifying what they will accept, and inviting businesses to meet their specifications. Is is not unthinkable that advertising agencies may directly serve these consumer groups to help make known their wants.

Because of the growing pressure for greater corporate accountability I can foresee the day when, in addition to the annual financial statement, certified by independent accountants, corporations may be required to publish a "social audit" similarly certified. In anticipation of this, businesses should begin now to seek ways of reflecting in their accounting procedures their concern for the less tangible elements of the quality of life.

In view of the emerging demands for revision of the social contract, a passive response on the part of the business community could be dangerous. Any adaptation of our system to the changing environment is far more likely to be workable if those who understand the system's problems share in designing the solutions. So it is up to businessmen to make common cause with other reformers—whether in government or on the campus or wherever—to prevent the unwise adoption of extreme and emotional remedies, but on the contrary to initiate necessary reforms that will make it possible for business to continue to function in a new climate as a constructive force in our society.

Not only does present-day criticism differ in focus and ultimate aim from that of the past, as I've tried to point out, but it also differs in scope. Where earlier attacks concentrated on one or two industries, today virtually all industries find themselves being raked with scornful broadsides. Consumerism is equated in the public mind with the idea of the individual against business—all business.

Contrast this with earlier waves of criticism. In the Granger Era, for instance, the railroads were the chief targets. During the Great Depression, the banks and Wall Street were the whipping boys. But today all these and more are under simultaneous assault, so all must join in the response. Isolationism can be as disastrous in business as in foreign policy.

In dealing with critics, I think all businesses would do well to keep in mind the words of Justice Oliver Wendell Holmes, a master of judicial summation. "We must sail sometimes with the wind, sometimes against it," he said, "but we must sail and not drift or lie at anchor."

The urban affairs "pilot projects" initiated by a number of individual companies have been very much worthwhile, and have taught us valuable lessons about what can and cannot be done with limited resources. But the need now, as I see it, is for more massive collaboration by groups of corporations in diverse fields to tackle some of those major problems that surpass the resources of a single company. Businesses must learn to create consortiums to achieve social objectives so as to surmount their fears of inadequate effort, unsophisticated effort and effort exploited by free riders.

One area where they could be immensely helpful would be in the development of new towns, satellite cities and new towns within existing cities to accommodate the 75 million more Americans who will be with us by the year 2000. It is recognized that the bulk of the new growth will come through expansion of existing communities, but a significant supplement could come through newly created towns and cities. About a dozen of these new towns are now being built, but the need is estimated not in the dozens but in the hundreds if we are to provide adequately for the well-being of our additional population without worsening the problems of existing cities.

To build the number of new towns needed will, I believe, require two things: first, a new federal agency or an existing agency endowed with new powers for planning and obtaining sites in cooperation with the appropriate local authorities; and second, a private or quasi-public organization to provide the pre-development financing. As I envisage it, this might be a new kind of community development bank offering long-term bonds that would make possible full evolution of a new town.

The opportunities for broad business participation in such an undertaking are numerous. For example, banks and insurance companies could further the new town concept by purchasing their share of bonds to provide the initial capital. Industrial corporations could help by considering new towns as sites for the expansion of their facilities, thus providing the economic base and job support so essential to development. Beyond this, companies interested in land development could form a consortium to build a town once a site had been selected and could participate in the venture as co-sponsors.

If the business community can respond to criticism in active ways such as these and then relate the story of its successful performance, I think we can win over the majority of citizens and convince them that we are contributing constructively to the building of a better society.

By first recognizing that today's criticisms are different in kind from those of the past, we can then map out more intelligent approaches to meet them. As I see it, these new approaches should take into account the need for consistently better performance effectively communicated; the need for businessmen themselves to become reformers; and the need for all business enterprises, not just a few, to participate in the effort.

Since the early writings of Karl Marx, critics have been predicting the demise of the corporation and the downfall of the American business system. Thus far these predictions have not come to pass because through the years the American corporation has proven remarkably resilient in adapting to changes, and I am confident that it can and will demonstrate equal adaptability in the decade of the Seventies.

In my view the most successful companies, in the future, will be those that are creatively concerned not only with increasing the nation's wealth but also with enhancing the people's welfare.

Mr. THURMOND. Mr. President, citizens band two-way radio is a system which has many multiple and worthwhile uses among amateur operators across our Nation. Besides serving as an interesting form of entertainment, this two-way communication has many useful services relating to emergency communications in the event of accidents or natural calamities.

The popularity of the citizens band radio is well established by the fact that nearly 2 million licenses have been issued by the FCC.

It is becoming clear to experts that the current class D citizens band will soon become too overcrowded to fulfill demands that will be placed upon it. There has been a proposal for a new class E citizens band. It appears that this proposal has some merit.

An article published in the February 1972, issue of Popular Electronics goes into this matter in some detail. Because this article offers more detailed information on this subject, I submit it for the consideration of Senators.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CLASS "E" CB OF THE FUTURE?

Back in 1958, the Federal Communications Commission recognized the need and the right of individual citizens to have the safety and convenience of personal two-way radio. And so, it established our current class D Citizens Radio Service at 27 MHz. In past years, citizens radio has grown beyond the wildest dreams of those who created the service. Somewhere around 1,800,000 licenses have been issued with about 900,000 currently active.

As the number of CB users continues to grow, it becomes increasingly clear that more channels—beyond the original 23—are required. It is this very real need that has led many individuals and groups to present countless proposals to the FCC for its consideration.

Last year (see "Communications," POPULAR ELECTRONICS, September 1971), the Citizens Radio Section of the Electronic Industries Association recommended the establishment of the class E Citizens Radio Service at 220 to 222 MHz. It should be stressed here that the new proposed class E service would be in addition to the present class D service. Briefly summarizing the EIA proposal, the new service would utilize a relatively unused portion of the amateur 220–225–MHz band, and would provide 80 new channels. Industry sources indicate that 80 channels would provide uncrowded operation for a minimum of 2.5 million licensees.

Power output to the antenna would be limited to 25 W, with special public safety agencies permitted to license a base station at 100 W output to the antenna when using this band to assist in public convenience or necessity for safety. Antenna height would be limited to 20 ft above the nearest man-made structure or natural object within 500 yards; or 60 ft above the existing terrain (whichever is higher).

The proposal suggests guidelines for the specific use of channels for various applications, such as highway communications assistance, home-to-vehicle, car-to-car, etc. The basic reason for such recommendations is to guide the service in an ordered growth, foreseeing potential requirements.

What would it be like to operate on class E CB? First of all, a class E CB system is intended to be—and definitely is—a short-range system. Range would be 10 to 20 miles mobile-to-base depending upon antenna height, location, etc. At 220 MHz communications range is essentially limited to line of sight. Skip communications and skip interference would be non-existent in the class E service. Communications quality and range would be very consistent since atmospheric conditions have little effect on 220-MHz propagation. Also almost non-existent on class E would be man-made interference (often found on class D) caused by such things as ignition noise, diathermy, and other industrial radiations. To summarize, if you've ever heard a very good police communications radio system, class E CB would be very similar in performance.

Is Class E right around the corner and what will equipment cost? No one can really answer that question. Too many factors are involved and too many details still require further analysis and discussions by the FCC. Best industry estimates put the proposed service at least a year away even if immediate rule making were to take place. It takes a while to put the machinery together for such a significant step in personal communications.

If you're currently considering getting into CB, take a close look at the present class D service which will admirably serve the CB'ers needs for years to come. Equipment in the $100 class is quite common in Class D. It is estimated that class E equipment will be in the $250–$300 rank when it is introduced. Manufacturers anticipate that it will take two or three years after the establishment of class E before unit volume will enable cost of radios to drop to $100 or $150. You may find that class D is the low-cost way you'll want to go or perhaps you'll choose to wait for class E. There's also much talk on the air by people who want both!

TRIBUTE TO SENATOR MONDALE

Mr. HARRIS. Mr. President, it is perhaps the mark of our critical national mood that when we see favorable articles about a public figure we usually suspect the hand of the politician's own press secretary. But the New Republic for December 25, 1971, contains an article on an outstanding Senator that was as laudatory as it was deserved. There is no cause for skepticism.

Entitled "Mondale of Minnesota," the article is both accurate and sympathetic in its portrayal of a brilliant Senator, close friend, and promising national leader.

In the U.S. Senate only 7 years, WALTER MONDALE has moved quickly to establish himself as one of the most resourceful Members of this body. This year he coauthored one of the most important pieces of legislation to emerge from the Congress in years, the day-care bill which President Nixon mistakenly and tragically vetoed.

Senator MONDALE's solid reputation is explained by his outstanding work in this body. Members of both parties have learned that when he takes the floor, they may expect, as a matter of routine, well researched, penetrating analyses, whether the issue is child welfare, foreign affairs, or any other matter. Moreover, they know that an issue will not be dropped once the glare of publicity fades; for when Senator MONDALE champions an issue, real work then begins.

I ask unanimous consent that this excellent article about one of our most talented colleagues be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHAMPION OF POWERLESS PEOPLE—MONDALE OF MINNESOTA

(By Robert Coles)

Minnesota in recent years has done rather well in Washington. Within the past three years two of the state's sons have joined the Supreme Court, one as Chief Justice; and in 1968 the state's two senators fought for the Democratic presidential nomination. Hubert Humphrey and Eugene McCarthy were sent to Congress and kept there by the people rooted in the Granger movement of the 1870s, in the Farmers Alliance and the Populist Party, in the effort of small landowners and workers of the Midwest to fight the economic and political power of Eastern banks and corporations. Both parties in Minnesota have responded to that popularist tradition: the Democrats with men like Humphrey and McCarthy; the Republicans with men like Charles Lindbergh's father, a strongly progressive congressman from the state's sixth district, former governor Harold Stassen, and most recently, former senator Edward Thye, who back in the forties and fifties was a vigorous internationalist, a champion of federal aid to the country's colleges and schools, an enemy of racial segregation.

Walter F. Mondale took over Hubert Humphrey's seat in the Democratic landslide of 1964. He was then 36, had been attorney general of Minnesota, and before that active in the state's Democratic and Farmer-Labor parties, which successfully bring together (in contrast, say, to what happens to Nebraska or Indiana) the workers of St. Paul and Minneapolis and Duluth and the rural people who predominate in the hundreds of villages and small towns that stretch from the Iowa state line to the Canadian border.

Right off Senator Mondale showed his inclinations. He chose, out of a number of possibilities, membership on the Senate's subcommittee on Housing and Urban Affairs. He has since joined an interesting group of subcommittees which do not have the political clout and power of the Judiciary Committee or the Armed Services Committee but have insistently and skillfully revealed how very much needs to be done if a wealthy United States is going to be just and free. The names of the subcommittees tell a story of our continuing difficulties: Migratory Labor, of which the senator was for a time chairman; Education; Employment, Manpower and Poverty; Indian Education; Labor; Retirement and the Individual, of which he has been the chairman; Housing for the Elderly; Consumer Interests of the Elderly; Health of the Elderly; and finally the Select Committee on Nutrition and Human Needs and the Select Committee on Equal Educational Opportunity, of which he is now the chairman.

Mondale is an active, outgoing, attractive, and unusually intelligent man, who does not need legislative aides and administrative assistants to tell him what to say, what to do, or how to vote. His concerns are not shared by powerful lobbyists, or members of the military-industrial complex—all of whom have other things to do than worry about how, for instance, thousands of migrant children get along as they are dragged all over America, and at 10 or 12 or 13 set to work picking crops. "I am concerned with powerlessness," the senator begins bluntly when he speaks to a visitor, and he goes on to say what he has said for the record many times in the course of hearings held by his subcommittee on Migratory Labor: "I don't believe the American people really know just how impoverished and hungry and above all, powerless so many of their fellow citizens are—not only in the urban ghettos, but in the rural areas, where migrants like the people I've heard testify before our committee live by the hundreds and hundreds of thousands. They move all over. They belong nowhere. They don't vote. Often their children don't even go to a school. It's a disgrace, and it's even *more* of a disgrace that the public doesn't know what's going on, because such conditions are not considered 'news.' These people just go on being exploited. They are paid less than other workers and they do the hardest work imaginable. I have tried to find out for myself how migrants live, and I want to help them—*really* help them, not urge band-aids for the deep wounds they have. It's easy to disguise the problem and talk about 'increased benefits' for them. Sure they need medical care and schools that even half take notice of their children; but the real problem is that migrants (and maybe a lot of other people, too) are *powerless*, which means they have no real say in what happens to them. They don't get the protection of a whole group of laws we enacted in the thirties to protect the working man, to guarantee him collective bargaining rights and a minimum wage and unemployment compensation and all the rest. This committee's job is to document all that."

Mondale knew about migrant workers long before he came to the Senate. As a youth he worked his way through college in canning factories and out in the rich farmland of Minnesota, where he saw first-hand how migrants live. He lived with them and eventually began to organize them: "That was something you don't forget. I guess every working man has heard those kinds of stories, even if now most workers have unions, which prevent such practices. I'll never forget how quickly it all happened: we asked for better wages, and a little money to tide us over, because the summer was unusually wet, and the crops couldn't be harvested for a while and the migrants were left sitting around with no money, nothing. The next thing we knew they were all packed up and shipped South, like so much bad merchandise. They were "troublemakers," and I guess I was too, for trying to organize them. We didn't get far that summer, but you have to keep trying. My father was a Methodist minister, and when I was a boy he taught us to care, to be concerned about social problems, and not to give up easily. We were fortunate to be in a state like Minnesota. In the finest of the small towns—in Ceylon, for example, where I was born—people are ultimately affected by the way Americans live up a hollow in Appalachia or on an Indian reservation or along that Mexican border of ours."

The senator has seen what goes on along the Mexican border. At six in the morning one day a couple of years ago he had been watching Mexicans cross into Southern California for hours. Finally a US Customs official told him to "get out of here." Mondale looked like a tramp, or a troublemaker. He had on khaki pants and an old sweater and a sports shirt. When told to leave he refused. He was then asker to identify himself. The long lines of Mexican nationals were then stopped, and their credentials checked. The senator has no illusions, however, that anything short of new laws will stop what he describes: "At one in the morning they start crossing the border, and at two in the morning American farm foremen start signing them up on the streets of those border towns. By three you can see the buses and trucks driving farther into California or Texas, and by five or six they're working. You can't blame the Mexicans; they get 20 or 30 cents an hour in their own country, and I met some in our country working for 60 or 70 cents an hour, way below the minimum wage. What it all amounts to is very simple: American farm workers are undercut—in several ways. Their wages are undercut by foreign labor; just as important, they can't bargain with owners when all the owners have to do is bring in hungry, docile, frightened Mexican workers. The problem of the migrant workers won't be solved until we close that Mexican border to imported, underpaid farm labor. No union in America could survive that—the use of foreigners by a company whenever it finds domestic workers too 'demanding.' And now Mr. Nixon and Mr. Mitchell have emphasized that they will try to close the Mexican border all right—to drugs."

Mondale has marched with California's United Farm Workers to the Mexican border in protest against the hiring of Mexican labor to break the strike Cesar Chavez and his men worked so long and hard to make effective. He has traveled to Alaska in order to see first-hand how Indians and Eskimos live, or rather, barely survive. He and his wife have gone on a "welfare diet," eating only what poor people on welfare can afford to eat: "I went on that diet and I went to the border to see, to feel, to *be there*, to experience what is going on, rather than read about it. A lot of people, well-meaning people, never know how it really goes for the poor—down along the Mexican border, or in the cities or out in the countryside, too. That's why I've wanted to take our Senate investigations out of Washington—and also, bring the workers themselves to the hearing rooms of government buildings. It's very hard, though; you hear heart-breaking testimony, and you wonder how the public can be told about what you and your staff have found—how these very poor and hurt people live and try to get by, against overwhelming odds. And, of course, you try to get laws passed that will help them."

Mondale's office has in recent years sent out one after another remarkable law to the Senate floor. He sponsored the bill, vetoed December 9 by President Nixon, to create an effective "child development program," one that would commit billions of dollars for "needed health care, nutritional aid, educational assistance, and social services." (The text of the bill provided a long and first-rate description of what hunger and poverty do to children psychologically and physiologically.) He has asked for an annual "social report" that would do for health and education what has long been done with the nation's business and commerce by the President's Council of Economic Advisers. He has proposed that the various legal services programs for the poor be given much more money and the kind of organizational and administrative protection they will need if they are to continue working for penniless clients, who have complaints against people rich enough not only to hire good lawyers, but exert all sorts of pressures on governors, congressmen, and the White House. A while back he went to Vail, Colorado, during the Senate's August vacation, to meet with some hundred lawyers from local offices of the OEO's Neighborhood Legal Service Project who feared that offices set up to help Navaho Indians, migrant workers in Florida and California, and ghetto residents were in serious jeopardy.

On Vietnam, Mondale is candid "I came to the Senate in 1964 and didn't know much about Asia and Vietnam, like many others here in Washington at that time. I supported the President at first. In all honesty I think I was wrong, and over the past few years I've said why. I guess I began to wonder what was *really* going on there in 1966, and that's why I went to Vietnam then. I became more and more concerned as I listened to the growing dissent of people I respected very much. I eventually became totally convinced that this country has been terribly hurt by that war; not only have we lost men and wealth, but our whole sense of what is and is not important has been affected for the worse. In recent years I have spent hours with students all over the country, and I believe I've heard and responded to their message; they see us in a moral and political swamp, full of corruption, intrigue, and worse. I think over time a lot of us came to see that—but it took us too much time, much too much."

He worries about the future. Are we headed for years and years of conservative rule, with high military budgets and stingy, if well-advertised domestic expenditures for what he calls our "human needs"? He can range wide and eloquent on the subject: "I don't believe the people want a stop to the progressive legislation we've put through since 1933. Yes, you have the backlash, and the fear of the ordinary worker that he's being left out. He is, too. He needs more efficient and less expensive—less ruinous, if the illness is serious—medical care. He needs to be protected from fraudulent advertising and from products that are useless or dangerous. He deserves a tax system that gives him as much consideration as the oil industry or a millionaire who somehow ends up paying nothing to the government every April 15. I've talked in union halls, to steelworkers, to men and women who work hard all day and try desperately to make ends meet and have a little left over for a vacation or maybe some repairs on the house. They're not fed up with the thought of more social legislation.

They know what they want and need. I'll start talking about some of these problems and they won't let me go. The problem is that we've talked a lot about changing things, about fighting poverty and improving our national life—but we've voted a pittance of money to achieve these goals. Then we turn around and say the people are 'fed up,' and of course they are—at a lot of words that aren't backed up by concrete, well-subsidized action. I hear that there's a new majority and that they can be brought together on negative promises: we won't bother you on school desegregation; we won't ask you to do this or that for the next guy. People will get wise to that kind of appeal after a while. They can be scared and frustrated, but if my party keeps saying what it's for, not against, the majority of the American people will listen, as they have in the past."

Mondale keeps on trying: "Three minutes after we launched our men to the moon from Cape Kennedy I banged the gavel here in Washington to open hearings on the miserable conditions of the blueberry pickers in eastern North Carolina. I was proud to be in Washington that day, holding those hearings. The pickers were out on strike, and we thought we should listen to their complaints. Perhaps we belong on the moon, but we surely belong there, in North Carolina, aiding such workers—belong there with all the resources the nation could mobilize, if it only wanted to do so."

There are times when the mind dreams of what it would be like if an effective majority of the Senate shared Senator Mondale's concerns, and if the President of the United States did, too. One can also wonder how the American working man would respond to a presidential candidate like Mondale. But most senators like him, senators who carry on the populist tradition, stand little chance of heading a national ticket. They are apt to be without means, they speak too bluntly, they show a deeply felt compassion that gets them nowhere with lobbyists and tends to turn off many of those rich "backers" who decide for their own reasons whether a candidate will ever have a chance to get going and stay going.

U.S. EXPROPRIATION POLICY—SHORTSIGHTED

Mr. KENNEDY. Mr. President, I invite the attention of Senators to the recent Presidential pronouncement concerning expropriations of U.S. private companies abroad.

I believe that the editorial in the Washington Post aptly characterized the policy as shortsighted. Instead of additional fuel to the charges by developing nations that the interest of the United States is primarily one based on the private interest of foreign investors, we should seek to divorce Government policy from private interests. Our primary goals should be to encourage social and economic development of the low-income nations of the world as a fundamental prerequisite for political stability. The expropriation policy enunciated by the President works against these goals.

And in the general context of our relations with Latin America, this policy is viewed as an affront to independent nations. It will be resented by Venezuela or Costa Rica as much as by Chile. For these nations naturally object to the President deciding that it is not in their interests to nationalize any American company.

The action by the President reflects an accommodation with the corporate interests of the United States, an assurance that the administration will stand with them, regardless of their past activities, against the decisions of Latin American governments.

This announcement by the President is merely another indication that there exists at the White House a disturbing lack of understanding of the forces at play in Latin America. From the original decision to send Governor Rockefeller on a study tour through Latin America to the imposition of the import surcharge last August, and now to the current expropriation announcement, there has been a demonstrated absence of interest and absence of understanding of the needs of the people of Latin America. I hope that attitude changes before it is too late.

The expropriation decision also contained a disturbing change in U.S. policy toward multilateral institutions. As part of the economic retaliation against a nation which expropriates U.S. companies, it is now to be our policy to oppose those nations' development loan requests in multilateral institutions.

I find this policy decision particularly disturbing. It implies that multilateral agencies such as the World Bank and the Inter-American Development Bank are our tools to wield however we wish. It directly conflicts with the President's previously expressed view that we should be seeking a partnership with other nations in multilateral development efforts.

I ask unanimous consent that articles in the New York Times and the Washington Post concerning the President's decision be printed in the RECORD at this point, as well as the Washington Post editorial which aptly cites the negative consequences of this policy.

Also, since this decision obviously was prompted by the recent events in Chile, I would ask unanimous consent to have printed in the RECORD the commentary on the Chilean expropriation by a group of Rutgers University scholars.

Also, I would urge that a short treatise on the question of private foreign investment and the need for alternative strategies, a study by Prof. Albert O. Hirschman, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 20, 1972]

NIXON ANNOUNCES TOUGH U.S. STAND ON EXPROPRIATION

(By Robert B. Semple, Jr.)

WASHINGTON, January 19.—President Nixon announced today that the United States would now follow a tougher attitude toward foreign countries that expropriate private American holdings without adequate and swift compensation.

He said in a statement that foreign countries could assume that the United States would refuse to make any new aid agreements with them unless they were taking "reasonable steps" to provide just compensation, or unless there were other factors that in the judgment of the United States required the continuation of aid.

The statement, issued at the White House, appeared to be directed largely at several Latin-American countries that have nationalized United States investments.

INTERNATIONAL LAW CITED

The key passage declared:

"Under international law, the United States has a right to expect that the taking of American property will be nondiscriminatory; that it will be for a public purpose; and that its citizens will receive prompt, adequate, and effective compensation from the expropriating country.

"Thus when a country expropriates a significant United States interest without making reasonable provision for such compensation to United States citizens, we will presume that the United States will not extend new bilateral economic benefits to the expropriating country unless and until it is determined that the country is taking reasonable steps to provide adequate compensation or that there are major factors affecting United States interests which require continuance of all or part of these benefits."

For the first time Mr. Nixon set forth a systematic Presidential view of expropriations. Officials said that until now most expropriations had been handled case by case without general guidelines.

The new policy represents a compromise between the positions taken by John B. Connally, Secretary of the Treasury, and the State Department. Mr. Connally had wanted an automatic cutoff of United States loans to countries that take over private foreign holdings without prior settlements. The State Department had wanted more flexibility.

Economic retaliation will not be automatic, as the Treasury had hoped, but the new policy includes the threat of eventual retaliation if the expropriating country fails to move quickly to provide compensation.

Peter C. Peterson, the President's foreign economic adviser, who briefed newsmen, said that the policy should also "accelerate decisions" on expropriations and presumably those decisions would be to withhold funds.

The State Department got the flexibility it wanted, however, in Mr. Nixon's language permitting aid to continue if other "major factors"—that is, national security—were considered more important than prompt and fair compensation. The State Department had argued that an approach that was too tough would jeopardize American foreign policy interests for the sake of a few investors.

The statement also said that to strengthen its bargaining position with nations that expropriate American-owned companies, the United States could be expected to "withhold its support from loans under consideration in multilateral development banks."

This was a reference to the World Bank,

the Inter-American Development Bank and other international lending institutions in which the United States, because of its large contributions, wields great influence. In the case of the Inter-American Bank, its influence permits it to veto long-term, interest-free loans to countries of whose policies it disapproves.

The statement said that the new policy would not apply to "humanitarian assistance"—earthquake and famine relief, for example. And Mr. Peterson emphasized that any cutoff in aid would not apply to funds already obligated, but to "new requests."

The debate within the Administration that finally produced today's statement began after several Latin-American countries, including Chile, Peru, Ecuador and Bolivia, expropriated private foreign holdings of which the United States share is estimated by its owners to be worth between $500-million and $1-billion. A large part of this is accounted for by the holdings of three major copper companies—Kennecott, Anaconda, and Cerro—seized by Chile.

In his statement, Mr. Nixon voiced strong belief in the value of foreign aid, especially to less-developed nations. But he suggested that the chief victim of expropriation was not the United States but the country that stood to lose American investment—both public and private—because of its actions.

Mr. Nixon said that "the wisdom of any expropriation is questionable," but he did not deny the right of a nation to take such action.

Mr. Peterson readily conceded in his briefing that the Administration hoped the new policy statement would head off mounting sentiment in Congress for "mandatory withholding" of aid. And Mr. Nixon, in his statement, made an appeal for more Congressional support for the United States contribution to the Inter-American Development Bank.

"Our contributions to this bank represent our most concrete form of support for regional development in Latin America," he said. "While the Congress did approve partial financing for the bank before the recess, it is urgent that the integrity of this international agreement be preserved through providing the needed payments in full."

[From the Washington Post, Jan. 20, 1972]

President Warns of Aid Cutoff When U.S. Property Is Seized

(By Carroll Kilpatrick)

President Nixon announced a new and tougher policy yesterday against nations that expropriate U.S. property without paying compensation.

He said that in most cases the United States will approve no new economic aid to nations that expropriate American property without reasonable compensation.

He also said that the United States will oppose the granting of loans to those countries by such international agencies as the World Bank.

The new policy statement is aimed particularly at Latin American nations and it is designed to answer congressional critics who have argued that the administration has not followed a clear line in dealing with the problem. Officials acknowledged that the new policy statement would not be a panacea, but they said it would act as a warning to nations considering expropriation. They said that it should influence some countries not to expropriate.

The new policy is not retroactive, so it does not apply to countries like Chile and Peru that have expropriated American property in recent years.

The President's aim in defining his policy more clearly is to remove some objections in Congress to foreign aid. The expropriation question has become a major issue in Congress in foreign aid fights, with some congressment arguing that they could not vote for aid while recipient countries were expropriating American property.

Officials said that while the Treasury Department has consistently pressed for a tougher line than the State Department—which said no action here could stop a nation bent on expropriation—there was agreement on the final statement.

It was clear from the President's statement that overriding interests of national policy might allow for some exemptions from the stated policy. But he said the "presumption" is that the United States will grant no new economic aid and that it will oppose new loans in the international agencies when a country violates the principles he laid down.

"When a country expropriates a significant U.S. interest without making reasonable provision for such compensation to U.S. citizens, we will presume that the U.S. will not extend new bilateral economic benefits to the expropriating country unless and until it is determined that the country is taking reasonable steps to provide adequate compensation or that there are major factors affecting U.S. interests which require continuance of all or part of these benefits," Mr. Nixon said.

Peter G. Peterson, the President's assistant for international economic policy, said that in 1970 the U.S. had private overseas investments valued at about $78 billion, of which about $20 billion was in the less developed countries.

In 1960, Peterson said, over 35 per cent of American private investment abroad was in less developed countries but by 1970 only 28 per cent was in these countries.

The decline in the percentage of investment in the less developed countries, he said, was in part due to "a rapidly growing concern over investment security."

The President said that there was no argument over a country's inherent right to expropriate.

But he said that "such actions by other governments are wasteful from a resource standpoint, shortsighted considering their adverse effects on the flow of private investment funds from all sources, and unfair to the legitimate interests of foreign private investors.

"The wisdom of any expropriation is questionable, even when adequate compensation is paid.... Expropriations in one developing country can and do impair the investment climate in other developing countries."

To carry out his new policy, the President established an inter-agency group under the Council on International Economic Policy to review each case and recommend courses of action.

The final decisions would be made by him.

The Hickenlooper amendment to the foreign aid act requires that aid be cut off to expropriating nations, but the President may waive the suspension if he finds the national interest required it.

The amendment has been invoked only once, in the case of Ceylon, which expropriated property of two American oil companies in the Kennedy administration.

Officials said that the President's statement made more explicit than the Hickenlooper amendment the government's intentions.

"I announce these decisions because I believe there should be no uncertainty regarding U.S. policy," Mr. Nixon said. "The U.S. full respects the sovereign rights of others, but it will not ignore actions prejudicial to the rule of law and legitimate U.S. interest."

Peterson said it was decided that everyone would benefit by having "a clearer picture of our policy," one that "minimized ambiguity."

"If we are to reverse the downtrend in support of less developed countries, which we certainly want to do, we felt such a policy is a requirement as a way of gaining more congressional and public support in this country for increasing development support," Peterson said.

Warning Is Criticized by Chilean President

Santiago, January 19.—Chilean President Salvador Allende tonight citicized President Nixon's warning that the United States will take punitive measures against nations that expropriate U.S. property without compensation.

"I hope the majority of Chileans will repudiate without vacillating any attitude that would imply a trampling of our independence," the Marxist President told a news conference.

[From the Washington Post, Jan. 21, 1972]

The White House Versus Latin America

Countries that don't pay "fair" compensation to American companies whose properties they nationalize are now on public notice that the United States will not only halt direct economic aid but will prevent them from getting aid through the World Bank and the regional development banks as well. Such is our new policy on "economic assistance and investment security in the developing nations," announced at the White House this week. What is means is: treat our corporations the way we want or we will use all our influence to stymie your development. A meaner and more short-sighted policy would be hard to conceive.

Latin America is the chief taregt. The other principal regions of American investment either don't get aid (Mideast) or pose no nationalization threat (Europe). Despite Mr. Nixon's pledge to shape hemispheric policies jointly with our Latin "partners," this one was done by unilateral fiat. It was done, moreover, despite the *treaty obligation* we accepted in joining the Alliance for Progress to participate in hemispheric development.

The policy apparently originated in the notion that, had we cracked down on Peru in 1968 when it nationalized an American oil company, IPC, instead of trying to negotiate a fair settlement, Chile would not have moved against American copper firms. This contention is unpersuasive. It ignores the fact that the IPC case has virtually been settled—to Mr. Nixon's credit. It ignores the further facts that Chile's nationalization impulse was profound and political and owed little or nothing to conditions elsewhere, and that Chile and like countries want not so much our aid as fair terms of trade. The reality is that in respect to oil in Peru, copper in Chile, bauxite in Guyana, and so on, we are dealing with the liquidation of politically obsolete foreign ownership of basic natural resources. No general threat to other types of investment in Latin America can be demonstrated; nor does the White House so pretend.

The White House claims it merely wants to appease Congress for purposes of having it vote more aid, but one suspects the largest stimulus to the new policy lies in situations in Venezuela and Ecuador. They made very big gas and oil deals with American investors at a time when the current sense of a world energy crisis was lacking. Now they see their bargaining position is improved and they want in effect to obtain better deals. But after all, they are not the first countries who, for reasons of national self-interest, have wanted to change the rules in mid-game. In precisely that spirit, Mr. Nixon last August unilaterally abrogated the 1963 Kennedy Round trade agreements and devalued the dollar.

The administration evidently hopes that by issuing this new clarification of policy, further expropriations and requests for renegotiation will be deterred. We suspect the results may be quite the contrary. Latin nationalists, not merely leftists, will quite properly be outraged. And Mr. Nixon may well end up harming those very American business interests he has undertaken to help.

CHILEAN COPPER NATIONALIZATIONS AND U.S. POLICY

(David Eisenhower and Dale Johnson, coordinators)

The United States is apparently headed toward a serious confrontation with Chile. The immediate issue is Chile's nationalization of the copper mines of Anaconda, Kennecott, and Cerro Corporations. In reaction to the threat to properties of American Corporations, the government of the U.S. has already begun to apply economic sanctions against Chile. The Export-Import Bank refused credits for Chile's proposed purchase of Beeing jets and our aid programs, previously reduced, are now suspended. The State Department and the President himself have expressed an attitude of hostility toward the Chilean government. A new, "tough" policy on nationalization is expected to be formulated soon. Further sanctions against Chile are probable and Chile will likely respond with retaliatory measures of her own in a continuing escalation of conflict.

Escalating conflict between the U.S. and Chile is avoidable only if the government of the U.S. adheres to the principles of nonintervention and respects the right of Chile to sovereignty over its own natural resources and to construct a socialist society. We offer this analysis in the hope that Americans of reason and good will become more conscious of the factors involved in the situation and energetically act to prevent U.S. corporations and government from pursuing a very dangerous course.

COPPER, CHILE'S WAGES OF TOIL

Copper has been Chile's principal export since the collapse of the world market for natural nitrates after the First World War. The benefits that accrue to Chile have been largely in the form of foreign exchange and tax revenues. Seventy-five percent of Chile's foreign exchange derive from copper. The enormous size of the operations—in recent years the mines have exported over 600,000 tons of copper annually—also involves large local expenditures for operating supplies. The mines employ about 18,000 workers who, after long and bloody labor struggles, are relatively well-paid. Nevertheless, these benefits are small in comparison to those derived by the American copper corporations. Since their establishment in the early part of this century, Kennecott and Anaconda have operated in the worst tradition of the "imperialist" corporation.

(1) The copper corporations have taken out billions of dollars in profits with minimal reinvestment of earnings to the benefit of the Chilean economy.

Foreign capital began extracting copper in Chile early in the century with an investment of $3.5 million. Since that time, the Chileans contend, foreign corporations extracting copper, nitrates, and coal have taken out $10.8 billion. This sum is more than the present value of the entire capital stock accumulated by Chile throughout long years of development efforts. The figure cited may be exaggerated, but it reflects a basic truth: foreign capital appropriates the wealth of Chile, while reinvestments or new investments by the corporations have been a fraction of total profits. According to the U.S. Department of Commerce, in the period between 1953 and 1968, U.S. mining and smelting operations in Chile (about 90% copper) earned $1,036 million while new investments and reinvestment of profits together totalled only $71 million. By 1969, 17% of Anaconda's total investments were in Chile, yet the corporation received 80% of total profits from Chilean operations. The "Chileanization" agreements reached with the previous government required the companies to double production between 1966 and 1972. But the only increase was in corporate profits which totaled $426 million for Anaconda and $198 million for Kennecott between 1965 and 1971. In 1967 and 1968 the return on U.S. investments in Chilean copper was 27% and 26%. In 1969 Anaconda had profits on investments of 39.5% and Kennecott 24.1%.

The profits involved in copper assume great importance because the Chilean government contends that Law no. 11,828 of 1955 establishes the right of Chile to define a fair rate of return on the investments of foreign capital which can be repatriated as profits. Considering a 10% annual return on investments as fair, the Allende government has determined that Anaconda and Kennecott took out $774 million in excess profits between 1955 and 1970. This capital is generated by the exploitation of Chile's natural resources and it is logical that Chileans strongly feel that these huge sums should be utilized for national development and not go to line the pockets of wealthy stockholders, or to enable the copper corporations to expand copper production elsewhere in the world which then compete with Chilean exports, or to invest in the corporations' copper manufacturing activities located in the U.S.

(2) They have exported copper ore to markets in the U.S. and Europe, resisted refining copper within Chile, and made no attempt to initiate the manufacture of copper products in Chile.

During the 1950's, the Chilean government insisted on smelting the ore in Chile. Up to 85% of exports then were refined copper. By the 1960's, only 40 to 45% of exports were refined copper. The Chileans estimate that this cost them over $100 million a year during this period. In this, as in other instances, the U.S. government backed corporate interests by imposing a tariff on the import of refined copper, with even higher duties on copper products. No duties are levied on the unrefined ore imported. In its loss of the refining process, Chile has also lost the industries developed from copper processing, such as sulfuric acid, as well as valuable byproducts like molybdenite, gold and silver. This costs Chile additional millions each year.

In general, the copper monopolies realize profits on all facets of production. Their Chilean subsidiaries mine ore, refining part of it in Chile and more in the U.S., and sell in European markets or to America subsidiaries such as Anaconda's American Brass Company or Anaconda Wire and Cable Co. which manufacture copper products in 17 different plants in the U.S. There is very limited manufacturing activity using copper in Chile and none by Anaconda or Kennecott.

(3) The copper corporations have controlled and manipulated the price of copper to the detriment of Chile.

Until the nationalization, Chile had no control over the marketing of copper. The price at which Chilean copper was sold, export taxes computed, and foreign exchange earned was a "producer's price" set by the corporations. This price was consistently lower than the price quoted on the London Metals Exchange which reflects world supply and demand for the metal. The difference between what Chile could have gotten selling its copper in the best world markets and the producer's price has cost the Chilean economy hundreds of millions. The U.S. government has also acted to deprive Chile of its rightful earnings from copper. In 1966, for example, when the Vietnam build-up was well underway, the U.S. got Chile to sell 90,000 tons of copper for our strategic reserves at a price of $.36 per lb. when the producer's price was $.42 and the world market was at $.60 per lb. Such generosity on the part of Chile's Christian Democratic government was rewarded with an AID loan. The U.S. also stockpiles copper and sells it in times of supply shortages to keep prices from rising. A rise of one cent in copper prices means $9 million for Chile. During World War II and the Korean War, the government fixed the price of copper at artificially low rates. This hit Chile hard, but not the American copper corporations since what they lose in lower metal prices they gain back in reduced raw material cost for their manufacturing operations.

(4) The companies have subverted every effort of succeeding Chilean governments to gain reasonable advantages from the foreign exploitation of national resources.

During 1852–1955, Chile tried to gain greater benefits by requiring more refining in Chile, by widening markets, by imposing customs duties on imports used in mining operations, by maintaining special exchange rates to gain greater dollars from local operations of the corporations, and by increasing taxes on copper exports. The response of the copper monopolies to this was to hold back production in Chile and increase their activities in other countries. As a consequence, Chile's share in the world production of the metal dropped from 21% in 1948 to 11.6% by 1953–54.

In 1955, "New Deal" copper legislation was established which attempted to stimulate the corporations to increase production by lowering taxes and by a better exchange rate for pesos. Production did increase, but the benefits to Chile did not.

By 1964, an entirely new approach to copper was the principal issue in the presidential election which pitted Salvador Allende, candidate of the socialist left advocating nationalization of the mines, against Eduardo Frei, the Christian Democratic candidate with a program of "Chileanization." After Frei's victory, several mines were Chileanized through purchase of 51% of Kennecott's "El Teniente," 25% of Anaconda's new "La Exotica" mine, and 25% of Cerro's "Rio Blanco" mine. Anaconda at first refused to sell shares to its Chilean subsidiaries "Andes" and "Chilex", but in 1969—after wide recognition of the lack of benefits from Chileanization, Anaconda's failure to increase production as agreed, and other activities of the corporation—the Frei government made a last desperate attempt to remedy the situation through purchase of 51% of Anaconda's "Chuquicamata" and "El Salvador."

The principal aim of Chileanization was to increase benefits to Chile by increasing production. The companies were to double production by 1972 in return for decreased taxation and other advantages to the companies, new investment capital provided by Chilean stock purchases, government loans, and government-guaranteed loans negotiated with the Export-Import Bank and other U.S. financial institutions.

Incredible as it may seem, a $579 million new investment of borrowed capital between 1966 and 1970 failed to increase production significantly. The corporations accumulated $632 million in debts, without investing any of their own capital, in spite of the fact that Anaconda and Kennecott's profits increased substantially due to the Chileanization and rising copper prices.

President Allende has indicated that Chile will probably assume the debts incurred by the companies. However, this may depend upon whether the U.S. "gets tough." There is also increased questioning of the justice of assuming the debts in Chile as the full implication of the bad deal given to the country by the corporations is realized. The Controller General has also determined that Anaconda and Kennecott owe Chile $388.5 million, which Chile will have no way to collect save a refusal to assume the corporations' foreign debt obligations. However, the suspension of U.S. aid and dollar credits, as well as the recent drasic decline in copper prices, may make it difficult if not impossible to repay these debts under the existing terms.

(5) The mines have been left in a condition of general disrepair, creating production problems and need for large expenditures to get the mines in shape.

In 1971, a team of ten engineers from a French technical consulting firm carefully survey the mines and prepared a report on their condition. The report, collaborated by a team of Soviet engineers, spelled out in detail an appalling picture of neglect, mismanagement, and corporate irresponsibility. The mines, especially Anaconda's Chuquicamata, exhibited glaring deficiencies. These include: poor construction of new plant, including use of inferior materials, badly planned roads, and failure to provide for adequate water; negligent installation and maintenance of equipment; widespread unsafe and unhygenic working conditions; sabotage of future production caused by such practices as leaving dross on top of deposits yet to be mined; inferior or nonexistent training of Chilean technicians.

This is by no means a complete inventory of the means by which the copper monopolies acting as imperialist corporations, and enjoying the support of the U.S. government, have essentially sacked the national wealth of Chile for sixty years. The facts cited seem to us sufficient to justify nationalization of the mines. It is a matter of historic justice for a poor country long exploited and manipulated by monopolistic giants.

Moreover, no compensation is due. In fact, the finding of the Controller General that the copper corporations owe Chile $388.5 million seems to us to be reasonable in view of the facts of the case.

FOREIGN DEPENDENCE AND NATIONAL DEVELOPMENT

Corporation executives, government officials, and many other Americans believe that foreign investment is indispensable for development in Third World countries. The nationalization of foreign enterprise is consequently viewed as an irrational political act which will have adverse economic effects. Although this is no more than a rationalization for the promotion of the interest of private foreign capital, it is adhered to as a rigid dogma.

Nationalists in Chile and other underdeveloped countries, on the other hand, contend that development requires control of the resources of the country and control of the decisions as to how and to whose benefit natural resources are to be exploited. Proceeds from the exploitation of resources, they argue, should be retained within the economy and used to reduce the excessive dependence upon primary exports that historically has been the key structural element in the development of underdevelopment. These arguments are sound.

In the history of Chilean underdevelopment, copper has made the Chilean economy dependent upon primary production and structurally thwarted development of other sectors of the economy. Controlling its own rsources, Chile will be able to retain the substantial profits from copper production within the country for investment in other sectors which will produce goods and services to meet the needs of the Chilean people.

The Chilean economy has been essentially stagnant for 17 years. The nationalization of copper is certainly no guarantee of economic development, but it is a necessary condition for development. Controlling its prime national resource, Chile will have the opportunity to create additional economic activity, increasing employment, and earn greater foreign exchange by manufacturing and exporting copper products rather than raw or refined copper. Moreover, Chile will be freer (though not totally free) of the price manipulations of the private copper monopolies and the U.S. government and will be able to market its copper wherever the best price is offered—assuming, of course, that the U.S. does not initiate a successful embargo in the "Free World" of Chilean copper and copper products.

The needs and aspirations of the Chilean people, as in all of Latin America, have long been denied and thwarted by their inability to break out of the structure of foreign dependence and underdevelopment and by their inability to make their own development decisions. In Chile these decisions will no longer be made in the Board Rooms of corporations based in the U.S. They will now be made by people who know what underdevelopment means because they experience it, by Chileans with a vision of a better future, by Chileans who are determined to develop along lines of their own choosing.

CORPORATE INTERESTS AND GOVERNMENT POLICY

Shortly after an October, 1971 meeting between executives of American corporations with nationalized investments in Chile and high officials of the U.S. government, the State Department announced its decision to suspend all aid to Chile. This is apparently to be followed by a "tough" policy statement and possibly by the application of other sanctions. The identity of the U.S. "national interest" wtih the private interests of U.S. investors abroad is clear for all to see.

This identity has been institutionalized in an important way which is intimately involved in the Chilean case, namely, in the establishment of an independent government agency called the Overseas Private Investment Corporation. OPIC's mandate is "to selectively promote, insure, guarantee, and to a limited extent participate in financing the investment of U.S. private capital and know how" in economic ventures throughout the Third World. In Chile, $313 million in investment is insured against expropriation. Anaconda and Kennecott are among the companies whose investments are covered.

This direct and immediate involvement on the part of the federal government in the affairs of overseas private investors makes it almost inevitable that private business becomes a matter of public business. In the case of Chile, this is guaranteed, given that OPIC's reserves are insufficient to make good on potential claims, forcing OPIC to go to Congress for funds. OPIC should go out of business.

The identity of the national interest with the private interest of U.S. investors brought the intervention of the U.S. military forces in Latin America no less than 92 times between 1806 and 1940. Since the end of World War II, this identity has led to a conception of U.S. "security" as based upon the preservation of the "Free World" from the forces of nationalism and socialism. Acting on this conception of national security, the U.S. has become policeman of the world in order to turn back the forces of nationalism and socialism and thereby to preserve the "Free World" as a safe place for the operations of American corporations.

The most tragic consequence of this is the War in Southeast Asia. Fortunately for Chile, as long as the U.S. remains tied-down in Southeast Asia it will be difficult to undertake an operation to roll back the tides of nationalism such as that carried out in the Dominican Republic in 1965.

POLICY ALTERNATIVES

A policy of reason would be based upon a clear recognition that the national interest is the interest of the American people as a whole and not the private interests of giant American corporations. The American people have no other interest in Chile and in other underdeveloped countries than to promote their dignity, freedom, and development. In practical terms, this means that U.S. foreign relations must be restructured to conform with established principles of international law. At a minimum, this involves strict adherence to United Nations' and the Organization of American States' principles of non-intervention in the internal affairs of other nations. With respect to foreign investment, a policy of reason would be based upon respect for the United Nations' Resolution on the "inalienable right of all countries to exercise permanent sovereignty over their natural resources in the interest of their national development." This resolution of the 21st Session of the General Assembly also "confirms that the exploitation of natural resources in each country shall always be conducted in accordance with its national laws and regulations."

In the case of the copper nationalizations, it is absolutely clear that the Chileans have proceeded within the context of law. The nationalization act was nothing less than a constitutional amendment approved, without a single dissenting vote, by a Congress under control of Christian Democrats and right-wing parties. The method of determining compensation was imposed upon the Allende government by an opposition historically very friendly to the U.S. and to the copper companies.

Nevertheless, the U.S. government demands that Chile conform to the only international law which our government seems to recognize, namely, that "prompt, adequate, and effective" compensation be made for expropriated properties. This ignores the clear intent of the UN resolution on nationalizations. Moreover, it is gross hypocrisy for a powerful country—which has consistently flaunted the spirit and the letter of international law on numerous occasions—to exercise economic sanctions, themselves illegal by international law, against a small nation engaged in a simple act of sovereignty and historic justice.

Suspension of aid programs in Chile and other coercive acts already undertaken will have very serious consequences unless reversed. By denying aid we are encouraging Chile not to honor but to renounce its financial obligations. Moreover, to deny aid is the first step in an escalation of conflict in which both parties may end up losers.

The United States government, therefore, should:

(1) refuse to allow the behavior and vested interests of a few corporations to destroy the traditional cordial relations that have existed between the two governments;

(2) recognize the legitimacy of the excess profits deductions levied by the Chilean government;

(3) reconsider its decision to deny aid and Export-Import Bank credits;

(4) maintain normal relations with Chile.

If these policy suggestions are not followed, U.S. sanctions will set-off a pattern of actions and counter-reactions that may escalate into a major international crisis. To sanctions applied by the U.S., Chile could respond with a number of drastic measures. These include:

(1) expropriation of all remaining American properties;

(2) renunciation of compensation agreements satisfactory to U.S. industrial corporations and banks for the purchase of their operations in Chile;

(3) reconsideration of the promise to assume the debts (with interest this totals $736 million) incurred by the copper companies under the 1966–1970 expansion program and to redeem the promissory notes issued under the Frei Administration as payment for purchase of part of the stock of the Chilean subsidiaries;

(4) declaration of a moratorium on debt payments to the U.S. government and to largely U.S.-controlled international lending institutions such as the World Bank and the International Monetary Fund;*

---

*This debt of $3 billion inherited by the present government is a consequence of Chile's dependent underdevelopment. On November 9, 1971, President Allende announced that efforts would be made to refinance this debt. Chile may have no other choice than to suspend payment on its foreign debt if the copper price continues to fall and Chile is unable to rapidly locate new copper markets in Western and Eastern Europe, if the U.S. deprives Chile of dollars by suspending aid and credits, and if the U.S. refuses to negotiate refinancing in good faith as it would with any of our "Free World" allies.

(5) shift from a neutralist foreign policy and maintenance of trade and other ties to Western countries toward a full political and economic alignment with the socialist countries.

If the U.S. moves from cutting aid toward the type of measures applied against Cuba, Chile can hardly be expected not to respond with the means at its disposal.

The consequences within Chile of escalating conflict with the U.S. are very serious. The Nixon Administration would like to undermine the mild gradualistic socialism of the Popular Unity government. In fact, there are many in the corporate world and in the government who would be delighted if Chile goes the way of Bolivia, Brazil, or Guatemala. But to do that in Chile would require forcibly removing workers from what they now consider their factories, dispossessing peasants from their newly acquired land, and, possibly, a slaughter of the left such as in the Indonesian counter-revolution of 1965. The simple fact is that Chile has freely chosen a socialist future—and there are no viable political alternatives to democratic socialism in Chile, only instability and bloodshed. The impact of U.S. sanctions will be to increase the level of political tension, develop a strong nationalist reaction among large numbers of Chileans of all classes and political persuasions, encourage violent and seditious rightist elements, and strengthen the Marxist parties, especially the most militant sectors of the left. This is a formula for polarization and internal instability which may well lead to violent confrontation of political forces in a country where relatively peaceful and civilized resolution of conflict has long been the norm. The U.S. can provoke a civil war in Chile. In that event, the outcome will be either a bloody counter-revolution, covertly or overtly aided by agencies of the U.S. government, or Latin America will have a second Cuba.

[From Essays in International Finance, November 1969]

How To Divest in Latin America, and Why

(By Albert O. Hirschman)

The dispute between Peru and the United States over the expropriation of the International Petroleum Company is only one of a monotonously long list of incidents and conflicts which call into serious question the wisdom of present institutional arrangements concerning private international investment. This paper will discuss the principal weaknesses of these arrangements, with particular emphasis on political economy rather than on economic proper, and will then survey a number of ways in which current institutions and practices could be restructured. It is written against the backdrop of rising nationalism and militancy in the developing countries, particularly in Latin America, and of an astounding complacency, inertia, and lack of institutional imagination on the part of the rich countries.

The basic position adopted here with respect to foreign private investment is that it shares to a very high degree the ambiguity of most human inventions and institutions: it has considerable potential for both good and evil. On the one hand, there are celebrated and undoubted contributions of private international investment to development: the bringing in of capital, entrepreneurship, technology, management and other skills, and of international market connections, all of which are either wholly lacking in the poor countries, or are in inadequate supply given the opportunities and programs for economic development. On the other hand, foreign investment brings not only the dangers of economic plunder and political domination which are the stock-in-trade of the various theories of imperialism, but a number of other, more subtle, yet serious effects and side-effects which can handicap the development efforts of countries placing prolonged and substantial reliance on private investment from abroad. The picture that has sometimes been painted of the career of foreign investment is that at one time, long ago, the negative aspects predominated: there was sheer exploitation of human and natural resources as well as crude power play in the early free-wheeling days, when capital followed the flag or was, on the contrary, the "cat's paw of empire"; but this unfortunate phase has been outgrown, so it is widely thought, with decolonization, with the world-wide assertion of national sovereign states and their taxing powers, and with the desire, on the part of modern foreign investors, to perform as "good corporate citizens" of the host country and as "partners in progress." Unfortunately, this edifying story of human progress is incomplete and one-sided. It can, in fact, be argued that certain negative aspects of foreign investment do not only continue to coexist with the positive ones, but typically tend to predominate over them as development proceeds, at least up to some point. These are the just-mentioned "more subtle" effects and side-effects that will now be briefly explained.

PRIVATE FOREIGN INVESTMENT—AN INCREASINGLY MIXED BLESSING

The positive contribution of foreign investment to an economy can be of various kinds. In the first place, it can supply one of several *missing* factors of production (capital, entrepreneurship, management, and so forth), factors, that is, which are simply and indisputably not to be found in the country receiving the investment. This is the situation often prevailing in the earliest stages of development of a poor country. More generally, foreign investment can make it possible for output to increase sharply, because it provides the recipient economy with a larger *quantity* of comparatively scarce (if not entirely missing) inputs.

Another contribution of foreign investment, conspicuous in relations among advanced industrial countries and inviting often a two-way flow, is of a rather different nature: it can have a teaching function and serve to improve the *quality* of the local factors of production. By on-the-spot example and through competitive pressures, foreign investment can act as a spur to the general efficiency of local enterprise. This effect is likely to be particularly important in economic sectors which are sheltered from the competition of merchandise imports from abroad. Such sectors (services, industries with strong locational advantages) appear to expand rapidly at advanced stages of economic development. If foreign investment is successful in enhancing the quality of local enterprise, then its inflow will be providentially self-limiting: once the local business community achieves greater efficiency, there will be fewer openings for the demonstration of superior foreign techniques, management, and know-how. But what if local businessmen, faced with overwhelming advantages of their foreign competitors, do not respond with adequate vigor and, instead, deteriorate further or sell out? This is, of course, the nub of recent European fears of the "American challenge." I cannot deal here with this problem, but the fact it exists has interesting implications for the topic at hand.

If foreign investment can fail to improve and may even harm the *quality* of local factors of production, then the question arises whether it may also, under certain circumstances, lead to a decrease in the *quantity* of local inputs available to an economy. In other words, could the inflow of foreign investment stunt what might otherwise be vigorous local development of the so-called missing or scarce factors of production?

This question has been little discussed. (Important exceptions are the article by J. Knapp "Capital Exports and Growth," *Economic Journal*, September 1957, and the paper by Felipe Pazos cited below.) The reason for the neglect lies in the intellectual tradition which treats international investment under the rubric "export of capital." As long as one thinks in terms of this single factor of production being exported to a capital-poor country, it is natural to view it as highly complementary to various local factors—such as natural resources and labor—that are available in abundance and are only waiting to be combined with the "missing factor" to yield large additional outputs. But, for a long time now, foreign investors have prided themselves on contributing "not just capital," but a whole bundle of other valuable inputs. In counterpart of these claims, however, the dought might have arisen that some components of the bundle will no longer be purely complementary to local factors, but will be competitive with them and could cause them to wither or retard and even prevent their growth.

The possibility, and indeed likelihood, that international *trade* will lead to the shrinkage and possibly to the disappearance of certain lines of local production as a result of cheaper imports has been at the root of international-trade theory since Adam Smith and Ricardo. This effect of trade has been celebrated by free traders through such terms as "international specialization" and "efficient reallocation of resources." The opponents of free trade have often pointed out that for a variety of reasons it is imprudent and harmful for a country to become specialized along certain product lines in accordance with the dictates of comparative advantage. Whatever the merit of these critical arguments, they would certainly acquire overwhelming weight if the question arose whether a country should allow itself to become specialized not just along certain commodity lines, but along factor-of-production lines. Very few countries would ever consciously wish to specialize in unskilled labor, while foreigners with a comparative advantage in entrepreneurship, management, skilled labor, and capital took over these functions, replacing inferior "local talent." But this is precisely the direction in which events can move when international investment, proudly bringing in its bundle of factors, has unimpeded access to developing countries. (In the fine paradoxical formulation of Felipe Pazos: "The main weakness of direct investment as a development agent is a consequence of the complete character of its contribution." See his paper "The Role of International Movements of Private Capital in Promoting Development," in John H. Adler, ed., *Capital Movements and Economic Development*, 1967, p. 196.)

The displacement of local factors and stunting of local abilities which can occur in the wake of international investment is sometimes absolute, as when local banks or businesses are bought out by foreign capital; this has in fact been happening recently with increasing frequency in Latin America. But the more common and perhaps more dangerous, because less noticeable, stunting effect is relative to what might have happened in the absence of the investment.

As already mentioned, foreign investment can be at its creative best by bringing in "missing" factors of production, complementary to those available locally, in the early stages of development of a poor country. The possibility that it will play a stunting role arises later on, when the poor country has begun to generate, to a large extent no doubt because of the prior injection of foreign investment, its own entrepreneurs, technicians, and savers and could now do even more along these lines if it were not for the institutional inertia that makes for a continued importing of so-called scarce factors of production which have become potentially dispensable. It is, of course, exceedingly difficult to judge at what point in time foreign investment changes in this fashion from a stimulant of development into a retarding influence, particularly since during the latter stage its contribution is still ostensibly positive—for example, the foreign capital that comes in is visible and measurable, in contrast to the domestic capital that might have been generated in its stead. One can never be certain, moreover, that restrictions against foreign investment will in fact call forth the local entrepreneurial, managerial, technological, and saving performances which are believed to be held back and waiting in the wings to take over from the foreign investors. Nevertheless, a considerable body of evidence, brought forth less by design than by accidents such as wars, depressions, nationalist expropriations, and international sanctions, suggests strongly that after an initial period of development, the domestic supply of routinely imported factors of production is far more elastic than is ever suspected under business-as-usual conditions. If this is so, then the "climate for foreign investment" ought to turn from attractive at an early stage of development to much less inviting in some middle stretch—in which most of Latin America finds itself at the present time.

The preceding argument is the principal economic reason for anticipating increasing conflict between the goals of national development and the foreign-investment community, even after the latter has thoroughly purged itself of the excesses that marred its early career. The argument is strengthened by related considerations pertaining to economic policymaking, a "factor of production" not often taken into account by economists, but which nevertheless has an essential role to play. In the course of industrialization, resources for complementary investment in education and overhead capital must be generated through taxation, the opening up of new domestic and foreign markets must be made attractive, institutions hampering growth must be reformed, and powerful social groups that are antagonistic to development of these tasks is considerably facilitated if the new industrialists are able to speak with a strong, influential, and even militant voice. But the emergence of such a voice is most unlikely if a large portion of the more dynamic new industries is in foreign hands. This is a somewhat novel approach to foreign capital, which has normally been taken to task for being unduly interfering, wire-pulling, and domineering. Whatever the truth about these accusations in the past, the principal failing of the managers of today's foreign-held branch plants and subsidiaries may well be the opposite. Given their position as "guests" in a "host country," their behavior is far too restrained and inhibited. The trouble with the foreign investor may well be not that he is so meddlesome, but that he is so mousy! It is the foreign investor's mousiness which deprives the policymakers of the guidance, pressures, and support they badly need to push through critically required development decisions and policies amid a welter of conflicting and antagonistic interests.

The situation is in fact even worse. Not only does policy-making fail to be invigorated by the influence normally emanating from a strong, confident, and assertive group of industrialists; more directly, the presence of a strong foreign element in the dynamically expanding sectors of the economy is likely to have a debilitating and corroding effect on the rationality of official economic policy-making for development. For, when newly arising investment opportunities are largely or predominantly seized upon by foreign firms, the national policy-makers face in effect a dilemma: more development means at the same time less autonomy. In a situation in which many key points of the economy are occupied by foreigners while economic policy is made by nationals it is only too likely that these nationals will not excel in "rational" policy-making for economic development; for, a good portion of the fruits of such rationality would accrue to non-nationals and would strengthen their position. (For some interesting remarks along these lines, See Hans O. Schmitt, "Foreign Capital and Social Conflict in Indonesia," *Economic Development and Social Change*, April 1962.) On the other hand, the role and importance of national economic policy-making for development increases steadily as the array of available policy instruments widens, and as more group demands are articulated. Hence the *scope* for "irrationality" actually expands as development gains momentum. That its *incidence* increases also could probably be demonstrated by a historical survey of tax, exchange-rate, utility-rate and similar policies that were aimed directly or indirectly at "squeezing" or administering pin pricks to the foreigner, but managed, at the same time, to slow down economic growth.

The preceding pages have said next to nothing about the direct cost to the capital-importing country of private international investment nor about the related question of the balance-of-payments drain such investment may occasion. While these matters have long been vigorously debated, with the critics charging exploitation and the defenders denying it, the outcome of the discussion seems to me highly inconclusive. Moreover, undue fascination with the dollar-and-cents aspects of international investment has led to the neglect of the topics here considered, which, I submit, raise issues of at least equal importance and suggest a simple conclusion: strictly from the point of view of development, private foreign investment is a mixed blessing, and the mixture is likely to become more noxious at the intermediate stage of development which characterizes much of present-day Latin America.

Hence, if the broadly conceived national interest of the United States is served by the development of Latin America, then this interest enters into conflict with a continuing expansion and even with the maintenance of the present position of private investors from the United States. Purely political arguments lend strong support to this proposition. Internal disputes over the appropriate treatment of the foreign investor have gravely weakened, or helped to topple, some of the more progressive and democratic governments which have held power in recent years in such countries as Brazil, Chile, and Peru. Frictions between private investors from the United States and host governments have an inevitable repercussion on United States-Latin American relations. In a number of cases such disputes have been responsible for a wholly disproportionate deterioration of bilateral relations. The continued presence and expansion of our private-investment position and our insistence on a "favorable investment climate" decisively undermined, from the outset, the credibility of our Alliance for Progress proposals. Land reform and income redistribution through taxation are so obviously incompatible, in the short run, with the maintenance of a favorable investment climate for private capital that insistence on both could only be interpreted to signify that we did not really mean those fine phrases about achieving social justice through land and tax reform.

If these political arguments are added to those pertaining to economics and political economy, one thing becomes clear: a policy of selective liquidation and withdrawal of foreign private investment is in the best mutual interests of Latin America and the United States. Such a policy can be selective with respect to countries and to economic sectors and it ought to be combined with a policy of encouraging new capital outflows, also on a selective basis and with some safeguards.

THE "LOST ART" OF LIQUIDATING AND NATIONALIZING FOREIGN INVESTMENTS

Before the possible elements of such a policy are examined, it is worth noting that liquidation of foreign investment has frequently happened in the history of capital movements. But, as a result of convergent developments, such liquidation has strangely become a lost art. Worse, this art has not been properly recorded by economic historians. In part, this is so because economic historians, like both the advocates of foreign investment and its critics, have been far more interested in the tides of capital flow than in its occasional ebbs. Moreover, the tides have been more regular and easier to detect and measures.

Some of the "mechanisms" which in the past permitted partial liquidation of foreign investment have been the unintended side-effects of such large-scale, sporadic and wholly unedifying happenings as wars and depressions. The two World Wars led to a substantial decline in both the absolute and the relative importance of foreign investment in the national economies of Latin America. In the first place, with most Latin American countries joining the Allies, German investments, a not unimportant portion of the total (think of all those prosperous breweries!), were expropriated. Secondly, the British were forced in both World Wars to liquidate a good portion of their security holdings, in order to pay for vitally needed food, materials, and munitions. Some of these securities were acquired by the citizens of the countries for which they had originally been issued. Thirdly, Latin American countries acquired large holdings of gold and foreign currencies during the wars, as they continued to export their primary products, but were unable to obtain industrial goods from the belligerents. These accumulated holdings made it possible for them to buy out some foreign investments in the immediate postwar period. The most conspicuous, but by no means the only, instance of this sort of operation was the purchase from their British shareholders of the Argentine railways by the Perón government in 1946. Finally, the wars led to a complete interruption of capital inflow. Since at the same time, Latin America's industrial growth was strongly stimulated, the relative importance of activities controlled by foreign capital declined substantially.

The depressions which periodically afflicted the centers of capitalist development until the Second World War had similar results. Again, capital inflow would stop for a while during periods in which the Latin American economies frequently received growth impulses because, with foreign-exchange receipts low, imports had to be throttled, giving domestic industrial production a fillip. Moreover, when overextended corporations based in the United States and Europe fell on hard times, a sound management reaction was frequently to retrench and consolidate. In the process, foreign branch plants and subsidiaries were sold off to local buyers, a process which has been well documented in the case of American investments in Canada during the depression of the thirties. (See H. Marshall, F. A. Southard Jr. and V. W. Taylor, *Canadian-American Industry*, 1936, pp. 252–262). Sometimes, especially in the case of European firms, these transfers took the form of ownership and control passing into the hands of the parent company's local managers who, while of foreign origin, would eventually become integrated into the local economy. Finally, of course, there were cases of outright bankruptcy and forced liquidatiton.

The quantitative importance of these various factors remains to be established. But, in the aggregate, they must have had a substantial limiting effect on the foreign-investment position in Latin America during the first half of the 20th century.

Actually, a less cruel mechanism permitting the nationalization of foreign investment was also at work before the "good old days" or portfolio investment had been eclipsed by direct investment. While those days were of course by no means wholly good, portfolio investment, which took primarily the form of fixed-interest bond issues, did have several advantages for the capital-importing country. Among these, the lower cost and the existence of a termination date have been mentioned most frequently. There is, however, one further property of portfolio investment which is of particular interest in the context of the present essay. This is the fact that nationalization of portfolio investment could take place at the option of the borrowing country and its citizens, who were free to purchase in the international capital markets securities that were originally issued and underwritten in London or Paris. I have collected (and hope eventually to publish) considerable evidence that these so-called "repurchases" of securities by nationals of the borrowing countries took place on a large scale in such countries as the United States, Italy, Spain, Sweden, and Japan in the late 19th and early 20th centuries. They also occurred in much poorer countries, such as Brazil, and were in general so widespread that the phenomenon is referred to in one source as "the well-known *Heimweh* [homesickness] of oversea issued securities." (J. F. Normano, *Brazil: A Study of Economic Types*, 1935, p. 157.) As a result of this *Heimweh*, then, an increasing portion of maturing bond issues often came to be owned by the nationals of the borrowing country, so that payment at maturity did not occasion any balance-of-payments problem.

This is not the place to speculate on the reasons for which the bonds issued abroad became so often a preferred medium of investment for national capitalists; suffice it to say that patriotism or nationalism on the part of local investors probably had little if anything to do with it. Whatever the reason, it appears that international investment, as formerly practiced, permitted the gradual transfer, via anonymous market transactions, of foreign-held assets to nationals, entirely in accordance with the capabilities and wishes of the borrowing country's own savers.

Today's arrangements are totally different, of course. Transfer to local ownership and control of foreign-held subsidiaries requires either an initiative on the part of the parent company or a decision to expropriate on the part of the host government. A valuable mechanism of smooth, gradual, and peaceful transfer has become lost in the shuffle from portfolio to direct investment.

Upon to this point, it has been established (1) that progressive liquidation and nationalization of foreign private investments is likely to become desirable in the course of economic development, and (2) that mechanisms to this end functioned, if unwittingly and irregularly, in the 19th and through the first half of the 20th century, but have no longer been available over the past 25 years or so.

The purpose of recalling these mechanisms was to sharpen our institutional imagination and perception for substitute mechanisms which it may be desirable to put into place at the present time. An open and far-ranging discussion of various possible alternatives is obviously desirable. The following pages are meant as a contribution to such a discussion, rather than as a fixed set of proposals.

A SURVEY OF POSSIBLE DIVESTMENT MECHANISMS

An attempt will now be made to sketch possible answers to the following questions:

(1) What arrangements should be made to permit the transfer to local ownership and control of existing foreign-held investments?

(2) What arrangements should exist for this transfer in the case of new foreign investments?

(3) To what extent should devices that are designed for the purposes just indicated be modified in the light of other important objectives of the developing countries, such as the export of manufactures and the promotion of local centers of technological research and innovation?

These questions will be taken up in order, although there is considerable overlap between the answers to the first two questions.

LESLIE TINDALL

Mr. THURMOND. Mr. President, the Progressive Farmer has honored a distinguished South Carolinian, Leslie Tindall by renaming him," Man of the Year, in Service to Agriculture."

Mr. Tindall is from Pineville, S.C., and he is engaged in general farming in Sumter and Clarendon Counties. His farming interests include cattle, hogs, corn, cotton, and soybeans, but it is his participation in the soybean industry which has earned him national recognition. He helped organize the South Carolina Soybean Association and served as its first president. As president of the American Soybean Association for two terms—1969–1970, 1970–1971—he actively worked to help promote soybean markets abroad. In addition to this high honor bestowed by the Progressive Farmer, Mr. Tindall was recently selected as one of 15 farmers in the United States to win the Ford Farm Efficiency Award for farm management.

Mr. President, the article which selected Leslie Tindall as the "Man of the Year, in Service to Agriculture" appeared in the January issue of the Progressive Farmer. The article cites many of the agricultural and civic accomplishments of Mr. Tindall. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

MAN OF THE YEAR IN SERVICE TO AGRICULTURE

Marketing is the name of the game as far as Leslie Tindal is concerned. He is a general farmer involved in the production of cattle, hogs, corn, cotton, and soybeans in Sumter and Clarendon counties, S.C. However, it's the soybean industry that has really profited from Tindal's energies.

Tindal helped organize the South Carolina Soybean Association and served as its first president. He did an outstanding job of promoting a ½-cent-per-bushel checkoff program in the state.

Then he served two terms (1969–70, 1970–71) as president of the American Soybean Association. During this time he made several trips abroad in his efforts to increase soybean markets.

Tindal's philosophy regarding markets was well stated in his annual report to the membership of ASA in 1970.

"There are really no secure markets unless you continuously work toward developing new uses, expanding old uses, and staying right in there, demanding a sizable share of whatever size market there is.

"Secure markets? That is what we in the cotton-producing states thought we had for 200 years, just to see the whole structure of that once-fabulous king of crops crumble before synthetics," said Tindal.

And when Tindal speaks about cotton, the fact that he raises 450 acres of it lends credence to what he says. In addition, he has 800 head of cattle, produces 1,400 market hogs per year, and raises 700 acres of corn and 600 acres of soybeans.

But back to the soybeans and marketing. Tindal is a staunch believer in producers paying their own way as much as possible through checkoffs. He also likes to see this money well spent.

This is why he is particularly proud of the efforts of ASA. This group has been very purposeful in their market-building program. They've laid out their objectives clearly before taking action in order to cut down on wasted motion.

Japan is exhibit No. 1 as to how well this approach works. Last year American growers invested $70,000 in Japan as "seed money." This brought in $338,000 from the Foreign Agricultural Service. Another $306,000 came from Japanese soybean processors. Through this type effort, soy oil consumption in Japan has gone from 5 pounds per person in 1956 to about 22 pounds.

The foresight for such programs and the desire to see them bear fruit came from Leslie Tindal and others like him.

Tindal is presently on the board of directors of ASA and is president of the ASA Research Foundation. He has been a member of the board of the South Carolina Crop Improvement Association since 1957 and has served twice as president of the group.

He is also a member of the board of trustees of the county school system, member of the board of commissioners of Clarendon County, and has been active in Farm Bureau, the local REA cooperative, Lions Club, and the Baptist Church. He recently received the 1971 Ford Farm Efficiency Award for farm management.

THE CONCENTRATED INDUSTRIES ACT

Mr. HARRIS. Mr. President, on September 30, 1971, I introduced a bill entitled the "Concentrated Industries Act," aimed at decentralizing the one-third of American industry dominated by shared monopolies. At that time, I noted that, while I was introducing new legislation to explicitly prohibit shared monopolies, I believed that the Federal Trade Commission and the Justice Department already had the power to move against these concentrated industries under the Sherman and Clayton Antitrust Acts.

According to an article written by H. Joost Polak, of the Newhouse News Service, and published in the Washington Evening Star of December 16, 1971, the staff of the FTC has recommended to the Commission that it initiate its first deconcentration suit against a shared monopoly. Their recommended target is the breakfast cereal industry.

Mr. President, I am most hopeful that the FTC will follow the advice of its staff and take the first step toward making passage of the Concentrated Industries Act unnecessary. The choice of the breakfast cereal industry is, in my view, a good one. It is a classic shared monopoly. The top three companies—Kellogg, General Foods, and General Mills—control 85 percent of the industry's sales. As a result, advertising spending, prices and profits are abnormally high, while product quality is distressingly low. For example, about 15 cents out of every dollar spent by consumers on breakfast cereal is plowed back into advertising, particularly television spots. The profits of Kellogg, the General Motors of the cereal industry controlling over 40 percent of the market, every year produce an after-tax return to stockholders of about 20 percent on their investment, more than twice the rate in competitive industries. As pointed out so well in congressional committee hearings, competition in the cereal industry is concentrated on a proliferation of brandnames, advertising gimmicks, and slogans, and away from product quality—that is, nutrition.

Mr. President, the breakfast cereal industry eminently deserves to be decentralized. And as the National Commission on Food Marketing documented in 1966, the industry can be decentralized without any significant loss of economies of scale. A firm needs no more than 5 percent of the breakfast cereal market to be efficient. Thus, the industry could be made up of over 20 firms rather than the handful that now control it.

The prospect that the FTC may move against this industry is most encouraging. I ask unanimous consent that Mr. Polak's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Target: Breakfast Cereal Firms

(By H. Joost Polak)

Federal Trade Commission lawyers and economists have recommended splitting two of the nation's largest dry cereal manufacturers into five separate companies to break the "shared monoply" power they hold over U.S. breakfast tables.

A commission vote on the secret staff proposal is expected within a few weeks.

The FTC's target is the $720 million-a-year dry cereal industry and its alleged domination by four firms that account for over 90 percent of its sales.

FTC economists and lawyers have discussed for years theoretical attacks on industries they felt were dominated by a few large firms for years.

The proposed attack on the cereal industry marks the first time the commission has been asked formally to put those theories into practice.

FTC sources said the agency staff views the proceeding as a test case to see if government regulators have the legal basis, the power—and the courage—to move against industrial concentration.

The sources would not name the cereal firms involved in the alleged complaint. The six largest cereal producers are Kellogg, General Mills, General Foods, Quaker Oats, Nabisco and Ralston.

Under the staff's proposed order, the two companies affected would have to establish three competing companies—one of the firms would be required to set up two more companies, and the other would be required to establish one new one.

Each of the new companies would have the exclusive right to produce and market a number of the "parent" firm's leading cereal brands.

Such a move would immediately change the cereal industry from one dominated by four firms to a seven-firm market, with none of those companies large enough or powerful enough to dominate the others.

According to FTC, Capitol Hill and private sources, commission economists feel they have pinpointed a classic case of shared monopoly.

Instead of price competition, shared monopoly industries tend to compete through heavy advertising designed to convince consumers that a company's products are somehow distinctive or more worth buying.

Among the alleged shared monopoly characteristics of the cereal industry, the sources say, are:

The presence of extremely heavy advertising outlays—one source says the cereal firms plow back more than 12 percent of their revenues into advertising and that those figures would be even higher if such extras as boxtop offers and packed-in gifts were included.

In fact, the sources say, the cereal industry is almost devoid of price competition, but uses instead such devices as controlling shelf display space in supermarkets, designing eye-catching boxes or getting testimonials from athletes to try to woo consumers.

The FTC lawyers also charged, the sources say, that the industry's ad campaigns were not only "anticompetitive," but also often false in claiming that cereals were "energy foods" that help athletes do better in sports.

Thus the proposed order would forbid all such claims and force the companies to disclose in future advertising that their previous claims had been found false.

COLLECTIVE BARGAINING—A TWO-WAY STREET

Mr. FANNIN. Mr. President, during the past decade we have seen organized labor gain tremendously in power. Although the number of union men still is not great, union leaders wield a power that is awesome.

Unions have the power to make industries thrive, or to wipe out entire industries. We have seen all too many industries wiped out in recent years. This has resulted in the loss of thousands of jobs that are needed to provide support for American families.

The time has come for union leaders and union members to give some thought to what they can do to maintain their industries and their jobs.

Walter J. Campbell, the editor in chief of Industry Week magazine, summed up the situation very well in the January 17, 1972, issue of his magazine. He says that the time is coming, and the sooner the better, when bargaining will become a two-way street in which union "gives" as well as "takes" from the industries which they dominate.

I ask unanimous consent that Mr. Campbell's editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Productivity Bargaining

Twenty years ago, we were trying to assess the issues in upcoming bargaining negotiations between the United Steelworkers of America and the steel companies. A member of the bargaining team for the industry had outlined for us what he expected would be the demands of the union.

"What," we asked, "will the companies ask of the union?"

He replied: "We take the position that we are the givers. We will not weaken that position by asking the union for anything."

We suspected then, and are now convinced, that that was a shortsighted attitude. True collective bargaining implies negotiation between equals. One party should be as free to make demands as the other.

We now make a prediction. Within this decade, collective bargaining as we have known it will give away to productivity bargaining.

Instead of two antagonistic parties sitting at a table at which labor makes outrageous economic demands and industry grudgingly gives as little as possible, we will tend toward bargaining to raise productivity and to make America more competitive in the world market.

It will not be easy. It will not be marked by quick success. But, in time, productivity bargaining will usher in a new era of cooperation between managers and workers.

Labor will agree to give up old work rules in favor of new and more efficient ones desired by managers.

Management will return to the workers some of the gains of increased efficiency.

At long last, we will be making progress toward relating compensation to productivity gains.

Some important changes in attitude will be required.

Both labor and management will have to scrap the belief that their interests are antagonistic and realize that without labor there can be no production and without increased productivity industry cannot provide the jobs that Americans need.

The interests of both are best served by a healthy and prosperous industry.

SPEECH BY ED W. HILES

Mr. THURMOND. Mr. President, it has long been a habit of mine to read the speeches of outstanding citizens when the opportunity presents itself. When thinking men express their thoughts, there is something to be gained if we avail ourselves of their views.

Occasionally, I hear or read a speech that I wish I had made myself. Such is the case now.

This speech by Ed W. Hiles, executive vice president of the Georgia Savings and Loan League, was recently recognized by the Freedoms Foundation of Valley Forge. That organization awarded this address the George Washington Gold Medal for its contribution to a better understanding of the American way of life.

Mr. Hiles' address is entitled, "What's Happening to the Spirit of America?"

In it he calls attention to the great threats today which pose a menace to our freedom as individuals, the sanctity of our homes, the solvency of our businesses, the stability of our economy, the integrity of our Nation, and the peace of the world.

He says our freedom—more precious than security—rests upon four cornerstones. They are: First, a basic fundamental belief in—and reliance upon—an Almighty God; second, a government limited by Constitution; third, Christian ethics; and fourth, individual strength of character among the people.

Mr. Hiles says most eloquently that the spirt of America rests upon these four cornerstones, and that spirit will rise or fall as the cornerstones are protected or allowed to erode.

I had the pleasure of hearing Mr. Hiles deliver this speech at the annual ladies' night meeting of the chamber of commerce in Aiken, S.C., on January 13, 1972. Not only is it an excellent speech, but Mr. Hiles delivered it in a most effective and moving manner.

Mr. President, I recommend this speech to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

What's Happening to the Spirit of America?

(Address by Ed W. Hiles)

Whenever I am fortunate enough to get this many people in a captive audience, I am tempted to take advantage of the situation and talk about the savings and loan business which I am privileged to represent. As a matter of fact, the subject which I have chosen is not altogether unrelated to our business of encouraging thrift and homeownership, and it is definitely something in which you and I and the savings and loan business have a common interest.

The slogan of our business is, "The American Home—Safeguard of American Liberties". I want to devote my time with you today to the matter of our safeguarding of these liberties.

I have chosen as my topic the question "What's Happening to the Spirit of America?" I have done so purposely and not with any intent of trying to answer the question for you, but primarily for the purpose of impressing upon you the truth of the fact that something *has* been happening to the "Spirit of America" over the years, and I hope to leave you with your minds made up to do some real soul-searching in an effort to determine for yourself just what it is.

In referring to the "Spirit of America" I am talking about that spirit which is built upon and which evolves from the interrelationship of *Christian morality* and *individual responsibility*. To me, these are the basic components of the true spirit of America, and it is my personal feeling that during the past three or four decades we have witnessed a gradual breaking down in the interrelationship of these two components to the extent that it poses a genuine threat to:

Our freedom as individuals,
The sanctity of our homes,
The solvency of our businesses,
The stability of our economy,
The integrity of our Nation, and the peace of the world.

I recognize that this is an election year, and I am sure some of you are going to attempt to read into my comments implications of a political nature which certainly are not intended; however, let me say this—if it is true (and I believe it is true) that our individual freedoms are being sacrificed away bit by bit at the altar of political expediency, then I firmly believe it is high time that we resorted to whatever political influences are available to us in order to recapture them.

But, I am not here today as a politician, not as a Republican or as a Democrat, or as a member of any of the much discussed extremist groups. One thing which bothers me a great deal is the fact that today whenever a man gets on his feet to publicly endorse the philosophy of government that has made the United States of America the greatest nation on the face of the earth, he immediately is branded as an extremist. If being extremely concerned about what is happening to the "Spirit of America" makes me an extremist, then I will admit to being an extremist.

But I feel somewhat like the old man who had always loved to listen to a clock strike—he bought an old clock and hung it on the wall of his living room, and he would go to bed at night and listen to the clock strike. As the clock would strike, he would count. One night something went wrong with the mechanism in the clock. It began to strike, and he began to count. He got up to ten, eleven, twelve, thirteen, fourteen, fifteen—suddely he realized something was wrong, he reached over, shook his wife and said, "Wake up Ma—it's later'n I've ever knowed it to be."

I feel as though it's later than a lot of us realize it to be—and so I want to talk with you, not as a politician nor as the Executive Vice-President of the Georgia Savings and Loan League, but as Ed Hiles—a husband, father, professed Christian, and a fellow citizen of the United States of America.

This matter of individual freedom and Christian morality, as the basis for the true Spirit of America, has been of interest and concern to me for many years. But my decision to take a public stand on some of the issues involved was actually triggered by a very simple—yet significant—incident a few months ago.

While attempting to assist with the coaching and organizing of a group of Little League beginners in baseball, I could not help but notice how much greater effort one of those little fellows would put forth when trying to win the right to play the position he wanted to play on the team than when playing in a position assigned to him by his coach. Here was a very simple—yet very positive—example of how the exercise of freedom of choice was serving as the incentive for these boys to reach the very pinnacle of their individual abilities.

I found myself comparing this simple example with some of the results of the ever-changing concepts of the so-called American Way of Life in our time. I asked myself: Just how much honest-to-goodness freedom of choice is going to be available to these boys as an incentive to make the most of their individual lives when they get a few years older?

God has blessed my home with three wonderful children. But I shudder at the thought of the very real possibility that their futures are going to be determined for them—not through their individual choice, but is a result of our steady and positive drifting into a state of controlled lives; not under Communism, but under a converted form of Americanism as envisioned by those who espouse the idea of exchanging *freedom for security*.

If this should actually happen—and we are most surely headed rapidly in that direction—it will be due largely to default on the part of our generation in allowing something to happen to the Spirit of America as based on Christian morality and individual freedom and responsibility.

I am taking my stand with those who believe that this is too big a price to pay for the type of security promised. History records that throughout all time, whenever people have decided they wanted security more than they wanted freedom they have ended up by losing both.

Two boys in England were watching some birds flying about the tree tops above them. One of the boys asked the other why he was looking so sad. "I was thinking of those poor little birds up there," he said; "they haven't any cages."

He was sad because the birds were not safe in bondage like boys and men in a socialistic planned economy. He was born into—and was growing up under—that kind of philosophy. How about my Little League ballplayers?

Remember, we actually started on our paternalistic binge some 30 years ago, when the hardships brought on by the Great Depression shortened that famous cry of Patrick Henry from "Give me Liberty or Give me Death" to just plain *"Give Me"*.

We began to take liberties with the Ten Commandments similar to those which are being taken today with the Constitution of the United States of America. We began to twist our interpretation of the Ten Commandments in order to satisfy our immediate needs and desires, or to justify our actions. We apparently changed our interpretation of the Tenth Commandment from "Thou Shalt Not Covet." to "Thou Shalt Not Covet *except what thou would have from thy neighbor who owns it."*

We began asking our government not only to protect us in what we had, but to give us a part of what someone else had. We failed to recognize that if we granted to the government the power to give us everything we wanted, we had to also give it the power to take from us everything we have.

We have followed this line pretty closely regardless of which political party happened to be in power in Washington. We have seen the tentacles of the octopus of federal aid and federal subsidy extending into virtually every phase of our economic, social and cultural life. And, we have been swallowing the sugar-coated propaganda that we can have all this and *freedom too*.

But, is this the same kind of freedom that our forefathers deemed worthy of such tremendous sacrifices as were made in the founding of this great nation of ours? I don't think so. I believe there is a difference—a great difference—between "freedom *from* something," which might be called protective freedom, and "freedom *for* something," or dynamic freedom, which serves to inspire man to strive to reach greater heights.

I am of the personal opinion that the finest statement yet made in referring to the court decision on prayer in the public schools was that made by evangelist Billy Graham. He said: "The trouble appears to be that a lot of people are of the opinion that the Constitution grants them freedom *FROM* religion instead of freedom *OF* religion. . . ."

We, as a people have consistently over the past three decades sought freedom from individual responsibilities by either asking or simply allowing the federal government to assume more and more of such responsibilities without any objection on our part.

It is this trend toward "protective freedom" or "freedom *from* something" which, in my opinion, is eating away at the "Spirit of America."

So my hope today is that you will think along with me while we attempt to establish the four cornerstones of the foundation of true freedom as envisioned by our forefathers.

First of all, we are well aware of the great conflict which exists today between two basic ideologies of government—one based on *freedom*, the other on *enslavement*. We have heard and read many lengthy discussions attempting to set forth the differences between these two systems. But, if I were asked to write a book on the subject, it would probably be the shortest book ever written. I would have an artist prepare an attractive cover setting out the title in bold letters: "The Real Difference Between Americanism and Communism." Inside there would be just one page, and on that page one word. The word would be *GOD* in capital letters.

Our nation became a great nation because it was a *good* nation. Whenever it ceases to be a good nation, it will cease to be a great nation.

We in America take great pride, and rightly so, in the fact that we enjoy the highest standard of living of any people on the face of the earth. We take great pride, and rightly so, in the tremendous material wealth of this country. We take great pride, and rightly so, in the tremendous productive capacity of this country. We take great pride in, and place great reliance upon, the tremendous military might of this country. These things are important, but in placing a measure of value on the importance of these things, we must not lose sight of the truth of the fact that our ultimate salvation as free individuals is going to depend, not on these things we have in our hands, but what we have in our hearts.

So the *First Cornerstone of Freedom*, so far as I am concerned, must of necessity be a basic fundamental belief in—and reliance upon—an Almighty God. This cornerstone was set by the signers of the Declaration of Independence when they wrote into that great document, these words: "We hold these truths to be self-evident—that all men are endowed by *their Creator* with certain inalienable rights, among them being life, liberty, and the pursuit of happiness."

They firmly believed that these rights came from *God*—not from *government*. Our own belief today should be just as genuine and not the "lip service" type of belief which exists in so many quarters. We stamp our coins with the words, "In *God* we trust"—and then we cast our lot and our loyalties, sometimes blindly, with some political party or group espousing an ideology which time and again throughout history has led other nations to disaster.

Sometimes I wonder if we aren't unwittingly breaking the First Commandment by getting ourselves in the position of making a god of government and forgetting about the government of God.

It has been suggested that we are rewriting the 23rd Psalm so that it would read:

> "The government is my shepherd, I shall not work
> It maketh me to lie down in a fool's paradise,
> It leadeth me into deep water,
> But it refills my dinner pail."

Is this what's happening to the "Spirit of America?"

The *Second Cornerstone of Freedom* is a government *limited* by Constitution.

We know that government is necessary and that it costs money. But, whatever degree of government we have, it must be the servant and not the master of the people. That was clearly the intent of the framers of our Constitution.

They had learned from experience that the gravest and most constant danger to a man's life, liberty and happiness is the government under which he lives.

They were not only students of history—they were victims of it.

They had no federal subsidy—nor did they seek any. All they had was character. All they did was work. All they wanted was self-respect.

They earned through sacrifice what we have been privileged to enjoy through heritage—and what is now being *dissipated by our complacency*. To make certain we would never have to suffer the tyranny from which they had fled, they wrote into the Constitution three unique characteristics:

1. The authority of the government was limited to specific delegated powers.

2. All authority or power not so delegated remained with the states or the people.

3. The power of government was divided into three separate branches with specific duties and realms of influence.

This was a written contract between the government and the people. It wasn't intended to be made flexible or amended by court interpretations in order to comply with some expressed policy of whatever political party happened to be in power.

This was no doubt the greatest governmental document ever struck by the pen of man. And, as it has been handed down from generation to generation, it has carried with it some very definite responsibilities for its preservation and protection on the part of those for whom its benefits were intended—the people of the United States of America.

On leaving the Convention Hall when the final draft had been agreed upon, Ben Franklin was approached by a citizen with this question: "Dr. Franklin, what have you given us?" He replied: "We have given you a Republic—if you can keep it." He didn't say, "If the *President* can keep it." He didn't say, "If the *Congress* can keep it." He said to that citizen, "If *YOU* can keep it."

But, somehow, when we changed Patrick Henry's cry to "Give Me," we either lost sight of—or deliberately turned our backs on—Ben Franklin's challenge.

With the help of a few government planners, we developed a new game of "ring around a rosie." In it, we all stand in a circle, each with his hand in the pocket of the person next to him—expecting to get richer therefrom. We still seem to be blind to the truth of the fact that whenever a man gets something without earning it, someone else must earn something without getting it. That is morally wrong, and any society building upon such a foundation is bound to crumble.

We hear a lot of talk about federal aid. To me this is a misnomer. There is no such thing as *federal* aid. In fact, the thing which we refer to as federal aid can only be obtained in two ways.

The first way is for the government to take something from us in order to have it to give back to us. That is ridiculous, and to me it is like a person giving himself a blood transfusion by taking the blood from the right arm and inserting it in the left arm—meanwhile, running it through a tube that leaks. Under this system, we would soon find ourselves in the position cited in the legend about the wolves in the Arctic Region, who are tricked into capture by the Eskimos.

The Eskimos imbed a sharp knife in the ice, with only a small portion of a razor sharp point of the blade protruding, Around this blade they pour a small quantity of seal blood. The wolves, attracted by the blood, begin to lap at it and soon find that the faster they lap up the blood, the more blood appears. They become so overwhelmed with this apparently inexhaustible supply of blood that they continue to lap at it until they grow so weak from loss of their own blood that they fall over on the ice and freeze to death.

Is that what is happening to the "Spirit of America"?

The other way in which we can receive this so-called federal aid is for the government to take it from someone else in order to give it to us. If we remove the government from this operation, it would become a direct violation of the Eighth Commandment—"Thou Shalt Not Steal"—unless, of course, we want to "amend" this one to read "Thou Shalt Not Steal—except for a worthy cause."

I think it is unfortunate today that even our churches, which are supposedly the custodians of the Ten Commandments, not only are condoning, but are actually demanding by their active and aggressive support of do-good welfare-type legislation that the fruits of the labor of some citizens be taken by force of law for the benefit of other citizens. To me this is an admission of failure on the part of the churches in their rightful area of persuasion and influence, and effort to substitute *compulsion*.

Is this a result of, or a contributing factor to, "What's happening to the Spirit of America?"

The *Third Cornerstone of Freedom* is Christian ethics.

If something is morally wrong, I do not believe it can be made morally right simply by passing a law making it legal. By the same token, if something is not morally wrong, it can't be made so merely by passing a law making it illegal. This is basic to some of the problems confronting us as a Christian Nation today.

The criteria for right or wrong come from sources outside the government and existed long before any current government was formalized.

I am going to attempt to draw for you an extreme analogy and I will admit to its extremeness, but I am hopeful that it will help to make a point. All of you have read during recent months about a young fellow by the name of Billie Sol Estes. Let's remember that when we started on our paternalistic binge in this country some three and a half decades ago, Billie Sol Estes had not yet begun his first grade education. He was born into, and grew up, in an era and an area where one group of citizens was collecting money from another group of citizens for *not* planting cotton, for *not* planting corn, and for *not* producing pigs; and what is Billie Sol Estes being sent to prison for? He is being sent to prison for collecting money from farmers for *not* producing fertilizer tanks. Here are two operations similar in nature, both of which are morally wrong, because each consists of one person getting something without earning it, thereby making another person earn something without getting it. One is sending a man to prison, the other is perfectly right and legal in the eyes of the law.

Let's take a close look at the Christian Ethics of this philosophy of federal aid, of the subsidizing of one segment of our economy at the expense of another. Do we honestly believe it is morally right for the government to say to us: "We will protect you from being robbed on one hand; but if you can demonstrate the need, we will arrange for others to be robbed in your behalf"?

What sort of progress are we making in America when we urge our elected officials, by resolution and otherwise, to pass laws which will destroy human dignity by making half of the people victims of piracy and the other half victims of charity?

Please understand that I am not against charity. But it has always been my personal belief that charity, in order to be effective, must be voluntary. I refer briefly to the 13th and 14th verses of the 12th Chapter of the Book of Luke from the New Testament. Jesus was talking to a large crowd when a man approached him saying: "Master, speak to my brother that he share his inheritance with me." To this Jesus replied: "Man, who is it that would make me a divider among men?"

The *Fourth Cornerstone of Freedom* is found in the individual strength of character among our people themselves.

It is my feeling that we have been witnessing a tremendous amount of erosion at this cornerstone of the Foundation of Freedom. This erosion has reached a point where we now find ourselves entrapped in a tremendous web of inconsistence. Somehow we must generate the strength of character to throw off these inconsistencies one by one, if we are going to recapture or re-establish the true Spirit of America.

For example, we are trapped in an inconsistency between what we truly believe and what we do. This is personal and individual—and consists primarily of giving our consciences a little bigger voice in the making of our decisions.

We are trapped in an inconsistency between our true political philosophies and our traditions of blind loyalty to political parties. As far as I am personaly concerned. I have no special preference as to whether my children grow up under a *Democratic Republic* or a *Republican Democracy*, but I do not want to see them grow up under a politically amalgamated autocracy.

We are trapped in an inconsistency between our desire to have government take from others and give to us, and our objections to having the government take from us and give to others.

Between our demands for freedom from government control of our respective businesses and our failure or refusal at self-regulation.

Between our desire for less government and our rejection of more individual responsibilities.

Between the enactment of laws purported to guarantee *opportunity* to succeed and the application and enforcement of those laws in such a way as to destroy the *incentive* to succeed.

Between court decisions purported to protect *human* rights and the application and enforcement of those decisions in such a way as to destroy *property* rights.

Between court opinions purported to grant freedom of choice to a *buyer* and the application of those decisions in such a way as to deny the freedom of choice to a *seller*.

Between court decisions purported to guarantee *freedom to associate* and the application and enforcement of those decisions in such a way as to deny the *freedom not to associate*.

Between the enactment of a law under the so-called title of "Civil Rights" purported to guarantee freedom *"from"* discrimination and the application of that law in such a way as to *compel discrimination* by destroying freedom of choice.

Last, but not least, the inconsistency between a pledge of allegiance which contains the words "One Nation Under God" and court written laws which deny to that God admittance to the classrooms of our children.

These are just a few of the hundreds of inconsistencies in which we find ourselves entrapped. I am inclined to attribute our predicament:

Not to our action, but to our inaction;

Not to our choice, but to our surrender of choice to somebody else;

Not to our desire to follow, but to our failure to lead;

Not to our inability to prevent it, but to our indifference towards it;

Not to our failure to recognize the threat, but to our refusal to admit its imminence.

And so this cornerstone of strength of character is extremely important because freedom and character will rise and fall together—and freedom cannot long endure where there is no character to sustain it. Freedom is a precious thing. It is a God-given thing, it is a voluntary thing. But *freedom is not free*, and it must not be taken for granted. It was won through sacrifice, and it must be maintained through sacrifice wherever necessary. It can be lost just as surely, just as completely—and just as permanently—tax by tax, subsidy by subsidy, and regulation by regulation, as it can bullet by bullet, bomb by bomb, or missile by missile.

And, so there you have one man's view of the basic foundation of freedom. It is my feeling that we are witnessing a steady decline of freedom in America. But it is not too late to stem the tide. You can be sure it will take strength of character of individual citizens. It will take a firm application of Christian ethics in the conduct of our relations with each other. It will take the restoration of constitutional limitations upon government. And it will also take one thing more.

At a critical period in Biblical History when Joshua was chosen to lead the Children of Israel into the land of Canaan, he said to his people—"Choose you this Day whom you will serve—but as for me and my house, we will serve the Lord."

Some years ago there was discovered an epitaph on a tombstone along the coast of Greece. It read: "A shipwrecked sailor on this coast bids you set sail—full many a ship, ere we were lost, weathered the gale."

Still more recently in the news was a 45-year-old Marine Colonel responding to a question about his upcoming space attempt. He said to the people of America: "Some men will die—but keep on striving for your goal."

These three men lived centuries apart, but they had one thing in common: They had faith. They had faith in themselves. They had faith in their fellowmen. They had faith in their purpose. And above all, they had faith in God.

Real faith such as this is a living, vital force—and a constant source of strength and comfort.

The very faith that freedom will survive will, in itself, help freedom to survive. But we must never stop working at it if we are to recapture the true "Spirit of America."

To make our work most effective then, we must stand on the first cornerstone we mentioned—a fundamental belief in and reliance upon God. We must ask Him to grant us the willingness to accept those things in our lives which cannot be changed. We must seek from Him the courage to change those things which can and must be changed. And we must look to Him for the wisdom to know the difference.

COALITION FOR RURAL AMERICA ENDORSES HUMPHREY-TALMADGE BILL—S. 2223

Mr. HUMPHREY. Mr. President, there has come to my attention a speech made by former Governor Breathitt endorsing S. 2223, a rural development credit bill, cosponsored by Herman E. Talmadge, the distinguished senior Senator from Georgia and chairman of the Senate Agriculture Committee, myself along with 48 other Senators.

The President, in his message yesterday, also endorsed the proposal to greatly expand the amount of credit made available in rural areas.

Former Governor Breathitt's speech was sent to me by Mr. Shelby Edward Southard, of the Cooperative League of the United States. He states:

> It is such a good speech on Rural Development that I want you to read it and if you agree, perhaps put it in the Congressional Record.

Mr. President, I agree with Mr. Southard's assessment of the speech and ask unanimous consent that the text of his letter and former Governor Breathitt's speech be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

The Cooperative League
of the USA,
Washington, D.C. December 21, 1971.

Hon. Hubert H. Humphrey,
U.S. Senate,
Washington, D.C.

Dear Senator Humphrey: In what was for me a memorable address at the annual meeting of Farmland Industries in Kansas City earlier this month, former Governor Breathitt of Kentucky vigorously endorsed S. 2223 (Humphrey-Talmadge Rural Development) bill. It is such a good speech on Rural Development that I want you to read it (see especially pages 7 and 8) and, if you agree, perhaps put it in the Congressional Record.

More than 12,000 registered for the Farmland meeting this year.

Sincerely,

Shelby Edward Southard.

Address of Former Governor Edward T. Breathitt

A popular songwriter once asked this nation facetiously, "How ya gonna keep 'em down on the farm, after they've seen Paree?"

That was a funny song for the revelers in Broadway speakeasies following World War 1. But in a way, the song proved to be prophetic, and we in the New Coalition for Rural America don't think it's funny anymore.

You and I have too quietly witnessed the greatest migration of human beings in the history of mankind. Thirty million Americans have left the countryside in the past thirty years for the major cities. Our farm population has dwindled to the point where 800,000 farms produce 90 per cent of all our food and fiber. Ninety-five percent of our people live on ten percent of the U.S. land area, and 14 million people have been left behind in Rural America—many of them in terrible poverty.

The President's National Advisory Commission on Rural Poverty concluded in 1967:

"Rural poverty is so widespread, and so acute, as to be a national disgrace, and its consequences have swept into our cities violently. The urban riots during 1967 had their roots in considerable part in rural poverty. A high proportion of the people crowded into city slums today came there from rural slums."

No, we of the Coalition for Rural America don't think it's funny any longer.

The Coalition is newly formed and has come into existence to deal with a problem of long standing in our country. Through a complete lack of any governmental policy we have permitted rural America to deteriorate like a rusting hand plow languishing in a fallen down barn, while the social and economic problems once scattered across the thousands of square miles of our great land have become compacted into urban ghettoes where they have become both more evident and more volatile. As former Secretary of Agriculture Freeman says, this process couldn't have occurred in a more insiduously efficient way if we had planned it in our national policy councils. Governor Tiemann and I have been chosen to lead the Coalition for Rural America. In directing the activities of the Coalition, we will be guided by these principles:

We are strongly in support of a structure of agriculture that includes prosperous family farms and an economically viable marketing and processing system based in rural areas.

In building Rural America, our aim is to see that development is consistent with the preservation and enhancement of a quality environment.

We are concerned, not just with the aggregate development of the Rural Economy, but with eliminating the causes and ameliorating the effects of rural poverty, through such measures as welfare reform and public service employment.

We are committed to the principle of equal concern for, and equal involvement of, all the people of Rural America, without discrimination on any basis.

Admittedly these are broad purposes that take in a lot of territory. But the need clearly exists. The people who live in Rural America need a voice, and we hope to give it to them. One thing is certain. The great American dream resides uneasily in the suburbs of our great cities, while the news media and the policy makers have all but forgotten the hardworking people in Rural America.

It is not only the rural poor who have been forgotten. Since the depression we have paid great lip service to the family farm while generally pursuing farm policies designed to promote corporate and conglomerate farming.

The farmer spends over $40 billion a year for goods and services to produce crops and livestock; and another $16 billion a year to buy the things which city people buy like appliances, clothing, drugs and furniture. Three out of every ten jobs in this country exist because they are related, in some way, to agriculture.

Our food is inexpensive because one hour of farm labor produces nearly seven times as much food and other crops as it did in 1919. Crop production per acre has doubled.

That's the kind of friend we all have in the American farmer. Yet what do we give him in return.

The President doesn't even bother to send a farm message to the Congress. Last year's farm bill was rammed down the throat of Congress with the threat of "either this or nothing." A proposal has been made to abolish the U.S. Department of Agriculture, combining it into an omnibus agency that would clearly favor urban areas.

And what is happening in the countryside? The farmer is getting 17 cents a pound for hogs; 90 cents a bushel for corn; and as little as $1.10 a bushel for wheat. His net profit margin hovers around two or three percent.

Parity is at 68 percent, the lowest level since the depression.

Something is seriously wrong, and I suggest that it's simply a matter of fact that there aren't enough people in Washington who any longer give a hoot about Rural America.

Well I care, and I know that you do too, but we have to get the message to the people who count.

Now let me ask you to do me a favor right here and now. Stand with me here and let's show *our* appreciation to the hardworking men and women who have the courage to stick it out in American Agriculture today. Let's stand here and give them an ovation!

Since the depression we have heard talk about Rural Development, but something seems wrong. Somehow there has been only talk and not much action.

In the past ten years we have heard a lot of talk about balanced national growth—a balance between rural and urban America. Again, we have just heard talk. There are about 200 Federal Assistance programs designed in whole or in part to help Rural America and somehow they are not having an economic impact that would promote balanced growth.

Balanced growth for the United States is hardly a controversial objective. It is accepted on both sides of the aisle as something that is desirable and which should be encouraged. But what does it really mean and how can it be accomplished? These are questions that have never really been adequately answered, by either Government or the private sector, and the search for these answers is one of the principal reasons the coalition has been formed.

Clearly some new approaches are needed.

Some of our rural programs—especially some of the farm programs—are relics of an earlier time when things were different than they are now. These programs were developed without a realization of what farm mechanization, three wars and vast urban industrial expansion would do.

As a matter of fact, there is considerable evidence that much of the continuing research and human development efforts of the Federal Government do not promote balanced national growth, but merely speed up the migration process from rural to urban society.

The U.S. Department of Agriculture, for instance, is still sponsoring research into the development of more efficient machinery which will take more and more people off the farm.

It's easy to understand the motivation for these efforts. They are part of a desire to increase production and decrease operating costs. But when is someone going to take cognizance of the social costs of continued migration out?

Take a look at the age of our farm population. It's old.

Obviously, certain factors will take hold to prevent this from happening, but at the present rates of farm family outmigration, in 20 years there will be no one left in America who knows how to operate a farm. Then no amount of fancy new machines will be enough to restore our proud claim as the best fed nation in the world at the lowest cost in terms of take home pay.

This dire prediction is not going to take place. But who are our farmers likely to be if the trend continues? They will be employees of large corporations.

There are some who will give reasons why this will not come to pass either, but few can contest the fact that a young man today who is not born into the ownership of farm land will find it all but impossible to get a start in agriculture.

The new approaches must also recognize that the solutions to our rural problems must be arrived at in a far different manner than has historically been the case.

Our problems are totally inter-related and equally complex, and they cannot be resolved in isolation. As the President said in his 1970 State of the Union Message:

"What Rural America needs most is a new kind of assistance. It needs to be dealt with not as a separate nation but as part of an overall growth policy for America."

With this in mind, the Coalition has developed certain legislative objectives described by Governor Tiemann as:

"The direct infusion of dollars into the rural economic system—The investment of job tax credit, Non-Agricultural credit, and the regional approach toward public works assistance.

Our reasoning is simple enough. Our organization is composed of a number of former Governors. Through sometimes brutal experience, they have learned what works to stimulate economic development.

Both Governor Tiemann and myself testified on behalf of S. 2223. This bill provides for a Rural Development credit and incentives. Introduced by Senator Hubert H. Humphrey and Senator Herman E. Talmadge to promote rural economic development this legislation has been co-sponsored by fifty members of the U.S. Senate. It is important, because it would reverse a serious trend and begin to infuse new money into the development and growth of countryside U.S.A.

This is a big and complicated bill. It may not pass without the aggressive support of groups like yours.

Again I say we must stop talking about balanced national growth and begin to do something about it. Take a look at what has been done in the past to stimulate economic development in rural areas, such as waterway development and reclamation projects. They worked. They stimulated development where there was none before. They were among the few federal actions planned and executed on the basis of cost-benefit ratio.

The Humphrey-Talmadge Rural Development Credit Bill would expand the activities of the Secretary of Agriculture to encompass all federal rural development projects—a total approach, rather than one based solely on farming.

This is something I believe is sorely needed. We have rural development programs scattered among so many government departments that President Nixon's Task Force on Rural Development couldn't even locate all of them.

The Federal Government is a large employer of hundreds of thousands of people, who take home millions and millions of dollars worth of paychecks. But where are the federal facilities located?

Now this is a good example of how they care about balanced growth:

At one time, those federal offices were in the central cities. But now the government doesn't even have the courage to leave the jobs in the central cities. It's moving them out to the suburbs, following the trend of private business.

Each year, the federal government spends millions for many kinds of research and development. But where does that money go?

It goes to the Harvards and the M.I.T.s and the Berkeleys. It might be argued that those institutions have the Nobel Prize winners. But I ask simply if the Nobel Prize winners aren't there because the federal R & D dollars are there? And I also wonder how many of these men would have become Nobel Prize winners without the R & D money.

If we really want balanced national growth, why don't we spend some of these dollars at places like the University of Kentucky or the University of South Dakota? I submit that this is partly because no one ever questioned the system before.

And what about credit?

There simply isn't enough of it avilable in rural America to stimulate local growth and a real trend toward balanced development. Small town banks either don't have the resources to lend great amounts of money for venture and enterprise capital, or they tend to hoard assets. There are small towns in this country where the banks don't even give auto loans.

I believe that the President's call for an investment tax credit will do much to stimulate economic development in rural areas. In fact, the Coalition feels sufficiently strong about the use of tax incentives to spur economic development that we are vigorously supporting an amendment by Senator Pearson of Kansas to provide a differential in favor of enterprises that locate in rural areas.

An investment tax credit of the type proposed by Senator Pearson is a powerful economic tool. It can be used quickly and is relatively simple to administer. Since it relies on the initiative of the private sector, it has the potential to be more effective than direct federal spending. The leverage gained from such an incentive can be tremendous. For example, under Senator Pearson's amendment, if new rural investment is stimulated and takes advantages of the investment tax credit, every dollar lost to, or in effect spent by, the federal treasury will be matched by seven dollars invested by the private sector in rural America. It also has the advantage of encouraging rural industrial development without destroying the tax base of rural communities—when tax incentives are left to the state or local communities alone, those who can least afford the loss of revenues are often those who have to make the biggest concessions to attract industry.

Federal assistance programs are fine. But what is needed in the countryside is money—investment money that can go directly to work.

Manpower programs and the like are just fine, but they can only supplement this basic need. There is no point in training a man from the country to run a drill press if there is no possibility that there will be a nearby drill press to operate. He will simply take his new skill to a major city, where it can make money for him. As important as things like vocational training are, they will only speed up the migration process unless there is local development capital to put new trade skills to work.

Now I want you to notice something. I began this speech talking about family farmers, and now I am talking about drill press operators.

The reason for this is quite simple. Rural America is no longer made up of a predominantly farm population. It is as complex a society as urban America and must be viewed accordingly. The Coalition clearly recognizes the need to tie together these diverse interests in order to mutually reinforce all segments of rural America. Unless this happens the future of rural America will continue to be marked by continued outmigration and a further loss of our youth to the cities. This need not happen. This will not happen if strong and vigorous leadership is able to define and fight for the real rural America in all its complexities. This is your challenge.

Your challenge because you have successfully represented that key figure in our population—the farmer. We must now expand our horizons and develop a rural America that can bring together all the different economics so that all can together create a strong and dynamic rural America.

THE 54TH ANNIVERSARY OF UKRAINIAN INDEPENDENCE

Mr. FANNIN. Mr. President, the history of the Ukraine is a history of struggle. These valiant people have carried on their fight for independence for many centuries.

In the closing months of World War I, the Ukrainians established their own government. But within a few years the Ukraine was again under the heel of a new oppressor, the Soviet Union.

Last Saturday marked the 54th anniversary of the proclamation of independence of the Ukraine. On that day Ukrainians in the Free World celebrated to give proof that the spirit of 48 million persons is not broken.

Despite the more than half century of Soviet rule over the Ukraine, these people have not lost their desire for independence; this desire is very much alive and grows stronger each year.

We must not forget the heroic struggle of these people.

I join with the Ukrainian people living in the State of Arizona in paying tribute to those who carry on the fight for freedom.

TRAGEDY IN ULSTER—XIV—NBC TELEVISION DOCUMENTARY

Mr. KENNEDY. Mr. President, on January 11, 1972, the Nation was treated to a remarkable and moving television documentary on the situation in Northern Ireland. The program—prepared as an NBC News White Paper by Robert Northshield, and entitled "Suffer the Little Children"—vividly and eloquently describes the terrible effects of the killing and brutality in Belfast on the children of that troubled city.

I commended NBC and Mr. Northshield for their insight and courage in helping America to understand the very real tragedy that is now unfolding in Ulster, and the way it is brutalizing the children, the most innocent victims of the terror. I believe that the program will be of interest to all of us concerned with achieving an immediate end to the violence.

I ask unanimous consent that a transcript of the program be printed in the Record, together with an excerpt from a column reviewing the broadcast, written by John J. O'Connor, and published in the New York Times of January 13, 1972.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the New York Times, Jan. 13, 1972]

TV: "Suffer Little Children" of Northern Ireland

(By John J. O'Connor)

The most successful offering of the week turned out to be an hour-long National Broadcasting Company documentary on Northern Ireland. But this being television, that program could also claim its quotient of bad news, namely the glaring lack of sponsors, enlightened or otherwise.

The subject of Northern Ireland, or the Irish generally, isn't easy. Last Saturday morning on "Take a Giant Step" several youngsters put it succinctly. Ticking off the world's disaster areas, such as Vietnam and Bangladesh, they ended up with Belfast as "the hardest one of all to understand." Whether the basic problem is seen as religious, economic or political, no proposed solution is yet totally convincing. The potentials of reunification, for instance, have to contend with the mediocre economic progress of southern Ireland over its last 50 years of independence.

Still "the troubles" exist, and have been existing for the last 100 years in a land of intensely practicing Christians. A few weeks ago, the American Broadcasting Company producer-writer Ernest Pendrell presented a broad and effective examination in "Terror in Northern Ireland." N.B.C.'s "Suffer the Little Children," seen Tuesday evening, focused on the effects on Belfast's children of the violence between Catholics and Protestants.

With Robert Northshield as producer and reporter, an N.B.C. crew spent all of last November recording primarily the comments and reactions of children, most of them Catholic because the Protestants did not want their children to participate. The thoroughly affecting portrait captured normal children in an abnormal situation that, on both sides, was leading to the "rearing of another generation of bigots."

For the Catholics, there is the reality of British soldiers and internment without trial. For the Protestants, there is the terrorism of the Irish Republican Army. The Irish children, who happen to be a remarkably attractive and articulate group, are eloquent on those realities, yet neither the Catholic nor Protestant child seems able to truly define his hated enemy on the other side of the segregation fence.

"Suffer the Little Children" collected a series of remarkable images: children playing in the rubble of a bombed-out home, the funeral of a young man, bitter women blowing celebration whistles after the shooting of a British soldier, a young boy and girl discussing their knowledge of guerrilla weapons, young people in a pub singing boozily sentimental song about past wars and victories, a housewife staggering out of her home after having been hit in the face by a soldier's stray rubber bullet.

Beautifully filmed, the program was directed by Fred Flamenhaft and edited by Chris Callery. Taking a different approach, it brought new insight to an incredible war in which "both sides are losing."

[NBC News White Paper, Jan. 11, 1972]

Suffer the Little Children

(Produced and reported by Robert Northshield)

Narrator. His name is Joe McCann. He spent November 1971 in Belfast. So did we, a documentary film unit from NBC News. Everything you will see and hear in the next hour was seen and heard in that one month, November, 1971. It is very little of what happened to that troubled city that month.

The most significant thing that happened to Joe McCann that month is that he existed on one side of something called the "peace line," an iron wall that separates Catholics and Protestants. The wall is an official acknowledgment of the power of fear and a guarantee of continued hatred.

Nowhere else in the world, only in Belfast, do the official maps make such a guarantee.

Man. Somebody pointed out to me the other day that the trouble was now in its fourth year, which carries for most people, for me certainly, the frightening implication that there are children now running about the streets who have never really known normal life.

Of course, the thing that we will be very disturbed about as psychiatrists are the long term effects. What we are doing about that is that we are rearing another generation of bigots who are going to hate.

Narrator. Among many things Christ said that these passionate Christians didn't hear was this: "Suffer little children to come unto Me, and forbid them not, for of such is the Kingdom of God."

Every Catholic neighborhood in Belfast is a ghetto. Not each ghetto is poor, but everyone who live there is impoverished by the fact of segregation. This is a world of tradition. Some of it is beautiful.

(Church service in music.)

Some of the tradition is of treason and of glories that never were.

Man. Are we ready, lads? (Leads group singing.) "We are the boys of Waxford, . . . with heart and hand, and . . . the darling chain, and free our name at last."

Narrator. And there are new traditions growing. The funeral of Michael McLarnin on the first day of November was the first of its kind that month. There were nine more before November was done. Through them all, there were children growing.

(Funeral service in chant and song.)

Priest. Oh, God, who is always ready to be merciful and to spare us, we make this prayer to You on behalf of Your servant Michael, whom You have commanded to depart this life. Bid Your holy angels to receive him and lead him home to Paradise.

(Hail Mary's.)

Narrator: Violence and pathos are ever more common in Belfast now. But they are only a part of the long tradition of poverty, unemployment, bitter hatred and family love that form a boundary around a Catholic ghetto. Within it, there are a subjugated minority, few hopes, many fears, and dozens of myths about an Ireland that once included four kingdoms but now has but three. Ulster. this place, is the one that's lost.

Woman (singing). "What did I have, said the fine old one. What did I have? This proud old one did say. I had four green fields. Each one as a jewel. But jaybirds came, and tried to take them from me. I had fine brown sons. They sought to save my jewels. They fought and they died, and that was my grief, said she.

"Long time ago, said the fine old one. Long time ago, that proud old woman did say, there was water and bread, thundering and chilly. My people died by mountain, valley and field. And their wailing cries, they reached the very heavens. And my four green fields ran red with the blood, said she.

"What have I now? said the fine old woman. What have I now? that proud old woman did say. I have four green fields, one of them's in bondage. In strangers' hands that tried to take it from me. But my thousand sons, as brave as were their fathers, and my four green fields, will bloom once again, said she."

(Street noise, children's voices.)

Child. Here they come!

Narrator. The British Army has been in Northern Ireland in force this time since August 1969. Since July 1970, the British Army has been at war with the Roman Catholic community, Both sides are losing.

On this November afternoon, a patrolling soldier was shot, and in his enemies there was no compassion.

The war is fought relentlessly, probably finally, on hundreds of bizarre battlefields.

(Children's voices—Not clear.)

Child. I climbed up a wall, and I saw two men on stretchers. They were policemen, and I saw—I shall tell you how they were shot. A car pulled outside of . . . (words not clear) . . . and a man and a woman got out. At the same time, the police car stopped and said . . . Suddenly there were shots. The man and the woman ran out and got in a car and got away.

Man. In reality, a lot of these children are terribly frightened. Now, to me, the British soldier is more or less the kindly Tommy, but I have to accept that children in a certain culture have been brought up with a very strong concept of their Irishness, and that they do regard the British as the invader, and even before the first rubber bullet is fired, the British soldier has the image of the jack-booted invader.

And these children are terrified of the soldiers, and they believe that they have to defend themselves. I have been in riot situations, and I have experienced this fear myself. When you see these chaps coming through the smoke with their riders, their guns and their shields, it's a terrifying experience. I've seen people, children, adults, turn absolutely chalk-white when the soldiers appeared.

And I think that this element of fear has been very much underplayed and underestimated.

(Song.)

NARRATOR. Every night the warriors celebrate with old myths and new hopes.

(Song continues.)

NARRATOR. And the war comes home.

(Street noise, shrieks, violence, voices.)

NARRATOR. What happened to us was made possible by a law that would be unthinkable in the United States. It was designed 50 years ago to take terror off the streets. Since it was invoked again last August, about a thousand people have been taken to this place, interned without trial, hearing, or confrontation with charges. It is called Long Kesh. It is a limbo.

In November, there were about 500 men in Long Kesh. Every one of them was reported to be a Roman Catholic. Long Kesh and the Special Powers Act are monuments in a war that the society and its authorities still fight against the Irish Republican Army.

The government hoped to stop the I.R.A. in its fighting by interning all its leaders. But the war has intensified dramatically since then. The modern I.R.A. has the same old goal: a union of Northern Ireland and the Republic to the south. Some of its soldiers are children.

VOICE. We are taught to respect weapons, not to become . . . (words not clear) . . . If we could have a peaceful revolution, we would want this, but this is an impossibility, because . . . the Catholic resistance are not prepared to give up their riches and hand them over to the working class who need the Catholics for them to keep them in their positions and . . . struggle. So, we will have to make this, and if they use weapons against us, we will certainly use weapons against them.

NARRATOR. Well, have you ever had reason to use this weapons training of yours?

YOUTH. Yes, I've used a gun, but I've never killed anyone.

NARRATOR. But have you seen people killed?

YOUTH. I've seen people killed, yes.

NARRATOR. And surely you're prepared to do such a job if it's necessary, I suppose?

YOUTH. I'd be prepared to defend myself and any of my friends because it's a very hard thing to go out deliberately to kill. We don't do this. We defend. If the British Army are going to shoot at us, we shoot at them. It's either kill or be killed. And we don't use violence; we use defensive action. We don't preach a kind of gospel of go out and have a riot and shoot British soldiers just for the fun of it. There's a reason why they're shot, and the reason is because they shoot at us and they murder our people. They subject old people to torture and brutality, and they can't be allowed to run wild. If they came over here and thought they'd get away with it, we'd be suffering a hell of a lot more now, but you must understand that we are guerrillas, an urban guerrilla group, and we take our time, and that's it.

NARRATOR. And do you feel that as of now you're about even? Do you owe them any or are they ahead of you or are you ahead of them?

YOUTH. Well, it's not a ame of numbers, you know. We're not playing games. We don't collect scores. We are the army of the people, and that's not a carnival show now. We don't keep on record how many British soldiers we have killed, but we remember all the Irish people who have been murdered at the hands of British forces.

NARRATOR. You must be too young to be involved in the weapons training, Sean. What do you do?

CHILD. We get trained in weapons, but we don't use the weapons . . . with the armor.

NARRATOR. Do you know how to use weapons?

SEAN. Yes.

NARRATOR. Which ones?

SEAN. The Luger, short arms.

NARRATOR. And you've had target practice and so on?

SEAN. Yes.

NARRATOR. Do you use live ammunition?

SEAN. Yes . . .

MAN. Sean, could you kill someone? Would you be willing to use that pistol?

SEAN. If I have to . . . (not clear) . . . I'll use it.

MAN. Have you worked with explosives?

SEAN. Not yet. Just worked with guns, but I know—we've been taught about it.

MAN. How old are you?

SEAN. Fourteen.

* * * * *

NARRATOR. On each November morning in 1971, part of the British Army did a slow march through part of its homeland. The soldiers sought hidden arms and ammunition and specific enemies of the state. Sometimes they found some. On this morning, while we watched, they seemed to find nothing more than children late for school because of the excitement.

MAN. Tell me about the soldiers. What did they do?

CHILD. They kind of laughed . . . (difficult accent) . . . Mommy looked in at the bed, at me, and . . . help him with his purse . . . I asked here . . . telephone . . . she went out again, overheard glass breaking. There was glass here in the door . . . and at the glass window, and they're always smashing at that window. They were smashing away at it, and then there were two of their bullets, and after that, and they came in there and . . . they came in through it, and they were just standing there and staring and staring. After that, Dad put on his coat and Mommy said to him, "Where are you going?" And Daddy says, "I don't know." And after that he took his coat off. Mommy had . . . in the oven.

NARRATOR. This is a Catholic school, so the girls here are more familiar with the war than the Protestant children in public schools. Joan McKnight is a very good student, usually. She showed us her work book and a writing assignment. She had been given a grade of "excellent." Between that lesson and the next, a bomb went off at night near her home. Next day, she tried to repeat the assignment.

GIRL. Don't have nothing to tell you.

MAN. Don't you have anything to tell me? Don't—no, leave that don't touch it, sweetie. Tell me, you started to talk before about Protestants. Do you know any Protestants?

GIRL. No. Protestants . . . are they? The Protestant church, they have the Protestant school kids.

MAN. What is a Protestant?

GIRL. I don't know.

MAN. Are you afraid of them? Why?

GIRL. Well, I'm just scared of soldiers.

MAN. Well, do you think they're the same as soldiers?

GIRL. Yes. They really shoot, and they have real bullets.

MAN. The soldiers have real bullets?

GIRL. And the green ones have toy bullets.

MAN. Is that right?

GIRL. We play guns . . . (crackling noises, like shots)

MAN. I said earlier that by and large children weren't disturbed psychologically in a short time. Of course we have some exceptions to this general rule. We have some very particular stresses that are operating in certain homes, such that some children see their homes being burnt down. Some children witness relatives being shot dead, and then a third stress that has occurred in the last few months is the fact that fathers have been taken away, so some children have seen the army calling through the night, taking a father out of bed, and the father has been missing from the home now for three or four months.

And this is a stress, and this will certainly cause considerable disturbance in these young children.

MAN. Now, where—is your daddy home now?

CHILD. Nope.

MAN. Where is he?

CHILD. Long Kesh.

MAN. And do you know what Long Kesh is?

CHILD (not clear). Tell me that much. (?)

MAN. How long has he been there?

CHILD. I couldn't tell you because I don't know.

MAN. What—when will he be home, do you know?

CHILD. Don't know. My Mommy said he may be home at Christmas, but she said, don't be getting your wishes up because he might not. That's all I know.

NARRATOR. Most of the girls like to talk to us. They were demonstrative and open and trusting. Michele was unique. It seemed that there had been a terrible loss of innocence.

(Conversation drowned in background noise.)

NARRATOR. We went back to St. Vincent's School on another day that month. There had been a change in the classroom.

WOMAN. Well, she had this fear all the time. Her mother did say to me that she was going: "Will these soldiers be back again tonight, Mother?"

The mother called today. She mentioned to me that during the raids, the soldiers had destroyed their home, wanton destruction. Pulled up the floorboards and broken down the staircase. So, she said she just couldn't live another day in the home, and she hasn't told anyone where she's gone.

MAN. Now, how did this harassment show itself in Michele?

SISTER. Well, in school she was very upset and cried a lot and we couldn't find out what was wrong with her, and at home the mother told me that she couldn't leave the living room. Michele cried every time she left the living room and going to bed at night, the light had to be left on, and in fact, the mother had to sleep in the bed with her.

So, she thought, rather than bring up the child under these conditions, it would be better to move right to this new house. And no one around the district knows where she's gone. It's the only way that she can go so that she can have peace, which she hopes to find there. Whether she will or not, that's another story. She may be followed by the Army.

MAN. (Shouting unintelligibly.)

MAN. I have no doubt but most of you who are viewing today have seen the guards in London in their ceremonial duties and have witnessed the discipline and bearing of the guardsmen on those occasions. This same discipline and bearing and attitude are expected from the soldiers in Ulster.

MAN. We arrived in Ireland about August of 1971, and we took up the duties, our duties in Belfast as part of the internal security situation. During the time we have been here, we have suffered a number of casualties, having had about four men killed and about 37 wounded, either by bullet or by bomb blast or by stone throwing.

(Parade music, drill calls.)

MAN. Forward march! (Other calls unintelligible.)

MAN. These children are not freaks. They're normal children in a very abnormal situation, indeed. This is a situation in which the boundary between fantasy and reality has become very blurred indeed as can happen in a very stressful situation.

NARRATOR. The opposing forces sometimes come together peaceably. This place is a school for some and a barracks for the others. It is a place where daydreams meet nightmares.

MAN. These children are living in a situation in which the image of "daddy" has become projected onto other members of the community in which they live. And this produces in these children tremendous fear, and this stress that leads to the blurring of the boundary between fantasy and reality, so that in the street you can have children one night playing at riots using tomato sauce for blood, and the next night, they're having a real riot, and it's really blood. They just don't know the difference any more.

MAN. The kids go up and start throwing stones at us. I mean, we just get the range of the stones; all of a sudden, somebody opens up on you from a hedgerow. There again, one of yez might get hit. What can you do? You look around you, all you see is kids looking at you, little kids throwing stones. You don't see the gunman lying in the hedge. Or you don't see him behind the window or around the corner or from in back of a car. All you see is a sea of little faces looking at you.

Obviously you cannot start shooting indiscriminately, blasting at those little kids. There you are again. One of yez is hit. Nothing there but a lot of kids. Nothing you can do about it. Just goes back as it comes.

MAN. (Barely intelligible.) We can't . . . Protestant or Catholic, it makes no difference to a real soldier, I mean, nothing you do, politics or . . . as for myself—there you go, there the shooting starts up. (Remote sound of shooting). There we go. (Voices blur.)

NARRATOR. The guardsmen did their ritual walk through this unfriendly part of Britain. They found nothing as usual.

(Children's voices.)

(Dog barking.)

NARRATOR. Many of the soldiers are armed with weapons that fire something huge and hard called rubber bullets. It sounds humane. Usually they move among their countrymen with tenseness, with restraint and courage. There were 14,000 soldiers in Northern Ireland in November. Fifteen of them were wounded in Belfast that month. Seven were killed.

And then another morning more than a thousand soldiers made a massive search of another Catholic ghetto. There, one of them told us, is the only war we have. Just one shot, a rubber bullet, is fired.

(Woman screaming unintelligibly.)

MAN. Have a look at that! In our own home! In our own home!

(Screaming woman, crying children, voices.)

NARRATOR. Most of the people in Belfast are neither Catholics nor soldiers. The Protestants defeated the Catholics in 1690, and the two sides act as though it happened yesterday. The Protestants have the jobs, the money, the government, the control, and at least 110,000 licensed guns. They think of themselves as loyalists.

WOMAN. We are British. Some people think we are not. We are British people, and the British Army is our army.

MAN. I'm a Protestant. This thing was set up for me.(?) And as a Protestant, I understand it.

MAN. I think myself that the whole blame should be laid at the Roman Catholic Church for the agitation of these children and not being integrated with Protestants and Catholics together.

NARRATOR. On the Protestant side of the peace line, they were unwilling to have us meet their children, but one day some parents met with us. On the same day, a prominent psychiatrist did, too.

MAN. I fear the Church is a dismal failure in Northern Ireland. They are completely divided, yet, as you say, they have this basic thing in common that they are Christians, and there should be Christian love. However people are hating.

NARRATOR. That hatred brought the British Army into Northern Ireland in 1969. Its military mission was to build a peace line between the two groups of British Christians. Even now, most of one regiment spends its afternoons keeping Protestant school children on one side of the road and Catholics on the other.

MAN. The two communities are completely divided into the Protestants and the Catholics, and the leaders of each church constantly snipe at each other, instead of uniting together to lead the people to love one another.

The Catholic children, they go to Catholic schools, and the Protestants go to Protestant schools, so even before our present troubles there was no mixing of the children at all, and I think one of the answers is the future is that religion must be withdrawn completely from education, and religion must be made a personal thing and not a political or an educational issue at all.

NARRATOR. On several afternoons in November, we saw the peace line breached. The army tried to keep them apart and let the wall build itself higher. And a majority sometimes abandons its silence.

WOMAN. I thought there was good and bad on both sides, but there's not. Because if there was good Catholics, the I.R.A. wouldn't be getting away with it, and they are, because there's somebody harboring them somewhere, and if they want the decent life for their children which all of us want for ours, they'd go out and work. And they're shouting about what the Catholics get and what they don't get. The Catholics get more than the Protestants.

WOMAN. And I'm sure the children on the other side, as we say, "on the other side." I mean the Roman Catholic children, I don't know what sort of children they're going to grow up as, when a child of eight years old can come out with a shotgun or a machine gun. I've seen it beyond, and when you see the women on the TV actually say they would put their daughters out for these people . . . because there's always a British soldier, where's the motherly love in that? I can't see any.

MAN. Well, the love should come originally from the parents, from the example of the parents, but the example that the children are getting in Belfast at the moment and have for many years but especially now, is to hate, because the parents hate, and the children then learn to hate from the parents.

MAN. Nothing has hardened the opinion more than this trouble now, and as I said before, they're only a lot of gangsters and the likes.

WOMAN. I don't think we'll ever get together, our generation anyway. There is too much hatred, killing, bombing, all this, and I don't think—and anyway, our generations will see it.

MAN. Well, I would like to see that for my kids and my children's children, that there'd be no talk of religion. People in our countries can live without mentioning religion.

MAN. I'd like to see the children educated together and sort of get to understand each other and understand each other's problems, but I'm afraid that will not happen in this generation only because as I said before, things is just too bad now, and as I said before, I think it's the Roman Catholic Church that is mainly responsible.

MAN. Hatred comes from suspicion and fear, and it is taught by example of the parents, the example of the leaders, the example of the politicians, the various societies that exist teach the people to hate, but it's largely based on fear and suspicion of what's going to happen.

WOMAN. And I always had Roman Catholic children; in fact, I had two at my wedding. But since the trouble, I waved across the peace line at one. She lived just facing McTodd (?) Street here, and she was frightened to wave back at me, and I'd known her for ten years.

WOMAN. I'm a long time in this street, about nearly 70 years in this street, so, I'm too old to be bothered about it anyway, but still withal, the Protestants and Catholics are not fighting. It's the I.R.A., and they're doing all the damage that can be done. And it's just things that—

WOMAN. Hello!

WOMAN. Hello, it's not so bad at all.

MAN. You have children?

WOMAN. Pardon?

MAN. Do you have children?

WOMAN. No, I have just one, my daughter, but I was burned out in Clifford Street.

MAN. What effect do you think the troubles are having on the children?

WOMAN. Well, I don't think it's very good for the children at all, both Catholic and Protestant, I do not indeed, and I do think what the world needs is Jesus, just a glimpse of Heaven, and if the both sides would get down on their knees and ask God to forgive them, this would be a better world to live in. And I hope and pray that Catholic mothers and Protestant mothers will realize that, because it's the children, them children there that is the future of this world.

MAN. What do you think of the troubles? What do you think is happening?

CHILD. It's all the Catholics, it's the I.R.A. doing it.

MAN. Do you know what a Catholic is?

CHILD. Yes.

MAN. What is a Catholic?

CHILD. (Unintelligible.)

MAN. Do you know?

CHILD. Aye, a man that causes trouble then he can join the I.R.A., and the I.R.A. burns up, bombs up all the Protestants, and the Catholics are—the Catholics make the trouble.

MAN. How do you know what a Protestant is?

CHILD. I always know, because Mommy always told us what they are. Catholics may be beat up by someone because there are some bad ones out there, and she told me they are Protestants.

MAN. Well, what is a Protestant, do you know?

CHILD. No, I don't know.

MAN. I think it would be fair to say that the churches haven't done nearly as much as they might have done, and their attitude is very strange to the whole situation. This is a situation which they have in part produced by the religious policy of segregation over the years, and I believe that you can't build this big wall between these two communities, telling them not to intermix, and then scold the people for fighting.

I think you can't have it both ways. You must either integrate the community or, if you're going to segregate them, you can't complain if aggressions build up between the groups, and clergy are calling the people thugs and holligans. But these people are just acting out their very fears that the church has implanted in them over the years.

MAN. What do you think's going to happen in the future? What'll it be like to grow up here?

CHILD. I think it'll end.

MAN. You think what'll end?

CHILD. I don't think the troubles will end.

MAN. You don't. What do you think will happen?

CHILD. I think it will just keep going and go on and on.

MAN. Well, it's got to end some time.

CHILD. Aye, some time, but I don't know when. Nobody knows.

MAN. Well, what would happen to all the people if the troubles kept going?

CHILD. Be more dead and all that.

MAN. If one looks at Northern Ireland's history or Irish history over the past hundred years, you will find that there have been riots approximately every decade, and this may be one of the reasons for them, that a new generation is coming up to hate.

This is the most pessimistic thing about our present troubles. It's not that the children are being very disturbed at the moment psychologically; it's the effect it's having on their personality development at this very important stage of their lives.

MARION, S.C., RECREATIONAL PROGRAM

Mr. THURMOND. Mr. President, the city of Marion, S.C., under the able guidance of Mayor T. C. Atkinson, Jr., is developing a recreational program that should serve as an incentive to other towns which have similar needs.

It has been long established that good health and recreation go hand in hand. Because this is true and because it affects all citizens, it is good to see a city administration take the initiative in doing something to provide recreational opportunities for as many people as possible.

The Marion program is just beginning. Their plans for the future indicate that it will grow.

Mayor Atkinson, assisted by City Councilmen William S. Derrick and Henry V. Sawyer, has worked closely with City Director Charles H. Ellenburg and City Athletic Director William E. Gardner in developing two community centers, a municipal pool, and four play areas.

The two community centers, the Gurley Street Center and the Watsonia Street Center, are open all year round from Monday through Friday. The municipal pool is open to the public each afternoon during the swimming season, and morning sessions are directed toward beginning swimmers.

Marion's Department of Parks and Recreation sponsors many activities designed to attract a wide range of interests. They include baseball, basketball, billiard tournaments, ceramics, coin clubs, crafts, football, piano, ping-pong tournaments, quiet games, a senior citizens club, slimnastics, swimming lessons, tennis, and a TV room.

Looking to the future, their list of proposed activities include art, bridge clubs, canasta clubs, Christmas crafts, dance, flag football, and horseshoe tournaments.

The department has one of the best ceramic programs in the area. Mrs. Fannie Grose, the Watsonia Street director, conducts the entire program. At present, classes are held at Watsonia Street Center only, but plans call for a program at Gurley Street Center very soon.

The Marion Senior Citizens' Club was formed in December 1970. It will meet on the 2d and 4th Wednesday of each month. There is no minimum age limit for membership, and the opportunities for fun and relaxation are unlimited.

Summer recreation begins in June and goes through August. Many different activities are offered, as well as a large variety of supervised games. This is the most active time of the entire program, and everyone can join in the fun.

Plans are now being discussed to open up various school gyms for recreational activities. The gym would be open 2 or 3 nights a week for 3 hours each night. If approved, the program would operate during the winter months.

The department plans to purchase 2.8 acres next to the Watsonia Community Center and develop a lighted combination athletic field. It will include a little league diamond and a football field. Also proposed in the development is a picnic area with parking facilities. The completion date is scheduled for July 1972.

Additional plans call for more tot-lots—mini-parks—located throughout the city, playground improvements at Gurley Street Community Center, and the tennis courts to be lighted at Watsonia Center.

The city definitely needs a gym to use permanently in its recreational program. It is hoped that through Federal funds a gym will be built in the near future. There also may be another swimming pool built to serve the community needs.

Mr. President, I wish to commend Mayor Atkinson and his city administration for their efforts in this worthwhile endeavor. So that other city officials may see that such work is going on, because such efforts might inspire them to look deeper in to their own recreational needs.

THE SOVIET UNION AND THE INDIA-PAKISTAN WAR

Mr. HARRIS. Mr. President, James Reston, in the December 17, 1971, New York Times, lucidly explains the political implications of the war between India and Pakistan. According to Mr. Reston, the Soviet Union has emerged from this "avoidable and tragic conflict as the military arsenal and political defender of India, with access for Moscow's rising naval power to the Indian Ocean, and a base of political and military operations on China's southern flank."

While we must hope that Soviet gains will not be so substantial, there is no doubt that Mr. Reston's fears are well placed. In the last several months the Soviet Union has moved a considerable distance toward goals it has sought for decades. And it has been able to do this because we ourselves were so blind.

Mr. President, I read reports now that Dr. Kissinger is attempting to discount possible Soviet gains in South Asia by citing the famous retort of Austrian Prime Minister Schwartzenberg in 1848 after Russian troops had helped the Austrian Empire crush a popular revolt in Hungary. Asked whether Austria was not in danger of becoming a Russian puppet as a result, Schwartzenberg replied:

> Dear friend, our ingratitude will astonish the world.

We can only wait to see if Indian ingratitude will also astonish the world. But I would point out that such behavior was astonishing only because it was so totally unexpected. And I ask, should the United States have risked its fundamental interests in South Asia on a similar hope of unexpected behavior? Should we not base our policy on what is likely rather than unlikely?

Mr. President, I believe it is a major tragedy for the United States that our President and his advisers did not understand the implications of the war on the subcontinent until, as Mr. Reston suggests, it was too late. Because the issues involved are so important, I believe that other Senators will find Mr. Reston's article of interest, so I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Who Won in India?

(By James Reston)

United Nations, N.Y., December 16.—India has won the battle for East Pakistan, but in the larger perspectives of world politics, this is not the main thing. For the Soviet Union has emerged from this avoidable and tragic conflict as the military arsenal and political defender of India, with access for Moscow's rising naval power to the Indian Ocean, and a base of political and military operations on China's southern flank.

This was the big background question in the Indo-Pakistani war. It was not only a local war between India and Pakistan, not only another phase in the long religious conflict between the Muslims and the Hindus, not only a moral conflict between Pakistan's vicious suppression of the Bangladesh rebels and India's calculated military aggression to dismember the Pakistani state. Back of all this, there was a power struggle between China and the Soviet Union, and a strategic struggle between Moscow and Washington, and at this point in the story, which is not the last chapter, Moscow has probably gained more than anybody else.

Everybody has been so preoccupied with the struggles, blunders, and tragedies of the Indians and Pakistanis, who cannot even share their common misery, that they have forgotten these larger world strategic struggles between Washington and Moscow. But the leaders in Moscow have obviously not forgotten the larger question, or allowed their arguments in the Middle East or their efforts to reach a strategic arms agreement with the United States to get in the way of their nationalistic interests in the Indian subcontinent.

In the strategic arms talks with the United States in Vienna and Helsinki, and in the Middle East debates between Israel and the Arab states, the Soviet diplomats have been arguing for compromise and accommodation. Their propaganda is plain: The great powers must work together for peace, military power must not be used to achieve political objectives, and when it is—as in the case of Israel in the war with the Arab states—the territory captured by military aggression must be given up.

But when the United States invoked these principles in an effort to force the Indians and the Pakistanis to stop the fighting and withdraw within their own borders, the Soviet Union switched. It was not interested in compromise or accommodation with the United States and the other permanent members of the U.N. Security Council. It went against the will of the overwhelming majority of both the Security Council and the General Assembly, and cast its veto against a cease-fire and withdrawal.

In short, Moscow reverted to Russia's historic ambitions. It saw a chance to weaken Washington's long association with India and India's democratic experiment in Asia, to create a new alliance with India and weaken China, to dismember Pakistan, and to do so at a time when the passes between China and India were choked with snow and Peking could not easily counterattack in the North.

Well, maybe all these cunning tactics will work, and India will be able to encourage independence for one faction in Pakistan without encouraging independence for other factions in India itself, including the powerful Communist faction in the Indian state of Kerala, but the success of India and the Soviet Union in this squalid tragedy is not the end of the story.

They could, by their momentary triumph, have created the things they fear the most. Moscow has certainly encouraged by this calculated power play a closer relationship between Washington and Peking just before President Nixon's visit to China.

Also, India, which won with Soviet military arms and Soviet diplomatic vetoes in the United Nations, is now dependent on aid from the Soviet Union, rather than from the United States, and in the long run, this could be a more awkward alliance.

Somebody is now going to have to pick up the pieces, finance the repatriation of the Pakistani refugees and rebuild the Indian Army; and Moscow will probably pick up the bill. For this was not only, and maybe not even mainly, an Indo-Pakistani conflict, but a Soviet-Chinese conflict, and the Soviets now have the possibility of bases in India, south of China, in addition to their million men on the Sino-Soviet border in the north.

This is really what the Nixon Administration had in mind when it sided with Pakistan against India. Washington was late and dense in reacting to Pakistan's violent repression of the Bangladesh rebels and the tragedy of the ten million Pakistani refugees driven into India, and it might have avoided the worst of the tragedy if it had reacted sooner; but in the middle of the Indo-Pakistani crisis, it finally understood the larger strategic challenge of Moscow's power play.

Maybe this puts the confrontation of the United States, the Soviet Union and China in Asia in terms that are too bleak and pessimistic, but the Indo-Pakistani war should not be underestimated. It is not merely a political, religious and geographical struggle in the subcontinent of India but part of a much wider conflict in a rapidly changing world.

AMERICAN POLICY IN GREECE

Mr. PELL. Mr. President, I recently read an informative article concerning American policy in Greece, written by George Anastaplo, and published in the Baltimore Sun of October 31, 1971.

Because it is a piece which contains so many thoughts of value, I believe it will be of interest to Senators.

I therefore ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMERICAN POLICY IN GREECE: A DECLARATION OF BANKRUPTCY [1]

(By George Anastaplo)

Congress continues to debate whether the United States should supply military aid to Greece. But, it should be noticed, it may not matter, in assessing the influence of American policy upon Greek affairs, whether we actually deliver military aid to the colonels' regime. It does matter whether we are believed by the Greek people to be delivering such aid. Instead, the colonels would much prefer to have us pretend publicly to be providing them military aid, while not actually doing so, than to have us repudiate publicly our aid while continuing to deliver it in private.

It has been of great importance to the colonels that the United States should appear in public to regard the Greek regime as a respectable ally. Such fraternization tends to paralyze those elements in Greece which remain hostile to the colonels. If the United States continues to support the colonels, it is asked, what can unarmed citizens do to unseat them? And, it is further asked, would the American Vice-President be permitted to conduct himself as he has in Greece if the United States does not really support the regime?

The political effect in Greece of the Vice-President's visit cannot be corrected by whatever he may have said in private to the colonels about a return by Greece (as part of "the Free World") to constitutional government. Tyrants, on whichever side of the Iron Curtain they may be entrenched, cannot be argued out of office. The colonels have dug themselves in, partly by exploiting since 1967 our public acquiescence in, if not support of, their regime. Our State Department experts now realize that they were deceived into "going along" by the colonels' repeated assurances that they intended to return the country to constitutional government.

No matter what kind of welcome can be staged in Athens for American leaders, there smoulders in Greece today the resentment of a proud people who can easily be led to regard themselves as having been subjected to a tyrannical rule in order to serve the strategic interests of the United States. Such resentment can damage the permanent national interests both of Greece and of the United States in the Eastern Mediterranean. In fact, the United States may have already so compromised itself in Athens that it is now limited to an effort to salvage what it can of its relations with Greece after the colonels do go.

How has a country which had been so influential in Greece gotten itself into the helpless position we now find ourselves? First, we misjudged the Greek constitutional crisis of 1965–1967, a crisis in which the legitimate leaders of Greece did conduct themselves irresponsibly. We did not do what we could have at that time to moderate the passions which had developed in Athens and to which we contributed.

Then, we misjudged the usurping colonels who seized power in April 1967. We failed to see what should have been evident to everyone who ever saw these men close up, that they were crude opportunists with a talent for conspiracy. We failed to see as well that there was (and perhaps still is) available as a popular alternative to the colonels an experienced conservative, a former prime minister of considerable prestige in Greece, who was clearly friendly to the United States. In short, we betrayed our friends and the cause of decent government in Greece by permitting ourselves to be gulled and used by the colonels.

We have, in our collaboration with the colonels, ignored the interests and wishes of the Greek people. We did not see that the legitimate interests and sensibilities of the Greek people were necessary concerns for us to take into account if our policy was to be sound. Nor did we see that our much-publicized association with the colonels was creating a permanent reservoir of resentment against the United States, resentment which may be found even among the conservatives, royalists and better army officers of that country. We have, that is, succeeded in uniting articulate opinion in Greece on one simple proposition, that the United States is in large part responsible for the tyranny which Greeks seem destined to endure for a generation.

Another effect of our policy has been that it has permitted the colonels to corrupt and exploit the Greek-American public. That public remains, despite its good intentions, curiously uninformed about Greek affairs. If the American government had been more perceptive and more responsible in recent years, the more influential Greek-Americans would not have been as foolish and harmful as they have geen in their uncritical support of the colonels. But even Greek-Americans cannot help but notice, upon returning to Greece, the marked absence of discussion of political matters by ordinary Greeks in public places.

This unnatural public silence of the Greeks is revealing, eloquent and ominous. The longer the present regime continues, the less likely it will be that a moderate resolution of "the Greek problem" will follow the departure of the colonels. Since it is unlikely that we Americans will do publicly what might still be done to help the Greeks rid themselves immediately of the colonels, we should begin to consider what can be done (in the interest of both the United States and Greece) to blunt the effect of the passions which have been generated against the United States among the more articulate Greeks, passions which can lead some day to disastrous experiments by a liberated Greece.

Would it not be prudent for us (as part of our "salvage" operation) to encourage the Greeks to move into closer association with Western Europe and away from their recent dependence upon the United States? This may be a safe and humane way to minimize the potentially explosive results of our miscalculations and self-deceptions in Greece of the past decade. Greek democrats cannot help but notice that they deserved less and yet got more from European governments than from their American ally since the colonels struck in 1967. Thus, whereas the United States (like the Soviet Union) accepts without serious public criticism the Greek government as it is today, the Governments of Western-Europe refuse to do so.

The deference by Europeans to what decency requires may be seen in the condemnation in the Council of Europe, despite American lobbying in opposition to this action, of the widespread and deliberate use of torture by the colonels. Such repudiations of the American approach should make Western Europe appear more plausible than the United States as a reliable ally for a liberated Greece. Perhaps there can be minimized by an increased reliance upon Europe the effect of our failure in Greece, a failure which anticipates the permanent loss of the preeminent influence America has had there for a generation.

Is there not something shoddy and unimaginative in the willingness of a great power to be used as the colonels have been using us since April 1967? Which is worse, that we did not know better or that we did not care? However that may be, we have permitted ourselves to be crippled by the self-seeking conspirators who continue to control Athens.

There remains for us Americans, whatever may happen in the Mediterranean, the duty of reflecting upon why our policy in Greece has been such a miserable failure and what that failure reveals about the way we conduct foreign affairs everywhere.

AIRTIGHT CEILING ON FEDERAL EXPENDITURES

Mr. ROTH. Mr. President, I was delighted to see the article in yesterday's Washington Post which indicated the President may introduce to this session of Congress an airtight ceiling on Federal expenditures. This article has been confirmed earlier today by an announcement from the White House, placing the limit at $246.3 billion, the estimate of expenditures for fiscal year 1973.

---

[1] This article was published, in a slightly edited form, in the *Baltimore Sun*, Sunday, October 31, 1971, p. K2.

George Anastaplo, who was born in St. Louis and now lives in Chicago, is Lecturer in the Liberal Arts, The University of Chicago, and Professor of Political Science, Rosary College. He is the author of *The Constitutionalist: Notes on the First Amendment* (published in 1971 by The Southern Methodist University Press).

Dr. Anastaplo has been declared *persona non grata* by the Greek government because of his articles about American policy in Greece. Citations to those articles may be found in the Cong. Rec., vol. 117, pt. 16, p. 20710. See also Cong. Rec., vol. 117, pt. 21, p. 28130.

The Federal budget—both in size and composition—has become too important an influence on our national economy for Congress to neglect its effect on inflation and interest rates. Though a sluggish economy needs stimulative Federal support, we simply cannot continue to spend beyond a level of receipts that would normally accrue to the Treasury under conditions of full employment.

Last year I offered an amendment to the Revenue Act of 1971 to provide for a fixed limit on spending for fiscal year 1972. Though bipartisan support for this measure was very encouraging, the motion lost by six votes.

It has been my intention to reintroduce similar legislation. I have been in touch with the administration and plan to work in concert with the President's desire to achieve, for the first time, an absolute limitation on spending—including the so-called uncontrollables—which will bind Congress and the executive branch to a responsible program of fiscal restraint. I am hopeful that we can develop a bill that will again have bipartisan support.

Mr. President, I ask unanimous consent that the article by Mr. Hobart Rowen, of the Washington Post be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Nixon May Ask a Ceiling on Spending

(By Hobart Rowen)

President Nixon is seriously considering asking Congress to enact a rigid ceiling on federal expenditures.

The possibility is a consequence of soaring government outlays which reportedly will boost the budget deficit for fiscal 1972 (which will end June 30) to a level just short of $40 billion. Exact figures will become public at noon Monday when the President sends his budget message for fiscal 1973 to Congress.

The ceiling would apply to the executive as well as the Congress and, according to one informant, "would admit of no escape hatches whatever."

The possibility of a request for a ceiling on expenditures crystallized in the past few days, too late for inclusion in the budget message itself. But a number of key government officials have been urging the President to make the move, and believe that the big bulge in spending (and in the deficit) has convinced him.

Congress has tried expenditure ceilings before, but usually with exceptions that defeated the purpose.

Some officials fear that interest rates will tend to rise when the money markets begin to appraise the large amounts that the Treasury will need to borrow to finance the new deficits. But if the President asked for and Congress agreed to an expenditure ceiling, the advocates of that step see "a significant influence" on interest rates.

According to published reports, the fiscal 1973 *deficit* might be about half of the extraordinary fiscal 1972 deficit. The combined red ink of $60 billion or so for the two years would require an increase far above the existing $430-billion public debt ceiling.

Some officials in the Nixon administration, distressed by the high level of spending, think that the budget will run out of control completely without some new gimmick to halt the flood of new federal programs.

One strong advocate of expenditure reform is Federal Reserve Chairman Arthur F. Burns. When he was counselor to the President, he publicly advocated not only an expenditure ceiling but "zero-base" budgeting, in which a departmental official would have to make a case for his entire appropriation request each year, just as if it were new. Currently, departments only have to justify an increase.

Officals in the Treasury Department and in the Office of Management and Budget are also looking for new ways to trim back spending.

Within the administration, the feeling is that Congress will be in a mood to accept the suggestion for a ceiling, provided it can saddle the President with the responsibility for reconciling appropriation bills with the over-all expediture ceiling. Mr. Nixon is being urged by some of his closest associates to accept that responsibility.

In a speech Dec. 2, 1969, Burns said:

"Such a mandate by the Congress would, of course, not make the President's job any easier; it could well lead at time to uneconomical cutbacks; and it might even mean that we will have only one-term Presidents in the future. However, by enabling the members of Congress to satisfy both their conscience and their constituents, such a mandate would probably assure that total expenditure is kept under decent control."

THE REAL STATE OF FARMERS

Mr. MONDALE. Mr. President, last week in the state of the Union address President Nixon mentioned farm income. In the written text which was delivered to Congress, he mentioned corn prices specifically, saying:

> A surprisingly large harvest drove corn prices down last year, but they have risen sharply since last November.

Mr. President, corn prices have not risen sharply; they have made only normal after-harvest increases. But they are still far behind the prices of a year ago. The picture in rural America today is bleak. Every time I go home to the State of Minnesota and talk to farmers, I see that they are facing an increasingly disastrous situation. Prices are at depression levels.

Farmers do not demonstrate or carry signs. They keep on with their work seriously and silently. Several will just live on their equity until, seeing they can not make any more, they move off the land. Others seek off-farm jobs to supplement their modest income from the farm. But each year, many more are joining the rural to urban exodus.

Last week I attended a conference at Worthington, Minn. on the "Crisis in the Cornbelt." Farmers, businessmen, and rural residents there in southwest Minnesota are concerned and disturbed by the latest census figures for their area.

Several farms in northern Minnesota were abandoned during the great depression. Now, a drive through the countryside of our more productive southern Minnesota counties is starting to show the same thing. A recent population study of southwest Minnesota showed demographically what is happening in that agriculturally rich area. These findings were featured in a series of articles by Lew Hudson and published in the Worthington Daily Globe, one of our fine rural newspapers. The series has been compiled into a booklet entitled "Exodus: People in Flight."

Mr. President, I think this information and the speeches given at the "Crisis in the Cornbelt" conference which I attended last week show more realistically the state of rural America than does the President's state of the Union message.

I ask unanimous consent that the booklet and the speeches be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Exodus: People in Flight

Eighteen counties of southwestern Minnesota are facing grave population and economic problems. This was the conclusion of a comprehensive study completed in the fall of 1971 by Gerald Heil, researcher for Southwest Planning. Heil's report was entitled "Southwest Minnesota Population Study."

This booklet is a condensation and summarization of Heil's findings. It was written by Lew Hudson, Regional Editor of the *Worthington Daily Globe,* Worthington, Minn., and the series was published in the *Daily Globe* October 18–24, 1971. Hudson's articles are presented here in booklet form, the reprinting being financed cooperatively by Worthington State Junior College and Southwest State College, Marshall, Minn.

CHAPTER 1—ONE IN FOUR AREA FAMILIES LIVE IN POVERTY

Back East, the Blue Book is the social register, but for southwest Minnesota, it is something vastly different.

Here the blue book is a tabulation of the poor. Its author is Gerald Heil and the publication is entitled, "Southwest Minnesota Population Study." Heil wrote it as a project of Southwest Planning, the joint federal war on poverty effort in southwest and west central Minnesota.

Among other things, the report says:

1. One-fourth of all southwest Minnesota families live in poverty and the total is growing.

2. A mass migration, selective in nature and hitting hardest at young adults, has been taking place and is accelerating.

3. The region is becoming increasingly populated by old people.

4. The region's total population is declining at an accelerating rate.

5. Farm consolidation continues at an accelerating rate.

6. Costs of providing governmental services are rising sharply while productive citiens who are best able to pay for them are declining in numbers.

7. In all these matters, the picture is worsening and is likely to continue worsening unless major changes not now foreseen take place.

Heil's book will never make the best selling lists because of the grim nature of its subject matter although it will be must reading, directly or indirectly, for civic and governmental leaders in the entire area. It cannot be ignored.

Its 155 pages are jammed with statistical data and interpretation on the 18 counties of southwest and west central Minnesota include in the Southwest Planning Project. They are Nobles, Rock, Jackson, Cottonwood, Murray, Pipestone, Watonwan, Lyon, Yellow Medicine, Swift, Redwood, Renville, Pope, Martin, Lincoln, Lac Qui Parle, Chippewa and Kandiyohi. These counties are compared in the study with each other, with the state of Minnesota and with the nation.

Southwest Minnesota is different from the rest of the country. One of the more glaring examples is in the incidence of poverty. Just how different can be seen in Heil's figures. They are drawn from the Social Security Administration and may well have some limitations as to complete accuracy.

In some respects they differ from other published sources such as Editor and Publisher Market Guide and Sales Management Magazine data book. There are variances among the three sources regarding incomes and even the number of families in the region.

Despite this, it is probably safe to say that while Heil's sources may not be the best possible, they certainly are the best available and should be considered in that light.

The poverty line varies with the number of family members and whether people live on a farm or in a city. For farm people, the line is $1,600 for a single person and $3,200 for a family of four. For urban people the line is $1,900 for a single person and $3,800 for a family of four.

By these standards, Heil lists 77,580 families in the 18-county southwest region and places 19,613 of them below the official federal poverty standard. This figures to a percentage of 25.3, almost twice the state poverty average of 13.3. To put it another way, one out of four southwest families live in poverty compared with one out of eight statewide.

The local region, with only 7.3 per cent of all families in the state, has 13.9 per cent of all the poor ones, or one out of every seven in the state.

Within the region there are vast differences in where the poor live. Heil declares, "The problems of poverty in southwest Minnesota is predominantly an agricultural and small town one."

He reports 52.6 per cent of the poor families live on farms, 33.9 per cent of them live in small towns, and only 13.5 per cent live in urban areas (the 16 communities of more than 2,500 population).

Not only are the actual numbers of poor highest in the rural areas and small towns, the proportions also were highest. Considering the entire region, 46.2 per cent of the entire population lives on farms while 52.6 per cent of the poor live there.

Small towns contain 30.9 per cent of the families and 33.9 per cent of the poor. Urban areas have 30.3 per cent of the families but only 13.5 per cent of the poor. The figure for the urban areas is almost exactly the state poverty average.

Of the 18 counties, six have poverty incidence below the regional average and all six have major urban areas within them. Two counties in which no urban centers exist, Lac Qui Parle and Lincoln, had the highest poverty incidence, with the former recording 32.4 per cent and the latter 31.9 per cent. Rock was the lowest at 20.3 per cent.

Heil says, "The greater the urban population, the lower the incidence of poverty. The greater the per cent of agricultural workers . . . and senior citizen households, the greater the incidence of poverty. Poverty is concentrated in the agricultural workers, senior citizens and farmers."

Heil goes on to look into the future by saying, "It is altogether possible that the incidence of poverty, already very high, may increase. Two factors, per cent of senior citizens and per cent of households headed by a senior citizen, may cause this. Current and future economic growth will have little direct effect upon them because of fixed incomes. This factor, along with rapidly inflating costs, will function to worsen their position on the socio-economic scale."

"The problem of poverty among the aged will be even more severe because of increasing life expectancy . . . and proportionate growth of the aged category will change the consumer population. This will retard retail trade precisely when it is needed to generate more public money."

"Another implication is that the high incidence of poverty may make the area harder to develop economically. Industry is reluctant generally to locate in areas with high proportions of low-income families."

He goes on to suggest that selective outmigration of young adults and the resulting altered age structure will lead to fewer births, more deaths, fewer young adults, fewer marriages, and fewer new families. The trend toward smaller families will intensify the already declining population and will lead to empty classrooms and a reduced work force, with the resulting heavier tax burden on those who remain.

Heil offers six recommendations to attempt to combat the trend. They are to find ways to alleviate the high incidence of sub-standard housing, find ways to provide income supplements for senior citizens, seek ways to assure agricultural workers equitable incomes and improved vocational training to those who want to find alternative careers, establish multi-jurisdictional cooperation between units of government to establish common industrial parks for the recruitment of industry and to deliver public services, and to hire on a regional basis professional planners and consultants to better make use of federal and state programs for depressed areas.

INCOME ANALYSIS

County	Number of families	Number of low-income families	Percent of low-income families
Chippewa	4, 025	1, 034	25. 7
Cottonwood	4, 069	1, 046	25. 6
Jackson	3, 746	981	26. 2
Kandiyohi	7, 913	1, 685	21. 3
Lac Qui Parle	2, 848	922	32. 4
Lincoln	2, 332	743	31. 9
Lyon	6, 331	1, 500	23. 7
Martin	6, 834	1, 435	21. 0
Murray	2, 960	819	27. 7
Nobles	6, 079	1, 452	23. 9
Pipestone	3, 413	873	25. 6
Pope	2, 878	779	27. 1
Redwood	5, 181	1, 450	28. 0
Renville	5, 425	1, 464	27. 0
Rock	2, 906	589	20. 3
Swift	3, 375	880	26. 1
Watonwan	3, 536	862	24. 4
Yellow Medicine	3, 702	1, 099	29. 7
Totals	77, 580	19, 613	25. 3
Minnesota	1, 055, 777	140, 626	13. 3

CHAPTER 2—POPULATION OF REGION HIT PEAK IN 1950

Someone has said the wide open spaces are getting quieter and quieter while the cities are getting noisier and noisier.

In southwest Minnesota, there's no question about it. The 18-county region reached its all time population peak in 1950 and has been dropping since. And in the last decade the exodus has become almost a rout.

Gerald Heil's "Southwest Minnesota Population Study" has charted it graphically. Minnesota as a whole has grown steadily in the last 30 years, increasing 36.3 per cent from 1940 to 1970. But southwest Minnesota has dropped from its all time peak of 317,512 persons in 1950 to 295,808 in 1970, a decline of 20,871 persons or 6.6 per cent loss.

In 1940, 11.3 per cent of the entire state population lived here. In 1970 only 7.8 per cent lived in the southwest.

Not only that, but 96.5 per cent of the decline took place between 1960 and 1970. During that decade the rate of loss was 13 times the loss of the previous 10 years and if this trend is not halted, serious economic and social consequences are certain.

Heil says the drop is attributable to both migration and declining birth rates. Had there been no migration of any sort over the 30 years, southwest Minnesota would have had a population of 439,127 in 1970 compared with the actual count of 295,808. This means that 143,319 more people moved out than moved in or were born here. This is called net migration.

In the last 10 years when the net migration has become most intense, the highest figures were in Murray county with a loss of 26.2, Lincoln with a loss of 21.1 and Lac Qui Parle with a loss of 19.6 per cent.

By contrast, lowest net migration rates were in Kandiyohi with a loss of 6.2 and Lyon with a loss of 4.7. The three counties with greatest loss were all rural counties without any urban centers. The two of lowest loss were counties with major urban areas, prompting Heil to note the higher the percentage of urban population the lower the net migration rates.

Within these raw figures are even more disturbing ones considering their impact on the future. The heaviest migration was of young adults.

Of young people from 20 to 24 years of age, the net migration rate from 1960 to 1970 ranged from a loss of 36 per cent in Watonwan to 65.9 per cent in Pope. For young people from 25 through 29 years of age, the migration rates ranged from 23.8 per cent in Martin county to 46.8 per cent in Lac Qui Parle.

Total population is also declining. Only two counties, Kandiyohi and Lyon, grew during the 1960 to 1970 decade. The 16 others declined.

All counties have high net migration losses when compared with the rest of the state during the 30-year period, a loss which because of its selectivity, undercuts the age structure of the remaining population.

This, in turn, leads to what Heil calls "serious demographic, social and economic consequences by accelerating population decline."

In the final analysis this results in a rising of the general age level, a drop in the number of child bearing age families, a decline in school populations, a rise in the population of people requiring nursing home care, more dependent people and fewer producing and tax paying people. There will be a rise in the costs of public services, more need for facilities geared to the elderly and less to family groups.

Hiel says his study indicates a relationship between poverty and net migration. The higher the poverty, the higher the migration. The reverse is also true.

All of which points to the lack of suitable employment as being a major cause of the loss of productive citizens throughout the region.

OEO POVERTY GUIDELINES, DEC. 1, 1970

	Nonfarm family	Farm family
Family size:		
1	$1, 900	$1, 600
2	2, 500	2, 000
3	3, 100	2, 500
4	3, 800	3, 200
5	4, 400	3, 700
6	5, 000	4, 200
7	5, 600	4, 700
8	6, 200	5, 200
9	6, 800	5, 700

Note: The figures in this table afford the Federal measure for the rating of poverty in this region.

TABLES SUMMARIZE SW MINNESOTA POPULATION TRENDS

County	Total population				Population Change		Actual and percentages		Net migration figures (Comparison of what population should have been with what happened)					
									1940–1950		1950–1960		1960–1970	
	1940	1950	1960	1970	1940–70	Percent	1960–70	Percent	Number	Rate	Number	Rate	Number	Rate
Chippewa	16, 927	16, 739	16, 320	15, 109	−1, 118	−10.7	−1, 211	−7.4	−2, 555	−15.1	−2, 962	−17.7	−2, 304	−14.1
Cottonwood	16, 143	15, 763	16, 166	14, 887	−1, 256	−7.8	−1, 279	−7.9	−2, 650	−16.4	−2, 054	−13.0	−2, 431	−15.0
Jackson	16, 805	16, 306	15, 501	14, 352	−2, 453	−14.6	−1, 149	−7.4	−2, 803	−16.7	−3, 230	−19.8	−2, 270	−14.6
Kandiyohi	26, 524	28, 644	29, 987	30, 548	+4, 024	+15.2	+561	+1.9	−749	−2.8	−3, 049	−12.8	−1, 846	−6.2
Lac Qui Parle	15, 509	14, 545	13, 330	11, 164	−4, 345	−28	−2, 166	−16.2	−2, 792	−18.0	−3, 069	−21.1	−2, 616	−19.6
Lincoln	10, 797	10, 150	9, 651	8, 143	−2, 654	−24.6	−1, 508	−15.6	−2, 025	−18.8	−1, 947	−19.2	−2, 038	−21.1
Lyon	21, 569	22, 253	22, 655	24, 273	+2, 794	+12.5	+1, 618	+7.1	−2, 964	−13.7	−3, 805	−17.1	−919	−4.7
Martin	24, 656	25, 655	26, 986	24, 316	−340	−1.4	−2, 670	−9.9	−2, 760	−11.2	−3, 162	−12.3	−4, 763	−17.6
Murray	15, 060	14, 801	14, 743	12, 508	−2, 552	−16.9	−2, 235	−15.2	−2, 943	−19.5	−3, 143	−21, 2	−3, 867	−26.2
Nobles	21, 215	22, 435	23, 365	23, 208	+1, 993	+9.4	−157	−.7	−2, 449	−11.5	−3, 546	−15.8	−2, 754	−11.8
Pipestone	13, 794	14, 003	13, 605	12, 791	−1, 003	−7.3	−814	−6.0	−2, 077	−15.1	−2, 767	−19.8	−1, 978	−14.5
Pope	13, 544	12, 862	11, 914	11, 107	−2, 437	−18	−807	−6.8	−2, 278	−16.8	−2, 555	−19.9	−1, 277	−10.7
Redwood	22, 290	22, 127	21, 718	20, 024	−2, 266	−10.2	−1, 694	−7.8	−3, 686	−16.5	−4, 177	−18.9	−3, 772	−17.4
Renville	24, 625	23, 954	23, 249	21, 139	−3, 486	−14.2	−2, 110	−9.1	−4, 161	−16.9	−4, 430	−18.5	−3, 799	−16.3
Rock	10, 933	11, 278	11, 864	11, 346	+413	+3.8	−518	−4.4	−1, 386	−12.7	−1, 495	−13.3	−1, 654	−13.9
Swift	15, 469	15, 837	14. 936	13, 177	−2, 293	−14.8	−1, 759	−8.0	−2, 022	−13.1	−3, 299	−20.8	−2, 800	−18.7
Watonwan	13, 902	13, 881	14, 460	13, 298	−604	−4.3	−1, 162	−8.0	−1, 679	−12.1	−1, 553	−11.2	−2, 185	−15.1
Yellow Medicine	16, 917	16, 279	15, 523	14, 418	−2, 499	−14.8	−1, 105	−7.1	−2, 771	−16.4	−3, 020	−18.6	−2, 013	−12.9

CHAPTER 3—ONLY TWO OF 18 COUNTIES GREW IN 1960'S

In the 30 years from 1940 to 1970, southwest Minnesota saw vivid evidence of a mass out migration of people rivaling in numbers the influx into the area in the earliest years of settlement.

It hasn't been quite as spectacular but its effects are easily seen in vacant farmsteads and decaying and vacant houses in small towns of the region.

Gerald Heil in his "Southwest Minnesota Population Study" has traced the movements of the people and set down the pattern they have followed. During the three decades, Minnesota grew by 36.3 per cent and the United States by 53.7 per cent.

Southwest Minnesota grew from 1940 to 1950 but then started a decline which has become precipitous in the last few years. For the 30 years, the loss of population in the 18 counties has totaled 20,871 persons, a drop of 6.6 per cent. Virtually all of the decline, 96.5 per cent of it, came in the last 10 years.

Only four counties showed growth for the 30 years. They were Kandiyohi, rising by 15.2 per cent; Lyon, up by 12.5 per cent; Nobles, up by 9.4 per cent; and Rock, up by 3.8 per cent.

By contrast, Lac Qui Parle topped the list of decliners by losing 28 per cent of its people. Lincoln lost 24.6 per cent. On the other end Martin lost only 1.4 per cent.

But in the decade from 1960 to 1970, only two counties, Kandiyohi and Lyon showed growth—and that was small. Kandiyohi gained 561 persons for a 1.9 per cent gain while Lyon grew 1,618 for a 7.1 per cent increase. (Most, if not all, of the latter was due to the opening of Southwest State College in Marshall.)

The rates of decrease are picking up. Losses in the last 10 years ranged from .7 in Nobles to 16.2 per cent in Lac Qui Parle. Other heavy losses were Lincoln, down 15.6; Murray, down 15.2; and Swift, down 11.8. These four alone accounted for 38 per cent of the region's decline in the last decade. In numbers, Martin county's loss of 2,670 was the greatest. Murray lost 2,235 people, Lac Qui Parle lost 2,166 and Renville lost 2,110 to lead the list.

For all of the southwestern counties except the two that grew, the 1960 to 1970 decade showed greater rates of loss than the previous 10 years, and in the two counties that gained, rates of increase were down sharply.

The pattern of the migration, Heil says, is from the farms and small towns to the larger towns of the region and from there to other parts of the state, and finally to other parts of the nation.

Nationally, farm and small town population dropped from 43.5 per cent of the population in 1940 to 26.5 per cent in 1970, a loss of about one out of every 16 persons. Two out of five Americans lived in rural areas in 1940 while one out of four was the count in 1970.

In Minnesota, 50.2 per cent lived in rural areas in 1940 while only 35.6 per cent lived there in 1970. In southwest Minnesota, 81.4 per cent of the total population lived in rural areas in 1940 while this had dropped to 69.7 per cent in 1970, a drop of 51,729 persons, or 20.1 per cent.

At the same time, urban growth (areas of more than 2,500 population) was on the rise. It doubled nationally in the 30 years. In Minnesota it rose 81.8 per cent. In southwest Minnesota it grew 52.5 per cent. The rate of urban growth in southwest Minnesota was 50 per cent of the United States rate and 64 per cent of the Minnesota rate. This indicates that most people are moving directly from rural to urban areas with most of them moving outside of southwest Minnesota.

The small towns also showed growth across the region but many individual communities declined. The rural population, calculated at 55.1 per cent in southwest Minnesota in 1940, dropped 72,130 to a total of 102,246 persons or 34.6 per cent of the total population by 1970. The small town population, figured at 83,772 or 26.3 per cent in 1940, rose to 103,874 or 35.1 per cent in 1970, an increase of 20,101.

The urban population grew from 58,830 or 18.6 per cent in 1940 to 89,688 or 30.3 per cent in 1970, a growth of 30,858 people.

In percentages, the rural segment of southwest Minnesota dropped 41.4 per cent in the 30 years, the small towns grew 24.4 per cent, and the urban proportion grew 52.5 per cent. But, the decade of 1960 to 1970 saw significant changes taking place in this pattern. During those 10 years the rural decline intensified with a 21.6 per cent drop, the urban rose 13.4 per cent and for the first time the small towns dropped 2.5 per cent. This trend in small towns is directly opposite to statewide trends.

In population density, Minnesota has climbed from 34.9 persons per square mile in 1940 to 47.6 in 1970 but southwest Minnesota has dropped from 25.7 to 24, a decline of 6.6 per cent. This will be reflected in taxes in the future, for areas of low population density tend to have higher per capita expenditures for road and transportation costs. Heil calls this, "just one more example of the ramifications population loss has beyond mere numerical change."

Southwest Minnesota had 157 incorporated communities as of 1970 ranging from 12,869 at Willmar down to 37 at Kinbrae. The median is Granada with 381 persons.

Since 1940, the study shows 74 towns growing while 80 were declining. Fifty-one communities grew by up to 25 per cent, 16 grew from 26 to 50 per cent, four from 51 to 75 per cent and two from 76 to 100 per cent. The growth rates changed from .4 at Hardwick and Walnut Grove to 115.4 per cent at Marshall.

Of the 80 declining, 54 lost by up to 25 per cent, 22 by from 26 to 50 per cent, four from 51 to 75 per cent. Actually the biggest decline was at Kinbrae with 65.4 per cent of the population leaving.

Again, the decade of 1960 to 1970 saw intensifying changes. During those years, 49 communities grew while 107 declined and one stayed the same. Of those that grew, 38 increased up to 10 per cent, seven increased between 11 to 20 per cent, three increased between 21 to 30 per cent and one increased from 41 to 50 per cent. That was Marshall, spurred by the college development to a reading of 48 per cent growth.

Of the 107 decliners, 60 lost by up to 10 per cent, 35 from 11 to 20 per cent, seven from 21 to 30 per cent, four from 31 to 40 per cent and one by more than 50 per cent. That was St. Leo in Yellow Medicine county which lost 62.8 per cent in just 10 years.

In 1970, there were 119 communities, or 75.8 per cent of the total, with fewer than 1,000 persons. Ninety, or 57.3 per cent, had fewer than 500. Only 16, or 10.2 per cent, had more than 2,500 to qualify them as urban areas. Ninety villages, or 33.1 per cent, had between 200 and 500 persons. In 1970, 32.9 per cent of the entire region's population lived in the six largest towns.

Heil summed up by saying that the smaller communities in southwest Minnesota tended to decline more often than did the larger ones. Of all the decliners, 93.8 per cent were below 1,000 persons. Those under 200 decreased in four out of five cases, those between 200 and 500 in about seven out of 10 instances, and those between 500 and 1,000 declined in about one out of three cases. Only five of the communities of more than 1,000 persons declined while none of the cities of more than 5,000 declined in the 30 years.

But, only 28 communities in the region showed appreciable growth in the last 10 years of the survey period while 129 others either declined or were stable.

Heil says, "The data seems to indicate that most of the incorporated places of less than 2,500 persons will either remain the same or decline. Population growth will most likely occur in the places with greater than 2,500 persons which means the majority of the communities in southwest Minnesota can expect to continue to decline in population."

CHAPTER 4—A LOSS OF 7,552 FARMS IN 15 YEARS

Southwest Minnesota's problems of excessive property and mass out migration of productive people start with the perplexing "farm problem."

Gerald Heil's "Southwest Minnesota Population Study" puts it this way, "The problem of poverty (and resulting migration) in southwest Minnesota is predominantly an agricultural and small town one."

The loss of farms has been a national trend between 1939 and 1964, the period examined by Heil's studies on agriculture. During those years, Minnesota's farms dropped from 197,351 to 131,163, a decline of 33.5 per cent. In southwest Minnesota, the number also dropped, but at a slower rate. This is the only category in Heil's study of poverty and out migration where the trend favored southwest Minnesota as compared with the rest of the state.

And under closer examination, this too may be an illusion for the fact more persons remain on the farms in the southwest than elsewhere is one reason for the high incidence of poverty found here. The fact is, farms are no place to be if one wants to avoid poverty unless he happens to have the resources to cope with the economics of modern American agriculture.

In 1939, southwest Minnesota had 37,016 farms. This grew slightly to 37,179 by 1949 but then started declining and stood at 29,464 in 1964. The loss for the period was 7,552 farms or 20.4 per cent.

In 1939, the southwest had 18.8 per cent of the state's farms. In 1964 it had 22.5 per cent. The ratio of loss statewide was about one in three while in southwest Minnesota it was one out of five, but the rate of loss is accelerating.

From 1959 to 1964, about one fifth of the survey time, the southwest farm loss was 48.5 per cent of the total for the whole survey period while the state's loss was steady throughout the period. In other words, southwest lagged behind the state early in the period but caught up and passed it late in the 25 years. The rate of loss, however, was lowest in the four southwestern-most counties of Rock, Nobles, Pipestone and Murray.

Since farm land is not destroyed unless utilized for other purposes, the cut in farm numbers produced a corresponding increase in farm size. The state average went from 165.2 acres in 1939 to 234.9 in 1964 while southwest went from 206.6 acres in 1939 to 256.1 acres in 1964.

In 1939, all southwest counties had farm sizes above the state average. By 1964 Kandiyohi, Watonwan and Martin had dropped below as the farms ranged from an average of 220.9 in Watonwan to 302.1 in Swift.

Between 1940 and 1960, total employment in agriculture in the United States dropped despite a rising trend in total number of people holding jobs in all categories. Minnesota's agricultural employment dropped from 282,000 in 1940 to 177,000 in 1960. In percentages of the total work force, agriculture in Minnesota went from 30.3 per cent in 1940 to 14.4 per cent in 1960. Nationally, the drop was 18.5 per cent to 6.6 per cent.

In the southwest there were 59,810 persons working in agriculture in 1940, but only 41,876 in 1960, a drop of 17,934 persons of 29.9 per cent. Again, the trend is accelerating with 72.9 per cent of the 20-year drop coming in the last 10 years. About four out of 10 persons employed in southwest Minnesota were engaged in agriculture in 1960.

Kandiyohi had the lowest per cent of persons employed in agriculture in 1960, a percentage of 29. Lincoln with 56.1 per cent was the highest. Nobles had 32.2, Murray had 49.8, Pipestone had 32.4, Rock had 40.9, Jackson had 44.4 and Cottonwood had 39.6 per cent.

Heil said trends indicate the need for agricultural workers will continue to decline during the next 10 or 15 years, perhaps as much as 45 per cent. If this estimate is correct, the 18-county survey area will have only 23,032 persons engaged in agriculture by 1985.

If he's right, poverty will no longer be primarily an agriculural problem in the region.

CHAPTER 5—POPULATION IS "TOP HEAVY" WITH OLDER CITIZENS

There is no one who is getting younger as the years go by but in southwest Minnesota there seems to be more than a fair share of people getting a lot older.

This impression is borne out by the facts of the situation. The region is getting more than its share of older people.

This is pointed up by Gerald Heil's "Southwest Minnesota Population Study." In 1950, in the 18 southwest counties covered by the study, 9.1 per cent of the population was over 65 years of age. By 1970, this had grown to 14.8 per cent and the rate of increase was accelerating.

Not only had the proportion of elderly increased, the actual number had grown as well. It went from 28,848 in 1950 to 42,792 in 1970, a jump of 14,008 or a 48.7 per cent increase. This age group was the only one actually to increase in numbers during the 20 years.

The numerical increase represents the natural growth one would expect but the proportionate increase represents a more serious problem: years of out-migration of younger citizens with the resulting distortion of the population make-up.

The group of persons under 14 went from 30.2 per cent of the southwest population in 1950 to 29 per cent in 1970. It peaked midway in the 20-year period at 33.4 per cent, which means the drop in the last 10 years was at a rate of 18.4 per cent, reflecting the drastic changes in birth rates.

The group from 15 to 34 years went from 27.3 per cent of the population in 1950 to 23. 6 per cent in 1970, reflecting an out-migration of this vital and producing segment of the population. The 17.7 per cent loss rate was the highest for any age group and was accelerating at the close of the period because of the disappearance of the last effects of the baby boom of the immediate post World War II years.

The 35 to 64 age group went from 33.4 per cent of the population in 1950 to 32.6 per cent in 1970, a drop of 9.5 per cent and again the greatest decline was in the last 10 years.

Minnesota's figures generally follow the same pattern, but to a much less degree. The over 65 group increased from 9.3 per cent to 13.2 per cent, an increase rate of 41.9 per cent compared with the rate of 62.6 per cent in the southwest.

Statewide, the zero to 14 went from 29.9 per cent to 30.1 per cent; the 15 to 34 group went from 27.2 per cent to 25.8 per cent; and the 35 to 64 group went from 33.6 per cent to 30.9 per cent. Minnesota also has its problems of out-migration to other parts of the nation.

In 1970, 7.8 per cent of the state's entire population lived in the southwest but 10.5 per cent of its senior citizens lived here, or one out of every 10.

For other age groups, variations from the 7.8 per cent which would be expected with an equal population per cent which would be expected with an equal population distribution were noted. The area had 7.5 per cent of the state's zero to 14 age children; only 6.3 per cent of the state's 15 to 34 age people; and 8.5 per cent of the state's 35 to 64 age people.

In 1950, the southwest had 42.5 per cent of its population over 35 but this had grown to 47.4 per cent in 1970. This increase in proportion of older persons is occurring at four times the state rate.

The natural outgrowth of these changes will be fewer births in years to come and a declining birth rate. These factors, in turn, will cause further alterations in the age structure.

Net out-migration will also continue to function to accelerate this trend with a net result of fewer and fewer children and young adults, both proportionately and numerically, and more and more older and aged adults.

This will be reflected in changing demands for social services and in sharply increasing costs of providing them because of the decreasing number of persons who will be in the productive and taxpaying years of life.

CHAPTER 6—AREA'S DEATH RATE EXCEEDS BIRTH RATE

Population growth in the United States is slowing down, but it has long since stopped in southwest Minnesota and is now sliding downhill at an increasing pace.

The national fertility rate during the 1950's was 3.35 per woman. By the 1960's this had dropped to 2.78 and stands now at 2.45. Zero growth rate is 2.11 without taking into consideration immigration which currently accounts for about 20 per cent of the United States population increase.

The national trend is for increasing concentration of people into smaller and smaller areas. In 1970, about one in four persons lived in the 10 largest areas. By 2,000 A.D. 70 per cent of the people are expected to live in the 12 largest centers.

But all that is of little concern to southwest Minnesota which is expected to continue losing its people. While Minnesota is expected to grow by 14.7 per cent by 1985, an increase of 561,149 from the present time, southwest Minnesota is expected to decline 6.9 per cent, a loss of 20,364 persons. While about one out of 13 persons now lives in the southwest, the figure will be one out of 16 by 1985.

Only three of the 18 southwest counties are expected to grow during the period. They are Kandiyohi, Lyon and Nobles which together are expected to increase 2,783 persons to a total population of 80,812, an increase of 3.6 per cent.

Birth rates in the southwest rose from 20.5 per 1,000 persons in 1950 to 25.9 per 1,000 in 1960 and then dropped sharply to 14.2 in 1969. Watonwan was the only county of the 18 to increase its birth rate during this time.

Death rates are shooting upward. Minnesota's rate per 1,000 persons was 9.4 in 1940 and dropped to 8.9 in 1969. The southwest rate has gone up from 8.3 in 1940 to 10.5 in 1969. In 1969, only Rock, Nobles and Lyon had death rates below the state average. The 18-county range was from 8.2 per 1,000 in Rock to 13.6 in Lincoln.

In terms of natural population changes, defined as comparing births and deaths without taking into consideration migration, three counties had losses and five others were nearing that mark in 1969. Lac Qui Parle, Lincoln and Pope had more deaths than births in 1969. Those on the border were Chippewa, Cottonwood, Renville, Watonwan and Yellow Medicine. Only Lyon, Murray and Nobles had rates near the state average.

It is expected that several will fall below the mark in the next decade since the out-migration of people of child bearing age will accelerate the trend which already sees southwest Minnesota's birth rate dropping at three times the state rate.

All this will have exceedingly serious repercussions, some of which are touched on by Gerald Heil in his book "Southwest Minnesota Population Study." He says the trends point to continued population decline which will be increasingly rapid. The total number of people will drop and the drop will be most intense among the younger age groups, particularly those in their 20's and 30's.

The number of farms will continue to decline and more and more people will be living in the more populous counties containing the major urban centers.

The people of the region will be much older. Already, there are twice as many senior citizens as there are children under 14.

The region is becoming an area populated chiefly by older and aged adults and the trends of birth rates and migration indicate the situation will be even more out of balance in the future.

Per capita costs of maintaining services at even present levels will increase while the tax base will continue to shrink since there will be fewer persons to pay taxes. The result will be a greater need for the expensive social services needed by the elderly and less ability to provide them.

Heil says, "Future planning for services of any kind, whether they be educational, medical or municipal, must take into consideration these trends. There will be fewer children in need of educational facilities while at the same time a numerically larger senior citizens population will require more services.

"These demands for services will come while the population is changing its composition and continually growing older. Indeed these trends might very well determine the nature of future planning in the area."

CRISIS IN THE CORNBELT

A citizens' conference to consider the problems of out-migration, declining population, and rural economic development.

Cosponsored by: Southwest Minnesota Area Vocational Technical School; Pipestone Area Vocational Technical School; Northwest Iowa Vocational Technical School; Worthington State Junior College; and Area Chambers of Commerce.

Held on January 18, 1972 at Worthington State Junior College, Worthington, Minn.

8:30 Registration—Worthington State Junior College Gymnasium.

9:00–11:45 a.m.—Open Forum—Worthington State Junior College Gym, Presentations by a panel of area citizens.

A. Agriculture—Norman Larson, Bigelow.

B. Transportation—Walter Franz, Mountain Lake.

C. Industrial Development—Robert Soleta, Windom and Don Hall, Sibley.

D. Continuing Education—A. F. Gertjejansen, Fulda.

E. Quality of Life—Physical Services, Maurice TePaske, Sioux Center.

F. Quality of Life—Human Services, Lawrence Gavin, Wilmont.

12:00–1:15—Luncheon with address by Governor Anderson.

1:30–3:30—Group Discussions.

A. Agriculture—Room 214–216.

B. Transportation—Room 115.

C. Industrial Development—Room 114–116.

D. Continuing Education—Room 215.

E. Quality of Life—Physical Services, Auditorium.

F. Quality of Life—Human Services, Fine Arts Room 100.

3:45–5:30—Group Reports, Gym.

6:00–7:00—Social Hour, Worthington Country Club.

7:00–8:00—Dinner with address by Senator Mondale.

8:00—Rural Development Corporation: An open meeting to form an on-going action group to promote the growth of the area.

AGRICULTURE

(By Norman Larson)

Farming in the United States plays a vital part in the economic growth of our country. It is the largest industry in this country of ours. In fact it is 2/3 as large as all of the rest of the industries put together. It is a sick industry at the present time. It is time some positive thinking be done, because the future of the United States (the kind of an America we, our children, and our grandchildren will live in) hinges on the decisions that are made now. The following is a quote from the Detroit Lakes, Minn. newspaper: "The farmer is still getting less than 1950 prices for his products and has to pay three times as much or more for machinery and other items now as he did then. Is it any wonder machinery sales have gone down? There are plans in Washington to make it possible for farmers to get more credit to buy these things. But what the farmer really needs is not more credit and more debts but just a little fairer income. Wonder why no one thinks of that solution."

Representatives of three farm organizations of Southwest Minnesota and Northwest Iowa (FB, FU, NFO) have held a series of meetings and have agreed upon the following proposals to present to the Senate Sub Committee on Rural Development and all other government officials present at the "Crisis in the Cornbelt" meeting:

No. 1. The Government Crop Reporting Service should be stopped. It has not been a benefit to the farmer. In fact most of the time it has been price-depressing. In July, the USDA came out with the report that there was going to be the largest corn crop ever on record. Inside of 2 months corn prices went down about 35 to 45¢ a bushel, or about 30%. This was before the new corn crop was even mature or harvested. Furthermore the USDA and all other government officials should stop saying we have a surplus. Just that word in itself is price-depressing. Some of our agricultural experts say that a farmer feeds himself and 47 other people. For easy figuring let's say that he feeds himself and fifty other people. There are almost 3 million farmers in the United States. Fifty people times 3 million farmers equals 150 million people. Who is feeding the other 50 million people? How can we have a surplus when we have hungry people in the United States? It should be called an inventory and not a surplus. This inventory is a small one and insufficient to feed our nation in case of a national disaster.

No. 2. No person, group, corporation, or organization in business other than farming should be able to use the losses in a farming operation to give them a tax advantage. For example, one conglomerate which is involved in the food industry from the planting to the retailing had an income of $464 million and a taxable income of $88.7 million. Yet, due to federal tax breaks this conglomerate not only paid no taxes on that income, but had a tax credit of $13.3 million. This is Unfair Tax Advantage!

No. 3. In 1934 Congress passed The Trade Agreement Act. Under this act, the president is authorized to enter into trade agreements in which the United States reduces or agrees not to increase existing duties applying to its imports in exchange for similar concessions by other countries on products exports to the United States. Any negotiations dealing wth agricultural production should have producing farmers sitting in on these negotiations. After all the farmers are directly involved in the outcome of these agreements. The United States is the largest exporter of farm products in the world. The world market should be a market instead of a dumping place.

No. 4. The prices of corn are based on 15½% moisture and soybeans at 13% moisture. Farmers are docked for grain above these moisture tests. So to be fair, farmers should be given a premium for tests below these standards. A law should be passed to put this into effect. Standards should be revised for both local and foreign markets.

No. 5. The reports that many farmers and farm organizations receive are that the quality of the grain seems to deteriorate from the time it leaves the farm until it is loaded on the ships to go to our foreign customers. For an example, a buyer from Japan was in the State of Iowa to negotiate a contract for some grain from one of our farm organizations. After they had completed a contract on soybeans they asked him if he didn't want to contract some corn, too. Then he said, "We can't buy good quality corn from the United States. We buy our corn from Africa." They asked him if he would go out on a farm and look at some corn. He agreed to this so they took him out on a nearby farm. This farmer opened up one of his bins of corn for this buyer to look at. The Japanese buyer crawled in the bin of corn and put his hands in the corn. He did this several times and then said, "Where did you get corn like this. I have never seen such nice corn." The farmer told him that he had raised it. The buyer then said, "Impossible, we can't buy corn like this from the United States."

If the standards are so low that the practice of putting foreign material in grain is legal, then the law should be changed.

The Bitterness of Poor Quality Lingers Long After the Sweetness of a Cheap Price is Forgotten. The Selling of Quality Leads to the Selling of Quantity.

No. 6. How can we rid ourselves of car exhaust pollution and help ourselves at the same time? This can be done by blending grain alcohol and gasoline together. What would this blending program do? It would conserve on unrenewable national resources of petroleum, in addition to reducing air pollution. The conversion of grain to alcohol to blend with gasoline will accomplish the following tremendous benefits: 1. It will increase farm income by about $5 billion per year. 2. do away with all government controls, restrictions, soil bank and Washington subsidies. 3. restore the farmer to complete freedom of enterprise. 4. require maximum production from every farmer. 5. create two markets, food and fuel, for the farmer. 6. lift government inventory of grain and relieve taxpayers of billions of dollars on farm programs. 7. return farmers and farm laborers back to the farms. 8. revise the national economy and avoid a threatened depression.

This could be the greatest program that ever came to this country. With its ability to cut pollution and at the same time help the national economy by putting billions of new wealth in our monetary system.

No. 7. The USDA should explain to the public its expenditures in detail. Such as how much is spent on the school lunch programs, federal meat inspection, forest service, and many other programs that come from the USDA. Misleading information is given to the public about what the farmers receive. This would help the general public to realize that the farmers don't receive the lion's share of the department's expenditures, and also, that the USDA spends millions to benefit the consumer.

No. 8. The Secretary of Agriculture should be producer-oriented. Agriculture is the largest industry in the United States and the prices it receives for its production is the basis of the U.S. economy. Therefore, he should represent the producing farmer.

No. 9. The quality standards of food imports should be the same as the American farmers have to produce by. We believe in good quality food, so food imports produced by lower standards should not be allowed to come into this country, to compete against American production.

No. 10. The 3 farm organizations represent a proud independent group of people who are asking for a pricing structure that will grant a cost of production plus a fair profit. We do not believe that the production of food should be reduced to a public utility while federal welfare programs tend to reduce farm families to welfare recipients.

No. 11. On the subject of transportation, agriculture and public interest require continuation of service. Therefore we suggest an 80 day cooling-off period, at which time there would be required bargaining to try and avoid a strike.

No. 12. Youth are the most important resource that agriculture has. With the age of the average farmer at about 58 years of age, agriculture is approaching a dangerous point in its history. It is losing its replacements. The pricing structure is such that it is almost impossible for youth to get started in farming. The marketing structure has to be changed so farming will become attractive to our youth.

Also we suggest that farm co-ops and county farm organizations give young people the opportunity to be active in programs and business in order to take advantage of their ability and enthusiasm.

No. 13. A requirement that G.I. farm trainees spend a minimum of 12 hours a week in the classroom tends to prevent thousands of veterans from using the G.I. educational eligibility for farm training. It is almost impossible for a young farmer to spend that much time in a classroom and also take care of a farming operation. It would be more realistic if it were about 6 hours of classroom work a week. This would be more in line with the classroom requirements and provisions of the post Korean G.I. training program.

TRANSPORTATION

(By Walter Franz)

Someone has suggested that if one stands long enough in Times Square in New York City, sooner or later, just about everyone in the world will pass by.

Times Square is one of the crossroads of the world. People congregate there, and around them can be found just about every imaginable type of merchandise and service. Transportation, to the New Yorker, is pretty much an abstract concern for he needs only go a few blocks to find anything he wants.

Not so in the rural areas of the nation. Take southwestern Minnesota and northwestern Iowa, for example. People living here are 180 miles from the Twin Cities and 250 miles from Des Moines. All that is present around them is the abundance of farm production. Everything else needed must be transported to them, and it probably costs a little more as a result.

A person can stand on some of the street corners in this region and see very little traffic at all and much of what he does see will be heading away toward the Times Squares of the nation.

So transportation is no longer an abstract. It is a reality on which our very lives depend. If we can improve our transportation, we can improve our economic position, and if we can improve that we can sustain our population and stop exporting people to the cities where they contribute to the urban crisis.

There's a lot of room for improvement. While the post office is bragging about 24-hour mail delivery between New York and San Francisco, we're living with 48-hour mail service between Orange City and Sanborn.

Out where we live, where distances are great and the need for high speed highways is imperative in order to cut travel time, we have to content ourselves with the worst two-lane cowpaths Iowa and Minnesota have to offer. Small wonder we find ourselves crying with frustration when we read of urban people fighting highway construction when we so desperately need good roads out here.

Airline fare between the Twin Cities and New York is $78 and passengers ride the big jets, eating steaks and sampling the wines. Out here, where we are three hours from the Twin Cities and four hours from Des Moines by road, the only airline service we have is that provided by North Central's propjets. And it costs us $24 to fly to Minneapolis while being treated to powdered coffee. Not only that, but we live under constant threat of cancellation of service because the airline says it can't make money serving us.

Out here, our commerce is agriculturally based. As such, we deal in bulk cargoes of corn, soybeans, cattle and hogs, ideal products for rail transportation. But our railroads can't wait to abandon service, claiming they can't make a profit serving us.

Every time this happens, it throws that much more of a load onto the trucks, but in Minnesota, 45 per cent of the towns are serviced by roads on which load restrictions are placed in the spring. Fortunately for them, Iowa's small towns don't have this problem because Iowa does not restrict roads. But in Minneapolis, 45 per cent of the state's communities are in effect economically isolated for extended periods of time each year.

If transportation is defined as the business of moving goods and people, it stands to reason that it becomes all the more important with each additional mile of distance involved. For those people living in the rural areas of southwestern Minnesota and Northwestern Iowa, transportation is one of the most vital problems to be solved by those concerned with economic growth.

Let's consider the problem from its component parts. Let's start with highways for they are the backbone of commerce. What does the region need in the way of highways?

To begin with, it must have no less than a useable road to every single municipality. That's not too much to expect. Iowa has it already. Minnesota needs it too. This means an all year round, non-restricted road over which trucks can move.

Iowa achieved this, not by building better roads, but simply by removing restrictions. It may in the long run find the decision costly, but in the meantime its people are being served.

Minnesota must either do the same or move immediately to upgrade carrying capacity of roads serving those 45 per cent of isolated towns. There are too many of them to list individually, but just the isolated Nobles county towns may provide some sort of idea as to the extent of the problem. In Nobles county, Leota, Lismore, St. Kilian, Rushmore, Dundee and Kinbrae all are on restricted roads. They cannot stand much more delay in solving the problem.

Beyond this, there are certain major highways that are more than mere roads. They are economic development arteries.

They serve communities in which major industrial growth is taking place and are, in fact, in large measure responsible for that growth. Foremost, of course, is Interstate 90 across the southern edge of Minnesota. It serves the entire region on both sides of the border. After a slow start, it is getting more emphasis now and is scheduled for completion in 1976.

But other roads of equal importance are not. They are Highway 60 cutting diagonally across the region and providing its main link to the port of Duluth, the Twin Cities, Sioux City, Omaha and the southwest; Highway 71, the north-south federal link from Canada to the Gulf; and highway 18, the east-west regional carrier in northwest Iowa.

All three of these—Highway 60, Highway 71 and Highway 18—have been designated four-lane expressways by the highway departments of both Iowa and Minnesota, but all are languishing because of lack of money.

New industrial growth that has taken place has been predicated largely on the premise that someday these roads are to be upgraded. Chese Bag at Sibley, Allied Mills and Boise Cascade at Worthington, Tony Towns at St. James, Univac at Jackson, McQuay, Inc. at Spirit Lake—these are just a few new industries that have recently moved to the country and are served by these three roads. How many more would there be if road building promises were road building realities?

If this region is to grow, it must be given the tools with which to work. Highways are one of the major ones.

If government is serious about reversing rural migration, then let government get serious about building economic development highways. If this takes diversion of funds now being spent in urban areas where people are fighting road construction, then let the diversion begin. It's one way of making everyone happy.

Harry Heltzer, chairman of the International Road Federation and a 3-M executive from Minnesota, says, "As you talk to people who work in rural communities where industry has moved its plants, you discover many of them are farm people who would have had to uproot completely and move into a larger city if industry had not come to them. If we are people oriented as well as construction oriented, we'll serve best by doing what we know best—building arteries of the nation. We have an obligation to fulfill, both to city dwellers pressured by too many neighbors and the young men and women who prefer to remain in smaller communities if it will offer them the opportunity to develop themselves."

Or listen to Secretary of Transportation John Volpe who described the economic growth centers program of the federal aid highway act of 1970 as "designed to show that areas with a potential for economic growth can be substantially aided by highway improvements."

Mr. Secretary, we don't need more test programs to prove the point. We need broad federal aid state commitment to get on with the job we all know needs doing.

Now, let's talk about railroads. It never seemed to me that one could move goods cheaper by investing in a $25,000 truck, fueling it with diesel carrying a tax of seven and one-quarter cents a gallon, hiring a $5 per hour driver, and running it on $200 tires than one can do by rail.

The fact that this is so is an indictment of someone and proof positive that something is wrong somewhere in the system.

Railroads say they can't compete despite the fact that one "driver" can operate locomotive controls to transport as much as 100 truckloads, and that one diesel engine can move weight a dozen times more efficiently than can 100 separate truck motors.

The railroad's solution has been to consolidate depots, abandon branch lines and withdraw service. It's happening throughout our region on both sides of the state line with distressing and increasing frequency. It doesn't make sense.

Just last month, the Minnesota Public Service Commission approved consolidations which closed depots at Adrian, Brewster, Heron Lake, Slayton, Mountain Lake, Jeffers and Westbrook.

The railroad claimed it would save $270,000 annually. If this is so, those depot agents were the highest paid people around, for it is obvious the railroad never invested any money in physical equipment for the seven stations.

Ron Anderson, chairman of the commission, said, The estimated annual savings by the railroad could help avoid the possibility of branch line abandonments by reducing the cost of operation on each branch line." He might have added it also reduced the chances of making a profit by making it just that much harder to do business with the line.

Maybe the decision will result in extended life for the branch lines, but railroads do abandon branch lines just as quickly as they can do so. Ask the people at Champion Homes in Slayton who had to battle to get a spur into their new mobile home plant and who even today face the threat of abandonment even though they use the railroad extensively and need it for continued growth.

Take note also of the fact that three of the most recently closed stations were not branch line, but main line stations. At Brewster, the depot is across the road from a major elevator, but the railroad's inability to provide adequate service and its rate structure makes it better business to ship by truck, resulting in just that many more of the big rigs grinding up Highway 60 running parallel with the line.

Minnesota Commissioner of Agriculture John Wefald, in speaking recently about one of the newest abandonment applications by the Northwestern and the Burlington Northern involving 20 communities, said, "These represent a continuation of a curious and extremely damaging policy—to deliberately sever vital economic and social lifelines of rural America." He went on to say the abandonment will deny the communities a balanced and competitive commercial transportation service, increase costs for transportation to farmers and small town businessmen, and unnecessarily shift a heavy freight volume to the public highways adding to the safety and maintenance problems. "We need improved transportation service, not more discontinuance, if rural America is to attract the industrial development it needs for growth," Wefald concluded. We add our fervent "Amen".

Rails, in theory, are the most efficient method of moving bulk cargoes over land. The fact they aren't could well be due to a combination of unfair governmental regulations, archaic work rules and unwillingness by management to really work at the business of running the railroads.

If tariff regulations put rails at an unfair competitive advantage, change them.

If management is siphoning off rail profits to subsidize other activities of conglomerate rail companies, then let us have legislation to force railroads to fulfill their function, for they are in reality quasi-public utilities.

And work rules need to be changed. Right now, the minimum train crew is made up of an engineer, fireman, brakeman and conductor even on branch lines where the number of men in the train crew sometimes exceeds the number of freight cars in the train.

Where rail lines are carrying numerous trains this may be justified, but it is simply ridiculous on branch lines where there is not another single bit of traffic to pose a hazard. Four men doing the work of one is a luxury we can no longer tolerate where branch line profit potential is small. It is time to split the work rules between the branch lines and the main lines since there no longer is any resemblance between them.

Freight rates also work to our disadvantage and need to be adjusted if the outstate areas of Iowa and Minnesota are to compete successfully. We find it necessary to pay too much for the miles that lie between us and our markets, and this factor alone is powerful persuasion for industry to remain in the cities .

We think government has a legitimate interest in seeing to it that outstate areas can compete on an equal basis even if this entails a federal transportation subsidy to equalize competition between plants in rural areas and those in cities.

Much the same is true when it comes to air travel. We already pay for the miles, but under the present system we also pay more per mile for a lower standard of service than do people elsewhere.

It costs us almost as much to fly by North Central or by one of the third level carriers in our region to Des Moines or Minneapolis as it does to fly first class from either city to Chicago.

It is impossible for commerce to exist in any reasonable volume in outstate areas without air travel because the distances are too great and the time lost in travel too high. So again, government has a legitimate reason, if it is serious about equalizing growth and reversing rural migration, to subsidize air travel on commercial carriers to a greater extent than it now does.

One way of doing this and achieving a second goal as well, is to make more extensive use of third level and scheduled carriers for hauling of mail to urban centers. Postal contracts could go a long way toward improving the economic base upon which air service rests and could make a major improvement in postal service too, something that is also of major concern to outstate areas.

In recent years, bus lines have begun cutting back on service in much the same way the rails did a few years back. They are scheduling more express buses bypassing the smaller towns—an action that indicates closing down of small town bus depots is soon to follow to save money.

Express buses sound like a good idea, unless you happen to live in a small town where you can watch the rigs roll by without stopping for you to get on.

The bus companies say maintaining small town depots is unprofitable. This may be, and again there may be an answer to a dual problem in utilizing the buses more for the carrying of mail. Most northwest Iowa and southwestern Minnesota towns have only a single mail dispatch daily, but intelligent use of aircraft and bus departures could boost this to several times a day in many cases. All that is needed to accomplish it is willingness to break from the chains of tradition.

Our leaders these days are increasingly calling for establishment of a stay at home policy equally as effective as the "Go West, Young Man" policy was a hundred years ago. We heartily agree and say flatly that a transportation policy which makes possible the rapid flow of people and goods and which places urban and rural people on somewhat of an equal basis is one major way of accomplishing it.

INDUSTRIAL DEVELOPMENT

(By Wm. Robert Soleta)

"The big picture" of what is happening in the rural areas of South West Minnesota and North West Iowa, is "depopulation and poverty". Americans don't like to be losers, worse yet when the winners become the losers.

"The Winners the remaining farmers of today are the best in the world. Their capabilities have supplied the United States with unlimited food and fiber, plus a surplus for export."

However if you couple excessive productivity with the failure of our government and our international sales force to put these valuable resources into a distribution system to where they are needed you spell disaster for our farmers.

The local result of this overall situation is an ever narrowing margin between the cost of production and the sale price of the farm products put into the market. This narrowing margin causes the farmer to use, to the best of his ability, more productive seed, fertilizer, feed additives, production equipment and better practices. The end result being, the forced displacement of the farmer's own sons, smaller farmers and future farmers. All of this "push" is necessary just to retain his net earnings at a worthwhile level. This struggle has also raised the farmer's age level to 57 years, making farming "an old man's game". This has become true not by desire but by economic pressures.

Who will replace these skilled retiring farmers? They will be replaced partially by greater investment in machines, or technical advancement, but the final replacement must be by new skilled young farmers, diversified individuals, and specialists.

There is something very curious about our rural area, we **EXPORT** raw materials in the form of feed grain, young people, high school graduates, displaced farmers, and the money that our people invest in mutual funds, bonds, shares, most of which leaves the local area. Raw material, people, and money are three necessary ingrediants for economic growth and we ship them out. How stupid can be be? What can we do the change this? We must adopt a policy of processing all our raw material "one step farther" before we ship it out. We must apply technology, management, and salesmanship to these basic commodities of raw material, people and money.

A metropolitan banker recently said, "Show me an ultra-conservative small town banker and I'll show you a man who is killing his community." Is this our problem? Has our money been so hard-earned that we are not willing to risk it here? Don't kid yourself, someone else is taking our money and risking it somewhere else—processing our raw materials and employing our displaced people. Is it also the lack of "leadership" in our educational systems that is causing our good people to be up-rooted and used in someone else's industry? Our people already have a background training and understanding that is available for this one step further processing of our raw materials.

Three forms of industrialization must take place in the rural areas to raise our economic level, they are: 1. The production of food; 2. Processing of food; 3. The manufacture and assembly of products for local and national resale.

Just as we have industrial manufacturing parks being built in each progressive city in our area, why can't we create agricultural industrial parks where these additional skills of technology, money and people, management, and the use of raw materials can be developed into new gross national products. We should draw together our risk capital that someone is using and build the confinement feeding systems for cattle, hogs, and poultry that need PCA requirements and couple them with the high school and adult agricultural-vocational school programs, so that the father of a farm boy or individual doesn't have to take such extreme risks before he is trained in the processing of raw materials—"the one step further"—before letting them leave the area.

These Agricultural Industrial Parks are not intended to be competitors to our free enterprise farmer, but the training ground for the expanded specialized use of raw material, people and money.

The manufacturing Industrial Park of each developing city should always have a vacant speculation building for the relocation or expansion of an industry as long as it is determined there is an available supply of labor. Just as we provide a home for people, we should also provide a home for new industry. They can not wait six months for a maybe. When we lose our available supply of labor we also lose the need for money and raw material for further growth.

There is one gross inequity in our system of taxation that adds to the narrowing margin in farming. That is the taxing of real estate to support social services such as health, education and welfare. A farmer must use large quantities of real estate to make a living. Therefore he pays from five to twelve times more to educate his children than does his fellow citizen in the same income category. The only difference is their method of employment.

Our educational leaders preach that a good education gives a better job throughout life, yet they continue to promote the use of real estate tax—"an unrelated source of taxation"—to support education. They may some day be one of the unemployed, disabled or retired that can no longer afford to keep their real estate because of this unrealistic tax system burden.

If we believe in education, free enterprise and the capitalistic system, then let us use the profits of the system to pay the expenses of its operation. Any banker, accountant, manufacturer, farmer, businessman, or laborer can tell you profits are the only way you can pay the expense of any operation including education. If we remove the unjust tax burden from the farmer, improve our processing ability, expand our use of money, improve our technology and yet are not able to sell our farm products locally or abroad at a profit we will still have a sick economy.

I liken our farmers as to rain drops in a cloud, each drop does not create much water, but put them all together and you have a cloudburst that fills the streams of distribution to flood stage. Too much food and fiber, like too much water is a waste unless properly controlled.

If we can't sell or barter the foods in our streams of distribution, then we must control the source at its origin—at the same time properly compensating those who must produce it. If we do not—the source shall surely fail.

It has been said "cheap food" is a "political policy" of the U.S.A. If this is true, then those who preach the policy of cheap food shall also fail. Slavery of our farmers shall also fail to produce a world wide supply of food for all.

My fellow citizens, politicians, educators, farmers, industrialists, and business people, we must gather together *now* to solve these problems or we will become part of this national failure. On Dec. 30, 1971 C.B.S. TV Report, the one glaring statement that stood out above all others was—the U.S. economic strength is the strongest of all forces in the shaping and controling of world peace. After I returned from eight years of service in the U.S. Air Force in World War Two and during the Korean conflict, I met Senator Humphrey at the Windom high school and asked him at that time, why is it with all the smart people in Washington, can't they see that our surplus food is the greatest weapon we have for world peace. I am sure Senator Humphrey was a supporter of the food for peace program. Let us all carry on this program by employing our greatest assets "the American farmer" and his creative ability in producing this weapon of peace.

As Dad hollered up the farmhouse stairway at 5:30 Monday morning, "Everybody up, the day after tomorrow is the middle of the week and you ain't got a damn thing done yet."

Continuing Education

(By Mr. A. F. Gertjejansen)

The Storden Times recently carried an editorial with the caption "A Ghost Town is Still a Ghost Town, even with sewers and running water." It goes on about farms getting larger, run by less people and about less and less business places in our small towns.

The booklet you received at the entrance tells a sad story of what is happening in this area of Southwest Minnesota and Northwest Iowa. And, it forecasts a very grim future for our economy and well being, unless we can do something to change it.

We came together today to discuss our mutual problems and to try to find answers if we can, to these two questions:

1. How can we provide the opportunities necessary to keep people from leaving the area?

2. How do we go about improving the quality of life so that one out of every four families need not live in poverty?

At the turn of the century this was a booming area. The land was opening up, the towns were flourishing. We grew even through the great depression. Up to about 1960 we were pretty well holding our own. Today it's a different story.

In its heyday my home town boasted three hardware, five blacksmith shops, three restaurants, a millinery store, theatre, banks, and, mind you, five saloons.

Today it's down to a handful of businessmen. Main street has more than its share of vacant buildings, and about half of its homes house retired people. The young people have gone and vacant farms dot the countryside. With the exception of a few of our larger towns, this is true of the whole area.

How in the world could we go from boom to almost bust in 70 short years?

From my own experience I can tell you about one contributing factor.

My grandfather brought his family from Germany to this area of "Cornbelt" in 1895. He came because he wanted a better opportunity for his family than he had in Germany. My father who only managed a 4th grade education told me, "I'm going to see that you get a better education so you can have a better life." And he did. I went to school and learned a trade and went into the electrical business.

I told my children—"Go to college—get a good education so you can get a good job." And they did. And—they no longer live in the Cornbelt. This is the story of most families.

From our grandfathers down to us we wanted more and better things for our children. In this we were highly successful. They work shorter hours for more money and have more of the comforts of life than we ever thought possible.

We have encouraged higher education to the point where they want to leave the land and the small towns to seek their fortunes where they can work for someone else, in a ready made job.

We have not instilled in them a desire to stay and start their own businesses from scratch. They have not gone through some of the hardships we did, so they really don't know the good feeling of carving out a slice of the economy for themselves. We wanted them to start at or near the top. Now they are gone. And those that did not seek higher education are gone also. The high salaries of factory production lines in the Metro areas hold more glamour for them than the good life in the rural area.

Two things have happened—

1. We have over-emphasized college education to the point where we now have a surplus of degree bearing people. For the last 20 years we taught the youngsters that if you didn't have a college education you may as well resign yourself to being a nobody.

2. We have under-emphasized vocational and special education—especially for those who could not afford—or refused to go to college. In the meantime the cornbelt area goes begging for trained and skilled craftsmen and technicians, both male and female.

Let me give you a few examples. One high school I checked sheds some light on where most of our young people go. In the last five years 44% of their graduating classes headed for college. After graduation from college very few will find opportunities in our area. In this same school, of the 1966 and 1967 graduates, another 20% went to vocational or business schools. In the last three years of the five year period—35% went to business and vocational schools. This is an improvement and there are other area schools where the percentage to vocational schools is higher and the percentage to college lower. As I see it, this trend is favorable and I'll dwell more on it a little later on.

If you decide to build a house or any other good sized building, you have fairly good success in getting carpenters, brick layers, plumbers, and electricians. But, try to make some small extensions to your house wiring, plumbing, or a small remodeling job and you are apt to get on the waiting list sometimes for quite a period.

There are job opportunities in the area for skilled mechanics, body men, carpenters, electricians, plumbers, and right on down the line. Some opportunities lie in jobs that are unfilled. Other towns could support a new small business. In our own business of supplying electric power, we have in the past taken high school graduates or men returning from the service and made linemen, plant operators and technicians out of them by on the job training. The office clerks and stenos were recruited the same way with only basic training in high school. Until the last few years very few came from vocational and business schools.

Technicians are driving out here from the Twin Cities and Omaha to service our hydraulic equipment. What a field this would be to start a business in.

In our own ten county area we have one of the best tools available to help reduce out-migration and to improve the areas living standards. That tool is the training available at our vocational schools and Junior College. In less than an hour's drive from any corner of the area you can be at the door of one of the vocational schools or the Junior College.

In the 1930's vocational technical training was available mainly from a few private schools in both states. In 1945 the Minnesota Legislature passed the vocational school law. Today there are 32 area vocational-technical schools in Minnesota with two of them located in our area at Pipestone and Jackson.

The Iowa law was passed in 1966. Today there are 15 vocational-technical schools in Iowa with one of them located in our area at Sheldon.

This may come as a surprise to some of you but the Worthington Junior College was established in 1936. It is now a State Junior College and part of an 18 school Junior College System.

Tuition is low in these schools, and the state line is no barrier. Out of state tuition is slightly higher, of course. For most vocational courses high school diplomas are not required. In fact, training is available to give you a high school equivalency certificate.

The vocational schools offer a wider variety of courses in trades and occupations for both men and women of all ages. The junior college has been mainly geared to preparation for further college work, however, many occupational programs are now available. For instance, their catalog lists programs in production agriculture; agribusiness—management or sales and service, and business management as well as tuition-free programs in clerical, secretarial, and practical nursing.

Here is an interesting example of what the vocational-technical schools are doing.

In the last four years in the fields of auto mechanics, fashion designing, business, agricultural banking, carpentry, food merchandising and supermarket management, and meat cutting, the Pipestone vocational school graduated 703 full-time students. Of these 403 or 57% took jobs in rural rather than metro areas. And, of this number, 20 went into business for themselves.

Education is not just for the young. Adults can secure further training in their present field. They can retrain at night for a job or trade they are more interested in without loss of time from their present work.

Last year Jackson had over 2,000 adults enrolled in various courses, mostly at night. Sheldon had about 3,000. Pipestone trained over 600 last year in their Adult Program.

The schools are run by very dedicated people and they are willing to teach most anything the people of the area are interested in. On visiting the schools I was amazed at the number of courses being offered.

The schools are attempting to keep abreast of the times, reshaping their programs as needed.

One way or the other, our education continues from the cradle to the grave.

Formal education is really the knowledge and experience of many people over many years, compiled into text books and passed on to us through instruction. By using our area schools we can take advantage of this vast store of knowledge and increase our earning power at a much faster rate that we can through the school of experience and hard knocks.

For purposes of this afternoon's workshops and discussions I would ask *these* questions of all the segments of the economy represented here:

Can you secondary school board members do more to update and expand your basic vocational offerings, so that you expose your students to the benefits of staying in the rural area. How about having your counselors talk about rural life, at least to some extent, rather than counseling all students possible toward bachelors, masters, and doctor degrees in some far off specialized position? True, we *need* well educated people in all fields but shouldn't we try for more of a balance especially when our rural area is at stake?

Are you people in business and industry getting acquainted with your area school? Can you give them more cooperation in the way of furnishing competent members of your firm to help with instruction in special classes? Are you encouraging your employees to take additional training to improve both their lot and yours?

Can you help your area school in getting them acquainted with new equipment and new techniques? Remember, their best source of information is you.

What can you mayors and councilmen and you folks in the civic and church organizations do to furnish the best possible municipal, recreational, educational, and social services to make your town attractive to small businessmen, professional people, and tradesmen? The news media has always had a deep concern for the area's economy and problems. Certainly they should never relax in promoting what is good and speaking out sharply against whatever appears to be detrimental.

Can the farm organizations do more to encourage people to train for and start related business and services in our area?

Development corporations are continually on the lookout for new industry in their towns. I would ask you men to consider back up financing for the individual that has the training and ability but little or no money to start in business.

Our State and Federal officials, both elected and appointed, have a tremendous responsibility, and their decisions are not easily made. It is important, however, that an equitable tax balance be maintained between rural and metro areas to keep from draining away too many dollars that could be used by individuals and industry to pour back into the economy of the area.

I ask these questions, not in criticism, but in the interest of the welfare of the Cornbelt and of making the afternoon's workshops more productive and meaningful.

The continuing education group discussion will be held in Room 215. Staff members and administrators from the area schools will be there. Your questions are welcome and your ideas and suggestions will be most helpful. We invite you to attend to help us help you make continuing education a real benefit to the area.

QUALITY OF LIFE—PHYSICAL SERVICES

(By Maurice A. Te Paske)

Basic to studying the matter of population, community services, public revenue and spending is an understanding of community goals. In a recent public statement made by a very responsible opinion-maker in one of Iowa's cities, the suggestion was made that his city should confine itself to "absolute essentials" such as water, sewer, streets, fire protection and police protection. He then went on to call libraries, recreation, and community improvement the "frosting on the cake" which could be dispensed with. Sometimes we're inclined to think that his city looks exactly like that, and yet maybe this has a very definite appeal—to cut out anything like absolute essentials on the assumption that, "we can live without the frosting."

So the basic question is: What services does society want and need from local government? This is very basic to an agricultural area, because "society gets what it wants", and it will "get" it even if it must move out to do so!

The lessons of the 1970 census include the following:

1. Most of the small rural communities of Northwest Iowa and Southwest Minnesota are losing population, and this is particularly evident in Iowa where we have 800 towns of less than 2000 people.

2. A growing demand for more sophisticated services against a backdrop of a shrinking population base.

3. Limited revenues for local government are further eroded by inflationary pressures of payroll and other operating costs.

4. And saddest scene of all—local municipal government, which provides more day-to-day service than all other government combined, is "low man on the totem pole" for revenue sources and most vulnerable as the victim of taxpayer frustration.

In spite of clamoring for it for 30 years, I have been a notable failure in my efforts to promote inter-community cooperation on the very nub of our situation: adequate community services for a static or shrinking population.

a. Until sheer economics or exhaustion drives us to it, it is doubtful if we can expect any change in our competitive patterns, which border on hostility. (Probably rooted deeply in the independence of an agricultural tradition, it seems to be a basic philosophy of our rural social life to "proliferate mediocrity.")

b. It is difficult to turn back irresponsible "new starts" when once they gain a foothold: how do we do local and area planning to avoid wasteful duplication of interior services.

c. So my remarks are directed at what is "In the Realm of the Possible" . . . through societal action, on which we can work together for the benefit of all of us. If the rural areas are to provide viable living qualities it requires aggressive affirmative effort to match the services of the more densely-populated areas where a diversity and sophistication of human achievement is accomplished out of sheer bulk of numbers! I hate to point out that there are also some "minuses" which creep into crowded populations, but strangely enough people seem more willing to adjust to commuting, crowding, crime and pollution more readily than they do to accepting a less complicated life style to begin with!

Adequate revenues to provide quality living for small (and large) communities:

A. Basic to every societal effort is the matter of public revenues. Large centers do not have the revenue to cope with their massive problems; small communities do not have the revenue to cope with even their small problems. Result: Population keeps moving to larger centers to aggravate the problems for both large and small communities.

B. Nobody has said it better and more concisely than John W. Gardner, formerly Secretary of Health, Education, and Welfare, and now Chairman of Common Cause, said recently that "Americans must tax themselves to deal with what ails us." Mr. Gardner said, "Handing money back to the private sector in tax cuts and starving the public sector is a formula for making all of us—as individuals—richer and richer in filthier and filthier communities, more and more sated with consumer goods in an unlivable environment."

C. This is the acid test: Are we willing to tax ourselves for the needs to provide local governments with resources to provide quality living?

1. An outstanding case in point is how we handle the cost of highways: the most sensible and fair user tax—gasoline tax—is collected by the Federal Government and the States and used principally for inter-state and primary systems, whereas municipal property taxes and local special assessments are called on for municipal streets. Federal income tax and revenues for "significant" regional, federal and international demands leave only the merest trickle for local needs, e.g.—at a time when the Indo-China fiasco was costing American citizens $600 per capita per year, Congress was seriously curtailing funds for local library support.

2. In almost every area, the mainline revenue sources (except property tax) are in the hands of every other interest in society. This is not to debate the worthiness of all other programs, but simply to call attention to it that the support of local government—the "street where you live" is dependent on the most unattractive and most vulnerable source of revenue. It may be heresy, but even under educational auspices, we should fairly recognize that a disproportionate percentage (not dollars) is utilized on education.

So may I abruptly come to the point by quoting Congressman Mills who made the comment in reference to revenue sharing, "money is the name of the game!" And I am firmly convinced that the "game" in which rural communities should be required to "play" is that through the processes financial, social and psychological, of incentives of categorical grants.

Although we sometimes have difficulty in convincing our rural friends that this is our credo, over 900 of Iowa's 960 municipalities exist for only one reason: to serve the agricultural community where we are located. There are no real urban-rural differences for the vast number of Iowa's communities. The better the rural municipality serves the agriculture territory around us, the better are the living qualities for both rural and urban residents alike, and thereby the municipality retains its right to continued existence.

A parade of experts has told us that Iowa has "too many small towns," and once having admitted the principle, you are immediately involved in a most painful discussion as to what to do about it. If every existing municipality is to survive and provide viable living qualities in a modern society, "we are licked before we start." Not only will society find itself unable to allocate sufficient resources, but even if it did, it would be perpetuating and keeping alive inefficiency.

Which brings me to my first point of emphasis: a firm endorsement of categorical grants by which through federal and state partnership, incentives and inducements are offered to those communities which are willing to demonstrate the energy, the effort and the capacity to help themselves. No matter what form Revenue Sharing takes, it should *never* be permitted to rob individuals and communities of their initiative and effort. Federal matching funds have already demonstrated the processes by which a community can prove its right to continue existence. The encouragement offered in this way to generate community effort and concern, first of all in a wide variety of options and priorities, and then to do its share through bonding, taxation or individual contributions, is one of the most effective means ever devised to promote community development. It is sensible, fair, and leaves the decision with the people themselves as to how well they wish to serve themselves, their communities, and all of the society in which we live.

Both within the community itself, and also among neighboring communities, included in the application of matching-fund programs should be the encouragement to the work on joint ventures. The possibilities in this respect are limitless; in actual application, only the first feeble steps have been taken. An infinite number of community programs can be maintained or enhanced in their service to society by offering strong encouragement to full utilization of facilities and personnel. The Mott Program of the Flint Board of Education, relating to the community school concept, is an outstanding example of a more efficient utilization of community facilities. These principles can be applied totally or in part to scores of situations in our society, and become virtually a matter of survival in the rural areas. Let me mention an area of community activity where resistance to the principle is almost traditional. Is there any reason in our small communities (or large population centers!) that the school library and the public library not be a joint venture for the entire community? I mention this example because seemingly it should be so obvious that sharing the use of books would be one of society's greatest economies, and yet this principle of joint use of library facilities has never found any acceptance. So I respectfully submit that it is at this very point and in this area that the principle of matching funds should be applied to encourage people to work together instead of working separately.

At this point may I inject a very specific recommendation: There is a fantastically useful film dealing with the maximum use of community facilities and personnel, particularly through the school systems. There are incomparable resources in this film for those with dedicated insights as to community service. The film is "To Touch a Child", and can be obtained free (return postage only) from: Modern Talking Picture Service, Inc.; c/o Pratt Educational Media, Inc., 200 3rd Ave. S.W.; Cedar Rapids, Iowa 52404; Phone: (319) 363-8144.

The protection of the farm economy from the fantastic hazards of inflation and price fluctuation is obviously far beyond the confines of my part of this discussion, but all of us require the constant reminder that the basic food and fiber industry of our area deserves to have better protection from these economic disasters.

In the meantime, there are some specifics which require immediate attention:

1. Rural water supply: Most of the farmers because of its lower cost have shallow, bored seepage-type wells. The majority of these are located in natural drainage ways below farmsteads and cattle yards. To locate them elsewhere would provide practically no water since this type of well in this location depends on surface runoff and the sub-parent soil which is relatively impervious glacial till with occasional sand pockets permits only limited percolation of rainfall through it. A tabulation of water samples from these kinds of wells in Sioux County, Iowa, for a recent two-year period conducted by the State Hygienic Laboratory showed that nearly 70% of the water samples submitted were either excessively high in nitrates, unsatisfactory or unsafe in bacteria or both. The alternate is also very unsatisfactory: deep wells from 500 to 800 feet can produce large quantities of water, but unfortunately water contained in the Dakota sandstone formation is of very bad quality, corrosive, attacking well screens, pump leathers and bearings, and piping. These expensive wells, because of the corrosiveness of the water, usually don't last very long.

Because of these reasons, many of the farmers in Northwest Iowa and Southwest Minnesota feel that their only recourse to solve the water problems they have had to live with for many years is a nonprofit rural water association which collectively has the financial resources to make it possible for them to obtain good quality water from a reliable source to distribute to the members for the first time in their memories.

2. Rural electric power supplies: Obviously much has been achieved, but with the tremendous increase in demands for electric power, local REC's and consumer power systems need the backup of vastly expanded generating and transmission facilities. Municipal electric systems and REC's must work together to assure an adequate bulk power supply, within their own control, so as not to be at the mercies of investor-owned utilities.

Without this additional REC support for generation and transmission, the result will be much higher power costs to the basic industry of agriculture, and which will have an immediate effect on the main streets of the thousands of rural communities throughout the nation, directly involved in the agricultural economy.

Almost everyone in a position of public responsibility is keenly aware of the stark philosophical differences between monopoly services in the control of investor-owned private corporations on one hand and the proponents of consumer-owned services on the other.

But I would like to believe that except for those who are irrevocably committed, for whatever the reason, to monopoly exploitation, that every other fair-minded person welcomes the presence of a dual system of energy distribution, so that there is some remote possibility of a "yardstick" which can be utilized by both points of view in public accountability.

Investor-ownership without comparative consumer-ownership (and vis-a-vis) present a most tempting and fascinating hazard for the consumer, and may no one claim that a measure of public support to maintain such a plural system is bound to undermine the "free enterprise system."

3. Health care in rural areas: The specialization and sophistication of health care tends to follow the out-migration of population from the rural area, and as a result, under present systems for the delivery of health care, the rural area will find itself farther and farther away from health facilities and personnel. No matter what pattern is indicated in the future for payment of health services, the natural operation of economics will deprive sparsely-settled rural areas of adequate health service. I believe that reversal of this process can be achieved by massive increases in the supply of health manpower at every level, with special inducements to health practitioners to locate in rural areas. As an example, at the present rate of attrition, very shortly there will be no general practitioners left in any of the smaller communities. This is not a complaint or attack on any professional group; it is a reminder of society's failure, and unless the situation is corrected, small communities are doomed.

4. Housing for the elderly: Communities which have demonstrated the "will to live", have put fourth demonstrable concern for an on-going program, are the logical placements for federal and state sponsored housing for the elderly. By keeping low-income elderly, by this means, near to families, churches and other social roots, performs some of the finest Spiritual, moral and humanitarian objectives we can possibly imagine.

5. Low-cost recreation: Federal funding and matching funds can continue to make a tremendous contribution to the quality of rural living through various recreational, Open Space, and other similar programs. Some of these efforts have lent themselves to unfortunate innuendoes and political bigotry, but the principle stands firm that encouragement toward the efficient and economical use of leisure time is of the utmost importance socially and economically for our rural areas.

Inherent in this programming is the matter which was referred to very briefly earlier in my remarks: an understanding of community goals. For obvious reasons, sparsely-settled rural areas cannot achieve a diversity of recreational programs offered by metropolitan areas. But by finding common denominators of interest and effort, concentrating on them, encouraging maximum utilization of high-quality facilities, by working together in the most carefully planned and calculated community cooperation, a rural population can support and enjoy living qualities which in many ways can transcend that of their urban peers.

In the deterioration of society's function at the local-government level, we need to do some hard thinking and exert the very best of personal discipline to rise above inertia, vested interests, and selfishness to achieve a better life and environment than is now indicated. If we can keep our public revenues in perspective with what is happened to the private and affluent indulgence of our own wishes, then there is no escaping the conclusion that those dollars we spend in combined efforts have brought us infinitely greater service and efficiency than virtually any other money we spend.

May I again express my appreciation to Dr. Frey and the planning committee for your efforts and concern for a better life for rural America.

Quality of Life—Human Services

(By Father Lawrence C. Gavin)

It may strike you as odd that a clergyman is asked to address a conference on "Crisis in the Cornbelt." Frankly, I am a bit uncomfortable too. However, this very fact that we do not feel fully at ease in one another's meetings, to a degree, pinpoints a problem of our complex society. We tend to divide life into tight compartments and we plan very little communication between these compartments. In fact, the very reason I am before you today is because I objected to the program or the compartments of today's conference. As I listened to the Planning Committee, the farm programs were there; the industrial development programs were there; the continuing education programs were there; the roads, rails and airplanes were there, but people were not there, or here. We tend to use people to develop material resources rather than using material resources to enrich the lives of people.

The problem of the pastor is that he often moves in a very idealistic world, and has little understanding of the basic economic facts of our complex productive society. The layman tends to proceed as though this is a man's world to be managed according to his own economic theories. Both are in error—this is God's world. God made it. Man is but the manager of God's creation. Man does not proceed as though God did not exist. You may object: "We are not here to talk about God." True, but I have a banner on my wall at home which gives the reason for my introduction. It says, "Nowhere does God come so close to man as in man." And it is that man that is the subject of my presentation. I am not an economist, nor am I a farm specialist. I am the pastor of a farming community, Wilmont, Minnesota. My concern is the well-being of the people of our small places.

The greatest natural resource any place has is its people. If those people are migrating, or staying and suffering injustice and inequities, there must be a way to solve the crisis. I would like to speak into three areas that need our attention: attitude, communication and cooperation with each other, and planning.

Who are these people? Rather, who do they feel they are in the eyes of the rest of America? An event that happened to me may shed light on this for you. Shortly after being assigned to Wilmont, I attended a church supper at Iona, Minnesota. I was standing in the middle of the church hall visiting when a woman I had worked with in the Winona Council of Catholic Women spotted me. In a very loud voice she said, "Father Gavin, what did you do wrong to get sent out here?" I won't tell you what I did, but beneath the question lies years of conditioning, years of fact and fiction.

Who lives in rural America? Not who used to live here, but who lives here now. Those who stayed. We can marshal a lot of facts and figures to answer that question, but when all finished we will find that people are people, whether rural, urban, or metropolitan, they are basically the same. But wait—all men, indeed, have equal worth, since their worth is determined by their creation and not by their intelligence or place of residence. All men do not have the same capability. The greater the person's capacity, the greater his responsibility to help people of lesser capabilities to assure quality of life.

A spirit of neighborliness built the country side in the early days of our region. I am sure some of you here before me today have heard their grandparents tell of the cooperation in the Adrian Settlement that was started in September, 1877; or the Avoca settlement started in April of 1878, or the John Sweetman Settlement up around Currie in the 1880's. A barn-raising bee or a threshing ring. The same quality of neighborliness is needed today between the farms, the towns and the center cities to build the spirit of our area community.

The rural crisis that faces the nation is due not to a lack of food and fiber, but is due to a breakdown of meaningful relations between people. It is basically a problem of attitude toward our fellow man. Let us just take our attitude toward the poor as an example. First of all, do we really believe we have poor? The answer is NO, we do not believe there are any really poor people. Lew Hudson can write all he wants, and Gerald Hiel can give us all the statistics in the world and we still procrastinate, and hedge around and then finally just refuse to accept the obvious. If one or two or a hundred cases are dropped in our laps we hide behind the old myths, "It is their own fault if they are poor" or "I know a guy who . . .". Before we can have quality of life for all, we have to erase the myths that are dividing us as a people.

I don't know when I have been so disappointed as a year or so ago when it was reported that the President of the United States had requested a famous folk singer to sing "Welfare Cadillac" at a White House party. Thank God the man refused. The perpetrating of such myths on any level is the very heart of our crisis of attitude.

The poor are here—they are old, and the very young. They are hidden by our greatest asset "Open Space." As often happens, we have stereo-typed all poor in the ghetto. The fact is we have not only more open space, but more poor than the ghettos. Only when we accept the fact that they exist and are my brothers, can we then move on.

Move on to what? Finding ways to allow the people who have stayed to grow up if they are children, or be fulfilled by productive lifes if they are young adults or adults, and to share being alive if they are elderly. The Southwest Minnesota Opportunity Council—Community Action Agency has a great philosophy for doing just that. The basic purpose of the Community Action Agency is to stimulate a better focusing of all available local, state, private and federal resources upon the goal of enabling low-income families, and low income individuals of all ages, in rural and urban areas, to attain the skills, knowledge, and motivations, and secure the opportunities needed for them to become self-sufficient, or in keeping with the theme of this talk, so they can enjoy fully the quality of life.

If you want to be "where the action is" in Wilmont, you have to be over 55, which most of the town folk are, and be a member of the Senior Citizens' center. As productive as this program is, it could be even more productive of dignity and quality of life if our attitude toward the elderly would change. We have the American know-how to harness the power to shoot man to the moon. Can't we harness the power of our elderly in such a way that their last years may be productive, not of goods for money's sake, although this is a possibility, but productive for human dignity's sake.

The success of the Community Action Agency, Welfare Agency, Health, Housing, any people to people help agencies, depends so much upon "attitude" of the people of this region and of the leaders elected and appointed. It also hinges upon the second area of my presentation.

Bigness and newness are the mood of America. The bigger the better, the newer the nicer. The towns of these ten counties are not big nor are they new. There is a whole school of sociologists who say, "In that case, they will die. They have served their purposes, team-haul towns, sixty minutes from farm to market, and since, cars and trucks have replaced the team, so small towns must die." You and I know these people are right if the small town remains what it was founded to be; the trade center, the only center of life for its people, and the farms a team-haul around. These towns were built on a spirit of strong competition and rivalry; one with another, and this may have been necessary. We don't want the small town to lose its life or its identity, but how do we save them.

It calls for a people who foster goodwill. While they push their own interests, they will do it in a responsible way. They will seek to get ahead, but not at the expense of their neighbor. In all cases, two things are necessary. Each community has to take an honest look at itself, and come to a decision as to what it can really do and be—not all by itself, but in close interdependence on the farms, towns and cities in the six-minute area round it. Then in communication and cooperation with those around, be fully alive to what it does best.

The key to life is communication. America is organized on a vertical basis and the lines of communication run from a local unit to a county unit to a state unit to a national unit. There is little horizontal dealing within a county or between counties. Vertical communication makes us dependent upon far away resources. Horizontal communication makes people aware of their interdependence.

The Honorable Ray F. Schisler, Mayor of Worthington, invited the eighty-six mayors of this ten-county area to a brain-storming session December 6, 1971, at the Worthington Country Club in preparation for the conference. Those present were asked to voice their concerns and needs. The need for better communication between all people was mentioned in all the groups. The other concern that was voiced loud and clear was the lore of political punch, the lore of political power. Present time calls for a people who are willing to face up to reality. If the eighty-six mayors stand alone, they stand little chance of being heard. If all of us are willing to stand together, we can be heard.

We have asked our public officials to come here today to listen to these talks. Why? Not because we are going to tell them something new, but because we are doing it together. The three major farm organizations kicked things off this morning through their spokesman, Norman Larson, and by voice are agreed upon a thirteen-point program. This is a beginning and if we are really honest, we have to come face to face with our sins. Sins on the part of the public and private sectors. One of the purposes of this conference is to show the elected and appointed officials who were invited here today that we do want to speak with a united voice. Town and country people contribute to their own neglect by an unwillingness to face up to realities. There are still significant differences between life on the farm, the small town, the city, and the metropolitan centers. However, it will be more helpful in achieving the goals of this conference and fostering the enrichment of life to emphasize that the people in different places not only need each other, but today are willing to work together.

Communities have the capacity to fulfill different functions, but to do so, self-interest and large community concerns need to be in balance. We need interest groups; we need town pride. These must not be ends in themselves, but means to achieve the development of an area. Loyalty to a place must not stand in the way of meeting basic needs. It is no longer important at what particular geographical spot a high school, hospital, or church is located. The important thing is that educational, health, and church services are accessible to the people so that their needs can be met.

Town and country society is no longer a land area made up of independent family farm units, isolated villages, and towns, each with its own separate social institutions. Today it is one web of human activity tied together into an area complex.

The old image of loyalty to a place and social independence still exists in the mind of many. This image must be replaced by an image which reflects a spirit of involvement and coordination of business efforts, a concern for area development, and an interest in quality communities.

I have tried to draw together three things that may help develop and assure a quality of life for our people in the ten-county area. I would be gravely amiss if I did not speak strongly to the major need. We have made gods, false gods of the "things" of the earth—production, money, possessions, fame, power, and then wonder why we have trouble. The bickering, mistrust and selfishness of all of us has to be put aside. We cannot honestly ask the political sphere for help if we are not open and willing to help each other. The strong must help the weak, not stay weak but grow stronger. If all we are interested in is "building bigger barns" for ourselves at the expense of our fellow men, then we are doomed to fail.

We need roads and plants and crops and education, but for the quality of life of men, all men.

MEETING THE CORNBELT CRISIS

(By Senator Walter F. Mondale)

I always get a feeling of pride when I visit this area. It is a good feeling of coming home; seeing old friends. I always look forward to the Turkey Day Celebration each fall. But in recent years I have been disturbed to see in this area and several other fine communities, there are more and more abandoned farmsteads and in the wake of that, more closed businesses in the smaller surrounding communities.

Douglas Wallace, manager of Nobles Cooperative Electric, just recently pointed out in a letter to me, that, of the 4,914 farms equipped with that co-op's lines, 565 are idle services. It also is depressing to see the harsh facts pointed out in Gerald Heil's Southwest Minnesota Population Study.

But now, today, my spirits are lifted to see this tremendous initiative being taken, not only by the people of Worthington, but by people throughout this region.

It is encouraging to see people getting together and planning to work vigorously to revitalize the region while there are still people here. I am proud to see that not everyone buys the idea that the family farm is on the way out or that small towns have to die.

I don't think that the demise of the family farm or that of the independent local businesses and bankers is inevitable. And I am very proud to see so many other people who are not about to bow down to the idea of bigness and let the big corporations take over.

By putting aside special interests and working together for a common goal of renewed development, you are indeed making history here today. For some time I have called for a national policy of reversing the trend and getting people back to rural America. It is heartening to see the idea catching on.

The piling up of people in increasingly unmanageable cities is needless. Law enforcement costs $40 a person in New York City.

In rural communities in Minnesota it costs less than $2 on the average, and we have better law enforcement than they do. Education costs an average of $1,300 per pupil in New York City and we spend an average of $750 in Minnesota. Education is better here than there. There are several other social and economic costs which are increasing in those unmanageable cities. Besides the problem of the poor and the unemployed, there is growing unhappiness on the part of all urbanites—the middle and upper income groups included. One recent Gallup poll showed that 56% of those living in urban and suburban areas said that they would like to live in a small town or rural area. Pollution, traffic congestion, the growing discontent of the young leading to a growing drug culture and complacency shows that the big-city idols of material wealth are not, in reality, enriching people's lives.

I was told that on one of the TV late night talk shows recently a movie producer just back from filming in the open spaces of Colorado commented that we should move people out of the crowded cities into those beautiful open areas.

The emcee's reply was—"Sure, but what are they going to do, grow radishes?"

That conversation brings up a good point. We should get people out into the open spaces. To do that, we can not just pick them up and move them there, not with the standard of living people expect these days. But there are many fine communities with declining populations all over the country and pumping life into them is what your meeting here today is all about.

In a national policy aimed at rural-urban balance, we must offer programs which allow equal opportunity for all who want to live in rural America to do so. Above all, I think it is high time we get going on constructive efforts to increase farm income to a reasonable level. I am appalled by the present farm prices which are lower than those right after World War II.

I agree with Norman Larson, who today spoke for himself, for the farm groups he represents as well as for farmers all over the country: "We need a Secretary of Agriculture who is producer-oriented."

I strongly believe we need a Secretary who knows what farmers want; a man who thinks like a farmer. That's why I opposed the nomination of Dr. Earl Butz and that's why I voted against his confirmation.

An editorial in the Worthington Daily Globe during the Butz controversy made a lot of sense when it suggested that Butz is more suited to the position of Secretary of Commerce than he is to that of Secretary of Agriculture.

His appointment, in my estimation, was as ill-conceived as the President's previous proposal to dismantle the Department of Agriculture. I can't, through any amount of imagination, understand why the President is so engrossed in the idea of diminishing the department's importance at a time when it is so desperately needed. We need to reorganize the department by strengthening its farm and rural development functions. The best way to reorganize the department is certainly not by diminishing it or by getting more corporation-minded men to run it. It needs new leadership, young leadership and above all, farmer leadership.

The upper echelons of the department are so full of the old, conservative Ezra Taft Benson crowd that it can no longer properly respond to the needs of farmers and rural America.

A Department of Agriculture study showed that in recent years nine times as much public research has been done as on people-oriented problems. Research and extension activities in regard to production efficiency are important, but I think we need to start placing equal emphasis on people-related programs. Farmers need a more effective voice in the marketplace and more effective co-ops. Rural groups need more guidance in their community development activities.

It is time for the land grant colleges and the Department of Agriculture to face up to the increasing needs for people-related programs.

The Department of Agriculture needs reorganization—not dismantling or diminishing. Both the department and the land grant colleges, which were set up to help independent farmers, have to be streamlined and strengthened in the services they provide to fill the needs for real farmers and farm communities.

Public agricultural research and extension activities of the department and of the land grant colleges have made great strides in developing new methods and technology benefiting the production side of agriculture. Now it is time to face up to the increasing needs for people-related programs. That includes making programs of rural development as important as production innovation.

The term 'rural development' is popular in political talk but if you ask a real farmer about it he'll say he hasn't seen much action. It is apparent that many of the rural development facilities presently offered by the Federal Government are inadequate or are so cloaked by bureaucracy that rural people are confused by them. Well, I believe in the extension service and I know most farmers have faith in their county agents. So I think we could do a great service to the whole idea of rural development by expanding the activities of the extension service into rural development consultation.

Some of this is already being done but is very limited. The national average is nine development personnel per state in extension per state while each state has hundreds of extension people devoted to the production phases of agriculture. The funds and personnel should be boosted.

In the next few weeks I will be introducing legislation to supplement current and pending programs in rural development by providing coordination and consultation services to farmers and rural groups interested in development projects. Experts knowing about the credit available, public and private, for each type of project, would provide legal and technical expertise to action groups and help them cut through the bureaucracy to get things done.

I think the Department of Agriculture through the extension service and the Land Grant Universities, can make a great contribution by working closely with the governor's office and state planning officials in revitalizing communities. They need to go beyond the organizational phase, however, to vigorous planning and action programs. Many communities need to bring in outside assistance to solve their pressing problems. I strongly feel that if we are to be successful in rural development, a blending of educational and governmental agencies must take place.

I am glad to see so much initiative being taken by junior colleges and vocational schools in revitalizing their local areas by helping in industrial development projects which will keep their graduates in the rural community.

I also strongly support legislation of the kind Senator Humphrey introduced emphasizing greater credit services for farmers and for nonfarm rural development requirements. S. 2223, The Rural Development Financial Resources Act, is probably one of the best steps toward population balance since the Homestead Act.

Father Gavin said today that as a society we have tended too often to use people to develop our material resources instead of using our material resources to enrich the lives of people. That is exactly the way I feel. Our greatest natural resource is people. And people are basically the same whether rural, urban, farm, or metropolitan. You rural people can't hedge the problems of the urban poor, the minorities or the children of this nation.

The people of the cities can't ignore your problems of farm income. All of these problems are complex and inter-related.

It has been encouraging to see the upsurge in emphasis of rural problems by metropolitan newspapers in recent months, especially a recent editorial in the New York Times which called for bringing rural issues out of "the political ghetto of the farm bloc" and making them matters of widespread national concern which take account of all the costs and consequences of the farm revolution.

That farm revolution, the trend towards fewer and larger farms has been extremely costly both economically and socially. Secretary Butz is noted for once saying that farmers must "adapt or die." But the saddest fact about that type of a struggle for survival is that the winners eventually are losers. The farmers we have left today need no defense. They have survived a rough race and are the most efficient businessmen in the world.

But if this ridiculous low price situation is allowed to continue, many more of them will be forced to leave their farms.

Farmers have all been hurt by the low farm prices of recent months. Several have held off the selling of their corn thus avoided selling at the minimum prices of 90 cents or less, but what about the farmers who depend on selling corn as a cash crop. What about the farmers up at Chaska who planted corn last year because they suddenly had no local market for sugar beets. Or what about the farmers up around Brooten who, seeing an opportunity to bring new life to their community, have invested in irrigation equipment to raise corn. Many of those farmers raised corn as a cash crop to sell at harvest time. They believed the Secretary of Agriculture last year when he said that the nation was in danger of a food shortage due to the threat of corn blight.

Now the Administration is blaming farmers for producing the surplus. An ASCS administrator recently went so far as to say that farmers should take the initiative to produce less corn, or the freedom to plant set-aside program will not work. That notion is precisely why I don't think the set-aside idea can work. How can they expect enterprising farmers to step back and let big farmers raise more corn. Under freedom to plant, I think each farmer will plant more corn hoping that enough others take the initiative to plan less to increase the price. That's why it won't work.

The recent corn buying activity of USDA is also inadequate. I don't have to tell farmers here tonight what a small drop in the bucket it is.

During the first month of buying, 7.7 million bushels of corn were purchased by USDA. That's roughly equivalent to ⅔ of the normal yearly corn production here in Nobles County or half that of Jackson county. Removing that amount every month until election time will amount to a total of about 93 million or less than one-fifth of one percent of the total production of corn in the nation.

Crop reports indicate that last year's crop was 35% larger than that of 1970 and 26½% larger than the 1965–69 five-year average.

And Butz is trying to remedy that by taking one fifth of a percent off the market.

That's why I support Congressman Bob Bergland's bill to increase price supports rates by 25% and to establish a strategic reserve of grain. When that bill passed the house last month, corn prices jumped by 5¢ a bushel in several principal markets. So, it's obvious that grain buyer know the difference between USDA buying a million or so bushels at a time and a legislative measure which would require a purchase of 500 million bushels of corn to be put into a reserve, kept off the market for emergency use.

Besides stop gap legislation that is needed to remedy the current depressed farm price situation, more important are programs which allow the family farm to continue by giving the farmer the tools he needs to build collective and cooperative marketing strength. The agricultural bargaining and agricultural marketing bills I introduced in this Congress are an effort along those lines.

We also need to press forward in eliminating the tax loopholes which encourage absentee ownership of farms. In some states, as much as 80% of the private land is absentee owned. This is frightening to me when I think about a classic study of two California towns.

The towns were about the same size but one was surrounded predominantly by independent family farms, the other was surrounded by large, absentee-owned farms. The small farm community was definitely more responsive to local welfare local issues, local leadership and local business than was the corporate farm community, which tended to completely disregard the good of the local community. A more recent study, in Vernon County, Wisconsin, showed sufficient evidence that corporate farms were evading taxes, destroying natural resources, depleting tax bases, injuring local businesses and taking income out of, not only the rural community, but also out of the state.

Vital legislation like Senator Gaylord Nelson's Family Farming Act, which is aimed at preventing monopoly and helping the family farm to continue, must be passed. Also needed are more laws like the one passed by the 1971 Minnesota Legislature requiring farm corporations to disclose their holdings.

Further developments of the farm cooperative system and the Farmers Home Administration and the farm credit system are needed. Legislation is needed to implement new programs and the careful guidance of a more responsive Department of Agriculture to carry them out.

We need: programs to preserve the family farm, the independent business and the individual home town bank. Programs to give adequate hospital care and educational opportunities and most of all, jobs. Programs to let people work and find dignity in the communities where they were born.

Above all, general public concern must continue to grow. All Americans must be brought to the realization that there is real value in independent business, community pride, small local banks and family farms. Small neighborly communities, which at one time thrived on the competition from surrounding communities must learn that they can now gain strength by letting their neighborliness spread and by cooperating with other communities on a regional scale.

Industrial development is not the final answer or the only answer. Better farm income is not the final answer either. Both are, along with community services, quality of life, transportation and so on, components of a necessary policy for rural development.

The hope for rural America is in group effort on the part of rural people including meetings like this and also the establishment of effective relationships with urban America.

A SIGNIFICANT CHANGE IN FOCUS

Mr. HANSEN. Mr. President, I invite the attention of Senators to a situation that has arisen relating to the 22 U.S. oil firms' agreement to discuss giving six Persian Gulf nations partial ownership.

The upshot of the meetings in Geneva underscores the fallacy of the recent line of argument of some Senators who have called for the removal of our country's mandatory oil import quotas along with their urging that our country agree to go along with a much greater dependency on foreign oil to satisfy U.S. consumption requirements.

From the reports that I have read—from the Wall Street Journal and the Washington Post—it appears that the increase in the price of crude oil that the oil firms have agreed to pay the six Persian Gulf countries will apparently be passed on to their customers, at least by some.

Thus, it looks like the price is going to be going higher, and this in the face of statements from some who contend that all that the United States would have to do to solve its increased energy demands would be to do away with our oil import program and open up the floodgates to foreign oil, thus "saving" a great deal of money.

When one reads what is happening at Geneva, it is obvious that this is not the answer to our problems and, as a matter of fact, could do a great deal of harm to our U.S. oil industry and severely retard this vital business at a very real cost to our country's security.

The U.S. oil industry will have to invest some $150 billion in capital and exploratory expenditures during the 1970's to meet increased energy demands, compared with about $60 billion in expenditures during the 1960's.

When one combines the news from Geneva about partial foreign ownership of American oil concerns by the 11-nation organization of petroleum exporting countries with the fact that tax provisions enacted by the U.S. Congress in 1969, provisions that have increased oil industry taxes by $800 million a year, leading to a decline in domestic oil well drilling activities, it is obvious that we can ill afford precipitate action that would risk significant changes in our mandatory oil import program and a greater dependency on foreign oil.

To do those things, in the face of what is happening with OPEC, the group of countries which controls 90 percent of the world's oil exports, would court complete disaster for our domestic oil industry, which is faced with the demanding task of raising overall productivity in the face of almost insurmountable obstacles to avert a future energy shortage.

Because the two articles focus specific attention on this vital situation, I ask unanimous consent that they be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Jan. 24, 1972]

Oil Companies Agree To Discuss Giving Six Persian Gulf Nations Partial Ownership

Geneva.—The 22 oil companies operating in the Persian Gulf area agreed to open negotiations on giving the six nations involved a partial ownership in their operations.

The decision to negotiate the participation of the six nations—Iran, Iraq, Kuwait, Saudi Arabia, Qatar and Abu Dhabi—followed an earlier agreement with the oil companies for an increase in their taxes and royalties to offset the recent devaluation of the dollar. That settlement—which is expected to cost the oil companies $700 million in 1972—raised tax reference prices by 8.49%, or slightly less than the official 8.57% decline in the value of the dollar. The six nations had sought an increase of 12% to 15%.

The six nations, all members of the 11-nation Organization of Petroleum Exporting Countries, produce more than 16 million barrels of crude oil a day, or more than a third of the Free World's total output and well over half of all oil exports. OPEC, whose members also include Venezuela, Indonesia, Nigeria, Algeria and Libya, controls 90% of the world's oil exports.

The decision to negotiate the participation issue, reached late Saturday night, constituted a major change in the previous public position of the oil companies. The companies have until Wednesday to decide whether they will negotiate as a group or separately. The Persian Gulf six named Ahmed Zaki Yamani, the Saudi Arabian oil minister and a man described as a "moderate," to be their negotiator.

Several of the largest American oil concerns are involved, including Standard Oil Co. (New Jersey), Standard Oil Co. of California, Standard Oil Co. (Ohio), Texaco Inc., Continental Oil Co., Atlantic Richfield Co., Gulf Oil Corp., Phillips Petroleum Co. and Mobil Oil Corp. Foreign oil companies include British Petroleum Co., Cie. Francaise des Petroles and Shell Petroleum N.V.

It is believed the six nations would like to own at least 20% of all the Persian Gulf subsidiaries of the oil companies. Their demands are supported by the other five OPEC members.

Originally, the oil companies—represented at the talks here by 12 negotiators—were determined to resist any participation in their operations by the six nations. One oil company official even banged on the table and shouted "confiscation" when the six nations presented their demands. But the oil companies changed after the six nations, with the support of the other nations, announced that they would take part in a "combined action" if they didn't receive "satisfaction."

A spokesman for the OPEC said their negotiator, Mr. Yamani, would report back to the group at the end of next month, after having met with the oil companies, and a decision would then be reached whether "concerted action" were still required.

[From the Washington Post, Jan. 21, 1972]

Six Countries, Oil Companies Reach Accord

Geneva, January 20 (AP)—Six Persian Gulf countries and Western oil companies signed an accord tonight that will increase the dollar posted price of crude oil by 8.49 per cent to offset the countries' losses caused by the devaluation of the dollar.

The agreement came close to meeting the original demand by the Organization of Petroleum Exporting Countries (OPEC) and will boost the gulf states' revenue by an estimated $800 million a year.

[Manchester Guardian correspondent Thomas Patrick reported that there would be no retroactive payments, which could have meant an outright payment by the oil companies.]

Finance Minister Yamshid Amouzebar of Iran said after the 15-minute signing ceremony that he was "glad that the oil companies finally conceded" on the producing countries' right to an adjustment covering the post-devaluation depreciation of their revenues.

"We agreed on the settlement of a very, very complicated and difficult issue," he added.

Standard Oil of New Jersey's vice president, George T. Piercy, said: "We believe this is a realistic settlement."

REVENUE INCREASE

An OPEC source said the agreement would result in an 8 per cent increase in the actual revenue of the six gulf nations. The organization has said the posted price hike should not result in any increase in the consuming countries.

Piercy said that he could not comment at this time on whether the increase would have to be passed on to customers.

At one point during the 10-day talks, however, he said the companies would probably have to pass on to the customer any price increase in the neighborhood of what the producer countries were demanding.

Asked whether this statement still applies after the accord, Piercy said it was up to the individual companies to answer.

SOME SAVINGS FORESEEN

OPEC said that countries which revalued their currencies upward by more than 8.57 per cent would still be left with a saving. These countries include West Germany and Japan, both major buyers of crude oil from the gulf.

The agreement was signed by ministers and other high-level delegates from the six gulf states—Abu Dhabi, Iran, Iraq, Kuwait, Qatar and Saudi Arabia—and five oil executives representing 16 major companies and their operating subsidiaries.

The settlement includes provisions for further adjustments in producing countries' revenues between now and 1975—the duration of the oil-price agreement signed in Tehran last February—based on an index which will measure any significant changes in the dollar value. An oil company official said this would cover "both ups and down as does any index."

The new agreement, which provides for an "immediate increase" in posted prices—the reference prices used in calculating taxes and royalties—supplements the Tehran price pact that substantially boosted producer revenues.

The 8.49 per cent settlement compared with an OPEC demand for 8.57 per cent equivalent to the dollar devaluation in terms of gold. It comes on top of an annual 2.5 per cent annual inflation increment adopted at Tehran.

ADEQUATE WELFARE REFORM

Mr. HARRIS. Mr. President, last Tuesday I took part in a vigil on the Capitol steps for adequate welfare reform. The vigil, which will continue each Tuesday, is sponsored by a number of outstanding public-spirited organizations.

I ask unanimous consent that a statement I made at that time, together with the vigil's statement of purpose, a list of sponsors, and other materials related to welfare reform be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Welfare Reform

(Statement of Senator Fred R. Harris)

I just want to say briefly that I am in wholehearted agreement with what this group is trying to achieve. The so-called "Welfare Reform" bill, H.R. 1, passed by the House and now pending before the Senate Finance Committee, is a disaster. It neither reforms the present system adequately nor does it begin to meet the crucial need for a fair income maintenance program.

There has been a growing chorus of persons urging a united front for welfare reform. Unfortunately, many of those persons have, in my opinion, been misled. H.R. 1 is not welfare reform. As a member of the Senate Finance Committee, I voted against the ill-begotten welfare bill of 1970 and I have never regretted that decision. H.R. 1 is worse in most respects than the 1970 welfare reform bill.

H. R. 1 blatantly disregards the rights and dignity of recipients. It provides a wholly inadequate level of income maintenance. It contains outrageous provisions which would take pre-school children from their mothers involuntarily and place them in custodial day care centers. The bill provides no standards for those centers and will have to rely on channelling pre-school and school age children through existing inadequate facilities.

H. R. 1 forces recipients to accept jobs for substandard wages. It doesn't provide the incentives necessary to make work a practical alternative to public assistance. H. R. 1 is predicated on the myth that welfare recipients are all no-good loafers, able to work but unwilling. That is patently untrue.

I believe that the great majority of welfare recipients in this country who can work *want* to work. They want to work at jobs that will provide at least the minimum standard of living for them and their families. Those jobs are not available because this Administration has followed a disastrous economic policy which has resulted in more than 6 million people unemployed. Now the Administration and Congressional supporters of H. R. 1 are adding insult to injury by proposing legislation which not only provides inadequate benefits, but also robs recipients of the dignity and respect that every human being deserves. H. R. 1 will fall most heavily on those very persons, a large majority of welfare recipients, who are unable to work because of disability or who are mothers with children—mothers who should have the right to determine for themselves whether or not to stay home with their children.

The list of inadequacies goes on and on. In short, H. R. 1 is completely unacceptable and I will make every effort to defeat it. In addition, I will participate in no tactic which has as its result passage of a bill only slightly better than H. R. 1—made more palatable to liberals by patchwork improvements. Unless we can work together to make substantial and fundamental changes in the present welfare system we are better off with no new legislation.

I will not participate in a political sell-out which comprises away those basic necessities fundamental to any just income maintenance and work incentive program. To do so would doom real welfare reform for at least a decade, not bring it closer.

Senate Vigil for Adequate Welfare Reform—Statement of Purpose, January 1972

We have chosen to hold a vigil on the steps of the U.S. Senate because there is an urgent need for the Senate and all Americans to understand that: H.R. 1 is not Welfare Reform; that it is philosophically and substantively unacceptable; and that no package of amendments based on its essential framework can improve it.

We are holding a vigil to urge the Senate to understand and vote for adequate Welfare Reform or if that is not possible, to vote against H.R. 1 and the Ribicoff Amendments.

We also are holding a vigil to point out that the Ribicoff Amendments are serving ultimately to dissolve opposition to and strengthen support for the passage of H.R. 1, rather than offering any viable and adequate alternative to H.R. 1.

And we are holding a vigil to make it clear that these are the elements of real Welfare Reform:

Adequate level of payments now. (For a family of four, the current official U.S. poverty level is approximately $4,000; the Bureau of Labor Statistics Lower Living Standard defines the minimum level of adequacy as approximately $6,500.)

Preservation of the family unit:

Recognition of the right of a single parent to work or care for his/her children.

No filing criminal complaints against father as condition for welfare.

No forcing father to repay welfare payments if he rejoins family.

Real incentives to economic independence including:

No less than federal minimum wage.

Training for specific and suitable jobs.

Maximum retention of earnings for those who work.

Proportional payment levels for all welfare recipients, and coverage for all in need: individuals, couples without children, working poor.

Full assurance and protection of constitutional rights of recipients and provision for recipients to fully redress grievances.

No sex discrimination.

Simple system of administration which treats recipients with dignity.

Our vigil will start on January 18, the first day of the new session, and will continue every Tuesday until Adequate Welfare Reform is passed or until H.R. 1 and/or the Ribicoff Amendments are defeated.

Organizations Supporting the Senate Vigil for Adequate Welfare Reform

American Friends Service Committee.

Women's International League for Peace and Freedom.

Health and Welfare Council/National Capital Area.

Union of American Hebrew Congregations.

United Federation of Temple Sisterhoods.

National Council of Churches.

Lutheran Social Services.

Friendship House.

National Welfare Rights Organization.

D.C. Family Welfare Rights Organization.

National Committee on Household Employment.

Women's Division, United Methodist Church.

National Association of Social Workers, Metro Wash. chapter.

H.R. 1, the Social Security Amendments of 1971—A Critique

(Note.—The critique has been prepared by the Center on Social Welfare Policy and Law at Columbia University, 401 West 117th Street, New York, N.Y. 10027. A more detailed analysis of H.R. 1 with further documentation has now been completed and is being distributed to legal services programs.)

H.R. 1 is the most recent step in the effort to enact "welfare reform" legislation by the Administration and the House Ways and Means Committee. It would replace the Aid to Families with Dependent Children and Aid to the Aged, Blind and Disabled programs with three new grant programs: Family Assistance (FAP), Opportunities for Families (OFF), and a federalized Aid to the Aged, Blind, and Disabled (AABD). The first two provide a federal minimum grant to families with children. Families where one member is employable will receive aid under OFF, others, under FAP. Aid to the Aged, Blind, and Disabled (AABD) is a federally funded replacement of the state/federal programs covering the same category of persons.

If enacted, H.R. 1 may result in a loss of benefits to over 89 percent of current recipients. Establishing and maintaining eligibility would require compliance with a variety of onerous administrative requirements that are unresponsive to severe human need. In addition, many of the constitutional rights won by welfare recipients in the courts would be circumscribed.

BENEFITS LEVELS

H.R. 1 provides a basic federal guarantee of $2400 per year, or $200 a month, to a family of four, with proportionate amounts to families of different sizes. There is a family maximum of $3600 (no increases for families of more than eight persons). This basic grant for a family of four is $1568 below the 1970 poverty level of $3968, defined by the Social Security Administration as the minimum amount necessary for subsistence. The grant is far below the $6500 which the Bureau of Labor Statistics estimates is necessary for a living standard commensurate with an adequate diet.

No family may receive both cash benefits and food stamps. The food stamp bonus (the difference between the cost of stamps and their cash value), which now varies from $90 to $24 a month for AFDC recipients, depending upon state grant levels, is eliminated. Only five states now pay less than $2400 in AFDC and food stamp benefits. Over 89 percent of all AFDC recipients (7,836,700 people) live in the other 45 states and the District of Columbia and may lose benefits. (Data as of July, 1970.)

OPTIONAL STATE SUPPLEMENTATION

There is no required state supplementation for FAP or OFF benefits. States choosing to supplement benefits for single-parent families will be held harmless by the federal government against cost increases above their 1971 welfare budgets. To take advantage of the hold harmless provision, however, a state must not raise benefits above 1971 levels for AFDC plus food stamps, and it must agree to federal administration of its supplemental program. Thus the same bill which institutes an automatic cost-of-living increase in Social Security benefits virtually mandates against such increases for the poor. Though not all states are expected to cut back immediately to zero, current trends indicate an inevitable lowering of benefits to, or close to the federal floor.

Forty-five states plus the District of Columbia now pay more than $2400 plus food stamps. Twenty-nine pay over $2400 without stamps. In nine states a family of four stands to lose $100 or more per month in AFDC benefits alone. The state may impose a residence requirement on receipt of supplemental assistance although the Supreme Court has specifically held such requirements unconstitutional.

ELIGIBILITY REQUIREMENTS UNRELATED TO NEED

No benefits are payable to families whose head is a student at a college or university, regardless of his additional work effort or the cost or non-cost of his education. A fully employed night student at a free public college is ineligible. The bill fails to provide any income to single persons or childless couples, unless they are over age 65, blind, or disabled. Failure to apply for pension, annuity, unemployment compensation, or similar benefit, by any family member results in a loss of benefits to the entire family.

No benefits are payable on behalf of any family member who is an alcoholic or a drug addict, unless he or she is in a treatment program. A family may be excluded if its head is self-employed and earns too high a gross income, despite low net income available for meeting the family's needs.

THE WORK REQUIREMENT

All employable persons must register with the Secretary of Labor and thereafter receive benefits under his jurisdiction in the Opportunities for Families Program. The only persons exempt from registration are mothers of children under three years of age (six years until 1974), persons unable to work because of the illness or incapacity of themselves or another, children under 16 or in school, or women in families where an adult male has registered. The Secretary of Labor is instructed to give priorities to training or job placement to "mothers and pregnant women under 19 years of age."

The penalty for refusing to register or accept work or training is $800 per year. Despite a 6.1 percent national unemployment rate (10 percent for blacks), it is assumed that jobs or training slots will be found for all employable recipients.

Wages, hours and conditions of employment must meet applicable state, federal or local minimums or prevailing conditions. Wages need be only 75 percent of the federal minimum. Persons unable to be placed elsewhere may be forced to work in public service employment programs, where wages must be $1.60 an hour.

CHILD CARE SERVICES

Child care is to be provided for those in the Opportunities for Families Program, but families have no right to object to the quality of care offered their children or to refuse to participate in training or accept employment because of the absence of child care arrangements satisfactory to them. Virtually all standards for the quality of acceptable facilities are left to the discretion of the Secretary of Health, Education and Welfare.

PAYMENTS AND BUDGETING PROCEDURES

Dual Programs: Benefit levels for individual families are to be determined by the Secretary of Labor for families of employable persons and by the Secretary of HEW for all other families. Past experience indicates that recipients may tend to move frequently between these two categories. The repeated redeterminations this would entail can cause loss or delay in receipt of benefits.

Annual Accounting: Benefit entitlement is to be determined quarterly, and any income not excludable under OFF or FAP which was received in the preceding three quarters is to be used to reduce benefits payable in the current quarter, regardless of whether or how the income was spent. A family whose head has lost his job, though it has no cash assets of any kind, may have to wait up to nine months to receive any assistance.

Penalties for failure to Report Information: Biennial Reapplication: Benefits terminate automatically after two years, when the family must reapply for benefits and be processed as a new applicant. Benefits also terminate unless a family reports quarterly income and expenses within 30 days of the close of each quarter. In addition, any change in circumstances affecting eligibility must be reported immediately. A monetary penalty of up to $100 is imposed for failure to so report, even though the change in circumstance would have resulted in a higher grant.

Earned Income Used to Reduce Benefits: There is an earned income incentive of $720 annually plus one-third of remaining income. Out of this must be paid all expenses of employment (union dues, local, state and federal taxes, transportation, etc.). Additional exemptions are allowed for reasonable child care costs, income of children who are students, and inconsequential or infrequently received income. These latter costs may not exceed the lesser of $3,000 or $2,000 plus $200 for each family member above four. The incentive is applied after these items are deducted on net, not gross, income, as under current law. Upon passage of H.R. 1, the states may elect to substitute these income disregard limits for the work-incentive now required in AFDC. (§ 402(a)(7)(8)—$30 per month plus one-third of the remainder plus work expenses.) Moreover, H.R. 1 amends Medicaid to impose on recipients a deductible of one-third of all earned income over $720.

Hearing Procedures: There is no requirement that hearings be held prior to termination or reduction of benefits. There are no standards governing the conduct of hearings, such as the right to examine evidence, cross-examine witnesses and present evidence in one's favor. No judicial review is permitted of any finding of fact.

Representation of Claimants Regulated: The Secretary of HEW may place extensive restrictions on who may represent claimants at hearings, and he may prohibit persons from practice before him for failure to follow his rules and regulations. Recipients view this as a direct attack on the use of lay advocates, including other recipients, to represent them in dealings with welfare officials. Many of these lay advocates have provided high quality representation resulting in increased protection for the legal rights of recipients. Virtually all act without charge.

Levy on Funds of Deserting Parents: Parents or spouses who desert their families are liable to the federal government for any assistance furnished such families. This debt can be recovered from any amount due such parents from any federal agency, with no judicial determination of the underlying support obligation and no prior notice of the levy.

Alternative Proposals: H.R. 1 is the fifth version of welfare reform sponsored by the Nixon Administration. The President's original proposal was passed, with minor alterations, by the House in 1969. Under pressure from the Senate Finance Committee, the Administration revised H.R. 16311 in June and October of 1970, and finally settled upon a third revision, in November, which never came to a Senate floor vote because of the legislative log-jam at the end of 1970. None of these prior bills provided sufficient grant levels or protection of individual rights. None, however, was as oppressive as H.R. 1 and none would so endanger the subsistence of so many recipients, since maintenance of current grant levels by the state were required. Congressman Rangel has introduced a bill guaranteeing $6500 to a family of four and covering all persons with income below this level (H.R. 16729). Representative Fraser has introduced a measure similar to the November revision but requiring a $3600 floor and universal coverage (H.R. 7388). A bill by Representative Pepper would federalize all welfare payments as of July 1, 1971 and provide a family of four $4150 in 1972 and $6250 by 1977 (H.R. 7254). Representative Ullman has sponsored a measure to end all assistance to employable persons and limit state payments to AFDC families (H.R. 6004).

Nobody Gets Hurt

These are the changes needed in the FAP-OFF program (H.R. 1, Title IV) and Medicaid (H.R. 1, Title II) to insure that no recipients will be worse off than they are under the present Welfare program.

1. *The federal grant level must be as high as possible and should include provision for adequate emergency assistance. The federal grant level should be adjusted annually for increases in the cost of living and it should not contain an arbitrary family maximum.*

The $2400 federal benefit level set forth in § 2152 of H.R. 1 is less than current AFDC benefits plus food stamps for welfare families in 45 states and the District of Columbia, almost 90% of the welfare families in the entire country. In 29 states, the federal level is less than present AFDC benefits alone, and it is $64 less than the $1600 plus food stamps provided in the original Nixon proposal. Moreover, under H.R. 1 emergency assistance is available only to families initially applying for benefits, who must show an emergency which must be met before their application is fully processed. The family must be presumptively eligible for assistance, and the amount of emergency aid is limited to $100. Any amount given to meet such an emergency is deducted from future benefits. § 2171(a)(4). Emergency assistance under current federal law is authorized without limitation as to amount where such payments are necessary to avoid destitution . . . or . . . provide living arrangements in a home for a dependent child. Emergency payments may be made whenever the need arises, not just upon initial application, and they are not deducted from any future benefits.

The federal benefit level set by H.R. 1 includes a maximum of $3600, regardless of the size of the family. § 2152. No such restriction is required by the current federal law, and there are no family maxima in 44 of the states, including 4 of the 5 southern states supposedly helped by H.R. 1. Further, H.R. 1 requires no cost of living adjustment in the federal floor. States would have to pay the cost of such increases, if any, wholly out of state funds, since federal funds are not available to assist the states. It is therefore unlikely that cost of living adjustments will be made. Under current law, recipients in most states have been receiving periodic cost of living adjustments; roughly keeping pace with advancing inflation; at least one such adjustment in need standards was required by § 402(a)(23) of the Social Security Act.

H.R. 1 must be amended to include a federal benefit level, with mandatory state supplementation which would guarantee that recipients will receive no less than what they currently receive under the AFDC and Food Stamp programs, including adequate emergency assistance in amounts and under the terms currently in effect. The family maximum must be replaced by reasonable increases in the federal benefit for each additional person in the family, and provision must be made for annual cost of living adjustments in the federal floor.

2. *States must be required to supplement FAP grants up to present AFDC benefit levels, plus the amount of food stamp bonuses, and provision must be made for meeting the special needs of recipients.*

State supplementation above the federal benefit level is optional under H.R. 1 § 2156. Moreover, there is no incentive for states to supplement the federal grant. Federal payments are available only to hold the states harmless against costs above 1971 levels due to increased numbers of welfare recipients, and not to meet costs due to grant payments in excess of the federal benefit nor to meet costs resulting from extensions of eligibility to persons not currently eligible for AFDC, such as the employed or unemployed working poor. Finally, the 1971 state level for purposes of the federal contribution is measured by the actual grants to persons with no income, not by state need levels. H.R. 1 also contains no provision for meeting acute or unusual family needs. Many states currently provide grants for meeting such special needs, either for non-recurring needs such as major household appliances or winter coats, or for recurring needs such as a specially enriched diet.

H.R. 1 must be amended to require the state to supplement FAP grants up to present AFDC levels including grants for special needs, plus the amount of food stamp bonuses. Federal matching should be provided for all amounts expended by the states for such supplementation, so that costs to the states do not exceed 1971 levels.

3. *Medicaid benefits must be maintained at their present levels.*

Under the medicaid provisions in Title II of H.R. 1, the services available to medicaid recipients could be cut back and recipients would be forced to pay for benefits now received free. In particular, states will be allowed to reduce the number of services they offer, and those recipients who work would have to pay the entire third of the earnings they are allowed to keep as a work incentive on medical bills before they can receive medicaid benefits.

H.R. 1 must be amended to insure that medicaid benefits are maintained at their present levels.

4. *All persons presently eligible for AFDC must remain eligible for assistance under H.R. 1.*

H.R. 1 will result in a loss of benefits for many persons who are presently eligible for assistance under the AFDC program. This is accomplished by narrowing the definition of families who are eligible to participate; by excluding certain individuals and families who are now covered; and by counting income and resources which current federal law does not deem sufficient to disqualify a family from receiving aid:

(a) H.R. 1 defines an eligible family as two or more related persons, at least one of whom is a child dependent upon a family member, living in a residence maintained by a family member as his or her own home. Current federal law defines a family as a child of an absent, disabled, dead or unemployed parent in the care of a relative, regardless of whether the child is legally dependent upon such relative and regardless of whether his residence is maintained by a family member as his own home. 42 U.S.C. § 606(a). The requirement of own home added by H.R. 1 raises a significant barrier to coverage of migrant workers and may also preclude coverage of families living in the home of a nonrelated individual.

(b) H.R. 1 excludes from coverage persons essential to the well-being of a recipient and living in the same home as a recipient, who are eligible for assistance under current law. 42 U.S.C. § 602(a)(7). This provision alone will disqualify thousands of current recipients. The bill also denies benefits to any family the head of which is a regular student at a college or university, even though he or she is also employed or in the labor market and studies at a free public university. § 2155(a)(4)(A). Current law contains no exclusion of such students; welfare mothers regularly attend college under the WIN program in order to ultimately achieve maximum self-support. In addition, H.R. 1 provides that any individual who has been out of the United States for 30 days, other than because of employment or military service is subject to a 30-day resident requirement. § 2155(a)(4)(B); and the federal governments in administering any supplemental benefits on behalf of a state, would be required to recognize a durational residence requirement of any length, if the state decided to impose one. Durational resident requirements for the receipt of welfare benefits have twice been outlawed by the United States Supreme Court and are currently prohibited by federal regulations. Finally, H.R. 1 provides that stepparents will be presumed to contribute all of their income to their spouse's family, even where the stepparent has no legal duty to support that family under state law and does not in fact make any contribution. Under current federal law, as interpreted by the Supreme Court, the income of a stepparent may not be applied to deny eligibility or to reduce payments unless state law requires all stepparents to support their stepchildren. 45 C.F.R. 233.90(a). Not only will this provision disqualify many families who are presently covered by AFDC, but it will discourage persons from marrying an FAP recipient, even where they are living together in a family situation.

(c) Under H.R. 1, the family must have total countable resources of less than $1,500. This is a substantial lowering of the resources which a family may have; current law allows up to $2000 per person. 42 U.S.C. § 602(a)(7)(8); 45 C.F.R. 233.20.

As a result, many poor families will no longer be eligible and efforts by recipients to accumulate savings or to provide for the future through life insurance (the cash surrender value of life insurance is included as a resource) will be hampered. H.R. 1 also includes for determining eligibility under FAP certain irregular income such as gifts; scholarships or fellowships in the amount in excess of the tuition portion of such grants, and ⅔ of all child support and alimony payments. Current federal law disregards all irregular income, the total amount of scholarships and fellowships, and child support to the extent that it is not regularly received.

H.R. 1 must be amended to make clear that a family which contains a child in the care of a specified relative would be eligible, regardless of whether the child's residence is maintained by the family member at his own home. Eligibility should also be expanded to include those persons included under current law as "essential" and those families headed by a student at a college or a university. Further, the bill must be amended to prohibit durational residence requirements entirely and to track the current federal law concerning the attribution of stepparent income. Finally, total countable resources permitted should be raised to the current level of $2000 per person, the maximum placed on the irregular income disregard should be eliminated; and in all other respects the current federal disregards on unearned income should be adopted.

5. *Eligibility and grant levels must be based on current need.*

Under H.R. 1 benefits are to be paid at least quarterly. Income received during the previous 3 quarters in excess of benefit levels must be applied to reduce grants for the current quarter, regardless of whether the family received benefits during those quarters and regardless of whether the family currently is in need. § 2152(d)(2)(3). Under H.R. 1 there could be several months when a family had no income but was ineligible or eligible for very small benefits because of income received in the past but no longer available to the family to meet its current needs. This is a substantial departure from current federal law and practice in the states, which determine eligibility and the amount of the assistance payment on current need. 42 U.S.C. § 602(a)(10); 45 C.F.R. 233.20. Another departure from this principle is the provision in H.R. 1 which allows the recovery of past overpayments, whatever the reason for the overpayments, out of future grants, with certain narrow exceptions. § 2171(b). Under current law, recovery is permitted only when current assets exceed current needs. And another is the requirement that every family receiving assistance be terminated and reapply for assistance every two years, regardless of whether its needs have changed in the slightest. This procedure will be a wasteful burden on the administration of H.R. 1 and will cause extreme hardship to recipients in the form of missed benefits pending reapplication. Under current law termination is permitted only if the family is no longer needy (or because of the death, disappearance or voluntary withdrawal of a recipient).

H.R. 1 must be amended to track current law by requiring that a family which demonstrates present economic need have its needs met, without reduction or denial of benefits because of past or future presumed income, and that overpayments may be recovered only when current assets exceed current needs. The automatic two year termination must also be stricken from the bill.

6. *Recipients should not be subjected to arbitrary administrative procedures which deny their right to due process and interfere with their right to welfare.*

The administrative procedures established under H.R. 1 deny welfare recipients substantial rights protected under current law:

(a) H.R. 1 provides that families must report all income and expenses for a quarter within 30 days of its close, or the entire family automatically loses its benefits. Failure to so report or a delay in reporting subjects them to a further penalty of $25 for the first failure; $50 for the second; and $100 thereafter, even when failure to report results in fewer benefits to the family. § 2171(e). Under current federal law, recipients are under a continuing duty to report all changes in their status, but there is no automatic penalty for failure to do so. H.R. 1 should be amended to track current law requiring recipients to report all changes in their status and relying on the normal recovery procedures rather than the automatic termination and additional penalties required by H.R. 1.

(b) H.R. 1 provides that once a person is alleged to have abandoned his spouse or child, he is made liable to the federal government for any welfare benefits made to such spouse or child. This obligation may be satisfied out of any amounts owed to such persons by any federal agency, such as Social Security benefits or future FAP benefits. No judicial determination of the debt or the underlying support obligation is necessary. § 2175. Parents travelling interstate to avoid child support are additionally subject to a $1000 fine, a year in prison, or both. § 2176. Current law requires that the state attempt to secure support from deserting parents, but only through state law enforcement officials in the same manner by which support is obtained from non-welfare parents who desert or fail to support children.

H.R. 1 should be amended to strike §§ 2175 and 2176 and to substitute therefor a provision obligating federal officials to attempt to secure support from absent parents and spouses by referring such cases for action under state laws which apply equally to all persons.

(c) H.R. 1 provides for a hearing to challenge any adverse decision but does not require that this hearing be prior to any reduction or termination of benefits. This Committee Report indicates that if prior hearings are given, recipients will be subject to recovery of any payments received during the pendency of their case if the decision of the Secretary is upheld. Further, there is no judicial review of questions of fact decided at such a hearing. § 2171(c). Current federal law requires a due process hearing prior to termination or reduction of benefits. Most states provide for judicial review in state courts, where findings of fact can be challenged as arbitrary or not supported by substantial evidence; and judicial review of all questions is available in cases involving social security benefits administered by the federal government.

H.R. 1 must be amended to guarantee to all recipients the right to a due process hearing before any reduction or termination of benefits, without any penalty if the hearing is not successful; and judicial review must be allowed on all questions of law and fact.

(d) H.R. 1 authorizes the Secretary to make rules governing who may represent recipients before administrative officials. The Secretary may require that such representatives be of "good character" and "in good repute" and able to render "valuable service." Current federal law guarantees recipients their right to be represented by a person of their choosing in all contacts with the agency. 45 C.F.R. 206.10. Recipients are often ably represented by laymen or friends without fee.

H.R. 1 must be amended to guarantee to recipients their right to a completely free choice of representative, including a friend or relative.

7. *No mother with children under the age of 18 should be forced to place her children with neighbors or in a day care center in order to accept work outside the home.*

H.R. 1 mandates forced work for mothers of children over the age of 6 years, and as of 1974 for mothers of children over the age of 3 years. Lack of acceptable child care is not recognized by the bill as a ground for refusal of employment or training, and there are no legislative standards for the quality of child care. In addition, recipients may be required to pay for the cost of child care, although they may not receive a full deduction for such expenses against the income they receive. § 2112.

Current federal law has a work requirement which includes mothers but with numerous safeguards to insure that mothers who do not have adequate child care may not be referred to work or training. Mothers are to be consulted in any decision as to the use of child care facilities. 42 U.S.C. § 602(a)(19); 45 C.F.R. 220.35.

H.R. 1 must be amended to give mothers of children under 18 a choice about whether they wish to work or stay home and care for their children. Adequate child care services as determined by the mother must be available before work could be required.

8. *Federal minimum wage and suitable work protections must be provided for people required to accept work or training, and parents who refuse work or training should not have their children's grants paid to a third party who is authorized to manage the family's affairs.*

H.R. 1 guarantees recipients only 75% of the federal minimum wage or $1.20 an hour at present standards. There are also few specified job standards or suitable work protections, such as are provided under unemployment insurance laws. § 2111. Moreover, H.R. 1 requires not only the termination of parents who refuse work or training, but directs the payment of their children's grants to a third party who is then authorized to manage the family's affairs. The family unit is thereby essentially destroyed.

Current federal law provides numerous reasons why an individual may refuse work, among which is that the job does not pay enough. Persons who refuse work may be terminated but third party payments are not required.

H.R. 1 must be amended to spell out specifically the reasons for which work may be refused. "Suitable" employment must be defined, and no one should be forced to work at a job which pays less than the federal, state or local minimum wage or the prevailing wage for similar employment in the community, whichever is the highest. The bill should also be amended to delete the requirement of payments to third parties where the parent refuses work or training.

9. *Meaningful work incentives must be provided to all recipients by provision for realistic earned income disregards.*

In order to encourage recipients to obtain gainful employment, current federal law allows certain earnings and expenses to be disregarded before eligibility or the amount of assistance is determined. All earnings of a child/student and all earnings of a child under 14, regardless of whether he/she is a student, are disregarded. Irregular income is also fully excluded. The entire cost of child care and all other work-related expenses such as transportation, uniforms, and equipment may also be disregarded without limitation as to amount. Where income is from self-employment, a reasonable proportion thereof may also be disregarded if it is used to increase capital assets in order to improve future production. Finally, thirty dollars a month plus ⅓ of all other income is deducted from *gross* income in addition to the above amounts. (For purposes of initial eligibility *only*, this amount is not disregarded.) 45 C.F.R. § 233.20.

H.R. 1 authorizes the Secretary to limit the amount of student earnings, irregular income, and child care costs which will be disregarded, and it allows no deduction at all for work expenses. The combined disregard for the above items cannot exceed $2,000 a year for a family of 4; an additional $200 is allowed for each individual family member up to a maximum of $3,000. All other income is disregarded at the rate of $60 a month plus ⅓ of the remainder; however this disregard would now be applied against net income. § 2156.

The appearance of a higher statutory disregard in H.R. 1 i.e. $60 a month plus ⅓ of the remainder, disguises a significantly lower disregard which results from the individual and combined effects of the application of the disregard to net rather than gross income, ceilings on costs now fully disregarded, and omission of any disregard for work expenses. The result is that many families will keep far less of their earnings under H.R. 1 than under current federal law, and the incentive to work is significantly reduced.

H.R. 1 should be amended to substitute the earned income disregard provisions of the current AFDC program.

AGRICULTURE IN FOREIGN AID

Mr. McGEE. Mr. President, no doubt the Senate will go through another controversial examination of the foreign-aid program during this session of Congress.

During the first session of the 92d Congress, many doubts were expressed as to the meaningful role foreign aid has played worldwide in general and in the underdeveloped nations in particular.

However, I would urge Senators to give close scrutiny to a paper written by Erven Long on "American Agriculture's Economic Interest in the Foreign Aid Program."

It is quite interesting, as Mr. Long points out, that the total U.S. agricultural income now depends very heavily upon a lively export market.

Long states:

> Sixteen per cent of all total receipts from farm marketings in 1971, and 35 per cent of all cash receipts from crops, came from exports.

Many Senators have voiced public concern at the plight of the American farmer today, and I have joined in that concern. But it might behoove all of us to ponder the possible consequences to American agriculture should the foreign aid program be discontinued or reduced to insignificant levels of funding.

I ask unanimous consent that Mr. Long's paper be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

AMERICAN AGRICULTURE'S ECONOMIC INTEREST IN THE FOREIGN AID PROGRAM

What is the economic interest of American farmers and of the organizations which represent them, in the U.S. foreign aid program? Will technical and economic assistance to the less developed countries help or hurt U.S. agricultural interests? Does economic development of the less advanced countries expand exports of U.S. farm products, or increase competition for world farm commodity markets?

These kinds of questions—along with humanitarian and national security considerations—are, quite properly, raised when U.S. foreign aid programs are being discussed and reassessed.

Fortunately, enough time has now passed, since the aid program began, to give a clear and certain answer to the general question: a continued strong and effective foreign aid program is critically essential to the future economic well being of American agriculture!

In its simplest statement, this is because U.S. agriculture's future depends heavily upon an expanding total world market for farm products, and because most of this expansion can come only from increasing consumer incomes in the less developed countries—requiring, in turn, an adequate U.S. foreign aid program. The facts given below, supporting these propositions, are quite startling.

1. U.S. AGRICULTURE DEPENDS UPON EXPORTS OF FARM PRODUCTS

Total U.S. agricultural income now depends very heavily upon a lively export market. Sixteen percent of all total receipts from farm marketings in 1971, and 35% of all cash receipts from crops, came from exports. Commercial export sales rose 300%, from 2.2 to 6.7 billion dollars, from 1951 to 1971. Exports to the developing countries more than doubled in the last ten years. And it is the commercial cash sales exports, rather than U.S. government sponsored (P.L. 480, etc.) concessionally-priced sales which have grown. Commercial sales were less than double concessional sales under U.S. government programs in 1951; they are more than six times as large as such U.S. government subsidized sales at the present time. Seventy-nine percent of all U.S. cash receipts for wheat are from exports; 74% for rice; 68% from soybeans—and even 28% from all corn produced.

The significance of export sales to American agriculture is actually much greater than these figures would suggest. For farm products in the U.S., a given reduction in quantity demanded has a much greater than proportionate negative effect upon price. In the economist's terms, the demand for farm products is very inelastic with respect to price; which means that, if our exports should decline, under free market conditions, tremendous price reductions would be necessary to sell these extra farm products in our own markets and total farm income would fall disastrously.

2. SUBSTANTIAL EXPANSIONS OF THE EXPORT MARKET MUST COME PRIMARILY FROM IMPROVED INCOMES IN THE LESS DEVELOPED COUNTRIES

Although it is the poorest people (and poorest countries) who are hungriest, it is only the richer to whom we can sell our farm products. Before the U.S.—and more recently other—foreign aid programs began to take effect, U.S. farm exports to the "less developed" countries was minimal; to many countries almost inconsequential. It has been estimated, for example, that U.S. farm products sales to Canada—itself a major food exporter—were approximately 100 times as much per capita as to the underdeveloped countries of Asia and Africa. Exports were, necessarily, primarily to the richer countries such as those in Western Europe. But the demands of these richer countries for farm products—like those in the United States—are becoming quite well satisfied. The majority of their people have incomes sufficiently high that they have quite well filled their food needs and, as their incomes rises, can be expected to spend little of this additional income on food. Future expansion of exports of farm products to those countries will necessarily be rather modest—limited largely to that resulting from population growth plus some from shifting to higher cost diets—especially, more animal products.

In the less developed countries, on the other hand, the needs and desires for more food and better quality food are vastly unsatisfied. Expansion in food purchases, for all but relatively few of their people, is limited primarily only by their low incomes. And, as their incomes go up, this fact is reflected in increased imports of farm products. This characteristic difference between the poorer and richer countries is demonstrated very well by a USDA study of the 1957–64 experience of 66 countries.

According to this analysis, as per capita incomes, rose 10%, agricultural imports increased . . .

25% in low-income countries (under $200/capita/yr., such as India, Korea, Taiwan).

11% in medium-income countries ($200–600/capita/yr., such as Argentina, Greece, Spain).

8% in high-income countries (over $600/capita/yr., such as Canada, France, Sweden).

In other words, agricultural import growth was more than proportional to income gains in the poorer nations and less than proportional in the richer nations.

Recent experience has borne out the implications of these facts. FAO figures show that during the ten years between 1957–9 and 1968 (the most recent figures available) the developed countries increased their total agricultural imports from all sources by 34% while the less developed countries increased theirs by 59%. Generally speaking, the rate at which these imports by less developed countries were increased depended upon their rate of general economic growth. More importantly, increases in net imports of agricultural products were much higher by the less than by the more developed countries. For example, about 90% of agricultural sales to the U.S. by the less developed as against about 50% of such sales to the U.S. by the developed countries.

One of the most significant factors, and most favorable to the long range U.S. agricultural interest, is the fact that the poorer countries' diets are so heavily limited to cheaper calorie sources. Their income levels are such as to restrict them primarily to cereals and other starchy foods. Meat, dairy products and egg consumption, for example, supply only a very small fraction of total calories for the majority of people in most less developed countries. The wealthier people in these countries normally consume much more animal products than the average—have diets more comparable in this respect to those in the richer countries—but there are relatively very few such people.

As incomes of more people in these poorer countries improve, so they can afford it, they sharply increase consumption of animal products and other such "luxury" foods. This greatly expands the market for farm production. It takes about 6 to 8 calories of grain to produce one calorie in the form of beef, and somewhat less than this to produce one calorie in the form of eggs or milk. Total demand for grain, in other words, is several times greater when people can afford to eat it in the form of animal products than if obliged, as at present in the less developed countries, to eat it directly as cereal products. This is why exports of feed grains and related products have risen from 13% to 40% of all U.S. farm exports in the last 20 years. The "income elasticity of demand" for animal products and other types of "luxury" foods is extremely high in the less developed countries, so that we can expect them to have a very strong demand for total U.S. farm products for almost as far as one can see down the path of their development, providing their incomes continue to rise! This explains the very strong demand for feed grains in Japan which has made it the world's greatest importer of U.S. farm products.

3. AGRICULTURAL GROWTH IN THE LESS DEVELOPED COUNTRIES IS ADVANTAGEOUS TO AMERICAN AGRICULTURE

Farmers, perhaps better than any group understand the reason for this seeming paradox. The general economic development of a country, and therefore its ability to buy farm products from us, depends upon its developing a strong, virile agriculture as a base for its own expanding economy. No country can build a very high stage of economic development upon the shaky foundations of rural stagnation, rural poverty, rural illiteracy, rural ill-health or rural indebtedness—especially, as is the case in the less developed counties, if most of the people are rural people, who make their living by farming. Therefore, the general economy cannot grow—and their consumer incomes cannot rise enough to enable them to buy U.S. farm products—unless they develop a strong agricultural institutional and productivity base.

Too often discussion on this issue gets confused with questions of competition for existing markets. Some of this, especially in the short run, there undoubtedly will be. In the case of the less developed countries, however, such competition is minimal, as they have an unsatiable appetite themselves for conventional foods of the type the U.S. exports. Their foreign agricultural exports (unlike those from the more developed countries) are primarily specialized, tropical crops such as coffee, tea, rubber, jute, spices, etc. But, in any event, the real interest of American agriculture is in expanding the total world market. Given a rapidly expanding, and essentially limitless potential world food market, U.S. agriculture can find opportunity to adjust as necessary and expand its total export sales. It is in working for this larger pie—rather than for slightly larger pieces of a shrinking pie—that the American farmers' economic interests are best served.

These are not insignificant issues, as the concluding table will show. An examination of 10 selected countries, with average annual growth rates in agricultural production substantially greater than in the United States, have developed their economies and consumer income levels to the extent that present imports of U.S. farm products are an average of 534% of what they were in 1955.

These are among the countries which have come furthest up the ladder of development. All have been major U.S. economic and technical assistance recipients; half have graduated from the need for such aid. Because their economic growth has been more rapid, they have increased their imports of U.S. agricultural products more than the average for all less developed countries. As other less developed countries continue to advance toward higher per capita income levels, we can expect the general patterns of increased food imports to be comparable. Not all the agricultural imports by any of them will be from the United States. And some may not increase such imports from the U.S. at all. But all will expand the world market for agricultural production—increasingly so as their incomes rise so they start shifting significantly toward higher quality diets. It is this potentiality for continuous, long-term expansion of the world market for agricultural products which answers the question with which these notes began: "What is the economic interest of American farmers, and of the organizations which represent them, in the U.S. foreign aid program?"

These figures, more powerfully than words, demonstrate the validity of U.S. programs to help the farmers of the less developed countries of the free world achieve economic progress and better lives, as a necessary base for the development of their own national economies. Because American farmers have comprehended so deeply their contribution to our own national development, they have through the years supported such U.S. foreign economic and technical assistance efforts. It is fitting that this should turn out also, to be in the American farmers' own best economic interest.

U.S. AGRICULTURAL COMMERCIAL EXPORTS, BY YEAR

[Dollars in thousands]

	1956	1960	1965	1971	Percent of 1971 is of 1955	Compound annual rates of growth in total agricultural output (1950-68) (percent)
Japan	$264,090	$465,239	$865,507	$1,089,232	412	3.3
Israel	7,421	12,700	38,092	52,112	702	9.3
South Korea	4,073	11,206	18,434	61,397	1,507	3.7
Spain	11,133	17,669	147,670	167,631	1,506	2.9
Taiwan	1,557	14,483	27,930	157,046	10,200	4.5
Thailand	6,143	6,648	18,520	41,582	677	4.5
Morocco	3,950	6,070	2,469	32,568	825	(1)
Nigeria	6,481	7,587	8,435	21,284	322	(1)
Jamaica	5,426	9,342	18,081	31,185	575	2.7
Brazil	8,856	9,025	5,969	37,672	414	3.8
Total of 10 countries	319,690	562,151	1,177,156	1,708,688	534	

SPEECH BY GEORGE R. BAGLEY AT CHARLESTON, S.C.

Mr. THURMOND. Mr. President, on December 8, 1971, I was privileged to attend the annual meeting of the South Carolina Association of Soil Conservation District Commissioners in Charleston, S.C.

The principal speaker at this meeting was Mr. George R. Bagley, national vice president of the National Association of Conservation Districts.

Mr. President, Mr. Bagley made a very fine speech, and he dealt considerably on the historical development of soil conservation districts in South Carolina. He named many of the substantial leaders, past and present, who have contributed so much to the success of the conservation movement in South Carolina and all over the Nation. The other portions of his talk dealt primarily with the need for comprehensive land use planning throughout the Nation.

Mr. President, the ideas presented by Mr. Bagley are of great importance to all of us. I recommend this speech to Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE ENVIRONMENTAL DECADE—THE DISTRICT'S ROLE

(By George R. Bagley)

Greetings from your National Association of Conservation Districts. We in Louisiana feel we owe your state of South Carolina a lot for you really trained one man well who has worked wonders for us as State Conservationist. That man is Joe B. Earle—really his heart belongs still to South Carolina, I'm sure.

One translation of your state motto is "Ready in Soul and Resource" and I believe this so accurately describes your early contributions to the Conservation Movement. I feel a bit like I'm following Bob Hope on a comedy hour, because of the two great and prestigious gentlemen who have preceded me on the program. Their contributions have been great to our nation. I cannot sing the praises of Senator Thurmond or U.S.D.A. Under Secretary W. E. Galbraith too highly. Fellow Conservationists, we are standing in tall timber today.

Maybe I should have just called South Carolina "the palmetto state" and let it go at that. But you have been rich in resources and the inspired souls of great men to go with them. You're first in South Carolina in many things like the manufacture of cotton textiles and being a cotton grower, I especially like this about your state.

Three years ago, after our 200 Louisiana Bankers and Farmers toured your outstanding South Carolina conservation projects and enjoyed your sincere hospitality we'd put you ahead of California in peaches. Your paper, lumber, and wood products and food products are extremely important as are your crops of tobacco, cotton, corn, hay, chickens and turkey. You're truly a great agricultural state and one where industry which manufactures agricultural products makes you about as vertically diversified as you can get.

You have early great beginnings that show your state has long attracted courageous leaders.

The Spanish tried to settle in 1526 and the French under Jean Ribaut in 1562 attempted colonization. It was Jean Ribaut who named South Carolina for Charles IX of France.

The first group of English pioneers arrived in April 301 years ago and settled at Albemarle Point. Ten years later in 1680 exposure to storms and pirate attacks forced these pioneers two miles farther inland. Here we are three centuries later at Charleston where their first successful settlement was. It is a pleasure to be here.

I wish I could have been here a few months ago when the memorial was erected at Gaffney, South Carolina, in memory of a real conservation pioneer in our nation—Mr. E. C. McArthur, who was the first president of this state Association and the first president of the National Association of Conservation Districts. We appreciate the efforts of Dr. Bill Brumback, Chairman of the Cherokee Commission for recognizing South Carolina's and the nation's first man of vision and energy in the conservation field, Mr. McArthur's untimely death in September 1947 deprived the nation of a great leader. The monument erected where he lies buried on a plot of land overlooking his farm appropriately states:

"Edgar Clifton McArthur, Mar. 7, 1882–Sept. 2, 1947. First President of the National Association of Soil Conservation Districts. He loved the land, especially his native land. He taught and practiced soil conservation."

Between the organization of his own District and the founding of NASCD and its first meeting in Chicago, "Mr. Mac", left a lasting impression upon the organization.

We appreciate the fact that a Clemson, South Carolina man, Mr. Joe Douthit, who was a Director of NASCD in 1956 and 1957 helped prepare a history of the NACD and the 18,000 leaders, who served without pay, and the now 3021 conservation districts who contribute greatly to proper land use on 97% of our nation's privately owned land with 2.2 million cooperators with Soil and Water Conservation Districts.

In South Carolina on February 4, 1942, E. C. MacArthur called a meeting with four states in attendance to organize Soil Conservation District Officials. This was World War II time and emphasis was on production of more food and fibre for the war effort, so it was January of 1946 before delegates from 32 states—Governors, District Commissioners and others interested in the Conservation Movement met in Washington to consider a national organization.

McArthur said, "I returned to South Carolina with some understanding of what it would take to do the job. I realize that much depended upon the type of men involved . . . NACD should be composed of men with a love of soil in their hearts—men of character, ability, aggressiveness and purpose." "Mr. Mac" invited 17 men to meet in Chicago on July 24 and 25 of 1946. The group worked hard. They asked Mrs. Ellen S. Cobb of Spartanburg, South Carolina who had been assisting Mr. McArthur from the time he was chosen Supervisor of the Board River Soil Conservation District in 1938 to serve as secretary.

E. C. McArthur presided at the first annual meeting in Chicago 25 years ago. The next year Clair P. Guess, Jr. represented South Carolina at our second annual NASCD meeting in Des Moines, Iowa. As early as 1956, at a convention in Louisiana, I remember Clair Guess. He ran the whole League City National Office and Service Department. He was appointed to establish a field office in Louisville in 1958. He had, along with Bob McClelland already been employed as assistant to the president and program advisor. Clair Guess, Jr. contributed much ingenuity to the cause of conservation and NACD.

Gorden Webb joined the NASCD staff in April 1954 and served as a special assistant for the Southeastern States from a Spartanburg, South Carolina headquarters until early in 1955.

The Soil Conservation Districts Foundation was established in 1952 at the suggestion of F. E. Coxe of South Carolina and W. Joe McArthur made the first contribution to the Foundation.

I would like to recognize and honor another great man in Conservation—Lewis E. Hendricks who has led your State Commission to outstanding accomplishments, for example, under the leadership of Governor John West in sponsoring along with the State Soil and Water Conservation Commission the highly successful Governor's Land-Use Conference this year. Major problems and causes for concern in holding this land-use conference were:

(1) Channel improvement work;

(2) Reorganization of state governments, though no immediate problems exist in South Carolina, your association is aware of activities in other states along this line;

(3) The general trend in soil and water conservation work with non-agricultural

needs. The necessity to stay abreast of these problems and to maintain a close working relationship with urban and suburban interests; and

(4) Adequate funding of Districts—which is always of concern.

NACD appreciates your financial support as well as the personal dedication of your many leaders from your early pioneers to your Treasurer, A. B. Carwile and Newman Buck who followed Joe B. Douthit as Director in 1958 and 1959 and was Area Vice-President in 1960.

You should be proud of your capable State Conservationist, George Huey. You're lucky to have him.

John W. Parris will be a worthy successor as Executive Director of the South Carolina Soil and Water Commission. He has such big shoes to fill in following Lewis Hendricks. He has had much help from W. B. Bennett, G. E. DuBose, L. H. Hicks, John McAllister, Reynold F. Suman. Never do I come to South Carolina without remembering the great work of Ned and Collough Dargan who have contributed much to the state and nation. Educationally speaking, we think Collough Dargan and South Carolina are the last word in environmental education. W. B. Wilkerson, Jr. certainly serves you well as President of the South Carolina Association of Soil and Water Conservation Districts.

You have many famous leaders and you in just this past year have led in great activities.

1) You participated in the Third Forest Program. John McAllister is a member of the NACD subcommittee. The South Carolina State Commission and the State Forestry Commission have developed a cooperative agreement for a special recognition program to Districts which excel in promotion of "The Third Forest Program."

2) You held the First Conservation Leadership Seminar at Cherry Grove Beach where twenty-two districts participated.

3) Districts leadership in youth activities were highlighted by youth commissioner Bruce Wilkins' impressive presentation at Southeastern Area meeting. Bruce Wilkins said, "I discovered that the Conservation District organization was set up somewhat like a "team". The District Commissioners—representing the local people—are actively determining the needs and promoting the solutions. The State SWC Commission provides professional and financial assistance to Districts to assist in getting the job done. The Federal Government, through the USDA's Soil Conservation Service provides technically trained personnel to help get "conservation practices on the land."

Leslie Morgan, President of the South Carolina FFA, was the featured speaker at our NACD convention in Chicago. He asked, "What about involvement of America's young people in the environmental challenge? I believe that the conservation district program throughout this nation has an unlimited opportunity to involve thousands of America's young people in solving the environmental problems of our day. A number of conservation districts in my home state of South Carolina have acted to bridge the generation gap and involve young people. They are naming conservation district youth commissioners to local boards."

Congratulations on your State Youth Advisory Council for Environmental Improvement, and your Annual Youth Conservation Workshop.

4) You had the outstanding leadership of Senator and District Commissioner Ed Garrison and NACD Area Research Chairman Ned Dargan in promoting a No-Till Evaluattion Conference which brought together District Commissioners, Agricultural Research Service, Extension and SCS people for practical discussions on the subject.

At the NACD Area meeting in July you had Ned Dargan and some top ARS men in Dr. Jan Van Schilfgarrde, Dr. Robert Burns, Dr. R. W. Pearson, and other researchers who reminded the group that "today's agricultural research is tomorrow's agriculture."

5) Districts participation in Environmental Stewardship Week was best described by Lt. Governor Earle Morris' statement, "Conservation Districts are the key to improving our basic natural resources."

The work of ministers serving as District Chaplains has provided such outstanding sermons as the one delivered by Dr. George Lovell of the Horry District. That sermon was widely distributed and was placed in the Congressional Record.

Charleston lives up to its reputation for Southern charm and dignity. Aristocratic South Carolina spreads a carpet of historically important events. Your 280 miles of seashore are worthy of environmental protection. From the Low Country with your oaks and cypresses to your native pine in the Sand Hills, the rolling Piedmont section to the Virgin forests of the Blue Ridge you have much with which to concern yourselves as the farms are changing and cities are sprawling to protect your valuable land for food and cotton and other agricultural products.

I am pleased to be with you here in Charleston where, according to local opinion the "Ashley and Cooper Rivers unite to form the Atlantic Ocean."

A university law professor once said "The only real force with long-lasting effects are groups of people in their own communities, who have involved themselves in problems that affect their communities, and have pursued hard and deligently, and who then begin to see the power of persistent, well-informed local action. People only really become involved in problems that affect them close to home."

Your successes in meeting environmental problems head on in South Carolina have already been phenomenal. Conservation Districts need to be a big part of the action all over the state and the nation. Districts need to assume their role in this environmentally alert decade.

You have the resources. You have worked together with a semblance of your early colonization spirit of courageous people. You can continue to plan together with that same imagination and rare community pride and spirit in the future.

You are to be congratulated on your model sediment control program which many states will copy. Our problems have changed to include much more than soil erosion. We now need sediment control programs, solid and agricultural waste disposal programs, flood plain management, green span delineations, plans for highways, airports and subdivision locations.

Much credit is due you for your accomplishments in the past—for your splendid working relationships with Soil Conservation Service—and for the close ties your Districts have with your county boards and other local entities and agencies of government. This relationship is going to be of inestimable value to you in the years to come as we move into total comprehensive land use planning. You are richly endowed with human as well as natural resources. We in NACD are very proud of the leadership and support your fine state has provided to the constant growth of our organization.

But times are changing! We must change. Can you remember when Mother took her daughter to a doctor to get a smallpox vaccination where it wouldn't show? This is not possible today! Let's realize that pollution problems have always been with us. Pollution probably started with Adam and Eve. Ever since Eve tossed away the apple core in the Garden of Eden. "The ecology business is picking up in more ways than one. The 70's will be years of great change in resource planning.

The trend is toward much more intensive use of land—with many consequent conservation problems. In these times of change, NACD and Districts all over America must meet their responsibilities adequately. But in doing so, we must champion the principles for which conservation districts stand—individual initiative, local participation, and democratic self-government.

The whole big national problem of the environment is made up of thousands of local problems which can and must be solved on the local level by people such as you who are willing to give of your time and effort to insure good land use, clean and adequate water, and a quality environment. Comprehensive land-use planning, urban and rural is the key to the future of our nation if we are to succeed in environmental management. The planning we do must be based upon the facts revealed by soil surveys and their interpretations. You are to be commended on your activities in this regard.

We must develop a comprehensive program if we are to avert an environmental catastrophe that no amount of tax dollars can cure. There never will be enough tax dollars to do the job alone. It will take interested and informed people, such as you, to do the job.

It is going to take your city and your country people and cooperation between them. It is going to take your town and city officials, county and state officials, and federal people, too, to do the environmental planning and management job that we face. Management of our environment knows no city limits, no county lines. What happens on one man's land affects what happens on another's land.

Whenever we think of the environment as encompassing all the conditions and influences affecting our lives we have to go further.

We must think of the environment in terms of the quality of living or the good life. We need to think of the wise use and the renewal and reuse of resources as the basis of a good life. We have a responsibility to think not only of ourselves, but of the generations which will follow.

Being a Soil and Water Conservation District Official and a dedicated conservationist is a sort of torch which we hold only for a moment before handing it on burning brightly to future generations.

A generation ago, most men who finished a long day's work needed a rest. Now when they finish a short day's work they need exercise, and a golf course or a ski run to do it on. This involves a new outlook in resource planning for leisure time and recreational pursuits.

But there is something satisfying about doing what you can for those who are depending on you in districts to take the initiative and the lead. We need to think about wise land use as a responsibility not only to ourselves, but its influences and effects in the decades ahead. The uses to which our generation puts the land can expand or severely limit the lives of our children or grandchildren.

Conservation districts are the ones to initiate the action. We need to decide what needs to be done and set standards to protect or enhance the quality of our environment right in our districts. It will be different in every district, just as it is different in every state. In this environmental quality business, we must do a custom job—nothing ready-made and handed-down will fit. You wouldn't use another man's farm plan on your farm. But, just as we plan a farm, so plan your community, so plan your entire district. This will be a job in creative conservation—custom planning community by community, district by district, and state by state.

It is in this essential custom treatment of natural resources that districts with their local home representation, have the greatest advantage. Natural resource decisions are local decisions.

Each community's needs are unique. The needs of your community will be unique. This is why you as local individuals will understand your own county's needs better than anyone else.

Today's conservation districts, as units of state government, and the officials of these districts, as experienced leaders, are better prepared than any other group to function as the environmental districts of the state, or as natural resource districts of counties.

I believe that soil and water conservation districts can do the job.

Ask yourself, what specifically can my district do to help insure the highest and best land use desired; locate new businesses and shopping centers; attract desirable industrial development; preserve and enhance natural beauty.

In the United States we have one billion, four hundred and thirty-eight million acres of privately owned land. Of this ninety-seven percent is included within the boundaries of soil and water conservation districts. The accumulated experience of thirty-five years in dealing with rural land-use problems has made districts realize the importance of soil surveys in planning the best possible land use in the transition from farm to subdivisions and other uses. Soil surveys and their interpretations are the foundation for all land use planning.

What worries me and you, too, I know, is that nationally, much of our prime agricultural land is being placed under concrete and asphalt for highways, shopping centers and airports, and subdivisions at the rate of one and two tenths million acres a year. It has been established that by 1980—ten years away—over 38 million acres of farm land will have been taken for non-agricultural use. Much of this will and has already been taken from our supply of irreplaceable, highly productive soils. These land-use decisions are irreversible. That is why what you are doing during this meeting is so vitally important to all of us. It is important how our number one agricultural land is going to be used.

In the latest Conservation Needs Inventory: of the 1 billion, 438 million acres of privately owned land in the U.S., only 44% or 632 million acres is suitable for cultivation. This includes class I, II, and III land.

Only 3% of our land or 43 million acres is prime class agricultural land that doesn't require the intensive conservation treatment that you must have on number II and III land. These are lands we must plan to have for agriculture—for food, for fiber, even for the spiritual refreshment of the countryside.

We have only 43 million class I acres—prime agricultural land. If urban expansion for highways, airports, and shopping centers, taking up 1.2 million acres each year, is taking up our class I land, we only have enough to last 36 more years.

Twelve percent of our land, class IV, is suitable for very limited cultivation with very intensive conservation land treatment.

The remaining 44% is not suited for any type of cultivation and should be left in its natural state—in grass cover or trees. Why not put our urban expansion on these lands?

When we talk of our wealth of privately owned lands in the U.S. less than ½ of these lands—632 million acres—are actually available for food and fibre production.

We need to take a long hard look at urban expansion. This growth needs to be planned. Base this planning on an inventory of the land and water available. Show this inventory on maps, color identified like a traffic light as to best specific use. Green for a suitable use, yellow for caution—there are moderate limitations, and red for severe limitations for specified uses. Identify specific areas for agriculture, sewage lagoons, solid waste disposal sites, industrial or urban expansion, or recreation areas. Work closely with all planning commissions or other units of government or citizens groups concerned with planning.

Our nation needs sediment control laws similar to what South Carolina, Virginia, Maryland, Iowa and Virgin Islands have passed where anyone who disturbs topsoil must have a plan for erosion control first approved by the local conservation district. Sediment is our no. 1 pollution of our streams and our reservoirs. It is expensive for tax payers to have to remove sediment. Prevention through sediment control laws is the answer.

Let's stop dumping our waste along roads and stream banks. It is said that each of us Americans produce an average of six pounds of solid waste per day—this amounts to the horrifying daily figure of 1,200,000,000 pounds to be disposed of somewhere—Let's at least provide sanitary land fills, located where they will not pollute our streams and underground aquifers.

There is a ray of hope. You here are richly endowed with natural and human resources. You are here working together for an improved environment. Through your cumulative efforts, your entire state will respond and this can be reflected throughout the nation. Your seriousness of concern about environmental management can reverse the trend toward environmental degradation. Your enthusiasm in planning will be contagious to everyone with whom you come in contact.

Let me close by borrowing from one of our soil stewardship themes: "Our resources are vast as the world, but they are not limitless. They represent the purity of nature, but they are being polluted. They are the gifts of God, for our use, but they are being misused."

"Natural resources are the foundations of our past, the realities of our present and the essentials of our future."

"These resources have been called renewable, but the decision is yours and mine."

SALUTE TO OSCAR BROWN, SEWARD, ALASKA

Mr. GRAVEL. Mr. President, on January 9, the congregation of the Lutheran Church in Seward, Alaska—as well as Alaskans everywhere—honored Oscar Brown with a "day." Mr. Brown is surely deserving of it.

I am told he came to Alaska in the ministry in 1930 to serve in the rural communities of the Seward Peninsula. He and his wife over this 40-year period established congregations, built churches, and ministered to the spiritual needs of native Alaskans from Ketchikan in the south to Nome in the north; from Naknek in the west to Fairbanks in the east.

I join all those who salute fine personal contributions such as this and belatedly extend my congratulations to Oscar Brown on "his day."

Mr. President, I ask unanimous consent that the formal remarks made on that occasion by the pastor of the Seward Lutheran Church be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

RESURRECTION LUTHERAN CHURCH,
Box 35, Seward, Alaska.

Oscar Brown first came to Alaska in 1930 to serve the Eskimoes. Having completed a course of work at LBI-Minneapolis, he felt a call to this ministry. The old Norwegian Lutheran Church, suffering with the financial limitations imposed by the Depression could not promise any assistance. So with a limited promise of some minimal support from a congregation in Minnesota, he set out for the Seward Peninsula.

This is a remarkable beginning for a man who has so given of his life to serve his Lord in Alaska. His first decade here he served the Eskimo communities of Little Diomede Island, Cape Prince of Wales, Nome and on occasion assisted our missionaries stationed at Teller.

In 1935 he married Ella Rolvaag, a classmate from LBI, who returned with him to be a continued helpmeet and assistant in ministering to their beloved Eskimoes.

With more churches moving into the Seward Peninsula, the Browns moved to other areas where the Protestant Church had no active ministry. The bustling fishermen's area of Bristol Bay had no organized ministry other than the Russian Orthodox. And so in 1941 the Browns moved to Naknek. In the many years there, they singlehandedly built two churches and organized congregation and Sunday Schools to serve the many and wide varieties of peoples in this area.

It was here in 1956 that Mrs. Brown contracted tuberculosis. From the many years of living in very primitive areas the effect left its mark. Entering the TB sanitorium at Seward, the Browns continued their ministry to the patients there. Two years later they were back at Naknek where Mrs. Brown suffered a stroke that has kept her bedridden since. The Browns presently live in Seward, Alaska.

But these are just details that can't possibly tell the story of one of the most remarkable couples that have ever served the church of Alaska. For most of their years and all of the time serving on the various mission areas the Browns had to support their own work. There was only a minimal assistance from other sources. Building their own cabins and churches, working at everything from coalminer to longshoreman, hotel clerk to railroad work crew, fisherman to janitor the Browns have given willingly and joyfully in the service of the Lord.

Over this long span of time, they have worked or assisted in nearly every major community in Alaska, working in the local congregations as they gained employment in the community to save funds to work among the Eskimoes. A list of the communities reads like the timetable for Alaska: Ketchikan, Juneau, Sitka, Seward, Anchorage, Healy, Fairbanks, Nome, Solomon, Naknek, King Salmon, besides the many smaller native communities. Also along the way he has accomplished the following:

Translated the first four books of the Bible into Eskimo;

Served as lay pastor in Seward on two lengthy occasions when there was a pastoral vacancy;

Written and publishing a booklet on the prophetic message of Scripture; and is

Presently collecting and editing some 80 Eskimo hymns.

We like to refer to him as "God Anchorman" in Alaska. And so he has been.

TRANSPORTATION STRIKES

Mr. ALLEN. Mr. President, the American Bar Association Journal for January 1972 contains an interesting and timely article entitled "An Answer to National Emergency Transportation Strikes," written by Hon. W. Glen Harlan.

In view of President Nixon's current proposal for the settlement of the west coast transportation controversy, and in

view of the fact that the Senate will soon be called upon to act on the proposal, I believe that all Senators will find the thoughtful and well researched article to be enlightening from the standpoint of some of the issues involved and constructive from the standpoint of objective analysis. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN ANSWER TO "NATIONAL EMERGENCY" TRANSPORTATION STRIKES

(By W. Glen Harlan)

President Nixon's new economic policy has captured most of the headlines recently. Yet there are many other initiatives under way aimed at re-establishing the American economy on a long-term course toward enduring good health. One essential effort lies in the direction of restoring some balance in the collective bargaining relationship between organized labor and management—in short, labor law reform in the public interest.

Strikes in the transportation industries, particularly, harm us all, ultimately. More and more, this is an acknowledged fact. In the present economic and social climate in this country, any strike in a major transportation industry can become truly a national emergency.

How do we prevent these emergencies from arising. One innovative approach was advocated recently on behalf of the Nixon Administration by Secretary of Labor James D. Hodgson. In a speech to the Section of Labor Relations Law of the American Bar Association in July, 1971, Mr. Hodgson described generally the administration's legislative proposal (S. 560) for settling "national emergency" labor disputes in the transportation industry. This is his explanation of "final offer selection", one of the "three options" available to the President under the bill:

"Here, after completing Taft-Hartley procedures, the President could select a course providing for the empaneling of a final offer selection board. Its task would be to determine by means of hearings which final offer, submitted by a party to the dispute, shall comprise the collective bargaining agreement. The President would direct each party to submit one or two final offers to the Secretary of Labor and each other, each offer amounting to a complete labor contract resolving all the issues in the dispute. After the offers are submitted there follows a mandatory five-day bargaining period during which the Secretary of Labor could engage in mediation activity and the parties could have a further go at settling the dispute themselves. If the dispute remains unresolved at the end of this period, the board would determine which final offer is the most reasonable. This offer, without alteration, would constitute the collective agreement between the parties."

Secretary Hodgson stated that this procedure "would have the effect, when chosen by the resident, of forcing the parties closer together" since "If either party's offer were too extreme, it would be likely to be rejected", and "thus approach carries built-in incentives in settlement of public-interest disputes".

Mr. Hodgson went on to explain why the administration had chosen "final offer selection" in preference to "compulsory arbitration":

"The threat of compulsory arbitration—even its availability as an option—normally widens rather than narrows differences in position. The general expectation is that an arbitrator will split the difference between the parties. With this expectation, the tendency is to hang on to extreme positions. Under "final offer selection," the tendency would be to narrow the difference and stimulate collective bargaining."

This is the essential thrust of the administration's position. What is its promise for reducing the chronic threat to the commerce of our country?

I admire the courage and statesmanship of the Nixon Administration in making this proposal in a highly controversial field. Previous administrations declined to approach the problem, and S. 560 is certainly a step in the right direction. On the other hand, there are some inherent imbalances in this effort.

After thirty years' experience in the field, I have become a firm advocate of arbitration as the best alternative to brute force as a means of settling labor disputes.[1] For this reason, I challenge preemptory rejection of "compulsory arbitration". I also wish to toss a few caveats in the direction of final offer selection (which is highly "innovative") and to comment on the "national emergency" criterion that must be met before any action could be taken under the administration's bill.

AN AXIOM THAT IS DUE FOR RE-EXAMINATION

The assertion is commonly made that compulsory arbitration is in some way inconsistent with "free collective bargaining". The assertion is always made flatly and without documentation other than, perhaps, the sweeping generalization that "compulsory arbitration has failed wherever it has been tried". It is hardly surprising, then, that many business, labor, governmental and academic leaders have come to regard it as axiomatic. As in the case of many axioms—such as the ancient ones which held that the earth was flat and that the sun revolved around the earth—this one is overdue for re-examination.

Let's explore the term "compulsory arbitration". We do not talk about "compulsory litigation", although in other areas of personal disputes society prohibits physical or other violence, providing instead for settlement by a neutral (the courts) when the parties are unable to reach an agreement by negotiations. Why, then, is "compulsory arbitration" used as a pejorative term to describe a legal system that would prohibit brute force as a means of settlement of labor disputes and would provide a neutral tribunal to which the parties (or either party) may go if the dispute is not settled by negotiations? Litigation is not "compulsory", if only because the parties are free to use any other peaceful means to settle their legal issues, or even leave them unsettled. But if either party takes the matter to court, the other must respond or settle or suffer a default judgment.

Arbitration should work the same way. If the parties do not settle by negotiation—mediatory efforts, the toss of a coin or other peaceful means—either party should be able to take the matter to arbitration. Just as we have optional litigation, a system that provides arbitration as the alternative to a negotiated settlement should be called "optional arbitrator" or simply "arbitration"—not "compulsory arbitration."

This is, of course, largely an exercise in semantics. I present it simply to show there is no valid reason for affixing the dirty adjective "compulsory" to the wholesome word "arbitration." Since everyone objects to "compulsion," this label assures that arbitration when so described will be disliked, and application of the label avoids the necessity of proving that arbitration is bad. In what follows, I use the term "arbitration" without the adjective "compulsory." It should be clearly understood, of course, that I am talking about arbitration as a substitute for economic force in settling labor disputes.

ONLY ARBITRATION CAN SAVE COLLECTIVE BARGAINING

Is there any basis for the fear that arbitration would destroy collective bargaining? In my judgment there is not. Indeed, I strongly believe that collective bargaining can be saved only by using arbitration as the ultimate means of setting labor disputes that cannot be settled in direct negotiations.

Arbitration is the natural and logical extension of collective bargaining. Across the table the parties seek to persuade each other through the use of figures, comparisons, logic and reason. This is the essence of bargaining. If the parties are unable to persuade each other, the arbitrator becomes their surrogate to listen to the same evidence and arguments and to make the decision they should have made.

The use of economic force, on the other hand, is the very antithesis of reason and collective bargaining. When the only alternative to settlement by negotiation is an economic battle—a strike or a lockout—between the parties, neither party has a strong incentive to consider carefully the reasonable basis of the other party's position. Then the important matter to consider is the relative strength of the parties; "Can we force him to surrender by a long strike or lockout?"

The climate for negotiation created by our present system is the worst possible. The parties look to force, not reason, as the ultimate determinant, and this in turn impels them to beat the drums for support, make extravagant demands and claims and generally create a warlike atmosphere that makes a reasonable settlement doubly difficult and assures dissatisfaction with the outcome, however fair and reasonable it may turn out to be.

If this system were changed to one that looked to settlement by a neutral if the parties could not agree, then the parties would have every incentive to examine fully the reasonableness of their respective positions: "How will this position look to the unbiased neutral? Whatever we think of the opponent's argument, what are the chances that he can sell it to the neutral? What would be a reasonable compromise of this dispute?" This, I submit, is precisely the right climate for collective bargaining, and in the long run it will serve the best interests of labor, management and the public.

ARBITRATION WILL NOT POLARIZE POSITIONS

The suggestion that the ultimate availability of arbitration will cause polarization of the positions of the parties is contrary to everything we have learned under our legal system. The certainty that a neutral (the judge or jury) will decide all other civil disputes that are not settled directly has provided the strongest incentive for settlement by the parties—before suit, at the courthouse door, or even in the midst of a trial. There is no reason to believe that a similar system would not accomplish the same desirable objective for labor disputes.

Indeed, it already does accomplish that objective with respect to a myraid "labor grievances" that are routinely settled by arbitration pursuant to private contracts or by quasi-governmental agencies. Under the Railway Labor Act, all unsettled grievance disputes may be submitted by either party to an adjustment board created pursuant to the law. The decision by the adjustment board is final and binding on both parties. The Supreme Court has referred to this as "compulsory arbitration".[2] Although arbitration is available and certain, "over 90 per cent" of all disputes are settled by the parties before arbitration.[3] And it should be noted that this type of dispute, which formerly caused great friction and disruption on the railroads and airlines, has ceased to be a source of serious difficulty.

Footnotes at end of article.

Let's look at some very specific examples.

Pan American World Airways for years has had contracts with five unions, that provide for "arbitration" if the parties are unable to agree on the terms of a new contract. To date, there has been no arbitration under any of these contracts. All new contracts have resulted from bargaining across the table.[4] At the same time, Pan American has had considerable difficulty (including strikes) in its negotiations with unions that had no available arbitration solution. This experience furnishes strong support for the thesis that collective bargaining is greatly strengthened and aided by the knowledge that the dispute will be settled on the basis of reason by an arbitrator if the parties do not settle it in negotiations.

The experiences of Australia and New Zealand with respect to arbitration are frequently cited both for and against "compulsory arbitration". However, the most recent and thorough studies strongly support the proposition that arbitration works very well in those countries. I refer particularly to the excellent treatise, "A Better Way To Handle Strikes", by Samuel I. Rosenman, who describes himself as "one of the original and permanent New Dealers" who "had a little something to do, mostly anonymously, with the New Deal philosophy and legislation which enabled labor unions—nearly all of them—to become powerful enough today to bargain on terms of equality with management". It appeared in *Newsday* and *The Evening Star* (Washington), among other periodicals, in July, 1967, and in the *Congressional Record*.[5]

ARBITRATION STRENGTHENS COLLECTIVE BARGAINING

In New Zealand, which pioneered the system of arbitration for labor disputes, it is estimated that some 80 per cent of industrial disputes are settled by the parties themselves despite the availability of arbitration.[6]

So it is clear that the availability of arbitration does not impair collective bargaining but, rather, greatly strengthens it. We are committed to a system of law and order in all other areas of dispute. We have long since outlawed trial by battle and duel as a means of settling personal disputes—except in the area of labor. Yet this is the one area where noncombat order is most greatly needed. In physical combat, such as a duel, only the combatants are injured. But when management and labor square off to do battle, a large segment of the general public frequently is injured. This is true even when the business enterprise and the union are relatively small, for suppliers, customers, employees and the families of all of them are damaged in a chain reaction that often spreads throughout the nation to innocent bystander after innocent bystander.

Of course, if trial by battle were the only effective way of settling these disputes, the public might be forced to acquiesce in what appears to be a survival of barbarism. But the battle bears no relationship to the issue in dispute, it serves no useful purpose for either the parties or the public, and if justice prevails it is purely fortuitous, just as was true when the violent forms of trial that have been outlawed.

Arbitration, on the other hand, is a process of reason which will assure that the settlement will at least bear some resemblance to logic and justice, and it avoids all of the painful consequences of the economic battles that now result when disputes are not settled across the board.[7]

Some reader by now is probably saying: "But isn't the Nixon Administration's final offer selection the same as arbitration?" I think not, though it is a move in the right general direction. We have had no experience with final offer selection, and therefore no one can state with certainty what it will do. My guess is that it will tend to keep the parties apart rather than "force the parties closer together", as Secretary Hodgson suggests.

Under final offer selection, I think the logical strategy for each party would be to negotiate throughout as if his position were completely unshakable, irreconcilable and beyond debate. Having played that part convincingly up to the point of submitting the final offer, the party would then surprise his opponent by making an offer substantially more generous (to his opponent) than his previous negotiating position would have suggested. If the deception were completely successful, the surprised party would be on the end of the limb with a final offer representing his latest hard-line negotiating position, while the skillful thespian across the table would be sponsoring a relatively reasonable package which the final offer selection board would be most likely to accept.

"FINAL OFFER SELECTION" PROMOTES GAMESMANSHIP

Of course, the parties might be equally adept at deception, in which case the packages presented as final offers would be as mysterious as those packages children see under the Christmas tree. If so, the tendency to compromise would appear so late in the negotiations that there would be little chance of a settlement at the bargaining table. In any case, the final offer selection, in my judgment, will do far more to encourage gamesmanship in collective bargaining than to force "the parties closer together".

A system under which arbitration is available at the end of the road is far better to force "the parties closer together", since each party must keep in mind throughout how the neutral will react to each point of his final offer. Thus he must strive to be reasonable on all points. Of course, as indicated above, there is no incentive to withhold any concessions for the purpose of surprising the opposition.

But the greatest potential defect in final offer selection is its probable adverse impact on labor relations after the settlement. The package selected by the final offer selection board will be an imposed settlement that will represent a victory for one side and a defeat for the other. The adverse psychological impact of this result is obvious and has been demonstrated in the numerous instances of unfavorable reactions (including strikes) by governmental employees to imposed contract terms. The arbitration award does not bear the same stigma, as it results from the efforts of the parties in the arbitration proceedings that represent the logical extension of the collective bargaining negotiations.

A SPIRIT OF COMPROMISE IS ESSENTIAL

More important, the final offer selection affords no flexibility in settling complex labor disputes. Contract negotiations often include dozens of issues, some of which clearly should be decided for management, some for labor, and some should be compromised. To the extent these are not settled in direct negotiations, they should be subject to decision by the neutral in the same flexible way. To require him to decide all in favor of one party is no more sensible than to require a court to choose between the $10,000,000 sought in a damage suit and the zero figure contended for by the defendant. In fact, it is substantially less sensible, since the court in the damage suit need weigh only two issues—liability and amount of damages. In the typical labor contract negotiation there are many issues. The decisions as to each may and generally should be divided or compromised by the parties, and the neutral should be free to weigh the relative importance of the issues and the effect of his judgments on future relations between the parties. The spirit of compromise is a most essential ingredient of collective bargaining, and I cannot see how that element can properly be excluded from the final and most crucial part of the settlement process.

If we force the neutral to decide all outstanding issues either for or against one of the parties, I do not see how we can expect good labor relations during the term of the contract. We can even anticipate, at least in the more extreme cases when the parties are widely separated at the final offer stage, that a decision for management will lead to demonstrations, disruptions and violence initially, and to bitterness and to highly unsatisfactory relations throughout the contract term. This, of course, would make the next negotiation even more difficult.

Let me tell a story to illustrate the point. Several years ago I handled an arbitration for management in which, at the end, we had roughly the equivalent of final offer selection. During the arbitration proceedings the union became aware that the neutral would not accept the major premise of its case. It then made the mistake of withdrawing from the case and removing its partisan from the three-man arbitration panel. This left the neutral and the management arbitrator to decide the case and, without any guidance or advocacy from the union representative, the neutral selected the management proposal, somewhat modified to the adventage of the employees. Under final offer selection, of course, the neutral could not have made any modifications.

A WIN "TOO BIG" IS A LOSS FOR ALL

The result was disastrous. Impeachment of the award was attempted without success. The union and its members did not resort to disruptive tactics at the time, but morale was extremely low for the duration of the contract, renegotiation of the contract at its termination was very difficult, and on the earliest and slightest pretext the union struck the company. The bitterness arising from this series of events led to even greater difficulties for a period of ten years.

The moral is that you can win "too big", and this is a major danger in final offer selection. It may be suggested that there is no similar danger if the union wins "too big". I think there is just such a danger. Possibly it is true that management cannot retaliate as labor can when it loses. But the inflationary spiral this nation has experienced in the past few years is largely owing to "big wins" by unions—primarily as a result of strikes. The same results could occur under final offer selection, although possibly to a lesser degree. A bad gamble by management in the final offer coupled with a stubborn union position could produce the same type of inflationary and unreasonable settlement which we have seen often in recent years, either to settle a strike or to avoid one. This nation should not trust the gamesmanship of collective bargainers in making final offers to determine the future of our economy. Arbitration is the simple and direct answer.

THERE WILL BE NO MORE NATIONAL EMERGENCIES

This brings me to the third part of the administration's bill which concerns me—the "national emergency" criterion that must be met before any action is taken to settle any labor dispute. Under the bill nothing would be done unless the dispute imperiled the national health or safety. This means to me that the legislation would be largely a dead letter from the time of its enactment, since recent events strongly suggest that there may never be another such "national emergency".

In the summer of 1966 five major airlines were grounded for forty-three days by a strike of the International Association of Machinists. This resulted in the grounding of 6,450,000 passengers, loss of income to 100,000 nonstriking employees, tremendous losses to hotels, restaurant, shippers, travel agents, airport operators, etc., and finally an infla-

---

Footnotes at end of article.

tionary settlement which cost the public many millions of dollars. It is a fact that the I.A.M. strike of 1966 was deliberately calculated to rupture President Lyndon Johnson's 3.2 per cent guideline for wages. Yet Congress and the administration concluded that the strike did not create a "national emergency" that would justify governmental action to terminate it. The I.A.M. and the five airlines had agreed to negotiate jointly in 1965–1966; otherwise the five airlines would not have been struck simultaneously. No joint negotiations have occurred since 1966.

Recently ten railroads were struck simultaneously, and all West Coast shipping was struck for many weeks. Yet Congress and the administration did not intervene to stop the strikes.[8] In past years, when all major railroads were struck at the same time or threatened with a strike, Congress or the President moved rapidly to prevent what was recognized universally as a national emergency. But it now appears that these national emergencies are unlikely to recur because the railroad unions either will insist on bargaining separately with individual railroads or will engage in "selective" strikes, even after joint bargaining, that will fall short of "national emergency" scope.[9] There appears to be no possibility of a nationwide strike in the airlines industry since the airline unions do not bargain jointly and the only union that is substantially industrywide insists on individual carrier bargaining.

Thus, it appears to me that any legislation that deals only with "national emergency" strikes in the transportation industry would have only extremely limited application, if any. Yet, there is no doubt in my mind that strikes and threatened strikes in transportation create very real national emergencies regardless of the scope of any one strike. The 1966 five-carrier airline strike was called for the avowed purpose of breaking the administration's "guidelines"—and it was conspicuously successful. Thereafter, all wage settlements in the nation called for greatly increased pay levels, and the increases have spiraled upward ever since. In the 1969 round of airline negotiations with the same union each successive individual airline settlement called for a higher wage scale than that established by the previous airline's negotiation. Similar efforts to outdo previous negotiators are apparent in all industries.

TRANSPORTATION INDUSTRY VULNERABLE TO STRIKES

Transportation is peculiarly vulnerable to strikes, since there is no opportunity to "stockpiles" the product of transportation service as manufacturers do, the operations cannot be automated as telephone and electric utility services are, and business is automatically and irretrievably lost to competitors when the transportation enterprise is shut down. Hence, transportation (and particularly the weakest transportation enterprise) is likely to continue to be the target for big wage settlements that, in turn, will set the pattern for other industries, as in 1966.

Past transportation strikes have created a national crisis in the form of inflation and imbalance of international trade, which recently caused the President to declare a national emergency.[10] This type of national emergency will continue to arise unless (1) there are strong price and wage controls for all time to come, or (2) an orderly and rational procedure is established for settlement of labor disputes without resort to strikes. In my judgment, the latter is by far the preferable course, and the only procedure that will assure the desired and necessary result is the availability of arbitration (or other neutral decision) with respect to all labor disputes, whether or not they can be immediately identified as involving a "national emergency" in terms of health or safety.

FOOTNOTES

[1] An approach that accepts "compulsory arbitration" as one of the "options" available for the final settlement of emergency transportation disputes is the report and recommendations of the American Bar Association Special Committee on National Strikes in the Transportation Industries, which was approved by the House of Delegates in August, 1970 (56 A.B.A.J. 986). Numerous other proposals have been made, and several bills directed to the problem have been introduced in Congress.

[2] *Brotherhood of Railroad Trainmen* v. *Chicago River & Indiana Railroad Company*, 353 U. S. 30 (1957).

[3] Statement of Stuart G. Tipton, President of the Air Transport Association, before the Transportation and Aeronautics Subcommittee of the House Interstate and Foreign Commerce Committee on H.R. 3596 and other bills, August, 1967.

[4] Statement of Everett M. Goulard, Vice President-Industrial Relations of Pan American World Airways, before the American Bar Association Special Committee on National Strikes in the Transportation Industries, May, 1967.

[5] —CONG. REC.—(1967). Holden, *Conciliation and Arbitration in Australia*, MONTHLY LABOR REVIEW, August, 1968, page 32. Brissenden, *The Settlement of Labor Disputes on Rights in Australia* (Monograph Series 13, Institute of Industrial Relations, University of California, 1966).

[6] Goulard, *supra* note 4, at 14. Statement of N. S. Woods, New Zealand Secretary of Labour, "The Practical Workings of the Industry Conciliation Arbitration System".

[7] Herlong, *Transportation Strikes: A Proposal for Corrective Legislation*, 36 FORD. L. REV. 175 (1967).

[8] In early October, 1971, the Nixon Administration took action under the Taft-Hartley Act with respect to West Coast shipping alone, but only after all shipping in the United States was struck. Further Taft-Hartley action was deferred for nearly two months.

[9] *Delaware & Hudson Railway Company* v. *United Transportation Union*,—F. 2d—(D. C. Cir. 1971).

[10] Proclamation No. 4074 and Executive Order No. 11,615, August 15, 1971.

McGOVERN ALTERNATIVE DEFENSE POSTURE

SUMMARY

Mr. McGOVERN. Mr. President, the program I am spelling out in this alternative posture will protect America against external threats. And it will help protect us against internal disintegration as well.

The $54.8 billion military budget I have recommended is, first, clearly a vast sum of money and, second, an amount that is more than ample to meet foreseeable threats to our security. In fact, it can accomplish that goal more effectively than present spending levels. It will give us Armed Forces built on muscle instead of fat; Armed Forces that are better equipped to defend our own country and our truly vital interests. It is a defense posture with which all Americans can feel both security and confidence that hard-earned tax dollars are not being wasted.

What I propose is that we spend all that is necessary for a prudent national defense, and no more.

I propose that we stop spending our limited resources:

To underwrite the appalling waste of money and manpower that has become a bad habit in our Military Establishment;

To buy and maintain weapons which are designed to fight the last war better, with almost no relevance to today's threat

To maintain extra military forces that can have no other purpose than to repeat our experience in Vietnam, a venture which nearly all of us now recognize as a monstrous national blunder

To finance more of Mr. Nixon's "poker game" theory of arms control, an approach that has already moved the arms race to a more deadly level, at the same time as it has postponed an agreement that could have been had years ago; and

Or to react to a world of old discredited myths, made up of blocs, puppets and dominoes, instead of the real world of today and the future, with multiple ideologies and interests.

Politicians are fond now of promising new priorities—new money for such urgent programs as education, housing, transportation, rural development, environmental protection, and poverty.

But those ambitions are no more than empty talk without a plan to find the resources. I do not think the American people will, or should have to accept such promises on blind trust.

Politicians who claim public confidence must translate rhetoric into specific programs for resolving conflicting claims to the tax dollar, so that we really can apply more funds to the problems that have been eating away at our economic, social and spiritual strength here at home.

GENERAL PLANNING ASSUMPTIONS

The beginning premise of this alternative national defense posture is that the United States should buy what we need to deter or counter foreseeable threats to American and allied security.

That guideline automatically limits some of the artificial standards which have had a profound influence on military spending in past years.

Our defense posture has been built upon conservative planning assumptions—on preparing for "greater than expected threats." The alternative posture accepts that premise in part. It starts by assuming that the major Communist powers, China and the Soviet Union, will remain actively hostile to U.S. interests, and that there is a real risk of confrontation if one or the other can expect military advantage as a result.

Hence the proposed budget retains more nuclear weapons than necessary for deterrence, as insurance and as a hedge against possible buildups on the other side. General purpose forces are maintained against dangers which are both slight and exceedingly remote, given the expected military balance and political outlook. Intensive research and development efforts are proposed, to maintain the clear U.S. lead in military technology.

But conservative planning can be pushed too far. As it aims for maximum safety, it can also fuel futile, costly and perilous arms competition. And it can lead to the needless maintenance of active forces against threats which do not and likely never will exist.

Certainly we should be able to find the line between conservatism and paranoia. Conservatism in planning should be able to coexist with realism in understanding changed world conditions, and with caution in adding military forces that can needlessly heighten the dangers and raise the costs of national security. This alternative posture is designed to meet those standards. Shifts in aggregate military spending from year to year are often portrayed as a measure of national will—as evidence of our determination to resist communism—quite apart from the size of standing forces. The alternative budget rejects such mindless measurements. The Nation's security does not demand, and is not served, by contests which are based less on strategy and power than on a willingness to waste public revenues.

The size of the recommended budget for procurement of new weapons is almost always judged by comparisons with spending in prior years. But clearly that is no guide to a prudent defense posture. If the Defense Department spends $15 billion on new weapons in one year and $5 billion in the next, anyone should be able to see that it has not reduced defense outlays in the second year; it has added to them. Prior investments must be seen as a base upon which to build, not a target to be matched or surpassed.

Significant shares of existing and planned military forces are justified primarily as "bargaining chips" to be traded away in negotiations. The Safeguard ABM system and U.S. troops in Europe are important current examples. But both the American taxpayer and the prospects for arms limitation suffer, as both are suffering now, when negotiations become an excuse for buying more than we need. A desire to negotiate from strength should not compel arms outlays that will be inappropriate even if negotiations fail.

Military spending programs are usually justified by reference to the country's global responsibilities, so that a "new isolationist" attitude is ascribed to those who raise questions. This alternative budget rejects the notion that military might is the only method by which the United States can fulfill international responsibilities and serve the cause of freedom. And it incorporates some of the painful lessons of recent years—about the military damage done to helpless people in freedom's name; about the relative impotence of sophisticated weapons in forcing other countries and other people to act in ways we might prefer.

In sum, this alternative posture suggests that misleading and irrelevant planning assumptions should be discarded. Instead the Nation's military establishment should be constructed, first, by a careful analysis of the potential danger of U.S. security interests and, second, by retention of that portion of existing forces, and by construction of the new forces needed to deter and defend against threats for which it is reasonable to remain actively prepared.

The second major premise of this budget is that realistic ceilings on military spending can produce Armed Forces which are both leaner and tougher than those now in being.

Congressional investigators and Presidential commissions have documented astonishing waste and inefficiency in military programs. Further, defense planners have shown a remarkable attraction for strategies and systems which relate less to current and future conditions than to the world as it existed decades ago.

It is vain to hope that simple admonitions will correct these conditions. Sharp fiscal discipline is required if more efficient use of available resources is to be achieved. Such discipline can trim both physical and intellectual fat from the Pentagon, and bring much more productive capabilities to bear on strategies and systems which are directly relevant to a changing world.

The recommended force and spending levels of this alternative defense budget should be achieved by fiscal 1975, with proportional reductions beginning in fiscal 1973.

This phased approach allows, first, for an appropriate response to possible changes in the threat. The recommended force level is fully adequate to deal with dangers which can be foreseen, based on the best current estimates of adversary plans. Significant changes in those estimates as they are updated could result in adjustments in these recommendations.

Second, the process of phased reductions will allow advance preparations by military planners, to assure that obligations incurred in prior years do not exceed the 1975 recommended ceiling. A big share of actual spending each year is made in pursuit of authority granted in the year before. The two measurements should be equal by fiscal 1975.

Third, the recommended timetable will permit fulfillment of the Government's obligation to assist in the conversion of excess military resources into other public and private enterprise. A program to meet accumulated civilian needs, applying both savings from the military sector and general revenues, can occupy a large share of the facilities freed by this budget. Such a program can also guarantee alternative employment to all workers displaced from the defense sector, and reduce economic dependence on superfluous military spending.

BALANCE OF FORCES

Strategic forces are maintained for the purpose of protecting against—by deterring—nuclear attack against the United States. Components include land and sea based ballistic missiles, long range heavy bombers, a missile warning system designed to defend our land based missiles.

In mid-1971, the United States had some 4,600 offensive force loadings in strategic forces, not including more than 7,000 smaller nuclear weapons listed as "tactical even though at least a proportion could be delivered on targets in the Soviet Union or China. Offensive weapons are carried by three delivery systems—1,000 Minuteman and 54 Titan intercontinental ballistic missiles—ICBM's—in hardened silos in the United States; 520 heavy bombers—450 B–52's and 71 FB–111's—and 656 Polaris and Poseidon missiles—SLBM's—aboard 41 nuclear submarines.

The Soviet Union had about 2,000 offensive nuclear force loadings in mid-1971, or about 40 percent as many as the United States. This included 1,500 ICBM's, 175 to 195 aging bombers, and 400 submarine based missiles. The People's Republic of China is expected to have a small ICBM force in the late 1970's or early 1980's.

There is no reliable method of defending population against nuclear attack. The Soviet Union initiated and then halted construction of a small antiballistic missile system around Moscow in the 1960's. There is no question about the U.S. capability to penetrate it; in fact, the people it sought to protect are probably in greater danger today. The U.S. ABM now under construction, the Safeguard system, makes no pretense of being able to defend population. Instead it is justified as a device to protect U.S. land based missiles.

It follows that the overriding mission of U.S. nuclear weapons is to deter attack by hostile powers, by demonstrating the ability to absorb a first strike and then retaliate with enough force to inflict unacceptable damage in return. The only real defense to nuclear attack is to prevent it.

The number of deliverable bombs and warheads required for that purpose cannot be readily determined, but there is at least one commonsense limitation. It would take roughly 200 warheads to strike all of the Soviet Union's major centers of population and industry. Doubling the number would add only slightly to the damage inflicted. The same 200 warheads targeted on Chinese cities would virtually wipe out that country's industrial base, and doubling the number would not measurably raise the damage to either industry or population. So it is logical to conclude that the guaranteed capability to deliver 200 one-metagon equivalents on separate targets in both the Soviet Union and China accomplishes at or near the maximum the United States can expect from the strategy of deterrence.

There is, of course, no proposal that U.S. forces be reduced that far. But the existence of 4,600 force loadings now, and as many as 10,000 separately targetable warheads under the Minuteman III and Poseidon conversions in progress, suggests that the United States plainly keeps many multiples of the maximum practical deterrent even after discounting weapons that might fail or be lost to an initial attack.

THE TRIAD

While the nuclear submarines are by far the most secure elements of the deterrent, the United States has nonetheless maintained both the full complement of ICBM's and a sizable bomber force, each also capable of the assured destruction required for deterrence. The retention of three systems, or the "triad," has been justified by the thesis that the adversary is less likely to pursue efforts to degrade the submarine force—or will have less money to spend on them—if he must account for bombers and missiles as well.

The main difficulty with the "triad" theory is not so much the concept as the practice. The presence of three systems should lead to additional stability and more carefully planned responses to developments on the other side, because the deterrrent will continue to exist even though there may be doubt for a time over the ability of one or another element to survive and penetrate. But in practice, the managers of each system have tended to regard theirs as the only one available, and to act as if deterrence were bound to fail if their system is even temporarily degraded. This is the basis upon which major decisions have been made in recent years—MIRVing Minuteman and Poseidon in advance response to a Soviet ABM that did not develop; initiating deployment of the Safeguard ABM in response to a possible SS–9 threat to Minuteman even though there has been no question about the capability of both bombers and SLBM's to penetrate during the time period when the threat could occur.

This alarmist approach has tended to aggravate the negative values of the triad while downgrading the positive. Both the ABM and MIRV are ambiguous systems—while we may regard them as purely defensive programs, they can readily appear to the Soviets as attempts to undermine their deterrent and achieve a first strike capability. Because of the long leadtimes associated with these systems, the refusal to tolerate any possible degradation of one or another element several years hence requires that we lock in very early to a specific kind of response, to a threat which may or may not develop.

PROPOSED STRATEGIC POSTURE

When total U.S. nuclear forces are considered, instead of looking one at a time at component nuclear systems, there is in the foreseeable future no reason for alarm over the status of the U.S. deterrent, and no reason for panic over the potential degradation of one or another component of the force—bombers, ICBM's or SLBM's—since our ability to deter will remain so long as at least one component remains secure. Moreover, we have substantial overkill capacity in the case of each.

So long as we do what is necessary to maintain a credible deterrent, we gain little, while inviting a great deal of additional danger, by stressing such concepts as "nuclear superiority" or by following instincts to deploy defensive or counterforce weapons which are incapable of preventing disastrous damage should nuclear war occur.

Deterrence and arms stability must remain the preeminent objectives of U.S. nuclear strategy, with primary reliance placed on the most secure component, the Polaris/Poseidon fleet. In research and development efforts, the main priority should be on programs, such as extended range Poseidon, to assure that the submarine force will remain immune from attack and capable of inflicting unacceptable damage in a retaliatory strike.

At the same time there remain good reasons, both military and economic, for retention of existing ICBM forces, and a portion of bomber forces, as long as they can make a valid contribution to overall nuclear strength without requiring excessive new outlays. That contribution could be greatly reduced, but the cost of maintaining these forces is low enough to warrant retaining them while their value lasts. They should be kept in the force, but under conditions which allow the American people to reap the benefits, in both economy and stability, which should flow from the triad theory.

As long as it can complicate the defense and counterforce problem facing the adversary, we should regard the triad as allowing less, rather than requiring more, haste in adding new weapons which may or may not ultimately prove to be necessary.

On specific systems:

For the present, Minuteman is a potent force with respect to the Soviet Union, and it enhances the prelaunch survivability of the strategic bomber force. In addition it can be relied upon for an indefinite number of years as a China-oriented deterrent without modification. Since it is inexpensive to operate, Minuteman should be retained, although there is no need to keep the small force of Titan ICBM's.

B–52 G's and H's and FB–111's have a strong capability to penetrate existing Soviet defenses, and physical age is not a serious problem with respect to the later models. Considering their payload capability, a force of six B–52 squadrons and three to four squadrons of FB–111's would constitute targeting flexibility and payload fully adequate to maintain an effective bomber deterrent.

The Polaris/Poseidon force is by far the most reliable and most important element of the nuclear deterrent force, and it has developed added striking power through the Poseidon conversions completed thus far. The full fleet of 41 submarines should be retained, and conversions authorized through fiscal 1972 should be completed.

The minimal Soviet effort on strategic bombers indicates that they place little emphasis on that form of delivery; hence extensive air defenses are not justified by the threat. More significantly, even the most advanced and effective bomber defense imaginable would offer little in the way of protection, since with it the United States would still be vulnerable to attack by both ICBM's and SLBM's, threats against which it is admittedly impossible to defend. Hence it is prudent to reduce the Army's surface-to-air missile capability and the Air Force's interceptor force by slightly more than half, leaving essentially a surveillance capability and an interceptor force to deal with the very low risk of conventional air attack from a nonnuclear power.

Antisubmarine warfare programs conducted to date have not produced a capability to detect and destroy Soviet submarines similar to our own Polaris fleet. However major portions of ASW programs—including ASW aircraft, nuclear attack submarines, and surface ships—serve both conventional and strategic war roles. While the enormous striking force of Soviet submarines with nuclear weapons makes a low defense capability equal to no defense at all, defense against conventional submarine weapons is somewhat more practical. Modifications in ASW forces are discussed in the section on conventional forces.

The recommended force level by 1975 will include the following:

Type of force:	*Quantity*
Minuteman missiles	1,000
Titan II missiles	0
Polaris (submarines/missiles)	34/544
Poseidon (submarines/missiles)	7/112
Strategic bombers	190
Manned fighter interceptor squadrons	5
Army air defense batteries	8

This force would include roughly 3,500 force loadings; still many times more than required to inflict unacceptable damage on any potential attacker. The recommended structure requires a minimum of new procurement. The deployment of Minuteman III and MIRV warheads on Minuteman and other plans to upgrade Minuteman should be discontinued. The fixed-site ICBM concept is one of decreasing viability if the adversary is determined to build ICBM's large and accurate enough to destroy our missiles in their silos, and while they will expand the number of targets which can be hit by surviving missiles, MIRV's will not make Minuteman less vulnerable prior to launch. On the other hand, if there is no determination to degrade U.S. land-based missiles, the programed upgrading and MIRV deployment will be unnecessary. MIRV is not needed in order to penetrate existing Soviet defenses, and it could be deployed more rapidly than a national Soviet ABM system if such a system is contemplated.

Deployment of the Safeguard system should be halted, and further work on programs of this kind should be confined to research and development at least until much more promising technology is available. The capacity of the system to protect the Minuteman force is open to sharp question on technical grounds—it is both vulnerable and easily saturated—and it promises to be an economic albatross. The cost of providing this doubtful form of protection for Minuteman is at least three and possibly 10 times greater than the cost of the missiles themselves. In addition, ABM construction is bound to give the Soviet Union ambiguous signals about U.S. intentions, perhaps causing acceleration of their multiple warhead programs and adding to existing dangers.

Prototype development of the B–1 bomber should be halted, and further research and development and procurement decisions should be aimed at increasing the potence of existing bombers. The B–1's performance will not significantly affect the feasibility of gravity bombing, regardless of the environment in which it operates. Work on SRAM—short-range attack missile—and SCAD—subsonic cruise armed decoy—should proceed for incorporation into the B–52/FB–111 force, and further modifications of the B–52, including the proposal to fit new engines, should receive active consideration. Studies of a possible follow-on should concentrate on a bomber designed principally for a standoff role, armed with a longer range follow-on to SRAM.

Primarily because it is unnecessary

given the current state of Soviet defenses, the conversion of Polaris to Poseidon should be halted after seven conversions. There is no compelling present reason to deploy MIRV as an ABM penetrator, particularly with some conversions already completed against the fledgling Soviet ABM, and if such a requirement does develop there will be ample time to convert the remainder of the force. If there is a threat to U.S. sea-based missiles, and none can be foreseen at present, it is likely to come from a growing capability to detect and coordinate an attack on the submarine fleet. The primary research and development effort should, therefore, be concentrated on that issue. The United States should get ready for a production option on longer range sea-based missiles, and should continue to examine the more costly ULMS alternative.

The United States has a great interest in a strong and thorough ASW research and development effort, both for conventional and nuclear war contingencies. In addition to enhancing our own capabilities, research can help measure what is technically feasible in the ASW field, thus pointing the way to countermeasures which could preserve the security of the U.S. SLBM force in the face of Soviet ASW programs. At the same time extreme caution should be practiced in further deployments, both because of the risks to stability and because slight incremental improvements in ASW capabilities are unlikely to justify the costs involved.

GENERAL PURPOSE FORCES

General purpose forces are those maintained to protect the United States and its allies and interests against conventional or nonnuclear threats. The primary elements are ground combat and support forces, tactical air, airlift and sealift, amphibious landing forces, antisubmarine warfare, and tactical nuclear weapons.

SPECIAL CONSIDERATIONS

While the numerical balance of forces does have a significant bearing on allied ability to deter or successfully conclude a conventional war, it is still misleading to evaluate posture on the basis of number alone.

For example, the United States does not and need not maintain active conventional forces for the full duration of any major conflict. Additional forces can be mobilized if war does occur; hence, the primary objectives of active forces in being are, first, to deter war by notifying the adversary that he will be denied a quick victory and, second, to prevent serious losses while rapid mobilization is underway.

Nor does the United States maintain active forces to meet all major contingencies simultaneously. Considering their bitter disputes over both ideology and territory, for example, it is exceedingly improbable that the United States would be required to take on both China and the Soviet Union at the same time. On the contrary, their rivalry detracts from the aggressive warmaking capacity of each because they must both keep substantial numbers of forces on their common border.

Force planning should also be influenced by the recognition that very little is required for the defense of the continental United States against conventional attack. Because its geographic characteristics are ideally suited for defense, it is safe to say that no country in the world is within reach of the numbers and kinds of forces which would be required to pose a serious conventional threat to the United States.

Therefore, the great majority of all U.S. conventional forces exist either for the protection of American interests in other parts of the world, or for the fulfillment of commitments to help preserve the security of other countries.

It follows that the capability of the United States to meet its convenional war objectives is only a part of total allied capability. When determining total capacity to deter war, or to conclude it successfully once begun, it is proper and necessary to factor in the military forces of other countries whose security is of sufficient concern to the United States to warrant regarding an attack against them as equivalent to an attack on the United States.

THE BALANCE OF FORCES

The United States maintains active conventional military forces for three broad geographical areas; the Western Hemisphere, Europe, and Asia. No forces are programed for Africa. However, the Middle East represents an important contingency.

First. Western Hemisphere: One land division and one carrier task force are currently allocated to a possible Latin American contingency.

Although there is continuing concern about a possible Soviet submarine base in Cuba, neither China nor the Soviet Union has military bases in the Western Hemisphere; hence, the earmarking of active U.S. forces to the region must be seen as a reaction to whatever indigenous threat exists. Neither of the two socialist countries in the region, Cuba and Chile, has sufficient military establishment to conduct successful overt military actions against its neighbors, nor is such action deemed likely.

Second. Europe: The majority of U.S. Active and Reserve Forces are allocated to the defense of Europe, fulfilling the commitment undertaken through U.S. membership in the North Atlantic Treaty Organization. The formal U.S. commitment to NATO involves about eight ground divisions, 12 land-based air wings, and two carrier task forces.

Current planning sets higher force levels for Europe, however, including nine active land divisions, eight Army and one Marine, with about four and one-third of those divisions stationed in Europe; four carrier task forces, two stationed in the Mediterranean at all times; sixteen tactical air wings based on land; plus up to six National Guard and Reserve divisions and an equal number of Reserve tactical air wings.

Active allied land forces assigned to NATO and present on the central front, encompassing West Germany, Denmark, and the Benelux countries, include approximately 794,000 men, with the largest numbers coming from West Germany—326,000, and the United States—200,000—respectively. Excluding the United States, regular Armed Forces in NATO total about 2.9 million men, plus another 3.8 million if trained Reserves are included.

The alliance also has approximately 2,100 deployed aircraft in combat-ready status, plus large numbers of sophisticated conventional land weapons such as tanks and artillery and antitank weapons.

A medium-range calculation of Warsaw Pact forces puts total active manpower on the central front, encompassing East Germany, Poland, and Czechoslovakia on the pact side, at about 685,000, including 285,000 Soviet troops. Exclusive of the Soviet Union, Warsaw Pact countries maintain about 970,000 active armed forces, plus another 1.9 million trained reserves. The Warsaw Pact has approximately 2,900 tactical aircraft deployed in Europe. While that is larger than the comparable NATO figure, it also accounts for a much larger proportion of total tactical aircraft of the countries involved. NATO forces could be augmented by aircraft stationed elsewhere to achieve an overall superiority.

But a more relevant comparison is one which considers the numbers and kinds of forces which would be available in the first few days, up to the first month.

Based on present deployments, the Warsaw Pact has 275,000 men in East Germany which would be available on the first day of fighting. NATO has 583,000 stationed in West Germany—a clear margin of superiority.

Within 15 days the pact could mobilize another 547,000 from troops stationed in Poland, Czechoslovakia, and Hungary, while NATO could add 198,000 more from the Benelux countries and from Italy. At this stage the pact would have a small numerical advantage.

By the 30th day, the pact could conceivably add another 585,000 troops from the European U.S.S.R., Bulgaria, and Romania, bringing the committed total to 1.4 million. NATO, meanwhile, could add another 604,000 from Britain, Canada, Italy, France, Greece, and Turkey, bringing the total to almost the same size as the pact force.

But this comparison assumes no deployments to Europe from approximately eight and two-thirds active divisions, or about 400,000 men, from the United States, nor does it assume the use of NATO member forces other than those explicitly earmarked to the alliance. The United States is acquiring the capacity, with a programed fleet of C–5A transport aircraft, to move as many as 560,000 troops and supplies each month, many of which could clearly arrive well before the first 30 days of fighting had been completed. And to the extent they are ready forces, it seems quite likely that other NATO members would speedily commit additional forces if an invasion threatening their territory did, in fact, occur. On the other side, however, the 30-day scenario would have employed all available Soviet combat manpower in Europe.

Under the most realistic planning assumption, therefore, NATO clearly has more than enough forces to repel a pact attack.

Third. Asia: Aside from Japan, Taiwan, Australia, New Zealand, and possibly South Korea, Asia is seen as having only a marginal bearing on vital American interests. Two other factors, the nature of possible threats to the internal security of Asian nations and the limited scope of external conventional threats, should also have a bearing on U.S. force planning for Asia.

Active U.S. baseline forces for Asia, above and beyond the Vietnam buildup, have included six Army and two Marine divisions, two of the eight in Korea and the remainder deployed on island bases and in the United States; and seven carrier based and eight land based air wings.

Among allied forces, South Korea, with continuing assistance from the United States, has developed an extremely potent 570,000-man force. In Southeast Asia the combined forces of the South Vietnamese, Laotian, Cambodian, and Thai Governments outnumber by substantial margins those of North Vietnam and indigenous revolutionary organizations, but they nevertheless appear to be lacking an important elements of a successful defense effort. Elsewhere in Asia, the Chiang Kai-shek government on Taiwan maintains more than one-half million active forces, Japan has had approximately one-quarter million in recent years, India has roughly 900,000, Indonesia approximately 350,000, and Pakistan 275,000. In several cases—as in Japan, Taiwan, the Philippines, Indonesia, Australia, and New Zealand—geography is at least as great a deterrent to attack as military force.

Opposing forces in Northeast Asia include about 370,000 North Korean troops, significantly fewer than those in South Korea. In Southeast Asia the major Communist power—North Vietnam—has between one-quarter and one-half as many active armed forces as South Vietnam.

The primary source of U.S. concern in Asia has been the People's Republic of China, with armed forces numbering roughly 2.5 million. However, the degree of concern should be moderated by a number of factors. The training and orientation of China's armies have concentrated on defense, and the military in China is an integral part of the country's administrative machinery, made up as much of civil servants as of soldiers. Large proportions of the armed forces are massed along the common border with the Soviet Union and in provinces across from the island of Taiwan. Naval forces are primarily coastal ships without a capability for operations on open seas. The great majority of Chinese aircraft are older model Soviet fighter-interceptors. Because of inadequate transportation facilities, the People's Republic would face massive difficulties in mounting an expeditionary force of any size for any duration.

Thus there is little cause for worry about aggressive operations from China. The country's capacity for self-defense is formidable indeed, but Chinese leaders have not placed priority on offensive capabilities.

ALLIED AND OPPOSING FORCES AT SEA

While their maintenance must, of course, be generally related to specific land-war contingencies, U.S. naval forces operate in a theater of their own, relevant to any major conflict and to many minor ones. They have two primary purposes: first, the projection of force ashore, as in the case of Marine amphibious landings, carrier-based tactical airpower, and standoff shelling of land targets; and, second, control of the seas, including principally the protection of warships used for the first purpose and of commercial and supply shipping. Some elements, such as aircraft carriers, destroyers, and cruisers, have capabilities and missions related to both general purposes.

The U.S. Navy consists of some 700 ships. The bulk of general purpose naval forces, excluding Polaris/Poseidon submarines, is built around aircraft carriers, vessels which have no counterpart among Communist powers. In fiscal 1972 the operative carrier fleet included 12 attack carriers—CVA's—with 61 tactical air squadrons, plus two antisubmarine warfare carriers—CVS's—and one experimental dual purpose attack/ASW carrier.

The amphibious landing capacity currently maintained is sufficient to land one and one-third division-sized Marine amphibious forces—or four brigades—although plans have been laid to increase the landing capacity to one and two-thirds divisions.

Military sealift capacity is supplied by 98 troopships, cargoships, and tankers, with potential augmentation from commercial shipping. As compared to World War II a substantially larger proportion of lift capacity, for men and smaller supplies and equipment, is now supplied by air.

Surface and undersea combatant forces are assigned primarily to the protection and underway replenishment of carrier, amphibious landing, and sealift ships. On the surface, we program 227 missile cruisers, frigates, destroyers, and ocean escorts, plus a number of special purpose ships such as minesweepers, and numerous small craft. We have a total of 95 submarines, of which 55 will be nuclear powered. Four additional nuclear powered subs will become operational during the year.

The protection of nonmilitary shipping is assigned almost entirely to allied naval forces, with some help from U.S. reserve ships and amphibious assault escorts. U.S. allies in both the Atlantic and the Pacific have substantial naval capabilities, primarily in the category of escort ships in which they outnumber the United States. They also have a quantity of attack submarines.

The Soviet Union is the only potential U.S. adversary with significant naval forces. They presently include an estimated 215 major surface combat ships, 264 conventional submarines, and 87 nuclear subs, plus a number of minor combatants comparable to U.S. forces of the same kind, but with a heavier orientation toward short-range surface-to-surface missiles. None of the Soviet Union's Warsaw Pact allies has a significant naval capability. In combination they possess only eight major surface ships and eight conventional submarines. The People's Republic of China has a few submarines and many patrol craft, but no major surface ships.

CONCLUSIONS AND RECOMMENDATIONS

When considered in terms of the threats against which it is reasonable to prepare—and against which military might can be a relevant response—the U.S. defense posture is not only fully adequate but excessive. It includes an unquestioned capability to defend the United States against conventional attack, plus more active forces than are necessary, in combination with those of allied countries, to deter attack upon or resist aggression against areas elsewhere in the world where the United States has a combined defense commitment and vital security interest.

A prudent U.S. Military Establishment for the 1970's must account for conditions and perceptions which differ sharply from those which have inspired defense policy for the past two decades. The economic vitality of Europe should allow fulfillment of our priority commitments in that region with substantially reduced general purposes force levels. The growing separation of inclination and interest among Communist countries inevitably reduces the combinations of forces against which it is necessary to remain prepared, and, in fact, tends to reduce the forces each might be able to commit against the United States or our allies. Nuclear weapons, while they are maintained primarily to deter nuclear war, also play a role in preventing conventional conflict between major powers because of the grave risk of escalation to disastrous nuclear confrontation—a risk which is plain to both sides and which doubtless serves as a restraining influence on the actions of both. A number of diverse factors—an improved understanding of the limitations and orientation of China's military establishment, the comparative strength of Taiwan and South Korea, the economic vitality of Japan, the lessons of the Vietnam experience with respect to the limited utility of American military involvements in Asia—also suggest room for substantial reductions in Asia-oriented forces.

Along with threat-related adjustments, significant savings could be made through incorporation of a more efficient defense philosophy established to produce more combat capability than at present per dollar of investment. There is room for a broad range of operating efficiencies ranging from methods of procuring major weapons systems to manpower rotation policies. Costs could be reduced markedly by abandonment of attempts to retain tactics and systems which have become strategically obsolete. Unnecessary sophistication of weapons and duplication of missions among the four services account for many billions of dollars of needless military spending each year.

On specific general purpose forces:

Europe: The highest priority U.S. defense commitment is to Europe. In the absence of mutual reductions on both sides, U.S. land forces available for service in that theater should not be reduced below the eight divisions and 14 air wings composing the apportioned share of the United States. However, that commitment can be fulfilled in the context of a reduction in forces stationed on European soil, without reducing the overall capability of the alliance to deter or defend against an attack from the Warsaw Pact, because of the capability for rapid redeployment in the case of attack or ominous enemy buildups, and because the alliance can marshal clear numerical superiority for the initial stages of any conflict. This course, while suggested by a realistic appraisal of the balance of forces in Europe, is also strongly supported by economic considerations.

Therefore, two and one-third of the four and one-third active U.S. divisions presently stationed in Europe should be returned to the United States, leaving two divisions in Europe. With appropriate withdrawals of command support forces, this redeployment should return roughly 170,000 men, leaving 130,000.

This shift requires that six U.S. land divisions be available for deployment to Europe, and thus not available for purposes other than another major contingency. The six divisions based in the United States should include one Marine and five Army divisions, augmented by a substantial proportion of reserve forces. Since the prospect of an amphibious landing requirement in Europe must be seen as extremely remote, and probably unfeasible should the condition arise, the Marine division need not have an amphibious capability. These recommendations would leave NATO with some 430,000 troops in Germany and ready on the first day of fighting—a clear margin of superiority. By the 30th day, through deployment from the United States and other allies, NATO could have 1.5 million men involved, compared to about 1.4 million for the pact—assuming that the Soviet Union could motivate forces from Poland, Czechoslovakia, and Hungary for an adventure in Western Europe. Thus, it would leave the pact with no opportunity to achieve the 2-to-1 margin of superiority generally required to gain a conventional war advantage.

Current overall NATO air superiority also allows a cut in tactical air forces effectively allocated to Europe. Instead of the present estimated 22, the United States should maintain 16 air wings ready for action in Europe—four carrier based—including one in the Mediterranean—one double Marine wing, and 11 Air Force wings. Two carriers would be on station at all times.

Asia: The first priority with respect to Asian contingencies should be the speedy end of U.S. involvement in the Indochina conflict. All land and air forces, including ground troops in Thailand, should be withdrawn as quickly as that can be accomplished consistently with their safety, upon the single condition that U.S. prisoners of war be released.

Considering prevailing military balances and political conditions in Asia, there is no immediate threat of aggressive military action requiring or justifying the retention of U.S. land forces in the theater. The remaining division in South Korea should also be returned to the United States, since that country has achieved unmistakable military superiority over the North.

United States interests and commitments with respect to Japan and Taiwan will not be threatened in the foreseeable future by limited Chinese conventional capabilities, and Australia and New Zealand are protected not only by natural barriers to attack but also by their own considerable defense capabilities. Therefore, there is no present need to maintain active or reserve land divisions in the United States with an exclusive high priority allocation toward Asia. Any foreseeable threat can be countered by the maintenance of one carrier-based tactical air wing on Pacific assignment and seven land-based wings, for a total of eight wings. Asia-oriented air wings based in the United States would also be available for minor contingencies elsewhere.

Western Hemisphere: There is a slight risk of military action in Latin America which might call for the involvement of U.S. forces, justifying some preparation in light of the special relationship dictated by the proximity of the region to the United States. The present allocation of one land division should be maintained, but it is not necessary to assign a carrier task force because of the virtual assurance that land bases will be available, at much lower cost, in the event that air forces are required.

Strategic reserve: At least two active land-based divisions should remain available as a strategic reserve, for defense of the continental United States against unforeseen contingencies. Considering the probable warning that would have to precede any conventional attack on this country, these divisions could easily be augmented by activation of reserve units, as well as by active theater forces based in the United States.

Naval forces: The land and air force structure outlined above contemplates six carrier-based tactical air wings, thus requiring retention of six modern attack carriers. The other major vehicle for projection of sea-based force ashore would be the single Marine expeditionary force, or capacity for amphibious landing of one Marine division. Since the ASW role can be performed at less cost and with greater effectiveness by land-based aircraft, the new posture should include no antisubmarine carriers.

The first major naval requirement is for escorts and for underway replenishment ships to accompany the surface fleet. The base force for surface shipping begins at 38 ASW escorts and 45 AAW/ASW escorts, plus the carriers, replenishment ships, and amphibious landing craft.

However, additional destroyers and frigates should be programed for fire support—bombardment of land targets from sea positions—for escort of sealift and commercial shipping—now assigned primarily to reserve ships and allied naval forces, and to make up a portion of the lost show of force capacity incurred by retiring carriers, as well as to serve as insurance backup to those specifically assigned above. A total of 130 escorts would be sufficient to meet these objectives.

The retirement of ASW carriers leaves a need to make up some loss in aggregate protection of surface ships against enemy submarines, and also against surface ships with long-range missiles. This need can best be fulfilled by nuclear-powered submarines with improved weapons systems and speed and silence characteristics. The United States should build toward a total of 84 nuclear attack submarines.

Other naval requirements include a slightly larger sealift capacity than is presently in being, since the design of modern commercial shipping makes it less readily transferable to military purposes.

Summary: The force structure outlined above would conform to the following totals and rough allocations:

Type of force	Europe	Asia and Western Hemisphere	Strategic Reserves	Total
Active Army divisions [3]	7	1	2	10
Active Marine divisions [3]		1	----------	2
Reserve land divisions [4]		----------	2	9
Navy air wings		2	----------	6
Air Force tactical wings		7	----------	18
Airlift (squadrons) [5]	1	4	----------	18
Marine tactical wings	1	1	----------	2
Naval forces: [6]				
Attack carriers [7]	4	2	----------	6
Nuclear attack submarines	42	42	----------	84
Escort ships	80	50	----------	130
Amphibious assault ships	----------	56	----------	56
Replenishment ships,[8] cargoships, and troopships	50	30	----------	80

[1] Contingencies in Asia and the Western Hemisphere are sufficiently remote to allow allocation of land forces stationed in the United States to both. If they were to coincide, U.S. based forces oriented toward Europe could be diverted, consistent with the 1½ war planning assumption.

[2] Active Army divisions allocated to Europe include 2 based in Europe and 5 based in the United States.

[3] The Marine division oriented toward Asia and the Western Hemisphere would have an amphibious landing capability; the other would not.

[4] Reserves would be maintained primarily for augmentation of Europe-oriented forces, but would be available for any major contingency.

[5] Airlift squadrons include 4 squadrons of C–5's and 14 squadrons of C–141's and other aircraft. The C–5's should all be allocated toward Europe.

[6] The allocation of naval forces is only a rough calculation, flowing primarily from the apportionment of carriers and amphibious landing forces between Europe and Asia.

[7] All 6 carriers will have been constructed since 1960, and will thus require less time in port than the existing larger and, on the average, older force, 3 carriers will thus be on station at all times.

[8] Reflects fewer replenishment ships than at present, accounting for reductions in carrier task forces, and an increase in sealift capacity.

MODERNIZATION

In the wake of scandalous problems with weapons procurement in recent years, it is clear that rigorous new discipline must be applied to the acquisition of new weapons systems and military equipment and supplies of all kinds. Several overriding general rules should be observed.

First, more careful scrutiny of military research and development programs is an absolute necessity, to assure that research which cannot be expected to lead to viable military systems is stopped or held at low levels before it has used up funds far in excess of any potential worth.

Second, modernization and upgrading of existing forces must be constantly reexamined to assure that the strategies for which replacement systems are designed remain viable in the light of advancing technology among potential adversaries.

Third, unnecessary sophistication of weapons systems and the incorporation of doubtful technology must be avoided.

Fourth, military procurement agencies must understand that cost is an object. While combat effectiveness must obviously play a preeminent role in the acquisition of equipment which is directly related to combat, a large share of total military procurement involves goods and services which have only indirect relevance, or no relevance at all, to battlefield conditions. Such items should be procured at the lowest possible cost.

Fifth, every effort should be made to resist vast outlays for major new weapons systems which promise only slight improvements in military proficiency. The maintenance of a substantial research and development program assures that deployed weapons will always fall short of what is within the realm of scientific possibility. Procurement should be postponed until there is both a significant margin of improvement and a demonstrable need for incorporation of the improvement into the active force structure.

Sixth, military force planners should be aware that more effective weapons systems allow fulfillment of the same mission with fewer weapons—that within the context of any given threat new weapons can replace old, less effective models on less than a one-for-one basis.

I ask unanimous consent that four summary tables be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD as follows:

SUMMARY TABLES

Military personnel:	
Army	648,000
Navy	471,000
Marine Corps	140,000
Air Force	476,000
Subtotal, active duty	1,735,000
Reserves	600,000
National Guard	250,000
Total	2,585,000
Civilian personnel	761,000
Strategic forces:	
Minuteman Missiles	1,000
Polaris (submarines/missiles)	34/544
Poseidon (submarines/missiles)	7/112
Strategic Bombers (B–52's and FB–111's)	200
Manned Fighter-Interceptor Squadrons	5
Air Defense Firing Batteries	8
General purposes forces:	
Land Forces	
Army divisions	10
Marine divisions	2
Tactical Air Forces:	
Air Force Wings	18
Navy Attack Wings	6
Marine Corps Double Wings	2
Naval Forces:	
Attack Carriers	6
Nuclear Attack Submarines	69
Escort Ships	130
Amphibious Assault Ships	56
Troopships, Cargoships, Replenishment Ships	80
Airlift Forces:	
Aircraft Squadrons	
C–5A	4
C–141 and other	14

(2) *Proposed strategic program costs—1975*

Strategic Forces:	
Minuteman	$0.2
Polaris/Poseidon	2.9
B–52/FB–111	0.7
SRAM/SCAD	0.1
Bomber Defense	0.8
Surveillance	0.7
Safeguard	.0
Subtotal, strategic forces	5.4
Intelligence and communications	3.2
Research and development	2.5
Supply and maintenance	1.0
Training, medical and other personnel activities	1.4
Administration	.6
Total, strategic forces	14.1
Operating outlays	$7.6
Investment outlays	6.5
	14.1

(3) *Proposed general purpose forces program costs—1975*

General purpose forces	$17.9
Intelligence and communications	2.3
Airlift and sealift	1.5
Guard and reserve	3.2
Research and development	3.0
Central supply and maintenance	4.1
Training, medical and other personnel activities	6.1
Administration	1.2
Support to other nations	.5
Military assistance	.9
Total general purpose forces	40.7
Operating outlays	26.5
Investment outlays	14.2
Total	40.7

(4) *Total program costs—1975*
(*billions of 1975 dollars*)

Military personnel	$18.6
Military retired pay	5.1
Civilian payroll	10.2
Subtotal, pay	33.9
Equipment, supplies, and services	20.9
Total	54.8

RETIREMENT OF COL. KATHERINE E. MANCHESTER

Mrs. SMITH. Mr. President, last month Col. Katherine E. Manchester retired after 31 years of outstanding service to the Army Medical Department. She is an outstanding example of the great role that women can play in life. I wish to accord my personal salute to her.

I ask unanimous consent that a biography of Colonel Manchester be printed in the RECORD.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

BIOGRAPHY

Colonel Katharine E. Manchester, AMSC, was born in Jacksonville, Illinois on 15 October 1916.

Colonel Manchester graduated from the University of Illinois in 1938, and completed her dietetic internship at the University of Michigan Hospital the next year.

After entering the Army Medical Service in 1940, she served as staff dietitian first at Walter Reed General Hospital and later at the U.S. Army Hospital, Fort Leonard Wood, Missouri.

Her first assignment in the Army Surgeon General's Office came in 1943, when she was named assistant to the Chief, Dietetics Consultants Division. She was awarded the Army Commendation Medal for her outstanding performance during this assignment.

In 1948, she was selected to attend Cornell University for advanced study in the field of Institution and Personnel Management. She received a Master of Science degree in 1949.

She was then assigned to conduct management research in food service organization and operation at Valley Forge General Hospital, Phoenixville, Pennsylvania, and in the Medical Plans and Operations Division of the Army Surgeon General's Office.

During this assignment Colonel Manchester was responsible for developing procedures now used in food service operations in all fixed Army Medical Treatment Facilities. Her studies of centralized tray service contributed to the establishment of this procedure in Army Hospitals.

From 1952 to 1955, she served overseas in Germany as Chief, Food Service Division at the 130th Station Hospital with additional duty as Food Service Consultant to the Chief Surgeon, Headquarters, U.S. Army, Europe.

She was then assigned as Chief of the Food Service Division and Director of the Dietetic Internship Program at Brooke General Hospital, Fort Sam Houston, Texas. From July 1960 to July 1964, Colonel Manchester was Chief, Dietitian Section, AMSC, and Assistant Chief, AMSC, in the Office of the Surgeon General, Department of the Army, Washington, D.C.

Highly regarded by her civilian and military colleagues, the Colonel has always been active in dietetic associations. In recognition of her outstanding contribution to military dietetics and an indication of the high regard she has earned in her military career, Colonel Manchester was the first dietitian of the Army Medical Corps selected by the Army Promotion Board for the grade of temporary full colonel and the first Regular Army member of the Army Medical Specialist Corps to be promoted to the rank of permanent Colonel. Colonel Manchester has been awarded the Army Commendation Medal with two oak leaf clusters for meritorious service during her career as dietitian in the Army Medical Service.

In May 1968 she was recipient of the Silver Plate Award as Food Service Operator of the Year in the hospital and nursing division presented by the Institutional Foodservice Manufacturers Association in recognition of outstanding service and dedication to the Food Service Industry and those who serve it.

Colonel Manchester, also, received the 15th annual McLester Award for notable achievement in the field of nutrition and dietetics, presented by the Association of Military Surgeons, in honor of the memory of James Somerville McLester, M.D., LL.D, Colonel, M.C., U.S.A.R. The award was presented at the 75th annual convention of the Association of Military Surgeons, in Washington, D.C. on October 22, 1968.

This award was established in 1954 to honor the memory of Colonel James Somerville McLester of the United States Army Reserve Medival Corps. A scientist as well as surgeon, Colonel McLester served as a consultant to the Surgeon of the American Expeditionary Forces in World War I and was a pioneer in the field of metabolic medicine and clinical nutrition. The Work performed by Dr. McLester and his successors generated great interest in clinical nutrition, providing new insight and better understanding of human metabolism and the role of nutrition in preventive medicine and in therapy.

In July 1969 Colonel Manchester was awarded the coveted "A" Prefix for professional accomplishment in the Army Medical Department. To be eligible, one must make significant contributions through research, professional articles or books, and through continued demonstrations in performance in highly specialized fields of endeavor.

In December 1970 Colonel Manchester was appointed to the Department of the Army Subsistence Operations Review Board, which was established at the direction of General Westmoreland, the Army Chief of Staff, based on recommendations of the Deputy Chief of Staff for Logistics, LTG Joseph M. Heiser, Jr. Major General John D. McLaughlin, Commanding General of the Quartermaster Center and Fort Lee and Commandant of the Quartermaster School was appointed President of the Subsistence Operation's Review Board. Colonel Katharine E. Manchester was the Army Surgeon General's representative on the Board. The Board performed research on the feeding of Army Troops, visited installations and units world wide, and conducted conferences and seminars between December 1970 and June 1971. The Chief of Staff charged the Board with the development of a program for "action" to improve Army Food Service Operations World Wide. On 15 December 1971, she was presented with the Quartermaster Medallion in recognition of her service with this Board, and was made an Honorary Faculty Member of the Quartermaster School.

Colonel Manchester has been closely associated with the Army Dietetic Internship Programs since 1943. In 1969 the Walter Reed Graduate Dietetic Internship Program coordinated between Walter Reed and the University of Maryland was established which lead to the Master of Science Degree from the University. On 1 July Colonel Manchester was appointed as a visiting Assistant Professor on the faculty at the University of Maryland.

On October 7, 1971, Colonel Manchester was installed as President of the American Dietetic Association for 1971–1972. She was the first military dietitian to be elected to this office.

Colonel Manchester was honored on 17 December 1971 during her retirement ceremony at Walter Reed Army Medical Center. BG W. H. Meroney, M.C., Walter Reed General Hospital Commanding Officer presented Colonel Manchester with the Distringuished Service Medal, the highest non-combat military award possible, in recognition of her 31 years of outstanding service to the Army Medical Department. She was also presented with the Army Medical Service Medallion, the first woman to be so honored; and with the Walter Reed Army Medical Center Medallion, in recognition of her many contributions to the welfare and nutritional care of patients and assigned staff.

Colonel Manchester officially retired from the United States Army 31 December 1971.

Colonel Manchester lives with her father, Mr. Thomas D. Manchester at 8621 Camden Street, Alexandria, Virginia 22308.

HOUSE GRAIN RESERVE BILL AND HUMPHREY RESOLUTION

Mr. MONDALE. Mr. President, the Committee on Agriculture and Forestry, presided over by the distinguished senior Senator from Georgia (Mr. Talmadge), is holding hearings today on the House-passed strategic grain reserve bill, H.R. 1163 and Senator Humphrey's resolution, Senate Joint Resolution 172, which would require the administration to adopt more effective production adjustment programs in 1972, which I cosponsored along with other Senators. I testified this morning before that committee in favor of the two bills. A statement submitted by Senator Humphrey for today's hearings strongly also urges immediate action by the Senate toward enactment of these measures which are so important economically to our Nation's wheat and feed grain producers.

I invite particular attention to Senator Humphrey's point about Secretary Butz' opposition to loan rate increases for these farm commodities which only equal the 12 to 13 percent devaluation of the dollar which has occurred in the last 6 months. If the Secretary wishes to establish any credibility among farmers, he should support at least that much of an increase in loan rates.

Higher prices will not cut into the size of export sales of farm commodities. In fact, since devaluation our grain prices have exerted downward pressure on world prices. Devaluation has cut the wheat price by $0.15 a bushel in world trade. Japan, for example, is now able to purchase as much wheat for 225 yen as it could for 265 yen 2 months ago.

At the recent annual convention of the National Association of Wheat Growers, guest speakers representing the European Económic Community, Canada and Australia, urged the United States to stop depressing world prices. These distinguished spokesmen expressed concern over U.S. moves toward an export policy which uses low prices to gain new markets.

The other remarks to which I would like to call attention in Senator Humphrey's statement, are his comments about the price of bread increasing while the price of wheat has gone down, and while the price of livestock has gone up as feed grain prices have dropped.

Mr. President, I ask unanimous consent that my prepared statement to the Agriculture Committee, as well as Senator Humphrey's statement, be printed in the Record.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Testimony of Senator Walter F. Mondale to the Senate Committee on Agriculture and Forestry in Support of H.R. 1163 and S.J. Res. 172

Mr. Chairman, I am most grateful for the opportunity to testify before this Committee on behalf of H.R. 1163, and S.J. Res. 172. H.R. 1163 is a bill to increase the price support loans on wheat and feed grains by 25% and to establish a strategic reserve for wheat and feed grains. Senate Joint Resolution 172 also calls for a 25% loan increase for these crops. It also would establish a base acreage program for the 1972 feed grain crop and an additional voluntary acreage diversion for the 1972 wheat program.

I understand that the Department of Agriculture is now taking steps to implement the additional voluntary acreage diversion for the 1972 wheat program.

Mr. Chairman, I feel that here today, the heart of the issue concerning these measures is the 25% loan increase. This is what we need to pass now in the Senate. Every time I go home and talk to people in the farm country they tell me that truly, they are in the midest of a depression. They need an economic boost and they certainly have it coming.

The disaster in our farming areas is hidden. These people don't carry signs and they don't march. They suffer in silence. Many of them tighten their belts year after year, and some way, several make it. But each year many more are lost.

The social and economic costs of losing these people from our rural areas is high. It is difficult to show it statistically, but it is evident that, for about every five or six farmers that leave rural America, we lose one independent businessman.

What happens to these people? Of course they don't move directly to the slums of our cities. But every time a rural resident does move to the city to find work, jobs which could be given to city people are displaced. So, the rural to urban exodus is quite costly.

It is disastrous to continue allowing the stagnation and death of our fine rural communities while at the same time large cities are growing increasingly crowded and unmanageable.

These are long-run concerns and I think we need bold and very comprehensive measures aimed at stopping and reversing the exodus from rural America. I am hopeful that during this session of Congress we will enact some of the major rural development measures which have been introduced. Today is not the time to discuss these, however.

Rural development has been gaining increasing mention in speeches and news reports. But if you ask a real farmer about it he'll tell you that the biggest move toward rural development right now would be action to improve farm income.

The productive performance of independent family farmers needs no defense. As the President pointed out in his words to Congress last week, over the last 20 years the productivity of farmers has risen 3½ times as fast as that of non-farm industry. But during these years, farm prices have risen little, if at all. Increases in farm income have only been due to the ability of farmers to increase their productivity and narrow their margins. But now it is about time to start giving them increased prices which will increase their income.

Increased farm income helps the entire society and economy of our nation. Each year farmers use the natural resources and their own labor and management skills to create new wealth. Their products abundantly supply food and fiber needs of our nation. Exports provide a substantial boost to our balance of payments. Every dollar of farm income returned to farmers turns over several times in the economy to generate more income and more jobs in other industries.

These are just a few of the reasons why prompt enactment of these measures, the heart of which is the increase price support, is so important.

Enactment of the 25% loan increase for wheat and feed grains would mean added farm income of roughly $1.5 billion on the 1971 crops. This figure resulted from multiplying the total production by the eligible proportion and the result by the estimated price increase per bushel for wheat, corn, grain sorghum and barley, respectively. The bill also provides for 1972, so additional increases in income could be expected for the 1972 crop as well.

We are not asking for a handout for farmers; only a fair return. I have seen farmers' bookkeeping figures on the costs of producing corn in the State of Minnesota. These figures from topnotch farmers total from 90¢ to $1 per bushel in an excellent production year. Any unpredictable problems, such as wet conditions which delayed harvesting in several parts of the state, will add costs. The average price for corn in Minnesota during 1970 was $1.18 per bushel. During 1971, it was 98¢. Therefore, it is evident that things aren't getting better out there.

The reason for the low prices is clear. The Agriculture Department misjudged last winter. They overestimated the possibility of corn blight and to give the American people insurance against a food shortage, encouraged planting too much corn. The trouble with that type of insurance is that the farmer ends up paying the premium and the middleman gets the benefit.

I think it is time we give the farmer a break. It isn't his fault there is an increased inventory of corn. The farmer did a commendable job, and the weather was right and this resulted in a bumper crop. But he is getting paid less for this bumper crop than he received for the blight-depressed crop of 1970.

Although I have placed major emphasis on the price support loan increase, I also want to stress the importance of the strategic reserve aspect of this legislation. Mr. Chairman, I have supported the concept of a strategic reserve of storable commodities for some time. I believe that a reserve, totally insulated from the market for emergency use, would protect our markets. This is always important. It has never been so important to feed grain and wheat producers as it is at the present time. With the presence of last year's big crop, establishment of the reserve now could have two-fold benefits. It would remove sizeable inventories from the market and at the same time, establish a much-needed reserve.

We have strategic reserves of other items important to our welfare and security of our nation. Why not a reserve of food?

Mr. Chairman, it is unfortunate that we didn't pass this legislation early last fall. Many farmers who had bills to pay at harvest time, had to sell their wheat or feed grains at a loss. But the urgency of this legislation is not lessening now. The combined value of the 1971 wheat and feed grain crops and government payments is almost $1 billion less than it was in 1970 when the blight-depressed corn crop was harvested. I'm convinced that an increased price support and establishment of the reserve now would bring about needed boosts in farm income.

Corporate food processors will probably oppose this legislation saying that it will place increased pressure on their input costs. I ask that we be fair to farmers. While wheat prices have dropped during the last year, the retail prices of bread have continued to rise. Still, the farmer's portion of the price of a loaf of bread is less than 10%.

Mr. Chairman, I'd like to reply to one of the administration's early objections to this legislation, as I see it. The Administration has pointed out that the result would be increased production at a time when we must hold production down.

That objection was anticipated when similar bills were introduced in the Senate early last fall. The administration's current production programs have proven they can't manage supply and give farmers a fair return. The Farmers' Income Improvement Act of 1971, S.J. Res. 172, was introduced to correct these inadequacies.

This resolution directs the Secretary of Agriculture to announce a more effective wheat acreage adjustment program and it directs a shift to a base acreage diversion program for feed grains in 1972.

Although the Agriculture Department's recent announcement of an additional voluntary set-aside program for wheat in 1972 is a commendable move toward meeting the objectives of Senate Joint Resolution 172, I am concerned that there is still a need for adequate measures to hold production in check.

The action by the department also further points out the inadequacy of the set-aside approach. We now have to pay out additional money to move production levels back to the point we had attained under the 1965-69 supply management program.

The Administration doesn't need this legislation we are discussing today. It has statutory authority to increase loan rates on wheat and feed grains and to make other needed adjustments in these programs administratively.

However, even though the Secretary of Agriculture promised, before his confirmation, that he would take prompt action to improve farm prices, little has been done.

Soon after the Secretary took office, he announced that the Department of Agriculture would begin buying corn in the open market. My first concern was that such an action, without proper safeguards, might bring short-term increases in prices but would result in the buildup of burdening inventories which would overhang the market.

As you know, Mr. Chairman, when he announced the purchase, the Secretary did not say how much would be purchased or how the Department would handle the inventory.

But, so far, my concerns about the buying program have been unnecessary. Purchases have been so small, they have no effect. Corn prices have only made a normal after-harvest rise. But they are still 20¢ a bushel below those of a year ago.

During the first four weeks of the USDA buying activity, only 7.7 million bushels of corn were purchased. That is like trying to unload a grain elevator with a teaspoon. We have at least 25 counties in the State of Minnesota which each produce more than 7.7 million bushels annually. Five of those counties produce double that amount.

Therefore, Mr. Chairman, I am convinced that Congress must take action requiring the Administration to implement a more substantial program.

Another objection the Administration has expressed is that increased prices will dull our competitive edge in export markets. The Department of Agriculture has been using exports as an argument in several aspects of the farm situation. I know that the export market is important to farmers. But higher prices due to this loan increase we're asking for will not cut into the size of export sales of farm commodities. In fact, since devaluation of the dollar, our grain prices have been exerting downward pressure on world prices. Devaluation has cut the wheat prices by 15¢ a bushel in world trade. Japan, for example, is now able to purchase as much wheat for 225 yen as it could for 265 yen two months ago.

At the recent annual convention of the National Association of Wheat Growers, guest speakers representing the European Common Market, Canada and Australia, urged the United States to stop depressing World prices. These distinguished spokesmen expressed concern that U.S. moves toward an export policy which uses low prices to gain new markets may inspire cut throat competition.

Mr. Chairman, we should not allow the American farmer to be forced into a position of subsidizing that type of cut throat competition. I urge immediate passage of H.R. 1163, and S.J. Res. 172.

STATEMENT BY SENATOR HUBERT H. HUMPHREY SUBMITTED TO THE SENATE COMMITTEE ON AGRICULTURE AND FORESTRY IN SUPPORT OF H.R. 1163 AND S.J. RES. 172

Mr. Chairman, on November 10, 1971, I appeared before Senator Everett Jordan's Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices, of which I am a Member, in support of my own "Strategic Storable Agricultural Commodities Act of 1971," S. 2729 and S.J. Res. 172, my bill to require the Administration to adopt more effective production programs for wheat and feed grains in 1972. (A copy of that testimony is attached.)

The House subsequently enacted H.R. 1163 by a narrow margin of votes. And, on December 15, 1971, our Senate Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices voted to favorably report H.R. 1163 to the Full Senate Committee on Agriculture and Forestry. I strongly supported that action and I was joined in that support by both Democrat and Republican Members of the Subcommittee.

Today's hearings, with a Full Committee vote promised on H.R. 1163 and S.J. Res. 172 on Wednesday of this week, are in keeping with your promise to move promptly on these bills this Session—in that the Full Committee was unable to consider these bills in the closing days before adjournment last year.

Mr. Chairman, I want to restate my strong support for H.R. 1163 even though much valuable time has been lost since I first introduced S. 2729 and S.J. Res. 172.

At that time it was apparent that as a result of the inadequacy of the Administration's "set-aside" program for 1971, the Administration's desire to rebuild depleted feed grain stocks, and favorable weather, farmers had planted too many acres to both wheat and feed grains. They were harvesting record large crops—crops which were too large for available market outlets, and more feed grains than were needed to rebuild stocks to normal levels. Prices to farmers consequently were severely depressed.

Farmers had been asked by the Administration to increase their plantings of feed grains because of the danger of a second year of severe losses from corn blight. They were assured that if the blight did not strike again as it had in 1970, the extra feed grains would be needed to replenish carryover stocks. But, the Administration forced farmers to assume all of the risks of low prices which go with record harvests. It kept price supports at the level established for surpluses, $1.05 a bushel for corn and $1.25 a bushel for wheat.

Farmers were asked to produce enough to assure stable supplies at highly favorable prices for processors and consumers, but when they began harvesting record crops, corn prices were allowed to drop a third and more.

This, to say the very least, is a shabby way to treat producers who responded actively to the Administration's request.

It is against a background of Administration actions of "too little and too late" that I continue to urge the passage of H.R. 1163 at the earliest possible moment.

I will not take the time to recount fully the income losses to producers as a result of the ineffective "set aside" program and the record crops they have harvested.

The combined value of the 1971 wheat and feed grain crops and government payments are almost 1 billion less than in 1970 when the short corn crop was harvested.

It is true that too much of the 1971 crops already have been sold by hard-up producers. But, the 1971 wheat and feed grains placed under CCC price support loans are setting new records as producers, hard up for cash, have tried to put off the sale of their crops at low surplus prices.

Also, everyday I get reports of producers who have been holding their 1971 crops in the hope that Congress would act to restore market prices to a reasonable level.

Yes, it is unfortunate that H.R. 1163 was not approved by the Congress in October.

But if it is approved at this late date it will "keep the faith" with many, many producers who have placed their 1971 crops under price support loans, or have been holding their crop in expectation that their government eventually would be fair with them. It is the only legislative action that the Congress can take at this late date, because of parliamentary problems.

Now I want to respond to the Administration's objections to this bill.

Secretary Butz, in a letter to Chairman Talmadge, on January 18, 1972 said, "High export subsidies would be required to maintain exports and this would be in conflict with trade policies of the United States."

Mr. Chairman, since the 1971–72 price support levels were announced, the United States dollar has been revalued in terms of world currencies. A dollar is now worth 12 or 13 percent *less* in foreign currencies than it was 6 months ago.

In my view a Secretary of Agriculture who really is concerned about the economic welfare of family farms would be knocking on the White House door with a proposal for raising price supports by at least the amount of the dollar devaluation, rather than digging in his heels to maintain the status quo after the ground rules have been changed.

Our Canadian and Australian friends are complaining that U.S. sales policies are a key factor in depressing world wheat prices.

I am convinced that if we would join other nations in placing a floor under world wheat prices in the international wheat agreement we could be selling our high quality wheats for more dollars than in recent weeks.

I also would call your attention to the fact that the seasonal average price of corn last year was $1.32 a bushel before the dollar was devalued 12 to 13 percent.

A price support level of $1.31 a bushel for corn for the 1971 and 1972 crops, with the dollar devalued, is comparable to a price support level of about $1.16 previous to December 1971. This is substantially less than the world price of corn last year.

Secretary Butz also said "The big increase in grain prices as a result of the provisions of this bill would have a significant impact on the livestock-poultry sector, reducing production and increasing prices to unprecedented levels."

Mr. Chairman, the Statistical Reporting Service reported that in November and December feed grain prices were 10 percent lower than in 1967 and livestock prices were 20 percent higher than they were in 1967.

Let's be fair with grain producers. Feed grains in November and December were 8 percent lower, yet retail bakery prices were fully 15 percent higher than in 1967.

Let's not blame farmers for continually rising retail food prices. Twenty years ago farmers received $2.00 a bushel for wheat and their wives paid 15 cents for a loaf of bread. In the past 3 months, farmers received $1.32 a bushel for wheat and their wives paid over 25 cents for bread.

Twenty years ago farmers received $1.50 a bushel for corn and paid 17 or 18 cents for a box of corn flakes. In the past 3 months farmers received $1.00 a bushel for their corn yet their wives had to pay 33 to 35 cents a box for corn flakes.

Let's not fall into the "cheap food" sink hole. Farmers can be paid a fair price for their products without—to use Secretary Butz' words, "increasing prices to unprecedented levels."

Secretary Butz in his letter to Chairman Talmadge objecting to H.R. 1163 said. "The result would be a substantial increase in production just at a time when we really need to hold it down."

It was in anticipation of this objection that I introduced S.J. Res. 172. This resolution directs the Secretary of Agriculture to announce a more effective wheat acreage adjustment program and shift to a base acreage diversion program for feed grains in 1972.

In commenting on the additional voluntary set-aside program for wheat in 1972, which goes far toward meeting the objectives of S.J. Res. 172 as far as wheat is concerned, I questioned its adequacy to achieve fully the goal of holding production in check.

I said, "The failure of the set-aside approach should now be obvious to both the Administration and the Congress.

"We now have to pay an enormous additional sum of money to get back to the production level we attained under the 1965–69 supply management program we gave up for the set-aside approach."

The Administration has the statutory authority to increase loan rates on wheat and feed grains and to make the other needed adjustments in these programs administratively. Additional legis!ation is not required in order for them to act.

However, despite all their talk about farm prices being too low, Secretary Butz and the Administration have refused to take the actions needed to provide our nation's farmers with more effective programs to accomplish that goal.

Therefore, I am convinced that even at this late date, Congress must take the initiative and *require* the Administration to take the actions needed.

Prompt enactment of H.R. 1163 to bring immediate improvement in grain producers economic position and passage of my S.J. Res. 172 to require the Administration to adopt more effective production programs for 1972 are essential if we are to keep these producers from economic ruin this year.

Therefore, Mr. Chairman, I urge immediate passage of these measures.

TRIBUTE TO MISS KATE EDENFIELD

Mr. THURMOND. Mr. President, we live in a world of change. This is, on balance, a good thing because change can bring improvement and growth. While change is not synonomous with improvement, it is evident that our country has grown to heights unique in the history of the world.

It is refreshing sometimes to look back through the changing years to days when life are simpler. We do this, not from a nostalgia that longs for a return to that life, but from the knowledge that we gain stability by maintaining our ties with years gone by. The past has much to teach us, and only when we are willing to build upon the lessons of the past are we able to build toward a better future.

An editorial published in the Aiken, S.C., Standard of November 2, 1971, honors a family which serves as a link between the cherished past and a productive present. The editorial, entitled "Miss Kate Edenfield, Dedicated North Augustan," pays tribute to a wonderful lady and her family. In so doing, it traces the growth and development of North Augusta, S.C., from its earlier days to the present, and it calls attention to the vital contribution the Edenfield family made to that progress.

This is not just a South Carolina story, nor even a Southern story. It is an American story, one that I am pleased to share with the Senate.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MISS KATE EDENFIELD, DEDICATED NORTH AUGUSTAN

(By C. W. Kilbey)

The Edenfield family that arrived in North Augusta in 1907 is still well represented there. Some of the best-known members of that family remaining are, perhaps, Ralph E. Edenfield, who is the town's postmaster, Julia Kate Edenfield, well known as "Miss Kate," and J. Ryerson Edenfield. He was the father of Dr. J. R. Edenfield Jr., who practiced medicine in Aiken until his death.

Mr. and Mrs. Edenfield and their 10 children had originally lived on a farm near Allendale and later farmed near Williston.

Mr. Edenfield bought and operated a grocery and general store on the corner of Lincoln and Telfair Streets in Augusta for a time. But decision was made to buy a store in North Augusta owned by P. L. Nurnberger, the deal was closed, and the Edenfields took over the business in October 1907 and moved into the big 2-story house built onto the store building itself. (Incidentally, that structure and one other building are the only two original structures left of old North Augusta on the west side of Georgia Avenue between Buena Vista and Kackson Avenues.)

In those days, North Augusta was primarily a tourist town catering to winter visitors. It had been incorporated in 1906, and Miss Kate remembers the very fine homes to be found in the little community—some of which are still standing. There was also the big Hampton Terrace Hotel, and she well remembers the hotel's carriages with their beautiful horses, uniformed black coachmen, and happy visitors living at the hotel as they drove down unpaved Georgia Avenue. There wasn't much to see—three grocery and general merchandise stores, a few other small shops, and some churches.

Recreational facilities were scarce in North Augusta in those days. The young folk would take long leisurely walks in companionable groups on pleasant Sunday afternoons. Their destination was usually the rock quarry, not too far a walk from the town's center.

Miss Kate says that the trolley car used to pass within a block of their home, and it was a frequent occurrence for her to go with others for a ride on the trolley car to Graniteville. Lunch baskets were always taken along, and the high spot of the trip would be a picnic lunch enjoyed under the shade of big trees found in the Graniteville park.

The Hampton Terrace Hotel had its own special trolley car. A run would be made from North Augusta to the then-busy railroad station in Augusta to meet the trains bringing patrons from the north. The front section of the trolley was equipped with seats; the back section was seatless and used instead for the many pieces of baggage brought by the visitors. It was a convenient arrangement for all.

Much of the area now occupied by the city hall, the shopping plaza, and adjacent ground was at that time a much-used 18-hole golf links. Golf clubs were as standard a part of the winter visitor's luggage as was his razor.

The Edenfield store was doing a satisfactory business in those days. An addition to its stock of goods was school books, which were sold to students at the nearby school. They originally operated a horsedrawn delivery wagon, but this was later replaced by a truck.

The Edenfield home had 5 bedrooms on the second floor plus 3 or 4 huge rooms on the first floor. That space was often needed, for 21 members of the family and friends joined together for at least one Christmas celebration that Miss Kate remembers.

One of Miss Kate's treasures is a so-called "brass clock" made in 1849. Since clock repairmen were in short supply in those days, the brass works of the clock could be taken out by the owner, washed, oiled, and replaced with a minimum of effort. The clock strikes the hour and still keeps perfect time.

Miss Kate started early as an ardent worker in the nearby Baptist Church. When she grew up, she taught Sunday school classes for many years and was also quite active in other aspects of church and community affairs. Her dedication has not gone unnoticed. For instance, on December 11, 1967, she was presented with a replica of an open golden book bearing the seal of the National Exchange Club. One page of the open book has engraved on it, "Exchange Club Book of Golden Deeds." The opposite page bears the legend: "Presented by the Exchange Club of North Augusta to Julia Kate Edenfield in recognition of her service to others and to the community."

The First Baptist Church of North Augusta, of which Miss Kate has been a member for 64 years more or less, has also been well aware of her great contribution of time and energy over the years.

In October 1957, that church had a "Miss Kate Edenfield Day" in recognition of her having been serving it for 50 years.

In 1970, the church's bulletin had an entry in it calling attention to the fact that she had then been working for the church's best interests for 63 years, that she was still active in the children's division of the Sunday school and the church's training program, that she was a true representative of the "life beautiful," and that the entire membership was proud to claim her for their own.

North Augusta has seen many changes since 1907. The former Edenfield store is now a place where poodles are clipped and trimmed. The town's population has greatly increased, and its enlarged business district and modern shipping center are important additions to the town's life. But Miss Kate has remained firm in her philosophy and her faith, bright of mind and serene in her outlook on the world.

SECRETARY BUTZ OPPOSES WHEAT AND FEED GRAIN LOAN RATES

Mr. HUMPHREY. Mr. President, the Secretary of Agriculture, Dr. Earl Butz, testified this morning before the Committee on Agriculture and Forestry in opposition to H.R. 1163, the House-passed grain reserve bill, which contains a mandatory increase of 25 percent in 1971 and 1972 loan rates for wheat and feed grains. He also expressed his opposition to any adjustments being made in the 1972 feed grains program similar to what my Senate Joint Resolution 172 would require, namely, a return to voluntary base-acreage program.

Mr. President, Secretary Butz is opposed even to loan rate increases that would equal the 12 to 13 percent devaluation of the dollar that has occurred. I was truly shocked that a Secretary of Agriculture would publicly state that even such a minimum adjustment would be bad. U.S. grains are selling close to 13 percent less in European and other overseas markets today as a result of the devaluation. This, of course, is driving world prices for these grains down to new record lows. In taking such a hard-line position against any increases or adjustments in loan levels, farmers have every right to now question the credibility of any further statements that may be made by Secretary Butz about wanting to increase farm prices or incomes.

It was also brought out in today's committee hearings that USDA has sold 7 million bushels more corn than it purchased since starting their corn buying program. No wonder USDA purchases of corn have had no effect on the market.

The Secretary also was very liberal in use of figures this morning. On several occasions he used figures that were found later in the hearing to be grossly inaccurate or at best to be mere guesses. He said that the Government costs under H.R. 1163 would greatly be increased, yet he ignored that the adjustments called for in my Senate Joint Resolution 172 regarding the 1972 programs, would hold any added costs to a minimum while substantially increasing the value of the crops.

Although the administration has had the authority right along to increase loan rates and to return to a more effective supply-management-type program in 1972, they have refused to take any initiatives. Now they try to berate H.R. 1163 because the lateness of its possible enactment might provide some benefits to the grain trade in addition to farmers. It is also interesting to note on this point that the Secretary admitted that his present corn buying program had the same weakness. Of course, the way to avoid or minimize the benefits that might go to the trade is to promptly enact H.R. 1163 and Senate Joint Resolution 172. Further delays will minimize benefits for farmers and increase those for the trade. Most farmers are still holding onto their grain, awaiting action by the Senate. But, they cannot hold on for much longer. That is why we must pass these bills immediately.

Mr. President, Secretary Butz tried hard to pick apart other provisions of H.R. 1163 in the hopes of discrediting it. However, practically all of his criticisms were proven to be completely invalid.

Congressman Neal Smith of Iowa also appeared before the committee today and he did an excellent job of destroying every one of Secretary Butz' arguments against enactment of this legislation. Senator Mondale and Congressman Bergland from my State of Minnesota also made excellent statements in support of H.R. 1163 and Senate Joint Resolution 172.

Mr. President, so that Senators can better understand the true dimensions of this debate, I ask unanimous consent that my statement and those presented by Representatives Smith and Bergland and Senator Mondale be printed in the Record.

There being no objection, the statements were ordered to be printed in the Record, as follows:

January 24, 1972.

Statement by Senator Hubert H. Humphrey

Mr. Chairman, on November 10, 1971, I appeared before Senator Everett Jordan's Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices, of which I am a Member, in support of my own "Strategic Storable Agricultural Commodities Act of 1971," S. 2729 and S.J. Res. 172, my bill to require the Administration to adopt more effective production programs for wheat and feed grains in 1972. (A copy of that testimony is attached.)

The House subsequently enacted H.R. 1163 by a narrow margin of votes. And, on December 15, 1971, our Senate Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices voted to favorably report H.R. 1163 to the Full Senate Committee on Agriculture and Forestry. I strongly supported that action and I was joined in that support by both Democrat and Republican Members of the Subcommittee.

Today's hearings, with a Full Committee vote promised on H.R. 1163 and S.J. Res. 172 on Wednesday of this week, are in keeping with your promise to move promptly on these bills this Session—in that the Full Committee was unable to consider these bills in the closing days before adjournment last year.

Mr. Chairman, I want to restate my strong support for H.R. 1163 even though much valuable time has been lost since I first introduced S. 2729 and S.J. Res. 172.

At that time it was apparent that as a result of the inadequacy of the Administration's "set-aside" program for 1971, the Administration's desire to rebuild depleted feed grain stocks, and favorable weather, farmers had planted too many acres to both wheat and feed grains. They were harvesting record large crops—crops which were too large for available market outlets, and more feed grains than were needed to rebuild stocks to normal levels. Prices to farmers consequently were severely depressed.

Farmers had been asked by the Administration to increase their plantings of feed grains because of the danger of a second year of severe losses from corn blight. They were assured that if the blight did not strike again as it had in 1970, the extra feed grains would be needed to replenish carryover stocks. But, the Administration forced farmers to assume all of the risks of low prices which go with record harvests. It kept price supports at the level established for surpluses, $1.05 a bushel for corn and $1.25 a bushel for wheat.

Farmers were asked to produce enough to assure stable supplies at highly favorable prices for processors and consumers, but when they began harvesting record crops, corn prices were allowed to drop a third and more.

This, to say the very least, is a shabby way to treat producers who responded actively to the Administration's request.

It is against a background of Administration actions of "too little and too late" that I continue to urge the passage of H.R. 1163 at the earliest possible moment.

I will not take the time to recount fully the income losses to producers as a result of the ineffective "set aside" program and the record crops they have harvested.

The combined value of the 1971 wheat and feed grain crops and government payments are almost 1 billion less than in 1970 when the short corn crop was harvested.

It is true that too much of the 1971 crops already have been sold by hard-up producers. But, the 1971 wheat and feed grains placed under CCC price support loans are setting new records as producers, hard up for cash, have tried to put off the sale of their crops at low surplus prices.

Also, everyday I get reports of producers who have been holding their 1971 crops in the hope that Congress would act to restore market prices to a reasonable level.

Yes, it is unfortunate that H.R. 1163 was not approved by the Congress in October.

But if it is approved at this late date it will "keep the faith" with many, many producers who have placed their 1971 crops under price support loans, or have been holding their crops in expectation that their government eventually would be fair with them. It is the only legislative action that the Congress can take at this late date, because of parliamentary problems.

Now I want to respond to the Administration's objections to this bill.

Secretary Butz, in a letter to Chairman Talmadge, on January 18, 1972 said, "High export subsidies would be required to maintain exports and this would be in conflict with trade policies of the United States."

Mr. Chairman, since the 1971–72 price support levels were announced, the United States dollar has been revalued in terms of world currencies. A dollar is now worth 12 or 13 percent *less* in foreign currencies than it was 6 months ago.

In my view a Secretary of Agriculture who really is concerned about the economic welfare of family farms would be knocking on the White House door with a proposal for raising price supports by at least the amount of the dollar devaluation, rather than digging in his heels to maintain the status quo after the ground rules have been changed.

Our Canadian and Australian friends are complaining that U.S. sales policies are a key factor in depressing world wheat prices.

I am convinced that if we would join other nations in placing a floor under world wheat prices in the international wheat agreement we could be selling our high quality wheats for more dollars than in recent weeks.

I also would call your attention to the fact that the seasonal average price of corn last year was $1.32 a bushel before the dollar was devalued 12 to 13 percent.

A price support level of $1.31 a bushel for corn for the 1971 and 1972 crops, with the dollar devalued, is comparable to a price support level of about $1.16 previous to December 1971. This is substantially less than the world price of corn last year.

Secretary Butz also said "The big increase in grain prices as a result of the provisions of this bill would have a significant impact on the livestock-poultry sector, reducing production and increasing prices to unprecedented levels."

Mr. Chairman, the Statistical Reporting Service reported that in November and December feed grain prices were 10 percent lower than in 1967 and livestock prices were 20 percent higher than they were in 1967.

Let's be fair with grain producers. Feed grains in November and December were 8 percent lower, yet retail bakery prices were fully 15 percent higher than in 1967.

Let's not blame farmers for continually rising retail food prices. Twenty years ago farmers received $2.00 a bushel for wheat and their wives paid 15 cents for a loaf of bread. In the past 3 months, farmers received $1.32 a bushel for wheat and their wives paid over 25 cents for bread.

Twenty-years ago farmers received $1.50 a bushel for corn and paid 17 or 18 cents for a box of corn flakes. In the past 3 months farmers received $1.00 a bushel for their corn yet their wives had to pay 33 to 35 cents a box for corn flakes.

Lets not fall into the "cheap food" sink hole. Farmers can be paid a fair price for their products without—to use Secretary Butz' words, "increasing prices to unprecedented levels."

Secretary Butz in his letter to Chairman Talmadge objecting to H.R. 1163 said, "The result would be a substantial increase in production just at a time when we really need to hold it down."

It was anticipation of this objection that I introduced S.J. Res. 172. This resolution directs the Secretary of Agriculture to announce a more effective wheat acreage adjustment program and shift to a base acreage diversion program for feed grains in 1972.

In commenting on the additional voluntary set-aside program for wheat in 1972, which goes far toward meeting the objectives of S.J. Res. 172 as far as wheat is concerned, I questioned its adequacy to achieve fully the goal of holding production in check.

I said, "The failure of the set-aside approach should now be obvious to both the Administration and the Congress.

"We now have to pay an enormous additional sum of money to get back to the production level we attained under the 1965–69 supply management program we gave up for the set-aside approach."

The Administration has the statutory authority to increase loan rates on wheat and feed grains and to make the other needed adjustments in these programs administratively. Additional legislation is not required in order for them to act.

However, despite all their talk about farm prices being too low, Secretary Butz and the Administration have refused to take the actions needed to provide our nation's farmers with more effective programs to accomplish that goal.

Therefore, I am convinced that even at this late date, Congress must take the initiative and *require* the Administration to take the actions needed.

Prompt enactment of H.R. 1163 to bring immediate improvement in grain producers economic position and passage of my S.J. Res. 172 to require the Administration to adopt more effective production programs for 1972 are essential if we are to keep these producers from economic ruin this year.

Therefore, Mr. Chairman, I urge immediate passage of these measures.

STATEMENT BY CONGRESSMAN NEAL SMITH

Mr. Chairman and Members of the Committee. I appreciate the opportunity to appear before your Committee in support of H.R. 1163 as it passed in the House of Representatives. I want to present some statistical information on prices which I believe thoroughly refutes the Department's view as to what has happened the past 4 months and what is required to provide some meaningful relief for the grain producers of this country. I also want to reply on a point by point basis to their latest negative report on H.R. 1163 which was issued last Tuesday and directed to Senator Talmadge, the Chairman of this Committee. This represents the fourth change in the excuses they are using to oppose this bill. First I would like to deal with their statement on a point by point basis.

Statement by the Department: "A 25 percent increase in present loan rates would result in a loan level of $1.31 for corn and $1.56 for wheat. Should the loan rates be raised to these levels, the strategic reserve concept would be nullified since the maximum price would be set at $1.17 per bushel for corn and $1.37 per bushel for wheat."

Answer: The $1.17 maximum price which can be paid under the bill can be paid in October or during the first part of the marketing year. To receive the $1.31 loan level, the producer would be required to keep the corn until next August and pay for storage and other costs totalling at least 11 cents. Therefore, the $1.17 price at the beginning of the marketing year (October 1) is approximately equal to the $1.31 loan price gained at the end of the marketing year. It was very misleading for the Department to try to indicate that farmers would receive all of the $1.31 now. Most tenant farmers do not have storage facilities and must pay storage costs at an elevator. The vast majority of producers who own farms do not have enough storage for all the grain produced this year. Those who do have an investment in storage facilities have shrinkage, insurance, interest and other cost totalling about the same as commercial storage costs.

Secretary Butz made a public statement in December to the effect that farmers are receiving payment for storage on this 1971 corn crop but that is totally incorrect and I assumed that since the inaccuracy of those statements were called to their attention, they would not try to mislead this Committee with some kind of erroneous figures which include storage in one instance and do not in the other.

The goal of the reserve provisions of H.R. 1163 is not to accumulate corn regardless of price, but to accumulate it only at times when the price is low and the surplus is great. If for any reason, the price were to rise to above $1.17 on the farm, that would be a better situation than we now have and happily we could then delay further acquisitions until next fall or when the price becomes worse. This is the kind of nullification of the necessity to buy grain which we seek and in no case is an argument against having standby authority to buy for a reserve.

Statement by the Department: "Increasing loan rates, with the resulting increases in season average prices, would further increase carryovers since utilization declines with higher prices."

Answer: This statement proves that the Department wants to see a huge fluctuation in livestock and poultry supplies to correspond to the change in grain supplies. When prices of grain are low anyway, it is the increase in marketable supply rather than an even lower price which causes the increased utilization. So it is the big increase in marketable supplies which causes both the lower prices and increased utilization.

The marketable supply of grain which cannot find a home elsewhere will be fed to livestock and poultry and utilization would temporarily increase with a resulting glut in those markets. This is the reason a grain reserve would also help to stabilize meat supplies and prevent alternating surpluses and shortages of meat and poultry products.

The feed grain portion of the livestock dollar is so small that an increase of 10 cents or 15 cents per bushel from the drastically low prices of today would not cause hogs or cattle to be sold at lighter weights than normal. The same number of cattle and hogs would be sold and the Department recently released hog estimates showing that. However, if no home can be found for excessive supplies of grain, livestock will be kept to heavier weights adding fat. Thus, the increase in utilization would be the result of converting grain into fats rather than additional normal weight animals and lean meat. In the U.S., we already have so much fat on beef that it is used to mix excessive quantities into processed meats and brokers also import huge amounts of excessively lean meat to mix with it. So the kind of increase in utilization which will occur with these drastically low prices which result from such a high marketable supply of grain, will wreck the price paid to the farmer for livestock and poultry products but it would not provide a product needed by consumers and will do them little good price wise. This is not the kind of utilization increase our government should seek and is a reason for rather than against H.R. 1163.

Statement by the Department: "*Unrealistically* high loan rates would make it impossible for the voluntary feed grain and wheat programs to cope effectively with the U.S. farmer's production problem. The success of a voluntary program rests on the dollar return farmers can get from the program as against what they expect to get from the market. With overly-high market price guarantees, many more farmers will grow feed grains outside the program, shifting the burden of production adjustment to the remaining participants."

Answer: Their statement indicates they think that the equivalent of a $1.17 per bushel for corn at harvest time is "unrealistically high". Last year corn was 19 cents per bushel higher than that $1.17; and since it is now clear that the goal of the Department is to keep corn prices below the $1.17 level, then I say their goal is for an unrealistically low price. It is surely unrealistic to expect producers to pay their expenses and have any return from a lower price than that. Corn is now about $1.05 in central Iowa.

While there are arguments against a loan rate being considerably above what the open market can return (which is not the case under the prices in the bill), the argument they use against a higher loan rate is not valid. Producers are not eligible for the loans unless they stay in the program and set-aside acreage. When farmers can actually receive an "unrealistically" higher price by marketing through the Government than they can through the open market, that encourages them to stay in the supply adjustment program so that they can be eligible to receive the higher price. They then figure they can receive a larger net income from the reduced acreage raised. It is not the goal of the bill to have prices above what the open market can bear but if it did it would have the opposite result to the one they allege.

SUMMARY OF THEIR OPPOSITION AS STATED IN THE REPORT

All of the reasons they use for opposing the increase in average prices which would result from passage of this bill would also apply to any increase in prices resulting from their current C.C.C. purchases. Therefore, it is obvious they do not intend to buy enough grain under C.C.C. purchases to increase the price of corn to $1.17 and the price of wheat to $1.37. They admit passage of this bill would provide those minimum prices and they oppose reaching that level. So the real difference of opinion is whether grain should be left at its present price, or, if it should be raised moderately to the minimum price of $1.17 for corn and $1.37 for wheat.

WHAT HAS HAPPENED AND WHAT IS NEEDED

I was amazed to see a statement in the President's message last week which is as follows: "A surprisingly large harvest drove corn prices down last year, *but they have risen sharply since last November*." This corresponds with erroneous statements that the Department has been making. They have been comparing cash prices at local elevators in October with cash prices in late January. Even in years of normal production, there is a difference in October and January prices which reflect the cost of carrying the grain for those 4 months. In years of big surpluses like this year, handlers also extract higher margins because their services enjoy a buyer's market and they can take advantage of distress selling. That has in some years temporarily reduced prices as much as an additional 9 cents.

The Department's interchange of October and January prices gives a false picture of the situation and of what kind of action is needed. To give an accurate comparison of prices, one should look at the closing corn futures prices for December, March, May and possibly July. For any who can find storage one way or another, these prices determine their effective cash price at an earlier date because they can hedge on the futures market as long as the difference equals the cost of holding the grain until that time.

I have submitted to Members of the Committee a day by day closing corn futures price beginning October 1st and running through last Friday. A study of that compilation indicates that corn right now is only 3 cents above the price of October 1st. There were 2 periods when the price increased a few additional cents per bushel. One of those periods was a few days at the beginning of December when Senators on this Committee drew from the prospective Secretary Butz promises that if confirmed he would take sufficient action to increase the price of corn and grain. Almost everyone interpreted that to mean that they would buy large quantities of grain and hold it. In a 3 day period corn went up 4 cents per bushel. The other period when prices increased included the three marketing days following passage of H.R. 1163 by the House of Representatives. Prices increased an additional 3 cents. I think this proves that the only effective remedy is through removal of large quantities of grain from the market and insulating it against re-entry until needed.

Immediately following Christmas, Secretary Butz started making numerous public statements and in that and other ways has indicated that in spite of his previous promises to the Members of the Committee, he is opposed to any effective action to increase grain prices. They purchased only 10 million bushels of corn in a six week period. Pessimism has invaded the grain market again. As a result the price, as of today, is only 3 cents above the price the first day of October.

The Department as an alternative to reducing marketable supply through purchases has tried various public relations gimmicks but they have had little or no effect. They dramatized the announcement of the sale of grain to Russia. They dramatized the announcement of a feed grains program for next year and obviously over-estimated its effectiveness. Also, various statements have attempted to blame dock strikes for all the problems but the grain trade cannot be fooled that easily because it knows that the surplus is so great that a reduction of 10 million bushels in exports of corn in October and November, or a sale of 40 million bushels of corn to Russia, or a set-aside program projecting a possible modest reduction in production is by comparison to the 950 million bushels surplus of insufficient magnitude to make any appreciable difference on the market. The statistical documents I have presented to the Committee prove this to be the case because I have inserted in the list of prices the events which occurred and you will notice that the only events that had any significant effect on the market were those related to promises or actions that gave hope that significant amounts of grain would be removed and insulated from the market. If this bill does not pass and that hope is eliminated, the part of the gain which now resides in the market as a result of this hope will also disappear. It is now crystal clear that the Department of Agriculture will not do enough to increase prices to the moderate level of $1.17 for corn and $1.37 for wheat and there will be no such increase unless this bill passes. In fact, defeat of this bill could very well cause prices to drop the 5 cents they gained in early December. If farmers are forced to adapt to existing prices or die, indeed more will die.

I thank the Committee for this opportunity to appear and strongly urge passage of H.R. 1163 at the earliest possible time.

CLOSING CORN FUTURES PRICES, CHICAGO[1]—(TO NEAREST CENT)

Date	Change (nearest option)	December	March	May	July
(The Atlantic and Gulf Port Longshoremens contract expired and dock strikes began.)					
Oct. 1		1.13	1.18	1.21	1.23
Oct. 4		1.13	1.17	1.20	1.23
Oct. 5		1.13	1.18	1.21	1.23
(H.R. 1163 voted on favorably by House Committee.)					
Oct. 6	+2	1.15	1.19	1.22	1.24
Oct. 7	−1	1.14	1.19	1.22	1.24
Oct. 8		1.14	1.19	1.22	1.24
Oct. 11	+1	1.15	1.20	1.22	1.25
Oct. 12		1.15	1.19	1.22	1.24
(USDA crop report estimates bigger corn crop.)					
Oct. 13	−1	1.14	1.18	1.22	1.24
Oct. 14		1.14	1.19	1.22	1.25
Oct. 15	+2	1.16	1.21	1.24	1.26
Oct. 18		1.16	1.21	1.25	1.27
Oct. 19		1.16	1.21	1.24	1.26
Oct. 20	+2	1.18	1.23	1.26	1.28
Oct. 21	+1	1.19	1.24	1.27	1.29
Oct. 22	−1	1.18	1.23	1.26	1.28
Oct. 25	−1	1.17	1.22	1.25	1.27
Oct. 26	−1	1.16	1.21	1.24	1.26
Oct. 27		1.16	1.21	1.24	1.26
Oct. 28		1.16	1.21	1.24	1.26
Oct. 29		1.16	1.21	1.24	1.26
Nov. 1	−1	1.15	1.20	1.23	1.25
Nov. 2	−1	1.14	1.19	1.22	1.24
Nov. 3	+1	1.15	1.19	1.22	1.24
Nov. 4		1.15	1.19	1.22	1.24
Nov. 5	+1	1.16	1.20	1.23	1.25
(Grain sale to Russia announced.)					
Nov. 8		1.16	1.20	1.23	1.25
Nov. 9		1.16	1.19	1.22	1.24
Nov. 10	−1	1.15	1.19	1.22	1.24
Nov. 11		1.15	1.19	1.22	1.25
(USDA Crop Report shows another increase in corn estimate.)					
Nov. 12		1,15	1.20	1.23	1.25
Nov. 15	−1	1.14	1.19	1.22	1.25
Nov. 16		1.14	1.19	1.22	1.24
Nov. 17	+1	1.15	1.19	1.22	1.25
Nov. 18		1.15	1.19	1.22	1.24
Nov. 19		1.15	1.19	1.22	1.25
Nov. 22		1.15	1.19	1.22	1.25
Nov. 23		1.15	1.20	1.23	1.26
(80-day cooling-off period for dockstrikers ordered.)					
Nov. 25	+1	1.16	1.21	1.24	1.26
Nov. 26		1.16	1.21	1.24	2.16
(H.R. 1163 formally reported from the committee and widespread reports appeared on National News as to its provisions.)					
Nov. 29	−1	1.15	1.20	1.23	1.25
Nov. 30	−1	1.14	1.19	1.23	1.25
(Senators draw promises from Prospective Secretary Butz to take effective action to increase corn prices.)					
Dec. 1	+1	1.15	1.20	1.23	1.26
Dec. 2	+1	1.16	1.21	1.24	1.26
Dec. 3	+2	1.18	1.23	1.26	1.28
(After market closed, Secretary Butz announced he will buy corn—also stated he won't guarantee any certain amount will be purchased.)					
Dec. 6		1.18	1.23	1.26	1.28
Dec. 7	−1	1.17	1.22	1.25	1.27
Dec. 8	−1	1.16	1.22	1.25	1.27
(H.R. 1163 passed the House at approximately 1:00 A.M.)					
Dec. 9	+2	1.18	1.24	1.27	1.29
Dec. 10		1.18	1.24	1.27	1.29
Dec. 13	+1	1.19	1.25	1.28	1.30
Dec. 14	−1	1.18	1.23	1.27	1.29
Dec. 15	+1	1.19	1.24	1.27	1.29
Dec. 16	−1	1.18	1.23	1.26	1.29
Dec. 17	+1	1.19	1.24	1.27	1.29
Dec. 20		1.19	1.23	1.26	1.29
Dec. 21			1.22	1.26	1.28
Dec. 22			1.22	1.25	1.28
Dec. 23			1.22	1.26	1.28
Dec. 27			1.22	1.25	1.28
Dec. 28			1.22	1.26	1.28
Dec. 29	+1		1.23	1.26	1.28
Dec. 30			1.23	1.26	1.29
Jan. 3, 1972			1.22	1.26	1.28
Jan. 4			1.22	1.25	1.28
Jan. 5			1.22	1.26	1.28
Jan. 6	+1		1.23	1.26	1.28
Jan. 7	−1		1.22	1.26	1.28
Jan. 10			1.22	1.25	1.28
Jan. 11			1.22	1.25	1.27
Jan. 12	−2		1.20	1.23	1.26
Jan. 13			1.20	1.24	1.26
Jan. 14	+1		1.21	1.24	1.26
Jan. 17	+1		1.22	1.25	1.27
Jan. 18	−1		1.21	1.24	1.27
Jan. 19			1.21	1.25	1.27
Jan. 20			1.21	1.24	1.27
Jan. 21			1.21	1.24	1.27

---

[1] The Chicago prices quoted herein are always above the average farm prices used as a basis in H.R. 1163. For example, from central Iowa, transportation to Chicago costs about 17 cents and the effective backed-off price for that grain going to Chicago would be about 20 cents less than the Chicago price.

STATEMENT BY HON. BOB BERGLAND

Mr. Chairman and Members of this Committee, I am grateful to you for giving me this chance to appear in support of H.R. 1163. My two House colleagues, Congressman Smith and Congressman Melcher, who preceded me at this hearing, have made an excellent case in support of this legislation. My purpose today is to urge prompt passage of the House bill *as written without change*.

I actively supported this bill in the House. When I was lobbying for this bill among my city colleagues in the House, I found many of them surprised to learn that grain farmers, having produced the biggest crops on record, were being put through the economic ringer. Congressmen, who represent our urban areas, had noticed widely-publicized pictures of corn being piled in some farm town streets and wheat bulging in the granaries. They assumed such abundance meant prosperity. The fact is the farmer is being penalized for this year's *big* crop. This year's big crop will bring less gross income to farmers than the 1970 crop that was stricken by drought and disease.

This bill, H.R. 1163, would guarantee a fair return to farmers. At times when our country is blessed with good weather and producing good crops, the farmer would be protected against an unfavorable market. In those years when bad weather, disease or pests should destroy or diminish our normal crop production, the nation would be assured of a steady food supply.

Mr. Chairman and Members of this Committee, I know that everyone among us would like to see some changes in our House-passed bill, but I am asking you to act favorably on H.R. 1163 *without change*. Just before midnight on December 8, 1971, this measure passed the House with 182 yeas, 170 nays, and 79 not voting. If this Committee in its wisdom were to change H.R. 1163 in any way, it would be sent to conference with the House to reconcile the differences.

Mr. Chairman, this bill passed the House with a 12 vote margin. As one who worked on this matter for three months, I am not sure we can again muster enough votes in the House to accept the report of the conferees. A conference would also delay final action and every day's delay is costly to our grain farmers and to our economy.

There are—in my judgment—a number of imperfections in the set-aside legislation under which we are now operating. One of the Members of this Committee, a Senator whom I regard as the greatest champion of the family farmer ever to rise out of my State of Minnesota, our own Senator Hubert Humphrey, has proposed several significant changes in his S.J. Res. 172.

I propose that any amendments to the set-aside program—such as S.J. Res. 172—be considered separately. Senator Humphrey concurs in this judgment.

I can assure you that those of us who pressed H.R. 1163 through the House will lend our support to any needed changes in the form of a separate bill or resolution.

Thank you very much for giving me this chance to appear at this hearing in support of what I consider to be the most important farm bill to be considered by this 92nd Congress.

TESTIMONY OF SENATOR WALTER F. MONDALE

Mr. Chairman, I am most grateful for the opportunity to testify before this Committee on behalf of H.R. 1163, and S.J. Res. 172. H.R. 1163 is a bill to increase the price support loans on wheat and feed grains by 25% and to establish a strategic reserve for wheat and feed grains. Senate Joint Resolution 172 also calls for a 25% loan increase for these crops. It also would establish a base acreage program for the 1972 feed grain crop and an additional voluntary acreage diversion for the 1972 wheat program.

I understand that the Department of Agriculture is now taking steps to implement the additional voluntary acreage diversion for the 1972 wheat program.

Mr. Chairman, I feel that here today, the heart of the issue concerning these measures is the 25% loan increase. This is what we need to pass now in the Senate. Every time I go home and talk to people in the farm country they tell me that truly, they are in the midst of a depression. They need an economic boost and they certainly have it coming.

The disaster in our farming areas is hidden. These people don't carry signs and they don't march. They suffer in silence. Many of them tighten their belts year after year, and some way, several make it. But each year many more are lost.

The social and economic costs of losing these people from our rural areas is high. It is difficult to show it statistically, but it is evident that, for about every five or six farmers that leave rural America, we lose one independent businessman.

What happens to these people? Of course they don't move directly to the slums of our cities. But every time a rural resident does move to the city to find work, jobs which could be given to city people are displaced. So, the rural to urban exodus is quite costly.

It is disastrous to continue allowing the stagnation and death of our fine rural communities while at the same time large cities are growing increasingly crowded and unmanageable.

These are long-run concerns and I think we need bold and very comprehensive measures aimed at stopping and reversing the exodus from rural America. I am hopeful that during this session of Congress we will enact some of the major rural development measures which have been introduced. Today is not the time to discuss these, however.

Rural development has been gaining increasing mention in speeches and news reports. But if you ask a real farmer about it he'll tell you that the biggest move toward rural development right now would be action to improve farm income.

The productive performance of independent family farmers needs no defense. As the President pointed out in his words to Congress last week, over the last 20 years the productivity of farmers has risen 3½ times as fast as that of non-farm industry. But during these years, farm prices have risen little, if at all. Increases in farm income have only been due to the ability of farmers to increase their productivity and narrow their margins. But now it is about time to start giving them increased prices which will increase their income.

Increased farm income helps the entire society and economy of our nation. Each year farmers use the natural resources and their own labor and management skills to create new wealth. Their products abundantly supply food and fiber needs of our nation. Exports provide a substantial boost to our balance of payments. Every dollar of farm income returned to farmers turns over several times in the economy to generate more income and more jobs in other industries.

These are just a few of the reasons why prompt enactment of these measures, the heart of which is the increased price support, is so important.

Enactment of the 25% loan increase for wheat and feed grains would mean added farm income of roughly $1.5 billion on the 1971 crops. This figure resulted from multiplying the total production by the eligible proportion and the result by the estimated price increase per bushel for wheat, corn, grain sorghum and barley, respectively. The bill also provides for 1972, so additional increases in income could be expected for the 1972 crop as well.

We are not asking for a handout for farmers; only a fair return. I have seen farmers' bookkeeping figures on the costs of producing corn in the State of Minnesota. These figures from topnotch farmers total from 90¢ to $1 per bushel in an excellent production year. Any unpredictable problems, such as wet conditions which delayed harvesting in several parts of the state, will add costs. The average price for corn in Minnesota during 1970 was $1.18 per bushel. During 1971, it was 98¢. Therefore it is evident that things aren't getting better out there.

The reason for the low prices is clear. The Agriculture Department misjudged last winter. They overestimated the possibility of corn blight and to give the American people insurance against food shortage, encouraged planting too much corn. The trouble with that type of insurance is that the farmer ends up paying the premium and the middleman gets the benefit.

I think it is time we give the farmers a break. It isn't his fault there is an increased inventory on corn. The farmer did a commendable job, and the weather was right and this resulted in a bumper crop. But he is getting paid less for this bumper crop than he received for the blight-depressed crop of 1970.

Although I have placed major emphasis on the price support loan increase, I also want to stress the importance of the strategic reserve aspect of this legislation. Mr. Chairman, I have supported the concept of a strategic reserve of storable commodities for some time. I believe that a reserve, totally insulated from the market for emergency use, would protect our markets. This is always important. It has never been so important to feed grain and wheat producers as it is at the present time. With the presence of last year's big crop, establishment of the reserve now could have two-fold benefits. It would remove sizable inventories from the market and at the same time, establish a much-needed reserve.

We have strategic reserves of other items important to our welfare and security of our nation. Why not a reserve of food?

Mr. Chairman, it is unfortunate that we didn't pass this legislation early last fall. Many farmers who had bills to pay at harvest time, had to sell their wheat or feed grains at loss. But the urgency of this legislation is not lessening now. The combined value of the 1971 wheat and feed grain crops and government payments is almost $1 billion less than it was in 1970 when the blight-depressed corn crop was harvested. I'm convinced that an increased price support and establishment of the reserve now would bring about needed boosts in farm income

Corporate food processors will probably oppose this legislation saying that it will place increased pressure on their input costs. I ask that we be fair to farmers. While wheat prices have dropped during the last year, the retail prices of bread have continued to rise. Still, the farmer's portion of the price of a loaf of bread is less than 10%.

Mr. Chairman, I'd like to reply to one of the administration's early objections to this legislation, as I see it. The Administration has pointed out that the result would be increased production at a time when we must hold production down.

That objection was anticipated when similar bills were introduced in the Senate early last fall. The administration's current production programs have proven they can't manage supply and give farmers a fair return. The Farmers' Income Improvement Act of 1971, S.J. Res. 172, was introduced to correct these inadequacies.

This resolution directs the Secretary of Agriculture to announce a more effective wheat acreage adjustment program for feed grains in 1972.

Although the Agriculture Department's recent announcement of an additional voluntary set-aside program for wheat in 1972 is a commendable move toward meeting the objectives of Senate Joint Resolution 172, I am concerned that there is still a need for adequate measures to hold production in check.

The action by the department also further points out the inadequacy of the set-aside approach. We now have to pay out additional money to move production levels back to the point we had attained under the 1965–69 supply management program.

The Administration doesn't need this legislation we are discussing today. It has statutory authority to increase loan rates on wheat and feed grains and to make other needed adjustments in these programs administratively.

However, even though the Secretary of Agriculture promised, before his confirmation, that he would take prompt action to improve farm prices, little has been done.

Soon after the Secretary took office, he announced that the Department of Agriculture would begin buying corn in the open market. My first concern was that such an action, without proper safeguards, might bring short-term increases in price but would result in the buildup of burdening inventories which would overhang the market.

As you know, Mr. Chairman, when he announced the purchase, the Secretary did not say how much would be purchased or how the Department would handle the inventory.

But, so far, my concerns about the buying program have been unnecessary. Purchases have been so small, they have no effect. Corn prices have only made a normal after-harvest rise. But they are still 20¢ a bushel below those of a year ago.

During the first four weeks of the USDA buying activity, only 7.7 million bushels of corn were purchased. That is like trying to unload a grain elevator with a teaspoon. We have at least 25 counties in the State of Minnesota which each produce more than 7.7 million bushels annually. Five of those counties produce double that amount.

Therefore, Mr. Chairman, I am convinced that Congress must take action requiring the Administration to implement a more substantial program.

Another objection the Administration has expressed is that increased prices will dull our competitive edge in export markets. The Department of Agriculture has been using exports as an argument in several aspects of the farm situation. I know that the export market is important to farmers. But higher prices due to this loan increase we're asking for will not cut into the size of export sales of farm commodities. In fact, since devaluation of the dollar, our grain prices have been exerting downward pressure on world prices. Devaluation has cut the wheat prices by 15¢ a bushel in world trade. Japan, for example, is now able to purchase as much wheat for 225 yen as it could for 265 yen two months ago.

At the recent annual convention of the National Association of Wheat Growers, guest speakers representing the European Common Market, Canada and Australia, urged the United States to stop depressing world prices. These distinguished spokesmen expressed concern that U.S. moves toward an export policy which uses low prices to gain new markets may inspire cut throat competition.

Mr. Chairman, we should not allow the American farmer to be forced into a position of subsidizing that type of cut throat competition. I urge immediate passage of H.R. 1163, and S.J. Res. 172.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. The time for the transaction of morning business has expired.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The PRESIDENT pro tempore. The Chair now lays before the Senate, under previous order, S. 2515, the unfinished business, with the amendment by the Senator from Colorado (Mr. DOMINICK) pending.

The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 2515) to further promote equal employment opportunities for American workers.

The Senate resumed the consideration of the bill.

The PRESIDENT pro tempore. Under the previous order, 90 minutes remain under this amendment. Who yields time?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time may be equally charged against both sides.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I yield myself 10 minutes.

The PRESIDENT pro tempore. The Senator may proceed.

Mr. DOMINICK. Mr. President, since the adoption last Thursday of the independent General Counsel amendment, there has been substantial speculation and discussion about its effect on my amendment. Some people interpret the vote on the independent General Counsel as a unanimous statement of approval for the amendment created machinery. I believe that the unanimous vote indicates instead a universal dissatisfaction with the cease and desist enforcement procedure. It represents a recognition that almost anything, however slight, can improve upon a poor system. The distinguished Senator from North Carolina (Mr. ERVIN) described the amendment best when he characterized its contribution toward an equitable enforcement procedure as being similar to starting off on the lengthy trip to heaven by stopping off at the first saloon on the way. I personally voted for the amendment because it does represent a first step, albeit into the saloon, toward impartial court enforcement of unlawful employment practices.

It is a step into the saloon, though, as it misleads many people into believing that an independent General Counsel actually will cure the defects and inequities of cease and desist enforcement. I submit that it will do no such thing. Its chief accomplishment will be to provide salve for the conscience of cease-and-desist proponents and throw a rather skimpy bone to respondents whose due process rights will continue to be violated.

An independent General Counsel is not the panacea for cease and desist enforcement because it does not even address itself to crucial problems inherent in the mechanism which frustrate employment grievance resolution.

Perhaps the most crucial defect the cease-and-desist mechanism promises is administrative snarls and unconscionable backlog delays. I say "promises" because use of a weaker verb would be misleading. What else can you expect from a system faced with an expanded jurisdiction of approximately 21 million potential aggrieved, substantial new "pattern and practice" and Federal contract compliance responsibilities, more complex and time consuming proceedings, only one available tribunal to issue cease and desist orders, and a staff lacking approximately 100 trained trial examiners, when the present commission backlog is over 32,000 cases and approximately 20 months on just investigation and conciliation cases? Contrast this with an existing Federal district court system of 93 courts and 398 judges with established reputations for fairness, discretion, and impartiality and a present median backlog, according to the most recent figures available, of 10 months from issue to trial.

Additionally, utilization of the courts as initial adjudicators of title VII actions will substantially increase the likelihood of voluntary settlements and thereby reduce the number of cases presented to the courts.

The imminence of court action, coupled with the threat of adverse publicity and immediately enforceable orders will serve as a powerful inducement to voluntary settlements.

A further factor that must be considered when determining the expediency of the two procedures is the effectiveness of the enforcement order. The independent General Counsel does not address itself to the defects in the cease and desist procedure which requires a two-step enforcement. The district court makes decisions and renders appropriate orders immediately enforceable by contempt citations issued by a person knowledgeable of the facts—the judge who heard the case and entered the order. On the other hand, a reluctant respondent who disregards a Commission-entered cease-and-desist order cannot be compelled to comply with the order by the Commission. Instead, the Commission must petition an appropriate U.S. Court of Appeals, file the Commission hearing record, and then prove that their findings are supported by substantial evidence in the record before a judge not familiar with the case enforces an order that he originally had no part in entering. Now the reluctant respondent is subject to contempt proceedings if he disobeys the court of appeals dictates. If the Commission wants to avoid showing that the findings are supported by substantial evidence in the record, they can wait for 60 days after the issuance of the order, at which time their findings are recognized by the Court as being conclusive.

This, in and of itself, puts enormous power in the hands of the Commission.

The ineffectiveness of the two-step cease and desist enforcement procedure and its concomitant delay is best put into perspective when one realizes that with a similar enforcement procedure under the National Labor Relations Board, more than 60 percent of the enforcement orders in fiscal year 1967 had to go to the court of appeals. Arnold Ordman, past General Counsel of the NLRB, told the Separation of Powers Subcommittee on March 29, 1968, that the number of Board decisions proceeding to the courts of appeals were increasing from the 54.3 percent in fiscal year 1973. Contrast these figures with the 1969 annual report of the Director of the Administrative Office of the U.S. Courts which indicates that only 7 percent of all U.S. district court decisions were appealed. However expeditious and effective cease and desist orders may be, if almost two-thirds of the disputes must ultimately be taken to the court of appeals, it seems obvious that they are not getting the quick resolution of the dispute that is considered to be necessary by the people who are supporting this bill.

Also these figures present the most convincing testimony possible concerning the public's confidence in decisions rendered by politically appointed boards. The public generally and the respondents specifically realize that these quasi-judicial decisions are quite often politically inspired and as such will not stand up to the nonpartisan judgment of the courts of appeals. On the other hand, public confidence in Federal court judges utilizing stare decisis is such that approximately only one out of 15 of their decisions is appealed.

If the Senate is truly interested in an effective, expeditious grievance resolution procedure we should place our trust in our Federal court system. Although cease and desist promises much, a shiny new administrative procedure designed to redress grievances is no better than its performance, and if it requires 2 to 3 years to achieve justice, its potential is nothing but a frustrating promise of what might have been.

Our Federal court system provides an established forum of known performance. Let us not gamble with the rights of both respondents and aggrieved on a most suspect administrative procedure when we can rely on our court system.

Another cease-and-desist defect which the independent General Counsel fails to remedy is that of increasing concentration of Executive power. As I mentioned last Friday, legislative concessions of power—in this case a clearly judicial function—to the executive branch threatens concepts of separation of power and checks and balances which our Founding Fathers thought imperative to our tripartite system of government. It seems incongruous to me for my colleagues to continually complain about the excessive abuses of power exercised by the steadily growing ranks of executive agencies on 1 day, and then the next day place substantial quasi-judicial powers in just such an executive agency.

The PRESIDENT pro tempore. The Senator's 10 minutes have expired.

Mr. DOMINICK. I yield myself 5 additional minutes.

Not only does the independent General Counsel fail to remedy other cease defects, it fails to effectively accomplish its one avowed purpose—the separation of the prosecutory and adjudicatory functions, so as to accomplish a medium of impartiality. Consider the following facts, and then decide for yourself whether the General Counsel actually is an independent and separate body.

First, the amendment is not clear whether the General Counsel's office would be placed in the Commission offices, but it is assumed that it would be. Also, the amendment is silent as to who would pay the salaries of the Counsel, but once again, I assume that the Commission would. Although the amendment's silence on the above two topics is confusing, some of the things it does say are even more confusing. Language in the newly added section 705(b) expressly indicates that no employer or agent of the commission may engage in both the prosecution and adjudication of the same case—clearly an attempt to separate the two functions. Yet, the same section, 705(b) gives the chairman concurrance power in the appointing of regional attorneys. Other language in the bill gives the General Counsel concurrence powers over the appointment of regional directors. I fail to see how a General Counsel can be independent from a Commission which has final say on whether or not he is to be hired. Conversely, I fail to see how regional directors can be impartial in hearing cases prosecuted by a General Counsel's office which ultimately hired him. With this overlapping hiring power it is impossible to have an impartial adjudication.

Whereas the independent General Counsel amendment attempts and fails to separate the adjudicatory function from the prosecutory function, it does not even attempt to separate the adjudicatory function from the investigatory function. Presumably, a respondent's due process rights are not violated if an officer or employee of the Commission files an unlawful employment practice charge, serves notice of the charge on the respondent, investigates the charge, determines that reasonable cause for the filing exists, attempts to conciliate the charge, and, that proving unsuccessful, recommends that the General Counsel file a complaint so the Commission can hear the case and make findings of fact and enter a cease-and-desist order thereon.

It is absurd to claim that the adjudicatory institution can be substantially and directly involved in the investigatory process right up through recommending the filing of the complaint and still be able to reach an impartial decision. The distinguished Senator from North Carolina (Mr. ERVIN) last Friday cited Justice Jackson's opinion in Wong Yang Sung against McGrath as requiring the separation of investigatory and adjudicatory functions to achieve a "genuinely impartial hearing conducted with critical detachment." The fact that field staff members did the actual investigatory work while different officials within the same organization conducted the hearings was not sufficient in Justice Jackson's mind to provide a "guarantee of insulation and independence of the presiding official." Justice Jackson went on to recommend that judges be confined "entirely to the duties customary for a judge."

Mr. President, I too, believe that judges be confined entirely to the duties customary for a judge; and, as we know, the forum where this is most expertly practiced is in the Federal district courts. I fail to see why so many of my colleagues continue to avoid the unavoidable logic of Federal court enforcement. It offers an existing network of forums staffed by competent, experienced judges known for their impartiality, yet famous for their protection of individual civil rights. Yet, many of my respected colleagues continue to advocate the establishment of a vast new and untested administrative apparatus which is contrary to our constitutional separation of powers concept, jeopardizes the aggrieved employee's rights with a potential administrative nightmare of unconscionable backlogs and ineffective enforcement orders and the respondent's due process rights with a star chamber proceeding. The importance of equal employment opportunity makes it inappropriate to desert our proven and respected Federal court system at this point. I urge my colleagues to support this amendment.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DOMINICK. I yield myself 1 additional minute.

Mr. President, I believe that this amendment is of great significance. The issue we are really coming down to is whether we are going to follow what almost every person investigating the agencies has said: Let us separate the enforcement procedures from the investigatory procedures so that we can utilize the expertise of the commissions in investigations and rulemaking while utilizing the expertise of the court systems in determining whether enforcement should or should not be properly carried out.

This is a fundamental concept of extraordinary importance. I am glad we are entering this year with this principle before the Senate for decision. If we can decide it right, in behalf of the court system, then I think we are on a good start for a productive year for Congress, in the legislative field.

I reserve the remainder of my time.

The PRESIDENT pro tempore. Who yields time?

Mr. WILLIAMS. I yield 5 minutes to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I rise to oppose the amendment offered by the Senator from Colorado to eliminate the cease and desist powers included within the pending EEOC legislation.

I think the case for providing the Commission with cease and desist powers is overwhelming. The Commission has clearly found that more effective and more timely relief is required by those who have been discriminated against. Turning this problem over to the already crowded court system is not the answer.

The chief issue here is not a dry procedural one. It is a question of whether we believe that human rights are important enough to be accorded the same remedy which is found very widely in other administrative organizations within the Federal Government and in most State and local governments. The question is whether we are of the opinion that human rights, as against commercial rights or labor rights, are of such a low priority that we should continue according the Equal Employment Opportunity Commission a second-cousin status, thereby consigning it to a largely advisory and conciliatory role. With such a role, the agency cannot fully and effectively support what I regard to be the fundamental objective of equality in employment opportunity.

Why is there so much concern about putting an effective remedy in the hands of an administrative agency? It has been charged that this amounts to making the same agency both judge and jury. Of course, the charge is insupportable. This is not a new administrative remedy. It is really widely accepted remedy which is thought to be absolutely indispensable to an effective administrative structure in government. We find it running throughout the Federal administrative apparatus—the National Labor Relations Board, the Atomic Energy Commission, the Transportation Board, the FCC, the FPC, the Securities and Exchange Commission. Even the Subversive Activities Control Board has this power. The Departments of Agriculture, HEW, Justice, Transportation, Defense, and the Interior, the ICC, the Treasury Department, and the Department of Labor have routinely been armed in their administrative agencies with this indispensable power called cease-and-desist authority. Throughout the States, we find the existence of this remedy. It is well established in constitutional law. It is well established as a fair and proper way to proceed administratively.

There is no longer any dispute about that by the law schools and the legal scholars of this country. Indeed, it is such an indispensable tool to an effective administrative agency that today when you find an administrative agency without cease and desist powers, you are pretty sure that it was intended to be an ineffective and unresponsive agency.

Thus, what we are asking to do is not something new or something revolutionary. It is something long overdue, something elementary, and something which is very sensible. Under the present system, the EEOC tends to be largely an agency limited to conciliation. Many times, its hearings can only be called a dress rehearsal; because if the employer disagrees with the finding of the specialists and the Commission, itself, he can make them start all over again—what the lawyers call de novo—as though nothing had ever occurred in the agency. Thus, the whole administrative procedure often is not given the serious consideration it should have; because if an employer really wishes to discriminate, why should he take it seriously? He simply goes through the ritual. In fact, he uses it as an additional way to delay the time when he must comply with the law of the land.

The PRESIDENT pro tempore. The 5 minutes of the Senator have expired.

Mr. MONDALE. I ask for 2 additional minutes.

If a party does not agree with the order issued by the EEOC under the bill, it will have full access to the courts. It can appeal the order and the Commission, itself, has to go to court to secure compliance with an order which was disregarded.

The hearing procedures under the proposed legislation provide ample protection for all parties. The Administrative Procedure Act will apply. Fully qualified hearing examiners are required. Rules of evidence will be applicable. Conciliation will be used to avoid cease and desist orders wherever practicable. Sufficient notice of actions will be required. There is an appeal to the courts, but the appeal to the courts is on the basis of whether the Commission, first of all, agreed on an order on the basis of, and supported by, a preponderance of the evidence. In other words, the Commission cannot go off without a record of the evidence which proves strongly that the defendant was guilty of discrimination in employment practices.

Mr. ERVIN. If the Senator will yield there, I know that he does not want to make an erroneous statement——

Mr. MONDALE. I certainly do not and I am glad to yield to the Senator from North Carolina.

Mr. ERVIN. This bill provides that it does not require a preponderance of evidence. It requires merely substantial evidence.

The courts hold that substantial evidence is less than a preponderance of evidence.

Mr. MONDALE. Let me say to the Senator from North Carolina that I welcome his correction. The Senator from North Carolina is correct at this moment. I think that the distinction is not one of substance. Substantial evidence requires essentially the same burden of proof.

Mr. ERVIN. It is quite different. The courts say that the——

The PRESIDING OFFICER (Mr. CHILES). The time of the Senator from Minnesota has expired.

Mr. MONDALE. I will say to the Senator from North Carolina, in terms of the burden of proof as now found in the pending bill, that he is correct.

Will the Senator from New Jersey yield me 2 more minutes?

Mr. WILLIAMS. I yield 2 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 2 minutes.

Mr. MONDALE. The same point obtains. It is a distinction without significance, in my opinion. It is valid if provable before a court under the present bill, that the plaintiff and the commission did not have adequate evidence to sustain its findings. Moreover, there is a valid appeal to the courts that the commission dealt with it in an arbitrary or capricious way and that it was not fair treatment of all of the parties.

Mr. DOMINICK. If the Senator will yield there, is it not also true that the commission can get an enforcement order without proving that the findings are supported by substantial evidence after 60 days as such findings are deemed conclusive?

Mr. MONDALE. That is only true if there is no appeal. A party has 60 days to determine if he has a grievance. Surely, that is sufficient time. And there must be substantial evidence that the defendant was guilty of the discrimination and if that has not been proved then the courts can strike down the findings. Also if the commission deals in a procedural way which is unconstitutional, or deals unconstitutionally in any other way, through a valid challenge of the order, the court can reverse the actions of the commission.

Once again, these grounds for appeal are well accepted——

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. WILLIAMS. If the Senator will yield, we can have enough time now for this colloquy to proceed and to be concluded. I ask unanimous consent, Mr. President, that we have such time as we may need to conclude this colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, these procedures and the scope of the challenge of appeal involve one of the most well established and accepted principles of administrative law. This is a minimal, well established and traditional remedy that is being asked here today.

The only thing surprising is why it has taken so long to do this.

Mr. WILLIAMS. I am very grateful that the Senator has made that point and so clearly. There is nothing novel about procedure in the bill that deals with enforcement through cease and desist. In so many agencies of the Government this is the method that supports enforcement. In the States it is also honored, time-honored, and a general practice in many areas.

I want to ask the Senator from Minnesota with regard to this whole area of equal employment in the State of Minnesota, through his long period of public service in that State, where he served as attorney general, it is my understanding that that State has an equal employment commission and that it is armed with exactly what we propose to do here; namely, an effective and fair enforcement through cease and desist.

Mr. MONDALE. The Senator is correct. As a matter of fact, I served nearly 5 years as attorney general in my State of Minnesota. It is fair to say that any administrative tribunal which did not have cease-and-desist powers almost invariably came to the State legislature and said this:

> If you do not give us these powers, we are a second cousin as an administrative tribunal. We cannot do our job.

Time and again, the State legislature has responded to that and granted such powers.

The remarkable thing is that, under the present system at the Federal level, if we have a commercial dispute surrounding, say, securities, then we get the full range of administrative remedies. If we have a labor dispute—a labor-management dispute on either side—cease-and-desist powers are to be found. If we have a dispute with the Department of Transportation before one of the tribunals, there are cease-and-desist powers. We are dealing with basic, fundamental human rights: The right to a job, the right to challenge the denial of employment on grounds of color. And the only right we have now is that if we do not use the traditional court system, we must be content to come before a commission which does not have the power to do much more than conciliate.

Mr. WILLIAMS. I thank the Senator.

Mr. MONDALE. I am glad to yield.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, this is a long-standing quarrel. The arguments which have been made on both sides reflect the situation accurately. I shall not endeavor to add to what has already been said. But there are a few new points which I think are critically important. Let us remember that many Federal agencies have the cease-and-desist power and that this is the new and the more modern rather than the less modern and older method of enforcement. It was invented for a purpose. That is why we paired the Administrative Procedures Act in order to regularize it, and to deal with the division of functions, which is the main argument made against the cease-and-desist authority, not only on this motion but also on other motions which have been made like it. We also adopted an independent general counsel amendment on this bill in reflection of that concern.

I pushed that before the committee and am very glad it was passed here on the floor of the Senate.

There is a long list of agencies which have cease-and-desist authority and they are worth reading off because it indicates the new concept and the trend throughout the Government.

In addition to the National Labor Relations Board, the list includes the Atomic Energy Commission, the National Transportation Board, the Federal Communications Commission, the Federal Power Commission, the Securities and Exchange Commission, the Subversive Activities Control Board, the Department of Agriculture, the Department of Health, Education, and Welfare, the Department of Justice, the Department of Transportation, the Department of Defense, the Department of the Interior, the Interstate Commerce Commission, the Treasury Department, and the Department of Labor.

Then to show that this is the way the administration is going, we have 32 of the 50 States which have cease-and-desist authority in their States on fair employment practice commissions.

I have had a rather vivid experience with this matter in the State of New York where we passed the bill which was called the Ives-Quinn bill 26 years ago. The principal architect of that bill was Senator Irving Ives who was my senior here when I first came to the Senate, and he sat in this body for many years.

At that time, there were the most dire predictions as to harassment and the thousands of suits and the tremendous load which American business would have to take which it could not possibly defend itself against. In 26 years, this was found to be invalid—the cease-and-desist authority has worked and worked effectively, and the backlog of work has been kept within reason. The court review has been more than adequate in terms of the ultimate practices to which the litigant is entitled.

The difference between cease and desist and a court suit which is instituted is a vast gulf. With a cease-and-desist order, the possibility of conciliation becomes very great, and it is precisely those agencies which have cease-and-desist power which have had the greatest success in respect to conciliation. Without that backup power, there is a backlog which is what is happening. The backlog in the EEOC is bound to continue to rise and rise and rise, because there is no way of having anything definitive except over a long, dragged out period of litigation, which then goes into another department of Government and does not give the crisp opinion which would bring the case to a conclusion in the agency, as the cease and desist power would do.

The statement is made that there is an average of 10 months' delay because of the case backlog in our Federal courts.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by the Senator from New Jersey (Mr. WILLIAMS) on this matter. It shows the time interval in months, the median time interval in months.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

U.S. DISTRICT COURT BACKLOG

Prepared by the Subcommittee on Labor of the Committee on Labor and Public Welfare, Harrison A. Williams, Jr., chairman.

Based on Annual Report of the Director of the Administrative Office of the United States Courts, 1970. Reprinted at pp. 508–513 Hearings on S. 2515.

Time interval from filing to disposition of tried civil cases (fiscal year 1970).

CIRCUIT AND DISTRICT

[*Time interval in months—median*]

Total All Districts, 17	
District of Columbia	21
First Circuit, 17	
Maine	—
Massachusetts	19
New Hampshire	14
Rhode Island	18
Puerto Rico	21
Second Circuit, 26	
Connecticut	27
New York:	
Northern	20
Eastern	20
Southern	35
Western	19
Vermont	13
Third Circuit, 35	
Delaware	—
New Jersey	29
Pennsylvania:	
Eastern	41
Middle	23
Western	36
Virgin Islands	10
Fourth Circuit, 14	
Maryland	20
North Carolina:	
Eastern	20
Middle	—
Western	13
South Carolina	12
Virginia:	
Eastern	12
Western	9
West Virginia:	
Northern	—
Southern	31
Fifth Circuit, 13	
Alabama:	
Northern	9
Middle	6
Southern	20
Florida:	
Northern	10
Middle	18
Southern	14
Georgia:	
Northern	17
Middle	5
Southern	17
Louisiana:	
Eastern	27
Western	22
Mississippi:	
Northern	13
Southern	9
Texas:	
Northern	12
Eastern	13
Southern	17
Western	8
Canal Zone	9
Sixth Circuit, 16	
Kentucky:	
Eastern	23
Western	15
Michigan:	
Eastern	28
Western	18
Ohio:	
Northern	24
Southern	23
Tennessee:	
Eastern	7
Middle	—
Western	15
Seventh Circuit, 16	
Illinois:	
Northern	20
Eastern	16
Southern	18
Indiana:	
Northern	19
Southern	12
Wisconsin:	
Eastern	22
Western	—
Eighth Circuit, 13	
Arkansas:	
Eastern	12
Western	11
Iowa:	
Northern	—
Southern	15
Minnesota	11
Missouri:	
Eastern	10
Western	17
Nebraska	24
North Dakota	—
South Dakota	12
Ninth Circuit, 16	
Alaska	—
Arizona	21
California:	
Northern	28
Eastern	—
Central	14
Southern	—
Hawaii	—
Idaho	—
Montana	14
Nevada	31

Oregon	13
Washington:	
Eastern	12
Western	14
Guam	—
Tenth Circuit, 12	
Colorado	13
Kansas	24
New Mexico	11
Oklahoma:	
Northern	10
Eastern	10
Western	10
Utah	13
Wyoming	—

Mr. JAVITS. Mr. President, the important point is that when we look at the big industrial States, that is where we have the big delay. Massachusetts has a delay of 19 months. Rhode Island has a delay of 18 months. New York has a delay of 20 months. Indeed, in the southern district of New York, there is a delay of 35 months—almost 3 years.

Similarly, as we go down the list, we see that it is in the big circuits where the major problems occur. We see in the northern circuit of Illinois, which I believe includes Chicago, that there is a delay of 20 months.

So, we can see that the average of 10 months picks up the small States where there are no major industrial problems. Of course, where we have the big industrial problems, then we have a tremendous court delay.

No one less than Chief Justice Burger in a recent address pointed this out and he said in his speech to the American Bar Association in July 1970:

> From time to time Congress adds more judges, but the total judicial organization never quite keeps up with the caseload. Two recent statutes alone added thousands of cases relating to commitment of narcotic addicts and the mentally ill. These additions came when civil rights cases, the voting cases and prisoner petitions were expanding by the thousands.

So he himself sees this situation and that the desire here in a highly sensitive area, which deeply involves problems of the greatest tension in our country, to equip the agency with a remedy which would be the best and most useful in its field.

If we do that and if it has complete range, up to and including a finding, then it is in the best position to conciliate and settle cases. Otherwise it can be shrugged aside as the EEOC is now being shrugged aside, and indeed in the most impatient way. We should give the EEOC this power because it is being shrugged off. The Chairman of that authority so testified.

We have the Administrative Procedures Act which controls administrative hearings leading up to cease-and-desist orders now. That power is possessed by a whole range of agencies, the names of which I have already read into the RECORD. The courts are overloaded. All this amendment would do would be to overload them more.

In an area of job opportunities for the minorities, we ought to have the most complete action and complete remedy for an agency which has the greatest expertise and the most authority with the most delicate understanding.

This is the modern way to deal with the problem. That is why many agencies have gone in that direction. We would be taking a retrograde step which would be damaging to ourselves and to our country if were to agree to this.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. WILLIAMS. Mr. President, I think it should be pointed out that the Senator from New York, as is also true of the Senator from Minnesota, has devoted a great deal of his public life to work and dedication to the matter of inequality. We are talking here about equal employment opportunity. Again, the Senator from New York has a background of law enforcent in his State. He was attorney general of the State of New York. So, he does not come to this debate without a background of work as attorney general in this area.

It is my understanding that New York has this method of enforcement as to human rights legislation, together with equal employment opportunity and has a cease and desist enforcement procedure.

Mr. JAVITS. The Senator is exactly correct. I was attorney general of my State. I did have general authority over court proceedings which rose from the actions of our local commission on fair employment. I pointed out in my speech that for years we have had this authority under a bill called the Ives-Quinn bill.

That procedure has worked superbly well. We are merely recognizing the modern concept of administration in giving this urgently needed power. We will have infinitely more cases consolidated and a crispness in the decisions which will buttress the enforcement of the law.

After all, we are here because we want the law to be enforced. The law has been passed. It is the law. And if it is the law, we want the law enforced. And the most effective way to enforce that type of law is through cease and desist authority. So, all we are doing is bringing the United States abreast of the best practice.

What we would do if we were to agree to the pending amendment would be a very distinct step backward, which I hope we do not take, especially in such days when the grievances of the minorities are very much in danger as far as our Nation is concerned.

Mr. WILLIAMS. Mr. President, I do not believe that enough attention has been given today to this matter in the debate. Perhaps we can do it now. The Equal Employment Opportunity Commission is now unarmed other than being able to attempt to conciliate through persuasion and agreement where there is now discrimination. There can be little incentive to agreement because there is no enforcement authority behind that conciliatory practice.

Mr. JAVITS. Exactly. This can be shrugged off by any employer who can say, "You can go into court. It will be a long time, and we will then see about it."

The fact that the workload has pyramided because it is weak and emasculated is now being used as a means of cutting down its workload because it can deal with cases with finality.

If we really want to enforce the law and want the Commission to do it, we have to give them this authority.

I was here when this deal was made which resulted in the Commission having so little authority.

It was the price of buying support for the Civil Rights Act of 1964. It is as simple as that. There was no other reason for it, no other reason in logic or in law. We have paid that price for 7 years and it is time, in my judgment, with such a sensitive matter before us, to stop paying it. We should have done it 7 years ago. We made our deal and we stuck to it. Now the moment in history has come to take a step forward not backward. That is why we should agree to the bill as is and reject the amendment.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I yield 10 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. I thank the Senator from Colorado for yielding to me at this time. I wish to commend the Senator on this amendment which would give some measure of due process to the procedure in resolving alleged unlawful employment practices or alleged discrimination practices.

At the outset, however, I would like to suggest that this bill does not create one single job in private industry or private business. It might create several hundred bureaucratic jobs; it might put hundreds of people on the Federal payroll; but it does not create one single job in private business or private employment.

All of us favor the right of every person to seek and to obtain employment without discrimination where employment is available. But it must be kept in mind that for every person who obtains employment by use of the procedure provided for in this act, someone else loses his job. No jobs are created by the act, except the hundreds of people placed on the Federal payroll.

One of the prime tenets of Anglo-Saxon jurisprudence is that a man is presumed to be innocent until proven guilty. While the bill before us does not presume to go so far as to repeal this concept, it certainly subverts it. It arrogantly undermines and brushes aside the guaranteed and fundamental principles of due process and invokes a panoply of repressive procedures as alien to justice as the rack and the thumbscrew.

Under the bill, the Equal Employment Opportunity Commission would be given a "judicial" function, permitting it to order respondents to "cease and desist" from alleged unlawful employment practices with such orders subject to limited review in a U.S. court of appeals.

What is government by cease and desist? Government by cease and desist is government according to the personal convictions, inclinations, predilections and precipitant notions of government bureaucrats rather than government by certain and uniform laws applying alike to all men and institutions in like situations. That is something we want to avoid by requiring the EEOC not to be prosecutor, judge, and jury, but to substitute the Federal district courts for the judicial aspects of the Commission as provided for by the bill. The Dominick amendment would accomplish this result.

One of the real difficulties in connections with the type of authority being sought here is the attitude of the Commission and its staff. The Commissioners and the staff of the Equal Employment Commission are appointed because of a particular philosophical bent—it is expected, however, that they are to be objective and impartial advocates of equal employment opportunity and to conciliate charges found to be supported by the facts adduced in their investigations.

The Commission, however, has not been and is not now the impartial agency it was supposed to be and as charged to be by law. Instead, the Commission has been a rabid advocate of its own preconceived ideas of fair employment opportunity and has been spending much of its time assembling arguments in behalf of its obsession with obtaining from Congress the power to issue coercive orders. The Commission has degenerated into performing a private pressure job for cease-and-desist authority.

The mingling of the functions of conciliation and compulsion in this one agency would be tragic. The EEOC conciliator, in such instances, cannot, in any light, be viewed as a friendly counselor, but only as an incipient prosecutor. In other words, when he also possesses the power not only of prosecuting, but also of rendering an enforceable judgment, his persuasion takes on the immediate character of coercion.

Yet, this ambitious bill would lodge in an unelected Federal agency the unfettered authority to act as investigator, prosecutor, judge and jury—all racked up in one power-laden bill. S. 2515 does this by granting the Commission the power to investigate complaints; granting the Commission the power to prosecute complaints, not withstanding adoption of the Taft-Schweiker amendment last week; and granting the Commission the power to pass judgment on complaints and to fashion a remedy enforceable by a cease-and-desist order.

One would have to be blind indeed not to see that this particular aspect of the bill overbalances the scales of justice against defendants in ways that do absolute violence to the best of Anglo-American judicial traditions.

It is true that appellate review of orders by the Commission is provided, but let me point out, Mr. President, that the court entertaining the review would be limited by the record of the hearing examiner as reviewed by the Commission and would be required to affirm the Commission upon a finding of some evidence supporting the Commission's decision.

And what would the record of the Commission consist of? Let us not forget that many of these charges of discriminatory employment practices will be made by persons who are motivated by revenge, cruelty, persecution, and perfidy. This is especially true inasmuch as S. 2515 removes the requirement that charges must be made under oath. In addition, the bill permits the Commission to deprive the accused of the customary and time-honored rules of evidence and procedure. Hearsay evidence with its inflammatory effect can easily be the entire basis of a finding by the Commission. What all of this boils down to is that this bill seeks the enormous power of "cease and desist," and yet provides no safeguards against a possible arbitrary determination by the Commission. The Commission can, therefore, proceed to issue a complaint and institute a proceeding which could lead to the exercise of enforcement powers based on a tenuous claim of discrimination and the courts would be powerless to touch it. In other words, the bill makes an out and out mockery of our dedication to due process of law.

This is not government by law. It is government by the Equal Employment Opportunity Commission, for better or worse.

I believe the Dominick amendment would cure one of the main evils of the bill. It would not cure the evil that the bill still would apply to the States, counties, and cities; it would not cure the evil that it would be applicable to educational institutions and religious schools; it would not cure the evil that it reduces the required number of employees from 25 to 8 and makes it applicable to a small business—not big business by any manner or means, but small business—with government taxes, redtape, reports, investigations, and injuries, making it almost impossible for small businesses to stay in business, and to add this inquisitorial power to this Commission would certainly force many small businesses to the wall.

It has been stated that if this power is placed in the hands of the Federal district courts there will be a big logjam there. Let me point out that there are 398 Federal district judges in the country; there is only one EEOC lodged right here in Washington. I would be more inclined to feel there would be less of a logjam if the work is split up among 398 Federal judges than placed before one Commission here in Washington.

Mr. ERVIN. Mr. President, will the Senator yield for some questions on this point?

Mr. ALLEN. Yes; I shall be glad to yield, if I may be extended additional time.

Mr. DOMINICK. I yield 2 minutes to the Senator.

Mr. ERVIN. I will ask the Senator from Alabama if it is not true that each district judge can sit by himself and make a decision by himself.

Mr. ALLEN. Yes; under the amendment of the Senator from Colorado.

Mr. ERVIN. Under this bill, there would be five members of the Commission, which, under certain circumstances, could be expanded to nine.

Mr. ALLEN. Yes, sir.

Mr. ERVIN. The bill provides that it takes three to constitute a quorum. So every time there was a case for decision, three members would have to be sitting on it.

Mr. ALLEN. Yes, sir.

Mr. ERVIN. So there would be more congestion before the Commission than there would be before district judges.

Mr. ALLEN. Of course, that would be so, since they would be split up 398 ways under the Dominick amendment, rather than under the bill as it is before the Senate.

Mr. ERVIN. Does the Senator from Alabama agree with the Senator from North Carolina that every litigant, in any kind of action or proceeding, is entitled to a fair trial.

Mr. ALLEN. Certainly, sir.

Mr. ERVIN. Does the Senator from Alabama agree with the Senator from North Carolina that the right to a fair trial entitles a litigant to have his cause determined by an unbiased jury and an impartial judge, in an atmosphere of judicial calm?

Mr. ALLEN. That is correct. That is a part of the Anglo-Saxon concept of jurisprudence.

Mr. ERVIN. Does the Senator from Alabama agree with the Senator from North Carolina that under our system of law, if a man had preferred a charge against a litigant on which the litigant is going to be tried, he would be ineligible to sit on the jury and find the facts in that case?

Mr. ALLEN. Oh, yes.

Mr. ERVIN. And if a judge had preferred a charge against the litigant, charging him with illegal action, that judge would be incompetent to sit on the trial and determine that man's guilt or innocence?

Mr. ALLEN. Yes.

Mr. ERVIN. But under this bill——

Mr. ALLEN. Without the Dominick amendment.

Mr. ERVIN. Yes. Under this bill in its present form, members of the Commission and those they control, their agents, can prefer charges on which a person can be tried. Can they not?

Mr. ALLEN. Yes.

The PRESIDING OFFICER. The Senator's 2 additional minutes have expired.

Mr. DOMINICK. I yield 1 minute to the Senator.

Mr. ERVIN. And after they do that, they can file the charge with the general counsel.

Mr. ALLEN. Yes.

Mr. ERVIN. And his regional counsel, can be appointed only with the consent of the Commission.

Mr. ALLEN. Yes.

Mr. ERVIN. They file the charge with the general counsel, and then the counsel brings the charge made by the agency before the agency for trial. Is that correct?

Mr. ALLEN. Yes.

Mr. ERVIN. Does the Senator think there is likely to be much justice under those circumstances?

Mr. ALLEN. Very little.

Mr. ERVIN. Does the Senator from Alabama agree with the Senator from North Carolina that under any fair system of justice, a man or agency which has expressed an opinion adverse to a litigant has no business judging the cause of that defendant?

Mr. ALLEN. I certainly agree with the Senator from North Carolina.

The PRESIDING OFFICER. The Senator's additional 1 minute has expired.

Mr. DOMINICK. Mr. President, will the Chair let me know how much time I have left?

The PRESIDING OFFICER. The Senator from Colorado has 12 minutes remaining.

Mr. DOMINICK. I yield 1 more minute to the Senator from Alabama.

Mr. ERVIN. I want to ask the Senator from Alabama if he does not agree with the Senator from North Carolina that the very concept embodied in this bill represents a prostitution of the judicial process.

Mr. ALLEN. Yes, I do.

Mr. ERVIN. In other words, it creates conditions under which justice cannot really be had.

Mr. ALLEN. That is right, in any form whatsoever, except by the adoption of the amendment pending before the Senate.

Mr. DOMINICK. Mr. President, I yield 7 minutes to the Senator from South Carolina (Mr. THURMOND.)

Mr. THURMOND. Mr. President, of all the amendments which have been suggested for amending the proposals to strengthen the role of the Equal Employment Opportunity Commission, this amendment offered by the junior Senator from Colorado is undoubtedly the most important. The issue is whether we shall give a single agency of the U.S. Government the power to make regulations, conduct investigations, issue cease-and-desist orders concerning alleged practices, and also have the power to enforce these orders. Under the terms of S. 2515, the EEOC would become not only the legislator but also the prosecutor, judge, and jury. In simple fairness, this procedure cannot be tolerated in the American system. Our philosophy of government has always believed that such roles should be separated. No man should be trusted to be a judge when his own interests will be affected by the outcome of the litigation.

Before we give the EEOC more power, we ought to examine its capabilities and past performance. Simply on a statistical basis, it is obvious that the Commission has been very ineffective in fulfilling its role of assisting all Americans to achieve equal employment opportunity.

For example, in the calendar year 1971, the EEOC received a total of 33,214 complaints. Of that number, the Commission completed only 7,321 invesigations. The EEOC attempted conciliation in only 2,438 cases and was successful in the conciliation process in only 1,412 cases.

In addition, we must consider the staggering backlog of cases which the Commission has rolled up by December 31, 1971. That backlog amounted to 31,000 cases, or almost as many complaints as had been received during the year.

Why has the EEOC been such a failure? I think for that answer we must look within the EEOC itself. The Commission staff has achieved a notorious reputation for antagonistic attitudes toward the employers charged in the complaints it has received. Its aggressive attitude has served to set back the course of better human relations. In fact, the record I have just cited, of so very few attempts at conciliation, shows that the EEOC staff does not appear to be interested in conciliation. There are documented cases of outright harassment and the use of hearings in an attempt to establish a general pattern of discrimination when actually only one complaint has been filed. Further, the EEOC has made outrageous demands concerning company records—demands that have been turned down by the Federal courts.

In short, the EEOC is not ready to handle a procedure such as cease and desist. In its 6 years of existence, it has had four chairmen. It has been plagued with a rapid turnover in personnel. To illustrate, two of the most important staff positions, the General Counsel and the executive director, have been vacant for several months.

In view of its present record, how can we seriously consider broadening its powers? However, without regard to this history, we have before us a proposal which broadens its power unnecessarily in several aspects. But principally, the addition of the power of the cease-and-desist order would bring a flood of new complaints, many of which would be intended for pure harassment. It is generally agreed that the backlog of 31,000 cases could conceivably double by the end of a year because of these new powers. From the foregoing remarks I do not mean to leave the impression that I do not believe in equal employment opportunity for all Americans. I strongly believe that every American should have the opportunity to get a job and advance in his field according to his capabilities. If there are cases where individuals are being denied equal employment opportunity or advancement in their jobs, it is quite obvious they can get relief in an honest case by going directly to our judicial system. They can go to their local district court instead of going to Washington and they can be satisfied there will be no unnecessary delay in obtaining relief. Senator DOMINICK's amendment will preserve the due process rights of an injured party without taking away the investigatory and processing powers of the EEOC. For these reasons the amendment by Senator DOMINICK is most critical to the future of this Nation and to the equal employment opportunities of injured minorities.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS. Mr. President, I yield myself such time as I may require.

I ask unanimous consent to have printed in the RECORD at this point a memorandum of procedural due process in administrative proceedings, which is longer than the time remaining to me would permit me to read.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

PROCEDURAL DUE PROCESS IN ADMINISTRATIVE PROCEEDINGS

INTRODUCTION

In the Equal Employment Opportunities Act of 1971 (S. 2515), EEOC is given administrative cease-and-desist enforcement procedures to provide it with powers similar to those currently held by other Federal regulatory agencies. Opponents to the hearing type of enforcement approach argue that placing administrative enforcement procedures in the EEOC would deny parties due process of law, would degrade the quality of justice available in the proceedings, and would place too much power in one agency.

It is submitted that the above-stated objections are totally groundless and do not take into account either the procedural safeguards specifically provided by Congress in the Administrative Procedure Act (hereinafter APA), the quality of administrative hearings, or the quality of judicial review available to all administrative determinations.

PROCEDURAL DUE PROCESS

The administrative hearing procedure clearly guarantees procedural due process to all parties. While the importance of due process has been specifically stressed by the courts,[1] the courts have also noted that the concept of due process is not a rigid or inflexible standard. It has been well-recognized that the same requirements applicable to due process in the courts do not necessarily apply to all other judicial or quasi-judicial proceedings.[2]

Although the term due process cannot be precisely defined to conform to all circumstances where it may be found, its general elements can be recognized and protected. Professor Davis has defined administrative due process as follows: [3]

"The true principle is that a party who has a sufficient interest or right at stake in a determination of governmental action should be entitled to an opportunity to know and to meet, with the weapons of rebuttal evidence, cross-examination, and argument, unfavorable evidence of adjudicative facts . . ."

The above principles, the basis for administrative due process, have been applied by the courts in assessing adjudication of rights by governmental agencies.[4] The realization of these principles is generally contained in the administrative hearing.

The basic requirement for administrative hearings is to satisfy the requirements of due process for parties whose rights are affected by agency actions. This principle was established by the Supreme Court in two early cases.[5] The essential rule laid down in these and other early cases is that where the agency determination is one involving "adjudicative facts" as opposed to "legislative facts",[6] an opportunity for hearing must be accorded to guarantee due process. The enactment of the APA reinforced the requirements for due process afforded by the hearing process. Sections 4, 5, and 6 of the APA, 5 U.S.C. §§ 1004, 1005, and 1006 specifically require that agency determinations which affect the substantive rights of the parties be held on the record after opportunity for an agency hearing.

The courts, while allowing a certain degree of flexibility in the type of hearings and the degree of judicial process to be accorded in each particular case, have been explicit in stating that where administrative actions affecting private rights are involved, such actions may not be taken without due process of law, "and due process generally requires a hearing."[7] The courts have, however, indicated that the type of hearing and the extent of adjudication required in each particular case may be decided by the agency as particular circumstances may require. For example, the courts have held that it is not necessary, in order to satisfy the constitutional guarantees of due process, to have oral argument on every question of law which may arise during an administrative hearing.[8]

This need for agency flexibility, within the basic context of the APA safeguards for due process, has been affirmed.

Footnotes at end of article.

Many of the determinations made by administrative agencies are in very complicated and highly specialized area which do not lend themselves to traditional concepts of adjudication:

"Administrative agencies should be free to fashion their own rules of procedure and to pursue methods of inquiry capable of permitting them to discharge their multitudinous duties." [9]

It should not be assumed, however, that the existence, and in fact necessity for agencies to fashion specific rules of procedure in any way degrades the due process guarantees articulated by the courts in the cases discussed above, or that it in any way serves to weaken the various guarantees provided by the APA.

ADEQUATE NOTICE OF HEARING

Section 4 of the APA, 5 U.S.C. § 1004, provides that prompt and timely notice of issues be given to opposing parties. Under the provisions of S. 2515, this same requirement would be applicable to EEOC procedures under the administrative enforcement approach. Moreover, S. 2515 specifically requires that respondents be notified of charges within 10 days of receipt by the Commission.

At the termination of unsuccessful conciliatory efforts, S. 2515 stipulates that a complaint, joined with notice of a hearing, shall be issued by the Commission and served upon the respondent. In compliance with the APA, such notice would convey the time, place, and nature of the hearing to be held; and the matters of law and fact asserted.

FAIR AND FULL HEARING

Opportunity for a fair and full hearing would also be guaranteed by EEOC procedures under S. 2515. Section 5 of the APA guarantees the right of parties to be present at the time and place of hearings. Due regard shall be had for the convenience and necessity of the parties or their representatives.

Section 706(g) of S. 2515 provides broad opportunity for a respondent to amend and re-amend his answer at any point in the proceedings, with leave of the hearing examiner. The EEOC would also be required to abide by those provisions of § 4 of the APA which provide that the presiding officer (at hearings) shall give all interested parties opportunity for the submission and consideration of facts, arguments, and offers of settlement or proposals of adjustment when time, the nature of the proceeding, and the public interest permit.

Further, the applicability of § 5(d) to Commission proceedings would guarantee a party's privilege to present his case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

Of major significance is the provision of the APA which assures a fair and impartial hearing by providing, *inter alia*, that a Commission employee or agent engaged in the performance of investigative or prosecuting functions in a case, may not, in that or a factually related case, participate or advise in the Commission's decision, except as a witness or counsel in public proceedings. Section 706(f) of S. 2515 patterned after this provision of the APA, would insure this protection.

SEPARATION AND IMPARTIALITY OF EXAMINERS

In light of the above provisions of the APA, and on the basis of the discussion in the preceding sections, it seems unlikely that there could be any valid criticism regarding procedural due process under administrative procedure. However, opponents of S. 2515 have also level charges against the EEOC on the grounds that it would be unable to fairly administer its hearing because of its inherent bias. In this regard, critics have also attacked the fact-finding provisions of Title VII, and the similar provisions of S. 2515 requiring an initial finding of "reasonable cause" to initiate the concilation process, as denying parties due process by determining their guilt without a hearing.

This type of criticism misconstrues the nature of a finding of "reasonable cause" and ignores the specific provisions of the APA with regards to insuring the impartiality of hearing examiners.[10]

In the first instance, the purpose of the preliminary determination as to "reasonable cause" is to discover whether a complaint has a minimum of substance upon which to have further investigations or other action. It is, in effect, quite similar to the magistral finding prior to issuance of a search warrant, or to a grand jury finding of "probable cause" before bringing an indictment. In neither case, as it also true in the Title VII determination of "reasonable cause", is the guilt or innocence of the accused decided, either in fact or in law.

Criticism based on this issue confuses the distinction between two separate levels of evidence: the one to show need for further examination, and the other to prove a violation. The Supreme Court has clearly emphasized this difference:

". . . There is a large difference between the two things to be proven (guilt and probable cause) as well as between the tribunals which determine them, and therefore a difference in the *quanta* and modes of proof required to establish them." [11]

It is also important to note in this respect that an administrative hearing is, in effect, a trial *de novo*, where the parties are required to establish their case before an impartial examiner.

The full relationship of the hearing examiner and the agency has been discussed fully in a separate memorandum "Hearing Examiners and the Enforcement of Federal Regulations" and will not be examined again here. A quick summary of the applicable provisions of the APA will show, however, that numerous provisions have been made to insure the impartiality of examiners in deciding each case.

The APA provides that: hearing examiners are to be assigned to cases in rotation; they are prohibited from engaging in any other agency activities; and their compensation, qualifications, and retention of status are controlled by the Civil Service Commission and not the agency where they are employed.[12]

In light of the procedural guarantees discussed supra, and considering the requirements attached to the office of the hearing examiner, it is unsupportable to maintain that the administrative process does not provide parties with due process or otherwise prejudices their rights. In fact, it may be true that ". . . administrative regulations set a higher standard of procedural due process than that required by the Constitution or a statute." [13]

SEPARATED GENERAL COUNSEL

In addition to the procedural safeguards outlined above, the provisions of S. 2515 contain a further guarantee of insuring fair operation of the administrative hearing process. Pursuant to an amendment adopted by the Senate on January 20, 1972 (Amendment No. 797), the EEOC would have a General Counsel separated from the other operations of the Commission. In this manner, similar to the system adopted for the National Labor Relations Board (NLRB) pursuant to the Congress' 1947 action in overhauling the Wagner Act,[14] the prosecuting and judicial functions of the Commission will be entirely separated.

Under the terms of the amendment, the Commission will have a General Counsel, appointed by the President (with the consent of the Senate) for a term of four years. It shall be the responsibility of the General Counsel to issue complaints where he feels a violation has occurred which has not been resolved through the conciliation process, to prosecute any such complaints before the Commission, and to conduct all litigation to which the Commission may be a party pursuant to §§ 706 and 707 of the Act.

While the provisions of the APA already establish comprehensive due process safeguards in the hearing process itself, with the adoption of the above amendment, the pre-complaint decision procedures (investigation, finding of "cause" or "no-cause", and the conciliation procedures), and the decision-making function of the Commission (issuance of Commission orders pursuant to hearings) have now been separated by law. In this manner, any potential areas of conflict of iterest, or merging of investigatory, prosecutorial, and decision-making functions is eliminated. With the above amendment, the hearing procedure as outlined above assumes even further characteristics of a trial *de novo*, with all the appurtentant safeguards.

SCOPE OF JUDICIAL REVIEW

Although the foregoing sections amply demonstrate that parties are guaranteed due process in administrative enforcement procedures, it should also be noted that there is an additional safeguard available to insure proper agency proceedings—i.e. court review of agency decisions. The courts have, from the very beginning of the administrative enforcement process, reviewed such matters on appeal to insure the proper administration of justice. In exercising such review, the courts have always closely examined agency procedures to insure protection for parties who appear before administrative agencies. Early decisions, before adoption of the APA, reviewed agency actions on the basis of "substantial evidence"—i.e. an examination of the record to determine whether there is substantial evidence to support agency findings.[15]

With the adoption of the APA in 1946, the "substantial evidence rule" was formalized as part of that act.[16] The Supreme Court reaffirmed use of the test in 1951: [17]

"The Board's findings are entitled to respect; but they must nonetheless be set aside when the record before the Court of Appeals clearly precludes the Board's decision from being justified by a fair estimate of the worth of the testimony of witnesses or its informed judgment on matters within its special competence, or both."

Not only do the courts look at the "substantial evidence" as presented in evaluating agency actions, but the APA also provides that in doing so, the courts also are to examine the "whole record" upon review.[18] Courts have liberally applied the principles of review to examine all aspects of an agency's determination and have not hesitated to set aside an agency ruling.[19]

CONCLUSION

The basic premise upon which the entire federal administrative hearing is structured is to provide complainants with an opportunity to present their grievances before those federal agencies best qualified to resolve them. The administrative hearing process substitutes the quasi-judicial administrative hearing for a judicial hearing in those specific areas where the expertise and experience required to properly adjudicate such complex issues is better suited to an expert body. In this manner, those agencies which have the responsibility for administering each specific area of Federal concern would also be able to resolve disputes arising in these areas, thereby freeing the Federal courts from the need to maintain expertise in all these complex areas.

The Administrative Procedure Act, adopted

Footnotes at end of article.

in 1946, formalized and codified the experience of the early Federal administrative adjudicatory experiences. It enacted those judicial decisions which had set out the procedures and guarantees afforded to all citizens whose rights were affected by Federal action. The cornerstone of these procedures was the guarantee of due process—to afford all parties the opportunity for a fair and full hearing under the law. This proposition was deemed so basic to the entire administrative process that the major provisions of the APA are directed to this aim. Any attack upon the due process and fairness of the administrative enforcement process cannot, therefore, be deemed as well-founded in either fact or law.

FOOTNOTES

[1] see e.g. statement by Justice Douglas in *Joint Anti-Fascist Refugee Committee* v. *McGrath,* 341 U.S. 123, 71 S. Ct. 624 (1951): "Notice and opportunity to be heard are fundamental to due process of law. . . . It is not without significance that most of the provisions of the Bill of Rights are procedural. It is procedure that spells much of the difference between rule by law and rule by whim or caprice."

[2] see e.g. *L. B. Wilson, Inc.* v. *FCC*, 170 F.2d 802 (D.C. App. 1948) where the court stated: ". . . due process is not necessarily *judicial process.*" (emphasis added).

[3] 1 Davis, *Treatise on Administrative Law* 412; see judicial affirmation of these principles in *Bacon* v. *Holyman,* 264 F. Supp. 120 (N.D. Ill. 1967).

[4] see *E. B. Muller and Co.* v. *FTC,* 142 F.2d 511 (6th Cir. 1944); *Jeffries* v. *Olesen*, 121 F. Supp. 463 (S.D. Calif. 1954).

[5] *Londoner* v. *Denver*, 210 U.S. 373, 28 S. Ct. 708 (1908); *Bi-Metallic Inv. Co.* v. *State Board of Equalization,* 239 U.S. 441, 36 S. Ct. 141 (1915).

[6] Adjudicative facts are generally understood to be facts requiring a judicial determination, i.e. facts about the parties, their activities, business, and properties. Legislative facts do not usually concern the immediate parties but are general facts which help the tribunal decide questions of law and policy and apply discretion. See generally chapter 7 in 1 Davis, *Administrative Law Treatise* (1958 ed.) Cf. *U.S.* v. *Gonzales,* 384 U.S. 407, 75 S.Ct. 409 (1955).

[7] *Joint Anti-Fascist Refugee Committee* v. *McGrath,* 341 U.S. 123, 71 S.Ct. 624 (1951); Cf. *U.S.* v. *Gonzales,* 348 U.S. 407, 75 S.Ct. 409 (1955); *Magnolia Petroleum Co.* v. *Carter Oil,* 218 F.2d 1 (10th Cir. 1954), cert. denied 349 U.S. 916, 75 S.Ct. 605 (1955); *U.S.* v. *McCrillis,* 200 F.2d 884 (1st. Cir. 1952).

[8] *FCC* v. *WJR,* 337 U.S. 265, 69 S.Ct. 1097 (1949); Cf. *Gart* v. *Cole,* 263 F.2d 244 (2nd Cir. 1959).

[9] *Cella* v. *U.S.*, 208 F.2d 783 (7th Cir. 1953), cert. denied 347 U.S. 1016 (1954); Cf. *Lambrose* v. *Young,* 145 F. 2d 34 (U.S. App. D.C. 1944).

[10] Section 6(a) of the APPA, 5 U.S.C. § 1006, provides in part:

"The functions of all presiding officers and of officers participating in decisions . . . shall be conducted in an impartial manner."

[11] *Draper* v. *U.S.*, 358 U.S. 307, 312, 79 S.Ct. 329, 332 (1958).

[12] Section 11 of the APA, 5 U.S.C. § 1010; See also *Ramspeck* v. *Federal Trial Examiners Conference,* 345 U.S. 128, 73 S.Ct. 570 (1953).

[13] *Jeffries* v. *Olesen,* 121 F.Supp. 463 (S.D. Calif. 1954).

[14] For a discussion of the reasons for the separated General Counsel in the NLRB, see Klaus, "The Taft-Hartley Experiment in Separation of NLRB Functions," 2 Ind. Lab. Rel. Rev. 371 (1958).

[15] *ICC* v. *Union Pacific R. Co.*, 222 U.S. 541, 32 S.Ct. 108 (1912); *ICC* v. *Louisville & N.R.R.*, 227 U.S. 88, 33 S.Ct. 185 (1913); *NLRB* v. *Columbian Enamling & Stamping Co.*, 306 U.S. 292, 59 S.Ct. 501 (1939).

[16] § 9(e) of the APA, 5 U.S.C. § 1009(e), provides in part: ". . . the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency decision. It shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . (5) unsupported by substantial evidence . . ."

[17] *Universal Camera Corp.* v. *NLRB*, 340 U.S. 474, 71 S.Ct. 456 (1951).

[18] 5. U.S.C. § 1009(e). Explaining the meaning of the term "whole record", the Senate committees report indicates: "The requirement of review upon 'the whole record' means that courts may not look only to the case presented by one party, since other evidence may weaken or even indisputably destroy that case." Sen. Doc. No. 248, 79th Cong., 2d Sess., 214, 280 (1946).

[19] See e.g., *Farmers Co-operative* v. *NLRB,* 208 F.2d 296 (8th Cir. 1953); *United Church of Christ* v. *FCC,* F.2d (U.S. App. D.C. 1969).

Mr. WILLIAMS. I also ask unanimous consent to have printed in the RECORD a letter to me from the EEOC dated January 21, 1972, which gives us an up-to-date estimate of the potential number of contested cases.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,
Washington, D.C., January 21, 1972.

Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Senate Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the Committee's request on the effect that direct court enforcement would have in terms of anticipated initial case loads to be submitted to the Federal District Courts, the following projections represent our view on this issue.

The Equal Employment Opportunity Commission presently has a backlog of about 32,000 cases. Of these, we anticipate that close to half will go no further than the investigatory stage. Of the remaining cases, in which we expect a finding of cause to result, if direct court enforcement is granted, a substantial portion will be adjusted or will result in a pretrial settlement.

However, because of the large number of charges involved, we anticipate between 2,000 to 3,000 contested cases which will have to be filed with the Federal District Courts during the next year, if court enforcement rather than cease-and-desist is adopted. This would represent an increase between 30 to 50 percent in the case loads before these courts. Additionally, our projections for the current year show an anticipated 32,000 charges to be filed with the Commission. Of this number, the same breakdown as outlined above would apply, resulting in another 2,000 to 3,000 cases on the heels of those cases already filed pursuant to our backlog.

I hope this information will prove helpful to you. If I can be of any further assistance, please do not hesitate to call on me.

Sincerely,

STEPHEN C. BLAKESLEE, Jr.,
Director, Congressional Affairs.

Mr. WILLIAMS. I ask unanimous consent to have printed in the RECORD excerpts from the annual report of the Director of the Administrative Office of the United States Courts for 1970.

There being no objection, the excerpts from the report were ordered to be printed in the RECORD, as follows:

[Excerpts from the Reports of the Proceedings of the Judicial Conference of the United States, held at Washington, D.C., March 16–17, 1970, and October 29–30, 1970]

ANNUAL REPORT OF THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS, 1970

§ 331. JUDICIAL CONFERENCE OF THE UNITED STATES

The Chief Justice of the United States shall summon annually the chief judge of each judicial circuit, the chief judge of the Court of Claims, the chief judge of the Court of Customs and Patent Appeals, and a district judge from each judicial circuit to a conference at such time and place in the United States as he may designate. He shall preside at such conference which shall be known as the Judicial Conference of the United States. Special sessions of the conference may be called by the Chief Justice at such times and places as he may designate.

The district judge to be summoned from each judicial circuit shall be chosen by the circuit and district judges of the circuit at the annual judicial conference of the circuit held pursuant to section 333 of this title and shall serve as a member of the conference for three successive years, except that in the year following the enactment of this amended section the judges in the first, fourth, seventh, and tenth circuits shall choose a district judge to serve for one year, the judges in the second, fifth, and eighth circuits shall choose a district judge to serve for two years and the judges in the third, sixth, ninth, and District of Columbia circuits shall choose a district judge to serve for three years.

If the chief judge of any circuit or the district judge chosen by the judges of the circuit is unable to attend, the Chief Justice may summon any other circuit or district judge from such circuit. If the chief judge of the Court of Claims or the chief judge of the Court of Customs and Patent Appeals is unable to attend, the Chief Justice may summon an associate judge of such court. Every judge summoned shall attend and, unless excused by the Chief Justice, shall remain throughout the sessions of the conference and advise as to the needs of his circuit or court and as to any matters in respect of which the administration of justice in the courts of the United States may be improved.

The conference shall make a comprehensive survey of the condition of business in the courts of the United States and prepare plans for assignment of judges to or from circuits or districts where necessary, and shall submit suggestions to the various courts, in the interest of uniformity and expedition of business.

The conference shall also carry on a continuous study of the operation and effect of the general rules of practice and procedures now or hereafter in use as prescribed by the Supreme Court for the other courts of the United States pursuant to law. Such changes in and additions to those rules as the Conference may deem desirable to promote simplicity in procedure, fairness in administration, the just determination of litigation, and the elimination of unjustifiable expense and delay shall be recommended by the Conference from time to time to the Supreme Court for its consideration and adoption, modification or rejection, in accordance with law.

The Attorney General shall, upon request of the Chief Justice, report to such conference on matters relating to the business of the several courts of the United States, with particular reference to cases to which the United States is a party.

The Chief Justice shall submit to Congress an annual report of the proceedings of the Judicial Conference and its recommendations for legislation.

About one-third of the United States civil case filings increase of an entire decade has occurred in the last year.

The 87,321 civil actions filed in the United States district courts in 1970 was over 28,000 cases more than the number filed during 1960, and 10,128 above the number filed in fiscal year 1969. (The largest previous 1 year's increase—of 5,744 cases—was in 1969 over 1968.)

Civil terminations in fiscal year 1970 were 7,000 fewer than filings, but up 10 percent over 1969 terminations. The 30 percent increase in terminations, 1970 over 1960, was substantially less than the 47 percent increase in filings. The present pending civil caseload is now the largest on record—93,207 cases. This is 8 percent more than a year ago, and 52 percent more than at the close of fiscal year 1960.

TABLE 12.—CIVIL CASES FILED, TERMINATED, AND PENDING IN THE UNITED STATES DISTRICT COURTS, FISCAL YEARS 1960 THROUGH 1970

Fiscal year	Filed	Terminated	Pending June 30
1960	59,284	61,829	61,251
1961	58,293	55,416	64,128
1962	61,836	57,996	67,968
1963	63,630	62,379	69,219
1964	66,930	63,954	72,195
1965	67,678	65,478	74,395
1966	70,906	66,184	79,117
1967	70,961	70,172	79,906
1968	71,449	68,873	82,482
1969	77,193	73,354	86,321
1970	87,321	80,435	93,207
Percent increase:			
1970 over 1960	47.3	30.1	52.2
1970 over 1969	13.1	9.7	8.0

In only two circuits did the district courts register less than a 10 percent increase in filings in 1970 compared to 1969. The District of Columbia showed an increase of less than 1 percent and the Third Circuit 7 percent. The greatest increase in civil filings—24 percent—occurred in district courts in the Eighth Circuit.

Compared to 1969, civil filings in 1970 showed a drop in both the Second Circuit (2 percent), and in the District of Columbia (33 percent). For these 10 years the Fourth and Fifth Circuits experienced almost a 100 percent increase and the Third Circuit a 75 percent increase. The comparisons appear below:

TABLE 13.—CIVIL CASES COMMENCED IN THE UNITED STATES DISTRICT COURTS DURING THE FISCAL YEARS 1960, 1968, 1969, AND 1970, BY CIRCUIT

Circuit	Civil cases commenced (fiscal year) 1960	1968	1969	1970	Percent change 1970 over 1960	1970 over 1969
Total	59,284	71,449	77,193	87,321	47.3	13.1
District of Columbia	6,990	4,529	4,627	4,654	−33.4	0.6
1st	1,937	2,387	2,825	3,160	63.1	11.9
2d	9,845	8,208	8,688	9,652	−2.0	11.1
3d	5,043	7,638	8,243	8,824	75.0	7.0
4th	3,673	5,921	6,482	7,292	98.5	12.5
5th	9,475	14,890	16,697	19,536	106.2	17.0
6th	4,803	6,598	7,163	8,080	68.2	12.9
7th	4,196	4,942	5,526	6,173	47.1	11.7
8th	3,539	3,929	4,000	4,963	40.2	24.1
9th	6,964	8,997	9,389	10,882	56.3	15.9
10th	2,819	3,410	3,553	4,105	45.6	15.5

Types of Civil Cases

A continued rise in actions under special Federal statutes explains a good part of our overall growth in filings. For example, there were 3,985 civil rights cases in 1970 compared to 2,453 the previous year, an increase of 63 percent. Similarly, many more cases were filed under the civil commitment provisions of Title III of the Narcotic Addict Rehabilitation Act of 1966 (P.L. 89–793, November 8, 1966). There were 3,268 N.A.R.A. commitments in 1970; only 2,011 in 1969. Suits under the Securities, Commodities and Exchange Act increased from 796 in 1969, to 1,211 in 1970—a 52 percent hike. More prisoner petitions, both State and Federal, were filed than ever before. State prisoner petitions accounted for 11,812 suits; Federal prisoner petitions for 4,185. This represented, respectively, an increase of 27 and 16 percentage points above the previous year's prisoner fillings of 9,612 State and 3,612 Federal.

TABLE 14.—CIVIL CASES COMMENCED IN THE UNITED STATES DISTRICT COURTS, DURING THE FISCAL YEARS 1961, 1968, 1969, AND 1970, BY NATURE OF SUIT

Nature of suit	Cases filed (fiscal year) 1961	1968	1969	1970	Percentage change 1970 over 1961	1970 over 1969
Total	58,293	71,449	77,193	87,321	50.0	13.1
Contract actions	16,340	14,474	14,951	17,157	5.0	14.8
Insurance	1,586	2,172	2,381	2,522	59.0	5.9
Marine	2,412	2,850	2,838	3,496	44.9	23.2
Miller Act	1,333	915	735	916	−31.3	24.6
Negotiable instruments	4,070	2,388	2,567	2,971	−27.0	15.7
Other	6,939	6,149	6,430	7,252	4.5	12.8
Real property actions	3,326	3,969	3,377	3,284	−1.3	−12.1
Mortgage foreclosure	1,326	1,946	1,664	1,349	1.7	−18.9
Land condemnation	997	920	1,020	880	−11.7	−13.7
Other	1,003	1,103	1,053	1,055	5.2	0.2
Tort actions	21,205	23,909	24,713	25,320	19.4	2.5
Employers' Liability Act	1,114	1,074	1,233	1,272	14.2	3.2
Marine	4,889	6,717	7,111	7,257	48.4	2.1
Motor vehicle	9,083	9,679	9,504	9,363	3.1	−1.5
Other personal injury	4,574	4,989	5,369	5,592	22.3	4.2
Property damage	1,545	1,450	1,496	1,836	18.8	22.7
Actions under statutes	13,427	26,635	31,232	39,348	193.1	26.0
Antitrust	420	707	783	929	121.2	18.6
Civil rights	296	1,636	2,453	3,985	1,246.3	62.5
Deportation	316	163	129	144	−54.4	11.6
Forfeiture and penalty suits	2,360	2,029	1,200	1,459	−38.2	21.6
Labor laws	2,484	3,518	3,721	3,999	61.0	7.5
Narcotic Addict Rehabilitation Act		387	2,011	3,268	[1]744.4	62.5
Patent, copyright and trademark	1,585	1,829	1,865	2,150	35.6	15.3
Prisoner petitions:						
Federal	1,589	2,851	3,612	4,185	163.4	15.9
State	1,020	8,301	9,312	11,812	1,058.0	26.8
Securities, commodities and exchange	267	689	796	1,211	353.6	52.1
Social Security laws	537	1,188	1,572	1,735	223.1	10.4
Tax suits	1,507	1,670	1,452	1,509	0.1	3.9
Other	1,046	1,667	2,326	2,962	183.2	27.3
Other actions	3,995	2,462	2,560	2,212	−44.6	−13.6
Domestic relations (local (local jurisdiction)	393	648	700	758	92.9	8.3
Insanity (local jurisdiction)	2,541	820	816	536	−78.9	−34.3
Other	1,061	994	1,044	918	−13.5	−12.1

[1] Percent change since fiscal year 1968 when Title III, N.A.R.A. took effect.

The accompanying chart [not printed in the RECORD] shows the proportionate distribution of the major classes of civil suits.

In addition to the above noted 1-year increase in other civil categories, contract actions increased overall by 15 percent with marine contract and Miller Act suits sharing most of this. Personal injury suits climbed only slightly, by 3 percent. Property damage suits were up 23 percent. A small but noteworthy decline occurred in motor vehicle injury suits.

Real property actions continued to show a decline with Government mortgage foreclosures decreasing by 19 percent and land condemnations by 14 percent.

In Table 14 above, civil case filings by nature of suit are shown for fiscal years 1961, 1968, 1969, and 1970, together with percent change comparisons for 1970 over fiscal years 1969 and 1961. The overall number of filings in 1970 has increased by half over 1961. In nature of action categories the most notable increases have occurred in civil rights; prisoner petitions; antitrust; securities, commodities and exchange; reviews of decisions of the Social Security Administration; and insurance contracts.

Today, actions under the Federal statutes accounts for 45 percent of all civil suits in Federal district courts, compared to 23 percent in 1961. Civil rights, N.A.R.A. cases, and prisoner petitions—both State and Federal, account for 27 percent; prisoner petitions alone now make up 18 percent. Back in 1961 civil rights and prisoner cases combined were only 5 percent of all Federal civil filings. The striking increase in prisoner petitions can be seen in a later chart and table.

Civil Cases Terminated and Pending

The number of districts which terminated more cases than were filed dropped to 13 this year compared to 32 in 1969, 33 in 1968, and 48 in 1967. Most notable among such districts was the Eastern District of Pennsylvania which terminated 4,725 cases, 1,194 more than the 3,531 filed during the fiscal year. Through several administrative changes in this court including the adoption of the individual calendar for each judge, the pending caseload dropped from 7,135 on June 30, 1969, to 5,941 on June 30, 1970, a 17-percent decrease.

The Eastern District of New York recorded 1,955 terminations, greater by 217 cases than the 1,738 findings. This district began the fiscal year with 1,744 pending cases and ended with 1,527, a drop of 12 percent.

The number of districts in which filings exceeded terminations by more than 200 cases grew from three in 1969, to 11 in 1970. This means that civil case backlog grew somewhat larger in these 11 districts, specifically increasing by 586 cases in the Southern District of New York; by 363 cases in Massachusetts; by 359 cases in the Northern District of California; 316 in Puerto Rico; 298 in Eastern District of Virginia; 247 in the Northern District of Illinois; 263 in the District of Columbia; 266 in the Southern District of Texas; 253 in New Jersey; 215 in the Middle District of Florida; and 206 in Maryland. These 11 districts accounted for 49 percent of the 6,886 increase in civil cases pending on June 30, 1970, over total cases pending a year earlier.

TABLE 15.—CIVIL CASES COMMENCED AND TERMINATED IN THE UNITED STATES DISTRICT COURTS, FISCAL YEARS 1969 AND 1970

District and fiscal year	Pending July 1	Commenced	Terminated	Pending June 30	Percent change over July 1
Total:					
1969	82,482	77,193	73,354	86,321	4.7
1970	86,321	87,321	80,435	93,207	8.0
D.C. Circuit:					
1969	3,993	4,627	4,304	4,316	8.1
1970	4,316	4,654	4,391	4,579	6.1
First Circuit:					
1969	2,682	2,825	2,524	2,983	11.2
1970	2,983	3,160	2,458	3,685	23.5
Maine:					
1969	104	159	158	105	1.0
1970	105	198	161	142	35.2
Massachusetts:					
1969	1,371	1,429	1,261	1,539	12.3
1970	1,539	1,617	1,254	1,902	23.6
New Hampshire:					
1969	159	123	128	154	−3.1
1970	154	148	153	149	−3.2
Rhode Island:					
1969	291	164	215	240	−17.5
1970	240	219	228	231	−3.8
Puerto Rico:					
1969	757	950	762	945	24.8
1970	945	978	662	1,261	33.4
Second Circuit:					
1969	15,112	8,688	7,996	15,804	4.6
1970	15,804	9,652	9,096	16,360	3.5
Connecticut:					
1969	685	532	467	750	9.5
1970	750	720	607	863	15.1
New York, Northern:					
1969	540	447	421	566	4.8
1970	566	479	511	534	−5.7

TABLE C5.—UNITED STATES DISTRICT COURTS. TIME INTERVAL FROM FILING TO DISPOSITION OF CIVIL CASES TERMINATED DURING THE FISCAL YEAR ENDED JUNE 30, 1970, BY DISTRICT AND METHOD OF DISPOSITION

[Excludes land condemnation cases, habeas corpus cases, deportation reviews and motions to vacate sentence. Intervals shown are for the median time and for the range of the middle 80 percent of the cases]

	Total cases				No court action				Court action											
									Before pretrial				During or after pretrial				Trial			
		Time interval in months[1]				Time interval in months[1]				Time interval in months[1]				Time interval in months[1]				Time interval in months[1]		
Circuit and district	Number of cases	10 percent less than	Median	10 percent more than	Number of cases	10 percent less than	Median	10 percent more than	Number of cases	10 percent less than	Median	10 percent more than	Number of cases	10 percent less than	Median	10 percent more than	Number of cases	10 percent less than	Median	10 percent more than
Total all districts	64,571	1	10	35	30,567	1	8	31	15,802	1	5	26	10,902	7	18	42	7,300	5	17	44
District of Columbia	3,797	1	9	30	1,639	1	7	26	1,220	1	2	19	583	12	21	41	355	7	21	42
1st circuit	2,242	1	10	29	1,261	1	9	25	557	1	7	24	175	6	17	38	249	8	17	38
Maine	140	1	6	17	55	1	3	11	13				48	4	8	18	24			
Massachusetts	1,136	2	11	27	727	3	11	25	267	1	7	23	24				118	9	19	37
New Hampshire	139	1	12	24	42	1	7	22	32	1	8	26	30	5	13	23	35	6	14	25
Rhode Island	205	2	15	106	139	2	16	107	29	1	5	12					37	10	18	55
Puerto Rico	622	1	5	28	298	1	2	13	216	1	9	29	73	9	20	39	35	9	21	39
2d circuit	7,715	2	18	44	4,852	2	15	36	1,133	1	12	44	925	14	34	57	805	7	26	57
Connecticut	464	1	11	43	131	1	12	32	207	1	3	27	73	17	32	52	53	1	27	47
New York:																				
Northern	333	2	21	59	219	2	23	59	38	1	13	40	21				55	5	20	64
Eastern	1,536	1	12	32	1,098	1	12	31	186	2	11	20	77	7	21	41	175	6	20	42
Southern	4,813	3	22	47	3,123	3	17	36	586	2	21	50	709	17	36	59	395	15	35	61
Western	258	1	14	39	121	1	8	32	62	1	12	42	45	10	21	47	30	1	19	68
Vermont	311	5	11	19	160	5	10	17	54	2	10	20					97	7	13	21
3d circuit	7,955	2	21	51	4,181	2	18	54	1,767	1	7	37	1,255	17	36	50	752	10	35	59
Delaware	179	2	13	48	80	2	10	40	70	1	15	54	12				17			
New Jersey	1,219	1	13	34	506	1	7	18	274	1	6	21	327	16	26	41	112	14	39	46
Pennsylvania:																				
Eastern	4,130	3	32	61	2,636	4	28	62	628	1	17	46	488	33	43	59	378	20	41	71
Middle	464	1	16	34	186	1	7	26	63	1	9	19	163	11	24	38	52	11	23	35
Western	1,221	1	13	39	542	1	8	26	261	1	5	22	263	13	35	42	155	6	36	44
Virgin Islands	742	1	6	31	231	2	12	52	471	1	4	19	2				38	1	10	38
4th circuit	4,531	1	8	25	2,145	1	7	20	1,101	1	4	20	736	6	14	33	549	6	14	40
Maryland	993	1	11	31	582	1	9	25	200	1	4	24	131	15	22	47	80	1	20	46
North Carolina:																				
Eastern	234	1	7	25	107	1	5	12	49	1	3	20	41	4	11	25	37	10	20	31
Middle	156	1	6	20	51	1	3	18	43	1	3	17	42	6	15	30	20			
Western	248	1	5	25	73	1	3	13	82	1	1	12	58	6	13	29	35	5	13	30
South Carolina	899	2	9	19	503	2	8	18	230	3	8	20	55	8	12	23	111	6	12	20
Virginia:																				
Eastern	1,176	1	8	19	509	1	7	15	248	1	1	16	254	7	11	20	165	6	12	31
Western	299	1	6	18	149	1	7	14	84	1	2	15	34	1	10	26	32	5	9	32
West Virginia:																				
Northern	137	2	16	48	65	1	10	38	28	2	5	26	32	10	29	58	12			
Southern	389	2	10	42	106	1	7	23	137	2	6	23	89	5	16	37	57	7	31	98
5th circuit	15,032	1	8	26	5,845	1	5	19	4,288	1	5	22	2,926	6	14	34	1,973	4	13	37

Footnotes at end of table.

TABLE C5.—UNITED STATES DISTRICT COURTS. TIME INTERVAL FROM FILING TO DISPOSITION OF CIVIL CASES TERMINATED DURING THE FISCAL YEAR ENDED JUNE 30, 1970, BY DISTRICT AND METHOD OF DISPOSITION

[Excludes land condemnation cases, habeas corpus cases, deportation reviews and motions to vacate sentence. Intervals shown are for the median time and for the range of the middle 80 percent of the cases]

Circuit and district	Total cases				No court action				Court action											
									Before pretrial				During or after pretrial				Trial			
		Time interval in months[1]				Time interval in months[1]				Time interval in months[1]				Time interval in months[1]				Time interval in months[1]		
	Number of cases	10 percent less than	Median	10 percent more than	Number of cases	10 percent less than	Median	10 percent more than	Number of cases	10 percent less than	Median	10 percent more than	Number of cases	10 percent less than	Median	10 percent more than	Number of cases	10 percent less than	Median	10 percent more than
Alabama:																				
Northern	707	2	8	17	81	1	3	10	254	1	6	16	124	6	11	23	284	5	9	17
Middle	224	1	5	10	57	1	3	7	57	1	3	6	65	3	5	13	45	3	6	12
Southern	409	2	11	29	180	1	6	18	71	1	9	33	109	11	16	31	49	6	20	37
Florida:																				
Northern	154	1	6	18	51	1	4	11	54	1	6	15	23				26	2	10	44
Middle	1,231	1	6	23	720	1	4	20	353	1	6	18	39	9	17	41	119	6	18	34
Southern	1,341	1	7	18	336	1	3	10	581	1	5	15	275	6	13	22	149	7	14	26
Georgia:																				
Northern	686	1	10	26	247	1	7	17	209	1	7	20	99	13	20	34	131	3	17	36
Middle	236	2	5	16	95	2	5	15	44	1	5	18	38	3	8	17	59	2	5	14
Southern	280	1	11	29	155	1	9	30	80	1	10	24					45	6	17	29
Louisiana:																				
Eastern	3,629	2	10	35	1,220	1	5	20	1,108	1	7	29	1,022	7	17	43	279	8	27	64
Western	877	1	9	39	459	1	4	30	175	2	9	43	135	12	21	41	108	2	22	37
Mississippi:																				
Northern	309	2	10	31	148	1	6	19	38	1	3	26	35	6	16	46	88	5	13	39
Southern	481	1	6	17	289	1	5	14	77	1	6	19	44	4	9	19	71	3	9	18
Texas:																				
Northern	1,062	1	7	19	393	1	4	14	221	1	3	15	300	4	9	21	148	4	12	31
Eastern	625	2	10	23	231	1	6	17	117	1	7	20	188	6	13	25	89	7	13	26
Southern	1,544	1	10	28	684	1	7	22	284	1	3	31	414	7	14	28	162	5	17	46
Western	914	1	3	14	385	1	4	14	427	1	1	8	14				88	3	8	26
Canal Zone	323	1	3	13	114	1	7	16	138	1	1	7	2				69	2	9	14
6th circuit	5,835	1	8	30	1,935	1	6	23	2,101	1	3	20	1,214	7	20	39	585	4	16	43
Kentucky:																				
Eastern	357	1	11	45	139	1	12	33	181	1	9	48	4				33	1	23	60
Western	399	1	6	19	131	1	4	15	133	1	2	9	104	6	12	24	31	2	15	53
Michigan:																				
Eastern	1,780	1	4	33	395	1	6	19	841	1	2	8	462	10	23	45	82	7	28	57
Western	320	1	12	27	127	1	5	14	31	1	9	25	109	9	18	29	53	6	18	30
Ohio:																				
Northern	1,220	1	12	32	420	1	6	24	367	1	6	23	330	12	25	38	103	3	24	38
Southern	668	1	9	35	310	1	7	26	261	1	6	29	49	15	23	43	48	6	23	56
Tennessee:																				
Eastern	578	1	6	13	161	1	4	10	149	1	5	14	148	5	8	13	120	4	7	15
Middle	159	1	11	43	87	1	12	43	49	1	6	35					23			
Western	354	1	9	24	165	1	6	20	89	1	7	24	8				92	6	15	25
7th circuit	4,450	1	8	25	1,905	1	5	16	924	1	4	20	1,190	5	14	30	431	6	19	41
Illinois:																				
Northern	2,071	1	7	24	804	1	4	13	478	1	3	17	587	5	11	25	202	6	20	45
Eastern	258	2	10	26	100	1	6	19	47	2	6	24	79	7	14	28	32	8	16	24
Southern	281	1	9	27	159	1	7	23	30	1	6	14	60	7	14	30	32	1	18	39
Indiana:																				
Northern	545	1	13	28	229	1	7	20	103	1	9	23	160	11	20	34	53	10	19	31
Southern	721	2	7	24	371	1	5	15	117	1	6	20	162	5	12	31	71	4	12	36
Wisconsin:																				
Eastern	403	1	8	30	174	1	4	13	93	1	5	21	104	6	18	36	32	10	22	48
Western	171	1	6	21	68	1	6	8	56	1	3	10	38	8	16	26	9			
8th circuit	3,314	1	8	25	1,667	1	6	20	704	1	6	23	455	5	13	32	438	5	13	30
Arkansas:																				
Eastern	310	1	7	18	174	1	6	16	56	1	4	13	22				58	5	12	21
Western	239	2	7	20	94	1	6	15	50	1	5	17	55	4	11	26	40	4	11	24
Iowa:																				
Northern	144	2	7	23	63	1	4	10	34	2	8	18	27	5	11	27	20			
Southern	203	2	11	27	83	1	4	17	27	1	6	15	47	10	19	33	46	2	15	28
Minnesota	855	2	8	22	349	1	6	20	186	1	4	23	207	5	11	22	113	4	11	22
Missouri:																				
Eastern	489	1	6	17	283	1	5	12	121	1	5	17	6				79	3	10	22
Western	537	1	7	33	299	1	5	23	127	1	5	17	72	8	19	50	39	7	17	38
Nebraska	302	2	15	33	178	2	13	29	75	2	13	29	1				48	9	24	46
North Dakota	112	1	8	32	61	1	4	23	17				18				16			
South Dakota	123	1	9	31	83	1	6	19	11								29	3	12	31
9th circuit	7,084	1	9	30	4,088	1	7	25	1,469	1	6	29	833	8	16	38	694	4	16	44
Alaska	239	1	11	31	134	1	10	30	64	1	5	25	25	9	25	37	16			
Arizona	635	1	7	34	251	1	7	28	277	1	5	24	50	7	18	50	57	5	21	53
California:																				
Northern	1,622	2	14	38	1,051	2	11	30	342	1	14	42	125	19	31	53	140	3	28	61
Eastern	347	2	9	38	244	2	8	35	67	2	9	34	19				17			
Central	1,709	1	7	25	1,188	1	6	21	182	1	8	41	157	8	15	34	182	1	14	38
Southern	144	1	7	29	113	1	8	29	26	1	4	14	4				1			
Hawaii	144	1	13	34	99	1	10	28	26	1	13	23	4				15			
Idaho	190	2	9	23	109	1	5	19	44	3	10	23	14				23			
Montana	207	2	9	26	73	1	5	19	42	1	7	19	66	6	13	29	26	5	14	27
Nevada	199	1	10	40	85	1	7	21	58	1	2	17	28	12	12	42	28	5	31	54
Oregon	682	1	8	16	281	1	4	11	86	1	2	6	204	7	11	18	111	6	13	24
Washington:																				
Eastern	181	2	7	18	89	2	6	12	44	1	5	12	20				28	6	12	25
Western	679	1	10	22	300	1	8	20	200	1	4	18	102	7	13	31	77	8	14	21
Guam	106	1	5	14	71	1	4	12	11				15				9			
10th circuit	2,616	1	7	23	1,049	1	4	17	538	1	4	19	610	5	12	26	419	5	12	32
Colorado	516	1	8	23	162	1	4	15	134	1	5	19	131	6	14	25	89	4	13	28
Kansas	523	2	12	33	256	2	9	24	118	1	8	33	74	13	20	34	75	7	24	40
New Mexico	334	1	7	19	114	1	4	11	90	1	3	13	67	6	12	21	63	5	11	30
Oklahoma:																				
Northern	261	1	6	23	124	1	4	16	33	1	2	13	75	4	10	27	29	5	10	30
Eastern	123	1	7	13	40	1	4	9	23				22				38	3	10	15
Western	496	1	5	15	180	1	3	7	88	1	4	8	162	4	8	18	66	5	10	28
Utah	248	1	8	21	123	1	5	13	27	1	3	6	61	8	13	24	37	8	13	29
Wyoming	115	1	5	14	50	1	4	8	25	1	4	11	18				22			

---

[1] Time interval computed only where there are 25 or more cases.

REPORT OF THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS, JULY 1 THROUGH DECEMBER 31, 1970

FIGURE J

CIVIL CASES COMMENCED DURING THE FIRST HALF OF THE FISCAL YEARS 1967 THROUGH 1971

Nature of suit	Civil cases commenced— 1968	1969	1970	1971	Percentage change 1971 over 1970
Total	34,162	36,705	42,361	46,654	10.1
Contract actions	7,233	7,259	8,139	9,346	14.8
Real property actions	1,971	1,706	1,511	1,781	17.9
Tort actions:					
Marine personal injury	3,177	3,394	3,699	3,628	−1.9
Employer's Liability Act	508	594	595	669	12.4
Motor vehicle, personal injury	4,752	4,794	4,730	4,591	−2.9
Other personal injury	2,420	2,678	2,787	3,018	8.3
Personal property damage	707	699	892	1,035	16.0
Statutory actions:					
Antitrust	315	381	465	895	92.5
Civil rights	654	1,056	1,731	2,669	54.2
Prisoner petitions:					
Federal	1,503	1,628	2,107	2,065	−2.0
State	3,672	4,125	5,788	5,854	1.1
Forfeiture and penalty	1,059	623	714	883	23.7
Labor suits	1,611	1,840	1,891	2,178	15.2
Copyright, patent, trademark	922	915	1,013	1,052	3.8
Tax suits	841	701	753	700	−7.0
Narcotic Addict Rehabilitation Act	36	823	1,565	1,382	−11.7
Other statutory actions	1,678	2,123	2,804	3,848	37.2
Other actions[1]	1,103	1,366	1,177	1,060	−10.0

[1] Mostly local jurisdiction cases.

TABLE C5a.—U.S. DISTRICT COURTS—TIME INTERVAL FROM FILING TO DISPOSITION OF CIVIL CASES TERMINATED DURING FISCAL YEAR ENDED JUNE 30, 1970 BY NATURE OF SUIT AND METHOD OF DISPOSITION (EXCLUDES LAND CONDEMNATION CASES, HABEAS CORPUS CASES, DEPORTATION REVIEWS AND MOTIONS TO VACATE SENTENCE). INTERVALS SHOWN ARE FOR THE MEDIAN TIME AND FOR THE RANGE OF THE MIDDLE 80 PERCENT OF THE CASES.

	Total cases				No court action			
		Time intervals in months[1]				Time intervals in months[1]		
Nature of suit	Number of cases	10 percent less than—	Median	10 percent more than—	Number of cases	10 percent less than—	Median	10 percent more than—
Total cases	64,571	1	10	35	30,567	1	8	31
U.S. cases	18,753	1	5	25	9,128	1	4	22
Contract actions:								
Negotiable instruments	2,300	1	3	15	1,881	1	3	13
Recovery of overpayments and enforcement of judgements	270	1	4	30	234	1	3	27
Other contracts	1,314	1	7	31	739	1	5	29
Real property	1,309	1	4	17	836	1	4	13
Tort actions:								
Marine, personal injury	568	4	14	30	320	3	11	28
Motor vehicle, personal injury	800	2	11	35	429	2	8	20
Other personal injury	596	2	17	52	252	2	13	55
Other torts	420	2	11	37	265	1	8	34
Actions under statutes:								
Antitrust	54	1	19	72	23			
Civil rights[1]	300	1	4	17	108	1	2	12
Liquor forfeitures	111	2	6	22	56	2	5	25
Other forfeiture and penalty suits	1.227	1	3	20	926	1	3	15
Narcotic Addict Rehabilitation Act	3.165	1	1	4	159	1	1	4
Fair Labor Standards Act[1]	1,671	1	5	16	1,312	1	4	12
Other labor litigation	302	1	5	21	167	1	5	26
Social Security Laws	1,384	3	9	21	198	3	8	13
Tax suits	1,504	4	17	46	630	3	14	33
All other U.S. actions	1,458	1	5	22	593	1	3	23

	Court action											
	Before pretrial				During or after pretrial				Trial			
		Time intervals in months				Time intervals in months[1]				Time intervals in months[1]		
Nature of suit	Number of cases	10 percent less than—	Median	10 percent more than—	Number of cases	10 percent less than—	Median	10 percent more than—	Number of cases	10 percent less than—	Median	10 percent more than—
Total cases	15,802	1	5	26	10,902	7	18	48	7,300	5	17	44
U.S. cases	7,033	1	3	17	1,886	6	16	42	1,238	3	16	47
Contract actions:												
Negotiable instruments	325	2	4	17	76	5	14	38	18			
Recovery of overpayments and enforcement of judgments	26	1	14	29	7				3			
Other contracts	407	1	7	25	99	5	15	37	69	8	17	42
Real property	365	2	5	14	48	6	17	48	60	6	17	41
Tort actions:												
Marine, personal injury	65	5	17	39	126	9	15	33	57	8	17	36
Motor vehicle, personal injury	131	2	7	28	117	8	18	40	120	8	20	43
Other personal injury	124	2	6	33	113	8	24	57	107	11	27	58
Other torts	64	2	9	29	54	7	16	48	37	8	21	57
Actions under statutes:												
Antitrust	13				7				11			
Civil rights[1]	133	1	4	14	11				48	1	8	23
Liquor forfeitures	25	1	6	18	8				22			
Other forfeiture and penalty suits	163	1	4	20	67	3	12	38	71	2	8	29
Narcotic Addict Rehabilitation Act	3,000	1	1	4					6			
Fair Labor Standards Act[1]	141	1	6	19	144	5	10	23	74	3	13	25
Other labor litigation	69	1	5	16	14				52	1	4	26
Social Security Laws	1,117	3	9	21	53	5	10	23	16			
Tax suits	222	3	14	44	367	9	19	46	285	6	22	73
All other U.S. actions	640	1	6	20	45	4	17	54	180	1	8	22

[1] United States is plaintiff.

TABLE C5a.—U.S. DISTRICT COURTS TIME INTERVAL FROM FILING TO DISPOSITION OF CIVIL CASES TERMINATED DURING FISCAL YEAR ENDED JUNE 30, 1970 BY NATURE OF SUIT AND METHOD OF DISPOSITION (EXCLUDES LAND CONDEMNATION CASES, HABEAS CORPUS CASES, DEPORTATION REVIEWS AND MOTIONS TO VACATE SENTENCE). INTERVALS SHOWN ARE FOR THE MEDIAN TIME AND FOR THE RANGE OF THE MIDDLE 80 PERCENT OF THE CASES.—Continued

Nature of suit	Total cases				No court action			
		Time intervals in months[1]				Time intervals in months[1]		
	Number of cases	10 percent less than—	Median	10 percent more than—	Number of cases	10 percent less than—	Median	10 percent more than—
Federal question	20,030	2	12	38	10,446	1	9	34
Contract actions:								
Marine	3,104	1	15	42	2,063	1	13	39
Miller Act	831	2	9	34	550	2	7	31
Other contracts	98	2	12	31	45	2	12	30
Real property	231	1	5	28	174	1	4	19
Tort actions:								
Employers' Liability Act	1,204	5	17	37	411	3	14	33
Marine, personal injury	5,284	3	14	39	2,797	2	11	34
Other torts	766	4	19	50	335	2	14	37
Actions under statutes:								
Bankruptcy trustee suits	347	4	14	40	196	3	13	3
Antitrust	567	2	18	49	228	2	15	3
Civil rights[2]	2,327	1	5	23	787	1	4	19
Fair Labor Standards Act[2]	425	3	10	32	235	2	9	31
Other labor litigation	1,336	1	7	39	704	1	5	33
Copyright	602	2	7	32	429	1	5	28
Patent	893	2	14	50	483	2	9	33
Trademark	416	1	7	30	265	1	5	26
All other Federal question	1,599	2	10	37	744	1	7	30
Diversity of citizenship	21,633	3	12	38	9,317	2	10	33
Contract actions:								
Insurance	2,021	3	11	32	725	2	7	27
Negotiable instruments	374	1	8	30	204	1	5	23
Other contracts	4,343	2	12	39	1,932	1	8	32
Real property	557	2	7	30	287	2	6	20
Tort actions:								
Marine, personal injury	1,685	5	19	47	1,009	4	15	41
Motor vehicle, personal injury	8,010	3	12	35	3,411	3	10	31
Other personal injury	4,148	3	14	39	1,545	2	11	35
Other torts	478	2	10	34	194	1	8	32
All other diversity	17				10			
Local jurisdiction	4,155	1	8	30	1,676	1	7	27
Contract actions	602	2	10	33	332	1	8	27
Real property	301	1	11	39	164	1	8	28
Tort actions:								
Motor vehicle, personal injury	998	6	16	30	437	3	11	25
Other personal injury	443	4	17	42	169	3	11	32
Other torts	51	2	14	31	25	1	11	28
Domestic relations	641	1	4	13	137	1	8	17
Substitute trustee	28	1	2	25	21			
All other local	1,091	1	1	13	391	1	1	19

Nature of Suit	Court action											
	Before pretrial				During or after pretrial				Trial			
		Time intervals in months[1]				Time intervals in months[1]				Time intervals in months[1]		
	Number of cases	10 percent less than—	Median	10 percent more than—	Number of cases	10 percent less than—	Median	10 percent more than—	Number of cases	10 percent less than—	Median	10 percent more than—
Federal question	3,816	1	7	35	3,640	7	19	43	2,128	3	19	49
Contract actions:												
Marine	433	2	11	39	442	7	20	47	166	9	22	59
Miller Act	104	3	8	32	107	7	20	46	70	6	17	36
Other contracts	25	1	10	30	17				11			
Real property	19				27	9	21	49	11			
Tort Actions:												
Employers' Liability Act	113	1	8	33	458	7	21	39	222	7	20	40
Marine, personal injury	629	2	12	37	1,424	8	18	41	434	10	25	48
Other torts	118	2	16	43	208	9	21	51	105	10	31	76
Actions under statutes:												
Bankruptcy trustee suits	55	3	12	35	68	7	16	43	28	6	20	43
Antitrust	187	1	12	46	83	7	25	66	69	9	29	61
Civil rights[2]	882	1	3	18	189	4	12	33	469	1	7	20
Fair Labor Standards Act[2]	39	2	6	25	91	6	12	34	60	6	19	35
Other labor litigation	386	1	6	30	115	6	17	42	131	1	17	61
Copyright	106	2	9	36	45	6	11	49	22			
Patent	177	2	16	49	117	7	25	60	116	13	38	73
Trademark	71	2	7	30	48	4	13	38	32	2	16	47
All other Federal question	472	1	8	35	201	6	18	57	182	4	16	39
Diversity of citizenship	3,482	2	9	33	5,324	6	17	42	3,510	6	17	42
Contract actions:												
Insurance	460	2	9	26	446	6	14	35	390	6	15	38
Negotiable instruments	73	2	10	30	55	5	15	42	42	5	17	32
Other contracts	984	2	9	35	809	7	19	46	618	8	21	47
Real property	104	1	7	22	89	5	19	37	77	3	18	38
Tort actions:												
Marine, personal injury	136	4	26	45	411	9	26	51	129	9	30	52
Motor vehicles, personal injury	920	2	9	31	2,291	6	16	39	1,388	6	14	37
Other personal injury	695	2	9	39	1,131	7	19	41	777	6	18	44
Other torts	105	1	6	29	92	5	13	36	87	5	19	38
All other diversity	5								2			

Footnote at end of table.

	Court action											
	Before pretrial				During or after pretrial				Trial			
		Time intervals in months[1]				Time intervals in months[1]				Time intervals in months[1]		
Nature of Suit	Number of cases	10 percent less than—	Median	10 percent more than—	Number of cases	10 percent less than—	Median	10 percent more than—	Number of cases	10 percent less than—	Median	10 percent more than—
Local jurisdiction	1,471	1	2	18	582	12	20	40	426	5	17	39
Contract actions	135	1	6	24	71	8	25	46	64	6	21	39
Real property	64	1	7	27	41	15	27	58	32	3	19	41
Tort actions:												
Motor vehicle, personal injury	86	7	16	27	337	12	19	21	138	10	19	34
Other personal injury	71	3	11	31	119	11	28	45	84	10	28	55
Other torts	12				9				5			
Domestic relations	427	1	2	9					77	5	9	14
Substitute trustee	4				1				2			
All other local	672	1	1	11	4				24			

[1] Time interval computed only where there are 25 or more cases.

[2] United States is plaintiff.

National Labor Relations Board,
Office of the General Counsel,
Washington, D.C., September 24, 1971.
Mr. Donald Elisburg,
Senate Labor Subcommittee, New Senate Office Building, Washington, D.C.

Dear Mr. Elisburg: In accordance with our telephone conversation this A.M., I am enclosing time elapsed data that you requested.

Please note that Table 2 sets out the latest data that we have readily available in the area of court processing time.

We are presently incorporating court time-elapsed data into our automatic data processing system for reporting on a monthly basis. Thus, in the near future, we will be able to supply this material on a current basis.

If I may be of further assistance, please feel free to contact me (Code 128, ext. 5072).

Sincerely,

Milford C. Cleveland,
Statistical Assistant.

TABLE 1.—UNFAIR LABOR PRACTICE CASES PROCESSED BEFORE THE NLRB MEDIAN DAYS ELAPSED BY MAJOR STAGES (FISCAL YEARS 1970 TO 1971 AND JULY 1971)

	Fiscal years		July 1971
	1970	1971	
Filing to complaint	57	59	51
Complaint to close of hearing	58	62	71
Close of hearing to trial examiner decision	84	80	71
Trial examiner decision to contested board decision	124	141	140
Filing to board decision (based on actual contested decisions issued during period(s))	348	370	380

Source: National Labor Relations Board, Division of Administration, Office of Statistical Reports and Evaluation.

TABLE 2.—UNFAIR LABOR PRACTICE CASES PROCESSED BEFORE THE U.S. CIRCUIT COURTS OF APPEALS, MEDIAN DAYS ELAPSED FROM BOARD DECISION TO COURT OPINION (1ST HALF OF FISCAL YEARS 1969 AND 1970)

	1st half of fiscal years	
	1969 (July to December 1968)	1970 (July to December 1969)
On petitions for enforcement[1]	592	628
On petitions for review[2] of board orders	454	421

[1] Board petitions U.S. Court of Appeals for a court decision enforcing the order of the board.

[2] Parts aggrieved by a final order of the board petitions a U.S. Court of Appeals to review such order.

Source: National Labor Relations Board, Division of Administration, Office of Statistical Reports and Evaluation.

TABLE 3.—REPRESENTATION PETITIONS MEDIAN DAYS ELAPSED BY MAJOR STAGES (FISCAL YEARS 1970 TO 1971 AND JULY 1971)

	Fiscal years		July 1971
	1970	1971	
Filing to notice of hearing	9	10	10
Notice to close of hearing	14	14	13
Close of hearing to board decision	139	152	150
Close of hearing to regional director's	20	23	12
Filing to board decision	228	239	245
Filing to regional director's decision	48	50	47

Source: National Labor Relations Board, Division of Administration, Office of Statistical Reports and Evaluation.

Mr. WILLIAMS. It has been mentioned, I think, by 2 of the Senators who spoke in opposition to the amendment offered by the Senator from Colorado, that there is great concern in the Federal judiciary, expressed from the pinnacle by the Chief Justice of the United States, Justice Burger, speaking as the Senator from New York pointed out.

I think it should be emphasized again that the crushing problem of the new caseload that is coming to the Federal district courts was emphasized by the Chief Justice in a speech before the American Bar Association, I believe in July of 1970, and that the situation has not improved, as the matter inserted in the Record will show.

Justice Burger at that time stated:

> From time to time Congress adds more judges, but the total judicial organization never quite keeps up with the caseload. Two recent statutes alone added thousands of cases relating to commitment of narcotic addicts and the mentally ill. These additions came when civil rights cases, the voting cases, and prisoner petitions were expanding by the thousands.

That situation, if the amendment of the Senator from Colorado were adopted and became law, would be further aggravated. That should not be the only reason for a definitive decision on this question; I recognize that. If due process and fairness of judicial equity demanded, of course, we would have to pay that price, and the President would realize it and would have to appoint more judges to take care of the caseload.

But our entire history, particularly, I would say, of the last 30 years—the Senator from New York will correct me if I misstate—three decades of experience with this matter of enforcement by an administrative agency, with the Administrative Procedure Act as part of the whole process, have shown that it preserves all of the demands and mandates in this country of fairness in reaching a decision.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. ERVIN. The Senator is aware that the Supreme Court of the United States has held that Congress is without constitutional power to give final jurisdiction to an administrative or quasi-judicial body and deny the right of review in Federal courts, is he not?

Mr. WILLIAMS. Well, of course, and that is provided clearly in the legislation before the Senate.

Mr. ERVIN. So this measure recognizes that there can be a review in the Federal courts even under the bill as introduced by the distinguished Senator from New Jersey.

Mr. WILLIAMS. Well, certainly. It is abundantly clear that all the procedures demanded by the Constitution are a part of this legislation.

Mr. ERVIN. This bill would extend the jurisdiction of the Commission to the hiring practices of every businessman who employs as many as eight employees, would it not?

Mr. WILLIAMS. That is correct.

Mr. ERVIN. And that would bring millions of additional people under the coverage of the bill, would it not?

Mr. WILLIAMS. Yes.

Mr. ERVIN. Not only that, but this bill would extend the coverage of the act to all employees of all the States and local subdivisions of States, would it not?

Mr. WILLIAMS. Yes. And I wonder, if we are going to have an advocacy in support of the amendment here, whether the Senator would request some time.

Mr. ERVIN. I have no time. If the Senator will yield me some time, I would be glad to have it.

Mr. WILLIAMS. Well, if it is in support of the amendment, the Senator can seek the generosity of the Senator from Colorado. What is the Senator's wish?

Mr. ERVIN. I wanted to ask the Senator if this bill does not extend the coverage of this act——

Mr. WILLIAMS. Fortunately, yes.

Mr. ERVIN (continuing). To millions of additional employees of private industry, and at least 10 million employees of States and local subdivisions of States.

Mr. WILLIAMS. I say gratefully, yes.

Mr. ERVIN. It also enables the political hands of Caesar to be laid upon the sacred things of God. And each one of these cases where any of these things occur is subject to be reviewed in the Federal courts, is it not?

Mr. WILLIAMS. I would say that equality of rights has nothing to do with Caesar, and maybe had more to do with God.

Mr. ERVIN. I would say you do not get equality of rights by robbing the majority of their rights, and that is what this bill will do to the majority of the people of this country. But apart from that——

Mr. WILLIAMS. I do not think anyone has a right to discriminate against a person because of religion, race, sex, or national origin.

Mr. ERVIN. I do not think Congress has a right to authorize Caesar to lay his political hands upon the affairs of God, and that is exactly what this bill does.

Mr. WILLIAMS. I interpret God's mandate to man differently than the Senator from North Carolina.

Mr. ERVIN. But apart from that question, every one of the cases that arises affecting any one of the millions of additional employees of private industry which are brought under the bill and the more than 10 million State and local employees would be subject to be reviewed by the Federal courts under the bill in its unamended form, would they not?

Mr. WILLIAMS. The appeals procedure is here, and the court of appeals is written in clearly as the court of review.

Mr. ERVIN. So this will increase rather than diminish the cases in the Federal courts, regardless of whether the amendment of the distinguished Senator from Colorado is adopted or rejected, will it not?

Mr. WILLIAMS. The Senator, of course, knows that Chief Justice Burger was referring to the case load in district trial courts.

Mr. ERVIN. Which goes to show that when a man gets to be a Federal judge, he is just like every other man who gets a Federal job: The first thing he wants to do is have his duties lightened, and the next thing he wants is to have his salary increased. This shows that Federal judges are as human as other people.

Mr. WILLIAMS. I am not going to argue that. When we look at the caseload of the district courts, which has been included in the RECORD at the request of the Senator from New York, I am not proud of the fact that from the inception of a case in the State of New Jersey to its conclusion, the time has now reached 29 months. I am not proud of that. Justice delayed, it has been said by wiser authorities than this Senator, is justice denied. Twenty-nine months is a long, long time in the district courts of the State of New Jersey.

I will state that in the State of North Carolina, in the eastern district, 20 months is the time from the filing of an action to a decision in the case, and that is too long.

But be that as it may, with time running, I have no further requests but to say, without yielding back the few minutes that I might have, Mr. President, that it is suggested here, in support of this amendment, by some of the debaters, that we are introducing a monstrous and unfair procedure in this area of equal employment opportunity. This is so far from what is being done by the legislation. A time honored procedure for enforcement, with all the protections for due process and fairness included, is exactly what we have done, a method that is being used in all the other administrative agencies of importance, that is being used in 34 of the 38 States that have human rights commissions and have a guarantee that there will be equal employment opportunity.

So it is far from anything new. What this proposes is that the Federal protections, constitutional protections, of equal opportunity be given the same enforcement procedures in the administrative agencies that exist in all the economic agencies of the Federal Government, that exist in most of the States that have human rights commissions or divisions or sections.

Mr. DOMINICK. I yield myself 3 minutes.

Mr. President, I want to make some brief points. I have listened very carefully to the proponents of the system as is presently contained in the bill—namely, the cease and desist authority. So far as I can see, they say that a court enforcement system would take longer and that cease and desist has been used in other cases, and therefore we ought to use it for equal employment.

I do not think either one of these is a very compelling argument, because we have testimony—which I have already referred to—that indicates that there is now a backlog of more than 20 months in the EEOC, just on compliance and mediation cases. If you expand their jurisdictional control by 21 million people, expand the procedural complexities by giving them cease and desist authority and say they are going to need 100 attorneys or more—about which we have testimony—and they are going to do it all within their one agency, you obviously are not going to have 20 months' delay but more than 3 years' delay.

In addition, facts I presented indicate that cease and desist procedures stimulate circuit court of appeals procedure, so you have just as much a burden, if not more in the circuit courts, as you would if they originated cases in the district courts as my amendment does. I think that argument is not supported by the facts.

The second point is that in the discussion of this bill in committee, we considered what should be done about State and local employees, and we gave them a right to proceed through the Attorney General into the court system and not be subject to cease and desist orders. We gave the Federal employees the right to go through their agency and then go either to the Civil Service Commission Board of Appeals and Reviews or to the court. But in the case of private employees, this bill says that they cannot use the court system; they cannot be like the other people covered under this bill. They will have to redress their grievances through the cease and desist machinery without ever getting to the district court.

I do not have to make any apologies to the Senator from New Jersey or the Senator from New York on my civil rights record. I think it has been fairly strong. I do not recall that I have ever voted against a civil rights bill in my life, and I say that in my public life, and I say that with considerable pride.

I also started out by saying that I think we do need equal employment enforcement procedure. But it seems to me that the way to do it is not the way we are doing it here, by overburdening an agency which already cannot keep up with its load, but by doing something to put into force what almost every commission has ever said when it investigated the executive agencies: Separate their functions.

This amendment, if adopted, will separate at least the adjudicatory functions and put them into the court system. By so doing we would also remedy the discrimination that S. 2515 language would impose on private employees.

The PRESIDING OFFICER (Mr. SPONG). The time of the Senator has expired.

Mr. DOMINICK. I yield myself 1 additional minute.

The Senator from Minnesota mentioned the fact that S. 2515 allows the respondent a fair appeal of his case in the court of appeals. Mr. President, this is not entirely true as if an employer has a case brought against him and an order issued against him, under the present bill, and because of one reason or another he does not get around to appealing the Commission's order within 60 days, the findings of the Commission are final, and the courts are not permitted even to determine whether or not there was substantial evidence of any kind to support such findings, much less a preponderance of the evidence. So they become final after 60 days, and neither the employer nor the employee has any right to challenge this.

I do not think that is proper judicial procedure. I have strong doubts as to its constitutionality.

The next point I want to make is that we are adding 21 million people. Let us give the chance to separate these functions and have enforcement procedures where they belong.

I reserve the remainder of my time.

Mr. JAVITS. Mr. President, will the Senator yield me 1 minute?

Mr. WILLIAMS. I yield the Senator from New York 1 minute.

Mr. JAVITS. Mr. President, the Senator said something about these cease and desist orders being unfair because in 60 days they become final. What the Senator did not say is that any respondent, by just filing a petition for review with the Circuit Court of Appeals, makes them not become final. He has a perfect right to test out the order which has been issued against him. Certain presumptions come from the substantial evidence rule, but there is no finality by which the respondent is foreclosed. He has an absolute right to appeal to the Circuit Court of Appeals, which has a very broad jurisdiction, as described in the bill before the Senate, to review. Indeed, the appeal can go either way.

If the agency wants to have the power to seek contempt in the event of a violation, it, too, can move in the Circuit Court of Appeals for a court order. But it is the very reason why we seek the cease and desist authority, and we say it has some teeth in it. At least, it gives finality within the agency. The respondent, himself, then has to take it to court, but there is no inhibition in that. He can do so, and in many cases does do so, and the order is then reviewed. So I do not see that this adds anything but efficiency.

I repeat what I said before. You cannot argue at one and the same time that there is a tremendous backlog of work and yet not give an opportunity for that work to be terminated by giving the necessary power through which it can be terminated, and that is the cease and desist authority.

Mr. WILLIAMS. Mr. President we are about to vote on this issue. We are exactly where we were on September 30, 1970. The same bill, the same issue, was before the Senate at that time. There was a record vote of 41 to 27 rejecting the well-intentioned motive of our good friend, the Senator from Colorado, who, I will say in closing, has in fact been most constructive and productive in the development of the measure before the Senate. We disagree without any disagreement between us.

Mr. DOMINICK. Mr. President, do I have any more time?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. DOMINICK. I will use it to summarize:

We are adding a large number of people under the jurisdiction of the EEOC, which already has a big backlog. We are also adding substantial untried powers which are perhaps even unprecedented.

We are additionally treating private employees and private employers differently than we treat Federal, State, and local employees—we should give them a right to redress their grievances in the Federal district court.

My amendment would provide more effective enforcement, do it more rapidly, and preserve the difference in separation of powers which is so imperative to our whole system of justice, our whole system of Government. Unless we do approve the amendment, we are once again adding to the Star Chamber kind of operations which have been criticized in so many cases within the agencies themselves and by commissions which have looked at the agencies to determine whether they are proper.

Thus, Mr. President, I urge support of my amendment.

EEOC CEASE-AND-DESIST POWERS ARE ESSENTIAL

Mr. HUMPHREY. Mr. President, the present substitute amendment to S. 2515, the Equal Opportunities Enforcement Act—amendment No. 611, submitted by the Senator from Colorado (Mr. DOMINICK)—to vest employment nondiscrimination enforcement powers in the courts, goes to the heart of the issue of what constitutes effective protection of an employee's civil rights. I am convinced that the process of court litigation would fail to achieve this goal, and I urge the Senate to defeat this amendment.

The cease and desist enforcement powers granted to the Equal Employment Opportunity Commission under the pending bill constitute an essential mechanism for assuring that the rights enunciated in title VII of the Civil Rights Act of 1964 will, in fact, and after an unconscionable delay of over 7 years, be guaranteed.

Enforcement through cease and desist administrative proceedings has been given to almost all other Federal regulatory agencies—most recently, to the Occupational Safety and Health Review Commission, under the law enacted by the last Congress—Public Law 91–596—to protect the right of some 57 million American workers to working conditions that are free of health and safety hazards. Moreover, this type of enforcement authority is the same as that adopted by 34 of the 38 States which have equal employment opportunity laws.

I fail to see the logic that the enforcement of a worker's most basic rights requires any less vigorous approach by the Federal Government. The increasingly overcrowded caseloads of our Federal courts are a well-known fact. Over 16,000 trials were completed in U.S. district courts in 1970—60 percent more than in 1962—but there was a total of 127,240 civil and criminal cases on the dockets that same year, with an expectation, that many will not be reached for several years.

Let me state the case in its stark reality: The delay of justice is the denial of justice. Respect for law is directly related to the enforcement of law.

This is the heart of the matter. Speed and efficiency are essential to the administration of justice affecting the most basic need of every American—man or woman, black or white—the right to an equal opportunity to obtain or advance in a job, without regard to race, color, religion, sex, or national origin.

It is my firm judgment that the balance of evidence presented to the Senate clearly weighs in favor of administrative enforcement of this right, as over against court enforcement, to assure that it is effectively protected. It has been clearly established the extensive administrative expertise is required in the resolution of complex problems of employment discrimination under title VII proceedings. The courts have acknowledged the EEOC's specialized qualifications in addressing these problems, and EEOC opinions have been given great weight in subsequent judicial interpretations and decisions.

Moreover, there is sufficient evidence that the administrative approach encourages early settlement of claims and provides the latitude that is frequently so vital in resolving complaints, thereby further alleviating the courts and providing quick relief for aggrieved individuals. For example, of the 33,581 cases received by the National Labor Relations Board in fiscal 1970, 92.4 percent were disposed of without the need for a formal hearing, with only 420 of the 2,217 cases heard by hearing examiners having to be filed for review or enforcement in the courts of appeals, and only about half of these being set for oral argument.

Third, we need this unified approach, through the EEOC, to problems of employment discrimination, wherein decisions would be rendered by one agency rather than several hundred district court judges. Only in this way can we achieve clear patterns in legal interpretations and remedial approaches that are essential to the effective protection of title VII rights.

The administrative process provided for under S. 2515—a process of EEOC efforts initially to achieve voluntary compliance, followed by hearings under the provisions of the Administrative Practices Act, with the incorporation of existing law relating to the provision of preliminary relief, and a subsequent EEOC decision and possible issuance of cease and desist orders, and with either party accorded the right of appeal to the appropriate U.S. court of appeals—is a process that will guarantee to all parties fair and impartial adjudication of their claims.

I urge the Senate to reach a firm decision that administrative enforcement is preferable to court enforcement of equal employment opportunity rights. I regard the EEOC cease and desist enforcement powers as essential to guaranteeing justice to aggrieved individuals—the women, the blacks, American Indians, Chicanos, and members of other minority groups who continue to wait for the fulfillment of the rights that are basic to making a reality of the promise of America.

Mr. TALMADGE. Mr. President, when the Congress passed title VII of the Civil Rights Act of 1964, it created the Equal Employment Opportunity Commission to help those people who believe they have been subjected to unfair employment practices because of their race, color, religion, sex, or national origin. As prescribed by that law, the functions of the EEOC are limited to investigating, mediating, and conciliating alleged instances of discriminatory employment practices. However, title VII did not provide the Commission with a mechanism to enforce its findings and redress legitimate grievances.

Therefore, the question which the Senate must answer today is which form the expansion of the jurisdiction and functions of the EEOC should take: Should the Commission be empowered to take its discrimination cases into the Federal district courts, or should it be permitted to issue cease and desist orders unilaterally?

Mr. President, I am convinced that the district court approach is far superior to the administrative approach. Court enforcement is speedier and provides greater protection for both plaintiff and defendant than does administrative enforcement. It separates the functions of those who prosecute and those who judge. It assures due process of law.

Obviously, the enforcement machinery should be geared toward promptly redressing legitimate grievances and promptly dismissing frivolous complaints. Unlike a district court decision in favor of the Commission's findings, which would be immediately enforceable, enforcement of a cease and desist order issued by the EEOC would require resort to the appropriate Federal court of appeals. It would certainly appear that the enforcement approach involving only one procedural step is superior to that involving two.

Equally important as the number of procedures involved are the records of our district courts and the EEOC, and their respective abilities to handle their present workloads.

Mr. President, since the Commission came into existence in 1965, over 50,000 cases have been presented to it. As of June 30, 1971, the Commission had a backlog of 32,000 cases and required from 18 to 24 months to dispose of a complaint. On the other hand, the backlog of nonjury trials in the United States district courts was relatively small, requiring about 10 months for disposition of a case.

But, Mr. President, the matter which concerns me most greatly is the threat which granting the EEOC authority to issue cease and desist orders would pose to the elemental concepts of fairness and due process which are fundamental to our system of justice. Under a cease and desist proceeding, the EEOC would investigate the charge, issue the complaint, prosecute the case, adjudicate the merits, and seek enforcement of its decision. The Commission would perform the roles of both prosecutor and judge, and the entire process would take on the atmosphre of a kangaroo court.

Predictably, proponents of administrative enforcement argue that this approach has become the rule over the last 25 years, that various Federal agencies, the Securities and Exchange Commission, the Federal Trade Commission, the Interstate Commerce Commission, and the National Labor Relations Board, have been granted such authority. However, they fail to point out that with the exception of the NLRB, the agencies which have been given cease and desist powers are essentially regulatory agencies. Moreover, it is interesting to note that with regard to the National Labor Relations Board, Congressional hearings have been held on proposals to expedite the NLRB's cumbersome processes which are very similar to those being advocated for the EEOC.

Mr. President, I submit that the proposal to grant the Commission the authority to issue cease and desist orders without proving its case in a court of law goes to ridiculous lengths. It would seek to uphold the rights of one party by subverting the rights of the other. It would seek to redress the grievances of one party by creating grievances for the other. It would place a tremendous additional burden on a Federal agency whose past record clearly demonstrates that it is unable to handle its present workload. It purports to expedite justice by removing it from the courtroom and placing it in an administrative quagmire and by adding procedural steps instead of reducing them.

Therefore, Mr. President, I cannot support the provision in S. 2515 granting the EEOC the authority to issue cease and desist orders. Instead, I shall vote for the amendment of the Senator from Colorado to authorize the Commission to sue directly in the Federal district courts to enforce its findings, and I urge my colleagues to do likewise.

Mr. CHILES. Mr. President, I am supporting the Dominick amendment because I believe it is obvious to everyone that the Equal Employment Opportunity Commission needs some "teeth" in it—it needs some enforcement power. The question then becomes, "Do we give EEOC the power to investigate, prosecute, act as trial judge and review in cases of alleged violation of title VII?" Do we jeopardize our longstanding belief in separation of powers among the three branches of our Government by placing judicial power in the hands of the Executive? Or do we empower EEOC to sue in district courts when their efforts at conciliation fail and thus preserve fair trial and due process, preserve our doctrine of separation of powers, and make an effort to shelter the regulatory process from the political potential within the EEOC? I think we must do the latter.

All are agreed, I believe, that the time is right for the Congress to establish some type of enforcement power giving strength to the purposes of the law establishing the Equal Employment Opportunity Commission. There are many good reasons, however, to empower the EEOC to sue in district courts rather than empower the Commission itself to issue complaint, conduct hearings, and issue cease and desist orders. I think the most important reason is the fact that the EEOC has the role of civil rights advocacy. Because an advocate by nature represents one side of the law it is no longer able to be an impartial arbiter of the law. It cannot be asked to apply the law without prejudice.

Another reason for empowering the EEOC to sue in district courts is the fact that the Commission has a backlog of cases for 18 to 24 months. It would probably take several years to set up proper adjudication procedures and develop staff expertise within the EEOC. The use of the existing court system would mean not only more immediate action but would bring EEOC skill and Federal court freedom from political pressure together in a single effort. It would also be consistent with the current trend in Government—as evidenced by the FTC, ICC, and SEC cases—of keeping the judicial power in the courts. Executive agencies and commissions ought to have the investigatory power and the power to charge violations of the law. But the decision as to whether the law has indeed been violated, ought rightfully to come from the courts.

There is a job here that needs doing. Congress established the EEOC to investigate complaints of discrimination in employment and to try through procedures of conciliation to resolve the grievance. But some enforcement procedure is necessary—some effective protection of both the employer's and the employee's rights through a speedy resolution of the dispute. I believe the most effective method to assure final remedy and speedy settlement of the dispute would be to allow the EEOC to continue its investigations and hearings—to continue its efforts to seek voluntary compliance with the Civil Rights Act, but also to provide EEOC attorneys with the power to sue in Federal district courts in cases where there is reasonable cause to believe a violation of title VII has occurred and where EEOC's attempts at conciliation have failed.

Mr. SPONG. Mr. President, no form of discrimination is more pernicious to American values than denying an individual a chance to make the most of his or her abilities and to be judged on merit. Freedom of opportunity is what this country is all about and it must be made a reality for all Americans, regardless of race, sex, religion, or national origin.

Clearly, we have not done enough in the past to end discrimination in employment. The time has come to put enforcement powers behind the promises that have been made. The issue remains, however, what is the best way to achieve our goal.

There can be no question that willful or knowing discrimination in employment is wrong and I believe it should be dealt with in the most expeditious way.

But the fact is a significant part of the problem today is not the simple, willful act of some employer but rather the effect of long-established practices or systems in which there may be no intent to discriminate or even knowledge that such is the effect. The committee report is very clear on that point:

> In 1964, employment discrimination tended to be reviewed as a series of isolated and distinguishable events, for the most part due to ill-will on the part of some identifiable individual or organization. It was thought that a scheme that stressed conciliation rather than compulsory processes would be most appropriate for the resolution of this essentially "human" problem, and that litigation would be necessary only on an occasional basis. Experience has shown this view to be false.
>
> Employment discrimination as viewed today is a far more complex and pervasive phenomenon. Experts familiar with the subject now generally describe the problem in terms of "systems" and "effects" rather than simply intentional wrongs, and the literature on the subject is replete with discussions of, for example, the mechanics of seniority and lines of progression, perpetuation of the present effect of pre-act discriminatory practices through various institutional devices, and testing and validation requirements.[1] In short, the problem is one whose resolution in many instances requires not only expert assistance, but also the technical perception that the problem exists in the first instance, and that the system complained of is unlawful. This kind of expertise normally is not found in either the personnel or legal arms of corporations, and the result in terms of conciliations is often an impasse, with the respondent unwilling or unable to understand the problem in the same way that the Commission perceives it.

I am not suggesting that because it may have been unintentional or un-

---

Footnotes at end of table.

knowing, an act of job discrimination should be tolerated. I am saying such cases ought to be treated differently than other acts of discrimination.

The problem here is not one of simply assigning blame and requiring remedy but of defining what constitutes a violation of law in the first place and of constructing a solution which takes account of all the circumstances. I believe that kind of question should be submitted to the full processes of a court of law.

Mr. President, the purpose of the bill before us is to go beyond mere conciliation in achieving equal job opportunities, but we must not make the mistake of moving to the opposite pole of confrontation. In the end, the success of our efforts will not depend on the degree of authority we bestow on some Federal agency but on our ability to create a climate of cooperation and understanding in dealing with this complex problem. I do not believe we further that goal by denying full due process to a defendant who may not recognize his culpability in the case and may not even perceive that a wrong has been done.

In my opinion, there is a basis for distinguishing in the law between acts in which there is an element of knowing or willfulness and those which are the unintended and unperceived results of an employment system. The first may properly be the object of cease and desist powers, but the latter in my judgment is not. Unfortunately, the bill before us makes no such distinction.

While I believe in legislation to improve enforcement of equal job opportunities, I will vote for the amendment offered by the Senator from Colorado as an improvement in the bill before us.

Mr. HART. Mr. President, I ask unanimous consent to have printed in the Record the views of the National Council of Jewish Women, in opposition to the Dominick amendment. Senators and others concerned with the EEOC extensions will, I am sure, be interested in the position of this informed group, as conveyed to me today by Mrs. Earl Marvin, national president.

There being no objection, the statement was ordered to be printed in the Record, as follows:

> The National Council of Jewish Women opposes the amendment introduced by Senator Dominick, for this amendment will deny the Equal Employment Opportunity Commission the necessary authority to enforce the provisions of Title VII of the Civil Rights Act. We believe that the EEOC should be given the authority to issue cease and desist court enforceable orders so that equal employment opportunities for all may, at long last, become a reality rather than a statement of principle. It has been demonstrated over the years that persuasion and conciliation are not adequate to combat discrimination. More vigorous means are needed to achieve results. It has also been shown that the judicial approach through our Federal District courts, whether initiated by EEOC, or by the individual complainant is a lengthy and burdensome one.
>
> Minority groups in our population have struggled for more than a century to achieve the right to work, so basic to human dignity. The EEOC must be granted now the long overdue cease and desist powers to carry out its responsibilities in protecting the right to work of all Americans.

Mr. BROCK. Mr. President, this Nation was founded on the philosophy of due process of law. A man accused must be given the right to go before a jury of his peers and plead his case—and be judged by his neighbors, right or wrong.

Today we are debating legislation that threatens to undermine this very philosophy.

The Equal Employment Opportunity Commission bill actually allows this regulatory commission to put agents into the field who have the authority to go into a small business and say "Mr., I don't like what you are doing, it is discrimination, you are guilty, you are fined and don't bother to plead innocent because there is no appeal, my decision is final."

If we allow this legislation to pass with this authority, we will be creating a commission that will send bureaucrats, who have been elected by no one, out to serve as policeman, judge, jury, and prosecutor, all rolled into one.

No judge or jury, just a bureaucrat with the power to judge and destroy.

This uncontrollable regulatory authority, in the EEOC bill is a violation of every tenant of America. There is simply no excuse for Congress to delegate this kind of raw power to this agency.

The Federal Government does not have the right to say to Americans, under any circumstances, that "you are guilty until proven innocent—and you have no appeal."

Mr. President, I urge my colleagues to support the Dominick amendment, which removes this regulatory power from the bureaucracy and puts it where it should be, with the courts.

The PRESIDING OFFICER (Mr. Spong). All time on the amendment has now expired.

The question is on agreeing to the amendment of the Senator from Colorado (Mr. Dominick).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SAXBE (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Ohio (Mr. Taft). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Hartke), the Senator from Washington (Mr. Magnuson), the Senator from New Hampshire (Mr. McIntyre), the Senator from Utah (Mr. Moss), the Senator from Alabama (Mr. Sparkman), the Senator from Illinois (Mr. Stevenson), are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson), the Senator from New Hampshire (Mr. McIntyre), the Senator from Utah (Mr. Moss), the Senator from Illinois (Mr. Stevenson), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. Buckley) is absent on official business.

The Senator from Kentucky (Mr. Cooper) is necessarily absent to attend the funeral of a friend.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Ohio (Mr. Taft) is absent because of illness in his family.

The Senator from New Hampshire (Mr. Cotton), the Senators from Kansas (Mr. Dole and Mr. Pearson), the Senator from Oregon (Mr. Hatfield), and the Senator from Illinois (Mr. Percy) are necessarily absent.

The pair of the Senator from Ohio (Mr. Taft) has been previously announced.

On this vote, the Senator from Kentucky (Mr. Cooper) is paired with the Senator from Illinois (Mr. Percy). If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Illinois would vote "nay."

On this vote, the Senator from Kansas (Mr. Dole) is paired with the Senator from Oregon (Mr. Hatfield). If present and voting, the Senator from Kansas would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 41, nays 43, as follows:

[No. 4 Leg.]

YEAS—41

Allen
Allott
Baker
Bellmon
Bennett
Bentsen
Bible
Brock
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cook
Curtis
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Miller
Roth
Smith
Spong
Stennis
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—43

Aiken
Anderson
Bayh
Beall
Boggs
Brooke
Burdick
Case
Church
Cranston
Eagleton
Fong
Gravel
Harris
Hart
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Mansfield
Mathias
McGee
McGovern
Metcalf
Mondale
Montoya
Muskie
Nelson
Packwood
Pastore
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Stafford
Stevens
Symington
Tunney
Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Saxbe, for.

NOT VOTING—15

Buckley
Cooper
Cotton
Dole
Hartke
Hatfield
Magnuson
McIntyre
Moss
Mundt
Pearson
Percy
Sparkman
Stevenson
Taft

So Mr. Dominick's amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ERVIN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JAVITS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, is the Senator qualified?

The PRESIDING OFFICER. Did the Senator from North Carolina vote with the prevailing side?

Mr. ERVIN. I did not.

The PRESIDING OFFICER. The Senator is not qualified to make the motion.

The question is on agreeing to the committee amendment in the nature of a substitute as amended.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

THE BUDGET MESSAGE OF THE PRESIDENT, 1973

The PRESIDING OFFICER (Mr. CHILES) laid before the Senate a message from the President of the United States transmitting the budget message, 1973, which, with the accompanying document, was referred to the Committee on Appropriations.

The text of the message is printed in the House proceedings of the CONGRESSIONAL RECORD of today, at pages 762–770.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. CHILES) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515), a bill to further promote equal employment opportunities for American workers.

AMENDMENT NO. 809

Mr. ALLEN. Mr. President, I call up amendment No. 809, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 33, line 24, strike out the word "religious".

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I have called up amendment No. 809, which merely strikes one word out of the bill as presently before the Senate. But it does a whole lot more than knock out a word. It changes the meaning of the bill in a very important particular.

One of the most horrendous provisions of S. 2515 is section 3, which removes the existing exemption for employees of educational institutions as presently contained in section 702 of the Civil Rights Act of 1964. This over-zealous proposal attempts, first, to subvert academic freedom and, second, violates the prohibition contained in the first amendment which guarantees the free exercise of religion.

Mr. President, under the present law, is exempted from the provisions of the EEOC Act not only educational institutions of all kinds but also religious corporations, associations, or societies with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, or society of its religious activities. Then it goes on in the section which is deleted from the law by the present bill, this clause, and it removes this exemption: "or to an educational institution with respect to the employment of individuals to perform work connected with the educational activities of such institution."

So it removes from the exemption, from the operation of the EEOC Act, all educational institutions of any sort with respect to their educational activities; then as to societies or corporations or associations with respect to the employment of individuals of a particular religion to preform work connected with the carrying on by such corporation, association, or society of its religious activities.

So that the only exemption that is given to religious societies or associations or corporations is with respect to the employment of individuals to perform work connected with their religious activities.

In other words, Mr. President, in the case of an educational institution sponsored by a church group, the provisions of the bill now before the Senate would protect that religious association or college or school or society in the employment of people of its own religion in carrying on the religious activities of that association or corporation or school. If it were a college supported by the Catholic Church or the Baptist Church or the Episcopal Church, the bill as submitted would protect it only as to the employment of someone for enabling it to carry on its religious activity. So that in a church-supported school, if the Baptist supported school wanted to employ a Baptist to teach theology or if a Catholic-supported school wanted to employ a Catholic to teach theology, it would be protected.

But as to all its other activities, there would be no protection. Under the provisions of the bill, there would be nothing to prevent an atheist being forced upon a religious school to teach some subject other than theology. A religious school would not like to have an atheist or people of a different faith teaching other subjects and confining its right to be selective in the choice of its faculty only to those phases of the work carrying out its religious activities.

The present law goes on from that, though, and says that every educational institution shall be exempt from EEOC in the carrying on of its educational work, but the present bill removes that exemption. Religious schools are protected under the present law as educational institutions, so that they are exempt. But if the bill as submitted is passed and becomes law, religious schools would be exempt from the provisions of the EEOC Act only insofar as the work pertains to the carrying on of religious activities. The educational activity would not be exempt.

All this amendment would do would be to knock out the word "religious" where it appears in the bill before "activities."

The bill reads as follows:

> This title shall not apply to any employer with respect to the employment of aliens outside any State—

This is in the present law and in the bill itself.

> Or to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its religious activities.

The amendment would knock out the word "religious," leaving in the exemption in the carrying out of its activities. Exemption from the act would be provided by the amendment as to religious schools, as to religious societies, as to religious corporations or associations, and as to all educational institutions.

Mr. President, the charge is frequently made with respect to academic freedom that the Government is moving in, the Government is taking over, the Government is regulating the thought in an institution; academic freedom is in peril. Many colleges have had their accreditation as an approved institution withdrawn because of political interference, because of political dictation, because of the State taking over the activities and controlling the activities of an educational institution. The bill as presented to the Senate at this time, as it comes from the committee, knocks out the exemption for educational institutions, and many of our schools throughout the country are going to be caught up in charges of political control, political manipulation, political domination. Academic freedom which is so revered by liberal thought in this country, might very well be a thing of the past if this bill passes without this amendment and we would have the Equal Employment Opportunity Commission taking over the employment and promotion practices of colleges and schools throughout the country including church-supported schools. So that I believe the effort by the sponsors of the bill and the effort by the committee substitute to take educational institutions out from under the exemption provided by the present law is going just a little bit too far in this power grab—and that is what it is—on the part of the EEOC, not only to take over the employment and promotion policies of every State, county, and city in the country—and that is provided by the bill—but it will also take over the employment and promotion policies of every employer in this country employing as many as eight employees.

What chance does little business have?

We have a special Subcommittee on Small Business that is seeking ways and means to help small business, because we all know that the big corporations in this country get most of the defense work and most Government contracts. But with all the paperwork and Government regulations and all the redtape imposed on small business, it is a wonder that any of them can survive. Now, to put this additional burden on small business is going to crowd many small businesses to the wall.

Another thing, Mr. President, that impresses me about this whole concept of the bill is that it purports to provide an equal opportunity, an equal right, and an equal freedom for every person to obtain employment without discrimination. We are all in favor of that concept. I am sure there is not a Member of the Senate that does not want to see every person gainfully employed, every person receiving fair treatment in his application for employment, and every person going just as far in life as his abilities, ambitions, and efforts will take him.

One would think, from hearing the debate in this body, that there are hundreds of thousands, even millions of jobs out there which are being denied to certain of our citizens.

This bill does not create one single job unless it is that of a government bureaucrat, and that is the only job that is created, is a government job. It does not create a single job in private business or private enterprise. It just provides the means to harass business, industry, and labor unions.

When the bill seeks out and draws under its so-called protection, active control, and domination, every school in the county, every college in the country, every church-supported school in the country, that is going a little bit too far.

The amendment by the distinguished senior Senator from North Carolina (Mr. ERVIN) and myself would preserve this exemption and would leave the present law exactly as it is. It would say to the people who want so greatly to expand the field of operations of the EEOC, "Do not touch the colleges. Do not try to take over the method by which the colleges and schools throughout the country are educating the young people of the country."

I would say, Mr. President, that the EEOC is some 18 to 24 months, I believe it is, behind in its backlog of cases. It anticipates, under the present law 32,000 new filings that will come in fiscal year 1972—that is, the year beginning July 1 of last year—and 45,000 cases in fiscal year 1973. They are going to take under their purview some 8 to 10 million State and local, county and city employees, city agencies, county agencies, and so forth. They will start having, I assume, quasi-court proceedings providing due process for the respondents and they will take a whole lot more time than this method they have now of a little "popsicle" investigation, complaint, and decision.

If they are going to provide for due process under the EEOC, how in the world are they going to take over all of these other fields? If they take over every school, that would include every private school, every public school, every educational institution, and the bill will turn that activity over to the EEOC.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield for a question?

Mr. ALLEN. I am happy to yield to the Senator from North Carolina.

Mr. ERVIN. This bill, for the first time, undertakes to make each of the 50 States and all of their political subdivisions subject to the EEOC, does it not?

Mr. ALLEN. That is correct.

Mr. ERVIN. It does this, in effect, by making them employers. They are included in the definition of the term that the bill applies to employers.

Mr. ALLEN. Yes, sir.

Mr. ERVIN. I invite the Senator's attention to section 701 of the Civil Rights Act of 1964 which is part of title VII, the Equal Employment Opportunity title. This section says this, in subsection (f):

> The term "employee" means an individual employed by the employer.

When States or their political subdivisions are made employers, as they are by this bill, it means that every person employed by a State or by a political subdivision of a State is an employee subject to the provisions of this act and that the EEOC has jurisdiction to supervise all employment practices of all States and all political subdivisions of all States; does it not?

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Does the Senator from Alabama agree with the Senator from North Carolina that Chief Justice Salmon P. Chase stated the purpose of the constitution of the United States in a nutshell when he declared in the case of Texas versus White:

> The Constitution in all of its provisions looks to an indestructible union composed of indestructible States.

Mr. ALLEN. I believe that is a correct statement.

Mr. ERVIN. Can the Senator from Alabama reconcile that analysis of the Constitution of the United States with a bill which says that a Federal agency which is politically appointed shall have jurisdiction over the hiring practices of every State and every political subdivision of every State in the Union?

Mr. ALLEN. Appointed at the Federal level?

Mr. ERVIN. That is correct.

Mr. ALLEN. I would certainly feel that is not consistent with Chief Justice Chase's statement.

Mr. ERVIN. To come down to a question of definition, I do not know whether under the terms of this act. This is correct, but perhaps the Senator from New Jersey can enlighten us on this point. The Governor of North Carolina is employed by the State of North Carolina. Does that mean that the EEOC has jurisdiction to compel the people of North Carolina to elect or employ a Governor who happens to be a member of a minority race or a member of a religious minority or a person who has a national origin different from the majority of the people of North Carolina?

Mr. ALLEN. I would certainly resist any such construction being placed upon any provision of the bill.

Mr. ERVIN. This legislation has no provision, does it, which would except from the application of this act the elected officials of the State who are undoubtedly employed by the State?

Mr. ALLEN. I have read the bill through and I do not see any exception.

Mr. ERVIN. The bill is broad enough, and it would be if amended, when the State is made an employer, to cover any individuals employed by a State or by a political subdivision of a State. It would cover all of the appointed positions in the State government.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. North Carolina, for example, has superior judges who, on the recommendation of the clerk of the superior court, appoint justices of the peace, and the justices of the peace exercise part of the judicial power of the State. So, we would have an agency here in the city of Washington which would have the jurisdiction to say that a superior court judge in the State of North Carolina and the clerk of the superior court of North Carolina, if they prefer to appoint a person that belongs to the same race as the justice of the peace instead of a person belonging to another race or if they prefer to appoint a person justice of the peace who has a religion similar to theirs in preference to a man who does not have a religion similar to theirs or any religion whatever, would violate the act.

Mr. ALLEN. It looks as if under a strict interpretation of the bill that would be true. It would be subject to such interpretation being placed upon it. The language is susceptible to that construction.

Mr. ERVIN. Mr. President, in the dictionary the word "discriminate" means to make a clear distinction, to distinguish, to differentiate. Every time a State employee is chosen by a State official acting for the State, where there are a number of applicants for the position, he necessarily distinguishes or differentiates or makes a distinction between the one he appoints and the ones he refuses to appoint.

Mr. ALLEN. It would seem too, the Senator is correct.

Mr. ERVIN. And so if he preferred to appoint and did appoint a person of a particular race, a particular religion, or a particular sex in preference to another person of another religion or another race or the other sex, he would violate this act.

Mr. ALLEN. It would seem to be a strong argument.

Mr. ERVIN. Is there any doubt in the mind of the Senator from Alabama that the word "discriminate" means that that the appointing State official discriminates when he prefers one man over another man or a woman?

Mr. ALLEN. If the preference is wrongful.

Mr. ERVIN. I am assuming that both people have the same qualifications.

Mr. ALLEN. That is correct.

Mr. ERVIN. Not only that, but I am not exaggerating when I say that this bill authorizes the Federal Government to lay the political hands of Caesar upon the things that belong to God.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Our amendment would strike out the word "religious" and remove religious institutions in all respects from subjugation to the EEOC.

Mr. ALLEN. The Senator is correct, and that would not be a departure from the present law. It leaves the present law as it is. It would not allow an extension of control by EEOC over educational or religious institutions.

Mr. ERVIN. We have a college in North Carolina known as Davidson College that is affiliated with the Southern Presbyterian Church. Davidson College is supported by the fees of its students and by the voluntary contributions of people interested in its activities. It is not supported in any respect by the Federal Government. I happen to have had the honor to serve as a member of the board of trustees of that institution for 10 years.

This college was founded and is controlled by people who believe in giving a Christian education to the students of the institution—as I recall it had at the time I was a member of the board of trustees, and perhaps still has, a regulation which says that any person who is chosen to be a full professor at the institution shall be a member of an Evangelical Christian Church, does the Senator from Alabama think that there is anything immoral or ought to be anything illegal in people who support a college devoted to giving a Christian education taking steps to assure that the youth who attend it should be instructed on any subject, whether religious or nonreligious, by teachers who are members of a Christian church?

Mr. ALLEN. It seems to the junior Senator from Alabama to be a very prudent and logical requirement.

Mr. ERVIN. Mr. President, I ask the Senator from Alabama whether, under the provisions of this bill, it would not be made illegal for a college which seeks to provide a Christian education at the hands of a Christian faculty in all subjects to employ in preference to an atheist, or a Mohammedan, or an agnostic, a professor to teach chemistry or educanomics or sociology who happened to be a member of the Christian church.

Mr. ALLEN. Under this bill, I will say to the distinguished Senator, that would be a discriminatory practice and the college could be hailed before the EEOC and ordered to cease and desist from that practice and if it did not comply with that order, it would be subject to penalty.

Mr. ERVIN. I will ask the Senator if under the provisions of the bill the commission could not only say "Cease and desist from employing a Christian professor rather than a Mohammedan, agnostic, or atheist," but the commission could go further and say, "You have to appoint this other applicant who is a Mohammedan, agnostic, or atheist to fill this vacant position to teach chemistry or economics or sociology and in addition you will have to pay his salary, from the time he applied for the post.

Mr. ALLEN. Under the bill, that would be possible; but with our amendment, it would not be allowed.

Mr. WILLIAMS. Mr. President, will the Senator yield for a question?

Mr. ALLEN. I am delighted to yield.

Mr. WILLIAMS. May I have the hypothesis here? What is the hypothesis of the Senator from North Carolina? Is this an institution of education that promotes the education of religion?

Mr. ERVIN. It is an institution of learning which is affiliated with the Southern Presbyterian Church, and which conducts a college devoted to give a Christian education at the hands of Christian teachers in respect to all subjects.

Mr. WILLIAMS. Is the institution owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society?

Mr. ERVIN. I would say that it is a denomination which is affiliated with the Southern Presbyterian Church and supported by fees of the students and voluntary gifts of people who believe in giving the kind of education this institution gives.

Mr. WILLIAMS. In the hypothesis was it stated that this amendment would prevent that institution from employing people of a particular religion?

Mr. ERVIN. Oh, yes.

Mr. WILLIAMS. That is contrary to what this amendment does.

Mr. ERVIN. I ask that the Senator read the paragraph at the bottom of page 33, the amendment to section 702 of the Civil Rights Act of 1964. It states:

> This title shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its religious activities.

That leaves that institution under the jurisdiction of the EEOC with respect to everybody who does anything except teach religion. Since the institution teaches chemistry and other nonreligious courses the EEOC has jurisdiction to deny it the right to prefer, and carry out such preference, to employ a man to teach chemistry who happens to be a member of the Christian church; and can compel the institution instead of doing that, to employ an applicant for the position who happens to be a Mohammedan, an agnostic, or an atheist. That is what the Senator from Alabama and I are seeking to prevent by the amendment.

Mr. ALLEN. All we are seeking to do, I say to the Senator from New Jersey, is knock out the limitation on the exemption, to knock out the confining of the exemption to those having to do with carrying on its religious activities. If you knock out "religious" and leave it wide open and accept the amendment, we would have no further debate on the matter.

Mr. WILLIAMS. I would suggest to the distinguished Senator from Alabama and the distinguished Senator from North Carolina that in the hypothesis stated the present law would protect that institution in its desire to hire an individual of its institutional religious persuasion. This is contained in section 703(e) (2) of the law, and that is not disturbed by the bill that is before us, to which the amendment is offered.

Mr. ERVIN. I disagree with the Senator. The language of the bill exempts the institutions covered only "with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its religious activities."

Chemistry or economics or sociology is not a religious activity.

Mr. WILLIAMS. I think that is the situation where—I was going to say we are both right, but that is not exactly correct because I think the Senator from North Carolina is only reading part of what we are dealing with here.

Would the Senator turn to section 703. The amendment is offered to section 702. I was directing the attention of Senators to section 703 and paragraph (e) (2).

Mr. ERVIN. The exemptions in subsection (e) (2) of section 702 of title VII of the Civil Rights Act of 1964 are inconsistent with the provision to which the amendment is directed and would be nullified by such provision, which would be subsequent in point of time.

The exemption subsection (e) (1) of section 703, of title VII of the Civil Rights Act of 1964 does not apply because religion is not a bona fide qualification of teaching chemistry, or economics, or sociology, or any similar subject.

Mr. WILLIAMS. Would the Senator read on to subsection (2)? Let us read it all together.

Mr. ERVIN. I say to the Senator from New Jersey that every provision of this bill which is enacted into law will nullify to the extent of its provisions any provision on the same subject in the original act. And here this exemption on page 33 modifies the other and says that the only time they can hire a person of a particular religion is to help them in carrying out their religious activities—not educational activities, as contradistinguished from religious.

Mr. WILLIAMS. Would the Senator help the Senate by reading section 703(e) (2) in the present law, and if the Senator will not, will the Senator yield and let me read it?

Mr. ALLEN. Yes.

Mr. WILLIAMS. All right. Section 703 (e) and within the paragraph numbered (2) reads:

> It shall not be an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

That is the end of the quotation of (2), and I read it all because I did ask the Senator what hypothesis we were working with, and I used the language of that section. The hypothesis, the Senator from North Carolina says, is exactly what is contained here, which says they can hire a person of a particular religion.

Mr. ERVIN. That is what Congress said in 1964. But it is inconsistent with what lines 20 through 24 of the bill say.

Mr. WILLIAMS. That is the law at the present time.

Mr. ERVIN. But that law will be modified by this bill. The bill says this title—the whole title VII—

> shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on—

This is what I invite the Senator's attention to—

> by such corporation, association, educational institution, or society of its religious activities.

Everything outside of religious activity is changed by this provision of the bill.

Mr. ALLEN. If it is already in the present law, I wonder why the distinguished Senator from New Jersey is objecting to restating it again.

Mr. WILLIAMS. Because we are including education, and the bill before us restates section 702. It is a complete restatement, and the only addition in it is the words "educational institution."

Mr. ALLEN. The Senator drops out the last clause, though.

Mr. WILLIAMS. Yes, and that deals with educational institutions. It does not have anything to do with the religious part of it. The section 702 language, as it appears on page 33, is identical language with present law with the exception of the addition of the two words, twice, "educational institution." But I understood the Senator from Alabama was not dealing with that. With his amendment he was dealing with the religious part of it.

Mr. ALLEN. No; and if the Senator followed my remarks, I stated the bill as approved by the committee and as now being considered by the Senate would cover every single school in the country. I did not confine it to religious schools.

Mr. WILLIAMS. What does the Senator's amendment say? I thought it struck just one word.

Mr. ALLEN. That is what it does.

Mr. WILLIAMS. That does not deal with educational institution?

Mr. ALLEN. As the Senator said, I have added "educational institution" in two places in the amendment, so it does cover that.

Mr. WILLIAMS. As I read the Senator's amendment, it does only one thing—strike out "religious."

Mr. ALLEN. Yes, but we have accepted what the Senator has done by adding "educational institution" in two places in the exemption. So, therefore, it is to continue the exemption that is now allowed for educational institutions; and in addition for religious institutions that are not educational institutions insofar as the work has to do with carrying on religious activity. So the amendment knocks out the one word, "religious," and would protect religious corporations, associations, educational institutions, or societies in work having to do with their activities. That is all it does.

Mr. WILLIAMS. The Senator is dealing only with religious educational associations——

Mr. ALLEN. No; I did not say that.

Mr. WILLIAMS. I do not see how the Senator's amendment reaches the other educational——

Mr. ALLEN. If it does not reach them, why does the Senator not agree to accept the amendment? If he is willing to concede the religious institution point and it does not reach the other institutions, why is he concerned?

Mr. WILLIAMS. I am not concerned. I wondered what the Senator was trying to do. I thought he was striking the word "religious" on page 33, line 24.

Mr. ALLEN. That is what the amendment does, but it also includes the exemption that is made of granting exemptions to educational institutions in the first half of the exemption rather than in the last half, which the committee dropped. If the Senator does not object, then, to exempting the religious institutions, he would agree to accept the amendment.

Mr. WILLIAMS. I cannot at this time accept the amendment. The reason for this legislation including the word "religious" is that we feel that this Congress should not in any way breach the constitutional demands that we do nothing to disturb religion.

Mr. ALLEN. Does the Senator concede that the committee is trying to gain control of employment and promotion practices of all educational institutions other than religious institutions?

Mr. WILLIAMS. As far as employment is concerned, which it determines for the covered reasons, the answer is "yes."

Mr. ALLEN. In other words, the committee is trying to add to the coverage all educational institutions. Is that right?

Mr. WILLIAMS. Exactly, yes.

Mr. ALLEN. Does the Senator from New Jersey desire to engage in any further colloquy on the amendment?

Mr. WILLIAMS. No. I just wanted to point out that, on the hypothesis of the situation presented by the Senator from North Carolina, the present law permits the kind of educational institution he was talking about to hire a person of a religious faith if it wanted to, and we are not changing that law.

Mr. ERVIN. Mr. President, if the Senator will yield, I would say I would agree with the Senator from New Jersey in respect to educational institutions only if the Senator from New Jersey would strike out lines 20 through 24 on the bottom of page 33. Otherwise the Senator from North Carolina will insist that all the emphasis at his command that these lines, 20 through 24 on page 33, change the prior law and provide for exemption only for those who are directly engaged in carrying on religious activities.

That is the inescapable conclusion of the Senator from North Carolina.

Mr. WILLIAMS. Mr. President, I shall have to consider this matter. If there is further discussion, I would suggest that the Senator from Alabama proceed while I consider the Senator's suggestion.

Mr. ERVIN. I would suggest that we have a quorum call, without the Senator from Alabama losing his right to the floor.

Mr. JAVITS. Mr. President, I would be compelled to object to that. I am perfectly willing to have a quorum call, but I do not want to lock the floor up. So I object, if that request is made.

Mr. ALLEN. Mr. President, in addition, if this section of the bill is passed—that is, section 702 as it appears in the bill—it invites a further expansion and continuation of the practice of harassing local school officials and interfering with local school systems that have been running rampant since the adoption of title VI of the 1964 Civil Rights Act. Enactment of section 3 of S. 2515 could destroy academic freedom, as suggested earlier in my remarks. Objective criticism, independent judgment, the search for truth unhampered by transient political interests—all of which are vital to academic freedom—could be altered and reshaped by the EEOC.

Mr. President, in view of the fact that there is another matter that needs to come before the Senate at this time, I withdraw the amendment and will reoffer it at a later time.

CALL OF THE ROLL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

Mr. SAXBE. Mr. President, I move that the vote by which the amendment——

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEALL). The Senator from New York suggests the absence of a quorum. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SAXBE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. JAVITS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SAXBE. Mr. President, I wish to propound a parliamentary inquiry.

The PRESIDING OFFICER. Debate is not in order. A parliamentary inquiry is not in order during a rollcall.

Mr. SAXBE. Did I have a motion on the floor?

The PRESIDING OFFICER. Debate is not in order. There is a quorum call in progress. The clerk will continue the rollcall.

The rollcall was continued.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. JAVITS. I object.

The PRESIDING OFFICER. Objection is heard.

The rollcall was resumed and concluded, and the following Senators answered to their names:

[No. 5 LEG.]

Allen
Beall
Byrd, W. Va.
Curtis
Dominick
Ervin
Griffin
Hart
Javits
Mansfield
McClellan
Nelson
Packwood
Saxbe
Williams

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bentsen
Boggs
Brooke
Burdick
Byrd, Va.
Cannon
Case
Chiles
Church
Cook
Cotton
Cranston
Eagleton
Eastland
Ellender
Fannin
Fong
Gambrell
Goldwater
Gurney
Hansen
Hollings
Hruska
Inouye
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mathias
McGee
McGovern
Metcalf
Miller
Mondale
Montoya
Muskie
Pastore
Pell
Proxmire
Ribicoff
Roth
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Young

The PRESIDING OFFICER. A quorum is present.

(Several Senators addressed the Chair.)

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. SAXBE. Mr. President, I move that the vote by which the Dominick amendment was rejected be reconsidered, and I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, is the Senator qualified in view of the fact that he voted?

The PRESIDING OFFICER. The Senator is qualified. He did not vote.

Mr. JAVITS. May we understand why he is qualified?

The PRESIDING OFFICER. Because he did not vote.

Mr. JAVITS. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, is time limited on this motion, and if so, by what authority?

The PRESIDING OFFICER. The time is limited to 20 minutes under the unanimous-consent agreement.

Mr. JAVITS. Mr. President, who controls the time under the unanimous-consent agreement?

The PRESIDING OFFICER. The Senator from Ohio (Mr. SAXBE) and the Senator from New Jersey (Mr. WILLIAMS) control the time. Who yields time?

Mr. SAXBE. Mr. President, I yield back my 10 minutes.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, will the Chair ask Senators to return to their seats?

The PRESIDING OFFICER. Senators will please return to their seats. The Senator from Ohio has yielded back his time. The Senator from New Jersey has 10 minutes.

Mr. WILLIAMS. Mr. President, I first yield 3 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. JAVITS. Mr. President, this is legitimate. A Senator can move to reconsider, of course. It is well known that in this present season, Members go and Members come, especially as quite a few Members are running for the office of President. Therefore, these little games are played, and I do not use that word in any invidious sense, because a moving party has an absolute right to move at any time he can get the floor and there is no other business. Nevertheless, it is a fact that the most opportune time can be chosen for a vote on an amendment as close as the Dominick amendment.

It is a great tradition, and a noble tradition, that on an important vote, we do our utmost to accommodate each other to get the maximum assurance that all Senators will have an opportunity to vote. I know that I express perhaps a vain hope, but I do rise to suggest that if we want to do this thing as it should be done—and as I say, the moving party has every right to do this—a time should be fixed for voting which would enable those who had left, under the assumption that this matter had been decided, to return.

Because of the fact that the moving Senator has yielded back his time, I am not much encouraged on that score. Nonetheless, in order to pose the issue, I ask unanimous consent that the vote on the motion to reconsider take place at 11 o'clock tomorrow.

Mr. DOMINICK. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. JAVITS. Mr. President, I think it is essential to make that point clear to the Senate so that if an effort is made on our part to do our utmost to give an opportunity to Senators, who have already voted after a mature consideration of this very important amendment, to vote on the motion. This request should be recognized as being only the desire to treat fairly those who, as I say, assumed that for the time being the matter was disposed of, and they undertook other business which they considered to be important at this time.

Mr. WILLIAMS. Mr. President, my intention is to move to table the motion to reconsider. Certainly within the procedures, the motion offered is available to Senators. As manager of the bill I had no information that this motion would be offered. I speculated with Senators who had engagements elsewhere that this matter would not be raised today on a motion to reconsider. It has been. Of course, it is allowed under the rule. It is with personal regret, of course, that this motion has been made, because some of the Members who wanted to go all the way on this issue are not able to be present.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. ALLEN. Mr. President, as to the time for making this motion, was it not within the power of the proponents of the measure to move to reconsider the vote by which the Dominick amendment was rejected immediately after the rejection, so that the proponents of the bill could have controlled the time for voting on this motion to reconsider, had they so desired?

Mr. WILLIAMS. Any member on the prevailing side could have so moved.

Mr. ALLEN. Then did the proponents not take a calculated risk in not making that motion at that time?

Mr. WILLIAMS. We took a risk; the Senator is correct.

Mr. President, if no one else wants to speak at this time in opposition to the motion to reconsider, at this time I yield back the remainder of my time and move to table the motion to reconsider.

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the motion to reconsider the vote by which the Dominick amendment was rejected. On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Utah (Mr. MOSS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Utah (Mr. MOSS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Hampshire (Mr. MCINTYRE) would each vote "yea."

Mr. SCOTT. I announce that the Senator from New York (Mr. BUCKLEY) is absent on official business.

The Senator from Kentucky (Mr. COOPER) is necessarily absent to attend the funeral of a friend.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. TAFT) is absent because of illness in his family.

The Senator from Tennessee (Mr. BROCK), the Senators from Kansas (Mr. DOLE and Mr. PEARSON), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

If present and voting, the Senator from Oregon (Mr. HATFIELD) and the Senator from Illinois (Mr. PERCY) would each vote "yea."

On this vote, the Senator from Ohio (Mr. TAFT) is paired with the Senator from Kansas (Mr. DOLE). If present and voting, the Senator from Ohio would vote "yea" and the Senator from Kansas would vote "nay."

The result was announced—yeas 37, nays 39, as follows:

[No. 6 Leg.]

YEAS—37

Aiken
Anderson
Bayh
Beall
Boggs
Brooke
Burdick
Byrd, W. Va.
Case
Cranston
Eagleton
Fong
Hart
Inouye
Javits
Kennedy
Mansfield
Mathias
McGee
McGovern
Metcalf
Mondale
Montoya
Muskie
Nelson
Packwood
Pastore
Pell
Proxmire
Ribicoff
Schweiker
Scott
Stafford
Stevens
Symington
Tunney
Williams

NAYS—39

Allen
Allott
Baker
Bellmon
Bennett
Bentsen
Byrd, Va.
Cannon
Chiles
Church
Cook
Cotton
Curtis
Dominick
Eastland
Ellender
Ervin
Fannin
Gambrell
Goldwater
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Miller
Roth
Saxbe
Smith
Spong
Stennis
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—24

Bible
Brock
Buckley
Cooper
Dole
Fulbright
Gravel
Griffin
Harris
Hartke
Hatfield
Hughes
Humphrey
Jackson
Magnuson
McIntyre
Moss
Mundt
Pearson
Percy
Randolph
Sparkman
Stevenson
Taft

So Mr. WILLIAMS' motion to lay on the table the motion to reconsider was rejected.

Mr. CHURCH subsequently said: Mr. President, the January 24, 1972, CONGRESSIONAL RECORD, at page 951, indicates that I voted "nay" on the Williams motion to table the motion to reconsider the Dominick amendment.

Mr. President, I voted "yea" on the motion to table, and I ask that the permanent RECORD and Journal be changed accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question now recurs on the motion to reconsider the vote by which the amendment of the Senator from Colorado (Mr. DOMINICK) was defeated.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Utah (Mr. MOSS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Utah (Mr. MOSS), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Illinois (Mr. STEVENSON) would each vote "nay."

Mr. SCOTT. I announce that the Senator from New York (Mr. BUCKLEY) is absent on official business.

The Senator from Kentucky (Mr. COOPER) is necessarily absent to attend the funeral of a friend.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. TAFT) is absent because of illness in his family.

The Senator from Tennessee (Mr. BROCK), the Senators from Kansas (Mr. DOLE and Mr. PEARSON), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

If present and voting, the Senator from Oregon (Mr. HATFIELD) and the Senator from Illinois (Mr. PERCY) would each vote "nay."

On this vote, the Senator from Kansas (Mr. DOLE) is paired with the Senator from Ohio (Mr. TAFT). If present and voting, the Senator from Kansas would vote "yea" and the Senator from Ohio would vote "nay."

The result was announced—yeas 40, nays 39, as follows:

[No. 7 Leg.]

YEAS—40

Allen
Allott
Baker
Bellmon
Bennett
Bentsen
Bible
Byrd, Va.
Cannon
Chiles
Cook
Cotton
Curtis
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Gambrell
Goldwater
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Miller
Roth
Saxbe
Smith
Spong
Stennis
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—39

Aiken
Anderson
Bayh
Beall
Boggs
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cranston
Eagleton
Fong
Harris
Hart
Inouye
Javits
Kennedy
Mansfield
Mathias
McGee
McGovern
Metcalf
Mondale
Montoya
Muskie
Nelson
Packwood
Pastore
Pell
Proxmire
Ribicoff
Schweiker
Scott
Stafford
Stevens
Symington
Tunney
Williams

NOT VOTING—21

Brock
Buckley
Cooper
Dole
Gravel
Griffin
Hartke
Hatfield
Hughes
Humphrey
Jackson
Magnuson
McIntyre
Moss
Mundt
Pearson
Percy
Randolph
Sparkman
Stevenson
Taft

So the motion to reconsider the vote by which the Dominick amendment was rejected was agreed to.

Mr. JAVITS. Mr. President, I submit an amendment to the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 2, line 13 and 14, strike out the words "or in the Courts of Appeals."

The PRESIDING OFFICER. Debate on the amendment is limited to 30 minutes. The Senator from New York may proceed.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

Mr. DOMINICK. Mr. President, a point of inquiry, if the Senator from New York does not mind. I am just trying to find out if this is an amendment to my amendment, or an amendment to the bill.

Mr. JAVITS. It is an amendment to the Senator's amendment.

Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state his parliamentary inquiry.

Mr. JAVITS. In view of the fact that the amendment of the Senator from Colorado strikes that part of the bill which is found between page 38, line 7, and page 50, line 7, are amendments in order to the part of the bill which is proposed to be stricken by the amendment of the Senator from Colorado?

The PRESIDING OFFICER. In answer to the Senator's inquiry, such amendments are in order.

Mr. JAVITS. So that the Senator from New York would be privileged to amend such parts of the bill as are stricken.

The PRESIDING OFFICER. The Senator from New York can amend those parts of the bill that are proposed to be stricken by the amendment of the Senator from Colorado.

Mr. JAVITS. And the same time limitations would apply. Is that correct?

The PRESIDING OFFICER. Thirty minutes would apply.

Mr. JAVITS. Mr. President, this amendment is directed only to the amendment by the Senator from Colorado, and it would propose to qualify the attorneys for the Commission to conduct litigations in the courts of appeals as well as the district courts.

Mr. President, while we have enough Senators in the Chamber, I ask for the yeas and nays.

The yeas and the nays were ordered.

Mr. JAVITS. Mr. President, this amendment would propose to allow the attorneys for the Commission to appear in the courts of appeals of the United States in respect of the scheme of enforcement which the amendment seeks to put into effect, rather than the Attorney General, and would limit the Attorney General's authority to the Supreme Court of the United States. It is my understanding that the authority of the commission in that case would pretty well go along with the authority given to the National Labor Relations Board, which is probably a fair model of this kind of cease and desist order enforcement or court enforcement which succeeds it, and would give the agency itself greater control over the litigations to which, in the final analysis, this amendment would confine it.

I might say, also, that I am advised that the Department of Labor, in the Fair Labor Standards Act, presents a direct analogy to this situation.

Mr. President, it is well known that I favor the cease and desist procedure which is contained in the basic measure before the Senate and which this amendment seeks to overturn, and which has now been reconsidered.

If we are going to go into the court proceedings, it strikes me that one thing is very interesting. The argument was made that the agency—to wit, the Equal Employment Opportunity Commission—would have to hire a hundred lawyers, or some such number, if it sought to do everything it is required to do under our bill. With the enormous amount of litigation which is going to descend upon the Federal courts of the United States, every word which is uttered about the backlog of the agency immediately proliferates the burden upon the courts; because if the recourse of the agency is going to be to the courts, then one must expect that if it is going to have any teeth so that it can bring about conciliation and compromise in respect of the many complaints which might be brought in to the Commission, it would have to engage in an enormous number of litigations.

Talk about vexation. That has been the main argument made on this whole proposition. The vexation and the expense which respondents will go to in the thousands of cases which the Commission has will be absolutely unbelievable if this tremendous burden of literally thousands of cases is thrown upon the courts. As we argued earlier, the idea of getting conciliation because there is a stop sign, a terminal point, at the end of the road, so far as this particular commission's activities are concerned, will not be present, thereby, in my judgment, making the job more difficult for the Commission and more difficult for the respondents. Proceedings before the Commission in one place and under rules of procedure which even accommodate appearances in person will hardly be as costly as proceedings in the courts. Yet, this is the only recourse the Commission would have under the amendment.

So far as the practice of the various commissions is concerned, there is a very good reason why the cease and desist authority has been granted to so many of these commissions, and that reason is precisely why we who feel as we do are resisting this particular amendment so strongly. These commissions, after all, are, in a sense, tribunals for administrative purposes, designed to do a particular job with a particular kind of expertise and with the great desirability of trying to curtail the difficulties surrounding that job by proceedings which are, as it were, inhouse. This does not mean any lack of protection so far as concerns equal opportunity to be heard and to have witnesses, and so forth—the due process which is required in these cases; but it does mean a far greater informality of procedure and a far less expensive procedure than is provided for by the courts.

I might point out, too, that under an amendment which I sponsored, we have the provision for the appointment of four additional commissions, in the discretion of the President, should the burden of work which is involved require it; and that also goes to facilitating and making it possible for the Commission to do its work within the cease and desist context.

So, in my judgment, if we are going to go the court route—the Senate has not decided that yet, but it will, with respect to the amendment which is now again before the Senate—that court route should at least be within the control of lawyers, at least until it gets to the Supreme Court, where there are problems of basic policy on the part of the Solicitor General for all the courts of the United States, and certainly in the appellate courts it should continue to be within the control of the Commission's own lawyers, so that some unity of approach, some coordination of their efforts, in respect of all these cases may be effected.

The interesting thing about those who argue against the cease and desist power is that I really believe it is going to be to their very serious detriment. I believe that by giving a power to the Commission with no alternative whatever to institute suits, they are going to make it much stiffer and much more expensive for themselves, with less certainty—and the businessman is always looking for certainty—in the way of decision, because of the great diversity of the views of judges, the very different constructions of the law which are received in various courts, with no settlement of the law in a final way until it actually is in the U.S. Supreme Court for final determination.

I cannot see how the path to efficiency, administrative decisiveness, or any of the other aspects of this matter will be easier if the recourse is to litigation instead of to the likelihood—because that has been the record of all these agencies—that the overwhelming majority of cases will be settled, compromised, conciliated, or agreed upon by cease and desist orders entered, as is very frequently the case. For example, we have the NLRB which has shown an extraordinary basis for that, all of which is designed to bring the procedure within manageable bounds in time and in due course. I hope very much, therefore, that the Senate—I shall have quite a few of these amendments which will go both to this amendment and to parts of the bill which is sought to be stricken itself—will look favorably on this amendment and at least——

The PRESIDING OFFICER (Mr. BEALL). The time of the Senator from New York has expired.

Mr. JAVITS. How much time has expired?

The PRESIDING OFFICER. Ten minutes.

Mr. JAVITS. Mr. President, I reserve the remainder of my time.

Mr. WILLIAMS. Mr. President——

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. WILLIAMS. Mr. President, am I recognized?

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. DOMINICK. Mr. President, will the Senator from New Jersey yield the floor to me? I should like to find out what happens when presumably Senators are trying to amend my amendment and I do not even have any time, as it is under the control either of the manager of the bill or the Senator from New York.

The PRESIDING OFFICER. The agreement entered into provided for time to be under the control of the manager of the bill and the mover of the amendment.

Mr. DOMINICK. I would then ask the manager of the bill and the mover of the amendment if they would allocate to me some time—a couple of minutes periodically is all I need.

Mr. WILLIAMS. Let me say to the distinguished Senator from Colorado that I fully intend to offer and suggest that some of the time that I control be used by the Senator from Colorado if he so desires. I happen to be in a position where I do support the amendment offered by the Senator from New York, so that, if anyone opposed should have the time under the unanimous-consent request, it is not provided for, is it?

The PRESIDING OFFICER. The Senator is correct. Time has not been provided for under the unanimous-consent agreement.

Mr. WILLIAMS. I would be happy to yield time to the Senator from Colorado, with the understanding that the time granted is not yielded back.

Mr. DOMINICK. I would suggest that a far more equitable way would be to allow the Senator from Colorado, as the mover of the amendment which is under discussion and which is being amended, to take time in opposition to any amendments that may be offered to it, and that there would be a unanimous-consent request to supplant the other one.

Mr. WILLIAMS. Perhaps that could be worked out with another one, say, striking the time limitation on amendments.

Mr. DOMINICK. I would not agree to that.

Mr. JAVITS. If the Senator will yield, I think that the Senator makes a proper condition. I thoroughly agree that the Senator from Colorado (Mr. DOMINICK) should have time and should not have the privilege of yielding it back, which seems to me to be eminently fair.

I am sure that the manager of the bill would gladly assign to the Senator who wishes to defend the amendment—to wit, the Senator from Colorado (Mr. DOMINICK)—and anyone he might suggest, half the time, as a pragmatic thing. That would be better and fairer to us, considering the circumstances.

Mr. WILLIAMS. That was to be the offer on this amendment. Until we might work out other settlements, I would offer that to the Senator from Colorado; that is, my time on this amendment, with the understanding that it be used in debate and not yielded back.

Mr. DOMINICK. Will the Senator yield me 5 minutes for the purpose of making some parliamentary inquiries and asking a question or two of the Senator from New Jersey and the Senator from New York?

Mr. WILLIAMS. Certainly.

Mr. DOMINICK. A parliamentary inquiry first, if I may, then.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. DOMINICK. How much time is there on amendments to the amendment No. 611 now pending?

The PRESIDING OFFICER. Thirty minutes for each amendment.

Mr. DOMINICK. Fifteen minutes per side?

The PRESIDING OFFICER. Per side.

Mr. DOMINICK. If there is only one side, then only 15 minutes; is that correct?

The PRESIDING OFFICER. The time is divided 15 minutes to the mover of the amendment and 15 minutes to the manager of the bill, the Senator from New Jersey, (Mr. WILLIAMS), without a proviso as to which side of the question they may be.

Mr. DOMINICK. So that on future unanimous-consent requests we make, then, we had better make a provision in there that someone is entitled to speak against an amendment, instead of just the 30 minutes. Is that in order as a parliamentary inquiry?

The PRESIDING OFFICER. The Chair would have to draw a conclusion from that, which it is not competent to draw.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Colorado yield, without losing his right to the floor?

Mr. DOMINICK. I am happy to yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, in fairness to Senators who may wish to oppose an amendment in the second degree, that after the pending amendment is disposed of, time on any additional amendments in the second degree be equally divided between the mover of such and the manager of the bill, except when the manager of the bill favors such an amendment, in which case the time in opposition to any amendment in the second degree would be under the control of the minority leader or his designee.

Mr. JAVITS. Reserving the right to object, Mr. President, I should like to be frank with the Senator from West Virginia. I do not think it is fair to us, with the circumstances which have developed where every legitimate advantage has been taken of the rules, for us to waive the rules. This unanimous-consent agreement confined us to 20 minutes on the motion to reconsider. We had to abide by the rules and time was promptly yielded back on the side of the mover. What the Senator is asking us to do, if we agree, is to bobtail every 30-minute debate into a 15-minute debate.

There is no question about the fact that the Senator from New Jersey (Mr. WILLIAMS) will allow half the time to the opponents of whatever amendments I, or he, or any other Senator might make. If that time is granted under unanimous consent, it can be yielded back. That is something we do not want. So that I would ask the Senator, in all fairness, whether he could not amend the request to provide for that, by providing that the time may not be yielded back except by unanimous-consent request.

Mr. BYRD of West Virginia. Mr. President, I so amend my request.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. DOMINICK. Mr. President, reserving the right to object—just a minute—if we have the right to be in opposition to the amendment, I think we would have the right, then, to do whatever we wanted with that time, yield it up or yield it back. I do not see that we should be penalized if we wanted to yield it back. Then the other side gets an extra 15 minutes.

I have cooperated here before. The Senator from New York, in one of the other debates before we adjourned or recessed, I remember that I took about 20 minutes and he took about an hour and 20 minutes, because that was the amount of time he requested.

Similarly, I remember that the Senator from Wisconsin did the same thing in reverse, giving us an hour and he took only 15 minutes; so that this has been worked out before, where we have an amendment being offered to which someone may be in objection. I would think that the share of the time should be allocated to the person suggesting the amendment and he should be able to do whatever he wants to do with that time.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. DOMINICK. Mr. President, as modified, I would have to object, because at this point it does not do me any good.

Mr. BYRD of West Virginia. Mr. President, in the interest of fairness to those who oppose an amendment in the second degree, I repeat my unanimous consent request——

Mr. JAVITS. Mr. President, reserving the right to object, I have a suggestion. I would suggest that we let this particular amendment stand and let the Senator from New Jersey (Mr. WILLIAMS) allow 15 minutes to the Senator from Colorado (Mr. DOMINICK) without the right of yielding back the time, and then, if he will be kind enough to reconsider, asking unanimous consent——

The PRESIDING OFFICER. The time of the Senator from Colorado has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the 5 minutes which have just been consumed in discussing this point not be charged against either side.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. BYRD of West Virginia. It was my thought that I had exempted the pending amendment from my request. If I did not, I would like to do that.

Mr. JAVITS. May I ask the Senator——

Mr. BYRD of West Virginia. Mr. President, I withhold that.

Mr. DOMINICK. Mr. President, will the Senator from New Jersey then yield me 5 minutes?

Mr. WILLIAMS. Yes.

The PRESIDING OFFICER. The Senator has 5 minutes under the previous——

Mr. DOMINICK. I rise to ask the Senator from New Jersey and/or the Senator from New York—probably both—whether they anticipate having a large number of amendments to this, so that it will be improbable that we will get to a vote on my amendment tonight.

Mr. WILLIAMS. As I indicated informally to the Senator from Colorado, I had withheld some of the amendments I had, as I wanted to get to a final decision on the amendment; but now that it is reconsidered, I have several that I now have an opportunity to bring up and I feel that I will be bringing up. So that it is unlikely that we will come to a final vote on the Senator's amendment this evening.

Mr. DOMINICK. Mr. President, I ask the Senator from New York if he has a number of other amendments.

Mr. JAVITS. I have quite a few amendments, both to the amendment and to the part which is sought to be stricken. I feel that it is important to bring them up.

Mr. DOMINICK. In light of the Senator's statement then on a previous occasion that it is always nice to let people know ahead of time when we are to vote, am I correct in anticipating that we will not vote before 11 o'clock tomorrow morning on the merits of amendment No. 611?

Mr. JAVITS. I cannot control that at all. The Senator controlling that is on the aisle. I have a good many other amendments, and I believe that the Senator from New Jersey also does.

Mr. DOMINICK. Mr. President, how much of my 5 minutes do I have remaining?

The PRESIDING OFFICER. The Senator from Colorado has 3 minutes remaining.

Mr. DOMINICK. Mr. President, I will not be very long. This is a very simple amendment. What the Senator from New York is saying is that the Attorney General and the Justice Department should not be entitled to appear on behalf of the Commission in the course of an appeal.

It strikes me that this is going pretty far when we put a provision in legislation that the Department of Justice is not entitled to appear on behalf of the Commission on an appeal. For that reason, I am opposed to it.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator cannot suggest the absence of a quorum under the precedents if the Senator has only a little time remaining, except by unanimous consent, until he yields the time back.

Mr. JAVITS. Mr. President, how much time remains?

The PRESIDING OFFICER. Twelve minutes remain.

Mr. BYRD of West Virginia. Mr. President, I ask that committee staff people be cleared from the well.

Mr. JAVITS. Mr. President, how much of the 12 minutes do I have?

The PRESIDING OFFICER. The Senator from New York has 5 minutes, and 7 minutes remain to the Senator from New Jersey.

The Senators could yield back their time and then suggest the absence of a quorum.

Mr. JAVITS. I understand that. I yield back the remainder of my time.

Mr. WILLIAMS. Mr. President, I yield back the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. All time has expired. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VICE PRESIDENTIAL APPOINTMENTS

The PRESIDING OFFICER (Mr. Beall). The Chair, on behalf of the Vice President, appoints the following Senators to participate in the United Nations Committee on the Peaceful Uses of the Seabed and the Ocean Floor Beyond the Limits of National Jurisdiction to be held in New York, N.Y., February 23–March 31, 1972: the Senator from Rhode Island (Mr. Pell) and the Senator from New Jersey (Mr. Case).

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515), a bill to further promote equal employment opportunities for American workers.

The PRESIDING OFFICER. On this question there is no time for debate. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. WEICKER (after having voted in the negative). Mr. President, on this vote, I have a pair with the junior Senator from Ohio (Mr. Taft). If he were present and voting, he would vote "yea." I have already voted "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from Washington (Mr. Magnuson), the Senator from New Hampshire (Mr. McIntyre), the Senator from Utah (Mr. Moss), the Senator from West Virginia (Mr. Randolph), the Senator from Alabama (Mr. Sparkman), and the Senator from Illinois (Mr. Stevenson) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel), the Senator from Washington (Mr. Jackson), the Senator from Illinois (Mr. Stevenson), the Senator from Minnesota (Mr. Humphrey), the Senator from West Virginia (Mr. Randolph), the Senator from Iowa (Mr. Hughes), and the Senator from Washington (Mr. Magnuson) would each vote "yea."

Mr. SCOTT. I announce that the Senator from New York (Mr. Buckley) is absent on official business.

The Senator from Kentucky (Mr. Cooper) is necessarily absent to attend the funeral of a friend.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Ohio (Mr. Taft) is absent because of illness in his family.

The Senator from Tennessee (Mr. Brock), the Senators from Kansas (Mr. Dole and Mr. Pearson), the Senator from Michigan (Mr. Griffin), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), and the Senator from Illinois (Mr. Percy) are necessarily absent.

If present and voting, the Senator from Illinois (Mr. Percy), would vote "yea."

The pair of the Senator from Ohio (Mr. Taft) has been previously announced.

On this vote the Senator from Oregon (Mr. Hatfield) is paired with the Senator from Kansas (Mr. Dole). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Kansas would vote "nay."

The result was announced—yeas 40, nays 37, as follows:

[No. 8 Leg.]

YEAS—40

Aiken
Bayh
Boggs
Brooke
Burdick
Case
Church
Cook
Cranston
Eagleton
Fong
Fulbright
Harris
Hart
Inouye
Javits
Kennedy
Mansfield
Mathias
McGee
McGovern
Metcalf
Miller
Mondale
Montoya
Muskie
Nelson
Packwood
Pastore
Pell
Proxmire
Ribicoff
Saxbe
Schweiker
Scott
Stafford
Stevens
Symington
Tunney
Williams

NAYS—37

Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cotton
Curtis
Dominick
Eastland
Ellender
Ervin
Fannin
Gambrell
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Roth
Smith
Spong
Stennis
Talmadge
Thurmond
Tower
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Weicker, against.

NOT VOTING—22

Brock
Buckley
Cooper
Dole
Goldwater
Gravel
Griffin
Hartke
Hatfield
Hughes
Humphrey
Jackson
Magnuson
McIntyre
Moss
Mundt
Pearson
Percy
Randolph
Sparkman
Stevenson
Taft

So Mr. Javits' amendment to Mr. Dominick's amendment (No. 611) was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SCOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I offer an amendment to the Dominick amendment.

THE PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment to the Dominick amendment as follows: "On page 5, strike out line 24."

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, this is an amendment to the amendment. It would strike that part of the amendment of the Senator from Colorado which relates to pages 65, lines 23 and 24, of the bill.

If Senators will refer to that particular section, they will find that page 65, lines 23 and 24, applies the provisions of another section of the Equal Employment Opportunities Act, to wit, 706 (q) through (w), to civil actions brought by Federal Government employees under the equal employment opportunity protections of the law. The Senator from Colorado (Mr. Dominick) proposes to strike that out. Sections 706(q) through 706(w) will no longer apply if the amendment should pass unamended.

If you refer to those provisions, insofar as they are applicable, you find that the main point is that where the complainant is suing in court, you have arrived at the stage of the proceeding where he has that remedy, and in such circumstances as the court may deem just, the court may appoint an attorney for the complainant and authorize the commencement of the action without the payment of fees, costs, or security.

Mr. President, that is a very important right for the individual, just as it is a very important right for a Government employee, for the individuals involved are not, in the main, high salaried, in that those who would be likely to sue in these equal employment opportunity cases are fairly modest people.

So I see no reason, Mr. President, why in the one case, to wit, that of the normal complainant who is not a Government employee with a remedy in court, that complainant shall be the beneficiary of a court-appointed lawyer, and not have to pay these costs or securities, and why this provision should be stricken out when it comes to a Federal Government employee who has to sue and is also a person, because that is the generality of the cases, of modest means.

So the motion which I make is to strike out the provision of the Dominick amendment which would withdraw that opportunity from a Government employee. I do not see how we can very well make that distinction.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, again, this amendment goes to the effort to phase the Dominick amendment—and we will be doing that, I think, for a little while—to whatever the Senate may wish to do in respect of exercising its will, but to fashion it so that at least when it is presented to the Senate finally, as it now will be, it will be a fair and balanced proposition. If the complainant is going to have nothing but a remedy in court, at least let us lock that up in the best way we can, and that is the point of this amendment, as it was of the preceding amendment.

Mr. President, one other thing which I think is important in this regard: We have now learned through hard experience the critical mass which is involved in the choice of a lawyer. It is interesting to me that one of the things we have learned about the poor is that they value dignity even over and above money and what one would think superficially would alleviate their immediate distress. We have found—this goes for Senator DOMINICK and myself, both of us are rather senior on the Committee on Labor and Public Welfare, as well as Senator WILLIAMS and others—that one of the most important aspects of our antipoverty program is the legal services program.

It is true that Members have various complaints about it, and we are trying to deal with those, but essentially the idea that a poor man can have a lawyer, too, is an extremely attractive proposition to him, and this amendment which I have offered is offered very much in that same spirit, that as we are going to what we can to get legal service for the complainant who is not a Government employee, let us at least do our utmost to lay on with an even hand as far as the complainant who is a Government employee is concerned.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. JAVITS. Mr. President, I reserve the remainder of my time.

Mr. WILLIAMS. Mr. President, would the Senator from Colorado like to have some of the time that I have allotted to me?

Mr. DOMINICK. I shall in a moment, but not just right away.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, it is evident that we are not going to make much more progress this evening on the pending legislation, the EEOC measure. There have been some indications that some Members wanted the vote put off on the pending amendment until Wednesday. Frankly, I think that to do so would be a disservice to the Senate, and very likely a disservice to the very important legislation under consideration.

I would call to the attention of the Senate that we have been on the present legislation almost a week. The end is not in sight. The President sent up another very important piece of legislation which was introduced by request by the distinguished Senator from New York (Mr. JAVITS) and the distinguished Senator from Oregon (Mr. PACKWOOD). It is my understanding that hearings may get underway on the legislation—involving the west coast dock situation—around the middle of the week, and if legislation is reported out, it will receive expeditious consideration.

Then we have a higher education bill, which is going to take some time because of the busing question inherent therein. Very likely we will have the foreign aid appropriation bill, which will also be contentious. Then around the middle of next month, hopefully, though not at the rate we are going, we will have an equal rights for women amendment, and in the meantime we will have 4 or 5 days off for the Lincoln recess.

Then we have the voter registration bill to consider and H.R. 1—welfare reform and social security—both likewise contentious. We have a farm bill, the Smith-Melcher bill, on which the Agriculture Committee held hearings this morning. I am assuming that it may be reported out later this week. It likewise is a contentious piece of legislation.

Then we have war powers legislation on the calendar, another foreign aid authorization, and very likely a minimum wage bill and other items.

Every Member has received, or should have received, an outline as to what the recess schedule will be for this year. Every Member is aware of the fact that in early July there will be a Democratic Convention, and that that will take several weeks, because of the fact that the Fourth of July period comes in between.

In the latter part of August, there will be a Republican Convention, and that will take at least 10 days for the consideration of the matters which will come before that meeting.

Insofar as the attendance of the Senate is concerned, it leaves much to be desired. Last week, after a month off, we had an average of 55 or 56 Senators in attendance. Today we had a high of 85, which now is down to a high of 74 to 76 or 77; and I assume that as time goes on, that number may decrease.

We have a job to do, no matter what our outside interests may be. The pending issue is a very important question, because it deals with people and their rights; I think it is one of the most important questions which will come before the Senate this year and it will be treated as such.

However, I would express the hope to my colleagues that they would think this matter through and do what they could in behalf of the welfare of the Senate and its consideration of the legislation before it. Earlier I was fearful of amendments to be offered on that side of the aisle. Now I am up against the fact that we have amendments offered from this and that side of the aisle, and it looks like the weapons in the hands of Senators are being used, and not discriminately but indiscriminately, and therefore the reason for these few brief remarks.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. I ask for 2 additional minutes.

Mr. WILLIAMS. I yield 2 additional minutes to the Senator.

Mr. MANSFIELD. Every proposal I have mentioned today is going to take days and days. There is no easy item of legislation to be considered in the next several months. Furthermore, we have appropriation bills to consider and other pieces of legislation which I have not even mentioned at this time.

So I would hope, Mr. President, that it would be possible to achieve a degree of cooperation between those who are opposed to and those who are in favor of the bill, those who want to offer amendments, to the extent that it might be possible not to waste the time of the Senate, as we are today, but to arrive at a solution which would perhaps call for a vote at a time certain tomorrow afternoon on the pending business. Everyone knows what it is; it is the Dominick amendment.

A great deal of maneuvering has been going on on both sides, and that maneuvering is all legal; but it does not help the Senate to be stymied this early in the session with this type of schedule confronting us.

Therefore, without consulting anyone, I ask unanimous consent that the vote on the Dominick amendment occur at 3 o'clock tomorrow afternoon.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object—and I should like to consult Senator WILLIAMS on this subject—how does the Senator from Montana expect to give us an opportunity to deal with the amendments to the Dominick amendment? A number of things in the Dominick amendment really deserve correction—for all we know, it may be adopted—and therefore it has concentrated our attention upon it.

Frankly, I do not believe that the amendment I am now proposing is by any means frivolous. It is a serious matter and really affects the rights which will remain in the individual when, as, and if this amendment is dealt with.

Personally, I am thoroughly sympathetic to the Senator, and I wish to cooperate with him. He knows me very well in that respect. I should like to coincide with his view. Will he give us an idea as to how we can deal with these amendments to the Dominick amendment within the time bracket he has mentioned?

Mr. MANSFIELD. I would suggest that no further amendments be offered this afternoon. I would suggest that we return, if possible, to the vote on the Dominick amendment immediately after the conclusion of the morning business tomorrow and that the time be equally divided between the distinguished chairman of the committee, the Senator from New Jersey (Mr. WILLIAMS), and the distinguished sponsor of the amendment, the Senator from Colorado (Mr. DOMINICK).

Mr. JAVITS. Mr. President, I still ask the question. We do not want to shut off amendments to the Dominick amendment. How will we accommodate those amendments?

Mr. MANSFIELD. I would state that it is my understanding that the purpose of those who are in favor of the Dominick amendment is to achieve another vote on that amendment, in the hope that this time it will carry. It is my understanding, also, that those who are opposed to the Dominick amendment are offering amendments at this time not for the purpose so much of strengthening that amendment but for the purpose—at least in part—of delaying long enough so that the troops can be gathered here in force to vote on the amendment itself.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield the Senator 3 minutes of my time.

Mr. President, as we come to examine the amendment carefully, we do find a good many things in it that need to be changed. I would suggest for consideration the possibility that we might have the opportunity to amend the Dominick amendment through tomorrow and vote the first thing on Wednesday. Would that possibly be agreeable to the majority leader?

Mr. MANSFIELD. Mr. President, I would hope that the distinguished Senator would reassess his position and recognize, as I am sure he must, the difficulties which confront us in the Senate this year. As a matter of fact, in all my years in the Senate—and this is my 20th year—I have never seen such an arduous schedule in outline confronting this body at this time. On top of that, we have the two conventions. Unless something is done to bring order out of the difficult situation which confronts us and all Senators work together, on both sides of the aisle, frankly, I think we are going to be in a hell of a mess.

Mr. JAVITS. Mr. President, I respectfully suggest to the majority leader that we have a brief quorum call so that I can confer with Senator WILLIAMS. I ask unanimous consent that the time consumed in the quorum call be charged to my time and that of Senator WILLIAMS.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HARRIS). Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield myself 1 minute to yield to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 1 minute.

Mr. DOMINICK. I thank the Senator from New York.

Mr. President, I want to say for the record that this particular amendment language was included, as the specific provisions of the bill deal only with Federal employees for whom we had a different procedure. They go through their own agencies and then they have the right as a Federal employee to go to the civil service board or to go through the Federal court system. The amendment to strike the language was included because the language to be struck was thought to be inappropriate to the specialized grievance procedures adopted in committee for Federal employees. A closer reading of sec. 706(g) through (w) does indicate that language for providing attorney's fees and waiving court costs are applicable.

Therefore, I have no objection to the Senator's amendment, and if he would want to withdraw his yea and nay request, that would be fine with me, and we can accept the amendment.

Mr. JAVITS. Mr. President, just so that I am aware of the situation, I hope that any other Senator who does not agree with that procedure will let me know because I want to request that the majority leader ask unanimous consent to vacate the order for the yeas and nays.

Mr. MANSFIELD. I ask unanimous consent that the order for the yeas and nays be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. I yield back my time.

Mr. JAVITS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

PROGRAM FOR THE REMAINDER OF THE 92D SESSION

Mr. MANSFIELD. Mr. President, for the information of the Senate, the schedule confronting the Senate early in this session and for some months ahead, and not necessarily in this order, is as follows:

First. The pending legislation, which is the Equal Opportunity Act.

Second. Strike legislation having to do with the west coast strike pursuant to the President's request.

Third. Higher education.

Fourth. Foreign aid appropriation.

Fifth. Equal rights for women.

Sixth. H.R. 1.

Seventh. Voter registration.

Eighth. H.R. 1163, the Smith-Melcher farm bill.

Ninth. War powers legislation—now on the calendar, reported unanimously by the Committee on Foreign Relations.

Tenth. The Minimum Wage Act.

Eleventh. A new foreign aid authorization measure.

Mr. President, in between, Senators will have 3 or 4 days off on Lincoln's birthday. Then we will have a few days off over Memorial Day. There is a brief Easter recess. Then we have the Democratic Convention with about 17 days off because of the Fourth of July coming in there. Then we have the Republican Convention in late August.

Then we have an election in November. Someone will be elected President at that time.

I would hope that the Senate would be aware of this schedule which does not just confront only the majority and minority leaders. It confronts all of us.

Remember the kind of attendance we had last week. After a month's rest, there were 55 to 56 Senators on the average here. Today we hit a high of 85 Senators. Now it is down to about 76 or 77. I do not know where it will be in the next weeks, but it is my intention to do all I can, in conjunction with the distinguished minority leader, to try to push this legislation.

But, Mr. President, let me tell you straight out, that we cannot do it alone. If Senators do not cooperate, then the Senate will look pretty bad and the Members of this body will be responsible for it.

Mr. ELLENDER. Mr. President, let me state to the Senate that I am going "all out" to try to get every regular appropriation bill—14—enacted before June 30. I think that is possible, if only we will work together. If any bill that needs authorization is not before the Senate by June 30, that appropriation will be considered in a subsequent supplemental bill.

Mr. MANSFIELD. Mr. President, I am very glad the Senator from Louisiana brought up the fact that we have 14 appropriation bills to consider before the Democratic Convention the first part of this coming July.

That only emphasizes the tremendous schedule—the difficult legislation—which faces the Senate this year. Insofar as it is possible, it calls for the attendance in this Chamber of all Senators, at all times, this year.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

The PRESIDING OFFICER (Mr. HARRIS). The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, there will be no further votes tonight.

The PRESIDING OFFICER (Mr. HARRIS). The Chair would make inquiry of the distinguished majority leader. The Parliamentarian has informed the Chair that there was a unanimous-consent request. Has that been withdrawn?

Mr. MANSFIELD. Whatever it was, I ask unanimous consent that it be withdrawn.

The PRESIDING OFFICER. Without objection it is so ordered. The request was to vote at 3 p.m.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. (HARRIS). The Chair, on behalf of the Vice President, appoints the Senator from Rhode Island (Mr. PELL) as an alternate to the United Nations Conference on the Human Environment to be held in Stockholm, Sweden, June 6–16, 1972.

ORDER FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Subsequently, this order was changed to provide for the Senate to convene at 12 o'clock noon tomorrow.)

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, as I understand it, no debate is in order at this time by virtue of the fact that on the amendment of the Senator from Colorado (Mr. DOMINICK) now pending, all time has expired. I ask unanimous consent that the distinguished Senator from Louisiana (Mr. ELLENDER) may speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 1973 BUDGET

Mr. ELLENDER. Mr. President, the budget for fiscal year 1973 was transmitted to the Congress by the President today. The budget indicates total outlays of $246.3 billion, with estimated receipts at $220.8 billion, for a total deficit in fiscal year 1973 of $25.5 billion. This is the figure that will be used by the press and other news media.

I believe these figures are misleading. They are incorrect, because they include large surpluses in the trust funds which are used to offset the actual deficit in the administrative budget, which deals solely with federally owned funds and Federal expenditures. This misleading accounting practice, which was first adopted in fiscal year 1969 by the previous administration, is the so-called unified budget, and it is based on the false assumption that the surpluses accumulated in the various trust funds, amounting to $10.7 billion in fiscal year 1973, can be counted as revenue and used, as I have previously stated, to offset deficits in the administrative budget. It actually serves the purpose of deceiving the American people as to the true cost of Government.

The trust funds—such as social security, railroad retirement, unemployment taxes, and other—do not belong to the Federal Government. These funds represent collections from the employers and employees. The Federal Government acts solely as a trustee, and yet these funds are used to offset overspending by the Federal Government.

The true deficit for fiscal year 1973, the new fiscal year, is $36.2 billion. This is the administrative budget that will be considered by the Congress, and when the administration requests an increase in the limit on the public debt, the figure of $36.2 billion will be used and not the alleged $25.5 billion hereinabove indicated.

The budget receipts for the new fiscal year 1973 are based upon a gross national product of $1,145 billion, which would be a $98 billion increase over the previous year, the largest increase in any single year in the history of our Nation.

It is my fervent hope that this increase will be realized, that we will have a full employment budget surplus, and I further hope it can be done through a true growth in the economy rather than by increased inflation. However, I am not optimistic based upon the forecasts made a year ago. You will recall that in February a year ago the President's budget was based upon a gross national product of $1,065 billion. When we held our hearings last year, I informed the administration that I was not optimistic about that figure. It has now been revised downward to $1,047 billion, and the amount of the deficit for fiscal year 1972, the current fiscal year, is staggering.

Mr. President, I have before me a tabulation which shows the proposals in the budget—both unified and Federal funds since fiscal year 1969, the first year of the unified budget. It reads as follows:

UNIFIED BUDGET, SURPLUSES/DEFICITS—FISCAL YEARS 1969–73

[Totals may not add due to rounding; in billions of dollars]

	Net	Administrative budget or Federal funds	Trust funds
Proposed:			
1969	−8.0	−11.6	+3.6
1970	+3.4	−6.9	+10.3
1971	+1.3	−7.3	+8.7
1972	−11.6	−23.1	+11.5
1973	−25.5	−36.2	+10.7
Actual:			
1969	+3.2	−5.5	+8.7
1970	−2.8	−13.1	+10.3
1971	−23.0	−29.9	+6.9
1972	[1] −38.8	[1] −44.7	[1] +6.0

[1] As stated in the fiscal year 1973 budget.

This table shows that a year ago, the President indicated that for fiscal year 1972 there would be a deficit in the Federal funds budget of $23.1 billion. Last February and on many occasions, I said that I thought this figure was low, and that a more realistic figure would be over $30 billion. A few months ago, I said it would be $40 billion. The administration now estimates that the Federal funds deficit for fiscal year 1972 will total $44.7 billion. This is the largest deficit in the history of our Nation except for the three World War II years of 1943, 1944, and 1945.

Mr. President, I predict that by June 30, 1973, we might be faced with a Federal funds budget deficit of at least $45 billion instead of $36.2 billion, which is the budget estimate for fiscal year 1973. The admitted deficit figures during the 3 years of the Nixon administration plus what the deficit will be for the coming fiscal year totals $123.9 billion over the 4 years that Mr. Nixon will have presided as President.

I ask unanimous consent that there be printed in the RECORD at this point page 19 of the special analyses of the budget, which gives the Federal funds—administrative budget—receipts and outlays for 3 fiscal years and I also request unanimous consent to have printed in the RECORD page 24 of the special analyses which shows for 3 fiscal years the receipts and outlays in all of the trust funds.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL FUNDS

The Federal funds are those which the Government administers as owner (as distinguished from those administered in a trustee or fiduciary capacity). There are four subgroups of Federal funds—the general fund, special funds, public enterprise funds, and intragovernmental revolving and management funds.

TRUST FUNDS

The trust funds are administered in a fiduciary capacity by the Government. They include one subgroup, *trust revolving* funds, which, like the public enterprise funds, carry on a businesslike cycle of operations and are normally stated on a net basis (outlays less receipts).

Cash operations.—Trust fund receipts are estimated at $83 billion in 1973, with outlays planned at $73 billion, as shown in table B–6. The transactions of the Federal old-age and survivors and disability insurance funds are far larger than any other trust funds.

TABLE B–2. FEDERAL FUND RECEIPTS AND OUTLAYS

[In millions of dollars]

Description	1971 actual	1972 estimate	1973 estimate
RECEIPTS BY SOURCE			
Individual income taxes	86, 230	86, 500	93, 900
Corporation income taxes	26, 785	30, 100	35, 700
Excise taxes	10, 510	9, 175	9, 735
Estate and gift taxes	3, 735	5, 200	4, 300
Customs duties	2, 591	3, 210	2, 850
Miscellaneous receipts	3, 934	3, 603	4, 132
Total receipts Federal funds	133, 785	137, 788	150, 617
OUTLAYS BY AGENCY			
Legislative Branch	382	476	503
The Judiciary	141	170	189
Executive Office of the President	47	63	71
Funds appropriated to the President:			
Foreign assistance	2, 787	3, 097	3, 064
Economic opportunity	1, 485	1, 051	830
Other	176	436	387
Agriculture	8, 554	11, 609	11, 003
Commerce	1, 194	1, 289	1, 416
Defense—Military[1]	74, 551	74, 996	75, 897
Defense—Civil	1, 367	1, 642	1, 811
Health, Education, and Welfare	21, 329	26, 069	26, 445
Housing and Urban Development	2, 890	3, 462	4, 214
Interior	269	1, 031	−1, 179
Justice	916	1, 230	1, 476
Labor	1, 791	3, 753	3, 585
State	449	526	558
Transportation	2, 896	2, 594	2, 541
Treasury	21, 087	24, 225	27, 839
Atomic Energy Commission	2, 275	2, 358	2, 422
Environmental Protection Agency	701	1, 287	1, 541
General Services Administration	500	510	110
National Aeronautics and Space Administration	3, 381	3, 180	3, 191
Postal Service	2, 183	1, 943	1, 409
Veterans Administration	9, 492	10, 737	11, 631
Other independent agencies	2, 807	4, 236	4, 556
Allowances for:			
Pay raises (excluding Department of Defense)		250	775
Contingencies		300	500
Total outlays Federal funds	163, 651	182, 519	186, 784

TABLE B-6.—OUTLAYS AND RECEIPTS OF TRUST FUNDS

[In millions of dollars]

Description	Outlays			Receipts		
	1971 actual	1972 estimate	1973 estimate	1971 actual	1972 estimate	1973 estimate
Funds to which receipts are appropriated:						
Federal old-age and survivors and disability insurance trust funds	$35,874	40,055	45,514	38,892	41,593	46,242
Health insurance trust funds	7,875	8,974	10,436	8,534	10,627	15,347
Unemployment trust fund	6,132	7,316	6,127	4,321	5,614	5,786
Railroad employees retirement funds	1,919	2,113	2,098	1,880	2,035	2,181
Federal employees retirement funds	3,259	3,659	4,168	5,851	6,516	7,271
Airport and airway trust funds	287	1,377	596	1,184	1,569	756
Highway trust funds	4,689	4,782	5,027	5,729	5,557	6,052
Foreign military sales trust fund	970	1,200	1,500	966	1,350	1,650
Veterans life insurance funds	743	861	575	784	820	831
Other trust funds (nonrevolving)	294	323	325	351	308	283
Trust revolving funds (table B-7)	−382	−618	−663			
Subtotal	61,659	70,041	75,704	68,492	75,989	86,399
Interfund transactions	−640	−744	−815	−640	−744	−814
Proprietary receipts from the public	−1,659	−2,083	−2,371	−1,659	−2,083	−2,371
Total	59,361	67,215	72,519	66,193	73,163	83,214

This group of funds reflects an excess of receipts of $6 to $11 billion each year, as follows (in millions of dollars):

	1971 actual	1972 estimate	1973 estimate
Total receipts, trust funds	66,193	73,163	83,214
Total outlays, trust funds	59,361	67,215	72,519
Excess of receipts, trust funds	[1] 6,833	5,948	10,695

[1] Excludes $100,000,000 of collections on the redemption of securities issued by the Federal National Mortgage Association which were owned by trust funds at the time the association became privately owned in 1969.

Mr. ELLENDER. Mr. President, the administration, in the fiscal year 1973 full employment budget, estimates that there will be a surplus of $.7 billion. The current fiscal year 1972, on a full employment budget basis, is estimated to have a deficit of $8.1 billion. I again express the hope that the administration's estimate this year is better than it was last year and that we will actually have a full employment budget surplus in fiscal year 1973. The budget submitted a year ago indicated that there would be a full employment budget surplus of $.1 billion and now it turns out to be a deficit of $8.1 billion.

Based upon the projections for fiscal year 1973 in the President's budget, it is estimated that the total debt subject to the debt limitation at the end of fiscal year 1973 will amount to $481.9 billion. This does not include some $11 billion of debt which is not subject to limitation.

The interest on the public debt is estimated for fiscal year 1973 at $22.9 billion. This represents an increase of $1.3 billion over the current fiscal year.

The figures which we have been discussing, Mr. President, consist of actual disbursements from the Treasury to liquidate obligations of the Federal Government, together with disbursements from the Treasury under the loan accounts.

I would like, for a moment, to refer to the budget authority requested for fiscal year 1973, which is the authority the administration has requested to obligate the Government during the new year and which are the real figures we will be considering in the various appropriation bills.

The total budget authority requested for fiscal year 1973 is $270.9 billion, which is an increase of $21.1 billion in excess of the estimates of budget authority for the current fiscal year 1972. Approximately $185.3 billion of this sum requires the current action of the Congress mostly, as I say, in the appropriation bills. I desire to assure the Senate that these requests will receive the most careful scrutiny of the Committee on Appropriations and its various subcommittees.

Of the total projected outlays of $246.3 billion for fiscal year 1973, $76.5 billion—approximately 31 percent of the total—is for the budget of the Department of Defense, including military assistance. This represents an increase of $.7 billion over Department of Defense outlays for fiscal year 1972 which are now estimated at $75.8 billion.

The budget for fiscal year 1973 includes requests for new budget authority—appropriations—for the Department of Defense totaling $83.4 billion, which is approximately 31 percent of the total budget authority of $270.9 billion requested in the President's budget. This request of $83.4 billion is an increase of $6.3 billion over the budget authority for fiscal year 1972 totaling $77.1 billion, which includes approximately $2.9 billion for proposed supplementals. It is significant to note that the fiscal year 1973 requests include $4.1 billion for anticipated pay increases for military, civilian, and retired military personnel, which is about 65 percent of the increase requested. As chairman of the Department of Defense Subcommittee, I plan to discuss the Department of Defense budget in some detail tomorrow.

Mr. President, I wish to announce further, as I stated a few days ago, that the committee will hold hearings on the overall budget for fiscal year 1973 beginning February 1. The full committee sessions will precede the regular subcommittee studies on undeveloped segments of the budget. The first witnesses will be Government witnesses. That will last for about 2 days. Then we will have 2 days of hearings for individuals who desire to be heard and who might be able to give us some good testimony as to priorities other than those mentioned by the President. We believe these hearings might develop some interesting alternatives to the administration recommendations.

Mr. President, it seems to me that Congress should have that kind of guidance and I am very hopeful that those who appear before us will be able to show us the way so that less money can be spent and that the money that is spent will be spent to better advantage.

S. 907—EXTENSION OF TIME FOR CONSIDERATION BY COMMITTEE ON PUBLIC WORKS

Mr. BYRD of West Virginia. Mr. President, S. 907, a bill to consent to the interstate environment compact, was reported to the Senate from the Committee on the Judiciary on December 11, 1971, and was referred to the Committee on Public Works for 45 days for their consideration and action.

Because of the intervention of the adjournment of the first session of the 92d Congress, the Committee on Public Works has not had an opportunity to complete its consideration of S. 907.

I, therefore, on behalf of the Senator from West Virginia (Mr. RANDOLPH), ask that the referral be extended for an additional 30 days.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUMPTION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a resumption of the period for the transaction of routine morning business with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the recognition of the two leaders under the standing order, the distinguished senior Senator from Virginia (Mr. BYRD) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS AND RESUMPTION THEREAFTER OF THE UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the remarks of the distinguished senior Senator from Virginia (Mr. BYRD) tomorrow, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which period the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HARRIS). Without objection, it is so ordered.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515), a bill to further promote equal employment opportunities for American workers.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on any amendment in the second degree, which is offered to the pending amendment of the Senator from Colorado (Mr. DOMINICK), be limited to 1 hour, to be equally divided between the mover of such amendment and the manager of the bill, except in instances, if there be such, when the manager of the bill is in favor of the amendment in the second degree, in which instance the control of the time in opposition to the amendment in the second degree be under the control of the minority leader or his designee.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, as the matter now stands, time on any motion, appeal, or point of order, with the exception of nondebatable motions, is limited to 20 minutes; is that not correct?

The PRESIDING OFFICER. The Senator is correct, the Chair is so informed.

Mr. BYRD of West Virginia. Is it not also correct, Mr. President, that such time under the agreement of last week is under the control of the mover of such motion or appeal or point of order and the manager of the bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. Mr. President, I think it might only be fair that the same parallel construction be given to the agreement with respect to motions, appeals, or points of order, as in the case of amendments in the second degree.

Therefore, I ask unanimous consent that such time on any motion, appeal, or point of order, with the exception of nondebatable motions, be under the control of the mover of such and the manager of the bill, except when the manager of the bill is in favor of such, in which instance the time in opposition would be under the control of the minority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Without any change in the time, the time being 20 minutes on any such motion, appeal, or point of order.

The PRESIDING OFFICER. That is the understanding of the Chair.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask that morning business again be closed.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, for the record, what is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado (Mr. DOMINICK).

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the Senate will convene tomorrow at 12 o'clock noon. After the two leaders have been recognized, the senior Senator from Virginia (Mr. BYRD), will be recognized for not to exceed 15 minutes, following which there will be a period for transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business.

The pending question will be on agreeing to the amendment of the Senator from Colorado (Mr. DOMINICK). Amendments in the second degree will continue to be in order and will undoubtedly be offered, with a time limitation on each such amendment of 1 hour. Senators should be alerted, therefore, to the strong likelihood of rollcall votes tomorrow afternoon.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6:08 p.m.) the Senate adjourned until tomorrow, Tuesday, January 25, 1972, at 12 meridian.

NOMINATIONS

Executive nominations received by the Senate, January 24, 1972:

ACTION

Charles W. Ervin, of California, to be an Associate Director of Action, to which office he was appointed during the last recess of the Senate.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Harold C. Crotty, of Michigan, to be a member of the National Commission on Libraries and Information Science for the remainder of the term expiring July 19, 1972, vice Charles A. Perlik, Jr., resigned.

NATIONAL LABOR RELATIONS BOARD

John A. Penello, of Maryland, to be a member of the National Labor Relations Board for the term of 5 years expiring August 27, 1976, vice Gerald A. Brown, term expired.

U.S. PATENT OFFICE

Robert Gottschalk, of New Jersey, to be Commissioner of Patents, to which office he was appointed during the last recess of the Senate.

COMMISSION ON CIVIL RIGHTS

John A. Buggs, of Maryland, to be Staff Director for the Commission on Civil Rights, vice Howard A. Glickstein, resigned.

SUBVERSIVE ACTIVITIES CONTROL BOARD

Otto F. Otepka, of Maryland, to be a member of the Subversive Activities Control Board for the term expiring August 9, 1975; (reappointment).

DEPARTMENT OF JUSTICE

William D. Keller, of California, to be U.S. attorney for the central district of California for the term of 4 years vice Robert L. Meyer, resigned, to which office he was appointed during the last recess of the Senate.

District of Columbia Government

Tedson J. Meyers, of the District of Columbia, to be a member of the District of Columbia Council for the remainder of the term expiring February 1, 1974, to which office he was appointed during the last recess of the Senate.

Action

Kevin O'Donnell, of Maryland, to be an Associate Director of Action, to which office he was appointed during the last recess of the Senate.

Office of the Special Representative For Trade Negotiations

William Rinehart Pearce, of Minnesota, to be a Deputy Special Representative for Trade Negotiations, with the rank of Ambassador, to which office he was appointed during the last recess of the Senate.

Federal Reserve System

John Eugene Sheehan, of Kentucky, to be a member of the Board of Governors of the Federal Reserve System for the unexpired term of 14 years from February 1, 1968, to which office he was appointed during the last recess of the Senate.

Federal Communications Commission

Richard E. Wiley, of Illinois, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1970, to which office he was appointed during the last recess of the Senate.

Civil Aeronautics Board

Whitney Gillilland, of Iowa, to be a member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1977; (reappointment).

Diplomatic and Foreign Service

Matthew J. Loeran, Jr., of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Somali Democratic Republic.

Robert Anderson, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Dahomey.

Anthony D. Marshall, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Trinidad and Tobago.

Robert Strauzz-Rupé, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

Department of Justice

Harold Hill Titus, Jr., of Washington, D.C., to be U.S. attorney for the District of Columbia for the term of four years vice Thomas A. Flannery, resigned.

EXTENSIONS OF REMARKS

A RESOLUTION COMMENDING FRANCIS E. KELLY

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. BURKE of Massachusetts. Mr. Speaker, I take this opportunity to bring to the attention of the Members of Congress recent action taken by the Massachusetts House of Representatives and the Massachusetts State Senate on the adoption of resolutions commending Francis E. Kelly for his promotion of the Massachusetts State Lottery. Also included is a release from the law offices of Francis E. Kelly, 11 Beacon Street, Boston, Mass. The revenue derived from this source is sorely needed and I expect it will be put to good use by the Commonwealth of Massachusetts.

The material follows:

Resolutions Commending Francis E. Kelly for His Promotion of the Massachusetts State Lottery

Whereas, Francis E. Kelly proposed the first Massachusetts State Sweepstakes Bill in 1942 as well as a National Sweepstakes Bill in Washington; and

Whereas, Attorney Kelly has persistently filed Sweepstakes legislation through the years and through his efforts the Lottery question was placed on the 1958 State Ballot where it was approved overwhelmingly so that he can be truly called "the Champion of the Lottery"; and

Whereas, Mr. Kelly, a former member of the Boston City Council, was the youngest man elected to the office of Lieutenant Governor in 1936 and later was Attorney General of the Commonwealth from 1949 to 1952; and

Whereas, He also was an early sponsor of legislation to lower the voting age to 18 and to provide a bonus for World War II Veterans; therefore be it

Resolved, That the Massachusetts House of Representatives hereby extends its sincere commendations to the Honorable Francis E. Kelly for his untiring efforts in promoting a Massachusetts State Lottery; and be it further

Resolved, That a copy of these resolutions be forwarded by the Secretary of the Commonwealth to the Honorable Francis E. Kelly.

Resolutions Commending the Honorable Francis E. Kelly for Originating and Encouraging the Legalization of a Massachusetts State Lottery

Whereas, Francis E. Kelly proposed the first Massachusetts state sweepstakes lottery bill and a United States sweepstakes bill in Washington, D.C., in nineteen hundred and forty-two; and

Whereas, Attorney Kelly has persistently filed sweepstakes lottery legislation for many years and by his efforts and perseverance the lottery question was placed on the Massachusetts state ballot in nineteen hundred and fifty-eight, whereupon it was overwhelmingly approved; and

Whereas, Attorney Kelly has served as Massachusetts' youngest lieutenant governor, youngest Boston city councilor, attorney general of the commonwealth, and has served efficiently as the state-appointed Fall River finance commissioner to conduct the affairs of that city when it was in financial difficulty; and

Whereas, said Francis E. Kelly has had a career of interest in public questions and pioneered legislation to assist the needy, the elderly, and as Attorney General used that office to modernize child welfare laws and adoption procedures; and

Whereas, Francis E. Kelly originated the first state bonus of three hundred dollars for Massachusetts veterans of World War II; public open meetings of the governor and council, eighteen-year-old voting, and successfully abolished the June pre-primary conventions for seventeen years; now therefore be it

Resolved, That the Massachusetts Senate hereby extends its sincere commendations to the Honorable Francis E. Kelly for his long, untiring efforts of twenty-nine years, advocating a Massachusetts state lottery as a voluntary means of raising millions of dollars of necessary revenue for the cities and towns of the commonwealth; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the clerk of the Senate to the Honorable Francis E. Kelly.

Two Self-Explanatory Resolutions Passed Without Dissent by the Massachusetts House of Representatives and the Massachusetts Senate

On receipt of the two Resolutions from the State House, Kelly said today, "I am deeply grateful to the members of the House of Representatives and the Massachusetts Senate for their two resolutions of praise by both of these Honorable Bodies of 280 members.

"One regret I have is that the present Mass. Lottery Law does not contain the fool-proof provision that our Committee has always contained in its Lottery Bill, namely: 'A compulsory jail sentence to anyone who interferes with the legal or honest conduct of our corruption-proof bill for a Mass. Lottery'."

Kelly added, "For 29 years our responsible, civic-minded and non-partisan Committee has offered a reward of '$10,000.00 to ANYONE who could show the public any existing Mass. law which contains more safeguards and protection from corruption than the provisions contained in our corruption-proof Mass. Sweepstakes Committee Lottery Bill'. To date—no takers of the $10,000.00".

PRESIDENT NIXON'S OPPORTUNITIES

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, January 24, 1972

Mr. THURMOND. Mr. President, the esteemed columnist, David Lawrence, has published in the Augusta Chronicle of January 13, 1972, an article entitled "Nixon's Opportunities."

Mr. Lawrence points out that the President has an unprecedented opportunity to shape world peace. President Nixon did not inherit this chance; rather, he worked long and hard to bring such a moment to fruition.

Mr. Lawrence also points out that the President is faced with great challenges and risks as well as opportunities during this crucial period.

Mr. President, I hope the Nation will respond to the President's trip as Mr. Lawrence has done. President Nixon certainly needs and deserves the full support of the Nation during these important visits to Red China and the Soviet Union. I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

NIXON'S OPPORTUNITIES

(By David Lawrence)

What presidential candidate in history has had available to him the opportunity to shape the destiny of the world that President Nixon will have in 1972 as he meets with the heads of the governments in Peking and Moscow?

These are not ceremonial visits but part of a genuine effort to advance the cause of world peace.

President Nixon not only has a chance to "normalize relations" with the government of mainland China, from which the United States has been isolated for many years, but he can, with the cooperation of Premier Chou En-Lai and chairman Mao Tse-Tung, develop an attitude toward peacemaking in Asia that could breathe a new spirit of friendship on the continent.

The President is not going to Peking or Moscow to recommend intrusion in any of the internal disputes that have arisen in Asia. He is making his trip solely to express the wishes of the United States to be of help both in making peace and in promoting humanitarian projects so necessary to relieve the suffering of a growing population in many lands.

Mr. Nixon will be able to talk frankly to the top men in the Peking government about the need for a removal of the threat of war from the continent of Asia. This means, first of all, ending the Vietnam War, which has been assisted financially and with arms by the People's Republic of China. Mr. Nixon is seeking peace in Vietnam on simple terms—the right of the people of South Vietnam to determine their own form of government and to be free from invasion from the North. He asks that American prisoners of war be returned. The Peking regime can help to bring about peace not only in Indo-China but throughout Asia.

President Nixon on his visit to Moscow will have many subjects on his agenda. He wants to further the cause of arms limitation and particularly to halt the expansion of nuclear power. So far as the United States is concerned, it would like to help rid the world of the menace of nuclear war by an agreement between all nations to abolish nuclear weapons. But the time for such a reform is not yet here, though it is being discussed. Certainly President Nixon can express himself on the matter during his visits to Peking and Moscow.

It is most important for the United States and the Soviet Union to come to an agreement on the need to end the war in Vietnam promptly. The Communists can be of great assistance in achieving that objective. It is well known that the Soviets have sent supplies and arms to the North Vietnamese for several years and exercise a major influence in Hanoi.

So President Nixon really has before him trips of the utmost significance that could vitally affect American foreign policy and developments at home.

What is lacking is a thorough understanding by the people of the big Communist countries that the American people have no desire to wage war against them and are deeply interested in world peace. Many ways can be found to improve communication between peoples, and this is one of the things Mr. Nixon has been urged to take up. For once the peoples of major nations become acquainted with each other, there will be less opportunity for misleading propaganda to spread within a country's borders.

Certainly the United States has no hostile intent toward Russia and wants to preserve the peace of Europe. Our government and other NATO governments are ready to agree to a reduction of forces in Western Europe provided there is a similar diminution of forces in the Warsaw Pact countries.

All of these questions are open to negotiation. The United States government is anxious that talks begin which will finally establish confidence in Europe as well as Asia that America is prepared to help the small nations if they are attacked but that it sincerely hopes a means will be found to prevent such hostile outbreaks.

DR. VON BRAUN TRIBUTE TO THE HONORABLE JAMES G. FULTON AND THOUGHTS ON THE FUTURE OF AIR AND SPACE TRAVEL

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. COUGHLIN. Mr. Speaker, as secretary of the Pennsylvania congressional delegation and as a member of the House Committee on Science and Astronautics, I have been asked by the office of my late colleague, James G. Fulton, to insert the following remarks by Dr. Wernher von Braun into the CONGRESSIONAL RECORD. I believe they may be of interest to my colleagues.

Speech of Dr. Wernher von Braun before the ENO Foundation, Hotel Pierre, New York City, October 19, 1971:

REMARKS OF DR. WERNHER VON BRAUN

The man who brought me here tonight is no longer with us. We were all saddened by Jim Fulton's unexpected death. He was a man of wise counsel and forward-looking concepts which were of great value in developing the national space program. He will be sorely missed by his many friends, and his place on the House Science and Astronautics committee will be hard to fill.

I believe his exceptional grasp and appreciation of science and technology can be traced back to the two years he spent at Carnegie Tech night school. Not many lawyers and members of Congress have had training in a field so fundamental to our national life and welfare. He was one of those Americans we badly need today: a man with a positive vision of America's future, and one who did much to make this country great.

Jim Fulton's special interests, which were many and varied, included the whole area of transportation, not just space. Only last month he had inserted into the Congressional Record papers and speeches given at the International Conference on Urban Transportation held September 8th in Pittsburgh. Probably some of you were there and may recall a statement that is particularly apropos to our mutual interests. It was made by London Transport's managing director (railways), Mr. R. Michael Robbins.

"We need transportation," he said, "to free us from the tyranny of distance."

Now this strikes a very responsive chord in me because I'm in a kind of transportation business myself; lunar transportation, to be specific. But I would add another factor which I think is distance's twin in tyranny, and that is time.

Everyone who rides a train, or an airline, or even drives from home to the office and back, figures the trip in time more than in distance. A major function of all transportation is the reduction of time in travel between cities and across the continent or to overseas destinations. In the Apollo missions to the Moon, we measure time very precisely in terms of the life support and permissible activities required by the astronauts and mission objectives.

In space, time is even a bigger factor in the design and operation of vehicles than it is in surface transportation here on Earth.

The need to reduce time in travel has imposed a requirement for increasing technological advances. These advances have brought new materials, new structural designs, new and refined means of propulsion, greater knowledge of the priciples of nature, expansion of industry, and more job opportunities, to name but a few of the results of the relentless pursuit of ways to reduce time.

Has it been worth it? Should we go on trying to reduce travel time?

Well, the first Union Pacific train to cross the western wilderness to the Pacific Coast opened a continent and permitted the growth of the nation. The railroads bound our country together to make of it one might political entity instead of several separate weaker states that could have fallen prey to foreign powers.

The airplane has brought the farthest spot on the globe to within 12 or 15 hours of any other spot. It has made possible fast and frequent fellowship between great numbers of people who without the airplane would never have known each other. Business and commerce have followed the airplane as they have followed ships. It is possible the airplane will help bind the world together as railroads have tied nations.

And now space satellites are making their contributions to bringing Earth's populations into closer communion with one another, using the speed of light in radio, television and teletype communications.

All of these developments have brought not only benefits, but also problems and, more significantly, changes in political and social structures and in economic conditions.

The growth of technology has brought a new, more intense commercial competition between countries, which in turn is forcing up the cost of acquiring new technology for nations to become commercially competitive.

The pressures exerted by these conditions are felt by all governments and their peoples. As a result, more than one observer has noted that not only we, but the whole world, are in a period of great transition. The competition is greatest between the technologically advanced countries. Not one of them can afford to drop behind, because then it would be out of the race with damaging consequences to its economy and perhaps its independence. The situation is forcing cooperative programs in advanced technology among European nations. For example, in order to compete in the world market of air transportation, England and France have combined efforts to produce the supersonic transport, Concorde. Other cooperative European efforts are being made in military aircraft. The reason in each case is the same: the high cost of developing competitive advanced aircraft in a market long dominated by the United States.

But this is not all. The growing trend toward a unified European economic community results from the pressure on Western Europe to compete with the overall technologic might of the two superstates, America and Russia. Separately the small European countries cannot hope to contest technologically with either the U.S. or Russia. So the trend toward economic union is bound to grow, and this probably will blur national boundaries between them.

Leaving aside the Soviet Union, the growth of this European cooperative aviation effort has raised the ante in the international aerospace poker game. If the United States wants to stay in, both the American people and their representatives in government will have to grasp just what is at stake. Whichever way the decision goes, whether to stay in the game or get out, there will be a direct impact on our aerospace industry, the largest private employer in the U.S. At stake also is the nation's capability to produce advanced technology and, specifically, advanced air transportation in the decades ahead.

Now, I don't wish to make a speech on economics or international relations, for I have no special competence in these areas. But I think some appreciation of this background is necessary in order to look ahead at what might be expected in advanced technology in transportation, specifically aeronautical technology.

There is the promise of space—yes, but that first "A" in NASA is for "Aeronautics." The big and valuable domestic U.S. market is the natural target for every nation whose technology and ambition permit making an attempt to break into it. Under ordinary competitive circumstances in which private industry is pitted against private industry, we could welcome this kind of competition. But what is really taking place is American aircraft firms are competing against foreign government-backed aircraft consortiums, such as the British-French Concorde supersonic transport.

Because of the importance of aviation products to our employment and balance of trade, it may be necessary for an examination of the general role of the government in supporting aeronautical research and development. For example, the working capital risk requirements of American companies are illustrated by the DC-10 case. The peak negative cash flow value of about $1.25 billion—the extent to which the developer had to dip into his resources and go into the red—is about three times the net worth of the McDonnell-Douglas Corporation. On the airline side, the problem is illustrated when the value of the U.S. carriers' annual projected buying of new aircraft—more than $3 billion—is compared with the current net worth of all U.S. carriers—also $3 billion. Thus, the severe immediate cash needs of the industry discourages an adequate level of investment in R&D programs.

This risk capital situation impedes starts of new, more productive aircraft. Previously, the development of new airplanes for the Defense Department, particularly for military air cargo planes, provided the required initial step, but this support has greatly diminished. Ordinarily, a delay in introducing more productive aircraft might be viewed as acceptable, and a natural result of market forces. It could be argued that the benefits resulting from the more productive transport planes are merely deferred and therefore an opportunity cost is the *only* cost involved.

However, a more significant consideration may be the potential damage done to the U.S. aircraft manufacturing industry, and the nation's international trade position if, during the interim period of uncertainty in committing to an advanced U.S. airplane, foreign competition moves into the gap and captures a market. Foreign competition does have the technological capability—and more significantly, their governments are willing to intervene in free market interplay by the use of subsidies and special financial considerations which are justified on broader political grounds. It is here that U.S. manufacturers are at a disadvantage.

Free market guidelines for such a situation might dictate that the U.S. should buy aircraft abroad, thus reaping the benefits of lower product prices implicit in foreign subsidies, and reallocate our aircraft resources to other products. But this would ignore the vital role the U.S. aircraft industry plays both economically and nationally. The national importance of our industry—prestige abroad, international trade, defense preparedness, as well as its economic value to domestic employment—requires a more positive response to foreign competition. Such a response would have to be based on broader considerations than those of simple free market economics.

Now, assuming some favorable disposition is made of these political/economic questions which now restrain development of advanced air transport technology in this country, we can try to look ahead to what the future holds. Traffic forecasts provide a guideline for this purpose.

The projected traffic for 1985 is about 1,170 billion revenue passenger miles for total free world civil air transport. This is about four times the current level, and would result from an annual rate of traffic increase of about 10 per cent. Any changes in international relations, however, such as a thaw in U.S.-Chinese mainland relations, could have a significant impact on the aircraft market. It should be noted that the forecast does not include that possibility.

Next, after total demand, the distribution of traffic over flight stage lengths is an important characteristic of air traffic. Together, these two characteristics determine the numbers and sizes of aircraft most suited to accommodate the demand. In contrast to the projected four-fold increase in passenger traffic, a 15-fold increase in air cargo is forecast between now and 1985. Total annual cargo movement in 1985 is expected to be 50 billion revenue ton miles. However, since the new large transports have extensive cargo capacity in addition to normal passenger loads, it isn't clear what future cargo aircraft will be required.

The important stage lengths distribution for free world air traffic as of 1969 is divided into four categories: 0 to 500 miles, 500 to 1500, 1500 to 3500, and over 3500 miles. These different stage lengths probably will hold for the future as well. Therefore, the types of aircraft required by 1985 will vary from the short takeoff and landing and low traffic density aircraft, to the long-range large transports of the 747 and trijet airbus types; and from low subsonic to advanced supersonic transports.

The total dollar expenditures projected through 1985, exclusive of aircraft currently in the fleets, is about $92 billion. Included will be the Boeing 747 subsonic aircraft and the Concorde SST, each costing about $23 million and $24 million, respectively.

Yet to appear between now and 1985 are a number of other transport types. These are the trijet and twinjet airbuses, STOL and low traffic density aircraft, an advanced subsonic transport and an advanced SST.

It isn't clear as yet—except for already committed programs—whether these aircraft will be of U.S. or of foreign manufacture. It is assumed that the 747 and trijet airbus will continue to be of U.S. origin, and that the Concorde continues to be British-French. It is also assumed that the European A300B will be the first large twinjet airbus available.

Now, if the U.S. captures only one-half of the expected STOL market, and concentrates on the relatively distant advanced subsonic transport market, the balance of trade between 1975 and '80 will become negative, and the net cumulative balance will be unfavorable at almost $7 billion in 1985. But, if in addition, we were to compete actively for the twinjet airbus market and capture one-half of that market, the cumulative balance would be a positive $5.6 billion by 1985. However, that would amount to an average of only $400 million a year which is far below recent levels of up to $1.7 billion that the U.S. aircraft industry has achieved.

We can see from this that in order to achieve a future balance of trade even approaching that of the past several years, the U.S. must compete successfully in all of the major aircraft markets. For the relatively near-term, competition for the twinjet airbus market is essential. But to retain U.S. leadership in the free world aircraft markets from the mid-Eighties and beyond, we must work on advanced subsonic and supersonic transport developments.

There are many more plans and possibilities in this area that I wish I had time to discuss. But, the "promise of space" is more than a rhetorical phrase, so I feel I should spend the remainder of my allotted time talking about the *space* part of our NASA program. And, since we are celebrating the Golden Anniversary of the Eno Foundation, let me begin with the basic transportation problems in space.

During the next decade or so, we will be continuing to build a flexible, versatile—and here's the key word, economical—space transportation system. Its aim is to greatly reduce the cost per pound of sending men and materials into earth orbit or on journeys deeper into the universe. To carry out future space programs at a reasonable cost to the nation, we must dramatically bring down the cost of going into space. Our current method of discarding rocket stages, once the fuel is spent, and dropping them in the ocean or space, is like throwing away the airliner everytime you make a trip.

What we plan is a space transportation system that will permit us to conduct, at a substantially lower cost than we have been used to so far, an exploration and research program in orbit. The new system would consist of two vehicle stages in "pickaback" configuration. The lower, or booster stage, would carry the orbiter stage up to orbiting altitude, then drop off and land on a land base runway like an airplane. The orbiter would use its rocket engines to get into the desired orbit to carry out its desired mission. When the mission was completed, the orbiter would re-enter the atmosphere and return to its base, also landing horizontally like an airliner.

The Shuttle will be designed for 100 or more flights. It will have a shirt-sleeve environment suitable for passengers in the cabin area and crew station, and perhaps some airline amenities such as "coffee-tea-or milk" might be observed. The flight crew would, of course, be trained astronauts, but the passengers would be technicians, engineers, or scientists, according to the mission.

Design requirements call for a capability to place a payload of 65,000 pounds in due-east orbit. Acceleration at launch will be no more than three times earth gravity, so that passengers in ordinary good health can be accommodated.

Two primary missions are visualized for the shuttle at this time. One is the sortie mission. Sortie missions would be conducted for earth-related space applications, special scientific observations, or biological experiments. The other would use the shuttle as a carrier of unmanned spacecraft to and from orbit.

For the sortie missions, the shuttle could be flown with a house-trailer-sized, pressurized module, or replaceable pallet, instrumented and equipped for the appropriate mission, inside its fuselage. In earth observations, for example, the shuttle would fly in low altitude polar orbit for periods up to seven days. It would gather a great deal of data on land use, forest and geological surveys, natural gas, fossil fuels, and geothermal sources, and for the assessment of crop conditions in specific areas to product yields. Other uses would include meteorological research, research in chemistry under space environment conditions, astronomy, life sciences and physics.

In experimenting with new survey objectives, or in trying out new equipment and instruments, an observer or operator in orbit will often enable us to check out their effectiveness and to propose whole new areas of space applications that we just cannot do without the human presence. Then, when instrumental and operational techniques are worked out, the routine, respective operations of space applications satellites are more efficiently accomplished by unmanned spacecraft.

This is particularly true of our technically complicated Earth Resources satellite program. The Skylab astronauts, using direct observations and human judgment, will be able to advance instrument technology and techniques in ways that are impossible with instruments alone.

Using the space shuttle as a carrier system to place unmanned spacecraft into operational orbits will result in further significant economic benefits to space flight, and perhaps the most significant will occur in the design and construction of the unmanned spacecraft to be used for scientific and applications purposes.

In view of the more austere space programs to be expected in the next decade, we find that the payloads are even more costly than the rocket boosters. They are designed and tested to survive the high-acceleration and high-vibration launch environment. They are miniaturized to fit within the weight-carrying capacity and the room at the top of the launch vehicle. There is no possibility of maintenance and repair of equipment after the satellite is in orbit, or of recall of the payload if it malfunctions. Therefore, payloads are designed and tested for high reliability and as long a life in space as is practical.

To achieve this high reliability and long life, extremely costly checkout procedures are followed, and a backup unit is generally built as insurance against the hazard of launch failure, or "infant mortality" of the payload. The expense of designing, building and testing spacecraft and instruments to meet these stringent requirements is one of the major areas of cost in our space research programs—both manned and unmanned. At present, the cost of our satellites runs around $20,000 a pound, and some are much higher.

But, with a vehicle that provides less severe launch conditions, adequate space and weight-carrying capacity, and particularly the ability to return spacecraft to Earth for maintenance, repair or refurbishment for reuse, these costs ought to be brought down substantially. We have every reason to believe the Space Shuttle will do just that.

The substantial reductions in the costs to earth orbit can be expected to benefit every space activity we undertake. The shuttle will reduce costs of privately owned communications satellites, of the weather satellites funded by the Commerce Department, and of the U.S. international cooperative space activities. Also, the expectations of sharply lowered costs will greatly encourage the introduction of new space applications that other agencies or commercial interests might sponsor.

In the field of communications satellite technology, we have the Intelsat (International Telecommunications Satellite) system. In five years this has grown from one small satellite and four ground terminals to five rather large satellites plus two spares that can be activated, and 50 ground stations around the world. Coming up is improved domestic service—including Canada—that will feature medical networks and communications between computers. We are also developing spot broadcasting techniques which will revolutionize educational television. Spot broadcasting will permit beaming TV programs to selected sites, such as isolated communities where reception by ordinary TV facilities is difficult or impossible because of remoteness or mountainous terrain. We have an Applications Technology Satellite equipped for the purpose to be launched in the spring of 1973. One of its experiments will begin with transmissions of health and educational programs to a number of ground receivers in the Rockies and Alaska.

A more extensive demonstration of this technique will be made in India. The Indian government plans to broadcast educational programs to 5,000 villages where people have never even seen a telephone. NASA will supply the ATS facilities for the purpose.

Our meteorological program meanwhile is steadily progressing toward the goal of accurate, long-range forecasting of up to two weeks in advance. Right now we can only provide general forecasts for different regions. While the accuracy has improved generally, weather reports on certain localities within a region, due to local temperature and other conditions that change sporadically, leave much to be desired. Quantitative measurement data are necessary for use in the numerical atmospheric models which are needed for future improvement in long-range weather forecasting. Our Nimbus satellites showed that these measurements can be made. For example, vertical profile measurements of temperature, water vapor content, and other atmospheric constituents, as well as horizontal distributions and cloud cover data, are needed as inputs to the mathematical models of our atmosphere.

The aim is to set up a global observing system consisting of a mix of two polar-orbiting satellites and four geostationary satellites plus conventional weather observational systems. The satellites in stationary orbit high above the Earth are in a unique position to collect observations by radio from remote instrument platforms over broad regions of the Earth, and relaying the data to a central receiving station. Processed information and warnings can be sent from this station to the satellite and rebroadcast widely for reception by any users within range of the satellite.

The ability to collect data from thousands of automatic observing stations on the surface will be a major function of the operational geostationary satellite system. Seismometers and tide gauges for tsunami warnings, rain and river gauges for flood weather stations in remote areas are among the platforms planned for use with the satellite system. One of the major problems to be faced is the requirement for significant advances in data processing technology and computers.

These communications and weather satellite systems could be carried into the appropriate earth orbital altitudes and locations by the space shuttle, thereby reducing both launch and payload costs as well as insuring their operational integrity. External sortie cans can also be mounted on the shuttle with power and air-conditioning equipment which could be used for different experiments placed in space by the shuttle. Eventually, when a permanent space station is placed in earth orbit, the shuttle will be used as the logistics link between the ground base and the station.

The first big step aimed at a better understanding of the problems associated with a space station called Skylab, which is scheduled to fly during 1973. It will employ astronauts in space for up to two months at a time to learn more about effective operations in long duration space flight. The Skylab mission will be flown after the last Apollo lunar mission and before the shuttle begins to operate in the second half of this decade. Once the shuttle flights become routine, we will be able to start putting together our second generation space station, consisting of modules brought up by the shuttle.

Meanwhile, our Mariner 9 spacecraft is orbiting Mars where it is programmed to function for at least 90 days. It is scheduled to map about 70 per cent of the Martian surface with two high resolution cameras. Other experiments are recording atmospheric and surface data. The great dust storm that was in progress when the Mariner arrived provided an extra scientific bonus in the study of Mars' atmospheric dynamics that may throw light on our own terrestrial atmosphere.

Information obtained will also be useful in choosing the most favorable sites for an unmanned landing mission by automated Viking spacecraft, scheduled for launch in 1975. The Viking spacecraft will consist of a combination orbiter and probe-lander. The orbiters will circle Mars at an altitude of about 750 miles. The landers will descend for a soft landing, which will be accomplished by using parachutes for aerodynamic deceleration initially. The final landing sequence would use a rocket subsystem like that of the Surveyor lunar landers. The landers will measure the physical properties and chemical composition of the surface material and also of the atmosphere. The landers will also return pictures of Mars surface features, just as the Surveyor spacecraft did of the lunar surface.

The biggest planet of our solar system, Jupiter is distinguished by a mysterious Great Red Spot which is about 30,000 miles long and 7,000 miles wide. It has puzzled scientists ever since it was discovered in 1665. Apparently permanent, the Spot gradually drifts like an island floating in a sea, and at times changes color.

With a diameter more than ten times that of Earth's Jupiter has 12 known moons, only four of which are of any size. Ganymede and Callisto are somewhere between Mercury and Mars in diameter, and therefore considerably larger than earth's moon, while Io is just a bit larger, and Europa a bit smaller than our satellite.

The atmosphere of Jupiter is immensely thick, hiding whatever lies below. It contains large molecules and possibly micro-organisms. Among the questions to be answered is why Jupiter radiates strong radio waves, and how does it generate its apparent internal energy?

We are planning some missions to explore Jupiter and beyond. Our Pioneers F and G, for example, are going to attempt something never tried before with any spacecraft: to investigate beyond the Great Asteroid Belt that lies between Mars and Jupiter, and visit this great planet a half-billion miles away.

One of the Pioneers' goals is to assess the hazards of deep space flight, and to develop the technology and operational experience for later "Grand Tour" missions to the outer planets planned for the late 1970s.

These missions will take advantage of a very rare planetary alignment of Jupiter, Uranus, Neptune, Saturn and Pluto that occurs once every 177 years. The last time they were in similar positions was in the administration of President Thomas Jefferson who was dickering for the Louisiana Purchase about that time. So scientists are anxious not to miss the next opportunity to "hit five birds with two stones," so to speak, by sending out two Grand Tour spacecraft missions. By launching two spacecraft in 1977 and two more in 1979, all five of these planets can be visited plus their 26 moons. Later on, the same planets will be scattered around the solar system again, and to send spacecraft to each would not only be expensive, but would take years more time. For example, a launch to Pluto alone, would take a spacecraft about 40 years, whereas by using the Grand Tour technique we can do it in nine.

This is how it works. One pair of spacecraft will be put on a trajectory that will bring it within a certain distance of the big planet Jupiter. Jupiter's powerful gravitational field will accelerate the approaching spacecraft as the planet orbits around the Sun, dragging the spacecraft along a little bit, and sending them flying off toward Uranus, and from there on to Neptune.

The second pair of Grand Tour vehicles

will approach Jupiter on a slightly different trajectory, so that they are pulled around in the direction of Saturn, and at Saturn they will be reflected somewhat out of the ecliptic and head for Pluto, the outermost known planet.

As you can see from all this, NASA is not going to be content to rest on its laurels in the years ahead. We must pursue our program diligently.

I am sure that everyone here is fully aware of the growing technological challenge from abroad. It is going to require a commensurate effort, especially in research and development, to meet it. The greatness of contemporary America lies in its advanced science and its advanced technology. But let us face it, while many social critics in America would like us to abandon our work for further advancements in technology, advocating a return to the simpler life of past generations, our competitors in Europe, Japan and particularly the Soviet Union don't seem to share that romantic urge for a return to the pastoral life. In fact, they would give their eye teeth for the technological advances brought by our Apollo program.

This is no time for anyone to be complacent about our present technological leadership. It is slipping. A great deal needs to be done to preserve our leadership, but in doing it we shall help not only in protecting the American standard of living but also improve—and here I think we all concur—our quality of life.

TRIBUTE TO DR. RALPH BUNCHE

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Monday, January 24, 1972

Mr. TUNNEY. Mr. President, I was out of this city when Dr. Ralph Bunche died and so was unable to make a statement at that time. I feel compelled to pay tribute to this wonderful humanitarian of our time.

Mr. President, there are two buildings on opposite sides of the continent. One is in Los Angeles; the other in New York. One is a center of learning, and the other a citadel of peace. These two buildings are landmarks in the career of a distinguished Californian who was born in poverty, but whose life brought added riches in trust for mankind. Mr. President, I speak of Dr. Ralph Bunche, the former Under Secretary General of the United Nations, who died last month.

The building in New York is, of course, the headquarters of the United Nations, for which Dr. Bunche worked with ceaseless dedication for more than 26 years. The building in Los Angeles is Ralph Bunche Hall, the center of social science at UCLA, where Dr. Bunche was a student in the 1920's.

The academic and diplomatic achievements of Dr. Bunche are easily of the first magnitude. But set against the stark reality of his struggle against poverty and racism, they are all the more brilliant.

Born in 1904, the grandson of a slave and the son of a barber, he grew to age 10 in Detroit, where he worked to help support his family. In 1916, both of his parents died within 3 months of each other, and Dr. Bunche and his sister moved to his grandmother's home in Los Angeles.

While attending high school, he supported himself with a full-time job. He has been self-sufficient ever since. He played football and basketball while at UCLA and was sports editor of the yearbook in 1927. Throughout his student career, although he worked at many jobs, he managed to graduate summa cum laude.

At the dedication of the newly constructed Bunche Hall at UCLA in May, 1969, he described his undergraduate experience:

> . . . UCLA where it all began for me. In a certain sense, it was where I began, because college for me was the genesis and the catalyst. I came from the then burgeoning ghetto of East Side (or South Central as it is now called) Los Angeles. I was aimless, for there was no strong incentive for a black youth of that day to make the long and supposedly formidable sacrifices necessary to acquire a higher education.
>
> Very quickly, I gained from my professors at UCLA—and in those days professors were also often close personal friends and confidants—a sense of purpose and direction, a feeling of belonging, of confidence, self-respect, and personal dignity. Nothing could have been more indispensable to me at that critical stage of my life. UCLA also gave me, of course, the essential solid foundation for a good education.

Dr. Bunche went on to take a master's degree at Harvard in 1928, and then began to teach at Howard University in Washington, D.C., setting up the school's first political science department. He completed his Ph. D. at Harvard in 1934 and won the Tappan prize for the best essay in the social sciences. He did postgraduate work at Northwestern University, 1936, the London School of Economics, 1937, and the University of Cape Town, South Africa, 1937.

In the years 1938–1940, he worked for the Carnegie Corp. as chief aide to social scientist Gunnar Myrdal in preparation of "An American Dilemma," which remains the classic study of our Nation's racial problems. While researching the book, his life was several times threatened with violence.

In 1944, Dr. Bunche was asked to join the State Department and became the first black man to hold a "desk" job over the objections of many high-ranking officials. At the request of the U.N. Secretary General Trygve Lie, Dr. Bunche resigned from the State Department and joined the U.N. staff.

He set up the U.N. trusteeship division in 1946 and later directed negotiations toward an armistice of the Arab-Israeli war of 1948 for which he received the Nobel Peace Prize in 1950.

He became a foremost adviser on various problems of the Middle East, including the Suez crisis of 1956 in which he directed the U.N. emergency force.

He also organized the U.N. programs on the peaceful uses of atomic energy including two conferences in Geneva in 1955 and 1958. In addition, he directed the establishment of the International Atomic Energy Agency and the Scientific Committee on the Effects of Atomic Radiation.

When the Congo erupted in 1960, Dr. Bunche organized and directed U.N. operations which involved 20,000 troops and hundreds of civilian staff. He also supervised the U.N. operation in Cyprus and the observer group in India and Pakistan. His contributions toward world peace stand unparalleled in the short history of the U.N.

Dr. Bunche was going to retire in 1967 because of ill health. But because he was sorely needed, he stayed on. In 1968, he was named Under Secretary General of the United Nations.

Mr. President, it is clear that much of the hope of a world without war rests upon the cornerstone of a strong and stable United States. And so we should heed the words of this great American. Dr. Bunche stated that, if racism persists in this society, "the catastrophic result can be a chronic state of violent racial conflict in a permanently polarized dualistic society."

Dr. Bunche said:

> That would be tantamount to civil war.

Mr. President, the United States and the community of nations have lost a leading citizen, a grandson of a slave whose life's work was to nurture the seeds of peace. Upon the occasion of his death, we who are his beneficiaries should take special notice of his wise counsel and renew our efforts to protect and proliferate the scarce fruit of his arduous labor.

B'NAI B'RITH: ANOTHER EXAMPLE OF TAX EXEMPT ABUSE?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. RARICK. Mr. Speaker, the use of tax-favored status gained by organizations posing as humanitarian, yet who have become openly in conflict with the American way of life and, in some instances, actually aiding and abetting the activities of foreign nations whose aims may or may not be in the best interests of the United States, is a loophole in the tax structure that must be corrected immediately.

This Nation cannot allow any dual-nationality organization to enjoy a favored tax status while actually assuming the role of an agent of a foreign nation. To do so would be a Federal subsidy of a foreign sovereign.

Mr. Saul Joftes, former general director general of one such organization, B'nai B'rith, has actually charged that:

> B'nai B'rith should not be allowed to enjoy its present tax-exempt status as a charitable, religious, and fraternal organization but should be required to register as an active agent of Israel under the Foreign Agents Registration Act.

Mr. Joftes has stated that despite nobility of original intent, B'nai B'rith now—

> Engages in international politics and more often than not does the bidding of the government of Israel. . . . It's leaders make frequent trips to Israel for indoctrination and instructions. I had tried to prevent this change. That is why Rabbi Kaufman tried to fire me.

So that our colleagues may be enlightened as to what did happen in this organization that enjoys tax-exempt status, and what could happen in others, I insert a related news article in the CONGRESSIONAL RECORD concerning Mr. Saul E. Jofte's lawsuit involving B'nai B'rith, an organization which he served for 22 years until it became evident to him that it was alien to and in conflict with the American way of life.

I ask also that copies of my bills H.R. 425 and H.R. 8298 that would deprive such tax-exempt organizations of their favored status for certain prohibited acts, including influencing legislation or voluntarily engaging in litigation for the benefit of third parties, follow this material.

Passage of such legislation is needed to effectively correct the possibility of other tax-exempt organizations following the same course as the B'nai B'rith.

The news article follows:

[From the Washington Post, Feb. 7, 1971]

A CHALLENGE TO THE "ZIONISM" OF B'NAI B'RITH

(By Paul W. Valentine)

A series of obscure lawsuits here involving what appears to be a humdrum employee-employer dispute over back pay has rekindled long-smoldering questions about the relationship of American Jewish organizations to Israel.

Beneath the mass of dry and technical documents in U.S. District Court lies an accusation that B'nai B'rith, the nation's largest Jewish service organization, has been quietly converted into a tool of political Zionism and a pawn of the Israeli government.

The accusation—normally heard only from the extreme political right wing and vigorously denied by B'nai B'rith—is made by a former high-ranking B'nai B'rith employee, Saul E. Joftes, 56, a quiet widower who lives in Falls Church, worked in the B'nai B'rith International Council for 22 years and was director general of its office of international affairs when he was fired Jan. 5, 1968.

He maintains that B'nai B'rith should not be allowed to enjoy its present tax-exempt status as a charitable, religious and fraternal organization but should be required to register as an active agent of Israel under the Foreign Agents Registration Act.

AN ISRAELI POLICY

At the root of the issue is the traditional Zionist concept of *aliyah*, a Hebrew term meaning the "in-gathering" or return of Diaspora (dispersed) Jews to the Palestine homeland. Since the creation of the state of Israel in 1948, aliyah has become a basic imperative of Israeli government policy.

Joftes and his attorney, former California Rep. Byron N. Scott, contend through court papers that B'nai B'rith is now organizationally committed to aliyah and is undertaking activities and financial obligations which are either directly or indirectly guided by the Israeli government through a labyrinthine apparatus of Zionist organizations and interlocking Zionist and non-Zionist coalitions.

The accusations—now as in the past—raise a semantical windstorm, blurring definitions, obscuring basic concepts and stirring emotions in both Jewish and gentile thinking. When does organizational support, for example, become political activism on behalf of another country?

What is the practical meaning of aliyah in the first place? Is it permanent physical migration to Palestine, or simply a life-sharing visit of a few months? Is it a political or religious concept? Jews in Washington argue it both ways.

What is Zionism? Jews define it variously as anything from permanent migration to financial and spiritual support of Israel from afar.

Israeli leaders, such as former Prime Minister David Ben-Gurion, have said that Zionism without a "return to Zion" is phony. Yet few American Jews migrate permanently to Israel. Philip M. Klutznick, a former president of B'nai B'rith, explains it this way in his 1961 book "No Easy Answer":

"American Jewry, now deeply and happily rooted, (has) imperceptibly converted its Zionism from a political doctrine to a romantic ideal. The guiding principle of migration to Zion, the heartbeat of the doctrine, was stilled by the hospitality of an American society that gave Jews the freedom to adapt, to be themselves."

Some say that all Jews, by definition, are Zionists. Others say that a Jew is not a Zionist unless he is a dues-paying member of an actively Zionist organization. Definitions have been battered and shifted especially since May, 1948, when the theory of a Jewish homeland suddenly became a concrete reality with the creation of the state of Israel.

"These days, I don't know whether I'm a Zionist or not," says Klutznick in his book. "The dilemma is semantics, not ideology.

"My convictions in the matter have been reasonably consistent since the day, about 30 years ago, when I surrendered my membership card in the American Zionist movement. But that was long before 1948 . . . There is now an abundance of rotating theories on the nature of poststatehood Zionism, what it is, where it leads to. As an exercise in semantics, it generally leads into a philosophical cul-de-sac."

A REGISTERED "LINK"

It is into this sea of imprecision and argumentation that Saul Joftes has launchd his four lawsuits against B'nai B'rith over the last three years. As he sees it, the key organization linking American and Israel interests is the Jewish Agency/American Section, Inc., which is registered with the Justice Department as the official agent of what is called the Executive of the Jewish Agency for Israel, Jerusalem.

The Jewish Agency/American Section is ultimately connected to and receives its instructions from the Israeli government through a network of organizations established under the Status Law of Israel in 1952, Joftes contends. The Status Law designates the World Zionist Organization (WZO) as Israel's "authorized agency" for development of the country and absorption of immigrants. The law also specifies that the WZO and the Jewish Agency for Palestine (predecessor name for the Jewish Agency for Israel) are one and the same organization.

The Jewish Agency/American Section, in turn, is the U.S.-based operation of the Jewish Agency for Israel in Jerusalem. It is through these channels and an intertwined group of ancillary funding organizations that money, propaganda and political policies are transmitted back and forth between America and Israel, Joftes says.

A portion of annual donations by American citizens to the United Jewish Appeal (UJA), for example, is channeled to Israel through the Jewish Agency/American Section. Some of the money, according to court papers, also has passed through other intermediate "linkages," such as the United Israel Appeal (UIA), the Synagogue Council of America and an entity called the Jewish Agency for Israel, Inc. (a New York corporation not to be confused with the Jewish Agency for Israel in Jerusalem; the New York organization is now merged with UIA).

THE "TIE-INS"

Millions of tax-exempt American dollars go to Israel each year. Some directly subsidize the Israeli treasury for noncharitable purposes, Joftes says, and some are returned to the United States to be spent on Zionist propaganda efforts here. B'nai B'rith is politically and financially tied to this complex apparatus, Joftes contends, in a number of specific ways:

Its hierarchy is honeycombed with executives who serve or have served as officers of the Jewish Agency/American Section, the Jewish Agency for Israel, Inc., the Zionist Organization of America and the Synagogue Council of America. (The last-named was cited as a conduit for funds from the Jewish Agency for Israel by the Senate Foreign Relations Committee in May, 1963.)

B'nai B'rith is a constitutent member of the Conference of Jewish Organizations American Section and the World Jewish Congress, both of which are funded mainly through the Keren Hayesod (Hebrew nomenclature for the United Israel Appeal), a funding arm of the Jewish Agency. COJO is described as a "consultative" body by B'nai B'rith officials.

B'nai B'rith is a constituent member of the Conference of Presidents of Major American Jewish Organizations, another umbrella grouping which is supported in part by Jewish Agency/American Section funds.

The B'nai B'rith board of governors has endorsed the basic concept of aliyah, according to summary minutes of a report by B'nai B'rith president William A. Wexler at the ninth plenary sessions of the B'nai B'rith International Council (BBIC) here in January, 1969.

Fifteen months earlier, at its annual meeting in Caracas, the BBIC also called on its constituent members throughout the world to promote aliyah.

Court papers filed by Joftes note that *there* is no reference to Zionism or aliyah in the statement of purpose of the B'nai B'rith constitution. It says in general terms that the organization's purpose is to unite "persons of the Jewish faith in the work of promoting their highest interest and those of humanity . . . of inculcating the purest principles of philanthropy, honor and patriotism . . . alleviating the wants of the poor and needy . . . coming to the rescue of victims of persecution . . . (and) protecting and assisting the aged, the widow and orphan on the broadest principles of humanity."

"MISCONDUCT" CHARGED

Joftes says he was fired because he criticized and resisted what he considered to be a shift from these purposes into Zionist activism. B'nai B'rith officials say he was fired for "gross personal misconduct."

A mass of letters, memorandums and depositions filed in U.S. District Court here show that B'nai B'rith officials were dissatisfied with Joftes' work in the international council for several years. Rabbi Jay Kaufman, B'nai B'rith executive vice president, said in one deposition that B'nai B'rith's overseas lodges "did not always stay alive or thrive because of the manner in which he organized them."

During 1967, in the course of two letters and one memorandum, Rabbi Kaufman charged Joftes with "incompetence," "incapacity" and "malfeasance, misfeasance and nonfeasance." He urged Joftes to resign to avoid dismissal.

Joftes refused. He also sued Kaufman for libel (because of the incompetence" letters) and thus commenced the first of four tangled legal actions to bring Rabbi Kaufman and B'nai B'rith into court.

In January, 1968, B'nai B'rith president Wexler wrote Joftes formally firing him for "gross personal misconduct" and citing the libel suit against Rabbi Kaufman as the specific reason. Joftes then asked for some $24,400 in severance pay. Before any action was taken, Wexler issued a second letter to Joftes reiterating the dismissal but this time specifying "malfeasance, misfeasance and non-feasance" as the reasons.

The language was significant, because

under a written agreement with B'nai B'rith headquarters here, employees are entitled to severance pay when fired for "gross personal misconduct" but not when fired on the more serious charge of "malfeasance and nonfeasance."

Joftes then sued B'nai B'rith for the severance pay. He also sued Wexler and the organization for libel (the "malfeasance" letter) and Rabbi Kaufman for malicious interference with his contract rights.

U.S. District Court Judge Oliver Gasch upheld the severance pay claim, ruling that only the first letter of dismissal was valid. B'nai B'rith appealed the ruling. It lost in the U.S. Court of Appeals, and the Supreme Court refused to review the case last Dec. 21, thus leaving Gasch's original ruling intact.

On Jan. 15, another District Court judge, Gerhard Gesell, ruled against Joftes in the two libel cases, holding that the two letters criticizing Joftes had circulated among only a few entitled persons at B'nai B'rith and were therefore not actionable in court. Joftes is considering an appeal of both cases. There has been no ruling yet in the malicious interference case.

"INTERNATIONAL POLITICS"

Joftes asserts that as a Jew he is unopposed to and in fact lauds Zionist activity aimed at relieving bona fide problems of Jews, but he says he feels that B'nai B'rith has overstepped the law and its own constitution in its current pursuits.

As director general of the B'nai B'rith International Council's office of international affairs, he says he helped fashion its resurrected post-World War II overseas lodges into units to improve Jewish welfare and encourage Jews to remain in each foreign community—just the opposite of the Zionist precept of migration. Slowly over the years, however, the B'nai B'rith leadership became dominated by pro-Zionists, he says, and began trying to limit his work.

B'nai B'rith now "engages in international politics and more often than not does the bidding of the government of Israel," he says in a court affidavit. "It's leaders make frequent trips to Israel for indoctrination and instructions. I had tried to prevent this change. That is why Rabbi Kaufman tried to fire me."

B'nai B'rith officials will not discuss details of the Joftes litigation because it is still tied up in the courts. In terms of general B'nai B'rith policy, however, Bernard Simon, B'nai B'rith press officer, says, "Sure, we've made statements encouraging aliyah, but does that imply that the whole Jewish community should get up and move to Israel? It's ridiculous."

Says David A. Brody, an attorney and director of B'nai B'rith Anti-Defamatiton League (ADL) office in Washington: "Any aliyah action by B'nai B'rith is not at the request or through the control of the government of Israel. Therefore, it doesn't come within the reach of the Foreign Agents Registration Act."

Simon said the Justice Department has never questioned B'nai B'rith about its relationship to the registration act. The Justice Department acknowledged that it has never asked the organization to register but would not say whether it ever made a preliminary inquiry into the issue.

CONCENTRATED DOMESTICALLY

Simon says that the B'nai B'rith budget is "overwhelmingly, crushingly domestic," with funds going to such constituent activities as ADL, B'nai B'rith Youth Organization, Hillel Foundatioins, B'nai B'rith Vocational Service, Adult Jewish Education Program and Community and Veterans Affairs Program. B'nai B'rith claims about 500,000 dues-paying members.

"Today," says Simon, "we're a mirror of the Jewish community. We take in the mass moderate middle class."

Many members, "have an affinity for Israel," he says, "but take me; I could never call myself a Zionist. I don't belong to any Zionist organizations, and I don't plan to emigrate."

He noted that Jewish emigration to Israel from the United States since 1948 has been small (about 25,000). "B'nai B'rith is just not physically geared up for aliyah," he says.

Simon acknowledged that several B'nai B'rith officials belong to Zionist organizations or coalitions embracing Zionist members, "but that doesn't necessarily mean they're in league with the Israeli government . . . Many of them often disagree with what the Israeli government is doing, in fact."

The 1965 edition of Who's Who in World Jewry says that B'nai B'rith executive vice president Kaufman is a member of the Labor Zionist Organization of America. He is also a former member of the executive board of the Synagogue Council of America.

The Who's Who says that former B'nai B'rith presidents Label A. Katz and Philip Klutznick are members of the Jewish Agency for Israel. Klutznick is also a former president of the Southwest region of the Zionist Organization of America, and Katz is a member of the UJA national cabinet.

Current B'nai B'rith president Wexler is a life member of the Zionist Organization of America, a cochairman of COJO and chairman of the Conference of Presidents of Major American Jewish Organizations.

POLICYMAKING CITED

Joftes contends that through these various connections, B'nai B'rith, along with other organizations, is intimately involved in the shaping of Israeli policy here. He cites these examples as evidence in court papers:

Rabbi Kaufman said in a memo to Joftes in late 1966: "BB (B'nai B'rith) is now playing a greater role in the fate and future of Diaspora Jewry, assuming tasks which the State of Israel cannot legitimately undertake because it is a sovereign state and cannot intrude on the affairs of other nations."

In a Dec. 3, 1967, report to the B'nai B'rith board of governors, Rabbi Kaufman wrote: "I am personally convinced after the long session that Dr. Wexler and I had with Mr. (Levi) Eshol (former Israeli prime minister) in Jerusalem this summer and with what I have seen and learned subsequently that *there must be aliyah!*" (emphasis original).

". . . If we are to be serious about aliyah, we will have to enter into a working relationship with the agencies who are undertaking the presently highly intensified effort at winning aliyah. This relationship as I envisage it would have us stimulate the thinking of the vast B'nai B'rith membership toward consideration of regular and extended visits or total life in Israel."

A Feb. 8, 1968, letter from B'nai B'rith International Council director Herman Edelsberg to Sidney Muller, president of the Australian B'nai B'rith lodge, included an $850 check with instructions to transmit it to the India-Israel Friendship League in Bombay. The league, administered largely by the women's auxiliary of the B'nai B'rith lodge of India, was formed in 1967 to push Israeli causes, combat pro-Arab feelings and seek diplomatic relations between India and Israel.

The $850, it is argued in court papers, is thus a B'nai B'rith subsidy of promotional and propaganda efforts in a foreign country on behalf of a third country, in violation of the Foreign Agents Registration Act. Rabbi Kaufman countered in a related court deposition that the money was for "powdered milk, among other matters."

B'nai B'rith, according to several memorandums circulated among B'nai B'rith officials, has implemented a "summertime professional leadership training course" in Israel for selected staff members with seminar lectures on Israeli political and social thought by Jewish Agency, Israeli government and Israeli university speakers. In 1967, "all costs were subsidized by the Merkaz," according to a Jan. 23, 1968, memo by Rabbi Kaufman. The Merkaz is an entity set up to administer the program and funded by the Jewish Agency.

In the April 11, 1969, issue of the Reconstructionist, a magazine of contemporary Judaic thought, Rabbi Oscar Groner, associate director of B'nai B'rith's Hillel Foundations, disclosed that Hillel has been subsidizing a series of lectures on American campuses by Israeli government representatives since 1960.

CONSUL GENERAL INVOLVED

One B'nai B'rith memorandum not included in the court record relates to a meeting in December, 1960, between a number of B'nai B'rith executives and Benjamin Eliav, then Israeli consul general in New York. Eliav, it says, outlined Israeli demands to broaden Jewish rights in the Soviet Union and was "particularly anxious that literature on the subject be disseminated to the grass roots of B'nai B'rith."

"It was resolved," says the memo, "that this could be done" by the issuance of B'nai B'rith press releases, distribution of information to Hillel directors, a newsletter to B'nai B'rith "leadership lists" and a program for B'nai B'rith's adult Jewish education department.

Joftes' lawsuits repeatedly return to this theme of B'nai B'rith's relationship with Israel and possible legal implications under the Foreign Agents Registration Act, which requires the registration and public disclosure of records of any agent "engaging in propaganda activities and other activities for or on behalf of foreign governments, foreign political parties and other foreign principals."

The 1938 act defines an agent of a foreign principal as a person or organization who acts at "the order, request or under the direction or control of a foreign principal" or who is "directly or indirectly" supervised, controlled or financed "in whole or in major part" by a foreign principal. Activities coming under its restrictions include public relations counseling, political consulting and fund collecting.

Do any B'nai B'rith activities come within these definitions? How and where are the lines drawn between domestic and international involvement? Questions of this sort are certain to befog and slow any neat resolution of Joftes' already three-year-old court joust with B'nai B'rith.

H.R. 425

A bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt organizations which voluntarily engage in litigation for the benefit of third parties, or commit other prohibited acts, shall lose their exemption from tax

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) (1) (A) of section 503 of the Internal Revenue Code of 1954 (relating to loss of exemption from taxation) is amended by adding at the end thereof the following: "or if it has engaged in barratry, maintenance, or champerty, voluntarily provided legal assistance to, or participated or sought to participate by intervention, as amicus curiae, or otherwise, for the benefit of any person or class other than itself, in any judicial proceeding after the date of enactment of this Act."

H.R. 8298

A bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt organizations which engage in activities of carrying on propaganda, or otherwise attempting to influence legislation, shall lose their exemption from tax

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c)(3) of section 501 of the Internal Revenue Code of 1954 (relating to tax-exempt organizations) is amended by striking out the word "substantial."

HANDLING OF DRUG OFFENDERS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, January 24, 1972

Mr. THURMOND. Mr. President, a thoughtful, yet succinct editorial on the handling of drug offenders was published in the Augusta, Ga., Chronicle of January 12, 1972.

The editorial, entitled "Get the Big Ones," makes the point that in handling drug offenders authorities should be as tough as possible on dealers and as compassionate as possible on youthful users.

The newspaper endorses this approach which was put forward in a speech before the Aiken, S.C., Rotary Club by Jay Elliott, of the Aiken County Sheriff's Department.

Mr. President, I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GET THE BIG ONES

A useful guide to action in drug abuse cases is that mentioned in a talk to Aiken Rotarians by Jay Elliott of the Aiken County sheriff's department drug section: "Be as tough as possible on dealers and as compassionate as possible on youthful users."

Public reaction will no doubt be to endorse this policy strongly, barring exceptions in the cases of the rare youthful user who obviously protects the dealer.

It is particularly the chieftains of the drug racket that deserve the full attention of law enforcement agencies and courts. For this reason, one of the more hopeful news stories last week was that eight persons who likely were "very big" in the international drug traffic had been arrested, in connection with the seizure of $47 million worth of heroin in Miami.

Still, the way to discovery of the big ones often must be through the arrest and questioning of the small fry in the drug traffic. This is why other statements by Elliott are worth serious study. "Pushers," he said, "are hard to get"; yet, "any 16-year-old can get into a car and go to Atlanta or Columbia, can make a connection and bring back drugs."

If contacts and purchases are so easy, many disturbed citizens will wonder why well-planned and thorough work by undercover agents cannot put the pushers on the run and make their evil activities so dangerous that a major dent will be put in the dope peddlers' supply line.

And, with enough small fry given stiff enough penalties, they could be brought to share the burden of their offense with the boss racketeers under whom they work.

THE SOVIET NAVAL BUILDUP

HON. WILLIAM M. COLMER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. COLMER. Mr. Speaker, on January 15 last, Vice Adm. Means Johnston, Jr., addressed the VFW Southern Area Convention at Biloxi, Miss. Several hundred delegates from 14 Southern States to the convention heard, with I am sure unanimous approval, Admiral Johnston's analysis of the Soviet naval buildup and his comparison with our own laggard progress in building up and modernizing our own Navy.

I had the privilege of hearing this well-thought-out presentation by my fellow Mississippian, who is presently serving in the capacity of inspector general of the Navy. Not only are we in Mississippi proud of Admiral Johnston and his contribution to the defense of this country, but, judging by the reception he received on this occasion and the advancement and recognition that he has in the Navy itself, I am confident that all good Americans who believe in the necessity of keeping America strong enough to defend itself likewise are proud of him.

Mr. Speaker, in order that these timely remarks of the esteemed admiral may receive wider circulation, I am submitting his address in full, as follows:

THE SOVIET NAVAL BUILDUP

(By Vice Adm. Means Johnston, Jr.)

I was very pleased to accept the invitation to be with you this evening. Not only do I enjoy an opportunity to get away from the Washington scene, I always enjoy any chance to return to my native state. I was born and raised in Greenwood, and my ties to Mississippi remain very close. Then too, I particularly appreciate this opportunity to be with the VFW, a group bound together by a mutual dedication to the ideals of patriotism, duty, and service. You are my kind of people.

This is a time when many of our old-fashioned values are being challenged and rejected. It is a time when a new isolationism and strong anti-military mood is abroad in the country. It is a very critical time in our national history. Forces on the move beyond our shores during the past decade have been slowly but relentlessly tipping the scales of international security balance away from the United States and the free world.

Foremost among these forces challenging our position is the significant increase in Soviet military power. Since the time of the Cuban crisis in 1962 the Soviet Union has been embarked on an across-the-board build-up in military strength with a momentum behind it that cannot be ignored. Their most spectacular gains have been in strategic nuclear arms and in naval power. Although we are truly an island nation, many Americans do not fully comprehend the implications to our national security of the declining balance of Naval strength of the United States relative to that of the Soviet Union. It is to this subject that I would address my remarks tonight.

I will have to confess that I have been accused of having the same level of objectivity toward our Navy that a distinguished professor of history at one of our southern universities had for his special area of interest—the War Between the States. In discussing objective historical research in his special area of interest, he remarked that there had been plenty of good objective historical studies of the Civil War, but what was needed, he said, was "a good objective historical study of the Civil War from the southern point of view."

I will admit to a long personal involvement with the Navy. But I assure you that my interpretation of the facts and implications of the changing naval balance of power is not exclusively my own. In a recent major address to the Senate on the "Russian Naval Armada and Domination of the Straits," Senator Goldwater, also a major general in the Air Force Reserve, made this statement: "Any way it is figured, the Soviet Union's naval buildup confronts the United States with the most serious challenge it has faced in this century." And from Mr. Hébert of Louisiana, chairman of the House Armed Services Committee, "We must be prepared to meet the Soviet threat to our own naval power or retreat from the world." There have been many warnings from others, but these two will illustrate my point. Of course, you heard first-hand from Congressman Bill Colmer this afternoon. So you already know of his concern.

The rapid buildup of Soviet naval and maritime power has already added a new dimension to world affairs, with the possibility of other unfavorable changes yet to come. Let us look for a moment at some of the developments since 1945 that bear on our viewpoint of world affairs.

The Soviet Union emerged from World War II as the greatest of the European land powers. Shortly after the war, when the Soviets tried to use their superior land power to acquire European and middle eastern territory, we and our allies executed a series of mutual defense agreements to halt them. NATO was the foremost of these defense agreements, followed by a number of bilateral and multi-lateral pacts which now include over 40 nations, in what has come to be known as the free world alliance system. These agreements were backed by American economic strength, our strategic nuclear superiority, and our Navy. They were effective in countering Soviet thrusts and are responsible in large part for western strength and prosperity today.

These are maritime alliances—all of them. They depend upon the ability of the United States to freely use the seas to support its allies and to prevent them from being encircled by the sea. Their maritime nature can be demonstrated by considering the relative positions of our friends and potential enemies. All of our potential enemies and almost all of our allies are overseas.

President Nixon noted our dependence on maritime power in 1970 when he said: "One other point I would make briefly is this: What the Soviets need in terms of military preparedness is different from what we need. They are a land power primarily with a great potential enemy in the east. We are primarily, of course, a sea power and our needs, therefore, are different."

This is a very pertinent point. Soviet vital interests require a large army and air force to protect the Eurasian heartland. Our vital interests require a capability to control and use the seas which bind together our maritime alliances.

Why then are the Soviets committing resources to building a Navy? Because since World War II, the balance of world power has hinged to a great extent upon the large and powerful United States Navy which came out of that war and was the connecting link in our countervailing western alliances.

As in the past two centuries, when Russian objectives of expansion were forestalled by the British and Japanese fleets, the Soviets today see the U.S. Navy as the key obstacle standing in the way of their goal. Since World War II, the U.S. Navy, together with its allied free world Navies, has been the guarantor to all that our seaborne commerce and strategic materials would continue to flow and that our alliance system was underwritten by credible naval power.

The Soviets well appreciate this fact, and so they are carefully shaping their forces to be most effective against the U.S. Navy.

Our Navy has four principal functions and capabilities which it must provide:

First, it must contribute to the deterrence of Nuclear War.

Second, it must be able to control the areas of the sea that we wish to use—keep our sea lines of communications open.

Third, when so directed in support of our national policy, it must be able to project U.S. power ashore on foreign soil against opposition, and to support our own or allied land forces.

Fourth, in peacetime, it must "show the flag", manifest an overseas presence, demonstrating to our allies and possible adversaries that a challenge to our overseas interests and those of our allies may result in a confrontation with U.S. Armed Forces.

After the strategic nuclear role, the most essential of these capabilities is that of sea control, for if we are unable to use the seas against opposition, all other missions are neutralized. The Soviets also perceive this role as vulnerable, and they have chosen their weapons well. In building their Navy the Soviets initially gave priority to weapon systems designed specifically to deny us the use of the sea lanes and to drive us from positions from which we support our alliances. The large Soviet attack submarine fleets and surface missile fleets are designed for just this task.

In recent years priorities have also been expanded to include submarine-launched ballistic missile ships. The Soviets now have in operation about 25 of Yankee class submarines—which are similar to the U.S. Polaris—and they are building them at such a rate that they could surpass our fleet of 41 SSBN's by 1973.

With that background setting, let us look at four realities of today's environment which influence our need for, and govern the Navy's ability to perform its historic vital functions.

The *first* of these realities is nuclear parity. Today we no longer possess superiority in nuclear arms. Soviet nuclear arms are on a par with ours. Given this nuclear stand off, the United States must look to conventional forces to provide means of protecting our interests. Without adequate conventional forces we may have only two options should our interests be threatened; engage in nuclear war, or back down. You will recall these were the only options available to Khrushchev is the 1962 Cuban missile crisis.

The *second* reality is the Nixon Doctrine. It stresses continued honoring of our treaty commitments but stresses increased self-reliance on the part of our allies and calls for reductions in our own overseas bases and forces. This leads to important naval implications.

First. In the face of reduced overseas forces and bases, both our allies and possible adversaries may question the worth of our commitments unless we retain the capability to return in force if needed—even if opposed.

Second. Our commitments demand adequate sea lift. Even with our newest cargo aircraft, over 90 percent of overseas military cargoes must travel on the surface of the oceans. There is no valid JCS plan calling for sustained operations by U.S. armed forces overseas that is not based on control of the sea lanes of communication.

Finally, we must maintain an *independent* U.S. capability to prevent an effective challenge to our free use of the oceans and international air spaces. There may be times when we must go it alone. Cuba was one such instance.

The *third reality* of today's world affecting our Navy, and I have already alluded to this, is Soviet Naval and Maritime expansion. Since we no longer possess nuclear superiority, Soviet naval expansion may, for the first time, give the Soviets the potential to challenge our capability to support our alliances and to protect our commerce.

As we might expect, Soviet Naval growth can be traced directly to the Cuban missile crisis of 1962, when the relative weakness of the Soviet Navy and U.S. strategic nuclear superiority forced the USSR to back down in the face of a resolute U.S. stand.

Since then, the Kremlin has allocated vast resources to her strategic nuclear and naval buildup programs—resources made available in part by drastic cut backs in the Soviet manned space effort. To illustrate their renewed naval emphasis, between 1966 and 1971, when the U. S. produced 88 combatant and amphibious ships, Soviet shipyards produced more than 200. The Soviet fleet now approaches our own in total number of combat ships and their ships are relatively new. Over half of their major surface warships are under 10 years old and about 40 percent of ours are over 20. On a ship-for-ship basis, many of the Soviet combatants are today faster, more modern, and more heavily armed than U. S. counterparts.

Two of the products of their development and shipbuilding are capable of directly challenging the ability of the United States to use the seas: their expanding surface fleet equipped with anti-ship missiles and their nuclear submarine forces. These weapon systems exist and are at sea today. They are technologically very good and they are increasing in number at a rapid rate.

Anti-ship missile launching platforms have increased four fold since 1960. The Soviet submarine force now numbers over 300 attack and cruise missile submarines compared to the 57 which the Germans had at the beginning of World War II, and as a 26-year old Lieutenant Commander in command of a destroyer escort during World War II, I know well how close the German submarines came to wresting control of the seas from the allies. Not counting ballistic missile types, the Soviets overtook and passed us in total numbers of nuclear submarines way back in 1963, and they are still building them at a faster rate than we are.

Commenting on the Soviet Naval buildup in the new edition of Jane's Fighting Ships, Mr. Raymond V. B. Blackman, the editor of that prestigious Naval Journal wrote, "The situation for the U. S. Navy is serious. By any standards, the Soviet Fleet now represents the super Navy of a super power."

The *fourth* and final reality is our own reduction in the number and strength of our Naval Forces.

Since 1965, Navy strength has been reduced by 25 percent of its ships, 20 percent of its combat aircraft, and 7 percent of its total personnel.

Thus, we have been steadily going down hill while the Soviets have been making a determined effort to catch up and get ahead. Two factors have prompted our decline.

First, we have been forced to cut back new construction to help pay for the daily operating costs of the War in Vietnam. In order to replace even our present level of Naval forces on an orderly basis every 25 years, we should invest $3 billion every year in new construction, at 1972 prices. Only in the last three years have we approached that level. We did not come close during the decade of the sixties. The higher budgets of the Vietnam years were committed to replacement of losses or expenditure of weapons. In other words we ran down the railroad.

Secondly, although the dollar level of Navy funding today is higher than in the years before Vietnam, our purchasing power has been cut substantially by inflation. We have lost a whole decade of shipbuilding, in a period during which the Soviet building effort has gained tremendous relative momentum.

If we were to allow the trend to continue, the United States Navy would one day, in the not too distant future, be inferior to the Soviet Navy.

The growing Soviet Naval challenge has already influenced our viewpoint of world affairs. The same can be said for other nations. Our allies, our adversaries, and uncommitted nations alike all understand the elements and the role of national power. They know that the ability to move commerce and to project power beyond national boundaries are foremost among the essential determinants of a country's international importance. They know that for the United States this means movement over the world's oceans. They are watching Soviet Naval deployment and frequent Naval exercises in all the major oceans of the world.

As Senator Goldwater pointed out in the address from which I quoted earlier, Soviet Naval concentrations and political initiatives can be related to the strategic straits around the world, the "choke points" through which ships must pass in going from one ocean area to another. Thus, while sleek new Soviet Navy ships show the flag in ports around the world, they show special interest in such restricted areas as the North Sea; the Mediterranean, including the Straits of Gibraltar and the Suez; the Indian Ocean and the Straits of Malacca, and even the passages into the Gulf of Mexico and the Caribbean. Additionally, the world has seen how the continuing presence of Soviet ships in the ports of Alexandria, Egypt, and Haiphong, North Vietnam, has served as a shield from threat of attack.

Today, our allies and the uncommitted nations of Eurasia and Africa see increasingly visible and frequent Soviet Naval exercises in the Atlantic and Pacific, and the continuous Soviet Naval presence in the Mediterranean Sea and the Indian Ocean.

In a recent address in New York City, Admiral Zumwalt, the Chief of Naval Operations, constructed a hypothetical scenario for the future which fits the facts as they are, and which is consistent with the lessons of history. Admiral Zumwalt laid no claim to an ability to foresee the future, and he emphasized that his scenario could become real only if we allow it to.

His scenario rested on certain reasonable assumptions drawn from the facts as they are known today.

First assumption: Nuclear war is not likely between the U.S. and the USSR as long as approximate parity in nuclear delivery and defense systems exists between them.

Second assumption: A war between NATO and the Warsaw Pact alliance is improbable due to the near certainty that such a war would trigger a nuclear exchange. It is reasonable to assume that both parties will try to avoid circumstances which could lead to a NATO war.

And so we come to Admiral Zumwalt's *third assumption*, that the Kremlin may therefore be expected to try to achieve its objective short of nuclear war, or any action likely to trigger a nuclear war. And for the first time in modern history, the door is ajar for Russia to break free of the entanglements of encircling land alliances and to spread power and influence toward historical objectives in the Middle East, Asia, and even Europe.

Under such circumstances, the Kremlin could follow this course:

They could continue to avoid nuclear war and situations they feel could readily result in nuclear war.

In the event of no agreement at the Salt Talks they might continue their buildup of nuclear weapons for psychological effect.

They could take advantage of the momentum of their naval expansion and increase "showing the flag" or "gun boat diplomacy" actions in Eurasia and Africa.

They could continue to foster communism worldwide through aid and subversion, exported along with trade and economic programs to key areas of vulnerability.

Finally, possibly late in the 1970's, if they feel they are ready, they could be free to confront the United States with superior force in a non-NATO area of the world, and we might be forced to back down, as they were forced to do over Cuba. Under Admiral Zumwalt's hypothesis, if and when this time comes, the Soviets would be very rational and cautious, as we have been when the preponderance of power lay with us—they would be certain to leave us a chance to back away—and they would carefully calculate the outcome so that our allies and friends will clearly see that we have backed away.

And, if we allow this scenario to become a reality or even to become a realistic calculable outcome, our allies may decide that our weakness reflects a lack of will to continue as a great power, and they may choose to believe that the game is over for us all.

If they did so, there would first be an accommodation by some toward Soviet power, then growing neutralism, and finally, the United States could become an island, economically and militarily isolated—and we Americans might have no choice but to stand helplessly watching the final moments of our hour of greatness run out.

But the tragedy to America's hopes and aspirations I have described need not come to pass—there is time for you and your fellow Americans to influence the outcome.

The dilemma America faces is very real—the needs of our cities; of the environment; of our more deprived citizens, must all be provided for. Our resources, although much greater than those of any other nation, are not limitless. There are those who honestly believe that if we put down the heavy burden of national defense and let the rest of the world go its own way, all our domestic problems can be quickly solved.

But if defense spending falls below the minimum needed for security, the problem of domestic programs may become moot. Or, as President Nixon puts it, "Let us not, then, pose a false choice between meeting our responsibilities abroad and meeting the needs of our people at home. We shall meet both or we shall meet neither." And the Honorable Melvin Laird, Secretary of Defense, has emphasized that it is this administration's objective to ensure that we never fall into second place. Certainly that objective is in keeping with your own VFW national security goals.

Americans know that the paths of history are littered with the remnants of great nations whose strength at crucial times was proven second best. I cannot believe that we will allow such a tragedy to overtake us or those who have stood with us.

GENERAL CHAPMAN—DISTINGUISHED COMMANDANT

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. BROOKS. Mr. Speaker, leadership and devotion to duty are two of the cornerstones which have produced the proud traditions of the U.S. Marine Corps. These are traits exemplified by Gen. Leonard F. Chapman, Jr., U.S. Marine Corps., who retired on December 31 after dedicated and outstanding service as the 24th Commandant of the Marine Corps.

General Chapman's long and distinguished career has always been characterized by his constant efforts to insure that the terms "marine" and "professional" were and are synonymous. Throughout his assignments, General Chapman embodied those high principles which guided the corps during the turbulent decades of the 1950's, 1960's, and into the 1970's. He always knew the primary reason for the existence of the corps was to serve as the Nation's "force-in-readiness." He devoted his full energies to insisting that constant combat readiness be the continuing trademark of the corps. General Chapman truly felt that the corps could have no greater mission for itself—and no greater responsibility to the American people.

While Commandant of the Marine Corps, marines, including General Chapman's own two sons, fought through the peak of the Vietnam conflict. He guided the return of the Marine Corps to a peacetime posture and quickly charted the crops on a course toward a lean, ready force of "a few good men." During a period in the history of our country when permissiveness became the rule rather than the exception, General Chapman saw to it that the Marine Corps standards of leadership, training, and discipline remained realities. As General Chapman departed the post of commandant he left a Corps of Marines superbly trained, highly motivated, and ready to assume any mission assigned.

We send best wishes to General Chapman in his retirement, and we shall not soon forget his tremendous contribution to the security of our country and its people.

RESTORATION OF THE ELECTION PROCESS

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. PREYER of North Carolina. Mr. Speaker, one of the finest hours in the history of the House of Representatives occurred last Wednesday, January 19, when this body passed the Federal Elections Campaign Act of 1971. The high cost of running for public office has become a national disgrace and a serious threat to our democratic system. The new campaign spending bill should go far toward restoring the present election process to a more healthy state.

As with any legislation, some compromises were necessary before passage of the bill could be secured. One feature of the bill which is a product of compromise is the provision which prevents a candidate from spending more than 60 percent of his allowable expenditures on the broadcast media. While this section of the bill has been criticized as being discriminatory against radio and television, it does seem absolutely necessary to the success of the bill. Furthermore, it would appear that future efforts to remove this provision may result in an unraveling of the entire compromise agreement.

There are, however, two other provisions of the campaign spending measure which deserve further scrutiny. First, I would hope we can abolish the lowest unit rate provision which, in effect, shifts a portion of the expense of campaigning to the broadcast industry. Whether this provision will significantly increase the exposure of candidates to the public is arguable. More important, however, is the fundamental and patent unfairness involved in forcing any single group or industry to subsidize political campaigns.

Second, I also have serious doubts about the act's "reasonable access" requirements. None of us doubt the importance of our democratic election process, but to enact a provision which, in effect, would give campaign coverage priority over all other forms of public interest broadcasts seems to be a questionable precedent. By giving a governmental agency further power over the programing schedule of local broadcasters, we are creating a potential for the erosion of first amendment freedoms. Fair political programing has always been one of the measurements of whether a particular station warrants a broadcast license. It may be that we have gone too far in imposing additional "equal access" standards.

My criticisms of the final bill should not be construed as an effort to discredit a worthy and major piece of legislation. My reservations are stated only to point out how I believe a very good measure could be altered to make it even more effective.

UKRAINIAN INDEPENDENCE DAY

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. PEYSER. Mr. Speaker, I am proud to join with the many thousands of Americans throughout this Nation in commemorating the 54th anniversary of the proclamation of the Ukrainian National Republic. January 22, 1918, was a day which marked the culmination of century-old dreams of national independence from Russia. On that momentous occasion, in the city of Kiev, the Ukrainian National Republic was born.

The Ukrainian people proved themselves to be dedicated and heroic patriots who were able to realize their cherished goals of individual freedom and national liberation from the callous autocracy of czarist Russia. Today the 47 million ethnic Ukrainians form the largest of the captive nations subject to the control of an unrelenting Communist regime in Moscow. They still hold within their hearts the memories of a glorious history of continual struggle for self-determination.

We Americans must be reminded of our struggles for those same rights which are inalienable to people all over the free world. We share this dream with the people of Ukraine. Let us pledge to work faithfully for the ideals of the men and women who fought and won a free Ukraine.

THOSE SOVIET TRAWLERS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. WYMAN. Mr. Speaker, from the current photographs of the huge Soviet fishing vessels currently at dock in Adak, Aleutian Islands, to the huge trawlers taking our fish from this hemisphere from Greenland to the Caribbean, there is developing more than mere suspicion that while fishing is undoubtedly their principal mission, paramilitary reconnaisance and intelligence is also high on their captain's orders.

An interesting and challenging assessment of the potential role of these Soviet fishing fleets in relation to the nuclear arms race has been prepared by Dr. R. D. Paegle, chairman of the Seamen's Education Federation. Dr. Paegle's article, prepared as it has been from the vantage point of his position and his standing as a member of the Academy of Political Science, is deserving of careful consideration and I am including it in the RECORD at this point because of its undeniable significance.

[Updated version, Dec. 10, 1971]

PARAMILITARY USES AND THE POTENTIAL ROLE OF SOVIET FISHING FLEETS IN THE NUCLEAR ARMS RACE

(By Dr. R. D. Paegle)

ABSTRACT

Conditioning the United States public and politicians to the proximity of many large Soviet fishing ships and their aggressive fishing methods seems to be a major policy goal of the Soviet planners. This is done by exploiting the fishing grounds near the U.S. shores. As their presence is increasingly tolerated, they may decide that it is to their advantage to utilize a sizeable fraction of their 4500 ocean going trawlers, not only for fishing and intelligence gathering activities, but also as launching platforms for short-range rockets or even IRBM's. The stern trawlers are large enough for such a purpose since they are equal to or larger than our Polaris missile submarines.

The extreme nearness to U.S. shores (3–12 miles) would permit a "no warning" strike against all coastal military targets, including the commander-in-chief, as well as population centers. The attack could not only come in under the ABM defenses but would circumvent the Distant Early Warning (DEW) radar networks thrown across North America for the purpose of giving time to the U.S. to launch a counterstrike before Soviet ICBM's could reach the Minutemen sites.

If the growing number of the large Soviet SS–9 missiles raises considerable concern about a possibility that the Soviets might cripple U.S. second strike capability by a surprise attack even though our DEW system and satellites provide some warning, the inclusion of appropriate safeguards against the possibility of a supplementary ship-launched attack is a legitimate concern of the U.S. during SALT (Strategic Arms Limitation Talks). The removal or withdrawal of the Soviet fleets would be an even more reassuring development.

It is significant that of the nations with the biggest fishing fleets, it is the Soviet Union which keeps the largest number of ships along the US shores. In recent years, according to UN statistics, both the Japanese and Peruvian fishermen caught more fish than the USSR.[1] However, they do not seem to find the US offshore fishing grounds nearly as attractive. During the two surveillance flights off New England which I was permitted to accompany, the National Marine Fisheries officials aboard the planes counted 25 Soviet, 17 Polish, 1 Rumanian, 1 Greek and several Spanish or Portuguese ships during the flight in June and 72 Soviet, 27 Polish, 7 East German, 6 Bulgarian, 5 Japanese and 1 West German ship during the flight in late November.

Other Soviet vessels operate regularly near the Caribbean and Pacific coasts of the US. On the average day, the USSR keeps 200 to 500 fishing ships near the US shores. For example, 216 Soviet fishing, support and research vessels operated off US coasts during September, 1971 (Report on foreign fishing off US Coasts, compiled monthly by the National Marine Fisheries Service, US Department of Commerce.) In contrast to the other major fishing powers, the USSR is best known for its status as a military superpower, hence the potential utilization of its commercial vessels for military purposes has to be considered. The anti-submarine tracking capacity of such a large, widely dispersed, sonar equipped force is too obvious to require much comment.

"NO ADVANCE WARNING" ASPECT OF SEABORNE ATTACK

The Soviet interest in avoiding the American early warning systems was revealed by the information brought by Mr. Lyalin, whose defection to the British resulted in the mass expulsion of more than 100 Soviet spies. American early warning systems for detection of approaching ballistic missiles were targets for projected sabotage (A. Lewis, New York Times, October 1, 1971.)

A russian submarine or surface ship (including an adapted trawler) could fire a missile at Washington on a flat trajectory which would even allow it to come in under the land-based radar. Even if detected, our anti-missiles could not knock it down in time. Besides, exploding the nuclear warheads of the antimissile rockets so close to the city would just add to the ground damage. A high speed missile, comparable to the US Sprint, could cover the 120 miles to Washington in less time than is needed to pick up a radio receiver and transmit a warning. The President of the US could be caught off guard (either asleep or at a public meeting) and denied the chance to give any commands, including one to launch a counter attack. The Soviets may calculate that during the ensuing confusion, the well disciplined second string commanders in charge of the ICBM sites would hesitate to assume the responsibility for launching the US counterstrike. They would waste precious minutes trying to communicate with their no longer existing commander-in-chief and other superiors. While the second string commanders vaccilated, the Soviets could exercise one of their numerous options. If the best mix, as determined by computer supported war games, indicated an all out attack, various other US targets would be subject to the same type of attack.

RELATIVE U.S. VULNERABILITY TO SEABORNE ATTACK

US industry, population and military targets are heavily concentrated along the Atlantic, Gulf and Pacific coasts: electronics in New England, steel and chemicals further south, and aerospace industries in California and Washington states. Cape Kennedy and West Coast test ranges are also near the shore. All of them are vulnerable to the above mentioned seaborne type of attack.

A special trawler force could even be equipped with IRBM missiles and MIRV warheads and assembled near the Oregon and Washington coast. Many of the Soviet ships are large enough (Appendix A). The tasks of this force would include neutralizing the ABM system protecting the US missiles and knocking out as many of the Minutemen in Montana and North Dakota as possible. In addition to better accuracy, due to the shorter distance, the ship launched IRBMs would arrive much sooner than the transpolar ICBMs. This might enable them to catch many of the retaliatory US missiles in a "soft" stance, i.e. with the covers removed from their hardened silos.

PROXIMITY OF U.S. OVERSEAS BASES TO INTERNATIONAL WATERS WHICH ARE ACCESSIBLE TO THE SOVIET TRAWLERS

U.S. global power is heavily dependent on numerous overseas bases. Many of these, such as Rota in Spain and Holy Loch in Scotland, are very near to international waters. Since the Soviet fishing vessels roam the entire world, one or two could be dispatched to each base without causing undue alarm. With the advent of nuclear weapons, it is no longer necessary to mass a whole fleet to attack a single base, as at Pearl Harbor. A single ship with a small rocket can cause far more thorough destruction. In addition, a ship could loiter near its target until the propitious moment for a coordinated, world wide attack had arrived.

MISSILE EQUIPPED TRAWLERS COULD RAPIDLY APPEAR ON STATION

It is very unlikely that the Soviets would risk a major confrontation now by carrying hidden missiles aboard the trawlers at this time. Despite tight security, the chances for discovery are still too great. Some sailors defect to Western nations. Others may unwittingly blab to Western spies operating within the USSR. Or a ship may sink in a storm and later be inspected by American personnel.

However, the missiles could be introduced rapidly. The pattern for ship rotation has been established. A new rotation of ships, with different crews under extreme security measures, and with missiles on board could replace in 4 weeks time all of the 200–500 ships near the US shores. Or to better preserve secrecy, the Soviet military commanders could introduce only relatively few, adequately distinguished special ships among the regular fishing trawlers.

ADVANTAGES OF TRAWLERS TO SUBS IN PSYCHING THE AMERICANS

Since WW II, the Soviets have learned that the US, if aroused, is quite capable of huge defense outlays, which in the long run can outpace the maximum efforts of the Soviet economy. The key is not to alarm the Americans unduly. When the Soviets built a huge fleet of conventional submarines, the Americans listened to men who advised the rapid build up of nuclear submarines with Polaris type missiles. Undoubtedly, the Soviets could now produce similar submarines much faster than they are doing, but if they did that, the Americans would see the military threat too clearly and be on guard.

In the present US political climate when the anti-military sentiment is so high, any US military spending is scrutinized very carefully. However, if an explosive growth of Soviet nuclear strike forces, including missile submarines, became too obvious[2] even the militant peace groups within the US would have a hard time explaining away such Soviet behavior and could not prevent commensurate increase of the US defense budget. However, a versatile trawler force avoids such a risk.

In addition, if the Soviets ever tried to concentrate most of their subs along the US shores, the chance of premature discovery would be too great and would give the US an opportunity to go on a full alert. By comparison, a commercial surface fleet is free to come and go. Russian planners know the American respect for commercial endeavors as well as the freedom of the sea. Therefore, the Soviets may expect that the US not only will tolerate the presence of foreign

---

Footnotes at end of article.

fishing ships in the rich fishing grounds near their shores, but will also avoid stopping and inspecting the cargo holds of these ships. Since the Soviets know that Americans are also very sensitive to the charge of hypocrisy, they may deem it unlikely that the US would ever claim jurisdiction over the ocean for 200 nautical miles along their shores while protesting against such claims by Ecuador, Peru, Chile, Argentina, Uruguay and Brasil.[3]

ALL OUT WAR JUST WILL NOT HAPPEN

The Soviet leaders and military planners are aware of the tremendous effect of public opinion on the Western governments. They know that in the US it is very hard to even consider the possibility, much less discuss the probability of a "nuclear Pearl Harbor". The concept that nuclear war would be suicidal or at least unprofitable for either of the superpowers has been so firmly established as to be accepted without qualification by most ordinary Westerners as well as by some think-tank members.[4] In the past, US authorities have given assurances that even if the Soviets attempted a preemptive strike, enough second strike capability would survive to demolish the aggressor. In response to novels and films such as Dr. Strangelove, the emphasis was placed on decreasing the possibility of a few fanatics getting out of control and precipitating a holocaust. Our military leaders have instituted elaborate precautionary measures, which require time consuming double and triple checks before any missiles can be launched or the public alerted to an impending attack.[5] The above opinions became entrenched while the US held an undisputed lead in nuclear arms. Since the USSR has now drawn abreast of the US (Appendix B), a reevaluation of long held beliefs may be in order.

GROWTH OF NUCLEAR STOCKPILES AND DISPERSAL OF SOVIET BASES

Despite the genuine yearning of the civilians for peace, the "nuclear stalemate" may not be as stable as was hoped. The protracted course of SALT is an indirect confirmation of the fragility of this balance. As the stockpiles grow and the weapons systems become more sophisticated, the balance appears to be shifting in favor of the Soviets.[6] The rapidly growing Soviet navy is also acquiring new bases throughout the world. It has even launched an effort to establish nuclear capability in Cuba by building a naval base and dispatching a missile submarine tender to the Caribbean.[7]

Since the Soviets (a) presumably have enough nuclear strength (Appendix B) to maintain a creditable retaliation in case of an attack, (b) profess to be interested in peace and disarmament and (c) cannot have forgotten the outraged American response during the first Cuban missile crisis, it is interesting to speculate on the reasons why they are expanding a proportionately larger fraction of their gross national product in order to catch up with the US in the military rather than the civilian sector.

NEAR BALANCE IN THE MAJOR STANDARD CATEGORIES OF NUCLEAR ARMS-DELIVERY SYSTEMS COULD BE UPSET BY THE INTRODUCTION OF AN UNEXPECTED NEW MIX OR AN OVERWHELMING BUILD-UP OF A SINGLE CATEGORY

Although a Soviet spurt in the buildup of either the ICBM, submarine based missiles or strategic bomber forces may radically alter the balance, it seems more likely that in the foreseeable future each side can prevent the other from gaining an overwhelming advantage in any of the three classical weapons systems (Appendix C). Hence Soviet Russia may search for a decisive advantage in new directions, including (a) radically different mixes of weapons and delivery systems and (b) placement of weapons in hidden sites which are immune to inspection. Larger, permanently orbiting space labs with attendant technicians (who could help evade inspection attempts) would be one such system. Weapons hidden in surface ships, which conventionally are used for other purposes, could be another site. Since the surface fleets are already on site, they deserve preferential attention.

"SLEEPER" IN SOVIET DISARMAMENT PROPOSALS

During the negotiations on limitation of strategic armaments, the USSR proposed a 5-year ban on the deployment of antiballistic missile systems.[8] The Soviets asked that each side be allowed to deploy only 100 interceptor missiles around their capitals. This implied the removal of the fledgeling force being built around the US ICBM bases in Montana. Superficially, this appeared like a limited but fair proposal, since each side would have equal warning and protection against long range ICBMs. However, due to geography, the Soviets would gain a big advantage. Washington is less than 120 miles from the ocean while Moscow is far inland, hence more difficult to hit accurately with submarine or ship launched missiles. A US submarine in the North Atlantic or Barents Sea would be at least 1000 miles from Moscow. Therefore any of the missiles it fired would have a high trajectory and would (1) be picked up by radar and give Soviet leaders a few minutes time to decide to launch a counter attack, (2) give the leaders a chance to hide in a fallout shelter and (3) be susceptible to interceptor missiles.

WHY U.S.S.R. MIGHT BE TEMPTED TO RISK A NUCLEAR SURPRISE ATTACK

The Soviets could act out of greed for wealth and power or out of fear. The Soviet rulers undoubtedly realize that if they decisively defeated the US and retained sufficient nuclear reserves to smother France, Red China and others (if they were foolish enough to resist), they would be in the driver's seat from then on and could extract economic benefits from all the world (Appendix D).

The Soviet rulers may also conclude that time is against them. If they wish to unite the entire world under their own rule, they may have to do it within the next five to fifteen years while the US is the only barrier to Soviet world supremacy (Appendix E). Within that time, the emergent power of Red China (Appendix F), United Europe, Japan and the spread of nationalism and the unpredictable youth initiated unrest and idealism may become too strong to counter. Soviet Russia has felt compelled to increase its permanent garrison stationed on the territory of its satellites in Eastern Europe to 31 divisions after it promulgated the "Brezhnev Doctrine" and to deploy 41 divisions along the border with Red China.[9]

POSSIBLE U.S. RESPONSES

The detailed analysis of the pros and cons of various responses to the potential trawler threat is beyond the scope of this study, but the following could be considered:

Short range: (a) inclusion of regulation of Soviet trawler forces on the SALT agenda (b) extension of territorial waters to 200 miles (c) banning Soviet fishing ships selectively from approaching closer than 200 miles (precedent has been set by selectively restricting the travel of Soviet diplomats in the US) (d) stringent and comprehensive inspection of the trawlers on the high seas (this would require a far higher US Coast Guard budget) (e) consistent monitoring of the positions of all Soviet ships around the world and marked buildup of the US Navy and (f) support for commercial ventures near the Soviet shores. For example, US oil men could start drilling for oil outside Soviet territorial waters and erect suspicious huts on the decks of their rigs. Since these could conceal US weapons, the right to inspect them could be bartered for the right to inspect the Soviet trawlers near the US below as well as above the decks. The US could also support and underwrite commercial ventures in deep sea mining, preferentially near the Soviet shores. The supply ships for these ventures could not only pose a comparable threat to the Soviets as their trawlers do to us but would also provide jobs for American fishermen and seamen thrown out of work by foreign competition and also help defray the high costs of developing and sustaining the fleets. In addition, getting to the deep sea mineral resources could help decrease our dependence on foreign raw materials and mitigate the problems created by expropriation of American mining companies by foreign governments.

Long range: (a) diffusion of world power. The emergence of more superpowers would reduce the temptation to the USSR to go for broke by a surprise attack. (b) encourage tourism to the USSR by the militantly peace loving US and European youth. With luck, they may arouse and inspire their counterparts in the USSR, who, in turn, might be able to "vote out of power", or at least deter the hawks in the Soviet oligarchy. Youth initiated pressure may even inspire an aggressive Soviet Premier to resign or at least not to run for reelection, as happened to a US President not too long ago.

APPENDIX

A. Size and construction of Soviet deep sea fishing fleets—

The deep sea fishing fleets consist of over 4500 vessels. Many of these are stern trawlers which range in size from 2000 to 5000 tons. By comparison, a missile submarine is about 2000-3000 tons. A few of the short range cruise type missiles could be hidden on even the smaller size trawlers, since they are small enough to be carried on trucks and have a range of 150–200 miles (M. Labelle, The Guide, Wed. March 2, 1966). The newer, supersonic and nuclear tipped missiles, such as the "Lance" are even smaller—only 20 feet long and 2 feet in diameter (Beecher, NY Times, Aug. 9, 1971).

The construction of the stern trawlers is well suited to prevent premature aerial discovery. The normally well concealed rockets (perhaps even immune to casual inspection by international observers) could be brought above deck, serviced and readied for firing underneath the superstructure built around and over the conveyor belts, winches and other machinery used for hauling the large nets over the stern. The rockets could be moved to the open area at the rear of the trawler at the last moment prior to firing.

B. Rough balance of current US and Soviet nuclear arsenals—

In March of 1971, Defense Secretary Melvin R. Laird gave Congress an assessment of the arms balance projected for midyear then warned seven months later that the Soviet missile buildup was exceeding his earlier estimates: [10]

	United States	U.S.S.R.
Land launched ICBM's	1,054	1,500
Submarine launched missiles	656	400
Long-range bombers	569	[11] 175–195
Total number of warheads and bombs	[12] 4,600	[13] 2,000
Rough estimate of the power of strategic nuclear arms (in megatons) [14]	7,111	10,874
Landmass in square miles	3,554,609	8,570,600

C. Soviet prospects for diminishing or neutralizing the US capability in the three major nuclear weapons systems—

(a) The Soviets have a considerable edge in numbers and size of land based ICBMs. It has been estimated that 420 out of the huge SS–9 missiles, each with a triple warhead, could paralyze the entire US Minutemen force in a single blow.[15] The Soviet force could reach this stage by mid seventies.

Footnotes at end of article.

While the Russian MIRV (Multiple, Independently Targeted Reentry Vehicle) warheads are thought to be large enough to knock out even the hardened American missile silos, they are considered rather inaccurate.[16] The US MIRVs are felt to be more accurate, yet there is a question as to whether they are powerful enough to destroy such targets. As each side corrects its deficiencies, the size and numbers of the Soviet forces will give it considerable advantages, which may or may not be fully neutralized by limited US antimissile networks around the Minutemen silos.

(b) Back in 1969 a panel of experts, chaired by Admiral Arleigh Burke, indicated that while the Soviets were not yet able to track US Polaris submarines effectively, they were working hard to overcome this disability.[17] The recently described ability of adequately equipped space labs to detect easily the thermal wake left by a nuclear submarine[18] must be disquieting to the US planners. The successful Soviet efforts to orbit large space stations have been described by the news media. These or even newer satellite systems could overcome the time lag between the actual observation of the thermal wake and the time when the satellite transmits its data to the control centers on earth. Once the nuclear submarines are located, the large numbers of Soviet ASW vessels might be able to neutralize the 41 US missile submarines. The Soviets now have 85 nuclear powered submarines, many of them hunter-killer types.[19] In addition, two years ago they already had 1,022 destroyers, frigates, ocean going escorts, patrol boats, submarines chasers and coastal escorts as to 757 comparable vessels in the US Navy. Once the relatively few missile submarines are located, each of them could be surrounded by a small fleet of ASW surface vessels and several hunter-killer subs. Since the latter could match our subs in speed and endurance, it might be especially difficult to shake them. Since the US probably could do the same to the Soviet submarines, a relative stand-off would result as far as this particular class of weapons are concerned.

(c) The large US advantage in bomber capability may already have been diminished considerably by deployment of the MIG 23 (FOXBAT). These planes can fly at Mach 2.3, operate at 70,000 feet and are equipped with downward looking radar and air to air missiles. The latter two features bode ill for the subsonic B52s whose pilots were supposed to evade the Soviet radar by flying at very low altitudes. The large US bombs may become an undeliverable pile of fissionable material.

If the Soviets produce and adapt a large number of their SST planes for carrying nuclear bombs, the balance of power may shift in favor of the Soviets even in this class of armaments. The fleet of 250 B-1 supersonic bombers proposed by the US Air Force at an estimated cost of 11.1 billion dollars (or 70 billion according to other estimates), may restore American preponderance.[20] Yet the Soviets may also improve their MIGs and rocket defenses sufficiently by the time these bombers become operational in late 70s or early 1980s.

D. Soviet economic supremacy after nuclear victory—Since they would expect to be victorious in a global conflict which they started, the Soviets could plan to blame the defeated Americans for starting the war which cost millions of Russian dead. They could pretend to have a genuine grievance against other UN members because the UN was not "stern" enough with the US to prevent such a holocaust. A Soviet demand for UN aid to rebuild the damage within the USSR might then be made to appear as a quest for reasonable compensation. The existing UN machinery could be adapted to impose levies and reparations on all countries of the world. In such circumstances, it would be a rare leader who could effectively resist a Soviet demand for economic help to rebuild the damage inflicted on them by US counterstrikes. The shock and fear would be too great to enable the rest of the countries to argue against The Superpower which not only possessed overwhelming force but also had demonstrated its readiness to use it successfully. Eventually all United Nations members could become republics of the "Soviet World Union".

The Soviet rulers would mollify the surviving majority of their civilian population by liberal distribution of economic largesse extracted from the rest of the world. If the Soviets planned the surprise attack carefully, much of US productive capacity would remain intact and could also be taken over completely by the victors.

E. During the next decade the US is the only barrier to Soviet world supremacy—The Soviet rulers know that at this time and during the coming decade, the US is the only power standing between them and complete domination of the world. Red China is pushing the development of her nuclear arsenal but is not expected to have a substantial one until the mid 70s. Until then she is diverting a considerable amount of her scarce resources into building air raid and fall out shelters for her population.[21] The "force-de-frappe" of France and the few nuclear missile carrying submarines (purchased from the US) and ageing bombers of Great Britain are no match for even intermediate range nuclear strike forces of the USSR. The nuclear weapons reportedly produced by Israel are designed for Phantom aircraft delivery.[22] They barely reach the Soviet borders. Hence, they can be used only to impress the Arab rulers. No other country has been reported to have nuclear arms.

If the USSR could develop a mix of nuclear weapons, delivery and defense systems which appear to guarantee destruction of the US forces and minimal or even "repairable" damage to the USSR, the Soviet rulers might be tempted to order an all out attack. They may envision the arrival of a propitious moment within 5–10 years, when they have neutralized the US advantages, as described earlier.

The more than 100 billion dollars the US diverted to the ground war in Vietnam could have provided considerable nuclear protection. This diversion was a major factor which enabled the Soviets to close the gap. The belated realization by Red China of what a clear cut Soviet nuclear dominance during the next decade might mean, may be responsible for the Chinese initiative in the ping-pong dimplomacy. The Chinese reportedly were shocked to learn through the Australian Communist party and others that the Russians were considering a nuclear strike if China continued its stubborn stand along the disputed central Asian boundary.[23] The border crisis passed but the Chinese have not forgotten how exposed they were.

F. Soviet fear of China and Japan—

While the Soviet fear of China is great, fear of a US–Chinese coalition is extreme. Apparently, the State Department is well aware of this. Within a few days of the announcement of the department of the US table tennis team for Peking, the State Department reassured the USSR that this was not intended as an anti-Soviet gesture. Superficially, such a reassurance was absurd as well as unprecedented—when a major government immediately associated a trip by a team of a minor sport with major foreign policy issues.

Another indication of Soviet concern with Red China was of a more personal nature. During the past years, I have been involved in several incidents concerning people from the Soviet fishing fleet who were potential or actual seekers of political asylum. During these incidents, I encountered more than a dozen Soviet diplomats from the USSR mission to the United Nations. This provided an opportunity to observe the Soviet brand of pushiness as well as its effects on middle echelon US officials. One of these diplomats said that the Soviet Union saw only three major areas of concern i.e. those between the three major powers and that his particular field of interest was the relationship between the US and Red China. With one fell swoop of unexpected frankness, this Soviet diplomat, despite his assignment to the World Organization, relegated the myriad activities of the UN to a secondary role.

FOOTNOTES

---

[1] The Center for Strategic and International Studies, *Soviet Sea Power*, Special Report Series: No. 10, Washington, D.C., The Center for Strategic and International Studies, 1969, p. 95.

[2] Projections apparently do not reach this threshold: (A) The editors of *Jane's Fighting Ships*, Samson Low, Marston & Co., Ltd., London, 1971, have estimated that by mid 70s the USSR will have enough ships armed with nuclear weapons to destroy by a surprise attack all US rocket bases and strategic bomber airfields, (B) Congressman Sikes of Florida has recently warned "We are about to have a second class navy and this we cannot afford", Congressional Record, vol. 117, pt. 27, p. 34954.

[3] Novitski, J. "Latin Lands Turning to Europe for Arms", *New York Times* (May 4, 1971), 1.

[4] H. Kahn and G. R. Urban, "Most of the Traditional Causes of War Have Disappeared," *New York Times Magazine*, (June 24, 1971), 12–24.

[5] *New York Times*, April 8, 1971.

[6] Murphy, C. J. V., "Our Strategic-Arms Advantage is Fading Fast," *Reader's Digest*, (February, 1971), 94–98.

[7] Gilmore, K. O. "Soviet Submarines: New Challenge from Cuba," *Reader's Digest*, (May, 1971), 63–67.

[8] *New York Times*, May 21, 1971.

[9] *U.S. News and World Report*, July 26, 1971.

[10] Beecher, W. "Experts See Soviet and US Nuclear Arsenals in Rough Balance," *New York Times*, May 21, 1971 and "Laird Warns of Soviet Missile Buildup Far Exceeding His Earlier Estimates", October 14, 1971.

[11] Includes 50 tankers which could also carry nuclear weapons but does not include any of the 1,200 Soviet intermediate-range bombers, some of which have been assumed to be able to make one-way bombing runs to the US, then land in Cuba according to Hunt, G.P. "Our Four-Star Military Mess", *Life*, June 16, 1971, 50–68.

[12] Two or more weapons carried by the B-52 make up a large share of this numerial advantage. This number does not include small tactical weapons carried by short range fighter planes.

[13] This number may deliberately have been calculated low, in order to assure US public. The actual number must be far higher since the submarine and land based missiles already number 1900. MIRV warheads and multiple bombs in Soviet planes do not seem to be included in Laird's statistics.

[14] The limited statistics obtained from published materials for making this estimate include: a) the Minuteman has a single 1M warhead b) the Poseidon missile has 10–14 warheads of 40K each c) the USSR has 300 large SS–9 missiles with a single 25M warhead or up to 5 warheads of 2M size d) the other Soviet ICBM's, the SS–11 and SS–13 have 1M warheads. It is assumed that each missile carried by a submarine has a punch equivalent to the Poseidon and that each long range bomber can carry about 10M. (1 Megaton (M)=1000 kilotons (K)=1,000,000 tons of TNT; the Hiroshima bomb was about 20 kilotons).

[15] Murphy, *Op. Cit.*, p. 95.

[16] Beecher, *Op. Cit.*, p. 2.

[17] The Center for Strategic and International Studies, *Op. Cit.*, p. 41.

[18] *Time,* May 3, 1971, p. 68.

[19] Hunt, Op. Cit., p. 66.

[20] Mitgang, H. "New Wings for 1984", *New York Times,* (June 7, 1971), 23.

[21] Topping, Seymour, "China, With Eye on Soviet and US., Pushes Raid-Shelter Program", *New York Times,* (June 5, 1971), 2.

[22] Nes, D. G. "Israel—the 51st State?", *New York Times,* (June 5, 1971), 24

[23] Topping, *Op. Cit.,* p. 2.

THE SENATOR AND THE RADICALS: HUBERT JOINS BUG-OUT BRIGADE

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. SCHERLE. Mr. Speaker, in a recent issue, the Republican National Committee's hard-slugging publication, Monday, reminded its readers that while HUBERT HUMPHREY is now critical of President Nixon's efforts to protect American lives in Vietnam, he was in fact a strong supporter of similar attempts back in 1967 and 1968 when his party and his President were in the White House. To refresh both the Senator's memory and that of others who may have forgotten, I include the article in the RECORD.

I also include a column about the GOP weekly which was written by Ralph de Toledano and appeared in the San Diego Union newspaper:

THE SENATOR AND THE RADICALS: HUBERT JOINS BUG-OUT BRIGADE

Vice President Hubert Humphrey about Vietnam, quoted in the Department of State Bulletin, May 16, 1966: "It won't be easy. It will be frustrating and at times heartbreaking. But if we are not to deny the principles in which we believe, we must stay and see it through. And the free nations of the world need to know that we have the vision and endurance to do so."

In signing a pledge affirming his support for the removal of all U.S. support from the South Vietnamese government, Sen. Hubert Humphrey has ceased being a responsible spokesman for his party and has instead cast his lot with the extreme left whose goal has always been not merely a U.S. withdrawal from Vietnam but rather a U.S. defeat and a Communist take-over of that country.

As reported by the *New York Times,* Humphrey spoke recently to the American Association for the Advancement of Science and after his talk two leaders of "a national organization of radical scientists and engineers" persuaded HHH to sign a pledge affirming his support for: (1) the setting of a date for total withdrawal of all U.S. forces, including air power, from Indochina and the stopping of all bombing; (2) removal of U.S. support for the Thieu government in Saigon.

HUMPHREY FIRST TO SIGN UP

As quoted in the *Times,* one of the radical leaders, John Froines, a defendant in the Chicago 7 trial and a leader of last Spring's Mayday disruptions whose goal was to shut down the Federal Government, was happy and somewhat surprised at Humphrey's defection. HHH's signature on the document was "the first time that one of the Democratic front-runners not only called for setting a date for total withdrawal but for removal of support for the Thieu regime," Froines declared.

Humphrey's new found desire to pull the rug out from under South Vietnam without regard to the consequences either to the people of that country or our fighting men and POW's there is, as *Newsweek* columnist Stewart Alsop has put it, "an act of gross immorality." To cut South Vietnam off at the knees. Alsop has written, "to force those who have fought on our side to surrender would be a terrible betrayal, an act of gross immorality."

Even the ultra-liberal *Washington Post* has editorially labeled irresponsible those antiwar critics who want to get our troops out of Vietnam without regard to the prisoners-of war and those who favor no U.S. aid to Saigon after American participation in combat ends. The pledge signed by Hubert Humphrey addresses itself to neither of these obligations.

HHH BACKS VIETCONG

Commenting on Humphrey's signing of the radical, cut-and-run pledge, the *Washington Daily News* editorialized: 'It is disappointing that Sen. Hubert H. Humphrey, with his long acquaintance with foreign affairs, has embraced the Viet Cong's key plank for 'settling' the Vietnam war. Sen. Humphrey now has completed a long voyage from apologist for President Johnson's conduct of the war to backer of the radical antiwar position . . . it is shocking that a responsible politician would buy the Communist line that the way to peace is by 'removal of support' for Saigon. This is a cover phrase for withholding military and economic aid from the Thieu regime, while China and Russia continue to lavish weapons on the North Vietnamese.

"It is also a euphemism for betraying the anti-Communist South Vietnamese who fought on the American side.

"In the long run, the Communists well may prevail in Vietnam, but we see no reason why the United States or Sen. Humphrey should make it easier for them."

HUBERT HUMPHREY ON THE BOMBING—THEN AND NOW

Sen. Humphrey's criticism of President Nixon's efforts to take all steps necessary in Vietnam to protect American lives, including selective bombing of North Vietnam, is strange. Strange because it was Vice President Hubert Humphrey who was a strong defender of this very concept when his party and his President were bombing. For example: In a *Washington Post* story dated Aug. 20, 1968, HHH was reported as taking a "hard line" on Vietnam, particularly the bombing of North Vietnam, saying that the war would not be solved by "weakness and withdrawal." HHH declared that "no President has the right to sacrifice the men of this country to make himself look good," according to the *Post.*

In 1967 before the Grocery Manufacturers of America, Humphrey raised the question of bombing and noted that the subject always came up in the U.S. but almost never in Vietnam. If you're a doubter about the efficacy of the bombing, Hubert declared, "you ask any of the American boys dug in under artillery fire along the DMZ. I suggest you ask our troops in the Central Highlands in the Delta who face mortars and guns carried in from the North."

Admittedly the fact that Hubert Humphrey is currently at odds with his former self on yet another issue is hardly news. But for the record, somebody ought to mention it.

[From the San Diego Union, Jan. 5, 1972]

BATTLE OF WORDS BEGINS TO FIND BETTER BALANCE

(By Ralph de Toledano)

Back in the days when a Democrat sat in the White House, Republican senators would moan and groan at some of the presidential appointments sent up for confirmation. But the minority leader, the late Everett M. Dirksen, had a standing admonition: A president has the right to appoint whom he will, barring charges of high crimes or moral turpitude.

That right must have been reserved to Democrats, if the experience of the past year proves anything. Democratic senators have made it an open season on President Nixon's appointees, attacking or rejecting them for reason's ranging from "lack of sensitivity" to the ideas they hold in their heads.

For the most part, the Republicans have taken this with a patience bordering on masochism.

It's a good sign, however, that the Republicans have begun to strike back—good for them and good for the nation's political health. Lyn Nofziger, deputy chairman of the Republican National Committee and a former newsman, circulated a memorandum on Sen. Edward Kennedy which caused anguish in certain circles but which said forthrightly what should have long been said in this country—and is now being written in the British press.

And John Lofton Jr. has been editing a sprightly but tough-minded monthly, First Monday, and a weekly newsletter which have been striking the opposition where it counts.

There are those who like to see the battle of words more evenly balanced.

Nofziger, Lofton, and the Republican National Committee are, it should be noted, taking some risks. There are those in the GOP who persist in the belief that elections are won by cottoning up to the enemy and endorsing his ideas. These apostles of pussyfooting have already complained, but so far their counsel has been ignored.

In the current issue of First Monday, Lofton puts the Democratic Party's presidential hopefuls on the spot. Where do these politicians, who sadly deplored President Nixon's stand against busing and his order that the Department of Health, Education, and Welfare hold the practice down to the minimum required by law, themselves stand?

Well, Sen. Edmund Muskie calls it a "legitimate tool" but adds that he doesn't like it. Sen. Henry Jackson says he's not against it if it serves "a useful purpose"—"whatever that means," Lofton interposes.

Seven years ago, Sen. Edward Kennedy saw it as a "sound and historic principle" that children should not be bused—but now he's for it "if it's necessary." Sen. Hubert Humphrey is for it "under certain circumstances"—which he does not explain. Sen. George McGovern goes along because "it's the law of the land."

But First Monday really puts icing on the cake by turning to Mike Wallace of CBS, whose program "60 Minutes" went to the nitty-gritty of the question. He announced where Washington's liberals—particularly those who criticized Mr. Nixon—send their children to school.

Reports First Monday:

"Among liberals sending their children to private school in the D.C. area: Sens. Muskie, Kennedy, Hart, Bayh and Mondale; Rep. Walter Fauntroy, a Negro who represents the District of Columbia in Congress; Rep. Donald Fraser, Democrat of Minnesota; N.Y. Times columnist Tom Wicker; Washington Post editor Benjamin Bradlee, Post editorial page editor Philip Geyelin, Post radical columnist Nicholas von Hoffman; and top McGovern aide Frank Mankiewicz.

"Senator McGovern who has moved into the District from Maryland still sends his daughter to a Maryland high school approximately 3 per cent black, Wallace reported, even though this means a tuition charge of $1,450."

In other words, while they support busing for my children and yours, they keep their own in private schools where desegregation is, at best, nominal.

Do as I say, not as I do—is that their slogan?

Perhaps they feel as Mrs. George Meany, wife of the AFL–CIO president, when she said: "Anybody who don't like us can lump us." (George Meany really doesn't care about what people say; he has three sons-in-law on the AFL–CIO payroll, and at one time two daughters—but he doesn't have to worry about elections the way senators and congressmen must.)

Keep on punching, Lyn and John.

LEGAL OPINION OF POW QUESTION

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. HANNA. Mr. Speaker, last fall the House voted on a motion by the gentleman from Massachusetts to cut off funds for U.S. military activity in Indochina. I voted against that motion, Mr. Speaker, not because I am any the less desirous of an end to this war but because I had a strong fear that such a move by the Congress at a critical time in our withdrawal program would have a seriously damaging effect on efforts to secure the release of our POW's.

After the vote I wrote to the State Department asking for a legal opinion on the effect of the amendment on the POW question. During the recess I received a reply to my questions and I want to share this information with the Members of the House. The reply from the Department of State follows:

DECEMBER 28, 1971.

Hon. RICHARD T. HANNA,
House of Representatives,
Washington, D.C.

DEAR MR. HANNA: This is in response to your letter of December 13, 1971 to Mr. Starr of the Legal Adviser's Office concerning the legal consequences of the proposal put forward by Representative Boland to cut off funds for United States military activities in Indochina after June 1, 1972.

As you may recall, the floor debate in the House reflected considerable doubt as to the legal effect of the proposal, and in particular whether it would result in an automatic cutoff of funds after June 1, 1972.

The Administration opposed the proposal because its adoption would have undermined the objectives we are pursuing with respect to the Indochina conflict.

By setting a fixed date for ending United States combat and support operations and by cutting off funds after that date, the Boland proposal ran counter to the dual track approach of Vietnamization and negotiations. Its passage would have seriously impeded the Vietnamization program of carefully staged transfers of responsibility to our South Vietnamese ally, and would have removed a major remaining incentive for Hanoi to negotiate seriously. They would be encouraged simply to wait out the deadline rather than pursue talks genuinely designed to protect the interests of all parties to the Indochina conflict.

In regard to prisoners of war, the United States position has been to deal with this as a humanitarian issue rather than cynically exploiting it as a political one. We still have on the table at Paris a broad and reasonable negotiating offer which includes the immediate and unconditional release of all prisoners of war throughout Indochina. We would strongly prefer such immediate release; failing that, however, we are most anxious to secure a release as part of an overall settlement. For the reasons noted above, the Boland proposal would have undercut our efforts on the prisoner of war issue.

If I can be of any further assistance, please do not hesitate to let me know.

Sincerely yours,
DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

BUFFALO AREA GROUP HEARS U.S. REHABILITATION CHIEF

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. DULSKI. Mr. Speaker, we in the Niagara Frontier area of upstate New York are extremely proud of the progress which has been made on vocational rehabilitation.

This is a most vital area of activity and one which cries for support and understanding. It is an important factor in our frustrating overall welfare problem.

In the closing days of the first session of the 92d Congress, the Rehabilitation Association of Western New York, Inc., assembled some 200 members to hear an address by Commissioner Edward Newman of the Rehabilitation Services Administration of the Department of Health, Education, and Welfare.

Because the House was in session, I was not able to attend the affair as I had planned. However, I was represented by an aide.

In the Niagara Frontier area, the local center has evaluated, trained, and placed over 100 individuals in competitive employment. This represents a total annual payroll of over $500,000 per year.

Included in this group are 46 individuals who formerly were receiving public assistance. Placing them in productive employment has cut welfare costs by some $200,000 per year.

Commissioner Newman made an excellent presentation of the overall rehabilitation problem and I am including his text with my remarks:

SPEECH BY COMMISSIONER EDWARD NEWMAN, REHABILITATION SERVICES ADMINISTRATION

When social service professionals get together these days, most of the discussion is about the welfare crisis, and what can be done about it.

For welfare is indeed in a state of crisis, growing more urgent and threatening every day not only to those who must administer the programs, but to those elected officials who are responsible for the health and vitality of the State and the local community.

While this problem is uppermost in the minds of every thoughtful citizen and every responsible public official, we must not lose sight of the fact that, during these past four decades of the decline and perhaps imminent fall of public welfare, there has been another human resource program under public auspices whose record of achievement has been on the ascendant.

It has served people whose incomes were at or near the poverty-level, and whose problems were complicated by physical or mental disability. It has consistently grown in numbers of people served as well as numbers restored to productive work, and furthermore, its cost benefits are easily accountable and visible.

VOCATIONAL REHABILITATION

I speak, of course, of the public program of vocational rehabilitation, and I submit to you that this program has a great deal to offer as a model and guide to those who are framing the new welfare structure.

Basic to the success of the rehabilitation program are the rehabilitation facilities and workshops which were operating in this country long before the Public Welfare Program. The rehabilitation facility movement began when one of the first rehabilitation centers was established in Cleveland in 1889.

Your own Niagara Frontier Vocational Rehabilitation Center in Buffalo (directed by the very able president-elect of the Rehabilitation Association) is a direct descendant of this program.

One of the highest priorities of the rehabilitation program is to continue making use of the private and public resources to help people leave the welfare rolls, by preparing them for work and helping them get jobs.

Today, the national mood demands that the greatest emphasis in public programs be placed on dependency reduction, and the deinstitutionalization of people. In striving to meet both of these goals, rehabilitation facilities and workshops will play a crucial role, since they form the very basis of our approach to the *new* rehabilitation service system.

RELIES ON LOCAL RESOURCES

This system is unique among public programs, because it relies essentially on the resources in the local community—medical, educational, vocational, and the private, voluntary rehabilitation facilities.

By design, not chance, the rehabilitation program over the years has carefully cultivated these community resources through the establishment of facilities, through leadership, and through program development.

Last year, for example, one-third of all the basic program funds appropriated for rehabilitation were spent in establishing or purchasing services from rehabilitation facilities.

The key to this delivery system is "interdependence"—the joint planning and the programs provided by the public and private, voluntary sectors.

Our mutual goals—the reduction of dependency, and de-institutionalization—can be accomplished only through the enhancement of this public-private partnership.

CONCERNED WITH ALL FACTORS

As advocates for the disabled, we are concerned about comprehensive services to handicapped people, and the removal of obstacles—whether they be legal, bureaucratic, attitudinal or whatever.

As many of you know from your work with the State program, at various times to various people, vocational rehabilitation has been classified as a health problem, an educational problem, a social services problem or a manpower problem.

The confusion arises because vocational rehabilitation is all of these: a system addressed to the total needs of the handicapped person. The labels are not important, as long as the integrity of the delivery system remains.

The fragmented needs of individuals—educational, medical, psychological, social services, job placement and follow-up, are put together again as components of the total VR system.

For example, we need only to look at the Niagara Frontier Vocational Center. Comprehensive services are provided, beginning with a careful evaluation and assessment, leading to a sequence of services, and finally to independent living or vocational employment.

The array of services includes: counseling, evaluation, adjustment, training in occupational skills, job try-out, placement, physical therapy and remedial education.

INTEGRATION OF SERVICES VITAL

Service integration takes place through coordination with the Employment Service, the Buffalo Board of Education, the New York Office of Vocational Rehabilitation, Goodwill Industries, the Community Rehabilitation Center, the Workshop for the Mentally Retarded, the Welfare Office, and the Commission for the Visually Handicapped.

The State VR agency purchases services from this fine facility, and has provided special funds to train handicapped persons in job skills, as well as technical assistance to exchange ideas and to improve service.

Johnny Evanko, the area coordinator, has the reputation of working very effectively with the private sector. A relationship with the University is established through Dr. Jacques, the Director of the rehabilitation counseling program at the State University here in Buffalo.

But you know all this. I did not come from Washington to tell you what is already widely recognized—that the Niagara Center is an outstanding example of a rehabilitation facility which serves as a keystone of an integrated service delivery system.

I cite it as an example of what we are moving toward as we develop a national model for integrated service delivery for every State.

AN EXEMPLARY PROGRAM

I cite it also as a success story of the vocational rehabilitation program at a time when program planners for public programs are looking for success stories in a generally disheartening scenario.

Many people are growing more impatient with needy and dependent people who do not appear to want to help themselves. Many more are impatient with the programs we have developed so far to help dependent people to restore their independence and dignity.

In 1954, when the U.S. Congress passed legislation which substantially broadened the scope of the rehabilitation program, authorizing a series of sweeping changes and reforms, President Eisenhower said:

"This law is especially noteworthy in two respects. In the first place, it emphasizes to all the world the great value which we in America place upon the dignity and worth of each individual human being. Second, it is a humanitarian investment of great importance, yet it saves substantial sums of money for both Federal and State governments."

REHABILITATION IN DOLLAR TERMS

That statement, true in 1954, remains equally true today. Last year, approximately three-quarters of a billion dollars was added to the Nation's economy as a result of the rehabilitation program, which restored a record 291,272 disabled people to productive activity.

Our studies showed that these people earned an estimated $770 million more than the year before they entered the process.

Projected as lifetime earnings, these figures exceed 9 billion dollars in increased earnings—just for those rehabilitated in 1971, and of course taxpayers will share substantially in these earnings, as increased taxes paid by the rehabilitants—and the reduction in tax-supported payments for their maintenance.

I am sure my friend Frank Zweig will agree that statistics are only one view of the program's benefits to society. We do not support this program because it pays us back for every dollar put into it.

We support it because it is right—right in the context of American society, right in the context of human concern for our fellow citizens, and right in the context of contributing to our nation's strength and well-being.

PUBLIC CONCERN ESSENTIAL

One measure of an enlightened, democratic society is the degree of public concern displayed for the well-being of its citizens.

In the Seventies, we look forward to increasing the number of rehabilitations annually. This year, we expect to reach 300,000. But even at this pace, we are not keeping abreast of the rising numbers of newly-handicapped.

Like other actual statistics, it is a factor of our growing population, the hazards of our own way of life—especially the highways—and the toll taken by birth defects and disease.

We anticipate growing demands on a program which has always been dynamic rather than static, and which has always "reached out" rather than "sat tight."

While we seek to remain responsive to the financial, manpower, and technological demands of a growing client population, we also must see to it that every measure is taken to intensify the effectiveness of our program—to make it deeper as well as broader.

1. We must press vigorously for more accessible public buildings, business establishments, and places of employment through the removal of architectural barriers—including public transportation which often is the last obstacle between the disabled person and a job.

INCREASE EMPLOYER AWARENESS

2. We must continue our campaign to make employers aware that instead of hiring the disabled as a duty, they will be employing trained people with special skills.

3. We must encourage the establishment of rehabilitation facilities which meet the needs of disabled people and of their employers.

4. We must require better standards of performance and accreditation of programs to insure quality services.

5. We must do far more than we have done to take the program to those who can benefit from it, but who—for whatever reason—are not receiving essential services.

6. We must continue our own internal program analysis and self-study to develop a better system of delivery of services to disabled people, in the interests of efficiency and productiveness.

7. And we must become far more active as advocates for the handicapped—knocking at the doors of legislators and congressmen, local government officials, and the general public, to win their support and to tell them the rehabilitation story.

For in the final analysis, the growth and effectiveness of the rehabilitation program in the community and in the neighborhood—as it reaches out to your neighbor, your friend, or perhaps someone in your own family—is directly related to the support given to the program by community people.

STATES SET OWN BENCHMARKS

In establishing a matching program for funding the State-federal partnership, Congress saw to it that the States could set their own benchmarks, by virtue of their own willingness to participate financially.

The character and vigor, the concern and the scope of each State's program is determined, ultimately, in the community, and in the State Capitol by a Legislature and a Governor who set the State's contribution, and by elected officials in Washington who establish the limits of the Federal share.

I am well aware of the administrative and financial difficulties which impede optimum growth of the New York State program, as indeed they do in many States in the nation whose rehabilitation closures and rates lag far behind their proportionate populations and affluence.

There are some bright spots in the New York picture, especially here in Western New York where Buffalo is the center for many progressive approaches to unmet needs.

Buffalo's rehabilitation rate has been significantly ahead of the State average, and the area has moved decisively into the area of providing services to minority groups, the disadvantaged, and the rural disabled.

BE SURE NO ONE MISSED

Outreach efforts in model cities programs in the area, and for rural populations, find counselors in such settings as social service agencies and county hospitals—even using an answering service to make sure no calls for help or information are missed.

The Niagara Center, with one of the few training services grants in the nation and the only one in the State outside of Metropolitan New York, has been one of the major reasons for such commendable activity in the State.

Last year, on the occasion of the 50th anniversary of the State-federal program of vocational rehabilitation, President Nixon paid tribute to the rehabilitated citizens who have made this program a success. He said, "I salute the courageous handicapped people who are the true heroes in these victories over tremendous adversity."

In a few years, we will mark the 200th anniversary of American independence, and of our founding as a new nation and a new society.

In 1976, I earnestly hope that we can point to the rehabilitation program as evidence that America has kept faith with its principles, and that after two centuries we are still committed to seeking for every American his fullest opportunity for rewarding work, for dignity, and for independence.

TRIBUTE TO ELIOT B. FELDMAN

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. REES. Mr. Speaker, the Samuel Fryer Yavneh Hebrew Academy, of Los Angeles, has designated Eliot B. Feldman, a prominent Los Angeles attorney, as the honoree of its annual dinner at the Century Plaza Hotel, Los Angeles Room, on Sunday evening, February 6, 1972. The academy is a parochial school, affording quality religious and secular education to more than 400 pupils in the elementary grades.

Eliot Feldman is an ordained rabbi and a member of the California and New York bars. I have had the pleasure of working with him for a number of years and have been impressed with his character, learning, and ability and the rare qualities of leadership which he has demonstrated in his multifarious activities on behalf of the religious, civic, and political life of Los Angeles.

The honorary cochairmen of the event are Nathan Shapell, a prominent Southern California real estate developer and member of California's "Little Hoover Commission"; California Attorney General Evelle J. Younger; and Los Angeles District Attorney Joseph Busch. Mr. Feldman has long been active with these gentlemen in civic and community activities. Eugene L. Wyman is chairman, and California Assembly Speaker Bob Moretti is the featured speaker. I am a member of the honorary committee.

I know the Members of this House will want to join these gentlemen in this well-deserved tribute to Eliot Feldman and a salute to this fine educational institution for its splendid contribution to the education of our youngsters and its success in transmitting to them the best traditions of the American and Hebraic cultures.

THE COST OF HEPATITIS AND COMMERCIAL BLOOD

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. VEYSEY. Mr. Speaker, one of the Nation's leading experts on blood donating and hepatitis is Dr. J. Garrott Allen, a professor of surgery at the Stanford Medical Center. Dr. Allen has been studying blood transfusion problems since 1945. His findings have been widely published. One such study briefly documents the severe social and economic costs which hepatitis inflicts on its victims. Hepatitis is an extremely painful and persistent disease. Its cost to patients and hospitals across the Nation is immense.

I recently introduced a bill, H.R. 11828, which would remove the need to rely so heavily on the proven primary source of serum hepatitis: The commercial blood donor. I invite my colleagues to join me on this important bill.

The material follows:

THE COST OF HEPATITIS AND COMMERCIAL BLOOD

(By J. Garrott Allen, M.D.)

Serum hepatitis can be a serious complication of the transfusion of blood or blood products, but there are also important socioeconomic consequences of this disease. The economics of commercialism in blood have been well considered and discussed in the recent monograph by Titmuss,[1] and except for a few economists[2] and a few blood bankers,[3] his body of information has been well accepted. Those with differing views acknowledge the great hazard from commercial and prison blood, and that this hazard exceeds 10 to 1, compared to blood from volunteer donors, but they appear to overlook the cost of hospitalization and the unemployment that may extend from a few weeks to several years. Isolation techniques are required, which increase the costs. In the Bay area, this amounts to approximately ninety dollars a day.

The Center for Disease Control in Atlanta reported 52,583 cases of serum hepatitis for the year ending June 30, 1970. They believe this number represents a minimal figure because reporting of cases and the maintenance of records are generally inadequate. The CDC estimates that the actual incidence may be two to ten times greater than the reported fifty-two thousand.

How many of these patients are hospitalized each year for serum hepatitis is not known. Of those who are, the duration of hospitalization ranges from a few days to a few months. It would seem reasonable to compute, for an employed adult, the economic losses on the basis of a mean hospital stay of ten days and a mean loss of work of 60 days, and to estimate that about half of the reported cases are hospitalized. Relevant computations for these assumptions are shown in Table I.

In Table II–A are shown the incidence rates for positive Australia antigen results in populations that have been screened and classified as to their origin, *commercial and prison* donors, and the much smaller rate of encounter among *volunteer* donors. The ratios shown appear to be about the same by whatever method used for screening for the Au antigen. Unfortunately, however, these tests will detect only about 25% to 30% of donors who are capable of transmitting serum hepatitis. It is therefore necessary to examine the actual attack rates for serum hepatitis among recipients of blood, recognizing the blood or its source according to socio-economic status.

In Table II–B are several clinical studies which show that, for Au positive blood, the detection rates range between one in 1,500 and one in 1,800 volunteer donors. Although the ratios of frequency in occurrence of Au positive commercial bloods is in excess of ten times that reported for blood from volunteer donors, and essentially the same as for clinically recognized hepatitis, it is apparent from Table II–B that these tests fail to pick up about 75% of carriers in both groups. Therefore, the numbers of cases of clinically icteric serum hepatitis per 1,000 transfusions given is considerably greater than might be anticipated from the Au antigen tests. These calculations ignore the possibilities of the much larger numbers of anicteric cases that may occur.

COMMENTS

Serum hepatitis is ten times more frequently encountered from transfusion than it need be, due primarily to the use of commercial blood. As little as 40% of commercial blood will increase the attack rate ten times or more. Serum hepatitis is therefore the cause of death ten times more often than it need be. It is also ten times more expensive than it need be in our present transfusion system.

With an all-volunteer blood program, the frequency of this disease, the numbers who die from it, its cost in hospital days and in days lost to productive work would be reduced by 90% of its present levels. At that point we would be dealing with a 10% residuum of the numbers of cases and cost that now exist. These conclusions are shown to be warranted from reported clinical experience as well as from the results of Au antigen tests.

Because the mean number of transfusions the average patient receives is about 3, it appears doubtful that the routine screening by the Au antigen test, with present techniques, will materially reduce the number of cases of hepatitis that develop. This speculation needs to be tested against large populations of transfused patients, in which the numbers and sources of transfusions per patient are accurately recorded, and the results of the Au antigen test for each unit is known. It is also important to know which test was used and whether under pilot or routine conditions. Such a study should be undertaken, in which no patient is given an Au antigen positive blood and in which the post-transfusion course of all transfused patients is known. The reliability of such a study will depend almost completely upon the excellence of epidemiology for each patient transfused.

Lander et al[4] have found that measurement of the Au *antibody*, by their technique, is much more sensitive than measurement of the Au *antigen*. They reported that approximately 20% of the population carried Au antibodies and that, after a series of transfusion, 82% of patients receiving multiple transfusions developed a positive Au antibody response. Their results exceed considerably that of clinical experience. Stated otherwise, they find a positive Au antibody response in excess of twenty times that observed clinically. Transfusions would probably have to be abandoned altogether if a positive Au antibody response in the patient was to be interpreted as a case of serum hepatitis. On the other hand, if this is considered to be an amanestic response from a previous infection, it becomes an interesting observation without necessarily implying that the patient had more than an immune response to hepatitis. It may be that a patient with a higher titer of antibody to the Au antigen is less likely to develop the disease, or at least that his disease may be moderated by the presence of antibody. The possibility may exist that at some titer level, the Au *antibody* concentration may indicate that the patient is immune to serum hepatitis, and conversely, at a very low titer, he may be more susceptible to serum hepatitis than the average patient. These speculative possibilities need further study.

TABLE I.—ESTIMATED ANNUAL COSTS OF SERUM HEPATITIS—HOSPITAL AND DISABILITY COSTS FOR 25,000 REPORTED CASES OF SERUM HEPATITIS

	1 day	10 days	60 days
Hospital costs:			
a. Single room	$88	$880	
b. Medications and laboratory charges	10	100	
c. Physicians' fees	10	100	
Total	108	1,080	
Total for estimated 25,000 hospitalized patients	2,700,000	27,000,000	
Loss of earnings—			
At $2 per hour	16		960
At $4 per hour	32		1,920
At $5 per hour	40		[1] 2,400
At $6 per hour	48		2,880
At $10 per hour	80		4,800

[1] Loss at $5 per hour with 10-day hospitalization and 50-day convalescence period for 25,000 patients:

Hospital costs for 10 days	$27,000,000
Loss of Income for 60 days	60,000,000
Total	87,000,000

RATIO OF SERUM HEPATITIS FROM VOLUNTEER BLOOD AND FROM COMMERCIAL BLOOD

A. Results from *Au* positive blood tests:

Philadelphia (Blumberg; 1969)[5] 20 to 1 from commercial donors.

Washington, D.C. (Holland, 1969)[5] 16 to 1 commercial donors.

New York City (Prince et al. 1971)[6] 12 to 1 from commercial donors.

Boston (Kliman, 1971)[7] 15 to 1 from prison donors: Volunteer—51,259=34 Au pos. tests. Prison—1,170=18 Au pos. tests.

Northern California (unpublished, 1971)[8] 11 to 1 from Commercial donors: Volunteer—14,032=8 Au pos. tests. Commercial—13,252 =80 Au pos. tests.

B. Results from Clinical Experience:

Chicago (Allen et al, 1959)[9] 11 to 1 cases of clinical icteric hepatitis from commercial donors.

New Jersey (Cohen & Doughtery, 1968)[10] 70 to 1 from 100% addict and commercial donors.

Seattle (Boeve et al., 1969)[11] greater than 11 to 1 with commercial fibrinogen added to volunteer blood.

Washington, D.C. (Walsh et al., 1970)[12] greater than 11 to 1 from commercial donors.

FOOTNOTES

[1] Titmuss, R. M. The Gift Relationship: From Human Blood to Social Policy, New York 1971.

[2] Culyer, A. J. Lancet 1971, 1. 602.

[3] Widmann, F. K. JAMA, 1971, 216, 1649.

[4] Lander, J. J., Alter, H. J., Purcell, R. H., J. Immunology, 1971, 106:1166.

[5] Blumberg, B. S.; Holland, P. V. Nat. Research Council, Symposium on Laboratory Screening Tests for Hepatitis Carriers, Oct. 31/Nov. 1, 1969, Washington, D.C.

[6] Cherubin, C. E., Prince, A. M. Transfusion 1971, 11, 25.

[7] Kliman, A. New Engl. J. O. Med. 1971, 284, 109.

[8] Blood Bank, Northern California: Personal Communication 1971.

[9] Allen, J. G., Dawson, D., Sayman, W. A., Humphreys, E. M., Benham, R. S., Havens, I. Ann. Surg. 1959, 150, 455.

[10] Cohen, S. N., Dougherty, W. J. JAMA 1968, 203, 139.

[11] Boeve, N. R., Winterscheid, L. C., Merendino, K. A. Ann. Surg. 1969, 170, 833.

[12] Walsh, J. H., Purcell, R. H., Morrow, A. G., Chanock, R. M., Schmidt, P. J. JAMA 1970, 211, 261

Footnotes at end of article.

WHY THE SPACE SHUTTLE MAKES SENSE

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. DEL CLAWSON. Mr. Speaker, Mr. Lawrence Lessing writing in the January 1972, issue of Fortune magazine effectively replies to some of the questions that have been raised regarding the space shuttle program. He touches on the economy achieved by concurrent development which, unfortunately, also leads to deceptively high national cost figures.

He describes the tie-in of the space program with U.S. defense and outlines the far-reaching goals of this program relating the goals to our national aspirations.

The budget-cutting measures applied in the past development of the shuttle are discussed as well as the misinterpretation of the 1970 Rand study cited by opponents of the space shuttle.

In the light of the President's announced support for the shuttle, it is especially important that this information be brought to the attention of my colleagues in the House.

Under leave to extend my remarks in the RECORD, I insert at this point the article entitled, "Why the Space Shuttle Makes Sense," by Lawrence Lessing:

WHY THE SPACE SHUTTLE MAKES SENSE

(By Lawrence Lessing)

It is time to develop a space program that's economically sustainable. With reusable vehicles, launch costs could be drastically cut, and the U.S. could afford to preserve its hard-won lead in exploring the cosmos.

The U.S. space program is entering an entirely new stage of development. The first stage featured high adventure—reaching the moon and proving that men can walk upon it. The new stage, less glamorous and doubtless less gripping to the man in the street, will feature the more prosaic task of making space flight economical, of putting it on a basis in which our knowledge may be cultivated and extended over a long period of time.

Some two years ago a presidential task force, set up to review the space program, recommended that the next big goal in space be the building of a space shuttle system. This would involve a new class of reusable rocket boosters, and spacecraft able to fly routinely in and out of space, much like conventional aircraft. Instead of being thrown away on each flight as Saturn-Apollo equipment is—at a cost of some $280 million per mission—the new vehicles would return intact to earth to be launched and flown again. The goal would be vehicles good for at least a hundred missions. The system could reduce the cost of putting men and payloads in orbit from about $1,000 per pound to around $100. Eventually these vehicles would provide the first transportation link to an orbiting space station, a permanent base on the moon, exploration of the planets, and much more. All together, they would lay the basis for a multipurpose space transportation system, viable for perhaps a quarter of a century, that would insure the nation's hard-won lead in space.

Needless to say, given the present economic climate and apathy about space, the project has met some sharp opposition, on the score of both high initial costs and lack of immediate "relevance." And, indeed, a shuttle system would be a large, long, and expensive undertaking. Its costs could run anywhere from $9 billion to $14 billion, spread over the next decade. But the shuttle's basic economic appeal helped to get its small initial budgets safely through two sessions of Congress. Last summer the National Aeronautics and Space Administration selected the first hardware contractor, the Rocketdyne Division of North American Rockwell, to build the big liquid-hydrogen engines needed—the item requiring the longest lead time. That contract, expected to run for a decade, will by itself amount to some $1 billion. In 1972, NASA will be moving toward a critical decision on the shuttle vehicles themselves. The decision to build them will represent a final commitment to the program, and will certainly be preceded by more heated debate.

TIME FOR DEBATE

It is well for democratic processes that the debate is occurring now, rather than long after the letting of firm hardware contracts. In the Apollo program, launched in an atmosphere of urgency about catching up with the Russians in space, appropriations were rushed through and all contracts let within the span of a single year, with hardly a dissenting vote. Only in 1963, with costs mounting (as projected earlier), and with a presidential election looming, did congressional attacks on the space program begin. No such precipitate haste has marked the initiation of the shuttle project. For two years three big aerospace combines—North American Rockwell teamed with General Dynamics, Grumman Aerospace with Boeing, and McDonnell Douglas with a range of specialized contractors—have been working under small study contracts to develop a wide range of optional system proposals. In turn, NASA has been analyzing and refining the proposals, mindful of budget stringencies, in an effort to find the most economical way to a long-term program of maximum usefulness. No space program thus far has been so critically or extensively examined.

The Air Force is mainly interested in the shuttle as a means of maintaining its extensive system of reconnaissance, communication, early-warning, and other defensive satellites. Until recently, recon satellites had to be launched every two or three weeks. In the relatively low orbits at which they must operate to get useful photographs, they had a very short life. A big, more advanced recon satellite, with a huge high-resolution camera and a higher orbital life of two to three months, is now coming into use. But this is still a short time span for expensive equipment; the span could be extended at great savings by a shuttle system. Even greater benefits would accrue to the growing galaxies of civilian satellites used in communications, earth-resources and weather surveying, and navigation traffic control.

With the shuttle thus taking top priority, it became apparent that a large space station could be deferred until late in the decade to keep budgets down. Moreover, the shuttle program itself might be extended further over time so as to hold down annual budgets. NASA is well aware of the fact that the Apollo program ran into political trouble because all its system elements were contracted for and developed concurrently, causing NASA's budget to rise sharply to a peak of $5.9 billion in 1966. Concurrent development is the most economic, effective way to develop complex systems, as was demonstrated in World War II. By selecting a firm target date and developing all systems in parallel to meet it, a program's time span, overhead, and waste motion are reduced and it is made less vulnerable to inflation. But the short-run budgetary implications of concurrent development are now politically unpalatable. NASA is facing the political reality and planning to keep somewhere within its present $3.3 billion a year.

There is a similar concern about the political realities in the hard-pressed aerospace industry these days. "Each engineer working on the program," a McDonnell Douglas spokesman assured a conference last spring, "has had his head reshaped to design for low costs." As an example, Grumman, builder of Apollo's famous Lunar Excursion Module (LEM), came up last spring with what proved to be a winning idea for shuttle-orbiter design. It consisted simply of employing external, disposable tanks to carry the bulky volume of hydrogen fuel. This would allow a smaller, lighter orbiter to be built, without sacrificing payload capacity, at the same time that it would materially reduce the size and complexity of the booster. The cost of the fuel tanks jettisoned on each flight would run close to $2 million, but these would be largely offset by capital savings of $1,500,000 per vehicle—and the capital costs would come earlier and pose a greater political threat to the program. NASA promptly directed all contractors to study the incorporation of expendable fuel tanks in their own designs.

TUSSLING WITH THE OPTIONS

Other budget-cutting measures included a proposal to use existing, non-reusable boosters, such as the Titan 3 or Saturn 1C, to launch the first shuttle-orbiter flights in 1978, phasing in a reusable booster later. Still another recent proposal, which originated at Boeing, would have the Saturn system redesigned into a reusable booster, while the shuttlecraft was scaled down to use smaller "off-the-shelf" hydrogen engines than those now contracted for; the proposal would make it possible to build a reusable booster and orbiter concurrently with less budget strain. These are the options, along with others, with which NASA will be tussling through this spring.

The danger is that under pressures for short-term savings the long-term benefits and *raison d'être* of the program may be lost. The use of one-shot expendable boosters, while holding down development costs, would itself be costly in operation, and would defer the system's full projected launch savings. A reusable Saturn system, though lowest in cost, would tend to freeze development on old technology, built for an entirely different special purpose, and, in addition to lowering payload capacity, would imply a performance goal far below the minimum of a hundred flights per vehicle. But such measures may now be the only ones that are politically feasible.

The shuttle's origins go back to the early days in space, when the Air Force began an experimental "lifting body" project called Dynasoar. This was conceived by Boeing, the system contractor, as a big rocket-propelled spacecraft with stubby delta wings, which, instead of plummeting back ballistically through the atmosphere, would have enough wing lift to glide back aerodynamically to an airport landing on earth. Dynasoar was to be a purely experimental vehicle. The ultimate objective was to use it to ferry men and equipment to a large manned orbiting laboratory, or space station, which the Air Force proposed to develop as a control center for its growing reconnaissance satellite system. Dynasoar never was built, however, and the whole project was canceled in 1963. Its costs were too high, especially when they were added to those of the Apollo program, and it was ahead of its time. Much basic space technology was still to be proved. But Dynasoar left behind a solid residue of experimental work on lifting-body designs for use at the enormous speeds of re-entry into the earth's atmosphere.

By 1969, with the Apollo program tapering off, aerospace engineers were ready to tackle a shuttle and space station. Initially, these were considered interlocking elements of a single system. Most of the basic technology needed for the system was already in hand—we could dock in space for example, and had developed reliable, restartable hydrogen engines. NASA initiated a broad study of the proposed system, and meanwhile set about converting the third stage of a surplus Saturn rocket into an experimental space station, dubbed Skylab, for launching in 1973, in order to test its possible uses and gain experience in long-extended weightlessness. (In the absence of a shuttle vehicle, Skylab will be serviced by modified Apollo spacecraft.) At the same time the Air Force remounted its own program for a shuttle system and manned orbiting laboratory. But this duplication of effort, in an increasingly tight budget, could not be tolerated. The orbiting laboratory was canceled to await the outcome of Skylab, and since then the Air Force has agreed to work cooperatively with NASA on development of a single shuttle system.

The basic shuttle design that emerged from the combined studies projected an imposing vehicle. It would have two major components: a stubby-winged launch rocket, or booster, looking something like a 747 jumbo jet, upended on its tail; and a winged shuttlecraft, or orbiter, about the length of a 707 jetliner, but wider. On launching, the orbiter would ride piggyback on the booster, which would carry it up to an altitude of about forty-five miles, at which point the booster would drop away and be brought back to its base by two pilots. Meanwhile, the orbitar, carrying a payload of as much as 65,000 pounds, plus twelve passengers and a crew of four, would ignite its own engines and go into higher orbit for missions lasting up to seven days or more. To lift these loads, the booster would have twelve big liquid-hydrogen engines developing a total of 6,600,000 pounds of thrust—the first use of hydrogen in ground launching—while the orbiter would have three similar engines with over a million and a half pounds of thrust. Together, they would represent the most powerful space vehicles ever built.

REPAIRMEN IN SPACE

As studies progressed, it became clear that the shuttle was the key element and highest-priority item in the complex. With or without a space station, it would stand on its own. The economies implicit in its large load-carrying capacity could make it the basic launch system for all kinds of space satellites, commercial or scientific, and planetary probes. The orbiter's sixty-foot-long payload compartment, with an ejection hatch, could carry into orbit the largest satellites contemplated, singly or in groups. Moreover, since the orbiter would also carry men, it could routinely service, repair, or retrieve the increasingly expensive objects in orbit. A $75-million orbiting astronomical observatory, for instance, whose batteries went dead in orbit some time ago, might thus have been saved. Such a service would ultimately allow manufacturers to build less expensively engineered satellites, at one-half to two-thirds of present costs, since they would not have to be built for long life unattended.

On the basis of launch savings alone, the Air Force announced last spring that with a shuttle available it would be able to phase out all its present big launch rockets, including its Titan 3's. The economics were most compelling. Against present costs of $20 million to $35 million for each major unmanned launch, a shuttle launch would run about $5 million. Savings over Saturn-Apollo missions are even greater, since this manned system requires long countdowns and the assistance at splashdown of the Navy, Air Force, and a cast of thousands; the shuttle would count down in two to three hours, and return on its own to land.

However costs are shaved, the shuttle remains a big, long-term investment, and it is this hard fact that draws the heaviest attack. In last year's congressional go-around on the shuttle's token $100-million budget, opponents led by Senator Walter Mondale seized upon a 1970 Rand Corp. study, financed by the Air Force, as proof that the program could not be economically justified. The study, basing its calculations on a conservative projection of U.S. space activity in the next two decades, concluded that savings effected by the shuttle over comparable expendable systems would at best amount to only a "marginal" $2.8 billion by 1990. The Air Force retorted that the Rand report was an interim study, based on outdated 1969 figures, and did not reflect changes and refinements in the new joint program, on which a more comprehensive cost-benefit analysis was being completed. Opponents could muster less than thirty Senate votes in their attempt to halt the program.

Later in the year, a NASA-sponsored study, made by Mathematica, Inc., an independent firm headed by economist Oskar Morgenstern, came in with more substantial figures. Taking as one of its base lines an average of fifty-six launches per year (assuming that total space activity ran along close to the current level), the Mathematica study found that savings using the full-scale shuttle would come to some $14 billion by 1990—enough to pay off original development costs in something more than a decade of operation. It made clear that these savings would not be registered on launch-vehicle capital costs, in which the shuttle ran more than $4 billion higher than expendable equipment, but on payload costs and operations, where the shuttle would have an $18-billion cost-saving advantage. These savings would begin to accrue even in a phased program using expendable boosters, and irrespective of whether the comparison was made with unmanned launchings. Savings, of course, would be less if a more limited shuttle system were to be adopted.

Actually, useful as cost-benefit analysis is in evaluating projects in which all the elements are reasonably well known, it can be only a limited guide in weighing a program that encompasses a great mixture of exploration, advanced industrial application, military development, scientific experimentation, and large elements of the unknown. It is almost as if, in the wilderness of late-eighteenth-century America, analysts had attempted to project all the costs and benefits of building a transcontinental railroad. Or perhaps more nearly as if, early in this century, they had tried to weigh all the economic benefits of developing the Wright brothers' flying machine, at a time when not a few learned as well as practical men held the opinion that the machines would never safely carry passengers.

Aerospace men believe that so far cost-benefit analyses, which conservatively assume that the launch pattern of the last decade will continue, take too little account of one of the cardinal principles of transportation. This is that as transport becomes more frequent, faster, routinized, and lower in carrying costs it invariably attracts more traffic, leading to further cost savings and other benefits. The last decade was the infancy of space flight. With space satellites on the verge of a decade of major expansion, a shuttle would greatly expedite their growth. With a shuttle in being, space stations may be economically assembled and maintained, not only to coordinate satellite operations but to establish near-earth platforms for direct scientific and industrial experimentation. This includes such projects as the creation of new metals, materials, or methods of fabrication in vacuums unobtainable on earth, the possible generation and transmission of pollution-free electric power from space, and still other more exotic prospects. * * *

Meanwhile, on a much smaller scale, four other countries are now members of the space club, having launched and orbited experimental objects or satellites with rockets of their own design. They are Britain and France, heading a European consortium, and, more recently, Japan and China. All have run into difficulties in designing large rocket boosters; the European group, which wants to develop a regional communication satellite of its own to serve Western Europe, has had special difficulties. NASA has had extensive talks with the Europeans in an effort to persuade them to became financial partners in the shuttle project, in return for some transfer of technology and shared use. Recently, as a further inducement, NASA offered to launch the European communication satellite at nominal cost. Given the tensions created by the recent international monetary situation, the European governments have been wary of joining in the U.S. space program. Meanwhile, NASA is committed to launch in 1973 an educational TV broadcasting satellite for India, the first of its kind, and a domestic satellite communication system for Canada. Quite aside from national or military rivalries, therefore, the U.S. has in space an exportable high technology of large potential, just beginning to open up.

Perhaps the most startling recent development of all has been a series of talks between Soviet and U.S. space authorities, who are now close to an agreement to design compatible docking mechanisms for the Soyuz-Salyut and Apollo-Skylab space stations and to conduct joint operations between them. Both nations want to develop the capability, in future shuttle flights to rescue nationals of either country who may happen to be injured or stranded in space. The agreement may also be an opening move toward more international cooperation and exchange of technological information in space exploration, complementing the recent easing of U.S.-Soviet trade barriers.

A SYSTEM OF STAGED GROWTH

Primarily, the shuttle is a vehicle designed for the first, most arduous stage of getting large loads out of the earth's heavy gravity and atmosphere into near-earth orbit, and later assembling large space stations there. The next planned stage, following closely on the first, would be development of a space tug, a smaller version of the shuttlecraft, which would be carried up into orbit by the shuttle itself, and there be regularly serviced and refueled. It would operate from near-earth orbit and from space stations to deploy and maintain satellites in higher synchronous orbits, some 22,000 miles up, where a satellite's speed coincides with the revolutions of the earth so that it appears to be fixed in space over a single area. The tug would also operate from space stations as a shuttle link carrying men and equipment between the stations and the moon. Ultimately, the tug would be replaced by a third vehicle stage, a nuclear-powered spacecraft, whose engine is already well along in development. It would extend the range of operations from near-earth orbit and the moon to Mars and beyond. The basic shuttle, while earning its way in near space, would also serve to hold these options open for future decision and development.

A fresh vision of the great implications of man's quest in space was imparted a year ago by the Swedish-born scientist Hannes Alfvén, now at the University of California at San Diego, on the occasion of his receiving the 1970 Nobel Prize for work in plasma physics. In his address, Alfvén saw as the major impact of space exploration the discovery that interplanetary space, instead of being a structure-less void, is permeated by complex patterns of electric currents, electric and magnetic fields, and charged gaseous particles in heated motion, collectively known as plasmas. The direct study of plasmas in space, he predicted, will not only lead to more fundamental understanding of the origin and accretion of the solar system—a major goal of late twentieth-century science—but it is also likely to supply indirectly the missing key to the control of thermonuclear power, a key that has proved elusive to earth-bound theoreticians.

JOURNEY TO AN ASTEROID

To further that basic study, Alfvén repeated a daring proposal he had made earlier that the next step beyond the moon be a manned mission to an asteroid, one of thousands of small bodies revolving in a great belt about halfway to Mars; the mission would require some form of shuttle technology. Because of their small size (many of them are less than sixty miles in diameter), asteroids may reveal the composition of the earliest coalescence of matter out of cosmic plasmas.

Other investigators are beginning to look to experiments performed in space for clues to the problems of supplying the earth with new sources of electric power and with scarce materials. There has been an increasing number of technical papers on various proposals to generate electricity from a space station and transmit it by microwave for conversion to usable power on earth. Thermonuclear reactions would be easier to control and sustain in the cold, high vacuum of space; more conventional nuclear plants would also work better there, without danger of lethal accidents or polluting the earth. Also to be taken into consideration is the use of magnetohydrodynamics (tapping electricity directly from high-speed plasma streams) and the direct conversion of solar power from space. Further on, as strategic metals grow scarcer and more difficult to wrest from the earth, it is not beyond the bounds of economic feasibility to ferry them in from planetary bodies. Alfvén suggests that asteroids, because of their low gravity, would be easy to mine. Smaller ones might even be propelled into near-earth orbits, or even to a soft landing on earth, for closer study and use. Thus there is more to the first-stage shuttle program for the future of man than would at first appear.

Back in the early Sixties, when these issues were first being debated, Ralph J. Cordiner, then chairman of the board and president of General Electric, had some words to say at a symposium on the space frontier. His observations bear directly on the future of the space shuttle.

"At this stage," said he, "the new frontier does not look very promising to the profit-minded businessman or to the tax-minded citizen. Every new frontier presents the same problem of vision and risk . . . Leif Ericson discovered America five hundred years before Columbus, but apparently the Vikings did not have the vision to see anything worthwhile on that vast, empty continent . . .

"When a new frontier is opened, the new territory always looks vast, empty, hostile, and unrewarding. It is always dangerous to go there, and almost impossible to live there in loneliness and peril. The technological capacities of the time are always taxed to the utmost in dealing with the new environment. It takes an immense effort of imagination for the citizens to see beyond these initial difficulties . . . But such an effort at prophetic imagination is what is required of us as citizens, so that we will not, like Leif Ericson, leave the making of the future to others."

OHIO CONSUMER LOAN ASSOCIATION HONORS DONALD F. BAIRD, OF WARREN, OHIO

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1972

Mr. CARNEY. Mr. Speaker, I was pleased to learn recently that a constituent of my congressional district, Mr. Donald F. Baird, of Warren, Ohio, was honored by the Ohio Consumer Loan Association for his outstanding performance as a member of their board of directors during the past 14 years.

Mr. Baird received the association's distinguished service award, which was presented to him at their 56th annual convention in Columbus, Ohio. Mr. Baird is the 16th person in the OCLA's history to receive this award. In addition to his record of service to the association, he also served his community by maintaining the highest ethical standards as regional manager of the Beneficial Management Corp. However, I believe that his achievement can best be summarized by an excerpt from a resolution passed by the Ohio Consumer Loan Association's Board of Directors:

> Be it therefore resolved that the Ohio Consumer Loan Association through its officers and directors, extends to Don Baird its most sincere appreciation for his many years of enthusiastic leadership and faithful service which he has so willingly rendered for the enrichment of this association, and extends to him and his wife, Betty, all good wishes for continued success and future happiness.

Mr. Speaker, this fine example of good business and good citizenship is certainly worthy of recognition. I am proud to have a man like Don Baird as a friend.

HON. COURTNEY CAMPBELL

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. PEPPER. Mr. Speaker, Mrs. Pepper and I are deeply saddened to learn of the passing of our long-time friend and a former, distinguished Member of this House, the Honorable Courtney Campbell. We were intimate personal friends of Courtney and his lovely wife and we have cherished their friendship through the years. Courtney was an outstanding businessman in Florida for many years. He contributed much to the growth and progress of our State. He was an eminent civic leader, always deeply dedicated to the public interest and to the service of his State and country. He was a friend of every worthy cause. He was a man of warm heart and generous disposition who quietly and unostentatiously lent a helping hand to many who needed help.

Courtney served Florida with great distinction in this House. He was diligent in the performance of his public duties, faithful to the high trust of public office. He was a man of high principle and lofty ideals who sought only to serve his district, his State, and country in every way possible. He enjoyed the respect and the confidence of his colleagues here as he did of all who knew him. He was a gracious and considerate gentleman, always thoughtful of others. Wherever Courtney Campbell walked he cast a glow of warmth and friendship and character. My wife and I are among a host who were devoted to him and who will ever honor his memory. We extend our deepest sympathy to all of his loved ones.

DEAN FLOYD ANDRE

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. SCHERLE. Mr. Speaker, the death of Floyd Andre is a loss not only of a good friend but also of an outstanding agricultural scholar. For over 22 years, he was dean of the Iowa State University College of Agriculture. As a farmer, a State legislator, and a Member of Congress, I have known and worked with Dean Andre. Jane and I extend our deepest sympathies to Mrs. Andre and the family at this time.

Several news articles follow.

[From Ames (Iowa) Daily Tribune, Jan. 19, 1972]

FLOYD ANDRE, ISU DEAN, DIED

Floyd Andre, 62, dean of the college of agriculture at Iowa State University for the past 22 years, died about 6 p.m. Tuesday at Mary Greeley Hospital here.

Death was attributed to cancer and complications which resulted from a recent attack of influenza. Dean Andre had been in ill health for the past several months.

Private services for the family will be Friday morning and memorial services will be held Friday at 1:30 p.m. from Collegiate Presbyterian Church with the Rev. John G. Davies officiating.

A native of New Sharon, Dean Andre attended schools there and in Pasadena, Calif. before he enrolled at Iowa State University in 1927. He received B.S., M.S. and Ph.D. degrees here, with major work in entomology and minors in zoology and chemistry.

RETURNED TO IOWA STATE

In 1940 he joined the staff of the office of experiment stations, U.S. Department of Agriculture and in 1945 was named principal administrator and entomologist. He was named assistant director of the Wisconsin Agricultural Experiment Station and professor of economic entomology on Aug. 1, 1946 and became assistant dean of agriculture and assistant director of extension at Wisconsin July 1, 1948.

In 1949, he returned to Iowa State as dean of agriculture and director of the Agriculture and Home Economics Experiment Station.

As a consultant in agriculture and education, he had advised on cattle production in Mexico in 1957, on agricultural improvement in Argentina in 1960 through 1963 and administration of ISU's college of agriculture contracts in Peru and Uruguay in 1963–4 and 1970.

PLANNING ACTIVITIES

He was Land-Grant College Assn. representative on a team to study a five-year plan for agricultural development and education in Paraguay in 1964 and leader of a team to assist in development and evaluation of a rural university in Brazil in 1964 and 1969.

He was a member of many professional and scientific organizations and had been listed in "American Men of Science" continously since 1935 and "Who's Who in America" since 1949.

His first wife, Hazel Beck, died in 1956. In 1970 he was married to Avis Lovell, who survives. Other survivors include two daughters, Mrs. Jacqueline Schmeal of San Francisco, Calif. and Mrs. Alice Clark of Iowa City; a son, Richard, serving with the U.S. Army in Malaysia and five grandchildren.

A memorial fund has been established to aid undergraduate students in agriculture at Iowa State University. Contributions may be made to the Iowa State Alumni Assn. or the Union Story Trust and Savings Bank.

[From the Des Moines (Iowa) Register, Jan. 19, 1972]

Dean Andre of ISU Dies

Ames, Iowa.—Dr. Floyd Andre, 62, dean of agriculture at Iowa State University (ISU) since 1949, died Tuesday night of cancer and complications resulting from influenza.

Dean Andre died at 6 p.m. at Mary Greeley Hospital here, where he had been hospitalized since last weekend.

Widely known in agriculture circles, Dean Andre was an alumnus of Iowa State who served both as agriculture dean and director of the agriculture and home economics experiment studies for the last 22 years.

His career as a leading land-grant college administrator spanned one of the most changing eras in American agriculture, marked by soaring farm surpluses and the development of new farm chemicals.

Despite declining farm population, agricultural enrollment doubled during his tenure as new curriculums related to agribusiness, farm business and other new fields were designed and offered.

In addition to his administrative duties at Iowa State, Dean Andre was often called on as a consultant for agriculture and education by foreign nations.

While he was a leader in agriculture, Dean Andre was not well known by the general public. One of his few public campaigns involved the use of stronger pesticides during the 1960s when a new strain of corn rootworm emerged and was resistant to conventional insecticides.

Dean Andre took a stand urging caution by farm users, including the wearing of protective garb, and issued statements expressing his strong concern about the welfare of farmer users of this new family of farm chemicals.

A native of New Sharon, Ia., he was born Sept. 13, 1909 and completed grade school in New Sharon. He graduated from high school at Pasadena, Calif., and went on to Iowa State where he received his bachelor of science degree in 1931, his master of science degree in 1933 and his doctorate in 1936.

He worked for the U.S. Department of Agriculture (USDA) Office of Experiment Stations upon earning his Ph.D. and until joining the University of Wisconsin as a professor of economic entomology in 1946.

At the age of 39, Dean Andre resigned as assistant dean and director of the college of agriculture at the University of Wisconsin in 1949 to return to Iowa State as one of the youngest deans ever named.

Dean Andre was a member of many scientific organizations including the Association of Economic Entomologists, the Entomology Society of Washington, the Biology Society of Washington, Office of Experiment Stations, USDA, Gamma Sigma Delta, Phi Kappa Phi, and has been listed in the American Men of Science continuously since 1935, and in Who's Who in America in 1949.

He was the owner of a farm near Radcliffe, north of Ames, where he spent many of his free hours.

His first wife, Hazel Beck, died of cancer in 1956 at 42 years of age. A few weeks before her death she wrote an article titled My Last Wonderful Days" which was printed in the Farm Journal and The Des Moines Register. She said she wrote the article because it might help someone else face such a crisis."

In 1970 Dean Andre married Avis Lovell, who survives. Also surviving are three children, Mrs. Jacqueline Schmeal of San Francisco, Calif.; Mrs. Alice Clark of Iowa City; and Richard, serving with the U.S. Army in Malaysia, and four grandchildren.

Arrangements for services had not been completed.

THE CASE FOR RESERVE OFFICER TRAINING

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. DANIEL of Virginia. Mr. Speaker, probably no group of people in our Nation has been subjected to the abuse, physical and verbal, visited on the young men enrolled in college ROTC programs. They have been ridiculed and scorned by their peers, dissected and analyzed—negatively—by certain syndicated columnists, and at times considered second-class citizens by the administrative bodies of the schools they have attended.

As chairman of the Subcommittee on Recruiting and Retention of the Committee on Armed Services, I have devoted much attention to the concept of an all-volunteer military. I am firmly convinced that one of the prime components for a successful volunteer service must be citizen-officers, the end product of ROTC.

Occasionally, if all too rarely, a voice will be raised in support of these young men who are motivated by a sense of duty to follow this course through college and into a career as officers in this country's military service.

The editor of the Danville Bee, Johnnie Johnson, has considered this subject also. On January 19, he stated much better than I, the case for Reserve Officer Training. At this point, I include the editorial in the Congressional Record:

Join the ROTC

Having had our say say about how a military carrer might be the answer for high school graduates who cannot afford college, we now turn attention to another alternative—attend college by joining the Reserve Officers Training Corps. It helps finance the way and may pave the way for a profitable military career in an all-volunteer army.

During the 1969–70 school years, "the thing" on military campuses was to wage war against the ROTC—harass its members and physically damage facilities, off campus as well as on.

This was especially true among Ivy League schools where a lot of rich, spoiled brats were enrolled to avoid the draft. After riots, Harvard abolished its program and Cambridge reduced the status of the ROTC program to an extra-curricular activity.

Militant students (if you will excuse the description) charged that the ROTC contributes to the militarization of American society. As that school year ended, they had many followers among that element of the student body which sought to disrupt the regular routine, prevent final examinations and thus further delay being drafted into the armed forces.

Just the opposite happened at Purdue University where outspoken President Frederick L. Hovde declared that the education processes will not be disrupted and "ROTC will continue on this campus regardless." The students responded with a demonstration of their own . . . in support of Dr. Hovde and ROTC.

The turmoil of the spring of 1970 resulted in two separate studies, both of which concluded that the ROTC is too useful to eliminate. Not only does it help deserving young men through college, but it provides half the regular army officers in the armed services. The studies recommended that ROTC be strengthened rather than dropped.

The argument that the corps creates military influence on the campus was rejected out of hand. One panel of six college educators and three senior military officers asserted that officer education on civilian campuses strengthens our traditional civilian participation in and influence upon the military; while other training yields more to domination by the military acting on its own.

Now, two years after the anti-ROTC movement, it is interesting and encouraging to note that no state university or land-grant college has moved either to abolish ROTC or strip the program of academic standing.

The 15-member executive committee of the 113 state universities and land-grant colleges has endorsed the ROTC as "most appropriate." Its statement continued: "In fact, ROTC is one of the best guarantees against the establishment in this country of a 'military caste or clique establishment' since the armed forces rely on the program to supply a substantial majority of civilian-educated regular and reserve officers."

Back in 1969, NEA Columnist Don Oaklev worded it this way:

"Should the services be denied this leavening, should they no longer be able to fill the officer ranks with thousands of ROTC graduates yearly, should they be completely isolated from civilian America, the antimilitarists could find in the end that instead of striking a blow for peace, humanitarianism and individual liberty they have only succeeded in creating in this country a Prussian-type military elite more inimical to their ideals."

And that was long before it appeared possible that this country could have an all-volunteer professional army. The ending of the Vietnam war and recent military pay raises makes an all-volunteer army entirely possible. Which means it will be more important than ever to have an abundant number of civilian-trained ROTC officers.

CAPT. FRANK WILKINS AWARDED VIETNAM'S CIVIC ACTION MEDAL

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. HUNT. Mr. Speaker, it is indeed a privilege for me to recognize an accomplishment of an individual well known to me and my hometown community of Pitman, N.J., Army Chaplain Capt. Frank G. Wilkins.

Captain Wilkins was recently awarded the Republic of Vietnam's Civic Action Medal in ceremonies at the Republic's II Corps headquarters by Brig. Gen. Nguyen Van Khu, commanding general. In receiving the award, he was cited for his support in raising $675 to enable 27 students, selected for the scholarships on the basis of scholastic merit, to attend school at the Duc Tri Protestant Schools in Pleiku City. Each $25 scholarship satisfies the annual tuition requirement.

Presentation of the scholarships culminated about 4 months of effort by officers and men of Advisory Team 21 of the U.S. Military Assistance Command, Vietnam's Second Regional Assistance Group, and the nearby U.S. Army Logistics Center. Team 21 is situated in the Republic's Central Highlands near Pleiku City, about 300 miles north of Saigon, and its primary responsibility is to provide officer and noncommissioned officer personnel to advise and assist in all facets of operations at the ARVN's II Corps headquarters.

Before entering the Army, Chaplain Wilkins was assistant to the pastor of the First Baptist Church in Pitman during the 4 years he attended Eastern Baptist College in St. Davids, Pa., from which he received a bachelor of arts degree in 1963. In 1966 he was awarded his bachelor of divinity degree from Colgate-Rochester Divinity School in Rochester, N.Y.

THE INVASION OF BATON ROUGE BY BLACK MUSLIMS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. RARICK. Mr. Speaker, on January 10, 1972, in Baton Rouge, the capital city of Louisiana, law enforcement officials were ambushed and massacred in an incident precipitated by out-of-State Black Muslims. To date, four people have died and over 30 were injured—several critically.

Because of the slanted news coverage on the national level, I feel that news stories from the Baton Rouge daily papers will give a more accurate account of the facts as well as the seriousness of the melee.

Under unanimous consent related newsclippings follow:

[From the Baton Rouge Morning Advocate, Jan. 11, 1972]

POLICE CHIEF BAUER TELLS STORY OF NORTH BOULEVARD SHOOTINGS

The first knowledge city police had of a problem developing in the black community came last week when a circular was distributed calling for a meeting last Friday of "all black people," Police Chief Eddie Bauer said Monday.

Bauer, who had bruises and contusions of the face as a result of beating he suffered before the gun battle broke out on North Boulevard just before 1 p.m. Monday, told his story saying he was "operating with a headache."

He had been checked out by doctors at Baton Rouge General Hospital, returning to police headquarters about 4 p.m.

The "flyer" distributed last week said "all black people invited. Hear and See a Right Now Change for a Right Now Condition."

The meeting was held on the Temple Theater Roof at 8 p.m. Friday. The theater building is at 1335 North Boulevard.

Bauer's recounting of the background to the gun battle and the battle itself follows:

CITES SCHOOL INCIDENT

City police consulted with school board officials Monday morning when a disturbance occurred at McKinley Junior High School. The incident at McKinley was "definitely" related to last week's call for a meeting of blacks. At that meeting, "selected" blacks tried to get all school children from going to school Monday.

School was dismissed at noon or 1 p.m. (School Supt. Robert J. Aertker said school was not dismissed and students returned to class.)

Blacks began to gather in front of the Temple Theater about 11:30 a.m. Monday.

By 11:45 a.m., the crowd numbered 75 to 80 people and by noon had increased more. By 12:30 p.m., the crowd blocked the street.

The first call came from Maurice Cockerham, a WBRZ–TV newsman, asking for help for newsmen Bob Johnson and Henry Baptiste.

Maj. Jim Dumigan was sent to the scene and called for a wrecker to remove a foreign made green car at one end of the block and a gray Cadillac almost in front of the theater.

The wrecker moved the small car and told to move the Cadillac.

Eleven or twelve "strangers" stood in front of the automobile. Bauer and Maj. W. L. (Buck) Gunby had arrived by that time.

Maj. Dumigan and sheriff's detective Maj. Fred Sliman went to talk to the 11 or 12 men who wore bowties and suits.

They refused to move.

Sliman and Dumigan were hit and knocked to the ground. I was knocked down, hit and beaten. Shots were fired. Gunby came to my aid. He was shot in the leg. Police officer Richard J. Guidry came to my aid. He has a broken collar bone.

The leader of the black group got a shotgun out of the trunk.

Two deputies were killed. I have seven men wounded and don't know the number dead.

Two of the "opposition" is dead.

We're asking the people to cooperate, to stay off the streets. We'll be out in force tonight. "From now on, we're not asking anyone to move but once."

"The town will be covered like the dew covers the grass."

The black community has worked with us. They (the "strangers") came here to take over. The people of the community are cooperating with us.

Those that came here are from California, Chicago, Detroit. We're serving warrants on others.

Those who opposed the police in front of the theater "had their own billy sticks." No policeman was disarmed to my knowledge.

It was a situation of "people choosing up sides."

[From the Baton Rouge Morning Advocate, Jan. 11, 1972]

EYE-WITNESS STORY OF VIOLENCE GIVEN

(Editor's Note: The following eye-witness account of the violence which broke out at North Boulevard and 13th Street Monday is written by the State-Times police reporter who was on the scene.)

(By Bill Bankston)

There were two young blacks standing on the roof of a Cadillac pulled crossways on North Boulevard in front of the Temple Theater.

A group of 200 to 300 blacks were standing around the car, most of them on the sidewalks.

I parked my car about two blocks away and walked toward the crowd.

Apparently the television newsmen had already been beaten when I arrived about 12:40 p.m.

A small foreign car pulled onto North from 13th Street and stopped across the eastbound lane of traffic.

The first officer I saw arrive was Sheriff's Maj. M. M. Benning. He pulled his red patrol car up near the small foreign car.

CONVERSE WITH OFFICER

The young blacks on top of the car got off and with several others who were dressed in a similar manner—suits, large bowties and close-cropped hair—walked over to Benning.

After a brief conversation they walked back to the Cadillac.

I asked Benning what they had said.

Benning said he told them they would have to move the car and they asked him whether he was "the representative of the white Caucasian race."

The deputy said he replied he wasn't but that he guessed a representative "is on his way" and the blacks left.

Most of the crowd remained on the sidewalks. The young men in the suits with the close cropped hair—lined up across the street between the Cadillac and 13th Street where more deputies and police were arriving.

A little rain began to fall and I walked back down the street to telephone the newspaper.

BRICK FLIES

A brick was thrown at Benning's car and he drew his revolver.

The young men in the suits called toward the crowd where the youth who threw the brick had run, apparently telling the group to do nothing.

Nothing happened and I went on to make my call.

When I finished the call, more officers had arrived along with a wrecker and at least one ambulance.

I went back to the spot where the officers were assembling and then returned to the phone again.

HAUL AWAY CAR

When I came out this time, a wrecker was hauling off the small foreign car. The line of young blacks backed up toward the Cadillac.

The line of policemen and deputies began walking toward them. A state police helicopter was circling overhead.

I was on the sidewalk about a block away when the lines came together and rocks and bottles began to fly.

I could see the crowd breaking up with officers swinging nightsticks and shotgun butts.

SHOOTING STARS

Then there was one shot. It was followed in a few seconds by another and a third. Then in rapid succession there were a dozen or more shots.

The first two shots sounded like small weapons.

When the shooting stopped, I saw five young blacks on the ground—three in the middle of the street, one on the sidewalk in front of the theater and another beside a car across the street from the theater.

Several officers were struggling on the ground with a young black at the intersection with 13th Street.

WALKS WITH LIMP

Another of the young blacks with the close cropped hair moved toward officers from the area of the Cadillac. He waved his hands in the air and limped severely.

He appeared to be a cripple.

The officers appeared to be telling him to halt. But he kept coming toward them. They swung a nightstick and a gun butt, hitting.

He kept coming. He appeared to be saying something, but I was too far away to hear.

SPRAY CHEMICAL

One deputy sprayed him with chemical Mace. He continued to move toward the officers.

He fell or was knocked down. The officers hit him several more times before he eventually stopped twisting on the ground.

The officers began yelling for the ambulances to move in and pick up the wounded.

I walked away again to call the paper.

This time when I came back to the scene, there was still confusion.

ON VACANT LOT

Apparently all the wounded had been removed. There was a young dead black in a vacant lot on the south side of the street.

One officer told me that he was the black who had fatally shot one of the deputies.

Sliman, whose leg and arm were injured, told me that when officers walked up to the line of blacks and told them the car would have to be moved, the blacks replied that the officers would have to kill them first.

Sliman said the next thing he knew he was on the ground being beaten.

Police Maj. James Dumigan, who was beside him, was struck across the face with some object, Sliman said. Sliman said his own face was protected by the plastic shield on his riot helmet.

Capt. J. Bryan Clemmons, the sheriff's son, said he fired his shotgun loaded with a tear-gas shell at one of the young blacks when the black drew a chrome plated revolver.

Clemmons said the officer next to him fired a gun at the same black.

Clemmons said he could not tell whether the young black had been able to fire any shots.

When I finally left the scene, which had been wet by several showers, there were four young blacks lying on the sidewalk in front of the theater, their arms held behind their backs with handcuffs. They were apparently not injured. One was in the drip of the overhang and shivering.

The dead black was still in the vacant lot across the street.

On past the Cadillac, there was a deputy kneeling over a wounded officer in the gutter. There also appeared to be an officer lying near the black who had fallen beside the car parked on the south side of the street.

Two officers were trying to help up Sheriff's Maj. Fred Sliman who was on his back in the middle of the street, Sliman couldn't stand up.

Eventually the officers were able to get him to his feet and help him limp back toward the spot where the officers had first gathered.

Other officers were still swinging night sticks and gun butts at a few young blacks who had not fled.

[From the Baton Rouge Morning Advocate, Jan. 1, 1972]

Relation Seen With Unrest at McKinley

A disturbance at McKinley Junior High School Monday morning preceded the fatal violence on North Boulevard, and police said the incident was at least related to the larger disturbance, if not a direct contribution to it.

Police Chief Eddie O. Bauer and other police officers said out-of-town agitators had been in town working to create just such a gathering and disturbance.

Several students were arrested in the incident, which grew from a crowd of 20 to as many as 150 students circulating around the campus, police said.

The black students accused a white police officer assigned to work at the school of mistreatment and demanded he leave the school.

About noon Monday, officer Richard O. Waller left the school campus and school authorities said the officer was removed from duty at the school, at least temporarily.

SHOCKED

Waller said he had never been accused of mistreatment before and was shocked when he heard students chanting, "We don't want no white cop."

The officer said he arrived at the school and began circulating among the students but heard nothing out of the ordinary.

But at 8:30 a.m., Waller said he heard clapping and yelling on the school's second floor and found about 20 students involved. The officer said he had had trouble with those students before but none of the students, or anyone else, had asked him to leave the campus or made overtly racial remarks.

The students told Waller they were not going to class but were determined to protest violations of their rights.

The officer said he attempted to quell the disturbance but got nowhere and called a police captain at headquarters who sent a sergeant and a team of juvenile officers to the school.

But the rowdiness spread over the campus, with the chant continuing, "We don't want no white cops," Waller said.

SECOND CALL FOR HELP

A second call for help to police headquarters was placed after the officer said he learned at least some white teachers had been threatened and property damaged.

A paddy wagon and other juvenile officers came to the scene and eight youths were arrested, including two adults who were not students, police said.

But another youth opened the door of the wagon and four of the youths fled and were not recaptured, Waller said.

Despite the arrests the chanting directed at Waller continued. Waller said as other school authorities arrived, he was told to leave.

Schools Superintendent Robert J. Aertker said the situation was definitely not related to the gun battle on North Boulevard later and he denied any substantial damage to the school.

Waller said he returned to police headquarters, learned of the gun battle at North Boulevard and N. 13th Street and arrived there after the shooting stopped.

The officer is one of three young white city police officers who are assigned to schools with the full cooperation of school authorities. Waller, as the other two, does not wear a police uniform on duty.

[From the Baton Rouge Morning Advocate, January 11, 1972]

Black Asks Crowd To Disperse

"The earth is ours and we're here to give you your city back," the young black shouted in the face of Negro civic leader W. Reed Canada.

"We haven't lost it," Canada replied, pleading with a crowd of blacks to disperse and leave the usually quite Negro business district along North Street.

A group of civil rights activists had been meeting in a nearby church and were expected to address the blacks gathered on the street at noon, police said.

The people on the streets paid no attention to Canada, and shortly after noon, the crowd had confronted police, shots were fired and four persons died.

Canada, owner of a public relations firm and state director of the Citizens Democratic and Educational Voters League, watched as his neighborhood "turned into a battleground."

He tried to help a television news team, who were beaten by activists when they tried to get into the nearby church.

"I saw Bob Johnson (WBRZ TV newsman) running by and bleeding from the head like a pig," said Canada. "Then he got hit with a bottle. I told them (blacks) to leave Johnson alone and they started throwing at me."

Johnson was reported in critical condition Monday night.

Canada said Johnson managed to get to an auto, and the civic leader sought shelter in his office. He watched from the window as blacks at the theater moved out into the street to block traffic.

Police arrived, tried to clear the street and that's when the shooting started.

"People were falling like flies, like when we went into Omaha Beach," said Canada, a World War II veteran and who waded ashore at Normandy on D-Day. "It was just like the war around here."

He dived to the floor of his office as the shooting started.

"When I looked up after it was quiet, everyone outside seemed to be lying on the streets, but most of them got back up. Some of them didn't."

Canada said he couldn't understand what caused it—other than blacks were blocking the street and police wanted them to move.

"I think outsiders started it all," said Canada. "When the crowd started gathering on the street this morning I saw young blacks in cars with out-of-state plates. I didn't recognize those poeple.

"I don't think the black community was involved, certainly not from this immediate area.

"I questioned the strangers and they kept telling me they were going to give us back the city. But we never lost it."

[From the Baton Rouge Morning Advocate]

Law Officials Brace To Meet Emergency

(By Bill McMahon)

The mayor-president's and chief of police's offices became almost battlefield headquarters Monday as local, state and federal officials responded to the noontime killings and injuries on North Boulevard.

As the afternoon and evening progressed, the following occurred:

—Mayor-President Dumas called a curfew which began at 5:30 p.m. and was to end at 6 a.m. Tuesday.

—Gov. McKeithen then used a state statute to proclaim a state of emergency in the parish.

—FBI officers began an investigation because of the death of two deputies.

—State Adjutant Gen. David Wade coordinated state efforts with Police Chief E. O. Bauer, who directed all efforts in the area.

—Col. Leroy Courtney, battalion commander of the 769th Engineering Battalion here, directed about 700 men of the National Guard, called to duty by Gov. McKeithen.

—U.S. Attorney Gerald Gallinghouse of New Orleans conferred with local officials, meeting first with Sheriff Bryan Clemmons.

—Public School Supt. Robert J. Aertker announced schools would remain open Tuesday if calm prevailed.

APPEALS FOR CALM

And other officials, such as the Most Rev. Robert E. Tracy, bishop of the Catholic Diocese of Baton Rouge, and Emmitt Douglas of New Roads, president of the state National Association for the Advancement of Colored People, issued calls for a return to calm in the community.

City policemen and sheriff's deputies looked like GIs preparing for night patrol in a combat zone.

Shotguns were unwrapped from waxed paper and boxes in city police headquarters. Some deputies carried automatic weapons. Handguns were everywhere.

Monday's night plan was to cover the parish "like a blanket," Mayor-President Dumas said.

He added praise for police officers. "It's a wonderful thing they have the restraint that they do," he said.

The parish also had an offer for help officials didn't want, Dumas said a man called him, "a Ku Klux Klan type, who said he had his men ready."

"We don't need his kind of help," the mayor-president said.

Gov. McKeithen, who was in Dumas' office in the early afternoon, reported that NAACP President Douglas called from New York and asked that all blacks obey the curfew.

Because of the curfew, LSU officials called off the Southeast Conference basketball game between the Tigers and Alabama. The game was rescheduled for Tuesday night.

Dumas was shocked by the killings in front of the Temple Theater. He said he had agreed to meet with the blacks, who he understood had planned a march to the Municipal Building.

"In others (disturbances) we had, we never lost a police officer," Dumas said. "There was no indication of violence."

Dist. Atty. Sargent Pitcher in recapping the beginnings of the rioting, said he had attempted to get black investigators into a meeting held at the Temple Theater roof last Friday, but they were not allowed in.

WBRZ-TV newsmen Bob Johnson and Henry Baptiste were at the theater building Monday in an attempt to cover the meeting scheduled then, he said. "They (Johnson and Baptiste) called for help," Pitcher said.

Police Chief Bauer said later that another Channel 2 newsman, Maurice Cookerham, actually called in to ask for help.

Dumas' proclamation of civil emergency, which brought the curfew, was based on the need "to suppress violence," the proclamation said.

The "civil emergency" call closed all liquor stores and private clubs, barred sale of gasoline or liquid flammable products in any container other than in a vehicle's gasoline tank, closed gasoline stations, halted selling or distributing fire arms or ammunition and closed establishments which sell fire arms or ammunition.

[From the State Times, Jan. 11, 1972]

CURFEW ORDERED AGAIN FOR CITY—STREET-CLEARING HOUR IS 9:30 P.M.

(By Bill Bankston)

Baton Rouge appeared to be returning to normal today after a night of curfew to calm the city following yesterday's outbreak on North Boulevard that left two sheriff's deputies and two young blacks dead.

Police, deputies and state police, who were backed up by about 700 National Guardsmen, arrested 46 persons for violation of the 5:30 p.m. to 6 a.m. curfew imposed by Mayor-President Dumas.

However, the process was slow, with police heardquarters this morning resembling a battle command post with heavily armed police and national guardsmen on the alert.

Police Chief Eddie O. Bauer said the National Guard and all law enforcement agencies were being formed into a coordinated group to counter possible other outbreaks.

Bauer said authorities believe sympathizers with the group which triggered yesterday's shootout may attempt to come to Baton Rouge from other states.

WARNINGS GIVEN

He warned sympathizers to stay away.

Meanwhile, State Police Commander Stanley Berthelot had urged agencies elsewhere in the state to take precautions for "armed and dangerous militants, possibly en route from other states."

A small group of local people gathered for a time this morning on North Boulevard where the violence occured yesterday, but left without incident about noon when a couple of police cruisers were sent into the area.

Baton Rouge was placed under a 9:30 p.m. curfew tonight by Mayor-President Dumas who told newsmen this morning that the city streets will be patrolled by city policemen, sheriff's deputies, National Guardsmen and state police.

The curfew will end at 6 a.m. tomorrow.

Meanwhile, representatives of Community Advancement Inc., local antipoverty agency, said they were told by out-of-state Black Muslims yesterday that they wanted a confrontation to take place and they were prepared to die.

Charles Granger, one of the CAI representatives, said there were "Black Muslims, well-disciplined Black Muslims" who wanted to provoke an incident which would "kick off a campaign in all North America."

"They actually said they were ready to die here today . . .," Granger said.

Another CAI representative, Moses Williams, said Baton Rouge was picked because it is a Southern city.

He said local blacks had been told to not bring firearms to the 1300 block of North Boulevard where the shooting incident occurred, but they wanted "the women and children there to see them (the Muslims) die."

ITINERARY CITED

Dist. Atty. Sargent Pitcher, who said a state of emergency still exists in Baton Rouge, added that local authorities have an itinerary for the group of out-of-state blacks dating back to Nov. 7 in Washington "and ending here in Baton Rouge."

He said information collected so far indicates there were two units, composed of a total of 20 people, "which united here Jan. 7."

Asked why the curfew was called if most of the trouble appeared to be generated by out-of-state people, Dumas said, "We know what we're talking about . . . Sorry, but I can't answer the question."

He added, "If you have an out-of-state license plate, you will be stopped and checked."

"We can't let our guard down," the mayor-president said.

Asked if a motivation for the incident had been established, Dumas said, "It will be made as we put the pieces together."

Both Dumas and other law enforcement officials attending the news conference this morning were guarded in their comments about the information they have developed so far on the Black Muslims and incidents surrounding the shootout.

The news conference was sandwiched in between briefings in Room 415 of the Municipal Building and Police Chief Eddie Bauer's office. Newsmen were not permitted to enter the meetings which were attended by Pitcher, Sheriff Bryan Clemmons, Bauer, Dumas, Richard E. Horton of the State Police, Brig. Gen. O. J. Daigle of the National Guard, a representative of the FBI, and others.

Dumas said all high school basketball games have been canceled due to the curfew and that LSU's game with Alabama has been moved up from 8 p.m. to 7 p.m. Southern University does not have a game tonight.

Pitcher said individuals who violate the curfew will be charged under Act 176 which allows local officials to take certain steps during state of emergencies.

The district attorney said any group of more than three people would be broken up.

"We can keep this community safe by a show of strength," Sheriff Clemmons said.

"The local black community didn't give any assistance to these black militants and are to be complimented," Pitcher said. He added that Baton Rouge blacks "behaved like law-abiding citizens."

The district attorney said race relations in Baton Rouge have been good for the past "six or seven years."

Asked how many weapons were confiscated at the scene yesterday, Clemmons said about 10, some of which came from the Black Muslims.

Following the press conference, Granger said he, Williams and two other CAI representatives, Betty Williams and Lynwood West had been asked by Bauer to meet with him.

FEW INCIDENTS

"It was a typical night after with only a few incidents," one officer in charge of radio communication said this morning.

There were two reports of officers being shot at during the night, but no one was hurt.

Local black leaders called for calm yesterday after the outbreak in front of the Temple Theater; and a group of local Black Muslims said the dozen or so young men involved in the confrontation were not connected with them.

The young blacks were dressed in suits, wearing bowties and had close-cropped haircuts.

Police and some local black leaders said the group was made up of "outsiders."

The Black Muslim group here said the outsiders had not contacted them.

DEPUTIES KILLED

Sheriff's deputies Ralph Gayle Hancock, 30, of 12844 Wallis St., and Ralph Dewayne Wilder, 27, of 520 Wooddale Blvd., were shot to death during the confrontation.

Authorities today still attempted to determine the identity of one of the dead blacks. His clothing bore laundry marks from San Francisco.

The other tentatively was identified as Thomas Davis, 25, Chicago.

Officers arrested 22 persons for disturbing the peace after the rock-throwing nightstick-swinging battle and shootout.

EIGHT BOOKED

Later eight of them were booked with murder in connection with the incident.

They were identified as Lawrence Brooks, 25, of 727 N. Goodwin St.; Raymond Eames, 21, of 324 N. 24th St.; Robert J. Barber, 20, Los Angeles, Calif.; David McKinney, 22, Chicago, Ill.; Warren Hall, 25, Philadelphia, Pa.; Toussaint L'Overture, 21, Chicago, Ill.; Clennon Brown, 25, Chicago, and Ridgley Williams, Jr., who refused to give his age and address.

A television newsman and one of the young blacks wounded in yesterday's incidents remained in critical condition today at local hospitals. A policeman shot in the abdomen was in serious condition.

Another 13 officers and blacks were still hospitalized today but were less seriously injured.

In critical condition were WBRZ-TV newsman Bob Johnson and Lonnie X. Police Sgt. Abram Hoover was in serious condition but showing some improvement.

$500,000 BOND

Dist. Judge Donovan W. Parker set $500,000 bond each on the 22 persons arrested and accused of participating in the disturbance.

He set bonds of $25,000 each on those arrested for curfew violations. The cases of the persons arrested for curfew violations were to be reviewed today.

Three men were arrested last night after shots were fired at the car of two police detectives, John Welborn and Hereford Englehorn.

Two were booked with curfew violation and one was booked with attempted murder and curfew violation.

Henry Harris, 24, of 2161 Missouri St., was accused of firing several times at the detectives' car as the officers patrolled Highland Road.

OTHERS IDENTIFIED

His companions, who were identified as Willie J. Triplett, 25, of 1615 Napolean, and Isiah W. Lucas, 24, of 1905 Missouri St., were arrested for curfew violations only.

The detectives said they recovered a .22-caliber pistol from which the shots were fired and a bag of ammunition when the trio's car was chased and halted.

In the other incident, someone fired shots at the car of Officer Moses Evans.

No one was hurt in either incident.

One man arrested for curfew violation was found to be carrying a pistol stolen in Detroit in 1969, authorities said.

ANOTHER GUN FOUND

Also officers found a .38-caliber revolver in the paddy wagon after it had hauled in a load of curfew violators.

The FBI was called in to investigate the incident by Sheriff Bryan Clemmons under a law authorizing the FBI to enter a case where a law officer is shot.

Dist. Atty. Sargent Pitcher said the group involved in the shootout came to Baton Rouge about Jan. 1.

They first stayed at the Bellemont Motor Hotel and said they were seeking no trouble when approached by a police intelligence officer, Pitcher said.

Authorities had been trying to keep an eye on their activities ever since their arrival, Pitcher said.

THREE EARLIER ARRESTS

Three young men believed to be members of the group were arrested last week for peddling without a permit when they were attempting to sell what appeared to be Black Muslim literature, authorities said.

The group left the Bellemont after they were contacted by police and moved into the White House Inn on North Third Street.

Pitcher said search warrants for their rooms were obtained after the incident yesterday afternoon. The rooms were searched last night and quantities of black literature were taken as evidence, he said.

Police said the young blacks began shooting first yesterday.

Authorities were still puzzled today as to why the group apparently wanted to provoke an incident.

NAACP President Emmit Douglas said this morning that the young group yesterday was "the closest thing to a suicide squad I've seen." Douglas returned to Baton Rouge from New York because of the turmoil in the city.

He said that he too was puzzled by the young men's actions.

Last Thursday he met one of the youths killed yesterday in a barber shop, Douglas said. The NAACP president, who was at police headquarters this morning, said he talked with the young man and thought perhaps he had converted him to a policy of nonviolence.

Later the young man called and called and asked to talk to him, but Douglas told the youth he was leaving town for New York and would be back this week. Douglas said the youth replied that would be "too late."

Pitcher said the outside group called a meeting on the roof of the theater last Friday night and had distributed literature calling for all blacks to attend.

AGENTS NOT ADMITTED

He said authorities were unable to get any of their agents into the meeting.

Another meeting apparently was called in the same area yesterday with the blocking of the street following.

Three television newsmen, Johnson, Maurice Cockerham and Henry Baptiste went to the area and were chased away.

Johnson fell as he fled and was beaten and stomped by a group of blacks, authorities said. Baptiste returned and took Johnson to the hospital. Cockerham was injured but reportedly managed to ward off his attackers with a two-by-four.

Police and deputies began arriving at the scene where a Cadillac had been pulled crossways the street.

CAR MOVE REFUSED

The young blacks refused to move the car and lined up shoulder to shoulder across the street by the car.

Sheriff's Maj. Fred Sliman said that as officers and the young blacks faced each other one of them told him, "You white devil, either you or I are going to die today."

Rocks and bottles began to fly. Officers started using their nightsticks.

SHOTS BEGIN

Then a shot was fired. It was followed by more than a dozen more.

The crowd which had gathered on the sidewalks on either side of the street scattered.

Lawmen and young blacks lay in the street as officers gained control.

As Police Chief Eddie O. Bauer, Sliman and Police Major Jim Dumigan were attacked other officers moved in as the rocks and bottles began to fly.

Bauer said he did not know where the first shot came from but later said he believed a black man whom he thought was the leader of the confrontation pulled a shotgun from the trunk of the Cadillac.

Capt. J. Bryan Clemmons said he believed the shooting began when another black man pulled a pistol from his coat and appeared ready to shoot.

"They were lined up like a little bunch of tin soldiers like they wanted us to come up and talk to them," Clemmons said.

"They sort of like lulled us into a trap," he said.

"There was a lot of struggling and then this one black pulled a gun and there was some gunfire . . . and police fired. Then there was more shooting," Clemmons said.

LIST OF INJURED

Following is a list of the injured besides Johnson, Hoover and Lonnie X:

John Devine, 25, who gave his address as California, was in fair condition at Earl K. Long Hospital with a gunshot wound in the pelvis.

Ronald Crawford, who also gave his address as California, was in fair condition at Earl K. Long with a gunshot wound in the thigh.

In satisfactory condition at Earl K. Long were James Barlow, 21, Chicago, a scalp wound and a chest wound; Keith Muhamad, 21, Chicago, a gunshot wound of the left elbow, and Milton LeDuff, 22, of 2716 Texas St., a gunshot wound of the right hip and leg.

In satisfactory condition at Baton Rouge General Hospital were Maj. Fred Sliman, a broken wrist and a fractured knee; Police Maj. W. L. (Buck) Gunby, a head injury and a gunshot wound in the leg; Police Maj. James O. Dumigan, a depressed fracture of the left cheekbone.

Also listed satisfactory were Joseph Accordo, 55, Box 16, Hessmer, a construction employe who was working on a church in the area who received facial injuries, and Reddick Stevens, 52, of 2835 Jasmine, who was working with Accordo and who also received facial injuries.

In satisfactory condition at Our Lady of the Lake Hospital were WBRZ–TV newsman Maurice Cockerham, body bruises; Policeman Errol Voinche, a gunshot wound in the right thigh; Deputy Reece Sirjane, a scalp injury, and Deputy Kenneth Savignol, a gunshot wound to the collar bone and a scalp cut.

Deputies treated and released were Lt. Col. Herman Thompson, broken thumb; Maj. Thomas Walsh, bruises; Detective George O'Connor, left arm and thumb injury, and Daniel D'Amico, a cut finger.

Police treated and released included Chief Bauer, facial and body bruises; Officer Richard Guidry, a broken collarbone, and Officer Wayne Glascock, leg bruises.

Treated at Earl K. Long and released to authorities were Clemson Brown, 25, Chicago, rib fractures and head injuries; Leroy Davis, 21, 2751 Texas, gunshot wound of the left hand; Edward Sims, 18. of 737 N. 19th. gunshot wound of the left foot; and Morris Courtney, 66, of 1327 Government.

Treated and released at Our Lady of the Lake Hospital were Henry Duvall, 18, of 1821 Texas, pellets in the ankles and buttocks, and Mitchell Batley, 2146 Bateman Circle, pellets in the right thigh and both calves.

SUSPECTS BOOKED

Those booked into jail for disturbing the peace in connection with the fight on North Boulevard, pending further investigation were identified as:

Don Wayne Johnson, 22, 701 N. 27th St.

Jerry Anthony Williams, 18, 2242 Minnesota St.

Ida Mae Johnson, 38, 8770 Elm Grove Drive.

Olive Lee Byrd, 23, 1546 Matilda St.

Murphy Bell Jr., 25, 213 East Blvd.

Darrell Abraham Bates, 18, 155 Taylor St.

Donald Ray Frank, 16, 263 W. Polk St.

Larry Dale Jackson, 17, 221 Taylor St.

Albert Bates, 54, 155 Taylor St.

Levert Kemp, 20, 1419 Orange St.

Mitchell John Battley, 28, 2146 Bateman Circle.

Henry Duvall, 18, 1821 Texas St.

LeRoy Edward Davis, 20, 2751 Texas St.

Eugene Shropshore, 17, 1208 N. Acadian Thruway.

Henry Harris, 22, 631 S. 10th St.

Edward Sims, 18, 737 N. 19th St.

CITED FOR CURFEW VIOLATIONS

Booked for curfew violations were James Warren, 21. and Samuel Burrell, 26, both of Rt. 5; William D. Curtis, 23, 3040 Jackson; Wilbert Francois, 23, 1249 N. 47th St.; Paul J. Prejean, 29, Lafayette; James O. Hall, 34, Chicago; Gerald Haynes, 18, 1044 Grebe; Herbert Lawson Jr., 34, Port Allen; Huey P. Gauthier, 37, 1287 W. McKinley, St.; Ronald P. Haynes, 17, Port Allen; Claude W. Collins, Jr., 21, 1287 W. McKinley St.; Wilson J. Walker, 30, 571 E. Grant St.; George Holden, 32, 2250 Madison St.; Willis Cole, 33, 1370 Smith St., and Neil H. Buie Jr., 52, 3125 Anita St. All but Buie are black.

Also booked for curfew violations were: Ernest H. Brown, 23, 466 W. Johnson; Allen R. Dawson, 22, of 1205 Swartz; Wilton Gray, 27, of 926 N. 28th St.; Birkmon Jones, 25, of 119 N. 29th St.; Angre Jacobs, 24, of 918 N. 28th St.; Richard Wright Jr., 22, 2065 Missouri; Hillery Brown, 20, of 1342 Apple; Alvin Smith Jr., 21, of 1255 W. Roosevelt, and James W. Nesman, 20, of 960 W. Roosevelt. All of these, with the exception of Nesman, are black.

Also arrested for curfew violations were Alvin Smith Jr., 21, 1255 W. Roosevelt St.; Alvin K. Bates, 41, 939 St. Joseph St.; Jimmy L. Davis, 21, 4604½ Capitol Ave.; Lloyd H. Brown, 22, Washington Avenue; William H. Hudson, 26, no address; Edward J. Page, 22, 1768 N. 45th St.; Eugene Williams, 22, 601 Napoleon St.; Willie B. Smith, 30, 1668 N. 45th St.; Frank H. Jones, 29, 1905 Missouri St., and Robert L. Butler, 22, 4401 Wells St.

Also arrested for curfew violations were: Thomas Pleasant, 19, 9190 Lewis; William Bell, 29, RFD, Baton Rouge; Bobby Warren, 33, Zachary; Joseph J. Percy, 42, 8320 Shearon; Lionel McCastle, 36, Rt. Five, Box 101; William C. Carey, 23, 4613 New Wels Rd., Zachary; Frank Lawrence, 42, 1348 Gila St.; Caridon G. Murry, 19, St. Louis, and Rodney A. Grabo, 19, Loves Park, Ill.

Murry and Grabo are white.

Another arrest for curfew violation and aggravated battery was John Germany, 2708 Balis.

[From the State-Times, Jan. 12, 1972]

Say Muslims Eyed Tampa Base First

Some of the reputed Black Muslims involved in a confrontation with Baton Rouge law enforcement officers Monday considered setting up a base in Tampa, Fla., but were talked out of it by Tampa police, a Florida newspaper said yesterday.

The Tampa Times reported that a police officer there said the Muslims told him they were going to have a confrontation with police. "We're well armed and well prepared," the newspaper quoted the Muslims as telling the police.

"We knew they were going to start something somewhere. We just didn't know where."

Here is the story published by the Times:

"Tampa instead of Baton Rouge might have been the scene of blood and violence (Monday) if police had not suggested two weeks ago that four men set up their headquarters elsewhere.

"Police Chief S. G. Littleton said (Tuesday) one or more of the men filmed in a shootout with Baton Rouge police (Monday) were apparently the same Black Muslims who were in Tampa in late December.

'The four men came into town in 'sleek black Cadillacs,' one source said and stayed at the Manger Motor Inn for four days. (The Manger is in downtown Tampa.)

EYES ON MANSION

"At that time the Times learned, the men had inquired about purchasing a $68,000 'mansion' to set up a Black Muslim headquarters.

"They were reportedly involved in an internal Muslim dispute in another northern city, during which gunfire was exchanged.

"Their intent, it was learned, was to begin a new 'nation' of muslims in the South.

"Certain officials of the Tampa police department interviewed the men at the Manger and apparently convinced them Tampa was not the right place for their headquarters. 'They were not intimidated,' said one of the officers who asked not to be identified. 'I think we were just able to point out to them that this community would not be right for their activities.'

"Another officer said, 'They told me they were going to have a confrontation with the police. They said, "We're all well armed and well prepared."

"We knew they were going to start something somewhere. We just didn't know where," he said.

"Phil Barber, assistant manager of the Manger, said (Tuesday) the Muslims 'were no trouble at all' and that 'they were better dressed than I can afford,' and that they were polite to him."

A mention of a headquarters also came up in casual remarks between a member of the newly arrived Black Muslims and a local resident last Thursday.

SEEK TO RENT SPACE

Samuel Jenkins, a leading black Mason in Baton Rouge, said he was in the Masonic building on North Boulevard last Thursday afternoon when four or five of the young men came in to rent a meeting place in the four-story building.

Jenkins said he knew they were strangers and recognizing them as probable members of an organization, asked where their headquarters were. He said one replied, "We may make it here in Baton Rouge."

He also asked whether they were associated with the Muslims who have a small meeting house on Government Street and was told, "We're their bosses."

Local Black Muslims, who have had the meeting place on Government Street for about five years and have kept out of public view disclaimed any association with the newcomers and said the men did not get in contact with them.

Thomas Buffington, a Mason who operates a taxi service next to the Prince Hall Masons' building and handles business for the building, rented the meeting space to the men for $90 cash paid on the line. He said he did not know the young men's business or with what organization they might have been associated.

The Masonic building contains the Temple Theater on the first floor and offices and a social gathering place on the upper floors. The alleged Muslims held a community-type meeting in the building Friday night. The shootout was in front of the Temple Monday right after noon.

Jenkins said the young men were neatly dressed and each wore a "butterfly bow tie," a particularly flared tie. Each tie was of a different color, he said.

He also said he noted they were dressed differently from young Muslims who frequently sell Muslim publications along North Boulevard. He said the local members were usually dressed in neat, dark suits and wore long, strip ties.

[From the State-Times, Jan. 12, 1972]

Curfew Decision Awaited: City Has Quiet Night

(By Bill Bankston)

Authorities were to decide early this afternoon if another curfew was to be imposed tonight as tension appeared to be easing over the outbreak of violence on North Boulevard two days ago.

Mayor-President Dumas said at 1 p.m. that he had not yet made a decision on the curfew.

He said he would have a decision by 2:30 p.m. after talking with Police Chief Eddie O. Bauer, state police and the National Guard commander, Brig. Gen. O. J. Daigle.

At about 12:30 p.m. today, Dumas stepped out of a meeting with local black leaders which had begun at 10 a.m.

Dumas described the meeting as "productive." But the talks were still continuing, he said.

The meeting was called to discuss and assess conditions in the city which have followed the North Boulevard outbreak Monday that killed two sheriff's deputies and two young black men.

Police said at 1 p.m. that the city remained quiet.

Authorities at 1 p.m. halted for questioning three young black men who were prepared to board a plane at Ryan Airport for Chicago.

The three were dressed neatly in suits, wore large bowties and had close-cropped haircuts.

Officers at police headquarters appeared to believe the trio might be the remaining members of a group of militants accused of triggering Monday's street violence here.

Only a dozen persons were arrested overnight for violation of the curfew that began at 9:30 p.m. yesterday.

Nearly 50 persons were arrested during the Monday curfew that began at 5:30 p.m.

Streets after curfew were quieter last night than they had been Monday night, although the time was rolled back and the LSU-Alabama basketball game, postponed Monday night, was played before the 9:30 p.m. curfew went into effect.

Police, sheriff's deputies, state troopers and 700 National Guardsmen today remained alert to the slightest indication of any developing disturbance.

Officers and Guardsmen were dispatched to meet an arriving bus here this morning when they received reports that it might be carrying out-of-state militants.

The passengers were allowed to continue about their business after being looked over by authorities.

Purpose of the 10 a.m. meeting today, the mayor said, was to "find out what support we are going to get."

"We want to sit down with these people who are the black leaders and see what can be done," Dumas said.

Councilman Joe Delpit attended the meeting as well as representatives of the NAACP and Community Advancement Inc., local anti-poverty agency.

The mayor-president said he has received threats against his life and that police officers have been assigned to him "for the duration." He said there have been calls made to his home "threatening my life and family."

Dumas said "a planned conspiracy has been proven out" in connection with the shooting incident Monday which killed four men.

State police still kept watch on the entrances to the city, on guard for any possible black militants that might be attempting to come here from other areas.

The funerals for the two slain deputies, Ralph DeWayne Wilder, 27, and Ralph Hancock, 30, were scheduled today.

Authorities yesterday were able to determine the name of the previously unidentified young Negro killed in the North Boulevard encounter.

They said they had tentatively identified him as Samuel Upton, 29, of 2136 Griffon, Vallejo, Calif.

The other dead black was tentatively identified as Thomas Davis, 25, Chicago, Ill.

WBRZ–TV newsman Bob Johnson and a black youth identified only as Lonnie X remained in critical condition today.

Police Sgt. Abram Hoover was still reported in serious condition but improving.

The less seriously injured in the incident in front of the Temple Theater on Monday were continuing to improve and more were being released from hospitals.

Some 31 persons were injured in the incident but only about half required hospitalization, authorities said.

OUTSIDE MILITANTS

Mayor-President Dumas, Police Chief Eddie O. Bauer and Gov. John McKeithen said the disturbance was caused by outside militants and warned other such agitators to stay away from Baton Rouge.

Local black leaders called for calm in the face of tension over Monday's incident. The Black Muslim group here said the dozen or so young blacks involved in the incident had no connection with their organization.

There were some scattered incidents in the city yesterday, but authorities determined no direct link with the Monday outbreak.

Three teachers—two at Capitol Junior High School and one at Capitol Senior High School—were attacked yesterday.

A white man was hit and robbed by a group of black youths yesterday afternoon near the scene of Monday's violence.

And, a small group was reported causing a minor disturbance near the scene yesterday morning. The group which had been reported throwing bottles and drinking wine left when contacted by police, who said men were local residents.

At another point yesterday the police and guardsmen were alerted to a group of cars carrying black agitators to the city from out-of-state.

The seven cars were tracked by state police helicopters, and officers halted them in West Baton Rouge Parish.

The cars contained only drivers and were rental vehicles being returned to an agency here, authorities said.

TEACHERS ATTACKED

Faimon A. Roberts, 25, and an unidentified teacher were attacked as they left Capitol Junior High School yesterday afternoon.

Roberts was cut on the head when hit with a stick. The other teacher was hit on the side of the head with a fist, authorities said.

Roberts was treated at a clinic for his injury.

Police arrested a 13-year-old girl in connection with the incident and today were seeking two boys.

A number of the youths involved were older non-students who had been loitering just off the campus.

They rushed through the gates about 2:45 p.m. as the two men started to get into a car, Schools Supt. Robert J. Aertker said.

In the incident at Capitol Senior High School, teacher C. R. Wood, 45, was hit on the head with a two-by-four in one of the trade and industrial education classrooms.

A 16-year-old non-student was arrested and two other youths were being sought in connection with the incident.

Wood was hit when he told the three to leave the trade and industrial education shop at the high school, police said. He was not seriously injured, officers reported.

SPREADING PROBE

FBI agents here and possibly nine other FBI officers are involved in the spreading investigation of the Monday incident here. Sheriff Bryan Clemmons asked for the FBI investigation under a law that allowed the FBI to enter a case where a police officer is killed.

Authorities today were still piecing together exactly what happened on North Boulevard where about a dozen young blacks blocked the boulevard in front of the Temple Theater with a Cadillac.

The ranking officers who walked up to the line of neat-suited, bowtied young men were attacked after they told the group that the car would have to be moved, authorities said.

Rocks and bottles began to fly, and police nightsticks began to swing. Then the shooting began. Officers in the confrontation said the blacks began shooting first.

Some said that apparently small .22-caliber pistols were also fired from the crowds standing on either side of the street watching the confrontation.

Twenty-two persons were arrested in connection with the incident, eight of them being booked with the murder.

Some officials estimated more than a half-dozen weapons involved in the shootout were recovered. However, they could specifically name only three—a shotgun believed pulled out of the Cadillac trunk by one of the militants and the service revolvers of Hoover and Deputy Kenneth Savignol.

Known missing are the weapons of Police Maj. James O. Dumigan, who was injured in the fight and injured in the fight, and Deputy Hancock, who was believed killed with his own revolver after it was wrested from him.

It is believed that Hoover may also have been shot with his own revolver after it was grabbed from him when he was knocked down in the fight.

Both blacks were killed by .38-caliber bullets, authorities said.

Arrested for curfew violations last night were Clifton Manuez, 24, Madison, Wisc.; Daniel R. Marsh, 21, 2171 Christian; Douglas L. Skinner, 39, 10596 Airline Hwy.; Ernest Brown, 62, 689 Lettsworth; Wallace Coleman, 31, 1129 America; Louis K. Newman, 19, 2346 Dogwood; Michael Armstrong, 19, 4554 Palm; Allen A. Christ Jr., 31, 3052 Nicholson Dr.; Willie Smith Jr., 18, 1957 N. Ardenwood; Rivers B. Blount, 31, 2804 Kaufman; Sherwood Gaines Jr., 19, 2347 Balis, and Michael F. Reynolds, 19, Tularosa, N.M.

Manuez, Armstrong and Blount were also booked with possession of marijuana. They were arrested separately.

Brown was additionally booked with driving while intoxicated and Smith was booked with having no driver's license.

Marsh, Skinner, Newman, Armstrong, Christ and Reynolds were identified as whites.

[From the State-Times, Jan. 12, 1972]

NEWSMAN'S CONDITIONS IS CRITICAL

Hospital officials said today that WBRZ-TV newscaster Bob Johnson remained in critical condition today as the result of a brutal beating he received at the hands of black militants in Monday's noon-hour incident on North Boulevard.

Our Lady of the Lake Hospital authorities said the 38-year-old Johnson, the father of five, was unimproved overnight and that severe head injuries are keeping him on the critical list.

Meanwhile, City Police Sgt. Abram Hoover was removed from the intensive treatment section of OLOL, but is still listed in serious condition. However, the hospital said his condition is improving. Hoover received abdomen and shoulder gunshot wounds.

City Police Major Jim Dumigan, suffering from a left cheekbone fracture, was scheduled to be released today from Baton Rouge General Hospital.

However, City Police Major W. L. (Buck) Gunby will remain in the same hospital with a gunshot wound of the leg and a head injury, while Sheriff's Major Fred Sliman is in satisfactory condition with a broken wrist and a fractured knee.

These and several others were injured during the melee in the 1300 block of North Boulevard when police moved in to break up the blockading of one block with cars by alleged Black Muslims from Chicago, who had told gathered blacks that they had come to Baton Rouge to "liberate" them.

TELEVISION NEWSMAN

Maurice Cockerham, a WBRZ-TV newsman, who received body bruises in the altercation which critically injured Johnson, has been released from Our Lady of the Lake Hospital.

Another WBRZ newsman, Henry Baptiste, who rescued Johnson from the black mob, was also injured, but not hospitalized.

Two city policemen, Errol Voinche and Reece Sirjane, also injured in the street confrontation, have been released, while Deputy Sheriff Kenneth Savignol remained in satisfactory condition at OLOL with gunshot wounds of the shoulder and a scalp laceration.

Two workmen on a church in the area of of the melee were injured and hospitalized. Hospital officials said Reddick Stevens, 52, Baton Rouge, is in a fair condition, and Joseph Accardo, 35, Hessmer, hospitalized with face injuries, is in satisfactory condition.

At the Earl K. Long Memorial Hospital a Negro miiltant who gave a name of Lonnie X, remained in critical condition from gunshot wounds.

The hospital said John Devine, 25, California, was in fair condition with gunshot wounds and Ronald Crawford, also of California, was in fair condition with pelvis wounds.

In good condition at the same hospital are James Barlow, 21, Chicago, scalp and chest wounds, Keith Muhamad, Chicago, gunshot wound of left elbow, and Milton LeDuff, 22, Baton Rouge, gunshot wounds of the right hip and leg.

[From the Baton Rouge Morning Advocate, Jan. 13, 1972]

PITCHER SAYS FOUR MUSLIMS STILL AT LARGE

(By G. Michael Harmon)

Four members of an alleged Black Muslim splinter group, who officials say provoked a bloody shootout with police that left four men dead, are still at large, it was revealed Wednesday.

Dist. Atty. Sargent Pitcher said police were searching for two men and two women members of an alleged group of 16 touring Muslims who officials contend came to this Louisiana capital city to precipitate a violent confrontation with authorities.

With the exception of the four, the remaining members of the group are accounted for, Pitcher said.

Two deputy sheriffs and two members of the alleged band died in the sudden volley of gunshots on a city street Monday. Six of the alleged group were arrested and charged with murder; the others were hospitalized. Two Baton Rouge blacks were also charged with murder, but it was not known if they were associated with the alleged group of Muslims.

Officials declined to comment on the four at large, but their unknown whereabouts appeared to be at least one reason for the continuation of a curfew and of a National Guard contingent in the city for the third night in a row.

Officials have maintained that they did not expect violence from the black community, and the city has been relatively peaceful since the Monday gun battle.

Pitcher also made public what he called an itinerary found in the local hotel room of one member of the group.

The so-called itinerary was a list of cities and dates. It started in Rochester, N.Y. Nov. 7 and ended in Phoenix Jan. 17.

In chronological order, included on the list were:

Rochester, Nov. 7; Pittsburgh, Nov. 8; Philadelphia, Nov. 12–15; Baltimore, Nov. 15–17; Washington, Nov. 18–21; Richmond, Va., Nov. 22–25; Norfolk, Va., Nov. 26–28; Raleigh, N.C., Nov. 29–Dec. 2; Charlotte, N.C., Dec. 5; Atlanta, Dec. 6–9; Savannah, Ga., Dec. 10–12; Jacksonville, Fla., Dec. 13–16; Daytona Beach, Fla., Dec. 17–18; traveling and rest, Dec. 19–23; Tampa, Fla., Dec. 26; Mobile, Ala., Dec. 27–30; Montgomery, Ala., (date blurred); Birmingham, Ala., Jan. 3–4; Jackson, Miss., Jan. 5–6; Baton Rouge, La., Jan. 7–8; both squads come together Jan. 7; Houston, Jan. 10–13; Phoenix, Ariz., Jan. 14–17.

GUARDSMEN SAID NOT EMPOWERED TO ARREST

National Guardsmen patroling Baton Rouge in the wake of Monday's gun battle are expected to be in the company of state or local authorities and have no authority to make arrests, a clarification of reports to the contrary indicated Wednesday.

Several groups of guardsmen were seen either by themselves in guard vehicles or in civilian cars, the Morning Advocate learned, but this is a violation of regulations, according to National Guard sources.

City police, sheriff's deputies or State Police must accompany guardsmen as agreed to by all four agencies, Sheriff Bryan Clemmons said Wednesday.

Officers investigating suspected curfew violators or other persons are expected to identify themselves either by uniform, credentials or flashing red light and siren on their patrol cars, Clemmons added.

BLACK STOPPED IN OTHER CITIES SAY DEPUTIES

AMARILLO, TEX.—A black man killed in street rioting at Baton Rouge, La., earlier this week and three others arrested there were in Amarillo and Canyon Dec. 6, Potter County deputies said Wednesday.

Capt. Stony Jackson said he was called to West Texas State University at Canyon that evening by a campus security guard who reported that a group of about 10 Black Muslims were handing out Nation of Islam literature and seeking donations in the dormitories.

Canyon officers said they called in Jackson to see if any of the group was wanted by the authorities in the Amarillo area.

"They were sharply dressed and each one looked like he might have had a $100 suit," Jackson said. "They were clean-shaven, with short haircuts, and very intelligent.

Jackson said they cooperated with him in agreeing to leave the campus, perhaps because he is black himself.

Jackson gave their names as Thomas Davis, 25, of Chicago (one of the two Negroes killed at Baton Rouge); Robert J. Barber, 20, of Los Angeles; Warren Hall, 25, of Philadelphia; and Ridgley Williams Jr., 25, of Ada, Okla.

[From the Baton Rouge Morning Advocate, Jan. 12, 1972]

MAJOR GUNBY SPECULATES BULLET MEANT FOR BAUER

The bullet which broke his leg could have been intended for Baton Rouge Police Chief Eddie O. Bauer, Maj. W. L. Gunby speculated from a hospital bed Tuesday.

Gunby, a 23-year veteran of the force, was one of the first police officers on the scene at Monday's gun battle on North Boulevard which left two sheriff's deputies dead. Several others were hospitalized.

"All the stuff was spontaneous," the officer said during an interview.

"When what I took to be .22s started firing, I saw one of these guys run out and knock down the chief," he said. "The shot that hit me came from behind. I think there's a good possibility, of course, this is just a guess, they might've been trying to shoot the chief and got me."

Pale and drawn, one arm bandaged above the wrist, the back of his head shaved and painted with antiseptic, Gunby gave this account of the early stages of the Flareup:

"The chief came in and says 'Let's go, Buck, let's go out there.' So we drove around in back there. We looked around and were walking to where these cars were blocking the street. Maj. (Jim) Dumigan, (Sheriff's Maj. Fred) Sliman and them were already trying to get the wrecker in there.

"All of a sudden, I heard some shots fired and all hell broke loose, brickbats flying, what have you. I saw the chief go down and tried to help him and caught a brickbat on the back of my head, then one on my wrist.

"As I was getting up, I felt a deep pain in my leg and knew it was broke. I thought—it's been hit with a brickbat. I got to my car and somebody drove me to the hospital.

"I never did see any guns at all. I was bleeding and my leg and head hurt something . . . I just hear a bunch of gunshots. I never did pull mine. Maybe that was good. I might've gotten it if I did.

"I went through two wars and nine invasions," Gunby sighed. "It's the first time I ever got shot.

"I sure don't like it," the 48-year-old policeman added.

[From the Covington (La.), St. Tammany Farmer, Jan. 13, 1972]

What Is the Reason?

What's an excuse for the racial war in Baton Rouge Monday that killed four? Maybe more.

It wasn't a "long hot summer" in a "ghetto."

It wasn't an orderly, legally designed meeting of blacks.

So apparently it was proposed for just what it accomplished. Murder, hate and fodder for TV cameras.

Who's to blame?

Maybe we should examine a national police force that can suppress the Ku Klux Klan, but seems to do little about the Black Muslims, Black Panthers and other radical black groups.

It's time law-abiding blacks and whites alike rise up in unison against inflammatory trouble-makers.

Violent death knows no color.

[From the Baton Rouge Morning Advocate, Jan. 13, 1972]

Blacks Ask Curfew Ended; Mayor Says Cannot Be Done

(By Bill McMahon)

"You're going to have to take my word for it. I had to take law enforcement officials' words for it that what we're doing is right," Mayor-President Dumas said Wednesday afternoon as he called another curfew, this one to begin at 10 p.m. Wednesday.

Curfews were called at 5:30 p.m. Monday and at 9:30 p.m. Tuesday following a shootout on North Boulevard Monday, which ended in the death of two white sheriff's deputies and two black men.

The fear of further strife led by individuals from outside Baton Rouge is the apparent reason for the continued curfew and use of National Guardsmen and state policemen.

Dumas said some concern that disturbances from people in the Baton Rouge community may occur.

"In any community, you have people who will join anybody," he said. "We're trying to separate the usual race relations problems that we have from any outsiders."

"Internal strife is going on in the Muslim sect," Dumas said, supporting reports that Black Muslims are at the root of Baton Rouge's continuing guarded stance against civil disruption.

Asked if any of the "outsiders" are still in Baton Rouge, Dumas said, "I can't answer that." He said documents relating to Muslim involvement were in the hands of the FBI.

Also asked if his life had been threatened, Dumas replied with a question, "Why do you think these four policemen are here?"

Dumas backgrounded his call for another curfew and continued stationing of the National Guard by saying he had met with black leaders at about 11 a.m. Wednesday. They had asked the curfew be lifted, he said. I told those in favor of lifting the curfew that if possible I would but that I must first talk to law enforcement people."

"They came to the conclusion that it is imperative that the curfew be kept on," he said.

The curfew decision was based on intelligence data, he said. "They (the black representatives) don't know what we know," he said.

"I know it's a hard thing for the community. I have no other choice."

Asked about the situation for Thursday or later, Dumas said, "We're going to play it day by day."

Commenting on the relative peace of Monday and Tuesday night, Dumas said the situation of the last two days is due to the people of the community who do not want any trouble.

Dumas also said questions by some that prisoners and those arrested for curfew violations were not treated right were being answered by having an investigation made by deputy coroners Dr. Louis James and Dr. James Bernard, both black.

The two men were in the mayor-president's office at the time but explained, "we have not seen the prisoners as yet."

CITES DATA

About the alleged Black Muslims who were at the rally Monday, Dumas said he had information they came from Washington, were spotted in Tampa, Fla., and were to have left Tampa for Phoenix, Ariz.

Dumas said he wished Tampa authorities would have told Baton Rouge authorities the "Muslims" were coming Baton Rouge's way.

Dumas said U.S. Atty. Gerald Gallinghouse of New Orleans was still in Baton Rouge. Elmer Litchfield of the local FBI office is in charge of the investigation here, Dumas said.

During the press conference the mayor said he had information two participants in the melee Monday were arrested Wednesday attempting to board a plane at Ryan Airport.

The mayor's information was incorrect. Four black men, all Baton Rougeans, were taken into custody at the airport, questioned and released Wednesday afternoon.

A federal agent who talked to the men identified the four as local Black Muslims and he said authorities were satisfied none of the four were involved in the Monday incident.

The rumor about the airport "arrests" were one of many unsubstantiated rumors which circulated among officials during the day.

[From the Baton Rouge (La.) States Times, Jan. 13, 1972]

Curfew Is Lifted Here—Guard Troops Go Home—18 Arrested Last Night

(By Bill Bankston)

Mayor-President Dumas today lifted the local curfew, and the 700 National Guardsmen sent here to assist police authorities since Monday started going home.

Baton Rouge emerged from another curfew-quiet night this morning.

Mayor-President Dumas made his no-curfew announcement after meeting with ranking representatives of the city police, sheriff's office, state police and the National Guard.

Dumas said police and sheriff's deputies would still be on beefed up patrol and backed up by state troopers for as long as authorities thought there might be any recurrence of the violence that erupted Monday afternoon on North Boulevard.

The mayor also said he would not hesitate to impose another curfew or ask for the Guard's return if the situation warranted it.

In the three days since Monday's confrontation between officers and a group of black militants, the city has been tense but quiet.

Each night the curfew was moved back a little later and the city appeared to return to normal.

Dumas imposed the Monday curfew at 5:30 p.m., about four hours after two sheriff's deputies and two black militants were killed in an outbreak in front of the Temple Theater.

Last night officers arrested 18 persons for violating the curfew that went into effect at 10 o'clock. Many of those arrested were lone motorists and in a number of the arrests, traffic violations were also involved, police reported.

Of the 18 arrested, 12 were black and six were white.

Investigators continue to attempt to piece together the exact sequence of events on North Boulevard on Monday and to filter fact from rumor in the flood of reports about possible further trouble.

Yesterday, guardsmen and police met at least three buses from out of town as they arrived downtown after rumors that they were loaded with armed blacks.

All the passengers appeared to be ordinary citizens.

Dist. Atty. Sargent Pitcher said investigators are still looking for two men and two women believed to have been in the group of about 16 militants blamed for touching off the Temple Theater incident Monday which killed two sheriff's deputies and two young blacks and injured 31 other persons.

Mayor-President Dumas imposed last night's curfew after meetings with local black leaders and police authorities.

He said that the black representatives had recommended lifting the curfew and removing the National Guard but that intelligence information coming in to police headquarters made authorities feel the curfew was still necessary.

"They (the black representatives) don't know what we know," he said.

TWENTY-ONE CITY TOUR

An itinerary found in a hotel room occupied by one of the militants showed the group had begun a 21-city tour in November, moving down the Atlantic Coast from New York State to Florida, then across the Gulf Coast to Baton Rouge, Pitcher indicated.

Investigators indicated they believe two groups of the traveling militants were to meet in Baton Rouge late last week.

Amarillo, Tex., police yesterday revealed that one of the blacks killed here Monday and three of those arrested after the outbreak had been in Amarillo on Dec. 6.

Yesterday, officers halted four young black men at Ryan Airport where they were preparing to board a plane for Chicago.

They were released, however, when it was determined that they were members of the local Black Muslim organization and not connected with the outside group, a federal agent indicated.

NO CONTACT

Local Black Muslims said that the outside group had not even contacted them since it arrived here at the end of December.

Elijah Muhammad, head of the national Black Muslim organization, said from his Chicago headquarters that the group that came into Baton Rouge had nothing to do with his organization.

Local authorities are apparently beginning to believe that they were members of a Muslim splinter group that is made up of members or former members of the "Fruits of Islam," the paramilitary arm of the Black Muslims.

Pitcher released the dates and cities on the itinerary found in the hotel room here.

In chronological order, included in the list were Rochester, Nov. 7; Pittsburgh, Nov. 8; Philadelphia, Nov. 12–15, Baltimore, Nov. 15–17; Washington, Nov. 19–21; Richmond, Va., Nov. 22–25; Norfolk, Va., Nov. 25–28; Raleigh, N.C., Nov. 29–Dec. 2; Charlotte, N.C., Dec. 5; Atlanta, Dec. 6–9; Savannah, Ga., Dec. 10–12; Jacksonville, Fla., Dec. 19–23; Tampa, Fla., Dec. 26; Mobile, Ala., Jan. 3–4; Jackson, Miss., Jan. 5–6; Baton Rouge, La., Jan. 7–8; both squads come together Jan. 7; Houston, Jan. 10–13; Phoenix, Jan. 14–17.

Three young men believed to be members of the group were arrested Dec. 30 for peddling literature without a permit.

Pitcher said members of the group first took rooms at the Bellemont Motor Hotel but left after being contacted by police intelligence officers.

They then apparently moved into the White House Inn, Pitcher said.

The group rented the roof garden at the Temple Theater and are believed to have held several meetings there.

Pitcher said investigators were unsuccessful in getting into last Friday's meeting there.

One person who attended the Friday night meeting said the group was asked who they were.

"TELL YOU ONCE"

"All right, we're going to tell you once. We're God," the witness quoted them.

Some local blacks also report that members of the group told them, "Come here Monday at noon and we'll show you something you've never seen before."

Pitcher said members of the group were also quoted as saying they had come to Baton Rouge to take over and return the city "to the black people."

Intelligence reports began coming into police headquarters Monday morning that a march on the Municipal Building was planned from the theater.

Three WBRZ–TV newsmen were at the scene shortly after 12:15 p.m.

While they were there the grey Cadillac was pulled across North Boulevard in front of the theater, blocking the street.

Some of the suited, bow-tied young men got on top of the car and addressed the crowd.

The three newsmen started to leave and were attacked.

CRITICALLY HURT

Bob Johnson was critically injured. Maurice Cockerham and Henry Baptiste managed to get away but were also hurt. Cockerham, who was later hospitalized, called police. Baptiste managed to go back and take Johnson to the hospital.

Deputies and police began arriving.

Some high-ranking police officers and deputies walked up to the young blacks, telling them they had to move the car.

The officers were attacked, rocks began to fly, nightsticks began to swing, and then the shooting started, authorities said.

Officers said the blacks apparently started shooting first.

Some officers and witnesses said they believe it is possible the first shots were 22-caliber pistols fired from the crowds on the sidewalks.

Police Chief Eddie O. Bauer said he saw the apparent leader of the group pull a shotgun from the trunk of the car.

Sheriff's Capt. J. Bryan Clemmons said he saw one of the Muslim types pull a chrome-plated revolver from his coat.

FIRED GAS SHELL

Clemmons said he shot the man with a tear-gas shell. The officer next to him fired a bullet at the man, Clemmons said.

Only police weapons have apparently been recovered and at least one wounded officer's gun is still missing.

Some officers said blacks were attempting to take away their service revolvers.

It is believed that at least two officers may have been shot with their own weapons after they were taken away.

Amarillo police said that Thomas Davis, 25, Chicago, one of the slain blacks, had been in Amarillo on Dec. 6. Also in Amarillo were Robert J. Barber, 20, Los Angeles; Warren Hall, 25, Philadelphia, and Ridgley Williams Jr., 25, Ada, Okla., they said.

Barber, Hall and Williams are among the six out-of-state residents booked here with murder in connection with the Monday incident. Two local residents were also booked with murder, Lawrence Brooks, 25, of 727 N. Goodwin St., and Raymond Eames, 21, of 324 N. 24th St.

Police have identified the second black killed in the incident as Samuel Upton, 29, of 2136 Griffon, Vallejo, Calif.

[From the Baton Rouge (La.) State Times, Jan. 14, 1972]

TWO VIOLENCE VICTIMS WERE NOT IN AREA

Two of the men injured during Monday's outbreak of violence on North Boulevard weren't in the immediate area of the confrontation and apparently weren't aware of what was happening in front of the Temple Theater.

Reddick Stevens, 52, of 2835 Jasmine, who was beaten and who has his throat slashed, was working in a church on 13th Street around the corner from the incident.

Joseph Accardo, 55, Hessmer, who was severely beaten, was around the corner on 14th Street, waiting to deliver a truck load of cabbage to the Capitol Tomato Company.

Both remain in satisfactory condition at Baton Rouge General Hospital today.

Stevens, a construction supervisor, was attacked when he stepped out of the church to get a tool from his automobile. He had been working alone in the building all morning.

Stevens didn't even see who attacked him, police said.

A deacon from the church came up and found Stevens lying on the sidewalk, they said.

Accardo, a farmer, parked his truck on the street and was waiting for the tomato company, which had closed for the lunch hour, to open up, police said.

He had driven up 14th from Government Street.

Police said Accardo became apprehensive about a car that had stopped behind and to the side of his truck and got out to walk over to the company to ask to be let inside.

Accardo was tapped on the shoulder and was struck in the face when he turned around. Then at least two men began beating him, police said. He was not robbed.

[From the Baton Rouge Morning Advocate, Jan. 14, 1972]

LAW OFFICIALS BLAST CLAIM OF NEGLIGENCE

(By Bob Anderson)

Law officials say complaints that they were not on the job Monday morning when trouble began to rumble on North Boulevard are untrue.

They say plainclothesmen were in the area and unmarked cars were patrolling it. One police official puts part of the blame on white newsmen who went to the scene unprotected.

Violence began to develop about 12:35 p.m. when a crowd gathered in the street turned on three WBRZ–TV newsmen, beating one to the edge of death and dealing injuries requiring hospitalization to another. The violence climaxed some 15 minutes later when city police and sheriff's deputies entered the scene and tried to move cars which had been used to form a barricade of the street. Seconds later two deputies and two blacks were dead.

One of the strongest critics of the law enforcement actions is WBRZ newsman Maurice Cockerham, one of those injured in the initial fracas. He termed them "ill prepared, uninformed and ill equipped."

SPOTS SITUATION

Cockerham says he spotted the situation on North Boulevard before noon. He says he surveyed it and returned to the television station where he called police at 12:15 p.m. and told them what he had seen.

"They said they didn't know a thing about it and would send a car out," said Cockerham. "They told two lies at once!"

Cockerham said that he and fellow newsman Bob Johnson then returned to the site of the disturbance, where they met a third WBRZ newsman Henry Baptiste. He said there were no uniformed police officers around that he did not recognize any plainclothesmen in the crowd.

He says the three went into a local establishment to find out from the owner what was going on. While they were in the establishment, Cockerham says, a gray Cadillac was pulled across the street and one of the "Black Muslims" climbed on top of it and began shouting to the crowd.

He said that they then went outside to hear, but when the speaker started talking about giving the city back to the blacks and killing whites they decided to go. Cockerham said that this was between 12:30 and 12:35 and still no police had shown up.

CROWD CONVERGES

It was at this point that the crowd converged on them and Johnson was severely beaten.

City police do acknowledge receiving a call from Cockerham but say that it was not a call for assistance. They say at that point they did not see a necessity for sending uniformed men into the area and possibly provoking an incident. They say that they did have plainclothesmen keeping the pulse of the crowd near the scene.

Another critic of police actions on Monday morning is Averill Aucoin, proprietor of Owl Drug Store located at the scene of the incidents.

He says that the first hint he had of the impending violence came shortly after 10 a.m. when a customer came in and wanted to know what was happening across the street. He said he looked outside and saw a crowd milling in the street, including the blacks wearing suits and bow ties, who were later identified as the leaders of the group.

A few minutes later teen-agers began coming in and breaking items, throwing things on the floor and taking soft drinks out of the box, he said. When they went out he says he called the city police, who told him they would send a car over to investigate.

Shortly the teenagers came back in and repeated their earlier actions, says Aucoin, and this time tried to get into the cash register.

They couldn't get it open and began threatening to kill him and his customers if he did not open it, Aucoin says. Aucoin says he refused and after more breaking and scattering the youths went back outside.

LOCKS DOOR

At this point Ancoin says he started to call the police again but decided they would be there in just a moment and did not. He locked the door, instead, in hopes of keeping the youths out.

The lock did little good, he says, because when the youths decided they wanted to come back in they simply jimmied it open and came in again, with more breaking and threats. He said he had begun fearing for his life and called police a second time and "tried to impress the seriousness of the situation upon them."

He said it was around noon and the youths had come in and gone out several more times by the time two plainclothesmen came and escorted him to his car. He said he had no idea of how long the ordeal went on, indicating that it may have been 20 minutes or half an hour between the time of his first call and the time the detectives came.

Fred Williams, manager of the Temple Theater across the street, said that the two detectives were the only police officers that he saw from the time he came to work at 11 a.m until the fatal confrontation.

Capt. LeRoy Watson, head of City Police's Intelligence Division, says that there was a good reason for no one seeing police officers in the area. Watson said that the vicinity was being watched by undercover agents and that uniformed officers were kept away for fear of provoking an incident.

Police information was that the group was getting ready to march down the street to the mayor's office to give complaints to Mayor-President Dumas, and that no major problem was expected to rise out of the rumbling on North Boulevard.

He says the incident was provoked by the presence of the white newsmen.

His men did not move in immediately to help the newsmen when they were attacked, he said, because his men could not see the incident from their positions further down the street.

The chief photographer for the Morning Advocate and State Times, John Boss, who said it was made apparent that he was not welcomed in the area when one of the blacks in a bow tie told him that he probably wouldn't be getting out of the place alive, said that when he moved further down the street (about four or five blocks) that he saw two plainclothesmen that he knew who had a camera set up and were observing with binoculars.

Police Chief Eddie Bauer said that he found Cockerham's statements about no police being in the area "hard to believe." He said that he could not give any specific information on the complaints or on where he had his men stationed until after he had reviewed every tape and every report.

Major Fred Sliman, who was in charge of the sheriff's office Monday morning, said from his hospital bed Thursday that he had no way of knowing that a violence situation was brewing in the area.

He says he got his first notice of a problem around 10 a.m. and sent in a black undercover man to keep him posted.

TALKING BAD

After calling in several times with reports that nothing major was happening the undercover man called about 15 minutes before the newsmen were attacked and said that some of the black leaders were starting to "talk bad," saying things like they were going to take over the city and give it back to the blacks, he said.

At that time, Sliman says he gave orders for his morning shift to remain on duty even after the afternoon shift came on, and he began getting his equipment lined up.

About 15 minutes later the undercover agent called again, he says, this time saying that Bob Johnson had been beaten nearly to death.

Sliman says that he immediately ordered an ambulance to be sent to the area, grabbed equipment and the three men he had available and headed for the area.

He says he was there within five or six minutes after the incident occurred.

Sliman is still in Baton Rouge General Hospital from injuries he suffered in the ensuing moments.

Aucoin feels that the police did a poor job of patroling the area the following day as well. He says that "there may have been a couple of cars that passed through, but no real patrols."

Aucoin says he closed his story early because youths on the streets were drinking wine, shouting obscenities and throwing things at passing motorists, and that one tried to jam his way into the store, but he shoved him out.

He says he called the police again, but no one came.

BLAMES DECISION MAKERS

Cockerham believes that officers have done a poor job throughout the entire ordeal. He blames the problems he sees on "the decision makers and not the rank and file officers."

He says the officers had not done their homework on the typical actions of the group it was confronting. He says that they should not have expected a show of force to make the "Muslims" back down.

He believes the policemen walked into a trap and were ill prepared and says "the fact that some policemen were shot with their own guns" is indicative of this.

Other newsmen such as Al Crouch, also of WBRZ, have commended officers on the scene for their actions. Crouch has described the "restraint" that policemen used as miraculous."

Many of the rank and file police officers have termed Cockerham's charges "lies" and say that he is only trying to make a big story for his television station.

[From the Baton Rouge Morning Advocate, Jan. 14, 1972]

BLACK SAYS MUSLIMS MET BY DISBELIEF

(By Gerald Moses)

The out-of-town group of Black Muslims involved in Monday's violence on North Boulevard which left four dead were greeted with disbelief when they staged their first meeting Jan. 7.

Frank B. Millican, a black businessman and a Republican candidate for the Senate in the 15th District, said he attended the Friday night meeting, after handbills advertised the meeting were distributed in his neighborhood.

"No one took them seriously," Millican said.

"One of them said they were here to deliver the city back to the black people, and we answered, 'We never lost it.'

"They wouldn't say how they planned to do this, but told us, if you want to see it, come out at 12 o'clock Monday."

Millican said Baton Rouge blacks attending the meeting said they did not intend to follow anyone blindly, but the Muslims repeatedly told them, "We're going to do it, we're going to do it."

Millican, a 21-year Air Force veteran, said he made a practice of keeping abreast of local affairs, "and when someone starts putting out handbills about a meeting for us, I'm going," he said.

ALL SEARCHED

At the Temple building where the Friday night meeting was held, Millican said all persons attending the meeting were searched, and then escorted to a seat.

"There weren't any of the really local people there that I knew," Millican said, adding that he saw "a few youngsters like you see on the streets."

Millican said one reference was made at the meeting to a proposal to "close the schools down and bring the kids down," but said no detailed plans about this were discussed.

The meeting, Millican said, was recorded by a tape recorder operated by one of the Muslims, who, he said, "identified themselves only by 'Exes.'" He said the group did not solicit the audience for money, and that their leader told them they did not believe in violence.

TALKS FREELY

Millican first talked about his attendance at the meeting of the Baton Rouge Jaycees Wednesday night, and talked about it Thursday "There was nothing secret about it," he said.

He told the Jaycees that when one of the Muslims told them they intended to return Baton Rouge to the blacks, "We told this gentleman that we never lost it, and that we owned most of it anyway, because most of whites have moved to the suburbs."

After the initial statement about the aims of the Muslims, Millican said the meeting broke up into small groups and finally disbanded.

He said he saw "a captain and a lieutenant of the local Muslim group meet with one of the group staging the meeting. The captain said, 'I know you, you're from California'." But Millican said the local Muslims did not participate in the meeting.

[From the Baton Rouge State-Times, Jan. 14, 1972]

REASONS FOR MONDAY'S VIOLENCE ARE STILL SOUGHT

Four days have passed since four persons were killed in violence on North Boulevard. Local, state and federal authorities have sought answers since Monday. Three national television networks, national press and local newsmen have researched the incident.

Yet, few answers are known. In fact, there are more questions than ever.

No one seems to know why the men, identified as Black Muslims, came to Baton Rouge, or why they chose Baton Rouge, or what actually happened Monday noon.

Some eyewitnesses say the men had weapons, some say they were unarmed.

Dist. Atty. Sargent Pitcher has released what has been described as an itinerary of two muslim squads, and it showed the groups were to meet in Baton Rouge Jan. 7.

Yet, reports indicate Muslims were in Baton Rouge by New Year's Eve when three were arrested for soliciting without a license.

Authorities in other areas of the country have reported presence of Black Muslims in their cities. Members of the group were spotted in Tampa, Fla., and West Texas before they were reported in Baton Rouge. It is not known whether these were the same individuals that ended up in the capital city.

The date on the itinerary, Jan. 7, was significant. For the group, according to a local businessman, held a meeting that Friday night at which at least one of them used the saying, "We are here to deliver Baton Rouge back to the black people."

That saying pops up frequently. Frank B. Millican, who attended that first meeting after handbills were distributed in the neighborhoods, said "no one took them seriously."

He said the meeting was at the Temple Building, the scene of Monday's violence, and that there weren't "any of the really local people there that I know." One suggestion at the meeting was to "close the schools down and bring the kids down."

PROMISED SOMETHING DRAMATIC

One account of the Friday meeting says they told the audience to show up Monday and promised something dramatic would happen.

After Friday night, nothing apparently happened until Monday. That morning, there was a disturbance at one of the local junior high schools. Some persons have tried to draw a connection between that event and the noon violence, but nothing has ever been proved.

Then came Monday noon. Even with all the news media coverage, there is still confusion. A crowd did materialize, the men blocked the street, the newsmen were beaten (one very critically), the police did come, officers were attacked, and the shooting did start, with four deaths resulting.

Local authorities, by reconstructing events from eyewitnesses and viewing films and slides, have said the first shot was fired by a black.

After the shooting, which lasted only a minute, there was apparently total chaos. Several weapons disappeared. At least one policeman and one demonstrator were dead, and two others were dying.

Black participants who were arrested have not added to the clearing up of confusion. They refuse to talk.

Local police, sheriff's deputies, state police and federal investigators continue to piece together facts. There is a possibility of a congressional hearing on the Black Muslim movement with special emphasis on their activities in Baton Rouge. Local and national news media continues its investigation.

Perhaps one day the pieces will fit together.

[From the Baton Rouge State-Times, Jan. 14, 1972]

Police Keep Vigil: Baton Rouge Remains Quiet After Guardsmen Exit City

(By Bill Bankston)

Baton Rouge remained quiet this morning without the presence of the National Guard and after a calm, curfewless night.

Mayor-President Dumas yesterday called off the curfew which had been in effect since Monday's violence that killed two sheriff's deputies and two young blacks on North Boulevard.

The 700 National Guardsmen left town yesterday afternoon, but police and sheriff's deputies remained on 12-hour shifts and were backed up by a force of state police.

Dumas and Police Chief Eddie O. Bauer said any sign of violence will be met with heavily armed force and continued their warning to outside dissidents to stay away.

SCHOOLS CLOSED

Schools were not in session today. The school board yesterday announced there would be no classes today at public schools because of tension in the city and parish.

Private and parochial schools then also announced closures for today.

Coinciding with the tension this week, four teachers have been attacked at Capitol Junior and Senior High Schools. There was a disturbance at McKinley Junior High School on Monday prior to the North Boulevard incident and there was a walkout of about 35 students at Tara High School.

Authorities said they could find no direct link with the troubles at the schools and the North Boulevard incident.

Rumors of more trouble and of out-of-state militants headed for Baton Rouge have swept the city repeatedly since Monday's incident.

RUMOR CHECK CENTER

Volunteers are now manning a rumor verification center and may be called at 342–7716. The center was set up to help dispel rumors as part of the overall effort to keep the city calm.

"We're 1,000 per cent better organized than we were before this thing happened," Dumas said yesterday. "Those who think they can come here to start trouble will be met with all the force they want."

"Economic and psychological" reasons were part of the decision to end the curfew and send the National Guard home, he said.

The mayor praised the community for the "wonderful support" authorities received during the three days of curfew.

JOHNSON UNCHANGED

Bob Johnson, a WBRZ–TV newsman who was beaten on North Boulevard before police arrived, was still in "very critical" condition today at Our Lady of the Lake Hospital.

Lonnie X, or Larry Mobley, who was shot in the confrontation with officers, was reported in poor condition at Earl K. Long Hospital.

Police Sgt. Abram Hoover, who was shot, was in serious condition at Our Lady of the Lake.

Besides Lonnie X, five blacks remain hospitalized at Earl K. Long. They are James Barlow, good; Keith Muhhammad, good; Milton LeDuff, good; Ronald Crawford, fair, and John Devine, fair.

Police Maj. W. L. Gunby and Sheriff's Maj. Fred Sliman are reported in good condition. Deputy Kenneth Savignol is reported in satisfactory condition.

OTHER MEN

Two men who were attacked while in the area of the confrontation are reported in satisfactory condition. They are Reddick Stevens, 52, of 2835 Jasmine, and Joseph Accardo, 55, Hessmer.

Investigators from the police department, the sheriff's office and the FBI are still piecing together information to determine exactly what happened Monday in front of the Temple Theater.

Eight men have been booked with murder and inciting to riot. And authorities indicate the six blacks still hospitalized probably will also be charged.

PITCHER VOW

Dist. Atty. Sargent Pitcher said the eight in jail will be brought to court as soon as possible and said he hoped to take the cases before the grand jury within about 10 days.

The Public Defender Office is representing seven of the eight booked.

The eight accused of the murders of two deputies slain in the gun battle are identified as Lawrence Brooks, 25, of Baton Rouge, Robert Barber, 20, Los Angeles, Calif., David McKinney, 20, Toussaint L'Ouverture, 21, Clennon Brown, 25, all of Chicago, Warren Hall, 25, Philadelphia, Pa., Ramon Eames, 21, of 324 N. 24th St., Baton Rouge and Ridgley Williams Jr., who refused to give an age and address.

All but Eames are being represented by the Public Defender's Office. Eames is represented by his brother, Robert Eames, a local attorney.

WANTS PROMPT HEARING

Gonzales said his office wants a prompt hearing so he might plan defense strategy.

He said, "They may say some were involved in one killing and some were involved in another. They may say this was a conspiracy and they were all involved in them all. The grand jury will decide."

Law authorities continue to support the contention that the band of bow-tied men on North Boulevard Monday was a group of Black Muslims, possibly a splinter or renegade group, who came here to foment trouble and were prepared to fight lawmen.

As a part of the investigation, Dist. Atty. Pitcher has written district attorneys around the country for any information they may be able to obtain on the Muslims' visit to their cities.

The list of cities came from an itinerary of one of the two squads of Muslims who are believed to have met in Baton Rouge on Jan. 7. The itinerary was found in the search of rooms some of the arrested had rented at the White House Inn. The search of seven rooms yielded personal clothing and Muslim literature, Pitcher said.

The district attorney said he has confirmed that the Muslims were in Miami, Fla. and Savannah, Ga. on the dates the itinerary listed, but detailed reports on their activities in those cities is to be mailed to him.

U.S. Rep. John Rarick said he was asking for a Congressional probe of the Black Muslims, which he said has never been investigated by Congress.

Rarick, of St. Francisville, said he has asked the chairman of the House Internal Security Committee for an investigation of the organization.

[From the Baton Rouge (La.) Morning Advocate, Jan. 15, 1972]

Probes Intensify as Calm Returns

(By Art Adams)

Investigations, both official and unofficial were getting into high gear Friday as Baton Rouge slowly recovered from the shock of last Monday's violence that killed two sheriff's deputies and two young blacks on North Boulevard.

The city was calm Friday night, the second night without a curfew and without the 700 National Guardsmen sent to keep order in the aftermath of the fatal confrontation.

The district attorney's office Friday became the coordinating agency for all the local law enforcement agencies involved in investigating the incident, including the city police, sheriff's office and state police.

FEDERAL PROBE UNDERWAY

Federal authorities were conducting their own investigation. FBI agents Friday were taking statements from police and sheriff's deputies directly involved in the incident.

The National Association for the Advancement of Colored People, meanwhile, announced it plans to conduct an unofficial public "inquiry" into the shootings.

Dr. D'Orsay Bryant, president of the Baton Rouge NAACP chapter, said the hearing would be patterned after an inquiry conducted by the Memphis NAACP last year after the alleged beating death of a young black by police.

Bryant said he was in the process of talking to men who conducted the Memphis hearings, collecting witnesses and deciding on a format for the hearing. He said he hoped to start the hearing next week.

"The puurpose of the hearing will be to tell the story as it actually was," Bryant said.

Louisiana NAACP President Emmitt Douglas said the inquiry was fully sanctioned by the state organization and was designed to get to the truth.

Sheriff's deputies Ralph Hancock and DeWayne Wilder and two black men, Thomas Davis, 25, of Chicago and Samuel Upton, 29, of Vallejo, Calif., died in a volley of gunfire that erupted as police confronted a line of alleged Black Muslims strung out across the 1300 block of North Boulevard.

More than 30 persons were injured, including WBRZ–TV newsman Bob Johnson, who was beaten by a group of blacks before the gun battle started. Johnson suffered severe head injuries and remained in critical condition Friday night at Our Lady of the Lake Hospital.

In Chicago Friday, Black Muslim leader Elijah Muhammad said he doubted that the blacks involved in the shootout were members of his organization.

"I do not deny that the people in Baton Rouge were Black Muslims," Muhammad said. "All I know is that their names were not found in our registry."

In Washington, D.C., 6th District Rep. John R. Rarick called for an investigation of the shootings and blasted federal authorities for "serious laxity" in handling of the Muslims.

In a letter to Chairman Richard H. Ichord of the House Internal Security Committe, Rarick said that "somewhere there has been a serious laxity in federal law enforcement and a breakdown in communications between federal officials and the local law enforcement officials."

Rarick said the incident "has been shrugged off by the national news media as simply being provoked by a bunch of California and Chicago dissenters to the present ruler of the Muslim movement."

SEES DEEPER MOTIVES

But, he said, "Undeveloped evidence suggests deper motives."

"Evidence exists," he said, "which indicates that some Muslims have been allowed to tour by caravan across state lines and by use of intimidation raise money and conduct membership drives without any interference from the U.S. Justice Department."

"The seriousness of such integration into the Baton Rouge community was not made available to the local law enforcement people by federal authorities," Rarick said.

Twenty persons were arrested following the gun battle. Eight of those arrested were charged with murder.

A ninth person was jailed Friday upon his release from Earl K. Long Hospital. James Barlow, 21, Chicago, was booked with murder, disturbing the peace and inciting to riot.

The eight blacks originally booked with murder agreed Friday to employ three local black lawyers to defend them.

The public defender's office filed a motion for a preliminary hearing of the case, to be held next Thursday before Dist. Judge Donovan Parker.

The eight suspects are Raymond Eames, 21, and Lawrence Brooks, 25, both of Baton Rouge; David McKinney, 22, Toussaint

L'Ouverture, 21, and Clennon Brown, 25, all of Chicago; Robert J. Barber, 20, of Los Angeles; Warren Hall, 25, of Philadelphia, and Ridgley Williams, 25, of Vallejo, Calif.

One of the lawyers who will represent the eight is Robert Eames, brother of defendant Raymond Eames. The other lawyers are Eames' law partners Robert Williams and NAACP attorney Murphy Bell.

Shock and confusion, compounded by an apparent lack of coordination, got local authorities off to a slow start in their investigation of the shooting.

COORDINATING AGENCY

However, the pace of the investigation appeared to be picking up Friday. The district attorney's office was designated as the coordinating agency, primarily to facilitate gathering of evidence for the grand jury.

Dist. Atty. Sargent Pitcher said he hoped to be ready to take the case to the grand jury within 10 days. The grand jury is scheduled to meet again next Thursday, but it is doubtful the case will be ready by then.

Meanwhile, police and sheriff's deputies directly involved in the confrontation were preparing their own statements of what happened and were giving statements to investigators in their respective departments.

The FBI has also requested interviews with those involved.

Pitcher said there is full cooperation between the FBI and local agencies.

U.S. ATTORNEY NOTES PROBE

U.S. Atty. Gerald Gallinghouse said the FBI is conducting "a thorough investigation of the facts and circumstances relating to the incident Monday . . . to determine possible violation of federal criminal laws."

Gallinghouse also confirmed that the community relations service team of the U.S. Justice Department is in Baton Rouge "to talk with private citizens and groups and get people to lower their voices and reason things out."

Schools were scheduled to reopen Monday after a one-day closing ordered by the East Baton Rouge Parish School President Dumas and other city-parish officials.

The school board voted Thursday to close the schools on Friday after they were told authorities feared for the welfare of students and teachers. No specific reasons were given, however.

In addition to Johnson, several other persons were still hospitalized Friday. They included a man identified as Larry Mobley or Lonnie X, who was still listed in critical condition at Earl K. Long Hospital.

Four other men are still at Earl K. Long. They are Keith Muhammad, Milton LeDuff, Ronald Crawford and John Devine.

City police Sgt. Abram Hoover, police Maj. W. L. (Buck) Gunby, Sheriff's Maj. Fred Sliman and Deputy Kenneth Savignol are all listed in satisfactory condition at local hospitals.

[From the Baton Rouge Morning Advocate, Jan. 14, 1972]

FOUR PHOTOGRAPHERS RECALL INCIDENT

Four Morning Advocate—State-Times photographers covered the racial incident which left four persons dead and another critically injured last Monday.

Chief photographer John Boss arrived as things were getting hot and then left to make an afternoon deadline before the shooting started. Charles Gerald, of the State-Times and Leatus Still and Larry Odom, both with the Morning Advocate, rushed to the scene as soon as it became known that people were dead. Here is what each of the four saw.

JOHN BOSS. The crowd was still just milling around on both sides of North Boulevard. The street had not yet been blockaded. I asked a black wearing a bow tie if he planned a demonstration.

He said he wanted a confrontation with the police and city officials.

I asked him what the complaint was.

He said just look around and you'll see what the complaint is.

I asked him what his name was, and he said he didn't have one. He said that he didn't use his slave name.

WHY THERE?

When I asked him why they were there he said they were going to take over the town in nine days and give it back to the blacks or die.

"Pictures all right?" I asked.

"I don't care what you do since you probably won't get out of here," he said.

I got in my car, drove off and went around a couple of blocks. I noticed a city police intelligence unit surveying a scene from a distance with binoculars. I parked on North Boulevard, leaving my door open in case I had to get away fast.

The group was pulling a gray Cadillac across the street, so I got out my telephoto lens, moved a little closer and made two fast shots. Members of the crowd were looking at me, and appeared to be coming my way so I left. About a dozen were carrying clubs about 18 inches long, knobby on one end and cut to a point on the other.

I had to make a deadline for the State Times, so I went on back to the paper. At no time did I see (Maurice) Cockerham or the other WBRZ newsmen.

While at the paper I was told about the shootings by Charles Gerald. We sped back in pouring down rain and the gutters were running red. The blacks had scattered and a roundup was on.

The only gun I saw belonging to a black was a policeman's pistol taken from one who was pulled from a building.

The paddy wagon driver said that one of the men in the first load he took in had a .22 pistol on him.

CHARLES GERALD. Just before 1 p.m. we got a call that there was a shooting at the riot area on North Boulevard. By 1 p.m. John Boss and I were parked two or three blocks west of the Temple Theater.

That was as close as the policeman who was directing traffic would let us get. We grabbed our cameras and raincoats. The rain was really coming down.

SHOCK TO SEE BLOOD

The first thing I noticed near the Temple was water running red in the gutters of the street. It was really a shock to see that much blood flowing down the street.

The first body I saw turned out to be a wounded black. He was lying face down with his hands handcuffed behind his back. A black ambulance driver was trying to get him onto a stretcher.

There was one black lying on his back in a vacant lot across the street from the theater. He was dead.

I saw one other injured black removed on a stretcher. The injured policemen were removed before we arrived.

There were three or four other blacks handcuffed on the concrete in front of the theater. These did not appear to be injured. They were later searched and taken away.

While we were there the police removed the blacks in the buildings near the theater and sent them on their way.

Someone said there was a person in the theater. A complete search followed but no one was found.

Shortly a search of the cafe across from the theater turned up three or four young blacks, plus what appeared to be the people who ran the cafe.

They were all searched and taken away.

By this time two other photographers had arrived. John and I left it with them and returned to the paper via the National Guard Armory. City police, sheriff deputies and state police were on duty at the shooting scene.

LEATUS STILL. I heard the bulletin about the shooting on TV, called in and told Art Kleiner (color photographer for the newspapers) I would be on standby at home. A couple of minutes before two, Larry (Odom) called and told me to report to North Boulevard. I arrived about 2:20.

I heard on the radio on the way that they were cleaning out the Angel Cafe. When I got there, there was relative calm.

I watched the police search the Temple Theater with no luck. I saw a prisoner transferred from a paddy wagon to a car. I was told that he had somehow managed to get in the paddy wagon with a pistol.

Around 4 p.m. John and Charlie left. Larry and I watched the police escort a family from behind the Temple Theater and the little kid came out with hands over head. It made a natural shot.

We came back to the office about 5 p.m.

LARRY ODOM. On my way to work I heard on the radio that Chief Eddie Bauer had been beaten up in a confrontation with some Negroes on North Boulevard. Immediately I began to drive faster and get to the newspaper because I knew that once I arrived there I could find out exactly what was going on and maybe what my assignments for the day might be.

Arriving at the newspaper, I met Mike Harmon (Associated Press writer). After asking him and many other people what was going on things began to fall together and I started grabbing lenses and equipment to bring to the other photographers whom I assumed were already at the scene.

Harmon asked whether he could ride with me to the area and we left after speaking with Ed Price, managing editor of the Morning Advocate, a few seconds.

Rain was falling the whole way to North Boulevard. Upon arriving we noticed police all over the entrance and parked the car in a service station parking lot. We started running toward the Temple theatre.

At this time we hadn't heard any bullets flying so we kept on moving. About 300 yards from the theater we noticed a large group of policemen along with Major (Fred) Sliman and Al Crouch (TV newsman).

Al was probably getting an on-the-spot story from Sliman, so I stopped and shot a few frames on my camera. Harmon and I split up at this point because I saw a friend of mine (Mike Fussell), a deputy, and asked what had happened. After talking with him, I saw a dead Negro lying along side the Angel Rest and shot a couple more frames. At this time I saw John Boss and Charlie under the entrance of the Temple.

I walked across to exchange views and maybe some type of strategy for photographing the aftermath. At different times during the afternoon small groups of police and deputies would move around and investigate the different buildings in the vicinity of the Temple.

I noticed men moving around towards the back of the Angel Cafeteria. One of the deputies hollered out "Come out with your hands up." He repeated it several times.

Finally a woman opened a door and stuck her hand out, hollering something like, "We're afraid to come out, but we're unarmed."

—It was pouring down rain. Finally, after an exchange of words, officers said they wouldn't hurt them, but to come out with hands up. She came out by herself.

Officers proceeded to her and she went back in with a group of officers following. I stood at the back door and watched from outside.

They began looking under cabinets, in closets, under tables and discovered three or four people. They put them up against the wall, began to frisk them.

There was some resistance by the blacks. Evidently they were scared. After frisking them they began to move them to the front door.

I hollered to my boss, "They're coming out the front," then I moved around there. This was about 2:30 p.m.

I began shooting pictures as they came out the front door . . . they laid the three Negroes on the ground and handcuffed them.

A shot was fired inside and everybody ran for cover.

Then somebody was pushed out of the front door and a fourth Negro came out, dressed in a suit, with a bad wound on his head.

The deputies and police started to pick up the captured Negroes and carry them by shoving and pushing them towards a paddy wagon.

The four were put into the wagon and then two women and an older man were brought from inside the Angel Restaurant and put into the wagon too. One of these was the woman I saw at the rear of the restaurant. All were black.

HEARD SHOTGUN BLAST

About this time there was a shotgun blast in front of the Angel Restaurant. It frightened just about everyone in the area and the crowd of people kind of cleared the streets for a few seconds.

A deputy told me that there was a lot of police brutality during frisking inside the Angel Cafeteria. Police did not just say "get up against the wall." They shoved hard and used blows with butts of weapons. The wagon left, and people were milling around the street. Police and deputies began to regroup and start another search.

I went to the Esso Station on the corner of North Boulevard and 13th and drank a cold drink. It was about 3 p.m.

While I was there the black owner or attendant running the station commented that this was an embarrassing situation for him because he had lived in this neighborhood for years and hadn't seen a familiar face—I'm sure he meant a black familiar face—all day.

I finished my cold drink and walked back to the theater, shooting pictures on the way, While standing in front of the theater, deputies had found another well-dressed black.

He was put into a patrol car and driven off.

He tried to hide his face the whole time. He did not have on a tie and was dressed in a leather coat, dress shirt, slack and shoes.

Then I walked back to the theater and followed some riot squad members down an alley alongside. We entered a house that was vacant and almost demolished. After stepping in the front door, I changed my mind and waited until the police passed me and went in.

A youngster about four-six years old came walking out the back and started up the alley under police escort.

They walked up the alley and to front of the street. No one else was in the house and I went back to the front of theater.

A state police van pulled up and started handing out bullet-proof vests. I shot some more pictures of men putting on vests and I noticed a few men had bayonets on the end of their rifles.

The K–9 corps showed up with extra riot helmets, and a sheriff's deputy announced to employees of the sheriff's department that they were to fall back and return to headquarters. This was about 4:35.

I began to get scared because the city policemen who had blocked traffic on the expressway side had opened street and people began to enter by cars.

Leatus Still and I decided that we were going to leave the minute the city police left.

We thought it was really funny for them to open the streets at this time and allow traffic on N. Boulevard at 5 p.m. in the afternoon.

[From the Baton Rouge (La.) Advocate, Jan. 16, 1972]

Looking Back at the Confrontation in Baton Rouge

(Editor's Note: Officials have conceded they may never fit together all the pieces of a jigsaw puzzle of facts and speculation surrounding the deaths of two policemen and two members of an alleged splinter group of Black Muslims in a brief but bloody volley of gunfire on a downtown city street last Monday. The following is an account of the known events leading up to the confrontation, the shooting spree and the aftermath based on interviews with police, newsmen at the scene and other eyewitnesses.)

(By G. Michael Harmon)

On Dec. 30, James Kolter, manager of the Baton Rouge Better Business Bureau, said he received a series of complaints from local downtown businessmen about a group of blacks soliciting funds for something called the "black art center" in Chicago.

After receiving the seventh call, Kolter said he and an assistant drove to Third Street, the city's main business street, and found a neatly dressed young black man attempting to sell art reproductions.

Kolter said the man identified himself as Eugene Varnado, a black Muslim who was part of a nationwide drive to raise $20 to $30 million for an art and cultural center in Chicago.

Kolter said he questioned the man about the alleged project but received little information except that he was asking businessmen to mail checks to 5335 South Woodlawn in Chicago.

The man, Kolter said, questioned him about the BBB's authority to interfere with a religious fund drive. Kolter said he asked the man to accompany him to this office for further information on the campaign but he refused.

Kolter said he watched the man for awhile, then called police, who arrested Varnado and two other members of the alleged black Muslim group. The three were taken to the police station, questioned and released.

Asked to investigate the group, Capt. Leroy Watson, head of the city police intelligence division, traced the blacks to the Bellemont Motor Hotel on Airline Highway, a major north-south thoroughfare. Watson said he sent three men to the hotel who told the blacks they were violating local ordinances. A spokesman for the group, Watson said, assured his men they would stop their activity.

CHECK OUT

Howard McBride, manager of the motel, said the group checked into the hotel on Dec. 29 and checked out Jan. 1, the morning after the visit by Watson's men. McBride said a man who identified himself as Robert Barber of Chicago checked in for the group. McBride said he did not know how many people were in the group, which took a suite and two rooms.

McBride described Barber as "very surly."

"They were out of the motel during the day and we had trouble collecting from them," McBride said. "Barber would say he would come by and pay the bill but he would never show up. We finally had to lock them out of their rooms to get him to come to the desk."

McBride said the bill was paid in cash each day, about $110 a day.

Watson said his men went back to the motel Jan. 1 to learn the group had checked out. Police, he said, thought they had left town.

Four days later, on Jan. 4, a group of blacks composed of 14 men and two women checked into the White House Inn Hotel, which is located about two blocks from the state capitol.

Watson said it was the same group which had been at the Bellemont, and the facts appeared to back him up.

White House Inn manager Frank Fry said a man who identified himself as David McKinney of Chicago checked in for the group. Under his name, on the hotel registration card, McKinney wrote "The Young Muslims."

"I asked him if they were in show business and 'The Young Muslims' was the name of their group," Fry said. "He said, 'sort of.' "

Fry said McKinney took eight rooms on the seventh floor.

PAY BILL

Unlike McBride's account of his dealings with Barber, Fry said McKinney paid his bill, which amounted to about $190 a day for the eight rooms, promptly in cash and acted very businesslike.

Fry said there was nothing out of the ordinary about the group's behavior until Friday night, Jan. 7, when an apparent guard detail of two men took up positions in the lobby and another two men by the elevators on the seventh floor. The watch, Fry said, was changed every two hours throughout each night from Friday through Sunday.

"They didn't harass anybody," Fry said. "They just stood around and watched."

Fry said he called the FBI in New Orleans and reported that a group of blacks calling themselves "The Young Muslims" were in his motel, and told about the guard detail. Fry said he did not hear from the FBI again until after the Monday shooting incident.

The men, Fry said, were all impeccably dressed in suits. He described McKinney as very intelligent.

Although there were 16 in the group when the blacks first checked in, Fry said the band dwindled to nine by Sunday, occupying five rooms, seven men and two women.

Fry said the group was driving five cars, a Toyota with California license plates, a Cadillac with Illinois license plates, a Dodge van with California plates and a Mercury.

McKinney, Fry said, acted like a business agent, issuing orders that all charges were to be signed by him. Fry said the group ordered coffee sent to their rooms but did not eat at the hotel.

Fry said he questioned his staff following the shooting incident and learned that "apparently one of the men claimed to be God. The others were disciples and the women were the wives of God."

The hotel manager said his staff could not identify McKinney as the God figure.

At this point, the first unanswered questions in the bizarre sequence of events begin to surface. It appears that the group that checked into the Bellemont could have been the same group which later checked into the White House Inn. Both Barber and McKinney were among the eight blacks arrested and booked with murder following the shooting incident.

It was not known, however, where the group went for the four days between the time Barber checked out of the Bellemont and McKinney checked into the White House Inn.

Officials, who thought the blacks had left town when they checked out of the Bellemont, did not learn that they, or another group, were again in town until Thursday, Jan. 6.

Dist. Atty. Sargent Pitcher said he received information from intelligence sources of a meeting on the roof of the Temple Theater in the 1300 block of North Boulevard, the scene of the subsequent shooting, called by Black Muslims.

REFUSED ADMISSION

Pitcher said he sent a black undercover investigator to attend a meeting, but the man apparently was recognized and refused admission.

"There was tight security by this group," Pitcher said. "They were polite but denied my man admission."

Pitcher said his investigator waited outside and talked to some of the people who came out of the meeting and picked up a handbill the alleged Muslim group was distributing.

The handbill, which advertised the meeting, invited black citizens to "hear and see a right now change."

One local black who attended the meeting was Frank Millican, a businessman and Republican candidate for the state senate. Millican said those who attended were searched at the door and escorted to a seat by one of the alleged Muslims.

"There weren't any of the really local people there that I knew," Millican said, adding that most of the small audience was composed of young people.

"One of them said they were here to deliver the city back to the black people," Millican said. "They wouldn't say how they planned to do this, but told us, if you want to see it, come out at 12 o'clock Monday."

The black businessmen said the alleged Muslims did not solicit the audience for money and at one point told them they did not believe in violence.

The meeting, Millican said, broke up in a matter of minutes without any specific statement of purpose from the alleged Muslim group, but another meeting was called for 10 a.m. Monday.

Pitcher said police have no record of the group's movements over the weekend, but did not expect violence.

"I didn't anticipate any trouble," said Pitcher, who like most officials, still is totally puzzled by the shooting incident. "W've had these things before. We either talk them out or toss a little tear gas."

The group of blacks appeared on North Boulevard, which runs east and west through a downtown section of predominantly black businesses and homes again Monday morning.

There were unconfirmed reports all morning of an imminent demonstration and large groups of blacks on the street. Police sent undercover agents into the area, but, according to Watson, kept uniformed officers out to avoid provoking a confrontation.

One intelligence officer reported that the group was preparing to march to city hall about two miles away, but said he expected no trouble. The march never materialized.

Another meeting was held at about 10 a.m. in the four-story building which houses the Temple Theater, a rundown movie house. Police say the alleged Muslims talked about "taking over the city and returning it to the blacks" at the meeting, but there are no independent accounts of what transpired.

The first newsman to arrive on the scene was Maurice Cockerham, a reported for television station WBRZ in Baton Rouge. Cockerman said he drove down the street shortly before noon, returned to the television station, called the police and reported crowds he saw on the street. The police, Cockerman said, denied any knowledge of the gathering and said they would check it out.

Cockerman and another WBRZ reporter, Bob Johnson, then returned to the street. They parked their car, leaving tape recorder and cameras inside the automobile, and walked up the street where they met a colleague, Henry Baptiste, a black newsman from WBRZ.

Cockerman said the three went to the business office of Reed Canada, which is located two doors from the Temple Theater, to find out what was going on. Canada owns an advertising firm and is a black community leader.

BLOCKING STREET

While they were talking to Canada, Cockerham says, a Cadillac and a Toyota, apparently the same automobiles driven by the group which checked into the White House Inn, were pulled across the street, blocking traffic.

One of the alleged Muslims climbed to the top of the Cadillac and began addressing the crowd.

The speaker was identified tentatively as Samuel Upton, 29, of Vallejo, Calif., who later died in the shooting.

The speaker told the crowd the group was in Baton Rouge to return the city to blacks and talked about "white devils."

"They talked about their faith," said Charles Granger, a young black who works for a local anti-poverty agency. "They mentioned they were great men, a black guard, and they believed in Islam and the great Elijah Muhammad. They indicated they were here to do something for the black people.

"It was mostly a non-verbal thing, however. They said that great things were going to happen and they were here to help. They said they did not need our support and told the brothers not to bring guns.

"They told us to bring out our children to see them die. They said they were ready to die," Granger recalled.

Cockerham, Johnson and Baptiste walked out onto the street when the automobiles were pulled across the thoroughfare, but were told to leave by one group of blacks.

Cockerham and Baptiste said they turned and started walking away when they were attacked. It was not known whether the attack was specifically provoked by the alleged Muslims or represented a spontaneous action by the crowd of about 200 which by this time had gathered at the scene.

TOLD TO LEAVE

"They told us to leave," Baptiste said. "As we were starting to leave, they attacked us."

Two young black eyewitnesses to the attack, said, however, the newsmen would have not been beaten if they had left when told to by the crowd.

"Bob Johnson and those guys were asked to leave," said Roland Knox. "He (Johnson) was smoking, he hesitated, and had to put out his cigarette. He even laughed.

"Somebody said, 'what are they (the newsmen) whispering about?' They just stood there. The black brothers started advancing toward them and that's when it happened."

The blacks do not deny that the crowd attacked the newsmen.

Cockerham and Baptiste wriggled free and escaped, but Johnson wasn't so lucky.

"I saw Bob Johnson running by and bleeding from the head like a pig," said Canada, who was watching from his office. "Then he got hit with a bottle and went down again. I told them to leave Johnson alone and they started throwing at me."

Cockerham fled down an alley to an adjoining street and called the police from an office.

"I told them to please get out there quick," Cockerham said. "I told them there's a riot going on."

Up to this time, Cockerham said, there were no uniformed police on the street.

Baptiste, meanwhile, had worked his way back to the area, pulled the bleeding Johnson into his car, and drove him to the hospital.

Baptiste and Cockerham were not injured seriously in the attack, but Johnson remained hospitalized at week's end in critical condition with massive head injuries.

POLICE BEGIN ARRIVING

Responding to Cockerham's call, police began arriving on the scene about 12:45 p.m. When they arrived, both the compact and the Cadillac were blocking the street. A line estimated at about 15 of the alleged Muslims, all dressed in suits and bow ties, were lined up across the street in front of the compact car.

A police wrecker was called in and as it drove up to the line of men, one of the alleged Muslims clapped his hands once and the group pulled back several yards and positioned themselves in front of the Cadillac. The compact was towed away without incident.

Crowds of blacks lined both sides of the street, in front of the shelter and across the street in front of a cafe.

At this point, Maj. Fred Sliman and Detective Bob Blieden of the East Baton Rouge Parish Sheriff's Department approached the line from the front. At the same time, city Police Maj. Jim Dumigan, who was standing with Police Chief E. O. Bauer behind the line and the automobile, walked through the line from the rear and joined Sliman and Blieden.

An undetermined number of sheriff's deputies stood behind the group of three officers facing the line and a force of police officers were behind Bauer. "They were lined up like a little bunch of tin soldiers, like they wanted us to come up and talk to them," said Capt. Bryan Clemmons Jr., the son of the East Baton Rouge Parish sheriff.

WENT UP TO TALK

"Something was said that they wanted to talk and that's when Dumigan and Sliman went up to talk to them."

Sliman said he approached the line and "told them they would have to move the car from the street or we would call the wrecker to tow it away."

Sliman said the apparent leader of the group, Upton, replied, "You white devil, either you or I are going to die today. You're lying. That car is not moving."

At this point, both police and black eyewitnesses agree that one of the alleged Muslims struck Dumigan. Sliman said the blow came without warning, as he motioned for the wrecker. Black witnesses, however, say Dumigan was not struck until he tried to walk through the line.

"The officers approached them to tell them they were going to have to move the car," Granger recalled. "Then I saw someone trying to walk through their wall. Walking through their wall was like walking through their dignity.

"He (Sliman) was struck. Then Maj. Sliman was trying to go through the wall and he was struck. A policeman came in from the left and started swinging his billy club."

As the crowd moved around Dumigan and Sliman, the first gunshot went off and nobody agrees what happened after that.

FIRST SHOT HEARD

Granger, Sliman and WBRZ News Director Al Crouch say the first shot came from the right, near a vacant lot where the bodies of a black and a deputy were later found.

Another view came from Clemmons, who says he may have fired the the first shot.

Clemmons, who was standing several yards behind Sliman, Dumigan and Blieden and to the right, said when the fight broke out he watched for a while and decided the officers involved "were taking pretty good care of themselves."

"I looked to the left and saw one of the guys in the line pull a chrome-plated .38-caliber revolver from under his coat," Clemmons said. "I was armed with a shotgun loader with tear gas. I didn't even have any buckshot on me. When he pulled the gun and extended his arm. I fired at him. At almost the same time, somebody else, I don't know who, must have fired at him with buckshot because he fell and the pistol dropped to his feet."

By this time, shots were coming from all directions, and no witnesses at the scene have been able to outline the sequence of events.

"Anybody who tells you they can remember what happened after the shooting started is lying," said Blieden.

SHOTGUN FIRED

"After that first shot from the right, a deputy sheriff with a shotgun fired," Granger said. "Another standing behind him with a shotgun shot."

These two shots could have been Clemmons and the unidentified officer who fired at the black who allegedy pulled the pistol, but the theory cannot be confirmed. Granger said he saw no blacks with guns, however.

"People were falling like flies, like when we went into Omaha Beach," said Canada, a World War II veteran. "It was like there was war."

"It looked like a battlefield with bodies everywhere," said newsman Crouch. "One of the Muslims charged into the police line. He was chanting. They hit him with everything they had. They shot him in the leg, hit him with billyclubs and gun butts but he kept coming."

Several other witnesses also reported that the Muslims broke into a chant when the fighting broke out. To Blieden, it sounded like they were saying "kop-lop."

Granger said the Muslims were speaking to their black god.

Crouch said he ran and crouched behind a police car when the shooting broke out. A deputy standing near him, who was later identified as Kenneth Savignol, was hit and Crouch said he pulled him behind the car.

The shooting lasted only about two minutes and when it was over, two deputies and two blacks, identified as members of the alleged Muslim group, were dead.

Dead were deputies Ralph Hancock, 30, and Dewayne Wilder, 27, and the alleged Muslims, Thomas Davis, 25, of Chicago and Upton.

Nine persons have been booked with murder in connection with the deaths of Hancock and Wilder. Charged were Robert Barber, 20, Los Angeles; Warren Hall, 25, Philadeliphia; David McKinney, 22, Toussaint L'Ouverture, 21, Clennon Brown, 25, and James Barlow, 21, al of Chicago; Ridgley Williams Jr., 25, Ada, Okla.; and Baton Rouge residents Lawrence Brooks, 25, and Ramond Eames, 21.

It was not know whether Brooks and Eames were associated with the group or were charged for alleged incidental participation in the incident.

Five other police officers and five alleged Muslims were either wounded by gunfire or injured in the shooting spree.

The bodies of Hancock and Davis were found near each other in the vacant lot where some said they heard the first shot fired.

Both Wilder and Upton were found in the street. All four were believed to have been killed with shots fired from .38-caliber pistols.

At the center of the debate on the shooting, is the question of whether any of the alleged Muslims were armed before the fighting broke out.

Chief of Police Bauer, Clemmons and Crouch said they saw blacks with guns in their hands, but did not see any of the blacks fire.

A local television station, however, aired four days after the shooting an interview with a man who said he saw a member of the alleged Musim group fire at a policeman.

In the interview, the eyewitness said he saw a city police officer, who was believed to have been Hoover, talking to one of the alleged Muslims.

KARATE CHOP

Suddenly, the man said, the black man hit the officer with what looked like a karate chop. Hoover fell, the man said, and the black drew a pistol from under his coat and fired down at the policeman three times.

The man said he did not want to be identified because he was afraid of reprisals. The man, the station said, was not an officer or a newsman.

The exact location of the alleged assault was not known.

Police recovered no guns at the scene other than weapons either dropped by or taken from police. The city police, say, however, they found a .22-caliber pistol on the floor of a paddywagon used to transport those arrested to jail.

Bauer said he saw one black pull a shotgun from the trunk of the Cadillac used to block the street. Bauer, who was on the ground after being hit by a thrown object, said he saw the man pull the shotgun, then lost sight of him. When he saw the man seconds later, Bauer said, he did not have the weapon.

Clemmons said the man he saw with the .38-caliber pistol dropped it when he was shot and someone in the crowd ran out and picked it up.

Crouch said he saw Davis, one of the blacks killed, waving a gun near where his body was found, but he did not see him fire.

Police said they found a pistol belonging to Savignol near the bodies of Davis and Hancock. Hancock's weapon, police say, was not fired.

Pistols belonging to Dumigan and city Police Maj. W. L. Gunby were not found at the scene, and remain missing. Another pistol belonging to wounded city Police Sgt. Abram Hoover was found in the possession of a black, who along with about four other Negroes was found hiding in a cafe across the street from the theater about an hour after the shooting incident.

Blacks who were at the scene contend the alleged group of Muslims were unarmed and fought the police only with their fists.

"They were not violent," said Moses Williams, a young black who was at the scene. "They were nonviolent. They were only violent in defense of themselves. Wouldn't you be violent if somebody started waving guns in your face?"

"They were not offensive," Granger said. "They were defensive."

The blacks and even some members of the police department have speculated that some of the wounded officers may have been shot by their own men.

Those proposing the theory point to the positions of police on both sides of the Cadillac, all shooting toward the vehicle and the line of alleged Muslims, and officers who were fighting.

"They were shooting toward the whole hassle, toward the policemen and toward the brothers," Granger said. "They acted like they were crazy. They were just shooting."

"I'll tell you what happened out there," said Knox. "The white man in Baton Rouge has never had black people stand up to him like these black men stood up to them. It frightened them. When they attacked those black people and the black people did not run like black people have done in the past, it scared them to death and made them back off and start shooting. They were scared to fight anymore so they just started shooting."

PROOF AWAITED

Definite proof of whether or not the blacks had guns of their own or whether those policemen wounded and killed were shot with their own weapons will come when investigators get the results of ballistics tests.

A bullet was recovered from the body of Hancock, who was shot once in the chest. The bullet that struck Wilder in the chest went through his body.

The bullet that struck Savignol first struck his helmet and then glanced down and struck his collarbone. Hoover suffered gunshot wounds in the abdomen and shoulder. Gunby was struck in the leg.

Several questions quickly surfaced following the shooting, but most remain unanswered.

Was the group of blacks lined up across the street in fact Muslims or were its members imposters? Was the violent confrontation planned or was it spontaneous? Were the alleged Muslims alone in the confrontation or were they supported by local blacks?

Blacks who talked to members of the group are convinced they were.

"Those people were Muslims," said Knox. "They may not have been in the movement. They may have got kicked out of the nation, but they were Muslims."

Police said they recovered Muslim literature from the hotel rooms occupied by the group. Investigators, however, said a small local Muslim chapter was not involved.

A spokesman for the local Muslims, a man known as Minister Lewis, called the group "renegades" and denied any association with them.

One member of the outside group, who was asked about an association with the local Muslims, was quoted as responding, "We're their bosses."

In an edition of the National Black Muslim Publication, "Muhammad Speaks," Muslim spiritual leader Elijah Muhammed disclaimed any knowledge of the group. In an earlier publication, however, Muhammad said his group was "faced with murderers and killers coming to them from our own black brothers."

In one of a series of news conferences in which he raised more questions than he answered, Baton Rouge Mayor W. W. Dumas said the blacks involved in the shootout were a splinter group of Muslims who were opposed to Elijah Muhammad.

"This Elijah Muhammad, whoever he is, had better watch out for these people," Dumas said.

Dumas referred to the confrontation with police as a planned conspiracy of revolution.

WELL TRAINED MUSLIMS

Both blacks and whites agreed that the alleged Muslims were well trained. Several were seen using what appeared to be judo or karate in the fight.

On the questions of whether the confrontation was planned, even the black police critics say they were under the impression that the alleged Muslims appeared ready for death.

Granger said he believes the men were ready and willing to face death to demonstrate the brutality of white racisim, "to show that whites would shoot back."

"They wanted people to take notice, to be aware of the minds of white people and show that white policemen would kill them," Granger said, comparing the Muslims' action to the self immolation of Buddhist monks in Vietnam.

Granger said, however, he did not really expect whites to understand the logic. He said it was almost impossible for whites to understand any black mind much less the Muslim mind.

Granger said he was at first leary of the group, thinking they were maybe "con artists."

"I knew they were very intelligent men. They were trained. But I wondered if they were really going to do something," Granger said. "I think they have proven that they were heroes. Everything they said was proven true. They were great men. The greatest men we have ever seen."

Police, it was learned, were in possession of some raw intelligence data that indicated the alleged Muslims may have once belonged to the "Fruit of Islam," a highly trained group of bodyguards for Elijah Muhammad.

In addition to Muslim literature, police also uncovered what appeared to be an itinerary from the White House Inn.

The so-called itinerary was composed of a list of cities and dates, beginning in Rochester, N.Y., on Nov. 7 and ending in Phoenix, Ariz., on Jan. 17.

Even the itinerary, however, led to more questions. Police in Tampa have reported the group was in their city on the date shown on the list. Police in Canyoun, Tex., said however that Davis and three other members of the group charged with murder were on the campus of West Texas State University on Dec. 6. According to the itinerary, the group was scheduled to be in

Atlanta Dec * * *. Another, unexplained notation on the alleged itinerary said "both squads come together" in Baton Rouge on Jan. 7.

In addition, while members of the group were in Baton Rouge in late December, the itinerary called for a stop in Mobile, Ala.

It is already apparent that repercussions from the incident are far from over. U.S. Rep. John Rarick of Baton Rouge says he is asking the House Internal Security Committee for a full-scale investigation of the Black Muslims.

On the other side, the Louisiana NAACP planned a public inquiry into the shooting next week patterned after hearings conducted by the Memphis NAACP following the alleged police beating death of a young black last year.

The city was clamped under a curfew and the National Guard was called out for three days after the incident. There were no major disturbances but the city remained tense.

THE BOY SCOUTS CELEBRATE THEIR 62D ANNIVERSARY

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. NATCHER. Mr. Speaker, February 1 marks the beginning of a month's observance of the 62d anniversary of the Boy Scouts of America. During its 62 years of existence, the Boy Scouts of America has become the largest youth organization in the free world. Currently this splendid organization has 6 million members, representing one out of every four boys of scouting age; and through its Boypower 1976 program, the Boy Scouts of America hopes to expand its membership to include one-third of all boys in a quality scouting program.

This fine organization involves America's boys in many constructive and relevant programs. Project SOAR—Save Our American Resources—part of the Boypower 1976 program, is concerned with conservation and the environment. Boys participating in this program pick up litter from vacant lots and replant areas where strip mining has left the land barren and ugly. Instead of passively uttering sharp criticisms, the boys are assuming an active, constructive role in cleaning up the environment and in further beautifying their country. This constructive activism sets a fine example for young and old alike.

Scouting is now moving from the suburbs to the slums. Again the environment is emphasized. By cleaning up their surroundings, the boys gain a little pride in their neighborhood which quickly spreads to other non-Scouts in the area. The boys also learn to see themselves in relation to their surroundings. This new self-awareness helps them to achieve a better sense of identity, so crucial to character and personality development.

Since it was incorporated here in Washington in 1910, the Boy Scouts of America has left an indelible mark on the Nation's youth. Attributes such as honor, self-respect, patriotism, and integrity, inherent in every man, are often repressed or perverted if they are not nurtured and given the opportunity to develop. As a Boy Scout, boys from all levels of society are given the chance to grow morally, physically, and spiritually. They learn the joy of helping others; they experience the satisfaction of accomplishment; they reap the harvests of nature and glean an everlasting appreciation and love for God and their country. Scouting also provides fun and adventure. I often think back with nostalgia to the days when my friends and I sat around the campfire laughing, joking, and trying to decide who had told the best ghost story. These fond memories and the many valuable lessons I learned will remain with me the rest of my life.

During today's troubled times it is reassuring to know that boys throughout America have the opportunity to channel their energies into worthwhile projects. The Boy Scouts have initiated a new program concerned with another pressing problem. Operation Reach, a drug abuse prevention program, will be launched in February of this year. It is a youth-to-youth program designed to apply peer group pressure to discourage the use of drugs. The boys are inspired to reach toward positive goals and to attain their "highs" from realities such as true friendship and athletic achievement instead of drugs. Operation Reach provides for the distribution of reliable drug information to youth and their parents, thereby creating an atmosphere conducive to open, frank discussion and promoting a bond of trust between the two generations.

Scouting has expanded significantly in Kentucky and I am pleased to note that the Second Congressional District also reflects this increase.

Mr. Speaker, I am proud to have this opportunity to express my great admiration for this wonderful organization, and I wish them every success in their future endeavors.

PRESIDENT NIXON'S 1973 BUDGET MESSAGE

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. GERALD R. FORD. Mr. Speaker, President Nixon's fiscal 1973 budget message outlines a balanced, positive, and constructive program to heal the economic wounds of war and deal with this Nation's pressing domestic problems. Although it is a deficit budget, it is a deficit budget aimed at restoring our economy to full employment and maximizing the output of our industrial resources. That is what the American people want.

I think it is especially gratifying to learn that the American public will be saved some $22 billion due to personal income tax reductions initiated by the President. There are those who only talk about returning power to the people. The evidence shows that President Nixon is doing something about it—by seeking to restore to the American people the control over their purse that they should have, the control they should never have lost.

We can expect to hear the usual cries of derision from the President's opponents. Yet it is they who brought this Nation to the brink of economic collapse. The American people know who is ending the runaway inflation of the Johnson Administration and replacing the phony prosperity of war with the permanent prosperity of peace.

DISTINGUISHED CAREER FOR JOHN BYRNES

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, I rise to discuss an event the Members of this body have learned to their regret: The decision of Representative JOHN BYRNES of Green Bay to retire from this House after 14 consecutive terms, 28 years of service. Representative BYRNES does not need my praise; he has the respect of every Member of the House.

His services and ability are well recognized and were given very apt expression in an editorial that appeared in the Appleton, Wis., Post-Crescent on January 5. With your permission, Mr. Speaker, I will quote one sentence from that editorial and then have the entire piece entered for the RECORD:

> His voluntary departure from the 8th District seat . . . will leave a void which cannot be filled regardless of who is elected to the post next November because the stature which Byrnes earned came through years of pragmatic appraisal by his peers in Congress and by voters in the district he represents.

I also include a perceptive John Byrnes grand column which discusses JOHN BYRNES retirement. John Byrnes will be missed by his colleagues and the Nation.

The material follows:

[From the Post-Crescent Jan. 5, 1972]

REPRESENTATIVE BYRNES DECIDES TO RETIRE

The announcement by Rep. John Byrnes of Green Bay that he will not seek re-election will remove from the national political scene one of the most highly regarded and influential Members of Congress and from the 8th District a representative who has won 14 consecutive terms because his political philosophy has squared with that of a majority of the district's voters.

Byrnes has deservedly won high marks for his diligence, forthrightness and talent in his work in Congress by Democrats as well as his fellow Republicans. His voluntary departure from the 8th District seat he will have held for 28 years when his present term ends will leave a void which cannot be filled regardless of who is elected to the post next November because the stature which Byrnes has earned came through years of the pragmatic appraisal of his peers in Congress and by voters in the district he represents.

During his years in Congress, Byrnes has gained a reputation as a party loyalist and as a conservative. He has often argued for reduced federal spending and a balanced budget. He also has seen the danger in the increase of federal power although he has recognized that the federal government necessarily must have domestic programs which the states cannot adequately launch or finance themselves.

In this connection, Byrnes in this session quarterbacked the Nixon welfare reform with its provisions for a minimum family allowance and job training through the House. On the other hand, Byrnes opposed the President's revenue sharing plan on grounds the federal government now has nothing to share but its deficit. In keeping with his philosophy, Byrnes instead called for tax changes which would give states more capacity to raise their own money. He took such an independent and thoughtful position despite a personal friendship with President Nixon which dates from companion early terms in the House.

As ranking minority member on the powerful Ways and Means Committee, Byrnes has had an opportunity to exert a major influence on tax, tariff and Social Security legislation because of the esteem in which he is held by committee Chairman Wilbur Mills, a Democrat. As late as last October, Mills said he personally would campaign for Byrnes if he sought re-election and if indications were that his re-election was in jeopardy.

Byrnes' major legislative accomplishments have come through his position on Ways and Means. Among these were the tax reform bill two years ago, the 1954 Custom Simplification Act, the 1954 Internal Revenue Code revision, the 1960 Kerr-Mills Act, the 1962 Trade Expansion Act, the 1963 Revenue Act, his support of a cost of living increase to Social Security recipients, and his insistence on the removal of patronage from Post Office and military academy appointments. The respect which Byrnes had from his Republican colleagues was shown when he was elected chairman of the House Republican Policy Committee, which set official leadership policy before key votes and issued background papers on legislative issues.

Byrnes was cognizant of the needs and wishes of his home district for federal programs and aid for local projects. He was responsible for a number of such projects in the district but not before he had asked hard questions about their value and was satisfied that they had merit. Byrnes was willing to stand on his record and he was one of the few congressmen to supply to district citizens a complete record of his votes on all legislation in Congress. He frequently visited the district to conduct office hours in several convenient places to listen to citizen requests and complaints.

Byrnes has compiled an outstanding record as a congressman. He has earned a significant place in the political and legislative history of Wisconsin and the nation. His voluntary retirement from office will have widespread implications, not only at the district level but on the national political scene.

Distinguished Career for Byrnes

(By John Wyngaard)

Madison.—The firm declaration of Rep. John W. Byrnes of Wisconsin's 8th District that he will retire at the end of this year heralds the end of the public career of one of the bright young men who figured in the renaissance of the Wisconsin Republican party more than 30 years ago.

The fact that he has served 14 terms in the Congress puts him in a distinguished company in the history of state politics. But tenure is not the only or the important element of a politician's record.

Almost from his first term in the House of Representatives, Byrnes was recognized as a politician of unusual talent. During his many years as a member of the House Ways and Means Committee and as the informal leader of the Wisconsin Republican delegation in the days of the GOP's greatest prosperity in Wisconsin, he was regarded as the most influential Wisconsin Republican in Washington.

The Byrnes story is one of the illustrations of the value of training in the state legislature as apprenticeship for a politician. A couple of dozen other politicians of this era and others have demonstrated that fact also. Elected to the State Senate in 1940, he won for his party a district that had been held by Democrats and promptly convinced senior politicians at the Capitol of his promise and talent.

Two years after he took his seat in the Senate, he was chosen Republican majority floorleader. As if to emphasize their esteem for the slightly built, smiling young lawyer, his Republican colleagues also gave him the strategically important assignment as chairman of the Judiciary Committee, where careful work is more important than in any other of the major standing committees.

In 1944 Byrnes encountered one of the classical tests of the young politician. His congressional district was represented by a Democrat. The Republican district leadership wanted to make a decisive challenge in the election. He was invited to run for the congressional seat.

Such opportunities come only once to the aspiring young politician. Byrnes accepted. Had he demurred, he would not have another chance. For the most part 13 succeeding elections in the Fox River Valley district have been ratifications of the decision of its voters there more than a quarter of a century ago.

His career has exemplified the attitude and the thought and the performance of the conservative of the classical mold. No one could call him a reactionary. He upheld his beliefs with intelligent debate and often with considerable courage. He voted independently when he chose. Now and again there were adherents of mossback conceptions of the role of government in the 20th Century who tended to regard him as dangerously liberal.

Perhaps the most illuminating aspect of Byrnes' career as politician came during his last several years in Washington—although he may have been influenced by his private decision a couple of years ago to quit politics to improve the financial security of his family.

Because of his strategic rank in the Congress, Byrnes was the target of the anxious, almost desperate anxiety of state and local government officials for a program of federal revenue sharing with them. Byrnes patiently repeated his objections. The official who spends the money should be responsible for raising the taxes to provide it, he said repeatedly.

Moreover, he would add, the monumental federal treasury deficits and towering national debt should make it clear that Washington has no money to share. Local politicians didn't like what they heard, but they had to acknowledge that Byrnes was making some points.

Only two men ever sent to Congress by Wisconsin voters have served longer. One is Rep. Alvin O'Konski, his political neighbor, who reached the House two years earlier than Byrnes. The other was Rep. Henry Allen Cooper of Racine, who served 36 years, although with one interruption.

AGRICULTURE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. ZWACH. Mr. Speaker, an historic meeting was held in Worthington, in southwestern Minnesota, when representatives from six southwestern Minnesota and four northwestern Iowa counties met on January 18 and 19 to talk over major countryside problems.

It was my good fortune to have been a member of that discussion group.

Here was gathered, not only the producers, business, and professonal people from the area, but political and thought leaders as well. With such a group, and with such a serious purpose, it is natural that a great deal of very worthwhile discussion resulted.

I am sorry all of my colleagues could not attend this conference. However, because they could not, I would like to share with them the discussions that were held by inserting them in the Record.

Today's presentation is "Agriculture" by Norman Larson of Bigelow, Minn.:

Agriculture

(By Norman Larson)

Farming in the United States plays a part in the economic growth of our country. It is the largest industry in this country of ours. In fact it is 2/3 as large as all of the rest of the industries put together. It is a sick industry at the present time. It is time some positive thinking be done, because the future of the United States (the kind of an America we, our children, and our grandchildren will live in) hinges on the decisions that are made now. The following is a quote from the Detroit Lakes, Minn. newspaper: 'The farmer is still getting less than 1950 prices for his products and has to pay three times as much or more for machinery and other items now as he did then. Is it any wonder machinery sales have gone down? There are plans in Washington to make it possible for farmers to get more credit to buy their things. But what the farmer really needs is not more credit and more debts but just a little fairer income. Wonder why no one thinks of that solution."

Representatives of three farm organizations of Southwest Minnesota and Northwest Iowa (FB, FU, NFO) have held a series of meetings and have agreed upon the following proposals to present to the Senate Sub Committee on Rural Development and all government officials present at the "Crisis in the Cornbelt" meeting:

No. 1. The Government Crop Reporting Service should be stopped. It has not been a benefit to the farmer. In fact most of the time it has been price-depressing. In July, the USDA came out with the report that there was going to be the largest corn crop ever on record. Inside of 2 months corn prices went down about 35¢ to 45¢ a bushel, or about 30%. This was before the new corn crop was even matured or harvested. Furthermore, the USDA and all other government officials should stop saying we have a surplus. Just that word in itself is price-depressing. Some of our agricultural experts say that a farmer feeds himself and 47 other people. For easy figuring let's say that he feeds himself and fifty other people. There are almost 3 million farmers in the United States. Fifty people times 3 million farmers equals 150 million people. Who is feeding the other 50 million people? How can we have a surplus when we have hungry people in the United States? It should be called an inventory and not a surplus. This inventory is a small one and insufficient to feed our nation in case of a national disaster.

No. 2. No person, group, corporation, or organization in business other than farming should be able to use the losses in a farming operation to give them a tax advantage. For example, one conglomerate which is involved in the food industry from the planting to the retailing had an income of $464 million and a taxable income of $88.7 million. Yet, due to federal tax breaks this conglomerate not only paid no taxes on that income, but had a tax credit of $13.3 million. This is Unfair Tax Advantage!

No. 3. In 1934 Congress passed The Trade Agreement Act. Under this act, the president is authorized to enter into trade agreements in which the United States reduces or agrees not to increase existing duties applying to its imports in exchange for similar concessions by other countries on products exported to the United States. Any negotiations dealing with agricultural production should have producing farmers sitting in on these negotiations. After all the farmers are directly involved in the outcome of these agreements. The United States is the largest exporter of farm products in the world. The world market should be a market instead of a dumping place.

No. 4. The prices of corn are based on 15½% moisture and soybeans at 13% moisture. Farmers are docked for grain above these moisture tests. So to be fair, farmers should be given a premium for tests below these standards. A law should be passed to put this into effect. Standards should be revised for both local and foreign markets.

No. 5. The reports that many farmers and farm organizations receive are that the quality of the grain seems to deteriorate from the time it leaves the farm until it is loaded on the ships to go to our foreign customers. For an example, a buyer from Japan was in the State of Iowa to negotiate a contract for some grain from one of our farm organizations. After they had completed a contract on soybeans they asked him if he didn't want to contract some corn, too. Then he said, "We can't buy good quality corn from the United States. We buy our corn from Africa." They asked him if he would go out on a farm and look at some corn. He agreed to this so they took him out on a nearby farm. This farmer opened up one of his bins of corn for this buyer to look at. The Japanese buyer crawled in the bin of corn and put his hands in the corn. He did this several times and then said, "Where did you get corn like this. I have never seen such nice corn." The farmer told him that he had raised it. The buyer then said, "Impossible, we can't buy corn like this from the United States."

If the standards are so low that the practice of putting foreign material in grain is legal, then the law should be changed.

The Bitterness of Poor Quality Lingers Long After the Sweetness of a Cheap Price is Forgotten. The Selling of Quality Leads to the Selling of Quantity.

No. 6. How can we rid ourselves of car exhaust pollution and help ourselves at the same time? This can be done by blending grain alcohol and gasoline together. What would this blending program do? It would conserve on unrenewable national resources of petroleum, in addition to reducing air pollution. The conversion of grain to alcohol to blend with gasoline will accomplish the following tremendous benefits: 1. It will increase farm income by about $5 billion per year, 2. do away with all government controls, restrictions, soil bank and Washington subsidies, 3. restore the farmer to complete freedom of enterprise, 4. require maximum production from every farmer, 5. create two markets, food and fuel, for the farmer, 6. life government inventory of grain and relieve taxpayers of billions of dollars on farm programs, 7. return farmers and farm laborers back to the farms, 8. revise the national economy and avoid a threatened depression.

This could be the greatest program that ever came to this country. With its ability to cut pollution and at the same time help the national economy by putting billions of new wealth in our monetary system.

No. 7. The USDA should explain to the public its expenditures in detail. Such as how much is spent on the school lunch programs, federal meat inspection, forest service, and many other programs that come from the USDA. Misleading information is given to the public about what the farmers receive. This would help the general public to realize that the farmers don't receive the lion's share of the department's expenditures, and also, that the USDA spends millions to benefit the consumer.

No. 8. The Secretary of Agriculture should be produce-oriented. Agriculture is the largest industry in the United States and the prices it receives for its production is the basis of the U.S. economy. Therefore, he should represent the producing farmer.

No. 9. The quality standards of food imports should be the same as the American farmers have to produce by. We believe in good quality food, so food imports produced by lower standards should not be allowed to come into this country, to compete against American production.

No. 10. The 3 farm organizations represent a proud independent group of people who are asking for a pricing structure that will grant a cost of production plus a fair profit. We do not believe that the production of food should be reduced to a public utility while federal welfare programs tend to reduce farm families to welfare recpients.

No. 11. On the subject of transportation, agriculture and public interest require continuation of service. Therefore we suggest an 80 day cooling-off period, at which time there would be required bargaining to try and avoid a strike.

No. 12. Youth are the most important resource that agriculture has. With the age of the average farmer at about 58 years of age, agriculture is approaching a dangerous point in its history. It is losing its replacements. The pricing structure is such that it is almost impossible for youth to get started in farming. The marketing structure has to be changed so farming will become attractive to our youth.

Also we suggest that farm co-ops and county farm organizations give young people the opportunity to be active in programs and business in order to take advantage of their ability and enthusiasm.

No. 13. A requirement that G.I. farm trainees spend a minimum of 12 hours a week in the classroom for full benefits, 9 hours for three-fourths benefits, 6 hours for one-half benefits, tends to prevent thousands of veterans from using the G.I. educational eligibility for farm training. It is almost impossible for a young farmer to spend twelve hours a week in a classroom and also take care of a farming operation. It would be more realistic if it were about 6 hours of classroom work a week for the full benefits. This would be more in line with the classroom requirements and provisions of the post Korean G.I. training program.

No. 14. Some of the farmers in this area find it difficult, if not impossible, to locate enough water to raise the amount of livestock they want. It is very poor quality for all rural residents, not only farmers. We need a distribution system all over the area of quality water.

ECUMENICAL WITNESS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. JACOBS. Mr. Speaker, several days ago a group of 650 ecumenical leaders, representing 46 religious denominations and groups, assembled in Kansas City, Mo., to examine the attitude of organized religion toward the war in Vietnam. Out of this gathering came a message from the delegates entitled "Ecumenical Witness," which concludes that the administration's "Vietnamization" policy is fundamentally immoral for many reasons, not the least of which is that such a policy, in addition to being a life sentence for American prisoners of war, "forces Asian people to be our proxy army, dying in our places for our supposed interests."

My good friend, Methodist Bishop James Armstrong, has asked that I share the import of "Ecumenical Witness," which follows, with my colleagues in the Congress:

The President of the United States has repeatedly assured the American people that the war in Southeast Asia is "winding down" American troops are coming home. The war, he implies, is almost over. This is not true.

The present Administration's Vietnamization policy looks toward, not a negotiated political settlement, but an eventual military victory. We will continue to provide the weaponry and air power, the massive technological support, the advisors and the money. Asians will provide the casualties. While it is true that our ground troops are being withdrawn and our battle losses are the lowest in years, it is equally true that the people of Vietnam, Cambodia and Laos continue to die as before. Bombs still drop. Villages are still leveled. The countryside is still being devastated. The war, which became an American war late in 1964 (and which will continue as an American war after our ground troops have all come home) goes on unabated.

The Johnson Administration is rightly credited with the radical escalation of the conflict. An average of nearly 60,000 tons of bombs were dropped on Indochina every month during the Johnson years. More than 95,000 tons of bombs on the average have been dropped each month since Mr. Nixon took office. And during recent weeks we have resumed large-scale bombing of North Vietnam while intensifying the bombardment of the rest of Indochina. The air war is more deadly than ever before.

We do not hear as much about "credibility gaps" as we did four years ago. Yet, the release of the Pentagon Papers and revelations of manipulation and deceit by our highest government officials during the India-Pakistan conflict show us that the gap is as wide as ever. Many politicians, with one eye on public opinion polls and the other on November elections, continue to mislead and misinform us. But the American people appear to have grown weary and numb; more and more insensitive to human values. The futile war grinds on and we seem unable to do anything about it, so we accept the self-serving rhetoric of those who tell us what we want to hear—and turn away from the broken form of Southeast Asia.

We have gathered as a community of Christians and Jews to participate in an Ecumenical Witness considering the morality of the Indochina war. Seeking to be faithful to God and his self-revelation in history, inspired by the values and authority of the Biblical revelation and united in our belief in the sacredness of all human life, we insist that United States involvement in the war in Southeast Asia is unjust and immoral.

On the basis of the announced intentions of the United States the war has been lost. We have not defeated communism in Indochina nor have we defended freedom. Imposing our will on distant lands and poor and non-white peoples, we have participated in their destruction while thwarting their self-determination. The guilt is not ours alone, *but guilt is ours*.

The wealthiest and most powerful nation on earth, we have squandered our wealth and misused our power. Areas of crucial domestic need—poverty and racism, the hopelessness of ghetto living, essential reforms and humanitarian considerations—have been neglected and ignored as we have permitted violence, at home and abroad, to become a way of life. Our present national humiliation is the judgment of God upon us.

Why do we say the war is immoral?

In 1950, the United States of America determined to confront communism in Asia. The full weight of the Truman Administration was thrown behind the French in their colonial war in Indochina. From that day to this, reflecting the presuppositions of our own culture, racism has been implicit in the Southeast Asian conflict. We accept as axiomatic the theme of racism in the war. We further recognize that our own national effort in Southeast Asia is another reflection of our international racist involvement and our racist policies and practices at home. We are not fighting *persons* but "slants," "slopes" and "gooks." In fact, more often than not, Americans in Vietnam have called all Indochinese people, "friend" and "foe" alike, slants and slopes and gooks. Vietnamization is a racist policy, for it forces Asian people to be our proxy army, dying in our places for our supposed interests. This is immoral.

Following 1954 the United States of America subverted the Geneva Accord, created its own SEATO rationale, and unilaterally intervened in the internal affairs of an independent and sovereign land. It sought to serve its own national interests (as it defined them) by imposing its will on a country not its own. That is immoral.

Since 1964, the United States of America, utilizing the sophisticated weaponry of technological warfare, has showered death upon all of Indochina. Chemical herbicides have been applied to nearly one-seventh of South Vietnam, destroying essential crops and mangrove forests. One out of three persons in Vietnam is a refugee. True, North Vietnam and the National Liberation Front have terrorized villages and committed atrocities. But the massive terror and atrocities of the B-52's and fleets of helicopters are ours. The napalm and CS gas are ours. The flame throwers are ours. Folding fin rockets and cluster bombs are ours. Our anti-personnel weaponry, refusing to distinguish between military and civilian targets, has inflicted hundreds of thousands of casualties on Asian people. All of this is immoral.

The past two administrations have said they would work ceaselessly for a negotiated political settlement. Two things stand in the way of that settlement: the unrepresentative nature of the Thieu government in Saigon; and our refusal to set a date-certain for military withdrawal.

General Hhieu, like Ngo Dinh Diem before him, has imposed a corrupt military police state upon his people. Thousands of non-communist political prisoners fill the jails. Elections are controlled or cancelled. Talk of coalition and neutralist governments is outlawed. Genuine self-determination has not been permitted. And, in the name of freedom, we support, we prop up, that government and similar governments in Laos and Cambodia. That is immoral.

There have been assurances from North Vietnam that prisoners of war would be released and negotiations in Paris could proceed if we would but set-the-date for total military withdrawal. But the legislative and executive branches of our government have refused to respond. That is immoral.

There are risks involved in relying upon negotiated settlements, but the alternatives assure a continuation of the real bloodbath that has already claimed more than a million Vietnamese lives and that has now been spread into Cambodia and Laos.

The only morally acceptable course for the United States is to withdraw its armed forces immediately and totally and refuse to supply the Indochinese governments with military, economic or political aid, which has simply postponed the political solution the Vietnamese people must ultimately, in any event, find for themselves.

Recognizing the urgent responsibilities of our government, we also recognize the need for the People's Republic of China, the Soviet Union and other nations to cease supplying the Hanoi government and the Provisional Revolutionary Government with the materials of war, enabling all of Indochina's people to determine indeed their own future without interference.

We must also begin to make restitution for the irreparable harm we have visited upon ancient civilizations. We have spent almost $200 billion in pursuing the Indochina war. Mindful of the enormity of our deed, in cooperation with other nations and groups, directed and controlled by the people of Indochina themselves, we must participate in the rebuilding of Southeast Asia.

As participants in this Ecumenical Witness, what will we do?

We, here, call upon our denominations, churches and synagogues to make an immediate end to the war in Indochina their first priority.

We call upon our denominations, churches and synagogues to announce publicly and transmit to all U.S. armed forces personnel their support and sanctuary for all who refuse to continue to fight.

We call upon our denominations, churches and synagogues to renounce all war and make the total abolition of war and peace with justice as their major concern until achieved. This requires, among other things, a more effective United Nations, and far reaching steps toward general world disarmament.

The world now spends on an arms race more than the entire income of the underdeveloped countries of Asia, Africa, and Latin America. The world must shift from reliance upon an unstable peace based on the balance of terror to a system of law and justice, and the use of the world's resources for meeting the needs of the people.

We call upon our denominations, churches and synagogues to insist that U.S. foreign policy shall support the right of any people to self-determination as to their form of government, their economic system, and their relationship with other governments.

We call upon our denominations, churches and synagogues to examine their economic and racial policies, making those policies consistent with the Biblical message of justice and compassion; righteousness and peace.

We call upon our denominations, churches and synagogues to offer understanding and pastoral care to *all* persons, to rich and poor, non-white and white, "hawks" and "doves," young and old, saint and sinner.

We call upon all faithful servants of their Lord to express the transforming power of his love through their ministries of reconciliation.

Prophets of old called their nations to repentance. So must we. They cleansed their temples. So must we. They identified with the sins of their people and pled for mercy. So must we.

But words however lofty, and convictions however profound, and contrition however sincere, are not enough. All of these are nothing unless they issue forth in deeds of peace. There are strategies of action to be considered and embraced. As Pope Paul has said, *"If you want peace, work for justice."*

JOE DALLENEGRA

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. RODINO. Mr. Speaker, it is with feelings of deep sorrow and of great personal loss that I am inserting the following tribute to a very special friend in today's RECORD. I share in the sentiments expressed by the following editorial in the Nutley Sun:

JOE DALLENEGRA

Death recently claimed Joseph P. Dallenegra, who with his wife Margaret, his sons Joseph, Jr., and Marc, lived in Nutley for most of his adult years.

Almost 30 years ago Joe Dallenegra took an active interest in the civic affairs of our community. At one time he became so intensely interested in his adopted community that he became a candidate for a berth on the Town Commission.

Dallenegra possessed a great mind and was an able attorney. He was an astute and resourceful participant in the local political scene. Joseph Dallenegra was a man we much admired both for his intelligence and his personal code of ethics. His withdrawal from active community work in recent years was due to his failing health. Mr. Dallenegra's sudden demise leaves to his sons, Joe, Jr., and Marc a proud heritage and a pair of big shoes to fill. The bereaved widow, Mrs. Margaret Dallenegra, is comforted in the knowledge that she, at any instant, may call upon an unlimited store of memories to avoid the risk of lonely, lonesome days—and nights that usually arise when death separates lifelong partners.

RED CHINESE ALIENS IN AMERICA—I

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. SCHMITZ. Mr. Speaker, according to recently published accounts of "secret" intelligence reports issued by the Justice Department, for at least the past 7 years there has been a virtual flood of illegal aliens pouring into the United States from Communist China, at an estimated rate of 4,200 a year. These Chinese aliens have been entering this country by jumping ship in U.S. ports and through an elaborate network of smuggling rings headquartered in neighboring Canada. With the longest unguarded frontier in the world, our 4,000-mile border with Canada is an open invitation to these aliens who will not, and cannot, legally pass our ports of entry.

While many of these aliens who sneak across our borders are known to be Communist espionage agents on assigned missions for their Peking masters, others of their kind have been primarily engaging in the illicit drug traffic, distributing literally tons of narcotics used by an alarmingly large segment of our Nation's youth. For instance, police intelligence officials in southern California state that Chinese sailors who had jumped ship in west coast ports were found, when apprehended, to be carrying large quantities of heroin under their clothing in plastic bags strapped to their bodies.

Many of the Red Chinese agents thus far apprehended and identified are said to have been traced to the Hong Kong Seamen's Union, a subversive organization described by the Federal Bureau of Investigation as clandestinely engaged in Communist espionage.

Last November, it was reported in the press that the Immigration and Naturalization Service section of the Justice Department—charged with the task of capturing illegal aliens—had just "smashed a ring engaged in smuggling Chinese sailors from Vancouver, British Columbia, into the United States at Bellinham and Blaine, Wash." Although another similar Chinese smuggling ring operating between Montreal and New York City had been reportedly shut down by United States and Canadian border patrol officials in early 1971, intelligence sources tell of yet a third such ring known to be operating out of Windsor, Ontario, "smuggling mainland Chinese through Detroit."

All of these serious border violations have become almost commonplace since Canada's Marxist Premier, Pierre Elliot Trudeau, gave official recognition to both the Communist government of Cuba and the Chinese Communist regime of Mao Tse-tung, thus assuring our deadly Communist enemies a privileged sanctuary in North America on our exposed northern flank and another strategic base of operations in the Western Hemisphere.

Yet, despite all that is now known about the movements of these agents, of the more than 30,000 Chinese aliens said to have illegally entered our country since 1965—by the Justice Department's own admission only one in 10 is ever caught and deported. Their inscrutable comrades—many no doubt highly trained in the devious arts of subversion, sabotage, and assassination—presumably continue to operate quietly within our midst, simply melting into the burgeoning Red underground now operating within numerous Chinese-American communities from coast to coast. One of the primary targets of the Red Chinese for more than 20 years has been the very children of those legitimate refugees who fled to our shores for safety and freedom from Maoist tyranny.

With only 1,655 men in its far-flung border patrol to police both the Canadian border and the 2,000 miles of Mexican border, our Immigration and Naturalization Service is critically short of enforcement personnel to stem the tide of those Red agents whose very presence in our land poses a clear and present danger to every loyal American.

And that is only half the story. While the Justice Department now readily admits that we do indeed have an internal problem with illegal Red Chinese aliens, no mention is ever made by that agency of the thousands upon thousands of legal Communist aliens who for years now have been welcomed into these United States by our State Department as homeless "refugees." That aspect of the Red infiltration problem will be covered in my next newsletter.

We should keep in mind the prophetic words of FBI Director J. Edgar Hoover who for several decades has been trying to alert the American people to the potential threat of Red Chinese subversion. Last July, in a revealing article entitled, "Mao's Red Shadows in America," Mr. Hoover warned:

> Peking is attempting espionage in a variety of ways, one (of which) is to endeavor to introduce deep cover intelligence agents into the United States, trained Peking agents who clandestinely enter this country using false identities and identifications and attempt under the cover of being an American to conduct spy operations.

In this covert manner, says the FBI Director, "spy couriers" are developed by the enemy to travel between our country and foreign nations to lay the groundwork for the final assault on America.

THE CONCERNS AND THE PROBLEMS OF CITIZENS IN RURAL AMERICA

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. SEBELIUS. Mr. Speaker, at the end of each session of Congress, the recess affords us the opportunity to go back home, enjoy the holidays with friends and family, and to once again have the opportunity to do what public officials are supposed to do—visit and listen to our constituents. I attempted to do this in my congressional district in Kansas with quite a few community stops and visits.

In this regard, I have received a letter from a farm wife that summed up the concern of our citizens in the "Big First" district of Kansas, far better than any speech I made or could make.

This letter is from a citizen who is proud of the proven and traditional way of life that we enjoy in rural and small-town America. She is also proud to be an American and knows that freedom brings with it the responsibility of making her State and Nation a better place in which to live. She asks only that her family be treated fairly.

I know that constituent mail is routine in all offices, but I think this letter is especially noteworthy and unique because Mrs. Ruff asks only that we work together to find answers. She does not make our problems a matter of partisan blame.

In listening to the President's recent state of the Union message, it occurred to me that his call for cooperation was essentially the same kind of plea that this good farm wife and lady is making. The President, in his message, declared it to be national policy to improve farm income and revitalize rural America. That commitment is all that Mrs. Ruff is asking for and I would hope we in this body can respond.

Mr. Speaker, I commend this letter to the attention of my colleagues for it expresses the concern and the problems of citizens in my district in a simple and yet most eloquent manner:

LETTER FROM MRS. DOROTHY RUFF OF NESS CITY, KANS., TO CONGRESSMAN KEITH G. SEBELIUS

DEAR SIR: I saw an article in one of our farm magazines that said we should write our Congressman and that if we did not, you would just think all farmers were rich and fat! Well, I won't comment on the fat part, but I want to tell you we are certainly not rich.

This letter started out as conversation over coffee between a group of farm women and myself. Later, it turned into a "dare" because none of the ladies thought I would ever write and that you would not read it. No one may ever read this, and I don't suppose I will know one way or another, but at least it will do me some good because I am going to put what we think on paper.

I do honestly wonder if you folks in Washington truly know the situation of the small farmer. My husband and I are fortunate as we manage a farm of about 2,000 acres. We have an advantage that many small farmers do not have—we are in a partnership. We have some things—our own cattle and other livestock—but the wheat and feed land are in partnership. The cost of some of the farming and high priced machinery is not a burden we have to pay by ourselves.

I suppose my main question is, does the government really want the small farmer to be able to continue? I know the problem is not simple, but these are some of our complaints as we have to live with them.

Take eggs for example. When we sell them in town, we get 14 cents a dozen, and yet in the stores for the folks who buy them they are from 43 to 67 cents. Now in my book that is awful. Who is getting the difference? The cost of chicken feed has never gone down, and to be sure, the chickens eat the same amount. They don't know their eggs aren't worth anything, and trying to tell a chicken not to eat just doesn't work. We decided to feed the eggs to our dogs and cats before we sell them for 14 cents a dozen. At least that helps on the cost of dog food.

Then, let's take the chicken themselves. We would like to sell our old hens; we cannot afford to buy feed for both the hens and pullets. Know what? We cannot sell them *at any price*. There is no market for them. How about that. If the dogs eat the eggs, I guess we could let the coyotes eat the chickens. We sure have plenty of coyotes since they took the bounty off.

We paid 27 cents for our baby chicks. If we could have sold them at frying size, we would have gotten from 13 to 15 cents a pound. Three pounds at 13 to 15 cents a brings 39 cents each, but then think of all of the feed they have eaten. Can't get rich that way. Compare this to the fact my sister-in-law told me the chickens in the store were over a dollar, and the chickens weighed two pounds. Who is getting the difference?

Let's take cream. The price stays about the same, 60 cents a pound (butterfat) when we can sell it. Our cows are "dry" right now. But, you look in the store and a half pint of "half and half" cream sells for 30 cents and it's half milk and half water. How city folks stand for that and pay for it, I'll never know.

Consider the price of pigs today. We just sold some nice pigs weighing over 100 pounds. We got only $13. Heck, we have bought many weaning pigs six weeks of age for $17. And, if you check in the store on prices for pork and ham, you will see $1.19 a pound for ham (this was on sale) and 89 cents for pork chops. Something is terribly wrong here someplace!

Wheat, our wonderful Kansas crop, is not good either. The expense of planting is more than ever, and the price of bread and breakfast food is higher all of the time. Last winter, the lower wheat got, the higher the bran price went. Why? Each time we fed bran to our cattle during the winter, the truck load cost more than the one before. None of this makes sense to me, and I am curious just who is making the profit.

I have worked in the fields for 33 years now. We are finding our hard work is not worth what we are getting back. My husband works in the fields during the day, and I work at noon and at night. Sometimes when we use both tractors, we both work all day. We put in as many as 15 hours a day during rush periods. You get tired doing that, but we wouldn't mind if prices were good and we could get ahead. We like to work, and we both hope we never have to quit, but we would like a little profit. We don't ask to be rich.

It costs so much today to operate and run a farm. The cost of machinery is unbelievable and going higher. It would be one thing if the machinery worked but it doesn't. New equipment just bought somehow needs all kinds of work done on it. The repairman was out three days fixing things that should be done right in the factory. It's the same thing with the neighbor's new baler, the repairman out day after day, and it still doesnt' work right. He even had to back into town to get them to work on it! Can't they do something at the factories? It isn't fair to the dealer or the salesman or the repairman and it sure isn't fair to us.

We have the same problem with our cars. They just don't hold up on the farm. Considering the price you have to pay, it is not fair. Wouldn't you agree that when you buy something new and pay a good price that when it starts giving you trouble right away that it is reason enough to aggravate most anyone—even a Congressman! One of our neighbors bought a new car, and it was in the repair shop most of the summer; he had to borrow ours when the creek was up to check on his cattle.

I don't mean to go on like this but I am telling you some things that I know and it's not hear-say. I know all you government folks have your hands full and I am not trying to say we small farmers are the only ones that have it rough. My daughter and her husband are small farmers, and they love farming as we do, but they are slowly going broke and that hurts me terribly.

I know there is a lot going on in this world today that needs your attention. I do not like or approve of many of the things. This drug situation with our young people is terrible. Some are losing respect for our laws. We are afraid to do much about vandalism; tractors have been shot up and cattle killed, but if you make them mad they might do almost anything. And, when they get caught, as far as I can find out nothing is done about it; just a small fine. Now this is not government's fault, but it's just to let you know we have crime problems here too. We put up a no trespassing sign but they pay no attention to it.

I have two other complaints and then I will quit bothering you. The cost of car and hospital insurance is much too high, and then when you have to use them you are dropped. Now that is just not fair. It has come to this point; you cannot be without insurance and you cannot afford it. Surely this could be changed.

Finally, there is the cost of postage. I can so easily remember when letters were three cents a piece, and when we sent in an order to a mail order company we got it in three days. Now, we feel lucky to get it in two weeks time. Who or what is to blame, I don't know; I only know things are not like they used to be.

Other folks demand higher wages and get them, and then the cost of living goes up. People don't really have that much more money but what they do get sounds bigger. Some folks don't even pay income taxes because of legal loopholes, but I call that cheating the government. Maybe the small farmer is just too dumb or honest to do things this way, but I don't think that is the way to try and get along in this world.

Well, I guess we have a lot of problems and where it will end is anyone's guess. It's not all the government's fault; the people bring a lot of their problems on themselves. We can only ask you do the best you can. I do think this, however. If there was some way to put every government official out on a farm and make him work like we do and live off of what we make, I bet after the first year, there would be a lot of changes.

I hope you have time to read this, and I hope you don't get mad about it. Writing this letter makes me feel better, and it was worth my time. Now, at coffee, I will be able to say I wrote my Congressman instead of just sitting back and complaining.

Sincerely,

Mrs. DOROTHY RUFF.

METROPOLITAN TAX BASE SHARING

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. FRASER. Mr. Speaker, the problems of our metropolitan areas are complicated by the multiplicity of taxing jurisdictions in any single area. Commercial and industrial growth in one jurisdiction increases its own tax rolls but may impose such costs as pollution and congestion on other jurisdictions which do not benefit. Tax capabilities then are not found where tax revenues are needed.

My district, the Fifth District of Minnesota, is part of a new system designed to deal with this problem. Under a plan passed by the Minnesota Legislature last spring, a portion of the tax base from new commercial and industrial development is shared by all jurisdictions in the Twin Cities area. Thus, all jurisdictions benefit from development anywhere in the area.

An article by Robert Cassidy in the January 12 D.C. Gazette discusses this system and suggests its relevance for the District of Columbia metropolitan area. I commend this article to the attention of my colleagues.

The article follows:

SHARING THE AREA WEALTH

(By Robert Cassidy)

Border disputes are not limited to exotic climes like Bangla Desh or the Sinai peninsula. Here in the Washington area, interjurisdictional scuffles are commonplace, if only because of the problems inherent in dealing with two states, a federal city, numerous counties and cities, plus special service jurisdictions. The potential for chaos and fractionalism is clear, and it's a wonder that the battles are kept down to skirmish level.

For example, Arlington and Fairfax are involved in a little to-do right now over the development of Bailey's Crossroads. The Fairfax plan calls for a tremendous amount of office, commercial, and apartment building in that area, which Arlington would have to supply with sewer services. Last November voters in Arlington approved a sewer bond that implied that commercial growth in the county would be somewhat pared over the next 30 years, at the same time that Fairfax's planners were fashioning a behemoth. Both counties are trying to get together now to set some sort of compromise.

Other examples abound. Last summer, the city of Falls Church considered a proposal to build several high-rise apartment buildings right on the Arlington County line. Meanwhile, Arlington was doing everything possible to minimize growth in the northwestern part of the county, which is the site of the planned East Falls Church Metro Station; the objective was to save a small neighborhood of moderately priced single family houses. The Falls Church plan would have put increased pressure on Arlington to rezone portions of its area for high-rise buildings. Fortunately, the city of Falls Church turned down the apartment zoning, but the matter was touch and go for a while.

Likewise, the Friendship Heights area on the Maryland-D.C. border is ripe for factional disputes. Who will benefit from the increased taxes produced by major retail and office development there, Montgomery County or the District? Shifting development even a few feet could mean a windfall for the lucky jurisdiction, while the loser gets nothing—except traffic snarls, litter, and aggravation.

All this is nothing new of course. Artificial jurisdictional lines have not worked in what HUD Secretary George Romney calls "The Real City"—which I call the metropolitan area. If these barriers cannot be broken down—and tradition and inertia assure that—they must be made flexible. The British do this through an elaborate system of compensation to surrounding jurisdictions whenever one city in a metropolitan area gets a windfall. What I'd like to suggest is a much more American approach—American not only because it is much more practical than the British approach, but because it is already operational in one part of the U.S.: The Twin Cities area of Minnesota.

Last spring, the Minnesota legislature approved a new *tax base system* for the 300 separate taxing jurisdictions in the St. Paul-Minneapolis area. Under this system, 40 percent of all *new* commercial and industrial development is shared among all the jurisdictions. Each taxing area gets a cut of that 40 percent assigned to its tax rolls; thus, it is *tax base* sharing, not *revenue* sharing. The portion allocated to each community is based *directly* on population and *inversely* to its existing tax base. The result is that wealthy areas get a smaller portion of the 40 percent share than poorer areas with the same population. Also, each jurisdiction applies its own tax *rate* to the new shared base, so that no area is penalized for taxing its citizens at a higher rate than other areas.

The "share the wealth" plan is a little tricky to grasp at first, but it is really very forthright and practicable. The experience is too new to judge, but the potential is great, if only because the Twin Cities area, with its distinguished record of good government, will *make* it work. A local civic group described the benefits of the plan:

(1) It will diminish the importance of fiscal zoning, whereby certain areas try to get all the office and commercial development, but shun low-income housing, for example.

(2) It takes into account the increasing concentration of commercial-industrial growth. Only certain parts of a metropolitan area are really suited for such development, but all areas suffer the consequences (e.g. air pollution, traffic congestion). This plan allows every citizen to look at a new office building and say, "I have a piece of that," even if it's not in his town.

(3) It evens out the peaks and valleys of development. Over long periods of time, all parts of a metropolitan area go through stages of building-maturing-redevelopment, which makes the tax base vary. The share the wealth plan distributes metropolitan growth over times as well as area, so that all parts of the metropolis are getting something, even if they are not currently in a growth stage.

Of course, the Twin Cities tax plan does not put an end to countless problems. It does not remove the inequities of the real property tax, with its unequal assessments and burdensome impact on low-income families. And Washington is not Minnesota; trying to develop a tax scheme that would require approval by Congress, two state legislatures, and numerous local officials would be a monumental task. For this reason, I think such a proposal would have to start in either suburban Maryland or Northern Virginia, or both. Then, if it works out, the District could be included. In the meantime, this is a subject which should be studied by a regional agency, perhaps the Council of Governments. If we are to deal with the "Real City" in a meaningful way, we must learn how to finance it in a meaningful way.

THE IOWA CITY VETERANS' ADMINISTRATION HOSPITAL "BROTHERHOOD" PROGRAM

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. SCHWENGEL. Mr. Speaker, during the past year we have become increasingly aware of the drug problem facing all branches of the military. We have learned of the almost epidemic proportions which this disease has reached. Perhaps just as important, however, is the problem of the addicted veteran, the soldier who has returned to civilian life but has been unable to shed his drug dependency. Recently, a program instituted by the Iowa City, Iowa, Veterans' Administration Hospital, came to my attention.

The program, called "Brotherhood," is a treatment program for veterans with drug dependency problems. The program is voluntary and open to all veterans. A comprehensive approach to treating the individual is taken, including medical, psychological and social problems. Group rap sessions, confrontation therapy, and self-government are just a few of the methods employed. The program is staffed by ex-addict drug counselors, psychologists, psychiatrists, nurses, and vocational counselors.

This program, and others similar to it throughout the country, have the full cooperation of the National Veterans' Administration and its Director, Donald Johnson. This commitment is an innovative step, and a necessary step, in the treatment of addicted veterans. Although in its infancy, the program is achieving its objectives according to Dr. Paul Penningroth, director of the Iowa City Vetrans' Administration hospital program. Not only are veterans being helped, but other interesting statistics have been illicited. Most notable is the fact that over half of those who have joined the Iowa City Veterans' Administration hospital program were stationed in the United States. Clearly, this program and others will not only help alleviate the problem of the returning overseas veteran, but will attack the problem of the addicted stateside veteran as well.

I commend the Veterans' Administration, and the Iowa City Veterans' Hospital in particular, for its efforts in this area. I encourage more utilization of our veterans hospitals for drug treatment programs. I would like to share with you a recent editorial in the Iowa City Press-Citizen noting the success of the program to date and the bright future ahead. Our fighting men deserve this support and help; we should continue to offer and expand such programs in the future.

The editorial follows:

Hopeful Approach

The director of the Drug Treatment Unit at Veterans Hospital believes the rehabilitation program is achieving its purposes.

If time which can provide the only certainties, proves his current belief correct then a method of overcoming dependence upon drugs is available. Expensive though it may be, it would still be less costly for society and the individual in financial as well as human terms than a lifelong drug habit.

Dr. Paul Penningroth notes that 38 veterans have been admitted to the local hospital's program since it was initiated July 1, one of the first such units to be established in the country. The local unit and others were the response of the Veterans Administration to the mounting problem of drug use among veterans, particularly those who had served in Vietnam.

But just over half of the veterans who have joined the program are not Vietnam veterans, 52 per cent were stationed in the U.S. or in other countries than Vietnam. Of the total, 55 per cent are Army veterans, 19 per cent Marines, 13 per cent Navy and 13 per cent Air Force. Reflecting the nature of drug dependency as a problem of society and not just the military is the fact that 45 per cent of those in the unit did not begin using drugs while in service. Eighteen is the most common age for initial experiments with drugs and the average age of those in the program is 23 with 84 per cent being under 25.

Most of those joining the program used a variety of drugs, usually whatever is available, but they also state a preference for a particular one. Of the group 28 per cent preferred hallucinogens, 16 per cent amphetamines, 13 per cent a combination of marijuana and alcohol, 6 per cent barbiturates and alcohol. Thirty-seven per cent were narcotic users, almost all of them physiologically addicted when admitted. Methadone has been used in the treatment of narcotic addicts when indicated.

About two-thirds of those admitted come from Iowa, about one-fifth from Illinois and the balance from other states.

Three have left the program as "graduates" and are now employed and drug free. Others are still in the program and showing improvement; yet others decided not to continue in the program and left.

The approach to the treatment program depends upon the individual supported by the group. Admission is voluntary and treatment is based upon the willingness and desire of those in the program to help themselves. Members of the Brotherhood, as participants call themselves, live and work together, they operate under a self-government of the patients. Participants, Dr. Penningroth points out, have become a closely-knit group who care about their problems, about each other and about letting others know that help is available by contacting the Brotherhood at the Veterans Hospital in Iowa City.

If there are answers to the questions posed by abuse of drugs, programs like that at Veterans Hospital would appear to provide them. As such they deserve support and expansion to reach other persons in need of the help offered.

IN SUPPORT OF PUBLIC OWNERSHIP OF THE DISTRICT OF COLUMBIA'S MASS TRANSIT BUS SYSTEM

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. GUDE. Mr. Speaker, the metropolitan Washington area is currently in the midst of a crisis in the field of public transportation. The D.C. Transit Co. has requested yet another fare increase and now finds itself on the verge of bankruptcy. Today's cities are in dire need of a responsible and affordable system of mass transit—a need which private companies have simply been unable to meet. Because a balanced and adequate system is crucial to the District's residents and its governmental and commercial interests, I have sponsored along with Congressman JOEL T. BROYHILL of Virginia, H.R. 5628 to provide for public ownership and operation of all Washington metropolitan area bus companies.

I would like to share with my colleagues a recent WMAL editorial regarding this very matter. I hope that H.R. 5628 and related legislation can be brought to hearing before the District of Columbia Committee in the near future.

The editorial follows:

Chalk Talk

D.C. Transit's latest fare hike request is really drawing a crowd. Not only D.C. officials but the Price Commission plan to get involved this time. And well they might.

The bus firm, which has been averaging a fare hike request a year, now is seeking another 12½% to 25% increase depending upon which fare proposal you choose.

But in either case, the company admits, a 45 to 50 cent fare would mean the loss of another six million passengers in a year's time.

Even D.C. Transit owner O. Roy Chalk acknowledges this is no way to run a bus line. "A fare increase," he says, "is never a permanent solution."

We might add that blocking the increase is no solution either. Service would deteriorate further.

This solution, as we see it, is public takeover of the company as soon as possible. In the interim, it must be subsidized. We feel this subsidy could be arranged in such a way as to keep D.C. Transit afloat without enhancing Chalk's position in the marketplace.

We are not at all concerned with Mr. Chalk's financial future, but we are deeply concerned about the future of the riding public and mass transit in the Washington area.

SKY'S THE LIMIT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Howard Benedict, in the December 8 edition of the Atlanta Journal, discusses the opportunities of space manufacturing. Mr. Benedict's excellent article points out that by the end of the century manufacturing in space could easily develop into a $50 billion market. One of the strongest cases that can be made for the development of a low cost orbital shuttle is found in Mr. Benedict's article. I commend it to your reading:

Vacuum Helps: Sky's the Limit in Space Market

(By Howard Benedict)

CAPE KENNEDY.—Workmen in orbiting space factories may one day manufacture high quality electronic devices, perfectly round ball bearings, precision optical lenses, pure vaccines and insecticides and other items impossible to produce on earth because of gravity.

The National Aeronautics and Space Administration and several industrial and research organizations are spending more than

$1 million a year to explore the possibility of using the unique vacuum and weightlessness of space for such manufacturing.

Some experts predict a $50-billion market by the end of the century for space-made materials and biologicals.

William O. Armstrong of NASA's Office of Manned Space Flight reported that work to date "has convinced us that manufacturing in space is technically feasible and that space research in material science and technology is likely to pay off.

"In space we could prepare electronic solids and other materials we can only daydream about on earth," he said.

"The possibility of levitating solids and liquids is one of the most obvious applications of weightlessness," Armstrong explained. "This ability to suspend materials free of physical contact with containers should permit the production of ultra-pure metals and crystals."

A new class of pure glass products is one example, he said. In glass making on earth, the product tends to be grainy because of convection—the transmission of heat or electricity by air, gas or liquid form throughout will prove gravity field. But done in space this could result in precise lenses for eyeglasses, microscopes and telescopes.

"The lack of buoyancy in space also would allow us to maintain a very homogenous mixture of substances of varying density," he said. "Knowing that your substance is uniform throughout will prove highly beneficial in the production of foamed metals or metal composites. In gravity, this is difficult because heavier substances like to settle and lighter ones like to rise.

"The most sophisticated source of control over space processes," he said, "lies in the fact that the movement of heat and solid materials in liquids and gases will be predictable and controllable when the complicating influence of convection is suppressed. This has particular application in the growth of high purity" such as those used in computers, satellite communications systems and radio and television equipment.

The absence of convection also could produce something long sought by industry—a perfectly round ball bearing, especially for rotating or moving devices on large vehicles and machinery to cut down friction and improve efficiency.

The first space test to determine the feasibility of weightless manufacturing occurred on the Apollo 14 flight last Feburary. During the mission, astronauts Alan B. Shepard Jr., Edgar D. Mitchell and Stuart A. Roosa conducted four experiments—transfering liquids from one container to another through a series of baffles, separating a solution of different liquids, measuring heat flow and convection and casting metals in a small heat chamber.

The results were promising and additional limited experiments are planned during Apollo 17 in December 1972.

A more ambitious experiment program is planned for Skylab, the two story space station scheduled for launching in 1973. Three different three-man crews will inhabit the orbiting laboratory for periods up to 56 days to conduct scientific, engineering and medical studies.

When the space shuttle, a reusable rocket plane, begins flying late in this decade, one of its early assignments will be to place in orbit a laboratory which will be used as a central core for a number of experimental modules for science, astronomy, medicine for manufacturing.

From this research it will be determined just how much manufacturing can be done in permanent space stations which the United States hopes to launch in the 1980s.

"It is hoped," Armstrong said, "that some of these processes will be ready for pilot-scale manufacturing operations as soon as the space station complex can support this level of activity and that a few will reach full-scale commercial manufacturing in the latter part of this century.

"By the turn of the century, space manufacturing may account for a significant faction of all space operations, and therefore it is likely to play a large role in assuring a permanent future for space flight because of the essential functions it will perform in some parts of the world's economy."

Daniel J. Fink, a vice president of General Electric Co. and general manager of its space division, said "It has been estimated that by the end of this century the total value of electronic materials and biologicals manufactured in space could run upward of $50 billion."

There are two keys to an economical operation. The space lab will not require elaborate costly equipment because of the lack of gravity and the space shuttle, flying between earth and the space station on an airline-like schedule, will drastically cut the cost of flying into space. Each shuttle will be able to make 100 or more round trips before wearing out, thus eliminating costly throw-away one-trip rockets such as Saturn 5.

L. R. McCreight of GE's space division, said that in the biological field an orbiting lab could produce pure vaccines that would not have side effects and pure viral insecticides that would not have harmful environmental effects associated with chemical insecticides such as DDT.

THE 17TH NAVAL DISTRICT

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. BEGICH. Mr. Speaker, I am deeply concerned about the recent announcement by the U.S. Navy Department to phase out its station and personnel of the 17th Naval District and the Alaskan Sea Frontier, at Kodiak, Alaska.

The Navy's departure from Kodiak will certainly have serious effect on our national defense posture in the North Pacific, in that it will leave a 4,000-mile defenseless gap between Seattle, Wash., and Adak, Alaska.

This untimely move will also have serious impact on the protection of our Alaskan and northwestern commercial fishermen from the foreign fishing fleets, which have been quite recently increasing their activities in the Alaska coast and the North Pacific areas.

I think the removal of the naval facilities from Kodiak would be extremely bad judgment on the part of the national administration.

To amplify my concern, I share with my colleagues an editorial and article from one of Alaska's most respected newspapers, the Kodiak Mirror:

LET US GET WITH IT

The American Legion's Jack Allman Post No. 17 in Kodiak has adopted the following resolution, entitled, "U.S. Navy—First Line of Defense," as proposed by Alaska American Legion Department Commander Bob Blair, according to Post Commander Dan McDonough.

Commander Blair has announced his grave concern that the nation's defense posture is to be seriously impaired through the possibility that the military may actually go through with its announced plans to withdraw the U.S. Navy from its Kodiak base—proven through experiences of World War II to be the most strategic naval base possible in the North Pacific.

The Mirror concurs completely with Commander Blair's thinking and with the Legion's concern on this matter involving the national defense. We are confident that any thinking and concerned citizen would agree also—and we join with Commander Blair and the Legion in urging all patriotic individuals and organization to make a concerted and meaningful effort to alert the nation to the military-naval needs here in the North Pacific and their direct relationship to the national defense of the entire continent. We especially urge that the community leadership mount an effort to marshal the political and economic resources available to educate the decision makers in the nation's capital to this vital and crucial need to keep the U.S. Navy in Kodiak and the North Pacific.

This will undoubtedly require sending a delegation to Washington, D.C. to seek an audience and make direct personal appeals to the Chiefs of Staff, the Secretary of Defense—or even to the President himself.

As Commander Blair has pointed out, "Time is of the Essence!"—so let's get with it immediately if we are going to do anything effective!

U.S. NAVY—FIRST LINE OF DEFENSE

Whereas, the American Legion is dedicated to a strong and completely adequate national defense posture for this nation, and

Whereas, the defense of the United States and the North American continent is directly related to an adequate and strong defense posture in Alaska, and

Whereas, the defense of Alaska is directly dependent on an adequate and strong defense capability on Kodiak Island, and

Whereas, the experience of World War II proved beyond any shadow of a doubt, the strategic military value of the U.S. Naval Station, Kodiak and its associated commands, to the defense of Alaska and the nation, and

Whereas, the nation's defense capability will be seriously impaired unless the U.S. Naval Station, Kodiak and its associated commands are not only maintained but substantially upgraded, modernized and expanded so as to include both ships of the line and aircraft capabilities as well as expanded equipment testing and personnel training facilities ashore, and

Whereas, U.S. Naval Station, Kodiak and its environs possess extreme variations of topographical and climatological features and factors, making it ideal for training and testing purposes, and

Whereas, the re-establishment of the 17th Naval District and the Alaskan Sea Frontier with headquarters aboard the Kodiak Naval Station are essential to the maintenance of an adequate national defense posture,

Now therefore be it resolved that the American Legion urgently recommends and supports the continued maintenance, expansion, modernization and upgrading of the U.S. Naval Stations, Kodiak and its associated commands and further urges and recommends the immediate restablishment of the 17th Naval District and Alaskan Sea Frontier headquarters aboard the U.S. Naval Station Kodiak as well as the establishment aboard the Kodiak Naval Station of a U.S. Marine Corps Training and Testing Base.

CONTINUED NAVY PRESENCE VITAL TO NATION'S DEFENSE ASSERTS LEGION CHIEF

Alaska's American Legion chief says "continuation of the U.S. Navy's presence on Kodiak Island is vital to a proper defense posture for the nation"—and he has embarked upon a determined effort to alert the nation to this need.

Bob Blair of Kodiak, commander of the American Legion, Department of Alaska, is "urging that Kodiak Legionnaires and other island patriotic groups and individuals sparkplug an intensive effort to alert and educate the appropriate national officials to the vital need to keep the U.S. Navy in Kodiak—in the North Pacific—on a meaningful basis.

"It is vital to the national security that the U.S. Navy's presence in the North Pacific not only be maintained—but upgraded, modernized and expanded. It is vital to a proper defense posture for the nation in the part of the world that the defense department recognize the strategic value of maintaining the U.S. Navy capabilities aboard the U.S. Naval Station, Kodiak," says Commander Blair.

"I am deeply concerned at the prospect that the lessons we learned from World War II are either being forgotten or ignored," says Blair.

"One of the most important facts learned from our experiences during World War II was—and is—the strategic value and importance of the island of Kodiak to the defense of the mainland and the nation. The presence of the U.S. Navy here at Kodiak is essential—and we must not allow this vital fact to be obscured, overlooked, ignored or forgotten during the budget crunch caused by cutbacks in the defense budget," says Blair.

Blair said he is presenting a special resolution on the matter to Kodiak Post number 17 on Thursday for adoption and presentation before the Southeast Alaska American Legion Convention which is to be held Jan. 13-14-15 in Petersburg.

Blair expresses "strong hopes" that his appeal and resolution will receive official endorsement from the city, borough, Chamber of Commerce, Navy League, Lions, Rotary, Jaycees—"and any and all patriotic individuals and civic, fraternal and service organizations." He is confident the governor and congressional delegation will respond vigorously.

I am convinced that this is important enough that we should send a delegation to Washington to make personal appeals to the decision makers—to the Secretary of Defense and the Chiefs of Staff—and even to the President himself if necessary. But we don't have much time left in which to be effective. Time is of the essence now. We should have acted sooner—but there is still time to reverse the decision to remove the U.S. Navy from Kodiak," says Blair.

"I am confident that with the proper approach informing and educating the proper officials, that we can succeed in keeping the U.S. Navy in the North Pacific at Kodiak," he concluded.

IMPORTS—ECONOMY—UNEMPLOYMENT

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. MADDEN. Mr. Speaker, the Inland Steel Management Club of East Chicago, Ind., held their annual banquet on last Thursday evening.

I was invited to address the gathering and report on some of our congressional problems.

The following are excerpts on a few of the statements I made to the Inland Steel employees on that occasion:

EXCERPTS FROM SPEECH OF CONGRESSMAN RAY J. MADDEN

Mr. Chairman, I am grateful for the opportunity to speak before this gathering engaged in the production of steel and its by-products here in the Calumet Region.

I know that all persons engaged in the steel industry are highly interested in the future welfare and prosperity of one of the major industries in our nation. We in the Calumet Region, as well as other steel producing localities, are at present passing through a recession period which should give all our citizens who are dependent on steel for a livelihood, alarm and consternation as to the future expansion of this industry. Steel production reports and letters I have been receiving over the past few years indicate that our Government must remain steadfast on its demands that the avalanche of steel imports into our country must be curtailed and a quota placed that will protect the production and employment of the steel mills of America.

Abraham Lincoln once said, "If we produce goods and sell to foreign countries they will have the goods and we will have the money. If we produce goods and sell to ourselves we have the goods and we have the money."

Certainly there will be foreign trade as there always has been, but it should be for products that we need and do not have or products which they need and do not have.

The year 1975 is the target the Japanese have set for becoming the largest steel manufacturing country in the world. Today Japan is No. 3. Their production is one hundred and eleven million tons annually, 60 percent of which they have to sell outside of Japan. They are annually increasing productivity to the point that they will top the United States and also Russia which is now No. 2. At the same time the only way they can dispose of their excess steel is through exports. Uncle Sam is today the major buyer of Japanese export steel. Our State and Commerce Departments, over the years, have been telling the Congress that this one-sided international trade must build good will throughout the globe. It is time now that the Congress, and the Administration, proceed to build domestic good will by expanding our steel production at home, restore steel employment and let Japan and our other steel competitors look to other nations to take the bulk of their surplus steel and other steel manufacturing products.

One of the criticisms is that labor costs in the United States is higher than in Japan and West Germany, our major steel competitors. The news media should also inform the public that the American steel worker pays a great portion of his wages in Federal, state and local taxes to take care of the Government, the unemployed, to provide money for foreign aid, the Viet Nam and Korea costs, etc., etc. I look forward to real action this Session of Congress on legislation that will protect the domestic steel industry of the United States from unreasonable forms of foreign competition.

This Session of Congress will have a great number of problems which must be solved so that our economy can re-establish itself to provide future employment and return prosperity. This task can easily be accomplished if the American people become aroused and demand the necessary legislation on which the Congress and the Administration have been dragging their feet.

STEEL IMPORTS UP 60 PERCENT IN FIRST 8 MONTHS OF 1971

Through the first eight months of 1971 foreign steel producers sent 60 percent more steel into this country than they did during the same period of 1970, according to Commerce Department data supplied to American Iron and Steel Institute.

In August one million 554 thousand net tons of steel mill products were imported, despite a dock strike that tied up all major ports on the West Coast.

The August tonnage pushed total steel imports through the first eight months of 1971 up to twelve million 298 thousand tons. That is four million 605 thousand tons more than arrived during the comparable period of 1970.

It also tops by a half-million tons the eight month total for 1968, a year which ultimately saw the record seventeen million 960 thousand tons of steel imports.

Commenting on the report from the American Iron and Steel Institute, J. David Carr, general superintendent, said, "It should be No. 1 priority of Congress to stem this inflow of imported steel products and to win the fight against our foreign competition.

TAX LOOPHOLES

The tax burden of the average United States citizen, as well as the average business and industrial taxpayer, could be greatly relieved of a Herculean tax burden if the Congress would become aroused through public opinion to completely close the fabulous and fraudulent tax loopholes. Two years ago the House of Representatives passed a tax reform bill which was a step in the right direction, but merely a slap on the wrist for some of the major tax dodgers.

Last week in the Washington Post Congressman Henry Reuss, ranking member of the House Interstate and Foreign Commerce Committee, was quoted in a statement which was headlined in the press with the following:

"Congressman Reuss of Wisconsin, says plugging of tax loopholes could yield over $20 billion a year." He also stated, and I quote verbatim from the newspaper:

"Reuss declared that despite tax 'reforms' enacted in 1969, three Americans with incomes of over $1 million and 109 others making over $200,000 paid no Federal income taxes in 1970.

"He deplored the Adminstration opposition to the proposed reforms, such as cutting down the oil-mineral depletion 'give-away,' ending the abuses of capital gains, and revamping the estate and gift taxes.

"The tax bill which the Administration did get through Congress recently, Reuss said, means a $9 billion annual revenue loss to the Treasury—of which $8 billion goes to corporations and $1 billion to individuals."

The House tax committee members have not been able to justify why a number of big oil conglomerates pay no Federal taxes. Some pay a small percentage tax. Over a period of 4 years, Atlantic Oil Co. of New Jersey, with an average annual income of approximately $61 million paid no Federal tax. A few other oil companies are in relatively the same "loophole" category. Standard Oil of New Jersey, a few years ago, with an income of one billion 600 million, paid 1.7 percent tax to the Federal Government.

Mr. Chairman, I have touched upon the above two important problems facing the Congress this year—foreign imports and tax loopholes. Others will be considered in this Session, along with major legislative problems, including education, consumer protection, environmental control, health, unemployment, cost-of-living, public works, transportation, urban problems, senior citizens, Viet Nam veterans, etc.

Yesterday afternoon I voted on the final passage of the conference report which enacted long-delayed election expense reform bill. Campaign fund limitation should have been a law years ago in order to preserve the sanctity and effectiveness of our so-called free election system throughout the nation. The New York Times only recently published an editorial stating that if the Congress did not act in curbing fabulous funds being raised by political parties and candidates for important elective offices, our whole election system and representative government itself would collapse. Everybody knows it costs money to campaign for high office—national, state or local—but the public should also know that when corporations, business, or any organization, including private individuals contribute vast sums for the election of president, Senators, Congressmen, Governors, state and local officials, they expect something in return. I do not mean to insinuate that contributions to candidates or parties should be completely abolished but when $5 million can be raised on a half dozen banquets in one evening as was done several weeks ago, then Congress must step in and preserve our representative government by prohibiting the purchase of public office by special-privileged groups.

The curbing of the fabulous and fraudulent tax loopholers will add greatly in shackling mammoth campaign funds from controlling our election system.

STOP ME

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. DOW. Mr. Speaker, with the decline of American casualties in Vietnam it is so easy for us to follow the complacent path and let the issue diminish. However, it is well known that by our massive bombing and other actions in Southeast Asia that we are continuing a pretty major war in that area.

There are some perceptive Americans who realize that the war problem is neither gone nor forgotten. One of these is my good friend Fred Kuhn, of Spring Valley, N.Y., who sent to the Journal-News, Nyack, N.Y., a brief but stirring commentary that deserves our attention. A copy of Mr. Kuhn's letter from the December 27 issue of the paper follows:

STOP ME

Editor, Journal-News:

"Government of the people, by the people, and for the people. . . ." This is the glory of the American system; that the policies and achievements of this great nation are as the works of my own hand.

I killed 300 Vietnamese today.

Doctor, what's wrong with me? I don't know why I did it. I didn't even know about it until I saw it in the paper.

The government (that's me, isn't it?) said I did it for their own good. I—the Government—keep saying I'm winding it down; but, even though I don't get as many Americans killed. I kill more Vietnamese than ever. Because I'm turning into some sort of mad bomber.

Better them than us? That sort of depends on your point of view, doesn't it?

I keep saying I want to know why. But when someone took a secret history from the government (that's me), and opened it up to the people (that's me). I—the Government—arrested him for stealing my property and turning it over to me!

Doctor, what's wrong with me? Stop me, before I kill again.

FRED KUHN.

SENATE—*Tuesday, January 25, 1972*

The Senate met at 12 o'clock meridian and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, Ruler of men and nations, Source of all that is good and true, as our fathers trusted in Thee, be to us the guide and strength of all our days. Uphold the leaders of this Nation by Thy mighty power. Open their minds and hearts to receive the wisdom which is above all that is human. Guide them in the use of power, and so direct the deliberations of Thy servants in this Chamber as shall be for the well-being of all the people, the promotion of peace and justice on the earth, and the advancement of Thy kingdom. Fuse the discordant, the diverse and contentious elements into a united people strong in the Lord and the power of His might, that this Nation may be a servant people for the greater good of all mankind.

In the Redeemer's name, we pray. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., January 25, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. ALLEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, January 24, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ATTENDANCE OF A SENATOR

Hon. FRANK E. MOSS, a Senator from the State of Utah, attended the session of the Senate today.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STATEMENT BY SENATOR MANSFIELD BEFORE THE SENATE DEMOCRATIC CONFERENCE

Mr. MANSFIELD. Mr. President, I should like to repeat to the Senate what I said earlier today to the Democratic conference.

We begin this session at the point where we left off in the last. First, it should be recalled that a year ago, upon recommendation of your policy committee, the first act of the Democrats assembled in caucus was to call for "ending the involvement in Indochina and bringing about the withdrawal of all U.S. forces and the release of all prisoners in a time certain." Subsequently, withdrawal from Vietnam at "a time certain" was firmly established as the goal of the entire Senate.

In its own way and time, the administration has moved in the direction of contracting the U.S. involvement in Indochina. The movement out has not been fast enough. To some observers, it even appears that, with the augmented bombing of recent weeks, all of Indochina is just as deeply as ever bogged in war. What is also clear is that the administration has not yet established that the sole condition of withdrawal of all U.S. forces is the release of the prisoners of war. While policies that have moved very substantially in the direction of the withdrawal of ground forces are not to be dismissed, it must also be recognized that the end of the American involvement has yet to be achieved. One hundred fifty thousand Americans remain in Indochina. Americans still die in Indochina; Americans continue to be wounded and maimed and flooded with drugs in Indochina. Americans are confined as prisoners of war in Indochina and the number is increasing.

So long as that situation prevails, the conditions of the initial position of the policy committee last year and of the Democratic caucus and of the entire Senate remain to be fulfilled.

Insofar as the leadership is concerned, therefore, the pressure on behalf of the Senate's position will not cease. May I say, with all due respect, that it is not enough to wind down the war in Vietnam. The residual obligation is to wind this Nation completely out of the war in Indochina and to extricate our forces from the entire Southeast Asian mainland. To underscore that obligation, your policy committee recommended unanimously for reconfirmation by this caucus the resolution on withdrawal from Vietnam which was adopted on three occasions by the Senate last year.

Beyond this fundamental effort regarding Vietnam, our job in the Congress is twofold. We must continue to do our part in promoting the readjustment of America's overextended, costly, and self-debilitating military role elsewhere in the world, notably in Western Europe. We must also press for a reordering of the Nation's internal affairs; resources must be shifted, as necessary, to the end that domestic needs too long deferred and neglected may be met.

Whatever Congress does in the coming session will be overhung by the presidential election. Inevitably, the election will exert an influence on the work of the Senate. Insofar as the leadership is concerned, however, the public interest will not be shortchanged for partisan gain.

As a prelude to this session this past week, the President offered an appraisal of the workload before the Congress during the past year of his term. What went unsaid in that appraisal, yet what affects it overwhelmingly, is a monetary deficiency of $123 billion compiled during the 4 years of the Nixon administration.

As the session opens, one of the first responsibilities of the Congress will be to confirm the President's devaluation of the dollar. The price of gold will have to be changed officially from $35 to $38 an ounce. It is a distasteful task because it reflects, in a symbolic sense, the devastating economic consequences of ineffective fiscal policies and more especially of the tragic and continuing involvement in Southeast Asia. More than anything these gigantic deficits reflect the vast waste of resources in the pursuit of outdated and antiquated security policies.

While this administration has accumulated these deficits, I might say the Congress has done its share to reverse the tide. During the last 4 years, it has made cuts of over $27 billion in the President's budget requests. It has done so largely by paring down enormous sums sought by the Pentagon, even while shifting a fraction of these savings into education, health, social, and environmental programs.

The Congress has also endeavored to pare down a foreign aid program designed for the 1940's. The question of "where next in foreign aid" remains to be answered. An interim financing bill for the program expires on the 22d of February. In my judgment the Senate will be well advised to stand fast at this point in its insistence on at least a drastic cut and complete overhaul of what has become, largely, an irrelevant exercise in government spending. The program no longer does a great deal for the ordinary people of other nations, and it does next to nothing for the people of this Nation. It has served only to increase an already intolerable deficit. The majority policy committee is considering, actively, suggestions which range from reduction to elimination of foreign aid. Certainly, at the very least, there is strong sentiment for a drastic cut in these expenditures for the 1970's.

On the domestic front, with few exceptions, each issue which confronts the Nation, whether it be the financial plight of the cities or the falling income of the farmers, is represented by a legislative proposal before the Senate. The equal employment opportunity amendments constitute the present business of the Senate. Thereafter, the Senate must consider such issues as higher education, welfare/social security, voter registration, consumer legislation and equal rights for women. In addition, we must consider an increase in the minimum wage, farm legislation, and proposals dealing with health insurance, revenue aid to cities, housing and a proposal that would for the first time give consideration to the innocent victim of violent crime—long ignored by our system of criminal justice. It should be said that we will endeavor to complete every item that falls within the national interest, be there 9, 19, or 90 of such proposals. As the branch of Government most responsible for legislative policy, in the final analysis, it is for the Congress to determine as well as to respond in matters of public policy. In this connection, the type of inquiry being undertaken by Senator ERVIN on the question of citizen surveillance by the military demonstrates the type of vigilance in behalf of individual rights that is in the highest tradition of the Senate. It demonstrates anew the priority SAM ERVIN gives to the protection of individual liberties and Senator ERVIN has my full backing and endorsement, as I am sure he has the backing of this caucus.

Another matter that will require the full support of the caucus involves the budget. Beginning February 1, the able chairman of the Appropriations Committee, ALLEN ELLENDER, will launch a full-scale inquiry into waste and priorities as they affect the budget. It is not only the economic experts who are aware that a truly monumental crisis exists within the American economy and its monetary system. The inflation rate in 1971 was 4.3 percent. The rate of unemployment was 5.9 percent, and the method of establishing the rate of unemployment leads one to suspect that many more are unemployed than the 5 million or more reflected by the present monthly rate of 6.1 percent. A word more should be said here about the budget.

In the past 4 years, including fiscal 1973, as projected by this year's budget—all of which were under the exclusive control of this administration—the administrative budget deficit has exceeded $120 billion. Under the unified budget reporting, which includes the surplus and bulging trust funds such as social security, the deficit for these fiscal years under this administration has been in excess of $87 billion. During the past 4 years—fiscal 1969, 1970, 1971, and 1972—the Congress has cut the administration's requests for appropriations by about $27 billion. Thus, Congress has prevented even more monumental deficits. I do not know how much longer the country can tolerate this type of failure to grasp the vitals of the budgetary process before the Nation's currency encounters even more serious jeopardy.

As much as we endeavor to communicate to the administration, however, the message has yet to be heard. The current budget seeks an increase in defense spending of $6.3 billion. It is estimated generally that capital expenditures for the defense program and the space program do not contribute as much to check inflation as would capital expenditures that continue to yield a positive return on that investment many years after the expenditure. The use of capital expenditures over and above what is necessary only feeds the inflationary forces within our economy. It is not only a question of priorities but it is a matter of questionable economics to expend capital resources for one-shot impacts on unemployment. It will be a sorry day for this Nation when our answer to unemployment is the production of unneeded weapons of war.

The fact is that these additional requests for defense expenditures will really feed the inflationary fires and in the long run will create greater unemployment. Strong questions can and should be raised about the wisdom of accepting a need for large increases in defense expenditures this year, and I hope the distinguished chairman of the Armed Services Committee (Mr. STENNIS) will raise them in the first instance, as he has in the past 3 years, and the Senate as a whole, thereafter.

The most visible point is the increase for the undersea long-range missile system programs for which $900 million will be sought. This program might well be justified. But $900 million should be absorbable by the decreases which presumably are being made by the drawdown in Southeast Asia. The incremental costs for Vietnam, I believe, have decreased about $10 billion in the past 2 years; in manpower, the size of the Armed Forces is more than a million less than just 2 years ago.

One reason for the continuing increase in Defense and other spending is the budgetary practice of requiring justifications only for increases in spending requests. Agencies are not required to go back and justify all of its money requests from the bottom up. I would hope that each committee would look into this situation and consider using the so-called "zero base" for each department in its purview. Our responsibility can be fully met only if this burden of proof for its budget is assumed by each department. At the same time, as a matter of courtesy, every request of the President should be treated with the utmost consideration and dispatch.

In any case, it is clear that a high degree of productivity is demanded this session. That will not be easy to extract in a year which is as much political as legislative. A congressional Democratic majority confronts a Republican-controlled administration; the ever-present inclination to political combat in both branches is a fact of public life. Inevitably, that situation will exert an influence on the work of the Government. But that influence can and should be minimized. I repeat that, insofar as the

Senate leadership is concerned, the public interest will not be shortchanged for partisan gain. The first responsibility of all of us in the Senate is to the business of the Senate and it is the intention of the leadership to proceed on that basis.

Achieving an adjournment at the earliest time is imperative in order to avoid, as far as possible, a legislative and political overlap in the fall of the year. It would be my hope that there can be a reasonable adjournment date. I say that in all seriousness, knowing full well the past track record on that score.

The availability of the appropriations bills for floor action will constitute, as usual, the critical element in adjournment. It is intended, therefore, to stick closely to the procedure authorized in the joint leadership's letter of last week. Tardy authorizations will no longer result in delaying the regular appropriations bills. Items of appropriation in the fiscal year 1973 bills that have not been authorized by June 1, 1972, will not be included in the general appropriations bill if the latter is otherwise ready and available for consideration. On the other hand, if the authorization is enacted after June 1, 1972, the appropriation item for which the authorization is required will be considered only as a part of a subsequent appropriations bill.

Both the White House and the House of Representatives have been notified of this new approach since both have a prior influence on the date when legislation of this kind reaches the floor of the Senate; and the Senate ought not to be expected to handle in the last 2 or 3 weeks under pressure of adjournment what has been many weeks of months in arriving at the Senate's door.

The recess schedule of the Senate has been designed this year to meet the special circumstances of the election. There will be only three extended weekends between now and the first of July and they are all brief—the Lincoln-Washington recess, the Easter holiday and Memorial Day. That brings us to July 4. Provision has been made for the Democratic Convention and, in August, the Republican Convention.

As in the past, the leadership is prepared to work in concert and cooperation with the President in whatever way we can, jointly, serve the Nation during the current session. I would emphasize, however, that the Senate has its separate Constitutional responsibilities, as does the President. The Senate is not the President's Senate. It is not the leadership's Senate or even the majority's Senate. It is the Members' Senate. It is the people's Senate.

If we proceed on that basis, in the end, the President is likely to get a substantial part of the legislation which his administration seeks, but not all of it. The Congress will be similarly satisfied and disappointed. Most significant, the people will get the kind of performance from both elected branches to which they are entitled under the Constitution of the United States.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

Mr. SCOTT. Mr. President, in regard to the unanimous-consent agreement entered into yesterday, with the time to be controlled by the minority leader on amendments to the Dominick amendment, I now designate the Senator from Colorado (Mr. DOMINICK) to be in control of the time in opposition.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the Chair now recognizes the distinguished senior Senator from Virginia (Mr. BYRD) for not to exceed 15 minutes.

PRESIDENT NIXON'S 1973 BUDGET

Mr. BYRD of Virginia. Mr. President, the Federal Government is risking the integrity of the dollar and the purchasing power of American workers with reckless spending policies.

Yesterday the President submitted to the Congress his budget message and the Federal budget for the fiscal year beginning next July 1.

The budget projects a third consecutive deficit of huge proportions—and the 17th deficit for the 20-year period 1954–73.

The budget documents show that the Government is in grave financial condition.

For the current fiscal year, the estimated deficit is nearly $45 billion in Federal funds.

In an astonishing statement, Treasury Secretary Connally said that we should applaud this $45 billion deficit.

I do not applaud it. I condemn it.

The 1972 deficit comes immediately after a deficit of $30 billion in 1971. It is nearly double the $23 billion deficit which was predicted for the current year in the President's budget submitted in January 1971.

Those figures show that Federal deficit spending is continuing to mount, and that budget estimates often are extremely unreliable.

What is projected for fiscal 1973, the year beginning on July 1?

Another large deficit—this time, one of $36 billion in Federal funds.

For the 4 years of his administration, President Nixon will have run a total budget deficit of $124 billion—this huge sum is far more than double the $54 billion total deficit compiled during the last 4 years of the administration of President Johnson.

Many of us, including Mr. Nixon himself, felt that the Johnson deficits were reckless and unjustified, leading to inflation—which they were.

The figures I have cited are in Federal funds—that is, funds which the Government administers as an owner.

I have excluded from the budget totals the trust funds, because trust funds—principally social security—do not belong to the Government. They belong to the working people—the employees and employers of this Nation. The Government is only a trustee for this money.

Trust funds show a surplus every year. Until 1969, the Government budget excluded trust fund operations and thus gave a true picture of receipts and outlays. But in 1969 a change was made to the so-called unified budget, including trust fund surpluses in the overall budget figures.

This serves to mask overspending by the Government, because the trust fund surpluses seem to offset part of the deficit in Federal funds.

I believe that the Government should give the people the true fiscal facts and return to the traditional method of accounting; namely, excluding trust fund surpluses.

However, no matter what system of accounting is used, the comparison between the spending levels of the Johnson and Nixon administration holds good.

Mr. Nixon said in his budget message that the deficit for the coming year is a large one. He is certainly correct in that assertion. He claims that it is necessary under existing circumstances.

He also said that if we were to spend less, it would be "too little and too late."

I fear, however, that the large deficits we are running and plan to run mean that we are spending not too little but too much.

As a result, it may soon be too late, indeed—too late to save the fiscal integrity of the Federal Government, too late to have the value of the dollar in the world market, too late to save the purchasing power of the citizens of the United States.

In his state of the Union message in 1970, President Nixon declared:

> Now, millions of Americans are forced to go into debt today because the federal government decided to go into debt yesterday. We must balance our federal budget so that American families will have a better chance to balance their family budgets.

Mr. President, that was an excellent statement by President Nixon in 1970, an excellent statement.

But, Mr. President, what has happened in Federal finances since the President spoke those words? The deficits have piled ever higher, and the family's chance of balancing the home budget is slimmer than ever.

The mounting deficits of the Federal Government have raised the national debt ever higher.

At the beginning of January, the debt stood at $424 billion. The administration predicts that on June 30, 1973, it will have risen to $493 billion.

That is an increase in the public debt of $69 billion—and that is the amount by which the Government will operate in the red during the next 18 months.

Examination of the national debt figures for the 4 years of the Nixon administration is revealing.

On June 30, 1969, the debt stood at $367 billion. As of June 30, 1973, the administration forecasts that the debt will be $493 billion. That is an increase of $126 billion in 4 years.

When the total of $493 billion is reached next year, one-fourth of that enormous total debt will have been incurred during the administration of President Nixon, in only 4 years.

Already we are spending $21 billion a year on interest on the national debt. That amounts to 17 cents out of every dollar of individual and corporate income tax paid to the Government.

Yes, Mr. President, of every dollar

paid into the Federal Government in the form of income taxes by the individuals and the corporations of this Nation, 17 cents now goes for one purpose, and that is to pay the interest, and just the interest, on the national debt.

I do not believe that the United States can continue indefinitely on this course.

Continual deficit financing is eroding confidence in the dollar abroad.

It is destroying the purchasing power of the workers and housewives of this Nation.

These huge deficits must be paid for either by more taxes or by more inflation—or, more likely, by both.

The time is long overdue for major reductions in Federal spending, the best course we can take to put the finances of this Government and its people back into shape.

I ask unanimous consent that a table showing Federal deficits and interest on the national debt for the 20-year period ending with the coming fiscal year be printed at this point in the Record.

There being no objection, the tabulation was ordered to be printed in the Record, as follows:

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1954-73 INCLUSIVE

[Billions of dollars]

	Receipts	Outlays	Surplus (+) or deficit (−)	Debt interest
1954	$62.8	$65.9	−$3.1	$6.4
1955	58.1	62.3	−4.2	6.4
1956	65.4	63.8	+1.6	6.8
1957	68.8	67.1	+1.7	7.2
1958	66.6	69.7	−3.1	7.6
1959	65.8	77.0	−11.2	7.6
1960	75.7	74.9	+.8	9.2
1961	75.2	79.3	−4.1	9.0
1962	79.7	86.6	−6.9	9.1
1963	83.6	90.1	−6.5	9.9
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	11.4
1966	101.4	106.5	−5.1	12.0
1967	111.8	126.8	−15.0	13.4
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971	133.7	163.7	−30.0	20.8
1972[1]	137.8	182.5	−44.7	21.2
1973[1]	150.6	186.8	−36.2	22.3
20-year total	1,916.3	2,141.8	225.5	241.5

[1] Estimated figures.

Source: Office of Management and Budget and Treasury Department.

Mr. SCOTT. Mr. President, we are all very much concerned about budget expenditures and budget deficits. Deficits are, of course, getting to be too much a fact of life.

I believe that the thing for us to remember is that at any time we think the budget is too high, it is within the power of Congress to change it. In 1968 we were spending 45 percent of the budget on defense and 32 percent on domestic needs. With the passing of time and the reordering of priorities, we are now spending approximately 32 percent of the budget on defense and 45 percent on domestic needs.

While Congress has cut the budget from time to time, it has done so at times dangerously and recklessly by cutting down on our needs for vital elements of defense, vital until we can get agreement with the super powers and secure an end to this unfortunate war.

While the cost of the war has been cut down from $38 billion annually to $8 billion, Congress has continually increased appropriations for domestic needs on the ground that it was necessary to reorder priorities to meet the demands of the people.

This administration has asked for more money for education, health, welfare, social security, assistance for the blind, for highways, and for all of the other various causes in which the Federal Government has become increasingly involved. But not 1 cent of this money would have been in the national debt, not 1 cent of it would have been in the budget, not 1 cent of it would have been there without action by Congress. Not 1 cent of the money the President asked for and has spent would have been in his hands if Congress—the Senate and House of Representatives—had not given it to him.

All of this money, then, is the responsibility of Congress. If Congress thinks the President is spending too much for education, for health, for welfare, and for the schools, then let Congress say so. I might even say, let Congress dare to say so, because most of the clamor we have heard around here is devoted to more and more and more rather than less and less and less.

The old game of taking all the money out of the defense appropriations is running out. To my knowledge, the Russians have caught up in all major areas of defense, except for bombers which, with their missiles, they do not think they need, and submarines, in which they will have caught up by 1974 or 1975. Our equipment is older than theirs. Some of it is obsolete. This is the year we will have to do something about it.

I hope that Congress, if it makes a cut, will not target itself entirely at the Defense Establishment. That is dangerous. That is reckless. That is playing with fire.

If Congress has the nerve to make cuts, let Congress propose cuts across the board. Let it propose across-the-board cuts of 10 percent on everything and see how many votes there will be. Let it propose cuts of 5 percent across the board and see how many votes there will be. Let it propose cuts of 1 percent across the board and see how many votes there will be.

We have been engaging for a long time in the business of trying to fool the public and seeing how much we can cut from this, that, or the other budget. But we do not tell everyone that we do it at the expense of national safety.

This administration can rightfully claim that it has done more for the people than any other administration has done. If Congress does not like it, Congress can reverse it.

Mr. BYRD of Virginia. Mr. President, I have noted the comments of the distinguished Senator from Pennsylvania. I do not exclude Congress from my comments in regard to the budget.

I point out that a year ago the President in his statement to Congress deliberately set out on a deficit spending program; he encouraged Congress to follow such procedure, and Congress does not need much encouragement to spend.

Congress and the President must work together if we are going to get spending under control. But it was very significant that never once in his remarks did the Senator from Pennsylvania, the distinguished minority leader, mention these smashing deficits, and that is what I was talking about.

If the President wants to spend money and if Congress wants to spend money, they have the right to do so. But I submit they are fooling the public; they are misleading the public when they say this can be done and no one will have to pay for it; that we can reduce taxes and spend more and more money, run higher and higher deficits, pile up more and more national debt and no one has to pay for it.

Mr. President, I say the day of reckoning is coming; it is bound to come.

Every sensible person in this country knows that somewhere, sometime, somebody has to pay for the reckless spending by the Government of the United States.

The people who will bear the brunt of that spending will be the lower and middle economic groups in this country. They will be hit the hardest by inflation, just as they have been hit the hardest by inflation; and inflation has been the primary result of these huge deficits; they, too, will be the ones called upon to pay the brunt of the taxes when the day of reckoning comes.

I refer again to the statement by the distinguished Secretary of the Treasury when he made that astonishing speech saying that the American people should applaud this $45 billion deficit the Government is running this year.

I say that I, for one, do not applaud it. I condemn it.

[Applause in the galleries.]

Mr. BYRD of West Virginia. Mr. President, may we have order in the galleries?

The ACTING PRESIDENT pro tempore. There will be no outbursts in the galleries.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with the statements therein limited to 3 minutes.

The Senator from New York is recognized.

(The remarks of Mr. Javits when he introduced S. 3067 are printed in the Record under Statesments on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered

THE PRESIDENT'S DEFENSE BUDGET FOR FISCAL YEAR 1973

Mr. ELLENDER. Mr. President, the President's budget for fiscal year 1973 is based on requests for new budget authority totaling $270.9 billion of which approximately $185.3 billion will have to be considered by the Congress. Of these totals, $83.4 billion is for the various programs of the Department of Defense. This represents an increase of $6.3 billion over the estimated budget authority of $77.1 billion for fiscal year 1972, including estimated fiscal year 1972 supplementals totaling approximately $2.9 billion.

Department of Defense outlays—expenditures—for fiscal year 1973 are estimated at $76.5 billion, an increase of $0.7 billion over the current fiscal year 1972 estimate of $75.8 billion.

Of this total of $83.4 billion requested for the Department of Defense, $78.7 billion will be considered by the Department of Defense Subcommittee of which I have the honor to serve as chairman.

I intend to make every effort to have the Department of Defense appropriation bill for fiscal year 1973 enacted before June 30, and I have been assured of the full cooperation of the distinguished senior Senator from North Dakota (Mr. YOUNG), the ranking minority member of the subcommittee, in attaining this goal. It is not possible to determine the dollar impact resulting from the enactment of the Department of Defense appropriation bills some 5 or 6 months after the beginning of the fiscal year, but I am convinced that it results in the waste of many millions of dollars.

The Department of Defense Subcommittee will begin its consideration of these requests totaling $78.7 billion in the near future with two objectives in mind, namely—

First. To recommend the appropriation of funds necessary to provide a United States defense posture second to none, and

Second. A review of each individual request to determine if reductions can be made without endangering national security.

These have always been my objectives and those of the subcommittee, and it goes without saying that I hope this will always be true.

A preliminary review of the defense budget proposed for fiscal year 1973 reveals a number of programs and projects that will require some rather difficult decisions on the part of the Congress. It should be made plain here that it is not my intention to burden the Senate with detailed comments on any of those issues that will come before the committee. Rather, I desire to alert the Congress to the possible controversial items that I see ahead. Toward that end, I wish to discuss briefly some of the larger programs and projects proposed by the Pentagon.

DEPARTMENT OF DEFENSE MANPOWER

The fiscal year 1973 defense budget is based on an active duty military strength of 2,358,000 and civilian employment of 1,036,000. The military strength includes the following forces:

Army	841,000
Navy	602,000
Marine Corps	198,000
Air Force	717,000

It is estimated that 52 percent of the total defense budget—about $43.4 billion—is required for manpower-related costs. It is significant to note that, of the requested increase of $6.3 billion over funds provided and requested for fiscal year 1972, $4.1 billion is for planned increases in compensation of military, civilian, and retired military personnel.

Last year, that committee was advised that the Army's manning program for Europe was based on 58 percent of its personnel assigned to combat functions and 42 percent assigned to support functions. I believe that through a better use of personnel the percentage of those assigned to support functions can be reduced. I also want to take a hard look at the personnel assigned to the operation of the Navy's Shore Establishment in relationship to the number of personnel assigned to the fleet.

We will also review the Air Force allocation of personnel between combat and support activities.

NAVY'S F-14 AIRCRAFT

The budget includes approximately $570 million for the procurement of 48 F-14 aircraft. This request is based on the production of these 48 aircraft in accordance with the terms of the existing contract. According to press reports, the prime contractor, Grumman Aircraft Corp., has advised the Navy that it will not produce these aircraft under the terms of the existing contract.

It is likely that the Department of Defense and the Department of the Navy will propose to renegotiate this contract to procure these 48 aircraft at a cost substantially in excess of the current contract cost. This matter will be carefully reviewed by the subcommittee. I want to make my position on one point absolutely clear: In the event additional funds are required for the procurement of these 48 aircraft, I will consider such funds only after they are requested by the President through the formal budget procedure.

CLOSE AIR SUPPORT AIRCRAFT

The budget includes $53.5 million for the continuation of the development of the Army's Cheyenne helicopter, and $48.1 million for the continuation of development of the Air Force's A-X close-support aircraft. There are many who feel that a decision should be made as soon as possible for the development and production of only one of these aircraft. This will receive careful review by the subcommittee.

NUCLEAR ATTACK AIRCRAFT CARRIER

A total of $299 million is requested for long leadtime items for the CVAN-70, the third nuclear attack aircraft carrier of the *Nimitz* class.

The total estimated cost of this ship is approximately $960 million, but when the cost of the required aircraft, the four nuclear guided missile frigates required to protect the carrier, the one ship required to support the carrier, and other support costs are considered, the total cost is in the neighborhood of $3 billion. Furthermore, the crew of this carrier, including its air wing, total about 5,300 men, and an additional 2,400 men are required for the supporting ships.

At the present time, we are operating 13 attack aircraft carriers, and one antisubmarine carrier is being operated as an attack carrier for a total of 14. Two nuclear attack carriers are under construction and will join the fleet in the near future.

It will be recalled that there is a difference of opinion within the Joint Chiefs of Staff as to the number of attack aircraft carriers we need.

I want to consider all of these factors before recommending funds for the initiation of this new carrier.

THE AIR FORCE'S F-15 AIR SUPERIORITY AIRCRAFT

The request includes $454.5 million for the continuation of the development of the Air Force's F-15 air superiority fighter and $456 million for the initial procurement of 30 of these aircraft for a total request of $910.5 million. The first flight of this aircraft is not scheduled until July of this year, and there has been a substantial delay in the development of the engine for this aircraft. The subcommittee will take a hard look at the schedule for this aircraft before funds are recommended for production. We will want to apply the "fly-before-buy" concept to procurement of this aircraft.

SAFEGUARD ABM SYSTEM

The requests include approximately $1.5 billion for the continuation of the development and deployment of the Safeguard ABM system. The funds included in the request for the deployment of this system in the Washington, D.C., area will be subjected to a careful review, particularly in the light of the fact that the SALT talks may lead to a limitation of the ABM program under the best of circumstances.

NAVY'S UNDERSEA LONG-RANGE MISSILE SYSTEM (ULMS)

A total of $520.4 million is requested for the continuation of development of the Navy's proposed undersea long-range missile system commonly referred to as ULMS. The request also includes $394.5 million for the advance procurement of long leadtime items to support the production of this system and $27.3 million for military construction projects to support the system, for a total request of $942.2 million. The need for the acceleration of this program will be carefully considered by the subcommittee in the light of the continuation of the program to convert existing Polaris submarines to carry the longer range Poseidon missile.

OTHER WEAPONS SYSTEMS

The budget also includes substantial funds for the continued deployment and development of many other expensive weapons systems, all of which will be reviewed by the subcommittee. The following are illustrative of these programs: over $1 billion for the construction of additional nuclear attack submarines; approximately $400 million for the continuation of the Polaris-to-Poseidon submarine conversion program; approximately $860 million for the continuation of the development and deployment of the Minuteman II and III ICBM systems; approximately $665 million for the continued development and production of the Navy's new S-3A antisubmarine aircraft; and approximately $445 million for the continued development of the Air Force's B-1 manned bomber aircraft.

MILITARY ASSISTANCE

One and three-tenths billion dollars is requested for military assistance, and in addition, the requests for military functions include approximately $2 billion for the support of the South Vietnamese Armed Forces, other free world forces in South Vietnam, and local forces in Laos. I personally feel that a substantial reduction can and should be made in the $1.3 billion requested for military assistance. We cannot continue to support the military forces of other nations in view of our current fiscal situation. This fact is borne out by the Federal funds deficit of $44.7 billion now estimated for the current fiscal year.

The careful consideration of requests totaling $78.7 billion is a difficult task and responsibility that I do not take lightly. As I stated earlier, I will start these hearings with three objectives in mind; namely:

First. Recommendation of the funds necessary to provide the United States with a defense posture second to none;

Second. A thorough review of each request to determine if reductions can be made in these requests without endangering national security; and

Third. The enactment of the Department of Defense Appropriation bill by June 30.

Mr. President, I wish to announce that just as soon as we come back from the Lincoln Day holiday, I propose to start hearings on the defense bill.

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will please call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

PROPOSED LEGISLATION RELATING TO ISSUANCE OF COTTON CROP REPORTS

A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports (with an accompanying paper); to the Committee on Agriculture and Forestry.

REPORT ON OVEROBLIGATION OF APPROPRIATIONS

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the appropriations to the Department of Transportation for "Operating expenses" and "Reserve training," for the fiscal year 1972, had been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriations; to the Committee on Appropriations.

REPORT ON PROGRESS OF RESERVE OFFICER TRAINING CORPS FLIGHT TRAINING PROGRAM

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on the progress of the Reserve Officer Training Corps Flight Training Program, for the calendar year 1971 (with an accompanying report); to the Committee on Armed Services.

REPORT ON CERTAIN FACILITIES PROJECTS PROPOSED TO BE UNDERTAKEN FOR THE ARMY NATIONAL GUARD AND ARMY RESERVE

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on certain facilities projects proposed to be undertaken for the Army National Guard and Army Reserve (with an accompanying report); to the Committee on Armed Services.

PROPOSED AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PURPOSES

A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A resolution adopted by the City Council of Lake Forest Park, Washington, praying for the enactment of legislation relating to tax-sharing; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PROXMIRE, from the Committee on Appropriations, with amendments:

H.R. 12067. An act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92-594).

By Mr. ALLEN, from the Committee on Agriculture and Forestry, with amendments:

S. 1794. A bill to authorize pilot field-research programs for the control of agricultural and forest pests by integrated biological-cultural methods (Rept. No. 92-595).

INTRODUCTION OF BILLS AND JOINT RESOLUTION

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. JAVITS:

S. 3067. A bill to eliminate racketeering in the sale and distribution of cigarettes and for other purposes. Referred to the Committee on Commerce.

By Mr. JORDAN of North Carolina:

S. 3068. A bill to amend the provisions of the Agricultural Adjustment Act of 1938, as amended, relating to the lease of tobacco acreage allotments and marketing quotas. Referred to the Committee on Agriculture and Forestry.

By Mr. CHILES:

S. 3069. A bill to amend title 28, United States Code, to provide that Madison County, Florida, shall be included in the northern judicial district of Florida. Referred to the Committee on the Judiciary.

By Mr. THURMOND (for himself and Mr. HARTKE):

S. 3070. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations, to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. WEICKER:

S. 3071. A bill to amend the Urban Mass Transportation Act of 1964, as amended. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. INOUYE:

S. 3072. A bill to amend section 405 of title 37, United States Code, relating to the payment of a per diem with respect to the dependents of certain members of the uniformed services while on duty outside of the United States. Referred to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JAVITS:

S. 3067. A bill to eliminate racketeering in the sale and distribution of cigarettes and for other purposes. Referred to the Committee on Commerce.

Mr. JAVITS. Mr. President, I send to the desk a bill to deal with interstate cigarette smuggling. This bill will be important in many States which tax cigarettes. It is an extremely serious problem.

Mr. President, in recent years cigarette smuggling has become a serious problem for many States, resulting in large losses in cigarette tax revenue and has become an important source of income for elements of organized crime. New York State alone has estimated that it loses in excess of $40 million a year in vitally needed revenues because of illegal trafficking in cigarettes.

While New York and other States have strengthened their efforts at cigarette tax enforcement, they have been unsuccessful in stopping the increased bootlegging of cigarettes across State lines. Because of the difference in cigarette tax rates charged by the different States throughout the country, smuggling of cigarettes has become a very profitable business. The difference in tax rates in some cases amounts to 19 cents per pack. Only the Federal Government can take effective action to stop the flow of untaxed cigarettes in interstate commerce.

I might point out that because of the illegality of this interstate smuggling there is a good deal of hijacking which contributes very materially to crime and the amount of dollars criminals have in their pockets.

The proposed legislation seeks to eliminate racketeering in the sale and distribution of cigarettes and also to facilitate more effective enforcement of State and local cigarette tax laws.

Under the bill contraband cigarettes would be 20,000 or more untaxed cigarettes transported in interstate commerce by one who is not a manufacturer, a licensed distributor, an officer or agent of the U.S. Government, or a common or contract carrier. Violations would be a felony under Federal law carrying a fine of up to $10,000 and/or imprisonment for up to 2 years.

Similar legislation has been introduced in the House by Representative CELLER of New York and I hope that this legislation will be enacted quickly so that we can begin to wage an effective fight against this burgeoning problem.

Mr. President, I ask unanimous consent that my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3067

A bill to eliminate racketeering in the sale and distribution of cigarettes and for other purposes

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

STATEMENT OF FINDINGS AND PURPOSE

SEC. 1(a). The Congress finds that (1) smuggling of cigarettes in interstate commerce has dramatically increased in recent years with organized crime playing a larger role in the situation; (2) present Federal law pertaining to cigarette smuggling is ineffective because it covers only smuggling through use of the mails and does not reach smuggling using trucks and similar means which account for the main part of the problem; (3) a sharply expended Federal role in the fight against cigarette smuggling is essential if there is to be an effective law enforcement effort against cigarette smuggling since the interstate nature of the crime places individual states at too great a disadvantage to handle these problems effectively.

(b) It is the purpose of this Act to provide a timely solution to a serious organized crime problem and to help provide relief to many cities and states at a small cost to the Federal Government.

SEC. 2. For the purposes of this Act—

(1) the term "cigarette" means—

(a) any roll of tobacco wrapped in paper or in any substance not containing tobacco, and

(b) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in paragraph (a),

(2) the term "contraband cigarettes" means a quantity in excess of twenty thousand cigarettes, bearing no evidence of the payment of applicable State cigarette taxes in the State where they are found and which are in the possession of any person other than (a) a person holding a permit issued pursuant to chapter 52 of title 26 United States Code, as a manufacturer of tobacco products or as an export warehouse proprietor or his agent; (b) a common or contract carrier: *Provided, however,* That the cigarettes are designated as such on the bill of lading or freight bill; (c) a person licensed or otherwise authorized by the State where the cigarettes are found, to deal in cigarettes and to account for and pay applicable cigarette taxes imposed by such State; or (d) an officer, employee, or other agent of the United States, or its departments and wholly owned instrumentalities.

(3) the term "common or contract carrier" means a carrier holding a certificate of convenience or necessity or equivalent operating authority from a regulatory agency of the United States or of any State or the District of Columbia.

(4) the term "State" includes a political subdivision thereof and the District of Columbia.

SEC. 3. The transportation of contraband cigarettes in interstate commerce is prohibited.

SEC. 4. Nothing in this Act shall be construed to affect the concurrent jurisdiction of a State to enact and enforce State cigarette tax laws, to provide for the confiscation of cigarettes and other property seized in violation of such laws, and to provide penalties for the violation of such laws.

SEC. 5. Whoever violates any provisions of this Act shall be sentenced to pay a fine of not more than $10,000, or to be imprisoned for not more than two years, or both.

SEC. 6. Any contraband cigarettes transported in interstate commerce in violation of the laws of any State and any vehicle or other means of transportation used for the transportation of contraband cigarettes in interstate commerce may be seized and shall be forfeited to the United States.

SEC. 7. The United States district courts shall have jurisdiction to prevent and restrain violations of this Act.

SEC. 8. This Act shall take effect ninety days after its enactment.

By Mr. JORDAN of North Carolina:

S. 3068. A bill to amend the provisions of the Agricultural Adjustment Act of 1938, as amended, relating to the lease of tobacco acreage allotments and marketing quotas. Referred to the Committee on Agriculture and Forestry.

Mr. JORDAN of North Carolina. Mr. President, I offer for appropriate consideration a further amendment to the Agricultural Adjustment Act of 1938 which would permit the sale of Flue-cured tobacco poundage during a marketing year.

The proposal would permit a grower who had produced excess poundage in any given year to market it under rights purchased from another farmer whose poundage was less than his allotted quota for the same year.

The transfer of marketing rights would apply only to the year in which the agreement was made and would not affect the poundage allotment of either the buyer or the seller of the rights for any ensuing crop year.

Its purpose would be to enable a producer to take full advantage of a favorable crop while at the same time affording an opportunity for additional income for the grower whose production, for reasons of adverse weather or other circumstances, was not up to normal expectations.

The amendment would also have the effect of reducing overall costs of tobacco production as is so necessary if we are going to continue to grow the world's best tobacco and compete on an equal basis for the overseas leaf market.

It is my intention to hold hearings by the Agricultural Production, Marketing and Price Stabilization Subcommittee of which I am chairman as soon as possible in the hope of getting action on this legislation in time to have it apply to this marketing year.

By Mr. THURMOND (for himself and Mr. HARTKE):

S. 3070. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes. Referred to the Committee on Veterans' Affairs.

Mr. THURMOND. Mr. President, the purpose of this bill is to provide a more equitable pension program for the Veterans of America's wars. Our present veteran benefit laws are, with one exception, the best that have been devised by any nation. The exception is concerning the Veterans of the War of 1917–18, commonly referred to as World War I.

It was during this war that our expansion as a world power really began. Our industry expanded until we changed from an importer to an exporter, from a borrower of finances to a lender, from a nation of isolation to a nation whose interests were worldwide.

From the birth of this Republic, the United States of America held the conception that our Nation owed its existence to those who fought. Some gave their lives to bring this Nation into being, and our country gave them special recognition in the form of tangible benefits.

Mr. President, beginning with the Revolutionary War and continuing through the Civil War, benefits were awarded to the men who fought to preserve this Nation. These benefits recognized these men for special consideration.

At the close of World War I, our Nation expanded so rapidly within and without, that the recognition accorded the veterans of previous wars was lost in the growth from a nation of isolation to a world power. Soon after the parades for the heroes of the battles of Chateau-Thierry and Verdun were over, these valiant men were forgotten.

As a benevolent nation we began to help our allies in World War I. Instead of the prevailing spirit of previous wars, which would have rewarded the veterans of World War I, we began to feed and clothe the nations of the world. We forgot the veterans whose service won the war.

It took another world conflict to arouse the conscience of our Nation. At the close of World War II an awakened people realized that without those who made their contribution on the battlefield, we would have no Nation. Laws were then passed providing benefits superior to any of previous wars.

Mr. President, the returning troops were provided unemployment compensation of $20 per week for 52 weeks, and educational opportunities were made available to all who chose to use the privilege. After rehabilitation and hospitalization, other benefits including compensation and pension were provided. Thus, the most adequate veterans benefits program of any nation was created. However, there was still one exception, that of the veterans of World War I.

It is this gap in an otherwise outstanding veterans benefits program this bill attempts to correct. Some special consideration for the veterans of World War I is certainly needed.

At the close of World War I there were more than 4,700,000 veterans. Today, there are less than 1,400,000 World War I veterans.

At a time in their lives when expenses are heavier than ever before, these aged veterans find themselves living in a poverty classification and deserve special consideration. This is the inequity this bill attempts to correct.

Mr. President, I request that this bill be appropriately referred and ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3070

A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "World War I Pension Act of 1972".

SEC. 2. (a) Subchapter II of chapter 15 of title 38, United States Code, is amended by adding the following new sections immediately after section 512:

"§ 513. Veterans of World War I

"(a) The Administrator shall pay to each veteran of World War I who meets the service requirements of section 521 of this title a pension at the following monthly rate:

"(1) If a veteran is unmarried (or married but not living with and reasonably contributing to the support of his spouse) and has no child, pension shall be paid at the rate of $135 per month.

"(2) If a veteran is married and living with or reasonably contributing to the support of his spouse, or has a child or children, pension shall be paid at the rate of $150 per month.

"(b) Where a veteran entitled to a pension under this section is in need of regular aid and attendance, the pension payable to him under subsection (a) shall be increased by $125 monthly, or $50 monthly if permanently housebound.

"(c) No pension shall be paid under this section to any unmarried veteran (or married but not living with and reasonably contributing to the support of his spouse) and who has no child, if his total income exceeds $3,000 or to any married veteran, or any veteran with children, if his total annual income exceeds $4,200.

"(d) Where any person is entitled to pension under this section or section 514 or 515 of this title and is also entitled to pension under another section of this chapter, he shall receive whichever amount is the greater.

"§ 514. Widows of veterans of World War I

"(a) The Administrator shall pay to the widow of each veteran of World War I who meets the service requirements of section 521 of this title pension at the following monthly rate:

"(1) If there is no child, pension shall be paid at the rate of $100 per month.

"(2) If there is a widow and one child, pension shall be paid at the rate of $125 per month.

"(3) If there is a widow and more than one child, the monthly rate payable under paragraph (2) of this subsection shall be increased by $20 for each additional child.

"(b) No pension shall be paid to a widow under this section unless she meets the requirements of section 541(e) of this title.

"(c) No pension shall be paid under this section to any widow without a child if her total annual income exceeds $3,000, or to any widow with one or more children if her total annual income exceeds $4,200.

"§ 515. Children of veterans of World War I

"(a) Whenever there is no widow entitled to pension under section 514 of this title, the Administrator shall pay to the child or children of each veteran of World War I who met the service requirements of section 521 of this title, or who at the time of his death was receiving (or entitled to receive) compensation or retirement pay for a service-connected disability, pension at the monthly rate of $45 for one child, and $18 for each additional child.

"(b) Pension prescribed by this section shall be paid to eligible children in equal shares.

"(c) No pension shall be paid under this section to a child whose annual income, excluding earned income, exceeds $2,000."

(b) The analysis of such subchapter II is amended by adding immediately after

"512. Spanish-American War veterans."

the following:

"513. Veterans of World War I.

"514. Widows of veterans of World War I.

"515. Children of veterans of World War I."

SEC. 3. Section 503 of title 38, United States Code, is amended by striking out "In" at the beginning of such section and inserting in lieu thereof "(a) In"; and by adding at the end thereof a new subsection as follows:

"(b) Notwithstanding the provisions of subsection (a) of this section, in determining the annual income of any person for any year for purposes of sections 513, 514, or 515 of this title, there shall not be included in such income the amount of any increase in monthly insurance benefits payable to such person during such year under section 202 or 223 of the Social Security Act, the amount of any increase in the monthly annuity or pension payable to such person during such year under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937, or the amount of any cost-of-living adjustment of an annuity under section 8340 of title 5."

SEC. 4. Section 610(a)(1)(B) of title 38, United States Code, is amended by changing the semicolon to a comma, and adding the following "except that in this category priority in admission shall be extended to any veteran in receipt of pension under section 513 of this title;".

SEC. 5. This Act shall take effect on the first day of the second calendar month following the date of its enactment.

ADDITIONAL COSPONSORS OF A BILL

S. 2890

At the request of Mr. Moss, the Senator from Minnesota (Mr. MONDALE) and the Senator from Alaska (Mr. GRAVEL) were added as cosponsors of S. 2890, a bill to authorize the Civil Service Commission to furnish assistance to provide for the emergency transitional employment by State or local governments of Federal employees who lose their positions as the result of reductions in force in areas of high unemployment.

SENATE RESOLUTION 232—SUBMISSION OF A RESOLUTION RELATING TO APPROPRIATIONS FOR RURAL ELECTRIFICATION PROGRAM FOR 1972

(Referred to the Committee on Agriculture and Forestry.)

Mr. CHILES. Mr. President, the Constitution says that the appropriations power is the exclusive prerogative of Congress. But the history of the Office of the Executive seems to have been a history of the amassing of Executive spending prerogatives of its own. I believe it is clear that the framers of our Constitution never intended to allow the President an item veto. But the effect of impounding of funds can easily be interpreted as a kind of item veto. It seems it is only by accident that a Member of Congress learns that money has been withheld after a program has been authorized, money been appropriated and the bill signed into public law by the President. But, on occasion the Congress, engaged in oversight activity, does find a legislative program canceled, abbreviated, or held back by the Office of Management and Budget, the arm of the President. And in these cases the President seems to be matching his will against the will of the Congress.

I hope that in the case of the rural electrification program the Executive will find that the Congress is unwilling to bend its will. The Congress, I believe, ought to maintain our tradition of separation of powers and the system of checks and balances by seeing to it that the laws are "faithfully executed" by the Chief Executive. The dangerous trend of impounding could become a practice leading eventually to the destruction of public reliance on the Congress.

If rural America is to be a viable party of a dynamic nation, it must have dependable, low-cost electricity. If we truly carry out concern with the quality of life in America to the farm we soon realize that the demand for electricity in rural America is so great that rural electrification programs must be kept moving forward. The systems will need to borrow close to $900 million during the present fiscal year to build new generating plants, transmission and distribution lines. Rural electric cooperatives sponsor and promote, and in some cases actually build houses, schools, parks, pools, factories, and hospitals in rural America.

One specific example of the practice of freezing funds prompted me to introduce a resolution last October expressing the sense of the Senate concerning the availability of appropriated funds for the food stamp program. Today, I raise the same objective regarding the REA. The President withholds expenditure of funds so long as the political system permits him to do so—until Congress discovers the withholding and makes it known that it will insist on "execution of the law." The decisive appeal is not to legal principles, however, but to constituencies, agency support and, most importantly, the watchful eye of the Congress.

I am today introducing a bill which would express the sense of the Senate that the full amount appropriated for the rural electrification program for fiscal 1972 should be made available by the administration to carry out that program. Congress appropriated a total of $545 million for the REA program for fiscal 1972 and the Office of Management and Budget has released $438 million of that appropriation, leaving $107 million unavailable for use in the program. In the State of Florida, as well as elsewhere in the Nation, the demand for rural electricity is such as to require utilization of at the very least the full amount appropriated. The electric energy supplied through the program is absolutely essential to the continued development of rural areas.

Because the making of general policy in the United States constitutionally, traditionally, and politically belongs to the Congress, this resolution would be a step toward reestablishing that goal. It would be a positive expression that our system does not and will not allow the Chief Executive to obstruct constitutional intent or to subvert our system of a balanced government.

I ask unanimous consent that a copy of this resolution be printed at this point in my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 232

Whereas Congress appropriated a total of $545 million for the rural electrification program for fiscal 1972; and

Whereas the Office of Management and Budget has released $438 million of that appropriation, leaving $107 million unavailable for use in the program; and

Whereas the demand for rural electric loans is such as to require utilization of the full amount appropriated; and

Whereas electric energy is essential to the continued development of rural areas: Now, therefore be it

Resolved, That it is the sense of the Senate that the remainder of the amount appropriated be immediately released by the Office of Management and Budget

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 209

At the request of Mr. CHILES, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of Senate Resolution 209, relating to the plight of Jews in the Soviet Union.

SENATE CONCURRENT RESOLUTION 55—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE RECOGNITION OF BANGLADESH

(Referred to the Committee on Foreign Relations.)

Mr. HOLLINGS. Mr. President, on behalf of the Senator from Ohio (Mr. SAXBE) and myself, I submit a sense-of-the-Congress concurrent resolution calling upon the President to recognize Bangladesh as an independent country and to accord it full diplomatic recognition. It is right that we do so. And it is realistic that we do so.

Over a year ago, in a free election, the people of East Pakistan voted overwhelmingly against the Government of West Pakistan. The Awami League, campaigning on a platform of provincial autonomy won 167 of the 169 East Pakistani seats in the National Assembly. The reaction of President Yahya Khan's government was to cancel the meeting of the Assembly and to suppress with violence and brutality the expressed wishes of the East Pakistani people. For months the world watched in horror as rape, pillage, and murder swept over the territory of East Pakistan. Nine million refugees sought survival in India, but hundreds of thousands of others were denied even that—they were the victims of genocide.

One would have hoped that the United States—the land of the free and the home of the brave—would have taken a resolute stance against the barbarism and would have supported the results of a free election. After all, is a free election not what we have been fighting for all these years in South Vietnam? Our policy was instead to ally ourselves with the sick regime of President Yahya and to underwrite with American arms the committing of genocide.

In the process we lost the faith of the Indian people. We lost the faith of the East Pakistanis. And we lost the faith of freedom-loving peoples everywhere.

Now—although the wrongs of the past year cannot be righted—we have the chance to look anew at the situation and to formulate a policy in keeping with the events of these long months.

The people of Bangladesh have made good their claim to freedom. Now they are struggling with the harsh tasks of reconstruction—of rebuilding their ravaged lands. They have their own government, whereas the government we supported has been swept from power and its leader is under house arrest. The future of Bangladesh is far from assured. That future will be stormy—the road will be filled with many pitfalls. But the people of that country have earned the right to try, and they have earned the right to at least be recognized by the other nations of the world.

Mr. Nixon has told us that in South Vietnam he is prepared to accept the results of a free election no matter what the outcome—even if such an election installs the Communists in power. Mr. President, Bangladesh has had its election. It has a government obviously enjoying the strong support of the people. The United States, which prides itself as the world's leading democracy, should welcome the world's newest democracy.

In that spirit, Mr. President, I recommend that the Congress give urgent attention to the passage of the following concurrent resolution:

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President should immediately recognize Bangladesh as an independent foreign country and recognize the government of that country.

Mr. SAXBE. Mr. President, today the junior Senator from South Carolina (Mr. HOLLINGS) and I have submitted a concurrent resolution to recognize Bangladesh as an independent nation. The United States cannot and should not logically ignore a nation of 75 million people, who, through terrible suffering, have emerged as a member of the world community.

Mr. President, in that connection I would like to call to the attention of my colleagues an article by James A. Michener, entitled "A Lament for Pakistan," which appeared in the New York Times magazine on January 9, 1972, during our recess. In Michener's usual professional manner, he has detailed the history of this chaotic struggle in a way we can all understand. Mr. President, I consistently called attention to the atrocities occurring in what was then called "East Pakistan" on March 25 last year, and at that time began urging suspension of our aid. I talked to both Mrs. Gandhi and President Yayah Khan on the eve of the outbreak of hostilities but, unfortunately, my efforts were insufficient. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A LAMENT FOR PAKISTAN

(By James A. Michener)

Pakistan was the impossible dream that failed. It was a doomed attempt to bind together two totally disparate sections of Asia, separated not only by language, custom, economics, politics and tradition but also by 1,000 miles of alien territory. The only cement it could rely upon was religion. And in less than 25 years religion proved unequal to the task.

It would be hard to find two parts of Asia less suited to be partners in such an effort. West Pakistan is part of the upland of Asia, girt by mountains, marked by vast desert areas, a plains area whose most notable characteristic is the romantic Khyber Pass.

East Pakistan is the flatest nation on earth, where an elevation of 4 feet becomes a hill. It is a mud flat where most residents have never seen a stone or rock. It is formed by two of the world's most magnificent rivers, the Ganges and the Brahmaputra, as they sprawl out at the end of their journey from the Himalayas. For hundreds of thousands of years these mighty streams have been depositing mountain silt in the Bay of Bengal, so that the under-water shelf off East Pakistan is also flat, and only a score of feet below the surface. This explains why tidal waves sometimes sweep in from the bay, inundating the flat-lands and killing hundreds of thousands.

When Maj. James Rennell surveyed the rivers in 1765 he found them in locations much different from the ones they occupy today. In fact, for the last 200 years they have been wandering crazily across the delta and will continue to do so. Rennell stated in his report, "We may safely pronounce that every other part of the country [that is, except some hill areas which would not be included in East Pakistan] has, even in the dry season, some navigable stream within 25 miles at farthest and more commonly within a third part of that distance."

The people of the two areas differ as much as their land. The Punjabi of West Pakistan is a tall, well-proportioned man, light in color and obviously of Aryan extraction. The Bengali of East Pakistan is short, almost skinny, very dark and with a marked proportion of Dravidian blood, inherited from those ancient people who inhabited the land before the Aryans came.

The Punjabi is direct, blunt, outspoken and much given to the wild natural life of the mountainous frontier; he is not fond of books nor philosophical discussion. The Bengali is the Irishman of Asia, a fiery, brilliant orator given to endless disputation. He is intellectually clever and, when provided the opportunity, is quick at learning.

The Punjabi eats meat and wheat, earns his money from cotton, dresses his men in trousers and his women in skirts. The Bengali eats fish and rice, earns his money from jute, dresses his men in dhotis (sarong-like skirts) and his women in trousers.

The two speak radicaly different languages, the Punjabi using a form of Urdu, which is of Persian derivation and is written from right to left in an Arabic script; its books are printed in what we would describe as back-to-front. The Bengali speaks the language known by that name; it is of Sanskrit derivation with some Dravidian remnants, and is written in a unique Bengali script from left to right, with its books being printed front to back like ours. It is easier for either a Punjabi or Bengali to learn English than to learn the other language of his own country. Very few Punjabis learned Bengali; any Bengali who aspired to a job with the Government had to struggle with Punjabi, but he rarely mastered the language.

Power always rested with the west, so that even though the Punjabi was inherently less interested in books than the Bengali, before long it was the Punjabi schools and universities which prospered while the Bengali counterparts languished. What was worse, incessant political agitation in Bengal kept its universities closed, so that a student would be lucky if his classes met as much as 50 days during the year, and the disparity between the two halves increased.

When they joined, West Pakistan had the larger territory (310,403 square miles to 54,501) but much the smaller population (34 million in the west, 49 million in the east). This made East Pakistan one of the most densely populated areas in the world. Today it contains 1,336 people to the square mile. If the United States were as densely populated as East Pakistan, it would contain one and one-half times the total population of the world.

Trying to unite these two wildly different areas was like trying to join a group of free-ranging West Texas ranchers to a group of Boston schoolteachers, with an enemy Arkansas, Tennessee, Virginia, Pennsylvania and New York separating them by a thousand miles. And the only thing the Texans and the Bostonians would have in common was religion. No wonder the dream failed.

When, sometime around the year 1500 B.C., Aryans swept into India and overran the indigenous Dravidians, they established a sound and good society. To keep it that way, they perfected a rigorous caste system which would operate to their advantage and to the disadvantage of people who held menial jobs like sweeping, burying the dead, slaughtering cattle and making shoes. This regimented society flourished till about A.D. 1000, when bands of Moslems from Afghanistan came roaring through the Khyber Pass to ravage the cities of India. Mahmud of Ghazni made 17 such yearly trips until it was said of him, "He kept the cities of India tethered like cows to be milked as he wished." It was now that the famous lullaby was sung by Moslem mothers to their sons, "Beautiful are the women of India, and sleek are its cattle."

In his wake other Moslem adventurers arrived, and from them rose the Mogul Emperors like Akbar (reigned 1556–1605) and Shah Jehan (reigned 1628–58), who built the Taj Mahal for his wife Mumtaz. Always a minority in a vast Hindu population, the Moslems ruled ably during some dynasties, miserably in others. They became a majority of the population only in areas like the Punjab and its neighboring territories in the west, and, for some peculiar reason never fully explained, in Bengal in the east, where the local peasants found in the social freedom of Islam an escape from the repression of the Hindu caste system. If India seems to revel in its present victory it is partly because this is seen as a justified revenge for centuries of Moslem domination.

In the early 18th century came the British, who had to defeat Moslem rulers in order to win India. Naturally the British allied themselves with the Hindus and, when they gained ascendancy, selected Hindus as their managers and clerks. The role of the Moslem declined swiftly from that of alien ruler to that of workman at the lower levels.

At this point the Moslems made a most serious miscalculation. They retired from competition, as if cursing both the Hindu and the Englishman. Consequently, the opportunities which the latter brought to the subcontinent became the exclusive property of the Hindus. Typically, in 1880, after the English had offered high schools, 36,686 Hindus entered but only 363 Moslems; 3,155 Hindus had won advanced degrees but only 57 Moslems.

The English saw in this separation an advantage, and while there is little evidence that they took actual steps to exacerbate the situation, they did profit from it and many thought the way one local commandant did in 1860: "Our endeavor should be to uphold in full force the (for us fortunate) separation which exists between the different religions and races, not to endeavor to amalgamate them. *Divide et impera* should be the principle of Indian government."

By 1920 the two religious groups were so far apart as to be obviously irreconcilable, but there was still the chance that they could exist side by side as separated entities in the free India that was then looming on the horizon. However, at this time two fiery Moslem figures came on the stage, Muhammad Iqbal, a Punjabi poet of real distinction, who preached a united and free Islam, and Muhammad Ali Jinnah, a whip-smart Karachi lawyer who decided rather late in the game that the only future for his people was total separation from India.

The ideas of Iqbal swept the Moslem marketplaces, and Pakistan can be said to be the first nation in the world founded by a poet. Even the name was coined by a philosopher, a young student at Cambridge: P for Punjab, A for the frontier provinces bordering on Afghanistan, K for Kashmir, S for Sind and TAN for Baluchistan. Observe that Bengal did not figure in the name, nor in the initial agitation for the state.

Jinnah proved as adroit and persistent as Nehru and Gandhi in the infighting to win a free India; in addition, his brilliant argumentation and wasplike persistence made both England and India realize that the Moslems intended to have a nation of their own. Decision had to be made during World War II, and by the time Hitler committed suicide it was fairly clear to all that England would soon depart. The big question was: What would follow? Jinnah was determined that his Moslems must have their own free nation.

Lord Mountbatten was dispatched from London with plenary powers to arrange the future; he arrived on March 22, 1947, fully determined to hold free India together as one nation. He announced that the new nation would come into being in June, 1948, only 14 months away. Winston Churchill, then out of power, grumbled that such speed indicated either a shameful flight or a hurried scuttle.

Jinnah quickly demonstrated that Mountbatten's ideal of holding the two parts of India together was futile; division was inevitable. In some pique Mountbatten therefore reached the extraordinary decision that if division was inescapable, let it come right away. On June 3, 1947, the Cabinet in London announced that partition would occur; in India Mountbatten announced that the two new nations would begin separate operation on Aug. 15, 1947, only 72 days away.

The problems of 900 years—dating from the first invasions of Mahmud of Ghazni—were to be settled in 72 days. Never had there been a more precipitate abandonment of power, and since the Hindus were rather well organized and had most of the trained government personnel, they were able to influence decisions constantly in their favor. Jinnah and his less ably trained cadre simply never caught up. Lord Mountbatten is therefore a great hero in India, revered as one of the founders of the new nation; in Pakistan his name is reviled.

He did one clever thing. On the desk of every official appeared a calendar containing 72 leaves. Each morning the official tore off a sheet and saw staring him in the face the fact that he had only 31 or 19 or 11 days left before the two new nations came into existence. Heroic work was done, most of all by Sir Cyril Radcliffe, who drew the actual lines separating the two nations. His committee consisted of two Hindu judges and two Moslem judges, so that every decision of where this village should go or that river be cut was made by him.

Radcliffe did a reasonably good job (with conspicuous errors here and there, such as cutting across rivers in the Punjab and separating Calcutta from its hinterland) and on Aug. 15, as planned, the two great nations came into being; India was the second largest nation on earth, Pakistan the fifth. The dissection of India had been completed.

Immediately a vast interchange of populations began. Some 16 million people were on the move, more than a million of whom were slaughtered. The nations had been baptized in blood.

I think any young man would have reveled in the Pakistan I knew in those beginning years. I went into all corners of the new nation and lived with Pakistanis under all kinds of circumstances. During one extended period I had the privilege of traveling with Sir Mohammed Zafrullah Khan, then Foreign Minister, later President of the General Assembly of the United Nations, still later a distinguished judge on the International Court in The Hague.

Zafrullah was an amazing man, a devout Moslem who could recite the Koran in three languages but also a sophisticated world traveler who knew England, France and the United States better than most residents of those countries. On long trips to places like Peshawar and Quetta he shared with me his dream of a great Moslem state, pointing out that the document which launched Pakistan stated, "The entire universe belongs to God Almighty, and the authority which He had delegated to the State of Pakistan is a sacred trust." I felt that if the new nation could exemplify the ideas of Zafrullah it would be ensured a long life

Later I traveled much of the country with a different kind of guide, Gen. Rothwell Brown, United States Army, son of George Rothwell Brown, the columnist. He was serving with the Pakistan Army and introduced me to units like the cavalry regiment, Probyn's Horse. At mess I asked the officers, "Why do you retain an English title from the last century?" and they replied, "Probyn's Horse has the noblest reputation on the frontier. We'd be silly to surrender it."

General Brown took me on a long expedition into the Kingdom of Swat, a tiny enclave in a majestic valley set amongst the lower Himalayas. There I meet the Wali of Swat, a feudal lord resembling the men who had ruled such areas for the last 2,000 years. Later I went over the mountains into Dir and Chitral, remote principalities that few Pakistanis had seen. Still later I got to Gilgit, immensely high in the Himalyas, where I was astounded to be met by a company of 24 native bagpipers in Scottish kilts. From there I went up the passes to Hunza, where the air is so pure and the food so simple that men and women customarily live into their 90's and many reach 110, with no cavities in their teeth.

I never tired of the mountains and constantly found myself surprised by incredibly beautiful valleys. Once, heading into Skardu, which nestles at the foot of Nanga Parbat, 26,660 feet high and considered by experts to be the perfect mountain, I saw a chain of valleys so exquisite that any one of them surpassed what Hollywood had devised as Shangri-la. I asked their names; in that region they were so ordinary that no one had bothered to name them.

I remember also my first sight of the town that lives in my memory as the most provocative I have ever seen. I had gone through the Khyber Pass partly on foot, partly by truck and partly with a line of camels, and at the western end, where you would think that nothing could have existed, let alone thrived, stood the caravan town of Landi Kotal. How big it was I don't know, but at the center it contained one of the most compelling open squares of Asia. It served, both as a caravanserai, with camels abundant, and as the marketplace, where contraband from remote areas was on sale. Most vivid in my recollection were rugs from Russia and new Singer sewing machine from Chicago.

As I stood entranced by the sight of so many different kinds of people from so many regions, a policeman tugged at my arm and asked, "American" When I nodded he said, "You must stop at the fort which guards the pass." I asked why and he winked, "You'll see something of interest."

So on the way out of Landi Kotal I did go up to the fort which guards the Khyber and saw there an old guest register which had been signed by many military men who had come to study the defenses and who later achieved world fame, among them a young graduate of West Point, who on Feb. 13, 1906, had accompanied his father on a tour of the Khyber and had signed the register "Douglas MacArthur, U.S.A."

The part of the Khyber I liked best, however, was a solitary fort some distance to the north where I spent three days. It was held not by the military but by a fierce family of Zakakhel tribesmen, 30 or 40 related men and women. It contained one narrow, low door through which I had to creep, and no windows except slits cut high in the wall. It had three turrets which were constantly manned by lookouts, and it had withstood recurring stages for the past 300 years.

I never saw any man inside this fort who did not have beside him his long gun. The Zakakheis were a branch of the once-murderous Afridi clan and although they no longer stormed out of the Khyber to lay waste Peshawar as they had done as late as the nineteen-twenties, they continued to be fractious and most difficult to rule. In the time I stayed in the fort I never saw a woman, but often at odd moments I would hear soft giggles behind the door or in back of some tapestry hanging from the wall, and I would know that they were spying.

Obviously, I loved Pakistan in those years. It was like a page from Rudyard Kipling, remote yet vital. I wrote of the new land and reported favorably on its efforts to stay alive. As a consequence, on later trips, I was welcomed in parts of the land that others would not have seen, and wherever I went I liked the people. In fact, I grew suspicious of my enthusiasm until someone at the frontier gave me a copy of the first book written by Winston Churchill, "The Story of the Malakand Field Force." It tells of a punitive expedition into Swat in 1897, which Churchhill accompanied as a brash young man of 23, and in its pages the reader encounters premonitions:

"There are men in the world who derive as stern an exultation from the proximity of disaster and ruin, as others from success, and who are more magnificent in defeat than others in victory. Such spirits are undoubtedly to be found among the Afridis and Pathans."

Later I discovered a similar book by John Masters, "Bugles and a Tiger," and he reports his equal respect for the men of the frontier.

Had it not been for the testimony of these two witnesses I would have been apologetic for my deepening sense of respect for Pakistan, but Churchill and Masters had seen the area as I did: One of the dramatic theaters of the world, girt by majestic mountains and nourished by rivers whose names were sibilant music: Indus, Jhelum, Chenab, Sutlej. I commiserated with the Pakistani corporal who lamented, "Damn Nehru! He even stole our land's name." The Indus River runs through Pakistan, not India, which Punjabis called Bharat. They never used the word India.

But as I lived in this new nation I became aware of three discrepancies that worried me. (1) The Pakistanis talked the noblest ideals . . . really, you would have thought they were building the new Jerusalem. But there was a vast discrepancy between principle and fact. The leaders refused to give the nation a constitution, and it became apparent that Pakistan was not going to be a Moslem showcase but merely a dictatorship of the well-to-do upper classes backed by the military. (2) The individual soldiers I met—the Punjabis, the Pathans, the Baluchis, the Gilgits—seemed tremendous fighters, and I listened when they insisted that one good hill Pakistani was the equal of 10 Indians, but I noticed that they had more rifles than machine guns, more horses than airplanes. And the rifles all seemed to date from the late 19th century. (3) What was most serious, I discovered that whereas the part of Pakistan I knew was the larger and the more dramatic, the really important segment lay a thousand miles away, across India, in the area called East Bengal. It had a much greater population than West Pakistan and earned most of the income. Yet, invariably, when a West Pakistani spoke of his Bengali fellow national, he did so with the deepest scorn. Indeed, a Punjabi rarely spoke of an Indian Hindu with the contempt he reserved for his fellow Bengali Moslem. "Filthy peasants" was a common description. "Impossible black monkeys" I heard once. If the Bengali had tried to better himself by study he was dismissed as a "book-wallah." If by some miracle he landed a job with the government he kas known as an "ink-stained babu" (clerk). It was obvious that if this contempt persisted, union between the two halves was going to be imperiled. Already it had produced one serious disability: Of a hundred government officials I met, more than 90 were from West Pakistan, and later when I reached East Pakistan the disproportion was about the same. "We are eager to promote Bengalis," my West Pakistan friends assured me, "but they're all peasants, and if you find one with education, he's fit only for a babu."

In addition to these specific fears I detected another, vague and lacking proof, yet persistent. Pakistan seemed dogged by bad luck. Jinnah died shortly after his nation was launched. Liaquat Ali Khan, first Prime Minister and perhaps an abler politician even than Jinnah was assassinated in 1951. All attempts at democracy ended in 1958 when the dictatorship took over. And the conciliation we had hoped for between West and East never materialized. Keyes Beech, correspondent for a Chicago newspaper, applied the phrase, "born loser," and we began to wonder

The division of Bengal was a crime against geography. If Asia contained one large area which formed a natural unit, it was Bengal. A state of some 67 million people, its two halves existed in a natural symbiosis, with the west providing manufacturing and business leadership while the east produced jute for the mills and rice for the kitchen. Division had been tried in 1905 but had proved a dismal failure and had been revoked in 1911.

Division was also a crime against culture. West Pakistanis who held their East Bengalis in contempt had some justification, for division had given the east all the farmers, all the peasants, all the dispossessed, whereas in West Bengal an extraordinarily vital culture had flourished for a thousand years. Rabindranath Tagore, who won the Nobel Prize for Literature in 1913, was the typical Bengali intellectual, but there were many like him. The book-wallahs of Bengal were some of the most capable men in India.

Division was a special crime against Calcutta. This once-magnifiicent city, founded only in 1690, flourished as long as it served as the capital of the entire Bengal area, but once the agricultural districts in the east were cut off, Calcutta really had no purpose to serve, and it promptly fell into a horrible desuetude. Today it is a city of seven million without hope; many consider it a preview of hell.

Aaron Levenstein, who spent last summer in Calcutta in a relief operation for Freedom House, has described the city vividly: 18 per cent unemployed, blatant expropriation of property, unprotected tram burnings, 6 to 10 political assassinations each day, murder rampant and unprosecuted, dead bodies lying in the street, and everywhere the Maoist Naxalites preparing for total revolution and eventual takeover. Of this dreadful city Levenstein has said, "I have seen the future and it does not work."

How did such an error come to pass? When the time came in the summer of 1947 for Sir Cyril Radcliffe to draw his pencil line through Bengal he ignored the vital similarities between the western portion and the east and remembered only the religious differences. Bengali Hindus were apt to be mercurial and difficult; Bengali Moslems were known to be fanatical, and clashes between the two had been common—1926, 1930, 1946.

So Radcliffe allowed religion to determine everything and hacked out an enclave in which East Bengal, encapsulated within India behind a frontier 1,300 miles long, was joined to the Punjab, a thousand miles away. If war ever erupted between India and Pakistan, East Bengal would be surrounded and could be supported only by airplanes which would have to fly about 3,000 miles.

Nevertheless, on Aug. 15, 1947, the two halves of Bengal were separated and four million Hindus struggled out of the Moslem areas into India, while one million Moslems went the other way. In the interchange some 800,000 were slaughtered.

I once spent three weeks in a little village north of Calcutta, right on the India-Pakistan line. I lived with a Hindu family, but often crossed over to visit with Moslems and in my wanderings I caught a sense of what Bengal meant. The family was miserably poor: a little rice, now and then a fish, some dal, drinking water from the village pond in which the water buffalo slept and urinated, each member of the family with one cotton garment, a life expectancy of 25 years, women married and child-bearing at 14. Here there was no war between Moslem and Hindu. Each was trying to survive.

What astonished me, though, was the fact that this village was in the jungle, a compact concentration of perhaps 600 people. Yet if I walked through the jungle in any direction, within about three-quarters of a mile I would come to another complete village of 800 people and beyond that other villages of 900 or 1,000, untli I realized that the whole of Bengal, as far as a man could travel, was crowded with innumerable villages, never far apart, never far from the great rivers that criss-crossed the land.

Historically, Bengal has been the home of disaster, for any flood, from either the river or the sea, could inundate it. The slightest stoppage of rain or sun could produce a famine that would devastate an area. In 1943, 1,873,000 people had died when the crops failed. In 1948 the district I was visiting had been ravaged.

Throughout history Bengal had lived a

precarious existence, but so long as it stayed united the two halves could sustain each other. When the Radcliffe Line created an arbitrary separation of the two, natural disasters were compounded. Rarely has a more serious error been committed in the name of religion.

Later I lived for a while in another village in the district known as 24-Parganas, from where I explored the Sundarbans, the amazing congregation of islands and peninsulas which marks the mouths of the rivers. They are like a dream world, densely wooded, swampy, snake-infested segments of land cut by innumerable channels and providing just enough foothold for an adventurous family to construct dikes and make tenuous fields on which to grow rice. One heavy wave and the fields are gone, and sometimes the island, too.

I suppose that life on the Sundarbans must be the most precarious on earth, surpassing even that at Tierra del Fuego or along the edges of the Sahara. Inland, in East Bengal, the land became more stable, but the crowding increased proportionally. And with Calcutta lost, the area was headless. A capital was attempted at Dacca and a pitiful port at Chittagong. Universities were set up, but they had insufficient books and inadequate staffs. Industries were launched, but almost invariably they were owned by rich families from West Pakistan.

Government offices were staffed from the Punjab. A high percentage of the men who ruled East Pakistan could speak only haltingly the language of the people they governed. What galled the Bengalis even more was the fact that the money they earned from jute constituted the major income of all Pakistan, but was spent mostly in benefit of the West.

This was highlighted in a curious and unforeseen manner. In 1968 the military dictator, Gen. Ayub Khan—for Pakistan had failed as an elective democracy—looked back upon his 10 years of power and saw that much had been accomplished. Indeed, enormous strides had been made in education, manufacturing and in improving the standard of living . . . but only in the western half of the nation. Nevertheless, he launched a huge publicity campaign on the theme beloved by leaders: You never had it so good. "Our Decade of Development," he called it.

In Spain at about this time General Franco had plastered every wall in sight with his motto, "He has given you 25 years of peace," and every Spaniard knew this to be true, even though other problems might not have been attended to. But when General Ayub told East Bengal that it had enjoyed a decade of development, the citizens merely had to look at the facts. They realized then that if things had prospered, they had done so only in the west and had been paid for by the Bengalis.

One cynic said, "They were 10 years of darkness, oppression and increasing material poverty—and of intellectual poverty, the result of the rigorous political and cultural censorship imposed by the regime."

Little wonder that in the elections held in December, 1970, the Bengalis voted overwhelmingly against the Government in West Pakistan and elected people pledged to help East Bengal by a margin of 167 to 2. At this point the dictatorship of Gen. Yahya Khan, General Ayub's successor, declared the elections void, arrested the East Bengal leader, Sheik Mujibur Rahman, and dispatched an army of Punjabi soldiers to occupy the region.

The war was not unexpected. I had known for years that some kind of uprising was inevitable but I fell far short of the prescience shown by John W. Bowling, an American diplomat from Oklahoma, stationed in Pakistan. After an extensive tour of East Bengal in 1966 he composed a scenario of things to come and predicted line by line the events of 1970–71: "There will be a war between East and West Pakistan which will make Biafra look like a Sunday school picnic."

I cannot comprehend how the soldiers I knew in the Punjab could have behaved as they did in East Bengal. I cannot explain how a nation which was bound together by religion—and that alone—could have so swiftly degenerated to the point where the average Punjabi not only hated the Bengali but also wanted to kill and mutilate him. And yet I know this happened.

I was in Teheran, the capital of Iran, when the first planeloads of American refugees landed after their evacuation from Dacca. These were American Government employees whose credentials were beyond criticism, people not given to exaggeration. They did not at this time of heightened emotion want to talk to the press but they did agree to meet with me for extended interviews so that their facts could be put on record. Later this material was widely disseminated and formed the basis for the world's knowledge of what happened in East Bengal when the Punjabi and Pathan troops came on the scene.

Mrs. Elinor Terry (her name is fictitious) had taught at the University of Dacca: "When the Punjabi troops arrived with their orders they marched directly to our university, went through the classrooms with lists of names, sought out specific professors and student leaders, and shot them on the spot. We know of 50 professors who were executed in this manner. Maybe 500 to 1,000 students were shot.

"There was one lovely man, Professor Dev, I don't know his first name, but he had taught in one of the American universities near Philadelphia. Head of our philosophy department. They marched this fine man to the door of his classroom and gunned him down."

Mr. Harold Baker (his name is also fictitious): "The soldiers roamed the streets and shot anyone who looked like a student. Two days after the first wave of executions I went over to the university to satisfy myself as to what had happened. At the soccer field near one of the goal posts, a grave had been scooped out by a bulldozer and filled with the bodies of students. I counted 140. Another man made it 143."

Mrs. Terry added: "The most grievous incident occurred at a girls school near the university. When the Punjabis saw girls entering the building they must have assumed it was part of the university. So they opened fire with many guns and killed all the girls. Maybe 20. Maybe as many as 40."

Mr. Baker concluded: "They dashed up to the Faculty Club and destroyed it. Not finding any professors, they killed 12 employes. They started to destroy the British Library but satisfied themselves with shooting eight employes. They leveled the Press Club with grenades. They destroyed the offices of the newspaper Ettefaq and killed everyone who had not fled. At the Rama Race Track about 200 Hindus had set up squatter tents. The Punjabis executed everyone."

The account was continued by others who told of one Punjabi indecency after another, directed always against the leadership class. It was not genocide, as some have called it, but cephalocide, the cutting off of the head, the planned elimination of the intellectual leadership. It was carefully plotted; lists were drawn up; and it was ruthless.

Mrs. Terry explained one point: "On Tuesday night prior to the massacre I was visited by a knowledgeable West Pakistani who had been working in East Pakistan. He warned me, 'If you're smart, you'll fly out of here tomorrow. There's bound to be trouble.' When I asked him why, he said, 'Sheik Mujib has announced six points, and one of them is that East Bengal must be allowed to resume her ancient trade with West Bengal. This is a blow against the integrity of Pakistan. The first step in rupturing our union. Anyone who preaches this must die.

If I had a son and he took even one step that might lead East Pakistan back to India I would applaud as the soldiers shot him. We shall be forced to liquidate everyone in East Bengal who might have such plans. He fled and two nights later the liquidation began. It's likely that in those first hours the intellectual life of East Pakistan was destroyed.

After the universities, the people in the villages were attacked, and girls were raped publicly, and hatreds that will not be erased in this generation were inflamed. What was especially grievous, the Western soldiers appear to have vented their wrath against the Hindu minority that had always lived in East Bengal, and eight million of them began streaming across the border into India, setting an example for two million Moslems to follow. Calcutta, already crowded beyond endurance, had to cope with four times its normal population.

It is a wonder that India refrained so long from moving into East Bengal. When she did, the vaunted soldiers of the west—the Punjabis I had respected so much when I served with them, the wild Baluchis, the fierce Pathans—accomplished little. A friend who knows the Pakistan Army well told me, "Don't be misled. One Punjabi is still worth 10 Indians. But what armament did they have? Old Patton tanks against India's new-style Russian tanks. Some old F–86 Saber Jets against India's new MIG's. No bombers against India's excellent SU–7's from Russia. A few F–104's, a few Mirages and damned few heavy guns. The first Indian air strikes at Karachi destroyed 80 per cent of the nation's oil supplies. It's a wonder the Paks lasted as long as they did."

But when I asked why the Western army had behaved as it had in East Bengal he could offer no explanation. The only tenable one is that when a nation consistently ridicules and denigrates a segment of its citizenry, as Punjabis ridiculed Bengalis over the past 24 years, when crisis comes, massacre has already been accepted as logical behavior.

The war is over and Bangladesh has been launched as a free nation. Should it have been?

The makers of peace had four alternatives, and the fact that one has been temporarily chosen does not mean either that it was the right one or that the choice will not be reversed. Five years from now we may be grasping for one of the other alternatives.

(1) East Bengal could have been restored as part of a divided Pakistan, thus restoring the status quo. (2) Or it could be established as the independent Moslem nation of Bangladesh, with a population of 75 million, the second largest Moslem nation in the world after Indonesia. (3) The two portions of Bengal could have been reunited as an independent nation of 118 million people, with any advantages that may have accrued to alternative two plus a much greater chance of survival. (4) Or East Bengal could be reabsorbed into India, which would reunite the two halves of Bengal and restore the situation that existed for many centuries prior to 1947.

Alternative One. The brutality of West Pakistani troops in East Bengal made the restoration of Pakistan impossible. The gleeful reception East Bengalis accorded Hindu Indian troops testified to the hatred they felt for their Moslem countrymen. The only way in which West Pakistan could today enforce a union with East Bengal would be to occupy it indefinitely, assign several hundred thousand Punjabi and Pathan troops to police the area, and shoot everyone who sympathized with Bengali nationalism. India would never allow such a suppurating sore on her eastern flank.

Nor would the budget of West Pakistan permit it. A constant low-boil revolution would eat up the national budget. China and Russia would become involved. Any such attempt at this time to force East Bengal back into the arms of West Pakistan would be insanity.

Yet there is the possibility that after one or two decades, memories of the evil occupation may have subsided to a point where East Bengal might want to re-enter some kind of partnership with West Pakistan, and if this were accomplished voluntarily it might work. After all, the two halves of the United States were able to reunite after their civil war, and it is possible that the two segments of Ireland will soon coalesce. But such arguments are probably irrelevant because in these examples there was physical contiguity. With Pakistan geography works against union. For the remainder of this century, reunion is dead, although it might be revived as a possibility in the beginning years of the next.

Alternative Two. There was nothing inherently unreasonable in establishing Bangladesh as a new nation. Certainly, 75 million people speaking a common language and adhering mainly to one religion are entitled to govern themselves. But other factors have to be considered. The overcrowding is without parallel and, by the end of the century, the nation will contain 150 million people without a balanced economy. For decades to come Bangladesh can exist only as "an international basket-case." It will have to be supported by international charity. Ravaging floods of the Ganges and Brahmaputra will be endemic. Periodically tidal waves from the Bay of Bengal will engulf the Sundarbans. And whenever the monsoons falter, starvation will ensue.

Politically, it will have to be a client state of India, even though its Moslem leaders might prefer some kind of custodial care from China. I cannot imagine how India, which will encapsulate the new nation, except for a short, almost impassable frontier with Burma, could do otherwise than dominate the nation.

I see nothing wrong with this. I believe the Indian leaders will behave with restraint and avoid obvious intrusion. I doubt that India will either want to assume responsibility for the Bangladesh economy or be capable of doing so, but I can visualize India's acting as an older brother in the field of international relations and possibly in defense as well.

Obviously, Bangladesh patriots will protest, "We shall stand on our own two feet and accept protection from no one," but this is a cry more honored in utterance than in the performance.

Will the new nation prove viable? It starts with certain assets. It has greater unity than Indonesia did when it started. It will have a much better cadre of educated experts than Zaire (then the Belgian Congo) had at its beginning. It will have more officials of the second and third rank trained in government than the black republics had when they gained nationhood. And it has the rudiments of a better army and police force. Opposed to these favorable factors is the grinding poverty, the lack of industry, the appalling overpopulation. I suppose that Bangladesh can make a reasonable start.

I am, however, increasingly of the opinion that the two halves of Bengal must be reunited, and for me this preoccupation takes precedence over everything else. To continue the tragedy of Calcutta another day is indefensible, and the time to make constructive change is now. I therefore conclude that if the world were sensible it would not continue the separation of the two halves of Bengal but take steps to unite them. The next two alternatives explain how this could be accomplished.

Alternative Three. Even to suggest that India voluntarily relinquish West Bengal, allowing it to rejoin the East to form a new nation of 118 million, seems chimerical. The advantages of such a move are obvious. The historic symbiosis of the two halves would be restored, with the East providing potential agricultural riches which would funnel through Calcutta, making that city once more a major port. Industries in West Bengal could produce goods for which there would be customers in the East. Fortified by a common language and cultural heritage, such a new nation could prove viable.

Unfortunately, it is unrealistic to imagine that India would agree to this, for to create a self-governing Bengal would be to awaken irredentist longings in many other parts of India. At best India will have a difficult task to hold her various regions together, for separatist movements positively luxuriate, and there are few large segments of the country without cadres of patriots who want to preserve their language, their culture and their independence. If Indian Bengal were to break away, the stage would be set for a dozen other areas to plead equal justification, all of them as legitimate as Bengal's.

The gravitational pull of even a free East Bengal will be considerable. If West Bengal were allowed to join, the pull might become irresistible. Under ordinary circumstances, therefore, one cannot expect India to cooperate in her own dissolution. Alternative Three is not practical, although India might very soon propose some kind of economic relationship that would save Calcutta. One can also foresee altered circumstances under which India might be eager to dispose of fractious Bengal, and these I shall discuss in a moment.

Alternative Four. Since West Bengal cannot join East Bengal, I believe that the interests of everyone would best be served if Bangladesh did not try to operate as a free nation, but did rejoin India. I know this is a radical suggestion. I know that the Moslems of Dacca fear the hegemony of the Hindus of Calcutta. And I know that in the recent war eight million Hindus fled East Bengal and are afraid to go back. Now seems hardly the time to be advocating Moslem-Hindu amity.

But it is. India, as it already exists, contains a permanent minority of some 50 million Moslems and is thus the third largest Moslem nation on earth. Relationships between the two religious groups have been far from ideal, but they have been bearable. Indeed, if they continue as harmoniously for the next 40 to 50 years the world will be able to congratulate itself on having eliminated one flare point. In spite of the recent religious dislocations that have wracked Bengal, I still believe that some kind of accommodation can be achieved. I therefore see nothing inherently preposterous in accepting East Bengal as a Moslem enclave in India, because India already contains numerous such enclaves.

For the present I suppose this ideal solution is unattainable, because nationalism seems a stronger force than political realism. Shortly before his arrest, Sheik Mujib told an American official, "We remember too well the tyranny exercised over us when Bengal was united and Hindu zamindars held us like serfs. We will never go back to those Bengali Hindus." Bangladesh patriots will insist upon their rights to nationhood, their right to a seat in the United Nations, their right to their own army and airline, and this kind of appeal is irresistible. In Africa I was told by serious experts that the principal deterrent to any rational regrouping of the smaller black republics was the desire of each to have its own seat in the United Nations and an abundance of ambassadorships for distribution among its wealthier citizens. These same factors deter Arab states, from forming a union. The creation of an independent Bangladesh was inevitable, but that does not mean that it was right.

The danger is this. In both West Bengal and East, but for the moment more strongly in the former, violent Maoist revolutionary movements are afoot, the most powerful being the Naxalites operating out of Calcutta. There is bound to be so much agitation in West Bengal that we may well witness a situation in which India becomes eager to divest herself of this incubus, regardless of the fractionating effect upon other regions. And if the revolutionary movement continues in West Bengal, it will surely spread to Bangladesh, where conditions will be worse, for even the income from the jute may vanish; Japanese synthetic fiber now commands the market. Communism plus irredentism will become a terrifying force and China may well be drawn into the area.

The Indian Army gained a spectacular victory in East Bengal, but it was Pyrrhic and warranted no dancing in the streets of Delhi.

What of West Pakistan, that truncated dream of religious Moslem hegemony? On paper it is still a state of 55 million people occupying a land area about the size of Texas and Louisiana (or more than three times the size of Great Britain). It enjoys a viable if not luxurious economy and a powerful sense of destiny. It ought not only survive but prosper, for the loss of East Pakistan will in many respects prove a blessing. Decisions can now be made with only the problems of a unified, cohesive society in mind, and the energies that were wasted in trying to keep the Bengalis conciliated will be more profitably spent on local affairs.[1]

But the sailing is not going to be easy for the Pakistani ship of state. There will be many Hindus in India who, having seen the relative ease of victory in East Bengal, will apply pressure on their leaders to maintain momentum and wrest the Pakistani portions of Kashmir from Moslem rule. Subversive movements in Pakistan Kashmir can be expected, and if they flourish, Indian adventurers will support them, hoping for a duplicate of the East Bengal situation. The world should anticipate continuing trouble in Kashmir.

More important, perhaps, will be the problem of Pakhtoonistan. Not many Americans realize how close to war Afghanistan and Pakistan have often come over the problem of this strangely named border area. (It is spelled in various ways; Pushtunistan is common; Pathanistan is more logical, since this is the Land of the Pathans.) The easiest way to comprehend it is to think of it as the border area north and south of the Khyber Pass, inhabited by wild frontiersmen generally indifferent as to which nation they belong to. Afghanistan claims them as brothers to the Afghan tribes; Pakistan inherited them at the partition of India; they vacillated in announcing their allegiance and a good deal of fancy footwork took place before they finally opted for Pakistan.

I lived for some time in the heartland of Pakhtoonistan and met most of the leaders, gray-bearded, grizzled men who never appeared without long rifles slung across their arms. The Fakir of Ipi was a notorious rebel, wanted by both the Afghan and Pakistan Governments. He evaded search parties by living in caves and hidden valleys which had been so used by fugitives since the days of Alexander the Great. Khan Sahib was a well-educated political leader and a brilliant tactician. His brother, Abdul Ghaffar Khan, was the charismatic leader, a true man of the frontier who had a loyal following of Red Shirts. The redoubts I spoke of earlier as marking the Khyber were filled with men who resisted the creation of Pakistan, preferring a Pakhtoonistan of their own, which would maintain a kind of military sovereignty similar to Nepal's. It would not be a nation in the formal sense of the word, but it would survive.

---

[1] An analysis by West Pakistani scholars in 1968 showed that if the West could divest itself of East Pakistan, the former would be better off in almost every aspect considered except total population, and such divestiture was recommended.

While I was living in Kabul, Afghanistan and Pakistan on several occasions came close to war over the problem of Pakhtoonistan, and I remember the riotous morning when Afghans laid siege to the Pakistan embassy. Concessions were made in time to defuse the bomb and war was avoided. But an ugly situation persisted. An Afghan leader told me, "Did you see how Pakistan was able to strangle us by forbidding her railroads to us? We're land-locked, and if we can't have access to the sea via Pakistan we'll perish. We shall do something about that."

Shortly thereafter overtures were made to Russia, which provided an outlet to the north and thus became Afghanistan's champion. Incidentally, of course, Russia gained what she had wanted for 200 years: Control of the Afghan passes leading into the Indian subcontinent. Thereupon Pakistan threw her lot in with China.

We can expect continued trouble on Pakistan's western border. But next time Russia will aid Afghanistan and India while Red China will support Pakistan. It could have been an appreciation of this delicate balance which inspired the American Government to take its incredible stand against India as the aggressor in East Bengal. President Nixon and Henry Kissinger could have been looking ahead to the next batch of problems involving Russian-Chinese attitudes on Pakhtoonistan. There is also a strong possibility that our Government wanted to avoid irritating China on the eve of the Presidential visit and thus refrained from speaking out against Pakistan, a client of China.

West Pakistan is terribly vulnerable to international pressures, and will probably never be freed from them. The Sikhs of India wait for a chance to grab back those parts of the Punjab they once occupied. Indians of all types are eager to recover western Kashmir. Afghanistan continues to stir up trouble in Pakhtoonistan. And empire-conscious Russia has never relinquished her 18th-century dream of leadership in India. Pakistan would be a good place to start.

There is a strong likelihood that Pakistan will become the Poland of Asia, whittled away by successive "peace treaties" or eliminated altogether by some "settlement" only to be revived at some later time when a revolution of major dimension sweeps the area. She will endeavor with greater or less success to keep alive and will exist now as a feudatory, now as a free nation, but always with radically shifting boundaries. After all, the original boundaries as laid down in 1947 survived less than a quarter of a century, and I would not want to gamble on how long the present ones will last.

As the tantalizing dream of a religious state fades, one must reflect on how inadequate a base for nationhood religion is. The only conceivable justification for having created a bifurcated nation like Pakistan was the Moslem character of its two parts, and if ever religion could have provided a binding cement it was here, because the Islamic faith of the two Pakistans was more profound, I should think, than the Catholicism of either France or Brazil or the Buddhism of Japan. Yet it failed.

It was not strong enough to surmount political differences, or economic, or cultural. Indeed, it did not even suffice to make West Pakistanis treat East Pakistanis with brotherly respect. And it certainly provided no aid to Pakistan in her relations with her neighbors. Moslem Afghanistan got along famously with Hindu India and atheist Russia, but found herself in constant trouble with Moslem Pakistan.

From this experience, and from collateral ones with the Catholic nations of Europe and the Arab states of the Middle East, I conclude that religion is about the poorest base for erecting a nation and the least to be depended upon. Almost any other vital force seems stronger.

If this is true then Northern Ireland should rejoin Ireland proper, because the religious differences between the two parts, terrible though they seem today, are probably less permanent than the political, social and economic similarities which would support unification. Conversely, the Catholics of eastern Canada should think twice before pursuing separation from the Protestans who occupy the rest of the nation. Ultimately Israel and the Arabs will discover that peaceful interaction is more productive than religious war.

It may be, however, that for the rest of this century religious antagonisms will prevent these logical kinds of coalescence. If that is the case, it was proper to keep the two halves of Bengal separated, and there was no alternative to the creation of Bangladesh as an independent Moslem nation. Given the terrible realities of Bengal, I doubt that it will long endure in its present form.

SOCIAL SECURITY AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 823

(Ordered to be printed and referred to the Committee on Finance.)

PROFESSIONAL STANDARDS REVIEW FOR MEDICARE AND MEDICAID

Mr. BENNETT. Mr. President, today I offer an amendment to H.R. 1 authorizing the establishment of Professional Standards Review Organizations throughout the United States.

This amendment is virtually identical with the Professional Standards Review provision supported by the Department of Health, Education, and Welfare, and approved by the Finance Committee and the full Senate as part of H.R. 17550, the "Social Security Amendments of 1970." What few changes I have made in the amendment are essentially of a technical and conforming nature, apart from incorporation into the amendment itself of language and intent expressed in the Finance Committee report on the PSRO provisions. The principal change—section 1159—involves the addition of specific language assuring and safeguarding the right of a patient to appeal an adverse decision of a PSRO.

The Professional Standards Review Organizations would be formed by practicing physicians themselves who would assume responsibility for reviewing the care and services provided under medicare and medicaid, in order to assure that such services are medically necessary and meet proper quality standards. The review activity would be a sophisticated process which would encompass the use of provider, patient, and practitioner profiles, and professionally developed norms as review checkpoints.

The amendment is so structured that practicing physicans rather than Government agencies or insurance company personnel will decide whether care was necessary and of proper quality. At the same time, I have built numerous safeguards into the amendment to assure public accountability and proper and professional monitoring of the review organizations. These safeguards, while realistic and substantial, are designed so as not to hamper effective day-to-day decisionmaking at the local levels.

Mr. President, all of us in this Congress are familiar with the problem of the rapidly rising costs of health care. These rising costs affect all citizens through increased taxes, insurance premiums and medical bills. In addition, rising health care costs fall disproportionately on those who have the greatest need for health services—the chronically ill, the aged, and the poor. Many of us are all too familiar with the fact that increasing health care costs have resulted in a projected deficit totaling at least $242 billion in the medicare program over the next 25 years. It is less well known that the increase in health care costs has also resulted in the aged paying about as much now for medical care per year as they were paying prior to the enactment of medicare.

In addition to the rapidly rising cost of health care, a problem exists with respect to the quality of that care. The Committee on Finance held two extensive series of hearings on health care in 1970. In the spring of 1970, we held oversight hearings on medicare and medicaid and, in the fall, we held hearings on the social security amendments which contained many medicare changes. During the course of those hearings, disturbing testimony was heard bearing on the quality of health care. We heard practicing physicians testify to the effect that in many areas of the country a good deal of unnecessary and avoidable surgery was being performed and excessive and inappropriate health care services provided. We learned of significant variations between sections of the country in the lengths of hospitalization for similiar patients having a given illness.

As these problems of rising costs, unnecessary services and uneven quality became apparent, the most disturbing fact was that in most areas of the country no effective review mechanism exists whereby practicing physicians can in organized and publicly accountable fashion, determine on a comprehensive and ongoing basis if services are medically necessary and if they meet quality standards. This amendment would go a long way toward correcting that intolerable situation.

Mr. President, I ask unanimous consent that the section of the Finance Committee Press Release No. 66, dated September 30, 1970, describing the Professional Standards Review Organization amendment, as approved by the Committee, appear at this point in my remarks.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE AMENDMENT

The professional standards review mechanism would take effect along the following lines:

The Secretary of Health, Education, and Welfare would, after consultation with national and local health professions and agencies, designate appropriate PSRO areas throughout the Nation. This would be done by January 1, 1973. Area may cover an entire State (particularly those with smaller populations) or parts of a State, but generally a minimum of three hundred practicing doctors would be included within one PSRO area. Tentative area designations could be modified if, as the system was placed into practice, changes seemed desirable. The Secretary would also, in consultation with professional and other concerned organizations and interests, develop prototype review plans and would aid in the development of such plans with the view to securing acceptable arrangements for PSRO's in all areas and to gain experience with several patterns.

Organizations representing substantial numbers of physicians in an area, such as medical foundations and medical societies, would be invited and encouraged to submit plans meeting the requirements of the programs. Where the Secretary finds that such organizations are not willing or cannot reasonably be expected to develop capabilities to carry out PSRO functions in an effective, economical and timely manner, he may then enter into PSRO agreements with each other agencies or organizations with professional competence as he finds are willing and capable of carrying out PSRO functions. Formal plans would specify the extent and nature of cooperating arrangements with all agencies necessary to proper administration of the program.

It is expected that an acceptable plan will be one which encompasses in its proposed activities and responsibilities to the greatest extent possible physicians engaged in all types of practices in the PSRO area, i.e. solo, group, hospital and medical school-based practice, etc.

The Secretary would approve those plans which can reasonably be expected to improve and expand the professional review process. The initial approval is to be made on a conditional basis, not to exceed two years, with the review organizations operating concurrently with the present review system. During the transitional period, carriers and intermediaries (in the case of Medicare) are expected to abide by the decision of the PSRO where the PSRO has acted. This reliance will permit a more complete appraisal of the effectiveness of the conditionally-approved PSRO.

In areas where no adequate plan was initially submitted, the Secretary will seek to aid in the improvement and expansion of plans offered and to develop plans through his own efforts, based upon organizations with professional competence such as State or local health agenices or claims paying organizations such as carriers and intermediaries if necessary.

Once an organization is accepted, the Secretary with the assistance of the Statewide organization and the National Advisory Council would monitor the performance of the PSRO plans using statistical and other appropriate means of evaluation. Where performance of an organization was determined unsatisfactory, and his efforts to bring about prompt necessary improvement fail, he could terminate its participation, after appropriate notice and opportunity for administrative hearing by the Secretary, if requested.

Provider, physician and patient profiles and other relevant data would be collected and reviewed on an ongoing basis to the maximum extent feasible to identify persons and institutions that provide services requiring more extensive review. Regional norms of care would be used in the review process as routine checkpoints in determining when excessive services may have been provided. The norms would be used in determining the point at which physician certification of need for continued institutional care would be made and reviewed. The physician, provider and patient profiles and other data would be collected in ways determined by the Secretary to be most efficient. Initial priority in assembling and using data and profiles would be assigned to those areas most productive in pinpointing problems so as to conserve physician time and maximize the productivity of physician review. The PSRO would be permitted to employ the services of qualified personnel, such as registered nurses who could, under the direction and control of physicians, aid in assuring effective and timely review.

Where advance approval by the review organizations for institutional admission is required, such approval would provide the basis for a presumption of medical necessity for purposes of Medicare and Medicaid benefit payments. However, if the review organization finds that ancillary services provided subsequent to its approval are excessive, payment under Medicare and Medicaid would be denied with respect to such excessive services.

Failure of a physician, institution or other health care supplier to seek advance approval where required may be considered cause for disallowance of affected claims.

In addition to acting on its own initiative, the review organization would report on matters referred to it by the Secretary. It would also recommend appropriate action against persons responsible for gross or continued overuse of services, use of services in an unnecesarily costly manner, or for inadequate quality of services; and would act to the extent of its authority or influence to correct improper activities.

The Secretary would be authorized upon recommendation of the PSRO to recover cost of excessive services—up to $5,000—from the practitioner, supplier or institution at fault.

A National Professional Standards Review Council—composed of physicians with a majority selected from nominees of national organizations representing practicing physicians, and in addition physicians recommended by consumers and other health care interests—would be established by the Secretary to review the operations of the local area review organizations, advise the Secretary on their effectiveness and make recommendations for their improvement.

Those persons engaged in review activities would be exempt from liability for actions taken in the proper performance of these duties. In addition, physicians, providers and others involved in the delivery of care would be exemption from liability arising from conformity to the recommendations of such review organizations.

Mr. BENNETT. Mr. President, I would like to again point out that organized medicine has also recognized the need for an effective formal cost and quality review mechanism for health care.

As I stated on July 1, 1970, in my first speech on the Professional Standards Review Organization proposal, I welcomed the opportunity to review the American Medical Association's own peer review proposal. As I considered it, it became clear to me that to be effective, the AMA peer review proposal would have to be substantially strengthened and expanded and public interest safeguards should be added. An appropriate amendment incorporating such necessary changes was developed and introduced by me on August 20, 1970.

Mr. President, I think it would be helpful to briefly review events of the past year or so, in relation to the PSRO amendment. Following introduction of the amendment, the Committee on Finance held public hearings on social security amendments—including the PSRO proposal. During the course of those hearings, constructive suggestions were received from a variety of interested organizations and individuals, including hospital and medical organizations. The amendment was then considered in executive session, by the Finance Committee. The committee modified the amendment so as to include the constructive changes proposed during the hearings. As modified, the committee approved the amendment.

During floor consideration of the social security amendments in the Senate late in 1970, a motion was offered to strike the PSRO provisions. That move was overwhelmingly defeated. As Senators are aware, we were unable to arrange a conference with the House on the social security amendments due to the late date in the congressional session, so that the amendments did not become law.

I have been pleased that, as time has passed, the Professional Review amendment has gained increased support from those who have studied the proposal, including many medical societies and organizations.

Most recently, during initial hearings by the Finance Committee in July 1971 on H.R. 1, Secretary Richardson reiterated his support for the professional standards review approach and requested authority to proceed with formal implementation of these mechanisms.

In addition to gaining official support over the past year or so, the PSRO concept has become a working reality in States such as New Mexico, Colorado, and Georgia.

In New Mexico, for example, the State has turned over complete responsibility for medicaid medical review to an organization established by the physicians of the State. That organization was consciously structured along the lines of the PSRO amendment. It has effectively and equitably moderated medicaid costs which had previously soared out of hand. It has provided assurances that care of proper quality is being provided. As one of their first functions, the New Mexico doctors undertook a complete evaluation of each and every skilled nursing home patient. They determined, among other findings, that some 35 percent of the medicaid population in nursing homes were not in need of institutional care. This, to me, is dramatic evidence of the PSRO potential. Additionally, they are finding and acting to correct cases of under-utilization such as maternity patients who receive no prenatal care. They are also having an impact on the quality of care. For example, they have found instances where major abdominal surgery is performed without any X-rays prior to surgery. They are taking positive action to correct this type of deficiency and similar situation in the future.

In Colorado, the PSRO has reduced medicaid average lengths of hospital stay by more than 1 full day. Admissions to hospitals have been reduced by approximately 10 percent as well.

These are the kinds of results which PSRO can be expected to achieve.

Mr. President, the establishment of Professional Standards Review Organizations throughout the country would mean that each physician, as an integral part of his own professional responsibilities, would formally assume a shared responsibility for reviewing the quality of medical practice in his community.

In closing, I would like to make two points. First, I believe that the PSRO proposal becomes increasingly important in view of current legislative trends in health care. Any expansion of Federal health insurance obviously increases the need for a cost and quality review mechanism. Additionally, any emphasis on the use of Health Maintenance Organizations as a cost control mechanism demands the existence of an effective quality review mechanism capable of monitoring underservicing as well as overutilization of services.

Second, I want to reiterate that my amendment is firmly based on the principle that only physicians are capable of deciding whether a service is medically necessary or meets proper quality standards. Therefore, peer review must mean just that—only physicians should review physicians. As Chairman WILBUR MILLS stated succinctly in a recent speech in Atlanta, Ga., favorably discussing PSRO: "Physicians represent the master key; there are no copies." Public agents and fiscal intermediaries should not second-guess individual determinations made in the course of peer review. Obviously, the public interest must be safeguarded. However, while only peers can review peers if my amendment becomes law, the Government, the public, and the professions can and should audit the review process itself to determine what review activities are occurring. Additionally, we can and should review aggregate statistics from each review organization in order to determine the overall effectiveness of the review process.

Mr. President, I believe that the relationship between the patient, the physician, and the Government is at a crossroads in America today.

The pressures for increased governmental involvement in the day-to-day practice of medicine are increasing continually as we move toward expanded governmental financing of health care. Economics, commonsense, and morality each demand that the Government take an increasingly active role in dealing with the cost and the quality of medical care.

I sincerely believe that the amendment I now send to the desk represents the best and perhaps the last opportunity to fully safeguard the public's concern with respect to the cost and quality of medical care while, at the same time, leaving the actual control of medical practice in the hands of those best qualified—America's physicians.

Mr. President, I ask unanimous consent that a section-by-section analysis and the text of the amendment itself appear at this point in the RECORD.

There being no objection, the analysis and amendment were ordered to be printed in the RECORD, as follows:

The summary, presented by Mr. BENNETT, is as follows:

PROFESSIONAL STANDARDS REVIEW—MEDICARE AND MEDICAID

SECTION-BY-SECTION SUMMARY OF AMENDMENT

Declaration of purpose

Sec. 1151. Purpose of the subtitle is to promote effective, efficient and economical delivery of health services for which payment may be made under the Social Security Act, through application of professional standards review procedures which would assure that such services are of appropriate quality, and are provided only when necessary and then in the most economical fashion consistent with professional recognized health care standards.

Designation of Professional Standards Review Organization (PSRO)

Sec. 1152. The Secretary of Health, Education, and Welfare shall at the earliest practicable date, but prior to January 1, 1973, enter into agreements in each area of the United States with qualified organizations to serve as Professional Standards Review Organizations (PSRO).

In making such agreements, the Secretary would give first priority to local medical organizations which represent a substantial portion of physicians in the area. Where such groups are unable or unwilling to enter into agreements, the Secertary would make such agreements with other private nonprofit, public, or other agency or organization with professional competence.

The agreement shall provide that the designated organization will perform the duties and functions of a PSRO and that the Secretary shall pay for reasonable and necessary expenses. Agreements shall be for periods of 12 months, and may be terminated by the organization upon reasonable notice, or by the Secretary after a formal hearing.

Review pending designation of Professional Standards Review Organizations

Sec. 1153. Pending assumption of responsibility, and demonstration of capacity for improved review efforts by a PSRO, presently authorized review and audit activities shall be continued.

Trial period for Professional Standards Review Organization

Sec. 1154. The Secretary shall, after receipt and approval of a formal plan for progressive assumption of full responsibility, initially designate an organization as a PSRO on a conditional basis. During the trial period (not to exceed 24 months) the Secretary may require the PSRO to perform only such duties and functions as he deems them capable of performing. Assumption of responsibility for duties should proceed in accordance with the approval plan, so that at the end of the trial period, the PSRO is performing all required duties and functions.

An agreement by which an organization is *conditionally* designated as a PSRO may be terminated by either party on 90 days' notice.

Any duties and functions not performed by a PSRO during the trial period shall continue to be performed as presently authorized. The Secretary is authorized to waive any other review requirements where he finds, based on substantial evidence, that the PSRO meets or exceeds those requirements.

Duties and functions of Professional Standards Review Organization

Sec. 1155. It shall be the duty and function of each PSRO to assume responsibility for review of the professional activities of health care practitioners and providers with respect to health care services and items for which payment may be made under the Social Security Act. Such review shall be for the purpose of determining whether the services are necessary to proper health care; meet recognized professional standards of health care; and are provided in the most economical fashion consistent with recognized standards of care.

Each PSRO may also determine, in advance, that elective inpatient admissions or extended, costly out-patient courses of therapy meet the above criteria. Hospital admissions shall be approved for periods certain related to patient age and diagnosis; and recertification by the attending physician shall be necessary for extensions of the period initially approved.

A PSRO is authorized to accept "in-house" hospital review to the extent it meets the requirements and responsibilities of the PSRO.

Each PSRO shall be responsible for the development, maintenance and review of practitioner, patient, and provider service profiles.

Each PSRO is authorized to: utilize specialists as needed in the review process; undertake necessary professional inquiries; and examine pertinent records and sites of care.

Norms of health care services for various illnesses or health conditions

Sec. 1156. Each PSRO shall apply professionally-developed and published norms of care and treatment based upon patterns of practice in the region as principal points of evaluation and review in determining quality and medical necessity of services.

Where actual norms in an area differ significantly from regional norms, the PSRO can, with approval of the National Professional Standards Review Council, apply such norms in its geographic area. The National Review Council shall prepare and distribute to each PSRO appropriate materials concerning the regional and national norms to be utilized as initial checkpoints.

Submission of reports by professional standards review organizations

Sec. 1157. If a PSRO determines that a practitioner or provider has violated any obligation imposed by Sec. 1160, the PSRO shall transmit a report of findings and recommendation to the Secretary through the Statewide Professional Standards Review Council, which shall transmit the report and recommendations along with such comments as the Statewide Council deems appropriate.

Requirement of review approval as condition of payment of claims

Sec. 1158. Where a PSRO has reviewed and disapproved a health care service, and has notified the practitioner and provider and the patient of the disapproval, no Federal funds appropriated under the Social Security Act shall be used for the payment of any claim for the provision of such disapproved services.

The PSRO, upon disapproval of a proposed service, shall promptly notify any claims payment agency concerned of such disapproval.

Sec. 1159. Provides beneficiaries and recipients with right to appeal adverse PSRO decisions to Statewide PSRO Councils and Secretary of H.E.W. where amount involved is $100 or more.

Obligation of Health Care Practitioner and Providers of Health Care Services—Sanctions and Penalties

Sec. 1160. It shall be the obligation of any health care practitioner or provider to assure that the services they provide, for which payment may be made under the Social Security Act, will be provided: only when medically necessary; will meet recognized professional standards of health care; and in the case of in-patient services will be provided in the most economical facility consistent with professionally recognized health care standards.

If after reasonable notice and opportunity for discussion, a PSRO finds that a practitioner or provider has consistently failed to comply or has flagrantly failed to comply with his obligations, the PSRO may then recommend to the Secretary (and he may require that such practitioners or providers pay an amount related to the cost of unnecessary or excessive services not to exceed $5,000 (as a condition of remaining eligible for program payments for his services) or the Secretary may temporarily or permanently exclude such practitioner or provider from the program.

Notice to Practitioner or Provider

Sec. 1161. Whenever a PSRO takes any action which denies approval of a proposed service, or indicates that a practitioner or provider has violated the obligations imposed upon him, the PSRO shall give notice to the practitioner or provider, and provide an appropriate opportunity for discussion and review.

Statewide Professional Standards Review Councils: Advisory groups to such Councils

Sec. 1162. In each State with three or more Professional Standards Review Organizations the Secretary shall appoint a Statewide Professional Standards Review Council consisting of one representative from each PSRO, two physicians designated by the State Medical Society, two physicians nominated by the State Hospital Association and four public members knowledgeable in health care from the State selected by the Secretary as public representatives.

It shall be the function of each council to coordinate the activities of and disseminate data among the various PSROs and promptly to transmit to the Secretary reports and recommendations received from the PSROs and to otherwise assist the Secretary.

The Secretary shall make payments to cover reasonable and necessary expenses.

Each Statewide Council shall be advised and assisted by an Advisory Group consisting of representatives of the various types of health care practitioners (other than physicians) and providers, providing covered health care services in a State which it shall select in accordance with regulations prescribed by the Secretary.

National Professional Standards Review Council

Sec. 1163. There shall be established a National Professional Standards Review Council consisting of eleven physicians appointed by the Secretary for three-year terms. A majority of the members of the Council shall consist of physicians of recognized standing and distinction in the appraisal of medical practice nominated by one or more national organizations representing practicing physicians. The Secretary shall provide such personnel and other assistance as may be necessary for the Council to carry out its functions.

The Council shall advise the Secretary in the administration of this part; distribute among Statewide Councils and PSROs pertinent information and data; review the operation of PSROs with a view to determining their comparative effectiveness and performance; and approve or disapprove requests of PSROs for usage of other than regional norms. The National Council shall, at least annually, submit to the Secretary and the Congress a report on its activities, and comparative data indicating the results of review activities in each State and area.

Application of this amendment to certain State programs receiving Federal financial assistance

Sec. 1164. Provisions of this amendment shall apply to the operation of any State plan approved under the Social Security Act as health care programs.

Correlation of functions between Professional Standards Review Organizations and administrative instrumentalities

Sec. 1165. The Secretary shall by regulation provide for correlation and cooperation between carriers, intermediaries, government agencies and PSROs. Such cooperation shall include usage of existing mechanical and other data gathering capacity where appropriate.

Prohibition against disclosure of information

Sec. 1166. Any information acquired by a PSRO in the discharge of its functions shall be held in confidence, except as may be necessary to carry out the purposes of this part or to assure adequate protection of the rights of patients, practitioners or providers. Disclosures of information other than for such authorized purposes shall be unlawful and shall upon conviction be punishable by a fine of up to $1,000 and imprisonment for up to 6 months.

Limitation on liability for persons providing information and for members and employees of PSROs

Sec. 1167. Persons providing information and members or employees of PSROs shall in general not be liable if such information were genuine, and if any actions taken are not motivated by malice. An action shall be deemed to be motivated by malice if the individual or PSRO has consistently failed impartially to take similar action in similar circumstances involving other persons or providers.

Authorization for use of certain funds to administer the provisions of the part

Sec. 1168. Expenses incurred in the administration of this part shall be payable from the Hospital Insurance Trust Fund, the Supplementary Medical Trust Fund, and funds appropriated for other Titles of the Social Security Act in such proportion as the Secretary deems to be equitable.

Sec. 1169. The Secretary is authorized to provide all necessary technical assistance to appropriate organizations in developing a plan for designation of such organizations as PSRO's.

Authorization of demonstration projects

Sec. 1170. The Secretary is authorized to enter into agreements (ending not later than 1975) with such number of PSROs as are necessary to permit a comparison of results where a PSRO assumes a financial risk for the payment of Medicare claims in contrast to areas where a PSRO does not assume financial risk.

Where a PSRO indicates a willingness and capacity to assume financial responsibility for the review and payment of all claims, reimbursement to such PSROs may be made on a capitation, prepayment, insured or related basis for renewable contract periods not exceeding one year. Such amounts may not exceed per capita beneficiary costs in the area concerned during the preceding 12-month period.

Where such agreements are negotiated provision shall be made for the PSRO to assume a risk by making payments for physicians' services at a rate not in excess of 80% of otherwise allowable amounts for such services.

Any sums remaining at the end of the agreement period shall be divided so that the Government receives 50% of the savings. The Government shall also receive amounts, if any, remaining after the PSROs have received the 20 percent or other risk factor withheld and an incentive payment not in excess of 25% of 100% of the physicians' allowable program charges during the agreement period.

Renewable agreements shall be at the base or initial year rate of payment adjusted for appropriate increases, if any, in the unit costs of covered services during the prior year.

On page 176, after line 14, insert the following:

SEC. 220. (a) The heading to tile XI of the Social Security Act is amended by striking out

"TITLE XI—GENERAL PROVISIONS"

and inserting in lieu thereof

"TITLE XI—GENERAL PROVISIONS AND PROFESSIONAL STANDARDS REVIEW

"PART A—GENERAL PROVISIONS".

(b) Title XI of such Act is further amended by adding the following:

"PART B—PROFESSIONAL STANDARDS REVIEW

"DECLARATION OF PURPOSE

"SEC. 1151. In order to promote the effective, efficient, and economical delivery of health care services for which payment may be made (in whole or in part) under this act and in recognition of the interests of patients and the public in improved health care services, it is the purpose of this part to assure, through the application of suitable procedures of professional standards review, that the services for which payment may be made under the Social Security Act will conform to appropriate professional Standards for the provision of health care and that payment for such services will be made—

"(1) only when, and to the extent, medically necessary, as determined in the exercise of reasonable limits of professional discretion; and

"(2) in the case of services provided by a hospital or other health care facility on an inpatient basis, only when and for such period as such services cannot, consistent with professionally recognized health care standards, effectively be provided on an outpatient basis or more economically in an inpatient health care facility of a different type, as determined in the exercise of reasonable limits of professional discretion.

"DESIGNATION OF PROFESSIONAL STANDARD REVIEW ORGANIZATIONS

"SEC. 1152. (a) The Secretary shall (1) not later than January 1, 1973, establish throughout the United States appropriate areas with respect to which Professional Standards Review Organizations may be designated, and (2) at the earliest practicable date after designation of an area enter into an agreement with a qualified organization whereby such an organization shall be designated as the Professional Standards Review Organization for such area.

"(b) For purposes of subsection (a), the term 'qualified organization' means—

"(1) when used in connection with any area—

"(A) a nonprofit professional association (or a component organization thereof) (i) which is composed of licensed doctors of medicine or osteopathy engaged in the practice of medicine or surgery in such area, (ii) the membership of which includes a substantial proportion of all such physicians in such area, (iii) which has available professional competence to review health care services of the types and kinds with respect to which Professional Standards Review Organizations have review responsibilities under this part, (iv) the membership of which is voluntary and open to all doctors of medicine or osteopathy licensed to engage in the practice of medicine or surgery in such area without requirement of membership in or payment of dues to any organized medical society or association, and (v) which does not restrict the eligibility of any member for service as an officer of the Professional Standards Review Organization or eligibility for and assignment to duties of such Professional Standards Review Organization, or

"(B) such other public, nonprofit private, or other agency or organization, which the Secretary determines, in accordance with criteria prescribed by him in regulations, to be of professional competence and otherwise suitable; and

"(2) which the Secretary, on the basis of his examination and evaluation of a formal plan submitted to him by the association, agency, or organization (as well as on the basis of other relevant data and information), finds to be willing to perform and capable of performing, in an effective and timely manner and at reasonable cost, the duties, functions, and activities of a Professional Standards Review Organization required by or pursuant to this part.

"(c) (1) The Secretary shall not enter into any agreement under this part under which there is designated as the Professional Standards Review Organization for any area any organization other than an organization referred to in subsection (b) (1) (A) unless, in such area, there is no organization referred to in subsection (b) (1) (A) which meets the conditions specified in subsection (b) (2).

"(2) Whenever the Secretary shall have entered into an agreement under this part under which there is designated as the Professional Standards Review Organization for any area any organization other than an organization referred to in subsection (b) (1) (A), he shall not renew such agreement with such organization if he determines that—

"(A) there is in such area an organization referred to in subsection (b) (1) (A) which (i) has not been (nor has its predecessor been) previously designated as a Professional Standards Review Organization, and (ii) is willing to enter into an agreement under this part under which such organization would be designated as the Professional Standards Review Organization for such area;

"(B) such organization meets the conditions specified in subsection (b) (2); and

"(C) the designation of such organization as the Professional Standards Review Organization for such area will result in an improvement in the performance in such area of the duties and functions required of such Organizations under this part.

"(d) (1) An agreement entered into under this part between the Secretary and any organization under which such organization is designated as the Professional Standards Review Organization for any area shall provide that such organization will—

"(A) perform such duties and functions and assume such responsibilities and comply with such other requirements as may be required by this part or under regulations of the Secretary promulgated to carry out the provisions of this part; and

(B) collect such data relevant to its function and such information and keep and maintain such records as the Secretary may require to carry out the purposes of this part and to permit access to and use of any such records as the Secretary may require for such purposes.

"(2) Any such agreement with an organization under this part shall provide that the Secretary make payments to such organization equal to the amount of expenses reasonably and necessarily incurred, as determined by the Secretary, by such organization in carrying out or preparing to carry out the duties and functions required by such agreement.

"(3) Any such agreement under this part with an organization shall be for a term of twelve months; except that, prior to the expiration of such term, such agreement may be terminated—

"(A) by the organization at such time and upon such notice to the Secretary as may be prescribed in regulations (except that notice of more than three months may not be required); or

"(B) by the Secretary at such time and upon such reasonable notice to the organization as may be prescribed in regulations but only after the Secretary has determined (after providing such organization with an opportunity for a formal hearing on the matter) that such organization is not substantially complying with or effectively carrying out the provisions of such agreement.

"(e) No Professional Standards Review Organization shall utilize the services of any individual who is not a duly licensed doctor of medicine or osteopathy to make final determinations with respect to the professional conduct of any other duly licensed doctor of medicine or osteopathy, or any act performed by any duly licensed doctor of medicine or osteopathy in the exercise of his profession.

"REVIEW PENDING DESIGNATION OF PROFESSIONAL STANDARDS REVIEW ORGANIZATION

"SEC. 1153. Pending the assumption by a Professional Standards Review Organization for any area, of full review responsibility, and pending a demonstration of capacity for improved review effort with respect to matters involving the provision of health care services in such area for which payment (in whole or in part) may be made, under this Act any review with respect to such services which has not been designated by the Secretary as the full responsibility of such organization, shall be reviewed in the manner otherwise provided for under law.

"TRIAL PERIOD FOR PROFESSIONAL STANDARDS REVIEW ORGANIZATION

"SEC. 1154. (a) The Secretary shall initially designate an organization as a Professional Standards Review Organization for any area on a conditional basis with a view to determining the capacity of such organization to perform the duties and functions imposed under this part on Professional Standards Review Organizations. Such designation may not be made prior to receipt from such organization and approval by the Secretary of a formal plan for the orderly assumption and implementation of the responsibilities of the Professional Standards Review Organization under this part.

"(b) During any such trial period (which may not exceed twenty-four months), the Secretary may require a Professional Standards Review Organization to perform only such of the duties and functions required under this part of Professional Standards Review Organizations as he determines such organization to be capable of performing. The number and type of such duties shall, during the trial period, be progressively increased as the organization becomes capable of added responsibility so that, by the end of such period, such organization shall be considered a qualified organization only if the Secretary finds that it is substantially carrying out the activities and functions required of Professional Standards Review Organizations under this part with respect to the review of health care services provided or ordered by physicians and other practitioners and institutional and other health care facilities, agencies, and organizations. Any of such duties and functions not performed by such organization during such period shall be performed in the manner and to the extent otherwise provided for under law.

"(c) Any agreement under which any organization is conditionally designated as the Professional Standards Review Organization for any area may be terminated by such organization upon ninety days notice to the Secretary or by the Secretary upon ninety days notice to such organization.

"(d) In order to avoid duplication of functions and unnecessary review and control activities, the Secretary is authorized by waive any or all of the review or similar activities otherwise required under or pursuant to any provision of this Act (other than this part) where he finds, on the basis of substantial evidence of the effective performance of review and control activities by Professional Standards Review Organizations, that the review and similar activities otherwise so required, are not needed for the provision of adequate review and control.

"DUTIES AND FUNCTIONS OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

"SEC. 1155. (a) (1) It shall be the duty and function of each Professional Standards Review Organization for any area to assume, at the earliest date practicable, responsibility for the review of the professional activities in such area of physicians and other health care practitioners and institutional and noninstitutional providers of health care services in the provision of health care services and items for which payment may be made (in whole or in part) under this Act for the purpose of determining whether—

"(A) such services and items are or were medically necessary;

"(B) the quality of such services meets professionally recognized standards of health care; and

"(C) in case such services and items are proposed to be provided in a hospital or other health care facility on an inpatient basis, such services and items could, consistent with the provision of appropriate medical care, be effectively provided on an out-patient basis or more economically in an in-patient health care facility of a different type.

"(2) Each Professional Standards Review Organization shall have the authority to determine, in advance, in the case of—

"(A) any elective admission to a hospital, or other health care facility, or

"(B) any other health care service which will consist of extended or costly courses of treatment

whether such services, if provided or if provided by a particular health care practitioner or by a particular hospital or other health care facility, organization, or agency, would meet the criteria specified in clauses (A) and (C) of paragraph (1).

"(3) Each Professional Standards Review Organization shall, in accordance with regulations of the Secretary, determine and publish, from time to time, the types and kinds of cases (whether by type of health care or diagnosis involved, or whether in terms of other relevant criteria relating to the provision of health care services) with respect to which such Organization will, in order most effectively to carry out the purposes of this part, exercise the authority conferred upon it under paragraph (2).

"(4) Each Professional Standards Review Organization shall be responsible for the regular review of profiles of care and services received and provided with respect to patients, utilizing to the greatest extent practicable in such patient profiles, methods of coding which will provide maximum confidentiality as to patient identity and assure objective evaluation consistent with the purposes of this part. Profiles shall also be regularly reviewed on an ongoing basis with respect to each health care practitioner and provider to determine whether the care and services ordered or rendered are consistent with the criteria specified in clauses (A), (B), and (C) of paragraph (1).

"(5) Physicians assigned responsibility for the review of hospital care may be only those having active hospital staff privileges in at least one of the participating hospitals in the area served by the Professional Standards Review Organization and except as may be otherwise provided under section 1155(d) (1) of this part, such physicians ordinarily should not be assigned to the review of care and services provided in any hospital in which such physicians have active staff privileges.

"(6) No physician shall be permitted to review—

"(A) health care services provided to a patient if he was directly or indirectly involved in providing such services or

"(B) health care services provided in or by an institution, organization, or agency, if he or any member of his family has, directly or indirectly, any financial interest in such institution, organization, or agency. For purposes of this paragraph, a physician's family includes only his spouse (other than a spouse who is legally separated from him under a decree of divorce or separate maintenance), children (including legally adopted children), grandchildren, parents, and grandparents.

"(b) To the extent necessary or appropriate for the proper performance of its duties and functions, the Professional Standards Review Organization serving any area is authorized in accordance with regulations prescribed by the Secretary to—

"(1) make arrangements to utilize the services of persons who are practitioners of or specialists in the various areas of medicine (including dentistry), or other types of health care, which persons shall, to the maximum extent practicable, be individuals engaged in the practice of their profession within the area served by such organization;

"(2) undertake such professional inquiry either before or after, or both before and after, the provision of services with respect to which such organization has a responsibility for review under subsection (a)(1);

"(3) examine the pertinent records of any practitioner or provider of health care services providing services with respect to which such organization has a responsibility for review under subsection (a)(1); and

"(4) inspect the physical facilities in which care is rendered or services provided (which are located in such area) of any practitioner or provider.

"(c) In order to familiarize physicians with the review functions and activities of Professional Standards Review Organizations and to promote acceptance of such functions and activities by physicians, patients, and other persons, each Professional Standards Review Organization, in carrying out its review responsibilities, shall (to the maximum extent consistent with the effective and timely performance of its duties and functions)—

"(1) encourage all physicians practicing their profession in the area served by such Organization to participate as reviewers in the review activities of such Organization;

"(2) provide rotating physician membership of review committees on an extensive and continuing basis;

"(3) assure that membership on review committees have the broadest representation feasible in terms of the various types of practice in which physicians engage in the area served by such organization; and

"(4) utilize, whenever appropriate, medical periodicals and similar publications to publicize the functions and activities of Professional Standards Review Organizations.

"(d)(1) Each Professional Standards Review Organization is authorized to utilize the services of, and accept the findings of, the review committees of a hospital located in the area served by such Organization, but only when and only to the extent and only for such time that such committees in such hospital have demonstrated to the satisfaction of such Organization their capacity effectively and in timely fashion to review activities in such hospital (including the medical necessity of admissions, types and extent of services ordered, and lengths of stay) so as to aid in accomplishing the purposes and responsibilities described in subsection (a)(1).

"(2) Each Professional Standards Review Organization is authorized to utilize the services of medical societies and similar organizatons to assist such Organization in performing one or more of its professional review activities, but only when and only to the extent that such societies or other organizations have demonstrated to the satisfaction of such Organization their capacity effectively and in timely fashion to perform such activities so as to aid in accomplishing the purposes described in subsection (a)(1).

"(3) The Secretary may prescribe regulations to carry out the provisions of this subsection.

"NORMS OF HEALTH CARE SERVICES FOR VARIOUS ILLNESSES OR HEALTH CONDITIONS

"SEC. 1156. (a) Each Professional Standards Review Organization shall apply professionally developed norms of care and treatment based upon typical patterns of practice in their region (including typical lengths-of-stay for institutional care by age and diagnosis) as principal points of evaluation and review. The National Professional Standards Review Council and the Secretary shall provide such technical assistance to the organization as will be helpful in utilizing and applying such norms of care and treatment. Where the actual norms of care and treatment in a Professional Standards Review Organization area are significantly different from professionally developed regional norms of care and treatment approved for comparable conditions, the Professional Standards Review Organization concerned shall be so informed, and in the event that appropriate consultation and discussion indicate reasonable basis for usage of other norms in the area concerned, the Professional Standards Review Organization may apply such norms in such area as are approved by the National Professional Standards Review Council.

"(b) Such norms with respect to treatment for particular illnesses or health conditions shall include (in accordance with regulations of the Secretary)—

"(1) the types and extent of the health care services which, taking into account differing, but acceptable, modes of treatment, are considered within the range of appropriate treatment of such illness or health condition, consistent with professionally recognized and accepted patterns of care;

"(2) the type of health care facility which is considered, consistent with such standards, to be the type in which health care services which are medically appropriate for such illness or condition can most economically be provided.

"(c)(1) The National Professional Standards Review Council shall provide for the preparation and distribution, to each Professional Standards Review Organization and to each other agency or person performing review functions with respect to the provision of health care services under this act, of appropriate materials indicating the regional norms to be utilized pursuant to this part. Such data concerning norms shall be reviewed and revised from time to time. The approval of the National Professional Standards Review Council of norms of care and treatment shall be based on its analysis of appropriate and adequate data.

"(2) Each review organization, agency, or person referred to in paragraph (1) shall utilize the norms developed under this section as a principal point of evaluation and review for determining, with respect to any health care services which have been or are proposed to be provided, whether such care and services are consistent with the criteria specified in section 1155(a)(1).

"(d)(1) Each Professional Standards Review Organization shall—

"(A) in accordance with regulations of the Secretary, specify the appropriate points in time after the admission of a patient for in-patient care in a health care institution, at which the physician attending such patient shall execute a certification stating that further in-patient care in such institution will be medically necessary effectively to meet the health care needs of such patient; and

"(B) require that there be included in any such certification with respect to any patient such information as may be necessary to enable such Organization properly to evaluate the medical necessity of the further institutional health care recommended by the physician executing such certification.

"(2) The points in time at which any such certification will be required (usually, not later than the 50th percentile of lengths-of-stay for patients in similar age groups with similar diagnoses) shall be consistent with and based on professionally developed norms of care and treatment and data developed with respect to length of stay in health care institutions of patients having various illnesses, injuries, or health conditions, and requiring various types of health care services or procedures.

"SUBMISSION OF REPORTS BY PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

"SEC. 1157. If, in discharging its duties and functions under this part, any Professional Standards Review Oragnization determines that any health care practitioner or any hospital, or other health care facility, agency or organization has violated any of the obligations imposed by section 1160, such organization shall report the matter to the Statewide Professional Standards Review Council for the State in which such organization is located together with the recommendations of such Organization as to the action which should be taken with respect to the matter. Any Statewide Professional Standards Review Council receiving any such report and recommendation shall review the same and promptly transmit such report and recommendation to the Secretary together with any additional comments or recommendations thereon as it deems appropriate.

"REQUIREMENT OF REVIEW APPROVAL AS CONDITION OF PAYMENT OF CLAIMS

"SEC. 1158. (a) Except as provided for in section 1159, no Federal funds appropriated under any title of this Act for the provision of health care services or items shall be used (directly or indirectly) for the payment, under such title or any program established pursuant thereto, of any claim for the provision of such services or items if—

"(1) the provision of such services or items are subject to review under this part by any Professional Standards Review Organization, or other agency; and

"(2) such organization or other agency has, in the proper exercise of its duties and functions under or consistent with the purposes of this part, disapproved of the services or items giving rise to such claim, and has notified the practitioner or provider providing such services or items and the individual to receive such services or items of its disapproval of the provision of such services or items.

"(b) Whenever any Professional Standards Review Organization, in the discharge of its duties and functions as specified by or pursuant to this part, disapproves of any health care services or items furnished by any practitioner or provider, such organization shall, after notifying the practitioner, provider, or other organization or agency of its disapproval in accordance with subsection (a), promptly notify the agency or organization having responsibility for acting upon claims for payment for or on account of such services or items.

"HEARINGS AND REVIEW BY SECRETARY

"SEC. 1159. (a) Any beneficiary or recipient who is entitled to benefits under this Act who is dissatisfied with a determination with repect to his claim made by a Professional Standards Review Organization in carrying out its responsibilities for the review of professional activities in accordance with paragraphs (1) and (2) of section 1155(a) shall, after being notified of such determination be entitled to a reconsideration thereof by the Profesional Standards Review Organization and, where the Professional Standards Review Organization reaffirms such determination in a State which has established a Statewide Professional Standards Review Council, and where the matter in controversy is $100 or more, such determination shall be reviewed by professed members of such Council and, if the Council so determined, revised.

"(b) Where the determination of the statewide Profesional Standards Review Council is adverse to the beneficiary or recipient (or, in the absence of such Council in a State (and where the matter in controversy is $100 or more), such beneficiary or recipient shall be entitled to a hearing thereon by the Secretary to the same extent as is provided in section 205 (b), and, where the amount in controversy is $1,000 or more, to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g). The Secretary will render a decision only after appropriate professional consultation on the matter.

"OBLIGATIONS OF HEALTH CARE PRACTITIONERS AND PROVIDERS OF HEALTH CARE SERVICES; SANCTIONS AND PENALTIES; HEARINGS AND REVIEW

"SEC. 1160 (a) (1) It shall be the obligation of any health care practitioner and any other person (including a hospital or other health care facility, organization, or agency) who provides health care services for which payment may be made (in whole or in part) under this act, to assure that services or items ordered or provided by such practitioner or person—

"(A) will be provided only when, and to the extent, medically necessary; and

"(B) will be of a quality which meets professionally recognized standards of health care;

and it shall be the obligation of any health care practitioner, in ordering, authorizing, directing, or arranging for the provision by any other person (including a hospital or other health care facility, organization, or agency) of health care services for any patient of such practitioner, to exercise his professional responsibility with a view to assuring (to the extent of his influence or control over such patient, such person, or the provision of such services) that such services or items will be provided—

"(C) only when, and to the extent, medically necessary; and

"(D) will be of a quality which meets professionally recognized standards of health care.

"(2) Each health care practitioner, and each hospital or other provider of health care services, shall have an obligation, within reasonable limits of professional discretion, not to take any action, in the exercise of his profession (in the case of any health care practitioner), or in the conduct of its business (in the case of any hospital or other such provider), which would authorize any individual to be admitted as an in-patient in or to continue as an in-patient in any hospital or other health care facility unless—

"(A) in-patient care is determined by such practitioner and by such hospital or other provider, consistent with professionally recognized health care standards, to be medically necessary for the proper care of such individual; and

"(B) (i) the in-patient care required by such individual cannot, consistent with such standards, be provided more economically in a health care facility of a different type; or

"(ii) (in the case of a patient who requires care which can, consistent with such standards, be provided more economically in a health care facility of a different type) there is, in the area in which such individual is located, no such facility or no such facility which is available to provide care to such individual at the time when care is needed by him.

"(b) (1) If after reasonable notice and opportunity for discussion with the practitioner or provider concerned, any Professional Standards Review Organization submits a report and recommendation to the Secretary pursuant to section 1157 (which report and recommendation shall be submitted through the Statewide Professional Standards Review Council which shall promptly transmit such report and recommendations together with any additional comments and recommendations thereon as it deems appropriate) and if the Secretary determines that such practitioner or provider, in providing health care services over which such organization has review responsibility and for which payment (in whole or in part) may be made under this act has—

"(A) by failing, in a substantial number of cases, substantially to comply with any obligation imposed on him under subsection (a), or

"(B) by grossly and flagrantly violating any such obligation in one or more instances,

demonstrated an unwillingness or a lack of ability substantially to comply with such obligations, he (in addition to any other sanction provided under law) may exclude (permanently or for such period as the Secretary may prescribe) such practitioner or provider from eligibility to provide such services on a reimbursable basis.

"(2) A determination made by the Secretary under this subsection shall be effective at such time and upon such reasonable notice to the public and to the person furnishing the services involved as may be specified in regulations. Such determination shall be effective with respect to services furnished to an individual on or after the effective date of such determination (except that in the case of institutional health care services such determination shall be effective in the manner provided in title XVIII with respect to terminations of provider agreements), and shall remain in effect until the Secretary finds and gives reasonable notice to the public that the basis for such determination has been removed and that there is reasonable assurance that it will not recur.

"(3) In lieu of the sanction authorized by paragraph (1), the Secretary may require that (as a condition to the continued eligibility of such practitioner or provider to provide such health care services on a reimbursable basis) such practioner or provider pay to the United States, in case such acts or conduct involved the provision by such practitioner or provider of health care services which were medically improper or unnecessary, an amount not in excess of the actual or estimated cost of the medically improper or unnecessary services so provided, or (if less) $5,000. Such amount may be deducted from any sums owing by the United States (or any instrumentality thereof) to the person from whom such amount is claimed.

"(4) Any person furnishing services described in paragraph (1) who is dissatisfied with a determination made by the Secretary under this subsection shall be entitled to reasonable notice and opportunity for a hearing thereon by the Secretary to the same extent as is provided in section 205(b), and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g).

"(c) It shall be the duty of each Professional Standards Review Organization and each Statewide Professional Standards Review Council to use such authority or influence it may possess as a professional organization, and to enlist the support of any other professional or governmental organization having influence or authority over health care practitioners and any other person (including a hospital or other health care facility organization or agency) providing health care services in the area served by such review organization, in assuring that each practitioner or provider (referred to in subsection (a)) providing health care services in such area shall comply with all obligations imposed on him under subsection (a).

"NOTICE TO PRACTITIONER OR PROVIDER

"SEC. 1161. Whenever any Professional Standards Review Organization takes any action or makes any determination—

"(1) which denies any request, by a health care practitioner or other provider of healtn care services, for approval of a health care service or item proposed to be ordered or provided by such practitioner or provider; or

"(2) that any such practitioner or provider has violated any obligation imposed on such practitioner or provider under section 1160; such organization shall, immediately after taking such action or making such determination, give notice to such practitioner or provider of such determination and the basis therefor, and shall provide him with appropriate opportunity for discussion and review of the matter.

"STATEWIDE PROFESSIONAL STANDARDS REVIEW COUNCILS; ADVISORY GROUPS TO SUCH COUNCILS

"SEC. 1162. (a) In any State in which there are located three or more Professional Standards Review Organizations, the Secretary shall establish a Statewide Professional Standards Review Council.

"(b) The membership of any such Council for any State shall be appointed by the Secretary and shall consist of—

"(A) one representative from and designated by each Professional Standards Review Organization in the State;

"(B) four physicians, two of whom may be designated by the State medical society and two of whom may be designated by the State hospital association of such State to serve as members on such Council; and

"(C) four persons knowledgeable in health care from such State whom the Secretary shall have selected as representatives of the public in such State (at least two of whom shall have been recommended for membership on the Council by the Governor of such State).

"(c) It shall be the duty and function of the Statewide Professional Standards Review Council for any State, in accordance with regulations of the Secretary, to coordinate the activities of, and disseminate information and data among, the various Professional Standards Review Organizations within such State, including assisting the Secretary in development of uniform data gathering procedures and operating procedures applicable to the several areas in a State (including, where appropriate, common data processing operations serving several or all areas) to assure efficient operation and objective evaluation of comparative performance of the several areas and, (b) to assist the Secretary in evaluating the performance of each Professional Standards Review Organization, and (c) where the Secretary finds it necessary to replace a PSRO, to assist him in developing and arranging for a qualified replacement Professional Standards Review Organization.

"(d) The Secretary is authorized to enter into an agreement with any such Council under which the Secretary shall make payments to such Council equal to the amount of expenses reasonably and necessarily incurred, as determined by the Secretary, by such Council in carrying out the duties and functions provided in this section.

"(e) (1) The Statewide Professional Standards Review Council for any State shall be advised and assisted in carrying out its functions by an advisory group (of not less than seven nor more than eleven members) which shall be made up of representatives of health care practitioners (other than physicians) and hospitals and other health care facilities which provide within the State health care services for which payment (in whole or in part) may be made under any program established by or pursuant to this Act.

"(2) The Secretary shall by regulations provide the manner in which members of such advisory group shall be selected by the Statewide Professional Standards Review Council.

"(3) The expenses reasonably and necessarily incurred, as determined by the Secretary, by such group in carrying out its duties and functions under this subsection shall be considered to be expenses necessarily incurred by the Statewide Professional Standards Review Council served by such group.

"NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

"SEC. 1163. (a) (1) There shall be established a National Professional Standards Review Council (hereinafter in this section referred to as the 'Council') which shall consist of eleven physicians, not otherwise in the employ of the United States, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

"(2) Members of the Council shall be appointed for a term of three years and shall be eligible for reappointment.

"(3) The Secretary shall from time to time designate one of the members of the Council to serve as Chairman thereof.

"(b) Members of the Council shall consist of physicians of recognized standing and distinction in the appraisal of medical practice. A majority of such members shall be physicians who have been recommended to the Secretary to serve on the Council by national organizations recognized by the Secretary as representing practicing physicians. The membership of the Council shall include physicians who have been recommended for membership on the Council by consumer groups and other health care interests.

"(c) The Council is authorized to utilize, and the Secretary shall make available or arrange for, such technical professional and consultative assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Council such secretarial, clerical, and other assistance and such pertinent data prepared by, for, or otherwise available to, the Department of Health, Education, and Welfare as the Council may require to carry out its functions.

"(d) Members of the Council, while serving on business of the Council, shall be entitled to receive compensation at a rate fixed by the Secretary (but not in excess of the daily rate paid under GS-18 of the General Schedule under section 5332 of title 5, United States Code), including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(e) It shall be the duty of the Council to—

"(1) advise and assist the Secretary in the administration of this part;

"(2) provide for the development and distribution, among Statewide Professional Standards Review Councils and Professional Standards Review Organizations, of information and data which will assist such review councils and organizations in carrying out their duties and functions;

"(3) review the operations of Statewide Professional Standards Review Councils and Professional Standards Review Organizations with a view to determining the effectiveness and comparative performance of such review councils and organizations in carrying out the purposes of this part; and

"(4) make or arrange for the making of studies and investigations with a view to developing and recommending to the Secretary and to the Congress measures designed more effectively to accomplish the purposes and objectives of this part.

"(f) The National Professional Standards Review Council shall from time to time, but not less often than annually, submit to the Secretary and to the Congress a report on its activities and shall include in such report the findings of its studies and investigations together with any recommendations it may have with respect to the more effective accomplishment of the purposes and objectives of this part. Such report shall also contain comparative data indicating the results of review activities, conducted pursuant to this part, in each State and in each of the various areas thereof.

"APPLICATION OF THIS PART TO CERTAIN STATE PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE

"SEC. 1164. (a) In addition to the requirements imposed by law as a condition of approval of a State plan approved under any title of this act under which health care services are paid for in whole or part, with Federal funds, there is hereby imposed the requirement that provisions of this part shall apply to the operation of such plan or program.

"(b) The requirement imposed by subsection (a) with respect to such State plans approved under this act shall apply—

"(1) in the case of any such plan where legislative action by the State legislature is not necessary to meet such requirement, on and after January 1, 1973; and

"(2) in the case of any such plan where legislative action by the State legislature is necessary to meet such requirement, whichever of the following is earlier—

"(A) on and after July 1, 1973, or

"(B) on and after the first day of the calendar month which first commences more than ninety days after the close of the first regular session of the legislature of such State which begins after December 31, 1972.

"CORRELATION OF FUNCTIONS BETWEEN PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS AND ADMINISTRATIVE INSTRUMENTALITIES

"SEC. 1165. The Secretary shall by regulations provide for such correlation of activities, such interchange of data and information, and such other cooperation consistent with economical, efficient, coordinated and comprehensive implementation of this part (including but not limited to usage of existing mechanical and other data-gathering capacity), between—

"(A) (i) agencies and organizations which are parties to agreements entered into pursuant to section 1816, (ii) carriers which are parties to contracts entered into pursuant to section 1842, and (iii) any other public or private agency (other than a Professional Standards Review Organization) having review or control functions, or proved relevant data-gathering procedures and experience, and

"(B) Professional Standards Review Organizations, as may be necessary or appropriate for the effective administration of title XVIII, or State plans approved under this act.

"PROHIBITION AGAINST DISCLOSURE OF INFORMATION

"SEC. 1166. (a) Any data or information acquired by any Professional Standards Review Organization, in the exercise of its duties and functions, shall be held in confidence and shall not be disclosed to any person except (A) to the extent that may be necessary to carry out the purposes of this part or (B) in such cases and under such circumstances as the Secretary shall by regulations provide to assure adequate protection of the rights and interests of patients, health care practitioners, or providers of health care.

"(b) It shall be unlawful for any person to disclose any such information other than for such purposes, and any person violating the provisions of this section shall, upon conviction, be fined not more than $1,000, and imprisoned for not more than six months, or both, together with the costs of prosecution.

"LIMITATION ON LIABILITY FOR PERSONS PROVIDING INFORMATION, AND FOR MEMBERS AND EMPLOYEES OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS, AND FOR HEALTH CARE PRACTITIONERS AND PROVIDERS

"SEC. 1167. (a) Notwithstanding any other provision of law, no person providing information to any Professional Standards Review Organization shall be held, by reason of having provided such information, to have violated any criminal law, or to be civilly liable under any law, of the United States or of any State (or political subdivision thereof) unless—

"(1) such information is unrelated to the performance of the duties and functions of such Organization, or

"(2) such information is false and the person providing such information knew, or had reason to believe, that such information was false.

"(b) (1) No individual who, as a member or employee of any Professional Standards Review Organization or who furnishes professional counsel or services to such organization, shall be held by reason of the performance by him of any duty, function, or activity authorized or required of Professional Standards Review Organizations under this part, to have violated any criminal law, of the United States or of any State (or political subdivision thereof) provided he has exercised due care.

"(2) The provisions of paragraph (1) shall not apply with respect to any action taken by any individual if such individual, in taking such action, was motivated by malice toward any person affected by such action.

"(c) No health care practitioner and no provider of health care services shall be civilly liable to any person under any law, of the United States or of any State (or political subdivision thereof) on account of any action taken by him in compliance with or reliance upon professionally accepted norms of care and treatment applied by a Professional Standards Review Organization (which has been designated in accordance with section 1152(b) (1) (A)) operating in the area where such practitioner or provider took such action but only if—

"(1) he takes such action (in the case of a health care practitioner) in the exercise of his profession as a health care practitioner or (in the case of a provider of health care services) in the exercise of his functions as a provider of health care services and

"(2) he exercised due care in all professional conduct taken or directed by him and reasonably related to, and resulting from, the actions taken in compliance with or reliance upon such professionally accepted norms of care and treatment.

"AUTHORIZATION FOR USE OF CERTAIN FUNDS TO ADMINISTER THE PROVISIONS OF THIS PART

"SEC. 1168. Expenses incurred in the administration of this part shall be payable from—

"(1) funds in the Federal Hospital Insurance Trust Fund;

"(2) funds in the Federal Supplementary Medical Trust Funds; and

"(3) funds appropriated to carry out the health care provisions of the several titles of this Act;

in such amounts from each of the sources of funds (referred to in clauses (1), (2), and (3)) as the Secretary shall deem to be fair and equitable after taking into consideration the costs attributable to the administration of this part with respect to each of such plans and programs.

"TECHNICAL ASSISTANCE TO ORGANIZATIONS DESIRING TO BE DESIGNATED AS PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

"SEC. 1169. The Secretary is authorized to provide all necessary technical and other assistance (including the preparation of prototype plans of organization and operation) to organizations described in section 1152(b) (1) which—

"(1) express a desire to be designated as a Professional Standards Review Organization; and

"(2) the Secretary determines have a potential for meeting the requirements of a Professional Standards Review Organization;

to assist such organizations in developing a proper plan to be submitted to the Secretary and otherwise in preparing to meet the requirements of this part for designation as a Professional Standards Review Organization.

"AUTHORIZATION OF DEMONSTRATION PROJECTS

"SEC. 1170. (a) In order to determine the feasibility and potential economies of methods whereby Professional Standards Review Organizations, in addition to their responsibilities under this part, assume responsibility and risk with respect to the review and payment of claims for health care services, payment for which may be made (in whole or in part) under any program established by or pursuant to this Act, the Secretary is authorized to enter into agreements in periods ending not later than December 31, 1977, with such number of Professional Standards Review Organizations, in the same or in different areas of the Nation, as may be necessary to permit adequate and proper comparison of results, with respect to the review and payment of claims for such services, as between areas in which risk is assumed by Professional Standards Review Organizations and areas in which such risk is not assumed by such organizations. The Secretary shall submit reports to the Congress on the results of such demonstration projects from time to time but not less than annually.

"(b)(1) The Secretary shall undertake such agreements with Professional Standards Review Organizations which indicate willingness and capacity to assume responsibility for review and full payment for all care and services for which beneficiaries or recipients resident in such geographic areas are eligible. Reimbursement to such Professional Standards Review Organizations for such commitments may be on a capitation, prepayment, insured or related basis for renewable contract periods not in excess of one year. Such amounts may not, on an annualized basis for the initial agreement period, exceed per capita beneficiary costs in the geographic area concerned during the 12-month period prior to the effective date of the agreement. For any subsequent periods the base 12-month period per capita beneficiary costs shall also be applicable and adjusted by appropriate factors representing unit cost increases in covered services.

"(2) Where such agreements are negotiated, provision shall be made for assumption of risk by the underwriting Professional Standards Review Organizations through agreement to make contingent payment for physicians' services of not in excess of 80 per centum of the amounts otherwise allowable for such services in the absence of such agreement.

"(3) From any amounts remaining at the end of the agreement period, provision shall be made for equal division of such amounts between the Secretary (and the State in the case of a federally matched program) and the Professional Standards Review Organizations. The amounts actually paid to the Professional Standards Review Organizations from the divided excess may not exceed the 20 per centum of otherwise allowable amounts withheld plus an incentive payment not in excess of 25 per centum of the total amounts allowable and payable for physicians' services during that year. Any remaining amounts of the Professional Standards Review Organizations calculation in excess shall revert to the Secretary or to the State in the case of a federally matched health care program.

"(4) Any deficit shall be assumed by the Secretary or State agency in order to assure beneficiaries and recipients of payment for necessary care. The Professional Standards Review Organizations shall not be entitled to the 20 per centum of the otherwise allowable amounts for physicians' services withheld in such period. In any subsequent year, the Secretary shall recover from any excess amounts remaining such additional amounts as had been paid by him or by a State agency to eliminate deficits in prior periods before calculation of any payments of withheld and incentive amounts to the Professional Standards Review Organizations.

"EXEMPTION OF CHRISTIAN SCIENCE SANATORIUMS

"SEC. 1171. The provisions of this part shall not apply with respect to a Christian Science sanatorium operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts."

AMENDMENTS NOS. 824, 825, AND 826

(Ordered to be printed and referred to the Committee on Finance.)

Mr. RIBICOFF. Mr. President, much of our discussion of H.R. 1 has focused on the need for welfare reform. While this is the most innovative title of the bill and deserves our thoughtful consideration, we often forget that H.R. 1 contains several other important provisions.

Significant changes of great importance to our elderly citizens are made, for example, in our medicare programs. I am therefore introducing today several amendments to the medicare portion of H.R. 1 designed to strengthen this program for the millions of Americans who rely on medicare to insure adequate health care.

First. Extend medicare coverage to the cost of out-of-hospital prescription drugs;

Second. Protect recipients against proposed increases in the deductible amounts they are required to pay;

Third. Eliminate the present requirement for a 3-day hospital stay before home health services are covered;

Fourth. Remove H.R. 1's proposed requirement of a daily hospital copayment of $7.50 by beneficiaries after 30 days of hospitalization;

Fifth. Lower the limit for hearings on disputed claims from $100 to $25;

Sixth. Establish an Office of Inspector General for Health Administration within the Department of Health, Education, and Welfare; and

Seventh. Require public disclosure of data relating to the performance and operation of participants in the medicare and medicaid programs.

These amendments will improve the coverage provided by our present medicare system and, at the same time, help cut down waste in the operation and administration of the program. Further information about each amendment follows.

1. MEDICARE COVERAGE FOR OUT-OF-HOSPITAL, PRESCRIPTION MEDICINES

Millions of medicare patients every year contact illnesses of varying severity that require treatment with prescription drugs. The costs of these medicines often make up a majority of the expenses associated with an illness and can run into hundreds or even thousands of dollars. And yet none of these expenses are presently covered by medicare.

This amendment extends medicare coverage to the cost of out-of-hospital, prescription drugs with a $1 copayment on each prescription by the consumer. This proposal was supported by the 1969 report of the HEW task force on prescription drugs. The need is obvious when you remember that those living on a fixed income—the aged—are least able to pay for high health costs. Their health bills are six times higher than the average nonaged individual.

Under the proposal, qualified pharmacies would enter into agreements to provide a full range of pharmaceutical services for medicare recipients. Patients would be fully relieved from the time and confusion of claims records and filing responsibilities.

To help control costs, this amendment also establishes a committee to formulate a list of drugs, organized in such a way as to assist the prescriber in making sound and rational decisions regarding which drugs to prescribe for his patients. Only listed drugs would be covered by medicare payments. Two officials of the Department of Health, Education, and Welfare and seven individuals of recognized professional standing and distinction in the fields of medicine, pharmacology, and pharmacy would serve as members of the committee. Drugs selected would be those recognized as appropriate and proper for use in treating the myriad of health problems which afflict older people, listed according to their diagnostic, prophylactic, therapeutic, or other uses in modern pharmaceutical therapy.

Reimbursement under the bill would be limited to a maximum allowable cost for each drug listed by the committee. The committee would examine the amount or amounts at which listed drugs, in given strengths, quantities, and dosage forms, are generally available for sale to the ultimate dispensers of such medications. The actual maximum allowable cost to which providers are entitled includes a professional fee designed to cover the costs of the pharmaceutical services rendered in connection with the program.

2. LIMITING PROPOSED INCREASES IN MEDICARE DEDUCTIBLES

As the medicare program has grown to accommodate the health needs of the aged, costs have increased far beyond projected estimates. This is not the fault of the senior citizen. Nonetheless, we are now cutting back on costs by putting the financial burden back on the individual patient—the one least able to bear the burden. My amendment would halt proposed increases in deductibles under medicare.

Under medicare, a beneficiary is presently required to pay the initial $50 of covered expenses during a year plus at least 20 percent of the balance. H.R. 1 would increase that deductible to $60. My proposal would restore the $50 deductible level.

Another rising deductible is that for hospitals. The Social Security Act requires the Secretary of HEW to determine and promulgate between July 1 and October 1 of the inpatient hospital deductible applicable to any spell of illness.

In October of 1971, the Secretary raised the deductible from $60 to $68, an action expected to adversely affect about 4 million people for whom the average stay in a hospital is 12.2 days, and costs about $800. My amendment freezes the inpatient hospital deductible at $60 and freezes the $15 copayment for the 61st through 90th days of hospitalization at the $15 level. The freeze on deductibles and copayments which I am proposing would apply to treatment in an extended care facility as well.

3. ELIMINATION OF 3-DAY HOSPITAL STAY AS A REQUIREMENT FOR MEDICARE COVERAGE FOR HOME HEALTH SERVICES

Under existing law a medicare beneficiary is not entitled to home health services until he has been hospitalized for a minimum of 3 days. Thus, a physician is forced to hospitalize his patient to insure medicare coverage even though the optimum health care services might be provided in the home through a home health agency at a significant savings.

The HEW medicare advisory committee, the Health Insurance Benefits Advisory Committee, has recommended that the hospitalization requirement as an eligibility criterion for home health services be eliminated. My amendment would implement that recommendation.

Our present medicare law requires hospitals and extended care facilities to carry out utilization review activities in the interest of effective use of scarce resources and improvements in levels of care. My proposals would extend this requirement to home health agencies as well.

Home health services also need to be coordinated more effectively. They are now administered through three major organizational components of the Department of Health, Education, and Welfare—the Social Security Administration, the Social and Rehabilitation Service and the Health Services and Mental Health Administration. A home health agency at the local level is frequently confronted with three conflicting sets of ground rules. To improve coordination, an advisory committee on home health services should be appointed to assist the Assistant Secretary for Health and Scientific Affairs in administering home health services provided under medicare, medicaid and the maternal and child health program.

4. ELIMINATION OF PROPOSED NEW HOSPITAL COPAYMENT

This amendment would eliminate H.R. 1's new requirement of a daily hospital copayment of $7.50 by beneficiaries for the 31st through 60th days of hospitalization.

Some argue that medicare encourages prolonged hospitalization that is unnecessary because of the absence of sufficient financial barriers and deterrents. Medicare presently covers 90 days of hospitalization with the beneficiary being responsible for the first $60 of his bill and a copayment of $15 for each day from the 61st through the 90th. Present law also provides each beneficiary with a nonrenewable lifetime reserve of 60 days of inpatient coverage, subject to a $30 daily copayment.

While H.R. 1 adds a daily copayment by beneficiaries of $7.50 from the 31st through 60th days of hospitalization, the number of lifetime reserve days would also be increased from 60 to 120 days. This expanded reserve is a desirable feature. However, the estimated costs of increasing the lifetime reserve would supposedly be offset by the savings incurred from the $7.50 copayment during the 31st to 60th day.

This allegation ignores the facts. From the individual's standpoint, medicare statistics indicate that a miniscule proportion of people would benefit by an increase in the lifetime reserve compared to the numbers who would be hurt by the $7.50 copayment. Over 6 percent of the total number of stays in hospitals under medicare in 1970 involved hospitalization between 31 and 60 days in length. Less than one-third of 1 percent of the stays would have benefited by the newly proposed lifetime reserve period.

In absolute figures there were 4,212,400 medicare days of hospitalization between days 31 and 60 in 1969 compared with only 553,700 lifetime reserve stays. While absolute costs to the Government may be limited by imposing a new copayment and increasing the lifetime reserve, the impact is negative on the patient who is much more likely to be forced to pay the new copayment. My proposal therefore eliminates the new copayment while retaining the liberalized lifetime reserve features of H.R. 1. I ask unanimous consent that the following table be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DISTRIBUTION OF HOSPITAL INPATIENT STAYS COVERED BY MEDICARE—PART A: DURING SEPARATE SPELLS OF ILLNESS

	Year 1970 (incomplete [1])		Year 1969 [1]	
Number of days	Number of stays [2]	Percent of total	Number of stays [2]	Percent of total
1 to 30	3,991	92.0	5,133	91.0
31 to 45	213	4.9	308	5.4
45 to 60	70	1.6	102	1.8
31 to 60	283	6.5	400	7.0
61 to 90	40	.9	57	1.0
91 to 150	12	.3	32	.5
Total	4,326	100.0	5,656	100.0

[1] Updated through Dec. 31, 1970.
[2] In thousands.

Source: Medicare study, Baltimore, June 23, 1971.

5. MEDICARE HEARINGS

Mr. RIBICOFF. Mr. President, section 262 of H.R. 1 would be amended to lower the minimum claim for fair hearings. H.R. 1 would restrict hearings under the supplementary medical insurance program to disagreements involving amounts over $100. The purpose of the provision is clearly to eliminate the expense and inconvenience of such hearings for amounts of money considered too small. Approximately 45 percent of all such hearings to date have concerned amounts under $100.

Clearly it is inconvenient for the insurance company—fiscal intermediaries who hold the hearings—to be bothered by disagreements over small amounts of money. But medicare is a program to help people, not insurance companies. For the aged, many of whom are poor, amounts of $100, $75, $50 and even $25 are significant.

My amendment provides that hearings be held on all claims above $25. Spurious claims can be dismissed quickly just as they are in the courts and minor claims would be eliminated to lower the burden. But meritorious claims should be paid.

6. ESTABLISHMENT OF AN OFFICE OF INSPECTOR GENERAL FOR HEALTH ADMINISTRATION

No independent reviewing mechanism is presently charged with specific responsibility for ongoing and continuing review of medicare and medicaid in terms of their efficiency and effectiveness. Our recent hearings on the operations of these programs documented the need for such review by disclosing inefficiencies, wasteful expenditures, and noncompliance with legal requirements.

While the Comptroller General and the Department of Health, Education, and Welfare's Audit Agency have done some valuable and helpful work in reviewing medicare and medicaid operations, a pronounced need exists for vigorous day-to-day and month-to-month monitoring of these programs, which now cost $15 billion annually.

This amendment would establish an Office of Inspector General for Health Administration within the Department of Health, Education, and Welfare. The Inspector General would be appointed by the President, would report to the Secretary, and would be responsible for reviewing and auditing the social security health programs on a continuing and comprehensive basis to determine their efficiency, economy, and consonance with the law and congressional intent. I introduced this amendment in the last Congress with my former Finance Committee colleague, the Honorable JOHN WILLIAMS of Delaware and it gained the approval then of the full committee.

The Inspector General would be provided with authority sufficient to assure that medicare and medicaid function as Congress intends. The responsibilities and role envisaged for the Inspector General for Health Administration are essentially patterned after the successful approach employed in the Agency for International Development and the investigative and reporting responsibilities with respect to congressional requests required of the U.S. Tariff Commission.

The Inspector General is to report directly to the Secretary of HEW and will be required to maintain continuous observation and review of the programs to determine the extent to which they comply with applicable laws and regulations and to evaluate the extent to which the programs attain their legislative objectives and purposes. The Inspector General is to make recommendations for correction of deficiencies or for improving the organization, plans, procedures, or administration of the health care programs. He is also to provide the congressional Committees on Finance and Ways and Means with any material or information requested.

In carrying out his duties, the Inspector General will have access to all Federal records, reports and information relating to health care programs. He will also have authority to suspend any regulation, practice, or procedure employed in the administration of a program if he determines that the suspension will promote efficiency and economy in the administration of the program, or that the regulation, practice, or procedure involved is contrary to or does not carry out the objectives and purposes of applicable provisions of law. In order to enable him to carry out his duties, the Inspector General could devise uniform reporting standards which would allow him to make adequate comparisons of provider and intermediary performance.

In am convinced that this new office will make a major and badly needed contribution to the efficiency of our massive Federal health programs.

7. PUBLIC DISCLOSURE OF MEDICARE INFORMATION

As the American public and Congress analyze the need for reform in this Nation's health care system, it is imperative that the merits and failings of the present system be fully known. Unfortunately, a confidentiality provision of the Social Security Act, section 1106, has placed an obstacle in the path of obtaining needed information concerning the workings of our medical system. The secrecy requirements, enacted in the late 1930's to prevent unscrupulous politicians and tradesmen from obtaining lists of old-age assistance recipients for the purpose of political propagandizing and high-pressure selling, have in large part outlived their usefulness and their original intent.

Section 1106 forbids disclosure of "any file, record, or other paper or any information" obtained by the Social Security Commissioner except as expressly allowed by him. Today, in conjunction with the so-called Regulation No. 1, this sweeping confidentiality provision has become HEW's equivalent of the Pentagon's "classified for national security" provisions.

Instead of protecting the individual medicare patient or social security recipient from a possible violation of privacy, section 1106 and its regulations have been utilized to deny access to information concerning the performance of fiscal intermediaries—insurance companies—under medicare, hospital surveys, nursing home performance, deficiencies in other types of medical facilities and the administrative relationships between hospitals, physicians and insurers.

Mal Schechter, a recognized expert in the health care field and Washington editor of Hospital Practice magazine, summarized the problem concisely in a September 26, 1971, Washington Post article:

> What Congress intended as a protection of payroll tax beneficiaries has been extended to Medicare's corporate servants.

Mr. Schechter's difficulties in obtaining information about medicare performance and HEW's responses to him are well documented. I ask unanimous consent that they be made a part of the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER** (Mr. CHILES). Without objection, it is so ordered.

(See exhibit 1.)

Mr. **RIBICOFF**. Mr. President, even major participants in the operation of medicare have been denied access to information. Pennsylvania Insurance Commissioner Herbert S. Denenberg recently, complained that the Federal Government is attempting to keep important reports and documents on the operations of medicare secret without any justification whatsoever, and in defiance of the public's need for information. Mr. Denenberg was denied such documents based on what the Bureau of Health Insurance called executive privilege and fear of misinterpretation.

In a letter to Mr. Denenberg, Thomas Tierney, director of the Bureau of Health Insurance, which oversees medicare, stated that certain of the items requested "are considered privileged materials not so much for their content as for the administration's belief that misinterpretations might easily result."

Mr. Denenberg's experience is not unique. The health law project at the University of Pennsylvania, an organization which is constantly studying the operation, effectiveness and impact of medical programs under the Social Security Act and recommending improvements, has been needlessly hampered in its efforts to obtain public information. Time after time the health law project has been denied access to reports, audits and memoranda concerning the effectiveness of medicare and the practices of the Social Security Administration.

Access has been denied to Social Security Manuals which govern many aspects of the operation of medicare by intermediaries with respect to claims of medicare enrollees. One "Freedom of Information" officer in HEW quoted a price of $800 for copying various medicare manuals which should be public information. Information has also been impossible to obtain on doctors' customary charges for private office visits in various localities.

I ask unanimous consent that correspondence between the Health Law project and various Federal officials responsible for medicare and medicaid operations be inserted in the RECORD at the conclusion of my remarks. It will show how broadly the Federal Government has interpreted laws and regulations which were intended solely to protect individual privacy.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 2.)

Mr. **RIBICOFF**. Mr. President, apparently medicare officials think the public should not see the contents of the reports. It seems more likely to me that if the public saw these reports, many of which show substandard performance, they would understand all too well the implications of shoddy performance, substandard medical care, and improper cost arrangements.

The taxpayer spends over $6.3 billion a year for the Federal hospital insurance program yet the facts of its operation and the causes of ever-increasing hospital costs are buried in secrecy. The result has been that some insurance companies continue to participate in medicare despite poor performance records as fiscal agents. Surveys of hospitals which have lost their accreditation go unnoticed. Unsafe nursing homes and other medical facilities with substandard performance records remain in operation free from public scrutiny. And hospital and medical costs go up beyond reason because the public and State officials cannot obtain adequate information on which to base cost and quality controls.

While regulation No. 1 has been amended to require disclosure of institutional payments, sufficient data has not been available to enable Congress and the public to evaluate and compare costs related to patient load, thereby hindering medicare's ability to control costs and provide the pilot data needed in the development of any national health insurance program.

My amendment, a modification of the provision approved last year by the Senate Finance Committee, will replace section 1106 with a single statement limiting confidentiality to taxpayer-beneficiary-patient records. All other information would be made available in easy-to-understand form at every social security office and at every institution participating in Federal health insurance programs.

The provider of services under medicare has for too long been insulated from the cleansing effect of public scrutiny. It is time to protect the patient-beneficiary and find out what needs to be known if medicare and future health insurance programs are to succeed. As Thomas Jefferson once said of the public:

> Give them the facts and they will know what to do.

My amendment will do just that.

EXHIBIT 1

MEDICARE'S SECRET DATA

(By Mal Schechter)

In 1939, the fledgling Social Security System warned Congress of a problem vitiating its objective of humane aid to the poor. Political candidates in some states acquired, legally, the names of Old-Age Assistance recipients and deluged them with campaign propaganda, promises and warnings. Tradesmen also used the lists. A few states actually required publication of the names to deter the poor from seeking relief.

Social Security Board Chairman Arthur Altmeyer asked Congress for authority to require confidentiality of records. Not only to protect assistance recipients but also individuals in the payroll tax program of old age and survivors insurance, Congress agreed.

Section 1106 of the Social Security Act to this day ranks as one of the most sweeping secrecy provisions in any federal program. It forbids disclosing "any file, record, or other paper or any information" obtained by the system or provided for official use, except as the Social Security commissioner expressly allows.

A quarter century after Altmeyer's plea, Medicare began.

There lies the rub. For Section 1106, implemented by Regulation No. 1, covers relationships hardly imagined in 1939.

Medicare deals with hospitals, nursing homes, clinical laboratories, physicians, health departments, and insurance companies. What Congress intended as protection of payroll taxpayers and beneficiaries has been extended to Medicare's corporate servants. The "authority to refuse to disclose"—as Regulation No. 1 puts it—has mushroomed, and this restricts the public's right to know about the quality of care it receives and the quality of Medicare's administration.

Much information on specific facilities is not open to the public, such as reports on Medicare-financed inspections of nursing homes and hospitals. These surveys contain information bearing on patient health and safety which could be important to families trying to place a relative. Or to newsmen, students of health care and public administration, or anyone who wants to know how good or bad a community is served by the health establishment.

But nobody can get these reports from Social Security.

In New York State, on the other hand, information on institutional deficiencies gathered by the state is, by law, public information.

Social Security Commissioner Robert Ball says he realizes that deficiency disclosure could help the public and patients, by he emphasizes "undesirable effects." He insists Medicare doesn't certify a facility endangering the patient's health or safety. Therefore, public disclosure or lesser deficiencies in certified institutions "might create unwarranted concern" or an "adverse public reaction (that) could severely hamper an institution's efforts to maintain patient loads while effectuating needed improvements."

SHORTCOMINGS SHIELDED

That serious deficiencies exist under Medicare is hardly hallucination. Federal auditors repeatedly have found Medicare homes lacking complete fire protection programs, required nursing attention, required physician attention, necessary emergency electrical service, and complete nurses' call systems.

Which ones Don't ask the Social Security Administration.

Medicare certification is hardly an infallible guide to quality. Of some 4,500 medicare nursing homes mentioned in a Senate Finance Committee report, nearly 3,300 had significant deficiencies, some tolerated for years in the category of "substantial compliance" with standards. The public never is told which homes are in "full" and which in "substantial" compliance. The Finance Committee says administrative legerdemain permits disregard of many standards.

The nation has the word not only of auditors but also of President Nixon that something is seriously wrong with federally subsidized care in nursing homes. Much of the President's recently announced effort to tighten up federal supervision of nursing homes appears directed at officially tolerated abuses—perhaps in good measure tolerated behind a screen of nondisclosure.

Although Social Security has some good words for disclosure, it has backed off from an innovative proposal by the Finance Committee. Last year, the committee proposed that Medicare publish information on deficiencies if an institution fails to correct them within 90 days. The proposal is still pending. Social Security has come up with many reservations to the plan without acknowledging the public's right to information. Ball has argued that "widespread and indiscriminate dissemination of information about deficiencies" may have some undesirable effects.

The public's right to know may be forever in conflict with such official paternalism, whether altruistic or self-serving. Often considered one of the better bureaucracies, Social Security has a record on Medicare nondisclosure that goes beyond nursing homes. It was reluctant to name insurance companies that it found to be poor Medicare fiscal agents, including District of Columbia Blue Shield. It declined to disclose results of a Medicare survey of Boston City Hospital after disaccreditation by the Joint Commission on Accreditation of Hospitals; nondisclosure prevented an attempt to compare certification systems. Social Security is silent on revealing the names of Medicare nursing homes that have highly inflammable carpeting. It has stopped a state agency from describing the administrative process that permitted a leading clinical laboratory to be certified for four years without meeting key standards.

Even reimbursement information has been played close to the vest. When first asked for specific payments to hospitals, the agency said nothing doing: Regulation No. 1. Fortunately, Ball relented because "there is not the same validity in withholding information concerning the payment of public funds to institutional providers of Medicare services as there is in the case of information on Social Security payments to individuals."

Ball made the data available and amended Regulation No. 1—but only to disclose institutional payments, not deficiency data. Alas, the hospital payment data turned out to be inadequate for comparing institutions on costs related to patient load. This raised questions about Medicare's capacity to analyze costs and influence development of cost controls amid medical-hospital inflation. A promise that good comparative data would be published regularly remains unkept.

Given specific hospital payment data, the extent to which Medicare financed certain racially discriminating Southern hospitals was assessed by Hospital Practice. The report led to tightening up of a Medicare loophole. There was no difficulty obtaining specific civil rights data from the Office for Civil Rights of the Department of Health, Education, and Welfare; that office said the records were public information.

SOOTHING THE INDUSTRY

The application of Regulation No. 1 to Medicare may be a historical result of the health industry's opposition to enactment of the program—and specially to its chief spokesman, Wilbur Cohen, then HEW under secretary. After enactment, Cohen, prodded by the White House, emphasized consultation and conciliation. Consumer representatives, including organized labor, followed Cohen. Much of the regulatory work was confidential from the very start. In this atmosphere, Regulation No. 1 was handy.

The bureaucrats who moved over from the cash-payments and disability-payments programs had matured at the knee of Regulation No. 1. A history of early Social Security days point to the founding policy of shunning political controversy at almost all costs. This meant a tight lip on information that might stir things up even more for a young social program in the hostile 1930s. The system had to be above reproach and suffer its pains quietly.

These themes may have figured in the application of Regulation No. 1 to Medicare. The commissioner could have excluded the new relationships from nondisclosure. Psychologically, 1966 may have been 1936 all over again in the bureaucracy. Whatever the reason, frankness with the public has not been a Medicare hallmark where controversy portended—neither under the Democrats nor under the Republicans, who, the bureaucrats are aware, have special ties to protect in the health establishment, especially insurance companies.

Some officials argue that it is enough that congressional committees get information. Still, information on deficiencies does little practical good to the man in the street when deposited on the Hill under a "confidential" stamp. Nor, one might argue, should congressional oversight delimit the public's right to information. Medicare records probably are a mine of information for communities on the quality of medical-hospital care. Disclosure might generate healthy corrective pressures in localities.

The dangers of secrecy, some officials argue, are outweighed by the dangers of disclosing undigested technical information. Raw data might do the public little practical good. The proper rejoinder may be that government must provide the context to give data meaning with other sources free to comment on the facts. The HEW Audit Agency has such a pattern so readers can judge for themselves.

THE CHANGES NEEDED

A few steps could give the public access to Medicare information. First, Section 1106 should be replaced by a simple statement limiting confidentiality to taxpayer-beneficiary-patient records. All other information should be subject to the 1967 Freedom of Information law.

This statute assumes that all information in federal hands belongs to the people and is disclosable, with certain exceptions—such as internal policy memoranda, trade secrets and patient records. Unfortunately, the 1967 law exempts any antedating statutory authority for secrecy, such as Section 1106. Also lamentably, the law has been laced with bureaucratic interpretations that have created or widened loopholes.

The information law should be amended to narrow the loopholes, especially to make clear that factual material must be disclosed on request in timely fashion. Where doubt exists about "confidentiality," the matter should be examined by a board including non-bureaucrats. For example, the President might name such a board from newsmen, public representatives and bureaucrats. Among other things, they might have power to release the substance of documents after "sanitizing" to preserve necessary patient-beneficiary confidentiality. The board should work rapidly. Its decisions should be subjected to immediate court review.

Further, in the current debate over national health insurance all proposals should carry an explicit requirement for freedom of information, avoiding secrecy from the start. The debate over forms of health insurance, quality of care, economics and efficiency of services, and governmental-versus-private roles might be better informed today if the people had the facts.

Finally, the Senate Finance provision on releasing deficiency information should be enacted without delay. Anyone seeking to learn about the quality of a facility should be able to look it up at a district Social Security office. The same information on institutions in Medicaid and other government programs should be public, as should results of hospital accreditation inspections which form the basis for joining government programs.

Thomas Jefferson once said, "Give the facts and they will know what to do."

Medicare should do no less.

HOSPITAL PRACTICE,
Washington, D.C., November 23, 1971.

Sen. ABRAHAM RIBICOFF,
Old Senate Office Bldg.,
Washington, D.C.

DEAR SENATOR RIBICOFF: Knowing of your keen interest in matters of the public's right to know the conduct of public business, I take the liberty of forwarding the enclosed file of efforts to obtain access to information in the hands of Medicare officials.

The authority Medicare uses to block access to information gained for a public program is attributed to Section 1106 of the Social Security Act.

It may be of interest to you that the recent nursing-home conference sponsored by Duke University and the American Association of Retired Persons, preliminary to the White House Conference on Aging, approved a resolution calling for the amending of Section 1106 to permit disclosure of information on deficiencies found in institutions participating in Medicare.

If I can be of any assistance to illuminating the problems the press faces because of Section 1106, I would be glad to reply to questions.

Sincerely,

MAL SCHECHTER,

Hospital Practice,
Washington, D.C., October 18, 1971.
Hon. Russell B. Long,
Chairman, Committee on Finance, U.S. Senate, Washington, D.C.

Dear Chairman Long: This is an appeal to you to assure access to the facts under current and proposed government health-care programs.

Our immediate concern is to ask for amendment of the Social Security Act to eliminate the extension of authority to suppress information. We refer to Section 1106, which, as implemented by Regulation No. 1 of the Social Security Administration, blacks out specific information about the providers, suppliers, fiscal agents, and certification agencies in the Medicare program. (For a use of this confidentiality authority, see the attached article.)

We urge that 1106 be replaced or amended so as to provide for swift, complete access of the news media to the facts in current Social Security Act programs involving health services. (We are entirely in accord, however, with the original 1106 objective of guaranteeing confidentiality of individual beneficiary and taxpayer records.)

Our longer-range concern is that an explicit directive assuring the public's right to the facts be made part of any national health insurance legislation. We urge that, in any hearings on national health proposals, your committee consider ascertaining the views of sponsors as to a thoroughgoing freedom-of-information provision and incorporate the responses and committee decisions in the record.

Subscribing to this request, besides the undersigned, are members of the news media listed on an attachment (with titles provided for identification purposes only).

We thank you for your consideration.

Sincerely,

Mal Schechter.

(Attachment/Letter of 18 October 1971)

The following members of the news media associate their names with the enclosed freedom-of-information letter:

Don Kirkman, Scripps-Howard Newspaper Alliance, Washington; President, National Association of Science Writers.

Cathy Cooper, Drug Topics-Drug Trade News, Washington.

Vincent Burke, Los Angeles Times (Washington) reporter.

Craig Palmer, United Press International correspondent, Washington.

Gil Tholen, Associated Press reporter.

Nathaniel Pollster, Managing Editor, Drug Research Reports, Washington.

Richard Bradee, Milwaukee Sentinel, Washington.

Judith Randall, Medical Editor, Washington Star.

[News release from U.S. Department of Health, Education, and Welfare]

Tuesday, December 9, 1969.

HEW Secretary Robert H. Finch today said information on Medicare payments to hospitals, extended care facilities, and home health agencies may now be made public.

The new regulations announced by the Secretary amend the rules on the confidentiality of social security records to permit release of information on payments made to institutional providers of health care services to Medicare beneficiaries.

By tradition, Secretary Finch said, social security records of individuals' earnings and of payments to individual social security beneficiaries have been kept confidential. With the advent of Medicare, the Social Security Administration for the first time in its history began to make payments to various institutions, organizations, and agencies.

There is not the same validity in withholding information concerning the payment of public funds to institutional providers of Medicare services as there is in the case of information on social security payments to individuals, Secretary Finch noted.

The regulations have therefore been amended to permit the disclosure of information on payments to such institutions and agencies and also such information as the number of days' service provided, the number of beneficiaries who were patients, and the interim rates of payment. However, information identifying any particular beneficiaries may not be disclosed.

The Secretary said that the Social Security Administration is planning for regular release of data on payments to institutional providers of services in Department of Health, Education, and Welfare and Social Security Administration publications.

Macalester College,
Saint Paul, Minn., June 2, 1971.
Mr. Mal Schechter,
Washington Editor,
Hospital Practice,
Washington, D.C.

Dear Mr. Schechter: This is in response to your letter of April 5, 1971 concerning disclosure of information on providers of health care by the Social Security Administration.

I have been in touch with Mr. Alvin M. David, Assistant Commissioner for Program Evaluation and Planning, about the matters you raise in your letter. Mr. David sent me the enclosed memorandum, which I hope will be helpful to you.

Very sincerely and cordially yours,
Arthur S. Flemming,
President.

Department of Health,
Education, and Welfare,
May 5, 1971.

To: Mr. Arthur S. Flemming, President, Macalester College, St. Paul, Minn.

From: Alvin M. David, Assistant Commissioner, Office of Program Evaluation and Planning

Subject: Social Security Administration Disclosure of Information on Providers of Health Care

1. While the Advisory Council on Social Security discussed the many issues relating to the social security program, as you know, the Council did not formally consider as an agenda item the subject of public disclosure of information on providers of health care who are participating in the Medicare program. This was not because of a lack of concern about this matter, but rather because of limited time available to the Council to study and report on the wide range of issues affecting the total social security program.

2. Mr. Schechter has been concerned about obtaining information on the fire safety status of nursing homes and on SSA monitoring of the quality of independent laboratory work. On checking, I find no unanswered correspondence from Mr. Schechter on either of those two subjects. On fire safety, Deputy Commissioner Hess met with Mr. Schechter on January 21 and spent several hours with him reviewing the status of the regulations on carpeting, sprinklers, and other related issues.

3. On the monitoring of the quality of laboratory work, Mr. Schechter has been given current information on the status of the policy decision respecting a particular laboratory in which he is interested. The SSA Freedom of Information Officer has notified him as to the specific information that can be provided to him after the policy decision has been made.

Alvin M. David.

June 7, 1971.

Dr. Arthur S. Flemming,
President, Macalester College,
St. Paul, Minn.

Dear Dr. Flemming: Your 2 June letter, in regard to information disclosed by the Social Security Administration, contained a most interesting memo by Mr. David.

If Mr. David's memo is the entirety of SSA's response in regard to reassessing its information policy and appraisal of my complaints, there seems even more work to be done than I thought. Contrary to Mr. David's statement that there is no outstanding correspondence with me, there is. I will not burden you with details in this letter but do invite you to examine my records at any time when you are in Washington.

In connection with your key role in the forthcoming White House Conference on Aging, may I suggest that there be an examination of why government has been unresponsive to many needs of the elderly. I attended the 1961 conference; I gather the forthcoming meeting will reiterate many 1961 findings and suggestions.

I believe it would be productive to examine the information policies of various bureaucracies concerned with the health and well-being of the elderly to determine whether the facts, or only some of the facts, on the conduct of their programs are accessible to the public. As an example, I submit to you that SSA's withholding of Medicare inspection findings does operate to obscure real needs for improving specific institutions, i.e., nursing homes and hospitals as well as labs. SSA's tendency, as I find it, to lean over backwards to accommodate the providers of care in many instances should be subject to examination and public reaction.

My thanks for your concern and kindness.

Sincerely,

Mal Schechter.

White House Conference on
Aging, 1971,
Washington, D.C., September 9, 1971.
Mr. Mal Schechter,
Hospital Practice for the Staff and Community Physician, Washington, D.C.

Dear Mr. Schechter: I asked the Social Security Administration to provide me with a memorandum relative to their views on the disclosure of information relative to the providers of services under the Medicare Program. I am enclosing a copy of the memorandum they have furnished me with this letter. I would be very much interested in your reactions to the memorandum.

Very sincerely and cordially yours,
Arthur S. Flemming,
Chairman.

Memorandum on Public Disclosure of Information

Mr. Schechter has expressed concern about the fact that, under present policy and regulations, the Social Security Administration does not divulge to the public information about deficiencies of specific providers of services participating in the Medicare program.

We recognize the value of making Medicare operations and policy information available to the general public. We are required, under the Public Information Section of the Administrative Procedure Act, to make certain administrative materials available to the public, and we comply willingly with this requirement. At the same time, we are required under section 1106 of the Social Security Act to maintain the confidentiality of information about people obtained in connection with the administration of the social security programs, except as specifically permitted by regulations.

We realize that disclosure of Medicare information could, in certain circumstances, further the objectives of the Medicare program, and our regulations governing disclosure of information reflect this awareness. For example, our regulations were amended to permit disclosure to an official of a medical or other professional society or a State licensing board of information indicating unethical practices or a pattern of unprofessional conduct by a physician or other practitioner; disclosure to persons concerned with the interests of a Medicare beneficiary of information about services furnished the beneficiary under the program; and disclosure to the press and public of broad statistical information about reimbursement to and utilization of services furnished by providers of services. We have the general objective of permitting disclosure of additional Medicare information, subject to appropriate safeguards on individual privacy, where we determine that such disclosure is consistent with the goals of the social security programs and is in the public interest.

We agree with Mr. Schechter that physicians, patients, and the general public have a legitimate need for information about serious deficiencies of our providers of services, and we agree in principle with the provision that passed the Senate in 1970 (Section 274 of H.R. 17550) that would have accomplished this objective. We found, however, that this provision presented a number of difficulties for us. The provision would have required publication of information concerning the deficiencies of a provider of services if the deficiencies were not corrected within 90 days after the provider was notified of their existence. One problem we have with this proposal is that we think it is important that such a proposal should apply only with respect to serious deficiencies affecting such areas as staffing, fire and other safety requirements and sanitation, and the draft language and Committee Report were not entirely clear on this point.

A second problem we have is that although we agree that an institution should be given written notice of its serious deficiencies and that it should be given a period of time within which to correct these deficiencies before information about them is disclosed, we think the 90-day maximum period specified in section 274 would be an unrealistically short period of time in some cases (e.g., where the institution would be required to make extensive structural changes). Finally, we think it would be necessary to specify in the proposal that the information we published would be updated on a periodic basis, so that we would be relieved of the responsibility for making up-to-minute data available to the public. The provider might make many changes during a 90-day period and it would not be feasible to verify at each time a change is made whether or not the deficiency has been removed and to therefore delete it from the list for publication before the deadline expires. Nor would it be feasible to amend the list immediately as conditions improve after publication. Inspections need to be scheduled on a systematic basis. Thus, keeping up with and verifying changes made by the provider, without reasonable time lags, would not be feasible. We are now developing, for possible consideration by the Senate Finance Committee during the forthcoming hearings on H.R. 1, a modification of the legislative provision that passed the Senate last year that would overcome the difficulties.

HOSPITAL PRACTICE,
Washington, D.C., September 23, 1971.
ARTHUR FLEMMING,
Chairman, White House Conference on Aging,
Washington, D.C.

DEAR DR. FLEMMING: Thanks ever so much for your letter of 9 September relative to issues I raise concerning Medicare and freedom of information.

It is heartening to see your attention to a matter vital to the public's right to know the conduct of public business and the press' function to serve the public.

A memorandum of the Social Security Administration was attached to your letter. That memo, I'm sorry to say, fails to express recognition that the public has a preeminent right to the information it has paid for—preeminent over the convenience of a bureaucracy.

Without frank recognition of that right, SSA is in the posture of lese majeste. A discussion, in such a context, of the means whereby information gathered by civil servants is communicated to citizens would be, I feel, on a fundamentally unsound basis.

The right exists. Why is it so hard to get SSA to say so? Section 1106 of the Social Security Act has a long history applicable to certain beneficiary and employer-employee records; extension of confidentiality to the providers and suppliers of Medicare is beyond the intent of that section, approved by Congress more than a quarter century before Medicare began.

If Congress, by inattention, permitted that Section to be extended, then, it has been in the power of SSA itself to retract the confidentiality cover from the corporate servants of Medicare. Commissioner Ball could do this completely, cleanly by prescribing exemption in a regulation. But, despite pleadings, he has not done so. I am concerned that an outstanding civil servant clings so tenaciously to a cause which he himself once supplied a rationale for abandoning. To wit:

"There is not the same validity in withholding information concerning the payment of public funds to institutional providers of Medicare services as there is in the case of information on Social Security payments to individuals."

The memo you transmitted shows proliferating reservations to the proposed Finance Committee amendment. Against the public's right to have information on the character of nursing homes in their localities, these are trivializing reservations. They evince a renewed appetite, I am distressed to conclude, for abridging or trivializing the public's right to know.

Abuses in the nursing home field have been recognized by President Nixon in his recent message launching an attack on poor care. While I and others may wish to hope that Medicare nursing homes are beyond reproach, they are not. SSA and the Finance Committee can document serious faults that have persisted for years despite the standards and inspection forces in the Medicare system. I believe "confidentiality" has permitted abuses to acquire official tolerance.

I fail to see why SSA should not Xerox the annual (or more frequent) certification survey report on any nursing home in Medicare and deposit it at a local Social Security office for review by anyone who wants to see it. If SSA wishes to assist the public by providing a condensation of what it views as serious deficiencies, that would be commendable. Explanatory material would be welcome. If the nursing home wishes to file a rebuttal, that, too, should be available to the public and to newsmen and to students of community health planning, etc.

Or, I should add, to students of public administration.

The records also should be made public on home-health agencies, independent clinical laboratories, and hospitals (whether or not in Medicare by virtue of accreditation by the Joint Commission on Accreditation of Hospitals). Indeed, the JCAH inspection reports should be open to the public since Medicare status is conditioned on them.

My protest at the stinginess of SSA's information policies extends to other documents that may enlighten the public and inform its debates on the health-care crisis. Specifically, Medicare has Program Validation Review Reports on individual facilities. From what I have heard (since these documents are for "official use only"), there is a mine of concrete information on institutional performances in terms of quality of care and payments.

I urge you, Commissioner Ball, and members of Congress and the press to have these documents released, with safeguards to protect patient-beneficiary confidentiality, as well as other individual rights. These reports have facts. I do not believe they contain any administrative policy discussion; if they do, such portions may be reserved. But the facts should be given out. If the corporate servant of Medicare (e.g., the nursing home or hospital ownership) wishes to enter a rebuttal to the program validation review, that should be appended.

What I describe is a modification of the procedure employed by the HEW Audit Agency. Two weeks after completing a report, that report automatically is public. It is available on demand. The report contains a statement of the pertinent law and regulations, a statement of findings and conclusions, and a rebuttal statement by the investigated party.

You don't have to fight Section 1106, Regulation No. 1, and its interpreters to get the reports.

The Audit Agency policy should serve as a model for SSA. Would you study and assess it and, if convinced, seek to interest SSA in immediately adopting it?

It is from Audit Agency and General Accounting Office reports that we have documentation of failures in the Medicare system of patient protections. We know from the Senate Finance Committee staff report of 1970 that many Medicare nursing homes received certifications although failing to meet even minimum nursing-care standards.

Which ones are they? Neither you nor I can get the names from SSA: confidentiality.

Nor for that matter can the Freedom of Information Act pry the names loose. Several times I have been told that an exclusion for "internal memoranda" was the basis for forbidding release of specific information. There is, of course, no obligation that an agency *must* use this exclusion. Why SSA chooses to use it would be interesting to explore. Recent court cases have established the public's right to the facts in federal documents that have been kept under wraps because they contain administrative chit-chat on policy. The chit-chat can be reserved, I am told. But the facts must be made available. I sincerely hope that SSA never finds itself in court on the issue of withholding facts.

At times, however, when I have pressed a request for facts, I have been told that Section 1106 barred the way because the documents I wanted referred to specific patients or listed them. The Freedom-of-Information exclusion and Section 1106 make an admirable nutcracker. When I asked for the documents without patient names, I get nowhere. I am forced to conclude that one of the nation's most respected bureaucracies just won't budge when the giving of information might provoke controversy.

There seems to be a historical root for such an attitude. I refer to the McKinley and Frase book, "Launching Social Security," on the early months of the young program. A reflection of this attitude is in a 20 May letter to me over Commissioner Ball's signature.

"We have the general objective of permitting disclosure of additional Medicare information, subject to appropriate safeguards on individual privacy, where we determine that such disclosure is consistent with the goals of the social security program and is in the public interest."

Is it not in the public interest to name nursing homes that are fire traps, that lack round the clock nursing, that lack call buttons for patients?

Why is it in the public interest *not* to name them?

In whose interest is it *not* to name them?

I hope SSA is not afraid to let the public form its own judgments as to nursing homes and as to quality of public administration.

If you will go a step further with me in what already must be far too lengthy a letter, let us examine SSA's self-serving view of its system. The 20 May letter declares that "certification is denied if institutions have deficiencies which constitute hazards or potential hazards to the health and safety of patients." Therefore, it continues, "public disclosure of the existence of *other* deficiencies in institutions which are certified might create *unwarranted* concern that particular facilities may be unable to provide adequate patient care. Such adverse public reaction could severely hamper an institution's efforts to maintain patient-loads while effectuating needed improvements." (My emphases.)

However, certified homes do have serious deficiencies. The system does not rule out poor homes. I have an estimate, represented to me as SSA's own estimate, that nearly 400 of the 4300 or so Medicare homes have serious fire-safety deficiencies—"serious" in SSA's own lexicon. I have the admission from SSA that at least 700 Medicare homes (and perhaps as many as 2200, or half of all) had been found with carpeting that does not meet the standard for flammability in the Life Safety Code (which SSA by law is required to apply but has yet to issue the regulations—21 months late). I asked six months ago for an opportunity to examine the records at least from two HEW regions. From the agency that embraces confidentiality, I have gotten silence—no reply to date. (It took several letters to wring out the 700 figure; nothing is granted easily in certain matters.)

For four years, Medicare tolerated a substandard clinical laboratory's work in cytology, specifically, the examination of Pap smears, for cervical cancer detection. Because of Regulation No. 1 and Section 1106, applied in spirit if not in letter to a state agency, I am barred from determining from the documents how the administrative process permitted this laboratory to enter the system.

I have been prevented from looking at the Medicare survey of Boston City Hospital after it was disaccredited by the Joint Commission. I wished to compare the Medicare and JCAH certification systems. I was told by SSA that the Finance Committee amendment would loosen things up. In the meanwhile, Regulation No. 1.

I am thankful that some SSA people champion the public's right to know. Commissioner Ball did grant release of specific reimbursement information and he amended Regulation No. 1 to a degree for this purpose. That was fine.

I wonder about the need for the mechanics of excepting things from the blanket nondisclosure authority of 1106. What it leads to is shown in the May 20 letter. After assuring me of fidelity to the spirit of the Freedom of Information act, the commissioner says that SSA, at the same time, is required by 1106 to maintain "the confidentiality of files, records, and information obtained in connection with the administration of the social security programs, except as specifically permitted by regulations."

Of course, it is the commissioner who imposes the regulations that permit SSA to release information.

I am led to believe that 1106 needs to be replaced. The philosophy should be that all information in SSA hands is public and must be made available. In no case should material received in confidence concerning patients or beneficiaries (or people in their roles as payroll tax contributors) be released by name of individual.

Such an approach would put the burden on proving need for secrecy, not on freedom of information. I believe that reports, such as Program Validation Review Reports, which may contain patient names could be "sanitized." The names could be deleted. I don't see how deletion would preclude a newsman's investigation of a local facility. For mixed material (with confidential and other information) or material where the bureaucracy says disclosure would harm the policymaking discussion, the President or the Secretary might appoint a board of newsmen, public members, and bureaucrats to review quickly and decide how much, if anything, may be retained. The right of the information seeker to go to court under the Freedom of Information Act should be continued.

I am not a vast bureaucracy, so I have not the resources to make highly detailed recommendations. I am appealing to you for recognition of basics—the right of the people to have the facts—and for help in moving the people who control the facts.

My thanks for your interest and your patience.

Sincerely,

MAL SCHECHTER.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Baltimore, Md., May 20, 1971.

Mr. MAL SCHECHTER,
Washington Editor, Hospital Practice, Washington, D.C.

DEAR MR. SCHECHTER: Secretary Richardson has forwarded to me your letter in which you suggest that a "freedom of information" provision be included in the Administration's proposal for national health insurance and has asked me to respond to your statements about the Medicare program. I regret the delay in replying.

Let me assure you that the Social Security Administration subscribes fully to the spirit of the "freedom of information" provisions of the Administrative Procedure Act, and that the Administration's regulations with respect to public disclosure of information are in accordance with this law. At the same time, as you realize, we are required under section 1106 of the Social Security Act to maintain the confidentiality of files, records, and information obtained in connection with the administration of the social security programs, except as specifically permitted by regulations.

We realize that disclosure of Medicare information could, in certain circumstances, further the objectives of the Medicare program, and our regulations governing disclosure of information reflects this awareness. For example, our regulations were amended to permit disclosure to an official of a medical or other professional society or a State licensing board of information indicating unethical practices or a pattern of unprofessional conduct by a physician or other practitioner; disclosure to persons concerned with the interests of a Medicare beneficiary of information about services furnished the beneficiary under the program; and disclosure to the press and public of broad statistical information about reimbursement to and utilization of services furnished by providers of services. We have the general objective of permitting disclosure of additional Medicare information, subject to appropriate safeguards on individual privacy, where we determine that such disclosure is consistent with the goals of the social security programs and is in the public interest.

We have given a good deal of thought to the question of disclosure of information about deficiencies of Medicare providers of services, under certain circumstances. As you know, the social security bill that passed the Senate in the last Congress included a provision requiring publication of information concerning the deficiencies of a provider of service, if such deficiencies were not corrected within 90 days after the provider was notified of their existence. The purpose of the provision is to encourage institutions that are certified for participation in the program because they are in substantial compliance to correct what deficiencies they may have, and to enable physicians and patients to make sound judgments about the use of such institution. (As I am sure you realize, an institution that is deficient with respect to one or more standards of participation may still be found to be in substantial compliance and thus be allowed to participate in the program, but only if it is rendering adequate care, if its deficiencies do not represent a hazard to patient health or safety, and if efforts are being made to correct the deficiencies.) While we agree with this objective, we believe that widespread and indiscriminate dissemination of information about deficiencies in all participating institutions, as required by the provision, may have some undesirable effects. Since certification is denied if institutions have deficiencies which constitute hazards or potential hazards to the health and safety of patients, public disclosure of the existence of other deficiencies in institutions which are certified might create unwarranted concern that particular facilities may be unable to provide adequate patient care. Such adverse public reaction could severely hamper an institution's efforts to maintain patient-loads while effectuating needed improvements.

We believe that the present approach of ongoing consultation and cooperation with participating institutions to assist them in correcting deficiencies and making any changes which will enable them to come into full compliance with all conditions of participation is the preferred method of dealing with the problem of providers with relatively minor deficiencies. At the same time, we recognize that physicians, patients, and the general public have a legitimate need for information about serious deficiencies affecting patient care. We are, therefore, developing a legislative proposal that would permit disclosure of information about serious deficiencies.

Sincerely yours,

ROBERT M. BALL,
Commissioner of Social Security.

DEPARTMENT OF HEALTH,
EDUCTION, AND WELFARE,
Baltimore, Md., September 29, 1970.

Mr. MAL SCHECHTER,
Hospital Practice,
Washington, D.C.

DEAR MR. SCHECHTER: About the follow up on your request for the certification report on Boston City Hospitals. As you are aware from information given you at the time, when the Joint Commission on Accreditation of Hospitals lifted the accreditation of the hospital, our Boston Regional Office according to established procedure requested the State agency to survey the institution.

The report on this survey was in the hands of our Regional Office when the JCAH returned the institution to a certified status. I believe this fact was reported to you by our Press Officer.

You are familiar, I know, with Section 1106 of the Social Security Act which prohibits the disclosure of any information obtained by the Social Security Administration in the course of administering the program, except as the Secretary shall by regulation prescribe. Under present regulations, the information obtained in the provider certification process cannot be released. The matter is under study, however, in connection with a proposal made by Senator Clinton Anderson during the Senate Finance Committee hearings where you and I met in July. Senator Anderson proposed that certification information and reports concerning facilities certified with deficiencies be made a matter of public record after the lapse of a period of time during which deficiencies could be corrected if the institution so desired.

At the present time, however, we cannot under the law and regulations, release to you the survey report you have requested.

Sincerely yours,

RUSSELL R. JALBERT,
Assistant Commissioner for
Public Affairs

Exhibit 2

Health Law Project,
University of Pennsylvania,
Philadelphia, Pa., October 19, 1971.

Mr. Geoffrey G. Peterson,
Special Assistant to Senator Ribicoff, Old Senate Office Building, Washington, D.C.

Dear Geof: Enclosed are the 'freedom of information' items which I said I would send you. A brief description of each follows.

I. Correspondence and memoranda from the Health Law Project, from the Social Security Administration, and from others on the availability of certain reports, audits, and memoranda dealing generally with the effectiveness of intermediaries and with the effectiveness of policies and practices of SSA and the intermediaries.

II. Correspondence and memoranda from the same sources mentioned in "I" above on the availability of SSA manuals. These manuals govern many aspects of the operation of Medicare by intermediaries with respect to claims of Medicare enrollees; nevertheless, we have been refused Part 1 of the Parts A and B Intermediary Manuals and have been offered only an edited version of the Claims Manual.

III. Correspondence from our office and from SSA on the availability of statistics on doctors' customary charges for private office visits in various localities in Pennsylvania. SSA is required under Medicare to do these studies. By comparing the customary private visit fees with those allowed under Medicaid we could tell how far below the private fee level the Medicaid fees fall and thus whether, in gross terms, Pennsylvania's Medicaid program violates federal law by failing to offer sufficient fees to enlist more than a token number of doctors in the program.

I hope this is helpful.

Sincerely,

Harvey MaKadon.

Enclosure.

I. Reports, Audits, Memoranda

Department of Health, Education, and Welfare, Social Security Administration,
Baltimore, Md., May 10, 1971.

Mr. Harvey Makadon,
Health Law Project, University of Pennsylvania Law School, Philadelphia, Pa.

Dear Mr. Makadon: This letter is in response to your recent requests for background information concerning replacement of Blue Shield of Ohio, and statistics on intermediary and carrier performance.

Other than that information already reflected in newspaper accounts, any information concerning our replacement of Blue Shield of Ohio is considered to be privileged information restricted to those involved in the action. To indiscriminately disseminate additional information would be to needlessly jeopardize the position of the contractor. This is also true with respect to overall intermediary and carrier performance statistics beyond those formally published and widely disseminated.

I have enclosed the recently published staff paper, "Private Health Insurance Organizations as Intermediaries or Fiscal Agents Under Government Health Programs." I regret we are unable to further comply with your requests, but, hopefully, the enclosed staff paper and copies of our widely circulated health insurance manuals which were mailed to you some time ago will be of assistance to you.

Sincerely yours,

Robert M. Mayne,
Assistant Bureau Director.

Enclosure.

May 21, 1971.

Mr. Thomas Tierney,
Director, Bureau of Health Insurance, Social Security Administration, Baltimore, Md.

Dear Mr. Tierney: I am currently engaged in writing a law review article on the role of fiscal intermediaries in the administration of Medicare and Medicaid. My interest is in studying the overall and general issues and I have no interest in publishing information about a particular fiscal intermediary or provider.

I spoke with Mr. Irwin Wolkstein last week who mentioned several documents which would be most useful in our work and suggested that it would be appropriate to obtain authorization from you before studying them.

The particular items he referred to are: (1) contract performance review reports; (2) a survey on implementation of the prudent buyer concept; (3) the MADOC study and data of the Office of Research and Statistics; (4) the staff papers presented to HIBAC and the minutes of HIBAC meetings.

I would be most grateful if you could authorize our study of these documents, on the condition mentioned above, or any additional condition that you think appropriate. Thank you for your help.

Sincerely,

Sylvia A. Law, Esq.,
Staff Director.

June 25, 1971.

Mr. J. Stewart Hunter,
Associate Director of Information for Public Services, Department of Health, Education, and Welfare, HEW Building North, Washington, D.C.

Dear Mr. Hunter: Attached is a copy of a letter dated May 21, 1971, to Mr. Thomas Tierney, requesting the following information from your department:

1. contract performance review reports
2. a survey on implementation of the prudent buyer concept
3. the MADOC study and data of the Office of Research and Statistics
4. the Staff papers presented to HIBAC and the minutes of HIBAC.

To date I have not received a reply to this letter.

With respect to the last three items, Mr. Irwin Wolkstein of the Bureau of Health Insurance, orally indicated to me on May 19th that he did not believe it likely that we would be allowed to examine these items, which are critical to research in which we are currently engaged. I have been trying, without success, to obtain the first item—the contract performance review reports—since about October 1970. I now understand that these reports—by that name—exist only through 1969, and for New York in 1970. We would seek to examine all "contract performance review reports" or their equivalent, which exist to date, and by whatever name they are currently known.

Section 3 of the Administrative Procedure Act amended by 81 54 19967), Subsection a(3), requires that your agency "shall make the records promptly available to any person." A time lapse of more than one month cannot be considered "prompt." Having received no reply as of the date of this letter, I deem this non-response as a denial of the requested material. As such, I am appealing this action and would appreciate your ruling on the matter.

Thank you for your consideration.

Sincerely,

Silvia A. Law, Esq.

Department of Health, Education, and Welfare, Social Security Administration,
Baltimore, Md., July 12, 1971.

Sylvia A. Law, *Esquire,*
Staff Director, Health Law Project, University of Pennsylvania Law School, Philadelphia, Pa.

Dear Miss Law: This is in reference to your letter in which you requested authorization to study certain program documents. Enclosed you will find materials concerning the subject in which you are interested. We are unable to furnish copies of certain documents, e.g., Contract Performance Review Reports, because of the large number of these reports.

As you indicated in your letter, the purpose of your request is related to your research for a law review article on the role of the fiscal intermediaries in the administration of the Medicare and Medicaid. Since research is involved, we would like to be as cooperative as possible in assisting you in your endeavor. However, as you will recognize, there are legal and policy considerations which may preclude us from making available to you all the information you might want to see.

We believe that the best way to handle your request would be for you to come to Baltimore, Maryland, to review your specific needs for your research project. You may find it worthwhile to examine some of our files to determine what information you will find useful and then we can see to what extent we can release the information you want. In the event that studies and reports are furnished you for your study we can at that time discuss with you the conditions under which this material is made available to you and what assurances we will need as to restrictions on its use.

Please get in touch with Mr. Wolkstein as to an appropriate date for a discussion with us in Baltimore.

Sincerely yours,

Thomas M. Tierney,
Bureau of Health Insurance.

Enclosures 18.

August 13, 1971.

Mr. Irwin Wolkstein,
Assistant Director, Bureau of Health Insurance, Social Security Administration, Baltimore, Md.

Dear Mr. Wolkstein: Thank you for your cooperation in answering our questions and showing us the information that we requested on Tuesday, August 10, 1971.

It was my understanding that I would be allowed to return on Wednesday, August 11, 1971, to read but not reproduce the Contract Performance Review Reports and the Contract Valuation Reports. Upon my return, I was refused all access to the Contract Performance Review Reports.

In light of this very firm refusal to allow me to read those reports on any conditions, I assume that the agency has reversed its earlier statements from you and from Thomas Tierney that we would be allowed to examine these documents. If this assumption is incorrect, please let me know. We are very anxious to examine the reports and will come to Baltimore anytime that becomes possible. However we of course, do not want to undertake another futile trip.

We would be most grateful if you could supply us with a formal reason for denial of access to the Contract Performance Review and Valuation Reports. I was given various reasons for the denial: to wit, 1) the reports are quite critical, do not mention positive aspects of intermediary performance and were not originally prepared for public distribution; 2) the reports had been denied to others, including members of the Congress, and it would be inequitable to show them to us; 3) the reports are bulky and somewhat dated, and would be of limited utility to us in our work. None of these reasons is recognized grounds for denying access to information under the Freedom of Information Act or the HEW regulations.

The report of March 19, 1971 evaluating fiscal intermediary performance was flatly denied to us. The reasons which I can recall for the denial were: 1) the methodology of the study was not as solid as it might have been; 2) the study had been denied to others, including Pennsylvania Insurance Commissioner Dennenberg, and it would be inequitable to give it to us. Again we would be grateful if you would supply us with a statement of any additional grounds upon which the agency bases its decision to deny us the report.

In our discussions, we did not decide upon the availability of the study of the implementation of the Prudent Buyer Concept. Would you please send to us copies of these reports.

Thank you for your help.

Sincerely,

SYLVIA A. LAW, Esq.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, SOCIAL SECURITY ADMINISTRATION,
Baltimore, Md., September 10, 1971.

Mrs. SYLVIA A. LAW,
Staff Director, Health Law Project, University of Pennsylvania, Philadelphia, Pa.

DEAR M'S LAW: This is in response to your letter of August 13, 1971, addressed to Mr. Irwin Wolkstein concerning your request to examine certain papers and documents relating to the administration of the Medicare program. Specifically, you want to examine Contract Performance Review Reports and Contract Valuation Reports.

The working paper on Evaluation of Part A Intermediary Performance, which you refer to as the Contract Valuation Report, is a special study on performance evaluation of our intermediaries. It has been released to the Committee on Finance of the Senate and to a number of intermediaries. Under these circumstances, we have no objection to making this report available for your inspection, and you may also examine Intermediary Workload Reports which contain the data underlying the report. However, I would like to emphasize that all of these reports, and particularly the performance evaluation report, reflect purely quantitative measures of some selected functional categories. They do not in any way purport to evaluate the quality of any intermediary's performance. Publication of the data might suggest and lead many to a conclusion that a higher place in the composite ranking is equivalent to superior performance. This conclusion would be incorrect in a great many cases. Because of this fact, we ask that you confine the use of the materials to circumstances which would preclude direct quotes and references. You also inquired about the Prudent Buyer policy. We will be glad to discuss with you this policy and our experience with it. However, we have not made an organized study of the experience and consequently are unable to furnish you with copies as you requested.

As for the Contract Performance Review Reports, we do not believe that we can release these reports. They are essentially working papers put together by employees below the management and policy-making levels. The purpose of these papers is to give higher level staff members the benefit of staff on-site observations for evaluating the work of an intermediary and suggesting ways and devices for improving the intermediary's performance. Neither the staff evaluations nor the suggestions constitute bureau positions.

These papers are usually used by our people in the regional offices in their day-to-day work with the intermediary. They use the reports only as a tool and a guide in this work. Where our regional people take exception to items in the reports, they are not bound to follow such items.

I believe you would agree that it would not be fair or desirable for us to make available, for outside scrutiny, working reports of this kind which have not been evaluated and found to be correct by officials in the policy-making and higher management levels. The effectiveness of these papers is in fact dependent upon having the information in them kept confidential and for that reason we feel they are exempt from disclosure under the Freedom of Information Act. It is quite possible that some of the informal staff findings in these review papers could be erroneous and if made public they could do unwarranted injury to the intermediary or institution involved.

I am sorry about your recent unproductive trip. I hope that this clarification will be helpful to you and suggest that, if you want to visit us further in connection with contractor material, you might make arrangements with Mr. Robert M. Mayne, Deputy Bureau Director, Program Operations, Area Code 301, 944-5000, extension 5601.

Sincerely yours,

THOMAS M. TIERNEY,
Director, Bureau of Health Insurance.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, SOCIAL SECURITY ADMINISTRATION,
Baltimore, Md., June 15, 1971.

DEAR SENATOR (name confidential): This is in further response to your letter of April 26, 1971, to Jerry W. Poole, Deputy Assistant Secretary for Congressional Liaison, requesting copies of reports of Contract Performance Reviews made at the Blue Cross Plans serving as Medicare intermediaries in the (1) District of Columbia, (2) Texas, (3) Southern California, (4) Puerto Rico, and (5) New York City, during the period 1970–1971. Your request was referred to my office for reply.

Associated Hospital Service of New York, the Blue Cross intermediary serving Medicare beneficiaries in the New York City area, is the only Plan in the group enumerated where a Contract Performance Review was made in 1970 and 1971. Contract Performance Reviews in the past were made by central office teams on roughly a two-year cycle. These reviews were supplemented by periodic visits by our regional offices to contractors. However, we now have established onsite representation at the larger contractors and have expanded our regional office staffs to the point where we have day-to-day or very frequent surveillance of contractor operations, and consequently these Plans have not this year been subject to centralized review.

The enclosed report on the New York City Blue Cross Plan incorporates the findings and recommendations made by the Contract Performance Review team, verbatim, as well as the status of actions taken by the Plan to correct identified deficiencies. We feel that this way of presenting the material will fulfill your need better than furnishing a copy of the original report with a separate report showing current status.

I wish to point out that our Contract Performance Review reports are confidential administrative documents designed to improve programs operations. Disclosure of their contents to the public might seriously impair our administration of this program. It is requested that the Committee, in its use of this report, protect its confidentiality.

Sincerely yours,

ROBERT M. BALL,
Commissioner of Social Security.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
REGION VII,
Kansas City, Mo., July 1, 1971.

Mr. JAMES GILLMAN,
Commissioner, Department of Social Services, Lucas State Office Building, Des Moines, Iowa

DEAR MR. GILLMAN: Enclosed is the HEW Audit Agency audit report covering the Medical Assistance Program administered by State of Iowa for the period July 1, 1967 through June 30, 1970; your attention is invited to the findings and recommendations contained therein. Please respond to this report within 30 days to the HEW official named below, presenting any comments or additional information which may have a bearing on the final determination. To facilitate identification, please refer to the above audit control number in all correspondence relating to this report.

In accordance with the principles of the Freedom of Information Act (Public Law 90-23) HEW Audit Agency reports issued to the Department's grantees and contractors are made available, if requested, to members of the press and the general public. These reports are not released however, until a period of fourteen (14) calendar days has elapsed from the date of their issuance to the grantee/contractor orgainzation.

Sincerely,

JOHN C. STANFORD,
Regional Audit Director.

II. INTERMEDIARY MANUALS

Re: Conversations on July 7 and 8 with Mr. Wolkstein

To: Dick

From: Dorothy

I obtained the chapter heading for the following material.

PART 1, PART A INTERMEDIARY MANUAL

Chapter 1 Principles or reimbursement for administrative costs.

Chapter 2 Budget Preparation.

Chapter 3 Budget Execution.

Chapter 4 Letter of Credit Method of Advancing Funds.

Chapter 5 Accountability.

Chapter 6 Financial policies for co-ordination of Medicare and other insurance programs.

PART 2, PART A INTERMEDIARY MANUAL

Chapter 1 Guidelines for Provider Audits.

Scope of annual audit of Provider Cost Reports (How to do cost reports.)

Preparing cost reports for submission to SSA.

Evaluating audit costs in relation to estimated costs.

Instructions for intermediaries.

Chapter 2 Determination of Provider.

Chapter 3 Payments.

Chapter 6 Provider Cost Reports.

Chapter 8 Utilization Review.

Chapter 9 Provider Participation Agreements.

PART 3, PART B INTERMEDIARY MANUAL

Parts 1 and 2 of Part B Intermediary Manual. Involves what you ask the carrier to do and how you ask them to perform. Mr. Wolkstein did not have at his disposal, at this time, Parts 1 and 2 though he seemed willing to give the headings as he did for Part A Intermediary Manual. Not wishing to ask for too much information at once, I did not further inquire as to the headings for these parts. However, Mr. Wolkstein again indicated that these sections were comparable to those in Part A.

Claims Manual. Everything in the Claims Manual is now available to the public. However, the tolerance rules have been removed and determined to be used by employees only of used "internally."

I then called Mr. Walter Rubenstein, at the suggestion of Mr. Wolkstein, to inquire into more detail about the Claims Manual. Mr. Rubenstein reaffirmed that the entire Claims Manual is now available to the public and only the tolerance rules have been removed. When asked what the tolerance rules constitute, Mr. Rubenstein gave a couple of examples:

1. Rules for investigation—times when HEW will and will not investigate certain items.
2. Analogy to IRS in that they don't investigate every possible misstatement. Their rules as to when they will and won't investigate are the kind of things which HEW does also.
3. Rules on kinds of evidence that will be secured.

Mr. Rubenstein also gave the "proof of age" example; all the conversation centered around the "Tolerance Rules" dealt with investigatory techniques. Comment of Rubenstein, "relates to touchy situations where integrity of program is at stake."

Auditing. Applies to intermediaries which is done by an audit agency in the Department. Also, audit of provides cost reports.

JUNE 29, 1971.

Mr. BERNARD MCCUSTY,
Regional Director, Department of Health, Education and Welfare, Philadelphia, Pa.

DEAR MR. MCCUSTY: I am writing to request the following information from your department. We will, of course, pay any reasonable charges for the cost of duplicating and mailing these documents.

Would you please forward to the above address Parts 1, 2, 3 and any other "Parts" of Part A intermediary Manual (Provider Services). Would you please send any available index to the requested material.

Thank you for your help.

Yours respectfully,
Miss DOROTHY L. MOORE,
Law Clerk.

JUNE 29, 1971.

Mr. BERNARD MCCUSTY,
Regional Director, Department of Health, Education and Welfare, Philadelphia, Pa.

DEAR MR. MCCUSTY: I am writing to request the following information from your department. We will, of course, pay any reasonable charges for the cost of duplicating and mailing these documents.

Would you please forward to the above address Parts 1, 2, 3 and any other parts of Part B Intermediary Manual (Physician and Supplier Services). Would you please send any available index to the requested material.

Thank you for your help.

Yours respectfully,
Miss DOROTHY L. MOORE,
Law Clerk.

JUNE 29, 1971.

Mr. BERNARD MCCUSTY,
Regional Director, Department of Health, Education and Welfare, Philadelphia, Pa.

DEAR MR. MCCUSTY: I am writing to request the following information from your department. We will, of course, pay any reasonable charges for the cost of duplicating and mailing these documents.

Would you please forward to the above address the Bureau of Health Insurance (BHI) Intermediary letters related to Parts 1, 2, and 3 of Parts A and B (and any other "Parts" existent) Intermediary Manuals. Also, would you please send any index you have with regard to these parts.

Thank you for your help.

Yours respectfully,
Miss DOROTHY L. MOORE,
Law Clerk.

JULY 9, 1971.

Mr. BERNARD MCCUSTY,
Regional Director, Department of Health, Education and Welfare, Philadelphia, Pa.

DEAR MR. MCCUSTY: You received a letter dated June 29, 1971, requesting copies of the entire Claims Manual. To date, I have not received a reply on this request.

I would be most appreciative of your determination as to this matter. Thank you for your consideration.

Yours respectfully,
DOROTHY L. MOORE.

JULY 9, 1971.

Mr. BERNARD MCCUSTY,
Regional Director, Department of Health, Education and Welfare, Philadelphia, Pa.

DEAR MR. MCCUSTY: You received a letter dated June 29, 1971, requesting copies of Parts 1, 2, 3 and any other "Parts" of Part A Intermediary Manual (Provider Services) and any available index. To date, I have not received a reply on this request.

I would be most appreciative of your determination as to this matter. Thank you for your consideration.

Yours respectifully,
DOROTHY L. MOORE.

JULY 9, 1971.

Mr. BERNARD MCCUSTY,
Regional Director, Department of Health, Education and Welfare, Philadelphia, Pa.

DEAR MR. MCCUSTY: You received a letter dated June 29, 1971, requesting copies of Parts 1, 2, 3 and any other "Parts" of Part B Intermediary Manual (Physician and Supplier Services) and any available index. To date, I have not received a reply on this request.

I would be most appreciative of your determination as to this matter. Thank you for your consideration.

Yours respectfully,
DOROTHY L. MOORE.

JULY 9, 1971.

Mr. BERNARD MCCUSTY,
Regional Director, Department of Health, Education and Welfare, Philadelphia, Pa.

DEAR MR. MCCUSTY: You received a letter dated June 29, 1971, requesting copies of the Bureau of Health Insurance (BHI) Intermediary letters related to Parts 1, 2, 3 and any other "Parts" of Parts A and B Intermediary Manuals and any available index. To date, I have not received a reply on this request.

I would be most appreciative of your determination as to this matter. Thank you for your consideration.

Your respectfully,
DOROTHY L. MOORE.

JULY 16, 1971.

Mr. RUSSELL R. JALBERT,
Assistant Commissioner of Public Affairs, Social Security Building, Baltimore, Md.

DEAR MR. JALBERT: Enclosed are copies of the initial request and follow-up letters requesting the Bureau of Health Insurance Intermediary letters related to Parts 1, 2, and 3 of Parts A and B (and any other "Parts" existent) Intermediary Manuals, dated June 29, 1971 and July 9, 1971, respectively. To date I have received no reply as to the Department's determination.

Section 3 of the Administrative Procedure Act, subsection (a)(3), requires that your agency "shall make the records promptly available to any person." As I have received no reply, I deem this a denial of the requested material and appeal this determination.

Thank you for your consideration.

Sincerely,
DOROTHY L. MOORE.

Enclosures.

JULY 20, 1971.

To: Dick
From: Dorothy
Re: Conversation with Mr. Ray Levindesky

Mr. Levindesky, Officer with the Bureau of Health Insurance, stated that Mr. McCusty's office forwarded to him the requests we made in letters dated June 29, 1971. Mr. Levindesky, who does not deal with the dissemination of this kind of information, will send our requests to Mr. Carlton White, 3936 Lancaster Ave., Philadelphia, Pa. 19104, EV 7–0351, the freedom of information officer. He said Mr. White would have to research the matter to see if we would be allowed access to the documents.

Mr. Levindesky indicated to Miss Weisberg that we would be denied the information because these documents were "in-office work papers."

JULY 26, 1971.

To: Dick.
From: Dorothy.
Re: Conversation with Mr. Carlton White.

Mr. White, the Freedom of Information officer for the Social Security Administration in Philadelphia informed me that we would be able to obtain Parts 1, 2, and 3 of Parts A and B Intermediary Manuals at a cost of \$.25/page. The number of pages would be approximately 1300. He did not mention the Intermediary letters but another letter inquiring as to their availability was written on July 27, 1971.

The Provider Reimbursement Manual, Chapters 13–20, inclusive, are not available as they have not been published.

JULY 27, 1971.

Mr. CARLTON WHITE,
Philadelphia, Pa.

DEAR MR. WHITE: As per our conversation on July 26, 1971, a cost of \$.25 per page is reasonable for non-published material available under the Freedom of Information Act but this price is unreasonable for printed materials, i.e., regulatory materials. Secondly, at the price you quoted to me, does this include service revisions and updating.

I also requested the Intermediary letters with regard to Parts 1, 2 and 3 of the Intermediary Manuals. Are there materials also available to us?

Upon deciding to get the materials reproduced, is it possible to look at the materials and decide those things we want reproduced in order to limit our expenses.

Thank you for your consideration.

Respectfully yours,
Miss DOROTHY L. MOORE.

JULY 30, 1971.

To: Dick.
From: Dorothy.
Re: Conversation with Mr. Boust, Director of the District Office in West Philadelphia.

My letter to Mr. White of July 27, 1971, was forwarded to Mr. Boust. I received a call on Friday, July 30, 1971, from Mr. Boust stating that he didn't know what was in the materials nor where to send my request. Mr. Boust seemingly knew nothing about the Manuals or what they encompass. I am to receive a letter next week specifying:

1. The intermediary manuals are available.
2. The cost of \$.25/page does not include updating and revisions.
3. The price quoted does include the intermediary letters.
4. My letter will be forwarded to the appropriate person when he determines who that person is.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, SOCIAL SECURITY ADMINISTRATION,
Philadelphia, Pa., August 3, 1971.
Miss DOROTHY L. MOORE,
Health Law Project, University of Pennsylvania, The Law School, Philadelphia, Pa.

DEAR MISS MOORE: I am writing you to explain what Social Security Administration information you can secure regarding your requests for parts 1, 2, and 3 and other parts of part A Intermediary Manual, parts 1, 2, and 3 and any other parts of part B Intermediary Manual and chapters 13 through 20 and chapter 22 of the Provider Reimbursement Manual, and the Bureau of Health Insurance Intermediary letters relating to parts 1, 2, and 3 of parts A and B.

Our current manuals are not in good order so we couldn't comply with your requests at our office.

Our instructions do not mention allowing copies of the Provider Reimbursement Manuals to be given to the public. Since we have no instructions to the contrary we have to assume these instructions are current.

The other information you requested can be secured from: Fiscal Operations Branch 1–B–25, Baltimore Md. 21235. A charge of 25 cents per page (one side of a sheet will be made for each copy provided. Also this doesn't include any changes that are subsequently issued.

The information you requested must at least encumber approximately 1600 pages and an estimated cost of $800.00. . . .

I am sorry I wasnt able to give you any better way to secure the information you requested.

Very truly yours,
ROBERT B. BOUST,
Operations Supervisor.

AUGUST 4, 1971.

Mr. ROBERT BOUST,
Health Insurance Coordinator,
Philadelphia, Pa.

DEAR MR. BOUST: As per our conversation on Friday, July 30, 1971, you were to send me written confirmation as to: 1) the availability of parts 1, 2, 3, of Parts A and B Intermediary Manuals and the Intermediary letters with regard thereto; 2) the cost of $.25/-page, as quoted to me by Mr. White and yourself, includes the Intermediary letters but does not include updating and revisions; 3) the availability of the Provider Reimbursement Manual; and 4) the forwarding of my request to the appropriate individuals, as your office did not have the requisite manuals, as soon as it was determined to whom the letter would be sent.

To date I have received no further communications from your office with regard to these matters. As it is urgent that I get confirmation as to the availability of the materials and/or the materials, I would be most appreciative of your determination.

For your information, the regulations which I quoted to you on Friday as to the availability of information for inspection and copying may be found in the *Federal Register*, Volume 36, No. 108, Friday June 4, 1971, p. 10880. These regulations also specify the places where requests may be made.

Sincerely yours,
MISS DOROTHY L. MOORE.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, SOCIAL SECURITY ADMINISTRATION,
Baltimore, Md., August 17, 1971.
Miss DOROTHY L. MOORE,
Law Clerk, Health Law Project, University of Pennsylvania, Philadelphia, Pa.

DEAR MISS MOORE: This is in response to your request for a copy of the Department Staff Manual on Organization, DHEW, Parts 1 through 8, inclusive.

We are unable to comply with your request in this instance. The material in question is exempted from disclosure by paragraph 5.72 of Subpart F ("Exemptions") and Item 6 of Appendix A ("Examples of Kinds of Exempt Records") of the Public Information Regulation, Public Welfare Title 45 Subtitle A—Department of Health, Education, and Welfare, General Administration, Part 5—Availability of Information to the Public Pursuant to Public Law 90–23 (the Public Information Act).

Paragraph 5.72 ("Records Relating solely to the internal personnel rules and practices of the Department") of Subpart F ("Exemptions") states, "This exemption covers only those internal rules or instructions to personnel relating to how employees carry out their assigned functions and activities for which the Department has responsibility. Thus, materials which provide guidelines or instructions to employees relating to tolerances, selection of cases, quantums of proof, and the like, are within this exemption. However, materials having only management significance, such as rules relating to work hours, leave, promotion plans, while relating to personnel, will be disclosed."

Appendix A ("Examples of Kinds of Exempt Records") states, in Item 6, "Manuals, guidelines, instructions, and other materials which are for the guidance of employees in evaluating applications, in establishing or carrying out audit or inspection procedures, allowable tolerances, or quantums of proof, or in selection or handling of cases in litigation, and materials of similar kinds which cannot be disclosed to the public without defeating their purpose."

The Public Information Regulation of which Appendix A is part, was printed in the Federal Register of June 30, 1967 (32 FR, 9315); October 27, 1967 (32 FR, 14894), and December 4, 1968 (33 FR, 18030).

Sincerely yours,
RUSSELL R. JALBERT,
Assistant Commissioner for Public Affairs.

AUGUST 18, 1971.

To: Dick.
From: Dorothy.
Re: Events of the past 3 weeks.

On June 29, 1971, letters were written to Mr. Bernard McCusty, Regional Director of HEW, requesting access to Parts 1, 2 and 3 of Parts A and B Intermediary Manuals and the Intermediary letters with regard thereto; Chapters 13–20, inclusive, and Chapter 22 of the Provider Reimbursement Manual; and the Claims Manual. As we had received no response as of July 16, 1971, we appealed to Mr. Jalbert, the Freedom of Information Officer.

July 20, 1971, I received a call from Mr. Ray Levindesky stating that Mr. McCusty had forwarded my letter to him. He, however, did not disseminate the information I requested therefore he was sending my request to Mr. Carlton White. July 26, 1971 I received a call from Mr. White stating that I could have access to the information I requested. I had further questions with regard to my conversation with Mr. White so I send a letter making the following inquiries (a letter of July 27):

1. Stated that $.25/page for published materials was unreasonable.

2. If the intermediary letters with regard to Parts 1, 2 and 3 of Parts A and B Intermediary Manuals were available.

3. If we could look at the materials and decide what we wanted in order to reduce our costs.

July 30, 1971 I received a call from Mr. Boust stating that Mr. White had forwarded my letter of July 27 to him. Mr. Boust seemingly knew little or nothing about the materials I was requesting.

We finally agreed that Mr. Boust would send me a letter stating:

1. The availability of the intermediary manuals.

2. The cost of $.25/page doesn't include updating and revisions.

3. The price quoted includes the intermediary letters.

4. My letter, as Mr. Boust didn't have the manuals in his office, would be sent to the appropriate person as soon as he determined who that person was.

Mr. Boust, citing the 1969 HEW regulations, refused us access to the Provider Reimbursement Manual. I quoted the June 4, 1971 regulations to him and gave him the cite but his letter of confirmation as to the content of our conversation stated, "Our instructions do not mention allowing copies of the Provider Reimbursement Manuals to be given to the public. Since we have no instructions to the contrary we have to assume these instructions are current" (letter of August 3, 1971). Mr. Boust's letter referred me to Fiscal Operations, Baltimore.

August 8 or 9, 1971 I received a call from the Social Security Administration in Baltimore suggesting that I come down with Sylvia on August 10, 1971 to discuss the materials I had requested. During our visit at the Social Security Administration, I examined the Intermediary Manuals; Sylvia went to the area where the Contract Performance Review Reports were kept and looked at some things as to how data was compiled or worked up; and Paul went to the reimbursement area. All the materials which we were to look at or receive which was confidential, we had to accept with the restriction that we keep it confidential and consult the Department if we wished to publish any of it. We made an agreement not to take Part 1 of Parts A and B Intermediary Manuals as they only concerned the administrative costs of intermediaries. We did receive copies of Part 2 of Part A and Parts 2 and 3 of Part B Intermediary Manuals; the Department was to mail Chapter 22 of the Provider Reimbursement Manual (Chapters 13–20 are not published yet); and Sylvia was to return the following day to look at the contract performance review reports. During that day, August 10, Sylvia also requested access to a "report done on the effectiveness of fiscal intermediaries of March 19, 1971." We were flatly denied access to this report stating that they refused to give the report to Denneberg and it would be inequitable to give it to us, etc. (in letter to Wolkstein from Sylvia).

On August 10, Sylvia was told she could look at but not reproduce the contract performance review reports (these reports are being regionalized and the name changed to contract valuation reports) if she returned the following morning. Upon returning August 11 Sylvia was denied all access to the contract performance review reports stating Wolkstein did not have the authority to allow us access.

During the course of the day a remark was made by one of the individuals showing us the materials with regard to the amount of material in the Social Security Administration. He said it was possible to bury individuals under tons of paper and that there is no way of telling how long it would take counsel to answer a request for access to information, it could be 3 days or 3 months.

Since all denials were oral, a letter was sent to Wolkstein on August 13, from Sylvia stating the reasons we could recall for denial and requesting a more formal reason for the denial. As of today, there has been no response from Wolkstein.

SEPTEMBER 3, 1970.

Mr. RUSSELL JALBERT,
Assistant Commissioner for Public Affairs, Social Security Building, Baltimore, Md.

DEAR MR. JALBERT: We have requested and have been offered Parts 2 and 3 of Parts A and B Intermediary Manuals at a cost of

$.25/page. Is this the price at which manuals are available for any person or group who seeks to obtain these manuals? Also, is there a statute which authorizes the Department to charge such fees for this and similar materials?

Thank you for your help.

Respectfully yours,

DOROTHY L. MOORE.

III. CUSTOMARY CHARGES

SEPARATE LETTERS TO:

Commissioner George K. Wyman, New York State Department of Social Services, Albany, N.Y.

Commissioner, Department of Institutions and Agencies, Post Office Box 1237, Trenton, N.J.

Commissioner, Department of Economic Security, New Capitol Annex Building, Frankfort, Ky.

Director, Human Relations Agency, Department of Health Care Services, 714 P Street, Office Building No. 8, Sacramento, Calif.

DEAR SIR: We are engaged in a study of the Pennsylvania State Medical Assistance program under Medicaid and are seeking data to compare its plan with those of other states.

We are particularly interested in your state's reimbursement levels (and the bases therefor) for non-institutional services pursuant to federal regulations which are set forth on the attached page. For example, Pennsylvania currently reimburses physicians participating in its Medicaid program at a basic rate of $4 per office visit. Pennsylvania appears to have arbitrarily arrived at this figure without the supporting analysis required by the aforementioned federal regulations.

We would greatly appreciate your supplying us with current dollar levels of reimbursement for physicians' and other non-institutional services under your state program and the bases therefor.

Thanking you for your cooperation, I am,

Very truly yours,

DOUGLAS FRENKEL,
Law Clerk.

JUNE 25, 1971.

Mr. J. STEWART HUNTER,
Associate Director of Information for Public Services, Department of Health, Education, and Welfare, HEW Building North, Washington, D.C.

DEAR MR. HUNTER: In the administration of Part B of Title 18, your agency makes individual determinations of the reasonableness of charges of individual practioners by comparing the charge to the main criteria: 1) the customary charges for singular services generally made by the physician or other person furnishing the service and 2) the prevailing charges in the locality for similar services. In this connection, Mr. Edward V. Sparer has requested access to the Medicare program prevailing charge screen. Attached is a copy of a letter to Mr. Sparer denying him access to this information.

In addition to the denial as per the attached letter, the request was renewed in March, 1971. This second request was made to Dr. Roger H. Cutt, Medical Service Specialist of the Social Rehabilitation Service of HEW, Philadelphia, Pa., who was to try to look into the availability of the information requested by Mr. Sparer. To date, I have not received access to this information. As such, I consider this a denial and am requesting review of these determinations.

Thank you for your consideration.

Sincerely,

RICHARD K. BARLOW, Esq.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, SOCIAL SECURITY ADMINISTRATION,
Baltimore, Md., July 23, 1971.

Mr. RICHARD K. BARLOW, Esq.
Health Law Project,
University of Pennsylvania Law School,
Philadelphia, Pa.

DEAR MR. BARLOW: Mr. J. Stewart Hunter has asked me to reply to your letter of June 25, concerning Mr. Edward Sparer's request for access to the Medicare prevailing charge screen.

In reply to Mr. Sparer's initial request for this information, Mr. Thomas C. Badstibner noted that this information must be kept confidential because publication would impair the effectiveness of the screens.

As you may know, the prevailing charge screens are developed by the individual carriers, based on the customary charges of individual physicians in the locality. There is no single, national screen. For your information, I am enclosing several Intermediary Letters outlining the policies to be followed by Medicare carriers in developing their reasonable charge screens. Also enclosed is a copy of the recent report of the committee on Ways & Means on H.R. 1. I believe you will be interested in the discussion of prevailing charge levels that begins on page 85.

Under present policy, the prevailing limit on the reasonable charge for a service is set at the 75th percentile of the customary charges for the particular service in that locality. The Medicare carrier will base payment on the full amount of a physician's bill if his charge is no higher than 75 percent of the physicians' charges in that area.

If information as to the prevailing limits on Medicare reimbursement were to become a matter of public knowledge, the 75th percentile might well come to be considered a base rather than a limit. As indicated in Mr. Badstibner's reply to Mr. Sparer, if a carrier's tolerances, criteria, and guidelines were made public, their effectiveness would be lost.

Appendix A of the Department's Public Information Regulation, sent to you by Mr. Hunter, lists examples of materials which are exempt from mandatory disclosure under the Freedom of Information Act. The information requested by Mr. Sparer falls under Item 6 in that listing.

Sincerely yours,

RUSSELL R. JALBERT,
Assistant Commissioner for Public Affairs.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 798

Mr. AIKEN. Mr. President, last week I submitted an amendment to the Social Security Act which would make an individual eligible for social security disability benefits if he or she is totally disabled due to a condition which started when currently insured even though he or she is no longer currently insured.

I now ask unanimous consent that the name of the senior Senator from Florida (Mr. GURNEY) be added as a cosponsor.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

ANNOUNCEMENT OF HEARINGS ON S. 448, RELATING TO APPROPRIATION REQUESTS OF CERTAIN REGULATORY AGENCIES

Mr. METCALF. Mr. President, the chairman of the Senate Subcommittee on Intergovernmental Relations, the distinguished Senator from Maine (Mr. MUSKIE), has asked me to announce that the subcommittee will hold hearings on S. 448, a bill to provide that the appropriation requests of certain regulatory agencies be transmitted directly to Congress.

Senator MUSKIE has requested that I preside at the hearings which are scheduled for February 15, 16, 17, 22, and 23. The hearings will begin at 10 a.m. in room 3302 of the New Senate Office Building.

Any Member of Congress or other person wishing to testify with respect to the proposed legislation should notify Mrs. Lucinda Dennis, chief clerk of the subcommittee. She can be reached by calling 225-4718.

NOTICE OF HEARINGS ON THE EGG INDUSTRY ADJUSTMENT ACT

Mr. JORDAN of North Carolina. Mr. President, I wish to announce the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices of the Committee on Agriculture and Forestry will hold hearings March 7, 8, and 9 on S. 2895, the Egg Industry Adjustment Act. The hearings will be in room 324, Old Senate Office Building, beginning at 10 a.m. Anyone wishing to testify should contact the clerk of the committee as soon as possible.

NOTICE OF HEARINGS ON NOMINATIONS

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished senior Senator from Alabama (Mr. SPARKMAN), I wish to announce that the Committee on Banking, Housing and Urban Affairs will hold a hearing on the following nominations:

John Eugene Sheehan, of Kentucky, to be a member of the Board of Governors of the Federal Reserve System.

C. Jackson Grayson, Jr., of Texas, to be Chairman of the Price Commission.

George H. Boldt, of Washington, to be Chairman of the Pay Board.

The hearing will be held at 10 a.m., on Thursday, January 27, 1972, in room 5302, New Senate Office Building.

ADDITIONAL STATEMENTS

ADDITIONAL DEATHS OF ALABAMA SERVICEMEN IN VIETNAM

Mr. ALLEN. Mr. President, I have placed in the RECORD the names of 1,139 Alabama servicemen who were listed as casualties of the Vietnam war through September 30, 1971. In the period of October 1 through December 31, 1971, the Department of Defense has notified 11 more Alabama families of the death of loved ones in the conflict in Vietnam, bringing the total number of casualties to 1,150.

I wish to place the names of these heroic Alabamians in the permanent archives of the Nation, paying tribute to them, on behalf of the people of Alabama, for their heroism and patriotism. May the time not be distant when there will be no occasion for more of these tragic lists.

I ask unanimous consent to have printed in the RECORD the names of the next of kin of these 11 Alabamians.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF CASUALTIES INCURRED BY U.S. MILITARY PERSONNEL FROM THE STATE OF ALABAMA IN CONNECTION WITH THE CONFLICT IN VIETNAM, OCTOBER 1, 1971, THROUGH DECEMBER 31, 1971

ARMY

Pfc. Larry W. Chaney, son of Mrs. Ora D. Chaney, P.O. Box 433, York, 36925

Sp4. Wyatt Miller, Jr., son of Mr. Wyatt Miller, Sr., P.O. Box 225, Ozark, 36360

Pfc. John H. Brown, son of Mr. Samuel E. Brown, Route 3, Box 155, Prattville, 36067

1st Lt. Danny A. Cowan, husband of Mrs. Nancy E. Cowan, 830 Woodlock Lane, Weaver, 36277

1st Lt. Raymon H. James, Jr., son of Mr. and Mrs. Raymon H. James, Sr., 705 Marion Drive, Madison, 35758

Sp5. Harvey D. Johnson, son of Mrs. Corine C. Cole, 404 N. McGregor Avenue, Mobile, 36603

Pfc. Ronnie Sharpe, husband of Mrs. Betty J. Sharpe, 601 Lawrence Street, Selma, 36701

Pfc. Harold D. Bowlen, husband of Mrs. Betty J. Bowlen, 2401 Lookout Avenue, Gadsden, 35901

Sp4. Terry G. Kugler, son of Mr. and Mrs. Wendell W. Kugler, Route 4, Cullman, 35055

Sp4. Archie T. Lucy, son of Mr. Sam Lucy, Route 1, Magnolia, 36755

MARINE CORPS

Sgt. Charles W. Turberville, son of Mrs. Annie Lucille Turberville, Route #2, Box 11, Finchburg, 36440

UKRAINIAN INDEPENDENCE

Mr. YOUNG. Mr. President, for more than half a century, the Ukrainian people all over the free world have fought with great courage and determination to regain their independence of the Soviet Union.

It was January 22, 1918, 54 years ago, that the independence of Ukraine was proclaimed in Kiev. One year later the Act of Union took place, putting all Ukrainian territory into one independent and sovereign state.

The Soviet Union chose to reject and ignore the declaration of the Ukrainian people and seemed determined to continue its suppressive tactics, politically, economically, culturally, and even militarily.

Mr. President, I am impressed by the unceasing resistance put up by brave Ukrainians everywhere, and particularly so by the efforts of the sizable number of outstanding citizens of Ukrainian descent in my State. These are some of our best citizens. Their loyalty to America is unquestioned.

On this important anniversary, it is a pleasure for me to join with many of my colleagues in commending the brave efforts of Ukrainians to regain their independence. They deserve our recognition and encouragement.

THE NEED TO IMPROVE FARM INCOME

Mr. McGOVERN. Mr. President, one of the most important votes affecting the welfare of rural America will be taken in the Committee on Agriculture and Forestry on Wednesday. The question is on concurrence with the House on the bill the House passed last December to improve farm income. It is my hope that the bill will be reported by the committee and speedily passed by this body.

Hearings were held on the measure Monday. So that Senators may better understand the issues involved, I ask unanimous consent that my testimony and other representative favorable testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY FOR H.R. 1163 SENATE COMMITTEE ON AGRICULTURE AND FORESTRY, JANUARY 28, 1972

Mr. Chairman, it would do little good to belabor the near economic collapse facing the feed grain and wheat producers in my State and across the Nation. I am sure all the members of this committee from feed grain and wheat states agree with me on that.

While I was opposed to the confirmation of Secretary Butz, he did, to his credit, recognize that at the time we were deliberating on his confirmation, that the prices farmers were receiving for corn did not meet the cost of production. In his State of the Union message, President Nixon said that farm income was not what it should be.

It seems to me, then, that the question is not whether our Nation's farmers need help, but rather the best means to give them this help.

It is my view that the best way we can improve farm income is by passing H.R. 1163. My principal reason for that belief is that if we fail to concur completely with the another farm bill, and the Congress will not have the opportunity to pass another farm bill in this session of the Congress. It is my understanding that if we fail to pass this measure as it was reported to us, the chances of the bill passing the House after a conference are less than fifty.

It would be ironic for the Senate to fail to act on the House measure to improve farm income since the proportionate strength of the farm belt is so much greater in the Senate than in the House. I commend the members of the House for their parliamentary skill in securing the passage of this measure.

Mr. Chairman, there has been considerable discussion of the alleged inconsistencies and contradictions of this measure. A careful review of this measure fails to disclose any. While I suspect the House members testifying today will address themselves to this question in some detail, I would just like to comment on that argument briefly. It has been suggested that the provision for a reserve and the clause to increase price supports are inconsistent since the purchase price provided for in the reserve feature of the bill sets the purchase price at the average price of the five previous years and the provision of the bill which increases the support level for wheat and feed grains by 25 percent would raise the prices for those commodities above the five-year average cost. In other words, since the loan feature of the bill would put the prices higher than the purchase price authorized by the bill, the reserve feature would be largely unoperative, unless price supports are reduced for the 1973 marketing year.

And with further respect to the reserve feature of the House measure, it should be noted that it is not mandatory for the Secretary to buy more than a small amount of the commodities. The 300 million bushels of wheat and the 25 million tons of feed grains in the bill are the maximum amounts. During the hearings of the House Agriculture Committee, it was quite clearly established that the Secretary is not required to place commodities in the reserve and the Secretary is free to determine the amount to be purchased. So to those members of this committee who have so often expressed their opposition to the concept of a reserve, I would say to them that their fears should be allayed by the fact that the reserve feature of the bill will for the most part be a dead letter provision.

Mr. Chairman, the essential arguments against the bill were summarized by Secretary Butz last month. According to a news account, the Secretary said he was opposed to the bill for three reasons. First, he said, the bill would "sabotage" the set-aside program. Secondly, that farmers would be induced by the increase in the loan level to plant feed grains such as corn and grain sorghum that tend to be in surplus now, instead of planting soybeans and other crops for which there is a greater market demand. The Secretary's third argument was that passage of the House bill would "wreck" farm export prices.

Sabotaging the set-aside program might well be a meritorious act. When the 1970 farm bill was passed, I predicted it would be a disaster for the Nation's farmers. In its first year of operation, it has been an unmitigated disaster. I would also like to digress a bit at this point to clarify the record on the 1970 farm bill. The Secretary and other spokesman of the Administration are traveling around the country proclaiming that the 1970 law was a bipartisan measure, leaving the implication that the present law was the consensus of all members of the Congress and that the Congress considered no other alternative. I am sure that this comes as a great surprise to members of both Houses who supported the Coalition Farm Bill and to the organizations which supported it, such as the National Farmers Organization, the National Grange, the National Farmers Union and the Midcontinent Farmers Association. These same organizations, incidentally, have all announced their strong support for H.R. 1163.

But to refer more specifically to the Secretary's allegations, there is no reason to believe that the 25 percent increase in the loan level would reduce participation in the 1972 program. Under the terms of the Agricultural Act of 1970, the Secretary has more than sufficient discretionary authority to make participation in the program attractive to farmers. The Secretary knows this, and it is my view that instead of discussing the intent of the set-aside program, Secretary Butz should tell us in no uncertain terms that his department can take the necessary action to assure broad participation in the 1972 program.

In response to the Secretary's second claim, it is obvious that the most effective way to prevent such an event is by dropping the set-aside program for 1972 with a base acreage program of supply control which was in effect under the 1965 Agricultural Act. Title Five of the 1970 Act provides for base acreage controls for feed grains for the years through 1971 through 1973.

In addition to base acreage control to preclude massive plantings of feed grains instead of soybeans and other crops, the Secretary could increase the loan level for soybeans and other crops.

There are several options available to the Secretary if the Congress increases the loan level 25 percent, and, in my view, it is the clear duty of the Secretary to make the necessary changes in the details of the program to accommodate the higher loan level.

The Secretary's third charge is that enactment of the bill would wreck export opportunities for our agricultural commodities. Again, I would like to digress a bit and correct the record. In the written State of the Union mesage, the President said that three years ago he pledged to increase farm exports. He may have said that in passing, but it is my clear recollection that he pledged in no uncertain terms to improve the parity ratio. In any event, that was his farm pledge which was given so much publicity and the pledge at which he failed so miserably.

The United States could maintain a high level of exports by establishing base acreage controls on corn and grain sorghum and leaving soybeans outside the grain crops subject to production control. By doing this, we would leave the door open for production of soybeans for export.

The American farmer is not impressed with the statistics the Administration throws at us with increasing regularity on the increase of our agricultural exports. He would be impressed if these exports increased his income, but our policy has been to scuttle international grain policies to the chagrin of other exporting nations and make the international market a dumping market which benefits only the grain trade and shores up our sagging balance of trade somewhat.

At the recent convention of the National Association of Wheat Growers, speakers from the other wheat exporting nations begged the United States to cease depressing international grain prices. In no uncertain terms, these representatives suggested that we should listen to our farmer producers instead of the grain trade.

E. K. Turner, President of the Saskatchewan Wheat Pool, pointed out that the other exporting nations have sold all their wheat and asked, since we have the world market virtually to ourselves until after next July, "why continue to put downward pressure on it?"

"Governments ought to listen more to farmers and less to the members of the grain handling and international grain train," said Turner.

All of the foreign guests at the Wheat Growers convention urged the United States to renegotiate the International Wheat Agreement with minimum price floors which would assure producers at the very least an opportunity for a fair price.

For two years now, the United States has been leading an international price cutting war in farm commodities. The adverse effect on the farmers was not considered in our effort to increase volume and improve our trade balance. Completely overlooked is that the price cutting has been unnecessary. In addition, the devaluation of the dollar has lowered our prices by another 12 percent for wheat.

As far as the question of our Nation's farm exports are concerned, I would like to conclude with a salient part of Mr. Turner's statement at the Denver wheat meeting. He said:

"Either we agree to cooperate in an international agreement in international form, or else we cut up each other in the market place on the basis of prices alone. We're simply going to be in there, and we're going to sell, and we're going to market our grains as competitively as we know how. We tried sitting back and it cost us. I know that Canada can't match the purse the United States has, but if we're going to go down, we're going to go down fighting on this question."

STATEMENT OF THE NATIONAL FARM COALITION

(Presented By: John W. Scott, Master, The National Grange; Tony T. Dechant, President, National Farmers Union; Jerry Rees, Executive Vice President, National Association of Wheat Growers; Walter Geoppinger, President, National Corn Growers Association)

Mr. Chairman: Each of the undersigned organizations appeared before the Subcommittee on Agricultural Production, Marketing and Stabilization of Prices, or has otherwise indicated its support for H.R. 1163, which was unanimously reported by the Subcommittee and is now being considered by the full Committee. Our testimony or statements are a part of that hearing record and our position is well known to members of the full Committee. We therefore feel that to duplicate our support in detail would be an imposition upon the Committee's time. We therefore are filing this joint statement in strong support of H.R. 1163.

The central issue of the legislation—in fact, the basic issue before this Committee—is the immediate improvement in farm income. You have heard many statements made to divert the Committee's attention away from the need for improvement in farm income. However, we would like to point out to the Committee that income is the main problem facing American farmers.

Action is needed now. If we wait to try for still another year, an untried and questionable course in farm programs, thousands of family farmers will be no longer engaged in farming, having been forced off the farm because of low prices.

If farm income is to be improved, H.R. 1163 must be enacted immediately. The attached chart will show the improvement in farm income if the loan rate on wheat, corn, grain sorghum and barley is increased by 25%. The totals may have changed since this chart was compiled, but would hasten to point out that each day's delay in increasing the loan rate will remove that much more income from farmers' pockets.

The undersigned organizations, representing thousands of family farm grain producers, respectfully request that this Committee take immediate and affirmative action on the pending legislation and report it to the Senate floor in the same form as it passed the House so as not to further delay the improvement in farm income.

NAMES AND HEADS OF ORGANIZATIONS

The National Grange—John W. Scott, Master.

National Farmers Union—Tony T. Dechant, President.

National Association of Wheat Growers—Jerry Rees, Executive Vice President.

National Corn Growers Association—Walter Geoppinger, President.

Farmers Cooperative Council of North Carolina—Harry B. Caldwell, Executive Vice President.

Grain Sorghum Producers Association—Elbert Harp, President.

Midcontinent Farmers Association—Fred V. Heinkel, President.

Soybean Growers of America—Alvah F. Troyer, President.

Virginia Peanut Growers Association—Russell C. Schools, Exec. Secy.

Farmers Union Grain Terminal Association—B. J. Malusky, Gen. Mgr.

Webster County Farmers Organization—Alfred Schutte, President.

North Dakota Feeder Livestock Producers Association—Laverne Schoedor, President.

United Grain Farmers of America—Cleo A. Duzan, Chairman.

North Dakota Wheat Producers Association—James Martin, President.

Durum Growers Association of the U.S.—John Wright, President.

The National Farmers Organization—Oren Lee Staley, President.

Peanut Growers Cooperative Marketing Association—S. Womack Lee, Manager.

PROJECTED INCOME INCREASES TO FARMERS ON 1971 CROP AS RESULT OF 25 PERCENT LOAN HIKE (H.R. 1163)

[In millions of dollars, rounded to nearest 100,000]

State	Wheat		Corn		Grain sorghum		Barley		Total income increase
	Yield (bushel)[1]	Income increase[2]	Yield (bushel)[1]	Income increase[2]	Yield (bushel)[1]	Income increase[2]	Yield (bushel)[1]	Income increase[2]	
Alabama	3.5	0.6	25.4	4.5	2.3	0.3			5.4
Arizona	11.8	2.1	.3	.1	12.9	1.8	9.0	1.8	5.8
Arkansas	9.6	1.7	1.3	.2	12.0	1.7			3.6
California	20.0	3.6	28.1	4.9	28.8	4.0	57.6	11.5	24.0
Colorado	70.9	12.8	36.8	6.5	11.7	1.6	15.3	3.1	23.8
Delaware	1.0	.2	12.0	2.1			1.0	.2	2.5
Florida	2.0	.4	17.5	3.1					3.5
Georgia	8.0	1.4	83.0	14.5	1.8	.3	.6	.1	16.3
Idaho	50.6	9.1	3.0	.5			38.8	7.8	17.4
Illinois	43.3	7.8	1,043.0	182.5	9.6	1.3	.8	.2	191.8
Indiana	33.1	6.0	526.0	92.0	2.2	.3	.6	.1	98.4
Iowa	1.3	.2	1,214.2	212.5	9.0	1.3			214.0
Kansas	312.6	56.3	115.4	20.2	227.2	31.8	7.5	1.5	109.8
Kentucky	7.6	1.4	89.0	15.6	2.1	.3	3.5	.7	18.0
Louisiana	1.0	.2	4.4	.8	4.2	.6			1.6
Maryland	4.4	.8	36.9	6.5			4.3	.9	8.2
Michigan	20.5	3.7	119.0	20.8			.9	.2	24.7
Minnesota	57.0	10.3	469.0	82.0			40.7	8.1	100.4
Mississippi	5.1	.9	9.9	1.7	8.1	1.1			3.7
Missouri	34.3	6.2	266.7	46.7	48.9	6.9	.8	.2	63.7
Montana	112.0	20.2	.4	.1			58.8	11.8	32.2
Nebraska	107.4	19.3	465.9	81.5	117.9	16.5	2.2	.4	116.7
Nevada	.6	.1					1.1	.2	.3
New Jersey	1.6	.3	5.1	.9			1.1	.2	1.4
New Mexico	4.0	.7	1.1	.2	19.3	2.7	1.0	.2	3.8

Footnotes at end of table.

PROJECTED INCOME INCREASES TO FARMERS ON 1971 CROP AS RESULT OF 25 PERCENT LOAN HIKE (H.R. 1163)—Continued

[In millions of dollars, rounded to nearest 100,000]

State	Wheat		Corn		Grain sorghum		Barley		Total income increase
	Yield (bushel)[1]	Income increase[2]	Yield (bushel)[1]	Income increase[2]	Yield (bushel)[1]	Income increase[2]	Yield (bushel)[1]	Income increase[2]	
New York	5.2	.9	26.1	4.6			.4	.1	5.6
North Carolina	11.6	2.1	89.6	15.7	6.8	1.0	4.1	.8	19.6
North Dakota	285.2	51.3	8.1	1.4			99.9	20.0	72.7
Ohio	42.7	7.7	313.8	54.9			.8	.2	62.8
Oklahoma	69.5	12.5	5.4	1.0	28.2	4.0	11.8	2.4	19.9
Oregon	34.5	6.2	1.0	.2			19.1	3.8	10.2
Pennsylvania	10.3	1.9	83.5	14.6			10.0	2.0	18.3
South Carolina	5.0	.9	26.6	4.7	1.4	.2	1.2	2.0	6.0
South Dakota	68.7	12.4	118.6	20.8	13.3	1.9	18.7	3.7	38.8
Tennessee	8.8	1.6	34.0	6.0	2.1	.3	.9	.2	8.1
Texas	31.4	5.6	33.1	5.8	318.3	44.6	1.3	.3	56.3
Utah	6.0	1.1					7.6	1.5	2.6
Virginia	8.4	1.5	30.5	5.4	1.8	.3	5.4	1.1	8.3
Washington	118.9	21.39	6.0	1.1			25.9	5.2	27.7
West Virginia	.4	.1	3.7	.7			.5	.1	.9
Wisconsin	1.7	0.3	196.6	34.4			2.1	0.4	35.1
Wyoming	7.0	1.3	2.1	.4			6.9	1.4	3.1
Total	1,575.6	283.6	5,551.8	971.6	989.2	124.5	462.5	92.50	[3] 1,472.2

[1] Production figures for corn and grain sorghum are taken from U.S.D.A. Crop Production Report of Nov. 1, 1971; production figures for wheat and barley are taken from U.S.D.A. Crop Production Report of Dec 1, 1971.

[2] See opposite side for formula by which income increase was computed.

[3] This is total of 4 commodities, adding horizontally; the total of the State-by-State vertical column is $1,498,500,000. The slight discrepancy is due to rounding and omission from State-by-State figures of some States with very small production of a commodity.

HOW INCOME INCREASES ARE COMPUTED

1. WHEAT

1,639.5 million bushels total 1971 U.S. production times 60% (non-domestic portion of U.S. production) times $0.30 (estimated price increase per bushel).

Only non-domestic portion of U.S. production is used in the calculation because farmers are already guaranteed 100% of parity on domestic production.

2. CORN

5,551.8 million bushels total 1971 U.S. production times 70% (estimated portion of production eligible for loan increase) times $0.25 (estimated price increase per bushel).

Estimated portion of production eligible for loan increase computed as follows: 100% of 5,551.8 million bushels minus 15% of total production not participating and therefore not eligible for loan (and in large part fed on farm so as not to benefit from market price increase resulting from loan hike) minus 15% participating corn already sold equals 70% of 5,551.8, or 3,386.3 bushels.

3. GRAIN SORGHUM

889 million bushels total 1971 U.S. production times 70% (estimated portion of production eligible for loan increase) times $0.20 (estimated price increase per bushel).

Estimated portion of production eligible for loan increase computed as follows: 100% of 889 million bushels minus 15% of total production not participating and therefore not eligible for loan (and in large part fed on farm so as not to benefit from market price increase resulting from loan hike) minus 15% participating sorphum already sold equals 70% of 889, or 622 million bushels.

4. BARLEY

462.5 million bushels total 1971 U.S. production times $0.20 (estimated price increase per bushel).

NOTE.—For all commodities (wheat, corn, grain sorphum, and barley), the state-by-state breakdown uses the same formula as for U.S. production, except that yield figures for the individual states rather than nationwide yield figures are used.

STATEMENT OF CHARLES L. FRAZIER, NATIONAL FARMERS ORGANIZATION, BEFORE THE SENATE COMMITTEE ON AGRICULTURE AND FORESTRY, JANUARY 24, 1972

H.R. 1163, STRATEGIC STORABLE AGRICULTURAL COMMODITIES ACT OF 1971, AND S.J. RES. 172

Mr. Chairman and members of the Committee, I appear briefly today in behalf of favorable action on this legislation. The officers and members of the National Farmers Organization are quite seriously concerned. We appeared before the subcommittee in early November in support of similar bills.

Summary

The buying provisions to establish a reserve supply of wheat and feed grains would not be immediately effective in view of the increased loan rates established by Section 8 of the bill. This does not necessarily make the bill defective in substance. The reserve principle should be established in the law. It may be modified or improved as it comes into use if that should become necessary.

Immediate favorable action on H.R. 1163 is of vital importance to grain producers, many of whom still hold 1971 crop grain in hopes of congressional action to increase loan rates by 25%.

Actions of the USDA to improve grain prices by purchasing corn appear to be too little and too late. Less than 10 million bushels have been bought and some milo has been sold.

Prevailing farm prices of wheat and feed grain in most major production areas still hover at or below the cost of production. Contrary to the contention that the very modest increases in loan rates contemplated in the bill would wreck the programs, such action might very well be required to restore producer confidence and facilitate gradual disposition of the surplus grain now on hand.

S.J. Resolution 172 contains some provisions that would implement sound administration of the grain price support program. We support that part of the resolution designed to strengthen control of feed grain acreage.

Strategic Storable Agricultural Commodities Act of 1971

It has been stated that H.R. 1163 is technically deficient or that one section contradicts another. In the first Section through Section 7 the Secretary of Agriculture is directed to establish and maintain certain reserves of wheat and feed grains. The maximum price authorized for the purchase of grain is the average price farmers received during the preceding five marketing years. It is provided that the minimum sale price would be 120% of this average price. Critics of the bill point out that Section 8, wherein loan rates are temporarily increased for 1971 and 1972 crops, makes it highly improbable that purchases would be made for the reserve at this time. Nevertheless, this does not make the legislation unsound in principle. The Secretary of Agriculture should have the authority and the direction to maintain a reserve that protects the users of wheat and feed grains in times of threatening short supply and it should be possible for the administrators of the price support program to project production plans, loan rates, and payment provisions without calling upon farmers to carry an adequate reserve for the nation at their own expense. Thus, we contend that it would be wise to establish the authority for a strategic reserve. It will be reassuring to producers, consumers and farm program administrators to establish this principle in law. In the language of Section 7, the authority will expire at the end of the marketing year for the 1973 crop. There is ample time to extend or improve this portion of the proposed law if that is considered wise in light of events yet to come. We support the strategic storage principle and urge that the Congress establish this basic authority. In any event, the proposed authority would damage no one.

The most urgent matter before you today is, of course, the question of immediate action to improve grain prices.

Early in the summer of 1971 it became apparent that excessively large grain crops would depress prices throughout most of the country. Since that time, many efforts have been made, or at least widely discussed, but corn is still selling from the farm in the heart of the belt at $1.02 to $1.08 and wheat is selling for $1.24 to $1.35 in Nebraska and the Dakotas.

An economic study conducted by the University of Illinois and just recently released, covering the operation of a number of specialized corn growing farms in the three years 1968–1970 shows they lost an average of $1.75 an acre when all costs of production were considered. These were farms ranging in size from 260 to over 1,000 acres. Yields averaged 105 bushel per acre and the corn sold for an average of $1.24 per bushel in the three-year period.

It has been said that increasing the loan rates to 125% of their current level, as proposed in the bill, would wreck the programs, discourage farmer participation in the 1972 program and build up burdensome supplies of grain in this country. These generalizations are coming out of the USDA at a time when their own reports disclose that December, 1971, prices were 45% of parity for wheat, 57% for corn, 65% for barley and 59% for grain sorghum. The proposed increases are modest indeed under these circumstances.

Rather than sell grain at prices only equal to or less than the cost of production, many farmers have held their grain, hopefully awaiting action in this Congress. Only this week two grain growers from Traverse County, Minnesota, calling at our Washington office, estimated that 70% of the grain in their home county was still in the hands of producers. These growers had consulted with local trade men and other farmers—they estimated that the increased price support in this bill would mean $1,280,000 to the producers in their county alone.

In contrast with the current situation, the average price of corn received by farmers on December 15, 1970, was reported by the USDA as $1.36 per bushel. In that year we exported a record amount of feed grain from this country and a larger percentage of producers signed up to participate in the 1971 program than ever before. For many months responsible men in the USDA have predicted a drop in exports this marketing year, largely because of factors other than price. Certainly we already have too much grain but it is ridiculous to contend that raising grain prices to a level existing only a year ago would wreck the programs or create a new surplus. We have the surplus now.

The Secretary of Agriculture seemingly has placed his faith in open market purchases of corn. In six weeks of purchases in the open market, the Department has bought less than 10 million bushels of corn. In all fairness, we must conclude that a surplus variously estimated well above 500 million bushes of feed grain will not be isolated from the market at this rate of purchase. The market responded immediately when H.R. 1163 passed in the House. More decisive action is now required and we urge favorable action on the bill H.R. 1163 as quickly as possible. We have sufficient faith in farmers to believe that they will participate in the 1972 program with the more favorable loan rates. In the absence of positive action, a large number may not be in the program because they may not be farming.

S.J. Res. 172

The Secretary has authority in Section 105 (c) of the Agricultural Act of 1949, as amended, to limit the acreage planted to feed grains on each farm participating in the set-aside program. If the Committee believes it is necessary to make such a policy mandatory, then we would support positive action on that part of S.J. Res. 172. However, we urge that any action of this nature remain separate from the Senate's consideration of H.R. 1163.

PRESIDENT NIXON'S 1973 BUDGET REQUEST

Mr. THURMOND. Mr. President, I know that Senators will give President Nixon's just-submitted fiscal year 1973 budget request the detailed study and attention it requires and deserves.

At this time I would like to highlight a vital segment of this budget request; specifically, the record-high $11.7 billion requested for the Veterans' Administration to enable it to provide the benefits and services for America's 28.5 million living veterans and their dependents. These benefits will also accrue to the survivors of deceased veterans.

I should inform Senators that the fiscal year 1973 budget for VA requested by the President is not only $790 million more than this year's record-high budget, but marks the fourth consecutive year in which all-time high VA budget requests have been set.

Mr. President, as a member of the Committee on Veterans' Affairs, I believe that budget figures—VA budget figures in particular—become meaningful only when translated into the specific benefits and services they will provide. Thus, we should look at the requested fiscal year 1973 VA budget in terms of the benefits and services it will provide.

Assuming Senate and House approval of the budget requested by the President, the Veterans' Administration in the coming year will be able to accomplish the following:

The VA will increase the agency's average employment by 11,640, bringing its total work force to 183,876. Nearly 11,000 of these additional employees will be assigned to VA's Department of Medicine and Surgery, thus giving it a work force of more than 162,000, the greatest number in the history of VA medicine.

With a record-high budget of $2.5 million for VA medicine, up more than $166 million over this year's all-time high appropriation, VA will be able to provide inpatient treatment to nearly 950,000 veterans, an increase of more than 24,000 over this year.

The VA will be able to handle 10.8 million outpatient medical visits, an increase of 1.4 million over this year.

The care provided in VA nursing care units will be increased by 20 percent, while the amount expended for VA medical and prosthetic research will be increased by $8 million to a record-high $78 million.

The staffing ratio in VA hospitals will be raised to 149 employees for each 100 patients, an increase of seven employees for each 100 patients.

Nearly 250 new medical service units will be activated in the coming fiscal year, including additional drug treatment centers, intensive care units, and renal transplant centers.

Finally, VA medicine in fiscal year 1973 will provide medical training for nearly 62,000 physicians, dentists, nurses, and other health personnel; again, a record number and more than 5,000 above the total trained this year.

Mr. President, the largest single item in the proposed fiscal year 1973 budget is the $6.4 billion—up $331 million over this year—requested for disability and death compensation and pension payments to nearly 5 million veterans and dependents.

Although not an all-time high, the $155 million budget for VA hospital construction in fiscal 1973 is the highest amount since 1951.

Not since 1957 has VA guaranteed the 340,000 loans valued at $7.2 billion for which it has requested necessary funding in fiscal 1973.

Mr. President, each year since June 1966 when the present Vietnam era GI bill education and training program went into effect, this most worthwhile and popular program has grown. Fiscal year 1973 will be no exception. In fact, the $2.2 billion requested for GI bill training and other readjustment benefits is $204.7 million higher than this year's budget, and represents a more than 200-percent increase over the figure of just 4 years ago.

Moreover, the more than 2 million young veterans who will train under this program in the coming fiscal year constitute an increase of more than 105,000 over this year's record number of enrollees.

I particularly invite the attention of Senators to the proposed new legislation which accounts for a significant part of the $790 million increase in the proposed fiscal year 1973 budget for VA. Specifically, I would point out the requested 8.6-percent increase in GI bill education and training benefits at an estimated cost of $174 million, and a nearly 6-percent increase in compensation paid service-disabled veterans, at a fiscal year 1973 cost of $148 million.

Mr. President, in closing, I should like to emphasize that approximately 74 cents out of every dollar appropriated for VA goes for direct veterans benefits; 22 cents for medical care; 1.4 cents for hospital construction; with only 2.6 cents being used for VA general operating expenses.

THE FUTURE OF THE PEACE CORPS

Mr. McGEE. Mr. President, it is probably realistic to state that the current controversy over our foreign aid program has also threatened the future of the U.S. Peace Corps effort.

As was pointed out in the Washington Post of Saturday, January 22, Congress could be on the verge of cutting the Peace Corps budget substantially and thus endanger many worthwhile projects now being conducted in many underdeveloped nations.

The Post editorial states that plans to bring home up to 4,000 volunteers by April, due to inadequate funding of the program, would mean the United States would be breaking agreements with 55 nations. The integrity of the United States would be brought into question and not without considerable reason.

It is my belief that, rather than cutting back on the Peace Corps program, Congress should be strengthening it. I urge Senators to give close consideration to the Post editorial and sincerely hope it will serve as a guide to our consciences.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MONEY FOR THE PEACE CORPS

In the past when news came that the Peace Corps was "in trouble," it usually meant a host country had ordered out a group of volunteers, or that an incident had occurred in a back-country village, or that the volunteers were disenchanted with U.S. foreign policy. It was mostly something happening abroad. Now, the Peace Corps is in trouble and the problem is at home.

Congress may be on the mischievous way to cutting the Peace Corps budget substantially. Last June, the President asked for $82 million as an authorization for the coming year. This in itself was disappointing, $82 million being a low request. But the situation is even worse. The Peace Corps was authorized to spend at the $82 million rate for the first half of the fiscal year and has already spent roughly $47 million. However, the House has provided for only $68 million for the year. Thus if the House figure is sustained, the Peace Corps would have only about $21 million left for the rest of the year.

Peace Corps officials have had no choice but to face the dollar reality. A freeze has been ordered through June 30 on extending invitations to join the Peace Corps. Worse, plans exist for bringing home up to 4,000 volunteers by April, meaning the United States will break agreements with 55 nations where Peace Corps volunteers now work. An unsettling paradox is thus created. Many in Congress who see as sacred the many military and trade agreements between this country and others now care little whether this agreement for peaceful social change will be threatened. Moreover, the agreement will be broken at the village level where many of the Peace Corps volunteers live and work. Diplomats in embassies understand how agreements must be "altered," but what about the Peruvian teacher or the Indian farmer who sees his Peace Corps volunteer pulled out?

The Peace Corps has been one foreign commitment in which the country has taken near-unanimous pride. America still has large numbers of idealists who see the Peace Corps as both a means of service to others and enrichment to oneself. The agency reports that applications are now on the upswing, following a sharp slide in the first two years of the Nixon administration. Instead of gutting the program, you would think that Congress would want to strengthen it.

The Senate has yet to appropriate funds for this year. It will soon meet on this matter and it is hoped that a funding level of $77 million—the full amount that can be legally appropriated at this time—will be agreed on and that that amount will prevail in the Senate-House conference. Anything less would mean dark days ahead for one of the nation's brightest experiments in peaceful social change.

WHY THE SPACE SHUTTLE MAKES SENSE

Mr. GURNEY. Mr. President, on January 5, 1972, President Nixon announced a firm administration commitment to the development of the space shuttle as the next logical step in our space program. As a longtime proponent of that program, and of the shuttle concept as well, I commend the President for his action in the matter.

I am extremely hopeful that election-year politics will not in any way distort the discussion of the space shuttle in this body and will not affect or influence the decision of the Senate on the program. It seems quite clear to me that the space shuttle is the appropriate and necessary next step of man's exploration of his universe and that, when examined, the arguments clearly resolve themselves in weight of the furtherance of that program.

I ask unanimous consent to have printed in the Record an excellent article entitled "Why the Spave Shuttle Makes Sense," written by Mr. Lawrence Lessing, and published in this month's issue of Fortune magazine.

There being no objection, the article was ordered to be printed in the Record, as follows:

Why the Space Shuttle Makes Sense

(By Lawrence Lessing)

A new space system now being considered for development would feature an elaborate orbiting space station, but the first and most important innovation would be the shuttlecraft—that snub-nosed vehicle at lower left—which would have many immediate uses, e.g., launching, repairing, and servicing existing satellites.

The twelve-man station, planned for the early 1980's, would be launched into near-earth orbit and would function for as long as ten years. Its central core would be made up of four deck compartments for laboratories, living quarters, and equipment, with two end sections for bulk storage and entrance-exit ports. At intervals of six weeks the shuttlecraft would deliver men and supplies to the station and return equipment and men to earth. It would also carry up and return those large laboratory pods, fitted into airlocks in the station's core, where experiments in biology, metal-chemical processes, and other fields could be conducted.

Finally, the shuttle could deploy free-flying satellite observatories, bases for, say, solar and stellar studies; like the laboratory pods, these would be monitored and serviced from the station. Such stations eventually would be the assembly and take-off points for other vehicles going to the moon and beyond.

The U.S. space program is entering an entirely new stage of development. The first stage featured high adventure--reaching the moon and proving that men can walk upon it. The new stage, less glamorous and doubtless less gripping to the man in the street, will feature the more prosaic task of making space flight economic, of putting it on a basis in which our knowledge may be cultivated and extended over a long period of time.

Some two years ago a presidential task force, set up to review the space program, recommended that the next big goal in space be the building of a space shuttle system. This would involve a new class of reusable rocket boosters, and spacecraft able to fly routinely in and out of space, much like conventional aircraft. Instead of being thrown away on each flight as Saturn-Apollo equipment is—at a cost of some $280 million per mission—the new vehicles would return intact to earth to be launched and flown again. The goal would be vehicles good for at least a hundred missions. The system could reduce the cost of putting men and payloads in orbit from about $1,000 per pound to around $100. Eventually these vehicles would provide the first transportation link to an orbiting space station, a permanent base on the moon, exploration of the planets, and much more. All together, they would lay the basis for a multipurpose space transportation system, viable for perhaps a quarter of a century, that would insure the nation's hard-won lead in space.

Needless to say, given the present economic climate and apathy about space, the project has met some sharp opposition, on the score of both high initial costs and lack of immediate "relevance." And, indeed, a shuttle system would be a large, long, and expensive undertaking. Its costs could run anywhere from $9 billion to $14 billion, spread over the next decade. But the shuttle's basic economic appeal helped to get its small initial budgets safely through two sessions of Congress. Last summer the National Aeronautics and Space Administration selected the first hardware contractor, the Rocketdyne Division of North American Rockwell, to build the big liquid-hydrogen engines needed—the item requiring the longest lead time. That contract, expected to run for a decade, will by itself amount to some $1 billion. In 1972, NASA will be moving toward a criitcal decision on the shuttle vehicles themselves. The decision to build them will represent a final commitment to the program, and will certainly be preceded by more heated debate.

TIME FOR DEBATE

It is well for democratic processes that the debate is occurring now, rather than long after the letting of firm hardware contracts. In the Apollo program, launched in an atmosphere of urgency about catching up with the Russians in space, appropriations were rushed through and all contracts let within the span of a single year, with hardly a dissenting vote. Only in 1963, with costs mounting (as projected earlier), and with a presidential election looming, did congressional attacks on the space program begin. No such precipitate haste has marked the intiation of the shuttle project. For two years three big aersospace combines—North American Rockwell teamed with General Dynamics, Grumman Aerospace with Boeing, and McDonnell Douglas with a range of specialized contractors—have been working under small study contracts to develop a wide range of optional system proposals. In turn, NASA has been analyzing and refining the proposals, mindful of budget stringencies, in an effort to find the most economical way to long-term program of maximum usefulness. No space program thus far has been so critically or extensively examined.

The shuttle's origins go back to the early days in space, when the Air Force began an experimental "lifting body" prospect called Dynasoar. This was conceived by Boeing, the system contractor, as a big-rocket-propelled spacecraft with stubby delta wings, which, instead of plummeting back ballistically through the atmosphere, would have enough wing lift to glide back aerodynamically to an airport landing on earth. Dynasoar was to be a purely experimental vehicle. The ultimate objective was to use it to ferry men and equipment to a large manned orbiting laboratory, or space station, which the Air Force proposed to develop as a control center for its growing reconnaissance satellite system. Dynasoar never was built, however, and the whole project was canceled in 1963. Its costs were too high, especially when they were added to those of the Apollo program, and it was ahead of its time. Much basic space technology was still to be proved. But Dynasoar left behind a solid residue of experimental work on lifting-body designs for use at the enormous speeds of re-entry into the earth's atmosphere.

By 1969, with the Apollo program tapering off, aerospace engineers were ready to tackle a shuttle and space station. Initially, these were considered interlocking elements of a single system. Most of the basic technology needed for the system was already in hand—we could dock in space for example, and had developed reliable, restartable hydrogen engines. NASA initiated a broad study of the proposed system, and meanwhile set about converting the third stage of a surplus Saturn rocket into an experimental space station, dubbed Skylab, for launching in 1973, in order to test its possible uses and gain experience in long-extended weightlessness. (In the absence of a shuttle vehicle, Skylab will be serviced by modified Apollo spacecraft.) At the same time the Air Force remounted its own program for a shuttle system and manned orbiting laboratory. But this duplication of effort, in an increasingly tight budget, could not be tolerated. The orbiting laboratory was canceled to await the outcome of Skylab, and since then the Air Force has agreed to work cooperatively with NASA on development of a single shuttle system.

The basic shuttle design that emerged from the combined studies projected an imposing vehicle. It would have two major components: a stubby-winged launch rocket, or booster, looking something like a 747 jumbo jet, upended on its tail; and a winged shuttlecraft, or obiter, about the length of a 707 jetliner, but wider. On launching, the orbiter would ride piggyback on the booster, which would carry it up to an altitude of about forty-five miles, at which point the booster would drop away and be brought back to its base by two pilots. Meanwhile, the orbiter, carrying a payload of as much as 65,000 pounds, plus twelve passengers and a crew of four, would ignite its own engines and go into higher orbit for missions lasting up to seven days or more. To lift these loads, the booster would have twelve big liquid-hydrogen engines developing a total of 6,600,000 pounds of thrust—the first use of hydrogen in ground launching—while the orbiter would have three similar engines with over a million and a half pounds of thrust. Together, they would represent the most powerful space vehicles ever built.

REPAIRMEN IN SPACE

As studies progressed, it became clear that the shuttle was the key element and highest-priority item in the complex. With or without a space station, it would stand on its own. The economies implicit in its large load-carrying capacity could make it the basic launch system for all kinds of space satellites, commercial or scientific, and planetary probes. The orbiter's sixty-foot-long payload compartment, with an ejection hatch, could carry into orbit the largest satellites contemplated, singly or in groups. Moreover, since the orbiter would also carry men, it could routinely service, repair, or retrieve the increasingly expensive objects in orbit. A $75-million orbiting astronomical observatory, for instance, whose batteries went dead in orbit some time ago, might thus have been saved. Such a service would ultimately allow manufacturers to build less expensively engineered satellites, one-half to two-thirds of present costs, since they would not have to be built for long life unattended.

On the basis of launch savings alone, the Air Force announced last spring that with a shuttle available it would be able to phase out all its present big launch rockets, including its Titan 3's. The economics were most compelling. Against present costs of $20 million to $35 million for each major unmanned launch, a shuttle launch would run about $5 million. Savings over Saturn-Apollo missions are even greater, since this manned system requires long countdowns and the assistance at splashdown of the Navy, Air Force, and a cast of thousands; the shuttle would count down in two to three hours, and return on its own to land.

The Air Force is mainly interested in the shuttle as a means of maintaining its extensive system of reconnaissance, communication, early-warning, and other defensive satellites. Until recently, recon satellites had to be launched every two or three weeks. In the relatively low orbits at which they must operate to get useful photographs, they had a very short life. A big, more advanced recon satellite, with a huge high-resolution camera and a higher orbital life of two to three months, is now coming into use. But this is still a short time span for expensive equipment; the span could be extended at great savings by a shuttle system. Even greater benefits would accrue to the growing galaxies of civilian satellites used in communications, earth-resources and weather surveying, and navigation traffic control.

With the shuttle thus taking top priority, it became apparent that a large space station could be deferred until late in the decade to keep budgets down. Moreover, the shuttle program itself might be extended further over time so as to hold down annual budgets. NASA is well aware of the fact that the Apollo program ran into political trouble because all its system elements were contracted for and developed concurrently causing NASA's budget to rise sharply to a peak of $5.9 billion in 1966. Concurrent development is the most economic, effective way to develop complex systems, as was demonstrated in World War II. By selecting a firm target date and developing all systems in parallel to meet it, a program's time span, overhead, and waste motion are reduced and it is made less vulnerable to inflation. But the short-run budgetary implications of concurrent development are now politically unpalatable. NASA is facing the political reality and planning to keep somewhere within its present $3.3 billion a year.

HOW THE SPACE SHUTTLE WORKS

The flight plan of the space shuttle differs markedly from that of the now familiar long-drawn-out launch procedures and splashdown dramatics of the Apollo missions. On the launch pad at the far left sits a rocket booster the size of a 747, carrying piggyback a shuttlecraft, or orbiter, which is about the size of a 707. After a countdown of two to three hours, the booster raises the orbiter up to an altitude of about forty-five miles, at which point the booster peels off and is piloted back in a great arc to its base. Meanwhile, the shuttlecraft, carrying a crew of four and up to twelve passengers, plus payload, fires its liquid-hydrogen engines and arcs upward into orbit. Fitted for orbiting missions of seven days or longer, the shuttlecraft has the capacity to perform a variety of tasks—e.g., servicing a space station with men and supplies. At the end of its mission the shuttlecraft, with a last burst from its small inboard maneuvering engines, swoops out of orbit into re-entry position and makes a powered flight to an airport landing on earth.

There is a similar concern about the political realities in the hard-pressed aerospace industry these days. "Each engineer working on the program," a McDonnell Douglas spokesman assured a conference last spring, "has had his head reshaped to design for low costs." As an example, Grumman, builder of Apollo's famous Lunar Excursion Module (LEM), came up last spring with what proved to be a winning idea for shuttle-orbiter design. It consisted simply of employing external, disposable tanks to carry the bulky volume of hydrogen fuel. This would allow a smaller, lighter orbiter to be built, without sacrificing payload capacity, at the same time that it would materially reduce the size and complexity of the booster. The cost of the fuel tanks jettisoned on each flight would run close to $2 million, but these would be largely offset by capital savings of $1,500,000 per vehicle—and the capital costs would come earlier and pose a greater political threat to the program. NASA promptly directed all contractors to study the incorporation of expendable fuel tanks in their own designs.

TUSSLING WITH THE OPTIONS

Other budget-cutting measures included a proposal to use existing, non-reusable boosters, such as the Titan 3 or Saturn 1C, to launch the first shuttle-orbiter flights in 1978, phasing in a reusable booster later. Still another recent proposal, which originated at Boeing, would have the Saturn system redesigned into a reusable booster, while the shuttlecraft was scaled down to use smaller "off-the-shelf" hydrogen engines than those now contracted for; the proposal would make it possible to build a reusable booster and orbiter concurrently with less budget strain. These are the options, along with others, with which NASA will be tussling through this spring.

The danger is that under pressures for short-term savings the long-term benefits and *raison d'être* of the program may be lost. The use of one-shot expendable boosters, while holding down development costs, would itself be costly in operation, and would defer the system's full projected launch savings. A reusable Saturn system, though lowest in cost, would tend to freeze development on old technology, built for an entirely different special purpose, and, in addition to lowering payload capacity, would imply a performance goal far below the minimum of a hundred flights per vehicle. But such measures may now be the only ones that are politically feasible.

However costs are shaved, the shuttle remains a big, long-term investment, and it is this hard fact that draws the heaviest attack. In last year's congressional go-around on the shuttle's token $100-million budget, opponents led by Senator Walter Mondale seized upon a 1970 Rand Corp. study, financed by the Air Force, as proof that the program could not be economically justified. The study, basing its calculations on a conservative projection of U.S. space activity in the next two decades, concluded that savings effected by the shuttle over comparable expendable systems would at best amount to only a "marginal" $2.8 billion by 1990. The Air Force retorted that the Rand report was an interim study, based on outdated 1969 figures, and did not reflect changes and refinements in the new joint program, on which a more comprehensive cost-benefit analysis was being completed. Opponents could muster less than thirty Senate votes in their attempt to halt the program.

Later in the year, a NASA-sponsored study, made by Mathematica, Inc., an independent firm headed by economist Oskar Morgenstern, came in with more substantial figures. Taking as one of its base lines an average of fifty-six launches per year (assuming that total space activity ran along close to the current level), the Mathematica study found that savings using the full-scale shuttle would come to some $14 billion by 1990—enough to pay off original development costs in something more than a decade of operation. It made clear that these savings would not be registered on launch-vehicle capital costs, in which the shuttle ran more than $4 billion higher than expendable equipment, but on payload costs and operations, where the shuttle would have an $18-billion cost-savings advantage. These savings would begin to accrue even in a phased program using expendable boosters, and irrespective of whether the comparison was made with unmanned launchings. Savings, of course, would be less if a more limited shuttle system were to be adopted.

Actually, useful as cost-benefit analysis is in evaluating projects in which all the elements are reasonably well known, it can be only a limited guide in weighing a program that encompasses a great mixture of exploration, advanced industrial application, military development, scientific experimentation, and large elements of the unknown. It is almost as if, in the wilderness of late-eighteenth-century America, analysts had attempted to project all the costs and benefits of building a transcontinental railroad. Or perhaps more nearly as if, early in this century, they had tried to weigh all the economic benefits of developing the Wright brothers' flying machine, at a time when not a few learned as well as practical men held the opinion that the machines would never safely carry passengers.

Aerospace men believe that so far cost-benefit analyses, which conservatively assume that the launch pattern of the last decade will continue, take too little account of one of the cardinal principles of transportation. This is that as transport becomes more frequent, faster, routinized, and lower in carrying costs, it invariably attracts more traffic, leading to further cost savings and other benefits. The last decade was the infancy of space flight. With space satellites on the verge of a decade of major expansion, a shuttle would greatly expedite their growth. With a shuttle in being, space stations may be economically assembled and maintained, not only to coordinate satellite operations but to establish near-earth platforms for direct scientific and industrial experimentation. This includes such projects as the creation of new metals, materials, or methods of fabrication in vacuums unobtainable on earth, the possible generation and transmission of pollution-free electric power from space, and still other more exotic prospects. Ultimately, perhaps the economic justification of the shuttle rests upon the plain proposition that if the U.S. is to have a progressive space program at all, it cannot continue to throw away multi-million-dollar vehicles on every trip.

THE ANTI-MAN-IN-SPACE SYNDROME

The most persistent opposition, however, continue to come from a group of scientists, mainly nuclear and theoretical physicists, who have attacked manned space flight almost from the start as being too dangerous, expensive, and unproductive. A leading voice is Cornell University's Dr. Thomas Gold, an astrophysicist chiefly noted for a theory, vigorously promulgated in the early Sixties, that the moon might have such a deep covering of fine dust in its "seas" that astronauts would be in danger of sinking soundlessly in it. Last summer, as the shuttle's budget hung in the balance, Gold returned to the battle in an article in the New York *Times* Magazine titled "Machines, Not Men, in Space." Its main thesis, an echo of one widely used earlier to cut back the space budget, was that electronic automata and unmanned satellites could do everything a manned shuttle or space station could do, and do it much more safely and cheaply besides—a position now severely shaken by the recent economic analysis of the shuttle system. Gold concluded after reviewing all the possible harrowing physiological effects of prolonged weightlessness—none yet proved—that man should give up space flight for the present.

A tangled mixture of motives and emotions lies behind these attitudes. There is a feeling that space funds could better be spent for basic research in such areas as high-energy physics and radio astronomy, both in need of very large investment. But dissension over priorities has only served to diminish both basic research and space budgets, while cutting down the high technology that has sustained research and the U.S. economy through the last decade. More explicitly, opposition to man-in-space is often disparagingly tied to the charge that NASA's manned space-flight program is only a cover for military development, a suspicion darkly confirmed in this view by the joint shuttle program. But maintenance of defensive reconnaissance and early-warning satellites can do a great deal to deter major wars; the more that military powers know about what other powers are doing, the less prone they will be to reckless acts. It would be more than rash to deny the Air Force the manned space-flight capability to improve its satellite systems and to act fast against hostile systems in an emergency.

Basically, much of the physicist opposition is due simply to a predisposition, developed through long dealing with atomic abstractions and phenomena beyond the range of direct vision, to rely on instruments or remote-controlled mechanisms to explore nature. But exploring the solar system is a different proposition, and many eminent scientists do not agree that it can all be done with instruments. "It is physicists that say that," testified Nobel Laureate Harold C. Urey, discover of heavy hydrogen, when the same argument arose over going to the moon. "Chemists like to have their hands on matter . . . we must bring the sample back at least."

The Apollo voyages have brought back hundreds of pounds of matter for analysis, as against the few grams so far yielded by the Soviet program, still limited to unmanned instruments and machines. Out of the Apollo program has come a great body of new knowledge, direct observation, and data from carefully implanted experiments, unattainable by other means. Not the least of its accomplishments is the overturning of erroneous theories, such as that the moon is a cold, completely dead, dry body—now refuted by solid evidence of seismic-volcanic activity and emission of water vapor from deep fissures.

The shuttle, with its greater passenger and cargo capacity, would go on from Apollo to enlarge man's role in space. High on the first passenger lists would be medical men, to investigate at first hand the effects of weightlessness and cosmic radiation, and add to the already substantial contributions—in hospital-patient monitoring and other areas—of space to medicine. Also among the passengers might be biochemists, studying the reaction and synthesis of organic molecules in space, where more unusual carbon reactions are now found to be taking place than anyone had earlier suspected. New compounds and pharmaceuticals may thus be discovered. Engineers, metallurgists, or electronic specialists might go along to explore the formation of materials or structures in near-zero gravity and high-vacuum conditions. Laboratory-type experiments could be taken into space and carried out directly by the scientists who devised them.

But since almost anyone in good health could go on a flight, the list could include other creative people, artists or philosophers, men or women, who might imaginatively see new ways in which this uniquely weightless environment might benefit life on earth. (NASA's program includes a $100,000 design study for shuttle amenities suitable for "male and female passengers.") To limit U.S. space exploration for the next decade or more to instruments and robots would be to remove the human element from the program and to mark time, which in any enterprise is to go backward.

HOW GOES THE COMPETITION?

Though the so-called moon race is long over, and a series of Soviet technical setbacks and tragic accidents in space have removed much of the immediate pressure of competition, the Soviet program in both manned and unmanned flight continues to move steadily forward on a massive scale, unhampered by budgetary vacillation or divisions between civilian and military research. U.S. intelligence and British sources estimate that the Soviet space budget is running several billion dollars a year higher than that of the U.S., a fact reflected in a rate of launchings more than double that of the U.S., civil and military, in recent years.

Last spring the U.S.S.R. launched the first experimental earth-orbiting space station, Salyut 1, some two years ahead of the U.S.' scheduled Skylab. Following this, Soviet versions of an interim shuttlecraft, called Soyuz, carrying three cosmonauts, made two dockings with the Salyut in orbit. The first sortie was aborted and the craft quickly returned to earth when one crew member fell ill and a malfunction prevented the Soyuz crew from entering the station. The second docking ended in tragedy, after nearly a month's successful work in Salyut, when the returning crew was killed on re-entry in the earth's atmosphere. After a medical board determined that the deaths were not caused by any physical disability but by a faulty hatch door, leading to catastrophic decompression, Soviet authorities announced that Soyuz-Salyut flights would be resumed this year. Concurrently, four successful test flights of a maneuverable spacecraft similar to the Apollo indicated that manned lunar missions, though delayed by setbacks in developing a big rocket, are still very much on the Soviet agenda.

Meanwhile, on a much smaller scale, four other countries are now members of the space club, having launched and orbited experimental objects or satellites with rockets of their own design. They are Britain and France heading a European consortium, and, more recently, Japan and China. All have run into difficulties in designing large rocket boosters; the European group, which wants to develop a regional communication satellite of its own to serve Western Europe, has had special difficulties. NASA has had extensive talks with the Europeans in an effort to persuade them to become financial partners in the shuttle project, in return for some transfer of technology and shared use. Recently, as a further inducement, NASA offered to launch the European communication satellite at nominal cost. Given the tensions created by the recent international monetary situation, the European governments have been wary of joining in the U.S. space program. Meanwhile, NASA is committed to launch in 1973 an educational TV broadcasting satellite for India, the first of its kind, and a domestic satellite communication system for Canada. Quite aside from national or military rivalries, therefore, the U.S. has in space an exportable high technology of large potential, just beginning to open up.

Perhaps the most startling recent development of all has been a series of talks between Soviet and U.S. space authorities, who are now close to an agreement to design compatible docking mechanisms for the Soyuz-Salyut and Apollo-Skylab space stations and to conduct joint operations between them. Both nations want to develop the capability, in future shuttle flights, to rescue nationals of either country who may happen to be injured or stranded in space. The agreement may also be an opening move toward more international cooperation and exchange of technological information in space exploration, complementing the recent easing of U.S.-Soviet trade barriers.

A SYSTEM OF STAGED GROWTH

Primarily, the shuttle is a vehicle designed for the first, most arduous stage of getting large loads out of the earth's heavy gravity and atmosphere into near-earth orbit, and later assembling large space stations there. The next planned stage, following closely on the first, would be development of a space tug, a smaller version of the shuttlecraft, which would be carried up into orbit by the shuttle itself, and there be regularly serviced and refueled. It would operate from near-earth orbit and from space stations to deploy and maintain satellites in higher synchronous orbits, some 22,000 miles up, where a satellite's speed coincides with the revolutions of the earth so that it appears to be fixed in space over a single area. The tug would also operate from space stations as a shuttle link carrying men and equipment between the stations and the moon. Ultimately, the tug would be replaced by a third vehicle stage, a nuclear-powered spacecraft, whose engine is already well along in development. It would extend the range of operations from near-earth orbit and the moon to Mars and beyond. The basic shuttle, while earning its way in near space, would also serve to hold these options open for future decision and development.

A fresh vision of the great implications of man's quest in space was imparted a year ago by the Swedish-born scientist Hannes Alfvèn, now at the University of California at San Diego, on the occasion of his receiving the 1970 Nobel Prize for work in plasma in physics. In his address, Alfvèn saw as the major impact of space exploration the discovery that interplanetary space, instead of being a structure-less void, is permeated by complex patterns of electric currents, electric and magnetic fields, and charged gaseous particles in heated motion, collectively known as plasmas. The direct study of plasmas in space, he predicted, will not only lead to more fundamental understanding of the origin and accretion of the solar system—a major goal of late twentieth-century science—but it is also likely to supply indirectly the missing key to the control of thermonuclear power, a key that has proved elusive to earth-bound theoreticians.

JOURNEY TO AN ASTEROID

To further that basic study, Alfven repeated a daring proposal he had made earlier that the next step beyond the moon be a manned mission to an asteroid, one of thousands of small bodies revolving in a great belt about halfway to Mars; the mission would require some form of shuttle technology. Because of their small size (many of them are less than sixty miles in diameter), asteroids may reveal the composition of the earliest coalescence of matter out of cosmic plasmas.

Other investigators are beginning to look to experiments performed in space for clues to the problems of supplying the earth with new sources of electric power and with scarce materials. There has been an increasing number of technical papers on various proposals to generate electricity from a space station and transmit it by microwave for conversion to usable power on earth. Thermonuclear reactions would be easier to control and sustain in the cold, high vacuum of space; more conventional nuclear plants would also work better there, without danger of lethal accidents or polluting the earth. Also to be taken into consideration is the use of magnetohydrodynamics (tapping electricity directly from highspeed plasma streams) and the direct conversion of solar power from space. Further on, as strategic metals grow scarcer and more difficult to wrest from the earth, it is not beyond the bounds of economic feasibility to ferry them in from planetary bodies. Alfvén suggests that asteroids, because of their low gravity, would be easy to mine. Smaller ones might even be propelled into near-earth orbits, or even to a soft landing on earth, for closer study and use. Thus there is more to the first-stage shuttle program for the future of man than would at first appear.

Back in the early Sixties, when these issues were first being debated, Ralph J. Cordiner, then chairman of the board and president of General Electric, had some words to say at a symposium on the space frontier. His observations bear directly on the future of the space shuttle.

"At this stage," said he, "the new frontier does not look very promising to the profit-minded businessman or to the tax-minded citizen. Every new frontier presents the same problem of vision and risk . . . Leif Ericson discovered America five hundred years before Columbus, but apparently the Vikings did not have the vision to see anything worthwhile on that vast, empty continent . . .

"When a new frontier is opened, the new territory always looks vast, empty, hostile, and unrewarding. It is always dangerous to go there, and almost impossible to live there in loneliness and peril. The technological capacities of the time are always taxed to the utmost in dealing with the new environment. It takes an immense effort of imagination for the citizens to see beyond these initial difficulties . . . But such an effort at prophetic imagination is what is required of us as citizens, so that we will not, like Leif Ericson, leave the making of the future to others."

EQUAL RIGHTS FOR WOMEN IN THE SENATE

Mr. McGOVERN. Mr. President, the Senate should immedately drop the barrier that prevents Senate female employees from entering the Democratic Cloak Room.

If we believe in equal rights for women, let us strike down this needless restriction.

I ask unanimous consent that an article published in the Washington Post of November 12, 1971, relating to this matter be printed in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GIRL PAGES: NO TRESPASSING?

What lurks in the clubby confines of the Senate Democratic cloakroom that a 15-year-old girl should not hear or see?

Mari Iwashita, who is 15, would like to find out.

She can't. The rules forbid girl pages from entering the cloakroom where Democratic senators gather off the floor.

"Well, I think it's ridiculous," Mari said, taking a stand as one of the few girl pages in the senate.

She confided, "I think it's so I wouldn't hear their language or maybe because they take off their jackets.

"The pages use the same language as the senators. It's just the way men talk, you know.

"And I've heard it all before anyhow," Mari, part-Hawaiian and appointed by Sen. Daniel K. Inouye, (D-Hawaii) said.

"I can't do my job right," she told inquiring reporters. "This is a serious inconvenience to me.

"This morning, Sen. (John C.) Stennis asked me to get him the Wall Street Journal and I couldn't," she added. "Sometimes, you have to get through the cloakroom to get out in the hall.

"It's not that I'm a women's lib freak or anything. I just want to do my job."

Mari said she thought Sen. Warren G. Magnuson (D-Wash.), was responsible for the ban.

Word quickly filtered to Magnuson who called an impromptu news conference to vehemently deny he was the culprit.

"I'm not for a rule to bar women anywhere in the senate except one cubby hole (the senators' private rest room)," Magnuson said.

"Why, I led the movement in the policy committee to hire them," he said in recalling the long agonizing the Senate underwent before it finally broke tradition and allowed girls (as long as they wore pants and not skirts) as pages.

Magnuson assured reporters he would see the rule was changed—quickly.

What of Mari's future after 10 weeks on the job?

"The sergeant-at-arms told me not to say anything or he'd go to my senator and I might get fired."

A boy colleague was equally miffed but more cautious.

"Don't use my name please but I don't think it's very fair and if I were a girl, I wouldn't like it."

As for the Republicans, Mari said she can get into their cloakroom and feels they use the same language as the Democrats.

RULES OF COMMITTEE ON DISTRICT OF COLUMBIA

Mr. EAGLETON. Mr. President, section 133B of the Legislative Reorganization Act of 1946, as added by section 130 (a) of the Legislative Reorganization Act of 1970, requires the rules of each committee to be published in the CONGRESSIONAL RECORD not later than March 1 of each year. Accordingly, I ask unanimous consent that rules of the Committee on the District of Columbia be printed in the RECORD.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES AND PROCEDURES OF THE SENATE COMMITTEE ON THE DISTRICT OF COLUMBIA

Rule 1. Unless the Senate is meeting at the time, or it is otherwise ordered, and notice given, the Committee shall meet regularly at 10:30 a.m. on the second Friday of each month. The Chairman may, upon proper notice, call such additional meetings as he may deem necessary, or at such times as a quorum of the Committee may request in writing, with adequate advance notice provided to all members of the Committee. Subcommittee meetings shall not be held when the full Committee is meeting.

Rule 2. The rules of the Senate and the provisions of the Legislative Reorganization Act of 1970, insofar as they are applicable, shall govern the Committee and its Subcommittees. The rules of the Committee shall be the rules of any Subcommittee of the Committee.

Rule 3. The Chairman of the Committee, or if the Chairman is not present, the ranking majority member present, shall preside at all meetings. A majority of the members of the Committee shall constitute a quorum of the Committee. However, the Committee may authorize a quorum of one Senator for the purpose of taking testimony.

Rule 4. Unless otherwise determined by a majority of the Committee, written proxies may be used for all Committee business, except that proxies shall not be permitted for the purpose of obtaining a quorum to do business. Committee business may be conducted by a written poll of the Committee, unless a member requests that a meeting of the Committee be held on the matter.

Rule 5. There shall be kept a complete record of all Committee action. Such records shall contain the vote cast by each member of the Committee on any question on which a yea and nay vote is demanded. The record of each yea and nay vote shall be released by the Committee either at the end of the executive session on a bill or upon the filing of the report on that bill as a majority of the Committee shall determine. The clerk of the Committee, or his assistant, shall act as recording secretary on all proceedings before the Committee.

Rule 6. All hearings conducted by the Committee or its Subcommittee shall be open to the public, except where the Committee or the Subcommittee, as the case may be, by a majority vote, orders an executive session.

Rule 7. The Committee shall, so far as practicable, require all witnesses heard before it to file written statements of their proposed testimony at least 72 hours before a hearing and to limit their oral presentation to brief summaries of their arguments. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the Committee.

Rule 8. Should a Subcommittee fail to report back to the full committee on any measure within a reasonable time, the Chairman may withdraw the measure from such Subcommittee and report that fact to the full Committee for further disposition.

Rule 9. Attendance at executive sessions of the Committee shall be limited to members of the Committee and of the Committee staff. Other persons whose presence is requested or consented to by the Committee may be admitted to such sessions.

Rule 10. The Chairman of the Committee shall be empowered to adjourn any meeting of the Committee if a quorum is not present within 15 minutes of the time scheduled for such meeting.

Rule 11. Subpoenas for attendance of witnesses and for the production of memoranda, documents, and records may be issued by the Chairman or by any other member designated by him. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced. All witnesses subpoenaed before the Committee who are to testify as to matters of fact shall be sworn by the Chairman or another member.

Rule 12. Accurate stenographic records shall be kept of the testimony of all witnesses in executive and public hearings. The record of a witness' own testimony, whether in public or executive session, shall be made available for inspection by witnesses or by their counsel under Committee supervision; a copy of any testimony given in public session or that part of the testimony given by a witness in executive session and subsequently quoted or made part of the record of a public session shall be made available to any witness at his expense, if he so requests. Witnesses not testifying under oath may be given a transcript of their testimony for the purpose of making minor grammatical corrections and editing, but not for the purpose of changing the substance of the testimony. Any question arising with respect to such editing shall be decided by the Chairman.

Rule 13. Subject to statutory requirements imposed on the Committee with respect to procedure, the rules of the Committee may be changed, modified, amended, or suspended at any time, provided, however, that not less than a quorum of the Committee so determines in a regular meeting with due notice, or at a meeting specifically called for that purpose.

CORRESPONDENCE BETWEEN THE NEW YORK TIMES AND THE NORTH VIETNAMESE FOREIGN MINISTRY

Mr. SCOTT. Mr. President, I ask unanimous consent that correspondence between the New York Times and the North Vietnamese Foreign Ministry regarding Vietnamese war negotiations be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

NEW YORK TIMES EDITOR SENDS LETTER TO PHAM VAN DONG

Hanoi VNA in English to VNA Paris, 1354 GMT, 15 Jan. 72 B—for official use only.

["Message from A. M. Rosenthal, New York Times"]

[Text] Honorable Pham Van Dong, Foreign Ministry, Hanoi.

In view of the conflicting accounts we have had recently [on the] negotiating position of your government and PRG on ways to end the Indochina war, we invite your answers to the following questions because we believe they can clarify the situation.

1—If the United States sets a firm troop withdrawal date would you agree to the release of American prisoners in your control?

2—Would you negotiate on military withdrawal and the release of prisoners completely separate from questions pertaining to the political future of Vietnam?

3—Which of the following must be wholly withdrawn or halted to obtain the release of all American prisoners in your control?

1. American ground troops in South Vietnam.
2. American transport and logistic air support to South Vietnamese forces.
3. American bombing in North Vietnam.
4. American air reconnaissance in North Vietnam.
5. American bombing in South Vietnam.
6. American bombing in Laos and Cambodia.
7. American airbases in Southeast Asia outside Indochina.
8. American military advisory activities in South Vietnam.
9. American military aid shipments to South Vietnam.
10. American economic aid to South Vietnam.

4—Are there any additional conditions for the release of all American prisoners?

5—Assuming an agreement is possible under the terms of Question 3, how soon could all prisoners be released and how much time would be available to arrange the American disengagements?

6—Would the elements of such an agreement be separate? Could some prisoners be released before others in exchange for some acts of disengagement?

7—What in concrete terms is the meaning of your demand that the United States withdraw all political support from the present Saigon government? How could such a withdrawal be acted upon?

8—Quite apart from negotiations for withdrawal and prisoner release, under what conditions would you agree to a larger international peace conference on all Indochina? Who should attend? At what stage could such negotiations prove profitable?

A. M. ROSENTHAL,
Managing Editor,
New York Times.

NGO DIEN'S REPLY

Hanoi VNA in French to VNA Paris 1340 GMT 15 Jan 72 B—For official use only.

[Reply by Ngo Dien, head of DRV Foreign Ministry's Information and Press Department to A. M. Rosenthal's message to Pham Van Dong]

[Text] Mr. A. M. Rosenthal, managing editor of the New York Times.

DEAR SIR: Concerning your questions addressed to Premier Pham Van Dong, I am authorized to draw your attention to the following points:

The fundamental problem is the cessation of the U.S. war of aggression in Vietnam and the restoration of peace in Vietnam with respect for the basic national rights of the Vietnamese people. Therefrom, the aspiration of the Vietnamese people for a peace in independence and freedom will be satisfied, as well as the wish of the American people who are demanding the extrication of their country from the current quagmire in Vietnam and the repatriation of all their sons engaged in the ranks of the U.S. expeditionary corps in Vietnam, including the U.S. militarymen captured in Vietnam.

At present, forced to carry out a gradual withdrawal of U.S. troops, President Nixon has not, however, resigned himself in putting an end to his war of aggression. Implementing his Vietnamization policy, he intends to pursue it through the Nguyen Van Thieu clique and the Saigon puppet army, which the United States has provided with colossal aid and massive participation of the U.S. Air Force and Navy in combat.

By simultaneously raising the issue of prisoners of war and that of U.S. troop withdrawal, without renouncing all commitment to and support for the Nguyen Van Thieu puppet administration, President Nixon does not aim at bringing a solution to the abovementioned fundamental problem, but simply at placating the legitimate demands of the American people. In fact, he aims at evading the pressure of U.S. and world public opinion with a view to prolonging and extending the war in Indochina.

Concerning the solution to the Vietnamese problem, the DRV Government approves of and fully supports the seven points put forward on 1 July 1971 by the PRGRSV. You can find in this the answer to the questions which you raised in your telegram.

In refusing to comply with these seven points, the Nixon administration has turned away from the path leading to a correct solution of the Vietnam problem, rejecting at the same time the opportunity to bring home last Christmas all U.S. militarymen, including those who have been captured in Vietnam.

I am, sir, yours very truly,

NGO DIEN,
Head of the Information and Press Department of the DRV Foreign Ministry.

[From the Washington Star, Jan. 24, 1972]

PERPETUATING THE DECEPTION ON THE POW ISSUE

(By Richard Wilson)

A cruel deception is being perpetuated by heedless men that all President Nixon need do to secure the release of prisoners of war held in North Vietnam is to declare a specific date for complete withdrawal of all American forces.

The depth of this deception is emphasized in a response to questions submitted to the Hanoi government by the New York Times which the newspaper decided not to publish The reasons leading to this decision are curious.

On Page 10 of its Friday edition under a headline saying "Hanoi's Cable to Times Cites Peace Aim," the Times gave this main reason for not publishing Hanoi's response to the questions submitted by its managing editor:

The response was no different than previous positions stated at the Paris peace negotiations by Hanoi's representatives and published at the time in the Times.

This excuse for not publishing Hanoi's response can be questioned for several reasons. First, the cable was an official statement direct from Hanoi and not filtered through the North Vietnamese delegation in Paris. Second, the Times, in an interview earlier with the head of the Communist delegation, had spread the impression that releasing prisoners of war could be separated from other issues at the Paris conference.

And, third, the Hanoi response might have helped to clear the minds of those who cultivate the deception that the prisoner of war question can be separated from North Vietnam's insistence that all troops must be withdrawn, all support to the Thieu government be withdrawn and the policy of Vietnamization be abandoned. The Times has often published, and makes a special point of publishing, important public documents. It confined itself in this case to publishing merely a summary of the exclusive statement it received from Hanoi, and did not relate this response to the questions it had asked except to say that none had been answered directly.

Nor, it was indicated, would the Times have done this much had it not been for the fact that the foreign broadcast information service of the Central Intelligence Agency had published in its weekly report the substance of the exchange in its regular function of monitoring Hanoi's public communications. The exchange between Hanoi and the Times managing editor thus became known to reporters covering the State Department.

Furthermore, a good many readers would conclude that the Hanoi response confirmed beyond any shadow of doubt the Nixon administration's claim that North Vietnam has flatly turned down a prisoner release in exchange for a firm withdrawal date. Sen. George McGovern, a candidate for president, has, in effect, called Nixon a liar for making that claim.

Aside from revealing the hazards of a newspaper trying to conduct, or at least influence, foreign affairs, the incident of this unpublished document from Hanoi nails down hard what the Communist government will settle for. It will settle for the humiliation of the United States, complete renunciation of the Thieu government, and an end to all support for the elected government of South Vietnam. Then—maybe—it will release American prisoners of war.

The Times could have placed these facts in high relief by publishing its questions and Hanoi's cabled response, but it did not do so.

McGovern, and more recently Sen. Mike Mansfield, persist in the notion that it is all simple. Just announce a complete withdrawal and Hanoi will interpret that as letting the Thieu government go down the drain and promptly release the prisoners. The war will then be over.

Hanoi's cable makes it a lot clearer: President Nixon must pull totally out of Vietnam, stop backing the Nguyen Van Thieu bellicose clique and conform to all seven points of Hanoi's peace proposal, which would accomplish the complete humiliation of Nixon in his attempt to achieve a constructive end to the war.

Nixon tried, in his recent television interview, to open the door a little wider by intimating that the last troops would be withdrawn when the prisoners had been released, or concurrently. That little crack in the door might have widened to permit a view of compromises on both Hanoi's unaltered seven points and Nixon's commitment to Vietnamization and to the Thieu government.

But the door was slammed shut by Hanoi with a resounding whack loud enough, certainly, to be heard by all who pursue the simplification of prisoner repatriation in exchange for setting a final and total withdrawal date.

[From the New York Times, Jan. 21, 1972]

HANOI'S CABLE TO TIMES CITES PEACE AIM

(By Bernard Gwertzman)

WASHINGTON.—North Vietnam has reiterated, in a message to The New York Times, its apparent position that American prisoners will not be released until the Nixon Administration agrees both to withdraw all its forces from South Vietnam and to end its support of the Government of President Nguyen Van Thieu.

The statement was virtually identical to comments made by spokesmen for Hanoi in recent weeks and to declarations in the news media. It was sent last Sunday to A. M. Rosenthal, managing editor of The Times, in reply to eight questions cabled by Mr. Rosenthal to Premier Pham Van Dong of North Vietnam on Jan. 4.

The Times had sought clarification of Hanoi's negotiating position, specifically whether the prisoners would be released in return for a firm withdrawal date. Critics of the Administration's policy believe the setting of such a date would result in the release of the prisoners. The Administration has maintained that Hanoi also wants Washington to end its support of the Saigon Government as part of a seven-point "all or nothing" negotiating position.

NIXON'S STATEMENT

In a television interview on Jan. 2, Mr. Nixon said that the possibility of a total troop withdrawal in exchange for the release of the prisoners had been discussed with the North Vietnamese at the Paris peace talks but that Hanoi had "totally rejected" such an approach.

Senator George McGovern, Democrat of South Dakota, charged next day that Mr. Nixon had deceived the public. Mr. McGovern, who met with North Vietnamese officials in Paris last summer, has insisted that Hanoi will recognize an announcement of firm withdrawal date as representing an end of support for Saigon and will release the nearly 400 prisoners.

The Times in this cable asked, "in view of the conflicting accounts" about Hanoi's position, "if the United States set a firm troop withdrawal date, would you agree to the release of American prisoners in your control?"

Mr. Dong was also asked: "Would you negotiate on military withdrawals and the release of prisoners completely separate from questions pertaining to the political future of Vietnam?"

There were also such questions as what constituted an American withdrawal and what constituted the end of political support of Saigon.

On Jan. 6, before The Times had received a reply to its questions, the North Vietnamese spokesman in Paris, Xuan Thuy, said publicly that if the United States wanted to disengage from the war and to repatriate its prisoners, it should "give up aggression, stop the Vietnamization of the war, pull out from South Vietnam all the troops, stop backing the Nguyen Van Thieu bellicose puppet group."

Mr. Thuy's remarks were printed on the front page of The Times on Jan. 7.

Hanoi's answer, signed by Ngo Dien, director of the Press and Information Department, was sent to The Times through the North Vietnamese mission in Paris on Jan. 15. Without answering any of Mr. Rosenthal's questions directly, Mr. Dien repeated Hanoi's attack on the Nixon Administration.

"At the present time, placed in the obligation of carrying out a gradual withdrawal of United States troops, President Nixon has nonetheless not resigned himself to putting an end to his war of aggression," he said. "Putting into effect his policy of Vietnamization, he means to continue it through the intermediary of the clique of Nguyen Van Thieu."

Mr. Diem added that "by raising at the same time the 'prisoners' question and the withdrawal of United States troops without renouncing all engagement and support in favor of the Nguyen Van Thieu puppet clique, President Nixon aims not to bring a solution to the aforementioned fundamental problem, but simply to allay the legitimate demands of the American people."

U.S. SUMMARIZES EXCHANGE

On Monday, Mr. Rosenthal thanked Mr. Dien by cable for his reply but said that The Times, after much consideration, had decided not to publish the material "since its content is identical to previous statements made by your Government and subsequently printed by The New York Times."

The Times decided to report on the exchange after it learned that the United States Government had obtained Hanoi's reply to the paper as well as the paper's questions and that a brief summary of the exchange was included in a weekly report distributed for Government use by the Foreign Broadcast Information Service, a bureau of the Central Intelligence Agency. The report is made available to newsmen covering the State Department.

The report said that the Vietnamese Communist media had so far not mentioned Mr. Rosenthal's communication to Mr. Dong.

The Government summary said:

"The Vietnamese news agency's service channel to Paris on the 15th carried Rosenthal's questions along with a message from Ngo Dien. Ignoring Rosenthal's specific questions. Dien implied that Point I, on United States withdrawal and prisoner release, could not be separated from Point II, on a political settlement in South Vietnam.

A YEAR OF ACTION FOR AMERICA'S ELDERLY—1972

Mr. BENTSEN. Mr. President, in future years we may well look back upon 1971 as the year in which beginnings were made toward according the problems of the aging their proper place high on the list of our national priorities.

But we would be gravely mistaken, in my view, if we mistake rhetoric for reality and if we assume that all the increased talk about the aged means that we have done all that we should or could to enable our older citizens to live out the balance of their lives in dignity and comfort.

Indeed, we have just scratched the surface. We have taken some steps that are significant, to be sure, but we have not yet devised a comprehensive strategy for coping with the severe problems of the 20 million Americans who have reached the age of 65.

In short, Mr. President, a long list of proposals for the elderly is still awaiting our attention, and I trust this Congress will take upon itself the responsibility of enacting them into law.

Before I move into a brief discussion of some of these proposals, as well as some new initiatives which I shall introduce, let me review the accomplishments in the field of aging during the first session of the 92d Congress.

In 1971, the Congress acted to shore up our social security system by enacting a 10-percent increase in social security benefits.

In 1971, the Congress acted to strengthen the Administration on Aging by increasing its level of appropriations by over 200 percent to $100 million.

In 1971, the Congress enacted the Emergency Employment Act to direct added funds to areas of high unemployment, with a special provision that middle-aged and older persons were to be equitably represented in new employment opportunities.

In 1971, the Congress voted a 10-percent increase in the railroad retirement annuity program.

In 1971, Congress extended the golden eagle passport program which allows senior citizens free entrance to our national parks and reduces substantially the charges they must pay for using their facilities.

And in 1971, the Congress approved my amendment to the Economic Stabilization Act, which encouraged the growth of private pension plans by exempting them from the guidelines for wages and salary increases allowable in the period of economic controls.

These measures, Mr. President, are significant, and they represent a substantial gain for our older citizens. But they fall far short of the needs, and they must be regarded only as preliminary steps which must be followed by continued congressional action.

Indeed, the very thoughtful section reports from the White House Conference on Aging remind us that we have lagged behind in other areas no less critical to our elderly citizens.

I share President Nixon's hopes that the reports of this White House conference will result in action and will not be filed away to gather dust as so many other conferences have been. But in all candor, Mr. President, the record of this administration in the field of aging is such that I believe we shall have to remain skeptical.

I do not say this to be partisan; I merely state it as a fact.

Ou June 25, 1971, President Nixon declared that—

> The generation over 65 is a very special group which faces very special problems—it deserves very special attention.

Yet in the last Congress the President threatened to veto a 15-percent hike in social security benefits and only signed it into law when it was made a part of a tax reform bill he badly wanted.

In the present Congress the President opposed the 10-percent rise in social security benefits and went on to take the credit for it after the Congress overwhelmingly approved it.

The President has spoken of the need to provide adequate housing for the elderly while at the same time his administration is phasing out section 202 of the Housing Act which provides direct loans at nominal interest rates to nonprofit sponsors of housing for the elderly.

Despite the high level of unemployment and poverty among older Americans, the President's representatives testified against the Older Americans Community Service Employment Act, a measure which I cosponsored along with 18 of my colleagues and which would allow older Americans to have a chance to serve their communities in useful and productive work.

And the President, despite his recent statements to give top priority to the aging, acted earlier this year to cut funds for the Administration on Aging and to transfer some of its critical programs—such as foster grandparents and the retired senior volunteer program—to a new agency which is not chiefly concerned with problems of the elderly. Fortunately congressional hearings on this matter produced a flood of bipartisan criticism of these plans, and the administration only recently reversed itself and asked for an increase in funds for the Administration on Aging.

Mr. President, the actions I have described are not the product of an administration which has demonstrated a prominent concern for the elderly. Indeed, the advances we made over the last 2 years have been achieved largely by constant prodding from both parties in the Congress with the administration supplying the rhetoric and then stepping in to claim credit for measures it has originally opposed.

While we must hope that President Nixon has determined to reverse these policies, the actions for the past several years indicate most clearly that we cannot rely on words and visions; the Congress must continue to take the initiative.

I intend to work with my colleagues in the House and Senate to translate the President's rhetoric into the reality of a better life for older Americans.

During my first year in the Congress, I told my constituents that the problems of the elderly would be a principal concern of mine. In that time, I introduced or cosponsored a number of measures that I consider to be critical, including:

The Nutrition Program for the Elderly Act, which would provide hot, nutritious meals for persons over 60 in conveniently located centers. This measure passed the Senate by a vote of 89 to 0 despite the fact that the administration, in testimony before a House committee, opposed the bill as it passed the Senate in June.

The Older Americans Transportation Services Development Act, which would allocate $3 million over the next 2 fiscal years to explore the possibilities of reduced fares for the aged, special transportation subsystems, and relevant problems affecting the crisis in mobility which confronts many Americans over 65.

An amendment to the Social Security Act, which I cosponsored with Senator Ribicoff, which would extend medicare insurance on a voluntary basis to people reaching age 65 who are not covered by social security. This group includes some three-quarters of a million teachers and hundreds of thousands of local and State employees.

A measure to establish a joint House-Senate Committee on the Aging to give added legislative emphasis to the needs of older Americans;

The Middle Aged and Older Workers Employment Act, which would establish a comprehensive midcareer development service in the Department of Labor and provide training, counseling, and other services to aid the more than 1 million Americans over 45 who are out of work.

In addition, I have supported and sponsored measures to enable elderly citizens to receive tax credits for property taxes and to encourage the growth of private pension plans.

All of these measures are directed to the basic needs of older Americans—income, food, and transportation. Many of them have been the subject of hearings in the Senate and some have already been approved.

But the agenda is far from complete, and we can feel little sense of satisfaction until we address ourselves to the unmet needs which remain.

One of the principal unmet needs which has received relatively little attention is adequate education programs for older Americans. The Education Section of the White House Conference on Aging began its report to the delegation with the following statement:

> Education is a basic right for all persons of all age groups. It is continuous and one of the ways of enabling older people to have a full and meaningful life, and as a means of helping them develop their potential as a resource for the betterment of society.

In 1816 Thomas Jefferson wrote John Adams:

> Bodily decay is gloomy in prospect but of all human contemplations the most abhorrent is body without mind.

During the past several years in this country, we have witnessed an accelerated interest by older people in continuing their education. They recognize what Jefferson said, that "body without mind" accelerates the process of aging and contributes to a feeling of worthlessness.

I believe it is important that we investigate a range of possibilities for providing better education for those who are in their later years—and by that I include adult basic education, vocational education, preretirement education and informal and formal degree programs for older Americans depending upon their needs and interests.

We are not doing an adequate job in any of these areas today. A recent report of the Senate Special Subcommittee on Aging points out that—

> Education . . . is seldom mentioned when reviewing available resources which would be of use in meeting challenges of old age.

Too often our education programs for older Americans are inadequately funded and emphasized, with the elderly receiving little attention when compared to those in younger age groups.

In adult basic education, for example, which is the most critical educational need of older Americans, less than 5 percent of the Federal funds are used to help those 65 years of age or older, despite the fact that one-fifth of the persons in this age group are functionally illiterate and only one-third of them have been in school beyond the eighth grade. In my own State of Texas recent figures indicate that less than 2,000 persons over 65 are in these programs while over 46,000 persons are involved from all age groups combined.

This is in part the result of inadequate funding and in part the result of insufficient attention given by State and Federal officials to enrolling substantial numbers of the elderly who may be interested.

This year I intend to offer an amendment which will raise the funding of adult basic education to its authorized level of $225 million; last year we succeeded in appropriating $61 million, less than 30 percent of the authorization. As a consequence, many programs allowing adults to continue their education past primary school were necessarily discontinued.

And these are other measures I believe we should explore. Education for the elderly does not always proceed most effectively in a formal setting. Informal education, in churches, YMCA's, and libraries, can often be more effective and indeed more inviting to the person of advanced years who may be reluctant to enter a formal educational setting.

In line with a suggestion by the Education Section of the White House Conference, I am offering an amendment to the Library Services and Construction Act, which would establish a separate title to provide library services for older Americans.

The public library, because of its neighborhood character, offers an excellent opportunity as a community learning resource for the elderly. I believe we must direct specific attention to these possibilities, and I urge the Labor and Public Welfare Committee to consider this question seriously.

I also urge prompt action on S. 555 and S. 1307, both of which would provide vocational education and training for older Americans seeking to enter the job market. With our unemployment rate at 6.1 percent and with over 1 million persons over 45 unemployed, we must accelerate our efforts to give middle-aged and older workers a chance to reenter productive employment.

And finally, Mr. President, I intend to explore methods of earmarking funds for older Americans in any consumer education and preretirement educational programs which may be considered by this Congress. Both of these fields deserve our attention; the elderly frequently find themselves the primary targets of consumer fraud by those who recognize that older people do not have the information which would enable them to uncover deceptive practices in advertising and solicitation. Preretirement education, with emphasis on the problems of retirement, can be equally important.

Earlier in my remarks, Mr. President, I mentioned my cosponsorship of the Older Americans Transportation Services Development Act, a measure to provide funds for research and demonstration projects in transportation for the elderly.

There is little doubt that we need more

Government attention to the question of transportation and older Americans. Recent reports by the Senate Special Committee on Aging indicate that we are spending only a pittance to explore this problem.

Yet transportation can be the root cause of a number of ills besetting older Americans. If an elderly person cannot walk to the store to shop, he or she may go hungry; if he cannot find the means to visit his friends and relatives he may be overcome by feelings of rejection and loneliness; if he cannot visit the doctor, he may suffer from unnecessary and debilitating illnesses. Transportation is a lifeline for the elderly, and it must be expanded and improved.

Moreover, it is a significant problem in urban as well as in rural areas. In the center city, where nearly one-third of all 65 plus individuals live, fear of crime is a primary cause of immobility. In the rural areas, distances and the absence of bus, railroad, and taxi service are the principal considerations.

Some remarkable demonstration projects, funded through a combination of Government and private money, have been successful in reaching a number of the elderly. In my own State of Texas, for example, Project FISH in Waco, uses volunteers to provide transportation for those individuals who otherwise could not make necessary medical appointments and numerous other trips to meet everyday needs.

We must continue to encourage the use of funds for these programs under title III of the Older Americans Act. And I believe that we must do more than simply provide additional funds for research and demonstration.

In particular, I shall propose an amendment to the Urban Mass Transit Assistance Act of 1970 which would require the Secretary of Transportation, before approving any transportation development grant, to be assured that local officials have taken into account the particular needs of the elderly and the handicapped in drawing up their plans. Too often, in the planning of design of transportation systems, inadequate attention is paid to features—such as sheltered benches, automatic turnstiles, special ramps—that would make public transportation more accessible to older Americans. As a result, many of the elderly do not use transit systems that may be their only hope for mobility.

If we are going to spend billions in Federal funds for mass transit systems, the least we can do is assure that these facilities can be effectively utilized by the people most in need of them.

Thus far, Mr. President, I have spoken of the basic needs of the elderly in income, in employment opportunities, in education and training, and in transportation.

Now I want to turn to another subject which has not received sufficient attention from Congress or the administration—the question of research into the aging process itself.

A recent article in Time magazine notes that "The biology of aging is no better understood today than was the circulation of the blood before William Harvey."

The consequences of our relative neglect of research into the aging process are profound. Dr. Gerald LaVeck, Director of the National Institute of Child Development at NIH, told Congress last year that advances in aging research could be expected to build body resistance and measurably reduce the incidence of chronic diseases such as arteriosclerosis, cancer, and arthritis.

And there are other benefits to aging research as well, most notably the opportunity our generation has to extend vigorous and productive life by an additional 15 to 20 years by studying the normal body processes that contribute to deterioration. Dr. LaVeck noted that research on aging will eventually permit a reduction in the percentage of his lifespan the average person has to spend dependent on society in a nursing home or a similar environment which often results in a slow and depressing degeneration in his final years.

It is ironic, Mr. President, that at the same time President Nixon was requesting a major increase in funds for cancer research, he was asking for a cut of nearly 18 percent in the funds for aging research at NIH, a drop from a mere $8.8 million to $7.2 million. These actions seem to be clearly contradictory.

When Dr. LaVeck was asked for the rationale behind the cutback he said:

> The first priority for this coming year has been assigned to contraceptive development and the medical effects of contraceptives, while aging research has been forced to take a lower priority.

I suggest, Mr. President, that we can afford to spend as much to extend life as we can to prevent it. Accordingly, this year, I shall offer a bill specifically earmarking $20 million for aging research and training within the National Institutes of Health. That is a very modest price to pay—less than $1 per person over the age of 65—for research that is as basic as the mystery of life itself.

This list of legislative initiatives is not an exhaustive one, and there are other efforts, particularly in the area of retirement income, which I shall be supporting during the current session of the Congress.

I believe, for example, that we must act to bar States from deducting any increases in social security from State old-age assistance payments, as long as we have the present welfare system.

I believe that we must work for larger increases in social security than the 5 percent proposed by the President and that we must see to it that other benefits become available earlier than June of 1972.

I believe that we must continue our efforts to ease the burden of property taxes on the elderly poor.

I believe that we must move to eliminate the earnings test on old age and survivors insurance benefits.

And I believe that we must direct special attention to the plight of the 5.4 million older Americans in rural areas, many of whom are particularly disadvantaged in retirement income, in transportation and in health programs.

All of these questions and more should receive the attention of this Congress during the present session. With the White House conference and new legislative proposals we have made a start; now we should follow through on the work begun in 1971.

Many of my colleagues, notably the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Idaho (Mr. CHURCH) have submitted a series of thoughtful proposals directed at improving the lives of older Americans. In particular, I want to pay tribute to Senator CHURCH for his work as chairman of the Special Subcommittee on Aging, a committee which has published a series of invaluable reports on various problems afflicting the elderly.

Over the next several months, I intend to work closely with these and other concerned Senators to see to it that America's elderly have, in the words of one Senate report, "a full share in abundance."

The people for whom we will be acting comprise a generation which has contributed its skills, its knowledge, and its devotion to building this country. It has helped to pay for two great wars and two so-called lesser ones. Many of its sons have died on distant battlefields to preserve the idea we call America.

That generation deserves better at our hands.

Some time ago, Franklin Roosevelt said:

> The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little.

For too long, the older generation in America has enjoyed too little of the fruits of this Nation's abundance.

The 92d Congress has the opportunity to reverse that pattern and to bring 20 million elderly Americans back into the mainstream of American life.

COME TO THE PARTY AT THE OMB

Mr. METCALF. Mr. President, on behalf of the Office of Management and Budget, I should like to welcome any interested persons to attend its public utility party on Friday, January 28. The party will be held in room 2008 of the New Executive Office Building, on 17th Street, between Pennsylvania Avenue and H Street NW., beginning at 9:30 a.m.

The purpose of the party, according to the OMB announcement, is "to give advise on reporting problems and concepts to the Office of Management and Budget on the Price Commission 'Public Utility Price Increase Form.' "

This form is a one-page questionnaire, the answers to which will provide the basis of the Price Commission's 10-day review of the multibillion-dollar rate increases which the gas, electric, bus, truck, airline, and railroad corporations are pushing through. This one-page form includes tough questions such as:

> Name of firm:
> Address:
> Employer Identification Number:
> Ending date most recent fiscal year:
> Approved price increase:
> Effective date of price increase:

Rate of return "pursuant to the customary practices of the regulatory agency having jurisdiction."

That last question, I might add, affords reporting utilities an opportunity to set back regulatory accounting a quarter of a century. The customary practices of a number of State regulatory agencies permit rate base to include "fair value," "reproduction cost new," and a variety of other items calculated to make a corporation's investment appear larger, and its profits smaller, than is actually the case.

Mr. President, I base my invitation to come to the party on testimony by an OMB official, then Assistant Director Maurice Mann, before the Senate Subcommittee on Intergovernmental Relations on October 8, 1970. We were discussing my bill to open up what has been for years some altogether too cozy discussions about public business between OMB's industry advisory committees and a few Federal officials. The pertinent colloquy reads as follows—page 187 of "Advisory Committee" hearings, part II:

> Senator METCALF. Yesterday Mr. Wimmer (Vice President Ed Wimmer of National Federation of Independent Business) made a suggestion that as a result of demands for student and youth participation, as a way of training young people to take part in Government, that we have some young person on the (OMB advisory) committee, we go through colleges and so forth and select for various advisory committees some young man or woman to participate.
>
> Mr. MANN. I see no reasons why they cannot participate in the way that we are operating now.

Mr. President, there are literally billions of dollars at stake in this issue of rate control. That control, if it is to be exercised, will be based upon timely provision of pertinent and sufficient data to the Price Commission and other regulatory agencies. So I hope that interested persons and organizations will avail themselves of OMB's and my invitation, and participate in the Friday meeting.

So that attendees may be better informed on this matter, I ask unanimous consent to insert at this point in the RECORD OMB's notice of meeting, the names of the OMB industry advisory committee members, trade associations which OMB has invited to this meeting, and other persons who, according to OMB, have been notified of this meeting. I also ask unanimous consent to insert the one-page questionnaire and a supporting statement provided me by OMB and an article entitled "Utility Rates Are Going Up—Your Electric Bill May Be A Shocker," written by Morton C. Paulson, and published in the National Observer of January 29.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

NOTICE OF MEETING

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., January 14, 1972.

You are invited to attend and participate in a meeting of the Business Advisory Council on Federal Reports Committees concerned with public utilities (gas, electric, bus, truck, airlines, railroad, etc.) to be held on Friday, January 28, 1972, beginning at 9:30 A.M. The meeting will be held in Room 2008 of the New Executive Office Building, on 17th Street between Pennsylvania Avenue and H Street N.W., Washington, D.C. The purpose of the meeting is to give advice on reporting problems and concepts to the Office of Management and Budget on the Price Commission, "Public Utility Price Increase Form." A copy of the form and instructions are attached.

In order that we may properly plan for the meeting, please indicate whether you plan to attend.

* * * * *

CLEARANCE OFFICER,
Office of Management and Budget,
Room 10201A, New Executive Office Building,
Washington, D.C. 20503

I----plan ----do not plan to attend the meeting on January 28, 1972.

Name: ----------------------------

Organization: ----------------------------

Address: ----------------------------

OFFICE OF MANAGEMENT AND BUDGET

ROUTE SLIP

The industry representatives invited consist of the Committee on Public Utilities, Committee on Natural Gas Pipelines and representation from the other areas involved such as bus, truck, telephone, water, sewer, railroads and aircraft. Copies of lists attached.

PUBLIC UTILITIES COMMITTEES

(Coordinating, operating report and financial reports)

G. H. McDaniel, Commonwealth Services, Inc., Acting Chairman. (Robert S. Quig, Ebasco Services, formerly Chairman has resigned following illness.)

C. M. Allen, Panhandle Eastern Pipeline Co.

A. J. Brodman, New Orleans Public Service Co.

Fred W. Braga, Detroit Edison.

Thomas H. Burbank, Edison Electric Institute.

Thomas R. Daugherty, American Gas Association.

Robert R. Fortune, Penn Power & Light.

Arthur E. Gartner, Consolidated Natural Gas Co.

John Geiger, Pacific Power & Light.

John S. Graves, Columbia Gas System.

Robert A. Jeremiah, Long Island Lighting.

J. C. Johnson, Southern Services, Inc.

Albert J. Klemmer, Rochester Gas & Electric.

James I. Poole, Jr., Natural Gas Pipelines.

Francis Quinn, Transcontinental Gas.

Frank H. Roberts, Northern Natural Gas.

Donald E. Rose, Peoples Gas Light & Coke Co.

William E. Sauer, Peoples Gas Light & Coke Co.

William T. Sperry, Public Service Gas & Electric.

Philip Willemann, American Electric Power Service Corp.

E. A. Willson, Northern States Power Co.

R. C. Wilson, Washington Gas Light Co.

COMMITTEE ON NATURAL GAS PIPELINES

E. H. Hasenberg, Natural Gas Pipeline Company of America.

W. Page Anderson, Panhandle Eastern Pipe Line Company.

Daniel L. Bell, Jr. Columbia Gas System Service Corp.

I. D. Bufkin, Texas Eastern Transmission Corp.

Robert L. Cramer, Florida Gas Transmission Co.

Thomas R. Daugherty, American Gas Association.

J. D. McCarty, United Gas Pipe Line Company.

Harry A. Offutt, Consolidated Gas Supply Corporation.

C. W. Radda, Northern Natural Gas Company.

Walter E. Rogers, Independent Natural Gas Assn. of America.

Robert H. Stewart, Jr., Gulf Oil Corporation.

Lloyd M. Varenkamp, El Paso Natural Gas Company.

There will also be representatives from the following:

Air Transport Association of America—Stuart G. Tipton.

Aluminum Company of America—David J. Mahrer.

American Telephone & Telegraph Company—Ben F. Givens.

American Trucking Associations, Inc.—William A. Bresnahan.

American Waterways Operations, Inc.—Braxton B. Carr.

Association of American Railroads—Burton N. Behling.

BACFR Committee on Air Transportation—John A. Paine, Chairman.

National Association of Motor Bus Owners—Charles A. Webb.

National Water Company Conference—Frederick N. Allen.

Transportation Association of America—Harold F. Hammond.

U.S. Independent Telephone Association—William C. Mott.

Water Transport Association—John A. Creedy.

NOTICE OF MEETING

Committee or subject: BACFR Committees concerned with Public Utilities (gas, electric, telephone, buses, trucks, railroads, etc.) on Price Commission PC-35, "Public Utility Price Increase form"

Date: *Friday* 28, 1972; time 9:30 *A.M.*; place *Rm.* 2008, *New Executive Office Bldg.*

Arranged by *David T. Hulett and Harry B. Sheftel.*

PARTICIPANTS

Industry representatives

C. M. Allen, Panhandle Eastern Pipeline Company.

Frederick N. Allen, National Water Company Conference.

W. Page Anderson, Panhandle Eastern Pipeline Company.

Burton N. Behling, Association of American Railroads.

Daniel L. Bell, Jr., Columbia Gas System Service Corporation.

Fred W. Braga, Detroit Edison.

William A. Bresnahan, American Trucking Associations, Inc.

A. J. Brodman, New Orleans Public Service Company.

I. D. Bufkin, Texas Eastern Transmission Corporation.

Thomas H. Burbank, Edison Electric Institute.

Braxton B. Carr, American Waterways Operations, Inc.

Robert L. Cramer, Florida Gas Transmission Company.

John A. Creedy, Water Transport Association.

Thomas R. Daugherty, American Gas Association.

Robert R. Fortune, Penn Power & Light.

Arthur E. Gartner, Consolidated Natural Gas Company.

John Geiger, Pacific Power & Light.

Ben F. Givens, American Telephone & Telegraph Company.

John S. Graves, Columbia Gas System.

Harold F. Hammond, Transportation Association of America.

E. H. Hasenberg, Natural Gas Pipeline Company of America.

Robert A. Jeremiah, Long Island Lighting.

J. C. Johnson, Southern Services, Inc.

Albert J. Klemmer, Rochester Gas & Electric.

David J. Mahrer, Aluminum Company of America.

J. D. McCarthy, United Gas Pipe Line Company.

G. H. McDaniel, Commonwealth Service, Inc.

William C. Mott, U.S. Independent Telephone Association.

Harry A. Offutt, Consolidated Gas Supply Corporation.

John A. Paine, BACFR Committee on Air Transportation.

James I. Poole, Jr., Natural Gas Pipelines.

Francis Quinn, Transcontinental Gas.

C. W. Radda, Northern Natural Gas Company.

Frank H. Roberts, Northern Natural Gas.

Walter E. Rogers, Independent Natural Gas Assn. of America.

Donald E. Rose, Peoples Gas Light & Coke Company.

William E. Sauer, Peoples Gas Light & Coke Company.

William T. Sperry, Public Service Gas & Electric.

Robert H. Stewart, Jr., Gulf Oil Corporation.

Stuart G. Tipton, Air Transport Association of America.

Lloyd M. Varenkamp, El Paso Natural Gas Company.

Charles A. Webb, National Association of Motor Bus Owners.

Philip Willemann, American Electric Power Service Corporation.

E. A. Willson, Northern States Power Company.

R. C. Wilson, Washington Gas Light Company.

Price Commission

Arnold Braff, Robert Evenson, William Daley, Michael Lang, and Robert Long.

Civil Aviation Board

Arthur Sims.

Department of Defense

Curtis L. Wagner, Jr.

Federal Power Commission

Charles Franklin and James R. Tourtelotte.

Federal Communication Commission

Bernard Strassberg.

Interstate Commerce Commission

Under arrangement.

National Association Regulatory Utility Commissioners

Paul Rogers.

Rural Electrification Administration

Dave Askegaard and James W. Goodwin.

Tennessee Valley Authority

C. Godfrey.

Office of Management and Budget

Dean Anderson, GGP, Malcolm Arnold, PC, Dave Hulett, SPD, Henry Lum, NRP, Harry B. Sheftel, SPD, and Kenneth Swartz, ESTP.

Business Advisory Council on Federal Reports

Dave Marsh.

Other representation

J. D. Crumlish, Natl. Bureau of Standards.

John Jameson, Small Business Admin.

Senator Metcalf's Office.

H. Postma, Oak Ridge Nat. Lab.

H. W. Wells, Pres. Comm. on Consumer Interests.

Mrs. Angevine, Consumer Federation-America.

I. Antin, Marquette University.

B. R. Anzlowar, Pharmaco-Medical Doc.

J. Blamphin, Medical World News.

E. H. Blum, N. Y. Rand Institute.

Theodore L. Brown, Champaign, Ill.

Mrs. C. Bush, Dual Labs.

David W. Calfee, Public Interests Research Group.

Center for Law and Social Policy, Washington, D.C.

Arthur Charous, Sears Roebuck & Co.

L. C. Clapper, National Wildlife Fed.

R. L. Cohen, Berkeley Heights, N.J.

Mrs. J. Del Solar, National Parks Assoc.

Clarence M. Ditlow, Public Interest Research Group.

H. F. Didsbury, Jr., Washington, D.C.

J. Dixon, Applied Devices Corp.

Tim Eichenbert, Citizens Advocate Center.

Michael P. Esposito, Chase Manhattan Bank.

Federation of Homemakers.

J. S. Hamilton, Nat. Council of Churches.

H. F. Hecker, Oakhurst, N.J.

Michael Hathaway, Natl. Rural Elec. Corp.

L. J. Heere, Medical University of S.C.

R. D. Henningan, Syracuse College—Forestry.

E. L. Johnson, Jr., Norristown, Penna.

Robert T. Jordon, Washington, D.C.

Larry S. Kamanitz, Washington, D.C.

B. Kass, Nat. Consumer Law Center.

Alvin Kaufman, N.Y. Public Service Commission.

Albert Kramer, Citizens Communication Commission.

D. S. Kim, Maplewood, N.J.

T. A. King, Adelphi, Maryland.

Donald Lief, Center Political Research.

C. Mackown, Oceanology.

J. J. Nickson, Michael Reese Hospital.

Ohio Conservation Federation.

Rudolf Oswald, AFL/CIO.

Fred. Panzer, Tobacco Institute.

P. J. Petkas, Public Institute Research Commission.

Peter Petra, Kenton Corporation.

Jooste Polak, Newhouse Papers.

Alex Radin, American Pub. Power Assoc.

Thomas Riddel, American University.

Richard Ritter, Federal Times.

R. B. Robertson, III, Comm. Study of Responsive Law.

A. E. Rowse, U.S. Consumer.

Miss E. Stengel, Consumers Union.

J. B. Talmadge, Asso. American Colleges.

Edward Sandifer, Dartmouth College.

Dr. Pauline Vaillancourt, Jackson Heights, New York.

Godfrey J. Vitt, Washington, D.C.

Raymond Watts, Ct. Small Business.

John R. Stark, Joint Economic Committee.

PUBLIC UTILITY PRICE INCREASE FORM

PART I—IDENTIFYING DATA

1a. Is this a resubmission? (1) Yes, (2) No.

1b. If "Yes", indicate prior reference number.

2. Application date (Month—, day—, year—).

3. Parent Firm Data.

a. Name of firm.

b. Address (Number and street) City or town, State and ZIP code.

c. Ending date most recent fiscal year—Mo.—; Day—; year—.

d. Employer identification number—.

e. Total revenues in most recent fiscal year— $ (000 omitted).

PART II—SERVICES COVERED BY THIS REPORT

4. Data on Reporting Entity Covered by this Filing (Complete only if different from item 3).

a. Name of reporting entity:

b. Address (Number and street):

City or town, State and ZIP code:

c. Ending date most recent fiscal year: Mo. ; Day ; Year .

d. Employer identification number:

e. Total revenues in most recent fiscal year $— (000 Omitted).

5. Indicate if report covers (check one): —(1) Request based on filing with regulatory agency; —(2) Interim price increase; —(3) Approved price increase; —(4) Price increase not subject to regulatory agency approval.

6. Services covered:

7. Agency having jurisdiction over price increases:

8. Indicate document(s) attached —(1) Application to regulatory agency; —(2) Agency; rate order; —(3) Agency opinion; —(4) Agency certificate; —(5) Self certification; —(6) Other (specify):

9. Effective date of price increase as proposed, allowed, or authorized:

10a. Total revenues last 12 months $—.

10b. Test period from: —— to: ——.

10c. Test period revenues $—.

11. Estimated annual increase in revenues, $—.

12. Price increase %:

Net profit.

13. Rate of return:

a. Estimated rate of return data for this price increase; (1) Overall, %; (2) On common equity —%.

b. Rate of return data for most recent prior price increase authorized by the agency in item 7, above: (1) Overall —%; (2) On common equity, —%. (3) Date of prior price increase.

c. Basis for overall rate in a. and b.: —(1) Original cost; —(2) Other—explain.

14. Have you previously filed with the Price Commission a report? For this price increase covering:

(1) A request? Yes —; No —. If "yes" give date.

(2) An interim price increase? Yes —; No —.

15. Are any other price increases being considered by a regulatory agency?

(a) For your company?

Yes—; No—. If "yes" attach explanation.

(b) Holding?

Yes—; No—. If "yes" attach explanation.

(c) Subsidiaries?

Yes —; No —. If "yes" attach explanation.

16. Contact for further information:

Individual's name and title: —; Address:—; Telephone number:

PART III—CERTIFICATION

To the best of my knowledge and belief, the data submitted herewith are factually correct, complete and prepared in accordance with the applicable instructions.

Chief Executive Officer of Parent Firm or other authorized executive officer.

Typed name and title:

Name of company:

Signature:

Date:

Forward this form and all supporting documents to: Price Commission, P.O. Box 19300, Washington, D.C. 20036. Indicate "Submission of Form PC-35" in the lower left-hand corner of the envelope.

STATEMENT SUPPORTING REQUEST FOR CLEARANCE OF PC-35 "PUBLIC UTILITY PRICE INCREASE FORM

A. *Justification of form in relation to program.*—Price Commission regulations require that certain public utilities (principally those with annual revenues over $100 million) furnish data with respect to proposed price increases or those authorized by a regulatory agency. The data on this form is a summary of the information required to determine whether the proposed price increase is consistent with Price Commission regulations.

B. *Justification of those to be covered.*—The selection of those firms required to file Form PC-35 is specified in Price Commission regulations. Those requirements are set forth in the instructions to Form PC-35 under "Who Must File".

C. *Collection, tabulation and publication plans.*—Only selected data will be collected for the purposes indicated in section A, above. Data may be summarized by the Price Commission and released to the public in the form of press releases. Such press releases would be in a manner which avoids disclosure of confidential individual company data and solely for those purposes as the Price Commission deems necessary for achieving the objectives of the economic stabilization program.

D. *Consultation with others regarding Form PC-35.*—Earlier drafts of this form have been reviewed by Price Commission staff members and many of their comments have been included in this form. Because of the temporary nature of the Price Commission, its staff members come from and can be assumed to represent a fairly broad cross-section of other Federal Agencies and include individuals with experience in various other agencies which regulate public utilities.

INSTRUCTIONS FOR THE PREPARATION OF FORM PC-35 PUBLIC UTILITY PRICE INCREASE FORM

PRICE COMMISSION,
Washington, D.C., December 28, 1971.

GENERAL INSTRUCTIONS

Purpose

Form PC-35 is to be used to notify the Price Commission of:

(1) Requested price increases at the time of filing an application with a regulatory agency,

(2) Interim price increases in effect under suspension, including those subject to accounting or refund,

(3) Approved price increases as ordered or certified by a regulatory agency,

(4) Proposed price increases for utility services not subject to the jurisdiction of a regulatory agency, prior to the effective date of such increases.

Form PC-35 shall not be used by a public utility to report requests for price increases for non-utility services or products such as merchandise. Such requests shall be submitted to the Price Commission on the applicable forms which would be used if the firm was not a public utility.

Suggestions for Improvement

The Price Commission welcomes suggestions for improving this and other forms. In general, it seeks ways of obtaining the information it needs to exercise its responsibilities under the price stabilization program with a minimum amount of reporting burden on prenotification and reporting companies.

Who must file

This form must be used by all public utilities who are subject to the reporting requirements of the Price Commission regulations.

A public utility includes, but is not limited to, a person that furnishes services such as gas, electricity, telephone, telegraph, public transportation by vehicle or pipeline, water, and sewage disposal, but does not include water or sewage disposal services furnished by a government agency or instrumentality.

If the public utility is a separate entity, not controlled by another entity, it should disregard Item 4 on the form. If the public utility is a part of a consolidated group of companies, it should complete Items 3 and 4.

In the case of transportation companies, price increases may be requested by a recognized rate bureau or conference rather than an individual company. If so, the rate bureau or conference must submit the data as parent firm. The bureau must provide an attachment for "Item 4: Data on reporting entity covered by this filing" listing all entities included in the price increase. When completing the items on Form PC-35, the bureau should base its responses on the financial data included with the filing with the regulatory authority.

As required by Section 215 of the Economic Stabilization Act Amendments of 1971 (Public Law 92), a company, or other entity constituting a public benefit corporation, charged by law or contract with the responsibility to operate a mass transportation facility or facilities, the fares of which are not otherwise regulated, shall use Form PC-35 to apply for approval of fare increases.

When to file

Requested price increases must be reported within 10 working days after filing the request with the regulatory agency.

Interim price increases put into effect subject to accounting and refund must be reported at least 10 working days before the effective date of the price increase.

Price increases approved by a regulatory agency must be reported within 5 days of receipt of the final regulatory agency approval.

Proposed price increases not subject to the jurisdiction of a regulatory agency must be reported at least 10 working days before the effective date of the price increase.

What to file

A separate Form PC-35 must be prepared for each type of notification mentioned above, although a rate increase for more than one service such as electric and gas may be included on the same form.

If the space provided on the Form PC-35 is inadequate, furnish the necessary data on attachments. All items on the form should be answered. If the data required is not applicable (N/A) or none; so indicate in the appropriate box. Do not use "unknown" or similar wording. For the purpose of this form, all percentages must be expressed to the nearest two decimal places (e.g., 5.92%). All dollar entries must be rounded to the nearest $1,000 and the 000 should be omitted (such as $1,750,803 entered as $1,751).

A duplicate copy of Form PC-35 (but not the attachments) should be included with each submission.

This form and instructions call for basic information. The Price Commission may request additional data in particular cases.

Where to file

Form PC-35 and attachments should be mailed to: Price Commission, P.O. Box 19300, Washington, D.C. 20036.

Indicate "Submission of Form PC-35" in the lower left-hand corner of the envelope.

SPECIFIC INSTRUCTIONS

Part I—Identifying data

Item 1: Prior Reference Number—Answer the question in 1(a). If you are supplying requested additional information or resubmitting a request that had been initially returned, record the prior reference number in 1(b). The prior reference number is the number recorded by the Price Commission in the top right hand corner of this form, in the box labeled "Reference No."

Item 2: Application Date—Enter the date that this notification is made, regardless of whether this represents an initial report, notification of interim price increases in effect under suspension, price increases approved by a regulatory agency, proposed price increases not subject to a regulatory agency, requested additional information, or a resubmission.

Item 3: Parent Firm Data—A parent firm is the firm which controls a group of consolidated subsidiaries following the criteria for the preparation of consolidated financial statements in accordance with generally accepted accounting principles. Where the utility is operated by a government unit, the governmental unit should be considered to be the Parent firm for purposes of Form PC-35. In such cases, enter "N/A" in Item 3e.

(a) Enter name of Parent firm.

(b) Enter address of executive offices of Parent firm.

(c) Enter the ending date of the most recent fiscal year as customarily used by the Parent firm.

(d) Enter the Parent firm's employer identification number as used for Internal Revenue Service Filings.

(e) Enter the total revenues of the Parent firm during its most recent fiscal year (Item 3c), from whatever source derived.

Item 4: Data on Reporting Entity Covered by this Filing—Fill in this item only if the reporting entity covered by this filing is different from the entity listed in Item 3. The criteria for determining such reporting entities are given above under "Who Must File."

(a) Enter name of reporting entity covered by this filing.

(b) Enter address of executive offices of reporting entity.

(c) Enter the date of the most recent fiscal year of the reporting entity as customarily used.

(d) Enter the employer identification number, as used for Internal Revenue Service filings, of the reporting entity covered by this filing. If the reporting entity's employer identification number is the same as the Parent firm's leave this item blank.

(e) Enter the total revenues of the reporting entity covered by this filing during its most recent fiscal year (Item 4c), from whatever source derived.

Part II—Services covered by this report

Item 5: Indicate if Report Covers—Indicate whether you are notifying the Price Commission of either; (1) a request for a price increase at the time of filing an application with a regulatory agency, (2) an interim price increase in effect under suspension including those subject to accounting or refund, (3) an approved price increase as ordered or certified by a regulatory agency, or (4) a proposed price increase not subject to the jurisdiction of a regulatory agency.

If item 5(3) is checked, attach a statement if the public utility plans to petition or appeal the price increase as ordered or certified by the regulatory agency.

Item 6: Service Covered by 5 Above—Enter the service or services included in the increase, e.g., gas, electric, telephone, telegraph, water, common carrier trucking, contract trucking, railroad passenger, railroad freight, air passenger, air freight.

Item 7: Agency Having Jurisdiction Over Price Increases—Insert the name of the regulatory agency or agencies or other authority having rate jurisdiction over the service or services for which the increase in rates is being requested.

Item 8: Attach Copy of the following Document(s) as applicable: Request for price increase. When notifying the Price Commission of a request for a price increase, attach a copy of the application for rate increase as filed with the regulatory agency entered in Item 7. If more than one regulatory agency, attach a copy of the application filed with each agency (if the applications are different).

Interim price increase in effect under suspension. When notifying the Price Commission of an interim price increase in effect under suspension, including those subject to accounting or refund, attach a copy or copies of the certificate by the regulatory agency entered in Item 7 (see the Price Commission regulations). If the regulatory agency has established findings prior to prices being placed in effect under suspension, attach a copy of the findings. If the staff of the regulatory agency has prepared a brief, attach a copy and indicate if the brief is confidential.

Approved price increase.

When notifying the Price Commission of an approved price increase, attach a copy of the rate order and certificate by the regulatory agency.

Price increase not subject to a regulatory agency. When notifying the Price Commission of a proposed price increase not subject to the jurisdiction of a regulatory agency, attach a schedule adequately describing the nature of the proposed price increase, including the appropriate self certification (see the Price Commission regulations).

Item 9: Effective Date of Price Increase—Enter the date the increase becomes effective subject to the review of the Price Commission. If the notification is a request for a price increase under Item 5(1) or (4), enter the proposed date if any.

Items 10, 11 and 12:

Total revenues for the last 12 months (Item 10a.) should include the revenues for the most recent 12 months available. Revenues for the test period should include the revenues as used for the test period used in the rate proceedings.

Data with respect to proposed price increases should be related to the services affected by the proposed price increase. A public utility providing more than one type of service, for example a gas and electric distribution company, should include revenues for the last twelve months and the proposed increase in annual revenues for only electric service if the proposed increase applies only to electric rates. If the proposed increase applies to electric and gas rates, items 10, 11 and 12 should include data for both services. Supplemental data setting forth the information by type of service should be included by attachment if more than one service is involved. Further information should be included by attachment in response to items 10, 11 and 12 indicating the rate schedules, tariffs or class of customer service affected by the proposed increase.

Item 12 should indicate the percentage relationship of the increase in revenues (Item 11) to the revenues for the last twelve months (Item 10a.) or to the revenues for the test period (Item 10c.), whichever is most meaningful under the circumstances.

Item 13: Rate of Return—Overall rate of return refers to the rate of return applied to the rate base pursuant to the customary practices of the regulatory agency having jurisdiction over the service for which the increase is proposed. Rate of return on common equity refers to the percentage return proposed or allowed on the common stock equity.

In the case of proposed price increases not subject to the jurisdiction of a regulatory agency, the rate of return data shown should be based on the customary practices used for those activities of the reporting entity which are subject to the jurisdiction of a regulatory agency. If this is considered inappropriate by the reporting entity, it should use the method it considers proper, and provide a full explanation by attachment.

If rate of return data is not available or useful because of the nature of the industry or regulation, profit margins and/or operating ratios should be submitted by attachment in lieu of rate of return data.

Rate of return data should be supplied by attachment when increases relate to more than one service and when the rate of return is determined by type of service.

(a) In connection with requests for price increases, this item should include the applicable data based upon the application for increased rates as filed with the regulatory agency. If the form is being submitted for an increase approved by the regulatory agency, enter the data from the rate order or decision. If interim prices are being permitted to become effective under suspension, enter the rate of return which the reporting entity estimates will result from the increased prices.

(b) The rate of return allowed or authorized by the regulatory agency in the most recent prior rate order or decision should be included. If the method of determining overall rate of return or return on common stock equity in (a) above is significantly different from that included in the prior rate order, provide an explanation by attachment. In those cases where the reporting entity has not had a formal rate proceeding in recent years, additional information should be attached indicating the average rate of return which the reporting entity earned during any two of the past three fiscal years ending prior to August 15, 1971.

Enter on line (3) the effective date of the most recent prior price increase authorized by the agency entered in Item 7.

(c) Indicate by attachment a brief description of the type of rate base used if other than original cost.

Item 14: Reference to Previous Filings with the Price Commission in Connection with Proposed Increase—Enter the data necessary to relate the increase proposed by this report to prior reports filed with the Price Commission if there is not a prior reference number in response to Item 1.

Item 15: Proposed Price Increases Other than Those Being Requested in This Report—If the reporting entity has filings before any regulatory agency for increased prices (subject to the reporting requirements of the Price Commission regulations), other than that covered by this report, the information required by Items 6, 7, 10, 11 and 12 of Part II should be furnished for each such proposed increase. Reference to previously filed Forms PC–35 concerning such price increases will satisfy the requirements of this item.

Item 16: Self-explanatory.

Part III—Certification

Type, on the lines above the signature, the name and title (including the company name) of the individual who has signed the certification. The individual certifying to the PC–35 must be the Chief Executive Officer of the Parent firm, or such other executive officer as authorized by the Chief Executive Officer to sign for him for this purpose. Such authorization must be in the form prescribed by the Price Commission.

Important Notice

Effective January —, 1972, the Price Commission will only process reports of price increases for public utilities on this Form PC–35 or a facsimile copy of such form.

[From the National Observer, Jan. 29, 1972]

Utility Rates Are Going Up—Your Electric Bill May Be a Shocker

(By Morton C. Paulson)

Of the many expenses that strain the typical family budget, utility charges generally come under the heading of small change. While prices of everything from housing to hosiery have risen dramatically, costs of gas, electricity, and telephone service have, for the most part, held steady for decades—or even declined. But not now.

For more than a year, utility costs have been advancing at nearly double the rate of the over-all cost-of-living index. And despite Federal price restraints, the worst may lie ahead.

A record number of rate-increase applications are pending before state and other governmental regulatory agencies. More than 60 electric utilities are seeking increases that would, if approved, raise electric bills about $1 billion a year. Members of the Bell telephone system are seeking $1.5 billion in boosts.

HEDGING REQUESTS

U.S. Sen. Lee Metcalf, Montana Democrat and long-time critic of electric utilities, estimates that electric, gas, telephone, and pipeline companies have applied for a total of about $4 billion in annual increases.

"Utilities usually ask . . . for a third or fourth more than they actually want and plan to get, in order to preserve the appearance of regulation," declares Metcalf. Therefore, he says, "we can expect rate increases totaling between $2.5 and $3 billion a year."

Last week the New York State Public Service Commission authorized a $160,000,000 raise in that state's telephone rates. Unless modified by the Federal Price Commission, the Action will mean a 9 per cent boost statewide for customers and will increase rates for most New York City subscribers 29 per cent above the July 9, 1971 level. Furthermore, said the state commission, "there is grave danger that the price of telephone service will increase substantially in the years ahead." Of major concern is the possibility that telephone service will be "priced out of the reach of the less-affluent members of society," the commission said.

In New Jersey, Bell customers will have to pay minimum increases ranging from $1.20 to $22.40 a year under a new rate schedule filed last week. Across the country, regulators authorized Bell Companies to raise rates $1.3 billion in 1970 and 1971. There were, however, no appreciable increases in the two preceding years.

In Chicago, it cost an average of $168 annually to heat a six-room house with gas in 1969. Last year the bill came to $186. In Denver, the average user's gas outlay rose from $103 in 1969 to $112 in 1971, even though less gas was consumed last year. In Missouri, customers of the Laclede Gas Co. paid $49 last year for 50,000 cubic feet of gas, up from $41 in 1969.

Nationally, prices of both gas and electricity rose 7.4 per cent during the 12 months ending in September 1971. Telephone costs went up 7.1 per cent over the period, and water and sewer bills jumped 9.9 per cent. These increases compare with a rise of only 4.2 per cent in the over-all consumer-price index. In part, however, the higher utility prices reflect increases in Federal, state, and local taxes.

COSTS ARE CLIMBING

Utility executives insist that they must have more money to meet the demands of growing populations. Costs of construction, labor, and fuel are steadily climbing, they argue. On top of this, many companies are being forced to shell out heavily for antipollution equipment. "In my opinion we will have to have rate increases every year for the next decade," asserts Gordon R. Corey, chairman of the finance committee at Chicago's Commonwealth Edison Co.

J. Harris Ward, Commonwealth chairman, says the company expects to spend $400,000,000 in the next five years for air- and water-quality-control systems at generating sites. This will be in addition to $165,000,000 previously spent for such purposes and will represent 13 per cent of the company's total construction budget.

The Price Commission has authority to overrule rate decisions of regulatory agencies, and has laid down standards for permissible increases. Even so, commission officials acknowledge that, on the average, rate rises this year will exceed 2.5 per cent, the Nixon Administration's hoped-for limit on over-all price increases.

"We will not require a profit-margin test [for utilities] as is done with other industries," says James H. Hogue, the commission's director of congressional relations. He said the panel has neither the staff nor the expertise to take on rate-making functions of the kind performed by state public-utility commissions. Rejection of a legitimate increase could result in curtailed service and impaired credit ratings of utility companies, he adds.

PROFITS RISE

But critics such as Senator Metcalf and the Consumers Federation of America maintain that profits of many power companies are excessive, and thus many rate-boost applications are unjustified. "To the extent that wage-price controls are successful and interest costs decrease, the needs of the utilities for rate increases will diminish," argues Metcalf.

After-tax profits of the country's 100 largest private power companies totaled a record $3.3 billion in 1970, up $250,000,000 from 1969. The figures are supplied by the companies themselves to a trade publication, Electric Light & Power. Net, after-tax earnings of the 100 companies expressed as a percentage of gross revenue—ranged from a high of 22.6 per cent to a low of 5.5 per cent in 1970. The average was 15 per cent.

Another measure of profitability is the percentage of return on common stock equity, or book value. The range here for 184 companies was 17.5 per cent and 1.5 per cent, with the average being 11.3 per cent, the Federal Power Commission reports.

In Metcalf's view, these sizable differences prove that some companies are enriching themselves at the expense of their customers. He and his executive assistant, Vic Reinemer, wrote a book in 1967 entitled *Overcharge*. In it they take the position that, despite governmental rate regulation, many investor-owned power companies take in "far more than is received by risk-taking free-enterprise business," and therefore "overcharges can cost many a family thousands of dollars during the breadwinner's working life."

Accordingly, the senator is sponsoring legislation that would provide funds for hiring lawyers to represent the public before regulatory commissions and courts. It also would require electric, gas, and telephone companies to disclose more information about their earnings.

All too often, he says, state regulatory commissions are overwhelmed at rate hearings by highly paid economists, engineers, and accountants representing the utilities. Having small staffs and little money, the commissions "lack experts who can challenge the companies." His bill would provide for Federal funds for hiring "this expertise so sorely needed," says Metcalf. The measure died in committee in 1970 but has been reintroduced.

Some companies with above-average earnings in 1970 filed for substantial rate increases in 1971. Commonwealth Edison, which achieved a 13.6 per cent return on common-stock equality, requested $95,200,000. Illinois Power Co., which earned 17.2 per cent, asked for $21,500,000. Cleveland Electric Illuminating Co. earned 14.5 per cent and filed for $53,538,000.

Filings of the Virginia Electric & Power Co. (VEPCO) over the last two years provide an interesting study. VEPCO's return on both stock equity, 13.5 per cent, and after-tax profits on revenue, 19.2 per cent, were above the industry average in 1970. Nonetheless, in June of that year the Virginia Corporations Commission granted the company's request for $22,500,000 in rate boosts. The increase survived court challenges by the Virginia attorney general and a consumer group called the Ad Hoc Committee on Cities and Counties.

One year later VEPCO got a "temporary emergency" increase of $22,800,000. This one was contested unsuccessfully by the utility's biggest customer, the U.S. Department of Defense. Then, in August 1971, the company applied for $57,000,000 more, or $79,800,000 including the $22,800,000, which it wants made permanent. That request is pending. If the increases are granted, VEPCO's residential customers would pay between $18.81 and $19.86 on the average, up from $15.20 and $16.13.

"We're in a deteriorating financial situation," a VEPCO spokesman said last week. "We must receive rate relief soon if we are to remain financially healthy." Another official said the company expects to spend $5 billion for expansion in the next five years.

THE ONLY TRUE MEASURE

VEPCO and other power companies insist that figures showing return on stock equity and net profits on sales are largely irrelevant in measuring profitability of utilities. They argue that utility companies have a huge investment in plants, equipment, power lines, and the like and therefore their profits should be calculated as a percentage of their capital investment. "That's the only true measure," asserts Alvis M. Clement, senior assistant treasurer for VEPCO.

In 1968, electric power companies had a net plant investment of $3.66 for every $1 of revenue, says Prall Culviner, vice president of the Edison Electric Institute, an industry association. That compared with 74 cents for the steel industry and 23 cents for auto makers. But VEPCO earned an amount equal to 5.45 per cent of its net plant investment in 1970. This, too, was well above the average of 4.37 per cent for the 100 largest companies. Other electric utilities earned from 2.66 per cent to 7.77 per cent of plant investment.

Regulatory officials queried by The National Observer said that as a rule no single profit yardstick is used in determining whether a company should be allowed to raise rates. "It's done on a case-by-case basis," said William L. Webb, director of information for the Federal Power Commission. "The basic idea is to allow them the cost of the service they provide, and then a fair return."

ADVERTISING OUTLAYS ASSAILED

The Federal Trade Commission, in determining rates of return for manufacturing industries, uses the stock-equity calculation. In 1969, this ranged from nearly 20 per cent for a group of drug makers to 7.7 per cent for a group of yarn and fabrics producers.

Metcalf complains that electric utilities spent seven times more on advertising and sales promotion in 1970 than on research and development. "If the utilities quit overpromoting their scarce product, they would not need as much additional new plant capacity, and research and development could lead to more pollution-free production of power," he maintains. The power companies retort that advertising promotes increased efficiency by encouraging more even use of generating equipment. Because of air conditioning, electricity use peaks in the summer.

So the power companies promote electric heating in an attempt to make full use of their power facilities in the winter. But because of rising costs, some companies have scaled down their advertising. VEPCO, which spent $2,200,000 for advertising in 1970, cut it out completely last summer and has done none since.

EXTRADITION AND GENOCIDE

Mr. PROXMIRE. Mr. President, some people who oppose the Genocide Convention do so because they believe that American ratification of the treaty will be the prelude to wholesale extradition of innocent, law abiding American citizens to foreign countries where they will be tried without any of the cherished protections of our Constitution. To see if this fear is justified it will be helpful for us to examine the extradition process as it pertains not only to genocide, but also to other crimes such as murder and robbery.

First. An American citizen must go to a foreign country.

Second. He must commit an act that is a crime according to that country's laws.

Third. He must return to the United States before being arrested and tried by that country.

Fourth. That country must ask the United States to extradite the person.

Fifth. There must be an extradition treaty in force between that country and the United States that includes the crime, be it genocide or whatever, as an extraditable offense.

Sixth. The foreign country must show that the accused will be granted all his rights under our Constitution.

Seventh. The Federal courts and the Executive must both agree to grant extradition. If all of these steps are not present the person cannot be extradited.

It is rare that an American citizen is extradited to a foreign country to stand trial. More often it occurs when an alien flees to the United States and is extradited back to his native land. In the same manner, foreign nations are obliged under extradition treaties to return American citizens to the United States to stand trial here for acts allegedly committed here.

In 1970, then Assistant Attorney General William Rehnquist, appearing before the Special Foreign Relations Subcommittee on the Genocide Convention said:

> I don't recall hearing instances of American citizens being sent abroad, I often hear of shipping citizens of foreign countries back to their country for offenses . . . but not American citizens . . ."

Because article VII of the Genocide Convention says that extradition for genocide is to be granted in accordance with the laws and treaties in force, the seven step process outlined above applies to genocide just as it does to all the other crimes for which the United States grants extradition. We can thus see that we have no reason to fear the capricious and wholesale extradition of American citizens.

Mr. President, I call upon the Senate to ratify the Genocide Convention as quickly as possible.

FUNDING CRISIS FACES PEACE CORPS

Mr. McGEE. Mr. President, an editorial published in the Washington Evening Star of Friday, January 21, warned of the consequences which could follow the current funding crisis facing the U.S. Peace Corps program.

The editorial writer observed:

> How dismaying it is that the Peace Corps, having reached a point of high effectiveness and popularity, is threatened with suffocation because of congressional fumbling and bickering over a small amount of money. There is still time to rescue the Corps from a downfall that would be both costly and shameful, but that time is running very short.

There probably never has been such overwhelming public support for a foreign aid program as there is for our Peace Corps effort. In spite of the popularity of the program and in spite of all it has accomplished, the Congress has seen fit to be less astute than the rest of the country in recognizing the value of this program. Both the Congress and the administration have been derelict in not only failing to act in authorizing funds for the Peace Corps, but also both have been derelict in not authorizing a larger expenditure.

The responsibility for the future of our Peace Corps program now rests on the shoulders of the Senate. It would be my hope that the Senate would shoulder that responsibility as quickly as possible.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PEACE CORPS CRISIS

How dismaying it is that the Peace Corps, having reached a point of high effectiveness and popularity, is threatened with suffocation because of congressional fumbling and bickering over a small amount of money. There is still time to rescue the Corps from a downfall that would be both costly and shameful, but that time is running very short.

The dilemma is all too familiar. Last month, the Peace Corps appropriation was among the unfinished business as the first session of this Congress was ending. So in the stampede to get out of town, Congress assured that the agency would be kept alive—at least until February 22—by hurriedly passing a continuing resolution for funding. But it approved much less than the bare minimum needed to keep the program going on its present scale. Nor was that an oversight, for it is the Corps' bad fortune that the House Appropriations subcommittee to which it must appeal is headed by Representative Otto Passman of Louisiana. A man of great power and few words, he commented at a hearing on the agency's budget: "If I had to meet my Maker in three minutes and the last decision the Good Lord would let me make . . . it would be to abolish the Peace Corps."

That sentiment is in sharp contrast with the thinking of a great majority of Americans. Surveys indicate that hardly any other program rates as high with the public as the Peace Corps. It's still regarded as a beacon of this country's idealism and altruism, shining in a cynical world. Last year alone, applications from volunteers increased 41 percent, and its services seem to be appreciated more than ever by underdeveloped countries. There will be widespread and bitter disappointment if it is snuffed out or reduced to a mere remnant.

At least the latter is definitely in prospect. Corps Director Joseph Blatchford says that under the new, reduced funding he may have to bring home 4,000 of the agency's 8,000 volunteers who are abroad. That may mean pulling out of 15 countries and cutting the activities in 40 others. And thereby the Corps quite possibly would be on its way to oblivion. The disillusionment of the many dedicated Americans who have volunteered for it, or who plan to, would be boundless.

It would be warranted, too, because only a trivial amount of money is at stake, when measured against the nation's total foreign outlay. President Nixon asked for an $82.2 million Peace Corps budget for 1972, which would permit a modest expansion. Both the House and Senate authorized $77.2 million, which Corps officials say is the rock-bottom amount needed to keep the program operative as it now stands. But, after much delay, the House appropriated only $68 million, while the Senate became paralyzed over foreign affairs just before the recess and left everything in mid-air. Finally the Corps got authority to continue functioning until next month on the basis of a $72 million budget. The trouble is that it had been spending for several months on the basis of a larger authorization, and hence is in desperate straits.

The responsibility for rescue, quite obviously, is the Senate's. It should speedily pass an appropriation that will prevent any reduction of the Corps' activities, and insist on that amount in a House-Senate conference.

SECRETARY MORTON'S MISSED OPPORTUNITY

Mr. MOSS. Mr. President, in September, together with Senators Bible and Allott, I cosponsored S. 2542 to establish a system for the development of mineral resources. The bill repeals a large portion of the 1872 mining law and recognizes the policy of the United States as expressed in the Mining, Minerals Policy Act of 1970 (Public Law 91–631) to encourage the development of certain mineral resources while at the same time recognizing a need for sound management of our environment.

In September, I conducted hearings on S. 2542 and S. 921, a Public Domain Lands Organic Act. Our invitation to the administration to comment on these bills was not accepted.

I invite the attention of the Senate to an editorial published in the December 1971, issue of Mining Congress Journal. I would simply ask the administration, What is the public policy in regard to minerals management and who speaks for the administration?

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Secretary Morton's Missed Opportunity

The Nixon administration bill to reform the mining laws is, to say the least, a fascinating document and it is already acquiring a fascinating history.

In June 1971 the Senate Interior Committee announced that hearings on revision of the mining law would be held in late September. That was four months' advance notice. Yet when the hearings occurred, the Interior Department begged off on the grounds that an Administration position was not yet formulated.

On October 11, just 19 days after the Senate hearings, Secretary of the Interior Morton spoke at the American Mining Congress convention at Las Vegas. In any bill to reform the mining law, one thing he would not endorse, said Morton, would be a provision which would require the leasing of all mineral deposits by competitive bidding.

Well, the very next day the administration bill was sent to Congress and was introduced as S. 2727 in the Senate. Section 13 thereof reads as follows:

"The Secretary shall, under such rules and regulations as he may prescribe, issue an exploration, development, or production permit by competitive bidding for locatable lands which he has reason to believe contain commercially valuable mineral deposits. Where two or more persons file applications for an exploration, development, and production permit covering the same lands on the same day, they shall be deemed to have filed their applications simultaneously. In such case the Secretary shall require that the permits be issued to the highest qualified bidder among those persons as determined by competitive bidding. The Secretary shall reserve the right to reject all bids whenever in his judgment the best interest of the United States will be served by so doing."

Section 12(a) of the bill is also interesting since it gives the Secretary of Interior virtually unfettered power to close down a patented mining operation for, among other things, "reasons of public policy." It seems incredible but Section 12(a) reads, in part, that "the Secretary, for the purpose of encouraging the miximum ultimate recovery of locatable minerals or in the interest of conservation of natural resources or to protect the environment or for reasons of public policy, may suspend operations or production, or both, on any permit or patent."

In his address to the American Mining Congress, the Secretary of the Interior missed an excellent opportunity. Having explained his views regarding competitive bidding, he might well have defined that rather provocative phrase, "reasons of public policy."

SUCCESS IN MISSOURI VOCATIONAL TRAINING

Mr. EAGLETON. Mr. President, two of the many problems facing society today are the need for vocational training and the rehabilitation of inmates in our prisons.

I invite attention to Linn Technical College, a farsighted institution located in Linn, Mo. This exceptional school is dealing successfully with both problems.

An excellent vocational training school, Linn Technical College has initiated a program with the Missouri Department of Corrections which allows prisoners to receive vocational training while they are still incarcerated.

The graduates of this school find jobs, become taxpayers, and fulfill a real service to their community. The success of vocational education is clearly demonstrated by this institution.

The fine work of Linn Technical College and the leadership of its founder and president, Thurman Willett, is to be highly commended.

I ask unanimous consent that the article, entitled "A School Is Putting Linn, Mo., on the Map," published in the St. Louis Globe-Democrat of December 29, 1971, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A School is Putting Linn, Mo., on the Map

(By Karen K. Marshall)

Mention Linn., Mo., to many Missourians and, if they've heard of the small town about 20 miles east of Jefferson City, they'll tell you about the main street that just never seems to end.

But a few yards south of Main street, just behind the high school and the grade school and the kindergarten, sits a conglomeration of buildings that gradually is making Linn known throughout the country.

The buildings house Linn Technical College, an 11-year-old institution that was the dream of President Thurman Willett as far back as 1941.

"They thought I was crazy," Willett admits.

"They" was anyone, almost, who heard Willett talk about the need for vocational-technical education for rural youngsters.

"They," including many residents of Linn, still thought he was crazy when the first technical class opened 11 years ago with one instructor and 20 students.

The oppositon in Linn, in fact, was tremendous. Some people feared high school funds would be used for the technical school since they shared property and both would come under the school board and School Superintendent Willett.

But "two years later, when McDonnell Douglas came out here and took all these people (the 20 students), they stopped laughing," said DeWayne Rakes, dean of students.

Gradually, the student body, the staff and the facilities grew. Most of the students were the rural youngsters Willett had been thinking of.

Rakes remembered the boy who came to school one Friday—dress-up day to simulate the business world—without a tie. When questioned, he apologized but explained his brother was at a funeral and had worn the only tie the family owned. That boy "is with McDonnell Douglas now and has a whole closet full of ties," Rakes added with a grin.

About 70 per cent of the 550-member student body today still fits the rural category and most are not affluent. They no longer come just from the Linn area, however, but from all over the United States and seven foreign countries.

This year, Linn College took on still another type of needy student—young men serving time at nearby Algoa, the intermediate reformatory for men between 17 and 25 years old.

When the fall term began, 11 hand-selected men began leaving "the Hill" every morning for the ride in a yellow school bus to classes at Linn.

Nine of those men still are students at Linn, but three of the nine no longer catch the school bus. They have been paroled and have moved nearer the campus so they can keep up with their classes.

The men are part of a cooperative venture between the Department of Corrections and the Vocational Rehabilitation Department.

"They've been model students here," Rakes said. "Their grades have been above average."

A visitor to the school couldn't tell the Algoa students from the others. They are not treated any differently and so far the honor system seems to be working.

"The only difference is where they happen to sleep at night," Rakes noted.

Although Vocational Rehabilitation and the Department of Corrections have had a program for several years to train parolees, the Linn experiment is the first time they've tried training in a regular school setting while the men still are incarcerated.

"I have high hopes for this program," said Jack Larson, assistant district vocational rehabilitation supervisor. "Normally they're doing nothing while they're there (at Algoa) except complete time."

Eugene, one of the Algoa students, says the only thing wrong with classes at Linn is that not enough Algoa men get to attend them.

"If you only save one out of 10, you've really accomplished something," Eugene explained. "The guy who's been on the street for 20 years and out of school since the 8th grade isn't interested in going back to grade school when he gets out. He needs technical training."

Eugene is studying auto mechanics and says he wishes he "had gone into this a whole lot earlier." But he doesn't see auto mechanics as the extent of his future.

"I was in college before I got a case," he explained. "I'd like to go back someday. I'd really like to be a coach." And with that in mind, Eugene also is taking University of Missouri extension courses at night at Algoa.

"I knew it would work out for me because I really wanted it to," Eugene added. "It's really working a lot better than people thought it would."

Larson hopes the Linn-Algoa program will overcome the transitional problems parolees have when they get out and are "suddenly free." Sitting in a classroom every day doesn't sound so good then, the explained, but by the time the Algoa men are paroled, they are so involved in school, hopefully they won't want to quit.

Willett has big plans for Linn Technical College. He expects the student body to grow to 2,500 or 3,000 within the next few years and thinks someday the school will be a state-operated institution. The only thing stopping growth is lack of money.

"Vocational-tech has been a dirty word," Willett said, "but society is fast learning and they're going to be more selective in what they pay for."

"Employers come back again and again," Willett continued. "In fact, industry says this is the only place in the Midwest to get good qualified electronics draftsmen."

"We are not a trade school, we are a technical school," pointed out James Symmonds, publications director for the college. Linn prides itself on a well-developed mathematics program and writing courses.

While Linn's campus is less than pretty because it has grown like Topsy (aviation, for example, is taught in a converted hog barn left from the county fair), it has a record most schools would envy.

Out of 191 graduates last spring, only 12 didn't have jobs on graduation day and more than 50 major companies come to Linn each year to interview students in the six technical areas offered—aviation technology, auto mechanics, design drafting, electronics, machine tool technology and auto body repair.

Because Linn has an open door policy, the students run from National Merit Scholars on down.

"Some of the boys come here not knowing the difference between a screwdriver and a monkey wrench," said Instructor James Bogue. "But, I'd rather have high 'I wills' than high IQs."

SURFACE MINING LEGISLATION

Mr. MOSS. Mr. President, the Committee on Interior and Insular Affairs has before it some nine bills having to do with surface mining legislation. In the course of our evaluation of these bills, the committee is planning to make an inspection trip February 14 and 15 into parts of Appalachia where extensive coal mining operations have taken place and are continuing. What we see and learn on that trip and on any subsequent inspection of other areas could not be more meaningful or poignant or stir us to action to adopt meaningful legislation any more than the plea contained in a handwritten letter I have received from a sixth grade student in Utah.

I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C.

My Dear Senator Moss: My name is Kathy DeLand I am in the sixth grade and I live in Orem, Ut.

On Nov. 16 our school class went and had a lot of fun. Clear Creek is a mountainous area and it is so beautiful.

The North American Coal Co. is going to start strip mining at Clear Creek.

I am asking you to have the North American Coal Co. cover up the land After they are finished mining so the trees will be able to grow and wildlife will want to live there.

Sincerely,

Kathy DeLand.

TRIBUTE TO ELIOT B. FELDMAN

Mr. CRANSTON. Mr. President, the Samuel Fryer Yavneh Hebrew Academy of Los Angeles has designated Eliot B. Feldman, a prominent Los Angeles attorney, as the honoree of its annual dinner on Sunday evening, February 6, 1972. The academy is a parochial school, affording quality religious and secular education to more than 400 pupils in the elementary grades.

Eliot Feldman is an ordained rabbi and a member of the California and New York bars. He has displayed rare qualities of character and leadership in his activities on behalf of the religious, civic, and political life of Los Angeles. The honorary cochairmen of the event are Nathan Shapell, a prominent southern California real estate developer and member of California's "Little Hoover Commission;" California Attorney General Evelle J. Younger, and Los Angeles District Attorney Joseph Busch. Mr. Feldman has long been active with these gentlemen in civic and community activities. Eugene L. Wyman is chairman, and California Assembly Speaker Bob Moretti is the featured speaker. Senator John Tunney and myself are members of the honorary committee.

I am proud to join these gentlemen in this well-deserved tribute to Eliot Feldman and I add my congratulations to this fine educational institution for its outstanding contribution to the educational and moral development of our youngsters.

THE AMERICAN MEDICAL ASSOCIATION ON CIGARETTES

Mr. MOSS. Mr. President, one of the red herrings the Tobacco Institute used to throw around, and undoubtedly they will do so again at the hearings which the Consumer Subcommittee will hold shortly on tobacco legislation, is the position of the American Medical Association on cigarettes. The AMA, through acceptance of a research grant from the tobacco industry, has been variously accused of selling out, being bought off, and other crimes against the public too numerous to mention. But I do not believe that this is so. While I hold no brief for the AMA, and I must say their political arm certainly has not helped me, I think it fair to state that the AMA has taken positive steps to bring about greater awareness of the health hazards of cigarette smoking, and to foster the physician's participation in these smoking cessation activities.

In the January 10, 1972, issue of the American Medical News, the weekly newspaper published by the AMA, the association took note of the 8th anniversary of the release of the report of the Surgeon General's Advisory Committee on Smoking and Health, the AMA took note of its participation in the National Interagency Council on Smoking and Health's National Education Week on Smoking, and editorialized on the need for continued aggressive action by physicians to bring about a reduction in cigarette smoking.

That should dispel the myth about buying off the AMA. Mr. President, I ask unanimous consent that the editorial in the American Medical News be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Physician's Antismoking Role

Eight years ago this week, the surgeon general of the U.S. Public Health Service issued his landmark report on cigaret smoking, concluding that it is a health hazard of sufficient importance to warrant remedial action.

The advisory committee to Surgeon General Luther L. Terry, MD, after a 10-month study, stated that, "In view of the continuing and mounting evidence from many sources, it is the judgment of the committee that cigaret smoking contributes substantially to mortality from certain specific diseases and to the overall death rate."

Since the issuance of that report, public education campaigns—including elimination of cigaret advertising from television and the inclusion of warnings on every pack of cigarets—have led an estimated 29 million Americans to give up smoking.

The nation's physicians have been in the forefront of the effort against smoking. Estimates by the American Cancer Society show that as of 1968, more than 100,000 physicians had stopped smoking—about a third of the entire physician population. This estimate, the ACS believes, is a conservative one.

Since 1963, the American Medical Association has been on record about the health hazards of cigaret smoking. At that time, it "recognized a significant relationship between cigaret smoking and lung cancer and certain other diseases, and that cigaret smoking is a serious health hazard."

In 1968, the House of Delegates strengthened its position, calling upon members to play a major role against cigaret smoking by personal example and by advice regarding the health hazards of smoking. The delegates also pledged that the AMA would seek to discourage smoking by means of public pronouncements and educational pronouncements.

Toward this end, the AMA offers a variety of health education materials designed to discourage smoking by both youths and adults. Among them are pamphlets entitled "Smoking: Facts You Should Know" and "Your Teen and Smoking"; two posters, one aimed at young audiences and one at adults; two "timely tips" on the subject, designed for inclusion in monthly statements; and desk and wall plaques for physicians' offices.

The National Interagency Council on Smoking and Health, of which the AMA is a member, has designated this week—Jan. 9-15—as National Education Week on Smoking. Theme for the campaign is to convince smokers to "get ready, set a date, and quit."

Physicians can play an important part in this campaign, both by providing information to patients and by setting an example for the public. One week per year is, of course, an inadequate amount of time to devote to the project; anti-smoking efforts should continue throughout the year. However, National Education Week on Smoking serves as a timely reminder to the medical profession and the public of the importance of continued participation in one of the nation's most important public health efforts.

THE SETTLEMENT FREEZE

Mr. PROXMIRE. Mr. President, the Washington Post has been publishing a series of excellent articles written by Ronald Kessler detailing the squalid mess homebuyers must face before they can purchase a home.

Settlement costs are too high. Many people who can scrape up enough money to make a downpayment on a house cannot scrape up enough money to make the downpayment and pay the settlement costs, many of which are unnecessary. Indeed, the situation Mr. Kessler uncovered is so serious that at least two Maryland county attorneys have started investigations into possible criminal violations of the law.

Mr. President, this situation need not have occurred. If our land title records were kept properly, there would be no need for such a situation. There would be no temptation to increase costs and hinder homebuyers from getting good title to their homes at minimum cost.

My bill, S. 2775, would do just this without extensive Federal regulations. By shifting the cost of title services that the lender requires to the lender, the bill will encourage the lenders to clean up the land records as being the cheapest way to insure that they are lending money on a valid title. Each State could follow whatever path it chose and I think it is fair to say that with the power of the lending institutions behind reform we will see reform very quickly. Until we reform the system these other efforts will be only palliative.

I ask unanimous consent that Mr. Kessler's articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE SETTLEMENT SQUEEZE: KICKBACKS VICTIMIZE HOME BUYERS

(By Ronald Kessler)

Charges paid by virtually all Washington area home buyers at settlements include a variety of kickbacks and payoffs, many of them in apparent violation of criminal laws, a Washington Post investigation has found.

These hidden arrangements account for large chunks of settlement charges paid by Washington area home buyers, amount by one estimate to millions of dollars each year, and in most instances constitute clear-cut evidence that home buyers are being overcharged.

Indeed, government comparisons show that settlement costs in the Washington area are among the highest in the nation.

Settlement costs, a mystery to most home buyers, are an array of legal fees, title insurance premiums, taxes and other services that lending institutions require as a condition to giving a mortgage on a house. The costs vary with purchase price, but on a $40,000 home they amount to $1,248 in D.C., $1,418 in northern Virginia, $2,514 in Montgomery County, and $2,562 in Prince George's County.

These charges are double to triple the settlement fees levied for the purchase of the same house in Boston, which was visited by a Post reporter as part of a two-month investigation of settlement practices. During the course of the study, more than a hundred lawyers, title insurance officials, lenders, real estate brokers, developers, and other academic, legal, and government experts were interviewed.

The most common arrangements in the Washington area were found to be kickbacks and other hidden payments given by lawyers and by title insurance companies. They are paid to developers, lenders, real estate brokers, and builders in cash or in free or cut-rate services. The one who pays for all the arrangements is the home buyer.

Although some lawyers, title insurance companies, lenders, developers, builders, and brokers will have no part of the deals, many of the practices are so pervasive that it is difficult to find exceptions.

What such kickbacks amount to, says Seymour Glanzer, chief of the U.S. attorney's fraud unit, is "commercial bribery" that directly inflates settlement costs paid by home buyers.

The purpose of giving kickbacks and hidden payments is to gain referral of home buyers' settlement business, and the referral methods are not always subtle.

Some developers refuse to sell houses unless settlement is held with the attorney or title company that gives them kickbacks. Some lenders refuse to give agreed-upon mortgage loans, or charge up to $150 extra, unless borrowers deal with the chosen attorney. Some real estate brokers include clauses in their contracts with home buyers giving them the right to select the title attorney.

Almost without exception, Maryland lawyers pocket a quarter to a third of the title insurance premium that home buyers with mortgages are required to pay. This is their commission for choosing a particular insuring company and accounts for 27 per cent of premiums paid by home buyers to Washington's four major title insurance companies.

Although they are legal, the commissions, according to the bar association officials, would violate bar ethics unless lawyers obtain buyers' permission to take them. However, buyers are seldom consulted.

Some lawyers inflate their charges by adding on to surveyors' charges. Through an inflated bill arrangement one Maryland title attorney received $8,000 a year in this way.

There are geographical variations. Virginia lawyers do not take a part of the title insurance premium, while most Maryland lawyers do. D.C. lenders do not require that customers settle with designated attorneys, while this is common practice in Virginia and Maryland.

Kickback-type payments to developers are more common than to brokers, and D.C. lawyers rarely get involved because they generally leave settlement work to the title insurance companies.

But most of the practices are so pervasive that some of the participants admit them openly.

They are "the rule rather than the exception," says F. Sheild McCandlish, who headed a special Virginia State Bar investigation into the practices in northern Virgina earlier ths year.

The investigation, conducted by a committee appointed by past and present presidents of state and local bar associations, compiled a 16-page "confidential" report that found a number of the arrangements to be widespread, illegal, and a factor in unreasonably high settlement costs imposed on Virginia home buyers.

Spokesmen for the Virginia and Maryland attorneys general and for the U.S. attorney in D.C. say that many of the arrangements violate state criminal and insurance laws, bar association ethics, and could violate federal fraud laws.

The lawyer who initiated the bar investigation while he headed the state bar's grievance committee in Northern Virginia, Walter L. Stephens Jr., a Fairfax attorney, attributes the pervasiveness of the practices to a feeling by established lawyers that prosecutors are "afraid" to touch members of the bar.

Although a copy of the report was submitted by the bar last April to Virginia Attorney General Andrew P. Miller in a request for a ruling on whether certain of the practices were illegal, and he determined that they were, nothing has come of it.

NO PROSECUTION SCHEDULED

Virginia Assistant Attorney General T. J. Markow explains, "We would not take any action to prosecute until the bar asks us to."

The president of the bar, C. Wynne Tolbert, an Arlington lawyer, says the report is still being studied. He calls the report and its findings "confidential" and refuses to discuss any part of them.

Since the report was submitted, "nothing has changed," says McCandlish, the chairman of the bar committee and a partner with Boothe, Prichard & Dudley, one of Virginia's largest law firms.

"Lawyers are not willing to finger one another; that's why all these arrangements have remained invisible for so long," says James E. Starrs, a George Washington University professor specializing in real estate law.

The dollar value of the kickbacks and other hidden arrangements is impossible to determine without an audit of the companies and individuals involved. Even the number of houses bought and sold in the Washington area is not known, realty agents and government officials say.

But Starrs, citing the quick turnover of real estate in the Washington area, estimates the total to be "staggering" and easily in the millions of dollars each year.

The profits to be made are illustrated by a typical kickback-type arrangement on a 200-house development. Several Virginia lawyers and bar officials estimate that by referring buyers to the "proper" lawyer, the developer with 200 houses to build brings the lawyer

$100,000 of business, of which nearly $80,000 is for work already done. In return, the lawyer rebates some $16,000 in free legal services to the developer.

Although the home buyer pays the bill, his interests often come last, says Stephens of the Virginia bar. He says those persons funneling business to a lawyer sometimes bring pressure to bear to have him overlook defects in the title or ownership of houses or to give clients less than straightforward advice.

Most home buyers have no idea why they must pay settlement fees, what the mystifying array of charges means, or where the money goes. Indeed, nearly all settlement sheets that list the charges are arranged in such a way that it is impossible to tell who gets some of the fees.

"I REALLY GOT STUNG"

But although they do not understand, home buyers generally have a feeling that the charges are too high. "I really got stung," says a White House aide of the charges he paid when he bought his Bethesda home.

The charges are required by lenders before they will give mortgages. How many of the services would be purchased by home buyers if they weren't mandatory is open to question.

"People who buy one or maybe two homes in their lifetimes just do not have the economic clout to bargain with the real estate establishment," says Sen. William Proxmire (D-Wis.), who has introduced a bill to require lenders to pay for title insurance charges.

Why the charges are at particular levels is also open to question. In many respects, settlement costs imposed on Washington area residents are a mocroscosm of a national pattern, which is crazy-quilt.

Although living costs are approximately the same among the various Washington jurisdictions, settlement costs are not. The purchase of a $40,000 home, as indicated earlier, brings with it settlement costs that vary by more than 100 per cent in D.C., Virginia, Prince George's, and Montgomery.

Many of the variations are due to differing levels of transfer taxes, which are paid, like sales taxes, on house purchase prices. The charges also include property tax escrows which vary in level with different local collection requirements and tax levels.

But comparison of legal fees, the largest and most flexible nongovernment expense, shows variations from locality to locality of up to 76 per cent for the same service.

Searching title, preparing papers, and holding settlement on a $40,000 house costs $314 in D.C. but $555 in Virginia.

The same service in Maryland costs $385 in Montgomery County but $525 in Prince George's County (including title insurance commissions taken by Maryland lawyers).

This roller-coaster pattern produces the spectacle of a law firm with offices in both Maryland counties charging 36 per cent more in their Prince George's office than in their Montgomery office for the same work.

"Custom rather than reason underlies many of the title costs the home buyers must bear," says Sen. Proxmire.

Locally, more than custom is involved. In Maryland and Virginia, lawyers' fees for title work are set by the local bar associations through minimum fee schedules, and the variations in the schedules account for the disparities among the suburban jurisdictions.

The fee schedules are often used to justify lawyers' charges when skeptical home buyers question the fees. Lawyers say they can be disbarred for not following the minimums.

But minimum fee schedules are little more than price-fixing, according to Richard W. McLaren, who recently left his post as chief of the Justice Department's antitrust division to become a federal judge.

Asked if the schedules violate antitrust laws, McLaren said before he left Justice, "I don't think there is too much question . . . that there is a *per se* violation there," and for the bar to say it is exempt because it is not engaged in interstate commerce "would be to place its faith in a rather slender reed." A Justice Department spokesman declined to say whether the bar is being investigated on antitrust grounds.

"It is rather astonishing that the bar has failed to recognize that such minimum fee schedules constitute price fixing and are in direct violation of federal antitrust laws," says an article last May in Case & Comment, a lawyers' magazine.

Last July's American Bar Association Journal, concluding that fee schedules should be abolished, said they "may well violate the antitrust laws."

LOWER FEE TO INDIGENTS

Some local bar association presidents say they are not violating the law because a lawyer sometimes charges less than the fee schedule requirement (to an indigent, for example), and because the latest American Bar Association ruling says charging less is only one factor to be considered when determining if a member is to be disbarred.

"The fee schedule is a guide, it's not a hard-and-fast rule," says Charles W. Woodward Jr., a Rockville attorney who is president of the Montgomery County Bar Association.

Asked what would happen if a lawyer charged half the prescribed minimum fee. Woodward said, "It might be a question presented to the ethics committee . . . You'd have to go into the reason for doing it and find out why."

"I guess the members would be concerned," Albert T. Blackwell, Jr., chairman of the Prince George's County Bar Association's minimum fee schedule committee, said in response to the same question.

DISBARMENT POSSIBLE

Others are more explicit. "If a lawyer consistently charges low, it's considered unethical, and he could be disbarred," says Betty A. Thompson, president of the Arlington County Bar Association.

Whatever the interpretations, practicing lawyers interviewed in Maryland and Virginia said they clearly understood that they could be disbarred for undercharging. As a matter of fact, lawyers in Virginia and Maryland agree that the schedule is hardly ever violated.

Differing explanations are given by ABA officials for the existence of a minimum fee schedule. They are to "inform the lawyers what it costs to deliver legal services," says Philadelphia lawyer William J. Fuchs, chairman of the ABA's economics committee. Others say it is a public service to show what reasonable fees might be, or to discourage kickbacks and ambulance-chasing.

However, three of the five bar associations around D.C. refused to show this reporter copies of their fee schedules. (Copies were obtained anyway.)

Asked why the schedules were not public, Woodward of the Montgomery bar confessed he knew of no reason but said bar rules prohibit it.

"If the ultimate purpose of the schedule is the protection of the public," says Prof. Starrs of George Washington, "they should be disclosed. Of course, the purpose is to protect the well-entrenched lawyers by stamping out competition and keeping rates high," says Starrs, who is a member of the D.C. Bar Association.

The lawyers' charges are far higher than charges for the same work by title insurance companies, which traditionally handle settlements in D.C. These companies perform two functions: they sell title insurance, which protects lenders and home owners against defects in the title to their houses and any other claims, such as attachments or tax liens, that might have been outstanding against a house prior to its purchase.

If a house turns out to be owned not by the seller but by some previous occupant, for example, title insurance will reimburse the purchaser of the house for any losses he incurs.

The title companies also perform in the District the jobs that lawyers perform in Virginia and Maryland: searching title, preparing papers, and holding settlements.

The companies, as indicated by the legal fees incurred at settlements in D.C., simply charge less than do the buyers in the suburbs. The lawyers, in turn, have warded off competition by keeping the title companies out of the suburbs.

SUIT IN MONTGOMERY

Some 12 years ago, the Montgomery County Bar Association filed suit against a title company, contending it was practicing law illegally. In Virginia, legislation was readied to bar title companies from the state.

The net effect, says E. Spencer Fitzgerald, president of District-Realty Title Insurance Corp., is that title companies' searching of titles is "taboo" in Virginia. In Maryland, lawyers permit the companies to search titles (the "menial work," says Fitzgerald), but the companies cannot hold settlements without alienating the bar.

This produces an anomalous situation. While the lawyers contend the title companies illegally practice law by searching titles to houses, many of the companies are engaged to do just that by Maryland lawyers, who charge clients the bar rate, rather than the lower title company rate.

Home buyers in Maryland can hire title companies to handle settlements at a substantial saving, but the closing must be held in D.C. This requirement keeps title companies' Maryland business to a minimum.

Many bar associations contend that preparation of legal documents and rendering opinions on title is a lawyer's job. The lawyers acknowledge that it is lawyers employed by title companies who do this work for the companies. But they say that unless the lawyers are practicing independently, they cannot adequately represent the interests of home buyers.

Courts in many jurisdictions have upheld this argument.

LAWYER'S DEFENSE OF PRACTICE

In defending their charges, lawyers say they and their secretaries spend far more time than is apparent to the home buyer in searching titles, preparing documents adjusting utility charges, arranging the date of the settlement, and sending out checks.

Lawyers also point out that they assume liability for the work done, because a title insurance company, faced with a loss, may try to collect it from the lawyer who searched title.

Because of archaic record-keeping by city and county agencies, a search of title records on a property may take a day to a week if it is done from scratch.

But often lawyers have searched the title to a home or the subdivision where it is located for a previous client, and the additional searching required is minimal.

Although lawyers certify they have searched title for 60 years back, it is not uncommon, according to the Virginia bar report and Virginia and Maryland lawyers interviewed, for lawyers to stop after a year or two.

It is also not uncommon for Virginia and Maryland lawyers, rather than searching the title themselves or hiring employees to do it, to buy a title certificate from free-lance title searchers who can be found in the courthouses.

Such a certificate costs $30 to $50 per house, but the lawyer charges the client up to $400 for the same service, the Virginia bar report says.

Lawyers say the markup covers their liability in event of error. Sen. Proxmire calls this an example of protection piled upon protection: the home buyer is forced to pay for title insurance that fully protects the lender, then is forced to pay a form of insurance to the attorney to cover his own errors, which in turn are generally covered by lawyers' malpractice insurance.

"It's a matter of how much can you improve on 100 percent protection?" says Martin Lobel, an aide to Proxmire.

Lenders say they need the services and insurance to protect their interests when giving a mortgage loan on a property. For example, they want to be sure that the house is owned by the owner; for this they require both a title search and insurance. To be sure the house does not encroach on other properties, they require a survey.

While such services are required by Washington lenders, they are not required by Boston lenders. Greater Boston is about the same size as metropolitan Washington; it has about the same living costs; it is an eastern, urban city; and it is older than Washington.

SETTLEMENT COSTS LOWER

Yet settlement costs there are a half to a quarter what they are here. Besides lower lawyer fees, Boston's costs are lower because lenders either do not require or absorb the expense of title insurance, surveys, credit reports, appraisals, and notary fees.

Referring to Washington lenders' requirements, Norman McIntosh vice president of Boston's Provident Institution for Savings, Boston's largest source of mortgage money, says, "You know why they require them?"

"Because," he says, "they can get away with it."

Thornton W. Owens, president of Perpetual Building Association, the Washington's area's largest source of mortgage funds, says banks are more competitive in New England, forcing them to absorb costs to get more business.

"We feel we should be reimbursed for costs we put out," he says.

L. A. Jennings, chairman of Riggs National Bank, the Washington area's largest bank, acknowledges that the charges could be "forgone." But, Jennings, says, "We're in business to make a profit, and we're not making a large profit on it."

The chart above [not printed in the RECORD] includes all charges that buyers with conventional mortgages must pay above the price of the house. Several small lawyer charges are paid by sellers in some jurisdictions and buyers in others; for purposes of consistency, and since seller charges are theoretically passed along to buyers in the price of the house, they are all shown under buyer costs.

The figures are prevailing rates and taxes according to Commonwealth Land Title Insurance Co. in D.C. and lawyers B. George Ballman in Montgomery County, Robert K. Williams Jr. in Prince George's County, and F. Shield McCandlish in Northern Virginia.

A breakdown of the charges:

Fees to lawyers include examination or search of title, drawing of papers, preliminary report or binder, and settlement fee. In D.C., these fees go to title insurance companies rather than lawyers because the companies handle settlements. In Maryland, lawyers also take about 25 percent of the title insurance premium as their commission, and this is included in the chart under fees to lawyers. The title insurance premium is shown as being reduced proportionately. For purposes of consistency, the 25 per cent cut is shown in the D.C. under fees to title companies rather than under title insurance premium.

Title insurance includes lenders' insurance, which is required, and owners' insurance, which is optional but usually taken. The owners' policy is about a third more than the lenders' premium. The money goes to title insurance companies.

Services required by lender (misc.) include appraisal, credit report, survey, fire insurance and notary. The fees go to those providing the services.

Taxes to government include transfer taxes or stamps, clerks' fees for recording and giving tax statements, and property tax escrow required by lenders, based on typical property taxes for sale prices shown.

HIDDEN FEES BOOST HOME'S COST

(By Ronald Kessler)

Anyone who has bought a house has had the experience. You sit rather tensely before a lawyer or settlement clerk. Papers are passed, documents signed.

You are handed a sheet of mystifying charges. There is not much sense in questioning them. You will only be told they are "set" or "required."

You want your house, and with some relief, you pay.

What you pay are settlement costs, an array of legal fees, title insurance premiums, taxes, and service charges required by lenders. There is often more to the charges than meets the eye.

Consider the settlement sheets of Elmer F. Blanchard, a suburban Maryland title attorney with four offices in Prince George's and Montgomery counties. Settlement sheets list all the charges that must be paid at settlement.

Blanchard's sheets show that home buyers are charged $55 for a survey, one of the services lenders generally require. But, unknown to Blanchard's clients, the actual charge for most of his surveys is $45. Blanchard retains the extra $10.

Blanchard acknowledges that he has what he calls a "deal" with Maryland surveyor Roger M. Vales. He refers nearly all of his survey business to Vales. Vales charges Blanchard only $45, less than the going rate of $60. Vales says that he sends Blanchard a bill for $55. The higher figure appears on the settlement sheets, and Blanchard makes $10 per settlement.

Blanchard says he handles some 700 to 800 settlements in this way each year. That comes to $7,000 to $8,000 a year.

However, he says, "We're not going to be sitting here with any $8,000 at the end (of the year)."

Blanchard figures part of the money is returned to Vales when Blanchard has to pay him for surveys for which Blanchard doesn't get reimbursed. This happens when home buyers cancel settlements after the survey has been done. Other lawyers and surveyors say lawyers nearly always pay surveyors in these cases anyway.

Blanchard maintains that the "arrangement" helps everyone, since home buyers pay $5 less than the going survey rate. He says his other charges are in line with or below the usual fee.

Blanchard later said that because of the prospect of reporting of his arrangement in The Washington Post, he plans to give all the money to Vales.

Henry R. Lord, deputy attorney general of Maryland, says such a practice would appear to violate the Maryland criminal laws dealing with rebates at real estate settlements.

The law cited by Lord provides that "no person . . . having any connection whatsoever with the settlement of real estate transactions . . . shall, for the purpose of soliciting, obtaining, retaining, or arranging any real estate settlement or real estate settlement or real estate settlement business, pay to or receive from, any other person, firm, or corporation any fee, compensation, gift . . . thing of value, rebate, or other consideration . . ."

An arrangement like that described by Blanchard also would appear to violate American Bar Association ethics, according to Rockville attorney David E. Betts, the president-elect of the Maryland Bar Association.

Blanchard's arrangement is only one example of the types of hidden payments and kickback practices larding settlement costs in the Washington area. The most prevalent payments are by lawyers and title insurance companies (those who handle settlements) to developers, builders, real estate brokers, and lenders (those who bring in settlement business).

In D.C., settlements are generaly handled by title insurance companies, while in the suburbs they are handled by lawyers. Central to the pervasiveness of kickback-type arrangements by lawyers is the fact that no one, including the lawyers, knows whom the lawyers represent at settlements.

Lawyers are normally hired by one person, paid by him, and given orders by him. At settlements, however, although lawyers are supposed to represent home buyers, who pay their fees, they are given instructions by lenders, and many lawyers interviewed conceded that their first loyalty is to those who hire them—usually developers, brokers, or lenders.

"How can you represent people who are on opposite sides of the table?" asks Lawrence A. Widmayer Jr., of Bethesda * * * law firm that does a large settlement business. Conflict-of-interest is inherent in the works, he says.

Many home buyers have never heard of settlements, much less settlement attorneys, who specialize in title work. They are likely to hear the terms first from brokers, lenders, or developers when they have decided upon a house or applied for a mortgage. Brokers often tell buyers they don't need their own attorney, who would only add to expenses. One way or another, the buyer is steered to where the payments are.

The most lucrative arrangement is with developers. This is how it works:

Before new houses are built, developers hire lawyers to check the title to the raw land and to perform other legal work, such as zoning appeals.

Lawyers say a typical charge for such work on a 200-house development is $16,000. If a buyer of a finished house in the development hires the same lawyer to check title to the property, the lawyer's charge is almost pure profit, since he has already checked the title and does not reduce his fee.

Richard B. Chess Jr., a Fairfax lawyer, estimates that the additional work involved to bring a title up to date for all the purchasers of 200 homes of $40,000 would be a total of $1,600.

If the lawyer gets the business on all 200 homes, however, he gets a total title search fee of $80,000 under bar association minimum requirements. He gets another $20,000 for drawing up papers and holding settlements.

What happens is that the lawyer makes a deal with the developer: You refer buyers to me, and I'll do the initial title work for you free or at cost. The seller's settlement fee of $25 to $50 per house is also waived.

"It's an open secret that any builder that has a subdivision usually gets the entire work done free provided he refers purchasers to the lawyer," says C. Edwin Kline, president of Citizens Building and Loan Association Inc., Silver Spring, one of Montgomery County's largest savings and loan associations.

F. Shield McCandlish, who headed a special Virginia State Bar investigation of the practices earlier this year, estimates that 90 per cent of closings on new houses in Virginia developments involve such arrangements.

One developer figures he saved $14,000 in legal costs on 20 houses he built in Virginia this year. The developer said only one out of five Virginia law firms he approached did not offer a reduced rate in return for an agreement to refer business.

"Referring cases is understood if you want to reduce fees," says Carl Bernstein, president of Berlage-Bernstein Builders, Inc., of Alexandria, one of the largest builders in Virginia and Maryland.

Bernstein's method of following through on his side of the agreement is simple: he refuses to sell a house to anyone who won't settle with the agreed-upon firm, he says.

"We'll do them (title searches for developers) at cost," acknowledges Victor A. De Leon of Conroy & Williams, a Bethesda and Prince George's County title law firm. "The general idea behind it is that they (the developers) will refer the finished business." New developers, he added, may not get a break until they are more established.

"In 21 years in Montgomery County," says Widmayer, of Jones, O'Brien & Widmayer, another established title law firm in Bethesda, "I've never heard of a law firm that doesn't give a special rate to a developer with the hope and anticipation that will get return business." Widmayer says his firm knocks off up to two-thirds of title search charges and waives other fees for developers.

The American Bar Association's code of ethics says: ". . . a lawyer shall not compensate or give anything of value to a person or organization to recommend or secure his employment."

Whether the "thing of value" is legal services or money is irrelevant, says N. Samuel Clifton, executive director of the Virginia State Bar in Richmond. "What it amounts to is a kickback," he says, and is "illegal."

The Virginia law cited by Clifton, by the the Virginia bar report on the practices in northern Virginia, and by the Virginia attorney general's office prohibits anyone from acting as an agent for an attorney by soliciting business for him. An agent is defined as "one who acts with or without compensation at the request, or with the knowledge and acquiescence, of the other in dealing with a third person or persons."

Both agent and attorney are subject to fines of up to $1,000 or jail terms of up to a year or both.

As indicated previously, the Maryland criminal code cited by Deputy Attorney General Lord prohibits those connected with real estate settlements from giving any "fee, compensation, gift . . . thing of value, rebate, or other consideration . . ." for the purpose of "'soliciting, obtaining, retaining, or arranging any real estate settlement or real estate settlement business . . ."

Many of the lawyers interviewed contended their arrangements do not violate the law or professional ethics because, so far as they know, developers do not insist that buyers settle with the lawyers. As a result, they say, perhaps 10 per cent of buyers of new houses settle elsewhere.

One of the lawyers, De Leon, added in a subsequent interview that the reduced rates his firm gives to developers are still within bar association minimums.

* * * * *

Referring to lawyers' arguments that developers don't insist that all buyers settle at the agreed-on law firm, Betts, the president-elect of the Maryland State Bar Association says, "It doesnt' make a hell of a lot of difference whether the developer says he'll give you all or part of it (the business)." Betts, a partner in the Rockview law firm of Betts, Clogg & Murdock, which does a large title business, says such arrangements with developers "in all probability violate the (ABA) ethics."

Kickback arrangements between attorneys and real estate brokers are harder to pin down. "I wouldn't tell you if they did (offer me kickbacks)," says Ted R. Lingo, president of Ted Lingo, Inc., a Maryland and D.C. real estate broker. However, he says that while some brokers insist on settlements with one lawyer, he gives buyers free reign.

The Virginia state bar report says that "many attorneys do legal work and/or title work for brokers at no charge in consideration of the broker directing settlements to those law firms."

Walter L. Stephens Jr., the Fairfax lawyer who initiated the investigation as head of the state bar's grievance committee for northern Virginia, says that it is common practice for realtors to designate settlement attorneys on purchases of existing houses by getting buyers to sign contracts delegating this right to the realtor.

Gilbert A. Schlesinger, a Silver Spring realtor, says brokers have told him as recently as several months ago, "'Why don't you deal wth so-and-so (lawyer). He gives a kickback." The usual payment quoted, says Schlesinger, is $25 to $35 per house.

John H. Beers, another Silver Spring broker, says, "It (kickbacks to brokers) is something that is going on. People in the trade says it's cash; $25 a case."

"A lot of brokers get a lot of kickbacks," says Kline, the president of Citizens Building and Loan Association.

"When a real estate broker is steering everyone to the same lawyer, it isn't because of a great fondness for him," notes Clifton, the Virginia bar director.

Schlesinger and others say it is not uncommon for the payment to take the form of free legal services, which an average broker's office may require once a month. In addition, says Widmayer of Jones, O'Brien & Widmayer, brokers will get a third of the legal charges knocked off when buying their own houses.

"We figure, what the hell, it's out of our pockets," says Widmayer.

Earlier this year, Robert E. Bullard, a Rockville lawyer active in bar association affairs, filed suit against Citizens Building and Loan Association, charging that since 1969 it has required that all settlements on its mortgages be held by two lawyers.

The lawyers, Herbert W. Jorgensen and Joe M. Kyle of Heise, Kyle & Jorgensen also are the attorneys for the Citizens S&L. They have their offices in the same building in Silver Spring. And Jorgensen is a member of the S&L's advisory board.

Bullard charges in his suit that he was told by Kline, the president of Citizens, that the institution was paying "approximately $17,000 a year to their attorney and had to compensate them in some other way. The feeding of all settlements to their attorneys was their solution."

Since the suit was filed, Citizens has changed its practice, according to Kline. The S&L now permits borrowers to settle elsewhere but requires that they pay Kyle and Jorgensen $70.

Kline says the fee is partly to cover the lawyers' charges for looking over the papers prepared by other lawyers and partly to prepare the required deed of trust and note, which the borrower's own lawyer should not therefore have to do.

Jorgensen said this practice protects home owners, since the lender has the greatest stake in the soundness of the title to a house on which it lends money. "When our attorney does it we know it's right," says Kline.

However, he said that in return for the funneling of business to Kyle and Jorgensen, they "give us some free services. They won't charge if it's an opinion or advice." Jorgensen did not comment on Kline's statement.

A similar arrangement exists at Metropolitan Federal Savings and Loan Association, whose Bethesda office is adjacent to the firm that gets the business—Jones, O'Brien & Widmayer. Ellis M. Jones of the law firm is also senior vice president and a director of the S&L.

Jessie Hilderbrand, president of Metropolitan Federal, said the purpose of the arrangement is to "insure safety" because the S&L's law firm can be trusted to do a good job.

The extra charge for borrowers who use their own lawyers is $150. Of this, $35 is for preparation of papers.

Some lawyers make their own charge for preparation of the same papers, doubling this cost to the home buyer.

While many S&Ls say they don't require their own lawyer at settlement, Schlesinger says some lenders will "look a little glazey-eyed at you and give the hint to the broker not to come back again" with customers who insist on their lawyers.

In Virginia, the bar report says, many banks and S&Ls require that their loans be settled with specific firms. "Usually, there is a relationship between a member of the law firm, i.e., a directorship," the report says. Other lenders charge an extra fee instead of requiring closing with their attorneys, it adds.

A Federal Home Loan Bank Board regulation that became effective last January permits S&Ls to engage in these practices. The Federal Reserve Board, which regulates banks, has no regulation either way.

The Virginia bar report, too, concluded there was nothing wrong with the practice.

One Montgomery County S&L president, called the Federal Home Loan Bank Board regulation a "farce."

"It's absurd; all you have to do is read them (the mortgage documents)," he says. "What the arrangement does is force everyone into the arms of the lawyers, when the title companies from D.C. could do the job for far less, and in my opinion, they do a far more professional job."

D.C. banks and S&Ls permit borrowers to settle with any lawyer or title company. Thornton W. Owen, president of Perpetual Building Association, Washington's largest S&L, says the mortgage documents are read over by clerks when they come in from the buyer's lawyers, and the cost is considered an ordinary business expense.

The problem with all these arrangements, says Stephens of the Virginia bar, is that lawyers wind up representing the interests of those who hire them—the lenders, brokers, and developers—rather than those of the buyers. If the lawyer gets a substantial portion of his business from a few lenders or developers, he may become dependent upon them and succumb to pressure to overlook defects in title or to give bad advice to clients, he says.

The danger is not hypothetical. Stephens says a number of lawyers have told him of attempts at such pressure.

To insure that lawyers represent only their clients, ABA ethics provide that lawyer "should not accept compensation or anything of value incident to his employment or services from one other than his client without the knowledge and consent of his client after full disclosure."

The idea behind the rule is that one giving compensation to a lawyer may exert influence over him, and the influence may not coincide with the client's best interests.

Despite the rule, nearly all Maryland title lawyers accept a "commission" from title insurance companies in return for choosing a particular company. (Virginia lawyers, by custom, do not.) And although the ABA rule requires that permission of home buyers be obtained before taking such payments, few home buyers are aware of the arrangements, and Maryland brokers say they have never heard a lawyer ask such permission.

Many Maryland lawyers believe they comply with the ethic by disclosing the arrangement in a printed line on their settlement sheets. The line, in small type, generally says the law firm acts as the agent for a title insurance company and may take a commission on the insurance premium.

I. John Ritterpusch of Ritterpusch and Gingell, a Silver Spring law firm with a large title business, says that as a rule he doesn't expressly tell clients about the commission. Instead, the charge for title insurance is described on his settlement sheets as "Premium & Commission," with no indication that the commission goes to Ritterpusch.

Ritterpusch, who is chairman of the Montgomery County Bar Association's real estate committee, says he believes the description satisfies ethical requirements. He says if the commissions were eliminated, legal fees would have to go up.

The commission varies from 20 per cent to 35 per cent of the total premium. Some lawyers who help write the policies are paid commissions of up to 50 per cent of the premium.

Although title companies acknowledge that lawyers who get the lower commissions do no work in return, they say that any single company that dropped the payments would immediately lose substantial business.

Whether home buyers always get what they they are paying for at settlement is an open question. The Virginia bar report says that while lawyers certify they have searched title to a house back at least 60 years, "many attorneys," the report says, "do far less than a 60-year examination."

"There are some shortcutters in the business who will stop (searching) with a mortgage—maybe a year back," says T. Hammond Welsh Jr., president of Maryland State Savings and Loan Association in Hyattsville.

Welsh, a former Prince George's lawyer, says the practice has been common in Maryland for years.

Another comman practice, the Virginia bar report says, is for "an attorney to pay $75 for a certificate of title to a $40,000 house and charge the purchaser from $350 to $400." Such certificates, which are purchased from free-lance searchers who can be found in county court houses, go for $35 in Montgomery County.

Lawyers justify this practice by saying their charges are to cover their liability. But the bar report notes that when the same lawyer handles settlement on the same house several times, his "exposure (liability) has not been increased one iota, so how can the additional . . . fee be justified?"

Even the survey, a service generally required by lenders to make sure the mortgaged house is within property lines and isn't encumbered by other adjoining properties, is not always what it appears to be. Charles B. DeLashmutt, a partner of DeLashmutt Associates, Arlington surveyors, acknowledges that nearly half the surveys he supplies on existing properties are ones he has done for previous purchasers.

He takes a picture of the old survey, he says, places a new date on it, and goes out to the property to make sure there have been no changes.

DeLashmutt says he charges as if he had to do a new survey because his liability is increased when a new owner buys the house.

Rodney L. Hanson, president of the Maryland Society of Surveyors, says lawyers sometimes add on to survey charges at settlement. Often the evidence turns up years later, when a home owner calls Hanson's firm, Hanson & den Outer in Rockville, to ask a question about the survey.

The owner mentions what he was charged, and it turns out he paid as much as $120 for a $60 survey, Hanson says.

COMMONWEALTH LAND TITLE INSURANCE CO.—TYPICAL SETTLEMENT ON A $36,500 HOME IN MARYLAND SUBURBS

	Outlay	Expenses
Price	$36,500.00	
Deposit with broker		$1,500.00
Commission		
Conveyancing		
Appraisal fee, lender	35.00	
First deed of trust, lender		29,200.00
Interest		
Insurance paid policy at settlement, 1 month insurance escrow to lender	$10.00	
Deferred payments		
Insurance		
Water rent		
Taxes Dec. 22, 1971, to June 30, 1972, at $692.91 per year	363.72	
Front foot benefit charges Dec. 22, 1971, to Dec. 31, 1971, at $52.50 per year	1.26	
Taxes for 4 months escrow, lender	248.56	
Rent paid to— at $— per month		
Survey	60.00	
Title insurance and interim binder owners-mortgagees	149.50	
Examination of title	165.00	
Preliminary report	2.50	
Tax certificate and report	2.50	
Conveyancing deed	15.00	
Recording deed, trust	23.00	
Noting conveyances		
Notary fee	1.50	
Settlement fee	56.00	
Revenue stamps, State	160.60	
Service charge		
Registering and identifying note		
Tax Montgomery County	365.00	
Maryland transfer tax	182.50	
Balance		$7,641.64
Total	38,341.64	38,341.64

HOME BUYING A GRAB BAG FOR ALL

(By Ronald Kessler)

The charges look legitimate enough. Sen. William Proxmire paid $205 when he bought his $60,000 home in D.C. Sen. John E. Moss paid $161 on his $40,000 Washington home. Rep. James E. Hanley paid $180 when he bought his $48,000 Bethesda home.

What they paid for was title insurance, one of the most visible and controversial charges imposed on home buyers at real estate settlements. Lenders in the Washington area require that buyers pay for title insurance as a condition to getting a mortgage. The insurance protects the lender if any defects later arise on the title, or legal ownership, of the house. For a small additional charge, home buyers can get protection for themselves as well.

Unknown to home buyers, whether members of Congress or ordinary citizens, the title insurance premiums they must pay frequently contain sizable hidden fees, as well as kickbacks that appear to be in violation of criminal laws.

"Everybody and his brother is making money off the title insurance companies—the bankers, the brokers, the lawyers, and the developers," says William J. Kuntz, director of the Pennsylvania Insurance Department's licenses bureau, which has taken a tough stand on insurance rate regulation. "This is a grab bag for everybody," he says.

Title insurance companies sell title insurance to home buyers throughout the Washington area, and in D.C. they perform the additional function—handled by lawyers in the suburbs—of checking title to houses, preparing legal documents, and holding settlements.

Since business is referred to the companies by lawyers, developers, lenders, and brokers, the companies do not attempt to compete by lowering rates to home buyers, they concede. Rather, they offer free or cutrate services and other monetary favors to the real estate men who bring in the business.

Consumers get no benefit from the kickbacks, and have to settle with particular companies without knowledge of the arrangements, says Seymour Glanzer, chief of the U.S. attorney's fraud unit. Glanzer calls the kickback "commercial bribery."

Anthony J. Horak, manager of the Washington branch of Lawyers Title Insurance Corp., the largest of Washington's four major title insurance companies, says that giving discounts on title examination and settlement work to brokers, lenders, developers, and lawyers in return for business referred is common practice throughout the title insurance industry.

Developers, he says, generally get a 75 per cent reduction on title examination charges in return for an agreement to refer buyers of finished houses to the companies for purchase of title insurance and handling of the settlement. The idea, he says, is that the developer gets the work done at cost.

Sometimes the agreement is put in writing, he says. The contract provides that if a substantial amount of business isn't referred, the developer gets charged at the regular rate.

"It's the way we do business," Horak says.

Brokers, lenders, and lawyers also generally get a third or more of title charges knocked off when they buy their own houses, Horak says.

"It's conceivable that he might get most of it (the title charge) off if he's a real good customer," Horak says, Title company charges on a $60,000 house purchase are $220 for the title search and $111 for drawing up papers and conducting settlement. The charges vary with house price.

Horak estimates that besides these discounts, Lawyers Title this year spent at least $15,000 entertaining local lawyers, developers, lenders, and brokers, including providing them with tickets to the Redskins' games.

Ralph C. Smith, president of the Washington division of Commonwealth Land Title Insurance Co., another of Washington's four largest title companies, says most title companies, including Commonwealth, give some form of discount to developers.

"To the title company it means getting business it might otherwise not get. To the home buyer it means reduced rates" because savings to builders theoretically should be passed along to home buyers, Smith says.

"Everybody cooperates with these builders," says E. Spencer Fitzgerald, president of District-Realty Title Insurance Corp., another of the four major companies. "When you give a builder a break on these things, it should bring down the cost of the house—whether it works that way or not I don't know," he says.

Smith of Commonwealth Land Title maintained that his company doesn't give kickbacks to brokers. But Allyn J. Rickman, a partner of Schick & Pepe Inc., one of suburban Maryland's largest realtors, says that for every settlement case he refers to Commonwealth, Schick & Pepe gets a cash "rebate" from Commonwealth.

Rickman contends the arrangement is legal because the money—the amount of which he declines to disclose—is funneled through a company set up for the purpose of receiving the money from Commonwealth and giving it to the owners of Schick & Pepe.

Rickman says his salesmen, who are not aware of the arrangement, only suggest that settlement be held with Commonwealth when asked by buyers for a recommendation. Only 150 of 450 existing houses sold by Schick & Pepe this year were settled at Commonwealth, Rickman says.

Rickman says the arrangement benefits home buyers because Commonwealth's charges are lower than those of Maryland settlement attorneys. "It's not wrong; I'm using the cheapest place in town," he says. Although he concedes the arrangement "doesn't sound good," Rickman says, "As long as it's not illegal or immoral, what's wrong with it?"

Smith said he doesn't believe the arrangement is illegal, and he said Schick & Pepe gives some services in return for the payments.

Smith declined to say what the services are.

Samuel R. Gillman, president of Columbia Real Estate Title Insurance Co., the fourth major D.C. title company, says any payment or discount by a title company to a broker, lender, or developer is illegal, and he says his firm never does it.

"You cannot give kickbacks. Anybody who is willing to take that risk is crazy," Gillman says. When told several companies had admitted to the practices, Gillman was incredulous.

Henry R. Lord, deputy attorney general of Maryland, agrees that such arrangements are illegal if they involve purchase or sale of Maryland property. Funneling the payments through a company, as Schick & Pepe says it does, doesn't alter the violation, he says.

Under the provisions of the Maryland criminal law cited by Lord, those having any connection with settlements on Maryland real estate are prohibited from giving or receiving any "fee, compensation, gift . . . thing of value, rebate, or other consideration . . ." for the purpose of "soliciting, obtaining, retaining, or arranging any real estate settlement or real estate settlement business . . ."

The Maryland insurance code, also cited by the attorney general's office, bars title insurance companies from giving—directly or indirectly—as an inducement to insurance, any "valuable consideration or inducement whatever . . ."

The insurance law provides a fine of up to $50,000 and possible revocation of the right to do business for violations. The criminal law provides a penalty of up to six months in jail or up to a $1,000 fine or both for each offense.

Such arrangements could also violate federal fraud laws, Glanzer of the U.S. attorney's office says. In government contract work, any kickback is legally presumed to constitute over-pricing and must be given to the government, he says.

Horak of Lawyers Title and Smith of Commonwealth said they don't believe they are violating the law. They offered no elaboration.

Fitzgerald of District-Realty said he believes the practices are legal because title examination charges are not set by the Maryland insurance department. A special assistant attorney general assigned to the department, Murray K. Josephson said this is not relevant.

Analysis of title insurance company financial statements on file with the D.C. insurance department shows that $8.8 million, or 27 percent, of the title insurance premiums paid by home buyers to the four major local companies was paid out by the companies in 1970 as commissions.

The commissions are paid to induce lawyers who handle settlements to buy title insurance for home buyers from a particular insurer. Maryland lawyers accept them, while Virginia lawyers do not or are not offered them. (Lawyers Title says it pays commissions only to agents who write policies.)

The commissions are specifically exempted from the Maryland law prohibiting real estate settlement rebates, and they are legal —in D.C. and Virginia. In California they are against the law. A bill to outlaw them in New York State recently died in the legislature.

"The commission is of absolutely no benefit to the home buyer," says Fairfax Leary Jr., counsel to Ralph Nader's Public Interest Research Group and former counsel and a director of Title Insurance Corp. of Pennsylvania.

Fitzgerald of District-Realty concedes the commissions are of no value to consumers and outlawing them could bring title insurance rates down substantially.

James E. Starrs, a George Washington University law professor calls commissions in the title insurance business "only kickbacks that have been legalized by the state legislatures controlled by the lawyers." He says they bear no relation to commissions paid to life insurance agents, for example, because the life insurance agents work to get more business, while lawyers are simply performing their duties by securing various services for their clients.

Further, Starrs says, the title insurance market cannot be expanded, since the insurance is required by lenders while agents can work to induce more people to buy life insurance. Every dollar spent on commissions is wasted money, he says.

Here lies the key to the title insurance problem. The title insurance companies do not make exorbitant profits. Analysis of their insurance department statements shows average annual profit last year after taxes of 9 per cent for the four major companies. By most business standards, this is not excessive. Nor are the companies falling down on the job.

"The system, with all of its irritations, costs, and delays, is a very effective consumer protection," says Allison Dunham, a University of Chicago law professor, one of many professors throughout the country who has studied settlement costs and laws.

But congressional and consumer critics say the cost of this protection is inflated by millions of dollars a year because the companies have no incentive to cut costs.

Indeed, says Sen. Proxmire, who has introduced a bill to require lenders to pay for title insurance, the structure of the title business puts a premium on raising costs to the consumer.

"The only way title companies can get more business," says Martin Lobel, an aide to Proxmire, "is by throwing away money to the real estate establishment."

"The companies don't show high profits because they give all the money away to brokers, lenders, developers, and lawyers," adds Kuntz of the Pennsylvania insurance department.

(The companies do not pay employees well, either. At Lawyers Title, clerks make $4,800 a year, title searchers up to $6,000 year, examiners up to $10,000 a year, and lawyers between $10,000 and $17,500 a year.)

Besides getting their business from those in the real estate business, title companies generally are controlled by real estate men on their boards of directors, a study by Proxmire's office found.

In Washington, for example, 20 of the 24 directors of Columbia Real Estate Title Co. are either lenders or real estate brokers.

The reason, says Charles E. Mitchell, vice president of Guaranty Land Title Agency Inc., which represents an out-of-town insurer, is that the companies hope these directors will refer business to them.

Critics such as Proxmire say title insurance premiums are far too high, and they point out that losses on title insurance policies are almost nonexistent. Last year, insurance department statements show, the four major Washington companies paid as losses 5 per cent of the premiums they took in from D.C., Maryland and Virginia home buyers.

Two of the companies—Columbia and District Realty—reported losses of 0.1 per cent. Columbia had no losses in D.C. and Maryland, and only a $1,000 loss in Virginia.

Title companies counter that their losses cannot be compared with those of other insurance companies because they try to prevent risks, rather than assuming them. Fire insurance companies, they say, have no control over the outbreak of fires, but title insurance companies, if they search title properly, should have minimal losses.

Since most losses are the fault of the title company that overlooked an outstanding claim when it searched title, many home buyers question why they should pay for a title search and pay again to insure that it was done properly.

The companies counter that they could make a lump charge for title search and insurance, and no one would question it.

Title insurance rates have remained unchanged in the Washington area for years, but since they are based on house prices, the rates bring in more money per house as real estate values go up. The Maryland insurance commissioner has authority to reject rate filings but never has, while the D.C. and Virginia insurance departments say they have no authority over rates.

Proxmire reasons that since lenders are the ones who require title insurance, they should pay for it, and he believes they would then use their economic clout to force rates down.

Although the title insurance charge would still be passed along to consumers as part of the interest rate on mortgages, Proxmire says, lenders would try to reduce the charge as a competitive measure.

Rep. William L. Hungate (D-Mo.) has introduced a bill to regulate D.C. title insurance companies, Benny L. Kass, a consumer advocate lawyer, says it reads "like an industry attempt to keep out competition; it has no provision for reducing excessive rates."

The bill, concedes a spokesman for Rep. Hungate, was prepared by the executive vice president of Columbia title company.

BOSTON AND WASHINGTON: COST DIFFERENCE SHOCKING

(By Ronald Kessler)

"Great Scott!" "You're nuts!" "I'm quaking in my shoes!"

These are the reactions of Boston bankers and title lawyers when told how much settlement charges are in Washington. Their shock is well-founded.

Purcasing a $40,000 house in the Washington metropolitan area requires double to triple the settlement cost outlay required in the Boston area. Nor is Boston out of line with the rest of the country.

A soon-to-be released Department of Housing and Urban Development study shows that it is Washington that is out of line. The highest settlement costs in the nation—exclusive of government transfer taxes and fees—are in Maryland, the study found. The fifth and sixth highest costs, respectively, are in Washington and Virginia.

Transfer taxes and government fees required at settlement also are higher in Maryland than in any state in the nation. Virginia and D.C. are seventh and eighth highest, respectively.

Those who make the charges—the lenders, lawyers and title insurance companies—generally agree that costs here are too high. "When I came down here from Ohio, I was shocked too," says Anthony J. Horak, branch manager of Lawyers Title Insurance Corp., Washington's largest title insurance company. "The buyer down here really gets clobbered," he says.

One effect of the high closing costs, a 1967 Montgomery County housing report concluded, is that fewer people can afford to buy their own homes.

Although they agree charges are too high, each of the parties to settlement blames the other. "No one has come out and said who is gouging whom and how," says Gary L. Garrity, director of public affairs of the American Land Title Association, a trade group.

As detailed in previous stories, a Washington Post investigation has found that Washington area title insurance companies, lawyers, brokers, lenders and developers involved in real estate settlements are engaged in widespread kickback-type practices.

Such hidden arrangements, says Seymour Glanzer, chief of the U.S. attorney's fraud unit, constitute clear-cut evidence of overcharging. "It's obvious that money used for kickbacks is money that consumers are being cheated of," he says.

From an economic standpoint, says Paul A. Samuelson, the Nobel Prize winner in economics, kickbacks mean that charges are being forced up by "monopoly pricing."

"If you can insist through cartel that fees are too high, the result is swag and it has to go to somebody—frequently in the form of kickbacks," says the Massachusetts Institute of Technology professor.

James E. Starrs, a George Washington University law professor specializing in real estate, says the first measure that should be taken is "stringent disciplinary action" against lawyers violating bar association ethics, and enforcement of the insurance laws dealing with rebates.

However, Starrs says: "The same lawyers who do the investigating of ethical violations are often the ones who should be investigated."

Starrs proposes creation of a special commission with subpoena power and a mandate to hold public hearings on Washington area settlement practices.

Although hidden payments and kickbacks represent a sizeable chunk of charges paid at settlements in Washington, home buyers in part are being gouged not by individuals but by the system.

Many experts compare the present system of transferring title to homes by searching title, drawing legal papers, surveying, adjusting and insuring to auto liability insurance. The costs of fixing blame for accidents under the liability system far exceed the benefits, critics say.

In Massachusetts, where liability insurance has been replaced by no-fault insurance, bodily injury premiums have been reduced by 55 per cent over two years.

Boston still has a long way to go before its methods of transferring title are as simple as the state no-fault insurance plan. But Boston, which is about the same size as the Washington area, has about the same living costs and is older than Washington, has settlement costs that are enviably low.

Settlement on a $40,000 house in the Boston area costs $753 to $843. This compares with $2,562 in Prince George's County, $2,514 in Montgomery County, $1,418 in Virginia and $1,248 in the District.

An observer of Boston settlements is immediately struck by low-key atmosphere. Passing of papers, as the process is called there, often is held in musty recorder of deeds' offices rather than in plush lawyers' offices.

Unlike Washington lawyers, Boston attorneys do not keep escrow accounts for the funds transferred at settlement. They simply endorse the checks to the proper parties, never touching the money. In Maryland and Washington, escrow accounts have led in some instances to embezzlements of home buyers' funds. (Three Maryland lawyers were jailed when it was found in 1967 that they had pocketed the new mortgage loans of 70 home buyers, who were left with old unpaid mortgages still outstanding against their properties.)

Escrow accounts kept by attorneys with large settlement practices here typically amount to $1 million and more. The accounts don't bear interest, making them lucrative arrangements for banks. As an inducement to getting the accounts, some lending institutions say they give loans at reduced interest rates to attorneys with the accounts.

By delaying dispersal of funds after a settlement, an attorney can increase the "float" or average daily balance in these accounts. While many attorneys disperse funds within four or five days—the time it takes for checks to clear—a common complaint by home buyers is that their settlement attorney took three weeks and more to complete the transaction and send them their deed.

Although title insurance rarely is bought in Massachusetts, in those instances when it is purchased for large commercial properties lawyers say they decline to accept a commission when it is offered by the title companies.

"It's a violation of bar ethics to accept money in connection with your client's business unless you get his permission," says Albert B. Wolfe, a Boston lawyer. "So most lawyers I know either give the money to the client or don't accept it."

Nearly every Washington area title lawyer and broker acknowledges hearing reports or rumors of kickbacks here. In Boston, says John S. Bottomly, a Boston lawyer who formerly was an assistant attorney general of Massachusetts, "You never hear of kickbacks."

"The lawyers have the Protestant ethic up there, and the banks don't like to see screwing around," contends Martin Lobel, and aide to Sen. William Proxmire (D-Wis.). Proxmire has introduced a bill to place the burden of paying for title insurance and other title charges on lenders. Lobel's father is a Boston lawyer.

Why Boston has this different atmosphere is hard to pin down. Periodically rocked by political scandal, Massachusetts usually looks outside its borders for models of reform.

But two differences are clear: Boston's lending institutions are highly competitive and work to keep closing costs down to get an edge; Boston's records system, even to the untrained eye, is far superior to Washington's.

The key to a good records system is the index, which is supposed to pinpoint the material wanted in one listing. Washington area indexes are more like chapters in books than indexes.

In Washington, property sales are indexed by both location of the property and by names of buyers and sellers. The location index consists of index cards placed loosely in file drawers. Since any card can be misplaced or stolen, title searchers say they cannot rely on the index because they may overlook a mortgage outstanding against a property.

The buyer-seller index, while it is reliable, is cumbersome and this leads to errors. For one thing, it is not strictly alphabetical. To find a buyer by the name of Freeman, one has to search some 10 to 20 handwritten pages listing everyone from Frederick to Fritz.

In Montgomery County, matters are worse. The seller-buyer index neglects to note the location of the property involved, and one developer or speculator may have bought and sold hundreds of properties each year. The deed to each of the transactions must be extracted from weighty record books and examined in order to find the right one.

John W. Byrnes, a deputy recording clerk in Montgomery, says that originally, locations were left out because "almost all property was acreage. Like Topsy, it's just grown that way," he says.

Defending the D.C. records systems, Eleanore D. W. Shoop, first deputy recorder of deeds, says that strict alphabetization of the indexes would be "impossible."

What is impossible here has been done for years in Boston, where the Suffolk County and Middlesex County recorders' offices, covering most of Greater Boston, keep alphabetical indexes both by first and last names, listing property locations as well.

Each index goes back 5 to 10 years, eliminating the need to pull an index book for each year to be searched.

And each of the Boston indexes lists mortgages, deeds, attachments, liens and bankruptcies, all of which are needed to search titles. In Washington, these records are scattered all over the city in various court buildings and city agencies.

Because of these defects, Washington title insurance companies keep their own set of land records. "Anybody who thinks he can do a title by going to the D.C. recorder of deeds is a jackass," says Samuel R. Gillman, president of Columbia Real Estate Title Insurance Co., one of the four major D.C. title companies that keeps its own records.

Peter S. Ridley, D.C. recorder of deeds, says he has never heard this criticism. He says he understood the companies keep their own records because it is more convenient to search titles at their own offices. He notes that the companies get the data for their records from his office, and he says, "We don't arrange our records for the convenience of any special group."

The time it took this reporter to look up the last deed to Sen. Birch Bayh's house on Garfield Street NW, ranged from 5 minutes at Lawyers Title Insurance Corp. to more than a half hour at District-Realty Title Insurance Corp. Bayh bought the house in 1966.

Such duplicate records, says Nicholas N. Kittrie, an American University law professor who recently completed a study of closing costs for HUD, massively inflate costs to consumers.

"If the government is paying for a system of recording, why shouldn't the citizen be able to go in and count on its accuracy?" asks Kittrie.

It is the lenders who dictate settlement practices. A house purchased for cash could be transferred without any expense other than taxes and recording fees. But what lenders in Washington dictate is quite different from what Boston lenders want.

Boston lenders do not require title insurance; Washington lenders do. And Boston lenders either don't require or else pay themselves for surveys, appraisals, credit reports, notaries and extended property tax escrows. Washington lenders require all these services and place the burden of paying for them on the buyer.

Bankers say Boston banks, which charge lower interest on mortgage loans than do Washington banks, are competitive for mortgage customers. This is because New England, with its manufacturing and insurance companies, has a surplus of money. Washington, without an industrial base, has a deficit of money, meaning the banks here compete to get money rather than to lend it.

As one competitive measure, Boston savings banks offer lower closing costs. "People here shop for closing costs," says Robert T. Lawrence, senior vice president of Boston Five Cents Savings Bank, Boston's second largest mortgage loan source.

Referring to protection required by Washington lenders, Norman McIntosh, vice president for real estate of Provident Institution for Savings, the Boston area's largest mortgage loan source, says, "There's such a thing as going overboard."

Instead of requiring title insurance, Boston lenders rely upon the word of lawyers that title is sound. If the lawyer is wrong, he pays.

"We have a strong tradition of lawyers making good on their titles," says Paul G. Counihan, a Boston lawyer.

Title insurance is a relatively recent development related to quicker turn-over of property in urban areas, says Ted J. Fiflis, a University of Colorado law professor who has studied settlement costs. Ralph C. Smith of Commonwealth Land Title Insurance Co. says fewer than 25 per cent of property transfers in the U.S. are covered by title insurance.

Another major difference between Washington and Boston practices is that it is unclear whether Washington area settlement attorneys represent buyers, developers, lenders or real estate brokers, while in Boston it is made clear that the lawyer represents the lender.

Massachusetts law requires banks to tell borrowers in their letters committing mortgages that the lawyer will represent the bank. The law also requires that the bank bill buyers for the lawyer's fees. And to comply with bar ethics, says Boston lawyer Wolfe, lawyers tell buyers orally at settlement that they represent the lender. Buyers are told they can hire their own lawyer if they wish.

Through this direct tie between lawyers and banks, banks keep costs down by exerting pressure on their lawyers. As a result, a buyer can call five banks in Boston and get five different quotes on closing costs

Lawyers' charges on a $40,000 house closing range from $270 to $360 in Boston. This compares with $555 in Virginia, $525 in Prince George's County, $385 in Montgomery County and $314 in the District. (The Maryland fees include title insurance commissions pocketed by lawyers there.) The title insurance premium, that practically rules out the possibility that lawyers will have to pay for claims, is an extra $160 in the Washington area.

Boston lenders require an average of 2½ months of porperty taxes in escrow, compared with up to a year in the Washington area. Transfer taxes also are far lower in Boston, and many experts believe Washington levies should be brought into line.

Transfer taxes, says Henry J. Aaron, a Brookings Institution economist, are a poor and arbitrary way to get revenue.

"Transfer taxes are not related in any logical way either to ability to pay or benefits received," Dr. Aaron says. "Lots of people who are wealthy don't buy houses, and the fact that these people aren't taxed and others are is inequitable."

Traditionally, property taxes are the most politically sensitive taxes on a local level, and experts say transfer taxes are a less visible way to increase revenues.

A report prepared this year by the Virginia bar on kickback arrangements of Virginia title lawyers and the inefficiency of present title-searching methods concludes that "unless the bar itself makes a serious effort to rectify the injustices to the public set out above, the day will soon come when outside forces will do just that."

The report continues: "It would seem that the committee is recommending a change which would adversely affect the lawyer's pocketbook. This may be so, but we are living in times of change, and this would not be the only change that might adversely affect the income of lawyers. The no-fault rule in personal injury cases is another example of such a change which is currently being proposed."

The comparison with no-fault insurance is apt. Prof. Starrs, for one, contends that as in no-fault insurance plans, lawyers could "for almost all purposes be taken out of the title picture."

Others say that the principle behind no-fault—that changes in the law can reduce costs by eliminating needless work—can be applied to title tranfers.

Charles S. Bresler, head of Bresler & Reiner Inc., one of Metropolitan Washington's largest and most diversified developers of residential housing, office buildings, and shopping centers, says he sees no reason why sale of a house should not be as simple and inexpensive as the sale of a car.

Bresler, who studied the problem in an attempt to cut costs on his own developments, says regional computer centers should keep records on property transfers the way state auto registration bureaus keep track of car ownership.

"The cost of this would be infinitesimal," he says, and would considerably cut down on title defects.

In addition, Bresler proposes a federal title insurance program, as mortgages are insured by the Federal Housing Administration and Veterans Administration, to cover any claims that arise. The insurance, like FHA insurance, would be paid for by a premium representing less than a half of a per cent of the mortgage taken on a house, Bresler says. The premium would be paid only once for each house rather than being collected each time the house is sold, as is the practice of private title insurance companies.

"This could cut out the duplication of effort by title insurance companies and title searchers and bring costs down to almost nothing." Bresler claims.

Others are not so sure. Quintin Johnstone, a Yale University law professor, believes that the method would make property ownership "too uncertain," that the cost of computerizing might exceed the efficiencies produced, and that federal title insurance wouldn't represent any saving over private title insurance.

Garrity, of the American Land Title Association, says computerization "probably would be a great expense, and whether it would work might be questionable." Government title insurance would only create "a new federal bureaucracy" which would add to taxpayer expense to benefit those who buy houses, he says.

Prof. Kittrie of American University says it is the function of government to "tell you that title to property is valid and clear." If it did, there would be no need for insurance, he says.

"The present system," says developer Bresler, "puts a burden on every home buyer without giving him anything in return. In a day when you can put a man on the moon," he says, "the transfer of property is still back in the horse-and-buggy era."

Realty Sales Kickbacks To Be Probed

(By Ronald Kessler)

Grand jury investigations of kickback and payoff practices connected with real estate settlements were announced yesterday by Montgomery and Prince George's counties' prosecutors.

State's Attorney Arthur A. Marshall of Prince George's and State's Attorney Andrew L. Sonner of Montgomery said a joint, bi-county investigation has been started and the foremen of currently sitting grand juries notified.

Marshall called the kickback practices described in a Washington Post series on settlement costs "shocking." Sonner said Montgomery lawyers in private practice have been volunteering their services since the series began to help in the investigation.

The Prince George's County Bar Association appointed a special committee to investigate possible violation of bar ethics by lawyers handling settlements, and similar action was said to be under consideration yesterday by the Montgomery County Bar Association.

The Montgomery County Council said it will discuss establishing a committee to investigate real estate costs.

In Washington, Mayor Walter E. Washington ordered the D.C. corporation counsel to determine what corrective action could be taken to bring down settlement costs.

The Post series, which ended yesterday, reported that settlement charges in the Washington area are among the highest in the nation and that those paid by virtually all home buyers in the metropolitan area include a variety of kickbacks and payoffs, many in apparent violation of criminal laws.

The hidden payments are generally given by lawyers and by title insurance companies to lenders, real estate brokers and developers in return for referral of settlement business, the articles said.

In Virginia, the commonwealth attorneys for Arlington and Fairfax counties said they plan no action and have not heard of any move to initiate any either by the state or by the Virginia State Bar or local bar associations.

Robert F. Horan, commonwealth's attorney for Fairfax, said the procedure when investigating lawyers is to wait for referral of cases by the local bar. Although the state bar prepared a report earlier this year on hidden payoffs by settlement lawyers. "The first I heard about it was in The Post," Horan said.

Walter L. Stephens Jr., the Fairfax attorney who started the investigation leading to the Virginia bar report, said yesterday that a number of his colleagues were "irate" that he had publicly disclosed the practices.

He said some lawyers warned him that he would have "trouble" from local prosecutors because of his statement, published in The Post, that prosecutors are "afraid" to touch members of the bar.

Seymour Glanzer, chief of the U.S. attorney's fraud unit in D.C., said he was not planning any immediate investigation of the kickback practices because of the absence of any specific laws dealing with the abuses in Washington.

He said that although the practices could violate federal fraud laws, his office would wait for referral by other federal investigative agencies of specific cases to prosecute.

In response to a request by Sen. William Proxmire (D-Wis.) for hearings on Proxmire's bill to require lenders to pay for many settlement charges, Sen. John J. Sparkman (D-Ala.), chairman of the Banking, Housing and Urban Affairs Committee, said yesterday he would hold hearings on the entire problem of closing costs but has not set a date for them.

Unit Seeks Refund for Home Costs

(By Ron Kessler)

A consumer group to fight high real estate settlement charges in Metropolitan Washington was formed yesterday and said it plans to file a class action suit to recover kickback and hidden payments for home owners.

The group, National Homeowners Association, will attempt to stop allegedly illegal settlement practices through the courts and Congress and by assisting home buyers at settlements, according to Benny L. Kass, a D.C. consumer advocate lawyer who is an incorporator of the group.

"Home owners as individuals are powerless against the real estate establishments," Kass said. "We intend to give them a bill of rights and organize them because the government and law enforcement agencies have failed to protect them," he charged.

The Prince George's County Bar Association this week appointed a special committee to investigate possible ethical violations by settlement attorneys, and the Montgomery County Bar Association assigned its grievance committee to do a similar inquiry.

The insurance division of the Maryland Department of Licensing and Regulation said it intends to look into charges that title insurance companies based in D.C. and doing business in Maryland are engaged in kickback and hidden payment arrangements. Depending on the results of the inquiry, hearings and possible penalties could be initiated, Edward J. Birrane Jr., deputy commissioner, said yesterday.

The developments followed a four-part Washington Post series that ended Wednesday. It detailed a variety of kickback and payoff practices, many in apparent violation of criminal laws, connected with real estate settlements and charges.

The payments, the articles said, are generally given by lawyers and title insurance companies to developers, real estate brokers, and lenders in return for referral of settlement business.

Since the articles began appearing, The Post has received 88 telephone calls and a number of letters from home owners requesting assistance in collecting overcharges and offering additional examples of abuses at settlements.

Grand jury investigations have been announced by the county prosecutors of Montgomery and Prince Georges counties.

Home owners with complaints and information about kickbacks and settlement charges have been asked by State's Attorney Arthur A. Marshall to call 627–4540 in Prince Georges and by State's Attorney Andrew I. Sonner to call 279–8211 in Montgomery.

The Business of Real Estate Settlements

We have spent an unusual amount of time this week trying to come up with a word or phrase which fairly describes the real estate settlement business in the Washington Metropolitan area. The possibilities we have thought of range from calling this process of kickbacks, inflated charges and unnecessary expenses the systematic robbery and rape of people who buy houses to merely saying it constitutes chiseling and cheating. We haven't settled yet on what to call it—plundering, looting, ravaging, racketeering and extorting don't quite do—because all these words have a connotation of illegality or violence. In the real world, this process of fleecing almost every purchaser of a house is carried on without violence and under color of law. Nevertheless, its existence reflects the greed or the public-be-damned attitude of the lawyers, developers, real estate brokers, title insurance companies and lending institutions. And its continuation now that the whole story is on the record can only mean: (1) that those who particpate in it don't care what the rest of us think of them as long as they get their share of the loot; and (2) that those who make the laws in Annapolis and Richmond and on Capitol Hill would rather cater to them than to you.

Let us summarize, and characterize briefly, some of the facts that stand out so starkly in the series of articles written by Ronald Kessler in this newspaper this week. They explain why we find it hard to put our sense of outrage into the right words. They also explain why almost no one who buys a house in this area ever comes out of the settlement proceedings smiling and why no one ever wants to tell you, the buyer, what all those figures on the settlement sheet really mean.

1. The fees the lawyers charge for handling a settlement bear no relationship to the amount of work they have done. These fees come right out of things called "minimum fee schedules," prepared by bar associations to fix prices and used by many lawyers to fend off complaints that their fees are too high.

2. The fees charged for title searches similarly bear no relationship to the costs of the search. In the suburban counties, settlement lawyers can and do get that work done by someone else at a quarter or a tenth of what they charge you for it. They claim they deserve the rest of the money for the responsibility they assume in guaranteeing the quality of the work. Yet they are also protected by the title insurance you are required to buy and by the malpractice insurance most of them carry routinely.

3. The title insurance companies regularly pay commissions—kickbacks is a more accurate description in most cases—that averages 27 per cent of the premium. In Maryland, these go directly to the lawyer who handled the settlement. That insurance, incidentally, originated because lending institutions believed they needed to be protected against the honest mistake or the dishonesty of the lawyer. In other words, you pay the lawyer a substantial amount of money because of the responsibility he is assuming for the accuracy of his work and then he collects part of the fee you pay to a title insurance company for guaranteeing the same accuracy.

4. Real estate developers and brokers often get their legal and search work done free or at a cut rate in return for steering their customers to the right lawyer or settlement agent. So do some lending institutions. On a suburban development of 200 houses costing $40,000 each, for example, the cost of settlement work appears to run about $18,000, most of it properly chargeable to the developer. But if he succeeds in referring all his buyers to one lawyer, he gets his work done free and the lawyer may collect up to $100,000.

5. Some of the services required by the lending institutions are never performed. But they are always paid for by the buyer. The line on the settlement sheet marked "survey" is a case in point. Most surveys aren't surveyed anew each time a house changes hands but the charge is made as if they were and in some instances that charge is split between the surveyor and the lawyer.

There is more, much more, in Mr. Kessler's series. But that is enough for now. The question is what ought to be done about a system which costs residents of this area hundreds of thousands of dollars a year. The grand jury investigation promised by the prosecutors in Montgomery and Prince George's counties may produce something, but far more is needed. The lawyers, if they would, could help by junking their minimum fee schedules and playing fair with their clients. The title insurance companies, if they would, could help by abandoning the kickback arrangement. Frankly, we are not optimistic about either of these things happening; the arrangements are too cozy and too profitable. Any substantial change is likely to come only if an outraged public communicates that feeling to elected officials, who might then be moved to deal seriously with such questions as whether the present system of record keeping on property titles should be changed and how the purchase of a house can be made a simple matter instead of a complex exercise in legal and economic legerdemain. In the meantime, we can only leave you with an unhappy reminder that the settlement costs in Maryland are higher than they are in any other state and that the District of Columbia and Virginia rank 5th and 6th on that list.

AREA HOME BUYERS ENTITLED TO TITLE INSURANCE DISCOUNTS

(By Ronald Kessler)

More Washington area home buyers are entitled to 40 per cent to 70 per cent title insurance discounts that they have not been getting, resulting in overcharges that appear to total in the millions of dollars, The Washington Post has found.

The typical overcharge on a $40,000-home is $56.

Two of Washington's four major title insurance companies—District-Realty Title Insurance Corp. and Commonwealth Land Title Insurance Co.—said they would refund any overcharges. Lawyers Title Insurance Corp. said it was not sure what it would do, and Columbia Real Estate Title Insurance Co. suggested that home buyers ask settlement lawyers for refunds.

None of the title companies was specific about how it would handle requests for refunds.

The overcharges came to light after a series in The Washington Post disclosed that settlement costs paid by most Washington area home buyers contain a variety of kickbacks and payoffs, many in apparent violation of criminal laws. Grand jury investigations in Montgomery and Prince George's counties have been started.

The Post has since found that although they are rarely given, discount rates for title insurance are provided for in title company rate books and rate filings with state insurance departments.

The rates say that home buyers are entitle to discounts in most cases when the previous owner of a house had a title insurance policy. The policy must have been purchased by the previous owner within 10 years of the application for the new policy.

Since lenders require title insurance whenever a mortgage is given, and since most houses on the market in the Washington area had been sold previously within five years, the rates would apply in most cases.

They also apply in many instances on purchases of new houses when developers have title insurance coverage of their construction loans.

Uncovering of the discount rates has touched off a furor within the industry. Title companies, lawyers, and real estate brokers each blamed the other for failure to charge correctly.

Title company officials argued among themselves over the meaning of the rates and the legalistic language in which they are couched. One title company, Columbia, maintained that it had no rate book, although one of its Maryland agents quoted extensively from what he said was such a book.

The title companies acknowledge that the rate reductions are rarely given to ordinary home buyers, but they say this is because people don't ask for them. If they did, they would get the discounts, the companies say. But it was pointed out that it is difficult to ask for something without knowledge of its existence, and it is apparently more than home buyers who have been kept in the dark.

Many of the Washington area's largest settlement lawyers and real estate brokers said they had never heard of title insurance discounts, nor seen them given to anyone, in decades of experience in the business.

Indeed, this reporter, calling each of the four title companies and inquiring about rates as a member of the public, found that the people to whom he was referred at two of the companies—District-Realty and Columbia—denied the existence of discount rates.

During preparation of The Post's series on settlement costs, Anthony J. Horak, manager of the Washington branch of Lawyers Title Insurance Co., and other title company officials, said there was no such thing as a discount on any title company services in the Washington area.

Questioned subsequently, Horak reiterated that position, although he amended it to say the statement applied only to the District. However, a senior vice president of Lawyers Title in the home office in Richmond later said the discount rates apply throughout Metropolitan Washington, as well as in most states throughout the country.

The title companies claimed that lawyers and real estate brokers should be blamed for failing to charge clients the right rates. Samuel R. Gillman, president of Columbia, suggested that the reason for this failure was that a lawyer giving a reduction on a title premium gets a lower commission, since commissions are figured as a percentage of premiums.

The president of the Washington Board of Realtors, Foster Shannon, president of Shannon & Luchs Co., one of the area's largest real estate firms, said it would be to the advantage of real estate brokers to get lower closing costs for their customers as a selling point. In 30 years in the business, he said, he has never heard of title insurance discounts on home purchases.

The title companies agreed that the rates published in their rate books must be followed, since the booklets are distributed outside the companies and would therefore constitute advertising. In Maryland, they said there was the additional requirement imposed by the Maryland insurance department that rates be filed with the department and be followed in every case.

Edward J. Birrane Jr., Maryland's deputy insurance commissioner, confirmed that Maryland residents must be charged at rates filed with him, and that the rates do require discounts. The filings say nothing about giving discounts only when asked.

"The burden is certainly on the companies to know their own rates and charge accordingly," Birrane said. He added that his department would consider ordering refunds of any overcharges.

Title companies say the rates, including the discounts, have remained unchanged at least since 1930 and are used by most companies throughout the country. The language of the rates used by the Washington companies is almost identical, sometimes down to the type faces used in the booklets.

The Post began looking into the rates after a lawyer and a real estate broker, saying they had read the settlement cost series that appeared two weeks ago, informed the paper that there is a way to get lower closing costs under the present system—if one knows how.

"You have to scream and yell and plead with the companies and threaten to go elsewhere, and even then you may not get the reduction," the broker, Laura A. Robinson, an independent operator, said.

The lawyer, Hershel Shanks, said he learned that such reductions could be had while handling the business of large developers, who get the discounts as a matter of course.

Shanks, a Washington lawyer, said he found he could get the special rates for ordinary home buyers because of the leverage that representing a number of clients gave him with the title companies.

Shanks said he also has been able to obtain reductions on settlement fees as well as on title examination fees if the same company previously searched title to the same house within five to 10 years.

Benny L. Kass, a D.C. consumer advocate lawyer, when informed of the discount rates by a Post reporter, termed the situation scandalous.

The discount rate that would most commonly apply is on the purchase of an owner's, or combination, title insurance policy. This policy, which has been the prevalent type in the Washington area since about 1966, protects both the owner of a house and the lender who has given a mortgage on it from any defects that may arise in its title, or ownership.

According to title company officials and the rate books, the regular rate for the insurance is $3.50 for each $1,000 of house purchase price up to $50,000; another $3 is charged for each additional $1,000 up to $100,000.

In addition, there is a flat fee of $7.50, and title companies and lawyers charge another $2.50 to $10 for a binder that represents protection until the policy is paid for and received.

All title insurance premiums are paid once.

The discount, called a reissue rate, on this type of policy is 40 per cent off. The special rate is good up to the amount of the previous policy.

Any remaining coverage is charged at the full rate.

Two conditions must be satisfied: the previous owner of the house must have had an owner's, or combination, title insurance policy; and he must have purchased the policy within 10 years of the application for the new policy.

Columbia imposes an additional requirement: that the previous policy be issued by Columbia. The other companies say previous insurance with any acceptable company is sufficient. (To make sure he gets the discount at all the companies, a home buyer can purchase his policy from the same company that issued the previous one.)

To get the discount, a home buyer or owner must ascertain from the previous owner of a house what type of title insurance policy he had, what company issued it, its date, and the policy number. This information must be presented to the title insurance company.

There is a second type of policy. It is called a lender's policy, and it protects only the lender up to the amount of the mortgage he has given on a house. The rate for this policy is $2.50 per $1,000 of mortgage loan up to $50,000; each additional $1,000 is another $2 up to $100,000. (The only additional fee is for the binder, which is $2.50 to $10.)

On this type of policy, the discount, called a substitution rate, ranges from 20 per cent to 70 per cent off, depending on the number of years that the mortgage held by the previous owner had been in effect. If the loan was three years old or less, the discount is 70 per cent; other reductions are pro-rated up to a loan that is eight years old, when regular rates apply.

Two conditions apply to get the reductions on a lender's policy: the home buyer must have a mortgage loan from the same lending institution that gave the loan to the previous owner of the house; and the previous loan must have been in effect fewer than eight years.

The reduced rate is good up to the amount of the unpaid balance of the old loan; any remaining coverage is charged at the regular rate.

The conditions can be met on the purchase of an existing house, when the lenders happen to coincide, and on the purchase of a new house, because developers often arrange with the same lender to get a construction loan and permanent loans for the buyers of the houses, real estate experts say.

If the construction loan was covered by a title policy—either owner's or lender's—the discount would apply. Some developers, instead of getting title insurance, buy title insurance interim binders to cover their construction loans. Discount rates in these cases cannot be obtained.

To get this type of discount, a home buyer or owner must ask his builder or the previous owner of the house for the name of his lender and the details of his title insurance policy.

Columbia claimed several additional conditions to its policies. It said that although no such provision is stated in its rate filings or written anywhere on policies or elsewhere, it would insist that previous title policies be surrendered before a discount is given.

Many holders of these policies may not want to comply, since the policies continue to provide coverage long after an owner has sold his house. A challenge to the title may arise years later, and the former owner could be sued. Under these circumstances he would still want a policy.

Other title companies said it was doubtful such a condition could be enforced by Columbia, since it is not in writing.

Columbia also said its re-issue rate on owner's policies applies only in Virginia and Maryland. Its substitution rate on lender's policies applies throughout the Washington area, Columbia said.

Gillman, Columbia's president, said Maryland and Virginia home owners should ask their settlement lawyers, not Columbia, for refunds, since the lawyers already had taken a commission from the premiums.

* * * * *

Several lawyers who said they had heard of the rates said they give them only when asked for them, and some noted that it was an additional "bother" to figure a lower rate.

The four major title insurance companies in 1970 took in $6 million in title insurance premiums from D.C., Maryland, and Virginia residents, primarily those clustered in the Washington area.

How much of this represents overcharging is impossible to determine precisely. Using conservative assumptions, the overcharges appear to amount to millions of dollars over several years.

SUGGESTIONS TO PARE COST OF BUYING HOME

Since publishing its series on real estate settlement costs two weeks ago, The Washington Post has received numerous requests from readers for advice on how they can reduce their closing costs under the present system. The Post interviewed lawyers, title company officials, and real estate brokers, and came up with these suggestions:

Settlement lawyers in Maryland can be asked to disclose the amount of the commissions they are receiving on a home buyer's title insurance premium and also requested to refund the money to the home buyer.

American Bar Association ethics provide that a lawyer may not take any money in connection with his client's business "without the knowledge and consent of his client after full disclosure."

Lawyers who fail to respond to the request can be reported to the local bar association.

Maryland home buyers can insist that their real estate closing be held at a D.C. title insurance company rather than at a Maryland law firm. The charge on a $40,000 house by the title companies is $314, compared with lawyers' charges of $525 in Prince George's County and $385 in Montgomery County (title insurance commissions are included).

Area home buyers can attempt to get quotes on settlement costs from lawyers and D.C. title companies to try to get a negotiated rate.

CIGARETTE COUNTRY

Mr. MOSS. Mr. President, I commend to the Senate a fine new book on cigarettes and politics that has been written by Susan Wagner. Entitled "Cigarette Country," Miss Wagner's book cuts through much of the political morass that has tied up our concern about cigarettes for lo these many years.

In reviewing the book, I found a most balanced presentation, and that balance leads me to one further conclusion—the cigarette industry has been arguing over minute questions to which answers were provided many many years ago. And thus, my conviction concerning the necessity for close Government scrunity, the activities of the cigarette industry is still warranted.

One of the more important conclusions of the book is its assessment of the potential for progressive regulation in the Federal Trade Commission. The Commission's activities in the cigarette matter clearly demonstrated that it could move, albeit through an archaic mechanism, to regulate even the most powerful of industries. With the leadership of former Chairman Weinburger and the current leadership of Chairman Kirkpatrick, the Commission is today, the most progressive Federal regulatory agency operating in the interest of the consuming public.

An interesting conclusion to the Ed Edelson book review is the relationship between the legalization of marihuana and the accusations against tobacco which have now, to a large extent been proven. We have a legal commodity which causes us great anguish in effectively regulating it. Let us be very, very cautious in any considerations which may take place on efforts to legalize marihuana. Although the evidence on marihuana today may be less significant than that on tobacco, I wonder whether we could say the same for the health effects of marihuana after thousands and thousands of studies have been conducted as have been done with cigarettes. Just think about that.

Mr. President, I ask unanimous consent to have printed in the RECORD the Book World Review of Cigarette Country, written by Susan Wagner.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

What a 2-Cent Profit Per Pack Can Accomplish—Cigarette Country, Tobacco in American History and Politics

(By Susan Wagner, reviewed by Edward Edelson)

One of the first native American products encountered by Columbus on his first voyage of exploration was tobacco. A native offered him "some dry leaves which must be a thing very much appreciated among them," and some of his officers reported seeing natives who "drank smoke." By 1531, the Spaniards were growing tobacco commercially in the West Indies, by 1560 it was being grown in Europe, by 1600 it was introduced into Asia and Africa, and by 1604, King James I of England wrote a *Counterblaste to Tobacco* denouncing "a custome lothesome to the eye, hatefull to the nose, harmefull to the braine, dangerous to the lungs."

So from the start the history of tobacco has been a contest between greed and morality, with greed one clear step ahead all the way, James I was no exception; even though he hated tobacco, he found no difficulty in accepting the import duties from tobacco grown in his Virginia colony—which survived only because tobacco proved invincibly popular and profitable. Tobacco has been denounced as a subverter of manhood, an introduction to immorality, and a threat to health. Even though the cigarette is one of the few products to be formally condemned by agencies of the United States government, per capita consumption today is more than 200 packs a year. The manufacturer makes two cents profit on every pack.

All this is from Susan Wagner's *Cigarette Country*, an imperfect book on a fascinating subject—too often arid and impersonal, a summary of secondary sources. Never mind; the subject is enough to carry it all off successfully.

Some of it is funny, especially the early days during which cigarettes were dinned into the American consciousness by advertising. George Washington Hill, who raised misstatement to an art and repetition to a principle, was "just interested in one thing—selling Lucky Strike cigarettes." Muttering occasionally about the "sheep dip" in competing brands, enraging the candy industry with "Reach for a Lucky Instead of a Sweet," Hill sold a lot of Lucky Strikes.

Hill died at about the time that physicians began to be convinced that cigarettes are truly dangerous. For all practical purposes, the case was proved by 1960 and was nailed down by the Surgeon General's report, *Smoking and Health,* in 1964. That report said cigarettes cause lung cancer and are implicated in almost every other respiratory disease; since then, other reports have broadened the accusation against cigarettes, which apparently can even cause damage to the fetus when used during pregnancy. The bulk of this book is a detailed story of how the tobacco industry has used its two-cent-a-pack profit to keep Americans smoking in spite of the medical evidence.

It is depressing to read what two cents a pack can accomplish. The American Medical Association accepted $10 million for research from the tobacco industry and announced soon afterward that the evidence against smoking was inconclusive. The broadcasting industry at one point spoke darkly about curtailing public service shows and news coverage if cigarette advertising revenues were lost. Former senators, congressmen, and governors went on the tobacco industry payroll.

The hero, oddly enough, was the Federal Trade Commission, flabby in many other areas but relentless on this subject. The tobacco industry has spent most of its lobbying money and influence getting Congress to prevent action by the FTC. Fighting bitterly every step of the way, the industry eventually had to accept a ban on TV and radio advertising, although it has managed to keep most other options open. Cigarette sales seem to be going up again.

Susan Wagner has provided the chronology of this fight and many of the details but not enough background. The book comes to life just once, in the last chapter, when she discusses the way of life of the tobacco farmer. The final irony, she shows, is that the people who are really being hurt by the fight against cigarettes are those who deserve it least—the poor, stubborn, independent tobacco farmers.

Tobacco country is about the last stronghold of the small farm. Because tobacco is so profitable, a farmer can raise food for his own use on a small plot, with an acre or two of tobacco supplying all the ready cash he ever sees—perhaps no more than $1,000 a year. But these farmers, many of them black, are beginning to be squeezed out. Demand for tobacco is lessening, in part because filter cigarettes use less than the regular type. Large cigarette companies are working on methods of freeze-drying and puffing tobacco so they would need only half the present amount. Pressure against government supports for tobacco farmers is growing. "In North Carolina alone, it has been estimated that 100,000 farm families will be surplus labor by 1975," says Miss Wagner.

The cigarette companies will not suffer. They have used their cash to diversify into liquor, pet foods, anything they can think of. If price supports are dropped, they will simply pay less for their tobacco. A way of life is dying, but corporate profits survive.

One alternate crop being eyed by some farmers is marijuana. Hemp was once grown as raw material for rope in what is now tobacco land, and the plant still grows wild in some areas. But this book has an implied lesson for those who are hell-bent to legalize marijuana. There is a parallel between the histories of the two plants. Many of the accusations once made against tobacco now seem ludicrous in the extreme. But the damage done by cigarettes turned out to be about as bad as even the most wildeyed crusader ever claimed. With tobacco, all the sophisticates were wrong, and all the simples were right. Perhaps that is why the cigarette survives in spite of everything.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The time set apart for the transaction of routine morning business has now expired, and morning business is closed.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The assistant legislative clerk read as follows:

> A bill (S. 2515) to further promote equal employment opportunities for American workers.

The Senate proceeded to consider the bill.

The ACTING PRESIDENT pro tempore. The pending question is the Dominick amendment, No. 611.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

DOMINICK AMENDMENT

Mr. BYRD of West Virginia. Mr. President, I am prepared to propound a unanimous consent request with regard to the pending amendment of the distinguished Senator from Colorado (Mr. Dominick). I am authorized to do so by the distinguished majority leader after having cleared the matter with the distinguished Republican leader, after having consulted with the distinguished manager of the bill, the Senator from New Jersey (Mr. Williams), the distinguished senior Senator from New York (Mr. Javits) the distinguished junior Senator from Colorado (Mr. Dominick), and after having discussed the matter with other Senators.

I ask unanimous consent that the vote on the pending amendment by the Senator from Colorado (Mr. Dominick), as amended, if amended, occur tomorrow at 10:45 a.m.

Provided further, that the amendment by the Senator from Colorado (Mr. Dominick) not be open to amendments in the second degree after today.

ADJOURNMENT TO 9:45 A.M.

Ordered further, that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. tomorrow.

ROUTINE MORNING BUSINESS

Provided further, that following the recognition of the two leaders tomorrow, there be a period for the transaction of routine morning business not to exceed 15 minutes.

UNFINISHED BUSINESS

Provided further, that at the conclusion of morning business tomorrow, the Chair lay before the Senate the unfinished business and that time on the Dominick amendment then begin running, to be equally divided and controlled by the Senator from Colorado (Mr. Dominick) and the manager of the bill, the Senator from New Jersey (Mr. Williams).

Mr. ALLEN. Mr. President, reserving the right to object, and I hope that I shall not object, if I understand the request by the distinguished Senator from West Virginia correctly, the junior Senator from Alabama voted for the Dominick amendment. It was voted on by the Senate on one occasion. He voted to reconsider the vote by which it failed of adoption. He is ready to vote on it right now. He is ready to vote on it at any time. He has enjoyed the discussion of this amendment and the postponement of the final vote by the proponents of S. 2515. But he is not ready, as long as this amendment is pending, to bring in any of the amendments that he and the distinguished senior Senator from North Carolina (Mr. Ervin) have.

Does the junior Senator from Alabama correctly understand, then, that insofar as this bill is concerned, the Dominick amendment will remain the pending business before the Senate until the vote?

I would not want to rule out bringing in other matters, but insofar as consideration of other amendments is concerned, will any other amendments be brought in prior to a vote on the Dominick amendment? In other words, the junior Senator from Alabama feels that that should be the first amendment voted on.

Mr. BYRD of West Virginia. I have already discussed this matter with the junior Senator from Alabama. He states the situation very clearly. As I understand it, there may, and in all likelihood will, be amendments in the second degree offered today.

The bill cannot be advanced to third reading, of course, certainly not before 11 a.m. tomorrow and the vote to be taken thereon. The Senator from Alabama would be under no pressure to offer his amendments today. There is no way he could be forced to. Certainly no attempt would be made to do so if——

Mr. ALLEN. Well, theoretically, of course, the amendment could be laid aside and then it would be in order to bring in other amendments, but the outcome of the other amendments depends in large measure on the outcome of the vote on the Dominick amendment.

So, for that reason, the junior Senator from Alabama would not like to see any vote on any amendment to the pending bill, although not an amendment in the second degree to the Dominick amendment. That could be offered, of course. But I would not like to agree to take up any amendment and have a vote on it or have a discussion prior to a vote on the Dominick amendment.

Mr. BYRD of West Virginia. Mr. President, if the Senator would yield, I will give the Senator that assurance, that no amendments other than amendments in the second degree to the pending amendment will be considered today. As I understand it, the Senator would object to temporarily laying aside the pending amendment for other amendments, but would not object to laying it, or the bill for that matter, temporarily aside, for the consideration of other business.

Mr. ALLEN. The Senator is correct. I would not object even to having other bills considered, or nongermane matters.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. JAVITS. Mr. President, there is only one qualification that should be made. We have a right to amend the parts of the bill that would be stricken. The words "second degree amendment" are not inclusive enough. It should include the amendments that we have a right to make to those parts of the bill stricken, if any. I do not know of any at this time.

Mr. ALLEN. Mr. President, would that mean amendments to any section other than those to which the Dominick amendment is directed?

Mr. JAVITS. No. We could only move to amend what the Dominick amendment strikes. So the words "second degree" would include amendments to the Dominick amendment and amendments to those parts of the bill which the Dominick amendment strikes.

Mr. ALLEN. Mr. President, they would be perfecting amendments.

Mr. JAVITS. The Senator is correct.

Mr. ALLEN. With that understanding, I withdraw my objection.

The PRESIDING OFFICER (Mr. Chiles). Is there objection to the unanimous consent request? The Chair hears none, and it is so ordered.

QUORUM CALL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, with the understanding that the recess not extend beyond 2:15 p.m. today.

The motion was agreed to; and (at 1:13 p.m.) the Senate took a recess, subject to the call of the Chair.

The Senate reassembled (at 2:15 p.m.) when called to order by the Presiding Officer (Mr. Roth).

QUORUM CALL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Roth). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR EULOGIES TO LATE SENATORS HOLLAND AND ROBERTSON

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Record remain open for 10 additional days for Senators to express eulogies concerning our late departed former colleague, Senator Spessard Holland, and our late departed former colleague Senator Willis Robertson.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIMITATION OF STATEMENTS DURING MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that statements be limited to 3 minutes during the period for the transaction of routine morning business on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess for 10 minutes.

The motion was agreed to; and (at 2:39 p.m.) the Senate took a recess.

The Senate reassembled (at 2:49 p.m.) when called to order by the Presiding Officer (Mr. Roth).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2819) to provide foreign military and related assistance authorizations for fiscal year 1972, and for other purposes.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Roth). Without objection, it is so ordered.

EQUAL EMPLOYMENT OPPORTUNITIES ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

Mr. JAVITS. Mr. President, I send to the desk an amendment to the amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 3, of the Dominick amendment strike lines 1 through 8 and insert in lieu thereof the following: "mission has been unable to secure from the respondent a conciliation agreement acceptable to the Commission, the Commission shall bring a civil action against the respondent named in the charge. If a charge filed with the Commission pursuant to subsection (b) is dismissed by the Commission, or if within one hundred and eighty days from the filing of such charge or the expiration of any period of reference under subsection (c) or (d), whichever is later, the Commission has not filed a civil action under this section, or the Commission has not entered into a conciliation agreement to which the person aggrieved is a party, the Commission shall so notify the person aggrieved and within ninety days after the giving of such notice a civil action may be brought against the respondent"

Mr. JAVITS. I yield myself 10 minutes.

Mr. President, as we go into the Dominick amendment, because of the very odd situation in which we found ourselves yesterday, we find things in it that even the author of the amendment himself would want to see changed—not that this is one of those, but, in any case, we do find that.

Yesterday, we were able to offer two amendments which really were essential and just, and very materially bear on the rights which would be affected should this amendment be adopted and become part of our bill. Similarly with the amendment I have now called up.

It will be noted that this amendment deals with the right of the complainant in a job discrimination charge to bring an action in his own name, and this would obtain if the Commission did not choose to sue under this amendment. The way in which that happens is that this amendment provides that if the Commission has been unable—I quote from the top of page 3—

> to obtain voluntary compliance with this Act, the Commission may bring a civil action against the respondent named in the charge.

So far so good.

> If the Commission fails to obtain voluntary compliance and fails or refuses to institute a civil action against the respondent named in the charge within 180 days from the date of filing the charge, a civil action may be brought after such failure or refusal, within 90 days, against the respondent.

That means by whom? Then we go on. I have read only the words affected by my amendment. By whom? To wit, the respondent named in the charge, either by the person claiming to be aggrieved or, if the charge was filed, by an officer or employee of the Commission, by any person who the charge alleges was aggrieved by the alleged unlawful employment practice.

The missing link is this: if a complainant is cut off by the fact that the Commission obtains voluntary compliance, then, what is voluntary compliance, and what does the complainant have to say about it? Remember that you are cutting off his right to sue, and if you cut off his right to sue, does he have no voice in the matter whatever, or is he simply foreclosed by whatever the Commission decides is voluntary compliance, whatever that means? No effort is made to define it, nor can it be defined; because if you deal with a negotiated settlement proposition or a consent proposition, you cannot very well define it into things.

One problem is that the words "voluntary compliance" are not words of art such as are used in this field. The words I have used in the amendment are "conciliation agreement." Those are words of art, and they also are executive words, in the sense that an agreement has to be entered into, signed, sealed, and delivered; whereas, "voluntary compliance" is a kind of amorphous proposition which may consist of a combination of acts, letters, telephone calls, and so forth. So, in the first place, the amendment is desirable in terms of precision.

Second, the amendment will require that the conciliation agreement be one to which the complainant has consented. In short, if he does not assent, he has a right to sue. If he does assent, he has no right to sue. It seems to me that that is the very least that should be provided.

You could go further, if you really wanted to establish a complicated procedure, and say that no agreement should be binding on the complainant unless a court proceeding was had in the absence of his consent and the court approved it as fair, because the party would not be a party to the agreement; whereas, the Commission would, having accepted it in lieu of a suit by it, under the Dominick amendment.

That is what is done, for example, in derivative stockholder suits, where you face a somewhat similar situation. Should this prove to be a change which Senator Dominick would accept, I would be willing to revise the amendment in the alternative—that is, to provide that the complainant may sue or that the Commission may submit the agreement to a court of suitable jurisdiction; and if the court found it fair and equitable, the complainant would be bound.

Obviously, some element of consent, or what is tantamount to it, is urgently necessary in terms of common equity if you are not to get into a situation where you cut off a complainant's right and the complainant cannot do anything about it and the agency which cuts off his right is a party to the settlement. That is the distinction.

I, myself, have argued for the cease-and-desist order practice on the part of the Commission. But there it is not a party to any settlement. It is acting in a judicial capacity. Here, it would be a party to a settlement, and therefore something more than the sheer settlement should be required before the complainant is cut off from his right to sue. That is the essence of the agreement, Mr. President.

Again, I point out that this is not the only one that we have to face. I think it is only fair to point this out, because the majority leader yesterday talked in general terms of the fact that we are stalling or using dilatory tactics or offering amendments which may not be absolutely essential, and so forth. But I respectfully point out to the Senate that we have put in our amendments, I believe—and certainly the Senate showed it yesterday—meritorious amendments which relate to the substance of the amendment of the Senator from Colorado and which were, in a sense, overlooked in the sweeping anxiety to get on with the vote, which we did yesterday, in respect of the unainmous-consent agreement. But when put into the position where we had to examine this amendment in scrupulous detail in terms of its possibly becoming part of the bill, we found substantive matters which urgently need correction. I believe, in all decency and equity, that this is one of them; and I hope very much that the Senate will adopt this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, according to the unanimous-consent agreement, if the manager of the bill is in agreement with the amendment, the time in oppostion is under the control of either the minority leader or his designee, and he has so designated me.

Mr. WILLIAMS. Mr. President, I support the amendment of the Senator from New York. So, under the agreement, any speaking I would do would be on our time; and, under the agreement, the Senator from Colorado has the remainder of the time.

Mr. DOMINICK. Under those circumstances, I yield myself 10 minutes in order to ask some questions on this matter and to raise some precautionary warning signals.

I say to the Senator from New York that I can understand that he wants to use perhaps some different wording—namely, "conciliation agreement" instead of "voluntary compliance." I have no objection to that.

However, I should like to point out that under the amendment as presently written it now says that if within 30 days after a charge is filed with the Commission within 30 days after the expiration of any period of reference under subsection (c) or (d), the Commission has been unable to obtain voluntary compliance, the Commission may bring a civil action.

Whereas the language of the present amendment gives the Commission the discretion to file an action, this language requires that the Commission "shall" bring a civil action.

Without trying to be too technical or too difficult about it, I believe that "shall" defeats the purpose of the 30-day delay which is simply designed to try to get, as they say in the delivery business, "a burr under the tail" of the parties. But I do not see why we should require them within 30 days to bring suit. They might be able to accomplish voluntary compliance within 40 days or it might take 32 days, but under the language of this amendment what happens if they do not file suit within 30 days? Then what do we do?

In other words, I think that the word "shall" in the second line of the Senator's amendment should be changed back to the word "may," as is the case, if the Senator will look through his amendment, to the question of whether the person aggrieved is going to sue or not going to sue.

I would therefore ask the Senator whether he would be amenable to changing that?

Mr. JAVITS. May I point out that the reason we included "shall" is, in a sense, that it goes with the original bill. If the Senator will be kind enough to refer to page 38 of the bill, subsection (f), which deals with this particular matter, he will see that it says:

> (f) If the Commission determines after attempting to secure voluntary compliance under subsection (b) that it is unable to secure from the respondent a conciliation agreement acceptable to the Commission, which determination shall not be reviewable in any court, the Commission shall issue and cause to be served upon any respondent not a government, governmental agency, or political subdivision a complaint stating the facts upon which the allegation of the unlawful employment practice is based, together with a notice of hearing before the Commission, or a member or agent thereof, at a place therein fixed not less than five days after the serving of such complaint. In the case of a respondent which is a government, governmental agency, or political subdivision, the Commission shall take no further action and shall refer the case to the Attorney General who may bring a civil action

against such respondent in the appropriate United States district court.

In other words, having found reasonable cause, the Commission, according to the original bill, is required to serve a complaint, and so forth.

Mr. DOMINICK. May I continue to point out that what we are trying to do whenever we can is to have the unlawful employment practice charge solved by voluntary compliance. I think that all of us would prefer to see this rather than a commission filing a cease and desist order, or as in my amendment, having to go to court. I point out to the Senator that although the word "shall" is in subsection (f) on page 38 of the original bill, the difference between that situation and the one posed by the amendment which I have prepared is the fact that there is no time limit in subsection (f) in which the commission has to determine when voluntary compliance is or is not possible. So that there is no 30-day limit. All I am saying is that we are putting a 30-day limit where we are saying, "Okay. If you have not settled by that time, we have the right to go to court."

It would seem to me that in the interest of flexibility of the Commission's schedule, and in the interest of flexibility in working something out through voluntary compliance, it would be far better to put in the word "may."

If the Senator from New York will change that word "shall" to "may," I shall be happy to accept the amendment.

Mr. JAVITS. May I ask this of the Senator: If we do that, if we change the word "shall" to "may," do we not have to have some cutoff time as far as the Commission is concerned, with respect to its exercise of that discretion in bringing a civil action assuming, for example, if the Senator's amendment—if within 30 days after a charge is filed with the Commission or 30 days after a period of reference in subsection (c) or (d)—this relates to State and local governments references and the Commission has been unable to obtain compliance, the Commission may bring a civil action. Would not the Senator agree that if we are going to adopt that suggestion, that we leave it at "may," we have to put some termination date upon the Commission itself so that the complainant may sue without necessarily sitting around awaiting 6 months.

Mr. DOMINICK. I had thought that we then go on with the rest of the Senator's amendment. We can shorten the 180-day private filing restriction as far as I am concerned, but I think we should keep in mind that this is a Commission which has been appointed for the purpose of trying to solve any employment discrimination that there may be and, consequently, I do not think that we should assume they will not take action where there is a clear case. Problems will arise where there are gray areas, or where they are not sure whether they have substantial evidence to support a case. Under those circumstances, it would seem to me that we should give them more time. If we want to say 90 days from the filing of such a charge, or on the expiration of any period, instead of 180 or 120, that is all right with me. If the Senator would do that, then we are changing the timetable which the committee has already worked out in the process of trying to determine what should be done with enforcement procedures.

Mr. JAVITS. In view of the disposition of the Senator to come to some agreement on this amendment, so that we shall not proceed improperly, I should like to suggest the absence of a quorum, if that is agreeable, and we will take a short quorum break, with the time being charged to both sides, so that we can do our best to work out some language which will carry out our intentions, in view of the fact that, in principle, the Senator thinks there is equity to this amendment.

Mr. DOMINICK. That will be fine with me.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum with the time to be charged equally to both sides.

The PRESIDING OFFICER (Mr. ROTH). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I modify my amendment by changing the word "shall" in the second line to "may".

The PRESIDING OFFICER. The amendment is so modified.

Mr. JAVITS. Mr. President, the reason for the modification is that I do not feel, with an agency of this character, that the word "shall" would have any greater meaning than the word "may" and also because I feel the Commission should not, in view of its purpose, be under the kind of strict timetable within the parameters, of course, that the amendment sets out that it would otherwise be if we left the word "shall" which is mandatory. We assume that they must obey the law in the amendment.

We have retained the greater good for the interest of the person aggrieved the ability to sue, which is the main point. That is being retained in the amendment as modified and I think this is the desirable way in which to proceed.

If the Senator from Colorado is satisfied I am prepared to yield back my time and allow action to take place on this amendment to the amendment.

Mr. DOMINICK. Mr. President, I yield myself 2 minutes.

I appreciate the courtesy of the Senator from New York. I think this change is very meritorious, as I pointed out in my first statement. I do not think the Commission should be mandated on what date an agency should bring suit when we are trying to work out matters the best we can by conciliation.

As a result, with the word "may" instead of "shall" and having preserved the right to the Commission to file suit, and the respondent if he does not feel the Commission acted properly, it would seem proper to proceed in this way. Therefore, I have no objection to the adoption of the amendment as modified.

I yield back my time.

Mr. JAVITS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from New York, as modified.

The amendment, as modified, was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read the amendment to the amendment of the Senator from Colorado (Mr. DOMINICK), as follows:

On page 3, line 3 of the Dominick amendment strike "the respondent named in the charge" and substitute in lieu thereof: "any respondent not a government, governmental agency, or political subdivision named in the charge. In the case of a respondent which is a government, governmental agency, or political subdivision, the Commission shall take no further action and shall refer the case to the Attorney General who may bring a civil action against such respondent in the appropriate United States District Court."

On page 3, line 7, insert after the word "section" the following: "the Commission or the Attorney General in a case involving a government, governmental agency or political subdivision."

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS. Mr. President, I yield myself such time as I may require.

The purpose of this amendment is to correct a very important oversight in the amendment offered by the distinguished Senator from Colorado. His amendment would substitute for the administrative hearing procedure permitting the commission, after it is unable to obtain voluntary compliance, authority to bring a civil action against a respondent named in the charge.

The amendment of the Senator from Colorado appears to treat all respondents in the same manner. During discussions of this issue in the committee there was a strong feeling that respondents which were governments or governmental agencies or political subdivisions should be given special consideration in the handling of charges brought by employees of such agencies.

Mr. President, the amendment that I am offering started as an amendment in the executive session for the writeup of this bill. It was offered by the Senator from Missouri (Mr. EAGLETON), and the Senator from Ohio (Mr. TAFT) and it prevailed there. It is in the bill that is before us. I am now offering an amendment to have the same provision apply to the Dominick amendment.

The procedure worked out by the committee was to permit actions brought against State and local government agencies to be brought by the Attorney General in the U.S. district courts.

The PRESIDING OFFICER (Mr. ROTH). Will the Senator suspend for a moment? In order to consider his amendment, unanimous consent is required, since it is an amendment to an amendment already agreed to.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the amendment be considered in order.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WILLIAMS. Mr. President, the amendment of the Senator from Colorado would allow actions against State and local government agencies to be brought in Federal district courts but would require the Commission to file the complaint.

I believe that this discussion in the committee and the intent of the committee in providing that the Attorney General bring such actions was basically twofold.

First, there was the strong feeling that cases of discrimination by State and local government agencies should be handled by the full force of the United States of America acting directly through the Attorney General. By placing the full weight of the U.S. district courts behind equal employment opportunity in State and local governments, the committee bill provided the necessary machinery to insure that State and local government agencies fulfill the promise of equal rights.

In addition, the special enforcement procedure when State and local government agencies are respondents provides the necessary power to achieve results without the needless friction that might be created by a Federal executive agency issuing administrative orders to States and localities.

I will say, Mr. President, as further background, that sitting on the Labor and Public Welfare Committee we have men who have had distinguished careers before coming to the United States Senate in State government, some as attorneys general of the States that they represent here. So we felt that they spoke with particular authority about the possibility of friction that might be created by a Federal executive agency issuing administrative orders to sovereign States and their subdivisions.

Mr. President, it is for these reasons that I believe the amendment of the Senator from Colorado should be amended to provide special treatment for respondents who are governments, governmental agencies, or political subdivisions. In those cases the Commission should be required, after failing to obtain voluntary compliance, to refer the case to the Attorney General who would then be empowered to bring a civil action against a respondent in the appropriate United States district court.

Mr. President, further amplification is included in the committee report, and I ask unanimous consent that excerpts from the report constituting a further discussion of the wisdom of this amendment be printed in the RECORD at this point.

There being no objection, the excerpts from the committee report (No. 92–415) were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM COMMITTEE REPORT

STATE AND LOCAL GOVERNMENTS

The bill would amend section 701 of the Act (section 2 of the bill) to broaden the jurisdictional coverage of title VII by deleting the existing exemptions for State and local government employees. The Attorney General is given the authority to bring civil actions involving unlawful employment practices committed by State and local governmental agencies.

The Committee believes that employees of State and local governments are entitled to the same benefits and protections in equal employment as the employees in the private sector of the economy.

There are at present approximately 10.1 million persons employed by State and local governmental units. This figure represents an increase of over 2 million since 1964, and all indications are that the number of State and local employees will continue to increase more rapidly during the next few years. Few of these employees, however, are afforded the protection of an effective Federal forum for assuring equal employment opportunity. By amending the present section 701 to include State and local governmental units within the definition of an "employer" under Title VII, all State and local governmental employees would, under the provisions of the bill, have access to the remedies available under the Act.

In a report released in 1969 by the U.S. Commission on Civil Rights, "For All the People * * * By All the People," that Commission concluded that:

> * * * State and local governments have failed to fulfill their obligation to assure equal job opportunity * * * Not only do State and local governments consciously and overtly discriminate in hiring and promoting minority group members, but they do not foster positive programs to deal with discriminatory treatment on the job.

The report's findings indicate that the existence of discrimination is perpetuated by both institutional and overt discriminatory practices, and that past discriminatory practices are maintained through *de facto* segregated job ladders, invalid selection techniques, and stereotypical misconceptions by supervisors regarding minority group capabilities. The study also indicates that employment discrimination in State and local governments is more pervasive than in the private sector.

In another report issued by the U.S. Commission on Civil Rights in 1970, "Mexican Americans and the Administration of Justice in the Southwest," the Commission found that in the five Southwestern states with the highest concentration of Spanish-speaking Americans, their representation in the vital area of law enforcement was significantly disproportionate to their demographic distribution. The report shows that in these five Southwestern states, Spanish-speaking Americans, who constitute approximately 12% of the population account for only 5.2% of police officers and 6.11% of civilian employees associated with law enforcement agencies.

This failure of State and local governmental agencies to accord equal employment opportunities is particularly distressing in light of the importance that these agencies play in the daily lives of the average citizen. From local law enforcement to social services, each citizen in a community is in constant contact with many local agencies. The importance of equal opportunity in these agencies is, therefore, self-evident. In our democratic society, participatory government is a cornerstone of good government. Discrimination by government therefore serves a doubly destructive purpose. The exclusion of minorities from effective participation in the bureaucracy not only promotes ignorance of minority problems in that particular community, but also creates mistrust, alienation, and all too often hostility toward the entire process of government.

The Constitution is imperative in its prohibition of discrimination by State and local governments. The Fourteenth Amendment guarantees equal treatment of all citizens by States and their political subdivisions, and the Supreme Court has reinforced this directive by holding that State action which denies equal protection of the laws to any person, even if only indirectly, is in violation of the Fourteenth Amendment. It is clear that the guarantee of equal protection must also extend to such direct action as discriminatory employment practices.

The Committee believes that it is an injustice to provide employees in the private sector with the assistance of an agency of the Federal Government in redressing their grievances while at the same time denying assistance similar to State and local government employees. The last sentence of the Fourteenth Amendment, enabling Congress to enforce the Amendment's guarantees by appropriate legislation is frequently overlooked, and the plain meaning of the Constitution allowed to lapse. The inclusion of State and local government employees within the jurisdiction of Title VII guarantees and protections will fulfill the Congressional duty to enact the "appropriate legislation" to insure that all citizens are treated equally in this country.

The Supreme Court has further indicated that at least part of the extension of jurisdiction as contemplated by S. 2515 is a proper constitutional exercise of power under the Commerce Clause. In its decision in *Maryland* v. *Wirtz*, 392 U.S. 183 (1968), the Court upheld the extension of the Fair Labor Standards Act to certain classes of public employees as a legitimate exercise of congressional regulatory authority under the Commerce Clause. The Court rejected the argument that Federal regulation of the employment practices of State and local governments is an improper infringement upon the sovereignty of the States. Pointing out that the activities of State and local governments can affect commerce, it held:

> "If a State is engaging in economic activities that are validly regulated by the Federal Government when engaged in by private persons, the State too may be forced to conform its activities to Federal regulations."

A question was raised in the Committee concerning the application of Title VII in the case of a Governor whose cabinet appointees and close personal aides are drawn from one political party. The Committee's intention is that nothing in this bill should be interpreted to prohibit such appointments unless they are based on discrimination because of race, color, religion, sex or national origin. That intention is reflected in sections 703(h) and 706(w) of the law.

* * * * *

SPECIAL ENFORCEMENT PROCEDURE FOR CASES INVOLVING EMPLOYEES OF STATE AND LOCAL GOVERNMENTS

In those cases involving a respondent which is a "government, governmental agency, or political subdivision", and in which EEOC has been unable to secure voluntary compliance as provided under section

706 (b) (f), the bill provides that the Commission shall refer the case to the Attorney General for filing of a civil action against the respondent in the appropriate U.S. district court. A person aggrieved is given the right to intervene in such civil actions.

The committee has no doubt of the need for strong enforcement of equal employment opportunity at all levels of government, and believes that governmental units should lead the way in providing equal opportunity.

Accordingly, the committee bill provides for coverage of State and local government employees and for a concomitant means of enforcement to make that coverage meaningful. By placing the full weight of the U.S. Attorney General and the authority of the U.S. district courts behind equal employment opportunity at the State and local government level, the committee believes that the machinery has been provided to insure State and local leadership in the area of equal employment opportunity.

This enforcement scheme provides the necessary power to achieve results without the needless friction that might be created by a Federal executive agency issuing orders to sovereign States and their localities. In short, the committee believes that the objective of equal employment opportunity can best be achieved by providing this particular means of enforcement where State or local governmental units fail to comply with the law.

Mr. WILLIAMS. I know that this amendment was supported when it was offered to the bill and supported in the committee by the Senator from Colorado, and I would hope that he might favorably consider it as an amendment to his amendment.

This again, Mr. President, is one of the amendments offered to the Dominick amendment now. It was not offered before the vote was taken yesterday. These amendments were discovered to be necessary when we were put to a more complete examination of the Dominick amendment, and we felt that it would be wise indeed to add those things that Senator Javits and I and other Senators felt would be constructive additions to the Dominick amendment. This is one of those amendments.

Mr. BYRD of West Virginia. Mr. President, I ask that staff people be instructed not to pass in front of Senators who are addressing the Chair.

The PRESIDING OFFICER. The Chair so instructs the staff. Who yields time?

Mr. DOMINICK. Mr. President, I yield myself 3 minutes.

Mr. President, I think this is an excellent amendment and I am very happy that the Senator from New Jersey brought it up. I think it is only fair for the purposes of the Record to remark that it is ironic that just yesterday the Senator from New York, backed by the Senator from New Jersey, eliminated the Attorney General or any of his staff from taking any case before the U.S. Court of Appeals, thereby limiting the Attorney General's office to appeals before the U.S. Supreme Court. This language provides fair representation for alleged aggrieved State, county, or local government employees in district court.

I, of course, heartily support that idea. I think it is very good; and, as the Senator from New Jersey has so properly said, it just does not seem right, and did not seem right in committee, that any agency of the Federal Government, as such, should have the right to sue, whether it be a State, city, town, school district, sanitation district, or whatever it might be, alleging that their employment practices were illegal.

It would seem to me, if we are going to provide grievance procedures for these employees it ought to be within the Justice Department so that the respondent governmental unit is dealing with one of the Federal Government's most respected and objective departments.

As a result, I am happy to endorse this particular amendment, and to have it added on to mine.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. I yield back the remainder of my time.

Mr. WILLIAMS. Mr. President, I have no further speakers on behalf of this amendment. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WILLIAMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I again suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BEALL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Roth). Without objection, it is so ordered.

Mr. BEALL. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read as follows:

On page 5, line 7 of the Dominick amendment, insert the following after "appropriate." Back pay liability shall not exceed that which accrues from a date more than two years prior to the filing of a charge with the Commission.

Mr. BEALL. Mr. President, on this amendment I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. BEALL. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, will the distinguished Senator from Maryland allow me to be a cosponsor of his amendment?

Mr. BEALL. I am very happy to make the Senator a cosponsor and, Mr. President, I ask unanimous consent that the name of the Senator from Colorado (Mr. Dominick) be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEALL. Mr. President, in a brief explanation of this amendment, it is indicated in reading the amendment, that it goes to page 5, line 7, of the Dominick amendment No. 611. It includes a provision that was already in the original legislation. We are interested in being fair to all parties, whatever the outcome of the current controversy as to whether this particular Dominick amendment should be agreed to; but should there be a finding in favor of the plaintiff in one of these cases, we want to make sure that the penalty is within the balance of fairness.

In the committee, there was agreement that should there be a finding, any award of back pay liability should not go back further than 2 years prior to the time that the charges were brought before the Commission.

My amendment would amend the Dominick amendment so that were there to be an award by the court, the back pay liability would not extend more than 2 years back on which the charges were brought before the Commission again.

Mr. JAVITS. Mr. President, will the Senator from Maryland yeld?

Mr. BEALL. I yield.

Mr. JAVITS. Is it not a fact that the bill as we reported it on page 40, on lines 6 to 9, contains the same provision?

Mr. BEALL. That is correct.

Mr. JAVITS. This was fought out in committee. Those of us who wished to sustain the committee bill insofar as we could, in all fairness to what was given as well as what we received, would have to support this provision.

Mr. BEALL. Precisely. I agree with the Senator from New York on that.

Mr. President, this is a brief and I believe a sufficient explanation of my amendment.

Mr. DOMINICK. Mr. President, will the Senator from Maryland yield me a few minutes time, since I am a cosponsor of his amendment and I do not have any time of my own?

Mr. BEALL. I would be happy to yield the Senator the remainder of my time if he wants it.

Mr. DOMINICK. I will not take very long. I am very glad the Senator brought this matter up. That would be our intention, in the event my amendment is adopted, to offer this as a subsequent amendment to the bill because it was stricken in the amendment by inadvertence. It is eminently fair, and I am glad the Senator brought the matter up. I am happy to have it included in my amendment.

I hope, Mr. President, that the Senator from Maryland will be supporting my amendment as amended.

Mr. BEALL. I am making no commitments as to future action.

Mr. President, I am happy to yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS. Mr. President, I support the amendment and am happy to yield back my time.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Maryland.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Illinois (Mr. STEVENSON), and the Senator from Florida (Mr. CHILES) are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. MAGNUSON), the Senator from Rhode Island (Mr. PASTORE), the Senator from Illinois (Mr. STEVENSON), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Washington (Mr. JACKSON) would each vote "yea."

Mr. SCOTT. I announce that the Senator from New York (Mr. BUCKLEY) is absent on official business.

The Senator from Kentucky (Mr. COOPER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Illinois (Mr. PERCY), the Senator from Ohio (Mr. TAFT) and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New Hampshire (Mr. COTTON) and the Senator from Arizona (Mr. GOLDWATER) are detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The result was announced—yeas 73, nays 0, as follows:

[No. 9 Leg.]

YEAS—73

Aiken
Allen
Allott
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Church
Cook
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Gurney
Hansen
Hart
Hatfield
Hollings
Hruska
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McClellan
McGee
Metcalf
Miller
Montoya
Moss
Nelson
Packwood
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tunney
Williams
Young

NAYS—0

NOT VOTING—27

Anderson
Buckley
Cannon
Chiles
Cooper
Cotton
Fulbright
Goldwater
Gravel
Griffin
Harris
Hartke
Hughes
Humphrey
Jackson
Magnuson
McGovern
McIntyre
Mondale
Mundt
Muskie
Pastore
Percy
Sparkman
Stevenson
Taft
Weicker

So Mr. BEALL's amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR VICE PRESIDENT TO HAVE UNTIL MIDNIGHT TO SIGN ENROLLED BILL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Vice President have until midnight to sign a duly enrolled bill after the adjournment of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PENDING QUESTION

Mr. BYRD of West Virginia. Mr. President, for the record, what is the pending question before the Senate?

The PRESIDING OFFICER. The pending question is on agreeing to amendment No. 611, as amended, to S. 2515.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRINTING OF EULOGIES TO THE LATE SENATOR WILLIS ROBERTSON AS A SENATE DOCUMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that eulogies expressed by Senators with respect to our late departed former colleague Willis Robertson be printed as a Senate document.

Mr. STENNIS. Mr. President, does the Senator refer to the eulogies expressed at the time of Senator Robertson's passing?

Mr. BYRD of West Virginia. If I may respond to the distinguished Senator, those eulogies which were expressed at that time and any eulogies which may be expressed within the next 10 days. We have asked today, and have received, consent for an additional 10 days for the expression of eulogies to our former colleague, Senator Robertson, and our former colleague, Senator Holland.

Mr. STENNIS. I thank the Senator very much. Of course I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, there will be no further rollcall votes today. There may be other amendments offered in the second degree, but if such are offered, as I understand, they will be acceptable to both sides and will be adopted by voice vote.

Senators may be assured, therefore, that there will be no further rollcall votes today.

Mr. President, when the Senate completes its business today it will adjourn until 9:45 o'clock tomorrow morning. After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business for not to exceed 15 minutes, after which the Chair will ask the clerk to state the unfinished business. The Dominick amendment will be the pending question, and time thereon will be under the control of the distinguished Senator from Colorado (Mr. DOMINICK) and the manager of the bill (Mr. WILLIAMS).

At 10:45 a.m. tomorrow a vote will occur on the Dominick amendment. No amendments in the second degree to that amendment will be in order after today.

May I ask the Chair if the yeas and nays have been ordered on the Dominick amendment?

The PRESIDING OFFICER. It is automatic under the existing circumstances.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer. So there will be a rollcall vote on the amendment by Mr. DOMINICK, as amended—and it has already been amended—tomorrow at 10:45 a.m.

ADJOURNMENT UNTIL 9:45 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:45 a.m. tomorrow.

The motion was agreed to; and (at 4:31 p.m.) the Senate adjourned until tomorrow, Wednesday, January 26, 1972, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate January 25, 1972:

DEPARTMENT OF DEFENSE

Kenneth Rush, of New York, to be Deputy Secretary of Defense, vice David Packard, resigned.

Eberhardt Rechtin of Maryland to be an Assistant Secretary of Defense; new position.

PAY BOARD

George H. Boldt, of Washington, to be Chairman of the Pay Board.

PRICE COMMISSION

C. Jackson Grayson, Jr., of Texas, to be Chairman of the Price Commission.

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

I. H. Hammerman II, of Maryland, to be a member of the Board of Directors of the National Corporation for Housing Partnerships for the term expiring October 27, 1974, vice Peter John Bertoglio, term expired.

SECURITIES INVESTOR PROTECTION CORPORATION

Henry W. Meers, of Illinois, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1974, vice Andrew J. Melton, Jr., term expired.

OFFICE OF ECONOMIC OPPORTUNITY

Bert A. Gallegos, of Colorado, to be an Assistant Director of the Office of Economic Opportunity, vice Donald S. Lowitz, resigned.

HOUSE OF REPRESENTATIVES—*Tuesday, January 25, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

O come, let us worship and bow down: Let us kneel before the Lord our Maker.—Psalm 95: 6.

Almighty and Eternal God, at this noon hour of a new day we reverently turn our hearts unto Thee in the mood of prayer. Grant that we may always realize our dependence upon Thee and acknowledge that only with Thee can we live nobly, plan wisely, and act courageously on behalf of our beloved country.

May Thy grace so permeate the Halls of Congress and Thy love so pervade the offices of Congressmen, that united in spirit we may ever work for peace on earth and good will among men.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

PLANNED DEFICIT FOR NEXT FISCAL YEAR

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, there is no way I can justify a planned $25.5 billion deficit for the next fiscal year on top of a $38.8 billion deficit for the current fiscal year on top of a $23 billion deficit for the last fiscal year. That amounts to $87.3 billion in deficits in 3 years. And, based on past experience, next year's expected budget will probably go over $25.5 billion. This is an economic nightmare. I am extremely disappointed that the President seems to be following the old Democrat theory that excessive Government spending is the way to cure the country's ills.

Having said this, however, I must remind my colleagues that the President cannot spend one thin dime if the Congress does not authorize and appropriate the money.

Now, more than ever before, we in the Congress must bow up our backs, sharpen our pencils, and get about the business of cutting the budget. It is easy to attack the President, but friends, the burden is on us. As Harry Truman used to say, "The buck stops here."

U.S. VESSEL ON LOAN AGAIN USED BY ECUADOR TO SEIZE AMERICANS

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, Ecuador has seized seven U.S. fishing boats during the month of January alone, fining the American boatowners $455,380. These seizures took place in what international law considers to be the high seas. Of course, Ecuador claims jurisdiction over a 200-mile zone off her coastline.

But, again to add insult to fiscal injury, Ecuador has been using a former U.S. naval vessel for these seizures. On January 8, at 7 a.m., the *Western King* was seized by the *Manabi*, the ex-U.S. PCE 874, the *Pascagoula*, furnished to Ecuador under the military assistance program in 1960.

On January 9, the *Anna Maria*, was seized on the high seas, again by this U.S. vessel. On January 14, the *A. K. Strom* was taken by, you guessed it, the same U.S. ship; January 15, the *City of Lisbon*, nabbed by the *Manabi*, January 15, *Puritan*, also seized by this U.S. vessel given to Ecuador; and January 17, the *Blue Meridian* was taken into port by this former U.S. ship.

Mr. Speaker, the *Manabi* was given to Ecuador by the United States. We have no claim on her, despite the purpose for which she is being used. However, Ecuador still has several other U.S. vessels on loan which also have been used for the illegal seizure of U.S. fishermen, and our State Department has refused to take any steps to get these vessels back, although I believe, they have every legal and moral reason for so doing.

Mr. Speaker, I hope this Congress will stand firm in cutting off foreign aid to Ecuador for so long as she insists on seizing American citizens off the high seas, and to me it is a black mark on the United States when our own State Department continues its policy of appeasement and allows Ecuador to possess U.S. vessels which she is using against U.S. fishermen.

INTEGRATED BIOLOGICAL CONTROL METHODS TO DEAL WITH AGRICULTURAL AND FOREST PESTS

(Mr. GUDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUDE. Mr. Speaker, I recently introduced legislation (H.R. 12338) to authorize and earmark funds for a pilot field research project by the Department of Agriculture and the National Science Foundation to develop integrated biological control methods to deal with agricultural and forest pests. Similar legislation has been sponsored in the House by the Honorable DAVID OBEY and others and in the Senate by Senator GAYLORD NELSON. The thrust of this legislation is to eliminate once and for all the current heavy reliance on highly toxic and persistent chemical pesticides and at the same time maintain the high agricultural productivity so essential for our national welfare.

Secretary of Agriculture Butz recently announced that his Department plans to expand its research in this important area. The Department will allocate $2.25 million in fiscal year 1972 for expanded research directed toward cotton crop pests. Secretary Butz and the administration are to be congratulated for this wise move to halt the further degradation of our Nation's lands and waters by these chemical pesticides.

It is important that additional research be done on the broad spectrum of agricultural and forest pests, and to that end, I am hopeful that we will soon have hearings on the legislation introduced to achieve this end, namely H.R. 8159, H.R. 12338, and S. 1794.

PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT ON S. 2819, FOREIGN ASSISTANCE ACT OF 1971

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 765 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 765

Resolved, That upon the adoption of this resolution it shall be in order to consider the conference report on the bill (S. 2819) to provide foreign military and related assistance authorizations for fiscal year 1972, and for other purposes, and all points of order against the conference report for failure to comply with the provisions of clause 3, rule XXVIII are hereby waived.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith). Pending that I yield myself such time as I may consume.

Mr. Speaker, this rule waives points of order which might lie under the provisions of clause 3, rule XXVIII, to the conference report on the foreign aid bill. This rule is the rule that deals with germaneness. It also deals with the point regarding this rule the language of which I will read: That the conference report shall not include matter not committed to the conference committee by either House.

The problem that we confront which we are trying to resolve with this rule, as I understand it from the testimony of the chairman of the Committee on Foreign Affairs, is that technically the matter we are considering goes beyond the one bill, S. 2819, because this is a total conference report on the two Senate bills and the one bill that the House passed. The situation results from the proceeding that we pursued in order to get to conference on the full subject matter, and really the necessity for the rule, as I understood it from the chairman of the Committee on Foreign Affairs, was the technical fact that we were dealing with S. 2819, the title of which was only foreign military assistance, whereas we are actually dealing with the subject matter of both S. 2819 and a companion Senate bill which dealt with foreign assistance other than military. That is the reason for the waiver of points of order.

I will be glad to yield to my friend from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

No matter how tortured the reasoning for a rule of this kind, here we are opening this second session of the 92d Congress with a rule waiving all points of order.

Mr. BOLLING. Actually——

Mr. GROSS. The gentleman shakes his head.

Mr. BOLLING. Actually, the rule specifies we are waiving very specific points of order that have to do with clause 3 in rule XXVIII. The gentleman is correct that it does waive points of order that in the opinion of the committee need to be waived, but it does not waive all points of order.

We narrowed the waiver down to a specific section of the rule.

Mr. GROSS. Well, that is a pretty inclusive section.

Mr. BOLLING. It is pretty inclusive, but we are not waiving all points of order.

Mr. GROSS. The fact remains that the House is confronted here with the first rule on important business it considers in this session of Congress and it waives points of order. Apparently this is going to be the pattern for the balance of the session. It was indulged in times without number in the last session. Almost every bill that came before this House contained some kind of a waiver of point of order, some kind of a raping of the rules of the House.

I certainly am not going to support this rule and I would hope the House would defeat it.

Mr. BOLLING. I would only reply to the gentleman that no rule reported by the Rules Committee does anything in itself. The only thing that does anything about waiving points of order is the action by the House on that rule. If the House chooses to turn down the rule, it does. If it chooses to go along with it, it does.

The position of the Rules Committee, and more particularly on this extremely difficult problem of foreign aid, has been to make it possible for the House to make the decisions as a body without being encumbered by some of the parliamentary maneuvering that is taking place in other places on Capitol Hill.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I would be glad to yield to the distinguished majority leader.

Mr. BOGGS. If my memory is correct, if it had not been for the rule that we previously adopted that came out of the Rules Committee, the House bill that had been enacted in the House would not have been in order and, therefore, we would not have had an expression of the will of the House on that bill.

Mr. BOLLING. That is for all practical purposes the situation that would have existed if we had not had the rule.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the distinguished chairman of the Committee on Appropriations.

Mr. MAHON. I would like to make a statement and ask a question of the gentleman from Missouri.

In the conference report, on page 13, there is the following provision:

> "Sec. 658. Limitation on Use of Funds.—(a) Except as otherwise provided in this section, none of the funds appropriated to carry out the provisions of this Act or the Foreign Military Sales Act shall be obligated or expended until the Comptroller General of the United States certifies to the Congress that all funds previously appropriated and thereafter impounded during the fiscal year 1971 for programs and activities administered by or under the direction of the Department of Agriculture, the Department of Housing and Urban Development, and the Department of Health, Education and Welfare have been released for obligation and expenditure.
>
> The provisions of this section shall not apply—
>
> "(1) to funds being withheld in accordance with specific requirements of law; and
>
> "(2) to appropriations obligated or expended prior to April 30, 1972.".

This seems to me to be one of the most indefensible provisions that has ever appeared in legislation before the Congress. Clearly, it is wholly irrelevant to the subject matter of foreign aid.

Does the pending rule provide for waiving of any point of order that might be raised against this section 658?

Mr. BOLLING. The gentleman from Missouri now speaking does not believe that the rule does. In other words, we had no intention of waiving any point of order that might lie on this subject. The items that were pointed out to us were other than these, but I would ask the chairman of the Committee on Foreign Affairs to comment on that.

Mr. BOLLING. Would the gentleman from Pennsylvania (Mr. Morgan) care to comment on that question?

Mr. MORGAN. Of course, we did not consider this provision to be subject to a point of order and did not ask for a waiver with it in mind. I do not think it is subject to a point of order. As the gentleman knows, it was in the Senate bill but it was not in the House bill. The conference did not accept the Senate amendment. It was much more conclusive. The compromise agreed to applied only to funds impounded for the Department of Agriculture, the Department of Housing and Urban Development, and the Department of Health, Education, and Welfare.

The House did not buy that language in the Senate bill and we did bring back a much more limited compromise. From my contact indirectly with some of the members of the executive branch it is my opinion that this is not going to be too restrictive an amendment.

Mr. MAHON. Mr. Speaker, if the gentleman will yield further, I want to say that I for one dislike being placed in a position like this. This is an irresponsible provision. It has no place in a bill dealing with foreign assistance. It is certainly not the time and place to consider what shall be done about funds for certain agriculture, housing, urban development, and health, education, and welfare programs. It just seems wholly out of place for the committee of conference to try to say what shall be done about all of these other matters in a bill relating to the foreign aid program.

More importantly, Mr. Speaker, may I add that the provision constitutes in effect a breach of the Antideficiency Act of 1950. Congress passed the Antideficiency Act requiring that appropriations be apportioned on a basis to insure that agencies will not enter into commitments in excess of the amounts appropriated.

Congress strengthened the act in 1950 to improve the management of appropriations by the executive branch by including limited authority to establish reserves under certain circumstances to provide for contingencies and for savings when savings are made possible by changes in requirements, greater efficiency of operations, or other developments subsequent to the date when the appropriation was made available.

This limited authority to establish reserves is essential if we are to have efficient and prudent use of the appropriations which are provided by Congress. Many circumstances arise subsequent to the passage of appropriations which make it essential that there be a degree of flexibility to the administration in the allocation and expenditure of the funds.

Mr. Speaker, I think this sort of provision, especially in a bill dealing with an entirely separate subject, is unwise and a very undesirable precedent.

I am not condemning the gentleman from Pennsylvania because the gentleman is not the author of this proposal.

Mr. MORGAN. Mr. Speaker, if the gentleman will yield further, this was in a Senate bill and the Senate has different rules as to germaneness. The foreign aid bill unfortunately seems to attract nongermane amendments in the other body.

The gentleman is absolutely right. The House conferees, including the chairman of the committee, were strongly opposed to this amendment. I can assure the gentleman that in my own opinion this language, even though it is bothersome, is not going to hurt the executive branch too seriously in the administration of the foreign aid program.

Mr. BOLLING. Mr. Speaker, does the gentleman from Iowa desire me to yield further?

Mr. GROSS. I would certainly appreciate it.

Mr. BOLLING. I yield further to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

I do not see how anyone can assure the House that this is a meaningless provision, this section 658. It is certainly a section that is explicit in its language.

Mr. MORGAN. Mr. Speaker, if the gentleman will yield further, I am not saying it is a meaningless provision. It could have been a lot worse. And I want to assure the gentleman from Iowa that it is possible that if an amendment of this kind, had it been offered to the bill in the House last August, if it had been ruled to be germane in the House it might have passed because it has great appeal to many people. It might have appealed to the gentleman from Iowa, because it might have brought about the end of foreign aid. I would think maybe the gentleman from Iowa would be an enthusiastic supporter of this kind of language.

Mr. GROSS. If this would be the means of killing foreign aid I would be for it, but I am opposed to this amendment because I know differently.

This is a delegation of power that is absolutely unconscionable, a delegation of power to the Comptroller General's office. I have the highest regard for the Comptroller General, but Congress ought to be competent to say where and when money shall be spent.

This holds in hostage funds appropriated for purposes that have no relation whatever to expenditures in the foreign aid bill. I do not like delegations of power of this kind. These powers ought to be retained by the Congress as the gentleman from Texas stated a few moments ago. This is a far-reaching provision and ought to be eliminated from this conference report.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, this has been a long and involved subject that we have been dealing with during this 92d Congress and probably from a parliamentary standpoint it is about as confusing and difficult as any we have had to face.

By way of review, Mr. Speaker, may I set the record in order by stating that the House originally passed H.R. 9910 on August 3, 1971. That bill failed to pass the Senate on October 29, 1971, and thereafter the Senate passed two bills on the same subject, namely, S. 2819 which had to do with the foreign military assistance and S. 2820 which had to do with foreign economic aid.

When those came back to the House, we had the problem of how to handle the situation.

The Committee on Rules brought a resolution to the floor of the House which struck out everything after the enacting clause in both of the Senate bills and then inserted therein the language of the House passed bill, H.R. 9910, which at that time was dead because it was defeated in the Senate.

That was the only way we could get to conference. That action was taken by the House on November 18, 1971. Then, Mr. Speaker, once again we ran into the obstacle of the so-called Mansfield amendment which has been offered to a number of bills and which was offered on the Senate side to this particular bill. As I understand it, the argument seemed to resolve itself on getting an actual vote up or down in the House on the so-called Mansfield amendment to set a termination date of the war.

On December 16, as I recall, a motion was made to instruct the conferees to return to conference and accept the so-called Mansfield language. A motion was made immediately to table that particular motion and the tabling motion prevailed by a vote of 130 to 101 and the distinguished majority leader of the Senate then permitted the conference report to come out. There are at least three instances and they appear on pages 16 and 17 I believe where the language in the conference report was not in either the House-passed bill or the Senate-passed bill—and not being in any bill passed, it was entirely removed from the consideration of the conferees according to clause 3, rule XXVIII of the House rules.

In order to bring this to a head today so this conference report can be discussed, the Committee on Rules is bringing this particular resolution to the floor, House Resolution 765, to waive points of order in one particular instance under clause 3, rule XXVIII, so we can proceed to the consideration of the conference report and vote it up or down. Although I have never supported foreign aid, I do intend to support House Resolution 765. I make the same statement now as on November 18 when we brought the other rule to the floor. I think Members have a right to consider this measure and accordingly I support the resolution to bring it to the floor of the House even though I personally am opposed to foreign aid and will vote against the conference report.

Mr. Speaker, I urge the adoption of the pending resolution, House Resolution 765.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, the budget message for fiscal year 1973 that the President sent up yesterday is a balanced, responsible document designed both to speed the economy along its current path toward recovery and full prosperity, and to continue the trend toward peacetime priorities begun by the Nixon administration in fiscal year 1970. To be sure, the deficits of $38.8 billion projected for fiscal year 1972 and $25.5 billion for fiscal year 1973 are not welcome news; but they are necessary and responsible in light of the current slack in the economy, and the President is to be applauded for his determination to keep the economy moving toward full recovery with this expansionary budget.

While all the critics of the President have not yet filed their dissents, I note that two charges have already been leveled against the fiscal year 1973 fiscal program, neither of which can be sustained. The first is that $6.3 billion increase in new defense obligational authority requested in the budget is unwarranted and represents a choice in favor of defense spending at the expense of domestic problems. In fact, this year's defense budget is a 23-year low as a percentage of Federal outlays and a 22-year low as a percentage of GNP. The process of reversing the share of the budget devoted to human resources as opposed to defense spending has continued so that in fiscal year 1973, 45 percent will be devoted to human resources and 32 percent to defense, the exact opposite of the shares allocated to these two categories in the 1968 budget. Moreover, two-thirds of the increase in defense spending is for higher military pay, an increase that is essential if we are to meet the goal of an all-volunteer defense force by 1973.

The other charge being made by some economists who favor the other party is that the budget does not provide enough stimulus. This criticism may have had some merit were the economy still in the uncertain state of last spring and summer. But the fact is, fourth quarter statistics indicate a vigorous expansion is underway. Real GNP was up by 6.1 percent—a 2-year high—with the critical areas of capital spending and inventory investment making especially healthy gains. If we project this pace of recovery through 1972, it is possible that by early next year much of the slack currently in the economy will have been taken up and that excessive fiscal stimulation at that point could well have a strong inflationary impact. Thus, by limiting the budget to a small, full-employment surplus and reducing the size of the deficit by about one-third, the President has chosen a prudent fiscal course that will help insure that a renewed surge of demand-inflation is not touched off as we approach a full-employment economy.

Finally, Mr. Speaker, I want to express my strong support for the President's request for an ironclad spending ceiling. For the reasons I mentioned a moment ago, it would be dangerous to incur a full-employment deficit in the coming fiscal year. Yet, if the past is any guide, there will be an enormous temptation in this election year to increase the appropriations for a whole host of programs in order to please special interest groups. By placing a tight ceiling on the appropriations level, we can remove that temptation before the pressures begin to mount. I strongly urge that my colleagues on both sides of the aisle give serious consideration to speedily complying with the President's request.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 247, nays 123, not voting 61, as follows:

[Roll No. 5]

YEAS—247

Abbitt
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews
Arends
Aspinall
Begich
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Caffery
Carey, N.Y.
Carney
Casey, Tex.
Cederberg
Chamberlain
Clark
Clawson, Del
Clay
Cleveland
Collins, Ill.
Colmer
Conable
Conte
Conyers
Cotter
Coughlin
Culver
Curlin
Daniels, N.J.
Danielson
Dellenback
Denholm
Dennis
Dent
Dickinson
Dingell
Donohue
Dow
Drinan
Dulski
du Pont
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Fulton
Fuqua
Garmatz
Gettys
Giaimo
Gonzalez
Gray
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Hosmer
Howard
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Latta
Leggett
Lent
Link
Lloyd
McClory
McCloskey
McClure
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKevitt
McKinney
Macdonald, Mass.
Madden
Mailliard
Mallary
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Patten
Pelly
Pepper
Perkins
Peyser
Pike
Pirnie
Poage
Podel
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Quie
Randall
Rangel
Rees
Reid
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Roybal
Ruppe
Ryan
Sarbanes
Saylor
Scheuer
Schneebeli
Schwengel
Sebelius
Seiberling
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Staggers
Stanton, James V.
Steele
Steiger, Wis.
Stokes
Stratton
Stubblefield
Sullivan
Symington
Teague, Calif.
Thompson, N.J.
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Ware
Whalen
Whalley
Widnall
Wiggins
Williams
Wilson, Charles H.
Wright
Wydler
Yates
Yatron
Young, Tex.
Zablocki

NAYS—123

Abernethy
Archer
Baker
Belcher
Bennett
Betts
Bevill
Bray
Brinkley
Brooks
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Cabell
Camp
Carter
Chappell
Clancy
Clausen, Don H.
Collier
Collins, Tex.
Crane
Daniel, Va.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Devine
Dorn
Duncan
Edwards, Ala.
Fisher
Frey
Gibbons
Goodling
Grasso
Griffin
Gross
Grover
Hagan
Haley
Hall
Hammerschmidt
Harsha
Henderson
Hillis
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Jonas
Jones, N.C.
Keating
Kemp
King
Landrum
Long, Md.
Lujan
McCollister
McMillan
Mahon
Mann
Mathias, Calif.
Mathis, Ga.
Michel
Miller, Ohio
Mizell
Montgomery
Myers
Nichols
Passman
Pettis
Powell
Price, Tex.
Purcell
Quillen
Railsback
Rarick
Roberts
Robinson, Va.
Rogers
Rooney, N.Y.
Roush
Rousselot
Roy
Runnels
Ruth
Sandman
Satterfield
Scherle
Schmitz
Scott
Shipley
Shoup
Shriver
Sikes
Skubitz
Snyder
Spence
Steiger, Ariz.
Stuckey
Talcott
Taylor
Terry
Thomson, Wis.
Thone
Van Deerlin
Veysey
Wampler
White
Whitehurst
Whitten
Wilson, Bob
Winn
Wyatt
Wylie
Wyman
Young, Fla.
Zion
Zwach

NOT VOTING—61

Alexander
Annunzio
Ashbrook
Ashley
Aspin
Badillo
Baring
Barrett
Bell
Blackburn
Blanton
Bow
Celler
Chisholm
Corman
Davis, Ga.
Dellums
Derwinski
Diggs
Dowdy
Downing
Dwyer
Edwards, La.
Esch
Eshleman
Evins, Tenn.
Flynt
Ford, William D.
Galifianakis
Gallagher
Gaydos
Goldwater
Green, Oreg.
Gubser
Harvey
Hébert
Heckler, Mass.
Heinz
Landgrebe
Lennon
Long, La.
McKay
Martin
Mills, Ark.
Nelsen
O'Konski
Patman
Pickle
Pucinski
Rhodes
Rostenkowski
St Germain
Sisk
Stanton, J. William
Steed
Stephens
Teague, Tex.
Thompson, Ga.
Tiernan
Waldie
Wolff

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Annunzio for, with Mr. Long of Louisiana against.

Mr. Wolff for, with Mr. Baring against.

Mr. Teague of Texas for, with Mr. Blanton against.

Mr. Tiernan for, with Mr. Davis of Georgia against.

Mr. Rostenkowski for, with Mr. Dowdy against.

Mr. Gallagher for, with Mr. Flynt against.

Mr. William D. Ford for, with Mr. Galifianakis against.

Mr. Diggs for, with Mr. Lennon against.

Mr. Badillo for, with Mr. Stephens against.

Mr. Celler for, with Mr. Steed against.

Mr. Bell for, with Mr. Ashbrook against.

Mr. Rhodes for, with Mr. Blackburn against.

Mrs. Dwyer for, with Mr. Eshleman against.

Mr. Esch for, with Mr. Goldwater against.

Mrs. Heckler of Massachusetts for, with Mr. Landgrebe against.

Mr. J. William Stanton for, with Mr. Martin against.

Mr. Halpern for, with Mr. O'Konski against.

Mr. Sisk for, with Mr. Thompson of Georgia against.

Until further notice:

Mr. Barrett with Mr. Bow.

Mr. Alexander with Mr. Nelsen.

Mr. Ashley with Mr. Derwinski.

Mr. Hébert with Mr. Harvey.

Mr. Aspin with Mr. Mills of Arkansas.

Mr. Corman with Mr. Patman.

Mr. Gaydos with Mrs. Green of Oregon.

Mr. Pickle with Mr. St Germain.

Mr. Puncinski with Mr. Dellums.

Mr. McKay with Mr. Waldie.

Mr. Downing with Mr. Evins of Tennessee.

Messrs. JACOBS and CULVER changed their votes from "nay" to "yea."

Messrs. LONG of Maryland, WYATT, and MATHIAS of California changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF THE TAKING OF THE OFFICIAL PICTURES OF THE HOUSE TOMORROW, JANUARY 26, AT 3 P.M.

The SPEAKER. The Chair desires to make an announcement, which the chair feels the Members of the House would like to hear. Pursuant to the provisions of House Resolution 761, the Chair wishes to advise the Members that the official pictures of the House will be taken at approximately 3 o'clock p.m. on tomorrow, Wednesday, January 26.

CONFERENCE REPORT ON S. 2189, FOREIGN ASSISTANCE ACT OF 1971

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Mr. Speaker, I desire to make a point of order against consideration of the conference report at the proper time.

The SPEAKER. After the conference report is read, a point of order may be made. If the statement of the managers is read in lieu of the report, the point of order should be made before the start of the reading of the statement.

Mr. MORGAN. Mr. Speaker, I call up the conference report on the bill (S. 2189) to provide foreign military and related assistance authorizations for fiscal year 1972 and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

POINT OF ORDER

Mr. GROSS. Mr. Speaker, I desire to make a point of order against the consideration of the conference report.

The SPEAKER. The gentleman will state his point of order.

Mr. GROSS. Mr. Speaker, I make a point of order on the grounds that certain provisions of the bill are not germane and exceed the authority of the conference. I point specifically, Mr. Speaker, to the language to be found on page 13 of the report, section 658:

> SEC. 658. LIMITATION ON USE OF FUNDS.—(a) Except as otherwise provided in this section, none of the funds appropriated to carry out the provisions of this Act or the Foreign Military Sales Act shall be obligated or expended until the Comptroller General of the United States certifies to the Congress that all funds previously appropriated and thereafter impounded during the fiscal year 1971 for programs and activities administered by or under the direction of the Department of Agriculture, the Department of Housing and Urban Development, and the Department of Health, Education and Welfare have been released for obligation and expenditure.

Mr. Speaker, I contend that this language goes far beyond the scope of the legislation, far beyond any intent of the Congress. It is neither germane nor does it come within the scope of the legislation.

The SPEAKER. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. MORGAN. I do, Mr. Speaker. The rule is broad and covers the objections made by the gentleman from Iowa. Last November the House sent to conference two foreign aid bills, one economic and one military, which passed the Senate. At that time the House struck out all after the enacting clauses of both bills and inserted in lieu thereof the complete text of H.R. 9910, which had passed the House last August.

All the provisions of both the House and Senate bills that were in disagreement were considered in conference. The House having adopted a rule to send these two Senate bills to conference therefore the amendments to which the gentleman from Iowa has objected automatically became House amendments and the provisions from the Senate bill are no longer subject to a point of order.

The SPEAKER. The Chair is ready to rule.

The gentleman from Iowa has raised a point of order against the conference report on the ground that the House conferees have exceeded their authority by including in the conference report provisions not germane or not in either the Senate bill or the House amendment and agreed to an appropriation in violation of clause 2, rule XX. That rule provides in relevant part:

> No amendment of the Senate . . . providing for an appropriation upon any bill other than a general appropriation bill, shall be agreed to by the managers on the part of the House.

The Chair would point out that it was a Senate bill which was sent to conference, with a House amendment thereto. The rule is restricted in its application to Senate amendments, and thus is not applicable in the present situation.

The Chair also points out that the resolution under which this conference report is being considered specifically waives points of order under clause 3, rule XXVIII.

The action of the conferees in adding the language in section 658 of the conference report is protected by this waiver of points of order.

For these reasons, the Chair overrules the point of order.

The Clerk will read the statement.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 17, 1971.)

Mr. MORGAN (during the reading). Mr. Speaker, as both the conference report and statement of the managers were printed in the RECORD on December 17, I ask unanimous consent to dispense with further reading.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MORGAN. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, the conference report on the foreign assistance authorization bill represents, I believe, an acceptable compromise between the House and the Senate versions of this legislation.

That compromise was difficult to achieve for a number of reasons:

There was, first, an unusual parliamentary situation which saw two separate Senate bills amended by the same House amendment. This meant that the managers on the part of the two Houses had to arrive at an agreement on all issues. Otherwise, there would have been no conference report.

There were, second, some 94 differences between the two versions of this legislation. Some of the substantive differences were very serious and difficult to compromise.

And, finally, there was a substantial spread between the amounts proposed to be authorized by the two Houses.

The committee on conference met on nine occasions and worked long hours to produce a report. This, as you will recall, we succeeded in doing just before the Congress adjourned for the Christmas recess. The other body approved the conference report on December 17, 1971.

Now before I describe the detailed provisions of the conference report, I want to highlight the major accomplishments of the conference.

First, with respect to the key issues of substance, the committee on conference, after prolonged and difficult negotiations, largely upheld the positions of this House.

On several substantive issues, including the Mansfield amendment, the proposed revision of the Hickenlooper amendment and immediate termination of concessional development lending—through interest rate increases—the Senate ultimately receded.

On a number of others, including limitations on U.S. involvement in Cambodia and the proposed move from bilateral to multilateral lending, we worked out acceptable compromises.

Second, with respect to dollar amounts, the committee on conference agreed to authorize substantially less aid than the amount approved by the House on August 3.

As I mentioned to the House on November 18, when we were directed to take this legislation to the conference, the President's new economic policy announcement of August 15 directed a 10-percent reduction in foreign aid. The conference committee went about 10 percent beyond that.

Now as to amounts—the legislation approved by the House on August 3 carried fiscal 1972 authorization of $3.4 billion—$1.4 billion for economic aid and $2 billion for security assistance.

The two bills subsequently approved by the Senate contained fiscal 1972 authorizations amounting to $2.6 billion—$1.1 billion for economic aid and $1.5 billion for military and supporting assistance.

The conference report largely adopts the lower Senate amounts—but accepts the House-approved 2-year authorization for economic aid.

With respect to fiscal 1972, the conference report would authorize appropriations and new obligations of $2.7 billion—$1.2 billion for economic aid and $1.5 billion for security assistance.

This is $105 million more than the original Senate amounts—but nearly $700 million—$691 million, to be exact—less than approved by the House on August 3.

In addition, the legislation carries $984 million in economic aid authorizations for fiscal 1973.

The third major accomplishment of the conference consisted of surmounting the very complicated and difficult parliamentary situation which developed in the course of this year's consideration of foreign aid legislation.

Faced with two separate Senate bills, each carrying a single House amendment, the committee on conference, after lengthy deliberations, agreed to report back the Senate bill S. 2819 with House provisions attached to it.

This, in essence, preserves the House policy of keeping both military and economic aid issues in a single bill.

While the procedure under which the House has considered foreign aid this year has been somewhat unorthodox, this could not be helped. The important thing to remember is that this procedure does not violate either the rules or the policies of this House. As a matter of fact, it was necessary to resort to this procedure in order to assure that the positions of the House would receive every consideration possible in the conference.

I will now describe the specific provisions of the conference report in more detail.

AUTHORIZATION LEVELS

A. ECONOMIC AID FOR FISCAL YEAR 1972 AND FISCAL YEAR 1973

Beginning with economic aid, the conference report authorizes appropriations of $250 million for worldwide development lending; $175 million for worldwide technical assistance; and $295 million for the Alliance for Progress—$206.5 million in loans and $88.5 million in grants.

In addition, the report carries $140 million—including $1 *million* in Egyptian pounds—for international organizations and programs; $15 million for the Indus Basin project; $30 million for American hospitals and schools abroad; $30 million for the President's contingency fund; $250 million for Pakistan refugees; $10 million—in Egyptian pounds—for the reopening of the Suez Canal; and $50 million for administrative expenses.

This adds up to $1,234,000,000 for economic assistance in fiscal year 1972—and $984 million for the same programs in fiscal year 1973.

B. MILITARY ASSISTANCE LEVELS

On the military side, the conference report provides new obligational authority of $1,518 million, as follows: $500 million for military assistance; $618 million for security supporting assistance; and $400 million for military credit sales.

In the security supporting assistance authorization, $50 million is specifically earmarked for Israel.

Of the $400 million in military credit sales, $300 million is also earmarked for necessary jet aircraft.

The total amount in the conference report on the military side, is $497 million less than originally proposed by the House, and $15 million more than approved by the other body.

OTHER SUBSTANTIVE ISSUES

In addition to authorizing new appropriations, the legislation before us—as I mentioned at the outset—contains a number of significant substantive amendments: some changing the existing law and some modifying its application.

On the economic side, the conference report—

Recommends a gradual reduction of bilateral development lending to a $100 million level by 1975;

Provides for closer congressional control over the Department of State and the U.S. Information Agency through periodic authorizations;

Restricts the Executive authority to change aid allocations;

Requires a comprehensive, annual report to the Congress on all kinds of types of foreign assistance;

Earmarks $125 million annually for population programs;

Provides new authority and a congressional mandate to the President to bring about international control of illicit narcotics trade;

Permits OPIC to expand its operations to Yugoslavia and Rumania;

Urges the President to work for a reduction in the U.S. assessment to the United Nations—from 31.5 percent at present to 25 percent; and

Requires the President to release over $2 billion in impounded funds for domestic programs—for housing, urban development, agriculture, education, and health—by April 30, 1972, before new funds can be spent on foreign aid.

On the military side, the conference report sustains the reforms enacted earlier by the House is separating security from economic development assistance and in providing the initial impetus and authority for the centralization of executive civilian control over all aspects of international security programs.

In addition, the conference report—

Sets new, lower ceilings on military aid to Latin America;

Requires a reduction of 15 percent in the size of military assistance advisory groups in the next 12 months;

Calls for a return of military aid authorizations for Thailand from defense to foreign aid;

Requires countries receiving military assistance to establish local currency funds for paying the cost of certain United States and bilateral undertakings;

Prohibits the furnishing of aid to Greece;

Suspends both military and economic aid to Pakistan;

Limits the President's power to use certain special and waiver authorities;

Places monetary and personnel ceilings on U.S. assistance to Cambodia;

And requires that every consideration be given to the domestic employment situation in the United States before approval is given for the licensed or coproduction of military hardware abroad.

In addition, the conference report contains a number of less prominent provisions which are described fully in the statement of the managers on the part of the House that was read earlier into the RECORD.

CONCLUSION

Mr. Speaker, as I said at the outset, the conference report sustains the positions of the House on the major substantive issues and suggests workable compromises in other instances.

At the same time, it recommends a much more modest program than that which was approved by the House on August 3.

For these reasons, I believe that the report should be adopted—and I urge the House to do so.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I am glad to yield to my friend from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I understand this came from conference as a 2-year program?

Mr. MORGAN. For the economic aid only.

Mr. GROSS. For economic aid only?

Mr. MORGAN. Yes. It provides a 2-year program for economic aid with a much smaller program for the second year. Economic aid in this bill is approximately $1.2 billion. The amount authorized for fiscal year 1973 is $984 million. Essentially it is much lower for the next fiscal year than it is in this, because it does not contain a second year authorization for Pakistan relief.

Mr. GROSS. The gentleman speaks of Pakistan relief. Does he mean for the Government of West Pakistan or Bangladesh?

Mr. MORGAN. The gentleman knows, and I am sure everybody in the House knows, that during the discussion in the House on August 3 and back in November and December when these bills were under consideration in the other body that the war between Pakistan and India had not reached the termination stage. The bill provides funds for the relief of refugees whether they are in India or have returned to East Pakistan. It provides nothing for West Pakistan.

The SPEAKER. The time of the gentleman has expired.

Mr. MORGAN. Mr. Speaker, I yield myself 1 additional minute.

I yield to the gentleman from Iowa.

Mr. GROSS. Then, by Pakistan relief the gentleman means East Pakistan, now known as Bangladesh?

Mr. MORGAN. The bill does not provide funds for West Pakistan. The money is to aid the people of East Pakistan.

Mr. GROSS. I thank the gentleman.

Mr. MAILLIARD. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this conference is a product of as difficult and complex a conference as I have ever experienced.

Our chairman explained the report quite fully, and I certainly do not intend to go over the same ground now.

We went into this conference with the full knowledge that very difficult negotiations lay ahead. There were more than 90 points of difference between the House position and the position of the Senate. Some were dollar amounts and technical points, and others represented almost irreconcilable points of view on the conduct of foreign policy and executive-legislative relations.

Of the seven Senate conferees, for example, four, including the chairman, voted against the Senate's own military assistance bill.

One of the amendments which has been discussed here today dealing with impounded funds for domestic programs did not belong in the bill at all, in my opinion. It was opposed by all of the House Republican conferees, but the majority of the House conferees did agree to a modified version of the provisions of the Senate bill.

The conferees, under the very strong leadership of Chairman MORGAN, in a series of meetings beginning November 19 made exhaustive efforts to resolve these extremely difficult issues. In some areas we were forced to compromise. Frequently I was not too happy with some of the compromises, but the impasse over the most difficult issue, the Mansfield amendment, which would have set a date for the withdrawal of our forces from Indochina subject to the release of prisoners of war, was settled just before adjournment by the House vote which in effect refused to instruct the conferees to accept the amendment. The Senate conferees agreed to delete this, breaking the impasse on the bill and making it possible to reach the compromise which is now before us.

This bill achieves the very desirable objective of providing a 2-year authorization for economic and humanitarian foreign assistance, although I might point out that 2 years has now shrunken to about 17 months since we are more than half way through the first year.

I regret the authorization for the security supporting assistance as well was limited to 1 year. So we will need to bring another bill before us in the very near future in order to continue this program into the next fiscal year.

The Senate bill would have forced an end to the bilateral loan program by June of 1975. The compromise provision will allow the Congress to review thoroughly the President's recommendations for a revised and revitalized aid program, and to make such adjustments in bilateral lending as we believe are in the best interests of the United States at that time.

We accepted a reduction of $691,350,000 from the figure originally approved by the House for fiscal year 1972. The reduction left an authorization of $2,752 million which we felt was the minimum amount necessary to operate the program in its present form pending consideration of the President's reorganization proposals. In some areas I think the reductions are excessive, but I am convinced that we made the best compromise possible under the circumstances. We did prevail in retaining the House figure of $30 million for assistance to American schools and hospitals abroad, which the Senate version would have cut in half. We succeeded in retaining the House provision for a Coordinator for Security Assistance in the State Department, along the lines of the President's recommendations for separating security assistance from development and humanitarian assistance.

I urge my colleagues to support this bill. It preserves for the President certain flexibility in conducting foreign affairs, which the Senate bill would have denied him. It affords a reasonable amount of time for reexamination of the foreign assistance program. It will enable our friends and allies around the world to continue to strengthen their economies and enhance their ability to protect and defend themselves. With all its problems, this bill remains the one vehicle for the programs in economic and military assistance which I feel so strongly are important to our own country's long-term interests and security.

So we bring this conference report before you today, and I urge its approval.

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Mr. Speaker, mention has been made several times about the length of the program that will be authorized. I would simply like to express my concern at the length of time that Congress has already taken to come up with some kind of a program and, of course, the legislative process is still incomplete. Part of this authorization calls for a 2-year program, but the fact is that the first year authorized ends this coming June 30.

It does seem to me inadvisable, and difficult for those operating the foreign aid program—both military and economic aid—when they do not know, perhaps, until 7 to 8 months into the fiscal year, how much is going to be available for that fiscal year.

I would hope, if we could, that Congress henceforth would come up with an earlier decision as to how much is going to be made available. We are now in the 7th month of the current fiscal year, and as yet Congress has still not made a decision regarding how much, if any, aid should be provided.

The SPEAKER. The time of the gentleman from California has expired.

Mr. MAILLIARD. Mr. Speaker, I yield myself 1 additional minute.

Mr. FRELINGHUYSEN. Mr. Speaker, if the gentleman will yield further, it also should be recognized that the cutbacks in the amounts requested by the President are very substantial, and the Appropriations Committee may well cut further the amounts suggested in this authorization. If this should happen, adequate military assistance, for example, may not be available to our allies, allies who need this assistance. I am convinced that it is in our own interest to grant such assistance. I am thinking particularly of Korea and Turkey. If the result would be the necessity for still further drastic reductions in programs which will allow such allies as Turkey and Korea to modernize their forces, it would seem to me against our own interest to cut back in this area.

I hope we are aware of the fact that the cuts proposed are very substantial, and that any further cuts might very well be against our national interest.

I thank the gentleman for yielding.

Mr. MORGAN. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I rise today in support of the conference report on the Foreign Assistance Act now pending before the House of Representatives. I believe that it is a landmark piece of legislation since, for the first time, it provides a cutoff of foreign assistance to those countries that are actively engaged in the international trafficking of drugs.

We have given this power to the President, knowing that in many parts of the world people are accepting the American dollar and still not respecting the fact that the drug problem has now hit epidemic proportions and threatens the life of every youth in this country.

Mr. Speaker, I think this is the beginning of a series of steps that we are going to have to take. We will need additional appropriations so that we will be able to give the President of the United States the power to police and follow through to determine, once and for all, whether or not these nations that are receiving foreign aid are actually making a commitment to stop the international traffic in drugs.

There will have to be money necessary for crop substitution assistance for those nations which have been involved in the legal and illegal growth of opium poppies. Also, there is the necessity to train narcotics agents, both here and abroad, in order to make certain that those wrongdoers, with or without the cooperation of the foreign government, are detected so that our President may take lawful action.

This also would afford us the opportunity in the future, since the door is now open, for the Congress of the United States to provide that watchdog activity required to make certain that those who hold out their hands and say that they are allies assist us. Otherwise we must use our power through the Comptroller General to determine and report to the U.S. Congress activities in the illegal trafficking in drugs that are being committed by those very nations which the U.S. Congress today will see fit to give foreign aid to.

It is the kind of open door policy that we can use to take a look at our law-enforcement agents in this country to see whether or not we are funding a variety of law-enforcement agencies which are not cooperating with each other. Soon the President of the United States must determine whether or not the Commissioner of Customs and the Commissioner of the Bureau of Narcotics and Dangerous Drugs can work together, not only to stop the domestic trafficking in drugs, but also to make certain that the international aspects of this are reported to the Congress of the United States.

We have an opportunity to support the Drug Abuse Commission of the United Nations, as well as to make certain that all of the trade agreements that we have with other nations include the same type of provision that we have in this Foreign Assistance Act.

I also suspect that soon the Committee on Ways and Means will be studying ways in which we can do business with those nations that are now involved in the Common Market. It seems to me that it will do the people of the United States well to make certain that every time we start to do business or to trade with any nation, we have the power to execute diplomatic, economic and trade sanctions with those countries that violate international law by continuing to grow opium and manufacture heroin.

So, Mr. Speaker, I can conclude by saying that I support this conference report. I think it is an historic day when the U.S. Congress has seen fit to go on record to give the President additional power to cut aid to those countries that are not concerned with our commitment to fight drug abuse.

Mr. RYAN. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from New York.

Mr. RYAN. Mr. Speaker, I should like to take this opportunity to commend very strongly our colleague, the gentleman from New York (Mr. RANGEL) for his very valuable contribution in focusing public attention and the attention of the Congress on the international traffic in narcotic drugs. The conference bill, which is now before us, incorporates a provision requiring the President to cut off economic and military assistance to any country which fails to take adequate steps to prevent illicit drugs from entering the United States illegally. That is the action which our colleague has called for—using the foreign aid program as a lever to attack the international drug traffic. Furthermore, the bill makes funds available to help other countries control and, hopefully, eliminate the production of opium and its derivatives, including heroin.

I further commend the gentleman from New York for the initiatives that he has taken on this serious problem. He has followed through by visits to foreign countries where he has urged the appropriate officials to take necessary action.

We must now make sure that our Government uses this authority to the fullest extent.

The SPEAKER. The time of the gentleman has expired.

Mr. MORGAN. Mr. Speaker, I yield 3 additional minutes to the gentleman from New York.

Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. Mr. Speaker, I, too, want to commend the gentleman from New York (Mr. RANGEL) on his presentation. I remember that during the debate on the foreign aid bill in the House on August 3 the gentleman offered what I felt was a very good amendment to the House bill. I want to assure the gentleman that his amendment was offered in the other body, and it was considered by the conference. The House conferees brought back the House amendment. We were there to defend the House position, but I want to assure the gentleman, that his amendment had a lot of merit. I know he made a long and detailed study in working out his amendment. His amendment limited the amount of money to a specified figure, and the House amendment did not set a money limitation. I think this may have influenced the conferees. I want to assure the gentleman from New York that we appreciate his good work in trying to bring the production and sale of narcotics in foreign countries under control.

Mr. RANGEL. Mr. Speaker, I thank the gentleman.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman.

Mr. MATSUNAGA. Mr. Speaker, I would not want to miss this opportunity to commend the gentleman in the well, Mr. RANGEL, for the leadership he has shown in the area of drug control. It has been my pleasure and privilege to join him in his effort. The people of his district, his State, and the Nation owe him a debt of gratitude for his untiring efforts in striking at the source of drug abuse. For the people whom I represent and as a concerned father of five youngsters I thank him and commend the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. I thank my colleague very much.

Mr. MORGAN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, I just want to point out that we started considering the foreign aid legislation back in May of last year. This authorization has had more consideration by the appropriate committees in both branches of the Congress, and in the conference, than perhaps any other piece of legislation that I know of.

I would add also, Mr. Speaker, that this foreign aid authorization reflects considerable input on the part of the Congress. This conference report demonstrates that individual Members can have their concepts considered in committee, considered on the floor of the House, and ultimately written into the policy of the United States. This is more evident here than perhaps in any other legislation.

I think I can say with some modesty that a great deal of attention is given to the opinions and the thinking of the individual Members of this body in the writing of this legislation. I think, therefore, that for these reasons this conference report is perhaps more important than the decisions with respect to the amounts of money involved, and we know how difficult those decisions are.

So in the consideration of the complex piece of legislation, Mr. Speaker, we have reached, via the long hard road of the democratic process some very vital and substantive decisions; and we have had the opportunity to debate perhaps more thoroughly than at any other time in our history, the foreign policy of our country. I think that this is a major accomplishment for the Committee on Foreign Affairs and for this body.

Mr. Speaker as a member of the Committee of Conference, I would like to pay my respects to my colleagues, particularly the chairman of the Foreign Affairs Committee and the committee's ranking minority member, for the work they have done in this very, very difficult conference, for having resolved some very complex and delicate foreign policy issues, and for bringing back to this body a conference report which substantially upholds the positions of this House.

Mr. Speaker, besides limiting the amounts of money that may be authorized and spent, we have generally tightened up and will continue to tighten up our foreign policy operations.

For example, as a result of the conference committee's work on this bill, we have revived the concept of periodic authorizations both for the Department of State and the USIO. We have also required that an annual report be submitted to the Congress of all foreign operations—not just on part of them.

More and more, all Members of the Congress are getting involved in the complex issues of our national foreign policy; it is imperative, therefore, that all Members get the knowledge and information necessary so they can best make their judgments on these matters.

We have also imposed ceilings in this bill—not only on the financial aspects of the program, but on personnel as well.

We also have a provision here, that some people may disagree with, but which nevertheless indicates the concern of the Congress with respect to progress on our domestic programs. This provision requires the expenditure of fiscal 1971 funds appropriated by Congress for our domestic programs before money is expended on foreign operations.

In similar ways, we have paved the way for a complete review and overhaul of the program next year.

Mr. Speaker, I believe that there are major accomplishments and I urge adoption of the conference report.

Mr. THOMPSON of New Jersey. Mr. Speaker, the conference report on the authorization for foreign aid takes several steps in the right direction. It limits expenditures and the number of U.S. personnel in Cambodia. It prohibits aid to Greece unless the President finds that reasons of national security require it. It places a ceiling on military aid to Latin America. It requires the President to notify the Congress of how much aid of what kind is to be supplied to each foreign country and international organization. These and other provisions in the conference report move toward channeling economic and humanitarian aid through multinational and international organizations, deemphasizing military aid, placing limits on presidential discretion, and increasing the accountability of the exceutive branch.

The report also contains important aid earmarked for Israel to help maintain the balance of power and the peace in the Middle East, and for the United Nations.

On the other hand, the conference report is seriously flawed by the absence of the Mansfield amendment establishing a policy of terminating all U.S. military operations in Indochina and withdrawing all U.S. military forces within 6 months, subject to the release of American prisoners of war. The positive steps in the conference report are also for the most part timid and hesitant, and they are hedged by a variety of waiver responsibilities, exemptions, and deferrals. The report is still too much of a bilateral aid bill, with excessive emphasis on military aid, and insufficient limits on presidential discretion.

While I have deep reservations about this report and would fervently hope that we can do better in the future, I have concluded that a vote for the conference report does on balance further the legitimate interests of the United States and the cause of world peace.

Mr. COTTER. Mr. Speaker, I rise in support of the conference. This legislation represents a reasonable bill and I compliment the conferees, ably led by Chairman MORGAN, for their diligence and persistence in securing this legislation.

I am especially pleased, Mr. Speaker, that an amendment that I introduced was included in the conference report. This amendment is designed simply to protect American jobs from being shipped overseas at the taxpayer's expense.

The circumstances that drew my attention to this problem are easily understood. Early in my first term I learned that extensive negotiations were taking place to build an M-16 plant in Korea. This plant was to be constructed with $42 million in U.S. military assistance credits. The M-16 rifle is made by Colt's Firearms in my district and Colt's has laid off over 900 workers there. I believe that we should assist our allies but we should produce the equipment ourselves. With over 6 percent of our work force unemployed, I cannot justify using taxpayers' dollars to build plants overseas.

This amendment requires that the executive branch inform Congress before it commits U.S. taxpayers' dollars to build military coproduction plants overseas. Therefore, neither U.S. grants, loans, nor guarantees can be committed for these plants without first informing Congress. Congress now will be able to scrutinize each agreement analyzing the U.S. jobs that will be lost.

Thus, this amendment provides more adequate job protection for the American worker. No longer will the executive branch use secret agreements in this area to commit U.S. taxpayers' dollars to ship needed U.S. jobs overseas without informing Congress.

Mr. RANDALL. Mr. Speaker, I voted for the rule on S. 2819 although I have consistently opposed foreign aid since coming to the Congress. I knew of the explanation of so-called section 658 as contained in the report at page 13 accompanying S. 2819. This provided that none of the funds for foreign military sales should be obligated or expended until all the funds previously appropriated and which had thereafter been impounded for programs under the Departments of Agriculture; Housing and Urban Development; and Health, Education, and Welfare have been released for obligation and expenditure.

My judgment of this kind of a stipulation is that it was not the best way for the Congress to express its will. We all need more funding for water supply projects and sewer projects. We all need more housing for the elderly. There are countless other projects which have been authorized and appropriated, but which cannot be carried forward because the money has been impounded.

Accordingly, my vote for the rule was not intended to be a vote to tie the hands of our Chief Executive in the area of foreign military assistance until we had forced him to release all these impounded funds, even as badly as they are needed. Rather, I voted for the rule because I have long followed the course of supporting nearly every rule or resolution which brings a measure to the floor, on the premise that the membership should have the opportunity to listen to the debate. After the adoption of each rule there is nearly always a chance to express ourselves either for or against a proposition on its merits. Most usually there is an opportunity to be recorded on a rollcall vote on final passage. It is for these reasons that I supported the rule which brought the conference report on S. 2819 to the floor.

Mr. Speaker, I opposed the conference report on its final passage this year with some reluctance. I have always been against foreign aid. However, this year the authorization carried a ratio of $1.2 billion in economic assistance to $1.5 billion military assistance. Heretofore there has not always been this kind of an almost even balance or distribution between these two elements. In the past much more has been authorized for economic aid.

It has been my recent privilege to serve as chairman of the House Armed Services Subcommittee on NATO Commitments. For that reason I think I know something of the importance of the role of our military assistance program and also something of the value or importance of our military credit sales. Earlier this month, in company with the members of this subcommittee, we visited the north littoral of the Mediterranean. There we saw firsthand the vital importance of our military assistance programs in Greece and Turkey as well as other areas of the northern rim of the Mediterranean.

That is why it is so difficult to vote against the final passage of the conference report on S. 2819; yet this report does contain $1.2 billion earmarked for economic assistance, which means we continue an economic aid program that has again and again proven not only wasteful because of its operation, but worse, it has proven detrimental to our national interest. Faced with such a choice there is only one course to take and that is to continue to express opposition to the economic aid program.

Who can forget that night in the United Nations when those whom we had supported with our economic aid year after year voted to expel Nationalist China, and then voted to admit Red China to the United Nations? I thought we had proceeded in the past upon the premise that the objective of foreign economic assistance is to cultivate and perpetuate friends among other nations in the world. Surely we must have failed to achieve that objective. That night in the United Nations should be enough to prove that billions in foreign economic assistance was not productive of very much friendship for our country.

Mr. Speaker, last fall the Senate separated military from economic assistance, and proceeded to make separate authorizations. The House last August passed both economic and military assistance in one package. For a long while it has been my view that military and economic assistance should be separated and considered in separate bills.

I have never been able to understand why it is that the Foreign Affairs Committee should have jurisdiction over the authorization for military assistance. Rather, it should be in the Armed Services Committees of both bodies of the Congress. Certainly those who deal with defense matters day in and day out ought to be more knowledgeable of the operation of our military assistance program than those who concern themselves only infrequently and incidentally with this kind of an authorization.

Yes, there are many Members in this House, in my judgment, that could and would support military assistance as the best way to send dollars instead of men to improve our defense posture and strengthen our national security. Perhaps the time may come in the future that we will be given the privilege to consider military assistance separate and apart from economic aid. As it is today, when these two remain wrapped up in the same package, I cannot with good conscience support a foreign economic aid program which continues on no better today than it has been in the past. Because military assistance is involved, I oppose the conference report on S. 2819 reluctantly. I sincerely hope the time may come when the membership will not continue to be faced with the dilemma we face today.

Mr. MORGAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 204, nays 179, not voting 48, as follows:

[Roll No. 6]

YEAS—204

Abzug
Adams
Addabbo
Anderson, Ill.
Anderson, Tenn.
Arends
Ashley
Aspinall
Badillo
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Brademas
Brasco
Brooks
Broomfield
Brotzman
Buchanan
Burke, Mass.
Burton
Byrne, Pa.
Carey, N.Y.
Carney
Celler
Chisholm
Clark
Clay
Collins, Ill.
Conable
Conte
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Dellenback
Dennis
Dent
Dingell
Donohue
Drinan
du Pont
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Flood
Foley
Ford, Gerald R.
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton
Gallagher
Garmatz
Giaimo
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Gubser
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hastings
Hathaway
Hawkins
Hays
Hébert
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Holifield
Horton
Hosmer
Howard
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Kazen
Keating
Kee
Keith
Kluczynski
Koch
Kyl
Kyros
Leggett
Lent
Link
Lloyd
McClory
McCloskey
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
Madden
Mailliard
Mallary
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Morse
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
O'Hara
O'Neill
Patten
Pelly
Perkins
Peyser
Pickle
Pike
Pirnie
Podell
Preyer, N.C.

Price, Ill.
Quie
Railsback
Rangel
Rees
Reid
Reuss
Riegle
Robison, N.Y.
Rodino
Rooney, Pa.
Rosenthal
Roybal
Ryan
Sarbanes
Scheuer
Schneebeli
Schwengel
Seiberling
Smith, Iowa
Smith, N.Y.
Springer
Stanton, James V.
Steele
Steiger, Wis.
Stokes
Stratton
Sullivan
Symington
Teague, Calif.
Thompson, N.J.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Ware
Whalen
Widnall
Wiggins
Wright
Wydler
Yates
Yatron
Young, Tex.
Zablocki

NAYS—179

Abbitt
Abernethy
Abourezk
Anderson, Calif.
Andrews
Archer
Baker
Begich
Belcher
Bennett
Betts
Bevill
Bray
Brinkley
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conyers
Crane
Curlin
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellums
Denholm
Devine
Dickinson
Dow
Dulski
Duncan
Edwards, Ala.
Fisher
Flowers
Fountain
Frey
Fuqua
Gettys
Gibbons
Goldwater
Goodling
Griffin
Gross
Grover
Hagan
Haley
Hall
Hammerschmidt
Harsha
Hechler, W. Va.
Henderson
Hillis
Hogan
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Jonas
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kemp
King
Kuykendall
Landrum
Latta
Long, Md.
Lujan
McClure
McCollister
McMillan
Macdonald, Mass.
Mahon
Mann
Mathis, Ga.
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Mosher
Moss
Myers
Natcher
Nichols
Obey
Passman
Patman
Pettis
Poage
Poff
Powell
Price, Tex.
Pryor, Ark.
Purcell
Quillen
Randall
Rarick
Roberts
Robinson, Va.
Roe
Rogers
Roncalio
Rooney, N.Y.
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Snyder
Spence
Staggers
Steiger, Ariz.
Stubblefield
Stuckey
Talcott
Taylor
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Veysey
Waggonner
Wampler
Whalley
White
Whitehurst
Whitten
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wyatt
Wylie
Wyman
Young, Fla.
Zion
Zwach

NOT VOTING—48

Alexander
Annunzio
Ashbrook
Aspin
Baring
Barrett
Bell
Blackburn
Blanton
Bolling
Bow
Corman
Derwinski
Diggs
Dorn
Dowdy
Downing
Dwyer
Edwards, La.
Eshleman
Evins, Tenn.
Flynt
Ford, William D.
Galifianakis
Gaydos
Green, Oreg.
Harvey
Jacobs
Landgrebe
Lennon
Long, La.
Martin
Mills, Ark.
Nelsen
O'Konski
Pepper
Pucinski
Rhodes
Rostenkowski
St Germain
Sisk
Stanton, J. William
Steed
Stephens
Teague, Tex.
Tiernan
Waldie
Wolff

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Annunzio for, with Mr. Long of Louisiana against.

Mr. Wolff for, with Mr. Baring against.

Mr. Rostenkowski for, with Mr. Dowdy against.

Mr. Teague of Texas for, with Mr. Blanton against.

Mr. Tiernan for, with Mr. Flynt against.

Mr. William D. Ford for, with Mr. Galifianakis against.

Mr. Diggs for, with Mr. Lennon against.

Mr. Sisk for, with Mr. Steed against.

Mr. Barrett for, with Mr. Stephens against.

Mr. Bell for, with Mr. Ashbrook against.

Mrs. Dwyer for, with Mr. Blackburn against.

Mr. Rhodes for, with Mr. Eshleman against.

Mr. J. William Stanton for, with Mr. Landgrebe against.

Mr. Harvey for, with Mr. Martin against.

Mr. Nelsen for, with Mr. O'Konski against.

Mr. St Germain for, with Mr. Dorn against.

Mr. Pucinski for, with Mr. Evins of Tennessee against.

Until further notice:

Mr. Mills of Arkansas with Mr. Bow.

Mr. Aspin with Mr. Derwinski.

Mr. Downing with Mr. Waldie.

Mr. Alexander with Mr. Pucinski.

Mr. Pepper with Mrs. Green of Oregon.

Mr. LONG of Maryland changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ARMY'S POLICY OF ALLOWING PROSTITUTES ON BASES IN VIETNAM

(Mrs. GRASSO asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GRASSO. Mr. Speaker, I was shocked and deeply disappointed to read a published account of the Army's new policy of allowing prostitutes on bases in Vietnam. This demeaning and even sinister action by the Army—promulgated by the desperate attempts of top officers to ease the declining morale of young Americans still at war—is a further reflection of the disastrous policies which have marked our presence in Vietnam.

It would be of far more comfort and solace to our men in Vietnam, as well as to the Nation as a whole, if we at long last terminated our part in the war. Rather than adding insult to injury in the Army's treatment of its men, our policy should finally be reversed from one of moral decay to a policy of moral rejuvenation by bringing American men home—now.

This appalling situation certainly cannot be permitted to continue. Today, I am writing to Secretary of Defense Melvin Laird requesting clarification of the Army's policy.

For the interest of my colleagues, a United Press International article, which appeared in the Hartford Times on January 24, follows:

U.S. ARMY OPENS ITS BASES TO VIETNAMESE PROSTITUTES

QUI NHON, VIETNAM.—The U.S. Army has opened its gates to Vietnamese prostitutes at several bases in South Vietnam and an Army spokesman said such a thing is apparently all right by current regulations.

But, officers said there are considerable security risks and a strong possibility of narcotics smuggling. Many said they support in practice anyway to keep peace within increasingly disgruntled ranks of the Americans still left in Vietnam.

Spokesmen at U.S. Army headquarters in Long Binh outside Saigon said they were unable to say whether the practice is being followed all over Vietnam. However, they did cite a far more restrictive regulation permitting "local national guests" to enter Long Binh itself. That was issued two weeks ago.

So far, the allowing of prostitutes on bases has been limited to bases along South Vietnam's central coast. The gates of military posts in Bin Dinh province 250 miles north east of Saigon, were opened to such "guests" several weeks ago. No one at Qui Nhon is either able or willing to provide a specific date, but the new practice came more than a year after all towns in the area were put off limits to soldiers except on official business.

PROPOSED LEGISLATION TO ALLEVIATE PRESENT SERIOUS NATURAL GAS SUPPLY SHORTAGE

(Mr. COLLINS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Texas. Mr. Speaker, it is good news that the administration has thrown its strength behind H.R. 2513, a bill designed to move the Nation toward alleviation of the present serious natural gas supply shortage.

H.R. 2513 is a bipartisan measure in every sense of the term. It was introduced last year by the gentleman from New York (Mr. MURPHY) with a number of bipartisan sponsors. And now support for the measure has been strongly expressed in reports to the chairman of the Committee on Interstate and Foreign Commerce from key departments of the executive branch.

The Department of the Interior sees H.R. 2513 as "an important step to alleviating the current natural gas shortage facing the Nation, and, just as important, helping to prevent this situation from occurring again."

The Department of Commerce supports H.R. 2513 "as a bipartisan step toward restoring the economics of natural gas supply to a viable state within the present system of regulation." Such legislation, says the Department's report, "will contribute significantly to correction of the present gas shortage and attendant misallocation of energy resources."

A report by the Office of Management and Budget fully concurs in the views expressed by the Interior and Commerce Departments. It further recommends favorable consideration by Congress of H.R. 2513 as being "consistent with the administration's objectives."

Mr. Speaker, the gas supply shortage has developed because gas producers and investors have lost much of their economic incentive to search for and develop new reserves.

"Lost" is perhaps the wrong word. In fact, this incentive has been taken from them by Federal regulatory policies.

These policies not only have held the price of gas destined for interstate movement to an artificially low level, they also have created an atmosphere of paralyzing uncertainty by denying the producer assurance that the terms of his contract with an interstate pipeline, even though they have received Commission approval, will remain in effect for the duration of the contract.

Natural gas sales contracts between producers and interstate pipelines are literally without validity. Provisions governing the price paid to the producer for his gas, the amount of gas he must deliver, and the period of time during which he must continue to make deliveries, although once approved, can be changed by subsequent order of the Commission—can be and have been.

Under these circumstances, it is inevitable that gas producers and investors should be hesitant to undertake the costly and hazardous business of searching for new gas fields. This is the slowdown that has contributed to the present shortage.

H.R. 2513 offers Congress the opportunity to take an important step toward removing some of the elements of uncertainty which now hamper the gas producer.

H.R. 2513 does not propose decontrol of gas production. Under its provisions, all major new sales contracts between interstate producers and pipelines must continue to be submitted to the Federal Power Commission. The Commission can approve a contract as submitted, approve it subject to stated conditions, or disapprove it.

The bill provides that once the Commission has approved a contract covering new gas production, the terms, conditions, and rate levels of that contract become firm and final. This sanctity of contract provision is the basic element of H.R. 2513.

The bill exempts from Commission control small new producer contracts which call for delivery of 10,000 mcf per day or less. This provision, by substantially cutting down the Commission's workload, would help to expedite action of the major contracts submitted to it.

H.R. 2513 does away with the utility-type cost-of-service method of determining producer prices for what is in reality a commodity. Instead, the Commission would be required to give consideration to present and future supplies and rate levels necessary to elicit supplies sufficient to meet requirements. Other relevant cost and economic trends also would enter into price determinations.

Comprehensive hearings on H.R. 2513 were held in September by the Communications and Power Subcommittee of the House Committee on Interstate and Foreign Commerce. Witnesses, including representatives from all segments of the gas industry, Federal and State regulatory agencies, the financial community, and labor endorsed H.R. 2513. Their testimony showed beyond any doubt that the gas supply shortage exists now and is extremely serious.

Mr. Speaker, I am pleased that the administration is supporting this wise and necessary legislation. Its enactment by Congress will at least advance us toward the beginning of a solution to a grave national problem. We need to make this beginning as soon as possible.

Enactment of H.R. 2513 should be given a high priority in the business of this session of Congress.

LOS ANGELES COUNTY SUPERVISORS OPT FOR CLEAN AIR

(Mr. REES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. REES. Mr. Speaker, on January 13 and 14 of this year a western White House Conference on air pollution was held at San Clemente, Calif. At this closed-door 2-day meeting, representatives of the automotive industry and some—but not all—manufacturers of pollution abatement devices concluded that it will not be possible to meet the standards for clean air this body mandated when we passed the Clean Air Act Amendments of 1970. As a consequence of the importunings of the automotive industry, the suggestion was made that the California congressional delegation take a "new look" at the standards with a view toward relaxing them.

I oppose such a proposal. My 11 years of experience in the California Legislature as principal author of most of the air pollution legislation has taught me that the response of the automotive industry to national health and welfare is characterized by recalcitrance and plain old-fashioned foot dragging. That, I fear, is the case today. One of the major auto manufacturers has already petitioned the Environmental Protection Agency for a 1-year postponement of the 1975 emissions standards.

These, as you know, form the threshold from which we can look forward to a measurable improvement in the air we breathe; and this, of course, is of paramount concern to those of us in the Los Angeles basin. We have had to live longer than anyone else with the problems of dirty air and the fact that auto makers have literally flaunted their reluctance to improve the atmospheric pollution they created. This, to put it charitably, is hardly in keeping with the "can do" philosophy that these enterprises loudly proclaim when it comes to bigger engines, costly but frivolous extras, and all the other minutiae that consume millions in advertising dollars.

It was General Motors that asked a year's grace in a letter to the EPA dated January 12. I am happy to note that EPA Administrator William D. Ruckelshaus, by letter dated January 19, and in a news conference, rejected this plea. Nevertheless the door has been left open for General Motors to apply again.

It is apparent to those of us who have devoted a great deal of time and effort to this problem that the automotive industry is using the closed-door meeting at San Clemente and the recent semiannual report of the National Academy of Science to the EPA to launch an all-out effort to at least delay, if not try to cancel altogether, its obligation toward a cleaner environment. Although, at the San Clemente conference, the Los Angeles County air pollution control officer was quoted as saying that—

> The Federal emissions standards were impossible to achieve and not substantiated by the best health data.

His position is countered by his own governing board, the Los Angeles County Board of Supervisors.

On January 20, 1972, after the San Clemente conference, the Los Angeles County Board of Supervisors unanimously adopted the following resolution which asked that the recommendation of the Committee on Motor Vehicle Emissions of the National Academy of Sciences should be rejected and that any request by the automobile manufacturers for a 1-year suspension of the 1975 vehicle emissions standards under the Clean Air Act be denied by the Administrator of the Environmental Protection Agency:

> On motion of Supervisor Hahn, unanimously carried, the following resolution was adopted:
>
> Whereas, air pollution has been defiling the environment of Los Angeles County for more than 25 years and still lingers as a most urgent and sensitive problem; and
>
> Whereas, the Board of Supervisors is responsible for the health and welfare of over seven million residents of Los Angeles County; and
>
> Whereas, medical science has accumulated epidemiological, experimental, and clinical evidence that levels of air pollution in Los Angeles County affect significantly the breathing of normal subjects during high exposure periods and constitute a hazard to the health and welfare of the people in the County, and
>
> Whereas, the Los Angeles County Medical Association has affirmed repeatedly that air pollution constitutes a hazard to the health of persons living in this County and, because of air pollution, a comprehensive School and Health Smog Warning System has been implemented by this Board of Supervisors, in accordance with the county medical association's recommendations, to protect the health of the students and people of this County; and
>
> Whereas, the Federal air quality standards are exceeded for nitrogen dioxide and hydrocarbons in Los Angeles County, and the standard for photochemical oxidant is exceeded on 250 days per year (and every day in the summertime), and in addition the standards for carbon monoxide are exceeded on 200 days per year; and
>
> Whereas, virtually the only contaminants for which air quality standards are often exceeded are those emitted by motor vehicles, or created by photochemical reactions of contaminants emitted by motor vehicles; and
>
> Whereas, these motor vehicles emissions will prevent Los Angeles County from complying with the Federal air quality standards by 1975, as required by the Clean Air Act; and

Whereas, further delays in compliance with 1975 vehicular emission standards will delay still further the date when compliance with the air quality standards can be attained; and

Whereas, such further delay will subject the residents of Los Angeles County to additional exposure to these harmful contaminants; and

Whereas, this Board of Supervisors as the Air Pollution Control Board of the Los Angeles County Air Pollution Control District has enacted and enforced the most stringent Rules and Regulations for stationary sources in effect anywhere in the world; and

Whereas, local agencies have no jurisdiction over control of vehicular emissions and are restricted to control of stationary sources; and

Whereas, emissions from stationary sources under this program are now more than 80% controlled; and

Whereas, emissions from motor vehicles contribute more than 90% of the total pollution in this County and constitute its only inadequately controlled source of emissions; and

Whereas, this Board of Supervisors has, since 1953, by repeated communications, strongly informed and constantly reminded the automobile manufacturers of the urgent need to control motor vehicle emissions at the earliest possible date; and

Whereas, the automobile manufacturers, through procrastination, agreement, and other dilatory tactics, have failed and refused to comply with emission standards except when they were forced to do so; and

Whereas, the Committee on Motor Vehicle Emissions of the National Academy of Sciences has recommended to the Environmental Protection Agency that enforcement of the requirements of the Clean Air Act for 1975 vehicles be deferred until 1976,

Now, therefore, be it resolved that the recommendation of the Committee on Motor Vehicle Emissions of the National Academy of Sciences should be rejected, and that any request by any automobile manufacturer for a one-year suspension of the 1975 Vehicle Emission Standards under the Clean Air Act be denied by the Administrator of the Environmental Protection Agency; and

Be it further resolved that any program, procedure, or attempt to delay effective control of exhaust emissions from motor vehicles is unacceptable to the County of Los Angeles; and

Be it further resolved that copies of this resolution shall be sent to the President, each member of Congress from California, and to the Administrator of the Environmental Protection Agency.

While the National Academy's report did indicate that a year's delay may be necessary, it is important to note that the Environmental Protection Agency—in its response to the publication of this document—read the fine print, so to speak, and concluded that—

> The achievement of the 1975 automotive emission standards remains a distinct possibility.

EPA also called attention to the observation by the National Academy that—

> The Clean Air Act Amendments of 1970 have had the effect of accelerating progress by automobile manufacturers in emission control.

In fact, the National Academy's report makes it quite clear that whatever progress we have had or will get in abating automotive air pollution will result directly from such far-reaching legislation as the Clean Air Act. Here is exactly what the Academy said on page 10 of its report:

> As a result of the Federal Emission Control Program, commencing in 1968, considerable emission control on new vehicles has already been achieved by engine modifications and improvements in engine design. It is unfortunate that the automobile industry did not seriously undertake such a program on its own volition until subject to this governmental pressure and general recognition of the role of automobile emissions in the generation of smog in California. This long lag period together with the growth in automobile sales gave rise to the sense of urgency expressed in the Clean Air Act Amendments.

Now I, for one, am unwilling to excuse the automotive manufacturers from an obligation that they incurred. I do not want to take a "new look" at the Clean Air Act of 1970. Rather, I want the automotive industry to take a "new look" at their obligation to clean up the air their vehicles pollute. For the industry to do less is to render another in a long list of disservices—such as we have also seen in the area of auto safety—that require legislative redress. With regard to the growth of sales that the National Academy referred to, I should like to point out that the auto industry is remarkably shortsighted if it expects to continue to enjoy such growth without a concurrent commitment to health and welfare. Even now plans are on drawing boards to limit automotive traffic in larger cities and urban areas. In other words, if the automotive industry is unwilling to clean up its cars, it may well be confronted with a shrinking market for them and all that this implies for their workers, their investors, and our economy.

Therefore, Mr. Speaker, I would like to call your attention and that of our colleagues to the hearings that the able Member from Florida (Mr. ROGERS) will conduct Wednesday and Thursday. In a similar vein, the able Senator from Maine, Mr. MUSKIE, plans oversight hearings on the Clean Air Act amendment early next month. Clearly, we are at a critical point in time as far as clean air is concerned, and it is within this framework that we must judge the extent to which the industry is willing to discharge its obligations toward the creation of a healthy environment in the years immediately before us. The hearings here and in the other body will give us an opportunity to learn firsthand if the automotive industry is willing to join with us in cleaning up the air, or if it will continue to insist that we take a new look at a law whose intent they have barely considered.

THE LATE HONORABLE GEORGE W. ANDREWS

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. JONES) is recognized for 1 hour.

Mr. JONES of Alabama. Mr. Speaker, recently it was my sad duty to announce to the House that our beloved colleague and dear friend, GEORGE WILLIAM ANDREWS, of the Third District of Alabama, passed away on December 25, 1971.

GEORGE ANDREWS, the dean of the Alabama delegation in the House, had served in the Congress for nearly 28 years and was a ranking member of the Appropriations Committee where he engaged his keen intellect to the service of his country as a champion of fiscal responsibility in Government.

His open and friendly manner with his colleagues won him countless friends from every section of the Nation. His wit and intelligence were well known. I fully expect him to be in the cloakroom of Heaven on vigil for you and for me and others of his esteemed colleagues.

As dean of the Alabama delegation, GEORGE ANDREW was held in particular regard and affection by all Members from our State on both sides of the aisle. We counted on his experience and knowledge for guidance in many affairs.

GEORGE ANDREWS was a particularly noted authority on the legislative branch of the Government and exercised his considerable knowledge in this area as chairman of the Subcommittee on Legislative Appropriations.

His great compassion and his skills as a legislator were outstanding.

He was held in unusually high regard by the people of the district he represented. He was first elected to the Congress in absentia while serving in the Pacific in the Navy during World War II. His subsequent elections were without serious challenge.

GEORGE was truly dedicated. He had a well-deserved reputation for always being on the job and for getting results. He was always available and anxious to be of aid to any request which came to his office.

His service extended well beyond the district he represented. He was well known in all parts of the State for his help in guiding requests for funding through the appropriations process. He never limited his interest to the boundaries of the district he represented.

GEORGE ANDREWS was a willing and sympathetic listener to petitions for proper funding of programs to build and strengthen this Nation. He was especially well known for advancing programs to enhance the internal development of the country and provide for a strong defense effort.

Our Republic has lost a dedicated, skillful, and successful statesman.

He will long be remembered for the high mark his service has left in our State and Nation. His loss will be long felt.

More than that, I have lost a warm, considerate friend.

To his wife, Elizabeth, and to his two children, Jane and George, I extend my most heartfelt sympathy.

Mr. SIKES. Mr. Speaker, will my distinguished friend, the gentleman from Alabama yield?

Mr. JONES of Alabama. I yield to the distinguished gentleman from Florida.

Mr. SIKES. Mr. Speaker, I am most grateful to my friend, the gentleman from Alabama, for sharing this time with me.

Mr. Speaker, in the death of the late Honorable GEORGE ANDREWS, the Nation has lost one of its ablest and most dedicated Congressmen and Alabama has lost one of its most outstanding sons. I knew him very well and counted him one of my dearest friends. It was with sorrow and shock that I learned of his passing. I was very close to him for many years. He came to Congress very soon after I did and we quickly formed a warm and close friendship and we worked constantly together on matters of mutual interest to our respective States and to our Nation. The fact that our districts adjoin and have many common interests provided an additional tie. Our work on the Committee on Appropriations and particularly on the Defense Subcommittee brought us in daily contact. He was one of the most outspoken in Congress for a strong and adequate national defense, for improvements to our Nation's waterways and ports, and for economy in Government. I recall very well the great contributions he made to the Chattahoochee-Flint-Apalachicola waterways system. It was he more than any other who made possible the dam at Columbia, Ala., which is an essential part of that waterway system. I remarked at the time of its dedication that it should bear the name of George Andrews and I am glad again to join in the proposal that this designation be made as a further token of respect and appreciation for his efforts and achievements.

George Andrews was a native son of Alabama. After receiving his law degree in 1928 and beginning his practice in Union Springs, Ala., Representative Andrews served as circuit solicitor for the Third Judicial Circuit of Alabama from 1931 to 1943, and as a lieutenant in the Naval Reserves at Pearl Harbor until his election to the 78th Congress in 1944.

He was a true and proud son of the South who served his district, his party, his State, and the Nation faithfully and well. In him we have lost a great orator, a loyal friend, an outstanding statesman, and a fine human being.

By virtue of long and able service in the House, he was one of the senior Members of Congress and of the House Appropriations Committee, and because of his work he was a valued and respected member of the committee and of the Congress.

George Andrews was outspoken and courageous in his work. His strong voice made him a man to be listened to and respected. This veteran lawmaker who left a lasting imprint on the work of the Congress is not a man to be easily replaced. During his lifetime of public service, he set an example of patriotism and dedication that will be remembered with respect and admiration by all who knew him. Few men have contributed more toward the building of the strong national defense forces that have made America the shield of the free world, or toward eliminating waste and mismanagement in the Federal Government. He will be sorely missed. His passing leaves a great void in the work for good government.

Mrs. Sikes and I have spent many happy hours with George and his beloved wife, Elizabeth. To Mrs. Andrews and to their son, George, and their daughter, Jane, and to all other members of the family, we extend our deep and earnest sympathy in their great bereavement.

Mr. JONES of Alabama. Mr. Speaker, at this time I yield to the gentleman from Alabama (Mr. Nichols).

Mr. NICHOLS. Mr. Speaker, this is indeed a sad occasion as I join with other members of our Alabama delegation and respected colleagues to mourn the passing of the dean of our Alabama delegation, George Andrews.

His 28 years of outstanding service to his State and his country was recognized and appreciated by his constituents and they returned him to speak for them for 14 consecutive terms in the U.S. Congress, usually without opposition.

This service in the Congress was characterized by his dedication to the task of honorably representing his district. He loved Alabama and her people and spent much time in response to his constituents who had entrusted the affairs of this office to him.

His service to America as a ranking member of the House Committee on Appropriations is well documented both in the committee record and in his strong arguments in the well of this House. He was a recognized champion of conservative government and his leadership was constantly sought to eliminate waste in Federal spending.

His long service in the Congress was further highlighted by his love for his country and his dedication toward maintaining a strong defense was always in evidence in his forceful speeches in the well of this House.

George Andrews was a true friend of the U.S. servicemen, having been elected to Congress in 1944 while serving as a naval officer in the Pacific in World War II. In numerous speeches before the Congress, he vigorously campaigned against a "no-win policy" in Southeast Asia and I predict that history will record the wisdom of his arguments.

It was my great privilege to serve with my respected friend, George Andrews, for some 5 years and I shall always remember how helpful he was to me as a new Member. In memory's eye, I go back to my visit in his home in Union Springs, Ala., following my election to his body. I well recall the sound advice he gave me on matters relating to office staff and committee assignments. He invited me to join him and Mrs. Andrews for lunch in his lovely home, exemplifying his cordial Southern hospitality so dominant in his native Bullock County, Ala.

Congressman Andrews maintained a deep and abiding love for his family. He especially enjoyed his visits with his daughter in North Carolina and often expressed to those in the Alabama delegation his hopes that he might return home and practice law with his son, George Andrews, Jr.

His untimely passing is a personal loss to this Member for our dean was always available to help in congressional duties. His death leaves a void in leadership and representation in the U.S. Congress, for George Andrews was a statesman in every sense of the word.

I wish to express my deepest sympathy to Mrs. Andrews, his devoted wife; to Jane, his lovely daughter; and to George, Jr., his son and namesake.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from Alabama (Mr. Dickinson).

Mr. DICKINSON. I thank the gentleman very much.

Mr. Speaker, 1 month ago today—on Christmas Day—the people of the Third District of Alabama lost the services of an able Congressman in the death of Representative George Andrews.

The dean of Alabama's congressional delegation was a Member of this body for almost three decades. He was elected to the 78th Congress on March 14, 1944; reelected to 14 succeeding Congresses.

For over 18 years he was my personal Congressman. Before I moved to Montgomery, Ala., I lived at Opelika, and he served us well. I worked for him. I was a Democrat at the time. I worked for him in his campaign.

I know of no man who stood higher in the esteem of the people of Alabama than did George Andrews.

When I decided to run for Congress I talked with him, even though I was running as a Republican at the time. I sought his advice and counsel.

Mr. Andrews was an influential, respected, and most effective Member of the House of Representatives. He was third ranking member of the Appropriations Committee where he served as chairman, Legislative Subcommittee, in addition to sitting on the Department of Defense Subcommittee and the Public Works Subcommittee.

Mr. Speaker, George Andrews will be sorely missed by his colleagues in this Chamber for he was a man of wit and charm; he was intelligent, personable and generous; but more important, he was always a true southern gentleman—a man of character.

Because George Andrews did his job well and with a minimum of fanfare, it is more fitting that we remember him today for those good works. He did a good job for his district, State, and Nation. Now, he is missed by his loved ones and many friends. But, his achievements will endure and his accomplishments are a living memorial to a man who worked long and hard for the people he represented.

I feel a very deep personal loss in the death of George. I should like to extend my sympathy to his lovely wife and most gracious lady Elizabeth, and to his family, and I wish to join with all of those assembled in the Chamber today in saying we are the losers for George's having gone to his ultimate reward. We miss him, and we certainly want to offer our condolences to his family.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from Texas (Mr. Mahon).

Mr. MAHON. Mr. Speaker, joyous occasions are not infrequently edged with sadness. Christmas Day, 1971, was such an occasion when word came of the passing of our late distinguished and beloved colleague, George Andrews.

Today, the Subcommittee on Defense Appropriations convened for the first hearing of the second session of the 92d Congress. Those of us on the Defense Subcommittee left vacant the chair which had been occupied for so many years by George Andrews. It was a sad experience to miss this devoted man and to see his chair vacant today.

George Andrews was one of the most beloved Members ever to serve in the House of Representatives and for an abundance of good reasons. He combined great compassion for his fellow man with strong convictions about what he thought was right for America. Rugged devotion to God and country was his path through thick and thin. He was by every measure as solid as a rock, as dependable as the changing of the tide, a champion of the old-fashioned and unchanging virtues of self-reliance and discipline and restraint.

The Apostle Paul observed that it is required of stewards that they be found faithful. He measured up. His contributions to the Nation's best interests will stand with time. They were considerable, for he was a man of great ability and dedication. He was a leading light for a strong national defense, believing that survival is our first national priority. George Andrews thought the preservation and the survival of the country was the most important thing, just as some of the rest of us think. He was so happy to make his contribution in this field. His contribution over the years was tremendous.

He served with high distinction and perseverance and persuasively on a number of subcommittees of the Committee on Appropriations for a quarter of a century, ranking third in tenure on the committee at the time of his untimely passing. He served a number of years on the Independent Offices Subcommittee and as chairman of the Subcommittee on Commerce and General Governmental Matters and chairman of the Subcommittee on Legislative Appropriations.

I have not the slightest doubt that he lost many a night's rest tossing and turning over the tide of national events. He held deeply to the conviction that the Nation was heading for troubled waters because of its unbridled appetite for spending beyond sustainable levels and the relentless pervasiveness of central government.

Yes, Mr. Speaker, George Andrews will be missed for added reasons. A peerless storyteller and homespun philosopher, he kept his perspective and good humor—and I suspect helped many others to do so—by telling a timely anecdote or story. He was blessed with an abundance of personal warmth and charm and kindness, affable on even the most serious occasions.

It is so tragic that we have lost his counsel, his advice, and his good humor. However, we can remember the principles which dominated his life, wherein he tried to make ours better. We can try to carry on the work of preserving and upholding the strength and dignity of this Nation which was so close to his heart.

He was my good and always helpful friend, a pillar of strength, a soldier in the ranks.

We shall all miss him greatly in the days to come. So, Mr. Speaker, my wife and I join all the friends of George Andrews here today in these words of praise and sympathy and recognition, and with words of sympathy to Elizabeth, his wife, and to his two children.

May the Lord bless his memory.

I thank the gentleman from Alabama for yielding to me.

Mr. Speaker, a very close personal friendship existed between our late friend George Andrews and Adm. Hyman Rickover, the world-famous spokesman for a nuclear navy. Admiral Rickover has requested that I place in the Record this letter to me in regard to his late-departed friend, George Andrews:

Atomic Energy Commission,
Washington, D.C., January 24, 1972.

Hon. George H. Mahon,
Chairman, House Committee on Appropriations.

Dear Mr. Mahon: It is my understanding that members of the House of Representatives are planning to include in the Record comments concerning the distinguished service Congressman George W. Andrews gave his country during his 28 years as a member of the House. If it is appropriate, I would appreciate it greatly if you could include this letter.

I have known and respected Congressman Andrews for more than 25 years, and it is with deep sorrow that I learned of his death. All of us in the naval program who have been in any way associated with him, as well as many others, have reason to regret his death.

Over the many years that I have been responsible for the Navy's nuclear propulsion program, my respect for this distinguished American has continuously grown. He was always available when I asked to visit with him. No matter how pressed he was for time he befriended and helped me. It was a comfort to be able to go to him for his wisdom, his objectivity, and his kindly advice. I am proud to have been associated with so fine a gentleman and patriot who did such honor to his country and to his state.

I speak from personal experience when I say that the support he unfailingly gave as a member of the House Appropriations Committee contributed immeasurably to our nuclear Navy—which is today a major factor in preserving peace. He was a wise man, a good friend; kind and warmhearted. His accomplishments will be better understood in the future.

As you know, I have the deepest respect for and faith in our Congress and the democratic principles upon which it is based. In testimony before committees of Congress I have frequently expressed concern over the continuous erosion of the power and authority of the Legislative Branch that has taken place in recent years. Congressman Andrews, through his position on the House Appropriations Committee, was one of those who consistently spoke and fought for what he believed to be right. It is only through the intelligent efforts of men such as he that our form of government will be preserved.

I sincerely regret his death. I can only hope that others who follow him will by his example guide their own efforts in strengthening the Legislative Branch—the only way to ensure that sovereignty continues to reside in our people.

Expressions of condolence always sound hollow and inadequate. But Congressman Andrews was so unusual a man in every respect that I can't help writing to say that I feel his death as a personal loss.

Respectfully,

H. G. Rickover.

Mr. JONES of Alabama. I now yield to the distinguished Speaker of the House.

Mr. ALBERT. Mr. Speaker, it was a sad Christmas morning last month when our former colleague, Armistead Selden, called me to advise me that our distinguished friend and colleague George Andrews had died in Birmingham. It was a shock to me and it was a loss to this country and to this House.

When I first came to Congress in 1947, George was already a hard-working respected Member, and I have relied heavily on his judgment and friendship through all the years since. George Andrews was a member of the powerful Appropriations Committee from the beginning of his career in the House in March of 1944, and it was as the third-ranking member of the committee that he earned his reputation as a great public servant. Respect for George Andrews extended far beyond the House Chamber, and all of official Washington knew him as a man of principle, responsibility, and commonsense. He believed in a strong national defense, and he was a potent advocate of sound fiscal policy for the Nation. Both as dean of the Alabama congressional delegation and as a knowledgeable, hard-working fiscal watchdog, George Andrews was one of the most influential men in the U.S. Congress.

As is true with every successful Congressman, George's first love was his country and the people he represented for 28 years. His roots were in the community, and his dedication to his duties sprang from his deep concern for the welfare of the Third Congressional District of Alabama. He was elected to Congress while still serving in the U.S. Navy. But George's election in absentia was no surprise, for he had served the people of his part of Alabama as circuit solicitor since 1931 until answering his country's call to duty in World War II.

George Andrews thus devoted 40 years of unbroken service to the people of Alabama and America. He will be missed. His wisdom, eloquence, humor, and friendship were deeply important to the entire House of Representatives. My sympathy goes out to his wife Elizabeth and to his son and daughter. The loss is one we share with them. May the knowledge that George Andrews will be remembered for his exemplary public service and his great personal contribution to America sustain them in their grief.

Mr. JONES of Alabama. I thank the distinguished Speaker for those kind remarks.

Mr. BEVILL. Mr. Speaker, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from Alabama (Mr. Bevill).

Mr. BEVILL. Mr. Speaker, it is with considerable sorrow and a sense of personal grief that I join with my colleagues in the House today in paying tribute to the memory of our beloved colleague, George W. Andrews, who passed away recently.

George Andrews was many things—husband, father, lawyer, legislator, expert in finance—and everything he did, he did well.

At the time of his death he was a veteran of 28 years' service in the House and third-ranking member of the Appropriations Committee. No Member of the House, to my knowledge, had more friends than he; and no wonder, for he was, indeed, an honorable and good man.

George Andrews received his law degree from the University of Alabama and practiced law in Union Springs. When America entered the Second World War, he received a commission in the Naval Reserve and served at Pearl Harbor until elected to the 78th Congress, in 1944. He was reelected 13 times without a defeat.

As a Member of the House, George Andrews supported fiscal responsibility in Government and strength in national defense. He was an ardent defender of our vital defense programs against the arguments of those who sought to compromise the military posture of the country in the name of economy.

As dean of the Alabama delegation, chairman of the Legislative Subcommittee of the Appropriations Committee, and a member of the Department of Defense and Public Works Subcommittees, he had considerable prestige, in addition to ability, and his counsel and advice were sought by Members on both sides of the aisle.

I would like at this time to express my high regard for the memory of this most remarkable man, and to extend my deepest sympathy to his wife and family.

In the death of George W. Andrews, the country has sustained a tragic loss.

Mr. JONES of Alabama. I thank my colleague from Alabama for his kind remarks.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. JONES of Alabama. I yield to my colleague from Alabama.

Mr. EDWARDS of Alabama. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I join with my colleagues in the House today in paying tribute to the life and service of Congressman George William Andrews, of Alabama.

Among those who knew him well, and I consider myself fortunate to be included in this group, he elicited a deep and continuing friendship. These friendships were marked by great warmth and loyalty which transcended differences in age and political affiliation.

The beloved dean of the Alabama congressional delegation was a most worthy advocate—dedicated, energetic—committing all of his strength to the end of achieving the objectives which he had concluded were for the good of his Third District, Alabama, and the Nation.

When I first came to Congress, George was always available for advice and, through the following years as senior member of our delegation, he was a constant source of strength for all of us.

Especially this was true for me as I was privileged to serve with him on the House Appropriations Committee where he was the third-ranking member.

Representative Andrews always supported fiscal responsibility in government and strength in national defense as he worked for his country while serving as chairman of the Legislative Subcommittee and as a member of the Subcommittees for the Department of Defense and Public Works of the Appropriations Committee.

Our good friend will long be remembered for his energy, devotion, entertaining personality, and booming voice that always brought respect and an attentive ear. We will long cherish and remember his many stories and anecdotes about life and history for these brought so much pleasure to so many.

He was born in Clayton, Ala., on December 12, 1906, and he received his law degree from the University of Alabama in 1928. Soon thereafter he entered the practice of law in Union Springs, Ala.

Prior to his distinguished career of 28 years in the House of Representatives, Mr. Andrews served as circuit solicitor for the Third Judicial Circuit of Alabama from 1931 to 1943.

In World War II, he served as a lieutenant junior grade in the Naval Reserve at Pearl Harbor until his election to the 78th Congress. His election to Congress was quite a tribute to his character and record as a young man for he was elected while still serving his people in the U.S. Navy.

Mr. Speaker, it was with deep personal sadness that my wife, Jolane, and I learned of the tragic and sudden loss of our esteemed friend. We will miss him greatly, as will his lovely wife, Elizabeth Bullock Andrews; his son, Navy Lt. George W. Andrews, Jr.; his daughter, Mrs. Thomas Martin Hinds; his grandchildren and his many, many friends and admirers.

At this time, Mr. Speaker, I would like to include in this Record the following editorial which was published in the December 30, 1971, edition of the Mobile Register:

Congressman Andrews

Not the people of his own Third District alone, but all Alabamians have lost the services of an able congressman in the death of Rep. George W. Andrews.

First elected in March 1944, Mr. Andrews served in the U.S. House for almost three decades.

More unassuming than conspicuous throughout his congressional career, he became an influential and effective member of the House. Dean of the Alabama delegation in the House, he was third ranking member of the Appropriation Committee and was one of three congressmen to serve on three major appropriations subcommittees—defense, public works and legislative.

He did a good job for his district, state and nation with a minimum of fanfare.

Mr. JONES of Alabama. Mr. Speaker, I now yield to our distinguished majority leader, the gentleman from Louisiana (Mr. Boggs).

Mr. BOGGS. Mr. Speaker, there is little that I can add to the beautiful tributes which have been paid to one of our very distinguished Members, the late George Andrews from the great State of Alabama.

I know of no man who has commanded more affection among his colleagues than George Andrews. There is a reason for that, and it is not hard to explain. First, all of us respected his sense of dedication, his loyalty, his devotion to his district, his State and his country. I might say that I as well as anyone knew how very diligently he labored as a representative of the people. He came to the sessions of the House early, and he stayed until they were concluded, so he probably knew more Members well and intimately than any other Member.

Among his other attributes was his keen sense of humor. He was able, even in the most stressful situations, to see a bit of comedy in events, and oftentimes relieved tensions by recounting a story, usually about his days as a young lawyer in Alabama.

God in his wisdom takes us at his will and one never knows why or how. It is always difficult when a man as healthy and active as George was to be suddenly called away.

Every now and then he used to talk about retirement, but I do not really believe he was serious about it.

I had the sad duty to attend his funeral in his home city in Alabama on that beautiful December day. I went to his home and spoke with his lovely wife, Elizabeth, and his son and daughter. I was deeply moved by that magnificent and beautiful Alabama countryside where he had built his home. How nice it would have been had he been able to spend some of the later years of his life there. Yet, knowing our colleague, I think he was happier in the middle of the conflict serving his people, his country, and his State.

So we have indeed, Mr. Speaker, lost one of our ablest colleagues. He shall indeed live in the hearts and minds of all of us who have been privileged to have known him and loved him.

My wife was particularly close to his wife, Elizabeth. We feel we have not only lost a colleague but we have lost a very, very dear friend, almost a member of the family. To his family, my family expresses our deepest sorrow and condolence.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from Alabama (Mr. Flowers).

Mr. FLOWERS. Mr. Speaker, I deeply regret the occasion for today's tribute to our departed colleague George Andrews.

We all regret this just as I do because we have lost a dear and treasured friend—all of us.

It was my good fortune to know him well these last 3 years since I have had the privilege of serving in the Congress.

It was my misfortune and my personal loss that I did not have the opportunity of knowing him a whole lot longer. He and his wonderful wife, Elizabeth, have befriended me and helped me in more ways than I could ever say.

George Andrews was a man who always made you feel better just to be around. He had a great capacity for love and friendship and good humor. He was a great and distinguished Member of this body for many years and will be sorely missed.

In Alabama he was widely known and loved as has already been shown. He believed in his State and he believed in his Nation. He believed a strong America was essential to order in this world that we all live in. George Andrews had strong convictions and was unwavering in those convictions. He was indeed what you could term a great American patriot. In addition, he was a rare and warm human being and a great friend to more people than almost anyone I have ever known.

We have all heard the saying—"They do not make them like that any more." I am not sure about that, Mr. Speaker, but I am sure that they do not make enough of them like George Andrews.

To his lovely lady, Elizabeth, and to his children and grandchildren and other loved ones, I would extend my deepest sympathy. We will all miss him deeply.

Mr. JONES of Alabama. Mr. Speaker, I yield to my colleague, the gentleman from Alabama (Mr. Buchanan).

Mr. BUCHANAN. Mr. Speaker, as the tributes of the Members here today have indicated, the loss sustained by the family of the late dean of the Alabama delegation, George Andrews, is shared by his colleagues here in the Congress and by the people throughout his beloved State of Alabama.

His service, his influence and his reputation went far beyond the bounds of his own congressional district. He was loved, respected and cherished by people throughout our State for his eloquence, his humor, his devotion to the people, his deep sense of patriotism, his responsible concern for the welfare of his country and for the service that he rendered not just to his own district but to his State and his country as well.

Within the last year of his life he rendered great service to the people of my city, of our State, and of our entire region in the work he did and the influence he extended toward the future funding of the Lurleen Wallace Memorial Cancer Institute in my city—but one example of many such acts of service to the people that mark the life of his legislative career.

To his family, on behalf of many of the people of my congressional district as well as my own family, I would express our heartfelt sympathy and our deep gratitude for the life of our distinguished former colleague.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from New York (Mr. Rooney).

Mr. ROONEY of New York. Mr. Speaker, I was deeply shocked and profoundly saddened to learn of the passing of the Honorable George W. Andrews, a longtime colleague and friend. George and I came to the House of Representatives in the same year; in fact, he preceded me in taking the oath of office by just 2 months. For most of the subsequent 15 terms that he so ably served here, we were together on the House Committee on Appropriations and over those years there were few if any who surpassed George Andrews in ability, hard work, and devotion to ideals. He was a man of conviction, a man of honor, a man to whom all who knew him willingly gave admiration, respect and friendship. He was a man I was proud to call a colleague and above all a friend. We spent many a pleasant hour together over the many years and sometimes even discussed his home town of Union Springs, Ala. My longtime secretary, the late George Buchheister, was married to a girl from Union Springs whose father, the late Henry Steagall, was George's predecessor here in the House of Representatives.

Mr. Speaker, George Andrews was a warm, wonderful man and we shall all miss him dearly. To his lovely wife Elizabeth and his family I extend the Rooney's deepest sympathy on their great loss.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from Mississippi (Mr. Whitten).

Mr. WHITTEN. I thank my colleague from Alabama, and wish to join at this time in the words that have been spoken here today.

Most of us feel so deeply in this instance that it is hard to put into words just how close and how dear George Andrews was to so many of us.

It was my privilege to serve in a seat beside him in the Committee on Appropriations. I left that seat a few moments ago while the committee was conducting defense appropriation hearings. To know a fellow all day long nearly every day in the year, or a big part of the year, is to know his character, and there never was a moment that the wonderful character of George Andrews was not clearly to be seen.

We have been hearing the wonderful qualities he had for leadership, as a husband, and as a father, and as an outstanding Alabamian in the field of public service. But beneath it all and with it all, he was a great man.

It has been said that those who leave us here in the Congress frequently are those whom we can least afford to give up. With George Andrews' untimely passing, we are losing one of the stronger voices in what he believed to be right—and many of us agreed with him.

One thing that he had that everybody does not have was the attribute that one never had to wonder where George stood. He let you know. Most of the time he was on the cooperative side with the powers that be in trying to make this country run. But when he was not, he made his position known, too.

I was in the committee some years ago when a chairman of the Committee on Appropriations and the ranking Republican member took George Andrews on, because that is the way it was. There was a project in Alabama that George believed in and had worked for, and it was opposed by the leaders on the Appropriations Committee of both parties.

George upset those leaders and won that victory by 18 to 17. There were not many of us who knew anything about the project except that George Andrews said it was right, and the majority of that committee voted with him against the leadership of both sides.

I am glad to know, as I mentioned earlier, that my colleague, the gentleman from Alabama, who has the floor today is sponsoring along with his colleagues, including me, the naming of this dam, which was such a signal victory, one of many for George W. Andrews.

To his wife, Elizabeth, and George, Jr., destined to be one of the fine young lawyers of Alabama, now in the Navy as was his father, and to his daughter, Jane, and the rest of his family, we express our deepest sympathy. We say that the works of George Andrews and the influence he had on the rest of us will always live. He will always be remembered.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Speaker, I should like to associate myself with the remarks that have already been made today, and particularly the remarks of the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. Mahon), as well as the remarks of the gentleman from New York (Mr. Rooney) and those just spoken by the gentleman from Mississippi (Mr. Whitten), because all of us have served on the Appropriations Committee with George Andrews for many, many years. These men have spoken eloquently today of the dedicated and devoted service George Andrews rendered his district, his State, and his Nation in working on that committee to eliminate unnecessary spending and for fiscal responsibility. I concur in all the remarks that have been made about the outstanding service George Andrews rendered as a member of that important committee.

But it is with a sad heart that I rise today to join my colleagues in paying tribute to the memory of this distinguished statesman and my longtime personal friend. I could hardly believe the news when I heard over the radio that he had passed away. We all knew, of course, that he had not been well over the holidays and preceding the holidays and that he had undergone surgery in Alabama. I had kept in close touch with his office staff and was encouraged to believe he was showing progress, and I had begun to look forward to the reopening of Congress in January hoping to see him back in good form as he was the last day I saw him here. So his sudden and untimely passing came as a distinct shock to me.

The friendship I formed with George began in 1954 when, upon my arrival in Congress, I was assigned to serve on the Appropriations Committee and on the subcommittee which handled the appropriations for the independent offices and agencies of the Government. George was on that committee, and I turned to him for advice and counsel and he always gave it freely. One cannot sit in a committee room for 5 hours a day 5 days a week for 2 or 3 months hand running without acquiring a close affection for the members who serve with one on that side of the table.

I spent many a pleasant hour following the hearings chewing the fat, so to speak, with George, reminiscing about our problems at home and our experiences. I, too, enjoyed his keen wit and his humor and his ability to tell an anecdote that would illustrate any point he might care to make. That friendship which began in 1954 extended itself outside the Halls of Congress and our families became close friends. His beloved wife, Elizabeth, and my wife have had a friendship down through the years that equaled the friendship which George and I enjoyed.

We spent many a social hour together, and visited back and forth with each other. I had such a close feeling of friendship with GEORGE that his passing affected me almost as if he were a member of my own family.

But aside from this sense of personal loss, Mr. Speaker, I am thinking today of the loss which has been sustained by the people GEORGE represented here in Congress and of the loss sustained by the Nation. It is a tragedy that one so able and so distinguished in his service to his district, his State, and his Nation should be stricken down at a time when he still had so much to offer his country. It will not be easy to fill his shoes.

I am also thinking today, Mr. Speaker, of the sadness that has come to his beloved wife and family, and particularly his children. As great as is our loss and the loss to the Nation, it cannot begin to compare with theirs, although I hope and pray that they will gain some consolation in the knowledge that a host of friends have been mourning with them over his passing.

So farewell, GEORGE: dear friend, devoted husband and father, faithful public servant, effective Representative, patriot and statesman. You have left a monument more lasting than brass.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from Louisiana (Mr. PASSMAN).

Mr. PASSMAN. Mr. Speaker, I would like to join my colleagues in paying tribute to my very dear personal friend, GEORGE W. ANDREWS, with whom I had the honor of serving many long and pleasant years on the Committee on Appropriations.

Throughout my long association with GEORGE ANDREWS I was not only impressed with his profound knowledge, but I was equally impressed with his true humility and concern for his fellow man. He was a wise man and a good Christian man. GEORGE always could find the time to advise with and counsel his colleagues and other friends; he always seemed to enjoy extending a helping hand whenever it was needed. It was for this profound and rare reason that he was not only my friend, but also, my treasured adviser. He was a great, unselfish soul, and I miss him greatly. I miss his counsel, his wisdom; I miss his personality, and it is with true sorrow that I now stand in this House knowing that he has passed on.

GEORGE ANDREWS will be greatly missed by his colleagues in the Congress and on the Committee on Appropriations. I am grieved by the loss of a loyal and true friend, and I should like to extend my heartfelt sympathy to his devoted wife and their two children.

Those of us closely associated with our departed colleague know that this world is a better place to live by his having lived in it.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from Ohio (Mr. MINSHALL).

Mr. MINSHALL. I thank the gentleman for yielding.

Mr. Speaker, a shadow fell over the recess period for all of us when we learned of the untimely, unexpected death on Christmas Day of our colleague, the Honorable GEORGE W. ANDREWS, of Alabama.

As dean of the Alabama delegation, he was "Mr. Alabama" himself to many. Alabama-born and educated, he loved the people of his State and he served them with dignity, charm, and great and tireless ability. The third district elected and reelected him to Congress 14 times, recognizing that in GEORGE ANDREWS they had a wise and forceful Representative not only deeply devoted to their regional interests, but who shared their faith in, and was willing to fight for, constitutional government, a strong national defense, and sound fiscal policies.

His friendship and influence in the House of Representatives extended across political and ideological lines. I not only had the honor to count myself one of his host of friends, but had the additional privilege of working with him on the Defense Appropriations Subcommittee. I know first hand how well he served not only the people of Alabama, but the Nation as a whole, in providing this Nation with a strong defense and in acting as a watchdog on expenditures. His counsel was invaluable, he was a Member who commanded confidence and respect from all, a man of great character and principles.

Just as remarkable, after more than a quarter century in the Congress, during war and peace, depression and prosperity, turbulent times and calm, GEORGE ANDREWS' personality remained as engaging and charismatic as the first day he came to Washington. His wonderful sense of humor was sometimes subtle—sometimes direct; but it lifted our hearts even at the most somber moments.

The committees, the Congress, the entire country will miss this great American. We salute his memory today, and I wish to extend my deepest condolences to his lovely wife, Elizabeth, his daughter, Mrs. Jane Hinds, and his son, George W. Andrews III, a lieutenant junior grade in the Navy.

Mr. YATES. Mr. Speaker, will the gentleman yield to me?

Mr. JONES of Alabama. I yield to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, like my other colleagues, I was extremely saddened to hear that one of our most esteemed colleagues, GEORGE W. ANDREWS, of Alabama, passed away last Christmas Day.

GEORGE ANDREWS was a good friend of mine—a close friend, even though we differed quite frequently on issues. We served together on the Appropriations Committee for over 20 years. We served together on two subcommittees and during that time I learned that GEORGE ANDREWS was a man of conviction and courage and unfailing good spirits. His candor and his sometimes blunt language were often instrumental in moving legislation that might otherwise have been the subject of a needlessly extended discussion. He took the floor only when he had something to say. And he said it well for he was a gifted speaker.

GEORGE ANDREWS was an able man. In his service on the Defense and Public Works Subcommittee and his chairmanship of the Legislative Subcommittee he carried out superlatively the duty of a Congressman in reviewing the operations of the executive branch. He was conscientious, he was fair, he was critical. He used his considerable influence with restraint and discretion. Members would look to him for leadership because he was a man of good commonsense. He was a good lawyer and he brought honor to his profession. His stories of his trials as a prosecutor all held our interest.

All of us here will miss his down-home anecdotes and his special brand of humor which enlivened so many of our moments together. House Members are sometimes inclined toward taking themselves too seriously—an inclination which GEORGE ANDREWS deflated with great regularity. He loved his family. He was so proud of his son, particularly when he decided to become a lawyer.

Mr. Speaker, GEORGE ANDREWS leaves us a heritage rich in memories and public service. Truly his service in the Congress was a bright moment in its history.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. Mr. Speaker, I would like to join my colleagues in expressing my profound grief for the death of our friend and distinguished associate, GEORGE ANDREWS. For 26 years he served his district, the State of Alabama, and the Nation faithfully and brilliantly. He was a man universally liked and respected by his colleagues, across party lines and sectional differences, for his loyalty, high principles, and patriotism. His achievements on the Appropriations Committee, where I had the privilege of working with him for many years, were an outstanding contribution to the building and maintenance of the strong national defense forces which protect our Nation and the free world today, and to fiscal responsibility in the management of the Federal Government. As chairman of the Legislative Subcommittee, he was the architect of many of the improvements in recent years in congressional staffing and facilities.

No man's life can be contained in a few short paragraphs of appreciation, but GEORGE ANDREWS will be sorely missed. In these days of confusion and rapid social change his unwavering patriotism and dedication to public service were an inspiration to all of us.

Mr. Speaker, as you know I generally sit to the Speaker's right in the last seat in the last row. Day after day GEORGE ANDREWS would come to me, touch me on the elbow and he would tell me a story in that wonderful rich baritone voice, type casting himself as "Mr. District Attorney."

Mr. Speaker, we would sit in the cloak room and he would tell us of these trials, his cross-examinations, the stories of his State and his people and his life. And, you know, nobody enjoyed one of GEORGE ANDREWS' stories more than did GEORGE ANDREWS. Halfway through he would start to laugh and his belly would bounce up and down—remember—and he would chuckle and chortle and smile and he would start all over again. We enjoyed that as much as the story itself.

GEORGE ANDREWS came here the term before I did. I came in 1945 and went on the Appropriations Committee. As you have heard our colleagues say, Mr. Speaker, imagine that I sat next to him—not across the table, not on the other side—I sat alongside of him day after day, month after month, year after year for all these years, Mr. Speaker. My knee would touch his. We would whisper to each other jokes about admirals and comments about generals and we would say, "Oh, Mr. Secretary," or "General so and so," and "we have seen generals and secretaries and assistant secretaries come and go across this table like Greyhound buses, George would say.

So, Mr. Speaker, where am I going to get my peanuts now? I will not get any more peanuts. Peanuts from Alabama. I will not get any more smoked ham.

Mr. Speaker, I will not have to call again and say that I am going to a chamber of commerce dinner, will you tell me a joke to tell back in my district. He would tell me two or three jokes. Then, I would occasionally say in the hearing to some fellow who was a good witness—one occasion which I remember that George enjoyed so much—this I said to the witness "You are a gentleman and a scholar. There are only a few of us left." Well, Andrews collapsed on that one and for years he assured me every time he appeared anyplace to introduce anyone that he always told about Flood's story that he enjoyed so very, very much.

Then, we moved to the Congressional Hotel together. You have heard about Elizabeth. Mrs. Flood's name is Catherine. It was "Catherine and Elizabeth." He would come to our apartment. Sometimes Elizabeth would not come because she would be at home in Alabama, but he would come up and knock on the door. He always brought his own drink with him. As a rule he walked in the door with one in his hand. We would sit there, and we took care of the world and all of its problems.

Mr. Speaker, I could go on because he is listening; he is listening. He had big ears and a great heart. I will not recite the shock when the telephone rang, Mr. Speaker, and I answered the call.

It was that day, and I wondered—in my corner here for a couple of weeks, and I finally said, "Where is George?" He was here every day, you know. Every day, the first man to arrive and probably the last man to leave the Hall. Finally I said to somebody, "Where is Andrews?," and somebody said, "Don't you know? He is ill."

I tried to reach him on the phone, and I could not, but I sent him a wire because, as you know, 10 years ago I nearly died with a serious operation. He remembered, and he was in touch with me all the time, and every day ever since he would say, "How are you?" And I practically was considered the House invalid, you see, for the past 10 years.

So I sent a wire to George because I could not get him on the phone in the hospital. I said in the wire, "What are you trying to do? Queer my act?"

Elizabeth was there, and she laughed very much. She told me who the surgeon was—and I talked to him later—and the nurse, and two or three other people were in the room, and George, with that deep belly laugh and voice, got the biggest kick in the world out of that, the night before he was operated on.

Remember, George?

He is laughing now.

Of course he is.

Well, there are so many things—but, Mr. Speaker:

He is not dead, as we that are left shall die.
Age shall not weary him, nor the years condemn.
At the going down of the sun and in the morning
We will remember him.

And I will remember him.

Mr. JONES of Alabama. Mr. Speaker, I now yield to the gentleman from New Hampshire (Mr. Wyman).

Mr. WYMAN. Mr. Speaker, I thank the gentleman for yielding.

I might say it is a difficult time for all of us, but it is particularly difficult to follow the touching tribute just made by the distinguished gentleman from Pennsylvania (Mr. Flood).

Mr. Speaker, I rise in profound sorrow that this occasion should have come to pass, for our late lamented good friend and distinguished colleague George Andrews was a truly great American. More than this he was a dedicated senior member of the House Appropriations Committee whose steadfast devotion to the cause of national defense was reflected in his diligence on the Defense Appropriations Subcommittee to see that our military resources remained as unimpaired as possible in the midst of continuing pressures for increased domestic spending.

George Andrews was especially kind and gracious to me as a junior colleague ever since I came to Congress. Always with a thoughtful suggestion and a cheery smile, he was truly a great man. His service to America in the Congress was in the highest tradition of representative government. He could always be counted on to stand up for this Nation against the specious claims of the grandstanders seeking to curry favor with domestic pressure groups by calling for more money for special interests at the expense of deterrence of aggression upon the United States.

It is indeed a tragedy for America that the good Lord has seen fit to call George on high so early. He will be sorely missed for his ability, devotion, and courage is unequaled in the annals of the legislative branch. I join with his many thousands of friends and admirers in expressing deepest sympathy from myself and Virginia to Mrs. Andrews and the family of George. May God keep him in loving arms for he was a fine man and an outstanding American.

Mr. PEPPER. Mr. Speaker, like the other Members of this House and like many on the other side of the Capitol and many throughout this city and the country, I was immeasurably shocked and saddened when I heard of the untimely passing of George Andrews.

My distinguished friend, the gentleman from Pennsylvania, a while ago referred to himself quite naturally as George Andrews' closest friend on this floor, I think almost everyone of us had the feeling that we individually were his closest friend. Somehow he had that quality about him that gave you that sort of feeling of intimacy. I know I felt especially close to George—maybe because we came from the same State—perhaps because he represented the area in which I was born and reared in east Alabama.

We often talked about my relatives and our common friends there and the places that meant so much to both of us.

When I came to this House, he seemed more than anybody else here to want to make me feel at home. I remember one day he asked me to sit down over there just on this side of the middle aisle right under the emblem on the ceiling "E Pluribus Unum."

He said, "I want you to look up there and see those words "E Pluribus Unum." He said it does not mean in this House what it means on our great seal and on our currency. It is generally understood to mean "One from many." But in this House it means "One among many."

He said, "I want you to tell me after a while how you feel you like this body." He said, "It is a great body."

"There is great warmth of heart and lots of ability in this House and deep dedication."

I spent many, many happy hours in conversation with him on the floor here and at dinners and functions. I think he was one of the strong men of the House and we all, I believe, felt that he was. He was a man of great ability. He must have been a most effective prosecuting attorney. I certainly would have hated to be a defendant in his court because when he got through with the jury, the probabilities were that I would have been sent up for a long time if not hanged by the neck if I had been guilty of any serious crime in his court.

He was an eloquent man. He had a rich vocabulary and a great imagery and moving sentiment and deep feeling. He had all the characteristics and the qualities of a great orator. He loved the spoken word and he liked to hear it and to speak it himself. He was a man who was knowledgeable in what he spoke about on this floor. He did his homework and he spoke with deep conviction and moving persuasion when he spoke to us, his colleagues, on any matter which was the subject of his concern.

Mr. Speaker, in the passing of George Andrews this House has lost one of its most illustrious and distinguished Members; his family has lost a man of devotion unmatched; his district—an advocate unparalleled; his State—a great champion and lover; and every friend of his has lost a cherished friend.

My wife and I want to extend our deepest sympathy to his loved ones.

In concluding, Mr. Speaker, there comes to my mind the words in the refrain of an old hymn, and I speak them now about George:

Father, to Thy gracious keeping.
Leave we now our servant sleeping.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from Texas (Mr. Casey).

Mr. CASEY of Texas. Mr. Speaker, it is with sadness that I join my colleagues today, but it is also with pride that I have the privilege of publicly proclaiming that I have been honored by the friendship of George Andrews.

When I first came to the floor of this House 13 years ago, one of the first to congratulate me and welcome me to this Chamber outside of my own delegation was George Andrews. When I met George and felt his hand clasp and looked him in the eye, I said "Here is a man who can be my friend, one I can depend upon and one who is going to help me learn and get through the trials and tribulations of joining this great body." George had great pride in this House and in being a Member of this House. He wanted to see it function to its best and to reflect a credit on this Nation's type of government.

We have heard many here today say how long they had known George, and it is a tribute to him that each wanted to let the world know how close he was to him and what a friend he was. But, you know, you did not have to know George very long in years or months to really know George Andrews the man, because he was not a complicated man. He had no farce about him. There was no sham about George Andrews. George Andrews was a man who, the minute you were around him any length of time, you knew you could depend upon. He was no halfway friend. He was not halfway in his dedication to his country, his family, his State, or his constituents. He was a man who made no effort to conceal anything, particularly with reference to his feelings for this body and this country.

He loved young people. My oldest son, who has now been practicing law for a little better than 6 years, visited here while he was in law school at the University of Texas, and I had the privilege of catching George in the hall one day and introducing him to Bob, Jr. He invited Bob, Jr. to his office and they visited all afternoon. Of course, George told his experiences. Now, the stories that George used to tell were not, if you will stop and think of some of them, simple stories. There was many a moral in his stories. There was a lesson in them. They were educational. They told of psychology. They told of rules of law. My son came back as a dedicated "George Andrews" man. When he heard of George's death, I think he mourned his passing just as much as some of our friends here on the floor.

I had the privilege of serving on the Legislative Appropriations Committee with George as my chairman for the past 6 years. That is not a glamorous committee. It is a work committee. It has work that has to be done. You make no hay at home with your constituents, and the committee membership has rotated rather rapidly. Many members of the committee like to get off that committee because they cannot make any political hay. But it is work that has to be done. As the process goes, many ahead of me left for other committees, and this past year I have been sitting right next to George. He kidded me. He said:

> Bob, I am going to quit and give this thing to you and you will have the headache.

I said:

> You wouldn't dare.

Mr. Speaker, I wish George was still my chairman. No one wants a chairmanship like that. When you have spent, day after day, more time with a man than you have with your own wife and family, you get to know him intimately, and I say to his beloved wife, son and daughter, please know that we share this sorrow in his passing.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from Missouri (Mr. Hungate).

Mr. HUNGATE. Mr. Speaker, we are all acquainted with the Christmas hymn, "I heard the bells on Christmas Day." On Christmas 1971, they tolled for our distinguished and able colleague, George Andrews, of Alabama.

I do not know that I ever saw George Andrews when he was without a kind, courteous, friendly greeting. His speech was rich in the history of the House and he knew how to illuminate a difficult problem with a witty story. He was a man who would tell you a joke you had told him previously. He did this to me on more than one occasion, and once within a few months of his death, but when George got done with your story it was refurbished, remodeled, and improved so much that you realized it had been a mistake for anyone but George to tell the story in the first place.

Historically, I shall never forget his comments on the privilege it is to serve and work in the House of Representatives. As I have heard him state on several occasions:

> You can become President of the United States without being elected. Many a Vice President has become President on the death of the incumbent of that office. You may become the governor of a state without being elected governor, going from lieutenant governor to governor on the death or resignation of a state's governor. You may enter the United States Senate by the appointment of your governor, and many have served there without facing the electorate. In fact, some are retired from that body by the electorate without ever having been elected to the body. The Supreme Court judges serve by appointment with no requirement of being elected, but the people's legislature is the House of Representatives. You can't take the oath of office as a Congressman unless the people have elected you. No one can appoint you to this body.

This is a bit of history George Andrews emphasized and all of us should keep it in mind.

One of George's opponents offered criticism that we all have heard. Speaking to a large political gathering he inquired:

> When is the last time you saw your Congressman? When is the last time he was in your home or at your business? He's gone to Washington and forgotten us. He doesn't know you any more. Elect me and I won't forget you.

George told how he arose and said:

> I ask all of you people to do me a favor, and I know it's not easy to do, but it won't take long, and I'll certainly appreciate it. Just look right here at me for a while.

George took out his watch and let it tick off 60 seconds. He said:

> Now, when someone asks you when was the last time you saw your Congressman, you can say, "at 7:30 p.m., May 14, 1961, in 'Opalatchacatcha,' Alabama."
>
> Now some of you wonder why I don't visit as often as I used to do, in the days when I would drop in and drink a Coke with you at the drug store or stop at the feed store for a checker game. Well, I don't do that now. You've elected me, you've hired me as your representative in Washington. That job is in Washington, D.C. I'm busy attending committee meetings there, important votes, debating legislation on your behalf. As long as I bear that responsibility you will understand why you don't see me doing the social things that I would enjoy as we did before.

I particularly enjoyed many of George Andrews' stories because he had served many years in Congress with my predecessor. Clarence Cannon, chairman of the Appropriations Committee. I have heard George tell how Mr. Cannon appointed him to the Subcommittee of Appropriations on Foreign Aid. George said he told the chairman that he would accept the appointment but Mr. Cannon should know that he had never supported foreign aid and had always opposed it and voted against it. To which he said Mr. Cannon replied:

> I knew the gentleman would vote his conscience.

It was George Andrews who related to me the story about Clarence Cannon and Champ Clark which George said Clarence had told upon himself. It involved the 1912 Democratic Convention in Baltimore where Champ Clark had a majority for number of ballots, but in those days the Democratic Convention required a two-thirds majority. The convention remained deadlocked, no one able to get the two-thirds majority. It was being held in Baltimore and when the weekend came they recessed over until Monday, and the men from Washington took the train up here as Clarence did. He then took the streetcar from the train station headed for his apartment. He was carrying, of course, his briefcase, and in his briefcase he had the Texas delegation. By that he had the background on all the members of the delegation from Texas to the national convention getting them to support Mr. Clark. Such interesting background information that might be imagined as to who owed money and who had different people employed in different places or various romantic interests.

Anyway, Mr. Cannon got off the streetcar at his apartment and realized that he had left his briefcase on the streetcar. It was never recovered. When they went back to Baltimore Monday, he was without the briefcase, the background on the Texas delegation. The Texas delegation went for the opposition and Mr. Clark, of course, lost the nomination in 1912. This is a story that George said he had heard Mr. Cannon tell several times, and that he said Mr. Clark never became angry with him, at least not visibly, over the loss.

George also told the story of public works appropriations and what must have been a day long removed from now. I may not have his figures exactly right, but I have the percentages he used correct. In those days the public works bill, as I recall George saying, was about $1.7 billion, the total bill. And, he recalled Mr. Cannon saying, when he came into a committee meeting to mark up the bill:

> I never knew I had so many friends until

> the Public Works Appropriation comes up, then they all gather around me. They slap me on the back, they shake my hand, tell me what a great man I am and say, "put my project in." Then I say, "Well, if I do, that will raise the budget, raise our expenditures, and we've got these other projects that are quite important." The man will then say, "Ah, yes, I know. Take his project out, and put my project in."

So, on this particular day Mr. Cannon opened the meeting as chairman and said the Chair had one amendment to the bill. On line so-and-so, page so-and-so, change the figure $1.7 billion to $17 billion. He had put in all the public works requests that anybody had asked him for. Then he asked the clerk to call the roll. Of course, they started out, Cannon—aye, Mahon—no, Kirwan—no, and so forth. And all the votes were no, all the Democrats and all the Republicans voting no—except Mr. Cannon who cast his vote "aye." And, then he gave the report.

The ayes are 1, the nays are 37, the amendment failed. Then remarking:

> Ah, I couldn't help my friends, but I tried.

George added that, of course, Mr. Cannon knew the amendment had no chance of passing; that he had been tempted to vote yes just to watch the reaction, but feared he would give Mr. Cannon a heart attack.

Alabama has produced many outstanding public servants from the days of William R. King through the present time. Oscar W. Underwood. William Bankhead. Lister Hill. George Andrews' service met the highest traditions of Alabamians in Government.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from Georgia (Mr. Brinkley).

Mr. BRINKLEY. Mr. Speaker, it is with sadness that I join the dean of the Alabama delegation in paying my respects to my late and dear colleague George Andrews.

The Third District of Alabama stretches along the eastern portion of the State of Alabama, along the Chattahoochee River, which divides Congressman Andrews' district from mine, the Third District of Georgia. The twin cities of Phenix City, Ala., and Columbus, Ga., are there. Thus there was a great deal of mutuality of interest for George and me in that area—interest in projects on the river, in Fort Benning, and the people there.

Even predating that, my wife's family, the T. J. Kite, Jr. family, lived at Fort Mitchell, Ala., in Russell County. On many occasions I have heard Mr. Kite, my father-in-law, refer to George Andrews and his brother, and the greatness which was theirs, and the fact that the people loved them with a love which was deep and true. So I learned to respect him, and when I came to this body I found him to be everything he was said to have been.

We spoke together many times, reminiscing about the profession to which we both belonged, the lawyers we both knew, and the judges in Columbus before whom we had practiced.

At the end of every year we would go back home and make a TV report to the people. George Andrews was the star of the program. I carried his books, and I was proud to do so.

He was the frank, affable gentleman. In his gravelly, deep voice he would restress the values in which we all believed, and somehow there would be a sense of renewal at the end of every year, and the people would relate to him.

Late last year Dr. Avery from Oswichee Baptist Church, Fort Mitchell, Russell County, Ala., was chaplain of the day here. At that time I saw perhaps the zenith of the character of George Andrews. We were together with Dr. Avery and it was a mountain-top experience to be with him, Dr. Avery and his family.

I ate with George downstairs. I sat with him over there. We visited in his district. I remember very well the splendor of his story about the taxi driver. All of you have heard that touching account.

I have seen his pushing his grandchild in a stroller out behind the Longworth Building. I have felt his concern for Mrs. Andrews during her air travel.

So my memories of George Andrews will be memories of gratitude, that I knew him and that his way has become a part of me.

My wife, Lois, and I express our genuine, deep sorrow to the George Andrews' family.

Mr. KEE. Mr. Speaker, I thank the distinguished gentleman in the well for yielding.

Mr. Speaker, I think we shall all commend Mr. Jones of Alabama for giving us this opportunity in our inadequate and humble way to express our admiration and our respect for George Andrews.

I will not take much time, Mr. Speaker, but let me say that I was fortunate enough to have Mr. Andrews call me a friend. On several occasions I had problems affecting State matters and I would talk to him about it and he would look into it. Mr. Speaker, never once did he fail to follow through when he could do it.

Mr. Speaker, George Andrews can never be replaced to his family. All the money in the world could never replace the loss that is felt by his constituents, his State, our Congress, and the people of America.

In conclusion, Mr. Speaker, the best expression I know to use adequately to describe George Andrews is this—and I have to take the words of Shakespeare to do it—"This was a man."

Thank you very much.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from Hawaii (Mr. Matsunaga).

Mr. MATSUNAGA. Mr. Speaker, I join my colleagues in the House in expressing deep sorrow over the passing of an outstanding legislator, a great American and a personal friend, George W. Andrews.

When I first came to the Congress in 1963, George Andrews was already beginning his 11th term in the House. He was extremely proud of the fact, and rightfully so, that he was first elected to the Congress in absentia while serving his country as a young naval officer at Pearl Harbor in my home State of Hawaii during the World War II. His constituents had such great confidence in him that he was continuously reelected, so that at the time of his death, he was the 17th ranking Member of Congress in years of service and the second ranking member of the House Appropriations Committee.

During those long years of dedicated service to the people of his district and the Nation, George Andrews remained true to his convictions. He measured each legislative proposal against his own principles, and voted accordingly.

Despite the fact that he and I often reached different judgments about various issues, I always knew that his position was the result of a thoughtful consideration of the arguments presented. He had a way of disagreeing with you without being disagreeable. On one occasion when I asked him for his vote on one of my bills he pleasantly declined by saying:

> Well, Sparky, I figured it out this way; a no vote is not going to hurt your wonderful pineapples one bit.

But once George Andrews had committed himself, one could be sure of the firmness of that commitment.

Mr. Speaker, we of the House of Representatives who were fortunate to know George Andrews have been enriched by his friendship and will miss him dearly. I extend to his lovely widow and children my deepest sympathy in their bereavement and ask that God's blessings be upon them.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from Kentucky (Mr. Mazzoli).

Mr. MAZZOLI. I thank the dean of the Alabama delegation for yielding to me at this time.

Mr. Speaker, I would like to join with everyone today in extending tribute to the family of Congressman Andrews and to the memory of our good friend George.

Mr. Speaker, I would like to just make one brief statement with reference to an incident which occurred to me which, I think, fairly illustrates what all of our colleagues today have been saying about Congressman Andrews.

Mr. Speaker, we have heard today about the influence which the Congressman had in his district; we have heard today with great eloquence the effect he had upon our country, upon the free world and certainly upon the people gathered in this House today and many who are not with us. However, I thought I would perhaps insert a word concerning the effect that George Andrews had on a 10-year-old boy named Michael and an 8-year-old girl named Andrea.

It happens, Mr. Speaker, that these two are my children.

On January 21, 1971, which was the swearing-in day, if my memory serves me correctly, because of the panic which attends dressing little children and getting them ready for a big event, I was late coming to the floor of the House, and as a result thereof most of the chairs were taken. I came in the door with the two children in tow. We walked in I am sure looking thoroughly befuddled and slightly bewildered by the effect of being sworn in, and amid all of the confusion we wandered up the aisle looking for seats, but there were none.

However, back in that seat slightly behind the gentleman from Georgia, (Mr. Brinkley) sat Congressman Andrews, a man whom I had seen but to whom I had never talked. Without any prompting from me Congressman Andrews anticipated my quandary and very graciously and in a very courtly manner, which was his way, gave his seat to me so that my children, Michael and Andrea, might sit and view what was for us certainly a most memorable day.

It was, therefore, Mr. Speaker, my terribly sad duty to report to my family, and my children of Congressman Andrews' untimely death. Much as it affected the son of the gentleman from Texas (Mr. Casey), Congressman Andrews' death affected my son, particularly because of his age, and my daughter as well.

Mr. Speaker, I would certainly like to take this opportunity which has been so graciously yielded to me, one who was not a long-time colleague of Congressman Andrews, nor a member of his committee, nor of his State delegation, to extend my deepest sympathy and that of my family to Mrs. Andrews and to the surviving children as well as to all the family members.

I thank the gentleman from Alabama very much for yielding to me.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from California (Mr. Anderson).

Mr. ANDERSON of California. Mr. Speaker, I rise at this time to pay tribute to our late colleague, George Andrews of Alabama.

Congressman Andrews was first elected to the House of Representatives while on Navy duty in Pearl Harbor in 1944 and for 25 years served the people of Alabama and the people of the United States in the House of Representatives.

I first came to know George in January 1969—I, as a freshman Congressman, and he, as an experienced subcommittee chairman. He was always kind, always considerate, and always willing to offer advice and counsel on individual problems.

But, I first came to know why he was so admired by the Members of Congress—from the most senior committee chairman to the newest freshman—when I contacted George regarding a project of utmost importance to me and to the future development of the Port of Los Angeles.

In order to meet the future needs of shipping the west coast to ports in the Pacific and the Far East, the Port of Los Angeles must expand its facilities. But before the port can expand, it must receive a permit from the Corps of Engineers. The corps cannot issue a permit until after a study has been completed.

I presented this problem to George and I presented the overwhelming evidence in support of the port study and the expansion project. George was convinced, and through his efforts we were able to convince the Congress to add $250,000 to the President's budget in order to begin the Corps of Engineers study.

Universally recognized for his fiscal responsibility in Government, George was a valued ally in the effort to add funds to the budget—a task not easily undertaken, even by the most senior Member of Congress.

For the next 3 years, George pushed this project as if it were his own. He advised me of the intricate maneuvers, the pitfalls, the friends and the foes of the project. He sheltered me from the critics and he provided me data from which to better defend the port expansion project.

George was effective because he was experienced and intelligent, but he was most persuasive, because his concern was so obviously genuine and sincere.

Mr. Speaker, we have lost a dedicated Member of Congress and the Nation has lost a great statesman.

Mrs. Anderson joins me in expressing our deepest sympathy to Mrs. Andrews, their son, George, Jr., their daughter, Mrs. Thomas Hinds, and their two grandchildren.

Mr. JONES of Alabama. Mr. Speaker, I now yield to the gentleman from Massachusetts (Mr. O'Neill).

Mr. O'NEILL. Mr. Speaker, it has been a distinct pleasure for me to have served with George Andrews for nearly a decade. He was a man dedicated to his Nation, to his State, to his constituency, and to his family. A dependable colleague, he was a diligent innovator in the Appropriations Committee, serving as chairman of the Legislative Subcommittee.

I remember George Andrews as a man of great wit, a man of great dedication, and a man deeply concerned with the problems of this Nation. Affable and congenial, he was not only admired by all Members on both sides of the aisle, but he was also adored by the employees of the House as well. He loved this body, in which he served for 28 years. Perhaps one could say his highest personal fulfillment was service as a Representative from Alabama in Congress.

I remember George Andrews as the presiding officer over the ad hoc sessions in the Democratic cloakroom, entertaining us with stories about his years as district attorney in his own State. His great wit and delightfully enjoyable anecdotes are unmatched.

We will sadly miss George Andrews in the House of Representatives. I join my distinguished colleagues in mourning the loss of a great friend, outstanding Congressman, and fine American.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. Fountain).

Mr. FOUNTAIN. Mr. Speaker, I regret very much that I did not know of this special order because there are so many wonderful things I would like to have been better prepared to say about our wonderful friend, George Andrews. Words are really inadequate to relate one's deep personal feelings about a friend who has left us and surely gone to the Great Beyond.

Mrs. Fountain and I were shocked beyond words when we belatedly learned of George's untimely death.

Mr. Speaker, the mere thought that George Andrews will no longer be with us in body as well as in mind is a painful thought. Of course, like most of us, my wife and I came in contact with George and Mrs. Andrews at a variety of places and on a number of occasions. They are wonderful people to know and to visit with. Because of these and other contacts, Mrs. Fountain feels particularly close to Mrs. Andrews.

I cannot avoid reminiscing a little by just thinking of the many pleasant chats I have had with George Andrews behind that rail at the rear of this hall of the House, at times in jovial conversations but more often discussing seriously the problems of this Nation. We quite often exchanged views with one another before casting our votes in this body. We talked of family and friends. George felt close to my own great State of North Carolina not only because of his longstanding friendship with those of us who have been here in the House from North Carolina down through the years but also because he has a lovely daughter who with her husband has been in North Carolina for many years. So those of us in the North Carolina delegation are very close to George Andrews and his family for so many good reasons. Mrs. Fountain has spoken so often of the wonderful qualities of Mrs. Andrews with whom she has been and still is associated in the Congressional Club.

George Andrews was one of the most conscientious and dedicated men I have ever known. His convictions, when they were firm, were irreversible. He loved his country and behind those rails we shared together mutual expressions of concern about its future destiny. Whenever George Andrews cast a vote in this body on an important matter, he did so with conviction and without hesitation.

I did not have the privilege of serving on any Committee with George but I appeared before his subcommittee on several occasions. He was always courteous and kind. Whether in or outside this body he was a warm and genuine human being. He was not only an outstanding Congressman, but he was a dedicated one—dedicated not only to his country but to his fellow man.

George Andrews was a man who gave unselfishly of his time and great talents to the people of his district and State in the development of this great Nation. If ever a man was responsive to the wishes and needs of the people he served, George Andrews was. Of course, we in this House have lost a dear lovable friend, but the State of Alabama and this Nation have sustained a greater loss. Naturally his lovely widow, Mrs. Andrews, and the family have sustained a tremendous personal loss. If Mrs. Fountain were here with me today, I am sure she would say as I do now that we share with Mrs. Andrews her great loss. Together we will always cherish the memory of his friendship and our association with him.

Only those of us who really loved George Andrews know how difficult it is to even pay our personal tributes. This House will not be the same for some time to come because of his absence. But I can tell you this with confidence: His spirit—his immortal spirit—will remain with us. As long as I am here, I will feel the warmth of his presence behind that rail in the rear of this body. And I know I speak for both Mrs. Fountain and myself when I say that our deepest sympathy and our thoughts and our prayers are with Mrs. Andrews and all of her family during their hours of sorrow.

Mr. JONES of Alabama. Mr. Speaker,

I now yield to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Speaker, I am here this afternoon to join in this eulogy because I admired and respected GEORGE ANDREWS. Even if this had slipped my mind, my staff would have reminded me because GEORGE, in going from the northwest corner of the fourth floor of the Rayburn Building over to the southeast corner to go down the elevator to go over to the Congressional Hotel where he lived, on an average of two or three times a week would stop in the office around 6 o'clock in the evening or afterward. He would always have a story for those of the staff who were still there. They looked forward to those evening visits because his stories were not just entertaining—each of them carried a message worth remembering. And so this afternoon my staff said to me, "You be over there on the floor."

The same was true on Saturday mornings. When GEORGE came by on Saturdays it sort of lessened the pain of the staff to have to work, knowing that GEORGE would stop by the office, either on the way to his office or on his way back to the hotel.

In preaching the memorial services for our distinguished and beloved colleague, the Chaplain of this House, Edward G. Latch, down in the little church in Union Springs, Ala., said that GEORGE was born in Alabama, educated in Alabama, loved the people of his community, the people of his district, and the people of Alabama.

Reverend Latch could have gone much further than that and pointed out that he loved his colleagues here in this House and he loved everyone he ever knew. I am sure GEORGE had no enemies. He never entertained any grudges or grievances.

If we try to characterize a man by what we remember, my best recollection of GEORGE would be of one who would take the well and speak his mind, leaving no doubt where he stood. He said what he meant and meant what he said. I particularly recall one of his very eloquent speeches about our sad conflict in Vietnam. He told the House exactly where we stood. His eloquence was so great that the result belied the comment we hear so frequently that very few votes are ever changed from a Member speaking on the floor.

I know I have heard our colleagues say, "Well, GEORGE has just about convinced me why we should follow his lead."

Like my colleague who spoke just a few moments ago, I feel inadequate today because I have not had an opportunity to draft into words remarks fitting to this eulogy.

GEORGE was always willing to assist his colleagues. He was always thoroughly well informed concerning the business before the House, to whose service he was entirely dedicated. As a Member of Congress, he was a compassionate and understanding student of his fellow man and of his country's national issues.

His public career spanned 40 years of devoted service. After obtaining a law degree from the University of Alabama, he sought and won election in 1931 to the office of circuit solicitor—now that of district attorney—which he held until he entered his country's naval service during World War II. He was elected to Congress while still on active duty in 1944 and reelected continuously thereafter. In all, he won 14 consecutive terms and was never seriously opposed, so profound was the respect and fondness in which he was held by the people of his district. For his first election, he was not even present to campaign, but nevertheless he was overwhelmingly elected in absentia; in one of the counties of his district during that election, he received every vote but one.

In time he became the able chairman of the House Appropriations Committee's legislative subcommittee and a distinguished member of its Defense and Public Works Subcommittees. His long service on the Appropriations Committee was marked by arduous and insightful dedication to the complexities of the appropriations process.

In sum, he well served his country, his State, and his district. He inspired confidence and respect in his constituents and his colleagues. The memory of this great man will remain forever fresh in the recollections of all who had the honor and pleasure of associating with him.

At this time, all of us extend our deepest personal sympathy to his widow, Elizabeth Bullock, to his son, George W. Andrews 3d, who I understand is now in the Navy, and to his daughter, Jane Andrews Hinds, in their terrible loss.

I am sure they can take comfort and consolation in the knowledge that all of the respect and affection we have expressed here today for their late husband and father was merited and everyone of his colleagues loved GEORGE.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from South Dakota (Mr. DENHOLM).

Mr. DENHOLM. Mr. Speaker, on an occasion and at a time and by an author I do not recall, certain words were written to explain the despair of men. Those words were in part a philosophy expressed—fashioned something like this.

> "I sought my God and he eluded me.
> I sought my Soul and that I could not see.
> I sought my Brother, and I found all three."

I was not privileged to know GEORGE W. ANDREWS for the years that you gentlemen knew him. I served in this Assembly with him for less than 1 year. I do not know all the other things that he was during his life—but I knew him to be a gentleman. I knew him to be a scholar. I believed him to be a statesman. But I found him to be more than that—I found him to be in his social conduct toward me as a brother—a brother not only in this Assembly and as a colleague, but a brother in the sense that he understood the problems of others. He gave a lifetime of service to others in his private affairs and in his public responsibilities.

It is in this way that I shall remember him. Yes, and in a commonly accepted traditional sense we know that GEORGE W. ANDREWS is dead. In another way I believe he lives—for life is time and time is life. We can measure life in years or in deeds. I will remember my colleague as a man of deeds—and in that respect he lives. His works are marked on the annals of history—his tributes are not mere tombstones of the dead but rather his life is a memory of a tower of deeds for the good of all men. He was my neighbor, he was my friend—I shall miss him.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from South Carolina (Mr. McMILLAN).

Mr. McMILLAN. Mr. Speaker, I want to join my colleagues in paying tribute to our late colleague, GEORGE ANDREWS. I was distressed to learn of Congressman ANDREWS' passing.

I do not know of a single enemy that GEORGE ANDREWS had on the floor of the House, and he was a great entertainer during the long hours of debate when we had some leisure time in the cloakrooms. I talked with GEORGE before he left for Alabama, and he did not even mention he was contemplating having a checkup at the hospital.

Our Nation and the entire world is certainly a better place to live by having GEORGE ANDREWS serve as a Member of this body. He was a great believer in solvent government, and a great protector of the Constitution. I do not know of any man that had more first-hand information on the courts in the United States and especially the courts in the State of Alabama. He was a great leader and a great statesman, and I am certain he will go down in history as one of our finest lawmakers.

Mrs. McMillan joins me in expressing our deepest sympathy to Mrs. Andrews and the children.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from Washington (Mr. HICKS).

Mr. HICKS of Washington. I thank the gentleman for yielding.

Mr. Speaker, virtually all who have spoken here today are far more eloquent than I, and it is not necessary to stand here and say what a great man GEORGE ANDREWS was for GEORGE himself, for he knows how all of us feel, I am sure; but for those who are left behind we have the eulogies, and I just want his widow and family to know that one Member of this House who comes from the far northwest, the State of Washington, felt himself extremely privileged to be able to call GEORGE ANDREWS a friend.

I did not know him as long as many of you, not nearly as long as I would like to have known him. But I got acquainted with GEORGE on Saturdays, because he was generally around here and I was here. I would pass him, too, occasionally in the morning as he walked down C Street to the Rayburn Building as I was on my way to the Longworth Building. We stopped, particularly in fine weather, and chatted for a few minutes. I learned a great deal from GEORGE ANDREWS about how business here in the House should be conducted.

The country is the poorer for his passing.

Thank you for letting me say these few words.

Mr. EVINS of Tennessee. Mr. Speaker, I want to take this means of joining with the delegation from Alabama and other Members in paying a brief but sincere tribute to the memory of our late and beloved colleague, Congressman George Andrews of Alabama.

I was deeply shocked and saddened to learn of the tragic and untimely passing of our colleague with whom I served for a number of years on the Committee on Appropriations and with whom I had a deep, close, and personal association during our period of service together.

George Andrews was the third ranking member of the Committee on Appropriations and not only did he serve on the Subcommittee on Defense Appropriations, he served on the Subcommittee on Atomic Energy Commission and Public Works Appropriations which I am honored to serve as chairman. He also served as chairman of the Subcommittee on Legislative Branch Appropriations.

He was vitally interested in the development of public works and water resource projects throughout the Nation and in the development of nuclear power for defense and peace.

George Andrews was not only an able legislator, he was highly respected and esteemed by his colleagues. He served his district ably and well, and his State and the Nation with fidelity and patriotism.

In addition, he was a warm and genial gentleman—a great human being, a personable, considerate man, and a great raconteur who had a wealth of anecdotes and enjoyed telling his wholesome stories to his colleagues and constituents.

He was forceful and effective in debate, and had at his command a wealth of knowledge concerning budgetary and fiscal matters.

He had an outstanding career of public service, beginning with his service as a circuit solicitor in Alabama.

George Andrews will be greatly missed and my wife joins me in extending our deepest and most heartfelt sympathy to Mrs. Andrews and members of the family in their loss and bereavement.

Mr. SISK. Mr. Speaker, I should like to join with my colleagues in honoring the memory of our much beloved colleague, the Honorable George W. Andrews, who so unfortunately and suddenly departed this life on Christmas Day last.

I had known George well for the past 17 years and held him in the highest respect and affection. In addition to his qualities of personality and humanity, he was a most able legislator.

Some of my committee assignments bring me in close contact with the housekeeping chores of the House itself, and as chairman of the Legislative Appropriation Subcommittee, George always saw to it that expenditures of the House on its own operations were adequate to do the job, but always kept an eye on economies to avoid extravagance.

His life and works will long be remembered by us here, the people of the Nation, and especially the grateful people of the Third District of Alabama. Mrs. Sisk and I join in expressing our sorrow to Elizabeth and the children.

Mr. WAGGONNER. Mr. Speaker, I was deeply saddened to learn of the passing of my close friend and colleague, George W. Andrews, on Christmas Day. As tinsel and carols brightened most hearthsides, tears dimmed the eyes of those close to this man devoted to his family and his people of Alabama.

George was dean of the Alabama delegation and a ranking member of the Appropriations Committee. During his nearly 28 years in office, he developed an all-encompassing knowledge that we all will sorely miss.

The Nation has lost a truly dedicated public servant. Alabama has lost an outstanding statesman and citizen. My deepest sympathy goes out to his loved ones at this trying and difficult time.

Mr. SLACK. Mr. Speaker, I join today with the many other Members who speak in tribute to our late colleague, Congressman George Andrews of Alabama.

For over 10 years it was my privilege to serve with him on the Committee on Appropriations, and during the 89th Congress I was a member of the Legislative Appropriations Subcommittee of which he was chairman. Of all the Members it has been my privilege to know during my seven terms in the House, George Andrews perhaps came closest to typifying the quiet but steadfast American—quiet humor, quiet determination, and quiet insistence that responsibilities be discharged in the public interest.

Our country will never have too many men, and the Congress will never have too many Members, like George Andrews. They stand in public life like the great trees of our forests, and when they are cut down there are no ready replacements. But they leave behind a standard of rectitude and public responsibility toward which our system can model replacements.

My association with George Andrews will always be one of the high points of my years of service in Congress. This was a man of substance, and we are all the poorer for his untimely passing.

Mr. MORGAN. Mr. Speaker, I want to join with my colleagues in expressing my sadness at the passing of George W. Andrews and my awareness of the loss that our country and the House of Representatives has suffered because he can no longer continue the responsibilities that we have come to depend on him to carry.

George had been in Congress a few months before I came here in 1945 at the beginning of the 79th Congress, and we served together for these many years.

I remember talking to him here, on the floor, during the last days of the last session. It is difficult to realize that he is no longer with us.

George won the respect of the House for his hard work and penetrating analysis, particularly as a member of the Committee on Appropriations.

Although I did not see eye to eye with him on foreign aid, and occasionally on other matters, I always welcomed his views; and his knowledge of the facts and presentation of the issues involved made a valuable contribution to the work of the House.

All of us are aware that the passing of George Andrews is a serious loss to the Committee on Appropriations of which he was a senior member. He was a diligent worker and a wise counselor. It will take a long time for that committee to make the readjustments necessary for it to carry on.

I want particularly to extend my sympathy to his family. They may derive comfort from the fact that George Andrews rendered distinguished service to his country and that he was held in the greatest esteem by his colleagues in the Congress.

Mr. DULSKI. Mr. Speaker, all of us were saddened to learn of the passing on Christmas morning of the Honorable George Andrews of Alabama.

I am proud to have been able to count George Andrews among my best friends in the Congress. He had been here 14 years when I came to Congress, and already had gained high respect among his colleagues.

He literally shunned the limelight, but he compiled a distinguished career as a legislator and dedicated public servant. George Andrews was serving as a circuit solicitor in Alabama's Third Judicial Circuit when he joined the Navy in 1943. He was on duty at Pearl Harbor the next year when he won a special election to fill a congressional vacancy.

He soon received appointment to the all-powerful Appropriations Committee, working his way up the ladder to third ranking Democrat and chairman of a subcommittee.

George Andrews was outspoken in favor of constitutional government and fiscal responsibility. He devoted many hours of every working day wrestling with our Federal budget, looking not alone at the figures, but rather weighing as well the use of the funds to aid those in need and to protect our Nation's military posture.

I recall very well that day about 3 years ago when he invited me to his office to meet a visitor from Alabama. It was the new President's nominee-to-be for Postmaster General, Winton M. Blount.

With typical thoughtfulness, George Andrews simply thought I should be one of the first to meet the Cabinet-Member-to-be with whom I would be dealing very closely in my committee work.

George Andrews was a great friend and a true gentleman. He is greatly missed as we convene for the second session and I take this opportunity to extend my deepest sympathy to his lovely wife and family.

Mr. PREYER of North Carolina. Mr. Speaker, serving in the House of Representataives will not be as much pleasure in the future because of the absence of George Andrews. We are all diminished by his loss. He was one of nature's gentlemen and it made you feel like a better man just to be associated with him.

As a relatively new Member of the House, I particularly appreciated his kindness and thoughtfulness to the new Members. He expressed this to those of us who were grappling with the confusions of beginning to serve in Congress not just through generalities or courtesy, but also through very practical and hard-headed advice.

George was beyond any doubt the best raconteur in the House. Many of us urged him to put in writing his recollections and stories accumulated through the years of service in the House. He was a repository of antecdotes and wisdom going back through the years. We will all be the poorer for losing his knowledge and experience and his marvelous sense of humor.

I extend my sympathy to his wife, Elizabeth, and to Jane and Tom and George, Jr.

Mr. ABERNETHY. Mr. Speaker, the passing of my colleague and warm personal friend, George Andrews, left me in a state of deep sadness. We came here together in the 78th Congress. Throughout these many years we have been close friends.

George was not only one of the strong and powerful Members of this body, he was one of the most effective. Blessed with a strong, powerful, resonant voice, and beautiful control of the English language, he was unsurpassed as a debater. He was also blessed with a most attractive sense of humor. He loved to tell humorous stories and reflect on interesting experiences of his life as a lawyer and a State prosecutor.

As a strong constitutionalist, he was always found to be standing firm against moves which tended to stretch and twist the clear and plain meaning of our fundamental law, the Constitution of the United States.

The people of the great State of Alabama were proud of George Andrews. Although he represented a district in the far southeast corner of the State, he was as well known, as highly respected and as beloved in one section as in any other. And he rightly should have been, because he did so much for his native State and district which honored him with 15 terms in this body.

George Andrews loved this country. He was a patriot and a statesman of the highest order. He wore the uniform of and fought for his country in time of war and served it well in time of peace.

Finally, Mr. Speaker, George Andrews was a gentleman—a clean, honorable, and scrupulous man. He was also a devoted husband and a kind father. I sympathize deeply with his wonderful wife, Elizabeth, and two fine children. Their loss is great; and so is that of this body and this Nation.

The benefits of the life of public service rendered by George Andrews will last for years and he will be long remembered as a man among men.

Mr. FISHER. Mr. Speaker, the late George Andrews was one of the most able and respected Members who has served in this body during the time I have been here. He was a sincere, dedicated patriot in every sense of the word. It has been said that a politician is one who thinks and acts in terms of the present, and a statesman is one who thinks and acts not only in terms of the present but also in the context of the future. In that respect George Andrews was every bit a statesman.

As a chairman of a Subcommittee on Appropriations, George provided leadership and direction, based upon sound judgment and expert knowledge.

George Andrews always voted his convictions. Any form of demagoguery was repulsive to his nature. Consequently, his voting record in the Congress was among the best.

Our departed friend was affable and friendly. In all things he practiced modesty and restraint. He was universally admired and respected by all who knew him. His record here speaks for itself. In all things he put the best interests of the country ahead of partisanship and expediency. His influence and his example will be recognized and applauded for many years to come.

To me I have lost a valued friend. To his State of Alabama, and to the entire Nation, the loss is indeed severe. I extend my deepest sympathy to Mrs. Andrews and the entire family.

Mr. JONES of North Carolina. Mr. Speaker, there are a few chosen people in this world who during their lifetime bring joy and happiness with whomever they come in contact. Certainly the late George Andrews was in this special group.

In addition to being a dedicated public servant and haved served the people of Alabama and this Nation in many capacities, he kept the most important traits of all, that of warmth and humor. As we all know, he was considered one of the most popular Members of the U.S. House of Representatives.

It would not be enough to remind ourselves of his friendly personality and not refer to his influence and dedication to duty which he displayed at all times as a Member of the Congress. It was a pleasure to see him in action on the House floor as he would present the appropriations bills out of his Legislative Committee on Appropriations which he served so ably as chairman, as well as his participation in public works legislation.

Certainly the State of Alabama has lost a valuable public servant, but all of us here in the House feel a sense of loss and extend our condolences and best wishes to his family.

Mr. FLYNT. Mr. Speaker, I join the Alabama delegation and others in paying tribute to Hon. George W. Andrews, late a Representative from Alabama. George Andrews departed this life on Saturday, December 25, 1971, at the University Hospital in Birmingham, Ala., following surgery.

Representative Andrews will be especially missed by the people of the Third District of Alabama, but he will also be missed by the people of the State of Alabama and of the United States. He was a valuable Member of the House of Representatives. He was a devoted Representative of his district and State. He was a good friend who will be missed by all of us who were fortunate to have been included among his friends.

He and I represented adjoining districts and as such we frequently participated in the community and civic affairs of the Chattahoochee Valley area which lies astride the Georgia-Alabama boundary. The Chattahoochee Valley community stretches from West Point, in Troup County, Ga., into Alabama and includes the Alabama communities of Lanett, Shawmut, Fairfax, and Riverside. This community shares a common interest and is closely knit in its economic, social, political, and cultural ties. He and I frequently joined the other, both in the Georgia segment or in one of the Alabama segments of the valley, and for 17½ years we worked very closely together on matters which were of interest, concern, and importance to the people of this area.

During this period of time we worked together on the authorization and the obtaining of appropriations for the West Point Dam and Reservoir on the Chattahoochee River. We both attended the ground-breaking ceremonies for this project. Several years later we attended the ceremony at which the first concrete was poured, and less than 2 months ago, we began making plans for our joint participation in the formal dedication exercises for this project which is now nearing final completion. When this formal dedication takes place, George Andrews will not be with us. Although he will be physically absent, the thousands of people present will remember his devoted and untiring efforts in behalf of this project and of the entire valley. His memory will be strong and fresh in the hearts and minds of those who will be present. I am personally grateful to George Andrews for his encouragement, advice, and valuable assistance which he gave to me during the time we served in Congress together.

I did not know George Andrews until the decade of the 1950's, but I distinctly remember reading that he was elected to Congress on March 14, 1944, to fill the vacancy caused by the death of the late Henry B. Steagall. I was serving with the U.S. Army in the European Theater of Operations at that time, and George Andrews was serving on active duty with the U.S. Navy at the time of his election to Congress. He completed the unexpired term of the late Representative Steagall and was subsequently reelected for 14 full terms.

George Andrews and I formed a warm and lasting friendship immediately after my own election to Congress in 1954. His wife, Elizabeth, and my own wife, Patricia, have also been good friends during this period of time. His son, George Andrews III, and my son, John III, have been good friends since they were each about 9 years old, and both of whom are now practicing lawyers in Alabama and Georgia respectively.

In my opinion, George Andrews was one of the most able Members of the House of Representatives and of the Committee on Appropriations. His ability, his judgment, and his good commonsense will be sorely missed by this body and by this Nation.

On Monday, December 27, 1971, Mrs. Flynt and I drove from our home in Griffin to Union Springs, Ala., to join with George Andrews' loved ones and friends in paying our respects and our solemn tribute to him. I am glad that we were able to be present to express our affection for the Andrews family and to pay our homage and respect to a departed friend. George Andrews leaves a legacy of outstanding service in war and peace to his country, his State, and the people of both.

Mrs. Flynt and our children join me in our sympathy, affection, and condolences to Elizabeth, to their daughter Jane, and their son George. We share their loss.

Requiescat in pace.

Mr. FULTON. Mr. Speaker, the death 1 month ago today of George Andrews, dean of Alabama's House delegation and one of this body's most respected Members, must serve as a source of regret to every House colleague.

Mr. Andrews, working for his country and fellow citizens as a lawyer and Naval Reserve officer prior to his election to Congress in 1944, rendered a yeoman's first-term service to the Committee on Expenditures in Executive Departments, the Roads Committee, and the Committee on World War Veterans' Legislation. Subsequent terms found George Andrews gaining in knowledge and in House responsibilities until, at the time of his death, he had risen to the chairmanship of the Appropriations Committee's Legislative Subcommittee, and attained ranking memberships on the Appropriations' Defense and Public Works Subcommittees.

My deepest sympathies go now to the Andrews family. Surely, each of us who knew George Andrews, worked with him, and watched him in action recognizes that our House body has lost a vital Member. Each of us also recognizes that with the death of George Andrews, we lost a colleague for whom the terms honorable, distinguished, and friend most certainly applied.

Mr. BURLESON of Texas. Mr. Speaker, I join with my other colleagues in calling to our fresh memory our esteemed and faithful associate in this House for many years, George Andrews. As has already been said by a number of you, there has never been a more able, more dedicated Member of this body than was George Andrews. He earned the respect held for him by his ability, his fairness, his loyalty to friends, but most of all, his complete devotion to duty.

George Andrews will be missed here in the Congress. His passing from the scene is not only a loss to the people whom he represented, but to the State of Alabama and to the Nation.

I extend my sympathy to his wife, Elizabeth and pray for her comfort and well-being in her great loss.

Mr. HALEY. Mr. Speaker, when the House of Representatives convened last week, many of us were saddened with the thought that George W. Andrews would not return. His sudden passing on Christmas Day was a shock to the Members of this House of Representatives. His presence will be missed not only by his Alabama colleagues for whom he served as dean of the delegation, but by all Members who had had the opportunity to know the compassion and the humor of this fine man.

It was my privilege to serve with George Andrews for 19 years. He was a friend for whom I had the deepest respect and admiration as a man and as a legislator. He gave long and distinguished service to his district, State, and Nation. He was a true conservative in the finest sense of the word. We need more men of his character and his ability in the Congress.

George Andrews was a kind and gentle man. During the busy days and nights of this session, George Andrews' absence will be felt by many, because it was he who so often lightened our load and made the long hours a little shorter with his good humor. As a storyteller none was his master.

His leadership will be missed in the Alabama delegation. All of us who knew him well will miss his wise counsel and his warm fellowship.

Mrs. Haley joins me in extending to Mrs. Andrews and her family our deepest sympathy and kindest thoughts.

Mr. BRASCO. Mr. Speaker, it was my privilege to serve in this Chamber with George Andrews of Alabama for almost three terms. As a new Member of this body, I found him warm, open, understanding, and willing to pay more than just a minimum amount of attention to a new Member from a part of our country far removed from his own congressional district.

That kindness was repeated often and has not been forgotten. As an outstanding member of the strategic Appropriations Committee, he was in a position to exercise far more leverage than he actually chose to in fact utilize. If a Member had some difficulty with a critical piece of legislation, George Andrews always had a ready ear and a willingness to understand what the actual situation really was. Again, it was a rare combination of character traits that this thoroughly decent man possessed.

Never in my experience here and my service with him did I find a closed ear or heart. He chose to work quietly and with discression on behalf of his district, State, and country.

Over the years, he made a series of significantly important tangible contributions to this body, his State, and our Nation. Men like him are altogether too rare these days, and it is all America's loss that this is in fact the case.

Most Members of this House know well how fine a person he really was. All of them mourn him with a fine appreciation of the vacuum his departure leaves.

I shall miss him very much and extend at this time the heartfelt sympathy of Mrs. Brasco and myself to his bereaved family.

Mr. HOLIFIELD. Mr. Speaker, with the passing of my old and good friend, the Honorable George W. Andrews, on December 25, 1971, I felt a deep sense of personal loss.

George and I took our seats as freshmen in the 78th Congress. We held neighboring offices in the Rayburn Building for several years. He never failed to stop and exchange pleasantries with Mrs. Holifield and me, often passing on one of his countless humorous stories.

George Andrews was a great American and an able legislator. He always spoke and voted according to his personal principles, with meticulous courtesy and without bitterness. The House of Representatives will miss him, the Committee on Appropriations will miss him, and Mrs. Holifield and I will miss his friendship and ready wit.

Mr. MONTGOMERY. Mr. Speaker, I would like to commend my colleague, Congressman Jones, and other members of the Alabama delegation for securing this time to pay tribute to the late George W. Andrews. As dean of the Alabama delegation, I am sure he was a guiding light in their decisions on policy. I know he provided much guidance to Members of the Southern caucus in the House. He was most helpful to me when I began my first term in the Congress 5 years ago.

I was particularly impressed with George Andrews, because he always had the time to talk with you and readily gave of his assistance and counsel when it was sought. George spent a considerable amount of his time on the House floor when we were in session making him one of the most knowledgeable Members on legislation.

In less serious times, the late Congressman Andrews could not be surpassed for his storytelling ability. He was a man of extraordinary wit that had the ability to make one's daily problems seems less burdensome by sharing an amusing anecdote with you.

Mr. Speaker, George Andrews will be sorely missed in this Chamber and by those people whom he represented in Alabama's Third Congressional District. But by the same token, I am thankful that his native State and this Nation had the benefit of his untiring service for almost 30 years.

Mr. RHODES. Mr. Speaker, by the death of George Andrews, Congress has lost one of its finest Members. In his 27 years as Representative of the Third District of Alabama, he stood not only for the highest ideals and principles of service to his constituents, but to all the citizens of the United States. He was a gentleman, a patriot, an outstanding legislator, a warm and loyal friend. I will miss George, but will always be grateful for the opportunity I had to work with him and will value our years of association.

He is the third-ranking member of the House Appropriations Committee, where his knowledge and wisdom were instrumental in making the final decisions on many weighty matters. He was the chairman of the Legislative Subcommittee, as well as a member of Defense and Public Works Subcommittees and, since I was fortunate to be a member of these subcommittees also, I know well his honesty, integrity, devotion to duty, and wise understanding. Congress and its Members are the better for George's years with us.

Mrs. Rhodes and I extend our heartfelt sympathy to his dear wife, Elizabeth, and their family in their bereavement. And, like all George's friends and associates, we share their loss.

Mr. JOHNSON of California. Mr. Speaker, it is with a great deal of sadness that I rise to pay tribute to our late colleague, the Honorable George William Andrews.

Since he was first elected to the Congress, and his service began on March 14, 1944, the Third District of Alabama, the State of Alabama, and the Nation have benefited from his dedicated performance of his duties, as a Member of the U.S. House of Representatives.

As a member of the Public Works and Defense Appropriations Subcommittees, he has been most helpful to all of his colleagues through his guidance and leadership on the many issues involved. Without his assistance, many worthwhile projects would not have gone beyond the drafting table. His accomplishments were many and those of us who were privileged to know and work with him will miss his guidance and counsel.

Mrs. Johnson joins me in extending deepest sympathy to Mrs. Andrews and their children. May God, in His infinite wisdom, watch over them during these dark and lonely hours.

Mr. PICKLE. Mr. Speaker, the memory of the hard-working Congressman from Alabama, GEORGE W. ANDREWS, will long stay with this House and with his constituents back home.

The long hours and constant dedication this man gave to his job for nearly three decades remain a steadfast example and inspiration we here cannot soon forget. His slot will not be an easy one to fill.

Congressman ANDREWS characterized his service in the house not only with attention to the needs of his constituents but with leadership among his colleagues here. He was a steady source of wise and able advice, and he was always ready to lend a helping hand where it was needed.

He was a man of high principle who long ago won the honor and trust of this body. It is fitting and right that we should stand in honor of his memory and say for history to record that here was a good man, a good Congressman, and a good citizen of this great land of ours.

Mr. Speaker, it has always been said that a man in public office ought to "say what he means, and mean what he says." That description fit GEORGE ANDREWS perfectly. He always spoke his mind—sometimes gruffly, sometimes bluntly. But speak it he did—in private and on the floor of the House—and no one ever doubted his sincerity or his resolve to back up his words with appropriate action or vote. He pulled no punches. He indulged in no deceit. He left no doubt to his feelings. He was strong for America—to keep us strong militarily, and to protest our "no win" policy as he called it. He was a hard-nosed, hard-hat type of legislator who took second place to no one in their dedication for the United States.

GEORGE ANDREWS also was one of the warmest men I ever knew. His long service in the House, and his great experience gained over 30 years of service, gave him an insight and appreciation of "men in office." He understood the Democratic process; he knew and understood people, and never lost touch with the little man of America. GEORGE was full of remembrances which he passed on to those of us who recognized his great sense of humor. GEORGE ANDREWS was the dean of the cloak room—the unchallenged spokesman for House Members who retired from the floor during long debate to listen to the wisdom and delight of the wonderful gentleman—GEORGE ANDREWS of Alabama. His stories of political life and his humorous anecdotes made him easily the favorite of all Congressmen. He added color, purpose and great humor to our daily life. How we will miss his keen insight to human affairs. He was the greatest storyteller—in its finest sense of the word—that the Congress has ever had.

From a personal standpoint, he was my dear and beloved friend. He helped me in many respects—in advice and in inestimable assistance, to gain approval of important public works project in my district. I can never say thank you enough to the memory of GEORGE ANDREWS. I loved that man and the House loved him. And, America loved him for he was a giant of a patriot.

We shall miss him greatly. For many of us, the House will never be the same. We have lost a friend, a brother, a patriot.

Mr. EVANS of Colorado. Mr. Speaker, all of us here in the House of Representatives have lost a friend. The distinguished gentlemen from the Third District of Alabama, GEORGE ANDREWS, is no longer with us. We shall remember him well, but we shall also miss him very much.

When I think of GEORGE ANDREWS I first think of a man who was gentle. Next, I remember the courtesy with which he treated all of us, whether we were Democrats or Republicans, and whether or not we agreed with his political philosophies. Next I think of the many times he went out of his way to be helpful to me as a person and as a Representative of my Third District in Colorado.

In remembering GEORGE none of us can forget his delightful and entertaining sense of humor. When breaks would come in legislation on the floor, or during a few moments of relaxation in a committee hearing, GEORGE'S humorous stories and recollection of his campaigns of the past and years spent as a prosecuting attorney always caused us to cease our conversations in order to listen carefully and be thoroughly entertained by his sparkling stories of wit and humor.

The Third District of Alabama has been most fortunate over these past many years to have had GEORGE ANDREWS as their Representative in this House. He has served well the people of his district, his State, and the people of these United States. We shall remember him, we shall miss him.

Mr. BARING. Mr. Speaker, I pay tribute to one of the finest Members of the House of Representatives with whom I had the honor of serving with for 22 years in Congress.

Congressman GEORGE W. ANDREWS of Alabama was a gentleman, scholar, and a statesman; and to his family I extend my sympathies on this day that we pay tribute to the man whose recent death saddens all of us and is such a great loss to his State and the Nation's people.

He dealt honestly and fairly with all matters which came before him and his role as a member of the House Appropriations Committee made him worthy of being called one of the greatest of public servants and legislators. He will be missed in the Halls of Congress. You could always depend on the word of the man who was from Alabama, a conservative and the dean of the Alabama delegation in the House.

Congressman ANDREWS' fine record of service in the House was built by the man's character and sincerity. I had many personal conversations with him and learned by his words and actions that he was a steadfast believer in the true American way of life as begun by the Founding Fathers of this country. As a patriot for strong constitutional government, Congressman ANDREWS had my full support and admiration.

I am very sorry he will not be with us to help guide and shape our Nation's future.

GEORGE ANDREWS was my friend.

Mr. McCLORY. Mr. Speaker, it is always a sad task to participate in proceedings in which we pay final tribute to a deceased colleague. In expressing respect and sadness during these eulogies to our late colleague, Congressman GEORGE ANDREWS of Alabama, I offer a personal tribute based upon my individual experiences with him and his lovely wife, Elizabeth Andrews.

Mr. Speaker, Congressman ANDREWS enjoyed many years of seniority in this Chamber, and his voice, as well as his considered views, commanded the respect and attention of all with whom he came in contact.

Mr. Speaker, there was never any doubt about the love and intimate attachment which GEORGE ANDREWS held for this body. Whenever there was any challenge to the authority of the House, or disrespect of its role or prerogatives, Congressman ANDREWS was one of the first to speak up in defense of this body and its Members.

Mr. Speaker, there can be no question of the loyalty of the Members of this body to our Nation. However, GEORGE ANDREWS was capable of articulating his love of country in a manner which inspired the most patriotic attitudes—and the greatest pride in our flag and our Nation's institutions.

Mr. Speaker, it was the privilege of my wife, Doris, and me to be in the company of GEORGE and Elizabeth ANDREWS on the congressional visit last year to New York. We were in their company for several days and we all became personally acquainted in a way which does not seem possible when we are meeting regularly during sessions of the Congress. We came to appreciate GEORGE ANDREWS as a private individual—as an enthusiastic personality who sparkled with engaging conversation and genuine humor. Accordingly, it is in tribute to a man whom I regard both as a distinguished fellow legislator, and also as a personal friend, that I join today in this expression of mourning and respect for the dean of the Alabama delegation in the House of Representatives—Congressman GEORGE W. ANDREWS.

In communicating my feelings, I wish to include my wife, Doris, who joins in extending affection and deep sympathy to Mrs. Elizabeth Andrews and to other members of the late GEORGE ANDREWS' family.

Mr. STEED. Mr. Speaker, as we join in mourning the passing of our great friend and colleague, GEORGE ANDREWS, we are reminded that there is no experience for us to endure which brings more sadness than the loss of a coworker who stood among us so tall and with such companionship.

The service GEORGE ANDREWS rendered here covered such a long tenure and included so much outstanding achievement that to recount it would require volumes. He participated in some of the most important and historic times in the life of our Nation.

But in addition to the talent, the statesmanship, the courage, and the integrity he brought to this Chamber, he was a warm and kind human being who made all who associated with him better for the experience.

I am one of those who had the privilege of serving on the Appropriations Committee with him and thus had a closer association than otherwise could have been possible. And our families became close and cherished friends, which widened and deepened the affection that grew through this association.

Perhaps as important as the fine public service he performed was the great humanitarianism that GEORGE ANDREWS brought wherever he worked.

A man of deep conviction and great courage, like all who work in a democratic legislative endeavor such as ours, he often found himself espousing different views from some of his fellow workers. Yet, he became a master at one of the finest of the legislative arts—how to disagree without being disagreeable.

One of his finest virtues was a rare and unusual sense of humor. He had the ability not only to understand human nature but to observe the humorous side of the foibles of mankind. Also, he could bring these chuckles to others because of his gift of word-picture painting.

I believe he knew more of our House employees personally than almost any other Member. He was their friend and benefactor. They knew and loved him. I know that if these employees could enjoy the privilege of speaking from this forum today, from charwoman to the highest officers of the House they would join with us to express their love for him in his lifetime and their great sorrow in his passing.

He will be greatly missed by all who knew him because his warm personality leaves such a wide gap. His State has lost one of its most powerful and effective sons, his Nation a great servant and statesman, and I have lost one of my warmest and most cherished friends. My wife joins me in extending our heartfelt sympathy to Mrs. Andrews and to her family.

Mr. CARNEY. Mr. Speaker, I share the sorrow of my colleagues in this House at the passing of the late GEORGE W. ANDREWS, Democratic Representative from Alabama's Third District and a Member of Congress for 28 years. At the time of his death, Mr. ANDREWS was third-ranking member of the House Appropriations Committee and senior Alabama Representative.

Born in Clayton, Ala., in 1906, Representative ANDREWS received his law degree from the University of Alabama in 1928; he served as circuit solicitor from 1931 to 1943 in a four-county region of southeastern Alabama.

He served in the Navy during the Second World War, and was a lieutenant in the Naval Reserve at Pearl Harbor at the time of his election to the 78th Congress in 1944, filling the vacancy caused by the death of Henry B. Steagal. Subsequently he was reelected to 14 consecutive terms in the House, an impressive tribute to the respect and high regard in which his constituents held him through the years.

Fiscal responsibility in Government and a strong national defense posture—these were the hallmarks of his service in Congress and to the country. As chairman of the Legislature Subcommittee of the Appropriations Committee and as a member of both its Department of Defense and Public Works Subcommittees, he was in a unique position to bring his views to bear on public policy.

He was a man of strong convictions, fearless and outspoken in his expression, yet gracious and courteous to all. His long experience in the House had given him insight into the legislative process. His passionate love and loyalty for America ever distinguished his career.

To his widow, the former Elizabeth Bullock; his son, Lt. George Andrews, Jr., San Diego, Calif.; his daughter, Mrs. Thomas M. Hinds, of Greensboro, N.C., and to all his family and many friends I extend my sympathy.

Mr. HATHAWAY. Mr. Speaker, I was deeply saddened by the passing of our esteemed colleague, the Honorable GEORGE W. ANDREWS, dean of the Alabama delegation.

I was privileged to serve with him on the Appropriations Committee and as a member of his Legislative Subcommittee. He was very helpful to me during my first year on the committee, and I benefited greatly from his guidance and experience. GEORGE was a very able and dedicated Member of the House, and his presence here will be sorely missed.

To his family I extend my heartfelt condolences.

Mr. MANN. Mr. Speaker, permit me to pay tribute to a man who shared his wisdom with us over a consecutive period of 28 years. I refer to the well-beloved gentleman from Alabama, the Honorable GEORGE W. ANDREWS, who departed this life on Christmas Day in the year of our Lord, 1971.

We shall long miss this good man who knew so well the value of a good story to relieve the tension of an awkward moment. We shall miss his many kindnesses and his consideration for his colleagues here in the Congress where he spent so many years of his life. I shall miss his rich voice, in the melody of the Alabama accent, that rose above the parochial viewpoint to speak in behalf of the needs of a nation.

I do not think I have to mention to you his posture toward keeping the military might of America in a foremost position; or of his work in the development of the Chattahoochee River Valley which is so important to the ecological and economic interests of the Nation. His record is better written in the laws of the land. Indeed, that record is written for all time in the history of this country while yet it lives. We must acknowledge that whether he backed his thoughts with humorous analogy, or in the cold light of analytical reasoning, he was an effective man who got things done. He fought the good fight; and was sufficiently believed in by his constituency, and sufficiently beloved by them, to be returned again and again to fight yet another day for the things in which he believed. It is amply apparent, through his reelection to the Congress over a period of 28 years by his fellow Americans, that he was true to the trust they placed in him. And we in the Congress who worked with him in the day by day duty to perform, had equal reason for such trust.

As I consider the acts of this good man among us, of the things in which he believed, I am reminded of one of his statements, illustrative of his directness.

GEORGE ANDREWS—citizen—Congressman—American, said:

> During my years in the Congress, I have dedicated myself to eliminating waste in the Federal Government, and that includes the Defense Department. Wasteful spending is one thing, but necessary spending to keep our Nation militarily strong and superior to the Soviet Union is quite another. Those in the Congress who are willing to build a Welfare State by using funds that should underwrite our national defense are, through their own shortsightedness, writing the Nation's obituary. History, alone, should be warning enough that the Soviets are basically aggressive and seek world domination. Her leaders may come and go, but her goals of world communism remain the same. Senator Edward Kennedy said recently that he would have "crawled" to the North Vietnamese and Viet Cong at the Paris Peace Talks to get our prisoners of war released. If we follow the policies advocated by the Senator from Massachusetts and those like him, he may see the day when the United States "crawls" to the Soviet Union to prevent our total destruction.

In a recent interview with Joseph McCaffrey which was broadcast over WMAL in Washington, Congressman ANDREWS said:

> The isolationists of this war have not learned a thing from history. Their reluctance to have this Nation play a successful role in the events of Southeast Asia simply means that one day we will be forced to do so closer to home, and the odds for our success then are not likely to be as good as they are today. If the United States shows itself to be a paper tiger in Indo-China, it can expect its enemies to find new courage and become far more adventuresome.

During the course of that interview Mr. ANDREWS said:

> In a nutshell, I believe strongly in fiscal responsibility in Government, and that means an end to deficit spending; a return to constitutional government, and that means guaranteeing the rights of the several States; and a strong national defense posture, and that means always being able to rapidly put our troops in the field when necessary and supporting them once we put them in the fields.

GEORGE ANDREWS' first congressional race was run by his brother during World War II while GEORGE was serving in the U.S. Navy. It was during his service at Pearl Harbor that he was elected to serve the Third Congressional District. He loved the Navy and he loved his Nation. The part of the Nation he loved most was his home at Union Springs, Ala., and he has returned there now to rest. To my friend GEORGE ANDREWS I would say:

> This be the verse you grave for me:
> Here he lies where he longed to be;
> Home is the sailor, home from the sea,
> And the hunter, home from the hill.

Mr. ANNUNZIO. Mr. Speaker, it is with a deep sense of loss that I join today in mourning the passing of our distinguished colleague from Alabama, the Honorable George William Andrews.

During the 8 years that I have served in the Congress, I had the opportunity to get to know George well. He was a dedicated and devoted American, and a Congressman of outstanding ability, deep compassion, and courage. These qualities not only earned the respect of his colleagues, but endeared him to his constituents of the Third Alabama District as well.

He was first elected to the 78th Congress, and was reelected to every succeeding Congress until the present 92d Congress. His outstanding service in the House of Representatives spans 30 years, and as chairman of the Legislative Subcommittee of the House Appropriations Subcommittee, his skillful leadership was apparent to all who were privileged to work with him.

The Alabama delegation has suffered a great loss, and all of us in the Congress shall miss him.

Mrs. Annunzio joins me in extending our heartfelt sympathy to his devoted wife and family.

Mrs. HANSEN of Washington. Mr. Speaker, the death of the Honorable George Andrews is a great loss to Congress, the Third Congressional District of Alabama, and to the Nation. For the past 8 years I have had the honor and the pleasure of working with the late George Andrews on the House Appropriations Committee. During these years I have observed him as a distinguished gentleman, an able legislator, and a man who continually devoted hard work to represent to the utmost of his capability those who chose him for public office. The Nation has been fortunate in having George Andrews as chairman of the Legislative Appropriations Subcommittee and as a member of the Defense Appropriations Subcommittee. His guidance in legislative appropriations has been instrumental in the smooth operation of the legislative branch of Government. His judgment has been critical in defense appropriations. He has played a key role in formulating the direction of our foreign policy. It was to my good friend and colleague, the dean of the Alabama delegation, that many Members of Congress looked for leadership and example. His imprint on the U.S. House of Representatives has become indelible during his 28 years as a Member and his presence among us will be sorely missed.

Mr. EDWARDS of California. Mr. Speaker, it is with a deep sense of personal loss that we in the House mourn the death of Congressman George Andrews of Alabama.

George Andrews served during the terms of six Presidents. He served in difficult times, when there were swift changes in the world and he always upheld the highest tradition of public service. He was known for his dedication to the well-being of his constituents. He worked tirelessly in their behalf. He will be missed not only by his colleagues in the House of Representatives, but also by all the people whom he served so well, by his lovely wife and fine family. I would like to extend my sympathy to his family and to the people of Alabama.

Mr. LONG of Maryland. Mr. Speaker, I was deeply distressed by the death of my dear friend and colleague from Alabama, George Andrews.

I had the privilege of serving on the Appropriations Committee with Mr. Andrews since 1965. I always paid close attention to his remarks. He was a believer in fiscal responsibility in Government—a view which I endorse. In February of last year, Mr. Andrews noted that the administration's budget figures for fiscal 1972 were based on the assumption that we would have full employment and a GNP of $1.065 trillion. It now appears that the GNP for calendar 1971 will fall short of that estimate by almost $20 billion. Mr. Andrews' doubts have been borne out.

Mr. Andrews also fought in the committee for adequate appropriations to maintain the strength of our national defense. In a speech in this Chamber shortly before his death he pointed out that—

> Eighty percent of the ships in our fleet are more than 20 years old . . . and 20 years is the life expectancy of a ship. On the other hand, 80 percent of the ships in the Russian fleet today are less than 10 years old. "It's later than you think."

Mr. Andrews saw the need for tax reform. He summed up the feelings of many of us in saying:

> The middle income taxpayer will not long continue to pay his part, that of the wealthy, and that of the welfare loafer.

George Andrews did not shout his accomplishments, but in his quiet way he succeeded in getting things done for the people he represented and for the United States. America has lost an intelligent and warm-hearted Congressman. I mourn, as you do, his sudden death.

Mr. SHRIVER. Mr. Speaker, it is with deep sadness that I join with my colleagues today in honoring the memory of George Andrews. A congressional vacancy for the State of Alabama will, of course, be filled, but George Andrews cannot be replaced.

George was a hard-working and eminently effective member of the Appropriations Committee. Against intense pressures to do otherwise, he never abandoned the philosophy of fiscal responsibility for our Nation. I recall with gratitude his strong assistance on the floor of the House to those of us on other appropriations subcommittees when amendments were offered to vastly overspend Federal revenues.

George Andrews represented his constituents in the true sense of the title "Representative." His State and the entire South have lost a potent advocate. His popularity was reflected in his overwhelming election and reelection for 15 consecutive terms. Elected in absentia in 1944 while on active duty at Pearl Harbor, George faced only token opposition if any in subsequent campaigns. His voting record and his incomparable service to his constituents through the years obviously met with approval in the Third District of Alabama, and that is what the House of Representatives is all about.

George Andrews always had a smile and a friendly greeting for his colleagues. His humor was a joy for all. I have been in the district he represented so long, and I know he was loved and highly respected.

On behalf of Mrs. Shriver and myself, I extend deepest sympathy to George's wife, Mrs. Elizabeth Andrews, and to their son and daughter. We all share their loss.

Mr. ADDABBO. Mr. Speaker, the loss of our distinguished colleague George W. Andrews, is one which we all feel in a personal and practical way. This fine gentleman from Alabama set an example for all of us to follow in his sincere and dedicated approach to the issues before the Congress. It was a privilege for me to serve with him on the House Appropriations Committee and to witness his untiring efforts to protect the public from unnecessary expenditures of tax dollars.

George Andrews served his country well and as dean of the Alabama delegation was an effective leader. As a ranking member of the Appropriations Committee, Congressman Andrews won the respect of Members on both sides of the aisle for his work. He was a man we shall not forget in this Chamber. I shall long remember his wit and his deep understanding of and feeling for all.

I join with my colleagues in this tribute to an outstanding American, George Andrews, and in expressing our sympathies to his family and pray that perhaps the burden of their loss will be lightened, knowing it is shared by so many.

Mr. BROOKS. Mr. Speaker, it was my honor and privilege to serve in this House for almost 20 years with a distinguished and able Member from Alabama, the Honorable George Andrews. I valued him as a friend, as well as a colleague.

George Andrews was a dedicated and respected Member of Congress for nearly 28 years. He was a Member's Member. As the chairman of the Legislative Appropriations Subcommittee, he was acutely familiar with every activity and expenditure of the Congress. We in the Congress were better able to perform our function during those years, thanks to his untiring efforts to keep the legislative machinery running properly.

The loss of George Andrews is a loss not only to his family and friends, but a loss to the people of Alabama whom he served for so long and to the Members of the U.S. Congress.

Mr. GIBBONS. Mr. Speaker, I want to reaffirm what has been said here today about George Andrews. He was a fine Member of Congress. All of us will miss him.

In addition to the tributes that have been said about George, I would like to add a word about his style and personality.

George was a lovable person—he had a great knack of being able to win his point in debate by illustrating it with a humorous story. He was a friendly man and often went out of his way to befriend others that he came in contact with.

Mrs. Gibbons and our three sons—all

of whom knew him—join me in saying that we will miss George Andrews.

Mr. STUBBLEFIELD. Mr. Speaker, the Congress and the Nation has lost a great legislator and statesman with the death of our friend and colleague, George Andrews. The passing of someone with whom you have worked and shared the burdens and sense of accomplishment of daily legislative endeavor toward common goals always comes as a tragic shock, and this is especially true in the case of George Andrews. His passing is a double loss—of a unique and wonderful friend, and of an admired and respected colleague whose wisdom and dedicated service to the public will be greatly missed by all of us.

Representative Andrews spent his entire adult life in service to his community, his State, and his country. The third-ranking member of the House Appropriations Committee, he brought wisdom, tact, and dedication to his work, serving as chairman of the Legislative Subcommittee and member of Defense and Public Works Subcommittees. Few men have worked harder or contributed more to the cause of fiscal responsibility in Government and the building of a strong national defense.

Representative Andrews' constituents in Alabama will miss him terribly, for during his 28 years in Congress he served their interests loyally and brilliantly. The many projects and improvements he achieved for his district and his State earned for him the lasting gratitude and admiration of the people of Alabama, who returned him to office for 14 consecutive terms in the House following his first election in 1944.

It is a painful loss to the Nation when a fine man and great public servant like George Andrews passes away. But in his lifetime he set an example of devotion to public service and leadership which inspired those around him to finer efforts and others, perhaps, to follow in his path. Our country can truly take pride in the kind of citizenship that he demonstrated, for it was in the tradition that has made this the greatest Nation in the world.

To Representative Andrews' bereaved family, I extend my deepest sympathy. Their grief and sorrow are shared by all who knew him.

Mr. CARTER. Mr. Speaker, when we suffer the loss of a friend, we pause from our duties and reflect. My colleagues and I have lost a beloved fellow Member of Congress; so let us now pause and remember our good friend from the State of Alabama, George W. Andrews, a devoted Member of this historic body for nearly 28 years and the dean of his State's delegation.

A warm and friendly man. George Andrews will always remain alive in the minds and hearts of those who are fortunate to have known him. His courtesy, great dedication to duty, devotion to his country, his State, and to his constituents, kindness toward his colleagues, and his high standards of integrity are but a few of his many fine qualities which will linger in the halls of Congress for years to come.

I was greatly saddened by the passing of George Andrews. I wish to join my colleagues in expressing my deepest sympathy to his family.

Mr. MILLER of Ohio. Mr. Speaker, I want to take this opportunity to express my deepest sympathy to the family of my late colleague, the Honorable George Andrews of Alabama's Third Congressional District.

When I first came to Congress, George Andrews was serving his 12th term of office as the representative of the third district. Elected to the 78th Congress in March, 1944, to fill the vacancy caused by the death of former Congressman Harry Steagall, George Andrews proved himself a capable legislator and fully worthy of the trust and confidence of his constituents.

This admiration for his leadership was not confined to the citizens of Alabama. He was respected by every Member of Congress.

I know that my colleagues join with me today in expressing a sense of loss that will be evident for years. America has lost a great American.

Mrs. ABZUG. Mr. Speaker, southeastern Alabama and Manhattan are about as different from one another as two places in the United States can be. In terms of political viewpoint, George Andrews and I could hardly have been further apart. But even when we disagreed most vigorously, he was always kind and pleasant to me, and I considered him a friend.

We shall all miss him here in the House, and it is good to know that his memory will be perpetuated by the renaming of the Columbia Dam, on the Chattahoochee River in Alabama, as the George W. Andrews Dam.

Mr. DERWINSKI. Mr. Speaker, I am proud to join my colleagues in honoring the memory of my friend and colleague, the late Honorable George W. Andrews of Union Springs, Ala.

During his nearly 28 years as a Member of Congress, Representative Andrews was an outstanding, dedicated, and hardworking legislator. He had all the qualities and talents that are essential to the makeup of an effective legislator, and handled the demanding responsibilities of his congressional committee assignments with intelligence and insight.

As dean of the Alabama delegation, George Andrews made a lasting contribution, not only to his party, but to the entire State of Alabama. As a member of the Appropriations Committee, he was highly respected by his colleagues because he could be relied upon to exercise his judgment in behalf of the interests of the whole country.

He was wholeheartedly responsive to the needs of his country and his statements on the floor of the House were well reasoned and factual. He kept in mind not only the security and welfare of the Nation today, but also the welfare of future generations of Americans.

Mr. Speaker, we have lost the services of a respected and dedicated colleague, one who had acquired many, many friends through his long years in this body.

Mrs. Derwinski joins me in extending our deepest and sincere sympathy to members of his family in their loss and bereavement.

Mr. KAZEN. Mr. Speaker, I join my colleagues in the feeling that the passing of Representative George Andrews is a loss to us all.

It was not without reason that the Founding Fathers chose for this body the term "the House of Representatives." George Andrews, in his 27 years in the Congress, never forgot that he was representing his constituency in southeast Alabama. Nor did he ever forget that he was a Member of this House.

He served his constituency with zeal. He served this House and the Nation as an important member of the House Appropriations Committee and its Defense Appropriations Subcommittee and watched over important administrative functions as chairman of the Legislative Appropriations Subcommittee. I submit that there was another important segment of his service for which he bore no official title. He was a friend and counselor to his fellow Members of this House.

Many of us have known the vigor of his participation in floor debate on appropriations, and his constant concern about the financial integrity of this Nation. That contribution could also be viewed by the news media people in the galleries and the citizens who came to listen.

Only those of us who were his fellow Members, though, knew how often conversations in the cloakroom enabled us to benefit from George Andrews' wisdom and experience. He was one of the great Members of the House of Representatives. I speak for many Members as I voice sympathy to his family and gratitude to the constituency which sent him here.

Mr. GRIFFIN. Mr. Speaker, in taking the measure of a man, we look to his achievements, both personal and professional. We look to the role he played in his particular sphere, his reaction to his times and to his circumstances. By any standard, George Andrews deserves all the esteem and honor this House can bestow on one of its fallen Members.

I have known a great many men in this House whom I have the privilege to call a friend, and George Andrews was one of them.

What distinguished George Andrews was the profound sense of public responsibility and integrity he possessed. He could be counted on for rational, always concerned council on matters of great import, and he spoke out on issues.

George's sense of humor was legendary and he enlivened debate with his wit.

To list the scope of his work would be impossible, but he was a man we all cherished for his wisdom, his compassion, and for the dedication he possessed. His loss will be keenly felt.

For those of us fortunate enough to have known him well, George Andrews will remain deep in our memories and hearts. He was a good man, a true American, an outstanding Member of Congress, and a gentleman.

Mrs. Griffin joins me in extending heartfelt sympathy to the charming Mrs. Andrews.

Mr. GROSS. Mr. Speaker, I want to join the many other Members of the House here this afternoon in paying tribute to our late colleague, the Honorable GEORGE W. ANDREWS.

GEORGE and I were friends. For years we occupied seats on the House floor just across the aisle from each other. As a Democrat, he preferred to sit on the Democrat side of the aisle. As a Republican, I preferred to sit on the Republican side. That was the only concession we made to politics in our work, for invariably our votes were the same.

GEORGE ANDREWS was one of the most dedicated conservatives I will ever know. But he was first of all a dedicated American. As a legislator he was capable, courageous, and one of the most constant in attendance.

In his untimely death, the House of Representatives has lost one of its ablest Members, the State of Alabama has lost one of its most distinguished citizens, and I have lost a warm and personal friend.

To the members of his family I extend heartfelt sympathy.

Mr. MONAGAN. Mr. Speaker, on Christmas Day the House of Representatives lost a respected and capable colleague with the untimely death of the Honorable GEORGE W. ANDREWS. Dean of the Alabama delegation, GEORGE ANDREWS had been a Member of the House of Representatives for 14 consecutive terms, during which time he became the 17th ranking Member in seniority in the House and the 10th in seniority among the House Democrats.

GEORGE ANDREWS had devoted his life to public service since his election to the position of circuit solicitor of the third judicial district of Alabama in 1931, where he served until he joined the Navy in 1943. He had attended the undergraduate and law school of the University of Alabama and, upon being admitted to the bar in 1928, began practice in Union Springs where he resided. After the death of the Honorable Henry B. Steagall, he was elected to the vacant seat while serving in the Navy as a lieutenant junior grade at Pearl Harbor, Hawaii.

This husky-voiced orator has been a faithful representative of the constituents of the Third Congressional District and he has addressed himself to the issues according to his strong convictions of the right course of action. His policy had been to answer every letter he received from his constituents on the same day on which it arrived at the office. His consistent reelection without substantial opposition is evidence of the full support and confidence he received from the Third Congressional District.

GEORGE ANDREWS was the third ranking member of the House Committee on Appropriations and chairman of the Legislative Subcommittee. He was also a member of the Subcommittee on Defense and Public Works. While a member of the Committee on Appropriations he supported fiscal responsibility in Government and strength in national defense.

Mr. Speaker, I am certain that I speak for all the Members of the House of Representatives when I say that, although GEORGE W. ANDREWS has died, his memory will linger in our hearts and minds. His years of service and dedication for the people of Alabama and the Nation in the House will not be easily forgotten by this assembly or those he so ably represented. His warm and genial personality is unforgettable and I shall always remember the relaxed moments we spent in the Democratic sitting room listening to his tall stories and enjoying his rollicking humor. I considered him a personal friend and shall miss his presence in the House.

Mr. MICHEL. Mr. Speaker, it was certainly with a great deal of sadness that we heard the news of our good friend, GEORGE ANDREW's passing on Christmas Day when we were all back home in our respective districts. We had heard before adjourning that he was to undergo serious surgery in the hospital in Alabama, but little did we realize that it would be so serious. We are certainly going to miss him on our committee and I personally am going to miss the very jovial and cordial greeting we exchanged on so many occasions around the breakfast table in the Longworth House Office Building.

GEORGE was as solid as the Rock of Gibraltar when it came to some really difficult decisions on our Appropriations Committee. He was a southern gentleman to the core. He was always looking out for his district and the State of Alabama, but moreover, his primary interest was for the country's well-being. GEORGE ANDREWS has certainly left his mark and impression here in the Congress these past 28 years, and I have known him personally for just about 20 of those years, so it is with a heavy heart and a great deal of sadness that we mourn the passing of another dear friend and colleague.

Mr. Speaker, those of us who have known GEORGE so well for so long want the family to know that we share their great burden of loss.

Mr. GIAIMO. Mr. Speaker, the unexpected death of the Honorable GEORGE W. ANDREWS of Alabama saddens all who had the privilege to be his friend, colleague and constituent.

I considered GEORGE ANDREWS a good friend and a great congressman. He knew how to translate experience into wisdom and to communicate so effectively that both Members of Congress and the Federal Government often adopted his views. I will miss his friendship and his inspiring legislative skills.

GEORGE ANDREWS served his district, the Congress, and the Nation during the most decisive legislative years in the history of America. His actions have eased our conversion from war to peace. He was always a leader in this Nation's drive from recession to prosperity.

A Member of Congress for 27 years, he was first elected in absentia in 1944 while serving as an officer in the Navy, and it is said that in one large county of his district he received every vote but one. This alone depicts the respect and love his constituents have always had for him.

Specifically, Alabama will remember him as the key man in building that State's fine navigable waterways network. He fought hard to keep Fort Rucker and Fort McClellan alive, and today these military reservations play a major role in our national defense structure.

GEORGE ANDREWS served on three subcommittees of the House Committee on Appropriations—Defense, Public Works, and the Legislative Subcommittee of which he became the distinguished chairman. As a committee member and as a chairman, he had extraordinary talent for splitting and dissolving the excess fat from alternative solutions, arriving at those lean, hard legislative proposals which serve the public interest at an optimum level. His power and his ability to persuade were not born out of egotistical need, but from the respect he won for his wisdom and the obvious selflessness of his motives.

GEORGE ANDREWS provided an example of leadership, purpose, understanding, and skill. His presence remains in the lessons he so clearly and patiently presented to his colleagues. His numerous legislative achievements will continue to serve as bedrock for strong national defense and sound fiscal policy.

I served on the Appropriations Committee with GEORGE ANDREWS. I will always be grateful that I had an opportunity to learn and share not only many of his theories and sentiments, but also some warm moments of friendship.

I wish to state publicly that I consider his departure a personal loss. To his widow, Mrs. Elizabeth Andrews, and to his son, Navy Lt. (j.g.) George Andrews III, and to his daughter, Mrs. Jane Hinds, I wish to express, along with Mrs. Giaimo, deepest sympathy.

Mr. FASCELL. Mr. Speaker, all of us who had the privilege of serving with him, join together in paying final tribute to our friend and colleague, GEORGE WILLIAM ANDREWS.

GEORGE ANDREWS, whose sudden passing on Christmas morning shocked and saddened all of us, left us with an outstanding example of public service. He began his career in 1931 upon his election to the office of circuit solicitor of the Third District Judicial District of Alabama, and served in that capacity until 1943 when he reported to active duty as a Naval Reserve officer. During World War II, he was stationed at Pearl Harbor. In 1944 while on duty there, GEORGE ANDREWS was elected to the U.S. House of Representatives to serve in the 78th Congress.

Relected to 14 consecutive terms by the people of the Third District of Alabama, GEORGE ANDREWS was the dean of the Alabama delegation and a ranking member of the House Appropriations Committee, where he gained a reputation for being a watchdog of Federal finances.

His leadership in the House of Representatives will be missed, for GEORGE ANDREWS was truly a statesman. The people of Alabama can be justifiably proud of his service and thankful that they had the benefit of GEORGE ANDREWS' wisdom and experience.

Mr. Speaker, I extend very deepest sympathy to the family of GEORGE ANDREWS.

Mr. FUQUA. Mr. Speaker, if there were one thing that I think I will always remember GEORGE ANDREWS for it would be his ability to spin a good yarn. He had a natural wit that made any tale he was telling vibrant and alive.

I can say without fear of contradiction that Congressman GEORGE ANDREWS of Alabama was one of the most popular men ever to serve in the U.S. House of Representatives. He was outgoing and affable, and, while he had the courage of his convictions, he would listen attentively and sincerely to those who had opposing views.

His passing comes as a particular loss to me. His district adjoins my own and I remember very well the occasion when we made a joint appearance to discuss a session of the Congress on a Dothan, Ala., television station.

My home town is a little south of the border of his district, and, therefore, I knew of George Andrews long before it became my privilege to serve with him. For that opportunity, I am deeply grateful.

He was never too busy to help a young Member with a difficult problem—never too busy to say a kind word when he knew a colleague was having a difficult time. George Andrews was very much a kind and considerate human being.

The people of his district recognized that fact in having elected him to Congress 12 times.

As a ranking member of the Appropriations Committee, George Andrews had a powerful voice in the direction of the Nation. Those of us who serve in the Congress knew that here was a powerful individual who exercised keen judgment in all of his deliberations.

Alabama, and this Nation, have lost a great statesman. I have lost a dear friend.

To his beloved wife and family, I extend my deepest sympathy.

George Andrews will be deeply missed within the Halls of Congress.

Mr. ZABLOCKI. Mr. Speaker, I wish to join my colleagues in expressing sorrow and paying tribute to the late George W. Andrews of the Third District, Alabama.

It was my privilege to serve in the House with Congressman Andrews. He represented his district, his State, and the Nation with dedication and devotion. His outstanding work as a ranking member of the Appropriations Committee is well known. After 28 years of service in the House, his presence in this legislative body will be missed. My wife joins me in expressing deep sympathy to his wife and his children. May they derive some small consolation from the knowledge that their loss is shared by his many friends.

Mr. SCOTT. Mr. Speaker, I am told our late colleague the deeply respected and beloved Congressman George W. Andrews of Alabama, continued to represent his third district for more than a quarter century because his constituents knew they could count on George Andrews.

In my relatively brief 5 years of association with him in the Congress, I have learned to appreciate the consistency of judgment, the unflinching stand for constitutional government and fiscal responsibility, and the concern for the welfare of his constituents. That, as much as his seniority, made George Andrews truly one of the leaders of this legislative body. Their can be few stronger testimonials to the broad appeal and influence of the man than that he received more votes than any other Alabama Congressman when he ran at large during the early 1960's because the legislature had failed to redistrict the State to reflect a reduction of districts.

A number of George Andrews' colleagues in the House and Senate have fully enumerated the many invaluable services he performed for his district, his State, and the region during his 40 years in public office. More than that, however, he served the abiding interests of America and worked diligently to keep it strong and free. In the words of his hometown newspaper, the Union Springs Herald:

> He was one of the outstanding conservative stalwarts on Capitol Hill. At a time when many of his colleagues were supporting free-wheeling big federal spending and were in favor of treaties with Communist nations which would weaken our defense posture, he never changed his political philosophy.

I wish to extend my respect and deep sympathy to his family.

Mr. BENNETT. Mr. Speaker, Congress and our country suffered a great and tragic loss when our beloved colleague, George Andrews, failed to recover after major surgery weeks ago.

We all remember him with affection; for to know him was to love him. He had the sincere respect of every Member of the House.

He had the unusual gift of being able to size up in a debate the core of a problem and reduce it to its fundamental merits in a few, well chosen words.

I believe we can all recall particular times when he went to the well of the House and spoke briefly and to the point to carry an effective thrust for the legislative effort he was making. He had many talents, but this one was outstanding.

Mr. Speaker, all of us express our deepest sympathy to his beloved and lovely widow and their children. We all hope that the knowledge they have of the great works of Congressman Andrews for his country, his district, and State, may be of comfort to them in their grief.

Mr. RODINO. Mr. Speaker, I join in expressing my deep sorrow over the unexpected passing of my long time colleague and friend, the Honorable George W. Andrews. His many dedicated years of service in the Congress will continually stand as a testament of his contributions to the Nation and of his concern for the people of Alabama's Third District. I was recently privileged to cosponsor H.R. 12510, a bill to designate the Columbia Lock and Dam on the Chatahoochee River as the George W. Andrews Lock and Dam. I was pleased to have had the opportunity to honor our late colleague in this positive and significant manner. I offer my words of comfort to his wife, son, and daughter.

Mr. STRATTON. Mr. Speaker, I too want to join in expressing my sadness at the loss of our distinguished colleague and friend, George Andrews of Alabama.

I came to know George Andrews especially closely because of my personal interest in the future of the Capitol's west front. He was chairman of the Appropriations Subcommittee which dealt with legislative matters, including funds for the Architect of the Capitol. And I, as I know my colleagues are aware, have steadily opposed the proposed extension of this west front. Although George Andrews supported the extension and did not agree with my point of view, he was at all times and in every respect a perfect gentleman and a splendidly fair opponent. He went out of his way to keep me posted on the progress of discussion on this item within his subcommittee and invited me to be on hand when the matter was under review.

Not only that, but when a new technical report on the feasibility of restoring instead of extending the Capitol was proposed George Andrews was strongly in favor of having such a survey made; and when it resulted in a conclusion which differed from his own views he nevertheless accepted that conclusion. This was one of the finest examples of legislative sportsmanship I have ever seen.

George Andrews came to Congress fresh from uniformed service in the Navy in World War II. Throughout his tenure here he was a stanch friend and supporter of the armed services. They knew they had in him a strong and sympathetic friend. He may not have always agreed with the military, particularly on some of the aspects of the conduct of the Vietnam war—though his differences stemmed more, I believe, from the political leadership of the military rather than the actions of the professional military staff itself—but the welfare of the services and the maintenance of a strong defense remained two of his most important priorities as a Member of this House.

Mr. Speaker, we will miss the humor and the strong and sympathetic leadership which George Andrews provided to this body. To his widow and his family I extend my deepest sympathy.

Mr. ASPINALL. Mr. Speaker, I, too, wish to thank our colleague, the gentleman from Alabama (Mr. Jones) for his part in having the leadership of the House set aside this time so that all of us who desire to do so can pay our respects to the memory and work of our late beloved colleague, George William Andrews, who so ably for so long a time represented his congressional district in the Federal House of Representatives.

The death of our colleagues always leaves a most meaningful void in the daily lives of all of us. The passing of our close colleague, George Andrews, has undoubtedly left a greater void than that which we usually sustain.

George Andrews had been a Member of this House of Representatives for almost 5 years before I was privileged to become a Member. He had already established a reputation for hard, effective, and constructive work and genial relations with his colleagues when I took the oath of office. He was to continue that effective and constructive leadership throughout his remaining years. His work as one of the senior members of the Committee on Appropriations was recognized by all as being exceptional and outstanding. Seldom ever was his judgment questioned on the floor of the House. He was invariably successful with the bills which he handled. In his work in his subcommittee, his outlook was national, extending far beyond the district and the State which he had the honor to represent. Such dedication is hard to come by even in this House of talented Members, and we shall miss him sorely in the days ahead.

In addition to his contribution of congressional labors, he gave to all of us of himself by sharing his pleasing personality and his life's experiences. In relating the latter, I know of no one who could hold the attention of his hearers better than GEORGE. He was a fine student of human relations and he had that ability to cause one who was listening to feel he was living the experience along with the narrator. His presence at a social gathering, in the cloakroom, in his office or on the floor of the House were always pleasant moments for those who were privileged to enjoy his companionship.

Yes, we shall miss him, but, in missing him, we shall have those beautiful moments of yesterday which make life so worth while for those who are fortunate enough to remain.

As so often, it is true that words are wanting to commend so great a narrator, a legislator, and a friend.

Mrs. Aspinall joins with me in extending to GEORGE's wonderful companion and helpmate for so many years, Elizabeth, and the children, our heartfelt sympathy in their sorrow and bereavement.

Mr. LEGGETT. Mr. Speaker, on this date in the Congress of the United States, I mourn with my colleagues the passing of my distinguished friend and neighbor in the Rayburn Halls, GEORGE ANDREWS of Alabama.

GEORGE had no peer in his concern for the welfare of our great Nation. Though we disagreed on many social issues, we did have complete agreement that the method of management of the war in Southeast Asia was not in our national interest.

I will miss GEORGE ANDREWS as a friend, as a fighter for the people of his home State of Alabama, and as an outstanding Member of the Congress of the United States. To his wife and family, my deepest and sincerest condolences.

Mr. SMITH of Iowa. Mr. Speaker, it is difficult to adequately eulogize a man like GEORGE ANDREWS. He will certainly be missed greatly not only by Members like myself who served with him on the Appropriations Committee but also by his wide range of friends in the House of Representatives. He was a man of conviction who stated what he thought and when he talked other Members listened. While he was good natured and respected the right of other people who disagreed, he was forceful and effective in stating his opinion. As one of the senior and respected Members of the House of Representatives, to say that he will be missed is undoubtedly inadequate and I want to join all those who are expressing our condolences to his wife and family. While we have all lost by his untimely death, we are all better for having known and worked with GEORGE ANDREWS. He has left behind him a legacy for his State, his country and the Congress for which we will forever be indebted to him.

Mr. MURPHY of New York. Mr. Speaker, it is with a sense of great loss that I offer these few words in behalf of my dear colleague, the dean of the Alabama delegation, the Honorable GEORGE W. ANDREWS. This master parliamentarian has left a legacy to the Congress of the United States and to the people of Alabama which will never be forgotten. I had the profound honor of serving with him on many different occasions, but I particularly remember the hours we spent together working on the Committee of the Whole on legislation which came from his legislative subcommittee of the Appropriations Committee. His diligence and effective labors in connection with the management of this country's funds in behalf of the House of Representatives and other Government branches are well known.

GEORGE ANDREWS was one of the most influential Members of Congress during his 27 years on Capitol Hill. He was the third-ranking member of the House Appropriations Committee which handles all of the money bills and is one of the most powerful committees in Congress. He was also a member of the Defense Appropriations Subcommittee which oversees the largest portion of the Federal budget each year.

Most important of all, Congressman ANDREWS was loved by his constituents who were always his first, middle, and last order of business. They came before all other congressional duties. And that is why they returned him to the House of Representatives for 15 consecutive Congresses.

Mr. DORN. Mr. Speaker, I was deeply saddened to hear the sad news announcing the passing on Christmas Day of my dear friend and beloved colleague, GEORGE ANDREWS of Alabama. Soon after I came to the House as a Member of the 80th Congress, I learned to respect and admire GEORGE ANDREWS. He was a Congressman's Congressman. And often over the years we have relied on his wise counsel and sound judgment.

It was a privilege over the years for me to address several gatherings in GEORGE ANDREWS' district. I know of the esteem in which he was held by our veterans. He was himself a veteran and was elected to Congress while still in service. Recently I visited Camp Rucker and addressed a large gathering of Army personnel, distinguished officers and ladies. I shall never forget the tremendous applause that greeted the mention of the name of GEORGE ANDREWS. The military respected, admired, and appreciated GEORGE ANDREWS. GEORGE ANDREWS' heart was always with those men and women dedicated to the defense of our country. He was loved by the people of his district. He was truly a great and good American. He not only championed the cause of his great State of Alabama and his beloved Southland but he was devoted to the national glory of the United States. This is a greater Nation because of the unselfish service and devotion of GEORGE ANDREWS. He had faith in the destiny of America.

GEORGE ANDREWS was a Christian who loved God and in dealing with his fellowman be lived by the Golden Rule. Every Sunday that I can recall attending Calvary Baptist Church here in Washington GEORGE ANDREWS was there, and we often discussed the following week the sermon of Dr. Clarence Cranford, whom he greatly admired.

GEORGE ANDREWS believed in America. He believed in a strong America. As a member of the great Appropriations Committee he was deeply involved in building a strong national defense. He served too on the Appropriations Subcommittee on Public Works, and it was most "fitting and proper" that just this morning our Public Works Committee approved a bill which would change the name of the Columbia Lock and Dam, on the Chattahoochee River, to the "GEORGE W. ANDREWS Lock and Dam." His vision for the development of all the resources of the Nation was unsurpassed. As dean of the Alabama House delegation and as a true national statesman, GEORGE ANDREWS served his people with honor and distinction. The Nation will miss him. Millie joins me in extending to his beloved Elizabeth, to his lovely daughter, to George W. Andrews III, and to the people of Alabama our heartfelt sympathy and deepest respect.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise with a great sadness in my heart to join in mourning the loss of GEORGE ANDREWS of Alabama.

GEORGE ANDREWS was truly an "All-American" Congressman. There can be a tendency for a Member of Congress to reflect geographical considerations but GEORGE always thought of his country first.

He was courageous in the most constructive sense of that word. He was always in attendance on the floor to participate in debate and he would always state loud and clear how he felt about an issue.

Many is the time I have seen GEORGE rise to enter the debate in this Chamber and he would begin before he had even reached the microphone. His big, hearty bass voice made a microphone unnecessary and his position perfectly clear.

His great and enjoyable sense of humor was so important when he was the floor manager for a piece of legislation. When he would be chided, in jest, for his views by his colleagues in the House, he would always rise to the occasion and his quick-witted responses brought a sense of liveliness and enjoyment to otherwise serious debate.

GEORGE was always approachable. It made no difference to which party a man belonged, GEORGE ANDREWS considered every Member of the House a personal friend. A feeling, I am certain, that was fully reciprocated.

I will particularly remember GEORGE for his strong support for the security of our Nation. He was unwavering in his commitment to a strong defense.

While GEORGE ANDREWS has departed, his eloquent and resonant voice, much like the late Everett Dirksen's, will ring in the ears and reflect in the minds of the Members of the House who were privileged to serve with this great "Southern Gentleman."

GEORGE ANDREWS has made my life much richer for his friendship. He gave so much of himself for his constituents, in his district and for all Americans throughout the country, that it will and can be said, "Congressman GEORGE ANDREWS gave his life to his people and to the country he loved so much."

His family and countless friends can take great pride in his many and extraordinary contributions to the benefit of all mankind.

Mr. RARICK. Mr. Speaker, I thank the gentleman for yielding and would commend him for calling the attention of this House and this Nation to the distinguished career of the late Honorable George William Andrews, the former dean of the Alabama delegation—a man who was a credit to the people of his district and State, and an outstanding American in the great tradition of individual liberty.

The people of Alabama have lost a true friend; this House has lost one of its most outstanding Members; this Nation has been deprived of a great patriot and I have lost a close personal friend.

George Andrews thought of himself as his constituents' lawyer in dealing with the Federal Government. He maintained throughout his 27 years of service as Representative of the people of the Third District of Alabama the standing rule that constituent inquiries receive immediate attention and prompt and courteous consideration. Freshmen Congressmen may read book after book about service to the people; they would do well simply to emulate the career of George Andrews, a true Representative of the people of his district and the State of Alabama.

George Andrews served this House well; he was one of its most distinguished and most powerful Members. The third-ranking member of the Appropriations Committee, he served his country well, sitting on the Defense Appropriations Subcommittee and the Legislative Appropriations Subcommittee, which he chaired at the time of his death. In his post as chairman of the Legislative Appropriations Subcommittee, George Andrews directed appropriations for the operation of Congress, the Government Printing Office, Library of Congress, and General Accounting Office. George Andrews had his fingers on the very pulse of the Congress—he, in effect, regulated its life, its very existence from his post as chairman of this powerful subcommittee.

George Andrews was an outstanding American in the great tradition of the Founding Fathers. He was a firm believer in individual liberty and rights of the people in the local communities to maintain control over their daily lives. He looked with disfavor on the continued Federal encroachment into the areas originally reserved to the States and to the people. Those of us who still believe in the sanctity of the Constitution and the integrity of the individual have lost a colleague and a friend. America has lost a great patriot.

George William Andrews was a true southern gentleman of the highest caliber—a credit to his people, his State and his country.

Mr. Speaker, Mrs. Rarick and I join with the people of the Sixth District of Louisiana in offering our heartfelt sympathy to his wife and family in their bereavement.

Mr. COLMER. Mr. Speaker, I should like to join with other friends of our late colleague, Congressman George Andrews of Alabama, who was suddenly taken from our midst a few weeks ago, in paying my tribute to a dedicated statesman. In doing so, I do not feel that I can add much, if anything, to what has already been said about this former dedicated Member of this body.

However, because of the close personal friendship that existed between George and myself, I do not want this opportunity to pass without my humble personal tribute to this statesman from my neighboring State of Alabama.

As has already been pointed out here, George was elected to the Congress during the late conflict, World War II, when and while he was still serving his country in the European Theater of that unfortunate strife. This unusual elevation to the Congress in itself attests to the high esteem in which he was held by his fellow citizens of the great State of Alabama. Thereafter, because of the splendid quality of his service to his people and his Nation, his constituency repeatedly reelected him to this body.

My friendship and intimate association with George Andrews was due to his conservative philosophy of government as well as his fine human qualities as a man. George Andrews believed in America, and he was dedicated to the perpetuation of the young Republic and the things for which it stands.

Mr. Speaker, while it may be trite to say that we miss and will continue to miss George Andrews and his influence in this House, I repeat it nevertheless. Mrs. Colmer joins me in extending our sympathy to his beloved wife and the other members of his family to whom he was so greatly devoted.

Mr. HÉBERT. Mr. Speaker, the House of Representatives has lost one of its most colorful and able legislators with the untimely death of George Andrews of Alabama.

For me, it is a deep personal loss because we have been close friends for 30 years, ever since he came to Congress.

He was a man of convictions who fought for the position of his constituents regardless of the consequences, and whether you agreed with him or not, you had to admire his dedication to his duties and his people.

I know of no one who could take the well of the House and immediately bring silence to the often noisy Chamber with his booming voice and familiar southern accent.

George Andrews was of the old school, a breed all their own, which unfortunately is fast fading from our political scene. During his many years of service to his district, State, and country, he brought humor, commonsense, and remarkable ability to the job of Congressman.

I will miss my fine southern gentleman friend as I know all his colleagues will, and I offer my heartfelt sympathy to his lovely wife and family.

Mr. BYRON. Mr. Speaker, I would like to join my colleagues in expressing my sorrow on the passing of the late Honorable George W. Andrews of Alabama.

Although I knew him for only a short period of time, he commanded my utmost respect. As a senior Member, he set an example that I, as a freshman Member, will strive to emulate. George Andrews possessed integrity, personal independence, and a strong desire to help others. He always demonstrated professional competence in every endeavor he undertook.

George Andrews devoted his life to the service of the public. Starting in 1931 as an Alabama circuit solicitor, he was elected to Congress in 1944. At the time of his death he had been in Congress nearly 28 years. During that tenure, he was dedicated to his constituents and the service of his country; no constituent problem was too small for his consideration. His constituents benefited greatly from his long years of service; yet, his service extended beyond his district to the State of Alabama and the Nation as a whole.

As a ranking member of the Appropriations Committee, George Andrews used his position wisely. He believed in a strong national defense posture, fiscal responsibility, and the justice of constitutional government. In his position on his committee, he was able to exercise his personal pursuit of these goals.

It was Christmas Day that death took George Andrews from his family, friends, and the House of Representatives. On this day of peace and celebration, George Andrew's struggle to serve mankind was ended. On that day, this body lost one of its ablest and most distinguished Members.

Mr. BOLAND. Mr. Speaker, I want to join my colleagues in paying tribute to George W. Andrews—dean of Alabama's delegation to the House and one of the ablest men ever to serve here.

Elected to the Congress in 1944, while still a naval lieutenant at Pearl Harbor, George quickly mastered his new job in Washington. Even as a freshman he earned a reputation for his keen intellect and deft hand in dealing with legislative matters. And, at the time of his death, he was among the most powerful and most respected Members of the Congress. George was a top ranking member of the Appropriations Committee, just a few rungs down the ladder from the chairmanship itself. He chaired the Legislative Subcommittee, dividing the rest of his responsibilities on Appropriations between the Subcommittees on Public Works and Defense.

I served with George on the committee, Mr. Speaker, and I can testify personally to his skill.

George's service to his constituents in Alabama's Third District hardly merits mention here: his election record—he was elected to 14 successive Congresses—is testimony enough.

He was a remarkable man, Mr. Speaker, and he will be missed here.

I offer my deepest sympathy to his wife, Elizabeth, and to his son and daughter.

Mr. ROGERS. Mr. Speaker, I join with my colleagues in expressing my sorrow at the death of our colleague from Alabama, George Andrews.

In his 27 years in the Congress, he proved to be a man dedicated to the principles on which our Nation was founded and worked hard to preserve those principles.

I know that all those who knew and admired his dedication, were comforted by his warm and genial personality. He always had a story to relate to brighten the day, but when he was serious, he was a most forceful speaker.

The dean of the Alabama delegation was well known as a hard worker, one who paid special attention to the problems of the people of his district. His conservative philosophy on fiscal matters helped keep the Nation from even larger Federal spending programs than we see now.

As a member of the Military Construction Subcommittee of the Appropriations Committee, he was always mindful of what effect the various items considered had on the national defense and was always an advocate of a strong defense, Because of this, his decisions played an important role in shaping our defense policy.

My wife, Becky, and I offer our sympathy to Mrs. Andrews, his son George III, and daughter Jane.

Mr. NEDZI. Mr. Speaker, one of the best aspects of serving in this House is the comraderie that one shares with one's colleagues. It builds up year by year, imperceptibly but surely.

You become accustomed to seeing your colleagues here—perhaps some more than others. And this is true regardless of political or philosophical differences.

George Andrews was one of the favorites. In addition to his gruff friendliness and engaging manner, he had the smell of permanence about him. You simply did not think of him as a man nearing the end of a career. It is particularly startling and sad, therefore, to realize that George Andrews is no longer with us.

His career in Congress spanned 27 years, and these were years of great advances as well as great turbulence for our Nation. The 17th ranking Member of Congress in terms of service, he had seen far more of the great events of recent history than the average Member. His work on the Appropriations Committee enabled him to strongly influence the course of Congress and the Nation. He was, moreover, of that relatively small number of men who could command the attention of his colleagues when he rose to speak.

George Andrew's constituents thought so much of him that they returned him over and over and over again. They will miss him, and so will we.

Mr. NATCHER. Mr. Speaker, I rise to pay humble tribute to the memory of my friend George Andrews.

For over 17 years I served on the Committee on Appropriations with George Andrews. He was one of the able members of our committe and recognized as such by every member on the committee.

Honor, ability, and integrity were the hallmarks of George Andrews' long career in the House of Representatives. With his unsurpassed knowledge and understanding of the House of Representatives and its rules, he was a commanding figure throughout his long tenure.

He was a brilliant defender of our military services and was a close observer and student of all matters pertaining to the budget of our Government. History will record the fact that George Andrews has been good for the House of Representatives and his service on the Committee on Appropriations will be recorded in history as dedicated service of an outstanding American. On our committee we admired him for his brilliance, warm humanity, and congeniality.

Mr. Speaker, we will all miss our friend George Andrews. I extend my deepest sympathy to the members of his family.

Mr. PATMAN. Mr. Speaker, may I add my voice in tribute to one of the great Members of the House, the most distinguished dean of the Alabama delegation, the Honorable George W. Andrews, whose death is a severe loss to our entire Nation. George Andrews was in all respects a statesman of the Old South. His vigorous intelligence, his parliamentary skill, and his great learning were all enhanced by an oratorical excellence seldom if ever equaled on the floor of this Chamber.

George Andrews was a great American and a courageous patriot. He served his Nation during World War II both as a naval officer and as a Member of Congress. For more than a quarter of a century I had the privilege to know George both as a friend and colleague. I came to learn the full stature of this remarkable statesman who worked tirelessly on behalf of his country, his State, and his District. No one could ask for a more loyal friend, a stronger ally, or a more dedicated Representative than George Andrews. He was truly a man of deep conviction and fearless integrity. As a ranking member of the important Appropriations Committee and as a participant in debates here in this Chamber, George Andrews left a constructive imprint on much of the legislation that has emerged from the House over the years.

Mr. Speaker, George Andrews can never be replaced, and we will all sorely miss this eloquent statesman from Alabama. Mrs. Patman and I extend our heartfelt sympathy and our prayers to his bereaved family.

Mr. HULL. Mr. Speaker, I want to join my colleagues in paying tribute to the memory of our late colleague George W. Andrews. George was truly a remarkable individual of whom the citizens of the Third District of Alabama can be proud. He was consistently and completely dedicated to good government and the best interests of his constituents.

I consider myself privileged to have had the opportunity to serve with George as a Member of the House and more recently to have had the experience of working with him as a member of the Appropriations Committee. His interest in the legislative branch and the improvement of its operations was abundantly clear through his work as chairman of the Legislative Appropriations Subcommittee.

George will sincerely be missed by all who have had occasion to work with or associate with him. To his wife and family I extend my deepest sympathy at this sad and difficult time.

Mr. DICKINSON. Mr. Speaker, Red Blount and George Andrews were close friends for many years. Their families were closely associated as well. The former Postmaster General has most eloquently expressed his deep and personal feelings on the loss of Congressman Andrews.

At this time, Mr. Speaker, I would like to include in the Record Winton M. Blount's fine tribute to the late Congressman Andrews of Alabama's Third District:

> George W. Andrews
>
> I was born and raised in Union Springs, the hometown of George Andrews, and some of my earliest memories are of him.
>
> In my boyhood, he was a fiery young circuit solicitor and when court was in session, I sometimes played hooky in order to go to court and hear him argue cases. He had great ability as a lawyer, and I particularly admired the drama and intensity he conveyed. Right up until his death, he remained a stirring orator.
>
> Our families were closely associated. My mother taught George in the seventh grade. Then in 1943, when George was serving in the U.S. Navy at Pearl Harbor, my father secured his permission to enter his name in the Democratic primary for Congress. My father managed the campaign and, while still serving in the Pacific, George Andrews was elected to his first term in Congress.
>
> Several years after the death of my father, my mother went to Washington and worked in George's office for a number of years.
>
> George Andrews loved his District and he was without peer in representing his constituents. He was an eloquent spokesman for conservative causes, and he made countless contributions to his native state and his nation, particularly in development of waterways and military installations.
>
> He loved his family and was a great husband and father. His lovely wife Elizabeth was a constant source of support to him in his life's work.
>
> While I was Postmaster General, I could count on George Andrews for wise counsel and support. He made many contributions to postal legislation, particularly the Postal Reorganization Act of 1970.
>
> George Andrews will be missed as a warm and human man, as a concerned individual, and an outstanding Congressman. He left his home district, his State and his Nation better places because of his long and dedicated service.

Mr. TAYLOR. Mr. Speaker, with a feeling of sadness I join my colleagues in paying tribute to George Andrews. This House has lost a valuable Member. I have lost a friend. But even more sad is the fact that a dedicated and able public servant in the highest sense of these terms is lost to the Nation.

It has been my pleasure to serve with George Andrews during seven congressional terms, and I have gained from his 30 years' experience, his good judgment, and his wise counsel.

George Andrews could walk with kings, yet he never lost the common touch. He loved people and people loved him. He was kind and gentle and thoughtful. He was the best joke teller and the warmest personality in any Capitol cloakroom discussion. His sense of humor made him a source of delight. Life for him and with him was a joy. He brought smiles and relaxation and laughter into our daily lives and into this world at a time when such is badly needed. George Andrews will be a legend among Members of Congress and will be quoted often.

We will miss our friend for many reasons, but we can take consolation in the fact that George Andrews' life was a fruitful one. His ambitions were converted into effective action, and his energy and ability were transformed into constructive achievements.

Our personal sadness at his passing cannot be diminished, but it is somewhat assuaged by the knowledge that his contribution to life and to the well-being of his fellowmen will endure.

Mrs. Taylor joins me in extending sincere sympathy and best wishes to George's wife, Elizabeth, and to their daughter and son.

Mr. CRANE. Mr. Speaker, the passing of one of our colleagues inevitably leads to a questioning about the meaning of our own lives. Are we, in fact, leading the kind of lives which we will look back upon proudly, feeling that as legislators and as representatives of the people we did everything within our power to advance what we honestly believed to be in the best interests of the men and women who elected us? Hopefully, we will be able to answer in the affirmative.

Equally affirmative, I think, would be the answer of the colleague whom we mourn today. George Andrews served in the House for 28 years and was dean of the legislative delegation from Alabama. As third ranking member of the House Appropriations Committee, he was one of three Members of the House who served on major appropriations subcommittees: defense, public works, and legislative, the latter of which he was chairman.

George Andrews had little sympathy with the idea expressed so often in recent days that America might permit its strength to deteriorate and at the same time maintain a peaceful and stable world. In his position on the Defense Appropriations Subcommittee his was a voice for a firm national defense, based upon a deeply felt view that the way to maintain peace was through strength and not through weakness.

In his position on the House Appropriations Committee George Andrews was also a strong voice for fiscal responsibility. He did not understand the complex economic formula which permitted government to continue each year to spend more money than it received. He believed in balanced budgets and he was suspicious of public men who were liberal in distributing the hard earned dollars of the taxpayers.

In these and other of his views, George Andrews remained firm, even in the face of opposing trends within the society at large and within the Congress. His views were not the views of too many in American politics today, views determined only after studying the latest public opinion polls. George Andrews' views were consistent over a lifetime, and were based upon his own assessment of what was in the national interest.

It is with sadness that we meet here today to commemorate the passing of a noted colleague. But beyond sadness we must have a feeling of well-being for the Republic to know that in each generation men of ability and honor have risen to positions of public responsibility. George Andrews was one of these, and in this sense he will be missed by all.

Mr. PELLY. Mr. Speaker, the measure of a man's success many times is based on his personality. George Andrews was a man whose warmth and friendliness immediately attracted most everyone he met, and I am one of them.

His lifetime accomplishments are part of our American history as they are etched in the records of the U.S. Congress. But, as much as his legislative abilities will be missed, so will his warm humor. In the many hours of tension that develop in our deliberative process, George Andrews remained a strength for us all with his calm and engaging manner.

Mr. Speaker, George Andrews is and will continue to be missed in the House of Representatives by those who were fortunate enough to have been here to serve with him.

Mr. ICHORD. Mr. Speaker, at the time of his unexpected and untimely death, George Andrews ranked among the top 20 Members of this House in seniority. He held equally high rank of respect and affection among those of us who were so fortunate as to be his colleagues and acquaintences.

George Andrews exemplified all the virtues that made this country great: courage, honor, hard work, selfless devotion to family, country, and State.

As chairman of the Appropriations Committee's Legislative Subcommittee, he watched over the taxpayer's money as carefully as if it had been his own, a trait that I wish were more prevalent in Government these days.

His contributions to national security as a tireless worker in behalf of a strong defense posture are literally countless. If it were not for George Andrews and those like him we would not enjoy the freedoms so many of us take for granted in this country.

George Andrews has been taken from us to his heavenly home. We can ill afford to lose him and we shall sorely miss him.

Let us not forget the example he set for us; I pray that all of us in this House forever strive to live up to the code left behind by George Andrews as an undying legacy.

George Andrews may be gone, but I do not believe he will ever be forgotten by those of us who served with him.

Mr. WILLIAM D. FORD. Mr. Speaker, I want to join with my colleagues today in paying tribute to the memory of our late colleague, George W. Andrews.

Throughout his long career in the House of Representatives, George Andrews continually demonstrated a deep commitment both to the people of the Third District of Alabama and to the Nation. As a ranking member of the House Appropriations Committee, he will be remembered as a devoted and dedicated legislator. But to those of us in the House who knew and worked with him, he will be especially remembered for his enjoyable wit and for the warmth and friendliness of his personality. His death has deprived Congress and the State of Alabama of an able and valuable public servant.

I want to extend my deepest sympathy to his family and hope that in their grief they may be comforted by the fact that he lived a very meaningful and productive life.

Mr. MATHIS of Georgia. Mr. Speaker, I thank the distinguished gentleman from Alabama (Mr. Jones) for yielding to me for the purpose of eulogizing the late Honorable George W. Andrews. Many tributes have been made to our departed colleague on the floor of the House today. Many words have been spoken about his outstanding service to his congressional district and to his Nation. There is no question but that George W. Andrews will be sorely missed in this legislative body. I had the privilege of meeting George Andrews shortly after my arrival in Washington and immediately I was impressed with his knowledge and intelligence and his devotion to the job he was doing. Another thing that impressed me about George Andrews was that he was never too busy to stop and listen to the problems of a freshman Congressman and to offer his assistance in any way that he could be of help. And this was not just a perfunctory, routine thing with George Andrews; he was sincerely concerned about the problems that a new Member of this body faces. He was very helpful to me. I am indeed sorry that I could not have had the opportunity to serve with such a great American for a longer period of time.

Mr. Speaker, George W. Andrews will be sorely missed in this House as I have said and others have said. He will be missed too by the people of his congressional district and by the people of mine. George Andrews labored long and hard for the orderly progressive development of the tririver system involving the States of Georgia, Florida, and, of course, his native and beloved Alabama. Credit for much of the development thus far on the Chattahoochee, the Flint, and the Apalachicola Rivers must go to George Andrews, who along with the distinguished gentleman from Florida (Mr Sikes) have been at the forefront of this fight to bring economic justice to our part of the South. A resolution has been introduced in this body which would rename the Columbia lock and dam on the Chattahoochee River in honor of the late George W. Andrews, and I feel this is entirely befitting this great man.

Mr. Speaker, another thing stood out about George Andrews. He always had a story for every occasion and a great sense of humor even in the face of adversity. Mrs. Mathis and I enjoyed his company and the company of his lovely wife, and she joins me in extending our sincere and heartfelt condolences to all members of the Andrews family.

Mr. ROBISON of New York. Mr. Speaker, it was a privilege to have known and worked with George Andrews, of Alabama, these past 14 years and to have been closely associated with him these past 7 years, as fellow members of the Committee on Appropriations.

George was, I suppose it could be said, a "gentleman of the old school," in numerous ways, but he was, first and foremost, a gentleman in every good sense of that sometimes overused word. He had strong opinions—as who around here does not—but he was always a "gentleman" in asserting those opinions and, if one happened to disagree with him, that fact did not change his mind, but neither did it change his attitude toward and respect for those who disagreed.

He was—as so many others have noted—thus a delight to work with. Salty in his language, sometimes outwardly gruff and growly, but always underneath that seemingly forebidding exterior lay the heart of a true humanist, for I am sure we agree that George was about as "human" a man as any we have ever known, with a wide capacity for an innate understanding of the fact that all men are, and must be, brothers.

Then, too, as we have all remarked, there was always within George his wonderful sense of humor, an irrepressible sense of humor ever bubbling and breaking forth at times of tension or strain—and not just in relaxed moments. His was a brand of humor that was both earthy and pointed, but never unkind—the kind of humor that, somehow, reminded one of the late, beloved Will Rogers with whom George, even now, may be swapping stories. If that, somehow, should be the case, I am sure that George is more than holding up his end—and what a great pair those two would be to listen to, and enjoy.

And, yet, George was far more than humanist and humorist. For he was a dedicated representative of his people—whom he served so well and so long—and a patriot, too, in the almost-forgotten, well-rounded meaning of that word. Surely, Mr. Speaker, he is missed—and we, and the Nation, are the lesser for his passing.

Mr. ANDERSON of Tennessee. Mr. Speaker, on Christmas day last, the world celebrated the birth of the Son of God. But, on that auspicious day, this Nation lost one of its most revered sons—George William Andrews.

It was a personal honor for me to know this distinguished leader from Alabama. In January of 1965, when I assumed my duties in this House, he was among the first to extend his hand in sincere friendship—a hand of friendship which remained extended until 1 month ago today.

Never will I, as I am sure all who knew him, forget his constant cheerfulness and his vibrant personality. He was a true man and a great leader in the legislative process. Dedication was his trademark and complete service to his fellow man his goal.

It gives me added pleasure to have known this gentleman. When George Andrews was first elected to this House he was serving as an officer in the U.S. Navy. He served his Nation well then in time of war as he has served it since, in time of peace.

Now he is gone. My deep sympathies go to his widow and children for their sorrow and bereavement.

As a fellow naval officer, I salute you George William Andrews, Godspeed and a well done for your service to God and country.

Mr. HAGAN. Mr. Speaker, George Andrews will always be remembered by me for he was tremendously helpful in my days as a neophyte Member of Congress and in the years that followed.

I am sure the people of Alabama share my own sentiments for there is no doubt but that he served them ably and well. He was responsive to his people's needs and it appears obvious that such efforts were not only recognized but deeply appreciated.

His was a long distinguished tenure of office. I personally enjoyed serving with George Andrews in Congress. In having known this fine southern gentleman and public servant, I fully realize all too well that he will be sorely missed in the difficult days ahead.

Mr. DENNIS. Mr. Speaker, I should like to join my colleagues in expressing my sincere regret at the recent passing of our colleague the gentleman from Alabama, the Honorable George W. Andrews.

It was not my privilege to know Mr. Andrews so long or so well as many other Members did; but in my acquaintance with him I conceived a high opinion of the basic soundness of his views, his fundamental kindliness as an individual, and his good Americanism.

Mr. Andrews, as a lawyer, was good enough to say some complimentary things about my own professional competence—which I cherish because of their source—and the last time I had occasion to speak with him was due to his hospitality in inviting me to attend a briefing by Admiral Zumwalt, the Chief of Naval Operations, which Mr. Andrews arranged shortly before the close of the first session of the 92d Congress.

Mr. Andrews was a southern gentleman, and an American patriot of the old school, and we shall miss him in the Congress of the United States.

Mr. JONES of Alabama. Mr. Speaker, the large number of our colleagues who have paid tribute to the memory of the late Honorable George W. Andrews is an indication of the very high regard in which he was held in the House.

He was also viewed with a special kind of affection by those who worked with him in his office.

These, too, were his colleagues and associates. They knew him well. The people who shared his work have prepared a statement concerning his extended service. It is appropriate to include their views among the other tributes to his life. Their comments follow:

Statement

George Andrews was many things to many people. To his constituents in Southeast Alabama, he was a solver of problems, a benefactor of pet projects, an unofficial guide for visits to the Nation's Capital, and a ready listener on 24-hour call.

To his Congressional friends and colleagues in the House of Representatives—there is a difference, although he converted most of the latter into the former over a span of 28 years—he was an important contact on the Appropriations Committee, a ready ally for conservative causes, an able and willing counselor on matters legal and political, and more.

To all, he was a virtuoso teller of stories, mostly of vintage years spent in courtrooms in Alabama's old Third Judicial Circuit, well before he came to Washington. They were yarns spun with the dramatic flair of William Jennings Bryan, interrupted more than once with a patented Andrews chuckle, filled with enthralling characters, who, believe it or not, really existed.

To those of us who were fortunate enough to be on his staff, he was simply "the Boss". We were the lucky ones. We saw first-hand what he meant to his constituents and what his constituents meant to him. They were strictly first priority, their letters, to be answered immediately; their problems to be handled and solved, if possible, quickly; and their visits, to be welcomed and met with courtesy and the best in Southern hospitality.

He was as close to every person in the Third District as the telephone, he would often say. He meant it, and many took him up on it, late at night and in the wee hours of the morning. When his people called, he acted, and when he acted, he got action.

George Andrews always had a friendly smile, a pleasant greeting in deep baritone, and a quick strong handshake for those he met, but his ire was quickly aroused when a constituent was not getting his just due from a Federal Government he considered altogether too large and too involved where it should not be.

He thoroughly enjoyed visits from the "folks back home", and we knew, without asking, to roll out the red carpet for them. They were all very special to "the Boss".

George Andrews was a conservative and proud of it. He was as forthright with his conservatism as he was with any other matter. He spoke conservatism and he lived it. He guarded the taxpayers' money as though it were his own, and that is truly exceptional on Capitol Hill.

To say that George Andrews was conservative, however, was not to say that he was satisfied with the way things are in this world today. He was a man of great compassion for those truly in need. He anguished at the continued loss of life on the battlefields of Vietnam.

"The Boss" was clearly a story-teller of few equals. The stories he told to others we heard more than once, and they did, in fact, become better with age.

We shall dearly miss those evenings when at the end of a long work day, he would pause before leaving the office and treat us to some of his finest stories. We all enjoyed hearing them, and he did so enjoy telling them.

George Andrews worked long and hard for the Third District. His work day started at about 8 a.m. and never ended before 6 p.m., and usually he stayed on the job longer than that—not to mention his availability for late hour calls and emergencies. He worked six days a week without fail, and many a Sunday afternoon would find him at his desk.

He attended committee meetings religiously, managing to cover most sessions of the three subcommittees on which he served with such great pride. When he went to the floor of the House, he was there for the duration of the day, and night if need be.

He was attentive to the business of the House, listened to the important and unimportant speeches that crowded each day's agenda in the House chamber, and charmed attentive audiences in the cloakrooms nearby.

"The Boss" did very little playing and no "playing around," as the saying goes. He adhered to a strict moral code, which ruled out impropriety or the appearance of impropriety in all of his actions, be they business, political, or social. Every Sunday morning would find him in a pew at Washington's Calvary Baptist Church.

Never a more devoted husband and father existed than George Andrews. When it came to love for his family, he was the world's greatest liberal.

And we were his "other family," of whom he characterized as the finest and most loyal staff on Capitol Hill. If this were so, he made it so, for it was a pleasure—no, it was fun—working for "the Boss."

It was no picnic, for while he was certainly no tyrant, he was demanding, and to him, any job worth doing was worth doing right.

We respected him for the standards he set and the fairness with which he demanded their maintenance.

George Andrews is gone, and he will be missed by those who knew him and by those who did not, but benefited from his tireless efforts on their behalf for 28 years.

None shall miss him more than we, save his family. He touched our lives and for that we are grateful. Christmas Day will always bring pleasant memories, with just a touch of sadness, of our coveted years with "the Boss."

Eva Hammond, Boots Jebeles, Marie Heacock, Ruth Parker, Tom Gilbert, George Noblin, Forrest Tate, Bobby Turner, Phil White.

Mr. MOORHEAD. Mr. Speaker, it was with great personal sadness that I learned of the death of my colleague, the gentleman from Alabama, GEORGE WILLIAM ANDREWS.

GEORGE ANDREWS earned the respect of us all for his dedication to public service. He was willing to take the time and effort needed to master the complexities of the appropriations process. And as chairman of the Legislative Subcommittee on the House Committee on Appropriations and as third-ranking member of the full committee, he had many responsibilities which were not glamorous but were, nevertheless, extremely important. His diligence in fulfilling his responsibilities was admired by all who understand the magnitude of that committee's responsibilities.

I admired GEORGE ANDREWS for other qualities which were the mark not just of a successful public figure, but of a remarkable human being. He was a gentleman who treated even those who disagreed with his position with courtesy and consideration. He had integrity. He followed his course of public duty as he saw it. You could count on his word. He had wit and humor which made contact with him enjoyable as well as informative. I recently had the good fortune to obtain an office adjacent to his which gave me increased opportunity to enjoy the warmth of his personality.

Just as he took his duties as committee member and chairman and his commitments to colleagues seriously, GEORGE ANDREWS took great effort to truly serve his constitutents. They responded, returning his affection and respect by electing him to 14 consecutive terms. They will miss his careful concern for their problems and interests.

My colleagues, the residents of the Third District of Alabama and I have all suffered a loss. I join my colleagues in extending my deepest sympathy to the ANDREWS family.

Mr. WHALEN. Mr. Speaker, my tenure in the House nas been relatively short compared to the nearly 28 years in which GEORGE ANDREWS served in this Chamber. During my 5 years here, I did not serve on any committees with him. However, one need have been a Member for only a little while in order to come to know the warmth of his friendship and to enjoy his humor.

I think it is particularly fitting that in paying tribute to GEORGE ANDREWS many Members have commented in this vein while at the same time acclaiming his legislative accomplishments. As Washington Irving wrote:

> An inexhaustible good nature is one of the most precious gifts of heaven, spreading itself like oil over the troubled sea of thought, keeping the mind smooth and equable in the roughest weather.

Certainly, the wit of GEORGE ANDREWS calmed many heated debates in this body.

Mrs. Whalen joins me in extending our sympathy to the family of GEORGE ANDREWS. May he rest in peace.

Mr. BURKE of Massachusetts. Mr. Speaker, before any more time goes by, I did want to rise and spend a moment or two of this House's time to express the condolences of myself and Mrs. Burke to the family of our late beloved colleague, the distinguished Congressman from Alabama, GEORGE W. ANDREWS. Perhaps there is even merit in waiting awhile to reminisce and pay tribute to a departed colleague. With the passing of time, in some ways one realizes one's loss all that much more keenly than in the first few hours that follow such a tragic loss as we have all experienced this past month. Doubtless, part of my own feeling of great pain at the loss of so dear a friend as GEORGE ANDREWS can be explained by the suddenness of it all. No one expected such a loss. No one was in any way prepared to hear such an announcement on the news—if indeed one can ever be prepared for such news. Now that we have been back together as a body for a few weeks and have been about our daily business in committee and on the floor, I think I am speaking for every Member here, regardless of party affiliation or ideological persuasion in saying that his passing has left a vacuum that in all likelihood will never be filled. Ever the complete representative of his people, he was also ever the comrade of his colleagues in the institution he loved so dearly, the U.S. House of Representatives. His sense of humor, his sense of history, his sense of continuing tradition and participation in the whole fabric of representative Government, which he had beyond compare, nobody can afford to lose or be without. And so I feel that GEORGE would like to know that time has not yet fogged our memories. We still remember him and sorely miss him and his humor, his companionship, his cooperation, and above all, his complete integrity. It seems incredible to think that just a few weeks ago, he was in there fighting on a matter that he need not have involved himself in, whether to go ahead with the annex to the Library of Congress or to build yet another House Office Building. And yet, it is both typical of and a tribute to the man that this should have been one of his last great fights, involving as it did the character of the Nation's Capital and the Congress, both of which he loved and knew so well. I could go on and relate numerous other instances of his attention to detail and what might strike others as unimportant in their efforts to represent their particular districts and yet, I think the point has already been made that when the House loses a good Member in every sense of the word, then the whole Nation loses a dedicated public servant. Such a man was GEORGE W. ANDREWS.

Mr. BIAGGI. Mr. Speaker, I should like to join my colleagues in expressing my sincere regret at the recent passing of our colleague, the gentleman from Alabama, the Honorable GEORGE W. ANDREWS.

GEORGE ANDREWS was a dedicated representative of his people whom he served so well and so long. Among his many achievements over the years, he will surely be remembered for his long and untiring labors devoted to the orderly and progressive development of the tririver system involving the States of Georgia, Florida, and, of course, his beloved Alabama.

There has been a resolution introduced in this body which would rename the Columbia lock and dam on the Chattahoochee River in honor of the late GEORGE W. ANDREWS. I cannot think of a more fitting tribute to this fine gentleman from Alabama. For many years he was a dedicated representative of his people and recognized as a true patriot.

It has been a privilege to have known and worked with GEORGE ANDREWS.

I know my colleagues join me in extending our sincere and heartfelt condolences to all members of the Andrews family.

GENERAL LEAVE

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore (Mr. NICHOLS). Is there objection to the request of the gentleman from Alabama?

There was no objection.

DEPARTMENT OF PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, everyone of us is vitally concerned about the subject of peace. I cannot conceive in this day and age of anything that is more important to any American citizen than the question of securing peace throughout the world.

It is tragic that mankind—so successful in developing the most intricate technological devices, in discovering the most obscure and complex secrets of nature, in conquering vast new worlds through space exploration—has failed so miserably at the task of living peacefully with his fellow man. We have achieved several trips to the moon, Mr. Speaker. Has not the time come to achieve the adventure of a peaceful earth?

Surely we share the conviction that there is no easy road to peace and security. We must reevaluate our concepts of the true meaning of peace and place it in a positive frame of reference.

It is for this reason and to take a step in that direction, that I am today introducing a bill to establish a Department of Peace, with a Secretary of Peace at its head, and to create a Joint Committee on Peace and International Cooperation in the Congress. I have been joined in the sponsorship of this legislation by 56 colleagues in the House:

List of Sponsors

Bella Abzug (D-N.Y.), Joseph Addabbo (D-N.Y.), Glenn Anderson (D-Calif.), Herman Badillo (D-N.Y.), Mario Biaggi (D-N.Y.), John Blatnik (D-Minn.), Edward Boland (D-Mass.), Frank Brasco (D-N.Y.), James Burke (D-Mass.).

Phillip Burton (D-Calif.), Shirley Chisholm (D-N.Y.), George Collins (D-Ill.), Silvio Conte (R-Mass.), John Conyers, Jr. (D-Mich.), James Corman (D-Calif.), John Dellenback (R-Oreg.), Charles Diggs (D-Mich.), Harold Donohue (D–Mass.)

Robert Drinan (D-Mass.), Thaddeus Dulski (D-N.Y.), Florence Dwyer (R-N.J.), Don Edwards (D-Calif.), Paul Findley (R-Ill.), Donald Fraser (D-Minn.), Kenneth Gray (D-Ill.), Michael Harrington (D-Mass.), Augustus Hawkins (D-Calif.).

Margaret Heckler (R-Mass.), Henry Helstoski (D-N.J.), Louise Day Hicks (D-Mass.), Frank Horton (R-N.Y.), Andrew Jacobs, Jr. (D-Ind.), Joseph Karth (D-Minn.), Edward Koch (D-N.Y.), Spark Matsunaga (D-Hawaii), Paul McCloskey (R-Calif.).

Abner Mikva (D-Ill.), John E. Moss (D-Calif.), Robert Nix (D-Pa.), Claude Pepper (D-Fla.), Bertram Podell (D-N.Y.), Charles Rangel (D-N.Y.), Thomas Rees (D-Calif.), Henry Reuss (D-Wis.), Don Riegle, Jr. (D-Mich.).

Peter Rodino, Jr. (D-N.J.), Ben Rosenthal (D-N.Y.), Ed Roybal (D-Calif.), William Ryan (D-N.Y.), James Scheuer (D-N.Y.), John Seiberling (D-Ohio), Robert Steele (R-Conn.), Olin Teague (D-Tex.), Charles Vanik (D-Ohio), Jerome Waldie (D-Calif.), Charles Wilson (D-Calif.).

The bill transfers to the Department of Peace certain existing agencies and functions of our Government and establishes new concepts for the resolution of international conflict.

The Peace Corps, the Agency for International Development, and the Arms Control and Disarmament Agency will be transferred to the Department, as well as those functions of the State Department that pertain to the specialized agencies of the United Nations.

The bill also gives the Secretary of Peace jurisdiction over the International Agricultural Development Service, now in the Department of Agriculture. In addition, this measure will establish the International Peace Academy under the Secretary of Peace.

The purpose of the Department shall be to promote the cause and advancement of peace by this Nation throughout the world. The Secretary will develop and recommend to the President appropriate plans, policies, and programs designed to foster peace. He will coordinate all activities of our Government affecting the preservation or promotion of peace. The Secretary will cooperate with the governments of other nations in research and planning for the peaceful resolution of international conflict, and he would encourage similar action by private institutions. He would also encourage and assist the interchange of ideas and persons between private institutions and groups in the United States and those in other countries. Further, he would encourage the work of private institutions and groups aimed at the resolution of international conflict.

The purpose of the International Peace Academy is to furnish training and instruction to prepare citizens of the United States for service relating to the field of promoting international understanding and peace. This will operate much like the military service academies except that its graduates will be trained for employment by the Department of Peace, by international organizations, or private agencies whose activities are related to peace.

The Joint Committee on Peace and International Cooperation which the bill creates in the Congress will study matters relating to the Department of Peace, coordinate programs, and guide the several committees of Congress dealing with relevant legislation. This committee would be comprised of seven members each from the Senate and House.

The idea of a Peace Office in the executive branch is not new. In fact, we can trace the beginnings of this movement back to the early 1790's when two distinguished Americans—one black and one white—set forth similar proposals. In the fall of 1792 in the first edition of "Banneker's Almanac and Ephemeris of the Year of Our Lord 1793," Benjamin Banneker, a surveyor, mathematician, and astronomer who was sometimes called the Black Ben Franklin, included an essay proposing a Peace Department.

And, in 1799, Dr. Benjamin Rush, a signer of the Declaration of Independence, wrote "A Plan for a Peace Office for the United States." He advocated a Secretary of Peace to balance the Secretary of War role in the President's Cabinet.

Similar proposals were echoed during the course of the 19th century by various publicists and legislators but none of these efforts led to constructive action. There were several initiatives in the 20th century taken in the U.S. Congress to establish varying forms of a peace agency.

As recently as 1955, President Eisenhower took a step in this direction, creating, by Executive order, a special Peace Office within the State Department, headed by a special Presidential assistant with Cabinet rank.

The President noted at that time:

> The massive resources required for modern armaments, the huge diversions of materials and of energy, the heavy burdens of taxation, the demands for years of service of vast numbers of men, the unprecedented destructive power of new weapons and the international tensions which powerful armaments aggravate, have been of deep concern for many years.

Since then, Congress established the Peace Corps; it created the Arms Control and Disarmament Agency; it extended the foreign aid programs and established the Agency for International Development.

Despite these steps, however, there is today in the Government of the United States no one actually in charge of peace. There is no Cabinet-level department working at the problem full time to the exclusion of other responsibilities.

Peace is everyone's concern and no one's job, a situation which probably explains why, despite repeated expressions of determination, we have failed to convert a peacekeeping intent into a peacekeeping capability.

We must recognize that the State Department is not, and can never properly be, a peace office. Every Secretary of State since Thomas Jefferson has seen his duty as Jefferson saw it: to handle foreign affairs to the best interest and advantage of the United States. And that is as it should be.

The Department of Peace, as we envisage it, will define and advance our larger interests with new techniques and new energy. It will extend to the area of foreign affairs the philosophy of checks and balances which has worked so well with our Federal system of government.

The bill I am introducing is broad in its scope, for it develops new concepts, blends them with existing programs, and attempts at long last to redefine our national purpose as one dedicated toward peace. It will reassure and encourage rational people everywhere, for truth slips through barbed wires and climbs over great walls.

THE FEDERAL JUDICIAL CENTER 1971 ANNUAL REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. Poff) is recognized for 5 minutes.

Mr. POFF. Mr. Speaker, nothing is more crucial to the cause of justice than the intelligent administration and implementation of the judicial process.

The Federal Judicial Center is dedicated to the goal of excellence in that process. The center was established under Public Law 90–210, December 20, 1967. It is supervised by a board of seven members including the Chief Justice of the United States, permanent chairman, the Director of the Administrative Office of the U.S. Courts, permanent member, and five members elected from time to time by the Judicial Conference. Two of the latter are judges of the circuit courts of appeal and three are U.S. district judges.

The statutory mandate of the center is, first, to conduct research concerning the operation of the courts of the United States; second, to make recommendations to the judicial conferenee for improvement of the administration and management of the courts; third, to conduct programs for the education and training of judicial personnel; and fourth, to provide staff and other assistance to the Judicial Conference.

The work of the Judicial Center was launched by its first director, Mr. Justice Tom Clark. Under his active leadership, the center laid a foundation and erected a framework admirably suited to the discharge of its mission. Its second director, Judge Alfred P. Murrah, senior judge of the 10th Circuit Court of Appeals, has been a most worthy successor to Mr. Justice Clark. He brings broad experience and great talent to the task. I am much impressed by what the center has already achieved and the prospects for future achievement. The story is well told in succinct language in the 1971 annual report of the Federal Judicial Center which I am pleased to quote in full:

Federal Judicial Center—Annual Report 1971

During its fourth year, the Federal Judicial Center continued to expand its basic activities of research, innovation, and training, but at the same time began to place increasing emphasis upon problems related to the mechanics of improving judicial administration. The principal questions involved are:

1. How should a program for improving judicial administration be conceived and developed?

2. How can resources available for such a program be used most effectively?

3. How can necessary or salutary changes be implemented?

None of these questions is new; and it is unlikely that any is susceptible of a single or final answer. But the Center's attention to these questions, coupled with its experience of the past few years, has led to several developments in its approach to its responsibilities.

Program. The existence and broad mission of the Center have presented a rare opportunity to mount comprehensive assaults upon problems of judicial administration in specified areas of the federal judicial process and system. Comprehensiveness is possible on two levels. One is scope. In developing a program on the administration of appellate litigation, for example, one can attempt to deal with both long-range problems, such as the appropriate structure and function of the appellate courts under the anticipated case load of the 1980's and immediate problems, such as the appropriate and effective use of supporting personnel and ways of coping with the mounting number of printed opinions. On another level, a comprehensive approach can be taken with respect to the methods to be employed for attacking the problem. Empirical research can be integrated with the advice solicited from experts assembled in conference and with experimentation. During the past year, the Center's varied activities have coalesced into comprehensive programs of this kind. The principal ones under way are in the areas of appellate litigation and criminal litigation in the trial courts, which are discussed in more detail below.

Resources. The comprehensive program approach described above not only facilitates the fixing of priorities and coordinating projects but also permits ready identification of matters in need of attention which are of concern to the state judicial system as well as the federal system. With respect to such matters, the Federal Judicial Center has the choice of playing one of many different roles, depending upon the matter or project involved and what is judged to be the most effective use of Center and national resources: partner, stimulator, advisor, coordinator, monitor, or student. During the past year, the Center's role as a center for activity directed toward improving judicial administration increased significantly, including the lending of major assistance in the establishment of the National Center for State Courts and in planning and participating in projects of mutual federal-state concern, as more fully described below.

Implementation. The problem of translating knowledge and promising ideas into action has always confounded judicial reformers. Although it is not within the power of the Center directly to implement change, the Center can facilitate implementation not only through training and education, but also through experimentation with techniques which, if determined to have enduring value, can ultimately be utilized by others on an on-going basis. Accordingly, during the past year, the Center attempted to deal with the solution of old problems with varying new methods. For example, rather than merely transmit to existing court personnel a new formula for effective utilization of jurors, the Center supported the technique, used in the business world, of placing a consultant in particular courts to work out the details of the changes necessary to make the formula effective. New approaches are also being tried in attacking the problem of avoidable delay in the processing of criminal cases, as is more fully discussed below.

The principal activities and developments at the Center during its fourth year were as follows:

I. ORGANIZATION OF THE CENTER

A. Personnel. The addition of key personnel during the spring of 1971 greatly enhanced the capacity of the Center and contributed significantly to the expansion of its program and activities. The Center engaged its first Deputy Director, Richard A. Green; appointed a new Director of Education and Training, Kenneth C. Crawford; and established a new position of Director of Administration, filled by Frank M. Hepler. The absorption by the Center of the program of the Administrative Office in training and education of probation officers resulted in the addition to the permanent staff of the Center the experienced Deputy Director of that program, Harry W. Schloetter. In addition, the Center established the position of Senior Fellow to be filled annually by a scholar in judicial administration. The first to occupy this position is Professor John Daniel Reaves, on leave from the University of Georgia School of Law.

B. Budget. The Center requested, and the Congress granted in full, an appropriation for Fiscal Year 1972 in the amount of $1,255,000. This represented an increase over the appropriation for Fiscal Year 1971 in the amount of $555,000. Of that increase, however, $117,000 represents the sum previously used by the Administrative Office for probation officer training which in effect was merely transferred from the Administrative Office budget to the Federal Judicial Center budget. Consolidation of this former Administrative Office function with the training and education activities of the Center will shortly result in economies with respect to the permanent staff required for administration of the program.

C. Housing. Expansion of Center activities and staff over the past year resulted in severe overcrowding of the facilities available in the Dolley Madison House. This housing problem has been solved with the generous cooperation of the Administrative Office, which is now in the process of vacating for use by the Center the last of the four floors which it occupied in the adjacent building, the former Cosmos Club. It may be worthy of note that these premises are probably among the most highly utilized of those devoted to the activities of the federal judiciary. During more than half of the weekends between October 1, 1970 and October 1, 1971 some form of scheduled activity relating to judicial administration—committee and board meetings, conferences, seminars, short courses—was taking place at the Dolley Madison House.

II. PROGRAM ON APPELLATE LITIGATION

A. Geographic Reorganization of the Circuits. As reported earlier, the Center has developed data and computer programs to assist in devising and evaluating wide-ranging alternative realignments of the geographic jurisdiction of courts of appeals. Such assistance can be quickly rendered whenever requested by the Judicial Conference, the Congress or any commission created by the Congress, as recommended by the Conference. At the direction of the Board of the Center, and as requested by the House Committee on the Judiciary, the Center has circulated a questionnaire to all active federal judges eliciting their views on the fundamental considerations that should be taken into account in developing alternatives and in settling upon a reorganization plan. Some of the issues addressed are: number of circuits, number of judges per circuit, number of states in a circuit and optimum workload.

B. Circuit Judges' Time Study. At the request and with the cooperation of all the active judges of the Third Circuit Court of Appeals, a study is underway regarding the allocation of working time of the judges and their supporting personnel. The information and analysis produced by the study will enable the judges of the Third Circuit to assess the time burdens resulting from each of their various responsibilities and to evaluate the potential impact of proposed revisions in their procedures. The study began August 15, 1971 and will continue through August 15, 1972.

Because of the Center's experience with the district judges' time study, it was possible to respond to the Third Circuit's request and launch this effort in a matter of a few weeks. The Center stands ready to provide similar assistance to other courts of appeal.

C. Supporting Personnel in the Courts of Appeals. A proposal has been developed to experiment with, and evaluate, several innovations in the operation of intermediate appellate courts. The features of the proposal include experimentation with standing panels, utilization of staff attorneys, concentration by panels and staff in certain substantive areas for limited periods of time, a special focus on direct criminal appeals and experiment with rules accelerating the time for preparation of appeals for hearing.

The proposal calls for phased introduction of different features according to the needs of specific courts and the resources available. It is hoped that certain portions of the plan can be undertaken in the Fifth Circuit by late fall of this year. Meantime, the National Center for State Courts and the Law Enforcement Assistance Administration (LEAA) are reviewing the plan with a view toward parallel experimentation in state courts to begin as soon as possible.

D. Printing and Publication of Opinions. There appears to be widespread consensus that too many opinions are being printed and published or otherwise disseminated. While an opinion may be needed to advise the parties of the reasons for the outcome of the case or to complete the record for possible appeals, many of these opinions do not require nor deserve publication. There is not, however, any consensus about how to limit publication to those opinions that serve the general needs of the law and the public. In an effort to stimulate and assist an attack on this problem, the Center has begun compiling information on the various rules, procedures and techniqus that are being followed in state and federal courts to limit the printing and publication of opinions. In addition, the Center will be gathering information about how these procedures have worked.

E. Comparison of Internal Operating Procedures of Courts of Appeals. The U.S. Courts of Appeals, as collegial bodies interested in their own efficiency constitute in effect 11 committees of experts continually concerned with improving judicial administration. To date knowledge of what they have developed and effected on a comparative basis is incomplete. Practices are not always fully documented in the published local rules and the local rules are not always followed in actual practice. In order to make this knowledge available to other courts, and possibly to aid a court in the accurate perception of its own practices, the Center has launched an in-depth, comparative study of the internal operating procedures of all 11 Courts of Appeals. This project should be completed in early 1972. One of the objectives of the project is the development of an instrument by which the knowledge can be kept current with a minimum effort. This project will be coordinated with a similar one being conducted jointly by the Appellate Judges Conference and American Bar Foundation, primarily concerned with state courts.

F. Structure and Function of Appellate Courts of the Future. The Center recently played a supportive and planning role in the formation of an Advisory Council for Appellate Justice by a diverse group of scholars, judges and lawyers who have evinced special interest and expertise in the changes being wrought on the appellate process by the increasing volume of appeals and the critical problems such volume poses for the future (if they are not already upon us). A major purpose of the Council will be to evaluate the need of, and proposals for, fundamental changes in the structure and function of appellate courts. At the same time it will attempt to identify matters concerning which immediate action should be taken. The principal feature of the group is its purpose to render assistance to the Federal Judicial Center, National Center for State Courts and others interested in judicial administration, while retaining its free-lance character. A possible outgrowth of its work, in which it will be assisted by the staffs of the two centers, is the covening of a National Conference on Appellate Justice to provide a basis for consensus on directions for the future.

G. Transcription of Records. A comparative study of court-reporting systems, sponsored jointly by the Center and LEAA and conducted by the National Bureau of Standards, has been completed and the final report is due on November 1, 1971. The primary purpose of the study was to compare the speed, accuracy and cost of conventional stenotype reporting and transcription with stenotype reporting connected with a computer for transcription purposes. Included in the comparison was the speed and cost of audio (electronic) recording and transcription directly therefrom. An experiment was conducted for three weeks in the NBS laboratories and for two weeks in the courtrooms of the Philadelphia Court of Common Pleas.

Preliminary findings indicate that the computer can prepare a draft of a transcript in 1/10th the time required by conventional methods, but that the time required for current editing procedures can cancel out the advantages. Although affirming its feasibility, the report will indicate the need for further evaluation of the process based upon steps to be recommended by NBS to reduce errors and editing time to an acceptable rate, including appropriate programming, "tuning" reporters to the system and editing procedures. The report will not recommend the present adoption of one system to the exclusion of all others, but will suggest the use of the system appropriate to the needs of the particular court and will present detailed formulae for making the necessary evaluation.

The NBS report is expected to lead to further development and demonstration of alternative recording and transcribing techniques, *e.g.*, the development of recording equipment designed specifically for court use. The Center expects to assist in, and monitor, further activity in this area for which substantial funds appear to be available from sources other than the Center budget.

III. PROGRAM ON TRIAL COURT LITIGATION

(*General*)

A. Juror Utilization. The Center, under the sponsorship of the Committee on the Operation of the Jury System, has completed studies aimed at improving juror utilization in the U.S. District Courts for the Southern and Eastern Districts of New York. This project, which was performed by the Institute of Judicial Administration under contract to the Center, had as its objective the development of specific guidelines and procedures which result in significant reductions in petit juror expenses without increasing the workload of the clerk's office or creating any significant problems of delay in starting jury trials. Guidelines, and a system for implementing the improved techniques, have been recommended to both courts. Their implementation should result in cost savings of $300,000 per year in New York Southern and over $250,000 in New York Eastern, with a very small risk of delay in the starting time of any trials.

Based on these studies, plus studies conducted by the clerks' offices in California Central, Illinois Northern, the District of Columbia and independent research conducted under an LEAA grant, a report covering general principles and methods for reducing juror costs in district courts will be published by the Center.

One of the objectives of the studies in New York Southern and Eastern was to experiment with methods of implementing proposed reforms. A consultant was placed in particular courts in order to observe their actual operating conditions and practices and to be able to recommend the precise changes required to put the reforms into effect, rather than to leave the problems involved to the courts to solve on their own. Although actual implementation still requires a decision by the judges involved, it is believed that use of a consultant in this manner has contributed significantly to bringing the reforms to this posture.

B. Calendaring Practices. During the past decade, there has been increasing support for the individual calendar among the courts of the federal system. Change, however, had been extremely slow and erratic. When the Center was established, the master calendar was followed in eight of the 20 largest courts. These eight courts had 28.5 per cent of the filings in all district courts. Today, all but one large district court have converted in whole or in part to the individual calendar. The Center continues to devote substantial portions of its seminars for judges and clerks to the efficient operation of the individual calendar. Along with the Administrative Office, the Center continues to provide special assistance to individual courts to facilitate the transition to the new calendaring methods. Assistance has also been extended by collecting information necessary to evaluate the impact of the changes.

C. District Court Time Study. The final report on the district court time study has been completed. A summary of the major results of the study has been disseminated through The Third Branch. Complete findings and recommendations concerning the weighted caseload index have been delivered to the Subcommittee on Judicial Statistics of the Committee on Court Administration, and to the Administrative Office.

A major result of this study, however, is the contribution that it has made and will continue to make in efforts to deploy judicial resources with maximum efficiency. Analysis of the judge time required for disposition of criminal cases has been developed for each of the district courts participating in the Center's conferences dealing with avoidable delay. This enables the judges to evaluate, in concrete terms, the impact that can be expected from tightening and accelerating various segments of the litigation procedures. Further analysis, in more specific terms, is being prepared to respond to the questions developing in this series of conferences.

As mentioned earlier, the district court time study has enabled the Center to quickly develop study designs and procedures for similar analyses of the courts of appeals. A full step-by-step documentation of the district court time study has also been provided to several state agencies interested in conducting such studies in state trial courts. At least two state studies have already been launched.

D. Court Management Information Systems. The Center and the Administrative Office are jointly planning the design and implementation of improved statistical and information systems for the courts. On a planning level, the Center is engaged in drafting the outline of a comprehensive information system for the federal courts. We expect to proceed very carefully and cautiously through the planning stage to be certain that the resources which such a system will ultimately require are appropriately expended. By emphasizing the total picture, the Center should be able to articulate the discreet steps which are required to move toward the long-range goal. Several current projects are representative of some of the building blocks which will become part of the system of the future. These are:

1. Using funds allocated by LEAA for the purpose of designing a model criminal justice statistics system for use in both state and federal courts, the Center is working with the Administrative Office in designing steps necessary to create a vastly improved system within the next two years. The major work on this project will be conducted by the Administrative Office with planning and developmental assistance provided on a coordinated basis by the Center.

2. The first phase of an experimental criminal case management information system, using automatic data processing, has been operating in the U.S. District Court for the District of Columbia for the past year. The Center has now completed the systems design for Phase II and is proceeding with the computer programming necessary to implement the system in January of 1972. The Phase II system will represent a significant improvement and will provide detailed information on the status of each case and the elapsed time for each stage of the criminal process for each defendant in order to meet speedy trial objectives. One significant feature of the system will be the capability for a district court to set local time limits for each criminal case stage. The computer system will then keep track of the status of each defendant and provide notification on any cases which are exceeding the established goals.

A major problem in the courts is the accuracy of presently existing manual records. One of the accomplishments to date has been the establishment of computer files which have proved, after evaluation, to exceed the accuracy of any of the existing manual records. In addition, it is possible to eliminate the preparation of several manual reports with cost savings to the court.

The Phase I version of the system will be implemented in the District Court for the Northern District of Illinois during November and December of 1971. This implementation will provide a valuable test of the flexibility of the system to accommodate the needs of different district courts. As part of the information systems planning, the developments of this project will be integrated with Administrative Office developments to achieve a coherent, consolidated, operational system which contains the data required by the Administrative Office and provides special additional information for local court day-to-day operational requirements.

(*Criminal*)

E. Delay in Criminal Cases. In view of the existence of the number of current studies of general problems in the administration of criminal justice, *e.g.*, ABA Standards for Criminal Justice, the Center has sought to attack delay in the processing of criminal cases by focusing attention on the specific considerations and practices of federal courts. This past August it convened the first of a series of conferences of the chief judges of 17 districts through which flow approximately 50 per cent of the criminal cases in the federal courts. Rather than beginning with nostrums and panaceas, the conference consisted largely of discussion by the judges of what occurred in their courts between succeeding events in the process and of an attempt to identify avoidable delay wherever it may occur and regardless of the amount of time involved. At the same time, there was a preliminary exchange of views regarding responses by various courts to particular problems. It is expected that future conferences will deal with problems which require joint discussion, *e.g.*, with the Department of Justice and U.S. Attorneys, for solution.

In support of these conferences, the Center has prepared extensive data reflecting disposition patterns, delay intervals and judicial time distribution for the courts represented. For the second conference, the Center will have computer analyses of the variations in time lapse between major events in the criminal process, i.e., (1) from offense to indictment, (2) from indictment to the end of pretrial motions and hearings, (3) from end of pre-trial motions to beginning of trial, (4) from beginning of trial to verdict, (5) from verdict to sentencing.

It is anticipated that the conference will contribute significantly to speeding the processing of federal criminal cases merely from their generation of commitment by, and communication between, the chief judge regarding that goal. In addition, it is hoped that the convergence of hard experience and hard data will enable the judges and the Center to fashion a realistic and coherent attack on the problems identified.

(*Civil*)

F. Multidistrict Litigation. The Center has contracted with the former staff director of the Multidistrict Litigation Panel for a report on the development of the procedures used in that project. In addition to capturing the history of one of the most successful experiments in federal judicial administration, the report is expected to be provocative of ideas with respect to dealing with other kinds of civil litigation.

G. Video Taping of Depositions. During the past year, the Center sponsored experimental use of video tape equipment in the U.S. District Court for the Western District of Pennsylvania for the purpose of preserving the testimony of expert witnesses. A report is being prepared for publication.

IV. PROGRAM ON SENTENCING AND PROBATION

A. Probation Case-Aide Project: This project was designed to test the usefulness of non-professional case aides for federal probation officers and to develop programs for training and utilizing such aides. The District Court for the Northern District of Illinois and the University of Chicago have cooperated to carry out the experiments envisioned by the project. The action phase of the project has been completed in which approximately 40 case aides were recruited, trained and employed in the investigative and supervisory activities of the probation office.

All of the analysis of information and data generated by this project will require additional time to complete. However, the court and the probation office in the Northern District of Illinois are firmly convinced by the experience of the project and the preliminary reports that provision should be made at the earliest possible moment for career slots for non-professional case aides. The Center and the National Institute of Mental Health are continuing to support the efforts to develop a clear delineation of the responsibilities, qualification and training for these assistants.

B. Sentencing Outcome Data. The judge and the probation officer are constantly faced with repetitive patterns of criminal behavior requiring them to reach decisions on correctional approaches. Unfortunately, there has been no thorough analysis of their prior decisions, correlated with the outcome of the decisions, to offer guidance for the future. While considerable data for such analysis has been amassed in the Administrative Office, the resources for study and report have never been made available. This has been a source of major concern to the bench, to the Administrative Office and to the Center. Currently, LEAA is considering a proposed study of persons under supervision by the federal probation staff. Data has been developed by the Administrative Office. Analysis would be performed at the Institute of Contemporary Corrections and the Behavioral Sciences at Sam Houston University in Texas. The Center has consulted with all three organizations as the proposed project has developed and would continue to serve as a resource, and possibly as a source of support, to see the project through. The study would analyze five years of histories of persons released to supervision on probation, on parole and on mandatory release from prison. The final report would provide evaluation of particular types of supervision for identified types of offenders.

V. PROGRAM ON GOVERNANCE OF THE JUDICIAL SYSTEM

A. Implementation of Circuit Executive Act. The Center has been engaged in sponsoring and conducting studies with a view to providing guidelines for the effective and appropriate functioning of circuit executives, high-level positions within the federal judicial system, created by an Act of Congress in January 1971 and to be filled, in the discretion of each Circuit Council, from a list to be certified by a Board of Certification. Since the statute provides that the circuit executive shall perform such duties as are assigned to him by the Circuit Council, the guidelines will in effect deal with the management role of the Circuit Councils and distribution of responsibility within the federal judicial system.

VI. INTERJUDICIAL AFFAIRS

A. National Center for State Courts. Since last March, the Federal Judicial Center has, upon request, assisted the efforts of the Provisional Committee and the Board of the State Center. Alice O'Donnell, the Center's coordinator for Inter-Judicial Affairs established a temporary office for this new organization and has attended meetings with the Acting Director, the Provisional Committee and the recently constituted Board. The Federal Judicial Center has proferred continued assistance through its staff and the use of temporary offices for the State Center Director who assumed office October 1st. The two centers are developing a working relationship on projects of joint interest, initially in the area of appellate ligitation.

B. State-Federal Relations. Forty-four state-federal councils have been established in the states, many with the assistance of this office, through consultations and the distribution of helpful material. Though constituted in a variety of ways, the councils generally are made up of the chief judge of the district court and the state chief justice. To maintain a continuing level of interest, all reports on state-federal activities are reported in *The Third Branch*. Programs on the subject were organized by the Center, as requested, for several circuit judicial conferences.

Several state-federal conferences have been held, many of them resulting from the two State-Federal Appellate Judges' Conferences sponsored by the Center (November 1970 and April 1971). Miss O'Donnell represented the Center at the Louisiana Conference on Criminal Law held at Louisiana State University in September.

C. Steering Committee. An eight-member committee representing various organizations concerned with improving judicial administration, including the Center, continues to meet quarterly to exchange information and coordinate programs. This affords continuous liaison with the American Bar Association, American Judicature Society, Institute of Judicial Administration, the Institute for Court Management, the National Council on Crime and Delinquency, the National College of State Trial Judges and the new National Center for State Courts. A meeting of this group was held on September 13–14, 1971.

D. Publication. The Third Branch continues to be published monthly. In addition to current information on Center activities, short reports are given on any other programs or projects of interest to the federal judges and their supporting personnel. Its most recent issue was used as a vehicle for disseminating information on the results of the district court time study. In addition to the federal judiciary, the bulletin is sent to all chief justices, the ABA House of Delegates and members of organizations functioning in the field of judicial administration. Six thousand copies are printed each month.

VII. EDUCATION AND TRAINING

Education and training continue to be major activities of the Center. Since July 1, 1971, the program for probation personnel and referees in bankruptcy formerly carried on by the Administrative Office have become a Center function.

A. Seminars and Short Courses, October 1, 1970–October 1, 1971. Newly Appointed District Court Judges. Washington, D.C., February 27–March 6, 1971—36 participants; March 27–April 3, 1971—35 participants.

Topics covered. General Principles of Judicial Administration; Management of the Civil Case Flow; The Civil Jury Trial; The Civil Non-Jury Trial; The Criminal Case-Arraignment, Plea and Bail; The Criminal Case-Pretrial Motions, Discovery, and Omnibus hearing; Purposes and Philosophy of Sentencing; Sentencing Alternatives; The Federal Correctional System; Sentencing the Tax Offender; Unruly Trials; Complex and Multidistrict Litigation; Post Conviction Problems; Plea-Bargaining; Special Problems in Anti-Trust Admirality and Patent-Copyright Cases; Role of the Judge in the Settlement Process; Use of Computers and Systems Analysis in Judicial Administration; Use of Parajudicial Personnel; The Magistrates' Program; Judicial Activities and Ethics; Use of the Probation Officer.

United States District Court Clerks. Washington, D.C., October 15–17, 1970—36 participants; December 2–5, 1970—36 participants.

Topics covered. The Clerk's Role as Manager; Management of the Clerk's Office; Personnel Management, Personnel Procedures and Training; General Impact of Rules, Orders, and Statutes on the Clerk's Role as Manager; Some Local Rules are an Impediment; Some Local Rules are an Aid; The Clerk's Role in Calendar Management Under the Individual Assignment System; Taxation of Costs; Techniques of Calendar Management; Operating Procedures Under the Jury Selection Act, Manual and Automated Systems; Use of Computers in the Courts; Clerk's Role in the Implementation of the Magistrates Act.

United States Magistrates. Washington, D.C., May 1–5, 1971—30 participants; June 5–9, 1971—34 participants; September 27–30, 1971—30 participants.

Topics covered. Search Warrants; The Complaint and Arrest Warrant Initial Appearance; Bail and Commitment; Conducting the Full Preliminary Hearing; Trial of the Minor Offense; Pretrial in Criminal Cases and the Omnibus Hearing; Forfeiture of Collateral System; Civil Cases—Pretrial Discovery and Pretrial Conference; Special Assignments; Screening Prisoner Petitions; Office Organization and Management; Ethics and Conflicts of Interest.

Courtroom Deputy Clerks. Regional, September 13–16, 1971—36 participants.

Topics covered. Modern Concept of the

Management of Litigation; Role of the Clerk's Office in the Management of Litigation; Courtroom Duties and Responsibilities—General; Desirability of Total Communication; Organizational Structure, Functions and Management of a Clerk's Office as it Relates to the Courtroom Deputy; Management Implication of Statutes, Rules and Order; Individual Calendar Control—General; Individual Calendar Control—Civil and Criminal; Management of the Case Flow in a Small, Non-Metropolitan Court.

Federal Public Defenders. Washington, D.C., August 10–13, 1971—25 participants.

Topics covered. The Federal Public Defender Program and the Judicial Conference; Budget Formulation and Execution; The Collection and Publication of Data for the Federal Judiciary; Personnel Administration in the U.S. Court System; Payroll Procedures; Procurement, Travel and Property Management; Space and Communications; Recent Constitutional Developments in Criminal Procedure; Internal Operation and Record-Keeping; Organization of a Community Defender Office; Modern Management Techniques; The Public Defender, The Probation Officer and the Offender; Administrative Problems in Establishing and Operating a Public Defender Office.

Federal Probation Officers. Western Regional, September 19–22, 1971—100 participants.

Topics covered. The Role of the Federal Judicial Center; The Federal Bureau of Prisons; The United States Board of Parole; Legal Problems Confronting Federal Probation Officers; Modern Management Techniques; The Indian Offender; Developing Community Resources; Differential Treatment Techniques; An Overview of the NARA Aftercare Program; New Aspects of Federal Criminal Justice; What's Ahead in Federal Probation.

B. Planned Seminars and Short Courses. Plans for the coming year include:

Two seminars for newly-appointed district judges (one scheduled for early October 1971);

Five more seminars for courtroom deputy clerks;

One more seminar for magistrates;

Five two-day institutes for referees in bankruptcy;

Eight training courses for probation officers.

C. Publications. Publication of edited versions of papers delivered at various seminars has been completed or is in progress with respect to the following: magistrates, district clerks and newly-appointed district judges.

Future Plans. It is expected that the need for specific studies will emerge from a number of the projects now in progress, particularly the work with the chief judges of the larger district courts regarding delay in criminal cases, the comparative study of the internal operating procedures of the courts of appeal and the matters to be considered by the Advisory Council for Appellate Justice. In addition, the Center is giving attention to several matters regarding which it is hoped that definite programs will soon be commenced. These include: a study and recommendations concerning admission to the bar of federal courts, and disciplinary and disbarment procedures; preparation of programs for use at the various annual circuit judicial conferences as a permanent Center activity; and analysis of factors affecting the size of the federal court caseload.

Respectfully submitted,
ALFRED P. MURRAH,
Director, The Federal Judicial Center.

WEST COAST DOCK STRIKE MUST END

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DON H. CLAUSEN) is recognized for 15 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise briefly to urge the Congress to take immediate action to end the west coast dock strike.

The strike is an intolerable burden on the west coast and on the entire Nation. Already it has dragged on for 6 months and cost the American economy billions of dollars.

Unless the Congress acts soon irreparable harm will result and there are no legal remedies available to halt it. The resources of the Taft-Hartley Act have been fully exhausted and the Government, as the representative of the Nation's consumers, has no further recourse under present law.

The Congress was never intended to be a labor mediation board and must not be placed in the position of having to intervene in individual cases of work stoppages. I do not favor the past congressional practice of dealing with these problems on an individual basis.

It is entirely unfair to the Nation's people that we have not already approved a method of preventing the harm to the economy that can come from a breakdown in labor-management relations in transportation industries.

It is evident that the congressional leadership and, in particular committee leadership, must accept the blame for the failure to meet this issue. The Congress and its committees must work with the executive branch to enact general legislation to prevent an impasse in labor negotiations from imperiling the national economy and the health and safety of millions of Americans.

We must act now to approve general legislation similar to that I have already introduced with a number of our colleagues that would solve the problem for industries not under the jurisdiction of the Taft-Hartley Act. That legislation must be adopted and similar legislation covering Taft-Hartley transportation industries must be enacted—now.

The essence of the general approach is that an arbitration panel would be constituted to consider final offer required to be made by both management and labor in instances where negotiations have stalled, and all other legal remedies have been used.

The panel would not mediate these offers but would be required to select one of the offers as binding. This would force the final offers to be reasonable and encourage negotiated settlements.

This kind of transportation-related work stoppage will continue to grow in number and extremely adverse impact until the Congress acts reasonably and responsibly to protect American citizens.

SEPARATE SEATING FOR NON-SMOKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Speaker, the recent finding by the U.S. Surgeon General that tobacco fumes could be dangerous to nonsmokers who inhale them demonstrates the urgent need for action on H.R. 4776, the Nonsmokers Relief Act I introduced last February 22. Millions of nonsmoking Americans must at least be provided the protection of separate seating while traveling aboard airliners, trains, and buses.

For this reason, I have today asked Chairman HARLEY STAGGERS of the Interstate and Foreign Commerce Committee to conduct hearings as soon as possible on H.R. 4776.

The Interstate Commerce Commission recently adopted a rule requiring separate seating for smokers and nonsmokers aboard buses. Now the Surgeon General has reported that the health of a nonsmoker may be affected if he is forced, while sitting in the confined space of a plane, train, or bus, to inhale the noxious fumes coming from someone else's cigarette or cigar.

A local newspaper reported Sunday that a Government study found 43 percent of all airline passengers think smokers should be separated from nonsmokers. This sizable group included a great many smokers as well as almost all of the nonsmokers—and the survey results are confirmed by the thousands of letters which have poured into my office in support of the Nonsmokers Relief Act.

This bill would place no burden on the smoker, but would protect the rights and health of those who chose not to smoke. Everyone should have the right to breathe clean, unpolluted air; no one should be forced to have his health placed in jeopardy.

ENDING THE WEST COAST DOCK STRIKE: A BETTER IDEA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 5 minutes.

Mr. MATSUNAGA. Mr. Speaker, as all of my colleagues are aware, the west coast dock strike, which gravely threatened the national welfare for 100 days in 1971, has resumed. Congress has been asked by President Nixon to enact ad hoc legislation to deal with this emergency, and I am confident that Congress will respond with an appropriate measure to bring that crippling tieup to an end. In the hope that I might provide some assistance to my colleagues in formulating the best solution to a most serious and delicate problem, I introduced yesterday a bill which I think offers the best answer.

The potential consequences of the resumption of the strike are as devastating as those suffered last year, perhaps more so, with the people of the State of Hawaii being particularly hard hit by the stoppage. As I have pointed out on many occasions, when surface ships and barges cannot reach Hawaii from the west coast, the effect is as damaging to Hawaii as that of a total embargo on all land transportation into a landlocked State on the mainland. When ocean commerce shuts down for any reason, it is as if a Midwestern State were suddenly deprived of truck, train, and auto transit simultaneously. That is, in effect, what happened to Hawaii during the 1971 strike. It cannot be permitted to recur, and as Hawaii's Representative to Congress I appreciate Mr. Nixon's recognition of the urgency of the situation.

However, the President's specific proposal, that the dispute be submitted to compulsory arbitration, is, in my judgment, a grave error. It is my understanding that the International Longshoremen's and Warehousemen's Union—ILWU—and the Pacific Maritime Association—PMA—were extremely close to agreement when the walkout resumed last week. One of the principles was quoted by the press as saying that an agreement would have been reached had the parties not "run out of time."

When Senator Javits, the distinguished Republican from New York, joined in introducing the President's proposal last Friday, he stated that he was unconvinced "that the terms of this bill are the most appropriate way to resolve this dispute." Sharing the Senator's misgivings, Mr. Speaker, I am providing in my joint resolution a 30-day extension of time for continued negotiations between the ILWU and the PMA, during which period both strikes and lockouts would be prohibited. I believe that the parties should be able to reach an agreement within this additional 30-day period. In similar circumstances in 1967, parties to a railroad dispute reached agreement during an extension of negotiating time under the provisions of the Railway Labor Act.

If, for some reason, agreement could not be reached during the 30-day extension, my resolution then provides that the strike would be settled through use of the "final offer selector" process.

Most of the Members of the House are well acquainted with this process, Mr. Speaker. It is part of President Nixon's own proposal for permanent legislation dealing with transportation disputes.

In fact, the final offer selection process and an additional cooling-off period were among the alternatives asked for by the President in his own legislation. In view of this, and in view of the expressed preference of Labor Secretary James Hodgson for final offer selection over compulsory arbitration, I cannot understand why Mr. Nixon chose last Friday to propose neither an extension of bargaining time, nor final offer selection, nor partial operation of the industry, the third alternative sought by the President in his earlier proposed legislation.

My bill provides for the appointment of an impartial three-member panel by the Secretary of Labor and an additional 30 days for the panel to operate. The panel would select the last best offer made by either of the parties to the dispute and inform the Secretary of its selection. The Secretary would then inform the parties of the panel's selection and order the parties to agree to the selected last best offer as the final contract. The final offer selector process, including the issuance of the order by the Secretary of Labor, must be completed within 30 days after the expiration of the 30-day moratorium. All lockouts and strikes would be banned during the entire period until the new contract for a term of not less than 18 months is signed by all parties.

Mr. Speaker, I recognize that the final offer selector process has its compulsory feature, but it has one major advantage over the President's proposed compulsory arbitration, as pointed out repeatedly by Secretary Hodgson himself: each party involved in the dispute would be encouraged to make reasonable offers in the hope that its offer will be the one selected by the panel as the best and most reasonable offer. Under compulsory arbitration, on the other hand, each party is induced to adopt an extreme position, knowing that the arbitrators will impose a settlement that is somewhere between the two opposing positions.

My bill has the further advantage over President Nixon's proposal in that he assumes that the collective bargaining process has failed completely, whereas my measure would provide a 30-day breathing space in which the parties could continue to negotiate a settlement between themselves. During that period, the knowledge that the final offer selector process would be invoked automatically if they could not agree would have a healthy effect on the parties in assessing their own bargaining positions.

It is, of course, regrettable that Congress must act to resolve a dispute that is better left to disposition by the parties directly involved. But the health, safety and economic well-being of the people of the country, and particularly the people of Hawaii, have been endangered too long by this dispute, and we cannot permit its continuation. Having reached that conclusion, however, we must seek the legislative solution that adequately deals with the crisis at hand and does the least damage to the free bargaining process, which everyone recognizes as the most desirable method for settling labor disputes. I submit that the bill I introduced yesterday responds to these twin objectives and offers a better idea than that proposed by the President.

I include at this point the text of my resolution:

H.J. Res. 1023

Joint resolution to provide a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain steamship companies and associated employers and certain employees

Whereas there is a dispute between employers (or associations by which such employers are represented in collective-bargaining conferences) who are (1) steamship companies operating ships or employed as agents for ships engaged in service from or to Pacific coast or Hawaiian ports of the United States, (2) contracting stevedores, (3) contracting marine carpenters, (4) lighterage operators, or (5) other employers engaged in related or associated pier activities for ships engaged in service from or to Pacific coast or Hawaiian ports of the United States (hereafter called "employers"), and certain of the employees of such employers represented by the International Longshoremen's and Warehousemen's Union (hereafter called "Longshoremen's Union"); and

Whereas the order enjoining a strike in this dispute granted by the United States District Court, Northern District of California, in United States versus International Longshoremen's and Warehousemen's Union et al., docket numbered C-17-1935-WTS, October 6, 1971, expired on December 25, 1971, pursuant to the Labor-Management Relations Act of 1947, as amended (29 U.S.C. 176-178); and

Whereas all procedures for resolving such dispute provided for in the Labor-Management Relations Act, 1947, have been exhausted and have not resulted in settlement of the dispute; and

Whereas a settlement has not been reached despite intensive mediation efforts; and

Whereas there is a dispute, involving members of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (hereafter called the Teamsters Union) employed by some of the above employers and by other employers engaged in activities related to the maritime, stevedoring, and pier work described above, concerning the assignment and performance of such work; and

Whereas a dispute in Hawaii, involving certain employers engaged in activities related to maritime, stevedoring, and pier work described above and certain of their employees represented by the Longshoremen's Union and the Teamsters Union, threatens to disrupt essential transportation services for that State and to endanger the health and safety of its citizens; and

Whereas these disputes are closely related to and a portion of the dispute on the Pacific coast; and

Whereas it is vital to the national interest, including the national health and safety, that essential transportation services be maintained; and

Whereas the Congress finds that emergency measures are essential to continuity of essential transportation services affected by this dispute: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That immediately upon the enactment of this resolution the Attorney General shall petition any district court of the United States having jurisdiction of the parties to enjoin the continuation of any strike or lockout arising out of a dispute between the Pacific Maritime Association and the International Longshoremen's and Warehousemen's Union. The court shall have jurisdiction to issue such an injunction, and to make such other orders as may be appropriate, if it determines such strike or lockout meets the criteria set forth in section 208(a) (i) and (ii) of the Labor-Management Relations Act, 1947. Such injunction may be issued for a period not to exceed thirty days. Upon the settlement of such dispute, the Attorney General shall move the court to discharge the injunction, which motion shall then be granted and the injunction discharged.

Sec. 2. If no settlement is reached prior to the twenty-fifth day after the issuance of an injunction obtained pursuant to section 1 of this resolution, the Attorney General shall petition the district court involved to extend the injunction then in effect for an additional thirty days following its original expiration date. Upon settlement of the dispute, the Attorney General shall move the court to discharge the injunction, which motion shall then be granted and the injunction discharged.

Sec. 3. (a)(1) If no settlement has been reached by the thirty-first day following the issuance of the original injunction, the Secretary of Labor shall direct each party to submit a final offer to him within three days. Each party may at the same time submit one alternative offer. The Secretary shall transmit the offers to the other parties simultaneously.

(2) If a party or parties refuse to submit a final offer, the last offer made by such party or parties during previous bargaining shall be deemed that party's or parties' final offer.

(3) Any offer submitted by a party pursuant to this section must constitute a complete collective-bargaining agreement and resolve all the issues involved in the dispute, and must propose a contract period of not ness than eighteen months' duration.

(b) The parties shall bargain for a period of five consecutive days after they receive the other party's final offer. The Secretary may act as mediator during the period of the final offer selection proceedings.

(c) If no settlement has been reached before the end of the period described in subsection (b) of this section, the Secretary shall appoint a special panel of three impartial members to act as the final offer selector.

(d) No person who has a pecuniary or other interest in any organization of employees or employers or employers' organizations which are involved in the dispute shall be appointed to such panel.

(e) If a settlement is reached by the parties to the dispute at any time prior to the panel's selection of a final offer as prescribed below, the panel shall adjourn its proceedings and report to the Secretary within five days the fact that a settlement has been reached and the terms of such settlement.

(f) The panel shall at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed by this section.

(g) From the time of appointment by the Secretary until such time as the panel makes its selection, there shall be no communication by the members of the panel with third parties concerning recommendations for settlement of the dispute.

(h) Beginning with the direction of the Secretary to submit final offers and until the panel makes its selection and the final agreement is signed, there shall be no change, except by agreement of the parties, in the terms and conditions of employment. In no instance shall such period exceed thirty days.

(i) The panel shall not comprise or alter the final offer that it selects. Selection of a final offer shall be based on the content of the final offer and no consideration shall be given to, nor shall any evidence be received concerning, the collective bargaining in this dispute including offers of settlement not contained in the final offers.

(j) The panel shall select the most reasonable, in its judgment, of the final offers submitted by the parties. The panel may take into account the following factors:

(1) past collective-bargaining contracts between the parties including the bargaining that led up to such contracts;

(2) comparison of wages, hours, and conditions of employment of the employees involved, with wages, hours, and conditions of employment of other employees doing comparable work, giving consideration to factors peculiar to the industry involved;

(3) comparison of wages, hours, and conditions of employment as reflected in industries in general, and in the same or similar industry;

(4) security and tenure of employment with due regard for the effect of technological changes on manning practices or on the utilization of particular occupations; and

(5) the public interest, and any other factors normally considered in the determination of wages, hours, and conditions of employment.

(k) The final offer selected by the panel shall be transmitted immediately to the Secretary, who shall issue an order requiring the parties to agree to such offer as the final agreement between the parties. The Secretary shall immediately inform the parties of his order.

(l) The determination by the panel shall be conclusive unless found arbitrary and capricious by the district court which granted the injunction pursuant to section 1 of this resolution.

(m) If a party or parties do not sign the final agreement as selected by the panel within twenty-four hours of the issuance of the Secretary's order, the Attorney General shall immediately petition the district court which issued the injunction pursuant to section 1 of this resolution, to enjoin the further refusal by the party or parties to sign the agreement as provided in the Secretary's order. The court shall have jurisdiction to issue such an injunction, if it determines that the strike or lockout still meets the criteria set forth in section 208(a) (i) and (ii) of the Labor-Management Relations Act of 1947.

(n) The following rules of procedures shall be applicable to the panel's functions under this subsection:

(1) Notice of hearing.—Upon appointment by the Secretary, the panel shall promptly notify and inform the parties of the time, place, and nature of the hearings, and the matters to be covered therein.

(2) Hearing to be public.—The panel shall hold public meetings, unless it determines private hearings are necessary in the interest of national security, or unless the parties agree to present their positions in writing. The record made at such hearings shall include all documents, statements, exhibits, and briefs which may be submitted, together with the stenographic record. The panel shall have authority for the conduct of an orderly public hearing. The panel may exclude persons other than the parties at any time when in its judgment the expeditious inquiry into the dispute so requires.

(3) Participation by the panel in the hearing.—The panel, or any member thereof, may, on its own initiative at such hearing, call witnesses and introduce documentary evidence, and may participate in the examination of witnesses for the purpose of expediting the hearing of eliciting material facts.

(4) Participation by the parties in hearing.—The parties or their representatives shall be given reasonable opportunity (A) to be present in person at every stage of the hearing; (B) to be represented adequately; (C) to present orally or otherwise any material evidence relevant to the issues; (D) to ask questions of the opposing party or witness relating to evidence offered or statements made by the party or witness at the hearing, unless it is clear that the questions have no material bearing on the credibility of that party or witness on the issues in the case; and (E) to present to the panel oral or written argument on the issues.

(5) Stenographic records.—An official stenographic record of the proceedings shall be made. A copy of the record shall be available for inspection by the parties.

(6) Rules of evidence.—The hearing may be conducted informally. The receipt of evidence at the hearing need not be governed by the common law rules of evidence.

(7) Requests for the production of evidence.—The panel shall have the power to subpena. It shall request the parties to produce any evidence it deems relevant to the issues. Such evidence should be obtained through the voluntary compliance of the parties, if possible.

Sec. 4. (a) The panel established under section 3 of this resolution may act by majority vote.

(b) A vacancy on the panel shall not impair the right of the remaining members to exercise all of the powers of the panel. In case of a vacancy due to death or resignation, the Secretary may appoint a successor to fill such vacancy.

(c) Members of the panel shall receive compensation at a rate of up to the per diem equivalent of the rate for GS-18 when engaged in the work of the panel as prescribed by this resolution, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Federal Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(d) For the purposes of carrying out its functions under this resolution the panel is authorized to employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703(b) of title 5, United States Code, for persons in the Federal Government service employed intermittently, while so employed.

Sec. 5. Definitions.—(a) The term "Secretary" when used in this resolution refers to the Secretary of Labor.

(b) The term "parties" wherever used in this resolution shall mean the parties who were under the jurisdiction of the United States District Court, Northern District of California, in United States versus International Longshoremen's and Warehousemen's Union, et al., docket numbered C-17-1935-WTS, October 6, 1971, who have not settled their dispute prior to the enactment of this resolution.

Sec. 6. Appropriations.—There are hereby authorized to be appropriated such sums as may be necesasry to carry out the provisions of this Act.

Sec. 7. Separability.—If any provision of this resolution, or the application of such provision to any person or circumstance, shall be held invalid, then the remainder of this resolution, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, but shall remain valid and in full force.

Sec. 8. Effective Date.—This resolution shall take effect immediately upon its enactment and the legality of any action authorized herein and taken thereafter shall be governed by the Act regardless of when such action is initiated.

PROPOSED AMENDMENT TO DISTILLED SPIRITS PLANT PROVISIONS OF INTERNAL REVENUE CODE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Rostenkowski) is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, today, I have introduced for myself, Mr. Landrum, Mr. Collier, and Mr. Broyhill of Virginia, a bill to amend the distilled spirits plant provisions of the Internal Revenue Code in order to remove certain restrictions that are presently incorporated in the code. This legislation would remove restrictions that are not necessary for effective enforcement of the revenue and regulatory aspects of the law. Removal of these provisions would also have the effect of facilitating and encouraging exports. These provisions would have no adverse effect on the amount of revenue that would be collected by the Internal Revenue Service.

I would like to insert in the Record at this point a brief explanation of the various sections of this legislation:

SECTION-BY-SECTION ANALYSIS

SECTION 1. NAME OF DISTILLER ON LABEL OF GIN AND VODKA BOTTLED IN BOND FOR EXPORT

Section 1 of the bill would eliminate the requirement of showing, on the label of gin and vodka bottled in bond for export, the name of the distiller. Such information serves no useful purpose, and since gin and vodka are produced from neutral spirits, compliance with the statute means showing the distiller of the neutral spirits which may be a person different from the producer of the gin or vodka; the showing of such distiller on the label could even be deceptive to the consumer.

SECTION 2. DRAWBACK FOR BULK IMPORTED GOODS BOTTLED IN UNITED STATES

Section 2 of the bill would authorize allowance of drawback of tax on bulk imported goods which are bottled in the United States and exported therefrom. Because of the limitation to goods "manufactured or produced in the United States" in existing law, imported distilled spirits are not subject to drawback under section 5062(b). However, by virtue of section 5523, IRC, reduction in-proof and bottling or packaging are deemed to constitute manufacturing under section 311 of the Tariff Act of 1930. (19 U.S.C. 1311). This amendment would make the export standards of Sec. 5062(b) consistent with those in Sec. 311.

SECTION 3. DISTILLED SPIRITS DELIVERED TO THE ARMED FORCES FOR EXPORTATION

Section 3 of the bill would provide that distilled spirits delivered to the armed forces for exportation will be deemed to be exported at the time of delivery to the armed forces.

Under current procedures alcoholic beverages sold to the armed forces for shipment and use abroad are delivered to an armed services transportation officer at the port of exportation. Thereafter, custody and control of the merchandise is entirely with the service involved. However, in several recent cases sizable quantities of distilled spirits were stolen while temporarily stored by the Air Force at the port of exportation. The Treasury Department assessed and collected from the distillers the tax on the merchandise so stolen while in the possession, ownership and control of the Air Force, and the Air Force refused to reimburse the distillers for such tax.

As a matter of equity, it would appear that when custody and control of alcoholic beverages are delivered to the armed forces for exportation, the vendor should not be liable for the tax in the event of loss or destruction prior to actual exportation.

SECTION 4. DISTILLED SPIRITS RETURNED TO BONDED PREMISES

Section 4 of the bill would permit the bottler or packager to return to an export storage facility on bonded premises distilled spirits which would be eligible for drawback under Section 5062(b). The return of the spirits must be solely for the purpose of storage pending withdrawal for export, or other withdrawal without payment of tax authorized under Section 5214(a), or free of tax under Section 7510.

This section also permits the bottler to return to appropriate storage facilities on the bonded premises distilled spirits which he had bottled in bond after tax determination. Such spirits may be withdrawn for any purpose for which distilled spirits bottled in bond before tax determination may be withdrawn from bonded premises.

Appropriate amendments are made to provide for the remission, abatement, credit, or refund of tax on spirits returned to bonded premises under this section.

The amendments made by this section are designed to simplify and encourage export transactions.

SECTION 5. WITHDRAWALS TO CUSTOMS BONDED WAREHOUSES

Section 5 of the bill would authorize withdrawal of distilled spirits from bonded premises without payment of tax for transfer to any customs bonded warehouse. This provision applies to spirits bottled in bond for export and to spirits returned to bonded premises under section 5215(b). The amendment is designed to simplify and encourage export transactions.

SECTION 6. REMOVAL OF SAMPLES FOR RESEARCH, DEVELOPMENT, OR TESTING

Section 6 of the bill would make a reasonable extension of the purposes for which samples may be removed without payment of tax to include plant research in addition to laboratory analysis. This amendment is similar to the recent amendment to Section 5053 relating to beer.

SECTION 7. MINGLING AND BLENDING OF DISTILLED SPIRITS

Section 7 of the bill would permit distilled spirits plant proprietors to commingle distilled spirits within 20 years of the date of original entry rather than the existing 8 years. The section also eliminates the requirements of existing law that the mingled spirits be placed in the same barrels and that the mingling must be for further storage in bond. Proper administration of the distilled spirits tax and regulatory provisions does not require the limitations on commingling to 8 years or the return of the distilled spirits to bonded storage. From a practical standpoint, the use of the same package is an unnecessary restriction.

SECTION 8. USE OF JUNIPER OILS IN PRODUCTION OF GIN

Section 8 of the bill would authorize the use of the extracted oils of juniper berries and other aromatics in the production of gin without incurrence of the rectification tax in addition to the present system of redistillation of a pure spirit over juniper berries and other aromatics. This amendment will permit production of gin with greater uniformity and without loss in quality.

SECTION 9. EFFECTIVE DATE

The Act would become effective on the first day of the first calendar month which begins more than 90 days after enactment. This will give the Treasury Department and the distilling industry sufficient time to modify procedures under the statutes amended.

SPACE SHUTTLE—WE MUST GO FORWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CHARLES H. WILSON) is recognized for 5 minutes.

Mr. CHARLES H. WILSON. Mr. Speaker, this country, like any assembly of intelligent, imaginative, and progressive people has an abiding urge to progress, to go forward, to explore, and thereby make life better and more satisfying. This has been the history of mankind, and most certainly the history of our own country.

The newest and most exciting manifestation of this urge is the announcement that we will begin the second part of our exploration—and discovery—of the space that surrounds our earth. I speak, of course, of the space shuttle program.

To me—and I think I speak for the majority of Americans—it is nothing short of unthinkable that we should allow the momentum that we have gained in the space program to be dissipated in a lack of interest in all of the things that still remain to be discovered. We have taken the first giant step into space through the Apollo program. Is there some logical, some understandable reason that we should not now take additional steps? Has this country ever before made an advance and recognized it as an advance and hasn't continued on to take the next step? I speak this way because there are intimations already that public funds could better be spent on other programs, that expenditures in space have some stigma attached to them, as though such expenditures represented something unneeded or perhaps even unworthy. I have no doubt of the sincerity of those who have and will in the future express themselves in this way. I will have the charity, I sincerely hope, to think of those who speak in this fame as shortsighted, as unimaginative. I will say they are wrong.

The question that must be answered by the Government of this country generally, and by the Congress very specifically, is not an either/or question: With the "either" being a space program and the "or" being other programs of a different nature. We are not presented with the space shuttle program as an alternative to all other progressive programs that we must engage in. Quite the contrary, the space shuttle program is one program that must go forward along with many other programs.

There is a tendency to think that if the money that will be necessary for the space shuttle were not spent in this fashion that it would be immediately available for other social advances that have the appearance of being much more immediate and much more necessary to the well-being of our people. This, to my mind, is poor thinking. The space shuttle program does not contemplate the encapsulation of several hundred million dollars in a vehicle which is then projected into space never to return. The space shuttle program is one that will be engaged in by people, who are anxious that we advance toward the betterment of our life through the considered and very deliberate observation of what lies outside our immediate environment. The space shuttle program is one that provides very serious workers with very serious work. And one engaged in this work needs little or no other help from his Government because he is providing for himself, he is earning a wage and has the knowledge that he is engaging in an important venture. We are not faced here with a this-or-that kind of idea. Real progress and real dignity is achieved by engagement in productive activity, and I can think of no more truly productive activity than that of finding out who and what we are and how we can improve the circumstances under which we live.

I have no easy answers to all the questions that face this country but of one thing I am certain and that is that I would be proud to be able to say that I in some way worked in or contributed to the progress of our people in a fashion that I visualize will be the result of the space shuttle program. It is my intention to support it.

INTRODUCTION OF AN AMENDMENT TO GRANT EXCLUSIVE INVESTIGATORY POWER OF ILLICIT DRUG TRAFFIC TO THE BUREAU OF NARCOTICS AND DANGEROUS DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MURPHY) is recognized for 10 minutes.

Mr. MURPHY of New York. Mr. Speaker, I introduce for appropriate reference a bill that will eliminate one of the major current obstacles to the enforcement of our narcotic laws, the conflict that arises because of jurisdictional disputes between our two narcotic law enforcement agencies, the Bureau of Narcotics and Dangerous Drugs and the Bureau of Customs of the Treasury Department. The bill stipulates that the Department of the Treasury, acting through the customs service, shall not engage in any investigation or other activity outside the borders of the United States which may lead to any criminal prosecution or civil action against any person under any law of the United States relating to narcotic drugs—as defined in section 102(16) of the controlled substances Act—and any such investigation or other activity shall be conducted on behalf of the United States by the Department of Justice acting through the Bureau of Narcotics and Dangerous Drugs.

Mr. Speaker, the jurisdictional dispute between the Justice Department's Bureau of Narcotics and Dangerous Drugs and the Treasury Department's Bureau of Customs concerning responsibility for dealing with the international traffic in narcotics has been a matter of concern for many years. The BNDD is the investigative, enforcement, and regulatory arm of the Justice Department for the control of drugs, while the Customs Bureau is responsible for preventing the smuggling of narcotics and dangerous drugs into the country. Frequently these activities overlap.

The dispute between the two agencies over jurisdictional boundaries reached serious proportions late in 1969 when each competed bitterly for authority in overseas enforcement of drug laws. The Customs Bureau argued that it is entitled by law to deal with foreign police in narcotics cases and to follow up its investigations within the United States. BNDD contended that drug abuse must be viewed in its overall implications, including supply and demand, eradication of drugs at the source, and the suppression of traffic in the United States. Because of this bureaucratic feud, relations between the two agencies deteriorated to such a point that they failed to coordinate enforcement activities or to exchange information, and in many instances duplicated efforts.

In an attempt to resolve the dispute, the two departments agreed to try to draft guidelines concerning jurisdictional boundaries for each. However, they were unable to agree on terms, and in late 1969, President Nixon turned the matter over to the Advisory Council on Executive Organization. After receiving the Council's report, the President issued a memorandum, in February 1970, in which he stated that BNDD should be the accredited agency representing the Nation "in dealing with foreign law enforcement officials on narcotics questions. Customs should not represent the United States in this area, except when authorized by BNDD." The memorandum further directed BNDD to control "all investigations involving violations of the laws of the United States relating to narcotics, marihuana and dangerous drugs, both within the United States and beyond its borders." The Customs Bureau was to remain mostly a port surveillance agency to support BNDD's efforts to eliminate the flow of narcotics into the country. The President also provided that future disagreements between the two agencies "shall be resolved in writing by the Attorney General."

Despite these guidelines, more than a year and a half later the differences remain unresolved. This became quite clear during the fiscal 1972 appropriations hearings when Treasury Secretary John Connally testified before a subcommittee of the House Committee on Appropriations that he had heard considerable rumblings that all was not going well, and that the cooperation anticipated is not quite being realized. Attempts by the agencies to establish formal guidelines to implement the President's directive have been unsuccessful.

The results have been to seriously weaken this country's efforts to put major dope peddlers behind bars. Federal officials have informed me that during the last 12 months, many major foreign trafficking cases handled by the two agencies have been seriously affected—in effect blown—because of the problems arising out of jurisdictional conflicts. Some of the side effects of this dispute include:

Threat of premature arrests—Out of country cases that have been initiated and developed by the Bureau of Narcotics and Dangerous Drugs are sometimes "taken over" by duress of customs agents when the drug shipment crosses the U.S. border. While the Justice Department would prefer to follow the shipment to its ultimate destination; that is, the traffickers in Chicago or New York, in BNDD developed cases customs agents have threatened to arrest the violator at the border unless they take over the case.

A border seizure means the Customs Bureau can claim credit for the case. In one recent case BNDD agents without prior notification to customs seized a large quantity of marihuana on a boat entering the United States. Customs agents were so perturbed by the fact that BNDD had retained jurisdiction that they proceeded to seize the vessel for failing to clear the port properly even though the entry was made at the direction of BNDD.

Keystone Cop situations.—The rivalry can reach dangerous if not comic-opera proportions to the detriment of enforcement efforts. On more than one occasion, because customs agents so jealously guarded their cases and entered into surveillances in cities that were not familiar to them, the investigations have not been brought to a successful conclusion. In one case about 2 years ago along the Mexican border, BNDD agents were working a case without customs participation, so customs agents decided to place the BNDD agents and the informant under surveillance. Just as the defendant was about to deliver some heroin to a BNDD undercover agent, customs agents decided to enter the investigation and came charging into the area with sirens blaring ready to snatch the case away from BNDD. It is still a mystery why the defendant still made the delivery. I have been informed that there have been similar cases of harassment of BNDD agents by customs agents at ports and borders.

This lack of coordination may even reach the point where, after an arrest, customs officers find they netted a BNDD informant trying to make a purchase from a customs informant. When BNDD informants or undercover agents are looking for suppliers of drugs by pretending to be purchasers, and customs informants are seeking out persons who initiate smuggling demands, the potential rivalry can be extremely dangerous when agents of the two services proceed with drawn guns to make the arrests. This type of embarrassment is so likely that customs finally began informing BNDD when and where they were bringing a convoy through from the border just in case another Federal officer happened to be the purchaser—but they will not allow the Justice Department to assume investigative jurisdiction in the case even though customs agents may not be acquainted with the streets and areas where the surveillance will take place.

No prosecutions.—Cases against traffickers have fallen apart because of a lack of complete coordination between the two agencies which resulted in an inability to make a case or even an arrest. And while contraband drugs were seized in such cases, there were no prosecutions and the traffickers were not brought to justice. The situation is so deplorable that it is affecting our good relations with foreign law enforcement officers, particularly in France where the highest degree of cooperation is required if we are to do anything about shutting down the clandestine heroin laboratories in that country. The feuding has become so notorious that the Chief of INTERPOL recently made an appeal before a United Nations drug commission for all drug enforcement agencies to discard their jealous attitudes, to stop fighting among themselves and to find way of cooperating.

Although it seems that many efforts have been made during the past 20 years to stop the interagency rivalry in drug enforcement, the jealousy and competition run deep at the agent level. Even though the Treasury Department and the Justice Department have tried time and again by threatening disciplinary action against those who cause trouble, I have been informed by Justice officials that customs agents continually fail to furnish intelligence data to BNDD, and, in fact, often furnish it to State or local officers instead. Even worse, whether real or imagined, there is an unhealthy belief held among many BNDD agents that customs agents would rather see a case "blown" than to have BNDD take the credit for making a seizure.

I would like to emphasize at this point that I am not indicting the agents of the Bureau of Customs. I know many of them personally and I know that they are dedicated, hardworking Federal officers. The is not meant to point the finger of criti- point of raising some of the above issues cism at any person or group of persons. This rivalry has been going on for many years even when both bureaus were under the same department.

As long as 13 years ago, this situation was described as "a good old-fashioned rivalry." However, results such as the above preclude the continuation of this duality of leadership. The purpose of my bill is to guarantee that in the end there will be one man in charge of national and international investigations and that the net result will be more dope pushers put behind bars than ever before.

In recent talks with customs agents, they admit the enormity of the job of seizing the vast amounts of contraband drugs flowing across the borders. This bill would not take anything away from customs. There is enough work for all in the narcotic enforcement field. However, something must be done to end the uncertainty, rivalry and inefficiency that has been allowed to go on through many administrations. Clear jurisdictional lines must be drawn, and since both the President's guidelines and the attempts by the agencies involved have failed to firmly establish these, it is proper that Congress should take the role of the final arbiter.

If confusion, fragmentation and duplication of effort are to be avoided, both foreign and domestic law enforcement agencies must be able to deal with a single agency having the authority to represent the U.S. Government in the area of drug control and enforcement. Clearly this single agency must be the Bureau of Narcotics and Dangerous Drugs. When the former Bureau of Narcotics was created in 1931 under the Treasury Department, it was established for the specific purpose of complying with international treaties into which the United States entered for the control of narcotics.

When the Bureau was transferred to the Justice Department, it was established for the specific purpose of complying with international treaties into which the United States entered for the control of narcotics. When the Bureau was transferred to the Justice Department by the Reorganization Plan No. 1 of 1968, it was clearly the intent of the President and the Congress that all the responsibilities of the Bureau, and all the responsibilities of the Secretary of the Treasury with regard to the Bureau, were also to be transferred to the new special agency within the Justice Department. The Bureau of Narcotics and Dangerous Drugs was to be the sole agency having primary responsibility for the control of illicit drug traffic on both the international and national levels.

The amendment to the Comprehensive Drug Abuse Prevention and Control Act which I am proposing would clearly and by statute vest the Bureau of Narcotics and Dangerous Drugs, through the Attorney General, with this exclusive jurisdiction.

A copy of the bill I introduce today is as follows:

H.R. 12618

A bill to amend the Comprehensive Drug Abuse Prevention and Control Act To Vest Primary Law Enforcement Jurisdiction in the Attorney General

Be it enacted by the Senate and the House of Representatives of the United States in Congress assembled, That Section 1016 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 966) is amended to read as follows:

"SEC. 1016. Nothing in this Act shall derogate from the authority of the Secretary of the Treasury under the customs and related laws at the ports and borders of the United States and, *Provided,* That in the event of a dispute with respect to jurisdiction, conduct of an inspection, investigation, or disposition, the decision of the Attorney General shall be final."

WITHDRAWAL OFFER MUST HAVE NO GIMMICKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LEGGETT) is recognized for 5 minutes.

Mr. LEGGETT. Mr. Speaker, the news reports that the President is planning to offer the North Vietnamese and the NLF a trade of withdrawal for prisoners of war are most encouraging. This is what many of us have been urging for years. It is a practical and feasible way to end the war; in fact, it may be the only practical and feasible way. It is at the same time the most we can ask for and the least we can accept. We have given the Thieu government much more than a fair start; now it must do its own fighting, in the air as well as on the ground.

Mr. Speaker, I desperately hope the offer will be sincere, and not a propaganda gimmick. I hope it will not be loaded with deceptive conditions designed to insure rejection.

A fair offer would consist of the following:

Complete withdrawal of all American military personnel—land, sea, and air, combat, logistics, and advisory—from Vietnam, Cambodia, and Laos within 6 months or less, in exchange for guarantee of the safety of the withdrawing troops and release of all American prisoners—period.

This is the offer the President should make. Any additional conditions would be undesirable, unwise, inconsistent with the will of the American people, and even more unreasonable than a demand from the other side that we cut off aid from the Thieu government.

A TRIBUTE TO AN INNOVATOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to call attention of my colleagues in this body to an article which recently appeared in the Boston Herald Traveler on December 7, 1971. I think it is a fitting tribute to a tireless, dedicated worker in the nursing home field. Those of us such as myself who have known her over the years and have followed her career from Boston to Washington have always taken pride in knowing such a fine person. As any of my colleagues will readily testify, national organizations in this city are no more effective, demonstrate no more concern for quality of service and the national good than do the people who make up that organization. In this case, the American Nursing Home Association is indeed fortunate in possessing at this time in the history of nursing homes as developing institutions the services of such a skilled and innovative administrator as Miss Cahill. That the field of nursing home administration is a growing, challenging, increasingly technical and scientific field is becoming increasingly obvious to all concerned. I do not think it goes too far to say that Miss Cahill's career and continuing education points the way to the future and she deserves our recognition for the original contribution she is making.

I think it is particularly appropriate that the article is by Mr. Wendell Coltin, a man who has devoted his professional career to concentrating on the problems and aspirations of the elderly in our society. What better tribute for any professional in a field so closely related to the elderly and their problems as nursing home administration than to be cited for a special tribute by an acknowledged expert and highly regarded critic in the field. It only remains for me to point out that Mr. Coltin interviewed Miss Cahill at the Nursing Home Convention in Anaheim, Calif., while there to receive that association's highest award for the remarkable quality of his reporting.

A DYNAMIC WORKER

(By Wendell Coltin)

"Pat" Cahill's job took her from working with children as a school teacher in Newton (1960–1964), to being a dynamic worker to better the life of the elderly, through educational services to nursing home people affiliated with the America Nursing Home Association. She's the ANHA educational director.

We talked with Miss Cahill, daughter of Mr. and Mrs. E. J. Cahill of 26 Creighton St., Jamaica Plain, in Anaheim, Calif., at the 22nd annual convention of the ANHA. Prior to becoming associated with ANHA, she was special projects officer in the Staff Development and Training office of the Job Corps Program in Washington and an independent consultant.

Now, she conducts the total education program of the ANHA and it was in that light we saw her—and talked with her at Anaheim. She can make a class interesting—and, ultimately, if her lessons are learned well, patients in nursing homes will benefit from knowledge acquired by her "students."

She designs and conducts programs for the ANHA administrators and supportive personnel in the nursing home facility. The fact there is such a program may surprise many people.

Miss Cahill reviews new texts, audio-visual materials and programs available for nursing home personnel in a bimonthly publication she edits, "Get Smart."

Recently, she added a new service of informative audio tapes on various topics of interest to nursing home personnel. The education information service is provided to state nursing home associations, including the Massachusetts Federation of Nursing Homes.

Her programs are coordinated with government agencies interested in educational programs for nursing home personnel and with academic institutions, "in order to provide the best educational experience for nursing home personnel, ensuring the best patient care possible for nursing home patients."

Miss Cahill is one of the new breed of young persons who have become identified with nursing homes, either in administrative capacities or through work in the ANHA and state associations. The average age of administrators, we were told at the ANHA convention, has dropped from 50 to 40 in recent years, and college-educated administrators are taking their places in the nursing homes.

We learned, for example, from Miss Cahill that the University of Rhode Island, some months ago, requested information on positions available in health care facilities for its recent graduates. For the most part, the graduates were sociology majors interested in social service careers.

Observation: "Pat" Cahill's program of continuing education is further evidence of the constant—and growing aim—of responsible nursing home people and their associations to improve the quality of their personnel and nursing homes. You can be sure these individuals—and associations are as concerned about any lemons in their midst as the most concerned person and want to see them rooted out of the industry, while striving to upgrade sub-standard facilities and have, as President Nixon hopes, the outstanding facilities of today be the typical homes of tomorrow.

TOBACCO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. FOUNTAIN) is recognized for 10 minutes.

Mr. FOUNTAIN. Mr. Speaker, a lot of words have been written and spoken about tobacco in our country in recent years—many of them scare words based on shaky logic.

I am afraid some people have lost their sense of proportion about this important agricultural product, which brings so much pleasure to so many. However, a recent newspaper column on the subject goes a long way toward putting the situation in proper perspective.

The column, which recently appeared in the Southern Pines, N.C., Pilot, was written by a distinguished citizen of the Second Congressional District of North Carolina, which I have the honor to represent.

He is Mr. Thad Stem, Jr., noted author and historian of Oxford, N.C., whose latest book is "Entries from Oxford," published by Moore Publishing Co., Durham, N.C. His nine earlier books are works of fiction, nonfiction, and poetry.

Entitled "Paean to Tobacco," Mr. Stem's column is as follows:

> Even aside from the proponents and the opponents of phosphates in detergents, America is plagued with two macabre apostles of doom. One is the so-called reformed smoker who goes around among contented smokers as if he were preaching the virtues of lockjaw in a region riddled by famine. Every time you take a drag of blue-magic in his presence you are supposed to feel as if you were an active party to the Benedict Arnold-Major Andre plot. But, frequently, when this woebegone minister of harassment has exhausted his stock of horrifying epithets, he says, quiveringly, "Lemme bum a smoke. I quit 'em cold three weeks ago."
>
> Even more menacing is the fellow who can't light a cigarette without making a speech about why he shouldn't be smoking. He keeps blowing smoke but he makes you feel you ought to denounce all pleasure as original sin and trade your new suit in for a set of old sack-cloth and smokeless ashes.
>
> If one wants to smoke, he should smoke and enjoy it, without apology of extenuation, and if he can't let others smoke in peace, then he should follow the injunction of an old, sacred hymn and go straight to hell. As yet, tobacco is not illegal, and its use by an individual requires no more defense than a preference for boiled potatoes for supper or tomato soup for breakfast. People smoke for pleasure, exclusively. Using tobacco is comparable to making-out: it isn't supposed to make you wiser, taller, or prettier. It will not make your in-laws more palatable, nor will it keep civic club caterers from serving up creamed chicken and green peas.
>
> And there's a lot of unmitigated jazz about tars and nicotine. Albeit, some whimsical manufacturer may come up with a completely benign cigarette, but if he does it will taste like hot air drawn through a soda straw. The flavor comes from tars and nicotine, chiefly, from good smoking tobacco and all of the wondrous weed's tasty ingredients. So, to make a cigarette bereft of tars and nicotines is similar to making whiskey without alcohol, bread without flour, and love without people.
>
> Obviously, this is a pro-tobacco piece. We love to smoke and we believe in all of the splendid things the tobacco industry has done for American society. And as we light up we remind ourself that had it not been for tobacco, the American colonies probably would not have survived. But, again, we may be exceptional because our parents imbued us with an active sense of loyalty and appreciation for high services rendered.
>
> Years ago, when all pleasure didn't entail some automatic, abject apology, we marked a passage in Charles Kingsley's famous book, "Westward Ho." We like the passage so well, we copy it out now:
>
> "Tobacco is a lone man's companion, a bachelor's friend, a hungry man's food, a sad man's cordial, a wakeful man's sleep, and a chilly man's fire. There's no herb like unto it under the canopy of heaven."

EMERGENCY CRIME CONTROL ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 15 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, I am today reintroducing with cosponsors the Emergency Crime Control Act. In our effort to increase the amount of Federal anticrime funds going to the cities and to speed the flow of these funds, my distinguished colleague, Congressman JOHN SEIBERLING, and I have been joined by 21 of our colleagues, and I am grateful for their support.

While the recently announced administration program to grant $120 million in crime fighting funds to eight large cities is commendable as far as it goes, it can hardly be thought of as going far enough. That program makes even more apparent, in fact, the need for enactment of proposals embodied in the Emergency Crime Control Act. First of all, by proposing such a program, the administration—which had been vigorously defending the Law Enforcement Assistance Administration and proclaiming many victories in the war on crime—has now in effect admitted that the existing programs simply have failed to reduce the level of crime in our large cities.

Second, while the need for a new approach to the crime problem is thus obvious, a comparison of the provisions of the administration's high impact crime program and the Emergency Crime Control Act will show that the approach embodied in our legislation is much more comprehensive. The most obvious flaw in the administration program is that it covers only eight cities. I am delighted that my city of Cleveland is one of the "lucky eight," but I believe that the crime problem in each of the 56 cities with populations in excess of 250,000 is so pressing that none of the 48 others should be ignored. Residents of all of these cities have for many years been subjected to a crime rate several times greater than the rate for rural areas, and I do not feel that any of them should be made to wait a moment longer for relief.

As to how the anticrime funds are to be used in the urban areas, once again the administration approach is deficient. The grants under the administration program go to the city governments, which control only one element of the criminal justice system, the police forces. In most cases the courts and corrections systems are a part of the county governments. Because only the eight municipal governments are to receive funds from the administration the needs of these other vitally important institutions are being overlooked. Such an approach may perpetuate a situation in which, as was stated in a Cleveland Press editorial on the high impact crime program:

> . . . the neglected areas of law enforcement have been the courts. The need is for faster and more effective prosecution of cases and better probation and parole services.

Similarly, the administration program is less comprehensive in regard to geographic coverage in the metropolitan areas. The thrust of its program and the Emergency Crime Control Act is in the large cities—where it should be. But under our legislation, the suburbs surrounding each large city also would participate in formulating and implementing the anticrime program. Urban area crime rates are the most serious of all and should receive the most attention, but this fact does not mean that we should ignore the increasingly serious crime problem in the suburbs.

In addition, the Emergency Crime Control Act offers more money to the high crime urban areas. For example, whereas the administration program would give the city of Cleveland $20 million over the next 3 years, under our legislation, the Cleveland area would receive $12 million annually.

Yet another drawback in the administrations program is that it will be effected through the existing system in which Federal and State officials have a measure of control over the funds allotted to the local areas. Not only does their participation in the policymaking process result in delay in expenditure of funds, but also it diffuses responsibility so that no one can be held directly accountable for the success or failure of the program. Under the Emergency Crime Control Act the local officials, who are the most knowledgeable about their area's law enforcement needs, will be responsible for drawing up a crime-fighting program and will quickly receive the money to implement it. In contrast to the administration program, in which the participating cities still do not know exactly how much they will receive, my legislation will give them a predictable amount which will permit them to prepare their budgets in an orderly manner. There would be no political considerations in the granting of this money, for it would be distributed under a formula which takes into account population and the crime rate. Should the local officials fail to use this money effectively, they and they alone would be held responsible.

For these reasons, I shall continue to work for the passage of the Emergency Crime Control legislation. In this regard, I urge the Judiciary Committee to begin consideration of this very important piece of legislation.

I would at this point like to append a New York Times article and a Cleveland Press editorial concerning the high impact crime program, and a list of the cosponsors of the Emergency Crime Control Act.

Aid for Fighting Crime

The new federal program to reduce street crime by spending $160 million in eight major cities, including Cleveland is likely to be well received.

Certainly the $20 million apiece promised to Cleveland, Denver, Dallas, Baltimore, St. Louis, Atlanta, Newark and Portland, Ore., over the next 24 months can buy more police protection in those cities than now exists.

The slaying of a Baltimore newspaper photographer as he sat in his car reading a book last week accentuates the need for as much on-the-street protection as possible.

But the "high impact" anti-crime program would be more convincing if the cities involved had been required to submit specific proposals before they were chosen for federal funds.

Most of the mayors who gathered in Washington for the announcement the other day seemed genuinely surprised by their selection, and few of them had given much thought to how they expect to spend the money.

It would be unfortunate if some of the cities bought expensive hardware instead of trying to head off street crimes at the source by concentrating on chronic troublemakers and cracking down on the drug traffic.

Hiring more policemen and teaching citizens how to use locks and burgular alarms are a necessary part of any crime prevention program, and some of the new money could be used for those purposes.

But the neglected areas of law enforcement have been the courts. The need is for faster and more effective prosecution of cases and better probation and parole services.

The mayor of Denver said he hopes to use part of his grant to help reduce juvenile crime. Considering that the repeater rate among young offenders is three out of four, this would be money well spent.

Mayor Perk says he plans to triple the size of the city's anti-narcotics unit. This too makes sense because a high percentage of street crime is drug-connected.

The question now is whether the eight cities will have the savvy and imagination to spend the money where it will do the most good. If the answer is yes, the new program could become a useful weapon in the fight against crime.

Agnew and Mitchell Surprise Eight Mayors With $160 Million Program to Fight Crime

Washington.—The Nixon administration, its eye on the fall election, trotted out its sternest "law and order" symbols to launch an eight-city campaign against street crime and burglaries.

Attorney General John Mitchell introduced Vice President Spiro Agnew, who announced the $160 million program at a news conference. Then, both apostles of the "law and order" doctrine departed quickly, leaving the chore of answering questions to others.

The political nature of the announcement was dramatized by the surprise of the recipients: The mayors of Newark, N.J., Baltimore, Atlanta, Cleveland, Dallas, Denver, St. Louis, and Portland, Ore. Seated at the dais, each mayor commended the Nixon administration for its action, but confessed that he hadn't any specific program ready in which to invest the newly awarded money. Each mayor expressed total surprise at the announcement.

Mayor Kenneth Gibson of Newark was typical. "We can use the money," he told reporters, but he couldn't offer any details. Mayor Gibson said he received a telegram Tuesday directing him to be in Washington yesterday for the announcement.

The new program, called the High Impact Anti-Crime program, is designed to reduce street crimes and burglaries by 20% in each of the eight cities over the next five years. These have been the fastest-rising types of urban crimes.

Vice President Agnew said the choice of the eight cities, selected both because they are medium-size and have high crime rates, was a "beginning." He said the program will be expanded to as many as 10 other cities soon, and added: "Ultimately, we hope it will be in operation in virtually every city in the nation with a significant crime problem."

During the next 24 months, each of the chosen eight cities will be allocated up to $20 million in special impact funds, mostly from the Justice Department's Law Enforcement Assistance Administration, to beef up and improve their law enforcement efforts.

Though details will vary from city to city, Mr. Agnew outlined these broad program goals:

An across-the-board attack on street crimes (robbery, mugging, assault, rape) and burglaries, the types of crimes that are most prevalent and most feared.

Involvement of every portion of the criminal justice system in each city, and the community-at-large as well.

The reduction of street crimes and burglaries by 5% in two years and as much as 20% in five years in each of the cities.

A public-education program to inform citizens on how they can better protect themselves and their property, including new research into effective systems of locks and alarms.

Enhanced anticrime patrols by police, which could include more policemen, plus better equipment, tactics and training.

Increased stress on apprehension of offenders; new equipment might include helicopters and improved radio systems to get police to the crime scene faster.

Special programs to prosecute street crime and burglary offenders, meaning both more effective and larger staffs of prosecutors and special court dockets for these offenses.

Special projects in each city to attempt to rehabilitate street crime and burglary offenders and prevent them from returning to lives of crime.

Cosponsors of the Emergency Crime Control Act

Les Aspin.
Frank Clark.
George Collins.
James Corman.
Joshua Eilberg.
Donald Fraser.
Sam Gibbons.
Ella Grasso.
Seymour Halpern.
Henry Helstoski.
Romano Mazzoli.
Ralph Metcalfe.
Abner Mikva.
Parren Mitchell.
Brad Morse.
Morgan Murphy.
Charles Rangel.
William Roy.
Charles Sandman.
John Seiberling.
James Symington.
Charles Vanik.

THE PETERSON REPORT ON TRADE

(Mr. FISHER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FISHER. Mr. Speaker, recently Mr. Peter G. Peterson, who is Assistant to the President for International Economic Affairs, issued a report entitled "A Foreign Economic Perspective." The report itself was supported by 70-odd pages of text and a similar number of charts.

The Peterson report has been regarded as something of a blueprint of the administration's anticipated trade legislation proposal. It is therefore of more than passing interest.

I have received a copy of a commentary on this report prepared by Mr. O. R. Strackbein, who is known to many of us as the president of the Nation-Wide Committee on Import-Export Policy which speaks for many industries and agricultural groups that are concerned over the inroads of imports in the domestic market.

Mr. Strackbein's comments on the Peterson report I think are incisive and to the point. I commend them to all who are concerned with the kind of trade legislation we may soon be asked to consider. Under leave to extend my remarks, I include the paper referred to:

The Peterson Report on Trade

(By O. R. Strackbein, President, the Nation-Wide Committee on Import-Export Policy, Jan. 19, 1972)

The Peterson Report "A Foreign Economic Perspective" casts its fortunes on the side of "comparative advantage" in the allocation of this country's productive resources in a world setting. This means simply that we should produce those goods for which we are best fitted while importing goods that other countries produce more cheaply.

On page 34 of the Report Mr. Peterson says:

"In the international division of labor, the U.S. has many comparative advantages, but the most obvious are in agriculture, management, capital goods, and advanced technology."

On the following page he observes:

"One reason our workers earn higher income than any in the world is because the machinery they know how to use enables them to be the most productive."

Elsewhere (p. iv) he says we could choose the route advocated by some of erecting new trade restrictions. He replies by saying:

"However, I believe this to be a prescription for defeat and admission of failure. Our preferred alternative is to meet head-on the essential—if demanding—task of improving our productivity and our competitiveness in an increasingly competitive world.'

He asserts that "by 1980, full employment will require jobs for almost 100 million Americans, about 20 million more than today's level."

He expects to reach or reasonably approach this objective by liberalizing our trade and seeking more liberal treatment of our exports abroad.

THE PETERSON DIAGNOSIS

In the supporting document of 73 pages and 72 charts entitled *The United States in the Changing World Economy* may be found many data that will bring into question the adequacy or the timeliness of the prescription contained in the Report itself. Quite clearly the diagnosis, while not complete, was much better than the proposed remedy.

The diagnosis, however, followed standard practice, proceeding on the uncritical assumption that the American economy is surrounded by, and operates in, a world of homogeneous competitive forces. That is why the prescription falls short of the need.

"There is an increasing need to increase the productivity and therefore the competitiveness of our substantial manufacturing sector," says Mr. Peterson. In other words, we must enter into an efficiency race with our competitors! This proposal smacks of an armaments race and comes at a bad time.

The drive for endlessly higher productivity now faces questions of ecology that previously were not recognized. Beyond that, as the Report itself concedes, other countries have demonstrated their capacity to increase their own productivity with modern technological equipment. In fact, as the charts of the supporting document shows, they have outdone us in the productivity race in recent years, albeit not as strikingly as the statistics indicate, since they have been in the posture of catching up with us. In that process they could achieve impressive percentage gains, newly equipped with our technology and coming up as they did from a much lower base than ours. They could in some instances indeed double or triple their output per man-hour without coming abreast of us, even though our pace appeared turtle-like by comparison. A 10% annual increase in productivity, spread over several years, measured from a relatively low level, might still leave a gap, as it has in a number of instances, between the newly attained level and that of this country.

NEED FOR A BROADER DIAGNOSIS

To compare the present-day American economy and productive system with that of the remainder of the world as if the two had not only a common genesis but had developed and grown up together is to court extremely misleading conclusions. To clarify this assertion requires a brief historical excursion.

During the latter decades of the 19th century the economy of this country embarked on a path that marked a far-reaching departure from that followed by our economic ancestors in Europe. From them (especially England) we inherited our governmental and legal systems no less than our commercial methods.

The need for mechanical invention pressed more acutely on us that on them because of the rawness of the land we undertook to subjugate with such few hands and the great distances that lay all about us. In any event we found ways of increasing the productivity of the hands we did have and came on the threshold of massive output a few decades after the Civil War. We came into an area of no recognizable guide-posts furnished by our cousins across the Atlantic. However, we had become accustomed to moving pioneering fashion onto new ground where there were no roads. We then planted our own markers and signposts.

What was probably the first great signpost we erected was the Sherman Anti-Trust Act of 1890. Here was grave evidence of appreciation of an exceedingly important principle if the nascent new system was to develop as it did, into a phenomenally productive machine. (We had almost providentially written into our Constitution the basis for a national market by prohibiting the States from levying duties on the products of one another.)

Without the necessary history that would have given us a clue or academic economists, farm and labor leaders and political spokesmen of the late 19th century, recognized the link between fair competition and relative price levels, on the one hand, and the benefits of mass-production to the people, on the other. Monopoly practices would have strangled mass production at the outset by preferring high-cost, high-profit, and low levels of production to the high-volume, low-cost and small unit-profit form of production that would bring the benefits of mass production to more and more people.

Later, by way of breaking up, hobbling or preventing the formation of monopolies, we followed with the Clayton Act, the Federal Trade Commission and Federal Reserve Legislation and yet later with the Robinson-Patman Act. We were erecting pillars for a system, the nature of which we had not yet fully comprehended; for there was a missing element, without which we would have continued a pedestrian pace after the manner of our European forebears. This was the perception of the dependence of mass production on mass consumption. The most readily recognizable mile post in that perception was the $5 per day wage instituted by Henry Ford who, in the absence of a rival for the honor, may be regarded as the lantern-bearer in our march into the land of material plenty. He saw and acted on the identity of the worker with mass consumer purchasing power. If the income of the worker in response to his higher productivity, underwritten in turn by improved technology, moved upward so did market demand for useful and acceptable and sometimes prestigious, if non-essential, products also rise.

This was the formula of the American system of production, and it was very different from the European. There wages continued to be regarded as a necessary evil, as they had been in this country, to be kept as low as possible.

It was some decades indeed before the function of wages in the economy was fully appreciated in this country and embedded in legislation. If there have been or if there are excesses today as some allege, it is not the fault of the formula. In this country about 80% of the corporate cost of production consists of employee compensation. Essentially this is the market at which our mass production is aimed.

A high level of mass consumption is obviously not the function of a massive population as such. The most heavily populated areas of the world are among the most destitute in terms of effective market demand. What this country taught the owners of the productive systems of the world (communist countries aside) was that the worker was not only worthy of his hire but that he in turn would reward the producers handsomely if they give him his appropriately higher share of the pie as productivity climbs.

TRANSFER OF THE AMERICAN SYSTEM ABROAD

It was only after World War II that the other capitalistic countries became convinced by our example that they should adopt our system. They were eager and we helped them with generous infusion of economic aid. We guided thousands of foreign productivity teams through our factories. They learned the magic of cost-reduction as the key to mass market development. They also saw the dependence of increased output on the installation of sophisticated machinery. They should have observed further the mushrooming of demand for new products if these were attractive to the consumer and if the price was dropped lower and lower, as yet more productive machinery was installed and higher output was attained per worker. Possibly not all of this became clear. In any case it is not evident that they saw higher wages as the fertilizing agent; or that they saw the futility of mass production in the absence of a mass market supported by good wages. They readily saw and appreciated the first half of our formula, namely, highly productive machinery, but bridled at the second half of the equation, namely, rising employee compensation commensurate with higher productivity. This failure increased their dependence on exports.

OUTFLOW OF AMERICAN CAPITAL

In a decade after the end of the War American manufacturers were faced with a challenge. The technological advancement of other countries and their lagging wages soon converted them into formidable competitors. To hold foreign markets more and more of our manufacturers built plants abroad and employed labor at the lower foreign rates. Capital, like water, flows to the lower levels. In this country we once witnessed the migration of the New England textile industry to the South—at a much slower pace, to be sure, but for the same reason.

Then began the rise in imports in this country fostered by lower foreign costs derived from modernized technology. The effect was distressful to important segments of our economy for reasons that were readily grasped. A number of industries felt keenly the impact of rising imports. Exports with few exceptions either lost their dynamism or actually shrank, as in the case of steel, textiles, and other products. This development was all but concealed by two phenomena: (1) the great boom in our exports of machinery and transport equipment, including aircraft, and (2) the statistical practice of our Department of Commerce by which our true export surplus was grossly exaggerated year after year, and our developing deficit wholly concealed until it broke through beyond further concealment.

During the first eleven months of 1971 no less than 46% of all our exports consisted of machinery and transport equipment, including automobiles and parts which themselves registered a deficit of over $1 billion. Over a quarter (27%) of all our exports consisted of machinery alone ($10.4 billion). *This was 1½ times as high as our total exports of all agricultural products, and also 1½ times as high as our exports of all other manufactured products.* Thus was the poor showing of nonmachinery exports hidden from view.

The other source of concealment came from the tabulation of our imports on the basis of their foreign value and not on their actual cost delivered to this country. The undervaluation was some 10%. Beyond that we unjustifiably treated as exports our foreign aid shipments. This twin practice deluded us into believing we were powerful competitively while we are in fact competitively defeated.

The topheavy bias of our exports in favor of machinery has gone almost unobserved and little is made of it. Yet it represents the very story of our trade discomfiture. In the trade in other manufactured goods we incurred a deficit in the magnitude of $7 billion during the first eleven months of 1971. This deficit was $2 billion higher than our surplus in the export of machinery and transport equipment.

Lost to view as a result was the extent to which the potential industrial growth in this country flowed abroad during the magnitude of some $75 billion. This meant a vast build-up of foreign production capacity and productivity that became a major source of the flood of imports that struck our industries.

Yet the attempt to measure the impact of imports on our employment has been confined to efforts at totaling the displacement of workers by imports. For example, imports of, say, 15 million tons of steel meant the displacement of so many thousands of steel workers who would have been required to produce that much steel.

We can be sure that it was not the direct displacement of labor alone in our plants that brought on our distress and higher unemployment. It was the millions who were not hired because of the gloomy industrial outlook that depressed employment. If only half of the investment that went abroad had been invested in this country, as it would have been had the ominous clouds of imports on the horizon not posed market attrition or stagnation, employment would have grown here rather than so feverishly abroad.

Beyond that blighting effect, another negative influence has been overlooked by our economists and publicists. The American economic system has depended heavily and perhaps even vitally for employment expansion on the discovery or invention, development and marketing of either new products or the sharp reduction of costs of established products by new technological devices. In either case new or additional consumer markets opened up and employment expanded in many directions. This indeed was the story of our economy of the first half of the Twentieth Century. Even if workers were displaced the reduced costs soon buoyed consumption sufficiently to lead to higher employment than before.

Now that door has been all but closed. Foreign plants, whether native or owned by American capital, are not only ready, thanks to patent licensing or actual ownership (as in the case of American capital invested abroad), but in a position to take the market for new or radically improved lower-cost products that formerly awaited us, away from us. They can beat us to the lower levels of consumer income that constitutes our mass market, by their lower production costs and so capture the bonanza that was formerly the mainstay of our high employment levels. The result is that now when we displace workers in a competitive race we are left with the unemployment because imports fill the expanded market.

Here there is no mystery. It needs no Ph. D. in economics or subsoil intellectual plowing to comprehend what has happened. Indeed, economic theory has in no sense been violated. It has been confirmed. What has been at fault has been the persistently errant economic thought, nurtured and held in place, not only by the obscuration already mentioned but also by implanted ideas and emotional fixations that are highly resistant to the meaning of economic change.

Perception of developing facts was further obscured by certain obsolete ideas, such as the notion that import competition is needed to stimulate our entrepreneurs. It is safe to say that virtually all our heavy employing industries have been developed in this country from the beginning. For example, we needed no import competition to develop the automobile and to generate a mass market for it. Indeed, there was no import competition. The same may be said of motion pictures, radio, television, the telephone, household appliances and innumerable other products which we pioneered. If we did make use of foreign ideas or patents, this country was the only one that knew how to develop a mass market and how in fact to accomplish it repeatedly.

It is not too much to say that if the pioneers of our system had faced the same situation as our industry faces today *vis-a-vis* foreign producers, i.e., had the latter been armed with our technology and wages ½ to ⅕ of ours, our system would not have been launched.

We had adequate competition within this country; the needed motivation was provided by the vision of a mass market in terms of millions of customers—a vision that became well tested in time. We had only to bring down sharply the cost and the price of desirable goods that enjoyed an elastic demand. Henry Ford would rather have sold a million cars at a profit of $50 per car than 100,000 cars at a profit of $200 per car. The one operation would have brought him $50 million, the latter $20 million.

Should he try this formula today he would find that when he had brought the cost down to $1000 per car (on the long-ago base), thus widening his market compared with his earlier cost of, say, $1500, foreign manufacturers could offer a comparable product at $500 or $750. His visioned bonanza would be transformed into a mirage. The electronic industry can enter testimony on these premises; and others as well; and what industry, we may ask, is now *not* being born because of the despoliation of the market landscape? What numbers of newcomers on the labor market stand jobless and will be so next year because our system has been undercut and deranged by its own offspring?

MR. PETERSON'S FORMULA

The Peterson Report has not addressed itself to these harsh realities. His prescription is therefore beside the point, irrelevant. It bears further airing:

"Our preferred alternative is to meet head-on the essential—if demanding—task of improving productivity and our competitiveness in an increasingly competitive world, to seize the initiative in designing a new, comprehensive program designed to build on American strength, and to encourage a competitive world trading system with the confidence that comes from having a sense of our future."

Brave words!

A few highly obstructive cliches must first be dispelled. One is that foreign competition is of the same stimulative value as the domestic variety. The textile industry's migration may even be cited as evidence that we have overcome challenges from within our own market more serious than those posed by imports. What is overlooked is that the textile migration was spread over 75 years. Moreover, the differences between Northern and Southern wages were not nearly as wide as the differential that separates us from many of our overseas competitors. Also, the move to the South was timed according to events and circumstances. On the other hand our competitive confrontation postwar with the remainder of the world came up almost overnight by comparison and the foreign competitor chose the time.

Because the facts in the premiss were concealed, both deliberately and by the nature of the case, as already noted, there was an element of surprise.

Secondly, the free-trade character of our domestic economy is held up as a blessing; and so it is. It laid the foundation for mass production and mass consumption. However, to extrapolate this blessing to cover the world does not follow. The extrapolation came two generations too late to be acceptable as a present solution. To repeat, if the other countries had come with us in our new departure some sixty years ago the world could have grown into a common mass market together, as did the States in this country. However, that was not to be. Now, suddenly (in economic tempo) we are to expose our economy to foreign competitive forces that have not yet fully recognized the very quintessence of our system, which is to equate consumer purchasing power through adequate employee compensation as an absorbent with mass production.

Until that is done we may indeed hit "head-on" into a double play that will surrender our hitherto unique system to its undoing. Unless the foreign competitive forces, with the wage-cost advantage, are contained for a suitable period—not merely by currency realignment and similar measures, somewhat helpful as these may be, the wide advantages of lower unit cost of production abroad will continue to drain our economy and derange it. The twenty million additional workers we are to employ by 1980 will face a nightmare, and it will not be a happy one for the country.

EQUITABLE PENSION PROGRAM FOR VETERANS OF AMERICA'S WARS

(Mr. QUILLEN asked and was given permission to extend his remarks at this point in the Record.)

Mr. QUILLEN. Mr. Speaker, the purpose of the bill that I have introduced today is to provide a more equitable pension program for the veterans of America's wars. Our present veteran benefit laws are, with one exception, the best that have been devised by any nation. The exception is concerning the veterans of the war of 1917–18, commonly referred to as World War I.

It was during this war our expansion as a world power really began. Our industry expanded until we changed from an importer to an exporter; from a borrower of finances to a lender; from a nation of isolation to a nation whose interests were worldwide.

From the birth of this Republic, the United States of America held the conception that our Nation owed its existence to those who fought, and some gave their lives to bring it into being, and gave them special recognition in the form of tangible benefits.

From the Revolutionary War, through the war with Mexico, the Civil War with Spain, benefits including land grants, and a general pension was awarded the men who fought in those wars to preserve this Nation, recognizing them for special consideration.

At the close of World War I, our Nation expanded so rapidly within and without, that the recognition accorded the veterans of previous wars was lost in the growth from a nation of isolation to a world power, as soon as the parades of the heroes of the battles of Chateau Thierry, Verdun, and the months of life in the trenches were over, they were soon forgotten.

As a benevolent nation we began to helps our allies in that war. Instead of the spirit of previous wars prevailing, instead of rewarding the veterans of that war as had previously been done, we began to feed and clothe the nations of the world, and forgot the veterans whose service won the war, a situation comparable to a man who clothed and fed his neighbors' children, and let his own go ragged and hungry.

It took another world conflict to arouse the conscience of our Nation so that at the close of World War II an awakened people aroused to the reality, that without those who made the contribution to the winning of the war on the battlefield, we would have no nation. Laws were passed providing benefits superior to any in previous wars.

The returning troops were provided unemployment compensation of $20 per week for 52 weeks.

Educational opportunities for a college education was accorded all who chose to avail themselves of the privilege. Then after rehabilitation, hospital benefits, and other benefits including compensation and pension were provided, creating the most adequate veterans benefits program of any nation with the exception of those of veterans of World War I.

It is this gap in an otherwise outstanding veterans benefits program this bill attempts to correct. Some special consideration for the veterans of World War I.

At the close of that war there were more than 4,700,000 veterans. Today, there are less than 1,400,000 whose age is 76.6 years of age.

At the close of this war the only war America has fought where no special consideration was given the veterans of that war. No general pension was authorized as had been in previous wars.

There was no unemployment benefits provided as was provided the veterans of World War II.

There was no educational act providing a college education or technical on-the-job training as was afforded World War II and subsequent war veterans.

There was no authorization to enable the veteran to buy a home as was the case in World War II and subsequent wars.

The only special benefits the World War I veteran received was the Adjusted Service Compensation Act, designed to pay the veteran $1.00 per day for service in the States, and $1.25 per day for service overseas. So designed to partially compensate the veteran the difference between his service pay, and what he would have received had he remained in civilian employment at home. This was awarded in certificates, payable in 20 years, and averaged about $800.00 per veteran. Later the law was amended authorizing the certificates to be paid at 50 percent on the dollar.

The majority of the veterans were broke and many were on soup lines, and they cashed their certificates in order to survive. Instead of receiving $800.00 they thus only received $400.00 so any difference from the $400.00 and the amounts charged to the U.S. Treasury went to the banks who handled the certificates.

This is the exception, this is the gap in our pension benefits this bill attempts to correct.

At the time of their life when the expenses are heavier than at any time, these aged veterans find themselves living in a poverty classification and seek and deserve special consideration. Mr. Speaker, I urge the appropriate committee to take speedy action on this bill.

STRONG SUPPORT FOR MONAGAN DRUG BILL

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the Special Subcommittee on Drug Abuse of the House Armed Services Committee has completed hearings on drug problems in the military, and has begun the markup of remedial legislation. The subcommittee should soon have a clean bill for the full committee to consider, and shortly thereafter, the House will be able to take the first vital legislative step in helping the GI addict on the road to rehabilitation.

In my own testimony on this subject, I urged the subcommittee to reject the primary bill under consideration, H.R. 9503, as inherently unworkable, and I also urge the House to reject the approach in this bill.

My basic objection to H.R. 9503, which is the administration bill, is that it relies primarily on voluntarism as a means of treating drug abuse. The bill would give the GI 30 days of mandatory treatment beyond his scheduled discharge, but it would then turn him over to a Veterans' Administration hospital on a strictly voluntary basis.

Experience has shown that this simply will not work. The addict will not report for treatment unless he is compelled to. He will look not for a VA facility, but for a fix.

In his recent testimony before the Special Subcommittee on Drug Abuse, Dr. Richard S. Wilbur, Assistant Secretary of Defense for Health and Environment, himself acknowledged the failure of voluntarism. He stated that while many GI drug users are transferred to VA hospitals before they are discharged, very few of them have agreed to stay for further treatment after discharge. Dr. Wilbur stated that at present time, few Vietnam returnees are going through an extended period of drug treatment following their discharge.

The drug program which H.R. 9503 would establish would merely perpetuate this situation. The hard core addict would certainly not be rehabilitated after 30 days of mandatory treatment. He would simply be turned back into civilian society free of legal control. He would be able to continue his habit, and even spread it. The practical effect of H.R. 9503 is that it would shift the burden of drug abuse in the military to civilian society.

I have recommended instead an approach which would provide mandatory treatment until rehabilitation was complete. I have introduced legislation—H.R. 8216—which would require that no addicted serviceman be discharged from the military until he was judged free of his habitual dependence. This bill would not depend on voluntarism to cure the hard core addict, as H.R. 9503 would do. My bill would give the addict complete rehabilitation in the service, where he is more easily identifiable and controllable. It would protect the individual addict by providing him proper treatment. It would protect society by relieving it of the burden of absorbing large numbers of discharged addicts, most of whom will not take treatment voluntarily.

I have received much editorial support for this approach of dealing with drug abuse in the military. I should like to include at the close of my remarks excellent editorials from the Waterbury, Conn., American, the Danbury, Conn., News-Times, and the Bridgeport, Conn., Post on this subject. I also include an article by Associated Press writer John T. Wheeler in the Bridgeport Sunday Post which gives an up-to-date overview of the entire GI drug situation.

[From the Waterbury Republican, Dec. 22, 1971]

MONAGAN AND GI ADDICTS

The failure of the U.S. military to deal firmly and effectively with drug-addicted GIs in Vietnam and elsewhere demands legislation to stem the flow of discharged heroin users from the armed forces until after rehabilitation. Such legislation is being spearheaded by Rep. John Monagan in an effort to put teeth in an administration-backed bill calling for the release of an addicted serviceman after only 30 days of rehabilitation beyond his regular release date.

Monagan maintains that the administration's bill provides an inadequate period for treatment and help for the hard-core addict. and would result in sending addicts back into society "to become a greater burden to themselves and to their fellow citizens."

The truth of Monagan's complaint is underscored by an official report that between 1,000 and 2,000 GIs are being discharged each month after having been twice certified as heroin users and after their commanding officers have asserted that the men have not made an effort to break the habit.

The Army's failure to provide effective drug rehabilitation for addicted servicemen is in opposition to pledges by President Nixon and the Pentagon to keep addicts in the Army for special help and treatment. The administration-backed bill, in addition to providing too short a period for positive cure, depends heavily on the GI addict's voluntary continuation of treatment after his discharge. This according to Monagan, is statistically unrealistic, since few discharged GI addicts avail themselves of treatment available at Veterans Administration hospitals.

Monagan's bill would require the military to retain the addicted servicemen beyond their release dates for mandatory treatment until rehabilitation was complete. In its effort to force the armed forces to deal with GI addicts till cured as well as protect the civilian sector of society from the burden of absorbing a large number of discharged hard-core addicts, the Monagan legislation deserves support and implementation.

[From the Danbury News-Times, Dec. 27, 1971]

ARMY PASSES THE BUCK ON DRUG PROBLEMS

The Army is playing a game of pass the buck when it comes to its handling of drug problems among servicemen in Vietnam.

That's the clear implication of statements by Army officers in Saigon, who say the Army is playing a numbers game designed to make the Army look good, rather than treating addicted servicemen before they are returned to the mainland for discharge.

Their comments do not square with the rather rosy report the assistant secretary of defense for health and education issued, saying that a heroin epidemic in South Vietnam has been "successfully reversed" by the Army.

He said the percentage of servicemen leaving Vietnam who use heroin has dropped from 5.5 in August to about 3.5 But officers in the field are not impressed because the tests the Army is using can be circumvented by an addict intent on doing so.

Addicts not treated successfully while in the Army are going to wind up as problems in civil society back home. The buck is passed to the local community.

The administration's own legislation to control drug abuse in the military also contributes to buck-passing, a situation which has aroused the ire of Fifth District Congressman John S. Monagan.

A subcommittee of the House Armed Services Committee has been conducting hearings on the administration bill, H.R. 9503. It is much weaker than a bill Rep. Monagan has introduced on the same subject, H.R. 8216.

The administration bill relies on a voluntary approach which has already been a failure when tried by the military. According to the Waterbury congressman, it's "entirely inadequate" for the hard core addict.

The committee should heed the Monagan warning, for failure of the Army to treat its own addicts and adoption of the half-hearted, half-way measures advanced by the administration will only put the problem onto those who can least afford it, the local communities.

FULL TREATMENT NEEDED

Congress is moving in its own slow and deliberate way to control drug abuse in the

Armed Forces. This is a job which must be done—and with a sense of urgency. Congressman John S. Monagan of Waterbury leads a substantial bloc of lawmakers which wants to make certain the task is done properly. Mr. Monagan has introduced legislation which would keep the addicts in the military for mandatory treatment until they are cured. If enacted this would help thousands of young men resume a normal life.

There is a school of thought, however, which leans toward a different approach to the problem. This group of congressmen, with the backing of the White House, also proposes mandatory help for addicts. The catch is the assistance would not last for more than 30 days beyond the man's regular date of discharge.

After that the individual would be free to seek additional help on a voluntary basis or—to put matters bluntly—go back to the needle.

Every shred of evidence shows conclusively that rehabilitation is a lengthy process. There is no such thing as a 30-day wonder cure. Mr. Monagan is convinced the voluntary approach simply will not work for the vast majority of victims.

Speaking at committee hearings on the subject, he stated that only six servicemen have requested admission to the Veterans Hospital in West Haven for drug treatment. Yet it is believed several hundred GI addicts now live in Connecticut.

Mr. Monagan cited an Army study which showed that of the 4,440 soldiers found using hard drugs during a 10-week period this year, only 23 volunteered for even short-term attention.

The conclusion should be apparent. Mr. Monagan's belief that any treatment must be mandatory, and for as long as needed, is based on facts.

When it comes to curing the users of hard drugs, anything less than an all-out effort is next to useless.

[From the Bridgeport Sunday Post,
Jan. 2, 1972]

Drug Addiction: the Toughest War Encountered by U.S. Military to Date

(By John T. Wheeler)

Washington.—President Nixon's declared war—the one to rid GIs and veterans of dangerous drug habits—is winding up rapidly. So far, many worried officials say, there is little if any light at the end of the tunnel.

A senior Pentagon source, who looks on the optimistic side of the problem, says more than 500 heroin users and addicts are discharged each month by the Army, the center of the drug epidemic in the military. Other estimates place the figure closer to 1,000 to 1,500, counting Navy, Air Force and Marine discharges.

NO EXACT FIGURE

Although hard figures are impossible to come by, estimates that addicts and users in the military or discharged in the past few years have pushed the nation's heroin-dependent population up by 50 per cent are not hard to come by.

An Associated Press survey of drug problems among GIs and ex-GIs and what is being done for them turned up these other major points:

DRUG ABUSE DEATHS

With American combat dwindling as the U.S. hot war diminishes in Vietnam, deaths from confirmed and clinically diagnosed drug abuse may soon overtake casualties inflicted by the Viet Cong and North Vietnamese.

Addicts and users being discharged are receiving only "band aid" treatment before re-entering civilian life, a senior Veterans Administration official says.

Only a comparative handful of veterans from Vietnam, the worst drug crisis area, are seeking help, and some VA sources say it may be years before most do. A key reason appears to be that these addicts are among the most anti-establishment and alienated of the young in uniform.

AMNESTY PROGRAM

The amnesty program to encourage addicts still in the service to turn themselves in for treatment with no punitive action has proved a statistical success but, officials say, may be largely meaningless in terms of permanent cures.

Known users of heroin and other dangerous drugs still are being drafted and sent to Vietnam despite what sources concede are serious risks such men may become hardcore addicts. Any other policy, officials say, would allow any who claimed drug usage to escape service or Vietnam duty and lead to chaos in the military.

Officials in the military, and out, fear returning GIs and discharged vets will spread their addiction among their friends, not only for profit to support their own habits but to spread their own euphoria and sense of guilt.

SMALL CURE RATE

"Cure rates outside the controversial methadone maintenance program are depressingly small," VA and military sources report. For the most part, a senior VA doctor says, about 70 to 80 per cent of hardened heroin addicts may never lead a totally drug free life again.

Both the military and the VA are searching desperately and so far inconclusively, for better cure methods. "We definitely have hard narcotics, but we just as definitely have no hard answers for ending this problem," one source said.

SOARING CRIME RATE

Reports of soaring crime rates at military bases here and overseas, due in large part to the drug problem, bode ill for another of the President's wars—the one on crime—as addicts and users return to civilian life.

Addicts hooked on Vietnam's nearly pure heroin bring back incredibly expensive habits. They may spend $2,500 to $3,000 saved in the war zone during the first month home.

The drug problem in the military has grown so serious in the Army that a senior source said military police and investigators have little time for seeking addicts and users but must devote virtually all their efforts to trapping pushers.

DRUG WAR APPROPRIATIONS

The administration so far has authorized the Defense Department to spend $34.2 million and the VA an extra $17 million on the drug war. Some at the operating level are not sure the amount is nearly enough.

NO RACIAL LINES

Drug abuse, originally conceived popularly as a problem of poor blacks, has proved to cut fairly evenly across racial and economic lines in the military. A company commander who said he canvassed his unit and found 65 per cent had or were using and experimenting with drugs, said: "Once I thought it was a Negro problem. Then I decided it was a ghetto problem. Now I know it is just a problem."

The military and especially the Veterans Administration have started a massive campaign against drug abuse. Current programs, some officials believe, will be further expanded as the true extent of the problem becomes known. A Pentagon source noted wryly, "This is the first popular war we've had in a long time."

FIRST RULE OF WAR

A first rule of war is to know the enemy, but in this case the Pentagon has several—first and foremost heroin, followed by amphetamines, barbiturates and other dangerous drugs. The old enemy marijuana almost is forgotten in view of the new and far graver threat.

Hard facts on the enemy's conquests are almost impossible to find. A senior Army official says his service has now, or has discharged recently, some 60,000 heroin users and addicts, a total he said leaves the Army "quite pleased" because it feared the situation was far worse. Reports from the field suggest a far higher but unproven figure.

ARRESTS TRIPLE

There are some hard statistics, especially on Vietnam, where national attention has been riveted on the drug problem. In the first six months of 1971, drug-related deaths were running 64 percent higher than the previous year and arrests on charges involving hard narcotics had tripled.

Pentagon sources caution that arrest figures especially may not present a true picture since a year ago the military scarcely realized it had a problem.

The Army has set up or will soon open 81 halfway houses at bases in the United States. Thirteen more operate in Vietnam. These are treatment centers for those who volunteer to try to escape their drug habits. No over-all figures are available for the number of men taking part in the stateside program. Each base's anti-drug program is built locally around loose Pentagon guidelines.

EX-ADDICT THERAPISTS

Ex-addicts are recruited as "therapists" because they are available and have insights non-drug users may not have no matter how extensive their training.

The Army is attacking its problem base by base. The Navy and Air Force have tried to concentrate their efforts in one installation apiece. This is possible, they say, because their problems are numerically and proportionately smaller. However, in at least one case, Air Force drug abusers have been farmed out to the Army because Lackland Air Force Base, that service's center, could not handle them.

The three services' programs are about the same. Detoxify, counsel and return a man to his unit as rapidly as possible. Most of those under treatment may not even spend any time assigned to a halfway house. Others work with counselors as outpatients after a short, "inhouse," detoxification period. The most serious cases may spend weeks in halfway houses or return for prolonged stays if they fall back into the drug life.

SCREENING MEN

Screening to spot drug users began in Vietnam and now has spread to other Southeast Asian bases. Men in this area are given urine tests to determine whether they have been using heroin, amphetamines or barbituates. Those who flunk and are returning home are held for seven days to "dry them out" before they are flown back to the United States where they are encouraged to get into drug treatment programs. Most don't. The holding period soon will be two weeks and a bill pending in Congress would extend a man's tour for up to 30 days for treatment. This would be done in a VA hospital.

What the ultimate cost of the drug war will be, none can envision. The military says it cannot predict how large the problem will be in the future and because so little is known about treatment, how long a man will need treatment and how intensive, and thus costly, it will be. The VA says hard cases will take about a month of hospitalization, at an average of $30 a day, and then years of outpatient treatment. It, too, says it is too early to forecast costs in terms of manpower needs and facilities needed for outpatients.

DISCHARGING PROBLEM

Brig. Gen. Robert Gard Jr., head of the Army's Alcohol and Drug Abuse Program, recently noted President Nixon "emphasized informally to Department of Defense officials that the military services must not discharge drug-dependent servicemen into our already crime-ridden streets without treatment and attempts to rehabilitation."

The spirit and, in some cases, the letter of that order are not being carried out, some officials concede privately. A general following the situation closely said: "There is no question we are turning junkies into the civilian society. We can dry them out and try to take care of the guy staying in the Army. But the VA has got to carry the ball on the veterans."

The military has provided a bare minimum of counselling and referred departing veterans to VA hospitals. A majority of the time they simply don't show up. The Pentagon plans to order heavy users to VA hospitals for discharge in hopes they will take advantage of the VA drug programs. But once a man's service is over, no one under present laws can force him to submit to treatment.

SHORT TERM TREATMENT

Dr. Samuel C. Kaim, director of the VA's alcohol and drug abuse program staff, said of the short term treatment given by the military: "Hopefully it will orientate the man to his problem. It is not a real treatment. But hopefully it may bring the man to the point where he is ready to be treated."

A major problem is that veterans, especially those who served in Vietnam, are generally in no mood for treatment. Dr. Brian B. Doyle of the Army's drug abuse control division said of Vietnam GI addicts:

"The overwhelming majority express either no interest or antagonism toward further treatment."

ROCK BOTTOM POINT

Where then are the Vietnam addicts which officials felt certain would flood the VA system? Addicts and ex-addicts in and out of the military predict these men will not seek help until they "hit bottom" perhaps. a year or more from now.

"The day they get up and have to hit before they can brush their teeth, when they can't stand the sight of what happened to the face in the mirror, when they know their whole life is chasing the bag, then they may come in," said one addict being treated in a methadone ward by the VA.

"We may find the exclusively American tragedy of Vietnam will be measured in the long run as much by the lives destroyed by drugs as by American blood lost and treasure spent," a VA official said.

MANY DROPOUTS

Although thousands of GIs have sought amnesty in return for attempts to treat their habits, many more thousands have not. And many drop out of programs to fall back into that demiworld of addiction and euphoria.

"The heroin addict is likely to be the most anti-Establishment of his peers," a VA source said and Pentagon officials agree. "Their habit aside, they want nothing from us," one said.

Another reason the men may have for not seeking help is that those caught in the drug culture often are as aware as physicians and drug treatment experts of the small chance for complete cures.

Defense and VA officials say past experience indicates only 7 to 13 per cent of those who turn themselves in will ultimately lead a permanently drug-free life unless they are put on methadone, a "highless" heroin substitute when used by addicts. The cure rate with methadone, too, is relatively small.

The VA's Dr. Kaim says he does not even like the term "cure rate" when applied to addicts.

SUCCESSFUL REHABILITATION

"Abstinence is not the only criteria. Successful rehabilitation does not mean many in the program will not take an occasional hit. I don't get uptight about the occasional trippers. If a man gets a job, goes to school, functions in society and at work, we consider it successful. In these terms I think we can rehabilitate 80 per cent although it may require long periods of treatment, a period of years."

Carl, an addict of 11 years and now "clean" and a VA drug counselor, says, "It takes about three days to get the heroin out of your body. It takes years to get it out of your head." It is for this reason that some doctors term the present military system for handling soon-to-be-discharged men only weak first aid that will prevent but few men from falling deeper into the drug world.

To some, there are frightening implications of what veteran drug users may mean in terms of civil crime.

Tony, another ex-addict on the VA's payroll said: "They (the Vietnam veterans) come home with a pocket full of money and it goes snap, snap, snap while they try to find a high like they got in Vietnam. They can't, man. All they get is garbage here."

The 95 per cent pure heroin of Vietnam compares to about 5 per cent doses available at U.S. bases and cities.

John, 20, who won a combat infantryman's badge and other decorations as a member of an Army reconnaissance unit, saved nearly $2,500 while "chasing through the bush in 'Nam." It was gone in a month. A habit that cost him $16 a day in Vietnam now demanded a "quarter piece" a day, the equivalent of sixty $2 bags of heroin in the U.S. market. "I just couldn't steal that much in the States," he said by way of partial explanation why he turned himself in at Ft. Dix under the amnesty program.

ADDICTION COSTS

President Nixon estimated drug addiction in the United States costs $2 billion annually with individual addicts paying from $10,000 to $36,000 a year. Few can afford this without turning to some sort of crime.

Looking to the future when thousands of as yet unhooked or unidentified addicts will come to the surface, both the VA and the military say they have a hard master plan to cure them. An Army general said, "Everything works and nothing works. What goes in one place with one unit won't work somewhere else. What works with one individual fails with the next."

The VA feels it can reach addicts in a way the military never can simply because it has no need to maintain the discipline necessary in any organization dedicated to waging war.

FUNDAMENTAL QUESTION

A fundamental question often asked by the public is, do heroin addicts really want to be saved, should an effort be made or should they simply be jailed or otherwise written off by society?

Experts reply that when an addict hits bottom, there usually is a powerful urge for survival. They cite statistics and case histories to prove their point.

One Army addict summed up his view in a poem.

"Teaspoon, teaspoon, teaspoon, give me back my brain.

"Hello reflection. Ooh, you don't look the same.

"And good morning sweet companion.

"Pardon me if I've forgotten your name."

The addict bard died of his habit at 24.

FHA FORECLOSURES ZOOMING

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, there is a growing interest in the country in the pressing problem posed by the rising volume of inner city housing foreclosed and acquired by the Department of Housing and Urban Development.

The Subcommittee on Legal and Monetary Affairs, which I have the honor to chair, has been making studies and conducting hearings in this area. The January 3 edition of U.S. News & World Report contains an excellent in-depth article, "Why So Many Mortgages Are Being Foreclosed," on one facet of the problem. In an effort to keep my colleagues informed of developments in this field, I direct attention to the article to which I have referred.

Why So Many Mortgages Are Being Foreclosed

A crisis is growing in Government efforts to house low-income families in the inner cities.

Foreclosures are skyrocketing on houses in such areas bought with Federal Housing Administration guarantees, despite hefty subsidies given to ease home-ownership burdens in many cases.

Delinquency rates, foreshadowing possible future foreclosures, rose sharply in the third quarter of 1971, primarily on home purchases backed by FHA or the Veterans Administration.

A survey by the Mortgage Bankers Association warns:

"The slow progress of economic recovery, coupled with the expanded emphasis through federal programs to house lower and middle-income families regardless of their credit-worthiness, is likely to cause the near-term trend of delinquencies and loans in process of foreclosure to continue upward."

One result: Thousands of rundown houses in decaying neighborhoods are ending up in Government hands.

Critics of the federal programs say speculators have sold shoddy, tumbledown houses to poor families with the help of false FHA appraisals. At one point in early 1971, George Romney, Secretary of Housing and Urban Development, halted all sales of existing houses in one subsidy program for a full-scale investigation and overhaul of operating procedures.

Officials warn that another big problem is brewing in rental housing, where soaring operating costs are pressing many subsidized projects toward bankruptcy.

BUILDING RATE ON RISE

All this comes at a time when housing for low and moderate-income families is being produced at record rates. An estimated 600,000 units will be built in the fiscal year ending next June 30. That accounts for about 2 out of every 7 homes being built for sale or rent in the current housing boom.

What is happening, experts say, is that decisions made after the riots of the mid-1960s are beginning to have repercussions. There was great pressure on HUD then to provide inner-city housing. As a result, the FHA, which had shunned the inner cities because of the risk involved, became more active in promoting new construction and the refurbishing and purchase of older homes in shabby or deteriorating areas.

With this shift, speculators in some cities reportedly began buying rundown houses at bargain rates, making minor repairs and selling them to poor families under Government programs for enormous profits. HUD officials agree these houses often were overpriced.

WELFARE HOMEOWNERS

Even when there was no inflation in the price, sometimes the families selected to buy the homes would be unable to keep up payments for one reason or another. In some cities, numerous welfare families were placed in the home-ownership programs.

Says Eugene Gulledge, Assistant HUD Secretary for Housing Production:

"Given the pressures of the day, I can't find any fault with the instructions given at the time. I can find fault with the interpretation at local levels. They relaxed standards as ordered, but nobody from here told them to relax them that much. As a result, we insured many houses we shouldn't have."

Another factor causing problems, Mr. Gulledge explains, is the change in attitudes toward living in the center city:

"Nobody foresaw the abandonment of whole areas of the city. Since the riots of 1966–67, people have been leaving many of these areas, just abandoning property. Nobody wants to live there. We didn't recognize this until fairly recently. Most of these troublesome mortgages were written in 1968–69—before this problem surfaced."

DETROIT'S TROUBLE

Recent hearings in Detroit by a House subcommittee headed by Representative John S. Monagan (Dem.), of Connecticut, dramatized the situation.

Testimony showed that FHA foreclosures in Detroit rose from an average of 96 a month in 1968 to 381 a month in 1971, with the agency taking possession. Where 810 properties were held by the FHA on Sept. 30, 1969, nearly 5,300 were held on the same day two years later. Most foreclosures came from non-subsidized mortgages insured after standards were relaxed.

Officials say that many of the houses are in neighborhoods where homes are being abandoned in large numbers because nobody wants to live there. Because of this, HUD expects great difficulty in disposing of its holdings. The average loss per house is forecast at about $10,000, three times the loss on the usual single-family foreclosure.

Defaults also have tripled on multi-family rental projects in the last year.

Estimates are the losses on presently held properties in that city could run as high as 26.5 million dollars, with eventual costs to HUD on future foreclosures raising the total to as much as 200 million dollars.

THE MAIN OFFENDERS

Most of the home-ownership problems involve existing houses, or rehabilitated houses. Mr. Gulledge says they account for about 10 per cent of the subsidized units.

"In new construction," he contends, "the plan is a tremendous success. Hundreds of thousands of families have been enabled to buy a house by this program. The trouble area is the inner city. There is little or no trouble with new construction in the suburbs."

Norman Watson, Assistant HUD Secretary for Housing Management, says:

"We are building a great volume of subsidized housing, much of it in the tough inner-city areas. We are serving low-income people in these troubled areas. There are problems with rising taxes and other costs. There is a lack of expertise in managing this type of housing—lack of management know-how is perhaps the biggest problem. And our people at HUD are still learning how to run these programs, begun in 1968 for the most part. It isn't surprising that there are difficulties."

As with the single-family subsidies, the difficulties with apartments also focus on the inner city.

Very often, says Mr. Watson, taxes have risen faster than the ability of the landlord to collect higher rents. In addition, the plans often run into trouble because operating costs are underestimated, or projects are built in the wrong places. He explains:

"In order to make such projects succeed, you need a good income mix. When you locate in a very poor area, you are swamped by the very poor, who can just barely get in.

"If you underestimate operating expenses, as frequently happens, and have to boost rents, these people move out. But there is no one to replace them but families as badly off as they are. If you get loaded up with families paying 35 per cent to 40 per cent of their income on housing, you have no room to raise rents."

Mr. Watson says these programs are not planned to take care of the poorest families. Public housing, with a much larger subsidy, is designed for families on the bottom rung of the income ladder. The newer subsidy programs are expected to aid families with incomes above public-housing levels.

BLEAK FUTURE

The HUD official says the problems in rental projects arise mainly because not enough of the tenants have incomes at the top levels eligible for subsides. Unless this can be changed, he says, it may mean substantial foreclosures in the future.

When there are foreclosures, the FHA resells the property, after making any necessary repairs. Nearly always a loss is involved. This loss comes from the FHA loan-insurance fund, which backs billions in other home mortgages.

So far, officials say, there is no threat to this fund. It is financed by fees charged at the time of the sale of an FHA-insured house—a half of 1 per cent charge on the mortgage—plus income from investment of the reserves.

Because of the current housing boom, income to the fund far exceeds expenses to date, including the recent losses.

What HUD officials are trying to do now is head off future defaults that might become serious.

COUNSELING PROGRAM

One major effort is to improve the management of rental projects. Another is to counsel families in the home-ownership plan.

HUD has only a limited amount of money for counseling, and its main efforts have been directed at coaching families to handle their finances more effectively. Some successful programs have counseled buyers on how to make home repairs and trained housewives on home care, decoration and applicances.

While trying to make existing programs work better, HUD is also studying possible alternatives. One is a housing allowance that would help a family to find its own housing, pay rent in any apartment or house of its choice. This contrasts with present subsidies which are, in effect, paid to the mortgage holder or landlord. A two-year test of the new approach is just beginning.

Another possibility is an operating subsidy for rental projects. Payments of this kind are already being made to local public housing authorities.

"We are going to have to do something to help our rental programs," says Mr. Watson.

"We don't want the Government to have to keep taking these projects back. We are looking at the idea of extra help, somehow, to make them solvent.

"If this gets out of hand across the country, it could be very serious. Housing in the ghetto is no different than anything else in the ghetto. The city itself is in trouble."

MAYHEM IN PARADISE

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, of the many articles written on the destruction and devastation caused by strip mining, one of the best was penned by Wendell Berry. Mr. Berry's article, which appeared in the January 23, 1972, issue of the Louisville Courier Journal, follows:

MAYHEM IN PARADISE

(By Wendell Berry)

(Wendell Berry, of Port Royal, Ky., is a professor of English at the University of Kentucky. His latest book is The Unforeseen Wilderness, an essay on Kentucky's Red River Gorge, with photographs by Gene Meatyard.)

I have just spent two days flying over the coal fields of both Eastern and Western Kentucky, looking at the works of the strip miners. Several times before, I had driven and walked to look at strip mines, mainly in the eastern part of the state, but those earlier ground-level experiences did not prepare me at all for what I saw from the air. In scale and desolation—and, I am afraid in duration—this industrial vandalism can be compared only with the desert badlands of the West. The damage has no human scale. It is a geologic upheaval. In some Eastern Kentucky counties, for mile after mile after mile, the land has been literally hacked to pieces. Whole mountain tops have been torn off and cast into the valleys. And the ruin of human life and possibility is commensurate with the ruin of the land. It is a scene from the Book of Revelation. It is a domestic Vietnam.

So far as I know, there are only two philosophies of land use. One holds that the earth is the Lord's or it holds that the earth belongs to those yet to be born as well as to those now living. The present owners, according to this view, only have the land in trust, both for all the living who are dependent on it now, and for the unborn who will be dependent on it in time to come. The model of this sort of use is a good farm—a farm that, by the return of wastes and by other safeguards, preserves the land in production without diminishing its ability to produce. The standard of this sort of land use is fertility, which preserves the interest of the future.

The other philosophy is that of exploitation, which holds that the interest of the present owner is the only interest to be considered. The standard, according to this view, is profit, and it is assumed that whatever is profitable is good. The most fanatical believers in the rule of profit are the strip miners. The earth, these people would have us believe, is not the Lord's, nor do the unborn have any share in it. It belongs, instead, to rich organizations with names like Peabody, Kentucky River Coal, Elkhorn Coal, National Steel, Bethlehem Steel, Occidental Petroleum, The Berwind Corporation, Tennessee Valley Authority, Chesapeake & Ohio, Ford Motor Company, and many others. And the earth, they would say, is theirs not just for a time, but forever, and in proof of their claim they do not hesitate to destroy it forever—that is, if it is profitable to do so, and earth-destruction has so far been exceedingly profitable to these organizations.

The gospel of the strip miners is the "broad-form deed," under which vast acreages of coal rights were bought up for as little as 25 and 50 cents an acre before modern strip-mine technology ever had been conceived. The broad-form deed holds that the coal may be taken out ". . . in any and every manner that may be deemed necessary or convenient for mining . . ." Kentucky is one of the few coal states that still honor the broad-form deed. In Kentucky, under the sanction of this deed, strip miners continue to ravage other people's private property.

They have overturned or covered up thousands of acres of farm and forest land; they have destroyed the homes and the burials grounds of the people; they have polluted thousands of miles of streams with silt and mine acid; they have cast the overburden of the mines into the water courses and into the public roads. Their limits are technological, not moral. They have made it plain that they will stop at nothing to secure the profit which is their only motive. And in Kentucky they have been aided and abetted at every turn by lawmakers, judges and other public officials who are too cowardly or too greedy to act in the interest of those they are sworn to protect. Though the violations of the inadequate strip-mine regulations passed by the legislature have been

numerous and well publicized, the regulations have been weakly enforced.

If the model of good land use is to be found in a good farm, then it is a strange sort of farming indeed that is practiced by these strip miners, whose herds are not cattle eating grass, but machines devouring the earth. That sounds fantastical, but then strip mining is an industry based upon fantasy. It proceeds upon the assumption that there is no law of gravity, that no heavy rains will fall, that water and mud and rock will not move downhill, that money is as fertile as topsoil, that the wealthy do not ultimately share the same dependences and the same fate as the poor, that the oppressed do not turn against their oppressors—that, in other words, there are no natural or moral or social consequences. Such are the luxuries that our society affords to the warlords of the exploitive industries.

People who live nearer to the results of strip mining know better. Those whose homes and belongings have been destroyed, or who live beneath the spoil banks, or who inhabit the flood plains of mutilated streams and rivers, or who have been driven into ruin and exile—and there are now many thousands of them—they know that the costs are inconceivably greater than any shown on the coal-company ledgers, and they are keeping their own accounts. They know that the figment of legality that sanctions strip mining is contrary to the laws of nature and of morality and of history. And they know that in such a contradiction is the seed of social catastrophe.

The most vicious fantasy of all is the endlessly publicized notion that the net profit of the coal companies somehow represents the net profit of the whole society. Historically, however, the enrichment of the coal interests in Kentucky has always involved the impoverishment of the people of the mining regions. And of all methods of mining, strip mining is the most enriching to the rich and the most impoverishing to the poor; it has fewer employes and more victims. The net profit is net only to the coal companies, only on the basis of an annual accounting. The corporate profit is reckoned on so short a term. But the public expenditure that supports this private profit is long-term; the end of it is not now foreseeable. By the time all the reclaimable mined lands are reclaimed, and all the social and environmental damages accounted for, strip mining will be found to have been the most extravagantly subsidized adventure ever undertaken.

An estimate of the public meaning of strip-mine profits may be made from the following sentences by James Branscome, director of Save Our Kentucky (SOK), Inc., in The New York Times Magazine: "The Corps of Engineers has estimated . . . that it would cost the public $26 million to restore the extensively strip-mined Coal River watershed in West Virginia. This is an amount approximately equal to the private profit taken by the mining companies from the watershed." But even this may be too limited an accounting. It does not consider the environmental damage, or the property damage, that may have occurred outside the boundaries of the immediate watershed between the opening of the coal seam and the completion of reclamation. It does not attempt to compute the cost of what may have been the permanent degradation of the appearance and the fertility of the land. Nor does it consider the economic consequences of the social upheaval that must always accompany an upheaval of the environment. There is, then, every reason to believe that the large net profit of a strip-mine company will prove to be a large net loss to society.

This, as all Kentuckians should be aware, is largely the responsibility of absentee owners. Of the 33 largest owners of mineral rights in the Kentucky coalfields, listed recently by The Courier-Journal, only two are based in the state. But even those owners who live in the state are absentee owners in the strict sense of the term: that is, they do not live with the consequences of what they do. As exploitive industrialists have done from the beginning, they live apart, in enclaves of the well-to-do, where they are neither offended nor immediately threatened by the ugliness and the dangers that they so willingly impose upon others. It is safe, I think, to say that not many coal company executives and stockholders are living on the slopes beneath the spoil banks of their mines; not many of them have had their timber uprooted and their farms buried by avalanches of overburden; not many of them have had their water supply polluted by mine acid, or had their houses torn from the foundations by man-made landslides; not many of them see from their doorsteps the death of the land of their forefathers and the wreckage of their own birthright; not many of them see in the faces of their wives and children the want and the grief and the despair with which the local people subsidize the profits of strip mining. On the contrary, the worries of the coal companies are limited strictly to coal. When the coal is gone they do not care what is left. The inescapable conclusion is that Kentucky has been made a colony of the coal companies, who practice here a mercantilism as heartless and greedy as any in history.

In this new year the state's lawmakers have once again assembled in Frankfort. Again they have the opportunity to put a stop to this awful destruction, and to assure to the state the benefits of its own wealth, and to give to the people of the coal fields the same protections of the law that are enjoyed by people everywhere else. If the men in power will do these things that are so clearly right and just, they will earn the gratitude of the living and of the unborn. If they will not do them, they will be infamous, and will be unworthy of the respect of any honest citizen.

Remembering the new deserts of this once bountiful and beautiful land, my mind has gone back repeatedly to those Bible passages that are haunted by the memory of good land laid waste, and by fear of the human suffering that such destruction has always caused. Our own time has come to be haunted by the same thoughts, the same sense of a fertile homeland held in the contempt of greed, sold out, and destroyed. Jeremiah would find this evil of ours bitterly familiar:

> I brought you into a fruitful land to enjoy its fruit and the goodness of it;
> but when you entered upon it you defiled it
> and made the home I gave you loathsome.

The damages of strip mining are justified in the name of electrical power. We need electrical power, the argument goes, to run our factories, to heat and light and air-condition our homes to run our household appliances, our TV sets, our children's toys, and our mechanical toothbrushes. And we must have more and more electricity because we are going to have more and more gadgets which will make us more and more comfortable. This, of course, is the reasoning of a man eating himself to death. We have to begin to distinguish between the uses that are necessary and those that are frivolous. Though it is the last remedy that would occur to a glutton or a coal company, we must cut down on our consumption—that is, our destruction—of the essential energies of our planet. We must use these energies less and with much greater care. We must see the difference between the necessity of warmth in winter and the luxury of air-conditioning in the summer, between light to read or work by and those "security lights" with which we are attempting to light the whole outdoors, between an electric sewing machine and an electric toothbrush. Immediate comfort, we must say to the glutton, is no guarantee of a long life; too much now is, rather a guarantee of too little later on. Our comfort will be paid for by someone else's distress. "We dig coal to light your tree," said a recent advertisement of the coal industry. That, we must realize, is not a Christmas greeting, but a warning of our implication in an immitigable evil.

In the name of Paradise, Kentucky, and in its desecration by the strip miners, there is no shallow irony. It was named Paradise because, like all of Kentucky in the early days, it was recognized as a garden, fertile and abounding and lovely; some pioneer saw that it was good. ("Heaven," said one of the frontier preachers, "is a Kentucky of a place.") But the strip miners have harrowed Paradise, as they would harrow heaven itself were they to find coal there. Where the little town once stood in the shade of its trees by the river bank, there is now a blackened desert. We have despised our greatest gift, the inheritance of a fruitful land. And for such despite—for the destruction of Paradise—there will be Hell to pay.

FREE MEN: THE STRUGGLE TO PROTECT THE RIGHTS OF COAL MINERS

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, over the course of the past 2 years, I have discussed on the floor of the House the struggle to reform the United Mine Workers of America. I have done this for a number of reasons. First, I believe that the people of the State of West Virginia—the largest coal-producing State in the Nation—would benefit greatly if the UMWA were reformed and if the union served as a force for progressive social change in the communities where its members reside and work. Second, I have done so in the hope that the executive branch of the Federal Government, notably the Department of Labor and the Bureau of Mines, would at last accept their statutory responsibilities and protect the rights of coal miners to decent working conditions and to union democracy. Third, I have done so because it is my belief that the struggle in the mining communities presages a growing movement in this country for more responsive institutions—both governmental and private.

Today, I am reporting some recent developments in this struggle for the rights of the people whom I am proud to represent. I cannot say that over these years the Government has been responsive to the needs and problems of the coal miners, but the courts have been. I wish to add to the RECORD three recent court decisions and a reprint from Georgia Law Review.

WELFARE AND RETIREMENT FUND

The first case, Blankenship against Boyle et al., decided in the District of Columbia on January 7, 1972, holds the National Bank of Washington, the UMWA, Josephine Roche, and Barnum Colton liable to the bituminous welfare fund for $1.5 million in damages. The court held that the welfare and retirement trust fund was mismanaged by its trustees for the benefit of the UMWA and its bank, the National Bank of Washington; and the $11.5 million damage figure represents money the fund would have earned had the trustees not failed to invest the large sums of money which they maintained in interest-free accounts at the bank. The award is based upon the assumed investment of this money in tax-free municipals. Earlier, on April 28, 1971, the court found that the trustees had violated their fiduciary responsibilities to the fund's beneficiaries by, inter alia, conspiring with the bank to maintain excessive cash balances in the fund's account at the bank in order to benefit the bank and to enhance the UMWA's economic power in disregard of the needs of the beneficiaries of the fund. As a result of this earlier finding, Josephine Roche, the neutral trustee of the fund, and UMWA president, W. A. "Tony" Boyle, were removed from their positions on the fund. Judge Gesell found that Boyle had violated his duty as a trustee of the fund in several particulars. His actions in forcing through the pension increase, particularly by misrepresentation, in haste and without consulting the neutral trustee, reflect an insensitivity to fiduciary standards.

In the January 7, 1972, opinion where he set the damage figure, Judge Gesell made clear that W. A. Boyle, John L. Lewis' replacement as the union trustee, and True Davis, Barnum Colton's replacement as president of the National Bank of Washington, continued the breach of trust which had been begun by their predecessors:

> There is ample evidence that excessive funds remained on deposit at the Bank following Mr. Lewis' death and that whatever Mr. Boyle's intentions may have been, excessive sums were on deposit at the Bank throughout the litigation and indeed until April 28, 1971, when the Court filed its findings of fact and conclusions of law as to the merits. (Footnote omitted.) The fact of the matter is that the breach of trust was deeply engrained by a long continuous course of improper dealing, and the momentum of the violation was never arrested by the affirmative action of any of the conspirators before the Court. Neither the retirement of Mr. Colton in January 1970, nor the earlier death of Mr. Lewis terminated the breach of trust in which each had participated. Until April 1971, when the Court filed its findings of fact and conclusions of law, none of the four conspirators engaged in actions sufficiently affirmative and explicit to be considered an effective termination or withdrawal from the conspiracy. It was only when the Court entered its Order on May 21, 1971, decreeing various remedial changes in the administration of the Fund, that sufficient affirmative action was thrust upon the conspirators to constitute a termination of the conspiracy."

THE FIGHT TO REFORM THE UMWA LEADERSHIP

The second case, noteworthy for its significance in this fight to reform the UMWA, was the U.S. Court of Appeals for the District of Columbia Circuit's decision on November 24, 1971, in Yablonski, et al. against UMWA, removing the UMWA's general counsel, Edward L. Carey, and all of his staff from continuing to represent the UMWA, a nominal defendant, in a suit brought by the late Joseph A. Yablonski and other members of the UMWA for an accounting and restitution of funds allegedly misspent and misappropriated by the UMWA's international officers, Boyle, Titler, and Owens. Earlier, the law firm of Williams & Connolly served as counsel for the UMWA because the court of appeals agreed with the plaintiffs that their continued representation of the UMWA in this suit and the individual officers in other litigation involved that firm in a potential conflict of interest. Quoting from its earlier decision the court held:

> [H]ouse counsel as a group do not fit the specifications we previously laid down for those who would undertake representation of the UMWA in this cause. They simply are not "unquestionably independent new counsel" whose contemplated appearance would enable resolution of the issues "in a context which is as free as possible from the appearance of any potential for conflict of interests in the representation of the union itself."

The UMWA's house staff, Edward L. Carey, Willard Owens and Harrison Combs moved the court of appeals for a stay of further proceedings and for a rehearing. Both motions were denied.

CHALLENGE TO THE DEPARTMENT OF LABOR

The third case, I am inserting in the RECORD is the Supreme Court's January 17, 1972, decision in Trbovich against United Mine Workers of America, et al. This is a landmark decision for union reform in which the Court held that a union member who initiated the entire enforcement proceeding under Landrum-Griffin can intervene in a postelection suit brought by the Secretary of Labor. Notably, the Court held for the first time that union reformers may have a valid complaint about the Secretary of Labor, suggesting that he had not been protecting adequately their interests in such litigation. The Court held—

> [W]e think it clear in this case there is sufficient doubt about the adequacy of representation to warrant intervention.

Finally, I wish to include in the RECORD an article written by Joseph L. Rauh, Jr. for the Georgia Law Review, entitled "LMRDA—Enforce It or Repeal It" in which Mr. Rauh states that despite the UMWA reform movement's uniform success in the courts, the judicial role in such matters is limited and that only the Department of Labor has the resources and authority to assure fair and democratic union elections, and that unfortunately the Department has not seen fit to carry out this assigned task.

I sincerely hope that the Department's attitude to these considerable problems will change for the better and that the courts will, at least, continue to support claimants seeking democratic and honest union administration. For the implications of the UMWA's tyrannical leadership and corrupt practices carry far into my State and into the Nation as a whole. The material follows:

[In the U.S. District Court for the District of Columbia]

FINDINGS OF FACT AND CONCLUSIONS OF LAW ON DAMAGE AND RELATED ISSUES

(Willie Ray Blankenship, et al., plaintiffs, v. W. A. (Tony) Boyle, et al., defendants—Civil Action No. 2186–69)

The Court now has before it the amount of damages to be assessed and the legal fees to be awarded plaintiffs by reason of the breaches of trust found to have existed. *Blankenship* v. *Boyle,* 329 F. Supp. 1089 (1971). Four defendants are involved in this phase of the case: United Mine Workers of America, The National Bank of Washington, Josephine Roche, and Barnum Colton. All counsel have cooperated in extensive pretrial discovery, exchanging various computations and deposing different experts, following which the Court heard three days of testimony and received numerous exhibits. The matter was then orally argued to the Court and supplemental briefs filed. A number of matters must be considered to conclude this phase of the proceedings and they will be discussed *seriatim* under appropriate headings.

A. DAMAGES RESULTING FROM FAILURE TO INVEST EXCESSIVE SUMS HELD, INTEREST-FREE, AT THE BANK

The Court has already determined that these damages shall run from a period commencing August 4, 1966, and shall be compensatory only. 329 F. Supp. at 1112. At issue is the period of time that should be considered for computing damages subsequent to this date; the extent, if any, to which the award should take into account various tax aspects of the Fund's operations; and, finally, the factors to be weighed in fixing the sum to be awarded.

(i) *Period.*

Plaintiffs urge that excessive sums remained on deposit at the Bank until September, 1971, when the account was removed from the Bank as directed by this Court's Order. The defendants, on the other hand, contend that the period for fixing damages should run only until June 30, 1969, on the theory that the conspiracy in breach of trust terminated when Mr. Boyle replaced Mr. Lewis as the trustee representing the Union and Mr. Davis replaced Mr. Judy as the trustee representing the operators. The Court has determined that it will not accept either of these suggested terminal dates.

There is ample evidence that excessive funds remained on deposit at the Bank following Mr. Lewis' death and that whatever Mr. Boyle's intentions may have been, excessive sums were on deposit at the Bank throughout the litigation and indeed until April 7, 1971, when the Court filed its findings of fact and conclusions of law as to the merits.[1] The fact of the matter is that the breach of trust was deeply engrained by a long continuous course of improper dealing, and the momentum of the violation was never arrested by the affirmative conduct of any of the conspirators before the Court. Neither the retirement of Mr. Colton in January, 1970, nor the earlier death of Mr. Lewis terminated the breach of trust in which each had participated. Until April, 1971, when the Court filed its findings of fact and conclusions of law, none of the four conspirators engaged in actions sufficiently affirmative and explicit to be considered an effective termination or withdrawal from the conspiracy. It was only when the Court entered its Order on April 28, 1971, decreeing various remedial changes in the administration of the Fund, that sufficient affirmative action was thrust upon the conspirators to constitute a termination of the conspiracy. See *Hyde* v. *United States,* 225 U.S. 347, 369 (1912); *South-East Coal Co.* v. *Consolidated Coal Co.,* 434 F.2d 767, 784 (6th Cir. 1970).

(ii) *Taxes.*

A more complicated and difficult issue is presented by tax considerations which are brought forward with varying emphasis by the parties. Damages awarded will be paid to the Fund for eventual distribution to the beneficiaries. The Fund is required to pay income tax on all taxable investment income which exceeds the Fund's administrative expenses. Plaintiffs urged that the award should not be reduced by any possible year-to-year tax liability and that the Fund should be assumed to have reinvested and cumulated income assumed to have been received from investment of the excessive sums without tax adjustment. Plaintiffs point to the fact that it is impossible to ascertain whether the Fund will or will not be required to pay taxes and, if so, what the amount of such taxes will be. They point to complicated accounting questions necessarily involved and to other tax uncertainties. Defendants, on the other hand, urge that payment of taxes would have reduced the amount of income available for reinvestment and that a damage claim that fails to recognize this is unrealistic. Thus plaintiffs complain of the possibility of double taxation if allowance is made for taxes in the Court's award of damages and then the award itself is subsequently taxed, and defendants contend that some tax adjustment is necessary in the interest of fairness.

---

[1] In April, the Fund's books alone still showed some 14 million uninvested. In fact, there were excessive sums at the Bank and at the Fund after this date but since the decision directed a procedure for eliminating these sums, the Court feels the defendants were relieved by carrying out these directions promptly thereafter.

The Court has concluded that the possible but by no means certain application of some kind of tax to the award should be ignored and that the award should be made without allowing any opportunity to reopen the matter if any adverse tax consequences eventuate.

This determination is strongly reinforced by an aspect of the decision which has been uppermost in the Court's mind throughout the proceedings relating to damages. The record thoroughly establishes that the trustees were always extremely tax conscious. A damage computation in this case must recognize that the trustees, functioning as prudent individuals, absent the conspiracy to breach trust, would have conducted the affairs of the Fund in a manner to minimize or avoid taxes. Accordingly, the Court will compute damages on the assumption that the excessive funds would all have been invested only in tax-free municipals. This is consistent not only with the reality of the Fund's tax situation, but wholly consistent with investments made by the Fund during the period under review.

Thus the award of damages to be made is an award of damages in the form of reconstructed income from an investment in tax-free municipals and the reinvestment of any interest obtained on such municipals again into tax-free municipals.

(iii) *The damages.*

This brings the Court then to a determination of the amount of the award. Before discussing the evidence in more detail it may be appropriate to indicate the standard to which the defendants responsible in damages must be held. The award must be of an amount representing what prudent trustees attempting to maximize tax-free income absent a conspiracy could reasonably be expected to have earned for the beneficiaries. Plaintiffs apparently accept this standard, but they have offered computations which the Court believes are inconsistent with its proper application.

From August 4, 1966, until April 28, 1971, the average daily balance on the Fund's books averaged around $50 million, reaching a peak of $87 million in May, 1968, and decreasing to about $20 million in early 1971. During this same period, the average daily float, or the difference between the average daily balance as shown on the Bank's books as compared with the average daily balance as shown on the Fund's books, ranged, month-to-month, from $2.9 million to $8.8 million. Following the Court's opinion in April, 1971, The Riggs National Bank won the competitive bidding for the Fund's account with a draft system which required a daily balance on the Bank's books of only a little over $1 million to compensate the Bank for its services. During the damage period, funds that actually were invested by the Fund performed at an overall yield of 5.39%.

Plaintiffs estimate the damages due to the excessive sums kept in demand deposits in the Bank to be at somewhat above $17 million. In support of this claim, plaintiffs presented the testimony of Dr. Roger Murray, an extremely experienced, informed, sophisticated money manager. The techniques used by Dr. Murray presented a comprehensive investment plan. He assumed that the Fund would maintain a minimal balance of $1,000 on its books and aided by the advantage of hindsight he reconstructed a sophisticated investment program which assumed different amounts in various types of balances and different types of investments with varying levels of yield for each separate balance.[2] His computations contemplate immediate reinvestment of interest on a continuing month-by-month basis in desirable types of Government securities. Overall, Dr. Murray's reconstructed investment program would have resulted in an average yield of 5.85%.

The Court has no doubt the techniques used by Dr. Murray were available, albeit highly specialized, and that a result such as he has reconstructed might have been achieved under proper techniques of money management. But the Court is unwilling to accept this approach since it reflects a higher level of investment conduct than could reasonably be expected of a prudent trustee responsible for this particular Fund at the time. The Court has concluded that it would be prudent and within the permissible legal standard for the trustees to maintain a larger balance uninvested on the Fund's books pending periodic meetings of the trustees, and that it would be entirely prudent to place all of the funds in municipals, without establishing different balances for different types of investment,[3] rather than to seek the higher returns available by placing substantial sums in longer term taxable government obligations. The Fund was already diversified to some extent, holding certificates of deposit, utility securities, and some long-term United States governments.

Various computations based on money shown available on the Fund's books have been presented in addition to the analysis prepared by plaintiffs' expert. The Court has before it figures which disclose the amount of interest that would be earned at various yields assuming various uninvested balances. The effect of different underlying procedures for ascertaining and cumulating interest available for reinvestment have been measured. The Court also has available information indicating rates of return that were earned by various unnamed pension funds, by the life insurance industry, by the life insurance industry, by the Teachers Insurance Annuity Association, by the New York State Retirement System, and of course full information as to the actual earnings by the Fund itself on money that was invested by the Fund. The final judgment must take these and other factors, many of them imponderable, into account.

There was also considerable proof directed to the size of cash balances the Fund might reasonably be expected to keep uninvested as per its books. Various balances were suggested by relating the suggested amounts to average monthly disbursements. These computations contrasted with the experience of money managers that no balance is actually necessary where an effort is seriously made to maximize income. The Court has sharply discounted the need to adjust for this factor because of the highly liquid nature of the Fund's portfolio and the steady repetitive character of its receipts.

After the most thorough examination and re-examination of all of the materials, the Court has arrived at a damage award of $11.5 million as of April 7, 1971, using as general guidelines an assumed investment in tax-free municipals, a rate of return of approximately five percent, with allowance for retaining uninvested on the books of the Fund a cushion in the range of $3–$5 million.

B. DAMAGES RESULTING FROM CERTAIN UTILITY STOCK INVESTMENTS

A further claim for compensatory damages relates not to the maintenance of excessive sums at the Bank but to losses allegedly arising from the Fund's investment in securities of Kansas City Power & Light Company and Cleveland Electric Illuminating Company. The impropriety underlying these investments was discussed in the prior opinion, 329 F. Supp. at 1105, 1106.

Plaintiff's theory of computing damages, which on this aspect of the case would be assessed only against Miss Roche and the Union, is to reject the investments as of August 4, 1966, the Court-imposed cut-off date for damages, and to reinvest the sums involved in three- to five-year governments. By this method, which attempts to take advantage of the three-year statute of limitations, plaintiffs arrive at a damage figure in the neighborhood of $2 million. This approach is inconsistent with established theories of damages in cases of this kind. The investment must be rejected at the time of purchase, not at an artificial statute of limitations cut-off date. Then a comparison should be made of dividends received and increase in fair market value of the securities, with the legal rate of interest during the entire period the stock was held. 3 *Scott on Trusts,* § 210 (3d ed. 1967). On this basis, in fact, the Fund did substantially better than it would have done if the investment had been treated as rejected from the time of purchase.

It would be inequitable and improper to permit plaintiffs to accept the investment up to the start of the three-year period while the fair market value was increasing and then to reject the investment only when the fair market value began to go down. The plaintiffs cannot have it both ways. The Court's three-year limitation period cannot be utilized to provide an undeserved bonus. Accordingly, no damages will be awarded on this aspect of the case.

C. ATTORNEYS' FEES

As to the matter of attorneys' fees, the Court after hearing argument and considering briefs has concluded that inasmuch as this action is in the nature of a derivative action, attorneys' fees should be assessed against the Fund for the recovery accomplished, which is in the interest of all the beneficiaries. Plaintiffs' counsel have maintained elaborate, careful records of time logged and expenses incurred and have presented these by appropriate applications which have been thoroughly reviewed. Since the fees are to be awarded against the Fund, no objection is raised by the Union or the Bank to the amount claimed. The records have been reviewed by counsel for the Fund. The Fund does not question the amount of time logged, the reasonableness of the time charges used or the propriety of the disbursements. The Court is also entirely satisfied as to the reasonableness and accuracy of these figures.

---

[2] The basic elements of Dr. Murray's investment scheme were as follows: All of the sums available for investment, less $1,000, would be invested in U.S. Treasury obligations. From $6 million to $10 million, equal to 50 percent of monthly disbursements, would be invested in 90-day Treasury bills, available on half-hour notice to cover the fluctuation in cash needs. To cover the possibility of a work interruption causing a decline or delay in royalty payments, $6 million would be invested in nine- to twelve-month Treasury obligations spaced to adjust cash flow. All the remaining amounts would be invested in Treasury obligations with three- to five-year maturities with appropriately spaced maturity dates.

[3] It is generally agreed by all the parties and the Court concurs that under the circumstances of this trust fund a diverse common stock portfolio would not have been attempted in this period by a prudent trustee.

The Court has been informed that disbursements for expenses have amounted to $94,304 and there is no doubt these disbursements were reasonably and necessarily made. Plaintiffs are only entitled to their taxable costs, however, and no award for disbursements will be made beyond such costs, which in this instance shall include cost of transcripts for all depositions and trial, witness and process fees, filing fees, and reasonable travel costs and disbursements to attend depositions scheduled by any defendant. As for attorneys' fees, 14,886 hours were logged which at time charges applied amounts to legal fees of $661,000, or about $45 per hour. Plaintiffs believe that regular time charges would not be equitable because of the monetary and equitable benefits obtained and the complex and somewhat novel issues of this case. The Court agrees. Counsel have shown skill and diligence and time charges are but one measure of the reasonableness of a fee. Since time logged on the equitable phases of this case was intimately related to the damage recovery and since the recovery was substantial, the Court has fixed a reasonable fee at $825,000 for services performed to date. These fees are to be paid when the damages here assessed are paid to the Fund. A larger award could easily be justified by applying standards that have been used in comparable situations. The fact of the matter is that plaintiffs' counsel have not sought to profit unduly by their undertaking, which has gone forward in an effort to assist a widely scattered group of pensioners and other beneficiaries, none of whom are shown to have any financial substance. This approach to the fee question is commendable.

D. FORM OF JUDGMENT

The form of the judgment must now be considered. Counsel for Miss Roche points to various findings of the Court to the effect that Miss Roche did not profit personally from the breach of trust and suggests that the Court should limit her liability to a specific sum, giving consideration to various equities in the situation, including her age and present health. It is of course obvious that where individuals and large entities engage collusively in a breach of trust the impact of any judgment may be far more severe on an individual than it is on an entity such as the Bank or the Union. Some of the considerations advanced with respect to Miss Roche have lesser but still pertinent application to Mr. Colton.

Miss Roche was directly involved in the breach from the outset. By throwing her vote as neutral trustee on the side of the Union, she enabled the Union and the Union's Bank to profit to the detriment of the beneficiaries. Mr. Colton was also personally involved as the findings show. The United Mine Workers of America moved on November 5, 1971, to amend its answer to set forth a claim for contribution against defendants Colton, Roche and National Bank of Washington. These three latter parties have indicated similar cross-claims will be filed against the Union and the other damage defendants. The Union's cross-claim may be filed but no answer will be required and all parties are granted leave to cross-claim against others for contribution by a date to be set following appellate review of this damage judgment.

There is no authority which authorizes the Court at this stage to apportion in variable amounts the damages among the four participants.[4] Nor is it proper for the Court to attempt to resolve at this time the intricacies of the law of contribution as it may apply to various facets of this case. The judgment must be entered jointly and severally as to each and will be entered in this form with provision for simple interest at the rate of six percent.

At the time defendants asked for a stay of the equitable relief previously ordered, the Court in refusing the stay indicated that different considerations would prevail as far as a stay of money judgment is concerned. The equitable relief has been allowed to stand preliminarily by the Court of Appeals and a comprehensive compliance report has since been filed by the trustees. But there is no reason in this instance, given the solvency of the Union and the Bank, not to stay the money judgment, without bond, if this is desired, so long as it is clearly understood that simple interest will continue to run.

Accordingly, an appropriate form of order consistent with these findings and conclusions shall be submitted within five days. Plaintiffs shall have their costs.

GERHARD A. GESELL,
U.S. District Judge.

JANUARY 7, 1972.

[Orders of the Supreme Court of the United States, 79 LRRM]

BLANKENSHIP V. BOYLE

(U.S. District Court, District of Columbia—Blankenship, et al. v. Boyle, et al., No. 2186–69, January 7, 1972)

WELFARE PLANS

Mismanagement of trust fund—Damages—116.404.

Welfare and retirement trust fund which was mismanaged by trustees for benefit of union and union-owned bank is entitled to recover $11.5 million in damages for failure to invest excessive sums held on interest-free basis at bank; award is based upon assumed investment in tax-free municipal bonds, rate of return of approximately five percent, and allowance for retaining uninvested on books of fund a cushion in range of $3–5 million. However, fund is not entitled to recover damages for certain improper utility stock investments.

Supplemental proceeding for assessment of damages resulting from mismanagement of welfare and retirement trust fund. Damages and fees awarded in accordance with opinion.

See 77 LRRM 214, 329 F. Supp. 1089.

See also 77 LRRM 2733.

Harry Huge, Edgar H. Brenner, and Thomas J. McGrew (Arnold & Porter), Washington, D.C., for plaintiffs.

Paul R. Connolly and Paul M. Wolff (Williams, Connolly & Califano), Washington, D.C., for defendants United Mine Workers of America and W. A. Boyle.

John J. Wilson and John V. Morgan, Jr. (Whiteford, Hart, Carmody & Wilson), Washington, D.C., for defendants National Bank of Washington and Barnum L. Colton.

Fred M. Vinson, Jr. (Reasoner, Davis & Vinson), Washington, D.C., for defendant UMW Welfare and Retirement Fund.

James F. Reilly, Washington, D.C., for defendant Josephine Roche.

---

[4] *See*, generally, Nordstrom v. District of Columbia, 213 F. Supp. 315 (D.D.C. 1963), *affirmed*, 327 F.2d 863, 117 U.S. App. D.C. 165; Martello v. Hawley, 300 F.2d 721, 112 U.S. App. D.C. 129 (1962); 16 Am. Jur. 2d § 48; 18 Am. Jur. 2d § 38.

[U.S. Court of Appeals for the District of Columbia Circuit—No. 24,945]

PETITION FOR FURTHER RELIEF TO ENFORCE THIS COURT'S PRIOR OPINION AND MANDATE

(Joseph A. Yablonski, et al., Appellants v. United Mine Workers of America)
Decided November 24, 1971

Messrs. Joseph L. Rauh, Jr., John Silard, Elliott C. Lichtman, Joseph A. Yablonski and *Mrs. Clarice R. Feldman* were on the petition for appellants.

Mr. J. Gordon Forester, Jr., was on the opposition to the petition for appellees Boyle, Titler and Owens.

Messrs. Edward L. Carey, Harrison Combs, Willards P. Owens, Charles L. Widman, and *Walter E. Gillcrist* were on the opposition to the petition for appellee United Mine Workers of America.

Before MCGOWAN, ROBINSON and WILKEY, *Circuit Judges.*

PER CURIAM: Last July 21 we held that a law firm retained by the United Mine Workers of America (UMWA) could not continue as its counsel in this case.[1] We did so because we found, in the firm's past and ongoing representation of UMWA's president in other litigation, the potential for conflict with obligations owing UMWA in this litigation.[2] In due course our mandate[3] issued to vacate the District Court's denial of a motion to disqualify the firm, and to remand the case for further proceedings in accordance with our opinion.[4]

Thereupon, the firm promptly withdrew, and UMWA's general counsel and all four members of his staff entered appearances on behalf of UMWA. Appellants immediately moved the District Court for an order disqualifying them, and the motion was denied. Appellants return here on a petition for further relief, characterizing the District Court's ruling as a failure to give full effect to the mandate.[5] We agree, and accordingly grant the petition.

I

We confront, at the outset, appellees' objection that we lack jurisdiction to consider the petition. It is contended that the District Court's order refusing disqualification of UMWA house counsel was interlocutory and, as such, nonappealable,[6] and the record, it is argued, does not show a clear and indisputable right to extraordinary relief under the All Writs Act.[7] Appellants, on the other hand, charge that the order flies in the face of our earlier mandate, and that mandamus is available to correct the asserted departures.[8]

We think the order now challenged was appealable, just as we felt its predecessor was on the prior appeal where, indeed, our jurisdiction was not seriously questioned.[9] The present situation differs, however, from the former because the instant order has not been subjected to an appeal.[10] Instead, appellants seek summary relief, allegedly needed to exact compliance with the mandate, and the quest is valid if its underlying premise is. A trial court "is without power to do anything which is contrary to either the letter or spirt of the mandate construed in the light of the opinion of [the] court deciding the case,"[11] and it is well settled that mandamus lies to rectify a deviation.[12] That approach may appropriately be utilized to correct a misconception of the scope and effect of the appellate decision,[13] or to prevent relitigation of issues already decided by the appellate court.[14] These are objectives to which appellants lay claim as justifications for action by this court at this time.

We perceive nothing removing the order under attack from the mainstream of mandamus doctrine.[15] We are mindful, of course,

---

Footnotes at end of article.

that "[t]he peremptory common-law writs are among the most potent weapons in the judicial arsenal"[16] and that, "[a]s extraordinary remedies, they are reserved for really extraordinary causes."[17] We are mindful, too, "that only exceptional circumstances amounting to a judicial 'usurpation of power' will justify the invocation of this extraordinary remedy."[18] We think, however, that appellants' petition presents a situation wherein relief in the nature of mandamus would be appropriate.

It is clear that the case may be sufficiently extraordinary for mandamus "where it [is] necessary to confine a lower court to the terms of an appellate tribunal's mandate"[19] It seems just as clear that the circumstances may be extraordinary when an attorney plainly disqualified by standards articulated in a prior appellate judgment is nonetheless permitted to function as counsel in the litigation. "Continued participation as an attorney, by one who is disqualified by conflict of interest from so doing, will bring about the very evil which the rule against his participation is designed to prevent, and a subsequent reversal based upon such participation cannot undo the damage that will have been done as a result of such participation."[20] That, we believe, is the more so in the case at bar. As our first opinion pointed out, representation of a labor union by counsel free of possibly conflicting obligations to adverse parties is directly related to attainment of the goals Congress envisioned when it passed the Labor-Management Reporting and Disclosure Act of 1959.[21] Consequently, "if the order [denying disqualification] was in error, the harm resulting therefrom is in the nature of the frustration of a public policy which cannot be avoided or mitigated by any appeal taken after the trial, with [counsel] participating, is finally ended."[22] We conclude, then, that we possess jurisdiction to entertain appellants' petition, and to afford relief if the showing it makes demands.

II

We had thought that the factual basis for our earlier decision was evident from the circumstances we cited as relevant, and its legal basis equally so from the principles we identified as controlling. By the same token, we believed that we had furnished the District Court with unequivocal standards which successor counsel for UMWA would have to meet. We can explain the court's latest ruling on union counsel only as a misunderstanding of what our opinion and mandate really meant. As much for future as for present purposes, then, we briefly recapitulate our initial holding.

This suit, brought under Section 501(b) of the Labor-Management Reporting and Disclosure Act of 1959,[23] is for an accounting and restitution of allegedly misspent union funds. Joined as defendants and charged with the expenditures are W. A. Boyle, UMWA's president, and two other UMWA officers. The firm originally appearing for UMWA had represented and was still representing Boyle in other lawsuits accusing him of misconduct in office. Appellants sought to disqualify the firm as union counsel, and the District Court upheld the arrangement.[24] On appeal, firm counsel insisted that UMWA's institutional interests and Boyle's individual interests were substantially the same[25]—a proposition we were unable to accept.[26] They saw no conflict in the dual representation—a matter on which we disagreed[27]—and gave assurances that if any arose they would withdraw as union counsel.[28] While recognizing that any conflict might well be ascertained in this fashion,[29] we concluded "that the objectives of the Labor-Management Reporting and Disclosure Act would be much better served by having an unquestionably independent new counsel in this particular case. The public interest requires that the validity of appellants' charges against the UMWA management of breach of its fiduciary responsibilities be determined in a context which is as free as possible from the appearance of any potential for conflict of interests in the representation of the union itself."[30]

The record now reveals a new arrangement for union counsel which in final analysis does not differ essentially from the older. To be sure, some of the voluminous allegations the parties make are in apparent conflict, and in some particulars the general picture is obscure. Nevertheless, from the mass of data presented by the parties critical facts emerge sharply and without controversy. UMWA general counsel and three members of his staff are representing or have represented to some extent union officers who are accused of wrongdoing in this case.[31] One staff member is the son of one of such officers, and another is the son of a nonparty officer whom the charges conceivably could implicate. Atop that, three of the five attorneys are themselves named in appellants' complaint as recipients of payments allegedly made by officers in breach of fiduciary duties.

Considerably more is both charged and largely denied, but merely to recite only these several uncontested circumstances is to demonstrate satisfactorily that house counsel as a group[32] do not fit the specifications we previously laid down for those who would undertake representation of UMWA in this cause. They simply are not "unquestionably independent new counsel"[33] whose contemplated appearance would enable resolution of the issues "in a context which is as free as possible from the appearance of any potential for conflict of interests in the representation of the union itself."[34] It follows that the license the District Court gave them to remain union counsel is a grave departure from the terms of our prior mandate, and sounds the call for corrective action here.[35]

III

The District Court's ruling on appellants' latest motion for disqualification appears to have been influenced primarily by the court's belief that "a passive role" was in store for UMWA in this case. The thought seemingly was that, irrespective of other factors, house counsel could function as counsel for UMWA as long as the latter's part in the litigation did not become aggressive. The short answer is that on that basis the law firm originally retained as union counsel was not disabled from continuing in that capacity. Our holding that it could not be permitted to do so necessarily ruled out the theory which the District Court saw fit to adopt.[36] The court was not at liberty to utilize as ground for a fresh determination a consideration which our earlier decision had already implicitly discarded.[37]

Perhaps more fundamentally, there is no predicate for a present assumption that UMWA must or will remain an inactive party. UMWA may, but is not inexorably bound to, take and maintain a detached position on the merits. To be sure, "as a general proposition, a labor organization should be kept in a neutral role when it can demonstrate no interest in the litigation beyond a shielding of officials whose activities are under attack;[38] moreover, "even when permitted an adversary role, it should be limited to defenses designed to safeguard . . . institutional issues at stake."[39] That is because "those who for good cause bring and in good faith bear the brunt of the fight should be protected against harassment and oppression through the assertion of what are merely the defenses of the individual parties."[40] "At the same time," however, "the vital concerns of the organization in the litigation," if any it has, "must be recognized and given their just due."[41] UMWA "is free to say which side of a controversy involving a legitimate institutional interest it will take;[42] and "[i]t is for [UMWA], and not the Court, to determine its true position, and to say in which direction its advantage lies."[43] It is this very prerogative that makes it essential that UMWA have the benefit of "unquestionably independent . . . counsel"[44] to advise it on the legal aspects of the suit and thereafter, if desired, to represent it therein.[45]

Much of appellees' presentation is devoted to attempted justification of UMWA's representation by its house counsel on the ground that its institutional interests as a union coincide with the individual defensive interests of the officers who are sued.[46] That approach puts the cart before the horse. "Where, as here, union officials are charged with breach of fiduciary duty, the organization is entitled to an evaluation and representation of its institutional interests by independent counsel, unencumbered by potentially conflicting obligations to any defendant officer."[47] In our earlier opinion, we observed that "[i]n trying to achieve a valid definition of an institution's interests, it would seem that counsel charged with this responsibility should be as independent as possible."[48] We admonished that "counsel for the UMWA should be diligent in analyzing objectively the true interests of the UMWA as an institution without being hindered by allegiance to any individual concerned."[49] Even more emphatically we stated that "in the exploration and the determination of the truth or falsity of the charges brought by these individual appellants against the incumbent officers of the union and the union itself as a defendant, the UMWA needs the most objective counsel obtainable."[50] Only after satisfaction of these threshold requirements does counsel's assessment on identity of union and officer interests merit judicial consideration. And now, as before, "[e]ven if we assume the accuracy of the appellee's position at the present time that there is no visible conflict of interest, yet we cannot be sure that such will not arise in the future."[51]

Appellants' argument does not range so far as to suggest that house counsel can never be permitted to represent a union in a Section 501 action.[52] Nor does it harbor the thesis that the cordiality normally exchanged between union executive and house counsel necessarily works a disqualification. Our prior opinion drew the line when, speaking to a cognate point, we said:

> "We are cognizant that any counsel to represent the UMWA selected by President Boyle will be to some degree under his control. But such counsel will still only have one client—the UMWA—to represent in matters growing out of the union's affairs. Such counsel would never be professionally obligated to consider Boyle's personal interests, because they would not be representing him individually in related matters."[53]

In sum, a *sine qua non* of permissible union representation in a Section 501 action is the absence of any duty to another that might detract from a full measure of loyalty to the welfare of the union. House counsel no less than outside counsel must survive that test.[54] In this instance, house counsel plainly do not.

The District Court's refusal to disqualify house counsel as union counsel in this case is manifestly in the teeth of the definitive rulings we made when the case was first here. By the same token, appellants' right to relief assuring conformance with our prior mandate is clear and indisputable.[55] We accordingly grant the petition, but in the belief that issuance of a formal writ is unnecessary. We trade instead upon our confidence that without more the District Court will now take action to rectify the error which gave birth to the present proceeding.[56]

Petition granted.

Footnotes at end of article.

FOOTNOTES

[1] *Yablonski* v. *UMW*, No. 24,945 (D.C. Cir. July 21, 1971).

[2] *Id.* at 4–13.

[3] Conformably with Fed.R.App.P. 41(a), the mandate consisted of "[a] certified copy of the judgment and a copy of the opinion of the court. . . ."

[4] And see *Yablonski* v. *UMW, supra* note 1, at 4.

[5] See text *infra* at notes 11–14.

[6] See note 9, *infra.*

[7] 28 U.S.C. § 1651 (1970).

[8] See text *infra* at notes 11–14.

[9] The cases have reached apparently conflicting conclusions where the disqualification was sought upon ethical considerations alone. Compare *Univeld Prods., Inc.* v. *Union Carbide Corp.*, 385 F.2d 992, 994 (5th Cir. 1967), *cert. denied*, 390 U.S. 921 (1968), with *Marco* v. *Dulles*, 269 F.2d 192 (2d Cir. 1959), and *Fleischer* v. *Phillips*, 264 F.2d 515, 517 (2d Cir.), *cert. denied*, 359 U.S. 1002 (1959). See also *Cord* v. *Smith*, 338 F.2d 516, 521 (9th Cir. 1959). The situation differs materially, however, where the disqualification was predicated additionally upon significant impingement on a specific legislative policy. *Tomlinson* v. *Florida Iron & Metal, Inc.*, 291 F.2d 333, 334 (5th Cir. 1961). See also 9 Moore, Federal Practice ¶ 110.13[10] at 190 (2d ed. 1970). That, we think, is the situation here. See text *infra* at note 21.

[10] See text *supra* at note 4. Appellants might alternatively have achieved the same end—an expedited ruling here—by taking an appeal from the order and then moving in this court for summary reversal.

[11] *Thornton* v. *Carter*, 109 F.2d 316, 320 (8th Cir. 1940).

[12] See *e.g.*, the cases cited *infra* notes 13–14.

[13] *United States* v. *Haley*, 371 U.S. 18 (1962); *Baltimore & O. R.R.* v. *United States*, 279 U.S. 781, 785 (1929); *In re Sanford Fork & Tool Co.*, 160 U.S. 247, 255 (1895). See also *Erie Bank* v. *United States Dist. Ct.*, 362 F.2d 539 (10th Cir. 1966).

[14] *In re Potts*, 166 U.S. 263, 265–67 (1897); *Thornton* v. *Carter, supra* note 11; *Federal Home Loan Bank* v. *Hall*, 225 F.2d 349, 385 (9th Cir. 1955). See also *Briggs* v. *Pennsylvania R.R.*, 334 U.S. 305, 306 (1948); *Sibbald* v. *United States*, 37 U.S. (12 Pet.) 488, 491 (1838).

[15] See *Cord* v. *Smith, supra* note 9, 338 F.2d at 521–22.

[16] *Will* v. *United States*, 389 U.S. 90, 107 (1967).

[17] *Ex parte Fahey*, 332 U.S. 258, 260 (1967).

[18] *Will* v. *United States, supra* note 16, 389 U.S. at 95 quoting *De Beers Consol. Mines* v. *United States*, 325 U.S. 212, 217 (1945).

[19] *Will* v. *United States, supra* note 16, 389 U.S. at 95–96. See also *United States* v. *United States Dist. Ct.*, 334 U.S. 258 (1948).

[20] *Cord* v. *Smith, supra* note 9, 338 F.2d at 521–22.

[21] *Yablonski* v. *UMW, supra* note 1, at 8–9, quoted in text *infra* at note 30.

[22] *Tomlinson* v. *Florida Iron & Metal, Inc., supra* note 8, 291 F.2d at 334.

[23] 29 U.S.C. § 501(b) (1970).

[24] During the first six months of the litigation, the firm had also represented the officers in this case as well, but ceased doing so when appellants' motion to disqualify was presented. We found, in the circumstances, no impropriety in that regard. *Yablonski* v. *UMW, supra* note 1, at 3.

[25] *Id.* at 11.

[26] *Id.* at 9–13.

[27] *Id.* at 6–9, 11–13.

[28] *Id.* at 6.

[29] *Id.* at 8.

[30] *Id.* at 8–9.

[31] While the representation by other than the general counsel has usually been quite limited, two of the three staff members are those mentioned in the next succeeding text sentence, and the third is now deceased. See also note 32, *infra.*

[32] House counsel apparently contemplated representation as a group, but in any event none of them is completely free from the difficulties specified in text.

[33] See text *supra* at note 30.

[34] See text *Supra* at note 30.

[35] See text *supra* at notes 11–14, 19–22.

[36] Compare *United States* v. *Haley, supra* note 13.

[37] See text *supra* at note 14.

[38] *Teamsters Int'l* v. *Hoffa*, 242 F.Supp. 246, 253 (1965).

[39] *Id.* (footnote omitted).

[40] *Id.* at 253–54.

[41] *Id.* at 254.

[42] *Teamsters Int'l* v. *Hoffa*, 52 CCH Lab. Cas. ¶ 16,634 at 23,518 (D.D.C. 1965).

[43] *Id.*

[44] See text *supra* at note 30.

[45] *Yablonski* v. *UMW, supra* note 1, at 7, 11.

[46] We can say as accurately here as in our earlier opinion we said of firm counsel there involved that "[c]ounsel's interpretation of the 'institutional interests' of the union appears to have been broad enough to authorize UMWA counsel to undertake practically everything worthwhile in the defense of this lawsuit." *Id.* at 9.

[47] *Teamsters Int'l* v. *Hoffa, supra* note 38, 42 F.Supp. at 256.

[48] *Yablonski* v. *UMW, supra* note 1, at 11.

[49] *Id.* at 7.

[50] *Id.*

[51] *Id.* at 7–8.

[52] See *Teamsters Int'l* v. *Hoffa, Supra* note 42, 52 CCH Lab. Cas. ¶ 16,634 at 23,518–19.

[53] *Yablonski* v. *UMW, supra* note 1, at 13.

[54] Appellees' reliance upon *Teamsters Int'l* v. *Hoffa, supra* note 42, is misplaced. While the union there involved was permitted representation by one of its house counsel, we pointed out in our earlier opinion that that case "did not present a situation like that of the case at bar, where the regular union counsel seeks to represent the union in a 'derivative' action while at the same time representing in pending and related matters an individual officer charged in that action." *Yablonski* v. *UMW, supra* note 1 at 7 n.7. Nor in that case were there the professional and familial relationships or the individual involvements with the charges asserted that we find in the instant litigation.

[55] See, *e.g.*, *Will* v. *United States, supra* note 16, 389 U.S. at 96; *Bankers Life & Cas. Co.* v. *Holland*, 346 U.S. 379, 384 (1953).

[56] Compare, *e.g.*, *United States* v. *Haley, supra* note 13, 371 U.S. at 20; *Brotherhood of Locomotive Firemen & Enginemen* v. *Bangor & Aroostook R.R.* 136 U.S.App.D.C. 230, 232, 420 F.2d 72, 74 (1969), *cert. denied*, 397 U.S. 1024 (1970).

[Supreme Court of the United States, No. 71–119. Argued November 18, 1971—Decided January 17, 1972]

Syllabus: Trbovich v. United Mine Workers of America et al.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

Petitioner union member sought unsuccessfully to intervene pursuant to Fed. Civ. Proc. 24(a) in litigation brought by the Secretary of Labor under Title IV of the Labor-Management Reporting and Disclosure Act to set aside an election of union officers for violations of the Act. Petitioner, who initiated the entire enforcement proceeding with his complaint to the Secretary, sought to present evidence and argument in support of the Secretary's election challenge, and to urge additional grounds for setting the election aside. *Held*:

1. There is nothing in the language of Title V of the Act or its legislative history to bar intervention by a union member in a post-election enforcement suit, so long as that intervention is limited to claims of illegality presented by the Secretary's complaint. Pp. 2–9.

2. Intervention under 24(a) is warranted for this petitioner, as he may have a valid complaint about the performance of the Secretary, who protects not only the rights of individual union members but also the public interest in free and democratic union elections, two functions that may not always dictate the same approach to the conduct of the litigation. Pp. 9–11.

Remanded to the District Court with directions to allow the limited intervention.

Marshall, J., delivered the opinion of the Court in which Burger, C. J.: and Brennan, Stewart, White, and Blackmun, JJ., joined. Douglas, J., filed an opinion dissenting in part. Powell and Rehnquist, JJ., took no part in the consideration or decision of the case.

[Supreme Court of the United States, No. No. 71–119; January 17, 1972]

Mike Trbovich, petitioner, *v.* United Mine Workers of America et al.

(On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit)

Mr. Justice Marshall delivered the opinion of the Court.

The Secretary of Labor instituted this action under § 402(b) of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. § 482(b), to set aside an election of officers of The United Mineworkers of America (UMWA), held on December 9, 1969. He alleged that the election was held in a manner that violated the LMRDA in numerous respects,[1] and he sought an order requiring a new election to be held under his supervision.

Petitioner, a member of the UMWA, filed the initial complaint with the Secretary that eventually led him to file this suit. Petitioner now seeks to intervene in the litigation, pursuant to Fed. Rule Civ. Proc. 24(a), in order (1) to urge two additional grounds for setting aside the election,[2] (2) to seek certain specific safeguards with respect to any new election that may be ordered,[3] and (3) to present evidence and argument in support of the Secretary's challenge to the election. The District Court denied his motion for leave to intervene, on the ground that the LMRDA expressly stripped union members of any right to challenge a union election in the courts, and gave that right exclusively to the Secretary. *Hodgson* v. *United Mine Workers*, 51 F. R. D. 270 (1970). The Court of Appeals affirmed on the basis of the District Court opinion, 77 L. R. R. M. 2496 (CADC 1971). We granted certiorari to determine whether the LMRDA imposes a bar to intervention by union members under Rule 24, in a suit initiated by the Secretary. — U.S.— (1971).[4] We conclude that it does not, and we remand the case to the District Court with directions to permit intervention.

I

The LMRDA was the first major attempt of Congress to regulate the internal affairs of labor unions.[5] Having conferred substantial power on labor organizations. Congress began to be concerned about the danger that union leaders would abuse that power, to the detriment of the rank-and-file members. Congress saw the principle of union democracy as one of the most important safeguards against such abuse, and accordingly included in the LMRDA a comprehensive scheme for the regulation of union elections.

Title IV of the statute establishes a set of substantive rules governing union elections, LMRDA § 401, 29 U.S.C. § 481, and it provides a comprehensive procedure for enforcing those rules, LMRDA § 402. 29 U.S.C. § 482. Any union member who alleges a violation may initiate the enforcement procedure. He must first exhaust any internal remedies available under the constitution and bylaws of his union. Then he may file a complaint with the Secretary of Labor, who "shall investigate" the complaint. Finally, if the Sec-

---

Footnotes at end of article.

retary finds probable cause to believe a violation has occurred, he "shall . . . bring a civil action against the labor organization" in federal district court, to set aside the election if it has already been held, and to direct and supervise a new election. With respect to elections not yet conducted, the statute provides that existing rights and remedies apart from the statute are not affected. But with respect to an election already conducted, "the remedy provided by this subchapter . . . shall be exclusive." LMRDA § 403, 29 U.S.C. § 483.

The critical statutory provision for present purposes is § 403, 29 U.S.C. § 483, making suit by the Secretary the "exclusive" post-election remedy for a violation of Title IV. This Court has held that § 403 prohibits union members from initiating a private suit to set aside an election. *Calhoon* v. *Harvey*, 379 U.S. 134, 140 (1964). But in his case petitioner seeks only to participate in a pending suit that is plainly authorized by the statute; it cannot be said that his claim is defeated by the bare language of the Act. The Secretary relying on legislative history, argues that § 403 should be construed to bar intervention as well as initiation of a suit by the members. In his view the legislative history shows that Congress deliberately chose to exclude union members entirely from any direct participation in judicial enforcement proceedings under Title IV. The Secretary's argument rests largely on the fact that two alternative proposals figured significantly in the legislative history of Title IV, and each of these rejected bills would have authorized individual union members to bring suit. In the words of the District Court:

"We think the fact that Congress considered two alternatives—suit by union members and suit by the Secretary—and then chose the latter alternative and labelled it 'exclusive' deprives this Court of jurisdiction to permit the former alternative via the route of intervention." 51 F.R.D. 270, 272.

That argument misconceives the legislative history and misconstrues the statute. A review of the legislative history shows that Congress made suit by the Secretary the exclusive post-election remedy for two principal reasons: (1) to protect unions from frivolous litigation and unnecessary judicial interference with their elections, and (2) to centralize in a single proceeding such litigation as might be warranted with respect to a single election. Title IV as enacted serves these purposes by referring all complaints to the Secretary so that he can screen out frivolous ones, and by consolidating all meritorious complaints in a single proceeding, the Secretary's suit in federal district court. The alternative proposals were rejected simply because they failed to accomplish these objectives. There is no evidence whatever that Congress was opposed to participation by union members in the litigation, so long as that participation did not interfere with the screening and centralizing functions of the Secretary.

The enforcement provisions of Title IV originated in a bill introduced by Senator John Kennedy in 1958. That bill, S. 3751, provided for suit by the Secretary as the exclusive remedy for violation of the rules relating to union elections. Senator Kennedy described the bill as a "modest proposal," one which would protect union members "without undue interference in the internal affairs of what I believe are essentially private institutions—that is, American trade unions." 104 Cong. Rec. 7954 (1958). The Senate passed an expanded version of the bill, S. 3974, which retained the original enforcement scheme, and reflected a continuing legislative interest in minimizing judicial interference with union elections. See S. Rep. No. 1684, 85th Cong., 2d Sess., 12–15 (1958). That bill was defeated in the House of Representatives, 104 Cong. Rec. 18288 (1958), but essentially the same enforcement scheme was retained the following year in S. 1555, the Kennedy-Ervin bill that was ultimately passed by both Houses and enacted into law.

In the Senate, the principal advocate of a provision authorizing individual union members to bring suit was Senator Barry Goldwater. He introduced a bill, S. 748, endorsed by the Administration, that would have authorized both the Secretary and the members to file suit to enforce the rules relating to union elections.[6] During the Senate Hearings, a number of witnesses compared the enforcement provisions of the two bills. The primary objection to the provision for member suits in the Goldwater bill was that it might lead to multiple litigation in multiple forums, and thereby impose on the union the severe burden of mounting multiple defenses. A related objection was that the Goldwater bill failed to interpose a screening mechanism between the dissatisfied union member and the courtroom, and thereby imposed on the union the burden of responding to frivolous complaints.

Perhaps the most vehement opposition to the Goldwater bill came from the AFL–CIO. Its spokesman, Andrew Biemiller, testified that "[t]he bill would result in placing union officers in a straitjacket since they could be hailed into court, virtually without limitation, to defend union policies or programs in suits brought against them by any dissident union member or minority group." Hearings on S. 505 et al. before the Subcommittee on Labor of the Senate Committee on Labor and Public Welfare, 86th Cong., 1st Sess., at 567 (1959); see also *id.*, at 578–579 (analysis of S. 748 by Arthur J. Goldberg, then special counsel to the AFL–CIO). Multiple litigation and unnecessary harassment, then, were seen as the principal evils of the provision for member suits. And it was precisely those evils that the draftsmen of the Kennedy-Ervin bill sought to avoid. According to Professor Archibald Cox, who was a principal consultant to the draftsmen, the Kennedy proposal made suit by the Secretary the exclusive post-election remedy in order to "centralize control of the proceedings," to adjudicate the validity of an election "once and for all in one forum," and to avoid "unnecessary harassment of the union on one side and . . . friendly suits aimed at foreclosing the Secretary's action on the other." Hearings on S. 505 et al. before the Subcommittee on Labor of the Senate Committee on Labor and Public Welfare, 86th Cong., 1st Sess., at 135 (1959).

Thus, when the Senate Committee reported out the Kennedy-Ervin bill rather than its competitor, it is reasonable to infer that the Committee, and later the Senate, regarded the provision for exclusive enforcement by the Secretary as a device for eliminating frivolous complaints and consolidating meritorious ones. There is no basis whatever for the further conclusion suggested by the Secretary, the conclusion that the Senate opposed any form of direct participation by union members in Title IV enforcement litigation.

The legislative history in the House of Representatives provides even less support for the Secretary's position. The House initially rejected the Senate bill and passed an alternative authorizing only union members, and not the Secretary, to bring suit to enforce the election title of the bill. H.R. 8342, see H.R. Rep. No. 741, 86th Cong., 1st Sess., 15–17 (1959). Even Senator Goldwater the leading advocate of member suits, thought the House bill inferior to the Senate bill in this regard, because the matter of election violations was too important to be left exclusively to the vagaries of private enforcement. 105 Cong. Rec. 16489 (1959) (comparison of House and Senate bills by Sen. Goldwater). The Conference Committee and the House ultimately adopted the Senate's enforcement provisions, thereby affirming the need for public enforcement of Title IV. See H.R. Rep. No. 1147 (Conf. Rep.), 86th Cong., 1st Sess., 35 (1959). That action, however, can in no sense be read as a rejection of all forms of private participation in enforcement litigation, since the House at no time considered the possibility that union members might assist the Secretary rather than displace him.

With respect to litigation by union members, then, the legislative history supports the conclusion that Congress intended to prevent members from pressing claims not thought meritorious by the Secretary, and from litigating in forums or at times different from those chosen by the Secretary. Only if intervention would frustrate either of those objectives can the statute fairly be read to prohibit intervention as well as initiation of suits by members.

II

Intervention by union members in a pending enforcement suit, unlike initiation of a separate suit, subjects the union to relatively little additional burden.[7] The principal intrusion on internal union affairs has already been accomplished, in that the union has already been summoned into court to defend the legality of its election. Intervention in the suit by union members will not subject the union to burdensome multiple litigation, nor will it compel the union to respond to a new and potentially groundless suit. Thus, at least insofar as petitioner seeks only to present evidence and argument in support of the Secretary's complaint, there is nothing in the language or the history of the LMRDA to prevent such intervention.

The question is closer with respect to petitioner's attempt to add to the Secretary's complaint two additional grounds for setting aside the union election. These are claims which the Secretary has presumably determined to be without merit. Hence, to require the union to respond to these claims would be to circumvent the screening function assigned by statute to the Secretary. We recognize that it is less burdensome for the union to respond to new claims in the context of the pending suit than it would be to respond to a new and independent complaint. Nevertheless we think Congress intended to insulate the union from any complaint that did not appear meritorious to both a complaining member and the Secretary. Accordingly, we hold that in a post-election enforcement suit. Title IV imposes no bar to intervention by a union member, so long as that intervention is limited to the claims of illegality presented by the Secretary's complaint.[8]

III

Finally, the Secretary argues that even if the LMRDA does not bar intervention, petitioner has no right to intervene under the terms of Fed. Rule Civ. Proc. 24(a). Rule 24(a)(2) gives one a right to intervene if (1) he claims a sufficient interest in the proceedings, and (2) that interest is not "adequately represented by existing parties."[9]

The Secretary does not contend that petitioner's interest in this litigation is insufficient; he argues, rather, that any interest petitioner has is adequately represented by the Secretary. The court below did not reach this question, in light of its threshold determination that Rule 24 had no application to the case. Nevertheless, we think it clear that in this case there is sufficient doubt about the adequacy of representation to warrant intervention.[10]

The Secretary contends that petitioner's only legally cognizable interest is the interest of all union members in democratic elections, and he says that interest is identical with the interest represented by the Secretary in Title IV litigation. Hence he argues that petitioner's interest must be adequately represented

---

Footnotes at end of article.

unless the court is prepared to find that the Secretary has failed to perform his statutory duty. We disagree.

The statute plainly imposes on the Secretary the duty to serve two distinct interests, which are related, but not identical. First, the statute gives the individual union members certain rights against their union, and "the Secretary of Labor in effect becomes the union member's lawyer" for purposes of enforcing those rights. 104 Cong. Rec. 10947 (1958) (remarks of Sen. Kennedy). And second, the Secretary has an obligation to protect the "vital public interest in assuring free and democratic union elections that transcends the narrower interest of the complaining union member." *Wirtz* v. *Local 153, Glass Bottle Blowers Assn.*, 389 U.S. 463, 475 (1968). Both functions are important, and they may not always dictate precisely the same approach to the conduct of the litigation. Even if the Secretary is performing his duties, broadly conceived, as well as can be expected the union member may have a valid complaint about the performance of "his lawyer." Such a complaint, filed by the member who initiated the entire enforcement proceeding, should be regarded as sufficient to warrant relief in the form of intervention under Rule 24(a)(2).

The case is remanded to the District Court with directions to allow limited intervention in accordance with this opinion.

So ordered.

Mr. Justice Powell and Mr. Justice Rehnquist took no part in the consideration or decision of this case.

FOOTNOTES

[1] The complaint alleged that the Union violated the Act by, *Inter alia*, failing to use secret ballots, permitting campaigning at the polls, denying candidates the right to have observers at polling places and at the counting of ballots, subjecting members to reprisals in connection with their election activities, failing to conduct elections in some locals, and using union assets to promote the candidacy of the incumbents.

[2] Petitioner alleged as additional violations of the Act (1) that the Union required members to vote in certain locals, composed entirely of pensioners, which petitioner claims are illegally constituted under the UMWA Constitution; and (2) that the incumbent president improperly influenced the pensioners' vote by bringing about a pension increase just before the election.

[3] Petitioner asks the court to order the Union to disband the pensioner locals, to publish a ruling to the effect that the president breached his fiduciary duty by bringing about the pension increase, and to establish new comprehensive rules to govern future elections.

[4] We expedited consideration of this case in view of the fact that the litigation is presently pending in the District Court and it has not been stayed.

[5] See generally Aaron, The Labor Management Reporting and Disclosure Act of 1959. 73 Harv. L. Rev. 851 (1960); Cox Internal Affairs of Labor Unions Under the Labor Reform Act of 1959, 58 Mich. L. Rev. 819 (1960).

[6] The Goldwater-Administration bill provided that a member could file suit with respect to any violation of the election title unless that claimed violation was the subject of a pending action by the Secretary. It also provided that enforcement suits could be filed in either state or federal courts. The question of member suits was, throughout the debates, intertwined with the question of preserving pre-existing state remedies, since prior to the enactment of the LMRDA the only remedy for illegal election conduct was a member suit in state court.

Pre-existing state remedies presented the additional problem, not relevant here, of multiple litigation that was not only inconvenient as a matter of procedure but also in conflict as a matter of substance, for the state remedies related to state-defined rights that were not always identical to the new rights defined in the LMRDA. The debates reflect great concern with the proper relationship between state and federal remedies, and much less concern with the relationship between private and public enforcement. See, *e.g.*, S. Rep. No. 187, 86th Cong., 1 st Sess., 19–22, 101–104 (1959) (majority and minority views): Hearings on H. R. 3540 et al. before a Joint Subcommittee of the House Committee on Education and Labor, 86th Cong., 1st Sess., 1611 (1959) (analysis of S. 1555 by Sen. Goldwater), reprinted at 105 Cong. Rec. 10102 (1959).

[7] For the origins and development of the procedural device of intervention, see Moore & Levi, Federal Intervention, 45 Yale L. J. 565, 47 Yale L. J. 898 (1936); Developments in the Law—Multiparty Litigation in the Federal Courts, 71 Harv. L. Rev. 874, 897–906, 988–992 (1958). The distinction between intervention and initiation is thoughtfully discussed in Shapiro, Some Thoughts on Intervention Before Courts, Agencies, and Arbitrators, 81 Harv. L. Rev. 721, 726–729 (1968).

[8] This limitation, however, applies only to the claimed grounds for setting aside the old election, and not to the proposed terms of any new one that may be ordered. For if the court finds merit in the Secretary's complaint and sets the election aside, then the statute requires the court to direct a new election in conformity with the constitution and bylaws of the union, and the requirements of Title IV. Since the court is not limited in this regard to consideration of remedies proposed by the Secretary, there is no reason to prevent the intervenors from assisting the court in fashioning a suitable remedial order. Cf. *Hodgson* v. *Steelworkers*, 403 U.S. 333, 344 (White, J., dissenting).

[9] Fed. Rule Civ. Proc. 24 (a):

"Upon timely application anyone shall be permitted to intervene in an action: . . . (2) when the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties."

[10] The requirement of the Rule is satisfied if the applicant shows that representation of his interest "may be" inadequately; and the burden of making that showing should be treated as minimal. See 3B J. Moore, Federal Practice p. ¶2409–1 [4].

DISSENT

Mr. Justice Douglas, dissenting in part.

I join the opinion of the Court to the extent that it holds that Title IV of the Landrum-Griffin Act does not bar intervention by union members, pursuant to Fed. Rule Civ. Proc. 24(a), in suits initiated by the Secretary of Labor challenging union elections. I differ from the majority, however, in that I would also permit the union members in this case to raise their additional grounds† for setting aside the disputed election. In my view, the limited intervention granted by the majority serves neither the purpose of the liberalizing 1966 amendments to Rule 24, nor the twin purposes of Title IV—to preserve unions from a multiplicity of frivolous election challenges, but also to centralize in a single proceeding such litigation as might be warranted with respect to a single election.

Here, the Secretary has served his screening function. He has decided that petitioner's election challenge is meritorious. The Court concedes, moreover, that the burden on the union to defend against the additional claims would not be particularly burdensome, compared to the onus of an independent action. *Ante*, p. ——. These claims relate squarely to the election whose legality the union must defend. I would permit them to be heard.

---

†These claims both related to alleged manipulation of pensioners by the incumbents. One claim attacked so-called "bogus" locals, composed entirely of pensioners, which were "run" by the incumbents. The second claim was that the union president attempted improperly to influence the pensioners' vote by arranging for increased pension benefits just before the election.

[From the Georgia Law Review]

LMRDA—ENFORCE IT OR REPEAL IT

(By Joseph L. Rauh, Jr.) *

When someone asks whether my experience as lawyer for the reform group inside the United Mine Workers of America has led me to the conclusion that the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA)[1] needs revision, I invariably answer that there is no way on earth of telling whether, or how, a law that has not been enforced should be amended. Strangely enough, Congress, so intent on doing something about the Beck-Hoffa disclosures[2] that it enacted the LMRDA as a code of union democracy and fiscal integrity, appears wholly indifferent to the nonenforcement of that Act—even in the wake of the far more shocking disclosures concerning the United Mine Workers of America and their President Tony Boyle.[3] Despite these disclosures, no House committee has as yet moved to find out what is going on at the Department of Labor. Even the Senate Labor Subcommittee, funded a year and a half ago for the very purpose of making an investigation, has shown only limited relish for the task.[4]

There is no way of knowing whether the abysmal failure of the Department of Labor to enforce the LMRDA with respect to Boyle and the UMWA is typical of its actions in regard to other unions. There has not been time for us even to investigate the number of requests for help by reform groups in other unions complaining of the Department's inaction or indifference.[5] Yet, based on my happy experiences with honest, democratic unions in the automobile, railroad, shoe, lumber, and distribution industries, and with government workers, I think it unlikely that the UMWA pattern of corruption exists in more than a small minority of unions. But if the law is not to be enforced against the worst offenders, it makes little sense to keep it on the books for use against those guilty of lesser offenses or of no offenses at all. It is in this context that enforcement or repeal seem the only logical alternatives.

Prior to the announcement of Jock Yablonski's candidacy, there had been no serious campaign for the presidency of the UMWA since John L. Lewis crushed his opposition in 1926. The combination of fear and despair which has long pervaded the union has accelerated during Boyle's presidency, and the union has sunk further and further into despotism and corruption. When Jock Yablonski announced as a candidate for the presidency on May 29, 1969, at a press conference open only to invitees, his son and his nephew stood at the door to guard against possible UMWA disruption.[6] And, within a matter of days, the UMWA bureaucracy under Boyle began a course of steadily escalating illegal conduct which has continued to date.

Yablonski fought Boyle's actions in the courts of the District of Columbia (site of UMWA headquarters) as best he could. About two weeks before the December 9, 1969, election, the American Civil Liberties Union, after conducting a thorough study of the situation and giving the UMWA's incumbent officers a chance to state their side of the case (which they refused to do), concluded that "'democratic rights have been violated, and that the threat of further violations hangs over the forthcoming election. . . .'"[7] It

---

Footnotes at end of article.

based its conclusion in part upon the " 'series of court cases forced on the Yablonski group by actions of UMWA leadership,' "[8] and further noted that:

"Though the law clearly provides that an opposition has the right to circulate campaign materials to the membership, a court order was required to compel the UMWA to distribute Yablonski literature to union members.

"Though the law clearly provides that a union official may not be penalized for running for office against an administration slate, a court order was required to reinstate Yablonski in the UMWA job from which he was fired as soon as he announced his candidacy.

"Though the law clearly prohibits the expenditure of union funds to support the candidacy of any person running for union office, a court order was required to restrain the UMWA from 'discrimination in the use of the membership lists' by continuing to use their official organ, the UMWA Journal '. . . as a campaign instrument to promote defendant Boyle's candidacy.'

"Though the law clearly provides for minimum safeguards in a labor union election, such as the right to poll-watchers, the security of the ballot box—the UMWA leadership issued instructions to their locals to provide such elementary safeguards only after a court action had been instituted . . . ."[9]

Despite Yablonski's uniform success in the courts, the reform forces knew from the outset that the judicial role was limited and that only the Department of Labor had both the authority and the resources to force any semblance of a fair election. Consequently, on July 9, 1969, the Yablonski slate requested Secretary of Labor Shultz to make "an immediate and continuing investigation, pursuant to section 601 of the Labor-Management Reporting and Disclosure Act of 1959, of the illegal activities of the officers of the union . . . ."[10] This letter to Secretary Shultz and a subsequent letter, dated July 18, 1969, alleged a raft of illegal election activities, including bribery, job offers, embezzlement, violence, reprisals and threats of reprisals, misuse of funds, fraud, and the revocation of local union charters.[11] On July 23, 1969, Secretary Shultz responded: "Although the Secretary of Labor *does have the power* under Section 601(a) of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) to investigate election irregularities *at any time,* it is the Department of Labor's long-established policy not to undertake investigation of this kind without having a valid complaint under section 402(a) after an election has been completed."[12] The next day I visited Secretary Shultz and literally begged him to exercise the power of investigation which he admittedly had.

While accepting the general policy that no investigation should take place until an election is completed, I pointed out that the continuous and massive violations of law in this case demanded his intervention. I warned him bluntly (and, sadly enough, prophetically) that the failure of the Department of Labor to investigate would mean violence, which would be on the Secretary's conscience alone. Unfortunately, my pleas fell on deaf ears.

Before the election in December, the Yablonski forces presented the Department of Labor with details of over a hundred LMRDA violations.[13] On December 1, 1969, eight days before the election, we summed up what we believed would be the result of these violations in a letter to Secretary Schultz in which, again prophetically, we said:

"This is probably the most important union election since LMRDA was passed a decade ago. There is considerable question in the minds of union members and the public whether LMRDA has any real meaning for union democracy and fair elections. If the incumbent UMWA officers are allowed to steal this election on December 9th with the Department of Labor standing idly by, then everyone will know that enforcement of this law is a joke. The remedy of a post-election lawsuit by the Secretary of Labor to set aside a fraudulent election and a reelection four years or so down the road, with the illegal incumbents in office for the whole intervening time, is a hollow pretense. You have the admitted power, on the basis of present record, to initiate an investigation today and to implement that investigation with a Government agent at every UMWA polling place on December 9th. That action and that action alone can give the coal miners of the nation their first real and fair election in a half century."[14]

Mr. Shultz, however, stuck to his policy of inaction until after the election was over, and on the night of December 9, Mr. Boyle announced that he had won. Where Yablonski had election observers, he generally won by substantial margins or held his own; where he had no observers (either because he could not learn ahead of time where and when the balloting was to occur or because he could not find, among the terrorized membership of particular areas, people to act as observers), he was beaten by unbelievable margins.[15] In District 19, for instance, he lost by a ratio of 43 to 1. Within days, the details of one hundred election day violations of law, along with evidence of the earlier campaign violations, were presented to the Department of Labor. These election offenses included tampering with ballots, excluding of observers, threatening and other interfering with observers, illegal absentee balloting, failing to notify members of the election, nonsecret balloting, officers' casting votes for others, and voting by nonexistent persons, as well as by unlisted persons, including coal operators.[16]

The Yablonski election was not lost on election day; it was lost, I believe, on the day that Secretary Shultz decided not to investigate the pre-election conduct of the UMWA. Boyle and his cohorts were free from that moment on to take action unhindered and unwatched. And if there should later develop some question about the legitimacy of the election, what did it matter? Boyle could hide much of the incriminating evidence; moreover, he would continue as president while the election was being investigated,[17] while the judicial proceedings to upset the election ran on, and even while the second election was being conducted.

Section 601(a) of the LMRDA gives the Secretary "power when he believes it necessary in order to determine whether any person has violated or is about to violate any provision [of the Act] to make an investigation . . ."[18] Boyle and the UMWA have never asserted that the evidence submitted did not support the allegations of violations.[19] In fact, the evidence presented by the Yablonski forces was overwhelming. There could have been little question in the Secretary's mind that the evidence indicated that the Boyle forces had committed massive violations of the LMRDA and were about to commit even further violations.

With the express mandate of the statute confronting him, and with probable cause to believe that there had been, and would likely be more, massive violations of the law, why did the Secretary stand idly by and refuse to enforce the law? Testifying before the Senate Labor Subcommittee on May 4, 1970, Secretary Shultz stated that his inaction was "required by the statute."[20] This of course, was a total about-face from the position he had taken in his letter of July 23, 1969,[21] in which he flatly stated that the Secretary of Labor has the power under section 601(a) of the LMRDA to investigate election irregularities at any time.

Moreover, the Secretary's arguments in support of his new legal position were patent rationalizations. First, he suggested that he could not undertake an early investigation because he could not bring an action until after the election and the invocation of the internal union remedy.[22] However, the power to investigate in section 601 is not limited to the bringing of an action, and one will look in vain for a governmental policy which affords a violator of the law the time he needs to cover his violations. Second, the Secretary contended that an early investigation of the incumbent would of necessity assist the campaign of the challenger.[23] It is unnecessary to consider whether this would in fact have been the case. When weighed against the fact that his inaction made possible continued widespread violations of law and the concealment of much of the evidence thereof, any possible inference drawn from governmental action would hardly seem significant.[24] Yet, although the Secretary went through the pretense of supporting his position on legal grounds, he did admit that "two courts of appeal have held that the broad investigatory authority . . . [of section 601(a)] is not limited by the express procedural requirements" of the election title.[25]

There would appear to be sound justification for a Secretary of Labor's withholding investigation in any election where there is a substantial chance that the union itself will take corrective action. Most local union elections in which the International is not involved fall squarely within this category—so long as there exists an independent appellate body, such as the Public Review Board of the United Automobile Workers, which has clear authority to make the final decision concerning the validity of the election. But the Secretary would hardly seem to be warranted to refuse to investigate prior to an election when massive evidence of illegal conduct is presented to him during the election campaign and when the very people who would adjudicate the internal union remedy are those committing the illegal acts. Surely no one would suggest that Boyle judging his own acts is an internal union remedy.

While Secretary Shultz was attempting to justify to the Senate Labor Subcommittee his failure to investigate prior to the election by asserting that his conduct had been required by the statute, he made the statement that "we have no evidence that the murders were connected with the election . . . ."[26] At the time Mr. Shultz spoke, a federal grand jury had already indicted Mr. Silous Huddleston, the President of a UMWA local union in La Follette, Tennessee, and four others for conspiracy to violate a union member's rights, and Mr. Shultz had access to the FBI's supporting evidence demonstrating Mr. Huddleston's complicity in the murders. The presumption of innocence does not justify an administrative official's drawing a conclusion which is directly contrary to known facts.

Indeed, the primary remaining question today is not whether the murder was "election-connected," but just how high in the union the culpability runs. The special Pennsylvania prosecutor of those charged with the murders of the Yablonski family has stated both publicly and privately that he believes the guilt runs high into the union hierarchy.[27] All of this information was available to Secretary Shultz, including the fact that the murder conspiracy originated in July, 1969, shortly after the opening of the election campaign. It is highly unlikely that the conspiracy would have proceeded had a federal presence been felt throughout the campaign. Yet Mr. Shultz chose to ignore evidence of the sad truth concerning both the election and the murders because that

---

Footnotes at end of article.

truth makes his five months of inaction during the election campaign a monumental and inexcusable blunder.[28]

In the three weeks between the election and the murder, Jock Yablonski made it perfectly clear that he intended to fight on. Two days after the election he wired Secretary Shultz, urgently requesting that he impound all ballots and election records both in the field and at headquarters.[29] He based this request, *inter alia,* on the vast evidence of illegal conduct he had submitted during the election campaign, on the evidence of flagrant election-day frauds (supported by the fact that Yablonski won or at least broke even where he had poll watchers and lost by unbelievable margins where there were none), and on the UMWA's announcement of the results for some areas before the ballots could even have been counted. On these grounds, Yablonski urged the Secretary not to "give Boyle time to juggle the records or destroy them." [30]

A week later the Department of Labor was presented with evidence of the hundred election-day violations mentioned earlier. Incredibly, the Department demanded that Yablonski present direct proof that the UMWA was planning to juggle or destroy records (presumably, only an informer or a wiretap recording of Boyle directing this action would have sufficed); the previously submitted evidence of massive violations of law was deemed inadequate. The Department apparently believed that one accused of such massive violations of law would sit idly by and preserve the incriminating proof of his misconduct rather than take the obvious course of bringing his ballots and records in line with the results announced on the night of the election.[31]

Thus on March 5, 1970, when the Department of Labor was finally forced by public pressure to bring a suit to upset the election, it was without the evidence that could have been collected during the election period, including the original ballots and tally sheets—before the UMWA had had plenty of time to juggle or to destroy them. This may help explain why the suit has taken so long to get to trial (it is presently set for September 13, 1971, almost two years after the election). "This basic purpose of Title IV—to assure free and fair elections—is subverted when court suits to set aside elections are not disposed of promptly." [32]

Actually, the Department of Labor's suit to upset the election is more noteworthy for what it fails to allege than for what it does allege. It omits all the evidence of violence which the Yablonski forces had presented to the Department of Labor, including an incident in which Yablonski was knocked unconscious by a karate chop in Springfield, Illinois, early in the campaign—an incident contributing to the climate of fear and violence which permeated the entire election period. The Department justified this omission by asserting that Yablonski was knocked unconscious at "a Yablonski rally" of "Yablonski supporters." [33] But, as the Department could have easily learned, the small meeting of a dozen or so was an attempt to entrap Yablonski by persons on the UMWA payroll,[34] and there was ample ground, based on this and other incidents,[35] to include an allegation of violence in the Department's suit.

Nor does the Government's suit to upset the election contain any allegation that Boyle violated the LMRDA in raising miners' pensions for the purpose of getting the pensioners to vote for him. Yet there is sworn testimony that Boyle, on the day he became chairman of the UMWA Welfare and Retirement Fund, discussed with other union officials his plan to increase pensions immediately in order to win the vote of the pensioners.[36] Boyle did in fact effect a pension increase the following day, and a notice to the pensioners carrying his name in bold type went out four days later.[37] Section 401(e) of the LMRDA provides that a union member "shall have the right to vote for or otherwise support the candidate or candidates of his choice, without being subject to penalty, discipline, or *improper interference* or reprisal of any kind by such organization or any member thereof." [38]

On its face, raising pensions to get votes would appear to be "improper interference." [39] But the Department of Labor has taken the position that, even *"assuming Mr. Boyle engineered the increase by some breach of improper fiduciary obligation,"* [40] a finding of "improper interference" with the election is precluded because of the possibility that collective bargaining would be impeded. Consequently, the Department did not include the allegation in its election complaint. The Department's reasoning unfortunately overlooks the fact that it is the motivation, not the result, that is crucial. While this may involve a closer legal question than the others, it nonetheless seems strange that the Department should itself resolve each legal and factual judgment *against* the reform group inside the union.

Nor does the Department of Labor's complaint question the legality of some six hundred locals composed solely or almost solely of pensioners. The UMWA constitution states that "local unions shall be composed of 10 or more workers . . . working in or around coal mines" and [i]f any mine or colliery is abandoned . . . the [local union] charter and all its moneys . . . shall be taken over by the International Union [and] . . . any remaining members . . . given transfer cards." [41] Since there are not ten working miners in any one of these locals, the Yablonski forces contended that they are obviously illegal under the UMWA constitution and that union votes could not be legally cast through them. Despite the obvious force of this position and the observation of District Judge Hart that the officers of the UMWA "pay attention to the Constitution when they want to and when they don't, they don't," [42] the Secretary has accepted the transparent explanation that the UMWA has always interpreted its constitution to permit nonfunctioning locals to exist and thus refused to include this matter in his complaint.

Defending his decision before the Senate Labor Subcommittee, the Secretary testified that "even if there had been a technical violation, it could not have had any effect on the outcome of the election";[43] in other words, the pensioners could still have voted. Maybe Secretary Shultz thinks that covering five to six hundred additional and illegal local unions with poll watchers is not a chore for an impoverished candidate,[44] but Mr. Boyle evidently knows the value of these locals to the bureaucracy, for he keeps them in existence to serve his own purposes. Indeed, these locals present an especially difficult election problem; they are often operated out of trusteed district offices run by Boyle appointees and observation by a rival candidate is difficult if not impossible.

Nor does the complaint deal with the subject of the campaigning conducted by paid employees of the UMWA. The Department of Labor did not mention the large number of dust committeemen, organizers, and other persons who were added to the UMWA payroll in 1969 for the apparent purpose of reelecting Boyle. One witness testified that he was paid $400 a week, but did no organizing; [45] another stated that he was paid for organizing though he was in Canada fishing.[46] As a matter of fact, there was no substantial organizing work, and the dust committeemen (whose job ostensibly is to measure respirable dust levels in the mines) not only lacked the necessary equipment but also were generally not even permitted by the operators to go down into the mines.

Mr. Shultz's position that these employees could legitimately campaign for Boyle as much as they wanted seems to open the way for any trade union incumbent to buy an election by the simple expedient of putting additional people on the union staff with the primary function of campaigning for him. Section 401(g), however, provides that "[n]o moneys received by any labor organization by way of dues . . . shall be contributed *or applied* to promote the candidacy of any person . . . .[47] It is hard to imagine any language which would more explicitly bar the use of union funds to employ a staff whose primary purpose is electioneering for the incumbent candidate.

Actually, the Department of Labor did not investigate either the charges of unlawful hiring of union personnel or the numerous other charges of preelection violations. Key investigators told the reform group that such investigation is an impossible task when undertaken so long after the election. One can only note that when detection of preelection irregularities is deemed an impossible task, the congressional purpose of insuring fair and honest elections is clearly frustrated.[48]

Not only has the Department of Labor failed to bring an adequate suit to upset the election and failed to push the suit which it has brought, but it has also refused to permit the reform group, Miners for Democracy, to intervene in the election suit now pending. Although the Assistant Attorney General in charge of the litigation for the Department of Justice favored permitting the intervention, the Department of Labor held firm in opposition to the intervention, and the motion for intervention was denied.[49] The court did not find that Miners for Democracy was without substantial interests in the litigation, or that those interests were adequately represented by the existing parties. Rather, the court denied intervention on the ground that the LMRDA, which precludes a union member from *bringing suit* to void an election, likewise deprives the court of jurisdiction to permit *intervention* by such a member.

The case is presently pending on petition for certiorari before the United States Supreme Court,[50] where it is strongly urged that, in view of the congressional policy to enforce the rights of union democracy, Miners for Democracy should be represented in a suit seeking a new election in which that group will participate. As Senator Griffin told the Senate Labor Subcommittee on July 13, 1971, "[e]ven though Congress gave exclusive authority to the Secretary of Labor to initiate such suits, I am aware of no clear requirement that complaining parties must be excluded once legal proceedings have been initiated. Once again it seems to me, doubts have been resolved against the worker in favor of the entrenched union hierarchy." [51]

In addition to omitting some of the very best reasons for setting aside the 1969 election when it filed its complaint and in addition to continuing its stubborn position that those most interested in the outcome of the election suit should have nothing to do with the case, the Department of Labor has also allowed nearly two years to elapse since the election of December 9, 1969, without any real progress toward a new election. But if the Department's suit to upset the UMWA election is proceeding slowly, it is a model of expedition compared to the so-called "trusteeship" suit.[52]

The UMWA bureaucracy largely manages the UMWA through the district offices of the union; nineteen of the Union's twenty-three districts within the United States are in trusteeship. Since Boyle appoints these district officers and runs the offices through them, it is not unlikely that these district officials were his campaign managers in each area and that money for his campaign was siphoned into the district offices through

---

Footnotes at end of article.

loans and other channels. One of the purposes of the LMRDA was to end these UMWA trusteeships and Title III of the Act is devoted to this purpose. Although no action whatever was taken for several years, suit was finally brought in December, 1964, by the Department of Labor to invalidate the trusteeships.[53] Yet it was more than six and one-half years later, on July 15, 1971, that this case, with its simple facts and legal issues, came to trial.[54] Surely the UMWA lawyers could not have stalled the matter without trial for more than six and one-half years without some help from their alleged opponents in the Department of Labor.[55] Sadly, it was the continuation of these nineteen illegal trusteeships that gave Boyle the web of appointed officials through which his reelection was manipulated.

The slowness of the Department of Labor in its handling of the election and trusteeship suits is not an academic matter; it is a very real boon to the incumbents and a travesty on the purposes of the LMRDA. Boyle has remained as president of the UMWA throughout the proceedings for a new election and he continues to run the union through the challenged trusteeships. Moreover, the Department of Labor has flatly refused to take any action to relieve this anomalous situation.

On May 7, 1971, Miners for Democracy called upon the Department of Labor "to move promptly and forcefully for a monitorship over the affairs of the union until the miners could themselves choose different leadership in a new election." [56] The request stated, *inter alia,* that Boyle had been indicted for embezzlement from the union and for corrupt political practices with union funds, and had been forced to resign as director of the union-owned National Bank of Washington, and had been removed as a trustee of the UMWA Welfare and Retirement Fund because of his illegal conduct in increasing pensions during the election campaign.[57]

It also noted that he had been found guilty of failing to maintain required records accounting for the expenditure of millions of dollars of union funds,[58] that he had forced pensioners to maintain membership in the union involuntarily,[59] and that he had repeatedly and flagrantly misused the *United Mine Workers' Journal* for his own ends. The request for the monitorship pointed out that section 402 of the LMRDA provides that in an election suit "[t]he court shall have power to take such action as it deems proper to preserve the assets of the labor organization,"[60] and further noted that the relevant officials of the Department of Justice had earlier informed counsel for Miners for Democracy that they believed the authority for a monitorship to exist. Nonetheless, the Department of Labor has refused to take any action whatever. This leaves the law and the UMWA in an anomalous situation never contemplated by the LMRDA Congress—Boyle, who has been removed as a director of the National Bank of Washington because of abusing his position as a trustee to win reelection, continues as head of the UMWA, which controls the Bank of which he cannot be a director and the pension fund of which he cannot be a trustee.

The failure of the Department of Labor to seek a monitorship is in direct contradiction to Undersecretary of Labor Silberman's promise to the Senate Labor and Public Welfare Committee considering his confirmation. Silberman told the Committee that he would do "everything in [his] power to see that the lawsuits which the Department has brought against the United Mine Workers are vigorously prosecuted and that such equitable remedies authorized by law as will be necessary to fully remedy violations of the Landrum-Griffin Act (including the appointment by the court of some form of monitorship or other third party with appropriate supervisory power to preserve the union's assets) are sought." [61] If Silberman's promise was in good faith, it is hard to think of a stronger case for monitorship than that presented by the Miners for Democracy. But the answer from the Department, like all the others, has been a flat "No."

Incumbency in the UMWA means control of the districts through trusteeships, control of the UMWA staff, control of the purse, and control of the *United Mine Workers' Journal.* Although the Yablonski forces obtained an injunction during the 1969 election campaign against Boyle's misuse of the *Journal* as a personal campaign instrument,[62] he resumed misusing the *Journal* immediately after the election. Miners for Democracy, relying upon the significant analogy to NLRB election procedures, argued that the election campaign was still taking place since the suit to set aside the election was pending. The National Labor Relations Board treats activities following the first election as part of the rerun election campaign even though they precede the Board's action in setting aside the first election. In the NLRB's words, "the critical period for the second election begins running from the date of the first election." [63] However, the Department of Labor rejected adoption of the NLRB's views; once again the answer was a flat "No."

One would have assumed that the Department of Labor might have learned something from its sorry record in connection with the 1969 UMWA officers election. Yet, however incredible, its conduct with respect to the 1970 election in District 5 of the UMWA was a repeat performance. There, Miners for Democracy caught the Boyle incumbents red-handed with open ballot boxes, paste, and razor blades on the table. They uncovered dozens of other violations. Yet, the Department of Labor stalled for months. Then on June 25, 1971, the last day on which the Department could have brought suit under the LMRDA, Miners for Democracy asked the Department of Labor what action it was taking.

The Solicitor of Labor first stated that he had cleared for filing a suit to set aside the District 5 election. However, a few minutes later he found out that an agreement not to bring suit for thirty days had been made with the UMWA without his knowledge. In other words, the UMWA had waived the LMRDA statute of limitations. This not only leaves in office a district president and a secretary-treasurer who have been convicted of serious offenses in connection with their handling of union money in the 1969 election,[64] but it does so on the basis of a waiver that may well be legally deficient. Whether such a waiver is valid is presently an issue pending on petition for certiorari before the Supreme Court.[65] If it should prove invalid, there will be no way of upsetting the obviously illegal District 5 election.[66]

The road to change in a corrupt and dictatorial union is at best a lonely one. It was to be hoped that the Department of Labor, which is charged with the responsibility for the enforcement of the LMRDA,[67] would have been somewhere in the neighborhood making clear its position on the side of honesty and decency. But in the case of Miners for Democracy, if the Labor Department has been in the neighborhood at all, then it has apparently been there only to place roadblocks and obstacles in the path of reform. The UMWA is a critical occasion for the LMRDA. The Act should be enforced. If it is not, then it should be repealed.

FOOTNOTES

[*] Rauh & Silard, Washington, D.C. Mr. Rauh is a labor, civil rights, and civil liberties lawyer who represented the late Joseph A. Jablonski and is now counsel for Miners for Democracy, the Yablonski-inspired reform group within the United Mine Workers of America.

[1] Labor-Management Reporting and Disclosure Act of 1959, §§ I-611, 29 U.S.C. §§ 401–531 (1964).

[2] *See* Select Comm. on Importer Activities in the Labor or Management Field, Report, S. Int. Rep. No. 1417, 85th Cong., 2d Sess. (1958).

[3] *See Hearings on Investigation of Mine Workers' Election Before The Subcomm. on Labor of The Senate Comm. on Labor and Public Welfare,* 91st Cong., 2d Sess. (1970). [hereinafter cited as *Hearings*].

[4] Congressman Ken Heckler's courageous support of reform elements within the UMWA stands out all the more brilliantly because of its solitary splendor. Note should be made, too, of Senator Robert Griffin's testimony before the Senate Labor Subcommittee on July 13, 1971. *See* note 51 and accompanying text *infra.*

[5] One lawyer who has had considerable experience representing dissident unionists apparently feels that the nonenforcement policy of the Department of Labor ranges across the board. *See* Hall, *Meanwhile Back At The Labor Department,* VII New Politics 49 (1967).

[6] *Hearings, supra* note 3, at 9.

[7] Letter from Joseph L. Rauh, Jr., to George P. Shultz, Dec. 1, 1969, in *Hearings, supra* note 3, at 71.

[8] *Id.*

[9] *Id.* The cases referred to are: Yablonski v. UMW, 71 L.R.R.M. 2606 (D.D.C. 1969) (campaign literature); Yablonski v. UMW, 71 L.R.R.M. 3041 (D.D.C. 1969) (reinstatement); Yablonski v. UMW, 305 F. Supp. 868 (D.D.C. 1969); Yablonski v. UMW, 305 F. Supp. 876 (D.D.C. 1969) (use of membership lists); Yablonski v. UMW, 72 L.R.R.M. 2687 (D.C.C. 1969) (election safeguards).

[10] Letter from Joseph L. Rauh, Jr., to George P. Shultz, July 9, 1969, in *Hearings, supra* note 3, at 38. LMRDA § 601(a), 29 U.S.C. § 521(a) (1964), provides in relevant part:

"The Secretary shall have power when he believes it is necessary in order to determine whether any person has violated or is about to violate any provision of this chapter. . . to make an investigation and in connection therewith he may enter such places and inspect such records and accounts and question such persons as he may deem necessary to enable him to determine the facts relative thereto."

[11] Letters from Joseph L. Rauh, Jr., to George P. Shultz, July 9, 18, 1969, in *Hearings, supra* note 3, at 38–42, 42–46.

[12] Letter from George P. Shultz to Joseph L. Rauh, Jr., July 23, 1969, in *Hearings, supra* note 3, at 48 (emphasis added). LMRDA § 402, 29 U.S.C. § 482 (1964), provides in relevant part:

(a) A member of a labor organization—

(1) who has exhausted the remedies available under the constitution and bylaws of such organization and of any parent body, or

(2) who has invoked such available remedies without obtaining a final decision within three calendar months after their invocation,

may file a complaint with the Secretary . . .

(b) The Secretary shall investigate such complaint and, if he finds probable cause to believe that a violation of this subchapter has occurred and has not been remedied, he shall, within sixty days after the filing of such complaint, bring a civil action against the labor organization . . .

[13] *Hearings, supra* note 3, at 38–46, 51–54, 56–65, 70–76.

[14] Letter from Joseph L. Rauh, Jr., to George P. Shultz, Dec. 1, 1969, in *Hearings, supra* note 3, at 70.

[15] *See Hearings, supra* note 3, at 78–79.

[16] *Hearings, supra* note 3, at 82–92, 101–02.

[17] The reform group was required to detail on the public record all of the evidence of violations it had in its possession; in the absence of an investigation, a cover-up of these violations by the incumbent was not unlikely.

[18] LMRDA § 601 (a), 29 U.S.C. § 521(b) (1964). For the text of section 601(a), see note 10 *supra*.

[19] Actually, three top UMWA District Officials—Mike Budzanoski, (President, District 5), John Seddon, (Secretary-Treasurer, District 5), and Ray Thornbury, (Acting President, District 28)—have all been convicted of mishandling funds on the basis of evidence presented to the Secretary by the Yablonski forces during the election campaign.

[20] *Hearings, supra* note 3, at 347.

[21] *See* text accompanying note 12 *supra*.

[22] *Hearings, supra* note 3, at 339.

[23] *Id.* at 340.

[24] Of course, his inaction had of necessity to assist the incumbents, for having publicly stated that the government had the power to investigate if the facts warranted it, the failure to investigate suggested a lack of evidence. Thus, without comment on his good faith, the Secretary's logic was wanting. The simple truth is that law enforcement cannot be neutral.

[25] *Hearings, supra,* note 3, at 340. *See, e.g.,* IUOE Local 57 v. Wirtz, 346 F.2d 445 (2d Cir. 1963). The Secretary might also have admitted that the Supreme Court has found his interpretation of the LMRDA wanting. In Wirtz v. Laborers' Local 124, 389 U.S. 477, 482 n.5 (1968), the Court stated: "The Secretary's authority under § 601 . . . both supplements his investigative mandate under § 402(b) and authorizes inquiry without regard to the filing of a complaint by a union member."

[26] *Hearings, supra* note 3, at 347.

[27] *See* FORTUNE, Jan. 1971, at 78.

[28] One of the five defendants in the murder conspiracy, Mr. Claude Vealey, has now pleaded guilty to murder in Washington, Pennsylvania. Vealey's confession, which implicated all five defendants, was available when Mr. Shultz testified before the Senate Subcommittee on Labor that "we have no evidence that the murders were connected with the election. . . ." *Hearings, supra* note 3, at 347.

[29] Telegram from Joseph A. Yablonski to George P. Shultz, Dec. 11, 1969, in *Hearings, supra* note 3, at 78X79.

[30] *Id.* at 79.

[31] Mr. Lawrence H. Silberman, the Solicitor of Labor, testified that

> "There is . . . a specific provision of the [LMRDA] which requires the union to hold the ballots, and to hold the election records, and not to tamper with them. I do not think you can conclude simply because a union commits *one, two, or three violations,* that they will commit the serious violation of tampering with the ballots, and indeed our *subsequent* investigation did not indicate that there was any tampering with the ballots."

Hearings, supra note 3, at 356 (emphasis added). The Department, however, had before it evidence of over one hundred election day violations. *Id.* at 82–92, 101–02. Surely, the only possible inference is that violations would continue. Indeed, the fact that a *subsequent* investigation failed to uncover any evidence of tampering simply suggests that immediate action was needed.

[32] *Hearings on Investigation of United Mine Workers' Election Before the Subcommittee on Labor of the Senate Comm. on Labor and Public Welfare,* 92d Cong., 1st Sess.—(1971) (Testimony of Senator Robert P. Griffin on July 13, 1971).

[33] *Hearings,* supra note 3, at 361 (testimony of Assistant Secretary of Labor Usery). Interestingly, Secretary Shultz thought it significant to point out to the Senate Labor Subcommittee that:

> "The allegation was that Mr. Yablonski was knocked down unconscious by a karate chop. The finding was not that. The finding was that he was punched in the jaw and rocked back and landed on a chair, and the chair collapsed, and then he fell off and hit his head against the floor, and that is what knocked him out."

Id. at 359. The Department characterized the assault as a "spontaneous" act prompted by remarks Mr. Yablonski had made earlier in the evening, noted that the assailant had stated that he had not been "paid or otherwise induced to commit the assault," and concluded that LMRDA § 610, 29 U.S.C. 530 (1964), had not been violated. *Id.* at 342.

In contrast to the Secretary's testimony, Dr. Robert Schwartz, the physician who treated Mr. Yablonski after the incident, "has unequivocally stated that Mr. Yablonski was struck on the back of the neck." Letter from Joseph L. Rauh, Jr., to Harrison Williams, May 26, 1970, in *Hearings, supra* note 3, at 512. This conflict reveals the inadequacy of the Department of Labor's investigation. Indeed, the assailant was not identified by the Department until the investigation was reopened in the wake of the murder of Mr. Yablonski. *Id.*

[34] *See* letter from Joseph L. Rauh, Jr., to Harrison Williams, May 26, 1970, in *Hearings, supra* note 3, at 506–07.

[35] For example, a Yablonski rally in Shenandoah, Pennsylvania, on June 29, 1969, was broken up by a large group of Boyle supporters led by UMWA officials. *Hearings, supra* note 3, at 514–17.

[36] *Hearings, supra* note 3, at 380. The UMWA is almost unique in allowing pensioners to vote. And the pensioners, fearful of the loss of their pensions, vote solidly with the incumbent. They are forced to remain members of the union in order to receive their pensions; the illegality of this practice under the National Labor Relations Act is presently being considered by the National Labor Relations Board. Judge Gesell found in Blankenship v. Boyle, 77 L.R.R.M. 2140 (D.D.C. April 28, 1971), that the trustees of the pension fund "sponsored an application form which incorrectly implies that Union membership and Union approval is necessary before an application will be processed. The Application for Pension, for example, carries at its foot a space for certification by the local and by the district that the applicant 'is currently a member of Local Union No.—.' There is ample documentary and testimonial evidence that applicants were improperly led by this form and by the locals to believe that Union membership was a prerequisite for eligibility. . . ." *Id.* at 2153.

The voting impact of the pensioners was underscored by the Senate Labor Subcommittee staff's analysis: "our 93 percent of the votes in all-pensioner locals were for Mr. Boyle." The Subcommittee staff concluded that, "If this figure, which can clearly be identified as pensioner votes, is projected to all the 70,000 potential pensioner votes, the impact on the outcome of the election, which was won by Mr. Boyle by less than 35,000 votes, seems to be rather obvious." *Hearings, supra* note 3, at 291.

[37] Misuse of the UMWA Welfare and Retirement Fund is hardly unprecedented. The UMWA-controlled fund, which receives a forty cents royalty per ton of coal from the operators, has kept as much as $80,000,000 in non-interest bearing deposits in the National Bank of Washington, seventy-four percent of the stock of which is owned by the UMWA; thus funds may be said to be siphoned away from the pensioners and disabled miners into the coffers of the UMWA. A suit by retired and disabled miners to recover for the various breaches of fiduciary duty by the trustees of the fund including Boyle, has recently been decided by the District Court for the District of Columbia. *See* Blankenship v. Boyle, 77 L.R.R.M. 2140 (D.D.C. April 28, 1971). The Department of Labor, although urged to intervene in the suit, has stood idly by here, too. Nonetheless, the disabled and pensioned miners, on their own, won the day. Judge Gessell found that Boyle had "violated his duty as trustee [of the Fund] in several particulars. *His actions in forcing through the pension increase, particularly by misrepresentation, in haste and without consulting the neutral trustee, reflect an insensitivity to fiduciary standards.*" *Id.* at 2158 (emphasis added). Boyle was removed as trustee for his wrongful conduct, but the pension increase remains outside the Government's election suit.

[38] 29 U.S.C. § 481(e) (1964) (emphasis added).

[39] Certainly such action constitutes "interference" under the National Labor Relations Act. *See* 29 U.S.C. § 158 (1964). When an employer grants an employee increased benefits during a representation election, he automatically voids the result. *See* NLRB v. Exchange Parts Co., 375 U.S. 405 (1964).

[40] *Hearings supra* note 3 at 373 (emphasis added).

[41] UMWA CONST. art. XIV, §§ 1, 21. The existence of these unconstitutional locals was confirmed by the testimony of the Secretary-Treasurer of the UMW in Yablonski v. UMW, 72 L.R.R.M. 2687 (D.D.C. 1969) (Record at 117). *See also Hearings, supra* note 3, at 291–92.

[42] Yablonski v. UMW, 72 L.R.R.M. 2687 (D.D.C. 1969) (Record at 136–37).

[43] *Hearings, supra* note 3, at 346.

[44] To make Mr. Yablonski's right to have observers—a right guaranteed by the LMRDA § 401(c), 29 U.S.C. § 481(c) (1964)—effective, Yablonski's staff prepared a letter to be mailed by the UMWA to each local union's secretary, requesting notification of the time and place of his local's election. Officials of approximately three-quarters of the union's one thousand two hundred and ninety-seven local unions denied this request—presumably, because of the almost complete control the incumbent international officers have over the local officers. Without this information, the statutory right to post observers was defeated. In a number of instances, the Yablonski forces had observers but were unable to tell them where and when the balloting would be conducted. *Hearings, supra* note 3, at 26–27.

[45] *Hearings, supra* note 3, at 419 (testimony of J. Goblesky).

[46] *Id.* at 412 (testimony of A. Doushek).

[47] 29 U.S.C. § 481(g) (1964) (emphasis added).

[48] The inadequacy of the Department of Labor's investigation is highlighted by a recent event. Counsel for the reform group (the author) learned from the Senate Labor Subcommittee that the Subcommittee had uncovered evidence of a scheme by the UMWA to force union staff members to contribute to the Boyle-Titler-Owens campaign fund in amounts determined by their salaries. Wage increases were promised and actually granted to make up for those contributions. Not only had the Department of Labor failed to investigate this matter despite knowledge of the staff wage increases, but also the Department had failed to learn that the Senate Labor Subcommittee had obtained the evidence. Counsel for Miners for Democracy had to inform Department of Labor representatives of the evidence in the hands of the Subcommittee, and only then did the Department make any effort to obtain information from the Subcommittee. *See* 117 CONG. REC. vol. 117, pt. 13, pp. 17053–54.

[49] Hodgson, v. UMW, 76 L.R.R.M. 2415 (D.D.C. 1970), aff'd per curiam, 77 L.R.R.M. 2496 (D.C. Cir. April 27, 1971), *Petition for* cert, filed, 40 U.S.L.W. 3085 (U.S. July 23, 1971) (No. 70–119).

[50] *Id.*

[51] *Hearings on Investigation of United Mine Workers' Election Before the Subcomm. on Labor of the Senate Comm. on Labor and Public Welfare,* 92d Cong., 1st Sess.—(1971).

[52] Hodgson v. UMW, CA. No. 3071–64 (D.D.C. filed Dec. 15, 1964).

[53] *Id.*

[54] On February 23, 1971, several hundred members of Miners for Democracy appeared in Washington, D.C., to demand that Congress force the Department of Labor to bring the suit to trial. Perhaps this action precipitated the July trial.

Remarkably, after the trial was successfully stalled some six years to allow for UMW preparation, the UMW's factual case at trial consisted largely of the testimony of its Secretary-Treasurer and his assistants. Final briefs were due in September and a decision is hoped for in October, 1971.

[55] Unfortunately, a review of the Department of Labor's incredible performance might lead an observer to conclude that there is corruption within the Department.

[56] Letter from Joseph L. Rauh, Jr., to James D. Hodgson, May 7, 1971, in Cong. Rec. vol. 117, pt. 13, pp. 17534–35. For a full record of the correspondence between Miners for Democracy and the Department of Labor on the monitorship issue, see Cong. Rec. vol. 117, pt. 13, pp. 17532–35.

[57] *See* Blankenship v. Boyle, 77 L.R.R.M. 2140 (D.D.C. April 28, 1971). For a more complete discussion, see note 37 *supra*.

[58] *See* Hodgson v. UMW, 77 L.R.R.M. 2332 (D.D.C. April 13, 1971).

[59] *See* Blankenship v. Boyle, 77 L.R.R.M. § 2140 (D.D.C. April 28, 1971). For a more complete discussion of the case, see note 36 *supra*.

[60] 29 U.S.C. 482 (1964). For the text of LMRDA § 402, see note 12 *supra*.

[61] Letter from Laurence H. Silberman to Ralph W. Yarborough, August 24, 1970, in *Hearing on the Appointment of Lawrence H. Silberman to be Under-Secretary of Labor Before the Senate Comm. on Labor and Public Welfare*, 91st Cong., 2d Sess. 37 (1970).

[62] *See* Yablonski v. UMW, 305 F. Supp. 868 (D.D.C. 1969); Yablonski v. UMW, 305 F. Supp. 876 (D.D.C. 1969).

[63] The Singer Co., 161 N.L.R.B. 956, 956 n 2 (1966). *See also* Sunoco Products Co. v. N.L.R.B., 399 F.2d 835 (9th Cir. 1968).

[64] *See* note 19 *supra*.

[65] Hodgson v. Printing Pressmen, 76 L.R.R.M. 2706 (6th Cir. Nov. 9, 1970), *petition for cert. filed*, 40 U.S.L.W. 3061 (U.S. June 2, 1971) (No. 70–229).

[66] The Department of Labor brought suit just before the waiver period expired. *See* Hodgson v. District 5, UMW, C.A. No. 71–701 (W.D. Pa., filed July 23, 1971).

[67] *See* LMRDA §§ 301–06, 29 U.S.C. 461–66 (1964).

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Alexander (at the request of Mr. Boggs), for today, January 25, through Thursday, January 27, on account of family illness.

Mr. Gaydos (at the request of Mr. Boggs), for today on account of illness.

Mr. Baring (at the request of Mr. Burke of Massachusetts), for Tuesday, January 25, and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Terry) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Miller of Ohio, for 5 minutes, today.

Mr. Halpern, for 10 minutes, today.

Mr. Poff, for 5 minutes, today.

Mr. Don H. Clausen, for 15 minutes, today.

Mr. Young of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. Mazzoli) and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Matsunaga, for 5 minutes, today.

Mr. Rostenkowski, for 5 minutes, today.

Mr. Charles H. Wilson, for 10 minutes, today.

Mr. Murphy of New York, for 10 minutes, today.

Mr. Leggett, for 5 minutes, today.

Mr. Burke of Massachusetts, for 5 minutes, today.

Mr. Fountain, for 10 minutes, today.

Mr. James V. Stanton, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Fisher and to include extraneous matter.

Mr. Edmondson in two instances and to include extraneous matter.

Mr. Hall and to include pertinent matter.

Mr. Mahon and to include extraneous matter and tables.

Mr. Hosmer and to include extraneous matter.

Mr. Hechler of West Virginia in three instances.

Mr. Randall to extend his remarks prior to vote on the conference report.

Mr. Mahon, to revise and extend his remarks and include a letter from Admiral Rickover during his remarks on the Special Order taken by Mr. Jones of Alabama on the late Honorable George Andrews.

(The following Members (at the request of Mr. Terry) and to include extraneous matter:)

Mr. Springer.

Mr. Wydler.

Mr. Schwengel.

Mr. Quie.

Mr. Del Clawson in two instances.

Mr. Anderson of Illinois in two instances.

Mr. Frey.

Mr. Schmitz in four instances.

Mr. Halpern in two instances.

Mr. Smith of New York.

Mr. Derwinski in three instances.

Mr. Zwach.

Mr. Shriver in two instances.

Mr. Goldwater.

Mrs. Heckler of Massachusetts.

Mr. McClory in three instances.

Mr. Teague of California.

Mr. Terry.

Mr. Dellenback.

Mr. Reid.

Mr. Miller of Ohio in four instances.

(The following Members (at the request of Mr. Mazzoli) and to include extraneous matter:)

Mr. Gonzalez in three instances.

Mr. Rogers in five instances.

Mr. Hungate in three instances.

Mr. Rarick.

Mr. Alexander in six instances.

Mr. Rostenkowski in five instances.

Mr. Eilberg in two instances.

Mr. Annunzio in three instances.

Mr. Hagan in three instances.

Mr. Miller of California in five instances.

Mr. Waldie in six instances.

Mr. St Germain in two instances.

Mr. O'Neill in five instances.

Mr. Montgomery.

Mr. Dow.

Mr. Drinan.

Mr. Reuss in six instances.

Mr. Matsunaga in five instances.

Mr. Rangel.

Mr. Hanna in five instances.

Mr. Patten in two instances.

Mr. Dulski in five instances.

Mr. Preyer of North Carolina.

Mr. Fascell.

Mr. Mazzoli.

Mr. Addabbo in two instances.

Mr. Bingham in three instances.

Mr. Udall in six instances.

Mr. Burke of Massachusetts in two instances.

Mr. Fulton.

Mr. McKay.

Mr. Fuqua in three instances.

Mr. Delaney in two instances.

Mr. Bergland.

Mr. Biaggi in five instances.

Mr. Rodino.

Mr. Shipley.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2819. An act to amend the Foreign Assistance Act of 1961, and for other purposes.

ADJOURNMENT

Mr. JONES of Alabama. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock p.m.) the House adjourned until tomorrow, Wednesday, January 26, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1478. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports; to the Committee on Agriculture.

1479. A letter from the Secretary of the Air Force, transmitting a report on the progress of the Reserve Officer Training Corps flight training program for calendar year 1971, pursuant to 10 U.S.C. 2110(b); to the Committee on Armed Services.

1480. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; to the Committee on Armed Services.

1481. A letter from the Attorneys for the Georgetown Barge, Dock, Elevator, and Railway Company, transmitting the annual report of the company for calendar year 1971, pursuant to section 5 of the Act of September 26, 1888; to the Committee on the District of Columbia.

1482. A letter from the Deputy Assistant Secretary of Defense for Inter-American Affairs, transmitting a report on the implementation of section 507(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1483. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize appropriations for the saline water conversion program for fiscal year 1973 to delete section 6(d) of the Saline Water Conversion Act, and for other purposes; to the Committee on Interior and Insular Affairs.

1484. A letter from the Secretary of Commerce, transmitting his annual report for the fiscal year 1971, pursuant to 15 U.S.C. 1519; to the Committee on Interstate and Foreign Commerce.

1485. A letter from the Administrator, Environmental Protection Agency, transmitting a report on noise, pursuant to title IV of the Clean Air Amendments of 1970; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CELLER: Committee on the Judiciary. H.R. 6745. A bill to amend section 122 of title 28 of the United States Code to transfer certain counties of the central division of the judicial district of South Dakota; without amendment (Report No. 92–773). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H.R. 12488. A bill to change the name of the Columbia Lock and Dam, on the Chattahoochee River, Alabama, to the George W. Andrews Lock and Dam. With amendments (Report No. 92–774). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 12588. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BARING:

H.R. 12589. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM (for himself, Mr. Begich, Mr. Halpern, Mr. Hechler of West Virginia, Mr. Pike, and Mr. Rangel):

H.R. 12590. A bill directing the Federal Communications Commission to investigate the rate base and structure of the American Telephone & Telegraph Co. and its subsidiaries; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER:

H.R. 12591. A bill to provide for the establishment of projects for the dental health of children, to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CURLIN:

H.R. 12592. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowances of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. DICKINSON (for himself, Mr. Baker, Mr. Rees, Mrs. Hansen of Washington, Mr. Carter, Mr. Casey of Texas, Mr. Williams, Mr. Shoup, Mr. Matsunaga, Mr. Boland, Mr. Hungate, Mr. Collier, Mr. O'Neill, Mr. Duncan, Mr. Brooks, Mr. Fulton, Mr. Fisher, Mr. Patman, Mr. Hanley, Mr. Winn, Mr. Rhodes, Mr. Horton, and Mr. Young of Florida):

H.R. 12593. A bill to provide that the Columbia Lock and Dam located at Columbia, Ala., shall hereafter be known as the George W. Andrews Lock and Dam; to the Committee on Public Works.

By Mr. DULSKI:

H.R. 12594. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. EDMONDSON:

H.R. 12595. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. FREY (for himself, Mr. McCollister, Mr. Shoup, and Mr. Collins of Texas):

H.R. 12596. A bill to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse; to the Committee on Interstate and Foreign Commerce.

By Mr. FREY:

H.R. 12597. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to permit sharing the cost of agriculture-related pollution prevention and abatement measures; to the Committee on Agriculture.

By Mr. GETTYS:

H.R. 12598. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. HALPERN (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Anderson of California, Mr. Badillo, Mr. Biaggi, Mr. Blatnik, Mr. Boland, Mr. Brasco, Mr. Burke of Massachusetts, Mr. Burton, Mrs. Chisholm, Mr. Collins of Illinois, Mr. Conte, Mr. Conyers, Mr. Corman, Mr. Dellenback, Mr. Diggs, Mr. Donohue, Mr. Drinan, Mr. Dulski, Mrs. Dwyer, Mr. Edwards of California, and Mr. Findley):

H.R. 12599. A bill to promote the peaceful resolution of international conflict, and for other purposes; to the Committee on Government Operations.

By Mr. HALPERN (for himself, Mr. Fraser, Mr. Gray, Mr. Harrington, Mr. Hawkins, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Horton, Mr. Jacobs, Mr. Karth, Mr. Koch, Mr. Matsunaga, Mr. McCloskey, Mr. Mikva, Mr. Moss, Mr. Nix, Mr. Pepper, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Reuss, Mr. Riegle, and Mr. Rodino):

H.R. 12600. A bill to promote the peaceful resolution of international conflict, and for other purposes; to the Committee on Government Operations.

By Mr. HALPERN (for himself, Mr. Rosenthal, Mr. Roybal, Mr. Ryan, Mr. Scheuer, Mr. Seiberling, Mr. Steele, Mr. Teague of Texas, Mr. Vanik, Mr. Waldie, and Mr. Charles H. Wilson):

H.R. 12601. A bill to promote the peaceful resolution of international conflict, and for other purposes; to the Committee on Government Operations.

By Mr. HANLEY (for himself and Mr. Matsunaga):

H.R. 12602. A bill to amend title 5, United States Code, to improve the administration of the leave system for Federal employees; to the Committee on Post Office and Civil Service.

By Mr. HANSEN of Idaho:

H.R. 12603. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. HÉBERT and Mr. ARENDS (by request):

H.R. 12604. A bill to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. HELSTOSKI (for himself, Mr. Alexander, Mr. Begich, Mr. Brown of Michigan, Mr. Buchanan, Mr. Carey of New York, Mr. Collier, Mr. Davis of Georgia, Mr. Dow, Mr. Drinan, Mr. Edwards of Louisiana, Mr. Flynt, Mr. Forsythe, Mr. Halpern, Mrs. Hansen of Washington, Mr. Harrington, Mr. Hastings, Mr. Hicks of Washington, Mr. Hosmer, Mr. Keith, Mr. Kemp, Mrs. Mink, Mr. Mitchell, Mr. Morse, and Mr. Pettis):

H.R. 12605. A bill to amend section 1905 of title 44 of the United States Code relating to depository libraries; to the Committee on House Administration.

By Mr. HELSTOSKI (for himself, Mr. Peyser, Mr. Price of Illinois, Mr. Rodino, Mr. Ryan, Mr. St Germain, Mr. Saylor, Mr. Stuckey, Mr. Thomson of Wisconsin, Mr. Tiernan, Mr. Waggonner, Mr. Whalley, Mr. Whitehurst, Mr. Charles H. Wilson, and Mr. Winn):

H.R. 12606. A bill to amend section 1905 of title 44 of the United States Code relating to depository libraries; to the Committee on House Administration.

By Mr. HELSTOSKI:

H.R. 12607. A bill to amend the Social Security Act to establish a national system of minimum retirement payments for all aged, blind, and disabled individuals; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 12608. A bill to amend the Social Security Act to provide for the payment (from the Old-Age and Survivors Insurance Trust Fund) of special allowances to help elderly low-income persons and families to meet their housing costs; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 12609. A bill to allow a credit against Federal income tax or payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 62; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 12610. A bill to amend the Social Security Act so as to add thereto a new title XX under which aged individuals will be assured a minimum annual income of $3,500 in the case of single individuals, and $5,000 in the case of married couples; to the Committee on Ways and Means.

By Mrs. HICKS of Massachusetts:

H.R. 12611. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for tuition expenses incurred in providing private nonprofit elementary and secondary education; to the Committee on Ways and Means.

By Mrs. HICKS of Massachusetts:

H.R. 12612. A bill to amend title II of the Social Security Act to permit an individual to receive a wife's, husband's, widow's, widower's, or mother's insurance benefit simultaneously with an old-age or disability insurance benefit; to the Committee on Ways and Means.

By Mr. HUTCHINSON:

H.R. 12613. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses, to the Committee on Interstate and Foreign Commerce.

By Mr. JARMAN:

H.R. 12614. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. JARMAN:

H.R. 12615. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. LONG of Maryland:

H.R. 12616. A bill to change the name of the Columbia Lock and Dam, on the Chattahoochee River, Ala., to the George W. Andrews Lock and Dam; to the Committee on Public Works.

By Mr. MONTGOMERY:

H.R. 12617. A bill to amend sections 3914 and 8914 of title 10, United States Code, to permit retired enlisted members of the Regular Army and Regular Air Force to become members of the Army National Guard of the United States or of the Air National Guard of the United States, and for other purposes; to the Committee on Armed Services.

By Mr. MURPHY of New York:

H.R. 12618. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act to Vest Primary Law Enforcement Jurisdiction in the Attorney General; to the Committee on Interstate and Foreign Commerce.

By Mr. O'NEILL:

H.R. 12619. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

By Mr. PASSMAN:

H.R. 12620. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. O'Neill, Mr. Baring, Mr. Chappell, and Mr. Young of Florida):

H.R. 12621. A bill to promote research and development of drugs or chemical compounds for use in the cure, prevention, or treatment of heroin addiction; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN:

H.R. 12622. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RIEGLE (for himself, Mr. Abourezk, Mrs. Abzug, Mr. Alexander, Mr. Anderson of Tennessee, Mr. Ashley, Mr. Begich, Mr. Buchanan, Mr. Dellums, Mr. Dent, Mr. Forsythe, Mr. Fulton, Mr. Garmatz, Mrs. Grasso, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Kluczynski, Mr. Link, Mr. McDonald of Michigan, Mr. McCloskey, Mr. Mikva, Mr. Mitchell, Mr. Rangel, and Mr. Rooney of Pennsylvania):

H.R. 12623. A bill to promote development and expansion of community schools throughout the United States; to the Committee on Education and Labor.

By Mr. RODINO:

H.R. 12624. A bill to create a national system of heath security; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI (for himself, Mr. Landrum, Mr. Collier, and Mr. Broyhill of Virginia):

H.R. 12625. A bill to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes; to the Committee on Ways and Means.

By Mr. RYAN (for himsef and Mrs. Abzug):

H.R. 12626. A bill to authorize the Federal Communications Commission to investigate the American Telephone & Telegraph Co. and its subsidiaries; to the Committee on Interstate and Foreign Commerce.

By Mr. SLACK:

H.R. 12627. A bill to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes; to the Committee on Education and Labor.

By Mr. JAMES V. STANTON (for himself, Mr. Seiberling, Mr. Aspin, Mr. Clark, Mr. Collins of Illinois, Mr. Corman, Mr. Eilberg, Mr. Fraser, Mr. Gibbons, Mrs. Grasso, Mr. Halpern, Mr. Helstoski, Mr. Mazzoli, Mr. Metcalfe, Mr. Mikva, Mr. Mitchell, Mr. Morse, Mr. Murphy of Illinois, Mr. Rangel, Mr. Roy, Mr. Sandman, Mr. Symington, and Mr. Vanik):

H.R. 12628. A bill to provide for greater and more efficient Federal financial assistance to certain large cities with a high incidence of crime, and for other purposes; to the Committee on the Judiciary.

By Mr. JAMES V. STANTON (for himself, Mr. Anderson of Tennessee, Mr. Burton, Mr. Clark, Mr. Collier, Mr. Flood, Mr. Flowers, Mr. Garmatz, Mr. Gibbons, Mr. Halpern, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Jones of North Carolina, Mr. Kemp, Mr. Metcalfe, Mr. Mizell, Mr. Pepper, Mr. Rangel, Mr. Roy, Mr. Sarbanes, Mr. Steiger of Arizona, Mr. Stratton, and Mr. Vanik):

H.R. 12629. A bill to provide death benefits to survivors of certain public safety and law enforcement personnel, and public officials concerned with the administration of criminal justice and corrections, and for other purposes; to the Committee on the Judiciary.

By Mr. WYDLER:

H.R. 12630. A bill to amend the Internal Revenue Code of 1954 to allow deduction for income tax purposes of expenses incurred by an individual for transportation to and from work; to the Committee on Ways and Means.

By Mr. BEGICH:

H.R. 12631. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DANIELSON:

H.R. 12632. A bill to amend chapter 7, title 5, United States Code, with respect to procedure for judicial review of certain administrative agency action, and for other purposes; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 12633. A bill to prohibit the importation into the United States of live venomous reptiles; to the Committee on Ways and Means.

By Mr. HALPERN:

H.R. 12634. A bill to promote public confidence in the legislative, executive, and judicial branches of the Government of the United States; to the Committee on the Judiciary.

By Mr. HOSMER:

H.R. 12635. A bill to modify the project at Anaheim Bay Harbor, Calif., as it relates to local share maintenance costs; to the Committee on Public Works.

By Mr. RANDALL (for himself, Mr. Ichord, Mr. Hungate, Mr. Burlison of Missouri, and Mr. Johnson of California):

H.R. 12636. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans Affairs.

By Mr. ULLMAN (for himself, Mr. Dellenback, and Mr. Wyatt):

H.R. 12637. A bill to authorize the Secretary of Agriculture to reimburse cooperators for work performed which benefits Forest Service programs; to the Committee on Agriculture.

By Mr. ADDABBO:

H.J. Res. 1024. Resolution authorizing the President to declare the week beginning May 7, 1972, as "Catholic War Veterans Week"; to the Committee on the Judiciary.

By Mr. DELLENBACK (for himself, Mr. Ashbrook, Mr. Gerald R. Ford, Mr. Quie, Mr. Erlenborn, Mr. Esch, Mr. Eshleman, Mr. Landgrebe, Mr. Hansen of Idaho, Mr. Forsythe, Mr. Veysey, and Mr. Hosmer):

H.J. Res. 1025. Resolution to provide a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain shippers and associated employers and certain employees; to the Committee on Education and Labor.

By Mr. DULSKI:

H.J. Res. 1026. Resolution requesting the President to issue a proclamation designating February 19, 1973, as "Nicolaus Copernicus Day" marking the quinquecentennial of his birth; to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts:

H.J. Res. 1027. Resolution to amend title 5 of the United States Code to change the date of Memorial Day to May 30; to the Committee on the Judiciary.

By Mr. ROYBAL:

H. Con. Res. 505. Resolution to relieve the suppression of Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. WYMAN:

H. Res. 775. Resolution amending the Rules of the House of Representatives to expedite the enactment of general appropriation measures, to facilitate the making of appropriations for subsequent fiscal years, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 12638. A bill for the relief of Sgt. Gary L. Rivers, U.S. Marine Corps, retired; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 12639. A bill for the relief of Joyce Learmond Ramsey; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

COMMENDATION FOR EDICT

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. HANNA. Mr. Speaker, I wish to take this opportunity to share with my colleagues in the House a most revealing article from the Long Beach Press Telegram's Southland Sunday magazine. The article appeared on December 19, 1971, and describes in some detail the activities of a group of former aerospace scientists and engineers who are dedicating their training and talents to the cause of a clean environment.

Many have spoken of the need to transfer our scientific emphasis from space flight to pollution control. These men in EDICT are doing it. I have been in close touch with EDICT since its inception and I can vouch for the value of the program.

I hope that my colleagues, after reading this article, will not only applaud EDICT's efforts but will work with me in finding ways to assist them:

MOON SHOT MANAGERS WITH A PLAN FOR EARTH

(By Don Roberge)

During one sweltering week in August:

Two young scuba divers prowled the ocean floor off the Huntington Beach sewer outfall, meticulously recording the marine life within a 10-meter grid of white ropes.

A millionaire Orange County land developer and a scientist urged fish canners and government officials to convert an old Navy ship into a sewage reclamation plant in Los Angeles harbor, the heart of the plan being a system the scientist invented for converting astronauts' sewage into drinking water.

An earnest, bespectacled corporation management specialist pleaded with congressmen for a program to convert defense and space industry skills into new kinds of treatment for the social sores that fester in virtually every American community.

These busy people with the diverse backgrounds have one trait in common: their willingness to labor unpaid for EDICT, probably the most imaginative ecology organization in the United States.

EDICT, with 3,000 members in 12 states, was founded only a year ago in Huntington Beach by aerospace engineers and scientists who believe the technical and management brilliance that put man on the moon can clean up the nation's air and water in a decade. They are determined to make it happen.

The name, chosen with the aerospace penchant for jaw-breaking acronyms, stands for Ecology Development, Implementation and Commitment Team.

Unlike most ecology groups, EDICT doesn't rely on petitions, demonstrations and lobbying. It seeks technical solutions to environmental problems. In short, EDICT's business is proposing not *opposing*. The atmosphere in the organization's national headquarters, a farmhouse on the Golden West College campus, fairly crackles with the kind of way-out, think-tank ideas that have solved America's knottiest technical problems.

When it was organized in October 1970, EDICT reasoned that the pollution problem is so vast that only the people who put men on the moon and devised the world's most deadly ballistic missile arsenal have ever encountered anything approaching such magnitude and complexity. The aerospace industry has the know-how, and thousands of its skilled people are unemployed—a vast reservoir of experience and ingenuity lying idle while the nation moves ever closer to perishing in its own wastes.

EDICT's answers are based on traditional aerospace thinking. Congress should appropriate $100 million immediately for a definition of the whole pollution problem. After a competition among the nation's high technology companies, three firms would be selected to share the $100 million. After a year of defining the problem and identifying the myriad tasks necessary for its solution, the nation would be ready for a $100 billion, 10-year effort to conquer pollution. But some government agency, preferably the National Aeronautics and Space Agency, would have to carry the inital proposal to Congress.

EDICT's men ran head-on into a caliber of resistance they hadn't encountered since the sonic barrier was broken. NASA's eyes were on the moon, Mars and the space shuttle. The priorities and the budgets were already established, and spaceship Earth would have to wait. The answer was a flat NO. EDICT's president, Charles L. Stone of Huntington Beach, then took the idea to the new Environmental Protection Agency. EPA said it lacked the charter to sponsor such a vast technical program, but would be interested in EDICT's ideas for smaller environmental projects—a piecemeal approach contrary to EDICT's plan.

Sympathetic government officials privately advised Stone his volunteers would have to carry the fight to Congress without any federal help. He went back to Huntington Beach to pick up the pieces of EDICT's dream, take stock of the bitter lessons it had learned and start over.

Bitter Lesson Number One: what EDICT had to offer was brains and a plan, but the plan would have to wait. There would be no massive, coordinated environmental program until Congress was ready to appropriate the money, and Congress would not move until there was a clear-cut national commitment. Until then, EDICT's job would be to survive and to demonstrate that its methods would work. The crucial item would be survival, and that would mean money to pay its operating expenses and to keep hammering its message at government.

The answer: hire out EDICT's brains; go after the bits and pieces of money that had been appropriated on every level of government and donated by private foundations in the nation's aimless search for a cleaner environment.

Bitter Lesson Number Two: government agencies have their own vested interests and can't be relied on to light for a program like EDICT's until the bandwagon starts rolling. "Besides," Stone observed, "some of the biggest polluters are government facilities."

EDICT's answer: government should form a nonprofit corporation to oversee the environmental program. It could be modeled after the new postal service or the Aerospace Corporation that was formed to oversee Air Force technology. The main difference would be that the ecology corporations' goal would be to work itself out of a job by solving the problems that led to its creation.

EDICT went into action. It formed proposal teams to go after think-tank business and established itself as a nonprofit corporation.

The organization's ideas caught hold among aerospace industry personnel and spread from a nucleus in the North American Rockwell space division plants in Downey and Seal Beach and the McDonnell Douglas Astronautics Co. in Huntington Beach.

EDICT teams began to pop up in places where local governments and industry were wrestling with pollution problems such as disposal of fish cannery wastes on Terminal Island, accurate assessment of sewer outfall effects on marine life and better and less costly sewage treatment. Unencumbered by traditional approaches and trained to look beyond the obvious, the teams came up with unorthodox ideas that first jolted, then intrigued civil engineers and local officials, who invited them to submit proposals that could lead to hard cash for engineering studies. EPA, the National Science Foundation and others began to listen. Congressmen and state legislators became aware of EDICT.

Then, while EDICT was taking aim at these small targets, the big one loomed. Rep. Robert N. Giaimo, D-Conn., authored H.R. 34, the Conversion Research and Education Act of 1971, and a subcommittee of the House Committee on Science and Astronautics scheduled hearings. Sen. Edward M. Kennedy introduced a similar bill, S32, in the Senate.

The House measure calls for unemployed aerospace scientists and engineers to spend $185 million over three years to find ways to use defense and space technology against pollution, unemployment, drug abuse, crime and substandard housing and education.

Although the conversion studies would involve many problems besides pollution, Stone believes this is right in line with the systems approach that the aerospace industry pioneered. "All elements of the environment must work in harmony, therefore it's a systems problem," he said. "Air and water pollution are only symptoms of underlying social and political problems."

This is the heart of EDICT's approach—treating everything as a system with interrelated parts. Systems engineering defines all aspects of a massive project and coordinates all the plans that bring designs, manpower, materials, equipment and data together from thousands of sources—on time, in the proper order and ready to fit together. Without it, man would never have reached the moon. And EDICT believes it is the key to cleaning up the environment.

One of EDICT's most active recruits is Bruce Swartout, wealthy Capistrano Valley land developer. Swartout is convinced future growth will be stymied unless Southern California can find new solutions for its water and sewage problems. He has been studying the problems and consulting technical experts for years, and he can call forth almost endless statistics from a steel-trap mind. He heads an EDICT water pollution committee that responded to a distress call from Assemblyman Vincent Thomas of San Pedro.

Thomas introduced the committee to the Tuna Fish Research Foundation which was trying to solve the problem of where and how to dispose of the wastes from the island's seven fish canneries. The Regional Water Quality Board had served notice on the canneries to stop dumping fish wastes into the harbor.

The hour was already late for EDICT. The foundation had spent $280,000 for an engineering study which recommended a conventional approach, tying into a city of Los Angeles treatment plant and outfall. This would cost $12 million, but would only postpone the inevitable environmental crisis. The partially treated sewage would simply be added to the millions of gallons being dumped into the ocean each day.

EDICT had a different answer: recycle the cannery sewage. Purify the water and use it over and over. The idea wasn't new; the community of South Lake Tahoe recycles its sewage and pumps the reclaimed water into a new recreational lake. But EDICT looked at the problem as aerospace engineers are trained to do—in terms of a total system—and its ideas went far beyond anything sanitation engineers have yet encountered.

EDICT suggested creating two closed loops, one for recycling the purified water and the other for treating and using the solids. The treated solids could be used as nutrients in an aquaculture system to raise salmon which would keep the canneries at full operation between catches. The aquaculture wastes would also be recycled.

The Terminal Island system concept is mostly the work of Gerald Keller, a former Northrop Corporation engineer, but the heart of the proposed system is based on the work of EDICT member Jack Bitterly, formerly a Marquardt Corporation scientist who worked on the Apollo spacesuits and helped devise the first mechanical heart. Bitterly devised a method for turning astronauts' sewage into pure drinking water using a minimum of equipment and very low power. The system was to have been used for a one-year Apollo manned voyage to Mars, which was canceled.

Bitterly's approach uses heat to vaporize the water from sewage, but does so in a vacuum. The vapor is compressed and then condensed into water in such a way that the heat is returned to the boiler and reused. The heat loss is 2 degrees Fahrenheit, so the power required to run the system is negligible. In a test, the total residue from an astronaut for six weeks was dried material weighing a few ounces. The astronaut had consumed all the rest over and over again. What he drank was purer than commercially distilled water.

Re-enter Keller. The Bitterly system, he reasoned, would need tanks, boilers, motors, space and shelter. Where could he find all of them cheaply? The answer: pull a surplus Navy tanker out of mothballs and put the system aboard it. Not only could the ship be used in a pilot recycling system for Terminal Island; it also would be an ideal mobile plant to sail into a disaster area, such as the wake of a hurricane where the water of coastal towns might be contaminated. He believes the system could also be used to clean up oil spills.

All of this, of course, is a combination of ideas, theory and laboratory work. It has never been tried in actual operation. EDICT estimates that its feasibility will have to be studied by a "three-to-five-man engineering team for nine months to a year. The nonprofit cost would be about $100,000. Where to get the money? The tuna canners are interested, but unwilling to risk that much. EDICT turned to the Environmental Protection Agency. Under the law which created it, EPA can fund up to 95 per cent of public environmental projects and 70 per cent of an industrial project if the public and the environment will benefit. The catch is that EDICT's proposal also requires approval of the State Water Resources Board before EPA will consider it.

And so it was that Swartout, Bitterly and Keller were briefing EPA regional officials in San Francisco one day during that broiling August week. They must still give presentations to the state water officials in Sacramento and to an upper EPA echelon in Cincinnati, Ohio. While Swartout, Keller and Bitterly were campaigning for systems to clean up or eliminate outfalls, two young scuba divers were gathering ammunition for the battle—and setting up a source of vital revenue for EDICT.

The divers are Jerry Jackson, 21, and Russ Brown, 19, civil and environmental engineering students from the University of California at Irvine. Both are EDICT members.

Jackson and Brown dive off the outfalls, using a cabin cruiser lent by Swartout. They don't collect marine life; instead they count specimens in the exact pattern in which they occur.

Organisms too small to count undersea are taken in water samples which are frozen immediately with dry ice so that the tiny phytoplankton don't eat the even tinier organisms and thus alter the sample while it awaits laboratory analysis.

The young divers are part of a team which consists of a project manager, a lab assistant and a computer. They are negotiating with UCI for computer time.

The revenue for EDICT? This team is for hire, and the city of Huntington Beach is considering employing it on a part-time basis. Huntington Beach wants to know exactly how partially treated sewage from the Orange County Sanitation District outfall is affecting the city's prime resource, the ocean. The team members have pledged their salaries to EDICT.

Other proposals in the EDICT works include:

A plan for community colleges to train paraprofessionals for environmental work.

A telephone communication system for the deaf, using visual display of voice waves. This proposal is expected to be submitted to the Hartford Foundation, a medical research organization.

And a proposal to the National Science Foundation for funds to conduct a "system of life" study involving a breakdown of the interrelationships of all forms of life—an essential step in a systems approach to ecology.

THE DRUG PROBLEM

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. BYRON. Mr. Speaker, recently I cosponsored H.R. 11927, which is designed to promote research and development of drugs or chemical compounds for use in the cure, prevention, or treatment of heroin addiction. Heroin addiction is more common in urban centers; however, recent evidence indicates that the problem is serious in suburban and rural areas. I would like to share with my colleagues an article on this subject published in the Morning Herald of Hagerstown, Md. The article follows:

WARNINGS IGNORED

Area young people apparently are ignoring the warnings of doctors and pleadings of their elders in the use and abuse of drugs.

Actual statistics are not available, but the consensus of a panel of eight who spoke out at the invitation of James Reagan, Western Maryland Coordinator of the Maryland Drug Abuse Administration, is that about 6,000 school and college age people in Washington County use drugs illegally.

It's the old story that youngsters have to find out for themselves. Several decades ago high school students were warned of the dangers of cigarette smoking. They ignored the lectures and went on puffing as usual; or worse, those who never smoked decided they'd try.

One of the panelists noted that youngsters today get the same kind of thrill out of taking illegal drugs as an earlier generation which put beer and liquor consumption to the test.

While opinions differ on the dangers of marijuana, there's little argument that the more potent drugs are really devastating.

Witness a rundown on experiences in Frederick County:

A young man convicted of attempting to murder an old woman during a burglary. He had a $35 a day heroin habit.

Two young men pilfered checks from mailboxes to finance a $50 a day heroin habit.

A shoplifter needed $40 a day to purchase heroin.

These are actual court cases. They leave little doubt about drug dangers. But all too often sermons and medical advice fall on deaf ears. Then it's too late.

WHERE'S MY MOMMY TONIGHT?

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. PODELL. Mr. Speaker, Mr. David Gimbel, of my congressional district, is a poet of note in our community and has written many poems over many years. In spite of perhaps more than his share of personal tragedy, he remains kind, tender, and brave. All these qualities are reflected in his poems, one of which written for his retarded daughter on the recent death of her mother.

Mr. Speaker, as part of my remarks, I include Mr. Gimbel's poem:

WHERE'S MY MOMMY TONIGHT?

(By David Gimbel)

"Daddy dear, please tell me where's my mommy tonight?"
I hugged and kissed my retarded child with a face so sweet and bright.
I began to search my aching heart, but no matter how I tried
I just could not find the proper words; but finally I replied:

"Your mommy was taken away but left us both her love,
And now she's with the Angels in heaven up above.
It seems like only yesterday when Mommy brought you home.
But you still have your daddy, dear, so you'll never be alone.

"She filled each room with sunlight, and the darkness would disappear,
And made each blessed moment so wonderful and dear.
Your mommy was something special, a person truly rare,

Who gave so much to everyone with such
tenderness and care.

"No matter how rough the going was
throughout those early years
Your mommy was always near to wipe away
those tears.
She would sing to you your favorite songs
and the hours just danced away;
It filled the time with endless joy—each and
every day.

"But suddenly darkness descended like night
upon the day,
And an Angel came from heaven and took
your mommy away.
My precious dreams just crumbled and sorrow
filled the air,
For we lost a jewel of beauty, with which
none can compare."

Oh, Lord, dear God, give me strength that
I may find my way
From the turbulence of this storm; I beg
thee and I pray.

"And now, dear child, 'tis time for bed so, as
always, say your prayer,
For standing by your bedside, your mommy
is always there."

THE NEW ERA IN UNITED STATES-CHINA RELATIONS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. SCHEUER. Mr. Speaker, the September 1971 issue of East Europe magazine contains an insightful article by Mr. Laurence W. Levine on our Nation's relations with China.

Mr. Levine's article, "The New Era in United States-China Relations," is the second of three articles that appeared in East Europe magazine. The first article, "The Prospects of United States-China Trade," which appeared in the June issue and was discussed by C. L. Sulzberger in the New York Times, discussed the need for a trade mission to break the ice between the two countries and discussed Mr. Levine's talks with Chinese representatives in the summer of 1969 about this.

It is particularly interesting because it discusses his conversation in London in 1969 with the Chinese representatives about how President Nixon was the man that could initiate these talks, whereas a Democratic President probably could not, and his first article appeared 2 months before President Nixon made his announcement.

This second article, "The New Era in the United States-China Relations," after tracing the historical relations of China with England, the United States, the Soviet Union, and Japan, covers one of the most fascinating and least understood periods of American-Chinese relations—the period during and after World War II.

Mr. Levine, who has had access to the State Department and Patrick J. Hurley papers, and the papers of many other people, shows how the advice of the U.S. Foreign Service officers in China, at the time of 1940–45, were ignored and how Patrick J. Hurley, the special envoy of President Roosevelt, refused to pass on at least two requests of Chou En-lai and Mao Tse-tung to visit the United States and the United Nations meeting in April 1945.

It also shows how Chiang Kai-shek, who had promised both Mr. Hurley and General Marshall, Hurley's successor in China, that he would attempt to form a coalition government in China with the Communists, promptly sabotaged all efforts to do so—when each of those men returned home for consultation. Chiang used his well-paid China lobby in Washington to sabotage all efforts at coalition government.

The article shows in detail how the U.S. Government attempted to cause a coalition government in China after World War II and how Chiang refused to do so.

Mr. Levine believes that the Korean and Vietnam wars were caused by careful design of the Soviet Union and not China—and that Russia's intent was to keep China busy and her troops stationed in the west, rather than the east near Russia.

Mr. Levine, after finishing the history, suggests a five-point plan for making sure that we do not make a mess of China policy again. One point is the formation of special subcommittees of various committees of Congress devoted exclusively to China.

He suggests that we made a terrible mistake in China during World War II—that our primary goal in World War II was to beat Japan and that Chiang was the best man to lead a coalition to do it; our second goal was to see China, after the war, united under a coalition government. Instead of point two—a coalition government—we backed Chiang Kai-shek with all the consequent tragedy.

The articles make reference to the role President Truman, General Marshall, Patrick J. Hurley, President Nixon, Dean Acheson, John F. Dulles, Winston Churchill, Clement Attlee, and our present problems with Japan, and deal with a good deal of practical commonsense issues in politics and trade.

I commend Mr. Levine's article to the attention of my colleagues:

THE NEW ERA IN UNITED STATES-CHINA RELATIONS

(By Laurence W. Levine)

(NOTE.—This is the second of a series of three articles on United States and China. The first appeared in the June issue of East Europe and the third will appear in our next issue. The author, Laurence W. Levine, formerly a Fellow in the Harvard Defense Studies Program, is a long-time student of Chinese affairs. He is a partner in Walsh and Levine, a law firm specializing in international trade.)

The China trade was opened to the West with the signing of the Treaty of Nanking in 1842. Prior to that time only Canton was open to Western traders and trade was limited to the ships being allowed to enter during a few months a year. Families were not permitted and travel was restricted to a few special gardens. All communication was through the Co-Lung, the guild of Merchants.

This changed after 1842 as a result of the Treaty of Nanking which resulted from a war between England and China—the "First Opium War" (1839–42).

Tea had comprised 50 per cent of Chinese exports and over 14,000 tons were shipped annually to England and 6,000 tons to the United States. The Americans exchanged furs and cotton for tea. The British had to pay in India and by 1839 China was buying 200 tons, or 30,000 chests, of opium a year. China had prohibited the importation of opium and the ancient law was finally enforced by Viceroy Lin when he seized 20,000 chests of opium at Canton and destroyed them. Britain refused to sign a treaty in regard to opium and China refused to pay for the destroyed opium. The Chinese demanded that Britain turn over the sailors who had killed some Chinese in the fracas. England refused.

The Chinese sent junks to destroy the warships and the British opened fire. The British sailed up the Yangtse and appeared at Nanking. That ended the war.

The Treaty of Nanking ending the war established the principle of extraterritorality and British, American and French subjects were tried in their own courts with their own consuls as judges. The treaty also opened five treaty ports in China and ceded the island of Hong Kong to England. Thus began the dismemberment of China.

SECOND OPIUM WAR, 1856–60

A second opium war occurred from 1856–60. This time the British complained that their flag was insulted and the French complained that a missionary had been killed, although the primary reason for the war was the refusal of the Emperor at Peking to talk with the Westerners.

The "Second Treaty Settlement" of 1860 resulting from this war provided not for five, but ten foreign ports, the right to send ambassadors to China, and the setting up of a Chinese Foreign Office. The treaties were with the United States, England, France and Russia, which received in addition a strip of land on the Amur River. For the next thirty-four years China, with the exception of civil wars and a few skirmishes with the English and French, prospered.

FORMOSA GIVEN TO JAPAN

In 1894 China fought a war with Japan. The Chinese had not looked with favor on the Japanese organizing in Korea what the Westerners had set up in China, namely, free ports, extraterritoriality, etc. In 1885 Chinese troops were sent to help rescue the King and Queen of Korea, who had been kidnaped in a civil war. As a result, China almost came to blows with Japan, and ten years later actually did go to war. The Japanese won a quick victory over China in 1895. Japan forced the Chinese out of Korea across the Yalu River. The Treaty of Shimonoseki between China and Japan was signed in 1895.

The Chinese ceded the Liaotung Peninsula to Japan as well as the Pescadores Islands and Formosa, and agreed to recognize a free Korea and also to give Japan free ports in China. In effect, Korea became a satellite of Japan. Russia did not want Japan to get the Liaotung Peninsula and since France and Russia were bound by a treaty, as was Germany, all three warned Japan there would be a war if she took that peninsula. Japan deeded it back to China—for a price. But Japan had primary rights in Korea and Japan never forgot what Russia did to help China and hurt Japan. Japan kept Formosa—but she was furious.

China's weakness in the war with Japan in 1895 pulled the mask from the remarkable efforts of Li Hung-chung, her foreign minister, who had convinced the world that China from 1860–1895 was a strong country.

THE EUROPEANS SWARM IN

After 1895, all the European nations swarmed into China without resistance; even the Italians decided they wanted a Chinese port, but the Chinese turned them down. France came first and demanded an enlargement of her colony at Annam. Russia was next. In 1860 Russia had obtained the Maritime Province from China (the Capital is Vladivostok).

As noted above, under the Treaty of Shimonoseki in 1895, Japan had been given the Leaotung Peninsula. But France and Russia intervened with Germany and forced Japan to give it back to China. This was not a gift by Russia to China. The Czar had made his deal with China in exchange for an agreement by China for the construction of a railroad across Manchuria. This saved Russia the heavy expense of going North through Russian territory to Vladivostok. The road, called the Chinese Eastern Railroad, was a joint effort of Russia and China. China had the option of buying the road in thirty-six years or it would revert to China in eighty years. It looked like a good deal for China—until one read the fine print.

In 1898 Germany, on the pretext of protecting her priests, occupied Kiaochow Bay and took a ninety-nine year lease. England and France extended their holdings also.

A group of Chinese Boxers, disgusted by the land and assisted by the Dowager Empress, revolted and took the warpath in a manner similar to the American Indians when their lands were taken from them by the white man. They captured Peking and killed the German Ambassador, among others, bringing in an international army, under a German General, which marched on Peking. Another humiliating peace was imposed on the Chinese, including the stationing of foreign troops in Peking.

Russia had also been moving into Korea on a large scale, getting timber and mining concessions and training the Korean army. Russia later trained the Chinese Army of Chiang Kai-shek.

Japan, which had not forgotten the Russian intervention in the Peace of 1895 and did not mind if Russia took Manchuria from China, wanted Korea for herself. She had fought the Chinese for it. She liked the trade. She realized that the Trans-Siberian Railroad was not finished and Russia would have a hard time getting troops to the East. She wanted no more strong Russian intervention.

In February 1904, Japan, in a preview of Pearl Harbor, struck the Russian fleet at Vladivostok and Port Arthur without warning. The Russian Navy looked good on paper but it had trouble at sea.

Who stopped this war? President Theodore Roosevelt invited the parties to discuss peace and in 1905 the Treaty of Portsmouth was signed.

In retrospect, the world witnessed European colonization of China from 1842–1900: a Chinese-Japanese war in 1894 over Korea, with China having to give up more land—Formosa—and giving Russia land for a railroad in return for Russia forcing Japan to return the Liaotung Peninsula.

Then Russia and Japan fought over Korea, which Japan considered her sphere of influence, resulting in the Portsmouth Treaty; a revolt by some Chinese over Western domination and China's losing this Boxer War, and Western nations taking additional control of China. All of this happened in less than fifty years. Historically, China has much to fear from Japan and Russia and has hate of the Western powers who carved her up. The U.S. had no part in this.

We would do well to remember that.

The result of the Russia-Japanese War in 1905 was that Japan took over the administration of Manchuria from Russia (even though it was really Chinese land).

China from 1842 to the First World War was, as we can see, not mistress of her own home. The various treaties China was forced to sign deprived China of her sovereignty. Her tariffs and her public loans were in Western hands, guaranteed by Chinese taxes to Western banks. Shanghai, Canton, Tiensten, Hankow were foreign-run cities. Spheres of influence were carved out with Britain, Germany and France.

A revolutionary movement headed by Dr. Sun Yat-sen, a Chinese physician educated in Hawaii, was launched. In 1912 he became President of China. This government did not last long. China was not ready for a Republic and civil war broke out.

From 1912, when he became President, Dr. Sun was involved in a civil war. He resigned in favor of Yuan Shi-kai who, when the Parliament would not confirm his nominees or a foreign loan, threw out the Parliament. In 1915 Yuan reestablished the Empire which again led to civil war and Japan's control of China.

When World War I broke out Japan took over the German colony at Kiauchow and presented an ultimatum to China. The Japanese refer to this as a Treaty but it is clear that it was an ultimatum of twenty-one demands whereby China accepted Japanese military and economic advisers and ceded to Japan all German and Russian concessions, including Manchuria. During this period Dr. Sun Yat-sen had founded the Kuomintang Party (Southern Nationalists) and wrote a book entitled *Three Principles of the People* laying the foundation for a new China in "nationalism, democracy and social welfare." The Chinese, he said, should learn the art of government from the West but be proud of their own past. Dr. Sun was revered as the founder of Chinese nationalism when he died in 1925.

CHIANG, MAO AND CHOU EN-LAI ON THE SCENE

China could not forever remain calm while foreign troops ran their cities, foreign gunboats patrolled their inland rivers, foreign officials ran their post office, and universities, customs, and tax systems while Chinese suffered in squalor, poverty and filth, and witnessed the world's major loss in newly-born children. Revolt was inherent in such a situation. The Chinese Communist Party was already in control of a share of China.

The Russians had also experimented with warlords. They were dealing with Dr. Sun Yat-sen's Kuomintang in Canton and they were dealing with the recognized Chinese government in Peking. The Soviets decided to back Sun Yat-sen and in 1923 they sent Michael Borodin to reside with Sun Yat-sen. The Soviets also supported a third movement in China—the Communist Party which had been organized in the 1920's. Stalin ordered the Communists to join the Kuomintang and to take it over. This was a very difficult task. When Sun Yat-sen died in 1925 the Russian advisers were in control and the organization was run on Moscow time. A promising young Chinese officer, Chiang Kai-shek, was chosen by the Russians to go to Moscow for training and sent back to Canton to found and head China's West Point, The Whampoa Military Academy.

Chiang then decided to double-cross the Russians, heading for Shanghai to enlarge the Kuomintang power. Communists in Shanghai followed Stalin as did part of the Kuomintang. Chiang paused before the gates while the Communists fought the Kuomintang group. The Communists won and Chiang then entered Shanghai and slaughtered the Communists. Stalin, one remembers, did the same thing is Warsaw in 1944. Stalin, after Chiang's double-cross in 1927, ordered the Chinese Communist Party to concentrate in the large cities on China's coast. A minority faction of the party-incensed at Chiang's double-dealing—said that the future did not lie in the cities but in the small villages of hungry and poverty-stricken peasants. Stalin told this group to back Chiang and they wouldn't. They fled to the countryside. The loyal Communist Party members stayed in the cities and were slaughtered in the streets by Chiang Kai-shek.

The splinter group that did not listen to Stalin in 1926 survived. It was run by Mao Tse-tung and Chou En-lai.

It was not until 1934, seven years after Chiang's double-cross, that the Russians gave help to Mao and his group. Mao and his group never forgot this 7-year wait.

The Russians offered more bad advice after they recognized Mao in 1934: they told Mao to attack Chiang. He did and lost,, leading to the Long March of 1934, which was a retreat to North China. The Russian military adviser was held a prisoner until 1940, so furious were the Chinese at Moscow's orders.

The continued strain between the Mao group and Russia was intensified by the Yalta Agreements. Russia was given Manchuria and about $1.5 billion of machinery was taken by her. I believe that the Yalta Agreements were Stalin's way of recognizing a U.S. sphere of influence over China after World War II. He wanted other foreigners there. If he had not agreed to that, then he would not having looted Manchuria. This points up again our lack of foresight in 1946 and how suspicious both Mao and Chou are of Russia.

Mao and Chou En-Lai's distrust of Stalin and their fear that Stalin had given the U.S. a sphere of influence over China is borne out by the results of the Supreme War Conference the Communists called in July, 1948. Manchuria was about to fall and Communist troops were about to annihilate Chiang's troops. The Russian adviser urged caution and told Chou not to strike. Chou opposed this advice, and the Communists took over all of China.

THE BASIS OF ANTI-AMERICANISM

This new China government had come to power with a violent hatred of the United States for the bungled intervention in the civil war. Russia saw to it that the hatred increased, seeking to act as middleman between the United States and China. Russia, in my opinion, then decided to keep China away from the U.S. until she could take over the organization of the Chinese Communist Party. That is precisely what she decided to try to do.

The United States was trapped in an impossible position of chose the losers, despite our knowledge of Chiang and of Russian history in China.

Theodore White in his book *Fire in the Ashes* (1953) noted Russia's plan to help Mao and then take over:

"It is unnatural to believe that a man like Mao, who so often proved himself right while Stalin was wrong, should now at the zenith of his power suddenly adopt the cloak of humility in the presence of Stalin's successors. Yet there is little chance of any breaks between Peking and Moscow, until Mao, himself, feeling his strength, conscious of Russian ambition and blunder, finds an opportunity to think for himself."

That point came in 1969. We have seen how true a prediction that was. As I stated in my article in June, the Chinese representatives told me in 1969: "that China could be debt-free in 1969 . . . that China had finally resolved most of her internal affairs and was getting down to the business of building up China."

I am convinced that the Cultural Revolution was in part the weeding out of Russian influence in China, which started in 1927.

The United States missed a chance again in the 1950's by not ŏffering Mao and Chou En-lai an exit from the Russian world into ours—as Clement Attlee had suggested.

I have gone through this survey to show that I believe China wants to be free of Russian domination (based on a historical distrust of Russia) and that she wants to be friendly with us. Having done badly in 1946 and again in 1956 when China wanted better relations, we should not repeat this mistake.

JAPANESE-CHINESE RELATIONS FROM 1929–1941

After the depression of 1929 Japan was in trouble. Her population had grown from 50 to 70 million from 1914 to 1931. Her metal-making facilities increased by 300 per cent. Yet, rice production was stationary and Japan needed imports. The need for raw materials for her factories was also gigantic. By 1931, 40 countries had imposed tariffs on Japanese goods produced at wages of about one-third the English or United States level (a familiar tale).

China was the main export market for Japanese goods, particularly cotton and manufactured goods; almost all of the raw materials for these factories and coal and iron, came from China. Japanese foreign policy was pushed to dominate China.

In September, 1931, the Japanese occupied Mukden and the Manchurian Railroad. In January 1932 Japan demanded the dissolution of all Chinese anti-Japanese organizations. When China refused, Japanese forces landed near the International Concession at Shanghai on January 28, 1932. The Chinese held out a month; they had spirit but no weapons. They withdrew from their forts in the Bay of Wu-Sung. Then the Japanese created a puppet state of Manchukuo. In 1933 they annexed the Chinese province of Jehol and by March of 1933 the Japanese armies had reached the Great Wall of China. The only power that raised its voice against this outrage was the United States. But the United States was not a member of the League of Nations which might have imposed sanctions. England, who was a member, was fearful of losing her trading position with Japan and her interests in the Far East. Furthermore, as Winston Churchill stated in response to a "do-nothing" policy against Japan in the 1930's:

"His Majesty's Government could hardly be blamed if, in their grave financial and European embarrassments, they did not seek a prominent role at the side of the United States in the Far East without any hope of corresponding American support in Europe." So England did nothing and the United States made a lot of noise.

China was a member of the League of Nations although behind in her dues. On September 30, 1931 the League, on China's request, asked Japan to leave Manchuria. An investigating Commission was appointed, headed by an Englishman, the Earl of Lytton, who had been acting Viceroy in India. The Commission's report rebuked Japan, and asked for an autonomous Manchuria as part of China, with a treaty of trade between China and Japan.

The League would not recognize the new Japanese General Staff's state of Manchukuo—but no sanctions were taken against Japan. On March 27, 1933 Japan withdrew from the League of Nations and invaded China. War had started.

Thus was added another chapter in China's distrust and fear of Japan. As I pointed out in my last article, China does not now want a strong Japan.

THE BASIS OF U.S. POLICY

With the history of China before us, the knowledge of the Chinese fear of both Russia and Japan, the knowledge that Mao Tse-tung and Chou En-lai had refused to follow Russian orders in 1927 and broke away to form their own enclave in the small towns and villages as opposed to the cities, with the knowledge that Chiang did not control more than one-third of China and that in order to control that he had to make deals with hundreds of corrupt military people, with the knowledge that we could have forced him to come to terms with the so-called Communists—why did we pursue a course of action that rebuked and excluded Chou En-lai and Mao Tse-tung while we backed Chiang Kai-shek on an island with fourteen million people, ignoring six hundred million Chinese, thus giving rise to twenty-five years of war in Asia? The answer, I think, comes from a quote in *The Stilwell Papers:*

"In 1948 China, our ally, was being run by a one-party government (The Kuomintang), supported by a Gestapo (Talis' organization) and headed by an unbalanced man with little education. This government, however, had the prestige of the possession of power—it was opposing Japan; and its titular head had been built up by propaganda in America out of all proportion to his deserts and accomplishments. We had to back the existing regime in order to have any chance of getting China to pull her weight. To change the structure during the emergency would have been next to impossible."

The Vietnam papers showed us better than anything else that there are no idols and that we are all human beings—although a few political people think they are not. We will make more mistakes, as in China and at Pearl Harbor, if we disregard Chinese history and the tragedy of Vietnam.

In my June article, I stated that, even in 1956 when Arthur Dean, the noted Republican lawyer, had proposed that we begin to talk to China the entire Republican party rose in unison against him—and even Vice President Nixon told the American people that "China was out to rule the world."

I also pointed out in June that when Adlai Stevenson made a remark in 1956 about recognizing China and improving our relations with its people, there was an outpouring of "soft on Communism."

I have just recently reread Mr. Stevenson's article *Foreign Affairs* (January 1960) entitled "Putting Things First." That was eleven years ago. In urging that China be admitted to the United Nations, he stated, "Moreover, as a member of the United Nations, Communist China, with a quarter of the world's population, would be more accountable to world opinion than as an outcast."

Mr. Stevenson pointed out that Vice President Nixon was not only opposed to this but "Mr. Nixon saw something disloyal in my warning about the Soviet rate of economic growth."

Recent disclosures in the Pentagon Papers have shown that the United States rebuffed several overtures from Ho Chi Minh in 1945–1946. The record, unfortunately, I believe, will show that we did the same thing with Chou En-lai and Mao Tse-tung at the same time. The three Foreign Service Officers who recommended such talks in good faith were Oliver Edmund Chubb, now 70; John Stewart Service 65, and John Paton Davies, 65. Mr. Chubb was the last American Consul General in Peking in 1949 when the Chinese Communists took over.

SEEKING HELP FROM F.D.R.

I believe that a careful reading of all the papers will show that in 1945, while U.S. policy was primarily centered on beating Japan but also concerned with unifying China under a coalition led by Chiang Kai-shek, Mao and Chou offered to meet secretly with F.D.R. to seek support for a coalition government. Chiang, using the China Lobby, and Ambassador Hurley, stopped any such meetings because Chiang really thought he could rule China without the Communists.

A Hurley message to Washington, dated February 7, 1945, stated:

"The following proposals were made by Chairman Mao and General Chou direct to General Wedemeyer, adviser to Chiang, with the second of them strictly off the record.

"1) That the Yenan Government dispatch an unofficial group to the United States to 'interpret and explain' the problems of China to interested American civilians and officials, and 2) that Mao and Chou were available to proceed to Washington immediately for an exploratory conference in event that the President should express a desire to receive them at the White House as leaders of a primary Chinese political party. Mao and Chou also specifically requested that their willingness to go to Washington be kept secret in the event that Roosevelt's invitation was not forthcoming in order to protect their status vis-a-vis Chiang."

There was a second telegram (Hurley's report continued) that indicated the Communist's desire to bypass "both the National Government and myself."

Hurley said this proposal "would have defeated the U.S. policy of sustaining the Nationalist Government of China." Our chief purpose really was, if Hurley had read his directives, to beat Japan, and to establish a coalition government under Chiang not to "sustain" the Nationalist Government.

A second attempt to visit the United States was made February 28, 1945 by Chou En-lai, then Vice Chairman of the Communist Party's Central Committee. In a letter to Ambassador Hurley asking to go to the U.N. Conference scheduled for April 25th in San Francisco, Chou said:

"Since at present the Democratic Coalition Government has not yet come into existence in China and the existing National Government is completely a one-party dictatorship of the Kuomintang which can represent neither the 10 million people of the Chinese liberated areas nor the common will of the broad masses. China (at San Francisco) cannot be represented by a delegation sent by the Kuomintang Government only.

"While I was in Chungking you told me that the delegation to the San Francisco Conference should consist of the representatives of the Kuomintang, the Communist Party and the Democratic Federation. The Central Committee of the Party and Chairman Mao Tse-tung are in complete agreement with you.

"We consider furthermore that the representatives of the Kuomintang should be limited to one-third of the delegation. The other two-thirds of the delegation should be sent by the Communist Party and the Democratic Federation . . . Will you be so kind as to transmit this message to the President of the United States."

Hurley's response was:

". . . I did discuss with you the coming conference at San Francisco but I made it clear to you that only the National Government of China had been invited to participate in the conference. I made no attempt to decide how the National Government would be presented . . .

"The conference . . . is to be a conference of nations, not of political parties within nations. The Communist Party of China is not a nation and, as far as I know, no one has recognized it as a nation. It is one of the political parties of China. The only difference from the ordinary political party is that it is armed. I am further of the opinion that recognition by the conference of any armed political party in China other than the National Government would destroy the possibility of unification of China."

Secretary of State Stettinius agreed but F.D.R. insisted that Chiang be told to include in the delegation representatives of the Chinese Communist Party.

THE POSTWAR YEARS

Chiang did authorize that his ten-member delegation to the United Nations include one Communist representative but, on March 29, 1945 John Stewart Service, assigned to Communist headquarters at Yenan, cabled that Chiang had selected a delegate who is "old, speaks no English, is of secondary rank, (and) is the least suitable choice for Communist delegate." The U.S. did nothing to change this, although we could have. Chiang should not have chosen the delegate, but in doing so not only insulted Mao, but once again showed that he had no desire for a coalition government. Chiang controlled the delegation to the U.N. in April 1945.

As I will show, when I review President Truman's firing of Hurley and the Marshall Mission, the primary purpose of American policy in World War II was to beat Japan;

Chiang was chosen as the man best equipped to lead a coalition to that end. Our second goal was to see that China, when World War II ended, would not undergo a repetition of the 1800–1940 period, when everyone in the world was out to cut her up and internal chaos prevented the Chinese from running their country.

In February 1945, John Stewart Service and Raymond P. Ludden assessed U.S. policy in a position paper which said in part:

"American policy in the Far East can have but one immediate objective: the defeat of Japan in the shortest possible time with the least expenditure of American lives. To the attainment of this objective all other considerations should be subordinate.

"China's military failure is due in large part to internal political disunity and the Kuomintang's desire to conserve such military force as it has for utilization in the maintenance of its political power." (Joseph Stilwell said the same thing).

As long as the United States remained tied to Chiang as "champions of the status quo," China would remain disunited and ineffective. The solution recommended was a parallel of Britain's initiative in Yugoslavia. There, Winston Churchill in 1943 gave British support to Yugoslav Communist Partisan leader Josip Broz Tito in the civil war with the Chetniks of Draja Mikhailovich.

"At present," said Service and Ludden, "there exists in China a situation closely paralleling that which existed in Yugoslavia prior to Prime Minister Churchill's declaration of support for Marshall Tito—to judge all parties and factions dispassionately by the test of their readiness to fight the Germans and thus lighten the burden of Allied troops. . . ."

The Foreign Service officers proposed:

"A similar public statement issued by the Commander-in-Chief with regard to China would not mean the withdrawal of recognition or the cessation of military aid to the Central Government; that would be both unnecessary and unwise.

"It would serve notice, however, if our preparation to make sure of all available means to achieve our primary objective . . . The internal effect in China would be so profound that the Generalissimo would be forced to make concessions of power and permit a united front coalition. The present opposition groups, no longer under the prime necessity of safeguarding themselves, would be won wholeheartedly to our side and we would have in China for the first time, a united ally . . ."

Prior to the U.N. meeting in April 1945 in San Francisco W. Averell Harriman, our Ambassador to the Soviet Union, Ambassador Hurley and Foreign Minister V. M. Molotov of the Soviet Union were to meet. Mr. Davies drew up a memo for the meeting for Ambassador Harriman for his discussion on China:

"The prospect for the attainment of Chinese unity through negotiation would not seem too bright.

"The central issue in Chiang-Communist negotiations has been the establishment of a coalition government. Chiang knows both the Kuomintang and Communists too well to accede to this seemingly innocent proposal. He knows that the Kuomintang is corrupt and vulnerable to boring-from-within. He knows that the Communists are so well organized and so well disciplined that they would sooner or later dominate the coalition. To understand the peril of coalition with the Communists the Generalissimo need not refer to the current working of Popular Front governments in Eastern Europe. He need only recollect his own 1926 experience with the then young and weak Communist Party."

But Chiang's regime, said Davies, was "venal, inefficient and stale" and could not survive without radical reform.

"As for the Communists, they are not likely to compromise with Chiang or anything short of coalition. They would like coalition because it would mean a relatively cheap acquisition of control over most if not all of China. But if coalition is not forthcoming, they can afford to wait. The Communists reckon that time is on their side."

". . . The Chinese Communist Party began as an instrument of Moscow's policy of world revolution. With the Kremlin's abandonment, however temporary, of that policy, the Chinese Communists were left pretty much to shift for themselves . . . they revised their platform in the direction of moderation. They adopted agrarian democracy as their immediate goal, socialism as their distant one . . ."

"With the growth of nationalist feeling among the Chinese Communists, the shabby treatment which they have received from the Kremlin during the past nine years and the possible prospect of the Red Army invading Manchuria and North China, and Russian suzerainty being imposed on Yenan regime, it would seem logical to assume that there are at least some elements among the Chinese Communists who might welcome foreign support designed to ensure the continuance of their expansion and independence.

"Mao Tse-tung is not necessarily a Tito simply because he is a Communist, but probably."

Instead of committing "all our policy eggs to one basket," Davies suggested consideration of American "cooperation and assistance to the Chinese Communists . . ."

He asked, rhetorically, "will they be voluntary creatures of Russian foreign policy? We don't know."

But, said Davies, *"if any Communist regime is susceptible to political 'capture' by the United States, it is Yenan."* (Emphasis supplied by the author). Note that Clement Attlee said the same thing to Pres. Truman and Dean Acheson in 1951.

The conference of Ambassadors took place in Moscow on April 17, 1945, after F.D.R. had died. Ambassador Hurley reported that Molotov had said to him, "The Chinese Communists are not Communists at all."

Stalin was reported to have said: "The Chinese Communists sought 'only just reformation in China' and the Soviet Union is not supporting the Chinese Communist Party."

Stalin spoke favorably of Chiang Kai-shek and that while there had been corruption among certain officials of the Nationalist Government he knew that Chiang . . . was a selfless man, and a patriot that the Soviets had befriended in the past. Stalin said the Chinese Communists were "margarine Communists."

Harriman and his aide, George Kennan, were fearful of Stalin. Kennan thought that a free China for Stalin meant one with no foreign influence "other than Russian," while Harriman said that when and if Russia entered the war in the Pacific "Stalin would make full use of and support the Chinese Communists . . ."

On August 14, 1945 the war in the Pacific ended, much earlier than anyone imagined it would because of the atomic bomb. The Nationalists and Communists seized land and Russia moved into Outer Mongolia.

THE MARSHALL PERIOD

So it is important to note that by 1945—the end of World War II—we had consciously sought out and backed Chiang Kai-shek as a World War II ally against the Japanese. We did this knowing that he had been chosen as a young man by the Russian Communists and trained in the Soviet Union, and he was sent back to China to organize a Russian-dominated China. We knew that, even though Russia had trained him and supplied him with money and men, when he arrived at the gates of Shanghai he did what the Russians were to do outside Warsaw during World War II. Chiang said he was calling on his forces inside the city to rise up and fight. But, instead of helping them, as they expected, he waited outside the gates while both sides slaughtered one another.

This, then, is the man we decided to back during World War II. Our decision was evidently based on sound reasoning: he was the one man who could unite the country. The mistake we made was not insisting on his cooperation with others.

In the fall of 1945, the United States was faced with these problems. Few realized the depth of the divisiveness in China, the Nationalists' slim control, and the lack of participation of the people in the government. We had an opportunity to assess the situation again and we made a bad mistake.

It may be that the feeling in this country was such that to back a government in China including Communists might not have been palpable. Men like Richard Nixon then entering in politics, and others like him, loyal and well-intentioned, vigorously protested when communism was mentioned. The reason I believe Nixon is so China-conscious today is that he realizes his mistake.

Chiang's problems in China were immense. He was faced with a dissident group, the Japanese, and by war lords who played one side against the other. It was difficult to discover which was more dangerous to Chiang—the alleged Communists or the Japanese. On V.J. Day, Chiang Kai-shek controlled the Southwest corner; South and East China were under Japanese control; North China was controlled by Mao Tse-tung; and Manchuria by the Russians.

For Chiang to occupy North China, he needed Communist approval. The Communists controlled the rail lines, so Chiang couldn't move. In order to keep the Communists from occupying the Japanese-controlled parts of China, we actually used the Japanese troops to supervise their area until American Marines could be sent to the seaports and Chinese Nationalists airlifted to their provinces.

The decision to use Japanese troops to hold off the Communists was a decision, I believe, of the National Security Council. There were then three million Japanese troops in China and President Truman was faced with the choice of sending a large army to defeat the Communists, joining with the Communists, or trying to get rid of the Japanese while hoping for a miracle that could establish a coalition government. He almost succeeded.

American public opinion might not have supported either large American troop commitments, or backing the Communists. Instead, we chose to back Chiang Kai-shek, trying to get the Communists to go along with him. Chiang was chosen as the man to work with.

General Wedemeyer, Chief of the Staff to Chiang, in a letter to President Truman described the situation in the fall of 1945 in China as follows:

". . . Based on limited knowledge, neither the Chinese Communist Party nor the Kuomintang is democratic in spirit or intentions. China is not prepared for a democratic form of government with 95% of her people illiterate and for many other cogent reasons. The inarticulate masses of China desire peace and are not necessarily interested in or aware of the various ideologies represented . . . conditions could best be handled by a benevolent despot or a military dictator, whether such dictator be a Communist or a Kuomintang, matters very little."

Ambassador Patrick J. Hurley first went to China as the personal representative of Franklin D. Roosevelt and was now Ambassador. He cabled President Truman on September 10, 1945 asking to return. He told President Truman that all was well in China and that he, Hurley, had just arranged for Mao Tse-tung to come to Chungking to discuss peace with Chiang.

On October 11, 1945, two days before Hurley saw Truman in Washington, an agreement was reached between Mao and Chiang—Hurley, had witnessed the preliminary signing before he left China. Hurley told Truman that peace would follow and he believed it.

The agreement signed in Chungking by Chou and Chiang provided for a Council of 40 appointed by Chiang—with no more than 50 percent from his party. Chiang could veto proposals, but two-thirds of the Council override the veto. A constitutional convention was to be called.

The Political Consultive Conference was to take place November 20, 1945. In the interim, the Communists wanted no troop movements into the Japanese-held areas because they felt Chiang was taking advantage of the time-lag to strengthen his position. They also may have had designs on the region.

The Nationalists moved in troops. The Conference set for November 20th never took place and on November 25th, the principal representative of the Communists, Chou En-lai, who was in Chungking for the Conference, left for Yenan, his capital.

On November 27, 1945, Ambassador Hurley agreed to return to China from Washington to see if he could straighten out the problem. He talked with President Truman at 11:30 A.M. On 1:30 P.M. of the same day, during a Cabinet luncheon, President Truman was called to the phone from the National Press Club and told that Hurley had attacked him personally. Truman immediately fired Hurley.

After he had fired Hurley, President Truman called General George Marshall and asked him to go to China. Marshall met with Truman on November 29th and again on December 11, 1945. Three long documents were prepared, along with a letter of instructions signed by President Truman on December 15, 1945. The most important section read:

". . . Specifically, I (President Truman) desire that you endeavor to persuade the Chinese Government to call a National Conference of representatives of the proper political elements to bring about the unification of China."

MARSHALL BEGINS HIS MISSION

Marshall left Washington December 15th and arrived in China December 20, 1945. Marshall talked to both sides. The Chinese Communists again suggested that a cessation of hostilities take place. Marshall amended the suggestion, so that, along with a cessation of hostilities, both sides would appoint representatives to talk with him about how to enforce the armistice and the selection of a Committee by the Political Consultive Council (which had not yet met) to make recommendations regarding disputed areas.

By January 9, 1946, negotiations had progressed to the point where truce teams had been appointed, with an American observer to supervise the cease-fire.

The cease-fire was to be announced at 10:00 A.M. on January 10, 1946 at the opening of the Political Consultive Council. The announcement was made and headquarters set up in Peiping. Marshall acted as the Chairman of the Committee of Three to supervise the cease-fire and as adviser to the Committee working on the reorganization of the Chinese armies.

On February 4, 1946, Marshall cabled Truman, as Hurley had in December, that things were going well. Marshall then rushed home to consult Truman, arriving on March 15, 1946, and returning April 16, 1946.

When Marshall left China for his one-month visit, Chiang began breaking his promise, as he had when Hurley left. General Gillem, Marshall's deputy, reported that the cease-fire teams were being stopped and Communist members detained. Some Communist cease-fire members were arrested in Mukden and Peiping. Chinese Air Force planes buzzed Yenan, the Communist center. While Marshall was in Washington and he and President Truman were working out a $500 million loan, the Chinese ambassador demanded changes in the agreement and on that day Chiang, contrary to what he promised Marshall before his departure, made a speech calling for war with the Communists. When Marshall returned to China on April 18, 1946, he heard that an American plane had strafed the Communists in Szeping Kai. It was actually a Nationalist plane.

The Communists were also busy in April and May, 1946. They captured Changchun-Harbin. Thus, although Marshall thought he had arranged a truce, he had not. On June 7, 1946, a 15-day truce was arrived at in Manchuria. During the truce the Lend-Lease bill was up before Congress and Chiang's China Lobby used the truce period to have the legislation changed so that the proceeds went only to Chiang without the condition that he work with Marshall. Chiang was trying to circumvent Truman and Marshall through Congress and he succeeded. The Communists pointed to these Lend-Lease moves as indicating American duplicity and double-dealing. Whether Chiang was sabotaging Marshall or was forced to do so by die-hard Nationalists, I do not know. But each time one of the China Lobby made a speech calling for all-out aid to Chiang, the Nationalists ceased cooperating with Marshall.

In July, 1946, while Marshall was in China, President Truman appointed Dr. J. Leighton Stuart, the President of Yen Ching University in Peiping, as the new ambassador to China. Soon after, Chiang's government began the surveillance of all "liberal wing" professors. Two professors were assassinated and anti-American demonstrations led by Nationalist student groups occurred.

On August 10, 1946, President Truman sent a personal message to Chiang condemning the suppression of freedom of the press, of liberal views, and the assassination of the two professors. Truman said that Chiang was attempting to solve issues by force rather than by agreements reached in January at the Consultive Conference. The letter closed:

"Unless convincing proof is forthcoming that genuine progress toward a peaceful settlement of China's internal problems . . . it will be necessary for me to redefine and explain the position of the United States to the American people."

Chiang called in Marshall and placed all the blame on the "Communists." Chiang agreed to a political settlement, but Marshall reported that Chiang would not stop fighting unless a political settlement was signed first.

Marshall then asked for a meeting between both sides but Chiang set a number of conditions. Chou En-lai wanted Marshall to guarantee the good faith of Chiang. On September 13, 1946, Marshall and Ambassador Stuart said they were "stymied." The war continued.

On October 2, 1946, Marshall was at an impasse. Chiang had announced that he would try to take the city of Canton, which Chiang's government had agreed in June to leave in Communist hands. The Communists asserted that if this occurred, it would mean civil war. On October 15, 1946, Marshall asked Truman to be recalled, since his mission was a failure.

On October 9, 1946, Marshall traveled to Shanghai to see Chou but Chou was suspicious and condemned the American assistance to Chiang. On November 15, 1946, the National Assembly convened but without choosing a State Council to run the government. Chou En-lai returned to Yenan but before he left he told Marshall that he was certain Chiang would launch an attack to capture Yenan, the capital of the Communist area.

Marshall attempted to convince Chiang that he could not beat the Communist forces, particularly if Russia aided the Communist forces. Chiang disagreed.

On January 3, 1947, President Truman recalled Marshall and promoted him to Secretary of State. Chiang attacked Chou against American advice and lost—fleeing to Formosa.

The prophetic words of President Truman carried this assessment, "There is no doubt in my mind that if Chiang Kai-shek had been a little more conciliatory—an understanding could have been reached."

A NEW APPROACH TO CHINA

As I stated in the June issue, "it will not be easy to convey our friendship to the Chinese people who have grown up in this generation. Our approach must be careful, planned and well reasoned, not hasty or overbearing."

Pearl Buck has also recently said, "it must be based on knowledge of the past because all our assets for the renewal of our old friendships and relations with the Chinese people are from our past friendly relations with them."

Unfortunately, because of the chain of events after World War II when Chiang Kai-shek spent millions of dollars on his China Lobby, supported by many newspaper columnists and newsletter writers the American people could not get a full and honest picture. I do not for a minute think that the Chinese Communists are completely virtuous. But they are an entity and we did not deal with them. The Ellsberg papers demonstrated that foreign policy is made by too few people.

We have had too many bad experts on China. We need the American people and the American Congress involved in foreign affairs, as well as those who are not seeking jobs or have egos to satisfy. We have been bombarded with as many devil theories on China as so-called experts have been able to invent.

The theory that the Soviet Union was going to assist us in ending the Vietnam War demonstrates the total lack of knowledge of every adviser since John F. Kennedy's days in the White House. The opposite was true. Every time more American troops were sent to Vietnam by the United States, the Soviet Union privately raised the consumption of vodka at their celebrations. More American troops in Vietnam meant less fear that China would cause trouble 6,000 miles away on the China-Russian border. China had to keep troops on her western front, near Vietnam, to make sure that those 500,000 American troops in Vietnam would not invade China—just as, during World War II, Russia kept 500,000 troops on her Japanese border prior to October, 1941 because Russia didn't know which route Japan would take. Richard Sorge, the chief Russian agent in Japan, reported in November, 1941 directly to Stalin that Japan would attack the United States. Russia did not communicate this to the United States but Stalin moved his 500,000 troops from Manchuria to Stalingrad, which probably saved that city.

One reason I believe China wants to talk to the United States now is that this administration has ceased depending on Russia to help end the Vietnam War and China is in a better bargaining position while our troops are still in Vietnam than if they were all out. I also don't believe China will have the final say on what the Vietnamese do, since there is a history of Chinese-Vietnamese hostility. The Vietnamese may move toward peace through fear of China.

I suggest that our future relations over the next twenty years be set up with these goals:

1. There ought to be several trade groups going to China and several coming here. I said in June that we "have a generation gap," and the best way to solve this is through

people-to-people meetings and word-of-mouth descriptions.

2. I would then try to readjust foreign relations so that we have competent young people in our government agencies going to China.

3. Our military personnel, who ultimately will be our military advisers in our consulates, ought to be carefully chosen. This might include a program to send West Point, Annapolis and other academy graduates through special schools such as the Harvard Defense Studies Program. Since China has a large army—as we do—our military representatives should be the best we have.

4. The President, whoever, he is, but starting with President Nixon, ought to have a group of advisers, none on the public payroll, reporting to him personally. The next Ambassador to China and the entire staff ought to be representatives who can pick up the telephone and report to him. We must have men in China independent enough to call a spade a spade. And they should be the same age as their Chinese counterparts.

5. There ought to be Subcommittees of the House Foreign Affairs Committee, the Senate Foreign Relations Committee, the Senate Finance Committee, the House Banking and Currency Committee, the Senate Armed Services Committee and the House Armed Services Committee devoted solely to China. The President should consult with these subcommittees and let Congress know what he is doing. This will avoid a situation such as occurred in Truman's Administration, when the President knew what the problem was and what to do—but Chiang had a lobby that knew how to handle Congress and the Executive had no lobby.

We don't want any more Vietnams, with a small group of academicians and amateur leaders writing each other memos, and with secret reports being prepared by the Secretary of Defense on one hand and the Intelligence agencies on the other. (I noted that, in addition to the secret report on Vietnam ordered on Vietnam, the Defense Intelligence Agency of the State Department prepared a secret report and that has been put in a safe. For whom? This country has never operated as a secret society. I believe the adage that power corrupts and absolute power corrupts absolutely. Congress represents the people and they ought to be consulted.)

6. We must remember that the Russian-built factories in China are now 20 years old and outmoded and China does not wish to depend on Russia or Japan.

7. We must remember that just as we have "right" and "left" points of view, China has her "right" and "left," pro- and anti-Americans. We should remember that Chou En-lai is 74, and is the most experienced politician around—the man who lived through the half-century from the '20's to the '70's. Today's normalization could not have taken place without his approval. He knows history. He fears Japan and Russia. I believe he wants to restore the U.S.-China friendship.

8. It is our job to see to it that we work with China and that she works with us. In my opinion, this can avert future wars. And if this country is to survive as a democracy wars must stop.

HOLY CROWN OF ST. STEPHEN

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. HOGAN. Mr. Speaker, on December 6, 1971, I reintroduced a resolution providing for the safekeeping of the Holy Crown of St. Stephen until such time as a constitutional government freely elected by the Hungarian people once again functions in Hungary.

A man who has played a key role in Hungary's struggle for freedom and democracy is Josef Cardinal Mindszenty who lived in self-imposed exile in the American Legation in Budapest for more than 15 years to protest Communist oppression in his country.

Cardinal Mindszenty, as well as many of our colleagues in Congress, shares my concern for the safekeeping of the Holy Crown, which is a symbol of democracy in Hungary.

Recently a West German television network aired a program discussing the Holy Crown and the plight of Cardinal Mindszenty and I now insert a transcript of the program in the RECORD:

TV PROGRAM ON CARDINAL JOSEF MINDSZENTY OF NOVEMBER 10, 1971, ON THE WEST GERMAN ZDF NETWORK FROM WIESBADEN

(By Gerhardt Loewenthal, Moderator)

Good evening, ladies and gentlemen: There is hardly another concept more often used in the political vernacular nowadays as that of "easing of tensions." Every thinking man should be opting for the easing of tensions between the world powers, between all nations. But should this easing of tensions be achieved at any price? And where is the border line between the policy of easing the tensions and the policy of appeasement? The concept of appeasement became a bogy for entire generations after experiences of the 1933–1939 period. At the present time a man and a crown became enmeshed in the world-wide network of the American policy of easing of tensions. The man is Cardinal Mindszenty, a hero without arms and a symbol in the struggle against oppression and tyranny by the Nazis and the Communists, and the crown is the Crown of St. Stephen, the symbol of legitimate power in Hungary. When Cardinal Mindszenty left Hungary on September 28, after 5,441 days of self-imposed asylum at the American Legation in Budapest, rumors started to circulate in the United States to the effect that the Pope, possibly on request of the U.S. government, instructed the Cardinal to remove himself as a roadblock on the thorny road of understanding between Washington and Moscow. The purpose was to return quietly the Crown of St. Stephen, presently kept in the United States, and thus to ease the tensions between Washington and Budapest.

The background of these reports which alarmed the U.S. politicians belonging to the same political party as the President was as follows: The Communist Party Chief Janos Kadar granted an interview to the UPI on March 11, which contained the first hints of possible new developments in the Mindszenty case. Janos Peter, the Minister of Foreign Affairs of Hungary, paid a visit to the Pope on April 16, and conferred with him without witnesses for more than one hour. On September 3, the day when the Berlin agreement was signed, Monsignor Celi arrived in Budapest as a delegate of the Vatican Minister of Foreign Affairs Casseroli with a message from the Pope of Cardinal Mindszenty which induced Cardinal Mindszenty to make the decision to leave the Hungarian soil on September 28. It was obvious that at stake were not the aging Prince of the Church nor a royal crown, symbol of obsolete feudal government, but the present-day world politics, which is evident from statements of U.S. politicians, all of whom belong to the Republican Party.

Mindszenty 1945:

During the postwar period Cardinal Joseph Mindszenty was in the forefront of struggle for a liberal and democratic system in his country. As a Prince of the Church and patriotic Hungarian, he was bound to become an adversary of the Communists, just as he was before an adversary against the Hungarian Nazis. He was arrested at the end of 1948. His pastoral letters denouncing the terror of the Stalinist Rákosi regime and his appeals to the Hungarian catholics to oppose it, led to a spectacular process. The verdict was lifetime imprisonment. In connection with the Mindszenty process the U.S. diplomat Stephen Koczak has been expelled from Hungary. Today he is the Director for Research of the American Federation of Government Employees. We asked him:

"Mr. Koczak, you were Secretary at the United States Legation in Budapest during the 1947–1949 period. In your capacity have you been often in touch with the Prince Primate of Hungary Cardinal Mindszenty and, in your experience, what was his stature in the minds of the Hungarian people?"

KOCZAK. "In discharging the duties of my office I have been seeing the Cardinal quite often during that period and I have been maintaining also close relations with people around him. After the signing of the Paris Peace Treaty we Americans took a very active interest in the political life of this country, in order to protect the freedoms which were guaranteed by that treaty.

"The Cardinal was convinced already at this point in the history that we are living in a critical period. The relations between the Soviet Union and the West broke down during these years. In Yugoslavia and in Berlin in particular the opposing points of view were in evidence. I was very strongly impressed by the fact that he acted neither in a pragmatic nor in an opportunistic way. He exercised the powers of his office basing himself on moral principles alone."

On October 23, 1956, several hundred students gathered in front of the Petofi monument in Budapest. Their manifestations of sympathy for the uprising in Poland lit a spark which ignited an insurrection in Hungary. A people rose against the mighty Red Army. On October 30, the Cardinal was freed by the insurgents and reinstalled in his office.

The attempt of the Hungarians to recover their freedom came to naught. Moscow brutally crushed the fight for freedom. The only option remaining for Joseph Mindszenty was to hide under the protection of a diplomatic mission. He asked the American Legation for asylum. He spent 15 years at this building as a living indictment against the Communist regime in Hungary. His forsaking of the asylum now is being interpreted as a sign for an easing of tensions in the relations between the Vatican, the United States and Hungary.

The rumor exists that the Crown of St. Stephen will be now handed over by the Americans to the Kadar regime in exchange for the easing of tensions. King Karol IV of Hapsburg was crowned in 1916 as the last King of Hungary when this crown was placed on his head. This crown is however more than a relic. It represents for all Hungarians the symbol of the sovereignty of their state and of the freedom of the Hungarian people. It is the symbol of the legality of the government in power and therefore has an immense value for the Communists. The Crown of St. Stephen is being kept in the United States since the end of World War II. The Americans were giving assurances many times in the past that the crown will be handed over only to a democratic Hungarian government. Will now the crown be used in the overall policy of easing the tensions?

This question is being very thoroughly discussed in public in the United States. Members of Congress and Senators have written to the Department of State about its Resolutions passed by the U.S. Congress and Senate dealt with this matter. The Republican politicians as well as members of the governing party made statements on that subject in Washington for the ZDF [News] Magazine:

(1) Congressman Larry Hogan (R-Md.). What my resolution does is express the will of Congress that a crown not be returned until there is a government in Hungary freely selected in free elections by the people of Hungary. And we have urged the State Department not to give it back until that eventuality occurs. It has been very well received by my colleagues. Thirty-nine of my colleagues in Congress have cosponsored my resolution and five of the United States Senators have introduced it in the Senate. So, at this point we hope we have convinced the people that it should not be returned to the current government in Hungary.

(2) Congressman William Scherle (R-Iowa). I think that the crown of St. Stephen belongs to the democratic country of Hungary and not to a captive communistic regime. And the other reason that the communists want the crown back is to give them the legitimacy of authority that they need to establish themselves as the proper government in Hungary. And that is the primary reason why I don't want them to have it, because I feel that sometimes, somewhere along the way Hungary will once again be free. The thing that bothers me more than anything else is the continued communistic encroachment in all of Europe. And if we are not careful, if we don't deal from the position of determination, when we sit down to negotiate, I am afraid that as a so-called peaceloving nation we are going to have the tendency to compromise and give more and more to the communists until sooner or later there won't be anything left. This is the thing that bothers me.

(3) Senator Strom Thurmond (R-S.C.) I recently wrote to Secretary of State Rogers concerning the reports that plans are being made to hand over the historic Crown of St. Stephen to the Hungarian regime. In my judgment, nothing could be more questionable. The Crown is the symbol of legitimacy and sovereignty, and it would be inappropriate to confer it upon a Communist government that has just forced Cardinal Mindszenty into exile. There are certain elements in the State Department that have been working behind the scene to get a so-called "normalization" of relations with Communist governments. I believe that you can negotiate with Communists, but you have to win substantial concessions. These behind-the-scenes people are not realistic and are acting irresponsibly. They are giving up on questions of principle. Giving St. Stephen's crown to the Kadar government would be as bad as the recent Four Power Berlin Agreement where we, in effect, recognize the legitimacy of the East German Government. Even our own negotiator, Ambassador Rush, said that he would never have signed the agreement if he had understood how it would be interpreted by the Communists. We have to understand the symbolism of the Crown, and the advantage which the Communists will make of it. We've got to stop this secret diplomacy. That's why I was pleased to join with several other Senators in cosponsoring Senator Dole's resolution opposing the return of St. Stephen's Crown. There's a definite feeling in the Senate that we must take a hard look at the direction of our foreign policy, and see just what kind of results we are getting.

We asked Stephen Koczak, who is as thoroughly familiar now with the situation in Eastern Europe as he was at that time, the following question:

"How does it happen that Senators, Congressmen as well as trade unions are interested in the possible restitution of the crown?"

KOCZAK. "The American public opinion is very disturbed over the fact that the present policy with regard to Peking and Moscow is being decided in secrecy and the public is facing a fait accompli. This part of our foreign policy is being conducted directly by the White House, substantially excluding the State Department as well as the Senate and the Congress. Naturally everybody wants a true peace policy. The present American policy however seems to run the risk of creating only illusions of successes and not leading to durable solutions. In particular many people are disturbed over the Berlin policy of the government and about the conditions for the Peking trip of the President. The fact that the return of the St. Stephen's Crown to Hungary is being discussed at this particular time is upsetting the public opinion the most because the people do not see any real justification for this action."

"The trade unions are primarily and more than anybody else disturbed over this so-called policy of reconciliation because they are better than anybody else aware of what Communism takes away from the workers and the population. It is precisely this group of people which stands to lose most if someone is going to restrict the freedom. It should not be also forgotten that there are many people active in the trade union movement in the United States who were dealing with questions of personal freedom during their entire lives. Many are also escapees from both totalitarian systems, Nazism and Communism, and they are afraid that the new American foreign policy seems to be ready to morally recognize Communism."

These are, ladies and gentlemen, anxious voices of responsible Americans which should be noted along with the many positive declarations of official authorities in Washington. It has to be emphasized that all these voices come from the political camp of President Nixon. The resolution of October 29 in the American Senate for which Senator Thurmond presented the reasons in our interview has been introduced by Senator Dole who stands very close to the President. The American politicians are still taking very seriously the commitments which result from the Paris Peace Treaty of February 10, 1947 which guarantees fundamental rights and rights of freedom to all without distinction because of race, sex, language or religion.

PRIVATE PENSION PLANS

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. ERLENBORN. Mr. Speaker, one of the subjects which the House General Subcommittee on Labor has considered over the past several years is private pension plans. In but a few decades we have seen retirement coverage expand from just a few thousand Americans to over 30 million. We have wanted to protect the rights of these people to receive their benefits, but we have been concerned that, in providing that protection, we might either cut into their retirement benefits or retard expansion of coverage to those 35 million, or more, Americans who are not enrolled in a retirement plan or who can plan on having only their social security benefits in their retirement years.

Generally, proposals have been advanced for the inclusion by law of four features in pension plans:

First. Vesting, which means that, as a worker gains seniority, he gains partial pension rights which cannot later be taken from him;

Second. Funding, which means that a worker's pension money is accumulated in a trust fund as it is earned;

Third. Reinsurance, which means that the trust fund is insured against financial changes, including bankruptcy of the company; and

Fourth. Portability, which means that a worker takes his pension rights with him when he leaves one employer for another.

A worker can have a pension plan with all these features, but they cost money—some believe more money than the worker or the employer is willing to pay.

Moreover, there is so little solid information on these questions that our subcommittee has decided to devote the first several months of 1972 to getting the data we need. The House has granted us $100,000 for this purpose.

In the meantime, it seems prudent that we move ahead to correct the inadequacies that we know are present in the existing law. Hearings over the years have unquestionably demonstrated general agreement that the Welfare and Pension Plan Disclosure Act, which only requires that trustees file various reports with the Secretary of Labor, should be amended to insure to a greater extent the well-being of such plans. Fiduciaries, actuaries, the Department of Labor, and members of the subcommittee alike have concurred in the need to improve the work of pension plan trustees, to tell trustees what is expected of them, and to compel them to make sensible reports about workers' rights and benefits.

These are the purposes of H.R. 12337, the Employees' Benefits Protection Act, as proposed by the President in a message to Congress December 8, 1971. I am pleased to be the principal sponsor of this bill and to be joined in sponsorship by Representative JOHN H. DENT, the chairman of our subcommittee, as well as by Representatives ALBERT QUIE and GERALD R. FORD.

So that our colleagues and others who share our interest in the health and growth of private pension plans may have a better understanding of our bill, an explanatory statement of it follows:

EXPLANATORY STATEMENT OF AMENDMENTS TO THE WELFARE AND PENSION PLANS DISCLOSURE ACT

The fundamental purpose of the proposed amendments to the Welfare and Pension Plans Disclosure Act is the broadening and strengthening of the protection of rights and interests of participants and beneficiaries of employee welfare and pension benefit plans. This aim is accomplished in three ways: First, by the addition of two new sections, one setting forth responsibilities and proscriptions applicable to persons occupying a fiduciary relationship to employee benefit plans, including a "prudent man" standard for evaluating the conduct of all fiduciaries; the other barring from responsible fiduciary positions in such plans for a period of five years all persons convicted of certain listed criminal offenses; Second, by additions to and changes in the reporting requirements designed to disclose more significant information about plans and the transactions engaged in by those controlling plan operations and to provide specific data to participants and beneficiaries concerning the rights and the benefits they are entitled to under their plans; Third, by providing remedies through either State or Federal courts to insure that the protections provided by the Act can be effectively enforced.

I. FIDUCIARY RESPONSIBILITY

A fiduciary is one who occupies a position of confidence or trust. As defined by the amendments, a fiduciary is a person who exercises any power of control, management or disposition with respect to monies or other property of an employee benefit fund, or who has authority or responsibility to do so. The fiduciary responsibility section, in essence, codifies and makes applicable to these fiduciaries certain principles developed in the evolution of the law of trusts. The section was deemed necessary for several reasons.

First, a number of plans are structured in such a way that it is unclear whether the traditional law of trusts is applicable. Predominantly, these are plans, such as insured plans, which do not use the trust form as their mode of funding. Administrators and others exercising control functions in such plans under the present Act are subject only to minimal restrictions and the applicability of present State law to employee benefit plans is sometimes unclear. Second, even where the funding mechanism of the plan is in the form of a trust, reliance on conventional trust law often is insufficient to adequately protect the interests of plan participants and beneficiaries. This is because trust law had developed in the context of testamentary and inter vivos trusts (usually designed to pass designated property to an individual or small group of persons) with an attendant emphasis on the carrying out of the instructions of the settlor. Thus, if the settlor includes in the trust document an exculpatory clause under which the trustee is relieved from liability for certain actions which would otherwise constitute a breach of duty, or if the settlor specifies that the trustee shall be allowed to make investments which might otherwise be considered imprudent, the trust law in many states will be interpreted to allow the deviation. In the absence of a fiduciary responsibility section in the present Act, courts applying trust law to employee benefit plans have allowed the same kinds of deviations, even though the typical employee benefit plan, covering hundreds or even thousands of participants, is quite different from the testamentary trust both in purpose and in nature.

Third, even assuming that the law of trusts is applicable, without provisions (lacking in the present Act) allowing ready access to both detailed information about the plan and to the courts, and without standards by which a participant can measure the fiduciary's conduct (also lacking in the present Act), he is not equipped to safeguard either his own rights or the plan assets. Furthermore, a fiduciary standard embodied in Federal legislation is considered desirable because it will bring a measure of uniformity in an area where decisions under the same set of facts may differ from State to State. It is expected that courts will interpret the prudent man rule and other fiduciary standards bearing in mind the special nature and purposes of employee benefit plans intended to be effectuated by the Act.

Finally, it is evident that the operations of employee benefit plans are increasingly interstate. The uniformity of decision which the Act is designed to foster will help administrators, fiduciaries and participants to predict the legality of proposed actions without the necessity of reference to varying State laws.

Section 14(a), when read in connection with the definition of the term "employee benefit fund", makes it clear that the fiduciary responsibility provisions apply only to those plans which have assets at risk. Thus an unfunded plan, such as one in which the only assets from which benefits are paid are the general assets of the employer, is not covered. However, if the plan does have assets at risk, the form in which those assets are held is deemed to be a trust, whether or not a trust agreement exists, and the trust assets may be used only for the two stated purposes: providing benefits for participants and defraying reasonable administrative expenses.

The next two subsections (14(b) and (c)) incorporate the core principles of fiduciary conduct as adopted from existing trust law, but with modifications appropriate for employee benefit plans. These salient principles place a twofold duty on every fiduciary: to act in his relationship to the plan's fund as a prudent man in a similar situation and under like conditions would act, and to act solely in the interest of the participants and beneficiaries of the plan; that is, to refrain from involving himself in situations or transactions where his personal interests might conflict with the interests of the participants and beneficiaries for whom the fund was established. Thus, section 14(b)(1) sets out the prudent man standard and the attendant affirmative duties to discharge responsibilities in conformance with instructions (as set out in the governing plan documents) and solely in the interest of the plan's participants and beneficiaries. There follows a list of proscriptions (section 14(b)(2)) which represent the most serious type of fiduciary misconduct which in one way or another has occurred in connection with some welfare or pension plans. Some of these situations have been found in the administration of the WPPDA. Others have been discovered by congressional investigations, newspaper reporters, audits, and miscellaneous sources. While the magnitude of these improper practices is small in relation to the total number of plans in existence, the seriousness of the improper practices disclosed indicates the need for additional precautions to insure that these specific examples do not become general conditions. The list of proscriptions is intended to provide this essential protection.

The exemption provision which follows the listed proscriptions has been included in recognition of established business practices, particularly of certain institutions, such as commercial banks, trust companies and insurance companies which often perform fiduciary functions in connection with employee benefit plans. The Secretary will provide, by individual or class exemptions, exceptions so that the established practices of these institutions and others are not unduly disrupted, so long as they are consistent with the purposes of the Act.

Next, there are listed transactions in which fiduciaries are expressly allowed to engage. This listing is necessary for reasons similar to those which required inclusion of the exemption provision. That is, the breadth of the proscriptions, while considered necessary for the reasons stated above, would operate in some cases to prohibit transactions which are deemed desirable to the sound, efficient functioning of employee benefit plans. It was therefore necessary to specify that certain transactions, likely to be engaged in by fiduciaries of virtually all plans, will be allowed notwithstanding the proscriptions.

It is emphasized, however, that even with respect to the transactions expressly allowed, the fiduciary's conduct must be consistent with the prudent man standard unless the trust instrument specifically directs investments.

Especially significant among the expressly allowed transactions is that which permits, in most types of plans, investment of up to ten percent of the fund assets in securities issued by the employer of employees who are participants in the plan. Since such an employer will often be an administrator of his plan, or will function as a trustee or in some other fiduciary capacity, this provision creates a limited exception to the listed proscription against self-dealing. The exception is made in recognition of the symbiotic relationship existing between the employer and the plan covering his employees. Such investments are commonly made under provisions in a trust agreement expressly allowing them. The ten percent limitation is prospective only, and does not require divestiture by funds already holding more than that percentage. Furthermore, in recognition of the special purpose of profit sharing plans, the limitation does not apply to such plans if they explicitly provide for greater investment in the employer's securities. Subsection 14(c) also recognizes the practice of including in trust instruments various authorizations governing the handling of the fund. Many such authorizations have been inserted by legal draftsmen because of questions in their judgment as to authority and are generally recognized as appropriate.

The next two subsections (14 (d) and (e)) are intended to codify, with respect to employee benefit fund fiduciaries, rules developed under the law of trusts. Thus a fiduciary is made personally liable for his breach of any responsibility, duty or obligation owed to the fund, and must reimburse the fund for any loss resulting from such a breach. He must also pay over to the fund any personal profit realized through use of fund assets. Where two or more fiduciaries manage a fund, each must use care to prevent a co-fiduciary from committing a breach or to compel a co-fiduciary to redress a breach. Plan business is to be conducted by joint fiduciaries in accordance with the governing instruments of the plan, or in the absence of such provisions by a majority of fiduciaries and a fiduciary who objects in writing to a specific action and files a copy of his objection with the Secretary is not liable for the consequence of such action.

The requirement (subsection (14(f)) that every plan contain specific provision for the disposition of fund assets upon termination is necessary to avoid confusion on the part of fiduciaries and participants and beneficiaries alike as to the proper disposition of the fund assets upon termination of the plan. It is essential at such a time that the plan administrator (who is still, notwithstanding the termination, a fiduciary subject to the Act) know how assets remaining in the plan's fund must be distributed and it is important that the distribution plan be specified so that participants and beneficiaries can assess the propriety of the fiduciary's actions when the plan terminates. The requirement that liabilities to participants and beneficiaries be satisfied before claims on the fund by contributing parties will be heard is inserted to insure that the interests of participants and beneficiaries will be fully protected.

Exculpatory and similar clauses which purport to relieve a fiduciary from any responsibility, obligation or duty when under the Act are expressly prohibited and made void as against public policy. Whatever the validity such provisions might have with respect to testamentary trusts, they are inappropriate in the case of employe benefit plans. The large numbers of people and enormous amounts of money involved in such plans coupled with the public interest in their financial soundness, as expressed in the Act, require that no such exculpatory provision be permitted.

It is noted that the basic three year statute of limitations (subsection 14(h)) for suits to enforce the fiduciary provisions or redress a fiduciary's breach may be extended up to an additional three years where the breach is not discovered earlier. In no event can a suit be maintained more than six years after the violation occurred. Where there has been a willfully false or fraudulent misstatement or concealment of a material fact, an action may be brought any time within ten years after the violation occurs.

Finally, by subsection (i) a fiduciary is specifically made not liable for violations committed before he became or after he ceased to be a fiduciary.

The second all new section, section 15, prohibits persons convicted of certain listed crimes from serving, for a period of five years after conviction or the end of imprisonment for such conviction, in a responsible position in connection with an employee benefit plan. The prohibition is considered necessary because of the large funds involved and the attendant great risk of a loss affecting a large number of persons. Section 15 is modeled after section 504 of the Labor-Management Reporting and Disclosure Act (LMRDA) which bars persons convicted of certain crimes from serving as union officers. The presence of the LMRDA prohibition is another reason for including a similar provision in the Protection Act. Without such a provision, persons barred from serving as union officers might take positions with employee benefit plans. The danger inherent in such a transfer is especially great where elements of organized crime are involved.

The crimes listed have been chosen with reference to three kinds of criminal activity. These are (1) activities which involve a wrongful taking of property, (2) activities which are related to, and often occur in connection with the efforts of organized crime elements in the labor-management and securities fields, and (3) activities of a nature so vicious that involvement in them casts grave doubt on the individual's responsibility. Thus, in addition to the specifically named crimes the list includes crimes described in section 9(a)(1) of the Investment Company Act of 1940 (involving misconduct in the securities field), violations of section 302 of the Labor-Management Relations (Taft-Hartley) Act, certain violations of the LMRDA, violations of chapter 63 of Title 18, United States Code (mail fraud) and violation of sections 874 (kickbacks from public works employees), 1027 (false statements in documents required by the Welfare and Pension Plans Disclosure Act), 1954 (offer, acceptance or solicitation to influence operations of employee benefit plan), 1503 (jury tampering), 1505 (obstruction of government agency proceedings, 1506 (theft or alteration of court record or process; false bail), 1510 (obstruction of criminal investigations) and 1951 (interference with commerce by threats or violence) of Title 18, United States Code. The section contains its own criminal penalty, with a higher fine than that provided for other criminal violations of the Act. It is the same penalty as that specified in section 504, LMRDA.

II. REPORTING AND DISCLOSURE

The underlying theory of the Welfare and Pension Plans Disclosure Act to date has been that reporting of generalized information concerning plan operations to plan participants and beneficiaries and to the public in general would, by subjecting the dealings of persons controlling employee benefit plans to the light of public scrutiny, insure that the plan would be operated according to instructions and in the best interests of the participants and beneficiaries. The Secretary's role in this scheme was minimal. Disclosure has been seen as a device to impart to participants and beneficiaries sufficient information to enable them to know whether the plan was financially sound and being administered as intended. It was expected that the knowledge thus disseminated would enable participants to police their plans. But experience has shown that the limited data available under the present Act is insufficient even though the burden of enforcement has been partly assumed by the Secretary. The Amendments therefore are designed to increase the data required in the reports, both in scope and in detail. Experience has also demonstrated a need for a more particularized form of reporting, so that the individual participant knows exactly where he stands with respect to his plan—what benefits he is entitled to and what steps he must follow to secure his benefits. Moreover, the addition of fiduciary responsibility provisions has increased the need for both generalized and particularized data. On one hand, participants will be able to ascertain whether the plan's fiduciaries are observing the rules set out in the fiduciary responsibility section only if they have access to sufficient data about plan transactions. On the other hand, the prophylactic effect of the fiduciary responsibility section will operate efficiently only if fiduciaries are aware that the details of their dealings will be open to inspection, and that individual participants and beneficiaries will be armed with enough information to enforce their own rights as well as the obligations owed by the fiduciary to the plan in general.

There are three significant changes designed to impart more information about the plan and its operations in general. First, the annual report must include the opinion of an independent accountant based upon the results of an annual audit. Such information will allow better assessment of the plan's financial soundness by administrators and participants alike (the exemption for the books of institutions providing investment, insurance and related functions and subject to periodic examination by a government agency will prevent duplicative audit examinations of these institutions). Second, plans except those which are unfunded must include in their reports information pertaining to leases, party in interest transactions and investment assets other than securities in addition to information about securities, investments and loans. Finally, actuarial information is now required so that participants and beneficiaries can judge the progress of the plan's funding scheme and its overall financial soundness.

Amendments to provide particularized information to individual participants and beneficiaries are found in section 8. In addition to the obligation to make available copies of the plan description and latest annual report, the administrator will be required to furnish to a participant or beneficiary so requesting in writing a fair summary of the annual report or a statement of what benefits (including nonforfeitable benefits, if any) have accrued in his favor or both. This will enable a participant to find out where he stands with respect to the plan at any given time. Administrators must make good faith efforts to supply to a participant (or his survivor) upon his termination of service under a plan, a notice telling the participant or survivor exactly what procedures must be followed to secure his benefits.

Further, the Administrator must furnish to participants and beneficiaries upon request copies of the plan description, annual report, or bargaining agreement, trust agreement, contract or instrument under which the plan is established and operated. He may make a reasonable charge to cover the cost of such copies. If a plan is subject to a Federal vesting requirement and is exempted from providing preretirement vesting for benefits earned during a year of financial hardship, good faith efforts will have to be made to inform participants of the lack of vesting in that year.

III. ENFORCEMENT

The changes in the enforcement provisions have been made so that the rights given to participants and beneficiaries elsewhere in the Act will be enforceable in an appropriate forum. The enforcement section reflects the addition of the fiduciary responsibility provisions and provides remedies of two kinds; those designed to rectify fiduciary breaches and those to insure that participants and beneficiaries, and the Secretary, will receive the information required by the reporting and disclosure provisions. Suits to redress breaches of duty by a fiduciary or to remove persons from plan positions serving in violation of the criminal conviction bar may be brought by a participant or beneficiary only as a representative in a class action. Certification by an accountant as a prerequisite to the Secretary's investigation is no longer necessary because the annual audit requirement allows an assumption that the plan report is accurate.

Participants and beneficiaries may sue in any State court of competent jurisdiction.

For actions in Federal courts, nationwide service of process is provided in order to remove a possible procedural obstacle to having all proper parties before the court. Federal and State courts are given discretion to award attorney's fees and court costs to any party in actions brought by a participant or a beneficiary. The court also has discretion to require the plaintiff to post security for court costs and reasonable attorney's fees.

Fiduciary breaches may be rectified through civil suits only. Criminal penalties for such breaches are inconsistent with the principles established under the common law of trusts. However, criminal penalties remain available in cases of reporting violations, and, under Title 18, United States Code, in cases of embezzlement, false statements, bribery and kickbacks in connection with employee benefit plans.

IV. EFFECT OF OTHER LAWS

The Act provides for a uniform source of law for evaluating the fiduciary conduct of persons acting on behalf of employees benefit plans and a singular reporting and disclosure system in lieu of burdensome multiple reports. States may require the filing with a State agency of copies of reports required under the Act. State Courts as well as Federal courts are available to provide remedies under the Act and actions in State courts for accountings are expressly allowed. Furthermore, the Act expressly authorizes cooperative arrangements with State agencies as well as other Federal agencies and provides that State laws regulating banking, insurance and securities remain unimpaired.

TESTIMONY OF ANDREW J. BIEMILLER

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. ROY. Mr. Speaker, on October 5, 1971, Mr. Andrew J. Biemiller, director, Department of Legislation, American Federation of Labor and Congress of Industrial Organizations, testified before the Senate Subcommittee on Health, on health maintenance organization proposals.

I include his testimony as part of the CONGRESSIONAL RECORD:

STATEMENT OF ANDREW J. BIEMILLER

Mr. Chairman, on behalf of the AFL–CIO, I wish to thank you for the opportunity to present our views with regard to S. 837, S. 935, S. 1182 and S. 1301. Those bills are all designed to assist in the development of comprehensive, group practice prepayment plans (GPPP) operating on the principle of providing health services by an organized medical staff directly to an enrolled population on a per capita basis.

Let me say at the outset that the AFL–CIO has had differences, some major and some minor, with this Administration. However, we are in complete accord on the importance of utilizing public funds to stimulate the development of organized health delivery systems or Health Maintenance Organizations. We therefore welcome the initiatives already taken by the Administration in funding a number of HMO projects throughout the country.

We do have, however, a major reservation with regard to S. 1182, the Administration's bill to promote the development of HMO's, introduced by Senators Javits (R-N.Y.) and others.

Section 1102 of S. 1182 provides for making grants to public and non-profit private HMO's. However, it also authorizes the Secretary to enter into contracts with *any* (emphasis supplied) HMO or any organization intending to become a HMO. It is our opinion that this language will open the door to using public funds for the purpose of developing profit making health enterprises. We are adamantly opposed to the use of public funds for this purpose. Our experience with profit-making nursing homes has demonstrated that it is much too easy to make profits by not maintaining quality standards. We are opposed to exploiting human misery for private gain.

The same criticism is applicable to S. 703 introduced by Senator Pell (D-R.I.). This bill would establish a wide range of Federal subsidies for profitmaking "Community Health and Education Corporations." The Federal government assumes the risk of developing and supporting a private Corporation whose sole purpose is to make a maximum profit. S. 703 would provide Federal subsidies for the operation of such Corporations for 20 years.

I make this point at the outset because we regard this feature of S. 703 as highly dangerous. However, before making other specific comments on the bills the Subcommittee are considering, I want to convey to you the reasons why organized labor favors all practical steps for encouraging the expansion of HMO's.

Mr. Chairman, we are indeed delighted with the rapidly growing interest in prepaid group practice. Too long, Americans have had to accept the present fragmentation, inefficient and ineffective non-system of health care because there was, in most parts of the country, no alternative to fee-for-service medicine. For many years organized labor has supported and helped to develop prepaid group practice plans. Now, there is interest in developing HMO's, not only on the part of the Administration, but by industry, insurance companies, Blue Cross and Blue Shield, as well as by hospitals and medical schools. It now appears that everybody wants to get into the act. The AFL–CIO has supported the development of prepaid group practice and consumer controlled health cooperatives since the merger of the AFL and the CIO in 1955. In fact, both the AFL and CIO had resolutions favoring these principles prior to the merger. For example, the 1953 AFL Convention stated:

"We are particularly grateful to note a growing interest on the part of many unions in the establishment of truly comprehensive direct medical service plans, making use of the advantages of group medical practice in health centers and clinics, serving trade union members and the families in the community."

Nor have we remained content to pass resolutions. In 1913, the International Ladies' Garment Workers Union sponsored the first union health center in New York City. Because of the opposition of organized medicine this health center initially had to limit its program to diagnostic services. Since that time, the Ladies' Garment Workers have established additional diagnostic and treatment centers. Other unions such as the Amalgamated Clothing Workers, the Hotel and Restaurant Employees' and Bartenders' International Union, the International Longshoremen's Association, the Retail Clerks International Association, the International Brotherhood of Electrical Workers, the United Hatters, Cap and Millinery Workers International Union, the Service Employees International Union, the Amalgamated Meat Cutters and Butcher Workmen of North America, the National Maritime Union, the International Union of Operating Engineers, the United Shoeworkers and the Seafarers International Union of North America have established health centers.

For the most part, these union health centers have provided health services for their members only. However, in recent years AFL–CIO policy has emphasized the importance of community sponsorship of group practice prepayment plans. We recognize where membership in a HMO is restricted to a single group of employees the potential for growth is limited. We now feel the benefits of such programs should be shared with the entire community. Until recently the only new communitywide group practice prepayment plans that were organized by other than the giant Kaiser Foundation were the Community Health Association of Detroit, sponsored by the United Automobile Workers of America and the Community Health Foundation of Cleveland, sponsored by the Meat Cutters and the Retail Clerks. In cooperation with the Group Health Association of America, the AFL–CIO is actively working to establish new plans in 15 cities around the country.

We have cited this history in some detail to indicate our longstanding commitment to improving the organization and delivery of health care through development of GPPP's.

Why do we have this interest? It is because our experience has demonstrated to us that HMO's can provide better quality medical care at lower cost than the fragmented fee-for-service system. Our members are enrolled in the Kaiser Foundation health plans in California, Oregon, Hawaii, Ohio and Colorado. We have members who belong to the Health Insurance Plan of Greater New York (H.I.P.), Group Health Association here in Washington, D.C., Group Health of Puget Sound and others. All the reports we receive indicate these plans give the best value for the medical care dollar.

In fact, the potential cost savings from passage of this legislation are enormous. Prepaid group practice plans require 1.7 hospital beds per 1000 subscribers. The national standard under Hill-Burton is about 4.0 beds per 1000. For every GPPP plan developed, new construction of hospital beds can be reduced by 2.3 beds per 1000. This will save many millions of dollars.

In addition, GPPP's use physician manpower more effectively. The Kaiser, Portland plan operates on the basis of one full-time physician for every 1500 persons, compared with a national ratio of one patient-seeing physician for every 700 persons. If we could apply this ratio of physicians for the country as a whole and achieve a proper distribution of physicians, believe it or not we would have too many, not too few patient-seeing doctors. The more group practice plans we have, the fewer physicians and hospital beds we will need.

We do not intend to imply that we have sufficient beds nor adequate numbers of health personnel. All we are pointing out is that if the delivery system were as efficient as Kaiser, Portland or Group Health of Puget Sound, we would have enough resources to meet the need.

However, we know the delivery system is not going to change overnight. In fact, we know it will take years to achieve a rational health care delivery system. Until such time as we do have a more efficient delivery system, we will need more hospital beds, more nursing home beds, more physicians, more nurses, more medical technologists and more health personnel in every category. We do say that while we are spending billions of dollars developing new health resources, we should, at the same time, devote sufficient resources to develop organized delivery systems so that expenditures for manpower and facilities can be brought into balance with the need for them. We should develop resources and promote better forms of health delivery at the same time. We do need a program federally financed if we are to ease our requirements for manpower and facilities in future years.

In order to promote a rapid development of HMO's, an ideal HMO bill should include federal funding for the following:

1. *Feasibility Studies.* In order for a new plan to succeed the HMO concept must have support from consumers, labor and management, some physicians, one or more hospitals and from community leaders. Feasibility studies are essential to avoid loss of Federal funds on poorly conceived projects.

2. *Initial Planning and Development.* Federal grants must be provided to implement an enrollment campaign among potential subscribers, to design and make arrangements for the health services to be provided, to develop administrative and internal organizational arrangements, to design a capital financing program and to recruit physicians and other personnel.

3. *Construction.* Grants and subsidized loans must be made available to new or expanding HMO's for the construction of new facilities or the remodeling and renovation of existing structures.

4. *Initial Costs of Operation.* Experience has demonstrated that it takes 2 to 5 years for a new HMO to achieve capacity enrollment. Until such time as the medical department is fully staffed and the facility or facilities fully utilized, operating deficits will be incurred. Grants and subsidized loans to cover initial operating deficits are essential if a new plan is not to be drowned in red ink.

5. *Special Project Grants.* HMO's should be encouraged to train and develop new types of health personnel such as physician assistants and pediatric nurses. They should develop improved systems of recording, storing and retrieving medical records. Financial assistance should be provided for innovative programs in HMO management and operation. HMO's should be encouraged to develop innovative programs of initial screening of persons seeking health care as well as new ways of handling convalescent care.

6. *Management Training.* Grants should be made available to public and private educational institutions. Fellowships and scholarships should be provided for approved training programs in the management and administration of HMO's.

7. *Clinical Training.* Grants should be provided to approved schools or to HMO's for the purpose of training medical and paramedical personnel.

8. *Public Education.* The Department of Health, Education and Welfare should be directed to conduct a public education campaign to improve the public understanding of HMO's.

9. *Program Evaluation.* The Secretary of HEW should be directed and adequately financed to evaluate the relative cost effectiveness of different HMO models as well as HMO's as a group in comparison with the fee-for-service system.

An ideal HMO bill should also meet the following criteria:

1. Federal grants and subsidized loans should be made available only to nonprofit HMO's.

2. A wide variety of institutions and organizations should be encouraged to sponsor the formation of HMO's, but priority for public funds should be given to HMO's sponsored by consumers or by community organizations.

3. To be eligible for grants and loans an HMO charter should provide procedures for hearing and resolving grievances between its members and the personnel providing health services. The charter should provide the subscribers a meaningful role in policy making.

4. HMO's should enroll persons from among the various age, social and income groups in the area it serves. Insofar as is feasible, HMO's should not be established to serve one class of subscribers.

5. State and local area comprehensive health planning agencies should not have a veto power over the establishment of new HMO's.

6. Since 20 states prohibit prepaid group practice, federal legislation must pre-empt State laws that restrict the establishment of HMO's.

7. Provision should be made for a national HMO advisory council. The majority of members on this council should be consumer representatives.

We have outlined the features of what we believe should be included in the legislation if HMO's are to do the job expected of them. We urge their consideration in any bill that is reported out of this Subcommittee. All of the bills now before you could, in our opinion, be improved along the lines we have indicated.

We would like now to discuss more specifically each of the bills before you. We have already indicated our objections to S. 703 and we would like to proceed to a critique of the other HMO proposals. Our intention is only to point up those areas where these bills can be improved. All these bills have positive elements but, in the interest of time, we propose to dwell only upon those features requiring special emphasis.

S. 837, JAVITS (R-N.Y.)

Sec. 1003(a)(9) and Sec. 1004(b) require the approval of the State 314(a) agency or State health planning agency prior to providing financial assistance for the planning and development of a new HMO. The State planning agency for the State of New York, for example, is an effective planning body which provides for appropriate representation of consumer interests. Unfortunately, State planning bodies in some of the States have been captured by the provider interests and are likely to resist change. Other bills before this Subcommittee which provide review by the State planning agency but leave the ultimate decision for approval of a project to the Secretary are an improvement over S. 837.

Another shortcoming of S. 837 is that there is no provision for feasibility studies.

Other than the above, there are many excellent features of S. 837 including the following:

1. Federal funds would not be made available for profit-making HMO's.

2. The bill provides for continuing support of new HMO's up to 5 years.

3. Grants and subsidized loans (3 percent) would be provided for modernization and rehabilitation or construction of ambulatory care facilities for HMO's.

4. Grants not to exceed 80 percent of the amount of non-Federal contribution otherwise required for the construction or modernization of medical facilities under the Hill-Burton program are authorized.

5. Interest reduction payments to holders of mortgages under the National Housing Act where mortgaged medical facilities were used as part of an HMO are authorized. This interest subsidy would pay to the holder of the mortgage all interest charges exceeding 1 percent.

6. Grants up to 100 percent of costs would be provided for projects of special significance and for planning and developing new HMO's in urban or rural areas designated by the Secretary as needing such assistance.

S. 935, KENNEDY (D-MASS.)

Title II of this bill would provide for the purpose of establishing HMO's grants and loans to medical schools and to health care institutions such as teaching hospitals, which have a written affiliation agreement with a medical school. The focus of this bill is too narrow. HMO's eligible for funding should include not only medical schools but consumers, community organizations, hospitals and medical groups. The bill establishes a Health Maintenance Organization Review Council with no provision for consumer representation. We think this is a major omission. Loans would be provided to cover initial operating deficits, but at going rates. This is hardly adequate.

There is provision for grants to conduct feasibility studies which, as we have stated, is a necessary feature of a good program.

S. 1182 (JAVITS R-N.Y.) AND 20 CO-SPONSORS ADMINISTRATION BILL

The bill would open the door to Federal funding for profit-making HMO's. The AFL-CIO recommends such funding be restricted to non-profit HMO's with priority for plans which are sponsored by consumers and community-wide organizations.

Sec. 1101(1)(D) would require a new HMO to demonstrate to the satisfaction of the Secretary proof of financial responsibility as a condition for receiving Federal financial assistance. This is too restrictive. Even major financial institutions or the Kaiser Foundation could hardly provide "proof" of financial responsibility under certain circumstances. The loan guarantee provisions of the bill are designed to tide a new plan over until such time as it may become self-sustaining. Therefore, "proof" of financial responsibility is both unnecessary and unduly restrictive. This language would in our judgment prohibit the formation of community-sponsored HMO's.

Grants are provided HMO's which locate in medically deprived areas. Guaranteed loans at prevailing rates are provided for HMO's in other areas. However, these loans are not subsidized. If grants are not to be provided for for new HMO's, which are to be located in areas not medically deprived, the loans then, at a minimum should be subsidized.

The AFL-CIO favors the provision that only requires review and not approval of a project by the State health planning agency.

The provision for joint funding of a single project where more than one Federal agency may be the source of funds will greatly simplify the administration of projects for the applicant.

S. 1301 (MONDALE, D-MINN.)

This bill would restrict the funding of new HMO's to medical schools. The AFL-CIO supports the concept that medical schools should receive grants to establish HMO's. However, sponsors should not be limited to medical schools. This bill, like S. 935, would restrict grants to establishing HMO's in communities which are characterized by a lack of adequate medical care. There is no provision for guaranteed loans in S. 1301.

All of the bills before this Subcommittee fall short of our specifications for an ideal bill. We think the best bill now under consideration is S. 837 introduced by Senator Javits. However, we feel improvements could be made in S. 837 along the lines we have suggested.

We would like to point out that the organization and financing of health services are interrelated. A Health Maintenance Organization provides comprehensive services. In fact, the whole HMO concept contemplates a single capitation payment to cover preventive care, physician services, hospitalization, skilled nursing home care and home health and other health care services. The single capitation enables an HMO to make maximum use of the budgeted dollar by utilizing lower cost methods of treatment where they are appropriate to meet the medical care needs of the patient.

In conclusion, we are disturbed that while Administration officials have stated that HMO's are conceived as the cornerstone of Administration policy to resolve the health care crisis, the funds requested by the Administration are completely inadequate to launch a large-scale development of HMO's. We think there should be less rhetoric and more funds. For this reason, we would like to suggest this Subcommittee write into any bill that you report out substantial authorizations to indicate the intent of Congress is that HMO development will have a high budgetary priority for future appropriations.

We believe prepaid group practice plans or HMO's will be the backbone of any future health delivery system. They will provide a foundation for the financing of health services for all Americans such as is provided in S. 3, the National Health Security program introduced by the Chairman of this subcommittee. A good HMO bill, adequately funded, will provide the organizational structure upon which to build a national health program. It will be part of the tooling-up process for National Health Security.

TAX CREDIT FOR COST OF HIGHER EDUCATION

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. BLACKBURN. Mr. Speaker, recently I introduced a bill, cosponsored by 58 Members, which would provide for tax credit for the cost of higher education. For the benefit of my colleagues, I insert a letter and attached article I received regarding this proposed legislation:

DEAR CONGRESSMAN BLACKBURN: The Chronicle of Higher Education has reported on the introduction of your bill—HR 10912. The Financial Aid officers in Connecticut representing both public and private institutions of Higher Education have viewed with increasing alarm the mounting pressure on the middle-income family in terms of paying for a college education.

The current philosophy of Federal Student Aid is admirable in its effort to remove economic barriers to higher education for the economically disadvantaged. However, one of the fall-out effects has been the elimination of middle-income families (over $12,000) from participation in such aid programs. Therefore, students from such families must decide to either attend low-cost public institutions or undertake considerable debt to attend private institutions. Institutional aid funds are being utilized to "match" and/or add to Federal aid fuds to low-income students.

At Wesleyan University, for example, a student eligible for the maximum EOG of $1000, (family income less than $6,000, parental contribution less than $600), a National Defense Student loan of $600 and a College Work Study job for $400 will require $2900 in institutional grant money to meet his student budget for one year. Clearly, few institutions will have funds to do little more than "match" the federal programs again eliminating the middle-income family from consideration for support.

The Connecticut Aid officers have followed the "career" of the tax credits proposals by Senators Ribicoff and Dominick. We strongly support such action by you at this time and request a copy of your bill in order that we may become knowledgeable of its details. I am enclosing a recent article which I trust you will find interesting.

Sincerely yours,
P. JEROME CUNNINGHAM,
President.

WHAT TUITION TAX CREDITS WOULD DO

The Ribicoff-Dominick plan, so named after its leading sponsors, Senator Abraham Ribicoff, Democrat from Connecticut, and Senator Peter Dominick, Republican from Colorado, would permit anybody who pays for tuition, fees, books, and supplies for a student at an institution of higher learning—whether the payer be the student himself, his parents, or a benefactor—a tax credit of 75 percent of the first $200, 25 percent of the next $300, and 10 percent of the next $1,000. Thus, a credit of $175 would be allowed for expenses of $300 (58 percent) and a credit of $325 for expenses of $1,500 (25 percent). The scale is weighted in favor of low-tuition institutions where it wipes out much or most of the tuition cost. The credit starts tapering off from an income of $25,000 and then vanishes at $57,500.

The Treasury Department estimated that the cost of the Ribicoff-Dominick plan would initially be $750 million a year, gradually rising to $1.3 billion. Sixty-two percent of the credits would accrue to beneficaries with an income between $3,000 and $10,000; 91 percent to persons whose income is under $20,000. (This gives the lie to the misconception that tax credit plans benefit the rich.)

The Ribicoff-Dominick tax credit plan offers little or nothing to the rich, little or nothing to the poor, and aims at easing the future college burden—the inevitable tuition boosts—of the great majority of students who come from families "in between." Most students from families whose income is so low that they pay little or no income tax are probably on a scholarship. The granting of tuition tax credits would not only free more scholarships for needy students (because students from lower-middle income families would no longer need them), it would also stimulate many thousands of benefactors to donate scholarships for which they would receive credit on their income tax.

If it were still held desirable to make direct tax credit benefits available to people who pay no income tax, the tax credit could be made "absolute": a potential recipient of an educational tax credit would compute his income tax, including his tuition tax credit, and if his return winds up with a final net credit it would be paid to him by the Internal Revenue Service like a net credit from overpayment on the income tax.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

ARAGON BEATS BIG ODDS

HON. JOHN W. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. DAVIS of Georgia. Mr. Speaker, it is very rare these days to hear of a small, struggling community which makes it in this world of giant metropoli. Far more often, we read of these communities either being swallowed up by our larger cities, or finally succumbing to the laws of supply and demand, only to be remembered as a town that once was. It is for this reason that I am submitting for the RECORD a copy of an Atlanta Journal article which details the success one community in my district had in surviving as an individual entity. Appropriately enough, the article is entitled "Aragon Beats Big Odds":

TOWN TO GET NEW INDUSTRY—ARAGON BEATS BIG ODDS

ARAGON, GA.—Aragon beats the odds when its only industry quit operating in 1970. It should have followed other towns in similar situations down that dusty Georgia road to oblivion.

Instead in the 18 months since United Merchants, Inc., closed its Aragon Mill, the citizens of the small community reactivated a 57-year-old city charter, took control of the public services and elected a mayor along with four councilmen.

Now the news comes that Integrated Products of Rome is planning to buy closed Aragon Mill. A spokesman said the mill would be converted from a carpet yarn producer to a spinning and drying operation and could be in operation with 200 to 250 employes by next July.

Only a few details remain to be worked out, a company spokesman said.

"This would be a tremendous economic boost in every way," said mayor-elect Larry Pittman.

The voters of the mill village also scored a first among Georgia cities. They amended their charter to allow a $2,000 homestead exemption on ad valorem taxes for all Aragon homeowners and increased it to $4,000 for persons over 65 years of age.

The effect of the amendment frees many elderly persons from paying any city taxes at all. According to lifelong resident Ed M. Elliott, there are few homes in Aragon valued over $8,000.

"These are working people's homes," he said of the values.

Given the normal method of taxation, he said, a home assessed at a total value of $8,000 would be taxed at 50 per cent of $4,000. Subtracting the $4,000 exemption for senior citizens, many city tax bills will equal zero.

"There isn't going to be many taxes over $5, anyway," Elliott said, adding the taxation rate for Aragon was set at 5 mills. The assesments will be based on the Polk County tax records, and billing will not start until 1972.

Collecting taxes and running a city usually is not the worry of residents of small Georgia towns. Simply keeping folks in town is the overriding concern. But not in Aragon's case.

Doomsayers were predicting that Aragon would "dry up and blow away" when the mill closed and put 500 persons out of work. But the town of 1,080 seems to be thriving.

"Today, there's not an empty house in the city limits, and we're better off now than when the mill was going," Elliott said. "Most of the folks put out of work were from out-of-town, I doubt more than 100 people from Aragon worked at the mill when it closed and those have found work somewhere else now."

Although the residents remained in Aragon, Elliott admitted the payroll at the mill was missed.

What concerned Elliott and many neighbors when the mill closed was being left at the mercy of private utility companies that the company had employed to supply urban services.

A private company was running garbage collections and the Polk County Water and Sewer Authority had control over water rates, he said.

So, Elliott and several others checked with the state attorney general for an opinion on the legality of the 57-year-old charter that was given the city in 1914. The answer from Atty. Gen. Arthur Bolton was that the charter was valid.

A house-to-house straw vote brought a three-man commission plus a vice commissioner into being and they reactivated the document.

The Commission took over the utilities along with a swimming pool, a little league ball park, a fully equipped fire station, a storm sewer system and a building for the city hall, at the legacy of the defunct mill.

The only thing the City of Aragon does not have control of is the water and sewer system, including a waste disposal plant, administered by the Polk County Water Authority.

"We (Aragon) have made application to the Farmers Home Administration for a grant to acquire the water and sewage disposal system," Elliott said.

Since the commission has been operating the city, Aragon has obtained grants totaling $18,000—$3,500 from the state and $9,500 from the federal government—to supply services for the community.

Also expected the first of next year is a grant under the Omnibus Crime Act that will supply the city with its first employee, a police officer. Accompanying the salary of the officer will be a patrol car and equipment. The grant was obtained through the Coosa Valley Area Planning and Development Commission.

The commission has also bought a garbage truck and installed 90 mercury street lights. Thirty of the lights were placed in locations where there had been none because the old mill village limits did not extend to the present city boundaries.

"Everybody in town is expecting a New York City to be made of Aragon overnight," Elliott chuckled.

He also said the commission was leaving the city "in pretty good shape" for the new mayor and the four-member council that will take office Jan. 1, 1972.

VETERANS' ADMINISTRATION BUDGET

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. TEAGUE of California. Mr. Speaker, President Nixon's meaningful recognition of this Nation's obligation to America's veterans, and their dependents and survivors, has been shared wholeheartedly, and on a nonpartisan basis, by my distinguished colleagues in the Congress of the United States.

I am certain, moreover, that the President's highest in history fiscal year 1973 budget request of $11.7 billion for Veterans' Administration programs, which he has just submitted to the Congress, will be accorded continued, nonpartisan congressional support.

The President's record high budget request for VA appropriations in fiscal year 1973 is not only about $790 million over this fiscal year, but marks the fourth consecutive year in which record high VA budget requests have been recorded.

As ranking minority member of the House Committee on Veterans' Affairs, I admit to a special concern for our veterans and their families, and for the survivors of deceased veterans. At the same time, however, I recognize that all of my colleagues in the Congress are privileged to number among their constituents a proportionate share of America's 28.5 million living veterans, their families and the survivors of deceased veterans—who, together, constitute nearly half of our entire national population, and who are presently or potentially entitled to benefits and services from the Veterans' Administration.

In citing the highlights of the requested fiscal year 1973 VA budget, I do not intend to emphasize cold, impersonal budget figures, impressive as they are. Rather, I would ask that the Members think in terms of the personal, human hopes and needs which this budget will enable the Veterans' Administration to meet.

In taking this approach, I can assure the Members that they will be sharing the operating philosophy of the Veterans' Administration, and the personal compassion, concern and dedication of Administrator of Veterans' Affairs, Donald E. Johnson and his more than 180,000 VA associates.

In the ensuing fiscal year, nearly 5 million veterans and dependents will receive $6.4 billion in needed and deserved disability and death compensation and pension benefits from the Veterans' Administration. This will be $331 million more than the Veterans' Administration will pay out in the current fiscal year.

I think that all Members will agree that one of the most important and popular benefits for our Vietnam era veterans is the GI bill education and training program.

How critically this program is needed, and its increasing use, are reflected in the fact that the Veterans' Administration proposed fiscal year 1973 budget requests $204.7 million more for GI bill education and training and other readjustment benefits than is budgeted this year. The total $2.2 billion requested for these benefits beginning July 1 represents more than a 200-percent increase over the amount expended just 4 years ago.

Again, however, I emphasize the human factors, and the fact that more than 2 million Vietnam era veterans will be trained in fiscal 1973—an increase of 105,000 veterans over this year's record number of enrollees under the Vietnam era GI bill.

The GI bill home loan program is also projected to increase in fiscal 1973. Specifically, the requested budget forecasts a volume of more than 340,000 home loans valued at $7.2 billion—an increase of 5 percent over this year, which, in itself, marked the highest home loan volume since 1957.

Unprecedented in concept, VA's massive information and contact program, called Outreach, will be continued and expanded in the coming fiscal year, with an expected total of 18.4 million personal and telephone interviews with veterans and their dependents being completed—an increase of 91.7 percent over the interview total of 1969.

VA's requested fiscal year 1973 budget calls for an increase in the agency's average employment of 11,640, to bring its total work force to more than 183,000. Nearly 11,000 of this employment increase is earmarked for VA's Department of Medicine and Surgery, which, as Members know, operates the agency network of hospitals, clinics, and other health delivery facilities.

The $2.5 billion requested for VA medicine in fiscal year 1973 is an all-time high, and is up $166.1 million over this year's budget, thus permitting VA to achieve these new goals:

Inpatient treatment to nearly 950,000 veteran patients, an increase of more than 24,000 over this year.

Handle nearly 11 million outpatient medical visits, an increase of almost 1.5 million over this year.

Increase by one-fifth the care provided in VA nursing care units.

Obligate $78 million for medical and prosthetic research, an all-time high and an increase of $8 million over this year.

Add seven employees for each 100 patients, bringing the VA hospital staffing ratio to 149 employees for each 100 patients.

Provide medical training for nearly 62,000 physicians, dentists, nurses, and other health personnel, again, a record-high.

In the area of hospital construction, the $155 million proposed in the fiscal year 1973 budget is $61.6 million over this year, and the highest amount budgeted for construction since 1951.

I am pleased to note that for California veterans this means that nearly $92 million will be committed for the construction of new facilities at VA hospitals in southern California.

Included in these new projects will be a replacement hospital in Los Angeles, expected to cost approximately $48 million, a hospital at Loma Linda, with a $33.5 million construction cost budgeted, and nursing care beds budgeted at an additional $10 million.

Reflected in the fiscal year 1973 budget are the first increments in planning and construction for these projects. Specifically, $20 million is budgeted for this purpose for the Los Angeles hospital, $2.8 million for Loma Linda, and $7.5 million for nursing care beds.

As the Members may recall, President Nixon announced his approval last August of the 630-bed hospital at Loma Linda to replace the 521-bed VA hospital at San Fernando which was lost in the earthquake this past February 9.

In addition to these hospital construction projects in southern California, the fiscal year 1973 budget request for VA contains $585,000 for expansion of the VA cemetery in West Los Angeles, and replacement of the present cemetery sprinkling system.

SIXTH ANNIVERSARY OF CUBAN EXILES' DECLARATION OF FREEDOM

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. FASCELL. Mr. Speaker, Sunday, January 23, marked the sixth anniversary of the signing of the declaration of freedom by the Cuban exiles in the United States.

Six years ago 1,500 proud Cubans gathered together in Key West, Fla., at the historic Club San Carlos, and affirmed their commitment to freeing Cuba from the oppressive Communist rule of Castro.

The declaration of freedom stands as the formal recognition by those Cubans who were forced to leave their homeland, of the qualities of freedom which they cherish and which have been suppressed by the Castro regime.

Mr. Speaker, the spirit expressed by this document echoes the spirit of our Nation's forefathers. On this sixth anniversary of its signing I call the attention of our colleagues to the declaration, and urge them to consider its statement of commitment to the fundamentals of freedom:

DECLARATION OF FREEDOM

In the City of Key West, Monroe County, State of Florida, United States of America, we, the Cuban exiles in the United States, in the name of God Almighty, and speaking both for ourselves and the oppressed people in Cuba, the Martyr Island, do say:

That on January 1st, 1959, the slavery yoke that came from Europe and was extinguished in Cuba at the end of the 19th century, was resumed.

That those responsible for this high treason to our Fatherland and to our People are just a score of traitors who, usurpating the Government of the Country have been acting as mercenary agents for the Sino-Soviet imperialism, and have surrendered to that imperialism our Freedom and our Dignity, also betraying the American Hemisphere.

That as a consequence of this high treason, those who are usurpating the Power in Cuba (as they were never elected by the People), are imposing a regime of bloodshed, terror and hate without any respect or consideration to the dignity of the human being or the most elementary human rights.

That in their hunger for Power, these traitors, following the pattern of totalitarian regimes, are trying, within Cuba, to separate the Family, which is the cornerstone of actual society, and at the same time, are poisoning the minds of the Cuban children and youth, in their hope of extending the length of time for this abominable system.

That the rule of the Law has been wiped out in Cuba, and it has been replaced by the evil will of this score of traitors, who are acting under orders from their masters, the Sino-Soviet imperialists.

In view of the aforegoing, we declare:

First: That the actual Cuban regime is guilty of high treason to our Fatherland and to the ideals of the Freedom Revolution which as started on October 10th, 1868.

Second: That this score of traitors who have committed treason against our Fatherland, in case they survive the downfall of their regime, will have to respond, even with their lives before the Ordinary Courts of Justice of Cuba.

Third: That as the Noble Cuban People will not ever surrender, because that Nation was not born to be slave, we, the Cuban People, hereby make the present declaration of freedom.

We hereby swear before God Almighty to fight constantly, until death comes to us, to free Cuba from communism.

The fundamentals of this Revolution for Freedom are:

First: God Almighty, above all things, in Whom we believe as the essence of Life.

Second: The Fatherland, with all of its Laws, tradition, customs and history as a spiritual value, only surpassed by the concept of God.

Third: The Family, as the cornerstone of the Human Society.

Fourth: Human Rights, for each and every citizen, regardless of race or creed.

Fifth: The Law, as the foundation for the proper development of the Human Society.

Sixth: Democratic Government, with its three independent branches: Legislative, Executive and Judicial.

Seventh: Representative Democracy, through the exercise of Universal Suffrage, Periodically, Free and Secretive, as the expression of Popular Sovereignty.

Eighth: Freedom of Worship, Freedom of Teaching, Freedom of the Press and Free Enterprise.

Ninth: Private Property and Ownership, as the basic expression of Liberty.

Tenth: The improvement of living conditions for both rural and city working masses, with the just and necessary measures, keeping in mind the legitimate interests of both Labor and Capital.

Eleventh: The derogation and eradication of anything which is opposed to the political and religious fundamentals aforementioned, and specifically, the abolition of Communism and any other form of totalitarian manifestation.

Signed and sealed in Key West, Florida, on the 23rd day of January, 1966.

CUSTOMS SETS RECORD IN FIGHT AGAINST DRUGS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. CONTE. Mr. Speaker, I call to the immediate attention of my colleagues the praiseworthy record of the U.S. Bureau of Customs compiled during 1971 regarding the seizure of illegally imported drugs. The Bureau's impressive achievement is examined in a perceptive article appearing in last Thursday's edition of the Washington Post.

Having served as a member of the Treasury-Post Office Appropriations Subcommittee for 12 years, I am keenly aware of the effectiveness of this agency and I applaud this latest manifestation of its dedication to duty. Last year, Customs officials confiscated a total of 1,309 pounds of heroin—almost four times the amount taken the previous year. Additionally, seizure of opium, marihuana, and hashish exceeded the amounts confiscated during 1970.

At a time when public concern about the tremendous drug problems facing our Nation is at its highest level, it is reassuring to note that the Customs Bureau is attacking the source of these problems with all the vigor it can muster. A large part of the credit must be attributed to Mr. Myles Ambrose who, shortly after assuming the office of Commissioner of Customs in August of 1969, galvanized the Bureau into the hard-fighting organization it has now become.

Under his guidance, the Bureau's operating budget has increased by $66 million and the number of its employees has grown by 5,000. The Bureau's investigative arm has been reorganized. Sophisticated communications equipment and its own fleet of helicopters, light aircraft, and high-speed boats have been acquired. Additional innovations have included the use of dogs to detect the presence of hidden marihuana and hashish.

I commend the Bureau and Mr. Ambrose for this admirable record of achievement and I now include the Post article to which I previously referred:

CUSTOMS SETS RECORDS IN FIGHT AGAINST DRUGS

(By Elsie Carper)

Despite the seemingly limitless ingenuity of smugglers, the U.S. Bureau of Customs made record seizures of heroin and other narcotics entering the country last year.

The biggest haul in value was in heroin, the bureau said. Customs agents confiscated a total of 1,309 pounds, nearly quadrupling the amount seized the previous year.

On the street level, that much heroin would have provided more than 104 million injections and at the going rate of $6 a dose would have been worth more than a half billion dollars. There were 566 separate seizures as compared with 324 in 1970.

The heroin seized at U.S. ports and border crossings was in addition to that intercepted overseas through an international program to cut off major world supply routes. The State Department recently reported that 12,000 pounds of heroin or its equivalent in ingredients was confiscated last year by police in cooperating countries. State could not say how much of it was intended for the United States.

Customs officials seized more opium, marijuana and hashish than in the previous year but less cocaine even though there were more individual arrests for cocaine smuggling. Couriers are carrying in cocaine in smaller amounts to evade detection, officials say.

The estimated street value of narcotics other than heroin seized last year was near $100 million. Agents confiscated 48 pounds of opium, 165 pounds of cocaine, 202,105 pounds of marijuana and 6,818 pounds of hashish.

The agents discovered narcotics in some strange places, with imported automobiles a favorite hiding place for heroin. It was found in spare tires, gas tanks, inside the hollow driveshaft of a truck and in traps welded to car frames.

Commissioner of Customs Myles J. Ambrose said that the federal government's intensified effort to shut off the importation of drugs has diverted commercial smugglers from traditionally easy methods, such as carrying it on the person and in luggage, to more elaborate and bizarre methods.

INSPECTION INCREASED

Customs has substantially increased the number of cars examined—it won't say how many—and periodically conducts drives in which every car entering a port is inspected. It also relies on an international network of information from its own agents overseas, those of the Justice Department's Bureau of Narcotics and Dangerous Drugs and from police in foreign countries.

The biggest heroin seizure last year was 247.5 pounds detected in May when agents searched and then dismantled a 1967 Citroen car shipped to San Juan, Puerto Rico, from Spain.

Four days later, acting on information developed by customs agents and the Justice Department's Bureau of Narcotics and Dangerous Drugs, Spanish federal police seized a second Citroen car and 249 pounds of pure heroin in Valencia, Spain.

The car was destined for New York.

In September, three persons were arrested for attempting to smuggle 200 pounds of heroin into the country. The heroin was hidden throughout the body of a 1970 Ford unloaded at a New York pier after a voyage from Genoa, Italy. Customs found the narcotics during a routine examination.

Heroin was discovered in the seat of a Honda motorcycle, in the sports jacket of a pedestrian entering from Mexico and in the false bottoms of wine bottles imported from France.

A customs import specialist became suspicious when a powder-like substance sifted from the frames of four original paintings shipped from Buenos Aires to New York. In the frames were 38.6 pounds of heroin and 19.7 pounds of cocaine.

Are the seizures cutting down on the availability of drugs in the country? The amount that gets through the customs screens is a matter of conjecture. Nelson Gross, State Department coordinator for international narcotics matters, estimates the annual consumption of heroin in this country at six tons. Ambrose thinks it is less than that—from three to four tons. The amount of heroin seized then represents from 10 to 20 per cent of imports.

There was a time when the effects of a big haul could be seen on the street. Within days addicts would feel the pinch and would come to the attention of police. That is no longer true. It may be that a lot of heroin is stashed away or that addicts turn temporarily to methadone, Ambrose said.

REDUCTION POSSIBLE

It may be impossible to stop completely the smuggling of narcotics but the amount can be substantially reduced, Ambrose believes. And if you reduce the supply, you reduce the demand.

"The drug explosion was a phenomenon of the '60s," Ambrose declared. "Everybody talked about it but nobody did a — — thing about it. I am personally convinced that a great deal of the problem is related to a lack of enforcement. If we had tried to do something about the supply there wouldn't be so much around. There is a direct correlation between supply and demand."

When Ambrose, a New York lawyer and a former assistant secretary of the Treasury became Commissioner of Customs in August 1969, the bureau had the same number of employees that it had in the Coolidge administration and was operating with a $123 million a year budget. This year it received $189 million and the number of employees has been increased from 9,000 to 14,000.

The investigative arm was reorganized to combat drug smuggling. The bureau acquired sophisticated communications equipment and its own fleet of helicopters light aircraft and high speed boats. It also started using dogs to sniff out marijuana and hashish in mail, cargo, unaccompanied baggage and vehicles.

During their first year on the job, the dogs detected 13,000 pounds of marijuana, 650 pounds of hashish, 4,000 marijuana cigarettes, 35 pounds of opium and 300 grams of heroin.

ALL-OUT PROGRAM

The appointment of Ambrose corresponded with a message from President Nixon to Congress announcing an all-out program to combat what he called "this growing menace to the general welfare of the United States." Since then Mr. Nixon has taken other steps to control narcotics traffic including diplomatic missions to other countries seeking cooperation.

There are two major routes by which heroin reaches the United States. One originates in Turkey where the opium is grown and where it is reduced to a morphine base. Ten pounds of opium makes one pound of the powder white morphine base. The base is shipped from Turkey overland by truck through Bulgaria or Greece to Yugoslavia and then to western Europe where it is processed again into heroin. From there it is smuggled by various routes into the United States.

These routes change constantly. During the early 60's the drugs were smuggled from Marseilles to Canada and Mexico City. Later South America became the base for shipment into this country.

Last June, Turkey agreed to end all opium poppy cultivation within one year and in the interim to try to keep opium out of the underground market. The State Department recently announced that it is working out a cooperative plan with Yugoslavia to intercept the drugs enroute to western Europe.

Last month, following conferences in Paris and Vienna, 14 European nations agreed to tighten border controls and exchange information on illicit narcotics traffic.

Ambrose said that countries, which formerly regarded narcotics as an "American problem," now are concerned that addiction will spread within their own borders.

THE WAY TO SAY GOODBY

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. HANNA. Mr. Speaker, for some years now Today's Education, the journal of the National Education Association, has been holding a teachers' writing competition. During the last competition one of my constituents, Mr. Richard Hollis of Los Alamitos, Calif., won the third prize. Mr. Hollis teaches English at Millikan High School. Long Beach, Calif. His winning entry, "The Way To Say Goodby," is based on his own experience with his daughter and her first day at school. The story, which was published in the January 1972 issue of Today's Education, follows:

THE WAY TO SAY GOODBY

(By Richard Hollis)

It was the time for the annual reopening of school—the time for our first child to go off to kindergarten. It was the time for her to say good-bye.

Of course, her mother and I knew what an emotional shock it would be for our girl (not yet five years old, really just four and ten-twelfths) to leave the security of her parents and little brother to go out into the tough, frightening world of strangers. And so we wanted to do all we could to make the parting as easy as possible and to avoid a tear-filled scene.

I knew the trick would be to explain everything necessary to her and then to take her through the separation in a brisk, no-nonsense manner. That was the way to do things like this. She might as well learn the lesson early: Make a break quick and make it clean—walk away without looking back.

In the years stretching ahead of her, there would be many partings from close friends and loved ones. That was the rule of life. Sooner or later she would have to learn the way to say good-bye.

As K-Day drew near, we beamed and said, "You'll have so many nice new friends."

We said, "You'll sing songs and play games and paint and have such a good time."

And we said, "You'll have a wonderful teacher and you will like her so much."

That was our tack: What fun it was all going to be. (No need just yet for her to know that it was a jungle out there waiting for her.) With the right preparation we would avoid the last-minute clinging, the clutching, and . . . the tears.

However, her response was not reassuring. She was more quiet than usual. Her countless projects and activities abruptly dwindled to nothing as if she were all burned out. I would cast furtive glances at her for signs of nail-biting or a quivering chin, but saw only enigmatic stares. She showed more enthusiasm in cleaning up her room than in answering my questions.

The eve of the big day brought something else. "I'm just not sleepy," one girl said again and again until almost one a.m., when she finally went to sleep. Once more I realized how fortunate it was that the school where I taught would not open for another week, and that therefore I would be on hand to see her through her worst time.

Despite our apprehension, things began well enough the next morning. Our girl seemed more concerned about her immediate problems than about the fact that she was leaving home. First there was the question of what dress to wear. Next came the task of getting her snack of vanilla cookies and an apple into her lunch box. I figured the poor child was terrified but just wouldn't show her feelings. It was a very brave performance.

We got away from the house without incident. Making no effort to restrain myself, I admitted that our girl certainly looked pretty in her new pink dress with white lace trim, which complemented her perky hairstyle, big brown eyes, and rosy cheeks. (I wasn't counting the serious look on her face.) She carried her lunch box—a conservative plaid job with no cartoons or TV folk around the sides—with the dignity of a seasoned schoolgirl.

Her little brother, three years old, carried a plastic model of the "Spirit of St. Louis." Walking a few paces behind the children, their mother and I, proud as we were, carried only distended wrap-around grins, almost unbearable weights at that spread.

It was a fine day for the walk—clear and fresh, with a bright September sun. But the street probably never seemed longer to our girl. Passing all the familiar houses of our immediate neighbors, ones where we knew everybody including grandparents, we got to the houses where we didn't know anybody.

The going was getting rough. How good it was that I could be along to hold things together. I felt like a trail boss, keeping the people moving onward, to whatever their destiny might be.

In the distance I could hear the sound of morning traffic on the freeway, while high overhead a jetliner slipped almost silently across the sky. That was the way of it. The world went on, no matter what.

The closer we got to the bus stop, the more I could sense the situation deteriorating. Then, there we were at the telephone pole which marked the stop.

A small group of mothers stood back from the two lines of wild kids already waiting—pushing and jostling each other as they struggled for first position in line. Here was our girl's new world waiting for her.

For the older kids it was a time of joking. One big lug (he looked six and a half if he looked a day) was thumbing at the approaching big yellow bus as though to hitch a ride. Another shouted, "Here come de bus! Here come de bus!"

But for my little family, it was a time of parting. And then, just what I had been afraid of all along: Here came the tears. First they trickled, then they flowed. Next came the clutching, the clinging, the refusal to let go. But it couldn't last. It has to end. After all, life is made of partings.

Then, abruptly, the break came. "Daddy, let go of me and stop that crying. I have to go now," said my first, my *only* girl—my *baby*.

And gaily, cheerily she skipped over to the line of bright, chattering children, and without taking the extended hand of the lady bus driver, stepped up into the bus, not even once looking back at me.

There it was. I had been right. She was becoming hardened already. You give them a sensitive child and they give you back a stranger.

Well, that was the rule. You had to let go. But as the bus roared away, I yelled after it, through my tears, "Be kind to her!"

Then I hurried away with what was left of my family. I figured I had better start to work right away getting my son ready to leave home. He had only two more years before kindergarten and I certainly didn't want him to go through what my girl had just endured.

SHOOTS DOWN MIG–21

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. HUNGATE. Mr. Speaker, I would like to call to the attention of my colleagues the accomplishments of my constituent, Lt. Randall Cunningham, son of Mr. and Mrs. Randall Cunningham, of Shelbina, Mo. Lieutenant Cunningham received his masters degree from Missouri University in 1965. Since 1967 he has served in the Navy and is now assigned to the U.S.S. *Constellation*. On Wednesday, January 19, 1972, Lieutenant Cunningham used a sidewinder missile to shoot down a Mig–21 over North Vietnam, making the first U.S. air combat killing in nearly 2 years.

I know we all hope and pray for an early end to this war. In the meantime it is well to remember that men such as Lieutenant Cunningham are successfully carrying out the difficult and dangerous tasks assigned to them. I know we all join in the desire that he may soon safely return to his wife, Susan, and his children, Todd and Kristin.

THE 1,600 AMERICANS

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. ERLENBORN. Mr. Speaker, about 10 days ago President Nixon announced the withdrawal of 70,000 more American troops from Vietnam. This means that by May 1, our numbers there will be reduced to 69,000.

While all Americans find a certain relief in this knowledge, our anxiety for the 1,600 Americans who are missing in action or prisoners of war continues. We want all of our people home from Vietnam, including those who are held prisoners.

Our concern for these 1,600 men and women was affirmed again this past December 3 by the people of Downers Grove, Ill. It was Tim Bodden Day in Downers Grove, and the man to whom these good people paid tribute is one of these 1,600 Americans. Tim Bodden Day, arranged and coordinated by the Downers Grove Jaycees, was both a tribute to Tim and a demonstration of our support, our hope, and our concern for him, for all of the others who are missing or who are prisoners, and for their families.

It was a demonstration also of the President's personal respect, hope, and concern for all of them, and of his determined pursuit for the release of those Americans who are prisoners of war.

The President sent Robert Finch, one of his counselors, to Downers Grove on December 3. I believe all of us who share the twin hope of ending our involvement in Vietnam and of bringing home those Americans who are held captive by the Communists will want to read what Robert Finch had to say on Tim Bodden Day:

REMARKS OF THE HONORABLE ROBERT H. FINCH

I am privileged to be here with you tonight and pay tribute to Gunnery Sgt. Timothy Bodden and to Mrs. Bodden whose efforts underscore the extraordinary concern we all share with the families and friends of the some 1,600 American men who are Missing In Action or known to be Prisoners Of War in Southeast Asia.

It was just a few years ago, in 1960, that Tim Bodden graduated from this high school and enlisted in the Marines. Many of you in this audience know Tim. When the President asked me to come here this evening, I took the opportunity to look at Tim's record, and it is an outstanding one indeed.

His Commanding Officer summed it up well by describing Tim as a man "respected by his subordinates, admired by his contemporaries, and praised by his seniors."

Tim Bodden typifies the American character and spirit at its finest. He had the courage and the determination to go to the aid of his fellow Marines on an emergency medical evacuation to remove the seriously wounded from the battlefield. That is a volunteer assignment. In the midst of heavy enemy fire his helicopter was forced down.

His mission was to free his wounded companions. Our mission tonight is to reaffirm that the President and the American people have the same spirit and determination to bring Tim Bodden and the other Prisoners Of War home and to have all the Missing in Action accounted for.

The outpouring of public interest and concern evidenced here in Downers Grove under the leadership of Mrs. Bodden, the Jaycees, and all the community is moving indeed.

It is critically important that the American public make known their opinions to Hanoi as well as the rest of the world. I commend you and I encourage you to redouble your efforts.

I am here particularly tonight to underscore what President Nixon said two months ago in Washington to the Convention of the National League of Families of American Prisoners and Missing in Southeast Asia. He gave then, and I repeat now, the solemn affirmation that the matter of Prisoners Of War and men Missing In Action is one that has the highest Presidential priority.

It is a problem that the President has refused to delegate to anyone. As he told the Convention in September, "I can assure you that every negotiating channel, including many private channels that have not yet been disclosed, have been pursued, are being pursued, and will be pursued."

The President noted that many times hopes have been raised and then dashed because of the enemy's incomprehensible lack of concern for any humanitarian ideals.

But he said emphatically, "We believe that it is essential to check every possible lead; we don't care where it comes from."

He has assumed personal responsibility for this problem, and he will continue to do so until the last American fighting man held prisoner is home again, and the last man Missing In Action has been accounted for. Only one who has served in uniform can appreciate how deeply this obligation runs.

The war in Vietnam has now become the longest war in our Nation's history. Only history can pass final judgment on any war, and in doing so history must discount the rhetorical excesses committed on both sides of the domestic controversy about this war.

But whatever else, there is one thing that we will not have to wait for history's judgment on—and that is the callous, cruel, and calculated silence of North Vietnam toward the more than 1,600 American Prisoners Of War or Missing In Action, and toward their families, friends, and comrades who, with only this barbaric silence to listen to, are waiting, hoping, and praying.

Nearly every American knows that negotiations are going on in Paris. But few know just what is going on in those negotiations. You have shown your concern and so I think you also should know the facts.

As part of their propaganda tactics, the North Vietnamese and Viet Cong representatives have deliberately attempted to sow seeds of confusion and divide the American people by making it appear that *we* are the foot-dragging, heartless ones who will not negotiate. That is absolutely not the case.

What the Communists say outside of the forum of the Paris negotiations is not what they say at the conference table.

They will tell a Senator or Congressman, or a group of civic leaders, or a columnist, or a demonstration leader on a transatlantic phone call, that they will release the Prisoners Of War if we will set a firm troop withdrawal date. But at the Conference meetings, when that demand is addressed, they deny ever having made it.

The record is there; and the record is plain to any who will read it. The United States has made it clear, made it dramatically clear, that we are ready to stop the fighting RIGHT NOW if the North Vietnamese and Viet Cong will agree to do so.

The United States has reiterated many times in many forums that we are prepared to immediately release their Prisoners Of War whom we are holding if they will release ours.

The United States has repeatedly promised to negotiate seriously in Paris and wherever else we think it might be useful.

But it takes two parties, two serious parties acting in good faith, for negotiation or agreement.

Several weeks ago, Ambassador Porter, the head of our delegation at the Paris Peace Talks, reviewed the other side's record there. He reminded the North Vietnamese and National Liberation Front delegates that their continued refusal to negotiate seriously has impaired the entire progress of the talks.

I would like to sketch for you briefly the sad record of the Paris talks which raised such great expectations and which have been turned into a propaganda sideshow by the North Vietnamese and Viet Cong delegations.

Our Ambassador began with a reminder to the Communists that at the very first meeting on January 29, 1969, the United States made specific proposals concerning the early release of prisoners held by both sides, and these proposals were summarily refused.

Two months later, on March 25, 1969, the Republic of South Vietnam offered to hold private, direct, and unconditional meetings with the National Liberation Front on the question of political settlement. This offer was refused two days later and labeled a "perfidious maneuver."

On May 8, 1969, the other side made what was called a peace "proposal." This was a number of non-negotiable conditions which we had to take or leave and this proposal made no mention of what, if anything, *they* would agree to do.

In contrast, on May 14, 1969, President Nixon put forth an eight-point program, every point of which defined what both sides should do. The President's proposals contained no unilateral demands on the Communists; in fact, they contained no demands at all, only proposals for negotiation.

Nevertheless, Hanoi and its agents refused the entire eight points . . . including the proposals for the release of Prisoners of War.

On June 8, 1969, President Nixon announced the first withdrawal of American troops from Vietnam. The other side promptly labeled this action a "fraud," and they spent the next few months trying to convince people that it was not happening.

Even today, after 350,000 of our troops have been withdrawn, North Vietnam and the Liberation Front still refuse to admit that this withdrawal has actually taken place!

At the Thirty-Second Plenary Session, August 28, 1969, we asked the enemy to identify all the prisoners they held, to allow impartial inspection of Prisoner of War camps, to permit the regular exchange of mail, and to consider the early release of sick and wounded prisoners. They bluntly and categorically refused to take any of these basic humanitarian actions.

In September 1969, when the second massive reduction of American troops was announced, the representative on the other side of the table in Paris quickly labeled it a "trick."

On December 11, at the Forty-sixth Session, Ambassador Porter laid it on the line. Just in case they had left their dictionaries in Hanoi, he reminded them, and I quote him, that "Good will means the following things: To present reasonable proposals; to listen to the proposals of others; to discuss one's own proposals and to explain them; to discuss the proposals of others and to ask for clarification; to be ready to deal with all parties; to be ready to give and take; and to reach an agreement to which all parties can honorably adhere."

He pointedly told the Communist delegates that by any normal standards, they had shown neither good will nor a serious attitude toward real, mutual negotiations.

Two weeks later, at the Forty-Eighth Session on December 30, 1969, the United States again proposed that the two sides "enter promptly into discussions on all questions affecting Prisoners Of War held on both sides, including the question of their early release."

On February 26, 1970, at the Fifty-Sixth meeting, responding to propaganda statements carried by various news media, our Ambassador asked for confirmation that prisoners held in North Vietnam could, in fact, correspond with their families and receive mail and packages. He asked specifically for instructions which we could pass on to their families so that they would know how to go about sending letters and packages to their men.

At the next three sessions on the 5th, 12th, and 19th of March, the question of mail for men in North Vietnam was again put to the other side. They steadfastly refused then—and still refuse today, almost two years later—to answer this very basic question.

All through the summer of 1970, the Communists at Paris continued to refuse any meaningful discussions or negotiations concerning the Prisoners Of War and men Missing in Action.

On October 7, 1970, President Nixon offered a broad ranging, bold and imaginative peace initiative. His peace proposal called for an *immediate cease-fire and for the immediate release of all Prisoners Of War on all sides.*

Before this proposal for a cease-fire and prisoner exchange was 12 hours old, the representatives of Hanoi and the National Liberation Front had denounced it as a "trick" and "absurd."

How does one describe a government whose official representative declares it is "absurd" to propose a cease-fire that would immediately halt a war?

But the President in his search for peace, two months later on December 10, 1970 (almost a year ago tonight), proposed the release of all North Vietnamese Prisoners Of War held in South Vietnam in return for the release of all American and free world prisoners anywhere in Indochina and for all South Vietnamese prisoners held outside South Vietnam.

Despite the abrupt rejection of that generous proposal, which would have resulted in an exchange of prisoners in a 10 to 1 ratio in favor of the North Vietnamese, President Nixon has made it clear that the offer still stands. And the Communists' stubborn refusal to negotiate seriously still continues.

At the One-Hundred Eighth Plenary Session of April 8, 1971, we proposed direct repatriation or internment *in a neutral country* for all able-bodied prisoners who had been held for a long period of time. As you know, some prisoners had been in captivity for more than seven years.

We also requested the other side's cooperation so that their own sick and wounded soldiers whom we hold might return home. The other side dusted off their favorite cliché, and once again described our offers as "perfidious maneuvers."

Since July of this year, the other side has insisted that we blindly accept their so-called seven-point peace proposal. They have repeatedly indicated that there is no room for negotiation or discussion or even clarification.

And finally, just yesterday, December 2, our Ambassador demanded that Hanoi allow a "normal flow" of mail between the American prisoners and their families. Again, no reply as yet.

Now, some ask, well, if we've tried everything else, what if we just pulled out? Maybe then we could get our prisoners back.

Unfortunately, history tells us that such a withdrawal would hardly guarantee any return of our prisoners because you can be sure that the North Vietnamese and Viet Cong are fully aware of North Korea's humiliating propaganda experience with Prisoners Of War.

It was, as many of you well remember, the issue of prisoner repatriation which prolonged the Korean War for two years after the first armistice negotiations began.

The Communists were ideologically unable to admit that a large minority of the North Koreans and a clear majority of the Chinese prisoners did not want to be returned to Communism.

Finally, after almost two years, and under very direct pressure, the Chinese gave in to the principle of voluntary repatriation, and an armistice was signed.

Now there is no reason to think that the North Vietnamese and Viet Cong would rush to open themselves to similar embarrassment on the propaganda front which is so important to them and to their cause.

I want to affirm that the way to get our men back now is the direct, determined, and purposeful way of negotiation that we are pursuing, and to assure you that President Nixon has but one aim: to get our men back.

He has pursued that aim, despite rebuffs and in the face of cheap propaganda assaults . . . he has pursued that aim from the first day of his Administration. And he is pursuing it today. He will not forget, and he will not let up his efforts. . . .

We are telling the enemy and its delegations at Paris that however little or much our conduct of the war, or our part in the war may have changed with changing events, that these 1,600 men are those whom we honor and care for; these are men for whom we *demand, not beg,* treatment which even most of the most barbarous nations in the whole history of the world have accorded to those opponents who honorably fall or are taken in battle.

And until the enemy realizes the real meaning of meetings such as this one, the real spirit of Downers Grove which fills all of America regarding these prisoners, until that time, then we too will be prisoners; prisoners, in the Biblical words, of hope.

Prisoners of hope that these men, that Tim Bodden, will know, will feel, will sense, our care, our support, our prayers.

It was Tom Paine, who also lived in times that tried men's souls, who wrote that, "We fight not to enslave, but to set a country free, and to make room upon the earth for honest men to live in."

That is what these 1,600 Americans are doing. That is what Tim Bodden is doing. And that is part of what we honor when we gather at meetings like this one tonight in Downers Grove.

Freedom has a special meaning for Mrs. Bodden and the hundreds like her, but most of all freedom means something to a man like Tim Bodden.

In this sense and spirit, I would leave you tonight with the words scribbled on a "C ration box" found at Khe Sanh after the seige in 1968: "For those who fight for it, freedom has a flavor the protected will never know."

Thank you and God bless you.

NOW LISTEN TO A FIREFIGHTER'S PLEA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. FRASER. Mr. Speaker, Joseph E. Galvin is chief of Battalion 12 of the New York City Fire Department. His moving essay, "Now Listen to a Firefighter's Plea," appeared in the Thursday, January 20, 1972, New York Times.

While his experience has been fighting fires in our largest city, impressions will be familiar to other fireman no matter where they serve. And every fire department in this Nation has, if not the identical problems described by Chief Galvin, problems requiring immediate attention.

I am pleased that attention and Federal moneys are to be directed to technological advances in firefighting. The Times reported January 21 that a Federal project aimed at improving our Nation's normal processes will investigate, "radical improvement of firefighting systems, with emphasis on use of helicopters, advanced protective clothing and masks, and automatic extinguishing systems." I support research of this nature. The men who devote their lives to protecting our society from fire require and deserve this support.

NOW LISTEN TO A FIREFIGHTER'S PLEA

(By Joseph E. Galvin)

During my firefighting career I've been blown from the roof of a blazing pier, have had the man next to me on a hose line gasp and die as we tried to advance into a burning tenement, have had a women relieve herself as we carried her down an aerial ladder from a blazing Harlem tenement in a snowstorm.

I've worked seven hours in a blizzard while soaked to the skin, and had to be taken to a hospital as a result; I once literally tore the arms from a dead firefighter who was trapped beneath a truck.

I've saved lives and have had mine saved several times by my brother firefighters. I've suffered injuries ranging from scalds and burns to a form of "combat fatigue." I've been taken to the hospital, unable to walk, due to the swelling in my heels resulting from sliding the firehouse pole over twenty times during one single night tour in Harlem. I've been in building collapses to assist in the removal of victims when the building was threatening to collapse over our heads and bury us.

I've also been cursed, punched, assaulted and insulted by so-called "toughs" so many times that, incredibly, I'm almost inured to it. I've fought off a group of hoodlums who had surrounded our apparatus and were attempting to steal our tools and equipment. However, and this is quite important, I am not alone nor am I unique. Many other professional firefighters have endured much more than I, and will carry terrible physical and emotional scars to their graves.

To be a member of a ladder company crawling around the smoke-filled rooms of an occupied tenement, searching for possible fire victims, while three or four rooms are afire in the apartment directly below, is one of the most demanding tasks required of a human being. To be given the assignment of cutting a hole in a building's roof to effect ventilation so that the engine company down below can advance its line, when every enlargement of the hole allows super-heated smoke and gases to blast into one's face, demands the ultimate in dedication and raw guts.

The human body is subjected to such a high level of punishment during the performance of these tasks that no one, and I mean no one but a firefighter, would place his body in close proximity to the immediate area. You see, professional firefighters as a rule have life spans approximately seven years less than the average male.

Few of this city's citizens realize that some fire units respond to over seven thousand alarms during the year, and that each time they do, the firefighters are subjected to tremendous emotional strain—not knowing whether the alarm will be a tragedy or a false alarm. I've seen some of my men leave their firehouses after the completion of their tour of duty almost disoriented from fatigue and the effects of noxious gases. To respond to over twenty alarms during one night tour and get three or four tough fires, back to back, is a terrible experience. What motivates men to perform this task?

After almost twenty years of working with and observing firefighters in every conceivable emergency, I've concluded that the glue which holds this great department together is a combination of brotherhood and love. The misery, suffering and pain which we firefighters share creates a bond which those outside the fire service cannot comprehend. Wives, mothers, sweethearts—none can intrude into this unique fraternity that comes from being truly brothers. This spirit of comradeship grows from the development of mutual respect and admiration which each man has for another, and is a form of love. And that special love which men in combat develop for one another is indeed a wonderful thing to share in, or even to observe. We firefighters endure hardships and share experiences which we'll never forget even if we live to be 200. The crucible of arduous fire duty welds us into a tough steel-like chain, which may be strained, but never parted.

In recent years we have all but been inundated by television shows, newspaper and magazine articles, movies and books describing the problems of the law-enforcement officer (all valid) during this era of "crime in the streets." This has resulted in hundreds of millions of dollars being granted by both state and Federal agencies to police departments throughout this country.

Doesn't "crime in the streets" and the Safe Streets Act relate to malicious false alarms, arson, assaults on and shooting at professional firefighters? Cannot we in the fire service acquire the aid of someone to forcefully bring to the attention of our citizens a truly honest picture of the firefighter's life? And death? Does it have to be left to a nonerudite individual like myself, so obviously out of my element, to attempt to get across the message that this noble calling—the saving of lives—takes a terrible toll?

What is needed is the effective spotlighting of the firefighter's problems; the unique skills required of the job and the need for aid—new equipment, research and development programs, a newer type of lightweight mask (the mask widely used now, developed for World War II, weighs thirty pounds and can be used up in less than ten minutes).

It should be just as easy for a firefighter to attend a course at a university as it is for a policeman, but the work schedules now in effect in the New York City Fire Department make it very difficult for a fireman and almost impossible for an officer.

Won't someone please come forward to help us?

REDUCING LOCAL PROPERTY TAXES

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. WYMAN. Mr. Speaker, the distinguished columnist Joseph Alsop not infrequently places his journalistic finger on key matters of importance. Not the least of these is reflected in his current comments appearing in today's Washington Post relating as they do to the mounting public concern over escalating property taxes and forced busing of schoolchildren to schools away from where their homes are.

I would expect that Mr. Alsop's words may prove prophetic before the current year has ended.

An article follows:

[From the Washington Post, Jan. 24, 1972]

NIXON CAMPAIGN ACES

(By Joseph Alsop)

Except on the topic of national defense, the President's message on the State of the Union was remarkably bland. The blandness was strictly illusory, however. For there are at least two campaign-aces up the Nixonian sleeve, in the form of gut issues of the very toughest kind, that will be played in due time.

Ace Number One is a scheme to effect a vast reduction in residential property taxes, which just happen to be the most hated taxes now levied in the United States. Ace Number Two is a plan for the Nixon administration to go squarely on record in sharp opposition to forced school busing, which is due to be the most inflamed topic in the U.S. by next summer.

Since Act Number One was boldly allowed to peep from the presidential sleeve when he appeared before the joint session of Congress, it will be best to begin with it. Briefly, the scheme is still the same that was first revealed in this space a couple of months ago.

At a suitable moment in late winter or early spring, the President will propose a value-added, or transactions tax of about 3 per cent. The request will be tied to a promise to hand on the entire huge revenue from the tax to the states. And the states will in turn be required to hand on the money to the school districts or other suitable local authorities.

Finally, the local authorities will get the new revenue on the strict condition that it must be used as a substitute for the entire share of the residential property tax that now pays for the schools. Ingeniously, therefore, the proposal for a value added tax will be used as a device for cutting the hated residential property taxes by at least one-half on average.

Predictably, the liberal Democrats will howl with rage and horror at the mere mention of a value-added tax. Predictably, too, the liberal Democrats will thus exhibit their increasing loss of touch with average Americans.

In Kansas City, for instance, a school bond issue was recently defeated for the third time hand-running. A poll was then taken, to find out how the voters actually preferred to finance essential increases in school costs. A majority plumped for an increased sales tax, which is, of course, more burdensome than a value added tax.

In sum, President Nixon is deftly positioning himself to run against residential property taxes. Equally deftly, and with good hopes of success, too, he is planning to put the Democrats in the position of the great defenders and advocates of these same detested levies.

"If my plan had passed the Democratic Congress," he will be able to say, "homeowners' property taxes would now be down by 50 per cent (or 45 per cent, or 55 per cent, or whatever the White House researchers discover) in this great city (or lovely town, or beautiful country, as the case may be) that all you fine people are so proud of!"

You can all but hear the President intoning those words at every stop on the campaign trail. If they do not involve a gut issue, moreover, there is no such thing as a gut issue. Yet by next summer, school busing is due to be an even more powerful gut issue.

The point is, here, that litigation like that which produced the Richmond decision is already going on in lots of other major urban centers. The case in Detroit, for instance, is several months away from being decided. But it will pretty clearly be decided on the Richmond pattern; and this threat has already gone far to transform the whole political landscape of Michigan.

Other cities already involved are Indianapolis, Wilmington, Dallas, Denver, Atlanta and Grand Rapids; and Baltimore, St. Louis and Louisville may well be involved soon. The list almost adds up to a list of key states.

For good to ill, meanwhile, President Nixon has always been an open and consistent opponent of forced school busing. It is not clear, as yet, how he will register that opposition—whether by ordering the Justice Department to appear as a friend of the court in one of the numerous anti-busing suits; or by coming squarely out for the anti-busing constitutional amendment proposed by Senator Robert Griffin of Michigan.

But it is abundantly clear that the President's opposition to busing will be registered in due time and in a most emphatic way. And once again, beyond doubt, the liberal Democrats will be hopelessly entangled in their own slogans.

POW EVEN FOR ANOTHER DAY

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. JACOBS. Mr. Speaker, I was wondering if, at this late date, any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity, or freedom—POW even for another day—further to prop up the Saigon dictatorship.

Other Americans are being ordered to do so today.

Following is the language of House Resolution 630, which I introduced on September 30, 1971:

RESOLUTION

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madame Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on July 1, 1971, that the policy of her government is: 'If the United States Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of United States forces and those of the other foreign countries in the United States camp, the parties will at the same time agree on the modalities:

"A. Of the withdrawal in safety from South Vietnam of the totality of the United States forces and those of the other foreign countries in the United States camp;

"B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

"These two operations will begin on the same date and will end on the same date.

"A cease-fire will be observed between the

South Vietnam People's Liberation Armed Forces and the Armed Forces of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from South Vietnam within sixty days following the signing of the agreement: *Provided*, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

BREAKING THE BACK OF INFLATION—OVER THE WORKINGMAN'S NECK

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. HANNA. Mr. Speaker, I was one of the few Members in this body who voted against extending the President's wage-price authority last session. I said at the time, both in committee and on the floor, that the history of wage-price controls suggests quite strongly that in each instance the burden of controls rests on wages. The working man is the prime victim of inflation and in every instance has been the one to bear the brunt of the fight against inflation.

Mr. Speaker, history is again repeating itself, because, once again, we have refused to learn from it. The Price Commission has just announced that 75 percent of the Nation's retailers and the majority of rental units in this country are exempt from the phase II guidelines. The administration is finding just as some of us warned, that prices are almost impossible to control, so they have in large part given up.

The recent pronouncements have also vindicated the warnings I made during the discussions last fall that the dividing of wage-price authority between two boards would make an effective program almost impossible. As I expected, there is little, if any, apparent coordination of wage and price decisions. The operation of the Price Commission, in particular, is an example of the administration's artful governing, which consists of issuing decisive orders based on inaccurate, incomplete, and archaic information with which they hope to meet a situation they only dimly understand.

The Congress reacted last fall to the temporary popularity of the President's actions. I suspect that, as the public sees the repeated inequities of phase II, they will not think kindly of our action which gave a 12-month extension of life, sight unseen, to more of this type of decision-making.

SAFETY ADMINISTRATION GETS THE FACTS ON ACCIDENTS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. SCHWENGEL. Mr. Speaker, the January 23 issue of Parade magazine contains an article by E. D. Fales, Jr., describing the efforts of the National Highway Traffic Safety Administration to ascertain the causes of auto accidents. For far too long legislators have been forced to make guesses instead of sound judgments on various safety programs because of the lack of adequate data in this area. Doug Toms, the Administrator of the National Highway Traffic Safety Administration, is to be commended for his efforts in this regard. He seems to be accomplishing that which others have lacked either the ability or fortitude to do. The article follows:

A NEW TEAM FINDS OUT WHY ACCIDENTS HAPPEN

(By E. D. Fales, Jr.)

A team of investigators sometimes beats the ambulance to the scene of auto accidents, thanks to an ambitious new federal program.

The program, sponsored by the National Highway Traffic Safety Administration (TSA), borrows techniques which have made airline travel the safest in the world. Its purpose: to investigate the causes of individual accidents. Already, its specialists have established that many of our notions about highway safety are wrong.

The teams include engineers, mechanics, perhaps even a lawyer and a psychologist. Some are paid, but most are dedicated experts who work for free. All are on 24-hour call and wear radio-controlled "beepers." Sometimes their beepers sound on college lecture platforms, and they rush from their classes. They have been summoned from ball games, from theaters, even from their bathtubs.

RE-CREATING THE WRECK

They try to arrive at the crash site almost before the wheels stop spinning. The engineers immediately measure skid marks and inspect the damage. Often they radio their facts to a computer right from the roadside. Within minutes the computer cranks out a motion picture, recreating the wreck exactly as it occurred. Afterward, lawyers, doctors and psychologists interview survivors, friends, even distant relatives.

Twenty-five hundred accidents have been analyzed since the program was launched two years ago, by teams functioning in 15 U.S. cities. From these, the government is assembling its first arsenal of facts, including some surprises.

For instance, many drivers die because they skid into obstacles they could easily avoid. The reason: they don't know the simple trick called "steer-out." "Steer-out" means pumping the brakes instead of holding them down, which locks the wheels and makes the car uncontrollable.

BRAKING ERROR

Another mistake made by frightened or ignorant drivers is to apply the brake and the gas simultaneously: sometimes so hard that the imprint of the pedals is found on the victim's shoe soles.

Utility poles and construction sites rank among the major death traps. So do many "safe" curves on our superhighways. The problem with these curves, says TSA investigators, is that they are sharp enough to demand a driver's entire attention. Yet many also contain bridges, entrance ramps, or blind hills; or else require a fast lane-changing for exits a short distance ahead. "Drivers just can't cope with it all," the investigators report.

Engineers have also discovered bent tail pipes that pump poisonous exhaust into cars, accelerator pedals that jam, and tires whose rims snap off for a second, releasing air, and then snap back on again.

But the most interesting discoveries of all pertain to the drivers.

Some come from disaster-prone families, long plagued by tragedy: accidents, serious illness, even murder.

SUICIDE BY CAR

Apparently some set out, consciously or unconsciously, to kill themselves. A few had threatened relatives: "If I don't come back, you'll find me on the highway." In one particularly bizarre incident, a driver slammed head-on into a stone wall—a year to the very hour after his best friend had perished in the same manner and on the same spot.

Often it is the driver's close relatives who are emotionally disturbed. They cite instances in which wives have exclaimed, almost triumphantly: "Well, I *told* him it would happen!" A mother, informed of her son's death, cried out: "What did he go and kill himself for? Now he can't take care of me." Another insisted that her son couldn't be dead, because he was sleeping in the next room. Then, with a look of dawning awareness, she added, "Well, he's snuck out before. If he did it this time, I'll kill him." Experts conjecture that the tensions that arise in these families could provoke accident-causing behavior.

Another oddity is the driver who, having caused a wreck, sulks in his damaged car.

"They won't come out," says Miami sociologist Carole Haviland, "not even to help the people they've hurt. Maybe they're just morally afraid to face them."

Drugs are taking their place among the major killers on the highway. Police have known for some time that narcotics are often a factor in accidents. But it remained for a Miami investigating team to discover just what drugs—even marijuana—can do.

Alarmed by "drug-wreck" calls, the team enlisted the aid of the culprits themselves. In one test, two young men kept a record of their experiences on the road. "One," says Dr. Haviland, "tried to set his speed at 20 miles an hour without looking at his speedometer. But when he called out 'Twenty!' his car was going 60." Another time, he veered to avoid a dog that ran into the road. Upon examination, the "dog" turned out to be a dirty rag. The other man, meanwhile, complained that he was having difficulty because he was "driving upside down."

The biggest hazard, though, is alcohol. "We knew it figured in a lot of accidents," one engineer says. "But not until we started answering crash calls did we realize that it's a factor in almost all bad accidents. We rarely get a call that doesn't involve alcohol."

"We find bottles in almost every wreck," another volunteers. "We even find them embedded in steering wheels. Evidently a lot of drivers are actually drinking when the crash comes."

Other hazards include low ceilings (drivers bump their heads on rough roads, losing control); potholes; untrained, over-excited rescuers who inadvertently shove broken bones through lungs, or pull spines apart; heavy medication, which dulls reflexes and distorts depth perception; lenient judges who allow dangerous drivers to go back onto the roads.

NEW CAR HAZARD

New cars present a particular kind of hazard. "Drivers," says Cornell University's Dr. John Garrett, "worry about the first scratch and don't see danger coming." One man, upset by a parking lot dent, failed to notice another vehicle. His shiny new car was cut in half and he was killed. Another driver heard something rubbing and looked away from the road to trace the sound. He too was killed.

The Cornell team insists that accidents come in waves. "We go two weeks without a single bad wreck, then we get 14 calls in 12 hours." The phenomenon puzzles them. But Connecticut state police have noted that when brisk, clear air starts floating down from Canada, "drivers start going faster and faster."

Of what use are the findings?

For one thing, TSA alerts Detroit within hours—sometimes minutes—after discovering a major defect. When a Southern team found a steering problem in one American car, Detroit dispatched an engineer that very day to change the design. And when an Atlanta, Ga., team attributed a fatal Alabama school bus crash to faulty brakes, 10,000 new school buses were recalled for refitting.

LESSONS LEARNED

Instructors in driver education courses also benefit from TSA information. For instance, young drivers should now be taught the split-second "stab-and-steer steer-out technique." Also, teachers must forget the old rule: "Stay one car length behind the vehicle ahead of you for every ten miles of speed. Steering-out requires the driver to remain at least two car lengths back."

The more we know about why accidents happen, the more we can do to prevent them. Thanks to TSA, the causes are being spotlighted, as in a high beam on a darkened road.

ANTI-HAZARD PROPOSALS

The National Highway Traffic Safety Administration has come forward with a pair of proposals to reduce road hazards. One is to impose a built-in speed limit of 95 miles an hour on all automobiles except police cars, together with audible and visual warnings which would activate between 81 and 85 miles an hour.

The other, in an experimental stage, is to install polarized headlights, thereby reducing glare while increasing the range of vision. If the experiment proves successful, cars would be equipped with special lamps and plastic devices which the driver could attach to the windshield. (Or, he could wear treated sunglasses.) The desired effect is produced when the light is filtered through the plastic.

The built-in speed limit scheme has already generated considerable controversy, with drivers about evenly divided. Women drivers, though, were overwhelmingly in favor—as were insurance companies and police. Opposition has come from auto clubs and auto manufacturers.

The polarized headlights have already been tested on a 40-mile two-lane road in Texas. A spokesman for the Safety Administration described the test as highly successful. Next step is a mass experiment, possibly encompassing all of Canada's Prince Edward Island. Feelers have already been extended to the Canadian government. The new devices would be inexpensive, the spokesman said.

WELFARE AND CHARITY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. SCHMITZ. Mr. Speaker, even faster than most Government programs, the already enormous welfare outlay keeps on growing year after year, with no end in sight. Increasingly vehement objections from the public are met by the old familiar gambit of setting up new committees, new bureaus, new programs to "study the problem" and justify spending still more money on it in the hope that somehow this will make it go away. As the debate grows bitter, it is easy to slip into the position of either condemning or justifying all welfare recipients.

The key to understanding the present welfare situation in the United States is the issue of eligibility to receive benefits. While almost all the money for welfare comes from the tax revenues of the Federal and State governments—divided 50–50 in most of the major programs—all the decisions on who shall receive welfare assistance are made by local government—specifically, by county welfare offices. Beginning about 4 years ago, the usual rule in such cases became simple, uncritical acceptance of the applicant's unverified declaration of need. Every subsequent attempt at any one of our three levels of government—Federal, State, and local—to establish and enforce restrictions on this wide-open-door policy has been promptly frustrated at one of the other levels.

This means in effect that anyone can get welfare now if he really wants it, and only very rarely is the cheater caught. With enough knowledge of the numerous categories of income which the Government does not count in determining financial need, it is even possible to get on welfare with an income substantially larger than that of many employed persons, without cheating at all.

We have gone on what amounts to an honor system for welfare eligibility at the very time in our history when willful failure to sustain oneself economically is ceasing to be regarded as dishonorable. While the ordinary citizen still thinks of welfare as a kind of charity, the welfare recipients—passively, or in a considerable number of cases actively encouraged by the welfare bureaucrats—increasingly regard it as a right. The very name of the Welfare Rights Organization is a case in point.

No matter how many new programs with fine-sounding new names be tried, no matter how much we may juggle AFDC payments to welfare mothers to stay home with their children and daycare programs to get them out of the home—to mention just one particularly glaring contradiction in policy—the welfare mess will never be straightened out so long as any significant number of people have reason for thinking of welfare payments as a right. A man has a right to what he earns, and to equal treatment under the law. Beyond that, his genuine need is a moral claim on others' generosity, but not a license to take from them what they have earned. Whether genuine needs are met by Government or by private charitable agencies, the assistance should never be granted in such a way as to encourage dependency and baseless claims, for this is neither charitable nor just.

In fact, whatever Government welfare programs may be, they are not charity. Charity is a free gift—of one's time, labor or money. Government welfare programs give away nothing but other people's money. It is deeply disturbing to see the large numbers of well-meaning people, including many church leaders, who think they are demonstrating charity by lobbying for more spending and higher taxes for welfarist programs. Genuine charity would entail their own active participation and their own personal giving to help the needy, not putting political pressure on other people to do it. Genuine charity would not continue to give money which is wasted or misused. Genuine charity rejoices in every recovery of self-reliance and mourns the narrow egotism of those who think the world owes them a living. It is not love that turns a man into a parasite.

TRADE LAWS NEED OVERHAUL; MANY U.S. JOBS AT STAKE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. DULSKI. Mr. Speaker, I am convinced that our international trade laws require an overhaul at the earliest possible time.

This is a very controversial area and I do not pretend to have all the answers. But I do recognize the problems that exist and I believe it is essential that we act to deal with them.

Just a few days ago, the General Electric Co., told me and its employees in Buffalo, N.Y., that it would phase out its electronics production by the end of the year.

As an aside, I might mention that I am somewhat puzzled—and I think rightly so—as to why this company told the employees and me simultaneously, but refused to confirm this information to the press for several days.

The Buffalo General Electric plant closedown will cost 550 jobs and an annual payroll of $4,125,000. The company told me that it planned to merge its production with plants in Auburn and Syracuse, N.Y.

But when I asked about transfer prospect or other opportunities for the 550 Buffalo workers, the company spokesman told me flatly that the prospect was nil. No transfers, no jobs in other company plants anywhere.

LAYOFFS IN SYRACUSE

The spokesman said there already had been layoffs in Auburn and Syracuse and that those employees would have recall priority over transfers from Buffalo. What he neglected to tell me was that this company has laid off 3,300 in Syracuse in the past 2 years and further cuts are expected.

What he also did not tell me—but I found out elsewhere—was the extent of the expansion of General Electric operations in Ireland.

Back in 1957, GE launched a major expansion of its electronics production at Buffalo and predicted its employment would increase to 1,500 or 2,000 in 2 or

3 years. That expansion never occurred—indeed, employment never reached 1,000 and has been declining for some time.

In 1960, GE opened its plant in Dublin and the shift of production began from the United States. Indeed, recently, the company asked a few key employees if they would move to Ireland.

Why the attraction of operations in Ireland?

By coincidence, a national weekly magazine carried a full-page advertisement last week headlined: "Ireland. For 15 Years of No Taxes." The invitation was to American manufacturers to open plants in Ireland.

JOBS ABROAD AT U.S. EXPENSE

This, of course, is at the expense of the jobs of our workers in Buffalo, Syracuse and other cities across the Nation.

I support free trade. I support free enterprise. I also support full employment at home. I am concerned particularly about Buffalo, of course. But my concern extends to employment throughout our Nation.

National unemployment is 6 percent and holding. Prospect is for little improvement in the foreseeable future.

Unemployment in the Buffalo area is 8 percent. That is also holding, at best, if not likely to increase as a result of cutbacks like GE.

What is the answer? There must be something wrong with our trade policies. These are complex and adjustments must be made with care. But the situation is critical and we must act promptly.

New jobs do not grow on trees; they do not appear as if by magic from thin air.

MUST CUT UNEMPLOYMENT

The White House takes the current unemployment situation with a grain of salt, apparently resigned to the fact that there always is going to be unemployment. I cannot accept this really cruel attitude and neither will those people without jobs who really want to work.

I know what these unemployed think about conditions. There are exceptions, I am sure, but most of them would rather work than "exist" on welfare checks. They tell me so in just so many words when they see me.

Mr. Speaker, we in the Congress have sought to deal with unemployment twice in little more than a year. The first time, the President vetoed our bill. Then he supposedly accepted a watered-down version in mid-1971, except that he has been dragging his feet about putting it into operation.

Those two bills would have helped in varying degrees if they had been utilized. We need to act again in all out fashion and make it crystal clear where the hangup lies: 1600 Pennsylvania Avenue NW.

At the same time, I have urged the distinguished chairman of the Ways and Means Committee—Mr. Mills of Arkansas—to set earliest possible consideration of a revamping of the international trade laws.

TRADE LAW CHANGES

Here is what my bill (H.R. 11392) proposes:

First. New procedures to make taxes on U.S. corporations' overseas operations more closely relate to the tax treatment domestically. Tax breaks and incentives to move production out of the United States have been removed. For example, U.S. companies now receive dollar for dollar tax credits for taxes paid abroad, yet companies which pay taxes to State governments here receive only a deduction. This inequity would be ended. Title I.

Second. A new method to regulate the torrent of imports that have smothered U.S. production and cost hundreds of thousands of U.S. jobs. Imports would be regulated on a "sliding door" basis, replacing the wide open door that currently perils the United States as a manufacturing nation, and offering a healthy alternative to the closed door of the dead past.

Production of U.S. goods would be insured through a guaranteed portion of the U.S. market. All products that enter the United States would be awarded an annual import quota of the number of units that entered the United States during 1965–69. Thus, all foreign goods would be guaranteed an annual percentage of our production. Goods not produced here—bananas, for example—would be excused from quotas. Also excused would be those goods already under quotas and those products under voluntary agreements. As the U.S. production of goods rises, the number of imported units would rise. Title III.

Third. A new method to regulate the outflow of capital from the United States. Currently billions in U.S. dollars, equipment, technology, and patents—and jobs—are being exported without regard to the harm done to U.S. citizens and U.S. communities. The President would have authority to act whenever he determined that employment in the United States would be decreased by the transaction. Title VI.

Fourth. An improved program to speed antidumping complaints and to expedite relief to affected industries and workers. Under current law, by the time a dumping determination is made that imported goods are deliberately being sold at lower than fair value in order to capture a market, a U.S. industry can be forced out of business and its workers jobless. The current countervailing duty provisions would be similarly modernized. Title IV.

Fifth. A modernization of the escape clause to make injury easier to determine and relief easier to apply. Again, the purpose is to save industries and jobs through speedy action and more liberal determinations. Title V.

Sixth. New procedures for collecting pertinent data on foreign trade and labeling procedures. American foreign grant and foreign loan programs must show the effect of these programs on U.S. production and jobs. Foreign-made components must be identified on the product and in advertisements. Title VII.

Seventh. The so-called Mexican border escape route would be closed by the repeal of section 807.00 and section 806.-30 of the Tariff Code. This abuse stems from the practice by U.S. companies of assembling products in foreign countries and shipping them into the United States as "Made in U.S.," paying only a minimum duty on the so-called value added. Title VII.

Eighth. A totally new Foreign Trade and Investment Commission would be established to administer the new program, bringing modern concepts and methods to its operations. Trade-related programs now in the Treasury, Commerce and Labor Departments would be placed in the new commission. Title II.

Mr. Speaker, as part of my remarks I am including several newspaper articles about the GE closing at Buffalo. Also, included is an editorial which disagrees with my legislative view but acknowledges the basic problem.

The articles follow:

[From Buffalo (N.Y.) Evening News, Jan. 10, 1972]

EAST SIDE FACILITY WILL BE CLOSED BY END OF YEAR

The General Electric Co. is planning to phase out its Fillmore Ave. plant by the end of the year, dismissing 550 employees, Rep. Thaddeus J. Dulski (D., Buffalo) said today.

Rep. Dulski said the plant intends to start laying off six or seven workers in February and continue a gradual phaseout through the year. He said the company will lay off 50 men per month after July 1 until the plant is completely closed.

"The General Electric management said the closing is caused by a reduction in demand for electronic products manufactured at the Buffalo plant," Rep. Dulski said.

The plant at 1495 Fillmore Ave. houses the Semiconductor Products Department.

IMPORTS ARE PROBLEM

Rep. Dulski said he left the real reason for the closing is the "hard competition from imports, especially from Japan."

He said most of the 550 jobs involved are "working people," as opposed to management.

Mr. Dulski said no formal announcement has been made by the company, but officials of GE called his Washington office with the news.

He said that officials met with employes of the plant this morning, presumably to tell them of the layoffs.

GE officials told Rep. Dulski that some of the persons displaced might be transferred to other GE plants, but such prospects would be unlikely and difficult.

The congressman said most of the employes of the Fillmore Ave. plant are women.

BLOW TO COMMUNITY

"The decision to close the General Electric Buffalo plant this year is another serious blow to our community," he added.

"Our unemployment in Buffalo is already one-third higher than the national average," he said.

Rep. Dulski said he is already working vigorously to obtain legislation to curb the competition from imports.

"Last week I met on the same subject with Buffalo groups representing all segments of labor involving the manufacturing of electronic material," he said.

"We have to change our laws with respect to international trade and put the United States industry back on its, par," he added.

The GE plant made Christmas tree lights and automobile lights when it opened in 1919. It was an early producer of tubes for World War II proximity fuses and in 1946 was a pioneer in the production of TV picture tubes.

When the plant switched to transistor production in 1957 it was predicted employment would soar to 1500 to 1800 within 2 or 3 years. It never reached 1000.

CONVERSION COST MILLIONS

GE spent millions of dollars converting the 150,000-square-foot facility to transistor production but never used more than half the space.

At the outset, transistors were produced mainly for portable radios, car radios and hi-fi's, but the emphasis later shifted to military uses.

Overcapacity problems in the transistor industry caught up with the plant in the early 1960s, and employment dropped to between 500 and 600.

The plant survived the shakeout, however, and employment by 1967 had reached 950.

General Electric continues to operate its apparatus service shop at 175 Milens Rd., Town of Tonawanda. This facility, built about three years ago at a cost of around $2 million, employs about 80 workers. Services by this shop include the repair and maintenance of electric motors, generators, turbines and transformers.

[From Buffalo (N.Y.), Courier-Express,
Jan. 13, 1972]

MORE CLOSINGS FORECAST, GE PLANS OVERSEAS MOVE, DULSKI SAYS

Rep. Thaddeus J. Dulski charged Wednesday that the closing of the General Electric plant in Buffalo is the beginning of a complete phase-out and transfer of all its transistor operations to overseas facilities.

General Electric had announced Monday that it was going to close its plant at 1495 Fillmore Ave. during the year with a loss of 550 jobs. Of the 550 persons affected, 480 are hourly workers. The total yearly payroll of the Buffalo plant is $4,125,000.

Dulski said the company told him that it was going to concentrate its production in the future in its Auburn, N.Y. and Syracuse plants. However, he said, the company has admitted that it already has reduced production in those plants as well.

NO JOBS—SHIFTS

For that reason, the congressman said, the company explained it has no prospect of absorbing elsewhere any of the Buffalo work force.

"It looks to me as though the shutdown of the Auburn and Syracuse plants may well be next on the schedule," Dulski said.

"Last week, General Electric closed a plant in Cleveland which employs about 1,000 and manufactures vacuum cleaners, Dulski added.

General Electric prior to announcing it was closing the Buffalo transistor plant said it had closed its transistor plant in Lynchburg, Va., and consolidated its production in Auburn and Syracuse.

MOVE TO IRELAND

"I have been informed that considerable production of the four electronics plants already has been shifted to a company plant in Dublin, Ireland," Dulski charged.

Dulski contended that when the Buffalo plant was enlarged and its production switched to transistors and other electronic items in 1957, the company said it expected to build the work force to 1,500 to 2,000 employes within two or three years.

"However, the largest work force at the plant since 1957 has been less than 1,000 employees and there has been clear indications for the past year that the company had no intention of continuing the operation, let alone increase its work force," Dulski stated.

TIES TWO MOVES

"Significantly, the opening of the Dublin plant about 1960 relates directly to the turnaround in the plans for the Buffalo operation," he contended.

Dulski pointed out that production at the Buffalo plant centers on three items, principally the 814 rectifier, which is a universal component. The other products are tunnel diodes and transistors.

"There is no question in my mind about the need for a prompt and effective change in our laws regarding international trade.

Our unemployment, already over 6 percent nationally and about 8 percent in Buffalo, is going to keep increasing unless we take corrective action," Dulski said.

He pointed out that among the need changes in the law are those affecting the foreign operations of U.S. corporations.

"We cannot afford to have trade and tax laws that encourage U.S. companies to close domestic factories at the cost of thousands of jobs and transfer manufacturing operations to plants built under tax shelters in other countries," he stated.

TRADE BILL INTRODUCED

Dulski said he has introduced legislation to deal with this imbalance in international trade and seek to reduce the unemployment resulting from transfer of American production to foreign facilities.

"My bill, the Foreign Trade and Investment Act of 1972, would provide dramatic new tools for meeting these problems," Dulski stated.

Specifically, he said, it would provide new procedures to make taxes on U.S. corporations' overseas operations more closely relate to domestic tax treatment.

According to Dulski, the bill also would provide a new method to regulate the torrent of imports that has smothered U.S. production and cost hundreds of thousands of U.S. jobs.

"Imports would be regulated on a sliding-door basis to replace the present wide-open door policy that perils our national economy," he stated.

Dulski said "I am urging Chairman Wilbur Mills of the Ways and Means Committee to give earliest possible priority consideration to the complex and pressing economic problem."

The Congressman said that General Electric is building a plant in Australia where it will produce refrigerators. "So you can expect another curtailment of a plant in the United States," he said.

[From Buffalo (N.Y.) Courier-Express,
Jan. 14, 1972]

GE SILENT ON CHARGES OF U.S. PLANT PHASEOUTS

Officials of General Electric had no comment Thursday about charges made by Rep. Thaddeus J. Dulski, Buffalo Democrat, that the company is planning more and more transistor production in foreign countries and phasing out U.S. production.

GE announced Monday it is closing its Buffalo transistor plant at 1495 Fillmore Ave., resulting in a loss of 550 jobs. The company said the Buffalo transistor production will be consolidated in plants at Syracuse and Auburn.

Dulski said GE has admitted that production at the Syracuse and Auburn facilities also has been reduced. He said he has been informed that considerable production of the three GE electronic plants already has been shifted to a company plant in Dublin, Ireland.

Thomas Farrell, personnel manager of the Buffalo GE plant, had no comment Thursday on the congressman's charges. GE officials in New York City said any statement on the matter would have to come from Farrell.

[From Buffalo (N.Y.) Evening News,
Jan. 18, 1972]

GE DENIES IT WILL LEAVE SYRACUSE AND AUBURN

SYRACUSE, January 18—The General Electric Co. has no plans to transfer its Syracuse and Auburn transistor production to Dublin, Ireland, Thomas A. Vanderslice, GE vice president and general manager of the company's electronic components business division, said here Monday.

However, GE will continue to cut employment at its Syracuse installations in 1972 after dropping 3600 workers over the past two years, he said.

Mr. Vanderslice denied charges made by Rep. Thaddeus J. Dulski (D. Buffalo) last Wednesday that GE might be planning to shut down both the Auburn and Syracuse plants, transferring their operations overseas, particularly to Dublin.

The congressman's charges came in the wake of GE's announcement last week that it would shut down the Buffalo GE plant at 1495 Fillmore Ave., eliminating 550 jobs.

"Recent announcements of the phasing out of the Buffalo GE plant of the semi-conductor products department and the announcement of plans to discontinue the small semi-conductor manufacturing facility at Lynchburg, Va., are not expected to have any appreciable impact on operations in Auburn and Syracuse," Mr. Vanderslice said.

However, he said competition in the same field by other firms could have an effect.

Mr. Vanderslice blamed the shutdown of the Buffalo and Lynchburg units on competitive pressures and uncertainties in the economy.

[Editorial in Buffalo, (N.Y.) Courier-Express,
Jan. 15, 1972]

NO QUICK WAY TO SOLVE TRADE WOES

The planned closing of the General Electric plant in Buffalo stirred up a thickening smog of charge, countercharge and clarification. One fact that all agree on is that loss of 550 jobs and a $4,125,000 payroll is a severe body blow to an area economy trying hard to keep moving on the recovery route.

Rep. Thaddeus J. Dulski, D-Buffalo, contends that GE is shifting some transistor operations to a plant in Dublin, Ireland, in contrast to statements about consolidation at Auburn and Syrcause. Shifting overseas is part of the current perplexing trend: Bendix Corp. is moving a brake operation from Elmira Heights to a new plant in Mexico; parts of the women's garment industry long ago moved to Puerto Rico; our biggest steel and auto firms buy major interests in the largest mills in France and Japan.

The answer to the shifting economic balance, however, will not be found, over the long haul, by piling one more piece of patchwork legislation atop existing trade and tariff law. Nothing is really gained in promoting trade wars, import surtaxes, nor ill-tempered, emotional antiforeign campaigns. As spokesmen for 14 members of the House Ways and Means Committee said during their current trade-policy meetings with Common Market leaders in Brussels, the goal is closer trade ties, to achieve more liberal trade legislation.

Ambassador William B. Eberle and other top U.S. negotiators are conducting concession talks with Common Market nations and Japan. Reform discussions within the General Agreement on Tariffs and Trade are coming up. These are the ways through which multinational trade conflicts are resolved. Raising one more unilateral trade barrier won't do it. Furthermore, there are several methods under the existing U.S. trade law by which the president can raise or lower tariffs and/or quotas, or impose countervailing duties if these are proved necessary.

We've suggested before that there may be need for tighter control over the flow of U.S. corporate investment abroad; Canada has been pushing the same idea with regard to U.S. control of its industry. These also may be need to cut down on the deferred tax liability for U.S. firms which move plants to other countries. But this needs careful study, and Rep. Dulski's bill is not the way to get that. Ways and Means Committee members pointed out how difficult it was to even close the communications gap, to iron out definitions of terms, for example.

Nor will any bill solve the basic dilemma of U.S. plants which can't get their productivity rates back to where they are competitive. If unit costs keep going up, either productivity has to increase or, in the over-all sense, Americans have to cut back on their expectation of an always-rising standard of living in dollar terms. This is a labor-management problem which too few unions and too few managements seem willing to tackle honestly. The cop-out seems more appealing.

This trade-readjustment period requires patience, restraint and a commitment to evenhanded multilateral bargaining. It also requires a better sales effort on behalf of our own business, as is being launched—incredibly—for the very first time on a joint, coordinated basis, for example, by the U.S.A. Textile Council with the aim of promoting sales of more American goods abroad. It does seem fair to wonder why we have lagged so far behind other nations on this point, too.

DISTRICT OF COLUMBIA TO BECOME BLACK MUSLIM SANCTUARY?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. RARICK. Mr. Speaker, classic examples of the abuse of Government ownership and increased control of the communications media occurred this weekend in Washington, D.C.

Channel 14, a public broadcasting or Government owned and operated TV station, programing to the Washington, D.C., community of some 538,000 people of whom 71 percent are black, carried a half-hour tirade on white devil teachings of the Black Muslims concluding with Muslim propaganda and a recruiting drive.

The same day channel 4, an NBC affiliate, privately owned, commercial TV channel under FCC guidelines programing to the local community, offered a half hour interview of a Black Muslim minister who announced expanded Muslim activities in District of Columbia as well as Muslim schools for black youth.

Both incidences should be of particular interest to the Baton Rougean—first, it shows how Government control and regulation is being used to continue polarizing the American people; and second, while Washington, D.C., may be a long way from Baton Rouge, we should not forget that the recent police murders and city violence was at the hands of Muslims trained a long distance from Louisiana.

If Washington, D.C.—our Nation's Capital—is to be turned into a Muslim sanctuary and paramilitary staging area for invasions of peaceful communities like Baton Rouge, our people should be forewarned.

I include a newsclipping covering the channel 4 broadcast:

[From the Washington Post, Jan. 24, 1972]

BLACK MUSLIMS PLAN TO EXPAND ACTIVITIES

(By Ivan Brandon)

Minister Lonnie Shabazz, leader of Washington's Black Muslim community, said yesterday that his followers will expand their activities in Washington with the opening of three more temples here within the next three months.

Shabazz, interviewed on the WRC–TV show "Dimension Washington," also said that the Muslims will open a college branch of the Muslim University of Islam in March.

The University of Islam, located in Chicago, is made up of primary and secondary schools and a college set up by Muslims' leader, the Honorable Elijah Muhammad. There are branches of the university in most cities where the Muslims have a mosque.

The local Muslims run a high school and an elementary school with a total enrollment of about 350 students. Shabazz said the college will probably have about 50 students when it opens.

The schools are open to all black students and are tuition free. Shabazz said the Muslims have opened their own schools because "the schools are in a bad situation." He added that black studies programs "are nothing more than a warmed-over version of white history. The Honorable Elijah Muhammad has solved this with his own schools," Shabazz said.

Shabazz said the new temples will be located in the Upper Northwest, Northeast and Southeast sections of the city. Muhammad's Mosque No. 4, 1519 4th St. NW., is the Muslims' headquarters here.

Shabazz did not say how much the expansion would cost or offer any other details on the new temples. The Muslims will not release the number of members in the Washington area or nationwide.

Shabazz was questioned about Muslim involvement at the recent shootout in Baton Rouge where two blacks and two policemen were killed in what police officials called a confrontation prompted by Muslims.

"We have been taught by the Honorable Elijah Muhammad to go about our work in a peaceful manner. We were not involved at all" in the incident in Baton Rouge, Shabazz said.

Shabazz said local Muslims have a "peaceful relationship" with the Washington police. Muslims have been in Washington for nearly 40 years, and there have been no serious incidents here involving Muslims and local authorities.

When asked about reports of an internal struggle for control of the Muslims, Shabazz quickly denied all rumors, saying that there is no dissent or power struggle going on within the movement.

RADIATION AND THE WAR ON CANCER

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Monday, January 24, 1972

Mr. GRAVEL. Mr. President, exactly 2 years have passed since the Secretary of Health, Education, and Welfare called for a thorough review of the presently "permissible" radiation doses for the public. There is no report yet. This is a very hot political potato indeed.

The vested interests whose dollars and activities will be directly affected include at least the following:

First. The entire nuclear power industry, whose advertising and licenses are based on the assumption that even 25 rads of whole-body radiation exposure is not injurious.

Second. The uranium mine owners, many of which are oil companies.

Third. The Atomic Energy Commission.

Fourth. The Department of Defense.

Fifth. The employers of several thousand atomic workers, who might start holding their employers liable for work-related cancer.

Sixth. The growing and questionable nuclear medicine business.

All these groups have a direct interest in getting official blessing for a high "permissible" radiation dose and a low estimate of the risk-per-rad of exposure.

PUT YOUR MOUTH WHERE YOUR MONEY IS

We ought to ponder the attitude of the 1971–72 president of the Health Physics Society, Dr. Dade W. Moeller, who is at the Harvard School of Public Health and also happens to be a member of the National Council on Radiation Protection.

A man in such positions of responsibility might be expected to consider the prevention of cancer and genetic deformity as his number one concern.

In his address to the members of the Health Physics Society, published in the July 1971 issue of Health Physics, he states as follows:

> When one realizes that there will be a need for over 300 additional health physicists (plus some 2,500 licensed operators) to man the nuclear power stations scheduled for construction during the coming decade, that there is a projected need for over 500 additional health physicists (plus approximately 15,000 technicians) to staff new nuclear medicine departments anticipated within our hospitals during this same time period, and that 500–700 more medical radiation physicists will be needed to supervise radiation protection activities in hospital X-ray departments, our potential for growth is exciting to say the least . . .
>
> Projections to the year 2000 show the need for 2,000 to 3,000 additional health physicists for the support of the operation of power reactor stations alone . . . [It is] essential . . . that we speak out and make known our positions on such issues as nuclear power safety and radiation protection guides. This includes speaking . . . to our Congressional leaders . . .

To paraphrase an old adage: let's all put our mouth where our money is.

PAPER INTO THE RECORD

In contrast, it is refreshing to read a paper which is clearly grounded in a passionate concern for the public's health, and which clarifies principles of public health which should be applied to chemical additives and pollutants as well as to radioactive ones.

I am referring specifically to the paper entitled "Epidemiologic Studies of Carcinogenesis by Ionizing Radiation", by Drs. John W. Gofman and Arthur R. Tamplin, whose frontal attack on the present "guidelines" or permissible doses of environmental man-made radiation began in October 1969. This paper was presented on July 20, 1971, by invitation before the Sixth Berkeley Symposium on Mathematical Statistics and Probability, at the University of California.

Mr. President, I ask unanimous consent to have this paper printed at the end of my remarks.

THE WAR ON CANCER

Although this paper is written for experts, as its title might indicate, its message needs to be understood by everyone who has ever watched another person wither and suffer into extinction with cancer.

I hope that this paper will find its way into the hands of all the experts and politicians who are so properly determined to reduce the Nation's cancer problem.

Some of the paper's main points, as well as a table of its contents, are provided below.

TWELVE MAIN POINTS

First. The presently "permissible" dose of environmental man-made radiation is 170 millirads per year for members of the general population.

Chronic population exposure to 170 millirads per year—0.170 rad—might cause a 34 percent increase in cancer—or about 100,000 extra cancer deaths per year in this country.

The legality of such a "permissible" dose is completely at variance with our intensified national effort to conquer cancer.

Second. If the real effects of 170 millirads per year could be this large, then the contribution of medical plus natural radiation—100 millirads and 135 millirads per year respectively—must constitute quite an important part of the so-called spontaneous cancer mortality rates.

Third. The authors state:

> Dr. Karl Z. Morgan's suggestions for feasible reduction in medical X-ray exposure, without loss of medical diagnostic information, deserve immediate attention.

Fourth. Further, the authors state:

> Natural radiation must be estimated as possibly responsible for taking a toll of several tens of thousands of lives annually by premature cancer and leukemia in the USA alone. Here again we must agree with Morgan, that man may decide to look carefully at the radioactivity of certain "natural" building materials before using them for home construction.

Fifth. The estimate of radiation mortality varies greatly with the assumptions made about age-sensitivity to radiation, about the length of the average latency period for cancer, and about the duration of the radiation effect.

The use of optimistic values for these unknowns can produce mortality estimates much lower than 100,000 extra cancer deaths.

This paper presents in detail three separate sets of assumptions which produce mortality estimates of 9,400 extra cancer deaths, 74,000 extra cancer deaths, and 104,000 extra cancer deaths per year from population chronic exposure to 170 millirads. See tables 5, 6, and 7.

Since there is no basis in evidence to believe the optimistic instead of the pessimistic figures, it is prudent to assume the worst.

Sixth. Since reliable human experiments with radiation-induced cancer can never occur in a civilized society, we must agree to make our policy decisions on public health protection without ideal sets of data.

It is the authors' opinion that—

> It is not appropriate nor good public health practice to demand human epidemiologic evidence to evaluate carcinogenic or leukemogenic hazard of a pollutant.

Seventh—

> It should be assumed, for public health purposes, that the human is at least as sensitive as the most sensitive experimental species studied—

Say the authors.

Eighth. For people who develop radiation-induced cancer, the average loss of life is about 13 years. Even for men in the age group of 65–69 years, the life expectancy is 11.5 years. If these men lose their life through radiation-induced cancer at 67 years, they have lost 11.5 years.

However, if the man-years of life expectancy lost due to radiation are distributed into the entire population instead of into the victims of radiation-induced cancer, the average loss of life expectancy is computed to be 2.8 days.

Apologists for pollution, nuclear and other, often try to hide the serious loss of life for victims by averaging the loss over the larger group of nonvictims.

> The ridiculous nature of this approach to calculation of loss of life expectancy would be obvious, to everyone.

The authors point out:

> If we considered an issue like the death of young Americans in Vietnam. After all, when those Americans who are at home are averaged in with those who are killed in Vietnam, the *average* loss of life expectancy is small, the deaths are not tragic, for, on the average everyone is just losing days from his life.

Ninth. Ignorance about the body's sensitivity at various ages, about the length of the "latent" period for cancer, and about the duration of cancer-producing effect of a pollutant, create major uncertainties about the alleged "safety" of all additives and pollutants, including radiation.

Tenth. Evidence suggests that radiation may act as a multiplier of the cancer-causing power of other carcinogenic pollutants.

Eleventh. The serious underestimate of the cancer hazard from radiation was largely a result of using human data before the serious carcinogenic effects had time to appear.

> The long observation periods required should alert us to the futility of hopes of learning about carcinogenic effects from new pollutants through human epidemiologic studies on a time scale that can be practically useful—

Warn the authors.

Twelfth. In conclusion, Drs. Gofman and Tamplin state:

> The purpose of this Symposium implies that, for the host of potential pollutants now being introduced into our environment, enough epidemiologic evidence will, in the course of time, accumulate so that the statisticians and epidemiologists can do their thing.
>
> This means that the statisticians and epidemiologists have capitulated *in toto* to the dictum that progress means we must expose humans to by-product poisons of industry in the future as we have in the past. And *then* the effects will be studied.
>
> If our radiation experience is any guide at all concerning the time scale over which we will learn the effect of our folly . . . then the chances for humans surviving this approach are slim indeed.
>
> We think it might have been more important if this gathering of statisticians and epidemiologists had met instead to lend their talents and wisdom to a concerted human effort to work toward a total recycling economy, in which essentially zero pollution is the objective, instead of building up of a reservoir of epidemiologic evidence of the effects of pollutants on humans. . . .
>
> We have extreme doubt that the planning of appropriate epidemiologic investigations for future environmental pollutants is likely to be any real contribution to the public health.
>
> There has to be a more rational approach to the question of potential environmental carcinogens—like not introducing them into the environment at all.

The table of contents follows:

TABLE OF CONTENTS

1. Do We Really Need Human Epidemiologic Data for Pollutants?

1.1 Carcinogenesis and Leukemogenesis in Humans Exposed to Ionizing Radiation.

1.2 Dose-Response Relationship: Ionizing Radiation-Induction of Cancer and Leukemia.

1.2a Time of Onset of Carcinogenic Response and Its Duration.

1.2b Dose-Response Relationships over a Range of Doses.

1.2c Variation in Carcinogenic Dose-Response Relationship with Age at Radiation Exposure.

2. The Carcinogenic Consequences of Population Exposure to Environmental Ionizing Radiation.

2.1 Cancer Hazard for Average Population Exposure at 0.17 rads per Year, Total Body Irradiation .

3. Life Shortening by Radiation-Induced Cancer.

4. Are There Possible Mitigating Factors Which Could Reduce the Estimated Hazard of Population Exposure?

4.1 Thresholds: Absolute and "Practical."

4.2 Protraction of Radiation.

4.3 Repair of Radiation Injury.

5. A Re-Look at the Purposes of This Symposium after Consideration of the Potential Population Consequences of Low-Dose Radiation Exposure.

SUMMARY

Table I: Increase in Childhood Cancer and Leukemia from *In Utero* Radiation.

Table II: Change in Rate of Induced Malignant Disease with Duration of Time Since Exposure in Irradiated Ankylosing Spondylitics.

Table III: Ratio of Spontaneous Cancer Mortality Rates to Leukemia Mortality Rates.

Table IV: Variation in Cancer Induction per Rad with Age.

Table V: Case 1, Radiation-Induced Cancer Mortality by Age and Sex from 170 millirads per year, with 5 year latency for *in utero* radiation, 15 year latency for all other radiation, Plateau constant after latency period.

Table VI: Case 2, Radiation-Induced Cancer Mortality by Age and Sex from 170 millirads per year, with 5 year latency period for *in utero radiation*, 15 year latency period for all other irradiation, Plateau: 30 years beyond latency period.

Table VII: Case 3, Radiation-Induced Cancer Mortality by Age and Sex from 170 millirads per year, with 5 year latency period for *in utero* radiation, 10 year latency period for all other radiation, Plateau: 20 years beyond latency period.

Table VIII: Loss of Life Expectancy from Radiation-Induced Cancer.

REFERENCES

SOME INDEPENDENT CONFIRMATION

It is worth noting that one participant in the discussion after this paper was David L. Levin, M.D., from the Office of the Associate Director of the National Cancer Institute. Dr. Levin made the following statement:

> In regard to the cancer/leukemia ratio and the extrapolation of risk down to low levels of irradiation, we have also looked at the Court-Brown and Doll data on spondylitics and the Hiroshima-Nagasaki data.
>
> We have found that the cancer-leukemia ratio, when adjusted for difference in dose to the target organs, is indeed higher than often quoted.
>
> Also, we have made calculations on the lifetime risk of developing cancer from irradiation levels of 170 millirads, based on extrapolations from high dose situations (X-ray therapy and atom bomb) to low-dose situations.
>
> Using different methodology than that described today, we computed risks to be of the same general level as those shown by Dr. Gofman. We are now continuing our calculations trying to improve our estimate based on demographic studies.

There being no objection, the studies were ordered to be printed in the RECORD, as follows:

Epidemiologic studies of carcinogenesis by ionizing radiation

(By John W. Gofman and Arthur R. Tamplin, Bio-Medical Research Division, Lawrence Livermore Laboratory and Division of Medical Physics, University of California at Berkeley, presented July 20, 1971, Sixth Berkeley Symposium on Mathematical Statistics and Probability, University of California, Berkeley, Calif., by John W. Gofman)

1. DO WE REALLY NEED HUMAN EPIDEMIOLOGIC DATA FOR POLLUTANTS?

In general we should like to express our lack of sympathy for the expressed purpose of this Symposium, which is the planning of epidemiological studies for the evaluation of effects of major pollutants on humans.

Carcinogenesis and leukemogenesis are two particularly worrisome long-term effects which deserve consideration with respect to any pollutant. From our experience with ionizing radiation as a pollutant, we have derived some lessons that we believe are extremely important to understand if society is to avoid paying a very high, probably unacceptable, price for the introduction of environmental pollutants.

One such lesson centers around the prevalent notion that human epidemiological evidence concerning carcinogenesis should be required before technological promoters are willing to admit the serious potential hazards of a pollutant. Ionizing radiation is a classic example of this fallacious notion.

In our opinion it is not appropriate nor good public health practice to demand human epidemiologic evidence to evaluate carcinogenic or leukemogenic hazard of a pollutant. First, in a civilized society there should never exist an ideal set of human epidemiologic data. What epidemiologic data do become available are always subject to serious reservations with respect to equivalence of controls and exposed groups upon variables other than the specific pollutant variable under study.

The net result is that controversy persists interminably. Peculiarly, but not unexpectedly in the face of promotional bias, the presumption is all too commonly made that, where uncertainty exists about the magnitude of effect, it is appropriate to continue the exposure of humans to the potential pollutant. It would indeed be sad if this Symposium helped contribute to this pernicious philosophy, which can only be described as that characteristic of a society bent upon ecocide in the name of ostensible technological progress.

In the case of radiation as a pollutant, we may consider some of the major epidemiological samples that have become available for study, and relate the reservations that have been raised concerning acceptance of the results derived from the study of these samples.

Approximately 100,000 survivors of Hiroshima and Nagasaki atomic bombing have been under followup study with respect to cancer and leukemia. Dosimetry reconstruction is difficult, at best, considering the nature of the event during which the radiation exposure occurred. Further, the associated possible injurious factors other than radiation were expected, in general, to be highly correlated with radiation exposure.

Another large sample available for epidemiological study is the series of some 11,000 cases of ankylosing spondylitis in Great Britain, treated with x-irradiation. No satisfactory control series of spondylitics, untreated by x-rays, but otherwise equivalent, is available. Hence, questions can properly be raised about using the population-at-large as a reference sample. And the use of drugs for pain relief in addition to radiation therapy leads to the question of effects due to the drugs alone or to synergistic effects between drugs and radiation.

It can be pointed out that a vast experience with experimental animals of several species has proved cause and effect relationship between radiation exposure and carcinogenesis and leukemogenesis. Therefore, the real significance of the human studies is to ascertain comparability of dose-response relationships for humans versus other species, rather than establishment of whether the observed association of radiation and cancer in these human population samples is causal.

We believe the appropriate approach to the study of leukemogenic or carcinogenic potential of pollutants is the study of dose-response relationships in several mammalian species. And until or unless scaling laws are established among species, including humans, it should be assumed, for public health purposes, that the human is at least as sensitive as the most sensitive experimental species studied.

In the ionizing radiation case, abundant experimental animal data have accumulated over the past quarter-century demonstrating that radiation can provoke cancers of essentially all organs, provided the radiation is delivered to susceptible cells. Moreover, reasonable dose-response data were available through such studies. (Gofman and Tamplin 1970d). Had these experimental animal data been utilized properly, the recent surprise concerning the higher-than-anticipated cancer hazard of ionizing radiation need not have occurred.

Having expressed our serious disapproval of the concept that human epidemiological studies should represent an approach to the study of pollutant effects, we should like to review here the treachery inherent in such studies, how they led to an earlier underestimate of the carcinogenic effect of radiation, and the residual uncertainties which still exist in assessment of the magnitude of the carcinogenic response to ionizing radiation in humans.

1.1 CARCINOGENESIS AND LEUKEMOGENESIS IN HUMANS EXPOSED TO IONIZING RADIATION

Direct evidence that virtually all forms of human cancer can be induced by ionizing radiation has accumulated over several decades, often, however, with poor assessment of dose-response relationships. By now, acute and chronic myelogenous leukemia, other acute leukemias, multiple myeloma, bone sarcoma, skin carcinoma, lung cancer (bronchiogenic and other varieties) thyroid cancer, breast cancer, stomach cancer, pancreas cancer, malignant lymphoma, colon cancer, cerebral tumors, neuroblastoma, Wilms tumor, maxillary and other sinus carcinomas, and pharynx cancer have all been shown to be inducible in humans by ionizing radiation. (Gofman and Tamplin, 1907a).

One disease (presumed malignant), chronic lymphatic leukemia, does not, thus far, appear to be radiation-induced. (Lewis, 1970) The implications of this finding remain unclear.

For those remaining varieties of human cancer, other than the ones just listed, no evidence indicates they are not radiation-inducible. Within the evidence available, fortunately limited, there are simply no adequate data concerning radiation-induction.

Recently we presented three generalizations concerning induction of human cancer and leukemia by ionizing radiation. (Gofman and Tamplin, 1970a, 1970b). These generalizations follow:

Generalization I

All forms of cancer, in all probability, can be increased by ionizing radiation, and the correct way to describe the phenomenon is either in terms of dose required to double the spontaneous mortality rate for each cancer or, alternatively, of the increase in mortality rate of such cancers per rad of exposure.

Generalization II

All forms of cancer show closely similar doubling doses and closely similar percentage increases in cancer mortality rate per rad.

Generalization III

Youthful subjects require less radiation to increase the mortality rate by a specified fraction than do adults.

Others (Stewart and Kneale, 1968) had clearly stated the outlines of these generalizations based upon the irradiation of infants in utero. Court-Brown and Doll (1965) had done so based upon irradiation of adults. Additional study (Gofman, Gofman, Tamplin, Kovich, 1971) provides no reason to suggest a change in any of these generalizations; rather, it provides supplementary support for the generalizations.

The second of these generalizations led us to predict that for every leukemia induced by ionizing radiation, the *sum* of the number of cancers induced would stand to leukemia *as does the sum of spontaneous cancer mortalities to leukemia mortality*. Since the sum of spontaneous cancer mortalities is some twenty times that of leukemia mortality (Table 3) over a fair share of the human adult life span, we predicted the sum of cancer mortalities per unit of radiation would be twenty-fold that of leukemia.

This caused a furor in the "radiation community", since the International Commission on Radiological Protection (1966) had predicted only *one* cancer mortality per leukemia mortality from radiation (exclusive of thyroid carcinoma which shows a low mortality rate in the cases which do occur).

The error in the ICRP estimate represents a classic illustration of the pitfalls in the epidemiologic approach that had been used. Leukemia happens to occur earlier, post-irradiation, than do other cancers. Thus, since the ICRP was studying population samples in the relatively early years post-irradiation, the cancer mortality was seriously underestimated.

Data are available for adults from the study of the irradiated ankylosing spondylitis cases in Great Britain. (Court-Brown and Doll, 1965). These subjects were irradiated primarily in early adulthood and then followed for periods up to 27 years. This study provides a good basis for testing the prediction that the sum of cancer mortalities is some 20 times that of leukemia mortality following irradiation. It is obvious that such a comparison test requires that radiation dosages be equivalent for all sites compared, or that appropriate dosage corrections be made before comparison of cancer mortalities with leukemia mortality. The Court-Brown and

Doll data are presented in Table 2, including partial followup through 27 years.

In these studies:

40% of the total bone marrow (the expected site of origin of the leukemias) is estimated to have received irradiation. The spondylitis treatment is directed to the spine, not to other bone sites containing marrow. The mean bone marrow dose = 880 rads, (for spinal marrow).

The "heavily irradiated" sites in those studies represent the sites receiving spray irradiation incident to the planned spinal iradition. Dolphin and Eve (1968) estimated that these "heavily irradiated" sites received $\sim$7% of the mean spinal marrow dose.

From Table 2, the observed (Σ Cancer Mortalities/Leukemia Mortality) = (369/67).

The Σ Cancer Mortalities must be multiplied by 100/7, or 14, to correct dosage for "heavily irradiated" sites to be equivalent to that for the spinal marrow.

The Leukemia Mortality must be multiplied by 2.5 to correct for the fact that only $\sim$40% of the total bone marrow received irradiation.

Therefore, for true total body irradiation the *Corrected Ratio* for radiation-induced malignant diseases, (Σ Cancer Mortalities/Leukemia Mortality) = (369/67) / (14/2.5) $\cong$ 31.

Since the spondylitis patients were irradiated in early adulthood, the period of followup is approximately in the 40 to 70 year age region. From U.S. Vital Statistics, 1966, we can derive the ratio, (Σ Spontaneous Cancer Mortality Rates/Σ Leukemia Mortality Rate) for this age range. These values are presented in Table 3.

In the spondylitis patients, the sites designated as "heavily irradiated" include lung, stomach, colon, pharynx, esophagus, pancreas, lymphatic tissue. The major contributing cources to cancer mortality are, therefore, included. Possibly the ratio. (Σ Radiation-Induced Cancer Mortalities/Σ Leukemia Mortality), determined here to be $\sim$31 might be increased some if remaining tissue sites had been irradiated. The ratio, (Σ Spontaneous Cancer Mortality Rates/Σ Leukemia Mortality Rate) is in the neighborhood of 20–30, for the relevant age range. Within the errors of such data as those for the spondylitis cases, the similarity of ratios for the spontaneous and the radiation-induced cases can be taken as strong support for the Generalization II presented above, and as grossly at variance with the earlier ICRP prediction.

By now, however, this whole controversy has all but subsided.

An ICRP Task Force (1969) has presented the Court-Brown and Doll data, together with the dose correction shown above (application of the Dolphin-Eve correction).

Hamilton (1971) stated that his own estimate of the ratio. (Σ Radiation-Induced Cancer Mortalities/Radiation-Induced Leukemias), is within a factor of five of that of Gofman and Tamplin, but he failed to take into account the dosage corrections which are, of course, absolutely essential in the treatment of the ankylosing spondylitis data. When the Hamilton estimate is appropriately corrected for the dose difference between bone marrow and the "heavily irradiated" sites (where cancers arise), his revised estimate would be entirely in accord with our own estimate.

Mole (1971) has recently published an estimate that the sum of radiation-induced cancer mortalities is "an order of magnitude" greater than radiation-induced leukemias. In a personal communication, Mole (1970) indicated to us that he had *not* applied the full Dolphin-Eve dosage correction, and this almost certainly explains the residual factor of two difference between his estimates and our own.

Thus, the so-called "radiation controversy", at least with respect to the ratio, (Σ Cancer Mortalities/Σ Leukemia Mortality), for total body radiation, is essentially over. The controversy did pinpoint a valuable epidemiological pitfall, namely, the serious underestimate of cancer hazard from ionizing radiation resulting from the use by standard-setting bodies of epidemiologic data for a time interval before the serious carcinogenic effects had developed. And the long observation periods required should alert us to the futility of hopes of learning of carcinogenic effects of new pollutants through human epidemiologic studies on a time scale that can be practically useful.

1.2 DOSE-RESPONSE RELATIONSHIPS: IONIZING RADIATION-INDUCTION OF CANCER AND LEUKEMIA

The ultimate objective, for a pollutant such as ionizing radiation, is an estimate of the human cost in premature death through cancer and leukemia, resulting from fairly chronic low or moderate dose irradiation.

It is self-evident that dose-response relationships are required for such an estimate. Less immediately evident are some of the more subtle characteristics of the dose-response relationships—characteristics which are crucially determinative of the magnitude of expected human cost.

(a) One such characteristic is the time of onset of the carciogenic response following exposure. Closely related is the duration of the response period in an exposed population.

(b) A second characteristic is the nature of the dose-response curve over a wide range of doses. This becomes especially important because much of the available epidemiologic data covers a dose region higher than that anticipated for population exposure. Dose rate is an ancillary feature deserving consideration.

(c) A third characteristic is the variation in dose-response relationship as a function of age at exposure.

1.2A TIME OF ONSET OF CARCINOGENIC RESPONSE AND ITS DURATION

A valid parameter commonly employed to assess carcinogenic response to ionizing radiation is the radiation-induced age-specific mortality rate from any particular malignancy or group of malignancies. It would be ideal if this parameter were readily available both from the experimental animal and human data, but this is not always the case.

Following radiation exposure (humans and experimental animals) there is a time-period which elapses before any provably induced mortality from cancer or leukemia is observed. In short-lived mammals, e.g. rat, this time-period is on a time scale of months; in the human, it is on a time scale of years.

Most workers have referred to this apparently silent period as a latent period. It is not at all certain that such a latent period is truly as long as has generally been suspected. What is more likely is that the dose-response curve shows at first a gentle slope upward with time, followed by a more steep slope, and then followed by what may be called a "plateau" region (Figure 1a). In studies involving relatively few subjects, the low incidence in the gentle slope region can appear to be a time-period free of effects, and this may well be why the impression has arisen of a long latent period. In most of the data available for analysis, the quantitative features of this segment of the response versus time curve are poorly defined.

Of additional great importance would be knowledge concerning duration of the "plateau" region of the response versus time relationship. Unfortunately, the available data simply do not allow, for any particular malignancy, satisfactory construction of this curve to ascertain how long the "plateau" region persists.

For chronic myelogenous leukemia (Bizzozero, Johnson, and Ciocco, 1966) the data suggest that once the excess mortality-rate from radiation is perceived, it persists year after year for some 10 to 15 years, whereupon the excess mortality rate drops toward a lower value.

In that same study, the radiation-induced excess acute leukemia mortality rate showed no significant decline from the peak (or "plateau") value even after 20 years beyond irradiation.

In the study of Court-Brown and Doll (1965) on patients with spondylitis treated by X-rays, the 15–27 year period post-irradiation showed a *higher* excess mortality rate than any earlier periods of observation. There is, thus, no evidence yet within that study, of a return toward spontaneous mortality rates from malignant disease for the irradiated subjects.

Both the Japanese studies and the spondylitis studies should, in the next 10 years, provide very valuable clues concerning the *duration* of the plateau region of response. For the present, however, no valid data are available to determine plateau duration. Indeed, and regrettably, the data for experimental animals, with respect to this issue, are no better than the sparse human data.

As will be noted in the subsequent discussion of estimating long-term population effects of low or moderate dose radiation, the duration of the plateau region is an extremely crucial parameter in determining the human cost expected. Furthermore, the shape of the early part of the dose-response curve (the so-called latent period region) is also an important parameter in determining the total magnitude of expected population cost.

In the absence of definitive data on these two issues, we shall idealize such dose-response curves using simplifying assumptions which are in reasonable accord with what experience is available. Figure 1b presents such an idealized diagram describing the main features of the dose-response relationship. The gently sloping part of the response curve is there replaced by an idealized "zero" response; followed by an abrupt rise to a flat plateau region. The duration of the flat plateau region is then available as a parameter for study, which is all that can be done at this time in the absence of definitive data.

In order to explore the consequences of variation in major parameters (length of "latent period" and duration of "plateau"), the following assumptions and cases will be used:

(a) A single latent period of 5 years for in utero irradiation. (So chosen as to be in accord with the estimates of Stewart and Kneale.)

(b) A single latent period of 15 years for all forms of cancer for all irradiation beyond birth [except in (d) below].

(c) Two general cases; first, that with no return toward the spontaneous mortality rate (plateau, therefore, extending throughout the remaining life span for the population-at-risk); and second, that with an idealized abrupt return to spontaneous mortality rates after a 30-year plateau region.

(d) An extreme case; latency period 10 years (instead of 15 years) for all post-natal radiation and a plateau duration of 20 years. Both these changes have the effect of reducing the expected consequences of irradiation. We refer to them as "extreme" because it appears doubtful that the gently sloping part of the dose-response curve is any shorter than 10 years for the majority of radiation-induced malignancies (aside from leukemia, which appears shorter than all others), and second, because what evidence is available suggests that the plateau region is most likely to be greater than 20 years in duration.

It is essential to consider the manner of description of the radiation-induced excess age-specific mortality rates. In most of the literature data the results are presented either as excess cases per 1000 population at risk, or as the percentage increment in cancer mortality over the spontaneous age-specific mortality rates. In some cases data are available for individual malignancies; in others, all cancers are presented as a sum.

There is no theoretical reason for preference of absolute or percentage increments in age-specific mortality rates. Both expressions suffer the defect that data derived from one population sample (e.g. Japanese subjects) may not be directly applicable to another population sample (e.g. United States subjects). We are far, far from having sufficient epidemiologic data to address such questions.

We have mentioned earlier the desirability of having age-specific mortality rates for all ages of interest. We are far from that goal. Instead, available to us are radiation-excess mortality rates over a span of years of observation of exposed population samples. Therefore, expressed either as absolute or percent increment in mortalities, the data allow only an average value for this span of years.

In the absence of further evidence, we are here treating the plateau region as a *fixed* percentage increment in cancer mortality per unit of radiation over the *entire plateau region*. Only extensive further data can definitively test the validity of this particular approach.

In its favor is the conservative nature of this treatment for public health purposes. Let us consider the implications of this treatment. Since spontaneous age-specific cancer mortality rates change with age (rising steeply with age beyond 20 years), the assumption of a fixed percentage increment for radiation-induced excess over the whole plateau implies that the absolute increase in age-specific mortality rate induced by radiation also changes with age. Thus, if the plateau region represents a 50% increase in mortality rate, there will be 1000 extra deaths per 10^6 persons per year where the spontaneous mortality rate is 2000 deaths per 10^6 per year. At a later age, with a spontaneous mortality rate of 4000 deaths per 10^6 persons per year, the absolute increment due to radiation would be 2000 deaths per 10^6 persons per year. Thus, a constant percentage increment in the plateau response region implies that absolute radiation-induced age-specific mortality rate increments will increase over a span of ages.

"Spontaneous" cancer mortality rates include all known and unknown causes of cancer. Therefore, in an epidemiologic study, radiation-induced cases resulting from natural radiation background plus medical radiation exposures are included in the "spontaneous" cancer mortality rates for the population sample under study. Thus, if calculations are presented concerning the percentage increase in cancer mortality rate per rad of additional exposure to such a population, the true "spontaneous" base rate must be lower than that which includes the radiation effect from such sources as medical or natural radiation.

Therefore, the true radiation percentage increment per rad is actually larger than that presented. For calculational purposes this does not introduce any significant complications. However, if the effect per rad is high, then the observed percent increment per rad is stated to be lower than it truly is, simply because the spontaneous rate already is inflated by that mortality due to natural plus medical (and other) radiation for the population sample under study.

1.2b DOSE-RESPONSE RELATIONSHIPS OVER A RANGE OF DOSES

One cannot be certain that the time aspects of the dose response relationship are identical over all dose ranges to be considered. Earlier impressions have been that the "latent period" (the gently sloping region described in Section 1.2a above) might be longer at lower radiation doses. This speculation was flimsily supported, if at all. The kind of study which led to this impression of a longer latent period at lower doses generally included small population samples at the lower doses, such that the expectancy of cancer at the low doses was often measured as a small fraction of one case (Evans, 1969).

Under these circumstances, the probability of observing zero cases, in a small population sample, is very high. The observation of zero cases led to the false impression of a long latent period. In this manner a mythology arose concerning "practical thresholds" at low doses—the view that low doses of radiation might not be carcinogenic simply because the latent period could exceed the life span of the exposed population.

Finkel (1969) recently demolished this myth very effectively, based upon a study of some 3200 mice exposed to Ra^{226}. She saw no evidence of a variation in latent period with dose and indicated that she believed no other investigators would see such variation either if they had an adequate population sample in the low dose region.

In the absence of any evidence to the contrary, we shall assume latent periods and duration of plateau to be independent of the dose range under consideration. We shall, further, consider the effects calculated in the plateau region of the idealized diagram of Figure 1b.

The epidemiologic data available cover a wide range of doses of radiation, which much of the human data, at least up to recently, having been obtained at moderate or high doses. Our interest, for purposes of evaluation of radiation is, in general, for doses in the low to moderate range. It is, therefore, essential to know the nature of the dose-response curve over a wide range of doses if the epidemiologic data are to be utilized for predictive purposes in the case of population exposures.

A priori, in such problems, there is no way to predict the nature of the dose-response curve. In principle, three generalized dose-response patterns are conceivable, connecting observations at high doses with those to be anticipated at low doses. These are shown in Figure 2.

Curve A (Figure 2) may be taken as one representative curve of a family of curves that are convex upward. Clearly, curves of this family express pessimism in that they predict a higher response at low doses than would be anticipated from a linear dose-response relationship (Curve B). Curve C, on the other hand, is a representative of a family of curves concave upward. This curve may be considered the "optimistic" curve from the viewpoint of the promoter of a radiation-associated technology. The optimism arises because there can be a low dose region where the excess mortality due to radiation may be extremely low.

Early in the history of study of radiation carcinogenesis, data were available, for humans and experimental animals, only for the fairly high dose region, and the shape of the entire curve down to very low doses was unknown. During that period, most responsible scientists and such radiation study groups as the International Commission on Radiological Protection made the prudent assumption of a linear relationship of radiation dose versus excess cancer mortality rate (Curve B).

While this did represent a conservative approach consistent with sound public health principles, it must be emphasized that this was by no means the most conservative position. Any of the family of curves, represented by Curve A (Figure 2) represents a more conservative relationship for connecting available high dose points with the low dose region. But all these considerations describe an era that is now past.

Abundant new data, in humans and experimental animals, have now become available, permitting description of the dose-response relationship over a wide range of doses. These new data all point unmistakably to the correctness of Curve B, the linear relationship between excess cancer mortality and radiation dose, over a very wide range of doses for a variety of cancers and benign tumors.

While one can understand the disappointment of radiation-industry promoters over the disappearance of the fondly regarded Curve C, it is not possible to condone their lack of appreciation of the existence of all this new evidence. Let us consider the specific new evidence that has appeared in recent years.

(a) Shellabarger, Bond, Cronkite and Aponte (1969) have demonstrated linearity both for breast adenocarcinoma and breast fibroadenoma development in rats exposed to x-rays or gamma rays down to total doses of 15 rads.

(b) Upton et al (1969) have demonstrated linearity for mouse mortality from thymic lymphoma down to total doses of 10 rads. Studies at lower doses are in progress.

(c) Finkel, Biskis, and Jinkins (1969) have demonstrated linearity for osteosarcoma development in the mouse with ^{226}Ra injection over a wide range of doses. This is a landmark study, since it is refreshingly characterized by the experimental design of providing an adequate number of experimental animals in the low dose region. Gofman and Tamplin (1970e, 1971a) have pointed out the fallacious conclusions derived from the study of inadequate numbers of humans exposed to ^{226}Ra and developing osteosarcoma.

(d) Hemplemann (1968) has indicated linearity in the production of human thyroid adenomas by x-rays, including data points down to 20 rads total dose to the thyroid gland.

(e) Beebe, Kato, and Land (1970) have now extended the leukemia studies in survivors of the Hiroshima-Nagasaki bombings. They now have demonstrated linearity in the production of human leukemia with radiation dose, down to total doses of 20 rads.

(f) Stewart and Kneale (1970) have demonstrated linearity between cancer and leukemia induction in children during the first 10 years of life and irradiation by x-rays in utero in the process of diagnostic obstetric radiography. Their observations covered the range of $\sim$2.0 rads, thus providing direct human evidence in the extremely low dose region.

(g) Mays and Spiess (1971) have demonstrated linearity in the production of osteosarcoma both in human adults and children as a result of ^{224}Ra injection. Their experimental data extend down to 90 rads estimated dose. These studies are grossly at variance with the claims of Evans of a "threshold" for osteosarcoma in humans by alpha-emitters at a dose of 1000 rads.

Taken overall, these recent and diverse publications leave very little reason to doubt a linear dose-response relationship for cancer and leukemia induction by radiation. It has been an interesting phenomenon, indeed, to observe the antics of the promoters of radiation-associated technologies during the evolution of all these data. Starting with their hope that linearity would fail below 100 rads, they have been forced to retreat steadily to 50 rads, then 25 rads, and now they find themselves faced with linearity down to the region of a fraction of one rad. Hope springs eternal.

To be sure, for any particular set of data, one could always argue that perhaps there is a deviation from linearity somewhere below the dosage represented by the lowest experimental point. There exists no rational support for such an assumption, since it would require a fundamental change in the mechanism of radiation carcinogenesis in the region below the linearity region.

Further, such an assumption, in the absence of evidence supporting it, represents a totally unsound approach to the protection of the public health. The in utero data of

Stewart and Kneale (1970), extending down to ~ 0.3 rads, militate strongly against further serious consideration of non-linearity in the very low dose region.

From the point of view of mechanism, linearity between radiation dose and carcinogenic response suggests that a single-event phenomenon is involved in the production of the critical change which results in the development of cancer. If a single event produces the carcinogenic change over a wide range of doses, for a variety of cancers, for several mammalian species, there appears little reason to expect a fundamental change in such mechanism at still lower doses.

Since linearity appears well established for a variety of cancers, we shall here consider the dose response relationship, in the plateau region, as being linear for every type of cancer and leukemia (Figure 3) for prediction purposes.

The excess age-specific mortality rate, for any cancer, can be expressed, for a linear dose-response relationship, as a percentage increase per rad over the spontaneous mortality rate for that particular cancer. Such percentage increment is simply the slope of the linear plot of Figure 3.

For illustrative purposes, assume the slope, for a particular cancer, were determined to be 1% per rad. It follows then, for a linear relationship, that 100 rads will produce 100×1, or a 100% increase in cancer mortality above the spontaneous cancer mortality rate.

That dose which increases the spontaneous cancer mortality rate by 100% is commonly defined as one doubling dose of radiation for production of that particular cancer.

Thus, if a=slope of the line in Figure 3, then Doubling Dose=100/a (for this particular cancer).

The doubling dose notation does not in any way imply a geometric progression in excess cancer mortality rate with increasing radiation dose. Rather, one doubling dose adds 100% to the spontaneous age-specific mortality rate, two doubling doses add 200%, three doubling doses add 300%, etc. It is simply a matter of convenience as to whether radiation carcinogenesis, for any particular cancer, is described as the percent increment in cancer mortality rate per rad or as the dose in rads, the doubling dose, required to add an excess mortality rate equal to the spontaneous age-specific rate.

Nothing about the doubling dose notation infers or suggests that the doubling dose is the same for all forms of cancer. This is a matter for experimental evidence to decide. Before considering the question of variation of doubling dose with form of cancer induced, it is necessary to turn our attention to the variation in sensitivity to radiation carcinogenesis with age at irradiation.

1.2C VARIATION IN CARCINOGENIC DOSE-RESPONSE RELATIONSHIP WITH AGE AT RADIATION EXPOSURE

Our considerations thus far have led us to description of radiation carcinogenesis as follows:

1. Dose-response relationship, at a specified age, is linear (Figure 3), characterized by a particular percentage increment in cancer mortality per rad for a particular form of cancer.

2. Dose-response relationships will be treated for the idealized "plateau" region of the curve of the response-versus-time after radiation exposure.

For any particular cancer, occurring at a specified age, how does the slope of the dose-response line vary with age at irradiation? It is clear that any refined effort to assess population response to continuous or intermittent radiation exposure requires consideration of this particular question. To the best of our knowledge there exists no theory that provides the answer to this question. We must, therefore, have recourse to empirical data.

First, we have the data for in utero radiation provided by Stewart and Kneale (1968) and MacMahon (1962). These data, presented in Table 1, describe the increase in cancer and leukemia mortalities during the first ten years of life following irradiation in utero. Inspection of the data leads to a best estimate of a 50% increase in mortality rates for a variety of cancers and for leukemia for radiation associated with diagnostic pelvimetry. The similarity in percentage increase in cancer mortality for diverse cancers and for leukemia, for such radiation, is striking.

Stewart and Kneale (1970) indicate that approximately 4 x-ray films lead to 100% increase in such childhood cancers and leukemia mortality rates. During the period of accumulation of their evidence, each x-ray film represented less than 0.5 rad delivered to the infant in utero. Conservatively, therefore, one estimates that two films, or 1.0 rads, are required for an ~ 50% increase either in cancer or leukemia mortality rates. (The true value may be somewhat higher than the conservative 50% increase per rad.)

None of the Stewart studies address the issue of effects of in utero radiation upon the development of cancer or leukemia beyond the first ten years of life. Both from the Hempelmann studies (1968) and the Hiroshima-Nagasaki studies (Jablon and Belsky, 1970), involving the irradiation in early infancy, we have conclusive evidence that carcinogenesis extends far beyond the first ten years of life. It would be surprising, therefore, if such were not the case for in utero irradiation as well. In any event, our treatment of the data for estimating population exposure specifically explores the effect of various durations of the plateau response region.

Utilizing the Stewart-Kneale and MacMahon data, we shall use a 50% increase in age-specific cancer mortality rates per rad for irradiation received in utero and shall assume this value holds for all cancers and leukemias.

For infancy and childhood irradiation, there are two major sources of information:

(a) Data for thyroid cancer induction in U.S. children irradiated in early infancy.

(b) Data for various cancers in Japanese subjects in Hiroshima and Nagasaki, who were between 0 and 9 years of age at the time of bombing.

For the thyroid cancers occurring in irradiated children, Pochin (1966) provided an estimate that the absolute increment is 1 case per 10^6 persons per year per rad of exposure of the thyroid gland. Carroll, Hadden, Handy and Weeben (1964) reported the spontaneous thyroid cancer rate as ~ 5–10 cases per 10^6 persons per year in the age range 10–20 years. Combining these data, we have previously estimated 10 to 20% increase in thyroid cancer per year per rad for irradiation in infancy. (Gofman and Tamplin, 1970b).

Jablon and Belsky (1970) have recently provided data for cancers (other than leukemia) in persons exposed to atom bombing at 0–9 years of age. For those receiving 100 rads or more, the cancer mortality rates (during the period 10 to 24 years beyond exposure) was 8.4 times that observed for persons receiving less than 10 rads. The mean dose for the (100 rad or more) group was not given, but it must lie between 100 and 200 rads. So 100 to 200 rads represent 7.4 doubling doses (8.4–1.0=7.4).

Therefore, the doubling dose for cancer production in these 0–9-year old children (at exposure) lies between 14 and 28 rads. This corresponds to a 3.5 to 7.0% increase in cancer mortality rate per rad.

The percent increment in leukemia mortality rate per rad was even higher, as observed in a group of children 0–14 years of age at the time of bombing. (Jablon and Belsky, 1970) A variety of cancers were represented in the Jablon-Belsky data, but the limitations of numbers did not allow for treatment of individual types of cancers. (Also Jablon, Belsky, Tachikawa, Steer, 1971.)

From several sources, data are available concerning the percentage increase in specific-site cancer mortality rates per rad for persons irradiated in early adulthood (Tamplin and Gofman, 1970). These include data for subjects receiving radiation under widely different conditions. Included are:

Breast cancer (Nova Scotia women (Mackenzie 1965) receiving fluoroscopic radiation) (Japanese survivors of atomic bombing).

Thyroid cancer (Japanese survivors of atomic bombing).

Lung cancer (Spondylitis cases) (Japanese survivors of atomic bombing).

Leukemia (Spondylitis cases) (Japanese survivors of atomic bombing).

Stomach cancer (Spondylitis cases).

Colon cancer (Spondylitis cases).

Pancreas cancer (Spondylitis cases).

Bone cancer (Spondylitis cases).

Lymphatic + other, Hematopoeitic Organ cancer (Spondylitis cases).

Misc. cancers (Spondylitis cases).

Pharynx cancer (Spondylitis cases).

The range of values determined for percentage increase in cancer mortality rate per rad of exposure was between 1 and 5%, with an estimated best value of approximately 2% per rad.

Ideally, one would want to have these values determined for groups irradiated at a specified age, and one would wish to be certain that the observations were strictly referable to the plateau region of the response vs. time curve, rather than possibly including some data referable to the latent period. But such ideal data are unavailable.

Hence, we shall use a 2% increase in cancer mortality rate per rad as a "best" value, we shall consider that it applies to all cancers (the major ones are all represented in the data), and we shall relate this value to irradiation at approximately 20 to 30 years of age.

There can be no doubt that risk of induction of excess cancer mortality rates per rad, described as percent increase over spontaneous mortality rate, declines steeply with increasing age at irradiation. Within the totality of available epidemiologic evidence now available, the estimates just listed provide about as much description of this declining function as is now possible. For purposes of estimation of the consequences of population exposure, these estimates can be reasonably approximated by the step function presented in Table 4.

It can be shown that the precise values in the step function are not the dominant parameters that determine the consequences of population exposure. Of far greater importance is the duration of the plateau region of the response vs. time curve.

As will be noted below, the overall data indicate the sensitivity to cancer induction, when expressed as the percent increase over spontaneous cancer mortality rates per rad of exposure, is a steeply declining function of age at irradiation. Therefore, it is entirely possible that the range of 1–5% increase in cancer mortality rate per rad might be narrowed appreciably but for differences in age at irradiation for the young adult groups tabulated. Inaccuracies in dosimetry may also account for part of the range of values observed. In any event, the average value of 2% per rad for irradiation in the age range of 20–30 years will be seen below to be consistent with trends noted over a very broad span of ages at irradiation.

Beebe, Kato and Land (1970) have recently presented data for cancer mortalities during the 1962–1966 period for Hiroshima-Nagasaki survivors who were between 25 and 55 years of age at the time of bombing (1945). It appears quite clear, from their studies, that there is a markedly lower sensitivity for cancer induction per rad compared with that for younger subjects. These workers estimate a 20% increase in cancer mortality risk per 100 rads, or 0.2% per rad for this older group of subjects.

Summarizing all the evidence just described, we have the following estimates of sensitivity to radiation-induction of cancer and leukemia as a function of age at irradiation:

In utero, ∼50% increase in mortality rate per rad.

0–9 years of age, 3.5–20% increase in mortality rate per rad.

20–30 years of age, ∼2% increase in mortality rate per rad.

50 years of age, ∼0.2% increase in mortality rate per rad.

Peaceful atomic energy programs are currently allowed to deliver an average dose of 0.17 rads per year to the U.S. population. At present, so far as measurements allow dose estimates, it appears that such programs deliver only a small fraction of this "allowable" average dose. Nevertheless, with the burgeoning growth of the nuclear electric power industry plus numerous proposals for utilization of "peaceful" nuclear explosives (Project Plowshare) plus growing radioisotope utilization, the exposure to the population from the "peaceful" atom will undoubtedly grow.

So long as 0.17 rads per year remains permissible by Federal Regulations, there is good reason to believe the full exposure may ultimately be reached. It is, therefore, of especial importance to calculate the cancer and leukemia expectation for such an average exposure to the U.S. population.

Medical and dental exposures to x-rays have resulted in a steadily increasing average population dose of ionizing radiation. Medical diagnostic x-ray exposure has recently been estimated to provide approximately 0.10 rads as an average population somatic tissue dose (Morgan 1971). We are in full accord with Morgan that advantage should be taken of modern technology to reduce such exposure drastically, especially since Morgan has estimated that a ten-fold reduction in average exposure could be accomplished without any loss in diagnostic x-ray information.

Natural radiation provides an average population exposure in the neighborhood of 0.125 rads per year. Such features as radioactivity content of building materials, radioactivity in rocks of the earth, and elevation above sea level account for variation in such natural doses among population sub-samples.

Through a strange system of logic, or better, illogic, it is commonplace for promoters of radiation-associated technologies to arrive at the wholly absurd conclusion that doses comparable to natural radiation cannot be carcinogenic simply because natural radiation "has always been with us".

2. THE CARCINOGENIC CONSEQUENCES OF POPULATION EXPOSURE TO ENVIRONMENTAL IONIZING RADIATION

We believe the major parameters required to evaluate the consequences of population exposures to ionizing radiation have been identified in the foregoing discussion. That the epidemiologic data are far less than ideal for quantitative evaluation is undeniable. A humane society should consider itself fortunate that better data are not available.

The various sources of potential ionizing radiation exposure include natural radiation, radiation from weapons testing fallout, radiation from a variety of peaceful atomic energy programs, and radiation from diagnostic medical and dental exposure.

Since the signing of the atmospheric test ban treaty, weapons testing fallout has become a small source, and should decline further, unless non-signatories to that treaty increase weapons testing appreciably.

All these sources of ionizing radiation represent primarily low LET radiation (LET—linear energy transfer). Primarily the radiations are X-rays, gamma rays, and beta rays. Carcinogenic effect per rad will be essentially identical for all these radiation sources. One could estimate population consequences per millirad per year, for natural radiation exposures, for medical exposures, or for the 0.17 rads per year permitted as an average population exposure for peaceful atomic energy activities.

Since the concern of this Symposium is with matters related to environmental pollution, it is particularly appropriate to estimate the consequences of the 0.17 rad per year average allowable population exposure. The U.S. Government has decreed this much popualtion pollution to be permissible, (Federal Radiation Council, 1960). The scientific and lay communities should be especially interested in the carcinogenic consequences of this permissible pollution by ionizing radiation.

It should be evident that the consequences of natural, medical, or weapons fallout exposures can be derived from the consequences of 0.17 rads per year by direct application of the linearity of dose vs. response.

We have previously estimated the cancer plus leukemia consequences of exposure to 0.17 rads per year to be approximately 32,000 extra cancer plus leukemia deaths per year, at equilibrium, for the U.S. population at its current size of 2x108 persons, (Gofman and Tamplin, 1970c, 1970d). That estimate was based upon the average 2% increase in cancer mortality rate per year per rad of exposure observed for young adults, coupled with a 30-year duration of the plateau region.

With the more extensive data available in the past year concerning sensitivity variation with age, a more refined estimate is now possible. More over, it is important to explore the implications of both a longer and shorter duration of the plateau region, as well as the implications of variation in "latent" period. As we shall see, the estimate of 32,000 extra deaths per year is by no means overly conservative, since this number can rise several fold if it turns out that the plateau region extends throughout the life span of exposed populations.

2.1 CANCER HAZARD FOR AVERAGE POPULATION EXPOSURE AT 0.17 RADS PER YEAR (TOTAL BODY IRRADIATION)

Three general cases will be considered here:

(1) Plateau persists indefinitely after latent period.

(2) Plateau region persists 30 years, with subsequent return to spontaneous cancer mortality rates.

(3) The extreme case: Plateau region persists 20 years. Latent period of 10 years for post natal radiation in contrast with 15 years for Cases (1) and (2).

Case 1: Plateau persists indefinitely after latent period.

The calculation is based upon the consideration of the total percent increment in radiation-induced cancer mortality rate at a particular specified age as made up of the sum of contributions from radiation received at ages less than the specified age. The procedure will be illustrated below.

For in utero irradiation we have stated above that a five-year latent period will be assumed.

In Case 1 calculations, a 15-year latent period is assumed for all post natal irradiation.

Radiation received in any particular year of life begins to contribute to cancer mortality rate only after the latent period is over. Thus, radiation in the first year of life starts contributing to cancer mortality in the 16th year of life. Radiation in the 10th year of life starts contributing to cancer mortality in the 25th year of life.

For in utero irradiation at 0.17 rads per year, approximately 0.12 rads would be received in the course of a pregnancy. At 50% increase in cancer mortality rate per rad, we calculate 50 x 0.12, or a 6% increase in cancer mortality rate for the in utero radiation exposure. Now, since we have assumed a 5-year latent period in utero radiation, there is obviously zero cancer mortality increment during the first four years of life. For the 5th year of life and beyond, however, the 6% increment in cancer mortality rate would apply for each year that the plateau region persists. In case 1, under consideration here, this would be for the remainder of the life span of the exposed population.

For irradiation in the first year of life (0.17 rads), the sensitivity factor to be taken from Table 4 is 10% per rad. Thus, 10 x 0.17= 1.7% increase in cancer mortality rate. However, since we are taking the latent period for post natal irradiation to be 15 years, it follows that irradiation in the first year of life does not begin to add its increment in cancer mortality rate until the 16th year of life. For Case 1, this increment would be effective for all subsequent years for the exposed population, since indefinite persistence of the plateau is assumed.

Therefore, for the 16th year of life, there is 6% from the in utero irradiation plus 1.7% from irradiation in the first year of life, for a total increment of 7.7% in radiation-induced cancer mortality rate.

For the 17th year of life, we have 6% from in utero radiation, 1.7% from 1st year irradiation, plus 1.7% from the 2nd year irradiation, for a total of 9.4% increment in cancer mortality rate from the irradiation received in utero plus the first two years of post natal life.

The increment in cancer mortality for irradiation in each subsequent year of life is calculated in the same manner as the product of the sensitivity factor from Table 4 (for that year of life) by the 0.17 rads. The total increment in cancer mortality rate for any particular year of life is the sum of all contributions to that year from irradiation at earlier years, taking into account that no increment is derived until the latent period is over for that particular year's irradiation. In this manner, a value for total percent increment in cancer mortality rate becomes available for every year of life, taking into account, appropriately, irradiation received at all earlier periods of life. For ease of comparison with U.S. Vital Statistics, these annual values are averaged for five-year age intervals.

In assessing impact of irradiation upon the population, we can consider just the percent increase in age-specific cancer mortality rate. The values just calculated provide this result. Or, alternatively, and of possibly greater interest, is the absolute increase in number of cancer deaths per year at each age for the population-at-risk. We are now immediately in a position to make this estimate.

From U.S. Vital Statistics, the absolute number of spontaneous cancer deaths per year for each age interval is provided (1966 data used here). Now, let us suppose for a particular age that the combined increment due to all prior radiation is a 15% increment in cancer mortality rate over the spontaneous cancer mortality rate. And let us suppose, further, that for this particular age, the spontaneous cancer mortality rate is 1000 cases per year. The radiation-induced increment is then (15/100 x (1000), or 150 radiation-induced cancer deaths for the population at this particular age.

In a similar manner, a tabulation of absolute numbers of radiation-induced cancers by age-interval can be built up, separately for males and females. Finally the total annual number of radiation-induced cancer fatalities can be calculated by summation over all age intervals for males plus females. This tabulation, for Case 1 calculations, is provided in Table 5.

The result, a prediction of some 104,000 annual additional cancer fatalities, is more than 3 times worse than our earlier estimate. We are, of course, not at all surprised at this result, for we had indicated earlier that taking sensitivity as a function of age into account could make for a much more serious prediction. Additionally, Case 1 calculations consider the plateau region to extend indefinitely, whereas our earlier calculations were based upon a 30-year duration of plateau.

It can be further noted that if the real effect is as large as shown in Table 5 (and no reason exists to reject the Case 1 analysis), then the contribution of natural plus medical radiation must constitute a quite appreciable segment of the so-called "spontaneous" cancer mortality rates.

One could consider a second iteration on the total calculation, correcting the "spontaneous" mortality rates downward (by subtracting the contribution from natural plus medical radiation) and correcting the percent increment per rad upward as a result of the lower true "spontaneous" mortality. These two effects would tend to balance out so that the final calculations of population risk would not be seriously altered. It would, however, point up the major contribution of natural plus medical radiation to the existing cancer mortality rate, wholly aside from increments due to peaceful atomic energy programs.

Case 2: Plateau Region Persists 30 Years, with Subsequent Return to Spontaneous Cancer Mortality Rates.

It is possible that once the increased cancer risk due to irradiation is fully developed (the plateau region), such risk may not persist indefinitely. It is difficult to know, within presently available epidemiological data, how many years the plateau lasts, if it does indeed only last a limited period for cancer.

A calculation based upon a 30-year plateau period is provided here. In this calculation, the contribution of radiation received in any particular year of life is credited for 30 successive years, following the latent period. After this, the contribution of that particular radiation is cut off. Thus, for example, the percent increment in cancer mortality rate from radiation received during the 1st year of life begins to be credited starting in the 16th year of life, and is credited for each subsequent year of life out to the 45th year of life. Beyond the 45th year of life, no crediting toward radiation-induced cancer mortality is given for irradiation in the 1st year of life. Similar calculations are made for irradiation in each subsequent year of life. Otherwise, procedures of calculation are similar to those for Case 1, Table 5 (5-year latent period for in utero radiation; 15-year latent period for all post natal irradiation). The calculations for Case 2 are presented in Table 6.

It is evident, on comparison of Table 5 with Table 6, that reduction of the plateau duration provokes a marked drop in the expected mortalities, (104,000 down to 74,000). However, both values are extremely high and should raise grave concern about the nature of the societal benefits that might be worth permitting population exposures as high as 0.17 rads per year as the average exposure.

No comfort whatever is to be drawn from repeated assurances that abound from nuclear promoters to the effect that "we'll never give you the full allowable exposure" while at the same time they staunchly defend retaining such an allowable exposure. Good intentions are materially aided by codification into Federal Regulations.

The calculations should be especially illuminating to the sponsors of this Symposium addressing the issue of designing epidemiologic studies for the evaluation of societal impact of environmental pollutants. A quarter of a century into the atomic era, the epidemiologic data indicate that our permissible doses could lead to a public health calamity—a 25 to 35% increase in annual cancer mortality rate. No evidence at this time militates against the most pessimistic calculation (Case 1). We have commented elsewhere that this late realization based upon epidemiologic data could all have been averted by judicious use of experimental animal data decades ago, (Gofman and Tamplin, 1970d).

It is of interest to speculate upon possibilities that might have resulted in the Case 1 or Case 2 calculations leading to a serious overestimate of the cancer hazard. For example, one might consider the possibility that dosimetric or other errors had led to an overestimate of the percentage increment in cancer mortality rates per rad at all of the ages listed in Table 4.

We believe it is unlikely that such an overestimate could be as much as two-fold. Moreover, one might also, under such circumstances, consider that the seriousness of the results is underestimated as a result of dosimetric errors.

Case 3: The Extreme Case—Plateau Region Persists 20 years Latent period of 10 years; Post Natal Irradiation

It is important to ascertain what the prospects for "optimism" may be with regard to carcinogenic consequences of population exposure to radiation. Therefore, we may consider the possibility that the duration of the plateau region of the response vs. time relationship is materially shorter than 30 years. From the epidemiologic evidence available, admittedly still scanty, we would estimate that it is highly unlikely for plateau duration to be less than 20 years. (Radiation-induced cancers have been described occurring 30–40 years after exposure.)

But since this should lessen greatly the expected consequences, we shall test here a 20-year duration for the plateau region.

It is also evident that if the latent period were shorter than 15 years, the net carcinogenic effect would be reduced further, because the large percent increments in cancer mortality rate for irradiation early in life would not be carried as far forward into the later age spans where the spontaneous cancer motrality rates are high and, hence, the product of percent increment by spontaneous mortality rates are also high.

The procedure of calculation is precisely the same as that employed for Case 1 and Case 2 except for the alterations in the two parameters, plateau duration and latent period for postnatal irradiation. The results are presented in Table 7.

The final estimate for population exposure at an average of 0.17 rads per year is 9428 extra cancer deaths per year. While this is a marked reduction compared with the estimates for Case 1 and Case 2, the seriousness of such radiation exposure levels is self-evident. We would doubt that a more "optimistic" set of parameters than those for the Case 3 calculation is likely to be justified.

3. LIFE SHORTENING BY RADIATION-INDUCED CANCER

A variety of pronouncements have greeted estimates of the serious carcinogenic hazard of population exposures to doses in the neighborhood of 0.17 rads per year.

One such we have dealt with above, namely, the statement that, after all, this dose is comparable in magnitude with natural radiation, which humans have endured on earth for the entire history of the species. No further comment is required.

A second is that even though the calculated cancer deaths may indeed occur, they will occur so late in life as to be inconsequential. Grendon has championed this approach, readily provable to be false, (Grendon, 1970). A variant of this approach is that of Sagan (1971) who has pointed out that, even if the calculated cancers did occur, the average life shortening for the exposed population would be very small.

In fact, it has become fashionable of late to estimate the deleterious effect of environmental hazards in terms of average life shortening for the exposed population. We hear "Wouldn't people be willing to give up a few minutes, hours, or days of life span so we can all enjoy 'clean, cheap, and safe' nuclear electricity?"

This approach to evaluation of life shortening is exceeded in its scientific fallacy only by its immorality in public deception.

If those who die prematurely of cancer due to irradiation are averaged in with those who do not, the apparent loss of life expectancy appears quite small. What really matters is the average loss of life expectancy for those who do develop radiation-induced cancer. Their loss of decades of life expectancy is not easily recompensed by a "loan" from those who do not become victims.

The losses in life expectancy for the victims are readily estimated. If the victims of radiation-induced cancer had not been irradiated, there is a priori every reason to assume they would have experienced the usual life expectancy associated with their age group at victimization. Thus, from 1971 estimates, a man at age 25 years has a life expectancy of 45.5 years. If he dies at 25 years of age of radiation-induced cancer, he has lost 45.5 years of life expectancy.

In Table 8 are presented the calculated losses of life expectancy by age group for the persons developing radiation-induced cancers, as well as the average loss of life expectancy for all the cases of radiation-induced cancers as a group.

For males developing radiation-induced cancers, the average loss of life expectancy is 13.1 years. For females, the loss is 13.7 years. Such average losses hardly are in accord with Grendon's assertion that the radiation-induced cancers occur so late in life as to be inconsequential.

For men in the age group of 65–69 years, the life expectancy (as of 1971) is 11.5 years. If these men lose their life through radiation-induced cancer at 67 years, they have lost 11.5 years. One wonders whether Grendon has checked with such members of the population to ascertain that these "old" people need not care about losing 11.5 years of life.

Let us return to the Sagan view of only a minor loss of life expectancy (hours or days). If the man-years of life expectancy are distributed into the entire U.S. male population of 95,919,000 men instead of into the 56,703 victims of radiation-induced cancer, the average loss of life expectancy is computed to be 2.8 days.

This practice of hiding the serious loss in life expectancy for the victims of an environmental poison by averaging the loss over the larger group of non-victims deserves strong condemnation. The sole effect of the practice is to obscure the real hazard of an environmental poison from the public, carried through on behalf of the promoters of the technology responsible for the distribution of the poison.

The ridiculous nature of this approach to calculation of loss of life expectancy would be obvious to everyone, if we considered an issue like the death of young Americans in Vietnam. After all, when those Americans who are at home are averaged in with those who are killed in Vietnam, the average loss of life expectancy is small, the deaths are not tragic, for, on the average, everyone is just losing days from his life. The public would not stand for such nonsense. Why they are so readily brainwashed by pseudoscientific evaluation of loss of life expectancy for environmental poisons escapes understanding.

4. ARE THERE POSSIBLE MITIGATING FACTORS WHICH COULD REDUCE THE ESTIMATED HAZARD OF POPULATION EXPOSURE?

We have considered above the crucial parameters, such as latent period and duration of carcinogenic response plateau, which can determine in a major way the magnitude of expected population cost. We must address a few other concepts, since the uninitiated may hear that such concepts provide a reasonable basis for expecting a lesser hazard. As will become evident, there is essentially no reason to expect any lessening of hazard.

Among these concepts are:

(a) A Possible Threshold.

(b) A Possible "Practical" Theshold.

(c) Protraction of Radiation.

(d) Repair of Radiation Injury.

Threshold: Absolute and "Practical"

In the discussion above it was demonstrated that abundant new data concerning the low dose region of radiation exposure indicate linearity of dose versus carcinogenic response over a wide range of doses. There really never has existed any acceptable evidence for an absolute threshold of exposure below which radiation carcinogenesis will not occur. It is to the credit of all radiation study groups that they have consistently rejected supposed evidence for radiation thresholds with respect to carcinogenesis. The linearity of dose versus response, now demonstrated down to very low doses, indicates there is no reason to expect any evidence for an absolute threshold ever to develop.

One total non-sequitur has often been introduced into discussions concerning a possible threshold. That concerns the development of signs and symptoms of acute radiation sickness following radiation exposure.

Everyone cognizant with this field has known for decades that acute radiation sickness is not linearly related to radiation dose, whereas carcinogenesis now appears definitely so related. The underlying mechanism in acute radiation sickness relates to whether or not cell replacement can operate rapidly enough to prevent such phenomena as mucosal ulceration or leukopenia. At radiation doses where cellular replacement *is* rapid enough, radiation sickness just doesn't occur. For carcinogenesis, not a shred of evidence has ever been adduced that cellular replacement can avert cancerous change.

The modification of the threshold concept to the "practical" threshold we have dealt with above. There is no basis for expecting any help from this concept.

Protraction of radiation

It is very commonly stated, with appallingly little evidence, if any, that if radiation is delivered slowly, the carcinogenic effect is lessened. A little later this was modified to the statement that protraction protects against carcinogenesis from low LET radiation (such as beta rays, x-rays, or gamma rays), but not high LET radiation (such as neutrons or alpha particles). A variety of experiments have been cited as direct demonstrations that protraction of radiation affords protection against carcinogenesis, (Upton, 1967).

Almost invariably such experiments contrast acute delivery of radiation early in life with protracted radiation extending from early in life through a significant part of the life span of the experimental animal. In some of the specific cases reported, the author has himself demonstrated a marked diminution in carcinogenicity of radiation with increasing age at irradiation, (Upton and Odell, 1961). In other studies, this point is entirely neglected.

In the material presented throughout this communication, the steep decline in carcinogenicity per rad with age in humans has been documented. Thus, the most probable interpretation of experiments contrasting acute versus protracted irradiation is simply that protraction provides part of the irradiation at older ages and, hence, cancer induction is lessened. All that this re-emphasizes is the extreme seriousness of radiation as a carcinogen early in life.

Whether there truly exists any residual mitigation from radiation protraction is uncertain within present evidence. Certainly such bodies as the International Commission on Radiological Protection have acted with wisdom, from the public health viewpoint, in refusing to count upon protraction of radiation to lessen carcinogenic hazard.

We feel strongly that it would be appropriate to go further, for any environmental pollutant, and state the following principles:

"If under any dosage rate schedule a pollutant shows a certain magnitude of toxic effect, that toxic effect should be assumed to be at least as high for any other dosage rate schedule, until and unless definitively proven otherwise."

Adherence to such a public health principle might reduce the danger from those individuals all too ready to spew forth cliches, such as, "Maybe the poison won't be so bad if we give it slowly."

In the carcinogenesis field there is one special circumstance that deserves special consideration here. This is the case, either in humans or experimental animals, of a cancer whose incidence does not increase spontaneously in a monotonic fashion with increasing age. While most of the familiar cancers of adult life do show monotonically increasing incident rates with increasing age, this is not true for several human cancers that occur in childhood (e.g. neuroblastoma, Wilms' tumor). Some of these childhood cancers show a peak incidence in the first decade of life and a declining incidence thereafter. There is every reason to suspect that certain cancers of experimental animals may have a similar age-related incidence pattern.

Earlier in this communication we presented a generalization (Generalization 1) which stated "the correct way to describe the phenomenon (cancer induction by ionizing radiation) is either in terms of the dose required to double the spontaneous mortality rate for each cancer, or, alternatively, of the increase in mortality rate for such cancers per rad of exposure."

Let us consider what might occur if one happened to do dose protraction vs. acute radiation studies on a cancer having a peak incidence at one age period. If Generalization 1 is correct, then the results obtained by dose protraction could appear to be a lesser incidence of the cancer simply because of its spontaneous age-incidence pattern, and be wholly unrelated to any "protection" resulting from slow delivery of the radiation. We suspect that in time such an experiment will be done, and the results misinterpreted, to society's detriment.

Repair of radiation injury

Lastly, we must consider the phenomenon known as "repair". We hear commonly stated that DNA repair mechanisms exist and, hence, low dose radiation may not be as harmful as a carcinogen as had been suspected. No serious student of biology doubts the existence of DNA excision-repair or of such phenomena as light-stimulated thymine dimer repair. However, the existence of such phenomena by no means argues in any way for mitigation of radiation carcinogenesis. These is no evidence whatever that has been adduced relating such repair to ionizing radiation carcinogenesis.

When we observe the induction of cancer by ionizing radiation, we are, as yet, totally in the dark concerning the mechanism operative in production of the cancer. Whatever such mechanism may be, it is entirely conceivable that a large part of the carcinogenic damage of radiation may get repaired. What we are observing is the net, unrepaired carcinogenic damage.

The only conceivable way that any such hypothetical carcinogenic repair could help at low doses would be for more efficient repair to exist at low doses, or slow delivery of dose, than for high doses or rapid delivery of dose. If the fraction of unrepaired carcinogenic damage by radiation were independent of total dose and/or dose rate, then the very existence of any such repair mechanism would be wholly irrelevant as a possible mitigating factor for population consequences of low dose rate exposure.

And since (a) we know of no such carcinogenic repair mechanism, and (b) nothing whatever is known about variation in efficiency of an unknown repair mechanism as a function of dose and dose rate, it should be clear that all this represents the sheerest of speculative fancy. The linearity of dose-response in carcinogenesis by radiation argues strongly against repair of carcinogenic damage at low doses with decreasing repair at successively higher doses.

Injection of speculative fancy into a serious matter of public health protection is irresponsible. Relating DNA repair phenomena to mitigation of carcinogenic injury by radiation, in the absence of any demonstration that these phenomena are in any way related to each other, seems equally irresponsible.

5. A RELOOK AT THE PURPOSES OF THIS SYMPOSIUM AFTER CONSIDERATION OF THE POTENTIAL POPULATION CONSEQUENCES OF LOW-DOSE RADIATION EXPOSURE

Do we really want to design epidemiologic studies to evaluate the population effects of pollutants, or potential pollutants, past, present, or future?

Radiation, to paraphrase many nuclear enthusiasts, is one of the most intensively studied environmental poisons. Yet, for those who have had the patience to read through this communication, certain points, we hope, will stand out.

Twenty-five years into the atomic era, and 75 years after Roentgen's discovery of the X-ray, we realize that, while the risk of cancer is high, certain parameters, still not possible to evaluate within present epidemiologic data, may make the cancer risk more than three times higher than our pessimistic estimates of 1969.

Are there rational humans who will be able to understand setting an allowable radiation guide for population exposure which may provoke a public health hazard one-third the magnitude of the entire cancer problem? We can only hope that the lessons of the radiation story will lead to a radical change in human approach to the questions of environmental pollutants.

Statisticians and epidemiologists, of course, are inclined to look forward to doing what statisticians and epidemiologists are professionally prepared to do. Unfortunately, this is true about physicists, chemists, and engineers.

The purpose of this Symposium implies that, for the host of potential pollutants now being introduced into our environment, enough epidemiologic evidence will, in the course of time, accumulate so that the statisticians and epidemiologists can do their thing. This means that the statisticians and epidemiologists have capitulated in toto to the dictum that progress means we must expose humans to by-product poisons of industry in the future as we have in the past. And then the effects will be studied.

If our radiation experience is any guide at all concerning the time scale over which we will learn the effect of our folly, and there is every reason to believe either for carcinogenesis or genetic injury that the time scales will be similar, then the chances for humans surviving this approach are slim indeed.

We think it might have been more important if this gathering of statisticians and epidemiologists had met instead to lend their talents and wisdom to a concerted human effort to work toward a total recycling economy, in which essentially zero pollution is the objective, instead of the building up of a reservoir of epidemiologic evidence of the effects of pollutants on humans. Indeed, such a thrust might even lead to the revolutionary idea of "Why do we do some of these nonsensical activities labelled 'Progress' at all?"

SUMMARY

Ionizing radiation is a potent leukemogen and carcinogen. The demand for epidemiologic evidence of human injury has resulted in a belated appreciation of the true magnitude of the serious carcinogenic hazard of population exposure to radiation. Even now, a quarter of century into the evaluation of the epidemiologic evidence, certain parameters of crucial character remain indeterminate. Should these parameters turn out to have unfavorable values, the seriousness of the hazard may truly be even larger than recent pessimistic estimates. We question, therefore, the wisdom of epidemiologic studies of human exposure for new potential carcinogens being introduced into our environment.

Refined estimates presented here suggest that our earlier estimate of 32,000 extra cancer deaths per year for exposure to the still permissible 0.17 rads per year (average for U.S. population from the "peaceful" atom) are not at all conservative. The true cancer risk may be closer to 100,000 extra deaths per year, representing a 30% increase over the current spontaneous cancer mortality. Fortunately, atomic energy programs have not yet progressed to a point where such allowable exposure is being experienced.

The National Council on Radiation Protection has recently stated that the current standards for radiation exposure are satisfactory, (1971). We would not for one moment challenge the fact that the exposure standards are satisfactory to the membership of the National Council on Radiation Protection any more than we would challenge the concept that possession of 10,000 nuclear missiles is satisfactory for the Department of Defense. What escapes our understanding, however, is how one might go about evaluating the quantitive nature of the nebulous relationship between the interests of the membership of the NCRP and the public's interest in good health.

Medical uses of x-rays presently are a major source of population exposure and are undoubtedly responsible for a significant part of our currently experienced cancer mortality rate. Morgan's suggestions for feasible reduction in medical x-ray exposure, without loss of medical diagnostic information, deserve immediate action, (Morgan, 1971).

Natural radiation, while in large part not directly within our control, is comparable in responsibility to medical x-rays in the quantitative fraction of cancer mortality rate currently being experienced. No rational basis exists for the frequently heard suggestion that natural radiation can be used as a bench-mark for estimation of "safe" exposures.

Natural radiation must be estimated as possibly responsible for taking a toll of several tens of thousands of lives annually by premature cancer and leukemia in the USA alone. Here again we must agree with Morgan, that man may decide to look carefully at the radioactivity of certain "natural" building materials before using them for home construction.

Life expectancy loss experienced by those who will become the victims of allowable population radiation exposure will average more than 13 years. The assertions of "only a few days of loss of life" are arrived at by the absurd and dangerous practice of distribution of the man-years lost in life expectancy into the larger group of nonvictims of radiation carcinogenesis.

Epidemiologic investigations are extremely interesting and carry, for the investigators, the thrill experienced in solving murder mysteries and other challenging problems. We have extreme doubt that the planning of appropriate epidemiologic investigations for future environmental pollutants is likely to be any real contribution to the public health. There has to be a more rational approach to the question of potential environmental carcinogens—like not introducing them into the environment at all.

ACKNOWLEDGMENTS

This work was supported (in part) by the U.S. Atomic Energy Commission.

TABLE 1.—*Increase in Childhood Cancer and Leukemia from In Utero Radiation*

Radiation Delivered in the Form of X-Rays during Diagnostic Pelvimetry. (Estimated Dose <2 rads)

Stewart-Kneale data (1968).

Type of Cancer and Radiation Induced Increase

Leukemia—50% increase over spontaneous mortality rate.

Lymphosarcoma—50% increase over spontaneous mortality rate.

Cerebral Tumors—50% increase over spontaneous mortality rate.

Neuroblastoma—50% increase over spontaneous mortality rate.

Wilms' Tumor—60% increase over spontaneous mortality rate.

Other Cancers—50% increase over spontaneous mortality rate.

MacMahon data (1962)

Leukemia—50% increase over spontaneous mortality rate.

Central Nervous System Tumors—60% increase over spontaneous mortality rate.

Other Cancers—40% increase over spontaneous mortality rate.

TABLE 2.—*Change in rate of induced malignant disease with duration of time since exposure in irradiated ankylosing spondylitics*

[From data in table VI of Court-Brown and Doll, 1965]

Years after irradiation	Cases per 10,000 man-years at risk: Leukemia + aplastic anemia	Cases per 10,000 man-years at risk: Cancers at heavily irradiated sites
0 to 2	2.5	3.0
3 to 5	6.0	.7
6 to 8	5.2	3.6
9 to 11	3.6	13.0
12 to 14	4.0	17.0
15 to 27	.4	20.0
Total of expected cases in 10,000 persons in 27 years calculated from the rates given	67	369

TABLE 3.—*Ratio of Spontaneous Cancer Mortality Rates to Leukemia Mortality Rates*

(Derived from U.S. vital statistics for 1966)

Males—Age Group (years)	and Ratio[1]
40–44	15.9
45–49	22.9
50–54	28.5
55–59	28.7
60–64	29.2
65–69	29.1
70–74	23.5

[1] Σ Spontaneous Cancer Mortality Rates/Σ Leukemia Mortality Rates.

TABLE 4.—*Variation in Cancer Induction per Rad with Age*

Age at irradiation (years)	and increase in cancer mortality rate *per rad* (in plateau region) (percent)
In utero	50
0–5	10
6–10	8
11–15	6
16–20	4
21–30	2
31–40	1
41–50	0.5
51–60	0.25
61 and beyond	Assumed neglible

NOTE.—These estimates represent a step function approximation in reasonable accord with the data points available in the text.

TABLE 5.—CASE 1: RADIATION-INDUCED CANCER MORTALITY BY AGE AND SEX

[5-year latency for in utero radiation; 15-year latency for all other radiation; plateau constant after latency period; exposure 0.17 rads per year]

Age interval (years)	Percent increase in cancer mortality rate	Annual spontaneous cancers (male)	Annual radiation induced cancers (male)	Annual spontaneous cancers (female)	Annual radiation induced cancers (female)
0 to 4	0	827	0	720	0
5 to 9	6.0	826	50	606	36
10 to 14	6.0	673	40	482	29
15 to 19	9.4	820	77	546	51
20 to 24	17.2	754	130	508	88
25 to 29	23.3	796	186	733	171
30 to 34	27.8	1,145	318	1,418	394
35 to 39	30.5	2,104	641	2,890	881
40 to 44	32.2	4,163	1,340	5,565	1,791
45 to 49	33.4	7,109	2,372	8,732	2,914
50 to 54	34.2	12,363	4,231	11,950	4,089
55 to 59	34.8	17,594	6,123	14,359	4,997
60 to 64	35.2	22,469	7,909	15,780	5,555
65 to 69	35.5	25,275	8,968	17,921	6,358
70 to 74	35.7	25,698	9,169	18,746	6,689
75 to 79	35.8	21,221	7,589	16,650	5,954
80 to 84	35.8	13,318	4,763	12,141	4,342
85 and beyond	35.8	7,793	2,787	8,996	3,217
Total		164,948	56,703	138,743	47,556

Note: Total spontaneous cancer mortality per year=303,691 cases. Total radiation-induced cancer mortality per year=104,259 cases. Percent increase in cancer which would occur with 0.17 rads average annual exposure=34.3 percent.

TABLE 6.—CASE 2: RADIATION-INDUCED CANCER MORTALITY BY AGE AND SEX

[5-year latency period for in utero irradiation; 15-year latency period for all other irradiation; plateau: 30 years beyond latency period; exposure 0.17 rads per year]

Age interval (years)	Percent increase in cancer mortality rate	Annual spontaneous cancers (male)	Annual radiation induced cancers (male)	Annual spontaneous cancers (female)	Annual radiation induced cancers (female)
0 to 4	0	827	0	720	0
5 to 9	6.0	826	50	606	36
10 to 14	6.0	673	40	482	29
15 to 19	9.4	820	77	546	51
20 to 24	17.2	754	130	508	87
25 to 29	23.3	796	185	733	171
30 to 34	27.8	1,145	318	1,418	394
35 to 39	24.5	2,104	515	2,890	708
40 to 44	26.2	4,163	1,091	5,565	1,458
45 to 49	26.0	7,109	1,863	8,732	2,288
50 to 54	25.4	12,363	3,140	11,950	3,035
55 to 59	24.9	17,594	4,381	14,359	3,575
60 to 64	24.6	22,469	5,527	15,780	3,882
65 to 69	24.4	25,275	6,167	17,921	4,373
70 to 74	24.6	25,698	6,322	18,746	4,612
75 to 79	24.4	21,221	5,178	16,650	4,063
80 to 84	24.5	13,318	3,263	12,141	2,975
85 and beyond	24.0	7,793	1,870	8,996	2,159
Total		164,948	40,117	138,743	33,896

Note: Total spontaneous cancer mortality per year=303,691 cases. Total radiation-induced cancer mortality per year=74,013 cases. Percent increase in cancer which would occur with 0.17 rads average annual exposure=24.4 percent.

TABLE 7.—CASE 3: RADIATION-INDUCED CANCER MORTALITY BY AGE AND SEX

[5-year latency period for in utero radiation; 10-year latency period for all other radiation; plateau 20 years beyond latency period; exposure 0.17 rads/year]

Age interval (years)	Percent increase in cancer mortality rate	Annual spontaneous cancers (male)	Annual radiation induced cancers (female)	Annual spontaneous cancers (female)	Annual radiation induced cancers (female)
0 to 4	0	827	0	720	0
5 to 9	6.0	826	50	606	36
10 to 14	9.4	673	63	482	45
15 to 19	17.2	820	141	546	94
20 to 24	23.3	754	176	508	118
25 to 29	21.8	796	173	733	160
30 to 34	21.1	1,145	241	1,418	299
35 to 39	15.0	2,104	315	2,890	434
40 to 44	10.2	4,163	425	5,565	568
45 to 49	6.6	7,109	471	8,732	576
50 to 54	4.6	12,363	566	11,950	550
55 to 59	3.3	17,594	577	14,359	474
60 to 64	2.2	22,469	503	15,780	347
65 to 69	1.6	25,275	402	17,921	287
70 to 74	1.2	25,698	311	18,746	225
75 to 79	1.0	21,221	212	16,650	167
80 to 84	1.0	13,318	133	12,141	121
85 and beyond	1.0	7,793	78	8,996	90
Total		164,948	4,837	138,743	4,591

Note: Total spontaneous cancer mortality per year=303,691. Total radiation induced cancer mortality per year=9,428. Percent increase in cancer which would occur with 0.17 rads average annual exposure=3.1 percent.

TABLE 8.—LOSS OF LIFE EXPECTANCY FROM RADIATION-INDUCED CANCER

[Data from table 5][1]

Age group (years)	(1) Number of radiation-induced cancers	(2) Average loss of life expectancy (years)	(1)×(2) Man-years of loss of expectancy	(3) Number of radiation-induced cancers	(3)×(2) Woman-years of loss of expectancy
0 to 4	0	66.1	0	0	0
5 to 9	50	62.0	3,100.0	36	2,232.0
10 to 14	40	57.2	2,288.0	29	1,658.8
15 to 19	77	52.5	4,042.5	51	2,677.5
20 to 24	130	47.8	6,214.0	88	4,206.4
25 to 29	186	43.2	8,035.2	171	7,387.2
30 to 34	318	38.6	12,274.8	394	15,208.4
35 to 39	641	34.0	21,794.0	881	29,954.0
40 to 44	1,340	29.5	39,530.0	1,791	52,834.5
45 to 49	2,372	25.3	60,011.6	2,914	73,724.2
50 to 54	4,231	21.3	90,120.3	4,089	87,095.7
55 to 59	6,123	17.7	108,377.1	4,997	88,446.9
60 to 64	7,909	14.4	113,889.6	5,555	79,992.0
65 to 69	8,968	11.5	103,132.0	6,358	73,117.0
70 to 74	9,169	9.1	83,437.9	6,689	60,869.9
75 to 79	7,589	6.9	52,364.1	5,954	41,082.6
80 to 84	4,763	5.1	24,291.3	4,342	22,144.2
85 plus	2,787	3.0	8,361.0	3,217	9,651.0
Total	56,703	------------	741,263.4	47,556	652,282.3

[1] Life expectancies are somewhat higher for females than males, so the use of male life expectancies here leads to a slight underestimate of the loss of life expectancy for females with radiation-induced cancers.

Note: The use of data from table 5 (the case 1 estimate) leads to the lowest estimate of loss of life expectancy. For case 2 (table 6) and case 3 (table 7), the radiation-induced excess cancer mortalities are more prominent at earlier ages. Hence, for either of these the life expectancy loss would be appreciably higher than the 13-year estimate for case 1.

Average loss in life expectancy (males)=741,263.4÷56,703, or 13.1 years.

Average loss in life expectancy (females)=652,282.3÷47,556 or 13.7 years.

REFERENCES

G. W. Beebe, H. Kato, and C. E. Land. Mortality and Radiation Dose, Atomic Bomb Survivors, 1950–1966. Presentation at the IVth International Congress of Radiation Research, Evian, France, June 29–July 4, 1970.

R. E. Carroll, W. Haddon, Jr., V. H. Handy, and E. E. Weeben, Sr. Thyroid Cancer: Cohort Analysis of Increasing Incidence in New York State, 1941–1962. *Journal of the National Cancer Institute*, 33: 277–283, 1964.

W. M. Court-Brown, and R. Doll. Mortality from Cancer and Other Causes after Radiotherapy for Ankylosing Spondylitis. *British Medical Journal*, 2: 1327–1332, 1965.

G. W. Dolphin, and I. S. Eve. "Some Aspects of the Radiological Protection and Dosimetry of the Gastrointestinal Tract", *Gastrointestinal Radiation Injury*, M. F. Sullivan, Ed. Amsterdam, The Netherlands: Excerpta Medica Foundation, 465–474, 1968.

Federal Radiation Council, Staff Report No. 1. Background Material for the Development of Radiation Protection Standards, Washington, D.C. Part V, pp. 26–30, 1960.

M. P. Finkel, B. O. Biskis, and P. B. Jinkins. "Toxicity of Radium-226 in Mice," *Radiation-Induced Cancer*. (Proceedings of a Symposium, Athens, Greece, 28 April–2 May, 1969, Organized by International Atomic Energy Agency in Collaboration with the World Health Organization), Vienna, Austria: International Atomic Energy Agency, 369–391, 1969.

J. W. Gofman, and A. R. Tamplin. Low Dose Radiation and Cancer. *Institute for Electrical and Electronic Engineers, Transactions on Nuclear Science*, Part 1, NS 17: 1–9, 1970a.

J. W. Gofman, and A. R. Tamplin. Studies of Radium Exposed Humans II: Further Refutation of the R. D. Evans' Claim That The Linear, Non Threshold Model of Human Radiation Carcinogenesis is Incorrect. Testmony (on Bill S3042) presented before the Subcommittee on Air and Water Pollution, U.S. Senate, 91st Congress, pp. 326–350, 1970e.

J. W. Gofman, and A. R. Tamplin. Federal Radiation Council Guidelines for Radiation Exposure of the Population-at-Large—Protection or Disaster? Underground Uses of Nuclear Energy, Part 1 (Hearings before the Subcommittee on Air and Water Pollution, U.S. Senate, 91st Congress, November 18, 1969). Washington, D.C. U.S. Government Printing Office, pp 58–73, 1970b.

J. W. Gofman, and A. R. Tamplin. A Proposal for At Least a Ten-Fold Reduction in FRC Guidelines or Radiation Exposure to the Population-at-Large: Supportive Evidence. ibid, pp 319–325, 1970c.

J. W. Gofman, and A. R. Tamplin. Nuclear Energy and The Public Health. *The Nevada Engineer*, 6: 1–16, 1970d.

J. W. Gofman, J. D. Gofman, A.R. Tamplin and E. Kovich, Radiation As an Environmental Hazard. Presentation at the 1971 Symposium on Fundamental Cancer Research, The University of Texas, M.D. Anderson Hospital and Tumor Institute, Houston, Texas, March 3, 1971. *In Press.*

Gofman, J. W. and A. R. Tamplin. The Question of Safe Radiation Thresholds for Alpha Emitting Bone Seekers in Man. *Health Physics 21,* 47, 1971. *A. Grendon.* Radiation Protection Standards in *Environmental Effects of Producing Electric Power,* Hearings before the Joint Committee on Atomic Energy, 91st Congress, 2nd Session, January 27-February 26, 1970. Part 2 (Vol. II), p 2371, 1970.

L. D. Hamilton. Biological Significance of Environmental Radiation: Calculation of the Risk. Presentation at the 1971 Spring Meeting of the American Physical Society, Washington, D.C., April 29, 1971.

L. H. Hempelmann. Risk of Thyroid Neoplasms after Irradiation in Childhood. *Science,* 160: 159–163, 1968.

International Commission on Radiological Protection, Publication No. 8. Radiation Protection: The Evaluation of Risks from Radiation. Published for the International Commission on Radiological Protection by Pergamon Press, Oxford, England, Table 15, p. 56, 1966.

International Commission on Radiological Protection, Publication No. 14, Radiosensitivity and Spatial Distribution of Dose. Pergamon Press, Oxford, England, Appendix III pp. 56–106, 1969.

S. Jablon, and J. L. Belsky. Radiation-Induced Cancer in Atomic Bomb Survivors. Presentation at the Xth International Cancer Congress, Houston, Texas, May 1970.

S. Jablon, J. L. Belsky, K. Tachikawa and A. Steer. Cancer in Japanese Exposed as Children to Atomic Bombs. *The Lancet,* Saturday 8 May, 1971, 7706, pp. 927–931, 1971.

E. B. Lewis, Ionizing Radiation and Tumor, *Genetic Concepts and Neoplasia* (23rd Annual Symposium on Fundamental Cancer Research, 1969, University of Texas, M. D. Anderson Hospital and Tumor Institute, Houston, Texas), Baltimore, Maryland: Williams and Wilkins Co., 57–73, 1970.

B. MacMahon. Pre-Natal X-Ray Exposure and Childhood Cancer. *Journal of the National Cancer Institute,* 28: 1173–1191, 1962.

I. MacKenzie. Breast Cancer Following Multiple Fluoroscopies. *British Journal of Cancer,* 19: 1–8, 1965.

R. H. Mole. Radiation Effects in Man: Current Views and Prospects, *Health Physics* 20, pp. 485–490, 1971.

K. Z. Morgan. Never Do Harm. *Environment,* 13: 28–38, 1971.

N.C.R.P., Report 39. Basic Radiation Protection Criteria. Published by National Council on Radiation Protection and Measurements, Washington, D.C. p. 97, 1971.

E. E. Pochin. Somatic Risks—Thyroid Carcinoma, *International Commission on Radiation Protection,* Publication 8. Oxford, England: Pergamon Press, p. 9, 1966.

L. Sagan. A Positive Word for Nuclear Power. *This World* Section of San Francisco Examiner and Chronicle, January 10, 1971.

C. J. Shellabarger, V. P. Bond, E. P. Cronkite, and G. E. Aponte. Relationship of Dose of Total-Body ^{60}Co Radiation To Incidence of Mammary Neoplasia in Female Rats, *Radiation-Induced Cancer,* (Proceedings of a Symposium, Athens, Greece, 28 April–2 May, 1969. Organized by International Atomic Energy Agency in Collaboration with the World Health Organization), Vienna, Austria: International Atomic Energy Agency, 161–172, 1969.

H. Spiess, and C. W. Mays. Bone Cancers Induced by ^{224}Ra (ThX) in Children and Adults. *Health Physics 19,* pp 713–729, 1970.

A. Stewart, and G. W. Kneale. Changes in the Cancer Risk Associated with Obstetric Radiography. *The Lancet,* 7532: 104–107, 1968.

A. Stewart, and G. W. Kneale. Radiation Dose Effects in Relation to Obstetric X-Rays and Childhood Cancers. *The Lancet,* 7658: 1185–1188, 1970.

A. R. Tamplin, and J. W. Gofman. Biological Effects of Radiation, *'Population Control' Through Nuclear Pollution.* Chicago, Illinois: Nelson-Hall Co., pp 7–27, 1970.

A. C. Upton, T. T. Odell, Jr., and E. P. Sniffen. Influence of Age at Time of Irradiation on Induction of Leukemia and Ovarian Tumors in RF Mice. *Proceedings of the Society for Experimental Biology and Medicine,* 104: 769–772, 1960.

A. C. Upton. Comparative Observations on Radiation Carcinogenesis in Man and Animal, *Carcinogenesis, a Broad Critique.* (20th Annual Symposium on Fundamental Cancer Research 1966, University of Texas, M.D. Anderson Hospital and Tumor Institute, Houston, Texas), Baltimore, Maryland: Williams and Wilkins Co., 631–675, 1967.

A. C. Upton, R. C. Allen, R. C. Brown, N. K. Clapp, J. W. Conklin, G. E. Cosgrove, E. B. Darden, Jr., M. A. Kastenbaum, T. T. Odell, Jr., L. J. Serrano, R. L. Tyndall, and H. E. Walburg, Jr. Quantitative Experimental Study of Low-Level Radiation Carcinogenesis, *Radiation-Induced Cancer* (Proceedings of a Symposium, Athens, Greece, 28 April–2 May, 1969, Organized by International Atomic Energy Agency in Collaboration with the World Health Organization), Vienna, Austria: International Atomic Energy Agency, 425–438, 1969.

CONTRACT CHANGE COSTS NAVY $3 MILLION

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. ASPIN. Mr. Speaker, it has come to my attention that the Navy is providing Litton Industry a 12- to 14-month grace period on the delivery dates of five LHA—landing helicopter assault—ships. If the dates for the LHA delivery were not changed, the Government would be able to collect $600,000 for the late delivery of each of the five ships. It would appear that the Navy has arbitrarily given Litton the opportunity to escape payment of $3 million of the taxpayers' money.

I believe it is clear that when a contractor, because of his own mistakes, is unable to deliver ships within a reasonable time frame, that he should be penalized. I hope that the Navy will be able to collect some liquidated damages for the late delivery of the five LHA ships. I have called upon Secretary of the Navy John Chafee to explain the Navy's position in this matter. Their letter follows:

JANUARY 7, 1972.

Mr. JOHN H. CHAFEE,
Secretary of the Navy,
Washington, D.C.

DEAR MR. CHAFEE: It has come to my attention that Litton Industries and the Navy has, at least tentatively, decided to change the delivery schedule for the five LHA Landing Helicopter Ships allowing Litton an additional twelve to fourteen months to deliver these ships.

This naturally changes the ability of the government to collect late fees under the liquidated damages provisions of the contract. I am most concerned that the Navy has pushed these dates back, not only in recognition of the fact that Litton is far behind schedule, but also because the contractor might be forced to pay liquidated damages. It appears that the Navy has arbitrarily given Litton a gift of $3 million of the taxpayers' money.

It seems to me that the whole system of liquidated damages as outlined in the LHA contract has been organized to grant maximum protection to the contractor coupled with the minimum possibility of the government collecting liquidated damages.

I hope that you will review the situation and inform me of the Navy's position in regard to such changes in the delivery schedule that, in effect, may allow the contractor to escape payment of late fees by pushing ahead the proposed guaranteed delivery dates.

Thank you for your cooperation.

Sincerely,

LES ASPIN,
Member of Congress.

REPORT OF NEW YORK STATE COMMISSIONER OF EDUCATION NYQUIST TO STATE'S CONGRESSIONAL DELEGATION

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, January 25, 1972

Mr. JAVITS. Mr. President, at the December 3 meeting of the New York State congressional delegation, the State's distinguished commissioner of education, Ewald B. Nyquist, spoke briefly. His report was very much to the point and merits reading by all. For example, he pointed out that just to enable New York State's elementary and secondary education programs to hold their own would require an increase of some $100 million of State—and the State just does not have the money—or Federal resources accompanied by a local increase of more than $110 million—and that is just for these programs to remain even. Commissioner Nyquist's remarks are especially cogent as they are applicable to the situation in other States and throughout the Nation generally.

I ask unanimous consent that Mr. Nyquist's comments be printed in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

COMMISSIONER NYQUIST'S COMMENTS BEFORE THE NEW YORK STATE CONGRESSIONAL DELEGATION, NEW YORK CITY, DECEMBER 3, 1971

Governor Rockefeller, Distinguished Guests, Ladies and Gentlemen: I am pleased to be with you this afternoon to comment about the urgency of Federal action in relieving the fiscal crisis in education in our State.

We can all be very proud of the commitments to education and the accomplishments of our educational system in the past years. In the last fifteen years, enrollment in public elementary and secondary schools in the State has increased by fifty percent and the number of public high school graduates has increased by one hundred percent. The holding power of the secondary schools, which is calculated by dividing the number of graduates by ninth grade enrollment, has increased from sixty-five to seventy-five percent. The numbers of handicapped children in special classes has increased by 350 percent. Higher education full-time enrollments in four-year institutions have more than doubled, and in two-year programs have increased nearly tenfold. New York costs are high, but costs are mainly attributable to salaries. The average school teacher salary in New York is about $11,000.

We can be proud, also, of the quality of our institutions. We have approximately eight percent of the nation's pupils eligible for post-secondary education in any given year and yet we have twenty-three percent of the nation's enrollment in Advanced Placement programs (college level courses in high school for which students receive college credit). Our students receive seventeen percent of the commendations for the National Merit Scholarships and they receive more than twenty-seven percent of the Westinghouse Science Talent Search Awards. These are just some indications of the quality of the education. I have often been fond of saying that while California has the biggest educational system, and Massachusetts the oldest, New York has the best. And yet we have serious, intensive educational problems, especially in the large cities.

We are, in addition, in deep fiscal trouble this year and in the coming years which puts in grave jeopardy the quality we already have. Let me give you some examples. The City of Poughkeepsie is up against its constitutional tax limit. This school year that district has been forced to cut 96 of the 330 educational professionals.

New Rochelle is against its constitutional tax limit. It has had to cut $1.8 million from the budget this year because of no additional State assistance.

The burden of educational costs grows heavier and heavier on local property taxation. More than half of the school districts in this State have local property tax rates for schools in excess of $20 per thousand on true value. More than fifteen percent of all districts have rates in excess of $30 on true value and three districts have rates in excess of $36 on true value (Spring Valley, Briarcliff Manor and Central Islip).

Without additional State revenues available, these local property tax rates must continue to climb unless Federal resources are forthcoming, and this in the face of growing property taxpayer revolt.

In order to hold our elementary and secondary school program merely in a steady state this next year, it would take an increase of some $100 million of State or Federal resources. Even that would have to be accompanied by a local increase of more than $110 million. Remember, *that* will only keep the school programs in a "steady state," just to stay even.

I fully expect increased local budget defeats, coupled with intensified teacher militancy, turmoil, and disruption at the local level, not to mention the added fiscal problems associated with declinnig parochial and private school enrollments.

Now, let me give you an illustration of our fiscal crisis in higher education.

There are 220 colleges and universities in the State of New York, and most are in serious financial trouble. The 115 private institutions in the State will incur a combined deficit upwards of $50 million in 1971–72, and have incurred a cumulative deficit of $175 million over the last five years.

Several of our finest nationally known private institutions—Columbia, Syracuse, Cornell, Polytechnic Institute of Brooklyn, and New York University—are suffering substantial deficits, and two of these institutions face the possibility of being unable to operate by the end of this year unless additional funds are found for them. New York University alone has a current cash shortage of $30 million, which it has been able to cover by borrowing against unrestricted endowment funds. These funds are now fully committed and they can no longer finance an annual deficit.

Public higher education faces no less serious a problem. During each of the last two years, the State University of New York has had to increase enrollments without a commensurate increase in operating funds. They cannot do this again. This year they cannot expect much of an increase in their budget and this State may see the first incidence of public institutions closing for lack of funds.

The City University, which established an open admission policy in 1970, may, just two years later, be forced to abandon that policy if it is unable to receive increased funds to maintain the size of its freshman class.

In just these last five years New York State has taken the leadership nationally in extending higher educational opportunity (open admission). Unless we are able to find more Federal funds, we will be forced to close off increased opportunities for higher education and stifle the enrollment growth, which has been approximately seven percent per year.

We firmly believe that expenditures for education are the most essential investments for the public to make. The way to break the cycles of welfare dependency, under-employment, health deficiencies, and the burdens on the public in caring for those persons who are incarcerated or who cannot sustain themselves, is to invest in educational programs that will develop to the fullest capacity the talents of all our citizens. The cost of ignorance is surely far greater than the cost of education.

A very small part of all of our educational costs in New York comes from Federal sources. Only four percent of the total cost of public elementary and secondary education is borne by Federal funds. We must develop together an increasing share of these costs from Federal resources. This may be through general revenue sharing, for which local school districts must be eligible recipients; fiscal relief of the State by a Federal takeover of welfare, for instance, thus releasing State funds for education; reshaped and expanded block grants to the States for education; or, the full funding of Federal programs now authorized. Public Law 874, the Impacted Areas Law, was amended to include payments for students in public housing, and, if this were fully funded, New York would net $49 million annually. If Title I, ESEA, were fully funded, New York would gain $250 million annually.

I hope that I have given you some sense of the crisis that the great educational institutions of our State face. It is reported that the Chinese use the same ideographic symbol for trouble and opportunity. It is, incidentally, two women under one roof. We surely have the trouble—you have the opportunity. I ask that we work together to realize a solution in which the Federal government will have a much more significant part—soon.

EQUAL TIME BECOMES VICIOUS ATTACK

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. McCLORY. Mr. Speaker, if the televised response of the Democrats to the President's state of the Union message is an example of "equal time," then it would seem appropriate to review again this entire principle.

I would not want to suggest that the President's appearance was without political significance. However, it was a statesmanlike presentation—consistent with the kind of responsible behavior the people should expect from Washington. The contrast, as embodied in the response of our Democratic colleagues, was decidedly unworthy of those Members who performed, and a distinct disservice to the American public which are entitled to something fairer and more constructive.

Mr. Speaker, two timely editorials have appeared in the Chicago Tribune which summarize the views of many who deplored the Democrats' venomous attacks. I am attaching these critical editorials which appeared in the January 22 and 24 editions:

Equal Time Becomes Vicious Attack

President Nixon's restraint toward the Democrats in his State of the Union message may have reflected professional courtesy more than sincere affection, but at least he was restrained. The Democrats, in contrast, turned yesterday's "equal time" response into a series of personal attacks too biased for even a half-wit to find credible.

We're not saying that everything the President has done or proposed is perfect; we've often criticized him on these pages. But even the legitimate criticisms touched upon by the Democrats were submerged in a sea of venom. For each successive issue, the formula was the same. The Democratic spokesman was a man or woman who had backed legislation opposed by the White House and whose objectivity was thus somewhat impaired to begin with.

Rep. John Brademas of Indiana, for example, was the "expert" on day care centers. He denounced Mr. Nixon for "breaking another pledge" by vetoing a costly Democratic day-care measure without so much as mentioning that within days Mr. Nixon had approved another bill providing specific aid, both directly and indirectly, for day-care centers.

And so it went—on Viet Nam, the farms, crime, jobs, health care, and inflation. The President was blamed for conditions which the Democrats might at least have admitted that he inherited from previous Democratic administrations; he was vilified for opposing Democratic measures which in general have tended to be costly and to expand the federal bureaucracy; and he was given no credit at all for White House proposals which, whatever their faults, tend to be less ambitious and more practical.

We are grateful to Sen. Eagleton of Missouri, who acted as moderator [if there was any moderation] on the program, for holding up a copy of Thursday's CHICAGO TRIBUNE and quoting School Supt. Redmond to the effect that "only a massive infusion of federal funds can save" the schools. In our copy, however, we can find Mr. Redmond quoted only as saying he was "optimistic that there will be more funds for schools coming from federal and state sources." With all due respect for the plight of our schools, this exaggeration seems typical of the Democratic show.

Sen. Eagleton closed the show by quoting a weather prediction from the San Clemente [Calif.] Sun-Post: "Continued Crummy." He didn't enlarge upon its significance, but it could have had something to do with the performance on his own show.

An Abuse of "Equal Time"

We've already said that the Democratic Party's "equal time" response to President Nixon's State of the Union message was an insult to the intelligence of the people. The continuing reaction from around the country prompts us to add that it was also an affront to the Presidency and a crass misuse of the "equal time" privilege.

The Federal Communications Commission announced last fall that it was reexamining the effectiveness of its "equal time" policy; and if there remains any doubt that the policy needs to be reworked, it should now be dissipated.

The "equal time" doctrine goes back to the Federal Communications Act of 1934, which specifies that a broadcaster who affords time to one candidate for public office must afford equal time to other candidates for that office. The doctrine was little known until 1959, when Lar Daly, Chicago's perennial candidate for whatever office is available, demanded equal time to offset a 20-second newscast appearance by Mayor Daley in connection with a March of Dimes drive. The FCC, astonishingly, supported him.

This prompted Congress to revise the law so as to exclude newscasts and "on the spot coverage of bona fide news events" from the requirement. The limitation to announced candidates in a political campaign remained. And again, the issue subsided until 1969, when the Supreme Court ruled that the FCC could order networks to provide equal time without infringing on freedom of the press.

This brought a series of demands for equal time, and usually free time, to answer the President—by the Democratic Party, anti-war groups, House Negroes, the Congress itself, and even Republicans seeking equal time to respond to the Democrats' equal time. The television networks tended to go along with the Democrats in order, in the words of Dr. Frank Stanton of CBS, "to achieve fairness and balance in the treatment of public issues."

The goal may be valid, but the doctrine became so bogged down in demands and counterdemands and law-suits that in the summer of 1970 even Sen. Mansfield, Democratic leader of the Senate, complained that equal time was "getting out of bounds" and that "every time the President makes a speech, somebody wants to answer."

True, this didn't stop Mr. Mansfield from carrying the flag for the Democrats in their "equal time" hour to answer Mr. Nixon just a year ago. But Mr. Mansfield was courteous in his remarks and respectful toward the office of President, despite his disagreement.

Nothing of the sort can be said of the performance put on by a junior varsity team of Democrats on Friday with Mr. Mansfield conspicuously absent. Mr. Nixon had done his duty as President in delivering the State of the Union message, and it was a creditable job done without bitterness. The Democratic response was a venomously one-sided barrage of highly partisan and personal denunciations, and generally false ones at that. Viewers have even complained that when they tried to telephone the program in response to the invitation extended, and when it was found that their questions were not of the type desired, they were shunted off the line.

In short, the whole thing struck a new low in politics. Democratic Chairman Lawrence O'Brien and his hatchet men have turned equal time into a cheap and degrading farce of just the kind which Congress presumably sought to avoid in 1959. Indeed the best example of legitimate campaign debate—the Kennedy-Nixon debates—took place only because Congress had suspended the equal time law. Otherwise the candidates of various lesser parties would have clamored for equal time, too.

The custom of demanding equal time to answer every Presidential message, regardless of whether a campaign is in progress and whether the participants are candidates, makes a mockery of the law. Clearly the State of the Union message is a news event worthy of spot coverage and therefore beyond the scope of the law anyway.

The President is entitled to do his job without subjecting himself and his office to this sort of indignity. If the FCC finally gets around to establishing more sensible equal time rules, the Democratic Party, in its infinite stupidity, will at least have contributed to a desirable ending.

COLONEL BAGGS' RETIREMENT

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. BURKE of Massachusetts. Mr. Speaker, last evening was a sad occasion for many of us in the Boston area who had come to know and admire Col. John W. Baggs for the tremendous work he has done in recent years for the Salvation Army. The sad occasion was the official retirement party for this great man. What better tribute can anyone pay to a gentleman who has devoted the greater part of his life in serving an organization so universally admired and respected than the Salvation Army to say it will be difficult to get used to that organization without him, so inseparable and closely identified have they become, one with the other over the years. I know that retirement never comes easy for anyone—neither for the individual involved nor for those who knew him. In a real sense, to use the word retirement for a man who has devoted his life to serving others is to say the wrong thing. Colonel Baggs obviously will never stop doing that; however, he has stepped down from his position of leadership and it is only fitting that we who have benefited from his years at the helm should pay tribute to both him and the fine organization he headed for so many years. Long before concern for those living in the urban ghettos was either fashionable or a matter of much concern to the powers that be, the Salvation Army was there, dedicated to the proposition that God's work is where it is needed and that Christianity of necessity demanded involvement and total participation in the daily lives of the underprivileged souls of the sprawling urban centers of the world. To both Colonel Baggs and the Salvation Army, many more years of productive laboring in the Lord's urban vineyards.

I want to include at this time in the RECORD an article from the Boston Sunday Globe of January 23, which reports on the recent testimonial to the colonel:

[From the Boston Sunday Globe, Jan. 23, 1972]

SALVATION ARMY LEADER RETIRES

(By George M. Collins)

A man who almost perished in the Easter Sunday fire that swept Chelsea in 1908 will retire today after 45 years of "rewarding experience" in the Salvation Army.

Col. John W. Baggs, divisional commander for Massachusetts; cleared out his desk in the Army's Boston headquarters on Friday, picked up a silverplated shovel emblematic of the many building projects he has completed during his six-year stint in the Bay State and reluctantly finished his active duty career.

Tomorrow night Col. and Mrs. Baggs will be honored by 600 friends and Army officials at a dinner with the newly appointed national commander of the Salvation Army, Comr. Paul J. Carlson, conducting the official retirement ceremony.

Col. Baggs spent most of his youth in Roxbury where his family lived after losing their home in the Chelsea fire. It was there that the Baggs family first came into contact with the Salvation Army.

A donation to the building fund for a new Roxbury Army Center entitled them to two seats in the chapel and Mrs. Baggs and her children began attending. There were 10 children, eight are still alive.

A building brought the colonel into the Army and his final duty today will be the dedication of a building, the center at Newburyport which has just been completed under his leadership. In fact, the last three Sundays of his active career have been spent dedicating buildings he has built, at Athol on Jan. 9, Haverhill on Jan. 16 and today at Newburyport.

If there is anything he regrets, it is that he has not been able to complete his dream for a new Army Program Center in the South End.

'That'll be a priority item for my successor, Brig. Maro Smith, when he takes over on Monday," Col. Baggs said Friday as he reminisced about his career. Brig. Smith has been serving as the divisional commander for the Southern New England Division that covers Rhode Island and Connecticut.

A 1925 graduate of Boston Latin School, the Col. Baggs was commissioned a lieutenant by the New York Salvation Army Training School in 1928. He served in Ohio, Pennsylvania, New York, Maine, and Massachusetts.

Mrs. Baggs, the former Mary E. Leggett of Albany, N.Y., has served as an officer for 42 years and also will retire on Jan. 24.

The Baggs' will move to their home at Ocean Park, Me., where they will live in a cluster of log cabins which they have built in recent years with the colonel's three brothers. Two of the brothers are retired Army brigadiers and the fourth is a Baptist clergyman.

CANANDAIGUA, THE CHOSEN SPOT

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. TERRY. Mr. Speaker, much is written about this great land of ours and its many beautiful natural resources. One of the most magnificent spots in the world is the Finger Lakes region of New York, located in my congressional district.

Recently, the magazine Business in New York State, carried a lengthy article about the city of Canandaigua and the beautiful territory surrounding it. The article, entitled, "Canandaigua, the Chosen Spot," explores the social, cultural, business, and climate aspects of this most beautiful community. I would like to include the article in the RECORD for all to read. Canandaigua is truly a most magnificent area. The article follows:

CANANDAIGUA, THE CHOSEN SPOT

No visit to Canandaigua is complete without a tour of Squaw Island, the smallest New York State park. It is located within jumping distance from the shore of Canandaigua Lake and a complete tour, self-guided, takes under one minute. It's that small.

There is, however, a lot more to this energetic Ontario County city of some 11,000 souls than just Squaw Island. Canandaigua—which in Indian means "Chosen Spot"—offers much to see and do for the tourist and much to industry.

Canandaigua is a transportation hub with its busy Main Street just 30 minutes by car from Rochester, 60 from Syracuse, 20 from Geneva, 90 from Buffalo and 90 from Elmira. Busy routes 20 and 5 roll through the town, while the New York State Thruway has two nearby exits.

CANANDAIGUA INDUSTRY

Its convenience transportation-wise is one reason industry loves Canandaigua. Local firms include Canandaigua Industries, the third largest winery in New York State and sixth largest in the country; Canandaigua Plastics; E. F. Fairchild; Cuddeback Co.; Gigi Bra Inc.; Labelon Corp.; Leaming Plastics, Inc.; Mobil Foam Products; N/C Service, Inc.; Rochester Coca-Cola Bottling Co., and Sunoco Products. There's more, including many in the Canandaigua area like Widmer's Wine Cellars in Naples and Mobil Chemical Division's Macedon plant.

Kenneth J. Fugo, who claims with justification that nobody ever suffered a head concussion from using his product (wrestling mats), is just one satisfied Canandaigua industrialist. He heads up Voplex Corporation's Canandaigua Plastics Division. The firm's Leaming Plastics Division is also a Canandaigua resident.

This young firm has sold gym mats to Annapolis and West Point and custom makes its product. It is expanding in Canandaigua by great leaps and bounds and increasing employment, which soon should reach 200.

"We took a gamble on Canandaigua and it paid off," says Fugo. "We like it here. The labor force is stable and advantages far outweigh disadvantages."

Another expanding Canandaigua industry, testimony to its excellent industrial climate, is Mobil Chemical's Plastics Division. Employing 255, this firm is one of the nation's leading producers of plastic packaging materials for both consumer and industrial markets.

VACATIONLAND

But it is Vacationland—sun and fun—that pops into mind most readily when Canandaigua is the topic.

First of all, there's Canandaigua Lake—The Lake to area residents. Lake and rainbow trout, largemouth, smallmouth and rock bass are numbered among its finny denizens. Boats, sail and otherwise, frolic the length of its lean 16.57 square miles. Swimming, picnicking, camping—this fabulous Finger Lake has it all!

On its shores in Canandaigua is Roseland which attracts between 30,000 and 40,000 people on summer weekends. It is a complete amusement park—25 rides, an extensive picnic area, boat rides, bowling, miniature golf, and special events held all during the summer.

Finger Lakes Race Track north of the city grows daily in popularity, and William A. Thayer, Jr., general manager of the Finger Lakes Racing Association, sees nothing but more potential for growth with 988 stalls now and 194 more to come. The track opens in May and operates through early autumn.

HERITAGE OF HISTORY

Canandaigua provides a rich mine for history buffs. Originally the site of the principal village of the Seneca Indians, the village was rudely treated in 1779 when General Sullivan's expedition marched through and left it a mass of charred ruins. With those fiery beginnings as an early backdrop, Canandaigua grew in importance and became a city in 1913.

Landmarks of New York State history abound in the city today. The home of the fourth postmaster general of the country under Jefferson and Madison—Gideon Granger—has been restored and transports the 20th century visitor to the grace and charm of that earlier day. Also housed here is a carriage museum, offering a wide variety of these antique vehicles for the viewing.

Canandaigua was the site of the signing of the Pickering Treaty in 1794 in which the Senecas granted the white man the right to settle the Great Lakes basin.

The Canandaigua Central School District includes Canandaigua Academy where, in the original building constructed in 1795, Stephen A. Douglas, the "Little Giant" of Lincoln-Douglas debate fame, attended school in the 1830's. College-wise, the city lays claim to Community College of the Finger Lakes, and there are a host of fine educational institutions nearby.

One of Canandaigua's oldest and most revered traditions is its fine newspaper. *The Daily Messenger*, which, in April of this year, moved into new, modern quarters after 174 years of operation. The *Messenger* proudly wears the title of oldest continuously published newspaper west of the Hudson River. Its new offset operation is a far cry from the early days when the paper was known as the *Ontario Gazette*.

Canandaigua's citizens like it too. Frank Patrizio, Canandaigua city manager since 1968, calls it "one of the finest communities in New York State and the East Coast. Pride and love of community seem to transcend everything else here."

T. Hamilton Kennedy, more than eight years mayor of this Ontario County seat, echoes these sentiments and adds:

"This city works together. The city government is appreciative of the wholehearted participation of our people and, for our part, any sales tax we levy goes for capital improvements. We show the citizens where their money is going, and how it is being used."

A center for tourism, a drawing card for industry and a haven of concerned citizenry. These three factors are why Canandaigua, New York, is truly the "Chosen Spot."

TRANSPORTATION

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. ZWACH. Mr. Speaker, on January 18 and 19, educators, community leaders, and legislators met at Worthington, Minn., to discuss various aspects of rural development—what was needed to bring our countryside back into the mainstream of our American economy.

Today, I would like to insert into the CONGRESSIONAL RECORD, a paper on "Transportation" presented by former State Senator Walter Franz of Mountain Lake:

TRANSPORTATION

(By Walter Franz)

Someone has suggested that if one stands long enough in Times Square in New York City, sooner or later, just about everyone in the world will pass by.

Times Square is one of the crossroads of the world. People congregate there, and around them can be found just about every imaginable type of merchandise and service. Transportation, to the New Yorker, is pretty much an abstract concern for he needs only to go a few blocks to find anything he wants.

Not so in the rural areas of the nation. Take southwestern Minnesota and northwestern Iowa, for example. People living here are 180 miles from the Twin Cities and 250 miles from Des Moines. All that is present around them is the abundance of farm production. Everything else needed must be transported to them, and it probably costs a little more as a result.

A person can stand on some of the street corners in this region and see very little traffic at all and much of what he does see will be heading away toward the Times Squares of the nation.

So transportation is no longer an abstract. It is a reality on which our very lives depend. If we can improve our transportation, we can improve our economic position, and if we can improve that we can sustain our population and stop exporting people to the cities where they contribute to the urban crisis.

There's a lot of room for improvement. While the post office is bragging about 24-hour mail delivery between New York and San Francisco, we're living with 48-hour mail service between Orange City and Sanborn.

Out where we live, where distances are great and the need for high speed highways is imperative in order to cut travel time, we have to content ourselves with the worst two-lane cowpaths Iowa and Minnesota have to offer. Small wonder we find ourselves crying with frustration when we read of urban people fighting highway construction when we so desperately need good roads out here.

Airline fare between the Twin Cities and New York is $78 and passengers ride the big jets, eating steaks and sampling the wines. Out here, where we are three hours from the Twin Cities and four hours from Des Moines by road, the only airline service we have is that provided by North Central's propjets. And it costs us $24 to fly to Minneapolis while being treated to powdered coffee. Not only that, but we live under constant threat of cancellation of service because the airline says it can't make money serving us.

Out here, our commerce is agriculturally based. As such, we deal in bulk cargoes of corn, soybeans, cattle and hogs, ideal products for rail transportation. But our railroads can't wait to abandon service, claiming they can't make a profit serving us.

Every time this happens, it throws that much more of a load onto the trucks, but in Minnesota, 45 per cent of the towns are served by roads on which load restrictions are placed in the spring. Fortunately for them, Iowa's small towns don't have this problem because Iowa does not restrict roads. But in Minnesota, 45 per cent of the state's communities are in effect economically isolated for extended periods of time each year.

If transportation is defined as the business of moving goods and people, it stands to reason that it becomes all the more important with each additional mile of distance involved. For those people living in the rural areas of southwestern Minnesota and northwestern Iowa, transportation is one of the most vital problems to be solved by those concerned with economic growth.

Let's consider the problem from its component parts. Let's start with highways for they are the backbone of commerce. What does the region need in the way of highways?

To begin with, it must have no less than a useable road to every single municipality. That's not too much to expect. Iowa has it already. Minnesota needs it too. This means an all year round, non-restricted road over which trucks can move.

Iowa achieved this, not by building better roads, but simply by removing restrictions. It may in the long run find the decision costly, but in the meantime its people are being served.

Minnesota must either do the same or move immediately to upgrade carrying capacity of roads serving those 45 per cent of isolated towns. There are too many of them to list individually, but just the isolated Nobles County towns may provide some sort of idea as to the extent of the problem. In Nobles County, Leota, Lismore, St. Kilian, Rushmore, Dundee, and Kinbrae all are on restricted roads. They cannot stand much more delay in solving the problem.

Beyond this, there are certain major highways that are more than mere roads. They are economic development arteries.

They serve communities in which major industrial growth is taking place and are, in fact, in large measure responsible for that growth. Foremost, of course, is Interstate 90 across the southern edge of Minnesota. It serves the entire region on both sides of the border. After a slow start, it is getting more emphasis now and is scheduled for completion in 1976.

But other roads of equal importance are not. They are Highway 60 cutting diagonally across the region and providing its main link to the port of Duluth, the Twin Cities, Sioux City, Omaha and the southwest; Highway 71, the north-south federal link from Canada to the Gulf; and Highway 18, the east-west regional carrier in northwest Iowa.

All three of these—Highway 60, Highway 71, and Highway 18—have been designated four-lane expressways by the highway departments of both Iowa and Minnesota, but all are languishing because of lack of money.

New industrial growth that has taken place has been predicated largely on the premise that someday these roads are to be upgraded. Chase Bag at Sibley, Allied Mills and Boise Cascade at Worthington, Tony Downs at St. James, Univac at Jackson, McQuay, Inc. at Spirit Lake—these are just a few new industries that have recently moved to the country and are served by these three roads. How many more would there be if road building promises were road building realities?

If this region is to grow, it must be given the tools with which to work. Highways are one of the major ones.

If government is serious about reversing rural migration, then let government get serious about building economic development highways. If this takes diversion of funds now being spent in urban areas where people are fighting road construction, then let the diversion begin. It's one way of making everyone happy.

Harry Heltzer, chairman of the International Road Federation and a 3-M executive from Minnesota, says, "As you talk to people who work in rural communities where industry has moved its plants, you discover many of them are farm people who would have had to uproot completely and move into a larger city if industry had not come to them. If we are people oriented as well as construction oriented, we'll serve best by doing what we know best—building arteries of the nation. We have an obligation to fulfill, both to city dwellers pressured by too many neighbors and the young men and women who prefer to remain in smaller communities if it will offer them the opportunity to develop themselves."

Or listen to Secretary of Transportation John Volpe who described the economic growth centers program of the federal aid highway act of 1970 as "designed to show that areas with a potential for economic growth can be substantially aided by highway improvements."

Mr. Secretary, we don't need more test programs to prove the point. We need broad federal and state commitment to get on with the job we all know needs doing.

Now, let's talk about railroads. It never seemed to me that one could move goods cheaper by investing in a $25,000 truck, fueling it with diesel carrying a tax of seven and one-quarter cents a gallon, hiring a $5 per hour driver, and running it on $200 tires than one can do by rail.

The fact that this is so is an indictment of someone and proof positive that something is wrong somewhere in the system.

Railroads say they can't compete despite the fact that one "driver" can operate locomotive controls to transport as much as 100 truckloads, and that one diesel engine can move weight a dozen times more efficiently than can 100 separate truck motors.

The railroad's solution has been to consolidate depots, abandon branch lines and withdraw service. It's happening throughout our region on both sides of the state line with distressing and increasing frequency. It doesn't make sense.

Just last month, the Minnesota Public Service Commission approved consolidations which closed depots at Adrian, Brewster, Heron Lake, Slayton, Mountain Lake, Jeffers, and Westbrook.

The railroad claimed it would save $270,000 annually. If this is so, those depot agents were the highest paid people around, for it is obvious the railroad never invested any money in physical equipment for the seven stations.

Ron Anderson, chairman of the commission, said, "The estimated annual savings by the railroad could help avoid the possibility of branch line abandonments by reducing the cost of operation on each branch line." He might have added it also reduced the chances of making a profit by making it just that much harder to do business with the line.

Maybe the decision will result in extended life for the branch lines, but we don't think so. The record indicates a firm desire on the part of the railroads to abandon branch lines just as quickly as they can do so. Ask the people at Champion Homes in Slayton who had to battle to get a spur into their new mobile home plant and who even today face the threat of abandonment even though they use the railroad extensively and need it for continued growth.

Take note also of the fact that three of the most recently closed stations were not branch line, but main line stations. At Brewster, the depot is across the road from a major elevator, but the railroad's inability to provide adequate service and its rate structure makes it better business to ship by truck, resulting in just that many more of the big rigs grinding up Highway 60 running parallel with the line.

Minnesota Commissioner of Agriculture Jon Wefald, in speaking recently about one of the newest abandonment applications by the Northwestern and the Burlington Northern involving 20 communities, said, "These represent a continuation of a curious and extremely damaging policy—to deliberately sever vital economic and social lifelines of rural America." He went on to say the abandonment will deny the communities a balanced and competitive commercial transportation service, increase costs for transportation to farmers and small town businessmen, and unnecessarily shift a heavy freight volume to the public highways adding to the safety and maintenance problems. "We need improved transportation service, not more discontinuances, if rural America is to attract the industrial development it needs for growth," Wefald concluded. We add our fervent "Amen".

Rails, in theory, are the most efficient method of moving bulk cargoes over land. The fact they aren't could well be due to a combination of unfair governmental regulations, archaic work rules and unwillingness by management to really work at the business of running the railroads.

If tariff regulations put rails at an unfair competitive advantage, change them.

If management is siphoning off rail profits to subsidize other activities of conglomerate rail companies, then let us have legislation to force railroads to fulfill their function, for they are in reality quasi-public utilities.

And work rules need to be changed. Right now, the minimum train crew is made up of an engineer, fireman, brakeman, and conductor even on branch lines, where the number of men in the train crew sometimes exceeds the number of freight cars in the train.

Where rail lines are carrying numerous trains this may be justified, but it is simply ridiculous on branch lines where there is not another single bit of traffic to pose a hazard. Four men doing the work of one is a luxury we can no longer tolerate where branch line profit potential is small. It is time to split the work rules between the branch lines and the main lines since there no longer is any resemblance between them.

Freight rates also work to our disadvantage and need to be adjusted if the outstate areas of Iowa and Minnesota are to compete successfully. We find it necessary to pay too much for the miles that lie between us and our markets, and this factor alone is powerful persuasion for industry to remain in the cities.

We think government has a legitimate interest in seeing to it that outstate areas can compete on an equal basis even if this entails a federal transportation subsidy to equalize competition between plants in rural areas and those in cities.

Much the same is true when it comes to air travel. We already pay for the miles, but under the present system we also pay more per mile for a lower standard of service than do people elsewhere.

It costs us almost as much to fly by North Central or by one of the third level carriers in our region to Des Moines or Minneapolis as it does to fly first class from either city to Chicago.

It is impossible for commerce to exist in any reasonable volume in outstate areas without air travel because the distances are too great and the time lost in travel is too high. So again, government has a legitimate reason, if it is serious about equalizing growth and reversing rural migration, to subsidize air travel on commercial carriers to a greater extent than it now does.

One way of doing this and achieving a second goal as well, is to make more extensive use of third level and scheduled carriers for hauling of mail to urban centers. Postal contracts could go a long way toward improving the economic base upon which air service rests and could make a major improvement in postal service too, something that is also of major concern to outstate areas.

In recent years, bus lines have begun cutting back on service in much the same way the rails did a few years back. They are scheduling more express buses—bypassing the smaller towns—an action that indicates closing down of small town bus depots is soon to follow to save money.

Express buses would look like a good idea, unless you happen to live in a small town where you can watch the rigs roll by without stopping for you to get on.

The bus companies say maintaining small town depots is unprofitable. This may be, and again there may be an answer to a dual problem in utilizing the buses more for the carrying of mail. Most northwest Iowa and southwestern Minnesota towns have only a single mail dispatch daily, but intelligent use of aircraft and bus departures could boost this to several times a day in many cases. All that is needed to accomplish it is willingness to break from the chains of tradition.

Our leaders these days are increasingly calling for establishment of a stay at home policy equally as effective as the "Go West, Young Man" policy was a hundred years ago. We heartily agree and say flatly that a transportation policy which makes possible the rapid flow of people and goods and which places urban and rural people on somewhat of an equal basis is one major way of accomplishing it.

INTERNATIONAL BOOK YEAR

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. REID. Mr. Speaker, I insert in the RECORD an editorial from Publisher's Weekly in support of the designation of this new year as "International Book Year."

We all know the value of reading—but sometimes we forget the affects of the absence of reading, the number of children and others throughout the world who simply do not have book stores, or libraries, or family books, at their fingertips. And we forget that there are hundreds of thousands of people on this planet who have never had the opportunity to learn to read.

I think that people have a basic right to read; I think that International Book Year should remind us that Dr. James Allen, one of the most distinguished educators of our time, dedicated a good part of his life to this concept; we must do more to make the "Right to Read" a reality, not a dream. And we must do a lot more to see that public libraries are readily available in cities and towns across this country and the world.

At least, the designation of 1972 as International Book Year will remind us of the jobs we face. At best, it will help us do them. The editorial I am inserting below brings this issue to the fore, and clearly and succinctly directs our attention to the importance of International Book Year:

INTERNATIONAL BOOK YEAR: WHAT'S THE POINT?

Probably no one would argue that the UNESCO-sponsored International Book Year, 1972, isn't a Good Thing. But we suspect that there are not a few in the book business who will go further than agree that, yes, it is a Good Thing, and will pay it a pious obeisance and then forget about it. And there are doubtless others who will ask, rightly, "What is it good for?"

We suggest that IBY is good for as much as the book industry and the libraries and other allies of the book are able to make of it.

The function of any UNESCO-backed "year" is to stimulate, to catalyze, to focus—to bring concerted awareness and action to bear all at once upon a major problem. In the areas of reading development, functional literacy, book distribution, accessibility to printed information, protection of the freedom of writers and the livelihood of the authors and disseminators of books, there are enormous tasks to be done. What IBY can do is to turn a brighter spotlight on some of these areas. More, it provides a recognized occasion to bring people together for intensive action upon them.

The U.S. IBY Secretariat (provided by the National Book Committee) is trying to make plain that, through the use of Book Year occasion, 1972 can afford a practical opportunity to get certain things done or well begun. This is precisely what has happened over the years through the stimulus of National Library Week. NLW from the beginning has provided a reason for organizing committees all over the U.S.A. to carry out library support programs and the promotion of reading. More and more people have become involved; this is a crucial point, for, as a consequence, more and more legislators, public officials and business executives or just plain citizens have been influenced to act upon book and library development.

Now a fresh and complementary stimulus is timely, and IBY provides it. IBY's thrust is by no means entirely international. It also has a vigorous domestic emphasis in every participating country. In the U.S.A., a major emphasis is upon the National Right-to-Read program, the USOE-backed effort to attack the terrible blight of functional illiteracy in this country. Americans are beginning to realize that many people read so poorly that their ability to exist effectively in a technological society is impaired. The U.S. Secretariat for IBY lists this and other American problems in its new handbook: "Reading disabilites in all segments of the population and for all age groups, children, young adults and adults; insufficient attention to the development of the reading habit; inadequate 'outreach' library programs for all segments of the community including the exceptional, the disadvantaged and those whose mother tongue is not English; and lack of a cooperative sharing of library, community and educational resources."

Internationally, IBY should inspire stronger, more cooperative work towards library development, better supplies of books and educational materials and the introduction of modern methods of production and distribution. It should give extra thrust to such plans as Franklin Book Programs' growing emphasis on educational materials production in developing countries; on the talks among university presses about forming an international association; on the desire of many publishers and writers to tap the scholarly resources of relatively little-translated languages. Back on the domestic front, the IBY focus could conceivably help get a copyright revision bill over the final hump; it might even help bring about, for the first time, systematic and sustained attention to the deficiencies in book distribution.

With enough imagination and with the energy of numerous task forces, IBY may turn out to be "good for" a great deal.

THE INDIA-PAKISTAN WAR

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. SCHMITZ. Mr. Speaker, the much-publicized birth of Bangladesh last month, in the midst of the war between India and Pakistan, was another major victory for the Communist forces now building on the subcontinent of Asia. Replete with all the usual subrosa overtones of Marxist subversion and geopolitical intrigue, the tragic fall of Dacca to the Bengali Mukti Bahini terrorists—and the subsequent recognition of the rebel leadership of Bangladesh by India and Bhutan—was a clearcut signal to the world that the Red takeover of East Pakistan was at last a fait accompli.

After 9 months of open revolutionary activities against the military government of President Yahya Khan, and 2 full weeks of military skirmishes in the field, 75 million people in the beleaguered eastern portion of the Republic of Pakistan were "liberated." The leaders who actively resisted this vicious "liberation" process, sponsored by India's Prime Minister Indira Gandhi and carried out by the Bengali Mukti Bahini terrorists, were tortured and then liquidated without mercy in many cases before the very eyes of American representatives of the "liberal" media, which conveyed the impression that they were justifiable acts of war. As the slaughter of unarmed men, women, and children continued in Pakistan, several prominent Senators called enthusiastically for American recognition of Bangladesh.

All the while, waiting patiently on the sidelines for the outcome—after supplying weapons and technical assistance to both sides—Red China and the Soviet Union were consolidating their gains. It was another classic example of the cruel Marxist strategy of "divide and conquer."

While one of the causes of the strife now racking India and Pakistan is probably the painful memory of almost five centuries of bloodshed arising from racial and religious intolerance, there is far more to the present situation than just another religious war between Indian Hindus and Pakistani Moslems. It is evident that the roots of this problem actually go back more than half a century to 1920 when the fiery leader of the Indian National Congress, Mahatma Gandhi, launched his murderous campaign of "civil disobedience" and revolutionary agitation against the 150-year-old British rule.

By 1947, two portions of northern India were carved out to constitute the new nation of Pakistan. The new nation emerged as a geographical wonder, a two-part country—West and East—separated by more than 1,000 miles of Indian territory and by differences in language, culture, and life styles. It was an ideal setup for future manipulations, as its promoters well knew.

There then followed 2 years of incredible horror in which hundreds of thousands—perhaps millions—were wantonly slaughtered as Communist agents provocateurs whipped their hapless victims into an emotional frenzy. In the ensuing riots, as Asian Communists followed specific directives from Moscow calling for open revolution in India—utilizing a Red tactic known as "pressure from above and pressure from below"—terrified Hindus sought sanctuary under Indian rule and Moslems fled India seeking refuge under the Pakistani flag.

Then in 1965 came the bitter war over possession of Kashmir in northern India resulting in the division of that state into two separate parts. By 1970 the Soviet Union had openly come to the aid of the Socialist government of India while the Red Chinese sided with Pakistan. While the leaders of these four nations were in mutual colluson, the peoples of their respectve countres were apparently never even taken into consideration.

Finally, in August 1971, after the United States had extended billions of American dollars in foreign aid to help India, Prime Minister Indira Gandhi signed a 20-year "friendship" pact with the U.S.S.R. For the Soviets had given India over $1 billion worth of aid as well, theirs in the form of tanks, submarines, fighter-bombers, and surface-to-air missiles. In the interim, forced by an arms embargo on U.S. weapons and assistance, Pakistani President Yahya Khan had signed a new economic and technical agreement with the Red Chinese and received four interceptor squadrons of Mig-12's, 225 medium tanks, AK-47 rifles, machineguns, and a $25 million arms factory complex outside Dacca. Elsewhere in East Pakistan, an army of Bengali guerrillas trained in Red China had seized large areas of the countryside while hordes of pro-Soviet rabble-rousers, aided by India, agitated among the populace for Bangladesh—an "independent" Bengal nation.

Thus, when a violent Communist-led revolt broke out in East Pakistan last March 25, headed by Sheikh Mujibur Rahman, no one was really surprised—least of all Red China and the Soviet Union. This was the final spark that paved the way for the takeover of that unfortunate people. And Indira Gandhi sealed their fate this month with an outright grant to the Bangladesh rebels of $33 million.

GIUSEPPE PREZZOLINI CELEBRATES 90TH BIRTHDAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. BIAGGI. Mr. Speaker, I would like to take this time to honor Giuseppe Prezzolini, professor emeritus of Columbia University, on the occasion of his 90th birthday.

A rare example of a self-taught man, Prezzolini was born in Perugia on January 27, 1882, into a family of cultural and literary interests. His formal education ended early when he found teachers and textbooks too shallow.

From 1903 to 1907, which critics have considered as a period of transition from positivism to idealism, Prezzolini collaborated with Papini on the "Leonardo," one of the more important literary and philosophical periodicals of the century. During this time he began his quest of God by studying mysticism under the influence of Bergson, James, and Saint Augustine, a quest which has never ended as can be seen by one of his latest books, "Dio E Un Rischio," published in 1969.

It was in December 1908 that Prezzolini founded "La Voce," a new review to which he dedicated his energy and talent. Its credo was action and its writers had an awareness of social and spiritual issues that enlisted the support of the best minds of Italy—men who differed not only in character but in political and philosophical thought. It counted among its contributors Croce and Gentile, Papini and Soffici, Mussolini and Amendola, Campana and Saba, Slataper and Serra, Palazzeschi and Rebora, Boine and Jahier, Salvemini and Murri—considered eminent figures in the Italy of that day and later.

The effect that "La Voce" had on Italian culture was felt in all its fields: in literature, music, art, philosophy, and politics. Thus was Italian culture integrated into the life of the nation. It assumed a true significance not only in relation to the arts and literature, but on a moral plane as well.

In 1910 Prezzolini founded the "Libreria della Voce," a publishing house which made known not only some of the best works of the younger generation of Italian writers, but also some of the best European writers of that period.

When Italy entered World War I, Prezzolini enlisted, and had ample opportunity to witness the ineptitude of old generals and the lack of preparation of the troops, and criticized his country whose Government was responsible for the defeat of Caporetto. After the war he reactivated the "Libreria della Voce" until, in 1925, he went to Paris to direct the Literary and Information Department of the Bureau for Intellectual Cooperation founded by the League of Nations. He left it in 1930 to come to Columbia University where he taught for over 20 years until his retirement.

In his book *Amici* (Vallecchi, 1922, p. 8), Prezzolini says of himself:

> I am not a writer, I have no originality as a philosopher, and I mistrust those who should like to do over the universe. But it seems that I possess a certain clarity of ideas, the capacity to grasp the character of a man or of a movement, the strength of soul to refuse to be seduced by friendships or to be upset by hatreds in evaluating merits and in measuring defects. At a certain point in my life, having buried the romantic turmoils and aspirations, I decided to become the "useful man" for others; to clarify certain ideas to Italians, to indicate their inferiorities in order to overcome them, to characterize foreign people and foreign movements, to translate from different languages, to reveal promising young men, to point out hidden greatness; that is what one calls work of culture. It is very much like building ditches, plowing the soil, planting trees, pruning, sowing, weeding, trimming, and all the operations of a good agriculturalist. Yes, I have always wanted to be useful. I don't say I have always succeeded, but that was my intention. I have always put myself at the service of a man who needed to be known, of an idea that needed conquering, of a propaganda that needed dissemination. This was the principal character of the *Voce*, but it is in a way the character of all my works.

Intellectual stimulation, moral integrity and the spiritual values exemplified in his own life were characteristic of Prezzolini's teaching, not only at Columbia, but throughout his life, for he is a born educator as his readers and friends know. His writings, whether scholarly or journalistic, are delightful because of his clear, precise, well-balanced style. He has a great variety of interests, and his pen ranges from German mysticism to an erudite history of spaghetti, with biography, criticism, philosophy, scholarship, reportage, allegory, religion, and psychology filling the gap.

Since 1962, Prezzolini has been living in Europe and now resides in Lugano, Switzerland. Not only do new books of his appear every year, but his articles are syndicated in three Italian dailies. As a teacher, lecturer, editor, publisher, journalist, and author, Prezzolini has worked indefatigably to spread, enhance and enrich Italian culture.

In July 1971, in recognition of his contribution to Italian culture, President Saragat bestowed on him the Italian Government's highest honor which he accepted also in the name of his associates of the "Voce" and as marking the end of his being considered for 20 years anti-Fascist by the Fascists and in the following 20 years a Fascist by the anti-Fascists.

It is now generally conceded that Prezzolini is no "ideolog," but a dispassionate observer of man.

The writer, Cesare Angelini, calls "La Voce":

> The review that has created the new Italian poetry. Whether one says Rebora or Campana, Cardarelli or Serra, Papini or Soffici, DeRobertis or anyone else, he still says "La Voce," he still says, Prezzolini.

MASS TRANSIT: A SUCCESS IN IOWA CITY

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. SCHWENGEL. Mr. Speaker, transportation has become a major problem for many city dwellers throughout our Nation. The tremendous increase in automobile traffic has snarled our streets and caused considerable congestion on city thoroughfares. Parking has become almost nonexistent in many communities. To overcome this dilemma many people have urged development and improvement of mass transit systems.

A striking example of the role mass transit can play in curbing our urban traffic crises is illustrated by the success of the city of Iowa City in my congressional district. When the private bus firm expired in September of 1971, Iowa City entered the transit business. With the help of Federal aid, new buses were purchased and fares were reduced from 25 to 15 cents. Increased service was also employed. The public acceptance of such service was overwhelming; ridership increased from 1,900 per day to over 4,800. Such enthusiasm over an efficient, clean, and reasonably priced system demonstrates the public's need, in fact their desire, to have mass transit systems they can depend on and afford.

This instance of mass transit's success serves to further the cause of similar systems in other cities. In this age of increased congestion on our roads and highways we should profit from the example of Iowa City. Surely, many Americans would relish the idea of such a system in their community. We should proceed toward making urban transit systems more enjoyable to ride and economically more acceptable.

I urge Federal, State, and local governments to take note; to not only continue subsidies for modernizing mass transit, but to increase those subsidies. I, for one, would enjoy the opportunity to rid our streets of unnecessary traffic jams and, at the same time, improve mobility within the community.

I am not however, the only one to be impressed with the success of Iowa City's bus system. A recent editorial in the Des Moines Register noted with pride their achievements, and wished such successful a problem on Des Moines and other cities. I share that editorial with you:

IOWA CITY BUS SUCCESS

Iowa City has learned that its splendid new municipal-transit system will require a $110,000 subsidy next year instead of the $70,000 budgeted—because "business is so good we can't afford it," as City Manager Frank Smiley told the City Council last week.

That half-jesting remark sums up the dilemma. Iowa City went into the transit business on Sept. 1 after the private bus firm expired. With federal aid, it bought new, air-conditioned buses, reduced the fare from 25 cents to 15 and increased service.

The city had hoped to attract 3,200 riders a day instead of the 1,900 who had been riding previously. Daily volume of 3,200 at the old fare would have met expenses. At the 15-cent fare each rider receives a small subsidy. The aim was to serve the community and to reduce traffic congestion. Instead of 3,200 riders, however, there have been about 4,800 a day, and ridership is heading for 5,000—much more than double what it had been.

Although the subsidy for each rider may decrease somewhat with larger volume, the total deficit will be greater than expected. Part of the problem is miscalculation of several kinds of expenses when the system was on the drawing board last summer, but part of it is success: more overtime is being paid to drivers than had been planned.

The measures of the new bus operation is not the temporary embarrassment of the deficit, but the amazing increase in public acceptance. New routes are being demanded. There is danger that if some additional schedules are not provided, overloaded buses will be passing up prospective riders.

This needed expansion is imperiled by the problem of finding another $40,000 for operating expenses at the present level. But after such an encouraging start, Iowa City surely will find the means to maintain momentum. Benefits from the "subsidy" may be intangible at first, but it would be surprising if they don't ultimately show up in the municipal ledgers. We wish Des Moines were faced with Iowa City's kind of transit "problem" instead of the kind it has.

OUTSTANDING SERVICE OF J. GORDON BOWERS TO HIS COMMUNITY

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. TEAGUE of California. Mr. Speaker, it is my pleasure to bring to the attention of the Congress the tribute being paid to my constituent, Mr. J. Gordon Bowers of Ventura, Calif., by Ventura chapter, No. 31, of the International Footprint Association, Inc. The following is the presentation to be made to Mr. Bowers on January 28 at a testimonial dinner marking his 50th year of continous service in the law enforcement field:

Ventura County Chapter 31 of the International Footprint Association, which is an organization of Peace Officers, business and professional men sympathetic toward the problems of law enforcement, will be honoring J. Gordon Bowers, Under-sheriff of Ventura County, on Friday, January 28, 1972 in Ventura, California.

J. Gordon Bowers completed 40 years of service with the Los Angeles County Sheriff's Department in 1961. During this time he was briefly assigned to the Corrections Department, then transferred to the Detective Division, where he worked his way through the ranks of Sergeant, Lieutenant, Captain, and Inspector. Retiring after serving as Chief of the Detective Division for 12 years.

Mr. Bowers was the first member of the Los Angeles County Sheriff's Department to graduate from the FBI Academy in 1947. Since July 1, 1961, Mr. Bowers has served as the Under-sheriff of Ventura County. His many contributions and accomplishments in the field of law enforcement are innumerable.

It is most fitting that the Footprinters honor this distinguished Peace Officer on his Golden Anniversary commemorating his 50 years of continuous service in law enforcement. It is the sincere hope of all our residents that he will continue to serve our community for many more years in his present office.

Ventura County Chapter 31 of the International Footprint Association has three times been honored as the 'Outstanding Community Service Chapter' in the United States. The Ventura County Chapter is the group that built and currently maintains the world's first mobile narcotic prevention exhibit. More than one million persons to date have viewed the Footprinter's exhibit since Governor Reagan dedicated this educational exhibit March 20, 1968.

UKRAINIAN INDEPENDENCE DAY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. ADDABBO. Mr. Speaker, this week the House of Representatives commemorates the independence of Ukraine and we send our words to those 47 million people held captive by the Soviet Union. Those words serve many purposes, among them keeping the spirit of hope alive for those captive people and reminding the people of the free world that we are indeed fortunate to be free.

This year our words expressed in the House of Representatives take on special meaning. The President of the United States will soon travel to China and to the Soviet Union in search of new areas of communication and understanding among the major powers. As we wish him well in that trip we must also remember those who suffer the daily frustrations of dictatorship—those who do not enjoy personal liberties sometimes taken for granted by those of us who live in the free world.

This is the 54th anniversary of the independence of Ukraine and I am pleased to join with my colleagues in this expression of support for captive people in all corners of the world. In particular, I want to urge that Congress act this year to create a Special Committee on the Captive Nations so that we will have a forum to consider all aspects of this problem. Other legislation has also been introduced to designate January 22 as Ukrainian Independence Day, to resurrect Ukrainian Catholic and Orthodox Churches in the U.S.S.R. and to oust United Nations representatives of the Ukraine and Byelorussia. I support these measures because they are the most effective way to reaffirm our Nation's support for captive people who retain the hope of freedom.

TRIBUTE TO THE LATE HONORABLE CHARLES J. INNES

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. O'NEILL. Mr. Speaker, Charlie Innes served as the counsel for the Massachusetts State Senate for 15 years, and his career devotion to the task of advising the legislative body on the complicated legal matters concerning legislation, represents a truly remarkable contribution to the Commonwealth of Massachusetts. His life and work were guided by principles of fairness and nonpartisanship, and it is this spirit for which he is most cherished by the people of Massachusetts who knew him. I submit, for the perusal of my colleagues, a fitting tribute to the late Charlie Innes, delivered by minority leader of the Massachusetts State Senate, John F. Parker.

The tribute follows:

REMARKS BY MINORITY LEADER, SENATOR JOHN F. PARKER, IN TRIBUTE TO THE LATE HONORABLE CHARLES J. INNES, SENATE COUNSEL, JANUARY 5, 1972

Mr. President, I ask unanimous consent to make a brief statement on the passing of the Honorable Charles J. Innes, Counsel for the Massachusetts State Senate for many years.

Mr. President:

There is a certain emptiness in this Chamber today as we assemble for the 1972 session—the 182nd session since Thomas Cushing called the original Senate to order, under the Constitution in 1780.

The emptiness I note, and I am certain is felt by others, is not the absence of any member of this Senate—but rather an emptiness because of the absence of a man, affectionately known as the 41st member of this branch, the Honorable Charles John Innes, distinguished as a member of this body for a number of years, but more distinguished as the life and breath of this Senate as its counsel for fifteen of the most difficult years of its history.

For more than 40 years, Charlie Innes had been part of the political and governmental life of the City of Boston and the Commonwealth of Massachusetts. Graduated from Harvard College and with a law degree from Boston University, Charlie Innes began his government work as an Assistant Corporation Counsel for the City of Boston in 1927. He served in the Massachusetts House of Representatives for 10 years and was a member of the State Senate here for 14 more years, rising in position to Republican Floor Leader on two separate occasions.

In 1956, Charles Innes was appointed Counsel to the Senate, a position he held until his death a few short weeks ago.

How does one pay tribute to a man like Charlie Innes? It is difficult, for he was no man for accolades, glory, praise, attention, or whatever. Charlie Innes was what men ought to be who serve in public life. "Do what you have to do, damn the torpedoes, and the hell with the public relations!"

Long before he assumed the vital job of Senate Counsel, Charlie Innes was known in the Senate as a man who read every bill. Those who opposed him in debate had better be ready. No flowery orator, no spellbinding, flamboyant word merchant, Innes nevertheless was a match for any Senator in the Chamber. As former President John E. Powers, one of his great antagonists when both served as leaders of this Senate, would say, "If you debate Charlie Innes, be prepared. He knows every period and comma in the bill, and he will kill you with facts."

Charlie Innes had a single-minded intensity and devotion to his job as a member of the General Court, both in the House and in the Senate. Hard work, conscientious application and a respect for the Constitutions of this Commonwealth and the nation, were his hallmarks as a member and an associate of this Legislative body.

Long hours meant little to Charlie Innes. Whenever we were in session, no matter the hour, he was here. Long after we had gone home, he immersed himself in the issues that were his final responsibility as Senate Counsel. How many late hours have we seen the lights burning in his office, after we have piled amendment upon amendment to bills on the floor, mishmashing legislation, and violating everything imaginable, including the Constitution, and then leaving it for him to untangle.

From 1956, when he became Senate Counsel, until his final days, Charlie Innes saw the number of bills and petitions rise in the General Court from 3,029 to more than 8,500 in 1971.

It is little wonder the burden became so great, and the bulging briefcase went home with Charlie many nights and over weekends when he could have rested.

In this Senate, Charlie Innes cultivated a reputation for being right and fair. He played no favorites. Though a Republican of long years of devotion and practice, Charlie Innes carried out his duties as a dedicated non-partisan. Possessed of a keen legal mind, he advised both parties on delicate matters of legislation with impartial honesty. In the sometimes "jungle fighting" that has been part of this Senate, Innes more than once had been asked to compromise on legislation. To his credit, he stood against the pressures, and for this, he made new and more indelible marks of integrity and appreciation from those who admire the man who stands against what he knows to be wrong.

The former President of this Senate, the Honorable Maurice A. Donahue, put Charlie Innes' qualifications on the line as well as anyone I know. At this rostrum one day, a member of the Senate tried to force through a patently unconstitutional measure. It was a torrid session at the rostrum. Finally, down came the gravel as President Donahue shouted at his angry colleague, "Chuckie says the bill is unconstitutional, and that's that!"

And so it was, not a victory for Charlie Innes, but a victory for the people—one of ever-so-many victories for the people because this quiet man had the courage to call the balls and strikes as they were and not as some Senator wanted them called.

To properly and rightfully eulogize a man like Charlie Innes is to reflect on almost 40 years of public life—and speak of an able man who understood friendship; whose word was his bond; whose courage was stripped of vanity; and whose conviction was without brashness.

It is with a sense of profound respect and admiration that I speak of our 41st Senator, Charles Innes. I am humbly thankful for the time over almost 20 years in this Senate that I had known him, and worked with him, and learned from him.

To really eulogize Charlie J. Innes is to speak of a man skilled in the political process. He was a political man to whom this State House—what it stands for, its proud heritage, the Constitution, the statutes, the petitions, the bills, the amendments, the gigantic parliamentary struggles, and the friends he made along the way were the essence of life. He loved this Chamber. To him, there was no other life beyond this Senate, but his devoted wife and family.

Charlie Innes was a public man who gave himself to the public's business, with character and dignity.

He was a man of courage and independence.

He was a man of great legal talent, enterprise, and skill.

He was a man, above all alse, gifted in the art of government.

To have known Charlie Innes, as I did, was a distinct privilege. To have served with him was a personal honor. To pay him this final tribute is only fitting.

In the true analysis of Charlie Innes' capabilities and his work among us, it is unlikely that this Senate will ever again have a 41st member—for to have called Charles J. Innes the 41st member of this historic Senate was the highest tribute we could give a man.

LEADERSHIP OF MARINE CORPS TURNED OVER TO GENERAL CUSHMAN

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. SMITH of New York. Mr. Speaker, last month on December 30 at the oldest post of the corps, Marine Barracks, Washington, D.C., the 24th Commandant of the Marine Corps, Gen. Leonard F. Chapman, Jr., handed over in a traditional ceremony the leadership of the corps to Gen. Robert E. Cushman, Jr. I include for the information of the Congress a letter from President Nixon and the remarks at the ceremony by Secretary of Defense Laird, Secretary of the Navy Chafee, General Chapman, and General Cushman:

A Letter From the President of the United States Upon Retirement From Active Service of the Commandant of Marine Corps, Gen. Leonard F. Chapman, Jr.

At the conclusion of your most distinguished career, I wish to express my appreciation for your many years of dedicated service to our Nation.

During nearly four decades of active service your career has reflected the highest ideals of patriotism, professional competence and personal integrity. Through many diverse and challenging assignments in war and peace you have never wandered from those superb qualities of dedication and courage which so typify your exceptional Corps.

While serving as the Commandant of the Marine Corps during a most difficult period in our Nation's history, your professional and inspirational leadership have been of irredeemable value. From the battlefields of Vietnam to all other assignments where Marines have been represented, full testimony of your superb guidance has been clearly evident.

Although you are leaving the active duty rolls, I have no doubt that our legacy will continue to thrive in the ranks of your few good men.

We shall miss you.

Please accept my best personal wishes for a happy and rewarding future.

Sincerely,

Richard Nixon.

Remarks by Melvin R. Laird, Secretary of Defense, at Change of Command of the Marine Corps, Marine Barracks, Washington, D.C.

Today we witness the departure of a great Commandant of the United States Marine Corps—a man that I consider a very close personal friend, a key military advisor to me during these past three years and to President Nixon.

There is one term that was foremost in all of the deliberations and discussions about the United States Marine Corps during General Chapman's term of office—yes, during his over 36 years of service to the United States Marine Corps—and that term was professionalism. During all this period of time he strove to see that the United States Marine Corps exemplified the finest military professionalism of any unit in the United States military. He worked constantly to see that professionalism was the watchword of the Marine Corps. But he understood the challenges that face the United States of America as we maintain a strong national security posture and protect the safety of our people and work for enduring peace.

He took over as Commandant of the Marine Corps at a time when the Marines were heavily engaged in Vietnam. And during these past three years it has been his duty and his responsibility to witness the withdrawal of the United States Marine Corps from Vietnam and to maintain professionalism in the Corps as they withdrew from combat in Vietnam to the point where the Marine Corps today has been restored to its peacekeeping role as far as our country is concerned.

He is truly a statesman—a military statesman—a man who understands the importance of maintaining a strong military posture in the United States as we move into this important era of negotiations throughout the world—the importance of maintaining a strong Marine Corps.

General Chapman did not promise any of these Marines that are assembled here today a rose garden. But as Secretary of Defense I promised his lovely wife some roses on this occasion and I'd like to present them to her at this time.

We are starting a new period of service for the Commandant of the Marine Corps for the next four years. General Bob Cushman has had a great depth and breadth of experience—not only in the Marine Corps but in other assignments which he has been given by the President of the United States. The Marine Corps is truly in good hands as we turn over the responsibilities of Commandant of the United States Marine Corps, the next four years beginning on January 1, to General Cushman.

I congratulate General Cushman and Mrs. Cushman on this occasion of his taking over command of the United States Marine Corps. I congratulate you but I also charge you with the responsibility of maintaining that fine edge of professionalism which is evident in the Marine Corps today. This is your charge for the next four years—to maintain the fine edge of professionalism which is the United States Marine Corps as we look forward to the next four years when you have the responsibility for this outstanding military service.

Remarks by John H. Chafee, Secretary of the Navy, at Change of Command of the Marine Corps, Marine Barracks, Washington, D.C.

Today is an occasion rich with sentiment, nostalgia and military significance, because for only the 25th time in its glorious 196 years of history, the Marine Corps receives a new Commandant.

The roll of great Commandants is a long and distinguished one—just to mention some of the names like Henderson and Lejeune, Holcomb and Vandergrift, Cates, Greene. And I feel absolutely certain that the gentleman who retires today as Commandant deserves to be in the first rank of those great Commandants.

Now, why do I say this?

He had broad experience before he came to the job in a multitude of difficult tasks.

He has a keen intelligence. He has ability demonstrated in every undertaking that he participated in.

But it seems to me that many Marines have those characteristics.

There are two particular characteristics of General Chapman I would like to single out that have stood out to me during the past three years I have had the privilege of working with him.

The first is—he never lost sight of the principal reason for the existence of the Marine Corps. And to that he devoted every bit of his energy. Namely, this is a fighting force prepared to move out and fight at a moment's notice across the seas—successfully on land and in the air. And those requirements have been met under General Chapman's tenure.

And he concentrated on them and adhered to what's best in the traditions of the Corps. But he did not let that be a reason for standing pat—because it's been done that way in the past, that's the way we do it in the future. That was not true of General Chapman. He stuck with what is best but he moved out in an innovative fashion. For instance, he was absolutely determined that the Blacks in the United States Marine Corps be truly part of the "Band of Brothers" and that every bit of discrimination be eliminated. And such has taken place under his leadership.

And so it is in other areas—innovativeness. . . . The Harrier and the OV-10, The Marine Corps Tactical Data System, The New Landing Vehicle. These are but a few illustrations of some of the new concepts that General Chapman developed and that have been developed under his guidance. And better BOQs, better BEQs, better living for the men. And he always was conscious of the fact that men are motivated to fight—some perhaps by love of Country, some perhaps by dedication to the task for which they are fighting—but most of all by a grim determination in the Marine Corps not to let down their fellow Marines. And so that great tradition of the Marines—reliance on each other, looking after each other—has been nurtured and fostered as it has in the past, it has been continued under General Chapman. So that every Marine is terribly conscious he must uphold the great traditions of the Marine Corps.

Now the second characteristic of General Chapman is what I call just plain old-fashioned character. Thoughtfulness, honesty, candor, bravery, loyalty. These are characteristics that all of us who have been associated with him—and that applies to every single man in the Marine Corps and everyone who has had the privilege of being associated with General Chapman—recognizes. He really epitomizes the very best of that term we call "gentleman." And it seems to me this Country is terribly fortunate to have had your services, General.

You have passed the torch now to General Cushman who comes to the task magnificently prepared. I have absolute confidence that he will continue on in the great tradition that has gone in the past. We all look forward to working with you, General, completely confident that the Marine Corps will continue its great traditions and movement forward under you.

REMARKS BY GEN. LEONARD F. CHAPMAN, JR., RETIRING COMMANDANT OF THE MARINE CORPS, AT MARINE CORPS CHANGE OF COMMAND, MARINE BARRACKS, WASHINGTON, D.C.

Almost exactly four years ago in this same room I was passed the battle color of the Corps by General Wallace M. Greene, Jr.—repeating a ceremony that has occurred for him some four years before that and back through many occasions over many years of the same kind.

Today I have the great honor and privilege of passing the battle color of the Corps to General Bob Cushman and with it, symbolically, the command of U.S. Marines.

I depart these four years as I began with tremendous admiration and respect for those fine American fighting men—U.S. Marines.

In these four years Marines have completed their part of a difficult and dangerous assignment in Vietnam in company with many, many other American fighting men from the Army, Navy, Air Force and Coast Guard—many of whom are still there. The Marines upon withdrawing have returned to our traditional duty and posture as a force in readiness for our country and in this process they have sustained, unchanged, if anything, improved, the heritage of our Corps, our traditions, our discipline, our professionalism and our combat readiness. I can only say to Marines here, Marines everywhere, and former Marines—you are the finest—you are United States Marines.

I want to take this opportunity also to pay tribute to some other great Americans with whom and for whom it has been my privilege to serve these last four years—our Commander-in-Chief, a brave and tremendous American; the Secretary of Defense, the Honorable Mel Laird, whom I am honored to call my friend; Secretary John Chafee, a tremendous American and former Marine and a great Secretary of the Navy; Admiral Tom Moorer, Chairman of the Joint Chiefs; leaders of the other military services; and many other distinguished Americans—civilians and those in uniform—whom I call patriots—who are serving our country in a most difficult, divisive time—and doing it courageously, competently and selflessly. They deserve the thanks of the people of our country.

I say to General Bob Cushman as I pass to him the command of the Corps and our battle color. I have the greatest confidence in the future of the Corps under his leadership and with his wife, Audrey Cushman. I am confident—absolutely confident—that the standards, the professionalism, the quality, the progress, the combat readiness of the Corps will continue. I am confident of this because I have known Bob Cushman for many years. He is a great Marine—and he will be leading other great Marines.

And finally, I would like to take this opportunity to express my love, my appreciation, my pride in Emily, my wife—the first lady of the Corps these past four years—and who has served many other years as a Marine wife and mother. And she has ably represented all Marine wives and mothers in a most exemplary fashion—including the fact that both of her sons—our sons—served in Vietnam as combat infantry leaders—one of them twice. As Emily and I leave the active ranks of the Corps, we will continue to be—as we have always been. and will always be—two Marines, cherishing our Corps, and loving our great country, the United States of America.

REMARKS BY GEN. ROBERT E. CUSHMAN, JR., INCOMING COMMANDANT OF THE MARINE CORPS, AT MARINE CORPS CHANGE OF COMMAND, MARINE BARRACKS, WASHINGTON, D.C.

I am deeply grateful and very proud indeed to be selected as Commandant of the Marine Corps and to embark upon my tour of duty.

I accept your charge, Mr. Secretary. We will maintain the professionalism of the Corps.

I am fully responsive to the oath which I just took with respect to loyalty and dedication and we shall continue to put our full energies into running the Marine Corps as it has been run.

I see my duty as being outward to the Commander-in-Chief, to the Secretary of Defense and to the Secretary of the Navy—to have a Corps which is ready to win in combat at any time, at any place. Our Corps must be ready to do this using the minimum of the taxpayer's dollars.

In addition, there is an inward duty which I feel to every Marine. Every Marine deserves to have the best training in the world. This he shall have. I think that every Marine deserves to have held up to him the highest standards of professionalism—the highest ideals. I also believe that there must be amongst our Marines no discrimination. And I believe that the Marine who has problems, these should be taken care of by the Corps.

I would like to next say that whatever soldierly virtues I may have I owe to my mother who started me out on this road many years ago and who is here today. She has certainly taught me about hard work. And I would like to pay my love and respect to my wife, Audrey, who has worked beside me for 36 years of Marine Corps service. Without her I would not be standing here. She is truly a Marine and loves the Corps as much as I do.

I would also like to say, on behalf of all Marines, that we wish Emily and Chappie Godspeed and many years of health and happiness, because these are the two things that count in their richly deserved retirement.

As I take over the job, I would once again like to promise that the Corps will be kept lean and mean and we will take care of our own.

JOHN L. NUGENT 1906-72

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. SPRINGER. Mr. Speaker, the city of Lincoln, Ill., lost a dedicated civic leader, and I a close friend, in the death on January 8, 1972, of John L. Nugent, longtime copublisher, with his wife Allyne, of the Lincoln Courier.

A native of Jamaica in the British West Indies, Mr. Nugent was educated in private schools in France and England. He met the former Allyne V. Carpenter, who then was owner of the Courier, in Paris, and they were married in London in 1930. The Nugents returned to Lincoln and published the Courier until its sale to William V. Joy in 1968. In 1946 they received an award from the New York Museum of Science and Industry as publishers of "America's foremost small-town daily newspaper."

Mr. Nugent was a vigorous worker for the betterment of Lincoln and Logan County, at one time serving as president of the Lincoln Chamber of Commerce. I include Mr. Nugent's obituary from the January 10 issue of the Lincoln Courier, a resolution adopted by the Lincoln City Council, and a tribute by Mayor Edward M. Malerich of Lincoln.

[From the Lincoln (Ill.) Courier, Jan. 10, 1972]

FUNERAL SERVICES TUESDAY FOR JOHN NUGENT, RETIRED COPUBLISHER OF THE COURIER

Funeral services for John L. Nugent, retired Courier co-publisher, will be Tuesday afternoon at Holland and Barry Funeral Home. His death occurred Saturday afternoon.

Visitation at the funeral home will be at 2 p.m. preceding the funeral service at 3 p.m. Rector Laurence Larson of Trinity Episcopal church will be in charge of the last rites with cremation to follow at Fairlawn Crematory in Decatur.

Mr. Nugent was born March 2, 1906, in Manderville, Jamaica, British West Indies, the son of Harry and Meg Nugent.

He and the former Allyne V. Carpenter, who then owned and published the Courier for many years and who survives, were married in London, England, July 20, 1940. They had met in Paris.

Upon their return to the United States, they resided in Chicago for three years, during which time they placed the Courier in the hands of a manager. Returning then to Lincoln, the Nugents published the Courier until July 1, 1968.

Two sisters also survive—Mrs. J. H. (Mary) Cottrell of Oxon, England; and Mrs. R. H. Margot Oland of Halifax, Nova Scotia. The latter resides in Blue Wing, a seaside mansion. Mr. Nugent was preceded in death by a brother, Laud.

The deceased received his education in private schools in England and France and for a time served as a customer relations executive for a bank in Paris.

He suffered a heart seizure at his home, 227 Third st., and when resuscitation efforts failed was rushed to Abraham Lincoln Memorial Hospital. He was pronounced dead on arrival at 4:05 p.m.

Mr. and Mrs. Nugent retired from a long and active life in the newspaper field when they sold the Lincoln Evening Courier to William V. Joy, owner of the Centralia (Ill.) Sentinel. Since, the Courier publisher has been James L. Fetgatter, who is also business manager of the Centralia daily. When the paper changed hands, the name was changed to Lincoln Courier.

The newspaper home at Pulaski and McLean streets was built from a number of smaller business buildings, which were purchased by Mr. and Mrs. Nugent.

Mr. Nugent took an active part in the civic and community life of Lincoln during his newspaper career. He served as president of the Chamber of Commerce of Lincoln—had been a member of Lincoln lodge 914, B.P.O. Elks, since Oct. 6, 1943. He was also a member of the Elks National Foundation (a grand lodge scholarship program).

One of the highlights in the professional life of Mr. and Mrs. Nugent came in January, 1946, when they received an award as publishers of "America's foremost small town daily newspaper."

The honor was bestowed by the New York Museum of Science and Industry and the certificate of honor still hangs in the Courier building business office.

Both the publishers and their newspaper received widespread recognition and publicity after the honor was bestowed.

Mr. and Mrs. Nugent traveled widely, both in this country and abroad. The former's hobby was dogs—he loved the animals and always had them about him. He was often seen in downtown Lincoln before his illness with his pet poodle, Barney.

In a statement in the Evening Courier of Aug. 26, 1953, on the eve of the City of Lincoln centennial, Mr. and Mrs. Nugent set forth guidelines for their publishing philosophy—to which they hued until retiring. The statement follows—

"We take pride in being a part in seeing that people are kept informed. We will continue to challenge the community in its welfare drives, in relation to the exercise of the ballot and in relation to its needs. While appreciating what we have, we must not forget what we should have.

"It is our mission to bring the world to your doorstep—for either a hurried glance, a leisurely perusal, or a concentrated study. We shall chronicle who was born, who died, and who was married. We will predict the weather, provide results of sports contests, and in various other ways offer a varied reading menu for your information and entertainment.

"Nor will we relent in assisting the development of Logan County in civic, economic, educational, religious, social and cultural progress in the days before us. In this way, we shall do our part to promote better life and better living for the people of this great community."

[Resolution adopted by the Lincoln City Council, Jan. 17, 1972]

"Whereas, John L. Nugent, retired co-publisher of The Lincoln Evening Courier departed this life Jan. 8, 1972; and

"Whereas, from 1933 to July 1, 1968, John L. Nugent, as co-publisher of The Lincoln Evening Courier, made numerous contributions to the betterment of the citizens of Lincoln and the surrounding community; and

"Whereas, the members of the City Council wish, by these presents, to recognize these invaluable contributions of John L. Nugent to the progressive growth and development of the city and county during his newspaper career, and further wish to express their sincere sympathy to his wife and family in this time of sorrow.

"Now, therefore, be it firmly resolved by the city council of the City of Lincoln, Ill., that John L. Nugent be long remembered, along with his wife, Allyne V. Nugent, as co-publishers of America's foremost small town daily newspaper, and for the civic and community progress achieved by and through his efforts, and that the sincere sympathy of the City Council is hereby conveyed to his wife, Allyne V. Nugent, and his family in his passing; and that the original of this resolution shall be presented to his wife, Allyne V. Nugent, and a copy thereof shall be spread upon the official records of this City."

MAYOR VOICES APPRECIATION

As mayor of the city of Lincoln, I would like to speak a word in appreciation of the contributions to our civic and community life which were made by the late John L. Nugent.

As co-publisher of the Lincoln Courier, with his wife, Allyne, he for many years through the newspaper, made no few contributions to a better life for the citizens of Lincoln. Further, he did his bit for the progress of our growing city.

As president of the Chamber of Commerce he was one of the leaders of our business and professional men and through this organization, helped our city onward and upward. The Courier has always stood for community progress and development, not only stood, but put a sturdy shoulder to the wheel.

For the citizens of Lincoln, may I speak words of sympathy for Mrs. Nugent in her bereavement.

Yours sincerely,

EDWARD M. MALERICH.

IN SEARCH OF LEADERSHIP

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. HANNA. Mr. Speaker, it is much in vogue today to talk about what is wrong with our country. It will be even more so as this election year proceeds toward its November drama. There is little to be gained by my repeating in this small space the long list of the Nation's woes, both because they are all too familiar and because I view them as symptomatic of a more fundamental problem—a void in political leadership.

Let us, before we are caught up in campaign rhetoric, reflect more deeply than we have in the past on the nature of political leadership. An understanding of this force can, I believe, provide us with a standard against which we may measure 1972's multitude of candidates, issues, promises, and demands.

Simply put, leadership is providing inspiration and motivation for others. It involves the setting of goals that groups of people can jointly aspire to and work toward. Leadership is the ability to make people look beyond today and join together in working for tomorrow.

People can and do look for leadership from many sources—the church, the school, the sports, and entertainment world. Some types of leadership have real staying power, such as that of the Reverend Billy Graham for his followers, while some leadership is as fluid and unstable as women's fashions.

One source to which people naturally look for leadership is the holder of high public office and, most particularly, the chief executive officers of the Nation, State, or city. Such leadership is challenged and harassed by the subleaders of a proliferation of philosophically oriented groups of extreme conservatives, extreme liberals; minority interest groups of blacks and Chicanos; women liberation fronts; youth groups. Also there are the issue oriented groups interested solely in their special fields, as consumerism, antiwar action, the environment, et cetera. Leadership in these movements is single purposed in a sense. It tends to be adversary in approach and thus can be deliberately divisive and highly controversial. But the executive leader cannot indulge the luxury of this straightforward and simple approach. He must both lead and converge interests.

Such a leader must not only share the awareness and concern which cause diverse movements but also he must match his sensibilities with words and deeds which will inspire and unite the people in a common effort. The needs in "words and deeds" need emphasis. Without action of a relevant and meaningful kind, words become mere sloganeering.

Our expectations have been met on some scale, in some degree, but clearly, leadership in this most important area of public life is more an exception than a rule. The present administration is not exceptional. The President has stated repeatedly that he wants "to bring us together." We have heard this slogan over and over again for the last 3 years—and to no avail. We must understand what is now most obvious, that a rhetoric of unity is not the stuff of leadership.

The President was a peace candidate and promised "an Asian war fought by Asians." We now experience the most massive bombing of North Vietnam since the Tet offensive. Clearly, a rhetoric of peace is not the stuff of leadership.

The President was a "Law and Order" candidate and promised repeatedly a return to domestic serenity. The crime rate continues its rise and drug abuse threatens all areas of American life. A rhetoric of tranquillity is not the stuff of leadership, nor is the rhetoric of economic prosperity or racial harmony or credibility.

If slogans will not unify and direct a nation, what will? The answers can be drawn from the lives of political leaders from American history. The great leaders of this Nation and all other countries have been those who set grand but achievable goals toward which people could strive. At times, the goal was the conquering of a threatening foreign enemy; at other times, it was the expansion or revival of the domestic economy. We must study these historical cases and ask, what makes them examples of successful leadership? What lessons are to be learned from these cases? I suggest a partial answer.

First of all, the goals set for the Nation, in each case, captured the imagination of the people. President Franklin Roosevelt set the tone of the drive to restore prosperity with the words, "We have nothing to fear but fear itself." Such words as these inspire and give confidence to a despairing people.

True leaders share their vision and allow a nation to feel again the excitement of pioneering, the satisfaction of invention, the willingness to see beyond the mountain. Great leaders provide the stuff that dreams are made of and stoke the energies to realize them.

The second lesson of history is that these goals were measurable. President Kennedy said that we would put a man on the moon by the end of the decade. Success or failure was clear, and each year we could all mark the progress toward that goal.

Finally, the announced goal must involve the mobilization of human talents and physical resources. A leader is one who sets goals that will bring together the ideas and skills of many people and will put in motion the development and application of our physical and technological skills.

For a nation such as ours with a great number of people with far-flung borders no small efforts will do. You cannot challenge or motivate our vast talents and great resources by puny projects and penny-ante funding. A powerful people must engage in undertakings that match their strength and tap the full range of their abilities. This is the hallmark of real progress. Unless a people feels informed about and involved in their nation's progress, they have no trust in its destiny or in its leadership, and each man goes his own way.

I think that this is the situation now, where few feel that their voices are heard, that they are working in concert with their fellows toward something valuable, or, for that matter, that it makes any difference. Today, each man is an island.

The American people have always responded to leaders when imaginative, measurable, and involving goals have been enunciated. I have no doubt that we are ready to respond again—not to slogans or wishes slipped under closed doors, but to direct and realistic requests upon our imaginations and energies.

COMMUNITY CLUBS DAY IN THE CALUMET REGION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. DERWINSKI. Mr. Speaker, one of the outstanding communities in the district which I am proud to represent is the village of Lansing, Ill. The mayor of that community is Mr. Jack McNary, one of the outstanding public officials serving municipal government throughout the State of Illinois. Therefore, I am especially pleased to insert into the RECORD a proclamation issued by Mayor McNary designating January 11, 1972, as Community Clubs Day in the Calumet region:

COMMUNITY CLUBS DAY IN THE CALUMET REGION

Whereas, the women of the Calumet Region are constantly striving through private means to further the cultural, civil and charitable aims of our great city; and

Whereas, the furtherance of these aims requires long and dedicated work, and money to finance worthwhile projects; and

Whereas, Radio Station WLNR has realized this need, and will attempt to aid women's organizations through Community Clubs awards;

Now, therefore, I, Jack O. McNary, Mayor of Lansing, in cooperation with Radio Station WLNR do hereby designate January 11, 1972, as: "Community Clubs Day in the Calumet Region," and call upon all citizens to fully support the civic, cultural and charitable women's organizations in the Calumet Region.

In witness whereof, I hereunto set my hand and caused to be affixed the great seal of the City of Lansing this 4th day of January, 1972.

JACK O. MCNARY,
Mayor.

DEFENSE COST RISE BECAUSE OF MILITARY GADGETRY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. ASPIN. Mr. Speaker, it is my understanding that the Defense budget for next year will rise as much as $5 billion in terms of new total obligational authority and $1 billion in terms of new budgetary authority. While many of us are still searching for the elusive Vietnam peace dividend as the war supposedly winds down, defense costs continue to rise rapidly. Part of the reason for this increase, I believe, is the military's insistence on weighing down much of our weaponry with unnecessary gadgets.

Our allies, as well as the Soviet Union, are able to build cheaper and, often, more reliable weapons than the United States. For instance, the Soviet Union could build one of its Mig-21 fighters at American prices with American labor for $1.1 million. By comparison, the Navy's new F-14 will cost at least $16 million. Thus, the Soviet Union, even at American prices, could outproduce the United States by 15 to 1. While I am not convinced that the Mig is a better airplane than the F-14, I am sure that the F-14 is not 15 times better than the Mig-21.

It is my fear that, unless the United States begins building simple, cheap, and reliable weapons, that we may be bankrupting the Treasury in the name of national defense. As a result, I have called upon Secretary of Defense Melvin Laird to initiate a major Pentagon study in order to find ways to curb the military's insistence on goldplating most of our new weapon systems. It is my belief that the Department of Defense could, and must, find ways to build simple, reliable, and cheap new weapon systems. My letter to Secretary Laird follows:

JANUARY 5, 1971.

Hon. MELVIN R. LAIRD,
Secretary of Defense, The Pentagon, Washington, D.C.

DEAR MR. LAIRD: It is my understanding that next year's defense budget will include a huge increase in defense spending that will total at least $4 billion.

It is my fear that our defense costs are skyrocketing upward because we weigh down our defenses with unnecessary electronics and weaponry. All of our major allies who have an inventory of weapons similar to our own build cheaper and oftentimes more reliable weapons. Even the Soviet Union is able to turn out ships, and planes at a considerably lower cost. It appears to me that American defense costs are so much higher because our generals and admirals insist on loading down our ships and planes with a lot gadgetry that is of marginal military value.

To be more specific, the cost of the F-4B in the late fifties was a little more than $3 million. Our next generation of aircraft will cost considerably more. Current estimates indicate that the Air Force's new F-15 will cost approximately $9 million and the F-14 is expected to cost at least $16 million. Many knowledgeable individuals fear that the ultimate cost of the F-14 may rise as high as $20 million per copy.

In shipbuilding the problem exists in escort vessels as well as air craft carriers. Our latest generation of destroyer escort, the DE-1052, costs approximately $34 million on a per copy program unit cost basis. The DD-963 at present estimates will cost at least $90 million, and again many knowledgable individuals fear that the cost will eventually exceed $100 million. In hearings conducted on the CVAN-70 before a joint House and Senate Armed Services Committee, the cost of the Eisenhower (CVAN-69) for fiscal 1970 was estimated at $510 million. It has been reported that the ultimate cost of the CVAN-70, if it is approved this year, will be in the neighborhood of $1 billion.

The Russians, on the other hand, could produce their MIG-21 at American prices and with American labor for about $1.1 million according to recent testimony before the Senate Armed Services Committee. The Russians can outclass this country by producing 15 of their MIG-21's for the same cost of one of our new F-14's. While the F-14 may be a better airplane than the Russian MIG, it is surely not fifteen times better.

It is my belief that unless the United States begins to build cheaper, reliable and simple weapons we will face the possibility of bankrupting the Treasury in the name of national defense.

In view of these developments I am requesting that you initiate a major department-wide review to determine ways to produce simple, reliable weapons before we price ourselves completely out of the market.

I am sorry to say that because of the goldplating in our weapons system development programs, it is my belief that these huge increases in defense spending do very little to really improve our national security.

Thank you for your cooperation.

Sincerely,

LES ASPIN,
Member of Congress.

CICAR'S NOAA-CARIB, A NEW EXPERIMENT IN INTERNATIONAL SCIENTIFIC COOPERATION

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. FASCELL. Mr. Speaker, last year I called to the attention of our colleagues in the House a project entitled CICAR, cooperative investigation of the Caribbean and adjacent regions. The United States is one of 15 countries participating in this project sponsored by the Intergovernmental Oceanographic Commission of UNESCO to conduct a comprehensive, scientific investigation of the Caribbean on a cooperative, international basis. CICAR field work was begun in 1970 and will conclude its research this year.

One of the goals of the CICAR program is to promote the education and training of marine scientists in the Latin American and Caribbean countries. The coordinator for U.S. participation in CICAR, Dr. Harris B. Stewart, Jr., Director of the National Oceanic and Atmospheric Administration's Atlantic Oceanographic and Meteorological Laboratories in Miami, felt that progress in this area was less than it could be.

On Dr. Stewart's recommendation, a special program, NOAA-CARIB, has been approved by the National Oceanic and Atmospheric Administration as a part of the CICAR program. NOAA-CARIB has two major objectives—to provide opportunities for education and training at sea for CICAR-country nationals and to contribute to the overall CICAR scientific program.

A recent article by Dr. Stewart entitled "CICAR's NOAA-CARIB, a New Experiment in International Scientific Cooperation," further explains the need for and objectives of this program, I commend Dr. Stewart's article to the attention of our colleagues:

CICAR's NOAA-CARIB, a New Experiment in International Scientific Cooperation

(By Harris B. Stewart, Jr.)

The Cooperative Investigation of the Caribbean and Adjacent Regions (CICAR) is now in the third year of the field phase as a 15-nation scientific inquiry into the marine biology, physical oceanography, fisheries, marine geology and geophysics, and meteorology of the Caribbean Sea and its adjacent regions, including the Gulf of Mexico. Although the results are not yet completely in, it appears that a good deal of new information has been developed on all phases of the operation to date.

One of the stated aims of the CICAR program and its sponsor, the Intergovernmental Oceanographic Commission of UNESCO, is to foster the education and training of marine scientists in the Latin American and Caribbean countries. Unlike the exploratory and scientific phases of CICAR which have moved along successfully, the international education and training phase has received a good deal of lip service, but actual training of scientists on ships of other countries has been less than the initiators of CICAR had hoped. Certainly it has been much less than those countries that need such education and training had hoped. There has been the quasi-synoptic CICAR Survey Month-I in August of last year in which ships of several countries worked together on a well coordinated program of physical and biological measurements, but generally it was Mexicans on the Mexican ship, Venezuelans on the Venezuelan ship, United States scientists on the United States ships, and so on. There have been, of course, some exceptions. U.S. scientists have been on Mexican and Brazilian ships, and Colombian oceanographers have been aboard U.S. ships, and there are other examples; but any research ship is usually full when it sails. Its projects are planned well in advance by the persons who will be aboard, and usually there is neither bunk space nor project time for foreign investigators. His status is therefore that of visitor or observer at best; and because there is only one or perhaps two bunks available, the foreign country usually sends a senior person for prestige purposes, one who does not need the training at sea anyway. The end result has been that there have been few opportunities on CICAR ships to date for the education and training of those Latin American and Caribbean nationals who need it most—the younger scientists, university faculty and staff, and, most importantly, students.

We in the United States know well how hard it is to come by financial support for oceanographic research at sea, and consequently, we tend to load our own ships with as many of our own scientists and students as possible, so that we can get the most out of our ship-operation dollar—a perfectly understandable approach. However, all of the other CICAR countries have considerably less in the way of facilities and research ships than we do, and it is equally understandable that they look to the larger countries, particularly the United States, for help. At the CICAR International Coordination Group meetings in Washington in 1969, in Mexico City in 1970, and in Trinidad and Tobago in 1971, the Colombian, Venezuelan, Mexican and Jamaican delegations, as well as the delegation from Trinidad and Tobago and others were eloquent in their pleas for assistance within the CICAR framework. They did not ask for expensive facilities or new ships, they primarily wanted basic oceanographic equipment and the opportunity to have their people get scientific experience at sea as part of the education and training program of their own countries. The U.S. Agency for International Development (AID) worked out a scheme whereby an oceanographic instrument specialist, Gilbert Jaffe, Director of the NOAA National Oceanographic Instrumentation Center, visited some of the CICAR countries and recommended to AID what instruments they most required. Funds have been made available, and some badly needed instrumentation will go to several of the CICAR countries. The University of Rhode Island has provided some excess gear to the University of the West Indies on Trinidad, and the NOAA National Ocean Survey has provided a shallow-water echo sounder to the Mexican R/V URIBE on loan. These instruments have been of considerable help, but the pressing need for education and training at sea is still unmet.

It was primarily to meet this need that the National Oceanic and Atmospheric Administration (NOAA) conceived the idea of NOAA-CARIB. Although the "CARIB" part of the expedition title can be considered as being derived either from the name of the sea or from the ancestral inhabitants of the area, it can also stand for Cicar Area Research and Instruction Breakthrough. Actually, the concept does represent a very real "breakthrough" in the running of international cooperative expeditions.

Briefly, the rationale was this: Because the overall CICAR scientific framework has already been set, why should all United States vessels taking part carry out only those aspects of the CICAR program that U. S. scientists are interested in? Why would it not be possible to work with the CICAR National Coordinators in several of the CICAR countries to develop joint research projects that would reflect primarily the marine research interests of each of the countries concerned? We would then put six or eight scientists from CICAR country "X" aboard a U.S. oceanographic research ship to work with their U.S. counterparts in carrying out marine research projects that had the highest priority for country "X". At the end of the project, lasting about a week, the ship would put into a major port of country "X" and make a one-day training and demonstration cruise on which the ship would carry as many students, faculty, administrators and politicians who might also need educating, local press representatives, etc., as the ship could accommodate for one day. On this one-day trip, those scientists from country "X" who had been aboard for the previous week, would act as the instructors for the one-day participants. Not only would they speak the language, but they would also by then know the ship and its capabilities, would be more familiar with local training needs, and could tailor the teaching accordingly. As a by-product, they would also enhance their own prestige locally by being in a position of obvious importance on a large foreign research vessel. If properly planned, such an operation could also contribute valuable research information.

With this as the basic framework for NOAA-CARIB, the idea was circulated within NOAA in hopes of identifying a ship that could be used for such a program. The idea was well received, and shiptime aboard the NOAA Ship *Discoverer* was allotted to this program by NOAA's Atlantic Oceanographic and Meteorological Laboratories in Miami from the research time these labs had received. The scheduled time includes the 72 days between October 5th when the ship will sail from Miami, and December 15th when she returns. The present itinerary will take the *Discoverer* from Miami to Veracruz, Mexico; Kingston, Jamaica; San Juan, Puerto Rico; Port of Spain, Trinidad; Cumana, Venezuela; Cartagena, Colombia; and back to Miami. The plan is that some seven to ten scientists from each country will join the ship at the port prior to the port stop in their own country and will carry out their own projects aboard enroute to their own port for the one-day trip. Several NOAA projects will also be carried out en route.

Planning is already well along for NOAA-CARIB, and the contact in each of the six countries to be visited has been identified. If marine scientists in any of these countries have projects that they would like to have considered, they should submit their plans to their local NOAA-CARIB representative. Names and addresses are listed below. The October phase of the operation coincides with CICAR Survey Month-III, a third quasi-synoptic survey; and, wherever possible, the standard CICAR sections that have been established throughout the region will be occupied for physical and biological observations.

NOAA-CARIB thus has two main goals; to provide opportunities for education and training at sea for CICAR country nationals and to contribute to the overall CICAR scientific program. Secondary objectives are to do some CICAR-related work that NOAA is interested in and to provide through scientist-to-scientist contacts, the mechanisms for continuing cooperative oceanographic activities in the Caribbean long after the formal CICAR program has terminated.

As the details of the various projects take shape, it is NOAA's intention to report them in this publication, so that all involved in Caribbean marine research will be informed.

Senior United States oceanographers who might wish to participate in a teaching capacity aboard the Discoverer during one or more legs of NOAA-CARIB, should have extensive sea experience and preferably, but not necessarily, a working knowledge of Spanish. For those who can pay their own way to and from the ship, limited positions are still available for marine fisheries specialists, marine biologists, physical oceanographers, marine geologists and geophysicists, and marine meteorologists. Since marine chemistry is not taught at most universities in the CICAR area, it is not now planned to have aboard, any specialists in marine chemistry. Those who are interested and who will qualify should write directly to U.S. National Coordinator for CICAR, NOAA Atlantic Oceanographic and Meteorological Laboratories, 901 South Miami Avenue, Miami, Florida 33130.

In Mexico, those who wish to propose scientific projects to be carried out aboard the Discoverer between Miami and Veracruz in early October of 1972, should submit their plans to Dr. Agustin Ayala Castanares, Instituto de Biologia, U.N.A.M. Apartado Postal 70-233, Mexico 20 DF, Mexico.

In Jamaica, plans for proposed projects should be submitted to Dr. Edward Robinson, University of the West Indies, Department of Geology and Geography, Mona, Kingston 7, Jamaica.

In Puerto Rico, proposed projects should be submitted to Dr. Rolf Juhl, Department of Agriculture, Santurce, Puerto Rico 00936.

In Trinidad and Tobago, proposals for research work aboard the Discoverer should be submitted to Dr. J. Kenny, Department of Biological Sciences, University of West Indies, Trinidad and Tobago.

In Venezuela, Dr. Luis E. Herrera is the NOAA-CARIB coordinator, and proposals from Venezuela should be addressed to Dr. Herrera at Instituto Oceanografico, Cumana, Venezuela.

In Colombia, proposals for projects aboard the Discoverer for late November and early December should be submitted to Capt. Juan Pablo Rairan Hernandez, Comision Colombiana de Oceanografia, Bogota, Colombia, Apartado Aereo 28466.

NOAA-CARIB should make a good windup cruise for the Cooperative Investigation of the Caribbean and Adjacent Regions and should pave the way for future cooperation in marine science in the Caribbean.

CRIMINAL JUSTICE AND PENAL SYSTEMS

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. FUQUA. Mr. Speaker, my distinguished colleague and fellow Floridian, CLAUDE PEPPER, recently delivered the commencement address to the University of Florida College of Law and his address was a poignant appraisal of the criminal justice system in the United States.

Congressman PEPPER is uniquely suited to comment on the criminal justice and penal systems in this country in view of his services as chairman of the Select Committee on Crime and his legal training at the Harvard College of Law, as well as law school teaching experience at the University of Arkansas College of Law.

I insert in the RECORD the excellent speech given by Mr. PEPPER:

CONGRESSMAN CLAUDE PEPPER'S SPEECH

Dean Julian, Reverend Clergy, Members of the Faculty, Distinguished Guests upon the platform, Members of the Graduating Class, Ladies and Gentlemen.

I thank you very much, Dean Julian, for your very generous and kind words of introduction. I often say that one who has been in politics as long as I have is grateful if the introducer is just kind to him—he doesn't have to be generous as you were, Dean, in your introduction. I'm always happy to come to this campus and to be a part of this distinguished university. Now, all the more so, since, at the homecoming before the last one, I was honored by being made an honorary alumnus of this great university. I happily recall, also, that I had the privilege to be down here with a group from Washington when this great Holland center in which we meet was dedicated, in the company of the then and, although we didn't know it at the time, the future Chief Justice of the United States.

I greet this distinguished class and welcome you into one of the greatest of the professions, that of the law. You must, of course, know, however, that the lawyer has not always occupied the most distinguished position in the opinion of our fellow-citizens. I recall an incident attributed to Dr. Samuel Johnson; that he was on one occasion dining in his favorite restaurant with a friend when a certain gentleman passed near his table. The friend said: "Do you know who that man is?" Dr. Johnson replied: "I do not like to speak ill of any man, but I am informed that he is a lawyer." And, of course, you've heard the old one that the judge came into court one day and just as he arrived at his bench the two opposing lawyers were addressing each other in very violent language, each pointing his finger in the other's face. One said to the other: "You're an unmitigated liar!" The other one said: "You're an unprincipled scoundrel!" and the judge said: "Counsel now having identified each other, we'll call the witnesses."

You members of the profession have learned already and will, of course, learn more fully hereafter, that in spite of all our long efforts we have not been able entirely to eliminate self-help from the conduct of our fellow-citizens. I heard an example of that recently—of a truck driver who stopped early one morning at a roadside restaurant for his breakfast. He had just sat down to his breakfast of bacon and eggs, buttered toast and coffee when three of these black, leather-jacketed motorcycle toughs strolled into the dining room, walked up behind him, and observed his breakfast. One of them just reached over and picked up his coffee and drank it. The truck driver looked at him but didn't say anything. The other one reached over and picked up a handful of his bacon. He looked at him but didn't say anything. The other fellow reached down and picked up a piece of his toast. He looked at him but didn't say anything.

The motorcycle toughs walked on over to a nearby table and, in a loud and arrogant voice, called to the waitress to bring them coffee. They sat down. The truck driver got up quietly, walked over to the cashier, paid his check and left. In a little while, the motorcycle toughs finished their coffee and one got up, walked over to the cashier, and in a very arrogant manner said: "Did you see what happened there awhile ago?" She said: "Yes, sir." He said: "That fellow wasn't much of a man, was he?" She said: "No, sir, he wasn't much of a truck driver, either. He just ran over and flattened three motorcycles as he drove off out there awhile ago."

I should like to speak to you a bit today about the criminal justice system of our country and whether it is meeting the needs of our time. Up until what we call, on the continent at least, the age of enlightenment, the criminal law was a very barbaric and brutal institution. Defendants had few rights recognized in courts; judges were arbitrary, if not capricious, and sometimes inhuman almost in the sentences that they imposed. Parliaments were the most cruel and barbarous; disemboweling and mayhem of the most odious character was a common occurrence. Capital offenses reached at one time in England 220, including the death sentence for the stealing of a few shillings of value in property. So, there came a time, as I said, accredited to the 18th century, when enlightened minds began to revolt at the barbarities and brutalities and the inadequacies of the criminal law system of that time.

The first to speak out in a most eloquent and moving way was Montesquieu, the great social philosopher, who reviewed the inadequacies and brutalities of the system and called for revision in the attitude toward the criminal law and the person charged with a crime and pleaded for the recognition in the courts of certain human rights which should be enjoyed and protected by those who were charged with the commission of a crime. He had a very eloquent and able ally in Voltaire, who crusaded with all the vigor and vehemence of his eloquent voice, against many of the cruelties and the inadequacies of his day, particularly in France. But another man from Italy, named Beccaria, was the first to formulate what might be called the concept of the modern system for the administration of justice. He pleaded for the appropriateness of the sentence imposed upon the convicted criminals to the crime committed and that the system of law under which the defendant should be committed should attend upon him with such fairness that he had a reasonable opportunity to exculpate himself if not guilty; that tortured confessions should no longer be a part of the system of justice. Well, this Beccaria raised his voice in such a persuasive manner that he was heard in England by Bentham and Romilly and in the American colonies by John Adams and Thomas Jefferson. And then he was given support in England by a man named John Howard, who wrote about and criticized and examined the prison systems of the day, which were inhuman and certainly very cruel and barbaric institutions. And so there came into the consciousness of Europe, England, and the colonies of America, an awareness of the necessity of a reexamination of the criminal justice system of the day. Besides, as brutalities had increased, crime had not diminished. And they began to consider what could be done that would impose justice upon the offender who was found to be guilty and, at the same time, protect society by deterrence, if possible, against the repetition of such offenses.

It was largely in the United States the idea developed that instead of capital offenses being so numerous and prevalent that we should have a system of incarceration—a penal system where people should be confined—and it was thought that that confinement would be an adequate punishment of the individuals; that it would not only rehabilitate them but deter them when they were released and others, by their example, from the commission of comparable or similar crimes. And so, in the intervening years, we have been resorting primarily less and less to capital punishment and now it is in suspense throughout the country. We have in some of the prisons of today eliminated corporal punishment of the offenders, the convicted ones, and the courts only recently have taken great strides in the protection of the constitutional rights of persons in prisons. Some courts have held that due process must be observed in the punishment of persons in penal institutions.

There are many people who think that our United States Supreme Court has gone too far in the recognition of the rights of the individual, the right of the individual not to be the victim of unlawful searches and seizures, the right of the individual not to be forced to plead his case or respond to inquiry and interrogation by officers of the law without having the presence of counsel chosen or properly delegated to him, without having to be a witness against himself in one form or another; and in many other respects to be given the cloak of protection which he has previously not known. So that, if you were examining our present system, no doubt in the eyes of Montesquieu, Voltaire, or Beccaria, or some of those early reformers, and they found the rights of the individual so properly, so thoroughly, so extensively protected as they are today, they would think that we had reached the culmination of that state of the law to which they had for so long and so diligently looked forward.

And, yet, what do we find? What are the results of the system that we have today? Well, I'm Chairman of the Committee on Crime of the House of Representatives and we have looked into a good many of the penal institutions of this country, one of which was Attica where 43 people were killed in violent attacks between the authorities and the inmates including eight to nine hostages.

Here, at nearby Raiford in February of this year, the guards and the authorities of the institution felt it necessary to shoot from a distance of 30 yards, as was testified to before our Committee the other day, into a group of 1,300 inmates located on an athletic field, who refused, as the authorities said, to go back to their cells. Seventy-five were wounded; one was shot in the eye; another received a shot that pierced his elbow and X-rays showed that there was a 38-caliber bullet in the pelvis of another one of the inmates who was among the victims of that shooting. In all parts of the country, today, prisons are tinderboxes that may burst out into a new confrontation or conflagration at any time.

As I said, the courts are beginning more and more to look into the processes by which governance and discipline are imposed upon the inmates and judicial authority is becoming more and more inquisitive as to the whole correctional system of the country. Public bodies, national, state, and local, are evidencing increasing concern about what to do about the problem. And, yet, crime goes on apace. Crime is up 144% from 1960 to 1970. Violent crime is up 126% from 1960 to 1970; property crime up 147% from '60 to '70; murder and non-negligent manslaughter up 56% from '60 to '70. We find that forcible rape is up 9%, robbery up 86%, aggravated assault up 92%, burglary up 130%, auto theft 150%, and the like.

And so the question that concerns the public today and must concern the members of this graduating class as they assume the mantle of members of the Bar is: What can we do about this problem of crime and what, if anything, should be done to reform or to revise the system of criminal law upon which we rely today—not only for the fair treatment of the one accused of crime, but for the security and the protection of the citizenry of the land and let me address myself, in just a few minutes, to that problem.

The basic problem that we face in discussing this matter can pretty well be revealed in looking at who are the inmates of the penal institutions of our country today. I'll just give you two—Attica and Raiford. At Attica, 8% were there for murder, 17% for manslaughter, and the like, but 89% had prior adult criminal records. Almost nine out of ten had criminal records before they were there. Fifty-eight percent, almost 60%, had previously been in a Federal or State Prison. We had five witnesses the other day before a committee of which I was a member. One of them had been in prison five times before the one in which he was incarcerated at the time. He was in his sixth institution, the other three were in their fourth, and another one in his third penal institution. I repeat, at Attica almost 60% had previously been in a Federal or State Prison. Now this is a figure that I think might be significantly noted. At Attica, 80% of the inmates did not graduate from high school and I talked, going around among the inmates, to many who had been participants in the violence that occurred there who had only gotten through the fifth grade in our educational system.

Now, let's take Raiford, here, in our own Florida. The average age of the inmate at Raiford is 24 years, so, generally today, the crime problem is a problem of the youth of this country. Sixty-one percent—and these figures that I've given you were given to our Committee last week in Washington by Mr. Louie Wainwright, who is head of the Correctional Institutions of Florida—sixty-one percent of the people at Raiford, as he said, are culturally and/or economically disadvantaged. Sixty-one percent are first offenders. Mind you, now, nearly two-thirds of the people confined at Raiford are first offenders and are with the worst criminals in Florida. By the way, I saw at Attica a young man, 19 years of age, white, married, confined as a juvenile delinquent. I wondered whether or not that boy would be a better criminal in terms of technique or a better citizen when he came out of Attica. Perhaps it's conditions like that that alerted Attorney Mitchell to describe the prison systems of this country as a national shame and President Nixon to describe our penal institutions as colleges of crime.

In Raiford, 80% had less than high school educations. Forty percent had less than ninth grade educations. Seventy-two percent were habitually unemployed or underemployed. Forty percent almost had no marketable job skills. Fifty-one percent were black, incidentally—although the percentage has slightly increased—there were four of 598 guards who were black. Forty-nine percent of the population was white. One out of five of the inmates had a drug-related problem.

Over here, at Dade City in that area we have a very distinguished Circuit Judge named Richard Kelly, who testified before our Committee in Washington last week. Judge Kelly went into Raiford in the evening and spent a day there going through the various portions of that institution, as he had visited other institutions of the country. He felt it was helpful to him as a judge in the imposition of sentences upon persons convicted of crimes to know something about the institutions to which he committed these convicted fellows. He told a touching story of many instances that he observed there. One was of a boy, small in stature, standing in a cage in white coveralls, his hands and the front of his coveralls covered with blood, crying like a baby—just having mutilated his sex organ by his own hand. The Judge said he approached that boy and tried to speak to him and the boy didn't seem to understand what it was all about or what the Judge was talking about in the conversation that he endeavored to have with him.

He told of other cases of comparable pathetic character. So what do we do? What do we do as lawyers? What do we do as members of society? What do we do as courts about this question of crime? Well, in the first place, obviously, the prison system, however excellent it is, can hardly atone for all of the inadequacies and the deficiencies of our society, of the failures of our social or educational system. But they can be helpful if they have to take the refuse of our society. At least at this time we might make a determined effort to try to save those people, not only to save those people from themselves, but to save our fellow-citizens from those people when eventually about 99% of them are, at long last, returned to society. As a matter of fact, while the Chief Justice of the United States said three out of every four of the inmates of our penal institutions come back to prison after committing more crimes once they are released. A more moderate figure, given by the Department of Justice, is two out of three (66⅔%) are arrested within six years and brought back into the penal system after they are once released.

And so our society is failing in preventing the type of people who drift into the courts, commit the crimes in general. We are failing in the adequacy of our disposition of those people in the court system itself; and we are failing in the correctional institutions which take them in for incarceration for the lack of a better manner in which to deal with them.

Now, what do we do? As I say, obviously, if you could start in the lower grades of the public schools to try to straighten the significantly twisted life of a child, you might save a life that he would later take. You might save the taxpayers $5,000 a year for the care of that individual in a penal institution. They tell me you can detect in early childhood people who have an antisocial attitude, an ill capacity to adapt themselves to their environment in the proper manner. Well, now, if that child had an ear defect or a speech defect, or an eye defect, federal and state funds would help correct that deficiency. But if he has a personality deficiency, if he has an incapacity to adapt himself properly to his environment and live an honorable and proper life, we don't do anything about that. In the first place, we don't know much about it and in the second place we are hesistant to attempt to do very much about it.

But getting to the court system, most of those who have experience and knowledge in juvenile justice attest that probably the juvenile should never go to the adult penal institutions at all. They should never even go to a statewide or large juvenile correctional institution because there they learn more about crime. We had a case in New York in our hearing on heroin where a 17-year-old boy was confined in a Federal prison for a few months. While he was there, he became friendly with one of the racketeers in the heroin traffic from New York and, when the boy got out, the gangster in New York had him come to New York and in a little bit the boy was making $6,000 a week making a round trip between New York and Chicago carrying heroin without putting up any money whatsoever. He had made a very valuable contact in prison as a lad 17 years of age.

And so the juvenile justice system must devise smaller institutions, must devise a way in the community whereby the boy or the girl who falls afoul of the law can be treated, can be given another opportunity, can be put under proper supervision, proper probation. I wonder if we should not have more foster parents and if a lot of these young fellows might not be touched and properly led by a high school hero in the athletic world, college athletes whom they admire, or people who can somehow command their respect and get them to follow their leadership.

Well, anyway, if we could just stop the juvenile justice system from the failures that it has today, we could save 50% of the people who later wind up in the penal institutions of the country. And the second thing, when the judges today have the responsibility of imposing sentence, it's generally agreed (many of you will be judges in later years) that it's desirable to have national seminars so the judges may counsel with one another so there will not be quite the variations there are in the punishments meted out in the courts today. And, as a matter of fact, many wonder if it would not be desirable for a judge after a person has been convicted in his court to sentence that individual to a maximum term of years and allow proper parole authorities at the state or federal level working constantly in contact with that individual to determine when it's proper from the point of view of the individual and safe from the viewpoint of society for that individual to be turned out again to be a free individual in the social order.

They tell me now that where you have sentences of zero up to five years in the Florida parole system they almost invariably require the individual to stay the five years rather than, as the judge apparently intended, from zero up to five years. In the case of alcoholics, generally it is agreed now that they should not be sent to prison. They should be treated as medical cases. Obviously, of course, the same applies in the case of drug addicts. And, yet, one of of five of the people in Raiford, as Mr. Wainwright says, are there because of drug addiction. So, our Committee and many other authorities in the country today are trying to find the kind of a drug that would be effective to counteract heroin and any dangerous drug addiction and to provide for proper treatment facilities in every community which will, perhaps, save these individuals before they ever get into prison.

Another possible innovation is to put more people on probation before they are sentenced to a penal institution by the courts. Duly selected convicted persons could be assigned to employment in the community where they were convicted, allowed to work, allowed to support their family, under proper supervision and probation, living in a small care center, or in a small institution, not in one of the infamous county jails which generally dot the country today. Meanwhile, that individual will be saving the state from paying $5,000 a year for his care at Raiford. It would be saving the state from providing welfare to that individual's family, perhaps, and that money which is earned by that individual could be partially employed in repaying the man from whom he stole the TV set, or whose automobile he stole and wrecked, or the other property owner who suffered from his crime or criminal conduct.

So, today, it seems to me the foremost thought is that the courts of the country should give utmost thought to what to do with people before they put them in a penal institution. Then, briefly, what do you do with them when you get them into an institution? Well, in the first place, at Attica, it's one of these old-type fortress institutions like our Raiford over here nearby. Mr. Wainwright says at Raiford they are inordinately overcrowded. So are they at Attica. They have 2,200 convicts at Attica. They have over 3,000 confined here at Raiford. All of the modern penal authorities say that you cannot effectively discipline and properly handle that number of inmates at any one single institution. So, the type of institution in which they are to be confined must be radically changed from the type that we have today. They could be broken down into smaller institutions. Instead of being located in a relatively rural area like Attica and Raiford, more of them should be put in Jacksonville and Tampa and Miami and Pensacola and Orlando where there will be job opportunities for those that are worthy of work release permits and where guards better qualified will more often be available; where the families of the individuals can come more frequently to visit them; and where they'll be nearer to the homes from which they came.

Yes, of course, all of that costs a great deal of money and that requires the cooperation of the federal, the state, and the local government. In addition to that, there must, of course, be a raising of the standards of the correctional personnel. Now I'm not one to condemn the correctional personnel in the prison institutions of this country. They are the lowest paid almost of our public servants. They are having to see, day after day, acts of defiance and acts of breach of discipline and they are powerless to do anything about it. They see professors and teachers and other people come in very much better paid than they are to work with the inmates and, naturally, there is a measure of resentment on their part against others working shorter hours, having much better working conditions, less danger, less burdens to bear, receiving far more compensation than they receive. Too often we've accepted as the correctional man—the guard—any individual who came along. Most of them had no previous training whatsoever. All they know how to do is to try to hold the people together in the places where they are supposed to be confined; try to provide a measure of discipline that's determined by their superior officer.

So, they've got to be upgraded, better trained, and better paid and given more desirable working conditions if they are going to be able to do a better job. And, of course, we have got to experiment with various programs that will permit release of these individuals confined in penal institutions. The state of South Carolina has had a very encouraging experiment. They've allowed a number of people whom they found to be responsible to go out and get employment in the cities round about the small institutions where they stay at night, to which they return in the evening, and those people are paying the state of South Carolina for their keep, they are contributing to the support of their families, they are paying Federal Income Taxes, they are receiving decent wages in private employment and they will have a job when they eventually get out. And that, of course, seems to be the kind of approach that is more desirable in dealing with these people in the future. Unhappily, there are people in penal institutions who are mentally deficient, who are morally incorrigible, who are utterly incorrectable for deficiencies that we know not how to explain. They constitute a separate and unfortunate group. I doubt very seriously if many of these people should ever be allowed to return to a free society. They need not be brutalized, they need not be treated with barbarity, but it is not safe for society to enjoy their companionship in a free order of free men.

But, on the other hand, a great many of our prison inmates—perhaps the majority—are capable of rehabilitation and our problem is how to do that. Today, when an inmate goes into a prison, by the conviction of the court he loses his citizenship. He loses his voting rights. He is no longer an elector under the laws of Florida and, too, in most of the other states. When he comes out, it's been testified to by Mr. Wainright, there's 63 jobs under the state of Florida which he's ineligible to perform because he's an ex-felon.

I heard a man on a panel discussion in Philadelphia a little bit ago, who had been a barber in a penal institution, say that when he got out he tried to become a barber but he couldn't become a barber because he wasn't a citizen and he couldn't get a license. In Florida, to become a beautician or a barber or any kind of a professional person, you, of course, have to be a citizen and you have to take an examination and get the proper certification and authority. So, it may well be that you, in the future law-making process of this country or of this state should consider whether you gain any advantage by depriving a man convicted of a crime of his citizenship or, if you do deprive him of it while he's incarcerated, would it not be desirable to restore him to full opportunity of citizenship once he is properly released from that institution? As it is today, under the Federal and the State system, a long lag may well intervene between the time of his release and the time that he gets the restoration of his citizenship by either the President or the Governor, as the case may be.

One other thing, would it not be wise for the communities of this country, for the public institutions, churches, the schools, the chambers of commerce, the business groups of the land to consider their concern about a job being available for that man or that woman properly released from the correctional institution who comes back into society? Generally speaking, the institution does nothing but give them $30 or $40 and a suit of clothes and bid them good-bye. The guard opens the gates and the released man goes out. Somebody may meet them or somebody may not meet them.

When I was walking through Attica a bit ago, talking to a good many of the inmates in the cells, I remember saying to two or three of them: "Look here, when you get in a place like this, behind these 30 feet walls, behind these huge bars, when you go through experiences that you undergo here, when once you get out, why in the name of goodness do you ever want to come back to a place like this?" Two or three of these fellows dropped their heads and said: "Well, I don't know. You know, it's not as easy as you might think when we get out. Most of us don't have any education much, most of us don't know how to do anything that will gain anything much in the market of the land. When we get out many of us have already been estranged from our families. We don't have any friends much on the outside because we haven't had any contact with them and, up until now, very few institutions have even allowed inmates to write letters." Some of the institutions are now making telephone calls possible. They said: "We are isolated. Therefore, when we get out nobody seems to care very much. When we look for a job, they ask us if we've ever been convicted of a felony and if we don't tell them 'yes', they'll find it out anyway and most people don't want to hire somebody that's been in the penitentiary. We don't have many good people that are welcoming us on the outside and the tendency is to get lonely and to look up some of the old pals with whom we were associated when we go into trouble and, if we don't watch out, in a little while we are right back where we were again."

Now there may be a measure of social responsibility for what that man does or doesn't do thereafter, as well as a responsibility of his own. I'm not excusing any man's poverty or his disease unless he's mentally incompetent for the commission of crime, but we do know that most of the inmates of these institutions come from the underprivileged class. Whether we like it or not, we are going to have to pay for those deficiencies. And, yet, I must tell you one illustration to reveal the public attitude that you too often will find when you speak about improving our penal institutions.

When I got back from Attica, I was talking to a man who is in my law office in Miami Beach who makes a good income. He said: "Tell me about Attica." I told him a little bit about it and I said the Federal Government is going to have to help the states to correct these institutions to make them more rehabilitative in character, more effective in their functioning. "Oh," he said, "you're going to put it on the taxpayer then again, are you?" Well, now, my fellow-citizens, we are going to have to pay it either as citizens who are the victims of crime or as taxpayers who try to prevent crime or deter the commission of it again. It's just a question of which method we prefer.

Crime is costing this country billions and billions of dollars a year. In the drug traffic alone, the average drug addict, and there are 300,000 in the United States, steals or illegally gets possession of an average of $50,000 worth of property a year. The people are paying whether they do it voluntarily or not.

And, so, I wanted to talk to you about these problems, although I'm sorry I've drawn them out, perhaps, too long. We are proud of the law and its growth. We are proud of its tender concern for the rights of the individual. We are proud of the social system and the political order which our forebears have handed down to us, which we have the responsibility to carry on to those of succeeding generations. But we have problems and you are coming into the leadership of a profession that is primarily concerned with these problems. You ladies and gentlemen will soon be in the State Legislature which has provided with such gross inadequacy for the meeting of so many of these problems. Some of you will soon be in the Congress which likewise, only lately, has begun to contribute this year a hundred million dollars, next year two hundred million dollars to the states and the local communities to try to better these conditions of which I've spoken. Some of you will soon be on the Bench.

I commend to you the example of Judge Kelly over in Dade City. When you become a judge it might be good experience for you before you begin to send people to prison to go look at the prison to which you are going to send them and to look at maybe what may be done to that individual before he goes or while he's there, or after he gets out. At any event, you're going to be Presidents of the Bar Associations, members of distinguished committee of the local and American Bar and, above all, you are going to be influential citizens in the communities in which you shall reside. And I would think, therefore, that it might be well for you to concern yourselves primarily with a system which is the shield and the safeguard of you, your family, and your fellow-citizens to make it as effective, while humane, as it may possibly be as the instrument designed to accomplish that high purpose.

Now, just let me add this last personal word to you ladies and gentlemen. Beginning with this afternoon, you embark upon what we may call the voyage of life upon the sea of the future. I hope it's going to be a long and a very delightful voyage for each of you. If I may, I'd like to leave with you words that I've never forgotten which were delivered as a Phi Beta Kappa address, at the University of Alabama when I became a member in 1921, by a professor from the University of Richmond. I've long forgotten the name of the professor, but I'll never forget his words. He called them the fisherman's benediction, given by a Minister to the hardy voyagers of the Scandinavian countries as they were about to set out on their long and perilous voyages, and, if I may, I'll leave them with you.

"May the Lord bless thee and keep thee, grant thee favoring winds, a prosperous voyage, safe harbors, and stout hearts for the storms."

NOAA SCIENTISTS REVIEW CANNIKIN DATA

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. HOSMER. Mr. Speaker, I noted with interest a short Associated Press article in the January 20, 1972, New York Times, titled "A-Test Said to Yield Useful Quake Data." Rather than bringing the world to an end, it now seems that the Cannikin nuclear test should provide much useful information to those scientists and engineers engaged in studying the reactions of manmade structures to earthquakes.

A press release titled "NOAA Scientists Review Cannikin Data" by the Commerce Department's National Oceanic and Atmospheric Administration, released on January 20, 1972, was the basis for the news article. The release points out that—

> Cannikin, the nuclear explosion detonated beneath the Aleutian island of Amchitka November 6, produced some of the most precise seismic data ever recorded for a tremor, natural or manmade.

Further on in the press release—page 7—we find the following:

> *Earthquake engineering data.* Instruments set up at various distances from Cannikin's ground zero measured the dynamic response of the earth's surface to the shocks. The resulting body of information is unique in that it provides insights into some important aspects of what structures can expect from earthquakes in this magnitude range. It is the kind of information usually acquired from the catastrophe of a large natural earthquake in a populated area.

As a resident of the highly seismic area near Los Angeles, I am certainly pleased that we will not have to wait for a catastrophe to occur before we find out how to predict and design against earthquakes. With time we might even learn how to release accumulated earth strain before it gets big enough to release naturally as an earthquake.

As I read the press release, which appears below, I remembered all the purple prose rhetoric and blasphemy directed at those who wanted to conduct the test for national security reasons. We should all realize that the seismic data are pure profit.

Where, oh where, are those prophets of doom who castigated everyone from the President on down, who had the intestinal fortitude to go ahead with the Cannikin test as planned? It is still true that the empty barrel makes the most noise.

The article follows:

NOAA SCIENTISTS REVIEW CANNIKIN DATA

Cannikin, the nuclear explosion detonated beneath the Aleutian island of Amchitka November 6, produced some of the most precise seismic data ever recorded for a tremor, natural or manmade, the Commerce Department's National Oceanic and Atmospheric Administration said today.

From seismic data obtained by instruments crowded around the Amchitka test site, and by instruments around the world, scientists portrait of the seismic nature of the Can- have begun assembling their comprehensive nikin event. Although the full picture awaits thorough analysis of present data and data being gathered through the coming year, this seismic sketch of Cannikin has emerged.

THE MAIN SHOCK

Preliminary values obtained from recordings at Palmer Seismological Observatory showed a body-wave magnitude of 7.0 for Cannikin, and a surface-wave magnitude of 5.8. The cavity collapse 38 hours after the detonation caused a tremor with a body-wave magnitude of 4.8.

A revised estimate of the body-wave magnitude based on the average of values reported by 43 observatories world-wide is 6.8 for Cannikin and 5.7 for the surface-wave magnitude from the average of seven observatories.

Maximum transient vertical ground motion at the control point on Amchitka 22½ miles from ground zero amounted to eight centimeters (four up, four down), four-tenths of a centimeter at Adak Island, 190 miles to the west, and four one-hundredths of a centimeter at Anchorage, about 1350 miles to the east. Maximum transient horizontal motion at the control point was 11.8 centimeters (5.9 push, 5.9 pull) along a radius from the explosion. (One centimeter=.3937 inch.)

The Richter magnitude scale expresses absolute earthquake size as determined from amplitudes of seismic signals recorded on a seismograph. In this logarithmic system, magnitude 7 represents ten times the signal amplitude of magnitude 6, magnitude 6 ten times the signal amplitude of magnitude 5, and so on.

Body-wave magnitudes are obtained by measuring maximum amplitudes caused by seismic waves that travel deep through the planet's interior. Surface-wave magnitudes are obtained by measuring maximum displacements caused by waves which travel through the earth's shallow surface layers and arrive after the body waves.

Because underground explosions are a point source—not a regional source like a fault—they release less energy in the form of surface waves and always have a lower surface-wave than body-wave magnitude.

Also, explosions release most of their energy in a burst lasting only fractions of a second, as against periods of minutes in very large natural earthquakes. The latter appear to be a succession of earth-shaking ruptures, rather than a single event.

THE AFTERSHOCKS

A series of numerous aftershocks was recorded following the Cannikin detonation, and aftershock activity continued until the explosion-created underground cavity collapsed 38 hours later. Most aftershocks appeared to be shallow, within a few miles of the surface, and close to ground zero. All aftershocks were less than body-wave magnitude 4—that is, all were less than one one-thousandth the amplitude of the main shock.

Cavity collapse appears to have terminated aftershock activity, just as it did in Milrow, the predecessor to Cannikin, which was about one megaton, detonated in 1969. This suggests that here, as in Milrow, the scale of the aftershock-generating mechanism at Amchitka is small enough to be completely relaxed by cavity collapse.

An interesting set of contrasts between natural and manmade earthquakes in the same area and magnitude range is provided by a magnitude 7¾ shock that occurred near Amchitka on February 4, 1965. This tremor generated more than 1,300 detectable aftershocks in a 450-mile-long zone which generally followed the trend of the Aleutian arc. Many of these were in the magnitude 6 class, one of which would release more energy than all of the Cannikin aftershocks combined.

EFFECTS ON NATURAL EARTHQUAKE ACTIVITY IN THE AMCHITKA REGION

It appears that global processes, and processes involving the entire Aleutian Island arc, are more important to earthquake activity here than such localized events as underground explosions.

Apparently, Cannikin, like Milrow, did not interact with the large-scale processes which control the region's major natural earthquake activity.

The emergent theory of plate tectonics holds that a spreading seafloor, constantly replenished by material rising from the earth's mantle through oceanic rift zones, drives large crustal plates.

Where these "floating" plates converge, as long as the western rim of the Americas, the oceanic plate thrusts under the continental plate. The high level of earthquake activity found in such zones is believed to be caused by stresses built up in the crustal material. When these stresses exceed the capacity of the supporting rocks, underground ruptures occur, releasing the energy of strain in the form of earthquake waves and dislocations along faults.

The Aleutian Island arc is a typical zone of convergence, and earthquake activity in the Amchitka Island region appears to be deeply rooted in the structural behavior of the entire arc and to global movements in general. Also, most of the natural earthquake activity occurs along a major thrust fault zone some tens of miles beneath the island; shallow earthquakes near Amchitka fall primarily where the oceanic plate begins its oblique downward thrust.

Measurements of stress (force) and strain (physical deformation) in Amchitka rocks also point to little or no serious interaction.

Cannikin strainmeter data taken at two sites, each six miles away from the shock, show the same general pattern—a sharp increase in stress levels during and immediately after the explosion, then relaxation. Permanent deformation six miles from the shock amounted to about one part in ten thousand—about six inches per mile. These were not symmetrical, but were larger toward the north and east than toward the northwest, suggesting that some faulting occurred near ground zero.

GEOMAGNETIC EFFECTS

To detect any quasi-static geomagnetic effects associated with the Cannikin event, four proton total-field magnetometers were placed in near-continuous operation for several months on Amchitka, one about 20 miles to the northwest, one about nine miles to the southeast, one at about two miles and one at about six miles from ground zero. Pre- and post-shot data were also taken at 200 locations across and along the White Alice fault, whose surface trace passes within six-tenths of a mile of ground zero.

Within 30 seconds after the detonation,

the instrument two miles away showed a 9-gamma increase in geomagnetic field strength. Within five hours this value decreased almost linearly to 7 gammas. No similar step-like change was observed when the crater collapsed. (Gammas are used in expressing the total intensity of the earth's magnetic field, which averages about 50,000 gammas.)

In the White Alice fault study area, centered about a mile from ground zero, difference between readings taken two days before and nine days after the test went from + 13 gammas in the fault block containing the shot to − 11 gammas northwesterly across the fault. Magnetic mapping shows this pattern repeating along the fault trace rather than distributing radially from the shot.

Initial interpretation strongly suggests magnetic detection of stress release within the shot-containing block, a stress increase across the fault, and a stress pattern consistent with a dislocation along the White Alice fault.

EFFECT ON GLOBAL EARTHQUAKE ACTIVITY

Apparently, Cannikin had no effect on earthquake activity elsewhere on the planet. According to NOAA's National Earthquake Information Center, the week preceding and the two weeks following Cannikin were unusually quiet, seismically speaking, with no magnitude 6½ class earthquakes anywhere in the world. (Magnitude 6½ and larger earthquakes trigger an alarm at the National Earthquake Information Center.)

The first natural earthquake to be located followed the Cannikin detonation by over four hours. It was centered over 5400 miles from Amchitka in the Suwa Sea region of Indonesia near the island of Timor. A slightly larger shock of magnitude 5.3 occurred 16 hours after Cannikin in the Central Pacific about 100 miles west of Ecuador. Other smaller shocks over the next 24 hours were located in Guatemala, northern Japan, off the Oregon coast (three earthquakes), the Leeward Islands in the Caribbean, the New Hebrides Islands in the South Pacific, and the North Atlantic Ocean.

Post-Cannikin tremors are part of the normal global seismic energy release and are not related to the test. Since approximately 5,000 epicenters are located annually, more than 13 earthquakes are located daily, on the average. Annually an average of 140 magnitude 6 and larger earthquakes occurs.

In order for the NEIC to locate an epicenter, the seismic waves from the earthquake must be reported by five or more observatories. The Center received reports from over 300 observatories recording the Cannikin event.

During the remainder of November, there were few large earthquakes. The first earthquake with magnitude larger than 6 occurred on November 20, in the Fiji Islands. On November 21, a major shock of magnitude approximately 7.0 occurred harmlessly in the Santa Cruz Islands in the South Pacific and, on November 24, a shock occurred off the east coast of Kamchatka with an approximate magnitude of 7.3. Kamchatka is the large Siberian peninsula at the west end of the Aleutian Island chain. No reports of damage have been received from any of these shocks, although the latter undoubtedly was strongly felt on Kamchatka.

SEISMIC SEA WAVE (TSUNAMI) ACTIVITY

NOAA's Honolulu-based Pacific Tsunami Warning System and the Regional Tsunami Warning System at Palmer, Alaska, watched the test very closely. Palmer Observatory continuously monitored incoming data from automated seismic and tide stations dispersed along the Aleutian chain and down into southeast Alaska for any evidence of abnormal wave activity.

Wave and other short-period water motions appear on a tide gage record, or marigram, as small disturbances on the generally smooth curve of the rising and falling astronomic tides. The tsunami wave train set in motion by some large earthquakes is readily discernible as a set of wave motions that have longer periods than wind waves, but shorter periods than the ocean tides. This unique tsunami "fingerprint" is used to confirm the existence of a potentially hazardous wave after a major ocean-area earthquake has occurred.

After Cannikin, no wave activity was observed on tide gages that could be distinguished from surf action.

SIGNIFICANCE TO EARTH SCIENCES

Underground nuclear tests have provided earth scientists with a unique opportunity to study seismic events of known yield, origin, and time of occurrence, and have done much to advance the states of the various seismological arts.

Cannikin provided a source of energy—and information—that is unsurpassed. As one NOAA seismologist put it, "Everybody who had an instrument had it running for this one."

Scientists in the United States and in other nations used the seismic waves emanating from Amchitka as a "window" to the earth's interior. How well the experiment illuminated this hidden region will not be known for some time; but these probable results can be seen.

Island arc tectonics. The island arc structures which characterize trench-rise features in oceanic areas are highly seismic, intensely interesting to palaeogeologists and other geophysical historians—and poorly understood. Seismic and other geophysical data from Cannikin will do much to characterize one segment of the Aleutian Island arc in substantial detail, and provide important clues to the structure and behavior of similar geologic features elsewhere.

Aftershock causal mechanism. The clustered seismographs on Amchitka and nearby islands produced extremely clear records of Cannikin's aftershock activity. The test also provided a record of an entire aftershock sequence, permitting scientists to view the beginning, middle, and end of the series over a comparatively short period. NOAA seismologists expect to extract significant new information on the causal mechanisms of aftershocks, and hope to be able to apply that knowledge to an improved understanding of natural earthquake source mechanisms. Because this work might apply to natural earthquakes, it holds particular promise for scientists studying earthquake prediction and mitigation techniques.

Earthquake engineering data. Instruments set up at various distances from Cannikin's ground zero measured the dynamic response of the earth's surface to the shocks. The resulting body of information is unique in that it provides insights into some important aspects of what structures can expect from earthquakes in this magnitude range. It is the kind of information usually acquired from the catastrophe of a large natural earthquake in a populated area.

Plate tectonics and continental drift. Although the general scheme of plate tectonics is beginning to be well understood, the details of how and where the plates collide are not. The intensive data-gathering effort in the Aleutians is providing those details for this segment of the Aleutian Island arc (which marks the intersection of the Pacific and Bering crustal plates) and, by extension, for similar boundary zones elsewhere in the world.

FURTHER WORK IN THE ALEUTIANS

The Aleutian Seismic Program undertaken by what is now the National Oceanic and Atmospheric Administration was intensified in 1969, at the request of the Atomic Energy Commission, and is now conducted by the Earth Science Laboratories of NOAA's Environmental Research Laboratories, headquartered in Boulder, Colo.

With the experiment concluded, the program now turns to a year of intensive data-gathering and analysis to assess what effects, if any, Cannikin had on the way stresses, strains, thrusting plates, and other processes interact to produce earthquakes in this highly seismic corner of America.

BRINGING LOCAL DRUG PROBLEMS INTO FOCUS

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. PREYER of North Carolina. Mr. Speaker, in the last decade the problem of drug abuse has become one of monumental proportions and of great concern to everyone in the Nation. So much has been said and a great deal of work has been accomplished toward conquering this scourge that affects so many of our people, and our youth in particular. But we need to do more and I want to call to the attention of this body the efforts being made in this direction by the community of High Point, N.C., in my congressional district. The newspaper in this city, the High Point Enterprise, ran a series of articles in December 1971, on the problem of drug abuse in High Point. These articles were written by the paper's staff after talking over the problem with various people in the community who have experience in the field, including offenders. Following is an editorial from the Enterprise which is a synopsis of these articles and what the writers found to be the situation in their city. I want to commend the editor of this paper and the writers of this series of articles for their forthright efforts in presenting this information on the situation in High Point in a calm and reasonable manner.

I am also setting forth an article from the Enterprise which gives important information about North Carolina's new drug law which went into effect on January 1, 1972. This is a particular warning for our returning Vietnam veterans who may be addicts and turn to selling drugs to minors to finance their own habits. The North Carolina law provides a minimum penalty of 10 years in prison for those convicted of this offense.

The articles follow:

BRINGING LOCAL DRUG PROBLEM INTO FOCUS

The problem of drug abuse in High Point is in better focus as a result of the series of articles which appeared in The Enterprise last week. Written by members of the news staff, the articles brought together the thinking and the experience of police officers, school officials, counselors, young people, and doctors on whether High Point has a drug problem and how serious it may be.

Generally, there is agreement that High Point has a drug abuse problem. Opinions differ, however, on the extent of the problem. Yet, encouragingly, the response of those interviewed during the series was cautious. Answers to questions were based on facts and personal knowledge as much as possible. There is a lesson here for the community. In talking about a drug problem in High

Point, it is best to speak calmly from fact rather than hysterically from rumor.

Several conclusions emerge from the series. One is that drug abuse is not itself new. What is new about the problem today is the scope and the variety of the abuse. Almost every type of drug—the narcotic, the depressant, the stimulant, the hallucinogetic—is involved in the problem today. Second, drug abuse is not confined to any one group, either in age or income level. It is popularly identified as a problem among the young people, but, as the series pointed out, it exists in large measure as well among adults. Third, according to the information reported in the series, the buying and selling of drugs illegally in High Point does not appear to be part of any organized criminal activity in the city itself.

The problem of drug abuse in High Point is not as bad, then, as in some other cities. The community faces the need, nevertheless, of coming to grips with the problem and dealing with it honestly and realistically. Drug abuse is a national problem, and eventually will require action at the national and state levels, perhaps even a rewriting of laws and a change in legal attitudes toward some, if not all, of the drugs involved in the problem. Meanwhile, High Point is confronted with the problem of drug abuse now.

The series did not attempt to offer solutions to the problem. Its purpose was to define the problem and bring it into focus as much as possible. Understanding the problem is, of course, the first step in reaching the solution. The series indicates the solution will not be easy. The projected program of the newly-formed Drug Action Council is not a solution to the drug abuse problem; it is a program of rehabilitation to take people off drugs.

The solution to the drug abuse problem is for people not to use drugs at all. This will be hard to achieve, however, for what is involved in the abuse of drugs is a cultural conflict—an act of rebellion—within the individual, within the family, within the community. This is indicated in two articles in the series. One reported the interview with three high school girls who admitted using drugs; the other was the interview with Debby, the young woman who has traveled almost the entire route of drug abuse. These young people do not share the same values as the larger, "straight" community around them.

It is over this ground—over values and a sense of purpose in life—that the use of drugs or not is being fought. It will likely be a protracted conflict.

NEW DRUG LAW CONTAINS TRAPS FOR THE UNWARY

Remember the warnings that were issued last spring to youngsters planning to travel abroad for the summer? They were told, among other things, that they had better learn a few things about how foreign courts deal with drug users, that long-term prison sentences for the smallest drug possession offense had been experienced by the unwary. And there are some states in this nation, notably in the Southwest, which give courts little or no leeway in dealing most harshly in such cases.

The new drug law which went into effect in North Carolina on Jan. 1 is another on which there should be no misunderstanding. Offenses that have been dealt with on a wrist-slapping basis may prove to be far more serious.

This law was introduced and passed on the general hypothesis of easing up somewhat on the young, "innocent" user and clamping down on the pusher. That sort of description by its Mecklenburg sponsor greased the rails for its quick passage.

But like many such laws, it contains a hooker, and herein lies the need for the wariness. The law draws a sharp line at age 21. For instance, should a person over 21 be convicted of distributing a narcotic drug to anyone under 21, the minimum punishment is 10 years in prison, with a maximum of life imprisonment. In view of the number of heroin-hooked GI's returning from Vietnam who, like many addicts, may turn to selling to finance their own habits, this could become a major section of the law, rather than minor.

This is not to say that we do not favor strict punishment for the pusher. We still believe that no one has offered a reasonable alternative to fear of prosecution and punishment as a deterrent to illicit drug traffic.

If people have any faith in the military's crackdown on drug use in Indochina, they will find the report of a psychiatrist sent over there by the Defense Department disturbing to say the least.

Dr. Norman Zinberg reported that the Army's zeal to wipe out heroin use had actually been counter-productive. "Soldiers who don't leave Vietnam immediately often return to heroin," he wrote. "Mainlining (direct injection into a vein) has increased since the crackdown."

Dr. Zinberg pointed out that, contrary to the U.S. drug scene, heroin use in Vietnam is a social activity among friends and not the habit of a deviant loner from a deprived urban background.

Their insertion back into a civilian society will not be easy.

And for those coming home to North Carolina, somebody needs to meet the plane with an explanation of the new drug laws in hand.

R. V. KRIKORIAN OF REX CHAINBELT LOOKS AT POLLUTION ABATEMENT

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. REUSS. Mr. Speaker, Mr. R. V. Krikorian, president of Rex Chainbelt Inc., Milwaukee, had some cogent remarks about pollution abatement problems in a speech delivered January 11 to the Financial Executives Institute of Wisconsin. His talk follows:

POLLUTION ABATEMENT

(By R. V. Krikorian)

I am very pleased to have this opportunity to be with you this evening and to share with you some thoughts and experiences concerning a very lively and current problem. It is the problem of our ecology and the restoration of the environment in this nation. All of us are involved in this problem in a variety of capacities; as consumers, members of the community, and as taxpayers. Most of you here this evening are financial executives—you are therefore involved in a second capacity—you either have felt already or you soon will feel the pressures for change within the sphere of your businesses and the industries you serve. Increasingly, this pressure is the result of state and federal legislation which will certainly alter the way we do business and how we allocate our resources. As President of Rex, this has particular meaning for me. We have forty plant locations in this country and Canada, with 11,000 employees, producing products which serve nearly every major industry in the national economy. When changes take place which affect broad segments of any industry, we feel it quite readily at Rex. And, there will be changes.

Finally, the question of solving this nation's ecological problems is seen by Rex from even another point of view. We are one of the nation's leading producers of equipment and systems to control and abate industrial and municipal water pollution. Not only must we keep our own house in order at Rex, but we must also allocate our manpower and financial resources to meet the increasing demand for new technology, new equipment and systems.

In 1969, 1970 and 1971 the Environmental Control Group at Rex was the fastest growing group in the company. I'm confident that in 1972 it will again out perform all other Rex divisions in sales growth.

Citizens of the State of Wisconsin both individual and corporate should be aware of the progressive attitude our state maintains concerning this problem. Our record is a good one. As early as 1876 Wisconsin created the State Board of Health with authority to advise Government officials wtih respect to drainage and disposal of sewage wastes. In 1905 the legislature required muncipalities to submit plans for sewage systems to the State Board of Health for review and approval; probably the first certification program in the nation. In 1927 the Wisconsin Committee on Water Pollution was created.

1. In 1966, 5 years before federal government action, Wisconsin reorganized its pollution control agencies to meet rising public concern.

2. Wisconsin passed its own Water Pollution Control Act more than a year and one-half before similar action by the Federal Government. Our law became a model for the Federal law.

3. Wisconsin was one of only five states to provide funds for local sewage treatment plant construction under the Federal Water Pollution Control Act of 1966.

4. In 1969 the voters of Wisconsin approved a unique bonding program known as ORAP 200. In 1971 grants of nearly $35,000,000 were made under the program for construction at nearly 200 locations in the state.

5. Eighty-five percent of Wisconsin municipalities now provide secondary treatment for their wastewater. Few states can boast anything near that record.

6. Finally, in the state budget passed last month, the Division of Environmental Protection of the Department of Natural Resources was given authority to conduct a pollution inventory of the industries in the State of Wisconsin. This will take the form of a survey of industrial discharges and will provide the basis for broad programs of monitoring and surveillance. The bill provides for very substantial fines for non-compliance.

It is fair to say that Wisconsin is moving thoughtfully and rapidly to preserve the natural heritage of its waterways. In addition to the recreational values which we are seeking to preserve, our dependence on clean water for food processing, pulp and paper manufacture, farming and industrial manufacturing is very apparent.

In many parts of this nation, industry has been accused of being the chief villain in the current environmental crises. I don't think we in Wisconsin should be faulted for our efforts to date. It was in this state, after all, that most of the technology for treating dairy and canning wastes was developed. Food processing companies across the country have adopted the ridge and furrow and field irrigation systems for returning their nutrient rich wastewaters to the land. As a supplier of water pollution control equipment we can testify to the increasing concern, research and development and capital expenditures by the paper and pulp industry in this state for treatment systems. We have been instrumental in helping a number of them develop systems which both recycle most of the chemicals and water so essential in the paper-making process and which also produce usable by-products as a part of the treatment process.

The proposed Federal legislation presently before the House of Representatives will have a significant impact on business operations in Wisconsin as elsewhere.

It provides, among other things, for up to 70% Federal funding of construction costs of municipal sewage treatment plants. Some of these new plants may be joint undertaking between the city and industry. This is a particularly attractive route for small communities with only one or two industrial operations.

The law directs the Federal Environmental Protection Agency to establish a system of user charges based on the character and volume of waste discharges. This seems to the lawmaker at least to be an equitable means of assessing heavy water users and those hitherto non-taxable institutions not reached under other forms of taxation.

Specific provisions in the law will direct the Federal Government to reimburse states, like Wisconsin, who underwrote the Federal portion of construction projects in the mid 1960's.

The law calls for an end to all waste discharged by 1985.

It seeks regional waste treatment management programs not circumscribed by political subdivisions and boundaries; a practical cost-benefit analysis; and the transfer of technology between industries.

It establishes a national system of monitoring and surveillance and directs the EPA to establish national performance standards in certain industries.

The law also sets limits on the discharge of toxic substances and establishes guidelines for pre-treatment of industrial wastes which are ultimately discharged into municipal sewer systems.

Finally, it provides for strict enforcement penalties and establishes guidelines for the filing of citizen suits in the Federal courts against specific polluters. I am sure that the law will undergo some modification before it is finally voted upon in the House of Representatives. It is clear that the Federal Government means business in the control of water pollution, and it is equally clear that all industries will be affected by this new legislation.

In February of 1970, Fortune Magazine surveyed the chief executives of the nation's 500 largest companies. The result of the survey clearly indicated that American businessmen thought the Federal Government, not the states, ought to establish national water quality standards, user service charges, and act as the chief agency of enforcement and compliance. That is our position at Rex. It is a gross waste of money and effort for businessmen on one side of a river to install expensive systems to control industrial discharges if their neighbors in another state on the opposite shore have a completely different set of standards, or none at all.

Recent statements by some national business associations would seem to indicate that American industry has somehow changed its mind. The general tenor of these statements has been to urge that the House of Representatives place more authority at the state and local levels and less on the Federal Government. In the current legislation now being considered, and which I have just described, Congress seems, however, to have responded to the attitudes evidenced a year ago. Careful consideration must be given by these national associations as to the content and tenor of their comments regarding Federal legislation. It is quite probable that many states will enact laws similar to that bill pending in the House. What the state legislatures do is likely to be dependent on the character of the final Federal bill.

It is also time to take renewed recognition of two nearly forgotten facts in America—First, that American industry by and large is very cognizant of their responsibility in environmental affairs, and second, that the cost of past and future improvements in these areas will have a direct impact on consumer prices and corporate profit performance.

On the first point let me point out that a $75,000 fine for a water pollution violation is usually front page news—but it is more difficult to find reported just what American industry is spending to overcome that pollution. In 1971 an independent survey reports that American industry will spend over $2.5 billion for pollution abatement installations. That's a 40% increase over 1970, and it will be far surpassed in 1972.

On the second point, the impact on consumer costs, we need look no further than north along the lake shore where we know that the proposed installation of cooling towers at *Point Beach Nuclear Plant* would add to the cost of electric power in SE Wisconsin. Sixty percent of the domestic plant facilities of Rex are located in the Milwaukee-Racine area. In 1971 we paid over $1,200,000 for electric power for these locations. We are informed that the addition of these environmental protection systems to that power plant will increase the cost of electric power in SE Wisconsin by 10 to 15%. In our long-range planning and forecasting, such an increase is a very material event.

(Slide.)

Last month we moved most of our environmental control operations into a new plant in Waukesha shown here. The new plant, designed with the latest technology for material flow and manufacturing, greatly increases our manufacturing capacity and will enable us to better serve the needs of industries and cities around the world.

(Slide.)

Our experience in the design and manufacture of water pollution control equipment and systems spans more than half a century. We have more than 125 patents in this area.

Rex equipment operates today in more than 5,000 installations around the world. Forty-eight of the nation's 50 largest cities treat their sewage with Rex equipment. Here in Wisconsin, Rex equipment is at work in more than 400 communities and industries. We are continuing to allocate the largest segment of our research and development dollars in the field of environmental control.

We have established a separate Ecology Division staffed with Rex engineers and scientists to do advanced research and problem solving through use of Federal, state and local government grants and aimed at finding new and better ways to abate pollution. One very ambitious project, funded by Federal, state and local grants, is taking place in the Milwaukee-Racine area.

(Slide.)

At the point where Milwaukee's Hawley Road crosses the Menomonee River, engineers of the Rex Ecology Division constructed and have operated a pilot plant to treat the overflow from Milwaukee's combined storm and sanitary sewer system. During periods of heavy rain, the capacity of the sewage treatment plant is exceeded. As a consequence, raw untreated sewage and storm water is discharged directly into our rivers. There are 211 such discharge points in Milwaukee County. 1300 communities across the country have a similar problem. If no effective alternative is found, Milwaukee and other communities as well will have to install a dual pipe system at enormous cost to the taxpayer. Rex engineers have designed a compact treatment system using sequential screening, dissolved air flotation and chemical input to treat the overflow. We call it the Rex "satellite treatment plant. These plants have been able to remove up to 85% of the solids from the water before discharging into the Milwaukee River.

(Slide.)

This is the flow diagram of the Satellite Plant. The overflow enters from the right hand side and the treatment process begins first with a series of bar and sequential drum screens. Next the effluent is passed into a large holding tank where dissolved air floats the remaining solids to the surface. These are skimmed off and collected in a separate compartment. In the large tank there is finally an input of chemicals so that when the overflow is finally discharged it is undoubtedly much cleaner than the river it goes into.

This technology also will be employed in Racine Wisconsin through installation of a series of satellite plants located on the banks of the Root River. An additional benefit will be developed in Racine. The project also involves analyzing the Root River before our treatment plants go on stream. Similar analyses taken during the periods in which our equipment is operating will provide important information on the validity of the water quality standards established by the state for the Root River.

(Slides.)

We serve both the municipal and the industrial markets. Here is a typical industrial installation for treating acid mine drainage at Republic Steel's coal mining operation at West Newton, Pennsylvania. In order to neutralize the ferrous iron content in the wastewater, the water is first chemically treated and then subjected to high velocity aeration through the use of Rex Oxy-Treat aerators to form a stable ferric iron precipitate.

(Slide.)

Following aeration, the treated water is transferred to the settling basin or to a settling lagoon.

(Slide.)

This is an aerial view of an aeration lagoon at the Weyerhauser mill in Plymouth, North Carolina. The rapid surface aeration provided by these units speeds up the biological treatment of the paper mill waste.

(Slide.)

Under construction here is the largest nuclear power plant in the world—at Brown's Ferry, Alabama—a part of the Tennessee Valley Authority System. Rex is supplying 18 traveling water screens to this facility.

(Slide.)

These screens filter out all of the water required to cool and condense the excess steam from the high pressure turbine generators. The screens are self-cleaning.

(Slide.)

Here is a view of a complete water conditioning system to provide boiler feed water for Amoco Chemical Company, Texas City, Texas. It has a capacity of 2,000 gallons per minute—or 3 million gallons per day. We have two other similar installations in the area. These systems are engineered and produced through our American Water Softener Division near Philadelphia.

(Slide.)

Santee, California, is a desert community located near San Diego. This is part of their sewage treatment plant. For most of the years of its existence, Santee was an arid community. The high cost of fresh water necessary for industry and residential uses precluded the city fathers from providing the badly needed water recreational areas for residents. At the same time, officials of the community were under orders to discontinue their practice of dumping the effluent from their sewage treatment plant out into the desert. As a result of some far-sighted planning and experimenting, Santee has solved both of these problems. The community is now known as the town that "launders" its sewage, and it does it so well that extensive boating, swimming, and fishing areas are available in this once arid community. This process involves three stages of treatment:

(Slide.)

Primary and secondary treatment remove 90–95 percent of the suspended solids. There remains the critical tertiary or third stage treatment. This is a picture of a Rex third stage reactor at the Santee plant. This Rex equipment removes the residual pollutants and nutrients and produces a nearly clear effluent.

(Slide.)

The Rex reactor and associated equipment delivers samples of the effluent to a laboratory within the complex where it is continually—

(Slide.)

Monitored by technicians to assure its relative purity and safety to humans and aquatic life. Following the third stage treatment, the effluent is aerated in a series of large ponds, chlorinated and discharged for use—

(Slide.)

In a network of swimming pools—

(Slide.)

Boating lagoons—and—

(Slide.)

Picnic areas.

Late last year, authorities at Santee water district announced that the reclaimed wastewater from this treatment process is now being used for agricultural irrigation. An Associated Press story appearing in the Milwaukee Journal in November, 1970 quoted a spokesman for the district as saying that such commercial use of reclaimed wastewater was a technical and economical milestone—and that the water was of a better quality than ground water from wells in the area. The cost of the water is less than ⅓ the cost of Colorado River water previously piped into Santee.

(Slide.)

I believe Wisconsin has led the nation with enlightened legislation, regulation, and a meaningful approach to the solution of our pollution problems. Despite the concerns over current Federal legislation, I think the nation is on the way to making accelerated progress toward reversing environmental deterioration. One thing is very clear—we are only in the first inning and many real problems remain.

I am not sure that the general public really comprehends the economic and social costs of pollution or its abatement. Unrestrained environmental degradation is unacceptable and very costly. Unrestrained environmental improvement will also be extremely costly. In either case we are speaking of billions of dollars in expenditures. No one yet has come forth with anything like a complete cost/benefit analysis. Instead, pollution has been portrayed in many quarters as the messenger of doom with the only alternative a return to 18th century American life. The abatement of pollution without reference to the costs of potential human dislocations and changes could be equally erroneous. This concern, like all other such public issues, must resolve itself in a compromise; in owning up to past mistakes in judgment and practice and making firm resolve that these mistakes will be corrected in the years to come. We have started to make today's decisions with an eye on the future. I am an optimist. I think we will solve our pollution problems.

The need for realism in environmental policy making, as well as a recognition of the common commitments and goals involved, was eloquently described by President Nixon in his message to Congress last August transmitting the second annual report of the Council on Environmental Quality. I quote:

"[W]e should not expect environmental miracles. Our efforts will be more effective if we approach the challenge of the environment with a strong *sense of realism*. We should not be surprised or disheartened, for example, if some problems grow even more acute in the immediate future.

"We must recognize that the goal of a cleaner environment will not be achieved by rhetoric or moral dedication alone. It will not be cheap or easy and the costs will have to be borne by each citizen, consumer, and taxpayer. How clean is *clean enough* can only be answered in terms of how much we are willing to pay and how soon we seek success. The effects of such decisions on our domestic economic concerns—jobs, prices, foreign competition—require explicit and rigorous analyses to permit us to maintain a healthy economy while we seek a healthy environment. It is essential that we have both. It is simplistic to seek ecological perfection at the cost of bankrupting the very taxpaying enterprises which must pay for the social advances the nation seeks.

"We must develop a realistic sense of what it will cost to achieve our national environmental goals and choose a specific level of goal with an understanding of its costs and benefits. One of the strengths of the accompanying report, in my view, is that it sets out—clearly and candidly—both the costs and the benefits of environmental protection as they are now understood.

"The work of environmental improvement is a task for all our people. It should unite all elements of our society—of all political persuasions and all economic levels—in a great common commitment to a great common goal. The achievement of that goal will challenge the creativity of our science and technology, the enterprise and adaptability of our industry, the responsiveness and sense of balance of our political and legal institutions, and the resourcefulness and the capacity of this country to honor those human values upon which the quality of our national life must ultimately depend."

I share the President's views.

CHALLENGES: WHITE HOUSE CONFERENCE ON AGING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. RANGEL. Mr. Speaker, when the White House Conference on Aging met in Washington from November 28 to December 2, the delegates issued a strong challenge to the Nation, a challenge to commit our resources and our abilities to solve the problems facing our senior citizens.

We have failed to provide adequate health care to the more than 20 million senior citizens across the United States. Medicare is too limited and must be expanded. There is a shocking lack of medical knowledge about aging and the care of the elderly. Senior citizens in the inner city and in rural areas find medical care inaccessible.

Housing? We have not built sufficient quality housing for our senior citizens.

Income? Social security benefits are too low to assure our senior citizens a decent standard of living in a time of inflation and economic upheaval.

Education? Why has the United States virtually ignored education programs for senior citizens?

What have we done to attack the special difficulties facing the poor in minority groups: black, Spanish speaking, American Indian?

There is the challenge to Congress and the President.

The National Council of Senior Citizens has prepared a summary of the report of the White House Conference on Aging which I am pleased to share with my colleagues:

WHITE HOUSE CONFERENCE REPORT A CHALLENGE FOR THE SEVENTIES

INCOME

Income adequacy.—The immediate goal for older people is total cash income in accordance with the American standard of living.

We therefore recommend adoption now, as the minimum standard of income, the intermediate budget for an elderly couple prepared by the (U.S. Labor Department) Bureau of Labor Statistics, averaging about $4,500 a year nationally as of Spring, 1970.

For single individuals, the minimum income should be sufficient to maintain the same standard of living as for couples (no less than 75 per cent of the couple's budget).

For the elderly handicapped with higher living expenses, the budget should be appropriately adjusted.

Floor of income.—The basic floor of income for older people should be provided through a combination of payments from the Social Security system and payments from Federal general tax revenues.

In addition, there should be a supplementary payment system, based on an income test, to bring substandard incomes up to the minimum, financed entirely from Federal Government general revenues and included in a single check paid by the Social Security Administration.

Widow's benefits.—Increasing numbers of women without dependent children who have not been regularly employed are becoming widowed before age 60. We recommend that they be eligible to receive widow's benefits starting at age 50 to help fill the income gap until they are eligible at a later age to receive their Social Security benefit.

Liberalizing the retirement test.—The exempt amount of earnings under the Social Security retirement test should be increased to not less than $3,000 a year (adjusted periodically to changes in the general level of wages).

The offset formula of $1 reduction in benefits for each $2 of earnings should apply to all earnings in excess of the exempt amount.

Eliminating the test entirely would cost an additional $3 billion, and there are more urgent needs to which this sum could be applied than paying Social Security benefits to persons who are still employed at more than the exempt levels.

Private pensions.—Social Security benefits provide a basic protection which should continue to be improved but which can be augmented through private pension plans.

The Federal Government should take action to encourage broader coverage under private pension plans and ensure receipt of benefits by workers and their survivors. It should require early vesting and/or portability, survivor benefits, and complete disclosure to beneficiaries of eligibility and benefit provisions of the plans. In addition, Federal requirements should assure fiduciary responsibility, minimum funding requirements and protection, through reinsurance and other measures, of the promised benefits.

Remission of property taxes.—It is desirable that older persons be enabled to live in their own homes.

States and localities should be encouraged to remit part or all of the residential property taxes on housing occupied by older persons as owners or tenants who qualify on the basis of an appropriate measure of income and assets. Remission is to be achieved by Federal grants to States and State grants to local taxing authorities to compensate for reduced revenues.

Meeting health needs.—This nation can never attain a reasonable goal of income security so long as heavy and unpredictable health costs threaten incomes of the aged.

Priority consideration should be given to the establishment of a comprehensive national health security program which would include the aged as well as the rest of the population. Financing the program solely through wage and payroll taxes and contributions from Federal general revenues would ensure that health care expenses would be a shared responsibility of the government, employers and individuals. There should be no deductibles, co-payments, or co-insurance.

Until such a system is established, the

benefits of Medicare-Medicaid should be increased immediately to include, at a minimum, out-of-hopsital drugs; care of the eyes, ears, teeth, and feet (including eyeglasses, hearing aids, dentures, etc.); and improved services for long-term care and expanded and broadened services in the home and other alternatives to institutional care. Here, too, there should be no deductibles, co-payments, or co-insurance.

Government should assume responsibility for assuring an adequate supply of health manpower and essential facilities and for improving the organization and delivery of health services.

A special committee of the House of Representatives should be established which will devote its attention to all social and economic problems of the aged, including income, health, housing, and other needs areas reflected in the organization of this Conference.

Our nation has the resources to effectively carry out the proposals made by this Section, provided there is a re-ordering of national priorities.

HEALTH

Health care for the aging must be provided as an integral part of a coordinated system that assures comprehensive health services to the total population, but immediate and special consideration and emphasis must be given problems of, and services for, the aging.

A comprehensive health care plan for all persons should be legislated and financed through a National Health Plan.

Medicare should be expanded

Pending the achievement of such a National Health Plan, the complete range of health care services for the elderly must be provided by expanding the legislation and financing of Medicare.

Such expanded financing should be accomplished by use of Social Security trust funds and a greatly expanded use of Federal revenues.

Such expansion of Medicare should include elimination of deductibles, co-insurance and co-payments, and all provisions discriminatory to the mentally ill as well as the establishment of the same ages for Medicare and Social Security benefit eligibility.

Both the immediate expansion of the current program and a future National Health Plan should provide for a public/private partnership in the delivery of services and for Federal financing and quality controls in order to assure uniform benefits and uniform application of the standards of quality.

Centralized responsibility for standards and control over health facilities and services must be combined with protection, for the patient and provider, from arbitrary, capricious, and varied application and interpretation of existing as well as new standards. To be comprehensive and systematic, this health care must provide:

Assessment of health;

Education to preserve health;

Appropriate preventive and outreach services;

All physical, mental, social and supportive services necessary to maintain or restore health;

Rehabilitation, health maintenance and long-term care when disability occurs.

Community and consumer participation in the planning and delivery of such a system of services will tend to assure the responsiveness of the system to locally defined community need and the appropriate use of health manpower, facilities, and financing.

Information on all aspects of aging (including physical, mental and other aspects) should be included in educational courses at all levels. The elderly should be among those recruited, trained and utilized in carrying out these programs.

Special attention to research

Development of specialists in the care of the elderly should receive emphasis, especially with a view to providing professional and other health personnel selected and trained to give compassionate and expert care to the aged.

Emphasis should be placed on funding direct services for the elderly but not to the exclusion of research and education. Research findings now available should be assembled, coordinated and incorporated into service programs.

Specific attention should be given to increasing funds available for basic as well as operational research with a strong suggestion that a Gerontological Institute be established within the National Institutes of Health to provide essential coordination of training and research activities in the area of aging.

A center for aging should be established in the National Institute of Mental Health to meet the responsibilities for more research and training in the field of mental health of the elderly.

The President and Congress should authorize the appointment of a Commission on Aging, including a Committee on Mental Health of the Elderly, comprised of representatives from concerned Federal agencies, national organizations, Congress, the judiciary, and private citizens to study, evaluate, and recommend a comprehensive set of policies for the Federal Government, the States, and local communities to pursue in this vital area.

Legal protection for elderly

Congress should appoint a nationwide interdisciplinary committee to determine the scope and type of *intervention procedures* and *protective services* that would clearly protect the rights of the individual with health, mental health, and emotional problems requiring care. The rights of the patient's immediate family and other close associates should be considered.

This committee should include representatives of the religious, civil rights, civil liberties, legal, health and social services communities. Congress should appropriate sufficient funds to assure an in-depth study of all aspects of the individual's rights in relation to his needs for health services and the administration of the patient's affairs until he can resume normal life.

Intervention procedures and protective services also should assure for elderly individuals their rights of self-determination in their use of health facilities and services.

In order to promote and encourage the establishment of ombudsman services (informal adjudication of public complaints), a nationwide interdisciplinary committee, or other suitable means, should be used to study and define the functions and roles of ombudsmen as separate and distinct, conceptually and in practice, from other protective services and from consumer participation in health care services and other matters affecting the elderly.

Some other urgent health concerns include: preventive dental health measures to slow or halt chronic dental disease; special health education programs for disadvantaged minorities, ethnic groups, residents of rural areas and other special groups; immediate steps to control spiraling costs of health services; transportation improvements with specific attention to the elderly and disabled; improved Federal inter-agency collaboration in health care.

HOUSING

Funds to support a massive and varied housing program and mechanisms for assuring appropriate services are essential to the well-being of the nation's elderly.

A decent and safe living environment is an inherent right of all elderly citizens.

It should become an actuality at the earliest possible time. A fixed proportion of all government funds—Federal, State and local—allocated to housing and related services should be earmarked for housing for the elderly.

Production of 120,000 units a year of housing for the elderly should be undertaken. (Production of housing units for the elderly averaged 37,000 a year over the last 10 years.)

A variety of living arrangements should be made available to meet the changing needs of the elderly including residentially oriented settings for those who need differing levels of assistance. There should be housing for independent living with recreational and activity programs within easy access, congregate housing with food and personal services provided, facilities with medical and homemaker service as well as food service, and long-term care facilities for the chronically ill.

The Federal and State Governments should provide mechanisms to make possible property tax relief for the elderly home owner or renter.

At least 25 per cent of all elderly housing should be reserved for the elderly poor—those with incomes at or below the poverty level.

Federal agencies dealing with housing for the elderly should establish multi-disciplinary teams (made up of architects, engineers, medical personnel, gerontologists and other experts) to formulate guidelines for architectural standards based on the needs of the elderly. These teams should have authority to review and approve innovative housing proposals.

The Federal Government should encourage preservation of neighborhoods of special character through rehabilitation and/or selective replacement of substandard dwellings with new dwellings, permitting the elderly of the area to remain in a familiar environment.

Rent supplements should go up

The Federal rent supplement program should be enlarged and eligibility for participation in the program expanded.

Financial incentives should be available to families providing housing and related care in their own homes or in appropriate accommodations for elderly relatives.

Interest-free, non-amortized loans should be available to elderly home owners to help them meet home maintenance costs, the amount of the loan to be related to income with repayment required only upon the property.

Competent service to the elderly in the area of housing requires sound research widely disseminated and utilized. Such research should cover the physical, psychological and social aspects of housing in relation to the needs of the elderly.

Housing funds impounded by the Administration should be released, and the highly effective Section 202 of the Federal Housing Act—with its special guidelines related to space, design, construction and particularly favorably financing—should be restored. (Section 202 has become a dead letter under the Nixon Administration.)

EMPLOYMENT/RETIREMENT

The income floor for older Americans should be the U.S. Labor Department's intermediate level budget for an elderly couple, which averaged $4,500 a year nationally as of the Spring of 1970.

Pending achievement of that goal, however, Social Security benefits should be raised 25 per cent and the minimum Social Security benefit, now $70 a month, should be increased to $150 a month.

The limitation on what a Social Security recipient may earn without reduction of Social Security benefits should be $5,000 a year. This limit (known as the Social Security retirement test) is now $1,680 a year.

It is the responsibility of the Government to provide meaningful and socially needed employment opportunities for those older persons willing and able to work if all other programs fail to produce such employment.

Chronological age should not be the sole criterion for retirement. A flexible policy should be adopted that is based on the worker's desires and needs and upon his or her physical or mental capacity. Programs must be made available that provide employment opportunities after age 65.

Employers should be encouraged to adopt innovative policies such as gradual or trial retirement.

Unfortunately, however, existing policies fail to protect the worker who is forced to retire prematurely or who is unprotected by a private pension plan.

New national policies and publicly and privately supported programs are needed to help workers who are forced to retire before the normal retirement age because of health problems or job displacement caused by technological changes or jobs requiring early retirement.

New programs should as a rule be run by existing agencies that have responsibility for dealing with these problems.

There should be created by the Federal Government a continuously funded program specially designed to maintain economic security for middle-aged and older workers during their period of transition from prematurely forced retirement into suitable employment or retirement. During this period, a major objective should be to retrain and educate the unemployed to assure reemployability or to assist in mobilizing resources to assure a meaningful retirement.

All workers should be guaranteed a retirement income adequate to maintain a decent standard of living above the poverty level. Legislation must be enacted as soon as possible requiring early vesting, adequate funding and portability of pensions and to provide Federal insurance for pensions.

The age 65 limit of liability under the Federal law forbidding age discrimination in employment should be removed. The law should be extended to cover employees in both the public and private sectors (it now applies only to the private sector). If older workers are to benefit from this law, it must be enforced with greater vigor.

NUTRITION

An estimated one-third to one-half the health problems of the elderly are believed to be related to nutrition.

The Federal Government should assume responsibility for making adequate nutrition available to all elderly persons in the U.S. and possessions.

A minimum income (at least $3,000 a year for a single person and $4,500 a year for a couple) must be available to all elderly.

The equivalent of the national school lunch program should be established for senior citizens. This should not be limited to persons with low incomes.

All U.S. Department of Agriculture surplus commodities should be fully available to the proposed senior lunch program on the same basis as to school lunch programs.

Funding should cover adequate staff, food, supplies, equipment and transportation services.

Elderly men and women should be employed insofar as possible under the senior lunch program.

Educational, counseling and recreational opportunities should be made part of this program.

Low income Social Security recipients should be eligible for self-certification for food stamps or public assistance cash grants (as part of nutrition services).

The Federal Government should provide the major portion of funds for action programs to rehabilitate the malnourished and prevent malnutrition among those approaching old age.

There should be established and strictly enforced high standards with specific regulations for food and nutrition services provided by institutions and agencies that receive Federal funds either directly or indirectly.

Nutrition services and nutrition counseling should be included in all publicly financed health delivery systems, including Medicare (the health insurance program for the elderly) and Medicaid (the health care system for the needy at all age levels), health maintenance organizations, home health services, extended care facilities (nursing homes), and preventive health care programs.

It is the responsibility of the Federal Government to establish and enforce such standards as are necessary to insure the safety and wholesomeness of the national food supply as well as improve nutritive value of food.

Particular attention should be given both nutrition and ingredient labeling of food products as a means of achieving consumer understanding.

TRANSPORTATION

The Federal Government should increase support for transportation facilities for all users, with special consideration for the needs of the elderly, the handicapped, rural residents, the poor and young people.

Congress should convert the U.S. Highway Trust Fund (which finances construction of the U.S. interstate highway network) into a General Transportation Fund. A portion of the proposed General Transportation Fund should be made available for development of new and improving existing transportation services for the elderly.

Publicly owned passenger vehicles, operated by Federal, regional, State, county or city agencies, should be made available interchangeably among these agencies for provision of transportation to senior citizens, especially the disadvantaged elderly. Area clearinghouses should be set up so all local transportation resources are used efficiently to meet the transportation needs of the elderly.

Nationwide driver's licensing standards should be established that do not discriminate against the elderly solely on a basis of chronological age.

There should be Federal and/or State legislation to forbid insurers from increasing auto insurance premiums or cancelling auto insurance policies solely on a basis of age.

Exploration of the concept of no-fault insurance (which aims to avoid the high cost of litigation of car accident claims) and the possibility of government-operated insurance programs should be encouraged. Efforts underway in various States to develop better insurance programs should also be encouraged.

EDUCATION

Educational opportunities must be afforded all older persons, with special efforts being made to reach those who, because of low income, poor health, or other reasons, are less likely to respond voluntarily.

Public expenditures for education of older persons must be increased so they bear a direct relation to the proportion of older persons within the population.

Available facilities, manpower and funds should be used for educational programs designed and offered on the basis of the assessed needs and interests of older persons.

There should be special emphasis on instruction to help older persons understand issues, procedures and action in regard to political processes to enable them to more effectively meet their needs as individuals or as members of a group.

Pre-retirement programs should be provided those approaching retirement age to help them achieve greater satisfaction and fulfillment in later years. Pre-retirement education must be the primary responsibility of the public education sector working in cooperation with relevant community organizations in industry, labor, government, voluntary service and private associations.

Primary responsibility for initiation, support and conduct of educational programs for older persons must be vested in the existing educational system—Federal, State and local—with active participation and cooperation of specialized agencies.

EDUCATION FOR THE AGING

A Division of Education for the Aging should be established in the U.S. Office of Education to launch supportive educational services for the elderly. Similarly, all State Departments of Education should assign full-time responsibility to key staff members for development and implementation of educational programs for the aging.

To implement educational policies growing out of the 1971 White House Conference on Aging, the U.S. Administration on Aging should be accorded the status of an independent agency within the Department of Health, Education, and Welfare as provided for in the Older Americans Act of 1965.

Educational opportunities should include basic, continuing vocational education and training for cultural enrichment and more successful adjustment to conditions associated with the process of aging.

PLANNING

Planning in behalf of the aged stems from the basic values of society. These values are translated into goals, objectives and priorities. As planning for aging proceeds, it will be necessary to address these values and priorities.

In planning the allocation of resources, the aged are entitled to and should receive a fair share of the national wealth. This should be accomplished by a reordering of priorities at all levels to increase the commitment of national resources to human needs.

Planning must involve inputs from many segments and sectors of our society. To be effective, it must be comprehensive and coordinated.

The planning efforts of government should continue to be the basic means through which the nation plans for aging. There should be opportunity for significant involvement by the non-governmental sector and by consumers in the decision making process.

A separate entity should be created within the Executive Office of the President through legislation and charged with responsibility for comprehensive planning and advocacy in the area of aging.

This agency should have resources (e.g., authority, funds, staff) adequate to its responsibility. The Administration on Aging should be retained within the Department of Health, Education, and Welfare but should be made an independent agency within the Department, reporting directly to the Secretary of Health, Education, and Welfare.

There should be planning activities in the area of aging at the Federal, State and local levels of government, and these should be related to each other. The State and local planning activities in the area of aging should receive financial support from the Federal Government.

There must be bridges linking those who plan programs, those who administer them and the public which supports them.

Planning must be closely related to the budget process. Planning information should be regularly provided elected and other public officials who have a direct role in the budgeting process and in providing public funds for planning.

Planning in the area of aging should be based upon experience and expertise of specialists in aging with total involvement of the elderly, including racial and ethnic minority groups.

This involvement should be guaranteed at the Federal, State and local levels of government. Age alone should not be the ruling factor in planning in the area of aging. Middle-aged and young persons, who in the normal course of events will one day be elderly, should be included.

Planning must never be used as an excuse for inaction. The need for action should not conflict with the need for long-range planning.

RESEARCH AND DEMONSTRATION

Coping with the problems of aging requires understanding of the difficulties the elderly face as well as the nature of the aging process in its various bio-medical and social-behavioral dimensions.

There has been a long history of neglect by the government and by society of responsibility toward the elderly. Funding for immediate and long-range programs to improve the quality of life for older Americans has been inadequate. Nor has there been an adequate administrative structure to advocate, coordinate, implement and administer research programs involving aging and the aged.

A National Institute of Gerontology should be established immediately to support and conduct research and training in bio-medical and social-behavioral aspects of aging.

Congress should increase substantially funds for research, training and demonstration. Federal support of research and training in departments or schools within universities and separate research agencies should be continued, and multi-disciplinary (requiring services of experts in many professions) and multi-institutional programs should be fostered.

Funds for research, training and demonstration programs in the area of aging should be allocated so that aging and the aged in racial and ethnic minority groups are represented in ratios not less than their proportion to the total population.

High priority should be given recruitment and training of capable women and the representation of such women on bodies which have responsibility for allocation of training and research funds.

The U.S. Administration on Aging or another appropriate clearinghouse should be allocated adequate resource for collecting and disseminating current research findings in the field of the aging and for making these findings relevant and available to the public.

Better procedures should be developed within the Federal Government to assure the continued operation of those Federally funded demonstration projects which have been proven successful after evaluation.

TRAINING

There should be increased Federal support for training programs in the area of aging and at the same time an acceleration of financial support for programs in this area by States, private foundations and private citizens who can afford to contribute to such programs. All programs providing services for the elderly should receive funds earmarked for training personnel.

Funds for recruitment and support of personnel to be trained in providing services to the elderly should be allocated without regard to age or sex of applicants.

Recruiting of personnel for service in the area of aging should be related to job opportunities.

Emphasis should be placed on development of community college level certificate and degree programs by vocational and technical institutes. Teacher training programs should stress positive concepts regarding the aging process for incorporation into elementary and secondary school curricula.

There should be an adequately funded National Institute of Gerontology to take the leadership in training and research in the area of aging. A substantial portion of the funds allocated to the proposed Institute should be reserved for training in the area of aging.

A national data bank and information retrieval system similar to the Education Research Information Center should be established to make available research knowledge and curriculum materials to all training, research and demonstration programs in the area of aging.

Congress should reorder national priorities to assure adequate funds for human needs.

There is an urgent need for personnel trained to deal with and committed to solving problems in the area of aging.

In considering training requirements for services to the older population, it must be borne in mind that adequate income and sufficient health services are basic necessities.

There is an urgent need for a minimum income level that will lift all older people out of poverty. There is likewise an urgent need for a massive expansion of programs which will provide employment opportunities for the elderly in constructive activities.

At present, there is little formal training or education in the field of aging.

Retired persons, mature adults, students making career choices, volunteers at all age levels, and members of minority groups must be recruited and trained to work in the area of aging.

Training should be conducted in appropriate settings both within and outside educational institutions.

Such training should be part of a national plan administered by a new Federal agency for aging that is adequately financed and with power to coordinate all Federally supported training programs in the area of aging.

Innovative and experimental efforts in training within the area of aging should be encouraged.

RETIREMENT ROLES AND ACTIVITIES

Twenty million Americans age 65 or over represent a great national resource. Given the opportunity and motivation, they can make a valuable contribution to our society.

Programs at the Federal, State and local levels of government that provide opportunity for community service by older persons should be strengthened and expanded.

Mechanisms should be developed for continuing the work of successful demonstration programs until such programs become self-sustaining (if approved upon valuation).

Older persons should be further isolated. Attention must be paid to making opportunities for community service available to all older men and women.

Since older persons have special needs, public programs specifically designed for the elderly should receive categorical (special) support so the elderly need not compete for services, activities and facilities intended for the general population.

Public policy should promote opportunities for greater involvement of older people in community and civic affairs and their participation in formulation of goals and policies on their own behalf as a basis for making the transition from work to leisure roles. Society should re-appraise the current sequence of student/worker/retiree by promoting flexibility in social roles.

The Federal Government should develop models for a network of supportive services for all elderly citizens. Implementation should be the ultimate responsibility of the local community. However, Federal funds should be provided for such services. The availability of services should be made known through a program of public information.

It should be the responsibility of the Federal Government, in cooperation with other levels of government, to provide funds for the establishment, construction and operation of community oriented multi-service centers for older citizens. Industry, labor, religious organizations and other voluntary groups should assist in the planning and implementation of such centers.

In order to encourage older Americans to remain active, Social Security recipients should be allowed unlimited earnings without reduction of Social Security benefits.

Recognizing that many problems of aging are the problems of all Americans, there should be a reordering of national priorities. Our nation will be judged on how well the needs of our people are served.

The President and Congress should order the restructuring of the U.S. Administration on Aging to make it a visible, effective advocate agency for the elderly at the highest level of government directly related to the Executive Office of the President.

The lives of Americans will be enriched as the nation provides opportunities for developing and using the untapped resources of the elderly.

FACILITIES, PROGRAMS, SERVICES

Tax funds should be more equitably allocated to maximize the likelihood that older persons will continue to live independently and to help assure that older persons will have a choice of living arrangements.

To achieve this, a full range of supportive community services, public and private, must be adequately financed.

Public funds must be allocated in sufficient magnitude to assure such quality institutional care, from minimal to maximal, as may be needed at various stages in an older person's life.

The level and quality of care and services shall be provided without regard to source of payment.

Services to older people should be provided through a combination of governmental, private non-profit and commercial agencies. The Federal Government should be responsible for financing a minimum floor for all services.

These services may be procured from private non-profit and/or commercial sources at the election of local and State governments.

All age groups should be involved in the determination of policies and standards for facilites and services for the older population and older persons themselves certainly must have a role.

Qualifications other than age should be the determining factors in staff employment in facilities and programs for the elderly, but *special efforts* should be made to use older persons in staffing such facilities and programs.

Older persons should be served by an integrated system, sharing equitably with other age groups those facilities, programs and services suitable and appropriate to the needs of the general population, but the elderly should also have the benefit of specialized facilities, programs and services based on their distinctive needs.

Age alone may be an appropriate criterion in establishing policy for certain programs, such as eligibility for Social Security retirement benefits and property tax relief. It is an inappropriate criterion when used to discriminate against the elderly in determining eligibility for insurance, employment and credit, for example.

Quality standards a must

Federal legislation should provide minimum quality standards and guidelines to insure uniform services and care for the elderly in all Federally-administered programs.

Such standards and guidelines shall clearly specify requirements regarding staff qualifications and training and the quality of facilities, programs and services.

Government financed legal services shall be available to older persons in all communities.

While the need for greatly expanded facilities, programs and services is urgent, services are not a substitute for sufficient income to maintain independent living in dignity and health. Older persons require no less than the moderate standard of living defined by the U.S. Labor Department's Bureau of Labor Statistics. No limit should be placed on earnings of Social Security beneficiaries.

A central consumer agency should be established at the Federal level to better coordinate and strengthen the powers and responsibilities of existing Federal agencies engaged in consumer protection to ensure that the interests of elderly consumers are better served.

Police protection of the elderly should become a top priority. A portion of Federal funds for the prevention of crime allocated to the States or local communities should be earmarked for this purpose. Particular attention should be paid to the needs of minority groups.

Cooperation between young people and older people should be encouraged at various levels of community life. Young people can gain knowledge of the process of aging and become involved with elderly people through the education system, national youth organizations, and volunteer roles.

Delegates from every part of our Nation call upon the President to end the United States involvement in the war in Southeast Asia. We are acutely aware of the human costs resulting from that tragic war including war-related spiralling inflation and the unfortunate waste of our resources in so-called defense appropriations. We declare urgently and simply: The War Must Stop!

GOVERNMENT AND NONGOVERNMENT ORGANIZATION

Society has grown so increasingly complex and interdependent that no individual person or agency can provide for the needs of people through independent efforts.

The time has come to develop and support an organizational force which will lead to strong reforms and action whereby every older person in our land will be enabled to live out his or her life in decency, dignity and with a sense of personal worth.

A central office on aging should be established in the office of the Chief Executive with responsibility for coordinating all programs and activities dealing with the aging, fostering coordination between governmental and non-governmental programs directly and indirectly engaged in the provision of services, and for planning, monitoring and evaluating services and programs.

This agency should be given the authority, finances and full-time staff needed to formulate and administer policy. It should be assisted by an advisory council and should be required to make an accurate and comprehensive annual report on its progress in resolving problems and meeting goals.

This White House level office should have enough prestige and resources to assure that it will encourage the development of parallel units at the State and community levels.

Governmental responsibility, particularly for providing funds and establishing standards, must be emphasized if the necessary facilities and services are to be made available to older people. The delivery of services should make maximum use of voluntary and private organizations which can meet the standards established by government in consultation with consumers and the providers of service.

Basic facilities and services should be available to all older people as a matter of right. Those in need should be entitled to special consideration.

All efforts to meet the needs of older people, whether by governmental or private and voluntary agencies, should be consistent with: (a) the First Amendment freedoms of association and expression; (b) the right to participate in government-sponsored programs free from religious, racial, ethnic and age discrimination; and (c) protection of one's person and property, particularly in institutional settings.

A special committee on the aging should be established in the U.S. House of Representatives, functioning in a comparable role to that of the U.S. Senate Special Committee on Aging.

National priorities must be recorded so as to allocate a greater share of our nation's resources to meet the needs of its older citizens.

Means should be found for proper follow-up of the recommendations of this White House Conference on Aging which also would extend beyond the announced follow-up year of 1972.

SPIRITUAL WELL-BEING

Since man is a whole being with inter-related and inter-dependent needs, religious organizations should be actively concerned with man's spiritual, personal and social needs.

Religious organizations must be aware of agencies and services, other than their own, which can provide helpful ministry to older persons. Other organizations designed for the benefit of older persons should develop as a part of their services channels to persons or agencies that can relate to spiritual problems.

Religious bodies should exercise a strong advocacy role in meeting the needs of the elderly, working for programs, both public and private, that contribute to the well-being of the elderly and protect them from those who would victimize and demean them.

Religious bodies should work together with the elderly and coordinate their efforts with other groups to assert and affirm the rights of the elderly. Religious bodies and other private groups should make it their concern to rally the support of the entire community for broad-based programs for the aged through multi-purpose community centers.

Religious bodies and government should affirm the right to, and reverence for, life and recognize the individual's right to die with dignity.

Licensing agencies in the States should require that institutions caring for the aged provide adequate chaplain services.

The Government should provide financial assistance for training clergy, professional workers and volunteers to develop special understanding and competency in satisfying the spiritual needs of the aging.

THE ELDERLY CONSUMER

Today's changing marketplace has become increasingly complex and impersonal. Because of these characteristics and other factors relating to the elderly, such as low, fixed income, limited mobility and poor health, a significant number of the elderly have difficulty as consumers.

Action must be taken at the Federal, State and local levels of government to see that the rights of all consumers are protected and that particular problems that relate to the elderly consumer receive prompt and appropriate attention.

Consumers, including elderly consumers, are entitled to:

An independent consumer agency with "authority to serve as an advocate for the consumer, both as an individual and as a class, in proceedings before Federal agencies, officials, and courts."

An independent consumer product safety agency with "undiluted responsibility for preventing consumers from being exposed to unsafe goods, drugs, cosmetics and other consumer products"

Health insurance legislation "requiring more stringent regulations regarding private health insurance"

Passage of laws at the Federal and/or State level providing for no-fault automobile insurance to replace the present inadequate auto reparations system

Consumers are also entitled to:

A model law to regulate hearing aids, physical therapeutic devices and appliances;

Unit pricing "in print that is easily read and understood" and open-code dating of packaged goods;

A ban on laws forbidding the advertising of prescription drug prices;

A 3-day cooling off period to cancel a consumer purchase contract;

Abolition of laws permitting the holder of a promissory note or other credit instrument to escape contractual responsibility for the safety or performance of merchandise by transferring the promissory note or other credit instrument to another holder (often described in legal terms as the holder in due course);

Reform of land sales regulations.

The Food and Drug Administration should require all food manufacturers to give specific identification of contents and caloric count on labels of consumer products.

RURAL OLDER PEOPLE

A broad program to develop passenger transportation systems in rural areas should be undertaken such as those financed by the U.S. Office of Economic Opportunity (the anti-poverty agency), the Appalachian Regional Commission and others.

Older persons in rural and farm communities should be provided legal and protective services in order to assure adequate assistance in all matters involving possible encroachment on their rights.

Community service employment programs for older persons should be expanded to serve every rural community.

There should be an adequate across-the-board Social Security increase and in the future automatic Social Security increases geared to increases in the cost of living.

There should, in addition, be an income floor related to the U.S. Labor Department's Bureau of Labor Statistics estimate of the income needed by a retired couple for an adequate level of living.

The amount a Social Security recipient may earn without reduction of Social Security benefits should be increased.

Home repair program needed

Legislation establishing and funding a major home repair program for older people in rural areas should be enacted and a major new housing program must be developed to meet the needs of the rural elderly.

In the design of a national health service delivery system which provides for facilities, personnel, and payment for services, the unique characteristics of rural areas must be considered and special delivery systems developed.

Transportation, outreach, and home care services should be integral with all health services in rural areas. Use of mobile health units for multi-phasic (health) screening should be greatly expanded.

Health and nutrition education programs should be greatly expanded. Public health, vocational education, extension services, and other such community action programs have demonstrated that poor nutrition practices are a major health problem for the rural elderly.

THE ELDERLY POOR

There should be an income floor in the Social Security and adult assistance programs to provide older persons an income equal to the intermediate standard of living as defined by the U.S. Labor Department's Bureau of Labor Statistics (BLS).

This would provide (as of Spring, 1970, latest available figure) at least $2,316 a year for a single older person and $4,489 for a couple headed by someone 60 years or older. These minimums should be guaranteed through immediate amendment of the Social Security Act (Title II) and through the Adult Assistance provisions of Title XX of (House-passed) House Resolution one (H.R. 1, now pending in Congress).

Not later than 1974, the minimum income for Social Security and Adult Assistance beneficiaries should be upgraded to provide the elderly with the so-called "comfortable level" standard of living established by BLS. This would provide (as of Spring, 1970) at least $3,403 for a single older person and $7,114 for an elderly couple.

To meet the increased financial burden of these recommendations, Federal general revenues should be utilized to supplement employer and employee contributions (taxes) under the Social Security Act, and Adult Assistance programs should be taken over by the Federal Government.

Private pension plans should contain provisions for vesting (guarantee of the right to a pension) after the first years of employment, for guaranteed portability of pension benefits (assuring that earned benefits remain intact when an employee changes employers), and for Federal insurance protection against loss of pension benefits. Pension entitlement and protection should be spelled out to all employees under a "truth in pension" Federal statute.

There should be a senior emergency employment act providing a million full-time or part-time jobs for persons age 55 or over who can work and wish to work.

There must be early adoption of a national health care system available to all—the young, middle-aged and elderly—with a full range of health services financed out of payroll taxes and Federal general revenues with no additional billing to the patient for these services.

Meantime, the income and service restrictions imposed on Medicaid and the shifting of the cost of Medicare onto the backs of the elderly through ceilings on length of benefit periods, increases in deductibles, increases in Part B (doctor care) preminums are serious factors that limit health care for the elderly and the poor.

The time has come to eliminate the hodgepodge of partial health care programs. Medicaid and Medicare systems should be reformed now through the merger of these programs with a Federally administered system covering all persons 65 and older.

Where the homes and apartments of older persons are now adequate or capable of renovation, the course of action is clear. Every effort must be made to assure that the elderly have a decent place to live in neighborhoods of their choice. To achieve these goals, it should be the policy of the United States to assure:

The reduction of property taxes for lower income elderly home owners, with proportionate remissions for those older people who rent;

The greatly expanded promotion of grants and low- or no-interest loans by the Department of Housing and Urban Development to renovate unsuitable housing wherever such housing is located.

Expansion of the rent supplement program, specially directed to the elderly, is urgently needed.

Urban renewal and other development programs should be designed so that residences and natural neighborhoods are renewed, not bulldozed. Those involved, including the elderly poor, should participate in planning such developments.

THE SPANISH-SPEAKING ELDERLY

Spanish-speaking delegates called on local, State and Federal governments to provide special considerations for the senior citizens of Hispanic ancestry.

Every Cabinet-level department was called upon to give priority to programs and related services to meet the needs of the Spanish speaking senior citizens, taking into consideration cultural and family relationships of this ethnic group.

The delegates called for all action to cover both urban and rural areas.

Migrant farmworkers have special problems and special needs which require special consideration in the comprehensive plans for senior citizens, the Spanish speaking delegates pointed out.

The need for bilingual and bicultural staffs to administer programs and services was emphasized.

Delegates requested that public information on programs, services and aid for citizens also be made available in the Spanish language.

LEGAL AID AND THE URBAN AGED

The Federal Government (through the Office of Economic Opportunity or any successor legal service agency providing funds for legal services to the poor) should set aside a minimum of $10 million immediately to be used for special legal services for the elderly. Future funding should be at least proportionate to the percentage of needy elderly to the total poor.

The Federal Government (through the Office of Economic Opportunity) or any successor legal service agency, should establish a special center dealing with legal rights of the elderly comparable to centers relating to health, housing, consumer and migrant problems.

Elderly laymen should be trained as paid legal aides to operate programs in which these aides can act as advocates for the elderly before administrative agencies.

Legislation to establish a legal services agency to assume the responsibilities of the Office of Economic Opportunity relating to legal services should assure that the elderly are represented on the agency's board of directors in approximate proportion to their percentage of the total poor.

The elderly should be provided competent attorneys at no charge in all proceedings relating to civil commitment, conservatorships, and other proceedings brought to restrict their freedom or other legal rights.

The States should adopt legislation providing public guardians, conservators, and administrators without cost to the elderly who cannot afford from modest assets to pay for their services.

LONG-TERM CARE FOR OLDER PEOPLE

Long-term institutional care aspects of Medicaid (the Federal-State health program for the needy) should be completely Federalized. Funding should come from Federal general revenues. A uniform minimum level of benefits should be established on a national level.

Payment to institutional providers of long-term care should be made on such a basis as to cover the cost of providing that care and, in the case of proprietary facilities, allow a fair return on investment.

The Department of Health, Education, and Welfare should change the primary emphasis in nursing home inspections (involving nursing homes receiving Federal funds) from physical plant standards to direct patient care.

A national policy on long-term care needs must have mechanisms for being implemented and financed.

Supplementary resources need to be allocated for alternate care (care other than in nursing homes or institutions).

There is need for a change in national priorities so some of our resources are shifted from defense, foreign assistance and exploration of space to the needs of our elderly citizens, especially in the area of long-term care.

Any national health insurance program which is adopted should meet the needs of those who require catastrophic care, long-term physical and mental health care and social services both within and outside of institutions.

SPECIAL CONCERNS SESSION ON OLDER BLACKS

Black delegates to the White House Conference on Aging unanimously voted for a wide-ranging series of recommendations designed to offset the special problems of older Black Americans which grow out of racism and poverty.

Submitted as the beginning of a "national policy for the black aged," the recommendations ranged from a guaranteed annual income of $6,000 ($9,000 for couples) and lower age and work requirements for Social Security purposes to issues of health, nutrition, housing transportation, and employment.

"God knows all poor people should have the right to a decent income, but people who have been deprived and underpaid all through the decades have earned a right to an immediate remedy," said Dr. Benjamin Mays, President-Emeritus, Morehouse College, and President of the Atlanta Board of Education, who presided at the session.

Speakers outlined the plight of the one and a half million black aged in the country during a four-hour morning session, which followed two other sessions held during the Conference. The recommendations will be included in the Conference report.

Dr. Robert Hill, Associate Research Director for the National Urban League, in a profile of the black aged noted that the group comprises eight per cent of the 20 million persons 65 years and over (61 per cent residing in the South) and has a median income of $3,222. The life expectancy for black men declined a full year (from 61.1 to 60.1) between 1960 and 1968, while that for white men has remained about the same (67.5).

Dr. Hill quoted a survey conducted by the Department of Health, Education, and Welfare which stated that two-thirds of the black elderly are not benefiting from doctor bill coverage under Medicare because they cannot afford the premiums.

The black delegates called for massive improvements in the Social Security system, replacement of the present welfare system with a more humane method of helping the poor, infirm and elderly, a greatly expanded program of Federal support for housing for the elderly and expansion of Medicare health insurance benefits for those age 65 or over (to be financed by Federal general revenue).

The delegates were urged by Congressman John Conyers (D., Mich.) to confront Congress as well as the White House with their demands.

SENIORS DEMAND END OF VIETNAM WAR

WASHINGTON, D.C.—The war in Southeast Asia must stop, President Nixon was told by delegates to the 1971 White House Conference on Aging here.

"Delegates from every part of our nation call upon the President to end U.S. involvement in the war in Southeast Asia," the anti-war resolution declared, adding:

We declare urgently and simply: "The War Must Stop!"

The anti-war resolution was presented by the White House Conference Section on Facilities, Programs and Services. Dr. Ellen Winston, retired Commissioner of the U.S. Welfare Administration (now Assistance Payments Administration), presided over this Conference section.

OFFSHORE OIL LEASES, THE OIL IMPORT QUOTA SYSTEM, AND THE TRANS-ALASKA PIPELINE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. ASPIN. Mr. Speaker, last Friday my legislative assistant, Peter Gruenstein, testified for me at hearings held in Boston by the Massachusetts Special Commission on Marine Boundaries and Resources. The testimony concerned the interrelationship of proposed offshore oil leasing off the east coast and our other oil policies, particularly the oil import quota system and the proposed trans-Alaska pipeline.

I believe that too often specific decisions concerning the development and use of our energy resources are made in isolation. This is especially true in the case of our oil policies. I hope the testimony that follows is useful to my colleagues who are interested in our oil policies and, particularly, in the offshore leasing issue.

The statement follows:

Testimony of Peter Gruenstein, Legislative Aide to Congressman Les Aspin of Wisconsin, Before the Special Commission on Marine Boundaries and Resources, Friday, Jan. 21, 1972

Mr. Chairman, it is a privilege for me to appear before the Commission today. These are important hearings and I believe they can do much to inform the public not only of the offshore drilling issue but of the federal government's basic oil policies. That information is important because it is impossible to evaluate any offshore drilling proposal without also understanding the broader context in which that proposal is made.

I would like to limit my testimony today to two basic points which are central prerequisites to the understanding of any specific proposal involving the production, development or use of oil. The first point is that our present oil policies are essentially irrational. The second point is that rational decisions concerning energy development and use will not be made until we develop a comprehensive and long-range energy policy.

Because of the complexity of the energy issue, and because of the oil industry's truly remarkable public relations network, Congress and the press have been far too timid in the past in publicly analyzing our oil policies for the American people. The result of this timidity has been a federal oil policy which costs the American people billions of dollars each year, but gives them precious little in return. I can think of no other government policy where so many give so much to so few and get so little in return.

I

I would like to focus today on only one of several major government oil subsidies, but the one that costs the consumer the most and makes the least amount of sense: the oil import quota system. The quota system is designed to severely limit the import of petroleum products into America, and by thus lowering the supply to increase the price of oil, thus promoting the exploration and development of domestic oil supplies, so that in a national emergency where our foreign supplies of oil were cut off, domestic supplies would be sufficient to see us through. So the rationale goes.

There are several things wrong with this justification of the oil import quota system, which costs American consumers at least $6.5 billion each year. The first thing is that the vast majority of our imported oil presently comes from friendly and stable nations such as Canada, Mexico and Venezuela. At present, we depend on Mideast nations to fill only about 5% of our total domestic oil needs. It is, of course, important for the United States to develop its domestic oil potential. But that needs to be put into the proper perspective: abolition of the oil import quota system would in no appreciable way adversely affect our national security.

In fact, the import quota system is something of a fraud; it is not even effectively accomplishing what it is supposedly designed to do. To truly insure the national security in the most unlikely event that we were without adequate sources of foreign oil, it is not sufficient to simply encourage exploration for domestic oil. It is also necessary to insure that after the oil is discovered, a sufficient amount of it is kept on hand to be used in a genuine national crisis. The import quota system may, at least under certain conditions, encourage the rapid exploration of oil. But it also encourages the rapid marketing and consumption of oil. In other words, we are presently depleting our own domestic sources of oil at a much faster rate than we would if the import quota system were not in effect. This has led a former energy policy advisor to President Nixon to describe the import quota system quite aptly as "a drain America first policy." If a free market system existed, however, we would be importing far more of the foreign oil presently available to us. In short, if insuring national security is our purpose, it makes much more sense to use as much of the foreign oil while it is available to us, and save as much of our domestic oil as necessary for when (and if) we truly need it—that is, when our foreign sources of oil dry up.

Several quite feasible and clearly superior alternatives to the import quota system have been proposed. (1) Senator Proxmire has introduced a bill that would provide the proper incentives neecssary for getting the oil companies to *explore* for oil without marketing some of it. This kind of limited incentive would be effective and could be instituted at minimum cost.

(2) A national defense petroleum reserve system, proposed in the House by the Massachusetts Congressmen Silvio Conte and Michael Harrington, would keep a one year oil supply in reserve within the U.S. for use in a national emergency. This proposal would accomplish at least what the import quota system does and would save billions of dollars to consumers.

(3) We could also import reserve oil into the country and store it underground for use in a national emergency. This too would cost far less than the present import quota system.

(4) A tariff could be substituted for the present quota system as proposed by the Cabinet Task Force on Oil Import Control. This would also be a far more rational and less costly way of promoting the nation's security needs.

The greatest contribution this Commission could make through these hearings might very possibly be in helping to inform the public how much this strange, contrived oil import quota system costs them each year. How many people, or congressmen for that matter, know what the import quota system costs an average family? For instance, that the average family of four in Massachusetts pays $140 each year in unnecessarily high fuel costs, or that a family in Wisconsin pays $108 extra per year. These are typical of the extra costs that families in other Eastern and Midwest states pay as a direct result of the oil import quota system.

The relationship between the quota system and offshore oil leases is, of course, quite direct and substantial. Interior Department officials tell us that offshore oil drilling leases off the East Coast are necessary to supply the East Coast's growing energy needs. They do not tell us that if the import quota system were abolished, which could be done by the stroke of a presidential pen, there would be absolutely no need for this drilling for a very long time to come. They would prefer to discuss their offshore drilling proposal without having the assumptions and policies challenged on which that proposal is based. They ask for the American people's faith that they will act in the public interest, yet their basic oil policies are clearly anti-public.

Not only does the quota system have a direct bearing on the offshore drilling proposal, but so do seemingly obscure and distant issues such as the trans-Alaska pipeline. There is a great deal of oil up in Alaska's North Slope. In fact, the North Slope contains at least half of the present oil reserves in the lower-48 states, as well as a huge amount of natural gas reserves. The Alaska pipeline proposal, which the Interior Department will approve within the next month, will have the oil shipped by pipeline from Alaska's North Slope to the southern, ice-free port of Valdez. From there, the oil will be shipped primarily to the West Coast, for consumption there. It is also likely that some of this badly needed oil will be shipped to foreign countries, such as Japan.

The basic alternative to the Alaska pipeline is a trans-Canadian line which would terminate in the Midwest. A connecting link to the East Coast could supply eastern consumers with over a million barrels per day of badly needed, low sulfur fuel.

Moreover, it makes both environmental and economic sense to pipe the oil through Canada. The Canadian pipeline would avoid the use of super-tankers in treacherous waters and would not run through the worst earthquake zones in North America—with the risk of pipeline rupture—as would the 780-mile trans-Alaska line.

Economically, a Canadian pipeline would take the oil to the East and Midwest, where the demand is greatest and the price of oil highest. The chart shows the current price of oil in the East, Midwest and West Coast. As you will note, the present price of oil in the East is 90c higher than in the West, although the price of oil on the two coasts should be almost exactly the same. But the Interior Department is going to allow the Alaskan oil to be shipped to the West Coast rather than to the East and Midwest. Why? Because, for a variety of reasons, that is where the oil companies want it to go.

WHERE SHOULD THE ALASKAN OIL GO?

Prices per barrel	West coast	Midwest	East coast
Prices now	$3.17	[1] $3.82	$4.07
Prices if Alaska pipeline is built	2.40	[1] 3.82	4.07
Prices if Canadian pipeline is built	3.17	[1,2] 3.40	[2] 3.60

[1] Prices in the Midwest should normally be 20 cents per barrel higher than the west or east coast because of increased transportation costs.

[2] This assumes that half the oil from the north slope—1,000,000 barrels per day—would be shipped to the east coast.

III

Thus, we have seen how just two government oil programs—the quota system and the Alaska pipeline—can have a direct and radical effect on the alleged necessity for the offshore leasing program. Dozens of other policies and decisions, too numerous even to mention, have had a similar effect. If one thing is clear it is that the lack of national energy-environmental policy works against the consumer it allows essentially anti-public decisions to be made and rationalized in isolation, which are irrational when viewed in the broader context of our long-range energy needs and supplies.

I would like to conclude by quoting in part from a somewhat surprising editorial in the January 1972 issue of a pro-oil industry magazine called Offshore:

> It seems that now is the time to formulate such an environmental policy, and it should be done by a group composed of government, industry, and enviromentalists.
>
> Could these groups with such diverse aims agree? It would be possible only if all groups were willing to reason together. That doesn't seem to be asking too much. . . .
>
> A single policy could result from such a meeting, one that would meet the most stringent requirements of all sides.
>
> Instead of determining the "alternatives" at each lease hearing, wouldn't it make better sense to determine these possibilities once and for all? Wouldn't it be better if certain guidelines could be established? And then, at individual lease environmental hearings, specific problems could be discussed and better handled.
>
> In short, we need a national environmental policy. And unless we get it, there can only be numerous delays in offshore development, wasted time and money, a loss of future energy supplies and a growing frustration on the part of everyone.

THE SECOND 6-MONTHS: A LEGISLATIVE RECORD, JULY-JANUARY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. MAZZOLI. Mr. Speaker, in keeping with my policy of providing detailed information to my constituents in the Third District of Kentucky, I am inserting in the RECORD the following summary of my legislative activities during the final 6 months of the first session of the 92d Congress:

THE SECOND 6-MONTHS: A LEGISLATIVE RECORD, JULY-JANUARY

1. THE ECONOMY—EFFORTS TO CURB INFLATION AND UNEMPLOYMENT

Certainly the most urgent task confronting Congress during the second six months of the first session dealt with legislation designed to implement the domestic and international economic initiatives announced by President Nixon in his momentous address to the nation on August 15.

Though I felt the President should have acted sooner, I generally supported him in his fight to curb inflation, to provide jobs for the unemployed by reviving the ailing domestic economy and to strengthen our international trading position.

One of the first pieces of this legislation—and one of the most important—was the Tax Reform Bill. In October, the House passed this bill which provided for $15.8 billion in personal and business tax relief designed to stimulate the economy. The Senate passed a differing version, and the legislation went to a House-Senate conference. A compromise version of the Revenue Act cleared conference and was signed into law by President Nixon on December 10.

Also in October, and not without some regret, I supported the President's move to postpone a scheduled federal employees' pay raise for six months. This vote was in keeping with the spirit of the wage-price controls and occurred before guidelines had been issued by the Pay Board. In December, however, as part of a bill extending the President's economic stabilization powers, the federal pay raise was allowed to take effect on schedule since it fell within the guidelines the Pay Board had issued by them.

Another factor in America's economic dilemma was the worsening imbalance between export and import trade. In July, I voted to stimulate American export sales through the Export-Expansion Finance Act raising the ceiling on loans and guarantees by the Export-Import Bank.

Economically, Americans were hard hit in 1971. Inflation reduced the purchasing power of working Americans. At the same time, the number of people without jobs had, by year's end, reached 5.2 million, an increase of 2.3 million in just two years. Over 6 per cent of the nation's "job-seeking" workers were idle.

Congress acted on three fronts to ease the unemployment crisis: It passed a $2.25 billion Emergency Employment Act to create badly needed public service jobs; an Accelerated Public Works bill to create construction jobs; and it extended federal unemployment compensation benefits.

In June, President Nixon vetoed the Public Works bill which had been adopted in order to stimulate public works employment and to extend the life of the Appalachian Regional Commission, which has helped so much to revitalize the economy of Eastern Kentucky.

Congress responded in July by passing a compromise measure, providing $500 million for new construction jobs and extending the Appalachian Regional Development Act through 1975. This bill was signed into law by the President on August 5.

In August, I voted to expedite a $1 billion appropriation to get the Emergency Employment Act off to an immediate start. Louisville and Jefferson County already have received job-creating grants totalling $2,709,900 under this act. This program, which gives preference to Vietnam veterans, is designed to create permanent jobs in such important areas as health, education, sanitation and environmental control.

For those still unable to find work, I voted in December for a 13-week extension of federal unemployment benefits to take effect after state benefits have been exhausted.

In other votes related to the health of our economy, I voted against the $250 million federal loan guarantee for Lockheed and against an additional $58.5 million payment to Boeing to terminate the cancelled SST program. It is my belief that economic stability will not be achieved through governmental "props" for commercial projects and corporations that are unable to pay their own way.

The government's money, in my opinion, can better be spent—and jobs created—in such priority areas as urban mass transit and environmental enhancement. Housing is another vital priority, and in October I voted for legislation to provide mortgage money for new homes in rural communities.

2. CONSUMER PROTECTION

The Consumer Federation of America recently announced that it had rated my voting record during the first session of the 92d Congress as 100 per cent in support of the consumer. This rating was based on eight "key" votes analyzed by the federation.

The most important votes came in October on a bill passed by the House—but not yet taken up by the Senate—which would create for the first time a full-fledged federal Consumer Protection Agency. I not only supported this bill enthusiastically, but I also voted for a strengthening amendment which would have greatly broadened the powers of the proposed Consumer Protection Agency. Unfortunately, this amendment was defeated.

I also voted—in July—to support the appropriation bill which provided $1.4 million for the President's Office of Consumer Affairs and the Consumer Products Information Coordination Center.

3. ELECTION REFORM

Congress has now completed action on the first major federal election reform bill since 1925. This long-overdue legislation, which I supported when it gained House passage in November, sets limits on expenditures for campaign advertising in federal election campaigns.

Another important election reform was embodied in the Revenue Act, which became law in December. Under this act, a tax credit or a deduction can be claimed for political contributions not exceeding $100. This provision is to encourage small donations from many citizens, thus broadening the base of political financing and lessening the influence of wealthy special interests.

4. ENVIRONMENTAL PROTECTION AND CONSERVATION

Our endangered environment drew considerable legislative attention during the second half of the first session of the 92nd Congress.

Although the underground nuclear explosion on Amchitka Island last November fortunately seems to have had only limited adverse effects, I remain disturbed that reports of certain governmental agencies recommending against the test were withheld from public consideration.

In late July, I voted unsuccessfully to strike funds for the Amchitka project—called Cannikin—from a Public Works appropriation bill. And in early August, prior to the test, I joined with a number of my colleagues in a Federal Court lawsuit seeking full disclosure of all reports pertaining to Cannikin.

Another environmental concern in which I took great interest was the passage in September of a much-needed Marine Protection Act prohibiting the dumping of chemical and biological warfare agents and radioactive wastes. It also bans the unregulated dumping of other waste materials into oceans, coastal waters or the Great Lakes. This bill is now in a House-Senate conference and should become law shortly.

I also voted to prevent a delay in the funding of Washington's "Metro" subway system which, when completed, should do much to cut down on automotive air pollution and relieve traffic congestion in the nation's Capital and its surrounding area.

Legislation to comprehensively regulate the use of pesticides also was passed in the latter months of the session. I would have preferred a tougher bill and I supported strengthening amendments which were defeated. However, this bill represents a significant step forward.

In the area of wildlife conservation: I supported a resolution seeking a 10-year moratorium on the killing of whales, porpoises and dolphins; a bill setting penalties for shooting wildlife from an aircraft; and a bill to protect and manage the herds of free-roaming wild horses and burros on our western plains. I voted to delay action on the Marine Mammal Protection Act in order to give conservationists more time to push for improvements in this very important legislation.

I also supported the continuation and expansion of the Interior Department's salt water conversation program, which includes purification of chemically contaminated water through the desalinization process.

I supported the creation of a Joint Congressional Committee on the Environment, and I voted for a $2.3 million appropriation for the President's Council on Environmental Quality. I opposed an appropriation to fund the controversial Dickey-Lincoln hydro-electric project in eastern Maine, which is opposed by environmentalists in that state.

5. HEALTH CARE

The critical demand for action to meet the nation's present and future medical manpower needs was answered by prompt House action in July on three important bills: the $2.9 billion Health Manpower Act providing scholarships and loans for medical students and health technicians; the accompanying $855 million Nurses Training Assistance Act; and the Veterans Administration Medical School Assistance Act. Together, these bills will do much to alleviate the present national health-manpower shortage, which is estimated to amount to 50,000 doctors, 250,000 allied health professionals and 150,000 nurses.

Other health measures which have drawn my support in recent months include two of particular significance to Kentucky. One was the Cooperative Animal Disease Control Act, passed by the House in October, establishing an international mechanism for prevention of livestock epidemics such as the outbreak of equine encephalomyelitis which killed more than one thousand horses in the United States in 1970. The other was a resolution, passed in July, to insure the continued operation of the Lexington, Kentucky, narcotics rehabilitation hospital under the U.S. Public Health Service.

Probably the most dramatic piece of health legislation was the $1.5 billion National Cancer Attack Act, which was passed by the House in November and since has become law. I was a co-sponsor of this important bill.

On a less successful note, I supported an amendment to the Health, Education and Welfare appropriation bill in July which would have added $200 million for community mental health and other vital medical programs. However, the House rejected this amendment.

6. PUBLIC SAFETY AND THE DRUG PROBLEM

In the interest of highway safety, I voted against a bill to increase the allowable width of trucks and buses on our Interstate Highways. This bill passed the House, however, and is now before the Senate.

Because of the disturbing involvement of youths in serious crimes, I favored legislation to establish an Institute for Continuing Studies of Juvenile Justice. However, this bill was sidetracked on a procedural vote.

The relationship between drug addiction and crime seriously concerns me. In recent months I have voted to support narcotics rehabilitation programs in our correctional institutions and to provide similar services at Veterans Administration hospitals. I also voted to amend the Narcotic Rehabilitation Act to include methadone programs which, while not the final answer, provide a means for breaking the dependency upon heroin and, in some cases, lead the way to total withdrawal from drug-dependence.

7. EDUCATION

In keeping with my belief in a general approach to educational aid—one which aims to establish a high quality educational system for all students—I supported the Higher Education Act as reported by the House Committee on Education and Labor. As a committee member, I played an active role in shaping the final form of this important bill.

When it came to the House floor in October, I opposed an amendment which would have deleted the "general institutional aid" section of the bill. The House defeated this amendment which had been proposed by those favoring the Senate-passed version of the bill. The Senate, in my opinion, placed too much emphasis on categorical awards—called "cost of education" grants—which are based on the number of students enrolled under federal assistance programs. The Senate version would distribute federal aid less evenly, placing private colleges at a disadvantage in relation to public institutions.

I also objected to—and voted against—the inclusion of a $1.5 billion desegregation aid authorization for elementary and secondary schools as a part of the Higher Education Act. I do not think it belongs in this bill.

One of the most important sections of the Higher Education Act, to my way of thinking, is the one which would create a Bureau of Occupational Education within the U.S. Office of Education. Vocational and career training have for too long a time been the stepchildren of the educational system. This type of education is just as important as academic education.

The Higher Education bill is now in the hands of a House-Senate conference committee to which I have been appointed. There are many serious differences to be resolved, and the fate and final form of the bill, at this point, remain uncertain.

8. CHILD CARE AND PUBLIC AID

One of the big legislative breakthroughs of the first session was the final enactment on December 7th of legislation authorizing the creation of comprehensive day-care programs which initially would have served one million pre-school children and would have enabled countless indigent mothers to seek gainful employment. Just two days later, however, President Nixon struck down this bill with a veto. While this bill was not perfect, there is an urgent need for this type of legislation, and I hope Congress will consider this subject again in the near future.

Since the child care program had been included as part of the bill extending the Office of Economic Opportunity's activities, many other important anti-poverty programs also were affected by the veto. Among them was the creation of an independent, nonprofit Legal Services Corporation for the poor. During the coming months, my Education and Labor Committee will have to rebuild the anti-poverty bill and try to salvage as much of the program as possible.

On a happier note, the passage of a strongly-worded Congressional resolution in October apparently forced the Nixon Administration to back down on its threatened cutback of the school lunch program for needy children. This resolution originated in my committee.

In November, the House passed and sent to the Senate a bill to extend federal benefits for two more years for coalminers disabled by black lung disease. This legislation, which I supported both in committee and on the floor, also seeks to establish fairer standards for diagnosing this deadly occupational ailment and to provide additional benefits to the widows and surviving children of black lung victims—many of them Kentuckians.

9. CIVIL LIBERTIES

There were a number of controversial issues raised during the final months of 1971 which touched upon basic Constitutional principles in the area of civil liberties.

In July, I voted to approve reasonable new restrictions on the mailing and distribution of obscene materials. I voted against a proposed contempt citation of CBS for its "Selling of the Pentagon" program because the committee investigating the network failed to prove that it needed the "out-takes" which CBS refused to surrender. I also supported an unsuccessful effort to check the unwarranted expansion of the scope of the anachronistic Subversive Activities Control Board.

In September, I enthusiastically backed a bill—which is now law—to prohibit the establishment of emergency detention camps. I also supported a fair and balanced amendment to the Equal Employment Opportunity Act, which would allow employers to be taken to court over discrimination complaints but would not subject them to compliance with administrative "cease and desist" orders.

In October, I voted for a proposed Constitutional amendment guaranteeing Equal Rights for Women. This measure passed the House and is now before the Senate. I also supported a landmark bill to reimburse Alaskan natives for long-standing territorial claims.

In November, I voted against the controversial "school prayer" amendment. This vote involved a most painful decision for me since my family and I personally place the highest value on prayer. However, I feel that no governmental agency has the right to tell me—or to tell any citizen—how to pray, when to pray and what words to say. This would have been the end result of the passage of the Prayer Amendment, and this is why I opposed it.

FOREIGN RELATIONS AND DEFENSE

Although the ground war in Vietnam continues to slowly wind down, no date has yet been set for total withdrawal, and there is no release date in sight for our prisoners of war. In the meantime, the air war in Southeast Asia goes on and the down-pilots swell the ranks of POWs.

During the last six months of 1971, the House rejected the so-called "Mansfield Amendment"—to set a time certain for ending the hostilities and gaining release of our prisoners—several times. I consistently supported the Mansfield proposal and several similar measures. A close vote occurred on October 19 when the Mansfield proposition failed on a procedural vote by just 23 votes. Switches by only 13 members would have made the difference.

Finally, on December 17—the day Congress adjourned—a last ditch effort to force inclusion of the Mansfield Amendment as part of the Foreign Aid bill met defeat on the House floor 130 to 101. Symbolically, that was the House's last recorded vote of the first session of the 92d Congress.

The session ended without final passage of a foreign aid appropriation, but "continuing resolutions" were adopted to keep the program going and final legislative agreement was reached early in the second session.

Other useful bills which Congress passed and I supported provided for: extending the life of the Peace Corps; liberalizing benefits for veterans and their survivors; authorizing improved housing facilities for our military bases; and, a two-year extension of the draft law, accompanied by a $2.4 billion military pay raise intended to attract volunteers and to test the validity of the Volunteer Army concept.

NIXON CALLS FOR INCREASED FINANCIAL SUPPORT OF THE U.N.

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. RARICK. Mr. Speaker, the President of the United States has now come to Congress asking for an increase in U.S. contributions to the United Nations operations. He continues his successful charade of speaking one way and acting another.

Mr. Speaker, the President of the United States continues to successfuly delude the American people into thinking that he places their interests before all others. Richard M. Nixon continues to pose as a conservative American while leading this country further and further down the path to absolute socialism and eventual one-world government.

Nowhere is this more evident than in the President's attitude toward the United Nations Organization—an organization which, on the face of it, exists primarily as a Communist debating society. Every evidence was given that the President and his administration would support cuts in the U.S. financial support of this world agency. The President himself criticized the display following the admittance of Red China; he has, in his last two addresses to the Congress, stated that it is time for America to tend to its problems at home, emphasizing that the rest of the world must bear its proper share of the load.

The budget that the President recently submitted to the Congress belies this position and shows the President for what he really is, an advocate and strong supporter of the United Nations and what it stands for, one-world government.

The truth stands out in the budget—the President of the United States has come to this Congress requesting an increase of $7.686 million over the 1972 outlay to the United Nations. Furthermore, his budget message contains an increase of $27.697 million for international organizations and conferences over and above the expected outlay for this purpose for fiscal year 1972.

The figures themselves are startling. The President of the United States has, even after the United Nations members thumbed their noses at our country, requested this Congress to appropriate $63.998 million for the UNO alone during the fiscal year 1973. He has asked that this Congress appropriate American tax dollars in the amount of $180.724 million for international organizations and conferences. Rounded off, this figures to $64 million for the U.N. alone and $181 million total for the international organizations and conferences.

Mr. Speaker, I would remind our colleagues who have been led to believe reducing the size of the American contribution to the UNO is the answer have been betrayed. The President has committed his administration to an increase in this appropriation, continuing to pour American money into international cesspool of world communism, the U.N., an organization that exists solely and simply as a world Communist debating society.

I would remind our colleagues of discharge petition No. 10, which lies waiting at the Speaker's desk. Support of this petition would give the House a chance to vote on H.R. 2632, to rescind and revoke U.S. membership in the United Nations and its related agencies. I am convinced that such a vote would show once and for all the power of the people in America and would remove this cancer from our shores.

I include a related excerpt from the budget for fiscal year 1973 and a copy of H.R. 2632 in the RECORD at this point:

[From the Budget for 1973]

INTERNATIONAL ORGANIZATIONS AND CONFERENCES: FEDERAL FUNDS AND GENERAL AND SPECIAL FUNDS—CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, [$152,864,000] $180,900,000. (United Nations and affiliated agencies—(1) 22 U.S.C. 287–287e; (2) 22 U.S.C. 287m–287t; (3) T.I.A.S. 1591; (4) 22 U.S.C. 290–290e; (5) 22 U.S.C. 279–279d; (6) 22 U.S.C. 271–272b; (7) T.I.A.S. 6267; (8) T.I.A.S. 2052; T.I.A.S. 5947; (9) T.I.A.S. 4044; (10) 22 U.S.C. 2021–2026; inter-American organizations—(1) T.S. 978; (2) T.S. 987; Protocol to the Convention ratified by the United States, November 3, 1959; (3) 22 U.S.C. 273; Public Law 91–340, approved July 17, 1970; (4) 22 U.S.C. 280j–280k; Public Law 91–553, approved December 16, 1970; (5) T.S. 714; (6) T.I.A.S. 2361; regional organizations—(1) 22 U.S.C. 280–280c; Public Law 91–632, approved December 31, 1970; (2) 22 U.S.C. 1928; 22 U.S.C. 2388–2390; (3) 22 U.S.C. 1928a–1928d; (4) T.I.A.S. 3170; 22 U.S.C. 2388–2390; (5) 22 U.S.C. 1896b; (6) T.I.A.S. 4891; 22 U.S.C. 2388–2390; other international organizations—(1) 22 U.S.C. 276–276c–1; (2) T.S. 536; (3) 22 U.S.C. 269f; (4) 22 U.S.C. 269h; (5) T.S. 378; T.S. 673; (6) 22 U.S.C. 274; (7) International Hydrographic Convention, ratification advised by the Senate May 13, 1968; (8) International Wheat Agreement, 1971, ratification advised by the Senate July 12, 1971; (9) T.I.A.S. 6584; (10) 22 U.S.C. 269g–1; (11) 22 U.S.C. 269g–1; (12) T.I.A.S. 6150; (13) T.I.A.S. 6548; (14) Customs Cooperation Council Convention, ratification advised by the Senate October 4, 1968; (15) Public Law 91–243, approved May 9, 1970; General—22 U.S.C. 262b; Department of State Appropriation Act, 1972.)

PROGRAM AND FINANCING

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Program by activities:			
United Nations and affiliated agencies:			
United Nations	50,379	56,312	63,998
United Nations Educational, Scientific and Cultural Organization	10,531	12,018	12,018
International Civil Aviation Organization	3,848	4,236	4,495
World Health Organization	21,681	23,741	26,342
Food and Agriculture Organization	10,083	10,083	12,151
International Labor Organization	3,759	----------	8,709
International Telecommunication Union	703	810	967
World Meteorological Organization	775	775	943
Intergovernmental Maritime Consultative Organization	112	116	152
International Atomic Energy Agency	3,672	3,977	4,883
Subtotal	105,543	112,068	134,658
Inter-American organizations:			
Inter-American Indian Institute	62	62	62
Inter-American Institute of Agricultural Sciences	2,695	2,960	3,197
Pan American Institute of Geography and History	151	151	151
Pan American Railway Congress Association	5	15	15
Pan American Health Organization	9,263	10,437	11,313
Organization of American States	16,030	18,780	20,768
Subtotal	28,206	32,405	35,506
Regional organizations:			
South Pacific Commission	199	215	248
North Atlantic Treaty Organization	5,161	5,315	6,415
North Atlantic Assembly	60	73	80
Southeast Asia Treaty Organization	310	396	453
Colombo Plan Council for Technical Cooperation	8	9	9
Organization for Economic Cooperation and Development	4,955	5,352	6,402
Subtotal	10,693	11,360	13,607
Other international organizations:			
Interparliamentary Union	27	29	33
International Bureau of the Permanent Court of Arbitration	1	1	1
International Bureau for the Protection of Intellectual Property	15	15	15
International Bureau for the Publication of Customs Tariffs	17	19	20
International Bureau of Weights and Measures	75	86	99
International Council of Scientific Unions	97	----------	----------
International Hydrographic Organization	16	18	18
International Wheat Council	33	39	42
International Coffee Organization	230	254	290
International Institute for the Unification of Private Law	8	9	12
Hague Conference on Private International Law	11	12	12
Maintenance of Certain Lights in the Red Sea	4	4	4
International Bureau of Exhibitions	12	7	7
Customs Cooperation Council	259	342	385
International Center for the Study of the Preservation and Restoration of Cultural Property	----------	70	70
Subtotal	805	905	1,008
Total obligations	145,247	156,738	184,779
Financing:			
Receipts and reimbursements from: Non-Federal sources: Deduction of loan repayment by U.N. from U.S. contribution, as authorized (22 U.S.C. 287i):			
Loan repayment	−2,744	−2,745	−2,805
Interest collected	−1,184	−1,129	−1,074
Budget authority (appropriation)	141,319	152,864	180,900
Relation of obligations to outlays:			
Obligations incurred, net	141,319	152,864	180,800
Obligated balance, start of year	5,747	6,379	4,067
Obligated balance, end of year	−6,379	−4,067	−4,243
Adjustments in expired accounts	−20	−2,149	----------
Outlays	140,668	153,027	180,724

H.R. 2632

(A bill to rescind and revoke membership of the United States in the United Nations and the specialized agencies thereof, and for other purposes)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the effective date of this Act the ratification by the Senate of the United States on July 28, 1945, of the United Nations Charter, making the United States a member of the United Nations, be, and said ratification hereby is, rescinded, revoked, and held for naught; and all Acts and parts of Acts designed and intended to perfect and carry out such membership of the United States in the United Nations are hereby repealed.

SEC. 2. That from and after the effective date of this Act all Acts and parts of Acts designed and intended to make the United States a member of the specialized agencies of the United Nations, or any of them, are hereby repealed; and all executive agreements, international undertakings and understandings, however characterized and named, designed, and intended to make the United States a member of the specialized agencies of the United Nations are hereby rescinded, revoked, and held for naught.

SEC. 3. That from and after the effective date of this Act any and all appropriations for defraying the cost of the membership of the United States in the United Nations or in specialized agencies thereof are hereby rescinded and revoked; and any unexpended and unencumbered balances of any such appropriations shall be covered into the general fund of the Treasury of the United States.

SEC. 4. That the International Organizations Immunities Act of December 29, 1945 (59 Stat. 669; title 22, secs. 288 to 288f U.S.C.), be and it is repealed; and any and all Executive orders extending or granting immunities, benefits, and privileges under said Act of December 29, 1945, are hereby rescinded, revoked, and held for naught.

SEC. 5. This Act may be cited as the "International Organizations Rescission Act of 1969".

PRESIDENT NIXON IS KEEPING HIS WORD

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. McCLORY. Mr. Speaker, last week the President of the United States withdrew an additional 4,400 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 143,700 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

AMERICAN WORKERS SUFFER SERIOUS POLLUTION PROBLEMS AT THEIR JOBS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. ASPIN. Mr. Speaker, the Occupational Safety and Health Act of 1970 is now more than a year old. Congress has a right to know what we have to show for this landmark legislation which covers the health and safety of 57 million workers in 4.1 million workplaces.

An excellent article in Environmental Action by Franklin Wallick reports that "the workplace environment is the invisible issue which is gradually coming to the forefront of scientific and governmental consciousness," but the article criticizes "the Federal Government's limphanded way of taking this new law to the American workers."

Few of the technological breakthroughs used to reduce and eliminate outdoor pollution have been applied to the place where people work. The workplace environment is not exclusively a factory environment. Many office workers suffer from poor ventilation. There are special environmental hazards which every employed person suffers and which the law was designed to identify and remove so that all workers during their working life would experience neither impaired health or shortened life as a result of those exposures.

I include the Environmental Action article on the Occupational Safety and Health Act of 1960 at this point in the RECORD:

[From Environment Action, Jan. 8, 1972]

FACTORY POLLUTION: IT DOESN'T ALL GO UP THE CHIMNEY

(By Franklin Wallick)

The most neglected environment—and the most polluted—is the workplace environment where 80 million working Americans spend up to one-half their waking hours. Like American poverty in the 1960s, the workplace environment is the invisible issue which is gradually coming to the forefront of scientific and governmental consciousness.

The data is sparse, but what little is known is enough to startle even the most hardened observer. Noise, dust, chemicals, gases, fumes, vapors, laser beams, radiation, toxic metals, heat and cold stress—these are the raw generic names given to a vast, pervasive kind of pollution which will tax the best efforts of government and environmentalists during this decade and beyond.

A U.S. Public Health Service study among one million workers in the Chicago area in 1968 found that 46 percent were exposed to "serious and urgent" health hazards. Even more significant, a U.S. Department of Labor survey two years later found that the "health and safety hazards" ranked as the number two complaint in a scale of 19 sources of discontent.

In response to these perils and the mounting worker discontent, four environmental groups, led by Environmental Action, added environmental input into congressional deliberation on the Occupational Safety and Health Act of 1970. Late in the year, a comprehensive bill was passed and enacted into law. But what happened after that? Unfortunately, not much. The tough language written into the legislation has disappeared into the government bureaucracy, and only the most superficial implementation of that law has occurred.

For instance, most worker complaints coming to the Department of Labor are health complaints relating to noise, dust and fumes. But the Occupational Safety and Health Administration has only 23 industrial hygienists to follow up on these health complaints, or one for every 2.5 million workers covered under the act. It is now a well-established part of the occupational folklore that we have more fish and game wardens in the nation than we have occupation health specialists to identify environmental problems at the American workplace.

The new law applies to 57 million workers in 4.1 million workplaces. At the present rate of inspection it will take 284 years to inspect every workplace. The annual budget for the federal law comes to roughly $50 million, or 25 cents per citizen. As a measure of comparison, the Nixon administration asked Congress for four times more for the supersonic transport than for worker safety and health. There are currently 1200 sky marshals guarding commercial jet aircraft, but by mid-1972 only 500 federal inspectors will be on the job guarding workers.

Most of the health hazards which can endanger a person's health or shorten his life are difficult to identify. The technical jargon is often too much for a lay person to fathom. Such institutions as the National Safety council or the American National Standards Institute (ANSI), which are supposed to enlighten working people, often keep them in the dark with concepts and standards which only a highly-trained person can understand.

For instance, the noise standard of 90 decibels for an average of eight hours in a single working day is a standard which is blithely accepted by industry, by the National Safety and by ANSI. It is designed to keep corporate America happy, but it condemns a predictable percentage of the working population to occupational deafness. Heart and respiratory troubles and mental distress also affect workers exposed to noise pollution on the job. A safe working level ought to be no more than 75 decibels, but the American worker today is condemned to a standard of 90 which permits "excursions" (an unfortunate word) of 115 decibels for 15 minutes. Worse still, noise pollution is rarely measured at the workplace so the probability is that most noisy jobs exceeds even the unsafe noise level of 90 decibels.

The fight of Carl Carlson, safety chairman of the United Automobile Workers Local 6, to get a union noise meter on the factory premises is a classic story of how workplace noise pollution requires the skills and tools of the environmental movement. Carlson, who works in the Melrose Park plant of International Harvester, persuaded his local to spend $350 for a noise meter. After the meter was purchased, however, he was informed that he would be fired if he brought it into the factory. Finally, after negotiations, the union won the right to use its meter but only if the company's meter was either not working or not available.

Rough estimates show that 20 million American workers work at dangerous noise levels. But little has been done by industry, by government, or by the unions to mobilize the technical and engineering skills required to reduce and eliminate noise pollution at the workplace. What is true of noise is often true of other workplace pollution problems—little of it is properly identified, little is monitored, and little is eliminated. It is a ghastly jungle, compounded by the proliferation of new technological processes for which human health effects are little understood.

Slowly, the American medical profession is beginning to venture into the workplace environment in an effort to determine exactly how dangerous it really is. In some cases, information is being uncovered through the use of union death benefit records which are frequently a good source of epidemiological information. In one study, the American Cancer Society is using 60,000 death certificates from the Printing Pressmen's Union to trace possible links to cancer or any other disease.

At the Mount Sinai School of Medicine, Dr. Irving J. Selikoff has completed a study which shows that among 230 textile factory workers exposed to asbestos between 1941 and 1946, workers are dying of lung cancer at five times the expected rate. Such studies are rare. Dr. Hawley Wells, the crusading young West Virginia doctor who made black lung a household word, believes that the most important section of the new job safety and health law is the right of the federal government to enter the workplace and make research studies of this kind. In the case of asbestos exposures, the high incidence of cancer frequently occurs 20 and 30 years after exposure. What is needed in the meantime are more animal test studies and the compilation of more research data.

The basic worker exposure data is today contained in a book called *Documentation for Threshold Limit Values*, published by the American Conference of Governmental Industrial Hygienists (ACGIH). Despite its name, ACGIH is not an official agency, even though its criteria are frequently written into law. The Threshold Limit Values (or TLVs, as they are commonly called) are many times less stringent for workers at their jobs than the Environmental Protection Agency (EPA) criteria for community health standards. Workers are allowed to breathe 50 parts per million (ppm) of carbon monoxide (it was 100 ppm until very recently), though EPA's general carbon monoxide standard for a 24-hour period is eight ppm, and never more than 35 ppm for a single day in any year. In other words, a worker is permitted to take in more than five times the carbon monoxide every day on his job than a person walking up and down the sidewalk outside a workplace.

Fortunately, the environmental awareness of the American worker is on the rise. This is due partly to pressure from younger workers who, like their college counterparts, are less authoritarian, smarter, and less willing to accept bad conditions an older generation fatalistically accepted as inevitable.

During the long General Motors strike in 1970, one of the hottest issues in resolving many local agreements was the company's use of gasoline-powered lift trucks. The workers bitterly complained about the unpleasant fumes from the trucks and asked for electric-powered ones. Although the real threat to their health came from odorless, colorless carbon monoxide, the implication was clear—the GM workers wanted clean air at their workplace. And, in a growing number of situations, they are getting it by their constant pressure for a clean workplace environment.

The United Steelworkers of America recently won a workmen's compensation award for a Pennsylvania worker who developed a lung disorder after being exposed to unsafe coke ovens. The United Rubber Workers in

Eau Claire, Wisconsin, won $1 million in workmen's compensation when it was found that an unsafe chemical caused lung disorders. The early symptoms had been colds and pneumonia, but a University of Wisconsin research team made a scientific determination that chemicals used on the job had caused lung damage. Such breakthroughs are still rare, but they are increasing as workers find the political and legislative tools to protect their workplace environment.

Complaint Number One filed by the federal government under the new Occupational Safety and Health Act was for unsafe levels of mercury vapors at the Moundsville, West Virginia, plant of the Allied Chemical Corporation. The crusading Oil Chemical and Atomic Workers of America pushed the case and sought an "imminent danger" citation against Allied Chemical, but had to settle for a "serious danger," a lesser complaint. A government official, illustrating some of the primitive thinking in the federal government at this stage, told the union he wished he had been confronted with a more visible danger, such as a "boiler explosion," rather than "mercury vapors."

The federal government's limp-handed way of taking this new law to the American workers has condemned millions of workers to an early death, certainly to impaired health. Many workers are still in the dark about the existence of the law. The government's radio and television spot announcements are not affirmative statements about a worker's right to a safe and healthful workplace. There is still no government poster which explains a worker's right to work at no more than 90 decibels. There is no national toll-free phone number which workers can call at any time of day for information from trained scientific counselors on helping them guard their workplace from environmental hazards. The skills of the American scientific and engineering community have not been called together to chart a path toward safer, healthier workplace conditions. The implementation of the law has been dominated by industry-oriented personnel who have tried to do the minimum required of them and the consequences are enough to make the American worker more cynical, more frustrated and more bitter. The Nixon administration's 1970 report on blue collar blues, incidentally, did not even mention worker safety and health.

Few unions today appreciate the depths of feeling workers have about the workplace environment. In a large part, this comes from fatalism—a feeling there is not much any person can do. Yet the nation did not shrink from space exploration when three men died on the launching pad; the best technical skills were employed to make space exploration safer. Many of the techniques used to monitor space travel could be used at the workplace, if the nation made a commitment to do so. Nor is it the union's task alone to do this—only one out of four workers covered by the new law are union members and only the federal government can act on the behalf of non-union workers.

The environmental outcries about such issues as the Alaskan pipeline, DDT, and the plight of the redwoods all seem slightly out of balance when we realize how many people today go to their jobs to earn a living in places which are far more polluted than conventional environmental targets. Only two environmental books, Melvin Benarde's Our Precarious Habitat and Environmental Action's Earth Tool Kit, have addressed themselves to on-the-job pollution. Ballantine Books, however, has a new series of books scheduled on asbestos, enzymes, toxic metals, and radiation which will provide inspirational and technical backup on the workplace environment.

Although the workplace environment has been given far less attention than other environments, the field is beginning to receive much more investigation, as students, professors and professionals begin to assist workers and unions in unearthing the dangers that surround them. Last summer, the Alliance for Labor Action, a group jointly set up by the United Auto Workers and the Teamsters Union, sponsored a series of projects which showed what young environmentalists can do. A law student prepared a booklet describing how workers can use the law, while two other students compiled a directory of dangerous chemicals and a tactical series of case studies. In St. Louis, an intern worked directly with a local union in setting up a safety and health hazard identification program, while in Boston a student team made technical services available to a large group of unions in that area. Meanwhile, another student made a detailed study of the implementation of the Occupational Safety and Health Act itself.

Many students with an environmental knack are often rebuffed by union clannishness and indifference, but workers tend to be wary of students "slumming." Union people want students to help them solve workplace environmental problems, provided they have skill and competence. To acquire that skill is not the difficult job it might seem. There is danger in building false expectations among workers well aware of dust, noise, and dirt on the job, but who are baffled by what can be done about it. A worker-student alliance which attacks these problems realistically can emerge from the new workplace environmental awareness of the 1970s.

The Scientists Committee on Occupational Health has prepared a training course for workers. It is a 13-week pilot course for paraprofessionals in occupational health conducted by young professionals at Rutgers University and represents the first time that scientists have designed a training program for working people in this neglected subject matter. The Medical Committee for Human Rights, born in the civil rights and antiwar struggles of the 1960s, is now directing much of its resources toward worker safety and health. The black lung movement is today well-organized and vocal. Some books are in the works, including a Nader expose of government and union shortcomings. Ray Davidson's book, *Peril on the Job*, is a tough critique of the chemical industry, which abounds with environmental problems—some 100,000 chemical compounds with untested human health effects are concentrated here. An "Industrial Hazards" workbook is available for $5 a copy from the OCAW, 1126 16th Street, N.W., Washington, D.C. 20036, and it is the best single document for beginners.

There is a place for the energy and ideas of all kinds—lawyers, economists, architects, chemists, engineers and doctors—to join the workplace environment movement. It has been handicapped by lack of vision, stale concepts and fatalism—but this is rapidly changing.

A new day with a new breed of American worker is at hand. There is no better ally for the concerned environmentalist than a worker seeking a way out of a polluted workplace, where pollution can only be attacked by the same methods being used to eradicate outdoors pollution. The few breakthroughs which have occurred and are mentioned here are but samples of a wider attack upon grimy and dangerous work which must be overcome if human labor is to be civilized.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

A MERIT AWARD

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. EILBERG. Mr. Speaker, I am proud to announce that the city of Philadelphia has been presented again with a merit award from the American City magazine.

The award for outstanding achievement in urban administration honors Philadelphia's innovative neighborhood swimming pool program of 1971 in which some 646,000 persons participated.

I think most Philadelphians will agree with me when I say that the availability of these summer pools alleviated potential summer tensions which could have resulted from hot weather, crowded conditions, and the lack of any recreational facilities.

Indeed, I have been told that the pools were so popular that thousands of children and adults enjoyed them day and night.

Philadelphia received the award in 1963 for its clean blocks program and in 1968 for its neighborhood parks program.

Mr. Speaker, the announcement of this award follows:

A MERIT AWARD

Philadelphia has received a Merit Award from the American City Magazine for outstanding achievement in urban administration in 1971 for its innovative neighborhood swimming pool program. Some 646,000 persons took advantage of the pools last summer.

Philadelphia is one of 12 municipal governments throughout the United States to be cited by this prestigious national management and engineering publication for noteworthy accomplishments in urban administration.

The City introduced its neighborhood swimming pool program as part of its Better Break effort last summer to provide more recreation and cultural activities for its almost two million residents.

Recreation Commissioner Robert W. Crawford said that there were 21 neighborhood pools operating throughout the city at playgrounds. They were established to make it easier for residents who live considerable distances from recreation center pools to enjoy swimming only a short walk from their homes.

He added that swimmers came dressed to swim at these pools since locker room facilities were not available, and said 646,726 Philadelphians took advantage of the neighborhood pool program in 1971.

The pools are 45 foot by 75 foot, have a swimming depth of two to five feet with one to two foot wading side areas for small children and cost considerably less to build than a permanent pool at a recreation center.

Philadelphia previously won two awards for outstanding achievement in urban administration from The American City Magazine. In 1963, the City was cited for its multi-award-winning Clean Blocks Program involving 400,000 Philadelphians on 3200 Clean Blocks in neighborhood clean-up and beautification projects; and in 1968 for its Neighborhood Parks Program, which transformed 100 once-littered lots into attractive and recreational type areas.

WEEKLY REPORTS TO NINTH DISTRICT RESIDENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the texts of two of my weekly reports to Ninth District of Indiana residents. My January 10 newsletter concerns food contamination and my January 17 newsletter concerns revaluation of the dollar:

WASHINGTON REPORT

(By Congressman LEE HAMILTON)

JANUARY 17, 1972.

Recently, I settled down in front of the television cameras expecting a few routine questions about the work of the Congress. The commentator asked, instead, "Congressman, just what effect will the devaluation of the U.S. dollar have on the average American?" It was not an easy question to answer in the space of 30 seconds, or in the space of a typewritten page, but I've been asked the question so often, I'll give it a try.

The quick answer is that "devaluation" refers only to the international, not the domestic, value of the dollar, and there is no direct impact on domestic prices in the U.S. The devaluation will make U.S. exports cheaper for foreigners to buy, and imports to this country more expensive. The U.S. economy as a whole will not be greatly affected, since trade accounts for only about 4 percent of the country's gross national product.

Devaluation of the dollar means the official price of gold will rise. It will now take more American dollars to buy an ounce of gold. The entire effect of increasing the price of gold from $35 to $38 an ounce is on the international value of the dollar in terms of other currencies, and not on its domestic purchasing power. It will take more dollars to buy the same amount of marks, francs or yen. There will be no effect on domestic prices, but some imported goods such as automobiles, television sets and cameras will be more expensive here at home. Conversely, American exports will become cheaper abroad.

The devaluation was designed to slow the rapid increase in U.S. imports and spur our exports and thus improve the Nation's balance of international payments, which has been running at a deficit for 18 of the last 20 years. If the trade balance is not restored, the day could come when foreigners refuse to accept dollars at all. This, of course, would be disastrous for the economy.

Among the major effects of the devaluation will be:

1. Jobs. Over a period of time, probably several years, devaluation is expected to expand trade, spur the American economy, and create more jobs, perhaps as many as 500,000. Devaluation will help industries which export goods, including American agriculture, and those which face competition from imported products, such as the shoe industry. Precise predictions are difficult, however, because many other factors are involved, such as quotas and trade agreements.

Devaluation may hurt workers who are involved in industries which import products. A mechanic who specializes in servicing foreign cars may find his job opportunities shrinking, and retailers specializing in imports may find their profits falling off as prices in the U.S. go higher and people become more reluctant to buy.

2. Improved Trade. By slowing the rapid increase in imports and spurring U.S. exports, the Nation's balance of trade and balance of payments will improve. A combined realignment of some 14 percent—an 8 percent decrease in the value of the dollar abroad, and an average 6 percent increase in the value of foreign currencies—will add an estimated $9 to $10 billion to our trade balance over the next few years.

3. Tourism and International Business. American tourists abroad and American businessmen engaged in international business will notice that the dollar won't go as far as it used to. Vacations will be more expensive. Seeing Paris on $5 a day, will become Paris on $5.70 a day.

Devaluation of the dollar and revaluation of other currencies will not solve all of the international monetary problems.

Formidable problems lie ahead, and many details must be negotiated. Devaluation is an important first step, however, towards the elimination of trade barriers and the eventual restructuring of the world's monetary system.

WASHINGTON REPORT

(By Congressman LEE HAMILTON)

JANUARY 10, 1972.

The public has been shaken in recent months by food contamination reports. Each new report of contamination brings a renewed and more insistent demand from the public for more adequate inspection and control of the food producing and processing industry.

Ominously, authorities report that last summer's episodes with poisonous botulism in canned soups, mercury in swordfish and dangerous chemcial compounds in poultry are not unusual cases, but only examples of long-standing and widespread problems in efforts to insure the wholesomeness of food products for Americans.

There were 355 food recalls and 267 seizures in 1970 by the Food and Drug Administration's Bureau of Foods, but these actions covered only a fraction of the existing violations.

Some 25,000 reports of food poisoning are received by the Federal Center for Disease Control each year, but public health authorities say the total number of food poisoning cases is probably closer to 10 million incidents annually. Of the recorded 25,000 incidents, they say about 2,500 each year are the fault of the canners, processors and other food factories.

Food and Drug Administration officials report that the major reason most of the violations in the commercial processing industry are not found is because only about 250 food inspectors must cover 30,000 processing plants and another 30,000 facilities such as grain elevators and food warehouses. Moreover, with grocery stores stocking over 32,000 different products, the task of inspection is formidable. It is estimated that a food plant is inspected on the average of only once every seven years. By comparison, the Agriculture Department employs some 8,000 meat inspectors and stations one or more of them in every slaughterhouse and meat processing plant.

The public's concern, and that of Congress, is focusing on two areas of food production or processing: (1) contamination of canned or processed foodstuffs, and (2) chemical additives.

Food poisoning or contaminations can be curtailed by an expanded inspection force. The FDA estimates that it would need another 1,800 inspectors and $33 million in order to insure the annual inspection of every food plant.

With the newer, automated plants using quality control equipment, and with strict inspection of slaughterhouse operations, progress is being made toward safer canned and processed food.

Chemical additives, particularly in meat products, cause special concern. Chemicals to shorten the growing time of cattle, hogs and poultry and to produce disease-free animals are widely used. The use of chemicals enables industry to keep up with the public's increasing demand for meat at reasonable prices. About 80 percent of the meat, milk and eggs consumed in the U.S. comes from animals who fed upon medicated feed during part or all of their lives.

We have accepted the approach that new chemicals are presumed safe until proved hazardous. In some instances, such as the cyclamate case, questionable chemicals have appeared in foods in quantity before they have been recognized as being dangerous. The FDA had formed a special task force to study the use of 11 antibiotics used to prevent disease and promote growth in meat-producing animals.

In response to the public's increasing concern, the Congress is considering a number of proposals, including: (1) upgrading inspection procedures, (2) creation of a new, independent food inspection agency, (3) requiring all new food processing plants to meet minimum standards before they are allowed to begin operations, (4) giving the federal agencies the power to order a recall (only the courts can do so now), and (5) requiring a food processor to notify an inspection agency when it discovers a problem with its products.

Food contamination scares are not over, and may occur even more frequently, and efforts to insure the wholesomeness of food will be increased.

AMERICA'S FUTURE GROWTH REQUIRES TIGHTENING THE BELT

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. COLLINS of Texas. Mr. Speaker, with this new year of 1972, with Congress rolling on fresh momentum, let us start to build future prosperity. We can lay the groundwork with a bill I have just submitted.

This bill will provide for a balanced budget by Congress. It simply states that the Secretary of the Treasury will tell Congress in January how much revenue we can anticipate for this year. Then this figure will be the maximum spending limit to cover all congressional appropriations during the year.

This requires sacrifice. It requires courage. But America's future is that important to all of us.

We have some great financial brains in this Government. Connally, as Secretary of the Treasury, is a financial genius. Burns of the Federal Reserve is one of the most capable economists in the history of our country.

But we in Congress have the basic responsibility on finance. We can balance the budget and provide the only answer to America for this inflation trend. Inflation is bad now, but if we do not act in 1972 we will see geometric inflation spiral up through the seventies.

When I am in Dallas visiting my district, I always get a commonsense viewpoint from the neighbors. Douglas Goodheart suggested I read a splendid article published last month.

Yesterday I got a copy from the Congressional Library of the Commercial and Financial Chronicle of December 16, 1971. Last night I read this excellent report by G. C. Wiegand, who is a professor of economics at Southern Illinois University in Carbondale, Ill.

Wiegand comes from the land of Lincoln and his basic theories make sense to me. It is a long story and you should read it all. But I have taken some of the key paragraphs to stimulate your logic.

In 1956, when nobody seemed to question the soundness of the dollar, and America was still the dominant economic and military power, a well-known Swiss economist-financier, Felix Somary, warned that:

> A crisis in America could be prevented only if the government . . . finds the courage to express and act on its convictions. This, in the democracies of our time, seems to me no longer possible . . . The governments are but obedient slaves of the "inflationists" [and] . . . the inflation is veiling the fact that America is living above its means.

America is by far the most productive, the richest, and militarily probably still the strongest nation in the world. Less than 6 percent of the people of the world live in the United States, yet these 6 percent produce and consume about 30 percent of the world's goods and service—a few years ago it was still 35 percent.

The huge deficits in the Federal budget and the balance of payments, and the decay of the dollar, are merely the manifestations of a deep-seated cultural crisis.

Millions claim to see ahead only the choice between a cataclysmic destruction of the world in an atomic war, and the gradual death through the poisoning of the environment. There is no calamity—physical, social or intellectual—which is not likely to overtake us. Given this mood of the "Age of Anxiety," it is not surprising that modern man lives for today rather than builds for tomorrow.

America became the richest and most powerful nation of the world not because of vast natural resources, but because the people had the will to succeed, to subdue the continent and turn it into a land of plenty. Probably more important was the social philosophy of Puritanism. God did not send man to this earth to "enjoy life," but to make this imperfect world a better place. As man cleared the land, he acted as "the hand of God." The Puritans did not advocate a life of poverty, but they regarded waste and luxuries as incompatible with the serious business of life. Economic success is no longer regarded as a sign of right moral attitudes, but of questionable business practices, exploitation and corruption. Ralph Nader has taken the place of Horatio Alger.

The changed attitude towark work, consumption, and wealth, has had profound economic consequences. The doctrine of "underconsumption" has become an integral part of the socioeconomic creed of the American people. All ills can supposedly be cured by increasing the purchasing power in the hands of the masses.

Actually, inflation produces unemployment. Since 1950, America has lost some 800,000 jobs in part because American industry has migrated abroad, largely because of the steadily rising cost of production in America, and greater growth opportunities overseas. America lost probably another 600,000 to 800,000 jobs, because in many fields American industry is no longer competitive with foreign-made goods. Rising prices have not only undermined the dollar, but have added to the chronic unemployment. More important, the inflation has weakened—as inflations usually do—the social fabric of the Nation.

The situation changed suddenly in 1969 and 1970. The cost of living rose by 11.7 percent and the wages in manufacturing industries by only 11.8 percent; and millions of Americans suffer a decline in their real income.

Who was to blame? "Big Business" and "monopolistic restraints?" But corporate income declined from $49.9 billion in 1966 to $44 billion in 1970 in current dollars, and by fully 26 percent in constant dollars.

For 20 years wages have risen more rapidly than productivity. In 1969, for example, the employment cost rose 8 percent, and in 1970 10 percent, while productivity actually declined slightly in 1969, and rose by only 2 percent in 1970.

Consequently, a responsive government leadership without sound economic principles was not present to stand up against the popular demands of the modern culture.

Since 1960 alone, the tax burden of the average American has risen from $709 to $1,385. In 1961, the Federal tax take amounted to $131 billion, and that of the State and local governments to $41 billion. Just 10 years later, Federal taxes had risen to about $213 billion, and those of State and local governments were approaching $100 billion, and all levels of government were running deeper and deeper into debt.

Between 1960 and 1970, the total number of employed rose by 19 percent; the number of government employees by 50 percent. In 1929, 6.4 percent of the total labor force were on the public payroll; 1950, 10.2 percent; 1970, 16.1 percent. And these totals do not include the military. Unless the American people can curb the jungle growth of the bureaucracy, there is little hope for halting the inflation and for revitalizing the economy.

Since 1950, the corporate debt has increased by 350 percent, from $167 to $750 billion, while the real GNP grew by only about 100 percent.

On the eve of the great depression in 1929, consumer debts amounted to about 13 percent of annual retail sales. At present, they amount to about 35 percent.

America would not be confronted with the present crisis, if Washington had not created for 20 years, a fool's paradise by increasing the supply of credit about twice as fast as the economy increased the supply of goods.

Far more important than the difference between foreign and domestic production cost, is the fact that the supply of money in the United States increased much faster than the output of goods and services, thus creating an artificial affluence and pushing the public into buying foreign goods.

American defense expenditures are materially smaller—in relation to the GNP—than Russia's, and have been declining steadily. They amounted to 50 percent of the 1959–60 Federal budget; 41 percent in 1969–70; and only about 34 percent in the current fiscal year. During World War II military expenditures absorbed 42 percent of the GNP; during the Korean war 13 percent; in 1968 despite the Vietnam war only 9.5 percent; and they are now down to about 7.6 percent. One-sided disarmament does not assure a "generation of peace."

But Congress, the news media and the public have chosen to close their eyes to this danger.

For years, American experts have complained—and rightly so—that European defense expenditures are obviously too low in face of the potential Russian threat.

If allowance is made for the declining purchasing power of the dollar, defense funds have actually been cut by about 23 percent in 4 years. Moreover, due to the large pay increases for military personnel, the money left for military hardware and research has been reduced even more severely.

Of the 1,200 passenger trains operating in 1951, only 150 are left, and even though many freight trains have to run more slowly because of defective equipment, the number of major wrecks has increased sharply.

At present, the railroads need $30 billion to buy badly needed equipment and pay for urgently needed repairs, but with the wage cost rising steadily and a heavy debt burden, profits are inadequate to attract additional equity capital. For 20 years the American consumer has enjoyed below-cost freight rates, and local governments have been able to extract billions in taxes from the railroads, but at the cost of a progressive deterioration of the system.

Ten years ago, American powerplants had an excess capacity of 32 percent to take care of peak loads. Since then the reserve capacity has declined to 16 percent resulting in periodic brown—and black-outs, and there is talk of an impending "power crisis." As a result of the rapidly rising standard of living, the demand for electric power doubles every 10 years, but the country has failed to provide for the necessary increase in productive capacity.

Twenty years ago, oil production sufficed to cover domestic needs and allow for small exports. Today, America is a net oil importer, and oil and natural gas consumption is increasing more rapidly than new oil and gas fields are developed in the United States and Canada, so that the country is becoming increasingly dependent upon imports from overseas, which could be threatened in case of war. Yet the Tax Reform Act of 1969 reduced the incentive to drill for more oil within the United States.

Until a few years ago, America held a

dominant position in the air—both in the construction of planes and the operation of airlines. Today, most of the major plane manufacturers are in financial difficulties, and some of the major airlines suffer huge losses.

America is confronted by a serious crisis. In the midst of inflationary affluence it has lost its faith in the ideals of the past, and has, as yet, found no new faith by which the country can regain its position in the world. The margin between success and failure is always narrow. In dollar terms, it will take about $400 billion of additional investments over the next 10 years—a reduction of less than 4 percent in private and public consumption—to restore American economic and military strength.

Not all aspects of Puritanisms were pleasant, but its basic social philosophy—honest work and frugality—made it possible for America to rise, within half a century, from the level of an underdeveloped colonial country to the greatest power of the 20th century. The modern consumer culture can easily destroy the country in less than half a century. Few great nations in history have remained No. 1 for more than 100–200 years.

POET COLUM RETURNS TO NATIVE COUNTRY

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mrs. GRASSO. Mr. Speaker, Padraic Colum was laid to rest in his native Ireland, amid the tribute of Irish literary and government figures he richly deserved. This sensitive poet and literary genius, who died in Enfield, Conn., on January 11, has returned to the land which nurtured him and on which he lavished a graceful and distinctive admiration.

An Irish columnist for a Dublin newspaper described Padraic Colum's final journey home. For the interest of my colleagues, the account, as it appeared in this morning's edition of the Hartford Courant, follows:

POET COLUM RETURNS TO NATIVE COUNTRY

An Irish writer has sent to The Courant an account of the final rites for Padraic Colum, the Irish poet who died in Enfield recently and who was taken back to his native land for burial.

A Courant photograph of Colum on his 90th birthday, which he celebrated shortly before he died, was reprinted by Desmond Rushe, a columnist for the Irish Independent, a Dublin newspaper. In a tribute to the poet, Rushe expressed his indignation toward the American Irish Foundation for waiting almost to the end of Colum's life before paying him tribute and contributing $2,500 to him. Rushe said Colum told him four years ago that he had to leave Ireland for a lecture tour of the United States because he needed the money.

The description of the funeral for Padraic Colum follows:

Irish poet Padraic Colum "moved thro' the fair" for the last time yesterday when the 90-year-old poet who died in Connecticut was brought back to his native Dublin to be buried with the pomp and ceremony due to his status as one of Ireland's great figures. He was hosted by all the Irish literari and government officials. In Beechwood Church, John Montague read in his beautiful poet's voice during the Requiem Mass extracts from Colum's "Blackbird," "Sojourner" and "The Fourteenth Station."

The cortege then passed through many parts of Dublin City associated with Colum's friend, James Joyce, out along the sea coast where the waves lashed high and foaming to the beautiful cemetery of St. Fintan's, in Howth where he now lies under a Celtic cross with his beloved wife Mary. Behind them rises Sheimartin Hill where the great Cromlech to Aldeen, wife of Oscar, son of Oisin, son of Finn, is situated.

Samuel Ferguson's lines from his poem "Aldeen's Grave" seemed appropriate to the location:

They heaved the stone; they heap'd the cairn:
Said Ossian, in a queenly grave
We leave her, 'mong her fields of fern,
Between the cliff and wave.
The cliff behind stands clear and bare.
And bare, above, the heathery steep
Scales the clear heaven's expanse, to where
The Danann Druids sleep.

A fine oration was delivered at the graveside by Irish writer Benedict Kiely. Mr. Edmund L. Krockalis from Enfield, Conn., a friend of Colum's for the last 25 years, also spoke. Mr. Krockalis and his wife Jeanne were with Colum for his last hours and accompanied his remains to Ireland.

Colum's spirit now looks down over the whole of Dublin Bay and City and in A. E.'s words:

"The Giant came back to his mountain."

SUPPORT OF A STRONG PEACE CORPS

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. PATTEN. Mr. Speaker, under the continuing resolution for foreign aid, Peace Corps is funded at $72 million. This is somewhat more than that $68 million authorized by the House, but considerably less than what I think it should be. There is still time for the Congress to provide the full authorized amount of $77.2 million since the Senate has not yet acted. I am encouraging my colleagues on the other side of the Hill to bring out a Peace Corps budget at the $77.2 million level, and urge my colleagues in the House to sustain that amount when the bill is taken to conference.

Unless Congress restores these funds, the Peace Corps will have to carry out plans it has made to bring home approximately one-half of its current force of 8,000 volunteers.

Cuts in the Peace Corps would be serious at any time, but they are particularly ironic right now when there is a heightened interest and enthusiasm for the Peace Corps and volunteer applications have jumped from some 19,000 last year to more than 26,000 this year. Volunteers are working in the field at the invitation of 55 countries around the world, and they continue to play an extremely important role in promoting development of international understanding.

Many of us have considered the congressional approval of the Peace Corps to be routine, but it was not until with some disenchantment of other foreign aid programs that the Peace Corps was so devastatingly cut. I find that the Peace Corps has earned the admiration of young and old throughout this country and around the world, and that rather than reduce their operating budget the Congress should be taking every step to increase the funds available for this important program.

CONGRESSMAN ANNUNZIO INTRODUCES LEGISLATION DESIGNATING THADDEUS KOSCIUSZKO HOME AS NATIONAL HISTORIC SITE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. ANNUNZIO. Mr. Speaker, the American struggle for independence beckoned many zealous defenders of liberty to our land. Polish patriots were foremost among their numbers, and one of the most outstanding of the Polish patriots was Thaddeus Kosciuszko. Kosciuszko contributed a much-needed scientific knowledge of military engineering and an unalloyed and unwavering enthusiasm for the cause of freedom. By virtue of his military education and experience, Kosciuszko proved to be an invaluable asset to the struggling young Colonies.

Thaddeus Kosciuszko had a special longing for freedom for all men. During his own childhood and as a youth, he had watched as his beloved Poland slowly sank beneath the heels of encroaching Russians, Prussians, Turks, and Austrians. As a youth at the Warsaw Cadet School he had witnessed freedom-loving Polish senators being sent into Russian bondage. By the time he had reached manhood, Kosciuszko's Poland had already suffered the indignity of partition. The young man looked elsewhere to join the battle for freedom.

Fired by the dream of American independence, Kosciuszko, well educated and eager to serve, arrived in Philadelphia in 1776, at a time when America was still alone in the insurrection, and when she had just given to the world her Declaration of Independence. Kosciuszko was among the ablest and most idealistic volunteers to reach America from Europe. He was a professional soldier rather than a professional adventurer. He linked his career to the American cause as result of deeply held democratic convictions rather than from the motives of self-advancement or vain glory.

In the spring of 1777, after receiving a commission as a colonel from the Continental Congress, Kosciuszko joined the Northern Army where his ability as an engineer was of invaluable use in the campaign against Burgoyne. His ability to build almost impenetrable fortifications and his able judgment in the choice of battlegrounds contributed much to the final defeat of Burgoyne's forces.

The fortification of the heights of West Point was Kosciuszko's most important undertaking in America. To maintain West Point meant to command the Hudson, and in the words of General Washington:

> The Hudson River was indispensably essential to preserve the communication between the Eastern, Middle, and Southern States.

In the midst of difficulties similar to those of Valley Forge, Kosciuszko labored for over 2 years, and within that time made West Point impregnable. "Kosciuszko's merit lies in this," wrote General Armstrong:

> That he gave the fortifications such strength that they frightened the enemy from all temptation of even trying to take the Highlands.

In 1780, Kosciuszko was appointed Chief Engineer of the Army of the South. Remaining there until the end of the war, he was regarded "as one of the most useful and best liked among his comrades in arms."

But as soon as American independence was won, Kosciuszko set sail for Europe. There he spent his remaining years fighting in vain for the freedom of his beloved Poland. The aid which he had extended to the American colonies was a gift which this country could never really repay. Even the reward, in terms of land grants in Ohio, which a grateful America bestowed upon Kosciuszko was ordered sold in his will so that the freedom of Negro slaves could be bought.

In our time we have the opportunity to honor this great man. The bill which I am introducing today would set aside the home in which Kosciuszko resided at 301 Pine Street in Philadelphia as a national historic site. By this act, we say publicly that the selfless spirit of a very great man shall never be forgotten by a grateful America. I urge each of my colleagues to join me in paying this long overdue tribute to Thaddeus Kosciuszko.

PETER BERTOGLIO—A FINE AND GOOD AMERICAN

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. WALDIE. Mr. Speaker, on many occasions I have come before the House to single out individuals, institutions, or branches of Government that have had impact on us in one way or another. I have criticized some, praised few, and often walk away with the feeling that no one listened or really cared. Today is an exception. I do not rise to criticize, but to praise. Although I speak about a particular man that remains virtually anonymous to every Member of this Congress, I speak about the kind of man that is known to every one of us. Jacqueline Kennedy talked about this kind of man in May of 1964. She said:

> John Kennedy believed so strongly that one's aim should not just be the most comfortable life possible but that we should all do something to right the wrongs we see and not just complain about them. We owe that to our Country, and our Country will suffer if we don't serve her. He believed that one man can make a difference, and that every man should try.

Mr. Speaker, I walk away today with the knowledge that my remarks will be heard by someone out there who deserves to hear them. Hopefully, they will strike a responsible chord in the hearts of my colleagues, for they all know men similar to the one I single out.

Mr. Speaker, Peter Bertoglio is an American, born in Butte, Mont., in the year 1910. Peter Bertoglio is also Italian, a product of a great heritage—one that he respected and loved. Peter went to public school in Oakland, Calif., received his B.S. degree at the University of California and went on to achieve his masters at Massachusetts Institute of Technology. With a career in mechanical and petroleum engineering, Mr. Bertoglio served the Standard Oil Co. of California for several years, then began his own business in the sanitation and waste disposal business. In his professional capacity he served the bay region on several environmental panels during a time when the rest of the country was hardly concerned about the problem.

But, Mr. Speaker, his greatest service was rendered as part of the Order of Sons of Italy in America. He joined the organization back in 1932, and quickly worked his way to important positions of responsibility. He won the respect of his fellow Sons of Italy and was eventually selected as grand venerable in Oakland, Calif., in 1953, by acclamation. Again, in 1955 he was selected to lead and again it was by acclamation.

For many men, Mr. Speaker, the success of raising a family of three children with his wife Victoria, the realization of success in business life and the winning of the respect of your fellow men would be enough. It would be time to stop and rest on your laurels. Not Peter Bertoglio.

Now, Mr. Speaker, Mr. Bertoglio is serving his country as secretarial assistant to the Secretary of Transportation for the western region of the United States.

But, amid all the honors and success, we need not look for what Peter Bertoglio considers his best works. It is evident in the dedication he devoted to them. As supreme venerable, Peter was a part of a new immigration bill that revised the old quota system. When passed, he was invited by then-President Lyndon Johnson, to witness the signing ceremony. In 1967, he put his efforts behind the first national community-service birth defects program which has now emerged as an important part of the Sons' annual program. During his years of service he championed both the conditioning of the body and the mind. It was Peter Bertoglio who worked for the beginnings of a scholarship program. It was he who served as the first president of the order's athletic commission.

The list of activities goes on and on. Mr. Speaker, Peter Bertoglio is held, in the words of another great Sons of Italy leader, Grand Venerable Joseph Billeci:

> In the highest esteem and is deeply appreciated for all he has done for, and contributed to, our welfare.

One final note must be made about this man, Mr. Speaker. In a time when our country has witnessed protest over the war, women's rights, and sectional discrimination, in a time when many proud Italians stood and shouted their protest of the way they were depicted, in a time when men shouted for the change they could not help make, Peter Bertaglio worked quietly, fashioning changes that have produced a better life and way of living for all those around him.

I am proud, Mr. Speaker, to recognize this great man, along with those who already know, in San Francisco next month. Peter J. Bertoglio has done wonderful things for his country and his associates. He has begun the process of making his mark on our consciousness and I have every reason to believe he will continue to do so as he steps forward to greater responsibilities and challenges.

ENDING THE WEST COAST DOCK STRIKE

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. DELLENBACK. Mr. Speaker, today I introduced proposed legislation in the U.S. House of Representatives to set up procedures to bring the prolonged west coast dock strike to an end. This legislation comes as a result of close work with the Department of Labor and its enactment has been proposed and urged by President Nixon. Similar legislation was introduced in the Senate by Senators PACKWOOD and JAVITS. It is my earnest hope that it will receive strong bipartisan support in the House, and indeed that other Representatives of both parties will proceed to introduce this identical legislation.

No representative of the people who recognizes the tremendous positive impact of this Nation's labor unions and the value of free collective bargaining could call for such legislation without some regret. I believe all of us in Congress hope the strike will end even before this special legislation can be passed.

Nevertheless, because the strike has already lasted far too long; because the situation is completely out of the control of the people who are being hurt; and because its consequences on a recently improving Oregon economy are most severe, I am convinced this strike has to be stopped immediately and that this is the only effective way to do it. Thousands of jobs in allied industries are at stake. Farm markets are threatened with permanent injury and loss. Businesses, large and small, are already in serious difficulty.

I am hopeful that this legislation will progress swiftly through Congress and result in the immediate opening of all Oregon and west coast ports.

PRESCHOOL CHILD DEVELOPMENT

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. QUIE. Mr. Speaker, research in preschool child development is in its early infancy stage. Some interesting work is presently being done in Milwaukee, Wis., and in Little Rock, Ark.

To provide Members with current information on these projects, I submit two articles for printing in the RECORD. The first is from the January 14, 1972, issue of the Louisville Courier-Journal and the second is from the January 9, 1972, issue of Parade magazine.

EDUCATION OF INFANTS HOLDS PROMISE

(By Dorothy Rich)

(Note.—The writer trains teachers and parents as director of the Home and School Institute and is a panel member of the National Leadership Training Institute in Early Childhood Education.)

WASHINGTON.—Five years ago in an old-fashioned, abandoned schoolhouse in a seedy section of Milwaukee, a unique educational experiment began. A classroom of infants—all 3 to 6 months old, all coming from backgrounds that would normally produce academic failure—began studying arithmetic, reading and language readiness.

The idea was to find out whether providing all the experiences for normal intellectual development at the dawn of a child's life could guarantee later achievement despite severe environmental disadvantages.

LEARNING BEGINS EARLY

With the infants, the emphasis is on individual attention and care. The feeling is that preparation for the three Rs starts in the cradle. Constant speech is used with them and they get much more personal attention than they would be able to get at home.

The last decade has seen an upsurge in preschool education, including Head Start and Sesame Street. Such programs usually start work with children around 3 years old. That's too late. Some educators now argue that by 3 a child can be educationally deprived for life. So a new American educational dream is being born: It's called infant education, or intervention in infancy.

Compensatory education programs at the upper grades appear to be failing. Infant education holds out the promise of affecting these children in the most teachable time of their lives.

It is estimated that almost 5 million Americans, mostly from poor and minority areas, are "retarded"—intellectually, not neurologically. Experts say this intellectual retardation starts in the cradle.

The Infant Education Center in Milwaukee headed by University of Wisconsin researcher Rick Heber set out to test whether, by starting work in infancy, mental retardation can be prevented.

So far his results are excellent. This is especially hopeful because Heber deliberately chose to work with the highest-risk children, these youngsters who in all probability were headed for retardation.

IQ LINKED TO MOTHERS

Heber knew that children of mothers with IQs less than 80 show lower IQ scores as they grow older. Mothers' and children's IQ are linked. In fact, says Heber, connection is the most distinguishing characteristic among the mentally retarded.

Five years ago Heber and his staff searched Milwaukee for these high-risk babies. To qualify for the experimental and control groups, mothers had to test below 75 IQ and have a 6-year-old child and new baby. Twenty families were selected for the experiment and 20 for the control groups. In order to have a more homogeneous research design, Heber chose only black families.

But the project's early population survey indicated that there is no IQ difference between the races. "Dull white parents," said Heber, "produce dull white children."

Another survey finding: It is a small group of ghetto families who produce a large number of slow children. Retardation is not randomly distributed among the poor. Rather it is confined to those families, both black and white, who have low IQ parents and lots of children.

Right now, the experimental group of these high-risk children (the oldest are now 5) is scoring 36 IQ points higher than the control group and showing far better language, skills and personality traits.

In that old schoolhouse in Milwaukee, 25 children are being put through a highly structured, full-day, year-round academic program.

Up to 15 months of age, each infant works with one teacher all day long.

Unless you see the program in action, it would be easy to imagine the structure as a lock-step, grim setting. What I saw, however, were lively, highly verbal children laughing, moving, working. The classrooms were old but bright, adorned with typical preschool art work. Knots of tiny children were clustered about teachers who were unabashedly pushing academic subjects.

In one corner a group was playing a math game invented by the teacher. The children were throwing dice and counting the number of dots. In another corner a teacher was using pictures to develop reading readiness. The oldest children, the 5 year olds, were near the blackboard, reading a list of words with obvious enjoyment, strongly urged on by the teacher. Then they started dictating stories using these words. I didn't see any technological teaching aids, just teachers working with children in the tried and true old-fashioned way.

CURRICULUM NOT SET

The curriculum has evolved as the children have grown older. Heber and staff are not committed to any particular educational doctrine.

Improved language development is a prime goal of the program. The teachers and the children are talking as they do all their work.

The curriculum, to some extent, may be changing by accident, but the teachers, by deliberate choice of the project planners, are not really teachers. Except for project supervisor Carolyn Hoffman, who holds an M.A. in behavioral sciences, the teachers are local people, mostly mothers who have been trained on the job.

The ratio of teacher to child is exceptionally low: one staff member for every five children. The most children any teacher has to work with each day is 10.

Next year the oldest children go off to regular school, to first grades in schools outside the ghetto. Will their fantastic IQ gain and language abilities hold? Supervisor Hoffman and project researcher Howard Garber believe that tale won't be told until the end of third grade.

The crucial question is: After five years of intensive work, can they now make it on their own? The parents have not been coached to provide ongoing educational support.

Results from the other early intervention studies have not been rosy, once intensive tutoring stopped. Earl Schaefer's pioneering infant education research project at Catholic University home-tutored disadvantaged boys from 15 months to their third birthdays. Language again was the key. Strong IQ gains were shown right after the tutoring stopped: 106 for the tutored boys, 89 for the control group. At age 4, the tutored boys came down to 100, control was 90. At 5, the control group advanced a bit.

MOTHERS MUST TUTOR

Schaefer feels strongly now that the IQ regression in his and other projects provides evidence of the need for continuing parental involvement in children's education. He saw that the control group mothers on their own began working more with their children while the tutored boys' mothers, used to having others work with their children, did not carry forward the work themselves.

IQ score regression is reported by other early intervention projects: Susan Gray at Peabody Teachers College in Nashville produced great changes in IQ but after it was over, down came the scores. The same is true for the work of Bettye Caldwell at Syracuse Children's Center.

Some of the projects that have actively involved parents have produced encouraging results. David Weikart in Ypsilanti, Mich., has worked with parents weekly on how to support their child's tutoring. A 30-point mean IQ gain was effected in one year. Welkart believes that mother support of a program is absolutely essential to its success.

This business of measuring success and failure in early education, as in the later grades, is a thorny problem. The IQ tests have been repeatedly attacked for their limitations. Henry Dyer of Educational Testing Service, considered the nation's leading test expert, states unequivocally, "Intelligence can be taught."

Infant education is coming on so strong because it holds the promise of teaching intelligence. Educational research is revealing that intelligence. Educational research is revealing that intellectual levels and language differences, the crucial areas measured by the IQ tests, are determined very, very early.

Burton White of Harvard points to the 10-to-18-months period. Though others believe the dates are still undetermined, the consensus is that a child's learning is an ever-evolving process which becomes measurable only with the acquisition of language skills. Unless corrected, disadvantages take hold earlier than was previously thought.

Though it's really generally agreed that the best place for a preschool child is with an ideal mother in an ideal home, 1 out of 3 mothers of preschool children is no longer at home but out working. There's no guarantee these mothers and homes would have been ideal anyway. Traditionally, however, the mother has prepared a child for school, not just with shoes but with the attitudes and skills for school success. A growing number of mothers are no longer home, both because of hard economic necessity or just the desire to be out in the world. It's unlikely they will go back to the kitchen. Someone or something has to intervene to do the job good mothers do. And less than ideal mothers at home need help as well.

This spring, the federal government will launch a national home start program—an earlier Head Start aimed at helping parents become better advocates for and educators of their own children.

It's not yet proven that this new version of the American educational dream will produce the fulfillment ideally hoped for each child.

If, however, it is shown by Heber and others that mental retardation can be prevented, then the fault will lie not in the genes or the stars, but in ourselves. And with characteristic American optimism in human knowhow, there is hope that infant education will work where other programs have failed.

A Pioneering Day-Care Program: How Much Can a 6-Month Infant Learn in School?

(By Ted Irwin)

Little Rock, Ark.—A day-care center in Little Rock has come up with the revolutionary idea of using the time that small children are left in its custody to educate them, rather than wasting it in aimless activities.

This concept of early, continuous, away-from-home education for youngsters starting almost in infancy is attracting deep interest elsewhere and, if it spreads, could change the face of American education.

Unlike many other day-care centers, which are merely places where working mothers park their toddlers all day and pick them up at night, Little Rock's Kramer School, a renovated structure in a mixed black-and-white neighborhood, is a hive of purposeful activity where three-year-olds learn numbers and four-year-olds explore basic math concepts. And all the while the building also functions as a regular elementary school through the sixth grade.

FIRST YEARS CRITICAL

"Ours is a new kind of educational delivery system," says Dr. Bettye Caldwell, the petite redhead educator in charge of the Center for Early Development, which runs the innovative Kramer project. "The first few years of life are critical for normal development as a human being. In this process, day care should not be separated from education. We're striving for a setup which can be adopted or adapted in other communities through the nation."

So important do educational authorities regard the Little Rock experiment that the Office of Child Development is investing $2 million in it, and the participants include the State Department of Education, the Little Rock school system, and the University of Arkansas.

Central to the project, initiated by Bettye Caldwell two years ago, is the conviction that it is not only possible but essential to give formal education to very young children whose mothers are separated from them all day. By providing instruction in the same building where they'll later be enrolled as elementary school pupils, the program gives them a running start on their formal education.

"An early enrichment program can't touch the lives of children in a significant way unless it's linked to public education," says Bettye, who is the wife of a surgeon. "Only in the public schools can you reach a large number of day-care children, and give them educational continuity, starting with infancy. Like this, there is no danger of a child losing out later, as some children in other programs have lost their early gains."

For the day-care children, school starts early at the center—at 7 a.m., two hours before the regular elementary grade children arrive. Their parents drop them off on the way to their jobs. Care starts at the age of six months, with very small children spending their day in the "Baby House," a maple-paneled structure with playpens, cribs, a feeding table, playground equipment, and even a diaper-changing room. Teachers and aides are on hand to blow bubbles and play games.

REWARD SYSTEM

Special rooms are reserved for three-, four-, and five-year-olds, where learning begins in earnest. Teaching techniques are adapted to age groups. Three-year-olds, for instance, learn numbers by being handed small dolls and taught to give back one, two, and three at a time. A successful performance brings a feeling of pride and a special snack for reward. Children six and over go to the school's regular classes, their day-care blended in imperceptibly with education.

One of the center's most intriguing rooms is the "Learning Library," where special equipment has been installed to help slow learners. A projector flashes letters, numbers and geometric patterns for the child to identify or copy. The latest in audiovisual apparatus helps speed up language proficiency and development. Activities go right on for these youngsters after the regular school pupils leave at 3:15, with the children remaining until their parents pick them up at 5 p.m.

"Most day-care centers," says Bettye Caldwell, "lock at their function from the standpoint of the mother's benefit—relieving them from custodial care of their children during working hours. We look at it from the standpoint of the child's enrichment. Our day care actually strengthens the bonds between mothers and children. In many cases, we take enough of a load off a mother so that she can be more loving, more patient, and take more time to play with the child. Separation during the day can heighten the enjoyment and appreciation of each other when they are together. The quality of the relationship is improved."

Dr. Caldwell, herself the mother of 13-year-old twins and a professor at the University of Arkansas, says the day-care program emphasizes emotional stability, mental health, and mutual understanding, as well as academic subjects. The result is improved behavior and a warm attitude toward school. One three-year-old named Billy, who threw temper tantrums regularly when he first came, has now turned into a creative and constructive leader of other small fry at the Center. Eighteen-month Janice, pale, underweight, and unsmiling, seemed destined to be retarded, like her older brother. At the Center, before long she was laughing, verbalizing, clapping her hands to music.

It's the same story for older day-care children who attend regular classes at the Kramer School. Says 11-year-old Tommy, the product of a broken home: "Every one treats me like an animal except the people here at school." Says nine-year-old Martha: "In my old school you couldn't even stand up without being yelled at."

Parents are delighted with the results they have observed in their youngsters. Says Mrs. Pauline Trotter: "If my two-year-old daughter Paula were left with a baby-sitter, she'd be kept in front of the TV all day, scared to move. At the Center she's learning to play with others." Mrs. Vivian Runyon, mother of six, is so happy with the Center that she's returned to the neighborhood just to be near it, after moving away for a while.

"I thought no one could take care of my kids like I could," she explains. "But I'm amazed at how much Rodney, who's only two, was able to learn at the Center. I'm sure that my older boys would be better students today if they had been in the program when they were very young." Adds a waitress with two youngsters at the Center: "My kids are getting a lot better start in life than I or my husband ever did."

The effect on the children also is measurable in objective tests. After one year at the Center, day-care pre-schoolers registered a gain of 12 I.Q. points as compared to 2 points for a control group on the outside. On achievement tests involving language and numbers concepts, Center children gained 16 scaled points more than other youngsters. In a test that involved associating spoken words with pictures, day-care four-year-olds outscored a control group in the same age range.

With results like these—and with an estimated 6 million pre-school children with working mothers in the U.S.—it's no wonder that education and child psychologists from all over the country, and some from countries like Brazil, Israel, Taiwan and Ghana, have been flocking to Little Rock to see the Center for Early Development in action.

ENTHUSIASTIC RESPONSE

One of these visiting experts, Prof. Joan Costello of Yale's Child Study Center, sums up the prevalent feeling this way: "This is one of the most exciting educational demonstrations going on in the country today. In this combination of day care and school, elementary grade pupils have a chance to learn about little children and parenthood. The day-care children were deeply interested in what they were doing and learning a lot. What impressed me is that it is a happy place. I see the Kramer program as potentially a model for the schools of the future."

To Bettye Caldwell, the promise of her day-care venture extends far beyond proficency in schoolwork.

SOCIAL AWARENESS STRESSED

"Before a child leaves us we hope he will have acquired a love of learning and be able to meet all later school experiences," she says. "But we want him also to have made substantial progress toward becoming a responsible citizen. We must think big about what kind of children we want to have in the next generation, about which kind of human characteristics will stand them in good stead in this rapidly changing world. Early child care, such as is being practiced at this Center, can be a powerful instrument of influencing the quality of life."

QUESTION OF AMNESTY

HON. K. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. McKAY. Mr. Speaker, because of the interest expressed in legislation introduced in the other body, I have frequently been asked my views on what should become of those who illegally avoided the draft.

Raising the question of amnesty for draft resisters at this time is certainly premature. The war goes on, and those who might consider avoiding their responsibility to serve their country should not be encouraged by any suggestion that they might do so with impunity. In dealing with amnesty we must also bear in mind that 55,000 young men have lost their lives in Vietnam, and several hundred thousand more have accepted military service as an obligation of citizenship. I believe it would be unfair to these young men if we were to extend amnesty unconditionally to those who have illegally avoided their obligations.

But we must also consider this: some 70,000 young men who preferred exile to military service in Vietnam are to be denied permanently the opportunity to return to American soil. For those of us who love this country, this prohibition is one of the most serious punishments imaginable. Although this predicament was a matter of conscious choice for these people, nonetheless I believe a conscientious lawmaker should explore every just alternative before acquiescing in a result so serious for so many.

Most of us share a religious heritage which teaches us that no one is beyond redemption. Repentence and forgiveness have a special significance to us in a religious sense, and we should make every effort to apply principles we are taught in our churches to all aspects of our lives.

It is for this reason that I have been unwilling to close the door unconditionally to any consideration of the conditions under which we might allow these young people to return. To be so inflexible would be irresponsible.

I do not now favor any of the legislation currently pending on this subject. I do not even favor considering the matter at this time, and I would never favor a solution which would not keep faith with those who have accepted the responsibilities of citizenship. But I do not believe we should limit our alternatives for future action by intemperate reactions to pending legislation.

METHADONE MAINTENANCE

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. HALPERN. Mr. Speaker, I would like to comment on one of our most pressing national problems—the misuse of drugs. Heroin addiction is taking its toll in the United States in terms of lives and money lost. In recent years, over 1,000 New Yorkers have died annually due to heroin overdoses or impure heroin. It is estimated that $16,000 to $30,000 a year is stolen by the average addict, in order to support his habit. Items that cannot be accurately priced include large sums of money kicked back to organized crime, terror to the public, the suffering of parents and close friends, and the value of the human lives that are wasted.

Methadone has been hailed by many as a partial answer to the heroin problem. This synthetically produced substitute—which is itself addictive—does not by any means resolve drug dependence. But it does to a large extent remove economic factors which cause the widespread crime in our country today.

As our researchers continue the frustrating search for total solutions, existing methadone maintenance programs should be strictly supervised in order to assure that only those addicts who do not respond to more conventional medical and psychiatric treatment are admitted. In addition, methadone should be made available only to those hospitals and clinics which dispense drugs under tightly monitored conditions—thus putting an end to the supply of methadone currently making its way into black market channels.

I would now like, Mr. Speaker, to praise Mr. Leonard Victor of the Long Island Daily Press for his continuing efforts in the field of drug education. Mr. Victor, whom I respect greatly both as an outstanding journalist and as a close friend, has been in the forefront in the battle to remedy the social ills currently plaguing our society. If the scourge of narcotics abuse is to be wiped out, it will be due in great part to the noble efforts of such men as Leonard Victor.

It is with great pride, Mr. Speaker, that I submit for publication in the CONGRESSIONAL RECORD the attached series of articles, written by Mr. Victor, on the subject of methadone. The series is entitled "Methadone: Cost and Delay."

The articles follow:

METHADONE: COST AND DELAY—A LONG LINE OF ADDICTS STILL WAIT FOR TREATMENT

(By Leonard Victor)

(Heroin use is still rising alarmingly in all four Long Island counties, especially among the younger age groups. Press national-award winning writer Leonard Victor looks at a still experimental answer to the problem, methadone maintenance. The first article in a series tells of the cost of methadone maintenance programs as compared to the burdens society must bear when a heroin addict is on the loose committing crimes to feed his habit.)

Numbers can be boring, but not the ones that follow.

They concern your wallet, your home, your loved ones and in too many tragic cases, yours or another human's life.

Methadone maintenance—putting an ex-heroin addict on a carefully regulated daily dose of the drug which, though addictive, quells the urge for heroin—is still considered an experiment.

But six years after its first mass use, it represents the best presently known way to get large numbers of junkies who want to "kick" their habit back into the main stream of normal society.

In as little as four weeks after getting on a well-run clinic program, many men and women go back to work, school or to taking care of their families.

Not everyone succeeds on methadone maintenance, but no other extant program has as swift or high a "track record." The methadone patient, as things stand now, must take his daily dose forever, just like the diabetic on insulin.

The cost of keeping a former hard core addict heroin-free by the work of a properly run clinic varies from a low of $1,200 per year each in Suffolk to an average of $1,600 in Nassau, Queens and Brooklyn.

That's quite a contrast with what a junkie on the loose, in a hospital or jail costs the public. The figures that follow are conservative, based on such sources as the Federal Bureau of Narcotics and local agencies. In each case, experts in the field have called the following estimates "low to average."

Jail or detention (90 days a year at the Nassau Jail rate of $19.38 per day), $1,744.

Theft to support heroin habit, based on Federal Bureau of Narcotics national figure of $300 stolen per day, estimate 100 days of theft per year, $30,000.

Average of 10 days in hospital for drug-related illness, such as abscesses, hepatitis at $90 per day, $900.

Narcotics police costs. Take your own guess. A simple arrest by one of Long Island's hundreds of narcotics police could cost you no more than $50. But another case might take 6 months of surveillance, time for grand jury presentation, an arresting strike force and much time in court. So we put a very low "guess number" as an average, $200.

Court costs—another impossible figure. A prisoner may plead guilty immediately, another may fight a case and make appeals consuming weeks of expensive court time. Again a conservative guess, $300.

Probation figures are clear cut. It costs $900 per year for an expert senior probation officer in Nassau, for example, to keep tabs on a paroled heroin addict. Average time, 2 years, $1,800.

There are a multitude of other costs to John Q. Public built into the curse of heroin addiction: Welfare payments to addicts unable to work; income tax lost as addicts don't work or pay when they do work and a host of other secondary tributes heroin levies on society.

But let's add up this list of costs, $34,944.

Then contrast the average yearly cost for methadone help in a clinic, $1,500.

The figure stays frightening even if you use another set of admittedly ultra-conservative numbers. They were worked out by Dr. Mel Rosen, past president of the Suffolk Medical Society, professor at the Stony Brook Medical School, family practitioner and current chairman of the Suffolk Medical Society's Narcotics Committee.

Basing his work on a study done by Dr. Paul Cushman at the St. Luke's Hospital methadone center in Manhattan that was published last July in the New York State Journal of Medicine, he comes up with an annual cost to society per addict of $18,945. A major factor in the lower figures is that the ex-addicts interviewed for the study admitted far less stealing than the accepted federal figure.

Dr. Rosen did his computations to show the cost of clinics needed in Suffolk to treat 1,000 patients.

Why 1,000? Total arrests for heroin in Suffolk last year were 1,028, according to Bob Cummings, head of the County Police Narcotics Squad. An old, established police rule of thumb is that there are five times as many addicts as the number arrested.

So, there is at least, 5,000-plus addicts in Suffolk.

There were 1,061 heroin arrests in Nassau last year. Again, at least 5,000 addicts in the county. Many police believe more.

There were 3,320 heroin arrests in Queens last year.

Brooklyn heroin arrests in '70: 9,350.

Which means there are at least 72,000 heroin users on Long Island.

Inspector James Henderson, head of the Nassau Police Narcotics Squad, adds a frightening note to the statistics. He says that "the continuing increase of heroin use is alarming and the age of the average user is getting younger."

In 1968, he points out only 16 per cent of narcotic arrests were for heroin.

Just two years later, in '70, the number soared to 27.6 per cent of all drug arrests in Nassau.

His opposite numbers in New York and Suffolk agree that the use of "H" is still going up and the user's ages down.

All are in favor of increasing the number of methadone maintenance clinics.

Deputy Chief Inspector Jules Sachson, who heads the NYC Police Narcotics Squad, says simply that "a man or woman on a methadone program isn't stealing to pay for a heroin habit. Instead of being a burden to society, the ex-addict is an asset."

Nassau's narcotics squad boss, Inspector Henderson, has some reservations about the fact that the methadone user is still on an addictive drug, though one that doesn't produce a "high" or impair functions when given in proper medical doses.

But he calls it "the best we've got against this plague and its use is showing good results." He adds that "we seldom see those in a program back under arrest."

Cummings, head of Suffolk's Narcotics squad, calls methadone treatment "a blessing that cuts crime." Like Commissioner Barry, head of the Suffolk Police, he is for expansion of methadone clinics.

The commissioner points out that use of the heroin-blocking drug is "just plain dollars and cents common sense."

In adding up the cost of an addict's habit earlier in this article, there were several things that couldn't be "priced."

They're the vast sums of money fed back to organized crime by addicts who are drug pushers to support their own "habit."

They're the terror to the public, the agony to the addict's loved ones and the value of the human lives lost.

THE LONG WAIT FOR HELP—MONTHS GO BY BEFORE AN ADDICT CAN GET METHADONE

(By Leonard Victor)

(Methadone is a still-controversial addictive drug which is being used increasingly to block heroin addicts from their drug habit. In this second of a series, the number of clinics on Long Island, their operation and their biggest single problem is explored.)

Thousands of people are on pitifully long waiting lists for admission to methadone treatment programs in Queens.

These men and women are largely those who honestly want to "get the monkey off their backs." They're the ones who have had enough of the heroin merry-go-round.

They want to stop stealing to pay for their ever-growing habit, be rid of the illness that comes when they can't get "the stuff."

They want to end a nightmarish round that inevitably leads to hospitals, courts and jail terms.

Queens is being picked as an example for all Long Island because a strenuous effort is being made in the county to deal with a problem growing faster than it can be solved.

Last year, there was only one methadone maintenance center in Queens, run by Beth Israel Hospital's pioneering program, at the Triboro Hospital in Jamaica.

Now there are seven more Health Services Administration clinics in Queens—and all are full. The Beth Israel program, expanded from 100 to 200 patients, has 500 on its waiting list. Waiting time: About 6 months.

LI Jewish Hospital's methadone clinic has an 8 month waiting time and is expected to be expanded soon.

Why? Turning a hard-core addict back into a responsible useful member of the community isn't just a matter of giving him or her a daily dose of methadone dissolved in orange juice.

There's a lot more to it than that.

Dr. Vincent P. Dole of the Rockefeller Institute discovered many years ago that a drug called methadone, synthesized by the Germans during WW II as a substitute for unobtainable morphine, blocked an addict's craving for heroin.

He found more. The synthetic, administered in the right dosage, blocked that addict from getting his euphoric "high" even if he mainlined heroin into a vein.

Let's follow part of the path of a patient lucky enough to be told to "come in for help," at a typical clinic like Beth Israel in Queens.

First, there has to be complete medical examinations. Addicts are malnourished, prone to disease and dental problems.

Besides the body, there's the mind. The patient must be talked to, perhaps for long hours, to make sure he's not psychotic or potentially psychotic, not subject to acts of violence.

Does the man need a job, is he so unskilled that he needs vocational training? Can things be patched up with a wife or other loved ones?

Can a college be convinced the student who dropped or was thrown out is "clean" and anxious to get back to his studies?

Get the idea? There's more, much more and it doesn't stop after that first deep look into the patient's life and his future hopes and needs.

As this goes on, the medical side of the team is slowly finding out what minimum dose of methadone will keep the patient on "the straight path."

For many weeks, sometimes months, the patient must come to the clinic in Jamaica—open from 7 a.m. to 7:30 p.m.—for the daily drug dose, taken on the spot under the vigilant eye of an expert nurse or a doctor.

And urine specimens must be taken regularly too. Lab analysis of them shows whether the patient has been fooling around with other narcotics, a potentially deadly experiment for the ex-addict.

Through the months and years, counselors talk regularly, by the hour if needed, with the patients. No man or woman goes through life without hitting rough spots, like the loss of a job.

In time, most patients aren't required to come in every day, after they've proved that it is safe to give them their pre-mixed doses on a two or three times a week basis.

But the patients have to earn that right by consistently proving themselves decent members of society.

The clinic faces a fantastic list of patient's problems such as helping those who can't work and need welfare aid.

All this adds up to a large staff of dedicated people plus lots of time and effort.

The result: The clogged pipeline in clinic after clinic. Those who are "in" get help, those who aren't stay in the morass of the drug sub-culture unless they can find a physician who will put them on a "holding dose."

This is a lower than standard maintenance level that keeps many patients out of trouble until they can get into a full-scale program like those at Mary Immaculate or Jamaica Hospitals—both with too-many-months-long waiting lists.

Elsewhere on Long Island, Brooklyn has the lion's share of clinics, 14 but still with typically too-long waiting lists because they have the highest number of addicts.

Nassau has only one county methadone center, located on the grounds of the Nassau Medical Center but run by their drug commission. Nassau's anti-drug fighters differ from the other three counties by a strong belief in complete abstinence rather than methadone maintenance.

Their one methadone unit was recently enlarged and will shortly be able to handle 200 patients. Dr. Victoria Sears, the Nassau commission's director of medical treatment, says they have only 100 on their waiting list "because of our extremely rigid screening techniques."

However several Queens methadone clinic heads have told The Press—while asking that their names be withheld—that they have high numbers of Nassau residents using phony Queens addresses, such as those of friends or relatives, among their patients.

Nassau has one other clinic at the voluntary Long Beach Memorial Hospital. Covering a local radius of 50,000 people, it handles 125 ex-addicts in a clinic program and has a waiting list.

In Suffolk, there is one county methadone clinic in Bay Shore, with another one in Huntington Station due to open in a few days.

The Bay Shore unit handles 130 patients. It has a waiting list of 250 men and women, which the executive director of the Suffolk Narcotics Commission, Larry Kennedy, candidly labels an "artificial number."

He calls it that because, as he says, "more people don't register because they know how hopelessly long the waiting list is."

Kennedy says the new Huntington Station walk-in clinic for ex-addicts will handle 200 patients. And he predicts sadly that "we'll be full and have a waiting list by the time we are running a month."

The Suffolk drug fighters asked for $2 million in the upcoming budget to up their total for the geographically spread-out county to 8 clinics.

They got $500,000. But Kennedy says that he's not overly disappointed. He believes John V. N. Klein, chairman of the county legislature and the members of the legislature itself "understand the problem."

Chairman Klein confirms this. He says that "I am sure we can raise the initial budget grant for methadone clinics and that our legislators will provide needed supplemental funds for expansion during the year. You can't build six more clinics and staff them all at once."

Both Nassau and Suffolk are engaged in preliminary but serious negotiations with voluntary hospitals that will hopefully lead to the setting up of clinics under contract to the county narcotics commission.

But Kennedy faces an odd problem in Suffolk. If and when he gets the funds for a much-needed walk-in methadone clinic in Riverhead, he is also going to have to get a bus to pick up patients all along the length of the two claw-like easternmost tips of the Island!

METHADONE CENTER-IN-WAITING—PERFECT SITE, ALL EQUIPPED, JUST READY FOR THE TAKING

(By Leonard Victor)

(This third article in a series about methadone clinics to take addicts off heroin use explores the "why" of the shortage. The lack of clinics literally tells men and women, "Sorry, you'll have to keep on being a burglar, street criminal, dope pusher or prostitute for another six months or more until we have space for you.")

The Press learned a year ago last September, before the elections, that a made-to-order location for both an in-patient and out-patient methadone treatment center was waiting close to the Nassau-Queens borderline.

It was—and still is—space available at the towering Medical Center of Creedmoor Hospital, so familiar to motorists who travel the nearby Grand Central Parkway.

Thanks to modern administration and modern medicine, the hospital population was halved from 6,000 to little more than 3,000, leaving empty space in Creedmoor's most modern building.

The free area includes an entire 100-bed ward floor, equipped and ready to use with just a little housekeeping. It has ward beds, private patient rooms, two dining rooms, a galley and even the double-locked safes needed to hold drugs like methadone.

On the ground floor of Creedmoor's most modern building, there is a large area, with telephones still connected. Consisting of a big waiting room and a string of small and medium-sized offices. It was being used as storage space.

It would have taken little more than two weeks to turn this area into an ideal walk-in methadone center for ex-addicts who didn't need the medical detoxification, treatment and buildup the upper floor could supply.

There was one more thrilling facet to the setup.

Creedmoor's updated methods that moved patients out of the hospital, returning them to society, supports them by regular visits to a ring of 11 satellite clinics all over Queens.

Those clinics, top Creedmoor officials felt, could easily be used as nearer-home clinics for ex-addicts who had passed successfuly through the first and second stages of being succesfully stabilized on methadone, both medically and with their personal problems.

They reasoned logically that the satellite clinic therapists could easily be trained and supplemented with a part-time doctor and para-medical professionals in the walk-in clinic field.

Beyond this, the Brooklyn Catholic Diocese, which also runs mental health clinics in Queens, and Aftercare, a city agency, both said they could help.

Approval for the idea came promptly from both the Nassau and Queens Medical Societies and their Narcotics Committees.

Thus, almost magically, there was an already built facility discovered available.

What's more, with the satellite clinics extant in Queens, which the Nassau Narcotics Commission could match in their county, this new facility was a rarity—an "unplugged methadone pipe line."

Conservative estimates were that within a year, the complex could be easily handling more than 1,000 patients from the million nearby Queens and Nassau residents who could easily reach Creedmoor and then more easily the area clinics.

It is known that one extremely prominent political figure was so impressed by the concept that he personally brought the series of Press stories about it to Gov. Rockefeller in Albany.

The governor promised him the treatment center, so badly needed to help western Nassau and Eastern Queens residents, would be opened swiftly.

Creedmoor's Medical service director, Dr. Louis Soletsky, worked out a starting budget. He forwarded it through the State Mental Hygiene Department's upper echelons, which passed it to the state's Narcotic Addiction Control Commission, the agency responsible for apportioning funds for anti-addiction projects.

Election time came and went.

Nothing happened—not a nickel has been appropriated to this minute.

A hospital spokesman says "space is still available for the project, but we just didn't get the funds to start it."

He adds that the hospital and its outlying clinics are having their own problems of understaffing because of the state's job freeze.

A Narcotics Addiction Commission spokesman last week laid the blame for the lack of funds at the feet of the State Legislature, claiming "they failed to appropriate the funds."

Dr. Philip Kaufman speaks bitterly about the Creedmoor failure with the voice of many physicians. Besides being chairman of the Queens Medical Society Narcotics Committee Advisory Force, he holds many other time-consuming voluntary jobs, jobs resulting from the battle he started waging against narcotics at all social levels more than 11 years ago—when it was neither understood or "fashionable."

He said with a bite to his normally gentle voice, "They can find millions to fix up roads, but nothing to repair devasted human lives. How is it they had the millions for the Cross-Bay unit, but not a penny for a much better facility?"

He was referring to the shut-down private hospital in Howard Beach that the State Narcotics Addiction Control Commission bought for $4 million to treat addicts, each for a 6-week period.

An NACC spokesman told a Press reporter that alterations had cost $690,000, but later revised the figure upward to $1.6 million.

Some $600,000 of that was for a gymnasium that wasn't complete when the unit was shut down for lack of funds after 14 months of operation.

The 240 employes treated some 1,700 patients during that period.

Adding a conservative $1 million for the unobtainable salary figures of the 240 medical, nurse, paramedical and general help, it cost $3,888 for each patient's 6-week stay.

The now-shuttered Cross-Bay unit was part of a massive program mounted by Gov. Rockefeller in recent years, estimated to have cost more than $360 million, which experts have labelled "a dismal failure."

Many agency heads speak bluntly about the state's well-ballyhooed program that failed at such tremendous cost, but most still have to seek the drible of funds still available, so they don't want their names used.

One exception is Dr. Melville G. Rosen, chairman of the Suffolk Medical Society's Drug Abuse Task Force. He says that "most of the state's money went down the drain, with no real results, no matter how well-intentioned the program was."

And he points now to neighboring Nassau, which asked the state for $900,000 to expand their work this year—and got only $300,000.

The doctor, incidentally calls Suffolk Police estimates of 5,000 heroin users in the county "too low." He feels that more than 8,000 would be closer to the right number.

The executive director of Suffolk's drug program, Larry Kennedy, comes right to the point: "What bothers me is cyclical funding depending on whether or not it is an election year.

"We get promises of state aid and then 'bingo' the funds evaporate and the burden falls back on the local area already being ripped by rising real estate taxes. We were told last year that $50 million would be available for our kind of work.

"Just try and find any of it now."

Far to the west in Manhattan, Graham S. Finney, Commissioner of New York City's Addiction Services Agency, had somewhat similar feelings.

Talking of the folding of state facilities like the Cross-Bay treatment center and the sharp drop in funds allocated, he says that "the governor, who in the past has made many promises in the addict field, must take charge in assuring continuity of new efforts."

Finney warns: "The state administration must not allow brand new anti-drug programs to be cancelled after a single year. If legislation isn't passed these programs will indeed die a needless death."

The city agency head also faults the federal government "for contributing less than 10 per cent of the cost of our efforts in the treatment and prevention fields."

The city, he points out, got so frustrated over lack of federal action that it has invested $650,000 in basic research to develop drugs that would be addiction antagonists.

"This $650,000," he adds, "is money that the city can't afford and the federal government should clearly be spending."

Larry Kennedy has one more thing to say about the much-reduced long-term state criminal or voluntary sheltered residence program.

"Between Nassau and Suffolk," he explains, "we can statistically commit exactly 1.4 women a month for help. God help us if we're ever faced with committing a percentage point of a human being more."

OBJECTIVE: HELP THE ADDICT—LEADER IN THE FIGHT CAN'T GET A LICENSE FOR METHADONE

(By Leonard Victor)

Methadone maintenance (holding a patient on a dose of the synthetic drug that blocks his craving for heroin) has become one of the best currently known mass methods for treating the junkie. Private physicians willing to fight the still-growing epidemic have been blocked from helping by stringent federal and state laws about the use of methadone. In a startling new development, it now appears that the Federal Drug Administration may be close to making methadone as common an MD's prescription drug as penicillin. This article starts an exploration of what this would mean for the addict wanting to "kick the habit" and the general practitioner willing to help.)

The possible change of methadone from a strictly controlled experimental drug to a standard prescription medicine may be the end—or beginning—of Dr. Philip Kaufman's troubles.

The soft-spoken, humanistic family doctor with more than 32 years of practice behind him is chairman of the Queens Medical Society's Narcotics Committee.

He started fighting addiction at all social levels when he practiced in Astoria 11 years ago, but he hasn't been able to get an FDA license to use methadone for maintenance despite these other credentials:

Founder and chairman of the Medical Society's Drug Hot Line, which gives expert advice to addicts, their parents or others who care about them.

Narcotics advisor to Queens District Attorney Thomas Mackell.

Chairman of the Boulevard Hospital experimental laboratory for the detection of (narcotic) abuse drugs.

That laboratory, incidentally, was set up by a grant from International Telephone and Telegraph, obtained by the Queens DA, and made an actuality by Dr. Mandel Weinstein, chief surgeon of Boulevard, who arranged for technicians to staff it free of cost.

Dr. Kaufman has many titles denoting devoted work that adds many selflessly unpaid hours to his busy day as a family doctor.

Why wouldn't the FDA give an eminently qualified man like him a license to aid addicts?

In his case, it is almost impossible to say, because he had the knowledge of the addict, contacts with outside agencies that could help.

Besides, he had three nurses available if needed during his special hours dedicated to aiding ex-addicts and two psychologists in his office.

One is his son-in-law, the other a man who has worked with him for 15 years, even before the doctor began helping Father W. L. Damon Pitcaithly in the start-up of a program that became the respected Samaritan Half-Way Society for ex-addicts.

The FDA's caution can be understood where many other well-meaning but less-schooled doctors are concerned. It is now little more than six years since the first mass treatment program was set up at Beth Israel Hospital in Manhattan.

There was much to be learned (as detailed earlier in this series) about patient's reactions and other needs besides a daily dose of the methadone that kept them from crimes to pay for their drug habit.

Now Beth Israel has an astonishingly high success record, nearing the 5,000 patient mark, monitored continuously with eagle eyes by a distinguished study group affiliated with the Columbia Medical University. There is no question about the program's success with all types of addicts, including even schizophrenics.

Dr. Kaufman's literally agonized cry over the past few years has been, "Let's get these kids and adults off the street, let's stop them from committing crimes."

He wanted and wants the right to maintain patients on methadone, just as the Beth Israel program, the following Health Service Agency of New York City walk-in clinics and independent ones have done.

Those clinics have grown fantastically in the past year. Where Queens had one, there are now eight.

But all eight have a "clogged pipeline." Typically, when they reach their capacity of about 200 patients, they must helplessly cut off their waiting list at 500 more.

Incidentally, call Dr. Kaufman for help any time you want to, but don't visit him. He can try and refer you, give you the best advice, but he has his own waiting list.

And it's a long list although the current strict laws allow him to give ex-addicts only limited help.

There are two things he can legally do:

Detoxify an addict—which he will do only after talking to him or her over the phone and getting details. And don't try to "con" him. He's heard every addict's lie in the book!

Maintain an addict on what Dr. Ray Trussel, director of Beth-Israel Hospital calls "a holding pattern," a lower dose than that a clinic might stabilize the patient permanently on.

And he can only do that if the patient has a verified letter that he or she has been accepted and is on the waiting line for a regular clinic program.

The doctor doesn't think that's enough and he has the firm, positive backing of both Queens and Nassau Medical Societies.

Both organizations have voted in favor of letting the general practitioner get fully involved in the battle against the still-burgeoning heroin epidemic.

Neither Suffolk or Brooklyn's medical societies, unlike the state society which took a "let-the-doctor-help" stand this year, have gone fully on the record.

But the Suffolk group is working actively on the problem on many fronts, from education to urging the county and voluntary hospitals to setup more methadone walk-in clinics than the present two county-run clinics.

And the Brooklyn medical group's president, Dr. Ralph Schwartz, says that "doctors should do everything they can to help." This while admitting his organization is still searching for a firm decision on the best way of attacking the problem.

The problems facing Dr. Kaufman when and if the FDA does make methadone "just another drug" are manifold.

Few know it but medical societies like the Queens group try to do their own policing.

This means that the busy Astoria MD and the members of his committee will have to be on the lookout for commercial clinics like the one in Manhattan which traded bucks for methadone.

The FDA shut it down, but not before it had an unexamined, unsupervised clientele of 2,200.

The city absorbed 1,700 methadone patients via the Health Service Agency. But it had to commandeer an unused ferryboat as a "holding clinic" for 500 more.

Besides the giant operation, there are other woes that face the almost totally decent medical profession:

The unscrupulous individual doctor who would let his nurse hand out methadone prescriptions over the desk just in return for cash.

The inept doctor, who out of compassion takes on ex-addict patients who are among the most vivid liars, connivers and chiselers in medical history. (Any competent physician can learn the pharmacology and medical treatment of an ex-addict from a book. But only the words of experts can teach him the psychology of the former junkie—and perhaps only time can teach him the former heroin user's true psychological attitude.)

And on the fence is the searing question: "Will methadone, also an addicting drug, become too easy to get?" For methadone when taken in heavier than medically prescribed doses, can produce its own lethal "high."

Tack on one more question that's worrying the doctors themselves. How many more burglaries and robberies—usually backed by guns—will they face once addicts realize they have to keep a supply of potentially "kick-producing" methadone in their offices?

As the law stands now, a private doctor or at least his experienced nurse, must watch as the former heroin user drinks his daily dose on the spot—in the office.

And, as the state's Health Department law now stands, the private doctor must give the dose seven days a week. Clinics don't have to follow that rule.

And whether some people believe it or not, doctors are not made of steel. They're flesh and blood and many won't lend a hand in the anti-heroin fight if they can't have Sunday off with their families.

Except, of course, for real emergencies.

A FAMILY DOCTOR'S RX FOR METHADONE ILLS

(By Leonard Victor)

(From Brooklyn to Suffolk, the concerned agencies—even Nassau which believes strongly in total abstinence programs—are trying to establish more in-patient, walk-in clinics and holding units for heroin addicts wanting methadone maintenance. The problem: Each time a new clinic opens, it fills quickly with patients and latecomers must wait, wait in torment, torture and usually committing crimes to support their heroin habit—until there is an opening for them. This last article in a series explores some ways to "unplug the methadone clinic pipeline.")

A Suffolk family doctor may have come up with a way to "unplug" filled-up methadone maintenance clinics.

Dr. Melville G. Rosen of Deer Park, past president of both Suffolk's Medical Society and its Academy of General Practice, says: "We're looking at this thing backwards.

"A patient gets a letter now that certifies that he's on the waiting list for a clinic methadone maintenance program—and I've had them from as far away as Manhattan.

"We, the general medical profession, are asked to take this stranger in and keep him on a 'holding dose' of methadone until he can get into the clinic maybe six or more months from now. That's ridiculous.

"Instead, the clinic should check him out first with their experts who have had years of daily experience in the field. Then, whether it is only for temporary maintenance or long-term aid, we know the patient is probably suitable for office treatment."

Dr. Rosen handles few ex-addicts but as chairman of the Suffolk Medical Society's Drug Abuse Committee and a member of the county's Narcotics Commission, has deep experience in the field. He may not need this type of service as much as some other doctors.

But medical men from Manhattan to Suffolk say he's right.

Dr. Robert Newman, director of New York City's Health Services Administration's far-flung and still-growing network of methadone clinics, agrees enthusiastically.

Independently, he's talked to both local and state groups about a similar idea. He says it has been received with hearty approval.

Strangely, though they don't know each other, both MDs have the same two ideas behind this "let-the-specialists-evaluate-them-first idea":

The family doctor should always have instant access to a methadone specialist on the phone if something unusual comes up.

There must be a well-staffed clinic to which the private doctor has close ties—and to which he can immediately send back the patient for problems of an extremely special nature.

How long would initial screening, testing and stabilization of a methadone dosage take, compared to letting patients stay in who now "plug the pipeline" for years?

You can get as many answers as there are experts in the field.

That's because of the newness of this treatment system and because, as with cancer or alcoholism, there is no "average patient."

At one extreme, a Beth Israel expert says that one third of the patients could be turned over to a family doctor in six months, more in a year and some—never.

But an equally eminent physician pointed out that the central—and pioneering Bernstein Institute at Beth Israel—gets the worst hard core addicts. He opted for 25 per cent that could be turned over in "a month or two among average patients."

The vigorous young director of the Long Island Jewish Hospital's methadone clinic, Dr. Richard Blum, used 50 per cent as the number that could be put in a family doctor's hands after six months.

"Don't forget," he warned, "that there's a lot of ancillary service, a lot of hand-holding to be done during that time."

Dr. Leonard Brahen wears two very responsible hats.

He's the long-time chairman of the Nassau Medical Society's Narcotics Committee and education and research director of the same county's drug-fighting commission.

He's all for Dr. Rosen's idea of screening patients first and then putting them into the family MD's hands, the hands of a man he calls "most skilled in the use of drugs."

But he brings up a point that has been a thorn, mentioned again and again by both doctors and police during the survey for this series.

"If we don't have a state-wide registry of ex-addicts," he warns, "there will be patients 'hitting' many doctors at the same time, not to stay clean, but to 'score' with a drug that also gives a high in large enough quantities."

This, he stipulates, calls for on-the-spot inspection and doses "until we are sure the patient isn't fooling around."

Methadone is a drug that can be fatal to the non-user in quantities which are normal maintenance doses for a stabilized ex-addict.

That's one of the reasons Graham S. Finney, commissioner of New York City's Addiction Service Agency (the fund-finding and disbursing half of the Mayor's Narcotic Task Force) says that "the maintenance by private doctors is good but must be approached cautiously."

This fear of wide-spread availability of addictive methadone is among reasons why Dr. Vincent P. Dole, the discoverer of methadone blockage against heroin, worries about its use by the private medical sector.

But a year ago last summer, both he and Dr. Raymond Trussell, head of the country's biggest methadone maintenance program, both told this reporter that the overloaded pipeline needed help from the typical MD "at the back end as well as for 'holding'."

And just a few weeks ago, Dr. Trussell again, reiterated that the waiting line was growing too long and that the entire medical profession should be encouraged to learn more about the problem and help.

He, Commissioner Finney and Dr. Newman would prefer large clinic-type holding units. But economics in a series of debt-ridden counties, the "big city" and the state preclude their rapid expansion.

There's an ambivalence to police feelings about methadone too.

Narcotic squads' experience across the length of long Island has convinced them that the maintenance system works better and faster—as far as curbing addict's crimes—than any other mode.

But more and more loose "meth" has been showing up on all the drug markets in Long Island's four counties.

Some police blame this on only one source, the now-closed West Side Manhattan clinic where methadone was dispensed so freely.

Other narco specialists are afraid of what will happen when the drug is "legalized" by the Federal Drug Administration, which is expected shortly in light of its obvious treatment success.

So methadone is regarded, both by top medical experts and police, as a two-edge sword, that can be used for either suicide or saving surgery.

Because of this, an ad hoc committee headed by Dr. Trussell and made up of other experts such as Dr. Dole and Commissioner Finney, has completed a stiff set of rules they've forwarded to the state's Health Council.

Their advisory suggestions call for an end to prescriptions by private doctors, except those who have affiliations with a recognized clinic. This parallels the close connection envisioned by Dr. Melville in his plan for "unplugging" the methadone plan.

One single registry listing all methadone patients, so a wily addict could not get into more than one program. The Rockefeller Institute already has such a registry, capable of handling 100,000 names, which is used by Beth Israel.

But such a registry might become a function of the State Health Department.

Special, colored prescription blanks, numbered and handled in duplicate for an extra record.

Other stringent steps suggested by the committee include tight inventory control of methadone as supplied by the wholesaler, clinic inspections to make sure they're adhering to the rules.

They also seek availability of prompt hospitalization as needed.

Asked about giving physicians the training to handle ex-addicts, Dr. Trussell said that "we're doing it now at Beth Israel—and willing to do more."

But he said he wasn't sure yet that the pioneering hospital could send teaching team as far as Nassau or Suffolk if asked but that the Queens unit at Triboro Hospital was available.

A State Health Department spokesman said the committee guidelines were "only advisory, but we wouldn't have sought advice from such an eminent group unless we hope to use most or all of it."

The same spokesman denied flatly that there had been any pressure to keep pharmacists from supplying methadone to doctors. There have been some complaints that local druggists refused to honor MD's requests for the drug.

In all this welter, one promising note is emerging.

Many doctors, administering methadone cautiously in their private practices, and some more formal experimental groups have reported a degree of success with weaning patients off this also addictive drug.

The best results have been with younger addicts.

One MD, who must remain nameless, tells how he slowly reduced his few patients' dosage, month by month, until they were taking placebos, fake pills.

When he judged it safe, this man—who does not charge methadone patients except for their urinalysis lab fees—tossed the records across the desk at the ex-addict.

Then he told him or her, "You haven't been on anything but sugar pills for a long time. Read your record. Then don't come back unless, God forbid, you really have something wrong, like a broken arm or pneumonia.

"Go find a fresh way to try suicide, like skiing."

Methadone is no cure-all. But the only other method that works reasonably well is the sheltered residence like Samaritan Half-Way's homes in Queens and upstate.

And they too are clogged pipelines, taking much time to cure the mess it took heroin so long to make out of normal people.

This ending is a synthesis of many dedicated medical men's words: "Until we get something better, methadone is the fastest, surest way we know to get more men and women back to housework, school or a job. Give us something better and we'll switch in a second.

"But until you get it, don't strangle us with federal or state laws that don't let us fight a frightful epidemic."

This series started with numbers, the average cost of $1,500 a year across Long Island for treating an ex-addict as opposed to more than 20 times that which he costs society while on heroin.

Let its finale be a somber little number: There were 16 people who died either from bad heroin or a heroin overdose just in Suffolk last year.

FULTON RELIEVED, PLEASED WITH RESTORATION OF EDUCATION FUNDS

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. FULTON. Mr. Speaker, it is with great relief that I bring to my colleagues' attention the full restoration of title I, Elementary and Secondary Education Act funds to 15 States, including Tennessee, which last November had an education financing lifeline slashed in midstream.

Thanks to provisions of the Supplemental Appropriation Act of 1972, more than $32 million withheld from these States due to decreased numbers of low-income—or otherwise educationally disadvantaged—children and/or lessened per pupil expenditures now will be granted. Tennessee's return of "exorcised" funds equals more than $3.1 million, bringing the State's fiscal year 1972 ESEA title I funding earmarked for local education uses to almost $36.3 million. My district, Nashville-Davidson County, can expect a restoration receipt of $147,861, with its fiscal year 1972 ESEA title I funding level set at $1,721,937.

In November, when these reduced education funding levels were announced, I stated for the RECORD:

> That any child should ever have his education threatened, that any school district or state agency should be forced to cut back for the "public good" of another district or state agency is, in my opinion, action opposed to the "public good."

I am pleased to note that after 2 months of doubt, we have evidence that what is good for the public in this matter is also good for the people of Tennessee and 14 sister States.

SAVE THE PEACE CORPS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, I have just received a most thoughtful and eloquent appeal from a constituent who is concerned about the financial plight of the Peace Corps. This particular constituent, Mr. Alan Wernicke of Lena, Ill., is especially qualified to comment on this subject, having just returned from service with the Peace Corps in Kenya. I share Mr. Wernicke's concern that the Peace Corps may be forced to bring home half of its 8,000 volunteers in the field and completely shut down its operations in some 15 countries under the terms of the existing continuing resolution, which sets Peace Corps spending at $72 million. This situation can be avoided if the Senate approves the full authorized amount of $77.2 million as part of the fiscal 1972 foreign assistance appropriation bill and this figure is upheld in conference. It is my genuine hope that this will be the case.

Mr. Wernicke makes a number of cogent arguments against the Peace Corps budget cuts and views these from the standpoint of the volunteers in the field and in training, the host countries involved, and the American taxpayer, all of whom have a considerable investment in the ongoing programs of the agency. I include the full text of Mr. Wernicke's letter at this point in the RECORD and commend it to the reading of my colleagues. I also include two editorials which recently appeared in the Washington Post and the Evening Star, both of which urge restoration of Peace Corps funds.

The material follows:

LENA, ILL.,
January 19, 1972.

Congressman JOHN B. ANDERSON,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. ANDERSON: I am writing to urge your support for the Peace Corps budget request which will be before Congress in the new session of 1972. As a former volunteer to Kenya who returned home in November, 1971, I am alarmed by the series of budget cuts, real and threatened, which have been hanging over the organization in recent months. I fear that unless action is taken to give the Peace Corps adequate funds, a significant reduction in its operations will be necessary. And in my opinion that step would be a mistake.

I have found the recent history of Peace Corps financing to be a rather interesting one. There is, of course, the immediate fact that the Peace Corps budget has been decreasing throughout the past decade, despite the program's continued effectiveness abroad. However, in fiscal year 1971, on a budget of $85 million, the Peace Corps was able to place 5,000 new volunteers into the field while maintaining several thousand already serving abroad. In fiscal 1972, in response to the President's call for reduced Federal spending, the Peace Corps requested a budget of $82.2 million. Because of efficiencies developed within the organization, however, it was found that the $82.2 million would permit the Peace Corps to expand its operations to a total of 8,500 volunteers and enroll 5,800 trainees.

But for some reason these efficiencies were not welcomed by the Congress. By continuing resolution the ceiling on Peace Corps spending was placed at 77.2 million—$5.0 million less than the original request and $7.8 million below the figure of fiscal 1971. I understand that while this belt-tightening was being absorbed by the organization, Congress decided to make a further budget cut. In December, 1971, Congress voted by continuing resolution to set the ceiling on Peace Corps spending at $72.0 million. This figure represents a cut of 12.4% from the original budget request, and a reduction of 15.3% from the previous fiscal year.

If such reductions in budget are typical of all government agencies, then one might begin to think that true thrift is returning to public spending. But I doubt that this is actually the case. And I can only wonder at the reason for the Peace Corps being singled out for the spending axe while other programs, some less known and quite a bit more expensive, continue to be financed at current or expanded levels.

Indeed, I find it hard to understand the Congress' attitude toward the Peace Corps attempts at cutting the budget itself. Surely, any organization that is able to expand its operations on less money should be rewarded. Certainly, it should not be penalized by an even smaller budget than requested.

I was recently informed that the Peace Corps is preparing a contingency plan in the event that the resolution on a $72.0 million ceiling is extended beyond its termination date, 22 February, 1972. The points of this plan include the following:

(a) the recall of nearly 4,000 of the 8,000 volunteers now in service before the completion of their 2-year assignments.

(b) the withdrawal of Peace Corps activities from 15 or more of the present 55 countries.

(c) the cancellation of training plans and the postponement or cancellation of the projects of 2400 volunteers scheduled to enter the Peace Corps before the end of June, 1972.

(d) the reduction of staff in the U.S. and abroad, for the second time this fiscal year.

I think the implementation of this plan would represent a serious curtailment of the Peace Corps program and could only do irreparable damage to an idea that appeals to a broad section of the American public. But specifically, I think the following points deserve consideration:

(1) A good share of the Peace Corps budget goes for the training of volunteers for living/working overseas for two years. The fact that the training period usually lasts three months and includes intensive language, cross-cultural and technical studies is an indication of how concerned Peace Corps is about placing well-prepared volunteers abroad. To bring volunteers home short of their 2-year stay would be a waste of American money. It may be fine and good to cut budgets so as to save the taxpayer's money. But by the same token money already spent should try to bring as great a return as possible. The investment Peace Corps has made in its intensive training of volunteers now in the field would surely have a low return if these people were brought home after only 6, 12, or 18 months of service abroad.

(2) It has been Peace Corps policy in recent years to involve post-country governments as much as possible in the financing of the Peace Corps program. In some countries, such as Kenya, the foreign government is taking onto its shoulders some of the expenses of training. In addition many of the costs of maintaining volunteers on their jobs, such as housing and transport, are borne by the host country. Thus it should be noted that foreign governments have an investment in the Peace Corps program as well. And the withdrawal of volunteers short of their two-year commitments would represent a waste of resources for the foreign governments. Needless to say, developing countries can ill-afford such a waste of money.

(3) From the volunteer's point of view withdrawal can only be a very frustrating experience. It usually takes six months to a year of work in a foreign country before a volunteer knows the culture, the people, and the problems well enough to make solid contributions. Withdrawal of a volunteer in the middle of his tour could very well be removing him from the job at the very time he is reaching greatest effectiveness. Not only would the individual's frustration be great, but one could also expect a certain amount of antagonism from the host country government and people.

(4) There has been considerable speculation on the exact nature of American foreign policy under the Nixon Administration. The phrase "low profile" has been tossed around quite a bit, although its definition has not always been clear to me. However, as America is disengaging from the war in Asia and demanding more of its allies in Europe, the developing world may have cause to wonder if the "low profile" will soon have meaning for them. Specifically, they may wonder if American technical assistance programs, of which the Peace Corps is one, may soon go by the wayside. I think a withdrawal of volunteers from some countries, complete cancellation of the program in others would be an alarming signal to the developing world that America is entering another isolationist phase of its history. The Peace Corps has worked hard to develop trust and respect both at home and abroad. The curtailment of the program might be just the beginning of the end of the Peace Corps idea, despite its proven success.

(5) In many colleges and universities across the country special Peace Corps Intern Training Programs are now underway. The purpose of these programs is to prepare prospective Peace Corps Volunteers through college credit courses for future service abroad. In many respects the individuals in these programs are volunteers-in-training, receiving specialized instruction in certain job categories as well as the geography, politics, culture, and language of the country they fully expect to be assigned to in coming months. Having experienced the anxiety and anticipation of one Peace Corps training program I feel it would be a senseless waste of time and effort if cancellation due to lack of financing should prevent these trainees from following through to Peace Corps service. In short, it would be like priming a pump that you have no intention of getting water from.

(6) The reduction of the Peace Corps staff in the U.S. might be seen by some people as a means of saving money and eliminating bodies from the bureaucracy. But cuts in staff abroad I think could have detrimental effects upon the work of volunteers in the field. The current agricultural director of Peace Corps/Kenya has over 80 working volunteers under him throughout the country. In addition, each year he must play a major role in the training of new volunteer groups. Limitations of time and geography prevent the man from helping the volunteers with their needs as much as he would like. Before the 15% staff cut in 1971 he was able to delegate some work to assistants; but that cut combined with the projected one will surely stretch staff resources dangerously thin. The result will be that agricultural volunteers in Kenya may lack the staff support they need to function effectively.

It is strange that the financial difficulties facing the organization should occur at a time when the Peace Corps is enjoying wide popularity. President Nixon has continued to express support for the Peace Corps in his statements and speeches. Applications for the Peace Corps in 1971 were the highest in five years. And the organization has been used as the basis for the expanded volunteer agency, ACTION.

I wish to urge your support for either the original $82.2 million budget or at least the earlier spending ceiling of $77.2 million. The $72.0 million figure is simply inadequate and will force a significant curtailment of the whole program.

I will be grateful for whatever attention you can give this matter.

Sincerely,

ALAN WERNICKE.

[From the Washington Post, Jan. 2, 1972]

MONEY FOR THE PEACE CORPS

In the past when news came that the Peace Corps was "in trouble," it usually meant a host country had ordered out a group of volunteers, or that an incident had occurred in a back-country village, or that the volunteers were disenchanted with U.S. foreign policy. It was mostly something happening abroad. Now, the Peace Corps is in trouble and the problem is at home.

Congress may be on the mischievous way to cutting the Peace Corps budget substantially. Last June, the President asked for $82 million as an authorization for the coming year. This in itself was disappointing, $82 million being a low request. But the situation is even worse. The Peace Corps was authorized to spend at the $82 million rate for the first half of the fiscal year and has already spent roughly $47 million. However, the House has provided for only $68 million for the year. Thus if the House figure is sustained, the Peace Corps would have only about $21 million left for the rest of the year.

Peace Corps officials have had no choice but to face the dollar reality. A freeze has been ordered through June 30 on extending invitations to join the Peace Corps. Worse, plans exist for bringing home up to 4,000 volunteers by April, meaning the United States will break agreements with 55 nations where Peace Corps volunteers now work. An unsettling paradox is thus created. Many in Congress who see as sacred the many military and trade agreements between this country and others now care little whether this agreement for peaceful social change will be threatened. Moreover, the agreement will be broken at the village level where many of the Peace Corps volunteers live and work. Diplomats in embassies understand how agreements must be "altered," but what about the Peruvian teacher or the Indian farmer who sees his Peace Corps volunteer pulled out?

The Peace Corps has been one foreign commitment in which the country has taken near-unanimous pride. America still has large numbers of idealists who see the Peace Corps as both a means of service to others and enrichment to oneself. The agency reports that applicants are now on the upswing, following a sharp slide in the first two years of the Nixon administration, instead of gutting the program, you would think that Congress would want to strengthen it.

The Senate has yet to appropriate funds for this year. It will soon meet on this matter and it is hoped that a funding level of $77 million—the full amount that can be legally appropriated at this time—will be agreed on and that that amount will prevail in the Senate-House conference. Anything less would mean dark days ahead for one of the nation's brightest experiments in peaceful social change.

[From the Washington Star, Jan. 21, 1972]

PEACE CORPS CRISIS

How dismaying it is that the Peace Corps, having reached a point of high effectiveness and popularity, is threatened with suffocation because of congressional fumbling and bickering over a small amount of money. There is still time to rescue the Corps from a downfall that would be both costly and shameful, but that time is running very short.

The dilemma is all too familiar. Last month, the Peace Corps appropriation was among the unfinished business as the first session of this Congress was ending. So in the stampede to get out of town, Congress assured that the agency would be kept alive—at least until February 22—by hurriedly passing a continuing resolution for funding. But it approved much less than the bare minimum needed to keep the program going on its present scale. Nor was that an oversight, for it is the Corps' bad fortune that the House Appropriations subcommittee to which it must appeal is headed by Representative Otto Passman of Louisiana. A man of great power and few words, he commented at a hearing on the agency's budget: "If I had to meet my Maker in three minutes and the last decision the Good Lord would let me make . . . it would be to abolish the Peace Corps."

That sentiment is in sharp contrast with the thinking of a great majority of Americans. Surveys indicate that hardly any other program rates as high with the public as the Peace Corps. It's still regarded as a beacon of this country's idealism and altruism, shining in a cynical world. Last year alone, applications from volunteers increased 41 percent, and its services seem to be appreciated more than ever by underdeveloped countries. There will be widespread and bitter disappointment if it is snuffed out or reduced to a mere remnant.

At least the latter is definitely in prospect. Corps Director Joseph Blatchford says that under the new, reduced funding he may have to bring home 4,000 of the agency's 8,000 volunteers who are abroad. That may mean pulling out of 15 countries and cutting the activities in 40 others. And thereby the Corps quite possibly would be on its way to oblivion. The disillusionment of the many dedicated Americans who have volunteered for it, or who plan to, would be boundless.

It would be warranted, too, because only a trivial amount of money is at stake, when measured against the nation's total foreign outlay. President Nixon asked for an $82.2 million Peace Corps budget for 1972, which would permit a modest expansion. Both the House and Senate authorized $77.2 million, which Corps officials say is the rockbottom amount needed to keep the program operative as it now stands. But, after much delay, the House appropriated only $68 million, while the Senate became paralyzed over foreign affairs just before the recess and left everything in mid-air. Finally the Corps got authority to continue functioning until next month on the basis of a $72 million budget. The trouble is that it had been spending for several months on the basis of a larger authorization, and hence is in desperate straits.

The responsibility for rescue, quite obviously, is the Senate's. It should speedily pass an appropriation that will prevent any reduction of the Corps' activities, and insist on that amount in a House-Senate conference.

SECRETARY BUTZ AND THE AMERICAN FARMER

HON. BOB BERGLAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. BERGLAND. Mr. Speaker, I would like to share with my colleagues the following article from the PKM News which is published by the PKM Electric Cooperative in Warren, Minn. The questions concerning Secretary Butz, raised by the author Bob Graham, were raised long before the Secretary of Agriculture publicly revealed his attitude toward the American farmer. In light of the Secretary's recent action, Mr. Graham's evaluation seems most appropriate:

[From the PKM News December 1971]

FARMERS NEED FARMER AT HELM OF AGRICULTURE

(By Bob Graham)

It seems incredible—but apparently in all this vast land of ours there is not one single, solitary practicing farmer who is qualified to be Secretary of Agriculture. Always the mantle of leadership for a department, which by its very name implies a responsibility to promote the interest of farms and farming, is passed to a professor or a politician.

But now in the appointment of Earl Butz to this most important post we have really reached the end of the line. For we have in him, all rolled in one, a politically oriented professor with food processing industry ties.

Don't get me wrong. This is not to say that Earl Butz is a dishonest man; but one cannot overlook or overemphasize the import of past affiliations.

It's about like appointing the wolf to guard the sheep. The wolf may be perfectly honest in its belief that it should make its living by eating sheep; but needless to say this is awfully hard on the sheep.

There are those who counsel a wait and see attitude, who hope that through some blinding revelation akin to that of sinners when they first get religion, Mr. Butz has shed a lifetime philosophy that says the small farmer is "kaput". I doubt this for he is a product of Purdue, a long time citadel of "big biz" interests.

True, there may be a lull before the storm. For '72 is an election year and politicians hesitate to rock the boat during such perilous times. But after that?

Thus, we may expect, as one columnist suggests, that a billion dollars will be spent to prop prices next year so as to quiet discontent down on the farm; or stated another way, to properly prepare farmers for the voting booth.

The really sad thing about the whole situation is that farmers seem to have no real alternative; for both major parties treat him to the same routine of promising much every fourth year and delivering little thereafter.

But as stated in the beginning, it would be a step in the right direction if at least for once some party could put up with the idea of placing an honest to goodness farmer at the helm of things. At least then farmers would know there was someone in charge who realized that there is more to the job of farming than farming itself; that people and families and their welfare should be included in the equation when determining what is right or wrong for them and for America.

On Monday, Secretary Butz testified before the Senate Committee on Agriculture and Forestry on the grain reserves bill and its accompanying amendment to raise the price support loan rate on wheat and feed grains. Mr. Speaker, that testimony revealed the Secretary's total lack of understanding of the agricultural crisis in America and illustrated the need to have a Secretary of Agriculture who will work for the family farmer's best interest.

Secretary Butz began his testimony by saying that the combined program of higher loan rates and insulated grain reserves "would turn the clock back several years." I submit that it is Mr. Butz' outdated philosophy that "would turn the clock back," back to the disastrous days of Ezra Taft Benson.

The former professor further misled our distinguished colleagues in the Senate by claiming that 50 percent of the 1971 corn crop that will be sold has passed out of the hands of the farmer and that the proposed legislation would only be a windfall for grain buyers and processors. Since we seldom see more than one-third of any corn crop actually sold in central markets, the Secretary must have meant one-sixth of the total 1971 crop. With the high production it could be up to only one-eighth of the 1971 crop. It would represent only a small portion of the total. Mr. Speaker, this legislation cannot be fairly denounced as a windfall. It provides desperately needed help to the American family farmer.

Mr. Butz also claims that the reserves and loan rate increase would cause a decline in our exports. I must remind the Secretary that last year our exports broke all records, $7.8 billion, at prices higher than those provided by our bill.

The Secretary accused the House of Representatives of "negating" the establishment of reserves by our "hastily adopted amendment" to increase the price support loan rate. Mr. Speaker, this House carefully considered the loan rate provision for 6 months and by including it in the reserves bill has acknowledged that it is essential to provide meaningful aid to the family farmer and insure the success of the entire program.

Last year the administration ignored the advice of experts and encouraged our farmers to overproduce corn to offset a corn blight threat which did not materialize. The result was a disaster for farmers who must rely on this crop for a major portion of their income. In his testimony, Secretary Butz seemed to hope that the growers of soybeans will suffer the same fate. He expressed the fear that our legislation will prevent the overproduction of soybeans. This from a man who claims a desire to help the family farmer? If he wants more beans let him raise the price support loan rate on this crop to a reasonable $2.75 per bushel, not ask the American farmer to suffer an additional and gigantic loss of income.

Professor Butz also expressed concern over the $2 billion price tag of this program. By doing so he totally ignores the simple fact that the major bulk of these funds goes toward loans, secured loans, which will be returned to the Commodity Credit Corporation.

Finally Mr. Speaker, Secretary Butz boldly claims that the present policy of this administration is working. We must ask the Secretary: "Working for whom?" His former agribusiness colleagues? The corporate conglomerates? Certainly not for the family farmer. The only aid he is getting from the current policy is an additional push to drive him off of his land. That is not the kind of help he needs, Mr. Speaker.

As Mr. Graham states in his article farmers need a farmer at the helm of the Department of Agriculture. Secretary Butz cannot understand or chooses to ignore what is really happening in rural America.

CHARLES TAI TONG TOM, PATRIARCH OF RESPECTED HAWAII FAMILY CELEBRATES 91ST BIRTHDAY

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. MATSUNAGA. Mr. Speaker, when a man's birthday dinner attracts 1,500 persons, it is a good sign of the high esteem in which the man is held. This was vividly illustrated earlier this month, when Mr. Charles Tai Tong Tom of Honolulu celebrated his 91st birthday.

Mr. Tom, patriarch of a family which includes nine children, 30 grandchildren and 19 great grandchildren, was honored by that many guests as a man who tried and succeeded, according to one of his sons, to "maintain the Chinese tradition of filial piety." He was an astute restaurateur in Hawaii and saw to it that each of his children received an adequate education.

His venerable life is described more fully in a timely article from the Honolulu Advertiser, which I include at this point in the RECORD by way of congratulating Mr. Tom and commending his scions for honoring him as they did.

The article follows:

PATRIARCH C. T. T. TOM HONORED

Charles Tai Tong Tom, retired restaurateur and patriarch of nine children, 30 grandchildren and 19 greatgrandchildren, was honored by his family on his 91st birthday with a dinner at the Hilton Hawaiian Village's Coral Ballroom last night.

A similar dinner was held in 1962 on Mr. Tom's 81st birthday. At that time 1,200 guests attended. Last night's nine-course Chinese dinner saw the guest list escalate to 1,500 persons.

The venerable father sat in a high-backed chair and welcomed guests in the ballroom's reception hall. He was dressed in a dark suit and bedecked with carnations, maile and coin leis.

"The biggest contribution my father made was to hold the family together, to make it very close knit," said one of his sons, Albert Q. Y. Tom, who alternated with his brother, James, and seven sisters in helping their father welcome guests.

"He tried to maintain the Chinese tradition of filial piety," said the younger Tom, president of Sunn, Low, Tom and Hara Inc., a Honolulu firm of environmental consulting engineers. He was voted "Engineer of the Year" in 1971 by the Hawaii Society of Professional Engineers.

Brother James is an accountant with the Los Angeles Parks Board.

Albert recalled his father as a "businessman" with a succession of restaurants on Oahu.

"He operated one down at Pearl Harbor, another in Damon Tract near the airport, then in Kaawa and Waimea when they were constructing the road around the island in the 1920s. He also had a grocery operation at Hickam Field for a while."

He said his father financed college education for the two boys and one daughter, and the other six girls all finished high school.

Every one in the family—"except a grandson who is at Stanford and had to go back for the Rose Bowl Parade"—attended the dinner last night.

Dr. K. S. Tom, in a dinner speech, said "Uncle Charles Tom, at this stage of your life you can, as Confucius says, 'Follow your heart's desire without transgressing.' "

JERRY FRIEDHEIM DISCUSSES OUR NATIONAL SECURITY STRATEGY

HON. DURWALD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. HALL. Mr. Speaker, recently the city of Joplin, Mo., located in the Missouri Seventh Congressional District I am proud to represent, played host to a national security seminar.

Six briefing officers from the Industrial College of the Armed Services presented 18 different lectures during the seminars opening week. They covered the wide spectrum of our national security in relation to the rest of the world.

One of the highlights of the seminar was an address by Mr. Jerry W. Friedheim, principal Deputy Assistant Secretary of Defense—Public Affairs.

Mr. Friedheim, a former resident of the city and staff member of the Seventh Congressional District office, discussed our new national security strategy as set forth in the Nixon doctrine and our 1970's strategy of realistic deterrence.

I offer herewith the remarks of Mr. Friedheim for the enlightenment of all:

Address by Mr. Jerry W. Friedheim

I very much appreciate the invitation to be here as you conclude this National Security Seminar. As a Defense official, I appreciate also the fact that you invited here the military and Foreign Service scholars from the Industrial College of the Armed Forces.

As you know, this Seminar is especially designed to bring training to Reserve members of the Armed Forces who do not have an immediate opportunity to attend formal classes at a Service School.

This is just one example of the increasing importance we attach to having ready and well-trained men and women in our National Guard and Reserve forces, particularly during this time when our active military forces are decreasing in size by a million men and when our reliance on the draft is being phased out.

I also am pleased that you citizens here in Joplin have welcomed to the Seminar members of the general public—and a great many students.

I hope you are prepared, though, to hear a few complaints.

Because, while most people will applaud your interest in our national security, your Ozark hospitality and your openness; some will complain that neither the Seminar group, nor I, should be here—and that, even if we are, the public should not be permitted in.

The complainers seem to feel that it is quite all right, for example, for me to hold a daily, on-the-record press conference at the Pentagon or to report to newsmen in Washington or New York, but they do not agree with me that I have an equal responsibility to accept, when my other duties permit, invitations to talk with newsmen and citizens in Joplin, or Fresno or Austin or New Haven—all places I have been on this job.

The complainers seem to feel it is quite all right for the members of the Industrial College faculty to present lectures and receive questions in Washington; but they would not allow these men to travel temporarily outside Washington to make the same sort of classes available this year to Reservists and citizens in such cities as Utica, Bakersfield, Duluth and Biloxi.

You may recall that two years ago there was a Senate discussion about whether or not the public should be allowed to attend these Seminars. And, you may recall that just about a year ago, on a national TV show, an erroneous charge was made that these seminars present military men speaking illegally on foreign policy.

I have always wondered why that TV show did not say—although its producers knew, just as you know—that a Foreign Service Officer is a member of this Seminar team and that the views expressed by this team are fully coordinated with and representative of the policies of both the Department of Defense and the Department of State.

So there are worriers and complainers and critics—some constructive, some not. They worry that you are being militarized and misled and manipulated by what they contend is a somehow sinister Seminar. They give you a good deal less credit than I do for common sense, skepticism and independent thoughtfulness. They seem to say, that only in Washington are people wise enough and reliable enough to participate in the affairs of their country.

Now, as you very well know not all wisdom resides in Washington. And, I want to assure you that I am not apologizing to anyone for accepting invitations to visit not just large cities but small cities as well. I may be prejudiced, of course, about the vitality of smaller cities, because I went to Washington from a grass-roots part of our country; so did Secretary of Defense Melvin Laird—from Marshfield, Wisconsin; and so did President Nixon—from Whittier, California.

But, most of all I want you to know that the Department of Defense is proud of what this team, from this Armed Forces college, does. We respect their scholarship; and we respect their integrity; and fortunately so, too does the vast majority of our Congress, whose members often join in these seminars around the country.

Certainly, I will apologize to no one because you students and you of the public are free, by your own choice, to join your military-reservist friends here. We at the Department of Defense believe you have a right to be here. We believe that we have a responsibility to be open and on-the-record with you; to answer your questions and to explain to the best of our ability what your government is doing and planning.

We do not demand that you believe anything you have heard. We open the entrance door; but don't bar the exit doors. We have found we can learn much from you; your advice and suggestions are needed and necessary. Your Seminar lecturers don't work for anybody but you. I work for you. Your Department of Defense is not somehow separate from you. It's yours.

We sometimes are called the Military-Indutrial Complex—but we are much more. We are a Military-Civilian-Industrial-Union-Academic - Congressional - Scientific - Business - Research - Diplomatic - Medical - Educational-Retiree-Veterans sort of complex.

And, if that gets to sound like a rather National Complex—well it is. It's a nation united for national defense. It's big because the responsibilities of achieving and maintaining peace are big responsibilities.

Your defense servicemen are of America, not above America, they draw their strength from America's strength. We like it that way, and I am here today, because the Administration in which I serve feels strongly that we must talk to and listen to Americans everywhere in this nation.

Of course, the Commander-in-Chief has been talking with you, too. Yesterday we heard his State of the Union Address.

And Monday the President will present his budget for the next fiscal year—including his budget for national security needs. Those of you here will have added insight into the consequences of that budget because of your participation in this Seminar.

And, you will be interested, I know, in what our President decides to include in his budget request to Congress. He will include several new initiatives to ensure that our strategic deterrent remains adequate in the face of continuing momentum of Soviet weapons development and deployment. And, the President's new Defense budget will continue our priority on scientific research and will continue modernization of our Navy's fleet.

Secretary Laird stated in his 1971 Defense Report to Congress that it is our goal to provide national security and safety for our people in a realistic manner requiring annually no more than seven percent of the Gross National Product and needing no more than 2.5 million military men and women who are volunteers. As we achieve ever-increasing volunteerism, we will meet those spending and manpower goals again in 1972.

It has cost and will continue to cost a lot of money for national defense; but you should carefully note that our Defense budgets are now at a 20-year-low as a portion of the Federal budget and as a percentage of the Gross National Product. And our military manpower level is at a 20-year-low, also.

National defense—which used to take more Federal dollars than anything else—is now in second place behind Federal expenditures on human resource programs. But, even though that reordering of priorities has been accomplished, we must never allow our nation to become second best in national-security strength; and you may be certain that the budget presented Monday will assure our strength.

It will provide both flexibility and a strong negotiating position for our delegation at the Strategic Arms Limitation Talks with the Soviets. It also will reflect savings from our terminating involvement in Vietnam.

As the President announced last week, there will be fewer than 69,000 U.S. servicemen and women left in South Vietnam by May first. That's 87-percent-fewer than the authorized Vietnam strength of 549,500 when President Nixon assumed office. U.S. air sorties are down 67 percent from their 1968 peaks, and, of course, costs and casualties are dramatically down, too. President Nixon has reversed the Vietnam escalator from one going up to one going down.

In fact, although we will maintain a limited American presence in Vietnam until all our prisoners-of-war have been returned safely by the enemy, we really are able now to look Beyond Vietnam. We are able to have a new perspective on the world. We are able to anticipate a new era in world history and to respond to new realities.

You have heard already during your Seminar about the President's Foreign Policy for Peace and about the Nixon Doctrine. This Policy for Peace and this Nixon Doctrine are the foreign policy keystones for our nation's international future. They face up to reality, and point the way toward lasting peace in a period of history greatly changed from the 1950's and even from the 1960's.

The Nixon Doctrine, as you here know, strikes a balance between what America should do and what our friends can do. It allows us to do enough—without doing too much. It insures continuance of the U.S. nuclear shield. It says that we will keep our treaty commitments and participate with our friends in safeguarding world stability and progress—but not do everything ourselves.

The Nixon Doctrine says we will be involved but not overinvolved. It expects others to do more because others are now able to do more.

The Nixon Doctrine implements the three pillars of the President's Policy for Peace—"partnership, strength and a willingness to negotiate." And that Policy for Peace is supported also by the Defense Department's new National Security Strategy of Realistic Deterrence.

Our 1970's Strategy of Realistic Deterrence operates in the areas of "strength" and "partnership" which make "meaningful negotiation" possible. It is a positive strategy which emphasizes cooperation with our friends and allies around the world. It makes clear, however, that the U.S. will concentrate more on seapower and airpower, while looking to other nations to provide most of the manpower needed on the ground overseas.

In its simplest formulation, our new national security strategy seeks to steer a prudent, middle-course between the policy extremes of world policeman and a new isolationism. It seeks to foster great readiness on the part of others and greater regional defense cooperation.

We are asking other nations to do more than they have done in patrolling the beat in their own neighborhood; we are avoiding situations in which the United States is the only cop on the beat

This new strategy was overdue when President Nixon assumed office. Our country had, for a quarter of a century, borne at great cost in lives and resources an overwhelming share of the burden of maintaining peace and deterrence. Many nations which had looked to us for protection in the past had come of age and reached a stage of development and strength which made them capable of assuming more of the burden that we had been carrying. They are now helping carry that burden, and they will be able to do even more.

This new strategy lessens the strain on our own country's resources. It puts within reach the day when the draft can be ended. It guards against future Vietnams. It lowers the threshold for possible involvement of U.S. forces in conflict. And, it brings greater collective strength by mustering the strengths of all nations who believe freedom is worth preserving.

It has led us already into a time of intensive negotiations and made possible the coming trips to China and Russia as our President continues his work as the world's leader for peace.

But, let's be very clear, now, about what our national security strategy is and what it is not. It promotes a more equitable sharing of the free-world's defense burdens, but it does not mean a retreat to Fortress America.

We are not going to be the world's cop; but neither are we going to cop out on the world.

We are the Free World's leader, and will maintain that position while inviting other nations to share in an even more participatory leadership.

Let's remember that since World War Two America has preserved freedom and national independence in more than half the earth. We have prevented nuclear holocaust. We have helped restore Western Europe and Japan. We have helped friend and former-foe achieve prosperity, liberty and stability. We have sustained the United Nations.

We have led the way to a cease-fire in the Middle East. We have aided millions of refugees from natural disaster and war the world over.

We have offered the hand of friendship to the less fortunate in this world, if they will but take our hand.

We have led the way.

And, we intend to maintain our leadership, our strength, our partnership, and our willingness to negotiate. We recognize a new era in the world's history—an era in which the power relationships and the programs that developed after World War Two are no longer adequate nor relevant. We see a world in which neither Communism, nor anything else, is monolithic.

We intend to pursue a realistic national security policy that recognizes our own basic, national-self-interests. We do not regard it as essential to our security in the 1970's that we be everywhere and do everything and fight every battle and finance every bank in an effort to remake the world in our own self-image and to our own system of government.

We view our security requirements not with the sometimes two-dimensional visions of the past, but in terms of a many-faceted balance of power that can permit deterrence, and stability, and negotiation, and flexibility in a dynamic world.

We look forward to coming decades in which nuclear war and brushfire war involving powers are less likely—decades during which other great powers may seek, short of war, to limit—by their worldwide presence and influence—our access to the world's peoples and resources.

This matter of "access" and of "presence"—without war and in order to deter war—is fully accommodated by our Nixon Doctrine plans.

We expect that it will remain useful to world stability for the U.S. to maintain a military presence in Europe, in the Mediterranean area, and periodicaly in all the major oceans of the world. It is a case in point that, as we complete our withdrawal from South Vietnam, we are in transition from warfighting forces in Southeast Asia to Nixon Doctrine deterrent forces in that part of the world.

We are not abandoning the Pacific, nor are we abandoning Asia, but our coming Nixon Doctrine presence there will be primarily deterrent air and seapower forces that would, in the future, engage in combat and assist other nations only under the principles of our new strategy.

It does seem a little presumptuous, I suppose, for me to come here so briefly on the last day of this Seminar—during which you have discussed so much—and expound to you about what the future holds for America. I cannot pretend in these closing remarks to pull together neatly for you all your thoughts of the last two weeks. And, while I might claim to be either journalist or political-scientist—or a temporary bureaucrat—I certainly am no philosopher.

Let me simply point out that while tomorrow will be different, not everything will be changed.

One would make a good case, I think, for the unchanging nature over the centuries of man's relation with man. We humans relate to our neighbors and our neighboring-nations today in very much the same way that citizens of Rome responded to their neighbors—with love and fear, envy and pride, dedication and apathy, trust and trickery, cooperation and neglect.

The interaction of all these ancient, yet everlasting, human foibles generated the politics of the Roman Senator, the Oriental Emperor and the Egyptian Pharaoh just as such emotions affect the United States Congress and the United Nations Assembly—and just as they will generate the future's national and international relations.

We can hope, of course, that men will continually learn how to get along better slowly but surely. There is precedent, I think, for us to hope that improved education will lead to greater peace and prosperity.

At least some nations today do not resort to war as an instrument of national policy. Many societies feel a desire and a responsibility to assist others rather than to exploit others. Yet, even with this hope, I doubt that we can expect our future world to be free of tyrants, or of evil, or of the covetous and the selfish.

So, though we strive for perfection; let us not be blind to reality. Let us instead anticipate challenge and pursue progress.

And let us remember that the United States of America has operated for nearly 200 years as a constitutional government; that we have the world's oldest written constitution still firmly in force and effect.

America, in fact, is doing pretty well, thank you.

For nearly two centuries Americans have made workable—government "of the people, by the people, and for the people." With the consent of the governed we have established a republic—under God—which recognizes both liberty and reality. We have drawn upon our heritage of law to operate the most successful government ever conceived by man.

An America which has survived thus far certainly can and will survive much longer. The constitutional principles which have proved adequate to give order to 200 years of transition from carriages to space capsules—those principles are fully capable of bearing us safely into a future of underseas habitation and lunar cultivation.

There are those, of course, who already claim our constitutional democracy is out-of-date and out-of-touch. They tell us changing times demand changing principles, and that the concept of liberty vacillates like concepts of fashion. They think technological advances necessarily outmode historical values. They would have us believe that mere man cannot hope to control tomorrow.

They tell us we must fit our values to the future.

Not so.

This is not a time to bend principles to the future—not a time to sell America short.

What we must do is what Americans always have done—we must fashion the future to our values, we must provide tomorrow with principle.

Let the faint hearts, who say we cannot make it . . . let them come along for the ride; for it is going to be a wondrous ride, indeed.

Over the coming decades your government, with your participation and guidance, is going to create a climate for the most secure, most healthy, most prosperous existence ever known to man.

We are going to meet challenges and lick them.

We are going to face and deal with such things as tripled population, 100-year life spans, exotic life-saving drugs, uninjuring weapons, oceans farming, fusion power, robots, weather control, space exploitation, instant communication and a host of other modern miracles.

Tomorrow? It's worth waiting for.

And America? America . . . she's doing very nicely, thank you.

And she's worth everybody's best efforts!

SMALL TOWN LEADERS SPEAK OUT

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. ALEXANDER. Mr. Speaker, this is the time for new beginnings, new resolves, and renewed efforts to deal with the manifold problems facing our Nation today. It is with sorrow that I face this new congressional session knowing that so little progress was made during the last year in dealing with the critical economic and community services problems plaguing Small Town, U.S.A.

The most notable change seems to be the increased attention the various committees of the House and the Senate have been giving the problems of "rural" America. While the residents of small towns, communities, and counties are grateful for any attention and aid they get, the narrow-focused attention on the outmoded term "rural" seems to be a continued denial that the problems with which we are concerned are national and should be dealt with in a national, overall situation context.

Today I resume sharing with my colleagues in the Congress testimony from the series of hearings on community development needs in the First Congressional District. The statements from Morris Bowman of Newport, Ark., Rex Watson of Piggott, Ark., Mayor Harold Parrish of McDougal, Ark., and Charles Ray Stephens of Diaz, Ark., complete those taken in connection with the hearing at Walnut Ridge.

I believe that what these small town leaders have to say will be of interest to the Members of the Congress.

The testimony follows:

TESTIMONY OF MORRIS BOWMAN

(Presented to Congressman WILLIAM V. ALEXANDER, October 23, 1971, at Walnut Ridge, Ark.)

I am Morris Bowman from Jackson County. My statement is brought in behalf of the elected officials of Jackson County and the Jackson County Development Council which I serve as chairman. We are grateful for this opportunity to present our problems. We appreciate your desire to learn of them and your willingness to work to alleviate them.

For more than 15 years Jackson County has suffered an out-migration of its citizens. They have been and still are looking for more and better job opportunities, more pleasant living conditions and more satisfying recreational opportunities. There are several projects and activities which we think could help keep our people in the county, thus relieving the pressures on our cities. I want to mention eight of them and comment briefly on each.

(1) Dust and mud proofing of county roads. The maturing generation of our citizens are no longer willing to live in the country where they must contend with dust in the summer and mud in the winter. Few people are willing to invest or pledge their life savings for a house located on a dirt road. But given reasonably good roads and a few other advantages we believe our young people will want to remain in rural areas. To my knowledge we presently have no hard surfaced county roads.

(2) We urgently need more funds for water and sewer systems for small communities. Although some progress has been made in this area, the need is still great. For example, the small town of Jacksonport located just north of Newport, is an ideal homesite for people who work in or near Newport. We are told the Health Department will not approve this area for use of home septic tanks. It is imperative that this community be provided with a community sewer system if it is to keep its residents and attract others. Housing developers are anxious to build homes here if this problem can be solved. There are a dozen or more other sizable communities without central water and sewer systems.

(3) County wide pollution control for solid waste. Small rural communities and farm residents have no suitable location or means to dispose of normal trash collections. Rural roadsides and drainage ditches are being littered and blocked because of this problem. Individuals and small groups cannot afford the minimum of equipment required to provide community landfills for disposal purposes. Our County Development Council is studying this problem but financing to purchase or lease one or more bulldozers and pay for part time operators must be found.

(4) A nine foot channel for White River up to Newport. Grain elevator operators both large and small have expressed an interest in shipping grain produced in Jackson and surrounding counties by river barge if an adequate channel is provided. This saving in freight rates would accrue to the benefit of farmers and others in the county. Jackson County alone produces approximately 2 million bushels of rice and 5 million bushels of soybeans. The manufacturing industry in the county could be profitably served by river barge, also. This would add to the employment opportunities in the county.

(5) More recreational facilities, such as boat docks, launching ramps, swimming areas and picnic parks. Jackson County is blessed with two rivers and several lakes. These are almost totally undeveloped for recreational purposes. With a five day work week or less, with long week-ends, recreation becomes an important factor as to where people choose to live. Professional planning is sorely needed for these projects.

(6) County wide mosquito control. This is needed for health reasons as well as comfort of life. Individuals can and will do much of the work involved but planning and some public financing is needed if this is to be a workable project.

(7) A new county court house and jail facility. A recent survey by a qualified consulting firm pointed out the need for more and better office space for our county government. Our jail is antiquated and in poor physical condition. Both buildings are about 70 years old. A new facility could house all units of county government and the county jail.

(8) Area vocational and technical school. The Jackson County area has not as yet been able to secure such an institution. Obviously, such training is needed to qualify our people for jobs that are available but for which we do not have trained personnel. Plumbers, mechanics, secretaries, electricians and other skilled workers are in demand in all parts of the state.

Each of these needs which I have mentioned requires funding which is unavailable under present conditions. Our citizens have demonstrated their desire to progress by the approval of increased millages for our schools and other purposes. This has in many instances doubled the property taxes paid. Any substantial increase in our property tax would cause this tax to become regressive in nature and the community would suffer thereby. We have the last few years approved bond issues for a library, city hall, several industrial factories and street and sewer projects. Our citizens seem ready to support improvements to the extent of their ability to pay. However, the projects which I have outlined cannot become a reality without long term bond issues and the help of the federal government.

A detailed study of the cost of the improvement projects mentioned has not been conducted. The total road improvements alone would approximate 3 to 5 millions of dollars and all the projects might approach 15 to 20 millions or more. We would welcome any help in both the planning and financing needed to carry forward these projects which are so vital to our economy.

PIGGOTT CHAMBER OF COMMERCE,
Piggott, Ark., October 15, 1971.

Hon. BILL ALEXANDER,
House Office Building,
Washington, D.C.

DEAR SIR: At a time when the Nation is concerned with medical care for its people and the lack of physicians, particularly in small towns and rural areas, and the outward flow of people from these areas, we find that these are some of the most pressing problems of Piggott and Clay County. At present Clay County has one hospital, located at Piggott, staffed by three physicians and one surgeon, who owns it. There are only two other physicians in Clay County, one of whom is physically unable to practice except in his home. So the Piggott hospital must serve as medical headquarters for the entire county, as well as several towns in southeastern Missouri. Probably a conservative population figure would be 20,000 to 25,000 people. Recent figures show that the patient load of Piggott Hospital is almost 70% medicare patients, which gives some indication of the number of elderly people needing medical help in our area. To them the hospital is not a luxury of life, but a necessity to maintain life.

At present the hospital is only certified on a temporary basis because of needed renovations to comply with Medicare standards. The present owner, Dr. Gordon Duckworth, cannot make these needed improvements because he cannot obtain Federal aid since the hospital is privately owned. The City of Piggott has been approached by Dr. Duckworth with the proposal that the city buy the hospital and make the necessary repairs with Federal aid once it is publicly owned. The City is now in the process of negotiating with Dr. Duckworth on this proposal, wanting to provide necessary medical services to the people of Piggott and Clay County. Without Medicare certification the hospital would lose almost 70% of its finances, and, of course, would have to close. Our physicians would not stay in Piggott without hospital facilities, so our people would not only lose the hospital, but services of our physicians as well, further complicating the already serious lack of medical services.

Preliminary cost figures indicate it would take between $400,000 and $475,000 to purchase and renovate the hospital. Help must be forthcoming to enable this much needed project to be carried out. Plans have also been discussed to put satellite offices in nearby towns, if they desire and it can be worked out, to provide better medical services to the nearby areas now without physicians. Looking at it from a different viewpoint, but never-the-less an important one, we feel that adequate medical services are necessary to attract more industry to our area, and help stop the outward flow of people from our area. The hospital itself employs 78 people, and its loss would be a severe economic blow to our area for several reasons:

1. To provide adequate medical facilities for its people.

2. To provide adequate medical facilities for our physicians.

3. To provide jobs for 78 people, most of whom are skilled workers.

4. To help attract new industry for our area.

For these and other persons we urgently request your help on this most urgent matter, for without help we feel that we will lose our hospital, and this we cannot afford.

Thank you for inviting me to express to you our community needs, and any assistance you can give us will be deeply appreciated.

Sincerely yours,

REX WATSON,
President.

MCDOUGAL, ARK.,
October 11, 1971.

Hon. BILL ALEXANDER: The most urgent need for McDougal at this time, is a sewage system. Our source of financing would have to be in the form of a government grant, and a long term loan for the balance.

McDougal has not had a loan approved for housing in one year because of the fact the land formation will not permit the liquid waste to absorb, or as FHA put it, "The Percolation test will not permit."

McDougal is ideally located on highway 62, 13 miles from Corning, Arkansas, and 13 miles from Piggott, Arkansas, if McDougal could get a Sewage System I see no reason why the population growth should not grow by leaps and bounds.

McDougal could also use some housing for the low income and aged, approximately 20 units for low income, and 30 units for aged.

McDougal is also in the process of buying a Public Park, and would like to have some government assistance in planning and developing the park.

Blacktoping of highway 141 which connects with highway 90 from Boydsville, Arkansas to McDougal on highway 62 would be of great help to McDougal in the area, and traveling to and from work.

Industry, I am sure would help this area in community development, but if we can upgrade our community with sewage, roads, housing, then industry will seek us instead of us having to seek industry.

Sincerely,

HAROLD PARRISH,
Mayor.

OCTOBER 12, 1971.

Hon. BILL ALEXANDER,
Cannon House Office Building,
Washington, D.C.

The following is the report of Diaz, Arkansas.

I

Streets	$75,000
Sewer system	40,000
Fire protection	25,000
Improve existing water system	30,000
City planning	5,000
Parks and playgrounds	25,000
Storm drainage	35,000

II

The city is unable to finance these, but the attitude of the citizens is good. The tax for a city hall-fire station was by 20 to 0. Grants as well as loans need to be available.

Small towns need, if a loan, to have low payments with a balloon at the end, if the purpose of the loan is to stimulate and encourage development. This allows the development to materialize and assist in paying back the loan.

III

Good. The federal programs have helped greatly in the recent growth of Diaz, which has doubled and almost tripled under the F.H.A. water system and home loans.

CHARLES RAY STEPHENS.

Mr. Speaker, this is the 13th insertion in the CONGRESSIONAL RECORD of testimony and other materials which I have gathered during my research into ways to assist community development in nonmetropolitan areas. Other materials on this subject appear in the CONGRESSIONAL RECORDS, volume 117, part 25, pages 32740–32741; part 26, pages 34505–34506; part 27, pages 35409–35410 and 36133–36135; part 28, pages 37358–37361; part 29, pages 38121–38123; part 30, pages 39156–39158; November 11, pages E12076–E12079; November 17, pages E12314–E12316; December 3, pages E12986–E12988; December 9, pages E13260–E13262; and, December 15, pages E13535–E13538.

NEW JERSEY'S DEPARTMENT OF ENVIRONMENTAL PROTECTION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. RODINO. Mr. Speaker, New Jersey was one of the first States to establish a department of environmental protection and I am proud to report it has already become the major force in the effort to control pollution in our Nation's most urbanized State.

I am particularly interested in the department's efforts to establish a regional reclamation system utilizing 25 regional recycling centers.

Recently the Newark Star-Ledger published a well deserved analysis praising the department's energetic efforts.

[From the Newark Star-Ledger, Jan. 24, 1972]

A POTENT FORCE

Since its birth, appropriately enough, on Earth Day, 1970, the N.J. Department of Environmental Protection has been a potent, pioneering force in the campaign by concerned citizens and government to reverse the insidious pollution trend that has befouled our air and water and despoiled the land.

Under the rigorous direction of State Environmental Commissioner Richard J. Sullivan, the new department has carefully developed and successfully launched historic legislation to protect the Garden State from further deterioration of the environment by residential and industrial wastes and the noxious emissions from diesel-powered trucks and buses.

The environmental task is particularly difficult because there are more people, cars and chemical industrial complexes per square mile in New Jersey than in any other state.

As the most urbanized state in America, New Jersey is a unique environmental laboratory, where threatening pollution forces are at work everywhere.

Responding to the Garden State's awesome anti-pollution challenges, the environmental agency has moved simultaneously on these critical fronts: Control of man-made discharges into the air and water, and management of the state's staggering amounts of solid waste.

The Wetlands Act and the "Critical Lands" regulations are two innovations designed to protect the estuaries, marshes and marine life along the Jersey Shore and also those lands where high water tables are threatened by septic tanks and cesspools.

New Jersey was the first state to adopt a Green Acres program (1961 and 1971), saving hundreds of thousands of acres of forests, natural areas and open space from encroachment or development.

It also established the first diesel code to control gross emissions from trucks and buses, resulting in the motor vehicle arrests of more than 1,600 violators of the new air pollution control law.

Regional secondary water treatment systems also are being built to eliminate the flushing of sewage and sludge into the ocean and rivers. This is a billion dollar program that began only two years ago but, when completed by the end of the decade, will bring about one of the most efficient state-wide water pollution control systems in the country.

In addition to its legislative programs, the environmental department has promoted remarkable citizens' response to local pollution problems. More than 110 municipal Conservation Commissions have been created throughout the state. These are citizen watchdogs on the community level, engaged in programs to improve their environment.

And, recently, Commissioner Sullivan announced that his department will select a regional reclamation system in 1972 to satisfy the demands of the hundreds of organizations and communities involved in the recycling of cans, bottles, papers and plastic containers. The regional project is intended to be the solution to the state's garbage crisis. At least 25 regional centers will be established in the next few years.

The job of cleaning up the environment is energetically under way in New Jersey, but it is an effort that warrants even greater cooperation and commitment from every citizen and company in the state if it is to remain effective.

OVERCROWDING AND UNDERFINANCING CONTINUE TO PLAGUE NATION'S MUSEUMS

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. ROSTENKOWSKI. Mr. Speaker, in Monday's edition of the Chicago Tribune, there appeared an article about the recent retirement of the director of the Chicago Art Institute. It is the story of the frustrating problems encountered by Charles Cunningham during his 5½ years as the institute's chief administrator. The type of problems faced by Mr. Cunningham during his tenure are becoming increasingly more common in our country as the popularity of the arts increases at a phenomenal pace.

The problems of overcrowding and underfinancing are problems which currently plague museums nationwide. It was for this reason that my colleague from Indiana, Mr. BRADEMAS, and I first introduced the Museum Services Act during the first session of this Congress. It is our earnest hope that this legislation will be considered by the Congress during this session. For only through swift, decisive action by the members of this body will America's museums be able to continue the battle to preserve our Nation's historic art treasures.

I would like to insert in the RECORD at this point the article about the Chicago Art Institute as I feel that it would be of definite interest to Members of this body:

[From the Chicago Tribune, Jan. 24, 1972]

WHY CUNNINGHAM QUIT: A COMMENT ON ART MUSEUMS

(By Thomas Willis)

When Charles C. Cunningham abruptly resigned last Monday as director of the Art Institute, he gave persuasive reasons for his move. At 61, he was feeling pressured. His doctor had suggested a slowdown. The Institute's long-range fund-raising campaign, expected to last until 1979, made it "highly important that a younger man be involved in the total plan."

After five and one-half years of battling his job's demanding combination of social, administrative, and intellectual responsibilities, it was time to look around. A wealthy man, he could afford to switch to his first loves, research and teaching, and give more time to his family.

A friend put it more bluntly, "Charlie's finally had it up to here."

NAMES NO NAMES

You won't find Cunningham telling that to a suspicious reporter, tho. A slow-speaking New Englander with an Ivy League sense of fitness and diplomacy, he points no fingers and names no names.

But he will tell you some of his problems, if you pin him down: "Only about 15 per cent of my job has anything to do with art. The rest is administrative detail. We need to increase the museum's community services, but we haven't the money. The capital campaign makes no provision for acquisitions, but a museum is what it has. The administrative organizations, depending as it does on a complex of standing and advisory committees, produces 15 generals and no sergeants. Responsibility is inefficiently channeled."

But all of this is extracted with great difficulty from a man who would much rather be talking about the "initimate and highly personal communication between the art object and a viewer" and the necessity for everyone to understand that "a teacup is a work of art." It is clear even to an outsider that he likes paintings and people, not paperwork.

A BUSINESS DEAL

Some members of the Institute's governing board wish he had been a tougher administrator. "He's a great scholar and art historian," one of them told me, "but when you're in charge of an 8-million-dollar budget and nearly 600 employes, it becomes a business deal. Thirty or 40 years ago when it was a neat little package, the Institute sort of ran itself. Now there's the school, the Goodman Theater's new company as well as its drama school, the museum education department, increased security, the high cost of insurance, escalating salaries and, of course, Phase II. Certainly a director should know his stuff as an art man, but he's got to be a career administrator, too."

Cunningham's way is to hire the right curators, give them the responsibility to operate their own departments, and impress on them their responsibility to the museum at large. "Some men like to be included in everything," he explained. "I try to find dedicated men who like the day-to-day confrontation with art that a museum offers, and let them do the job. If there are disagreements in approach or philosophy, we try to talk them out."

LITTLE FRICTION SEEN

To suggest that there is very much friction between Cunningham and his board would probably be a mistake. As another friend observed, "Charlie is able to meet these people on their own level. He is much smarter, almost as rich, and has a worldliness and aplomb about him which very few of the trustees can match."

The solidly built, clothes-conscious New Englander who wears the same tie to every exhibit opening is one of the best-liked men on the social and cultural scene. When news of his retirement came out last week, the nearly uniform response was: "What a nice man. Sorry he's leaving."

One well-known Michigan Avenue gallery owner noted that Cunningham had encouraged collecting, thus stimulating local business. Another noted that the Institute's moves toward developing community support for the visual arts during his tenure "have been nothing short of phenomenal."

STAFF IS SURPRISED

A museum curator, Jack V. Sewell, head of the Department of Oriental Art, said the staff was "dumbfounded" at news of the resignation and had no inkling of Cunningham's wish to quit. A second, James Speyer, whose department of 20th-Century painting has been criticized by some of the younger, non-establishment artists and dealers, categorically denied the existence of any tension or staff dissension.

Cunningham's tenure here has spanned a time of developing crisis for American museums. When he arrived in mid-1966, after 20 years as director of the Wadsworth Althenaeum in Hartford, Conn., the national museum attendance had skyrocketed to an estimated 200 million persons a year. During his first year, the Art Institute's counters recorded a record, still standing, of 2,516,280.

The financial picture that year, tho not as encouraging, was far from bleak. The treasurer reported current income at $5,476,202, gifts and bequests from 4,280 sources totalling approximately $1,940,000, and a small operating surplus of $3,602.

CHANGE IN POLICY

By 1970–71, the last period for which figures are available, the situation was radically different. A discretionary "pay what you can" admissions policy, copied from New York City's Metropolitan Museum and put into effect Jan. 4, 1970, produced around $185,000 in new money but was a major cause of plummeting attendance, a drop of nearly a million from the previous year.

The treasurer's report for that year included operating expenditures of $9,151,610, nearly double the earlier amount, and the operating surplus of 1966–67 had become a $578,615 deficit, a matter which the report said held "serious implications for the fiscal well-being" of the museum.

Except for the admission charge and attendance drop, this local situation is being repeated on a national scale. Trade journals, expensive national surveys, and the published annual reports of the individual organizations point to the scope and stature of the situation.

CROWDS ARE DIFFERENT

Across America, a new heterogeneous influx of spectators crowds our former "temples of art," spearheaded by throngs of children and their teachers and leavened by eager collectors anxious to acquire taste. Without adequate staff, museums have recruited volunteers, only to find that, as a visiting critic told a seminar recently, "like the 19th-Century fire brigades, they absolutely adore the lurid excitement of frequent conflagrations."

"So overwhelming is the stampede," this critic continued, "that those professionals who know how to put water on the blaze and save the treasures of the house can't get their hose untangled."

Cunningham would be the first to defend his volunteers, but he confirms that here, as elsewhere, it is the size and character of the new audience which has transformed the director's job. "We no longer can assume that our visitors are in any sense a group. Some are sophisticated and cultivated repeaters," he says. "Others have only the slimmest resources and educational background. Our staff is simply too small to deal with them."

WORDS ARE SIMILAR

It is a statement remarkably similar to one in his first report to the Institute trustees at the close of the 1966–67 season. At that time, he called for "a broad study of how our museum can better serve the enormous crowds which now pass thru its doors. We must," he concluded, "reappraise our educational role and determine what we contribute to the lives of these millions of visitors."

He has been repeating this call for reappraisal and change ever since he arrived. To some, the results have been encouraging, and Leonard Pas, executive director of the Illinois Arts Council, believes that Cunningham has "finally brought the museum into the 20th Century" in terms of service to the larger community.

TRACE OF STIFFNESS

This necessity for deciding in favor of education and community involvement came up again and again in our conversations. Only once did a trace of stiffness creep in. It was not hostility, just the unexpected firmness of a man determined not to overstate the situation:

"But as the board president, Leigh Block, points out to me, these decisions have got to be made by the board, and if I'm not to be involved in it, it's not necessarily by business. I pointed out to him that I spent 38 years in the museum business and I'm always available to help."

It was an oblique and polite statement, but the sense of underlying frustration and discouragement was inescapable. At that moment I was certain I knew the main reason he quit. There simply was no way for him to do what he felt should be done.

TV STATION CANCELS SHOW— CONFLICT OF INTEREST?

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. GOLDWATER. Mr. Speaker, the Republican National Committee's always interesting, always informative publication has come up with another interesting, informative story. The story involves a Washington NBC affiliated TV station, a show they were preparing for broadcast and the cancellation of the show because the producer was discovered to be an employee of the Muskie campaign organization. The young lady involved in the story, it might be added, is the daughter of Mr. Bryson Rash, who also works for station WRC and delivers their editorial comment.

The story follows:

[From Monday, Jan. 10, 1972]

TV STATION CANCELS SHOW ABOUT AGNEW PRODUCED BY MUSKIE EMPLOYEE

The NBC affiliated television station in Washington, D.C. has canceled a show about Vice President Spiro Agnew two days before it was to be taped since the management felt there was a clear "conflict of interest," *Monday* has learned. The producer of the program works for Sen. Edmund Muskie's campaign organization.

The story is as follows:

When it was learned that the producer of "Off Campus," a WRC Channel 4 TV show featuring young people talking about current affairs, had called the Republican National Committee in search of panel members for an upcoming show about the Vice President, *Monday* called the producer to offer assistance. The station told *Monday* that the producer, Miss Brennan Rash, was no longer with WRC but might be reached either at home or at Muskie for President Headquarters.

PRODUCER SEES NO CONFLICT

When *Monday* reached Miss Rash she confirmed that she was indeed a Muskie employee and had been Mrs. Muskie's advance woman for about two weeks. But the fact she was a Muskie employee and producing a show about the Vice President was not a conflict of interest, she told *Monday*. It "has nothing to do with it," she declared.

Miss Rash explained to *Monday* that she was a "free lance producer" for WRC, was no longer with the station and was producing the Agnew show as one of her last three shows; shows that had been in preparation before she took the job with Muskie. She said the Agnew show was being done with her boss' full knowledge that she had gone to work for Muskie in the meantime.

Later in the day Miss Rash called *Monday* back with the information that she had discussed the matter with her boss, Burton Bridgens, manager of the station's department of community affairs, and he had decided to cancel the show.

MANAGER SEES CONFLICT

Monday spoke with Bridgens and asked him why he had waited until two days before the show was to be taped to cancel it (and then only when *Monday* called matters to his attention) when he knew Miss Rash was the producer and that she had gone to work for Muskie about two weeks earlier. Bridgens replied that he probably should have done it earlier, that he had "other things on his mind" and that in his job he reviews only finished programs. He explained that because of Miss Rash's job with Muskie there was "a clear conflict of interest" but the show would "probably not have been approved" anyway. There are two safeguards to prevent such conflicts, he said—himself and a broadcast standards editor.

Bridgens said he appreciated *Monday* calling the matter to his attention as he would "anyone taking an interest in our programs."

THE FALLACY OF MINIMUM WAGE

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. FISHER. Mr. Speaker, legislation is pending which would increase the minimum wage to $2 per hour. This would seem to be a dangerous move at a time when employment is at an approximate 94-percent level. To increase the minimum at this time, and extend the coverage, would undoubtedly result in freezing many deserving people out of work and add to the unemployment problem.

Under leave to extend my remarks, I include an editorial report, dated January 19, 1972, by San Antonio's WOAI-TV, which contains some sound comments and pertinent food for thought. The editorial follows:

THE FALLACY OF MINIMUM WAGE

Unemployment is a national problem and its current level at 6% is too high . . . too many people willing and able to work cannot find jobs.

In the political arena the finger of guilt is always pointed at whoever is occupying the White House, but we suggest a good part of this problem has been created by the Congress.

The Congress, aware of an election year, is about to raise the minimum wage again. Some honestly believe this action will help the poor. Others do it simply for political gain.

But we submit that the continuous raising of the minimum wage forces employers to look to automation . . . to reduce the size of the work force. Sound business judgment prevents employers from hiring the unskilled and the untrained teenagers at rates that do not equate with productivity.

What is needed here is flexibility and adjustment in the minimum wage to allow employers to hire the maximum number of people. A federal scale could be adopted that would allow employers to pay less for teenagers and unskilled labor, while still requiring them to pay a higher minimum to semiskilled and skilled workers.

This makes sense . . . it seems fair and just, so it probably will not happen!

PRAYER SERVICE FOR MISSISSIPPI GOVERNOR

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. MONTGOMERY. Mr. Speaker, when William Lowe Waller was inaugurated as Mississippi's new Governor on January 18 he set a precedent by holding a prayer service prior to the inaugural ceremonies. I hope the future Governors of my home State will continue the prayer service because I believe very deeply that all elected officials need the guidance and wisdom of the Supreme Being. I would like to share with my colleagues the remarks that were made by Governor Waller's preacher, Larry G. Rohrman, pastor of the First Baptist Church in Jackson, Miss. Reverend Rohrman shows a very keen insight into the daily problems of a person in public office. His remarks are as follows:

MESSAGE DELIVERED BY DR. LARRY G. ROHRMAN, PASTOR, FIRST BAPTIST CHURCH, JACKSON, MISS., AT PRAYER SERVICE FOR GOV. WILLIAM LOWE WALLER, JANUARY 18, 1972, IN THE SANCTUARY OF FIRST BAPTIST CHURCH, JACKSON

We have gathered here today for the purpose of prayer. This is a rather unusual, if not unique, way for a future governor to begin an inauguration day. At best, this day for him, is cluttered with untold responsibilities, speeches and physically exhausting appearances. But we are here at this hour for several reasons—the first of which is because the Wallers wanted it that way. It is just like them to want to start the day with God. It is a part of their upbringing—a part of their heritage. They probably would not have thought of doing otherwise. It is natural for them to be prayerfully thankful to God for the opportunity to serve their fellowman while at the same time to be reverently dependent upon God for strength equal to the responsibilities that He gives them to carry. You see, religion is not a Sunday affair with our new Governor; it is a way of life. He did not wait until he entered the political arena to begin his church attendance. Nor did he permit his victory or the responsibilities it brought to cool off his faithfulness. He has been, is now, and I predict always will be loyal to his faith as well as to this church.

(Several weeks ago an amusing incident took place after our morning worship service. A lady stopped me and asked, "Wasn't that Bill Waller I saw taking up the collection in the balcony this morning?" "Yes, it was," I replied. "Well," she said, "it's not every church that has a Governor taking up the collection on Sunday morning." "Lady," I replied, "it's not every church that will trust a Governor to take up the collection on Sunday morning.")

His religious beliefs are not feigned or artificial, but they are genuine. He is a Christian example to his children and to the world. Perhaps his greatest asset is his faithful and loving wife who is a reservoir of spiritual stamina. Their wish, thank God, was to start the day with prayer.

A second reason for our being here at this hour is that the Scripture admonishes it. I Timothy 2:1-2 in the translation known as *The Living Bible* declares:

"Here are my directions: pray much for others; plead for God's mercy upon them; give thanks for all He is going to do for them.

Pray in this way for kings and all others who are in authority over us, or are in places of high responsibility, so that we can live in peace and quietness, spending our time in godly living and thinking much about the Lord."

In the third place, the problems of our day demand it. Our generation, more so than any before it, is faced by a decaying society. Our problems are great. Murder, theft, gluttony, cheating, hatred, looting, burning and revolution are only a few of the words which characterize our society. The strange paradox of material splendor and spiritual poverty is an accurate picture of the United States and even Mississippi in the 1970's. Our heads are full of knowledge, our stomachs full of food, but our hearts are grotesquely empty. We can send men to the moon, but we haven't the wherewithal to teach them to live peaceably on earth. We have discovered the secrets of the physical universe, but the complexity of the human soul has eluded our grasp. We, like lost children, grope in the darkness of depravity because the real force that lights the path to peace, harmony, tranquility, and even good government is almost nonexistent in our society. I speak of love. The Holy Book defines God as love. We will not find peace on earth until we have submitted to the Prince of Peace. There will never be the brotherhood of man until there is the Fatherhood of God. Education won't do it. Science won't do it. Environment won't do it. Not even government will do it. Only God can do it. You see, good government doesn't just happen—it is the product of good men who dare to engage in the pursuit of finding adequate solutions to the problems of all mankind. Good men are not produced by a good environment.

The reverse is true—good men produce a good environment. How long will it take us to learn that simple lesson? What we need is some changed men and they will change our world. Only God can change men. We are here today to pray for changed men.

In the fourth place, we are here because the perplexity of the job of being Governor of a state necessitates it. The attitude of the general public toward its leaders is one of the most puzzling problems I have ever witnessed. Mr. Waller, when you became Governor, the average citizen considers you to be public property. As you know, and so much more than do I, you no longer have a private life. Everything you do will fall under the scrutiny of a very cynical populace. The average man on the street corner of any country seat town will consider himself qualified to point out all of your shortcomings. You will be criticized no matter what you do. Lack of information on the part of your critics will not slow them down. Right, as you see it, will become wrong as they tell it. They will make white black, and black white. There will be some difficult hours when you will be alone, except for God. Only in the sanctuary of your heart will there be privacy. Keep your heart pure or there will be no peace there either. Only your integrity will enable you to stand erect. As you have done in the past, resist the pressures that will relentlessly seek to make you compromise your convictions. The people have given you a trust—guard it with your life. After your task is completed and you pass the mantle of leadership on to another, be sure you do it with clean hands. Care not what men may say—it is God who is your judge. Never forget, however, it is also God who is your strength, your guide, your light and your Lord. Men are depraved and bent upon seeing your errors and finding your faults. God is seeking your strengths. May He give you wisdom that produces understanding. May your eyes see clearly the vision of what Mississippi could become. May your steadfast courage lead us to greater heights than even you could dream are possible.

My prayer for you is not that you will be strong with the power of state, but that you will be right in the sight of God.

I pray not that you will lead our State into financial prosperity if it costs us our spiritual integrity. Who cares how good the highways are if they lead to destruction.

I pray not that you will love popularity and fame, but that you will hate injustice.

Last of all, we are here because we want to be. Five times now our church has had one of its deacons serve as the highest official of our State. Longino, Noel, Whitfield and Barnett have gone before you. We know it is our obligation, it is our responsibility, it is our highest honor and happy joy to hold you up to God in prayer. We pledge to do that daily.

In closing, may I beg a personal privilege. Although you are my elder, my political leader, and my superior in every way, I wish to share with you a secret that is the most important factor in my life. Be sure to save some time to be alone with God. Others need appointments with you. But you need appointments with God. His word instructs you to "Be still and know that I am God." That pause for stillness and quiet will save many a step in the wrong direction. If you listen, He will speak. If you ask, He will give. If you knock, He will open the door unto you.

It is time now for you to go across the street and shoulder the responsibility. You must now accept the charge. As you go I bid you God's speed.

PERPETUATING THE DECEPTION ON THE POW ISSUE

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. DEL CLAWSON. Mr. Speaker, in this period of high emotionalism over the Vietnam war, and more particularly, the prisoner of war and missing in action issue, it is encouraging to see a more objective point of view as expressed in the column of Richard Wilson in the Evening Star of January 24, 1972.

Every Member of Congress and every American desires an end to the war and the release of the POW's.

When the issue is sheared of its political and emotional arguments, it is obvious to all that Hanoi is the stumbling block and not the President nor the U.S. negotiators.

PERPETUATING THE DECEPTION ON THE POW ISSUE

(By Richard Wilson)

A cruel deception is being perpetuated by heedless men that all President Nixon need do to secure the release of prisoners of war held in North Vietnam is to declare a specific date for complete withdrawal of all American forces.

The depth of this deception is emphasized in a response to questions submitted to the Hanoi government by the New York Times which the newspaper decided not to publish. The reasons leading to this decision are curious.

On Page 10 of its Friday edition under a headline saying "Hanoi's Cable to Times Cites Peace Aim," the Times gave this main reason for not publishing Hanoi's response to the questions submitted by its managing editor:

The response was no different than previous positions stated at the Paris peace negotiations by Hanoi's representatives and published at the time in the Times.

This excuse for not publishing Hanoi's response can be questioned for several reasons. First, the cable was an official statement direct from Hanoi and not filtered through the North Vietnamese delegation in Paris. Second, the Times, in an interview earlier with the head of the Communist delegation, had spread the impression that releasing prisoners of war could be separated from other issues at the Paris conference.

And, third, the Hanoi response might have helped to clear the minds of those who cultivate the deception that the prisoner of war question can be separated from North Vietnam's insistence that all troops must be withdrawn and the policy of Vietnamization be abandoned. The Times has often published, and makes a special point of publishing, important public documents. It confined itself in this case to publishing merely a summary of the exclusive statement it received from Hanoi, and did not relate this response to the questions it has asked except to say that none has been answered directly.

Nor, it was indicated, would the Times have done this much had it not been for the fact that the foreign broadcast information service of the Central Intelligence Agency had published in its weekly report the substance of the exchange in its regular function of monitoring Hanoi's public communications. The exchange between Hanoi and the Times managing editor thus became known to reporters covering the State Department.

Furthermore, a good many readers would conclude that the Hanoi response confirmed beyond any shadow of doubt the Nixon administration's claim that North Vietnam has flatly turned down a prisoner release in exchange for a firm withdrawal date. Sen. George McGovern, a candidate for president, has, in effect, called Nixon a liar for making that claim.

Aside from revealing the hazards of a newspaper trying to conduct or at least influence, foreign affairs, the incident of this unpublished document from Hanoi nails down hard what the Communist government will settle for. It will settle for the humiliation of the United States, complete renunciation of the Thieu government, and an end to all support for the elected government of South Vietnam. Then—maybe—it will release American prisoners of war.

The Times could have placed these facts in high relief by publishing its questions and Hanoi's cabled response, but it did not do so.

McGovern, and more recently Sen. Mike Mansfield, persist in the notion that it is all simple. Just announce a complete withdrawal and Hanoi will interpret that as letting the Thieu government go down the drain and promptly release the prisoners. The war will then be over.

Hanoi's cable makes it a lot clearer: President Nixon must pull totally out of Vietnam, stop backing the Nguyen Van Thieu bellicose clique and conform to all seven points of Hanoi's peace proposal, which would accomplish the complete humiliation of Nixon in his attempt to achieve a constructive end to the war.

Nixon tried, in his recent television interview, to open the door a little wider by intimating that the last troops would be withdrawn when the prisoners had been released, or concurrently. That little crack in the door might have widened to permit a view of compromises on both Hanoi's unaltered seven points and Nixon's commitment to Vietnamization and to the Thieu government.

But the door was slammed shut by Hanoi with a resounding whack loud enough, certainly, to be heard by all who pursue the simplification of prisoner repatriation in exchange for setting a final and total withdrawal date.

STRUGGLE WITHIN THE SOVIET UNION

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. DOW. Mr. Speaker, the struggle of the Crimean Tartars in the Soviet Union to retain their national heritage and to regain their national autonomy within the borders of their homeland is not well documented in the West. It is for this reason that I bring to the attention of my colleagues an article published in America—The Ukrainian Catholic Daily by a constituent of mine, Mr. Paul Nedwell, which provides information on some of the more recent developments in the efforts of the Crimean Tartars against the Soviet regime.

In addition I have found a published letter by Mr. Nedwell to the former U.N. Secretary General to provide a particularly meaningful insight into the type of violation of human decency inflicted by the Soviet authority on the people of the Ukraine.

I commend to my colleagues both of the following informative pieces:

[From America—the Ukrainian Catholic Daily, Nov. 18, 1971]

THE STRUGGLE OF THE CRIMEAN TARTARS CONTINUES

(By Paul Nedwell)

In that fateful year of 1944, the Crimean Tartars, whose ancestral homeland from time immemorial has been the Crimean peninsula, fell victim to Soviet genocide. In that year the entire Crimean population of 80,000 men, women and children was forcibly and savagely uprooted from their ancient homeland and deported to the Soviet Republics of Central Asia—many of the Crimean Tartars did not survive the long and treacherous journey into exile. But this is only one in a long line of acts of genocide visited upon the steadfast and courageous Crimean Tartar population of the Soviet Union by Moscow: during the twenty years of Soviet occupation of the Crimea up to the time of the German invasion in 1941, no less than 160,000 Crimean Tartars were liquidated or deported by the Soviet regime. But in spite of all the untold suffering and persecution they had to endure, and are still enduring, at the hands of Moscow, the Crimean Tartars have survived as a people while in exile and are presently agitating for permission to return to their rightful homeland—the Crimea—and for restoration of their national autonomy within the borders of their ancestral homeland.

In recent years this struggle of the Crimean Tartars has increased in intensity, and not decreased to Moscow had hoped. Many Crimean Tartar youth have also joined in the struggle, after becoming painfully aware of the policy of genocide still being carried out against their own people by Soviet authorities.

Just recently the leaders of the Crimean Tartar movement to return to the Crimea have appealed to the 24th Congress of the Communist Party of the Soviet Union, to the Soviet Press and to all Communists in a written appeal, in which they demand permission for all Crimean Tartars to return to their rightful national homeland and for restoration of national autonomy to the Crimea. This appeal was accompanied by hundreds of thousands of individual letters and 163 different documents, on which were collected over three million signatures. On the written appeal to the 24th Congress of the Communist Party of the Soviet Union there were 130,000 signatures; however, the problem of the Crimean Tartars was not even brought up at the Congress.

Much of the information available about this appeal from the leaders of the Crimean Tartar movement to return to the Crimea and about the present state of the Crimean Tartar movement is to be found in the 19th issue of the Russian-language samizdat publication "Chronicle of Current Events," which said issue has recently reached the West. Of great interest is the appeal itself, which is included in this issue of "Chronicle of Current Events."

"It is with great sorrow—we read in the appeal—that we must inform the 24th Congress that numerous letters from Crimean Tartars to higher Party and Soviet organs of authority within the past few years have remained unanswered, being wholly ignored by these organs of authority, although the law requires that they receive an answer. And worse than that, our affairs, which fall into the province of Party and judicial organs, are transformed into a problem of the security organs, and against this or people express their strongest protest.... The Crimean Tartar people judge this outrageous situation with anger...."

To this appeal the Crimean Tartar leaders attached documents which cover the facts pertaining to the violence and terror that has been meted out to their people by various Soviet organs of authority.

Non-Russian nationalism is one of the strongest forces at work today in the USSR, prison house of peoples and nations; and even such small, persecuted non-Russian peoples as the Crimean Tartars are not without their own inner strength and fortitude. Although presently forced to remain in exile, thousands of miles away from their ancestral homeland, the Crimean Tartars are struggling to preserve their own nationhood. And the courageous leaders of the Crimean Tartar movement to return to the Crimea, who have themselves gone through much personal suffering for the sake of their own people, still hold fast to their faith in a brighter future for their long-suffering people.

[From America—the Ukrainian Catholic Daily, Dec. 2, 1971]

OUR READERS REPORT

NOVEMBER 22, 1971.

United Nations Secretary General U THANT,
United Nations, United Nations Plaza, New York, N.Y.

DEAR SIR: I would like to bring to your attention another case of unwarranted destruction by Soviet authorities in the Ukrainian SSR of Ukrainian memorials dear to the hearts of the Ukrainian people—the barbaric destruction by Soviet authorities of military graves in and around the Ukrainian city of Lviv. Such contemptible action on the part of the Soviet authorities in the Ukrainian SSR, itself a member state of the United Nations, violates all established moral norms and might even be rightly construed as a violation of the human rights of the Ukrainian people, to whom these Ukrainian cemetery memorials are precious reminders of a glorious past. These Ukrainian cemetery memorials are also honored by the Ukrainian people as markers of the final resting places of valiant soldiers who fought for their beloved Ukrainian land in times past.

But the Soviet authorities have not satisfied themselves just with the crude destruction of Ukrainian cemetery memorials above the graves of former Ukrainian soldiers, they have even gone to the extreme of excavating some of these graves in order to destroy all traces of past Ukrainian glory. Disturbing news has recently reached the West that in the Ukrainian city of Lviv, at the Janivsky Cemetery, military graves are being dug up by persons responsible to the Soviet authorities on orders from these very same authorities. The Ukrainian citizenry of Lviv have turned to governmental and Party circles in Kiev, capital of the Ukrainian SSR, with an appeal to Soviet authorities to stop their wanton destruction of Ukrainian cemetery memorials and graves at the Lviv cemetery. The result of this mass action by the courageous citizenry of Lviv has been a cessation of further excavation, but there has not been one shred of assurance that the order of cessation is a permanent one.

Meanwhile, the desecration by Soviet authorities of Ukrainian cemetery memorials of former Ukrainian soldiers continues in other cemeteries throughout Ukraine. Many such memorial stones have been smashed to pieces and dashed to the ground by persons seemingly hateful towards every reminder of the glorious past of the Ukrainian people. Such action by the Soviet authorities in the Ukrainian SSR should not be allowed to go uncondemned among all people concerned with achieving true justice for all men throughout the world.

I appeal to you not to remain silent about this and all other violations of human decency in Ukraine and of the human and civil rights of the Ukrainian people by the Soviet authorities in the Ukrainian SSR and by the higher Soviet authorities in Moscow, who often order and condone such violations in Ukraine. The people of Lviv wholeheartedly desire an end to this official vandalism on the part of Moscow.

Respectfully yours,

PAUL NEDWELL.

HON. JAMES A. FARLEY

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. DELANEY. Mr. Speaker, it is not often that a man becomes a legend during his own lifetime. However, all students of American politics have long recognized the momentous role the Honorable James A. Farley has played in shaping the destiny of our great Nation.

Under leave to extend my remarks, I would like to share with my colleagues a recent article concerning the legendary former distinguished Postmaster General, genial Jim Farley—a great leader, an honored statesman, and a revered American. The article, entitled "The Story of a Native Son," was written by Louise Steneck, and appeared in the Nyack, N.Y., Journal-News.

The article follows:

[From the Journal-News, Dec. 13, 1971]

JAMES A. FARLEY

(By Louise Steneck)

Every weekday morning, James A. Farley dons an old-fashioned black suit and highly starched shirt, says goodbye to his maid and walks out the front door of his Waldorf Towers apartment into the rush of pedestrian traffic on New York's Park Avenue.

Stepping along with a brisk gait, he engineers his way through throngs of New York businessmen and secretaries on their way to work, brushes by groups of longhairs who congregate on the corners ("It's hard to find a barber these days," Farley grumbles, "they've all gone out of business."), through the heavy revolving doors of 515 Madison Ave. and up an ear-popping 18 floors to the offices of the Coca-Cola Export Corp., where he has been chairman of the board for more than 30 years.

Settling solidly behind a massive desk, Farley sits immobile except for the incessant motion of his yellowed fingers, and views with eyes dulled by cataracts the mementos of a half century of public life—here a picture of him in an ear-to-ear conference with Pope Pius XII, there with a smiling Madame Gandhi and everywhere with one or another of the seven U.S. Presidents he has known as personal friends.

At 83, Farley is one of the few remaining bastions of old school politics. He is a firm believer in loyalty to one's party—he's an Irish Catholic Democrat—and a staunch supporter of the 2-party system: "Don't talk to me about liberals—they are liberal only with their own views—they annoy me."

Although Farley is nationally known for his successful masterminding of FDR's 1932 and 1936 presidential campaigns and his service as U.S. Postmaster General and national Democratic committee chairman during that period, he is still a viable force within the party. His favor is courted by party hopefuls who recognize Farley's reputation as a political seer and his popularity with the news media. (Farley is the reporter's dream, possessing a remarkable memory of dates, places and names.)

Farley, however, claims to be only an interested political observer, having officially given up his political posts in 1940 soon after he broke with FDR over the third-term issue. Farley's name was placed in nomination for the presidency that year.

He became chairman of the board of Coca-Cola Export in 1941 and his contract has been renewed each year, although he reached retirement age almost two decades ago.

In his position as a soft-drink supersalesman, Farley continues to use tactics which won the favor of political bosses when he started his public career as the Stony Point, N.Y., town clerk in 1911.

He works long hours, especially for a man his age, and until recently often spent Saturday mornings in his office before attending football or baseball games later in the day. He attends an average of 120 banquets and at least as many luncheons a year, most of them sponsored by groups interested in foreign trade.

He visits about 30 countries a year for his company and always calls on the American ambassador at each stop and makes a point of introducing local Coke representatives to any available government officials—"It never hurts to know powerful people," Farley says.

A prolific letter writer, Farley learned early that nothing beats the personal touch—in getting votes or in keeping customers.

Since his wife's death in 1955 (she's "Bess, God bless her," to Farley) he has lived alone, but his three children call almost daily and one or two of his 10 grandchildren accompany him on his trips abroad.

He still finds time to visit Grassy Point, N.Y., where he was raised by "poor but honest" parents, and spends long hours reminiscing with cronies about how playing good baseball for the Grassy Point Alphas helped him win the town clerk post in a Republican-Protestant town.

On Friday evenings, Farley may be found at the Biltmore turkish baths, sweating unwanted pounds from his massive frame—he is 6-2 and weighs about 190 pounds.

Although Farley now claims to lead a hectic though not extraordinary life, the number one gladhander of the Democratic party still keeps a keen eye on current political trends.

Looking to the 1972 presidential election. Farley thinks "bread and butter issues such as inflation and unemployment" will decide the outcome.

"The war in Vietnam is not going to be a serious campaign issue, although finding jobs for the boys coming home is going to compound Nixon's economic problems. If he does not solve these problems, and soon, he will be in a bad position when the voters go to the polls," Farley said.

Although Farley does not want to make any predictions (he has been remarkably accurate in the past), he does believe Sen. Edmund Muskie of Maine, Sen. Hubert Humphrey of Minnesota and Sen. Henry M. Jackson of Washington are "the most formidable candidates for the Democratic nomination."

"Muskie appears to be ahead in current polls," Farley noted, "but any of these three would be perfectly acceptable."

What about Sen. Edward Kennedy of Massachusetts?

"We must take Sen. Kennedy at his word that he will not be a candidate. I think it is a wise decision. He is a young man and has plenty of time," Farley noted.

Farley expressed scorn for New York City Mayor John V. Lindsay's obvious, if unstated, presidential campaign efforts.

"He won't get far at the convention," Farley predicted. "He deserted his own party, which put him where he is, and I don't expect he will be much more faithful to his new one. His campaign will reveal to people across the nation his failure in administrating this city."

Leaning forward in his chair, Farley drove home his point. "Loyalty and honesty are the first requirements for a good politician. The party must always come before the individual."

"The Democratic party gave me what I have and it's been a good life."

VANDALS STRIPPING NATION BARE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. DERWINSKI. Mr. Speaker, we are properly concerned with the maintenance of public property as it relates to the total environment. In addition, we should emphasize the fundamental respect for public, as well as private, property which is the concerned's major trait.

An extremely penetrating, and necessarily sharp, column in the Suburban Life of January 13 by that publication's city editor, Dean Linton, very effectively calls our attention to the abuse of public and private property caused by deliberate and thoughtless vandalism.

The article follows:

VANDALS STRIPPING NATION BARE

(By Dean Linton)

It's a shame that today's architects and builders must be more concerned with the sturdy, vandal-free qualities of their public structures than in the aesthic, cultural aspects.

A case in point is the new $66.4 million Kennedy Center for the Performing Arts in Washington, D.C. Like swarms of locusts, thousands of tourists and concert-goers have been slowly picking the center apart, from lavatory seats to swatches of expensive red carpet.

In the first few months which the center has been open, its officials say the public has literally "ripped off" an astonishing array of items, from pieces of the wall fabric to crystal baubles and expensive Waterford wall fixtures.

Visitors appear to love the center so much that they are taking it home with them, light bulb by light bulb.

In addition to the extraordinary number of thefts, vandals have put out cigarets on the fabric-covered walls in the opera house, leaving holes in the design. Some of the plush, cushioned seats in the halls have been ripped, apparently by knives.

Center officials are planning to replace the stolen and vandalized items "with something less attractive but more durable."

It's not children committing these acts of vandalism and theft.

Authorities say the school children who come on tours are most respectful of the center.

"It's the adults we have to worry about," they say.

Some example these adults are showing the youth of America!

We don't have to travel as far as Washington to see examples of immaturity. Most public washrooms show the childish efforts of frustrated poets and artists, keeping maintenance personnel busy.

Elevated and train stations, bus stops, shopping malls and theaters are all targets of these creative degenerates.

How many newly painted water tanks, bridges, underpasses and signs have you seen stained with the numerals of the local high school class?

These community artists are well on their way to bigger and better things. Perhaps the John Hancock building will serve as their canvas tomorrow.

Souvenir hunters necessitated an around-the-clock police guard of Chicago's giant Christmas tree in the Civic Center plaza during the past holiday season, a time of peace and good will toward men.

Historical landmarks throughout the country, as well as national and state parks, would be picked clean in a few months if left unguarded, by the throngs of tourists seeking free samples of Americana.

What's the solution to this growing problem?

Obviously a greater pride in one's community and nation must be instilled in the citizenry, starting with mom and dad setting the example for their offspring in word and deed.

We must start someplace and where better than the family circle?

EDUCATION OF THE GIFTED AND TALENTED

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. WYDLER. Mr. Speaker, I wish to call the attention of my colleagues to a recent event in Long Island that has national significance. On Tuesday morning, November 23, 1971, the Sands Point Country Day School-Fetsch Academy, a world-recognized center for the education of gifted children, installed as its provost and acting headmaster, Dr. R. Gordon Hoxie, the former chancellor of Long Island University and president of C. W. Post College.

This was indeed an inspiring occasion. The salute to the flag was led by the 4-year-old kindergarten children, bringing joy and inspiration to the hundreds of parents, students, friends of Dr. Hoxie and outstanding educators who attended the inaugural ceremony. The Most Reverend Dr. Benjamin C. Eckardt, archbishop of the Free Protestant Episcopal Church of Ontario and president of Philathea College as well as president of the London—Ontario—Council of Churches, delivered the opening prayer.

The Honorable John Roy Price, Jr., Special Assistant to President Richard M. Nixon, brought greetings from the White House and delivered a stirring message of hope to all assembled. Mr. Price, a resident of Long Island, emphasized the vital importance of a much-neglected national resource—that is, the gifted children—and pointed up the need for more schools like Sands Point pioneering in programs that will challenge and give opportunity for growth for the talents of these young people. It has been estimated that of the elementary and secondary school population of 51.6 million there are approximately 2 million children that may be categorized as gifted. As the U.S. Commissioner of Education, Dr. Sidney P. Marland, Jr., has so effectively pointed out, only a very small portion of this total are receiving appropriate educational opportunities. Whereas the Sands Point School is presently limited to a total of only 300 preschool, elementary and secondary schoolchildren, through the inspiration of its remarkable leadership, outstanding faculty and enthusiastic support from the children and their parents, it is serving as a model for education of the gifted.

The Sands Point School was founded by Dr. Marie L. Fetsch, the recipient of four honorary degrees from this country and abroad, as well as the recipient of a gold medal and citation for her outstanding educational work from His Holiness, Pope Paul VI.

Founded in 1954, the Sands Point Country Day School-Fetsch Academy has catered to the needs of gifted children for the last 15 years. It has recognized, through the pioneering spirit of Dr. Fetsch, that if the gifted and talented are neglected our Nation will suffer a serious loss of brainpower. In an atomic, technological age, ability is essential more than ever before. It is to Dr. Fetsch's credit that she has recognized this need and has given of her own financial substance, of her time and energies to help provide, without any form of public help, a school that has meant so much to our community, our State, and our Nation.

The Governor of our great State of New York, the Honorable Nelson A. Rockefeller, in a telegram to Dr. Fetsch on the occasion of the inauguration of Dr. Hoxie, wrote:

I am delighted to have the occasion to send warm regards to all present at the Convocation at Sands Point Country Day School-Fetsch Academy in honor of Dr. R. Gordon Hoxie. My compliments to the distinguished Dr. Hoxie, whose splendid contribution as counsellor to your unique school for gifted children merits warm and wide appreciation He is to be commended for his continued dedication and devotion to education. I am sure that his role at your excellent institution of learning as Provost and Acting Headmaster will add appreciably to his superb record. My personal good wishes for a happy day. Nelson A. Rockefeller.

In her welcoming address for Dr. Hoxie, Dr. Fetsch presented this well-deserved tribute:

Welcoming Address for Dr. R. Gordon Hoxie, Provost and Acting Headmaster

(By Dr. Marie L. Fetsch, Founder-Director)

If any man has helped raise the standard of American education and influenced its constructive development, it is Dr. R. Gordon Hoxie, the Provost and Acting Headmaster of the Sands Point Country Day School-Fetsch Academy. There is no facet of education, from primary school through college and university graduate work, that has not felt the inspiration and challenge of this world-renowned scholar. He is, in every respect, an educator who has the courage of his convictions, who has pioneered in college excellence and has left his mark on the American classroom and campus.

A native of Waterloo, Iowa, Dr. Hoxie received degrees from the University of Northern Iowa, the University of Wisconsin and his Ph.D. from Columbia University. Early in his career Dr. Hoxie served at Columbia University with President Eisenhower as Assistant to the Provost. In the early 1950's, while a young man with a bright, shining future, Dr. Hoxie was appointed Assistant to the Chancellor at the University of Denver, Assistant Professor of History and Director of Social Science Foundation. In 1953, while only 34 years old, he served as Project Associate for Columbia University's Bi-Centennial History.

A year later he was appointed Dean of the College of Liberal Arts and Sciences at Long Island University. Going beyond the academic realm, he was named President's Deputy to establish educational programs for the armed forces. Dr. Hoxie helped found Mitchel College, located on Mitchel Air Force Base in New York, which pioneered in degree programs for military personnel.

Now began a new and exciting venture in the life of this famous educator. He was asked to establish C. W. Post College which in 1954 was little more than a pile of sand and bricks enmeshed in a gulf of mud. He was named Dean and, putting all his energies, acumen and wisdom into this project, there emerged a nationally recognized institution of higher learning—C. W. Post College. The staff, the student body and Dr. Hoxie's influence began to make a dream into a reality. Five years after his original plans were drawn, Dr. Hoxie was named Provost of the College and in 1962 he became Vice President and then President in quick succession.

Recognizing his outstanding and almost miraculous record, the University's Board of Trustees appointed him as Chancellor of Long Island University. However, he was requested to continue as President of C. W. Post College and served conscientiously and effectively in both demanding positions. The extent of Dr. Hoxie's role can be seen as, under his leadership as Chancellor, the University from 1964–68 underwent its great period of growth and development. Its total assets increased from $34,000,000 to $102,000,000; its faculty salaries increased from a C to an A rating by the American Association of University Professors; the annual rate of gifts and grants increased 600 percent; and the annual rate of sponsored research by 1300 percent. It is difficult to conceive how any single individual could possibly have accomplished so much in so little time.

When Dr. Hoxie tendered his resignation as Chancellor of Long Island University in the Fall of 1968, he was named President and Chief Executive Officer of the Library of Presidential Papers, later renamed as the Center for the Study of the Presidency. As if that were not enough, he also served as President and Chief Executive Officer of the American Friends of Chung-ang University (from which institution he holds an honorary doctorate degree) and The Greater New York Council for Foreign Students.

It would be difficult to enumerate all of Dr. Hoxie's civic and professional affiliations. Among them are included membership on the following: Advisory Council, Robert A. Taft Institute of Government; Board of Trustees, Mackinac College, Michigan; Advisory Council, North Shore Chapter of the American Association of the United Nations; Men's Committee, Japan International Christian University Foundation; Board of Governors, Human Resources Center; Board of Directors, Tibetan Foundation; Board of Trustees, Kosciuszko Foundation; and honorary trustee of Long Island Theatre Society.

Dr. Hoxie has also served on the board of the United Fund of Long Island; Council of Higher Educational Institutions in New York City; Brooklyn Institute of Arts and Science; La Banque Continentale; Franklin National Bank; Brooklyn Chapter of the American Red Cross and as Co-Chairman of the Nassau-Suffolk Conference of Christians and Jews. He is currently serving as the Honorary Chairman of the Fund Drive for the Human Resources Center where he is completing a highly successful $3,000,000 drive for the enlargement of its school and research center for the handicapped. In the Fall of 1969, he served as a Public Member of the Foreign Service Officer Selection Boards, United States Department of State.

On active duty in the Army Air Forces in World War II, Dr. Hoxie served in the North Pacific with the Eleventh Air force. He entered upon military service as a private in 1942, was commissioned a second lieutenant a year later and advanced to Captain in 1945. Recently he received one of the highest honors available to those who have served their country in time of war and time of peace—he was nominated a Brigadier General in the Air Force Reserve by the President and confirmed by the Senate. He came by this honor rightfully, having been cited by the Air Force several times for important contributions to USAF educational projects and other activities. Dr. Hoxie is currently active in the Reserve Officers Association of the United States, the Air Force Association, the Navy League, the American Legion and the Veterans of Foreign Wars. The President awarded General Hoxie the Meritorious Service Medal.

However, it is in the field of education that Dr. Hoxie has made his greatest contribution and continues to cast a tower of light and hope. He is the author of *John W. Burgess, American Scholar*, the principal author of *A History of the Faculty of Political Science* and co-author of *Freedom and Authority in Our Time*. He has contributed many articles to professional journals. At present he is completing three more books: a biography of Arthur T. Roth, a volume of the proceedings of the recent Montauk Conference on the White House and an American history textbook. He is also the editor of the new volume, *The White House: Organization and Operations*.

Dr. Hoxie has contributed to more educational organizations than any single individual in the field of education. He has served as a consultant on college training and development programs. He holds memberships in such scholarly associations as The American Historical Association, the Academy of Political Science, Kappa Delta Pi, Pi Gamma Mu, Gamma Theta Upsilon, Delta Sigma Pi, the International Association of University Presidents—to name but a few. His citations, awards and special honors are too numerous to mention. He received the 1964 American Bill of Rights Day Award for national leadership in the field of education; the 1965 Alumni Achievement Award from the State College of Iowa; the Korean Cultural Medal; the Distinguished Service Medal of the City of New York for outstanding service in the field of higher education; and the Eloy Alfaro International Foundation of the Republic of Panama Award for distinguished service in the field of American education and international understanding. The versatility of this famous educator can be seen by the fact that he was nominated by the Association of Urban Universities as its delegate to the President's Commission for the Observance of Human Rights Year 1968.

It is an honor and privilege to welcome Dr. R. Gordon Hoxie—scholar, humanist, statesman, administrator—to the Sands Point Country Day School-Fetsch Academy. His knowledge, his foresight, his skills, his dedication, will serve as an inspiration to all who are associated with this Center for Gifted Children—administration, faculty, parents and students alike. With our new Provost, we can anticipate continued success, growth, development and national acclaim. It is difficult to consider anyone in the nation who can contribute more to Sands Point than our own Dr. Hoxie. Incidentally, Dr. Hoxie, who has served as Chairman of the school's Education Council during the past year, was the first Commencement speaker eight years ago when he flew back to Sands Point from an assignment in Europe so as not to miss his appointment.

With this example of dedication and devotion, we know that we have secured the services of a man who will raise the stature of the Sands Point Country Day School-Fetsch Academy even higher than it is at present.

We are happy to have you with us, Dr. Hoxie.

VES SPRAGUE

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. ST. GERMAIN. Mr. Speaker, Ves Sprague, the distinguished executive editor of the Pawtucket Times, was one of New England's finest editors. His recent death, after a long bout with cancer, marks the end of an era for the Times and the city of Pawtucket.

His crusades for honest government, home rule, and the public's right to know were compelling and effective. The enthusiasm, aggressiveness, and initiative Ves brought to the Times when he became managing editor in 1950 and executive editor in 1970 have been the paper's trademark ever since.

Ves was a newspaperman for 43 years. His interest in sports, as a reporter and a baseball fan, and his skill as a cartoonist were often seen in the pages of the Times. His leadership was recognized not only in Pawtucket, but also by the New England Press. He was a former president of the New England Associated Press News Executives Association, and a founder of the New England Society of Newspaper Editors.

His colleagues knew him as a man of courage, both on the job and in his personal life. For the last several years he had fought a determined effort to keep his cancer ailment from interfering with his work on the paper. Several of what were to be his last editorials urged Congress to pass legislation aimed at finding a cure for cancer.

The accomplishments and ideals of Ves Sprague have left a lasting impression on the Times and the city of Pawtucket. I can think of no more fitting tribute.

I would like to place in the RECORD the following articles about Ves Sprague which appeared in the Pawtucket Times:

[From the Pawtucket (R.I.) Times, Jan. 5, 1972]

VES SPRAGUE DIES AT 68; WAS TIMES EXECUTIVE EDITOR

Ves Sprague, executive editor of the Pawtucket Times for the past two years and previously its managing editor for 20 years, died today after a long bout with cancer. He was 68.

Death came to him at Pondville Hospital in Norfolk, Mass., where he had been confined for six weeks.

A newspaperman for 43 years, Mr. Sprague, in addition to directing the Times news staff, wrote editorials and on travels to various parts of the country contributed feature articles.

Through the years, he appeared at various times as a speaker before club organizations and also was a guest on television panel shows, questioning personalities in the news.

Ten years ago, he was elected president of the New England Associated Press News Executives Association. He was a founder of the New England Society of Newspaper Editors.

Mr. Sprague began newspaper work on the New Bedford Times in 1928. After that paper's merger with the New Bedford Standard in 1931, he joined the Standard-Times. He was employed variously as cartoonist and sports writer.

He came to the Pawtucket Times in 1937, working as suburban editor, and he handled the Attleboro area news for many years. He was named news editor in 1943.

Mr. Sprague, husband of Wanda (Ezyk) Sprague, resided at 4 Stony Brooke Lane in Attleboro. Previously he lived in South Attleboro.

A native of Oldham, England, he was a son of the late John S. and Mary (Sylvester) Sprague.

He was a member of Bethany Congregational Church of South Attleboro; Unity Lodge of Masons of Lonsdale and the Stone-E-Lea Golf Club of Attleboro.

Besides his wife, he leaves a son, Donald J. Sprague of Woodland Hills, Calif., and two grandchildren, Diana and Mark Sprague.

A funeral service will be held Saturday at 11 a.m. in Bethany Congregational Church, Newport Ave., South Attleboro.

The family has requested that any tributes be made as donations to the Pondville Hospital Trust Fund in Mr. Sprague's memory.

[From the Pawtucket (R.I.) Times, Jan. 5, 1972]

VES SPRAGUE WAS A CRUSADER FOR HOME RULE, "RIGHT TO KNOW"

Ves Sprague, executive editor of the Pawtucket Times, who died today, engaged in many editorial crusades.

In his writings on the editorial page, he hit hard against corruption in government, against organized bookmaking, against any evils that he and the Times felt to be harmful or potentially harmful to the community.

Mr. Sprague—his given name was Sylvester but he seldom used it—was particularly proud of the change that was brought about in city government through adoption of a new charter for Pawtucket. He was a staunch home-rule advocate.

He frequently wrote of the public's "right to know" what goes on in government and he viewed it as a function of a newspaper not only to observe conditions but also to endeavor to arouse citizen interest when remedial action is required.

Through the years Mr. Sprague expressed great satisfaction with the policies of the owners of the Times in never fettering editorial expression. Views of local management officials continued to be the bedrock of the paper's printed opinions. When asked who wrote a certain editorial or why it took a particular position, he explained that regardless of who wrote it, an editorial represents the views of the paper and the issue at hand is approached collectively, not individually.

In speeches, Mr. Sprague used to say that the newspaper's campaigns against evils had generated the public indignation which resulted in creating a better climate for living in Pawtucket.

He leaned in the direction of a nonpartisan approach to all local issues and many of his editorials expressed favor for charter reform and for truly nonpartisan elections.

The story of Pawtucket's revitalization, particularly in the downtown area, evoked Mr. Sprague's enthusiasm and he spoke and wrote about it on many occasions.

Before becoming executive editor in early 1970, Mr. Sprague had served as managing editor since 1950. His cancer ailment developed slowly during that period. While he underwent treatments from time to time, he always managed to be on the job and was known to be one of the first at his desk and one of the last of the staff to go home.

Despite the time away from the office, recuperating at the hospital or at home, Mr. Sprague continued his interest in the news and he kept on writing editorials at home, mailing them to the office.

He was unable to come to the office for the past 16 weeks. He was a patient in Pondville Hospital for about the past six weeks and it was there he died.

Several of what were to prove to be his final editorials dealt with the scourge of cancer, and the government's recent legislation in Washington aimed at attacking the disease. He deplored the infighting between Senate and House over the measure appropriating the funds, noting the delay it would cause in launching the search for a cure.

After work one day, he met a friend of long standing, and the latter told Mr. Sprague of being concerned about a growth in the forehead area. Mr. Sprague implored him to have it checked immediately. The two met again some time later and the friend said, "Ves, thank you for urging that I check into that. I did—and it was malignant. I've had the surgery already. My doctor sees no problem."

Mr. Sprague, for years, had a set of paints and a brush close by and whenever a news photograph needed touching up to bring out clarity, he would turn his hand to the task and he worked with the speed of a professional. What he appeared to like best was to illustrate a reporter's story with a cartoon he drew himself, particularly if it lent itself to a humorous touch He dealt in strong, broad strokes with pencil, pen or brush, avoiding complications of lights and shadows.

He was a long-time baseball fan, having played in semi-pro leagues in New Bedford as a young man. He was modest about his own talents but one day let slip that he once hit a home run off Danny MacFayden of Somerville, who later made the major leagues.

He never ceased to be a hero worshipper, and his No. 1 favorite was Smoky Joe Wood, a Boston Red Sox pitcher of many years ago whom Mr. Sprague watched many times at Fenway Park. Others could choose Babe Ruth, Tris Speaker, Ty Cobb or Ted Williams but to Mr. Sprague Joe Wood was tops. "He'd have been one of the greatest of all pitchers but his arm went bad early in his career," Mr. Sprague once said, "But he was such a great athlete he started all over and made the majors again as an outfielder."

In 1965, when the question of the Pawtucket Indians setting up in this city first arose, he supported the move to the hilt, and helped throw the support of the Times behind the team.

He loved music from classical to popular, read extensively, and for years was an avid golfer. He swung from the left side and was kidded by newsroom associates and others with whom he played about his "southpaw" style.

He was an early member of the Pawtucket Newspaper Guild.

Employees latch on to expressions of their superiors. Mr. Sprague used to step out of his office and raising his finger to a subeditor, reporter, or office boy; "Got a minute?" Sometimes the "minute" ran into 15 or 30 minutes or more of conversation running the gamut—from high praise for a picture or story to a hard "chewing out" for some aspect of a news story he felt could have been improved upon.

He took pride in the accomplishments of his staff, and the wall behind his desk carried plaques and certificates which reporters and photographers had won over the years in writing and photography contests of the Associated Press in New England.

STATEMENT FROM PUBLISHER

Chester M. Spooner, Pawtucket Times publisher, today issued this statement:

I had great admiration for Ves Sprague, both as a newspaperman and as a person. He was a man of many marvelous qualities. He was creative, innovative, thorough and completely dedicated to his work.

He was a man of courage. He displayed this quality in facing up to the illness that caused his death today.

He was eminently fair in all his dealings and always displayed a high sense of ethics in his newspaper life.

The Times has lost an invaluable worker, and I extend sympathy to Mrs. Sprague and to their son, Donald.

[From the Pawtucket (R.I.) Times, Jan. 6, 1972]

VES SPRAGUE

Newspapermen are not newsmakers in the usual sense of the word. Seldom do their names appear in headlines. In large part, they ferret out news, and write it; their day-to-day efforts are presented impersonally in the news columns, except for the occasional bylined piece.

Most of Ves Spague's years in journalism were in the role of editor, initiating stories, guiding reporters' coverage of them, evaluating the finished product and determining its presentation in the newspaper. He became acquainted with many persons who came to him with story requests, but in large part he toiled out of the limited yet comparative limelight in which reporters work daily as they cover regular beats or tackle other news or feature assignments. Yet from his first day in 1937 as a Times suburban editor, this paper carried the imprint of the initiative, enthusiasm and aggressiveness that were the unswerving qualities of the man. As he was named to ever more responsible positions, the Times more and more reflected his news outlook—particularly the need to present all sides of an issue, to write with clarity so no story would leave an unanswered question in a reader's mind, to brook no compromise on the public's right to know how the public's business was being transacted, to challenge issued statements that were self-serving or contained half truths. More recently his talents were channeled into writing of editorials through which the views of the paper were set forth for readers' perusual.

Nothing was more alien to Ves Sprague's nature than a quest for recognition. He was proud of the calling he first heeded as a young man in New Bedford 43 years ago, but sought nothing more than the self-satisfaction that comes from an honest and earnest journalistic effort. Thus, he would, we are aware, frown on words such as these, comprising as they do an effort to voice praise he never sought and recognition he never wanted. But in the peculiarly typical manner of editors, he was a silent factor in the life of every Times reader, in that his handiwork helped mould the product that daily goes into thousands of area homes. Disagree though he would, those of us at the Times who knew well his "background role" thought these words merited the saying.

PROPOSALS FOR TRADE QUOTAS COULD HARM ALL CONSUMERS

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. DEL CLAWSON. Mr. Speaker, with the expansion of the European Economic Community, frequently titled the Common Market, by the entry over the weekend of the United Kingdom, Norway, Denmark, and Ireland, the United States must recognize the impact of this organization upon world trade, and more particularly, the competitive position it presents to the United States.

In his state of the Union message, the President stated:

> Historically, our superior technology and high productivity has made it possible for America's workers to be the most highly paid in the world by far, and yet for our goods still to compete in world markets.
>
> Now we face a new situation. As other nations are moving rapidly forward in technology, the answer to the new competition is not to build a wall around America, but rather to remain competitive by improving our own technology still further, and by increasing productivity in American industry.
>
> Our new monetary and trade agreements will make it possible for American goods to compete fairly in the world's markets—but they still must compete. The new technology program will put to use the skills of many highly trained Americans—skills that might otherwise be wasted. It will also meet the growing technological challenge from abroad, and it will thus help to create new industries as well as creating more jobs for America's workers in producing for the world's markets.

Parallel with this policy we cannot afford to now "look inward" and cover ourselves with a protective blanket in an attempt to hide from the economic realities of the present world.

In his column of January 23, Hobart Rowen clearly encapsulates the questionable content of the Hartke-Burke bill now under consideration by the Congress.

I commend his observations to my colleagues.

The column follows:

PROPOSALS FOR TRADE QUOTAS COULD HARM ALL CONSUMERS

(By Hobart Rowen)

In his State of the Union message, President Nixon said forthrightly that "the answer to the new competition (for world markets) is not to build a wall around America."

Among the people not listening are a handful of influential senators and congressmen who, with the help of organized labor, are pushing something called the Hartke-Burke bill, which—except for its tax recommendations—is probably the worst piece of protectionist legislation to come before Congress since the dark days of the 1930s.

The bill, which would not have a chance without the enormous lobbying effort of the AFL–CIO, is a serious threat at this point. Most experts on Capitol Hill say that it has a 50–50 chance of passage, and the odds of course grow better the longer that the unemployment rate stays high in this country.

The AFL–CIO lobbyists have been selling "save our jobs" as the theme of their effort—and it's bound to have an impact in a political year. There is an understandable basis for the effort by the unionists, who have seen a great influx of imported goods—especially consumer products—in the last ten years.

As David J. Steinberg, executive director of the Committee for a National Trade Policy, says:

"Concern for job security, job seniority, and the protection of hard-won fringe benefits and pension rights is a natural and noble impulse that deserves respectful recognition."

But. Sen. Hartke, Rep. Burke and their labor supporters are going about the task in the wrong way. Unhappily if anything like the Hartke bill's quota controls should pass, it would do irreparable damage to all consumers.

Even more important, it would be a new step toward an inward-looking world that someday might spell the difference between war and peace.

Curiously enough, although members of the AFL–CIO unions who support the Hartke-Burke bill are consumers like everyone else, the inflationary costs of restricting imports has been totally disregarded. And, parenthetically, one could observe that, for all of Ralph Nader's overweening attention to the plight of the consumer, he has yet to criticize this or any other protectiontist effort.

The Hartke-Burke bill would:

Withdraw from foreign subsidiaries of American corporations the excessive tax benefits they derive from profits abroad.

Remove the special tax exemption now allowed to individuals who spend at least 17 out of 18 months abroad working for a foreign branch of an American corporation.

Impose strict quotas on all imports not now subject to such restrictions.

Establish a kind of trade "czar" in the form of a new Foreign Trade Investment Commission with exceedingly broad powers, replacing the Tariff Commission.

Give the President power to regulate the movement of American capital abroad if he decides that such transactions are cutting into employment at home.

There are many tough provisions in the bill, the whole scope of which is designed to encourage exports, limit imports, clip the wings of the multi-national corporations and discourage foreign investment.

It seems to this observer that the section of the Hartke-Burke bill that would reduce the tax benefits for corporations operating abroad is difficult to argue with. Even Steinberg's free-trade lobby concedes that "current tax laws affecting U.S. investment abroad may invite review and possibly reform."

There is no excuse for allowing American firms operating abroad to receive a "dollar-for-dollar" credit for payment of foreign income taxes. The labor spokesmen for the Hartke-Burke bill make the valid point that, for a domestic company, taxes paid in the United States can be taken only as a business expense against income, and not as a credit against other taxes.

The multi-national corporations respond by saying that they require special tax treatment because they compete abroad with companies of other countries who get similar or even more favorable tax breaks from their nations. This is a weak argument—certainly our tax system need not be adapted to questionable devices used by others.

But the total effect of the Hartke-Burke bill—acknowledging the responsibility of its tax proposals—would be to turn the clock back on world trade and the exchange of new ideas and techniques. We would be almost certainly guaranteeing creation of a European bloc and an Asian bloc, protecting themselves with whatever retaliatory devices they can create.

Mistakenly, the bill requires that all goods containing foreign parts or materials be "clearly marked in a conspicuous place" so that American consumers will know the country of origin.

It is much more likely in this day and age of inflation that the American consumer is interested in the price he pays and the quality he gets for his money more than a label that will say "made in the U.S.A."

A happy result would be passage of meaningful reforms on the tax side, and a junking of the protectionist effort to cripple imports. That's probably too much to hope for, because the AFL–CIO pitch will sound attractive, especially in the midst of Mr. Nixon's sluggish recovery.

But the fact is that the AFL–CIO doesn't speak for all of labor and, overwhelmingly, the interests of most American workers and consumers would be served best by the free-trade principles that the AFL–CIO used to espouse in a better day.

FEDERAL ASSISTANCE TO EDUCATION

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. EILBERG. Mr. Speaker, it does not require a sage to determine that the American system of education is in critical circumstances today. Though problems exist at all stages, no level of our Nation's educational structure is in greater difficulty than our neighborhood schools. This severe situation existed long before a series of court decisions in Minnesota, California, Texas, and New Jersey placed the constitutionality of the main support of local school systems in grave doubt. With this doubt now very much with us, reasonable men cannot but realize that a serious situation is about to become chaotic.

My own city of Philadelphia is an example of the seriousness of the state of local education throughout the country. The school district is operating under a present fiscal deficit of $42 million. The estimated deficit for fiscal 1973 is $50 million. This accumulated figure of almost $100 million represents a barebones budget in which every possible excess budgetary item and all too many essential programs have been cut back or cut out. Our school district cannot possibly reduce its budget further and provide the most basic services every taxpaying mother and father have a right to expect their children will receive.

In Philadelphia in the last year, 600 teaching positions have been eliminated.

No funds have been allocated in the present budget and none will be in the next budget for necessary new equipment. Administrative vacancies are not being filled and cutbacks in present staffing are contemplated.

In short, my city's school system is being crippled by a lack of funding. The money simply does not exist at the local level. The people have paid and paid and paid for education in Philadelphia and throughout the Nation and can pay no more. Present local means of financing clearly are not able to do the job. This House, this Congress, at this time in America's history is called upon to meet a need which is overwhelming or about to begin to overwhelm every community— large and small, urban and rural, poor and wealthy—in the Nation.

I stand here willing to join any of my colleagues in effectively dealing with this problem. No effort will be too great, because it is no exaggeration to say that this Nation's future depends on this challenge being effectively met.

One among us has recently put forth a proposal for meeting the financial crisis of American local education which is worthy of the careful consideration of this House. Our colleague from Michigan (Mr. William D. Ford) has introduced the Quality School Assistance Act of 1972. This proposal would provide $12 billion in assistance to local school district in the present fiscal year, with increased amounts in future years. My own city of Philadelphia would stand to gain almost $90 million in the first year of this program's operation—thus, being enabled to meet the present and contemplated deficits while expanding its services into vital programs too long delayed through lack of necessary funds.

The Quality School Assistance Act of 1972 provides for a greatly expanded form of general aid to local educational agencies, with special provisions for those districts with large concentrations of students from low-income families. It would provide Federal funds for construction or modernization of overcrowded and obsolete facilities with priority given to school districts now being forced to operate on half-day sessions. It also extends the impact aid program.

At present, the Federal Government contributes less than 7 percent of the total cost of educating our children in elementary and secondary schools. The Office of Education recommends that the Federal share should be at least 22 percent and preferably 30 percent. The Commissioner of Education has recommended that the Federal Government should pay 25 to 30 percent of the cost of public education.

Under the Quality School Assistance Act, in fiscal year 1973, the Federal Government would provide 20 percent of the cost of educating our Nation's schoolchildren with gradual annual increases until the Federal portion reaches a maximum of 35 percent of the total cost of education in 1976.

I wish to congratulate the gentleman from Michigan for presenting this measure and announce that I am accepting his invitation to join in cosponsorship of the Quality School Assistance Act of 1972.

This House, this Congress, is called upon to rededicate itself to the cause of education. This body responded to the challenge of a crisis in education long before I came here in 1967 when it acted to meet the Soviet technological offensive of the late 1950's. What is required now is a rededication to the spirit of those times. To those who will say "the funds cannot be found," this House must respond "whatever is needed must be found."

Mr. Speaker, we are placed here by the people to find answers to the difficult questions which arise in the course of the people's affairs, not to accept the rote responses which were inadequate yesterday and would be tragic tomorrow.

The young minds that will make America greater in the years ahead are, at the same time, our finest resource and surest defense. Let us insure by our commitment and action in this body that the best a great nation possesses is assured to its young. There can be no higher business, no prior consideration before this Congress.

SMOKING IS BAD

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. DERWINSKI. Mr. Speaker, as a nonsmoker by choice, I recognize the temptation which every younger generation faces to demonstrate adulthood by using materials which are associated with mature citizens. This is true of tobacco, liquor and, in the case of the present younger set, drugs to an alarming degree.

Therefore, I direct the attention of the Members to an editorial commentary in the Press Publications an independent paper serving western Cook County, which I believe is a very logical, persuasive editorial pointing out the bad effects of acquiring the smoking habit at an early age:

SMOKING IS BAD

It is rather difficult to reconcile the logic of the younger generation which is quite perturbed about environment and the future, and the fact that so many of the young people these days are using tobacco, liquor and drugs.

Youngsters complain that older adults are careless about littering, pollution, smoke, noise and other things which detract from healthful living conditions.

Meanwhile, a million and a half teenagers take up the cigarette habit annually.

In schools across DuPage and west Cook county programs are being presented in connection with National Smoking Education Week. Hinsdale hospital's "Five Day Plan to Stop Smoking" is being explained to youngsters, Dr. Parker of the Glen Ellyn Clinic has provided some good suggestions, and other persons and groups have made information available.

One of our high school correspondents, taking her teen age peer group to task, asks them to look at the facts. She also noted that many adults have stopped smoking and advises youngsters to either quit or, better yet, not to start.

But our correspondent, Becky Grendel, comments that "Many teenagers seem to think that smoking makes them 'cool' or that it makes them feel grown up."

With devastating feminine logic she asserts, "Smoking is bad for you; its been proven and that's all there is to it."

But Becky realizes that she may get some opposition to this stand so she concedes a dubious point, "But after all it 'was' your life."

CONGRESSMAN ED ESHLEMAN'S INNOVATIVE WATCHDOG PROGRAM MERITS EMULATION

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, today the President presented to Congress a budget for fiscal year 1973, in which the expenditure level is expected to reach $245 billion. That represents nearly a 140-percent increase over the level of 1962—just one decade earlier. Unfortunately this rapidly growing outlay of Federal funds has not been accompanied by a sense of confidence among American taxpayers that they are getting a fair or efficient return for their sacrifice. Indeed, the persistent warnings that we may be soon faced with a widespread "taxpayer revolt" at all levels of government suggest that the public is highly dissatisfied with the return it is getting on its tax dollars, and that we will have to be considerably more circumspect about the ways in which we expend governmental revenues in the future if we are to have sufficient funds to make ends meet.

In light of this growing gap between outlays and public satisfaction with the results of Government expenditures, I think the innovative program begun by my colleague from Pennsylvania, Ed Eshleman, merits special attention. Congressman Eshleman has hired a longtime newspaperman from his area, Mr. Charles W. Fitzkee, to monitor and examine all Federal programs in his 16th Pennsylvania Congressional District. The purpose of Mr. Fitzkee's investigations will be to let constituents of the 16th District know, by means of periodic reports, just exactly what they are getting for their Federal tax dollar. This includes calling attention to the programs that are being run efficiently and in a manner beneficial to citizens of the 16th District, as well as those that involve waste, inefficiency, and questionable priorities.

Most of my colleagues in the House recognize Congressman Ed Eshleman as a dedicated proponent of economy and discipline in governmental spending and this new initiative only confirms his entitlement to that distinction. I think his district watchdog program is worthy of emulation throughout the country and I include one of his recent reports on Mr. Fitzkee's investigations at this point in the Record:

Washington.—Congressman Edwin D. Eshleman today released the consensus of findings of the most recent investigation by his investigator, Charles W. Fitzkee.

The U.S. Department of Agriculture put $1.65 million into the 16th Congressional District in 1970 in support of Federal Agricultural programs. That support was in three major categories, $927,438 for Agricultural Stabilization and Conservation Services; $679,200 for Food and Nutrition Services and $47,320 for Soil Conservation Services.

Eshleman pointed out that only 30% of Lancaster-Lebanon County farmers participate in one or more of the programs that the Department of Agriculture provides (or three out of 10 farmers). The largest single program was the wheat program which saw Lancaster County farmers getting $220,991 and Lebanon County farmers $89,781.

In Lancaster County $182,500 was expended for Bonus Food Stamps and in Lebanon County $53,100. Cash payments to Lancaster County for the School Lunch Program totalled $221,200 and for Lebanon County $74,700. For the School Milk Program expenditures were $114,900 for Lancaster County and $32,800 for Lebanon County.

The Soil Conservation Services money was used to develop broad soil and water conservation programs. This particular function is becoming increasingly important, Eshleman said, as we place more emphasis on environmental concerns.

In Lancaster County the Federal Government spent $219,800 for meat and poultry inspection and in Lebanon County $16,700. The Congressman pointed out that the meat and poultry inspection program is growing very rapidly in the 16th District.

Other programs included in the investigation were the Farmers Home Administration and USDA's Consumer and Marketing Services.

All in all Eshleman's investigator found the Federal monies administered by the U.S. Department of Agriculture in his 16th Congressional District, to be properly handled.

The Congressman said that his study also turned up another interesting fact. "While not a federal responsibility it should be pointed out that the agricultural economy in Lancaster and Lebanon Counties faces threats from a steadily growing tax burden and from a rapid shift in land use from Agricultural to Urban."

In Lancaster County the Urban area increased from 47,000 acres to 102,000 acres from 1958 to 1967, while crop land decreased from 377,679 acres to 344,099 acres during that same period.

UKRAINIAN INDEPENDENCE

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. DELANEY. Mr. Speaker, I am pleased to join my colleagues in commemorating the 54th anniversary of the independence of the Ukraine.

All who cherish freedom are anguished by the continued ruthless domination of the great Ukrainian people by the tyrants of the Soviet Union.

Ever since Peter the Great of Russia conquered the Ukraine in 1709, the Ukrainian people have been struggling to throw off the yoke of Russian oppression. While they experienced the reality of freedom on January 22, 1918, when the Parliament proclaimed the independence of the Ukrainian National Republic, their liberty was unfortunately short lived. Bolshevik predators came in 1920 to take over their country and resume the persecutions started by the Czars.

The unflagging dedication to liberty by the Ukrainian people, and their indominatable will to be free will continue to be a thorn in the side of their Russian oppressors.

It is my hope that the tribute we pay today to these valiant and honorable people will remind free men everywhere to speak out against Communist tyranny, and thereby hasten the day of independence and liberty for the Ukrainians and all other captives of the Soviet Union.

SCRATCHING THROUGH LIFE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. WALDIE. Mr. Speaker, this Congress has been responsible for passage of much legislation that would seek to help the poor of this Nation.

Yet, Mr. Speaker, I often wonder if we have done enough for those citizens of this country that fall between the economic lines—between poverty and welfare, not quite totally impoverished but not quite able to meet the necessary expenses of bare subsistence.

A recent letter, describing some of the problems for one family in this range, came to my attention. I would like to keep the writer anonymous, but include the comments, for the benefit of my colleagues, who think we have made a great deal of progress, in the CONGRESSIONAL RECORD:

DEAR MR. WALDIE: I saw an article in the paper this morning about the $101,000 grant the County got for health improvement.

I sure wish something could be done for people like us.

My husband has been retired since July 1, 1963, and we have been living on our Social Security and a small ——— pension. We have one son in the ——— Academy and we still get Social Security for him. At the moment, this year, our income was $275 a month Social Security and $79, my husband's pension. I am not old enough for Social Security and as we don't have any children under 18 any more I have no income at all.

I attempted to get a job in '63 in a school cafeteria, but was told I was too old (53) at the time. I also tried several others but since I never worked when my husband was working I have no experience at all.

We pay $13.45 a month hospital and doctor insurance for me, which includes $3.75 a month for my husband being over 65. We pay $8.75 a month student rate for our son. Our taxes are close to $30 a month. I am using medicines about $14.00 a month for the last two years. I had some heart trouble then and my last check-up was a year ago. The doctor charged me $25 for that three minute check-up. So, I don't go for a check-up any more. We used to go to the dentist every 6 months. Had to stop that too. Until my husband got some trouble with his teeth and he ran up a dentist bill for $29 in four or five times. Two weeks ago I had a tooth pulled which had to be cut and sewed. I have not gotten the bill for that yet, but I figure $20—so I worry day and night about the bills.

We have 50 shares of ——— stock, which were 20 and ¾ or 29 for a long time. When I applied for food stamps we could not get them because our stock was worth $1,550 at that time and the allowance was $1500. That stock is for our son in the Academy for his education. His older brother had his 50 shares and we could not put this stock in our boy's name because he just became only 20 yesterday.

We have always paid our bills on time but right now I am stunned. If those insurance bills could be eliminated and those medicines it would make a whole lot of difference already. So I sure hope they will do something for people like us.

My husband wears a hearing aid and I cashed in my insurance to buy him one in his other ear. We just bought two new earmolds at $15 apiece. And I need a hearing aid myself but no money. When my husband got his first Social Security for the family it was for $244. and now prices are so high we have only about $275. On Social Security, that is not much for inflation.

I am sorry to have bothered you with all my problems, but something has to be done. It is not our fault that a lot of plain food have almost doubled in price. Thank you for listening.

(Signed) ——— ———.

GENERATION OF DOUBT

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. McCLORY. Mr. Speaker, some of the most satisfying experiences I have had as a public official stem from my many contacts with the youth of America.

In my own district I find many opportunities to meet with high school and college students, and the exchange is always stimulating for me—and I hope for the young people as well.

My confidence in the youth of America was reinforced this morning as I read an article by Jack Leslie, a senior at Deerfield High School, Deerfield, Ill., which appeared in the Chicago Tribune as part of a series entitled "Speak Out." While Mr. Leslie does not say that student activism is dead, he asserts that the constructive dissent of the knowledgeable is more effective than the violence of the emotional."

Mr. Speaker, I am proud to represent Jack Leslie in the House of Representatives, and I insert his article at this point in the RECORD.

The article follows:

GENERATION OF DOUBT SEES AN ANSWER

(By Jack Leslie)

The students came back to the spacious campus lawns after the tear gas cleared. There were more of them now than ever before. All of them had weapons in their hands which they claimed, if used, would help them bring about the many changes needed in this country.

The bureaucrats, sitting in their Washington offices, still felt threatened. The weapons had been used successfully by many before, and they were relatively easy to acquire. The conservative-minded call them "tools"; they are more commonly referred to as books and pens.

Perhaps the most significant development of the past year is that students are beginning to realize that they can work effectively within the system. The fad of using violence and bombs is sharply declining.

A NEGATIVE CONCEPT

Our generation has come to the realization that violence is counterproductive in our society, that it cannot build, but can only destroy.

The decline of violence, as a student's means of bringing about change, isn't simply a haphazard development. Apart from realizing its counterproductiveness, there are other compelling reasons for its decline.

First, of course, are the issues. We no longer see pictures of American soldiers stacked in heaps along Asian roads. Before an anti-war group can launch a new campaign, President Nixon announces a new troop withdrawal. The 18 year-old vote was granted, giving youth muscle within the system.

The ghettos, at least for the moment, are quiet. Citizens mistrust their fellow Americans and their leaders. Money is tight.

The second reason for the decline of violence comes from examining our generation's feelings. We have become a generation, as well as a nation, confounded by ambivalence. We lack the understanding to know what is right and what is wrong.

We are, simply, a generation of doubt, groping for understanding in an era of doubt.

The coming of this doubt could be expected. It reflects the same doubt present in most everyone today. Older Americans are confounded by a President who helped teach them to fear and mistrust Communism and now is about to go to Peking.

They are confounded by an America that appears to no longer make and shape world affairs. They are confounded by encouraging economic jargon that still leaves them with money in their pockets that buys less.

They are confounded, simply, by America's inability to solve so many of her problems.

THIS IS THE ANSWER

How, then, can we cope with our lack of understanding? What is the future of student activism? The answer is education. Students are looking for universities that are educational institutions, not battlegrounds.

This is not to say that the future of student activism will be in the library. It will continue to be in the street, the ghetto, and the capital, for education is not confined within the walls of a university or high school.

The bureaucrats should still be threatened, for the decline of violence doesn't mean a decline of dissent. In fact, the bureaucrat should feel even more threatened. The constructive dissent of the knowledgeable is more effective than the violence of the emotional.

Indeed, over the past year, we have seen a generation getting itself together. We have gained tremendous academic freedom. We have come thru the fire and are ready to approach our problems as a reasonable people.

The Molotov cocktail will be missing from the hands of the future student activist, whose hands will be used, not for destruction, but for shaping a better America.

NEW CULTURAL CENTER PLANNED FOR QUEENS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. HALPERN. Mr. Speaker, the citizens of Queens County, N.Y., are to be blessed this spring with an infusion of cultural activities. An art museum and repertory theater are scheduled to be opened at Flushing Meadows-Corona Park, the site of the 1965 World's Fair.

The announcement of this cultural event was made at the opening meeting of the ad hoc board of trustees of the Queens Museum of Art. The museum is to be housed in a portion of the New York City Pavilion on the old 1939 World's Fair site. The museum organizers have received a $100,000 grant to plan the facility and to prepare the building for the April opening. City officials are planning to request over $250,000 in 1972–73 city budget allocations.

The citizens of Queens have cried out for a permanent home for cultural activities. This museum and theater will go a long way toward realization of that dream. The sites of the 1939 and 1965 fairs are excellent locations for providing all New Yorkers with tremendous cultural opportunities. The Flushing Meadows-Corona Park will become a vast cultural complex capable of serving not only Queens County, but all New Yorkers and visitors to our city.

The museum and theater have received the enthusiastic support of all the local community planning boards, as well as officials within the city and State governments. I join with them and the residents of the area in encouraging the construction of this cultural complex as soon as possible.

GENERAL CHAPMAN—GREAT FLORIDIAN

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. FUQUA. Mr. Speaker, a distinguished military career has ended. Gen. Leonard Fielding Chapman has completed his service as the 24th Commandant of the U.S. Marine Corps and his record of service is in the finest tradition of the corps.

In one of the most difficult periods in history, General Chapman led the Marine Corps to an even higher position of regard and respect among the American people.

While he would have my respect and the respect of the people of Florida regardless of his home State, it is with a feeling of particular pride that we salute him because General Chapman is a Floridian.

His father served in the Florida House of Representatives and for many years was the very capable superintendent of the Florida State Prison at Raiford, now retired and living in Orlando.

Not long ago, the Governor and Cabinet of my State passed a resolution saluting General Chapman. I would like to have this resolution printed here as a tribute to his great career.

One thing about this particular resolution that I think General Chapman would most appreciate is that it was suggested to the Cabinet by another former marine, Luther J. Lambert, gunnery sergeant, USMC, who resides in Tallahassee.

For all of the people of Florida I take pleasure in presenting this resolution on behalf of the Governor and cabinet of my State. I feel they were speaking for all Floridians in saying "well done" to a great leader who was indeed "always faithful."

The resolution follows:

RESOLUTION

Whereas, General Leonard Fielding Chapman, 24th Commandant of the United States Marine Corps, and a native Floridian, will culminate a distinguished military career January 1, 1972, and;

Whereas, General Chapman has, for 36 years, brought honor to himself as a person and a Marine officer, by showing superior qualities of leadership, bravery, honesty and integrity and;

Whereas, the general, in his intense desire to improve Marine efficiency, pioneered the use of computer technology in Marine administration, and;

Whereas, General Chapman, as Assistant Commandant from 1964 to 1967, was instrumental in keeping the Marines in a state of combat readiness during times of increasing world tensions, and;

Whereas, General Chapman has been recognized as a pillar of American strength and friendship by foreign nations, and;

Whereas, the general's untiring devotion to duty and deep love for country has earned him constant recognition by superiors and respect from subordinates, and;

Whereas, General Chapman's performance through the years has earned him two Distinguished Service Medals, two awards of the Legion of Merit, the Bronze Star, the Navy Commendation Ribbon, two Presidential Unit Citations, the American Defense Service Medal and many other citations, and;

Whereas, General Chapman, in upholding the proud traditions of the Marines' 196-year history, has brought continued honor to his native state, and;

Whereas, the general was the first Floridian ever to hold the high office of Commandant;

Now therefore be it resolved the Cabinet of the State of Florida, as duly elected spokesmen of the people of Florida, extend to General Chapman its proud congratulations on a job well done and further extends a sincere invitation to spend his retirement years among those of us who are so proud of his many achievements;

And, be it further resolved that a copy of this resolution be sent to General Chapman and his immediate family including the general's two sons, Leonard F. Chapman, III, and Walton Ford Chapman, who both now are serving as Marine Officers, upholding the traditions of the United States Marine Corps.

THE COURTS AND THE SCHOOLS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. SCHMITZ. Mr. Speaker, on January 10 a Federal district judge in Richmond, Va., named Robert T. Merhige, Jr., acting in direct defiance of "the law of the land" as embodied in the 1964 Civil Rights Act and going well beyond even what the Supreme Court authorized in its Swann decision last April, which allowed court-ordered busing under some circumstances, decreed the compulsory busing of schoolchildren in the Richmond area across county lines.

All past busing decisions, even the worst of them, involved only school attendance zones or requirements within a given school district or the limits of a particular city. The claim was always made that the school district had deliberately set up its attendance zones so as to promote racial segregation.

But in Eastern States like Virginia, the counties were set up before there were any public schools. So there can be no possible basis for claiming that county lines were drawn for the purpose of racial discrimination. Judge Merhige appears to be saying that the State of Virginia should have changed or ignored its county lines in order to meet the demands of persons dissatisfied with the "racial mix" in school districts resulting from those lines. Because the county lines were left as they had always been, he simply ordered a new school district to be set up disregarding them, in which 78,000 of 104,000 schoolchildren will be bused into and out of downtown Richmond, from and to the suburban areas of neighboring counties.

If this decision should be upheld on appeal, it will mean, for example, that children from Orange County, Calif., could be bused directly into Watts in Los Angeles to attend school.

Confronted with that or similar prospects, most parents who can possibly afford it would probably send their children to private schools. But in view of the obvious determination of some Federal judges to enforce busing without regard to any reasonable interpretation of the Constitution, the law, or the facts, we cannot rest assured that even private schools will be allowed to remain exempt from this sort of requirement. Already the Supreme Court has ruled that private schools which limit admission by race must lose the tax exemption to which all other educational undertakings are entitled. The next step could well be to apply a racial or religious admission quota to them too, just as has already been done in effect for hiring and promotion by companies with Federal contracts, and for the public schools.

Many people who are sincerely convinced that racial discrimination is a great evil appear willing to push for what they ought to realize are almost limitless evils in trying to wipe it out. The many American parents who have spent thousands upon thousands of their hard-earned dollars to give their children a better environment outside our vice and crime-ridden urban areas have an absolute natural right to keep their children from being dragged back by force into the cities so full of danger for them.

There is still some reason to hope that we can avoid an ultimate challenge and test of that natural right. The Richmond decision will be appealed, and on January 17 the U.S. Supreme Court rejected—with only Justice William O. Douglas dissenting—an appeal to redraw school district boundaries in Newark and Jersey City, N.J., so as to extend them outside the city limits to bring in some of the suburbs, as Judge Merhige ordered in Richmond. On the same day, the Supreme Court agreed to hear and decide the first major test case on forced busing in a northern State where schools were never segregated by law—a case from Denver, Colo. Last April's Swann decision upholding forced busing in a southern city laid great stress on attempting to justify busing as a means of overcoming the effects of past school segregation by law. The High Court will have to go further than that if the busing crusade is to be carried on nationwide. The decision in the Denver case will be a most revealing test of the real caliber of the two most recent Supreme Court appointees, Justices Powell and Rehnquist.

FRANCHISES ON SOFT DRINKS HELD BY SMALL BUSINESSES

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. DULSKI. Mr. Speaker, the plight of the small businessman is a subject of continuing concern to me.

The independent grocer, the independent drugstore, the local ice cream plant, and many other familiar small businesses are becoming fewer and fewer.

In their place are big supermarkets, department-store-like drugstores and the like, all operating on the chainstore approach, many of them even functioning as divisions of huge so-called conglomerates.

One small business operation which has continued to thrive is the soft drink industry. No business is more competitive for each and every sale and yet the individual local companies have been able to carry on because of a franchise system which has been in operation for more than 70 years.

There are over 3,000 soft drink manufacturers in the United States and all but about 100 fall within the Small Business Administration's classification of a small business. Indeed, SBA had nearly $8 million in loans outstanding to these manufacturers as of last summer.

Now, however, the future of most of these manufacturers is threatened by action of the Federal Trade Commission which insists that there must be intrabrand competiton as well as the present vigorous interbrand competition.

What this would mean, if the FTC argument prevails, is that local territorial exclusive franchises of trademarked soft drink products would be forbidden. The owner of the trademark would be required to license anyone who wants to set up a manufacturing and distribution operation for the line of trademarked products in any area.

The apparent rationalization of the FTC is that the present soft drink franchises create monopolies and restraint of trade.

I am quite aware of the considerable concern over the years about industry monopolies, much of it justified. However, I do not agree that it applies in this instance.

I believe there is reason to question the guidelines as to what constitutes a monopoly. I believe the ultimate consequences—as well as the apparent immediate surface effects—must be taken into account.

In the case of the soft drink industry, whose major volume outlets are the supermarkets and the chain drugstores, is it not reasonable to expect that voiding the present franchise system will result in creating vast monopolies?

Installing intrabrand competition, I am convinced, would simply encourage mergers and uncontrolled expansion at the expense of the smaller companies.

This particularly would be true as it relates to the big chainstores, who could grab the cream of the market and leave nothing but the expensive-to-service smaller outlets for those soft drink manufacturers who try to survive.

Mr. Speaker, I am today introducing legislation to permit continuation of the present franchise system for soft drink manufacturers. Some 2,900 small businesses are involved and I feel that their problem warrants careful legislative study and action.

OKLAHOMA CATTLEMEN OUTLINE PROGRAM

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. EDMONDSON. Mr. Speaker, the Oklahoma Cattlemen's Association adopted a number of resolutions at a recent State convention. I am impressed by these resolutions. They reflect a thoughtful and realistic approach to some of the hard problems the American agriculture industry is facing today.

These resolutions cover a number of topics ranging from marketing procedures to the encouragement of research to find ways to keep grassland clear of brush.

I would like to have these resolutions appear in the RECORD. I have told Mr. Creede Speake, Jr., the able president of the Oklahoma Cattlemen's Association, that I will keep these resolutions before me during the consideration of appropriate legislation, and I hope that my colleagues will give them the same attention.

The resolutions follow:

FARM LABOR

Whereas the federal government is currently considering the elimination of the farm working class composed of young people under the age of 14, and

Whereas these youths comprise a necessary and hard-working segment of the temporary work force on farms and ranches, and

Whereas there is a need for filling the time of young people during vacations and summer months, and

Whereas outdoor work on farms and ranches has been the foundation for building character and bringing to maturity responsible Americans,

Now, therefore, be it resolved that the Oklahoma Cattlemen's Association in annual convention this 11th day of December, 1971, request the U.S. Department of Labor to allow young people under the age of 14 to find employment on farms and ranches, and

Be it further resolved that the U.S. Department of Labor actually seek means to foster and encourage the employment of young people in rural areas to lessen the rate of unemployment among students in cities during school vacations.

POLLUTION

Whereas agricultural chemicals and livestock feed additives have allowed agriculture to prosper in the United States, and

Whereas the use of these modern methods of raising man-hour production have lowered the cost of food production, and

Whereas the elimination of these chemicals and feed additives would lead to much lower production of feed and cause severe hardships on the population of the United States and the world,

Now, therefore, be it resolved that the Oklahoma Cattlemen's Association in annual convention this 11th day of December, 1971, reaffirm its support for the wise use of these materials and specifically request the U.S. Department of Agriculture, the Environmental Protection Agency and the Food and Drug Administration to weigh carefully the increased benefits of the use of Diethylstibesterol and antibiotics against the unfounded charges against these modern feeding tools.

FARM BARGAINING

Whereas the beef cattle industry has historically been an enterprize relatively free from government support and payment programs, and

Whereas the U.S. cattle industry is composed of individuals who are knowledgeable and well informed regarding marketing procedures, and

Whereas cattlemen have traditionally sought the best marketing methods for their beef and are able to support themselves through individual bargaining,

Now, therefore, be it resolved that the Oklahoma Cattlemen's Association in annual convention this 11th day of December, 1971, respectfully recommend to the Congress of the United States that cattle and cattle products be exempted from pending HR 7595, commonly known as the "Farm Bargaining Bill" sponsored by Representative Sisk.

BRUSH CONTROL

Whereas the spread of brush and timber on grazing land has taken many acres of potentially profitable grass land, and

Whereas the present method of control of thus brush is costly and time consuming.

Now, therefore, be it resolved that the Oklahoma Cattlemen's Association in annual convention this 11th day of December, 1971, recommend and encourage our universities, the Agricultural Research Service and private industry to expand and increase their activities toward suppressing and eradicating the unwanted brush and trees from grazing land at a lower cost per unit.

FOREIGN DISEASES

Whereas, the recent outbreak of Venezuelan equine encephalomyelitis (VEE) was forecast months in advance of its entry into the United States and the federal government was slow to react, and

Whereas the possibility of future outbreaks of disease or pests to humans and livestock is not unreasonable to assume,

Now, therefore, be it resolved that the Oklahoma Cattlemen's Association in annual convention this 11th day of December, 1971, urge the U.S. Department of Agriculture and the U.S. Customs Bureau to intensify their surveillance to halt the spread of alien diseases across the international borders of the United States.

POLLUTION

Whereas the agricultural industry has always maintained that pollution control is a major consideration in the establishment of any agricultural operation, and

Whereas the industry has worked to clean up the air and water, and

Whereas the recent call to citizens to report possible violations of air and water quality has resulted in unfounded harassment and crank lawsuits against feedlots and other agricultural operations conforming to all existing laws regarding pollution,

Now, therefore, be it resolved by the Oklahoma Cattlemen's Association in annual convention this 11th day of December, 1971, to encourage lawmakers to eliminate from pending SB 2770 the section permitting individual citizens who have suffered no damage to bring suit against feedlots in order to collect monetary rewards, and

Be it further resolved that legislators be encouraged to eliminate from SB 2770 that section which specifies that there is to be zero pollution by the year 1985, and

Be it further resolved that legislators be informed of the efforts of agriculture to control pollution of the environment although the natural elements and Acts of God places agriculture in a unique position when rain, wind or storm are excessive and may temporarily cause difficulty in complying with the existing laws.

NATION SHOULD JOIN SCIENCE IN HONORING COPERNICUS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. DULSKI. Mr. Speaker, the work of Nicolaus Copernicus is accepted as marking the beginning of the era of modern science.

Copernicus was born in Poland on February 19, 1473, and worked and spent his life in that country. Next year will mark the quinquecentennial of his birth.

Accepting an invitation from the Polish Government to take the leadership in arranging appropriate observances in honor of Copernicus, the National Academy of Sciences has named a special committee to make recommendations.

The committee is headed by Dr. Antoni Zygmund of the University of Chicago, chairman, and Dr. Jerzy Neyman of the University of California at Berkeley, vice chairman. Both Drs. Zygmund and Neyman are members of the Polish Academy of Science in Warsaw as well as the National Academy of Sciences.

The other members of the special committee are: Dr. Owen Gingerich of the Smithsonian Astrophysics Laboratory, Cambridge, Mass.; Dr. N. U. Mayall, retired director of Kitt Peak National Observatory; Dr. Stanislaw Mrozowski of State University at Buffalo, N.Y.; and Dr. C. R. O'Dell, of Yerkes Observatory, Williams Bay, Wis.

The committee already has made several recommendations to the National Academy, but no final decisions have been announced.

Mr. Speaker, I am today introducing a joint resolution calling upon the President to proclaim February 19, 1973, as "Nicolaus Copernicus Day" in honor of the father of modern science.

Through such proclamation and designation, the American public will be able to join with the scientific communities in the United States, Poland, and other nations in paying tribute to this great astronomer and author of the heliocentric system of the structure of the universe.

As a further tribute, I am urging the Citizens Stamp Advisory Committee of the U.S. Postal Service to authorize issuance of a commemorative stamp in Copernicus' honor.

There is no question about the pioneering role of Copernicus in modern science. His work has been described as breaking the intellectual slumber of the Middle Ages.

The work of Copernicus was the death of the homocentric universe. Copernicus had shown that the planets, including the earth, revolve about the sun.

Mr. Speaker, preparations are under way among scientists throughout the world for paying tribute to Copernicus on the 500th anniversary of his birth. I hope for early consideration of my resolution.

A. PRICE WOODARD, JR.: A DISTINGUISHED AMERICAN

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. SHRIVER. Mr. Speaker, A. Price Woodard, Jr., who was a distinguished American, a dear friend, and the first black mayor of the city of Wichita, Kans., died on January 13, 1972, in his hometown. He was cut down in the prime of life, age 52, by cancer, which we are vowed to conquer at the earliest possible time.

Price Woodard was an attorney by profession. His priorities in recent years, however, were in behalf of his community and his fellow citizens. He had served 4 years on the Wichita Board of Education as an able spokesman for quality schools and quality learning opportunities for all of Wichita's children. Then came his election to a 4-year term as city commissioner. He served as president of the commission and on April 14, 1970, was elected by members of the commission as mayor.

He devoted himself entirely to the responsibilities of that office, and he worked tirelessly to overcome serious social and economic problems confronting the community.

It was my privilege to work with him on many occasions here in Washington on Federal matters relating to Wichita. He won the respect of the White House, members of the Cabinet, and other Federal officials in many agencies throughout Washington. President Nixon had called upon him to serve on several advisory committees in the Department of Transportation and the Office of Economic Opportunity.

His energy and efforts in behalf of Wichita were rewarded with success. Price Woodard sacrificed personal rewards to help build a better community for all men. Perhaps that will be his finest memorial.

Mrs. Shriver and I join in extending our heartfelt sympathy to his widow, Bernice, and to his children, Ambrose Price III and Susan Leora. We pray that God will comfort them during this time of sorrow.

I include in the RECORD the following editorials which eloquently eulogize the work and achievements of Mr. Woodard:

[From the Hutchinson, Kans., News]

A. PRICE WOODARD

Measured by many terms, A. Price Woodard was a rare one.

He was a black, and proud of it.

He was a leader, both in civic activity and in politics, and he was humble about that.

He was an intellectual, enough of one to be able to talk on even terms with the least-educated as well as with the double domes.

Most of all, Price Woodard was an example.

Not because he was black, and had developed to prominence. He was an example of how good political leaders dedicate their lives to serving the public who give them responsibility. He demonstrated that sense of responsibility in his work for Wichita schools, as city commissioner and mayor, and as a key figure in regional Republican politics.

Finally, Price Woodard was a fighter. Sometimes he had to do battle with members of his own race, but his convictions didn't falter—probably because they were based on serious study of right and wrong.

[From the Wichita, Kans., Beacon]

A. PRICE WOODARD

A. Price Woodard, who died Thursday at 52, expended his life generously and sacrificially for the people of this community.

Most recently he was mayor, which position he held with distinction from April 14, 1970, to April 13, 1971. In the preceding year he was president of the city commission. His entire term was for four years, during which he worked vigorously and often in the face of severe difficulties, for the things he believed in.

But though that was the climax of his public service, it was far from being all of it. He also served four years on the school board, and gave unstintingly of his time to professional, civic and community groups.

He performed ably on boards of the Kansas Childrens Service League, Family Consultation Service, the North Branch YMCA, and as chairman of the board of trustees of Calvary Baptist Church.

An energetic and a capable man, he worked vigorously at everything he did. His public career contributed materially to better racial understanding in the community.

Unfortunately, his devotion to public service was at the expense of his private career as an attorney. Particularly in the years that he served on the city commission the public demands upon him were so heavy that his income no longer could match his expenses. His lingering final illness further contributed to a burden of debt.

During the past few weeks a fund to honor him and help his family has been established and a goal of $25,000 set. Many small donations—and a few more sizeable ones—have been received.

EUROPEAN TRIP REPORT OF APOLLO 15 COMMANDER COL. DAVID R. SCOTT

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 1972

Mr. FREY. Mr. Speaker, sometimes overlooked in discussions on the benefits of this Nation's space program, are its very real and tangible benefits in fostering good will for the United States among other nations.

The crew of Apollo 15 are now on a good will tour of Poland and Yugoslavia. In the latter part of last year they visited England, Sweden, Germany, Italy, and France. In response to my request as the ranking member on the Subcommittee on International Cooperation in Science and Space, NASA furnished me with a report of this latter trip by the Apollo 15 Commander, Col. David R. Scott. I recommend this report to my colleagues and include it in the RECORD:

EUROPEAN TRIP REPORT

(By Col. David R. Scott)

The crew of Apollo 15 has just returned from a very successful two week visit of major scientific communities in Europe. The events in each of the five countries visited included a "round table" discussion with approximately twenty prominent scientists having an association or particular interest in lunar exploration, a general scientific briefing with questions and answers to a larger gathering of university faculty, scientists and graduate students (up to 800), a press conference, and one or more panel type television shows.

Presentations were made in England, Sweden, Germany, Italy and France; and in each case the response was excellent. Most questions related to the results of Apollo missions, Apollo 15 in particular. Our colleagues in Europe are quite excited about being able to participate in the lunar program and very proud of the results they have obtained, as they should be. Additionally, many scientists expressed a great deal of interest in post-Apollo activities.

As you know, the initial scientific report of Apollo 15 has not yet been published although much of the data has been reduced and were available to us prior to the trip. With this information and the three Apollo 15 lunar samples which accompanied us we were able to present some new and meaningful facts to the European scientific community. Needless to say, they appeared to be quite appreciative of having the opportunity to discuss the results of Apollo 15 with us.

The exchange of information was not unilateral however, as we received many interesting comments and impressions as well as challenging questions many of which we have had to answer by correspondence since our return. In addition to being most interested in future science in space, the Europeans are extremely interested and encouraged by the current Soviet-American discussions on a mutual docking system and flight. The peaceful exploration of space and the cooperation this country has demonstrated in its dissemination of scientific and technological results is most impressive in the eyes of other countries and reflects in their obvious support and enthusiasm.

As we progressed from one country to another we began to realize that English is becoming the universal scientific language. The more technical the session the less necessary the requirement for an interpreter. And since our lunar explorations are conducted exclusively in English, the general public throughout the world finds a knowledge of English very helpful in keeping abreast of events during the flights.

Based on past experience, we expected and found the people of Europe very enthusiastic about the space program; and even though they occasionally asked the question "why explore the moon and space", their attitude was that of complete acceptance. I believe this is at least in part due to their maturity and understanding that the fruits of scientific endeavors are sometimes hundreds of years in the making; in fact, we could relate quite well to the direct contributions of Newton and daVinci to the success of Apollo 15.

Throughout the visit we were most impressed and quite proud of the respect and admiration for our country expressed by people of other nations, from the television cameramen to the heads of state. We were also quite gratified by the warm, friendly and meaningful audiences we had with the Crown Prince of Sweden, the President of Italy, Pope Paul VI, and the Prime Minister of France. The stature of this country has been enhanced significantly by our scientific discoveries and technological progress.

The overall result of the trip was an excellent exchange of ideas and information relative to the exploration of the moon and space, a demonstration of NASA's willingness to provide as much information as possible to scientific communities of other nations, and a stimulation of interest among the Europeans in scientific endeavors of the present and the future. Additionally, the congenial atmosphere which prevailed throughout the visit made each event quite enjoyable for all participants. It was indeed a good will trip.

An endeavor such as this clearly illustrates that space is the best and possibly the only arena of worldwide interest where the United States can demonstrate at the same time its technological strength, scientific expertise, its peaceful intentions and the openness of a free society. The crew of Apollo 15 is appreciative of once again having had the privilege of representing our country in a voyage of significant dimensions.